

MINUTES OF THE  
**JEFFERSONVILLE BOARD OF ZONING APPEALS**

July 29, 2025

**Call to Order**

Board President Mike McCutcheon calls to order the Board of Zoning Appeals meeting. It is Tuesday, July 29, 2025, 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**

Board President Mike McCutcheon and board members Duard Avery, Kelli Jones, David Stinson, and Dennis Hill were present in the City Council Chambers. Also present were Planning & Zoning Attorney Les Merkley, Secretary Shane Shaughnessy and Planner Shelby Walsh.

**(Secretary's Note: All plat maps, public letters, photos, etc. presented before the Plan Commission on this date can be found in the office of Planning & Zoning.)**

**Approval of Minutes**

Approval of the minutes from June 24, 2025. Mr. Hill made a motion to approve the June 24, 2025 minutes, seconded by Mr. Stenson. Roll Call vote. Motion passed 5-0.

**Approval of Findings of Fact**

Approval of the Findings of Fact from June 24, 2025. Ms. Jones made a motion to approve the June 24, 2025 findings of fact, seconded by Mr. Stenson. Roll Call vote. Motion passed 5-0.

**Approval of the Docket**

Motion to approve the agenda made by Mr. Hill, seconded by Mr. Stenson. 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-25-27 Development Standards Variance**

Joshua LaFountain filed a Development Standards Variance application for the property located at 1401 Allison Lane. The applicant requests a variance from the standards for the height of an accessory structure. The property is zoned M2 (Multi-Family Residential – Medium Scale). The Docket Number is BZA-25-27.

Joshua LaFountain of 1401 Allison Lane stated he took the oath and said that he is wanting to build a new garage and needs to increase the peak of the roof a couple of feet past the standards to put in a 10 foot door to allow the garage to hold his boat.

Mr. Shaughnessy said that this somewhat of an unusual situation in that the property is zoned M2 but has a single family house on it. Because of this zoning, they are permitted to have a larger accessory structure than if it was zoned for single family but are requesting a variance for some additional height. The garage will be tucked away behind the house and Staff doesn't feel like this variance would be harmful to the surrounding area.

Open public comment

No comment

Closed public comment

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 29th day of July, 2025.

#### **BZA-25-28 Development Standards Variance**

Hayes Contracting, LLC filed a Development Standards Variance application for the property located at 1620 Allison Lane. The applicant requests variances related to the redevelopment of the site. The existing and proposed use is a gas station. The property is zoned C1 (Commercial: Medium Scale). The Docket Number is BZA-25-28.

Jason Copperwaite with Paul Primavera and Associates stated he took the oath and said that he is representing the applicant, SHG 1620 LLC who is the contractor for the property owner. He said that there is an existing gas station with a canopy and that they are asking to improve the site with a 3000 sf convenience store and pump canopy which will face Middle Road. The current gas station is a legal nonconforming use and that the proposed project will bring aspects of the site more into compliance with the Code, though not completely. He is requesting variances for lot coverage and that the lots currently has 91% coverage and that they are reducing it to 76%. He said there are four entrances onto the site and that they reducing this to two entrances that will be slightly wider than the standards to ensure emergency vehicles and deliveries can enter the site. Because this is a corner lot, there are technically two front yards and that the parking will all be in the front yard but will be split between facing Middle Road and Allison Lane. The last variance is to establish a new gas station within the allowable proximity of another gas station, though there is an existing gas station on this site. He said this will be a vast improvement to the site with the building being made of metal, EFIS, and split faced block.

Mr. Shaughnessy stated because the current gas station is going to be active until the new project gets underway, the nonconforming use will continue to the new project and would not require a Special Exception. However, because they are altering the site and removing the buildings, they do need a variance from the one mile gas station proximity standards. He said the other requested variances are relatively minor and would be an upgrade from what is existing on the site.

#### Open public comment

Doug Bates with Stites and Haribson Law Firm stated he took the oath and that he is representing the adjacent property owner, Water Energizers Inc. He said his client has been parking on a portion of the subject property for over 50 years and that there has been a guardrail delineating this area for 50 years. He said his client needs this parking to service their building. He said the proposed building would extend into this parking area. He said they object to the building interfering with the neighbor's parking and have issues related to additional traffic on Middle Road.

Emily Vassils stated that she took the oath and said that she is advocating on behalf of the property owner. She said that while there is a guard rail present on the property, she said that they had found no proof that it had been there for 50 years and that the property had been sold in 1997. She said that this issue isn't something that should be raised by this Board but would be more appropriate to weigh in another forum and shouldn't be considered as part of the variance request.

#### Closed public comment

Mr. Copperwaite said that they had found surveys back in the 1960s agree with the property lines that are on the plans. He said the property line issue is a civil one between the property owners. He said that the Board is not being asked to approve the Development Plan, just the variances which he thinks are justified regardless of what happens with the property line dispute.

Mr. Merkley said that this issue had been brought up a few years ago when a prior property owner attempted to redevelop this property and said that his opinion then and now is that the dispute between the property owners is separate from what is before the Board. The Board is only looking at the appropriateness of granting the variances. Mr. McCutcheon said that at that prior meeting, the Board did the same thing and took action and allowed the property owners to figure out the property issue separate from the Board.

Ms. Jones asked if the survey that was found was accurate to what was being presented. Mr. Copperwaite said it was and that any sort of adverse possession claim was outside his purview. She said that the property dispute was also outside of the Board's purview. She said that the traffic issues that had been brought up would likely be made better by the development of the site by closing off large portions of the entrances. She said this would improve safety at the intersection, would make the site look better with landscaping, and that this project would be a significant improvement to this site.

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:

4. The variance of the development standards will not be injurious to the public health, safety, morals, and general welfare of the community.

5. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
6. 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 29<sup>th</sup> day of July, 2025.

**Report from Director's and Staff**


None

**Adjournment**

There being no further business to come before the Board of Zoning Appeals, the meeting was adjourned at 6:51 pm.



Mike McCutcheon, Chair



Secretary