

**MINUTES**

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

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

**May 8, 2025  
5:00 P.M.**

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

**MEMBERS ABSENT:** Mr. Jeff Hoehn, Dr. Keith Spurgeon

**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. The motion was seconded by Kathy Yearwood. **Roll Call Vote (3-0). Yes. Motion Carried.**

Attorney Beth McFadin Higgins made a statement to the applicants that they could choose to table their application without penalty due to the Board of Zoning Board only having three members present.

All applicants chose to have their application heard on this date.

---

**VARIANCE:**

**DOCKET NO:** 25-01-V-BZA  
**APPLICANT:** Klint Willis  
**OWNER:** Elizabeth A. Willis  
**PREMISES:** Part of the Southwest Quarter of the Southwest Quarter of Section 13, Township 4 South, Range 12 West, Smith Township, Posey County, Indiana. More commonly known as 9250 Hwy 65, Cynthiana, Indiana. Containing 3.04 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

**NATURE OF CASE:** Applicant requests Variance for relaxation of side yard setback from 15' to 11' per Section 153.033 (B)(2) 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.

Klint Willis – 9250 Hwy 65, Cynthiana, 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. Marvel opened the floor to the board for discussion or action.

Kathy Yearwood made a motion in the affirmative to approve Variance #25-01-V-BZA. The motion was seconded by Justin Schmitt. The Variance Voting Sheet was read. **Roll Call Vote (3-0)**  
**Yes. Motion Carried.**

---

**VARIANCE:**

DOCKET NO: 25-02-V-BZA

APPLICANT: Dylan Harrell

OWNER: Dylan Ray Harrell

PREMISES: Part of the West Half of the Northeast Quarter of Section 19, Township 4 South, Range 12 West, Robb Township, Posey County, Indiana. More commonly known as 101 Hoehn Dr., Poseyville, Indiana. Containing 0.1650 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests Variance for the relaxation of fence height from 6' to 8' to erect a privacy fence in a R-1 (Residential Single Family) Zoning District per Section 153.024 (B)(3) 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.

Dylan Harrell –101 Hoehn Dr., Poseyville, 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. Marvel opened the floor to the board for discussion or action.

Justin Schmitt made a motion in the affirmative to approve Variance #25-02-V-BZA. The motion was seconded by Kathy Yearwood. The Variance Voting Sheet was read. **Roll Call Vote (3-0)**  
**Yes. Motion Carried.**

**ADDITIONAL BUSINESS**

**EXTENSION FOR SPECIAL USE 24-11-SU-BZA**

Andy Nestruck - 1 Main St., Suite 201, Evansville, IN, here to speak on behalf of the application. Stated they are still waiting for approval from IDEM and are requesting a 2-year extension.

The board discussed this request.

Kathy Yearwood made a motion to approve a 12-month extension from the original date of approval which will expire July 2026 on Special Use #24-11-SU-BZA. The motion was seconded by Justin Schmitt. Roll **Call Vote (3-0) Yes. Motion Carried.**

---

**CITIZEN CONCERNS**

None.


**ADJOURNMENT**

Kathy Yearwood motioned to adjourn at 5:23 p.m., seconded by Justin Schmitt. **Voice Call Vote (3-0). Yes. Motion Carried.**



---

Mr. Joe Marvel, BZA Chairperson



---

Mr. Jerry Cotner, Executive Director

VARIANCE VOTING SHEET

COPY

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 05-01-V-BZA  
Hint Willis

1. Will the granting of this variance be injurious to the public health, safety, morals and general welfare to the community?

Jeff Hoehn	<input type="checkbox"/> YES*	<input 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				

2. Will the use or value of the area adjacent to the property included in variance be affected in a substantially adverse manner?

Jeff Hoehn	<input type="checkbox"/> YES*	<input 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				

3. Does the need for this variance arise from conditions peculiar to the property included in the variance?

Jeff Hoehn	<input 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. Are these conditions general in the same zone?

Jeff Hoehn	<input type="checkbox"/> YES*	<input 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				

5. Will the strict application of the applicable Ordinance constitute unusual and unnecessary hardship if applied to the property in question?

Jeff Hoehn	<input 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. Will the granting of this variance interfere substantially with the Comprehensive Plan or materially increase street congestion?

Jeff Hoehn	<input type="checkbox"/> YES*	<input 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				

COPY

\*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 Variance:

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 8<sup>th</sup> day of May, 2025.

VARIANCE VOTING SHEET

COPY

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 25-02-V-BZA

Dylan Harrell

1. Will the granting of this variance be injurious to the public health, safety, morals and general welfare to the community?

Jeff Hoehn [ ] YES\* [ ] NO Kathy Yearwood [ ] YES\* [x] NO YES\* NO
Justin Schmitt [ ] YES\* [x] NO Joe Marvel [ ] YES\* [x] NO
Keith Spurgeon [ ] YES\* [ ] NO

2. Will the use or value of the area adjacent to the property included in variance be affected in a substantially adverse manner?

Jeff Hoehn [ ] YES\* [ ] NO Kathy Yearwood [ ] YES\* [x] NO YES\* NO
Justin Schmitt [ ] YES\* [x] NO Joe Marvel [ ] YES\* [x] NO
Keith Spurgeon [ ] YES\* [ ] NO

3. Does the need for this variance arise from conditions peculiar to the property included in the variance?

Jeff Hoehn [ ] YES [ ] NO\* Kathy Yearwood [x] YES [ ] NO\* YES NO\*
Justin Schmitt [x] YES [ ] NO\* Joe Marvel [x] YES [ ] NO\*
Keith Spurgeon [ ] YES [ ] NO\*

4. Are these conditions general in the same zone?

Jeff Hoehn [ ] YES\* [ ] NO Kathy Yearwood [ ] YES\* [x] NO YES\* NO
Justin Schmitt [ ] YES\* [x] NO Joe Marvel [ ] YES\* [x] NO
Keith Spurgeon [ ] YES\* [ ] NO

5. Will the strict application of the applicable Ordinance constitute unusual and unnecessary hardship if applied to the property in question?

Jeff Hoehn [ ] YES [ ] NO\* Kathy Yearwood [x] YES [ ] NO\* YES NO\*
Justin Schmitt [x] YES [ ] NO\* Joe Marvel [x] YES [ ] NO\*
Keith Spurgeon [ ] YES [ ] NO\*

6. Will the granting of this variance interfere substantially with the Comprehensive Plan or materially increase street congestion?

Jeff Hoehn [ ] YES\* [ ] NO Kathy Yearwood [ ] YES\* [x] NO YES\* NO
Justin Schmitt [ ] YES\* [x] NO Joe Marvel [ ] YES\* [x] NO
Keith Spurgeon [ ] YES\* [ ] NO

COPY

\*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 Variance:

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 8<sup>th</sup> day of May, 2025.