

MINUTES OF THE
JEFFERSONVILLE BOARD OF ZONING APPEALS
December 2, 2025

Call to Order

Board President Mike McCutcheon calls to order the Board of Zoning Appeals meeting. It is Tuesday, April 29, 2025, it is 6:09 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 and David Stinson were present in the City Council Chambers. Member Kelli Jones was present remotely. Member Dennis Hill was absent. Also present were Secretary Shane Shaughnessy, Planner Shelby Walsh, and Planning & Zoning Attorney Les Merkley.

(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 October 28, 2025. Mr. Stenson made a motion to approve the October 28, 2025 minutes, seconded by Mr. Avery. Roll Call vote. Motion passed 4-0.

Approval of Findings of Fact

Approval of the Findings of Fact from October 28, 2025. Mr. Stenson made a motion to approve the October 28, 2025 findings of fact, seconded by Mr. Avery. Roll Call vote. Motion passed 4-0.

Approval of the Docket

Motion to approve the agenda made by Mr. Stenson, seconded by Mr. Avery. Roll call vote. Motion passed 4-0.

Oath

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

Old Business

None

New Business

BZA-25-35 Special Exception

David Wooten filed a Special Exception application for the property located at 116 Wall Street. The applicant requests to establish a Short-Term Rental on the property. The property is zoned R4 (Single Family Residential – Old City). The Docket Number is BZA-25-35.

Brandy Lewis of 1519 Oakmont Drive stated she took the oath and said that they own the property at 114 Wall Street which has been a short-term rental for many years and are looking to take 116 Wall Street, which had previously been a long-term rental, and turn it into a short-term rental. She said that she doesn't think this would have any impact on the neighbors.

Shane Shaughnessy stated that the City's interpretation of the state's statute about short-term rentals in the absence of guidance from the state that the City believes that unless there is a life or health safety issue in the building, there is little recourse to deny the Special Exception. In this case, the building was used previously for rentals and will continue to be used in that manner.

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 2nd of December, 2025.

BZA-25-36 Special Exception

Morgan and Justin Bush/Murphy Way Designs LLC filed a Special Exception application for the property located at 422 E. 7th Street. The applicant requests to establish a Short-Term Rental on the property. The property is zoned CN (Commercial - Neighborhood). The Docket Number is BZA-25-36.

Morgan Bush at 2868 Alonzo Smith Road stated she took the oath and said that she is a realtor and is planning to use the property to house her realty business and since they don't need the entire building, she would like to make the back half into a short-term rental which would have its own door to separate the units.

Shane Shaughnessy stated it's a unique multi-use building and that they had no concerns.

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 2nd of December, 2025.

BZA-25-37 Special Exception

Valerie Melton filed a Special Exception application for the property located at 112 Howard Lane. The applicant requests to establish a Short-Term Rental on the property. The property is zoned R4 (Single Family Residential – Old City). The Docket Number is BZA-25-37.

Valerie Melton of 4727 Fairway Court in Louisville said she took the oath and said that she purchased the home for a luxury rental unit considering the future of the JeffBoat property.

Shane Shaughnessy stated this is a new build home and that the use would fit the location.

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 2nd of December, 2025.

BZA-25-38 Special Exception

Micah Porter filed a Special Exception application for the 0.5 acre property located at the Southwestern corner of the intersection of E. 15th Street and Thomas V. Bryant Street. The applicant requests to establish a 15 unit Multi-Family Residential building on the property. The property is zoned NS (Institutional Uses). The Docket Number is BZA-25-38.

Jon McCoy of JLM Engineering and Micah Porter, the property owner, said they took the oath. Mr. McCoy said that this request is running concurrently with a rezoning request that was heard at the previous Plan Commission meeting. He said the zoning code allows up to 12 units in one multi-family building in the M2 district and that they were requesting a Special Exception to increase that number to 15 units. Mr. McCutcheon said that the Plan Commission forwarded the rezoning request to City Council with a favorable recommendation.

Shane Shaughnessy stated that Staff feels the apartment would be a boon to the community and that the addition of 3 extra units wouldn't be a huge issue.

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 2nd of December, 2025.

BZA-25-39 Development Standards Variance

Vyom Realty of Louisville, KY filed a Development Standards Variance application for the property located at Lot 1 of 5413 Highway 62. The applicant requests variances related to the development of a drive-thru restaurant including parking location and building size as well as a request to utilize the sidewalk fee-in-lieu program for the eastern section of the property. The property is zoned C2 (Commercial: Large-Scale). The Docket Number is BZA-25-39.

Ms. Jones stated she must recuse herself as the applicant is being represented by her company. She then exited the meeting.

Doug Sellers with Sabak, Wilson, and Lingo stated he took the oath and said that the applicant is proposing to build a 3-lot hotel and commercial development. He said this property is next to

the fire department on Hwy 62 and across from the new middle school. He said the plat has been approved by Staff. This variance is about Lot 1 which will have a drive-thru restaurant and contains a pond on the east side of the property. He said they are requesting variances for the size of the building, location of the parking, and approval of the sidewalk fee-in-lieu. He said that the pond on the property goes almost to the guardrail on Hwy 62 and would be impossible to place a sidewalk at that location. He said that other restaurants in the area are of similar sizes and similar parking configuration.

Shane Shaughnessy stated the variances for the size and parking are typical for these types of developments and that the sidewalk fee-in-lieu would allow sidewalks to be built where they're needed as there isn't a way to connect to the sidewalks to the north.

Open public comment

No comment

Closed public comment

Mr. McCutcheon said that the property line of this property is in the middle of the access drive that the fire department uses for access to the fire station. He asked who maintains that access. Mr. Sellers said that it is a shared access easement. Mr. Merkley said that both the development and the fire station would share access. Mr. McCutcheon said that he has concerns about the amount of new access to this shared driveway and that it would create significantly more wear and tear on the road. Mr. McCutcheon asked Mr. Sellers if he could talk to the applicants about future maintenance agreements for that driveway. Ms. Walsh said that for that lot, they would have to come in for another variance at a later date and that could be addressed at that time.

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 2nd of December, 2025.

BZA-25-40 Development Standards Variance

Vyom Realty of Louisville, KY filed a Development Standards Variance application for the property located at Lot 2 of 5413 Highway 62. The applicant requests a height variance to build a 4-story hotel. The property is zoned C2 (Commercial: Large-Scale). The Docket Number is BZA-25-40.

Doug Sellers with Sabak, Wilson, and Lingo stated he took the oath and said that the applicant is proposing a four story, 100 room hotel on Lot 2 of the development. He said that hotels are an

approved use in the C2 zone district, but that the district caps the height at 35 feet and that most hotels require at least a 4 story build which would require a height variance. He said that similarly sized hotels are located nearby.

Shane Shaughnessy stated that Staff acknowledges that most hotels need to be 4 stories to be economically viable. Staff also notes that there are single family residential properties to the north on the other side of the railroad tracks and that the BZA could ask for additional buffering. Mr. Sellers said that the existing treeline along the rear of the property will be maintained and that additional vegetation will be planted.

Open public comment

No comment

Closed public comment

Ms. Jones asked I assume the landscaping requirements will be met to keep headlights from shining into Veterans Parkway, correct?

Doug Sellers stated that is correct. 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 2nd of December, 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 6:33 pm.



Mike McCutcheon, Chair



Secretary