

MINUTES OF THE
JEFFERSONVILLE BOARD OF ZONING APPEALS
August 25, 2026

Call to Order

Board President Mike McCutcheon calls to order the Board of Zoning Appeals meeting. It is Tuesday, August 25, 2026, it is 6:05 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, David Stinson, and Dennis Hill were present in the City Council Chambers. Member Kelli Jones 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 July 28, 2026. Mr. Stinson made a motion to approve the July 28, 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 July 28, 2026. Mr. Stenson made a motion to approve the July 28, 2026 findings of fact, seconded by Mr. Hill. Roll Call vote. Motion passed 4-0.

Approval of the Docket

Mr. Reischl stated that Item #9 on the agenda, a Special Exception for 417 Spring Street had been withdrawn by the applicant prior to the meeting.

Motion to approve the revised 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

None

New Business

BZA-26-38 Special Exception

Jose Munoz filed a Special Exception application for the property at 3810 Ivanhoe Avenue. The applicant is requesting to establish an accessory dwelling unit on the property. The zoning is R3 (Single Family Residential – Small Lot). The Docket Number is BZA-26-38.

Jose Munoz of 3810 Ivanhoe Avenue affirmed the oath and stated he wants to do a mother-in-law suite in his garage. Mr. Reischl said that the accessory dwelling unit would be placed in an existing garage and would be 620sf which would meet the standards for such a unit.

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 unanimously. So ordered this 25th of August, 2026.

BZA-26-39 Development Standards Variance

Michael Carmack filed a Development Standards Variance application for the property at 4075 Herb Lewis Road. The applicant is requesting to build an accessory structure with a variance for height. The zoning is R1 (Single Family Residential – Large Lot). The Docket Number is BZA-26-39.

Michael Carmack of 4075 Herb Lewis Road affirmed the oath and stated he wants to build a garage on his 5 acre property and that the garage would be 25 feet tall. Mr. Reischl said that the applicant is requesting a larger than normal structure on a very large lot. The request for the 25 feet height variance is due in part to the addition of a small cupola on top of the building. He said that he does not think this variance would do harm to the surrounding community.

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 25th of August, 2026.

BZA-26-40 Development Standards Variance

Patrick Sermersheim on behalf of B Sign Group filed a Development Standards Variance application for the property at 310 Spring Street. The applicant is requesting to install signage which covers 100% of the ground floor windows. The zoning is CD (Commercial – Downtown). The Docket Number is BZA-26-40.

Patrick Sermersheim with B Sign Group affirmed the oath and stated that they are looking to replace the existing perforated vinyl window screens with a new perforated vinyl screen. Mr. Reischl stated that the vinyl window coverings are a non-conforming sign that were installed without permission. He said that covering 100% of the windows of this building with the vinyl screening is not something they want to see as Spring Street is the primary pedestrian corridor and would prefer to see more transparency in this area. He said the application would have to be approved by the Historic Board and that a letter from Laura Renwick has been provided stating the planned signage would not be in keeping with the historic guidelines.

Open public comment

No comment

Closed public comment

Mr. McCutcheon asked how to resolve the differences between the City's standards and the Historic Board's standards which Mr. Reischl said that typically he would prefer these matters be heard by the Historic Board before coming to the BZA but that the BZA's meeting occurred first in this case and that the applicants requested to be heard at this meeting. Mr. Merkley said that he agreed that the Historic Board should have heard this first as the Historic Board may not approve what the BZA would approve and that his recommendation would be to table the matter until the Historic Board can hear the case.

Mr. Avery asked if this variance was just for the window shades which Mr. Reischl clarified that this is a perforated cling that adheres to the glass.

Mr. McCutcheon made a motion to table the matter until the next meeting, seconded by Mr. Stenson. Roll call vote. The motion passed 4-0.

BZA-26-41 Special Exception

Christopher Robinson filed a Special Exception application for the property at 919 Marquise Court. The applicant is requesting to establish an accessory dwelling unit on the property. The zoning is R2 (Single Family Residential – Medium Lot). The Docket Number is BZA-26-41.

Christopher Robinson of 919 Marquise Court affirmed the oath and stated that when he purchased the property, there was a foundation that was already poured and that he has hired contractors to confirm that the foundation was poured correctly. He said he wants to build a

building for storage with a loft above it. Mr. Reischl said that both the Special Exception and Variance will be heard at the same time. He said staff does not have an issue with the Special Exception and that the variance is to increase the height to 24 ½ ft to allow the loft space to be constructed. Staff does not take issue with the variance as the building appears to be well constructed and fits into the context of the neighborhood.

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 unanimously. So ordered this 25th of August, 2026.

BZA-26-42 Development Standards Variance

Christopher Robinson filed a Development Standards Variance application for the property at 919 Marquise Court. The applicant is requesting a variance for height of an accessory structure. The zoning is R2 (Single Family Residential – Medium Lot). The Docket Number is BZA-26-42.

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 25th of August, 2026.

BZA-26-43 Development Standards Variance

Megan and Logan Jenkins filed a Development Standards Variance application for the property at 310 Mechanic Street. The applicant is requesting to build a 1,200 square foot garage with variances for size, setbacks, and height. The zoning is R4 (Single Family Residential – Old City). The Docket Number is BZA-26-43.

Logan and Megan Jenkins of 310 Mechanic Street affirmed the oath and stated they are wanting to build an 1800sf garage which will house two cars and an at-home gym. Mr. Reischl said that the property is larger than normal in the area and that the structure they are requesting may not be in keeping with the scale of other buildings in the area. He said that the building would be internal to the block and that it may not be an issue as it won't be very visible. He said that staff recommends that some landscaping be added to soften the impact of the large structure.

Open public comment

No comment

Closed public comment

Mr. McCutcheon said that this is a large building that isn't being broken up by anything. Ms. Jenkins said that there are a number of large trees on the property and that they plan on fencing in the property in the future. Mr. McCutcheon said that adding some plants along the alley would help break up the side of the building. Ms. Jenkins said that the building would be 4 feet from the side alley and 8 feet from the rear alley. Ms. Jenkins said that she worries that adding the vegetation may hamper the installation of the fence. Mr. Reischl said that his suggestion would make an approval contingent upon a fence being installed within a year.

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.
 - This was agreed to unanimously, 4-0
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.
 - This was agreed to 3-1, with Mr. Stenson in opposition
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.
 - This was agreed to unanimously, 4-0

Based on the findings described above, the Board does now approve this application with the condition that a fence be installed within one year of the meeting. So ordered this 25th of August, 2026.

BZA-26-44 Development Standards Variance

Greater Clark County Schools filed a Development Standards Variance application for the property at 2710 East Tenth Street. The applicant is requesting variances related to the

proposed monument sign at the Jeffersonville High School campus entrance off of Tenth Street. The zoning is NS (Institutional). The Docket Number is BZA-26-44.

Nate Koets with Greater Clark Schools affirmed the oath and stated they are looking to create a sign that is in keeping with other signs that have received variances at Pike Elementary and River Ridge Middle School. This sign would have the same layout as those signs with the goals of standardizing the signage across the school district.

Mr. Reischl stated that if this property was zoned commercial like the other properties along 10th Street, this would not require a variance and that staff does not have any issues with this.

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 25th of August, 2026.

BZA-26-45 Use Variance

Nicklies Foundation Inc. filed a Use Variance application for the property at 1034 Spring Street. The applicant is requesting to renew the ability to use the property for an "auto sales: limited or no services" business. The zoning is C1 (Commercial – Medium Scale). The Docket Number is BZA-26-45.

John Campbell with Heritage Engineering affirmed the oath and stated he is here on behalf of David Nicklies of the Nicklies Foundation and Mike Liles of Initial RHD Imports. He said that a Use Variance for this use at this property came to the BZA about two years ago which was approved for vintage/classic car sales. He said that the previous Use Variance was done with the condition that the approval was valid for two years from the issuance of the Certificate of Occupancy for the building. He said that the building was vacant prior to the approval of that Use Variance and have since made a number of improvements to the building and site including landscaping and fencing. He said they are currently requesting a renewal of that Use Variance with no expiration date. He said that Staff has included a number of conditions in the staff report including that the number of vehicles stored outside be capped at 18, that the types of cars be limited to vintage/classic cars in good condition, and that the Use Variance be voided should the business be discontinued or sold. He said that the applicants are agreeable to those conditions except that the Use Variance be discontinued should the business be sold because the property could be sold to the business owner or the business is sold to another entity such as the

owner's son. He said the applicants think the conditions would ensure that the use would be in keeping with the initial approval. He said that this use is not like other car lots as the business does a lot of sales online and that this is more of a destination rather than a business that gets people dropping in.

Mr. Reischl said that they have not had any issues with the business since it started and that the site has been kept clean and the improvements to the site have been helpful.

Open public comment

No comment

Closed public comment

Mr. Avery said that this is a small parcel that has helped to generate economic gain and has helped to bring a use into an area that was previously dormant.

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 unanimously with the following conditions:

1. The number of vehicles allowed to be stored outside is limited to 18.
2. The vehicles sold on the property is limited to vintage/classic cars in good condition
3. The Use Variance is voided should the business be discontinued.

So ordered this 25th of August, 2026.

BZA-26-46 Special Exception

James Thornton filed a Special Exception application for the property at 417 Spring Street. The applicant is requesting to establish a liquor store/convenience store on the property. The zoning is CD (Commercial –Downtown). The Docket Number is BZA-26-46.

This case was withdrawn by the application prior to this meeting.

BZA-26-47 Development Standards Variance

Thomas and Tobi Smith filed a Development Standards Variance application for the property at 5024 King Road. The applicant is requesting to build a garage with a variance for side setbacks. The zoning is A1 (Agriculture). The Docket Number is BZA-26-47.

Brian Smallwood with Renaissance Design Build affirmed the oath and said that the property owner is wanting to build a three car garage and that the setback variance is necessary because if they had to meet the required setbacks, one of the bays would be inaccessible because it would be tucked behind the house.

Mr. Reischl said that the property is zoned for agricultural uses but is not as big as a typically zoned agricultural property. The required 30 foot setback would require the structure to become less accessible and that the neighboring property has a similar structure with a similar setback and that he doesn't think this variance would be an issue.

Open public comment

No comment

Closed public comment

Tobi Smith of 5024 King Road affirmed the oath said that she has communicated with her neighbors and that the neighbors did not take issue with the request.

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 25th of August, 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 6:55 pm.



Mike McCutcheon, Chair


Secretary