

SELLERSBURG BOARD OF ZONING APPEALS

AUGUST 17, 2015

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

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

ROLL CALL:

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

APPROVAL OF MINUTES:

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

Recess Regular Meeting

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

Public Hearing:

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

Administrative Appeal:

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

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

Mr. Kraft was allowed to present a rebuttal.

Public Comments:

Terry Langford, Councilman and Shirley Voyles made comments.

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

Closing of Public Hearing

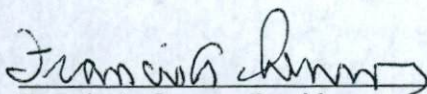
Vincent C. Thacker, Jr., moved, seconded by Dennis V. Amos to close the public hearing. 5-Aye, 0-Nay, Motion approved. Public hearing closed.

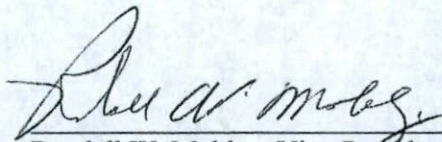
Regular Meeting Reconvened

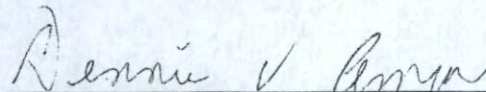
Vice-President, Randall W. Mobley moved, seconded by Charles E. Popp to reconvene the regular meeting. Aye-5, Nay-0

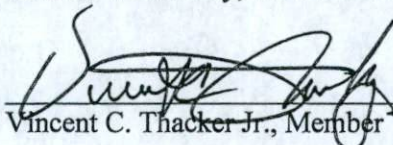
ADJOURNMENT:

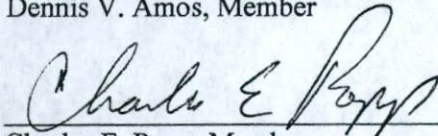
There being no further business to come before the board, President Randall W. Mobley moved, seconded by Vincent C. Thacker, Jr. to adjourn the regular meeting. 5-Aye, 0-Nay, meeting adjourned at 7:46 PM.



Francis A. Conroy, President


Randall W. Mobley, Vice-President


Dennis V. Amos, Member


Vincent C. Thacker Jr., Member


Charles E. Popp, Member


Barbara Bratcher Haas, Clerk-Treasurer

SELLERSBURG BOARD OF ZONING APPEALS

September 21, 2015

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

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

ROLL CALL:

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

APPROVAL OF MINUTES:

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

UNFINISHED BUSINESS

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

NEW BUSINESS:

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

RECESS REGULAR MEETING

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

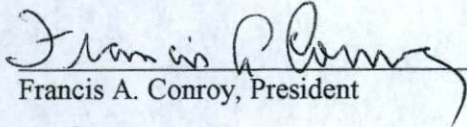
OPEN PUBLIC HEARING:

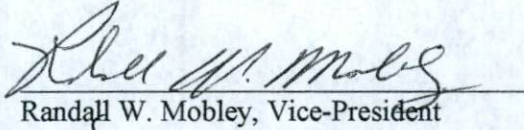
Purpose of this meeting is to address the request made by Jeff Parish. Proof of the publication for this public hearing was presented. Mr. Dietz stated that this property meets all other requirements.

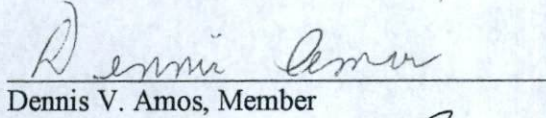
REOPEN REGULAR MEETING:

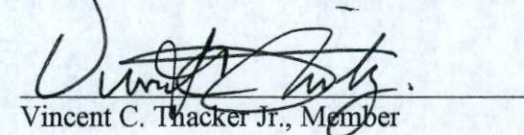
Motion by Vincent Thacker, seconded by Charles Popp to approve the request of Jeff Parish. 4-aye 0- nay 1- abstained . Randall Mobley abstained. Motion approved.

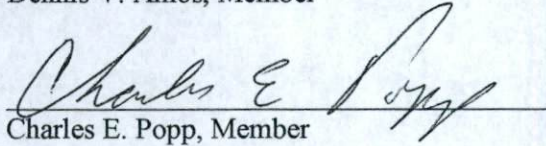
Vincent Thacker moved, seconded by Dennis Amos to adjourn. 5- aye 0- nay Motion approved.


Francis A. Conroy, President

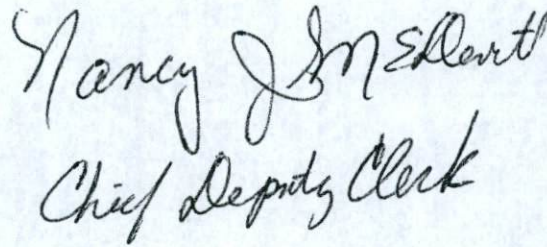

Randall W. Mobley, Vice-President


Dennis V. Amos, Member


Vincent C. Thacker Jr., Member


Charles E. Popp, Member

Barbara Bratcher Haas, Clerk-Treasurer


Nancy J. McDevitt
Chief Deputy Clerk

SELLERSBURG BOARD OF ZONING APPEALS

October 19, 2015

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

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

ROLL CALL:

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

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

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

APPROVAL OF MINUTES:

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

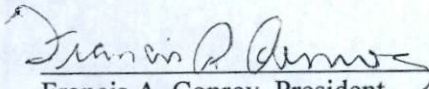
UNFINISHED BUSINESS

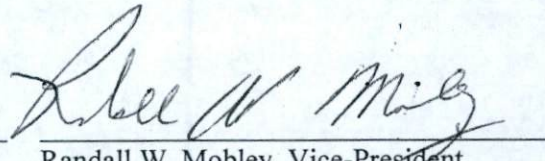
Motion by Vincent C. Thacker seconded by Randall W. Mobley to approve the findings of fact of the Werle appeal. 5-aye 0-nay Motion approved.

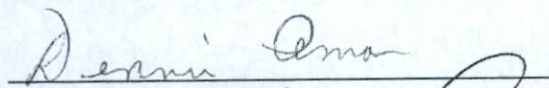
NEW BUSINESS:

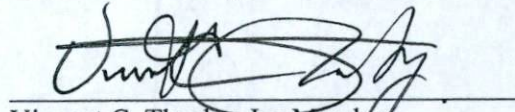
None

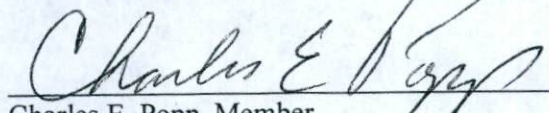
Vincent Thacker moved, seconded by Dennis Amos to adjourn at 6:05 PM. 5- aye 0- nay Motion approved.

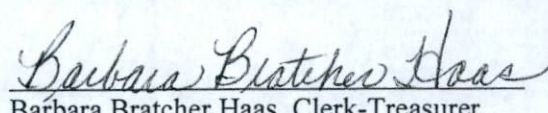

Francis A. Conroy, President


Randall W. Mobley, Vice-President


Dennis V. Amos, Member


Vincent C. Thacker Jr., Member


Charles E. Popp, Member


Barbara Bratcher Haas, Clerk-Treasurer

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

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

1. This action was brought by Werle pursuant to I.C. 36-7-4-918.1 and Sellersburg Zoning Ordinance 154.128 and 154.166, first being addressed by an undated letter from J. Greg Dietz, Building Commissioner, made part of the record as Exhibit “A”.

2. The real estate, which is the subject of this appeal, is located at 144 Maple Street and 211-215 Indiana Avenue, Sellersburg, Indiana (the “Real Estate”).

3. The building constructed on the Real Estate was built in 1984, and extended from the Indiana Avenue tract onto the Maple Street tract, and the same was acknowledged by the Clerk-Treasurer of Sellersburg at the time (Anna L. McCartney)—see Exhibit “C” entered into the record by Werle.

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

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

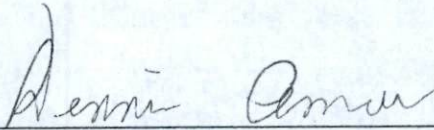
6. That since the construction of the building on the Real Estate, it has operated as one continuous unit of real estate, and the location of the building encompassing the Real Estate was reflected on an unrecorded survey completed by David Blankenkemper dated August 10, 1993 and entered by Werle as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

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

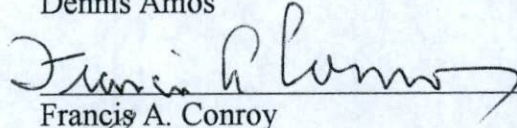
8. These findings of fact are made pursuant to I.C. 36-7-4-915.

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

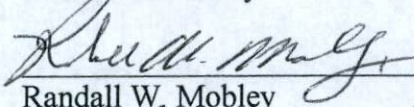
Dated this 19th day of October, 2015.



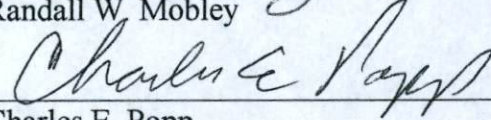
Dennis Amos



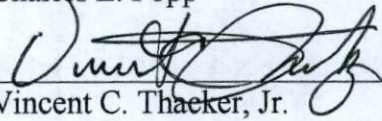
Francis A. Conroy



Randall W. Mobley



Charles E. Popp



Vincent C. Thacker, Jr.

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

Petition # 915-001

By Petitioner(s) Jeff Parish

Concerning the variance at the address of 329 South Fern Street

Number Number Number X
Yea Nay Obstain Pass

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

Yea Nay Obstain Pass

2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner, and

Yea Nay Obstain Pass

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

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

Yea Nay Obstain Pass

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

Yea Nay Obstain Pass

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

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

Approved

Special conditions: _____

Denied

Signed this 21 day of Sept 2015

Francis R. [Signature] C. Kani
Name Title

14

Clark County, IN

Property Assessment Detail Report
 Parcel Number: 10-17-11-000-388.000-031
 39°North- 855.GIS.3939



Parcel Information

Parcel Number: 10-17-11-000-388.000-031
 Alt Parcel Number: 17-00017-005-0
 Property Address: 144 MAPLE STREET
 Neighborhood: silver creek res # 23
 Property Class: Vacant - Platted Lot
 Legal Description: HARRODS ADD LOT 16 PT LOT 15
 Owner Name: WERLE RICHARD P & JANET I
 Owner Address: 3319 TWELVE OAKS DRIVE
 SELLERSBURG, IN 47172

R3

Taxing District

Township: SILVER CREEK TOWNSHIP
 Corporation: WEST CLARK COMMUNITY

Land Description

Land Type	Acreege	Dimensions
9rr	0.4177	

Transfer Of Ownership

Date	Name	Buyer	Document	Deed Type	Sale Price
05-06-1998	WERLE RICHARD P & JANET I				

Valuation Record

Assessment Date	Reason for Change	Land	Improvements	Total Valuation
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144 Maple Street
Sellersburg Indiana



SURVEYOR'S REPORT

In accordance with Title 865, Article 1.1, Chapter 12, Sections 1 through 34 of the Indiana Administrative code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of:

- A. Variances in the reference monuments;
- B. Discrepancies in record descriptions and plats;
- C. Inconsistencies in lines of occupation and;
- D. Random errors in measurement (theoretical Uncertainty)

The theoretical uncertainty (due to random errors in measurement) of the corners of the subject tract established this survey is within the specifications for a Class B Survey (0.25 feet) as defined in IAC 865.

The 94.33 foot southeast line (Right-of-Way line of Maple Street) was established from found iron pins as shown. The 167.89 foot and 79.03 foot lines were established from said found iron pin and 2 iron pipes found as shown. The 166.44 foot line was established 50 feet from and parallel to the line dividing Lots 14 and 15. The 106.86 foot line was established parallel to and 50 feet from the line dividing Lots 32 and 33. The 173.97 foot line (Right-of-Way line of State Road 31) was established from the plat distance from the line dividing Lots 35 and 17, parallel to the centerline of State Road 31. The 70 foot line was established at a previously determined (June 1984) angle to the 79.03 foot line.

As a result of the above observations, it is my opinion that the uncertainties in the locations of lines and corners established on this survey are as follows:
Due to variances in reference monuments: none
Due to discrepancies in the record description: none
Due to inconsistencies in lines of occupation: 0 to 0.7 feet due to the eaves extending over the property line as shown.

DESCRIPTION OF TRACT SURVEYED

Being all Lots 33, 34, and 35 in Scheller's 2nd Addition as shown in Plat Book 5, Page 1 and Lots 15 and 16 in William H. Harrod's Addition to the Town of Sellersburg as shown in Plat Book 4, Page 12 of the Clark County, Indiana Records.

EXCEPTING THEREFROM the following described tract of land. Being a part of Lot 15 in William H. Harrod's Addition to the Town of Sellersburg as shown in Plat Book 4, Page 12 and part of Lot 33 in Scheller's Second Addition to the Town of Sellersburg as shown in Plat Book 5, Page 1 of the Clark County, Indiana Records and being further described as follows:

Beginning at an iron pin the southern most corner of said Lot 15; Thence N. 65°-58'-45" W., (basis of bearings) along the line dividing Lots 14 and 15, 170.56 feet to an iron pipe on the southern most corner of said Lot 33; Thence N. 57°-05'-30" W., along the line dividing said Lot 32 and Lot 33, 113.30 feet to an iron pipe on the southeastern Right-of-Way line of State Highway 31; Thence N. 35°-29'E., along said Right-of-Way line, 50.00 feet to a point; Thence S. 57°-05'-30"E., 106.86 feet to a point; Thence S. 65°-58'-45"E., 166.44 feet to the northwest Right-of-Way line of Maple Street; Thence S. 23°-23'-45" W., along said Right-of-Way line, 50.00 feet to THE PLACE OF BEGINNING.

Containing 0.32 acre, more or less, and being subject to all easements of record.

Containing 0.709 acre, more or less, after said exception, and being subject to all easements of record.

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Land Surveyors Inc., P.C. All rights reserved.

BLANKENBEKER & SON
LAND SURVEYORS INC., P.C.
422 MEIGS AVENUE P.O. BOX 157
JEFFERSONVILLE, INDIANA 47131-0157
AREA CODE 812-282-4183

FOR: MR. RICHARD WERLE
215 S. INDIANA AVENUE
SELLERSBURG, IN 47172

PAGE 2 OF 2

DRAWN BY: J.L.F.

SCALE: NONE

DATE: 11 AUGUST 1993

JOB No. 9953

FILE #CB9953.DWG

316 East Utica Street
P.O. Box 85

Town Of Sellersburg

Phone (812) 246-3821

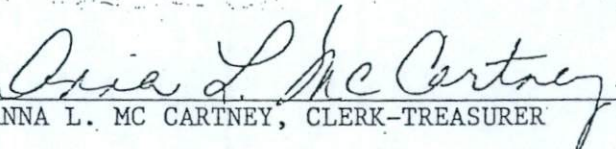
Sellersburg, Indiana
47172

May 23, 1984

FC

To Whom It May Concern:

Mr. Richard Werle applied to the Town of Sellersburg for Building Permit # 522, dated February 24, 1984, well before construction began on his commercial building. At that time, he asked if any additional permits or other requirements needed to be met. I told him, to the best of my knowledge, he had met all Town requirements, and I was not aware of any other requirements.


ANNA L. MC CARTNEY, CLERK-TREASURER

Sellersburg Commission of Buildings and Code Enforcement

103 South New Albany Street
PO Box 175
Sellersburg, IN 47172
(812)246-3821 Fax (812)246-0174
building@sellersburg.org

Ex D

May 13, 2015

Richard P & Janet Werle
3319 Twelve Oaks Ct.
Sellersburg IN 47172

It is my findings that:

The property at 144 Maple Street is a separate parcel from 211-215 Indiana Avenue.

The property at 144 Maple Street Zoning is shown as R-3 as the result of the Zoning Ordinance of the Town Of Sellersburg 1993.

The property at 144 Maple Street has not been in a continued use as indicated below under uses by right since the adoption of the Zoning Ordinance of the Town of Sellersburg 1993.

Uses by right

Day Care Homes.

Manufactured Modular Homes: Shall include but not limited to these characteristics: asphalt shingle roof, a roof pitch of at least 4" by 12", house-type windows, 950 square feet of occupied space, or siding, and must be placed on a permanent foundation of a minimum exposed three block high on a spread footer.

Parks and Playgrounds.

Single-family detached dwelling units.

Cultural Facilities

Fraternities and Sororities

Group Homes

Multi-Family Dwellings

Nursing Homes

Rooming/Lodging Houses

Single-family Attached Dwellings (Townhouses).

The property at 144 Maple Street must be brought into compliance with the R-3 Zoning by August 1, 2015 as stated in my previous letter dated April 23, 2015.

Respectfully,


J. Greg Dietz
Building Commissioner

cc: John A. Kraft , Richard P and Janet Werle

Sellersburg Town Council Regular Meeting
August 13, 2007
Page 2 of 3 pages

FE

Richard Werle, Sellersburg Cemetery, requests financial assistance from the Town, if possible, for upkeep and maintenance of the Sellersburg Cemetery.

James Payne requests a salvage license for 211 South Indiana Avenue.

Michael N. Lockhart makes a motion to approve a salvage license for 211 South Indiana Avenue, seconded by Paul J. Rhodes. 5-aye, 0-nay, motion approved.

Douglas J. Reiter, President, advises that the regular meeting is closed at 7:50 p.m. and opens the public hearing for the Flood Water Grant Study.

Melissa Woods with River Hills presents information on the Flood Grant Study.

Michael N. Lockhart makes a motion to close the public hearing at 8:06 p.m., seconded by Michael J. Hostetler. 5 aye, 0-nay, motion approved.

Public meeting re-opened at 8:06 p.m.

Michael N. Lockhart makes a motion to allow Douglas J. Reiter, President, to sign the Release of Surety Bond for Pace Contracting, seconded by Michael J. Hostetler. 5-aye, 0-nay, motion approved.

Trish Roehm and Sharon Jansen addresses the Council in reference to complaints they have about the Animal Shelter.

Michael N. Lockhart makes a motion to approve Resolution R2007-006, seconded by Paul J. Rhodes. 5-aye, 0-nay, motion approved.

Michael J. Hostetler makes a motion to give approval for Douglas J. Reiter, President to sign the forms for River Hills, seconded by Paul J. Rhodes. 5-aye, 0-nay, motion approved.

Michael N. Lockhart makes a motion for David Kinder to sign the Public Hearing minutes outside of the meeting, seconded by Paul J. Rhodes. 5-aye, 0-nay, motion approved.

Chief Whelan asks the Council for approval to create two new police officer positions for J. T. Gardner and Daniel Cotton.

Douglas C. Pixley makes a motion to create two new police officer positions, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Michael N. Lockhart makes a motion to consider on the first reading, Ordinance 2007-019, an Ordinance Establishing Deferral User Fee Fund for the Sellersburg Town Court, seconded by Douglas C. Pixley. 5-aye, 0-nay, motion approved.

Sellersburg Town Council Regular Meeting
August 13, 2007
Page 3 of 3 pages

Michael N. Lockhart makes a motion to approve on the first reading, **Ordinance 2007-019**, an Ordinance Establishing Deferral User Fee Fund for the Sellersburg Town Court, seconded by Paul J. Rhodes. 5-aye, 0-nay, motion approved.

Paul J. Rhodes makes a motion to consider on the first reading, **Ordinance 2007-018**, an Ordinance for the transfer of appropriations regarding the Town of Sellersburg Parks and Recreation Fund, seconded by Douglas C. Pixley. 5-aye, 0-nay, motion approved.

Paul J. Rhodes makes a motion to consider on the first reading, **Ordinance 2007-018**, an Ordinance for the transfer of appropriations regarding the Town of Sellersburg Parks and Recreation Fund, seconded by Michael J. Hostetler. 5-aye, 0-nay, motion approved.

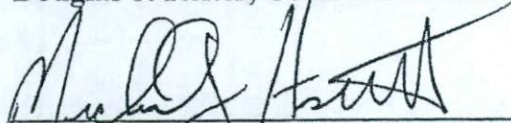
Paul J. Rhodes makes a motion to adjourn the meeting, seconded by Michael J. Hostetler. 5-aye, 0-nay, motion approved and meeting adjourned at 8:41 P.M.




Douglas J. Reiter, Council President



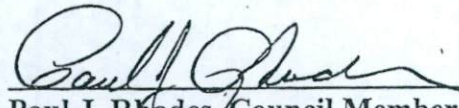
Michael N. Lockhart, Council Vice President



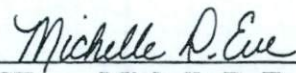
Michael J. Hostetler, Council Member



Douglas C. Pixley, Council Member



Paul J. Rhodes, Council Member



ATTEST: Michelle D. Eve
Chief Deputy Clerk-Treasurer

Clark County, IN

Property Assessment Detail Report
Parcel Number: 10-17-11-000-388.000-031
39°North- 855.GIS.3939



Source: Esri, DigitalGlobe, GeoEye, Earthstar, etc.

Parcel Information

Parcel Number: 10-17-11-000-388.000-031
 Alt Parcel Number: 17-00017-005-0
 Property Address: 144 MAPLE STREET
 Neighborhood: silver creek res # 23
 Property Class: Vacant - Platted Lot
 Legal Description: HARRODS ADD LOT 16 PT LOT 15
 Owner Name: WERLE RICHARD P & JANET-I
 Owner Address: 3319 TWELVE OAKS DRIVE
 SELLERSBURG,, IN 47172

Taxing District

Township: SILVER CREEK TOWNSHIP
 Corporation: WEST CLARK COMMUNITY

Land Description

Land Type	Acreage	Dimensions
9rr	0.4177	









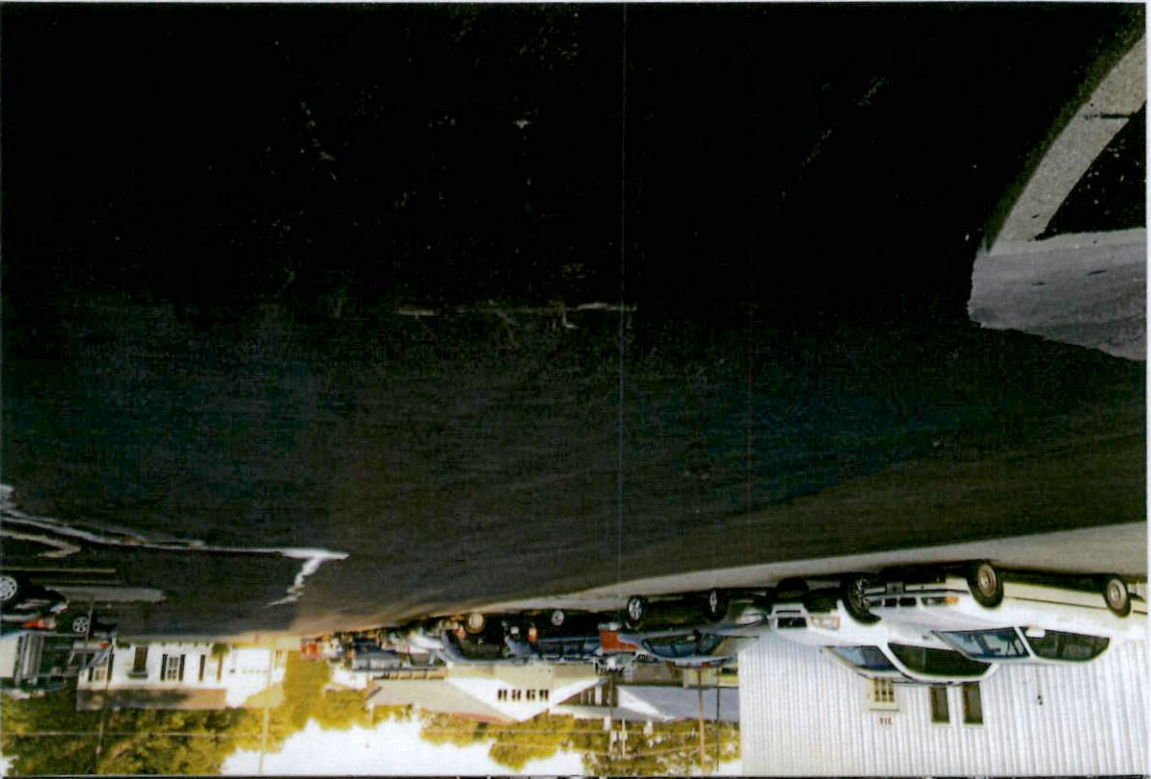
























**SELLERSBURG PLAN COMMISSION
AGENDA**

August 17, 2015

1. Roll Call.
2. Approve the minutes from the July 20, 2014, meeting.
3. Unfinished Business

NONE

4. New Business

NONE

5. Adjourn

Respectfully Submitted

J. Greg Dietz
Building Commissioner,
Town of Sellersburg

Sellersburg Town Council Regular Meeting

August 13, 2007

Page 2 of 3 pages

Richard Werle, Sellersburg Cemetery, requests financial assistance from the Town, if possible, for upkeep and maintenance of the Sellersburg Cemetery. 2°

James Payne requests a salvage license for 211 South Indiana Avenue.

Michael N. Lockhart makes a motion to approve a salvage license for 211 South Indiana Avenue, seconded by Paul J. Rhodes. 5-aye, 0-nay, motion approved.

Douglas J. Reiter, President, advises that the regular meeting is closed at 7:50 p.m. and opens the public hearing for the Flood Water Grant Study.

Melissa Woods with River Hills presents information on the Flood Grant Study.

Michael N. Lockhart makes a motion to close the public hearing at 8:06 p.m., seconded by Michael J. Hostetler. 5 aye, 0-nay, motion approved.

Public meeting re-opened at 8:06 p.m.

Michael N. Lockhart makes a motion to allow Douglas J. Reiter, President, to sign the Release of Surety Bond for Pace Contracting, seconded by Michael J. Hostetler. 5-aye, 0-nay, motion approved.

Trish Roehm and Sharon Jansen addresses the Council in reference to complaints they have about the Animal Shelter.

Michael N. Lockhart makes a motion to approve Resolution R2007-006, seconded by Paul J. Rhodes. 5-aye, 0-nay, motion approved.

Michael J. Hostetler makes a motion to give approval for Douglas J. Reiter, President to sign the forms for River Hills, seconded by Paul J. Rhodes. 5-aye, 0-nay, motion approved.

Michael N. Lockhart makes a motion for David Kinder to sign the Public Hearing minutes outside of the meeting, seconded by Paul J. Rhodes. 5-aye, 0-nay, motion approved.

Chief Whelan asks the Council for approval to create two new police officer positions for J. T. Gardner and Daniel Cotton.

Douglas C. Pixley makes a motion to create two new police officer positions, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Michael N. Lockhart makes a motion to consider on the first reading, Ordinance 2007-019, an Ordinance Establishing Deferral User Fee Fund for the Sellersburg Town Court, seconded by Douglas C. Pixley. 5-aye, 0-nay, motion approved.

Sellersburg, Indiana Code of Ordinances

§ 110.01 AUTHORITY TO LICENSE.

The town has the authority to impose a fee that is reasonably related to the administrative cost of exercise a regulatory power.

(I.C. 36-1-3-8(a)(5)) ('93 Code, § 4-1)

§ 110.02 APPLICATIONS.

Applications for a permit or license shall be made available by the Clerk/Treasurer, unless otherwise specified.

('93 Code, § 4-2)

§ 110.03 COUNCIL APPROVAL.

After examination, the Clerk/Treasurer shall grant the permit or license, unless good cause be shown why the permit or license should not be **granted by the Town Council.**

('93 Code, § 4-3)

§ 110.04 DURATION OF LICENSE.

(A) (1) All licenses issued under this chapter, unless specified otherwise on the license, shall be **issued for the duration of the calendar year for which they were issued.**

(2) **Licenses shall expire on December 31.**

(B) (1) Every person who is issued a license under the provisions of this chapter shall exhibit the license in the place where the licensed activity is being conducted.

(2) If there are no premises, the person shall carry the license while engaged in the activity for which he or she has been licensed, and shall exhibit it to any town official or citizen upon request.

(C) The Police Department may inspect all places of business under license or required to have a license.

('93 Code, § 4-4)

§ 110.05 ISSUANCE, REVOCATION OR SUSPENSION.

The Clerk/Treasurer shall issue licenses upon payment of the license fees and compliance with the applicable provisions of this chapter. Licenses issued by the town may be revoked or seized if the person holding the license has violated the terms or conditions of the license or the law under which it was issued, or has conducted business in a manner as to constitute a threat to public health, safety or general welfare.

('93 Code, § 4-5)

204



71

Google earth



June of 2006 no vehicles or any type of outdoor storage



21A

Google earth



August 2007 no vehicles or any type of outdoor storage



213

Google earth



Section 1.12 - Nonconforming Uses

- (1) Continuation and Change of Use - Except as otherwise provided in this Ordinance
- (a) A nonconforming use lawfully existing prior to the effective date of this Ordinance may be continued.
- (b) A nonconforming use may be changed only to a use within the same or a more restrictive zoning district classification, provided the nature of any structural nonconformance (area or dimensional) is not expanded.
- (2) Expansion Prohibited
- (a) A nonconforming use in a structure designed for a conforming use shall not be expanded or extended into any other portion of such conforming structure nor changed except to a conforming use.
- (b) A nonconforming use on a part of a lot shall not be expanded or extended into any other portion of such lot.

210

➔ Section 1.13 - Discontinued Nonconforming Use

Whenever a nonconforming use has been discontinued for a period of one (1) year, such use shall not be reestablished and use thereafter shall conform to the requirements of the District in which it is located.

Section 1.14 - Destruction of Nonconforming Structure

No building or structure which has been damaged by fire, explosion or act of God, to the extent of fifty percent (50%) or more of its true market value, shall be restored, repaired or rebuilt except to conform to the requirements of the District in which it is located.

Section 1.15 - Nonconforming Mobile Home Park

Any mobile home park which existed upon the effective date of this Ordinance, and which is located in a district which permitted a mobile home court either as a permitted use or special exception, shall be regarded as a conforming use and may be continued, except that any change in layout, expansion, or extension shall be subject to all provisions of Section 2.6 of this Ordinance.

Section 1.16 - Scope of Regulations

No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered, except in conformity with regulations of this Ordinance

Section 1.17 - Height

No building shall be erected, reconstructed, or structurally altered to exceed in height the limits established and specified for the use and the district in which such building is located.

Section 1.18 - Exceptions from Height Requirements

Penthouse or roof structure for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a building, fire or parapet walls, skylights, television aerials, electrical transmissions, and communications poles and towers, theater screens, steeples, roof signs,

- C. "SIDE YARD." A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally, at 90 degrees with the side lot line, from the nearest part of the main building.
- D. "STREET SIDE YARD." A "side yard" facing a "street."
- E. "TRANSITIONAL YARD." A yard in effect when a non-residential zone district abuts or is adjacent across a street to a residential zone district.

22

"ZONING MAP." A map entitled "SELLERSBURG ZONING DISTRICTS."

"ZONING ORDINANCE." Refers to an ordinance adopted under IC 36-7-4, Series 600 or under prior law. The term includes all zone maps incorporated by reference into the ordinance.

Section 1.10 - Determination and Interpretation of District Boundaries

In determining the boundaries of Districts, and establishing the regulations applicable to each District, due and careful consideration has been given to existing conditions, the character of buildings erected in each District, the most desirable use for which the land in each District may be adapted, and the conservation of property values throughout the Town.

X

Where uncertainty exists as to the exact boundaries of any District as shown on the Zoning Map, the following rules shall apply.

- (1) In non-subdivided areas, or where a District boundary subdivides a lot, the exact location of the boundary shall be determined by use of the scale of the Zoning Map.
- (2) In the case where the Zoning Map has been amended by ordinance, the legal description recited in such amending ordinance shall interpret the intent of the Zoning Map.
- (3) In the case of further uncertainty, the Board shall interpret the intent of the Zoning Map as to the location of the boundary in question.

Section 1.11 - Nonconforming Structures

- (1) Maintenance Permitted: A nonconforming structure lawfully existing prior to the effective date of this Ordinance may be maintained, except as otherwise provided in this Section.
- (2) Repairs: A nonconforming structure may be repaired in the interior or exterior or altered in the interior, provided no structural change shall be made.
- (3) Additions, Enlargements, or Moving:
 - (a) A structure nonconforming as to height, yard, area, off-street parking or loading, and landscape requirements, or other dimensional requirements shall not be added to or enlarged in any manner unless such structure, including such addition or enlargement is made to conform to the uses, height and yard of the district in which it is located.
 - (b) No nonconforming structure shall be moved in whole or in part to any other location on the lot on which it is located unless every portion of such structure is made to conform to all requirements of the district in which it is located.

Sellersburg Commission of Buildings and Code Enforcement

103 South New Albany Street
PO Box 175
Sellersburg, IN 47172
(812)246-3821 Fax (812)246-0174
building@sellersburg.org

April 23, 2015

23

Richard P & Janet Werle
3319 Twelve Oaks Ct.
Sellersburg IN 47172

Mr. and Mrs. Werle,

U.S. Postal Service
CERTIFIED MAIL, RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

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

OFFICIAL USE

Postage	\$1.11	05
Certified Fee	\$2.39	05
Return Receipt Fee (Information Required)	\$2.70	
Registered Delivery Fee (Information Required)	\$6.69	
	\$12.89	

Richard P & Janet Werle
3319 Twelve Oaks Ct.
Sellersburg IN 47172

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

1. Article Addressed to:
Richard P & Janet Werle
3319 Twelve Oaks Ct.
Sellersburg IN 47172

2. Article Number (Number from service label): 7032 1640 0000 7473 0637

COMPLETE THIS SECTION ON DELIVERY

A. Signature: X [Signature] Agent Addressee

B. Received by (Printed Name): Yes No

C. Date of Delivery: 4/23/15

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below: Yes No

3. Service Type:
 Certified Mail® Priority Mail Express®
 Registered® Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes No

PS Form 3811, July 2013 Domestic Return Receipt

This letter is to follow up on our meeting we had on April 21, 2015 about the property, owned by you, at 144 Maple Street in Sellersburg. The cleanup of the property seems to be progressing. I understand the weather has been a factor and, as I explained in the meeting, as long as progress is being made on a daily basis (as weather permits) no further escalation of the enforcement process will be needed. Please contact me when you are ready for a final inspection on the cleanup portion.

→ The disallowed storage will have to be addressed through a petition for variance of the zoning ordinance, petition for rezoning or removal of the stored items that are not allowed under the zoning ordinance by August 1, 2015.

If your properly completed petition application, public notifications made and payment received in my office by May 5, 2015 you will have two opportunities to have your petition heard by the appropriate board on June 15, 2015 and July 20, 2015.

Please refer to Section 3.4 on the Zoning Ordinance of the Town of Sellersburg 1993 edition.

Respectfully

J. Greg Dietz
Building Commissioner

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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	.....	.....	<u>27</u>
Body -- number of lines	.....	.....	.....
Tail -- number of lines	.....	.....	.....
Total number of lines in notice	.....	.....	<u>27</u>

COMPUTATION OF CHARGES

<u>27</u> lines, <u>1</u> column wide equals <u>27</u> equivalent lines at <u>6553</u> cents per line	.....	\$ <u>1769</u>
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	.....	\$ <u>1769</u>

DATA FOR COMPUTING COST

Width of single column in picas.....	Size of type... <u>7</u> ...point.
Number of insertions... <u>2</u>	

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 has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type which was duly published in said paper2..... times. The dates of publication being as follows:

8/6, 8/14, 2015

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 8-14-15

Theresa Wheaton
Legal Clerk

TOWN OF SELLERSBURG, INDIANA BOARD OF ZONING APPEALS

NOTICE OF PUBLIC HEARING
 Notice is hereby given that Mr. John Kraft, on behalf of Richard and Janet Werle ("Werles"), of 144 Maple Street, Sellersburg, IN 47172, has filed an appeal of an administrative decision made by the Building Commissioner of Sellersburg, IN regarding the use of Werle's property and its compliance therewith.
 All persons are hereby notified that a public hearing will be held on Monday the 17th of August, 2015 at 6:00 p.m. At the Sellersburg Town Hall located at 316 E. Utica Street, Sellersburg, IN 47172. The hearing may be continued from time to time as deemed necessary.
 Dated 8/3/2015
 s/Jacob C. Elder
 Town of Sellersburg, Indiana
 Town Attorney hspaxlp

1086603

ATTACH COPY OF ADVERTISMENT HERE

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 27

Body -- number of lines

Tail -- number of lines

Total number of lines in notice 27

COMPUTATION OF CHARGES

27 lines, 1 columns wide equals 27 equivalent lines at ... 6553 cents per line

\$ 17.69

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

\$ 17.69

DATA FOR COMPUTING COST

Width of single column in picas

Size of type ... 7 ... point

Number of insertions ... 2

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 has been paid.

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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 8-14-15

Theresa Wheatland

Legal Clerk

TOWN OF SELLERSBURG, INDIANA BOARD OF ZONING APPEALS NOTICE OF PUBLIC HEARING

Notice is hereby given that Mr. John Kraft, on behalf of Richard and Janet Werle ("Werles"), of 144 Maple Street, Sellersburg, IN 47172, has filed an appeal of an administrative decision made by the Building Commissioner of Sellersburg, IN regarding the use of Werle's property and its compliance therewith.

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Dated 8/3/2015 s/Jacob C. Elder Town of Sellersburg, Indiana Town Attorney hspaxlp

14A

Clark County, IN
 Property Assessment Detail Report
 Parcel Number: 10-17-11-000-582.000-031
 39°North- 855.GIS.3939



Parcel Information

Parcel Number: 10-17-11-000-582.000-031
 Alt Parcel Number: 17-00024-015-0
 Property Address: 211 - 215 INDIANA AVENUE
 Neighborhood: sc com area main
 Property Class: Service Station
 Legal Description: SCHELLERS 2ND ADD LOTS 34-35
 Owner Name: WERLE RICHARD P & JANET
 Owner Address: 3319 TWELVE OAKS COURT
 SELLERSBURG, IN 47172

B3

Taxing District

Township: SILVER CREEK TOWNSHIP
 Corporation: WEST CLARK COMMUNITY

Land Description

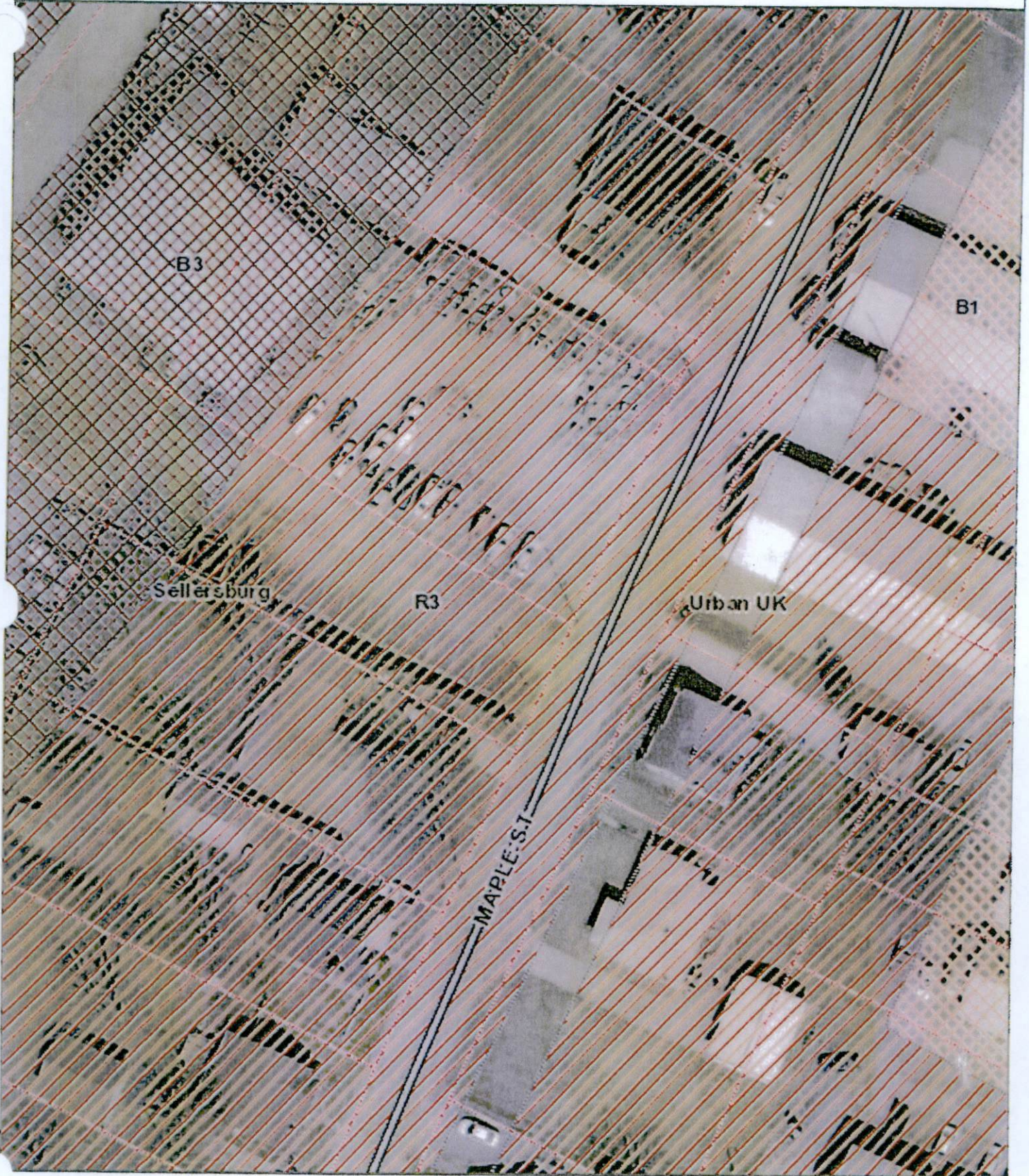
Land Type	Acreage	Dimensions
Fci		144x85

Transfer Of Ownership

Date	Name	Buyer	Document	Deed Type	Sale Price
05-06-2002	WERLE RICHARD P & JANET				
05-25-1995	WERLE RICHARD P & JANET WERLE CHARLE				

144 Maple Street
Sellersburg Indiana

15



316 East Ulica Street
P.O. Box 85

Town Of Sellersburg

Phone (812) 246-3821

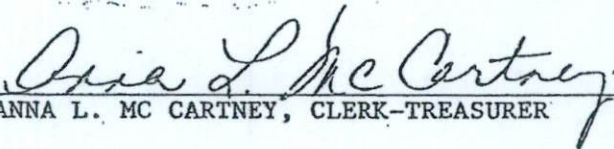
Sellersburg, Indiana
47172

May 23, 1984

18

To Whom It May Concern:

Mr. Richard Werle applied to the Town of Sellersburg for Building Permit # 522, dated February 24, 1984, well before construction began on his commercial building. At that time, he asked if any additional permits or other requirements needed to be met. I told him, to the best of my knowledge, he had met all Town requirements, and I was not aware of any other requirements.

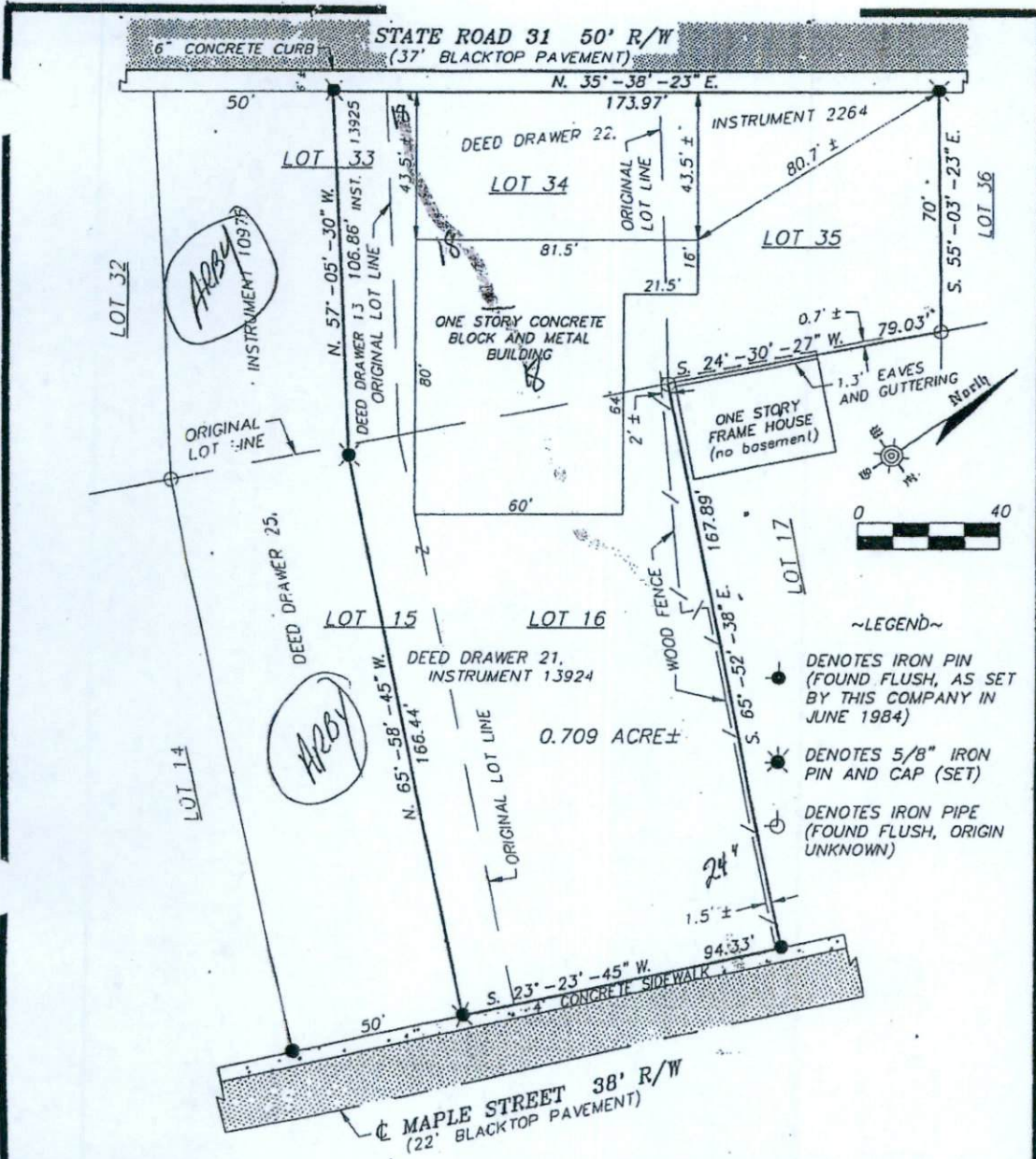

ANNA L. MC CARTNEY, CLERK-TREASURER

No proof of the address this permit number is associated with

CPRA

This was never recorded
Provided by Richard Werle

19



SURVEY AND DRAWING OF PART OF LOT 33 AND ALL OF LOTS 34 AND 35 IN SCHELLER'S 2nd ADDITION AS SHOWN IN PLAT BOOK 5, PAGE 1 AND LOTS 15 AND 16 IN WILLIAM H. HARROD'S ADDITION TO THE TOWN OF SELLERSBURG AS SHOWN IN PLAT BOOK 4, PAGE 12 OF THE CLARK COUNTY, INDIANA RECORDS AND BEING SITUATED ON STATE ROAD 31.

THIS PROPERTY IS NOT LOCATED IN FLOOD ZONE A OR B. THIS DETERMINATION HAS BEEN MADE FROM FLOOD MAP NUMBER 180028 0001 B, DATED AUGUST 1, 1980.

- NOTES:
- 1) THE EAVES AND GUTTERING FOR THE FRAME HOUSE EXTEND ACROSS THE PROPERTY LINE AS SHOWN.
 - 2) TITLE EXAMINATION MAY REVEAL OTHER EASEMENTS AND/OR RIGHTS OF WAYS NOT SHOWN HEREON.

SEE JOB #5760 FOR REFERENCE

I hereby declare that I have surveyed the tract of land shown above and that this survey was executed according to the requirements of Title 865, I.A.C. 1.1-12 to the best of my knowledge and belief and that the field work was completed on August 4, 1993.

David R. Blankenbeker 8/10/93
Registered Land Surveyor No. 900011 Date



Copyright © 1993 Blankenbeker and Son Land Surveyors Inc., P.C. All rights reserved.

BLANKENBEKER & SON
LAND SURVEYORS INC., P.C.
422 MEIGS AVENUE P.O. BOX 157
JEFFERSONVILLE, INDIANA 47131-0157
AREA CODE 812-282-4183

FOR: MR. RICHARD WERLE
215 S. INDIANA AVENUE
SELLERSBURG, IN 47172

Ex A

Sellersburg Commission of Buildings and Code Enforcement

103 South New Albany Street
PO Box 175
Sellersburg, IN 47172
(812)246-3821 Fax (812)246-0174
building@sellersburg.org

Richard P & Janet Werle
3319 Twelve Oaks Ct.
Sellersburg IN 47172

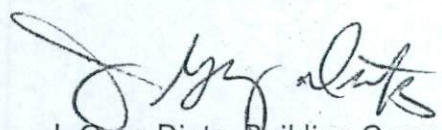
Mr. and Mrs. Werle,

I have received a complaint about a junk yard being maintained at, the property owned by you at, 144 Maple Street in Sellersburg. I have inspected the property and found this complaint to be true. The property is being maintained in violation of the Zoning Code of Sellersburg 1993 Section 2.4 - Single, Two and Multi-Family Residences (R-3 District) and Sellersburg Building Code 2012-004, Section 21 titled **MINIMUM STANDARDS FOR EXTERIOR MAINTENANCE**

This letter is to serve as an official violation notice and that the property must be brought into compliance with the provisions of the Zoning Code of Sellersburg 1993 Section 2.4 - Single, Two and Multi-Family Residences (R-3 District) and Sellersburg Building Code 2012-004, Section 21 titled **MINIMUM STANDARDS FOR EXTERIOR MAINTENANCE** within 30 days of receipt of this order.

If you have any questions please feel free to call me at (502) 817-3041 during normal business hours.

I have included excerpts from the cited codes for your convenience.



J. Greg Dietz, Building Commissioner

Section 2.4 - Single, Two and Multi-Family Residences (R-3 District)

2.4.1 - Purpose and Intent

This district is intended for single-family, two-family, and multi-family uses by right and limited public and quasi-public uses by "contingent use" or "special exception" permits.

2.4.2 - Use Regulations

2.4.2.1 - Uses Permitted by Right

No building or structure, or part thereof, shall be erected, altered or used, or land used, in

the whole or in part, for other than one or more of the following specified uses:

(1) Any "use of right" permitted in an R-1 or R-2 District, subject to the use regulations specified in said District.

(2) Cultural Facilities

(3) Fraternities and Sororities

(4) Group Homes

(5) Multi-Family Dwellings

(6) Nursing Homes

(7) Rooming/Lodging Houses

(8) Single-family Attached Dwellings (Townhouses).

2.4.2.2 - Contingent Uses

The following uses are permitted subject to conditions set forth in Section 3.5 and the granting of a "contingent use" permit by the Board of Zoning Appeals after a public hearing:

(1) Any "contingent use" permitted in an R-1 or R-2 District, subject to the use regulations specified in said District.

(2) Day-Care Centers.

2.4.2.3 - Special Exceptions

The following uses are permitted subject to conditions enumerated in Section 3.6 and the granting of a "special exception" permit by the Board of Zoning Appeals after a public hearing:

(1) Any "special exception" permitted in an R-1 or R-2 District, subject to the use regulations specified in said District

(2) Professional Office

2.4.3 - Area

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 width requirements.

(1) Residential Use:

(a) The lot area for a single-family detached-dwelling uses shall be a minimum of six thousand (6,000) square feet with a minimum width of fifty (50) feet; and there shall not be less than 6,000 square feet of lot area per dwelling unit (i.e., a maximum density of 7.26 dwelling units per acre of lot area).

the whole or in part, for other than one or more of the following specified uses:

(1) Any "use of right" permitted in an R-1 or R-2 District, subject to the use regulations specified in said District.

(2) Cultural Facilities

(3) Fraternities and Sororities

(4) Group Homes

(5) Multi-Family Dwellings

(6) Nursing Homes

(7) Rooming/Lodging Houses

(8) Single-family Attached Dwellings (Townhouses).

2.4.2.2 - Contingent Uses.

The following uses are permitted subject to conditions set forth in Section 3.5 and the granting of a "contingent use" permit by the Board of Zoning Appeals after a public hearing:

(1) Any "contingent use" permitted in an R-1 or R-2 District, subject to the use regulations specified in said District.

(2) Day-Care Centers.

2.4.2.3 - Special Exceptions

The following uses are permitted subject to conditions enumerated in Section 3.6 and the granting of a "special exception" permit by the Board of Zoning Appeals after a public hearing:

(1) Any "special exception" permitted in an R-1 or R-2 District, subject to the use regulations specified in said District

(2) Professional Office

2.4.3 - Area

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 width requirements.

(1) Residential Use:

(a) The lot area for a single-family detached-dwelling uses shall be a minimum of six thousand (6,000) square feet with a minimum width of fifty (50) feet; and there shall not be less than 6,000 square feet of lot area per dwelling unit (i.e., a maximum density of 7.26 dwelling units per acre of lot area).

(b) The lot area for a single-family attached-dwelling uses (townhouses) and two-family dwelling uses (duplexes) shall be a minimum of six thousand (6,000) square feet with a minimum width of fifty (50) feet; and there shall not be less than 3,630 square feet of lot area per dwelling unit (i.e., a maximum density of twelve (12) dwelling units per acre of lot area).

(c) The lot area for a multi-family attached dwelling uses (i.e. apartment building or complex) shall be a minimum of six thousand (6,000) square feet with a minimum width of fifty (50) feet; and there shall be not less than 2,420 square feet of lot area per dwelling unit (i.e., a maximum density of eighteen (18) dwelling units per acre of lot area).

(2)

(a) The lot area shall be a minimum of ten thousand (10,000) square feet with a minimum width of one hundred (100) feet (where sanitary sewers are available). Non-Residential Use:

The maximum lot area coverage shall not exceed thirty-five (35) percent and the maximum floor area ratio (i.e., the ratio of the gross floor area to the lot area) shall not exceed 0.5.

(3) Where a lot has less width or area than herein required, and was a lot of record (or contract sales) prior to the effective date of this Ordinance, such lot may be occupied by one dwelling unit that is a "use permitted by right" in this District. The aggregate width of said yards may be reduced to ten percent (10%) of the width of the lot, but not less than five (5) feet on each side. [The lot area and width exception does not apply to new or converted structures for two-family dwellings (duplexes), single-family attached dwellings (townhouses), or multifamily dwellings.

2.4.4 - Yards

(1) (a) Every lot shall have a front yard not less than twenty-five (25) feet. If the lot faces two or more public access roadways (i.e., excludes freeways and alleys), the front yard setback shall be observed for each yard facing a street. Front Yard and Street Side Yard:

(2) (a) Every lot used for a residential use shall have a side yard on each side, each of which shall be at least five (5) feet. In the case of a corner lot, the front yard setback shall be observed for any side yard facing a street. In the case of single-family attached dwellings (townhouses), the end dwelling unit shall observe only one side yard. Side Yard:

(b) Every lot used for a non-residential use shall have a side yard on each side, each of which shall be at least twenty (20) feet in width.

(3) (a) Every lot shall have a rear yard not less than twenty (20) feet in depth from property line or right-of-way, whichever is greater. Rear Yard:

2.4.5 - Height

No building or structure or part thereof shall be erected or altered to a height exceeding thirty-five (35) feet.

2.4.6 - Minimum Floor Area

The minimum floor area for a single-family detached or single-family attached (duplex, row house or townhouse) dwelling unit shall be twelve hundred (1200) square feet. The minimum floor area for a multi-family dwelling unit shall be as follows:

-one-bedroom 768 sq.ft.

-two-bedroom 900 sq.ft.

-three or more bedrooms 1000 sq. ft.

2.4.7 - Maximum Lot Coverage

The ratio of the building area (i.e., building footprint) to lot area shall not exceed thirty-five (35) percent.

2.4.8 - Off-Street Parking and Loading Requirements

Refer to Section 1.27.

2.4.9 - Sign Requirements Refer to Section 2.15.

2.4.10 - Landscaping Requirements Refer to Section 2.16.

2.4.11 - Minimum Usable Open Space Requirement

The minimum usable open space shall be six hundred (600) square feet per dwelling unit.

Section 2.16 - Landscaping Requirements

2.16.1 - Application

2.16.1.1 - Property perimeter landscaping requirements apply to all property lines. Fully controlled access roadways (i.e., expressways and freeways) are not considered "public access roadways".

2.16.1.2- All uses except agricultural and detached single-family dwelling units shall comply with the provisions of this section except:

(1) where a detached single-family dwelling use is built after a different abutting use, the single-family use must comply; or

(2) when the existing structure (building or parking area) is expanded less than twenty (20) percent in square footage.

2.16.1.3 - When an existing structure (building or parking area) is expanded and represents more than a twenty (20) percent but less than a fifty (50) percent increase in square footage, only the portion of the structure being expanded shall comply with the landscaping requirements.

2.4.6 - Minimum Floor Area

The minimum floor area for a single-family detached or single-family attached (duplex, row house or townhouse) dwelling unit shall be twelve hundred (1200) square feet. The minimum floor area for a multi-family dwelling unit shall be as follows:

- one-bedroom 768 sq.ft.
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Refer to Section 1.27.

2.4.9 - Sign Requirements Refer to Section 2.15.

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- (2) when the existing structure (building or parking area) is expanded less than twenty (20) percent in square footage.

2.16.1.3 - When an existing structure (building or parking area) is expanded and represents more than a twenty (20) percent but less than a fifty (50) percent increase in square footage, only the portion of the structure being expanded shall comply with the landscaping requirements.

2.16.1.4- When an existing structure (building or parking area) is expanded and represents a fifty (50) percent or more increase in square footage, the entire lot shall comply with the landscaping requirements.

2.16.1.5 - The Plan Commission may waive any landscaping requirement after a public hearing and finding of fact supporting the waiver or after all abutting property owners have agreed in writing to the waiver of any landscaping requirements.

2.16.2 - Landscape Buffer Areas

2.16.2.1 - Where a multifamily or business use abuts a single or two-family use there shall be a ten (10) foot wide landscape buffer all along the rear and abutting sides.

2.16.2.2- Where an industrial use abuts any other type of use other than another industrial use, there shall be a ten (10) foot wide landscape buffer area all along the rear and abutting sides.

2.16.2.3 - All multi-family, business, and industrial uses shall have decorative landscaping along the front property line.

2.16.2.4- The landscape buffer area width shall not be greater than any required side or rear yard requirement. A landscape buffer area is to be free from development to accommodate the required landscaping and buffering materials. No structures (including buildings, parking lots, loading/unloading areas, or storage areas) are allowed within the landscape buffer area except access ways, fences, walls, signs, lighting standards, or structures attendant to public utility service.

2.16.2.5 - In as much as there is no front yard setback in the B-2 district, the property owner is required to provide and maintain street trees in the public right-of-way.

2.16.2.6- A landscape Plan shall be submitted for approval.

"JUNK YARD." A place, usually outdoors but which may be indoors, where waste or discarded used property other than organic matter is accumulated and/or stored and is or may be salvaged for reuse or resale, including but not limited to one or more unlicensed or inoperable motor vehicles or parts therefrom or other discarded or waste material or property and materials and items defined in "JUNK" above.

Section 2.13 - Heavy Industry (I-2 District)

This district includes the full range of manufacturing, wholesaling, and warehousing uses in an urban area. It includes uses that are difficult to screen and buffer from nonindustrial uses and that have operations which cannot normally be enclosed within a building.

2.13.2.2 - Special Exceptions

The following "hazardous, objectionable and obnoxious" uses are permitted subject to conditions enumerated in Section 3.6 and the granting of a "special exception" permit by the Board of Zoning Appeals:

(18) Junk, salvage, auto, wrecking yard.

SECTION 21: MINIMUM STANDARDS FOR EXTERIOR MAINTENANCE.

A. EXTERIOR MAINTENANCE STANDARDS

THE EXTERIOR OF ALL PREMISES AND THE CONDITION OF ALL BUILDINGS AND STRUCTURES THEREON SHALL BE MAINTAINED SO THAT THE APPEARANCE THEREOF SHALL REFLECT A LEVEL OF MAINTENANCE IN KEEPING WITH THE STANDARDS OF THE TOWN AND SO AS TO AVOID BLIGHTING EFFECTS AND HAZARDS TO HEALTH, SAFETY, AND WELFARE.

THE OWNER AND OPERATOR SHALL KEEP THE EXTERIOR OF ALL PREMISES AND EVERY STRUCTURE THEREON INCLUDING BUT NOT LIMITED TO WALLS, ROOFS, CORNICES, CHIMNEYS, DRAINS, TOWERS, PORCHES, LANDINGS, FIRE ESCAPES, STAIRS, REFUSE AND GARBAGE CONTAINERS, STORE FRONTS, SIGNS, WINDOWS, DOORS, AWNINGS AND MARQUEES, IN GOOD REPAIR, AND ALL SURFACES THEREOF SHALL BE KEPT PAINTED OR PROTECTED WITH OTHER APPROVED COATINGS OR MATERIALS WHERE NECESSARY FOR THE PURPOSE OF PRESERVATION AND AVOIDING A BLIGHTING INFLUENCE ON ADJOINING PROPERTIES. EXTERIOR WOOD COMPOSITION OR METAL SURFACES SHALL BE PROTECTED FROM THE ELEMENTS BY PAINT OR OTHER PROTECTIVE COVERINGS. SURFACES SHALL BE MAINTAINED SO AS TO BE KEPT CLEAN AND FREE OF FLAKING, LOOSE OR PEELING PAINT OR COVERINGS. THOSE SURFACE MATERIALS WHOSE APPEARANCE AND MAINTENANCE WOULD BE ENHANCED BY A NATURAL WEATHERING EFFECT OR OTHER NATURAL EFFECT MAY REMAIN UNTREATED.

ALL SURFACES SHALL BE MAINTAINED FREE OF BROKEN GLASS, LOOSE SHINGLES, CRUMBLING STONE OR BRICK, PEELING PAINT, WHEN SUCH PEELING CONSISTS OF AT LEAST THIRTY THREE AND ONE THIRD (33 1/3%) PERCENT OF THE SURFACE AREA, OR OTHER CONDITIONS REFLECTIVE OF DETERIORATION OR INADEQUATE MAINTENANCE, AND NOT SHOWING EVIDENCE OF WEATHERING DISCOLORATION, RIPPING, TEARING, OR OTHER HOLES OR BREAKS, TO THE END THAT THE PROPERTY ITSELF MAY BE PRESERVED SAFELY AND FIRE HAZARDS ELIMINATED FROM ADJOINING PROPERTIES AND THE NEIGHBORHOOD PROTECTED FROM BLIGHTING INFLUENCE. ALL PREMISES SHALL BE MAINTAINED AND LAWN, HEDGES, BUSHES, TREES, AND OTHER VEGETATION SHALL BE KEPT TRIMMED AND FROM BECOMING OVERGROWN AND UNSIGHTLY WHERE EXPOSED TO PUBLIC VIEW OR WHERE SUCH VEGETATION MAY CONSTITUTE A BLIGHTING INFLUENCE ON ADJOINING PROPERTY.

ALL PREMISES SHALL BE MAINTAINED FREE OF ALL DEBRIS, TRASH, RUBBISH, LITTER, GARBAGE, REFUSE, JUNK AND FOUNDATION REMNANTS. NO PREMISES SHALL BE USED FOR STORAGE OF INOPERABLE MOTOR VEHICLES, MACHINERY, JUNK VEHICLES OR MACHINERY AND VEHICLE PARTS WHEN SUCH STORAGE IS WITHIN VIEW OF ANY PUBLIC PREMISES OR PUBLIC ALLEY, STREET OR HIGHWAY SO AS NOT TO CAUSE A BLIGHTING PROBLEM OR ADVERSELY EFFECT THE PUBLIC HEALTH OR SAFETY.

ALL VACANT STRUCTURES AND PREMISES THEREOF OR VACANT LAND SHALL BE MAINTAINED IN A CLEAN, SAFE, SECURE, AND SANITARY CONDITION AS PROVED HEREIN.

B. REMEDIES

THE BUILDING COMMISSIONER SHALL REQUEST THE TOWN ATTORNEY TO BRING ACTION ON BEHALF OF THE TOWN IN THE CIRCUIT OR SUPERIOR COURTS OF CLARK COUNTY, INDIANA, FOR MANDATORY AND INJUNCTIVE RELIEF IN THE ENFORCEMENT OF AND TO SECURE COMPLIANCE WITH ANY ORDER OR ORDERS MADE BY THE BUILDING

SECTION 21: MINIMUM STANDARDS FOR EXTERIOR MAINTENANCE.

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ALL SURFACES SHALL BE MAINTAINED FREE OF BROKEN GLASS, LOOSE SHINGLES, CRUMBLING STONE OR BRICK, PEELING PAINT, WHEN SUCH PEELING CONSISTS OF AT LEAST THIRTY THREE AND ONE THIRD (33 1/3%) PERCENT OF THE SURFACE AREA, OR OTHER CONDITIONS REFLECTIVE OF DETERIORATION OR INADEQUATE MAINTENANCE, AND NOT SHOWING EVIDENCE OF WEATHERING DISCOLORATION, RIPPING, TEARING, OR OTHER HOLES OR BREAKS, TO THE END THAT THE PROPERTY ITSELF MAY BE PRESERVED SAFELY AND FIRE HAZARDS ELIMINATED FROM ADJOINING PROPERTIES AND THE NEIGHBORHOOD PROTECTED FROM BLIGHTING INFLUENCE. ALL PREMISES SHALL BE MAINTAINED AND LAWN, HEDGES, BUSHES, TREES, AND OTHER VEGETATION SHALL BE KEPT TRIMMED AND FROM BECOMING OVERGROWN AND UNSIGHTLY WHERE EXPOSED TO PUBLIC VIEW OR WHERE SUCH VEGETATION MAY CONSTITUTE A BLIGHTING INFLUENCE ON ADJOINING PROPERTY.

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COMMISSIONER OR HIS AUTHORIZED REPRESENTATIVE, AND ANY SUCH ACTION FOR MANDATORY OR INJUNCTIVE RELIEF MAY BE JOINED WITH AN ACTION TO RECOVER THE PENALTIES PROVIDED FOR IN THIS ORDINANCE. ANY PERSON ADJUDGED GUILTY OF A VIOLATION OF THIS ORDINANCE MAY ALSO BE ADJUDGED TO PAY THE COSTS OF PROSECUTION.

THE OWNER OF THE PROPERTY SHALL BE NOTIFIED IN WRITING STATING THAT THE PROPERTY OWNER SHALL HAVE A MAXIMUM OF THIRTY (30) DAYS TO COMPLY WITH THE STANDARDS OF MAINTENANCE AS OUTLINED IN THIS SECTION, AFTER WHICH TIME IF THE PROPERTY OWNER HAS NOT COMPLIED, A FINE SHALL BE ASSESSED AS PROVIDED FOR IN SUBSECTION (C) BELOW.

C. PENALTIES

IF ANY PROPERTY OWNER VIOLATES THE PROVISIONS OF THIS SECTION, SAID PROPERTY OWNER SHALL BE NOTIFIED IN WRITING OF SUCH VIOLATION. THE BUILDING COMMISSIONER OR HIS AUTHORIZED REPRESENTATIVE, SHALL SEND A "VIOLATION NOTICE" BY CERTIFIED MAIL OR BY DELIVERY IN PERSON TO THE PROPERTY OWNER FOUND TO BE IN VIOLATION OF THIS SECTION, AND THAT SAID PERSON SHALL HAVE A MAXIMUM OF FIFTEEN (15) DAYS TO COMPLETE AND RETURN A FORM LETTER INDICATING AGREEMENT TO "CORRECT THE VIOLATION" WITHIN THIRTY (30) DAYS: OR TO "APPEAL THE VIOLATION".

UPON RECEIPT OF A REQUEST FOR AN APPEAL THE BUILDING COMMISSIONER SHALL NOTIFY THE APPELLANT IN WRITING OF THE PLACE AND DATES TO SCHEDULE AN APPEAL. THE PROPERTY OWNER MAY APPEAL "THE VIOLATION", "THE COMPLIANCE REQUIREMENTS", OR "THE COMPLETION DATE".

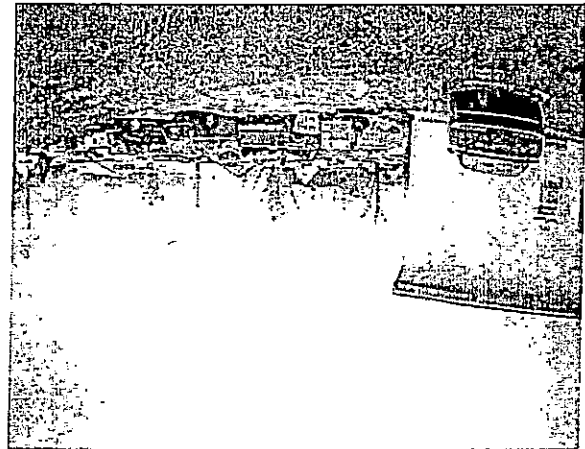
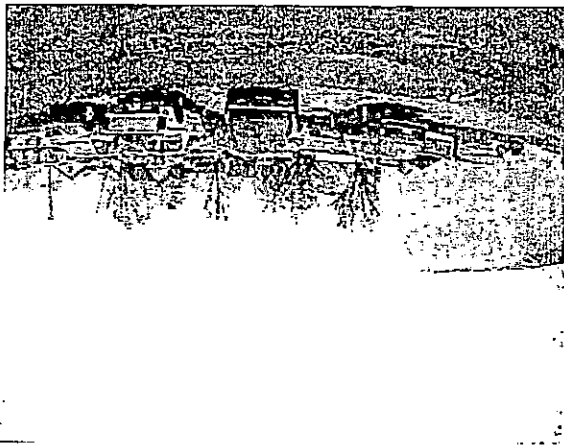
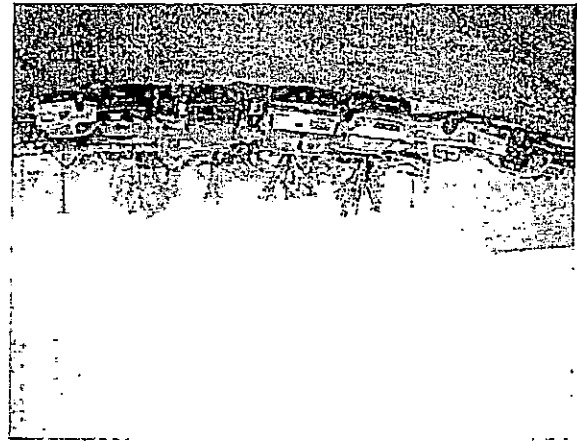
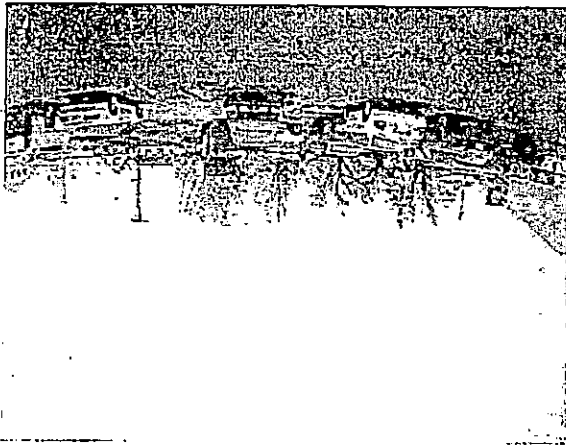
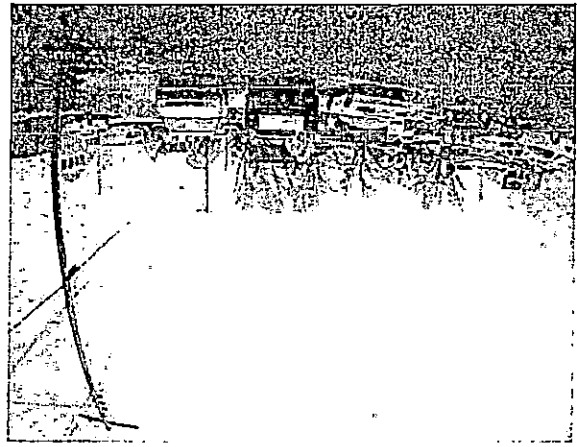
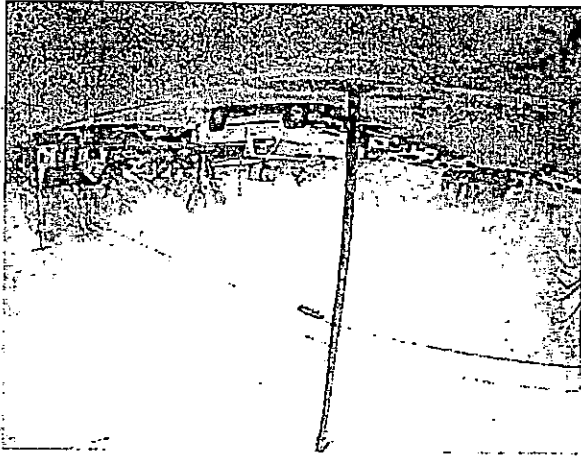
UPON PRESENTATION OF CONVINCING EVIDENCE. THE PLANNING AND ZONING COMMISSION MAY NEGOTIATE AN ADJUSTED "COMPLIANCE SCHEDULE" COMMENSURATE WITH THE EVIDENCE PRESENTED AND IN KEEPING WITH THIS SECTION. PROOF OF HARDSHIP: UPON PROOF OF HARDSHIP A RESIDENT-OWNER MAY BE GRANTED A CONTINUANCE AND BE EXEMPTED FROM FINES FOR THOSE VIOLATIONS REQUIRING THE EXPENDITURE OF UNAVAILABLE FUNDS PROVIDED THAT SAID VIOLATIONS DO NOT ADVERSELY AFFECT THE PUBLIC HEALTH AND SAFETY.

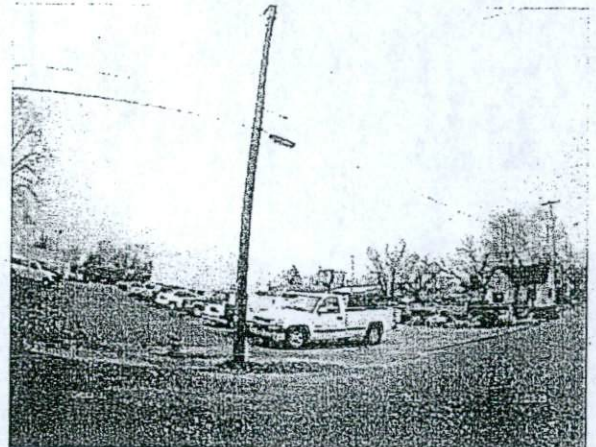
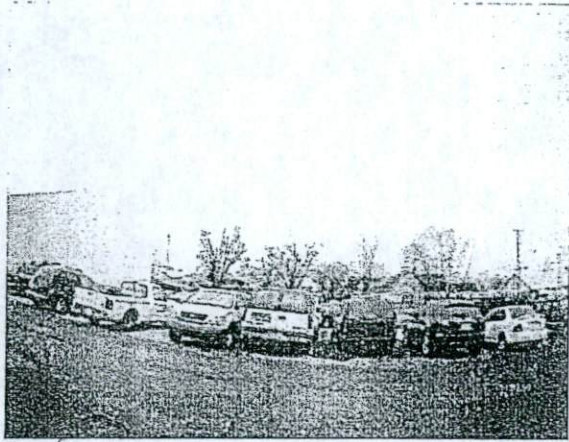
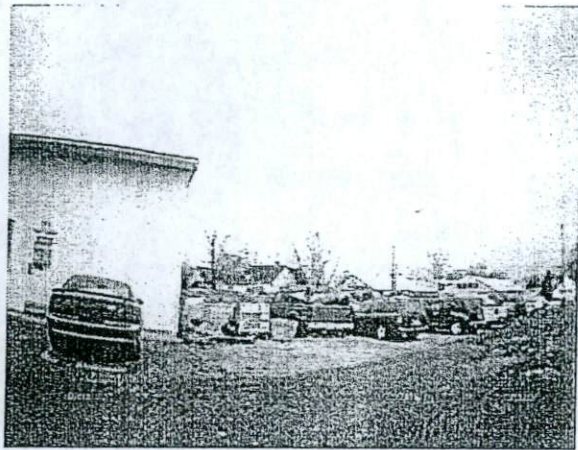
FAILURE TO COMPLY: IN THE EVENT THE OWNER FAILED TO RESPOND TO ANY OF THE ABOVE PROCEDURES THE OWNER WOULD BE FOUND IN VIOLATION OF THIS SECTION AND FINED ACCORDINGLY. HE SHALL BE CITED BEFORE A COURT OF COMPETENT JURISDICTION, AND UPON CONVICTION OF THE VIOLATION SHALL BE FINED NOT LESS THAN ONE HUNDRED (\$100.00) DOLLARS NOR MORE THAN TWENTY-FIVE HUNDRED (\$2,500.00) DOLLARS.

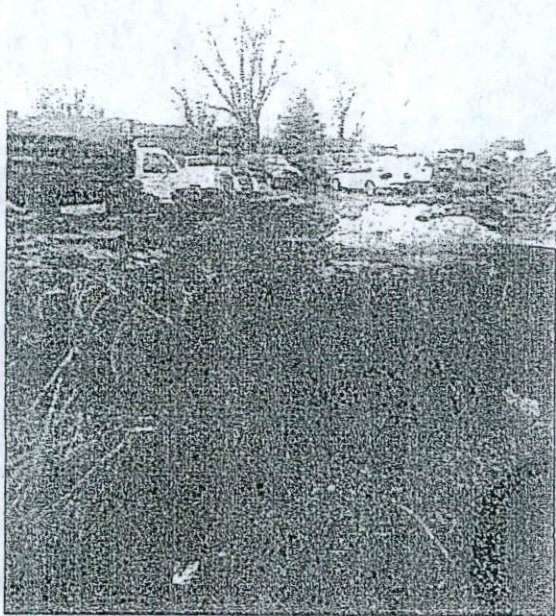
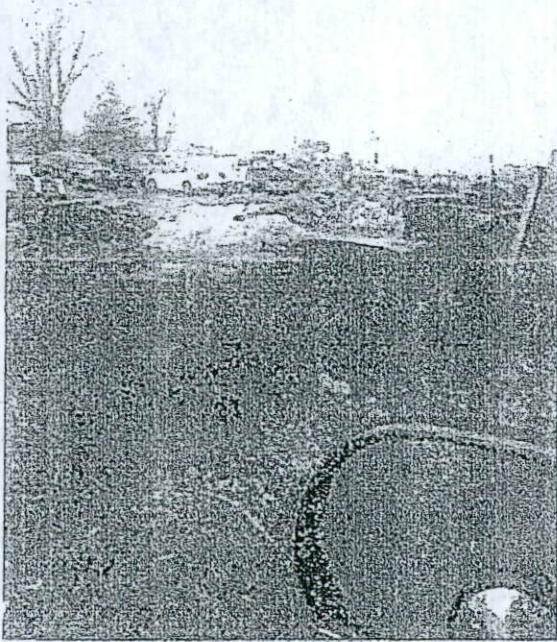
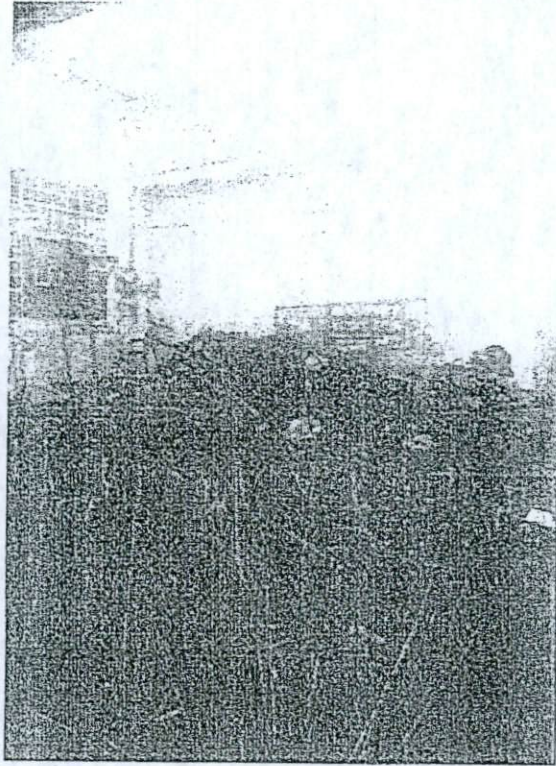
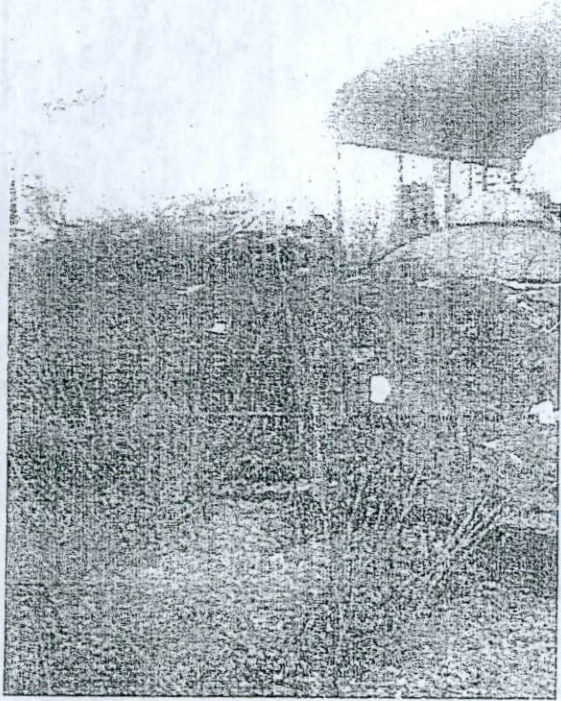
D. RIGHT TO APPEAL

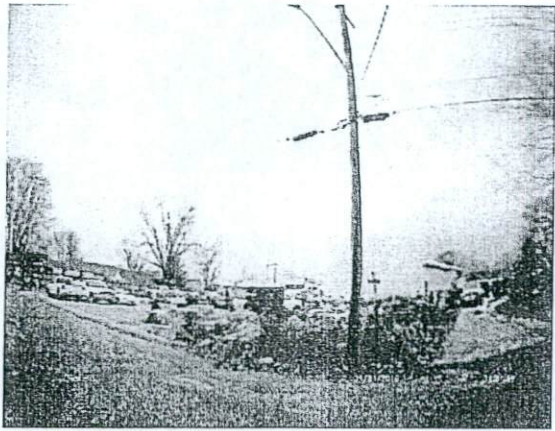
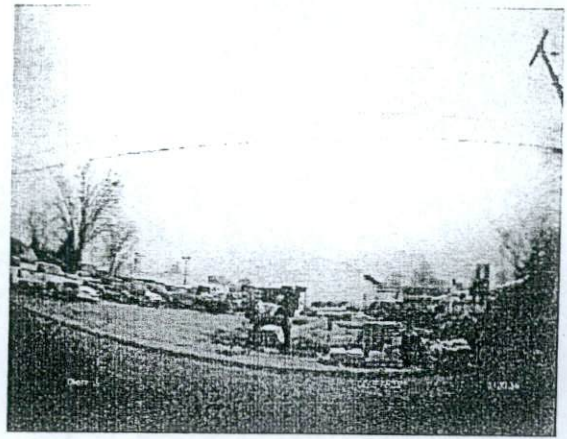
THE BOARD OF ZONING APPEALS SHALL HAVE THE AUTHORITY TO GRANT SPECIAL VARIANCES OR RELIEF TO ANY PROVISIONS OR REQUIREMENTS OF THIS SECTION AND MAY PRESCRIBE ANY CONDITIONS OR REQUIREMENTS DEEMED NECESSARY TO MINIMIZE ADVERSE EFFECTS UPON THE COMMUNITY.

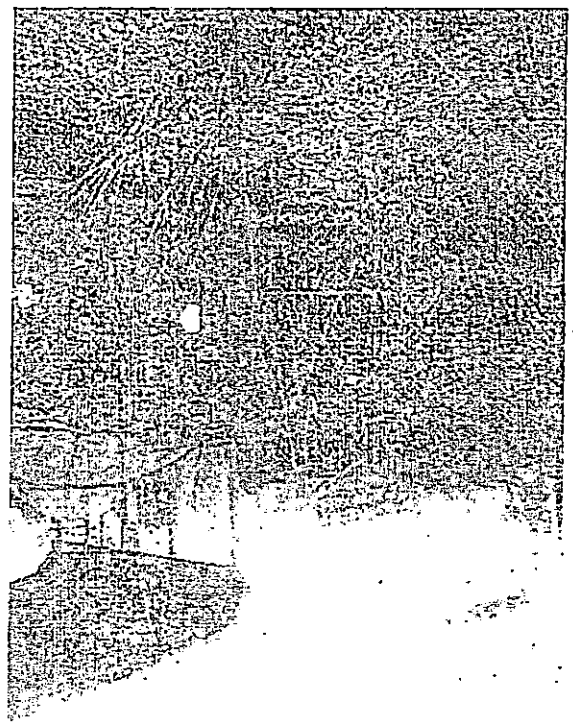
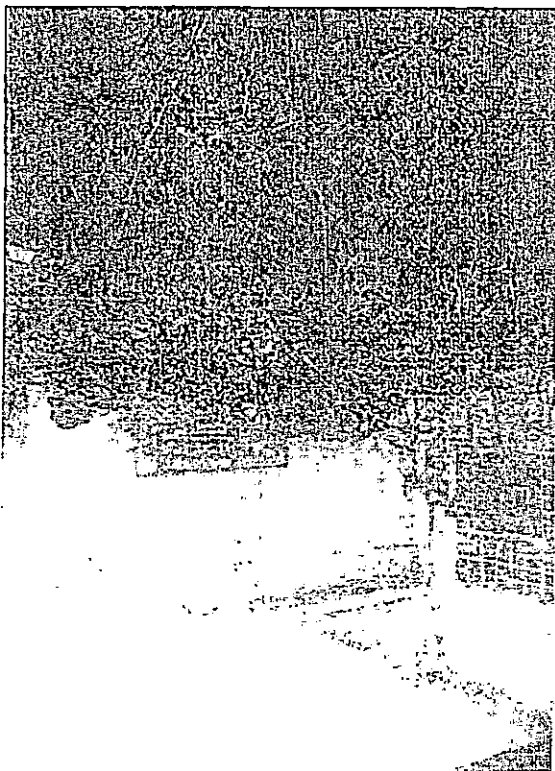
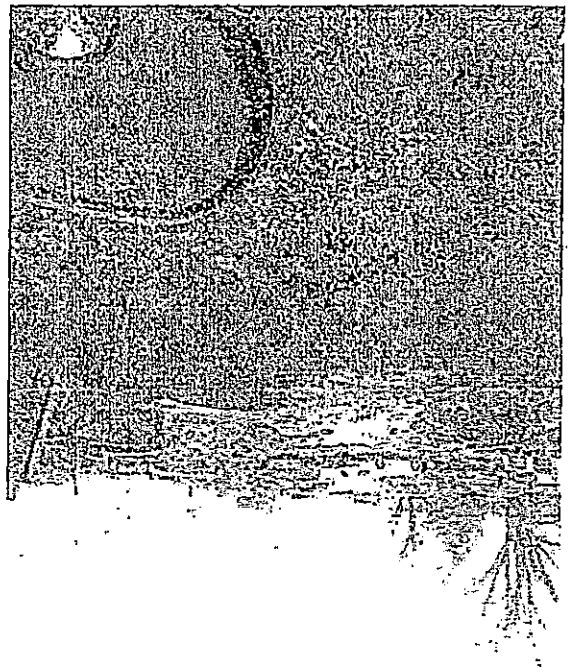
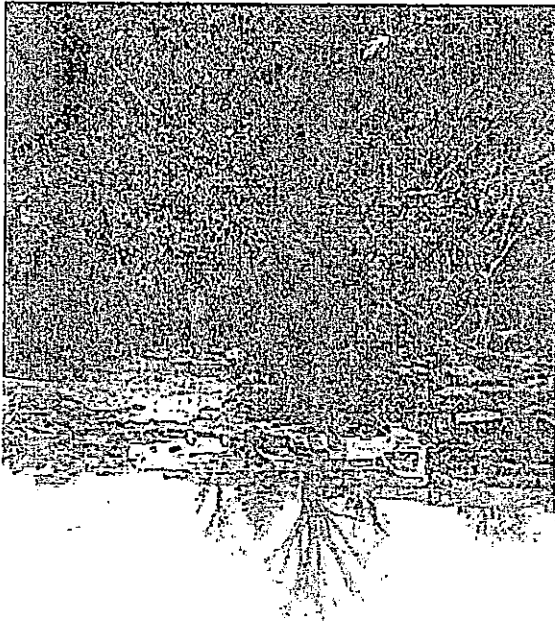
THE PLANNING AND ZONING COMMISSION MAY DEVELOP STANDARDS AND PROCEDURES FOR THE IMPLEMENTATION AND ENFORCEMENT OF THESE PROVISIONS.

















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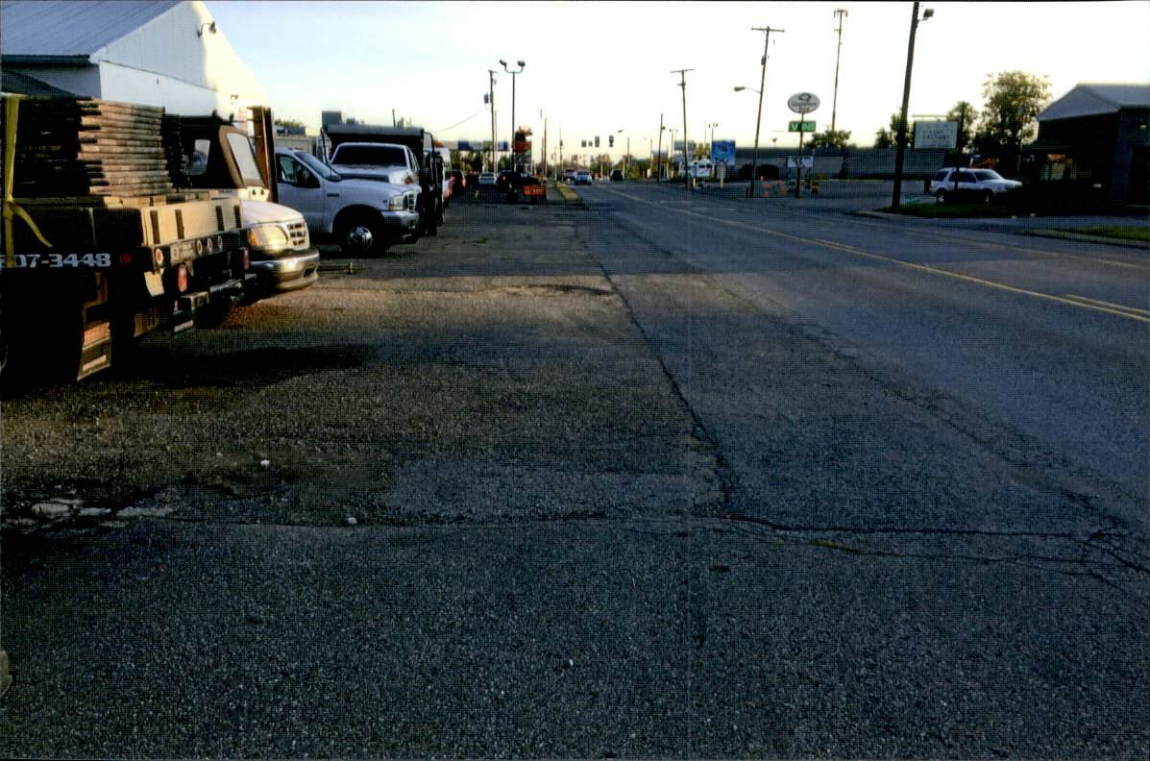












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