

**MINUTES**

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

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

**August 14, 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 Jeff Hoehn. **Roll Call Vote (5-0). Yes. Motion Carried.**

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**VARIANCE:**

**DOCKET NO:** 25-05-V-BZA  
**APPLICANT:** Hansen Cox  
**OWNER:** Leffel Properties, Inc.  
**PREMISES:** Lot 6 Leffel Court Subdivision, as per plat thereof, located in Black Township, Posey County, Indiana. More commonly known as 1516 Country Club Rd. Mt. Vernon, Indiana. Containing 0.2950 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 minimum tract area from 14,000 square feet to 12,850.2 square feet to build a quadruplex in a RM (Residential Multiple Family) Zoning District per Section 153.049 (A)(1)(a) 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.

Hansen Cox – 1411 Reiter Dr., 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.

Justin Schmitt made a motion in the affirmative to approve Variance #25-05-V-BZA contingent on approved State Design Release. The motion was seconded by Kathy Yearwood. The Variance Voting Sheet was read. **Roll Call Vote (5-0) Yes. Motion carried.**

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**VARIANCE:**

DOCKET NO: 25-06-V-BZA

APPLICANT: Anna Cox

OWNER: Ronald Jr. & Anna Cox

PREMISES: Part of the Southwest Quarter Section 2, Township 7 South, Range 14 West, lying in Black Township, Posey County Indiana. More commonly known as 6605 Upton Road, Mt. Vernon, Indiana. Containing 1.0 acre 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 placement of an above ground pool in the side yard in an A (Agricultural) Zoning District under Section 153.024 (B)(7) 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.

Ronald Cox – 6605 Upton Rd., Mt. Vernon, 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.

Keith Spurgeon made a motion in the affirmative to approve Variance #25-06-V-BZA. The motion was seconded by Kathy Yearwood. The Variance Voting Sheet was read. **Roll Call Vote (5-0) Yes. Motion Carried.**

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**VARIANCE:**

DOCKET NO: 25-07-V-BZA

APPLICANT: Mackenzie Dowdy, Salas O'Brien

OWNER: AstraZeneca Pharmaceuticals, LP

PREMISES: Part of the Northwest Quarter of the Southwest Quarter of Section 2 Township 7 South, Range 13 West and tax parcel 65-15-02-300-009.000-017. Lying in Black Township, Posey County, Indiana. More commonly known as 4601 Hwy 62 E, Mt. Vernon, IN 47620. Containing 18.92 more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests a variance from non-participating landowner property line from 100' to 61' to develop a SECS Tier 2 for electricity used primarily for on-site use in an M-2 Zoning District under Section 153.126.03 (B) under 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.

Walter Smith – 7566 Upper Meadow Rd., Newburgh, 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 #25-07-V-BZA contingent on final approval of 2025-01-SECS-2-APC from the Area Plan Commission. The motion was seconded by Keith Spurgeon. The Variance Voting Sheet was read. **Roll Call Vote (5-0) Yes. Motion Carried.**

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#### **ADDITIONAL BUSINESS**

Extension for Variance – 24-11-V-BZA

Scott Pate - 309 Ramsey Ct., Evansville, IN, here to speak on behalf of the application. He is requesting an extension due to unfortunate circumstances delaying the project. He stated that he is also making progress on cleaning up the property.

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

Kathy Yearwood made a motion in the affirmative to approve a one-year extension for Variance #24-11-V-BZA. The motion was seconded by Justin Schmitt. **Roll Call Vote (5-0) Yes. Motion Carried.**

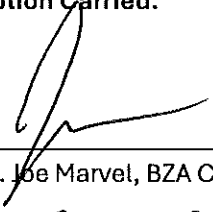
#### **CITIZEN CONCERNS**

None.

Mr. Joe Marvel gave UDO update.

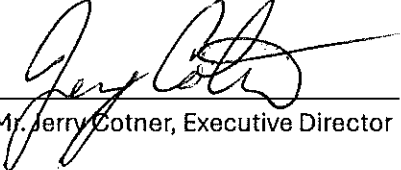
#### **ADJOURNMENT**

Kathy Yearwood motioned to adjourn at 5:39p.m., seconded by Jeff Schmitt. **Voice Call Vote (5-0). Yes. Motion Carried.**



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Mr. Joe Marvel, BZA Chairperson



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Mr. Jerry Cotner, Executive Director

## VARIANCE VOTING SHEET

### POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 25-06-V-67A

Owner: Ronald Jr. & Anna Cox

COPY

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 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							

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 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							

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 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. 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 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							

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 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. 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 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							

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 \_\_\_\_\_ ✓ \_\_\_\_\_ (5-0)

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 14<sup>th</sup> day of August, 20 25.

# VARIANCE VOTING SHEET

COPY

## POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 25-07-V-BZA

Owner: Astra Zeneca Pharmaceuticals, LP

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 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								

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 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								

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 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. 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 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								

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 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. 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 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								

COPY

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DECISION: It is therefore the decision of the Board, that the Variance:

is hereby granted \_\_\_\_\_ ✓ \_\_\_\_\_ (5-0)

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 14<sup>th</sup> day of August, 20 25.

## VARIANCE VOTING SHEET

### POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 25-05-V-BZA

Owner: Leffel Properties, LLC

COPY

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 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							

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 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							

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 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. 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 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							

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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 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							

COPY

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DECISION: It is therefore the decision of the Board, that the Variance:

is hereby granted \_\_\_\_\_ ✓ \_\_\_\_\_ (5-0)

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 14<sup>th</sup> day of August, 2025.