

MINUTES

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

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

**JUNE 12, 2025
5:00 P.M.**

MEMBERS PRESENT: Mr. Joe Marvel - Chairperson, Mr. Jeff Hoehn, Dr. Keith Spurgeon, 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: Ms. Kathy Yearwood-- Vice-Chairperson

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 Keith Spurgeon. **Roll Call Vote (4-0). Yes. Motion Carried.**

VARIANCE:

DOCKET NO: 25-03-V-BZA
APPLICANT: Ray Happe
OWNER: Richard J. Jr. & Cheri A. Easterling
PREMISES: Lot Three (3) in Hickory Ridge Subdivision, in Robinson Township, Posey County, Indiana. More commonly known as 11980 VO Drive, Wadesville, Indiana. Containing 1.0700 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 7' 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 with Mr. Cotner that the applicant met all the requirements for notification per the statute.

Ray Happe – 5805 Heidt Ln., 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. Marvel opened the floor to the board for discussion or action.

Jeff Hoehn made a motion in the affirmative to approve Variance #25-03-V-BZA. The motion was seconded by Justin Schmitt. The Variance Voting Sheet was read. **Roll Call Vote (4-0) Yes. Motion Carried.**

VARIANCE:

DOCKET NO: 25-04-V-BZA
APPLICANT: Steven Riddle
OWNER: Andrew J. & Andrea K. Eisterhold
PREMISES: Part of Section 22, Township 5 South, Range 13 West, lying in Lynn Township, Posey County Indiana. More commonly known as 2425 Williams Rd., Wadesville, Indiana. Containing 2.26 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests a Variance for relaxation of side yard setback from 100' to 76'7" and rear yard setback from 100' to 46' in an A (Agricultural) Zoning District per Section 153.126.03 (B) of The Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

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

Andy Eisterhold – 2425 Williams Rd., Wadesville, 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 #25-04-V-BZA. The motion was seconded by Keith Spurgeon. The Variance Voting Sheet was read. **Roll Call Vote (4-0) Yes. Motion Carried.**

ADDITIONAL BUSINESS

Mt. Marvel discussed battery ordinance.

Mrs. Beth McFadin Higgins explained the UDO process and timeline.

CITIZEN CONCERNS

None.

ADJOURNMENT

Keith Spurgeon motioned to adjourn at 5:19 p.m., seconded by Jeff Hoehn. **Voice Call Vote (4-0).**
Yes. Motion Carried.



Mr. Joe Marvel, BZA Chairperson



Mr. Jerry Cotner, Executive Director

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS
Report of Findings of Fact

COPY

BZA NO: 25-03-V-BZA

Owner: Richard J. Jr. & Cheri A. Easterling

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* NO YES* NO
Justin Schmitt YES* NO Joe Marvel YES* 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* NO YES* NO
Justin Schmitt YES* NO Joe Marvel YES* 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 YES NO* YES NO*
Justin Schmitt YES NO* Joe Marvel YES NO*
Keith Spurgeon YES NO*

4. Are these conditions general in the same zone?

Jeff Hoehn YES* NO Kathy Yearwood YES* NO YES* NO
Justin Schmitt YES* NO Joe Marvel YES* 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 YES NO* YES NO*
Justin Schmitt YES NO* Joe Marvel 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* NO YES* NO
Justin Schmitt YES* NO Joe Marvel YES* 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 12 day of June, 2025.

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS
Report of Findings of Fact

COPY

BZA NO: 25-04-V-BZA

Owner: Andrew J. & Andrea K. Eisterhold

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 checked="" 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 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						

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 checked="" 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 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						

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

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

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

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

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

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

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 12 day of June, 2025.