

MINUTES OF THE
JEFFERSONVILLE BOARD OF ZONING APPEALS
June 30, 2026

Call to Order

Board President Mike McCutcheon calls to order the Board of Zoning Appeals meeting. It is Tuesday, June 26, 2026, it is 6:00 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, and Secretary Shane Shaughnessy.

(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 30, 2026. Mr. Hill made a motion to approve the June 30, 2026 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 30, 2026. Mr. Stenson made a motion to approve the June 30, 2026 findings of fact, seconded by Mr. Hill. Roll Call vote. Motion passed 5-0.

Approval of the Docket

Mr. Reischl stated that the applicants that had applied for a Special Exception and a Development Standards Variance for 1412 Charlestown-New Albany Road have asked the matters be tabled until next month. Additionally, he said that a Development Standards Variance that was applied for 6055 Cookie Drive has been withdrawn as they modified their plans to meet the standards.

Motion to approve the modified agenda made by Mr. Stenson, seconded by Ms. Jones. 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-26-27 Special Exception

Jeremy Lee filed a Special Exception application for the property at 335 W. Market Street. The applicant is requesting to establish a short-term rental on the property. The current zoning is R4 (Single Family Residential – Old City). The Docket Number is BZA-26-27.

Jeremy Lee of 21 Townpark Circle in Middletown affirmed the oath and stated that they are wanting to demolish the building and rebuild a house there to be used as a short-term rental. Mr. Reischl said that before the applicant goes through the building process, he wants to confirm he is allowed to use the property as a short-term rental. Mr. Reischl said that the new house will have to meet all of the current zoning standards and would be allowed to be used as a short-term rental under state law.

Open public comment

Marty and Brenda Sabla of 333 W. Market Street affirmed the oath and stated that they are neighbors to the subject property and spoke in support of the project stating that the house is in very poor condition and that they are in favor of rebuilding a house there. They said that they have not had issues with other short-term rentals in the area and are a good way to bring people into the community.

Nishea Sipley, owner of 125 Clark Street affirmed the oath and stated that the building is in bad shape and knows that the applicant is a good builder and business owner and is in favor of the application.

Closed public comment

Ms. Jones asked that the applicant give his contact information to the neighboring properties should there be issues at the short-term rental which he agreed to do and said that he has a management company that helps maintain their properties.

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 unanimously. So ordered this 30th day of June, 2026.

BZA-26-30 Development Standards Variance

Luke Etheridge filed a Development Standards Variance application for the property at 59 Regina Avenue. The applicant is requesting to build a 1,500 sq. ft. detached garage. The variances requested are for the size of the structure and the side setback. The zoning is R1 (Single Family Residential – Large Lot). The Docket Number is BZA-26-30.

Luke Etheridge affirmed the oath said he is representing the homeowner and that they are planning on converting the attached garage into a senior suite and will be constructing a new detached garage for their vehicles.

Mr. Reischl said that the property is very large and that the variance stems from the location of the existing driveway and that it shouldn't cause issues for the surrounding community. Mr. Reischl asked Mr. Etheridge to clarify if the garage would be converted into a separate accessory dwelling unit which Mr. Etheridge said he has put in plans to clarify that.

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 unanimously. So ordered this 30th day of June, 2026.

BZA-26-31 Development Standards Variance

Dale & Stacy Gettings filed a Development Standards Variance application for the property at 2015 Robin Lane. The applicant is requesting to place a 600 square foot carport at the end of their driveway. The variance requested is for the front yard setback. The zoning is R1 (Single Family Residential – Large Lot). The Docket Number is BZA-26-31.

Dale Gettings of 2015 Robin Lane affirmed the oath and stated that he wanted to place a 24' x 25' carport on his driveway. Mr. Reischl said that the applicant is requesting a front setback variance as the driveway is between the house and the adjacent road. He is asking for a 17 foot setback from the road. He said that staff understands the desire for this carport and that the odd configuration of the house on this corner lot makes this location make the most sense for the carport. He said that staff is concerned about having the building project that far toward the street could look out of place and that some mitigating factors such as additional landscaping could help soften this.

Open public comment

No comment

Closed public comment

Mr. McCutcheon said that he can understand the size but asked if the applicant would be willing to add some landscaping to help make it look nicer. Ms. Jones said that it would be nice to see

some shrubs of various heights to help mitigate the blank façade of the carport. Mr. Gettings said he would be willing to do that. Ms. Jones said it makes sense for the carport to go where proposed and that the variance is justified because of the odd configuration of the house which faces the short stub street. Ms. Jones said that she wants to put a condition on approval that landscaping be provided to help screen the structure and that the applicant will work with staff for the details of what landscaping should be provided.

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 30th day of June, 2026.

BZA-26-32 Development Standards Variance

Jacob Carr filed a Development Standards Variance application for the property located at 1946 Fisher Lane. The applicant has expanded their driveway and patio area at their home and are seeking variances to be compliant for maximum lot coverage and driveway width. The zoning is R2 (Single Family Residential – Medium Lot). The Docket Number is BZA-26-32.

Jacob Carr of 1946 Fisher Lane affirmed the oath and stated that he paid for an extension of his driveway and that at that time, the contractor said he didn't need a permit to do the work. He was contacted by City staff who told him that the work made his property non-compliant and that he would need to remove the pavement or seek a variance.

Mr. Reischl stated that Staff has some issues with this request and that the reason the City has maximum lot coverage is to ensure that adequate drainage is maintained in subdivisions. He said he consulted the City Engineer and the engineering firm that designed the subdivision who told him that the subdivision's drainage was designed solely for the houses that were built and that additional pavement or structures could lead to the drainage features becoming overwhelmed. While a small amount of concrete may not have a significant impact, if others in the subdivision did the same thing, it would lead to drainage problems. He said that while he understands that mistakes can be made, that should not qualify as a practical permit and that it's not in the City's best interest to allow people to do work without permits and then ask for permission later. He said the width of the driveway is 32 feet and that the BZA could require the applicant to remove all or part of the addition to make the property more compliant with the City's standards. He said that there were a number of letters from neighbors that were forwarded to the Board members.

Open public comment

Andrew Dunbar of 1949 Fisher Lane affirmed the oath and stated that the applicant placed fences on either side of the property without permits and that he and some of his neighbors

think the fences encroach onto their property. He said that they are working to get a survey to prove this. He also said that Mr. Carr had recently incorporated an HOA without the consent of the neighborhood and that he and his neighbors had hired lawyers to challenge this. He said that he agrees that this feels like someone doing something and then asking for forgiveness later.

Pat Thomas of 1951 Fisher Lane affirmed the oath and said that he said that Mr. Carr did not confer with his neighbors when this work was being done and that the neighbors came to him after Mr. Carr said they shouldn't do anything about it. He said that Mr. Carr said that the fences now belong to the neighbors.

Closed public comment

Mr. Carr said that he did not try to circumvent the system but trusted a contractor at their word. He said that he worked quickly once he found out this was an issue. He said the focus is on the driveway, not the fence, and said that he did speak to his neighbors about the work that was being done and that he moved the pavement 6 inches from the property line to allow space for the fence. He said that he asked his neighbor where he wanted the fence to be located and that he moved it according to his preferences. He said he's asking to retain all of the driveway or is willing to work with the Board for a solution.

Mr. Avery asked what direction the lot drains which Mr. Carr said that a portion of the lot drains to the rear and a portion drains toward the common area. Mr. Avery said that they had options to remove part of the added concrete and wondered if the work would lead to drainage issues on the neighboring properties. Mr. Reischl said that there may be some confusion about where the property lines are and said that the property line according to the plot plans show that one wall of the house is on the property line and assuming that the house was constructed as was shown on the plans, the fence and concrete appear to be fully on his property.

Ms. Jones said that the placement of the fence and concrete is not really the purview of this Board and that even if they grant a variance, if they are located on someone else's property, the applicant may have to move them but that would be a civil legal matter. He said she's concerned about the findings regarding that the detention basin is already at capacity especially because some of the letters said they would be interested in doing something similar to what the applicant did. She said that the addition was of 16' x 32' of concrete which put them 158sf over the maximum impervious limit. This means that if the applicant removes about 5 and half feet in width, they would be in compliance which is what they would have to do if the Board denies the variance. She asked if the applicant said they are selling their house which Mr. Carr said they are and will be closing on July 10th.

Mr. Avery said that it would be difficult to sell the property if the pavement is illegally encroaching on someone else's property and that removing some of the concrete would remove this issue and allow for drainage to occur. Ms. Jones said that he would only know that if he was required to get a survey but that would be a civil matter. Mr. Reischl said that it appeared the concrete was poured in 8 foot by 8 foot squares and that removing 4 feet from those squares would put them closer to compliance.

Ms. Jones asked if they could make a condition that they require the applicant to get a property survey to ensure the improvements were actually on his property which Mr. Merkley said that is not something the Board has ever done but could require the applicant to remove some of the concrete to come into compliance. Mr. McCutcheon asked what would happen if they deny the variance which Mr. Reischl said that they would have to remove enough concrete to become into compliance.

Ms. Jones said she thinks that the concrete should at least be removed to be in line with the house. Ms. McCutcheon asked the applicant what solution he would be comfortable with which Mr. Carr said that the pavement only goes about 12 inches past the side of the house and would like to keep all of it, but if they require him to remove some, he would do so. Mr. McCutcheon asked if there was concrete added to the other side of the house which Mr. Carr said that he did not add anything there. Mr. Reischl said that removing a four foot portion of the slabs would make it look aesthetically pleasing even if it would technically be over the maximum coverage standard and that sod be placed to help absorb water.

Ms. Jones said that their main options are to either approve the variance with the condition that a 4 foot strip be removed or that they could deny the variance which would require the property come into compliance which would require a lot of math and calculations. She made a motion that the Board approve the variance with the condition that the applicant removes a 4 foot strip of concrete leading from the alley to the house and that grass be put in that area to make the lot closer into compliance and address drainage issues.

Mr. Hill said he doesn't know how they can vote on this without knowing if the concrete and fence encroaches on the neighboring properties. Ms. Jones said that was not in the Board's purview. Mr. Merkley said that that would be a matter between property owners and that the Board is only considering a request for a variance from the impervious coverage standards. Mr. Reischl said that if the property was constructed as was shown in the plot plan, one exterior wall is on the property line and that the property goes to the exterior wall of the adjacent house which pictures show that the concrete and fence are completely on the applicant's property. Ms. Jones said that even if the house was not built as was shown in the plot plan, the neighbor could still bring legal action against the applicant and that what the Board votes on would have no impact on that. Mr. McCutcheon reiterated the motion that Ms. Jones made.

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, 3-2 with Mr. Hill and Mr. Stenson in opposition to the three findings. So ordered this 30th day of June, 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 7:02 pm.

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

Mike McCutcheon, Chair

A handwritten signature in black ink, appearing to read "ShShyly", written over a horizontal line.

Secretary