

MINUTES OF THE
JEFFERSONVILLE BOARD OF ZONING APPEALS
May 30, 2023

Call to Order

Chairman Mike McCutcheon calls to order the Board of Zoning Appeals meeting. It is Tuesday, May 30, 2023, it is 6:30 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

Chairman Mike McCutcheon was present. Other members present were Duard Avery, Dennis Hill, and Kelli Jones. Also present were Planning & Zoning Attorney Les Merkley, Planning & Zoning Director Chad Reischl, and Secretary Zachary Giuffre. Mr. Stinson 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 April 25, 2023. Mr. Avery made a motion to approve the April 25, 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. Hill made a motion to adopt the Findings of Fact for the April 25, 2023 docket items, seconded by Ms. Jones. Roll call vote. Motion passed 4-0.

Approval of the Docket

Approval of the Docket. Ms. Jones 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

Mr. Stinson entered the room at 6:33pm.

BZA-23-17 Development Standards Variance

Greg Read filed a Development Standards Variance application for property located at 4301 Hill Side Lane. The applicant requests variances from the development standards for minimum front yard setback and maximum lot coverage. The property is zoned R1 (Single Family Residential-Large Lot). The docket number is BZA-23-17.

Greg Read stated he took the oath and the following:

- I live at 230 Bartholomew Boulevard.
- This shed will be behind a 6ft tall brick wall.

Chad Reischl stated the shed will be out of sight and out of mind as it is located behind a 6ft tall brick wall. Staff has no issues with this request.

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 30th of May, 2023.

BZA-23-18 Development Standards Variance

Laura Hubinger, GCCS CFO, filed a Development Standards Variance application for property located at 2915 Charlestown Pike. The applicant requests variances from the development standards for sidewalks and maximum primary structure height. The property is zoned NS (Institutional Uses). The docket number is BZA-23-18.

Jennifer Dieterlen stated she took the oath and the following:

- The site currently has an existing school. We are requesting a 46.5ft building height for the new school.
- We are also requesting the omission of sidewalk on Charlestown Pike. We have worked with planning and zoning to create a sidewalk that fits into the existing sidewalk network.

Chad Reischl stated Staff has no issues with either of these variances. As with any large school building, there are needs for gymnasium, cafeterias, etc. that warrant the height variance.

Open public comment

No comment

Closed public comment

Ms. Jones stated how will kids that live in the nearby multi-family developments get to the school if there is no sidewalk on the southern property line? It is important for kids to be able to walk to school safely without having to rely on bussing or car travel.

Chad Reischl stated the nearby multi-family development is reserved for senior living. The other side of the street has sidewalks.

Mr. McCutcheon stated there is a challenge with drainage in this area that complicates sidewalk placement.

Chad Reischl stated it would be in the City's purveyance to provide the sidewalk instead of the school as it would serve multiple developments.

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 30th of May, 2023.

BZA-23-19 Use Variance

Dylan Heintz filed a Use Variance for property located at 127 Park Place, East. The property is zoned R4 (Single Family Residential- Old City). The proposed use is a barber/hair salon. The docket number is BZA-23-19.

Dylan Heintz stated he took the oath and the following:

- I live at 127 E. Park Place.
- I want to use the front of the property for a hair salon and the rear as an existing apartment.

Chad Reischl stated this property is located in an older part of the City where various zoning laws did not apply in the past. The property was a hair salon in the past. Staff feels that a small barber shop should not be a significant issue in this neighborhood.

Open public comment

Carl Poff, who lives at 123 E. Park Place, stated he took the oath. With the past hair salon business that operated at this location, I had three vehicles hit because of inattentive patrons. There were trash issues. This has gone through multiple owners including Ms. Parker, Mr. Moore, and now Mr. Heintz. The past business operation complicated parking for residents.

Closed public comment

Mr. McCutcheon stated will you monitor the site? What will the hours of operation be?

Mr. Heintz stated the property will be owner-occupied. The hours will not stretch past 8:30pm. Customers will park in the alley to prevent the number of vehicles from proliferating, and the trash will be kept in the rear of the property.

Move to findings

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

1. The variance of use 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 will not be adversely be affected.
3. The need for the use variance does result from conditions unusual or peculiar to the subject property itself.
4. The strict application of the terms of the Jeffersonville Zoning Ordinance would result in an unnecessary hardship in the use of the property.
5. The approval of the variance would not contradict the goals and objectives of the Comprehensive Plan.

Based on the findings described above, the Board does now approve this application. So ordered this 30th of May, 2023.

BZA-23-20 Development Standards Variance

Jorge Plascencia Vargas filed a Development Standards Variance application for property located at 3826 Hamburg Pike. The applicant requests a variance from the development standards for minimum side yard setback. The property is zoned C1 (Commercial: Medium-Scale). The docket number is BZA-23-20.

Jorge Plascencia Vargas stated he took the oath and the following:

- I live at 4029 Williams Crossing Way.
- I already constructed the patio I am seeking the variance for.

Chad Reischl stated the applicant consulted with us about putting a patio on the side of his Mexican restaurant. Then, the applicant constructed a cover on the patio without receiving the undergoing the proper review and permitting process. This construction provoked a variance for the side yard setback. The expansion appears well-constructed. This would be a hard case for denial.

Mr. Avery stated this expansion upgrades the restaurant significantly.

Ms. Jones stated the Building Inspector needs to do a thorough inspection of the structure to determine if it is code-compliant.

Chad Reischl stated I will add inspection by the Building Commission as a condition of approval.

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 with the condition that the City of Jeffersonville Building Commission conducts an inspection of the structure. So ordered this 30th of May, 2023.

BZA-23-22 Development Standards Variance

Johnny Link filed a Development Standards Variance application for property located at 1726 Spring Street. The applicant requests variances from the development standards for maximum accessory structure height, exterior materials, accessory structure size, and accessory structure location. The property is zoned CN (Commercial: Neighborhood Scale). The docket number is BZA-23-22.

Andre Harris, who is the operations manager, stated he took the oath and the following:

- We have very limited space to locate the pole barn.
- The pole barn is blocked from the street on three sides.
- The sheet metal material is not permitted in this area; therefore, we are asking for a variance.

Chad Reischl stated Staff feels that construction of the pole barn is unlikely to create any significant issues for the community. We are a little concerned that this is not exactly the type of building we want along Spring Street; however, the structure is situated behind a row of pine

trees that could shield the structure. Potentially, there could be a condition imposed to integrate windows to prevent blank facades.

Mr. Stinson stated there is a nearby pole barn that already exists.

Open public comment

No comment

Closed public comment

Mr. Avery stated this structure will definitely improve the area.

Ms. Jones stated we should request change in material or more than one material on the street-facing side to give the structure more character. There could be windows or a change in siding.

Mr. McCutcheon stated this is a major arterial.

Ms. Jones stated we should put this in Planning Staff's hands to ensure that aesthetically-pleasing features are integrated with the proposed structure.

Andre Harris stated I am open to that idea.

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 with the condition that the applicant works with Planning Staff to integrate aesthetically-pleasing features for the proposed pole barn. So ordered this 30th of May, 2023.

BZA-23-23 Development Standards Variance

Myong Haw Kang filed a Development Standards Variance application for property located at 149 Forest Drive. The applicant requests variances from the development standards for accessory structure size and maximum lot coverage. The property is zoned R2 (Single Family Residential- Medium Lot). The docket number is BZA-23-23.

Katlyn Heinz stated he took the oath and the following:

- The applicant will be unifying existing buildings on the property.

- The resulting structure will be roughly 2,400 square feet total.
- The proposed increase in the size is only around 34% of what exists currently.
- The carport on the south side will be removed.
- Most of these structures will be shielded from the street.
- We are protecting a family-oriented business by allowing this variance.

Chad Reischl stated we have had many requests over the years for larger-than permitted accessory structures. This structure will likely not cause any issues for the community; however, it is difficult for us to determine the practical difficulty.

Open public comment

No comment

Closed public comment

Chad Reischl stated we have received multiple letters in support of this project. Two are in your staff packet — one from James and Barbara Mead, who live at 147 Forest Drive, and one from Janna Sellmer, who lives at 124 Forest Drove.

Letter from Doris Vick

Ms. Jones stated will you all get approval from Oak Park?

Mr. Pickens stated he took the oath and that we have already received approval from Oak Park.

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 30th of May, 2023.

Reports from Director and Staff

None

Mr. Stinson stated there are a number of wrecked cars for a property on Coopers Lane owned by the Carvers. We denied the Use Variance previously. Also, going into Buttonwood, someone has a shed in the back that should have been landscaped as part of a past Board of Zoning Appeals approval.

Adjournment

There being no further business to come before the Board of Zoning Appeals, the meeting was adjourned at 7:20 pm.

A handwritten signature in blue ink, reading "Mike McCutcheon" with a stylized flourish at the end.

Mike McCutcheon, Chair

A handwritten signature in blue ink, reading "Zachary Giuffre" with a stylized flourish at the end.

Submitted by: Zachary Giuffre, Secretary