

INDIANA SUPREME COURT

Franklin T. Wike, et al. v. Grandview Solar Project, LLC, et al.

Case No. 26S-PL-192 (Ind. June 24, 2026) · No. 26S-PL-192 · Decided June 24, 2026

SUMMARY

The Indiana Supreme Court holds that a town board of zoning appeals’ approval of a special exception for a solar project in the town’s two-mile extraterritorial jurisdiction was voidable rather than void. Because the landowners did not challenge the approval within the applicable thirty-day judicial-review period, their objections were waived and their later collateral attack was improper. The court vacates the Court of Appeals’ decision and affirms the trial court’s summary judgment for the town and project developer.

CASE DETAILS

COURT	Indiana Supreme Court
WRITING FOR THE COURT	Justice Massa; Chief Justice Rush; Justice Slaughter; Justice Goff; Justice Molter
JURISDICTION	Indiana Supreme Court
DECIDED	June 24, 2026
DOCKET	26S-PL-192
DISPOSITION	affirmed
PROCEDURAL POSTURE	Landowners appealed a Spencer Circuit Court summary judgment entered for the Town of Grandview and Grandview Solar Project, LLC. The Indiana Court of Appeals reversed and remanded. The Indiana Supreme Court granted transfer, vacated the Court of Appeals’ opinion, and affirmed the trial court.
STANDARD OF REVIEW	De novo review of summary judgment presenting pure questions of law.
PRECEDENTIAL VALUE	Published Indiana Supreme Court opinion; precedential upon certification
PARTIES	Franklin T. Wike, et al. v. Grandview Solar Project, LLC, Town of Grandview, Indiana Board of Zoning Appeals, Town of Grandview, Indiana Town Council, Town of Grandview, Indiana Zoning Administrator

TOPICS

zoning judicial review of agency action administrative law statutory interpretation appellate procedure

PRACTICE AREAS

zoning law administrative law municipal law appellate procedure real estate

QUESTIONS PRESENTED

1. Whether the Town's 2019 special-exception approval for property in the Town's two-mile fringe was void or merely voidable when the Town had general statutory authority to issue special exceptions and provide for extraterritorial jurisdiction but had not satisfied the statutory and local prerequisites for exercising that jurisdiction.
2. Whether the Landowners' challenge was barred because they failed to seek judicial review within the thirty-day statutory period.
3. Whether the settlement agreement between the Town and Grandview Solar and the prior injunction proceeding were void or otherwise invalid because they relied on the 2019 special-exception approval.

HOLDINGS

1. A Board of Zoning Appeals decision is void, and therefore subject to collateral attack, only when it is outside the authority derived from Indiana's enabling statutes and the applicable local ordinance. When the enabling statutes contemplate the type of action taken, an error in satisfying statutory or local prerequisites makes the decision voidable rather than void.
2. Because the special-exception approval was voidable, the Landowners were required to challenge it within the statutory thirty-day judicial-review period. Their failure to do so waived their objections and made the later declaratory-judgment action an impermissible collateral attack.
3. The settlement agreement between the Town and Grandview Solar was not void, and the trial court did not clearly violate a procedural rule by accepting the stipulation of dismissal before the Landowners' motion to intervene was decided.

KEY QUOTATIONS

"The special exception was voidable. Its legality could have been challenged within the 30-day window and, because of these deficiencies, successfully so." (p. 17)

"Today we emphasize the importance of finality and good faith reliance on zoning decisions and clarify that a BZA decision can be collaterally attacked only where it is outside the authority derived from Indiana's enabling statutes and the applicable local ordinance." (p. 20)

FACTUAL BACKGROUND

Grandview Solar sought approval for a large solar farm located partly within the Town of Grandview, partly within the Town's two-mile fringe, and partly in Spencer County. Although Indiana law permitted a municipality to exercise extraterritorial zoning jurisdiction under specified conditions, Grandview's comprehensive plan and

zoning ordinance did not provide for such jurisdiction before the Town's Board of Zoning Appeals issued the 2019 special-exception approval. No one challenged the approval within the statutory thirty-day review period, and Grandview Solar subsequently invested approximately \$30 million in development. Years later, after public opposition arose and the Town delayed an improvement location permit, the Landowners filed a collateral declaratory-judgment challenge.

PROCEDURAL HISTORY

Grandview Solar obtained a 2019 special-exception approval from the Town's Board of Zoning Appeals for a solar project extending into the Town's two-mile fringe. After the Town later delayed issuing an improvement location permit, Grandview Solar sued and obtained a preliminary injunction; that proceeding was later settled and dismissed. Landowners then filed a declaratory-judgment action contending that the Town lacked extraterritorial zoning jurisdiction and that the special-exception approval, related permit, and settlement were void ab initio. The trial court granted summary judgment to the appellees, the Court of Appeals reversed, and the Indiana Supreme Court granted transfer and affirmed.

DISPOSITION

affirmed

CASES CITED

- Wike v. Grandview Solar Project, LLC, 253 N.E.3d 576, *4 (Ind. Ct. App. 2025) (mem.)
- Schleuser v. City of Seymour, 674 N.E.2d 1009, 1014 (Ind. Ct. App. 1996)
- Anderson Lumber & Supply Co. v. Fletcher, 89 N.E.2d 449, 452 (Ind. 1950)
- Elkhart Cnty. Bd. of Zoning Appeals v. Earthmovers, Inc., 631 N.E.2d 927, 929, 931-32 (Ind. Ct. App. 1994)
- Georgetown Bd. of Zoning Appeals v. Keele, 743 N.E.2d 301, 302-05 (Ind. Ct. App. 2001)
- Mischler v. County of Elkhart, 544 N.E.2d 149, 152 (Ind. 1989)
- Board of Trustees of Town (Now City) of New Haven v. City of Fort Wayne, 375 N.E.2d 1112, 1117 (Ind. 1978)
- K.S. v. State, 849 N.E.2d 538, 540-41 (Ind. 2006)
- Robert Lynn Co. v. Town of Clarksville Bd. of Zoning Appeals, 867 N.E.2d 660, 673 (Ind. Ct. App. 2007)
- Mies v. Steuben County Bd. of Zoning Appeals, 970 N.E.2d 251 (Ind. 2012)
- Chapo v. Jefferson Cnty. Plan Comm'n, 224 N.E.3d 971, 978, 981 (Ind. Ct. App. 2023)
- Parkview Hosp., Inc. v. Am. Fam. Ins. Co., 151 N.E.3d 1218, 1228 (Ind. Ct. App. 2020)
- Koonce v. Finney, 68 N.E.3d 1086, 1090 (Ind. Ct. App. 2017)
- Chapo v. Jefferson Cnty. Plan Comm'n, 224 N.E.3d 971, 978 (Ind. Ct. App. 2023)
- Earl v. State Farm Mut. Auto. Ins., 91 N.E.3d 1066, 1071-72 (Ind. Ct. App. 2018)
- Monroe Cnty. Bd. of Zoning Appeals v. Bedford Recycling, Inc., 269 N.E.3d 831, 835, 838 (Ind. 2025)
- Willow Haven on 106th St., LLC v. Nagireddy, 252 N.E.3d 418, 423 (Ind. 2025)
- Fidelity Trust Co. v. Downing, 68 N.E.2d 789, 791 (Ind. 1946)

- Deal v. Gittings, 144 N.E.3d 716, 725 (Ind. Ct. App. 2020)
- Rotert v. Stiles, 174 N.E.3d 1067, 1073 (Ind. 2021)
- T.D. v. State, 219 N.E.3d 719, 726-27 (Ind. 2023)
- Ballard v. Lewis, 8 N.E.3d 190, 193 (Ind. 2014)

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