

MINUTES OF THE JEFFERSONVILLE  
**BOARD OF ZONING APPEALS**  
September 24th, 2019

**Call to Order**

Chairperson, Mike McCutcheon called the meeting of the Jeffersonville Board of Zoning Appeals to order at 7:20 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 and Duard Avery. Members absent: Christopher Fox. 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**

Minutes unavailable for the August 2019 meeting – tabled.

**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**

None

**New Business**

**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.

Representation: Leo Dauby 99 Pennsylvania Ave

- Deck Expansion

Board Questions: Mr. Clark stated that the wooden deck is actually against code and asked if Mr. Dauby had considered expanding the current porch with concrete instead of wood?

Mr. Dauby- No

Mr. Stinson- So you are against concrete?

Mr. Dauby- The concrete is considerably more expensive.

Mr. McCutcheon- The board is against wooden decks on the front of houses but perhaps you can meet with the Planning and Zoning staff and discuss other material options and come back before the board.

Mr. Clark – I recommend this be tabled until the residents can meet with the Planning and Zoning staff. I make the motion to table this to our next meeting; seconded by Mr. Stinson and **motion to table** passes 4-0.

**BZA-19-49 Development Standards Variance**

Charles and Dorothy Wycoff filed an application requesting a development standards for property located at 605 Amelie Dr. The applicants are requesting to replace a new carport with the existing one. Representation: Charles Wycoff 605 Amelie Dr.

- Carport

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

Based on the finding described above the Board approves this application.

**BZA- 19-50 Development Standards Variance**

Courtney Evan Boggs filed an application requesting a development standards for property located at 208 Hopkins Lane. The applicant is requesting to add a 20x24 garage with a 10x20 lean to that connect to the house with a mud room.

Representation: Courtney Evan Boggs 208 Hopkins Lane

- Garage with lean too and mud room

Board Questions: Mr. Clark- Will the materials that are being used match the house?

Mr. Boggs- They the materials will match the house.

Public Comment: support – none; against – none

Letters/calls: none

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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

Based on the finding described above the Board approves this application.

**BZA-19-51 Development Standards Variance**

Victoria Johns filed an application requesting a development standards for property located at the 500 blk of 9<sup>th</sup> street (Parcel #10-19-00-101-620.000-010) the property is zoned M1 Multifamily residential the proposal is to side setback requirements.

Representation: John Kraft Young, Lind, Endres and & Kraft 126 W Spring St New Albany

- Approval of a subdivision for four lots on this property

Board Questions: Mr. Clark- When this was put to us last year there was going to a small parking lot, is there still?

Victoria Johns- There has never been plans for a parking lot all parking will be off street.

Public Comment: support – none; against – none

Letters/calls: none

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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

Based on the finding described above the Board approves this application

### **BZA-19-52 Special Exception**

Corey Ritchie filed an application for a special exception for property located on 715 Riverside large parcel number 4315 Utica Sellersburg Rd the current zoning is C1 which is small to medium scale commercial the proposed is C2 medium to large commercial use for an auto body shop.

Representation: Corey Richie 4315 Utica Sellersburg Rd

- Would like to move his body shop from 3909 Utica Sellersburg road to 4315 Utica Sellersburg road.

Board Questions: Mr. Clark- After you move will there be car sales on the property?

Mr. Richie- No, the car that is for sale is my father's personal car.

Public Comment: support – none; against – none

Letters/calls: none

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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

Based on the finding described above the Board approves this application

**BZA-19-53 Development Standards Variance**

Corey Richie filed an application for development standard for property located at 4315 Utica Sellersburg Rd. The applicant is asking to be allowed to have a 3,000 sq foot building and minimum requirements of C2 zoning is 5,000 sq feet.

Representation: Corey Richie 4315 Utica Sellersburg Rd

- Needs permission for 3,000 sq foot building in a C2 zoning

Public Comment: support – none; against – none

Letters/calls: none

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Based on the finding described above the Board approves this application.

**BZA-19-54 Development Standards Variance**

Athena Hospitality Group filed an application for development standards for property on Indiana Ave & W 9<sup>th</sup> St for a 144 room hotel. The applicants are seeking variances for maximum coverage, entrance drive on 9<sup>th</sup> street and height.

Representation: Daniel Whitley 1136 Southpark Blvd Bowling Green Ky

- Variance for maximum coverage
- Variance for entrance on 9<sup>th</sup> St
- Variance for height

Board Questions: Mr. McCutcheon- What is the reason for the height variance?

Mr. Whitley- In order to have a four story hotel we couldn't get the four stories in the 25 ft height restriction.

Public Comment: support – none; against – none

Letters/calls: none

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Based on the finding described above the Board approves this application

#### **BZA-19-55 Development Standards Variance**

Steve Resch filed an application for a development standards for property 115 & 125 W Chestnut St, the current zoning is DC downtown commercial the proposed development is a restaurant entertain concept.

Representation: Steve Resch 4025 Woodstone Dr. Floyd Knobs

- Development of a restaurant and parking lot needing 83 parking spaces with 3 handicapped spaces.

Nathan Pruitt the parking standard is kind of a quirk in our standards as most downtown businesses that are older would be non-compliant.

Public Comment: support – Mayor Mike Moore 803 E Court Ave- I've met with these developers and the plans are beautiful and will restore two old houses. I'm very excited about this project and the people that it will bring to downtown Jeffersonville.

Letters/calls: none

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#### **BZA-19-56 Development Standards Variance**

Mike Leonard for Hogan Holdings /McDonalds filed an application for a development standards for property 927 Indiana & 600 W 9<sup>th</sup> St (Jeffersonville Gateway Lot 4) the property is zoned C1(small to Medium Commercial Business) the proposed development is 4460 sq ft restaurant with a drive thru.

Representation: Mike Hill Land Design and Development

- Variance for Roof Line
- Variance for parking maximum, need 51 parking spaces
- Variance for entrance location, 150 feet of spacing not available
- Variance for lot coverage, less green space for parking
- Variance for 21 foot light poles, city standards are 20 ft

Public Comment: support – none; against – none

Letters/calls: none

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#### **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. Avery abstained due to HOA conflict.

Representation: Piyush Patel

- Shed placement

Board Questions: Mr. Clark- Can you switch the shed and the playground?

Mr. Patel- I do not want to move the playground by the street.

Mr. McCutcheon- I suggest that you meet with planning and zoning and see if they have any placement suggestions that will more for you.

Mr. Patel- I have spent \$3,000 and would really like to keep my shed.

Mr. McCutcheon- I recommend this be tabled until the residents can meet with the Planning and Zoning staff. I make the motion to table this to our next meeting; seconded by Mr. Stinson and **motion to table** passes 3-0.

#### **BZA-19-58 Development Standards Variance**

Victor Mattingly filed an application for development standards for 723 E Maple for a four unit Apartment Expansion.

Representation: Victor Mattingly

- Apartment Expansion
- Parking Variance for 12 parking spaces

Board Questions: Mr. Clark- What is your time table?

Mr. Mattingly- 4 years to complete occupancy.

Public Comment: support – none; against – none

Letters/calls: none

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#### **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.

Representation: Chrissy Price Sandstone Dr.

- Wood Deck

Chrissy Price- Mr. Price is disabled and they were going to get a rail but couldn't with their current porch so they built the deck so he could get in the house.

Nathan Pruitt- We issues ADA permits for \$1.00 but this deck's steps are not ADA compliant which is why we are here tonight.

Board Questions: Mr. Clark

Public Comment: Support- Donna Price- 929 Pennsylvania Ave – My husband is disabled and has fallen in the front lawn previously so we built the deck that we can later add a ramp to when the time comes and he needs it.

Billy Price- Sandstone Dr. Several neighboring houses have decks and I don't see what is wrong with a wooden deck on the front of the house. Nathan Pruitt stated that there are several legacy structures that will not be permitted to continue once they need replaced. Against – none

Mr. McCutcheon suggested that we table the issue until the residents and Planning and Zoning can meet to see if there is a way to come to a solution to both of the wood deck issues.

Nathan Pruitt stated that we need to come to a conclusion but at the same time we need to make sure that people do not continue to build structures and then come for permits that are not normally issued.

Mr. Clark – I recommend this be tabled until the residents can meet with the Planning and Zoning staff. I make the motion to table this to our next meeting; seconded by Mr. Stinson and **motion to table** passes 4-0.

#### **BZA-19-60 Development Standards Variance**

Alejandro Carrillo filed an application for development standards for property at 3518 Utica Sellersburg to add a mobile home to parcel with another home.

Representation: Alejandro Carrillo.

- Variance for lot subdivision for second residence

Board Questions: Mr. Clark- How fast can you complete the construction for the mobile home?

Public Comment: support – none; against – none

Letters/calls: none

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#### **BZA-19-61 Development Standards Variance**

Doug Abersold of Gray Construction filed an application for development standards for property at 285 Paul Garrett Ave, the proposed development is for a warehouse and office for a CBD oil manufacturing company.

Representation: James Mackenzie Gray Architects

- Variance for maximum height
- Variance for entrance
- Variance for light poles

Board Questions: Mr. Clark-How many employees will you be hiring?

Mr. Mackenzie there will be 25 employees in phase 1.

Public Comment: support – none; against – none

Letters/calls: none

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### **Adjournment**

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

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Mike McCutcheon, Chair

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Submitted by: Heather Pennington, Secretary