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

March 10, 2026

Bryan Stumler Excavating, LLC
5895 Stiller Road
Floyds Knobs, IN 47119

Re: Floyd County BZA FC-09-26-38 – Conditional Use Permit

Please find this letter as notice of the action and findings for your requests for a **Conditional Use Permit** to allow an addition and accessory structure to be placed on site with an update to the parking lot. The conditional use was **granted** on **October 14th** by the Board of Zoning Appeals **with the following condition(s):**

1. Approval contingent on the development plan being approved by the plan commission under Docket FC-09-26-41
2. Tires on the site shall be protected from the elements so that they do not leech rubber into the local water supply and so that they do not serve as a breeding ground for mosquitos or removed from the site.
3. The south entrance shall be paved from the edge of pavement to the existing gate.
4. A detention basin shall be constructed as directed by the Storm Water Division.
5. Screening of the site shall be in accordance with Buffer Yard Type 1.
6. The above items shall be completed and approved by (planning) Staff prior to a building permit being issued.

Respectfully,

Franklin J. Walden
County Planner

Attachments: **(Ballot FC-09-26-38)**

CONDITIONAL USE BALLOT

FLOYD COUNTY BOARD OF ZONING APPEALS

Docket FC-09-26-38 **Petitioner's Name:** Bryan Stumler Excavating, LLC

Authority: Floyd County Zoning Ordinance

The conditional use 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 written commitments from the petitioner.

After careful review the Board finds that:

1. The conditional use (**WILL NOT** / WILL) be injurious to the public health, safety, morals, and general welfare of the community because: The proposal is an expansion of the existing use, improving the existing facilities and is a chance to bring the site closer to current standards.

2. The use and value of the area adjacent to the property (**WILL NOT** / WILL) be adversely affected because: The use current exists on site, with a similar business across the street and a heavily wooded agricultural property surrounding it.

3. The need for the conditional use (**DOES NOT** / DOES) result from any conditions, unusual, or peculiar to the property itself because: A conditional use was approved for this site in 1995.

4. 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 use already exists on the site and has run out of space within the current building.

5. Approval of the conditional use (**WILL NOT** / WILL) contradict the goals and objectives of the Floyd County Comprehensive Plan because: This conditional use permit supports a locally owned business, which fits with the objectives of the Community Survey Preferences listed in the Comprehensive Plan.

The Board of Zoning Appeals hereby (GRANTS / DENIES) the Petitioner's Conditional Use at the meeting held on the 14th day of October, 2026.

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

1. Approval contingent on the development plan being ~~heard~~ Approved by the plan commission under Docket FC-09-26-41

2. Tires on the site shall be protected from the elements so that they do not leech rubber into the local water supply and so that they do not serve as a breeding ground for mosquitos or removed from the site.

3. The south entrance shall be paved from the edge of pavement to the existing gate.

4. A detention basin shall be constructed as directed by the Storm Water Division.

5. Screening of the site shall be in accordance with Buffer Yard Type #1.

6. The above items shall be completed and approved by Staff prior to a building permit being issued.

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

Board Members in Favor:

Larry Bubelhauser

Bill White

Board Members Opposed:

STAFF REPORT

Floyd County Board of Zoning Appeals

Docket Number: FC-09-26-38
Petitioner: Bryan Stumler Excavating
Location: 5895 Stiller Road, Floyds Knobs, Indiana
Request: Conditional Use Permit – Addition to prior Conditional Use FC-07-91-24
Zoning District: Rural Residential (RR)
Date: 10/14/2026

Overview:

Applicant is requesting Conditional Use Approval for an addition to an existing excavating business structure that was originally approved under a conditional use back in 1991. The property is 4.8 acres currently across two parcels, but which is being consolidated into one lot. The existing building is 4,320 square feet with a 1,433 square foot addition, while the proposed additions are 5,760 square feet and 2,750 square feet to be used for a mix of office and workshop space.

Located along Stiller Road, just south of Phillip Schmidt Road in the northern portion of the county, Stumler Excavating contains no buffer on the side property lines or rear, but does have landscaping along Stiller Road and the surrounding property is densely wooded land designated by the Assessor's office as Other Agriculture. Across Stiller Road is TNS Earth Co LLC located on 31.38 acres. The closest residence is roughly 300 feet away from the Stumler Excavating property line.

The excavating use was originally permitted with docket FC-07-91-24 back in 1991, before our current ordinance was adopted in 2006. That first docket was approved with the following conditions:

1. That the plans for the building be submitted to the state
2. That a local building permit be obtained
3. That State and Local health department permits be obtained
4. That the tract be kept in a neat and orderly manner
5. That there shall be no outside storage
6. Contact the County Highway Engineer on the access to the Site
7. Contact the County Highway Department as to culvert size
8. That a site plan be approved by the staff
9. That you may use your existing sign at your new place

On November 13, 1995 a letter was sent to the applicant finding the site to not be in compliance with established conditions. At the November 20th, 1995 Plan Commission hearing, the applicant was granted 30 days to come into compliance during which time the matter seems to have been resolved.

In 1997 under Docket FC-2-97-9, applicant requested to expand the parking lot and construct an office building, which was approved with the following conditions:

1. Landscape berms completed and planted within 6 months
2. Drainage catch basin by November 30th
3. Paved lot by December
4. Building within 12 months or new application must be made.

STAFF REPORT
Floyd County Board of Zoning Appeals

Another Conditional Use Permit was granted under docket FC-10-13-28, approved in 2013 with conditions for a trailer.

1. All required building permits shall be obtained.
2. Deed of Dedication for Public Right-of-Way as stated in docket FC-3-97-9 to be recorded in the office of the Recorder, submit recorded copy to the Plan Commission Office within 30 Days
3. Applicant to obtain a septic permit from the Floyd County Health Department for the installation of a new sewer line from the trailer to the existing
4. Applicant to conform to and abide by any written conditions/commitments as deemed necessary by the current Board of Zoning Appeals, including any past commitments that have not been met.
5. Mr. Stumler re-read the letters detailing the conditions to which he committed in the past and come into complete and categorical compliance with them before he installs this new office space. Compliance shall be determined by inspection performed by staff.

In August of 2018 a complaint was submitted with concerns that the site had turned into a salvage yard and had been so for 4-5 years. Staff found that vegetative buffering along property was spaced far apart, fence was in poor condition, with some areas missing or collapsed, and a myriad of items visibly stored outside at the property including but not limited to vehicles, tires, vending machines, and scrap. A violation letter was sent December 2018. Follow up in January found the site still not in compliance, though progress had been made. February of 2019, the applicant requested to speak with the Board of Zoning Appeals about the violation and agreed to come back in 30 days with a master plan with a time table for cleanup, a plan for fences and trees, to determine what storage building he would like to add, and present an application to the board for outside storage. Applicant did not appear in March of 2019. Applicant did appear in April of 2019, presenting a folder with the timeline to resolve noncompliant items.

In June of 2019, Docket FC-06-19-21 was approved to allow for outside storage with the following conditions:

1. Remove any/all debris/junk materials, equipment, or supplies no longer used
2. All berms/plantings to be done by 12/31/19
3. Remaining work to be done within 12 months of this approval
4. If any condition is not met by due date a $50 per day fine shall be implemented starting 1-1-20 until complete. Said fine shall not be waived or reduced.
5. Work to be done consistent with drawing presented at this meeting.
6. Equipment or materials that can be used in the business may remain on site.

At this time, the existing site is not in compliance with its conditions.
FC-06-19-21 Item 1 – site appears to contain debris and junk no longer used.
FC-06-19-21 Item 5 – site not consistent with drawing presented at that meeting
FC-02-97-09 Item 2 – Drainage catch basin has been removed

STAFF REPORT
Floyd County Board of Zoning Appeals

A development plan was required as part of this conditional use and was reviewed by the Technical Review Committee on October 8th and will be heard by the Plan Commission October 14th at 7pm. That review provided the following recommendations:

- Parking lots were not in compliance (should contain 1 tree for every 8 parking spaces, rounded up).
- A buffer yard type II is missing from the rear and side property lines.
- Site is out of compliance with its missing retention pond, recommends submitting a drainage plan with a new retention pond location
- Southern entrance to the site is not paved, recommends a paved apron to prevent gravel and debris accumulating directly in the roadway
- With new structure, hydrants must be located roughly 450 feet from the building as part of fire suppression

1. The conditional use (**WILL NOT** / WILL) be injurious to the public health, safety, morals, and general welfare of the community because:
    a. The proposal is an expansion of the existing use, improving the existing facilities and is a chance to bring the site closer to modern standards

2. The use and value of the area adjacent to the property (**WILL NOT** / WILL) be adversely affected because:
    a. The use current exists on site, with a similar business across the street and a heavily wooded agricultural property surrounding it. There are few residences nearby.

3. The need for the conditional use (DOES NOT / **DOES**) result from any conditions, unusual, or peculiar to the property itself because:
    a. A conditional use was approved for this site in 1995.

4. 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:
    a. The use already exists on the site and has run out of space within the workshop.

5. Approval of the conditional use (**WILL NOT** / WILL) contradict the goals and objectives of the Floyd County Comprehensive Plan because:
    a. This conditional use permit supports a locally owned business, which fits with the objectives of the Community Survey Preferences listed in the Comprehensive Plan. The Theme: Places to Work lists the policy “Cultivating locally owned businesses through economic gardening.”.

STAFF REPORT
Floyd County Board of Zoning Appeals

Staff Comments:

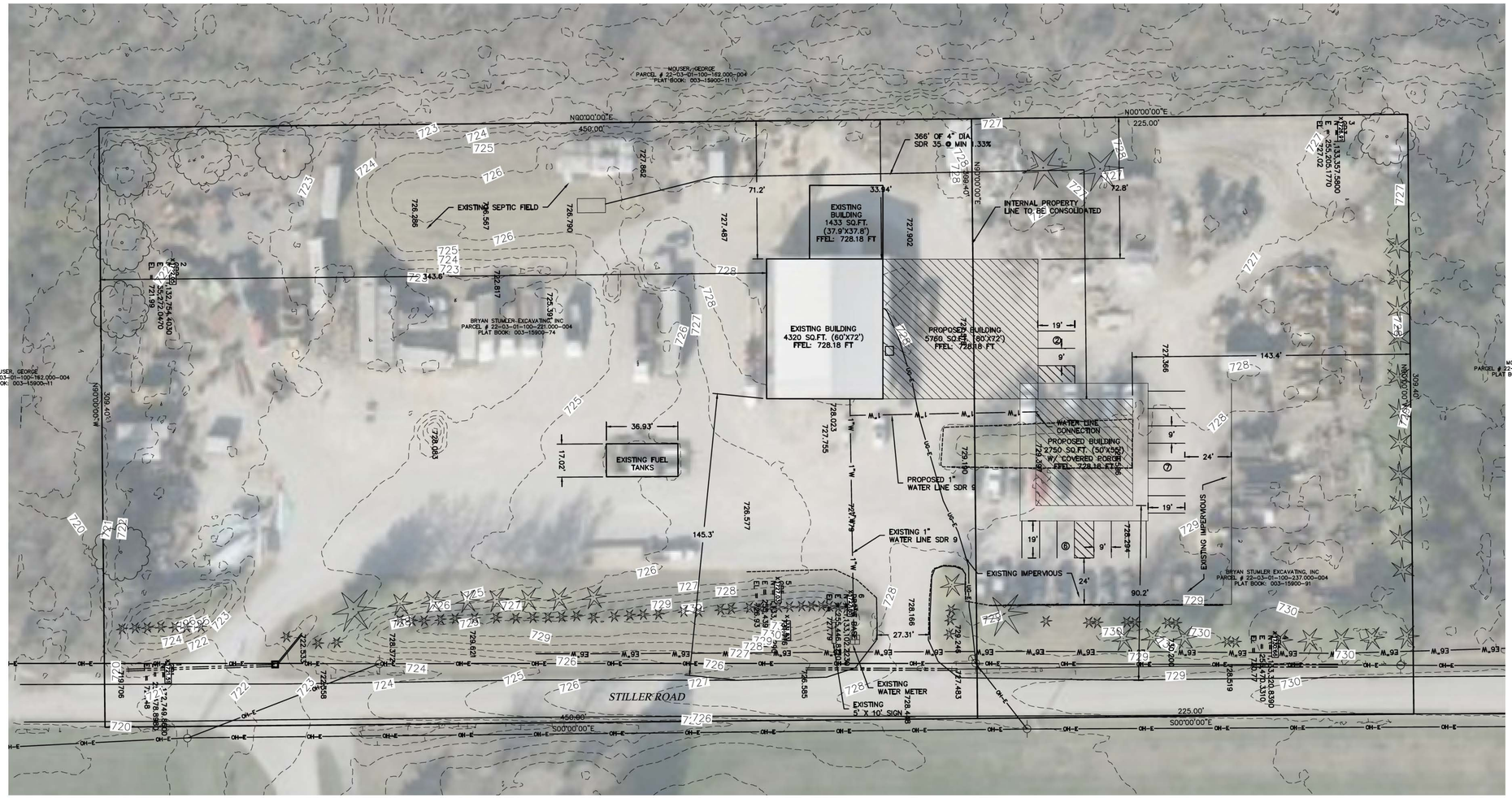
While the site has had compliance issues over the last three decades, staff finds that this addition is an opportunity to bring an existing legal non-conforming site more in line with current development standards. Where the site will be updated as part of the development plan, where there is a reduced impact due to few residences nearby, where the site has run out of interior space, and where the Comprehensive Plan supports local businesses, staff has a favorable recommendation, with the following conditions:

- Approval contingent on the development plan being heard by the plan commission under Docket FC-09-26-41
- Tires on the site shall be protected from the elements so that they do not leech rubber into the local water supply and so that they do not serve as a breeding ground for mosquitos.

Note: additional development standards will be recommended as conditions for the development plan submitted before the plan commission.



Source: Google Streetview. View of tire pile from Stiller Road.



ZONING ANALYSIS:
EXISTING ZONING: RR – RURAL RESIDENTIAL
EXISTING USE: COMMERCIAL / SPECIAL TRADE GENERAL INDUSTRIAL
PROPOSED USE: COMMERCIAL (2.867 AC)
PROPOSED BUILDING AREA: SHOP ADDITION 5,760± S.F. / OFFICE ADDITION 2,880± S.F.
LOT SIZE: 208,845± SQ. FT. (4.794 AC)

PARKING ANALYSIS:
REQUIRED PER USER OPERATION: 1 SPACE PER 225 GROSS SQFT $\frac{2750}{225}$ = 13 SPACES

PROVIDED: 13 PARKING SPACES (INCLUDING 2 ACCESSIBLE SPACES)

SIGN ANALYSIS:
LENGTH OF BUILDING FACING ROAD =
2.5 X BUILDING FACE = 2.5 X 50 = 125 SQ.FT. : 125 SQ.FT. ALLOWED

FREE STANDING SIGN = 50 SQ.FT.
BUILDING SIGNAGE = NA SQ.FT.
TOTAL SIGNAGE = 50 SQ.FT.



LOCATION MAP

APPLICANT:
BRYAN STUMLER EXCAVATING
5895 STILLER RD
FLOYDS KNOBS, IN 47119

OWNER:
BRYAN STUMLER EXCAVATING
5895 STILLER RD
FLOYDS KNOBS, IN 47119

ENGINEER/SURVEYOR:
JASON COPPERWAITE
PRIMAVERA & ASSOCIATES
1000 BELL LANE
NEW ALBANY, IN 47150
(812) 738-4124

SITE ADDRESS:
5895 STILLER RD
FLOYDS KNOBS, IN 47119

Revision	Date	Description	By
7:			
6:			
5:			
4:			
3:			
2:			
1:			

DEVELOPMENT PLAN

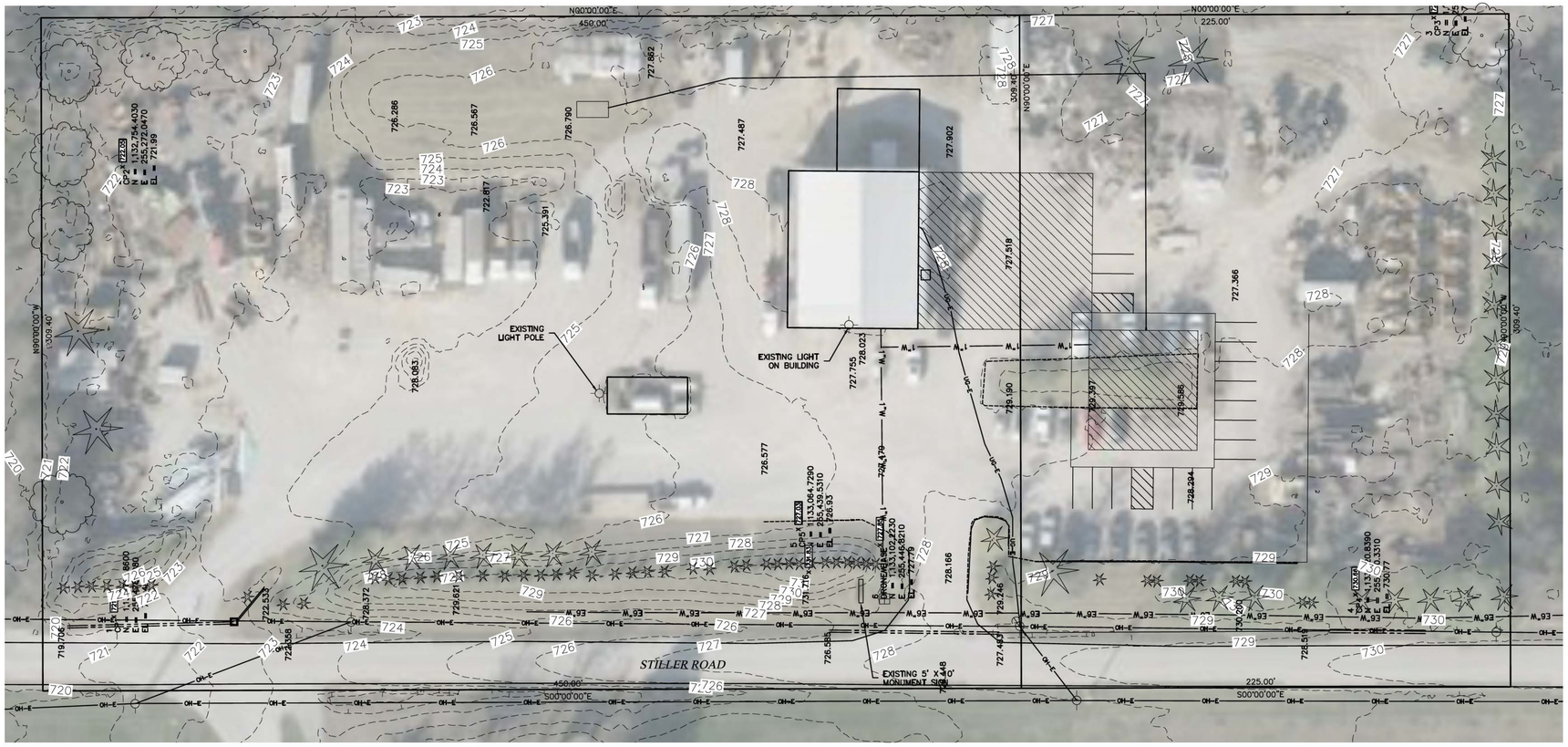
BY: BRYAN STUMLER EXCAVATING
5895 STILLER RD
FLOYDS KNOBS, IN
SITE PLAN

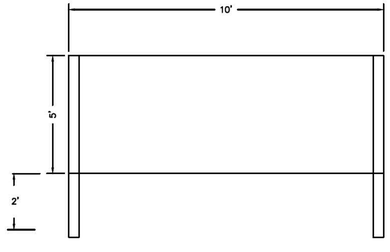
1000 BELL LANE
NEW ALBANY, IN 47150
TEL: (812) 738-4124
FAX: (812) 738-6740
PRIMAVERA & ASSOCIATES

JASON M. COPPERWAITE
REGISTERED
No. 10302376
STATE OF INDIANA
PROFESSIONAL ENGINEER

Date:	09/01/2026
Drafted By:	WDM
Checked By:	JMC
Directory:	T:\2026\25538\
File:	25538 Site.dwg
Job No.:	26-25538

Drawing No.
C-101





EXISTING MONUMENT SIGN

EXISTING TREE NOTES:
NORTH / SOUTH LINE TREES IN UNDISTURBED AREAS :

WEST LINE TREES IN UNDISTURBED AREAS:
(THERE ARE EXISTING TREES AND DENSE VEGETATION TO REMAIN)

EAST LINE TREES (STILLER ROAD):
(THERE ARE 72 EXISTING TREES)

= EXISTING DECIDUOUS TREE

= EXISTING EVERGREEN TREE

Revision	Date	Description	By
7:			
6:			
5:			
4:			
3:			
2:			
1:			

DEVELOPMENT PLAN

BY: BRYAN STUMLER EXCAVATING
5895 STILLER RD
FLOYDS KNOBS, IN
LANDSCAPING / LIGHTING SIGN PLAN

1000 BELL LANE
NEW ALBANY, IN 47150
TEL: (812) 738-4124
FAX: (812) 738-6740

PRIMAVERA & ASSOCIATES

JASON M. COPPERWAITE
REGISTERED
No. 10302376
STATE OF INDIANA
PROFESSIONAL ENGINEER

Date:	09/01/2026
Drafted By:	WDM
Checked By:	JMC
Directory:	T:\2026\25538\
File:	25538 Site.dwg
Job No.:	26-25538

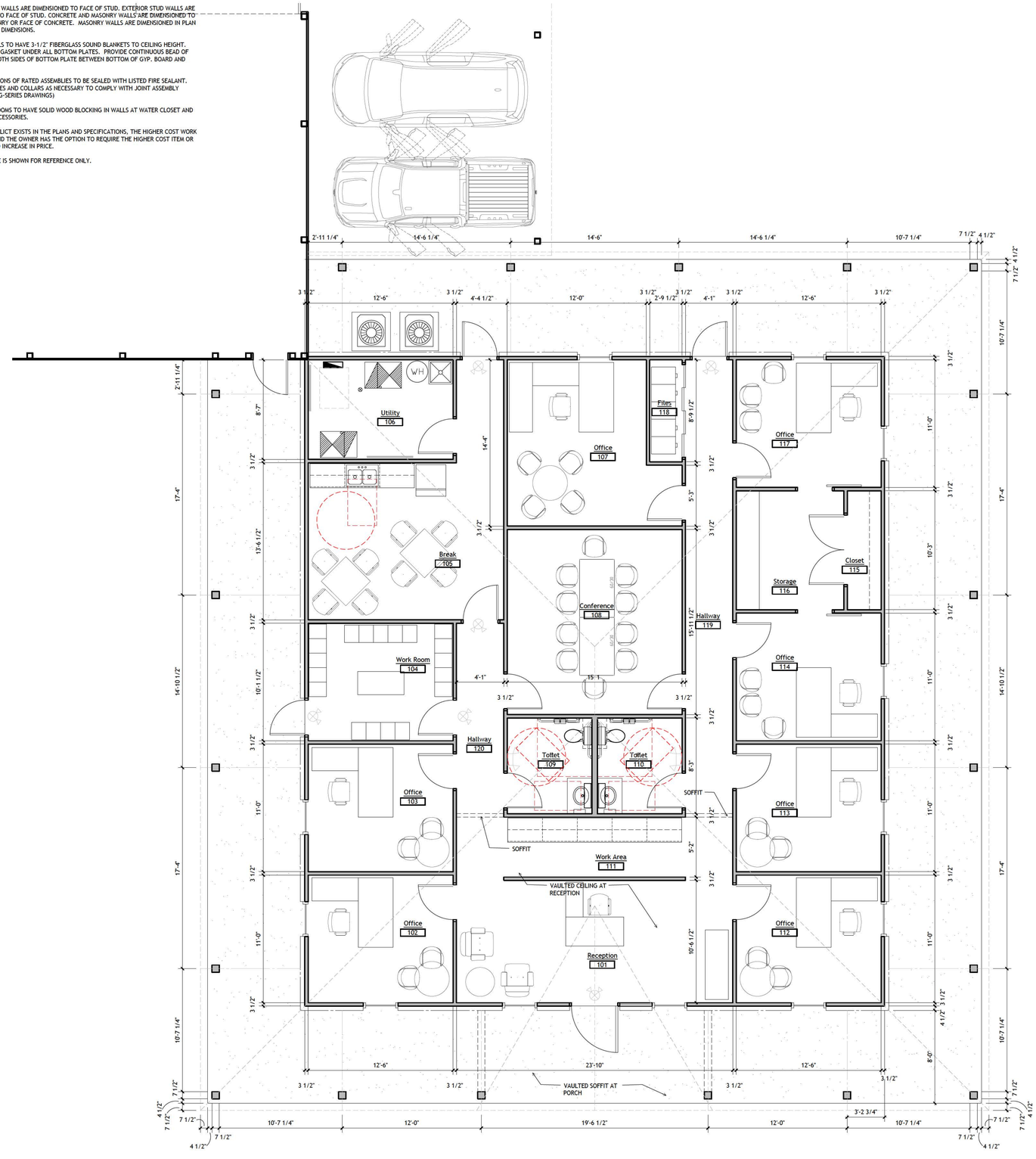
Drawing No.
C-102

Symbol Legend

- XXX / A — DOOR IDENTIFICATION- (SEE DOOR SCHEDULE ON SHEET A-801)
- XX — ALUMINUM FRAME IDENTIFICATION- (SEE ELEVATIONS ON SHEET A-801)
- X — HOLLOW METAL FRAME IDENTIFICATION- (SEE ELEVATIONS ON SHEET A-801)
- X — CURTAIN WALL FRAME IDENTIFICATION- (SEE ELEVATIONS ON SHEET A-801)
- XXX — PLAN KEYNOTE- SEE NOTES INDICATED ON EACH SHEET
- A — PARTITION WALL TYPE-
- 1 / A201 — ENLARGED PLAN MARKER- ABOVE - DETAIL NUMBER BELOW - SHEET REFERENCE
- 1 / A101 — SECTION CUT MARKER- ABOVE - DETAIL NUMBER BELOW - SHEET REFERENCE
- 1 / A101 — ELEVATION MARKER- ABOVE - DETAIL NUMBER BELOW - SHEET REFERENCE
- X / A-501 / X — ELEVATION MARKER- LETTER - DETAIL REFERENCE CENTER - SHEET REFERENCE
- RMNAME / RMNO — ROOM IDENTIFICATION- ABOVE - ROOM NAME BELOW - ARCHITECTURAL ROOM NUMBER
- 1 — DRAWING REVISION (SEE TITLE BLOCK FOR DATES)
- 1 — BUILDING LINE
- X — COLUMN CENTERLINE
- WiFi — WIFI ACCESS POINT SEE E-SERIES DRAWINGS
- SECURITY CAMERA SEE E-SERIES DRAWINGS
- FIRE EXTINGUISHER CABINET SEMI-RECESSED, FIRE RATED WITH FIRE EXTINGUISHER SEE Q-SERIES DRAWINGS
- FIRE EXTINGUISHER WALL MOUNT ON BRACKET, SEE Q-SERIES DRAWINGS

General Plan Notes

1. UNLESS OTHERWISE NOTED, ALL INTERIOR PARTITIONS ARE 2x4 WOOD STUDS AT 16" O.C WITH 5/8" GYP. BOARD EACH SIDE.
2. INTERIOR STUD WALLS ARE DIMENSIONED TO FACE OF STUD. EXTERIOR STUD WALLS ARE DIMENSIONED TO FACE OF STUD. CONCRETE AND MASONRY WALLS ARE DIMENSIONED TO FACE OF MASONRY OR FACE OF CONCRETE. MASONRY WALLS ARE DIMENSIONED IN PLAN WITH NOMINAL DIMENSIONS.
3. ALL STUD WALLS TO HAVE 3-1/2" FIBERGLASS SOUND BLANKETS TO CEILING HEIGHT. PROVIDE FOAM GASKET UNDER ALL BOTTOM PLATES. PROVIDE CONTINUOUS BEAD OF SEALANT ON BOTH SIDES OF BOTTOM PLATE BETWEEN BOTTOM OF GYP. BOARD AND FLOOR SLAB.
4. ALL PENETRATIONS OF RATED ASSEMBLIES TO BE SEALED WITH LISTED FIRE SEALANT. PROVIDE SLEEVES AND COLLARS AS NECESSARY TO COMPLY WITH JOINT ASSEMBLY LISTING. (SEE G-SERIES DRAWINGS)
5. ALL TOILET ROOMS TO HAVE SOLID WOOD BLOCKING IN WALLS AT WATER CLOSET AND ALL TOILET ACCESSORIES.
6. WHERE A CONFLICT EXISTS IN THE PLANS AND SPECIFICATIONS, THE HIGHER COST WORK IS TO BE BID AND THE OWNER HAS THE OPTION TO REQUIRE THE HIGHER COST ITEM OR METHOD AT NO INCREASE IN PRICE.
7. ALL FURNITURE IS SHOWN FOR REFERENCE ONLY.



Enlarged Partial Floor Plan

North

full size plot scale: 1/4" = 1'-0"

0 2' 4'

NOTE: THIS DRAWING IS INTENDED TO BE PLOTTED IN COLOR. IF THIS NOTE IS NOT A RED COLOR, IT IS PLOTTED INCORRECTLY. DISCARD AND OBTAIN AN ACCURATE DRAWING

Notice

The Architect/Engineer does not define the scope of individual trades, subcontractors, material suppliers, or vendors. Any sheet numbering system used which identifies disciplines is solely for the Architect/Engineer's convenience, and is not intended to define a subcontractor's scope of work. Information regarding individual trades, subcontractors, material suppliers, and vendors may be detailed, described and indicated at different locations throughout these documents. No consideration will be given to requests for change orders for failure to obtain and review the complete set of drawings and specifications when preparing bids, prices, and quotations.

© 2026
ALL RIGHTS RESERVED
All information in this document is the confidential and proprietary information of, and shall not be copied, published, or used in any way without the express consent of, assigned to a third party or otherwise appropriated without the prior written consent of John A. Hawkins, FAIA Architect. Unauthorized use is prohibited.

John A. Hawkins
architect
FAIA
3224 W. Mt. Carmel Rd.
Thorntown, IN 47120
(765) 436-7446

Drawn jh
Checked By jh
Project No.
Date 8/24/2026

Revisions
4

Review Print
Not to be used for Construction
Certified By

Grace Construction
3906 Utz Rd NE
Georgetown, IN 47122
(812) 989-9099

Bryan Stumler EXCAVATING INC.

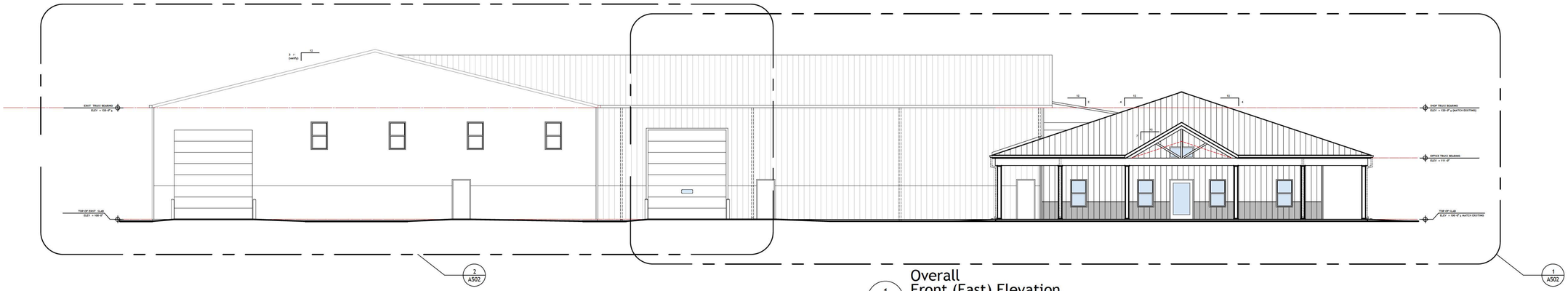
Building Addition
Bryan Stumler Excavating
5895 Stiller Road
Floyds Knobs, IN 47119

Sheet
A102
Enlarged Partial Floor Plan

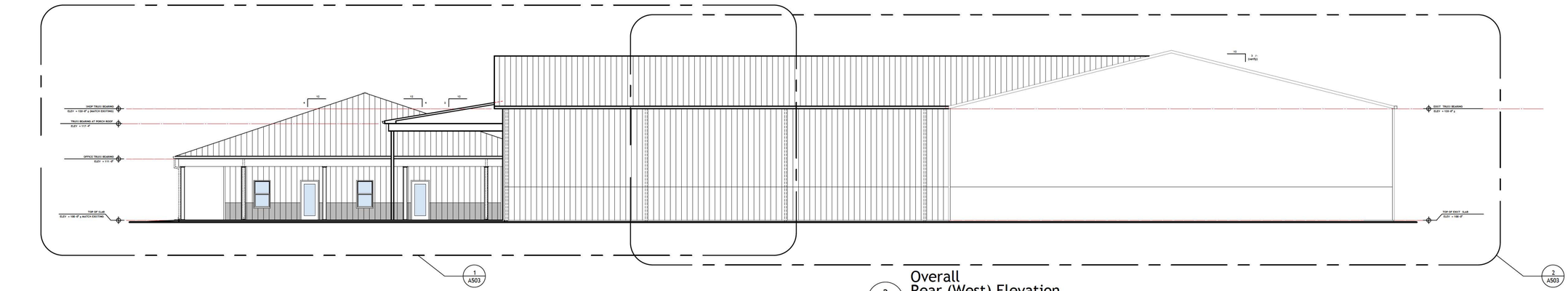
© 2026
ALL RIGHTS RESERVED

All information in this document is the confidential and proprietary information of , and shall not be copied, published, or divulged to others, nor used, nor produced, assigned to a third party or otherwise appropriated without the prior written consent of John A. Hawkins, FAIA Architect. Unauthorized use is prohibited.

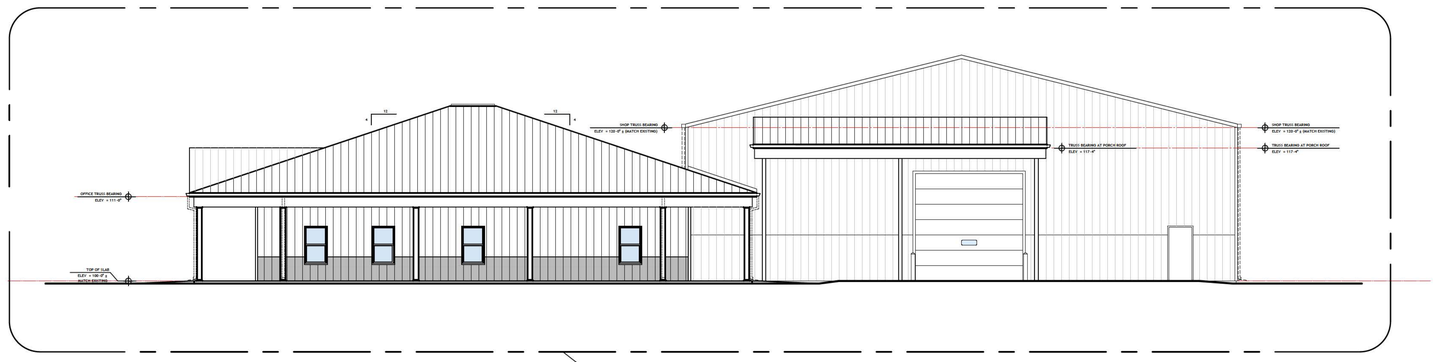
John A. Hawkins
architect
FAIA
3324 W. Mt. Carmel Rd.
Frankfort, IN 47120
(765) 654-7496

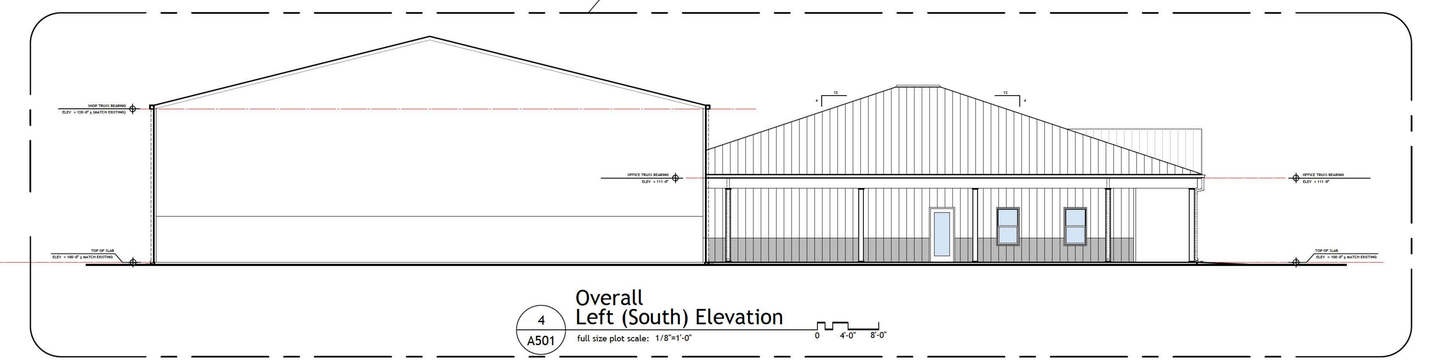


1 A501 **Overall Front (East) Elevation**
full size plot scale: 1/8"=1'-0"
0 4'-0" 8'-0"



2 A501 **Overall Rear (West) Elevation**
full size plot scale: 1/8"=1'-0"
0 4'-0" 8'-0"





4 A501 **Overall Left (South) Elevation**
full size plot scale: 1/8"=1'-0"
0 4'-0" 8'-0"

NOTE: THIS DRAWING IS INTENDED TO BE PLOTTED IN COLOR. IF THIS NOTE IS NOT A RED COLOR, IT IS PLOTTED INCORRECTLY. DISCARD AND OBTAIN AN ACCURATE DRAWING

Notice

The Architect/Engineer does not define the scope of individual trades, subcontractors, material suppliers, or vendors. Any sheet numbering system used which identifies disciplines is solely for the Architect/Engineer's convenience, and is not intended to define a subcontractor's scope of work. Information regarding individual trades, subcontractors, material suppliers, and vendors may be detailed, described and indicated at different locations throughout these documents. No consideration will be given to requests for change orders for failure to obtain and review the complete set of drawings and specifications when preparing bids, prices, and quotations.

Drawn jh
Checked By jh
Project No.
Date 8/24/2026

Revisions
1 Review Print
4 Construction

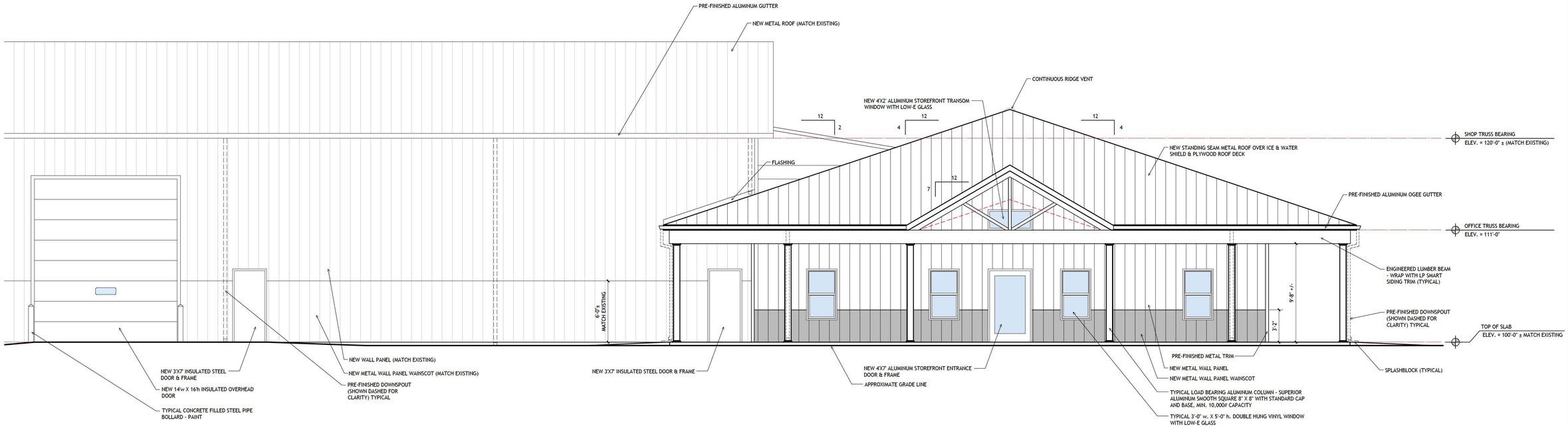
Certified By

Grace Construction
3906 Utz Rd NE
Georgetown, IN 47122
(812) 989-9099

Bryan Stumler EXCAVATING INC.

Building Addition
Bryan Stumler Excavating
5895 Stiller Road
Floyds Knobs, IN 47119

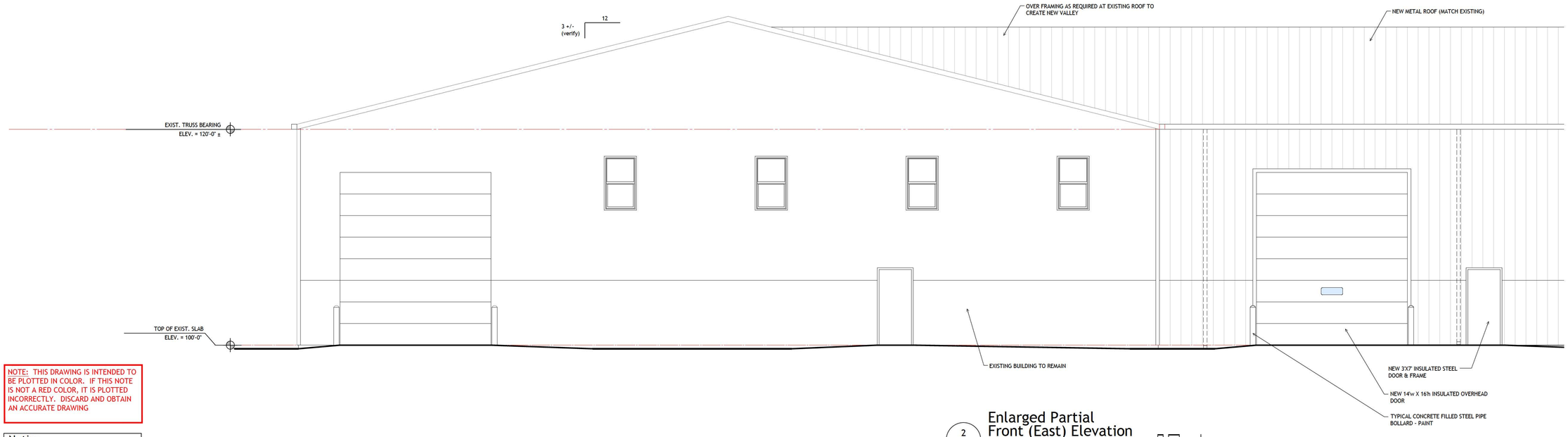
Sheet
A501
Overall
Building Elevations



1 / A502 Enlarged Partial Front (East) Elevation

full size plot scale: 1/4"=1'-0"

0 2'-0" 4'-0"



2 / A502 Enlarged Partial Front (East) Elevation

full size plot scale: 1/4"=1'-0"

0 2'-0" 4'-0"

NOTE: THIS DRAWING IS INTENDED TO BE PLOTTED IN COLOR. IF THIS NOTE IS NOT A RED COLOR, IT IS PLOTTED INCORRECTLY. DISCARD AND OBTAIN AN ACCURATE DRAWING

Notice

The Architect/Engineer does not define the scope of individual trades, subcontractors, material suppliers, or vendors. Any sheet numbering system used which identifies disciplines is solely for the Architect/Engineer's convenience, and is not intended to define a subcontractor's scope of work. Information regarding individual trades, subcontractors, material suppliers, and vendors may be detailed, described and indicated at different locations throughout these documents. No consideration will be given to requests for change orders for failure to obtain and review the complete set of drawings and specifications when preparing bids, prices, and quotations.

© 2026
ALL RIGHTS RESERVED
All information in this document is the confidential and proprietary information of , and shall not be copied, published, or used in any way without the express consent, assigned to a third party or otherwise appropriated without the prior written consent of John A. Hawkins, FAIA Architect. Unauthorized use is prohibited.

John A. Hawkins
architect
FAIA
3224 W. Mt. Carmel Rd.
Frenchsburg, IN 47120
(812) 631-1146

Drawn jh
Checked By jh
Project No.
Date 8/24/2026

Revisions
4 Review Print
3 Construction

Certified By

Grace Construction
3906 Utz Rd NE
Georgetown, IN 47122
(812) 989-9099

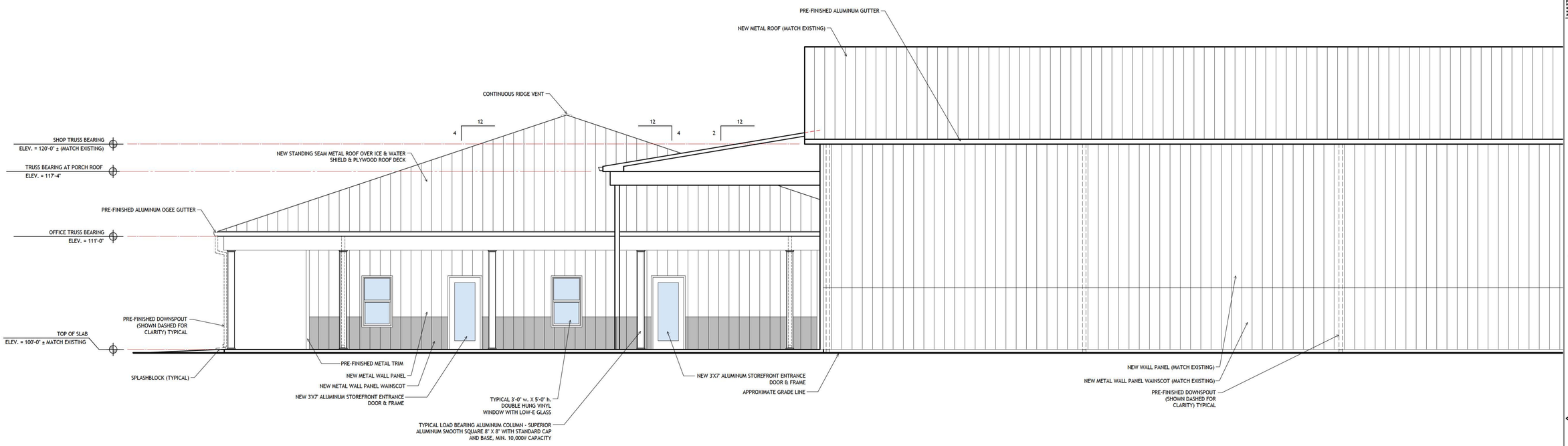
Bryan Stumler EXCAVATING INC.

Building Addition
Bryan Stumler Excavating
5895 Stiller Road
Floyds Knobs, IN 47119

Sheet
A502
Enlarged
Building Elevations

© 2026
ALL RIGHTS RESERVED
All information in this document is the confidential and proprietary information of , and shall not be copied, published, or used in any way, in whole or in part, disclosed, assigned to a third party or otherwise appropriated without the prior written consent of John A. Hawkins, FAIA Architect. Unauthorized use is prohibited.

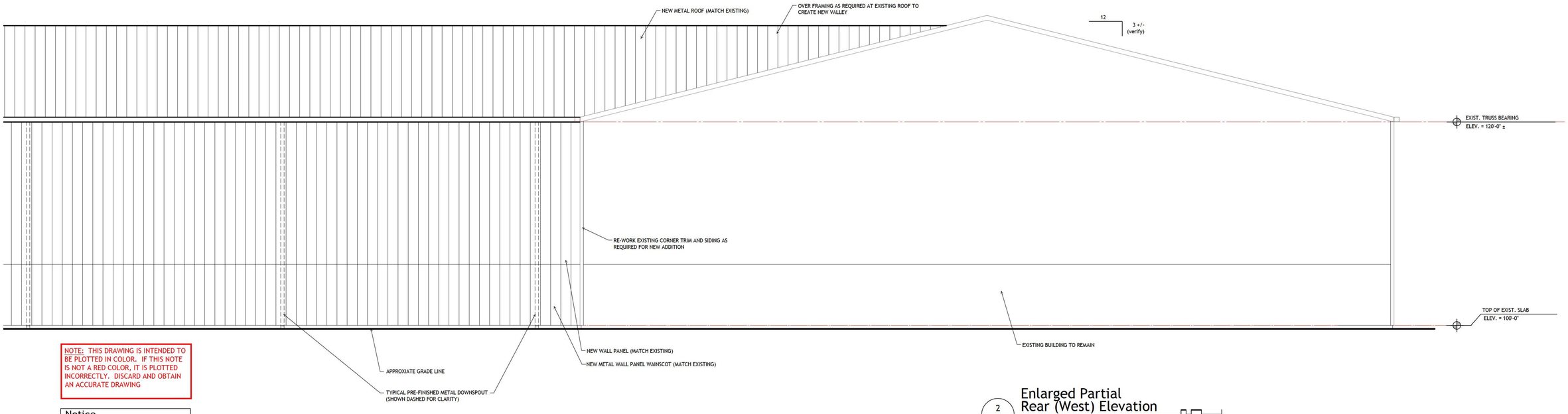
John A. Hawkins
architect
FAIA
3224 W. Mt. Carmel Rd.
Provenscloburg, IN 47120
(812) 491-1496



1 / A503 Enlarged Partial Rear (West) Elevation

full size plot scale: 1/4"=1'-0"

0 2'-0" 4'-0"



2 / A503 Enlarged Partial Rear (West) Elevation

full size plot scale: 1/4"=1'-0"

0 2'-0" 4'-0"

NOTE: THIS DRAWING IS INTENDED TO BE PLOTTED IN COLOR. IF THIS NOTE IS NOT A RED COLOR, IT IS PLOTTED INCORRECTLY. DISCARD AND OBTAIN AN ACCURATE DRAWING

Notice

The Architect/Engineer does not define the scope of individual trades, subcontractors, material suppliers, or vendors. Any sheet numbering system used which identifies disciplines is solely for the Architect/Engineer's convenience, and is not intended to define a subcontractor's scope of work. Information regarding individual trades, subcontractors, material suppliers, and vendors may be detailed, described and indicated at different locations throughout these documents. No consideration will be given to requests for change orders for failure to obtain and review the complete set of drawings and specifications when preparing bids, prices, and quotations.

Drawn jh
Checked By jh
Project No.
Date 8/24/2026

Revisions
4

Review Print
Not to be used for Construction

Certified By

Grace Construction
3906 Utz Rd NE
Georgetown, IN 47122
(812) 989-9099

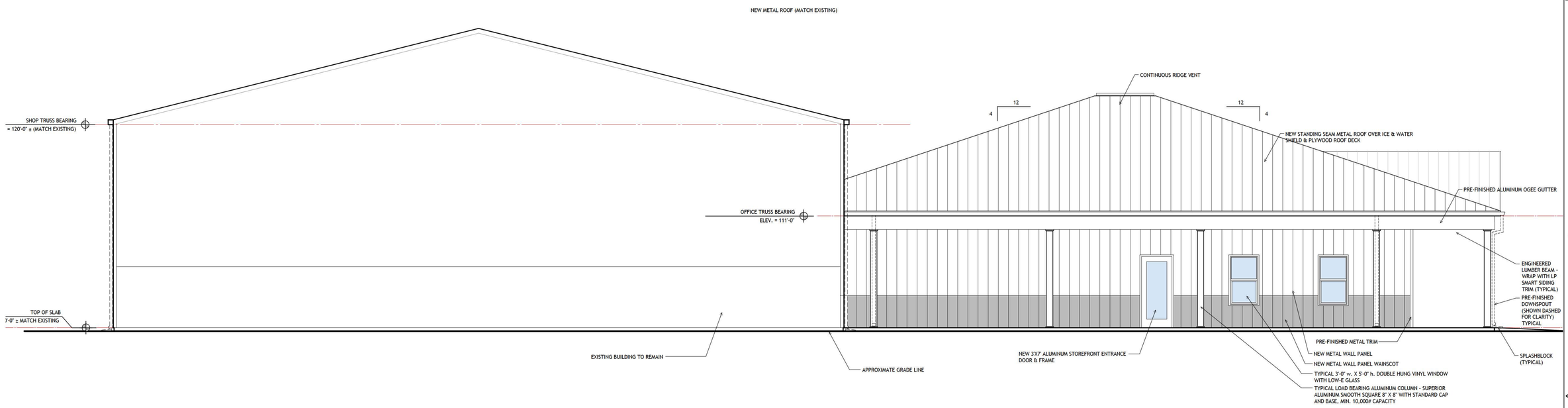
Bryan Stumler EXCAVATING INC.

Building Addition
Bryan Stumler Excavating
Floyds Knobs, IN 47119
5895 Stiller Road

Sheet
A503
Enlarged
Building Elevations

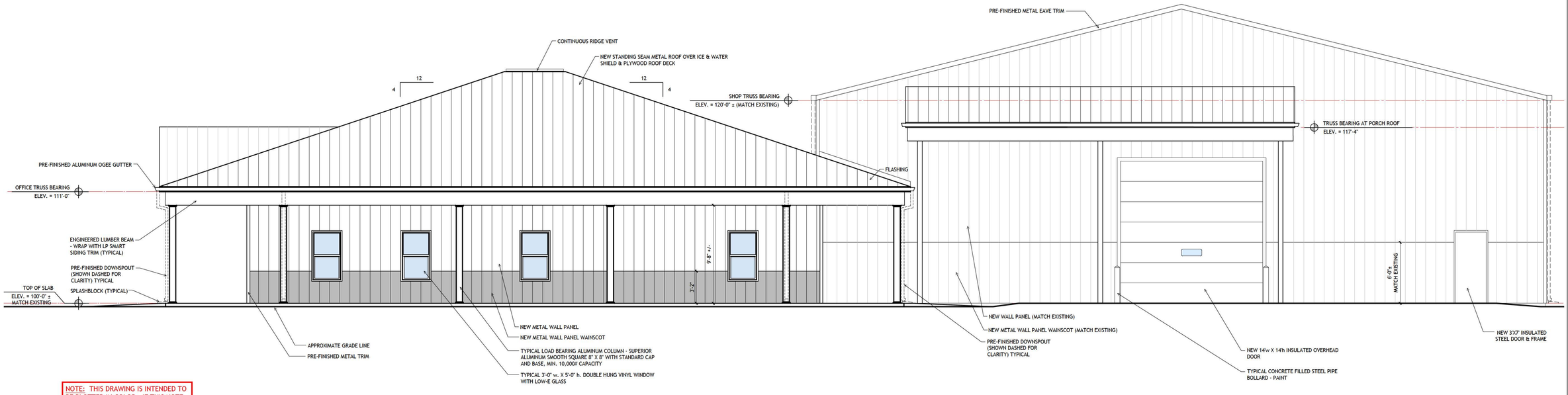
© 2026
ALL RIGHTS RESERVED

All information in this document is the confidential and proprietary information of, and shall not be copied, published, or divulged to any third party or otherwise appropriated, assigned to a third party or otherwise appropriated without the prior written consent of John A. Hawkins, FAIA Architect. Unauthorized use is prohibited.



1 / A504 **Enlarged Partial Left (South) Elevation**

full size plot scale: 1/4"=1'-0" (0, 2'-0", 4'-0")



2 / A504 **Enlarged Partial Right (North) Elevation**

full size plot scale: 1/4"=1'-0" (0, 2'-0", 4'-0")

NOTE: THIS DRAWING IS INTENDED TO BE PLOTTED IN COLOR. IF THIS NOTE IS NOT A RED COLOR, IT IS PLOTTED INCORRECTLY. DISCARD AND OBTAIN AN ACCURATE DRAWING

Notice

The Architect/Engineer does not define the scope of individual trades, subcontractors, material suppliers, or vendors. Any sheet numbering system used which identifies disciplines is solely for the Architect/Engineer's convenience, and is not intended to define a subcontractor's scope of work. Information regarding individual trades, subcontractors, material suppliers, and vendors may be detailed, described and indicated at different locations throughout these documents. No consideration will be given to requests for change orders for failure to obtain and review the complete set of drawings and specifications when preparing bids, prices, and quotations.

John A. Hawkins
architect
FAIA
3324 W. Mt. Carmel Rd.
Thorntown, IN 47120
(765) 436-7496

Drawn jh
Checked by jh
Project No.
Date 8/24/2026

Revisions
1 Review Print
4
Not to Construction

Certified by

Grace Construction
3906 Utz Rd NE
Georgetown, IN 47122
(812) 989-9099

Bryan Stumler EXCAVATING INC.

Building Addition
Bryan Stumler Excavating
Floyds Knobs, IN 47119
5895 Stiller Road

Sheet
A504
Enlarged
Building Elevations

NOTICE OF PUBLIC HEARING

Description of Proposed Docket:

The applicant _Bryan Stumler Excavating_ 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): 5895 Stiller Road, Floyds Knobs, Indiana, 47119 Parcels: 22-03-01-100-221.000-004 and 22-03-01-100-237.000-004
Description of Project: FC-09-26-38 Expansion of existing commercial excavating business that was previously approved under a conditional use permit.

This is a notice that a public hearing regarding the proposed docket item will be on _October 14th, 5 pm_ located in the **3rd Floor Assembly Room at the Judicial Center (County Building), 311 Hauss Square 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

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 conduct 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.

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

Conditional Use 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.

Conditional Use: *A use permitted in a particular base zoning district when it is shown that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the approving authority.*

1. General Information:

Applicant:	Bryan Stumler Excavating
Applicant Address:	5895 Stiller Road, Floyds Knobs, Indiana
Applicant Phone:	[redacted]
Applicant Email:	

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:	Same as above
Owner Address:	
Owner Phone:	
Owner Email:	

Applicant's Representative:

Representative Name:	Jason Copperwaite
Representative Address	1000 Bell Lane, New Albany, Indiana
Representative Phone:	[redacted]
Representative Email:	

2. Site Information:

Parcel ID Number:	22-03-01-100-221.000-004; 22-03-01-100-237.000-004
Total Acreage:	4.798
Address of Property/Location:	5895 Stiller Road, Floyds Knobs, Indiana
Current Use of Property:	Existing Commercial Business
Current Zoning District:	Rural Residential

3. Conditional Use Request:

Detail the conditional use request:

The applicant is requesting Conditional Use approval to expand the existing commercial business structure located on the property. The proposed building addition will provide approximately 8,640 square feet of additional enclosed floor area, consisting of approximately 5,760 square feet of additional shop space and approximately 2,880 square feet of office space. The office portion will include a covered front porch at the primary entrance.

4. Conditional Use Justification:

The Floyd County Zoning Ordinance establishes specific criteria that each must be met in order for a conditional use to be approved. Describe how the conditional use requested meets each of the following criteria:

1. The conditional use will not be injurious to the public health, safety, morals, and general welfare of the community:

The proposed conditional use will not be injurious to the public health, safety, morals, or general welfare of the community. The proposed project is primarily an expansion and improvement of the existing facility rather than a change to an unrelated or incompatible use.

2. The use and value of area adjacent to the property will not be adversely affected:

The proposed addition is an expansion of an existing business and will remain associated with the existing commercial use of the property. It will provide additional enclosed shop and office space for the business that is already established at this location.

3. The need for the Conditional Use does not result from conditions, unusual or peculiar to the subject property itself:

The need for the proposed conditional use is based upon the normal and reasonable operational needs of an established excavation and site-development business. The proposed additions are intended to provide functional space for the operation of the existing business.The request therefore arises from the legitimate operational needs of the business and the reasonable use and improvement of an established facility, rather than from an unusual or peculiar condition of the property.

4. The strict application of the terms of the Floyd County Zoning Ordinance would result in an unnecessary hardship in the use of the property:

The requested conditional use allows the property to continue its current operation while giving the facility room to grow and improve in an organized way. The proposed expansion is not being requested to bypass development standards. Rather, it would allow the applicant to expand the existing use in a way that can be evaluated for compatibility with nearby properties.

5. Approval of the Conditional Use will not contradict the goals and objectives of The Floyd County Comprehensive Plan:

Approval of the requested conditional use will not contradict the goals and objectives of the Floyd County Comprehensive Plan.The proposal represents the continued use and improvement of an existing developed property rather than the conversion of an undeveloped residential property to a new commercial development. The proposed addition will allow an established local business to improve its existing facility, provide more functional enclosed space, and organize its operations in a more efficient manner.

5. Required Documents:

- ☐ $450.00 Filing Fee ($1000.00 for Confined Feed Operation, Junk Yard, Sanitary Land Fill, or Sanitary Sewer Treatment Plant)
- ☐ Deed for subject property
- ☐ Affidavit of Ownership (if applicable)
- ☐ Site plan drawn to scale, signed, and dated which clearly shows the entire layout of the property and all features relevant to the request.
- ☐ Floor plan, including specific dimensions for any buildings on the property subject to the conditional use.
- ☐ Cover letter summarizing the request.
- ☐ For proposals using septic systems, a letter from the Floyd County Health Department shall be provided verifying that any proposed development makes appropriate use of the septic system.
- ☐ For proposals using sanitary sewer systems, a letter from the service provider shall be included verifying that any proposed new development will be served.

6. Signature:

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

Name: Bryan Stanley

Signature: Bryan Stanley Date: 9-22-2026

SUBSCRIBED AND SWORN BEFORE ME

THIS 22nd DAY OF September, 2026.

Penny Napier

NOTARY PUBLIC COUNTY OF Jefferson

MY COMMISSION EXPIRES 9/22/2029

PENNY LYNN NAPIER ID # KYNP32976 NOTARY PUBLIC STATE AT LARGE, KENTUCKY EXP: 9/22/2029

Floyd County Plan Commission
Floyd County Board of Zoning Appeals

AFFIDAVIT OF OWNERSHIP

If the owner(s) of the subject property are giving authorization for someone else to apply for this request, this attached attachment is to be completed and submitted at the time of the application.

I (We), _____, do hereby certify that I am (we are)
(Owners of subject property)

the owner(s) of the property legally described as _____,
(Parcel ID Number)

And hereby certify that I (we) have given authorization to _____,
(Applicant/Petitioner/Representative)

To apply for the included application on this subject property.

Name of Owner(s):	**Parcel I.D. No:**	**Signature:**	**Date:**

STATE OF _____)
) SS:
COUNTY OF _____)

Subscribed and sworn to before me, a Notary Public within and for said County and State,

this _____ day of _____, 202___.

MY COMMISSION EXPIRES:

_____

_____
Notary Public

MY COUNTY OF RESIDENCE:

_____

_____
Printed Signature

RECEIVED
FOR RECORD
TIME 2:50 P.M
DATE Oct 25, 1995
RECORDED IN II DRA 22
INSTR. NO. 16923
Ann L. Whitfield
RECORDER OF FLOYD COUNTY

16923

MAIL TAX STATEMENTS TO:
Bryan Stumler Excavating, Inc.
5895 Stiller Road
Floyds Knobs, Indiana 47119

WARRANTY DEED

THIS INDENTURE WITNESSETH, That LARRY RAY TIMBERLAKE and CHRISTINA MARIE STEWART TIMBERLAKE, husband and wife, ("Grantor") of Clark County, in the State of Indiana, CONVEY AND WARRANT to BRYAN STUMLER EXCAVATING, INC., an Indiana Corporation, whose mailing address is 5895 Stiller Road, Floyds Knobs, Indiana 47119, for the sum of One Dollar ($1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Floyd County, in the State of Indiana:

A part of the Northeast Quarter of Section 11, Township 2 South, Range 5 East, Greenville Township, Floyd County, Indiana, being more particularly described as follows:

Commencing at an iron pin in the East edge of Stiller Road, said pin marking the Northeast corner of said Northeast Quarter, thence South (this bearing and all subsequent bearings are based on adjoining deeds) with the East line of said Northeast Quarter a distance of 190.00 feet to a #4 reinforcing bar the True Place of Beginning of the tract to be herein described; thence continuing South with the Section line a distance of 225.00 feet to a #4 reinforcing bar set this survey; thence West and severing the lands of the grantor a distance of 309.4 feet to a #4 reinforcing bar set this survey; thence North a distance of 225 feet to a 1" steel pin set this survey; thence East a distance of 309.4 feet to the beginning, containing 1.598 acres, but subject to the R/W of Stiller Road.

This conveyance is made subject to the installment of taxes due and payable in November, 1995, and all installments of taxes thereafter; subject to existing highways, easements, right-of-way and restrictions of record.

IN WITNESS WHEREOF, the said LARRY RAY TIMBERLAKE and CHRISTINA

MARIE STEWART TIMBERLAKE, have caused this deed to be executed this 20 day of October, 1995.

Larry Ray Timberlake
LARRY RAY TIMBERLAKE

Christina Marie Stewart Timberlake
CHRISTINA MARIE STEWART TIMBERLAKE

STATE OF INDIANA)
) SS:
COUNTY OF FLOYD)

Before me, a Notary Public, in and for said County and State, personally appeared the above LARRY RAY TIMBERLAKE and CHRISTINA MARIE STEWART TIMBERLAKE, who acknowledged the execution of the foregoing instrument as and for their voluntary act and deed, and who, being duly sworn, stated that the matters set forth in said Deed are true and correct, to the best of their knowledge, information and belief.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this 20 day of October, 1995.

My Commission Expires:
Notary Public, State at Large, IN.
My commission expires June 22, 1996

My County of Residence Is

Deborah A. Bayens
Notary Public (Signature)

Deborah A. Bayens
Notary Public (Printed)

NOTARY PUBLIC

Duly Entered For Taxation
Subject To Final Acceptance
For Transfer

This instrument prepared by Tim Reidinger, Attorney at Law.

OCT 25 1995

Barbara J. Billings
AUDITOR FLOYD CO. IND.

Tax Key No.: 003-15900-74

2759

WARRANTY DEED

THIS INDENTURE WITNESSETH: That Bryan M. Stumler and Dawn M. Stumler, husband and wife,

CONVEY AND WARRANT

unto Bryan Stumler Excavating Incorporated, an Indiana Corporation, whose mailing address is: 5695 Stiller Road, Floyds Knobs, IN 47119, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable considerations, receipt whereof is hereby acknowledged, the real estate in Floyd County, Indiana, described as follows, to-wit:

A part of the Northeast Quarter of Section 11, Township 2 South, Range 5 East, Greenville Township, Floyd County, Indiana, being more particularly described as follows:

Beginning at a 1/2" re-bar set this survey on the East side of the Stiller Road, said bar being South 415.00 feet from an iron at the Northeast corner of said Northeast Quarter (the bearing "South" along the Section Line and all subsequent bearings are based on adjoining deeds), said bar being the true place of beginning; thence continuing South along the Section Line and the Stiller Road a distance of 450.00 feet to a 3/4" iron pin set this survey; thence West and severing the lands of the Grantor a distance of 309.4 feet to a 3/4" iron pin set this survey; thence North a distance of 450.00 feet to a 1/2" re-bar set this survey; thence East a distance of 309.4 feet to the place of beginning, containing 3.198 acres, but subject to the R/W of the Stiller Road.

This conveyance is made subject to all real estate taxes now due and assessed against the above described real estate and is further conveyed subject to the mortgage in favor of National City Bank, Southern Indiana, formerly First National Bank of Indiana dated July 21, 1992 in the principal sum of $68,800.00 and recorded on July 28, 1992 in Mortgage Drawer 19, Instr. #8989 in the office of the Recorder of Floyd County, Indiana, the unpaid balance of which, the Grantee, by the acceptance of this deed, assumes and agrees to pay.

IN WITNESS WHEREOF: The Grantors have hereunto set their hands and seals this 14 day of February, 1996.

Bryan M. Stumler (SEAL)

Dawn M. Stumler (SEAL)

STATE OF INDIANA)
COUNTY OF FLOYD)

Before me, a Notary Public, in and for said county and state, personally appeared Bryan M. Stumler and Dawn M. Stumler, husband and wife, and acknowledged the execution of the foregoing Deed.

WITNESS my hand and notarial seal this 14th day of February, 1996.

Desirée Rudy
Name Printed: Desirée Rudy
County of Residence: Floyd

NOTARY PUBLIC STATE OF INDIANA

My Commission Expires:
September 26, 1999

Prepared by: J. Terrence Cody
Attorney At Law
318 Pearl Street
P.O. Box 685
New Albany, IN 47151-0685
(812) 944-2205

Duly Entered For Taxation
Subject To Final Acceptance
For Transfer
MAR 08 1996
Barbara J. Sillings
AUDITOR FLOYD CO. IND.

RECEIVED
FOR RECORD
TIME 8:11 AM
DATE March 8, 1996
RECORDED IN D ORA 23
INSTR NO 2759
Sheri Litchfield
RECORDER OF FLOYD COUNTY

FLOYD COUNTY PLAN COMMISSION
and Board of Zoning Appeals

SUITE 022 CITY-COUNTY BUILDING • NEW ALBANY, INDIANA 47150 • PHONE 812-948-5440 FAX 812-941-4571

June 18, 1997

Bryan Stumler
5895 Stiller Road
Floyd Knobs, IN 47119

RE: Docket FC-2-97-9: A request by Bryan Stumler for a Conditional Use under the provisions of the Floyd County Zoning Ordinance for permission to expand parking lot and construct an office building on Stiller Road, Greenville Township, Section 11, Township 2 South, Range 5 East.

Dear Mr. Stumler:

The Floyd County Board of Zoning Appeals at the their regular scheduled meeting on June 16, 1997 approved your docket as stated above with the following stipulation:

Landscape berms completedand planted with in 6 months.

Drainage catchbasin by November 30.

Paved lot by December.

Building with in 12 months or new application must be made.

If you have any questions, please contact this office.

Sincerely,

Beverly J. Smith

Beverly J. Smith
Plan Director

FLOYD COUNTY PLAN COMMISSION
and Board of Zoning Appeals

SUITE 022 CITY-COUNTY BUILDING • NEW ALBANY, INDIANA 47150 • PHONE 812-948-5440

August 13, 1991

Bryan Stumler
7466 Navilleton Rd.
Floyds Knobs, IN 47119

RE: Docket FC-7-91-24. A request by Bryan Stumler for a Conditional Use under the provisions of the Floyd County Zoning Ordinance for permission to operate a business to be known as "Bryan Stumler Excavating", located on Stiller Rd., Lafayette Twp., Sec. 1, Twp. 2 South, Range 6 East.

Dear Mr. Stumler:

At their regularly scheduled meeting on Monday, August 12, 1991, the Floyd County Board of Zoning Appeals granted your request as stated above.

However your request was granted with the following stipulations:

1. That the plans for the building be submitted to the State.
2. That a local building permit be obtained.
3. That State and local Health Department permits be obtained.
4. That the tract be kept in a neat and orderly manner.
5. That there be no accumulation of debri on the property.
6. That there shall be no outside storage.
7. Contact the County Highway Engineer on the access to the site.
8. Contact the County Highway Department as to culvert size.
9. That a site plan be approved by the staff.
10. That you may use your existing sign at your new place.

Yours truly,

Beverly J. Smith

Beverly J. Smith, Plan Director

The regular meeting of the Floyd County Board of Zoning Appeals was called to order by the Chairman, Mr. Leo Fentress, at 7:30 P.M. in room 331 of the City-County Building on Monday August 12, 1991.

Members present: Leo Fentress, Chairman
William Knable, Vice-chairman
Bob Moser
Frank Didelot

Member absent: Patrick Houghlin

Also present: Beverly J. Smith, Plan Director
Michael McDaniel, Attorney
David Foley, Building Inspector
Millie Baker, Staff

After calling the meeting to order, Mr. Fentress requested the roll call be taken. Following roll call, Mr. Fentress announced that a quorum was present. It would take three affirmative votes to pass a docket. If anyone wished to be heard by a full board they could withdraw at this time. No one came forward.

The Chairman called for additions and/or corrections to the July minutes. None were forthcoming and they were approved as mailed.

The first item of business was Docket FC-6-91-22. A request by Randall R. Riall for a Conditional Use under the provisions of the Floyd County Zoning Ordinance for permission to operate an auto speciality shop to be known as "Rods by Rowdy" on Paoli Pike, Lafayette Township, Section 18, Township 2 South, Range 6 East.

Mr. Riall appeared in behalf of this docket. He said he wished to operate his business in a building located behind his house. Doing speciality work does not generate a lot of traffic, nor will there be outside storage of cars or parts for any length of time. A six foot fence will be constructed to protect the neighbors privacy. Working hours will be 7:30 A.M. to 6:00 P.M. Monday thru Saturday.

No one else appeared in favor or against this request.

The staff report was read as follows:

subdivision if the use is granted. There shall be no outside storage of equipment. The tract has be kept in a neat and workmanlike appearance. Any equipment kept on the site and equipment to be repaired shall not be stored outside overnight. The storage bin area shall be enclosed with a 6' high fence.

The building shall receive State approval as well as a State Health permit shall be required for the septic system. Upon receipt of these permits a local permit may be issued. The sign for the business shall meet State Highway requirements.

The board held a discussion about how the proposed use would effect the surrounding residential use of the land. The main concerns of the board were noise and hours of operation.

Mr. Knable made a finding of facts that because of the type of work being involved that was classified as light industrial, and that also there is concern because on three sides of this tract there will be residential homes. That noise is a concern and business hours are a concern. I make a motion of finding of fact to deny. Mr. Didelot seconded and the motion carried unanimously.

The next item to be called was Docket FC-7-91-24: A request by Bryan Stumler for a Conditional Use under the provisions of the Floyd County Zoning Ordinance for permission to operate a business to be known as "Bryan Stumler Excavating" located on Stiller Road, Lafayette Township, Section 1, Township 2 South, Range 6 East.

Mr. Stumler spoke in behalf of this docket. Stumler said he would like to move his business away from his home site on Navilleton Road. He would like to have a building in which he can work on his equipment. The site location is on Stiller Road across from Jacobi Sodding.

The building will be 100' x 50'. Since Mr. Stumler did not have a site plan, the Commission requested he submit his plot plan to the Director for her approval before issuing a building and start of construction.

No one else spoke in favor. Mr. and Mrs. Darrell Eicher, 6170 Longview Drive, spoke in opposition. They cited road conditions, poor intersection of Stiller and Highway 150, amount of truck traffic on Stiller Road, plus their homesite would overlook this site.

Being no other opposition, the staff report was read as follows:

This docket was forwarded from the Plan Commission with a favorable review for your consideration.

Mr. Stumler's site is located on Stiller Road across from Jacobi Sodding Service. The proposed building would house his excavating equipment. The site is more suitable for his business than the present location on Navilleton Road.

The tract is located on the fringe of the flood plain for Indian Creek and is not the most suitable site for a residence.

The proposed building would need a State release and upon its release a local building permit is required. Also, a State Health Permit is required.

The tract shall be kept in a near and orderly manner. There shall be no accumulation of debri on the property or nor any outside storage.

It is recommended that a check be made with the County Highway Engineer on the access to the site, plus culvert size.

The board questioned Stumler about his equipment and its storage. Stumler replied that it will mainly be on job sites and in the winter most of the equipment will be in the building. At present he has 3 employees who will park on the lot.

Mr. Didelot made a finding that there is a commercial operation right across the road that generates quite a bit of traffic and as to the land itself its as good of use as any as it is close to a flood plain. Mr. Knable seconded the finding which passed unanimously.

Mr. Moser made a motion to grant approval of this docket in accordance with the staff report and the finding that it is near a flood plain area and some industry is already there. The equipment shall be inside when being worked on. Mr. Knable seconded the motion which carried unanimously.

The last item was an appeal on Docket FC-6-90-17: A request by James R. Robinson for a Variance from the provisions of the Floyd County Zoning Ordinance for permission to build a garage closer to the road than allowed in the ordinance to be located on Rufing Road, Greenville Township, Section 33, Township 1 South, Range 5 East.

FLOYD
COUNTY
PLAN
COMMISSION
and Board of Zoning Appeals

SUITE 022 CITY-COUNTY BUILDING • NEW ALBANY, INDIANA 47150 • PHONE 812-948-5440 FAX 812-941-4571

November 13, 1995

Bryan Stumler Excavating
5895 Stiller Road
Floyds Knobs, IN 47119

RE: Docket FC-7-91-24

Dear Mr. Stumler:

On Monday, August 21, 1991 a Conditional Use was granted to you for the operation of an excavating business on Stiller Road with certain stipulations. On a recent on-site inspection it was noted that you are not in compliance with these conditions. Therefore, you are hereby put on notice to attend the Floyd County Plan Commission meeting on Monday, November 20, 1995 at 7:00 P.M. in the City-County Building to show cause.

Enclosed please find a copy of the restrictions placed on your operation.

Sincerely,

Beverly J. Smith
Plan Director

Enc:

The regular meeting of the Floyd County Plan Commission was called to order by the president, Patrick Houghlin, at 7:00 P.M. in room 331 of the City-County Building on Monday, November 20, 1995.

Members present: Patrick Houghlin, President
Mark Randall, Vice-president
Tom Boofter
Roy Ballard
Judy Arthur
Larry McAllister
Johnny Holmes
Mary Lou Hammond
Kenneth Federspiel

Members absent: None

Also present: Michael McDaniel, Attorney
Beverly J. Smith, Plan Director
Millie Baker, Staff
Don Sisloff, NACPC

After declaring the meeting open, the president requested roll call be taken. Following roll call, Mrs. Baker announced there was a quorum and that Mrs. Hammond was an alternate for Mr. Larry Denison.

The president announced that the members present constituted a quorum and that a vote of at least five members would be required to carry any motion.

The president informed the audience that comments for and against will be heard on any docket. When someone comes forward it was requested that they give their full name and address.

The president, then, called for additions and/or corrections to the October minutes. Dr. Randall made a motion to grant approval of the minutes as mailed. Mr. Federspiel seconded the motion which carried unanimously on a voice vote.

The first item of business called was Docket FC-8-95-32: A request by Radio Communications Systems for a Conditional Use under the provisions of the Floyd County Zoning Ordinance for the erection of a radio communications tower for broadcast and one way and two way conventional business and governmental applications located on North Skyline Drive, Lafayette Township, Section 3, Township 2 South, Range 6 East.

Mr. Michael Naville, an attorney from the firm of Lorch and Naville, 506 State Street, appeared in behalf of the applicant. Before making his presentation, Naville wanted to clear up some ground rules. Did he understand there would be public comments? The president stated that this board would hear comments from the public if they were in attendance. Another question raised was would this board be receiving

Following this presentation, a very lengthly and adamant discussion was lead by the president on a 30' set back line. Some points considered were the impact on a project, planning for the good of a community and setting a precedent.

No one appeared in favor or against this request.

Mrs. Arthur made a motion to grant Conditional Approval of this subdivision. Dr. Randall seconded the motion which carried unanimously on a voice vote.

The next item called was to consider the request by Bugaboo Developers, Inc. for Final Approval of a subdivision to be known as Sunrise Hills, located off Bugaboo Lane, New Albany Twp, Ill. Grant 127.

Mr. D.J. Hines appeared on behalf of this project. Hines requested a 30 day delay due to a disagreement with ajoining property owners which needed to be resolved.

Mr. Ballard made a motion to grant a 30 day delay and Mr. McAllister seconded the motion. The motion carried unanimously.

The next item of business was to consider the request by D.H.S., Inc. for Final Approval of a subdivision to be known as Autumn Hills, Section I located on Charlestown Road, Ill. Grant 86.

Mr. Primavera, the engineer for the project, appeared before the board. Primavera said the developer is proposing to develop 32 lots at this time. The IDEM release has been received.

To refresh the board minds on this case the Director read the following motion in regards to approval. It was read as follows: Mary Lou Hammond made a motion to grant Conditional Approval of this subdivision subject to a minimum of a 5' side line and at least 18' between the 2 structures. Mr. Houghlin seconded the motion which passed unanimously on a voice vote.

Mr. Boofter requested that a lot number be placed on a lot located on the cul-de-sac. Also, the board wished to know the status of the State road cut. Primavera said the State had gone over the plans and permits have been applied for.

No one appeared in favor or against this request.

Mrs. Hammond made a motion to grant Final Approval of this subdivision. Mr. Ballard seconded and the motion carried unanimously on a voice vote.

Under other business, the Director informed the board that Mr. Bryan Stumler had been cited in for not being in compliance with conditions set forth on his Docket FC-7-91-24. The two items in questions were accumulation of debri on the property and outside storage.

Mr. Stumler appeared before the board. He felt he was being singled out. That his business was not unsightly. The tires would be cleaned out within a few weeks. Also, he did not have enough space to store all his equipment in. Stumler said he was in the process of planting white pines and building a privacy fence to hid most of the problems. He wanted a couple of weeks of complete these projects.

Dr. Randall made a motion to grant 30 days for this process. Mr. Holmes seconded and the motion carried unanimously.

Being no further business, the meeting ajourned at 10:35 P.M.

Adopted this _____day of _____, 1995.

_____
President

Attest

_____

FLOYD
COUNTY
PLAN
COMMISSION
and Board of Zoning Appeals

SUITE 022 CITY-COUNTY BUILDING • NEW ALBANY, INDIANA 47150 • PHONE 812-948-5440 FAX 812-941-4571

June 18, 1997

Bryan Stumler
5895 Stiller Road
Floyd Knobs, IN 47119

RE: Docket FC-2-97-9: A request by Bryan Stumler for a Conditional Use under the provisions of the Floyd County Zoning Ordinance for permission to expand parking lot and construct an office building on Stiller Road, Greenville Township, Section 11, Township 2 South, Range 5 East.

Dear Mr. Stumler:

The Floyd County Board of Zoning Appeals at the their regular scheduled meeting on June 16, 1997 approved your docket as stated above with the following stipulation:

Landscape berms completedand planted with in 6 months.

Drainage catchbasin by November 30.

Paved lot by December.

Building with in 12 months or new application must be made.

If you have any questions, please contact this office.

Sincerely,

Beverly J. Smith

Beverly J. Smith
Plan Director

The regular meeting of the Floyd County Plan Commission was called to order by the president, Mark Randall, at 7:04 P.M. in room 331 of the City-County Building on Monday, March 17, 1997.

Members present: Mark Randall, President
Greg Gapsis, Vice-president
Tom Boofter
Judy Arthur
Roy Ballard
Bill Fender
Ken Federspiel
Larry Denison

Member absent: Johnny Holmes

Also present: Michael McDaniel, Attorney
Beverly J. Smith, Plan Director

After declaring the meeting open, the president requested roll call be taken. Following roll call, the president announced that a quorum was present and it would take five votes to pass a motion. If anyone wished to withdraw and be heard by a full board they could do so at this time. No one came forward.

The president, then, called for approval of the January 21, 1997 and February 18, 1997 minutes. Mr. Gapsis made a motion to accept both sets of minutes as mailed. Mr. Federspiel seconded the motion which carried unanimously on a voice vote.

The first item of business was Docket FC-2-97-7: A request by Don Eurton for a Conditional Use under the provisions of the Floyd County Zoning Ordinance for permission to operate a body shop on Tripalee Road, Greenville Township, Section 13, Township 2 South, Range 4 East.

Don Eurton, the applicant, presented evidence in support of the request and responded to questions directed by the Board. The applicant is hoping to get into the construction business, but would like to have the shop as a back up for income during the lack season. Also, he has 9 or 10 of his own cars that he will be working on.

The applicant presented a petition he had shown to his neighbors stating under what conditions he would be operating the shop. The petition stated ten (10) items to which he would comply.

A very lengthly discussion was held in regards to the existing building, disposal of waste materials and nuisance impact on the neighborhood.

Cindy Raymond, 11038 Tripalee Road, was concerned about property value. Also, what assurance did they have that Mr. Eurton would honor the ten items he had presented. What about paint fumes and run-off?

Mr. Eurton explained his filtering system. Also, he would have to comply will all county, State and Federal laws in regards to doing paint work. This was done by obtaining an EPA number and properly disposing of all waste, paints and thinners.

John Rogers, 11036 Tripalee Road, was concerned about the business staying small. Rogers said there was not sign posted. Eurton said it was up three or four days, but the wind blew it off.

The staff report was called for and read as follows:

The site under consideration is located on Tripalee Road in a residential area. The applicant has turned a garage into a body shop in which he restores wrecked cars. At one time, the applicant owned a body shop. The Comprehensive Land Use Map does not show any commercial activity in this area. The applicant could use the building for his own cars, but not as a service to others.

If the commission feels this operation could continue, the following items are recommended for your consideration:

1. There shall be no outside storage of materials or vehicles to be repaired.

2. There shall be no employees, only owner operated.

3. Hours of operation should be limited.

4. A sign may be placed on the face of the building.

5. The building plans shall be submitted, as built, to the State for approval. Any corrections or additions would require a local permit.

A discussion followed the staff report in regards to hours of operation (8 A.M. - 6 P.M.), signage and compliance with the conditions set forth by Mr. Eurton.

Mrs. Arthur made a motion to advance this docket to the Board of Zoning Appeals with the stipulations that there be no more than 2 customers cars on the premises. That all conditions set forth by Mr. Eurton were are:

1. This is for Mr. Eurton only, no employees.
2. No signs will be posted on this property advertizing this business.
3. This Conditional Use only applies to Donald Eurton at this address and will be void if or when Mr. Eurton sells the property.
4. Mr. Eurton will comply with all County, State and Federal laws in regards to doing body and paint work.
5. Mr. Eurton will obtain an EPA number and properly dispose of all waste, paint, and thinners.

6. Damaged customer vehicles will either be kept inside the shop or fenced area.

7. Paint work will be done in an approved spray room with proper filtering in compliance with Federal and State regulations.

8. All work on customer vehicles will be done between the hours 8 A.M. and 6 P.M., Monday thru Friday.

9. Trash dumpster and/or any damaged parts will be kept in fenced area until they can be properly disposed of.

shall be inforced and the conditions of the staff report shall be included. Mr. Fender seconded the motion which carried 6-1. Mr. Denison voted against the motion.

The next item of business was Docket FC-2-97-8: A request by Gary Ligman for a Conditional Use under the provisions of the Floyd County Zoning Ordinance for permission to add onto an existing building on an acre tract located with a complex off Paoli Pike, Lafayette Township, Section 20, Township 2 South, Range 6 East.

Mr. Bob Erskine appeared in behalf of the applicant. Mr. Erskins said the new addition will be used to store new samples. There will be in crease in traffic. The addition will be sent to the State for approval.

No one was present in opposition to this request.

The staff report was called for and read as follows:

The site under consideration is in the Riverport Industries complex located on Knobs Valley at the intersection of Scottsville Road. Knobs Valley is alined with Scottsville Road which has a traffic light for traffic control.

The entire complex was reviewed and give overall approval by the Board of Zoning Appeals for development in 1983 on Docket FC-10-83-47. The first phase was Riverport Industries. The remaining phases are subject to review by the Plan Commission only before any new uses or additions are put into opertion.

In 1993, the site under consideration was granted approval for an office building on Docket FC-9-93-40. The existing building is serviced by the existing sewage treatment plant. Construction plans for the addition will require State approval before issuance of a local permit, as well as, approval form DNR if this portion of the addition will be located in the flood plain.

Mr. Denison made a motion to grant approval to Docket FC-2-97-8. Mr. Federspiel seconded the motion which carried unanimously on a voice vote.

The next item of business was Docket FC-2-97-9: A request by Bryan Stumler for a Conditional use under the provisions of the Floyd County Zoning Ordinance for permission to expand parking lot and construct an office building on Stiller Road, Greenville Township, Section 11, Township 2 South, Range 5 East.

Mr. Stumler, the applicant, presented evidence in support of the request and responded to questions directed by the members. Mr. Fisher, an engineer, is working on the septic plans and believes the existing system will handle the new building. The office building will need State approval whether it is constructed or a modular unit. The tract has an existing entrance which he would like to use to access the lot and place gates on the portion which houses the equipment.

The members wished to see some landscaping to soften the effect of an industrial use and help protect the creek from run-off. If Rule #5 applies the board wishes to see the erosion control package.

Mr. Jim Bolding, 6100 Longview Drive, felt that Mr. Stumler had not lived up to the restrictions, so what makes it any different this time. Mr. McDaniel informed the audience a complaint needed to be filed. Mr. Stumler would then be called for a hearing. If he did not compley a suit could be filed.

The staff report was called for and read as follows:

The site under consideration is located on Stiller Road near Jacobi Sodding Service. In 1991 on Docket FC-7-91-24 this site was approved for an excavating business with stipulations. The applicant now wishes to expand the parking lot and erect an office building. The office at present is located in the storage building.

Mr. Fisher is working on the existing septic system and the new building will be connected to it. The new structure will require State approval before any construction can be started.

If a new road cut is needed, the County Engineer shall be contacted and approval given. Since the parking lot will service an office building, it shall be paved within year of occupancy of the office building and spaces shall be marked off. A handicapped space is required. The site shall be landscaped upon completion. *

The existing site as well as this site shall be kept in a neat and orderly workmanlike manner. There shall be no accumulation of debri on the property, nor shall there be any outside storage of material unless in an enclosed area (i.e. solid wood fence or in a building).

A more detailed site plan shall be submitted before the Board of Zoning Appeals meeting. It shall show the parking lot with landscaping.

Mr. Federspiel made a motion to give this docket a favorable review and forward it to the Board of Zoning Appeals with the stipulations of the staff report. Mr. Gapsis seconded the motion which passed unanimously on a voice vote.

The next item called was Docket FC-3-97-10: A request by Dr. H. Fred Preuss, Jr. for a Conditional Use under the provisions of the Floyd County Zoning Ordinance for permission to erect an office building to be located off East Luther Road, Lafayette Township, Section 19, Township 2 South, Range 6 East.

The president announced this docket had been postponed and would be set for a hearing on April 21, 1997.

The next item of business was a request by Brent Sprigler for Preliminary Approval of a subdivision to be located off Chapel Hill Road, Greenville Township, Section 27, Township 1 South, Range 5 East.

Mr. Paul Primavera, the project engineer, presented evidence in support of this cluster development. The development would cluster houses on about 56 acres, leaving 40 acres of common area deeded to a homeowner's association.. The common area could be used for walking paths and picnic areas. Several articles were handed in regards to cluster housing for the board's review. Primavera addressed points found in the Goals and Policies that supported the plan.

Alan Schuler, a resident of the area, expressed concern about the entrance into the site. Mr. Primavera said he had to still confer with the County Highway Engineer, but there were several things they could do to improve site distance.

Sandy Dolan, a concerned citizen, said she while the clustered-housing idea, but she's concerned about the average lot size of three-quarters of an acre might set a precedent. This could create a problem in large subdivisions that don't include so much open space. Dolan expressed concern about additional traffic on Navilleton Road, which is already a highly traveled road. Overcrowding of Greenville's school system was addressed.

Gapsis, along with other members of the board, said the subdivision, if approved, wouldn't create a precedent allowing congested development, because each subdivision is considered on its own merit.

Don Russell, who lives across the road from the site, said the road is to narrow and can not handle additional traffic.

Jerry Russell, a land owner, wished to see the development cut in half.

Mr. Liebert, a resident of the area, questioned if septic systems would work. He felt double standards were being used for developers and private homeowners.

Marvin Schmitt, who lives on Chapel Hill Road, was concerned about the entrance making a traffic problem as it is to close to the intersection of Cunningham-Sarles Road. The number of house should be decreased and there should be bigger lots.

Amy Liebert, who lives across the road from the development, had confidence in the Sprigler's making a nice development.

Beverly Flangan, who lives off Navilleton Road, wondered if it would not be better to have two entrances.

Larry Cooke, who lives on Navilleton Road, said Navilleton couldn't handle an additional 150 to 200 cars a day due to the heavy traffic it already carries.

After hearing the evidence presented, the president informed the audience and members of the board a date for the subdivision committee would be set after hearing the remaining subdivision presentations.

The next item called was a request by Bryan Stumler for Preliminary Approval of a subdivision to be located off Bugaboo Lane, New Albany Township, Ill. Grant 107.

Mr. Paul Primavera and Bryan Stumler, presented evidence in support of a patio housing development. The development would be on city sewers. They felt this is a popular concept for housing of those persons who are elderly or travel a lot. The roadway would be 50' in width with curb and gutter. Have a 40' set back across Bugaboo Lane to match that of Sunrise Hills. An outlot was shown and this was to be maintained by the present owner of the property.

A discussion was held in regards to the lots along Bugaboo Lane and the lot being retained by the owner of the land. The board felt this took away from the overall plan.

No one appeared in opposition to the request.

The president informed the board members a subdivision committee would be appointed and a date set after hearing the next case.

Before calling the next item, Mrs. Arthur excused herself due to a conflict of interest.

The last item called was to consider the request by Sonny Arthur for Preliminary Approval of a subdivision to be located off North Luther Road, Georgetown Township, Section 25, Township 2 South, Range 5 East.

Mr. Sonny Arthur and Gary Brinkworth presented evidence in support of this development. The development would be served by a sewerage treatment plant. The Reynold Group had been contacted to design the plant. At present they do not have a CTA for the area, but adjoining land owners will be notified.

A discussion was held in regards to the recent flooding of Duffy Road and how it could effect this development. The developers felt there are alternative roads to use if this should happen again.

The developers believed that the one entrance was adequate to serve the development. There is a gravel road along the one side which can be used for emergency if necessary. No stub road is planned as the developers want the traffic to exit at the intersection of Old Vincennes Road and Duffy. Stubbing a road into a tract which could have commercial development was not feasible due to the traffic problems that would be result.

Mrs. Fentress, an adjoining property owner, was very upset about the location of the sewerage plant next to her property. A very long discussion was held in regards to other problems in the area (i.e. flooding, drainage, traffic, use of her driveway).

Before next months meeting the board would contact Mr. Martin, the County Engineer, to get a traffic count at Duffy and Old Vincennes Road. Also, the board would like to hear from the Reynolds Groups about the sewerage plant. It was felt that there was a lot of fact finding that needed to be done before the next meeting.

The president set up the following dates for the subdivision committee meetings. April 3rd at 4:00 P.M. was scheduled for Spriglers on Chapel Hill. On the same day at 5:30, they would meet at Stumlers on Bugaboo. Thursday, April 10th, at 4:30 P.M. they would meet at Arthurs subdivision on North Luther Road. The staff was instructed to place legal ads for all subdivisions to be heard on Monday, April 21, 1997.

Before adjourning the meeting, Mr. Fender suggested that new Public Notice sign be made. It was suggested they be Day Glow signs. Mr. Boofter was to redesign the placard before it was submitted for printing.

Being no further business, the meeting adjourned at 10:30 P.M.

Adopted this_____day of _____, 1997.

_____
President

Attest

_____

Floyd County Government
Floyd County, Indiana

FLOYD COUNTY PLAN COMMISSION

Linda Barksdale, *Executive Plan Director*
Pine View Government Center • 2524 Corydon Pike, Suite 203 • New Albany, IN 47150
Phone: (812) 948-5441 • Fax: (812) 941-4571 • lbarksdale@floydcounty.in.gov

November 20, 2013

Bryan Stumler Excavating, Inc.
5895 Stiller Road
Floyd Knobs, IN 47119

RE: Docket FC-10-13-28

Mr. Stumler,

On November 13, 2013 the Floyd County Board of Zoning Appeals **Granted** your request for the Conditional Use with the acceptance of the staff report, plus the addition of #5, as the ballot. Those conditions are as follows:

1. All required building permits shall be obtained.
2. Deed of Dedication for Public Right-of-Way (as stated in docket FC-3-97-9) to be recorded in the office of the Floyd County Recorder; submit recorded copy to the Plan Commission Office within 30 days.
3. Applicant to obtain a septic permit from the Floyd County Health Department for the installation of a new sewer line from the trailer to the existing septic system.
4. Applicant to conform to and abide by any written conditions/commitments as deemed necessary by the current Board of Zoning Appeals, including any past commitments that have not been met.
5. Mr. Stumler re-read the letters detailing the conditions to which he committed in the past and come into complete and categorical compliance with them before he installs this new office space. Compliance shall be determined by inspection performed by staff.

Please do not hesitate to contact me should you have any questions.

Sincerely,

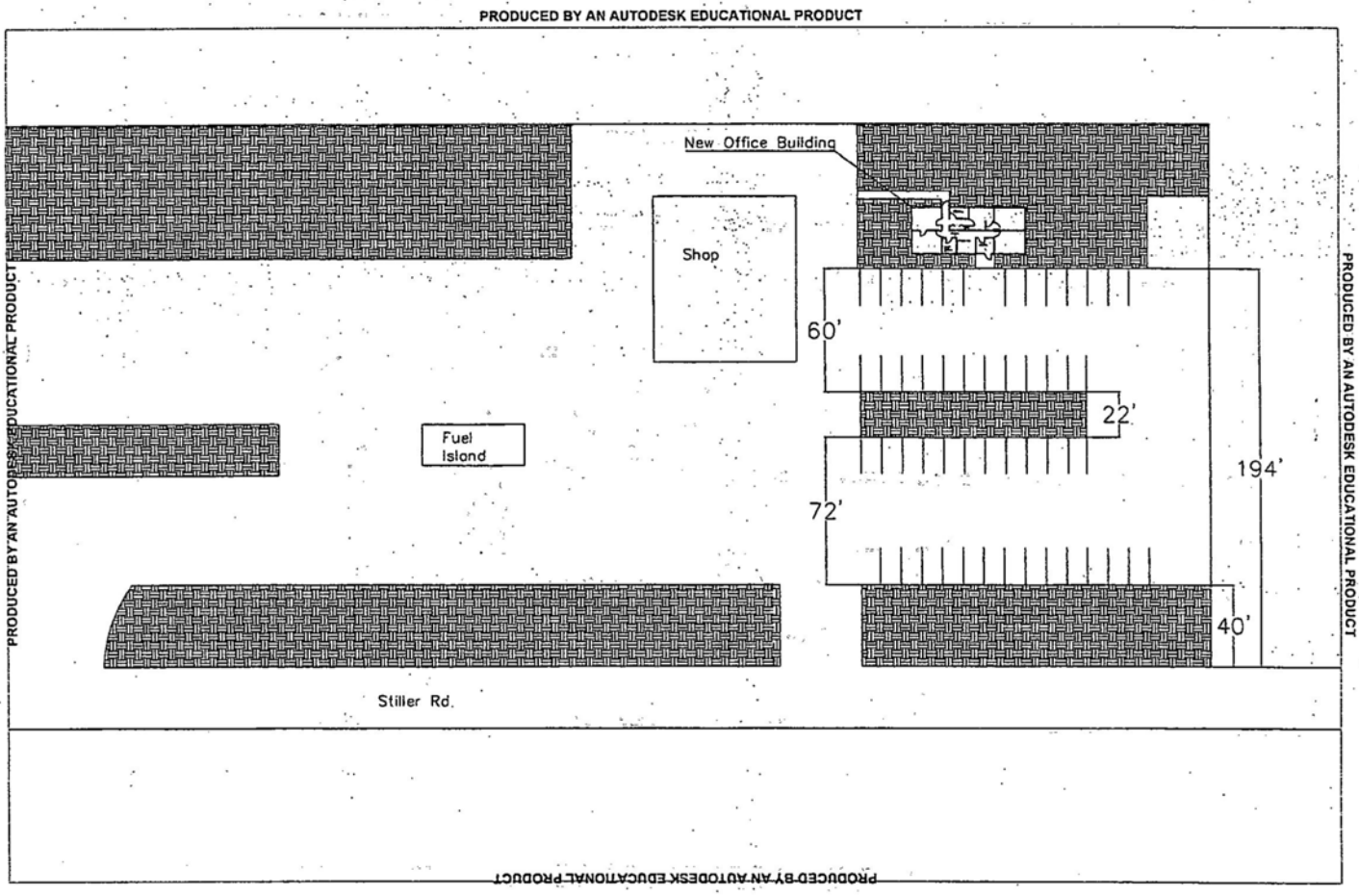
Linda Barksdale

Linda Barksdale
Executive Plan Director

LSB/psb

cc: Greg Fifer via fax

Enclosures (2): Staff report and ballot


PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT
New Office Building
Shop
60'
22'
194'
72'
40'
Fuel Island
Stiller Rd.
PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT
PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT
PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT

1550

CONDITIONAL USE BALLOT

FLOYD COUNTY BOARD OF ZONING APPEALS

Docket FC- 06 - 19 - 21 **Petitioner's Name:** Bryan Stumler Excavating

Authority: **Floyd County Zoning Ordinance**

The conditional use 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 written commitments from the petitioner.

After careful review the Board finds that:

1. The conditional use (**WILL NOT** / WILL) be injurious to the public health, safety, morals, and general welfare of the community because: FLOYD COUNTY PERMITTED THE BUSINESS IN 1991 AND THE BUSINESS WILL CONTINUE SUBJECT TO THE FOLLOWING CONDITIONS LISTED BELOW.
2. The use and value of the area adjacent to the property (**WILL NOT** / WILL) be adversely affected because: THE BUSINESS HAS BEEN IN OPERATION FOR 28 YEARS
3. The need for the conditional use (**DOES NOT** / DOES) result from any conditions, unusual, or peculiar to the property itself because: THEY ARE ALREADY IN BUSINESS & HAVE BEEN FOR YEARS
4. 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: RELOCATING WOULD BE EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE
5. Approval of the conditional use (**WILL NOT** / WILL) contradict the goals and objectives of the Floyd County Comprehensive Plan because: THEY ARE AN EXISTING BUSINESS THAT IS NEEDED & CONTRIBUTING TO THE COUNTY

The Board of Zoning Appeals hereby (GRANTS / DENIES) the Petitioner's Conditional Use at the meeting held on the 8th day of July, 2019

Approval by the Board is subject to the completion of the following conditions: 1) REMOVE ANY/ALL DEBRIS/JUNK MATERIALS, EQUIPMENT, OR SUPPLIES NO LONGER USED 2) ALL BERMS/PLANTINGS TO BE DONE BY 12/31/19 3) REMAINING WORK TO BE DONE WITHIN 12 MONTS OF THIS APPROVAL 4) IF ANY CONDITION IS NOT MET BY DUE DATE, A $50 PER DAY ~~FEE~~ FINE SHALL BE IMPLEMENTED STARTING 1-1-20 UNTIL COMPLETE. SAID FINE SHALL NOT BE WAIVED OR REDUCED 5) WORK TO BE DONE CONSISTENT WITH DRAWING ~~APPROVED~~ PRESENTED AT THIS MEETING. 6) EQUIPMENT OR MATERIALS THAT CAN BE USED IN THE BUSINESS MAY REMAIN ON SITE.

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

Board Members in Favor:

Bill White

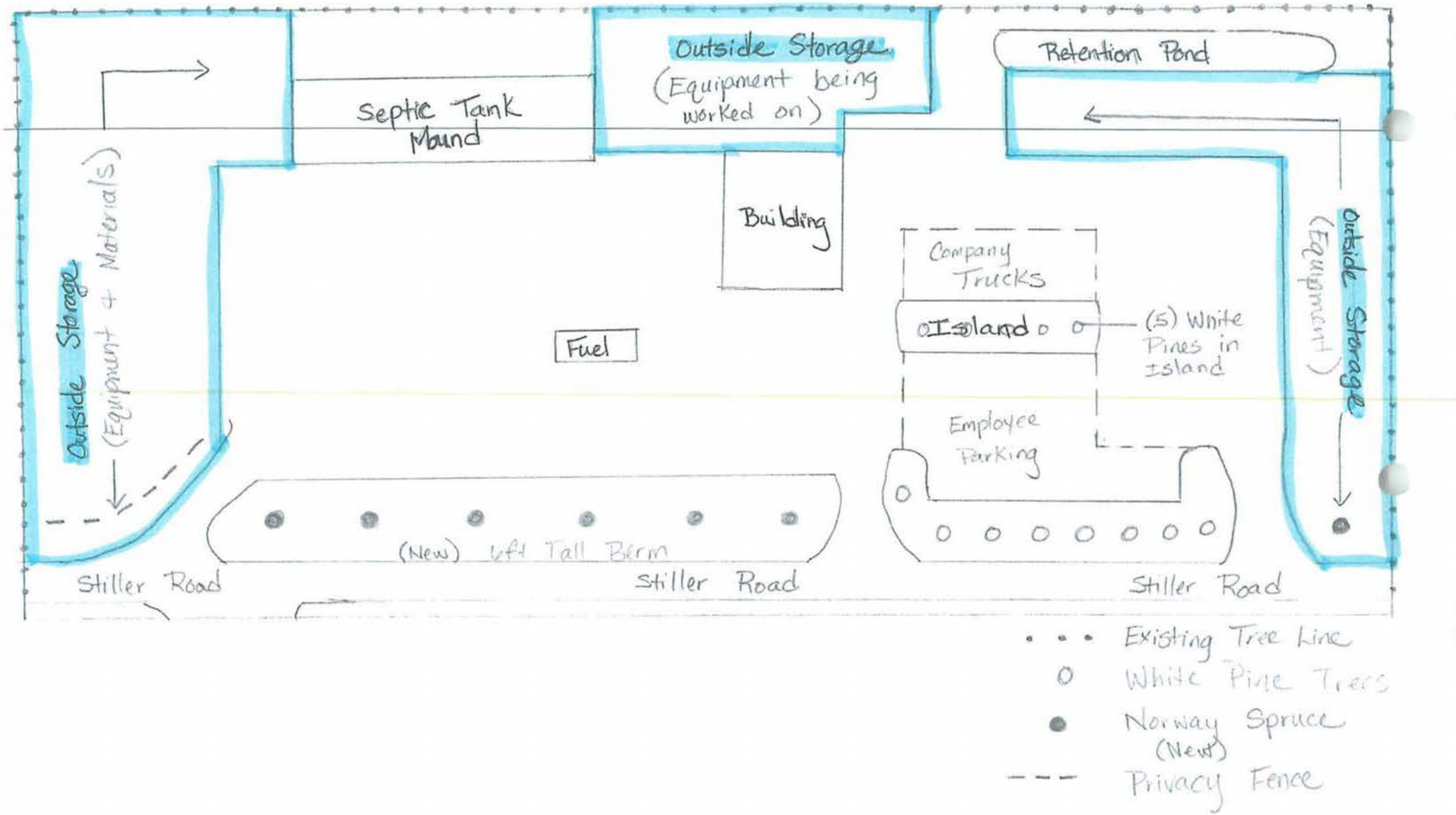
Greg Thompson

Catherine Clay Smock

Anthony Beckett

Larry Bilbrausen

Board Members Opposed:


Outside Storage
(Equipment + Materials)
Septic Tank
Mound
Outside Storage
(Equipment being worked on)
Building
Retention Pond
Outside Storage
(Equipment)
Company Trucks
Island
(5) White Pines in Island
Fuel
Employee Parking
(New) 4ft Tall Berm
Stiller Road
Stiller Road
Stiller Road
Existing Tree Line
White Pine Trees
Norway Spruce (New)
Privacy Fence

Mrs. Smock read a letter from Mr. Mull.

Motion: to suspend ROP's 7.1 (a) 3 13.2; 3 points stated in Mr. Mull's letter to be included in this motion and this is for dockets FC-06-19-21 FC-06-19-22 only, **Action:** Approve, **Moved by** Jeff Eastridge, **Seconded by** Larry Bibelhauser. Motion passed unanimously.

NEW BUSINESS:

Docket FC-06-19-21: Request for a **Modification** of a previously approved **Conditional Use** by **Bryan Stumler Excavating** to have outside storage located at 5895 Stiller Road, on 3.198 +/- acres in a Rural Residential (RR) zone. Greenville Township, Section 11, Township 2 South, Range 5 East.

Mr. Tackett presented the following staff report:

STAFF REPORT
Floyd County Board of Zoning Appeals

Docket Number:	FC-06-19-21
Petitioner:	Bryan Stumler
Location:	5895 Stiller Road
Request:	Conditional Use: Modification to Existing Conditional Use
Zoning District:	Rural Residential (RR)
Zoning Ordinance Section:	Permitted Uses Land Use Matrix
Date:	7/08/19

General Information

- Mr. Stumler is seeking a modification to a previously approved conditional use to allow for outside storage.
- FC-7-91-24: Conditional Use approval from 1991 restricted the use to no outside storage being allowed. *"That there be no accumulation of debris on the property."*
- Applicant has not followed this condition since the original approval, which has created a significant amount of material and equipment that have been allowed to accumulate over time.
- Mr. Stumler was in front of the Board of Zoning Appeals for zoning violations in regards to the outside storage.

- At the April 2019 hearing, the Board of Zoning Appeals requested that Mr. Stumler appear before the board in July if he were to proceed with requesting outside storage.

Planner Viewpoint & Recommendation:
Mr. Stumler has failed to follow conditions since his initial approval in 1991 at this location. Mr. Stumler also has a history of zoning violations, but has continued to fail to correct the issues. While I understand there is significant amount of material and equipment that would need to be moved, this is only due to the fact Mr. Stumler has failed to follow the conditions placed upon him.

***IF** the board proceeds with the allowance of outside storage, the board should ensure the following:*

1. *Outside storage is limited to specific areas of the property away of adjoining property owners and away from public right of way.*
2. *Outside storage needs to be screened from adjoining property owners and right of way.*
3. *Not all outside storage needs to be permitted. Mr. Stumler should be required to remove a significant portion of the material that has accumulated.*
4. *A timeline should be established for removal of materials and for plantings/buffering to be installed.*
5. *Establish fines that will be issued if the above conditions are not met in the timeframe.*

Joseph Feather spoke in opposition. He stated that the trucks cause ruts in the yards. He does not want to pay for a shared driveway that trucks are tearing up.

Mr. Heitkemper closed the public portion and asked for rebuttal,

Mr. Smith stated he has paperwork dated March 11 for deliveries to change. The issues have been since November, started with hand written sign and then on January 26, 2019 Mr. Redden put stakes in the ground with a sign on that their employee is accused of running over. Mr. Smith stated he has contracts of the space he rents and copies of change of address forms with the distributors.

Mr. Heitkemper asked if anyone had further questions.

Mr. Eastridge stated he wants to see a road maintenance agreement between all of the property owners, and that a couple of bump outs would help.

Mrs. Smith stated they have tried, but one person has refused twice.

Mr. Redden spoke again of his distaste for the trucks and employees.

Mr. Mull stated that while a road maintenance agreement would be good to have, the neighbors cannot be forced to sign one.

Motion: Table, for 30 days for applicant and neighbors to work out driveway maintenance agreement. **Moved by** Jeff Eastridge, Mr. Mull stated Monday, May 13 is the next meeting this would be heard, **Seconded by** Bill White. Motion passed unanimously.

Mr. Heitkemper stated there will not be any discussion at the next meeting.

Mr. Mull noted that there will not be any notice sent out. This motion stands as the notice to the public of the next hearing.

DISCUSSION:

Zoning Ordinance Violation- Bryan Stumler

Mr. Stumler provided the board with a folder of information and apologized for missing previous meeting, he had written down the wrong date. Phase 1 can start, weather permitting, taking trees down putting fence up within 30 days, completed within a year. Trees planted berm down within the next couple of months, end of July. The second phase is building 50' x 180' length lean-too within the next two years.

Mr. Eastridge asked if the entrance by Stiller Road could be closed and the berm moved down further also opening and using the entrance up by Phillip Schmidt Road instead or remove the third entrance make it full of trees and the berm built up to there and move all outside storage to between the office and the removed entrance.

There was a discussion between the board and Mr. Stumler on exact location for outside storage and location of lean-to.

Mr. Eastridge stated that all work should be completed by December 31, 2020, and for the piping and such December 31, 2021.

Motion: Amend fine to $100. Come back for a Conditional Use application he needs with full plan exactly what going to do by July meeting, including application. It will be a public meeting for the outside storage.
Discussion: Stumler stated it will be an issue. He stated he won't be able to put everything under roof.
Mr. Bibelhauser mentioned ideas of outside storage-this area, outside large only small under lean-too material in building.
Mr. Mull stated BZA is just having communication and ideas.
Moved by Jeff Eastridge, **Seconded by** Larry Bibelhauser.
Motion passed unanimously.

Mr. Tackett gave the board an update on Jack Sneed. He stated he provided the board an email including the recording from the 2016 meeting and letter inviting to meeting. There is a conflict between what is said between meetings and is

Greg Fifer, attorney, representing the applicant spoke in favor and answered questions directed by the Board. Mr. Fifer stated he is here to try to facilitate a discussion

Kendra Brady representing the applicant spoke in favor and answered questions directed by the Board. She reviewed the drawing of the proposal submitted.

The board members had questions regarding how far apart are the trees, how wide are the openings 20' -30', front berm currently have how many trees, discussion email from Gena Anderson read, berm only located at the one as indicated or will there be one by the employee parking, goal is to get everything out of site, building purposed earlier are going to be put up, maybe not if this proposal is approved, where is property line in relation to tree line, current fence northern spruce be planted, is third entrance needed?, buffer, reasoning for berm not being put on the right, position the drive on the right side to hide what is there, on new drawing put dimensions on it, grasses on berms possibility, arbovirus hedge, driveway changes, a lot of cleaning up has been completed.

Mrs. Smock asked if anyone was present to speak in favor. No one came forward.

She then asked if anyone was present to speak in opposition.

Carol Lamb spoke in opposition 6411 Phillip Schmidt Road, voiced concerns regarding the sign; agenda 3.1 acres 4.6 acres why not advertised, staff report, how much more can he grow on that acreage, privacy fence to a berm preferred, close off north entrance.

George Mouser 6411 Phillip Schmidt Road, spoke in opposition. He voiced concerns regarding asked if all 5 members been out to site, 27 years, material there that has nothing to do with excavating and or construction, reviewed his property that was not cleaned up for a while, will be visible once he clears his timber, futile to put stipulations on a man like Stumler, he has ignored for 27 plus years, fine of over $1500 was wiped out.

Jeff Eastridge asked Mr. Mouser where Mr. Stumler could go with his business within Floyd County.

Tom Lenfert 828 Yenowine Lane asked what size tree, 6 feet, weed mat down and put hardwood mulch, green giant arbovirus could be put on the berm, plant his 5' apart in 5 years you don't see anything.

Darrel Eichert, 6170 Longview Drive, why has it taken this long, from 1991 to 2019. Voiced concerns regarding Mr. Stumler has not been a good neighbor, long discussion at the last meeting regarding trees, the problem now is storage, equipment just sitting there rusting, he agreed to no storage in 1991, time limit.

Tina Koverman, 6130 Longview Drive, voiced concerns regarding notice not posted where it was readily visible, buffer, pines damage.

Mrs. Smock closed the public portion of the meeting and asked for a ballot.

Mr. Eastridge asked applicant to come up to their area to view, review what are the options. Left side take fence down, berm with the green giant, close entrance.

Discussion regarding getting rid of junk, time line by December 31, one year review, establish fines if not completed. Projected growth, if any may need to be addressed at a later time.

Mr. Tackett asked to present pictures to the Board that he received from George Mouser for the record.

Mrs. Smock asked for a ballot.

Motion: with the following conditions: 1) Remove any/all debris/junk materials, equipment, or supplies no longer used. 2) All berms/plantings to be done by 12/31/19. 3) Remaining work to be done within 12 months of this approval. 4) If any condition is not met by due date, a $50 per day fine shall be implemented starting 1-1-20 until complete. Said fine shall not be waived or reduced. 5) Work to be done consistent with drawing presented at this meeting. 6) Equipment or materials that can be used in the business may remain on site. **Action:** Approve, **Moved by** Bill White, **Seconded by** Guy Heitkemper. Motion passed unanimously.

Five minute break 7:50 – resumed at 7:54

Docket FC-06-19-22: Request for a **Special Exception** by **Full Circle Automation LLC (Jeffrey Kiper)** to have a small business (industrial machine controls manufacturer) located at 1025 Yenowine Lane, on 1.5 +/- acres in a Rural Residential (RR) zone. Georgetown Township, Section 11, Township 3 South, Range 5 East.

Mr. Tackett presented the following staff report: see end of minutes.

Mr. Endris, attorney, who represented the applicant spoke in favor and answered questions directed by the Board. Reviewed the history of the property,

Jeff Kiper, 1105 Pear Ridge Drive, reviewed what his business does for the Board.

What is the time line; is there a septic system on site, buffering, landscape plan, five total