

NOTICE OF PUBLIC HEARING

Description of Proposed Docket:

The applicant _____ is seeking a:

- Development Standards Variance
- Conditional Use
- Special Exception
- Administrative Appeal

From the **Floyd County Board of Zoning Appeals.**

Street Address (see enclosed map):

Description of Project:

This is a notice that a public hearing regarding the proposed docket item will be on _____ located in **Suite 104 at the Pineview Government Center, 2524 Corydon Pike New Albany, IN 47150.**

Please note that information about the proposed docket item can be found at the following:

Floyd County Building and Development Services

2524 Corydon Pike Suite 202

New Albany, IN 47150

Monday- Friday 8AM to 4PM

812.981.7611

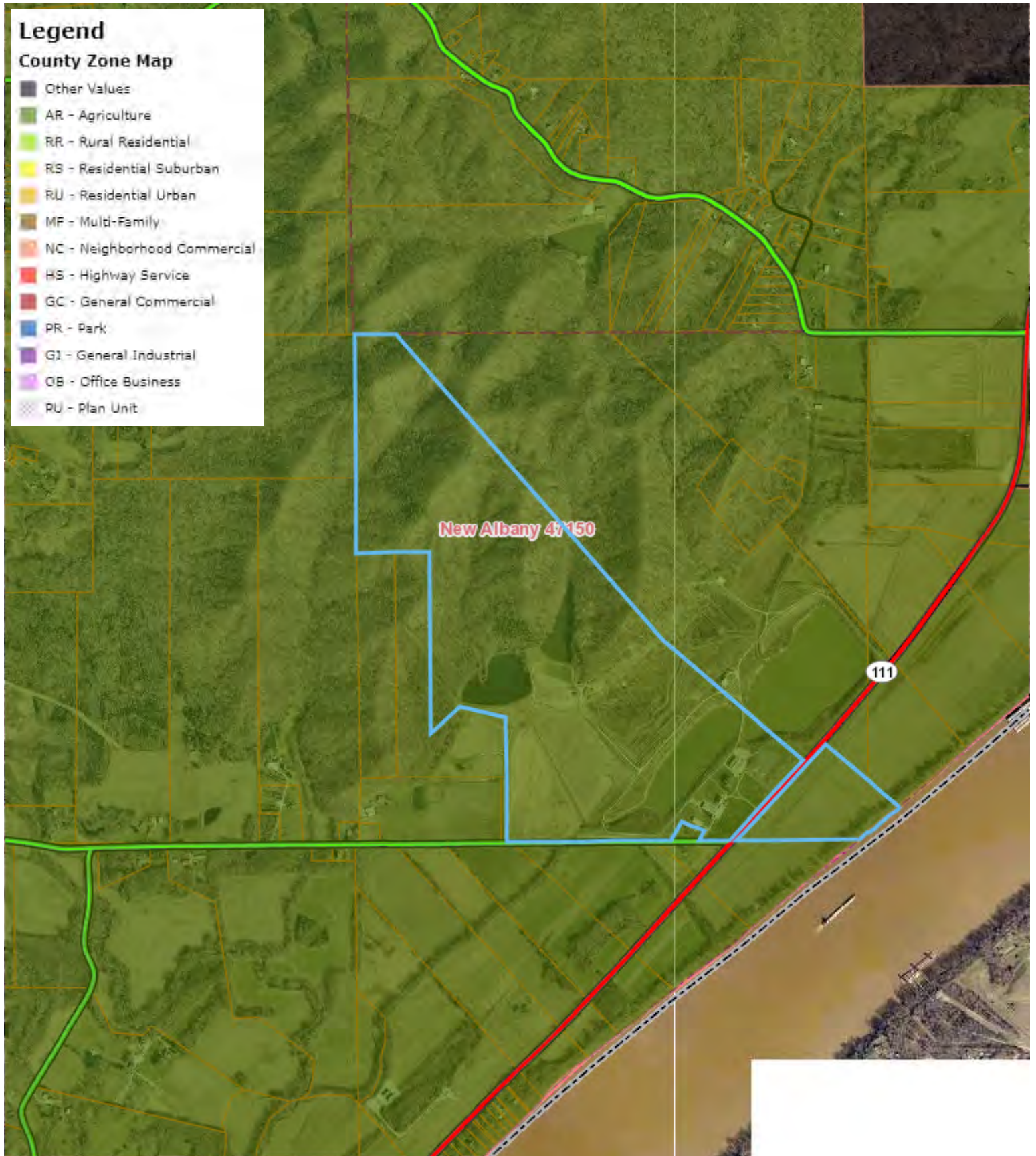
Building@floydcounty.in.gov

Online: Floyd County Government Website www.floydcounty.in.gov

Legend

County Zone Map

- Other Values
- AR - Agriculture
- RR - Rural Residential
- RS - Residential Suburban
- RJ - Residential Urban
- MF - Multi-Family
- NC - Neighborhood Commercial
- HS - Highway Service
- GC - General Commercial
- PR - Park
- G1 - General Industrial
- OB - Office Business
- PU - Plan Unit



Floyd County Board of Zoning Appeals

Frequently Asked Questions

1. How can I find out more about this docket?

You can either visit to the Floyd County Building and Development Services Office and review the file between the hours of 8AM to 4PM Monday through Friday or you can review the proposed application on-line at www.floydcounty.in.gov under the Plan Commission page

2. How does this process work?

Depending on the docket, there are several different processes. The Board of Zoning Appeals will take public comments on each proposal and values public comment in their decision-making process. The Board of Zoning Appeals is required to follow state statute when considering each application. Below is a brief description of application that may come before the board. Please note the check marked application on the notification form to the corresponding process listed below:

- **Development Standards Variance** – The applicant is seeking to vary from the County’s development standards in the County’s Zoning Ordinance. Per Indiana State statute, the Board of Zoning Appeals holds a public hearing. From the applicant, it determines if the applicant has met the standard that will allow for the requested variance of County rules. The Board of Zoning Appeals has the ability to approve, disapprove or may place reasonable conditions on the request per the ordinance standards.
- **Conditional Use**– The applicant is seeking to conduct a use on the property not otherwise permitted by right. By the County Zoning Ordinance, the proposed use must be reviewed and determined by the Board of Zoning Appeals if how the applicant is proposing the use to be conducted will affect the adjoining property owners. The Board of Zoning Appeals has the ability to approve, or disapprove. The Board can also place reasonable conditions on the request per the ordinance standards.
- **Special Exception** – The applicant is seeking to conduct a use that is not permitted by right in the certain zoning district. Similar to the conditional use, ordinance, and the proposed use must be reviewed and determined by the Board of Zoning Appeals if how the applicant is proposing the use to be conducted will affect the adjoining property owners. The Board of Zoning Appeals has the ability to approve or disapprove. The Board can also place reasonable conditions on the request per the ordinance standards.

Board of Zoning Appeals & Plan Commission Order of Meetings:

- Meeting is called to order, roll call, and approval of minutes
- Director presents docket item and staff report
- Petitioner will be given a total of ten (10) minutes to present application request
- Board members will ask petitioner questions
- Public comments are opened:
 - Favorable comments are allowed a combined total of ten (10) minutes
 - Opposition comments are allowed a combined total of ten (10) minutes
- Public comments are closed and will remain closed
- Petitioner will be given a total of five (5) minutes to respond to public comments
- Board discusses the case and makes a ruling



Floyd County
Department of Building & Development Services
2524 Corydon Pike Suite 203
New Albany, IN 47150
Phone: (812) 981-7611
Fax: (812) 948-4744
Building@floydcounty.in.gov

Administrative Appeal 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.

Administrative Appeal: *the BZA shall review appeals from any order, requirement, decision, or determination made by: an administrative official, hearing officer, or staff member under the zoning ordinance. The BZA may reverse, affirm, or modify the order, requirement, decision, or determination that is being appealed. For this purpose, Indiana Code gives the board all the powers of the official, officer, board, or body from which the appeal is taken.*

1. General Information:

Applicant:	The Sporting Club at the Farm
Applicant Address:	4939 River Road, New Albany, IN 47150
Applicant Phone:	812-944-0400
Applicant Email:	joe@thefarmsc.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:	Joseph Crea
Owner Address:	7209 Leafland Place, Prospect, KY 40059
Owner Phone:	502-553-2475
Owner Email:	joe@thefarmsc.com

Applicant's Representative:

Representative Name:	
Representative Address:	
Representative Phone:	
Representative Email:	

2. Site Information:

Parcel ID Number:	22-01-02-900-001.000-001
Total Acreage:	250
Address of Property/Location:	4939 River Road, New Albany, IN 47150
Current Use of Property:	Sportsman Club
Current Zoning District:	101

3. Decision Information:

Detail the decision being appealed:

This appeal is to the 9/9/2024 letter from the office of Building & Development titled Re: Complaint against the Sporting Club at the Farm, 4939 SR-111 New Albany IN, 47150. In that letter a complaint was filed against The Sporting Club at the Farm in regards to an approved archery event. The complaint claimed that The Farm was in violation of the gun shooting yardage restriction imposed as a condition of approval of the special exception.

Date of Decision: September 9, 2024

(Note: Appeal must be filed within thirty (30) days of the date of the decision)

4. Reason/Basis of Appeal:

Describe the reason(s) for the appeal noting specific section of the Zoning Ordinance, Indiana State Code, or other standards applicable to Floyd County upon which this appeal is based. If preferred by the applicant, a separate letter may be attached describing the reasons for the appeal:

The appeal is based on the BZA Special Exception Ballot Docket FC-04-19-13, specifying "restrictions on shooting of guns" (page 3, condition #16). Indiana Code § 35-47-1-5 defines a "firearm" as "[expelling] a projectile by means of an explosion," not applicable to archery. The archery range's location satisfies the 300-yard gun shooting and noise restriction conditions. In July 2024, Joseph Crea met with Paul Riley to improve relations. Mr. Riley requested reorientation of permanent archery targets, which The Farm promptly accommodated. He indicated no other archery-related concerns. Archery tournaments have been held here for 4 years without objection.


5. Required Documents:

- \$150.00 Filing Fee
- Deed for subject property
- Affidavit of Ownership (if applicable)
- Copies of materials submitted to staff members or administrative board upon which the decision being appealed was based.
- Copies of any written decisions which are subject to appeal.

6. Signature:

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

Name: Joseph Crea

Signature: 

Date: 10/08/2024
10/7/2024 DRS JL

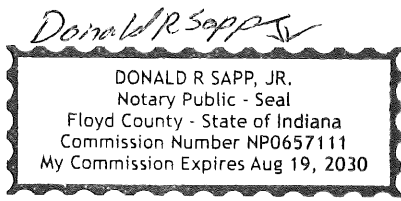
SUBSCRIBED AND SWORN BEFORE ME

THIS ⁰⁸ ~~10th~~ JC DAY OF October 2024,

2024 

NOTARY PUBLIC COUNTY OF Floyd

MY COMMISSION EXPIRES 08/19/2030



FLOYD COUNTY
ASSESSOR

Sep/13/2023

Duly Entered For Taxation
Subject To Final Acceptance
For Transfer
Sep 13 2023 - AM

Diane M. Fopping

AUDITOR FLOYD CO. IND.

E-RECORDED

202309990

FLOYD CO. IN RECORDER

LOIS ENDRIS

09/13/2023 11:51 AM

202309990 Pages: 10

Transaction # 4073032

WTS File No. 230297
 Tax ID No. 001-01500-01; 001-01500-06; 001-01600-11; 001-01500-07;
 001-01500-11; 001-02100-04; 001-02000-15; 001-02100-08;
 001-02000-03; 001-02100-01
 State Parcel No. 22-01-02-900-001.000-001; 22-01-02-900-006.000-001;
 22-01-02-800-020.000-001; 22-01-02-900-007.000-001;
 22-01-02-900-011.000-001; 22-01-03-200-004.000-001;
 22-01-03-100-015.000-001; 22-01-03-200-008.000-001;
 22-01-03-100-003.000-001; 22-01-03-200-001.000-001

WARRANTY DEED

Ben A. Reid, Sr., Family Limited Partnership, Grantor, CONVEYS and WARRANTS unto Mussel Mound, LLC, Grantee, in fee simple, for and in consideration of one dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is acknowledged, the following described real estate located in Floyd County, Indiana:

See legal description attached as Exhibit "A."

The undersigned person(s) represent that they are duly authorized partner of Grantor and have been fully empowered, by proper resolution of the partners of Grantor, or by Partnership Agreement, to execute and deliver this deed; that Grantor has full legal capacity to convey the real estate described herein; and that all necessary action for the making of this conveyance has been taken and done.

Deed was executed this 29th day of August, 2023.

BEN A. REID, SR.,
FAMILY LIMITED PARTNERHIP

Ben A. Reid Jr.

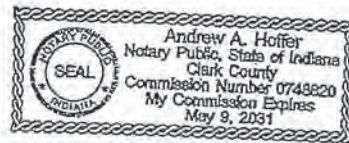
By: Ben A. Reid, Jr., General Partner

STATE OF INDIANA)
)
COUNTY OF FLOYD)

Subscribed to before me, a Notary Public, personally appeared Ben A. Reid, Jr., as General Partner of the Ben A. Reid, Sr., Family Limited Partnership, who acknowledged the execution of the foregoing Deed on the 29th day of August, 2023.

Sign: 
Print: Andrew A. Hoffer

Commission Expires: 5-9-2031
County of Residence: Clark
Commission No. 0748820



Send tax bills to: 4939 IN HWY 111, New Albany, IN 47150
Grantee Address: SAME

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. (Andrew A. Hoffer)

Prepared by: Andrew A. Hoffer, HOFFER LAW, LLC
1842 East Spring Street, New Albany, Indiana 47150

EXHIBIT A
Legal Description

(22-01-02-900-001.000-001 & 22-01-02-900-006.000-001)

PARCEL 1

Tract No. 1:

Part of Sec. 29 & part of the SW 1/4 of Sec. 28 in Township 3 S, Range 6 E, bounded as follows: Beginning at a stone corner set on the bank of the Ohio River and on the line dividing sections 29 and 32, Township 3 South, Range 6 East, witnessed by a locust tree, four inches in diameter, East five links running thence West with said section line 52 chains and 25 links to the Southeast corner of Kelly's lands; thence North 19 chains and 50 links with Kelly's line; thence North 77 degrees West 7 chains and 50 links with said Kelly's line; thence South 44-1/2 degrees West 6 chains and 20 links with Kelly's line; thence North 28 chains and 25 links; thence West 11 chains and 25 links to the section line dividing sections 29 and 30, said township and range; thence North with section line 33 chains and 50 links to the Northwest corner of section 29; thence east on section line 7 chains to a stone set in the section line; thence South 43-1/2 degrees East 61 chains to a stone corner set; thence South 47-1/2 degrees East 30 chains and 68 links to the center of the New Albany and Bridgeport Road to a stone corner set on the North side of road; thence North 43 degrees East 4 chains and 50 links with the center of said road to a stone corner set on the North side of the road; thence South 47-1/2 degrees East 15 chains to a stone set on the bank of the Ohio River; thence South 52 degrees West 10 chains and 92 links to the place of beginning; containing 253 acres more or less with the appurtenances and being lot No. 2 in Plat No. 448 of the Floyd County Records, excepting therefrom however one acre of land conveyed to Harrison H. Huffman and Maude N. Huffman, husband and wife by deed dated January 26, 1923 and recorded in Deed Book Volume 77, page 214 of the Floyd County, Indiana Records; with the appurtenance thereunto belonging, and excepting also the tract of 8 acres more or less conveyed by William Aydelotte and Elmira J. Aydelotte his wife, to Joseph Blunk by deed dated April 2, 1855 and recorded in Deed Record 3, page 621 of the Floyd County Records, and being the same property conveyed to Ben A. Reid and Dorothy Reid, his wife, by deed dated July 12, 1941, of record in Deed Record 173, page 97 of the Floyd County, Indiana Records.

Tract No. 2:

Being a part of Section 29, Township 3 South of Range 6 East of land sold at Jeffersonville, Indiana, and bounded as follows: Beginning at the Northeast corner of a 72 acre tract formerly sold to Joseph Blunk by Jacob Snider at 2 ash trees standing 11.25 chains from the Section line and running thence South 20 degrees West 25.25 chains to a stake; thence North 77 degrees West 1.77 chains to a beech tree; thence South 44 degrees West 6 chains to a beech; thence North 6 degrees West 28.25 chains to the place of beginning, containing 8 acres, more or less, and being the same property conveyed to James L. Reid and Mary Josephine Reid, by deed dated June 26, 1941, of record in Deed Record 106, page 143, in the office of the Recorder aforesaid herein, and by them conveyed to Ben A. Reid and Dorothy Reid, his wife by deed dated July 12, 1941, of record in Deed Record 173 page 97, in the office of the Recorder aforesaid.

(22-01-02-800-020.000-001)

Tract No. 3:

A part of Section 29 and a part of the southwest quarter of Section 28 Township 3 South, Range 6 East in Franklin Township, Floyd County, Indiana, bounded as follows: Beginning at an old stone corner on the Section line dividing Sections 28 and 29 said Township and Range, also it being the Southeast corner of George Snider's lands; running thence south with said Section line 19 chains and 75 links to an old stone on said Section line; thence South 39-1/2 degrees East 22 chains and 89 links in Section 28 said Township and Range to an old stone on the bank of the Ohio River; thence South 52 degrees West with the bank of said Ohio River 13 chains and 92 links to a stone corner set on river bank; thence North 47-1/2 degrees West 15 chains to the center of the New Albany Bridgeport Road to a stone corner set on North side of said road; thence South 43 degrees West with center of said road 4 chains and 50 links to a stone corner on the North side of said road; thence North 47-1/2 degrees West 30 chains and 68 links to a stone corner; thence North 43-1/2 degrees West 61 chains to a stone corner set on the Section line dividing Sections 20 and 29; thence East 33 chains and 50 links with said Section line to an old stone corner at the 1/4 quarter section corner; thence South 49-1/2 degrees, East 39 chains and 50 links with the line of Snider's land to an old stone corner; thence East 11 chains and 50 links to the place of beginning containing 253 acres more or less, with the appurtenances, and being lot No. 1 of Plat No. 448 of the Floyd County Records.

Excepting, however, from the above description and conveyance a five acre tract more or less heretofore conveyed by the said William A. Curnick and Bertha T. Curnick, his wife, to James Wright by deed dated March 3, 1921, and recorded in deed record volume 75, page 239 of the Floyd County Records, which said five acre tract is described as follows: A part of the Northeast quarter of Section 29, Township 3 South of Range 6 East, described as follows: Beginning at rock at West corner of James Wright's land; thence running North 49-1/2 degrees West 528-1/2 feet to rock; thence South 47 degrees West 412.18 feet; thence South 49-1/2 degrees East 528-1/2 feet; thence North 47 degrees East 412.18 feet to the place of beginning.

Excepting also from the first above description and conveyance 15.39 acres thus conveyed to said William A. Curnick and Bertha T. Curnick, his wife, to George Snider, by deed dated March 17, 1919, and recorded in deed record volume 72, page 3, which said 15.39 acres are described as follows: Beginning at a point on the section line between Sections 28 and 29; running thence due North along section line 1317 feet to a point in a private roadway to a stone 12 feet apart; thence due West along said private roadway 759.5 feet to a stone; thence in a southwestwardly direction 47 degrees East a distance of 264 feet. to a stake; thence in a Southwardly direction 39 degrees 30 minutes 1473 feet to a stone on section line between Sections 28 and 29; thence to the place of beginning, all in Section 29, Township 3 South Range 6 East.

Excepting also from the first above description and conveyance a five acre tract, more or less, conveyed by William A. Curnick and Bertha T. Curnick, his wife, to Allen Hunn, by deed dated March 3, 1921, which said five acre tract is described as follows, to-wit: A part of the Northeast quarter of Section 29, Township 3 South of Range 6 East, described as follow: Beginning at stone on West corner of Allen Hunn's land; thence running North 47 degrees East, 202 feet; thence North 49-1/2 degrees West (along Geo. Snider's land) 493 feet to bottom of cliff; thence South 47 degrees West 614.18 feet to stone; thence South 49-1/2 degrees East 286-1/2 feet to stone; thence North 47 degrees East 412.18 feet to a stone; thence South 49-1/2 degrees East 206-1/2 feet to place of beginning, with the appurtenances. Being the same property conveyed to Dorothy W. Reid by deed dated January 14, 1942, of record in Deed Record 107, page 296, in the office of the Recorder before mentioned herein.

(22-01-02-900-007.000-001)

Tract No. 4:

That part of the North 1/2 of the West 1/2 of the Southwest 1/4 of Section 29, Township 3 South, Range 6 East, more fully described by the will and Plat No. 2 in said will of George Baird, deceased, recorded in Will Record C, page 130-133 of the Will Records of Floyd County, Indiana, containing 40 acres, more or less, being the tract in said Plat No. 2 in said will marked "Louise Caroline." Also a roadway 16 feet wide running over the tract in said plat marked "Sarah Elizabeth" adjoining the land of William A. Aydelotte, and being the same property conveyed to Dorothy W. Reid, by deed dated October 21, 1950, of record in Deed Record 131, page 5, in the office of the Recorder before mentioned herein. And being the same property conveyed to Ben A. Reid by Deed recorded in Deed Record 212, Page 103, on May 3, 1973, in the Office of the Recorder of Floyd County, Indiana.

(22-01-02-900-011.000-001)

PARCEL 2

Being a part of the Southwest Quarter of Section 29, Township 3 South, Range 6 East, described as follows: Commencing at the Southwest corner of said Section 29, Township 3 South, Range 6 East; thence North 84 d. East 1567.5 feet, more or less, along the north line of a public road known as Five Mile Lane to the Southeast corner of a tract of land devised to Sarah Elizabeth Baird by will recorded in Will Record C pages 130-133 in the office of the Clerk of the Floyd Circuit Court, the true place of beginning of the tract to be herein described; thence North 6 d. West 660 feet along the East line of the above mentioned tract to a point; thence West and parallel to the North line of Five Mile Lane 16 feet; thence South 6 d. East 660 feet to the North line of said Five Mile Lane; thence North 84 d. East 16 feet along the North line of Five Mile Lane to the place of beginning. Being a roadway 16 feet in width by 660 feet in length mentioned in the aforesaid Will Record C pages 130-133. And being the same property conveyed to Ben A. Reid and Dorothy W. Reid (deceased), husband and wife, by Quit-Claim Deed recorded in Deed Record 212, Page 339, on May 31, 1973, in the Office of the Recorder of Floyd County, Indiana.

PARCEL 6

A part of Section 29, Township 3 South, Range 6 East, Floyd County, Indiana, and being more particularly described as follows: Beginning at the Southwest corner of Section 29, Township 3 South, Range 6 East; thence North 700 feet to the true place of beginning of the tract to be herein described; thence continuing North 2300 feet to a point, which point is at the Southwest corner of the real estate conveyed to Ben Reid and wife as recorded in Deed Record 173 page 97 of the Floyd county, Indiana Records; thence East 390 feet to the Northwest corner of the real estate conveyed to Ben Reid and wife described in Deed Record 212 page 103 of the Floyd County, Indiana, Records; thence South 2300 feet to a point; thence West 390 feet to the place of beginning; containing 20 acres, more or less.

And being the same property conveyed to Ben A. Reid and Dorothy W. Reid (deceased), husband and wife, by Warranty Deed recorded in Deed Record 212, Page 341, on. May 31, 1973, in the Office of the Recorder of Floyd County, Indiana.

(22-01-03-200-004.000-001)

PARCEL 3

A PART OF SECTIONS TWENTY-NINE (29) AND THIRTY-TWO (32), BOTH IN TOWNSHIP THREE (3) SOUTH, RANGE SIX (6) EAST BEGINNING AT A STONE ON THE SOUTH SIDE OF THE FIVE MILE LANE, SAID STONE BEING LOCATED THREE HUNDRED AND FIFTY-TWO (352) FEET NORTH OF THE LINE DIVIDING SAID SECTIONS TWENTY-NINE AND THIRTY-TWO AND FOUR HUNDRED AND FIFTEEN (415) FEET EAST OF THE LINE BETWEEN SECTIONS TWENTY-NINE (29) AND THIRTY (30) BOTH IN TOWNSHIP THREE (3) SOUTH, RANGE SIX (6) EAST; RUNNING THENCE EAST ALONG THE FIVE MILE LANE FIVE HUNDRED AND TWENTY (520) FEET TO A STONE; THENCE SOUTH 40 DEGREES EAST TWO THOUSAND FIVE HUNDRED AND FIFTY-TWO (2552) FEET TO A STONE ON THE BANK OF THE OHIO RIVER; THENCE SOUTH 50 DEGREES WEST FOUR HUNDRED (400) FEET TO THE STONE IN THE BANK OF SAID RIVER; THENCE NORTH 40 DEGREES WEST TWO THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (2889) FEET TO A STONE AT THE PLACE OF BEGINNING; CONTAINING TWENTY-FOUR (24) ACRES, MORE OR LESS; WITH THE APPURTENANCES THEREUNTO BELONGING.

And being the same property conveyed to Ben A. Reid by Commissioner's Deed recorded in Deed Record 197, Page 410, on July 28, 1970, in the Office of the Recorder of Floyd County, Indiana.

(22-01-03-100-015.000-001 & 22-01-03-200-008.000-001)

PARCEL 4

Part of Sections 31 and 32, Township 3 South, Range 6 East, Floyd County, Indiana: Beginning at a stone at the northeast corner of the southeast quarter of Section 31, Township 3 South, Range 6 East; running thence North forty-two (42) degrees West one hundred (100) feet to the center line of an old ditch; thence North eighty-three (83) degrees twenty (20) minutes West along said ditch three hundred (300) feet; thence South sixty-nine (69) degrees five (5) minutes West along said ditch three hundred five (305) feet to the center line of Knob Creek; thence South fifty-three (53) degrees five (5) minutes West along Knob Creek two hundred seventy-eight (278) feet; thence South twenty-seven (27) degrees twenty (20) minutes West along Knob Creek three hundred seventy (370) feet; thence South two (2) degrees twenty (20) minutes West along Knob Creek one hundred thirty-eight (138) feet; thence South sixty-eight (68) degrees forty (40) minutes West along Knob Creek eighty (80) feet; thence South twenty-nine (29) degrees ten (10) minutes West along Knob Creek four hundred ten (410) feet; thence South seventy-eight (78) degrees ten (10) minutes West along Knob Creek three hundred (300) feet; thence South twenty-one (21) degrees twenty (20) minutes East five hundred fifteen (515) feet; thence South sixty-seven (67) degrees twenty-nine (29) minutes East two hundred eighty-two and five tenths (282.5) feet to a stone corner; thence South forty-eight (48) degrees twenty-three (23) minutes East one thousand seventy (1070) feet to the Ohio River's Waters Edge; thence North thirty-eight (38) degrees six (6) minutes East along said river six hundred thirty-two (632) feet; thence North forty-three (43) degrees six (6) minutes East along said river one thousand two hundred forty (1240) feet; thence North forty-two (42) degrees West one thousand two hundred ninety-five (1295) feet to the place of beginning, containing 76.12 acres, the same being a resurvey of the lands conveyed to David T. Gunn by O. R. Merriwether and wife by deed recorded in Deed Record 24, page 626, of the Floyd County, Indiana Records; and of the lands conveyed to David T. Gunn by Hiram Bence by deed recorded in Deed Record 30, page 139, of the Floyd county, Indiana Records, and of the lands conveyed to W. M. Bailey by deed recorded in Deed Record 97, page 502, of the Floyd County, Indiana Records.

Also, being a part of Calem Newman's Homestead Lot No. 1, as set off to Vachel Newman in the partition of said Calem Newman heirs, on August 9, 1847, as shown on Order Book Probate 1846 to 1849, page 195, and which is a part of Section 31, Township 3 South, Range 6 East, more fully described as follows, to-wit: Beginning at the southwest corner of David Merriwether's corner above the River Road; now John Pearl's corner; thence North 51 degrees 30' West along said Pearl's line, 1039.5 feet to a stone; thence continuing along said Pearl's line, North 73 degrees 00' West, 280.5 feet to a point in the center of the old bed of Knob Creek and which is the true place of beginning of land to be herein described; thence continuing along the center of the old bed of Knob Creek the following courses and distances; South 48 degrees 24' 30" West 181.70 feet to a point; thence South 65 degrees 14' 30" West 131.7 feet to a point at the intersection of the old bed of Knob Creek with the new bed of Knob Creek; thence along the new bed of Knob creek the following courses and distances; North 11 degrees 41' 30" East, 24.4 feet to a point; thence North 42 degrees 58' 30" East, 97.2 feet to a point; thence North 18 degrees

51' East 80.8 feet to a point; thence North 6 degrees 03' East 190.5 feet to the center of a twenty-four inch (24") sycamore tree which is at the intersection of said new bed of Knob Creek with the center of the old bed of Knob Creek; thence along the center of said old bed of Knob Creek the following courses and distances; North 59 degrees 12' West 61.5 feet to a point; thence North 32 degrees 55' West 94.8 feet to a point; thence North 13 degrees 51' West 118.7 feet to a point; thence North 16 degrees 29' East 90 feet to a point; thence North 47 degrees 01' East 25.4 feet to a point at the intersection of said center line of said Knob Creek, to the intersection of the line of the lands now dividing Lloyd A. Walter's and John Pearl; thence South 22 degrees 30' East along said line dividing the lands of Lloyd A. Walters and John Pearl, 552.4 feet to a point on the West bank of the old bed of Knob Creek; thence continuing along the line dividing said lands of Lloyd A. Walters and John Pearl, South 73 degrees East 16.5 feet to the place of beginning, containing 1.38 acres of land as surveyed by Charles E. Condra, County Surveyor, February 17, 1943.

And being the same property conveyed to Ben A. Reid, Sr., by Executor's Deed recorded in Deed Dra. 4, Instr. No 3812, on June 2, 1977, in the Office of the Recorder of Floyd County, Indiana.

EXCEPTING THEREFROM, the following described property, situated in the County of Floyd and State of Indiana, to-wit:

BEING a 0.505 acre parcel of land, more or less, conveyed to Richard L. Rake and Toni L. Rake, husband and wife, more specifically described in a Deed recorded in Deed Dra. 11, Instr. No. 4266, on June 21, 1984, in the Office of the Recorder of Floyd County, Indiana;

BEING a 0.94 acre parcel of land, more or less, conveyed to Angela Minyard Schoenbachler, more specifically described in a Deed recorded in Deed Dra. 20, Instr. No. 2332, on March 10, 1993, in the Office of the Recorder of Floyd County, Indiana;

BEING a 0.94 acre parcel of land, more or less, conveyed to Ben A. Reid, Sr., and Angela Minyard Schoenbachler, more specifically described in a Deed recorded in Deed Dra. 22, Instr. No. 9496, on September 21, 1995, in the Office of the Recorder of Floyd County, Indiana;

BEING a 1.406 acre parcel of land, more or less, conveyed to Martin Dale Haley, more specifically described in a Deed recorded in Deed Dra. 20, Instr. No. 6701, on June 21, 1993, in the Office of the Recorder of Floyd County, Indiana;

BEING a 1.046 acre parcel of land, more or less, conveyed to Discount Mortgage Services, more specifically described in a Deed recorded in Deed Dra. 19, Instr. No. 7494, on June 18, 1992, in the Office of the Recorder of Floyd County, Indiana;

BEING a 1.025 acre parcel of land, more or less, conveyed to Discount Mortgage Services, more specifically described in a Deed recorded in Deed Dra. 19, Instr. No. 7493, on June 18, 1992, in the Office of the Recorder of Floyd County, Indiana:

BEING a 1,003 (sic) acre parcel of land, more or less, conveyed to James G. Cooper and Erlean Cooper, husband and wife, more specifically described in a Deed recorded in Deed Dra. 16, Instr. No. 5748, on July 14, 1989, in the Office of the Recorder of Floyd County, Indiana; and

BEING a 1.936 acre parcel of land, more or less, conveyed to Clarence A. Ayers and Pamela Ayers, husband and wife; and Mike Cave and Juanita Cave, husband and wife, as joint tenants and in case of death of either to the survivor or survivors, more specifically described in a Deed recorded in Deed Dra. 19, Instr. No. 6249, on May 19, 1992, in the Office of the Recorder of Floyd County, Indiana.

Less and excepting that 8.710 acre tract conveyed to Edwardsville Water Corporation by deed recorded June 25, 1999, in Deed Drawer 26, Instrument #9824 of the Floyd County, Indiana, Records.

(Being shown as 54.869 acres in the Auditor's Records (47.178ac + 6.311ac + 1.38ac))

(22-01-03-100-003.000-001)

PARCEL 7

That part of Fractional Section 31, Township 3 South, Range 6 East, bounded as follows, to wit: BEGINNING at an iron pin 1 chain and 50 links East of a corner stone between James Truesdell and James Wolfe on the North line of said Fractional Section, which corner stone is the Northwest corner of Northeast 1/4 of said Section 31-3-6, thence North 88 1/2 deg. East on section line 13 chains and 44 links to a stone, thence South 5 deg. East 5 chains and 78 links to a stone, thence South 67 deg. East 7 chains and 81 links to a gate post, thence South 9 1/2 deg. East 18 chains and 18 links to a locust post, thence North 86 1/4 deg. East 3 chains and 96 links to an oak tree, thence South 53 1/2 deg. East 10 chains and 89 links to Knob Creek, thence south 2 deg. West 3 chains and 58 links to a stake, thence South 20 deg. West 1 chain and 93 links to a stake, thence South 37 deg. West 2 chains and 55 links to a stake, thence South 25 1/2 deg. West 91 links to a stake, thence North 76 deg. West 8 chains to a stake, the corner of Thomas Gunn and Patrick Costello, thence North 60 deg. West 18 chains and 50 links to a stake, thence South 40 deg. West 2 chains to a stake, thence North 80 deg. West 3 chains to a stake, thence North 52 deg. West 3 chains and 42 links to a beech tree, thence North 29 deg. West 4 chains, thence North 39 deg. West 88 links to a stake in the Coolman Road the same being the Northeast corner of Patrick Costello tract, thence North 18 deg. East 3 chains and 18 links to a point, thence North 25 deg. West 4 chains and 23 links to a point, thence North 4 deg. East 7 chains and 57 links to a point, thence North 5 deg. West 9 chains and 50 links to the place of beginning, containing 76 and 16/100 acres, more or less.

EXCEPTING THEREFROM the following described property, to-wit:

BEING a 3.98 acre parcel of land lying in the Northwest and Northeast quarter of Section 31 Township 3 South, Range 6 East, Franklin Township, Floyd County, Indiana, and being a Part of those, lands as described in Deed Dr. 11, Instrument No. 7071 of the Floyd County Deed Records, bounded as follows:

BEGINNING at the Northwest corner of said Northeast quarter; thence South 88 d. 48'24" East with the North line of said Northeast quarter 432.73 feet to a 1/2 inch steel pin; thence South 09 d.17'00" East, passing a 1/2 inch steel pin at 100.72 feet, a total distance of 239.72 feet to a 1/2 inch steel pin; thence South 61 d. 41'58" West 536.00 feet to a 1/2 inch steel pin; thence North 02 d. 00'37" West, passing a 1/2 inch steel pin at 410.39 feet, a total distance of 500.39 feet to a 1/2 inch steel pin in the North line of the Northwest quarter of said Section 31; thence South 88 d. 48'24" East with the North line of said Northwest quarter 18.18 feet to the beginning, subject to the right of way of Five Mile Lane and all easements of record.

And being the same property conveyed to Ben A. Reid, Sr. by Warranty Deed recorded in Deed Dra. 22, Instr. No. 6509, on July 12, 1995, in the Office of the Recorder of Floyd County, Indiana.

(22-01-03-200-001.000-001)

PARCEL 8

Part of Fractional Section 32, Township 3 South, Range 6 East, thus bounded: Beginning at a stone, Northeast corner of fractional section 32, thence along the river, South 46 degrees 20 minutes West, eighty-nine (89) poles to a stone; thence North 44 degrees 20 minutes West, seventy-nine (79) poles to a stone in the section line; thence North 85 degrees 20 minutes East, one hundred and twenty-seven and five tenths (127.5) poles to the place of beginning, containing 24.80 acres, more or less.

And being the same property Conveyed to Ben A. Reid by Warranty Deed recorded in Deed Record 212, Page 251, on May 21, 1973, in the Office of the Recorder of Floyd County, Indiana.



Floyd County
Department of Building & Development Services
2524 Corydon Pike Suite 203
New Albany, IN 47150
Phone: (812) 981-7611
Fax: (812) 948-4744
Building@floydcounty.in.gov

September 9, 2024

Mussel Mound LLC
4939 In Hwy 111
New Albany, In 47150

Re: Violation of Conditions for Special Exception to use the property as a Wildlife Preserve/Sportsman Club – 4939 Highway 111

To whom it may concern,

A complaint was received regarding the archery event occurring from August 16th through August 18th at The Farm. After an investigation, staff finds that there was shooting outside of the 300 yard boundary for shooting that was placed as a condition of approval for the use. Please find the attached Ballot FC-04-19-13 (condition 8) and the Complaint and investigation report.

Staff has discussed this issue with Mr. Joe Cree and Mr. Bobby Brooks at a site visit where the location was discussed. It was their understanding that the boundary did not apply to archery.

This letter serves as official notice of violation of the condition. Future violation of this condition may result in the revocation of the approval for the use and legal action by the Board of Zoning Appeals.

Should you disagree with this finding, an administrative appeal may be filed within 30 days of notice to the Board of Zoning Appeals for consideration.

Thank you,
Nick Creevy
Director, Building & Development
Floyd County
ncreevy@floydcounty.in.gov
812-948-5491

Enclosures:
Ballot FC-04-19-13
Complaint Forms & Investigation Report

SPECIAL EXCEPTION BALLOT

(Variance of Use)

FLOYD COUNTY BOARD OF ZONING APPEALS

Docket FC-04-19-13

Petitioner's Name: Robert Brooks

Authority: Floyd County Zoning Ordinance

The special exception petition shall be approved if the findings of fact are made consistent with the requirements of this Ordinance and the Indiana State Code. The board may make reasonable conditions related to the required findings of fact part of its approval or accept commitments from the petitioner.

After careful review the Board finds that:

1. The special exception (WILL NOT) WILL) be injurious to the public health, safety, morals, and general welfare of the community because: the proposed location of the range is a substantial distance from adjoining property lines & public roadways. The Applicant has demonstrated safety concerns are very important.
2. The use and value of the area adjacent to the property subject to the special exception (WILL NOT) WILL) be affected in a substantially adverse manner because: the proposal is to refurbish & retain the existing structures & keeps the agricultural character by maintaining the natural features of the property.
3. The need for the special exception (DOES) DOES NOT) arise from some condition peculiar to the property involved because: the use is not detailed in the permitted uses of the F-C Zoning Ordinance. & the property is located in a regulatory floodway & flood fringe.
4. The strict application of the terms of the Floyd County Zoning Ordinance (WILL) WILL NOT) result in an unnecessary hardship in the use of the property because: the property is located in a floodplain and its use outside of agricultural purposes is severely limited. Frequent flooding impacts the limits the agricultural use even
5. The approval of the special exception (WILL NOT) WILL) contradict the goals and objectives of the Floyd County Comprehensive Plan because: the proposed use will retain the agricultural/rural character of the subject property.
6. The special exception (WILL NOT) WILL) adversely affect neighboring property because: the proposed use retains the rural character & historic structures on the property while keeping the most intense parts of the use, the shooting range, away from adjoining properties & public roadways.

as amended since the initial submittal

The Board of Zoning Appeals hereby (GRANTS) DENIES) the Petitioner's Special Exception at the meeting held on the 13 day of May, 2019.
10th JUNE

Approval by the Board is subject to the completion of the following conditions:

1. Receive a "Construction in a Floodway Permit" from IDNR. if req'd.
2. Shooting ranges must follow the most recent NRA Range Source Book Guidelines, including noise dampening measures. ~~the~~ ^{with a} maximum ~~of~~
3. The Range must follow the EPA's Best Management Practices for Lead at Outdoor Shooting Ranges. & the Environmental Stewardship Plan included in the
4. Develop storm water prevention plan with F.C. Stormwater Dept. with emphasis

Approval by the Board is subject to the following written commitments:

Board Members in Favor:

Larry Babelman
John B. East
~~_____~~ CCS
Bill White

Board Members Opposed:

Ray J. Heston
CCS mode

Rev. July 1, 2006

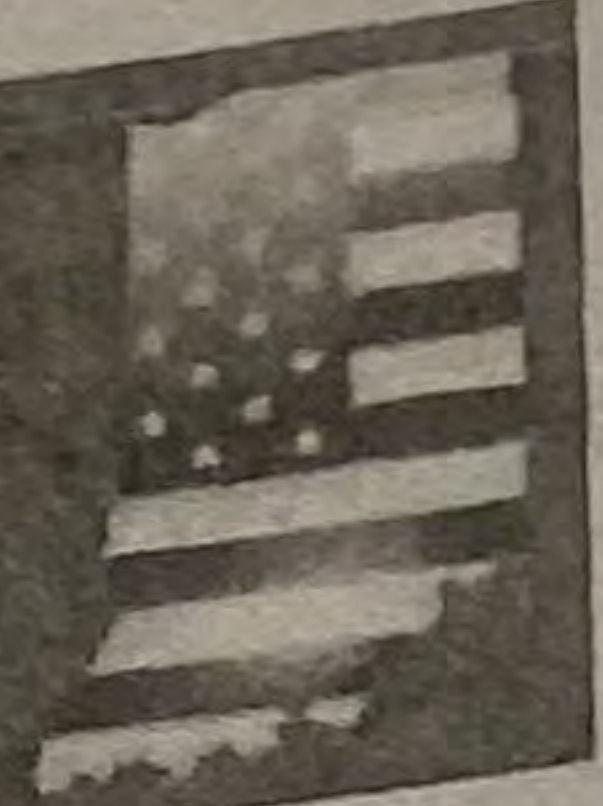
Ref. Floyd County zoning Ordinance and BZA Rules of Procedure

Summer & Winter begin/end with daylight saving time change.

5. Hours of operation for use of the range:
 Summer: Tues-Sat 9am-7pm Sunday ~~10am~~ Noon-7pm
 Winter Tues-Sat 9am-5pm Sunday Noon-5pm
6. Development Plan, with required elements per Section 9.05 of the F.C. Zoning Ordinance, submitted ~~for~~ review & approval by the F.C. staff.
7. ~~The~~ The F.C. BZA with the assistance of staff shall review for compliance with all requirements 1 year from date of full operation.
8. No shooting within 300 yards of any ^{public} property line or roads.

as amended since the initial submittal

9. No Rifles or Pistols. Only birdshot.
10. The remainder of the farm (outside the limits of the 24 station sporting course shown on the plan tonight) ~~will be~~ is restricted to farm use only.
11. Applicant must obtain the required permits from the F.C. Health Dept. ~~Per a policy will be permitted.~~
- ~~12. ~~Every year~~ ~~in the~~ dry season (fall) shooting-associated materials & the lead shall be reclaimed from the range ~~at a minimum~~~~
12. ~~Every~~ Ever two years, in the dry season ~~at a minimum~~, shooting associated materials & lead shall be reclaimed from the ~~range~~ shot fall area.
13. ~~Get a letter from~~ ^{contact} LG&E ^{regarding} authorizing shooting in the area/toward the power lines on the property
14. The ~~BZA~~ & staff shall review the operation after one year of operation.
15. No Alcoholic beverages will be permitted on the site.
16. ~~Mr. Riley~~
The Applicant will work to buffer the sound from Mr. Riley's property.
17. Upland Game hunting is restricted to unforrested areas and other restrictions on shooting of guns.



FLOYD COUNTY DEPARTMENT OF BUILDING & DEVELOPMENT SERVICES

Pine View Government Center • 2524 Corydon Pike, Suite 202 • New Albany, IN 47150

Phone: (812) 981-7611 • Fax: (812) 948-4744

This is a matter of Public Record.
Rev. 1-10-14

COMPLAINT

No.: _____

Date: _____

Complaint Against (Property Owner): The Sporting Club at The Farm

Address: 4939 Highway 111 South, New Albany, IN 47150

Nature of Complaint: This complaint is on behalf of Judith Thompson @ 4166 Five Mile Ln. On Aug 16, 17, & 18th of 2024 the Sporting Club at the Farm broke condition #8 of the Special Exception Request. Shooting was taking place at multiple locations within 30ft of property line.

Date of when above began: August 16, 2024

Signed: Andrew Loesch of Behalf of Thompson Judith Thompson

Printed Name: Andrew Loesch

Address: 4166 Five Mile Ln New Albany, IN 47150

Telephone: 812-987-7725

BUILDING COMMISSIONER REPORT

No.: _____

Date of Inspection: _____

Findings: _____

Recommendation: _____

Action Taken: _____

Building Commissioner

Gabbrielle Adams

From: Andrew <bigbuckcrazy@gmail.com>
Sent: Tuesday, September 3, 2024 3:41 PM
To: Gabbrielle Adams
Subject: Re: Sporting club at farm violations

Unfortunately I do not.
Andrew Loesch

On Sep 3, 2024, at 3:06 PM, Gabbrielle Adams <gadams@floydcounty.in.gov> wrote:

Thank you Andrew, this has been received. Do you have any pictures or videos of the incidents that took place August 16th-18th? This will help in the investigation of the complaint since the event has already passed.

Thank you,
Gabbrielle Adams
Floyd County Building & Development
812.981.7611
www.floydcounty.in.gov

From: Andrew <bigbuckcrazy@gmail.com>
Sent: Tuesday, September 3, 2024 2:53 PM
To: Building Dept <BuildingDept@floydcounty.in.gov>
Subject: Sporting club at farm violations

###This message originated from outside of the Floyd County network (be cautious with links and attachments) ###
<image001.jpg>

Andrew Loesch

###This message originated from outside of the Floyd County network (be cautious with links and attachments) ###

###This message originated from outside of the Floyd County network (be cautious with links and attachments) ###



FLOYD COUNTY DEPARTMENT OF BUILDING & DEVELOPMENT SERVICES

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*This is a matter of Public Record.
Rev. 1-10-14*

COMPLAINT

No.: _____

Date: 8-29-24

Complaint Against (Property Owner): Joe Crea, The Sporting Club at the Farm.

Address: 4939 SR-111 New Albany IN. 47150

Nature of Complaint: Shooting of archery targets within the 300 yard buffer. Exceeded maximum people at events of 500 per day.

Date of when above began: Aug. 16, 17, 18th 2024

Signed: Paul Reilly

Printed Name: Paul Reilly

Address: 3934 Five Mile Lane

Telephone: 502-558-6298

BUILDING COMMISSIONER REPORT

No.: _____

Date of Inspection: _____

Findings: _____

Recommendation: _____

Action Taken: _____

Building Commissioner

Gabrielle Adams

From: Paul Reilly <par82molly@gmail.com>
Sent: Thursday, September 5, 2024 11:14 AM
To: Gabrielle Adams
Subject: Shooting inside of 300 yard buffer zone .

We could clearly see and hear shooters all three days from inside our house and from the outside .

###This message originated from outside of the Floyd County network (be cautious with links and attachments) ###

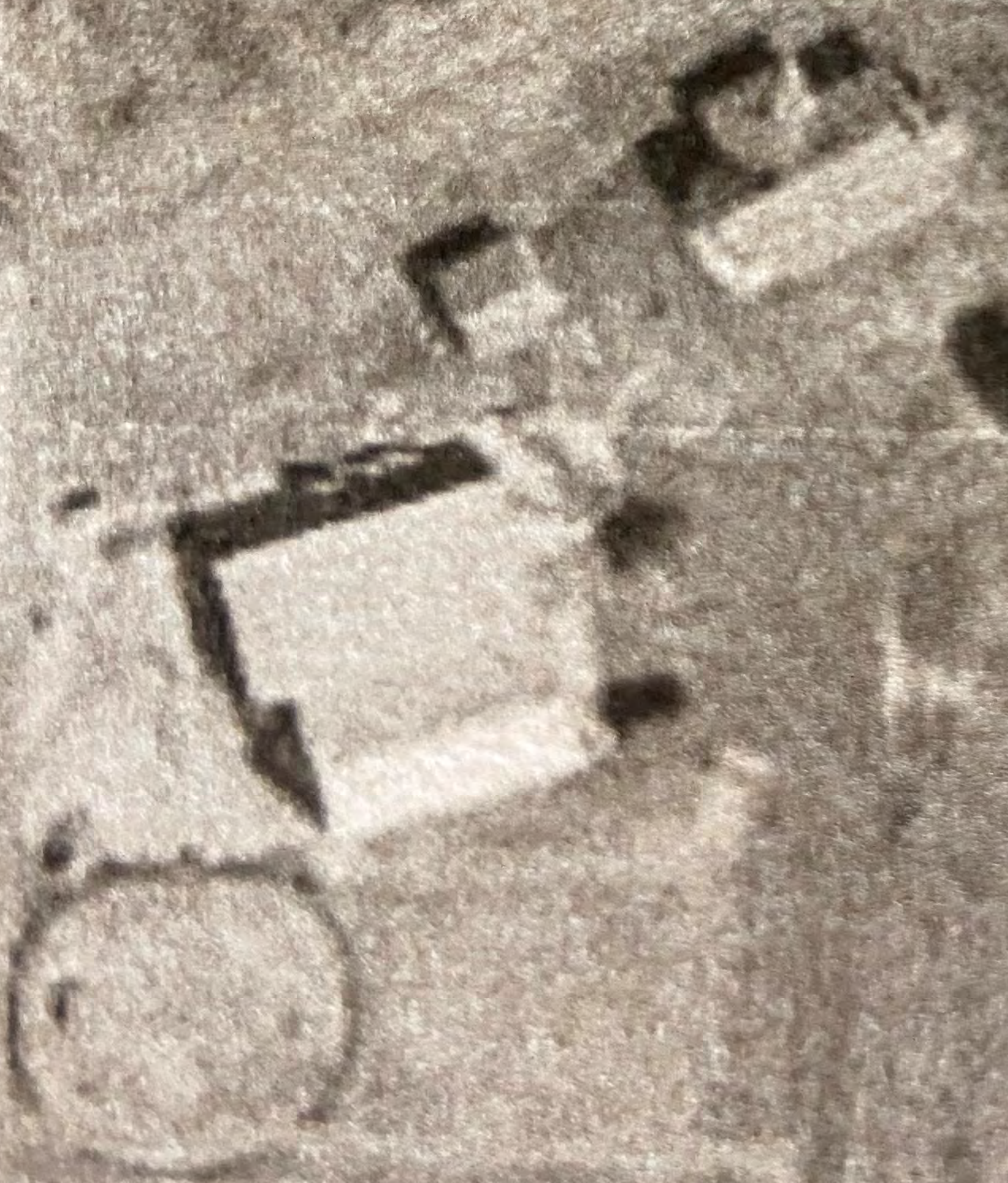


New Albany 07150

FIVE MILE LN



Next





Gabrielle Adams

From: Paul Reilly <par82molly@gmail.com>
Sent: Thursday, September 5, 2024 10:47 PM
To: Gabrielle Adams
Subject: Re: Shooting inside of 300 yard buffer zone .the third picture is not the property line it's an electric fence that I put up to keep the mule out of the woods . But we could see the shooters in that opening through the trees from our house .

Sent from my iPhone

On Sep 5, 2024, at 2:37 PM, Gabrielle Adams <gadams@floydcounty.in.gov> wrote:

Received and added to the file.

Just for clarification, what is the third picture showing? Is the fence the property line?

Thank you,
Gabrielle Adams
Floyd County Building & Development
812.981.7611
www.floydcounty.in.gov

From: Paul Reilly <par82molly@gmail.com>
Sent: Thursday, September 5, 2024 11:14 AM
To: Gabrielle Adams <gadams@floydcounty.in.gov>
Subject: Shooting inside of 300 yard buffer zone .

We could clearly see and hear shooters all three days from inside our house and from the outside .

###This message originated from outside of the Floyd County network (be cautious with links and attachments) ###
<image001.jpg>

###This message originated from outside of the Floyd County network (be cautious with links and attachments) ###
<image002.jpg>

Gabrielle Adams

From: Paul Reilly <par82molly@gmail.com>
Sent: Thursday, September 5, 2024 1:52 PM
To: Gabrielle Adams
Subject: Permanent archery targets set in 300 yard buffer zone

###This message originated from outside of the Floyd County network (be cautious with links and attachments) ###

Permanent
Archery Targets
set in Buffer zone



73 yards



New Albany 47150

FIVE MILE LN

Gabrielle Adams

From: Paul Reilly <par82molly@gmail.com>
Sent: Wednesday, September 4, 2024 6:52 PM
To: Gabrielle Adams
Subject: Shooting with ten feet of our property line. And only 135 feet from our house .

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###This message originated from outside of the Floyd County network (be cautious with links and attachments) ###



AUGUST 18, 10:15 AM

NEW

###This message originated from outside of the Floyd County network (be cautious with links and attachments) ###



###This message originated from outside of the Floyd County network (be cautious with links and attachments) ###



AUGUST 18, 11:39 AM

NEW

Sent from my iPhone

###This message originated from outside of the Floyd County network (be cautious with links and attachments) ###

Gabrielle Adams

From: Paul Reilly <par82molly@gmail.com>
Sent: Wednesday, September 4, 2024 6:57 PM
To: Gabrielle Adams
Subject: This is one of there archery shooters standing on our property urinating while he is clearly staring at the back of our house. He is clearly facing our house .

###This message originated from outside of the Floyd County network (be cautious with links and attachments) ###



Sent from my iPhone

###This message originated from outside of the Floyd County network (be cautious with links and attachments) ###

Gabbrielle Adams

From: Paul Reilly <par82molly@gmail.com>
Sent: Wednesday, September 4, 2024 7:00 PM
To: Gabbrielle Adams
Subject: Re: This is one of there archery shooters standing on our property urinating while he is clearly staring at the back of our house. He is clearly facing our house .

Please keep in mind that they had 1600 pre registered shooters for this three day event and that's not including vendors or shooters that didn't register before the event.

Sent from my iPhone

> On Sep 4, 2024, at 6:57 PM, Paul Reilly <par82molly@gmail.com> wrote:

>

>

>

> <IMG_7537.jpg>

>

> Sent from my iPhone

###This message originated from outside of the Floyd County network (be cautious with links and attachments) ###

Gabrielle Adams

From: Paul Reilly <par82molly@gmail.com>
Sent: Thursday, September 5, 2024 11:14 AM
To: Gabrielle Adams
Subject: Shooting inside of 300 yard buffer zone .

We could clearly see and hear shooters all three days from inside our house and from the outside .

###This message originated from outside of the Floyd County network (be cautious with links and attachments) ###



9/9/2024

Re: Complaint against the Sporting Club at the Farm, 4939 SR-111 New Albany IN, 47150

Investigation:

FC-04-19-13: Approval for Wildlife Preserve/Sportsman Club

- Initial approval was for Sportsman Club and Wildlife preserve
 - o Uses mentioned in request included trap, skeet, and sporting clays (shotgun activities), shooting lessons, events including tournaments, training, additional outdoor recreational activities including fishing and quail hunting
 - o Stated mission of Farm includes "shooting sports, fishing and hiking"
 - o Application focused on gun shooting activities
 - o Condition: "No shooting within 300 yards of any property line or public roadway."
- Storm Water Pollution Prevention Plan (SWPPP approved 10/7/19) was required and included archery as a commercial use at the Farm.

FC-04-19-13 (March 2020, Modification)

- Request to modify hours of operations for up to 5 events per year to allow tournaments; modify the 300- yard shooting boundary restriction; allow periodic overnight camping including RVs on site to accommodate events
- Additionally, removed restriction for only farm use (allowing special events such as weddings); allow alcohol to be served by vendor for special events; remove hunting restrictions; maximum people at events set to 500 people per day

Archery was not specifically discussed at initial approval but is a shooting sport and appears to be consistent with the sporting club's approved use and was included in Storm Water Pollution Prevention Plan required as a condition of initial approval. No specifics are provided regarding the archery use with the focus of the site limitations being on the shotgun shooting and hunting activities during initial approval. A shooting boundary was imposed as a condition of initial approval and later partially modified expanding the shooting boundary towards the east side of the property.

Picture evidence has been provided by the adjacent property owner indicating the archery event which occurred on August 16, 17, and 18th had stations outside of the shooting boundary. Additionally, a site visit with Joe Crea and Bobby Brooks confirmed the location of archery shooting activities outside the approved shooting boundary. Discussion with Mr. Crea and Mr. Brooks indicated that they did not think the boundary also applied to archery but was for the shotgun activities. They supported this with the note that the distance of the boundary was determined considering the travel distance and noise of shotgun projectiles.



Floyd County
Department of Building & Development Services
2524 Corydon Pike Suite 203
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Building@floydcounty.in.gov

Additionally, discussion of the number of participants during the event indicated that the restriction of 500 people per day was compliant. The Farm received a temporary use permit for the event which indicated up to 1,500 people for the 3 day event. County staff understood this request to be within the allowed parameters assuming up to 500 people per day for 3 days. The Farm confirmed this during the site visit noting that they had around 420 people per day which was regulated by assigned tee times.

Findings: With no specifics regarding archery shooting activities in the approvals regarding the shooting boundary, staff determines that the shooting boundary imposed as a condition of approval for the use as a Sporting Club was intended to apply to all shooting activities. Regarding the complaint of excessive attendance, staff finds that there is no evidence of a violation.

Should you disagree with these findings, an administrative appeal may be filed within 30 days. The appeal will be heard at a public hearing before the Board of Zoning Appeals.

A handwritten signature in blue ink, appearing to read "Nick Creevy".

Nick Creevy
Director, Building & Development