

MINUTES

POSEY COUNTY BOARD OF ZONING APPEALS REGULAR MEETING

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

MARCH 12, 2026
5:00 P.M.

MEMBERS PRESENT: Ms. Kathy Yearwood - Chairperson, Mr. Justin Schmitt- Vice-Chairperson, Mr. Joe Marvel, Dr. Keith Spurgeon, Mrs. Beth McFadin-Higgins - Attorney, Mr. Jerry Cotner, Executive Director, Mrs. Taylor Elmendorf – Administrative Assistant

MEMBERS ABSENT: Mr. Jeff Hoehn, Mrs. Savannah Axley - Clerical Assistant

Attorney Beth McFadin Higgins administered a new Oath of Office to 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 Keith Spurgeon. **Roll Call Vote (4-0). Yes. Motion Carried.**

ELECTION OF OFFICERS 2026

Justin Schmitt made a motion in the affirmative to nominate Kathy Yearwood as Chairperson. **Vote (4-0) Yes. Motion Carried.**

Joe Marvel made a motion in the affirmation to nominate Justin Schmitt as Vice Chairperson. Motion was seconded by Kathy Yearwood. **Vote (4-0) Yes. Motion Carried.**

ATTORNEY 2025

A motion was made in the affirmative by Joe Marvel and seconded by Justin Schmitt to retain McFadin Higgins & Folz as primary attorney and Van Haaften & Farrar for secondary attorney for 2026. **Roll Call Vote (4-0). Yes. Motion Carried.**

RULES OF PROCEDURE 2026

A motion was made in the affirmative by Joe Marvel and seconded by Keith Spurgeon to accept the Rules of Procedure for 2026 as presented. **Roll Call Vote (4-0). Yes. Motion Carried.**

DESIGNATED NEWSPAPER

Joe Marvel made a motion to designate the Posey County News as media source for 2026. Keith Spurgeon seconded the motion. **Roll Call Vote (4-0). Yes. Motion Carried.**

SPECIAL USE:

DOCKET NO: 26-01-SU-BZA
APPLICANT: Alivia Grogan
OWNER: Adam W. Grogan Et al
PREMISES: Part of the Northeast Quarter of Section 17, Township 5 South, Range 12 West, in Center Township, Posey County, Indiana, containing 1.457 acres more or less. More commonly known as 7719 Highway 66, Wadesville, Indiana. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests special use for a kennel in an (A) Agricultural Zoning District Section 153.032 (B)(6) Use Unit 15 – Other Trades and Services, and Section 153.160 (B)(2)(e)(vi), of the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Ms. Yearwood confirmed no board members had any conflict of interest.

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

Alivia & Adam Grogan – 7719 Highway 66, Wadesville, IN here to speak on behalf of the application. Passed out Exhibit A to board members.

No comments from the public.

Ms. Yearwood confirmed with Mr. Cotner there were no emails, phone calls or letters.

Ms. Yearwood opened the floor to the board for discussion or action.

Joe Marvel made a motion in the affirmative to approve Special Use #26-01-SU-BZA. The motion was seconded by Justin Schmitt. The Special Use Voting Sheet was read. Roll Call Vote (4-0) **Yes. Motion Carried.**

ADDITIONAL BUSINESS

Special Use Extension Docket #16-05-SU-BZA and #13-13-SU-BZA

Niall McConville- 1060 CR 450 N, Norris City, IL here to speak on behalf of the application extension.

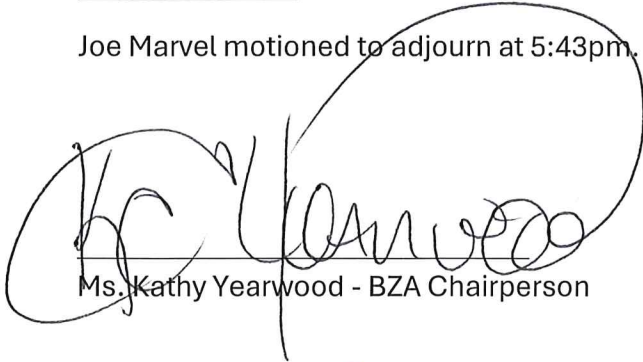
Joe Marvel made a motion to approve a 1-year extension for Special Use 13-13-SU-BZA and 16-05-SU-BZA to expire March 2027. Motion was seconded by Justin Schmitt. **Roll Call Vote (4-0) Yes. Motion Carried.**

CITIZEN CONCERNS

None.

ADJOURNMENT

Joe Marvel motioned to adjourn at 5:43pm.

A handwritten signature in black ink, appearing to read "Kathy Yearwood", is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

Ms. Kathy Yearwood - BZA Chairperson

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

Mr. Jerry Cotner, Executive Director



Grogam
Exhibit A

**POSEY COUNTY
SPECIAL USE VOTING SHEET**

Posey County Board of Zoning Appeals
Report of Finding Fact

BZA NO: 26-01-SU-BZA
Owner: Adam W. Grogan Etal

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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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.

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

8. If the request is for a "Home Occupation" it meets the definitional requirements found in the applicable Zoning Ordinance.

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 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*					

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 12th day of March, 20 26.