



Sellersburg Board of Zoning Appeals

November 17, 2025

Meeting starts at 6 p.m.

1. Call to Order
2. Role Call
3. Agenda Amendments (if applicable)
4. Approval of the October 20, 2025 meeting minutes
5. Old Business: NONE
6. New Business:
 - a. 2024-11-DV-14 Tina Arcuri with Coastal Sign Services Inc. 5374 Greggs Landing N. Charleston, South Carolina 29420 has filed a petition on behalf of WaWa 7317 Appleleaf Lane, Sellersburg, IN 47172 for additional signage
7. BZA Business:
8. Attorney Comments
9. Adjourn

Submitted by:

Jeremy Corbett
Building Commissioner
Town of Sellersburg
316 East Utica Street
Sellersburg, Indiana 47172
jcorbett@sellersburg.org
(502) 817-3041



Sellersburg Board of Zoning Appeals Minutes

October 20, 2025

The minutes as written are not verbatim, but a summary of the meeting.

Attendance:

Members present:

Louie Jensen

Karen Huber

Tom McEwen

Members absent:

Evan Brown

Floyd Combs

Call to Order:

The meeting of the Sellersburg Board of Zoning Appeals called to order by Tom McEwen at 6:00 pm at the Town Hall, 316 East Utica Street, Sellersburg, Indiana.

Role Call

Agenda Amendments:

Move BZA Business up to item 3 to hear and vote on retaining Alex Gaddis as our Attorney through his new firm. A discussion was had and a motion was made by Louie Jensen and seconded by Karen Huber to retain Alex Gaddis's services. vote taken: 3-aye, 0-nay, 0-abstain

Approval of Minutes:

Approval of the minutes from the June 16, 2025 regular meeting. Karen Huber made a motion to approve. Louie Jensen seconded the motion. Vote taken: 3-0-0 Motion carries.

Unfinished (Old) Business: None

New Business:

- a. 2025-09-DV-07 Jason Copperwaite has filed a Development Standards Variance on behalf of Thompson Collective LLC, 6659 Atkins Rd, Floyd Knobs, IN 47119 for the St. Joe's Place Subdivision to reduce the lot width.

Discussion: Jake Vissing with the law firm Frost, Brown, Todd 400 W. Market ST. Suite 3200, Louisville, KY stepped up to the podium for the petitioner. Mr. Vissing explained what the petitioner was wanting to do and why there was a need for a variance. R2 zones require 40' road frontage lot width and by re-platting this subdivision to separate the duplexes into single family homes several of the lots did not achieve this requirement. Karen Huber verified that there will be an HOA for the subdivision to which Mr. Vissing replied yes and depending on the items to maintain would set the dues to be assessed. Karen Huber asked if the road would be turned over to the Town. Mr. Vissing replied that the owner of the property now would like to turn the road over to the Town and that test were underway to verify the requirements are met before doing so. Louie Jensen asked who is the responsible party for the common wall on the buildings. Mr. Vissing stated that what the Covenants and Restrictions would regulate. Mr. Vissing concluded his presentation.



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Minutes

October 20, 2025

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Discussion cont. from first page

Jeff Barton 1130 Crone Rd. Memphis, IN stepped up to the podium. Mr. Barton asked if the members of the HOA wanted to absolve the HOA what would be the requirements to do so. Mr. Barton showed concern that if the board was to approve these variances that anyone who owned a duplex in the Town would want to do the same thing. Mr. Barton stepped down. Sandra Carver 2523 Allentown Rd. Sellersburg, IN stepped up to the podium. Ms. Carver read the letter she submitted to the board aloud. Ms. Carver stated that none of these homes would have a side yard. Ms. Carver stated that the owner by selling these as single family was going to be the only entity to benefit by making more money. Ms. Carver thinks this will depreciate the value of surrounding homes. Ms. Carver concluded and stepped down from the podium. Jake Vissing stepped up to the podium for rebuttal. Mr. Vissing asked Staff how lot width was measured. Jeremy Corbett with Planning and Zoning answered that lot width is measured at the street. Mr. Vissing pointed out that the owner could sell the 7 lots off to different owners and they could operate the rentals how they wanted without any boards approval by right. Karen Huber brought up if there are four cars per house, where would they park. Mr Vissing replied with that could be the case right now, so nothing is changing in regards to that question. Mr. Vissing concluded and stepped down. Jeremy Corbett read the Findings of Fact and Staff Report. Vote taken on 3 elements, all members agree. A motion to approve the variance was made by Louie Jensen and seconded by Karen Huber Vote taken: 3-aye, 0-nay, 0-abstain Motion carries.

- b. 2025-09-DV-08 Jason Copperwaite has filed a Development Standards Variance on behalf of Thompson Collective LLC, 6659 Atkins Rd, Floyd Knobs, IN 47119 for the St. Joe's Place Subdivision to reduce the lot size

Discussion:

Jake Vissing stood up and stated that this petition was the same information as the last petition the board heard. Tom McEwen asked if there was any public comment on this petition. Sandra Carver 2523 Allentown Rd. Sellersburg, IN and said there is an adverse affect in her opinion. Ms. Carver said that splitting these into single family homes would affect the resale value of the homes around them. Ms. Carver was also displeased that nobody had mentioned putting up a fence around these homes. Ms. Carver concluded and stepped down. Jake Vissing stepped up to the podium for rebuttal and stated that the only thing to evaluate was the lot area. Jeremy Corbett read the Findings of Fact and Staff Report. Vote was taken on the three elements to evaluate. All members agreed to the elements. Louie Jensen made a motion to approve the variance with the condition that the Covenants and Restriction be recorded with the County Records office before the first home is sold. Karen Huber seconded the motion. Vote taken: 3-aye, 0-nay, 0-abstain. Motion carries.



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Reports:

Nothing at this time.

Planning and Zoning:

Nothing at this time

Board Attorney:

Nothing at this time

Announcements:

Nothing at this time.

Adjourn:

Tom McEwen asked for a motion to adjourn. Louie Jensen made a motion to adjourn. Karen Huber seconded the motion. Motion carried 3-0. Meeting adjourned 7:14 p.m.

Evan Brown, Chairman

Karen Huber

Louie Jensen

Tom McEwen

Floyd Combs

Jeremy Corbett, Attest



Sellersburg Board of Zoning Appeals

STAFF REPORT DEVELOPMENT STANDARDS VARIANCE

DATE:	11/17/25
DOCKET NUMBER:	2024-11-DV-14
APPLICANT:	Coastal Sign Services
OWNER:	Exit 7 LLC, WaWa
LOCATION OF SUBJECT PROPERTY OF VARIANCE	7317 Appleleaf Ln. Sellersburg, IN 47172
LEGAL DESCRIPTION	Exit 7 LLC Gt 87-3.56 Ac Parcel 1
VARIANCE REQUESTED:	Additional Signage
CURRENT ZONING:	B3/GO

Information:

The Owner wants to add extra wall signs to the building and add a 38' Pylon sign that are not allowed or exceed the square footage set forth in the Sellersburg UDO

Findings of Fact:

In accordance with the requirements set out in the Indiana Code the Board of Zoning Appeals will need to determine if the applicant has satisfied the requirements in IC 36-7-4-918.5.

Findings of Fact:

1. The Variance will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted:

- The additional signage is designed to enhance wayfinding for both vehicular and pedestrian traffic, reducing confusion and improving safety.
- The signs will be professionally designed and installed, complying with all applicable standards for visibility, durability, and safety.



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STAFF REPORT DEVELOPMENT STANDARDS VARIANCE

- The variance supports the overall welfare of the community by encouraging economic activity and providing a recognizable retail destination.

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 based on:

- The proposed signage aligns with the aesthetic and commercial nature of the B3 zoning district, where larger and more visible signs are commonplace.

- The additional signs are proportionate to the size and scale of the building and will not obstruct or interfere with neighboring properties.

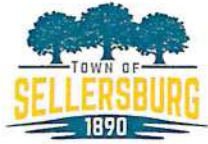
- By enhancing the property's appeal, the variance will positively impact adjacent property values and support the vibrancy of the commercial area.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property based on:

- The uniqueness of the building's location and access only from Appleleaf Lane make it impractical to rely on a single wall sign for adequate visibility.

- Customers approaching from the exit ramp of I65 or IN-60 would have difficulty locating the store, reducing accessibility and negatively affecting the business.

- Strict adherence to the UDO would hinder the business's ability to meet its branding standards and operate effectively, placing it at a competitive disadvantage in the commercial market initiatives.



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STAFF REPORT DEVELOPMENT STANDARDS VARIANCE

Staff Notes:

The Board will need to evaluate the petition on the requirements of Indiana Code. The Town does not have any objections to WaWa sticking to their brand and having all the wall signs that a common WaWa at other locations would have. The Board can put restrictions on what signs beyond the Sellersburg UDO's allowances they would approve or not approve in their motion and bring it to a vote.

FINDINGS OF FACT Development Standards Variance – IC 36-7-4-918.5

1■■■ Statutory Basis Under Indiana Code § 36-7-4-918.5, a variance from development standards (such as height, bulk, area, setback, parking, landscaping, etc.) may be approved only upon written findings that: 1. The approval 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 will not be affected in a substantially adverse manner. 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

2■■■ Definition and Interpretation of “Practical Difficulties” Although the Indiana Code does not explicitly define “practical difficulties,” Indiana case law and accepted BZA practice interpret it as: “A condition where the strict application of a zoning ordinance’s development standards would cause significant difficulty in the reasonable use of a property — due to the property’s unique physical characteristics or circumstances — resulting in a burden that is more than a mere inconvenience but less than a complete hardship.” Typical factors supporting a finding of “practical difficulties” include: - The property has unique physical conditions (such as irregular shape, narrowness, slope, or topographical constraints) that make strict compliance unusually difficult. - The difficulty is not self-created by the applicant’s actions. - The variance does not alter the essential character of the locality or undermine the intent of the zoning ordinance. - Reasonable alternatives that comply with the ordinance are either impractical or would impose a disproportionate burden on the property owner.

3■■■ Sample Findings Language (for Staff Reports or Motions) Finding 1 – Not Injurious to Public Health, Safety, Morals, or General Welfare: “The proposed variance will not be injurious to the public health, safety, morals, or general welfare because the requested deviation does not introduce a use inconsistent with the surrounding zoning district, and all other applicable development and safety standards will remain in effect.” Finding 2 – No Substantial Adverse Effect on Adjacent Use or Value: “The use and value of adjacent properties will not be affected in a substantially adverse manner because the variance will not alter the essential character of the area. The proposed design maintains compatibility with neighboring structures and land uses.” Finding 3 – Practical Difficulties: “Strict application of the zoning ordinance would result in practical difficulties in the use of the property. The property’s [describe condition — e.g., irregular shape, topography, existing utility easement, etc.] limits reasonable placement of structures in full compliance with current standards. The requested variance represents the minimum necessary to allow reasonable use of the property while preserving the intent of the ordinance. The difficulty is not self-created and arises from conditions unique to the property rather than general conditions in the district. Granting the variance will not confer a special privilege denied to other properties in the same zoning district.”

4■ ■ Optional Closing Section for Resolutions or Motions: "Therefore, based upon the evidence presented and the findings above, the Board of Zoning Appeals grants/denies the requested variance from development standards as described in the application and plans submitted."