



CLARK COUNTY BOARD OF ZONING APPEALS March 19, 2025

The regular scheduled meeting of the Clark County Board of Zoning Appeals (BZA) was held on Wednesday March 19, 2025, starting at 5:00 p.m. at the Clark County Government Center, 300 Corporate Drive, Room 103 Jeffersonville, IN. 47130

The following Board Members were present: Kim Baker, Guy Guernsey John Eurton, and Larry Brison

The following Board members were absent: (one vacancy).

The following staff were present: David Nachand, Stacy Gettings and Eric Wise.

The following appeared on the agenda:

1. **Call to order:** Mrs. Baker called the meeting to order at 5:00 P.M.
2. **Meeting Rules:** Mr. Nachand read the rules of the meeting.
3. **Public Hearing Item to be Tabled** (improper notice)
 - a. **2025-07-BZA:** Development Standards Variances (allow illuminated wall signs and reduce required bufferyards), for property located at 7111 Appleleaf Ln, Sellersburg IN (Parcel No 10-09-06-600-052.000-030)
Applicant; Southern Indiana Equipment Owner: RAMR Properties LLC

Mrs. Baker informed the audience that proper public notice was not provided for this docket and Mr. Guernsey motioned to table the request until the April 16, 2025 meeting which was seconded by Mr. Eurton and unanimously passed.

4. **Public Hearing Items:**
 - a. **2025-05-BZA:** Development Standards Variances (increase permitted sign size, increased sign height, allow electronic variable message, and allow illumination) for property located at 7119 Henryville Otisco Rd, Henryville IN (Parcel No 10-06-25-800-030.000-027) Applicant/Owner: Mt. Moriah Baptist Church

Brent Butts, 207 Bartle knob Rd Henryville IN and Terry Lanoue 7224 Heil Rd Henryville IN, presented the request by giving a history of the church and indicating that the proposed sign would be used for community out reach as well as advertisement of the church. Mr. Butts also referenced the change in elevation from the roadway which necessitated the increased height. Mr. Lanoue then indicated that the existing sign across the street would remain unless it is required to be removed.

Mr. Wise indicated that electronic message sign would be required to follow the standard operation limitations within the UDO if the request is approved.

Mrs. Baker then opened the floor for public comments.

No one spoke in support of opposition to the request.

Mrs. Baker indicated her observation that the lack of homes in close proximity.

Mr., Brison agreed and indicated no nuisances would be created.

Mr. Guernsey agreed.

Mr. Brison The made a motion to adopt the findings of fact prepared by staff and approve the request as submitted which was seconded by Mr. Guernsey and unanimously passed.

- b. **2025-06-BZA:** Development Standards Variances (allow illuminated wall signs and permit a wall sign on accessory structure) for property located at 7707 Old Hwy 60, Sellersburg IN (Parcel No10-09-08-700-312.000-030) Applicant: B Sign Group Inc. Owner: High Brass Properties LLC

Meggen Swearingen, 4239 Earnings Way, New Albany, IN, presented the request indicating that the owner wished to replace their current wall sign with an illuminated sign and repurpose the old sign by placing it on an accessory building that faces the adjoining state road.

Mrs. Baker then opened the floor for public comments.

No one spoke in support of opposition to the request.

Mr., Wise informed the Board that the rule prohibiting illuminated wall signs was in the process of being modified to allow internal illumination with final approval anticipated in April.

There being no further discussion Mr. Brison made a motion to adopt the findings of fact provided by staff and approve the request as submitted which was seconded by Mr. Eurton and unanimously passed.

- c. **2025-08-BZA:** Development Standards Variance (allow illuminated wall sign) for property located at 6991 Hwy 31 Sellersburg IN (Parcel No 10-09-06-600-058.000-030) Applicant: Justen Scalf- Onestop signs INC. Owner: Rafferty Development LLC

Justen Scalf, One stop Signs, 2621 Meadowmar Ln, Cincinnati, OH, presented the request indicating that permits for signs on a new Dollar General were obtained and it was later learned that the wall sign could not be illuminated. He also indicated a willingness to control the illumination in any manner the boards desired.

Mrs. Baker asked if the airport had been contacted about the request.

Mr. Wise indicated they were on the of parties that were mailed a meeting notice.

Mrs. Baker then opened the floor for public comments.

No one spoke in support or opposition to the request.

Mr. Brison then motioned to adopt the findings of fact prepared by staff and approve the request as presented which was seconded by Mr. Eurton and unanimously passed.

- d. **2025-09-BZA:** Special Exception (Wireless Communication Facility) for property located on the north side of Salem Church Rd. between Tunnel Mill Rd and SR 62(Parcel No 10-03-12-200-013.000-003) Applicant: Emily Gonzalez, Telcad Wireless Owner: Michael W. Johnson and Sharon G. Johnson

Matt Bates, 1961 North Point Blvd Hixon, TN, presented the request indicating that Verizon researched the possibility of collocating antenna to cover the identified gap in coverage and determined that a new tower was the only options. He then indicated that the location of the tower is greater than the engineered fall zone (120 ft) from adjoining residential properties.

Mr. Nachand asked if the tower was more than 120 ft of Salem Church Rd.

Mr. Bates indicated the tower would be approximately 83 ft from the edge of the road and it is possible the vehicles could be damaged in the event of a failure. He also indicated the fall zone could be reduced if necessary.

Mr. Brison questioned why the tower was not placed on another part of the 61-acre tract farther from neighbors.

Mr. Bates indicated the location was what the owner made available for the tower.

Mr. Nachand informed the board that a condition could be added to require an engineering certificate indicating the fall zone was no more than the distance to the road.

Mrs. Baker then opened the floor for public comments.

Manuel Rodriguez, 8215 Salem Church Rd Charlestown in, spoke on behalf of Michael & Ashley L Latiolais, 8213 Salem Church Rd Charlestown IN indicated his agreement that the tower could be placed further from homes and indicated that cell phone service was good in the area and his concern for reduction in property values caused by the tower.

Scott Ragsdale, 20101 Charlestown Bethlehem Rd, Charlestown IN expressed his concern regarding the distance from homes and requested the tower be moved to another part of the property.

Lynda Strom, 8221 Salem Church Rd Charlestown IN indicated her opinion that the negative appearance will impact the area and expressed concern that tower will create a traffic hazard if it fails.

Mr. Nachand reminded the Board that a special exception is use contemplated as permissible in a certain zone provided the Board determined it is not detrimental to the area. He further indicated that cell towers are also regulated by the federal and state regulations and when a need for such a tower is determined the Board is basically required to allow the proposed facility.

Mr. Wise indicated that the applicant has submitted a letter identifying the need for a tower at this location.

Mr. Bates then provided a brief general explanation of the factors considered when selecting a new tower location which in many cases is to provide coverage some distance from the tower rather than within the immediate area.

Mr. Brison then expressed a concern that the property owner limited placement of the tower in the most congested area of the property.

Mr. Michael W. Johnson, 5308 Tunnel Mill Rd Charlestown in, property owner, informed the Board that Verizon specified the location of the tower and that he had no issue of relocating if necessary.

Mr. guernsey indicated his concern the tower could fall in the road or damage neighbors' property.

Mr. Guernsey then made a motion to adopt the findings of fact prepared by staff and approve the request with the condition that the setback of tower shall be no less than 120 feet from adjoining property and the edge of Salem Church Rd pavement, however the

distance from edge of pavement may be reduced to equal the distance within which the structure is designed to collapse, as set forth in an engineering certification for the structure.

Mr. Eurton then seconded the motions which was passed with 3 votes in favor and 1 opposed (Mr. Brison).

5. Approval of the prior minutes from the February 19, 2025 meeting. Mr. Guernsey motioned to approve the minutes as presented which was seconded by Mr. Brison and passed unanimously.
6. Reports, and Communications- none
7. Adjournment - There being no further business the meeting adjourned at 5:57 p.m. on a motion by Mr. Brison, second by Mr. Eurton and unanimous vote.

MINUTES ADOPTED THIS 16th DAY OF APRIL, 2025

Kim Baker, president
Kim Baker, President

Eric M. Wise
Eric M. Wise, Director