

MINUTES OF THE
JEFFERSONVILLE BOARD OF ZONING APPEALS
December 3, 2024

Call to Order

Chairman Mike McCutcheon calls to order the Board of Zoning Appeals meeting. It is Tuesday, December 3, 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 Les Merkley, Planner Shane Shaughnessy, and Secretary Zachary Giuffre. Planning and Zoning Director Chad Reischl was absent from the meeting.

(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 October 29, 2024. Mr. Stinson made a motion to approve the October 29, 2024 minutes, seconded by Mr. Hill. Roll call vote. Motion passed 4-0.

Approval of Findings of Fact

Approval of the Findings of Fact from October 29, 2024. Mr. Stinson made a motion to adopt the Findings of Fact for the October 29, 2024 docket items, seconded by Ms. Jones. Roll call vote. Motion passed 5-0.

Approval of the Docket

Approval of the Docket. Mr. Hill 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

None

New Business

BZA-24-51 Special Exception

EM Property, LLC filed a Special Exception for the property located at 326 E. Court Avenue. The applicant requests to establish an apartment on the first floor of the building on the property. The property is zoned CD (Commercial - Downtown). The docket number is BZA-24-51.

Jeremy Eiler stated they took the oath and we are looking to make a one-unit apartment for one of our employees. Just making one entrance a unit in the building

Shane Shaughnessy stated we have this standard to prevent commercial spaces from being gobbled up by residential spaces. The storefront will remain while the apartment will be in the rear of the building. This request meets the intent of the zoning ordinance.

Open public comment

No comment

Closed public comment

Ms. Jones asked should we put a condition on this request that the storefront shall remain?

Shane Shaughnessy stated you could do that.

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 storefront shall remain. So ordered this 3rd of December, 2024.

BZA-24-52 Development Standards Variance

Sam Jones filed a Development Standards Variance for the property located at 1751 Veterans Parkway. The applicant requests variances from the standards for parking distribution and minimum main floor area. The property is zoned C2 (Commercial – Large Scale). The docket number is BZA-24-52.

Doug Sellers, with Bowman Consulting, stated he took the oath and the following:

- I am representing Sam.
- We are seeking a variance to allow more than 40% of the parking to be permitted in the front yard setback and for the building to be smaller than the minimum size.

- The detention situation forces our building back, requiring us to push the building out front.

Shane Shaughnessy stated the BZA has allowed these type of parking configurations in the past. Ideally, we would like to see less parking in the front; however, there are complications with detention as stated.

Open public comment

No comment

Closed public comment

Ms. Jones asked I assume the landscaping requirements will be met to keep headlights from shining into Veterans Parkway, correct?

Doug Sellers stated that is correct.

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 3rd of December, 2024.

BZA-24-53 Development Standards Variance

Yamilet Hinojosa Rodriguez filed a Development Standards Variance for the property located at 46 Longview Drive. The applicant requests variances from the standards for maximum lot coverage. The property is zoned R2 (Single Family Residential – Medium Lot). The docket number is BZA-24-53.

Yamilet Hinojosa Rodriguez stated she took the oath. My English is not good.

Shane Shaughnessy stated this request is for going from a lot coverage of 4,800sf to 5,600sf. This addition will not be sticking out from the existing home. We do not have many issues with this request.

Mr. McCutcheon stated this is similar to a lot of requests that we have had in the past.

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 3rd of December, 2024.

BZA-24-54 Special Exception

Neil Fannin filed a Special Exception for the property located at 1020 E. Court Avenue. The applicant requests to establish an Accessory Dwelling Unit on the property. The property is zoned R4 (Single Family Residential – Old City). The docket number is BZA-24-54.

Neil Fannin stated he took the oath and the following:

- I have an open floor-plan for the basement. As my mother ages, she can stay there.
- As of now, it would be an Airbnb type of setup, but I would have to look into that.
- This would probably be short-term leasing.
- This is completely separate from the house.
- Everything will be up to code as it will have a fire egress window.
- The electrical panels have been upgraded.

Shane Shaughnessy stated we have approved ADUs in the past as this is inside the structure. In the R4 district, duplexes are allowed; therefore, this request feels very similar.

Open public comment

Veronica Magnuson stated she took the oath. Thank you for giving us an opportunity to voice our concerns. While an ADU may be appropriate for a low-density neighborhood, this neighborhood is anything but low-density. The street is narrow and it is already difficult to accommodate delivery trucks, garbage service vehicles, and homeowners looking for parking. The neighborhood has also incurred an alleged meth and dealer house. It is reasonable to

expect the worst. Even the current resident has a fire code burning issue. I thought an ADU was an additional unit; however, I heard you say that that is not what he is requesting.

Shane Shaughnessy stated ADUs are sometimes separate from the house; however, this one is contained within the existing home.

Pauletta Feldman stated she took the oath. I live on Graham St. I am representing the Port Fulton Neighborhood Association. We are concerned about the proliferation of short-term rentals. There are times when I have trouble driving my Kia Soul through the street because of the parked cars on each side of the street. I tend to have fewer concerns about short-term rentals that are owner-occupied; however, I am concerned that this owner may move out. These are homes; they aren't investment properties. We fear our residential neighborhoods are disappearing due to investors moving in, not to be good neighbors but to conduct commercial ventures.

Closed public comment

Neil Fannin stated I am an investor in the sense that I am entrepreneurial. The previous owner was a gardener and had an abundance of flowers and ivy; however, that is not my style. This is my house. This is not an investment property, and I do not plan on moving any time soon. I have a detached garage that will be available for parking. I am taking every step I can to address these concerns.

Ms. Jones asked is this your home and are you going to live here?

Neil Fannin stated that is correct.

Ms. Jones stated an accessory dwelling unit is one thing; a short-term rental is another thing. Have the new short-term rental regulations been adopted?

Shane Shaughnessy stated yes, they have. The applicant will have to get a special exception to integrate an Airbnb.

Ms. Jones stated so today we are just looking at the accessory dwelling unit request and not a request for a short-term rental, correct?

Shane Shaughnessy stated that is correct.

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 3rd of December, 2024.

BZA-24-55 Development Standards Variance

Kent Abell filed a Development Standards Variance for the property located at 4016 Coopers Lane. The applicant requests variances from the standards for entrance width and parking setback. The property is zoned R1 (Single Family Residential – Small Lot). The docket number is BZA-24-55.

Kent Abell stated he took the oath and the following:

- I lived at this property for 30 years; however, I now live in Wathen Park.
- We are using this property for Abtech Electric.
- We are seeking to widen the driveway to improve access and safety of this ingress and egress point.
- We have trouble getting our trailer in and out.

Shane Shaughnessy stated this property was granted a use variance for this business a few years ago. A use variance is supposed to blend with the character of the residential neighborhood. This type of driveway would not be permitted under residential or commercial standards. There is an alternative configuration that Staff suggested; however, the applicant is seeking a wider drive. The condition was made in 2020 to have parking in the rear of the property; however, the BZA did not allow for any larger driveway than what is allowed.

Open public comment

No comment

Closed public comment

Mr. Avery stated this does not look unreasonable. The city has a lot of standards and they are afraid of setting precedents. The wider drive will allow for safer access. Is there a way you can compromise? It looks like there is tons of open area. They want part of the left side taken up.

Ms. Jones stated I would disagree that the width of the proposed driveway makes it safer. This makes it more confusing where you are supposed to come in and out. This makes it significantly less safe. I think that the staff suggestion is a much safer option. A two-lane driveway is 24ft. There is no reason to have a driveway that is 48ft wide. We design warehouses with tractor trailers with 28ft wide roads.

Kent Abell stated I have not seen the staff drawing. [Mr. Abell was presented with the drawing] This drawing is very helpful. The only objection I have is that the street is very narrow there.

Mr. McCutcheon stated the staff drawing gives you a straight shot to the garage.

Ms. Jones asked how often are you having bigger trucks or trailers coming out of the site?

Kent Abell stated there are driveways that are much wider in the area. I posed this to Chad when we spoke.

Mr. Stinson stated many properties that have large driveway were annexed from the County.

Mr. McCutcheon stated if you stay within the 26ft, you won't need any variance.

Kent Abell stated would you be willing to do 28ft in width?

Mr. McCutcheon states I think we would be agreeable to that. Would that work for you?

Kent Abell stated yes it would.

Ms. Jones stated the proposed variance would be for 28ft instead of the requested distance proposed in the original request.

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 modification that the driveway be realigned as shown in the staff recommended sketch section of the staff report and that the driveway will only be 28 feet wide as presented per Docket Number BZA-24-55. So ordered this 3rd of December, 2024.

BZA-24-56 Development Standards Variance

Curtis Peters filed a Development Standards Variance for the property located at 706 Spring Street. The applicant requests variances from the standards for maximum front yard setback. The property is zoned CD (Commercial - Downtown). The docket number is BZA-24-56.

Curtis Peters stated he took the oath and the following:

- I am the Board Chair of the Vintage Fire Museum
- We have delighted in the building we have on Spring St., and one of our goals is to beautify the neighborhood.
- This new building would allow us to display the vintage equipment while beautifying the lot.
- The front face of the building will look like a vintage fire house and there will be a continuation of the lighting that currently exists.
- The setback is not because it is needed for any building purpose, but rather to place the building in line with the current museum building. To have it farther forward would hide the front of the museum for people coming from the north.

Mr. Hill left the room at 7:15pm.

Mr. Hill reentered the room at 7:17pm.

Shane Shaughnessy stated this maximum setback standard exists to encourage pedestrian walkability in the downtown; however, in this case there is an existing building that is setback further from the front property line. Somethings could be conditioned by the BZA such as landscaping or seating that could articulate or enliven this area. Generally speaking, we are fine with this proposal.

Open public comment

No comment

Closed public comment

Ms. Jones stated I like that there is a little extra space in front of the building to allow people to gather. I do want to make sure that it is inviting and well-maintained.

Curtis Peters stated it will look a lot better than the blacktop parking lot. Our architect is also here tonight.

Mr. McCutcheon stated you have all intent to make this presentable. A firehouse may want to have an approach landing to show off the firetrucks. This setback makes it safer for children when they visit the museum.

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 3rd of December, 2024.

BZA-24-57 Development Standards Variance

Edward Bibb filed a Development Standards Variance for the property located at 402 Crestview Court. The applicant requests variances from the standards for minimum front yard setback and accessory structure placement. The property is zoned R4 (Single Family Residential – Old City). The docket number is BZA-24-57.

Angelo Lewis stated he took the oath and the following:

- I purchased the house and I already had the shed for about 3 years. I spent another \$1,500 just to move it here. I did not realize permits or variances were needed.
- The day after the shed was moved, I happened to be out in the yard and a gentleman told me I needed to have a permit for it.
- I lined the shed up as close as I could with the adjacent homes. I told him to put it about 15ft from the back-property line.
- I am 56 years old and I have 10 grandkids. The big old open field was my main concern. I have 40 koi fish in a swimming pool in the garage that I am waiting to put in the koi pond.
- I want to put a pool in the backyard directly behind the house.
- There is no problem with this shed obstructing any view.

Shane Shaughnessy stated this happens every now and then. This is why we encourage folks to get permits. In order for it to be in the correct area, it would have to be 17ft from the front property line; it is only 8ft right now. The other variance is that we do not allow accessory structures on a lot without a primary structure. Theoretically, they could combine the lot; however, then they would run afoul with our standard that the shed would have to be clad in the same materials as the home. We think that, at the very least, the shed should be moved back away from the road.

Open public comment

Jane Evans stated she took the oath. I live right down the street from Mr. Bibb on Crestview Ct. We love seeing what is happening to this place. Watching it come to life has been great. This is not detracting in any way from the neighborhood. I am in support of it staying there.

Pastor William Lock stated he took the oath. I live on the corner of Charlestown and Jackson. I am in support of what he is trying to do. This will beautify the community.

Kayla Aligner stated she took the oath. I live on Crestview Court. The shed is clean and in good shape. It looks great. This is a neutral gray and blends in with the structures around it. I do not see how it detracts from the neighborhood aesthetic at all. It looks neat and nice in the yard. It does not block the view of traffic at all. I am happy to see someone doing something with the lot as it has been a mowed lawn forever.

Closed public comment

Mr. McCutcheon stated the question is not about the appearance; however, there does appear to be quite a bit of space.

Mr. Avery stated we have seen this before. Cherry St. comes to mind. These lots front on Crestview; however, I think this is the side yard not the front yard. This should be a side yard setback according to the plat.

Angelo Lewis stated the property is a little sloped which made the placement complicated.

Ms. Jones stated this makes sense where it is located. It is setback a reasonable distance from the front property line and his neighbors like him. Do you have a foundation under that shed?

Angelo Lewis stated no, there is no foundation.

Ms. Jones stated you should speak to the Building Commission about their requirements for the foundation.

Angelo stated I got about 70 names of residents in the neighborhood for this petition stating they are fine with the request.

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 3rd of December, 2024.

BZA-24-58 Development Standards Variance

Ed Schindler filed a Development Standards Variance for the property located at 312 Longview 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-24-58.

Ed Schindler stated he took the oath and I am seeking a variance for removing an aluminum awning to put a front porch on the front of the house.

Shane Shaughnessy stated there is not really a practical difficulty for this request; however, this variance should make the structure look better.

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.

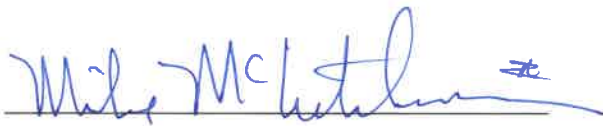
Based on the findings described above, the Board does now approve this application. So ordered this 3rd of December, 2024.

Reports from Director and Staff

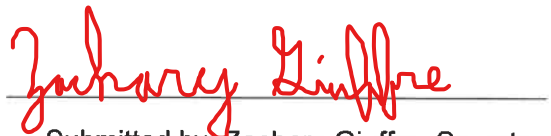
Shane Shaughnessy stated there is no meeting at the end of this month.

Adjournment

There being no further business to come before the Board of Zoning Appeals, the meeting was adjourned at 7:46pm.



Mike McCutcheon, Chair



Submitted by: Zachary Giuffre, Secretary