

MINUTES

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

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

**DECEMBER 11, 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, Mrs. Taylor Elmendorf – Administrative Assistant

MEMBERS ABSENT: Dr. Keith Spurgeon

APPROVAL OF MINUTES FOR LAST REGULAR MEETING: Kathy Yearwood made a motion in the affirmative to approve the minutes of the last regular meeting as emailed. Motion seconded by Justin Schmitt. **Roll Call Vote (4-0). Yes. Motion Carried.**

APPROVAL OF 2026 MEETING DATES AND FILING DEADLINES: Justin Schmitt made a motion in the affirmative to approve the 2026 Meeting Dates, the motion was seconded by Kathy Yearwood. **Roll Call Vote (4-0). Yes. Motion Carried.**

Kathy Yearwood made a motion in the affirmative to approve the 2026 Filing Deadlines, the motion was seconded by Justin Schmitt. **Roll Call Vote (4-0). Yes. Motion Carried.**

VARIANCE:

DOCKET NO: 25-11-V-BZA
APPLICANT: Amanda Simpson, Amerilight Power
OWNER: Michael W. & Jayne E. Allerellie
PREMISES: Part of the Southwest Quarter Section 14, Township 5 South, Range 12 West, lying in Robinson Township, Posey County Indiana. More commonly known as 3180 Luigs Rd., Wadesville, Indiana. Containing 4.13 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 south side yard setback from 100' to 26' in an A (Agricultural) Zoning District per Section 153.126.03 (B) in 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.

Amanda Simpson – 2800 Lynch Rd., Evansville, IN 47711, 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 25-11-V-BZA, Justin Schmitt seconded the motion. The variance voting sheet was read. **Roll Call Vote (4-0) Yes. Motion Carried.**

VARIANCE:

DOCKET NO: 25-12-V-BZA

APPLICANT: Joe & Kaitlyn Kittinger

OWNER: Joseph Q. & Kaitlyn R. Kittinger

PREMISES: Lot Eight (8) in Section B in Western Hills Subdivision, Posey County, Indiana, lying in Black Township, Posey County, Indiana. More commonly known as 415 Western Hills Dr., Mt. Vernon, Indiana. Containing 0.987 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 setback from residence to proposed detached garage from 10' to 3' 7" in an RS Zoning District per Section 153.270 Definition of Accessory Structure in 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.

Joe Kittinger - 415 Western Hills Dr., Mt. Vernon, IN 47620, 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 #25-12-V-BZA. The motion was seconded by Kathy Yearwood. The variance voting sheet was read. **Roll Call Vote (4-0) Yes. Motion Carried.**

VARIANCE:

DOCKET NO: 25-13-V-BZA

APPLICANT: Michael Dauby

OWNER: Martin & Bayley, Inc.

PREMISES: Lot Number One (1), Two (2), Thirteen (13), Fourteen (14), and Fifteen (15) of Northwestern Enlargement along with the adjacent alley of the City of Mt. Vernon, Indiana, in Black Township, Posey County, Indiana. More commonly known as 631 W. 4th St., Mt. Vernon, Indiana. Containing 1.0000 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 10' to 0' for a proposed 1,142 Sq. Ft. building addition in a CG Zoning District per Section 153.087 (B)(1)(a) in 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.

Darrin Helms – 15 NE. 3rd St., Washington, IN 47501, 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 #25-13-V-BZA. The motion was seconded by Jeff Hoehn. The variance voting sheet was read. **Roll Call Vote (4-0) Yes. Motion Carried.**

VARIANCE:

DOCKET NO: 25-14-V-BZA
APPLICANT: Eric O'Risky
OWNER: Wadesville Self Storage, LLC
PREMISES: Part of Section Eight (8), Township Five (5) South, Range Twelve (12) West, lying in Center Township, Posey County, Indiana. More commonly known as 7276 Hwy 66, Wadesville, Indiana. Containing 0.8400 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 setback from 20' to 5' on North, West, and South property lines in a B-1 (Neighborhood Commercial) Zoning District per Section 153.085 (B) (2)(a)(c) (3)(a) in 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.

James O'Risky and Eric O'Risky –10650 E. Copperline Rd., Evansville, IN 47712, here to speak on behalf of the application.

Public Comments:

James Tenbarga - 7004 Springfield Rd., Wadesville, IN 47638, stated that the owners have cleaned up the property and improved the drainage issues.

Diedrich Kiechle - 7229 Hwy 66, Wadesville, IN 47638, stated that he doesn't want to see more development on the property. Mr. Kiechle stated that he was ok if trees needed to be trimmed.

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 #25-14-V-BZA. The motion was seconded by Justin Schmitt. The variance voting sheet was read. **Roll Call Vote (4-0) Yes. Motion Carried.**

ADDITIONAL BUSINESS

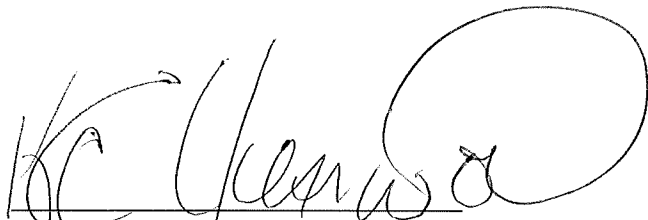
Mr. Joe Marvel gave UDO update. Inviting everyone to the Open House December 20th, 2025, 8:30am-11:30am at the Poseyville Community Center and 1:30pm-4:30pm at the Hovey House.

CITIZEN CONCERNS

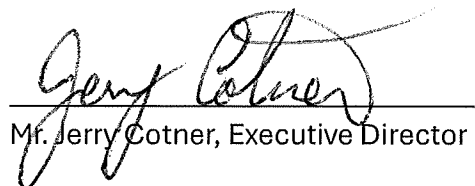
None.

ADJOURNMENT

Justin Schmitt motioned to adjourn at 6:01p.m., seconded by Kathy Yearwood. **Voice Call Vote (4-0). Yes. Motion Carried.**

A handwritten signature in black ink, appearing to read "Joe Marvel", written over a horizontal line.

~~Mr. Joe Marvel, BZA Chairperson~~
Ms. Kathy Yearwood

A handwritten signature in black ink, appearing to read "Jerry Cotner", written over a horizontal line.

Mr. Jerry Cotner, Executive Director

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 25-11-V-BZA

Owner: Michael W. & Jayne E. Alkerellie

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>	<input checked="" type="checkbox"/>	NO
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 checked="" type="checkbox"/>	NO	Kathy Yearwood	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	NO	<u>YES*</u>	<input checked="" type="checkbox"/>	NO
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 checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO*	Kathy Yearwood	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO*	<u>YES</u>	<input type="checkbox"/>	NO*
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 checked="" type="checkbox"/>	NO	Kathy Yearwood	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	NO	<u>YES*</u>	<input checked="" type="checkbox"/>	NO
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 checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO*	Kathy Yearwood	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO*	<u>YES</u>	<input type="checkbox"/>	NO*
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 checked="" type="checkbox"/>	NO	Kathy Yearwood	<input type="checkbox"/>	YES*	<input checked="" type="checkbox"/>	NO	<u>YES*</u>	<input checked="" type="checkbox"/>	NO
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								

*IF ANY ONE OF YOUR ANSWERS ABOVE IS FOLLOWED BY AN ASTERISK, UNDER THE STATUTE 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 11 day of December, 2025.

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 25-12-V-BZA

Owner: Joseph G. & Kaitlyn R. Kittinger

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> NO
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 checked="" type="checkbox"/> NO	Kathy Yearwood	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO	<u>YES*</u> NO
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 checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Kathy Yearwood	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	YES <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 checked="" type="checkbox"/> NO	Kathy Yearwood	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO	<u>YES*</u> NO
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 checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	Kathy Yearwood	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO*	YES <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 checked="" type="checkbox"/> NO	Kathy Yearwood	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO	<u>YES*</u> NO
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				

*IF ANY ONE OF YOUR ANSWERS ABOVE IS FOLLOWED BY AN ASTERISK, UNDER THE
CIRCUMSTANCES 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 11 day of December, 2025.

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 25-13-V-BZA

Owner: Martin E. Bayley, Inc.

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

Jeff Hoehn, Justin Schmitt, Keith Spurgeon, Kathy Yearwood, Joe Marvel. YES* NO YES* NO YES* NO YES* NO YES* NO 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, Justin Schmitt, Keith Spurgeon, Kathy Yearwood, Joe Marvel. YES* NO YES* NO YES* NO YES* NO YES* NO YES* NO YES* NO

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

Jeff Hoehn, Justin Schmitt, Keith Spurgeon, Kathy Yearwood, Joe Marvel. YES NO* YES NO* YES NO* YES YES YES NO* NO* YES NO*

4. Are these conditions general in the same zone?

Jeff Hoehn, Justin Schmitt, Keith Spurgeon, Kathy Yearwood, Joe Marvel. YES* NO YES* NO YES* NO YES* NO YES* NO YES* NO 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, Justin Schmitt, Keith Spurgeon, Kathy Yearwood, Joe Marvel. YES NO* YES NO* YES NO* YES YES YES NO* NO* YES NO*

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

Jeff Hoehn, Justin Schmitt, Keith Spurgeon, Kathy Yearwood, Joe Marvel. YES* NO YES* NO YES* NO YES* NO YES* NO YES* NO YES* NO

*IF ANY ONE OF YOUR ANSWERS ABOVE IS FOLLOWED BY AN ASTERISK, UNDER THE
CIRCUMSTANCES 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 11 day of December, 20 25.

VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS

Report of Findings of Fact

BZA NO: 25-14-Y-BZA

Owner: Wadesville Self Storage, LLC

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 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 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 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 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 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 type="checkbox"/>	NO							

*IF ANY ONE OF YOUR ANSWERS ABOVE IS FOLLOWED BY AN ASTERISK, UNDER THE
STATUTE 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 11 day of December, 2025.