

MINUTES OF THE
JEFFERSONVILLE BOARD OF ZONING APPEALS

April 25, 2023

Call to Order

Vice-Chairman Duard Avery calls to order the Board of Zoning Appeals meeting. It is Tuesday, April 25, 2023, it is 7:00 pm in the City Council Chambers, Jeffersonville City Hall, 500 Quatermaster Ct., Jeffersonville, Indiana. The meeting was held in person and streamed live on the City's website and City's Facebook page.

Roll Call

Vice-Chairman Duard Avery was present. Other members present were Dennis Hill, Kelli Jones, and David Stinson. Also present were Planning & Zoning Attorney Les Merkley, Planning & Zoning Director Chad Reischl, and Secretary Zachary Giuffre. Board President Mike McCutcheon was absent.

(Secretary's Note: All drawings, letters, photos, etc. presented before the Board of Zoning Appeals on this date can be found in the office of Planning & Zoning.)

Approval of Minutes

Approval of the minutes from March 28, 2023. Mr. Stinson made a motion to approve the March 28, 2023 minutes, seconded by Mr. Hill. Roll call vote. Motion passed 4-0.

Approval of Findings of Fact

Approval of the Findings of Fact. Mr. Stinson made a motion to adopt the Findings of Fact for the March 28, 2023 docket items, seconded by Mr. Hill. Roll call vote. Motion passed 4-0.

Approval of the Docket

Approval of the Docket. Mr. Stinson made a motion to approve the docket, seconded by Mr. Hill. Roll call vote. Motion passed 4-0.

Oath

Les Merkley administered the oath. When you speak, please state your name and acknowledge you took the oath.

Old Business

None

New Business

BZA-23-13 Development Standards Variance

Bertha Greenwell filed a Development Standards Variance application for 55 Louise Street. The applicant requests a variance from the development standard for minimum front yard setback. The property is zoned R2 (Single-Family Residential: Medium Lot). The Docket Number is BZA-23-13.

Bertha Greenwell stated she took the oath and I am requesting a 3ft front yard setback variance to build a covered front porch.

Chad Reischl stated this porch will add value to the neighborhood. There are other porches in the neighborhood that are closer to the road. This meets the criteria for the variance.

Open public comment

No comment.

Closed public comment

Move to findings

The Board of Zoning Appeals of the City of Jeffersonville, having heard the application for variance described above, and all opposition from parties claiming to be adversely affected thereby, does now enter the following findings:

1. The variance of the development standards will not be injurious to the public health, safety, morals, and general welfare of the community.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
3. The strict application of the terms of the Zoning Ordinance will result in a practical difficulty. This situation shall not be self-imposed, nor be based on a perceived reduction of or restriction of economic gain.

Based on the findings described above, the Board does now approve this application. So ordered this 25th of April, 2023.

BZA-23-14 Special Exception

Christopher Foster with PAX Riverbend, LLC filed a Special Exception application for property at 214 E. Maple Street. The property is zoned CD (Commercial: Downtown). The current use is professional office; the requested use is an outpatient substance abuse treatment facility (counseling only). The Docket Number is BZA-23-14.

Christopher Foster stated he took the oath and that our business currently operates on the abutting property; we are looking to expand our services.

Chad Reischl stated a similar project was approved through a special exception application in BZA-22-19 on March 29, 2022.

Open public comment

Dustin White stated he took the oath and that I wish I was here in March to oppose this petition. We have LifeSpring at the corner of Spring Street and Maple Street that does outpatient counseling; however, we still have traffic of people suffering from mental illness. This downtown neighborhood has had to consistently resist this type of expansion of services. Though this business is not issuing medication, we are still attracting substance abusers. There are other places where this type of business can be implemented. We do not want this type of service

concentrated Downtown. Since TruHealing opened on the corner of Maple, there have been reports of increased traffic of people asking for money. An expansion of this business is not necessary. It is injurious to the public welfare and safety.

Sam Jones stated he took the oath. I have a business over on Maple Street. We have had a collective of new customers since we have opened; however, we have noticed a direct increase in non-shoppers since TruHealing has started its services. An expansion of these services is not great to have in the downtown.

Closed public comment

Chad Reischl stated, in some ways, this is simply an expansion of an existing business; however, there are some concerns about having this proliferation of this type of business in the downtown. The question before you is whether the expansion is warranted.

Christopher Foster stated the following:

- We have been operating for four years in many different areas. If you were to ask local authorities how frequently emergency services are called to our building, they would likely tell you they have never heard of our organization.
- All clients are monitored at the building. Our operations do not go into stores window shopping.
- The general welfare of the community is not at risk by any means. This new building will mainly be used for an expansion of administrative services; however, a client might come into that space for an orientation or a safety debrief.

Ms. Jones stated this is already a needed use. There are not enough services for folks that are suffering from drug addiction. We have approved them before. I do not see any harm in approving the expansion.

Move to findings

The Board of Zoning Appeals of the City of Jeffersonville, having heard the application for variance described above, and all opposition from parties claiming to be adversely affected thereby, does now enter the following findings:

1. The special exception will not be injurious to the public health, safety, moral, and general welfare of the community; and
2. The requirements and development standards for the requested use prescribed by this Ordinance will be met; and
3. Granting the special exception will not subvert the general purposes of the Zoning Ordinance and will not permanently injure other property and uses in the same district; and
4. The proposed use will be consistent with the character of the district therein, the spirit and intent of the Zoning Ordinance, and the Jeffersonville Comprehensive Plan.

Based on the findings described above, the Board does now deny this application. So ordered this 25th of April, 2023.

BZA-23-15 Development Standards Variance

Felipe Fukuda filed a Development Standards Variance application for 1306 Wall Street. The applicant requests a variance from the development standard for maximum fence height. The property is zoned M3 (Multi-Family: Large-Scale). The Docket Number is BZA-23-15.

Alex Davis stated he did not take the oath.

Les Merkley administered the oath.

Alex Davis, a general contractor working on Claysburg Towers renovations, stated we are seeking a 6ft tall fence variance along Thomas V. Bryant.

Chad Reischl stated this is a tough property to enclose the space for the residents as it has frontage on both sides. This is a permissible request.

Open public comment

Dustin White stated I would ask that you approve this variance. Having a 6ft fence is an excellent idea.

Closed public comment

Move to findings

The Board of Zoning Appeals of the City of Jeffersonville, having heard the application for variance described above, and all opposition from parties claiming to be adversely affected thereby, does now enter the following findings:

1. The variance of the development standards will not be injurious to the public health, safety, morals, and general welfare of the community.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
3. The strict application of the terms of the Zoning Ordinance will result in a practical difficulty. This situation shall not be self-imposed, nor be based on a perceived reduction of or restriction of economic gain

Based on the findings described above, the Board does now approve this application. So ordered this 25th of April, 2023.

Reports from Director and Staff

Chad Reischl stated we had interest among moving the Plan Commission from 6:00pm to 5:30pm. They voted to change the time. We would like to ask if you all are okay with moving the Board of Zoning Appeals meeting from 7:00pm to 6:30pm.

Mr. Hill made a motion to move the Board of Zoning Appeals meeting from 7:00pm to 6:30pm in perpetuity, seconded by Mr. Bottorff. Roll Call vote. Motion passed 4-0.

Adjournment

There being no further business to come before the Board of Zoning Appeals, the meeting was adjourned at 7:31 pm.

A handwritten signature in blue ink, reading "Mike McCutcheon", followed by a horizontal line.

Mike McCutcheon, Chair

A handwritten signature in blue ink, reading "Zachary Giuffre", followed by a horizontal line.

Submitted by: Zachary Giuffre, Secretary