MINUTES OF THE

JEFFERSONVILLE BOARD OF ZONING APPEALS

January 27, 2026

Call to Order

Board President Mike McCutcheon calls to order the Board of Zoning Appeals meeting. It is Tuesday, April 29, 2025, it is 6:07 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, Planning and Zoning Director Chad Reischl, 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 December 2, 2025. Mr. Hill made a motion to approve the December 2, 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 December 2, 2025. Mr. Stinson made a motion to approve the December 2, 2025 findings of fact, seconded by Ms. Jones. Roll Call vote. Motion passed 5-0.

Approval of the Docket

Motion to approve the agenda made by Ms. Jones, seconded by Mr. Hill. 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-26-01 Special Exception

Jonas Sosa filed a Special Exception application for the property located at 1001 E. 9th 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-26-01.

Jonas Sosa, the property owner, and Michael Wilder, his attorney stated they took the oath. Mr. Sosa stated that they lived in Jeffersonville until 2016 when they moved away. This is the only property they own in Jeffersonville and have tried to have long-term rental tenants but have had significant trouble with their tenants and are seeking to use the property for a short-term rental instead. They believe that by switching to short-term rentals, they will have more control over the house and could prevent issues from occurring on the property. Mr. Wilder said that the applicant had filed for a short-term rental permit and that the use is allowed in the R4 district and will not be altering the property for this purpose.

Mr. Reischl said this is an exist home and that as long as the property is properly managed, it should not cause harm to the neighbors. He said that the Board must take into account the limitations that have been placed by the State in that these short-term rentals can only be denied for health and safety reasons. Mr. Reischl said that he has a letter from a number of residents in the area which said that as residents of downtown they are concerned with the conversion of single family homes to short-term rentals and would ask the board to consider how these conversions affect quality of life issues.

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-26-02 Use Variance

Payne Sparkman Manufacturing, Inc. filed a Use Variance application for the property located at 5201 Highway 62. The proposed use is for a light manufacturing business. The current zoning is C2 (Commercial – Large Scale). The Docket Number is BZA-26-02.

There was no representation for this item. Ms. Jones made a motion to table the matter, seconded by Mr. Stenson. Roll call vote. The motion passed 5-0.

BZA-26-03 Development Standards Variance

Gilmore Construction Inc. filed a Development Standards Variance application for a vacant parcel located on the 4000 block of Helen Road. The applicant requests a variance from the

setbacks to build a three-unit retail building. The property is zoned C1 (Commercial: Medium-Scale). The Docket Number is BZA-26-03.

Camille Hesen with Heritage Engineering stated she took the oath and that the site is located off of 10th Street on Helen Road. The site is zoned C1 and is adjacent to C1, M3, and NS properties. The M3 property is also owned by Gilmore Construction and has an apartment complex on it. They are asking for four variances- one to encroach into the front building setback and to encroach into a landscape buffer which are necessary due to the site's odd shape. They are also asking for a variance to allow a 6 foot fence to encroach into the front setback which is necessary to provide adequate screening. They are also asking for a variance to provide more than the recommended parking on the site which based on the use of the building for a restaurant space, the maximum allowable parking is 32 spaces and they are asking for 35 spaces.

Mr. Reischl said this is a very unusual shaped site which causes a number of the standards to be an issue for developing the site, although it could be argued that if the building was made smaller, some of the variances wouldn't be necessary. Overall, it seems to be a good project that fills in a difficult vacant site. He said that he received a letter from Chris Gustafson from the church next door.

Open public comment

Chris Gustafson, the Pastor of Eastern Heights Baptist Church stated he took the oath and that while his church is excited about the growth of Jeffersonville, but that they have concerns with the setback variances which he says would violate all of the setbacks. He said that when they built the church they would need to stay within the required setbacks. He also had concerns about Helen Road which he said is in terrible shape and that they had been working with the City and State to get another entrance onto 10th Street. He said putting this building on Helen road would increase the amount of traffic on the road and restrict access to the church. He said that between 4:30 and 6:30, the traffic is backed up past the four-way stop due to Swig and that it could be an issue with emergency services. He said that the landscaping is also not up to the standards they were required to put on their site. He said allowing a project of this size on this small of a lot is not a wise thing to do.

Closed public comment

Ms. Hesen said that they are having a drive-thru on the north side of the building which is why they need to encroach into the buffer yard and setback. They want to provide additional stacking area on-site and a bypass lane which is what would encroach into that area.

Ms. Jones asked if they had looked into how this development will impact traffic in the area as the traffic generated by Swig has been an issue. Ms. Hesen said that they have two entrances and a bypass lane which will help keep traffic flowing. Ms. Jones asked how they were addressing stormwater which Ms. Hesen said that because the property owner also owns the apartment complex next door, they are looking into using the detention on the apartment site for detention which should be able to handle the stormwater given how small the site is. Ms. Jones asked if they have had any conversations about gaining another access point from Helen Road to 10th Street as the church has which Ms. Hesen said that the State had previously said that they were not interested in provided additional access in that area. Ms. Jones said that it would help to alleviate traffic in the area, but that it may not be feasible if the State won't allow it. Mr. Reischl said that the City Engineer has had some conversations with the State about having a right-in, right-out access point which may be more feasible.

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-26-04 Special Exception

Paul Maynard filed a Special Exception application for the property located at 309 E. Riverside Drive. The applicant requests to establish a Short-Term Rental on the property. The property is zoned M1 (Multi-Family Residential – Small Scale). The Docket Number is BZA-26-04.

Paul Maynard said that he took the oath and said that the property had been used as a short-term rental but had suffered a fire which did $700,000 worth of damage. He said he's been waiting on his insurance to make repairs to the property. He said he has someone who is interested in buying the property for use as a short-term rental. He said that the buyers have a number of short-term rentals in the area and haven't had issues with the neighbors. He said that a number of people have approached him to use the property as a sober living facility but that he would rather it be used as a short-term rental for his neighbors' sakes.

Mr. Reischl said that he has evidence that the property had been used as a multi-family structure and as a short-term rental. He said that because the property hasn't been used as a short-term rental for over 6 months which requires the Special Exception to be approved even though it had previously been used for this purpose. He said he has had conversations with the prospective buyer and that she has been very forthright with what she intends to do with the property and has been on top of getting her other short-term rentals registered with the City. He also said the letter he received about the previous short-term rental Special Exception also applies to this case.

Open public comment

Paul Torp of 301 E. Riverside Drive stated he took the oath and that while it's nice to be notified about these hearings, it seems unnecessary if the State doesn't allow these uses from being denied. He asked that the City set some restrictions on short-term rentals including how many short-term rentals can be on one block, how many guests are allowed to stay there, parking restrictions, and noise disturbance restrictions. He asked what the difference would be between these short-term rentals and a small boutique hotel or a commercial business versus a residence. He said he was concerned with how these short-term rentals will disturb the character and fabric of the historic neighborhoods. He asked how many guests are going to be allowed at this property, if there are any parking restrictions, or hours of operations?

Closed public comment

Mr. Maynard said he understands the concerns of the neighbors but felt that the concerns may be based on not being around these types of uses. He said he hasn't had any issues from the neighbors of his other short-term rentals and said that he doesn't rent to local people as those tend to lead to parties. He said the clientele of this property will be renting it for over $1000 per night. Mr. McCutcheon asked how many people would be allowed at the property and if there was onsite parking. Mr. Maynard said that the prospective buyer would likely have around 5 bedrooms but would rent the entire house as one unit and that there is some on site parking as well. Mr. Reischl said that in terms of parking restrictions, the State law requires them to only restrict parking in the same manner of other residential homes which the code would require three parking spots. He said that there are existing noise ordinances that would cover the short-term rentals as they would any other residential house. He said he does not have a good answer about restrictions on number of guests and where the line between a short-term rental and a hotel is.

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 3rd of December, 2025.

Report from Director's and Staff

Mr. Reischl said that he has distributed the Planning Department's Annual Report to the board members and asked them to provide any feedback they had.

Adjournment

There being no further business to come before the Board of Zoning Appeals, the meeting was adjourned at 6:45 pm.

Duard Avery

Mike McCutcheon, Chair

Secretary