

# Floyd County Board of Zoning Appeals

## Minutes

The regular meeting of the Floyd County Board of Zoning Appeals was held on January 12, 2026 at 5pm at the following address:

**Pineview Government Center Assembly Room 104  
2524 Corydon Pike  
New Albany, IN 47150**

### ROLL CALL

**Present:** Larry Bibelhauser, Scott Whalen, Bill White, Victor Unruh

**Absent:** Guy Heitkemper

**Other:** Kristi Fox, Nick Creevy, Karalynn Flora

### MINUTES

Minutes from the December 8, 2025 Meeting

**Motion:** Approve with corrections

**Moved by:** Victor Unruh

**Seconded by:** Scott Whalen

**Motion passed 4-0.**

### NEW BUSINESS

#### **Election of Officers and Appointments**

**Motion:** Bill White for President/Chairperson

**Moved by:** Victor Unruh

**Seconded by:** Scott Whalen

**Motion passed 4-0.**

**Motion:** Scott Whalen for Vice-President/Vice-Chairperson

**Moved by:** Larry Bibelhauser

**Seconded by:** Victor Unruh

**Motion passed 4-0.**

Mr. White – asked the applicant if they were okay with staff presenting all their findings at once and if they were okay with the short board

Mr. John Campbell – 603 N Shore Dr. Suite 204, Jeffersonville. Heritage Engineering – confirmed agreeably to both questions

**Agenda Item 1 – FC-12-25-37: Development Standards Variance** – Applicant is requesting a variance to remove the requirement for 30% of façade materials to be transparent. Jay C Food Stores c/o The Kroger Co., Vacant land between Highway 150 and Schreiber Road, Floyds Knobs, IN 47119 (22-04-01-900-046.000-006, 22-04-01-900-050.000-006, 22-04-01-900-052.000-006, 22-04-01-900-106.000-006, 22-04-01-900-128.000-006, & 22-04-01-900-129.000-006). Section 19, Township 2 South, Range 6 East.

Mr. Nick Creevy – COO, read the Staff Report. The applicant is proposing the development of the property into 3 lots to include a Grocery/shopping center, a fuel station, and a lot dedicated for detention. Lot A will be 13.9-acres, Lot B will be 1.49-acres, and Lot C will be 1.11-acres. Tract A will be the site where the proposed 122,000 S.F. marketplace (JayC Food Store) will be located. Tract B will be the location of the detention area. Tract C will be the site of the fuel station which will include 9 pumps. Tracts A & C will be separated by a proposed connector road connecting Schreiber Road to Highway 150 with a traffic signal. A traffic impact study including the project was conducted by Strand. The design for the limited access break has been approved by INDOT. Final approval will come once the design of the intersection is complete, which is a Federally funded project the County is undertaking. A technical review committee was conducted for the development on 10/23/25 providing recommendations for the development to the Plan Commission for approval. Likewise, a Plat Committee meeting was held on 12.16.25. The applicant has requested several development standards variances for the development, primarily focused on Lot A but also applicable to Lot C in some cases. For this application, the applicant is requesting a variance to allow less than the required 30% transparent building materials for the front façade in commercial districts in the overlay district. Section 8.06.E.1 For commercial buildings, a minimum of 30 percent of the front façade on the ground floor shall be transparent consisting of windows or door openings. The proposed transparency percentage is 19.18% on the building frontage facing the new connector road. The structure is a single story with a 28' floor to top of masonry at max height. Additionally, there are parapets at the entrance that extend to 38' in height. Staff Comments: 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The reduction in transparency will not impact public health as the structure will meet building code requirements. The proposal offers substantial transparency at ground level and human scale. The transparency requirement is primarily an aesthetic standard to improve value and sense of place. 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. The use of neighboring properties will not be impacted by the percentage of transparency on the proposed structure. It will not create any hazard or nuisance. The building does provide substantial transparency at ground level with the percentages skewed due to the height of the first story. Additionally, the proposal includes a number of architectural design features to enhance the building appearance. As a result, it is not expected to significantly impact value. 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. The use of the structure requires significant stock room and shelving space for product placement along exterior walls. Transparent materials limits the ability to use the structure for this 4. The variance does not involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10. There is not an airstrip in the vicinity. Staff had no recommendations.

Mr. John Campbell – asked the board for a variance of the 30% façade requirements because it is difficult because of the height of the buildings and the internal layout of the store. He stated that while they weren't able to reach the 30% they did add to what is the normal Kroger/ Jay C front design to enhance the store front by adding more windows.

Mr. Unruh – When do you anticipate a start date? A completion Date? What's the current square footage of the existing building?

Mr. John Campbell – The start of this store is tied to the completion of the curb cut out on US 150 and installation of the traffic light, roughly 2028. The construction time line is one year before the light completion so that it will open in 2028. The existing store is 43,000 ft<sup>2</sup>.

Mr. Bibelhauser - read the ballot. Docket FC-12-25-37, This Variance petition shall be approved if the findings are in fact made consistent with the requirements of this Ordinance and Indiana State Code. The petition Shall be approved with the modification if the Board determines that the required finding of fact may be made if the certain conditions are applied to the petition. The Board may make reasonable conditions related to the required findings of face part of its approval or accept commitments from the petitioner. After Careful review the Board finds that: 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The reduction in transparency will not impact public health as the structure will meet building code requirements. The proposal offers substantial transparency at ground level and human scale. The transparency requirement is primarily an aesthetic standard to improve value and sense of place. 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. The use of neighboring properties will not be impacted by the percentage of transparency on the proposed structure. It will not create any hazard or nuisance. The building does provide substantial transparency at ground level with the percentages skewed due to the height of the first story. Additionally, the proposal includes a number of architectural design features to enhance the building appearance. As a result, it is not expected to significantly impact value. 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. The use of the structure requires significant stock room and shelving space for product placement along exterior walls. Transparent materials limits the ability to use the structure for this 4. The variance does not involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10. The Board of Zoning Appeals hereby grants the petitioner's Variance at the meeting held on the 12th day of January 2026.

**Moved by:** Larry Bibelhauser

**Seconded by:** Victor Unruh

**Motion passed 4-0.**

**Agenda Item 2 – FC-12-25-38: Development Standards Variance** – Applicant is requesting a variance to remove the requirement for a pedestrian connection for parking spaces further than 60' from the building entrance. Jay C Food Stores c/o The Kroger Co., Vacant land between Highway 150 and Schreiber Road, Floyds Knobs, IN 47119 (22-04-01-900-046.000-006, 22-04-01-900-050.000-006, 22-04-01-900-052.000-006, 22-04-01-900-106.000-006, 22-04-01-900-128.000-006, & 22-04-01-900-129.000-006). Section 19, Township 2 South, Range 6 East.

Mr. Nick Creevy – COO, read the Staff Report. The applicant is proposing the development of the property into 3 lots to include a Grocery/shopping center, a fuel station, and a lot dedicated for detention. Lot A will be 13.9-acres, Lot B will be 1.49-acres, and Lot C will be 1.11-acres. Tract A will be the site where the proposed 122,000 S.F. marketplace (JayC Food Store) will be located. Tract B will be the location of the detention area. Tract C will be the site of the fuel station which will include 9 pumps. Tracts A & C will be separated by a proposed connector road connecting Schreiber Road to Highway 150 with a traffic signal. A traffic impact study including the project was conducted by Strand. The design for the limited access break has been approved by INDOT. Final approval will come once the design of the intersection is complete, which is a Federally funded project the County is undertaking. Section 5.53 A - If any parking spaces are located further than sixty (60) feet from the primary entrance, a pedestrian connection from the furthest parking space to the primary entrance shall be provided. Said pedestrian connection shall be at least five (5) feet in width and separated from vehicular traffic through curbing, landscaping, or similar treatment. This has been interpreted by staff as parking must be within 60' of entrance or 60' of pedestrian amenities to the entrance. The proposal for Lot A does include two sidewalks traversing the primary parking lot which provides access to the entrance but there are parking spaces, particularly in the center of the parking lot and on the parameter that are greater than 60'. Staff Comments: 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Sidewalks are provided throughout the development that will assist pedestrians to avoid conflicts with vehicles. The two column sidewalks provide opportunities for pedestrians to avoid vehicle traffic. However, additional sidewalk connections are recommended on the parameter in some areas to reduce distance needed to walk to access the sidewalks. 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. The proposal provides internal sidewalks with connections to the frontage roadway sidewalks. This will promote connectivity with neighboring property and will not negatively affect the use and value of those properties. 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. The need for substantial parking due to the use of the primary structure along with the use of shopping carts prohibits extensive parking lot sidewalks. Shoppers with carts are inhibited by safe sidewalk crossings in parking lots. 4. The variance does not involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10. There is not an airstrip in the vicinity. Staff Recommendations: Provide additional sidewalks on the east side of the primary parking lot along the drive and the east side of the parking located at the side of the building to reduce non-conformity and provide sidewalk connection from Schreiber Road to near entrance sidewalks.

Mr. John Campbell – in order to accomplish that the would need to add 3 more sidewalks instead of the 2 prominent raised and widen sidewalks in the proposal. He said that adding these extra sidewalks would eat away more parking spaces without providing extra benefit to the consumer.

Mr. Bibelhauser - read the ballot. Docket FC-12-25-37, This Variance petition shall be approved of the findings are in fact made consistent with the requirements of this Ordinance and Indiana State Code. The petition Shall be approved with the modification if the Board determines that the required finding of fact may be made if the certain conditions are applied to the petition. The Board may make reasonable conditions related to the required findings of face part of its approval or accept commitments from the petitioner. After Careful review the Board finds that: 1. The approval will not

be injurious to the public health, safety, morals, and general welfare of the community. Sidewalks are provided throughout the development that will assist pedestrians to avoid conflicts with vehicles. The two column sidewalks provide opportunities for pedestrians to avoid vehicle traffic. However, additional sidewalk connections are recommended on the parameter in some areas to reduce distance needed to walk to access the sidewalks. 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 because the proposal provides internal sidewalks with connections to the frontage roadway sidewalks. This will promote connectivity with neighboring property and will not negatively affect the use and value of those properties. 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. The need for substantial parking due to the use of the primary structure along with the use of shopping carts prohibits extensive parking lot sidewalks. Shoppers with carts are inhibited by safe sidewalk crossings in parking lots. 4. The variance does not involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10. The Board of Zoning Appeals hereby grants the petitioner's Variance at the meeting held on the 12th day of January 2026.

Mr. Creevy - Request to add as approved by staff

**Moved by:** Larry Bibelhauser

**Seconded by:** Scott Whalen

**Motion passed 4-0.**

**Agenda Item 3 – FC-12-25-39: Development Standards Variance** – Applicant is requesting a variance to remove the requirement for a sidewalk to be constructed along Highway 150. Jay C Food Stores c/o The Kroger Co., Vacant land between Highway 150 and Schreiber Road, Floyds Knobs, IN 47119 (22-04-01-900-046.000-006, 22-04-01-900-050.000-006, 22-04-01-900-052.000-006, 22-04-01-900-106.000-006, 22-04-01-900-128.000-006, & 22-04-01-900-129.000-006). Section 19, Township 2 South, Range 6 East.

Mr. Nick Creevy – COO, read the Staff Report. The applicant is proposing the development of the property into 3 lots to include a Grocery/shopping center, a fuel station, and a lot dedicated for detention. Lot A will be 13.9-acres, Lot B will be 1.49-acres, and Lot C will be 1.11-acres. Tract A will be the site where the proposed 122,000 S.F. marketplace (JayC Food Store) will be located. Tract B will be the location of the detention area. Tract C will be the site of the fuel station which will include 9 pumps. Tracts A & C will be separated by a proposed connector road connecting Schreiber Road to Highway 150 with a traffic signal. A traffic impact study including the project was conducted by Strand. The design for the limited access break has been approved by INDOT. Final approval will come once the design of the intersection is complete, which is a Federally funded project the County is undertaking. For this application, the applicant is requesting to not install sidewalks along Highway 150 frontage. Section 5.52 A - Sidewalks shall be installed along all public rights-of-way by the applicant/owner of the property for all development (including individual sites), even if adjacent sites do not have sidewalks. Staff Comments: 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Sidewalks are not recommended along this section of Highway 150 at this time. This section of the highway is high traffic at higher speeds. It is currently 4 lanes with a divided median. The adjoining property slopes down significantly along the

roadway making future sidewalks in that area prohibitive. Sidewalks are installed to direct pedestrians away from the highway and to sidewalks located on lower classified roads and internal sidewalks 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. There are currently no sidewalks along Hwy 150 at this section, therefore it will not impact the use and value of adjacent parcels negatively. 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Staff does not recommend sidewalks along Hwy 150 at this location. Directing pedestrian to this section of the development would create hazards. The use of the property would be inhibited by the hazardous condition. 4. The variance does not involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10. There is not an airstrip in the vicinity. Staff had no recommendations.

Mr. John Campbell – US 150 is a 4-lane highway intended to move traffic and a sidewalk would increase risk to public safety. He also stated that the will be providing sidewalks to the new road A and Schreiber Rd.

Mr. Whalen - read the ballot. Docket FC-12-25-37, This Variance petition shall be approved of the findings are in fact made consistent with the requirements of this Ordinance and Indiana State Code. The petition Shall be approved with the modification if the Board determines that the required finding of fact may be made if the certain conditions are applied to the petition. The Board may make reasonable conditions related to the required findings of face part of its approval or accept commitments from the petitioner. After Careful review the Board finds that: 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Sidewalks are not recommended along this section of Highway 150 at this time. This section of the highway is high traffic at higher speeds. It is currently 4 lanes with a divided median. The adjoining property slopes down significantly along the roadway making future sidewalks in that area prohibitive. Sidewalks are installed to direct pedestrians away from the highway and to sidewalks located on lower classified roads and internal sidewalks 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. There are currently no sidewalks along Hwy 150 at this section, therefore it will not impact the use and value of adjacent parcels negatively. 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Staff does not recommend sidewalks along Hwy 150 at this location. Directing pedestrian to this section of the development would create hazards. The use of the property would be inhibited by the hazardous condition. 4. The variance does not involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10. The Board of Zoning Appeals hereby grants the petitioner's Variance at the meeting held on the 12th day of January 2026.

**Moved by:** Scott Whalen

**Seconded by:** Larry Bibelhauser

**Motion passed 4-0.**

**Agenda Item 4 – FC-12-25-40: Development Standards Variance** – Applicant is requesting a variance to remove the requirement that limits total signage area to 200 square feet. Jay C Food Stores c/o The Kroger Co., Vacant land between Highway 150 and Schreiber Road, Floyds Knobs, IN 47119 (22-04-01-900-046.000-006, 22-04-01-900-050.000-006, 22-04-01-900-052.000-006, 22-04-01-900-106.000-006, 22-04-01-900-128.000-006, & 22-04-01-900-129.000-006). Section 19, Township 2 South, Range 6 East.

Mr. Nick Creevy – COO, read the Staff Report. The applicant is proposing the development of the property into 3 lots to include a Grocery/shopping center, a fuel station, and a lot dedicated for detention. Lot A will be 13.9-acres, Lot B will be 1.49-acres, and Lot C will be 1.11-acres. Tract A will be the site where the proposed 122,000 S.F. marketplace (JayC Food Store) will be located. Tract B will be the location of the detention area. Tract C will be the site of the fuel station which will include 9 pumps. Tracts A & C will be separated by a proposed connector road connecting Schreiber Road to Highway 150 with a traffic signal. A traffic impact study including the project was conducted by Strand. The design for the limited access break has been approved by INDOT. Final approval will come once the design of the intersection is complete, which is a Federally funded project the County is undertaking. For this application, the applicant is requesting to exceed the 200 sqft. maximum signage requirement for lot A. The proposal is for 427.8 square feet. Section 5.27 A - 2.5 square foot of sign area shall be allowed for every 1 linear foot of the front façade of the building that is occupied by that use or for every 1 linear foot of lot frontage. (For example: If a use occupies a tenant space in a commercial building and that space includes 50 feet of the buildings frontage then 100 square feet of signage would be allowed for the use.) In no instance shall the amount of signage permitted per use exceed 200 square feet. Any combination of the following signs may be used as long as they do not exceed the total area allowed per use or are inconsistent with the other development standards listed in this section: (Amended 10) Wall signs, Awning signs, Projecting signs, Ground signs, (Amended 1) Multi-Tenant Joint Entrance Signs and Roof Signs (Amended 3) Staff Comments: 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Exceeding the signage maximum will not create a hazardous circumstance to the light, air, sound, or any other physical condition. The scale of the structure warrants greater signage. 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. The additional square footage is consistent with the larger scale primary structure. Signage in nearby commercial properties at Highlander Point have also been approved for extra signage (FC-02-23-02, FC-09-17-42). Therefore, additional signage at this property will not adversely impact neighboring properties. 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. The structure is of a large scale and has a side facing the highway. Smaller signage will restrict visibility to faster moving traffic. Additionally, signage is needed due to the size to direct customers to the drive through pharmacy and pick up locations which may be confused or not seen with smaller signage. 4. The variance does not involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10. There is not an airstrip in the vicinity. Staff had no recommendations.

Mr. John Campbell – They want to add signage to pull people to the rear corner of the store where the online grocery pick up is and a pharmacy canopy signage. They are also requesting a signage for the internal tenant, Starbucks, because it is a dedicated internal store.

Mr. Bibelhauser - Is the pick-up sign going to be gray or red?

Mr. John Campbell – on the record it will be gray, it was an oversight on the Kroger side.

Mr. Bibelhauser - read the ballot. Docket FC-12-25-37, This Variance petition shall be approved of the findings are in fact made consistent with the requirements of this Ordinance and Indiana State Code. The petition Shall be approved with the modification if the Board determines that the required finding of fact may be made if the certain conditions are applied to the petition. The Board may make

reasonable conditions related to the required findings of face part of its approval or accept commitments from the petitioner. After Careful review the Board finds that: 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Exceeding the signage maximum will not create a hazardous circumstance to the light, air, sound, or any other physical condition. The scale of the structure warrants greater signage. 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. The additional square footage is consistent with the larger scale primary structure. Signage in nearby commercial properties at Highlander Point have also been approved for extra signage (FC-02-23-02, FC-09-17-42). Therefore, additional signage at this property will not adversely impact neighboring properties. 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. The structure is of a large scale and has a side facing the highway. Smaller signage will restrict visibility to faster moving traffic. Additionally, signage is needed due to the size to direct customers to the drive through pharmacy and pick up locations which may be confused or not seen with smaller signage. 4. The variance does not involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10. The Board of Zoning Appeals hereby grants the petitioner's Variance at the meeting held on the 12th day of January 2026. The temporary signage or rotating signage are not permitted.

**Moved by:** Larry Bibelhauser

**Seconded by:** Victor Unruh

**Motion passed 4-0.**

**Agenda Item 5 – FC-12-25-41: Conditional Use Permit** – Applicant is requesting a conditional use to develop a Jay C Food Store Fuel Center with 9 pumps, a 200 square foot walk-up Kiosk for sales/purchase, and limited outdoor sales and display area. Jay C Food Stores c/o The Kroger Co., Vacant land between Highway 150 and Schreiber Road, Floyds Knobs, IN 47119 (22-04-01-900-046.000-006, 22-04-01-900-050.000-006, 22-04-01-900-052.000-006, 22-04-01-900-106.000-006, 22-04-01-900-128.000-006, & 22-04-01-900-129.000-006). Section 19, Township 2 South, Range 6 East.

Mr. Nick Creevy – COO, read the Staff Report. The applicant is proposing the development of the property into 3 lots to include a Grocery/shopping center, a fuel station, and a lot dedicated for detention. Lot A will be 13.9-acres, Lot B will be 1.49-acres, and Lot C will be 1.11-acres. Lot A will be the site where the proposed 122,000 S.F. marketplace (Jay C Food Store) will be located. Lot B will be the location of the detention area. Lot C will be the site of the fuel station which will include 9 pumps. Lots A & C will be separated by a proposed connector road connecting Schreiber Road to Highway 150 with a traffic signal. A traffic impact study including the project was conducted by Strand. The design for the limited access break has been approved by INDOT. Final approval will come once the design of the intersection is complete, which is a Federally funded project the County is undertaking. A technical review committee was conducted for the development on 10/23/25 providing recommendations for the development to the Plan Commission for approval. Likewise, a Plat Committee meeting was held on 12.16.25. For this application, the applicant is requesting a conditional use for a fuel station on Lot C. Convenience store with fuel pumps are conditional uses for General Commercial Districts in the Floyd County Zoning Ordinance. Staff Comments: 1. The conditional use will not be injurious to the public health, safety, morals, and general welfare of the community. The use as a fueling station is appropriate in a commercial district and will not create

hazardous conditions to adjacent properties. There is clear access to the property and no environmental concerns. Fuel tanks will meet building and environmental code standards. 2. The use and value of the area adjacent to the property will not be adversely affected. The adjoining properties are a shopping center and a vacant lot for detention. It is also located along Highway 150. This is a common location for this use and would not be expected to lower property values or inhibit use. 3. The need for the conditional use does result from any conditions, unusual, or peculiar to the property itself. The property is located adjacent to a large shopping center which commonly co-locate fuel stations. It is also along Highway 150. The Floyd County Zoning Ordinance permits fuel stations in General Commercial Districts as conditional uses. 4. Strict application of the terms of the Floyd County Zoning Ordinance will result in an unnecessary hardship in the use of the property

The Floyd County Zoning Ordinance requires fuel stations in General Commercial Districts to obtain conditional use permit. 5. Approval of the conditional use will not contradict the goals and objectives of the Floyd County Comprehensive Plan. Highlander point is an economic growth district and is located along Highway 150. The proposal provides necessary services to the community and is located in a commercial center. With the addition of the intersection there will be adequate infrastructure to serve it. Staff had no recommendations.

Mr. John Campbell – asking for a conditional usage permit to add a 9 double sided fuel station to Lot c of the proposed area. This also includes a walk up kiosk and is placed in the upper corridor to pull business from US 150.

Mr. Bibelhauser – would the outdoor sales in the gas station consist of primarily salt, fire wood, vehicle products and soda?

Mr. John Campbell – yes.

Mr. White - asked if anyone would like to speak in favor.

Dan Schmidt, 4067 Foskuhl Rd, Floyd Knobs – will there be a left turn lane going towards Mount St. Francis

Mr. Creevy – What was approved by INDOT did have a left turn lane.

Mr. Schmidt – I am fully in favor of this thing, the current Jay C store is always crowded. Staff looks like they have done a great job.

Preston Vincent, 6100 Old Vincennes Rd, Floyd Knobs – Fully in favor of this project, but I have two questions. Why does it show two sidewalks with no connection between them? What is the county going to do to improve Schreiber Rd. all the way up to Luther?

John Nectar, 3043 Fairway Dr, Floyd Knobs – where is the existing Jay C on your aerial, and will there be connection from this Jay C to the shopping center?

Mr. Bibelhauser – There is no connection. And pointed to where the existing Jay C is on the map.

Mr. White - asked if anyone would like to speak in opposition

Charles Murphy, 430 W 1<sup>st</sup> St, New Albany – I represent the owners of the current Jay C. Its kind of hard to say that you aren't going to affect the property value of neighboring properties when you are putting one Jay C next to the other. These variances are more of the developers not wanting to comply, instead can't comply and that isn't what the standards are for. Not upholding these standards put the public at risk. What is this store going to do to the existing stores and traffic patterns?

Mr. Campbell – The turn lane was answered by staff. Proposed road A is a connector road and on the other side is a landscape detention area that we are not inviting the public to use. However, we are providing sidewalks down Schreiber Rd. and including a sidewalk for safe connectivity. At this time does not believe there is any commitment to improve Schreiber Rd. from the county. We outlined our justifications for the improvements in our letter of explanation and take those into consideration for this approval. Strand has done the big picture traffic study and we providing connectivity to US 150 and Schreiber Rd. which we see as only a benefit.

Mr. Whalen- read the ballot. Docket FC-12-25-37, This Variance petition shall be approved of the findings are in fact made consistent with the requirements of this Ordinance and Indiana State Code. The petition Shall be approved with the modification if the Board determines that the required finding of fact may be made if the certain conditions are applied to the petition. The Board may make reasonable conditions related to the required findings of face part of its approval or accept commitments from the petitioner. After Careful review the Board finds that: 1. The conditional use will not be injurious to the public health, safety, morals, and general welfare of the community. The use as a fueling station is appropriate in a commercial district and will not create hazardous conditions to adjacent properties. There is clear access to the property and no environmental concerns. Fuel tanks will meet building and environmental code standards. 2. The use and value of the area adjacent to the property will not be adversely affected. The adjoining properties are a shopping center and a vacant lot for detention. It is also located along Highway 150. This is a common location for this use and would not be expected to lower property values or inhibit use. 3. The need for the conditional use does result from any conditions, unusual, or peculiar to the property itself. The property is located adjacent to a large shopping center which commonly co-locate fuel stations. It is also along Highway 150. The Floyd County Zoning Ordinance permits fuel stations in General Commercial Districts as conditional uses permit. 5. Approval of the conditional use will not contradict the goals and objectives of the Floyd County Comprehensive Plan. Highlander point is an economic growth district and is located along Highway 150. The proposal provides necessary services to the community and is located in a commercial center. With the addition of the intersection there will be adequate infrastructure to serve it. The Board of Zoning Appeals hereby grants the petitioner's Variance at the meeting held on the 12th day of January 2026.

**Moved by:** Scott Whalen

**Seconded by:** Victor Unruh

**Motion passed 4-0.**

**Motion:** Adjourn

**Moved by:** Victor Unruh

**Seconded by:** Scott Whalen

**Motion passed 4-0.**

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2026.

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Chairperson

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Attest