



## CLARK COUNTY BOARD OF ZONING APPEALS January 15, 2025

The regular scheduled meeting of the Clark County Board of Zoning Appeals (BZA) was held on Wednesday January 15, 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: Guy Guernsey John Eurton, and Larry Brison (replaced Bart Meyer).

The following Board members were absent: Kim Baker.

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

The following appeared on the agenda:

1. Call to order: Mr. Guernsey called the meeting to order at 5:00 P.M.
2. Election of Officers: Mr. Guernsey motioned to elect Kim Baker president which was seconded by Mr. Eurton and passed unanimously.

Mr. Eurton motioned to elect Mr. Guernsey vice president which was seconded by Mr. Brison and unanimously passed.

3. Mr. Nachand read the rules of the meeting.

4. Public Hearing Items:

- a. **2025-01-BZA: Development Standards Variances** (reduce front and side setbacks) for property located on the north side of Redberry Juniper Dr., lots 116, 117 and 118 of The Partial Replat of Juniper Ridge Subdivision (Parcel No 10-03-11-300-582.000-003, 10-03-11-300-583.000-003 and 10-03-11-300-584.000-003) Applicant/Owner: KGF Building

Bill Simpson and Austen Dockens, with KGF Building, presented the docket indicating that errors were made by sub-contractors during the placement of several homes which resulted in homes

being too close to the property lines. Mr. Simpson further explained that the issues were not discovered until the homes were under roof and indicated that steps have been taken to insure that such mistakes do not occur in the future.

Mr. Guernsey recommended the use of a surveyor when placing a home on a lot.

There being no further comments the floor was opened for public comments.

Ms. Lana Scott, 6002 Mariners Trail, Charlestown IN, expressed concern about stormwater drainage impacting her property.

Mr. Wise then informed Ms., Scott that the changes being requested would not allow homes closer to her property or change the direction or amount a stormwater leaving the site.

There being no further comments the public hearing was then closed.

There being no further discussion Mr. Brison motioned to adopt the Findings of Fact Supporting Approval which have been reviewed as prepared by our staff and based on evidence heard regarding the docket and to approve BZA2025-01, which was seconded by Mr. Eurton and unanimously passed.

- b. **2025-02-BZA: Development Standards Variances** (reduce front and side setbacks) for property located on the south side of Redberry Juniper Dr., lots 121, 122,123 and 124 of The Partial Replat of Juniper Ridge Subdivision (Parcel No 10-03-11-300-587.000-003, 10-03-11-300-588.000-003, 10-03-11-300-589.000-003, and 10-03-11-300-590.000-003) Applicant/Owner: KGF Building LLC

Mr. Simpson and Mr. Dockens, presented the request citing the same issues as the previous docket.

There being no further comments the floor was opened for public comments.

No one spoke either for or against the request.

There being no comments the public hearing was then closed and Mr. Brison motioned to adopt the Findings of Fact Supporting Approval which have been reviewed as prepared by our staff and based on evidence heard regarding the docket and to approve BZA2025-02, which was seconded by Mr. Eurton and unanimously passed.

- c. **2025-03-BZA: Development Standards Variances** (reduce front and side setbacks and placement of structure within a drainage/utility easement) for property located on the north side of Redberry Juniper Dr., lot 102 of The Partial Replat of Juniper Ridge Subdivision (Parcel No 10-03-11-300-568.000-003) Applicant/Owner: KGF Building LLC

Mr. Simpson and Mr. Dockens, presented the request citing the same issues as the previous docket. They also indicated that this request included permission to encroach upon a drainage easement.

Mr. Wise informed the Board that in addition to a variance, the applicant will be required to amend the subdivision plat to reduce the width of the easement through the Plan Commission and recommended that the Board only consider the setback reduction and take no action regarding placement of a structure within an easement.

There being no further discussion Mr. Guernsey opened the floor for public comment.

Mr. Harry Lee, 6106 Mariners Trail, Charlestown IN, indicated he did not have an objection to the request but expressed concern that the home may have been constructed on fill.

Mr. Wise indicated that a foundation inspection was made and passed prior to installation.

There being no further comments the public hearing was then closed and Mr. Eurton motioned to adopt the Findings of Fact Supporting Approval which have been reviewed as prepared by our staff and based on evidence heard regarding the docket and to approve the setback reductions only for BZA2025-03, which was seconded by Mr. Brison and unanimously passed.

5. Approval of Minutes - Mr. Eurton made a motion to approve the minutes for the December 18, 2024 meeting as presented which was seconded by Mr. Guernsey and unanimously passed.
6. Reports and Communications- Mr. Wise suggested the revision of the Bylaws remain tabled until all vacancies on the Board have been filled.
7. Adjournment - There being no further business the meeting adjourned at 5:45 p.m. on a motion by Mr. Brison, second by Mr. Eurton and unanimous vote.

MINUTES ADOPTED THIS 19 DAY OF FEBRUARY, 2025

  
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Kim Baker, President

  
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Eric M. Wise, Director



## CLARK COUNTY BOARD OF ZONING APPEALS February 19, 2025

The regular scheduled meeting of the Clark County Board of Zoning Appeals (BZA) was held on Wednesday February 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

The following Board members were absent: Larry Brison (replaced Bart Meyer) (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. Mr. Nachand read the rules of the meeting.
3. Public Hearing Items:
  - a. **2025-04-BZA: Development Standards Variances** (waive buffer, development plan, driveway/roadway, parking and use area paving, water/sewer service, and bicycle parking requirements) for property located at 8308 County Rd 111, Memphis, IN. (Parcel No 10-02-01-400-005.000-026) Applicant/Owner: Sonny's Farm LLC

Douglas Mayfield, 8308 County Rd 111, presented the request indicating that the site will be totally screened and will be used for vehicle storage only. He further explained that traffic will be by appointment only making the existing concrete adequate, water and sewer is not needed and should not be required, no new structures are planned and a development plan would be excessive for a fence, and 70 cars could be stored within the fence however normally no more than 20 vehicles would be on site at a time at a time.

There being no further comments Mrs. Baker opened the floor for public comments.

No one spoke in support or in opposition to the request.

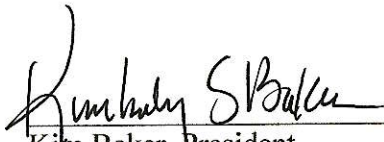
There being no further discussion Mr. Guernsey made a motion to approve the findings of fact as prepared by staff and approve the request with the condition that all vehicles be stored within the privacy fence as currently proposed.


Mr. Eurton then suggested an amendment to the motion to limit the maximum numbers of vehicles stored onsite to 70.

Mr. Guernsey agreed and amended his motion to also limit the maximum number of vehicles stored to 70 which was then seconded by Mr. Eurton and unanimously passed.

4. Approval of Minutes - Mr. Guernsey made a motion to approve the minutes for the January 15, 2025 meeting as presented which was seconded by Mrs. Baker and unanimously passed.
5. Reports and Communications- none.
6. Adjournment - There being no further business the meeting adjourned at 5:15 p.m. on a motion by Mr. Guernsey, second by Mrs. Baker and unanimous vote.

MINUTES ADOPTED THIS 19 DAY OF MARCH, 2025

  
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Kim Baker, President

  
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Eric M. Wise, Director



## 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 16<sup>th</sup> DAY OF APRIL, 2025

Kim Baker president  
Kim Baker, President

Eric M. Wise  
Eric M. Wise, Director



## CLARK COUNTY BOARD OF ZONING APPEALS April 16, 2025

The regular scheduled meeting of the Clark County Board of Zoning Appeals (BZA) was held on Wednesday April 16, 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 Items**
  - 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

John McCoy, 720 rolling creek Dr. New Albany IN and Mary Zipp(applicant), 4505 Cory Dr. Lanesville IN, presented the request indicating that the current buffering standards prevent the development of the property for reasonable commercial purposes. Mr. McCoy then presented an alternative buffer plan which included 10 ft buffer on the north, 10 ft, on the south and 10 ft and 15 ft on the west and explained that utility line along the road prevent installation of large trees as required by the ordinance.

Mrs. Baker then opened the floor for public comments. No one from the public spoke.

Mr. Nachand Clarified that the buffers will be 10 ft on the north and south and 15 ft. on the west.

Mr. McCoy indicated that a berm and shrubs would be possible along the frontage.

There being no further discussion Mr. Brison motioned to approve to adopt the findings of fact prepared by staff and approve the requested 10 ft buffers on the north and south, 15 ft. buffer on the rear and a 5 ft. tall grass berm along the frontage area, which was seconded by Mr. Eurton and passed unanimously.

- b. **2025-010-BZA: Use variance** (allow dwelling within existing commercial structure) for property located at 5418 Wilson Switch Rd, Borden IN (Parcel No10-02-00-400-004.000-026) **Applicant/Owner: Charles Alan Ball and Nathan A. Ball**

Charles Ball 5416 Wilson Switch Rd Borden IN and Nathan Ball 5416 Wilson Switch Rd. Borden IN, presented the request indicating they wished to add an apartment on the second floor of the existing warehouse/office building on the property to be used as Nathans residence. It was also indicated that the septic system has been inspected by the health department and water will be provided by a spring.

There being no one else in the meeting room Mr. Brison 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.

4. Approval of the prior minutes from the March 19, 2025 meeting. Mr. Guernsey motioned to approve the minutes as presented which was seconded by Mr. Eurton and passed unanimously.
5. Reports, and Communications- Mr. Nachand announced his resignation to the Board. The Board expressed their appreciation for his years of service and wished him the best of luck during retirement.
6. Adjournment - There being no further business the meeting adjourned at 5:35 p.m. on a motion by Mrs. Baker, second by Mr. Brison and unanimous vote.

MINUTES ADOPTED THIS 29 DAY OF MAY, 2025



Kim Baker, President



Eric M. Wise, Director



**CLARK COUNTY BOARD OF ZONING APPEALS  
May 29, 2025**

The regular meeting (rescheduled from May 21, 2025) of the Clark County Board of Zoning Appeals (BZA) was held on Thursday May 29, 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: Guy Guernsey John Eurton, and Larry Brison

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

The following staff were present: Chris King, Stacy Gettings and Eric Wise.

The following appeared on the agenda:

1. **Call to order:** Mr. Guernsey called the meeting to order at 5:00 P.M.
2. **Legal Services Contract:** Mr. Guernsey informed the board that the Plan Commission selected Christopher King as the new legal counsel for the Commission and opened the floor for a motion to approve the selection by the Board. Mr. Eurton then motioned to approve this selection which was seconded by Mr. Brison and unanimously passed.
3. **Meeting Rules:** Mr. King read the rules of the meeting.
4. **Public Hearing Items**
  - a. **2025-12-BZA: Special Exception (Battery Energy Storage System Tier 2) for property located at 4514 Bud Prather Rd Sellersburg IN. (Parcel No 10-10-16-700-236.000-032) Applicant: Sprout Project LLC Owner: Haas Cabinet Company**

Ian Evans, 1180 Domain Blvd. Austin Texas, presented the request and displayed PowerPoint slides which described a 200-megawatt battery storage facility that would be completed in 2028 if the request is approved. He also indicated that a setback waiver has been secured from the owner on the single residential structure that is located less than

1,320 ft from the site which will be recorded as soon as a second signature was obtained. He further explained that the company has provided fire safety training with the local fire department, will conduct annual onsite training once in operation, and will execute a road use agreement and decommissioning plan with the county prior to the start of construction, all of which goes above and beyond the minimum requirements of the UDO. Finally, he provided details regarding why the start of construction will likely not be possible until 2027 which pertained to the variance request to be considered later in the meeting.

Mr. Brison, inquired about the potential hazards associated with this type of use and how they are addressed.

Andrew Carty, 11801 Domain Blvd. Austin Texas, indicated that their company has had no incidents and there have only been 20 failures reported in north America since 2018.

Racheal Conner, attorney for applicant, then described the safety requirements administered by the State Department of Homeland Security.

Matt Kim, Applicants engineer, 11801 Domain Blvd. Austin Texas, indicated in general a 10 ft clear space around battery containers and 8 ft. separation between containers is maintained in most installations.

Mr. Brison inquired about the type of response is use in the case of thermal runaway?

Mr. Evans indicated the standard response is to keep the fire from spreading until fuel is spent.

There being no further questions, Mr. Guernsey opened the floor for public comments.

Jan Irby, 4603 Bud Prather Rd. Sellersburg IN, expressed concern for the chance of fire and questioned the ability of the local fire department to handle such events.

Mr. Bruce Reiger, 4809 Bud Prather Rd, Sellersburg IN, express his lack of concern with the use.

Danny Annon, 4440 Falling Leaf Dr. Sellersburg IN, expressed his concern about mailed notice only being sent to adjoining property owners and incorrect day of the week of the meeting being indicated on the public notice sign and that he was not opposed to the use.

Charles Corya, 5119 Bud Prather Rd Sellersburg IN, supported the location of the facility on industrial property rather using agricultural land.

Larhesa Guernsey, 12310 Hwy 31, Sellersburg, IN expressed concern about fumes resulting from a fire and associated environmental impacts.

Brian McNew, 10415 Stricker Rd, Memphis IN reported a 4% failure rate for such facilitates globally and expressed concern about fumes from a fire reaching his property and negative impacts to an existing Bald Eagle nest nearby.

There being no further public comments Mr. Evans responded to several concerns by explaining that the decommissioning agreement will be executed prior to operation, and the anticipated life span of the facility is 30 years.

Mr. Forrest Forster, 1108 Domain Blvd Austin Texas, indicated the company has 6 utility scale projects in operation in the United States and 2 fully approved projects ready for construction in Indiana.

There being no further discussion Mr. Brison motioned to adopt the findings of fact prepared by staff and approve the request subject to the recording of the setback waiver which was seconded by Mr. Eurton and unanimously passed.

- b. 2025-13-BZA: Development Standards Variance (extend expiration period for a special exception from 2 years to 4 years and waiver of proof of sewer service) for property located at 4514 Bud Prather Rd Sellersburg IN. (Parcel No 10-10-16-700-236.000-032) Applicant: Sprout Project LLC Owner: Haas Cabinet

Mr. Ian Evans, presented this request referencing issues with supply chains, contractor scheduling, acquisition of all state and federal approves necessary to develop these types of facilities which necessitate a longer approval term of the special exception. He also reiterated the lack of sewer service to the property and there being no full/parttime employees necessary on site at the facility as mentioned during discussion of the previous docket and asked the Board if any additional information was needed.

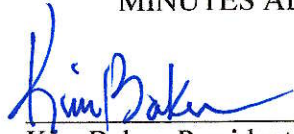
There being none Mr. Guernsey opened the floor for public comments.


No one spoke in support or in opposition to the request.

There being no further discussion Mr. Brison made a motion to adopt the findings of fact prepared by staff without any conditions and approve the request as submitted which was seconded by Mr. Eurton and unanimously passed.

5. Approval of the prior minutes from the April 16, 2025 meeting. Mr. Brison motioned to approve the minutes as presented which was seconded by Mr. Eurton and passed unanimously.
6. Reports, and Communications- None were given.
7. Adjournment - There being no further business the meeting adjourned at 6:20 p.m. on a motion by Mr. Brison, second by Mr. Eurton and unanimous vote.

MINUTES ADOPTED THIS 18 DAY OF JUNE, 2025

  
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Kim Baker, President

  
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Eric M. Wise, Director



## CLARK COUNTY BOARD OF ZONING APPEALS June 18, 2025

The regular meeting of the Clark County Board of Zoning Appeals (BZA) was held on Thursday June 18, 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: Chris King, 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. King read the rules of the meeting.
3. **Public Hearing Items**
  - a. **BZA2025-14:** Use Variance (tea house) for property located at 824 St. John Rd, Floyd Knobs IN. (Parcel No 10-13-01-900-064.000-035)  
Applicant/Owner: Virginia E. Balmer

Mrs. Virginia Balmer presented the request indicating her desire to scale down her existing catering business and begin offering a tea service 3 days a week which may include a meal and tea for two tables within the existing catering business structure.

Mr. Wise then read the list of adjoining property owners.

There being no one that wished to speak Mr. Brison made a motion to adopt the findings of fact prepared by staff and approve the request which was seconded by Mr. Guernsey and unanimously passed.

- b. **BZA25-01:** Development standards variances (Allow improvements within a buffer yard, reduce front setback, increase permitted size of accessory structures) for property located at 9207 Highway 62, Charlestown IN. (Parcel No 10-03-07-200-070.000-003)  
Applicant/Owner: Rooflynx LLC

Sherry Thompson 9207 Hwy 62 Charlestown IN 47111, presented the request describing the conversion of the residential property for a roofing business. She further explained plans to enclose the front porch which is within the front setback, and add a new storage building within the required bufferyard.

Mr. Brison inquired of the age of the existing porch.

Ms. Thompson indicate an approximate construction date in the 1940s.

Mr. Wise read the names of the adjoining property owners.

There being no one that wished to speak Mr. Guernsey made a motion to adopt the findings of fact prepared by staff and approve the request without conditions which was seconded by Mr. Brison and unanimously passed.

- c. **BZA25-02:** Use Variance (Dismantling and storage of auto parts) for property located at 435 E. Main St. Borden IN. (Parcel No 10-16-00-300-003.000-036 and 10-16-00-300-004.000-036) Applicant/Owner: Capacli Real Estate LLC

Slavik Kapakly, 435 E. Main St. Borden IN, presented the request describing the proposed activity of dismantling vehicles and storing parts for resale. He also indicated that a privacy fence will be installed to screen vehicles waiting to be dismantled and all work and parts storage will be within the existing structure.

Mr. Wise informed the Board that the Town of Borden recommended approval of the request provided vehicles are screened and all work be conducted inside the building.

Mr. Wise read the list of adjoining property owners.

There being no one that wished to speak Mr. Brison made a motion to adopt the findings of fact prepared by staff and approve the request as described in the narrative with the conditions that vehicles be stored in a fully enclosed fenced area so as to not be visible from the outside using privacy fencing or screening compliant with local codes which was seconded by Mr. Guernsey and unanimously passed.

- d. **BZA25-04:** Dimensional standards variance (reduce driveway distance from intersection) for property located at the southwest corner of Boulder Springs Blvd. and Hidden Springs Dr. (Parcel No 10-11-05-200-085.000-033)  
Applicant: Premier Homes of Southern IN, Inc Owner: Rock Springs Development, LLC

Jerrid Vowles, operations manager, 108 Bowling Ln, Clarksville IN presented the request describing issues with utilities in the location where the ordinance allows a driveway and it was requested that the driveway be permitted as originally proposed on the opposite side of the lot.

Mr. Wise described the ordinance requirement regarding distance from intersections and informed the Board that the County engineers recommends that the driveway remain as required by the ordinance.

Mr. Wise read the list of adjoining property owners.

There being no one that wished to speak Mr. Guernsey made a motion to adopt the findings of fact prepared by staff and approve the request as submitted which was seconded by Mr. Eurton and unanimously passed.

e. **BZA25-03: Special Exception (Solar Energy System- Commercial)** for the following parcels/owners:

10-12-18-100-028.000-034 Reardon Terry J & Reardon Elmer J Family Trust, 10-12-16-300-006.000-034 Giltner Paul & Brandi Diane, 10-12-14-500-035.000-034 Leonard Gary and Joyce A, 10-12-14-500-031.000-034 Giltner Paul & Brandi Diane, 10-07-14-400-008.000-028 Zimmerman Properties I LLC, 10-07-16-200-006.000-028 Zimmerman Properties I LLC, 10-07-16-200-005.000-028 Judith and Mul-lins Life Estate TOD Walnut Lane Farm LLC, 10-07-14-400-006.000-028 Funk Living Trust and Long John Stephen and Karen, 10-12-12-600-001.000-034 Morris Skeens Julie A, 10-08-12-500-007.000-029 Morris Skeens Julie A, 10-08-12-500-001.000-029 Skeens Sophia Elle, 10-07-14-400-013.000-028 Morris Skeens Julie A, 10-07-14-400-007.000-028 Skeens Sophia Elle, 10-07-14-400-009.000-028 Skeens Sophia Elle, 10-08-12-500-008.000-029 Skeens Sophia Elle, 10-08-12-500-009.000-029 Hostettler James Gregory & Peggy S, 10-08-12-500-016.000-029 Hostettler James Gregory and Peggy Sue, 10-08-12-500-006.000-029 Hostettler James Gregory & Peggy S, 10-08-10-400-037.000-029 Johnson William, 10-08-12-400-033.000-029 Funk Living Trust and Long John Stephen and Karen, 10-08-12-400-024.000-029 Zimmerman Properties I LLC, 10-07-14-300-025.000-028 Zimmerman Properties I LLC, 10-07-14-300-035.000-028 Zimmerman Properties I LLC, 10-07-14-300-004.000-028 Scott William W, 10-07-16-100-026.000-028 Scott William W, 10-07-16-100-017.000-028 Giltner Paul Thomas & Brandi D, 10-07-16-000-027.000-028 Zimmerman Properties I LLC, 10-07-16-000-026.000-028 Herald Candace R, 10-07-16-000-033.000-028 Herald Candace R., 10-07-14-200-023.000-028 Baird Michelle & Herald Candace, 10-15-15-900-012.000-038 Baird Michelle A., 10-15-15-900-034.000-038 Campbell James D, 10-12-16-300-008.000-034 Zimmerman Properties I LLC, and 10-07-16-000-029.000-028 Baird James & Timothy L.

Applicant: MAHI bn LLC

Jacqui Kitchen, 515 N Flagler Dr. West Palm Beach FL, and Jackson Doughty, same address, presented the request by presenting a power point presentation about the proposed use(attached).

It was also indicated that no variances from the requirements of the UDO were necessary as proposed.

Mr. Wise then explained to the board that due to the size of the area involved the request has been divided into 4 blocks and comments will be taken for each block to ensure comments are for one block are not mixed with comments about another block. He also indicated that several of the participating landowners in one block are also adjoining landowners of a separate block and it was recommended that in these situations the participating landowner be allowed to comment as an adjoining landowner.

Hearing no objections Mr. Wise then read the adjoining property owners list for Block 1.

Charles Birchfield, 7215 Tunnel Mill Rd Charlestown IN, expressed disagreement with applicants indicated impact to property values by questioning the validity of the study referenced and opinion that additional market studies need to be conducted. He also indicated his opposition to the project.

James Blair 7224 Vesta Rd Charlestown IN expressed his opposition to the request and its negative impact on property values.

Janet Boyer, 7401 Oscar Long Rd, Marysville IN expressed her opposition to the request referencing inefficiency of solar power, and impacts to farmland/environment/wildlife as well as her preference for nuclear power rather than solar.

Teresa Compton, 6811 Tunnel Mill Rd, Charlestown IN expressed her opposition and concern for possible damage from tornadoes, property values, environmental hazards and here opinion that impacts need further study.

Sara Cornelius, 18717 Hwy 62, Marysville IN, expressed her opposition to the request and concern for environmental impacts. Esley Compton, husband, expressed concern for the long-term health of the area.

Tammy Craig, 7502 Tunnel Mill Rd, Charlestown IN, indicated her agreement with previous comments and expressed her opposition referencing impacts to property values.

Dakota Denig, 7112 Tunnel Hill Rd. Charlestown IN indicated her opposition to the request referencing the number of grey days for solar which makes solar inefficient in the area and problems with disposal of panels, impacts to farmland, and wildlife.

Thomas Martin 7106 Tunnel Mill Rd. Charlestown IN, distributed photos illustrating the possible view of panels from his property and agreed with previous comments in opposition. He also indicated the inefficiency of Solar and impacts to property values and impacts from storm damage.

Mr. Wise clarified that panels indicated in the photos appeared to be from the 2023 proposal and indicated the location of panels in proximity to Mr. Martin property.

Neil Spencer (NA Spencer Trust) 8223 Tunnel Mill Rd Charlestown IN expressed his opposition referencing the density of homes in the area and recommended panels be placed on roof tops and parking lots rather than farmland. He also had concern regarding noise during construction and opinion that a few will benefit and many will be negatively impacted.

Mark Overton, 7808 Westport Rd, New Washington IN, expressed his opposition referencing negative visual appearance, impact to property values and difficulty in selling the property if the project is developed.

William Pennington, 7517 Oscar Long Rd, Marysville IN, questioned the choice of location, expressed concern about possible impacts to property values and environment.

Max Zimmerman, 6616 Tunnel Mill Rd, Charlestown IN, expressed his support for the request referencing protection of farmland provided by the temporary use for solar. He also indicated the use was more desirable than homes and industrial use.

Mr. Wise then read the adjoining property owners for Block 2.

Dan Cristiani, 9621 Hwy 62, Charlestown in, agreed with previous comments in opposition and questioned who will be building the facility. He also felt that the use should be classified industrial rather than commercial and his opinion that using farms for solar instead of housing will impact the long-term growth of the county.

Richard Fellows, 8515 Tafflinger Rd Nabb IN, spoke on behalf of Soloman Eicher, 7809 Henderson Rd, Marysville IN, expressed his opposition and opinion that the use is industrial rather than commercial and that the use does not meet the criteria for approval in regards to traffic impacting Amish, impacts wildlife and resulting diversion from agriculture.

Greg Hostetler, 7520 Oscar Landing Rd, Marysville IN, expressed his support for the request referencing the study the county performed regarding how to regulate solar, economic benefits, zero cost to county, and person right to make use of their property.

Judith Mullins, 7602920 Henderson Rd, Marysville IN, expressed her support for the request as a way to permit passing the farm down to heirs. She also made note that only a small percentage of the adjoining property owners called actually spoke and it was her opinion that the applicant has met all of the requirements for approval.

Neil Spencer, 8223 Tunnel Hill Rd Charlestown IN, expressed his opposition referencing the applicants lack of experience developing these types of projects and the entity being an LLC which will permit the county being left to clean up the project.

Sophia Skeens, 6915 Nat. Rogers Rd, Boston KY, expressed her support for the project referencing a person's right to use their property and her dislike for others trying to control property they do not own.

Terry and Charlotte Vissing, 9812 Westport Rd, Marysville IN, expressed his opposition referencing concerns regarding increased heat from panels reducing crop production on surrounding farms, sinkholes and wildlife being pushed onto his property increasing losses due to increased grazing on his crops.

Mr. wise then read the adjoiners for Block 3.

Wesley Bryant, 10015 Zimmerman Rd Marysville IN, expressed concerns regarding current studies indicating solar is safe will be found to be incorrect in the future and wildlife may be negatively impacted.

Joshua Carter, 9316 Zimmerman Rd, Marysville IN, expressed is support for the new setbacks but was not convinced this was the best use of the land.

Ramona Miller, 9408 Zimmerman Rd, Marysville IN, agreed with the other comments made in opposition and expressed concern about environmental impacts and the negative appearance of panels. She also discredited studies that have been referenced.

Mr. Wise then read the adjoiners for Block 4.

David Erickson, 9910 & 9920 Zollman Rd, Marysville IN, expressed his support for the request referencing the number of hazardous chemicals used in farming and the relief from exposure development of solar will provided. He also expressed preference for panels over homes.

There being no further adjoining property owners that wished to speak the President opened the floor for additional comments from the general public.

Sandy Basham, 15219 New Market Rd, Marysville IN, indicated the current setbacks were set by the plan commission, people on both sides had the opportunity to speak but did not and requested a study to determine the long term effects of living next to panels.

Jason Miles 25730 Gill Rd, Nabb IN, expressed concern about the lack of studies and his opinion that the use is industrial rather than commercial.

Susan Riley, 618 Lincoln Blvd., Sellersburg IN, member of southern Indiana realtors association, expressed concern about need for more housing in the county.

Mr. Guernsey asked Ms. Riley what she thought about property values.

Ms. Riley indicated that she could not comment of property values but a person has livable equity in their property and should be able to enjoy their property.

Kelly Khuri, 4819 Salem Noble Rd, Jeffersonville IN, expressed her opinion that solar panels are obsolete and supports protection of farmland.

Christine Horsley, 22417 Mahan Rd, Marysville IN, expressed her concern about the experience of the applicant, and aesthetics.

Jim Dicken, 412 McIntyre Rd. New Washington IN, expressed concern about sinkholes and increase runoff negatively impacting the karst topography.

Mrs. Baker then closed the floor for public comments.

Mr. Gurnsey questioned what assurance is there that performance bonds will not expire and leave the county responsible.

Mr. Wise explained that the UDO includes annual permit requirement which will track Bond expiration dates, facility ownership as well as the facilities continued compliance with applicable operating standards.

Mr. Guernsey then asked for clarification regarding comments about commercial and industrial solar.

Mr. Wise informed the Board that such comments apparently reference some state definitions which are not the same as those adopted by the county and in this case the proposed project falls within the county's standard of commercial.

Mr. Guernsey expressed concern about considering all 4 areas as a single request.

Mr. Brison expressed his opinion that the Plan Commission attempted to accommodate all interests when the standards were set.

Mr. Guernsey asked if the entire project will break ground at once.

Ms. Kitchen, indicated that the project will be constructed in phases with crews moving from one location to the next as sites are prepared for panel installation.

Mr. Brison indicate that based on the size reduction as compared to the last request that it appeared that the UDO requirements provided the intended results.

Mr. King informed the Board that there responsibility its to find if the facts support approval, then the use should be approved and if one criterion cannot be met it should be denied.

Mr. Gurnsey questioned the evidence supporting compliance with health safety welfare and morals.

Mr. Eurton questioned the evidence in support of a favorable finding regarding impeding the orderly development of surrounding properties.

Mr. Gurnsey then made a motion to adopt the findings of fact in support of denial of the request as prepared by staff specifically items 1,2, and 3. He further expanded on item 3 by indicating there is no way to know if solar panels will prevent development on surrounding properties and lack of convincing evidence that there will not be impacts to health and safety.

Mr. Eurton then seconded the motion and added that solar panels will discourage development of homes and farm production.

Mrs. Baker then called for a vote with two votes in favor and 2 against. The motion failed to pass.

Mr. Brison then motioned to adopt the findings prepared by staff in support of approval and approve the request which was seconded by Mrs. Baker and the motion failed with two votes in support and two votes in opposition.

Mrs. Baker asked the applicant if they had any objection to tabling the docket to the next meeting.

Ms. Kitchen indicated no objection and asked for confirmation that the board was in receipt of a copy of the findings of fact submitted with the application.

Mrs. Baker confirmed that the Board received a copy of the applicants findings and then opened the floor for a motion.

Mr. Brison then moved to table the request until the July 16, 2025 meeting at 5 pm. which was seconded by Mr. Eurton and unanimously passed.

Mr. King then indicated that a public hearing will not be held at the next meeting and the docket should be decided based on the facts already presented.

4. Approval of the prior minutes from the May 29, 2025 meeting. Mr. Gurnsey motioned to approve the minutes as presented which was seconded by Mr. Eurton and passed unanimously.
5. Reports, and Communications- None were given.
6. Adjournment - There being no further business the meeting adjourned at 7:55 p.m. on a motion by Mr. Gurnsey, second by Mr. Brison and unanimous vote.

MINUTES ADOPTED THIS 16<sup>th</sup> DAY OF JULY, 2025

  
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Kim Baker, President

  
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Eric M. Wise, Director



## CLARK COUNTY BOARD OF ZONING APPEALS July 16, 2025

The regular meeting of the Clark County Board of Zoning Appeals (BZA) was held on Thursday July 16 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: Guy Guernsey John Eurton, and Larry Brison

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

The following staff were present: Chris King, Stacy Gettings and Eric Wise.

The following appeared on the agenda:

1. **Call to order:** Mr. Gurnsey called the meeting to order at 5:00 P.M.
2. **Meeting Rules:** Mr. King read the rules of the meeting.
3. **Items to be tabled**
  - a. **BZA25-03: Special Exception (Solar Energy System- Commercial)** for the Applicant: MAHI bn LLC

Mr. Wise informed the board that the applicant has submitted a written request to table the matter until the August 20, 2025 meeting due to a lack of all voting members being present and explained that when such a request is made the rules of procedure specify the request must be honored.

There being no further discussion Mr. Eurton motioned to table the request which was seconded by Mr. Brison and unanimously passed.

- b. **BZA25-06: Use Variance (Lawncare and firewood processing and sales)** for property located at 115 Station Rd. Henryville IN 47126 (Parcel No 10-06-25-500-312.000-027) Applicant/Owner: Dennis Lee Bettis and Allison Bettis

Mr. Wise informed the board that the applicant failed to advertise public notice within the newspaper and it was recommended that the matter be tabled until the August 20, 2025 meeting so that proper notice can be provided.

There being no further discussion Mr. Brison motioned to table the request until August 20, 2025 which was seconded by Mr. Eurton and unanimously passed.

4. Public Hearing Items

- a. **BZA25-05:** Dimensional standards variance (reduce side yard setback) for property located at 154 E. River Rd. Charlestown IN 47111 (Parcel No 10-08-05-800-073.000-029) Applicant/Owner: Leon and Debra Lewis

Mr. Brad Reinhart, 618 E. Court Ave, Jeffersonville IN, presented the request indicating that a new home under construction was placed on the property to 1 foot to close to the property line and a proposed air conditioner will extend an additional 3 ft closer to the neighbor, It was also indicated that due to flood plain requirements the air conditioner is approximately 15 feet above grade and the 3'x3' platform will be attached to the home without any ground support.

Judy Obrien and Bryan Obrien 7010 Uranus Dr Louisville, KY indicated there was no concern regarding a suspended air conditioner however they did not support a concrete deck along the side of the house.

Shelt Lewis, 2270 Hardinsburg Rd, Fordsville Ky indicated that he was familiar with planning law and recommended that the request be approved as submitted.

There being no further public comment Mr. Brison made a motion to adopt the findings of fact prepared by staff and approve the request to include the structure and 3ftx3ft. air conditioner platform as described which was seconded by Mr. Eurton and unanimously passed.

- b. **BZA25-07:** Special Exception (Short Term Rental) for property located at 2635 Crone Rd. Borden, IN 47106 (Parcel No 10-02-21-700-035.000-026)  
Applicant/Owner: Stephannie Kaye Wilson

Ms. Stepanie Wilson, 2121 Ebenezer Church Rd, presented the request indicating they had originally planned to live in the home but they would like to begin using the home for short term rental. She also indicated a new separate driveway has been constructed and the existing shared driveway will no longer be used.

No comments were made by the public.

Mr. Brison inquired if the property would be used for events such as weddings.

Ms. Wilson indicated that it would not be used for such purposes.

Mr. Wise indicated that such use would require a new request and public hearing prior to the new activities taking place.

There being no further comments Mr. Brison motioned to adopt the findings of fact prepared by staff and approve the request as submitted which was seconded by Mr. Gurnsey and unanimously passed.

- c. **BZA25-08:** Dimensional Standards Variance (reduce front setback and waive bufferyard requirements) for property located on the south east corner of SR 60 and CR311(Parcel No 10-09-08-800-381.000-030)  
Applicant: Vyom Donut of Louisville LLC    Owner: C&T Huber LLC Borden IN.

Chris Compton, 4350 Brownsboro Rd Louisville KY, presented the request indicating that due to size and shape of the lot it was difficult to meet the applicable setbacks and buffer standards. He the displayed slide of the property showing the proposed layout and alternative landscaping proposed as well as development that exists on other corners of the intersection.

Mr. Wise then read the list of adjoining property owners. No one called wished to speak.

The President then asked if anyone ales was present that wished to speak on the request.

Mr. John Kraft, 126 W Spring St, New Albany IN, spoke on behalf of the owner indicating their support for approval of the request.

There being no further public comments Mr. Brison asked for clarification on the Landscape plan in regards to the amount of landscaping that is actually on the property.

Mr. Compton indicated that all but the existing trees located to the south were on the property.

Mr. Brison then motioned to adopt the findings of fact as prepared by staff and approve the request as presented with the condition that the landscape plan be installed as shown which was seconded by Mr. Eurton and unanimously passed.

- a. **BZA25-09:** Special Exception (Accessory Dwelling) for property located at 2246 Hansberry Rd. Charlestown, IN 47111. (Parcel No 10-03-20-600-040.000-003)  
Applicant: Michael Guthrie    Owner: Chelsey & Kyle Brenneman

Micheal Guthrie, 2019 Cedar Creek Dr. Henryville IN presented the request indicating the owners desire to construct an accessory dwelling for a family member. He also indicated an approximated size of 700 sq.ft., the existing driveway will be used for access and septic service has been approved by the health department.

Mr. Wise then read the list of adjoining property owners.

Robert Graeter, 2244 Hansberry Rd Charlestown IN, indicated his opposition to the request referencing only one home being permitted on a lot and his concern about setting a precedent for more rental units in the area.

Mr. Wise indicated that under current zoning it would be possible to divide the property and develop 4 additional homes without a variance.

Mrs. Brenneman indicated that the home would be for her parents.

There being no further discussion Mr. Eurton motioned to adopt the findings of fact as prepared by staff and approve the request with the following stipulations: 1. Access by primary driveway/loop and the dwelling not be used for rental purposes, which was seconded by Mr. Guernsey which passed unanimously.

- d. **BZA25-10:** Special exception amendment (site plan) for property located at 6820 and 6906 Salem Noble Rd Charlestown IN (No 10-03-09-200-369.000-003, 10-03-09-200-179.000-003, 10-03-09-200-209.000-003, 10-03-09-200-368.000-003  
Applicant/owner: Greater Clark County Schools

Mr. Harold Hart, 958 Water St Charlestown IN and Nate Coots, 2112 Utica Sellersburg Rd, Jeffersonville IN presented the request by presenting a revised site plan for the special exception previously approved for the property. It was indicated that the layout had been changed to delete one entrance, expand parking and student drop off/pickup areas and shift the improvements to the west to eliminate any new run being directed toward Whispering Oaks Subdivision. It was also indicated that the plans had been reviewed by the county engineer and modifications were made to satisfy the Highway department's needs.

Mr. Wise then read the list of adjoining property owners. No adjoiners wished to speak.

The President then asked if anyone was present that wished to speak on the request.

Mr. Michael Bush, 7714 Stone Creek Rd Charlestown Rd. expressed his concern regarding traffic and the ability of the roads to handle the improvement.

Mr. Scott Simpson, 6617 Westwood Dr. Charlestown IN, supported the single entrance design and questioned how runoff will not be increased in whispering woods subdivision.

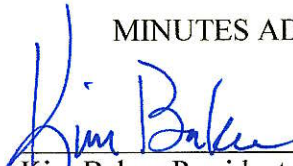
Mr. Hart explained that all new runoff will be captured with curbs and drains and directed toward Salem Knoble Rd.

There being no further public comments Mr. Brison motioned to adopt the findings of fact as prepared by staff and approve the request as submitted which was seconded by Mr. Gurnsey and unanimously passed.

There being no one that wished to speak Mr. Brison made a motion to adopt the findings of fact prepared by staff and approve the request which was seconded by Mr. Guernsey and unanimously passed.

5. Approval of the prior minutes from the June 18, 2025 meeting. Mr. Eurton motioned to approve the minutes as presented which was seconded by Mr. Brison and passed unanimously.
4. Reports, and Communications- Mr. King reviewed newly adopted state statues effecting the Boards operation regarding agendas and executive session.
5. Adjournment - There being no further business the meeting adjourned at 6:15 p.m. on a motion by Mr. Brison, second by Mr. Eurton and unanimous vote.

MINUTES ADOPTED THIS 20 DAY OF AUGUST, 2025

  
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Kim Baker, President

  
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Eric M. Wise, Director



**CLARK COUNTY BOARD OF ZONING APPEALS  
AUGUST 20, 2025 MINUTES**

The regular meeting of the Clark County Board of Zoning Appeals (BZA) was held on Wednesday August 20, 2025, starting at 5:00p.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 Eurlon, Nathan Combs and Larry Brison

The following Board members were absent: None

The following staff were present: Chris King, Stacy Gettings, 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. King read the rules of the meeting
3. **Public Hearing Items:**
  - a. **BZA25-03: Special Exception (Solar Energy System- Commercial)** for the following parcels/owners:  
10-12-18-100-028.000-034 Reardon Terry J & Reardon Elmer J Family Trust, 10-12-16-300-006.000-034 Giltner Paul & Brandi Diane, 10-12-14-500-035.000-034 Leonard Gary and Joyce A, 10-12-14-500-031.000-034 Giltner Paul & Brandi Diane, 10-07-14-400-008.000-028 Zimmerman Properties I LLC, 10-07-16-200-006.000-028 Zimmerman Properties I LLC, 10-07-16-200-005.000-028 Judith and Mullins Life Estate TOD Walnut Lane Farm LLC, 10-07-14-400-006.000-028 Funk Living Trust and Long John Stephen and Karen, 10-12-12-600-001.000-034 Morris Skeens Julie A, 10-08-12-500-007.000-029 Morris Skeens Julie A, 10-08-12-500-001.000-029 Skeens Sophia Elle, 10-07-14-400-013.000-028 Morris Skeens Julie A, 10-07-14-400-007.000-028 Skeens Sophia Elle, 10-07-14-400-009.000-028 Skeens Sophia Elle, 10-08-12-500-008.000-029 Skeens Sophia Elle, 10-08-12-500-009.000-029 Hostettler James Gregory & Peggy S, 10-08-12-500-016.000-029 Hostettler James Gregory and Peggy Sue, 10-08-12-500-006.000-029 Hostettler James Gregory & Peggy S, 10-08-10-400-037.000-029 Johnson William, 10-08-12-400-033.000-029 Funk Living Trust and Long John Stephen and Karen, 10-08-12-400-024.000-029 Zimmerman Properties I LLC, 10-07-14-300-025.000-028 Zimmerman Properties I LLC, 10-07-14-300-035.000-028 Zimmerman Properties I LLC, 10-07-14-300-004.000-028 Scott William W, 10-07-16-100-026.000-028 Scott William W, 10-07-16-100-017.000-028 Giltner Paul

Thomas & Brandi D, 10-07-16-000-027.000-028 Zimmerman Properties I LLC, 10-07-16-000-026.000-028 Herald Candace R, 10-07-16-000-033.000-028 Herald Candace R., 10-07-14-200-023.000-028 Baird Michelle & Herald Candace, 10-15-15-900-012.000-038 Baird Michelle A., 10-15-15-900-034.000-038 Campbell James D, 10-12-16-300-008.000-034 Zimmerman Properties I LLC, and 10-07-16-000-029.000-028 Baird James & Timothy L.  
Applicant: MAHI bn LLC

Mrs. Baker said the item BZA25-03 was tabled from July 16, 2025, meeting and closed for public hearing which is a special exception, and no reading of the list of parcels or owners will be read tonight.

Chris King mentioned on June 18, 2025, only four members were present and there was a split vote, so no action was taken. The board has five members now and all are present. Mr. King said Nathan Combs was not present at last month's meeting and asked Mr. Combs if he had the opportunity to fully review the video and transcript of that hearing from July 16, 2025? Mr. Combs replied he has reviewed the video and transcript of July 16, 2025, hearing. Mr. King asked Mr. Combs if he had the opportunity to review all the evidence that was presented at that hearing. Mr. Combs replied he has reviewed all the evidence that was presented at last month's hearing. Mr. King mentioned that no new evidence can be presented unless the board wants to reopen the hearing.

Mr. Guernsey asked Mr. King if the board was to reopen the hearing, they would have to make a new motion for that. Mr. King replied yes you would have to make a new motion.

Mrs. Baker asked the members if there was any further discussion needed amongst the board members.

Mr. Combs asked if was common practice to accept an application before septic system approval is issued.

Eric Wise indicated that it is common practice to proceed without water and sewer availability letters and that there is a letter from the Heath Department indicating no anticipated issues and a willingness to serve water letter from Washington Township.

Mr. Combs asked about the type and volume traffic expect during the construction process.

Jacqui Kitchen, 515 N Flagler Dr. West Palm Beach FL stated that projects like this generally have traffic that will be specified in a traffic management plan that they will be preparing and putting together which will be part of the development plan, which is the next phase after this. Truck traffic usually consists of tractor trailers and pick-up trucks and that sort of thing. The main delivery will be power transformers that will be delivered on a semi-truck and that will be a heavy truck load. Then a delivery of panels on a flat bed trailer.

Mr. Combs asked about the volume of heavy truck traffic to be hauled in, like excavation equipment and supplies such as the panels and cables, what kind of volume?

Annie Winter- Tetra Tech -4101 Cox Rd Glen Allen Virginia, indicated there was a preliminary analysis to evaluate the volume of truck traffic which could be experienced on these roads. The finding was that there was not a significant change in terms of the level of use that the residents would experience on these roads.

Mr. Combs asked if there was a representative from Kirkland Appraisal

Mr. Combs asked how the assessor's survey was compiled in the Kirkland Appraisals report.

Nick Kirkland with Kirkland Appraisals-9408 Northfield Court Raleigh North Carolina, stated they have six questions they send out to the entire state to each county's tax assessor. Those questions are:

1. Do you have solar facilities in your jurisdiction, if you do,
2. Do you change the value of the solar facilities on the land to reevaluate the land under the panels
3. Do you reevaluate the adjoining parcels
4. If so, why
5. and include any other information on that
6. How many projects are currently operating in your county.

Mr. Combs stated that the Clark County Assessor (Butch Love) is present to speak.

Mr. King advised the board members that if they allowed the County Assessor (Butch Love) to speak that would be new evidence being submitted and would require the board to make a motion and pass the motion to reopen the public comment period and would require that the hearing be noticed according to the UDO that would put the meeting a month away and send out notices again.

Mrs. Baker asked the board members if any member wanted to reopen the meeting.

Mr. Brison stated his position has not changed and feels like the solar committee had found common ground. Mr. Brison stated he did not need additional new evidence.

Mr. Combs asked the board members if anyone's vote has changed from the last hearing.

Mrs. Baker replied to her vote has not changed

Mr. Wise informed the board members that they had to adopt the findings of facts for approval or denial.

Mr. King informed the board members that whatever their interpretation is they must find facts based on the evidence either for or against. Specific facts that support those conclusions and that will need to be included in the motion.

Mr. Brison made a motion to adopt the finding of facts as prepared by the staff and approve the request which was seconded by Mrs. Baker and motion failed to pass (2 in favor 3 against)

Mr. Eurtion then made a motion to deny the special exception of BZA25-03 based on the following findings:

1. Property values
2. taking up a lot of fertile ground that could provide food that we desperately need where there are other places this type of use could be placed

Mr. Guernsey seconded the motion.

Mr. Combs suggested the motion be amended to include "Applicant has not provided submitted adequate evidence that it will not impact safety in regards to traffic, it has a negative impact of morals due to the contentiousness and division between the community".

Mr. Eurtion amended his motion as requested for special exception of BZA25-03.

Mr. Combs seconded the amended motion to deny which passed. (3 in favor and 2 against).

**b. BZA25-06- Use Variance** (Lawncare and firewood processing and sales) for property located at 115 Staton Rd. Henryville IN 47126 (Parcel No 10-06-25-500-312.000-027)  
Applicant/Owner: Dennis Lee Bettis and Allison Bettis

John Kraft 126 Spring St New Albany IN 47150-presented the request by describing the use as a Lawncare business and storage/selling of firewood. He also indicated that they will no longer be processing wood on the property and referenced letters of support from neighbors.

Mr. Bettis also indicted no large trucks will be involved with the revised use and lawncare equipment is stored under roof. He also indicated storage of wood would be limited and will be stored on the same side of the drive as his home.

The floor was then opened for public comments.

Elizabeth Baker 119 Staton Road Henryville IN 47126- Anna Waggoners granddaughter, spoke in opposition to processing of the wood on the property.  
There being no further public comments Mr. Brison made a motion to adopt the findings of fact prepared by staff for approval with the condition that there will not be any storing or stacking of wood on the side of the drive of the nearest neighbor or processing wood for commercial sale.

Guy Guernsey second the motion. Motion carried 5-0

**c. BZA25-11 Development Standards Variances** (increase number and size of signs) for property located at 13615 Memphis Bluelick Rd, Memphis IN. (Parcel No 10-10-22-000-138.000-032)

Applicant: Texas Republic Signs, LLC    Owner: Pilot Travel Centers LLC

Mike Everett 2211 Peck Road Houston Texas- presented the request which was described as an update associated with building renovations planned for the property. He also indicated Pole sign on mid rise will be reduced and the current 1358 sq ft for total signage would increase to 1566, a difference of 255 sq ft additional signage.

There were no public comments heard.

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

**d. BZA25-12 Use Variance** (Temporary dwelling) for property located at 8527 Brock Rd, Charlestown IN. (Parcel No 10-03-13-500-203.000-003)

Applicant/Owner: John and Amanda Arnold

John Arnold 8527 Brock Road Charlestown IN 47111- presented the request indicating his desire to install a modular home on the property for his parents temporarily.

Mr. Wise stated before a building permit can be issued, they will need an Approval letter for the septic. He also indicated the home could be placed without a variance if the property were divided but given the temporary nature of the request the applicant preferred to request a variance.

There were no residents to speak

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

**e. BZA25-13 Special Exception** (School Athletic Facility) for property located on the north side of E. Main St. between Brewer Dr. and Hayes Rd. (Parcel No 10-13-00-200-036.000-035). Applicant/Owner: Borden-Henryville School Corporation

Kenton Pardue, Bledsoe Cooper & James civil engineering 1351 West Tap Road Bloomington Indiana 47401 and Brad Myrick, Bledsoe Cooper & James civil engineering 1351 west Tap Road Bloomington Indiana 47401- presented the request which included A synthetic baseball field, a synthetic softball field, a pole barn storage building, 2 press boxes with bathrooms, 4 dugouts and a parking lot.

No public comments were heard.

Mr. Brison made a motion to adopt the findings of fact as provided by staff and approve the request which was seconded by Mr. Eurtion and unanimously passed.

**f. BZA25-14 Special Exception** (School Athletic Facility) for property located at 213 Ferguson St., Henryville IN. (Parcel Nos 10-06-26-900-126.000-027 and 10-06-26-900-078.000-027) Applicant/Owner: Borden-Henryville School Corporation

Kenton Pardue Bledsoe, Cooper & James civil engineering 1351 west Tap Road Bloomington Indiana 47401 and Brad Myrick, Bledsoe, Cooper & James civil engineering 1351 west Tap Road Bloomington Indiana 47401 presented the request which included resurfacing the existing baseball and softball fields with synthetic turfs, replacing the baseball and softball press boxes and dug outs, removing the existing tennis courts and installing new ones and a new parking lot for the tennis courts.

Mr. Pardue stated the tennis courts will not be in the floodway.

The floor was then opened for public comments.

James Johns, 2312 Turnberry Drive, Jeffersonville, IN 47130 expressed his support for the project.


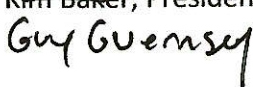
There being no further public comments Mr. Guernsey made a motion to adopt the findings of fact as prepared by staff and approve the request which was seconded by Mr. Eurtion and unanimously passed.

**5. Approval of Minutes from July 16, 2025.** Mr. Brison made a motion for approval of the minutes which was seconded by Mrs. Baker and unanimously passed.

**6. Reports, and Communications-** none were given.

**7. Adjournment-** Mr. Brison then made a motion to adjourn at 7:45 pm which was seconded by Mr. Combs and unanimously passed.

MINUTES ADOPTED THIS 17 DAY OF SEPTEMBER, 2025

  
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Kim Baker, President  


  
\_\_\_\_\_  
Eric M. Wise, Director



**CLARK COUNTY BOARD OF ZONING APPEALS  
SEPTEMBER 17, 2025  
MINUTES**

The regular meeting of the Clark County Board of Zoning Appeals (BZA) was held on Wednesday September 17, 2025, starting at 5:00p.m. at the Clark County Government Center, 300 Corporate Drive, Room 103 Jeffersonville, IN. 47130

The following Board members were present: Guy Guernsey, John Eurton, Nathan Combs and Larry Brison

The following Board members were absent: Kim Baker

The following staff were present: Chris King, Stacy Gettings, Eric Wise

The following appeared on the agenda:

1. **Call to order:** Mr. Guernsey called the meeting to order at 5:00 p.m.
2. **Meeting Rules:** Mr. King read the rules of the meeting
3. **Public Hearing Items:**
  - a. **BZA25-15: Development Standards Variance** to allow increased height and size of sign, and allow electronic variable message for property located at 2253 W. St Joe Road, Sellersburg, IN 47172. (Parcel No. 10-09-14-600-045.000-030)  
Applicant: B Sign Group Inc. Owner: Catholic Archdiocese of Indiana, Properties, Inc. as Trustee for St. John Paul II Catholic Church, Sellersburg, Inc.

Patrick Somersshine, 4239 Earnings Way New Albany IN, presented the request indicating the church requested a lighted monument sign with electronic message board that is larger and higher than what is permitted.

There being no questions the floor was opened for public comments. No comments were heard.

Mr. Combs then made a motion to adopt the findings of fact as prepared by staff and approve the request which was seconded by Mr. Eurton and unanimously passed.

- b. **BZA25-16: Use Variance** to allow Firewood Processing and Storage on property located on the north side of Murphy Rd between Caney Rd and Hansberry Rd (Parcel No. 10-06-24-000-029.000-027) Applicant: Dennis Bettis Owner: Thomas Lee Belcher

Mr. Bettis presented the request describing a firewood processing and storage operation which includes a conveyor system. He also indicated that the storage area is located on the highest part of the property and they are working with the Indiana Department of Natural Resources in regards to applicable floodplain regulations.

Mrs. Bettis indicated that they are securing a survey to determine the limits of the floodplain.

Mr. Eurton questioned how mud will not be tracked onto the county road.

Mr. Bettis indicated they are taking steps to ensure this does not become an issue.

Mr. Brison described the staffs' recommended conditions if the request were approved.

There being no further questions the floor was opened for public comment. No comments were heard.

Mr. Brison questioned normal working hours.

Mr. Bettis indicated 8:00am until dark.

There being no further discussion Mr. Brison made a motion to approve the request with the staffs' findings with the conditions that the operations hours of 8:00am until dusk and inclusion of the staff recommended conditions which was seconded by Mr. Combs and unanimously passed.

- c. **BZA25-17: Dimensional standards variance** to allow lighted monument sign, electronic variable messaging, and increased sign height on property located at 426 W. Water St. (SR60) Borden IN (Parcel No. 10-16-00-300-386.000-036)  
Applicant/Owner: Borden Church of Christ, Inc.

Mr. Wise presented the request and indicated that a letter of support for the request was included in the board's information packet.

There being no one in the audience that wished to speak Mr. Combs made a motion to adopt the findings of fact as prepared by staff and approve the request which was seconded by Mr. Brison and passed unanimously.

- d. **BZA25-18: Dimensional standards variance** to allow driveway less than 50 ft. from an intersection for property located on the southwest corner of Bolton Dr. and Abington Way (Parcel No. 10-03-11-300-536.000-003). Applicant/Owner: ASB, LLC

And

- e. **BZA25-19: Dimensional standards variance** to allow driveway less than 50 ft. from an intersection for property located on the northeast corner of Bolton Dr. and Abington Way (Parcel No. 10-03-11-300-537.000-003).  
Applicant/Owner: ASB, LLC

Brad Benson, Attorney, 720 Rolling Creek Dr. Suite 106 New Albany IN, presented both requests since both were adjacent and involved the same type of dimensional variance. He also indicated that the lots involved were approved prior to the creation of the driveway setback standard and site topography makes compliance with the setback problematic. It was also indicated that the streets involved are located on a cul-de-sac which should have minimal traffic. He also indicated that the County engineer was consulted and he indicated his reluctant agreement with the proposed entrance locations.

There being no further questions the floor was opened for public comments. No comments were heard.

Mr. Wise then indicated that the County Engineer indicated to him that he preferred that the 50 ft. distance be maintained.

Mr. Guernsey indicated that driveways installed in the development prior to the ordinance change were similar to that being requested.

Mr. Guernsey then motioned on BZA25-18 to adopt the staff findings of fact with the additional finding that the requested setback is similar to other homes in the development and approve the request which was seconded by Mr. Eurton and unanimously passed.

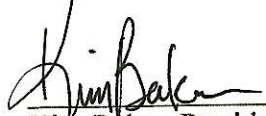
Mr. Guernsey then motioned on BZA25-19 to adopt the staff findings of fact with the additional finding that the requested setback is similar to other homes in the development and approve the request which was seconded by Mr. Eurton and unanimously passed


4. **Approval of Minutes from August 20, 2025.** Mr. Wise informed the Board that the mailed copy of the minutes had been adjusted to correct the spelling of the names of several individuals. Mr. Combs made a motion for approval of the minutes which was seconded by Mr. Brison and unanimously passed.

6. **Reports, and Communications-** none were given.

7. **Adjournment-** Mr. Combs then made a motion to adjourn at 5:38 pm which was seconded by Mr. Brison and unanimously passed.

MINUTES ADOPTED THIS 19 DAY OF NOVEMBER, 2025

  
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Kim Baker, President

  
\_\_\_\_\_  
Eric M. Wise, Director

**NO PUBLIC  
HEARING FOR  
OCTOBER 15,  
2025**



**CLARK COUNTY BOARD OF ZONING APPEALS  
NOVEMBER 19, 2025  
MINUTES**

The regular meeting of the Clark County Board of Zoning Appeals (BZA) was held on Wednesday November 19, 2025, starting at 5:00p.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, Nathan Combs and Larry Brison

The following Board members were absent: None

The following staff were present: Chris King, Stacy Gettings, 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. King read the rules of the meeting
3. **Public Hearing Items:**

- a. **BZA25-21: Use Variance to allow commercial truck parking on property located on the north side of Crone Rd between Cummins Rd and Columbus Mann Rd. (2611 Crone Rd Borden IN) (Parcel No. 10-02-21-700-041.000-026)  
Applicant/Owner: Marla Boado Encinosa**

Marla Encinosa presented the request indication they wished to continue parking 5 box trucks, two semi tractors and tow truck on the property until the business can be moved out of state. She also indicated they perform their own maintenance and repairs.

Mrs. Baker inquired on the time frame to complete the move of the business out of state.

Ms. Encinosa indicated they intend to complete move in 6 months but would like to have the ability to operate 1 year.

There being no further questions the floor was opened for public comments. No comments were heard.

Mr. Combs then made a motion to adopt the findings of fact as prepared by staff and approve the request with the condition the approval expires December 3, 2026.

Mr. Brison indicated he would like to add a condition that the number of vehicles not exceed twelve (12) that must be registered in name same owner.

Mr. Combs then withdrew his motion and made a motion to approve with the conditions that the approval shall expire December 31, 2026 and there shall be no more than 12 commercial vehicles registered in the name of the same owner parked on the property which was seconded by Mr. Brison and unanimously passed.

**b. BZA25-22: Use Variance to allow outdoor upfit converted 10', 20' and 40' length ocean containers into portable containerized turnstile entrances on property located on the north side of Hwy 62 between Oscar Long Rd and Lakeside Dr. (Parcel No.10-08-12-600-008.000-029)**

**Applicant: Rizon Manufacturing, Inc. Owner: Mager Holdings, LLC  
and**

**c. BZA25-23: Dimensional standards variance to allow alternative landscape buffers and gravel parking, loading, storage and production areas on property located on the north side of Hwy 62 between Oscar Long Rd and Lakeside Dr. (Parcel No. 10-08-12-600-008.000-029)**

**Applicant: Rizon Manufacturing, Inc. Owner: Mager Holdings, LLC**

Mr. John Kraft, 126 w. spring St New Albany, presented both request since both dockets involve the same parcel. He explained the history of the applicant and propose use to finish shipping containers outdoors with containers stored outdoors stacked two tall (one container on top of another) etc. He indicated the propose use would be less intensive than previous auto salvage business and a use variance is requested rather than a change of zone to heavy industry to avoid more intensive uses on the property.

Eric Mager, 236 Evergreen Rd. Louisville KY, 40223, indicated that work on the containers will occur anywhere within the boundary of the fenced area and they planned to construct a permanent structure in the future to perform work indoors.

Mrs. Baker recused herself from the discussion due to a conflict of interest.

Mr. Brison expressed concern regarding the proposed 15 ft setback from the adjoining residence.

Mr. Mager indicated the reduction was to make use of as much space as possible.

Mr. Combs questioned the timeline for a permanent structure.

Mr. Mager indicated plans cannot be completed until they are assured the use will be permitted.

Mr. Wise indicated the conversion of containers indoors would be permitted use provided the stored containers were not visible from the street.

Mr. Mager indicated stored containers will be visible from the street and this issue was one of the reasons the variances were requested.

Mr. Brison, clarified the request would reduce the 50 ft buffer with wall, berms and landscaping to 15 ft with a wall.

Mr. Mager indicated that the site plan was conceptual and the existing trees will not be removed adjacent to the home.

There being no further questions the floor was opened for public comment. No comments were heard.

Mr. Combs inquired about the volume of traffic to the property.

Mr. Mager indicated less roughly a dozen deliveries a month.

Mr. Brison then indicated no objection to the stacking of containers as described.

Mr. Brison then motioned to adopt the findings of fact for approval for BZA25-22 as provide by staff without conditions which was seconded by Mr. Eurton which passed on a vote of 4-0 (Mrs. baker did not participate in this docket).

Mr. Brison then motioned to adopt the findings of fact and approve BZA25-23 with the condition that no operation occur within 50 ft. of the property to the North (adjoining residence) while this is a temporary structure which was seconded by Mr. Combs and passed on a vote of 4-0 (Mrs. Baker did not participate on this docket).

Mrs. Baker then resumed her participation in the meeting.

**d. BZA25-24: Special Exception (School Athletic Facility) for property located on the west side of Jackson Rd., (301 West St. Borden IN) (Parcel Nos 10-16-00-300-444.000-036 and 10-16-00-300-548.000-036)  
Applicant/Owner: Borden-Henryville School Corporation**

Kenton Pardue, 1351 W. Tapp Rd. Bloomington IN, presented the request describing a multiuse gymnasium facility and indicated that drainage plan approval had been obtained.

There being no further questions the floor was opened for public comment. No comments were heard.

Mr. Brison questioned the lack of any buffers.

Mr. Wise indicated that a bufferyard is required for a small portion of the property and indicated that if there was a concern the Board could add a condition as part of the approval.

There being no further discussion Mr. Brison motioned to adopt the findings of fact provided by staff and approve BZA25-24 which was seconded by Mr. Guernsey and unanimously passed.

- e. **BZA25-25: Special Exception (School Athletic Facility)** for property located on the southwest corner of E Main St and Hayes Rd (875 E. Main St Borden IN (Parcel No10-16-00-200-049.000-036) Applicant/Owner: Borden-Henryville School Corporation

Kenton Pardue, 1351 W. Tapp Rd. Bloomington IN, presented the request describing a new restroom/locker room facility and new tennis courts and indicated that drainage plan approval had been obtained. He also indicated that an application has been submitted for improvements that will be located in the flood plain.

There being no further questions the floor was opened for public comment. No comments were heard.

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

- f. **BZA25-26: Special Exception (School Athletic Facility)** for property located at 213 and 215 N. Ferguson St, Henryville IN (Parcel No 10-06-26-900-019.000-027) Applicant/Owner: Borden-Henryville School Corporation

Kenton Pardue, 1351 W. Tapp Rd. Bloomington IN, presented the request describing a new fieldhouse facility addition and conversion of tennis courts to parking. He also indicated that drainage board approval had been obtained. He also indicated that an application has been approved for improvements that will be located in the flood plain.

There being no further questions the floor was opened for public comments. No comments were heard.

Mr. Combs then made a motion to adopt the findings of fact prepared by staff and approve the request which was seconded by Mr. Guernsey and unanimously passed.

- g. **BZA25-27: Use Variance (Mulch and Bedding Production)** for property located on the west side of Louis Smith Rd between Smith Rd and Chapel Hill Rd (8891 Louis Smith Rd Borden IN) (Parcel Nos 10-13-02-200-002.000-035, 10-13-02-300-037.000-035 and 10-13-02-300-033.000-035) Applicant/Owner: Smith Creek Inc.

Jason Copperwaite, 100 Bell Ln. New Albany IN, presented the request indicating that the request would permit the addition of a loading dock to a facility that has been in operation for many years. He also indicated that the use is similar to other agricultural uses.

There being no further questions the floor was opened for public comments. No comments were heard.

Mr. Combs then made a motion to adopt the findings of fact prepared by staff and approve the request which was seconded by Mr. Guernsey and unanimously passed

- h. **BZA25-28: Dimensional standards variance** to allow increased wall signage and illuminated signage on property located on the north side of E. Water St. (Hwy 60) between Walnut St and E. Main St. (605 E Main St. Borden IN) (Parcel No. 10-16-00-200-050.000-036)

Applicant: B Sign Group, Inc. Owner: Borden Business Park LLC

Mr. Patrick Sermersheim, 4230 Earnings Way, New Albany, IN, presented the request indicating that due to residential zoning the applicant request a variance to permit signage similar to that which was used by a previous tenant in this commercial complex.

Mr. wise informed the Board that a letter in support of approval from the Borden Town board was included in the agenda packet.

There being no further questions the floor was opened for public comments. No comments were heard.

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

- 4. Approval of Minutes from September 17, 2025.** Mr. Wise reminded the board that there was no public hearing in October. Mr. Brison made a motion for approval of the minutes with a correction indicating Mr. Guernsey called the meeting to order rather than Mrs. Baker which was seconded by Mr. Eurton and unanimously passed.

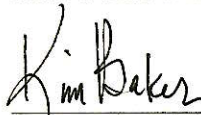
**6. Reports, and Communications-** Mr. King provided a brief review of the status of the Brightnight appeal and indicated that a response had been filed. He also recommended the Board schedule an executive session in the near future to discuss the litigation.

Mr. Eurton then informed the Board that he has resigned from the Board as of November 18<sup>th</sup> 2025.

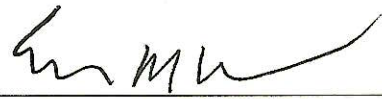
Mr. Wise then distributed a draft amendment to the criteria used to consider special exceptions and suggested that comments and suggestions be provided so that a specific recommendation may be made to the Plan Commission for consideration.

**7. Adjournment-** Mr. Combs then made a motion to adjourn at 6:23 pm which was seconded by Mr. Brison and unanimously passed.

MINUTES ADOPTED THIS 17 DAY OF <sup>December</sup> ~~NOVEMBER~~, 2025



Kim Baker, President



Eric M. Wise, Director



**CLARK COUNTY BOARD OF ZONING APPEALS  
DECEMBER 17, 2025  
MINUTES**

The regular meeting of the Clark County Board of Zoning Appeals (BZA) was held on Wednesday December 17, 2025, starting at 5:00p.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, Nathan Combs and Larry Brison

The following Board members were absent: one vacancy

The following staff were present: Chris King, Stacy Gettings, 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. King read the rules of the meeting.  
**Mr. Wise** then inquired if Tyler and Kailey Pavey were in the audience and after determining that they were he informed them that it was his understanding that they did not receive a mailed public notice as required and asked if they wished to waive their right for such notice. Mr. Pavey indicated did not require a mailed notice.
3. **Public Hearing Items:**
  - a. **BZA25-29: Dimensional standards variance** to reduce the front yard setback on property located on the southeast corner of S. West St. and E. Water St. (Hwy 60)(102 E Water St. Borden IN) (Parcel No. 10-16-00-300-141.000-036)  
Applicant/Owner: Progressive Engineering Concepts, LLC

Ms. Ashley Mazzoni, 1367 S. State Rd 60 Salem IN presented the request indicating the variance would permit expansion of an existing gas pump canopy.

Mr. Wise then informed the Board that a letter of support for approval of the request was included in the agenda package.

There being no questions Mrs. Baker opened the floor for public comments. No comments were heard.

Mr. Brison then made a motion to adopt the findings of fact as prepared by staff and approve the request which was seconded by Mr. Combs and unanimously approved.

- b. **BZA25-30: Use Variance** to permit 18 dwellings and event venue on property located on the southside of Hebron Church Rd between Staton Rd and Wildwood Dr.(1314 Hebron Church Rd. Henryville IN) (Parcel No. 10-06-27-200-048.000-027, 10-06-27-100-036.000-027 and 10-06-27-100-037.000-027) Applicant: Benjamin Ernest Brainard Owner: Benjamin Ernest Brainard, Hollyhock Rentals, LLC, and Central Kentucky Tax-Deferred Exchange Service, LLC
- c. **BZA25-31: Special Exception** to permit 18 short term rental units on property located on the southside of Hebron Church Rd between Staton Rd and Wildwood Dr.(1314 Hebron Church Rd. Henryville IN) (Parcel No. 10-06-27-200-048.000-027, 10-06-27-100-036.000-027 and 10-06-27-100-037.000-027) Applicant: Benjamin Ernest Brainard Owner: Benjamin Ernest Brainard, Hollyhock Rentals, LLC, and Central Kentucky Tax-Deferred Exchange Service, LLC

Due to both dockets effecting the same property the board agreed to hear both requests at the same time with 2 separate votes.

Mr. Benjamin Brainard, 321 s. Peterson Ave, Louisville KY, presented both request indicating his desire to develop the property for an event venue and 18 short term rental units. He further indicated the property had been used for rental and weddings in the past but there is no record of such use being permitted. He also indicated that a park like environment will be maintained adequate staff will be provided and noise regulations met.

Mr. Guernsey inquired if there were any elevation of the structures proposed on the property.

Mr. Brainard indicated no specific plans have been prepared but the units would be 1 ½ - 2 bedroom. He further described the venue as accommodating up to 200 people for weddings corporate day events as well as the fact that it would be the only indoor venue on the property.

Mr. guernsey inquired about the waste water disposal.

Mr. Wise indicated that the type of septic system would be decided by the State or local health department and in the event a septic system is not possible the proposed use would not be developed.

Mr. Combs inquired if proof of service had been acquired.

Mr. Brainard indicated that proper permits will be obtained during the permitting process.

There being no further questions the floor was opened for public comment.

Scott Maddie 1216 Hebron Church Rd, Henryville, expressed concern about traffic, noise possible expansion beyond 18 units in the future.

Travis Giefer, 1230 Hebron Church Rd. Henryville IN, expressed concern regarding possible trespassing, impaired drivers, traffic and narrow road.

Donald Summnfield, 920 Staton Rd, Henryville IN, expressed concerns regarding trespassing use and enjoyment of his property being negatively impacted, 20 ft setback being to close to property line.

Kailey Pavey 1231 Hebron Church Rd, Henryville IN, indicated her driveway was directly across the street from this properties driveway and that the property had been used occasionally for corporate events however this type of activity has not occurred for 10 or more years. She also expressed concerns regarding increased traffic, light pollution, noise, outdoor music until 11 p.m., future expansions, and the fact that the applicant is already advertising short term rental and wedding venue services.

David Baird, 1219 Hebron Church Rd, Henryville IN made reference to issues with wooded glen facility and expressed concern regarding traffic and future expansion.

Janee williams 2018 Hebron Church Rd Henryville IN, expressed concern regarding negative impacts to production and welfare of her goats that may be associated with increased noise from the use.

Mrs. Baker then closed the hearing for public comment.

Mr. Guernsey then expressed opinion that there are a lot of possible uses that could be developed on the property including 30 homes, wedding venues can be noisy and run late, short term rentals are not large traffic generators.

Mr. Wise indicated that the there were few details on the venue when it comes time to review permits and the only guidance to determine compliance for the 16 new dwellings would be having a 20 ft setback and approved septic system.

Mr. Combs expressed concern regarding numerous homes on a single tract when the normal standard is one home on one parcel.

Mr. Wise indicated that the number of homes could be permitted as multifamily on one parcel or the property could be divided into 16-18 parcels at least 40,000 sq. ft. which would not require a use variance.

Mrs. Baker asked for the definition of a short-term rental.

Mr. Wise indicated that a short-term rental is the rental of a single-family home for less than 30 days using an online portal.

Mr. Baker asked the applicant who their anticipated clientele would be.

Mr. Brainard indicated they anticipate wedding party customers or anyone desiring accommodations on the property.

Mr. Combs inquired about the volume of rentals.

Mr. Brainard indicated between 120-140 on average for the wedding venue but it would be designed to accommodate 200 people, and the cabins would accommodate 5 people and agreed with Mr. Combs estimate of 90ish people onsite at a time.

Mr. Wise expressed his concern regarding the number of units on one parcel and the possibility that each unit could be sold individually on parcels that do not meet zoning requirements in the future.

Mr. Brison indicated that he would support a binding agreement to prohibit future sale of the unit individually. He also expressed concern regarding the lack of details provided for BZA25-30.

Mrs. Baker agreed regarding details for the dwellings.

Mr. Combs then made a motion to deny BZA25-30 and adopt the findings of fact provided by staff.

Mr. Wise read the findings of fact which the motion was based.

Mr. Gurnsey then seconded the motion which was unanimously passed.

Mr. Wise then informed the Board that based upon the action taken on BZA25-30 the current proposal under consideration would be limited to the use of the 3 existing structures for short-term rental.

Mrs. Baker asked the applicant if they wished to proceed with the request or withdraw.,

Mr. Brainard indicated he wished to proceed with 3 units.

Mr. Brison asked for clarification that the denial of BZA25-30 did not nullify BZA25-31.

Mr. Wise explained that BZA25-30 would have permitted 18 dwellings on the property and since that was denied the consideration of BZA25-331 would be limited to the 3 existing dwellings on the property.

In response to additional questions from the board he explained that there are no records of permits for the 3 homes on the property a variance or division of the property is needed so that each home is on a separate parcel and indicated the Board could approve 3 short term rentals with the condition that dwelling be located on a separate parcel.

Mrs. Baker Then motioned to table the request which was seconded by Mr. Combs.

Mr. Guernsey asked for clarification on the motion and Mr. Baker indicated it was to allow more consideration of the request to acquire more information and clarification on the request. She then asked the applicant if he was willing to table the request which received a positive response and it was indicated that the request would be considered at the January 21, 2026 meeting.

Mr. King indicated that since the hearing was closed no further comments would be heard at the next meeting but the Board could ask questions of the applicant or anyone that spoke.

Mrs. Baker then restated her motions and Mr. Combs confirmed his second and the motion passed unanimously.

- d. BZA25-32: Dimensional Standards Variance** to reduce the side yard setbacks within Champions Gate Subdivision Section 1 located on the east side of Memphis Blue Lick Rd between Champions Pointe Pkwy and Mayfield Rd.  
Applicant/Owner: Discovery Developers LLC

Mr. Jason Copperwaite, 1000 Bell Lane New Albany IN, distributed copies of the plat for the boards review and explained the desire to reduce the side yard setbacks from 6 ft to 5 ft and referenced similar setbacks permitted in adjoining subdivision, Champions pointe, there has been no negative comments from the fire department and the 5 ft distance complies with standard building codes. He further indicated the reduction would permit the proposed size home with the addition of brick finish.

There being no further questions the floor was opened for public comment. No comments were heard.

Mr. Combs then motioned to approved the request and adopt the findings of fact prepared by staff which was seconded by Mr. Guernsey and unanimously passed.

**4. Approval of Minutes from November 19, 2025.** Mr. Brison made a motion for approval of the minutes which was seconded by Mr. Combs and unanimously passed.

**6. Reports, and Communications-** Mr. Wise indicated that the Board needed to adopt the 2026 meeting schedule. Mr. Brison then made a motion to adopt the 2026 meeting schedule which was seconded by Mrs. Baker and unanimously passed.

**7. Adjournment-** Mr. Combs then made a motion to adjourn at 6:08 pm which was seconded by Mr. Brison and unanimously passed.

MINUTES ADOPTED THIS 21 DAY OF JANUARY, 2026

  
\_\_\_\_\_  
Kim Baker, President

Larry Brison

  
\_\_\_\_\_  
Eric M. Wise, Director



**CLARK COUNTY PLAN COMMISSION**  
**Executive Session**  
**December 17, 2025**

The Clark County Board of Zoning Appeals met in executive Session on Wednesday, December 17, 2025 starting at 4:00 p.m. in the Clark County Government Center, 300 Corporate Drive, Room 208, Jeffersonville Indiana 47130.

The following Board members were present: Nathan Combs, Kim Baker, Guy Guernsey, and Larry Brison. Robert Ellison participated remotely by phone.

The following staff were present: Chris King, and Eric Wise

Mr. Baker called the meeting to order.


The members then discussed current litigation.  
No motions or actions were taken.

Mr. Combs then motioned to adjourn at 4:50 pm which was seconded by Mr. Brison and unanimously passed.

MINUTES ADOPTED THIS 21<sup>st</sup> DAY OF JANUARY, 2026

  
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Kim Baker, President



  
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Eric Wise Director