

MINUTES OF THE
JEFFERSONVILLE BOARD OF ZONING APPEALS
June 25, 2024

Call to Order

Chairman Mike McCutcheon calls to order the Board of Zoning Appeals meeting. It is Tuesday, June 25, 2024, it is 5:30 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, and Kelli Jones. Also present were Planning & Zoning Attorney Mr. Merkley, Planning and Zoning Director Chad Reischl, and Secretary Zachary Giuffre. David Stinson was absent at the time of roll call.

(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 May 28, 2024. Mr. Hill made a motion to approve the May 28, 2024 minutes, seconded by Ms. Jones. Roll call vote. Motion passed 4-0.

Approval of Findings of Fact

Approval of the Findings of Fact. Ms. Jones made a motion to adopt the Findings of Fact for the May 28, 2024 docket items, seconded by Mr. Hill. 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

BZA-24-27 Development Standards Variance

Shane Paul filed a Development Standards Variance for the property located at 3211 E. 10th Street. The applicant requests a variance from the standards for minimum lot area and parking distribution. The property is zoned C2 (Commercial – Large Scale). The docket number is BZA-24-27.

Camille Hesen stated she took the oath and the following:

- This is for a property along 10th St.; it is currently zoned C2 Commercial.
- We are asking for a variance for the minimum lot area and parking distribution.
- This site will be subdivided and a Jack in the Box will be proposed at this location.
- We have a 1.2-acre lot and we are placing 100% of the parking in front of the building.
- There are several other properties nearby that are also under the minimum lot area.

Chad Reischl stated Staff feels that the proposed variances are unlikely to diminish the value of the area; however, we are struggling with the fact that they are only willing to buy 1.2 acres of the site. This is a strange variance of their own creation. I can understand that the parking variance might be warranted given that it may be dangerous to flip the building around, changing the traffic flow.

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 June, 2024.

BZA-24-31 Special Exception

Siliang Hu filed a Special Exception for the property located at 720 E. Chestnut Street. The applicant requests to establish an Accessory Dwelling Unit. The property is zoned R4 (Single Family Residential – Old City). The docket number is BZA-24-31.

Siliang Hu stated she took the oath and the following:

- We have a residence above the garage that is detached from the garage.
- It is an existing unit but it has not been used since we bought it 10 years ago.
- We need to finish the electrical and plumbing.

- This will be for family use.

Chad Reischl stated this fits the future land use plan and comprehensive plan. We do not have any issues.

Mr. McCutcheon stated this board has been aggressive with these types of requests in the past. Was this an existing carriage house? They are not using this for a business.

Chad Reischl stated it is hard to say as most of the homes in the downtown were built before the zoning code. Though, this space has been vacant for at least 10 years. There is one letter in opposition from Jim and Judy Pasierbowicz in the packet.

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 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 25th of June, 2024.

BZA-24-32 Development Standards Variance

Mark Peacock filed a Development Standards Variance for the property located at 1609 Lee Street. The applicant requests a variance from the standards for maximum lot coverage. The property is zoned R2 (Single Family Residential – Medium Lot). The docket number is BZA-24-32.

Mark Peacock stated he did not take the oath.

Les Merkley administered the oath.

Mark Peacock stated I plan on building a 20' x 30' living room off of the back of the house. I need the space as I am having another child soon.

Chad Reischl stated Mr. Peacock also owns a property to the rear. If we were to combine these two parcels, he would have more than enough pervious surface to make this addition.

Open public comment

No comment

Closed public comment

Ms. Jones asked has storm water looked at this at all to see if there are any issues?

Chad Reischl stated not necessarily.

Mr. McCutcheon stated some changes were made to take care of standing water issues.

Mark Peacock stated there were some flooding issues. The City added drains on all of the properties northeast of me which has stopped all the drainage issues.

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 June, 2024.

BZA-24-33 Use Variance

Mark Peacock filed a Use Variance for the approximately 2 acre property located behind 1609 Lee Street. The applicant requests to establish a contractor's office with outdoor storage. The property is zoned R2 (Single Family Residential – Medium Lot). The docket number is BZA-24-33.

Mark Peacock stated he took the oath and the following:

- This property is going to end up being addressed off of Highland Drive.
- In 2019, I reached a deal to buy-on-contract the land behind my house. I paid it off in 2020. The original agreement was that I pay for the survey upfront, and the lawyer

employed by the surveyor went out of business. We have had trouble separating the parcel.

- Since COVID, I have ben using the property for storage. Though, I did not go through the proper channels.
- This was very water-logged and overgrown. I worked to make the drainage flow with the creek that is already there.
- I park vehicles there; it is basically an extension of my garage.

Chad Reischl stated it is fair to say that, usually, we are hesitant to allow a business like this to happen in a neighborhood; however, there are some mitigating factors such as most of the property being located in the floodplain and most of this property being hidden from the roadway. We have some recommended conditions:

1. That additional gravel shall not be placed on the site,
2. That the use shall not expand past the area that it is currently located,
3. That additional structures shall not be built or expanded without proper permits,
4. That any outdoor storage shall consist solely of vehicles that are in working condition,
5. That the area shall be kept in an orderly and tidy condition,
6. That traffic to the area shall consist solely of the applicant and those associated with the contracting business.

Open public comment

No comment

Closed public comment

Mr. McCutcheon asked could he maintain the gravel in existence?

Chad Reischl stated yes.

Mark Peacock stated eventually, I would like to build a house back there.

Ms. Jones stated in the photo that is included, there appears to be several cars parked in the dirt. Do we have any issues with that?

Mark Peacock stated there is gravel there.

Mr. McCutcheon asked is the boat yours?

Mark Peacock stated yes it is. It is no longer there.

Ms. Jones stated it appears that this operation is in the floodway.

Chad Reischl stated actually that is not correct. It is mostly forested back there. This operation is outside of the floodway.

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 with the conditions that additional gravel shall not be placed on the site, the use shall not expand past the area that it is currently located, additional structures shall not be built or expanded without proper permits, any outdoor storage shall consist solely of vehicles that are in working condition, the area shall be kept in an orderly and tidy condition, and traffic to the area shall consist solely of the applicant and those associated with the contracting business. So ordered this 25th of June, 2024.

BZA-24-34 Use Variance

Manley Enoch Holdings, LLC filed a Use Variance for the property located at 828 Spring Street. The applicant requests to establish a commercial truck accessory installation business. The property is zoned CD (Commercial – Downtown). The docket number is BZA-24-34.

Camille Heslen stated she took the oath and the following:

- The existing use is an auto garage; the proposed use is maintaining the existing use. We are seeking a use variance because the auto garage use is no longer permitted in the CD zone district.
- The site is adjacent to other auto or traffic control equipment uses, so we are similar to our neighbors.
- The client, IMPCO, has been in conversation with the city to improve the site conditions. Although the use would be the same, there would be improvements to landscaping and a relocation of the primary entrance being located off of the alley. The secondary entrance would be off of Spring St. There are discussions of providing an art mural on Spring St., trimming trees for pedestrians, and more which meet the city's goals for the arts district that the City is trying to establish in this area.
- The trees have already been pruned and barbed wire has been removed as requested by the City. As it stands today, it is much improved from what it was existing.

Chad Reischl stated there is a bit of a disjoint in this area between the zoning district and the type of buildings that we see in this area. It has been the City's plan for many years to extend the downtown's streetscape nature. We were not terribly thrilled when we found out about this project; however, I have worked with IMPCO and their team, and I feel that they are proposed good mitigations in regards to landscaping, the fence, the mural, etc.

Chad Reischl stated there is one letter in support from Peyton Barricade.

Open public comment

Todd Manley stated he took the oath. I am one half of IMPCO. We want to donate one side of the building to Jeffersonville and make it a gateway. We will not have vehicles piled up. We do firetrucks, police cars, etc. We want to work with the City. We have received a lot of thank-yous already for cleaning up the site.

Closed public comment

Ms. Jones stated thank you for taking pride in this site and cleaning it up, and for working with Chad to further the mitigation. For the vehicular entrance locations to the site, it seems like there are a lot of locations where they could be.

Todd Manley stated there will be a gate at the secondary entrance. The primary entrance would actually be on 9th St. There would be another entrance off of the alley.

Ms. Jones stated it appears that almost the entire 9th St. access is vehicular access.

Todd Manley stated there will be two gates there.

Ms. Jones stated I wish we could get a bit wider of a green sliver there, but you all are doing well.

Mr. McCutcheon stated you are in our gateway area of Jeffersonville. We need strong people that have pride. We applaud you and we hope that is what is maintained. Have you had a chance to look over the staff recommendations?

Todd Manley stated yes and we have no issue with them.

Camille Heslen stated some of them have already been implemented.

Mr. Avery stated this is a very good project. This going to add jobs. This used to be a body shop. Some really ratty buildings were torn down. You are going to make this look really pretty.

Todd Manley stated yes, 80% of our business is for municipalities.

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 with

the conditions that the site be cleaned up and maintained in a neat and orderly condition, art (such as murals) be incorporated into the façade of the building facing Spring Street, concrete be removed between the building and Spring Street to the maximum extent possible, grass be maintained to the maximum extent possible on the southern side of the site nearest to Spring Street, trees and landscaping be planted along the western and southern property lines, the building entrance be well defined with landscaping and awnings, any vehicular storage be kept behind the building on the southern side of the site, toward the alley and away from Spring Street to the maximum extent possible, and the main ingress/egress point on the southern side of the site be located on the alley, with the gate on Spring Street used minimally. So ordered this 25th of June, 2024.

Reports from Director and Staff

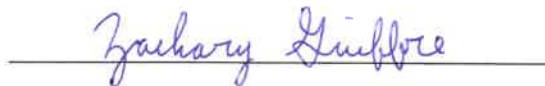
None

Adjournment

There being no further business to come before the Board of Zoning Appeals, the meeting was adjourned at 6:15 pm.

Handwritten signature of Mike McCutcheon in blue ink, with a horizontal line underneath. The signature includes a small symbol resembling a double hash (#) at the end.

Mike McCutcheon, Chair

Handwritten signature of Zachary Giuffre in blue ink, with a horizontal line underneath.

Submitted by: Zachary Giuffre, Secretary