



CLARK COUNTY BOARD OF ZONING APPEALS

March 15, 2023

The regularly scheduled meeting of the Clark County Plan Commission was held on Wednesday, February 15, 2023 starting at 5:00 P.M. in the, Clark County Government Building, 300 Corporate Drive, Room 103, Jeffersonville, Indiana.47130.

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

Duard Avery
Kim Baker
Guy Guernsey
Bill Broughton
David Nachand
Cathy Denison
Amy Williams
Stacy Gettings

The following appeared on the Plan Commission Agenda:

1. Call to Order: Guy Guernsey, Vice Chair, called the meeting to order at 5:03 p.m.
2. Approval of the previous minutes from the February 15, 2023 meeting. Kim made a motion to approve, Bill seconded the motion. Motion passed 3-0.
3. Duard arrived at the meeting at 5:05 p.m. and called for elections. Guy made a motion to re-elect Duard as Chairman, Bill seconded the motion. Motion carried 4-0. Duard asked for a motion for Vice Chair. Kim made a motion to re-elect Guy as Vice Chair. Bill seconded the motion. Motion carried 4-0.
4. Approval of Agenda items: Duard asked for a motion for approval on the agenda items. Kim made a motion to approve the agenda items, Bill seconded the motion. Motion passed 4-0.
5. New Business:
 - a. Docket: 2023-02-BZA: IMI, Kentucky, Inc. a commercial concrete business, is requesting a Development Standard Variance to be able to open and operate on a septic system rather than sewer since it is not offered in their area. The closest tap in to sewer is over two miles away. Their location is 15605 Highway 62, Charlestown, In. Parcel no. 10-03-12-200-022.000-003. Stephen Brandenburg, 1440 Selinda Ave., Louisville, Ky. 40213. Commercial businesses are required by the UDO to operate on sewer. They are willing to change to sewer if and when it does become available. Cathy read the list of adjoining property owners. There was no one in the audience for or against. Cathy read the Staff Report stating that sewer would not be available at this location. Guy made a motion to approve Option 1 to use septic at this location. Kim seconded the motion. Motion carried 4-0.

- b. Renewity Holdings, LLC, 2023-07-BZA: Matt Toole, Main St., New Albany, In. The Vision is to create a Care Home. This is not a nursing home, strictly an assisted residential living home. There will be caretakers there to assist with care of the elderly. This is a private pay facility. The caretakers will assist with dispensing medication, arranging doctor appointments, helping them dress and bathe if needed. There will be up to 16 residents in each home. Each resident will have their own bedroom and bath and there will be a large shared kitchen and living room with an open concept. Parking will be available in the front for visitors and caretakers. Minimal traffic will be created. There are two separate lots but one building will be built on each parcel. Water and sewer letters are included from Clarksville. Clarksville has agreed to allow the immediate usage of sewer. Ingress and Egress will be available for additional parking if needed in the future. Currently, there is a circular driveway in the front. The home will each be up to 6,000 square feet. The lot will be well maintained and managed by the owners. According to our UDO, in an R2 zone, this type of home is acceptable with a Special Exception. Matt passed out a packet showing the depiction of the care home with pictures and descriptions of what a care home is. The caretakers are licensed through the State, but this is not a nursing home or skilled nursing facility. Matt went on to mention the care ratio will be about 4 to 1 rather than a "big box" nursing home., where often the ratio is 16 to 1. The goal is to have a residential look, garden in the rear and be a pleasant environment for the residents to enjoy.

David Nachand asked Matt if he was aware that the neighborhood association (HOA) has the right to override any decision that is made at this meeting. He answered that he was aware and they were anticipating feedback from some of the residents in the subdivision. Matt said the ADA will have some bearing on opening the home. Cathy read the list of adjoiners.

Mr. and Mrs Brummett came forward. Dale and Janet Brummett, 1718 Gutford Rd., Clarksville, In. 47129. She stated the company will make a lot of money on the residential homes they are building. They wrote the restrictions for the subdivision in order to create a residential subdivision. Mr. Brummett is not in favor of having to change the restrictions and covenants to allow this.

Dawn Starkey, Cedardale Drive, is not in favor of the assisted residential home. She works in healthcare herself and is concerned about a healthcare worker from the home taking a resident to and from appointments. She noted that she did her due diligence by looking up the managing company. She also looked up Infinity Homes which will be the builders constructing the building. She had mentioned her daughter sent a letter from college which we did not receive. She gave the Board a copy of the letter to read.

Wolf Family Trust, Nathan Wolf, 6706 Cedardale Dr. is not against the idea of the assisted living home, but is against the location on the corner of that road. He also stated the subdivision restrictions would not allow it being in that location.

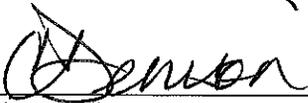
Bob Stotts-HOA President of Deer Run subdivision across the road, came forward to represent the Deer Run subdivision. The major concern is the traffic and safety. He stated they were also against any annoyance or nuisance in or around the neighborhood. The intention is only to be residential, not commercial.

There was no one else in the audience that spoke. David Nachand closed the open hearing.

Amy explained the Standards of the Variance and the Options listed. David explained the Special Exception versus the Variance.

Kim made a motion to approve all Options written for the Special Exception. Guy seconded the motion. Motion carried 4-0.

6. Adjournment: Duard made a motion to adjourn the meeting. Guy seconded the motion. The meeting adjourned at 6:05 p.m. The next BZA meeting will be held April 19, 2023 at 5:00 p.m.



Cathy Denison, Secretary


Chairman