

MINUTES OF THE
JEFFERSONVILLE BOARD OF ZONING APPEALS
April 28, 2026

Call to Order

Board President Mike McCutcheon calls to order the Board of Zoning Appeals meeting. It is Tuesday, April 28, 2026, it is 5:38 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 Kelli Jones were present in the City Council Chambers. Also present were Planning and Zoning Director Chad Reischl, Secretary Shane Shaughnessy and Planner Shelby Walsh. Planning & Zoning Attorney Les Merkley was present via Zoom.

(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 March 31, 2026. Ms. Jones made a motion to approve the March 31, 2026 minutes, seconded by Mr. Avery. Roll Call vote. Motion passed 3-0.

Approval of Findings of Fact

Approval of the Findings of Fact from March 31, 2026. Ms. Jones made a motion to approve the March 31, 2026 of fact, seconded by Mr. Avery. Roll Call vote. Motion passed 3-0.

Approval of the Docket

Motion to approve the agenda made by Ms. Jones, seconded by Mr. Avery. Roll call vote. Motion passed 3-0.

Oath

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

Old Business

None .

New Business

BZA-26-17 Special Exception

The Elder Company, LLC filed a Special Exception application for the properties located at 5711 & 5801 State Road 62. The proposed use is for a convenience store with gas pumps. The current zoning is C2 (Commercial – Large Scale). The Docket Number is BZA-26-17.

Jake Elder with the Elder Company of 501 E. Pearl Street in New Albany stated he took the oath and asked if both BZA-26-17 and BZA-26-18 could be heard simultaneously which Mr.

McCutcheon agreed to. He said they are requesting a Special Exception and Development Standards Variance to be able to build a convenience store with gas pumps on the currently vacant properties. They are also requesting a variance from the expiration date standards for a Special Exception that states the project must be 50% completed within 12 months. He said the property is about two acres and has 34,000 cars that drive by it daily and is currently zoned C2. Behind the property is a railway and north of the property is a property that has a railway easement on it which makes it undevelopable. He said that the property is within one mile of three gas stations, all of which are within ½ mile of the new River Ridge Middle School. He said that granting the variance and Special Exception would meet the requirements needed for approval.

Mr. Elder presented five letters – one from Scott McVoy stating a gas station would not create a public safety risk, one from Jim Baker stating that the best use of the properties would be a gas station, one from Troy Stiller stating that a gas station would not adversely affect the property values of neighboring properties, one from Ralph Cole stating that he would not use the site as a Jimmy Johns, CoreLife, or 7brew, and one from Steve Webb stating his support of the project. He said these letters show that the application would meet the standards for the variance and Special Exception and would impose an economic hardship on the property owners if it was denied.

Mr. Hill entered the meeting at 5:55pm.

Mr. Elder said the Comprehensive Plan states that the City should work to leverage its relationship with River Ridge to improve development in the area and that this gas station would benefit the workers of River Ridge.

Mr. Reischl stated that he agrees that the site is a difficult one to develop and that a gas station would function well there but that he has a responsibility to uphold the codes that were approved by City Council to stop the proliferation of gas stations. He said that while the use may not be injurious, the requirements of the Special Exception and the general purposes of the UDO would not be met if they need a variance to make this project work.

Open public comment

No comment

Closed public comment

Ms. Jones asked how deep the property is from the road to the railroad tracks which Mr. Elder said it is approximately 220 feet that tapers down as you move north. Mr. McCutcheon said that he wasn't present when the gas station was approved on Holmans lane but that the City has put an ordinance in place that puts specific conditions on gas stations and that he will be taking those into account.

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;
Mr. McCutcheon, Ms. Jones, and Mr. Hill voted in agreement. Mr. Avery stated he passes on the vote.

2. The requirements and development standards for the requested use prescribed by this Ordinance will be met
Ms. Jones and Mr. Hill voted in agreement. Mr. McCutcheon voted in disagreement. Mr. Avery stated he passes on the vote.
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
Ms. Jones and Mr. Hill voted in agreement. Mr. McCutcheon voted in disagreement. Mr. Avery stated he passes on the vote.
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. Mr. Hill voted in agreement. Mr. McCutcheon and Ms. Jones voted in disagreement. Mr. Avery stated he passes on the vote.

Based on the findings described above, the Board does now deny this application. So ordered this 28th of April, 2026.

Mr. Stenson entered the meeting at 6:06pm.

Mr. Merkley asked Mr. Avery what he meant by passing on the vote. Mr. Avery stated that he likes the idea of the development but didn't know if it fits in with the ordinance Council passed and that he is abstaining from those votes. Mr. Merkley clarified that even though Mr. Stenson was now at the meeting, the vote has already been completed and that Mr. Stenson could not vote on the matter. Mr. McCutcheon moved to the next vote.

BZA-26-18 Development Standards Variance

The Elder Company, LLC filed a Development Standards Variance application for the properties located at 5711 & 5801 State Road 62. The applicant requests a variance to develop the site as a convenience store with gas pumps and an extension from the 12-month period of voiding the Special Exception. The property is zoned C2 (Commercial – Large Scale). The Docket Number is BZA-26-18.

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.
The Board voted in favor unanimously, 5-0.
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.
Mr. Avery, Ms. Jones, and Mr. Hill voted in agreement. Mr. McCutcheon and Mr. Stenson voted in disagreement.
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.
Mr. Hill and Mr. Avery voted in agreement. Mr. McCutcheon, Mr. Stenson, and Ms. Jones voted in disagreement.

Based on the findings described above, the Board does now deny this application. So ordered this 28th of April, 2026.

BZA-26-19 Development Standards Variance

Ralph Hild filed a Development Standards Variance application for the property located at 314 Meigs Avenue. The applicant requests a variance to expand the legal nonconformity of a 0' setback of the existing home. The current zoning is R4 (Single Family Residential – Old City). The Docker Number is BZA-26-19.

Ralph Hild of 314 Meigs Avenue affirmed the oath and said that there is an existing room on the back of the house that has a dry-rotted roof and that he is wanting to increase the height of it by 4.5 feet. It won't be expanding outward, just up.

Mr. Reischl said the house is currently placed on the property line with 0 foot setback. He said that the structure is non-conforming and that by altering it, they are extending the non-conformity which requires the variance. He said that there are many other houses that are similarly non-conforming and that this house sits next to a vacant alley and that Staff does not have an issue with the variance. Ms. Jones said this is basically a technicality but that the variance provides an official record of the change in non-conformity.

Open public comment

Timothy Flynn of 316 Meigs Avenue affirmed the oath and stated he lives next door. He said that Mr. Hild is improving the property and that he's grateful the property is being renovated.

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 unanimously. So ordered this 28th of April, 2026.

BZA-26-20 Development Standards Variance

Nicholas Raghebi filed a Development Standards Variance application for the property located at 2416 Woodland Court. The applicant requests a variance to develop the site with a mobile home. The variances requested are for the width of the structure and to reduce the side setbacks. The property is zoned R1 (Single Family Residential – Large Lot). The Docket Number is BZA-26-20.

Nicholas Raghebi affirmed the oath and stated that he will be inheriting his grandmother's mobile home in the future and that is currently on a rented lot. He is looking for a property to permanently place it in order to keep it in the family. He said that because of the length of the structure and because it's a single-wide trailer, it requires setback and width variances. He said

that there are also a couple of ways to orient the building and provided options to the Board for their thoughts.

Mr. Reischl said that Staff has been struggling with this variance. He said that the required width for housing is 22 feet and this structure is only 15 feet wide. He said that there are other manufactured homes in the area but none are as small. He said that this area is a lower income area and that they do not want to continue to detract from the area. He also struggles with how the structured will be placed as either way will require a setback variance.

Open public comment

No comment

Closed public comment

Ms. Jones asked if the applicant has had conversations about this property being in the floodplain which he said he's spoken to Staff about this and that he will be elevating it as is necessary and will not be placing it in the floodway. Ms. Jones said she doesn't necessarily have issues with the width of the home and that this would provide additional housing in the area. Ms. Jones asked how the applicant was planning on using the home which he stated the trailer looks like a home, not a trailer from the 60s, and that he has a lot of family that is out of town and would use this home as a place for them to stay when they come in. He doesn't plan on renting the home. Mr. McCutcheon said that he doesn't want to allow the trailer to be placed on the lot and just sit there and deteriorate. Mr. Raghebi said that isn't his intention and that he has the means to maintain the structure, he wants somewhere that he isn't paying rent to place the structure. Mr. Reischl said that per the Code, they will have to place the structure on a permanent foundation. Ms. Jones asked where the front door was located which the applicant said that the doors were located on the long side of the structure.

Mr. Reischl said that while he prefers the appearance of placing the structure parallel to the road, it may not be as functional in terms of parking and access as there would only be 2 foot setbacks on the sides of the property. Ms. Jones asked about a driveway next door which Mr. McCutcheon said may make placing the structure parallel to the street problematic.

Mr. McCutcheon said that they are placing conditions on the vote that the long side of the structure be placed perpendicular to the road and that the applicant works with Staff to plant vegetation along the front of the property.

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 unanimously. So ordered this 28th of April, 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 6:35 pm.



Mike McCutcheon, Chair



Secretary