

MINUTES OF THE
JEFFERSONVILLE BOARD OF ZONING APPEALS
February 24, 2026

Call to Order

Board Vice President Duard Avery calls to order the Board of Zoning Appeals meeting. It is Tuesday, April 29, 2025, it is 6:10 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 members Duard Avery, Kelli Jones, David Stinson, and Dennis Hill were present in the City Council Chambers. Board member Mike McCutcheon was absent. 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 January 24, 2026. Mr. Stenson made a motion to approve the January 24, 2026 minutes, seconded by Mr. Hill. Roll Call vote. Motion passed 4-0.

Approval of Findings of Fact

Approval of the Findings of Fact from January 24, 2026. Mr. Stenson made a motion to approve the January 24, 2026 findings of fact, seconded by Mr. Hill. Roll Call vote. Motion passed 4-0.

Approval of the Docket

Motion to approve the agenda made by Mr. Stenson, 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

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.

Carter Payne, president of Payne Sparkman, stated he took the oath and said they had recently relocated to the former Cunningham Campers location and that they are looking to get a variance to set up their business at that location. Mr. Reischl said that the company contacted him in December about moving to this location. They are a company that does light assembly and so they are not really manufacturing new products, they're assembling products for sales and shipping and fall somewhere between a commercial and industrial use which is why the

Use Variance was necessary as the property is zoned solely for commercial use. He said he'd like to see the property develop into more of a commercial development, but given that there are vacant commercial lands surrounding it, it may not be an issue to allow this use to operate at this location. He said that they have already moved in and have been operating for a couple of months and that they have only a handful of employees.

Open public comment

No comment

Closed public comment

Ms. Jones asked if the applicant had seen the proposed conditions in the staff report which he said he hadn't. Mr. Reischl said they were suggesting that if the BZA were to grant the use variance, that a number of conditions be placed on it including upgrades to the building and landscaping given its location at a prominent street corner. Mr. Reischl asked if the board could impose upgrades to the site when the applicant is only the lessee and the property owner is not present, which Mr. Merkley said they probably could not. Ms. Jones said she would like to include the conditions that the applicant, property owner, and staff have a conversation about upgrading the parking lot, landscaping, and entrances to the site and that outdoor storage on the site is prohibited.

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 following conditions:

1. That the applicant, property owner, and Staff will meet to discuss upgrades to the site's parking, landscaping, and entrances.
2. That outdoor storage is prohibited.

So ordered this 24th of February, 2026.

New Business

BZA-26-05 Use Variance

Jon Werner filed a Use Variance application for the property located at 2000 Utica Pike. The proposed use is for a restaurant. The property is split-zoned with M2 (Multi-Family Residential –

Medium Scale), R2 (Single Family Residential – Medium Lot), and PR (Parks and Recreation) districts. The Docket Number is BZA-26-05.

Jon Werner said he took the oath and that they were looking to open a DiOrio's restaurant on the former marina property on Utica Pike. He said that they had opened a similar restaurant in Prospect a few years ago. He said this is a family-friendly restaurant that doesn't stay open late. He said they would use the existing building and driveway and add parking around it while not touching the existing trees on the boundaries of the property. He said he plans on cleaning up the property, particularly along the riverside and will likely add some decks to provide views of the river. He said the building is about 3600 square foot building. He said the property comes with a couple of residential properties that will be sold to someone else and that the neighboring neighborhood would be unaffected by their development.

Stacy Flispart, Mr. Werner's realtor, said that she took the oath and that the property had been vacant for over 15 years and that the existing concrete block building had been broken into numerous times and they were looking to clean up and update the building but that it wasn't in bad condition. She also said there are a number of slip docks that are in bad condition but could be updated.

John Talbot said that he took the oath and that the proposed use would be much less intense than the property's previous use and that the proposed restaurant will have a positive impact on the neighborhood and that the five criteria for a Use Variance would be met.

Open public comment

Alan Applegate of 412 Merryman Drive stated he took the oath and that this would be down the street from his home and looks forward to be able to walk from his home to this use and would complement the future Jeffboat development. He said the price of the property would not make this property suitable for residential uses and that the restaurant use is a good use for this location.

Julie Scarborough affirmed the oath and said she lives in Prospect near DiOrios and that it is nice to have in the area and that it is a family-friendly environment and that she is in favor of it.

Jim Johns of 2312 Turnberry Drive affirmed the oath and said he owns property adjacent to the property and that he has tried to develop the property and that the only potential residential use would be multi-family and that having a restaurant here is a good use of the property and that he is in favor of it.

George Heuser of 1927 Utica Pike affirmed the oath and said that he has concerns regarding noise because of the proposed outdoor entertainment and that Kingfish across the river has outdoor music that is disruptive. He asked if the close time of 9pm was set in stone. He also had concerns about traffic on Utica Pike and that there is frequent speeding and that he has had property damage because people have gone into his yard. He said if there was a restaurant there, there should be some traffic calming like a four-way stop and additional enforcement.

Paula Harper of 3630 Rolling Ridge Way affirmed the oath and said that she has been to the Prospect DiOrios location and feels it's a good, family-friendly environment that would be good on this side of the river. She said she hears people complain about fast food and that this would be a good opportunity for a nice restaurant and while there may be growing pains, they will likely be overcome.

Joshua Yates of 1932 Utica Pike affirmed the oath and said that he lives next door to the property and that the noise from Kingfish is disruptive and that this might add to those problems.

He said there will also be traffic issues and doesn't think a restaurant is appropriate for this location.

Robert Catt of 2003 Utica Pike affirmed the oath and said that the noise from Kingfish is an issue and that headlights from the condos across from him regularly shine in his windows and that this use would increase this issue. He also finds litter in his yard and that traffic will also increase as an issue.

Srishti Clemens of 62 Arctic Springs affirmed the oath said she and her husband moved to their property recently and having a family-friendly restaurant would be a good addition to the community and while she understands the concerns about traffic and speeding, those could be handled in a way that doesn't affect this restaurant.

Mr. Reischl said he received a letter in support

Closed public comment

Mr. Avery said that a number of improvements had been made to Utica Pike over the years that have improved the conditions on the road and while there are traffic concerns, a single restaurant shouldn't contribute significantly to those issues. Ms. Flispart said that the addition of sidewalks to the area have made the area more walkable and family-friendly and that the restaurant would be a good addition.

Mr. Reischl said that the property is currently split zoned into three zone district- M2, R1, and PR- Staff recommends that the board put a condition that the property that the development must meet all C1 standards which would increase setbacks and improve buffer standards and help direct the development in a consistent manner. These standards shouldn't disrupt the proposed development but would help add some additional protections for the neighbors.

Ms. Jones said that there will be a Development Plan that they will have to submit to Staff with more details regarding parking and other specifics about the development that will have to meet the standards of the UDO. This Plan may help to address some concerns regarding traffic. Ms. Jones asked if they would be willing to commit to hours of operation which Mr. Werner said that they would as their standard closing hours are 9pm during the winter and 10pm Spring to Fall. Ms. Jones said that they could always come back to the Board if they wanted to change those hours and that would help to address noise concerns. Mr. Werner said that they don't have big music bands, typically a small open mic night and that they haven't had complaints from their neighbors at the Prospect location. He said that they won't touch any of the trees on the exterior of the lot to help buffer the sound. Ms. Jones said that Utica Pike is a City road and that will give the City more control over issues that occur on it.

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 following conditions:

1. That the Use Variance is governed by the C1 zoning standards
2. That the restaurant close at 9pm during the winter and 10pm during the Spring to Fall.

So ordered this 24th of February, 2026.

BZA-26-06 Development Standards Variance

Storage Rentals of America filed a Development Standards Variance application for the property located at 5814 Hamburg Pike. The applicant requests a variance from the landscape buffer standards. The property is zoned I1 (Business Park/Light Industrial). The Docket Number is BZA-26-06.

Josh Williams with Kimley-Horn stated he took the oath and that Storage Rentals of America acquired a vacant piece of property next to their existing storage facility and are looking to expand that facility. The expansion would consist of one 36,000sf storage facility along with landscape upgrades. They are asking for a variance from landscape buffer standards on both the north and south side of the property – 35ft to 24.7ft on the north side and from 20ft to 0ft from the south side. All setbacks will be met and landscaping requirements will be met. There is a large wooded section on the east side of the property and with the constraints of the buffers, there would only be 46ft of room to build. There would be no outdoor storage and people will drive up to the facility.

Mr. Reischl said that with the existing landscape buffer standards, they would have had to make a very long and skinny building which didn't seem appropriate given the size of the lot and would give an opportunity to save the patch of trees at the end of the property which are in the floodplain. He said there are hardship on the site and that the one-story building is a low profile. The applicant also stated there is an existing fence along the residential portion of the site that they will be restoring. Mr. Reischl said that the landscape plan looks a little weak along the residential side but that staff will work with the applicants to make sure it's correctly balanced.

Ms. Jones asked if they will be meeting the landscape standards for the number of plants required which the applicant confirmed. She asked if the applicants would be ok with a condition of no outdoor storage which they agreed to. She asked about the fence along the residential neighborhood which the applicants said they will look at it and make repairs where needed.

Open public comment

Diane Smith of 6102 Carr Circle stated she took the oath and said that she lives in the adjacent neighborhood and that she has water retention issues on her property and that there is a sewer pipe that runs between the neighborhood and the applicant's property that was replaced by the City years ago. She is concerned with water buildup and mosquito breeding. Mr. Reischl said that the applicants are proposing a detention area, not retention, and that the detention area should not allow for the build up of water. Ms. Jones said that they will be required to manage their stormwater to not increase drainage issues because of the additional impervious surface and that they will have to go before the City's Drainage Board for their approval.

Closed public comment

Mr. Avery said that it looks like there's not much water detention on the existing storage site and that the addition of a detention pond could improve the situation there. Mr. Williams said that the proposed detention pond will be sized to take into account run-off from the existing site and the new building.

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 with the following conditions:

1. That there is no outdoor storage allowed
2. That the applicants work with staff to have an appropriate landscape buffer from the residential neighborhood to the north.

So ordered this 24th of February, 2026.

BZA-26-07 Development Standards Variance

The Presbyterian Foundation filed a Development Standards Variance application for the property located at 200 E. 12th Street. The applicant requests a variance to exceed the maximum area of signage. The property is zoned CO (Commercial – Office Only). The Docket Number is BZA-26-07.

Julie Scarborough affirmed the oath and said that she is with Commonwealth Signs. The Presbyterian Foundation recently rebuilt their building and houses three different business entities. The variance would allow for each of these entities to have channel lettering on the building.

Mr. Reischl said that it's an odd piece of property that is zoned CO. The Commercial Office standards typically assume that the use is in a smaller, more residentially-styled building rather than a larger office building such as this. If the property was zoned C1, this signage wouldn't be an 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 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 24th of February, 2026.

BZA-26-08 Development Standards Variance

Autumn Lewers filed a Development Standards Variance application for the property located at 617 Fulton Street. The applicant requests a variance from the side setback to build a single-family home. The property is zoned R4 (Single Family Residential – Old City). The Docket Number is BZA-26-08.

Tim Lewers affirmed the oath and said that they bought a property that had a house that use to sit on the property line next to a 10 foot service alley. They are asking to rebuild a house that has an 18 inch projection into the side setback on the alley-side of the property to provide a better interior layout.

Mr. Reischl said that they are building the foundation at the setback line and that the projection would be cantilevered into the setback above the ground and that Staff does not have an issue since it is facing an alley.

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 24th of February, 2026.

BZA-26-09 Special Exception

Harjinderjit Singh & Gurpreet Kaur filed a Special Exception application for the property located at 2825 Holmans Lane. The proposed use is for a convenience store with gas pumps. The current zoning is C2 (Commercial – Large Scale). The Docket Number is BZA-26-09.

John Kraft of Young, Lind, Endres, and Kraft stated he took the oath and said are seeking two applications- a Special Exception and a Development Standards Variance. They are asking to be allowed to develop a convenience store with gas pumps. He said a convenience store is allowed by-right as a use at this location. In 2018, the City Council passed an ordinance that prohibits gas stations that are within one mile of another gas station. He said that a Wawa gas station was recently approved in a Planned Development and that when the PD was approved, the City Council requested the gas station use be removed from that PD and after, the gas station ordinance was passed. Subsequently, the ordinance was revised to allow a gas station in a PD. Mr. Kraft also said that as development stretches further out, this area is falling into decline and needs adaptation to improve the area.

With regard to the Development Standards Variance, he said the variance is needed to establish a gas station within 1 mile of another gas station and with ½ mile of a school. He said that other variances passed that night did not provide evidence toward the specific findings required and asked that they approve this variance.

Mr. Reischl said that they were not there to debate the decisions that allowed the Wawa, but to debate these specific requests. He said he has issues with the Special Exception because one of the criteria of the Special Exception is that all requirements and development standards be met which is not what is happening given that they are requesting a variance from those development standards. He also said that having a gas station from within 5 gas stations and within a block of a gas station that has recently closed could permanently injure other properties in the area. City Council passed these standards for a reason and that the board should not subvert their decision.

Open public comment

Danny Money of 3004 Holmans Lane affirmed the oath and stated that he lives adjacent to the property and had questions about health issues related to the gas pumps, noise and lighting issues, and the traffic issues. He said the traffic at that intersection is terrible and people typically run the traffic light there and that there are a number of accidents at the location. He asked if there are going to be environmental studies going to be done with this development.

Mike Maloney affirmed the oath and said he's the property's owner and said that the property has been owned by his family for a long time. He said that there is not a gas station along that side of Holmans Lane and that adding a gas station on this side would provide convenience for drivers.

Closed public comment

Mr. Avery said that there is a lot of traffic converging at this corner and that there use to be a gas station at the corner of 10th and Allison. This gas station will be next to and across from other commercial developments and that this location would make sense from a commercial standpoint. Ms. Jones said that if they were just talking about this location and the Meijer gas station that would be one thing, but there are 5 other gas stations within a mile of this site which is overkill.

Mr. Kraft stated that traffic patterns are what dictates where a gas station would go and given the recent closure of the Thornton's at the corner of 10th and Allison, there isn't one on that side of Holmans. This is located in a commercial area and a gas station is a good fit at this location. He said that the Indiana Department of Environmental Management requires studies and inspections of gas stations. He said that the Drainage Board has already approved this use at this location. He said that this may actually help traffic in this area as people are not trying to get over to the Meijer gas station.

Ms. Jones said there are actually 7 gas stations in the area including the Kroger, Circle K, and ones down Allison Lane. Mr. Stenson said that the mile standard restricts competition and that ultimately the consumer should dictate where a business should be. He said that he has concerns about access from Holmans Lane which Mr. Kraft said that there would not be one from Holmans Lane but from one of the cross-streets.

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, 3-1 with Ms. Jones opposed. So ordered this 24th day of February, 2026.

BZA-26-10 Development Standards Variance

Harjinderjit Singh & Gurpreet Kaur filed a Development Standards Variance application for the property located at 2825 Holmans Lane. The applicant requests a variance to develop the site as a convenience store with gas pumps. The property is zoned C2 (Commercial – Large Scale). The Docket Number is BZA-26-10.

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, 3-1 with Ms. Jones opposed. So ordered this 24th day of February, 2026.

Report from Director's and Staff

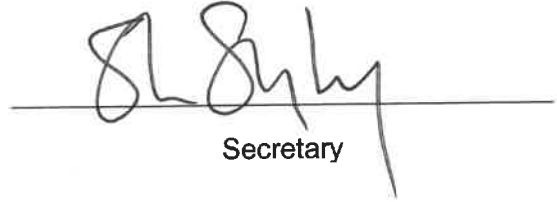
None

Adjournment

There being no further business to come before the Board of Zoning Appeals, the meeting was adjourned at 7:48 pm.

A handwritten signature in cursive script, appearing to read "Mike McCutcheon", written over a horizontal line.

Mike McCutcheon, Chair

A handwritten signature in cursive script, appearing to read "J. J. J.", written over a horizontal line.

Secretary