



CLARK COUNTY BOARD OF ZONING APPEALS

October 16, 2019

The regular scheduled meeting of the Clark County Board of Zoning Appeals was held on October 16, 2019, at 5:00 p.m. in the Conference Room 418, Fourth Floor, Clark County Government Building, Jeffersonville, Indiana.

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

Guy Guernsey
Duard Avery
Michael Killen, Chairman
Keith Coats
David Nachand, Attorney
Stacia Franklin, Executive Director
Jason Stanley, Building Commissioner
Cathy Denison, Admin. Assistant

The following Board Members were absent from the meeting:

Kim Baker

The following appeared on the BZA Agenda:

1. The meeting was called to order by Michael Killen at 5:00 p.m.
2. Michael Killen asked for a motion to approve the minutes from the September 18, 2019 meeting. A Motion was made to approve by Guy Guernsey. Motion to second by Duard Avery. Motion carried 4-0.
3. David Nachand read the rules.
4. BZA-17-19: Troy & Karen Albert, 1724 Henryville Bluelick Rd., have withdrawn their Petition for a Special Use Variance to operate a dog breeding kennel located at 1724 Henryville Bluelick Rd., Henryville.
5. BZA-15-19: Scott & Robin Wagoner, 6419 Wieska Hill Rd., have filed a petition for a Special Use to allow for a mother-in-law suite to be built onto their home located at 6419 Wieska Hill Rd., Floyds Knobs. The petitioners are requesting an addition of 856 square feet to attach to their residence by a breeze-way for the purpose of providing a mother-in-law suite. Michael Killen asked for a conditional approval based on not allowing an Air B&B or rental. Stacia Franklin read the list of adjoiners. No one from the audience spoke to the matter. Stacia Franklin read the Findings of Fact and the types of building allowed in an R-2 Zone. There was no additional discussion by the Board. Michael Killen asked for a Motion. Motion was made by Keith Coats to approve with no B&B or rental. Motion was seconded by Duard Avery. Motion carried 4-0.

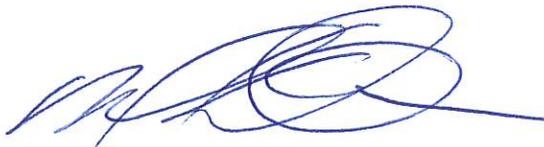
6. BZA-19-19: Paul & Keila Cleveland, 11913 Magellan Way, have filed a petition for a Special Use to operate an in-home child care business located at 11913 Magellan Way, Sellersburg, Indiana. Duard Avery recused himself at this time. David Nachand mentioned two letters that the Board received on behalf of the Petitioner. Keila Cleveland, 11913 Magellan Way, Sellersburg, Indiana is asking for the Special Use of using her home for an in-home child care business to assist the residents in her neighborhood. She is currently applying for her State License which is required and monitored. Stacia Franklin read the list of adjoiners. No other persons spoke to the matter. Stacia Franklin read the Findings of Facts. David Nachand spoke to the condition of State Approval and subject to the Subdivision Homeowners Association rules. Michael Killen asked her to read the Homeowners restrictions which have the final approval. No further discussion was made. Michael Killen asked for a Motion. Keith Coats made a motion to approve. Guy Guernsey seconded the Motion. Motion carried 3-0. Duard Avery returned to the meeting at this time.

7. BZA-18-19: Peggy Hostetler, 7520 Oscar Long Road, filed a petition for a use variance to allow for the operation of a special events venue located at 7520 Oscar Long Road, Marysville, Indiana. Peggy and Greg Hostetler were present and Larry Wilder as their attorney. Mrs. Hostetler explained the use as a special events venue which has been in operation since 2017. Mr. Wilder explained his clients were unaware of needing any zoning approval. Michael Killen confirmed their ownership of the 1892 Lodge restaurant. The Hostetlers stated the application for State approval for an entertainment permit was recently submitted to the state. Michael Killen asked about the septic permit, which read for a single family residence facility, per the permit. Discussion regarding the State Board of Health commercial septic approval ensued. Michael Killen discussed fire safety and public safety. Mr. Wilder asked for permission from the Board to continue operation of the venue during the time the Hostetlers are coming into compliance with the State, due to the amount of money invested into the venue. Michael Killen discussed the cargo lift being used for handicapped persons. Mr. Hostetler explained the use of the local fire department for a fire watch for the next three weddings scheduled. Stacia Franklin discussed the ADA issues, the deck built on the barn, and fire safety issues. Duard Avery discussed options for approval and/or continuing operation. Stacia Franklin read the list of adjoiners. Michael Killen asked if anyone from the audience wished to speak to the petition.

Cheryl Rogers, 7619 Oscar Long Road, objected to the venue due to traffic, noise, and residential use of the surrounding properties.

Stacia Franklin read the findings of fact, for and against. Keith Coats made a motion to deny. Guy Guernsey seconded the motion. Motion carried 4-0.

Meeting was adjourned at 6:00 p.m.



Michael Killen, Chairman



Stacia Franklin, Executive Director