

STATE OF INDIANA  
BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 27 -2012


**AN ORDINANCE APPROVING AN AMENDMENT TO THE CLARK  
COUNTY ZONING MAP ON RECOMMENDATION BY THE CLARK  
COUNTY PLAN COMMISSION.**

*[See attached text of Ordinance]*


So Ordained this 19<sup>th</sup> day of July, 2012

Members voting "NO":


Members voting "YES":

  
\_\_\_\_\_  
M. Edward Meyer, Commissioner

\_\_\_\_\_  
M. Edward Meyer, Commissioner

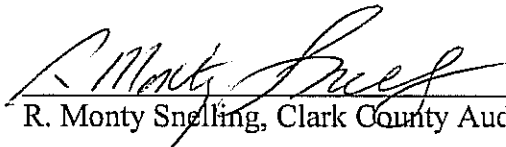
  
\_\_\_\_\_  
~~Mike Moore~~, Commissioner

\_\_\_\_\_  
Mike Moore, Commissioner

  
\_\_\_\_\_  
Les Young, Commissioner

\_\_\_\_\_  
Les Young, Commissioner

Attested by:

  
\_\_\_\_\_  
R. Monty Snelling, Clark County Auditor

BY THE CLARK COUNTY  
PLAN COMMISSION

RESOLUTION 1-2012

**WHEREAS**, the Clark County Plan Commission (Plan Commission) met on July 11, 2012 and heard the Petition of Leroy Guthrie, asking that the property known by its street as Highway 31, Henryville, Indiana be reclassified from A-1 Agricultural Zone to B-2 Community and Roadside Business Zone; and

**WHEREAS**, the real estate for which the rezoning is being requested is more particularly described in Exhibit A, attached herewith and made a part hereof; and

**WHEREAS**, the Plan Commission heard the presentation of the Petitioner(s) and the objections, comments, remonstrations and other relevant information presented by those in attendance at the hearing, if any;

NOW, THEREFORE, BE IT RESOLVED by the Plan Commission as follows:

1. The petition to rezone the real estate described in Exhibit A was heard after notice to interested person was properly given in accordance with the ordinance and Indiana law; and
2. The Plan Commission heard and received the relevant evidence presented and deliberated on such evidence in a public meeting. John R. Vissing, attorney for the opposition, passed out booklet, known as exhibit 1, with list of clients and reason for being opposed. Also a petition signed by 126 people in opposition, exhibit 2.

3. The Plan Commission recommends to the Board of Commissioners of Clark County as follows:

(Check One)

       The real estate described in Exhibit A should be reclassified from \_\_\_\_\_ to \_\_\_\_\_.


The real estate described in Exhibit A should NOT be reclassified from A-1 Agricultural Zone to B-2 Community and Roadside Business Zone.

       The Plan Commission was unable to reach consensus as required by law, and therefore sends the rezoning petition to the Clark County Commissioners WITHOUT RECOMMENDATION.

Dated this 12<sup>th</sup> day of July 2012.

I hereby certify that this is a true and correct copy of the Resolution passed by the Clark County Plan Commission on July 11, 2012.

ATTEST:

  
\_\_\_\_\_  
Secretary or Executive Director

## EXHIBIT 1

### LEGAL DESCRIPTION

A part of Survey #239 of the Illinois Grant, Monroe Township, Clark County, Indiana, being a part of Leroy Guthrie Instrument #201205433, described as follows:

Beginning at a 1/2" square pin found at the West corner of said Survey #239 THE POINT OF BEGINNING,  
Thence South 34°34'39" East, a distance of 494.33 feet along the Southwest line of said survey #239 to a Mag Nail and collar "Isgrigg" set, THE TRUE POINT OF BEGINNING,  
Thence South 34°34'39" East, a distance of 655.38 feet along the Southwest line of said survey #239 to a Mag Nail and collar "Isgrigg" set,  
Thence South 65°17'07" East, a distance of 53.54 feet to a Mag Nail and collar "Isgrigg" set in the centerline of State Highway 31,  
Thence South 03°45'50" West, a distance of 533.18 feet along the centerline of said Highway to a Mag Nail and collar "Isgrigg" set,  
Thence North 86°14'10" West, a distance of 456.56 feet to THE TRUE POINT OF BEGINNING, passing a 5/8"x24" rebar and cap "Isgrigg" set at 30 feet.

Containing 3.000 Acres. Being subject to the right-of-ways of Mt. Zion Road and State Highway 31.

Total 126

To The Clark County Plan Commission

In Re: Petition #1-2012  
Le Roy Guthrie

Response to Petition to Re Zone Three (3) Acres from A-1 to B-2

We the undersigned oppose this Petition to change the zoning of an agricultural site, surrounded by homes to a commercial site. This is not keeping with the existing conditions and character of the neighborhood. This is certain to damage property values of the residences there, will cause development in an area of wet lands, will add additional flooding to an area that frequently floods and is not in conformity with the County Comprehensive Plan. IC 36-2-4-603

- | Name                | Address   |
|---------------------|---|
| 1. Louis Boehnlein  | 305 <del>PRALL</del> DR 47176                                   |
| 2. John Vest        | - 17107 Hwy 315 Henryville                                      |
| 3. Amy K.           | 16810 Hwy 62 Charlotte IN                                       |
| 4. Rocco Smith      | 413 Mt Zion Rd Henryville                                       |
| 5. LeRoy Morris     | 317 Mt Zion Rd Henryville                                       |
| 6. Bill C. Masters  |   |
| 7. Elmer R. Masters |   |
| 8. Wanda Robertson  | 205 So Ferguson St<br>Henryville Ind                            |
| 9. Brenda Smallwood | 205 So. Ferguson St<br>Henryville Ind.                          |
| 10. Patty Campbell  |   |
| 11. Charles McQuinn | 8517 Brownstown Rd<br>Henryville, Ind 47126                     |
| 12. Diana Daugherty | Box 135, Hwy. 31<br><del>Henryville, Ind</del><br>Memphis, Tenn |
| 13. Fran Hahn       | 5 406 Smt 7143<br>Henryville, In                                |
| 14. Hugh Perrin     | 310 Mt Zion Rd Henryville                                       |
| 15. Jeff Bridges    | 15917 Hwy 31 Memphis IN.  |

Resp Exhibit 3

To The Clark County Plan Commission

In Re: Petition #1-2012  
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Name	Address
1. John Biesel	605 Mt. Zion Rd. Henryville, In.
2. Sandra Taylor	119 Mt Zion Henryville In 812-294-1486
3. Hank Taylor	119 Mt Zion - Henryville 812-294-3623
4. Jerry W. Sell	316 Mt Zion Rd 812-294-1724
5. John Lane	117 Mt Zion Rd 812-595-4958
6. Sarah Mullins	209 Mt. Zion 812-294-3148
7. Donald Mullins	209 Mt. Zion 812-294-3148
8. Kathryn Taylor	Kathryn Taylor 117 Mt. Zion Rd. 812-972-0083
9. Sandy Kasso	217 Mt. Zion Rd.
10. Sandy Kasso	217 Mt. Zion Rd.
11. Roger Schaefer	17411 Hwy 31, Henryville, In
12.	
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Name	Address
1. <i>Old High</i>	15067 Silver Flows Place Memphis, TN <i>Scottsburg, IN</i>
2. <i>Ivan L. Gurnsey Sr</i>	" "
3. <i>Thomas E. Gurnsey</i>	
4. <i>Robert E. Gurnsey</i>	804 MT. ZION RD. Henryville
5. <i>Rebecca Gurnsey</i>	" " " "
6. <i>Roy Gurnsey</i>	512 Mt Zion Rd Henryville, IN
7. <i>Dale A. Yost</i>	514 Mt Zion Rd Henryville, IN
8. <i>Danny Yost</i>	" "
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Name	Address
1. Bonnie J. Underwood	314 Mt. Zion, Henryville IN
2. Harold M. Underwood	514 Mt Zion Rd Henryville, IN 47126
3. Karen Munk	4815 Snow Rd. Henryville In.
4. Judith A. Brennan	318 Mt Zion Rd. Henryville, IN 47126
5. Irene O'Bannon	318 Mt Zion Rd - Henryville IN 47126
6. Munk	4815 Snow Rd - Henryville IN
7. Betty Munk	314 Mt Zion Rd Henryville IN
8. Paul Burton	8209 AMELIA CT. CHARLESTOWN IN
9. Doreen J. Mullenis	8111 Hidden River Trace Charlestown
10. Karen Swanson	512 Mt. Zion Rd Henryville
11. Connie Henderson	Mt. Zion Rd Henryville
12. Billy Henderson	Mt. Zion Rd Henryville
13. Stella Valentine	206 Officer Lane Henryville, In
14.	
15.	

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Name	Address
1. Rebecca Fraker	512 Station Rd. Henryville IN
2. Laura Couch	6008 Hwy 160, Charlestown, IN
3. Charles Orbell	318 S. Ferguson St. Henryville, IN
4. Lorena Ames	115 Pine Drive, Henryville IN
5. Jani O'Banion	420 Mt. Zion Rd, Henryville, IN
6. Bryan O'Banion	211 W MAIN ST Henryville
7. Ed Beet	
8. T. Beet	
9. Tris	802 Tru. Oak
10. Jeff Martin	9220 Hwy 160 West
11. Pamela Heron	3518 Mt. Lebanon Rd. 47111
12. John T. Mohr	206 E MAIN ST
13. Jim Payne	308 Penn St. Henryville In. 47126
14. Tiffany Hutchins	
15. Luke Hutchins	
16. Steve C. Montgomery	8519 Brownstown Rd. Henryville

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Name	Address
1. Dan Zolk	PO 291 Henryville In 47126
2. Angela Czymaruk	221 Mt. Zion Rd 47126
3. Ryann Heath	111 64 East Whiskey Rd
4. Jeff Estrada	2892 S. Pixley Knob Rd
5. Margaret Stephens	Henryville, IN 47126
6. Ben Stephens	707 Castetter Rd Henryville
7. Kennel Wagster	707 Castetter Rd. Henryville
8. Jerry Wilson	705 Castetter Rd Henryville
9. Yvonne Calhoun	113 S. Fracker Rd
10. Kenny Tuck	750 W - County Line Rd
11. Maria Tiller	2616 South Pixley Woodcroft
12. William M. Miles	104 S. Front St.
13. Phyllis Hill	Same Above
14. Evelyn Sweeney	2602 Bertha Knob Rd
15. Karen Arms	15419 Ruby Rd
16. Walter Thom	204 Main St

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Name	Address
1. <i>FAY Heath</i>	609 Rain St. 47126
2. <i>Gale Miller</i>	1226 Mt. Zion 47126
3. <i>Carrie Britt</i>	3913 Caney Rd
4. <i>Cheryl Merrifield</i>	3913 Caney Rd,
5. <i>Henry Schneider</i>	215 East St
6. <i>Jim Book</i>	804 TWO OAKS DR
7. <i>Carolyn Edgott</i>	216 Bluebird Rd
8. <i>Tom Jewellen</i>	105 Nelson Ch. Rd.
9. <i>Roger Clark</i>	216 HARRIS AVE
10. <i>Evan Borchert</i>	306 South Ferguson
11. <i>Christina Hansky</i>	408 Crestway 47126
12. <i>Patricia Thomas</i>	204 W MAIN
13. <i>Dave Hargett</i>	812 Henryville - Bluebird rd
14. <i>Jim R. Couch</i>	6008 Hwy 160 CHARLESTOWN IN. 47111
15. <i>John Wilson</i>	310 TAYLOR ST. HENRYVILLE, IN 47124


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Name	Address
1. Nora Pryor	1705 Forestry Rd.
2. ROBERTA MCKINLEY	607 PENNSYLVANIA
3. 	2006 Henryville Bluff Rd
4. Nettie Harbin	313 Vest Rd Henryville
5. ADAM SHAW	1803 Bartlekeeb 12d Burdle.
6. Lauren Snow	1303 Bartlekeeb 12d Burdle.
7. Gary Klebanow	9511 Hwy 160 W
8. N C C	Po. Box 55 Memphis
9. Krista Holter	803 Broadway Rd
10. Brandon Hancock	302 Railroad St.
11. Kayla Smalwood	17729 Hwy 31 S
12. Bobbie Montgomery	8519 Brownstown Rd.
13. Josetta Hladst	22811 West St.
14. Pauline Cope	108 W. main
15. Marcella Mayfield	5140 Snow Rd.

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- | Name | Address   |
|------|---|
| 1.   | <del>3390 West St Rd. 160</del><br><del>Henryville IN 47126</del> |
| 2.   | PO Box 237<br>Henryville, IN 47126                                |
| 3.   | 404 Mt-Zion Rd.<br>Henryville, IN 47126                           |
| 4.   |   |
| 5.   |   |
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Name	Address
1. Bruce Needy	410 S Foranson St
2. Patricia Hardesty	162 E. Xbody Rd.
3. Annem Hauer	423 Lakeridge drive
4. WALTER WELTY	303 Lake Rd
5. Angela Newton	920 Twin Oaks Dr.
6. Katie Hamu	811 Castetter Road
7. Kirsten Rainey	811 Castetter Road
8. CHARLES T. TOMES	814 SHECKER RD.
9. Theresa Albright	2206 Forestry Rd
10. Joseph Kausi	12824 E Henry Run Rd
11. Karl Nussbaum	7510 S. LIBERTY HILLS DR.
12. Kim Vires	2117 Jefferson Blvd
13. Kevin Hicks	221 LAKE RD Henryville.
14. Otto Gilstrap	9360 E New Philadelphia Rd
15. Ann Stinson	4206 Old Saw Mill Rd

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Name	Address
1. Terri Neville	406 Mt. Zion
2. Ken McCullough	929 Twin Oaks
3. Cindy Simi	
4. Fred Tucker	136 Hebron Church Rd.
5. Laura Burton	315 Officer's H. Ville
6. Larra Starnich	10115 Hwy 160 W It-Ville
7. Loui Hair	10222 STRICKER Rd. MEMPHIS, TN
8. Tony Gentile	1414 Henryville-BlueLick Rd.
9. Christie Gordon	1106 Barthel Knob Rd.
10. Joyce Dennis	1145 N. New Salem
11. James <del>St</del>	Memphis-BlueLick
12. Samantha Montgomery	
13. Brittany Bledsoe	4808 Old Saw mill rd Henryville
14. Sherri Smith	810 Twin Oaks Dr
15. Laura Holt	14994 Memphis Blue Lick Rd Henryville



ACTION TAKEN BY BOARD OF COMMISSIONERS  
OF CLARK COUNTY, INDIANA

This matter having come before the Board of Commissioners of Clark County, Indiana (County Commissioners) on \_\_\_\_\_ on the petition of \_\_\_\_\_  
\_\_\_\_\_ to reclassify the real estate described in Exhibit A from A-1 Agricultural Zone to B-2 Community and Roadside Business Zone; and the Plan Commission has adopted the forgoing resolution in which it makes its recommendations to the County Commissioners and the County Commissioners having read the recommendation, having reviewed all available evidence, having considered the county's comprehensive plan, having balanced the competing interests of those in the area affected, if any, now, therefore, determines as follows:

\_\_\_\_\_ The real estate described in Exhibit A should be reclassified on the zoning maps from \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_ The real estate described in Exhibit A SHOULD NOT be reclassified on the zoning maps.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Board of Commissioners of  
Clark County, Indiana

\_\_\_\_\_  
Les Young, President

\_\_\_\_\_  
Edward Meyer, Commissioner

Name Gregg Kuthria

Petition No. 1-20012

The Clark County Plan Commission does hereby recommend approval, denial or no recommendation of said petition on this 17th day of July, 2012, by a 5-0 vote.

MEMBER	APPROVED	DENIED	NO RECOMMENDATION	ABSTAIN
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<u>Richard Fellows</u>		✓		
Richard Fellows, County Ag Agent				

<u>John Uhl</u>		✓		
John Uhl				

<u>Jeff Stamper</u>				
Jeff Stamper				

<u>Paul Coffman</u>				
Paul Coffman				

<u>Brian Lenfert</u>		✓		
Brian Lenfert, County Council				

<u>David Blankenbaker</u>		✓		
David Blankenbaker, County Surveyor				

<u>Edward Meyer</u>				✓
Edward Meyer, Co. Commissioner				

<u>Rick Wardlaw</u>		✓		
Rick Wardlaw				