

**SELLERSBURG BOARD OF ZONING APPEALS**  
**January 19, 2015**

The minutes as written are not verbatim from the meeting.

**CALL TO ORDER:**

President Francis A. Conroy called the meeting of the Sellersburg Board of Zoning Appeals to order at 6:00 P.M. at the Sellersburg Town Hall, 316 East Utica Street on January 19, 2015.

**ROLL:**

President Francis A. Conroy, Vice President Randall W. Mobley, Member Dennis V. Amos, Member Charles E. Popp, Member Vincent C. Thacker, Jr., Building Commissioner J. Greg Dietz and Secretary Michelle D. Miller.

**APPROVAL OF MINUTES:**

Vincent C. Thacker, Jr. moved, seconded by, Dennis V. Amos to approve, as written, the minutes of the December 15, 2014 meeting. 5-aye, 0-nay, motion is approved.

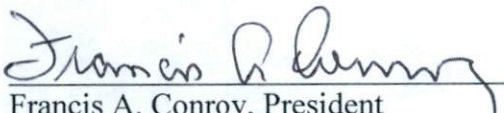
**ELECTION OF OFFICERS:**


Charles E. Popp moved, seconded by Dennis V. Amos to nominate Francis A. Conroy as President. 4-aye, 0-nay, motion approved. Francis A. Conroy abstained.

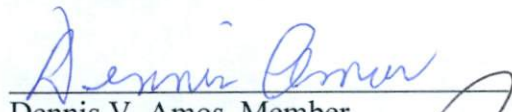
Randall W. Mobley moved, seconded by Vincent C. Thacker Jr., to nominate Charles E. Popp as Vice President. 4-aye, 0-nay, motion approved. Charles E. Popp abstained.

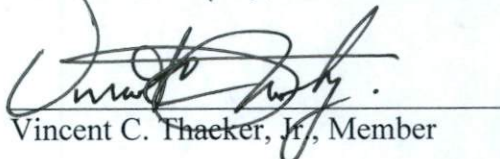
**ADJOURNMENT:**

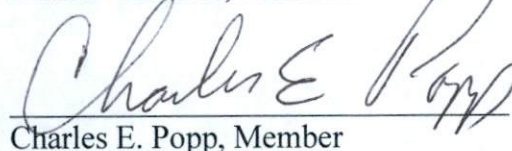
There being no further business to come before the Board, Vincent C. Thacker Jr. moved, seconded by Charles E. Popp, to adjourn the meeting. 5-aye, 0-nay, motion is approved and meeting adjourned at 6:03 P.M.

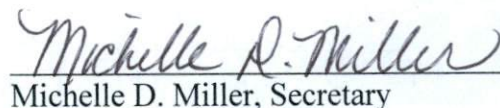
  
Francis A. Conroy, President

  
Randall W. Mobley, Vice-President

  
Dennis V. Amos, Member

  
Vincent C. Thacker, Jr., Member

  
Charles E. Popp, Member

  
Michelle D. Miller, Secretary

**SELLERSBURG ZONING APPEALS BOARD**  
**AGENDA**

March 16, 2015

1. Roll Call
2. Approve the minutes from the January 19, 2015 meeting.
3. Unfinished Business –

NONE

4. New Business –

Jason and Nada Finn requesting variance from required 30' front yard setback at <sup>4209</sup>4309 Lakeside Drive. To convert the home's garage to a family room, and build new attached garage in front (abutting part of driveway). The new garage will be attached to the family room, and include a doorway into it. It will extend about 22 feet into the existing driveway, which is currently 47 feet long (from the curb to the existing garage door). This variance will place the front of the new garage approximately 25' from the street curb line. The new garage addition will have a pitched roof to match existing roof-lines, and include a walk-up attic. It will be a two-car garage, matching the width of the existing garage and lining up with the left side of the house. The brick siding and roof shingles will be selected to closely match the existing, for a seamless integration.

5. Adjourn.

Respectfully Submitted

**SELLERSBURG BOARD OF ZONING APPEALS**  
**March 16, 2015**

The minutes as written are not verbatim from the meeting.

**CALL TO ORDER:**

President Francis A. Conroy called the meeting of the Sellersburg Board of Zoning Appeals to order at 6:05 P.M. at the Sellersburg Town Hall, 316 East Utica Street on March 16, 2015.

**ROLL:**

President Francis A. Conroy, Vice President Randall W. Mobley, Member Dennis V. Amos, Member Charles E. Popp, Member Vincent C. Thacker, Jr., Building Commissioner J. Greg Dietz and Secretary David L. Kinder.

**APPROVAL OF MINUTES:**

RANDALL W. MOBLEY moved, seconded by Vincent C. Thacker, Jr. to approve, as written, the minutes of the January 19, 2015 meeting. 5-aye, 0-nay, motion is approved.

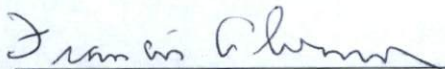
**JASON FINN** requested a variance from 30 foot front yard setback at 4209 Lakeside Drive to enable him to convert the home's garage into a family room and build a new attached garage to the front of the house.

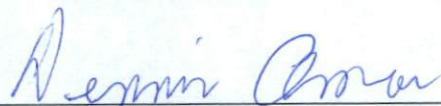
After discussion, the appearance of the new garage protruding out from the house, would not conform to the general appearance of the neighborhood.

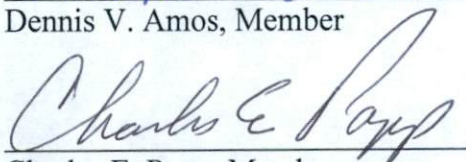
**RANDALL W. MOBLEY** moved, seconded by Dennis V. Amos, the request for a variance be denied. 4-0, 1-abstained.

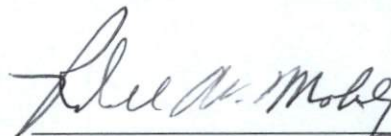
**ADJOURNMENT:**

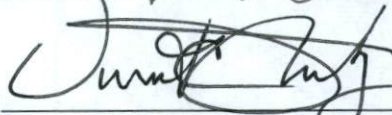
There being no further business to come before the Board, Charles E. Popp moved, seconded by Vincent C. Thacker, Jr. to adjourn the meeting. 5-aye, 0-nay, and meeting adjourned at 6:41 P.M.

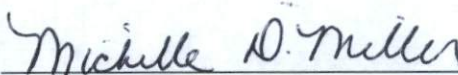
  
Francis A. Conroy, President

  
Dennis V. Amos, Member

  
Charles E. Popp, Member

  
Randall W. Mobley, Vice-President

  
Vincent C. Thacker, Jr., Member

  
Michelle D. Miller, Secretary

SELLERSBURG BOARD OF ZONING APPEALS

April 20, 2015

The minutes as written are not verbatim from the meeting.

**CALL TO ORDER:**

President Francis A. Conroy called the meeting of the Sellersburg Board of Zoning Appeals to order at 6:00 P.M. at the Sellersburg Town Hall, 316 East Utica Street on April 20, 2015.

**ROLL:**

President Francis A. Conroy, Vice President Randall W. Mobley, Member Dennis V. Amos, Member Charles E. Popp, Member Vincent C. Thacker Jr., Building Commissioner J. Greg Dietz and Secretary Robin M. Jones.

**APPROVAL OF MINUTES:**

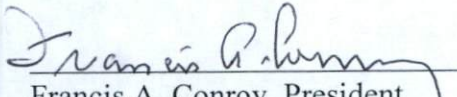
Vincent C. Thacker Jr. moved, seconded by Charles E. Popp, to approve, as written, the minutes of March 16, 2015 meeting. 5-aye, 0-nay, motion is approved.

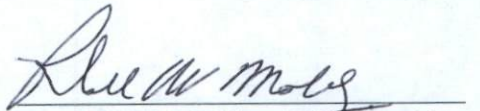
**DAVID BUTTS** requesting a variance to attach a heavy duty banner to the rear of building facing I-65. Banner will show brand name (Hustler Mowers) and company name, address and phone number.

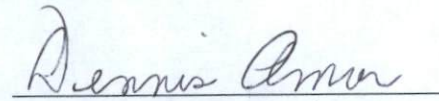
Randall W. Mobley moved, seconded by Vincent C. Thacker Jr., 5-aye, 0-nay, motion is approved.

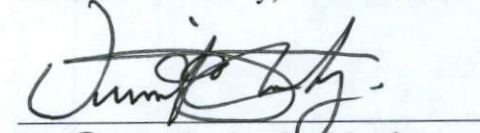
**ADJOURNMENT:**

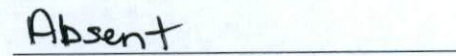
There being no further business to come before the Board, Charles E. Popp moved, seconded by Vincent C. Thacker Jr. to adjourn the meeting. 5-aye, 0-nay, and meeting adjourned at 6:16 P.M.

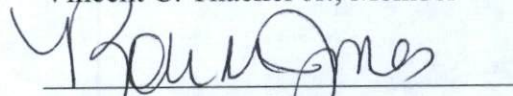
  
Francis A. Conroy, President

  
Randall W. Mobley, Vice-President

  
Dennis V. Amos, Member

  
Vincent C. Thacker Jr., Member

  
Charles E. Popp, Member

  
Robin M. Jones, Secretary

**SELLERSBURG ZONING APPEALS BOARD**  
**AGENDA**

April 20, 2015

1. Roll Call
2. Approve the minutes from the March 16, 2015 meeting.
3. Unfinished Business –

NONE

4. New Business –

David Butz requesting variance to attach heavy duty banner to rear of building facing I-65. Banner will show brand name (Hustler Mowers) and company name, address and phone number. It will be attached to the building in way that if it is weathered, it can easily be replaced. (2) In the GO, B-1, B-2, I-1 and 1-2 Districts, the provisions of this subsection shall apply.

(2) In the GO, B-1, B-2, I-1 and 1-2 Districts, the provisions of this subsection shall apply

(a) Wall-Mounted Signage

- i) In single use buildings, each building is permitted one attached "tenant identification" sign in letters and one attached "business logo" sign on each building facade facing a public access roadway, provided that the total area of signage on a facade shall not exceed that stated below and that no more than two facades shall have wall-mounted signs. Fully controlled access roadways (i.e. expressways and freeways) are not considered "public access roadways". If the "tenant identification" and "business logo" are combined into a single sign, there shall be only one attached sign on the facade; and no more than two street-facing facades shall have signs.
- xii) Painted signs shall not be used, and no sign shall be painted on a building surface.

5. Adjourn.

Respectfully Submitted

J. Greg Dietz  
Building Commissioner,  
Town of Sellersburg

SELLERSBURG BOARD OF ZONING APPEALS

May 18, 2015

The minutes as written are not verbatim from the meeting.

**CALL TO ORDER:**

President Francis A. Conroy called the meeting of the Sellersburg Board of Zoning Appeals to order at 6:00 P.M. at the Sellersburg Town Hall, 316 East Utica Street on May 18, 2015.

**ROLL:**

President Francis A. Conroy, Vice President Randall W. Mobley, Member Dennis V. Amos, Member Vincent C. Thacker Jr., Building Commissioner J. Greg Dietz and Secretary Michelle D. Miller.

Member Charles E. Popp was absent.

**APPROVAL OF MINUTES:**

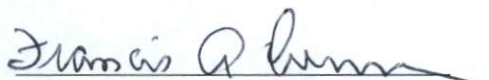
Vincent C. Thacker Jr. moved, seconded by Randall W. Mobley, to approve, as written, the minutes of April 20, 2015 meeting. 4-aye, 0-nay, motion is approved.

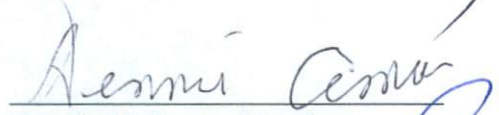
**NEW BUSINESS:** NONE

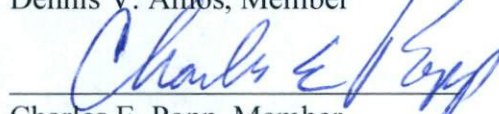
**UNFINISHED BUSINESS:** NONE

**ADJOURNMENT:**

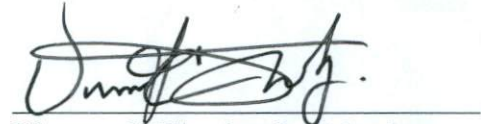
There being no further business to come before the Board, Vincent C. Thacker Jr. moved, seconded by Francis A. Conroy to adjourn the meeting. 4-aye, 0-nay, and meeting adjourned at 6:21 P.M.

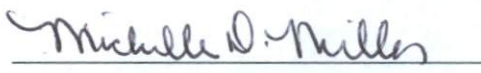
  
Francis A. Conroy, President

  
Dennis V. Amos, Member

  
Charles E. Popp, Member

\_\_\_\_\_  
Randall W. Mobley, Vice-President

  
Vincent C. Thacker Jr., Member

  
Michelle D. Miller, Secretary



PETITION#: 515-001  
FEE: \$100.00  
RECIPT# 4811

# PETITION

PLEASE PRINT LEGIBLY

SELLERSBURG, INDIANA

PETITION FOR: BOARD OF ZONING APPEALS  PLANNING COMMISSION

Name of Applicant: Aaron and Catherine Boggs

Applicant's Address: 5501 Sky Ridge Rd, Charlestown, IN 47111

Email Address: aaronboggs@twc.com

Telephone Number: 502-541-9152 Fax Number: \_\_\_\_\_

Date of Application: 5-27-15 Township: Silver Creek

Address or Property Subject to This Petition: 2410 Allentown Rd, Tract 1

Grant: \_\_\_\_\_ or Section: 147 Congressional Township: \_\_\_\_\_ Range: \_\_\_\_\_

Municipal Township: \_\_\_\_\_ Zoning Classification: Res Subdivision (if applicable): Boggs Minor Plat

Please Check the Applicable Box:

<b>Amendment to the Official Zoning Maps of Sellersburg</b>	<b>Variance to the Zoning Ordinance of Sellersburg</b>	<b>Special Exception as Required by the Zoning Ordinance of Sellersburg</b>	<b>Other</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Describe Detailed Use: Land to be used to build a single family residence.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(ATTACH MORE SHEETS IF NECESSARY)

Specific Reason for Requesting:

- A Rezoning from \_\_\_\_\_ to \_\_\_\_\_
- A Variance to the Zoning Ordinance of Sellersburg
- A Subdivision Plat as required by the Zoning Ordinance of Sellersburg
- Special Exception as required by the Zoning Ordinance of Sellersburg

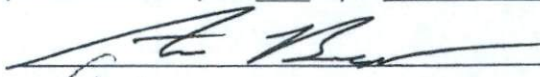
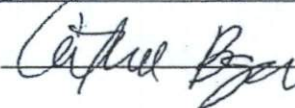


Please Explain (BE SPECIFIC AND INCLUDE DETAILS):

Land was previously approved to be divided but new section does not have 60 ft of road frontage. This application is for a variance to allow for a single family residence to be built on Tract 1 of the Boggs Minor Plat as described in the legal description.

Dated and signed by petitioner(s) in the county of Clark, State of Indiana, this 27 day of May, 2015

  
 Petition Prepared By (Signature)

  
  
 All Legal Owners (Named on Deed) Must Sign

FOR OFFICE USE ONLY  
 FOR RECOMMENDATION BY PLAN COMM TO COUNCIL  
 FOR FINAL DECISION BY PLAN COMMISSION  
 FOR FINAL DECISION BY BOARD OF ZONING APPEALS

DRAWING ATTACHED OR UNDER SEPARATE COVER  
 \*\*REQUIRED\*\*







Please Provide the Following:

1. Attach the legal description of the property.
2. Attach a development plan depicting all information required and information the applicant believes necessary for review by the Board or Commission; including, as applicable: parcel dimensions, locations of streets, driveways, location and number of parking spaces, sewer and water lines, and other appropriate information.
3. Proof of Zoning ( 1993 zoning map will apply without recorded proof of zoning )
4. Include any additional evidence necessary to support the petition.

I affirm, under the penalties of perjury that the foregoing representations are true.

Applicant's Signature: *Aaron Boggs* Date: 5-27-15

Applicant's Name (printed): Aaron Boggs

Please complete and attach the Findings of Fact worksheets of this Petition before submitting to the Commission of Buildings and Code Enforcement, as well as the Affidavit of Notice of Public Hearing found within this Petition application. Please note the following requirements regarding time-sensitive notices, required by IC 36-7-4-604 and IC 5-3-2, and read in the Sellersburg Zoning Ordinance as follows:

1. The petitioner must mail a notice of hearings by certified mail, return receipt to each of the abutting property owners no less than ten (10) days prior to the hearing.
2. Notice of public hearing shall be published one time at least ten (10) days before the date of the hearing.
3. A sign depicting the Notice of a Public Hearing must be posted in a conspicuous space on the subject property, along all road frontage of the subject property, at least ten (10) days prior to the hearing.

Please submit proof of mailings and proof of publication from the newspaper to the Commission of Buildings and Code Enforcement 7 days prior to the hearing of the Petition.

Please use the Public Notice templates within this Petition application for the mailings and publication. DO NOT ALTER ANY WORDING IN THIS TEMPLATE, ONLY FILL IN THE BLANKS WITH THE APPROPRIATE INFORMATION.

FRIDAY, JUNE 5, 2015

**Public Notices**

The following will be sold for charges: 1606 BEECHWOOD AVE NEW ALBANY At 6/23/2015 at 02:30 PM

2004 TOYOTA 4T1A38P14U-032138 \$1,140.00. hspaxlp

Cwalk Properties, LLC, is submitting an NOI letter to notify the Indiana Department of Environmental Management of their intent to comply with the requirements under 327 IAC 15-5 to discharge storm water from construction activities for the following property: Big O Tires and Service Centers, located in Survey #12 of the Illinois Grant, Jeffersonville Township, Clark County, Indiana. Contact: Bill Walker, 6028 Pebble Creek Drive, Floysds Knobs, IN 47119. Runoff will drain to Lantassange Creek. hspaxlp

Public Notice, Sellersburg, Indiana. Board of Zoning Appeals/Plan Commission. The Board of Zoning Appeals/Plan Commission will meet on 15th day June, 2015 at 6 p.m. at 316 East Utica Street, Sellersburg, Indiana 47172 for the purpose of holding a public hearing and acting on the following: Requested Action: The applicant is requesting a variance to build a home without 60ft of road frontage. At the following commonly known address: 2410 Allentown Rd, Sellersburg, IN 47172. The petition is available for public review at the Commission of Buildings and Code Enforcement 103 South New Albany Street Sellersburg, Indiana 47172 between the hours 9 a.m. to 4 p.m. 10 days prior to the meeting. Interested persons desiring to present comments either in writing or verbally will be given the opportunity to be heard at the aforementioned time and place. Written comments to the proposal that are filed with the Building Commissioner before the hearing will be considered. The hearing may be continued from time to time, as may be found necessary. hspaxlp

**Sample Legal Notice**

the following legal notice in a daily newspaper of general circulation in Clark County at least late of the public hearing. The applicant should be aware that the newspaper has deadlines for notices. It is the sole responsibility of the applicant to meet these deadlines.

**Public Notice**

**Sellersburg, Indiana**

**Board of Zoning Appeals/Plan Commission**

g Appeals/Plan Commission will meet on 15 day of June, 2015 at 6 p.m. at 316 Sellersburg, Indiana 47172 for the purpose of holding a public hearing and acting on the following:

The applicant is requesting a variance to use with less than 60 ft of road frontage.

At the following commonly known address: 2410 Allentown Rd

The petition is available for public review at the Commission of Buildings and Code Enforcement 103 South New Albany Street Sellersburg, Indiana 47172 between the hours 9 a.m. to 4 p.m. 10 days prior to the meeting.

Interested persons desiring to present comments either in writing or verbally will be given the opportunity to be heard at the aforementioned time and place. Written comments to the proposal that are filed with the Building Commissioner before the hearing will be considered. The hearing may be continued from time to time, as may be found necessary.

2410 Allentown Road  
Tract 1



TRUE AND CERTIFIED  
COPY OF THE ORIGINAL

Grantee's Mailing Address: 5501 Sky Ridge Road, Charlestown, Indiana 47111  
Tax Mailing Address: 5501 Sky Ridge Road, Charlestown, Indiana 47111

Part of Tax ID No.: 017-96-0240  
Part of State Tax ID No.: 10-17-14-700-024.000-031

### WARRANTY DEED

THIS INDENTURE WITNESSETH, that RONALD E. BOGGS and MARSHA L. BOGGS, husband and wife, having an address of 2410 Allentown Road, Sellersburg, Clark County, Indiana 47172, as Grantors, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged,

#### CONVEY AND WARRANT

to AARON M. BOGGS AND CATHERINE M. BOGGS, husband and wife, having an address of 5501 Sky Ridge Road, Charlestown, Clark County, Indiana 47111, as Grantees, that certain real property located in Clark County, Indiana, to wit:

Tract 1 of Boggs Place Minor Plat, as shown on Plat dated March 12, 2015, and of record in Plat Book 16, Page 33, as Instrument No. 201506548 in the Office of the Recorder of Clark County, Indiana.

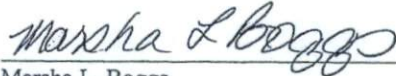
Being a part of the real estate acquired by Ronald E. Boggs, and Marsha L. Boggs, husband and wife, by Warranty Deed dated May 29, 1986, and recorded June 2, 1986, in Deed Drawer 18, Instrument No. 6052, in the office aforesaid.

This conveyance is made subject to all applicable easements, rights-of-way, restrictions, and agreements of record.

Real estate taxes having been apportioned between Grantors and Grantee herein, Grantees hereby assume and agree to pay the real estate taxes for the year 2016, payable in 2017, and all subsequent real estate taxes.

IN WITNESS WHEREOF, Grantors have caused this deed to be executed this 11<sup>th</sup> day of May, 2015.

  
\_\_\_\_\_  
Ronald E. Boggs

  
\_\_\_\_\_  
Marsha L. Boggs

STATE OF INDIANA )  
 ) SS:  
COUNTY OF FLOYD )

BEFORE ME, the undersigned, a Notary Public in and for the above-named County and State, this 17th day of May, 2015, personally appeared Ronald E. Boggs and Marsha L. Boggs, husband and wife, and acknowledged the execution of the foregoing Deed, and, having been duly sworn, affirmed that the representations contained herein are true.

WITNESS my hand and notarial seal.

My Commission expires:



Christina D. McGinnis  
Notary Public

Christina D. McGinnis  
Printed Name

Resident of Washington County

**\*\*NO TITLE WORK WAS REQUESTED AND/OR COMPLETED WITH THE PREPARATION OF THIS WARRANTY DEED.**

This instrument prepared by:  
Keith D. Mull  
LAW OFFICES OF KEITH D. MULL, LLC  
2869 Charlestown Road  
New Albany, Indiana 47150  
(812) 206-2315

\* I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. \_\_\_\_\_



CONTRACT FOR EMPLOYMENT OF ATTORNEY

THIS AGREEMENT made and entered into this 15<sup>th</sup> day of June, 2015, between the Board of the Planning Commission and Board of Zoning Appeals, Indiana, (hereinafter referred to as the "BOARDS") and Jacob C. Elder, Attorney at Law, (hereinafter referred to as "ATTORNEY"),

WITNESSETH

(1) BOARDS wish to retain and employ ATTORNEY, solo practitioner, as an independent contractor to represent, counsel, and provide all legal services which it deems necessary starting, retroactively from, May 1, 2015, through December 31, 2015.

(2) Jacob C. Elder will act as Attorney for the BOARDS in order to aid the BOARDS in fulfilling the responsibilities and duties under I.C. 36-7-4 et seq., and to perform duties which include, but are not limited to:

- a) Managing the legal affairs of the Boards;
- b) Generating Forms and Procedures for the Boards;
- c) Advising the Boards;
- d) Drafting ordinances/resolution or other legal papers for the Boards when requested by the proper authority;
- e) Maintaining custody of copies of the records in his office and/or the Boards' offices and turning them over to his successor in office;
- f) Defending, on behalf of the Boards, all legal action for which the insurance does not provide a defense; and,
- g) Meeting monthly or as otherwise requested.

(3) Compensation to the Attorney shall be in the amount of ONE THOUSAND DOLLARS (\$1000.00) FEE per month to be paid by the Boards to Jacob C. Elder, Attorney at Law. The Fee will cover attendance at each meeting and all legal work set forth above, except for section (e). Should a lawsuit be filed against the Boards, or should the Boards decide to

initiate an action, Attorney will bill at an hourly rate of ONE HUNDRED AND FIFTY DOLLARS (\$150.00) per hour in addition to the Fee. Said sum shall be paid monthly. This Fee and hourly rate shall compensate the Attorney for all services rendered to the Boards with the exception of those listed below:

i. The Attorney agrees to provide his own legal secretary and paralegal. All services performed by the Attorney's legal secretary or paralegal shall be at no additional cost to the Boards. The Attorney agrees to be responsible for all postage, paper and copying done on behalf of the District up to \$100.00.

(4) The Boards shall not be obligated to provide health and dental insurance to the attorney.

(5) The Boards may at its election, terminate this Contract upon thirty (30) days' notice. The Attorney may terminate this Contract, upon thirty (30) days' notice. In this occurrence the Attorney agrees to waive all unearned fees due under the herein contract.

(6) Providing both parties agree, on the last scheduled meeting of the year, the contract will renew for the succeeding year.

(7) All payments shall be made to Jacob C. Elder, Attorney at Law, 4308 Silver Glade Trail, Sellersburg, IN. 47172, or other address as directed by the Attorney. Said Attorney will be responsible for the payment of federal income taxes, social security taxes and state income taxes.

(8) The Attorney agrees that he will not represent an interest which is in conflict to the interest of the Client during the term of this contract, pursuant to the provisions of the Indiana Code of Professional Responsibility for Attorneys at Law.

Entered into this 6<sup>th</sup> day of June, 2015.

15<sup>th</sup> JCS

*Signature page to follow*



**The Attorney:**

Jacob C. Elder  
Jacob C. Elder

**Plan Commission:**

By: Francis A. Conway, V. P.  
President

**Attested:**

David L. Kinler  
Fiscal Officer/Secretary

**Board of Zoning Appeals:**

By: Francis A. Conway  
President

**Attested:**

David L. Kinler  
Fiscal Officer/Secretary

SELLERSBURG BOARD OF ZONING APPEALS

June 15, 2015

The minutes as written are not verbatim from the meeting.

**CALL TO ORDER:**

President Francis A. Conroy called the meeting of the Sellersburg Board of Zoning Appeals to order at 6:00 P.M. at the Sellersburg Town Hall, 316 East Utica Street on May 18, 2015.

**ROLL:**

President Francis A. Conroy, , Member Dennis V. Amos, Member Charles E. Popp, Member Vincent C. Thacker Jr., Building Commissioner J. Greg Dietz and Financial Officer David L. Kinder.

Vice President Randall W. Mobley was absent.

**APPROVAL OF MINUTES:**

Vincent C. Thacker Jr. moved, seconded by Dennis V. Amos, to approve, as written, the minutes of May 18, 2015. 4-aye, 0-nay, motion is approved.

**NEW BUSINESS:** Aaron Boggs requesting variance from the required 60% lot width street frontage for the front yard to build a single family residence on Tract 1 of Boggs Minor Plat.

The driveway leading from Allentown Road only has a fifteen foot width.

**CHARLIE E. POPP** moved, seconded by Vincent C. Thacker, Jr., to approve the request for the variance. 4-aye, 0-nay, motion is approved.

**VINCENT C. THACKER, Jr.** moved, seconded by Charles E. Popp, to amend the agenda and permit the contract for Attorney Jacob C. Elder to be discussed. 4-aye, 0-nay, motion is approved.

**VINCENT C. THACKER, Jr.** moved, seconded by Charles E. Popp, to approve the contract as written. 4-aye, 0-nay, motion is approved

**ADJOURNMENT:**

There being no further business to come before the Board, Vincent C. Thacker Jr. moved, seconded by Charles E. Popp, to adjourn the meeting. 4-aye, 0-nay, and meeting adjourned at 6:28 P.M.

Signatures on page two

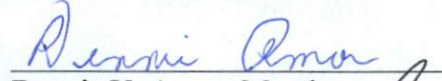
**Sellersburg Board of Zoning Appeals**

**June 15, 2015**

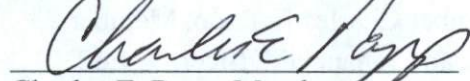
**Page 2 of 2 pages**



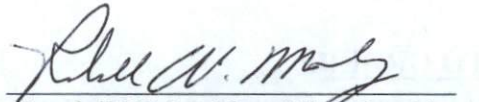
Francis A. Conroy, President

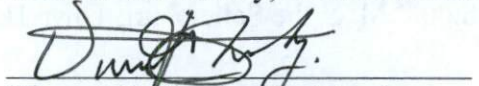


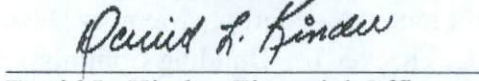
Dennis V. Amos, Member



Charles E. Popp, Member

  
Randall W. Mobley, Vice-President

  
Vincent C. Thacker Jr., Member

  
David L. Kinder, Financial Officer

SELLERSBURG BOARD OF ZONING APPEALS

July 20, 2015

The minutes as written are not verbatim from the meeting.

**CALL TO ORDER:**

President Francis A. Conroy called the meeting of the Sellersburg Board of Zoning Appeals to order at 6:00 P.M. at the Sellersburg Town Hall, 316 East Utica Street on July 20, 2015.

**ROLL:**

President Francis A. Conroy, Vice President Randall W. Mobley, Member Dennis V. Amos, Member Charles E. Popp, Member Vincent C. Thacker Jr., Building Commissioner J. Greg Dietz and Chief Deputy Clerk Treasurer Michelle D. Miller

**APPROVAL OF MINUTES:**

Vincent C. Thacker Jr. moved, seconded by Dennis V. Amos, to approve, as written, the minutes of June 1, 2015. 5-aye, 0-nay, motion is approved.

**AMEND/ADOPT AGENDA:**

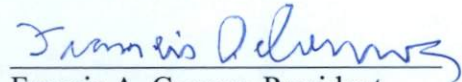
Vice President Randall W. Mobley moved, seconded by Charles E. Popp to amend the agenda to add attorney Jacob C. Elder. 5-aye, 0-nay, motion approved.

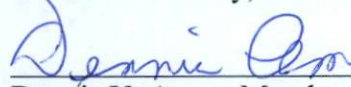
**JACOB C. ELDER, ATTORNEY:**

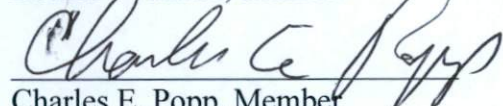
Jacob C. Elder, Attorney, presents a voting sheet sample concerning a variance for the Boards review.

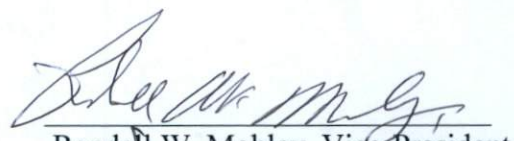
**ADJOURNMENT:**

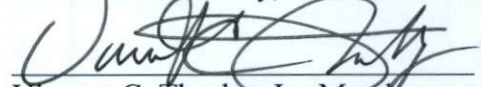
There being no further business to come before the Board, Charles E. Popp moved, seconded by, Vice President Randall W. Mobley to adjourn the meeting. 5-aye, 0-nay, and meeting adjourned at 6:50 P.M.


  
Francis A. Conroy, President

  
Dennis V. Amos, Member

  
Charles E. Popp, Member

  
Randall W. Mobley, Vice-President

  
Vincent C. Thacker Jr., Member

  
Michelle D. Miller  
Chief Deputy Clerk Treasurer

**SELLERSBURG ZONING APPEALS BOARD**  
**AGENDA**

June 15, 2015

1. Roll Call
2. Approve the minutes from the May 18, 2015 meeting.
3. Unfinished Business –

NONE

4. New Business –

Aaron Boggs requesting variance from the required 60% lot width street frontage for the front yard to build a single family residence on Tract 1 of Boggs Minor Plat as required by Section 1.23.

5. Adjourn.

Respectfully Submitted

J. Greg Dietz  
Building Commissioner,  
Town of Sellersburg

# SELLERSBURG BOARD OF ZONING APPEALS

AUGUST 17, 2015

The minutes as written are not verbatim from the meeting

## CALL TO ORDER:

President Francis A. Conroy called the meeting of the Sellersburg Board of Zoning Appeals to order at 6:00 PM at Sellersburg Town Hall, 316 East Utica Street on August 17, 2015.

## ROLL CALL:

Present : Francis A. Conroy, Vice-President, Randall W. Mobley, Members, Dennis V. Amos, Charles E. Popp, Vincent C. Thacker, Jr., Building Commissioner, J. Greg Dietz, Attorney Jacob C. Elder and Barbara Bratcher Haas, Clerk-Treasurer.

## APPROVAL OF MINUTES:

Dennis V. <sup>Amos</sup> Mobley moved, seconded by Vincent C. Thacker, Jr. to approve, as written, the minutes of July 20, 2015. 5-aye, 0-nay, motion is approved.

## Recess Regular Meeting

Charles E. Popp moved, seconded by Vincent C. Thacker Jr. to recess the regular meeting. 5-aye, 0- nay. Motion approved.

## Public Hearing:

Attorney, Jacob C. Elder stated publication of this meeting appeared in the News and Tribune on August 3, 2015.

## Administrative Appeal:

John Kraft, Attorney with Young, Lind and Kraft spoke on behalf of Richard and Janet Werle regarding property located at 144 Maple Street in the Town of Sellersburg. Mr. Kraft provided copies of various ordinances and photographs for the board.

J. Greg Dietz, Building Commissioner, also presented various documents in support of his position on this matter.

Mr. Kraft was allowed to present a rebuttal.

Public Comments:

Terry Langford, Councilman and Shirley Voyles made comments.

Vice-President Randall W. Mobley moved, seconded by Charles E. Popp to table this matter until September 21, 2015. 5-eyes, 0-nays. Motion approved.

**Closing of Public Hearing**

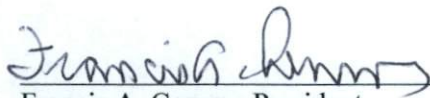
Vincent C. Thacker, Jr., moved, seconded by Dennis V. Amos to close the public hearing. 5-Aye, 0-Nay, Motion approved. Public hearing closed.

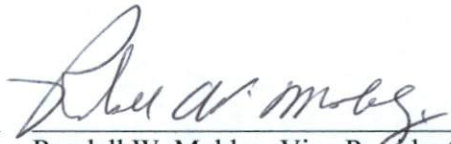
**Regular Meeting Reconvened**

Vice-President, Randall W. Mobley moved, seconded by Charles E. Popp to reconvene the regular meeting. Aye-5, Nay-0


**ADJOURNMENT:**

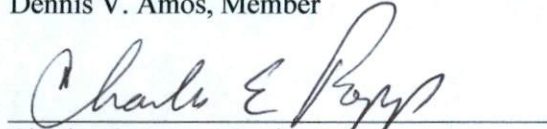
There being no further business to come before the board, President Randall W. Mobley moved, seconded by Vincent C. Thacker, Jr. to adjourn the regular meeting. 5-Aye, 0-Nay, meeting adjourned at 7:46 PM.

  
Francis A. Conroy, President

  
Randall W. Mobley, Vice-President

  
Dennis V. Amos, Member

  
Vincent C. Thacker Jr., Member

  
Charles E. Popp, Member

  
Barbara Bratcher Haas, Clerk-Treasurer

# SELLERSBURG BOARD OF ZONING APPEALS

September 21, 2015

The minutes as written are not verbatim from the meeting

## **CALL TO ORDER:**

President Francis A. Conroy called the meeting of the Sellersburg Board of Zoning Appeals to order at 6:00 PM at Sellersburg Town Hall, 316 East Utica Street on September 21, 2015.

## **ROLL CALL:**

Present : Francis A. Conroy, Vice-President, Randall W. Mobley, Members, Dennis V. Amos, Charles E. Popp, Vincent C. Thacker, Jr., Building Commissioner, J. Greg Dietz, Attorney Jacob C. Elder and Barbara Bratcher Haas, Clerk-Treasurer.

## **APPROVAL OF MINUTES:**

Randall W. Mobley moved, seconded by Charles E. Popp. to approve, as written, the minutes of August 17, 2015. 5-aye, 0-nay Motion is approved.

## **UNFINISHED BUSINESS**

Motion by Vincent C. Thacker seconded by Randall W. Mobley to reverse the decision of the Building Commissioner's ruling regarding the use of Werle's property and it's compliance. 5-aye 0-nay Motion approved.

## **NEW BUSINESS:**

Jeff Parish was requesting variance from the required 60' lot width requirement and the required 6250 square foot minimum lot rule to build a new 1400 square foot residence with detached garage on the 50'X125' existing lot at 329 South Fern Street known as lots 9 and 10 in block one of the Edgeland addition of the Town of Sellersburg.

## **RECESS REGULAR MEETING**

Vincent Thacker moved, seconded by Dennis Amos to recess the regular meeting. 5-aye 0-nay. Motion approved

## **OPEN PUBLIC HEARING:**

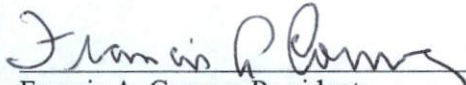
Purpose of this meeting is to address the request made by Jeff Parish. Proof of the publication for this public hearing was presented. Mr. Dietz stated that this property meets all other requirements.

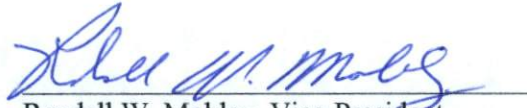
## **REOPEN REGULAR MEETING:**




Motion by Vincent Thacker, seconded by Charles Popp to approve the request of Jeff Parish. 4-aye 0- nay 1- abstained . Randall Mobley abstained. Motion approved.

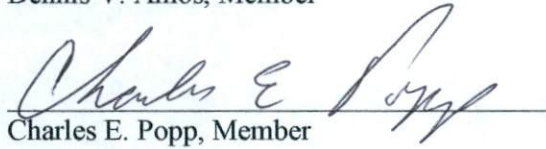
Vincent Thacker moved, seconded by Dennis Amos to adjourn. 5- aye 0- nay Motion approved.

  
Francis A. Conroy, President

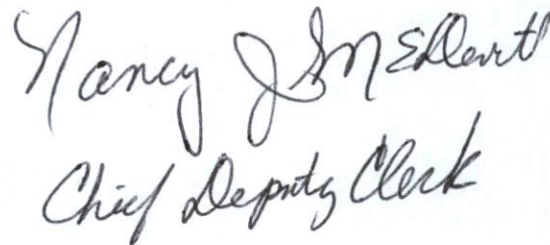
  
Randall W. Mobley, Vice-President

  
Dennis V. Amos, Member

  
Vincent C. Thacker Jr., Member

  
Charles E. Popp, Member

Barbara Bratcher Haas, Clerk-Treasurer

  
Nancy J. McEvert  
Chief Deputy Clerk

# SELLERSBURG BOARD OF ZONING APPEALS

October 19, 2015

The minutes as written are not verbatim from the meeting

## CALL TO ORDER:

President Francis A. Conroy called the meeting of the Sellersburg Board of Zoning Appeals to order at 6:00 PM at Sellersburg Town Hall, 316 East Utica Street on October 19, 2015.

## ROLL CALL:

Present : Francis A. Conroy, Vice-President, Randall W. Mobley, Members, Dennis V. Amos, Charles E. Popp, Vincent C. Thacker, Jr., Building Commissioner, J. Greg Dietz, Attorney Jacob C. Elder and Nancy McDevitt, Deputy Clerk-Treasurer.

Vincent Thacker moved, seconded by Randall Mobley to amend the agenda to include the addition of the findings of fact of the Werle appeal. 5-aye, 0-nay. Motion Approved

Randall Mobley moved seconded by Charles Popp to adopt the amended agenda. 5-aye, 0-nay, Motion Approved

## APPROVAL OF MINUTES:

Charles E. Popp moved, seconded by Vincent Tracker. to approve, as amended, the minutes of August 17, 2015. 5-aye, 0-nay Motion is approved.

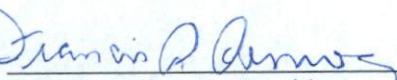
## UNFINISHED BUSINESS


Motion by Vincent C. Thacker seconded by Randall W. Mobley to approve the findings of fact of the Werle appeal. 5-aye 0-nay Motion approved.


## NEW BUSINESS:

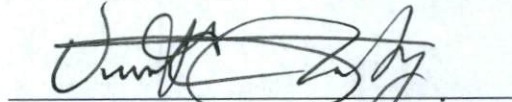
None

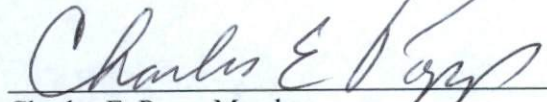
Vincent Thacker moved, seconded by Dennis Amos to adjourn at 6:05 PM. 5- aye 0- nay Motion approved.


  
Francis A. Conroy, President

  
Randall W. Mobley, Vice-President

  
Dennis V. Amos, Member

  
Vincent C. Thacker Jr., Member

  
Charles E. Popp, Member

  
Barbara Bratcher Haas, Clerk-Treasurer

**FINDINGS OF FACT**  
**OCTOBER 19, 2015**  
PETITION FOR ADMINISTRATIVE APPEAL  
TO THE TOWN OF SELLERSBURG  
BOARD OF ZONING APPEALS

COME NOW RICHARD P. WERLE and JANET WERLE (collectively “Werle”), by their attorneys, Young, Lind, Endres & Kraft, by John A. Kraft, who sought an Administrative Appeal of the decision/determination of J. Greg Dietz dated May 13, 2015 (Exhibit “A” to the Petition, entered as Exhibit “D” to the hearing), and this matter having come before the Board of Zoning Appeals (“BZA”) on August 17, 2015 for hearing and the Board, after due consideration of the evidence presented by Werle hereby finds as follows:

1. This action was brought by Werle pursuant to I.C. 36-7-4-918.1 and Sellersburg Zoning Ordinance 154.128 and 154.166, first being addressed by an undated letter from J. Greg Dietz, Building Commissioner, made part of the record as Exhibit “A”.
2. The real estate, which is the subject of this appeal, is located at 144 Maple Street and 211-215 Indiana Avenue, Sellersburg, Indiana (the “Real Estate”).
3. The building constructed on the Real Estate was built in 1984, and extended from the Indiana Avenue tract onto the Maple Street tract, and the same was acknowledged by the Clerk-Treasurer of Sellersburg at the time (Anna L. McCartney)—see Exhibit “C” entered into the record by Werle.

4. The historical use of the Real Estate has always been commercial (including, but not limited to, the storage of lumber by then Sellersburg Lumber) and Werle presented photos from the time of construction to the present to show its continued historical use.

5. As late as 2007 the Town of Sellersburg was aware of the present use as it approved a salvage license for the Real Estate by its then Town Council as reflected in the Minutes of the meeting of the Sellersburg Town Council on August 13, 2007, a copy of which was made part of the record entered by Werle.

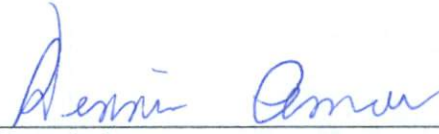
6. That since the construction of the building on the Real Estate, it has operated as one continuous unit of real estate, and the location of the building encompassing the Real Estate was reflected on an unrecorded survey completed by David Blankenkemper dated August 10, 1993 and entered by Werle as part of the record, and the eGIS records of the Clark County Assessor reflect the building being used commercially as encompassing both parcels of the Real Estate (144 Maple Street and 211-215 Indiana Avenue, Sellersburg, Indiana).

7. The use of the Real Estate is a legal non-conforming use as and Werle has gained a vested right to continue to use the same as they have historically as a B-3.

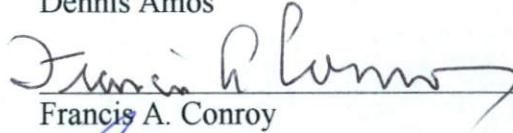
8. These findings of fact are made pursuant to I.C. 36-7-4-915.

9. The appeal filed by Werle contesting the determination of J. Greg Dietz is hereby granted and the BZA reverses the determination of J. Greg Dietz and finds that the Real Estate is a legal non-conforming use and shall be governed by B-3 zoning guidelines until the Real Estate fails to be used as B-3 for longer than one (1) year.

Dated this 19<sup>th</sup> day of October, 2015.



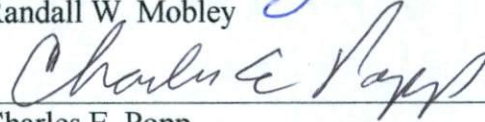
Dennis Amos



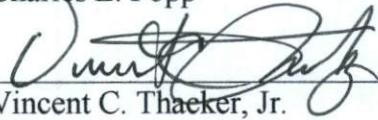
Francis A. Conroy



Randall W. Mobley



Charles E. Popp



Vincent C. Thacker, Jr.

Sellersburg Zoning Appeals Board  
316 East Utica Street  
Sellersburg, Indiana 47172

Petition # 915-001

By Petitioner(s) Jeff Parish

Concerning the variance at the address of 329 South Fern Street

Number Number Number X  
Yea  Nay  Obstain  Pass

1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and

Yea  Nay  Obstain  Pass

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, and

Yea  Nay  Obstain  Pass

3) The need for the variance arises from some condition peculiar to the property involved, such condition not being found in common with other properties in the vicinity that are in the same zoning district and such condition not having been created by the applicant for the variance; and such condition will result in practical difficulties;

In addition to the three determinations above, the following additional requirements have been met if a variance in use will be granted:

Yea  Nay  Obstain  Pass

4) The strict application of the terms of the Zoning Ordinance will constitute an unnecessary economic hardship if applied to the property for which the variance is sought; and

Yea  Nay  Obstain  Pass

5) The variance shall be the minimum necessary to permit the proposed development such that the substantial intent and purpose of the ordinance shall be preserved.

The descesion of the Sellersburg Zoning Appeals Board concerning Petition# 915-001

Approved

Special conditions: \_\_\_\_\_

Denied

Signed this 21 day of Sept 2015

Francis R. Luning C. Luning  
Name Title

# SELLERSBURG BOARD OF ZONING APPEALS

November 16, 2015

The minutes as written are not verbatim from the meeting

## CALL TO ORDER:

President Francis A. Conroy called the meeting of the Sellersburg Board of Zoning Appeals to order at 6:00 PM at Sellersburg Town Hall, 316 East Utica Street on September 21, 2015.

## ROLL CALL:

Present : Francis A. Conroy, Vice-President, Randall W. Mobley, Members, Dennis V. Amos, Charles E. Popp, Vincent C. Thacker, Jr., Building Commissioner, J. Greg Dietz, Attorney Jacob C. Elder and Barbara Bratcher Haas, Clerk-Treasurer.

## APPROVAL OF MINUTES:

~~Francis Conroy~~ <sup>Vincent Thacker Jr</sup> moved, seconded by Charles Popp to approve, as written the minutes of October 19, 2015. 5-aye, 0-nay Motion is approved.

## UNFINISHED BUSINESS:

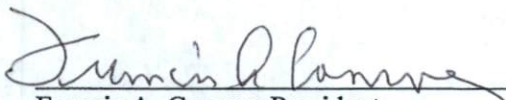
NONE

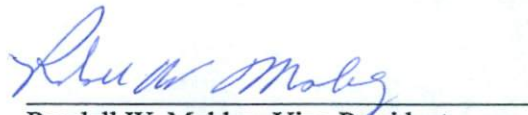
## NEW BUSINESS:

NONE

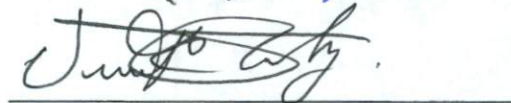
## ADJOURN:

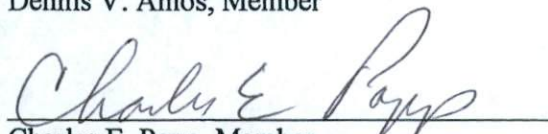
Randall Mobley moved, seconded by Charles Popp to adjourn the meeting. 5-aye 0-nay. Motion approved. Meeting adjourned at 6:01 PM.

  
Francis A. Conroy, President

  
Randall W. Mobley, Vice-President

  
Dennis V. Amos, Member

  
Vincent C. Thacker Jr., Member

  
Charles E. Popp, Member

  
Barbara Bratcher Haas, Clerk-Treasurer

# SELLERSBURG BOARD OF ZONING APPEALS

December 21, 2015

The minutes as written are not verbatim from the meeting

## CALL TO ORDER:

President Francis A. Conroy called the meeting of the Sellersburg Board of Zoning Appeals to order at 6:00 PM at Sellersburg Town Hall, 316 East Utica Street on ~~September 21, 2015.~~

*December 21, 2015*

## ROLL CALL:

Present : President, Francis A. Conroy, Vice-President, Randall W. Mobley, Members, Dennis V. Amos, Charles E. Popp, Vincent C. Thacker, Jr., Building Commissioner, J. Greg Dietz, Attorney Jacob C. Elder and Barbara Bratcher Haas, Clerk-Treasurer.

## APPROVAL OF MINUTES:

Vincent Thacker, Jr. made a correction to the minutes. It was Vincent Thacker, Jr. who made the motion to approve the minutes of ~~October 19, 2015.~~ 5-aye, 0-nay to approve the minutes as amended. Motion approved.

*November 16, 2015*

## UNFINISHED BUSINESS:


NONE

## NEW BUSINESS:

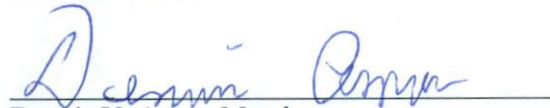
NONE

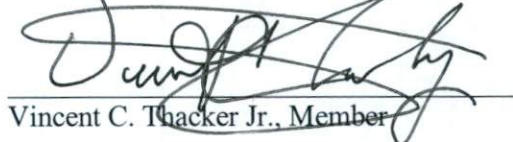
## ADJOURN:

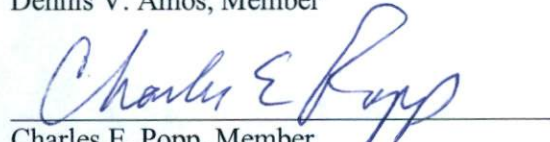
Charles Popp moved, seconded by Dennis Amos to adjourn the meeting. 5-aye 0-nay Motion approved. Meeting adjourned at 6:13 PM.

  
Francis A. Conroy, President

  
Randall W. Mobley, Vice-President

  
Dennis V. Amos, Member

  
Vincent C. Thacker Jr., Member

  
Charles E. Popp, Member

  
ATTEST: