

LAW OFFICES
YOUNG, LIND, ENDRES & KRAFT
126 WEST SPRING STREET
NEW ALBANY, INDIANA 47150
AREA CODE 812
TELEPHONE 945-2555
TELECOPIER 948-6956
WWW.YLEK.COM

JOHN A. KRAFT
JUSTIN E. ENDRES
KATELYN M. HINES

LEWIS A. ENDRES
(1949-1992)
EUGENE F. LIND
(1942-2001)
C. THOMAS YOUNG
(1943-2002)

June 18, 2024

Floyd County Board of Zoning Appeals
2524 Corydon Pike
Suite 202
New Albany, IN 47150

RE: Peck Properties, LLC
Development Standard Variance
Application

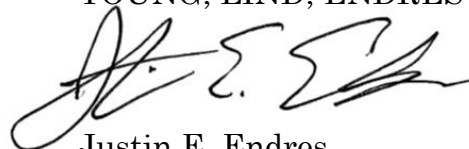
Ladies/Gentlemen:

Peck Properties, LLC is desirous of utilizing trees and berm as an appropriate method to screen certain areas where outside storage is intended. Specifically, a berm will be added along adjacent portions of E. Luther Road and the corner of Paoli Pike in lieu of another type of opaque fence or wall structure. The berm will be 3 feet tall and 10 feet wide and will use green giant arbs and spruce trees spaced 8 feet from centers. The spruce trees will be placed in front and the arbs will be placed in the back. The plants will generally be 6 feet tall.

The use of plantings will be a more appropriate screening method in this location than an opaque fence as the restrictions on fence height and the elevation changes in the property make a fence an unhelpful solution. The berm and planting satisfy the wall structure addressed in the zoning ordinance. Further, the berm and tree plantings will be more presentable and effective method to accomplish the purposes of the Zoning Ordinance.

Best Regards,

YOUNG, LIND, ENDRES & KRAFT



Justin E. Endres



Floyd County
 Department of Building & Development Services
 2524 Corydon Pike Suite 202
 New Albany, IN 47150
 Phone: (812) 981-7611
 Fax: (812) 948-4744
 Building@floydcounty.in.gov

Rec'd 5/13/24
 2:23pm

Development Standards Variance Application

Please Note:

This Application is a document of public record. Any information disclosed on this application is available for review by the public. Incomplete applications will not be accepted. A pre-submission meeting with Building and Development Staff is strongly encouraged. Please contact the office at 812-981-7611 to schedule a meeting.

Variance: *A modification of the specific requirements of this ordinance granted by the Board in accordance with the terms of this ordinance for the purpose or assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.*

1. General Information:

Applicant:	Peck Properties LLC
Applicant Address:	3815 Paoli Pike, New Albany, Indiana 47150 Floyds Knobs 47119
Applicant Phone:	812-945-2555
Applicant Email:	rlamb@whiteboardmgmt.com

Applicant's Interest in Property:

Owner Option Holder Purchase Agreement Legal Representative Other

Owner(s) of Property: (complete this section if owner is different than applicant)

Owner Name:	
Owner Address:	
Owner Phone:	
Owner Email:	

Applicant's Representative:

Representative Name:	Justin E. Endres, Young, Lind, Endres & Kraft
Representative Address:	126 W. Spring Street, New Albany, Indiana 47150
Representative Phone:	812-945-2555
Representative Email:	jendres@ylek.com

2. Site Information:

Parcel ID Number:	22-04-02-000-144.000-006
Total Acreage:	10.058
Address of Property/Location:	3815 Paoli Pike, New Albany, Indiana 47150 Floyds Knobs 47119
Current Use of Property:	Industrial
Current Zoning District:	General Industrial

3. Variance Request:

Detail the variance request:

Applicant attempts to utilize trees and berm as an appropriate method to screen certain areas where outside storage is intended. Specifically, a berm along adjacent portions of E. Luther Road and the corner of Paoli Pike will be utilized with trees in lieu of a fence structure. The elevation differences and restrictions on fence height will be more appropriate in this location.

4. Zoning Map Amendment Justification:

Indiana Code and the Floyd County Zoning Ordinance establish specific criteria that each must be meet in order for a development standards variance to be approved. Describe how the variance request meets each of the following criteria:

1. Approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community:

In Section 5 of the FCO, outdoor storage is permitted in GI districts; however, 5.07 indicates the storage must be "screened using an opaque fencing or wall structure." The berm would satisfy this description without a variance; however, Applicant desire clarity in this decision. Further, the restrictions on fence height and the elevation changes in the property make a fence an unhelpful solution. The berm and tree plantings will be a more presentable and effective method to accomplish the purposes of the Zoning Ordinance.

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

The planting system will be more appropriate for the setting. It will improve the look and aesthetic of the area.

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

Due to the elevation changes in property, and the restrictions on fence size, the zoning ordinance fence standards would not provide minimal screening. The property is zoned General Industrial and permits outdoor storage with an opaque wall and screening. This accomplishes that purpose based on the unique needs of the real estate and adjoining property elevations.

4. This variance (DOES /DOES NOT) involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10.

Does Not

5. Required Documents:

- \$300.00 Filing Fee
- Deed for subject property
- Affidavit of Ownership (if applicable) N/A
- Site plan drawn to scale, signed, and dated which clearly shows the entire layout of the property and all features relevant to the variance request.
- Letter from Floyd County Health Department indicating this variance will not negatively affect the operation of a septic system, if applicable
- Cover letter summarizing variance request.

6. Signature:

The undersigned states that the above information is true and correct.

Name: Russell Lamb

Signature: [Handwritten Signature]

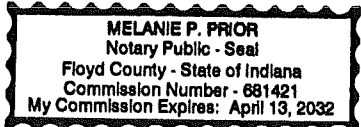
Date: 5/8/2024

SUBSCRIBED AND SWORN BEFORE ME

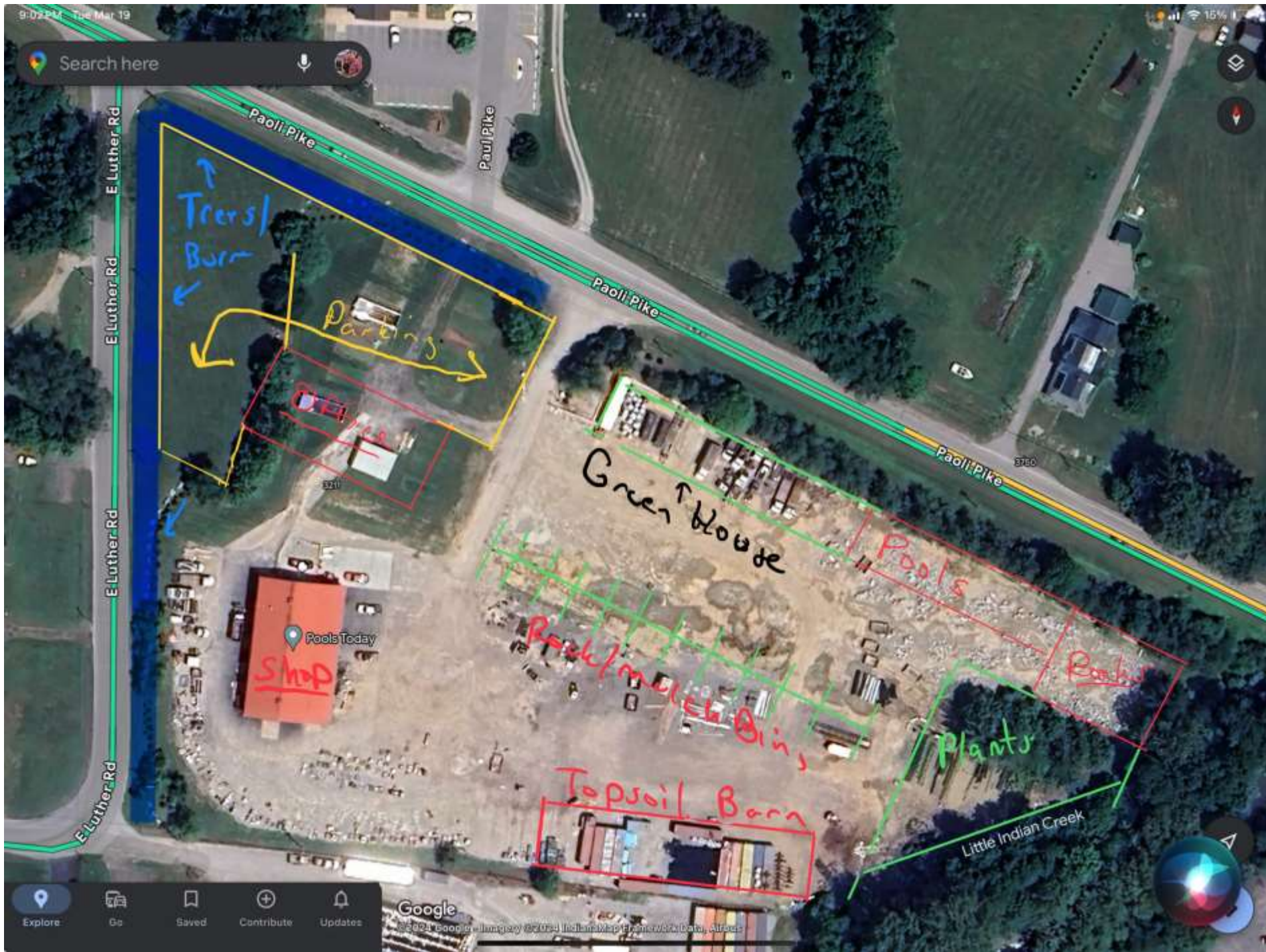
THIS 8th DAY OF May, 2024
Melanie P. Prior

NOTARY PUBLIC COUNTY OF _____

MY COMMISSION EXPIRES _____



Search here



Gabrielle Adams

From: Dawn Stackhouse
Sent: Thursday, June 6, 2024 10:56 AM
To: Building Dept
Cc: rlamb@whiteboardmgmt.com; Anthony Lieber
Subject: 3815 Paoli Pike

To Whom It May Concern:

RJ Lamb contacted our office about obtaining a variance letter regarding adding a berm on his property at 3815 Paoli Pike, Floyds Knobs IN 47119. Our department does not have a record of the septic system for this property, but we also do not require a permit for the addition of soil or the planting of vegetation. We do recommend that the property owner locate his existing septic system and avoid damaging any component of his system. If you need anything else from our department, please let me know.



DAWN STACKHOUSE

Environmental Supervisor

Floyd County Health Department

 T: 812-948-4726 ext. 661 / C: 502-396-7232

 dstackhouse@floydcounty.in.gov

 1917 Bono Road, New Albany IN 47150

 www.floydcountyhealth.org

In accordance with federal civil rights law regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity.

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FLOYD COUNTY
ASSESSOR

Jul/13/2021

E-RECORDED
202111098
FLOYD CO. IN RECORDER
LOIS ENDRIS
07/13/2021 08:27 AM
202111098 Pages: 3
Transaction # 4049027

WARRANTY DEED

GRANTEE'S ADDRESS: 5343 Buck Creek Road, Floyds Knobs, IN 47119
MAIL TAX STATEMENTS TO: Same as above

Key #004-22301-00 Parcel #22-04-02-000-144.000-006

THIS INDENTURE WITNESSETH: That Pappas Real Estate Holdings, LLC, an Indiana limited liability company, by and through its duly authorized member

CONVEYS AND WARRANTS

unto Peck Properties, LLC, an Indiana limited liability company, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the following described real estate situated in the County of Floyd, State of Indiana, and described as follows, to-wit:

BEING A 10.058 ACRES, MORE OR LESS TRACT OF LAND LYING IN THE NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 6 EAST, LAFAYETTE TOWNSHIP, FLOYD COUNTY, INDIANA. SAME BEING PART OF THOSE SAME LANDS AS PREVIOUSLY CONVEYED TO GEORGE W. AND MARY PARSONS AS DESCRIBED IN DEED BOOK 87, PAGE 138, SAME BEING BOUNDED AS FOLLOWS: BEGINNING AT AN EXISTING STONE AT THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 20, SAME BEING THE SOUTHWEST CORNER OF SAID PARSONS TRACT; THENCE ALONG THE WEST LINE OF SAID EAST HALF AND THE WEST RIGHT OF WAY OF LUTHER ROAD, NORTH 00 DEG. 08' 59" EAST A DISTANCE OF 670.22 FEET TO A POINT IN THE CENTER OF OLD U.S. 150; THENCE ALONG SAID CENTER LINE, SOUTH 63 DEG. 32' 27" EAST A DISTANCE OF 1118.65 FEET

Duly Entered For Taxation
Subject To Final Acceptance
For Transfer

Jul 13 2021 - MHD

Jaqueline Werning
AUDITOR FLOYD CO. IND.

TO A POINT; THENCE LEAVING SAID ROAD, ALONG THE WEST BANK OF LITTLE INDIAN CREEK, SOUTH 46 DEG. 13' 20" WEST A DISTANCE OF 358.22 FEET TO A 5/8 INCH STEEL PIN AND CAP; THENCE ALONG PARSONS SOUTH LINE NORTH 84 DEG. 10' 06" WEST A DISTANCE OF 748.45 FEET TO THE PLACE OF BEGINNING.

SUBJECT TO ANY AND ALL EASEMENTS OF RECORD AND THE LEGAL RIGHT OF WAY OLD U.S. 150 AND LUTHER ROAD.

EXCEPTING THEREFROM: A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 6 EAST, LAFAYETTE TOWNSHIP, FLOYD COUNTY, INDIANA.

BEING AN ADDITIONAL 15 FEET OF RIGHT-OF-WAY ALONG THE EASTERN SIDE OF LUTHER ROAD (30 FOOT); THE EAST LINE OF SAID ADDITIONAL 15 FOOT BEING PARALLEL TO AND 30 FEET EAST OF THE EXISTING CENTER LINE OF THE PAVEMENT OF SAID ROAD AND BEGINS AT THE SOUTH RIGHT-OF-WAY OF PAOLI PIKE (OLD HIGHWAY 150), 80 FEET WIDE, AND RUNS SOUTH 626 FEET, MORE OR LESS TO THE SOUTHWEST CORNER OF DAVID K. DAVIS PROPERTY, DEED DRAWER 14, INSTRUMENT NO. 3542. BEING 0.21 ACRES.

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

TO HAVE AND TO HOLD, the same unto said Grantee, its heirs and assigns, in fee simple forever.

The above-described real estate is conveyed free and clear of all liens and encumbrances, except the real estate taxes, which having been prorated to the date of closing, the Grantee hereby assumes and agrees to pay all taxes hereafter.

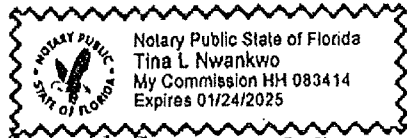
IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal, this 3rd day of July, 2021.

Pappas Real Estate Holdings, LLC

By: [Signature] (Seal)

Robert S Pappas
Printed Name/Member

STATE OF North)
) SS:
COUNTY OF Sumner)



Before me, a Notary Public, in and for said County and State, personally appeared Pappas Real Estate Holdings, LLC, by and through its duly authorized member, Robert S Pappas, and acknowledges the execution of the foregoing Deed to be its free and voluntary act and deed for the uses and purposes expressed therein.

WITNESS my hand and seal, this 3rd day of July, 2021.

My Commission Expires:

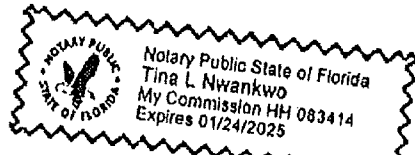
01-24-2025

[Signature]
Notary Public

Tina L Nwankwo
Printed Name

Resident of Sumner County, FL

This Instrument prepared by:
YOUNG, LIND, ENDRES & KRAFT
JOHN A. KRAFT, Attorney
126 W. SPRING STREET
NEW ALBANY, INDIANA 47150
812-945-2555



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.

Kimberly Hart