

Tilton property back on docket

Commissioners will discuss rezoning reversal

By **Dakota B** ruton Brown County Democrat

The Brown County Commissioners are to discuss the potential reversal of rezoning of what is commonly known as the “**Tilton Farm**” located to the south and west of 279 W.

Main Street, Nashville from general business, floodplain and floodway to secondary residential, floodplain and floodway at the Commissioner’s meeting Wednesday, May 21 at 6 p.m. in the Salmon Room, Brown County Government Center, 201 Locust Lane, Nashville.

This comes after County Commissioner, Tim Clark, allegedly signed an Area Plan Commission (APC) application for hearing

as the main contact person and applicant, even signing the form that specifically states “this section must be signed by all owner(s) of record” unbeknownst to property owner Jimmy **Tilton**. The signature also allows the Board of Zoning Appeals (BZA), its staff and any other person(s) designated by the staff or board to enter the property, according to the form.

Tilton claims Clark did this without ever notifying him or receiving his signature.

“Tim Clark is trying to rezone property that does not belong to them as if he is the owner of our property,” **Tilton** told the Democrat. “And if he can do this to us, he can do this to anybody.”

“He’s also granting third parties to our property for the purpose of his application,” he said. “He does not have the authority to do that.”

Tilton found out about the rezoning application after reading an article published in the Jan. 20 edition of the Democrat, which is when he sought out the signed document. This application was submitted to the Area Planning office on Jan. 16, the day before the APCs January submission deadline.

Tilton says the rezoning would be more restrictive on what they could do with the land. “If you’re concerned about flooding, why put houses on it?” he asked. “If that’s the issue then that’s fine, but it should be the property owner who applies for it.”

According to **Tilton**, Clark’s original **docket** date for the application was Feb. 3. After sending out 99 certified letters to neighbors, according to Clark, he was able to meet the March 3 **docket** date. The letter explained that Clark and the commissioners have filed a petition with the APC for rezoning of property owned by William Jacob Capital, LLC, **Tilton**’s business.

Tilton claimed he did not receive a letter. “If I had lived further away, or was not involved in our community, I would come home to my farm and I would have lost between \$500,000 and \$1 million of value because going from general business to residential is a major downgrade,” he said.

Upon speaking with Clark, he claimed that there was an error in the forms from the Planning Department. “Just a processing error of that particular paperwork is all ... they just used the wrong form.”

“Anyone can file a petition to amend an ordinance back to a previous version, any citizen can, as well as any commissioner can,” Clark said. “I think for the APC this is the first time that they’re aware that they got such a request, what they typically use was the standard forms and this wasn’t a standard form kind of process.”

According to Clark, all information in regard to **Tilton**’s issues has been discussed in public meetings. “We had both attorneys review the entire process before we moved forward, so everything we did was legal, there’s no dispute from our particular attorneys, so I think we did everything correctly.”

The commissioner’s meeting on March 5 is where they initially made a motion to ask the APC to rezone the property and confirmed their decision by a 2-1 vote.

Tilton said the commissioners originally had the rezoning on the calendar for their May 7 meeting at 2 p.m., only posting notice on the Brown County Matters Facebook page, ran by Clark. Before the meeting, they rescheduled the hearing for the May 21 meeting.

During the April 22 County Area Plan Commission,

one audience member asked for comments from the commissioners on why they put a petition forward to rezone the **Tilton** property of which 150 people signed in favor of the rezoning.

Tilton claims that after speaking to many of those who signed it, they clarified that they signed the petition because they were afraid of the travel trailer park **Tilton** was proposing last year, an application he has since voluntarily withdrawn, instead of against the property as a whole.

During the meeting, Clark was also asked to address the five points of reasonable regard which reference how something fits into the five characteristics:

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- The Brown County Comprehensive Plan
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- Current conditions and the character of current structures and uses in each district
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- The most desirable use for which the land in each district is adapted
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- The conservation of property values throughout the jurisdiction
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- Responsible development and growth His answer to both, the timeline, which he will explain in further detail at the meeting Wednesday.

Last year, the previous commissioners voted 2-1 to rezone the **Tilton** property, which is what the current commissioners are trying to reverse.

Clark attributed the commissioner’s petition to their support of the APC, which voted 4-3 not to recommend the approval of the rezoning last year, the BZA who did not approve of both proposed projects at the time and the signed petition.

Tilton has been compiling as many signatures as possible before the meeting May 21, in hopes of balancing out the 150 signatures the commissioners received. As of Thursday, May 15, he had received 110 signatures. He said he has a grassroots ground swelling of people looking to defend him and the farm, “and it’s not political, it’s people from across the political spectrum on all sides”.

He is hoping to see a packed house full of locals and neighbors who support the farm and **Tilton**’s future plans for it.

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