

MINUTES OF THE
JEFFERSONVILLE BOARD OF ZONING APPEALS

October 29, 2024

Call to Order

Chairman Mike McCutcheon calls to order the Board of Zoning Appeals meeting. It is Tuesday, October 29, 2024, it is 6:30 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, and Kelli Jones. Also present were Planning & Zoning Attorney Mr. Merkley, Planning and Zoning Director Chad Reischl, Planner Shane Shaughnessy, and Secretary Zachary Giuffre. Mr. Stinson was absent at the time of roll call.

(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 September 24, 2024. Mr. Hill made a motion to approve the September 24, 2024 minutes, seconded by Ms. Jones. Roll call vote. Motion passed 4-0.

Mr. Stinson entered the room at 6:31pm.

Approval of Findings of Fact

Approval of the Findings of Fact from September 24, 2024. Mr. Stinson made a motion to adopt the Findings of Fact for the September 24, 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-24-43 Special Exception

Deretha Askew filed a Special Exception for the property located at 1409 Northaven Drive. The applicant requests to establish an Accessory Dwelling Unit on the property. The property is zoned R2 (Single Family Residential – Medium Lot). The docket number is BZA-24-43.

Katara Askew stated she took the oath and that I want to convert the unit into a one unit, one bath apartment.

Chad Reischl stated we do not have a particular issue with this and we have reviewed it.

Open public comment

Bill and Jennifer Matthews, who live at 1410 Ridgeway Dr., stated they took the oath. We live right behind this property. The yard is not very big and this is supposed to be a single-family dwelling. This should not be done right next to our fence. How do we know this will always be a mother-in-law suite? We do not want 5 people living here. There was always a dog out there that did not stop barking.

Closed public comment

Katara Askew stated the dog was mine. He was being rehomed. I lived abroad for 10 months. He is no longer part of the property. The property line is close. I do plan on getting an adjuster out to see. There is no intention of anyone living there but me. There will be no Airbnb. This will be a multi-generational living situation.

Ms. Jones stated I see the plan for the unit. Is the back wall and the bedroom facing the people in the back?

Katara Askew stated the side deck will face my mother's house. There is one window looking to the neighbor's house. I have been working with someone who does the blueprint. I would like to have two windows instead to get as much daylight as possible.

Mr. McCutcheon asked does the special exception limit the number of occupants?

Chad Reischl stated the ADU is described by our code as a unit that is smaller than the main house that contains a kitchen, bathroom, and living space and has a separate entrance to the main house.

Mr. Avery stated both of these structures are off the property line to meet code, correct?

Katara Askew stated yes, it is.

Mr. McCutcheon asked what type of fence is between you and the neighbor?

Katara Askew stated it is a 6ft wooden privacy fence.

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 29th of October, 2024.

BZA-24-44 Development Standards Variance

Porchusa L. Combs filed a Development Standards Variance for the property located at 2929 Charlestown Pike. The applicant requests variances from the standards for wall sign placement. The property is zoned C1 (Commercial – Medium Scale). The docket number is BZA-24-44.

Porchusa Jefferson, owner of the Dental establishment, stated she took the oath and the following:

- I currently live in Louisville.
- There is a garage or shed on the corner of our property. If you are coming from the back road towards the shed, you cannot see what my building is. You can only see what is coming from Allison Lane.
- My patients are getting lost on the way here.

Chad Reischl stated this is a bit of an unusual case as we do not usually allow an accessory structure in the current location. This does not have any major impact on the health, safety, value, or general welfare of the community. It can be hard to determine a practical difficulty when signage could be placed on the main structure.

Open public comment

Dustin Karkoff, who lives at 3302 Evergreen Circle, stated I did not take the oath.

Les Merkley administered the oath.

Dustin Karkoff stated my area is getting developed quickly. A big blazing sign would detract from the area. Will it be lighted or neon? I just want to keep my neighborhood clean.

Mr. McCutcheon stated this is a 4'x8' sign.

Closed public comment

Porchusa Jefferson stated I have no intentions of lighting the sign and want the property to look good.

Ms. Jones asked what sides of the building will the signs go on?

Porchusa Jefferson stated it will be on just two sides of the structure.

Ms. Jones asked are the signs already made?

Porchusa Jefferson stated yes.

Ms. Jones stated the property is always clean so I am not worried about it looking messy or dirty.

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 29th of October, 2024.

BZA-24-45 Development Standards Variance

William Barber filed a Development Standards Variance for the property located at 805 Penn Street. The applicant requests variances from the standards for maximum lot coverage. The property is zoned R4 (Single Family Residential – Old City). The docket number is BZA-24-45.

Bill Barber stated he took the oath and the following:

- The variance has become two-fold here.
- I came into the office and found out that the parking lot next to my property encroaches my lot line by about 16ft. It seems the City bought the property belongs to Branham Tabernacle and put drainage infrastructure on the property.
- I am requesting a 20'x40' service building.

Chad Reischl stated this is an interesting case. From all of the deed information, it is clear that this parking lot encroaches on his property. Adding even a small garage would cause it to be over the maximum. We do not necessarily have an issue with the proposed variance.

Open public comment

No comment

Closed public comment

Mr. McCutcheon asked what do you mean by service building?

Bill Barber stated this will be a garage. I have 8 properties within a 5-6 block area. I will use it to keep trucks and power equipment, and it will also serve as a garage for the renters of the property.

Mr. Stinson asked is it going to be a metal pole barn?

Bill Barber stated yes it will be.

Mr. Stinson asked are we still going with pole barn's in the city limits?

Chad Reischl stated I do not have a rule against them. We have a rule now that it must match the house if it is on the corner facing the street.

Ms. Jones asked what are you going to do with the fence? Will the building go over the fence?

Bill Barber stated the fence at the alley is going to come down, so that the new building is 2ft away from the small garage. The other part of the fence will go to the back of the building.

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 29th of October, 2024.

BZA-24-46 Development Standards Variance

Jesse Emmons filed a Development Standards Variance for the property located at 3316 Utica Sellersburg Road. The applicant requests variances from the standards for minimum front yard setback and accessory structure placement. The property is zoned R1 (Single Family Residential – Large Lot). The docket number is BZA-24-46.

Jesse Emmons stated he took the oath and I am looking to build an accessory structure to house my wood-working equipment.

Chad Reischl stated the applicant is asking for a minimum front yard setback and accessory structure placement as the structure will be placed in front of the house.

Open public comment

No comment

Closed public comment

Mr. McCutcheon stated maybe give some aesthetically pleasing colors or incorporate landscaping elements.

Ms. Jones stated I am looking at the staff finding that talks about enhancing the façade. I feel like we have tried this before but it has not been fully effective in the past. Will you take measures to do that?

James Emmons stated my neighbor has the same situation with a garage that does not match his house.

Mr. McCutcheon asked could you put windows in the façade?

James Emmons stated yes it would cost more though. We could put landscaping or whatever you guys need.

Mr. Avery asked is there a specific color you could use?

James Emmons stated I am trying to match it to the house.

Ms. Jones stated I would like to see a window in the façade and maybe landscaping. Taller stuff where there is not a window and shorter stuff under the window.

Mr. McCutcheon we are going to require a window in the end of the building that faces the street.

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 with the condition that the applicant integrates a window on the façade facing the street and landscaping to create a visual barrier. So ordered this 29th of October, 2024.

BZA-24-47 Development Standards Variance

Brenda Heimer filed a Development Standards Variance for the property located at 3511 Palmetto Drive. The applicant requests variances from the standards for minimum front yard

setback. The property is zoned R2 (Single Family Residential – Medium Lot). The docket number is BZA-24-47.

Brenda Heimer stated she took the oath and the following:

- I own the property at 3511 Palmetto Dr. which we are now renovating.
- It is a 90ft long property and I want to build a front porch to break it up.
- In 2021, the minimum front yard setback rule was changed to 68ft. Originally, the requirement was only 50ft when my dad built it, so he built it for 60ft.
- This will be a covered porch.

Chad Reischl stated we have average setbacks to retain a uniform aesthetic appeal. The deed restriction was originally 50ft and they built it back another 10ft so they could put a porch on the front. This variance will allow them to meet the existing intent.

Open public comment

Dustin Karkoff stated I live at 3302 Evergreen Circle and took the oath. I do not want my neighborhood changed. This variance is not going to hurt the neighborhood.

Closed public comment

Ms. Jones asked this is not screened-in?

Brenda Heimer stated it won't be screened-in.

Ms. Jones stated I have no issues.

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 29th of October, 2024.

BZA-24-48 Special Exception

James Roberts filed a Special Exception for the property located at 417 E. Court Avenue. The applicant requests to establish a veterinary office on the property. The property is zoned CD (Commercial - Downtown). The docket number is BZA-24-48.

Dr. Jim Roberts stated he took the oath and the following:

- I have provided veterinary care in the Jeffersonville area for over 23 years.
- I want to use this building to provide a number of veterinary services that are safe and highly-effective for the treatment of various medical conditions.
- I do not have any plans to alter the exterior of the building.
- I have invested in the integrity and safety of the building.
- This business fits the small-town community feel.

Chad Reischl stated veterinary clinic is listed as a special exception because there could be kennels or animals outdoors; however, that will not be an issue with this site given the size of the building.

Dr. Jim Roberts stated there will be no boarding of that nature.

Chad Reischl stated there was a letter from Tony Sweet who recommended Mr. Roberts hoping that he could move to Court Avenue.

Open public comment

Jessica Carmichael stated she did not take the oath.

Les Merkley administered the oath

Jessica Carmichael who lives at 821 South Indiana Avenue stated I was the realtor when he looked at this property. I work for Barbara Popp real estate services. We want to have a potential ribbon cutting for him.

Closed public comment

Mr. Stinson stated were you associated with Allison Lane Animal Hospital?

Dr. Jim Roberts stated I used to own that business.

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 29th of October, 2024.

BZA-24-49 Special Exception

Chad Winchell filed a Special Exception for the 0.3-acre property located Southeast of 3100 Evergreen Circle. The applicant requests to establish an Accessory Dwelling Unit on the property. The property is zoned R2 (Single Family Residential – Medium Lot). The docket number is BZA-24-49.

Chad Winchell stated he took the oath and the following:

- I live at 830 Morris Avenue.
- I am planning on building a single-family home in the Evergreen Circle subdivision.
- The first floor would contain the Accessory Dwelling Unit.
- I am very familiar with the subdivision. This house will look like a regular single-family dwelling. Me and my life will live there.

Chad Reischl stated Staff does not have any significant issues. I do want to make the argument that someone might argue that we are creating a duplex. This is not a duplex as the ADU is subordinate in size to the house.

Open public comment

Jared Wilson stated he took the oath and the restrictions state this can only be a single-family dwelling. Almost all lots in this area are $\frac{3}{4}$ of an acre or larger. The people that he bought this land from split the land. The property has to be 50ft from the property line.

Brenda Heimer stated I live in the subdivision. My father bought the property from the Carols. I have given you all the same paper. I would agree with him that the small property of a $\frac{1}{3}$ of an acre does not meet the criteria.

Dustin Karkoff stated I do not have a problem with the house. I have an issue with the precedence that this will set in my neighborhood. I own almost 2 acres back there. I have a pond on my property. Ultimately, this is an apartment.

Jane Jakes stated I live at 3300 Evergreen Circle and took the oath. I own the property right in front of this house. I do not want it to be so close that we are fighting with each other.

Closed public comment

Chad Winchell stated there are several small lots in the neighborhood. I want to building something that will add to the value of the homes in the neighborhood. This would not be on the low-end of the value of homes in the neighborhood.

Ms. Jones asked is he meeting all standards of the UDO?

Chad Reischl stated I have not seen a plot plan with dimensions.

Ms. Jones asked could we make a condition that the applicant meets the conditions of the zone district?

Mr. Merkley stated the city cannot enforce the deed restrictions.

Chad Reischl stated the site plan appears that it would meet our standards of the UDO.

Mr. Hill asked has there been another home on the lot previously?

Chad Winchell stated no, there has not been another home.

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 29th of October, 2024.

BZA-24-50 Development Standards Variance

Chris McCune filed a Development Standards Variance for the property located at 825 Meigs Avenue. The applicant requests variances from the standards for minimum structure width. The property is zoned R4 (Single Family Residential – Old City). The docket number is BZA-24-50.

Chris McCune stated he did not take the oath.

Les Merkley administered the oath.

Chris McCune stated I just recently purchased 825 and 827 Meigs Avenue. It seems 823 Meigs Avenue is encroaching on the lot. Now we are building a 16ft wide home to accommodate that encroachment.

Chad Reischl stated this is an unusually-narrow lot in the downtown. Generally, we require 18ft; however, this forces his house to be narrower.

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.

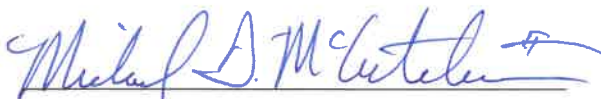
Based on the findings described above, the Board does now approve this application. So ordered this 29th of October, 2024.

Reports from Director and Staff

We are moving next month's meeting to December 3rd.

Adjournment

There being no further business to come before the Board of Zoning Appeals, the meeting was adjourned at 7:53pm.



Mike McCutcheon, Chair



Submitted by: Zachary Giuffre, Secretary