

MINUTES

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

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

**OCTOBER 9, 2025
5:00 P.M.**

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

MEMBERS ABSENT: 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. Motion seconded by Jeff Hoehn. **Roll Call Vote (4-0). Yes. Motion Carried.**

SPECIAL USE:

DOCKET NO: 25-05-SU-BZA

APPLICANT: PCSWD, Ron Fallowfield

OWNER: Posey County Waste Management District

PREMISES: Part of the Northwest Quarter of the Southwest Quarter of Section 20, Township 4 South, Range 12 West, lying in Robb Township, Posey County, Indiana, containing 1.722 acres more or less. More commonly known as 7175 Water Tank Rd., Poseyville, Indiana. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests Special Use to build a 40' x 100' recycle center in an A (Agricultural) Zoning District Section 153.032 (B) (2) Use Unit 2 Areawide Special Exception Uses, 153.147 (B) (6) 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. Jeff Hoehn abstained.

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

Barry Tanner – 625 E. 8th St., Mt. Vernon, here to speak on behalf of the application.

Ron Fallowfield-149 N St. Francis St., Poseyville, 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 Special Use #25-05-SU-BZA. The motion was seconded by Justin Schmitt. The Special Use Voting Sheet was read. Roll Call Vote (3-0) **Yes. Motion Carried.**

ADDITIONAL BUSINESS

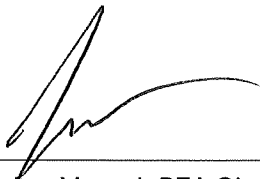
Mr. Joe Marvel gave UDO update.

CITIZEN CONCERNS

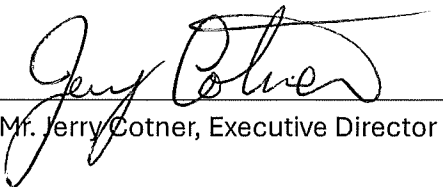
None.

ADJOURNMENT

Kathy Yearwood motioned to adjourn at 5:20p.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: 25-05-SU-BZA

Owner: Posey County Waste Management District

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HAS THE APPLICANT PROVEN BY SUBSTANTIAL EVIDENCE THE FOLLOWING:

1. The Zoning Ordinance authorizes the Special Use.

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*					

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

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*					

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 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 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 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 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*					

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.

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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 checked="" 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.

N/A

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 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:

*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 9 day of October, 2025.

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FINDINGS OF FACT
NUTRIEN
New 3680 sq. ft. building

I, Greg, make a motion in the findings of fact be made as follows

1. Development is compatible with surrounding land use. The current zoning of this parcel is M2, this is compatible with surrounding land use.
2. Water, sewer, and other utilities are available – No drainage changes.
3. The design and location of the entrance and streets are favorable to health, safety, convenience and are harmonious to the development and adjacent developments. Nothing is changing on the site with the existing traffic flow. Very minimal impact.
4. The plan meets the setback requirements with maintaining uniformity of current building setbacks in area.
5. The plan meets the building coverage requirements for the M-2 District.
6. The plan meets building separation.
7. The plan meets vehicle and pedestrian circulation. No changes to vehicle circulation.
8. The plan meets parking requirements.
9. Landscaping. Not applicable.
10. Building Specs 3680 sq. ft.
11. Signage – not applicable.
12. Recreation space - Not Applicable.
13. The plan meets outdoor lighting requirements.
14. The development is in conformance with the Zoning Ordinance for the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County Zoning Ordinance and with the Posey County Comprehensive Plan.

Motion seconded by: Randy

Adopted by Posey County Area Plan Commission

[Signature]
President, Posey County Area Plan Commission

Date