

MINUTES OF THE
JEFFERSONVILLE BOARD OF ZONING APPEALS

February 28, 2023

Call to Order

Chairman Mike McCutcheon calls to order the Board of Zoning Appeals meeting. It is Tuesday, February 28, 2023, it is 7:00 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

Chairman Mike McCutcheon was present. Other members present were Duard Avery, Dennis Hill, and Kelli Jones. David Stinson logged in remotely using the Zoom platform. 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.)

Approval of Minutes

Approval of the minutes from January 31, 2023. Ms. Jones made a motion to approve the January 31, 2023 minutes, seconded by Mr. Hill. Roll call vote. Motion passed 4-0.

Approval of Findings of Fact

Approval of the Findings of Fact. Ms. Jones made a motion to adopt the Findings of Fact for the January 31, 2023 docket items, seconded by Mr. Hill. Roll call vote. Motion passed 4-0.

Approval of the Docket

Approval of the Docket. Ms. Jones made a motion to approve the docket, 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-23-05 Development Standards Variance

Black Ball Holdings, LLC filed a development standards variance application for 2020 Hospitality Way. The applicant is requesting a variance from the development standards for fence material and maximum fence height. The property is zoned C2 (Commercial: Large-Scale). The Docket Number is BZA-23-05.

Brian Donahee stated he took the oath and the following:

- We purchased the property at 2020 Hospitality Way which is an old truck repair facility. We want to use it for a similar purpose.
- Since we purchased the property, there has been vandalism and theft.
- We want to put a 6ft fence all the way around the property perimeter and we want it to be grey corrugated metal.

Chad Reischl stated this property is curiously zoned C2. If this property was zoned industrial, they would be allowed the 6ft fence height and the material. Visibility could be a concern; however, there will be gates that allow for monitoring of the property.

Open public comment

No comment

Closed public comment

Ms. Jones asked do you have a plan for covering the fence in the event of vandalism?

Brain Donahee stated we will be painting over the fence if graffiti occurs.

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. So ordered this 28th of February, 2023.

BZA-23-06 Development Standards Variance

Harding Enterprises, LLC filed a development standards variance application for 1503 E. 10th Street. The applicant is requesting a variance from the development standard for minimum front yard setback. The property is zoned C1 (Commercial: Medium-Scale). The Docket Number is BZA-23-06.

Doug Mitchell with Cash Wagner and associates stated they took the oath and the following:

- We want to reduce the setback from 30ft to 22ft.
- This variance would allow us to keep the building away from existing residential properties.
- There are other properties in the area that are much closer than what we are requesting.

Chad Reischl stated this is a very unusually-shaped site that is difficult to develop. We are happy to support this variance request.

Open public comment

No comment

Closed public comment

Ms. Jones stated will the applicant be meeting the landscape requirements along 10th Street?

Chad Reischl stated this project will still have to go through the development plan process. There is plenty of space for greenspace in the rear of the site.

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. So ordered this 28th of February, 2023.

Reports from Director and Staff

None

Adjournment

There being no further business to come before the Board of Zoning Appeals, the meeting was adjourned at 7:12 pm.

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

Mike McCutcheon, Chair

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

Submitted by: Zachary Giuffre, Secretary