

**ZONING ORDINANCE NO. 2008-13**

**ZONING ORDINANCE AMENDMENT**

THIS IS AN ORDINANCE for the purpose of amending and changing the zoning ordinances of the County of Shelby as it relates to a certain tract of property known as 256 West Brookville Road Fountaintown, Indiana, specifically amending the Shelby County, Indiana Zoning Ordinance adopted by the Board of Commissioners of Shelby County, Indiana on August 3, 1998, which became effective on January 1, 1999, including and incorporating therein Township Zoning Maps dated November 13, 2001, as amended, showing the boundary lines of certain Zoning Districts thereon.

BE IT ORDAINED by the Board of Commissioners of Shelby County Indiana, as follows:

**Section 1: Purpose.** The purpose of this Ordinance shall be to amend the Zoning Map of Van Buren Township of the Shelby County Code and the zoning ordinances thereunder as it relates to the real estate specifically described in Section 2 of this Ordinance to change the designation of said real estate from being zoned A, Prime Ag. Cropland, to a designation of B3, Business Three.

**Section 2: Amendment.** Shelby County, Indiana Zoning Ordinance adopted by the Board of Commissioners of Shelby County, Indiana on August 3, 1998, which became effective on January 1, 1999, including and incorporating therein Township Zoning Maps dated November 13, 2001, as amended, showing the boundary lines of certain Zoning Districts thereon, are hereby amended by adding the following subsection:

**Land rezoned from “A,” Prime Ag. Cropland to “B3,” Business Three:**

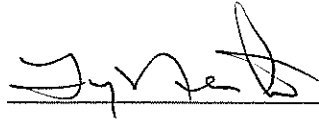
The following parcel of land and real estate located in Van Buren Township, Shelby County, Indiana and particularly described herein being formerly zoned and shown on the Zone Map for Van Buren Township Zoning District Map and lying in an “A” Prime Ag. Cropland zoning district is hereby rezoned to “B3” Business Three:

**See attached legal description of overall parent tract.**

**Section 3: Effective Date.** This ordinance shall be in full force and effect from and after its adoption by the Board of Commissioners of Shelby County, Indiana.

**Section 4: Repealable Provisions.** All ordinances and parts of ordinances in conflict with the specific amendment herein are hereby repealed.

ADOPTED this 2 day of June, 2008, by a vote of 2 ayes and 1  
nays of members of the Board of Commissioners of Shelby County, Indiana.



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Tony Newton, President



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Roger Laird, Member

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David Mohr, Member

ATTEST:



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Amy Glackman, Auditor  
Shelby County, Indiana

### **REZONING LEGAL DESCRIPTION:**

A part of the Northeast Quarter of Section 6, Township 14 North, Range 7 East, in Van Buren Township, Shelby County, Indiana. The land being described is based upon a more detailed legal description as contained in a certain Warranty Deed recorded in the office of the Recorder of Shelby County as Instrument Number 0311158, a copy is attached hereto. This description is not intended as a subdivision.

Commencing at the Point of Beginning at the southwest corner of the original lot and continuing 80 feet southeast along the southern property line adjacent to Brookville Road, then continuing northeast 580 feet parallel to the western property boundary, then continuing southeast along a line parallel to the southern property line of the original lot to the eastern property line, then commencing northwest along the original eastern property line to the north property line of the original lot adjacent to the existing railroad right-of-way and continuing northwest along the original northern property line to the western property line and then continuing south along the western boundary of the original lot to the Point of Beginning.

OCT 03 2003

*Margaret L. Brunk*  
Shelby County

# WARRANTY DEED

THIS INDENTURE WITNESS THAT:

**DONAL W. BRUNK and PAULINE BRUNK**  
Husband and Wife

Of **SHELBY** COUNTY IN THE STATE OF **INDIANA**

CONVEYS AND WARRANTS TO:

**DONAL W. BRUNK and MARGARET L. BRUNK**  
Husband and Wife

Of **SHELBY** COUNTY IN THE STATE OF **INDIANA**

For and in consideration of One dollar and other considerations. The receipt whereof is hereby acknowledged, the following Real Estate in Shelby County in the State of Indiana, to-wit:

A part of the Northeast Quarter of Section 6, Township 14 North, Range 7 East, in Van Buren Township, Shelby County, Indiana. Being contained within the Lands described in Deed Record Book 264, Pages 450 and being more particularly described as follows:

Commencing at the intersection of the center line of Brookville Road (State Road US 52) and the East line of the Northeast Quarter of Section 6, Township 14 North, Range 7 East, said point being formerly described as a stone; thence North 71 degrees 07 minutes 06 seconds West, along the center of the Brookville Road (State Road US 52), a distance of 1010.15 feet to a Mag Nail, said point being the POINT OF BEGINNING; thence continuing West along said line, a distance of 312.48 feet to a Mag Nail; thence North 18 degrees 52 minutes 54 seconds East, a distance of 393.33 feet to a Capped Rebar stamped "Powell 29800024", thence North 10 degrees 14 minutes 28 seconds East, a distance of 328.73 feet to a Capped Rebar stamped "Powell 29800024" in the center line of the B & O Railroad (formerly called the Cincinnati and Indianapolis Junction Railroad); thence South 71 degrees 07 minutes 06 seconds East, along the center of said Railroad, a distance of 116.18 feet to a Capped Rebar stamped "Powell 29800024"; thence South 0 degrees 00 minutes 00 seconds East, a distance of 759.18 feet to the POINT OF BEGINNING. Containing 3.311 acres more or less and subject to the right of way for Brookville Road (State Road US 52) and the B & O Railroad and any other existing right of ways, easements or restrictions.

The parent deed used for this Legal description is recorded in the Shelby County Recorder's Office in Deed Record Book 264, page 450.

Course data used in this description assumes the East line of the Northeast Quarter of Section 6, Township 14 North, Range 7 East to have a bearing of South 00 degrees 00 minutes 00 seconds East.

IN WITNESS WHEREOF, Grantor has executed this deed this 3rd day of October, 2003.

  
DONAL W. BRUNK

  
PAULINE BRUNK

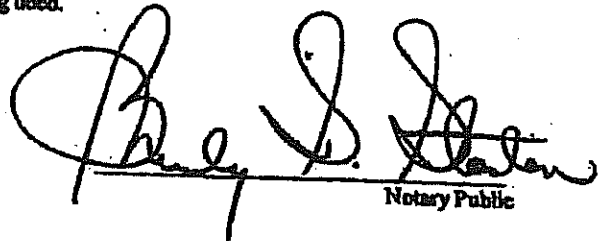
STATE OF INDIANA

COUNTY OF SHELBY

SS:

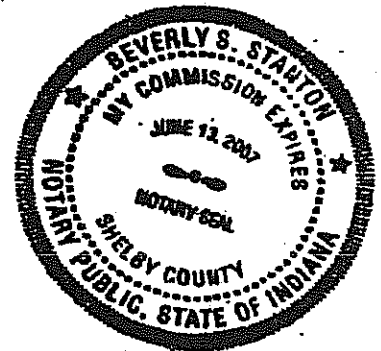
ACKNOWLEDGMENT

Before me, the undersigned, a Notary Public in and for said County and State personally appeared Donald W. Brunk and Pauline Brunk, and acknowledged the execution of the foregoing deed.

  
Notary Public

My Commission Expires: 6-13-07  
Resident of Shelby County

This instrument was prepared by Peter G. DePrez, Attorney at Law



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25 West Polk Street, Rm 201  
Shelbyville, Indiana 46176  
Phone 317.392.6338  
Email:amy.dillon@co.shelby.in.us

## Shelby County Plan Commission

May 29, 2008

To: Shelby County Commissioners  
From: Amy L. Dillon, AICP  
Executive Director

**RE: Rezone 08-06: Brunk Motors (Donal and Margaret Brunk)**

Gentlemen,

On behalf of the Shelby County Plan Commission, I certify to you the following report and recommendation concerning the application for approval of the rezone petition for the property located at 256 West Brookville Road in Van Buren Township filed by Brunk Motors (Donal and Margaret Brunk).

- 1.) The Plan Commission heard the application on May 28, 2008 at a public hearing held at the Shelby County Courthouse Annex Room 208A. Proper notice was given prior to the meeting by certified mail to all interested parties and by publication in the Shelbyville News as required by ordinance. Eight members of the Plan Commission were present.
- 2.) The petitioner was represented by Jeffrey Bellamy, Attorney at Law.
- 3.) Jeffrey Bellamy made a formal presentation regarding the petition to the Plan Commission.
- 4.) Prior to the meeting on May 28, 2008, the petitioner had presented the Plan Commission with the following information.
  - a.) Rezone Application.
  - b.) Property description and drawing of the property to be rezoned.
  - c.) Written Findings of Fact.
  - d.) Letter of Intent.
- 5.) Public comment was solicited and considered by the Plan Commission. There was no public comment.

- 6.) The Plan Commission asked questions of the petitioner prior to making a motion on the petition.
- 7.) A motion was made to vote on the petition to forward a favorable recommendation to the County Commissioners with the following stipulations:
  - a.) Should any permitted use cease operation at the site for six consecutive months, then the County or then current owner of the site may initiate a rezoning of the property back to its originals zoning designation or a comparable zoning designation.
  - b.) The following uses of the B-3 Classification shall be permitted at the subject site. Any additional use may be commenced only after approval of a special exception as required by the laws and rules of the Shelby County Plan Commission.
    1. Automotive and passenger vehicles sales and repair
    2. Motorcycle and recreational vehicle sales and repair
    3. Lawn mower and garden tractor dealership, sales and repair
    4. Ski Boat, fishing boat, or jet ski sales and repairs
    5. Residential and agricultural uses consistent with the A “prime ag” classification
  - c.) Any repair element of those listed above in paragraph b1.-b5. shall be ancillary to the primary sales use. At no time will repairs be permitted as a use independent of sales without first obtaining a special exception. (i.e., in the event that automotive sales cease, automotive repairs shall not continue with first obtaining a special exception to be a “garage only.”)
  - d.) The sales display area near the southwestern corner of the subject property shall be used for that purpose only and not for customer or employee parking, parking of vehicles awaiting repair or storage vehicles.
  - e.) The maximum number of vehicles displayed for sale in the display area in the southwestern corner of the subject site as detailed in paragraph d above shall be no more than 25 vehicles meeting the criteria in sections b1-b5. The maximum number of vehicles kept in the repair area shall be no more than 50.
  - f.) A formal site plan prepared by a registered land surveyor or professional engineer shall be submitted to the Site Plan Review Committee for review and approval within six (6) months of approval of this petition. The site plan should comply with the provisions outlined in the Site Plan Class 1 application packet. Provisions for screening the repair area (paddock area) shall be depicted on the site plan as well.
  - g.) Brunk Motors, LLC shall coordinate and submit to an inspection of its restroom facilities by the Shelby County Health Department and obtain any permits or make any required improvements, if any are required. If none are required, this



commitment shall be presumed to be satisfied. The petitioners shall have a registered plumber obtain an appropriate plumbing permit and have the restroom facilities in the shop inspected. Any changes or improvements required by the Inspector shall be completed.

- h.) If in the event that the property owner located due west of the subject site is sold or no longer owned by relatives or extended family of the petitioners or any trust, estate, or entity owned by such persons, the petitioners shall construct a buffer yard/landscaping barrier along the western boundary of the subject real estate, thus blocking the garage, office and display areas.

The Plan Commission approved the motion by a vote of 7 to 1; therefore a favorable recommendation is being forwarded to the County Commissioners.

If further information is required, please feel free to contact me at the enclosed location.

Respectfully,



Amy L. Dillon, AICP  
Executive Director

Copy to: File  
Jeffrey Bellamy  
Donal and Margaret Brunk

**Rezoning Application**

Shelby County Plan Commission  
25 West Polk Street, Room, 201  
Shelbyville, IN 46176  
P: 317.392.6338 F: 317.421.8365

For Office Use Only

Case # \_\_\_\_\_  
Hrg. Date: \_\_\_\_\_  
Fees: \_\_\_\_\_  
App: \_\_\_\_\_ Deny: \_\_\_\_\_

**1. Applicant/Property Owner:**

Applicant:  
Name: Brunk Motors, LLC  
Address: 856 W. Brookville Road, Fountaintown  
Phone Number: 317 861 7433  
Fax Number \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

Owner:  
Name: Donal & Margaret Brunk  
Address: 856 W. Brookville Road, Fountaintown  
Phone Number: 317 861 7433  
Fax Number \_\_\_\_\_

**2. Applicant's Attorney/Contact Person and Project Engineer (if any):**

Attorney:  
Name: Jeffrey M. Bellamy  
Address: 151 N. Delaware Street, Indianapolis IN, 46204  
Phone Number: (317) 686 4773  
Fax Number (317) 686 4777  
E-mail Address: bellamy@indiana-attorneys.com

Project Engineer:  
Name: n/a  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Fax Number \_\_\_\_\_

**3. Project information:**

General Location of Property (and address if applicable):  
856 W. Brookville Road, Fountaintown access  
northside of Brookville and improvements  
located at rear of property

Current Use: automobile sales and repair  
Current Zoning: A (prime-ag)  
Proposed Use: automobile sales and repair  
Proposed Zoning: B-3 (commercial)  
Area (in acres): \_\_\_\_\_

**4. Attachments:**

- Affidavit & Consent of Property Owner (if applicable)
- Proof of ownership (copy of deed)
- Letter of Intent
- Site Plan
- Vicinity Map
- Application Fee
- Legal Description

The undersigned states the above information is true and correct as (s)he is informed and believes.

Signature of Applicant: Donal Brunk Date: 04-15-08

State of Indiana  
County of \_\_\_\_\_ ss:

Subscribed and sworn to before me this 15 day of April

Shearon Kehl  
Notary Public - Signed  
SHEARON KEHL  
Printed


Residing in Marion County  
My Commission expires Sept 10, 2014

**AFFIDAVIT & CONSENT OF PROPERTY OWNER**  
**APPLICATION TO THE SHELBY COUNTY PLAN COMMISSION**

STATE OF INDIANA  
COUNTY OF SHELBY ) SS:

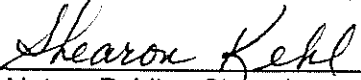
I, DONAL BRUNK AFTER BEING DULY SWORN, DEPOSE AND SAY THE FOLLOWING

1. That am the owner of real state located at 256 W. Brookville Road, Fountaintown, Indiana ;
2. That I have read and examined the Application made to the Shelby County Plan Commission by Jeffrey M. Bellamy, my attorney.
3. That I have no objections to and consent to the request(s) described in the Application made to the Shelby County Plan Commission.

  
\_\_\_\_\_  
Donal Brunk

State of Indiana  
County of \_\_\_\_\_ ) ss:

Subscribed and sworn to before me this 15 day of April

  
\_\_\_\_\_  
Notary Public - Signed  
SHEARON KEHL  
\_\_\_\_\_  
Printed

Residing in Marion County  
My Commission expires Sept 10, 2014

Copy

THRASHER BUSCHMANN GRIFFITH & VOELKEL, P.C.  
Attorneys-at-Law

Market Square Center  
151 N. Delaware St., Ste. 1900  
Indianapolis, IN 46204-2505  
Ph.: (317) 686-4773 Fax: (317) 686-4777  
Computer Address: bellamy@indiana-attorneys.com

PHILIP C. THRASHER  
STEPHEN R. BUSCHMANN +  
MATTHEW A. GRIFFITH  
DENNIS L. VOELKEL  
STEVEN C. EARNHART  
MARK W. RUTHERFORD\*

JEFFREY M. BELLAMY  
LAURA B. CONWAY

+ Also Registered Lobbyist  
\* Also Indiana Certified Civil Mediator

*Letter of Intent*

April 22, 2008

Shelby County Plan Commission  
25 West Polk Street, Room 201  
Shelbyville, IN 46176

RE: 256 W. Brookville Road, Fountaintown, Indiana – Application for Rezoning

Dear Commission Members:

I represent Brunk Motors, LLC and its owners Donal and Margaret Brunk. Brunk Motors is currently located at the rear of 256 W. Brookville Road in Fountaintown. Brunk Motors specializes in used car sales and service. Chief among its services is direct buyer sales and rent-to-buy sales. It is located in its own steel-fabricated building with an office and three separate service bays at the rear of the 256 W. Brookville Road property. There is a gravel storage area around the building and it is accessed by a gravel access drive running along the western boundary of the real estate. There are two gravel display areas along the access drive that can accommodate 12 to 16 vehicles for sale.

Brunk Motors was started in 2004 when Donal and Margaret obtained a variance of use (BZA04-34) to allow for a used car sales business. Two conditions were placed on that approval: 1) that a maximum of one 4' by 6' sign be placed on the property, and 2) that there are no more than 4 cars displayed down by the road. The current display area is several feet from Brookville Road. The Brunks were notified by the Shelby County Planning department that an anonymous complaint was received regarding their business. An unofficial hearing was conducted on the issue with the Board of Zoning Appeals, County Planning Staff, the Brunks and me. Based on the outcome of that meeting and several follow-up calls with County Planning Staff, the Brunks have determined that the most reliable course to pursue is to rezone their property rather than continue future piecemeal variances. However, the Brunks believe that their business is legitimately permitted pursuant to their 2004 variance.

The Brunk's intend for this petition to be corrective in nature and are presently unsure if they make any expansions. There is also a strong desire to eliminate any incorrect perceptions that their

business is not rightfully permitted under the 2004 variance. There is no intention to go beyond the auto sales and repair component of the B-3 district. Additionally, most repair services are related to Brunk Motors' own vehicles either in inventory or from service after the sale. If their business continues to progress, then future growth is a possibility. If there is future construction, the Brunks will pursue any permits needed at that time.

Given the relatively open nature of the 2004 variance, the consensus between County Planning Staff and the Brunks, though counsel, was that the most reliable and corrective course to take was to acknowledge the success and permanence of the automobile use by rezoning the property. However, it was also determined to rezone only that portion of the property where the auto business is presently located, thereby containing the business to those physically defined boundaries and creating predictability for both the petitioner and County regarding this property.

Very truly yours,

THRASHER BUSCHMANN GRIFFITH & VOELKEL, P.C.



Jeffrey M. Bellamy, Esq.

## Findings of Fact Rezoning Application

(Please provide a brief and concise written answer for each finding and each should be further discussed and serve as the basis for the petitioner's presentation before the commission at hearing).

As required by Section 13.01 A 9 at the Shelby County Zoning Ordinance, in preparing and considering proposals to amend the text or maps of the Lining Ordinance, the Shelby County Plan Commission and the Shelby County Board of County Commissioners shall pay reasonable regard to:

**1- The Comprehensive Plan;** The rezoning is corrective in nature and merely acknowledges the existing use of the property. Reconciling the zoning with the current permitted use will not harm the larger purposes of the Comprehensive Plan.

**2. Current conditions and the character of current structures and in each district;** This petition recognizes the current use and condition of the property and harmonizes the use with the zoning class in a way to minimize any negative impacts or unnecessary expansion.

**3. The most desirable use for which the land in each district is adapted;** The current lot size would not allow for agricultural uses and the present development pattern and located near Brookville Road make the use well suited for the requested district.

**4. The conservation of property values throughout the jurisdiction;** The success of the current uses as permitted by variance shows the viability of a mix of commercial, residential and agriculture (on both sides) along Brookville Road. There is no evidence to suggest that this use has any negative impacts on adjacent property values. , and

**5. Responsible development and growth;** By limiting this petition to a portion of the original two lots permitted under the original variance better reliability and containment is created while allowing the existing uses is allowed continue as a successful business enterprise.

Furthermore, as required by Section 13.0 A 10 of the Shelby County Zoning Ordinance, all petitioners must share the burden of proving the following points to the satisfaction of the Commission:

1. that there was an error in the original zoning of the property when the ordinance was adopted or that the character of the area under consideration has changed either through technological advances or developmental changes. The character of the area was both legally and physically changed upon the approval of the petitioner's original variance. Therefore, rezoning the property creates greater definition of use and ends any confusion on permitted uses rather than relying on a previous variance.

2. that a change of zoning will not be injurious or detrimental to the surrounding property values: The current commercial uses on site and permitted by variance have shown no adverse affect on surrounding properties. There is no evidence of under-use, dilapidated buildings, or blight on the surrounding properties that suggests decreased values or limitations on use.

3. that if the change were granted it would promote orderly community growth. Approval of the requested rezoning would end any questions regarding the purpose of the original variance. Rezoning only the portions of the site used commercially now creates reliability that only that area will be used commercially and bound by the existing residential portion of the lot.

4. that the petition is not "spot zoning" which will confer a special benefit on a relatively small tract without commensurate benefit to the community. The petition does not represent spot-zoning as the

requested use has already been approved by a previous variance and construction commenced in reliance on that approval.

Furthermore, as required by section 13.01 A 10 All of the Shelby County Zoning Ordinance, upon having satisfied itself that the petitioner has meet the requirements of Section 10 above, the Commission shall titan decide whether or not the proposed change meets the following requirements.

1. that the proposed change will not adversely affect the community. The proposed change is one of legal terminology only. The original variance generally permitted the current use while imposing some general, but loosely defined, sign and auto display restrictions. There will be no adverse effect to the community as the petitioner's business provides a legitimate and useful service to citizens seeking different options for purchasing an automobile.

2. that the neighborhood plan will not be disrupted or destroyed. The present uses are permitted under an existing variance. There is no evidence that the current use of the property negatively impacts the surrounding uses or the plan.

3. that the topography, soil condition, and other physical features of the land involved is suitable for the proposed use and zoning change. The current operations of the petitioners' demonstrate that the physical characteristics of the land are not negatively impacted by the present use and there is no reason to believe these conditions will change in the future.

4. that the proposed land use will not have an adverse effect upon the surrounding land. The subject site is bounded at the north by an elevated railroad right of way that blocks a large portion of the line of site, to the west by property owned by the petitioner's family and likely to come under petitioner's ownership and to the east by a home with a small agricultural horse pasture and to the south by Brookville and a farm field. There are sufficient buffer yards around the current building and storage area and the commercial use is located mostly behind a large two story residential structure, thereby adding additional line of sight buffering.

5. that the proposed land use will be in general conformance with the County's Physical Development Plan. The property is recommended as 'ag-residential' by the plan. The property is currently used as a residence and auto sales with repair business per variance. The lot size is too small to adequately do production-type agriculture.

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OCT 03 2003

*Margaret L. Brunk*  
Shelby County

# WARRANTY DEED

**THIS INDENTURE WITNESS THAT:**

**DONAL W. BRUNK and PAULINE BRUNK**  
Husband and Wife

Of **SHELBY** COUNTY IN THE STATE OF **INDIANA**

**CONVEYS AND WARRANTS TO:**

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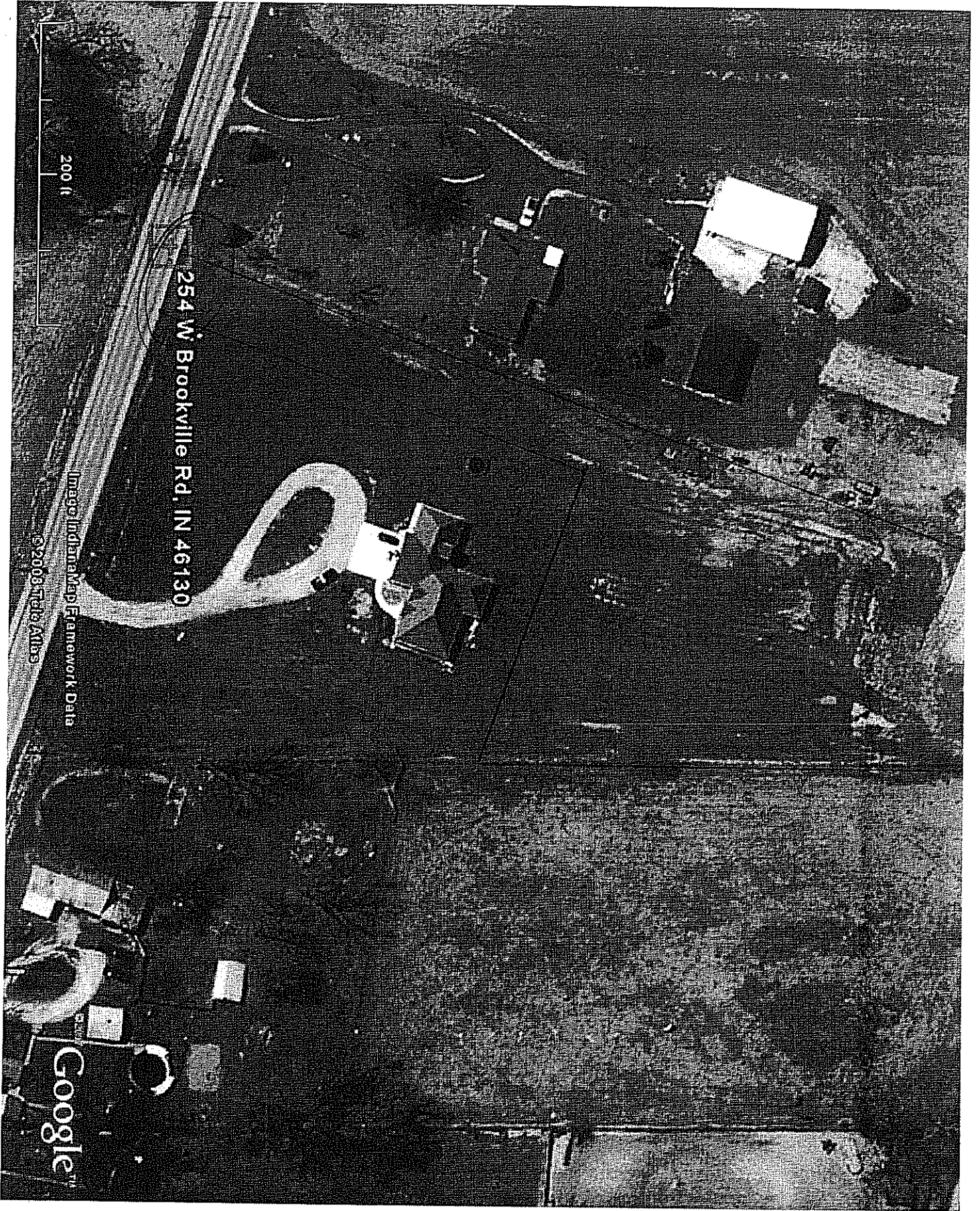
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**IN WITNESS WHEREOF**, Grantor has executed this deed this 3rd day of October, 2003.

  
DONAL W. BRUNK

  
PAULINE BRUNK



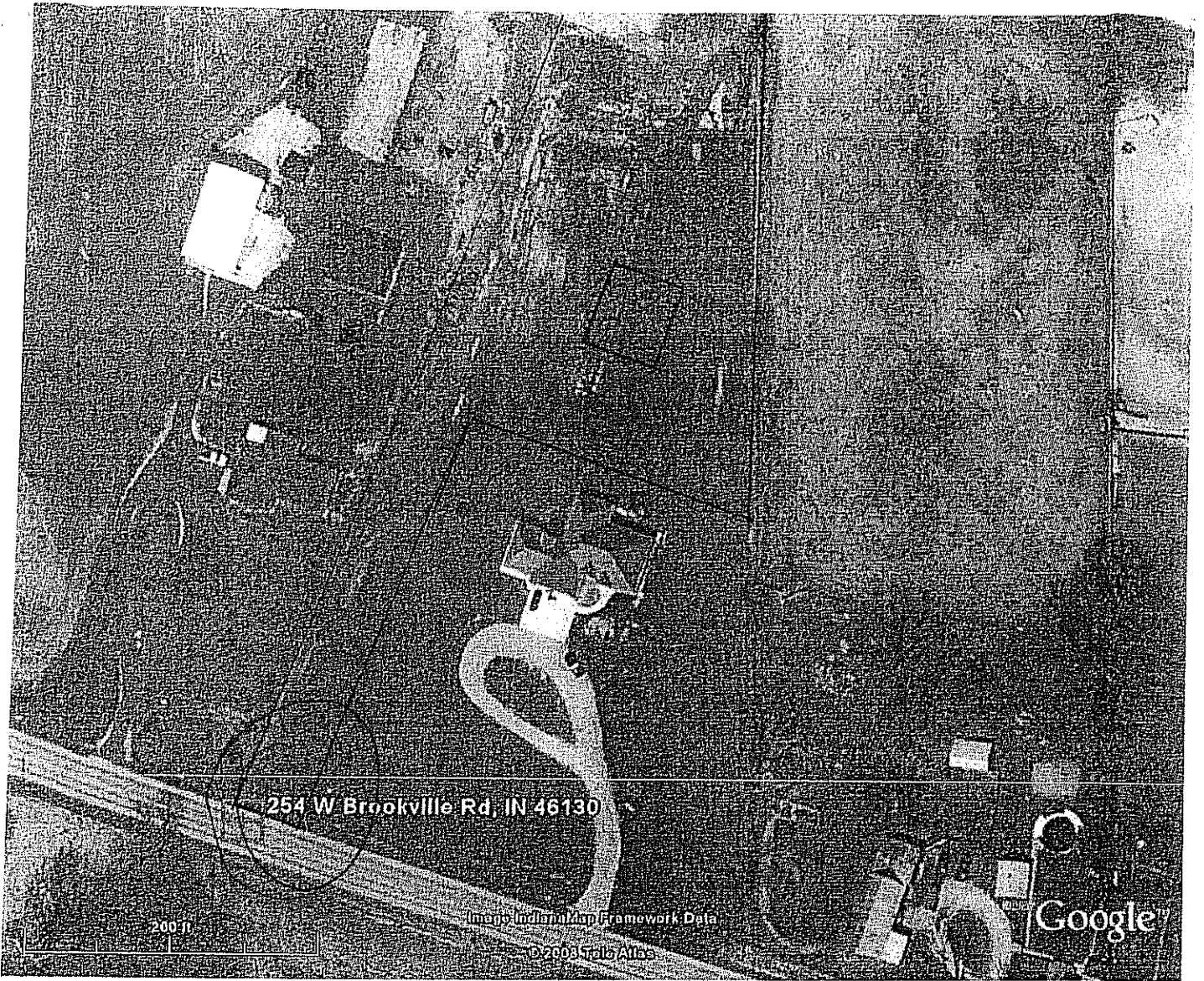
254 W Brookville Rd, IN 46130

Image: IndianaMap Framework Data

© 2008 TeleAtlas

Google™





254 W Brookville Rd, IN 46130

200 ft

Image Landsat Map Framework Data

© 2008 Terra Atlas

Google™







East 1200 North

East Walnut Street

254 W Brookville Rd, IN 46130

FountainTown

950 ft

© 2008 Tele Atlas  
Image IndianaMap Framework Data

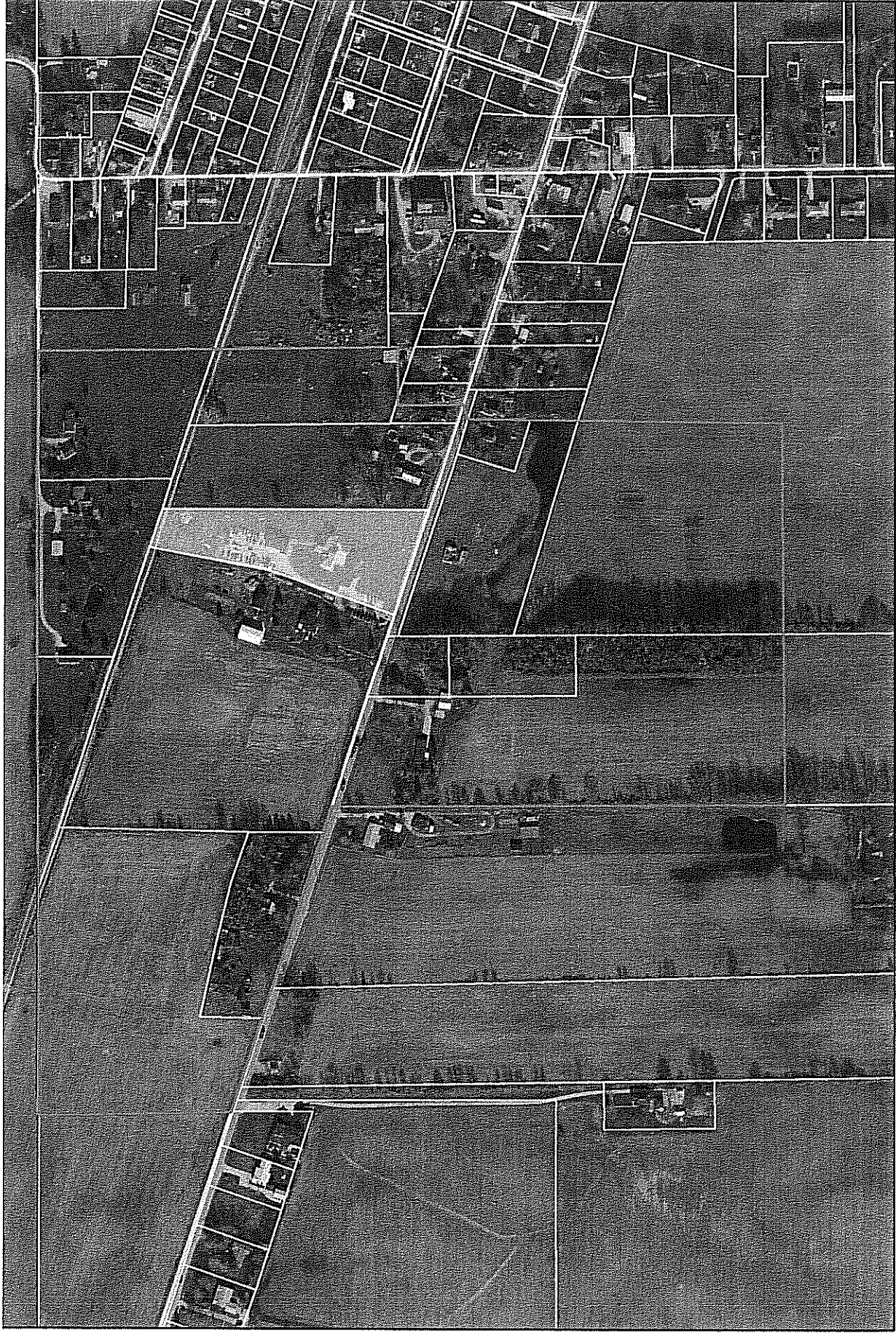
Google™

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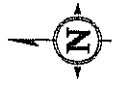
Eye alt 4137 ft

TMDData

shape18DigitNumber	shapeMapNum	mvpOwnerName	mvpOwnerAddress	mvpOwner	mvpOwner mvpOwnr
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73-03-06-200-002.000-020	031-16041-00	McVey, Richard R & Patsy F	391 W Brookville RD	Fountainto	46130
73-03-06-200-003.000-020	031-16028-00	Brunk, Donal W Irrevocable Tr	330 W Brookville RD	Fountainto	46130
73-03-06-200-004.000-020	031-16030-00	Brunk, Donal W Irrevocable Tr	330 W Brookville RD	Fountainto	46130
73-03-06-200-005.000-020	031-16016-00	Brunk, Donal W Irrevocable Tr	330 W Brookville RD	Fountainto	46130
73-03-06-200-006.000-020	031-16012-00	Brunk, Donal & Pauline	330 W Brookville RD	Fountainto	46130
73-03-06-200-008.000-020	031-16004-00	Hook, Robert E & Brenda D	P O Box 33	Fountainto	46130
73-03-06-200-009.000-020	031-16007-00	Stine, Gordon L I & Ruth	125 W 1200 N	Fountainto	46130
73-03-06-200-026.000-020	031-16021-00	Bass, Barbara L	72 W Brookville RD	FOUNTAIN	46130
73-03-06-200-027.000-020	031-16013-00	Lynch, Daniel	72 W Brookville RD	FOUNTAIN	46130
73-03-06-200-028.000-020	031-16019-00	Stidham, Thomas B & Mary L	84 W Brookville RD	FOUNTAIN	46130
73-03-06-200-029.000-020	031-16018-00	Anderson, Pam	1621 Warren Lake CT	FOUNTAIN	46130
73-03-06-200-030.000-020	031-16029-00	Young, Jan R & Karlynn	98 W Brookville RD	INDIANAP	46229
73-03-06-200-031.000-020	031-16031-00	Schwier, Ronald B	130 Laurelwood	Fountainto	46130
73-03-06-200-032.000-020	031-16032-00	Jeffries, David A Suzanne Leigh	57 E Brookville RD	CARMEL	46032
73-03-06-200-033.000-020	031-16033-00	Keffaber, Beth E & Ricky A	67 W Brookville RD	Fountainto	46130
73-03-06-200-043.000-020	031-15064-00	Schwier, Ronald B	130 Laurelwood	Fountainto	46130
73-03-06-200-054.000-020	031-16045-00	Hook-Earlywine, Julie A	219 W 1200 N	CARMEL	46032
73-03-06-200-055.000-020	031-16044-00	Fout, Clara A	815 N Apple ST	FOUNTAIN	46130
73-03-06-200-056.000-020	031-16046-00	Brunk, Donal W & Margaret L	P O Box 186	Greenfield	46140
				FOUNTAIN	46130



**Shelbyville-Shelby County**  
**Geographic Information System**  
25 W. Polk St. Room 104 Shelbyville Indiana 46176

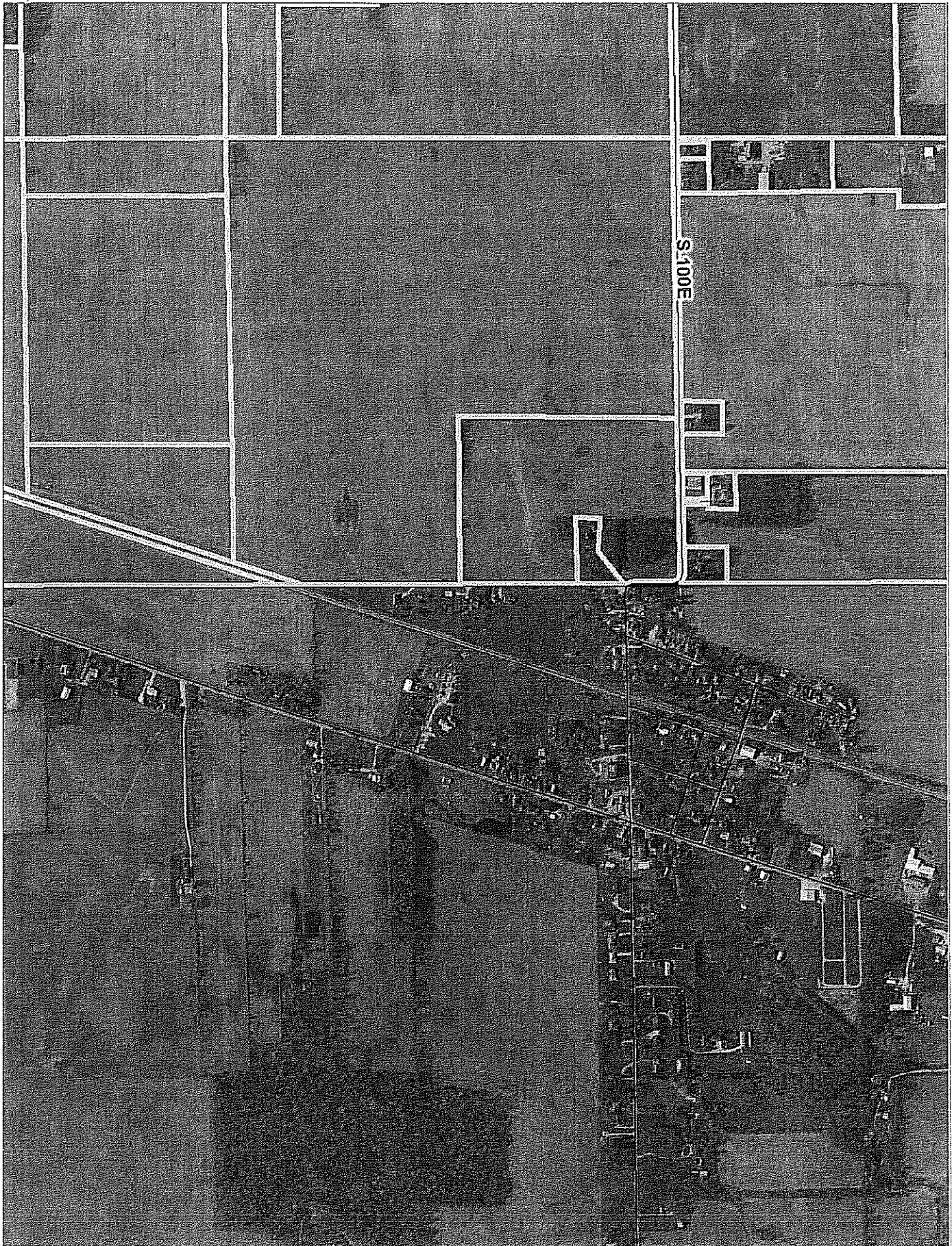


**Parcels 2 deep from 031-16046-00 Brunk Property**

ParcelID	Name	Address	City	ZipCode
30-11-31-100-009.000-002	Arthur, Ned Allen Land Trust C Thomas Billing	4274 S 400 W	New Palesine	46163
30-11-31-100-011.000-002	DODD, RICHARD D & NANCY S	330 E 500 S	FOUNTAIN TOWN	46130
30-11-31-200-010.000-002	DODD, RICHARD D & NANCY S	330 E 500 S	FOUNTAIN TOWN	46130
30-11-31-300-015.000-002	DODD, RICHARD D & NANCY S	330 E 500 S	FOUNTAIN TOWN	46130
30-11-31-300-017.000-002	Brune, Harold G	1066 W 600 S	FOUNTAIN TOWN	46130
30-11-31-300-018.000-002	Brune, Harold G	1066 W 600 S	FOUNTAIN TOWN	46130
30-11-31-300-026.000-002	BRUNE, HAROLD G & IMOGENE	1066 W 600 S	FOUNTAIN TOWN	46130
30-11-31-400-016.000-002	Green Fields Ltd	6630 E 56th St	INDIANAPOLIS	46226
30-11-31-400-022.000-002	Dersch, Patricia Ann Rycbl Tts	P O Box 51	Fountain town	46130
30-11-32-200-001.003-002	Hibner, Paul D & Barbara J Need & Martha C	3210 Barla Rd	INDIANAPOLIS	46227
30-11-32-300-013.000-002	Fountain town Forge Inc	PO Box 139	Fountain town	46130
30-11-32-300-020.000-002	JONES, KELLIE J	5507 S 100 EAST	FOUNTAIN TOWN	46130
30-11-32-300-021.000-002	Ratcliff, Larry J & Barbara S	PO Box 36103	Indianapolis	46236
30-11-32-300-023.000-002	Boring, William H & Debra Dean Varner	1223 W Furry RD	Fountain town	46130
30-11-32-300-025.000-002	Barnes, Pamela L	5817 S 100 E	Fountain town	46130
30-11-32-300-026.000-002	Public Service Co Of Indiana	1000 E Main	Plainfield	46168
30-11-32-300-027.000-002	Dodd, Richard D & Nancy S	330 E 500 S	Fountain town	46130
30-11-32-300-027.001-002	HOWARD, JAMES A & DEBRA L	5925 S 100 E	FOUNTAIN TOWN	46130
30-11-32-300-028.000-002	Public Service Co Of Indiana	1000 E Main	Plainfield	46168







S.100E

**NOTICE OF PUBLIC HEARING  
BY THE  
SHELBY COUNTY PLAN COMMISSION**

Notice is hereby given that the Shelby County Plan Commission will hold a Public Hearing on 5/28/08  
(Date of hearing)  
at 7:30pm in Conference Room 208A at the Shelby County Courthouse Annex to consider a petition  
(Time)  
by Brunk Motors LLC to allow the following:  
(Name of applicant)

Approval to rezone the subject property from A to B3 to use  
a portion of the property for automobile sales and repair

(Type a brief description of request)

The property is located at 288 W Brookville Rd and  
256 W Brookville Rd on the north side of County Road  
Brookville  
Division the Shelby and Hancock  
between County Road and County Road County line in section 6 of Van Buren Township and

also described by the following:

(INSERT LEGAL DESCRIPTION OF PROPERTY)

The application may be examined at the office of the Shelby County Plan Commission located in the Courthouse Annex at 25 West Polk Street, Room 201, Shelbyville, Indiana, 46176, Monday through Friday between the hours of 8:00 AM and 4:00 PM.

Written comments in support of or in opposition to the Petition may be filed with or mailed to the Plan Commission Director prior to the Public Hearing at the above address or filed with the Plan Commission Secretary at the Public Hearing. Said Public Hearing will be open to the public and any objectors will be heard at this meeting. Hearings may be continued from time to time as may be necessary.

Amy D. Dillon, AICP  
Plan Commission  
Representative

Executive Director  
Title

### **REZONING LEGAL DESCRIPTION:**

A part of the Northeast Quarter of Section 6, Township 14 North, Range 7 East, in Van Buren Township, Shelby County, Indiana. The land being described is based upon a more detailed legal description as contained in a certain Warranty Deed recorded in the office of the Recorder of Shelby County as Instrument Number 0311158, a copy is attached hereto. This description is not intended as a subdivision.

Commencing at the Point of Beginning at the southwest corner of the original lot and continuing 80 feet southeast along the southern property line adjacent to Brookville Road, then continuing northeast 580 feet parallel to the western property boundary, then continuing southeast along a line parallel to the southern property line of the original lot to the eastern property line, then commencing northwest along the original eastern property line to the north property line of the original lot adjacent to the existing railroad right-of-way and continuing northwest along the original northern property line to the western property line and then continuing south along the western boundary of the original lot to the Point of Beginning.

AFFIDAVIT OF NOTICE TO INTERESTED PARTIES  
PUBLIC HEARING OF THE SHELBY COUNTY PLAN COMMISSION

STATE OF INDIANA )  
COUNTY OF SHELBY ) SS:

I, Donal W. Brunk, DO HEREBY CERTIFY THAT NOTICE TO INTERESTED  
(Name of person mailing letters)

PARTIES OF THE PUBLIC HEARING BY THE SHELBY COUNTY PLAN COMMISSION, to consider the application

of: Brunk Motors LLC  
(Name of person on application)

Requesting: Corrective course by rezoning the property, as of the physically  
defined boundaries where the auto business is located

For Property Located at: 256 W Brookville Rd / 288 W Brookville Rd

Was sent to the following owners and addresses as listed in the Plat Books of the Shelby County Auditor's Office (attach additional sheets if necessary):

OWNERS

ADDRESS

<u>Donal &amp; Pauline Brunk</u>	<u>330 W Brookville Rd. Fountaintown</u>
<u>Jan &amp; Karilyn Young</u>	<u>98 W Brookville Rd. Fountaintown</u>
<u>Barbara Bass</u>	<u>72 W Brookville Rd. Fountaintown</u>
<u>-Rudy &amp; Rita Hallgarth</u>	<u>1121 Warren Lake Ct. Indianapolis, IN 46226</u>
<u>-Phillip Kroening 1/E</u>	<u>130 Laurelwood. Carmel, IN 46032</u>
<u>David &amp; Suzanne Jeffries</u>	<u>57 E Brookville Rd. Fountaintown</u>
<u>1 Brenda Hook</u>	<u>PO Box 33. Fountaintown</u>
<u>1 Gordon &amp; Ruth Stine</u>	<u>125 W 1250 N. Fountaintown</u>
<u>Julie Hook - Earlywine</u>	<u>219 W 1250 N. Fountaintown</u>

And that said notices were sent on or before the \_\_\_\_\_ day of \_\_\_\_\_, being at least ten (10) days prior to the date of the Public Hearing.

Donal W Brunk  
(Name of person mailing the letters)

State of Indiana )  
County of Shelby ) SS:

Subscribed and sworn to before me this 8<sup>th</sup> day of May, 2008

Philip Kevin Brashaber Notary Public  
Philip Kevin Brashaber Printed

Residing in Rush County My Commission expires \_\_\_\_\_

