

County Board of Zoning Appeals, Division 1 Meeting Minutes

June 2026

I. CALL TO ORDER

Mr. Hanley called to order the regular meeting of the County Board of Zoning Appeals at 10:04 am on June 10, 2026, in the Council Chambers of the Vigo County Annex, Terre Haute, IN 47807.

II. ROLL CALL:

The following board members were present:

Norm Froderman	Absent
John Hanley	Present
Brian Garcia	Present
Todd Brinza	Present
Scott Lough	Present

III. DETERMINATION OF QUORUM:

Mr. Hanley stated that a quorum was present.

Pledge of Allegiance.

IV. APPROVAL OF MINUTES FROM LAST MEETING PROPOSAL:

Mr. Hanley requested that the Board consider the minutes from the May 13, 2026, meeting.

<u>MOTION</u>	Mr. Garcia motioned to approve the minutes
<u>SECONDED</u>	Mr. Brinza
<u>VOTE</u>	The motion carries 4 yea(s) to 0 nay(s)
<u>ACTION</u>	Minutes from the May 13, 2026, meeting were approved.

V. OLD BUSINESS: NONE

VI. CONSIDERATION: NONE

VII. NEW BUSINESS:

1. **BZA 15/26V: 5376 N. 14 ½ Street, Terre Haute, In.** Parcel# 84-02-34-203-007.000-013 / Lot 12&13, Connery Land Co. Sub. The petitioner, James W. Utz Jr. is requesting a variance from the yard exemptions to allow a 9ft metal privacy fence to be built in the rear and sides in a Single Family Residential District (R-1) as set forth in Section 1. U (6) of the Unified Zoning Ordinance for Vigo County, IN.

DISCUSSION:

Staff mentioned the County Engineer had no issue with the 9 ft., fence replacing the older 6 ft. fence. Mr. Hanley asked whether the petitioner was present and whether they had any additional information. Mr. Utz Jr. was present and didn't have anything to add.

Mr. Hanley asked if anyone was opposed to this petition. No opposition was present.

Mr. Hanley asked the board if they had any questions for the petitioner. No Questions.

Mr. Hanley asked for a motion.

<u>MOTION</u>	Mr. Lough made the motion to approve the variance for the 9 ft. fence
<u>SECONDED</u>	Mr. Garcia
<u>VOTE</u>	The motion carries 4 yea(s) to 0 nay(s)

VIII. COMMUNICATION FROM THE PUBLIC: NONE

IX. BOARD OF ZONING APPEALS DISCUSSION:

1. **Request: Letter of determination:** Use determination of primary and accessory uses for battery electric storage (BESS systems) and commercial solar energy (CSE) system

Mindy Westrick Brown, Counsel for Faegre Drinker, appeared on behalf of the petitioner and Beth Morales, Land Use Planner was in the office, along with representatives from Ranger Power. The petitioner indicated agreement with the staff report and requested clarification regarding the use determinations.

Mindy Westrick Brown provided an overview of the request and indicated that while the focus was on two use determinations, additional background regarding the project and Ranger Power would be helpful.

Owen Speth, Development Manager for Ranger Power, presented information regarding the company and project. He stated that Ranger Power has been involved in multiple projects throughout the Midwest, has operated for over ten years, and has been active in Vigo County for approximately three years. Additional project details were included in the petitioner's submitted materials.

Following the presentation, Mindy Westrick Brown returned to the podium and outlined the specific requests:

1. Commercial Solar Energy (CSE) System

The petitioner stated that Commercial Solar Energy systems are defined under the Vigo County Solar Ordinance and, consistent with state law, are permitted as a primary use in all zoning districts. The petitioner requested an official determination confirming that such systems are permitted uses in all zoning districts, consistent with the adopted ordinance language.

2. Battery Energy Storage System (BESS)

The petitioner requested a determination that Battery Energy Storage Systems, when associated with a Commercial Solar Energy system, are permitted as an accessory use. The petitioner indicated that BESS facilities share functional and operational characteristics with solar installations, are typically located within the same secured and fenced area, and are subject to applicable state and federal safety regulations, including Homeland Security considerations.

The petitioner indicated willingness to respond to any questions.

Board Discussion:

Mr. Garcia asked whether the request was primarily intended to clarify the regulatory status of battery energy storage systems. Mindy Westrick Brown confirmed that clarification was the principal purpose, noting that while state law allows administrative determination, it is standard practice in Vigo County to bring such determinations before the Board.

Mr. Hanley stated that the clarification would establish that Battery Energy Storage Systems may be treated as an accessory use to Commercial Solar Energy systems, thereby avoiding the need for future rezoning requests. He further noted that battery storage could be a common component of solar developments for grid reliability.

Mr. Hanley asked for a motion.

<u>MOTION</u>	Mr. Brinza made the motion to that BESS system associated with CSE system would be considered an accessory to the CSE System
<u>SECONDED</u>	Mr. Lough
<u>VOTE</u>	The motion carries 4 yea(s) to 0 nay(s)

Findings of Fact:

- 1. BZA 11/26SU: 3790 E. Park Avenue, Terre Haute, In.**
- 2. BZA 12/26V: 5512 W. Old US 40, West Terre Haute, In.**
- 3. BZA 13/26V: 1606 E Springhill Drive, Terre Haute, In.**
- 4. BZA 14/26V: 3535 E. Rose Hill Avenue, Terre Haute, In**

Mr. Hanley asked if the board had any other questions regarding the above Findings of Fact and asked for a motion.

<u>MOTION</u>	Mr. Garcia made the motion with the correction staff gave before the meeting.
<u>SECONDED</u>	Mr. Brinza
<u>VOTE</u>	The motion carries 4 yea(s) to 0 nay(s)

X. ADJOURNMENT:

<u>MOTION</u>	Mr. Brinza made a motion to adjourn
<u>SECONDED</u>	Mr. Lough
<u>VOTE</u>	The motion carries 4 yea(s) to 0 nay(s).
<u>ACTION</u>	Mr. Froderman adjourned the meeting at 10:23 a.m.

Minutes submitted by: Penny Kahl, General Planner II, VCAPD