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

October 15th, 2026

Leslie Austin
3770 Nadorff Road NE
Greenville, IN 47124

Re: Floyd County BZA FC-09-26-42 – Administrative Appeal

Please find this letter as notice of the action and findings for your requests for an **Administrative Appeal** to overturn a staff finding of insufficient evidence for a legal non-conforming use The appeal was **denied** on **October 14th, 2026** by the Board of Zoning Appeals**.**

Respectfully,

Franklin J. Walden
County Planner

Attachments: **(Ballot)**

ADMINISTRATIVE APPEAL BALLOT

FLOYD COUNTY BOARD OF ZONING APPEALS

Docket FC-09-26-42 Petitioner's Name: LESLIE AUSTIN

Authority: Floyd County Zoning Ordinance

The Board of Zoning Appeals will act in accordance with the requirements set forth in Indiana State Code 36-7-4-919 and 36-7-4-920. The appeal shall be approved if the findings of fact fail to support the administrative decision. The appeal shall be denied if findings of fact are made supporting the administrative decision.

Findings of Fact:

1. Appeal of Decision issued by:

   - ☐ Building Commissioner
   - ☐ Plan Director
   - ~~☒ Board of Zoning Appeals~~
   - ☒ Other: (specify) County Planner

2. Date of Appealed Decision: August 28th, 2026

3. Appeal (**WAS** / WAS NOT) timely filed within thirty (30) days of the Appealed Decision. *Appeal submitted September 25th, 2026*

4. Evidence reviewed (please ***specify***): The Board reviewed the information contained in the staff report & the presentations at this meeting.

5. The evidence (DOES / DOES NOT) support the Appealed Decision.

   Note: ☒ If the evidence **DOES** support the decision, the Appeal is **DENIED**.

   ☐ If the evidence **DOES NOT** support the decision, the Appeal is **GRANTED.**

6. The Board may **Modify** an appealed decision that is **Denied**.

Modifications to the decision are as follows: _____

_____

_____

_____

_____

_____

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

Board Members in Favor:

_____

_____

_____

_____

_____

Board Members Opposed:

_____

_____

_____

_____

_____

STAFF REPORT
Floyd County Board of Zoning Appeals

Docket Number: FC-09-26-42
Petitioner: Leslie Austin
Location: 3417 Jenny Lane, Floyds Knobs, IN 47119
Request: Administrative Appeal–
Staff determination of insufficient evidence for Legal Nonconforming use
Zoning District: Residential Suburban (RS)
Date: 10/14/2026

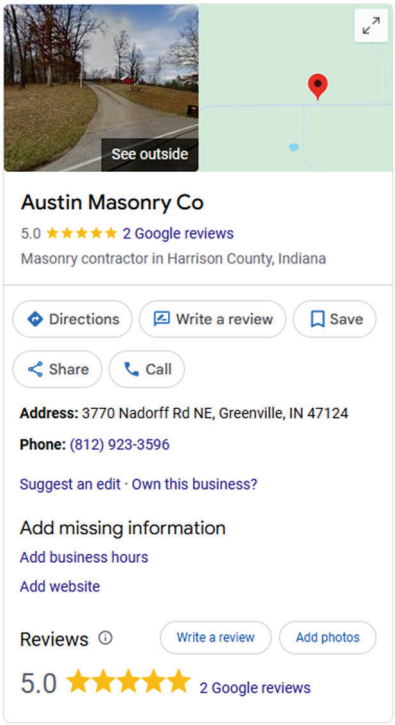
Initial Determination- 1st attachment "3417 Jenny Lane Nonconforming Use"

This was the first letter I wrote, using the supporting evidence from May and the testimony of Russel Kruer when he came into the office. The property has been owned by the Austin family since 1956. In person I stated that this would be as an owner-occupied business, but failed to fully state that in the nonconforming use letter, since the use not being able to expand would essentially cover that.

Real Estate Listing-
The following description in a real estate listing was brought to my attention:

"Dual possibilities for use of this home or business that classifies for building trade business (see attached letter from Floyd Co. Plan Commission. Freshly updated throughout: new paint, new flooring, new bathroom, new split heating & cooling system installed in the sunroom. This 3 bedroom, 1 bath Bedford stone ranch with a walkout basement has many options for the person that needs an additional large detached concrete block garage and combined attached port that can help you store or to keep you busy. The sunroom as well as the deck will make you feel right at home. Come make your dreams come true in the heart of Floyds Knobs. Hurry this place will not last long."

Note: Letter was not attached to the listing as far as I am aware.



Follow Up
Neighbors sent in additional information, attached. The evidence to reverse the initial decision contains records that the business is operating at a different address, has been dissolved, and neighbor's testimony that the business has not been active.

Reversal
Insufficient evidence letter sent to Russel Kruer 8/28, attached.

Follow Up
Russel Kruer and the Austin family provided additional utility bills as supporting evidence that the use has been active. I had asked for as much evidence as possible, such as business advertisements, taxes, and etc.

Mr. Leslie Austin also commented that the business was dissolved when they retired several years ago but they have still been storing the business' equipment on the site and believe that should count as continued use.

Where we are now
Property Owner Mr. Leslie Austin has provided an administrative appeal of my decision for insufficient evidence of non-conforming rights.

I am not opposed to this being an owner-occupied Specialty Trade Workshop, which would be a conditional use if this were Rural Residential (property is zoned Residential Suburban without sewer), but I don't feel there has been sufficient evidence for me to make that determination. The operation technically needs to show evidence of continued operation since 1967.

1967 FCZO Section 2.06 Item 5
"In the event that a nonconforming use of any building or premises is discontinued for a period of one year, the use of the same shall therafter conform to the uses permitted in the district in which it is located."

Current 2006 FCZO Section 3.04
"The burden of proof regarding whether a use, structure, lot, sign or other characteristic of property is legally established as nonconforming shall be on the owner solely. The County Planner or selected designee, shall make the determination as to whether the evidence is sufficient to consider the property legal nonconforming. Such determination may be appealed to the County Planner by the property owner within 30 calendar days of receipt of written notice from the County Planner. The property owner must file a written notice of appeal with the Plan Commission." (30 calendar days has been met)

Board Determination
The board holds the discretionary authority to overturn my determination of insufficient evidence based on the submitted evidence and accompanying testimony from this hearing.

Section 3.01 Introduction for Non-Conforming Structures, Lots, Uses

All structures, land uses, land changes, structural alternations, structural relocations, structural additions, and structural enlargements that are constructed, created, established, or otherwise occur after the effective date of this Ordinance shall be subject to all development standards and regulations for the applicable zoning district.

Section 3.02 Intent for Non-Conforming Structures, Lots, and Uses

Upon adoption of this Ordinance and Official Zoning Map, some structures, lots, and uses may no longer conform to the regulations of the zoning district in which they are located. For this reason, this section has been added to provide rules, policies and regulations that apply to these structures, lots, and uses; referred to as legal non-conforming.

Section 3.03 Illegal non-conforming and Legal non-conforming defined

A. A use, structure, lot or sign which was constructed or is being used without an approved improvement location permit or approval from the Plan Commission or Board of Zoning Appeals is considered illegal non-conforming. An illegal non-conforming use, structure, lot or sign shall be subject to actions and penalties allowed by this Ordinance and all other applicable County regulations, policies and laws.

B. Legal non-conforming uses, structures, lots, and signs nonconformity is based on the enactment of a new or changes to a Zoning Ordinance. The use, structure, lot or sign has not changed, but no longer conforms to the standards of the zoning district.

Section 3.04 Burden of Proof

The burden of proof regarding whether a use, structure, lot, sign or other characteristic of property is legally established as nonconforming shall be on the owner solely. The County Planner or selected designee, shall make the determination as to whether the evidence is sufficient to consider the property legal non-conforming. Such determination may be appealed to the County Planner by the property owner within 30 calendar days of receipt of written notice from the County Planner. The property owner must file a written notice of appeal with the Plan Commission.

Section 3.05 Legal Non-Conforming Lots/Parcels

Parcels and/or lots that were in existence and in compliance with all land use and other laws on the date of the passage of this ordinance, and, further, that do not conform to the height, bulk, area and density regulations set forth in this ordinance, shall be deemed to be a legal non-conforming parcel/lot that may be occupied or used subject to the following:

A. The legal non-conforming parcel may not be further developed until compliance with the ordinance and/or the legal non-conforming status is demonstrated or until a variance from the terms of the ordinance is obtained. A legal lot of record created before the effective date of this section may use an alternative sewage disposal system and water supply system provided the lot is capable of containing a water supply and the sewage disposal system meets the requirements and is acceptable to the Floyd County Health Department. **(Amended 3)**

Section 3.06 Legal Non-Conforming Structures and Uses

Legal non-conforming uses/structures shall be allowed to continue in accordance with the following limitations:

A. Expansion of legal non-conforming uses is prohibited except as stated below.

   1. A change from one legal non-conforming use to another non-conforming use requires a special exception through the Board of Zoning Appeals.

B. Vacated **(Amended 10)**

C. A legal non-conforming use may only be moved to a property in a zoning district in which the use is permitted by right in that zoning district.

D. Any enlargement, alteration, or expansion of a legal non-conforming structure that increases the degree of nonconformity shall be prohibited except as stated below.

   1. For structures used for single-family residential, commercial and/or industrial activities, the floor area of the structure(s) can be expanded by 50 percent of the floor area at the time the structure(s) became legal non-conforming, provided either **(Amended 10):**

      a. The building and site meet current regulations.
      b. The building and site are changed to the extent practical, as determined by the Plan Commission to reduce the degree of non-conformity.

E. A legal nonconforming structure which is damaged or destroyed by fire, flood, wind, earthquake or other calamity or act of God may be restored and the occupancy or use of such building, structure, or part thereof which existed at the time of such destruction may be continued or resumed, provided that such restoration is started within a period of 1 year of destruction and is diligently prosecuted to completion. **(Amended 15)**

F. A legal non-conforming structure may be repaired and maintained, provided there is no extension, alteration, expansion or substitution of the non-conforming structure.

G. A legal non-conforming structure and or use shall not be moved to a different property in the County unless it is situated on the new property in conformance with the regulations of the zoning district in which the property is located. A legal non-conforming structure may be relocated on the property on which it is located to decrease the degree of nonconformity.

H. Amortization of Non-conforming Sites. At the discretion of the Administrator or Plan Commission, a change in use, the redevelopment of a site, or a building permit for any improvements to the exterior of any structure requiring a state construction design release may justify the implementation of the following standards in order to bring non-conforming sites into compliance within the NC, GC, HS, OB and GI Districts:
   - Section 5.19 and 5.20: Parking Standards (MF);
   - Section 5.13: Landscaping Requirements;
   - Sections 5.47 and 5.48: Site Access & Circulation;
   - Sections 5.50, 5.51, and 5.52: Pedestrian Amenities; and
   - Sections 5.55, 5.56, and 5.57: Lighting Standards.

NOTICE OF PUBLIC HEARING

Description of Proposed Docket:

The applicants _Leslie, Ann, and Jeffery Austin_ are seeking a:

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

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

Street Address (see enclosed map): 3417 Jenny Lane, Floyds Knobs, IN 47119 Parcel ID # 22-04-01-700-241.000-006
Description of Project: Petitioner is appealing staff determination of insufficient evidence for legal non-conforming rights to use a property as an owner-occupied Specialty Trade Workshop in the Residential Suburban zoning district. FC-09-26-42

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.

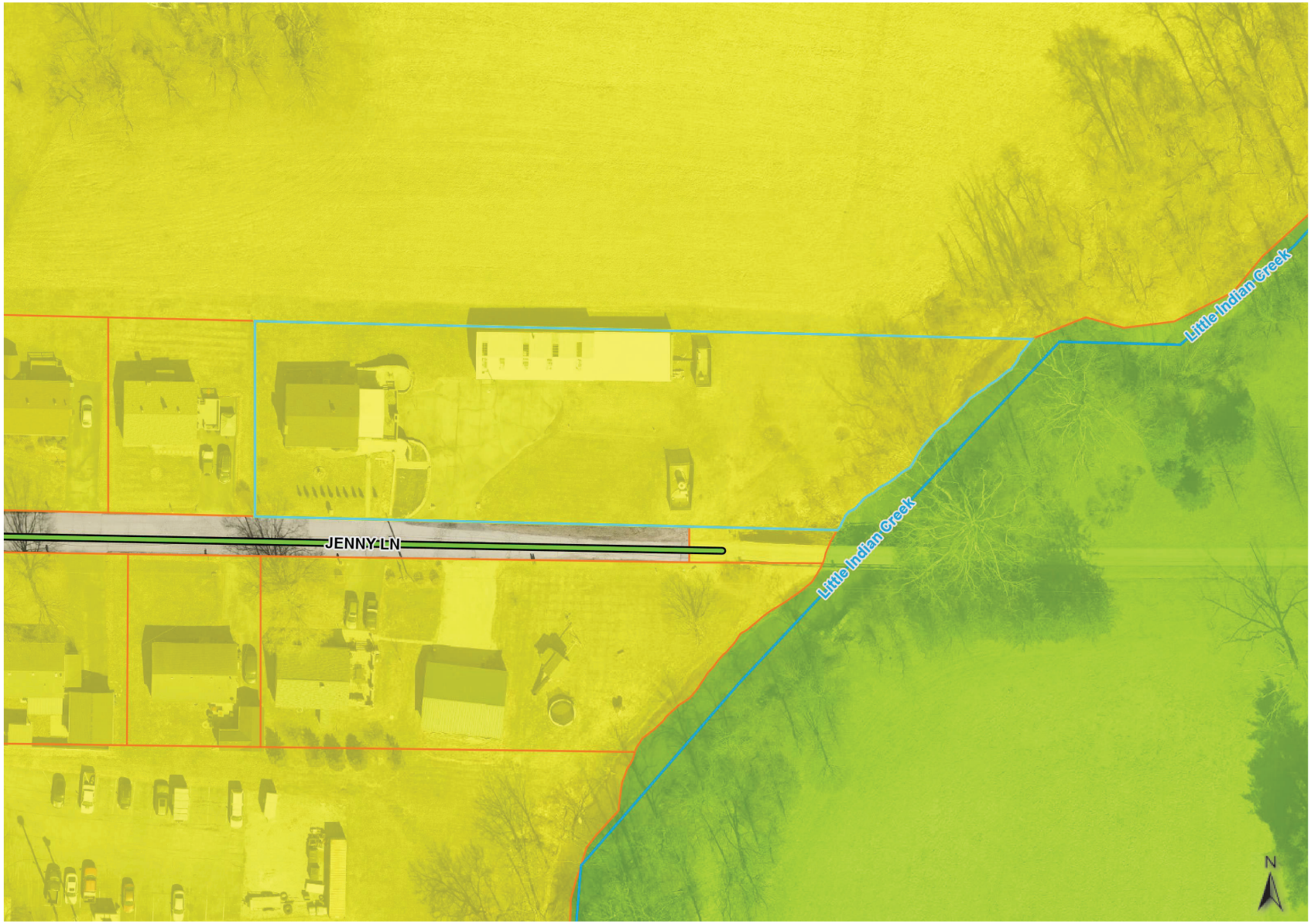
- **Special Exception** – The applicant is seeking to conduct a use that is not permitted by right in the certain zoning district. Similar to the conditional use, ordinance, and the proposed use must be reviewed and determined by the Board of Zoning Appeals if how the applicant is proposing the use to 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, IN

Aerial Zoning Map

3417 Jenny Lane

Created by: Franklin J Walden



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Administrative Appeal Application

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

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

1. General Information:

Applicant:	Austin Ann/ Leslie Michael, Jeffery John Austin "Austin Masonry, Inc.
Applicant Address:	3417 Jenny Lane, Floyds Knobs, IN 47119
Applicant Phone:	812-946-8198
Applicant Email:	mcookie62@aol.com

Applicant's Interest in Property:

Owner ☑ Option Holder ☐ Purchase Agreement ☐ Legal Representative ☐ Other ☐

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

Owner Name:	Austin Ann/ Leslie Michael, Jeffery John Austin
Owner Address:	3770 Nadorff Road NE, Greenville, IN 47124
Owner Phone:	812-946-8198
Owner Email:	mcookie62@aol.com

Applicant's Representative:

Representative Name:	
Representative Address	
Representative Phone:	
Representative Email:	

2. Site Information:

Parcel ID Number:	S1/2 S1/2 E 1/4 17-2-6 .83 AC.
Total Acreage:	.83 AC
Address of Property/Location:	3417 Jenny Ln., Floyds Knobs, IN 47119
Current Use of Property:	Son Kyle living in house and the owners still using the building for storag
Current Zoning District:	Grandfathered Building Trades

3. Decision Information:

Detail the decision being appealed:

Owners have continued to use this site for their building tools, machines, scaffolding, boards, saws, mixer.

I we did retire the company's name in 2021 but continued to work out of this location regularly. We have provided affidavits from customers since 2021 proof of continuous use for their business for the pass since 1952. This business was started the same year as Batliner's Massey Business and Murrell Bierman started their business and their location within less then one mile of this location. Not leaving out Genenhues had his paving company just accross the creek. This was normal for the location to have business. Again proof.

Date of Decision: _____

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

4. Reason/Basis of Appeal:

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

Russell S. Kruer follow standard proceedure in the very beginning before we listed this property and gave Frank Walden with the Building Commissioners proof of the continued use. He was given proof of utility bills of Electric and sewer use in the name of Austin Masonry since 2016 when their mother had to be placed into a nursing home because the business continued to be up and running with the owners still doing select jobs for customers. Again we the owner have furnished you affidavits to this fact.

Our approval was resended because of someone in the neighborhood talked to one of the commissioners. As for as we know without one drop of proof. You have proof in detail again even

5. Required Documents:

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

AQUA | An Essential Utilities Company

Service To:
AUSTIN MASONRY
3417 JENNY LN
FLOYDS KNOBS, IN 47119-9355

Account Number
002302823 1038220
WYMBERLY SEWER
2326930 PWSID # IN0043923

Aqua Indiana, Inc.
762 W. Lancaster Avenue
Bryn Mawr, PA 19010-3489

Toll Free: **877.987.2782**
Fax: **866.780.8292**
Aquawater.com

Questions about your sewer service? Contact us before the due date.

Bill Date	Total Amount Due	Current Charges Due Date
February 27, 2026	**$ 76.40**	**March 23, 2026**

Billing Detail

For period
beginning **January 29, 2026** and ending **February 26, 2026**

Amount Owed from Last Bill	$ 76.40	
Total Payments Received	76.40	
Remaining Balance	**0.00**	
Total Current Sewer Charges	77.48	
Utility Receipts Tax Credit - Sewer	1.08	Credit
Amount Due	**$ 76.40**	

Supporting Evidence for intial determination in favor

Message Center (see reverse side for other information)

- The due date refers to current charges and any deferred payment amount only. If you do not pay your bill on time, your service could be subject to interruption. To ensure proper credit, please remember to provide your full 16-digit account number when paying your bill.

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New Albany, IN 47150
Phone: (812) 981-7611
Fax: (812) 948-4744
Building@floydcounty.in.gov

Tuesday, May 26, 2026,

Russ,

The property at 3417 Jenny Lane has shown evidence of a legal nonconforming use determined as a Specialty Trade Contractor. While this has operated specifically for masonry in the past, this use would also allow the other specialty trades listed in our zoning ordinance definitions.

As a legal nonconforming use, the extent of nonconformity may not be expanded on the site without special approval from the board of zoning appeals.

Anyone seeking further clarity on this matter may contact our office.

Respectfully,

Franklin J Walden

County Planner

Evidence used to reverse intial decision,
finding insufficient evidence of legal non-conforming use

BETTER BUSINESS BUREAU

BUSINESS PROFILE

Share

Mason Contractors

Austin Masonry Company

This business is **NOT BBB Accredited**.

Find BBB Accredited Businesses in Mason Contractors.

(812) 923-3596

Write a Review

MAIN REVIEWS COMPLAINTS

Overview BBB Accreditation & Rating Business Details Industry Tip More Resource

Overview

Own this business?

Austin Masonry Company
3770 Nadorff Road NE
Greenville, IN 47124

BBB Accreditation & Rating

Austin Masonry Company is NOT a BBB Accredited Business.

Evidence used to reverse intial decision,
finding insufficient evidence of legal non-conforming use

BUSINESS INFORMATION
DIEGO MORALES
INDIANA SECRETARY OF STATE
08/25/2026 06:20 PM

Business Details

Business Name:	**AUSTIN MASONRY CO.**	Business ID:	**1989030947**
Entity Type:	**Domestic For-Profit Corporation**	Business Status:	**Admin Dissolved**
Creation Date:	**03/16/1989**	Inactive Date:	**09/05/2021**
Principal Office Address:	**3770 NADORFF RD. N.E., GREENVILLE, IN, 47124 - 7822, USA**	Expiration Date:	**Perpetual**
Jurisdiction of Formation:	**Indiana**	Business Entity Report Due Date:	**03/31/2021**
		Years Due:	**2021/2022, 2023/2024, 2025/2026**

Governing Person Information

Title	Name	Address
President	Leslie M. Austin	3770 Nadorff Road N.E., GREENVILLE, IN, 47124, USA

Incorporators Information

Name	Title	Address
Robert A. Kelso	Incorporator	3417 Jenny Lane, FLOYDS KNOBS, IN, 47119, USA

Registered Agent Information

Type:	**Individual**
Name:	**LESLIE M. AUSTIN**
Address:	**3770 NADORFF RD. N.E., GREENVILLE, IN, 47124 - 7822, USA**

To the Zoning Committee:

I am writing to formally appeal the decision to allow the property with the address 3417 Jenny LN to be used for a construction trade business. For eleven years I have resided at 3426 Jenny LN. In that time, there has never been a commercial or trade business operating from 3417 Jenny LN, nor the out buildings of that property. I respectfully request reconsideration of this decision and deny the proposed commercial use.

The street on which I live is a residential neighborhood, and the road is extremely narrow. Jenny LN is practically a one-lane road. The existing character of the neighborhood is quiet and residential, and I believe introducing a commercial construction-related business would be disruptive and would negatively affect the surrounding residents.

I am particularly concerned about the increased noise that could result from the proposed use. Construction trade businesses can involve trucks, equipment, loading and unloading of materials, deliveries, employee and customer traffic, and other activities that are substantially different from normal residential activity. These impacts could significantly change the noise level and quality of life for the homes immediately surrounding the property.

I am also concerned about the hours of operation. Commercial activity involving employees, vehicles, deliveries, equipment, and materials could begin early in the morning or continue into the evening, creating disturbances that are not appropriate for a residential street. Once a commercial use is permitted, it may be difficult for neighboring residents to prevent these impacts from becoming a regular part of our daily lives.

Traffic and safety are additional concerns. The narrow, residential nature of the road does not appear well suited to increased commercial vehicle traffic, particularly vehicles associated with a construction trade business. Larger trucks, trailers, work vehicles, deliveries, and frequent employee traffic could create congestion and safety concerns for residents, pedestrians, and other drivers.

Property value of my home and the other residents of Jenny LN are another concern. Homes in a residential neighborhood are purchased with the expectation of a residential environment. Introducing a commercial operation next to or among those homes could make the surrounding properties less desirable and potentially diminish their value.

Most importantly, I believe this proposed use is fundamentally incompatible with the established residential character of our street. This is not simply a matter of inconvenience to one neighboring property owner. The decision could change the character of the neighborhood and establish a precedent for additional commercial uses on an area that has historically been residential.

I respectfully ask the Zoning Committee to consider the cumulative impact of the proposed commercial use on the neighborhood, including noise, hours of operation, traffic, safety, property values, and the narrow roadway. I believe the interests of the surrounding residents and the preservation of the residential character of the neighborhood warrant denying the proposed zoning use.

Thank you for your consideration of my appeal. I respectfully request that the committee reverse the decision permitting the construction trade business at this property.

Sincerely,

Cindy Martin

Evidence used to reverse intial decision,
finding insufficient evidence of legal non-conforming use

Evidence used to reverse intial decision,
finding insufficient evidence of legal non-conforming use

August 25, 2026

To the members of the planning and zoning committee:

I am writing to express my concerns with the property listed for sale at 3417 Jenny Lane in Floyds Knobs. The way it is currently written, the out building on the property can be sold to and used as a “Speciality Trade Contractor”. Years ago it operated as a masonry business. However, we have lived on Jenny Lane for almost 10 years now and there has never been a business run out of that property. We would love for it to stay that way.

We have three young kids that love to play in the creek, ride their bikes, and walk to get the mail. The thought of additional vehicles going up and down Jenny Lane every day makes me sick to my stomach. It is a small, quiet, and safe street and the additional traffic could potentially change the lifestyle of not only my kids, but the other children and grandchildren that are on the lane every day. Running a business out of that property poses a threat to their safety and well being.

Furthermore, with the amount of fast moving traffic on Scottsville Rd that makes turning out of Jenny Lane difficult, the increased traffic pulling out of Jenny Lane onto Scottsville Rd leads to a high risk for more accidents. We would kindly ask that you reconsider allowing a business at 3417 Jenny Lane.

With gratitude,

Emily Sowder
Jenny Lane resident and lifelong resident of Floyds Knobs

From: Dave Kruer davekruer@yahoo.com
Subject: Austin house
Date: Aug 26, 2026 at 8:48:48 PM
To: Dave Kruer davekruer@yahoo.com

The home at 3417 Jenny ln Floyd's Knobs has not been occupied by anyone since April 2025.
The property at that address has not been occupied by an owner since 2017.
There has not been an operating business at 3417 of any kind to my knowledge since I have lived on Jenny lane (2011)

Matthew Kruer
3424 Jenny lane
Floyds Knobs, IN 47119
Sent from my iPhone

8-28-2026

Evidence used to reverse intial decision,
finding insufficient evidence of legal non-conforming use

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Department of Building & Development Services
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Phone: (812) 981-7611
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Building@floydcounty.in.gov

Friday, August 28th, 2026,

Russ,

Our office previously sent **in error** a letter of Evidence of Legal Nonconforming Use regarding a property at 3417 Jenny Lane. Sufficient evidence to demonstrate a Specialty Trade Contractor use was not provided. Given the zoning of this site, a Specialty Trade Contractor Use would have to prove continued use from prior to 1968 and the Indiana Secretary of State office shows that the business name listed on the Utility bill is located at another address and was administratively dissolved in 2021.

At this time, our office does not recognize a legal non-conforming use, though you may provide additional evidence to change that. Additionally, you may appeal this administrative determination by presenting sufficient evidence to the Board of Zoning Appeals to determine that the use is legal non-conforming,

Respectfully,

Franklin J Walden

Franklin J Walden

County Planner

Frank Walden

From: Russell S. Kruer <russbuy1@gmail.com>
Sent: Friday, August 28, 2026 1:49 PM
To: Frank Walden
Subject: Fwd: Fw: Electric service verification Austin Masonry

Frank

This is as far as the utility company could go back on this property. I will be getting the sewer company as well. Which is way before 2021. I will continue to nail this down as well as seeking legal advice because this is more than enough proof. Do you need pictures of their equipment they still have there in place?

---------- Forwarded message ---------
From: **Kyle Austin** <ksaustin88@gmail.com>
Date: Fri, Aug 28, 2026 at 1:41 PM
Subject: Fwd: Fw: Electric service verification Austin Masonry
To: Russell Kruer <russbuy1@gmail.com>

---------- Forwarded message ---------
From: **Melinda Austin** <mcookie62@aol.com>
Date: Fri, Aug 28, 2026, 1:40 PM
Subject: Fw: Electric service verification
To: Kyle Austin <ksaustin88@gmail.com>

Sent from AOL on Android

----- Forwarded Message -----
From: "noreply@duke-energy.com" <noreply-opentextprod@duke-energy.com>
To: "mcookie62@aol.com" <mcookie62@aol.com>
Posted: Fri, Aug 28, 2026 at 1:31 PM
Subject: Electric service verification



Account Number
XXXX XXXX 8617

Verification of electric service

This will serve as confirmation that AUSTIN MASONRY is or was a Duke Energy customer at the following service address for the specified period of time.

Service Location Address: 3417 JENNY LN

Electric Service Begin Date: June 13, 2016

Most Recent Service Date: Aug. 28, 2026

If you need additional information or have questions about this electric service, please call us at 800.521.2232 during the hours of 7 a.m. to 7 p.m., Monday through Friday.

For Spanish, visit duke-energy.com/español or call 800.521.2232 to speak with a Spanish-speaking representative.

Sincerely,
Duke Energy





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Thanks,
Russ

Russell S. Kruer, Broker/Owner

Additional Supporting Evidence Presented by Petitioner

Frank Walden

From: Russell S. Kruer <russbuy1@gmail.com>
Sent: Friday, August 28, 2026 2:28 PM
To: Frank Walden
Subject: Fwd: Fw: Aqua Sewer Service Austin Masonry
Attachments: image001.png; image002.png; image003.png; image004.png

Frank

Again this is another evidence that this has been in effect for way before the so called business was moved when it had not been moved period. The owners are seeking legal counsel now and with these two items there should be more than enough proof to continue on with the letter you sent in the first place. If so let me know before these owners incur additional cost they should not have to have had to pay.an attorney to follow through with their legal rights.

---------- Forwarded message ---------
From: **Kyle Austin** <ksaustin88@gmail.com>
Date: Fri, Aug 28, 2026 at 2:15 PM
Subject: Fwd: Fw: Aqua Sewer Service Austin Masonry
To: Russell Kruer <russbuy1@gmail.com>

---------- Forwarded message ---------
From: **Melinda Austin** <mcookie62@aol.com>
Date: Fri, Aug 28, 2026, 2:13 PM
Subject: Fw: Aqua Sewer Service
To: Kyle Austin <ksaustin88@gmail.com>

Sent from AOL on Android

----- Forwarded Message -----
From: "southernccefax" <southernccefax@aquaamerica.com>
To: "MCOOKIE62@AOL.COM" <MCOOKIE62@AOL.COM>
Posted: Fri, Aug 28, 2026 at 1:43 PM
Subject: Aqua Sewer Service

Good afternoon,

This email is to show your Aqua sewer services at 3417 Jenny Ln Floyd Knobs IN started 7/26/2016.

Thanks,



Using teamwork and effective communication, we will empower each other to strive for excellence and create a positive customer experience through our words and actions.

--
Thanks,
Russ

Russell S. Kruer, Broker/Owner
RE/MAXAbility Plus
Cell: 502.291.2891
Russbuy1@gmail.com

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