

MINUTES OF THE
JEFFERSONVILLE BOARD OF ZONING APPEALS
January 31, 2023

Call to Order

Chairman Mike McCutcheon calls to order the Board of Zoning Appeals meeting. It is Tuesday, January 31, 2023, it is 7:00 pm in the City Council Chambers, Jeffersonville City Hall, 500 Quatermaster Ct., Jeffersonville, Indiana. The meeting was held in person and streamed live on the City's website and City's Facebook page.

Roll Call

Chairman Mike McCutcheon was present. Other members present were Duard Avery, Dennis Hill, Kelli Jones, and David Stinson. Also present were Planning & Zoning Attorney Les Merkley, Planning & Zoning Director Chad Reischl, and Secretary Zachary Giuffre.

(Secretary's Note: All drawings, letters, photos, etc. presented before the Board of Zoning Appeals on this date can be found in the office of Planning & Zoning.)

Mr. Avery made a motion to elect Mike McCutcheon as Chairman, seconded by Ms. Jones. Roll call vote. Motion passed 5-0.

Mr. McCutcheon made a motion to elect Duard Avery as Vice-Chairman, seconded by Ms. Jones. Roll call vote. Motion passed 5-0.

Approval of Minutes

Approval of the minutes from November 29, 2022. Ms. Jones made a motion to approve the November 29, 2022 minutes, seconded by Mr. Stinson. Roll call vote. Motion passed 5-0.

Approval of Findings of Fact

Approval of the Findings of Fact. Ms. Jones made a motion to adopt the Findings of Fact for the November 29, 2022 docket items, seconded by Mr. Stinson. Roll call vote. Motion passed 5-0.

Approval of the Docket

Approval of the Docket. Ms. Jones made a motion to approve the docket, seconded by Mr. Stinson. 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

BZA-22-63 Special Exception

Carl A. Smith Jr. filed a special exception application for property located at 1522 E. 10th Street. The property is zoned C1 (Commercial: Medium-Scale). The proposed use is outdoor product sales (retail 3). The docket number is BZA-22-63.

Carl A. Smith Jr. stated he took the oath and the following:

- We are a pawn shop
- We want to put 10-15 sheds in the empty parking lot located behind the building which will be sold

Chad Reischl stated that Staff feels this a minor request given the nature of the products being sold. Staff would advise the board to put a stipulation on this request that the outdoor storage would be restricted to sheds only.

Open public comment

No comment

Closed public comment

Ms. Jones asked have you reviewed the stipulations that Staff put in the report in restricting the outdoor sales for sheds only?

Carl Smith stated that this would be used for shed sales only. The sheds would not be used for storage and would be stored in the back.

Ms. Jones stated we would like to add that parking circulation be maintained as shown in the site plan found in the staff report for BZA-22-63.

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 with the condition that the outdoor sales be restricted to sheds only and that the parking circulation be maintained as shown in the site plan in the staff report for BZA-22-63. Soordered this 31st of January, 2023.

New Business

BZA-23-01 Special Exception

Daniel Kadylak filed a special exception application for property located at 2944 E. 10th Street. The property is zoned C2 (Commercial: Large-Scale). The proposed use is for a church. The docket number is BZA-23-01.

Daniel Kadylak stated he took the oath. The pastor of the church is here; he is better suited to speak than I am.

Andrew Hershey stated he took the oath and the following:

- I am the lead pastor of Hope Bible Church
- This was the old Bureau of Motor Vehicles building
- We love the property proximity to residential properties and the high school

Chad Reischl stated that the use will be relatively easy to integrate to the site as there is adequate parking.

Open public comment

Alejandro Diaz stated he took the oath. I am the owner of a nearby business called Jeff City Mix. We are supportive of this project.

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. So ordered this 31st of January, 2023.

BZA-23-02 Use Variance

Nathaniel Knight filed a use variance application for property located at 129 E. Market Street. The property is zoned CD (Commercial: Downtown). The current use is auto repair; the proposed use is auto repair, used auto sales, and U-Haul rental drop-off. The docket number is BZA-23-02.

Nathaniel Knight stated he took the oath and the following:

- I live at 428 E. Chestnut Street
- I feel that if I can work with you all to make the property look better than it was in the past/

Chad Reischl stated this was a filling station/garage for many years. This site has been vacant for some time; therefore, it lost its grandfather status as an auto repair shop. The applicant will be fixing cars to be sold.

Nathaniel Knight said the cars would undergo minor repairs. We do not need a huge space for the U-Haul business.

Chad Reischl stated that Staff feels that the Board should put a stipulation as to how many cars can go on the property. We believe that the applicant has demonstrated he is willing to cleanup the lot.

Open public comment

Mark Peacock stated he took the oath. I live in Jeffersonville off of Plank Road. Nathaniel is someone with great morals and has been true to his word. This auto shop has always had as many cars as it does currently.

Evan Stoner stated he took the oath. I am a resident of downtown Jeff. I am supportive of this special exception as the applicant has a great vision for this business.

John White stated he took the oath. Nathaniel is a very honest man. I have known him since we were kids. He deserves a chance to make the community better.

Closed public comment

Chad Reischl stated I had two conversations with people over the phone. I had a conversation with Denton Floyd. They were concerned with how the lot will look as they are planning a large investment in the near future; however, they did not seem to be concerned. Another individual, who requests to remain anonymous, stated there should be some limits on the number of cars on the lot.

Mr. Avery stated this is a great infill project. This is a needed service for the area. Please keep the site looking nice.

Ms. Jones asked if this use variance is approved, how long could this operate as an auto repair business?

Chad Reischl stated, if the business is vacant or abandoned for more than 6 months, the use variance would go away.

Nathaniel Knight stated that the state does not allow car sales from a dealer without office space.

Ms. Jones stated that we should put the stipulation that if the building is torn down, then the use variance is no longer applicable. Also, the Uhaul trucks should be included in the limit of cars that can be parked on the lot.

Nathaniel Knight stated that I could park around 20 vehicles on the property; however, I do not want to go near that number.

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 condition that the applicant and property owner restricts the maximum vehicles on the property at any time to 20 and if the main building is demolished, the use variance becomes null and void. Soordered this 31st of January, 2023.

BZA-23-03 Development Standards Variance

Jason Sams with ARC filed a development standards variance application for property located at 2005 Charlestown-New Albany Road. The property is zoned C1 (Commercial: Medium-Scale). The applicant requests a variance from the development standards for maximum sign height and message area. The docket number is BZA-23-03.

Jason Sams stated he took the oath. We are asking for consideration to change the message on the preexisting sign and to retain the 12ft tall sign in its current state.

Chad Reischl stated the codes have changed since this sign was originally erected. We are simply bringing this sign into compliance. There is a necessary hardship due to how far back the sign is setback from the road behind a detention basin.

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 beaffected 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 31st of January, 2023.

BZA-23-04 Use Variance

Lander & Miller Enterprises Inc. filed a use variance application for property located on the 4100 Block of Coopers Lane. The property is zoned R1 (Single-Family Residential: Large-Lot). The current use is vacant land; the proposed use is warehouse storage. The docket number is BZA-23-04.

Jason Copperwaite stated he took the oath and the following:

- This is a 2.4 acre tract that has limited development potential due to the creek running through the property.
- There is a nearby storage project and a quarry near the property.
- The proposed use is warehouse storage; staff suggested we seek a use variance instead of a rezoning to an industrial zone district.
- There will be plenty of buffer that will remain between the project and Creekstone Ridge. There is about 100ft of space between the building and the rear lot line.

Chad Reischl stated that Staff generally agrees with the applicant that there are limitations on what can be developed on this property.

Open public comment

No comment

Closed public comment

Chad Reischl stated that Kent Abell

Ms. Jones asked will this be a secured facility?

Mr. Copperwaite stated yes this will be secured.

Chad Reischl stated staff would like to ask the Board to impose the stipulation that the applicant follows the landscaping standards of the I1 zone district as opposed to the R1 zone district which does not require landscaping.

Mr. Copperwaite stated we are okay with that.

Ms. Jones stated I would prefer that most of the trees around the stream are preserved.

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 condition that the applicant/property owner implements landscaping pursuant to the landscaping standards of the I1 zone district per the Unified Development Ordinance. So ordered this 31st of January, 2023.

Reports from Director and Staff

Chad Reischl stated the following:

- We approved 3 industrial projects – a 500,000sf industrial project, 130,000sf Genpak Expansion, and a trucking facility on Truckers Boulevard.
- Two projects have been approved in Jeffersonville Commons, one being ExtraSpace Storage and the other being the Flats on 10th Apartments.
- Other projects include Dairy Queen and the Northaven Gymnasium expansion.
- We also have our 2022 Annual Report. We had 146 cases last year. There were a few more than 2021; however, it was still a little less than our highs in previous years. We approved over 2.9 million square feet of commercial and industrial space and over 1,500 new residential units. We reviewed 183 accessory structure permits, 200 fence permits, and 57 commercial sign permits.

Adjournment

There being no further business to come before the Board of Zoning Appeals, the meeting was adjourned at 7:40 pm.



Mike McCutcheon, Chair



Submitted by: Zachary Giuffre, Secretary