

MINUTES OF THE
JEFFERSONVILLE BOARD OF ZONING APPEALS
July 27, 2021

Call to Order

Chairman Mike McCutcheon calls to order the Board of Zoning Appeals meeting. It is Tuesday, July 27th. It is 7:00 PM in the City Council Chambers, Jeffersonville City Hall, 500 Quartermaster Ct., Jeffersonville, Indiana. The meeting was primarily held in person and was also streamed online via the Zoom web platform, YouTube, and the City website.

Roll Call

Members present were Mike McCutcheon, Rodger Clarke, David Stinson, and Duard Avery as well as new member Kelli Jones who is joining the Board of Zoning Appeals as of today, Tuesday, July 27th. Also present were Chad Reischl, Planning & Zoning Director; Les Merkley, Planning & Zoning Attorney; and Shelby Walsh, Secretary.

Approval of Minutes for Meeting

Approval of the minutes from June 29, 2021. Mr. Clarke made a motion to approve the June 29, 2021 minutes, seconded by Dave Stinson. Motion passed 5-0.

Approval of Findings of Fact

Mr. Clarke made a motion to adopt the Findings of Fact for the June 29, 2021 docket items, seconded by Mr. Stinson. Motion passed 5-0.

Approval of Docket

Mike McCutcheon asked for approval of the docket noting the amendment to withdraw BZA-21-45 regarding a development standards variance for a privacy fence at 512 Presley Lane. Mr. Clarke made a motion to approve the docket. Mr. Stinson seconded the motion. Motion passed 5-0.

Oath

Les Merkley administered the oath. He then asked when you speak, please state your name and acknowledge you took the oath.

New Business

BZA-20-46 Special Exception

Gary J. Coffey applied for a Special Exception Variance for 801 E Tenth Street. The proposed use of the existing building is a Contractors Office. The business is DC Contractors. The property is zoned C1 (General Commercial). The Docket Number is BZA-21-46.

Joe Coffey stated his business had purchased this building last year and they would like to move their contractor's business to the location as well as change signage at the site.

Chad Reischl stated this site was unique because at the time of application this was zoned C1. It is now CN which does allow a contractor's office by right if the building is less than 1,500 square feet, which this is not. Chad stated the business will be cleaning up the site and staff does not have a problem with it.

Open public comment. No public comment. Close public comment.

Roger Clarke asked if Joe Coffey was aware that the two pole signs must be removed. Joe Coffey stated he was aware of the city's rule and they would be removed.

Dave Stinson asked how many cars would remain on site overnight. Joe Coffey stated that all current cars are take-home and no cars, trucks, or a fleet would be left typically overnight. There could occasionally be around 3 maximum.

Kelli Jones stated she wished there was landscape on the site. Joe Coffey stated he understood that was a wish and was open to suggestions but that it was difficult with the site. Ms. Jones said she understood but hopes in the future that the business will consider adding landscape if changes are made.

Mr. Avery made a motion to move forward to findings. Mr. Clarke seconded the motion.

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 27th of July 2021.

BZA-21-47 Development Standards Variance

Tim Tomlin filed a Development Standards Variance application for his property at 300 Longview Drive. The applicant requests to build a 1,350 square foot detached garage on the property. The variance requested is for the size of the structure. The property is zoned R2 (Residential). The Docket Number is BZA-21-47.

Tim Tomlin stated he was the homeowner and the representative and has taken the oath. He would like to put a 30'x45' detached garage on site. He would like to place 1-2 cars as well as a boat in storage. His hobby is working on cars and he does not have a place to do that without leaving the cars in the yard with junk around it. The driveway will be at the end of the existing 30' driveway and he hopes to improve his home and property with this addition.

Chad Reischl stated there were no concerns or comments regarding this request.

Anne Watson is a neighbor at 302 Longview Drive and has taken the oath. She states she has a few questions. She asked if it would be zoned or used as a business. She also said a question was already answered regarding the location and she was satisfied it would be at the end of the existing driveway. She seemed satisfied with the answers and stated she was only there to protect her home.

Mr. Clarke made a motion to move to findings. Dave Stinson second the motion.

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 27th of July 2021.

BZA-21-48 Development Standards Variance

Keenan Wilson with Wilson Renovations, LLC filed a Development Standards Variance application for 728 E Chestnut Street. The applicant plans to build an 80 square foot room addition. The variance request is for a 0 foot setback to match the existing nonconforming setback. The property is zoned R3 (Residential). The Docket Number is BZA-21-48.

Keenan Wilson who owns Wilson Renovations is speaking as the applicant and contractor and has taken the oath. The existing home was done by a previous contractor a long time ago and the existing window prevents the home from being added onto with a larger setback.

Chad Reischl stated this is in the downtown and it is not atypical for homes to be built near or at the property line. The request is only to finish the back end of the home. Staff is okay with the request.

Open public comment.

Pearl Fanning at 738 E Chestnut Street is speaking and she has taken the oath. She said these are her neighbors and they have done a wonderful job fixing up the property and she looks forward to seeing the finished product.

Close public comment.

Mr. Stinson made a motion to move to findings. Duard Avery seconded the motion.

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 27th of July 2021.

BZA-21-49 Development Standards Variance

Frank Hoskins filed a Development Standards Variance application for 5815 New Chapel Road. The variance request is to build a detached garage / workshop on the property that exceeds the allowed accessory structure size. The proposed building is 4,800 square feet. The property is zoned R1 (Residential). The Docket Number is BZA-21-49.

Derek Sperzel stated he has taken the oath. He is representing the homeowner who would like to remove the existing 1,800 square feet garage and build a larger one. He will use it as a personal workshop, a boat, vehicles, as well as a work truck. The homeowner is aware that no business can be operated out of the property and does not plan to do so.

Mr. McCutcheon stated he knows the homeowner and his business and that it is a totally mobile business currently and he does not believe it will change.

Chad Reischl stated this is a very large property with an additional neighboring property as well. Dave Stinson stated he did not think you could see the garage from the park or the road. This garage is quite larger than what is allowed.

Open public comment. Deanna Kallbreier at 5712 New Chapel Road stated she has taken the oath. She lives catty-corner across the street. She says the existing garage can be seen from the road and this one will be much larger so she thinks she will be able to see this even more. She is very against the garage if it is to be used as a business, but even if not does think it is too large as this is a family area.

Lavenia White states she lives across the street at 5716 New Chapel Road and has taken the oath. This is a narrow road and does not understand why this garage needs to be so large, this is double the size of her home. She has stated that if the BZA approves this garage they will need to approve all future garages this large and does not like this. She would like to keep this area unique and this garage is too large for the area and is afraid more homes in this area will do this in the future. She would like to know how to enforce the homeowner if he does begin to operate the business.

Mike McCutcheon stated since this will not be used as a business there should not be increased traffic on the road and if it does become a concern he hopes she will call enforcement.

No further public comment. Close public comment.

Derek Sperzel stated the contractor that will build the building if it's approved is a professional and should not be in the way of the neighbor.

Mr. Stinson made a motion to move to findings on the contingency that no business will be operated out of this property. Mr. Avery seconded the motion.

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 27th of July 2021.

BZA-21-50 Development Standards Variance

Josh O'Brien filed a Development Standards Variance application for his residence at 2709 Hampton Court. The homeowner plans to extend the roofline and structure an additional 2 feet to add to the exterior entrance. The variance request is to extend into the front setback. The property is zoned R1 (Residential). The Docket Number is BZA-21-50.

Josh O'Brien stated he is the homeowner and has taken the oath. He would like to extend his roof 2.5 feet to protect from the weather with columns for support. He says most neighbors already have a roof extension and is similar to the style of the neighborhood.

Chad Reischl states this does not meet our standards as it currently stands, and it will stick out even further if approved. However, the applicant has done a substantial remodel of the home with many improvements and this is a small addition into the setback. He does not have a problem with it.

Open public comment.

A letter is read into the record against the variance. This is on record at the Planning office.

Close public comment.

Mr. Avery states this is a very nice addition. He makes a motion to move to findings. Dave Stinson seconds the motion.

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.
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Based on the findings described above, the Board does now approve this application. So ordered this 27th of July 2021.

Director's Comments

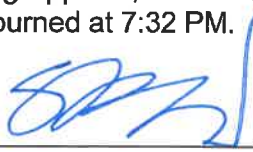
Chad Reishl stated this will be Secretary Shelby Walsh's last meeting.

Adjournment

Mike McCutcheon asked whether any board members had any additional comments or questions. There being no further business to come before the Board of Zoning Appeals, he asked for a motion to dismiss. Mr. Avery made a motion to adjourn. The meeting adjourned at 7:32 PM.



Mike McCutcheon, Chair



Secretary