

Staff Report			
Case number	BZA-2024-06, BZA-2024-07	Property size	39.5 ac
Property address	9302 W 650 S	Property zoning	Ig (General Industrial)
Applicant(s)	Tom Davis, Genesis Property Development, Inc		
Property owner(s)	Shelby Gravel, Inc.		

Requested action:

UDO V 10.2.7.B Variance of Development Standards in the General Industrial zoning district to permit location of a landscape buffer in the middle of the lot instead of along the front yard along 650 Road.

UDO V 10.2.7.J.ii. Variance of Development Standards in the General Industrial zoning district to permit the reduction in the length of the landscape buffer area and a consequent decrease in the required landscaping amount.

UDO V 10.2.16.D.i. Variance of Development Standards in the General Industrial zoning district to permit the site to have one access point from the public road instead of the minimum required two access points.

Recommendation:

APPROVE the drive variance, DENY the landscape reduction variance, and APPROVE installation of the "front" landscape buffer in the middle of the lot.

Exhibits:

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Location Map 2. Zoning Map 3. Map of Improvements Needing Variances | <ol style="list-style-type: none"> 4. Submittal 5. Site Plan Excerpt 6. Site and Neighborhood Pictures 7. Example of an Existing Landscape Buffer |
|--|---|

ABOUT PROJECT

LOCATION

The subject site is lot 1 of Shelby Gravel subdivision located on the north side of W 650 S Road, about 0.25 miles west of SR 13. Exhibits 1 and 2 show surrounding uses and zoning districts.

REQUEST

The petitioner has been actively bringing this property into compliance over the last year and asked for a few variances of development standards. Once the variances are processed,



Figure 1. Subject site location

the petitioner can finalize their new permit and finish installation of the improvements.

The petitioner would like to expand its operations further into the site. This would require a permit to install some new improvements. Also, a new permit is required to finish old landscaping improvements that weren't installed in 2018-2019. The old or original Improvement Location Permit, under which the landscape buffer was approved in 2018, expired in 2020, so the work technically cannot be done based on the old permit.

The petitioner applied for a new permit. Staff found that a few items didn't meet Lapel's UDO standards and needed a variance: landscaping and an existing drive.

Driveway

Per Lapel's UDO V 10.2.16.D.i, an Industrial site is required to have at least two (2) entrances from the public street. It appears from some other zoning language about driveways that the intent for requiring 2 entrances is to avoid vehicles backing out of the drive into the street and by that prevent any safety issues. The vehicles should always be able to drive forward to enter and exit the site. The site should be designed in a way that any "turn around" movement shall happen inside of the site itself.

Shelby's site, however, is large and has been designed in a way where the site itself has two driveway entrances onto its main driveway that connects the site to the public street. Such design already allows for the vehicles to circulate on site safely.

Shelby also would like to add one more drive leading from the stone pile site back to its own drive (see Exhibit 5. Site Plan, page 2 and Exhibit 3 to see the location of the proposed additional drive).

This development still wouldn't meet the technical requirement of having two driveways *entering the public road*. Due to that, the petitioner is requesting a variance of development standards to permit the site as is with the currently existing one (1) driveway entrance.

Landscaping

Per Lapel's UDO, V 10.2.7, a site zoned General Industrial is required to provide a 50-ft-wide landscape buffer along any property line that borders all other zoning districts except for the Light and General Industrial zoning districts. Exhibit 2 shows the surrounding zoning districts and shows why a landscape buffer is required along the west, south, and east property lines. This buffer has been included on the plat of the subject site (see pages 16-17 of Exhibit 4). The required length of the landscape buffer along all three property lines is 3,915 feet. If a berm is constructed, then the required number of trees and shrubs for this length of the buffer is: 196 trees and 392 shrubs.

The petitioner would like to install landscaping along a portion of the western property line and across the lot going west to east to screen its current and proposed improvements (see Exhibit 5, page 3 and Exhibit 3). The proposed landscape buffer is 1100-feet long, is constructed as a berm, and shows 55 trees and 110 bushes. This proposal doesn't meet Lapel's UDO landscape standards and requires a variance to reduce the length of the buffer and consequent reduction in the number of trees and shrubs.

HISTORY

This site has a long history of the ideas of what this site was supposed to be and of the unsatisfying resulting development. Staff would like to summarize the history here. The staff goes over the history below in attempt to clarify the context in which any new decisions will be made.

2017, July. Rezone to "Ig".

This lot was rezoned from Agricultural to General Industrial with the stated intent to split it into two lots: south and north, about 20 acres each. The southern lot was supposed to host an autistic center and the northern lot was supposed to be used as a temporary site for crushing stone to be used in the construction for the autistic center.

2017-2018. Subdivision

The lot was split into two lots, with the rear lot being 10 acres and the front lot being 30 acres. The northern lot didn't have any street frontage, which is unusual and doesn't meet Lapel's ordinance. The staff isn't sure why it was allowed to be created like that, but staff was able to find a plat on record that showed this layout. Also, Plan Commission's meeting notes had records discussing the split of the lots into a 10- and 30-acre site that correspond with the split that you can see in Figures 2 and 3.

2018. New Construction Permit

A permit for new construction of the Shelby operation and the autistic center was approved in 2018. A Certificate of Occupancy for Shelby's building was issued in July 2019. However, the required landscaping that was shown on the plans was not installed on the site. Also, the construction of the autistic center did not commence at that time.

Per Lapel's UDO V 1.8.7.E.ii, construction under an approved permit shall finish within 2 years of permit's approval. The old permit expired some time in 2020.

2020-2023

Lapel's staff and officials tried to reach out to Shelby asking to finish landscape installation, but with no result.



Figure 2. Site in 2021. This image shows former lot lines.



Figure 3. Site in 2023

2023, Summer

In addition to staff and Lapel officials seeing new expansion of activity on site, Lapel received a complaint from a neighbor about Shelby's expanded use and installation of a new gravel drive along the western property line. This exacerbated the noise issues and air pollution (dirt and dust from the gravel drive flying to the neighboring sites).

2023, Summer – Fall

Lapel's staff inspected the site and started communicating with Shelby. At that time, the operations were technically on a different lot (Giving Hope Foundation's lot) that wasn't in Shelby's ownership and with no permits that would permit any use or development of that lot. Staff requested that Shelby stop using the gravel drive, clean up the pile of rocks by the road close to the existing concrete drive, put barriers across the drive to stop traffic, and apply for certain applications to bring the property into compliance.

Autistic Center

The "institutions for developmentally disabled/mentally ill" are not allowed in the General Industrial zoning district per Lapel's UDO. Staff isn't sure why rezoning to this zoning district was allowed if it wouldn't allow the use.

Staff thinks that given the surrounding character of existing uses and the current recommendation in the Comprehensive Plan for the nearby areas to be used light industrial and commercial, the autistic center is most likely not a good fit in this spot anymore.

Shelby talked to Giving Hope, and Giving Hope Foundation confirmed that they stopped pursuing the goal of building an autistic center at this site. They sold their site to Shelby at the end of 2023.

The Way Forward

After several discussions with Shelby and options permitted under the zoning ordinance, the following set of steps was agreed upon:

1. *Lot combination.* Combine the lots through a replat process: Giving Hope Foundation lot and Shelby's lot. This makes it clear that the entire lot may be used by Shelby. It also creates a lot that has frontage on a street making the lot meet the minimum street frontage requirement.
2. *New permit.* A new Improvement Location Permit was requested to show the scope of any new improvements as well as the addition of the old remaining landscaping to install.

2024, Spring

The petitioner applied and got approval for a replat in April-May 2024. Pages 16-17 of Exhibit 4 show the resulting replat document.

2024, Summer

The petitioner applied for an Improvement Location Permit. The petitioner already got approval from Madison County Drainage Board for additional site work and improvements (see Exhibit 4, page 11).

During the review of the permit documents, staff found that the proposed landscaping didn't meet the standards. The applicant decided to seek a variance for these development standards.

Also, staff found that the site developed in the past, technically doesn't meet the "minimum 2 driveway entrances from the public street" requirement and recommended that the petitioner apply at this time for this standard as well to see if the site can keep one driveway entrance onto the public street.

CORRESPONDENCE

Staff hasn't received any requests to add their written comments to the BZA officially at the time of writing this report. However, the concerns from the neighbors received so far over the last year and a half have been the following:

1. Shelby sometimes operates between 3 and 6 am and creates unwanted noise. These complaints were expressed either directly talking about Shelby or when the residents' expressed concerns during the LKQ hearing saying that they were afraid of new noises coming from LKQ similar to like they do from Shelby already.
 - a. Here is the town's noise ordinance: [Ch 9.2](#).
 - b. Per Lapel's UDO, [10.2.8.D](#), "**Noise:** *No use on a property should produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness, or vibration. Such noise should be muffled or otherwise controlled so as not to become detrimental or a nuisance to neighboring property-owners. Public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.*"
 - c. There is a need for a direction as to when it would be ok for the work noise to start and end. Example: start at 6 am the earliest and finish by 8 pm. Staff proposes a condition of approval.
2. There are concerns over the grass that hasn't been mowed on the undeveloped portion of the site. Here is town's weeds ordinance: [Ch. 8.1](#).
3. There was a concern in the past about the landscape buffer not being installed at all, and now there is a concern of providing a shorter landscape buffer along the west property line.
4. There is a concern over the state of the street intersection of State Road 13 and W 650 S. The road is deteriorating there, and the heavy industrial vehicles, machines and equipment have been wearing it out. Staff included a picture of the intersection from Google inside of Exhibit 6. Site and Neighborhood Pictures.

ANALYSIS

DRIVEWAY

Staff included the pictures of the existing drives in Exhibit 6. It appears that the vehicles can circulate on site well and using just one driveway to enter the public street works well. Having one driveway also means that there are less driveway entrances for the neighbors to pay attention to when they get on the road. Staff thinks that permitting one driveway entrance onto W 650 S road is a better option for the general safety and welfare based on the specific conditions of this site and neighborhood.

LANDSCAPING

The purpose of the landscape buffer per Lapel’s UDO is the following:

“It is the intent of this section to require buffer zones and landscape screening to reduce the negative impacts between incompatible land uses and to provide for landscaping within parking lots. It is further intended to preserve and enhance the aesthetic qualities, character, privacy, and land values of the Town.”

Table 1 shows the comparison between the required and provided amount of landscaping and Exhibit 3 displays the difference.

Table 1. Required vs. Proposed Landscaping

	REQUIRED	PROPOSED
BUFFER LENGTH	3,915 feet	1,100 feet
# OF TREES	196	55
# OF SHRUBS	392	110

WEST PROPERTY LINE BUFFERING

The landscape buffer along the west property line is necessary to reduce the negative impacts between the stone crushing use and the established residential, commercial, and agricultural uses to the west. In addition to the aesthetic qualities, the landscape buffer could provide partial noise and dust barrier between the uses.

Per USDA’s guidance¹ on using trees and shrubs for noise buffers, the noise barriers are the most effective when they are located within 50 feet of either 1) the source of the noise, or 2) the recipient of the noise. This means that the buffer around the stone pile is the most useful. The piles of crushed materials are sometimes quite tall (see Exhibit 6), taller than immature landscaping, so the effects of landscaping as the noise and dust barrier may appear later. More reasons to install it sooner rather than later so that the barrier matures sooner.

Also, the sound refracts, so it would be best to extend the buffer along the entire west property line to catch as much refracted noise as possible.

¹ USDA. May 2011. Agroforestry Notes. Using agroforestry to buffer noise.
<https://www.fs.usda.gov/nac/assets/documents/agroforestrynotes/an42w05.pdf>

SOUTH PROPERTY LINE BUFFERING

The landscape buffer along the south property line along W 650 S Road could be required to be provided in the future when the southern portion of the site is developed. Currently, it may be better for the landscape buffer to be located closer to the operation because it will produce a better noise reduction, dust trapping, and aesthetic buffer effect when located close to the operation.

Staff would be okay recommending the location of this buffer with a condition that any future use or development of the southern portion of the lot would require installation of the landscape buffer.

EAST PROPERTY LINE BUFFERING

The landscape buffer along the entire eastern property line is currently required. There is some existing landscape brush and trees located on the adjacent properties to the east, so it looks like there is some nature there already. However, if those sites were to be developed and cleared up, that landscaping may disappear.

Per Lapel's Comprehensive Plan's future land use map, the recommended uses east of Shelby's site are Light Industrial and Commercial (Figure 4). In the recent BZA and Council hearings of the rezone cases in this area, it's become clear that the general character desired along SR 13 is more commercial than heavy industrial. If the development was to happen in the future under the Commercial zoning district standards, then the buffer would still be required between Shelby's heavy industrial site and the properties to the east. Staff thinks that it is still important to provide this landscape buffer.

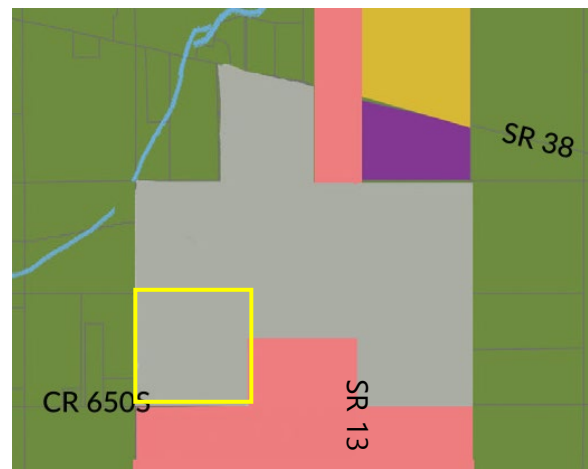


Figure 4. Recommended Future Land Use per Lapel's Comprehensive Plan

BAD PRECEDENT

Petitioner has set a precedent of not installing the required development features like landscaping and ignoring the requests from other Lapel staff or commissioners to install it. It would be unwise to allow such behavior to continue. Staff believes that requiring the petitioner to follow our rules is important.

Staff sees interest from other applicants in the heavy industries in this area, and Shelby's site has aided in setting a certain tone of the look of the development in this area. However, as it was confirmed during other public hearings, this is not the use type that the town has been visioning for this area, especially along SR 13. A landscape buffer could create a partial visual shield of Shelby's activity and ameliorate their impact on the character of the area.

Staff proposes more detailed findings of fact below, but overall thinks that the currently requested reduction in the overall landscape buffer shouldn't be allowed and proposes an alternative landscape buffer location.

STAFF'S VARIANCES OF DEVELOPMENT STANDARDS FINDINGS

BZA-2024-06 LANDSCAPE VARIANCE

Requested action:

UDO V 10.2.7.B Variance of Development Standards in the General Industrial zoning district to permit location of a landscape buffer in the middle of the lot instead of along the front yard along 650 Road.

If the Board should decide to APPROVE the requested Variance of Development Standards, please use the following findings of fact:

The Lapel Board of Zoning Appeals is authorized to approve or deny Variances of Development Standards by Indiana Code 36-7-4-918.5 and by Lapel UDO V1.6.3. The BZA may impose reasonable conditions as part of its approval. A Variance of Development Standards may be approved upon a determination in writing that the following three (3) criteria are met (V1.6.9.A):

- **The approval will not be injurious to the public health, safety, morals, and general welfare of the community:**

The site is quite large and deep. Providing the landscape buffer south of operations would still create a visual buffer similar to the front property line landscape buffer *as long as it extends across the entire width of the lot*. Placing the landscape buffer closer to the operation also makes it a lot more effective as a noise and dust buffer than if it was located farther from the operations.

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

It is likely that the use and value of real estate adjacent to the subject site will NOT be affected in a substantially adverse manner by allowing the requested variance. Nearby property owners may remonstrate against this petition if they believe this request will have significant adverse effects on adjacent properties. Should nothing contrary be brought to light by adjacent owners at the public hearing, it is presumed that the approval of this variance request will not have a substantially adverse effect on the use and value of adjacent properties.

- **The strict application of the terms of this Ordinance will result in a practical difficulty in the use of the property.**

The site is quite large and the location of the front landscape buffer along the front property line may not make as much sense as it being located closer to the operation.

BZA-2024-06 LANDSCAPE VARIANCE

Requested action:

UDO V 10.2.7.J.ii. Variance of Development Standards in the General Industrial zoning district to permit the reduction in the length of the landscape buffer area and a consequent decrease in the required landscaping amount.

If the Board should decide to DENY the requested Variance of Development Standards, please use the following findings of fact:

The Lapel Board of Zoning Appeals is authorized to approve or deny Variances of Development Standards by Indiana Code 36-7-4-918.5 and by Lapel UDO V1.6.3. The BZA may impose reasonable conditions as part of its approval. A Variance of Development Standards may be approved upon a determination in writing that the following three (3) criteria are met (V1.6.9.A):

- **The approval WILL be injurious to the public health, safety, morals, and general welfare of the community:**

The landscape buffer is important along all property lines to create a visual, noise, and partial dust barrier to protect the public health, safety, morals, and the general welfare of the community.

- **The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner:**

Landscape buffering's purpose is to create an aesthetically pleasing visual, sound and noise buffer between the uses to ease the transition between them, especially if they are incompatible like residential and heavy industrial uses. It is most paramount for the heavy industrial uses to install the buffer to reduce their impact on the surrounding property values. Also, some commercial uses might forgo sites along SR 13 being in close proximity to Shelby thinking that their business (and thus the property value) may be affected. Having a visual landscape buffer could ameliorate this situation and preserve property values in the area.

- **The strict application of the terms of this Ordinance will result in a practical difficulty in the use of the property.**

The subject site is quite large, and the applicant doesn't need to use all of it now. While the applicant doesn't need to use the whole site, they are required by the Ordinance to landscape its entirety. The 40-acre site could potentially be split into a few more lots and then each individual business would install landscape buffers, in more "bitable" chunks of investment, so to speak. Staff thinks that installing the entire buffer may result in practical difficulties. However, to ensure that the currently proposed operation is buffered properly, staff thinks that the minimum installed buffer shall be along the entire west property line, across the lot's width right south of the operation and along the northern portion of the east landscape buffer from the northeast property corner down to the location of the new most south driveway.

BZA-2024-07 DRIVEWAY VARIANCE**Requested action:**

UDO V 10.2.16.D.i. Variance of Development Standards in the General Industrial zoning district to permit the site to have one access point from the public road instead of the minimum required two access points.

If the Board should decide to APPROVE the requested Variance of Development Standards, please use the following findings of fact:

The Lapel Board of Zoning Appeals is authorized to approve or deny Variances of Development Standards by Indiana Code 36-7-4-918.5 and by Lapel UDO V1.6.3. The BZA may impose reasonable conditions as part of its approval. A Variance of Development Standards may be approved upon a determination in writing that the following three (3) criteria are met (V1.6.9.A):

- **The approval will NOT be injurious to the public health, safety, morals, and general welfare of the community:**

A combination of the existing main drive, which is as long and wide as a local street, that connects the site to the public street, and a few internal drives that connect to the main drive, create safe vehicle circulation pattern on site without having to back into the public street.

- **The use and value of the area adjacent to the property included in the variance will NOT be affected in a substantially adverse manner:**

It is likely that the use and value of real estate adjacent to the subject site will NOT be affected in a substantially adverse manner by allowing the requested variance. Nearby property owners may remonstrate against this petition if they believe this request will have significant adverse effects on adjacent properties. Should nothing contrary be brought to light by adjacent owners at the public hearing, it is presumed that the approval of this variance request will not have a substantially adverse effect on the use and value of adjacent properties.

- **The strict application of the terms of this Ordinance WILL result in a practical difficulty in the use of the property.**

Staff believes that because the site is so large and nested so far from the street, the current drive has to be long to create almost a street to reach the site. Adding another drive to reach the site and create another travel pattern seems unpractical and could create additional driveway cuts onto the public street that aren't necessary.

RECOMMENDATIONS

BZA-2024-06 LANDSCAPE VARIANCE, RELOCATION OF THE FRONT LANDSCAPE BUFFER

APPROVE the Variance of Development Standards based upon the following findings of fact:

- The approval **will not** be injurious to the public health, safety, morals, and general welfare of the community;
- The use and value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner;
- The strict application of the terms of this Ordinance **will** result in a practical difficulty in the use of the property.

With the following specific conditions:

1. The Applicant shall sign the Acknowledgement of Special Use document prepared by the Lapel Planning Staff within 60 days of this approval. Staff will then record this document against the property and a file stamped copy of such recorded document shall be available in the Lapel Town Hall.
2. Any alterations to the approved building plan or site plan, other than those required by the Board of Zoning Appeals (BZA), shall be submitted to the Planning Department prior to the alterations being made, and if necessary, a BZA hearing shall be held to review such changes.
3. The petitioner shall extend the landscape buffer across the entire width of the lot.

BZA-2024-06 LANDSCAPE VARIANCE, REDUCTION OF THE LANDSCAPE BUFFER

DENY the Variance of Development Standards based upon the following findings of fact:

- The approval **will** be injurious to the public health, safety, morals, and general welfare of the community;
- The use and value of the area adjacent to the property included in the variance **will** be affected in a substantially adverse manner;
- The strict application of the terms of this Ordinance **will** result in a practical difficulty in the use of the property.

BZA-2024-07 DRIVEWAY VARIANCE

APPROVE the requested Variance of Development Standards based upon the following findings of fact:

- The approval **will not** be injurious to the public health, safety, morals, and general welfare of the community;
- The use and value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner;
- The strict application of the terms of this Ordinance **will** result in a practical difficulty in the use of the property.

With the following specific conditions:

1. The Applicant shall sign the Acknowledgement of Special Use document prepared by the Lapel Planning Staff within 60 days of this approval. Staff will then record this document against the property and a file stamped copy of such recorded document shall be available in the Lapel Town Hall.
2. Any alterations to the approved building plan or site plan, other than those required by the Board of Zoning Appeals (BZA), shall be submitted to the Planning Department prior to the alterations being made, and if necessary, a BZA hearing shall be held to review such changes.

MOTION OPTIONS

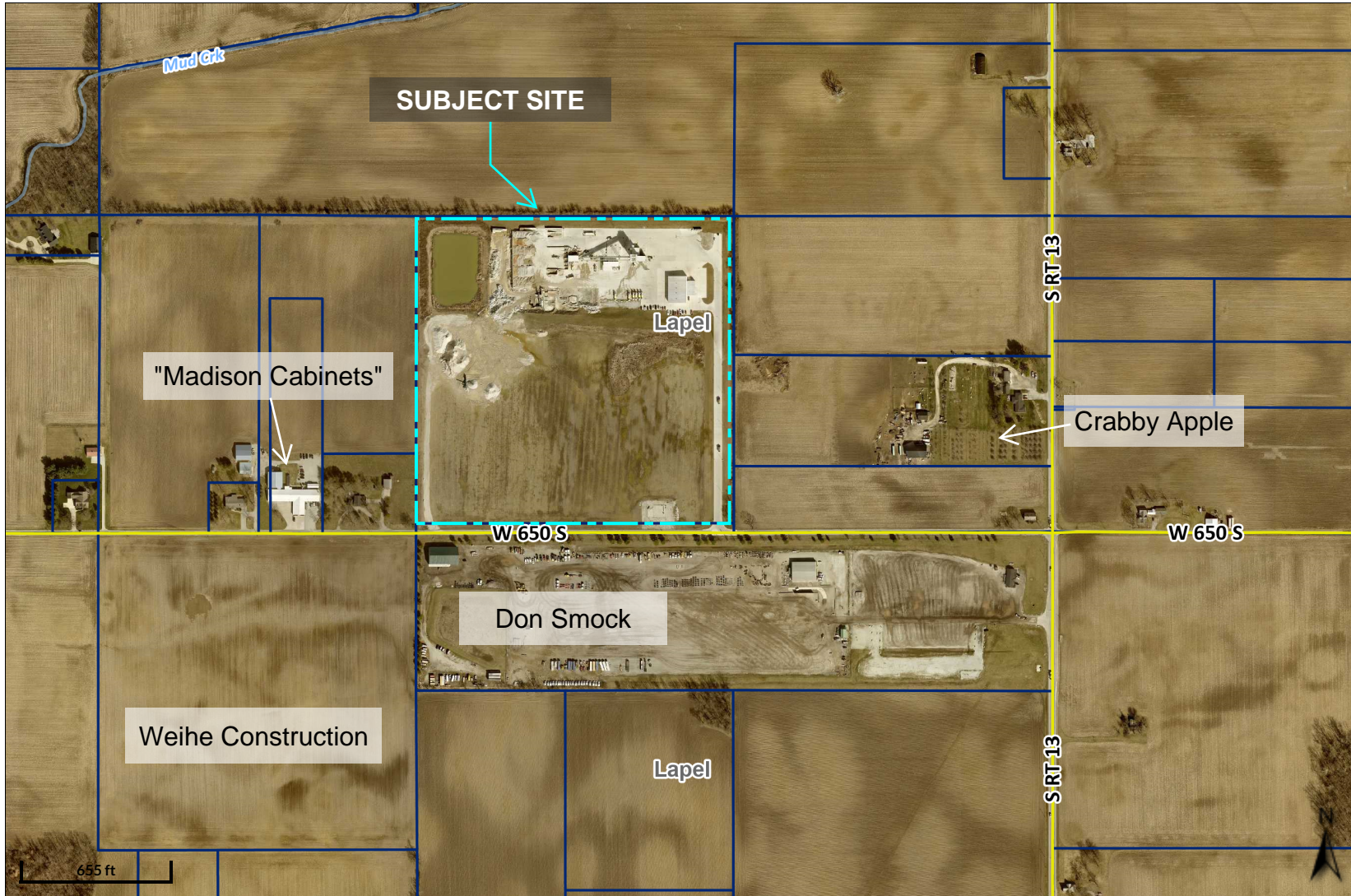
- Motion to **approve** the Variance of Development Standards to permit _____ as per submitted applications BZA-2024-06 / BZA-2024-07 based upon the findings of fact *[listed by the applicant], and/or [presented by staff], and/or [any other findings of fact added during the BZA discussion]* with specific conditions *[proposed by staff], and/or proposed by the Board.*
- Motion to **approve** the Variance of Development Standards to permit _____ as per submitted applications BZA-2024-06 / BZA-2024-07 *and some proposed changes during the public hearing [specify them]* based upon the findings of fact *[listed by the applicant], and/or [presented by staff], and/or [any other findings of fact added during the BZA discussion]* with specific conditions *[proposed by staff], and/or proposed by the Board.*
- Motion to **deny** the Variance of Development Standards for the subject real estate as per submitted application BZA-2024-06 / BZA-2024-07 based upon the findings of fact *[presented by staff], and/or [any other findings of fact added during the BZA discussion]* (List reasons, findings of fact).
- Motion to **continue** the review of the application BZA-2024-06 and BZA-2024-07 until the next regular meeting on *October 3, 2024*, because ... (list reasons).



EXHIBIT 1. LOCATION AERIAL MAP

Madison County, IN | Assessor Larry D. Davis

Shelby Site



- Legend
- Parcels
 - Roads
 - County Boundary

EXHIBIT 2. ZONING MAP AND SURROUNDING USES

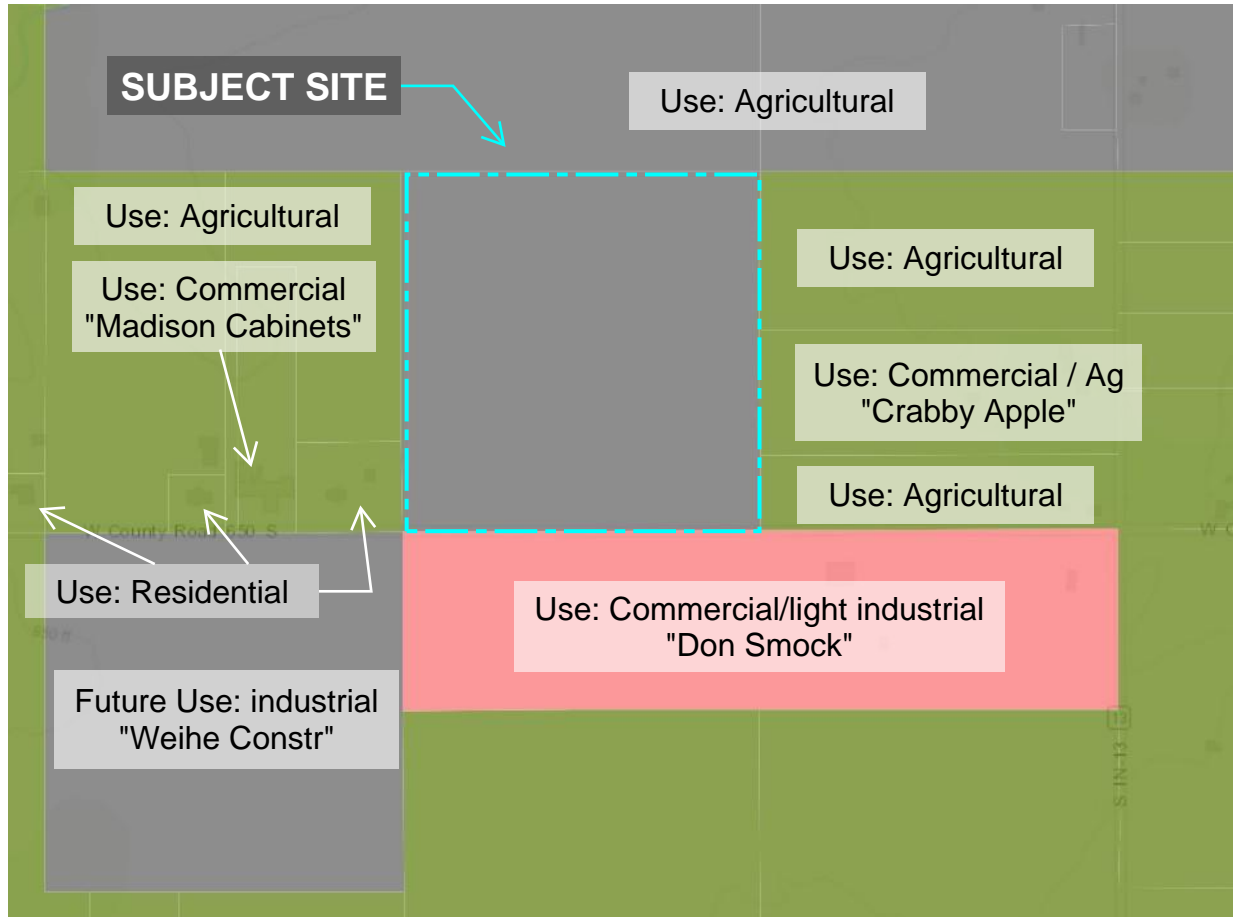


EXHIBIT 3. Map of Improvements Needing Variances



BeaconTM

Madison County, IN | Assessor Larry D. Davis

Shelby Site





EXHIBIT 4. SUBMITTAL

TOWN OF LAPEL
825 Main St., Lapel, IN 46051
Planning@lapelindiana.org

BZA APPLICATION

**Required sections to fill out*

Application type*:

- Variance of Development Standard(s)
- Special Use
- Administrative Appeal

For office use only:

App No: _____
 Date received: _____
 App fee: _____
 Fee paid by: Cash Check
 Check #: _____

PROPERTY INFORMATION*

Address/Location: _____
 Parcel(s)' ID(s): _____

 Current use: _____ Current zoning: _____
 Request code reference: _____ Project total size: _____ Acres
 Request description: _____

PROPERTY OWNER INFORMATION*

Name: _____
 Mailing address: _____
 City/Town: _____ Zip code: _____
 Email: _____ Phone #: _____

APPLICANT INFORMATION* Same as owner

Name: _____ Title: _____
 Company name: _____
 Mailing address: _____
 City/Town: _____ Zip code: _____
 Email: _____ Phone #: _____

NOTE: The person listed as **applicant** will be contacted regarding all applications steps and payments, including being contacted by the newspaper publisher for Legal Notice payment.

APPLICANT AFFIDAVIT

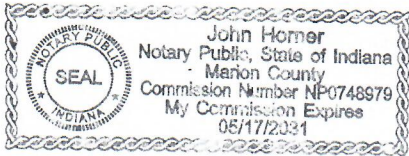
STATE OF Indiana
COUNTY OF Shelby S.S.

The undersigned, having been duly sworn on oath, states that the information in the Application is true and correct as they are informed and believe.

Applicant printed name: Thomas G. Davis

Applicant signature: *Thomas G. Davis*

Subscribed and sworn to before me this 30 day of JULY, 20 24.



Notary printed name: JOHN HORNER

Notary signature: *John Horner*

My commission expires: 5-17-31

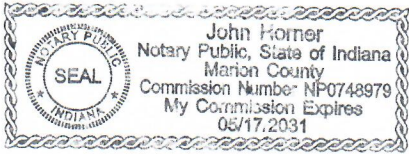
OWNER AFFIDAVIT

STATE OF Indiana
COUNTY OF Shelby S.S.

The undersigned, having been duly sworn on oath, states that they are the Owner of the Property involved in this application and that they hereby acknowledge and consent to the forgoing Application.

Owner printed name**: Parker Hoehl
Owner signature**: [Signature]

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application. Subscribed and sworn to before me this 30 day of JULY, 20 24.



Notary printed name: JOHN HORNER
Notary signature: [Signature]
My commission expires: 5-17-31

*** A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.*



BZA APPLICATION

**Required sections to fill out*

Application type*:

- Variance of Development Standard(s)
- Special Use
- Administrative Appeal

For office use only:

App No: _____
 Date received: _____
 App fee: _____
 Fee paid by: Cash Check
 Check #: _____

PROPERTY INFORMATION*

Address/Location: _____
 Parcel(s)' ID(s): _____

 Current use: _____ Current zoning: _____
 Request code reference: _____ Project total size: _____ Acres
 Request description: _____

PROPERTY OWNER INFORMATION*

Name: _____
 Mailing address: _____
 City/Town: _____ Zip code: _____
 Email: _____ Phone #: _____

APPLICANT INFORMATION* Same as owner

Name: _____ Title: _____
 Company name: _____
 Mailing address: _____
 City/Town: _____ Zip code: _____
 Email: _____ Phone #: _____

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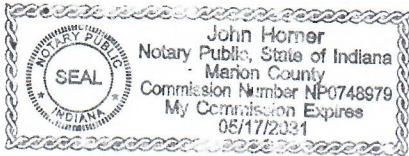
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Notary printed name: JOHN HORNER

Notary signature: *John Horner*

My commission expires: 5-17-31

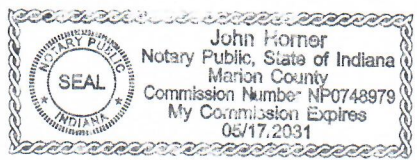
OWNER AFFIDAVIT

STATE OF Indiana
COUNTY OF Shelby S.S.

The undersigned, having been duly sworn on oath, states that they are the Owner of the Property involved in this application and that they hereby acknowledge and consent to the forgoing Application.

Owner printed name**: Parker Hoehl
Owner signature**: [Signature]

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application. Subscribed and sworn to before me this 30 day of JULY, 20 24.



Notary printed name: JOHN HORNER
Notary signature: [Signature]
My commission expires: 5-17-31

*** A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.*



July 30, 2024

BZA
Town Of Lapel
825 Main Street
Lapel, IN 46051

Email: Planning@lapelindiana.org

RE: Shelby Gravel Landscape Variance Request

On behalf of Shelby Gravel, Inc, it is our pleasure to present this narrative for your review for our property at 9302 W. 650 S.

Shelby Gravel has been operating at this facility since 2017. A portion of the actual production process of their operation is to recycle material that is not used each day. Shelby Gravel requires the recycling and the reuse of this material as part of their operation. This area of development will provide a larger area to work on this recycling more efficiently. We are asking for a variance from development standard 10.2.7. B & 10.2.7.J.ii requiring buffer landscaping in setback areas and a decrease in trees and shrubs. The new development plans show a mound south of the production area in the middle of the property with landscaping on top to create a high buffer to enhance a more aesthetic visual impact. The plan commission accepted this idea and asked for an increase in the mound height as well as landscaping that would mature to a more significant height to create a more acceptable visual for the community. The land to the south or the road frontage is property that Shelby Gravel recently acquired after the previous owner decided not to develop the property. This area of the property, approximately 15 acres, would be returned to crops and therefore we would request not landscaping around the field in the setback buffer until future development is requested on site.

Please call me with any questions.

Sincerely,

Tom Davis



1501 S. Harrison Street
Shelbyville, IN 46176
www.genesispd.net

Tom Davis
Partner

P: (317) 604-3868
E: tdavis@genesispd.net



July 30, 2024

BZA
Town Of Lapel
825 Main Street
Lapel, IN 46051

Email: Planning@lapelindiana.org

RE: Shelby Gravel Driveway Variance Request

On behalf of Shelby Gravel, Inc, it is our pleasure to present this narrative for your review for our property at 9302 W. 650 S.

Shelby Gravel has been operating at this facility since 2017 with the current access driveway. We are asking for a variance from development standard 10.2.16.D.i requiring a minimum of two access points into the property. The current entrance that was built back in 2017 provides good vehicle and truck access as well as circulation on the current site. The new development will not create additional truck traffic or any issues as it relates to flow on the site. There are also no current issues of any vehicles or trucks backing onto the public street because of the ample room to maneuver on site. We therefore would request leaving the exiting single access point to the property.

Please call me with any questions.

Sincerely,

Tom Davis



1501 S. Harrison Street
Shelbyville, IN 46176
www.genesispd.net

Tom Davis
Partner

P: (317) 604-3868
E: tdavis@genesispd.net

MADISON COUNTY

i n d i a n a



Madison County Surveyor

Madison County Drainage Board

Madison County Government Center

16 East 9th Street

Anderson, Indiana 46016

Office: 765-641-9638/765-641-9687

July 24, 2024

Shelby Gravel Inc
PO Box 280
Shelbyville, IN 46176-0280

RE: Shelby Gravel On-site Work

At the July 24, 2024 the Madison County Drainage Board voted to allow Shelby Gravel to move forward with site work on property located at 9302 West 650 South, Lapel, IN.

Shelby Gravel is allowed to clean up site as necessary and any on site drainage can be completed.

Estimates for the tile replacement from the Shelby property to the outlet is being obtained. Once an estimate is approved, an agreement with the County and Shelby Gravel is accepted, tile replacement will occur.

A handwritten signature in blue ink, appearing to read 'Amyannette Cox', written over a horizontal line.

Madison County Surveyor Office Manager
Madison County Drainage Board

cc: Shelby Gravel; Drainage Board, Tom Davis

Duly Entered For Taxation
Subject To Final Acceptance
For Transfer
Nov 16 2023
Rick Gardner
AUDITOR MADISON COUNTY

2023R016169
11/16/2023 10:04:06 AM
FEE: 25.00 PGS: 4
ANGIE ABEL
MADISON COUNTY RECORDER, IN
RECORDED AS PRESENTED
THIS DOCUMENT WAS eRECORDED

STATE ID: 48-15-16-100-002.001-044

CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH that **Giving Hope Foundation, Inc.** ("Grantor"), CONVEYS AND WARRANTS to **Shelby Gravel, Inc.**, an Indiana corporation ("Grantee"), for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, Grantor's fee simple interest in and to that certain real estate in Madison County, Indiana, which real estate is more particularly described in Exhibit A, attached hereto and incorporated herein by this reference ("Real Estate").

Subject to (i) all easements, highways, rights-of-way, covenants, conditions, restrictions and other matters of record, (ii) the exceptions listed on Exhibit B hereto, and (iii) all current, non-delinquent real estate taxes and assessments.

The undersigned person executing this Corporate Warranty Deed on behalf of Grantor represents and certifies that such person is fully empowered, by proper corporate authority, to execute and deliver this Corporate Warranty Deed; that Grantor has full capacity to convey the Real Estate; and that all necessary action for the making of such conveyance has been taken and done.

**[REMAINDER OF PAGE INTENTIONALLY BLANK; SIGNATURE AND
NOTARIZATION APPEARS ON FOLLOWING PAGE]**

IN WITNESS WHEREOF, Grantor, by an authorized representative thereof, has executed this Corporate Warranty Deed this 15th day of November, 2023.

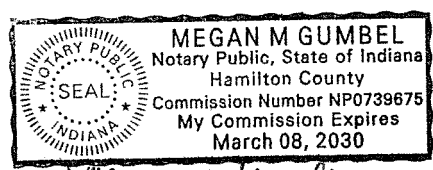
GIVING HOPE FOUNDATION, INC.

W.A. Joseph Shetterley
By: W.A. Joseph Shetterley
Title: President and Founder

STATE OF INDIANA)
)SS:
COUNTY OF Hamilton)

Before me, a Notary Public in and for said County and State, personally appeared W.A. Joseph Shetterley of Giving Hope Foundation, Inc., who acknowledged the execution of the foregoing Corporate Warranty Deed, and who, having been duly sworn, stated that the representations therein contained are true and who indicated he/she has all authority to execute same on behalf of Grantor.

IN WITNESS WHEREOF, I set my hand and notarial seal this 15th day of November, 2023.



Megan M Gumbel

Megan M. Gumbel
Indiana Notary Public
Commission Number: NPO 739675
My Commission Expires: March 08, 2030
County of Residence: Hamilton

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Russell L. Brown

This instrument was prepared by: Russell L. Brown, 26781-49, Clark Quinn Moses Scott & Grah, LLP, 320 N. Meridian Street, Suite 1100, Indianapolis, IN 46204

Grantee's Address and Send Tax Statements To: Shelby Gravel, Inc., 930 W. 650 South, Pendleton, Indiana 46064

EXHIBIT "A"

Legal Description of Real Estate

THE LAND IS DESCRIBED AS FOLLOWS:

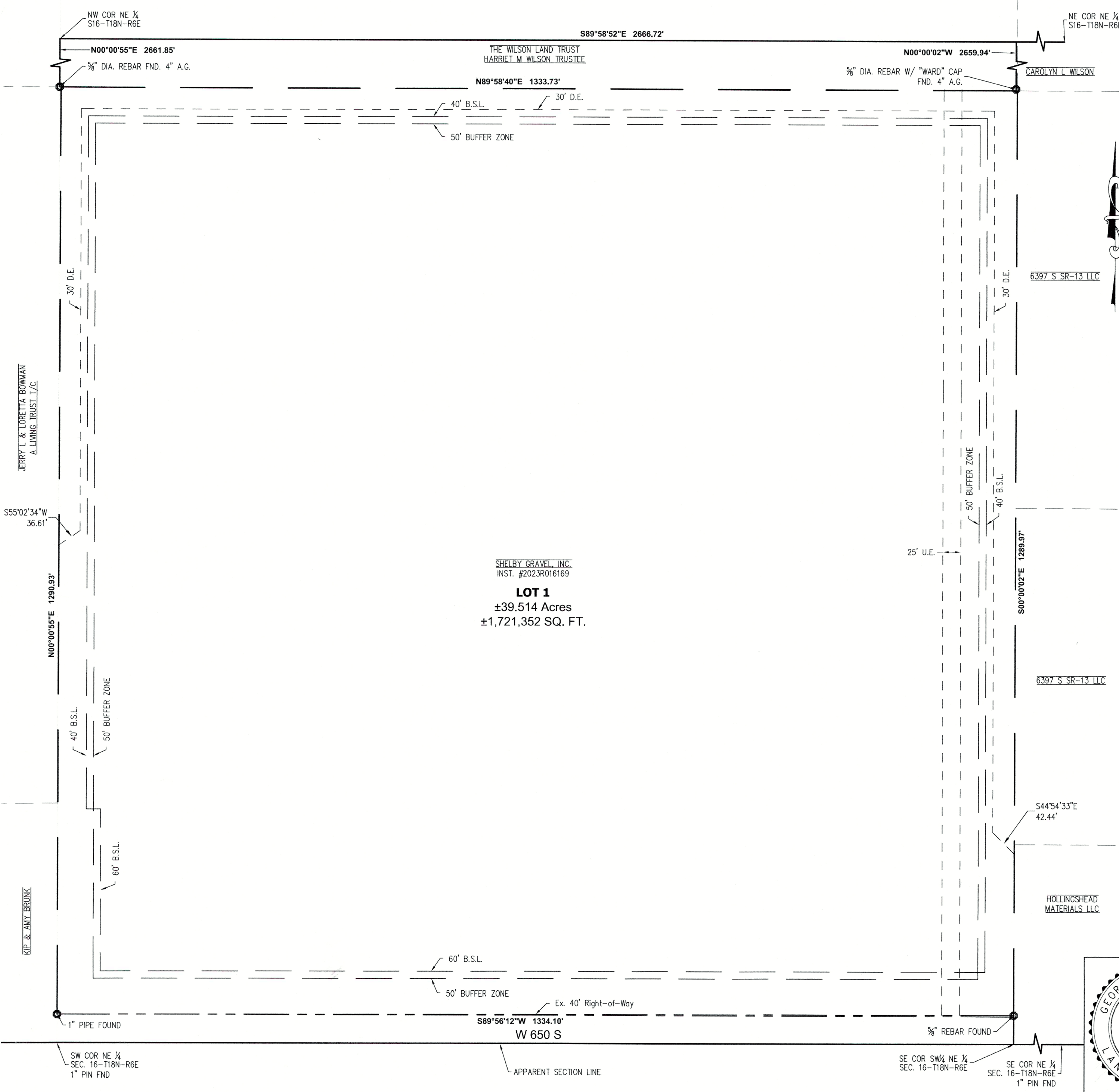
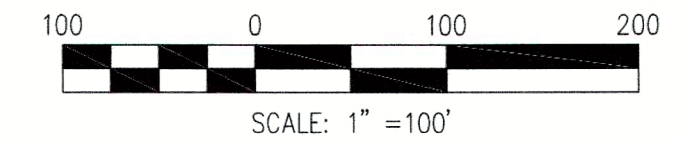
LOT 2 OF GIVING HOPE ADDITION, A SUBDIVISION IN THE TOWN OF LAPEL, GREEN TOWNSHIP, MADISON COUNTY, INDIANA, AS PER PLAT THEREOF, DATED SEPTEMBER 12, 2018 AND RECORDED DECEMBER 19, 2018 AS INSTRUMENT NUMBER 2018R017198, AS AMENDED BY AFFIDAVIT DATED JANUARY 23, 2019 AND RECORDED JANUARY 25, 2019 AS INSTRUMENT NUMBER 2019R001251, IN THE OFFICE OF THE RECORDER OF MADISON COUNTY, INDIANA.

**EXHIBIT B
EXCEPTIONS**

1. Taxes for 2023, payable 2024, now a lien, not yet due and payable.
2. Covenants, conditions, restrictions, building setback lines, buffer areas and easements for drainage, utilities, sewer, driveway and ingress/egress, as set forth in and depicted upon the plat of Giving Hope Addition, recorded December 19, 2018 as Instrument Number 2018R017198.
3. Easement for ingress/egress, utility, and driveway to be constructed and maintained, subject to those terms and provisions, as contained a certain deed dated December 31, 2017 and recorded December 19, 2018 as Instrument Number 2018R17205.

SHELBY GRAVEL INC. SUBDIVISION A REPLAT OF THE GIVING HOPE ADDITION

A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER
SECTION 16, TOWNSHIP 18 NORTH, RANGE 6 EAST OF
IN THE TOWN OF LAPEL, MADISON COUNTY, INDIANA



OWNER
SHELBY GRAVEL INC.
P.O. BOX 280
SHELBYVILLE, IN 46176
PHONE: (317) 752-0984

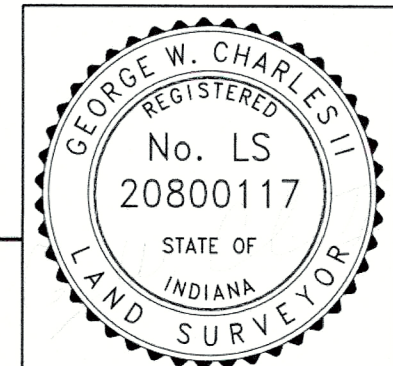
SURVEYOR
CROSSROAD ENGINEERS, PC
115 17th AVENUE
BEECH GROVE, IN 46107
PHONE: (317) 780-1555
CONTACT: GEORGE W. CHARLES II
EMAIL: gwcharles@crossroadengineers.com

PROPOSED LEGEND	
	PROPERTY LINE
	SETBACK LINE
	LOT LINES
	RIGHT-OF-WAY
	EASEMENT LINE
	BSL BUILDING SETBACK LINE
	DUE DRAINAGE & UTILITY EASEMENT
	NAE NON-ACCESS EASEMENT
	AE & DUE ACCESS, DRAINAGE & UTILITY EASEMENT
	MONUMENT FOUND AS DESCRIBED

SHELBY GRAVEL, INC.
INST. #2023R016169
LOT 1
±39,514 Acres
±1,721,352 SQ. FT.

2024R006898
05/24/2024 11:15:19 AM
FEE: 30.00 PGS: 2
ANGIE ABEL
MADISON COUNTY RECORDER, IN
RECORDED AS PRESENTED

FLOODPLAIN INFORMATION
BY GRAPHIC PLOTTING ONLY, THIS TRACT OF LAND DESCRIBED HEREON LIES WITHIN ZONE 'X' (AREAS OUTSIDE THE 500-YEAR FLOODPLAIN) AND IS NOT IN A SPECIAL FLOOD HAZARD AREA AS PLOTTED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR MADISON COUNTY, INDIANA, COMMUNITY PANEL NO. 18095C02450D, WHICH BEARS AN EFFECTIVE DATE OF 5/3/2011.



SHELBY GRAVEL INC. SUBDIVISION
A REPLAT OF THE GIVING HOPE ADD.

PROJECT NO.	DRAWN	DEP	CHECKED	GJI
DATE	APRIL 4, 2024	DESIGNED	CDM	APPROVED
			GWC	



SHEET 1 OF 2

SHELBY GRAVEL INC. SUBDIVISION A REPLAT OF THE GIVING HOPE ADDITION

A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER
SECTION 16, TOWNSHIP 18 NORTH, RANGE 6 EAST OF
IN THE TOWN OF LAPEL, MADISON COUNTY, INDIANA

PLAT DESCRIPTION

INSTRUMENT #2023016169
LOTS 1 & 2 OF GIVING HOPE ADDITION, A SUBDIVISION IN THE TOWN OF LAPEL, GREEN TOWNSHIP, MADISON COUNTY, INDIANA, AS PER PLAT THEREOF, DATED SEPTEMBER 12, 2018 AND RECORDED DECEMBER 19, 2018 AS INSTRUMENT NUMBER 2018R017198, AS AMENDED BY AFFIDAVIT DATED JANUARY 23, 2019 AND RECORDED JANUARY 25, 2019 AS INSTRUMENT NUMBER 2019R001251, IN THE OFFICE OF THE RECORDER OF MADISON COUNTY, INDIANA.

I, GEORGE W. CHARLES II, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA; THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY COMPLETED BY HALDON L. ASHTON AND RECORDED AS INSTRUMENT NUMBER 2018-017198 IN THE OFFICE OF THE RECORDER OF MADISON COUNTY, INDIANA. ALL THE MONUMENTS SHOWN THEREON ACTUALLY EXIST AND THAT ALL OTHER REQUIREMENTS SPECIFIED HEREIN, DONE BY ME, HAVE BEEN MET.

G. W. Charles II
GEORGE W. CHARLES II
INDIANA LAND SURVEYOR
NO. LS 20800117
EMAIL: gwcharles@crossroadengineers.com
WEBSITE: crossroadengineers.com



RECORDING NOTE

I AFFIRM, UNDER PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

GEORGE W. CHARLES II

DEDICATION CERTIFICATE

I (WE), THE UNDERSIGNED, CERTIFY THAT I (WE) ARE THE OWNER(S) OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN; AND DO HEREBY CERTIFY THAT WE HAVE LAID OFF, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OFF, PLAT, AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THE HEREIN PLAT.
THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS SHELBY GRAVEL INC. SUBDIVISION, AN ADDITION TO LAPEL, INDIANA. ALL RIGHTS-OF-WAY SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC.

EASEMENTS. THERE ARE STRIPS OF GROUND SHOWN ON THIS PLAT AND MARKED "EASEMENT," GRANTED AND DEDICATED AND RESERVED FOR THE MUTUAL USE AND ACCOMMODATION OF THE TOWN OF LAPEL AND/OR ANY GRANTED PUBLIC OR PRIVATE UTILITIES, INCLUDING: WATER LINES, WASTEWATER LINES, STORM DRAINAGE AND STORMWATER LINES, GAS LINES, COMMUNICATION FACILITIES, UTILITY POLES, ELECTRICAL POWER LINES, EQUIPMENT, CABINETS, CLOSURES, MANHOLES, CONDUIT, CABLES, LINES, AND APPURTENANCES. ALL GRANTEEES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PART OF ANY STRUCTURE, BUILDING, FENCE, TREE, SHRUB OR OTHER IMPROVEMENT, GROWTH, OR OBSTRUCTION WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OPERATION OR EFFICIENCY OF THE RESPECTIVE UTILITY IN, ON, OR UNDER SAID EASEMENT STRIPS. THE TOWN OF LAPEL AND ALL GRANTED PUBLIC UTILITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENT STRIPS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, AND ADDING TO OR REMOVING ALL OR PART OF THE RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE.

SIGHT VISIBILITY. NO FENCE, WALL, HEDGE, TREE OR SHRUB WHICH OBSTRUCTS SIGHT LINES BETWEEN 3 AND 8 FEET ABOVE THE GRADE OF THE ADJACENT ROAD SHALL BE PLACED OR PERMITTED TO REMAIN ON ANY CORNER LOT WITHIN THE TRIANGULAR AREA FORMED BY THE STREET RIGHT-OF-WAY LINES AND A LINE CONNECTING POINTS ALONG THE STREET RIGHTS-OF-WAY LOCATED:
1. 35 FEET FROM THEIR INTERSECTION FOR ROAD CLASSIFIED AS ARTERIAL BY THE THOROUGHFARE PLAN OR FUNCTIONAL CLASSIFICATION MAP,
2. 30 FEET FOR ROADS CLASSIFIED AS COLLECTORS BY THE THOROUGHFARE PLAN OR FUNCTIONAL CLASSIFICATION MAP,
3. 15 FEET FOR ROADS CLASSIFIED AS LOCAL BY THE THOROUGHFARE PLAN OR FUNCTIONAL CLASSIFICATION MAP, AND
4. TEN (10) FEET FOR ALL PRIVATE DRIVEWAYS.

UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE PLACED WITHIN A UTILITY EASEMENT. THIS SHALL INCLUDE FENCING OR ANY OTHER SCREENING MATERIAL, ACCESSORY STRUCTURES, OR ANY OTHER ITEM WHICH MAY PROHIBIT ACCESS TO A UTILITY OR EASEMENT HOLDER. IF A PERMANENT STRUCTURE IS PLACED WITHIN A UTILITY EASEMENT, IT MAY BE REMOVED OR ACCESSED AS NECESSARY BY ANY AFFECTED EASEMENT HOLDER OR UTILITY WITHOUT COST TO THAT HOLDER OR UTILITY.

DRAINAGE EASEMENTS. THIS SUBDIVISION IS SUBJECT TO ALL DRAINAGE SYSTEM DESIGN AND CONSTRUCTION STANDARDS OF THE LAPEL SUBDIVISION CONTROL ORDINANCE, WHICH PROVIDES FOR THE REPAIR AND MAINTENANCE OF THE SYSTEM, INCLUDING THE ASSESSMENT OF OWNERS OF LOTS TO MAINTAIN SWALES AND PARTICIPATE IN THE COST OF THE MAINTENANCE OF LEGAL DRAINS. ALL DRAINAGE EASEMENTS SHALL RUN TO THE MADISON COUNTY DRAINAGE BOARD.

DRIVEWAY. NO DRIVEWAY SHALL BE LOCATED WITHIN 40 FEET OF THE INTERSECTION OF TWO STREET RIGHT-OF-WAY LINES.

THE FOREGOING COVENANTS, OR RESTRICTIONS, ARE TO RUN WITH THE LAND AND MUST BE BINDING ON ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM UNTIL JANUARY 1, _____, (A 25 YEAR PERIOD IS SUGGESTED), AT WHICH TIME SAID COVENANTS, OR RESTRICTIONS, MUST BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN YEARS UNLESS CHANGED BY VOTE OF A MAJORITY OF THE THEN OWNERS OF THE BUILDING SITES COVERED BY THESE COVENANTS, OR RESTRICTIONS, IN WHOLE OR IN PART. INVALIDATION OF ANY OF THE FOREGOING COVENANTS, OR RESTRICTIONS, BY JUDGMENT OR COURT ORDER MUST IN NO WAY AFFECT ANY OF THE OTHER COVENANTS OR RESTRICTIONS, WHICH MUST REMAIN IN FULL FORCE AND EFFECT.
THE RIGHT TO ENFORCE THESE PROVISIONS BY INJUNCTION, TOGETHER WITH THE RIGHT TO CAUSE THE REMOVAL, BY DUE PROCESS OF LAW, OF ANY STRUCTURE OR PART THEREOF ERECTED, OR MAINTAINED IN VIOLATION HEREOF, IS HEREBY DEDICATED TO THE PUBLIC, AND RESERVED TO THE SEVERAL OWNERS OF THE SEVERAL LOTS IN THIS SUBDIVISION AND TO THEIR HEIRS AND ASSIGNS.

WITNESS OUR HANDS AND SEALS THIS 4th DAY OF April, 2024.

PRINTED NAME: Matt Haehl - President

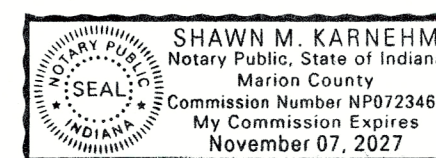
SIGNATURE: *[Signature]*

STATE OF INDIANA
COUNTY OF MADISON

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR JOHNSON COUNTY, INDIANA, PERSONALLY APPEARED Matt Haehl, AND SEPARATELY AND SEVERALLY ACKNOWLEDGED EXECUTION OF THE FOREGOING INSTRUMENT IS HIS VOLUNTARY ACT AND DEED, FOR THE PURPOSE EXPRESSED HEREIN.

WITNESS MY HAND AND SEAL THIS 4th DAY OF April, 2024.

NOTARY PUBLIC Shawn M. Karnehm



RESIDENT OF Marion COUNTY, INDIANA

MY COMMISSION EXPIRES: November 7th 2027

APPROVAL & ACCEPTANCE OF DEDICATION

THIS PLAT AND THE ACCEPTANCE OF ANY PUBLIC RIGHTS-OF-WAY DEDICATED HEREIN IS HEREBY APPROVED ON THE 16th DAY OF May, 2024 BY THE TOWN COUNCIL OF THE TOWN OF LAPEL, INDIANA.

SIGNATURE: *[Signature]*

SIGNATURE: *[Signature]*

PRINTED: CHAD BLAKE

PRINTED: TERESA RETHERFORD

PRESIDENT

CLERK/TREASURER

PLAN COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY IC 36-7, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO, AND AN ORDINANCE ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LAPEL, MADISON COUNTY, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE LAPEL ADVISORY PLAN COMMISSION ON THE 16th DAY OF May, 2024.

SIGNATURE: *[Signature]*

SIGNATURE: *[Signature]*

PRINTED: Matthew Wood

PRINTED: TERESA RETHERFORD

PRESIDENT

SECRETARY

PLANNING AND ZONING CERTIFICATE

I, Grant List, ZONING ADMINISTRATOR/BUILDING INSPECTOR FOR THE TOWN OF LAPEL, HEREBY CERTIFY THAT THE APPLICATION FOR APPROVAL OF THIS PLAT MEETS ALL OF THE MINIMUM REQUIREMENTS SET FORTH IN THE COMPREHENSIVE PLAN OF LAPEL, INDIANA SUCH OTHER APPLICATIONS REQUIREMENTS CONTAINED IN THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF LAPEL, AUGUST 20, 2015, AS AMENDED.

SIGNATURE: Grant List

PRINTED: Grant List

ZONING ADMINISTRATOR/BUILDING INSPECTOR

ENTERED FOR TAXATION THIS 24 DAY OF May, 2024

[Signature]
RICK GARDNER, AUDITOR

NO. 2024R006898

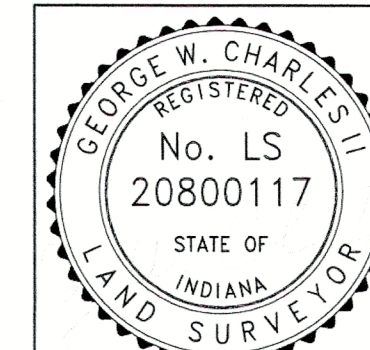
RECEIVED FOR RECORD THIS 24th DAY OF May, 2024

AT 11:5am AND RECORDED IN PLAT BOOK NA, PAGE NA

FEE \$ 30.00

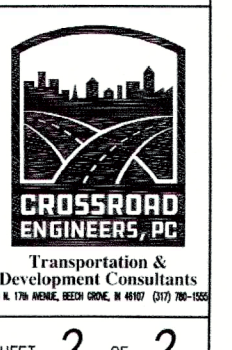
2024R006898
05/24/2024 11:15:19 AM
FEE: 30.00 PGS: 2
ANGIE ABEL
MADISON COUNTY RECORDER, IN
RECORDED AS PRESENTED

[Signature]
ANGIE ABEL, RECORDER



SHELBY GRAVEL INC. SUBDIVISION
A REPLAT OF THE GIVING HOPE ADD.

PROJECT NO.	DRAWN	DEP	CHECKED	GJI
DATE	APRIL 4, 2024	DESIGNED	CDM	APPROVED
			GWC	



SHEET 2 OF 2

FINAL CONSTRUCTION PLANS

EXHIBIT 5. Site Plan Excerpt

SHELBY MATERIALS - LAPEL 9302 W 650 S LAPEL, INDIANA 46051



VICINITY MAP
NO SCALE



LOCATION MAP
NO SCALE

HIGHLIGHTED PAGES:
INCLUDED IN THIS
EXCERPT.

PLAN INDEX	
SHEET #	SUBJECT
100	TITLE SHEET
200	TOPOGRAPHIC SURVEY & DEMOLITION PLAN
300	SITE DIMENSION & UTILITY PLAN
400	GRADING PLAN
500	STORM PLAN & PROFILE
600	EROSION CONTROL PLAN
601	SWPPP
700	MISCELLANEOUS DETAILS & SPECIFICATIONS
800	LANDSCAPE PLAN

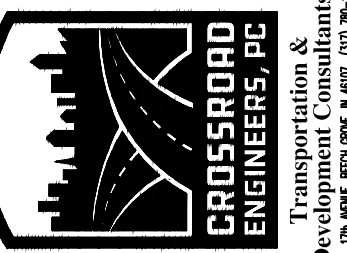
FLOODPLAIN INFORMATION
BY GRAPHIC PLOTTING ONLY, THIS TRACT OF LAND DESCRIBED HEREON LIES WITHIN ZONE "X" (AREAS OUTSIDE THE 500-YEAR FLOODPLAIN) AND IS NOT IN A SPECIAL FLOOD HAZARD AREA AS PLOTTED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR MADISON COUNTY, INDIANA, COMMUNITY PANEL NO. 18095C024500, WHICH BEARS AN EFFECTIVE DATE OF 5/3/2011.

LEGAL DESCRIPTION
INSTRUMENT #2008019522 A SURVEY OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 6 EAST, DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING IRON PIPE MARKING THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 6 EAST, AND RUNNING THENCE NORTH 00 DEGREES 04 MINUTES 54 SECONDS EAST (ASSUMED BEARING) ALONG THE WEST LINE OF THE SAID QUARTER SECTION A DISTANCE OF 1330.82 FEET TO A 5/8 INCH REBAR WITH A "REW FIRM 0076" CAP MARKING THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 16; THENCE SOUTH 89 DEGREES 57 MINUTES 55 SECONDS EAST ALONG THE NORTH LINE OF THE SAID QUARTER-QUARTER SECTION A DISTANCE OF 1333.73 FEET TO A 5/8 INCH REBAR WITH A "REW FIRM 0076" CAP MARKING THE NORTHEAST CORNER OF THE SAID QUARTER-QUARTER SECTION; THENCE SOUTH 00 DEGREES 03 MINUTES 41 SECONDS WEST ALONG THE EAST LINE OF THE SAID QUARTER-QUARTER SECTION A DISTANCE OF 1330.01 FEET TO A MAGNETIC NAIL MARKING THE SOUTHEAST CORNER OF THE SAID QUARTER-QUARTER SECTION; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 16 A DISTANCE OF 1334.20 FEET TO THE POINT OF BEGINNING. BEING THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 6 EAST, AND CONTAINING 40.742 ACRES, MORE OR LESS.

OWNER/DEVELOPER
SHELBY MATERIALS
9302 W 650 S, LAPEL, IN 46051
CONTACT: MATT HAEHL
EMAIL: mhaehl@shelbymaterials.com

ENGINEER
CROSSROAD ENGINEERS, PC
115 N. 17TH AVENUE
BEECH GROVE, IN 46107
PHONE: (317) 780-1555
CONTACT: GREGORY J. ILKO
EMAIL: gilko@crossroadengineers.com

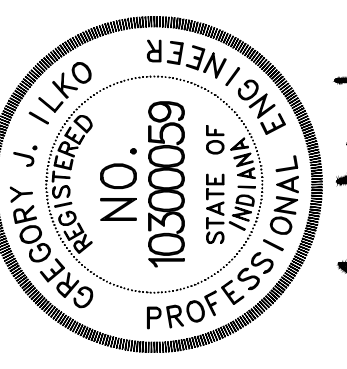
DIRECTORY PATH : R:\Active\Genesis\Shelby_Materials - Lapel\Design\CAD\Plans
 DATE/TIME : 3/11/2024 12:05 PM / D:\p050
 DATE/USER :



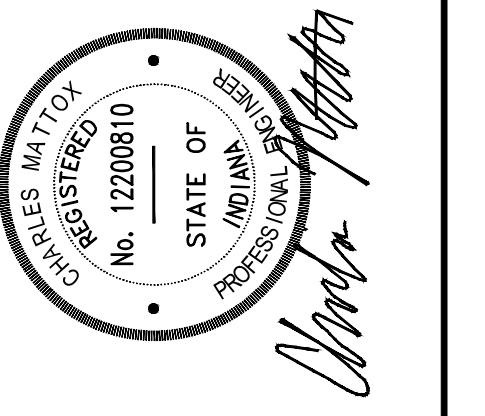
CROSSROAD ENGINEERS, PC
Professional Engineers
Development Consultants
115 N. 17th Avenue
Beech Grove, IN 46107
Phone: (317) 780-1555

100
SHEET

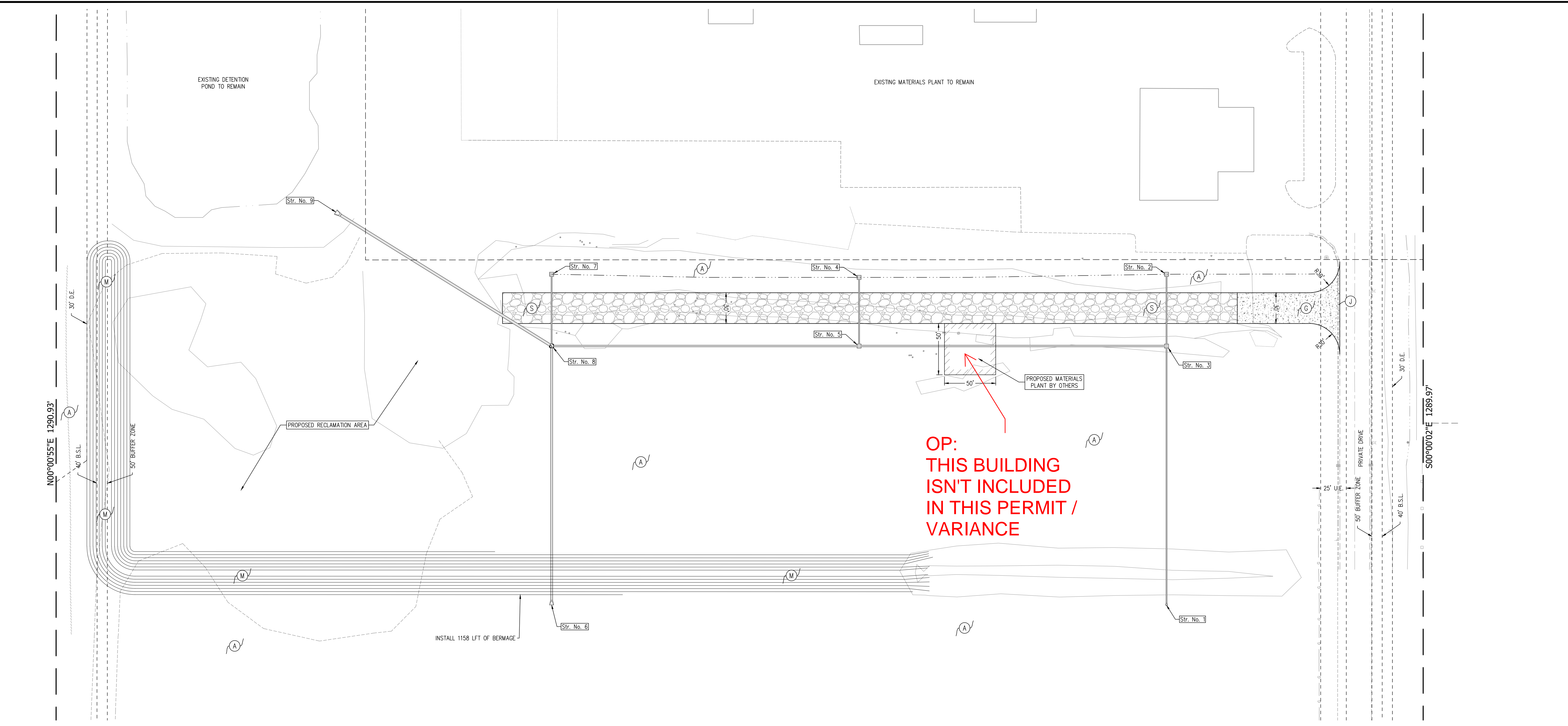
TITLE SHEET	SHELBY MATERIALS	DRAWN	CHECKED	GJI
		DEP	CDM	GJI
		DESIGNED	APPR.	GJI
		DATE	MARCH 5, 2024	



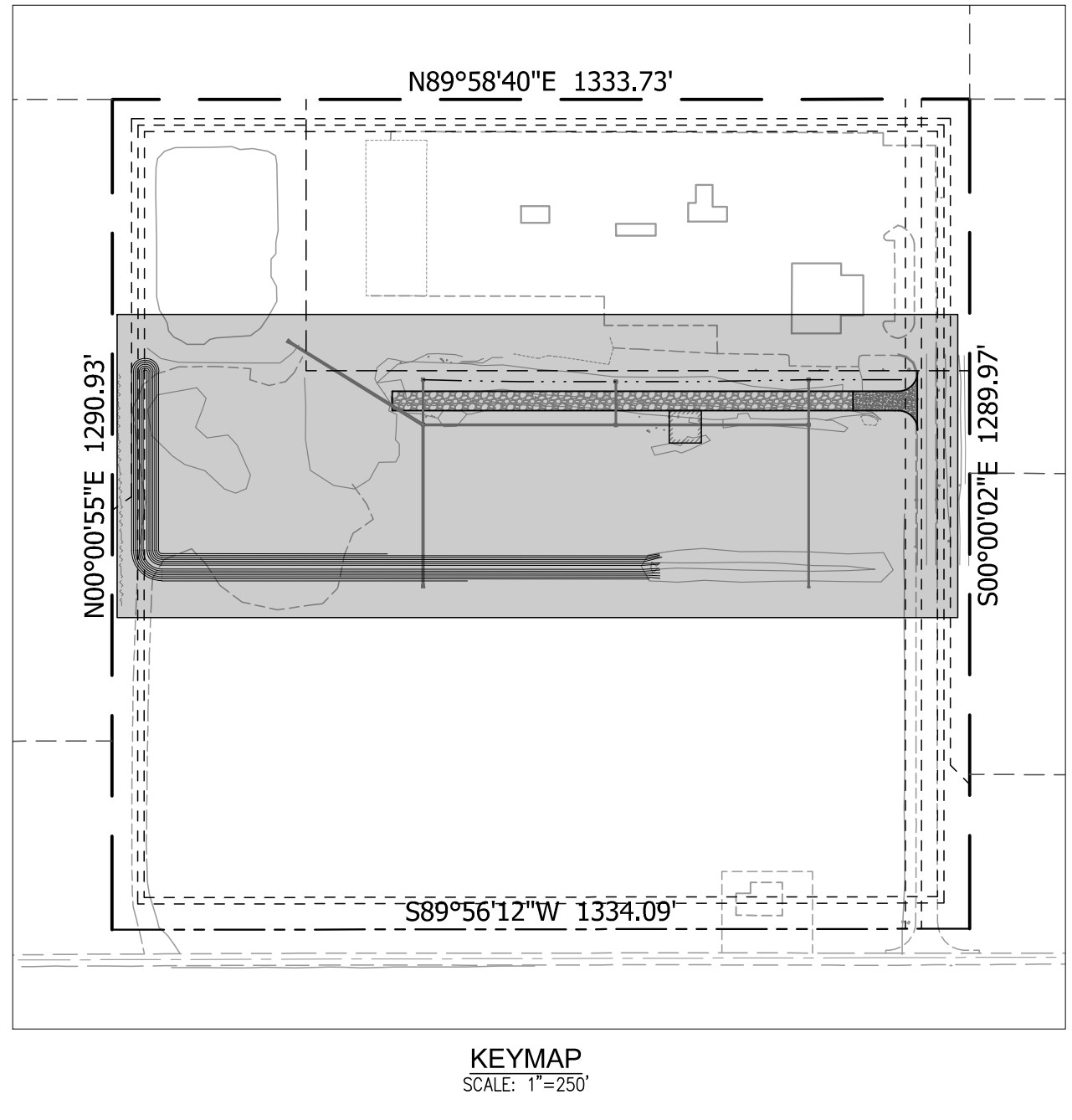
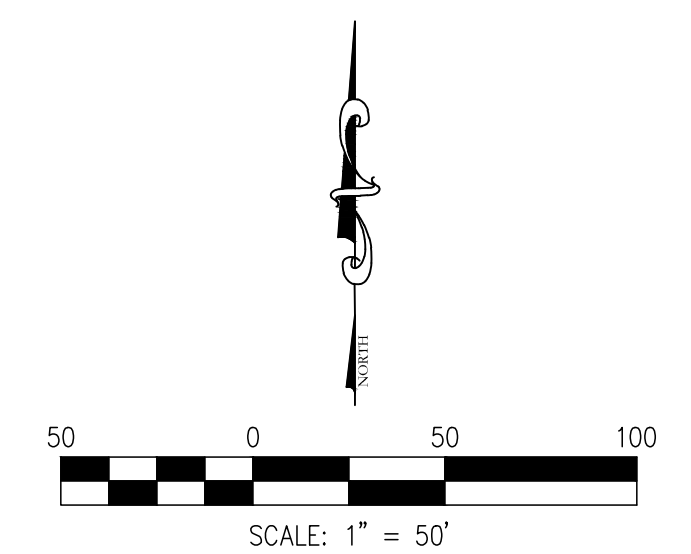
NO.	DATE	REVISIONS	BY	APPR.
1	JUNE 14, 2024	REVISED PER MADISON COUNTY COMMENTS	CDM	GJI



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1	JUNE 14, 2024	DATE
2		BY
3		CDM
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OP:
THIS BUILDING
ISN'T INCLUDED
IN THIS PERMIT /
VARIANCE



NOTE:
 NO EARTHWORK DISTURBING ACTIVITY MAY COMMENCE UNTIL A STORM WATER MANAGEMENT PERMIT IS OBTAINED.

SITE DIMENSION LEGEND

- (A) MULCH SEEDING/LANDSCAPE AREAS
- (C) TYPICAL CONCRETE SECTION
8" CONCRETE SLAB ON 6" COMPACTED AGGREGATE #53 TYPE 'U' ON COMPACTED SUBGRADE (SEE DETAIL-SHEET 700)
- (J) SAWCUT
- (M) MOUNDING
- (S) STONE DRIVE SECTION
8" COMPACTED AGGREGATE BASE #53, ON COMPACTED SUBGRADE (SEE DETAIL-SHEET 700)

SITE DIMENSION NOTES

- CONTRACTOR SHALL NOTIFY ENGINEER, IF PROOF ROLL OF SUBGRADE FAILS, TO DETERMINE IF LIME STABILIZATION OF SUBGRADE IS NECESSARY.
- ALL RADI DIMENSIONS ARE TO THE FACE OF PROPOSED CURB.
- CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING TRAFFIC AND PROVIDING ALL NECESSARY FLAGMAN, BARRELS, SIGNAGE, ETC. DURING CONSTRUCTION. ALL APPLICABLE M.U.T.C.D. STANDARDS SHALL GOVERN THIS WORK.
- CONTRACTOR SHALL COORDINATE WITH APPLICABLE UTILITY COMPANY'S AND BUILDING PLANS FOR WATER, CABLE, ELECTRIC, GAS, AND TELEPHONE CONNECTION SERVICE POINTS.
- EXISTING UTILITY SIZE AND MATERIAL INFORMATION SHOWN ON THESE PLANS ARE PER THE BEST GRAPHICAL AND VISIBLE INFORMATION AVAILABLE. CONFLICTS MAY EXIST AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY ALL SIZING AND MATERIAL INFORMATION PROVIDED. IF ACTUAL CONDITIONS DIFFER FROM THAT INFORMATION SHOWN ON THE PLANS, THE CONTRACTOR SHALL, PRIOR TO THE INSTALLATION OF ANY PROPOSED INFRASTRUCTURE, NOTIFY THE DESIGN ENGINEER IMMEDIATELY.
- UTILITY RELOCATIONS REQUIRED BY THE PROJECT SHALL BE THE RESPONSIBILITY OF THE DEVELOPER. UTILITY LINE RELOCATIONS REQUIRED FOR ROAD PROJECTS THAT RESULT IN A CONFLICT WITH THE PROPOSED DEVELOPMENT SHALL BE THE RESPONSIBILITY OF THE DEVELOPER TO RESOLVE WITH THE UTILITY. EXISTING POLE LINES REQUIRED TO BE RELOCATED SHALL BE RELOCATED TO WITHIN ONE-FOOT OF PROPOSED RIGHT-OF-WAY LINE.

UTILITIES NOTES

- CONTRACTOR SHALL NOTIFY ENGINEER, IF PROOF ROLL OF SUBGRADE FAILS, TO DETERMINE IF LIME STABILIZATION OF SUBGRADE IS NECESSARY.
- ALL RADI DIMENSIONS ARE TO THE FACE OF PROPOSED CURB.
- CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING TRAFFIC AND PROVIDING ALL NECESSARY FLAGMAN, BARRELS, SIGNAGE, ETC. DURING CONSTRUCTION. ALL APPLICABLE M.U.T.C.D. STANDARDS SHALL GOVERN THIS WORK.
- ALL FIELD TILES DISTURBED DURING CONSTRUCTION MUST BE REPAIRED/CONNECTED TO NEW DRAINAGE FACILITIES.
- EXISTING UTILITY SIZE AND MATERIAL INFORMATION SHOWN ON THESE PLANS ARE PER THE BEST GRAPHICAL AND VISIBLE INFORMATION AVAILABLE. CONFLICTS MAY EXIST AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY ALL SIZING AND MATERIAL INFORMATION PROVIDED. IF ACTUAL CONDITIONS DIFFER FROM THAT INFORMATION SHOWN ON THE PLANS, THE CONTRACTOR SHALL, PRIOR TO THE INSTALLATION OF ANY PROPOSED INFRASTRUCTURE, NOTIFY THE DESIGN ENGINEER IMMEDIATELY.

UTILITY CONTACTS

Note: Listed below are the Indiana Underground Plant Protection Services Contacts. Others not listed may exist. The underground utilities shown have been located from field survey information and existing drawings. The surveyor makes no guarantee that the underground utilities consist of pipe utilities in the area, either in-service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although the surveyor does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities.

UTILITY	COMPANY	CONTACT	PHONE	EMAIL
ELECTRIC	DUKE ENERGY	YARDO BLEAH	(317) 776-5332	
SANITARY	FALL CREEK REGIONAL WASTE	TIM MCCURDY	(765) 778-7544	
WATER	CITIZENS ENERGY GROUP	DALE KOCH	(317) 264-7715	
GAS	VECTREN ENERGY	RANDY CRUTCHFIELD	(317) 776-5560	
FIRE DEPARTMENT				

ABBREVIATIONS

FYS	FRONT YARD SETBACK
SYS	SIDE YARD SETBACK
RYSD	REAR YARD SETBACK
DUE	DRAINAGE & UTILITY EASEMENT
NAE	NON-ACCESS EASEMENT
AE	ACCESS EASEMENT
M.F.P.C.	MINIMUM FLOOD PROTECTION GRADE
M.L.A.G.	MINIMUM LOWEST ADJACENT GRADE
F.F.E.	FINISH FLOOR ELEVATION

EXISTING LEGEND

- LIGHT POLE
- ⊙ CLEANOUT
- ⊙ SIGN
- ⊙ STORM ROUND INLET
- ⊙ STORM CURB INLET
- ⊙ TREE, BUSH & STUMP
- 800' --- CONTOURS
- PROPERTY LINE
- SECTION LINE
- RIGHT-OF-WAY
- EASEMENT
- ADJONER LINE
- PAVEMENT LINE
- FIELD LINE
- DITCH
- GAS LINE
- SANITARY SEWER W/MANHOLE
- STORM SEWER W/MANHOLE
- ASPHALT
- BUILDING
- CONCRETE
- GRAVEL
- REMOVAL/DEMOLISH

PROPOSED LEGEND

- PROPERTY LINE
- SECTION LINE
- SETBACK LINE
- CASHEMENT LINE
- DITCH LINE
- STORM SEWER W/MANHOLE & END SECTION
- STORM MANHOLES
- STORM INLETS

STORM SEWER STRUCTURE TABLE	STORM SEWER STRUCTURE TABLE	STORM SEWER STRUCTURE TABLE
STR. DATA	STR. DATA	STR. DATA
STR. NO. 1 INSTALL ONE CONCRETE END SECTION AND 253 LFT OF 12" RCP @ 0.50% INV = 856.25 INV OUT (12"-N) = 855.00	STR. NO. 4 INSTALL TYPE 'E' INLET WITH NEENAH R-4215-C CASTING OR APPROVED EQUAL AND 67 LFT OF 12" RCP @ 0.31% RM = 856.00 INV OUT (12"-S) = 853.00	STR. NO. 7 INSTALL TYPE 'E' INLET WITH NEENAH R-4215-C CASTING OR APPROVED EQUAL AND 70 LFT OF 12" RCP @ 0.31% RM = 855.00 INV OUT (12"-S) = 852.00
STR. NO. 2 INSTALL TYPE 'E' INLET WITH NEENAH R-4215-C CASTING OR APPROVED EQUAL AND 70 LFT OF 12" RCP @ 0.31% RM = 856.00 INV OUT (12"-S) = 853.83	STR. NO. 5 INSTALL TYPE 'E' INLET WITH NEENAH R-4215-C CASTING OR APPROVED EQUAL AND 300 LFT OF 18" RCP @ 0.50% RM = 856.00 INV IN (18"-E) = 852.47 INV IN (12"-N) = 852.79 INV OUT (18"-W) = 852.47	STR. NO. 8 INSTALL TYPE 'B' MANHOLE WITH NEENAH R-4215-C CASTING OR APPROVED EQUAL AND 248 LFT OF 30" RCP @ 0.59% RM = 855.00 INV IN (18"-E) = 850.97 INV IN (24"-S) = 850.97 INV IN (12"-N) = 851.78 INV OUT (30"-W) = 850.97
STR. NO. 3 INSTALL TYPE 'E' INLET WITH NEENAH R-4215-C CASTING OR APPROVED EQUAL AND 300 LFT OF 18" RCP @ 0.38% RM = 856.00 INV IN (12"-S) = 853.74 INV IN (12"-N) = 853.61 INV OUT (18"-W) = 853.61	STR. NO. 6 INSTALL ONE CONCRETE END SECTION AND 253 LFT OF 24" RCP @ 0.50% INV = 854.56 INV OUT (24"-N) = 852.23	

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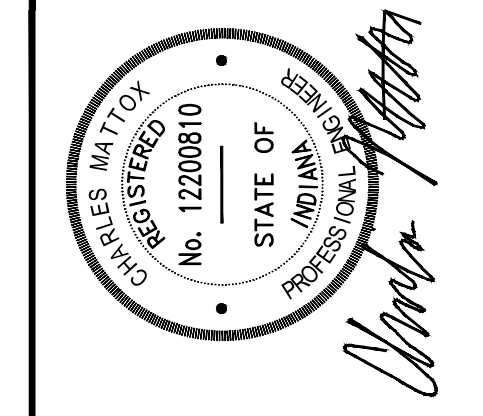


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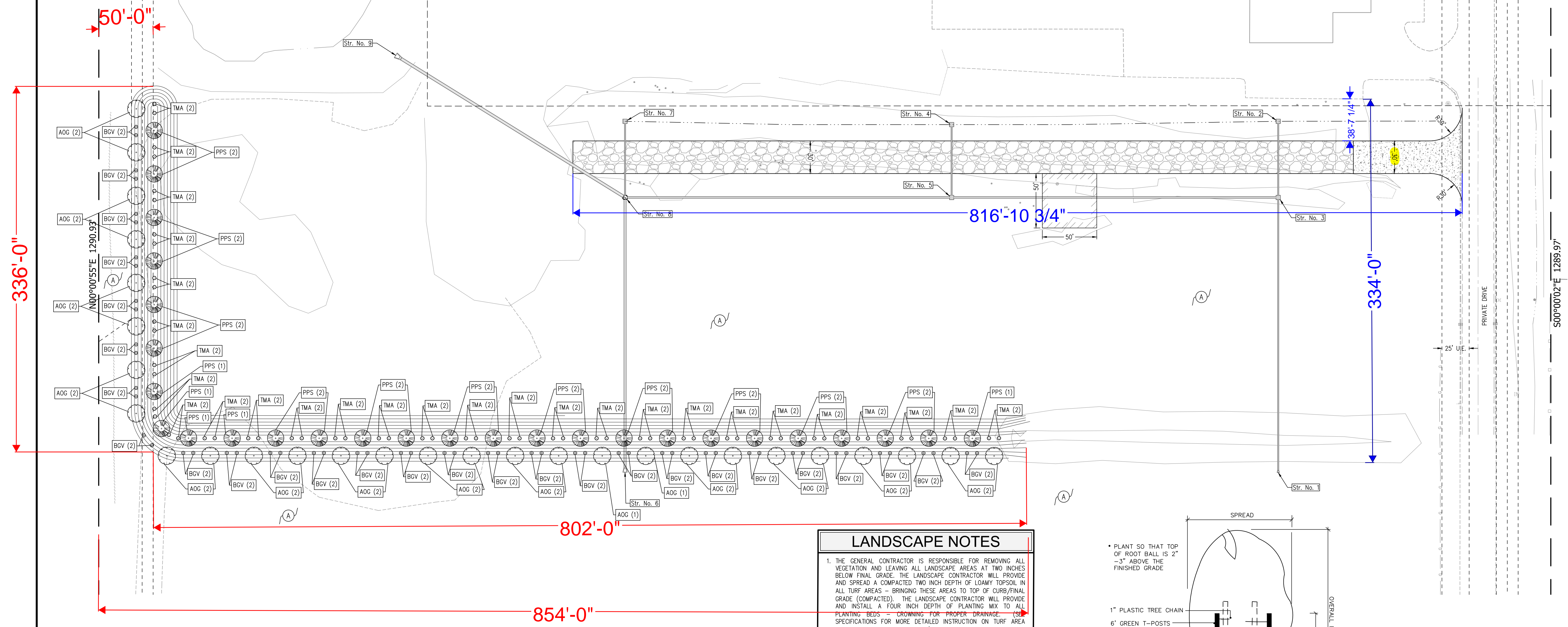
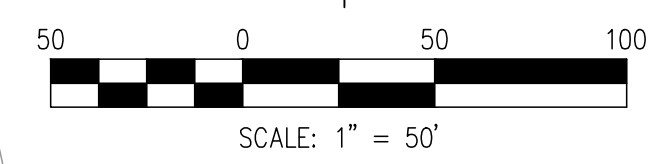
LANDSCAPE PLAN

SHELBY MATERIALS

JOB No.	DRAWN	DEP	CHECKED	CAJ
DATE	MARCH 5, 2024	DESIGNED	CDM	CAJ

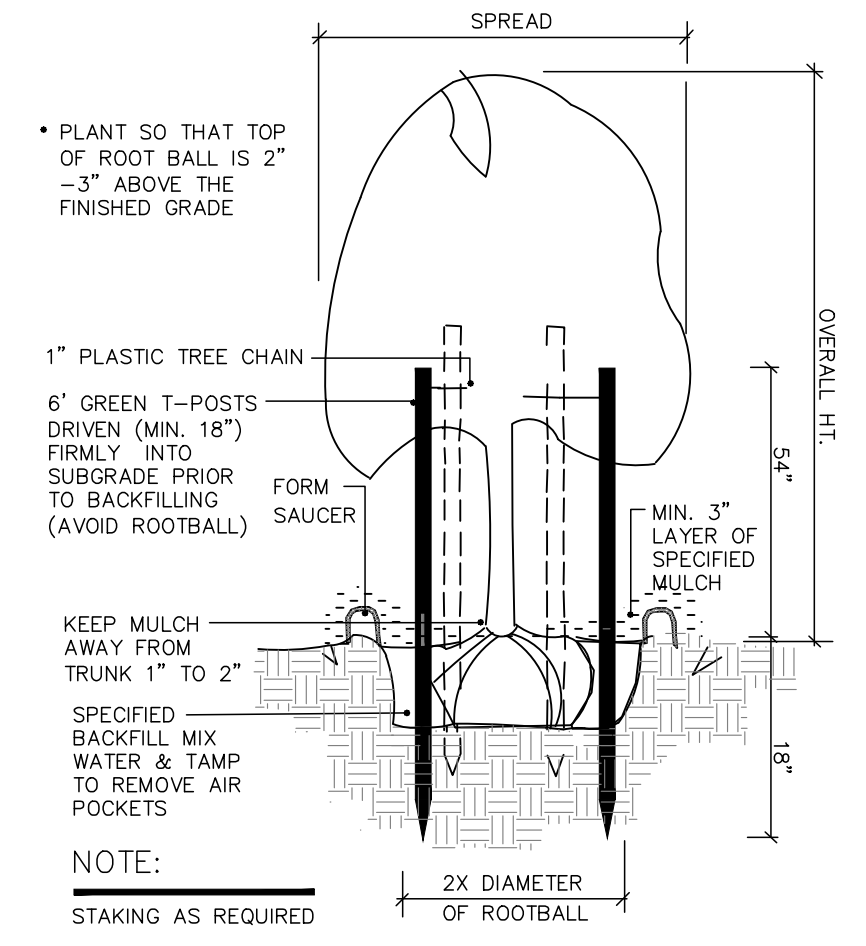


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LANDSCAPE NOTES

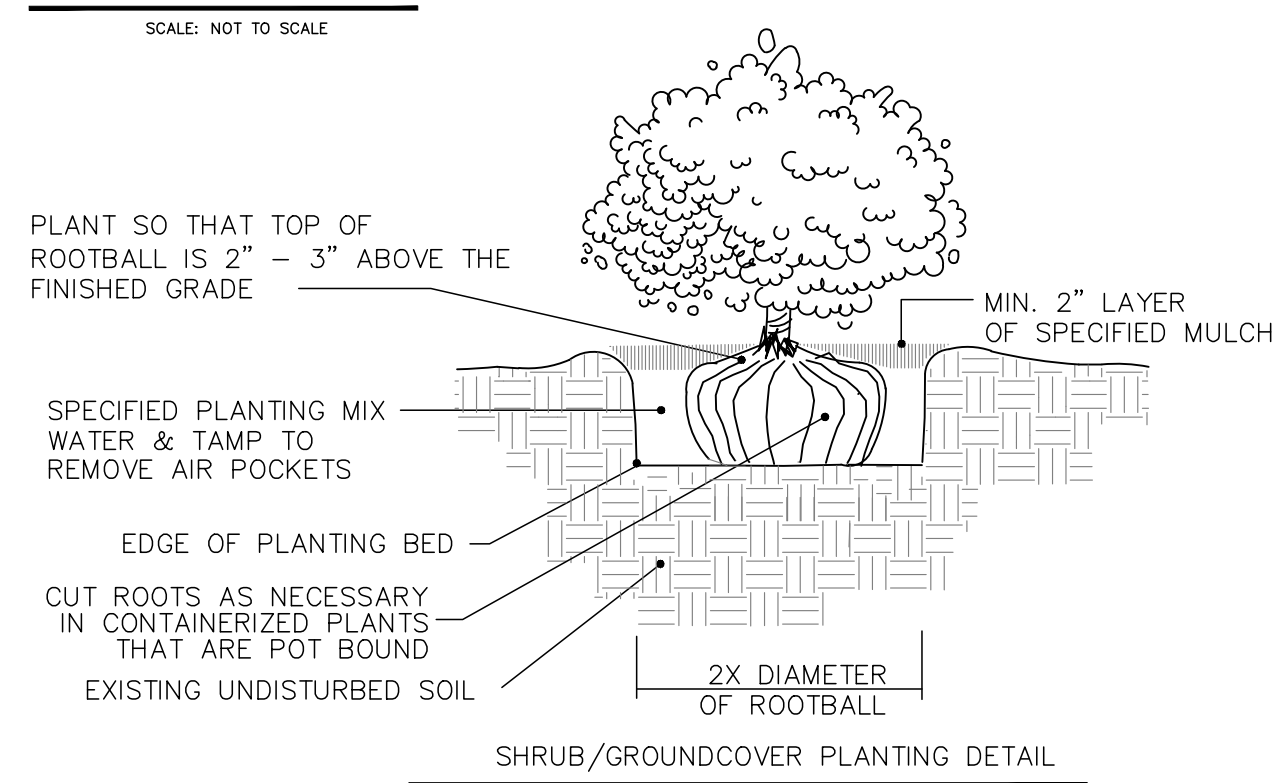
- THE GENERAL CONTRACTOR IS RESPONSIBLE FOR REMOVING ALL VEGETATION AND LEAVING ALL LANDSCAPE AREAS AT TWO INCHES BELOW FINAL GRADE. THE LANDSCAPE CONTRACTOR WILL PROVIDE AND SPREAD A COMPACTED TWO INCH DEPTH OF LOAMY TOPSOIL IN ALL TURF AREAS - BRINGING THESE AREAS TO TOP OF CURB/FINAL GRADE (COMPACTED). THE LANDSCAPE CONTRACTOR WILL PROVIDE AND INSTALL A FOUR INCH DEPTH OF PLANTING MIX TO ALL PLANTING BEDS - CROWNS FOR PROPER DRAINAGE. (SEE SPECIFICATIONS FOR MORE DETAILED INSTRUCTION ON TURF AREA AND PLANTING BED PREPARATION).
- A THREE INCH DEPTH OF SHREDDED HARDWOOD BARK MULCH WILL BE USED AS A TOP DRESSING FOR ALL PLANTING BEDS AND TREE RINGS.
- LANDSCAPE CONTRACTOR SHALL MAKE OWN PLANT QUANTITY TAKEOFFS USING DRAWINGS, SPECIFICATIONS AND PLANT SCHEDULE. PLANT SCHEDULE REQUIREMENTS (I.E. SPACING) DICATE, UNLESS OTHERWISE DIRECTED BY THE LANDSCAPE DESIGNER. LANDSCAPE CONTRACTOR TO VERIFY BED MEASUREMENTS AND INSTALL APPROPRIATE QUANTITIES AS GOVERNED BY THE PLANT SCHEDULE PER THE SCHEDULE. ENSURE ALL MINIMUM REQUIREMENTS OF THE LOCAL GOVERNING AUTHORITY ARE MET (I.E. MINIMUM PLANT QUANTITIES).
- NO SUBSTITUTIONS OF PLANT MATERIALS WILL BE ALLOWED. IF PLANTS ARE NOT AVAILABLE, THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE DESIGNER IN WRITING (VA PROPER CHANNELS). PLANTS MAY BE INSPECTED AND APPROVED OR REJECTED ON THE JOBSITE BY THE OWNER OR THE OWNER'S REPRESENTATIVE.
- LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR THE LANDSCAPE MAINTENANCE OF THIS PROJECT UNTIL FINAL ACCEPTANCE. TURF AREAS WILL NOT BE ACCEPTED UNTIL THEY AREA AT A MINIMUM OF 1-1/2 INCHES TALL, AND NO BARE AREAS LARGER THAN 12 SQUARE INCHES.
- TREES SHALL BE PLANTED AT LEAST TWO AND ONE-HALF FEET (2'-6") FROM SIDEWALK OR CURB EDGE.



LANDSCAPING REQUIREMENTS

BUFFER YARD REQUIREMENTS
1 TREE EVERY 20'
1 SHRUB EVERY 10'

LENGTH 1100 FEET	TREES PROVIDED	BUSHES PROVIDED
	55	110

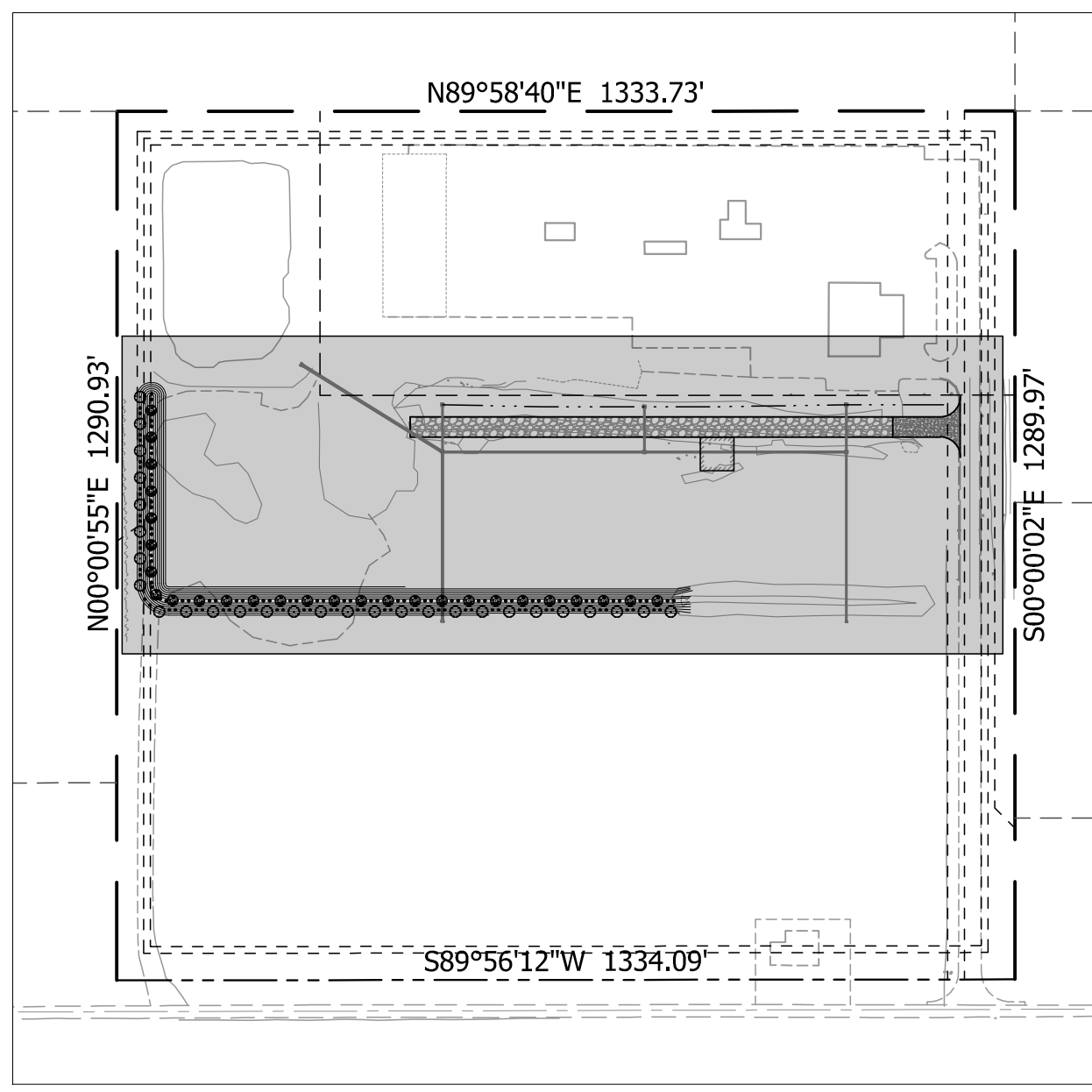


LANDSCAPE PLANTING DETAILS
SCALE: NOT TO SCALE

LANDSCAPE LEGEND

LARGE SHRUBS	MEDIUM SHRUBS
<ul style="list-style-type: none"> 54 GREEN VELVET BOXWOOD BGV (2) BUXUS VIRGINIANA 'GREEN VELVET' 3 CAL. 30\" O.C. 	<ul style="list-style-type: none"> 54 JAPANESE YEW TMA (2) TAXUS X MEDIA 18\" HEIGHT MINIMUM 4\" O.C.
EVERGREEN TREES	SHADE TREES
<ul style="list-style-type: none"> 27 BLUE SPRUCE PPS (1) PICEA PUNGENS 4\" HEIGHT MINIMUM 	<ul style="list-style-type: none"> 28 OCTOBER GLORY RED MAPLE AOG (2) ACER RUBRUM 'OCTOBER GLORY' 2.5\" CALIPER MINIMUM, 6\" CLEAR TRUNK
GROUNDCOVER	
<ul style="list-style-type: none"> MULCH SEEDING/LANDSCAPE AREAS (A) 	

NOTE: TREES SHALL BE PLANTED AT LEAST TWO AND ONE-HALF FEET (2'-6") FROM A SIDEWALK OR CURB EDGE



KEYMAP
SCALE: 1\"/>

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EXHIBIT 6. SITE AND VICINITY PICTURES

Existing trees and shrubs on the border between the subject site and properties to the east. Most trees to the east seem to be located on the neighboring property.

SITE

Looking north onto the drive along the eastern property line.



Residential use to the west.

Shelby installed a 2nd gravel drive in 2023 without applying for a permit and on a lot that didn't belong to Shelby. Staff asked Shelby to stop using the drive and block it. The drive was recently blocked.

SITE

Looking along the west property line.



SITE

Looking west along W 650 S road. Shelby also blocked a pad that used to have a construction trailer on it.





Southern portion of the proposed landscape buffer would run approximately here and terminate on the west side where the stone mound begins.



Looking at the site from the southwest corner of the property.



Don Smock's landscaping across from Shelby.

Looking west along W 650 S road.

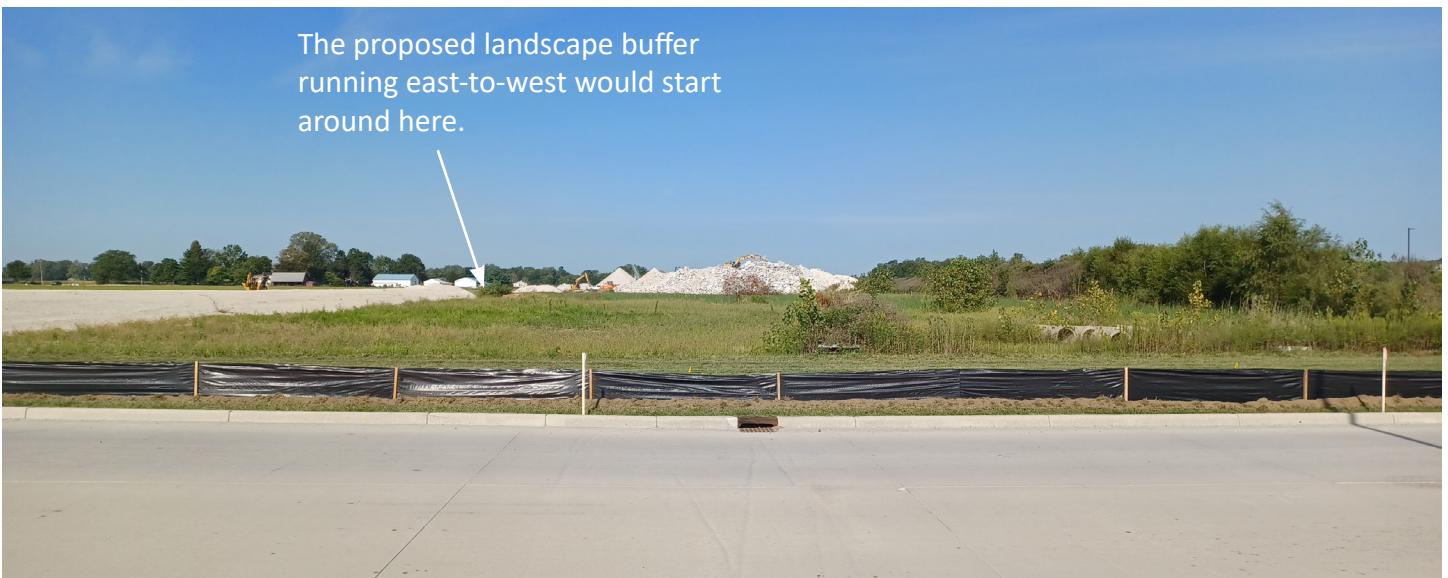
Some earth work has started in preparation for installing improvements. The work site is surrounded by a silt fence to prevent dirt from moving anywhere else.



Looking northwest from the drive across the construction area of the site.



Looking west from the drive across the construction area of the site. The need for a stone berm is not clear. A proposed landscape buffer would start behind this stone berm.

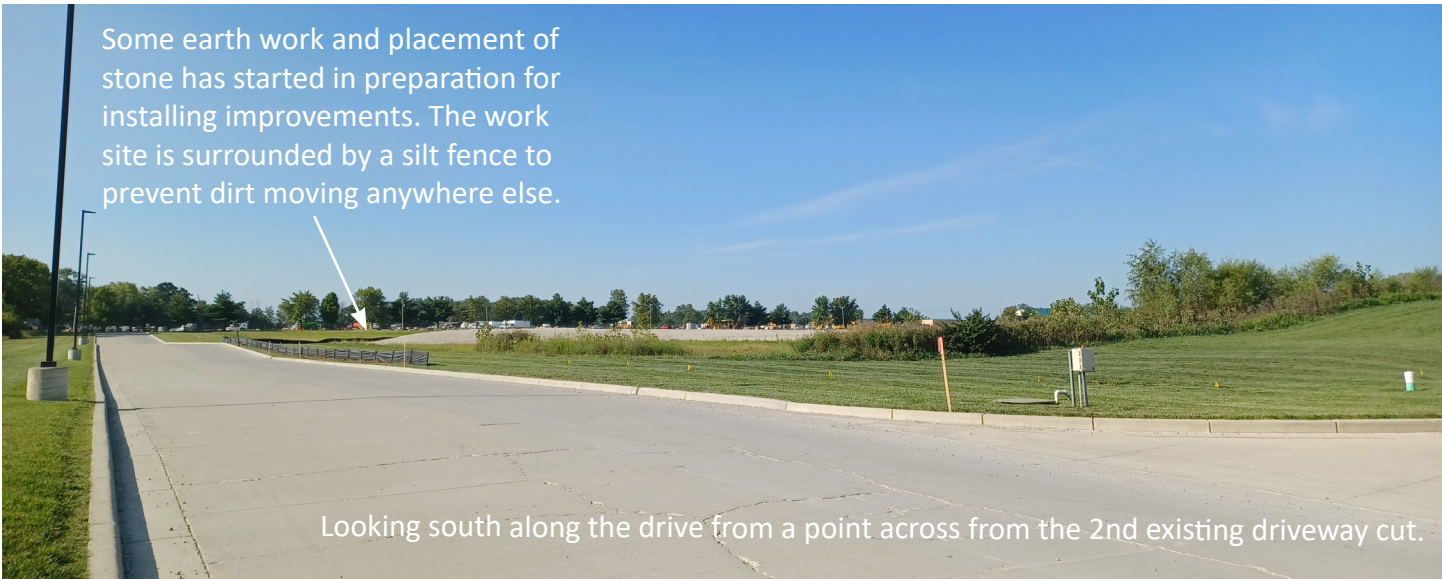


The proposed landscape buffer running east-to-west would start around here.



Existing earth mound.

2nd driveway cut.



Some earth work and placement of stone has started in preparation for installing improvements. The work site is surrounded by a silt fence to prevent dirt moving anywhere else.

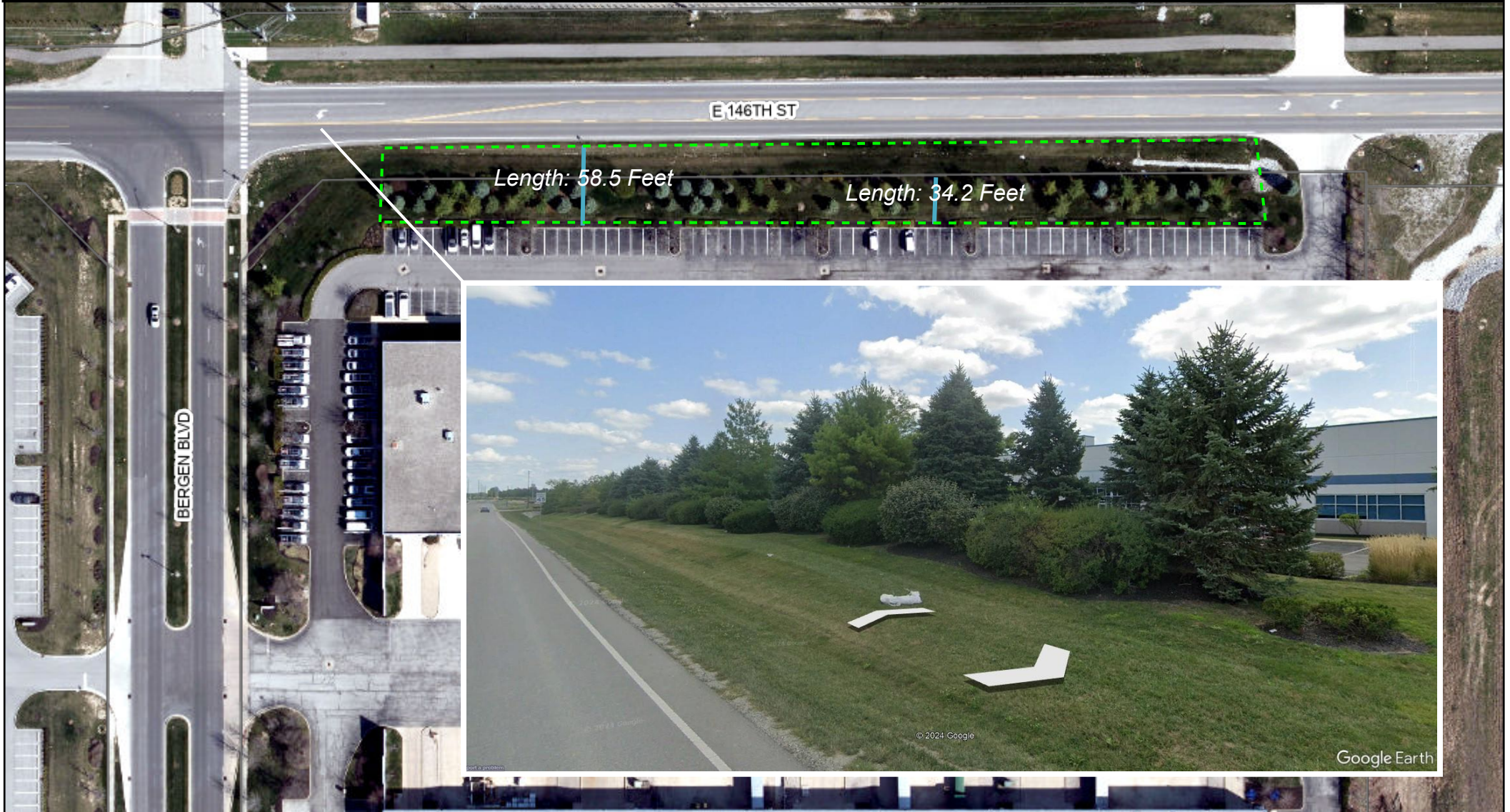
Looking south along the drive from a point across from the 2nd existing driveway cut.





Don Smock

Looking south along the drive from the mid-point of the site.

EXHIBIT 7. EXAMPLE OF AN EXISTING LANDSCAPE BUFFER 14560 Bergen Blvd, Noblesville, IN



8/30/2024, 11:47:39 AM

-  centerlines
-  Parcel Boundary (public)

This is an example of an existing 34-35-ft-deep landscape buffer around a light industrial building. It's a combination of deciduous and evergreen trees and shrubs. Lapel's landscape standards have provisions that require a similar buffer look.

