

Sellersburg Board of Zoning Appeals

January 15, 2018

The minutes as written are not verbatim from the meeting.

Call to Order:

President Vincent C. Thacker, Jr. called the meeting of the Sellersburg Board of Zoning Appeals to order at 6:01pm at Sellersburg Town Hall, 316 East Utica St on January 15, 2018.

Roll Call:

Members present: President Vincent C. Thacker, Jr., Vice-President Francis A. Conroy, Dennis V. Amos, Charles Popp, Randall W. Mobley. Also present was Attorney Jacob Elder and Planning Director-Building Commissioner J. Greg Dietz. President Vincent C. Thacker appoints Martina Webster to take notes for this meeting.

Approval of Minutes:

Randall W. Mobley motions to approve the December 18, 2017 meeting minutes, seconded by Francis Conroy. 5- aye, 0- nay. Motion is approved unanimously.

Election of Officers:

Charles Popp nominates Vincent C. Thacker, Jr. as President of the Sellersburg Board of Zoning Appeals for the 2018 calendar year. Francis Conroy seconded. Francis Conroy motions to close nominations with a second by Dennis Amos. Motion to nominate Vincent C Thacker Jr as President approved with a 5-aye, 0-nay vote.

Dennis Amos nominates Francis Conroy to be Vice President of the Sellersburg Board of Zoning Appeals for the 2018 calendar year. Randall Mobley seconded. Charles Popp motions to close nominations. Randall Mobley seconded. Motion to nominate Francis Conroy to be Sellersburg Board of Zoning Appeals Vice President is approved with a 5-aye, 0-nay vote.


Unfinished Business: None

New Business:

Board of Zoning Appeals & Plan Commission Attorney: President Vincent C. Thacker informs the board that previous attorney, Brock Dawson submitted a letter of resignation. Letter to be inserted for the record. Lawyer discussion. Town attorney Jacob Elder agrees to represent the Sellersburg Board of Zoning Appeals & Plan Commission for the same terms as previous attorney, minus the need for a retainer fee. Randall Mobley motions to approve Jacob Elder's contract for the 2018 calendar year with a 2nd by Francis Conroy. Motion approved 5-aye, 0-nay. Discussion on state legislature changes with regards to findings of fact.

Adjourn:

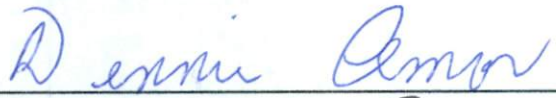
Motion to adjourn by Charles Popp. Francis Conroy seconded. Motion approved 5-aye, 0-nay. Meeting adjourned by President Vincent C Thacker, Jr at 6:21pm.



Vincent C. Thacker, Jr. President

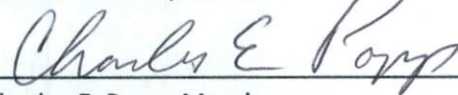


Francis A. Conroy, Vice President




Dennis V. Amos, Member

Randall W. Mobley, Member



Charles E. Popp, Member



Attest:

FROM THE LAW OFFICE OF BROCK A. DAWSON

12 N. Public Square
Salem, IN 47167

brockdawsonlaw@gmail.com
812.883.2171

To: Sellersburg BZA & PC
% Vincent Thacker

To Whom It May Concern:,

I have appreciated and enjoyed my time representing the Town of Sellersburg's BZA and Planning Commission. As of January 1, 2018 I have moved my permanent office to Salem, Indiana and will no longer be available to continue my representation of said entities. Please consider this letter as my official resignation and I wish everyone the best of luck in all future endeavors.

Regards,



Brock A. Dawson, Esq.
12 N. Public Square
Salem, IN 47167

Sellersburg Board of Zoning Appeals

February 19, 2018

The minutes as written are not verbatim from the meeting.

Call to Order:

President Vincent C. Thacker, Jr. called the meeting of the Sellersburg Board of Zoning Appeals to order at 6:10pm at Sellersburg Town Hall, 316 East Utica St on February 19, 2018.

Roll Call:

Members present: President Vincent C. Thacker, Jr., Vice-President Francis A. Conroy, Dennis V. Amos, Charles Popp.

Members absent Randall W. Mobley.

Also present was Attorney Jacob Elder and Planning Director-Building Commissioner J. Greg Dietz.

President Vincent C. Thacker appoints J. Greg Dietz to take notes for this meeting.

Approval of Minutes:

Francis A. Conroy motions to approve the January 15, 2018 meeting minutes, seconded by Charles Popp. 4- aye, 0- nay.

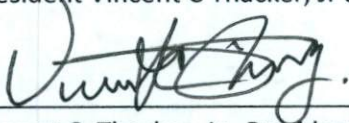
Motion is approved unanimously.

Unfinished Business: None

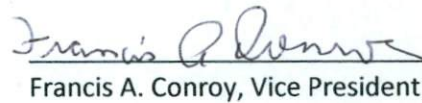
New Business: None

Adjourn:

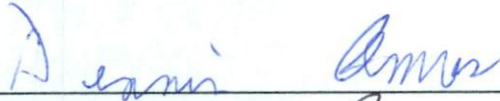
Motion to adjourn by Dennis V. Amos. Francis Conroy seconded. Motion approved 4-aye, 0-nay. Meeting adjourned by President Vincent C Thacker, Jr at 6:20pm.



Vincent C. Thacker, Jr. President



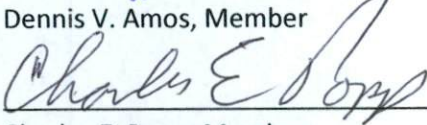
Francis A. Conroy, Vice President



Dennis V. Amos, Member



Randall W. Mobley, Member



Charles E. Popp, Member



Attest:

Sellersburg Board of Zoning Appeals

March 19, 2018

The minutes as written are not verbatim from the meeting.

Call to Order:

President Vincent C. Thacker, Jr. called the meeting of the Sellersburg Board of Zoning Appeals to order at 6:00pm at Sellersburg Town Hall, 316 East Utica St on January 15, 2018.

Roll Call:

Members present: President Vincent C. Thacker, Jr., Vice-President Francis A. Conroy, Dennis V. Amos, Charles Popp, Randall W. Mobley. Also present was Planning Director-Building Commissioner J. Greg Dietz. Martina Webster present and takes notes

Approval of Minutes:

Francis Conroy motions to approve the Feb 19, 2018 meeting minutes, seconded by Dennis Amos. 5- aye, 0- nay. Motion is approved unanimously.

Unfinished Business:

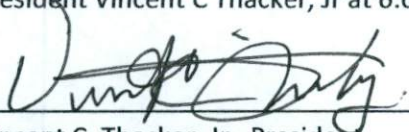
BZA training. Attorney Jacob Elder not present to provide training. Mr Charles Popp motions to table this agenda item. Second by Randall Mobley. Motion approved 5-0.

New Business:

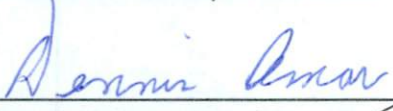
No New Business

Adjourn:

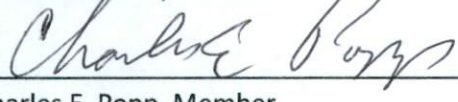
Motion to adjourn by Francis Conroy. Dennis Amos seconded. Motion approved 5-aye, 0-nay. Meeting adjourned by President Vincent C Thacker, Jr at 6:04pm.



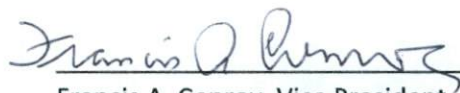
Vincent C. Thacker, Jr. President



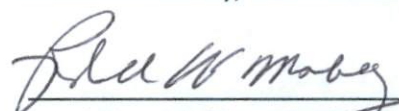
Dennis V. Amos, Member



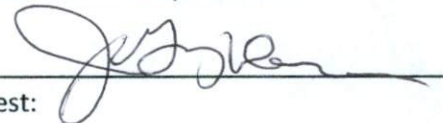
Charles E. Popp, Member



Francis A. Conroy, Vice President



Randall W. Mobley, Member



Attest:

Sellersburg Board of Zoning Appeals

April 16, 2018

The minutes as written are not verbatim from the meeting.

Call to Order:

President Vincent C. Thacker, Jr. called the meeting of the Sellersburg Board of Zoning Appeals to order at 6:00pm at Sellersburg Town Hall, 316 East Utica St on April 16, 2018.

Roll Call:

Members present: President Vincent C. Thacker, Jr., Vice-President Francis A. Conroy, Dennis V. Amos, Charles Popp, Randall W. Mobley. Also present was Planning Director-Building Commissioner J. Greg Dietz and BZA attorney Jacob Elder. Plan Commission president Martina Webster present and takes notes

Approval of Minutes:

Randall Mobley motions to approve the Mar 19, 2018 meeting minutes, seconded by Charles Popp. 5- aye, 0- nay. Motion is approved unanimously.

Unfinished Business:

BZA training. Attorney Jacob Elder presents information on "Findings of Facts" and explains to the board if the board denies a petition it must be in written form in case of appeal.

New Business:

Petition for variance at 634 N Forrest Dr

Motion by Francis Conroy and second by Randall Mobley to close public meeting at 6:08pm. 5- aye, 0- nay

Motion by Randall Moblye and second by Charles Popp to open public hearing at 6:08pm. 5- aye, 0- nay

Property owner, Randall Flick, presents his request and answers questions from the board. Has lived at this property for 30 years and it has 1.6 acres. J.Greg Dietz explains due to size of intended build he needs an exemption from the definition of a private garage is why he needs variance.

Motion by Randall Mobley and second by Charles Popp to close public hearing at 6:17pm. 5- aye, 0- nay

Motion by Francis Conroy and second by Dennis Amos to reopen BZA meeting at 6:08pm. 5- aye, 0- nay

Findings of facts:

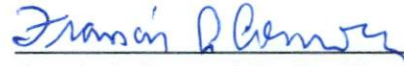
- 1) Randall Mobley makes a motion that it will not be injurious to the health, safety or welfare of the community. Charles Popp seconds. Discussion: Conroy notes there are 2 or 3 others in neighborhood, including the surrounding properties. Notes the quality of materials proposed to be used. Motion passes 5- aye, 0- nay
- 2) Motion that it will not have a substantial adverse effect on neighboring property owners by Francis Conroy, second by Dennis Amos. Motion passes 5- aye, 0- nay
- 3) Motion by Randall Mobley that the need for the variance arises from an uncommon condition to the property in question and is otherwise in compliance with town ordinances. Second by Charles Popp. Motion passes 4- aye, 1- nay. *President Vincent Thacker dissenting.*
- 4) Motion by Randall Mobley that a strict adherence to the zoning ordinance would cause hardship to the property owner. Second by Francis Conroy. Motion passes 5- aye, 0- nay
- 5) Motion made by Dennis Amos to approve variance. Second by Charles Popp. Discussion: Popp notes no property owners present as against, also blending of the structure. Motion passes 5- aye, 0- nay

Adjourn:

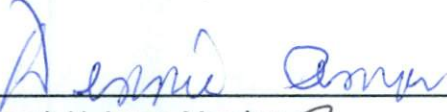
Motion to adjourn by Randall Mobley. Charles Popp seconded. Motion approved 5-aye, 0-nay. Meeting adjourned by President Vincent C Thacker, Jr at 6:34pm.



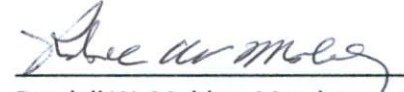
Vincent C. Thacker, Jr. President



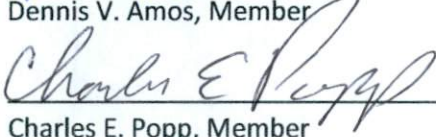
Francis A. Conroy, Vice President



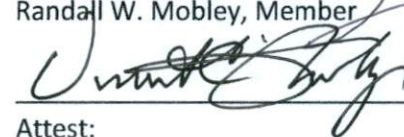
Dennis V. Amos, Member



Randall W. Mobley, Member



Charles E. Popp, Member



Attest:

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

Petition #: 0418-001

By Petitioner(s): Randall M. Flick

Concerning Variance at the address of: 634 N. Forrest Dr., Sellersburg, IN 47172

- | | # | # | # | |
|-----|---|-----|----------------------------|---|
| Yea | <input type="checkbox"/> 5 | Nay | <input type="checkbox"/> 0 | Abstain <input type="checkbox"/> Pass <input checked="" type="checkbox"/> |
| 1. | Motion to determine that the variance will not be injurious to the health, safety and welfare of the community. Motion <u>Randy Mobley</u> Second <u>Charles Papp</u> | | | |
| Yea | <input type="checkbox"/> 5 | Nay | <input type="checkbox"/> 0 | Abstain <input type="checkbox"/> Pass <input checked="" type="checkbox"/> |
| 2. | Motion to determine that the variance will not have substantial adverse effect on any neighboring or adjacent property owners. Motion <u>Francis Conway</u> Second <u>Dennis Amos</u> | | | |
| Yea | <input type="checkbox"/> 4 | Nay | <input type="checkbox"/> 1 | Abstain <input type="checkbox"/> Pass <input checked="" type="checkbox"/> |
| 3. | Motion to determine that the need for the requested variance arises from some uncommon condition particular to the property in question and that the variance requested is in otherwise compliance with Town Ordinance 4.3.1(3). Motion <u>Randy Mobley</u> Second <u>Charles Papp</u> | | | |
| Yea | <input type="checkbox"/> 5 | Nay | <input type="checkbox"/> 0 | Abstain <input type="checkbox"/> Pass <input checked="" type="checkbox"/> |
| 4. | Motion to determine that strict application of the Zoning Ordinance will constitute an unnecessary economic hardship on the property owner. <i>(Not required if the requested relief is a dimensional variance from development standards.)</i> Motion <u>Randy Mobley</u> Second <u>Francis Conway</u> | | | |
| Yea | <input type="checkbox"/> | Nay | <input type="checkbox"/> | Abstain <input type="checkbox"/> Pass <input type="checkbox"/> |
| 5. | Motion to determine that the variance is the minimum necessary to permit the proposed development, such that the substantial intent and purpose of the ordinance is preserved.
Motion _____ Second _____ | | | |
| Yea | <input type="checkbox"/> 5 | Nay | <input type="checkbox"/> 0 | Abstain <input type="checkbox"/> Pass <input checked="" type="checkbox"/> |
| 6. | Motion to approve/ not approve the variance based on the overall votes above.
Motion <u>Dennis Amos</u> Second <u>Charles Papp</u> | | | |

The decision of the Sellersburg Board of Zoning Appeals concerning Petition # _____

Approved Denied

Special Conditions:

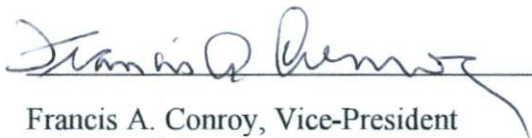
Sellersburg Board Of Zoning Appeals
316 East Utica Street
Sellersburg, Indiana 47172

Signature Page – Petition # 0418-001

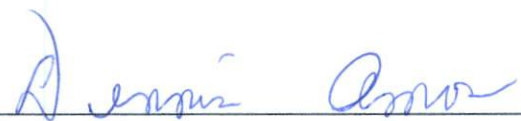
Signed this 16 day of April, 2018



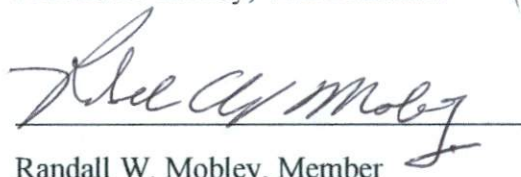
Vincent C. Thacker, Jr., President



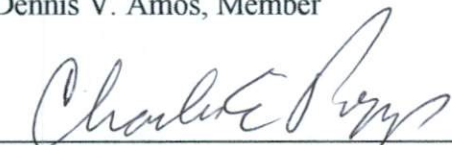
Francis A. Conroy, Vice-President



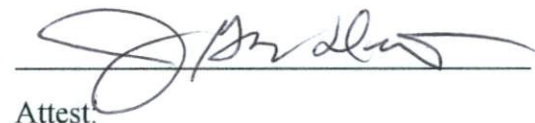
Dennis V. Amos, Member



Randall W. Mobley, Member



Charles E. Popp, Member



Attest.

Finding of Fact

Petition # 0418-001

This petition was approved or denied because:

1&2 - The garage will be of same quality of materials as the house and will not impact other property owners.


Owner requesting variance has classic cars that require storage under cover and kept under lock and key per insurance requirements.

Owner needs additional space to work on cars.

There was no opposition from surrounding property owners.

Previous petitions have been approved by the BZA in the same subdivision.

Signed this 16th day of April, 2018



Vincent C. Thacker, Jr., President, BZA



PETITION#: 0418-001
FEE: \$200.00
RECIPT#: 6107

PETITION

PLEASE PRINT LEGIBLY

SELLERSBURG, INDIANA

PETITION FOR: BOARD OF ZONING APPEALS PLANNING COMMISSION
Construction of detached garage.

Name of Applicant: **Randall M. Flick**
Applicant's Address: **634 N. Forrest Dr., Sellersburg, IN 47172**
Email Address: **flickrm@twc.com**
Telephone Number: **812-786-1079** Fax Number:
Date of Application: **03-01-2018** Township: **Silver Creek**
Address or Property Subject to This Petition:
Grant: or Section: Congressional Township: **Silver Creek** Range:
Municipal Township: Zoning Classification: **R1** Subdivision (if applicable): **Forrest Estates**

Please Check the Applicable Box:

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

Describe Detailed Use: **Detached two-car-plus garage for personal use only.**
The overall dimensions will be 36'x32'.
The structure will be located northwest of the dwelling with the overhead door facing south toward the dwelling.
Detailed descriptions are attached.

(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):

Planned structure will be 36'x32'

Garage will have a panelized 3' high brick front with vinyl siding on remaining wall areas. There will also be a window and a walk door on the front, along with two other windows on the right side wall. Roof will be a 4/12 slope with shingles over felt to as closely match those on the house as possible over 5/8" OSB. Garage will be fiberglass insulated with 6" in walls and 8" in roof. Overhead door will be an insulated, white 16' x 7' door with remote controls. Garage will have a 12" vented soffit on all four sides. Existing driveway will be extended to a pad which will be approximately 24' x 21' and a walk which will be approximately 4' x 14'. The pad will also be built up approximately 1'. A 4" by 20' trench drain will be installed in the pad. Concrete building slab will be 4" thick over compacted stone fill with wire mesh over 6 mil vapor barrier. Control joints will be cut and expansion joints will be installed and the concrete building slab will be sealed. All electrical work to meet code plus outlets for a welder, air compressor, lift operator circuit, and 18 additional outlets for lights, switches, and receptacles. All lights will be furnished by the owners. A branch circuit panel in the garage will be fed underground from house panel.

All of the above described work will meet or exceed local building codes.

Detailed plans attached.

Dated and signed by petitioner(s) in the county of Clark, State of Indiana, this 1st day of March, 2018

Randall M. Flick *Randall M. Flick*
Petition Prepared By (Signature)

Randall M. Flick *Randall M. Flick*
Karen L. Flick *Karen L. Flick*
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:

Randall M. Flick

Date:

01-Mar-2018

Applicant's Name (printed):

Randall M. Flick

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.

The following is the proposal to build a 32' x 36' garage with a 12' eave.

Garage will have a panelized 3' high brick front with vinyl siding on remaining wall areas. There will also be a window and a walk door on the front, along with two other windows on the right side wall. Roof will be a 4/12 slope with shingles over felt to as closely match those on the house as possible over 5/8" OSB.

Garage will be fiberglass insulated with 6" in walls and 8" in roof. Overhead door will be an insulated, white 16' x 7' door with remote controls.

Garage will have a 12" vented soffit on all four sides.

Existing driveway will be extended to a pad which will be approximately 24' x 21' and a walk which will be approximately 4' x 14'. The pad will also be built up approximately 1'. A 4" by 20' trench drain will be installed in the pad.

Concrete building slab will be 4" thick over compacted stone fill with wire mesh over 6 mil vapor barrier. Control joints will be cut and expansion joints will be installed and the concrete building slab will be sealed.

All electrical work to meet code plus outlets for a welder, air compressor, lift operator circuit, and 18 additional outlets for lights, switches, and receptacles. All lights will be furnished by the owners. A branch circuit panel in the garage will be fed underground from house panel.

All of the above described work will meet or exceed local building codes.

Clark County, IN

634 FORREST DRIVE, NORTH.,
10-17-08-900-019.000-031



Parcel Information

Parcel Number: 10-17-08-900-019.000-031
Alt Parcel Number: 17-00027-003-0
Property Address: 634 FORREST DRIVE, NORTH.
Neighborhood: FOREST ESTATES - 031
Property Class: 1 Family Dwell - Platted Lot
Owner Name: FLICK RANDALL M & KAREN L
Owner Address: 634 FORREST DRIVE NORTH
SELLERSBURG, IN 47172
Legal Description: FORREST ESTATES 1 LOT 3

Taxing District

Township: SILVER CREEK TOWNSHIP
Corporation: WEST CLARK COMMUNITY

Land Description

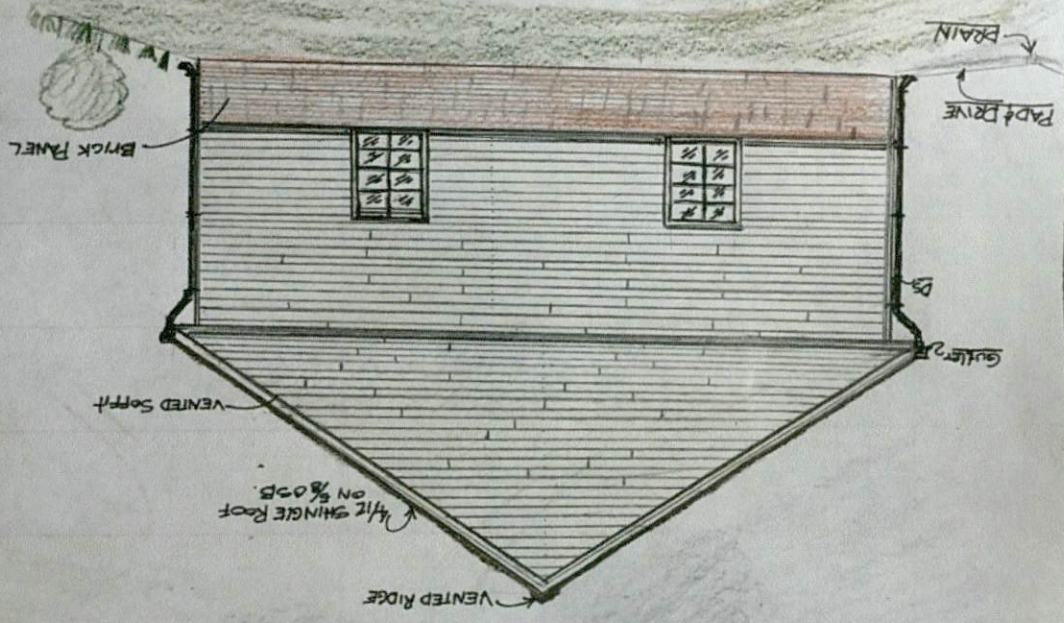
<u>Land Type</u>	<u>Acreage</u>	<u>Dimensions</u>
F	None	149x352

634 North Forrest Drive



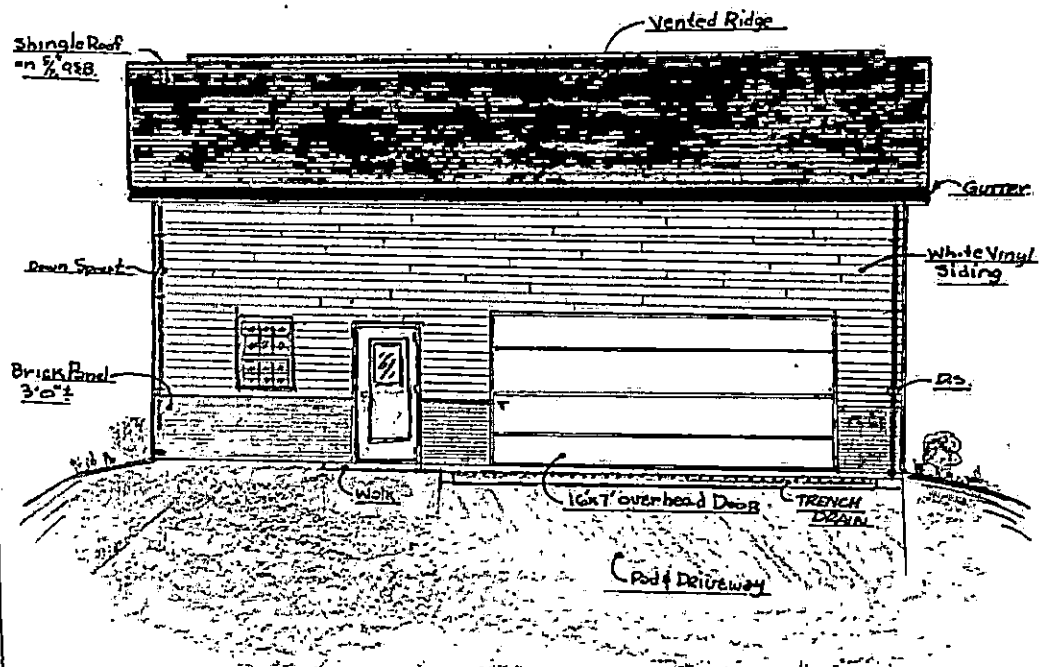
STREET - SIDE VIEW
- EAST FACING

RIGHT END VIEW
Scale: $\frac{3}{16}'' = 1'-0''$



PROJECT / OWNER: RANDY FLICK 634 N FOREST DR. SELESTON, KY 40374
PRO BUILDER OF LOUISVILLE, KY (502) 821-1374
6015 MONTYLANE, LOUISVILLE, KY 40291
BY: SK-3 DATE: 2-21-18 SCALE: $\frac{3}{16}'' = 1'-0''$ (859) 619-7495
APPROVED BY OWNER DATE:

DWG. NO.
SK-3
OF 4.

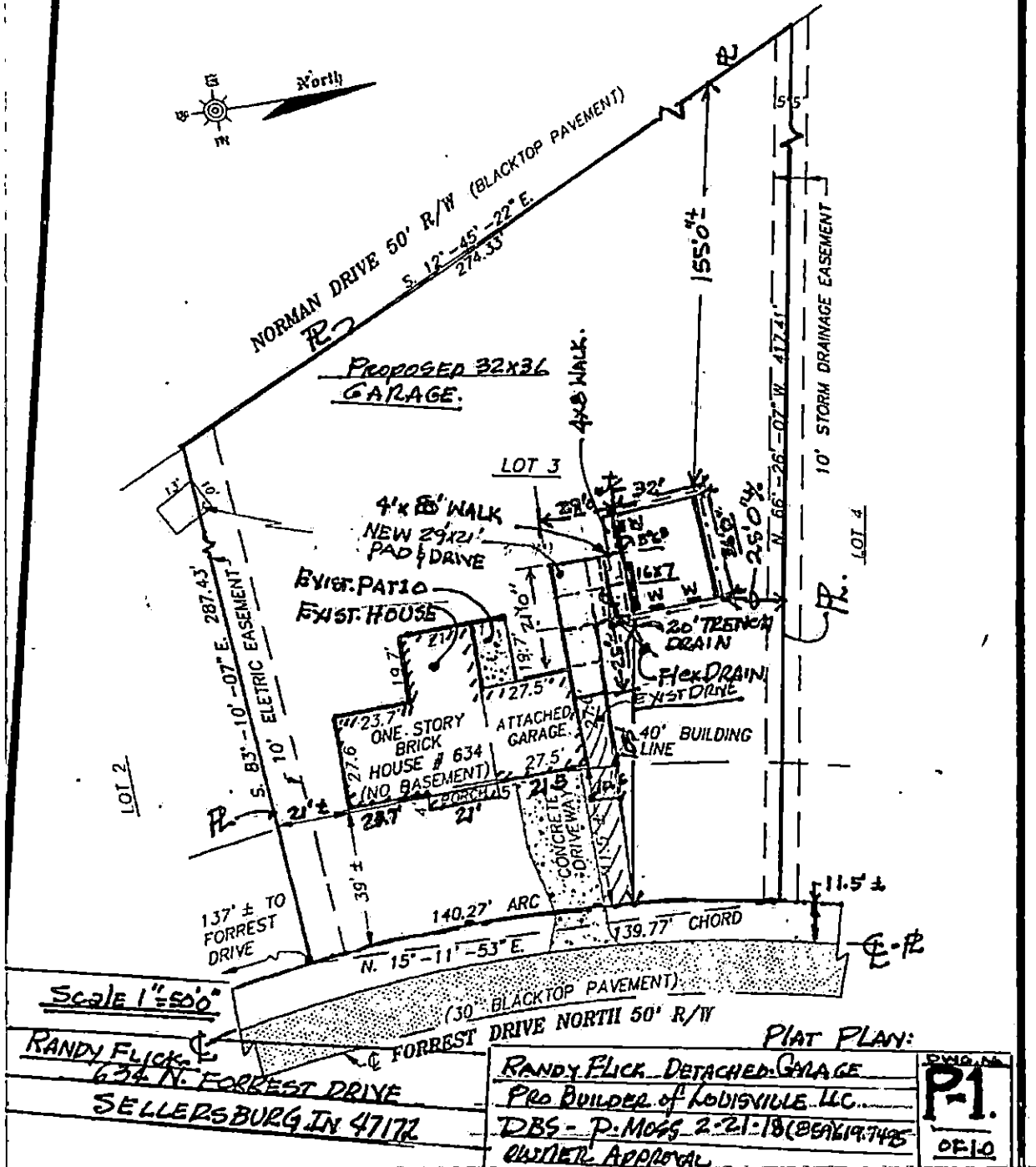


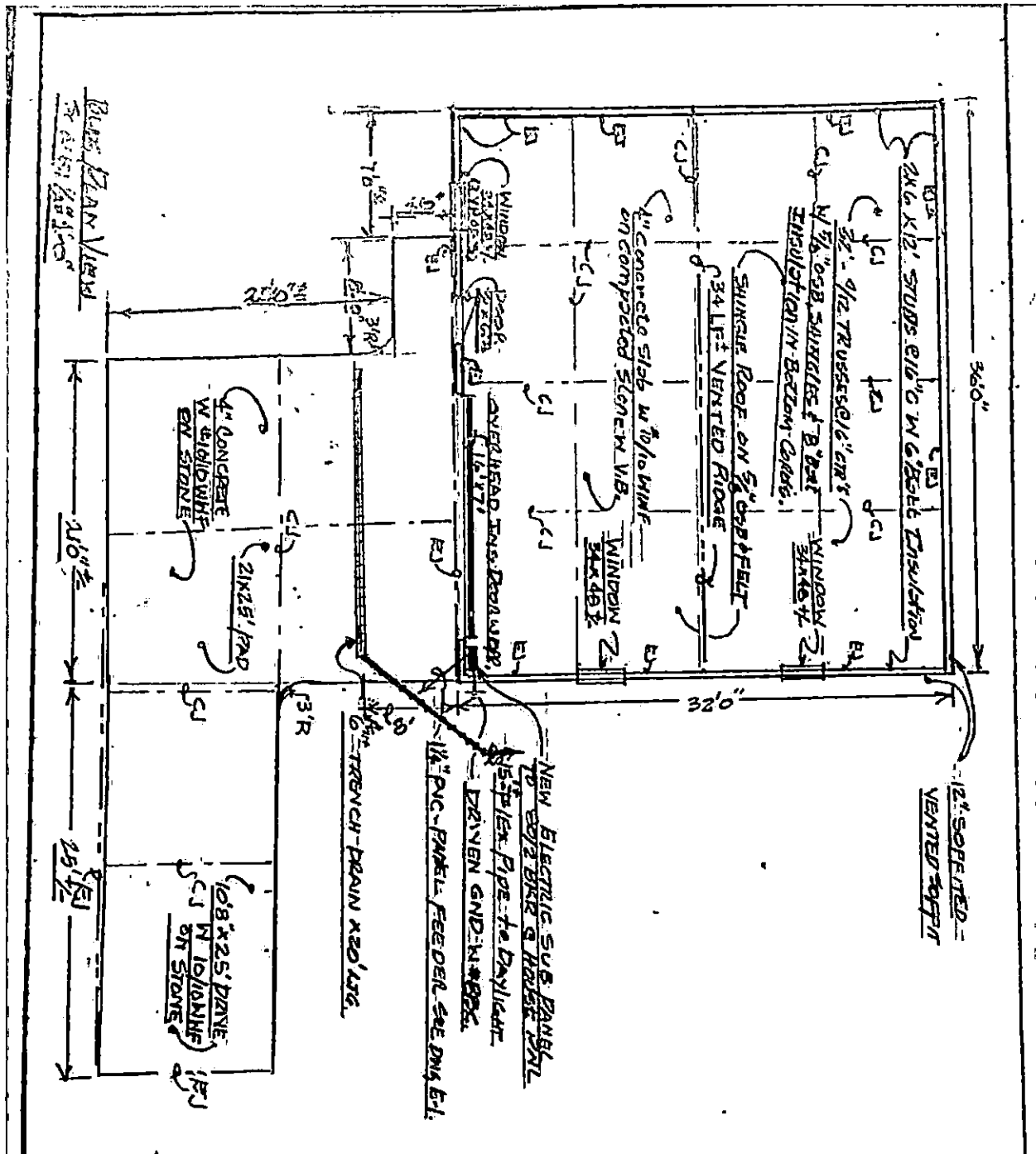
FRONT VIEW
 Scale: 1/8" = 1'-0"
 SOUTH FACING VIEW

ORIG. NO. **SK-2** OF 4.
 PROJECT / OWNER: RANDY FLICK 234 FOREST DR. BELLESBURG, IN 47112.
 PRO. BUILDER: GGI'S MONTY LANE LOUISVILLE, KY 40291.
 BY: JAMES DESSALL DATE: 2/21/88 SCALE: 1/8" = 1'-0" QSSD 619-7495.
 APPROVED BY: CHANER DATE:

SURVEYORS LOCATION REPORT (MORTGAGE INSPECTION)

This report is designed for use by a title insurance company with residential loan policies. NO CORNER MARKERS WERE SET and the location data hereon is based on limited accuracy measurements. Therefore, no liability will be assumed for any use of this data for construction of new improvements, establishing boundaries or fences.





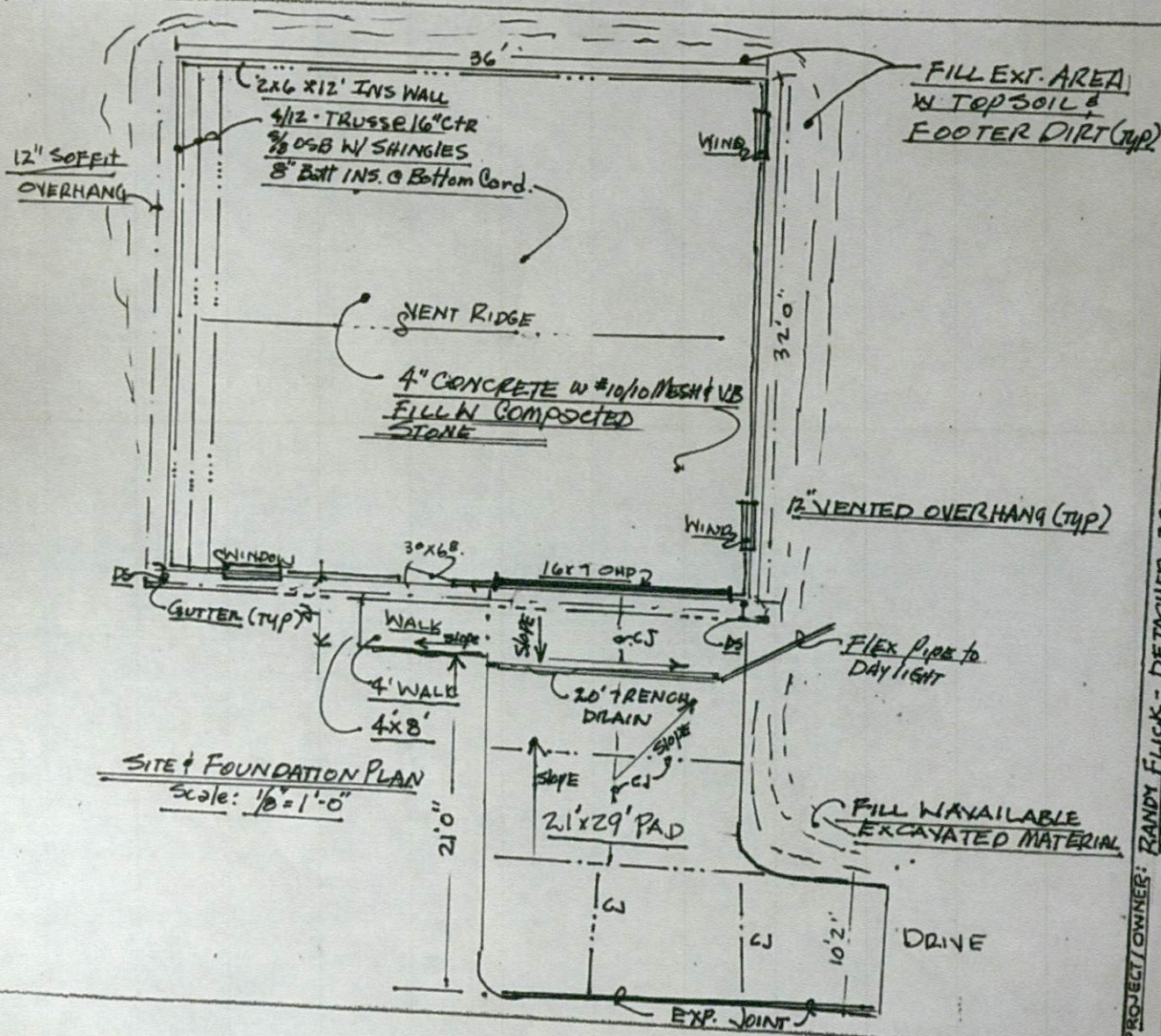
PROJECT/OWNER: RANDY FLICK, 634 N. FOREST DR., SELLERSBURG, IN 47172

PRO BUILDER OF LOUISVILLE, LLC. (502) 821-7374
 6615 MONTY LANE, LOUISVILLE, KY 40291

BY: PMOSS DBS, DATE: 2-21-18 SCALE: 1/8" = 1'-0" (850) 619-7495

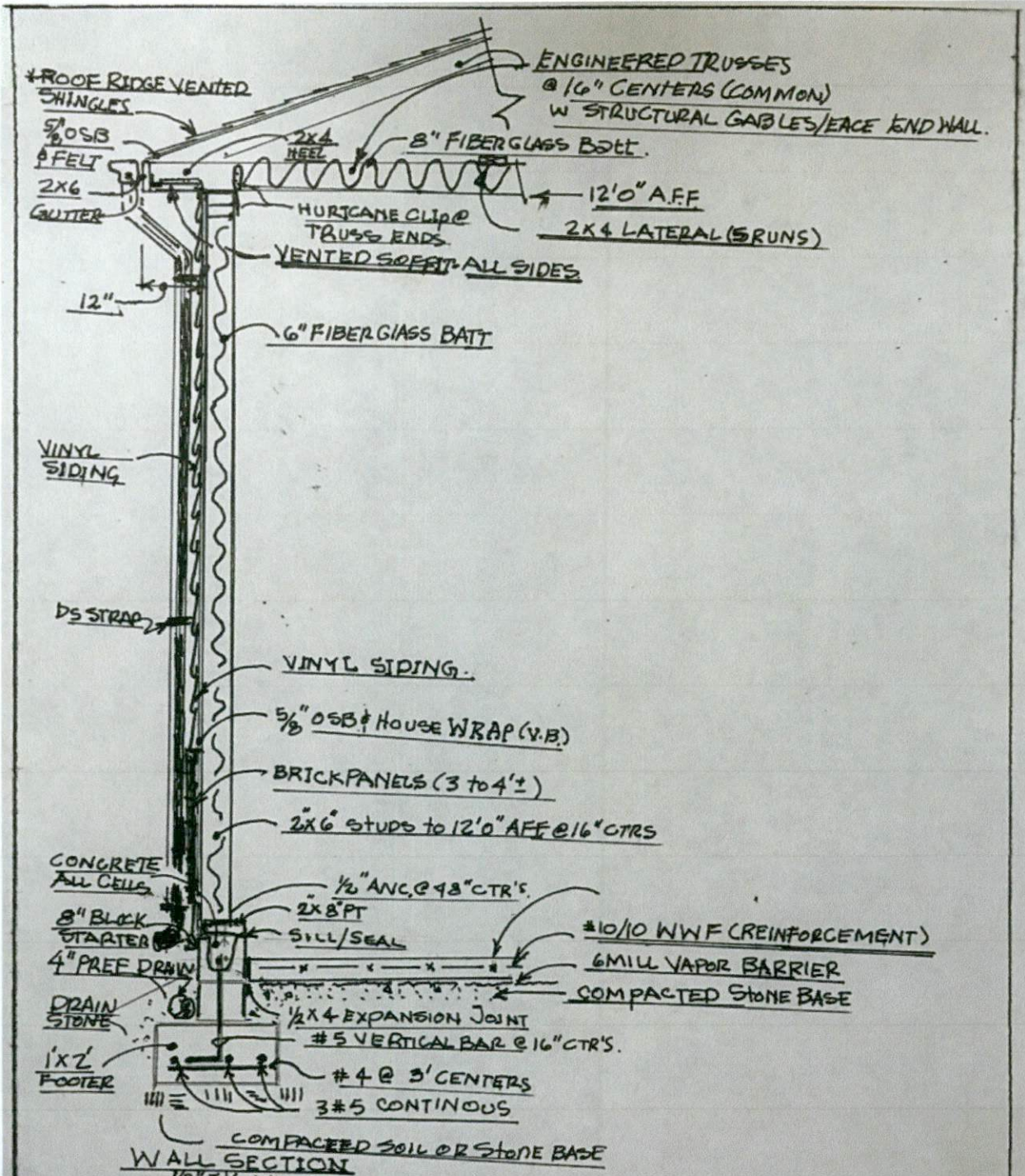
APPROVED BY OWNER, DATE:

DWG. NO.
SK1.
 OF 4.



DWG. NO. **S-1**
OF 1-0

PROJECT OWNER: RANDY FLICK - DETACHED 32x36 GARAGE
 PRO BUILDER OF LOUISVILLE, KY
 GGIS MONTY LANE, LOUISVILLE, KY 40291
 BY: P. [Signature] DATE: 1/21/18 SCALE: 1/8" = 1'-0"
 APPROVED BY OWNER: DATE: (859) 619-7495

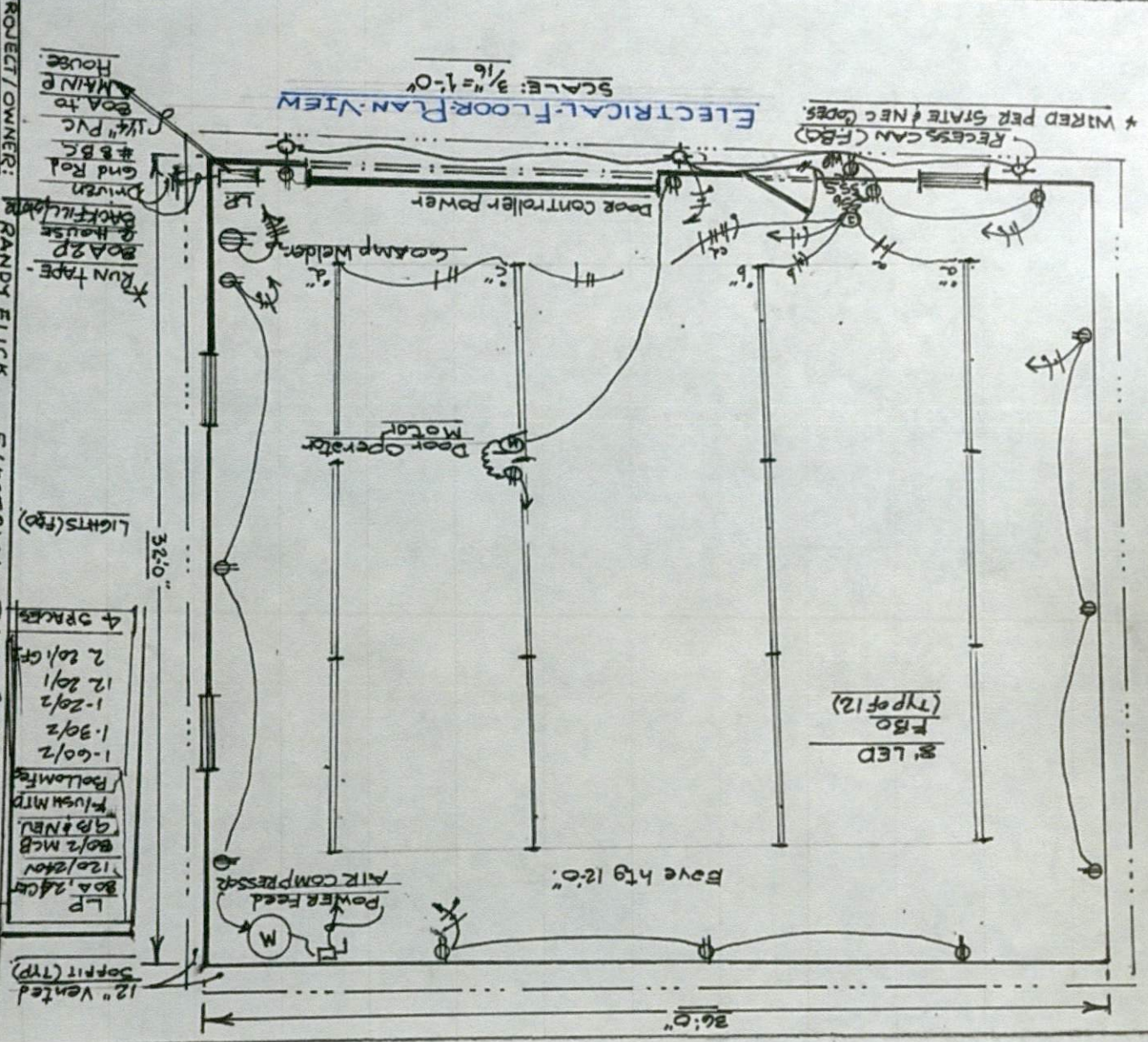


PROJECT/OWNER: RANDY FLICK - GARAGE - WALL SECTION
 634 FOREST DR. SELLERSBURG IN 47172
 PRO BUILDER OF LOUISVILLE, LLC. (502) 821-7374
 6615 MONTY LANE, LOUISVILLE, KY 40291
 BY: PAMOSS DBS DATE: 2-21-18 SCALE: 1/2"=1'-0" (859) 619-7495
 APPROVED BY OWNER DATE:

DWG. NO.
SK4.
 OF 4.

ELECTRICAL-FLOOR PLAN-VIEW
SCALE: 3/16"=1'-0"

* WIRED PER STATE & NEC CODES.



BOA to MAIN House
1/4" PVC
#8 BC
Gnd Rod
Driven
CROFTILL
BOA 2P
HOUSE
RUN TAPE

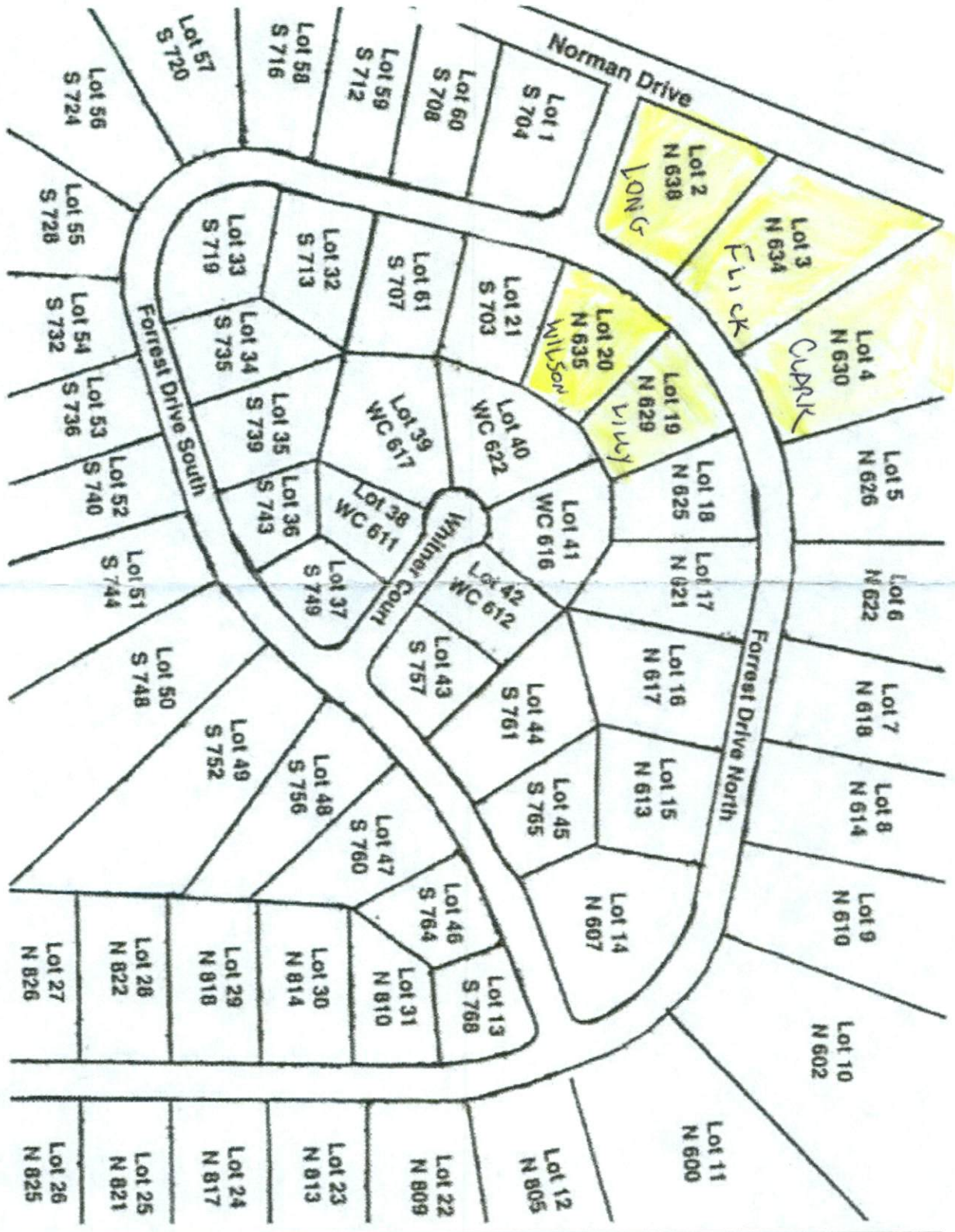
LIGHTS (F80)

4 SPRKES
2 20/1 CF
12 20/1
1-20/2
1-30/2
1-60/2
Follow Me
Flush MTD
GR & NBL
80/2 MCB
120/240V
BOA 240V
LP

12" Vented
SOPRIT (TRP)

PROJECT / OWNER: RANDY FLICK
 634 N. FOREST DR. SELEASBURG, KY 41172
 PRO BUILDER OF LOUISVILLE, KY. (502) 821-7374
 6615 MONTY LANE, LOUISVILLE, KY 40291
 BY: FANNISS DBILL DATE: 2-21-18 SCALE: 3/16"=1'-0" (BS91) 619-7445.
 APPROVED BY OWNER DATE:

DWG. NO. **E-1**
 OF 1.0.



Lot 1 S 704
Lot 2 N 638
Lot 3 N 634
Lot 4 N 630
Lot 5 N 626
Lot 6 N 622
Lot 7 N 618
Lot 8 N 614
Lot 9 N 610
Lot 10 N 602
Lot 11 N 600
Lot 12 N 805
Lot 13 S 768
Lot 14 N 607
Lot 15 N 613
Lot 16 N 617
Lot 17 N 621
Lot 18 N 625
Lot 19 N 629
Lot 20 N 635
Lot 21 S 703
Lot 22 N 809
Lot 23 N 813
Lot 24 N 817
Lot 25 N 821
Lot 26 N 825
Lot 27 N 826
Lot 28 N 822
Lot 29 N 818
Lot 30 N 814
Lot 31 N 810
Lot 32 S 713
Lot 33 S 719
Lot 34 S 735
Lot 35 S 739
Lot 36 S 743
Lot 37 S 749
Lot 38 WC 611
Lot 39 WC 617
Lot 40 WC 622
Lot 41 WC 616
Lot 42 WC 612
Lot 43 S 757
Lot 44 S 761
Lot 45 S 765
Lot 46 S 764
Lot 47 S 760
Lot 48 S 756
Lot 49 S 752
Lot 50 S 748
Lot 51 S 744
Lot 52 S 740
Lot 53 S 736
Lot 54 S 732
Lot 55 S 728
Lot 56 S 724
Lot 57 S 720
Lot 58 S 716
Lot 59 S 712
Lot 60 S 708



N

634 N Forrest Dr

Concrete Area

Approx. Garage Location

© 2018 Google

Google Earth

**Proof of
Publication**

**Public Notice
Sellersburg, Indiana
Board of Zoning Appeals/
Plan Commission**

The Board of Zoning Appeals/Plan Commission will meet on the **16th day of April, 2018, 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, Randall M. Flick, is requesting a zoning variance to construct a detached garage with the overall dimensions of 36' x 32' at the following commonly known address: 634 N. Forrest Dr., Sellersburg, Indiana 47172.

The petition, #0418-001, is available for public review at the Commission of Buildings and Code Enforcement at 316 East Utica 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

**STATE OF INDIANA
COUNTY OF CLARK -SS**

Ginger Baxter on oath says that she is the bookkeeper of NEWS AND TRIBUNE and in the employ of the publisher of

NEWS AND TRIBUNE,

a daily newspaper of general circulation printed and published in the city of Jeffersonville, Clark County, State of Indiana, and further says that the annexed advertisement was published in said paper for #(1) time(s) to-wit: In issue of said NEWS AND TRIBUNE

Dated: 03-30 2018

(x) *Ginger Baxter*

**STATE OF INDIANA
COUNTY OF CLARK**

Subscribed and sworn to before me this

30TH day of March 2018

(X) *Joann Galligan*
Joann Galligan

**Notary Public, Clark County, Indiana
(My Commission Expires August 27, 2022)**



**Publication
Fee \$ 103.23**

1429064

WAGNER WAC
NOTARY PUBLIC - 2641
State of Indiana
Clark County
I.A. Commission Expires Aug 21, 2025

NOTICE OF CANCELLATION FOR THE BOARD OF ZONING APPEALS
MAY 21, 2018 MEETING
TOWN OF SELLERSBURG, INDIANA 47172

The Town of Sellersburg Board of Zoning Appeals has cancelled their May 21st, 2018 public meeting scheduled to begin at 6:00 p.m. at the Town Hall Located at 316 East Utica Street, Sellersburg, IN 47172.

NOTICE OF CANCELLATION FOR THE PLAN COMMISSION
MAY 21, 2018 MEETING
TOWN OF SELLERSBURG, INDIANA 47172

The Town of Sellersburg Plan Commission has cancelled their May 21st, 2018 public meeting, scheduled to begin immediately following the 6:00 p.m. Board of Zoning Appeals Meeting, at the Town Hall Located at 316 East Utica Street, Sellersburg, IN 47172.

Posted: Tuesday, May 1, 2018

Sellersburg Board of Zoning Appeals

June 18, 2018

The minutes as written are not verbatim from the meeting.

Call to Order:

President Vincent C. Thacker, Jr. called the meeting of the Sellersburg Board of Zoning Appeals to order at 6:00pm at Sellersburg Town Hall, 316 East Utica St on June 18, 2018.

Roll Call:

Members present: President Vincent C. Thacker, Jr., Vice-President Francis A. Conroy, members Dennis V. Amos, Charles Popp and Randall W. Mobley. Plan Commission president Martina Webster present and taking minutes.

Approval of Minutes:

Francis Conroy moves to approve the April 16, 2018 meeting minutes, seconded by Dennis Amos. 5- aye, 0- nay. Motion is approved unanimously.

Unfinished Business:

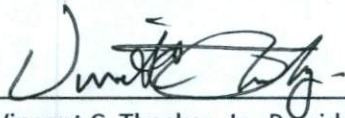
BZA training. Since attorney Jacob Elder was not present, President Vincent C. Thacker, Jr. called for a motion to table the BZA training until the next meeting. Randall W. Mobley made the requested motion, seconded by Charles Popp. 5- aye, 0- nay. Motion is approved unanimously.

New Business:

None

Adjourn:

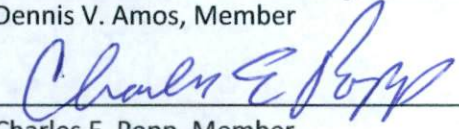
Motion to adjourn by Francis Conroy. Charles Popp seconded. Motion approved 5-aye, 0-nay. Meeting adjourned by President Vincent C Thacker, Jr at 6:05pm.



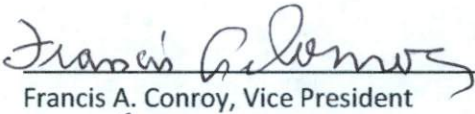
Vincent C. Thacker, Jr. President



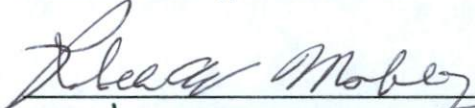
Dennis V. Amos, Member



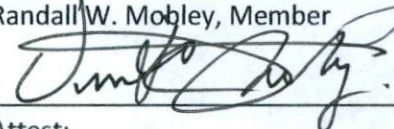
Charles E. Popp, Member



Francis A. Conroy, Vice President



Randall W. Mobley, Member



Attest:

Sellersburg Board of Zoning Appeals

Special Meeting July 10, 2018

The minutes as written are not verbatim from the meeting.

Call to Order:

President Vincent C. Thacker, Jr. called the meeting of the Sellersburg Board of Zoning Appeals to order at 6:05 PM at Sellersburg Town Hall, 316 East Utica St on July 10, 2018.

Roll Call:

Members present: President Vincent C. Thacker, Jr., Vice-President Francis A. Conroy, members Dennis V. Amos, Charles Popp and Randall W. Mobley. Board Attorney Jacob Elder was present.

New Business:

None

Unfinished Business:

BZA training. Attorney Jacob Elder presented the board with several documents to be reviewed. The items included are presented below:

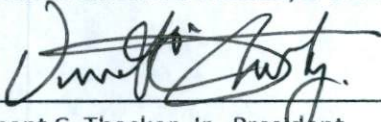
1. Current Code 36-7-4-900 Series related to Board of Zoning Appeals – The board reviewed the statues to make sure they understood the requirements.
2. Sellersburg Planning Rules, Section Four – Board of Zoning Appeals – The board next reviewed the local code. Several differences were noted. The Board will review these differences and make a recommendation that the Local Code be updated to reflect what is in the state statute.
3. Sellersburg Zoning Petition – The board next reviewed the current Petition document and compared it to other municipalities Petitions and noticed a significant difference. The consensus of the Board is that the Board Attorney, President and new Building Commissioner streamline the Petition and develop separate Petition documents based on the type of petition is being filed. The revised Petitions should include requirements for the Petitioner to provide facts that prove why their Petition should be granted. Petition types such as Development Standards Variance, Use Variance, etc. should be considered for development.

The board also discussed procedures that should be used during public hearings and voting to possibly streamline the process. There was also discussion about revising and improving the signage required to announce a public hearing.

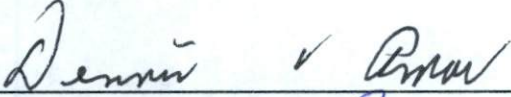
The Board Attorney, President and new Building commissioner will begin reviewing these requirements to develop documents that can be presented to the Board for approval. Those documents will be forwarded to the Planning Commission and then the Town Council for final approvals.

Adjourn:

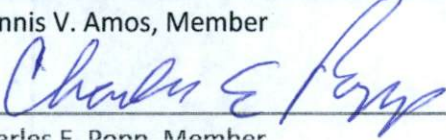
Motion to adjourn by Charles Popp, seconded by Dennis Amos. Motion approved 5-aye, 0-nay. Meeting adjourned by President Vincent C Thacker, Jr at 7:08pm.



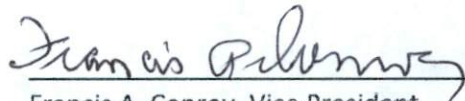
Vincent C. Thacker, Jr. President



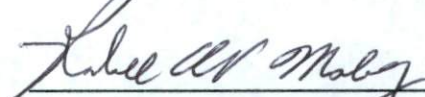
Dennis V. Amos, Member



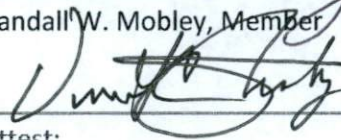
Charles E. Popp, Member



Francis A. Conroy, Vice President



Randall W. Mobley, Member



Attest:

Sellersburg Board of Zoning Appeals

July 16, 2018

The minutes as written are not verbatim from the meeting.

Call to Order:

President Vincent C. Thacker, Jr. called the meeting of the Sellersburg Board of Zoning Appeals to order at 6:01pm at Sellersburg Town Hall, 316 East Utica St on July 16, 2018.

Roll Call:

Members present: President Vincent C. Thacker, Jr., Vice-President Francis A. Conroy, Members Dennis V. Amos, Charles Popp, and Randall W. Mobley. Also present was BZA attorney Jacob Elder.

Approval of Minutes:

Minutes from the June 18, 2018 regular meeting and the July 10, 2018 Special meeting were presented for approval. Randall Mobley motions to approve the June 18, 2018 regular and the July 10, 2018 Special meeting minutes as submitted, seconded by Charles Popp. 5- aye, 0- nay. Motion is approved unanimously.

Unfinished Business: - None

New Business:

Petition # 0718-001 for variance at 9850 Highway 60, Sellersburg, IN 47172

Motion by Francis Conroy and second by Randall Mobley to close regular meeting at 6:04pm. 5- aye, 0- nay

Motion by Francis Conroy and second by Dennis Amos to open public hearing on Petition # 0718-001 at 6:05pm. 5- aye, 0- nay

Property owners John and Judith Fromme presents their request for the variance and answers questions from the board. Attorney Elder and President Vincent Thacker requested proof that proper notices had been posted. Those documents were provided by Ms. Fromme.

The Frommes have inherited several pieces of farm equipment including a tractor and implements and need a pole barn to store all of the pieces. They also want to store their vehicles and provide work space for hobbies. They stated there would be no commercial activities in the building. The maximum square footage of a separate building in the zoning ordinance is 864. The pole barn requested square footage 1,944. After all questions were asked and answered, President Thacker asked if there were any questions or comments from the public. There were none.

Upon request by President Thacker, there was a motion by Charles Popp, seconded by Francis Conroy to close the public meeting at 6:16pm. 5- aye, 0- nay

Motion by Randall Mobley and seconded by Francis Conroy reopen BZA meeting at 6:16pm. 5- aye, 0- nay

After discussion by board members and reading the 3 items required by statute that need to be considered, there was a consensus of the board members that the petition should be approved. The 3 items to be considered are:

- A determination that the variance will not be injurious to the health, safety and welfare of the community, and
- A determination that the variance will not have substantial adverse effect on any neighboring or adjacent property owners, and
- A determination that the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

A motion by Randall Mobley to approve all three items was made, seconded by Francis Conroy. 5- aye, 0- nay

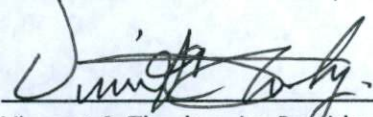
Findings of facts:

- 1) The structure would be away from people.
- 2) No objections from the neighbors or public.

- 3) Large property.
- 4) All items considered together
- 5) The petition was approved.

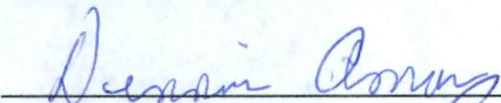
Adjourn:

Motion to adjourn by Charles Popp. Francis Conroy seconded. Motion approved 5-aye, 0-nay. Meeting adjourned by President Vincent C Thacker, Jr at 6:30pm.

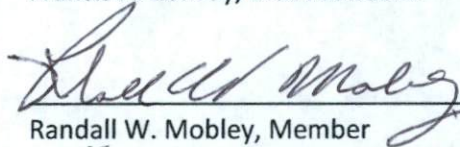


Vincent C. Thacker, Jr. President

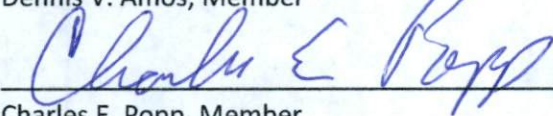
Francis A. Conroy, Vice President



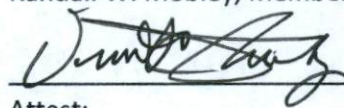
Dennis V. Amos, Member



Randall W. Mobley, Member



Charles E. Popp, Member



Attest:



PETITION#: 0718-001
FEE: _____
RECIPT# _____

PETITION

PLEASE PRINT LEGIBLY

SELLERSBURG, INDIANA

PETITION FOR:

BOARD OF ZONING APPEALS



PLANNING COMMISSION



Name of Applicant:

John O. and Judith C. Fromme

Applicant's Address:

9850 Highway 60, Sellersburg, IN 47172

Email Address:

judyfromme@twc.com

Telephone Number:

502-593-2738

Fax Number:

Date of Application:

6/4/18

Township:

Silver Creek

Address or Property Subject to This Petition:

9850 Highway 60, Sellersburg, IN 47172

Grant:

128

or Section:

Congressional Township:

Range:

Municipal Township:

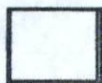
Zoning Classification:

R

Subdivision (if applicable):

Please Check the Applicable Box:

Amendment to the Official
Zoning Maps of Sellersburg



Variance to the Zoning
Ordinance of Sellersburg



Special Exception as Required by the
Zoning Ordinance of Sellersburg



Other



Describe Detailed Use:

The address above is our home address. We have a house and garage on 5.48 acres. We are requesting a variance to building a 36' x 54' pole barn in the NW area of this property, for storage of vehicles, farm and gardening equipment and also a workspace for hobbies (woodworking, gardening, etc.) No business will be conducted from this structure.

(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):

The current restrictions for the size of a pole barn in the city of Sellersburg is 864 sq. ft. We are requesting the variance in order to build a 36' x 54' x 10' tall pole barn with a 12' x 8' x 8' open porch with metal ceiling. The barn will have (3) 10' x 8' garage doors, 2 cupolas, (5) 3' x 2' windows and one 3' x 6.67' man door.

There will be no indoor plumbing for this structure. It will have electric run to it. It also will have a concrete floor.

Pls. see attached copy of project from Graber Post Buildings for additional structure information.

Dated and signed by petitioner(s) in the county of Clark, State of Indiana, this 4th day of June, 20 18

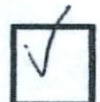
John O. Fromme
Judith C. Fromme

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:

John O. Fromme
Judith C. Fromme

Date:

6/4/18

Applicant's Name (printed):

John O. + Judith C. Fromme

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.

RECEIVED
FOR RECORD

NOV 24 3 30 PM '82
RECORDED BY Deed ORA 14
INSTR. NO. 9486
JULIA LOVE
RECORDER OF CLARK CO.

9486

WARRANTY DEED

THIS INDENTURE WITNESSETH, that OTHMAR FROMME and LORETTA C. FROMME, husband and wife, of Clark County, in the State of Indiana,

CONVEY AND WARRANT

to JOHN O. FROMME and JUDITH C. FROMME, husband and wife of Clark County, Indiana, for the sum of One Dollar (\$1.00) and other valuable consideration; the receipt of which is hereby acknowledged, the following described real estate in Clark County, in the State of Indiana, to-wit:

A part of Survey No. 128 of the Illinois Grant, in Clark County, Indiana, more particularly described as follows: Commencing at a limestone monument set in the western line of Survey No. 129, at the northern corner of Survey No. 109 and the eastern corner of Survey No. 128 of the Illinois Grant; thence north 40 deg. 49' west with the line dividing Surveys No. 128 and 129; 1200 feet to a point; thence south 49 deg. 33' west 1089.0 feet to a limestone monument, the true place of beginning of the tract to be herein described; thence continuing south 49 deg. 33' west 705.9 feet to a limestone monument set in the northeasterly right-of-way line of State Road No. 60, said stone being north 49 deg. 33' east 40 feet from a drill hole in the center line of said State Road No. 60; thence north 39 deg. 19' west 418.1 feet to a right-of-way marker; thence north 23 deg. 41' east 77.6 feet to a right-of-way marker, 40 feet southeastwardly at right angles from the center line of St. Joe Road; thence north 62 deg. 57' east 150.6 feet to a wood hub, which is southeastwardly at right angles 30 feet from the center line of St. Joe Road; thence north 50 deg. 03' east 52.2 feet to a limestone monument set in the southern right-of-way of St. Joe Road; thence north 23 deg. 16' west 15.0 feet to a railroad spike set in the center of St. Joe Road; thence north 66 deg. 44' east in part with the center line of St. Joe Road, 442.3 feet to a railroad spike, north 40 deg. 49' west 8.0 feet from a limestone set in the southerly right-of-way of said Road; thence south 40 deg. 49' east, 300.0 feet to the true place of beginning, containing 5.48 acres, more or less. Subject to the right-of-way of the St. Joe Road.

Subject to any and all easements and/or

John Beckman
AUDITOR CLARK COUNTY

NOV 24 1982

DULY ENTERED
FOR TAXATION

Neighbors:

Edward R. Hardie

1414 St. Joe Road East

Sellersburg, IN 47172

Pinnacle Properties Development Group, LLC (owns 9820 and 9822 Hwy. 60)

2916 Amanda Drive

Jeffersonville, IN 47130

Across Highway 60 from our property at 9850 Highway 60, Sellersburg, IN:

Paul and Diane Graf

9911 Highway 60

Sellersburg, IN 47172

David and Karen Graves

9901 Highway 60

Sellersburg, IN 47172

Across St. Joe Road East:

Huelsman and Sweeney Construction

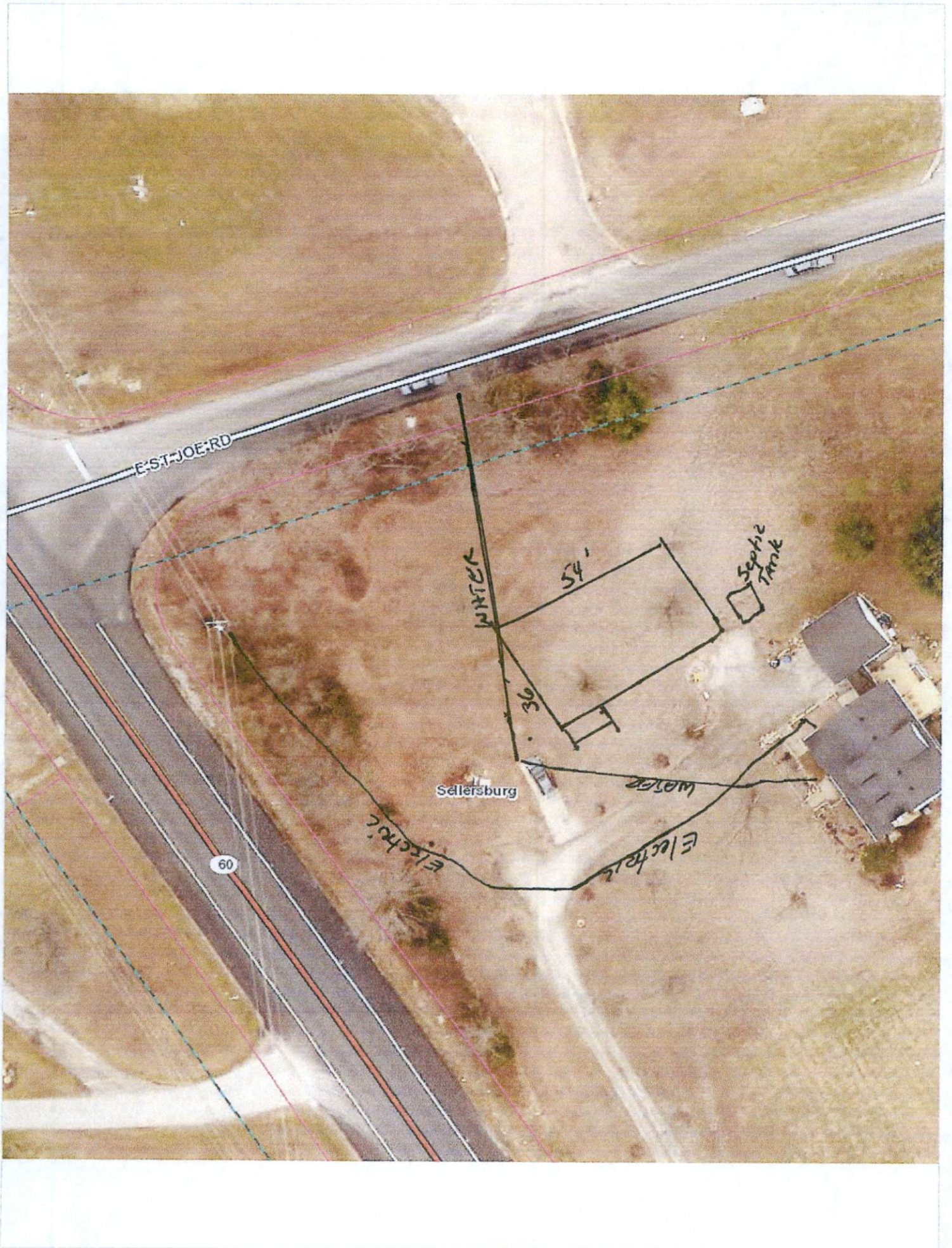
1515 St. Joe Road East

Sellersburg, IN 47172

Sprigler Concrete

1409 St. Joe Road East

Sellersburg, IN 47172





7716 N 900 E
 Montgomery, IN 47558
 Phone#: 800-264-5013
 www.graberpost.com

GRABER POST BUILDINGS PROJECT QUOTATION

Date: 3-16-18	
Quotation For: Judy Fromme	
Address: 9850 Hwy 60	
City, State & Zip: Sellersburg, In 47172	
Project:	
Take-Off By:	Priced By: Rich

Construction Site:
Site Address: 502-593-2738
City, State & Zip:
Price shown is only good for acceptance by customer for 30 days from the date of this quotation.
Total Contract Price:

Building Specifications:

Material/Labor

Dimensions (Width X Length X Bottom Chord Height): 36' 0" x 54' 0" x 10' 12'x8'x8' open porch with metal ceiling

Overhangs (Eave1/Eave2/End): 12/12/12

Loading: 21/40/4 Pitch: 4

Truss Spacing: 4' Roof Purlin Size: 2x4 Roof Purlin Spacing: 2'

Side Wall Post Spacing: 8' End Wall Post Spacing: 8'

Engineered Column Size (4.12x5.38 = 3-ply & 5.38x5.5 = 4-ply): 4.12x5.38 3-ply 2x6

Post Embedment (with 80# sackrete bag): Bag

Girt Size (A): 2x4 Wall Girt Spacing (A): 24

of Treated Splash/Skirt Rows (A): 2 Splash/Skirt Size (A): 2x6

Roofing: #1-SteelRoofing G-Rib color CHARCOAL

Siding: #1-SteelSiding G-Rib color GRAY

Roof Trim: BRITEWHITE Ridge Cap GRABERPOST RIGPBW Fascia Trim: BRITEWHITE Angle GRABERPOST AT5.5BW

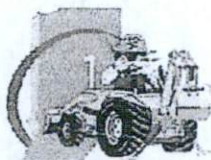
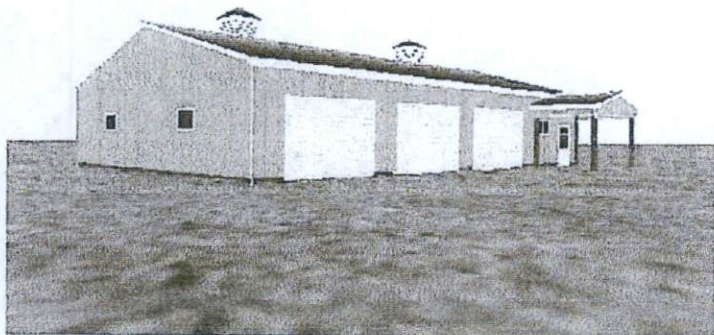
Wall Trim: BRITEWHITE Outside Corner GRABERPOST CO61C Base Trim: BRITEWHITE Base Mold/Rat G GRABERPOST RATGBV

Roof Insulation: Solex R1

- 2 Cupola CHARCOAL 24in Cupolas
- 3 Door 10 wx 8 WHITE 2283 CHI w/operator
- 5 Window 3 w x 2 WHITE V3X21 Slider-insulate
- 1 Door 3 w x 6.67 WHITE 7553160 T-Man LH22x36-9

NO FILL ROCK & NO CONCRETE & NO PERMITS INCLUDED

porch will be on left side not right side



Hickey Moley says call
 1-800-282-5544 at least two full
 working days before you dig and
 dig safely.

CUSTOMER IS WHOLLY AND EXCLUSIVELY RESPONSIBLE FOR OBTAINING ALL REQUIRED OR RECOMMENDED ENGINEERING, ARCHITECTURAL, OR OTHER CODE ADHERING DRAWINGS AND APPROVALS PRIOR TO CONSTRUCTION OR SALE OF ANY BUILDING ESTIMATED. CUSTOMER FURTHER UNDERTANDS THAT AND ACKNOWLEDGES THAT NEITHER MATERIALS SUPPLIER, LICENSOR, OR ANY SOFTWARE OR SERVICES PROVIDER MAKE ANY REPRESENTATIONS OR CLAIMS AS TO THE STRUCTURAL, ENGINEERING, ARCHITECTURAL OR OTHER FITNESS OF ANY STRUCTURE, ITS ASSEMBLY OR ANY OF THE MATERIALS LISTED. RIGHT TO FILE LEIN: CUSTOMER ACKNOWLEDGES THAT THE SELLER MAY HAVE THE RIGHT TO FILE A MECHANICS LEIN AGAINST THE PROJECT, AND THAT IT IS THE INTENTION OF THE SELLER TO DO SO IN THE EVENT THE BUYER DOES NOT TIMELY FULFILL ITS FINANCIAL OBLIGATIONS AS STATED IN CONTRACT.

**Proof of
Publication**

**Public Notice
Sellersburg, Indiana
Board of Zoning Appeals/
Plan Commission**

The Board of Zoning Appeals/Plan Commission will meet on the 16th day of July, 2018, 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 applicants, John & Judith Fromme, are requesting a zoning variance to construct a pole barn with the overall dimensions of 36' x 54' at the following commonly known address: 9850 Hwy. 60, Sellersburg, Indiana 47172.

The petition, #072018-001, is available for public review at the Commission of Buildings and Code Enforcement at 316 East Utica Street, Sellersburg, Indiana 47172, between the hours 9 a.m. to 4 pm. 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

**STATE OF INDIANA
COUNTY OF CLARK -SS**

Theresa Wheatbrook on oath says that she is bookkeeper of NEWS AND TRIBUNE and in the employ of the publisher of

NEWS AND TRIBUNE,

a daily newspaper of general circulation printed and published in the city of Jeffersonville, Clark County, State of Indiana, and further says that the annexed advertisement was published in said paper for #(1) time(s) to-wit: In issue of said NEWS AND TRIBUNE
Dated: 07-06 2018

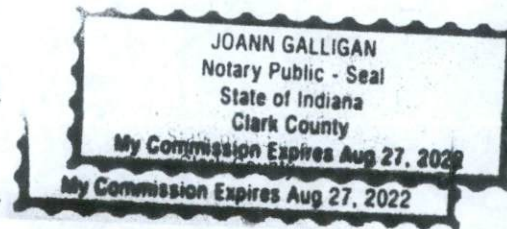
(X) Theresa Wheatbrook

**STATE OF INDIANA
COUNTY OF CLARK**

Subscribed and sworn to before me this

11th day of July 2018

(X) Joann Galligan
Joann Galligan



Notary Public, Clark County, Indiana
(My Commission Expires August 27, 2022)

**Publication
Fee \$ 103.23**

1460478

My Commission Expires Aug 31, 2025
My Commission Expires Aug 31, 2025
State of Indiana
State County
Local # 10000 - 2025
JAMES H. HALLIBAN

**Affidavit of Notice of Public Hearing
Sellersburg, Indiana**



I [we] Judith C. Fromme certify that notice of public hearing to consider
 Petition # 072018-001 pertaining to the Variance request was sent by certified first class
 mail the last known address, as determined by records of the Clark County Auditors, to each of the following
 persons.

OWNER'S NAME	MAILING ADDRESS
Huelsman + Sweeney Construction	1515 St. Joe Rd. EAST Sellersburg, IN 47172
Sprigler Concrete	1409 St. Joe Rd. EAST Sellersburg, IN 47172
Edward R. Hardie	1414 St. Joe Rd. EAST Sellersburg, IN 47172
Pinnacle Properties Development Group, LLC	2916 Amanda Dr. Jeffersonville, IN 47130
David + Karen Graves	9911 Hwy 60 Sellersburg, IN 47172

Attach additional sheets if needed

And that such notice were mailed on the 27th day of June, 2018 being at least 10 days prior to the
 scheduled public hearing and that timely proof of such first certified first class mailing[s] are attached hereto.

Judith C. Fromme _____ 7/6/18 _____
 Applicant, Attorney, or Authorized Signature Date

Judith C. Fromme _____
 Printed name.

State of Indiana)
 County of Clark)

Subscribed and sworn to before me this 6 day of July, 2018

Beeth Coey Jones _____
 Notary Public Resident of Clark County, Indiana

My commission expires: 2/26/22 _____



Paul + Diane Graf
9911 Hwy. 60
Sellersburg, IN 47172

=====

SELLERSBURG
 315 E UTICA ST
 SELLERSBURG
 IN
 47172-9998
 1779530772

06/27/2018 (800)275-8777 2:53 PM

=====

Product Description	Sale Qty	Final Price
First-Class Mail Letter (Domestic) (SELLERSBURG, IN 47172) (Weight:0 Lb 0.20 Oz) (Estimated Delivery Date) (Friday 06/29/2018)	1	\$0.50
Certified (@@USPS Certified Mail #) (70180360000129327948)	1	\$3.45
First-Class Mail Letter (Domestic) (JEFFERSONVILLE, IN 47130) (Weight:0 Lb 0.20 Oz) (Estimated Delivery Date) (Friday 06/29/2018)	1	\$0.50
Certified (@@USPS Certified Mail #) (70180360000129327955)	1	\$3.45
First-Class Mail Letter (Domestic) (SELLERSBURG, IN 47172) (Weight:0 Lb 0.20 Oz) (Estimated Delivery Date) (Friday 06/29/2018)	1	\$0.50
Certified (@@USPS Certified Mail #) (70180360000129327979)	1	\$3.45
First-Class Mail Letter (Domestic) (SELLERSBURG, IN 47172) (Weight:0 Lb 0.20 Oz) (Estimated Delivery Date) (Friday 06/29/2018)	1	\$0.50
Certified (@@USPS Certified Mail #) (70180360000129328006)	1	\$3.45
First-Class Mail Letter (Domestic) (SELLERSBURG, IN 47172) (Weight:0 Lb 0.20 Oz) (Estimated Delivery Date) (Friday 06/29/2018)	1	\$0.50
Certified (@@USPS Certified Mail #) (70180360000129327993)	1	\$3.45
First-Class Mail Letter (Domestic) (SELLERSBURG, IN 47172) (Weight:0 Lb 0.20 Oz) (Estimated Delivery Date) (Friday 06/29/2018)	1	\$0.50
Certified (@@USPS Certified Mail #) (70180360000129327931)	1	\$3.45

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Domestic Mail Only

For delivery information, visit our website at www.usps.com

SELLERSBURG, IN 47172

Certified Mail Fee \$3.45

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.50

Total Postage and Fees \$3.95

Sent To *David + Karen Grimes*

Street and Apt. No., or PO Box No.
9901 Hwy 60

City, State, ZIP+4®
Sellersburg, IN 47172

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



Private Properties Development Group LLC
Traci and Apt. No. or PO Box No.
*2916 Indiana Dr
Jeffersonville, IN 47172*



JEFFERSONVILLE IN 47304 USE

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SELLERSBURG, IN 47172

Certified Mail Fee \$3.45

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.50

Total Postage and Fees \$3.95

Sent To *Paul + Dime Boat*

Street and Apt. No., or PO Box No.
9911 Hwy 60

City, State, ZIP+4®
Sellersburg, IN 47172

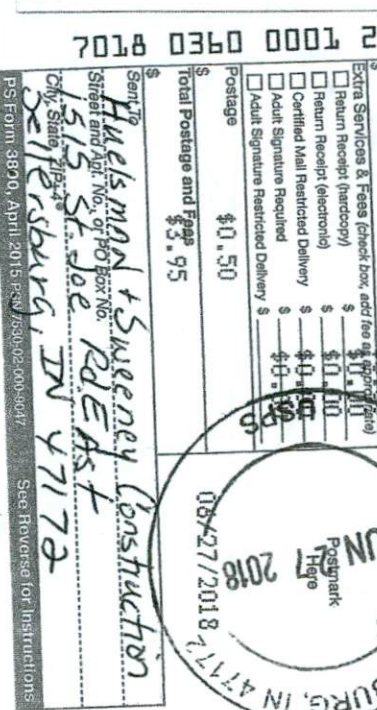
PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



Edward Hardie
Street and Apt. No., or PO Box No.
*1414 St Joe Rd East
Sellersburg, IN 47172*

Huelsman + Sweeney Construction
Street and Apt. No., or PO Box No.
*1515 St Joe Rd East
Sellersburg, IN 47172*



JEFFERSONVILLE IN 47304 USE

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SELLERSBURG, IN 47172

Certified Mail Fee \$3.45

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.50

Total Postage and Fees \$3.95

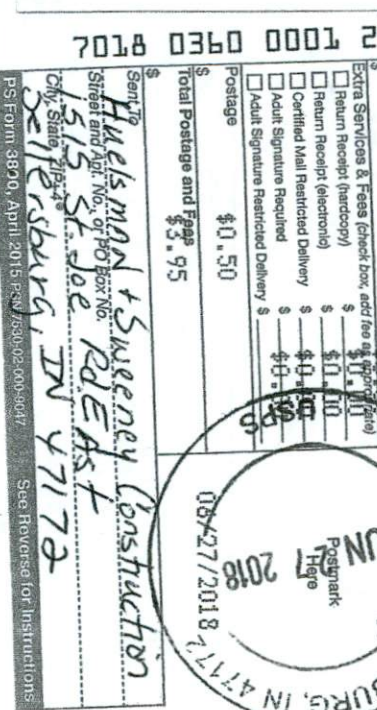
Sent To *Sprigler Concrete*

Street and Apt. No., or PO Box No.
1409 St Joe Road East

City, State, ZIP+4®
Sellersburg, IN 47172

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



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7018 0360 0001 2932 7979

7018 0360 0001 2932 8006

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

Petition #: 0718-001

By Petitioner(s): John D and Judith C. Fromme

Concerning Variance at the address of: 9580 Highway 60, Sellersburg, IN 47172

(3) the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property Charlie Dennis
5 # 0 # 4

Yea 5 Nay 0 Abstain Pass

1. Motion to determine that the variance will not be injurious to the health, safety and welfare of the community. Motion Randy Motley Second Charlie Popp

Yea 5 Nay 0 Abstain Pass

2. Motion to determine that the variance will not have substantial adverse effect on any neighboring or adjacent property owners. Motion Randy Motley Second James Conroy

Yea Nay Abstain Pass

Motion to determine that the need for the requested variance arises from some uncommon condition particular to the property in question and that the variance requested is in otherwise compliance with Town Ordinance 4.3.1(3). Motion _____ Second _____

Yea 5 Nay 0 Abstain Pass

4. Motion to determine that strict application of the Zoning Ordinance will constitute an unnecessary economic hardship on the property owner. (PER SECTION 4.3 ZONING ORDINANCE)
(Not required if the requested relief is a dimensional variance from development standards.) Motion _____ Second _____

Yea 5 Nay 0 Abstain Pass

5. Motion to determine that the variance is the minimum necessary to permit the proposed development, such that the substantial intent and purpose of the ordinance is preserved. (SAME AS ABOVE)
Motion _____ Second _____ Randy Motley.
James Conroy
5-0

Yea Nay Abstain Pass

Motion to approve/not approve the variance based on the overall votes above.
Motion _____ Second _____

The decision of the Sellersburg Board of Zoning Appeals concerning Petition # _____

Approved Denied

Special Conditions:

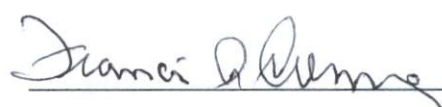
Sellersburg Board Of Zoning Appeals
316 East Utica Street
Sellersburg, Indiana 47172

Signature Page – Petition # 0718-001

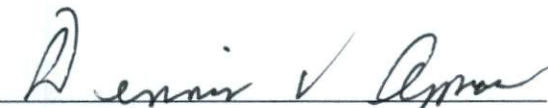
Signed this 16 day of July 2018, _____



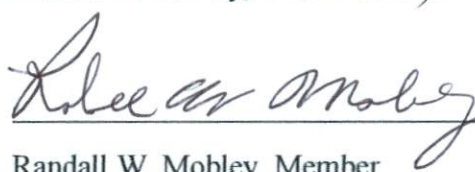
Vincent C. Thacker, Jr., President



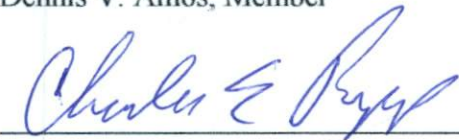
Francis A. Conroy, Vice-President



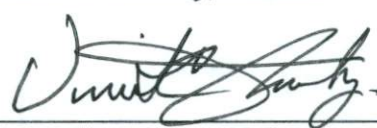
Dennis V. Amos, Member



Randall W. Mobley, Member



Charles E. Popp, Member



Attest:

Finding of Fact

Petition # 0718-001

This petition was approved or denied because:

1. - Away from people -
2. - No Objections from the neighbors - etc.
3. - Large Property
- 4 & 5 - Considered together - BZA TO ASK for Removal

Signed this 16 day of July, 2018, _____



Vincent C. Thacker, Jr., President, BZA

Sellersburg Board of Zoning Appeals

August 20, 2018

The minutes as written are not verbatim from the meeting.

Call to Order:

President Vincent C. Thacker, Jr. called the meeting of the Sellersburg Board of Zoning Appeals to order on August 20, 2018 at 6:00pm at Sellersburg Town Hall, 316 East Utica St.

Roll Call:

Members present: President Vincent C. Thacker, Jr., Members Dennis V. Amos, Charles Popp, and Randall W. Mobley. Also present was BZA attorney Jacob Elder. Vice-President Francis A. Conroy was absent.

Approval of Minutes:

Minutes from the July 16, 2018 meeting was presented for approval. Charles Popp motions to approve the minutes as submitted, seconded by Randall Mobley. 4- aye, 0- nay. Motion is approved unanimously.

Unfinished Business: - None

New Business:

Petition # 0818-001 for variance at 612 E. Utica, Sellersburg, IN 47172

Motion by Dennis Amos and second by Charles Popp to close regular meeting at 6:04pm. 4- aye, 0- nay

Motion by Randall Mobley and second by Charles Popp to open public hearing on Petition # 0818-001 at 6:04pm. 4- aye, 0- nay

Jeff Parrish representing Jeep Construction Co. presented his request for a variance. President Vincent Thacker requested proof that proper notices had been posted. Those documents were provided by Mr. Parrish.

Jeep Construction purchased the property at 612 E. Utica. Mr. Parrish wants to raze the house currently standing on the property and replace it with two duplexes. Since the petition did not specify the actual variance requested, Attorney Jacob Elder asked Mr. Parrish what variance he was requesting. Mr. Parrish responded that he wanted the property zoning to be changed from R1 to R2. Attorney Elder stated that the BZA did not have the authority to change the zoning. Only the Planning Commission could change the zoning. All that the BZA could do was issue a variance. Mr. Parrish then stated he wanted a variance to build two duplexes on the property.

This was followed by significant discussion regarding the variances and what the BZA could actually do. This discussion covered the requirements for issuing the variance, and the fact that even though the variance was approved, Mr. Parrish would still have to build according to the R1 zoning requirements. Mr. Elder suggested the best was a zoning change.

Once the discussion ended, President Thacker asked if anyone in the audience wanted to address the BZA regarding the requested variance. Two individuals raised their hand.

Mr. Christopher Kummer of 616 E. Utica St. stated that he did not want any additional apartments in the area.

Mr. Travis Boling of 622 E. Utica St. stated he has seen a steady decline in property values and believes this project would continue that trend.

Since no one else wanted to speak, President Thacker requested a motion to close the public hearing. Dennis Amos made that motion seconded by Randall Mobley. 4- aye, 0- nay. Public hearing closed at 6:42pm.

President Thacker requested a motion to re-open the regular meeting. Charles Popp made that motion seconded by Dennis Amos. 4- aye, 0- nay. Regular meeting re-opened at 6:42pm.

President Thacker opened up discussion on the petition. Based on the discussion, the Board had two options. Approve the request with stipulations that Mr. Parrish return before the board in the future with requests for any additional variances needed. The second option was to deny the variance request. The Board along with Mr. Elder suggested that Mr. Parrish petition the Planning Commission for a zoning change request on the property. He stated that was his intention.

The Board then took up the petition.

The first motion requested by President Thacker was to determine that the variance will not be injurious to the health, safety, morals and welfare of the community. Randall Mobley made that motion seconded by Dennis Amos. 3-aye 1-nay Motion passed.

The second motion requested by President Thacker was to determine that the variance will not have substantial adverse effect on the use and value of any neighboring or adjacent property owners to the property in the variance. Charles Popp made that motion seconded by Dennis Amos. 2-aye 2-nay Motion failed.

The third motion requested by President Thacker was to determine that the need for the variance does not come from some condition peculiar to the property. Randall Mobley made that motion seconded by Charles Popp. 4-aye 0-nay Motion passed.

The fourth motion requested by President Thacker was to determine that the strict application of the Zoning Ordinance will constitute an unnecessary economic hardship if applied to the property for which the variance is sought. Dennis Amos made that motion seconded by Charles Popp. 4-aye 0-nay Motion passed.

The fifth motion requested by President Thacker was to determine that the variance shall be the minimum necessary to permit the proposed development such that the substantial intent and purpose of the ordinance is preserved. Randall Mobley made that motion seconded by Dennis Amos. 0-aye 4-nay Motion failed.

Due to motion 3 and 5 failing, the Petition 0818-001 is denied.

Findings of facts:

- 1) The petitioner would be required to review additional variances related to R1 zoning and request those.
- 2) Two neighbors of the property raised objections to the petition.
- 3) Having the petitioner make a request to the Sellersburg Planning Commission to rezone to R2 is the best route.
- 4) The petition was denied.

Adjourn:

RANDALL Mobley

Motion to adjourn by Charles Popp. Francis Conroy seconded. Motion approved ⁴~~5~~-aye, 0-nay. Meeting adjourned by President Vincent C Thacker, Jr at 7:20pm.

Vincent C Thacker, Jr.

Vincent C. Thacker, Jr. President

Francis A. Conroy, Vice President

Francis A. Conroy

Randall W. Mobley, Member

Randall W. Mobley

Dennis V. Amos, Member

Charles E Popp

Charles E. Popp, Member

Attest:

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

Petition #: 0818-001

By Petitioner(s): Jeff Parrish aka Jeep Construction Co.

Concerning Variance at the address of: 612 E. Utica, Sellersburg, IN 47172

1. Motion to determine that the variance will not be injurious to the health, safety, morals and the general welfare of the community.
Motion Randall Motley Second Dennis Amos
Yea 3 1 Abstain Pass/Fail-Yes/No yes
2. Motion to determine that the variance will not have substantial adverse effect on the use and value of the any neighboring or adjacent property owners to the property included in the variance.
Motion Charles Popp Second Dennis Amos
Yea 2 2 Abstain Pass/Fail-Yes/No no
3. Motion to determine that the need for the variance arises from some condition peculiar to the property involved.
Motion Randall Motley Second Charles Popp
Yea 4 0 Abstain Pass/Fail-Yes/No yes
4. Motion to determine that 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.
Motion Dennis Amos Second Charles Popp
Yea 4 0 Abstain Pass/Fail-Yes/No yes
5. Motion to determine that 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.
Motion Randall Motley Second Charles Popp
Yea 0 4 Abstain Pass/Fail-Yes/No no

The decision of the Sellersburg Board of Zoning Appeals concerning Petition # 0818-001

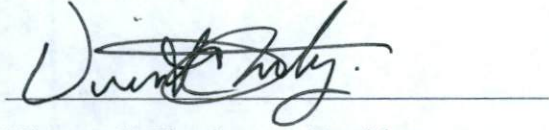
Approved Denied

Special Conditions:

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

Signature Page – Petition # 0818-001

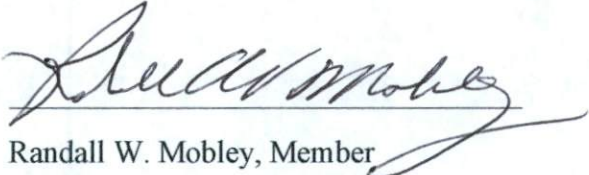
Signed this 20th day of August, 2018



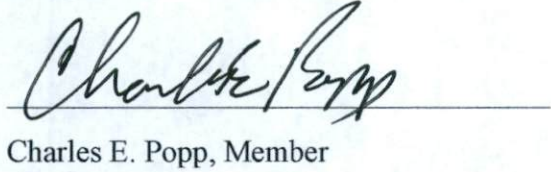
Vincent C. Thacker, Jr., President

Francis A. Conroy, Vice-President

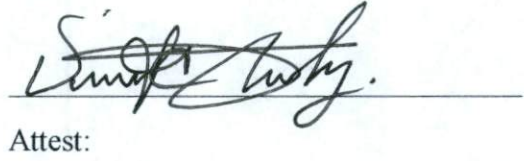
Dennis V. Amos, Member



Randall W. Mobley, Member



Charles E. Popp, Member



Attest:

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

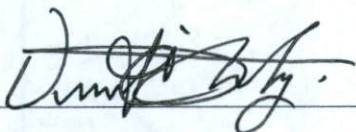
Findings of Facts

Petition # 0818-001

This petition was approved or denied because:

- 1) The petitioner would be required to review additional variances related to R1 zoning and request those.
- 2) Two neighbors of the property raised objections to the petition.
- 3) Having the petitioner make a request to the Sellersburg Planning Commission to rezone to R2 is the best route.
- 4) The petition was denied.

Signed this 20th day of August, 2018



Vincent C. Thacker, Jr., President, BZA



PETITION#: 0818-001
FEE: _____
RECIPT# _____

PETITION

PLEASE PRINT LEGIBLY

SELLERSBURG, INDIANA

PETITION FOR: BOARD OF ZONING APPEALS PLANNING COMMISSION

Name of Applicant: JEEP CONSTRUCTION INC

Applicant's Address: 4810 UPPER RIVER RD

Email Address: PARRISE@ATT.NET

Telephone Number: (H) 1-812-280-7986 Fax Number: (C) 502-295-1591

Date of Application: JULY 1ST Township: SILVER CREEK

Address or Property Subject to This Petition: 612 E UTICA

Grant: _____ or Section: _____ Congressional Township: _____ Range: _____

Municipal Township: _____ Zoning Classification: _____ Subdivision (if applicable): _____

Please Check the Applicable Box:

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

Describe Detailed Use: _____

TEAR DOWN 612 E UTICA AND BUILD (2) DUPLEXS

(ATTACH MORE SHEETS IF NECESSARY)



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: JEFF CONSTRUCTION INC Date: 7/1/18

Applicant's Name (printed): JEFF BARRISH

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.

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):

LOOK AT DRAWING
TO BUILD (2) DUPLEXES EACH
AT 2000 PER BUILDING 40X50

Dated and signed by petitioner(s) in the county of Clark, State of Indiana, this 1 day of JULY, 20 10

JFED Construction INC

Jeff Parrish
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

IN WITNESS WHEREOF, the grantor has hereunto set its hand and seal, this 19th day of April, 2018.

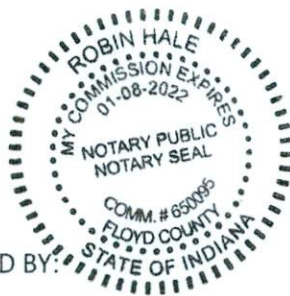
Steve Tackett
The Estate of Joyce A. Tackett
By: Steve Tackett, Co-Personal Representative

Bill Tackett
The Estate of Joyce A. Tackett
By: Bill Tackett, Co-Personal Representative

STATE OF INDIANA
COUNTY OF FLOYD

BEFORE the undersigned, a Notary Public, in and for said County and State, this 19th day of April, 2018, personally appeared Steve Tackett and Bill Tackett as Co-Personal Representatives for the Unsupervised Estate of Joyce A. Tackett, and acknowledged the execution of the above and foregoing WARRANTY DEED.

IN WITNESS WHEREOF, I have hereto subscribed by name and notarial seal.



Robin Hale
NOTARY PUBLIC
RESIDES IN FLOYD COUNTY, INDIANA
MY COMMISSION EXPIRES: 1/8/22

THIS INSTRUMENT PREPARED BY:
CHARLES L. TRIPLETT
711 HIGHLANDER POINT DRIVE
FLOYDS KNOBS, IN 47119
(812) 949-4888

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.

C. Triplett
CHARLES L. TRIPLETT

2
Tackett

File IN18-2037

JULY 1 2018 10:53:51A 2 PGS
SUBJECT TO FINAL ACCEPTANCE
2018-000-139-000-031

201806905 PRD \$25.00
04/23/2018 10:53:51A 2 PGS
Zachary Payne
Clark County Recorder IN
Recorded as Presented



MAIL TAX STATEMENTS TO:

Jeep Construction, INC
4818 Upper River RD
Utica, IN 47130

TAX PARCEL#: 10-17-00-000-139.000-031

Zachary Payne
Recorder, Clark County

PROPERTY ADDRESS:

612 Utica Street
Sellersburg, IN 47172

012 EU TK

PERSONAL REPRESENTATIVES DEED

THIS INDENTURE WITNESSETH, that Steve Tackett and Bill Tackett as Co- Personal Representatives for the Unsupervised Estate of Joyce A. Tackett, (Case No. 10C01-1712-EU-000193), who died on or about November 19, 2017, surviving widow of Earl Tackett, who died on or about May 14, 2006, Grantor

CONVEYS AND WARRANTS

unto Jeep Construction, INC, Grantee, whose mailing address is 4818 Upper River RD, Utica, IN 47130, 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, the real estate in the County of Clark, State of Indiana, described as follows, to wit:

All that certain lot or parcel of land situated in the County of Clark, State of Indiana, and being more particularly described as follows:

Fifty-nine and three tenths feet off the west end of Lots Nos. 1, 2 and 3 in Popp's Addition to the Town of Sellersburg, Silver Creek Township, Clark County, Indiana.


Also the following described real estate in Clark County, State of Indiana, to-wit: The North half of Lot No. 4 in Block No. 1 in Edward Dold and Magdalena Popp's Addition to the Town of Sellersburg, Clark County, Indiana.

Subject to any and all easements and/or restrictions of public record that may apply to the above described real estate.

TO HAVE AND TO HOLD, the same unto said grantee, its successors and/or assigns, in fee simple.

This conveyance is made free and clear of all liens and encumbrances, except the Spring Installment of 2018 taxes payable in 2019, which the grantee, by the acceptance of this deed, assumes and agrees to pay.

*2
Tackett*

201806905 PRD \$25.00
04/23/2018 10:53:51A 2 PGS
Zachary Payne
Clark County Recorder IN
Recorded as Presented


File IN18-2037

NOT FULLY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

APR 23 2018

MAIL TAX STATEMENTS TO:
Jeep Construction, INC
4818 Upper River RD
Utica, IN 47130
TAX PARCEL#: 10-17-00-000-139.000-031

Zachary Payne
Auditor, Clark County

PROPERTY ADDRESS:
612 Utica Street
Sellersburg, IN 47172

012 E UTK

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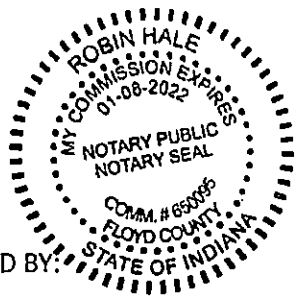
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Robin Hale
NOTARY PUBLIC
RESIDES IN FLOYD COUNTY, INDIANA
MY COMMISSION EXPIRES: 1/8/22

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(812) 949-4888

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C. Triplett
CHARLES L. TRIPLET

Tim Parmenter

From: Shelly Wakefield <s.wakefield@jtleng.com>
Sent: Friday, June 29, 2018 9:21 AM
To: Tim Parmenter
Cc: Michelle Medcalf; Elder Law Office
Subject: RE: Parrish
Attachments: Parrish Site Plan.pdf

702-704
WJL

Good morning Tim

I'm across the way in the Building Office, I'll be over to discuss the proposed project, but thought you might want to read this first.

By my reading of the Sellersburg Zoning Ordinance Mr. Parrish cannot proceed with his proposed project. It appears that several variances would be required. Below I've attempted to outline the areas where variances would be needed. I have included Mr. Elder on this e-mail as well and re-attached the site plan.

Subject Property is zoned R-1, Single Family Residential, Section 2.2 of the Sellersburg Zoning Ordinance
2.2.2.1 Uses Permitted by Right – Single-family detached dwellings.
Duplexes are not permitted.

from R1-R2
Not duplex here

I've searched the Zoning Ordinance and I am not finding where a property is limited to only one principal/primary structure. The Zoning Ordinance defines Principal Structure as: "PRINCIPAL BUILDING." A building in which is conducted the main or principal use of the lot on which the building is affixed. Where an accessory building is attached to the main building in a substantial manner, as with a wall or roof, such accessory building shall be considered part of the main building and shall be counted as a part of the principal building.

Further, variances may be required for 2 primary structures on a single lot.

Section 1.27.2 In R-1 Districts, parking is permitted in the front yard only on paved driveway surfaces.
Section 2.2.3 of the Zoning Ordinance states: Every lot upon which a structure is hereafter erected shall front onto a dedicated street or public right-of-way and shall conform to the following minimum lot area and width requirements. The proposed 2nd 2-family dwelling does not have frontage on dedicated street, but an alley. I don't like to assume, therefore, the plat for the subdivision would need to be checked to make sure the alley is a public right-of-way.

Section 2.2.3 Area (2) non-residential uses appears, if a duplex were to be permitted by variance, the minimum lot area would be 10,000 square feet per dwelling unit, or for one of the duplex unit on the site plan, 20,000 square feet of lot area would be required plus the lot would have to be a minimum of 100 feet in width.
The maximum lot coverage is limited to 35% of the lot and the maximum floor area ratio cannot exceed 0.5.

Shelly

Shelly Wakefield, C.B.O.
Senior Plan Reviewer
Jacobi, Toombs and Lanz
s.wakefield@jtleng.com
(317) 829-3474 – Office

Town of Sellersburg
(Governmental Unit)

Clark County, Indiana

To:
NEWS AND TRIBUNE
221 SPRING STREET
PO BOX 867
JEFFERSONVILLE, IN 47130

PUBLISHER'S CLAIM

Public Notice
Sellersburg, Indiana
Board of Zoning Appeals/
Plan Commission

The Board of Zoning Appeals/Plan Commission will meet on 20 day of August, 2018 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 (2) duplexes at 612 E. Utica Sellersburg IN 47172

At the following commonly known address: 612 E. Utica

The petition is available for public review at the Commission of Buildings and Code Enforcement 316 East Utica 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.

exceed two actual lines, neither of which shall solid lines of the type in which the body of the) -- number of equivalent lines

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in notice

ins wide equals 35 equivalent lines at 4746

ices containing rule or tabular work (50 per cent

\$ 16.61

of publication (\$1.00 for each proof in excess

T OF CLAIM

\$ 16.61

ST in picas.....

Size of type..7.....point.

Number of insertions.....

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper times. The dates of publication being as follows:

8/14/18

- Additionally, the statement checked below is true and correct:

- Newspaper does not have a Web site.
- Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper.
- Newspaper has a Web site, but due to technical problem or error, public notice was posted on
- Newspaper has a Web site but refuses to post the public notice.

Date 8/14/18

Legal Clerk

M. Jean Vauil

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Town of Sellersburg
(Governmental Unit)

Clark County, Indiana

To:
NEWS AND TRIBUNE
221 SPRING STREET
PO BOX 867
JEFFERSONVILLE, IN 47130

PUBLISHER'S CLAIM

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines	.....	.....	35
Body -- number of lines	.....	.....
Tail -- number of lines	.....	.....
Total number of lines in notice	.....	.....	35

COMPUTATION OF CHARGES

35 lines, 1 column wide equals 35 equivalent lines at 4746 cents per line	.....	\$	16.61
Additional charges for notices containing rule or tabular work (50 per cent of above amount)	.....	
Charge for extra proofs of publication (\$1.00 for each proof in excess of two)	.....	
TOTAL AMOUNT OF CLAIM	.....	\$	16.61

DATA FOR COMPUTING COST

Width of single column in picas.....	Size of type: 7 point.
Number of insertions.....	

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- Newspaper has a Web site but refuses to post the public notice.

Date 8/17/18

M. Jean Vantil
Legal Clerk

1471761

Sellersburg Board of Zoning Appeals

The minutes as written are not verbatim from the meeting.

Call to Order:

President Vincent C. Thacker, Jr. called the meeting of the Sellersburg Board of Zoning Appeals to order at 6:00pm at Sellersburg Town Hall, 316 East Utica St on September 17, 2018.

Roll Call:

Members present: President Vincent C. Thacker, Jr., Vice-President Francis A. Conroy, Charles Popp, Randall Mobley. BZA attorney Jake Elder in attendance. Plan Commission president Martina Webster present and takes notes.

Approval of Minutes:

Randall Mobley motions to approve the Aug 20, 2018 meeting minutes, seconded by Charles Popp. Francis Conroy motions to amend the "motion to adjourn" count as 4-0 since Conroy was not present for the Aug 20 meeting. Mobley seconds the amendment. Motion to amend approved 3-0 with Conroy abstaining. Motion to approve amended minutes made by Randall Mobley and seconded by Charles Popp. Motion approved 4- aye, 0- nay.

Unfinished Business:

No unfinished business.

New Business:

8105 Hwy 311 – Coffee Crossing

Motion to close BZA meeting by Mobley, second by Popp at 6:08pm. Approved 4-0. Motion to open public meeting at 6:09pm by Mobley, seconded by Conroy.

- Variance 1: allow 7 front parking spaces.
- Variance 2: drive thru to face Camp Run

Jason Sams presents the variance request. Opening target date December '18 or Jan '19. Estimate 6-8 employees. Brad Amos gives a public comment in favor of the variance. No public comment against.

At 6:29 Charles Popp motions to close public hearing and Conroy seconds. Motion approved 4-0. Randall Mobley motions to reopen BZA meeting at 6:29pm, Popp seconds. Motions passes 4-0.

Findings of Fact:

- 1) Mobley makes a motion that the variances will not be injurious to public health. Popp seconds. Motion approved 4-0.
- 2) Mobley offers a motion that the variances will not have substantial adverse impact on neighbors. Conroy seconds. Motion approved 4-0.
- 3) Conroy motions that the strict application of zoning ordinances will result in practical difficulty in use of property. Mobley seconds. Motion passes 4-0.

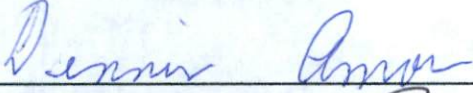
Attorney Jake Elder requests an addition to the Oct 15 BZA meeting regarding a use exception appeal form and development standard.

Adjourn:

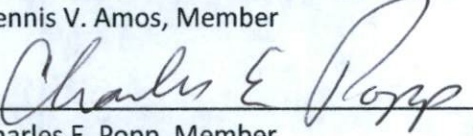
Motion to adjourn by Francis Conroy. Charles Popp seconded. Motion approved 4-aye, 0-nay. Meeting adjourned by President Vincent C Thacker, Jr at 6:45pm.



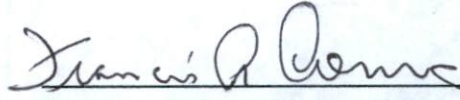
Vincent C. Thacker, Jr. President



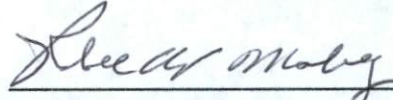
Dennis V. Amos, Member



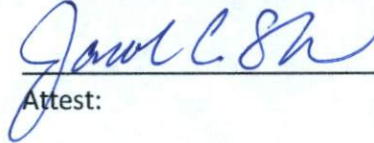
Charles E. Popp, Member



Francis A. Conroy, Vice President



Randall W. Mobley, Member



Attest:

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

Petition #: 0918-001

By Petitioner(s): Jason Sams w/ ARC

Concerning Variance at the address of: 8105 Hwy 311, Sellersburg, IN 47172

① Motion to determine that the variance will not be injurious to the health, safety, morals and the general welfare of the community.

Motion Randall Mobley Second Charles Papp

Yea 4 Nay 0 Abstain Pass/Fail-Yes/No Pass

② Motion to determine that the variance will not have substantial adverse effect on the use and value of the any neighboring or adjacent property owners to the property included in the variance.

Motion Randall Mobley Second Francis Conway

Yea 4 Nay 0 Abstain Pass/Fail-Yes/No Pass

~~X~~ Motion to determine that the need for the variance arises from some condition peculiar to the property involved.

Motion _____ Second _____

Yea Nay Abstain Pass/Fail-Yes/No _____

④ Motion to determine that the strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

Motion Francis Conway Second Randall Mobley

Yea 4 Nay 0 Abstain Pass/Fail-Yes/No Pass

~~X~~ Motion to determine that 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.

Motion _____ Second _____

Yea Nay Abstain Pass/Fail-Yes/No _____

The decision of the Sellersburg Board of Zoning Appeals concerning Petition # 0918-001

Approved Denied

Special Conditions:

NONE



PETITION#: 0918-001
FEE: _____
RECIPT# _____

PETITION

PLEASE PRINT LEGIBLY

SELLERSBURG, INDIANA

PETITION FOR:

BOARD OF ZONING APPEALS

PLANNING COMMISSION

Name of Applicant: Jason Sams w/ ARC
Applicant's Address: 1517 Fabricon Blvd - Jeffersonville, IN 47130
Email Address: jsams@arcon.net
Telephone Number: 502.599.5572 Fax Number: 812.285.1941
Date of Application: 8.31.18 Township: Sellersburg
Address or Property Subject to This Petition: 8105 Hwy 311 - Sellersburg IN 47172

Grant: _____ or Section: _____ Congressional Township: _____ Range: _____
Municipal Township: Sellersburg Zoning Classification: _____
PUD / TIFF District Subdivision (if applicable): NA

Please Check the Applicable Box:

Amendment to the Official
Zoning Maps of Sellersburg

Variance to the Zoning
Ordinance of Sellersburg

Special Exception as Required by the
Zoning Ordinance of Sellersburg

Other

Describe Detailed Use: Proposed Coffee Crossing (Coffee Shop Free Standing)
and related drive-through and 19 parking spaces.

(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):

1. Variance to allow 7 parking spaces along the front of the building
per TIF District Master Plan PUD ordinance section 5.5 "parking standards"
2. Variance to allow a Drive-Through Window Along Camp Run Blvd.
per TIF District Master Plan PUD ordinance section 17.2.c "Community
Commercial Drive-Through Standards"

Dated and signed by petitioner(s) in the county of Clark, State of Indiana, this 31 day of August, 2018

Jason Sams VP / Development for
ARC-Sburg, LLC

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: _____

Date: _____

8.31.18

Applicant's Name (printed): _____

Jason Sams

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:

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**Affidavit of Notice of Public Hearing
Sellersburg, Indiana**



I [we] ARC-Sburg, LLC certify that notice of public hearing to consider
 Petition # 0918-001 pertaining to the Variances was sent by certified first class
 mail the last known address, as determined by records of the Clark County Auditors, to each of the following
 persons.

OWNER'S NAME	MAILING ADDRESS
Sprigler Family Limited Partnership	214 E Elm Street New Albany, In 47150
Jessica Chia Ti Wang	303 Golf Ridge Lane Madison, In 47250
Floyd H & Mazie W Hecker	8009 Highway 311 Sellersburg, In 47172
William E Coons	8010 Hwy 311 Sellersburg, In 47172
Ivy Tech Community College Indiana State Police Department	50 West Fall Creek Pkwy Nrth D Indianapolis, In 46208 8014 Highway 311, Sellersburg, IN 47172

Attach additional sheets if needed

And that such notice were mailed on the 6 day of September, 2018 being at least 10 days prior to the
 scheduled public hearing and that timely proof of such first certified first class mailing[s] are attached hereto.

[Handwritten Signature]

9.6.18

Applicant, Attorney, or Authorized Signature

Date

Jason Sams VP/DEVELOPMENT FOR ARC-SBURG LLC

Printed name.

State of Indiana)

County of Clark)

Subscribed and sworn to before me this 6th day of September, 2018

Fairy B Pearce
 Notary Public Resident of Clark County, Indiana

My commission expires: Harrison 9/7/2024



PAUL PRIMAVERA & ASSOCIATES
Registered Engineers and Land Surveyors

ARC S-burg, LLC
TRACT #1

The following is a legal description prepared this 12th day of June, 2018, of real property being a part of Survey #108 and #110 of the Illinois Grant, Silver Creek Township, Clark County, Indiana, more particularly described as follows:
Commencing at a brass capped stone at the North corner of Survey #108; thence along the Northeast line of said Survey #108 South $34^{\circ} 56' 59''$ East 826.60 feet to the North line of that property conveyed to Floyd H. Hecker and Mazie W. Hecker in Deed Drawer 21, Instrument #13034; thence along said North line South $55^{\circ} 54' 56''$ West 207.56 feet to a stone; thence South $34^{\circ} 55' 38''$ East 596.44 feet to a #5 reinforcing bar with a yellow plastic cap stamped "Primavera & Assoc. #0049", hereinafter this type of monument is referred to as a capped reinforcing bar; thence along the South line of Hecker North $31^{\circ} 07' 08''$ East 66.73 feet to Northeast line of Camp Run Commons Boulevard and the point of beginning; thence continuing North $31^{\circ} 07' 08''$ East 160.71 feet; thence North $18^{\circ} 04' 02''$ East 117.50 feet; thence South $34^{\circ} 12' 31''$ East 402.41 feet to the Westerly right-of-way of Charlestown Road; thence along said right-of-way South $14^{\circ} 31' 55''$ West 99.90 feet to the Northeast right-of-way line of Camp Run Commons Boulevard; thence along said right-of-way as follows: North $75^{\circ} 27' 06''$ West 76.66 feet; thence along a tangent curve to the right (said curve having a radius of 461.50 feet, a chord bearing North $56^{\circ} 51' 14''$ West, and a chord length of 294.37 feet) a distance of 299.60 feet to the point of beginning, containing 1.654 Acres, more or less.

Being subject to all easements, restrictions, and rights-of-way of record.



September 6, 2018

Dear First Tier Adjoining Property Owners and Town of Sellersburg:

**Re: Proposed Variance(s) Request for Coffee Crossing Located at
8105 Highway 311, Sellersburg, IN 47172**

We (arc) the developers are writing to notify you of a Board of Zoning Appeals Public Hearing to discuss the following variance request:

1. A variance to allow 7 parking spaces along the front of the proposed building per the TIF District Master Plan PUD ordinance section 5.5 "Parking Standards."
2. A Variance to allow a Drive-Through Window along Camp Run Boulevard per the TIF District Master Plan PUD ordinance section 17.2.c "Community Commercial Drive-Through Standards."

The Board of Zoning Appeals Public Hearing will be held on **Monday, September 17th at 6:00 p.m.** at **Sellersburg Town Hall Council Chambers** located at **316 East Utica Street, Sellersburg, Indiana 47172.**

We look forward to working with you and providing a good addition to the neighborhood. If you cannot attend the public hearing but have questions or comments, please contact me at 502.599.5572 or jsams@arccon.net as necessary.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Sams".

Jason Sams
VP / Development

**Proof of
Publication**

**Public Notice
Sellersburg, Indiana
Board of Zoning Appeals/Plan
Commission**

The Board of Zoning Appeals/
Plan Commission will meet on
17 day of September, 2018 at 6:00
p.m. at the East Ulica Street Sell-
ersburg, Indiana 47172 for the
purpose of holding a public hearing
and acting on the following:

Requested Action: The applicant
is requesting a Variance to allow
7 parking spaces along the front of
the building per TIF District Master
Plan PUD ordinance section 5.5
"parking standards" and Variance to
allow a Drive-through Window along
Camp Run Blvd. per TIF District
manager Plan PUD ordinance sec-
tion 17.2.c "Community commercial
Drive-Through Standards."

At the following commonly known
address: 8105 Hwy 311 -
Sellersburg In 47172.

The petition is available for public
review at the Commission of
Buildings and Code Enforcement
316 East Ulica Street Sellersburg,
Indiana 47172 between the hours
9 am to 4 pm. 10 days prior to the
meeting.

Interested persons desiring to
present comments either in writing
or verbally will be given the opportu-
nity to be heard at the
aforementioned time and place.
Written objections 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

**STATE OF INDIANA
COUNTY OF CLARK -SS**

Theresa Wheatbrook on oath says that she is
bookkeeper of NEWS AND TRIBUNE and in
the employ of the publisher of

NEWS AND TRIBUNE,

a daily newspaper of general circulation printed and
published in the city of Jeffersonville, Clark County,
State of Indiana, and further says that the annexed
advertisement was published in said paper for
#(1) time(s) to-wit: In issue of said NEWS AND TRIBUNE

Dated: 09-07 2018

(X) *Theresa Wheatbrook*

**STATE OF INDIANA
COUNTY OF CLARK**

Subscribed and sworn to before me this

11TH day of September 2018

(X) *Joann Galligan*
Joann Galligan



Notary Public, Clark County, Indiana
(My Commission Expires August 27, 2022
Commission Number 655965

**Publication
Fee \$ 119.97**

1478780

INDIANA MEDIA GROUP
PO BOX 607
GREENSBURG IN 47240-0607
(877)253-7755

ORDER CONFIRMATION

Salesperson: GINGER BAXTER

Printed at 09/05/18 10:10 by jvarb

Acct #: 184354

Ad #: 1478780

Status: N

ARC CONSTRUCTION MGMT.
1517 FABRICON BLVD
JEFFERSONVILLE IN 47130

Start: 09/07/2018 Stop: 09/07/2018
Times Ord: 1 Times Run: ***
LEG 1.00 X 43.00 Words: 209
Total LEG 43.00
Class: 105 PUBLIC NOTICES
Rate: LMIS1 Cost: 119.97
Affidavits: 1

Contact:

Phone: (812)285-1940

Fax#:

Email:

Agency:

Ad Descrpt: PUBLIC NOTICE SELLERSBUR
Given by: *
Created: jvarb 09/04/18 11:56
Last Changed: jvarb 09/04/18 12:07

PUB	ZONE	EDT	TP	START	INS	STOP	SMTWTFS
JEFF	JEF	95	S	09/07			
JNOL	JEF	95	S	09/07			

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type)

Name (signature)

(CONTINUED ON NEXT PAGE)

INDIANA MEDIA GROUP
PO BOX 607
GREENSBURG IN 47240-0607
(877) 253-7755

ORDER CONFIRMATION (CONTINUED)

Salesperson: GINGER BAXTER

Printed at 09/05/18 10:10 by jvarb

Acct #: 184354

Ad #: 1478780

Status: N

Public Notice
Sellersburg, Indiana
Board of Zoning Appeals/Plan
Commission

The Board of Zoning Appeals/
Plan Commission will meet on
17 day of September, 2018 at 6:00
p.m. at the East Utica Street Sell-
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tion 17.2.c "Community commercial
Drive-Through Standards."

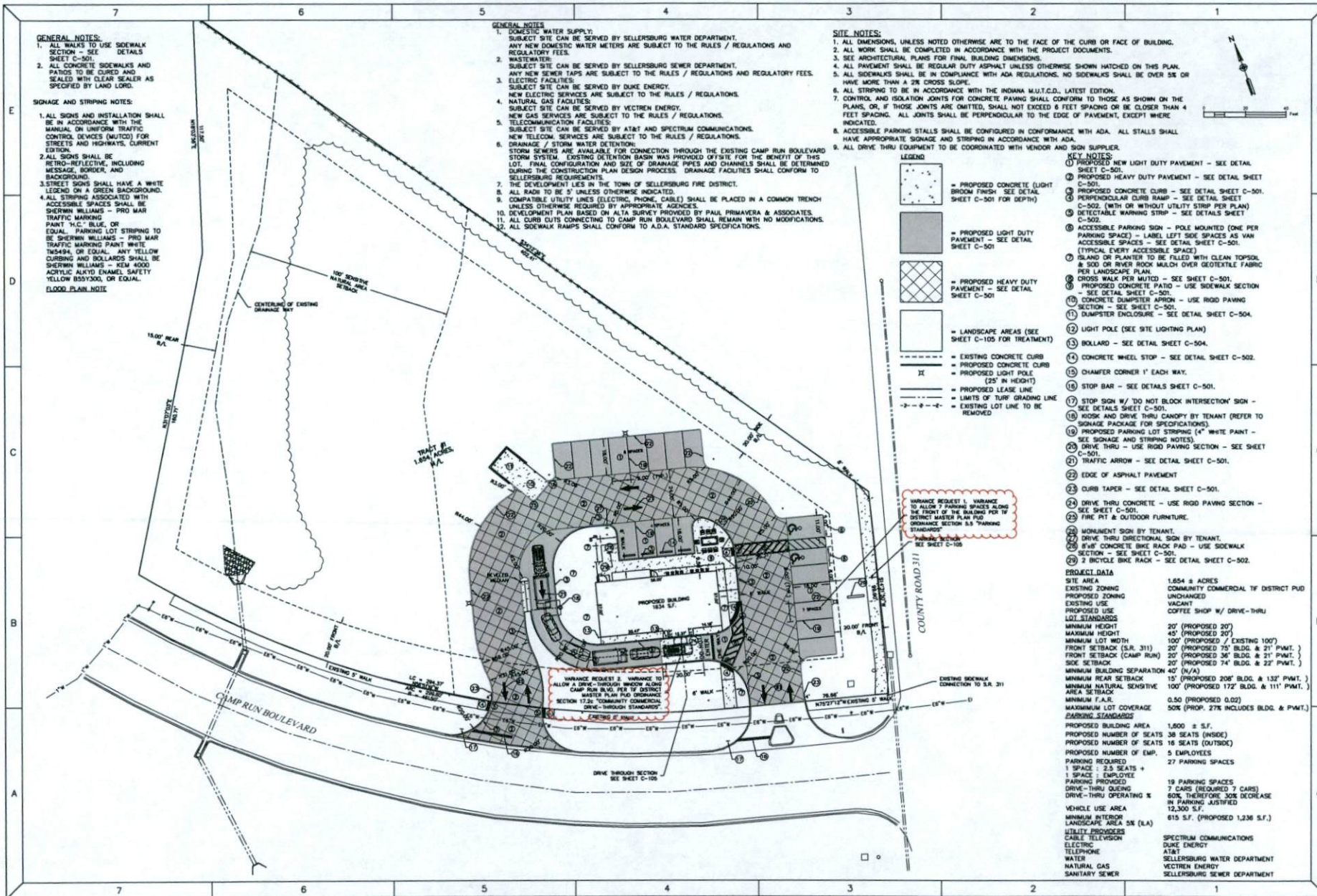
At the following commonly known
address: 8105 Hwy 311 -
Sellersburg In 47172.

The petition is available for public
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Buildings and Code Enforcement
316 East Utica Street Sellersburg,
Indiana 47172 between the hours
9 am to 4 pm. 10 days prior to the
meeting.

Interested persons desiring to
present comments either in writing
or verbally will be given the opportu-
nity to be heard at the
aforementioned time and place.
Written objections 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



Public Notice : Variance
To whom it may concern:
Please consider this notice of a public hearing of the Zoning Appeals Board of the Town of Seabrook. A public hearing has been scheduled for 9-17-18 at 6:00 PM in the Seabrook Town Hall building at 316 East Ulica Street.



GENERAL NOTES:
 1. ALL WALKS TO USE SIDEWALK SECTION - SEE DETAILS SHEET C-501.
 2. ALL CONCRETE SIDEWALKS AND PATHS TO BE CURED AND SEALED WITH CLEAR SEALER AS SPECIFIED BY LAND LORD.

SIGNAGE AND STRIPING NOTES:

1. ALL SIGNS AND INSTALLATION SHALL BE IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) FOR STREETS AND HIGHWAYS, CURRENT EDITION.
2. ALL SIGNS SHALL BE RETRO-REFLECTIVE, INCLUDING MESSAGE, BORDER, AND BACKGROUND.
3. STREET SIGNS SHALL HAVE A WHITE LEGEND ON A GREEN BACKGROUND.
4. ALL STRIPING ASSOCIATED WITH ACCESSIBLE SPACES SHALL BE SHERWIN WILLIAMS - PRO MAR TRAFFIC MARKING PAINT "H.C." BLUE, OR EQUAL. PARKING LOT STRIPING TO BE SHERWIN WILLIAMS - PRO MAR TRAFFIC MARKING PAINT WHITE 704549 OR EQUAL. ANY YELLOW CURBING AND BOLLARDS SHALL BE SHERWIN WILLIAMS - KEM 4000 ACRYLIC ALKYL ENAMEL SAFETY YELLOW 855300, OR EQUAL.

FLOOD PLAIN NOTE

GENERAL NOTES:

1. DOMESTIC WATER SUPPLY: SUBJECT SITE CAN BE SERVED BY SELLERSBURG WATER DEPARTMENT. ANY NEW DOMESTIC WATER METERS ARE SUBJECT TO THE RULES / REGULATIONS AND REGULATORY FEES.
2. WASTEWATER: SUBJECT SITE CAN BE SERVED BY SELLERSBURG SEWER DEPARTMENT. ANY NEW SEWER TAPS ARE SUBJECT TO THE RULES / REGULATIONS AND REGULATORY FEES.
3. ELECTRIC FACILITIES: SUBJECT SITE CAN BE SERVED BY DUKE ENERGY. NEW ELECTRIC SERVICES ARE SUBJECT TO THE RULES / REGULATIONS.
4. NATURAL GAS FACILITIES: SUBJECT SITE CAN BE SERVED BY VECTREN ENERGY.
5. TELECOMMUNICATION FACILITIES: NEW TELECOM SERVICES ARE SUBJECT TO THE RULES / REGULATIONS.
6. DRAINAGE / STORM WATER DETENTION: STORM SEWERS ARE AVAILABLE FOR CONNECTION THROUGH THE EXISTING CAMP RUN BOULEVARD STORM SYSTEM. EXISTING DETENTION BASIN WAS PROVIDED OFFSITE FOR THE BENEFIT OF THIS LOT. FINAL CONFIGURATION AND SIZE OF DRAINAGE PIPES AND CHANNELS SHALL BE DETERMINED DURING THE CONSTRUCTION PLAN DESIGN PROCESS. DRAINAGE FACILITIES SHALL CONFORM TO SELLERSBURG REQUIREMENTS.
7. THE DEVELOPMENT LIES IN THE TOWN OF SELLERSBURG FIRE DISTRICT.
8. ALL RAMP TO BE 5' UNLESS OTHERWISE INDICATED.
9. COMPATIBLE UTILITY LINES (ELECTRIC, PHONE, CABLE) SHALL BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE REQUIRED BY APPROPRIATE AGENCIES.
10. DEVELOPMENT PLAN BASED ON ALTA SURVEY PROVIDED BY PAUL PRIMAVERA & ASSOCIATES.
11. ALL CURB CUTS CONNECTING TO CAMP RUN BOULEVARD SHALL REMAIN WITH NO MODIFICATIONS.
12. ALL SIDEWALK RAMPS SHALL CONFORM TO A.D.A. STANDARD SPECIFICATIONS.

SITE NOTES:

1. ALL DIMENSIONS, UNLESS NOTED OTHERWISE ARE TO THE FACE OF THE CURB OR FACE OF BUILDING.
2. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE PROJECT DOCUMENTS.
3. SEE ARCHITECTURAL PLANS FOR FINAL BUILDING DIMENSIONS.
4. ALL PAVEMENT SHALL BE REGULAR DUTY ASPHALT UNLESS OTHERWISE SHOWN HATCHED ON THIS PLAN.
5. ALL SIDEWALKS SHALL BE IN COMPLIANCE WITH ADA REGULATIONS. NO SIDEWALKS SHALL BE OVER 5/8" OR HAVE MORE THAN A 2% CROSS SLOPE.
6. ALL STRIPING TO BE IN ACCORDANCE WITH THE INDIANA M.U.T.C.D., LATEST EDITION.
7. CONTROL AND ISOLATION JOINTS FOR CONCRETE PAVING SHALL CONFORM TO THOSE AS SHOWN ON THE PLANS, OR, IF THOSE JOINTS ARE OMITTED, SHALL NOT EXCEED 6 FEET SPACING OR BE CLOSER THAN 4 FEET SPACING. ALL JOINTS SHALL BE PERPENDICULAR TO THE EDGE OF PAVEMENT, EXCEPT WHERE INDICATED.
8. ACCESSIBLE PARKING STALLS SHALL BE CONFIGURED IN CONFORMANCE WITH ADA. ALL STALLS SHALL HAVE APPROPRIATE SIGNAGE AND STRIPING IN ACCORDANCE WITH ADA.
9. ALL DRIVE THRU EQUIPMENT TO BE COORDINATED WITH VENDOR AND SIGN SUPPLIER.

LEGEND:

- [Pattern] = PROPOSED CONCRETE (LIGHT BROOM FINISH SEE DETAIL SHEET C-501 FOR DEPTH)
- [Pattern] = PROPOSED LIGHT DUTY PAVEMENT - SEE DETAIL SHEET C-501
- [Pattern] = PROPOSED HEAVY DUTY PAVEMENT - SEE DETAIL SHEET C-501
- [Pattern] = LANDSCAPE AREAS (SEE SHEET C-105 FOR TREATMENT)
- [Line] = EXISTING CONCRETE CURB
- [Line] = PROPOSED CONCRETE CURB
- [Line] = PROPOSED LIGHT POLE (25' IN HEIGHT)
- [Line] = PROPOSED LEASE LINE
- [Line] = LIMITS OF TURF GRADING LINE
- [Line] = EXISTING LOT LINE TO BE REMOVED

VARIANCE REQUEST 1, VARIANCE TO ALLOW 7 PARKING SPACES IN FRONT OF THE BUILDING FOR TRUCK SERVICE BLDG. PUD ORDNANCE SECTION 8.8 "PARKING STANDARDS" SEE SHEET D-105

PROJECT DATA

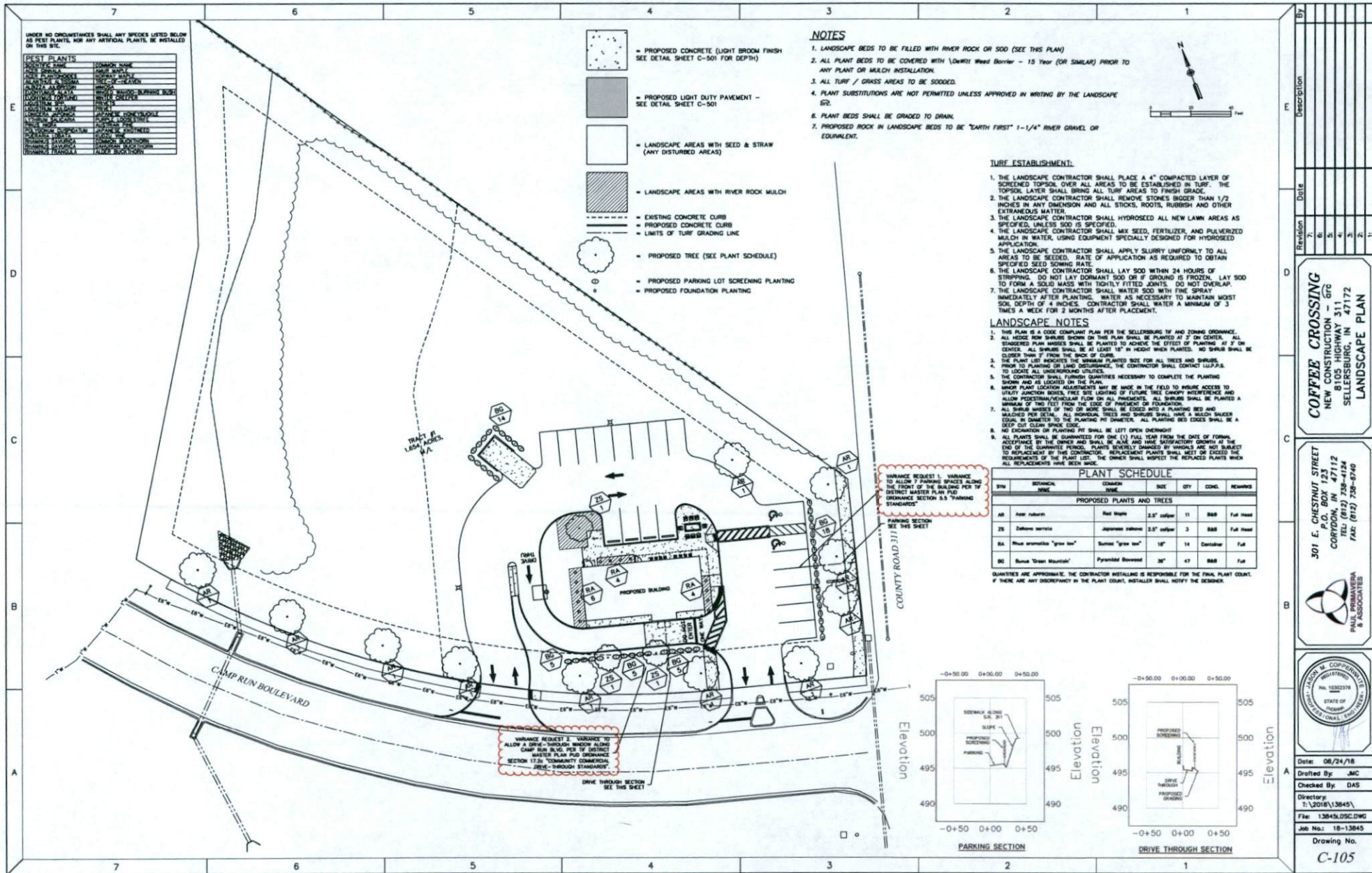
SITE AREA	1.654 ± ACRES
EXISTING ZONING	COMMUNITY COMMERCIAL TR DISTRICT PUD
PROPOSED ZONING	UNCHANGED
EXISTING USE	VACANT
PROPOSED USE	COFFEE SHOP W/ DRIVE-THRU
PROPOSED USE LOT STANDARDS	
MINIMUM HEIGHT	20' (PROPOSED 20')
MAXIMUM HEIGHT	45' (PROPOSED 20')
MINIMUM LOT WIDTH	100' (PROPOSED / EXISTING 100')
FRONT SETBACK (S.R. 311)	20' (PROPOSED 75' BLDG. & 21' PWT.)
FRONT SETBACK (CAMP RUN)	20' (PROPOSED 36' BLDG. & 21' PWT.)
SIDE SETBACK	20' (PROPOSED 74' BLDG. & 22' PWT.)
MINIMUM BUILDING SEPARATION	40' (N/A)
MINIMUM REAR SETBACK	15' (PROPOSED 208' BLDG. & 132' PWT.)
MINIMUM NATURAL SEPARATION AREA SETBACK	100' (PROPOSED 172' BLDG. & 111' PWT.)
MINIMUM F.A.S.	0.50 (PROPOSED 0.02)
MAXIMUM LOT COVERAGE	50% (PROP. 27% INCLUDES BLDG. & PWT.)
PARKING STANDARDS	
PROPOSED BUILDING AREA	1,600 ± S.F.
PROPOSED NUMBER OF SEATS	38 SEATS (INSIDE)
PROPOSED NUMBER OF SEATS	16 SEATS (OUTSIDE)
PROPOSED NUMBER OF EMP.	5 EMPLOYEES
PARKING REQUIRED	27 PARKING SPACES
1 SPACE = 2.5 SEATS + 1 SPACE = EMPLOYEE	
PARKING PROVIDED	19 PARKING SPACES
DRIVE-THRU QUEING	7 CARS (REQUIRED 7 CARS)
DRIVE-THRU OPERATING	60%, THEREFORE 50% DECREASE IN PARKING JUSTIFIED
VEHICLE USE AREA	12,300 S.F.
MINIMUM INTERIOR LANDSCAPE AREA 5% (LA)	615 S.F. (PROPOSED 1,236 S.F.)
UTILITY PROVIDERS	
CABLE TELEVISION	SPECTRUM COMMUNICATIONS
ELECTRIC	DUKE ENERGY
TELEPHONE	AT&T
WATER	SELLERSBURG WATER DEPARTMENT
NATURAL GAS	VECTREN ENERGY
SANITARY SEWER	SELLERSBURG WATER DEPARTMENT

COFFEE CROSSING
 NEW CONSTRUCTION - 676
 8105 HIGHWAY 311
 SELLERSBURG, IN 47172
PROPOSED SITE

301 E. CHESTNUT STREET
 P.O. BOX 123
 CORTDON, IN 47112
 TEL: (815) 758-8748
 FAX: (815) 758-8746

PAUL PRIMAVERA & ASSOCIATES

DATE: 08/24/18
 DRAFTED BY: JMC
 CHECKED BY: DAS
 DIRECTORY: 1-202-818-13845
 FILE: 13845SITE.DWG
 JOB NO.: 18-13845
 DRAWING NO.: C-102



COFFEE CROSSING
NEW CONSTRUCTION - 676
8105 HIGHWAY 311
SELLSBURG, IN 47172
LANDSCAPE PLAN

301 E. CHESTNUT STREET
P.O. BOX 123
CORYDON, IN 47112
TEL: (812) 738-4724
FAX: (812) 738-6746

PLANNED BY
P. & ASSOCIATES

DATE: 06/24/18
DRAWN BY: JAC
CHECKED BY: DAS
DIRECTOR: T. LORR (13845)
FILE: 13845.DWG
JOB NO.: 18-13845
DRAWING NO.: C-105



September 6, 2018

Dear First Tier Adjoining Property Owners and Town of Sellersburg:

**Re: Proposed Variance(s) Request for Coffee Crossing Located at
8105 Highway 311, Sellersburg, IN 47172**

We (arc) the developers are writing to notify you of a Board of Zoning Appeals Public Hearing to discuss the following variance request:

1. A variance to allow 7 parking spaces along the front of the proposed building per the TIF District Master Plan PUD ordinance section 5.5 "Parking Standards."
2. A Variance to allow a Drive-Through Window along Camp Run Boulevard per the TIF District Master Plan PUD ordinance section 17.2.c "Community Commercial Drive-Through Standards."

The Board of Zoning Appeals Public Hearing will be held on **Monday, September 17th at 6:00 p.m.** at **Sellersburg Town Hall Council Chambers** located at **316 East Utica Street, Sellersburg, Indiana 47172.**

We look forward to working with you and providing a good addition to the neighborhood. If you cannot attend the public hearing but have questions or comments, please contact me at 502.599.5572 or jsams@arcon.net as necessary.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Sams", written over a series of faint, parallel lines that extend across the bottom of the page.

Jason Sams
VP / Development

Sellersburg Board of Zoning Appeals

The minutes as written are not verbatim from the meeting.

Call to Order:

President Vincent C. Thacker, Jr. called the meeting of the Sellersburg Board of Zoning Appeals to order at 6:00pm at Sellersburg Town Hall, 316 East Utica St on October 15, 2018.

Roll Call:

Members present: President Vincent C. Thacker, Jr., Vice-President Francis A. Conroy, members Charles Popp, Randall Mobley and Dennis Amos. BZA attorney Jake Elder in attendance.

Approval of Minutes:

Francis Conroy motions to approve the September 17, 2018 meeting minutes, seconded by Dennis Amos. Motion approved 5 - aye, 0 - nay.

Unfinished Business:

No unfinished business.

New Business:

Board of Zoning Appeals Administrative Procedures

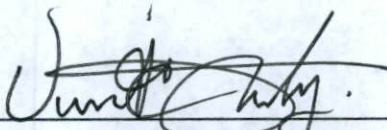
BZA Attorney Jake Elder presented copies of proposed Board of Zoning Appeals Development Standards Variance and Board of Zoning Appeals Use Variance documents to be considered for approval as required administrative procedures. These procedures define all the requirements for the variance applications and notifications for the variances that can be requested for property located in the Town of Sellersburg.

There was general discussion among the Board Members and Mr. Elder. Several questions were asked and answers provided. While the new procedures are moving the processes in a good direction, there is still clarification on specific items in the documents. For example, who is responsible for posting signs, adjacent property owner notifications and newspaper advertising?

Mr. Elder will prepare additional information and procedures for consideration. Mr. Thacker will investigate signage availability. Motion to table subject to next meeting by Charles Popp seconded by Francis Conroy. Motion approved 5-aye, 0- nay.

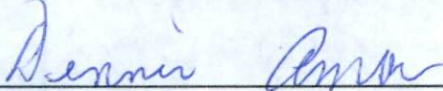
Adjourn:

Motion to adjourn by Randall Mobley seconded by Francis Conroy. Motion approved 5-aye, 0-nay. Meeting adjourned by President Vincent C Thacker, Jr at 6:23pm.

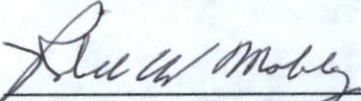


Vincent C. Thacker, Jr. President

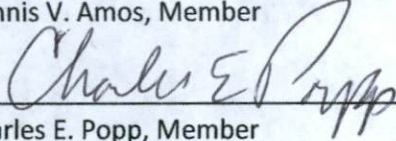
Francis A. Conroy, Vice President



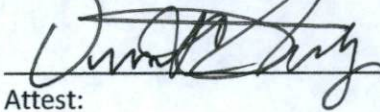
Dennis V. Amos, Member



Randall W. Mobley, Member



Charles E. Popp, Member



Attest:

Sellersburg Board of Zoning Appeals

The minutes as written are not verbatim from the meeting.

Call to Order:

President Vincent C. Thacker, Jr. called the meeting of the Sellersburg Board of Zoning Appeals to order at 6:00pm at Sellersburg Town Hall, 316 East Utica St on November 19th, 2018.

Roll Call:

Members present: President Vincent C. Thacker, Jr., Charles Popp, Randall Mobley & Dennis Amos. BZA attorney Jake Elder in attendance. Plan Commission president Martina Webster present and takes notes.

Approval of Minutes:

Randall Mobley motions to approve the Oct 15, 2018 meeting minutes, seconded by Charles Popp. Motion approved 4-aye, 0- nay.

Unfinished Business:

BZA appeals procedures

Motion to table appeals procedures by Charles Popp. Seconded by Dennis Amos. Motion approved 4 aye- 0 nay.

New Business:

Petition 1018-001 401 N Indiana requesting use variance for business Cloud 9. Currently zoned R-1. Attorney Jake Elder confirms the petitioner sent out notices to adjacent property owners.

Motion to close BZA meeting by Mobley, second by Amos at 6:04pm. Approved 4-0. Motion to open public meeting at 6:05pm by Popp, seconded by Mobley. Motion approved 4 aye- 0 nay.

Petitioner advises they purchased the property Sept 1, 2018. Parcel is surrounded by business or rental property. The petitioners have all required permits.

At 6:19 Randall Mobley motions to close public hearing and Amos seconds. Motion approved 4-0. Randall Mobley motions to reopen BZA meeting at 6:20pm, Popp seconds. Motion passes 4-0.

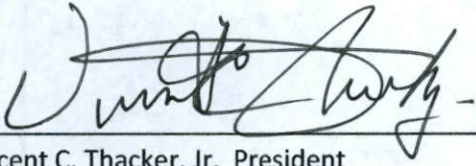
Findings of Fact per IC 36-7-4:

- 1) Popp makes a motion that the variances will not be injurious to public health. Amos seconds. Motion approved 4-0.
- 2) Mobley offers a motion that the variances will not have substantial adverse impact on neighbors. Popp seconds. Motion approved 4-0.
- 3) Mobley makes a motion that the need for a variance arises because of a peculiar facet of the parcel. Amos seconds. Motion approved 4 aye- 0 nay.
- 4) Popp motions that the strict application of zoning ordinances will restrict the use of the property. Amos seconds. Motion passes 4-0.
- 5) Mobley motions that approval of the variance does not substantially conflict with the comprehensive plan. Seconded by Popp. Motion approved 4 aye- 0 nay.

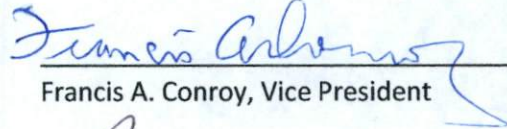
Petition 1018-001 approved with the special condition that the variance is granted for this massage business (Cloud 9) only.

Adjourn:

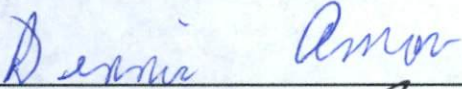
Motion to adjourn by Dennis Amos. Charles Popp seconded. Motion approved 4-aye, 0-nay. Meeting adjourned by President Vincent C Thacker, Jr at 6:35pm.



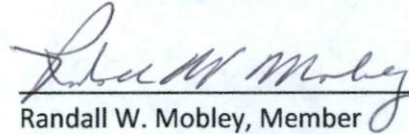
Vincent C. Thacker, Jr. President



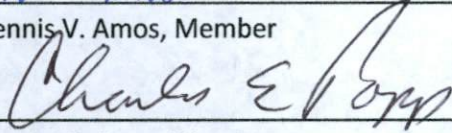
Francis A. Conroy, Vice President



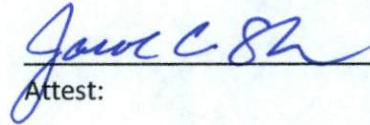
Dennis V. Amos, Member



Randall W. Mobley, Member



Charles E. Popp, Member



Attest:

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

Petition #: 1018-001

By Petitioner(s): Heather and Steve Davies

Concerning Variance at the address of: 401 N. Indiana Avenue, Sellersburg, IN 47172

1. Motion to determine that the variance will not be injurious to the health, safety, morals and the general welfare of the community.

Motion Charles Popp Second Dennis Amos

Yea 4 Nay 0 Abstain Pass/Fail-Yes/No yes

2. Motion to determine that the variance will not have substantial adverse effect on the use and value of the any neighboring or adjacent property owners to the property included in the variance.

Motion Randall Mubley Second Charles Popp

Yea 4 Nay 0 Abstain Pass/Fail-Yes/No yes

3. Motion to determine that the need for the variance arises from some condition peculiar to the property involved.

Motion Randall Mubley Second Dennis Amos

Yea 4 Nay 0 Abstain Pass/Fail-Yes/No yes

4. Motion to determine that the strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

Motion Charles Popp Second Dennis Amos

Yea 4 Nay 0 Abstain Pass/Fail-Yes/No yes

5. Motion that the approval does not interfere substantially with the Comprehensive Plan.

Motion Randall Mubley Second Charles Popp

Yea 4 Nay 0 Abstain Pass/Fail-Yes/No yes

The decision of the Sellersburg Board of Zoning Appeals concerning Petition # 1018-001

Approved Denied

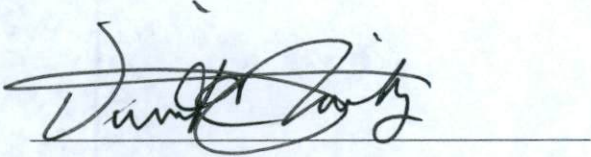
Special Conditions:

Only the Cloud 9 Massage and Skin Therapy business
is allowed under this variance

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

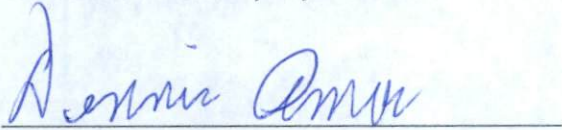
Signature Page – Petition # 1018-001

Signed this 19th day of November, 2018

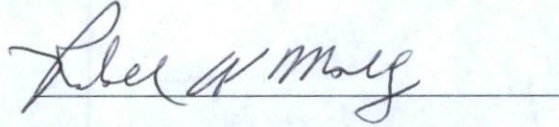


Vincent C. Thacker, Jr., President

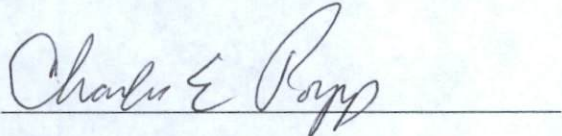
Francis A. Conroy, Vice-President



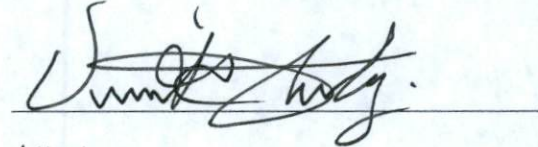
Dennis V. Amos, Member



Randall W. Mobley, Member



Charles E. Popp, Member



Attest:

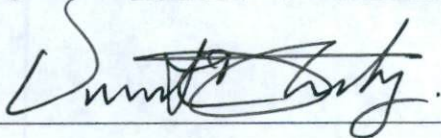
Findings of Facts

Petition # 1018-001

This petition was approved or denied because:

1. Petitioner's business is not a problem
2. The upgraded exterior will improve appearance and values
3. R1 - business is in a residential area
4. The road the business will set on is a business corridor
Houses around are rental properties
5. Allows having one business only

Signed this 19th day of November, 2018



Vincent C. Thacker, Jr., President, BZA



PETITION#: 1018-001
FEE: _____
RECIPT# _____

PETITION

PLEASE PRINT LEGIBLY

SELLERSBURG, INDIANA

PETITION FOR: BOARD OF ZONING APPEALS PLANNING COMMISSION

Name of Applicant: Heather and Steve Davies
Applicant's Address: 2317 Buttercup Circle Sellersburg, Indiana 47172
Email Address: bodyinmind@live.com, Zofolt54@hotmail.com
Telephone Number: 812-406-3038 Fax Number: _____
Date of Application: 9/28/2018 Township: Silver Creek
Address or Property Subject to This Petition: 401 N. Indiana Avenue Sellersburg, In 47172

Grant: _____ or Section: _____ Congressional Township: _____ Range: _____
Municipal Township: _____ Zoning Classification: R-1 Subdivision (if applicable): _____

Please Check the Applicable Box:

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

Describe Detailed Use: _____
The requested use variance is to utilize a zoned R-1 Single Family Residential property for the purposes of a small local business. We plan to relocate the day spa Cloud 9 Massage and Skin Therapy approximately 1.8 miles from the commerical intersection of Charlestown Road and Highway 60 to 401 N. Indiana Ave Sellersburg, Indiana.

(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):

The proposed request is for the purposes of relocating Cloud 9 Massage and Skin Therapy to 401 N. Indiana Ave Sellersburg, In. Heather Davies has been the current owner and operator of Cloud 9 since its establishment in 2015.

The spa offers various services such as sugar scrubs, hot stone, and deep tissue therapeutic massage. Other services include advance skin therapy techniques such as microdermabrasion, dermaplaning, and chemical peels. Heather Davies has been nationally certified in massage therapy for approximately fifteen years and a licensed esthetician for seven years. The new space will include three treatment rooms for massage and esthetics which will be utilized more efficiently for her growing business.

Dated and signed by petitioner(s) in the county of Clark, State of Indiana, this 28 day of September, 2018

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:

Heather Davies, Steve Davies

Date:

28-Sep-2018

Applicant's Name (printed):

Heather Davies, Steve Davies

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.



Town of Sellersburg
Board of Zoning Appeals

Petition for Use Variance

401 N. Indiana Avenue
Sellersburg, Indiana 47172

Heather and Steve Davies

2317 Buttercup Circle

Sellersburg, Indiana 47172

Sellersburg Board of Zoning Appeals Petition
(Application Form)

We, Heather & Steve Davies do hereby formally petition the Sellersburg
(Property Owners Name(s))

Board of Zoning Appeals to issue a USE variance
(Action Requested)

for the property located at 401 N. Indiana Ave

Sellersburg, IN 47172

Petition to be presented to the Sellersburg Board of Zoning Appeals for action on:

_____ at 6:00 P.M.
(Meeting Date)

[Signature]
Property Owner Signature

[Signature]
Property Owner Signature (If Applicable)

2317 Buttercup Circle
Property Owner's Address

Sellersburg, IN 47172

812-406-3038
Property Owner's Phone Number

09-Sept 28, 2018
Date



Commission of Building and Code Enforcement
316 East Utica Street
Sellersburg, In 47172

September 28, 2018

Re: Petition for Use Variance: 401 N. Indiana Avenue Sellersburg, In 47172

The property will be utilized as a business entity for the day spa known as Cloud 9 Massage and Skin Therapy. I am the owner and operator of Cloud 9 currently located at 7414 Indiana 311 Sellersburg, In 47172, a commercial complex at the intersection of Charlestown Road and Highway 60 in Sellersburg. I wish to relocate the business approximately 1.8 miles east to the proposed property located at 401 N. Indiana Avenue in Sellersburg.

I have been a nationally certified massage therapist approximately fifteen years and a licensed esthetician for seven years. I offer various massage services such as sugar scrubs, hot stone, and deep tissue therapeutic. I further specialize in advance skin therapy techniques such as microdermabrasion, dermaplaning, and chemical peels. Prior to establishing Cloud 9 in 2015, I owned and operated Body in Mind Massage and Skin Therapy for approximately twelve years practicing in California and Indiana.

On a personal note, my husband and I are native Hoosiers and relocated back to Indiana five years ago from California. My husband is a proud United States Marine and still employed with the federal government. We have two toddlers approaching school age at the Silver Creek School system and are very much looking forward to having the school only blocks away from our business. Cloud 9 and my former business Body and Mind have also been active in philanthropic projects within the community since we relocated back to Indiana. In the past several years we have participated in Exit Zero, the Brain Injury Awareness Foundation, and the Silver Creek Cheerleading program. If approved, I look forward to continuing Cloud 9 in our community of Sellersburg.

Heather Davies
2317 Buttercup Circle
Sellersburg, Indiana 47172
Phone: 812-406-3038
Email: bodyinmind@live.com

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Heather Davies", is written over a horizontal line. Below the signature, the name "Heather Davies" is printed in a black, sans-serif font.

Heather Davies

Google Maps 401 N Indiana Ave



Imagery ©2018 Google, Map data ©2018 Google 20 ft

1. Property to Hauss Ave = 14.8 ft
2. Property to sidewalk = 4.43 ft
3. Property to Indiana Ave = 12.10 ft
4. Property to back alley = 84.7 ft

Total property dimensions = 47.8 X 148.5 = 7,098.3 ft²

Public Records

- Beds: 3
- Rooms: 5
- House size: 1,144 sq ft
- Stories: 1
- Heating: Forced Air
- Cooling: Central
- Construction: Wood Frame
- Year built: 1926
- Property type: Single family

Google Maps 400 US-31

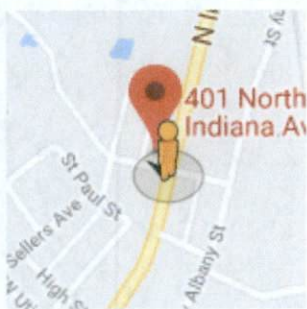


Image capture: Jul 2015 © 2018 Google

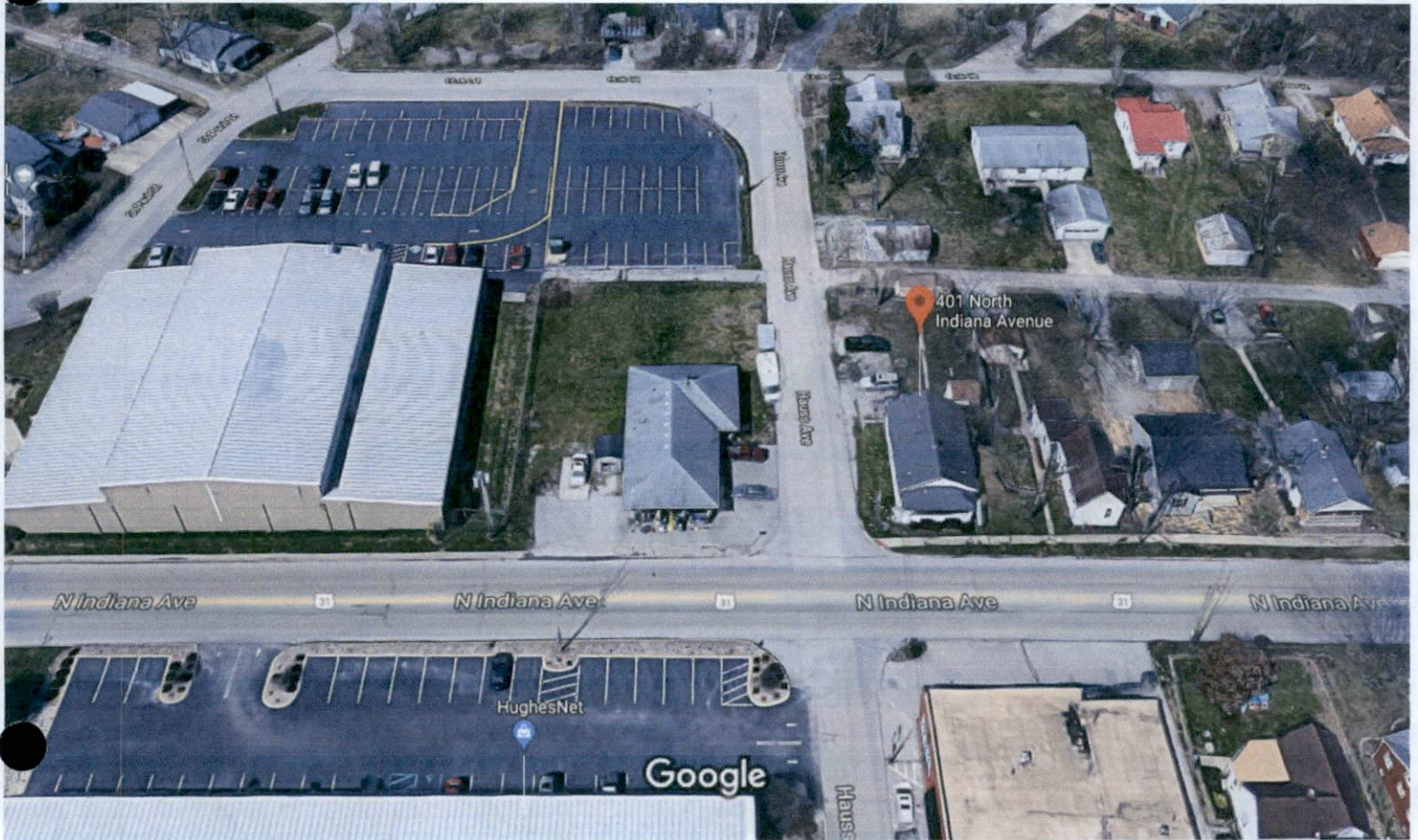
Sellersburg, Indiana



Street View - Jul 2015



Google Maps 401 N Indiana Ave



Imagery ©2018 Google, Map data ©2018 Google 50 ft

2/M-LR

WARRANTY DEED

SEND TAX INFORMATION TO:
Steve M. Davies and Heather N. Davies
2317 Buttercup Circle
Sellersburg, IN 47172

201816054 WD \$25.00
09/04/2018 12:18:08P 2 PGS
Zachary Payne
Clark County Recorder IN
Recorded as Presented



Parcel No: 10-17-11-100-207.000-031

THIS INDENTURE WITNESSETH, that **Brigitte Tallent, unmarried**, of Clark County, Indiana (hereinafter the Grantor), for and in consideration of the sum of **ONE DOLLAR AND 00/100 (\$1.00)** and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby

CONVEY AND WARRANT

unto **Steve M. Davies and Heather N. Davies, husband and wife**, (hereinafter collectively referred to as the Grantees), in fee simple, the following described real property, together with all improvements, thereon and appurtenances thereunto belonging, commonly known as 401 N. Indiana Ave., Sellersburg, Clark County, IN, and being more particularly described as follows (the "Property"):

47.8' x 148.5'

A PART OF SURVEY NO. ONE HUNDRED ELEVEN (111) OF THE ILLINOIS GRANT BEING LOT NO. TWENTY-ONE (21) IN BLOCK NO. TWO (2) OF JOHN DIETRICK'S THIRD ADDITION TO THE TOWN OF SELLERSBURG.

SUBJECT TO ANY AND ALL EASEMENTS AND/OR RESTRICTIONS OF PUBLIC RECORD WHICH MAY APPLY TO THE ABOVE DESCRIBED REAL ESTATE.

Being the same property conveyed to Lawrence Tallent and Brigitte Tallent, husband and wife, by Deed dated October 5, 2001, and of record in Instrument No. 200122124, in the Office of the Clark County Recorder, Indiana. Said Lawrence Tallent died June 10, 2017 thereby vesting title to Brigitte Tallent as survivor.

Grantees' address above. Send to tax billing address.

Subject to any and all easements, restrictions and/or protective covenants of public record which may apply to the above property.

The Grantor covenants that she is lawfully seized of the estate hereby conveyed, has full right, power and authority to convey the same, and that said estate is free from all encumbrances except (i) property taxes and assessments not yet due and payable, which the Grantees assume and agree to pay, taxes having been prorated to date of closing, (ii) restrictions, stipulations and easements of record affecting the Property; and (iii) all governmental regulations affecting the Property.

IN TESTIMONY WHEREOF, witness the signature of the Grantor, this 30th day of August, 2018.

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

SEP 04 2018

DL16 219

R. Mark Smith
Auditor, Clark County

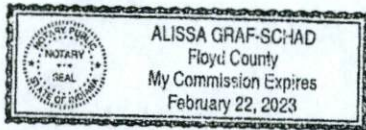
Brigitte Tallent
Brigitte Tallent

STATE OF Indiana)
) SS:
COUNTY OF Clark)

Before me, a Notary Public in and for said County and State, personally appeared Brigitte Tallent, unmarried, whom acknowledged and executed the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 30th day of August, 2018.

My Commission expires: Feb 22, 2023

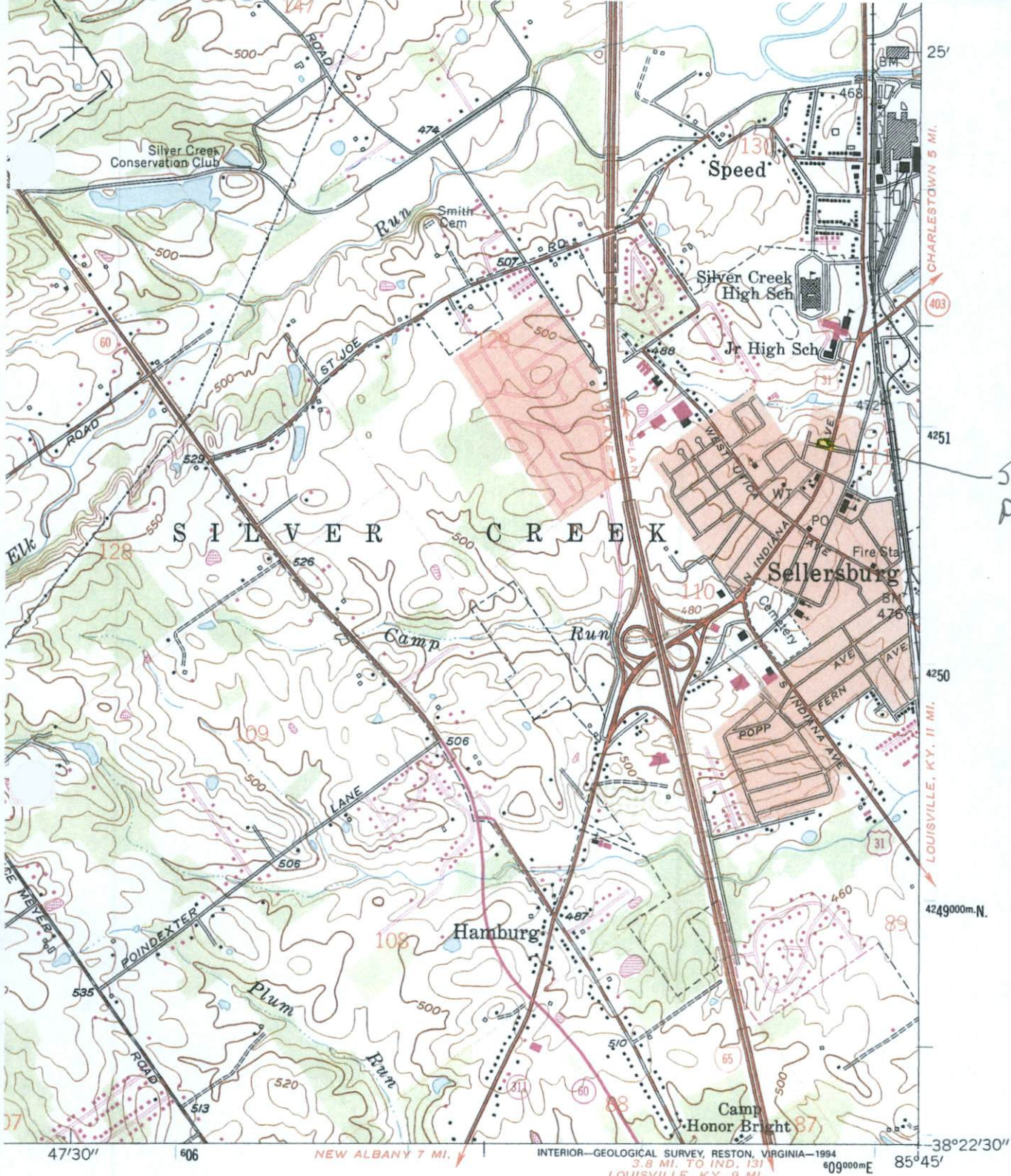


Alissa Graf-Schad
Notary Public - State at Large
Resident of Floyd County

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. Alissa Graf-Schad

THIS INSTRUMENT PREPARED BY:

Legacy Title Company, LLC
Alissa Graf-Schad
Alissa Graf-Schad, Attorney
1301 Clear Springs Trace, Suite 200
Louisville, KY 40223
(502)400-5550
File Number: 18-0511



SUBJECT PROPERTY

47'30" 606 NEW ALBANY 7 MI. INTERIOR—GEOLOGICAL SURVEY, RESTON, VIRGINIA—1994 3.8 MI. TO IND. 131 6090000mE 85°45' 4249000m.N. 38°22'30"

1 MILE

ROAD CLASSIFICATION

Heavy-duty	—————	Light-duty	—————
Medium-duty	—————	Unimproved dirt	-----
	Interstate Route		U. S. Route
	State Route		



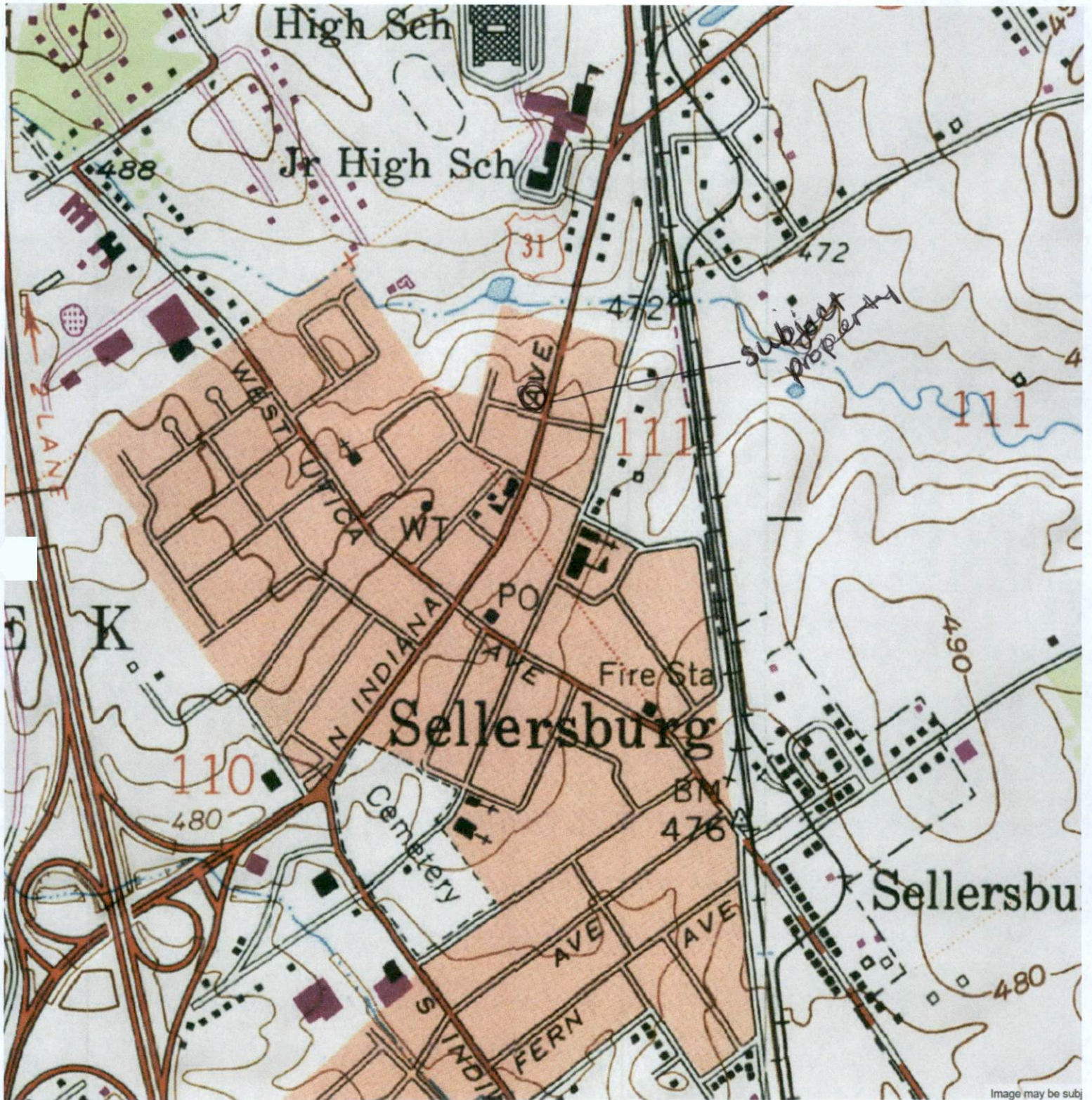
192 Revisions shown in purple compiled in cooperation with State of Indiana agencies from aerial photographs taken 1978 and other source data. This information not field checked. Map edited 1980

SPEED, IND.
38085-D7-TF-024

1963
PHOTOREVISED 1980
MINOR REVISION 1994
DMA 3860 IV NE—SERIES V851

(JEFFERSONVILLE)
3860 I SW





State of Indiana }
County of Clark }

I, the undersigned Recorder in and for said County and State, do hereby Certify that the attached plat of Diedrich's 3rd Addition of the town of Sellersburg, is a true, complete and correct copy of the same, which appears of record in -Partition Record N^o 1 at page N^o 221, of the Records of the Recorder's Office, of said Clark County, State of Indiana, of which I am sole custodian.

WITNESS my hand and Recorders Seal this 16th day of June 1931.

Joel G. Hunt
Recorder Clark County, Ind.

15 Sept 31
10.00 A PLAT
5

2778



Adjoining Property Owners

17-00008-073-0	Carolyn Overton 520 Hauss Street Sellersburg, Indiana 47172
17-00008-023-0	DHM, LLC 11100 Highway 31 Sellersburg, Indiana 47172
17-00008-016-0	Phillip W. Rogers 1307 Dollitt Court Louisville, Ky 40223
17-00008-014-0	Jonathan and Megan Wesley 405 N. Indiana Avenue Sellersburg, Indiana 47172
17-00008-005-0	Mark and Erin Cassidy 2103 Stirling Oaks Drive Sellersburg, Indiana 47172

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

SELLERSBURG IN 47172

OFFICIAL USE

Certified Mail Fee	\$3.45	0772 5	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	\$2.75		
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00		
<input type="checkbox"/> Return Receipt (electronic)	\$0.00		
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00		
<input type="checkbox"/> Adult Signature Required	\$0.00		
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00		
Postage	\$0.50		
Total Postage and Fees	\$6.70		11/01/2018

Sent To _____
Street and Apt. No., or PO Box No. _____
City, State, ZIP+4® _____

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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SELLERSBURG IN 47172

OFFICIAL USE

Certified Mail Fee	\$3.45	0772 5	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	\$2.75		
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00		
<input type="checkbox"/> Return Receipt (electronic)	\$0.00		
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00		
<input type="checkbox"/> Adult Signature Required	\$0.00		
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00		
Postage	\$0.50		
Total Postage and Fees	\$6.70		11/01/2018

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City, State, ZIP+4® _____

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<input type="checkbox"/> Adult Signature Required	\$0.00		
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SELLERSBURG IN 47172

OFFICIAL USE

Certified Mail Fee	\$3.45	0772 5	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	\$2.75		
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00		
<input type="checkbox"/> Return Receipt (electronic)	\$0.00		
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<input type="checkbox"/> Adult Signature Required	\$0.00		
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00		
Postage	\$0.50		
Total Postage and Fees	\$6.70		11/01/2018

Sent To _____
Street and Apt. No., or PO Box No. _____
City, State, ZIP+4® _____

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

LOUISVILLE KY 40225

OFFICIAL USE

Certified Mail Fee	\$3.45	0772 5	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	\$2.75		
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00		
<input type="checkbox"/> Return Receipt (electronic)	\$0.00		
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00		
<input type="checkbox"/> Adult Signature Required	\$0.00		
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00		
Postage	\$0.50		
Total Postage and Fees	\$6.70		11/01/2018

Sent To _____
Street and Apt. No., or PO Box No. _____
City, State, ZIP+4® _____

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Affidavit of Notice of Public Hearing
Sellersburg, Indiana



I [we] Heather & Steve Davies certify that notice of public hearing to consider
Petition # 1618-001 pertaining to the Special Exception / Use Variance Petition was sent by certified first class
mail the last known address, as determined by records of the Clark County Auditors, to each of the following
persons.

OWNER'S NAME	MAILING ADDRESS
See Attached Paperwork	See Attached Paperwork

Attach additional sheets if needed

And that such notice were mailed on the 1st day of November, 2018 being at least 10 days prior to the
scheduled public hearing and that timely proof of such first certified first class mailing[s] are attached hereto.

[Signature]
Applicant, Attorney, or Authorized Signature

10/31/2018
Date

Heather Davies
Printed name.

State of Indiana)

County of Clark)

Subscribed and sworn to before me this 31 day of October, 2018

Amanda S Alexander
Notary Public Resident of Clark County, Indiana

My commission expires: March 11, 2023



**Proof of
Publication**

Public Notice Sellersburg, Indiana Board of Zoning Appeals/Plan Commission The Board of Zoning Appeals/Plan Commission will meet on 19 day of Nov, 2018 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 Use Variance to use a residential property as a Day Spa Business, Cloud 9 Massage and Skin Therapy At the following commonly known address: 401 N Indiana Ave Sellersburg, IN 47172. The petition is available for public review at the Commission of Buildings and Code Enforcement 316 East Utica 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

**STATE OF INDIANA
COUNTY OF CLARK -SS**

Theresa Wheatbrook on oath says that she is bookkeeper of NEWS AND TRIBUNE and in the employ of the publisher of

NEWS AND TRIBUNE,

a daily newspaper of general circulation printed and published in the city of Jeffersonville, Clark County, State of Indiana, and further says that the annexed advertisement was published in said paper for #(1) time(s) to-wit: In issue of said NEWS AND TRIBUNE
Dated: 11-06 2018

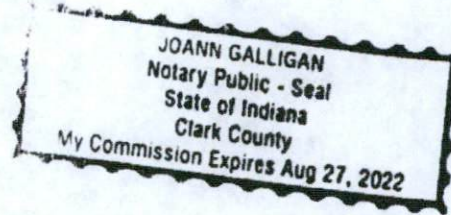
(X) Theresa Wheatbrook

**STATE OF INDIANA
COUNTY OF CLARK**

Subscribed and sworn to before me this

8TH day of November 2018

(X) Joann Galligan
Joann Galligan



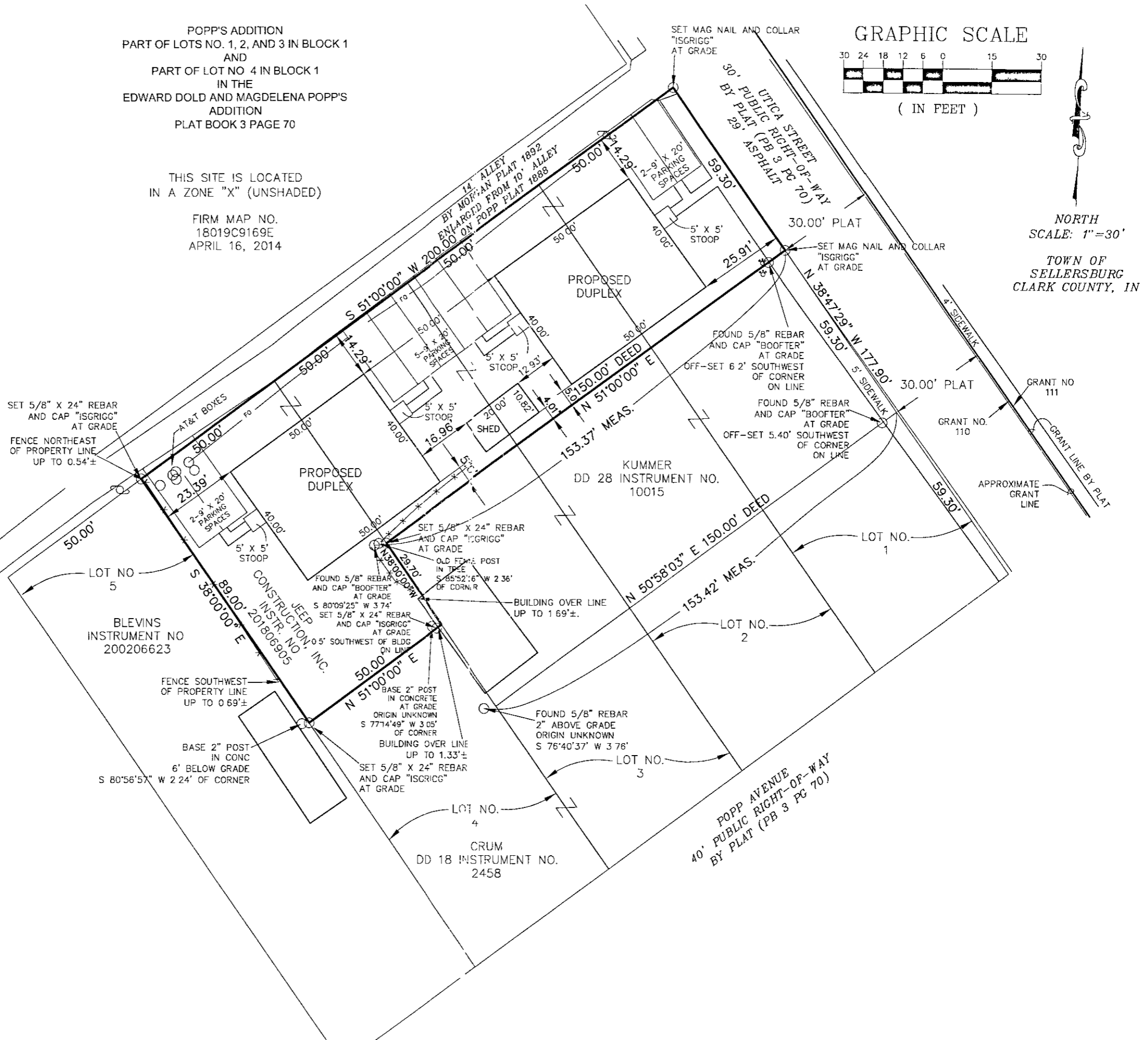
Notary Public, Clark County, Indiana
(My Commission Expires August 27, 2022
Commission Number 655965

**Publication
Fee \$ 94.86**

1497447

SURVEYOR'S REPORT

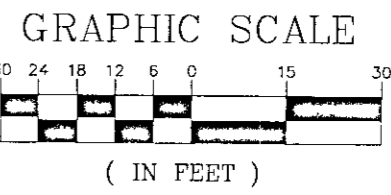
1. This is a retracement survey of Jeep Construction, Inc., Instrument No. 201806905, formerly Tackett, Deed Drawer 8 Instrument No. 9266, calling for the parts of Lot Nos. 1, 2, 3, and 4 in Dold and Popp's Addition, Plat Book 3 Page No 70. There is no closure error in the descriptions or platted lots. The plat has bearing and distances which are held in this survey.
2. The adjoining deeds, platted lots, and roadways are consistent.
3. The platted lots are held parallel with Utica Street (30 foot right-of-way) and consistent with monuments found in the block, however, Boofter L.S. monuments found are not set consistent with the Dold and Popp plat which shows Utica Street (Front Street on plat) being 30 feet wide, adjoining and southwest of the grant line between Survey Nos 110 and 111. The Boofter rebar are set 21 feet from the center of Utica Street instead of 15 feet, as shown on the plat of Dold and Popp, and could be off-set 6 feet, but then the rear rebar are set at 147.18 and 148.02 feet, as shown, overlapping Jeep Construction, Inc. 0.18 feet. This confusion appears to have caused a metal building being built over the property line into Jeep Construction, Inc. as shown.
4. The fence lines, varied off line up to 0.69 feet, all as shown, creating potential issues of adverse possession, or use, or acquiescence that you should discuss with an attorney. The age and origin of these are unknown by this surveyor. The fence line along the southwest line of Jeep Construction, Inc. is very consistent with our survey location as are other fences to the southwest.
5. Date of Field Work: 05/02/2018. Date of Courthouse research: 05/01/2018.
6. The Maximum RPA between any two points on this survey is 0.013 feet satisfying the Indiana Rule 12 requirements for an Suburban Survey.
7. This survey was performed under my direct supervision according to the requirements of title 865 I.A.C. 1-12.
8. This survey is performed without the benefit of review of a title search. Therefore this site may be subject to restrictions and or easements of record not shown on this plat. This site may also contain buried structures or utilities, which are not identifiable within the context of this survey, which may constitute easements or other liabilities.
9. Bearings and distances are record and measured unless otherwise noted.
10. The basis of bearings of South 51°00'00" West is set along the northwest line of the subject property from the plat as shown.
11. This document is copyrighted 2018, and is only for the nontransferable benefit or use of the client(s) shown hereon. This document may not be copied or duplicated in any manner without the expressed written consent of Robert L. Isgrigg P.E., P.L.S. and is not valid without an original seal and signature affixed.



POPP'S ADDITION
PART OF LOTS NO. 1, 2, AND 3 IN BLOCK 1
AND
PART OF LOT NO. 4 IN BLOCK 1
IN THE
EDWARD DOLD AND MAGDELENA POPP'S
ADDITION
PLAT BOOK 3 PAGE 70

THIS SITE IS LOCATED
IN A ZONE "X" (UNSHADED)

FIRM MAP NO.
18019C9169E
APRIL 16, 2014



NORTH
SCALE: 1"=30'
TOWN OF
SELLERSBURG
CLARK COUNTY, IN

BOB ISGRIGG & ASSOCIATES LLC
CIVIL ENGINEERS / LAND SURVEYORS
111 E. 20th St., Sellersburg, IN 47172
(812) 288-1011 Fax: (812) 288-1012
<http://www.InkyLandSurvey.com>

SITE DEVELOPMENT PLAN FOR:
612 E. UTICA STREET
SELLERSBURG, IN
JEEP CONSTRUCTION, INC.: OWNER

STATE OF INDIANA
ROBERT L. ISGRIGG
No. 50005
STATE OF INDIANA
LAND SURVEYOR

DRAWN BY: BKN
CHECKED BY: R.L.I.
SCALE: 1"=30'
DATE: 05/16/2018
REVISED: 06/18/2018
JOB NO.: 1805-06B

SHEET NO. 1 of 1