

MINUTES

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

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

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

MEMBERS PRESENT: Mr. Joe Marvel - Chairperson, Ms. Kathy Yearwood-- Vice-Chairperson, Mr. Justin Schmitt, Mr. Jeff Hoehn, Dr. Keith Spurgeon Mrs. Beth McFadin-Higgins- Attorney, Mr. Jerry Cotner, Executive Director, Mrs. Taylor Elmendorf - Administrative Assistant, Mrs. Savannah Axley - Clerical Assistant

MEMBERS ABSENT: None.

APPROVAL OF MINUTES FOR LAST REGULAR MEETING: Justin Schmitt made a motion in the affirmative to approve the minutes of the last regular meeting as emailed. Motion seconded by Kathy Yearwood. **Roll Call Vote (5-0). Yes. Motion Carried.**

SPECIAL USE:

DOCKET NO: 25-02-SU-BZA

APPLICANT: Allison Elpers/Custom Sign & Engineering

OWNER: Bulkley Investments LLC

PREMISES: Part of Section Three (3), Township Seven (7) South, Range Thirteen (13) West, lying in Black Township, City of Mt. Vernon, Posey County, Indiana. More commonly known as 3900 Highway 62 E., Mt. Vernon, Indiana. Containing 42.823 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests Special Use for an electronic message board in a M-1 (Light Manufacturing) Zoning District per Section 153.102 (A) (8) Use Unit 21 and Section 153.166 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.

Scott Elpers – 17027 Old State Rd., Evansville, IN, here to speak on behalf of the application.

No comments from the public.

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

Mr. Cotner stated we received one phone call from Andy Hoehn in support of the application.

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

Keith Spurgeon made a motion to approve docket 24-20-SU-BZA, motion was seconded by Jeff Hoehn.

The Special Use Voting sheet was read by Mr. Cotner. **Roll Call Vote (5-0). Motion Carried.**

ADDITIONAL BUSINESS

UPDATE ON SPECIAL USE 24-21-SU-BZA

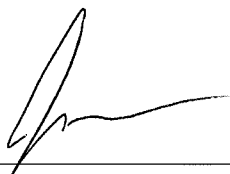
All permits have been issued.

CITIZEN CONCERNS

None.

ADJOURNMENT

Kathy Yearwood motioned to adjourn at 5:14 p.m., seconded by Justin Schmitt. **Voice Call Vote (5-0). Yes. Motion Carried.**



Mr. Joe Marvel, BZA Chairperson



Mr. Jeff Cotner, Executive Director

**POSEY COUNTY
SPECIAL USE VOTING SHEET**

Posey County Board of Zoning Appeals
Report of Finding Fact

BZA NO: 25-02-SU-BZA

Allison Elpers, Custom Sign owner: Bulkley Investments, LLC

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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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:

*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_____.