MINUTES

POSEY COUNTY
BOARD OF ZONING APPEALS
REGULAR MEETING

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

SEPTEMBER 10, 2026
5:00 P.M.

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

MEMBERS ABSENT: None

APPROVAL OF MINUTES FOR LAST REGULAR MEETING: Keith Spurgeon made a motion in the affirmative to approve the minutes of the last regular meeting as emailed. Motion seconded by Joe Marvel. **Roll Call Vote (5-0). Yes. Motion Carried.**

VARIANCE:

DOCKET NO:	26-14-V-BZA
APPLICANT:	Paul Weimer
OWNER:	Paul D. & Donna K. Weimer
PREMISES:	Lot Number Six (6) of Copperline Village, a subdivision lying in the West Half of the Southwest Quarter of the Northeast Quarter of Section 14, Township 6 South, Range 13 West Black Township, Posey County Indiana. More commonly known as 2419 Copper Lane, Mt. Vernon, Indiana. Containing 1.4120 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 side yard setback from 10' to 5'4" in an A-1 (General Agricultural District) Zoning District per Chapter 2 Zoning Districts (B)(1)(c) of the Posey County Unified Development Ordinance.

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

Mr. Paul Weimer – 2419 Copper Ln., Mt. Vernon, IN here to speak on behalf of the application.

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 Variance #26-14-V-BZA, the motion was seconded by Justin Schmitt. The Variance Voting Sheet was read. **Roll Call Vote (5-0) Yes. Motion Carried.**

ADDITIONAL BUSINESS

OLD BUSINESS

Classification request for Data Centers

Joe Marvel made a motion to table for a month until the October 8, 2026, BZA meeting, the motion was seconded by Keith Spurgeon. **Roll Call Vote (5-0) Yes. Motion Carried.**

CITIZEN CONCERNS

None.

ADJOURNMENT

Joe Marvel made a motion to adjourn the meeting at 5:10pm, the motion was seconded by Keith Spurgeon. Motion Carried.

Ms. Kathy Yearwood - BZA Chairperson

Mr. Jerry Cotner, Executive Director

COPY

POSEY COUNTY
VARIANCE VOTING SHEET

POSEY COUNTY BOARD OF ZONING APPEALS
Report of Findings of Fact

BZA NO: 26-14-V-BZA
Owner: Paul D. & Donna K. Weimer

1. The approval of the variance will NOT be injurious to the public health, safety, morals and general welfare of the community?

Jeff Hoehn	☑ AGREE	☐ DISAGREE*	Kathy Yearwood	☑ AGREE	☐ DISAGREE*	**AGREE**	**DISAGREE***
Justin Schmitt	☑ AGREE	☐ DISAGREE*	Joe Marvel	☑ AGREE	☐ DISAGREE*		
Keith Spurgeon	☑ AGREE	☐ DISAGREE*					

2. The use and value of the area adjacent to the property included in the variance will NOT be affected in a substantially adverse manner?

Jeff Hoehn	☑ AGREE	☐ DISAGREE*	Kathy Yearwood	☑ AGREE	☐ DISAGREE*	**AGREE**	**DISAGREE***
Justin Schmitt	☑ AGREE	☐ DISAGREE*	Joe Marvel	☑ AGREE	☐ DISAGREE*		
Keith Spurgeon	☑ AGREE	☐ DISAGREE*					

3. The strict application of the terms of the UDO will result in a practical difficulty in the use of the property.

Jeff Hoehn	☑ YES	☐ NO*	Kathy Yearwood	☑ YES	☐ NO*	**YES**	**NO***
Justin Schmitt	☑ YES	☐ NO*	Joe Marvel	☑ YES	☐ NO*		
Keith Spurgeon	☑ YES	☐ NO*					

4. The situation necessitating the variance request is NOT self-imposed and is not based on a perceived reduction of, or restriction of, economic gain.

Jeff Hoehn	☑ AGREE	☐ DISAGREE*	Kathy Yearwood	☑ AGREE	☐ DISAGREE*	**AGREE**	**DISAGREE***
Justin Schmitt	☑ AGREE	☐ DISAGREE*	Joe Marvel	☑ AGREE	☐ DISAGREE*		
Keith Spurgeon	☑ AGREE	☐ DISAGREE*					

5. The following conditions are imposed as a part of the BZA approval of this Variance:

_____

_____

_____

_____

*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 10th day of September, 20 26.