



## CLARK COUNTY BOARD OF ZONING APPEALS

January 18, 2023

The regularly scheduled meeting of the Clark County Board of Zoning Appeals was held on Wednesday, January 18, 2023, starting at 5:00 p.m. in the Clark County Government Building, 300 Corporate Drive, Jeffersonville, Indiana. 47130

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

**BZA Members:**

Duard Avery, Chairman  
Guy Guernsey, co-Chair  
Kim Baker  
Kevin Christman

**Staff:**

David Nachand, Attorney  
Cathy Denison, Director Planning & Zoning  
Stacy Gettings, Planning Coordinator  
Jason Stanley, Building Commissioner

**Absent from the meeting:**

Keith Coats  
Amy Williams

The following appeared on the Board of Zoning Appeals Agenda:

1. The meeting was called to order at 5:00 P.M. by Duard Avery at 5:00 P.M.
2. Approval of the minutes from the November 16, 2022 meeting. Kim made a motion to approve, Guy seconded the motion. Motion carried 4-0. Approval of the Agenda Items: Guy made a motion to approve this meeting's agenda items, Kevin seconded the motion. Motion carried 4-0.
3. a.. Docket 2022-17-BZA: StoneINC, LLC, dba the Venue at Jackson Croft, 14519 State Road 60, Borden, In. 47106, Parcel No. 10-02-000-900-147.000-026 is requesting a Special Exception for a Wedding Event Venue in an AG zone. Shannon Stone, 603 Crestview Cove, Borden, In. and Keisha Jackson, 14519 State Road 60, Borden, In. Shannon stated that she and her husband want to start slow with an event venue by just putting up a large rented tent which will hold up to 100 people for weddings and other events. There will be tables with chairs, a small dance floor and area for music and games. Keisha and her family have lived on this property for about 60 years. She went on to say she received a complaint letter from one adjoining property owner. She said that she currently works at another wedding venue and wants to be respectful of the neighbors. She has entrusted the property to Shannon and her husband, to maintain and keep the property cleaned up. Shannon and her husband have spent the summer cleaning up the property.

Cathy read the list of adjoining and staff report. Victoria Jones, 14505 State Road 60, next door to the Jackson home. Her family has owned the property next door for over 50 years and moved there herself four years ago for the quiet. She is concerned with the traffic along with the noise and drinking. She is also worried about it being a fire hazard with smoking. There is a dirt road right next to her house that is currently being used. Patrician Etherton, 14509 State Road 60, next door to the property. She is concerned about traffic and accidents, emergency vehicles up and down the road. She is also concerned about the lighting facing her property. She brought up the pool sales from the large sign (permit issued). Robert Burkholder, 14603 State Road 60, Borden, In. adjoining neighbor, stated he is not against the venue. Mr. Stone has cleaned up the property and addressed all questions asked of him about the proposed venue. Keith Chappell, 15504 Hwy 60, stated there is too much commercial business going on at that location, the venue, pool sales (these are not stored at the location ). Richard Whittaker, 14405 Hwy 60, lives on the other side of the proposed venue. He said he sees no problem with the venue or any of the problems that the people speaking have brought up. He said that he believes the business venue will be successful and will abide by the rules and conditions. Mr. Stone showed on elevate where the property is located. There is a natural buffer with the woods, which also eliminates most of the lighting and noise. Kim asked about another driveway on the other side of the parcel for patrons of the venue to use. Duard asked for a motion. Kevin made a motion to approve, Guy seconded the motion with conditions, Motion carried 4-0 with conditions: 1) additional driveway to be added on other side of parcel, 2) build a fence on the East boundary by the mobile home, 3) the parking will need to be paved. 4) Approval will be voided if property ownership changes.

b. Docket 2022-18-BZA: Infinity Homes and Development, LLC is requesting a Special Exception to build a Residential Assisted Living Home to house up to 14 residents, to be located on Cedardale Drive, Sellersburg, In. This location is currently in an R-2 zone which does allow group homes as a special exception. Kendra Patton, representing Infinity Hones and Development, 1736 Main St, New Albany, In. requests Lot 1 and Lot 2 on Cedardale (Parcels No. 10-09-08-800-146.000-030 and 10-09-08-800-138.000-030). David Nachand explained the six mandatory requirements of a special exception. Kendra explained there would be 14 residents, a personal cook, minimal parking area needed. She went on to explain there would be a minimum of 5 residents to a caretaker. She gave the Board a handout showing a picture, about 6000 square feet to sit on one parcel. Cathy stated she did not receive the list of adjoining property owners which is required. Marijane presented those to Cathy. The lots are currently on septic but there is a letter in file stating Clarksville will allow them to be on sewer and likely annexed. They had to sign a non-remonstrate letter. Cathy read the list of adjoining. Dave Evans 6702 Cedardale, Drive, Sellersburg, In. had concerns about traffic, number of cars coming and going to the parcels. Dawn Starkey, 6711 Cedardale Dr., Sellersburg. Very concerned about additional traffic in the area, works for a large nursing facility. Asked who would be driving the patients to doctor appointments, where would the nurses and visitors park, is the facility going to follow state guidelines? Nathan Wolfe, 6706 Cedardale Dr., Sellersburg, In. has not seem any development drawings, has questions regarding the design if the facility changes from operating a healthcare facillity. He is also concerned about the Commercial aspect rather than residential even though a group home is allowed in this zoning .Bob Stotts, 126 Meadow Drive, HOA President Deer Run Subdivision is very concerned with the traffic, EMS vehicles, drainage issues in his neighborhood. Keisha from Infinity stated the driveway would be a typical size driveway, not a large parking lot, because none of the residents would own a car or drive. Cathy read the letter from the Clarksville Sewer Dept regarding sewer and annexation. Marijane from Infinity wanted to clarify that they wanted to build two separate homes, one on each parcel and one at a time. The application they submitted stated only one home approximately 4000 square feet, and a discussion was made in the office about one home on the parcel. Kevin made a motion to deny due to a conflict of information and the fact that it would require sewer and be annexed. Guy had a question about the location of the house on the lots, one on each or one in the center of a combined parcel. Kim seconded the motion. Guy then asked about whether the applicant could return by tabling the application. If tabled, the applicant would have to wait six months. David said if they could come back with a different plan. Cathy stated at no time there was there a discussion about two buildings. The initial discussion was regarding one building for 14 residents about 4000 square feet to be located in the center of the combined lots. David said two parcel numbers were shown on the application and the Board could approve the way the application was submitted, one building on two lots. Per the narrative, one residential home was mentioned to be built in the middle of the lots. If Infinity withdraws the application, they can come back with additional information. Marijane stated they wanted to withdraw and come back


next month with additional information. A motion was made by Kim to accept the withdrawal without prejudice. The motion was seconded by Guy. Motion carried 4-0.

c. Docket 2022-19-BZA: Silver Creek Conservation Club, 11307 Brownstown Rd., Underwood, In. has requested the approval of a gun club which is a special exception in an AG zone. Robert Shaw, 11397 Brownstown Rd., Underwood, In. For many years, the club was located since 1938 at another location. The club was leasing the club and had an offer to purchase the land but since they were non-profit, they couldn't do that. The property in questions was sold at an auction in November. This property is located in approximately 90 acres and has an abundance of wildlife. The members need to be trained in using firearms, have a clean background check and they are non-profit and all volunteers. No plumbing, water, sewage or septic will be required. There should be no problem with traffic on this stretch of Hwy 60 in Underwood. Access will be only for members only by an entry code. Multiple organizations would be able to use the property, such as 4-H, Boy Scouts, local police departments. Special Exception will be located in the AG district. Pistols are only allowed at this time. They back up to the Christian Church Retreat Center, Country Lake and Clark State Forestry. Cathy read the list of adjoiners. Kyle Anderson, 11209 Brownstown Rd., resides next door to the proposed Conservation Club. He has two autistic twins who are six years old and owns farm animals and extremely concerned about the noise level of continuous shooting competitions. Cathy continued with the list of adjoiners. Gary Marking, 11316 Richey Hollow Rd, Henryville, In. 47126 lives 2 doors down from the proposed gun club. Concerned with the noise from the gun range. Asked about shotguns and turkey shoots and lack of parking, cutting down trees and carving out an area for the parking and shooting range. He also spoke of re-sale value of his property in the future if the petition is approved. Robert Shaw stated the club does not host turkey shoots or use shotguns. He also stated they will be shooting into the hill facing away from any residential area. Some events and competitions will be hosted on the weekends. Cathy asked about how the members are differentiated by entering compared to outsiders. Robert stated the members have a code to enter. David stated that this is a second amendment right to own a gun. Robert did state they make new applicants try out to determine if they know gun safety and have enough experience to join the club. Guy made a motion to approve pistol caliber only for 50 yards maximum range, and low caliber 22 shotguns to be added down the road. Kevin seconded the motion. Motion carried 4-0. *rifles/ed*

d. Docket 2022-20-BZA: The Pointe at Memphis, 13710 Deerfield Crossing Rd., Memphis, In. requests a Variance from the Development Plan for the height of the apartments recently approved, The Point at Memphis. The UDO height requirement is maximum of 35 feet and they are requesting 41 feet to accommodate the 9 foot ceilings from their development plan. Mike Daulton, 11209 Hwy 31, Memphis, In. 47143. And Buddy (Clarence) Coats explained the reason they wanted a 9 foot ceiling rather than a 8 foot ceiling to give additional light in. This would be an increase of 6 feet. Kevin made a motion to approve, Kim seconded the motion. Motion carried 4-0.

4. Adjournment: Guy made a motion to adjourn, Kevin seconded it. Meeting was adjourned at 650 p.m.

The next BZA meeting will be Wed., February 15, 2023

  
Cathy Denison, Exec. Director, Planning & Zoning

  
Duard Avery, Chairman