

**MINUTES**

**POSEY COUNTY  
BOARD OF ZONING APPEALS  
REGULAR MEETING**

**THE HOVEY HOUSE  
330 WALNUT STREET  
MT. VERNON, IN 47620**

**FEBRUARY 13, 2025  
5:00 P.M.**

**MEMBERS PRESENT:** Mr. Joe Marvel - Chairperson, Ms. Kathy Yearwood-- Vice-Chairperson, Mr. Justin Schmitt, Mr. Jeff Hoehn, Mr. Trent Van Haaften- Attorney, Mr. Jerry Cotner, Executive Director, Mrs. Taylor Elmendorf - Administrative Assistant, Mrs. Savannah Axley - Clerical Assistant

**MEMBERS ABSENT:** Dr. Keith Spurgeon

Attorney Trent VanHaaften administered a new Oath of Office to Justin Schmitt and Jeff Hoehn

**APPROVAL OF MINUTES FOR LAST REGULAR MEETING:** Kathy Yearwood made a motion in the affirmative to approve the minutes of the last regular meeting as emailed. Motion seconded by Jeff Hoehn. **Roll Call Vote (4-0). Yes. Motion Carried.**

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**SPECIAL USE – TABLED FROM JANUARY:**

**DOCKET NO:** 24-21-SU-BZA  
**APPLICANT:** Todd Slagle  
**OWNER:** MSD of North Posey  
**PREMISES:** A Part of the Southeast Quarter of Section 25, Township 4 South, Range 13 West, lying in Robb Township, Posey County, Indiana, containing 5.7500 acres more or less. More commonly known as 5800 High School Road, Poseyville, IN 47633(Complete legal description is on file at the Posey County Area Plan Commission Office).

**NATURE OF CASE:** Applicant requests a Special Use to build a 3,549 sq. ft. maintenance building in an A (Agricultural) Zoning District Section Use Unit 4 Community Services Section 153.032 (B) (4) Section 153.149 (B) (21) of the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Mr. Marvel confirmed no board members had any conflict of interest.

Justin Schmitt stated that he is a member of the North Posey Multi Building School Corporation

Board however he doesn't receive any money and has no financial benefits.

Mr. Marvel confirmed with Mr. Cotner that the applicant met all the requirements for notification per the statute.

Todd Slagle - 101 N. Church St., Poseyville, IN, here to speak on behalf of the application.

Public Comment:

Mark Seib - 186 N Cale St., Poseyville, IN - voiced concerns about drainage issues in area.

Todd Slagle - returned to podium address concerns

Exhibit A, A-1, A-2- handed out by Todd Slagle

Mr. Marvel confirmed with Mr. Cotner there were no emails, phone calls or letters.

Mr. Marvel opened the floor to the board for discussion or action.

Joe Marvel made a motion in the affirmative to approve Special Use #24-21-SU-BZA contingent upon William's acceptance of an agreement in writing for the clean out and maintenance of the ditch. If the contingency hasn't been met by April 2, 2025, it will be heard again at the April 10, 2025, meeting. The motion was seconded by Justin Schmitt.

The Special Use Voting Sheet was read. **Roll Call Vote (4-0) Yes. Motion carried.**

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**SPECIAL USE:**

DOCKET NO: 25-01-SU-BZA  
APPLICANT: William & Rachel Phipps  
OWNER: William E. & Rachel Phipps  
PREMISES: Lot 452 in Charles E. Lawrence Subdivision Section "J", as per plat thereof, located in Black Township, Posey County, Indiana, containing 0.212 acres more or less. More commonly known as 400 Melody Ln., Mt. Vernon, Indiana. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests Special Use for a 30' x 40' residential storage structure in an R-2 (Residential Two Family) Zoning District per Section 153.046 (B)(1) Use Unit 2 – Areawide Special Exception Uses and Section 153.147 (B)(14) of the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Mr. Marvel confirmed no board members had any conflict of interest.

Mr. Marvel confirmed with Mr. Cotner that the applicant met all the requirements for

notification per the statute.

Michael Lonnberg- 1 Main St., Suite 201, Evansville, IN, here to speak on behalf of the application.

No public comment.

Mr. Marvel confirmed with Mr. Cotner there were no emails, phone calls or letters.

Mr. Marvel opened the floor to the board for discussion or action.

Kathy Yearwood made a motion in the affirmative to approve Special Use #25-01-SU-BZA. The motion was seconded by Jeff Hoehn.

The Special Use Voting Sheet was read. **Roll Call Vote (4-0) Yes. Motion Carried.**

**ADDITIONAL BUSINESS**

None.

**CITIZEN CONCERNS**

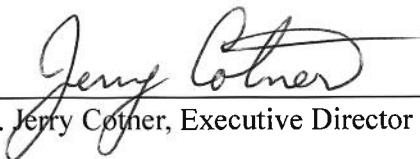
None.

**ADJOURNMENT**

Kathy Yearwood motioned to adjourn at 6:04 p.m., seconded by Justin Schmitt. **Voice Call Vote (4-0). Yes. Motion Carried.**



Mr. Joe Marvel, BZA Chairperson



Mr. Jerry Cotner, Executive Director

**POSEY COUNTY  
SPECIAL USE VOTING SHEET**

Posey County Board of Zoning Appeals  
Report of Finding Fact

BZA NO: 24-21-SU-B7A

**COPY**

HAS THE APPLICANT PROVEN BY SUBSTANTIAL EVIDENCE THE FOLLOWING:

1. The Zoning Ordinance authorizes the Special Use.

Jeff Hoehn	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Kathy Yearwood	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<u>YES</u> <u>NO*</u>
Justin Schmitt	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	
Keith Spurgeon	<input type="checkbox"/> YES	<input type="checkbox"/> NO*				

2. The proposed Special Use is essential or desirable to the public convenience and welfare.

Jeff Hoehn	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Kathy Yearwood	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<u>YES</u> <u>NO*</u>
Justin Schmitt	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	
Keith Spurgeon	<input type="checkbox"/> YES	<input type="checkbox"/> NO*				

3. The proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.

Jeff Hoehn	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Kathy Yearwood	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<u>YES</u> <u>NO*</u>
Justin Schmitt	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	
Keith Spurgeon	<input type="checkbox"/> YES	<input type="checkbox"/> NO*				

4. Granting the proposed Special Use is consistent with the public interest/welfare and the Comprehensive Plan in regard to the location, size, use, that nature of intensity and of the operation and the site layout with relation to the existing or future traffic patterns.

Jeff Hoehn	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Kathy Yearwood	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<u>YES</u> <u>NO*</u>
Justin Schmitt	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	
Keith Spurgeon	<input type="checkbox"/> YES	<input type="checkbox"/> NO*				

5. The proposed Special Use will constitute an environment of sustained desirability and stability.

Jeff Hoehn	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Kathy Yearwood	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<u>YES</u> <u>NO*</u>
Justin Schmitt	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	
Keith Spurgeon	<input type="checkbox"/> YES	<input type="checkbox"/> NO*				

6. The proposed Special Use is in conformity and in harmony with the goals and objectives of the Comprehensive Plan.

Jeff Hoehn	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Kathy Yearwood	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<u>YES</u> <u>NO*</u>
Justin Schmitt	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	
Keith Spurgeon	<input type="checkbox"/> YES	<input type="checkbox"/> NO*				

COPY

7. Under the circumstances of the particular case, the proposed Special Use is detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity, or injurious to property values or improvements in the vicinity.

Jeff Hoehn	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO	Kathy Yearwood	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO	<u>YES*</u>	<u>NO</u>
Justin Schmitt	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO	Joe Marvel	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO		
Keith Spurgeon	<input type="checkbox"/> YES*	<input type="checkbox"/> NO					

8. If the request is for a "Home Occupation" it meets the definitional requirements found in the applicable Zoning Ordinance.

Jeff Hoehn	<input type="checkbox"/> YES	<input type="checkbox"/> NO*	Kathy Yearwood	<input type="checkbox"/> YES	<input type="checkbox"/> NO*	<u>YES</u>	<u>NO*</u>
Justin Schmitt	<input type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input type="checkbox"/> YES	<input type="checkbox"/> NO*		
Keith Spurgeon	<input type="checkbox"/> YES	<input type="checkbox"/> NO*					

9. The proposed Special Use will comply with regulations and the conditions specified in The Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County for such use and with stipulations and conditions made a part of the authorization granted by the Board.

Jeff Hoehn	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Kathy Yearwood	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<u>YES</u>	<u>NO*</u>
Justin Schmitt	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*		
Keith Spurgeon	<input type="checkbox"/> YES	<input type="checkbox"/> NO*					

10. Conditions, limitations or temporary uses deemed necessary for the protection of the surrounding area in order to carry out the intent and purpose of the Zoning Ordinance of Posey County:

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\*IF ANY ONE OF YOUR ANSWERS ABOVE IS FOLLOWED BY AN ASTERISK, UNDER THE STATUE YOU SHOULD DENY THE APPLICATION.

DECISION: It is therefore the decision of the Board that the Special Use:

is hereby granted \_\_\_\_\_ ( )

is hereby denied \_\_\_\_\_ ( )

subject to any conditions stated in the minutes of the Board, and incorporated herein and made a part of the decision

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**POSEY COUNTY  
SPECIAL USE VOTING SHEET**

Posey County Board of Zoning Appeals  
Report of Finding Fact

BZA NO: 25-01-SU-BZA

**COPY**

HAS THE APPLICANT PROVEN BY SUBSTANTIAL EVIDENCE THE FOLLOWING:

1. The Zoning Ordinance authorizes the Special Use.

Jeff Hoehn	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Kathy Yearwood	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*
Justin Schmitt	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*
Keith Spurgeon	<input type="checkbox"/> YES	<input type="checkbox"/> NO*					

2. The proposed Special Use is essential or desirable to the public convenience and welfare.

Jeff Hoehn	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Kathy Yearwood	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*
Justin Schmitt	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*
Keith Spurgeon	<input type="checkbox"/> YES	<input type="checkbox"/> NO*					

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Jeff Hoehn	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Kathy Yearwood	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*
Justin Schmitt	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*
Keith Spurgeon	<input type="checkbox"/> YES	<input type="checkbox"/> NO*					

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Jeff Hoehn	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Kathy Yearwood	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*
Justin Schmitt	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*
Keith Spurgeon	<input type="checkbox"/> YES	<input type="checkbox"/> NO*					

5. The proposed Special Use will constitute an environment of sustained desirability and stability.

Jeff Hoehn	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Kathy Yearwood	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*
Justin Schmitt	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*
Keith Spurgeon	<input type="checkbox"/> YES	<input type="checkbox"/> NO*					

6. The proposed Special Use is in conformity and in harmony with the goals and objectives of the Comprehensive Plan.

Jeff Hoehn	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Kathy Yearwood	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*
Justin Schmitt	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Joe Marvel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*
Keith Spurgeon	<input type="checkbox"/> YES	<input type="checkbox"/> NO*					

COPY

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Jeff Hoehn  
Justin Schmitt  
Keith Spurgeon

<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	NO
<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	NO
<input type="checkbox"/>	YES*	<input type="checkbox"/>	NO

Kathy Yearwood  
Joe Marvel

<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	NO
<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	NO

YES\* NO

8. If the request is for a "Home Occupation" it meets the definitional requirements found in the applicable Zoning Ordinance.

Jeff Hoehn  
Justin Schmitt  
Keith Spurgeon

<input type="checkbox"/>	YES	<input type="checkbox"/>	NO*
<input type="checkbox"/>	YES	<input type="checkbox"/>	NO*
<input type="checkbox"/>	YES	<input type="checkbox"/>	NO*

Kathy Yearwood  
Joe Marvel

<input type="checkbox"/>	YES	<input type="checkbox"/>	NO*
<input type="checkbox"/>	YES	<input type="checkbox"/>	NO*

YES NO\*

9. The proposed Special Use will comply with regulations and the conditions specified in The Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County for such use and with stipulations and conditions made a part of the authorization granted by the Board.

Jeff Hoehn  
Justin Schmitt  
Keith Spurgeon

<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO*
<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO*
<input type="checkbox"/>	YES	<input type="checkbox"/>	NO*

Kathy Yearwood  
Joe Marvel

<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO*
<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO*

YES NO\*

10. Conditions, limitations or temporary uses deemed necessary for the protection of the surrounding area in order to carry out the intent and purpose of the Zoning Ordinance of Posey County:

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\*IF ANY ONE OF YOUR ANSWERS ABOVE IS FOLLOWED BY AN ASTERISK, UNDER THE STATUE YOU SHOULD DENY THE APPLICATION.

DECISION: It is therefore the decision of the Board that the Special Use:

is hereby granted \_\_\_\_\_ ( )

is hereby denied \_\_\_\_\_ ( )

subject to any conditions stated in the minutes of the Board, and incorporated herein and made a part of the decision

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Exhibit A

# Invoice

## Martin Farm Drainage Inc

8851 Cleveland rd.  
Poseyville, IN 47633

Date	Invoice #
2/12/2025	3334

<b>Bill To</b>
MSD North Posey 101 N. Church st Poseyville In. 47633

COPY

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
40	Repair 15" Concrete culvert	10.28	411.20
15	15" dual wall	4.75	166.25T
35	typar	32.85	854.10T
26	riprap	2,100.00	2,100.00
1	Excavator & labor	7.00%	71.42
	Sales Tax		
		<b>Total</b>	<b>\$3,602.97</b>

Exhibit A-1

# Invoice

## Martin Farm Drainage Inc

8851 Cleveland rd.  
Poseyville, IN 47633

Date	Invoice #
2/12/2025	3333

COPY

<b>Bill To</b>
MSD North Posey 101 N. Church st Poseyville In. 47633

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
40	Divert 30" pipe to angle down stream	34.32	1,372.80
1	30" dual wall	525.00	525.00
1	30' Dualwall 45 elbow	125.00	250.00
2	30" Split Coupler	4.75	213.75T
45	Typar	32.85	854.10T
26	tons riprap	4,500.00	4,500.00
1	Excavator & labor	7.00%	74.75
	Sales Tax		
		<b>Total</b>	<b>\$7,790.40</b>

EXHIBIT 11

# Invoice

## Martin Farm Drainage Inc

8851 Cleveland rd.  
Poseyville, IN 47633

Date	Invoice #
2/12/2025	3335

COPY

<b>Bill To</b>
MSD North Posey 101 N. Church st Poseyville In. 47633

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
1	Remove dead trees & trees about to fall in ditch & minimal amount of trees to preform work & Straigten ditch from 30" pipe down stream aprox. 400 ft to remove bad crooks in ditch & burn & bury brush	11,520.00	11,520.00
	Sales Tax	7.00%	0.00
		<b>Total</b>	<b>\$11,520.00</b>