



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 Eurtion, 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 Mor-ris 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 and 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 Solomon 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.

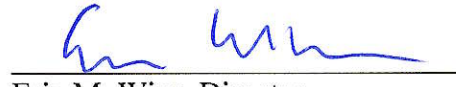
Mr. King then indicated that a public hearing will not be held at the next meeting and the docket should be decided based on the facts already presented.

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. Eurlon 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 16th DAY OF JULY, 2025



Kim Baker, President



Eric M. Wise, Director