

MINUTES OF THE
JEFFERSONVILLE BOARD OF ZONING APPEALS
September 24, 2024

Call to Order

Chairman Mike McCutcheon calls to order the Board of Zoning Appeals meeting. It is Tuesday, September 24, 2024, it is 6:30 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, Kelli Jones, and David Stinson. Also present were Planning & Zoning Attorney Mr. Merkley, Planning and Zoning Director Chad Reischl, Planner Shane Shaughnessy, 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 August 27, 2024. Mr. Hill made a motion to approve the August 27, 2024 minutes, seconded by Mr. Stinson. Roll call vote. Motion passed 5-0.

Approval of Findings of Fact

Approval of the Findings of Fact. Mr. Stinson made a motion to adopt the Findings of Fact for the August 27, 2024 docket items, seconded by Ms. Jones. Roll call vote. Motion passed 5-0.

Approval of the Docket

Approval of the Docket. Mr. Stinson made a motion to approve the docket, 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-24-42 Development Standards Variance

Whalen Properties LLC filed a Development Standards Variance for the property located at 2323 Charlestown Pike. The applicant requests variances from the standards for minimum side yard setback and maximum accessory structure height. The property is zoned MP (Mobile Home Park). The docket number is BZA-24-42.

Michael Whalen, owner of Sunset Park, stated he took the oath and I am asking for two structures – a mailbox cover that is 6'x22' and the other is a 40'x44' pole barn to store equipment. The Postal Service has asked us to put a cover over the mailboxes.

Chad Reischl stated they are asking for a minimum side yard setback variance for both the pole barn and the mailbox cover. They are asking to make the pole barn 20ft; the maximum height is 15ft. These standards may be off as we seldom review permits for structures in mobile home parks. We feel these are fairly minor issues. The mailbox kiosk is already there; they are simply requesting to put a cover over it. There is probably room to make the pole barn conforming; however, that would likely require cutting down a number of large trees.

Chad Reischl stated we had a few people email about this case; however, when I responded, I never heard back.

Open public comment

Chad Gidelzan, who lives at 3517 Edgewood Village Dr, state he took the oath. About a year ago, they attempted to build these structures without a permit. We back up to this property. Our property is at a lower-grade than theirs. When it rains hard, we get a stream of water. Our concern is that more water will be offset to our side. The structure will most likely go over 6ft in height. We are concerned that there will be more lighting shining into our windows. Could they build it close to the front of the property?

Laine Hurst stated I am speaking for my significant other who has lived in the subdivision for many years. The City worked on the drainage problem. Now he is going to build a big shed which will put a lot of water onto the property.

Linda Birge, who lives at 3526 Edgewood Village Dr., stated she took the oath. The pole barn will directly impact me because of the space behind my house. There has been a drainage problem behind my house. It has been fixed; however, there is still a problem.

Mr. McCutcheon stated we are not the drainage board.

Chad Reischl stated to be fair, this accessory structure would not go to the drainage board.

Closed public comment

Michael Whalen stated I have mostly heard drainage issues. The mailboxes currently sit on a concrete pad. We can divert the drainage a little differently based on the roof; however, the drainage will not change. There will be no lighting on the mailbox cover.

Ms. Reed asked will the mailbox kiosk be a pitched roof or single-sloped roof? Is there any way to catch the drainage to prevent erosion?

Michael Whalen stated we can attempt to do so. The pole barn will drain away from Ms. Birge's property. The pole barn will be right behind the parking area.

Ms. Reed asked do you have any documentation that shows easements on the property?

Michael Whalen stated I do not know if I do or not. I know there is a gas line easement.

Mr. McCutcheon stated people in the audience need to understand that we cannot stop him from building; he is just asking for an extension of what is allowed.

Ms. Jones stated if this was a single-family home, they could do either of these without a variance.

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 24th of September, 2024.

Reports from Director and Staff

Chad Reischl stated a couple of weeks ago, the City Council asked me, as the Planning and Zoning Director, to draft regulations for Short-Term Rentals. I gave the Plan Commission a lengthy presentation about the ordinance if you would like to see it. Indiana State Statute restricts what we can do with Short-Term Rentals; however, we can create a permitting process and make specific stipulations for what type of short-term rentals require special exceptions. Owner-occupied STRs will be permitted everywhere that allows residential. Though, in certain zone districts and in a certain subsection of the city—specifically the downtown and adjacent neighborhoods—a special exception will be required. This will prevent the BZA from being over encumbered with too many hearings. If the Council enacts regulations, we will share them with you. The Plan Commission made no recommendation.

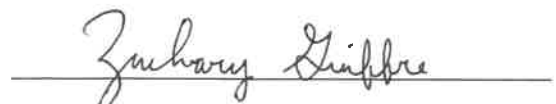
Ms. Jones stated I appreciate you preventing everyone from coming to us because that occurred with the BZA in Louisville.

Adjournment

There being no further business to come before the Board of Zoning Appeals, the meeting was adjourned at 6:52pm.



Mike McCutcheon, Chair



Submitted by: Zachary Giuffre, Secretary