

**MINUTES**

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

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

**NOVEMBER 13, 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. Savannah Axley - Clerical Assistant, Mrs. Taylor Elmendorf – Administrative Assistant

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

**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 (3-0). Yes. Motion Carried.**

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**VARIANCE:**

DOCKET NO: 25-09-V-BZA  
APPLICANT: Tammy Pharr  
OWNER: Tammy Lynn Pharr  
PREMISES: Lot Number Sixty-Five (65) in Owen’s part of the City of Mt. Vernon, Indiana, in Black Township, Posey County, Indiana. More commonly known as 403 E. Water St., Mt. Vernon, Indiana. Containing 0.227 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 street side yard setback from 25’ to 6’ for proposed detached garage in an RM Zoning District per Section 153.049 (B)(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.

Mr. Marvel confirmed no board member had any conflicts of interest.

Tammy Pharr – 403 E. Water St., Mt. Vernon, IN, here to speak on behalf of the application.

Public Comment

Joyce Culley- 461 Savah Rd., Mt. Vernon, IN, in favor of the variance.

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 #25-09-V-BZA. The motion was seconded by Kathy Yearwood. The Variance Voting Sheet was read. **Roll Call Vote (3-0) Yes. Motion Carried.**

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**VARIANCE:**

DOCKET NO: 25-10-V-BZA  
APPLICANT: MSD of North Posey, Todd Slagle  
OWNER: M.S.D. of North Posey Multi-School Building Corporation  
PREMISES: Part of Section 18, Township 4 South, Range 12 West, lying in Robb Township, Posey County Indiana. More commonly known as off N. Church St., Poseyville, Indiana, Indiana. Containing 5.2600 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 100' to 47'6" and rear yard setback from 100' to 26'5" to construct a Tier 3 SECS in an R-1 (Residential Single-Family) 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.

Mr. Marvel confirmed no board member had any conflicts of interest.

Mr. Justin Schmitt stated for the record that he is on the school board but doesn't get paid for his position and has no financial interest.

Todd Slagle – 101 N. Church St., 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.

Kathy Yearwood made a motion in the affirmative to approve Variance #25-10-V-BZA. The motion was seconded by Justin Schmitt. The Variance Voting Sheet was read. **Roll Call Vote (3-0) Yes. Motion carried.**

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**ADDITIONAL BUSINESS**

None.

**CITIZEN CONCERNS**

None.

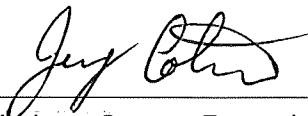
**ADJOURNMENT**

Justin Schmitt motioned to adjourn at 5:28p.m., seconded by Kathy Yearwood. **Voice Call Vote (3-0). 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: 25-09-V-BZA

Owner: Tammy Lynn Pharr

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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"/>	<del>NO</del>	<u>YES*</u>	<u>NO</u>
Justin Schmitt	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	<del>NO</del>	Joe Marvel	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	<del>NO</del>		
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"/>	<del>NO</del>	<u>YES*</u>	<u>NO</u>
Justin Schmitt	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	<del>NO</del>	Joe Marvel	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	<del>NO</del>		
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"/>	<del>NO</del>	<u>YES*</u>	<u>NO</u>
Justin Schmitt	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	<del>NO</del>	Joe Marvel	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	<del>NO</del>		
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 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 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"/>	<del>NO</del>	<u>YES*</u>	<u>NO</u>
Justin Schmitt	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	<del>NO</del>	Joe Marvel	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	<del>NO</del>		
Keith Spurgeon	<input type="checkbox"/>	YES*	<input type="checkbox"/>	NO							

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\*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 13 day of November, 2025.

VARIANCE VOTING SHEET

COPY

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 25-10-V-BZA

Owner: MSD of North Posey Multi School Building Corporation

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

\*IF ANY ONE OF YOUR ANSWERS ABOVE IS FOLLOWED BY AN ASTERISK, UNDER THE STATUE YOU SHOULD DENY THE APPLICATION.

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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 13 day of November, 2025.