

MINUTES OF THE
JEFFERSONVILLE BOARD OF ZONING APPEALS
June 30, 2020

Call to Order

Chairman Mike McCutcheon calls to order the Board of Zoning Appeals meeting. It is Tuesday June 30, 2020, it is 7:10 pm in the Mayor's Conference Room, Jeffersonville City Hall, 500 Quartermaster Ct., Jeffersonville, Indiana. The meeting was held online via the Zoom web platform and Facebook Live.

Roll Call

Members present were Mike McCutcheon, Christopher Fox, Dave Stinson, Rodger Clarke, and Duard Avery. Also present were Chad Reischl, Planning & Zoning Director; Les Merkley, Planning & Zoning Attorney; Shawn Dade, Secretary; and Shelby Moore, Planning & Zoning staff. Mike McCutcheon and Shawn Dade were in the mayor's conference room. All others present via Zoom. Also present in the City Hall lobby to present public participation was Shelby Moore.

(Secretary's Note: All plat maps, photos, etc. presented before the Plan Commission on this date can be found in the office of Planning & Zoning.)

Approval of Minutes

Approval of the minutes from April 28, 2020. Rodger Clarke made a motion to approve May 26, 2020 minutes, seconded by Christopher Fox. Roll call vote. Motion passed 5-0.

Mike McCutcheon stated before we get started tonight we have had an item to be tabled. Item BZA-20-13.

Oath

Les Merkley issued the oath. When you speak, please state your name and acknowledge you took the oath.

Old Business

BZA-20-14 Development Standards Variance

JT Development, LLC filed a Development Standards Variance application for properties at 3700 & 3906 Coopers Lane. The property is zoned R1 (Residential). The proposed subdivision of Coopers Crossing will have 97 lots. The Docket Number is BZA-20-14.

John Kraft, with Young, Lindres, Kraft. Jason Copperwaite is also here, he is the engineer. This is a development standards variance. This was before the PC this evening with the prelim plat, which requested a waiver for side setbacks. There are 3 variances requested tonight. There will be 97 lots, and ultimately this subdivision will have over 10 acres of green space. If we look at this by right, this development could be 122-162 lots. The developer prefers to give the 10.3 acres of greenspace to the HOA and reducing the lot numbers to 97, and thus require variances. The Plan Commission heard a number of items regarding traffic and drainage. We feel the value of these properties will only increase surrounding properties. If we developed the property by right, that would require filling some of the lower areas. The developer wants to make this into a "friendly" subdivision with fewer lots than allowed by right. These sizes are what the market is selling, and

what buyers are buying. They may have smaller yards to maintain, but a large open space to enjoy.

Jason Copperwaite stated these developers are also developing Williams Crossing. This property is 40.7 acres. There will be an entrance on Coopers Ln, and connections to Creekstone Ridge and Williams Crossing. The average lot size is 50x120. This matches Williams Crossing, and the price point for these will be \$250-\$350K. This agenda item has been tabled voluntarily to meet with neighbors, and the three biggest concerns we heard were density, connection to Limestone Trace, and drainage. The Plan Commission approved the connection into Creekstone Ridge, and the density is less than is allowed by right.

Open public comment.

There were 23 pages of public comment that were read into the record by Chad Reischl. All of these comments are available in the Planning & Zoning Office for review. These comments were also captured on audio/video recordings of the meeting.

Closed public comment.

Mike McCutcheon stated that the Plan Commission approved the plan that includes the connection to Creekstone Ridge. They did not approve the actual connection.

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 30th day of June, 2020.

New Business

BZA 20-28 Development Standards Variance

Matt Lovan filed a Development Standards Variance application for property at 22 Hawthorne Lane. The property is zoned R2 (Residential). The proposed request is for an accessory structure in excess of development standards. The Docket Number is BZA-20-28.

Matt Lovan stated he wants to build a 30x40 pole barn. I hope to put a boat and RV in there when I retire.

Les Merkley administered the oath to Mr. Lovan.

Mike McCutcheon asked if his variances are for accessory structure size and height.

Matt Lovan stated correct.

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 30th day of June, 2020.

BZA-20-29 Development Standards Variance

Victoria and Mindy Johns with Millennium Builders, LLC filed a Development Standards Variance application for property at 400 E Maple Street and 326 Walnut Street. The property is zoned R3 (Residential). The proposed development, Magnolia Row, consists of five residential lots. The Docket Number is BZA-20-29.

David Blankenbeker stated we received preliminary plat approval from Plan Commission tonight. It is directly across from St. Luke's Church of Christ. We have provided very nice renderings. These home will be \$300K + priced. We need one variance for square footage of the lots. There were comments as to why the lots are so small, however many lots downtown are about the same size. We have put in a rear alley with a 2 car garage off the alley.

Open public comment.

Tammy Carter, Dustin White, and Jeff Funk all submitted letters regarding this development. These comments are available in the Planning & Zoning Office for review. These comments were also captured on audio/video recordings of the meeting.

Closed public comment.

Rodger Clarke asked when construction is expected to start.

David Blankenbeker stated there is no definite timeframe. They have closed on the property, but may be fall before they start.

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 30th day of June, 2020.

BZA-20-30 Development Standards Variance

Michael Aldridge and Mathew Madden filed a Development Standards Variance application for property at 325 Meigs Avenue. The property is zoned R3 (Residential). The proposed request is for a fence in excess of development standards. The Docket Number is BZA-20-30.

Michael Aldridge stated we both took the oath. We would like to create a 8 ft. fence that will begin at the front portion of our home to the rear property line. We would like to lengthen our yard space. This request is due to our desire to create a living fence. There will be wood barriers in different sections, the fence will be lined so that our pets will stay in our yard, and others to stay out. Vines will be planted on the fence. This will not be a plain 8 ft. wood fence. We want this to attract people, and let that help us meet our neighbors, and interact with them. We have other plans to rehabilitate our property.

Mike McCutcheon stated it looks like the panels will almost be visible to let the vines grow through?

Michael Aldridge stated correct. We have an addendum to this plan. This fence will allow our neighbors to build a fence on their own property along with it.

Open public comment. No comment. Closed public comment.

Rodger Clarke stated these houses are very close together. These vines will be able to grow out. How will these not interfere with the neighbor's property?

Michael Aldridge stated we have found fast growing vines that will not grow out. The fence requires a vine with a thin vine.

Rodger Clarke asked why can't this fence be built at 6 ft. instead of 8, and meet our standards?

Michael Aldridge stated we don't want it to just fit, we want it to be an attraction. We hope the fence beautifies the neighborhood. A plain wood fence doesn't beautify.

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 30th day of June, 2020.

BZA-20-31 Development Standards Variance

Joe Flamion, with Crystal Springs Homeowner's Association, Inc. filed a Development Standards Variance application for property at 3004 Crystal Springs Boulevard. The property is zoned R1 (Residential). The proposed development is an expansion of the existing neighborhood clubhouse. The Docket Number is BZA-20-31.

Jason Copperwaite stated Crystal springs HOA owns the area where the existing clubhouse and amenities were constructed. They want to turn the tennis court to a parking lot, and then construct new basketball and tennis courts, and a couple additional parking spaces. The Zoning Ordinance doesn't really allow for clubhouses in neighborhoods, so this is somewhat new. Variances for lot coverage, more than three accessory structures (5), accessory structure size, minimum setbacks, fence height as we are asking for 10 ft., and parking. The code doesn't have parking standards for this. We think this will be much better for the neighborhood.

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 30th day of June, 2020.

BZA-20-32 Special Exception

Clover Communities Jeffersonville, LLC filed for a Special Exception Use for property at 2121 & 2123 E Tenth Street. The property is zoned M2 (Residential). The proposed development is a Retirement Apartment Community. The Docket Number is BZA-20-32.

Rob Jack stated he is with Clover, and he took the oath. We are requesting special exception approval for senior market rate independent living facility. Will be 3 stories and 119 units. We have 3 other facilities under construction in Louisville, and two more to start this fall.

Open public comment.

Jan Day submitted a letter regarding this request. This comment is available in the Planning & Zoning Office for review. This comment was also captured on audio/video recordings of the meeting.

Closed public comment.

Move to findings.

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

1. The special exception will/will not be injurious to the public health, safety, morals, and general welfare of the community.
2. The requirements and development standards for the requested use as prescribed by this Ordinance will be met.
3. Granting the special exception will not subvert the general purposes served by this Ordinance and will not permanently injure the other property or uses in the same district and vicinity.
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 30th day of June, 2020.

BZA-20-33 Development Standards Variance

Clover Communities Jeffersonville, LLC filed a Development Standards Variance for property at 2121 & 2123 E Tenth Street. The property is zoned M2 (Residential). The proposed development is a Retirement Apartment Community. The Docket Number is BZA-20-33.

Rob Jack with Clover stated he took the oath. We are asking for 4 variances. The first is max density. The requirement allows for 8 units per acre, we are asking for 15. The second is unit size. The standard is 770 square feet, we are asking for 500 square feet. The next is max stories. Our building is 3 stories and 40 ft. the standard is for 2 stories and 40 ft. the final variance is for sign height. The standard is 4 ft. and ours is just over 6 ft.

Chad Reischl stated the sign standard in M2 is more for residential signage, and not along 10th.

Rodger Clarke asked are these apartments for rent or purchase? What are the rents?

Rob Jack stated 1 bedroom is \$1100 per month, and 2 bedrooms will be \$1350 per month.

Open public comment.

Jan Day submitted a letter regarding this request. This comment is available in the Planning & Zoning Office for review. This comment was also captured on audio/video recordings of the meeting.

Closed public comment.

Dave Stinson asked if there is anything in the city with this density?

Chad Reischl stated we have things in downtown that are 40-50 units per acre. The corner of Spring and Riverside Dr. is about 40 units per acre. Density can be an odd standard to measure the quality or standard of construction.

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 30th day of June, 2020.

BZA-20-34 Development Standards Variance

Curt Hargrove filed a Development Standards Variance application for property at 225 Lewman Way. The property is zoned IR (River Ridge). The proposed development is a warehouse. The Docket Number is BZA-20-34.

Mark Hildenbrand stated he took the oath. Gray is proposing a speculative industrial building in River Ridge. This is their 4th in River Ridge. The variances we are requesting deal with parking. These are due to the parcel shape, as it is long and skinny. We have loaded the docks on one side which further restrict it. We do have a potential to split the building to allow for two tenants. The last variance is for entrance and drive width for the truck dock access. This is similar to other properties in River Ridge. We meet all the requirements for River Ridge.

Open public comment. No comment. Closed public comment.

Rodger Clarke stated he noticed there is no variance for lights, was this changed?

Chad Reischl stated yes, we changed them last month. This should no longer be an issue in River Ridge.

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.

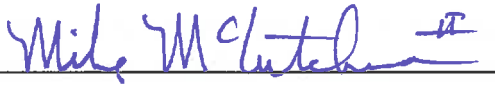
Based on the findings described above, the Board does now approve this application. So ordered this 30th day of June, 2020.

Reports from Director and Staff

None.

Adjournment

There being no further business to come before the Plan Commission the meeting was adjourned at 8:23 pm.



Mike McCutcheon, Chair



Submitted by: Shawn Dade, Secretary