



**CLARK COUNTY BOARD OF ZONING APPEALS
OF THE CLARK COUNTY PLAN COMMISSION
August 15, 2018**

The regularly scheduled meeting of the Clark County Board of Zoning Appeals was held on August 15, 2018, at 5:00 p.m. in the Conference Room, Room 418, Fourth Floor, Clark County Government Building, Jeffersonville, Indiana.

The following Board Members and Staff were present in the open meeting:

Guy Guernsey
Keith Coates
Duard Avery
Michael Killen
Kim Baker
David Nachand – Attorney
Ilpo Majuri – Code Enforcement Officer

The following Board Members and Staff were absent from the meeting:

The following appeared on the agenda:

1. Call to Order. Michael Killen called the meeting to order at 5:00 p.m.
2. Approval of the prior minutes from the July 18, 2018 meeting. Keith Coates made a motion to approve as corrected. Guy Guernsey seconded the motion. Motion carried 5-0.
3. BZA-15-18: Agustin Ramirez, 100 Knobview Drive, Memphis, filed a petition for a dimensional variance to allow for a home to be built on septic in a .42 acre lot located at 100 Knobview Drive, Memphis, Indiana (tabled from previous meeting).

Kenneth Drury, 101 Knobview Drive, Memphis, appeared to represent the applicant due to a language barrier. Mr. Drury explained the property has septic tank approval from the Health Department and there was a mobile home located on the property previously. Stacia Franklin read the list of adjoining. No adjoining spoke. No audience member spoke to the issue. The findings of fact were read.

Guy Guernsey made a motion to approve. Kim Baker seconded the motion. Motion carried 5-0.

4. BZA-16-18: Frank Isbill, 109 E. Daisy Lane, New Albany, filed a petition for a variance to allow for an 8 foot fence on his commercial property located at 1119 Applegate Lane, Clarksville, Indiana (tabled from the previous meeting).

Frank Isbill described the need for the fence to protect his customer's cars and prevent the theft of his products and materials. Discussion ensued regarding the construction, materials, and dimensions of the requested fence. Noise from the business was also discussed. Stacia Franklin read the list of adjoining.

Robert Redden, 1115 Applegate Lane, Clarksville, complained of the noise coming from Mr. Isbill's business. He asked the fence be a privacy fence rather than a chain link fence.

Bruce Tomlin, 1113 Applegate Lane, Clarksville, also requested the fence be a privacy fence.

No other audience member spoke to the matter. Duard Avery made a motion to approve the variance with the condition the front portion and side facing the neighbor's property was to be a privacy fence and plant pine trees in the future. Stacia Franklin read the findings of fact. Keith Coats seconded the motion. Motion carried 5-0.

5. BZA-17-18: Leroy Guthrie, 5001 Pleasant Drive, Henryville, filed a petition for a use variance to allow for a mobile home for residential living to be on a property zoned B-3 General Business located at 506 Ferguson Street, Henryville, Indiana.

Guy Guernsey recused himself. Mr. Guthrie explained the mobile home was placed on his property years ago and has been rented to families for several years. He explained the mobile home is owned by another person and this person is renting the land from Mr. Guthrie. He also stated he has asked the renter to remove his mobile home from the lot and has filed an eviction case against the renter.

Due to the impending court ruling on the eviction case, the Board decided to table the case until the November 21, 2018, BZA meeting. Duard Avery made a motion to table. Keith Coats seconded the motion. Motion carried 4-0. Guy Guernsey returned to the Board at this time.

6. BZA-18-18: Clark Nickles, Inc., 1501 Tunnel Mill Road, Charlestown, filed a petition for a use variance to allow for commercial storage on property zoned R-2 Two-Family Residential zone located at 12437 Dean Street, Charlestown, Indiana.

David Nachand explained the rules of procedure when attorneys are involved on both sides. The Board allowed both sides 15 minutes for presentation. Dan Moore, attorney representing Clark Nickles, explained the use of the property and its history. John Kraft, attorney representing Southern Indiana Development Partners, Inc., explained his clients' history with the property and reasons for opposition to the use variance. Dan Moore gave his rebuttal.

Stacia Franklin gave the history of zoning, violations, and permits for the property. Mr. Nickles discussed the quality of the ground on the property and stated it is pure rock 2-3 inches under the topsoil, which prevented him from building the pole barn to house the equipment as agreed upon in 2015. David Nachand described "legal non-conforming use".

John Kraft gave his rebuttal. Clark Nickles requested to table the petition. Kim Baker made a motion to table the petition until the next Plan Commission meeting on September 19, 2018. Duard Avery seconded the motion. Motion carried 5-0.

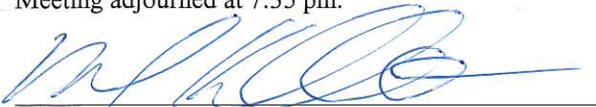
7. BZA-19-18: Marilyn Allen, 629 N. Taggart Avenue, Clarksville, filed a petition for a variance to allow for the development of an RV park in a B-3 General Business Zone located at Applegate Lane, Lots 12 and 13, Clarksville, Indiana.

Clay Baird represented Marilyn Allen. Mr. Baird gave a description of the project. Mr. Killen commented on the multiple facets required with this project, such as State approvals. Stacia Franklin read the list of joiners. Michael Killen asked if anyone in the audience wanted to speak to the issue.

Robert Redden, 1115 Applegate Lane, expressed concerns regarding RV capacity, trailer length, a store, and lighting for the lot. Mr. Baird acknowledged no fuel storage would be on the lot.

Stacia Franklin read the findings of fact. Guy Guernsey made a motion to approve. Keith Coats seconded the motion. Motion carried 5-0.

Meeting adjourned at 7:35 pm.



Michael Killen, Chairman



Stacia Franklin, Executive Director