

MINUTES OF THE
JEFFERSONVILLE BOARD OF ZONING APPEALS
February 27, 2024

Call to Order

Chairman Mike McCutcheon calls to order the Board of Zoning Appeals meeting. It is Tuesday, February 27, 2024, it is 6:30 pm in the City Council Chambers, Jeffersonville City Hall, 500 Quartermaster 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, Kelli Jones, and David Stinson. Also present were Planning & Zoning Attorney Les Merkley, Planning and Zoning Director Chad Reischl, and Secretary Zachary Giuffre.

(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 January 30, 2024. Mr. Hill made a motion to approve the January 30, 2024 minutes, seconded by Mr. Stinson. Roll call vote. Motion passed 5-0.

Approval of Findings of Fact

Approval of the Findings of Fact. Mr. Stinson made a motion to adopt the Findings of Fact for the January 30, 2024 docket items, seconded by Mr. Hill. Roll call vote. Motion passed 5-0.

Approval of the Docket

Approval of the Docket. Ms. Jones made a motion to approve the docket, seconded by Mr. Stinson. Roll call vote. Motion passed 5-0.

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-24-01 Special Exception

Mordecai Dickson filed a Special Exception application for property located at 16 E. Applegate Lane. The applicant requests a Special Exception to allow for an Accessory Dwelling Unit. The property is zoned R2 (Single Family Residential – Medium Lot). The docket number is BZA-24-01.

Mordecai Dickson stated he took the oath and the following:

- I live at 16 E. Applegate Lane.

- We want to augment our current living accommodations.
- I have 4 boys, and I would like to have that extra space to help accommodate us.

Chad Reischl stated the proposed creation of the ADU meets the intents and standards of our code.

Open public comment

No comment

Close 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 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 approve this application. So ordered this 27th of February, 2024.

BZA-24-07 Special Exception

Trey Ferrara filed a Special Exception for the property located on the 5000 block of Keystone Boulevard. The applicant requests a variance to allow for outdoor storage. The property is zoned I1 (Business Park/Light Industrial). The docket number is BZA-24-07.

Chelsea Sellers stated she took the oath and the following:

- We built a gravel lot on this site and we are here to make it right.
- We have already committed to and modified the drawings to show that the right-of-way apron will be paved to prevent gravel from going onto the street.
- We will be installing trees.
- We want to implement industrial storage and have a few dump trucks and tanker trucks.

Chad Reischl stated we are hearing the special exception for outdoor storage of equipment and cars. The neighbors have similar configurations; therefore, we are not concerned with them. We did make some recommendations for the applicant to pave the apron and integrate landscaping.

Open public comment

No comment

Close public comment

Ms. Jones asked is there anything that needs to be done from a stormwater standpoint?

Chad Reischl stated that is a good question; I believe that our drainage team has been out there.

Planner Shane Shaughnessy stated this would still meet our impervious surface standards even if it was paved.

Mr. Hill stated that property has been elevated and there are ways for water to drain off of the site.

Chad Reischl stated you should add the concrete apron, landscaping integration, and the site cleanliness standards as conditions.

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 approve this application with the conditions that the applicant integrate a 25ft concrete apron, integrate the required landscaping as shown in the site plan, and that the site shall be kept in an orderly and clean manner. So ordered this 27th of February, 2024.

BZA-24-08 Development Standards Variance

Trey Ferrara filed a Development Standards Variance for the property located on the 5000 block of Keystone Boulevard. The applicant requests a variance to allow for vehicular parking on a gravel surface. The property is zoned I1 (Business Park/Light Industrial). The docket number is BZA-24-08.

-Applicant commentary made above in BZA-24-07-

Chad Reischl stated we do allow gravel for industrial storage lots; however, we do not allow vehicular parking on gravel.

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 27th of February, 2024.

BZA-24-09 Development Standards Variance

Valvoline, LLC filed a Development Standards Variance for the property located at 2514 Allison Lane. The applicant requests a variance from the development standards for maximum parking count. The property is zoned C2 (Commercial – Large Scale). The docket number is BZA-24-09.

Nigel Tate stated he took the oath and the following:

- This is a very busy location.
- The ordinance allows for 6 spaces; we are requesting 10.
- Valvoline employees can range from 5-6 so that already takes up all of the allowable parking.
- There have been issues with customers having to park in the street or cue outside of the site.
- This proposed parking configuration improves traffic circulation, improves drainage, and landscaping for the property.

Chad Reischl stated we had issued citations for parking vehicles in the grass. We are happy that Valvoline is working with us. Right now, there is no drainage on the site, and we will be working with them to correct those problems. The change from 6 to 10 spaces is not a large request.

Open public comment

Marian Blackwell, president of the HOA for Cherry Creek Condominiums, stated he took the oath. Our private road connects to the Valvoline. We have an easement that we have to provide access for the Woods. We had an accident just yesterday. We would like to see if a traffic light

could be implemented. If they extend the parking lot, we would like to see if they can provide a privacy fence.

Closed public comment

Mr. McCutcheon stated you have a location in a very unique spot where there are condominiums and other uses nearby.

Nigel Tate stated I cannot comment on the need for a traffic light; we are mainly concerned for the circulation on the property. With regards to the privacy fence, we are not looking to extend the parking that close to the housing complex that the gentleman mentioned.

Mr. McCutcheon asked, when they deal with the runoff, will there be work in the back property that would allow them to plant trees?

Chad Reischl stated it appears that they are integrating trees in the rear. There appears to be a fence.

Nigel Tate stated that there was a fence there that was taken down.

Ms. Jones stated that you all can work that out outside of this meeting; it does not need to be something that we should mandate at this meeting.

Mr. Avery stated the drainage is not significant compared to the size of other developments. I would say 20 spaces would work better.

Ms. Jones stated I get my oil changed here a lot. 10 spaces provide plenty of room for parking and queuing. I appreciate that you all are doing things to improve the drainage and integrate trees.

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 27th of February, 2024.

BZA-24-10 Development Standards Variance

Chad Sprigler filed a Development Standards Variance application for property located at the 1700 block of Veterans Parkway. The applicant requests a variance from the development standards for parking location. The property is zoned C2 (Commercial - Large Scale). The docket number is BZA-24-10.

John Campbell stated he took the oath and the following:

- You have seen the Jack in the Box and Valvoline projects in the past. For Jack in the Box, we asked for a few variances to shrink the lot a bit and were granted them.
- As part of this layout, we did not take into consideration the parking layout.
- This should be the final item to approve the development plan.
- As stated in the staff report, this will likely not have a negative impact on the area.

Chad Reischl stated this plan, as shown, does not look significantly different from the other properties we have in the corridor.

Open public comment

No comment

Closed public comment

Ms. Jones stated I like the fact that pedestrians do not have to cross the drive-thru to get to the building.

Mr. Avery stated there are multiple access points on this plan that will help with traffic.

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 27th of February, 2024.

BZA-24-11 Development Standards Variance

Chad Sprigler filed a Development Standards Variance application for property located at the 1700 block of Veterans Parkway. The applicant requests variances from the development standards for maximum parking count. The property is zoned C2 (Commercial - Large Scale). The docket number is BZA-24-11.

John Campbell stated he took the oath and we consulted with staff and shrunk the parking down to the minimum corporate standard which is just above what is allowed by code.

Chad Reischl stated this is the same issue we saw two cases ago where we have a parking standard that does not align with the use.

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 27th of February, 2024.

BZA-24-12 Development Standards Variance

David Nicklies filed a Development Standards Variance application for property located at 1034 Spring Street. The applicant requests a variance from the development standards for maximum fence height. The property is zoned C1 (Commercial – Medium Scale). The docket number is BZA-24-12.

David Nicklies stated he took the oath and the following:

- I am representing the Nicklies Foundation.
- We were here last month to talk about the use on the property.
- Staff asked that, if we put the fence up, we will remove it in 2 years.

Chad Reischl stated Staff is not necessarily supportive of this variance as it sets a bad precedent. There are multiple car dealerships downtown and none of them have 6ft fences in

front of their buildings. Having a 6ft fence on a primary pedestrian street in Claysburg is not a pedestrian-friendly type of thing you want on the street. I realize that the City has installed a 6ft fence on the Depot property; however, that is likely for crowd control instead of security. I am not in support necessarily; though, it is up to you all to determine if the variance meets the considerations that are in front of you.

Open public comment

Les Merkley administered the oath to Dustin White.

Dustin White stated I spoke last month against this project. I am speaking against this fence. There are multiple car lots nearby that do not have fences. If this is an area that the applicant believes products will not be safe, it will likely be better to put the use in a different area. This is a medical district not a car sales district. It does not need to be cleaned up by anyone. This should conform with the medical district that surrounds the area as detailed in the comprehensive plan. This fence would convey that this is somehow an unsafe area. I request that you deny this request.

Closed public comment

David Nicklies stated this is an opportunity to bring vintage right-hand drive imported cars to the City of Jeffersonville. We have agreed to do a 2-year timeframe. It has to have a fence and security. We talked to a coffee shop about occupying this after 2 years.

Mr. Avery stated your company has a good reputation. It seems that this is a prime area for expanding medical uses. It would be nice to see if you would think about integrating condos or apartments or medical uses at this property.

David Nicklies stated we built a facility with a free-standing Norton facility in Jeffersonville Commons. This was built by a group of doctors as an office condominium building in the 80s. Our plans would be for that to be a medical complex.

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 deny this application. So ordered this 27th of February, 2024.

Reports from Director and Staff

None

Adjournment

There being no further business to come before the Board of Zoning Appeals, the meeting was adjourned at 7:18 pm.



Mike McCutcheon, Chair



Submitted by: Zachary Giuffre, Secretary