



**CLARK COUNTY BOARD OF ZONING APPEALS**  
**Sept. 21, 2022**

The regularly scheduled meeting of the Clark County Board of Zoning Appeals (BZA) was held on Sept. 21, 2022, at 5:00 p.m. in the Clark County Government Building, 300 Corporate Drive, Room 103, Jeffersonville, Indiana 47130.

The following Board Members and Staff members were present at the meeting:

**Board Members:**

Duard Avery  
Kim Baker  
Guy Guernsey  
Kevin Christman

**Absent from the Meeting:**  
Keith Coats

**Staff:**  
David Nachand-Attorney  
Cathy Denison-Executive Director  
Jason Stanley-Building Commissioner  
Stacy Gettings-Planning Coordinator

The following appeared on the agenda:

1. Call to Order: Duard Avery called the meeting to order at 5:00 p.m.
2. David Nachand read the rules of the meeting.
3. Approval of the minutes of the prior meeting, August 17, 2022: Guy Guernsey made a motion to approve the minutes from the August 17, 2022 meeting; Kim Baker seconded the motion. Motion carried 4-0.
4. New Business:
  - a. Docket 2022-07-BZA: Kim and Tony Cash, Administrators of Freedom Lake, Inc. 2005 Ascender Ct., Louisville, Ky. 40245, are requesting a Use Variance for Parcel # 10-15-26-000-033.000-038, 10-15-26-000-009.000-038 and 10-15-26-000-011.000-038, located at 1518 Gilbert Rd., Marysville, In. 47141, for the purpose of a group home. Kim made a Motion to dismiss without prejudice in order for the petitioner, a Kentucky corporation, to register with the state of Indiana. Guy seconded the motion. Motion carried 4-0.
  - b. Docket 2022-09-BZA: Lisa Brownfield, 17807 Mountain Grove Rd., Henryville, In. 47126 is requesting a Special Exception on Parcels: 10-06-25-000-050.000-027 and 10-06-25-000-051.000-027 for the purpose of holding a special events and wedding venue. Dylan Maschmeyer, Attorney, 426 Court Ave., Jeffersonville, In., represented Mrs. Brownfield. The property is located in an AG district, requiring a special exception for a wedding venue and special events such as banquets. When Mrs. Brownfield decided to apply for this exception, she contacted the neighbors by putting a note in their mailboxes, and

did not hear anything back from anyone. She eventually received a letter of opposition which spoke about the neighbors not wanting the venue due to loud music, parking, traffic. Lisa said she provided two different ways to get to the event venue, coming in from two different directions into two separate drive ways. There will be valet parking and paved parking, including handicapped parking. Lisa Brownfield then spoke, 17807 Mountain Grove Rd., Henryville, In. 47126. She had hired a design firm, Renaissance Design, to build the structure, including the two separate drive ways. Concerning alcohol, she stated she would have insurance, a licensed bartender and individual insurance taken out by the event holder. The structure will have heating and air, keeping the doors closed, stating the speakers of any sound from a band, is also located 90 yards from the nearest neighbor. She continued to mention other venues in the immediate area.

Guy asked if this was new construction or upgrading an existing barn. Mrs. Brownfield said it was to upgrade the existing barn with two entries to parking areas. The parcel backs up to the State forestry. She stated there will be no speakers outside due to the noise. She also stated the number of guests will be capped at 150 guests in order to minimize the traffic and noise and she would be present at every event. David Nachand tried to explain a special exception, and what the requirements were from the UDO. This application was filed prior to the amendments of the UDO regarding special exceptions. Duard asked about the distance from the adjoining. Jason Stanley had taken a picture which showed the neighbor's horse barn behind the petitioner's barn. Amy offered to measure the distance on elevate.

The petitioner agreed to put up a berm to buffer the noise. David read the list of landowners. Chrystal Landlear, attorney, came forward to speak for some of the adjacent landowners. She stated that she represented the majority of the opposing homeowners with the exception of Jim Bush, Eric Velten and Gary Mauermann. Their position is that the venue should be in a commercial district instead of a residential/AG zoning. She passed out 16 e-mails and letters to be entered into the record that oppose the venue. Cathy had already attached the letters to the BZA packet. Safety is a prime concern as to the narrowness of the road, making it impossible for cars to pass each other on the narrow road. She commented on the alcohol and number of guests coming into the quiet neighborhood. Fire safety is a major concern due to no fire hydrants in the area. She stated that the value of the homes, quoted by a realtor, that there would be a negative impact on the property value. Another letter was introduced from another realtor, stating her opinion that a venue would create a nuisance with the traffic and noise. She went on to speak about a fireworks display that caused extreme distress to her horses which were inside the barn. She stated that the septic is residential and the state would need to approve a commercial septic system as well as the water supply. She then showed pictures depicting the distance from the adjoining neighbors. She concluded the venue would not meet the criteria of an AG zone.

Duard summarized the comments about the sewer, location, noise, and what exactly a rural area consists of. David called the adjoining to come forward. First to speak was Jim Bush, 17719 Mountain Grove Rd., Henryville, In. His house is adjacent to the barn where Lisa wants to have the venue. He said his fence and barn door is 73 feet from her barn. The house may be 90 yards but the barn and fence is much closer. All noise from the venue would carry across the valley, to Georgian Estates. He spoke of the value being diminished of his property, increase in traffic and safety. Duard asked Mr. Bush to speak about the road being dangerous with 150 people arriving for one event within a short period of time. Erick Velten, 17812 Mountain Grove Rd., Henryville, In. lived here approximately 15 years to enjoy the quiet area and peaceful environment. He has worked in EMS, fire and safety for 25 years. He has dealt with weddings many times in the past, including violence and major accidents at weddings. EMS would take 25 minutes minimum to arrive at the venue. There are no fire hydrants and the road would not support a fire truck in the event of an emergency. Rex Heiny, 17808 Mountain Grove Rd., Henryville, In. has lived on the road 2 ½ years, stated that there are more children riding bicycles on the road than cars, concerned with the safety and the noise. Gary Mauermann, 17608 Mountain Grove Rd., Henryville, In. wanted the board to consider having 150 people in one room and the noise level of 150 people. If there was just one event a weekend every week all year, that would create approximately 7500 people per year viewing the neighbors property, children, and using the roads. He asked that the petition be rejected. Duard asked the board if there were any questions. Guy made a motion to deny the petition specifically due to location. David asked the board to go one by one through the requirements of special exception. Safety was a big factor in the motion. Kim seconded the motion. Motion carried to deny 4-0.

C. Docket 2022-09-BZA: Cole Belcher, 222 Ash St., Henryville, In. 47126, Parcel # 10-06-25-400-309.000-027, is requesting a Use Variance for the benefit of his renter, Jeff Taylor, who operates a

detailed mechanic business in the garage and driveway of the home which is located in an R-2 zone. Home occupation is considered an accessory use in this zone. Cole Belcher, 2516 Speith Rd., Henryville, In. He and his father own the property that his tenant, Jeff Taylor, lives and operates his business from. Jeff is semi-retired and operates his business in the garage on the property in order to supplement his income.. Immediately after receiving a violation notice, Jeff cleaned up the location and removed the cars off the road. It would be a detriment for him to rent another location to move his business due to financial reasons. Usually, there are one to two cars a day, sometimes dropping off the car in advance. In the future, Mr. Belcher stated there would be only one to two cars a day. He can use the inside of the garage and have another vehicle waiting in the driveway.

A neighbor Teresa Fortner, stated that she has no problem with the business at the home. Duard asked for a motion. The following conditions were made:

- The rentor must continue to live on the property in order to operate the business there. If he moves, the Variance is void
- The variance cannot be transferred to any other business or other use outside of mechanical automobile detailing
- No more than 3 cars/clients shall access the site per day
- The business shall be conducted 7 days a week between the hours of 8:00 a.m. and 10:00 p.m.
- The site must be kept clean and orderly, no junk cars in the driveway or in front of the house
- Any debris or chemicals or hazardous materials must be disposed of in the correct and safe manner
- Any noise must be kept at a minimum
- If possible, work should be done inside of the garage.
- All cars must be parked on site.

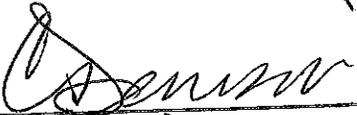
Kevin made a motion to approve, Kim seconded the motion. Motion carried 4-0.

d. Reports, resolutions and communications: Cathy had no reports for the board

e. Legal report: David had no report for the board

f. Adjournment: Kim made a motion to adjourn, Guy seconded the motion. Motion carried 4-0.

The meeting was adjourned at 6:20 p.m.

  
Cathy Denison, Secretary

  
Duard Aveny, Chairman