

MINUTES OF THE JEFFERSONVILLE
BOARD OF ZONING APPEALS
October 29th, 2019

Call to Order

Chairperson, Mike McCutcheon called the meeting of the Jeffersonville Board of Zoning Appeals to order at 7:00 p.m. in Council Chambers, City Hall 500 Quartermaster Court, Jeffersonville, Indiana.

Roll Call

The roll call was requested by Mr. McCutcheon, those members present were: Mike McCutcheon, Rodger Clarke, David Stinson, Christopher Fox and Duard Avery. Members absent: none. Also present - Nathan Pruitt Planning & Zoning Director, Les Merkley Planning & Zoning Attorney, Chad Reischel Planning & Zoning Planner 1 and Heather Pennington Secretary.

Approval of Minutes

Approval of minutes from the July 30th, 2019 and September 24th, 2019 Board of Zoning Appeals, Mr. Clark made a MOTION to approve the minutes. The Motion was seconded by Mr. Fox. The motion passed.

Approval of Findings of Fact Oath

Les Merkley, City Attorney for the City of Jeffersonville administered the oath to all those intending to provide testimony before the Board of Zoning Appeals.

Secretary's note: all plat maps, photos, and etcetera presented before the board of zoning appeals on this date can be found in the office of Planning and Development.

Old Business

Planning and Zoning Director Nathan Pruitt presented an Order and Findings for Docket No. BZA-19-27 in the matter of Elizabeth Baumgardner. Ms. Baumgardner wanted to open an in home daycare but Jeffersonville Zoning Ordinance requires that the child care facility owner be occupied and Ms. Baumgardner is not the owner of the property. So the application was denied.

BZA-19-48 Development Standards Variance

Leo & Pam Dauby filed an application requesting a development standards for property located at 909 Pennsylvania Ave. The applicant is requesting to construct a wood deck in front of their property. He currently has an existing porch but would like to build a larger wooden deck over it to ensure people don't accidentally step off his porch. They came to the September meeting and was asked by the board to meet with Planning and Zoning for resolution.

Representation: Leo Dauby 99 Pennsylvania Ave
Deck Expansion

Application was withdrawn.

BZA-19-57 Development Standards Variance

Piyush Patel filed an application for development standards for property on 3018 Tall Oaks Dr. the property is zoned C1 the proposed development is a shed. Mr. Patel was asked by the board to meet with Planning and Zoning for resolution. After meeting with Planning and Zoning Mr. Patel has agreed to move the shed ten feet to make it eighteen feet from the property line and to plant evergreen on three sides around the shed to help the shed blend in.

Representation: Piyush Patel

- Shed placement- eighteen feet from the property line with evergreen screening planted on three sides that is approved by planning and zoning.

Board Questions: none

Public Comment: support – none; against – none

Letters/calls: none

The Board of Zoning Appeals in the City of Jeffersonville having heard the application for special exception described above and all opposition from parties claiming to be adversely affected there by does now enter the findings:

1. The special exception will not be injurious to the public health, safety, morals, and general welfare of the community. All agree
2. The requirements and development standard of the requested use as prescribed by this ordinance will be met. All Agree
3. Granted this special exception will not subvert the general purposes served by this ordinance, it will not permanently injure other property or uses in the same district in vicinity. All Agreed
4. The proposed use will be consistent with character of the district they are in and intent of the zoning ordinance and the Jeffersonville Comprehensive Plan. All Agreed

BZA-19-59 Development Standards Variance

Bill and Donna Price filed an application for development standards for 929 Pennsylvania Ave for a wood deck on the front of their home that replaced an existing concrete porch. They came to the September meeting and was asked by the board to meet with Planning and Zoning for resolution.

Representation: Bill and Donna Price

- Wood Deck

This was tabled by the board

New Business

BZA-19-62 Development Standards Variance

Hollenbach Oakley LLC filed an application for a development standards variance for an office building at River Ridge Parkway and Corporate Drive.

Representative: Mark Hildabrand

- Parking variance for front yard setback

Board Questions: none

Public Comment: support – none; against – none

Letters/calls: none

The Board of Zoning Appeals in the City of Jeffersonville having heard the application for special exception described above and all opposition from parties claiming to be adversely affected there by does now enter the findings:

1. The special exception will not be injurious to the public health, safety, morals, and general welfare of the community. All agree
2. The requirements and development standard of the requested use as prescribed by this ordinance will be met. All Agree
3. Granted this special exception will not subvert the general purposes served by this ordinance, it will not permanently injure other property or uses in the same district in vicinity. All Agreed
4. The proposed use will be consistent with character of the district they are in and intent of the zoning ordinance and the Jeffersonville Comprehensive Plan. All Agreed

BZA-19-63 Development Standards Variance

Hayes Construction filed Landscape application following the construction of Circle K at 1655 E 10th Street.

Representative: None, Nathan Pruitt spoke with Mike Hayes and after the trees were planted realized that some of the trees planted would be in the ditch constructed along 10th street and would be in the way of engineering and Storm Water Management. We moved several of the trees to other locations on the property.

Mr. McCutcheon stated that the application would need to go back to the Planning Commission for approval.

Adjournment

There being no further business to come before the Board, the meeting adjourned at 9:18 p.m.

Mike McCutcheon, Chair

Submitted by: Heather Pennington, Secretary