

Staff Report – Agenda Item # 1

Case number	BZA-2025-07	Property size	4.567 ac
Property address	4540 S 800 W	Property zoning	Ag (Agricultural)
Applicant(s)	Jacob Brattain		
Property owner(s)	Tristan Maggart		

Requested action:

UDO V 2.1.2 Approval of a Variance of Use in the Ag - Agricultural zoning district to permit the parking of commercial vehicles as a home occupation on a residential property.

Recommendation:

APPROVE with conditions

Exhibits:

- | | |
|----------------------------|------------------------|
| 1. Location map | 5. Site Plan |
| 2. Zoning map | 6. Property Records |
| 3. Application | 7. Prior Permits |
| 4. Narrative Letter to BZA | 8. Future Land Use Map |

ABOUT PROJECT

Location

The subject site is located at 4540 S 800 W (see Figure 1 here and Exhibit 1. Vicinity Map). The base zoning is Agricultural (Ag), and it is surrounded by more Ag on all sides.

Proposal

The petitioner is the attorney for the property owner, who operates a trucking company, Maggart Trucking, from the property. The company uses dump trucks to haul aggregate and other construction materials for clients. The property acts as a sort of depot: drivers pick up their trucks and drive to their jobsites, then return at the end of the day to park the empty trucks overnight. Employees of Maggart Trucking are only on the property to pick up and drop off their vehicles. The Lapel UDO does not allow such a business in the Agricultural district as an accessory use, home occupation, or otherwise, hence the request for a variance.



Figure 1. Project Site Location

ANALYSIS

Zoning/Land Use History

Annexation and Original Land Use

The subject property was annexed into the Town of Lapel in 2014 with the adoption of Ch 23.4 – Annexation of 5700 Acres by the Town Council. One of the provisions of this adoption ordinance was that “[t]he Annexation Territory shall retain its current zoning classifications and designations as established by Madison County until such time as the Town updates its comprehensive plan, zoning ordinance, or zoning map.” Such time was only a year later when the current UDO was adopted. The property was zoned Ag at this time.

County Assessor records (Exhibit 6) indicate that in or around 2016, the Maggart Minor Subdivision was approved, splitting an approximately 9.5-acre lot from the larger parent lot parcel# 48-15-02-300-001.000-032. The zoning for the subdivision remained Ag. The records indicate that at this time there was a house, three (3) barns, and a grain bin (See Exhibit 6, last page). This establishes agriculture (grain farm) and single-family residential as the uses on the property.

In 2022, the Maggart Minor Subdivision was replatted to split the original 9.5-acre lot into the subject property and its sister property just to the north (4516 S 800 W). There was no rezoning at this time, and all of the existing buildings were left on the sister property, leaving the subject property without any structural improvements. The replat drawing and the site plan submitted with the permit application for the house on the subject property indicate that the landscaped berm behind the house was an original site improvement. These drawings also show a driveway that extends to one of the barns on the sister property, which may indicate that this garage was intended to be shared (See Exhibit 7). The most recent permit application was for a barn approved earlier this year. Though this barn is located in the rear section of the lot where the vehicles are being parked, the permit indicates that it is for a residential use, not commercial (See Exhibit 7, page 6). At no point was the Planning Administrator or Building Inspector given the opportunity to review the requested use prior to this point.

Legal Status of Current Use

The use of a specific property may be classified as legal or illegal and conforming or nonconforming. A legal use is one that has received a permit or certificate of occupancy authorizing the property for that use. Illegal uses have not received any such authorization. Conforming uses meet the use and development standards of the zoning district they are located in, while nonconforming uses do not. Legal nonconformity arises when there is an amendment to the zoning map or zoning text that causes a legally existing use to no longer meet the standards or when a variance is granted that permits the nonconformity.

The current accessory use of the property as parking for vehicles associated with a business was not granted a permit and is therefore illegal. While the Lapel UDO offers protection for legal nonconforming uses, it offers no protections for illegal uses, conforming or otherwise. A Special Use Permit or a Variance of Use is necessary to establish the current business use of the subject property as a legal use.

Need for a Variance of Use

One of the primary purposes of zoning is to control the location of uses to avoid a situation where a use is incompatible with surrounding uses and becomes a nuisance. There are several factors to “use compatibility”, but one of the most important ones is *intensity*. Intensity describes how heavily the property is being developed or used, and higher intensity uses tend to create more traffic and pollutants and use more public services like electricity, water, and sewerage. The various zoning districts in Lapel are intended to allow only uses of similar intensity in the same district.

The Agricultural (Ag) zoning district is the lowest intensity district. It is intended to:

- provide locations for agricultural operations and related land uses;
- reduce conflicts between residential and agricultural uses;
- preserve the viability of agricultural operations;
- limit development in areas with minimal infrastructure;
- and, protect agricultural operations from land uses that are incompatible with the available infrastructure

The hauling of construction materials or the parking/storage of vehicles used for that purpose is not really a land use related to agricultural operations; however, it is substantially similar in intensity to some uses listed in V 2.1.2:

- *Agricultural Product Terminal*: This is a permitted industrial use in the Ag district and refers to the use of the property as an inland port to and from which agricultural products are shipped. With such a use one would expect lots of heavy vehicles coming and going, noise, and the emission of dust and gases associated with such activity.
- *Agricultural Product Sales, Distribution, & Storage Facility*: This is a special agricultural use in the Ag district and refers to warehouses and stockyards where agricultural products are stored and/or displayed. Once again, one would expect lots of heavy vehicles coming and going, noise, and the emission of dust and gases associated with such activity.

It could also be considered as a related use to the following from V 2.1.2:

- *Mineral Extraction and Processing*: This is a special industrial use in the Ag district and refers to facilities for mining the earth and processing materials obtained in this way. The use in contention here involves the hauling of aggregate which is a mineral product and is therefore related to this use. Furthermore, the traffic, noise, dust, and gases produced from such facilities are similar to or greater than that produced from the requested use.

These uses of similar intensity establish a basis for allowing the use of a property in the agricultural district for the purpose of parking heavy vehicles between hauling jobs. However, because the property also has a residence, the operation of this business on the property is considered a Home Occupation and therefore must conform to V 2.2.15 Home Occupation Standards.

The Lapel UDO recognizes two types of Home Occupations: Type I and Type II. Type I Home Occupations are permitted uses in the Ag district, and Type II Home Occupations are special uses requiring a special use permit from the BZA. The difference between the types is described in V 2.2.15 and reproduced below. Based on the materials submitted in support of the application, staff has determined that the use/property does not conform with the standards listed in red.

Type I	Type II
The home occupation must not involve retail sales or manufacturing, and shall be limited to small, home-office operations.	The home occupation must not involve retail sales or manufacturing, but may include professional and personal services, or auto, furniture, and appliance repair.
The home occupation must not involve the employment of any person other than those residing at the location of the home occupation.	The home occupation must not involve the employment of any more than one (1) person who does reside at the location of the home occupation.
At least one (1) person residing on the premises must be the primary operator of the home occupation.	At least one (1) member residing on the premises must be the primary operator of the business.
The equipment used for the home occupation must be limited to computers, fax machines, telephones, copy machines, and other small business office equipment.	
The home occupation must not involve any exterior storage or display of products, equipment or materials.	The home occupation must not require any exterior storage or display of equipment or materials, including vehicles (operable or inoperable), equipment, or appliances being serviced by the home occupation.
There shall be no use or storage of dangerous chemicals, acids, caustics, explosives, or other such hazardous equipment or materials, other than those materials that are used in typical household activities.	There shall be no use or storage of dangerous chemicals, acids, caustics, explosives, or other such hazardous equipment or materials, other than those materials that are used in typical household activities.
The home occupation must not make any use of accessory structures, including attached and detached garages.	
The home occupation must utilize no more than 25% of the total floor area of the primary structure.	Not more than 40% of the total floor area of any level of the primary structure shall be used for the home occupation, however,

	business practices in accessory structures are permitted so long as the accessory structure(s) do not alter the residential character of the property or neighborhood.
The home occupation must not require any exterior, structural or aesthetic alterations to the dwelling unit that change the residential character of the dwelling unit.	The home occupation must not require any exterior, structural or aesthetic alterations to the dwelling unit that change the residential character of the dwelling unit.
The home occupation must not require any additional entrances to the dwelling unit.	
No displays, signs, and/or advertisements associated with the home occupation shall be permitted.	The home occupation must not require an identification sign exceeding two (2) square feet, attached to the primary structure. No off-site displays, signs, and/or advertisements associated with the home occupation shall be permitted - nor shall any display, sign, or advertisement associated with the home occupation be permitted in the yard of the property.
The home occupation must not require increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence.	The home occupation must not require increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence.
The home occupation must not involve clients, associates, or persons visiting, shopping, meeting, or otherwise doing business at the location of the home occupation, and therefore not require the addition of any off-street parking spaces.	The home occupation must not require that more than two (2) additional parking spaces be added to the lot(s) on which the residence is located.
The home occupation must not require the use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express carriers.	The home occupation must not require the use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express carriers.
The establishment and conduct of a home occupation shall not change the principal residential character or use of the dwelling unit, nor shall there be any exterior evidence of the home occupation being conducted.	The establishment and conduct of a home occupation shall not change the principal residential character or use of the dwelling unit, nor shall there be any exterior evidence of the home occupation being conducted other than the attached sign as specified in

The home occupation use shall be clearly incidental to the residential use.	Subsection viii of this Code. The home occupation use shall be clearly incidental to the residential use.
---	---

As the current operation on the lot fails to meet the standards of either a Type I or Type II Home Occupation, a Variance of Use is required.

“Peculiar” Conditions

One of the required findings for a Variance of Use is that the need for the variance arises from some condition “peculiar” to the property. This is not defined in the Indiana Code but is understood to mean that the condition is a unique characteristic of the subject property and not a condition that exists more generally within the zoning district or the town at large. The petitioner attests that the condition peculiar to the property is that it was designed to support the contested use and that use is the most productive use of the property (See Exhibit 4), but peculiar conditions do not typically include design choices made by the current or previous property owners. Variances are intended to provide relief when the ordinance’s restrictions deny any and all reasonable use of the property, not necessarily to allow the most profitable or most convenient solutions, so staff looked beyond this reasoning for peculiar conditions.

A Variance of Use is needed because the trucking operations currently do not meet the standards of a home occupation and therefore cannot otherwise exist on the same parcel as a residence. The alternative remedy would be to subdivide the property, so the two uses are separated. That process would look like this:

1. The property owner would apply for a Major Subdivision, as the subject property is the result of a previous Administrative Subdivision and it does not meet the minimum size requirement for an Administrative Subdivision. The applicant would also need to request a waiver from lot width and frontage requirements.
2. With their subdivision application, the property owner may need to apply for additional permits from County and State agencies such as the Madison County Drainage Board or INDOT. The proposed subdivision may result in properties that do not meet minimum requirements for approvals from these agencies.
3. The proposed subdivision would need to be approved by the Plan Commission.
4. If approved, the subdivision may generate the need for Variances from Development Standards, likely in relation to setback and buffer yard standards.
5. The applicant may want or need to seek a Classification of Use decision from the Administrator or the BZA.

As a result of the many steps in the process described above, the need to go through this alternative process may be viewed by the members of the BZA as a condition that creates a unique burden on this property.

This view must be balanced, however, with the view that the burden is, to an extent, self-created. Some of these issues could have been addressed when the subject property was initially split off from its parent parcel, and the property owner should have ensured that the business use of the

property was in conformity with standards in the ordinance before designing the property in support of that use.

Consistency with the Intent of the Ordinance and Comprehensive Plan

The intent of use restrictions is to control the location of uses that may become nuisances and create processes that allow authorities to require project sites to be developed in particular ways to mitigate potential nuisance.

The contested use does not have any significant impact on the character of the surrounding area. There are other residential, agricultural, and/or industrial sites throughout the Ag district and in the specific neighborhood of the subject property that are developed in similar ways. The subject property generally provides better screening than other properties, even where that screening is incomplete or not yet mature.

The main nuisance concern seems to be the wear put on S 800 W. The subject property is located on the section of this road between E Alliance Road/W 500 S and W 400 S. A survey of the road conditions on this stretch of S 800 W indicates that north of the subject property moving towards W 400 S, the road's condition gets worse with more cracks, edge deterioration, potholes, and evidence of prior repairs. However, the road is at its worst by the Keystone Cooperative facility at the corner of S 800 W and W 400 S. Therefore, while it is entirely likely that the trucking operation carried out on the subject property contributes to road damage, it is not the only use contributing to the damage on the road and probably not even the worst offender.

A variance of use would allow the property to remain agricultural, which is consistent with the Future Land Use designation (See Exhibit 8).

Variance of Use Criteria

According to IC 36-7-4—918.4, in order to approve a variance of use, the BZA needs to find that five (5) criteria are met. The applicant proposes their findings to these criteria in the submittal (Exhibit 4, page 2). Staff proposes their findings of fact below.

VARIANCE OF USE FINDINGS

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

The Lapel Board of Zoning Appeals is authorized to approve or deny Variances of Use by Indiana Code 36-7-4-918.4. The BZA may impose reasonable conditions as part of its approval. A Variance of Use may be approved upon a determination in writing that the following five (5) criteria are met (IC 36-7-4-918.4):

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

Approval of the requested variance will allow a use that has been in operation since 2022 without any documented complaints from nearby permitted uses. Similar uses with similar impacts, particularly on road conditions, are allowed to operate in the district.

- **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 need for the requested variance does NOT arise from some condition peculiar to the subject property.**

The need for the requested variance arises from decisions made by the property owner in the process of developing the property. The property should have been replatted differently with this use in mind, or a Special Use permit for a Type II Home Occupation should have been sought at the time of permitting.

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

The home occupation standards were designed and intended for homes built in close proximity to one another where the unrestricted operation of home businesses could alter the character of the neighborhood and introduce nuisances such as lack of adequate parking, loud noises, or noxious odors. Their strict application in an agricultural area where the nearest residential neighbor (aside from the sister property, which is owned by the property owner's parents) is 1/8 of a mile away and in which other residential properties are developed in similar ways (if not for similar purposes) would restrict the development the property to a level far below what it could support.

- **The approval does NOT interfere substantially with the Lapel Comprehensive Plan.**

The Future Land Use Map reserves this part of Lapel for agricultural zoning and uses. Approval of a variance of use eliminates the necessity of rezoning the property, which would introduce the possibility of future owners developing the property in ways that are inconsistent with the Comprehensive Plan. As this use is similar in character and intensity to uses allowed in the Ag District, it does not substantially interfere with the intention of the district or its future land use designation.

RECOMMENDATION

APPROVE the requested Variances 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 need for the requested variance **does not** arise from some condition peculiar to the subject property.
- The strict application of the terms of this Ordinance **will not** result in a practical difficulty in the use of the property.
- The approval **does not** interfere substantially with the Lapel Comprehensive Plan.

With the following specific conditions:

1. The Applicant shall sign the Acknowledgement of Variance of Use document prepared by the Lapel Planning Staff within 60 days of this approval. Staff will then record this document against the property and file of 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) in this approval, 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 approval shall be subject to Lapel UDO V 1.6.12 Special Use and Variance Execution and Termination.
4. The approved use shall comply with the following terms adapted from Lapel UDO V 1.5.6 Nonconforming Uses of Structures, Land, or Structures and Land in Combination:
 - A. No structure shall be constructed in connection with the approved use, unless it is to decrease the nonconformity of the approved use. (Modification of V 1.5.6.A)
 - B. If no structural alterations are made, the approved use may be changed to another non-conforming use with the approval of the Board of Zoning Appeals. The Board shall find that the proposed use is equally or more appropriate to the district in which it is located than the existing use. The Board shall consider the development standards applicable to the proposed use established by this Section and may make reasonable conditions as part of any approval. (Modification of V 1.5.6.D)
 - C. The approved use of land shall not be enlarged, increased, extended to occupy a greater area of land, or moved in whole or in part to any other portion of a lot than was occupied at the effective date of this approval. (Modification of V 1.5.6.F)
 - D. If the approved use is intentionally discontinued for one (1) year or longer, any subsequent use of such land, structure or land and structure shall conform to the provisions of this Ordinance. Uses which are required to be discontinued due to government action which impedes access to the premises, or damage resulting from fire, flood, other natural disaster, or a criminal act shall be exempt from this provision. Such exempt uses, if rebuilt or restored, shall be identical in scale, lot coverage, and all other aspects to that which was discontinued. (Modification of V 1.5.6.G)
 - E. If the approved use is superseded by a permitted use, it shall thereafter conform to the regulations of the district in which it is located, the legal nonconforming use may not thereafter be resumed. (Modification of V 1.5.6.H)

MOTION OPTIONS

- Motion to **approve** the Variance of Use in the Ag - Agricultural zoning district to permit the parking of commercial vehicles as a home occupation on a residential property as per submitted application BZA-2025-07 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.
- Motion to **deny** the Variance of Development Standards for the subject real estate as per submitted application BZA-2025-07 because... (List reasons, findings of fact)
- Motion to **continue** the review of the application BZA-2025-07 until the next regular meeting on *January 22, 2025* because ... (list reasons).

EXHIBIT 1. LOCATION MAP

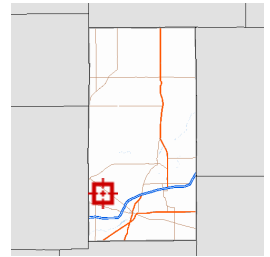


BeaconTM

Madison County, IN | Assessor Larry D. Davis



Overview



Legend

- Parcels
- Roads
- County Boundary

Parcel ID 48-15-02-300-800.001-032

Sec/Twp/Rng n/a

Property Address

District n/a

Brief Tax Description n/a

Alternate ID n/a

Class n/a

Acreage n/a

Owner Address n/a

(Note: Not to be used on legal documents)

Date created: 11/6/2025

Last Data Uploaded: 11/6/2025 1:20:03 AM

Developed by  **SCHNEIDER**
GEOSPATIAL

EXHIBIT 2. ZONING MAP

Lapel Interactive Zoning Map

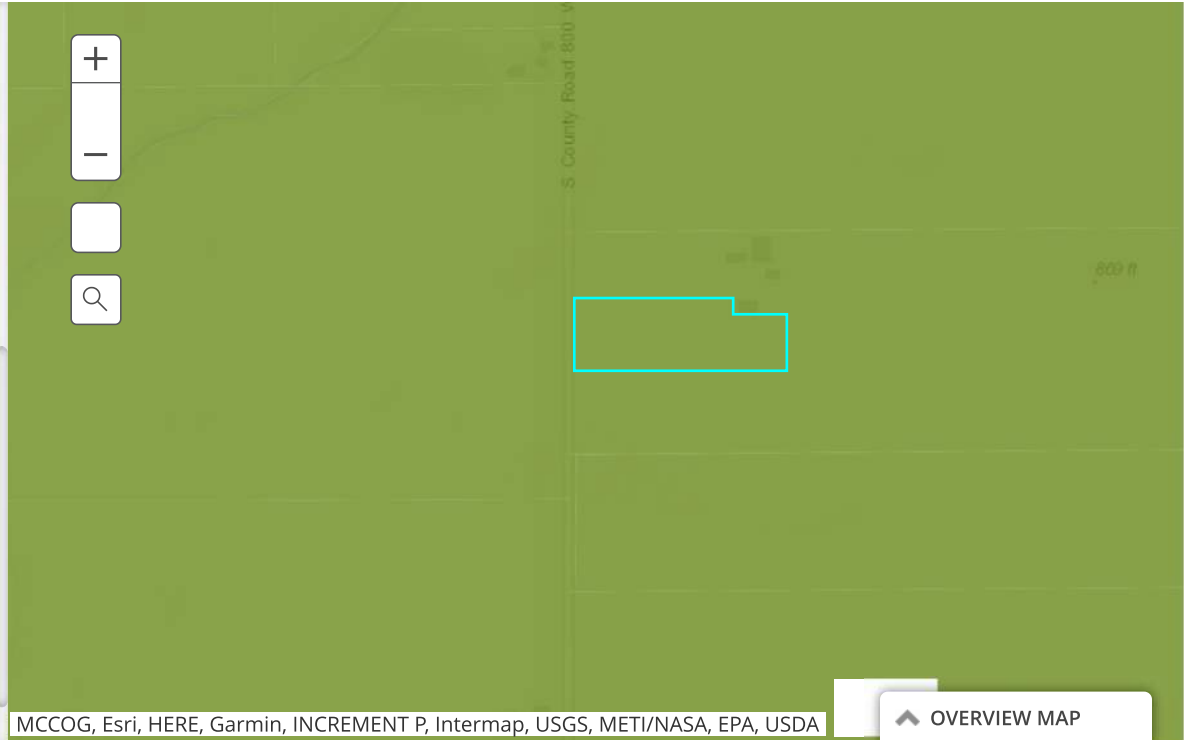
MCCOG [f](#) [t](#) [l](#)

Overview AG R1 R2 R3 C1 C2 IS IL IG PO

Il - Light Industrial
Ig - General Industrial
Po - Parks and Open Space

Town of Lapel Zoning

-  Ag - Agriculture
-  R1 - Single Family Residential: Suburban Neighborhood
-  R2 - Single Family Residential: Traditional Neighborhood
-  R3 - Multi-Family Residential
-  C1 - General Commercial
-  C2 - Downtown Commercial
-  Is - Institutional and Social
-  Il - Light Industrial
-  Ig - General Industrial
-  Po - Parks and Open Space





BZA APPLICATION

** Required sections to fill out*

Application type*:

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

For office use only:

App No: BZA-2025-07
Date received: 11/7/25
App fee: \$535
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 Madison

SS

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 Kristan Maggart
Applicant signature: [Signature]

Subscribed and sworn to before me this 31st day of October, 2025



Notary printed name Angela S Peters
Notary signature [Signature]
My commission expires 4/4/31

OWNER AFFIDAVIT

STATE OF Indiana

COUNTY OF Madison 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** Tristan Maggart
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 31st day of October, 2025



Notary printed name: Angela S Peters
Notary signature: [Signature]
My commission expires: 4/4/31

*** 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 INFORMATION

REQUIRED DOCUMENTS AT FILING

Submit a complete application packet that includes the following:

- ☐ **Application.** A completely filled out application including the pages with notarized signatures of the applicant.
- ☐ **Property Owner Consent.** If the applicant is different than the owner of the property, then property owner's consent is required found on page 5 of the application form.
- ☐ **Legal description of the property.** If the project site includes several parcels, the legal description of every parcel shall be included.
- ☐ **Copy of the Deed.** A copy of the latest recorded deed for every parcel within the project shall be provided.
- ☐ **Narrative.** A written letter that explains why the request is necessary and what the project will be shall be provided.
- ☐ **Location (Vicinity) Map.** A general location or area map indicating (in a reproducible manner) the location of the property and the surrounding area. Maps created using internet mapping sites are acceptable.
- ☐ **Site Plan.** A site plan showing proposed improvements shall be provided. Plan must be legible and drawn to a scale of 1"= 10', 1"=20', 1"=30', or 1"=40'.
- ☐ **Septic/Sewer verification.** A letter verifying that proper waste disposal will be available to the property shall be provided *for a Special Use* application for an undeveloped site. *For a Special Use application on existing septic*, submit a letter from the Madison County Board of Health indicating that the special use will make acceptable use of an existing or proposed septic system. *For a variance* on a property with septic, submit a letter from the Madison County Board of Health indicating that the variance will not negatively affect the operation of a septic system.
- ☐ **Other documents.** Depending on the type of the application, other documents may be required to be submitted.
- ☒ **Filing fee payment.** A non-refundable fee shall be paid according to the [Fee Schedule](#). Acceptable methods of payment include cash, check, or MasterCard, VISA, Discover or American Express credit card. Checks must be made payable to "Town of Lapel." Credit cards are accepted; however, the credit card processing agency assesses a fee ~3% of the transaction amount.
- ☒ **On-site hearing notice sign fee.** The On-Site Notice must be posted in a conspicuous location along each street frontage of the affected property. There is a non-refundable fee of \$10 per sign required.
- ☒ **Surrounding property owners address list.** The petitioner must obtain a list of surrounding property owners from the Madison (or Hamilton) County Assessor's Office's map *not earlier* than 40 days before the public hearing and submit it with the application. If the applicant would like the Town of Lapel to prepare the list instead, please submit a \$25 payment with the application fee. The list shall contain names and last known mailing address of the property owners of property adjacent to the subject property to a depth of two parcels or 660 feet, whichever is smaller.

REQUIRED DOCUMENTS DURING REVIEW PROCESS

- ☐ **Revisions.** Any documents revised during the review process shall be submitted electronically at least two (2) weeks before the public hearing date.
- ☐ **Affidavit of mailed notices.** The applicant shall submit a notarized affidavit of mailing the notices to the surrounding property owners at least three (3) days before the public hearing.
- ☐ **Certificates of Mailing.** The applicant shall provide copies of the certificates of mailing together with the affidavit mentioned above at least three (3) days before the public hearing.
- ☐ **Proof of newspaper publication.** The applicant shall provide a copy of the proof of publication from the newspaper(s) before the public hearing.



November 5, 2025

Town of Lapel Plan Commission
1011 Main Street
Lapel, IN 46051

Re: Use Variance for 4540 S. 800 West, Lapel, IN 46051

Dear Plan Commission Members:

This letter serves as a letter of intent for a proposed use variance at the property commonly known as 4540 S. 800 West, Lapel, IN 46051 (the “Property”). McNeelyLaw LLP represents the owner of the Property, Tristan Maggart. The Property contains approximately 4.567 acres and is currently zoned for agricultural use under the Town of Lapel. The Property is located on South County Road 800 West, approximately $\frac{3}{4}$ of a mile southwest of Old Indiana 132.

Upon information and belief, the annexation of the Property was part of an effort to expand the boundaries of the Town in 2014 that included approximately 5,700 acres. Although the Property is located within the Town, the closest non-related residence is over an eighth mile away and there are approximately a dozen houses on the entire county road. The Co-Alliance grain elevator, located at the corner of S 800 W and W 400 N, is approximately a quarter mile north of the Property.

Mr. Maggart, along with his family, constructed a home on the Property that they currently live in and Mr. Maggart operates a trucking company, Maggart Trucking, that currently utilizes the Property to park trucks overnight. The company does off-site operation of dump trucks, typically hauling aggregate and other construction materials. There are no on-site employees, with the exception of the employee picking up the truck or dropping the truck off. The trucks typically only operate on weekdays and are parked on a gravel surface that is set-back off of the road.

At this time, Mr. Maggart is seeking a use variance to continue utilizing the Property to park trucks associated with Maggart Trucking. We do not believe this use will be injurious to public health, safety, morals, or the general welfare of the community and will not substantially lower the use or value of adjacent properties.

We look forward to the opportunity to present our case and work with the Town on a reasonable solution.

Very truly yours,

McNeelyLaw LLP

Jacob S. Brattain

Jacob S. Brattain

Findings of Fact

The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the business has operated at the Property for years without adverse effects and agricultural operations in the area use similar sized or larger trucks and equipment without issue.

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the intended use is a continuance of the current use that has not affected any surrounding properties. The business will be limited to only employees with no public customers and will produce limited traffic with the trucks only being parked at the property overnight.

The need for the variance arises from some condition peculiar to the property involved because the property was designed to support the trucking operations and is the most productive use of the property.

The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because the current zoning ordinance does not allow for any type of construction, trucking, or other similar operations under its current iteration.

The approval does not interfere substantially with the comprehensive plan because the comprehensive plan allows for expansion of uses and operations in the Town, and this particular use is compatible with adjacent and planned uses for surrounding properties listed in the comprehensive plan.

EXHIBIT 5. SITE PLAN

SITE PLAN

Address:
4540 S 800 W
Lapel, IN 46051

Assessor's Parcel Number:
48-15-02-300-800.001-032

Parcel Area:
4.6 Acres

Land Use:
Residential
Single Family Residence

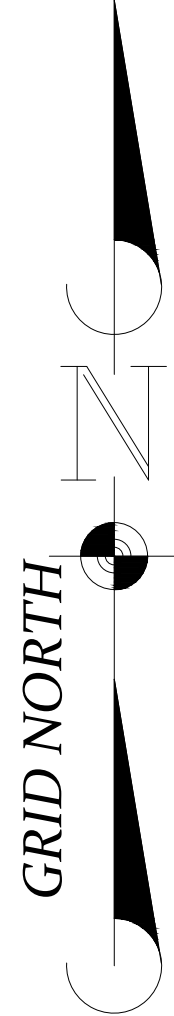
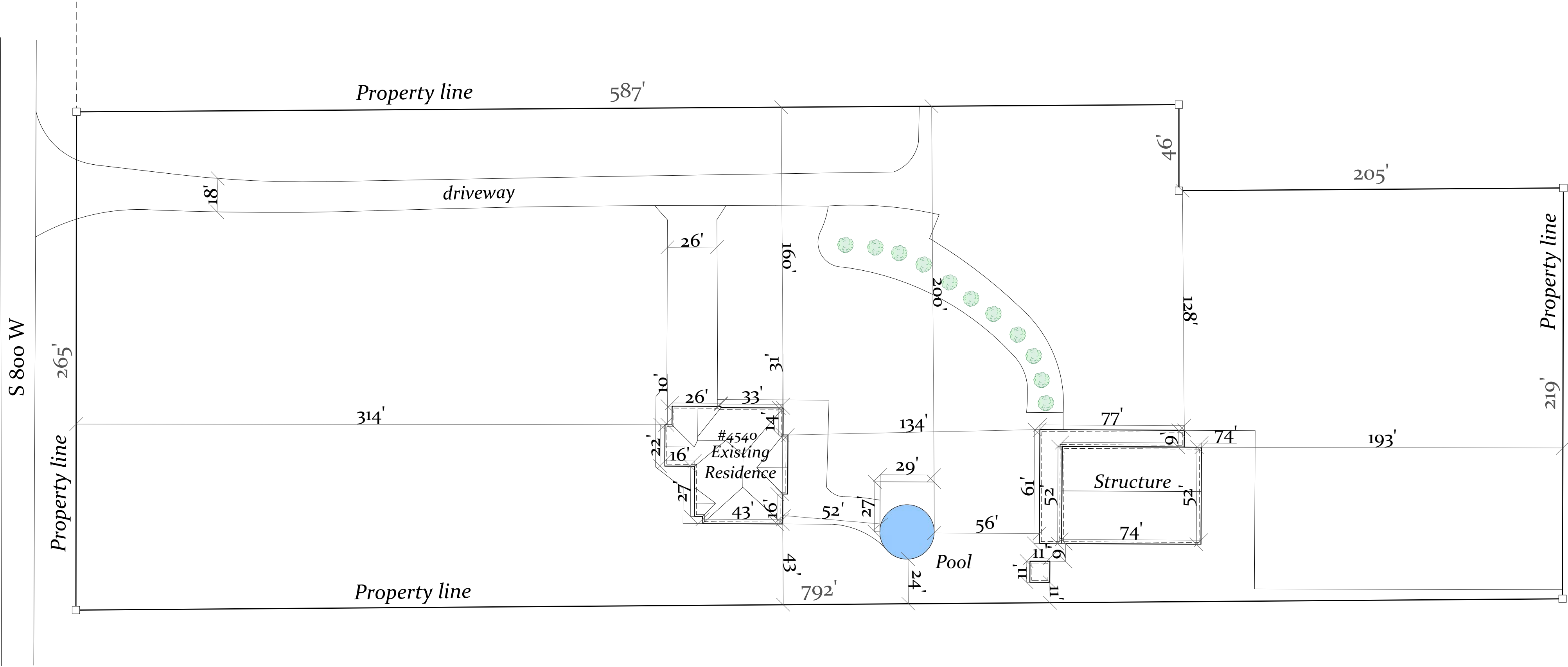
Zoning: /
Legal Description:
/

Subdivision:
/

Owner: /

Paper size & scale:
24"x 36"; 1"=40'

Date: November, 2025



Scale:
1"=40'
Paper size:
24"x 36"

- Legend**
- Property line
 - Topography line
 - Wall line
 - Roof line
 - Retaining wall
 - Fence
 - Proposed addition

Disclaimer

This is not a Legal Survey, nor is it intended to be or replace one.

These measurements are approximate and are for illustrative purposes only.

This work product represents only generalized location of features, objects or boundaries and should not be relied upon as being legally authoritative for the precise location of any feature, objects or boundary.

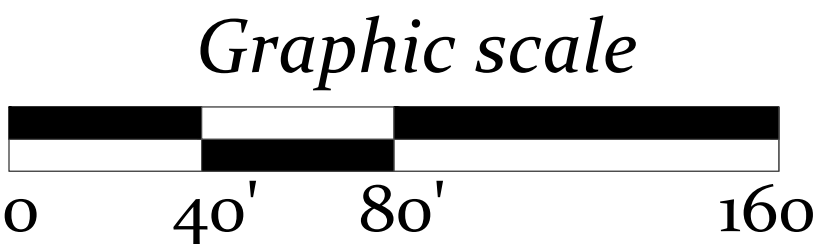


EXHIBIT 6. PROPERTY RECORDS

Duly Entered for Taxation
Subject to Final Acceptance for Transfer

JUL 01 2022


AUDITOR, MADISON COUNTY

2022R011275
07/01/2022 12:09:51 PM
FEE: 25.00 PGS: 2

LINDA SMITH
MADISON COUNTY RECORDER, IN
RECORDED AS PRESENTED

QUITCLAIM DEED

File No.: 852200250

THIS INDENTURE WITNESSETH, That Glen Wayne Maggart and Christina Maggart, husband and wife (Grantor) QUITCLAIMS to Triston W. Maggart (Grantee) for no consideration, the following described real estate in Madison County, State of Indiana:

For APN/Parcel ID(s): 48-15-02-300-008.000-032

LOT NUMBER 2 IN THE REPLAT OF MAGGART MINOR SUBDIVISION, A SUBDIVISION IN THE TOWN OF LAPEL, STONEY CREEK TOWNSHIP, AS RECORDED JUNE 14, 222 AS INSTRUMENT NO. 2022R010259, RECORDER' OFFICE, MADISON COUNTY, INDIANA.

Property: 4540 S. 800 W., Lapel, IN 46051. Tax bills should be sent to Grantee at such address unless otherwise indicated below.

Subject to current taxes not delinquent, and all easements, agreements and restrictions of record and all public rights of way.

IN WITNESS WHEREOF, Grantor has executed this deed this 30th day of June, 2022.

GRANTOR:


Glen Wayne Maggart

Christina Maggart



07-1-12:53

STATE OF Indiana
COUNTY OF Madison

Before me, a Notary Public in and for said County and State, personally appeared Glen Wayne Maggart and Christina Maggart who acknowledged the execution of the foregoing instrument, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 30th day of June, 2022

Signature: Diana L. Sayre
Printed: _____
Resident of: _____ County
State of: _____
My Commission expires: _____



Prepared By: Jeffrey R. Lade, Attorney at Law
135 N. Pennsylvania Street, Suite 1575A, Indianapolis, IN 46204

Grantee's Address and Tax Billing Address: 4540 S. 800 W.
Lapel, IN 46051

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 Diana L. Sayre

Return To: Fidelity National Title Company, LLC
1106 Meridian Plaza, Suite 100, Anderson, IN 46016

This conveyance is for no economic consideration and Sales Disclosure form 46021 is not required.

END OF DOCUMENT

$\frac{1}{2}$

General Information			Ownership		Transfer of Ownership								Notes						
Parcel Number 48-15-02-300-008.001-032			MAGGART TRISTAN W 4540 S 800 W LAPEL, IN 46051		Date 07/01/2022	Owner MAGGART TRISTAN	Doc ID	Code	Book/Page	Adj Sale Price	V/I	3/29/2023 Imported: 23/24 - NC - NOT COMPLETE - RECHECK - NEXUS							
Local Parcel Number NO CO #					11/04/2013	MAGGART GLEN WA		WD		/	\$0	I	6/16/2022 Imported: TRANSF 4.567A FROM 48-15-02-300-008.000-032 FOR 23P24 KL						
Tax ID:			Legal REPLAT OF MAGGART MINOR SIB LOT 2 (4.567)																
Routing Number J13-																			
Property Class 100 Vacant Land					Agricultural														
Valuation Records (Work In Progress values are not certified values and are subject to change)																			
Year: 2023			2023		Assessment Year		2023												
Location Information			WIP		Reason For Change		AA												
County Madison			04/16/2023		As Of Date		04/18/2023												
Township STONY CREEK TOWNSHIP			Indiana Cost Mod		Valuation Method		Indiana Cost Mod												
			1.0000		Equalization Factor		1.0000												
					Notice Required		☐												
District 032 (Local 031) LAPEL TOWN			\$9,000		Land		\$9,000												
			\$0		Land Res (1)		\$0												
School Corp 5245 FRANKTON-LAPEL COMMUNITY			\$9,000		Land Non Res (2)		\$9,000												
			\$0		Land Non Res (3)		\$0												
Neighborhood 140001-032 RURAL RES			\$0		Improvement		\$0												
			\$0		Imp Res (1)		\$0												
Section/Plat 02			\$0		Imp Non Res (2)		\$0												
			\$0		Imp Non Res (3)		\$0												
Location Address (1) 0 S 800 W LAPEL, IN 46051			\$9,000		Total		\$9,000												
			\$0		Total Res (1)		\$0												
			\$9,000		Total Non Res (2)		\$9,000												
			\$0		Total Non Res (3)		\$0												
Land Data (Standard Depth: Res 100', CI 100' Base Lot: Res 0' X 0', CI 0' X 0')																			
Zoning	Land Type	Pricing Method	Soil ID	Act Front.	Size	Factor	Rate	Adj. Rate	Ext. Value	Infl. %	Res Elig %	Market Factor	Value						
	4	A	CRA	0	1.140	1.02	\$1,900	\$1,938	\$2,209	0%	0%	1.0000	\$2,210						
Subdivision	4	A	BS	0	2.190	1.28	\$1,900	\$2,432	\$5,326	0%	0%	1.0000	\$5,330						
	4	A	MNB2	0	0.447	0.89	\$1,900	\$1,691	\$756	0%	0%	1.0000	\$760						
Lot	5	A	CRA	0	0.390	1.02	\$1,900	\$1,938	\$756	-60%	0%	1.0000	\$300						
2	5	A	BS	0	0.40	1.28	\$1,900	\$2,432	\$973	-60%	0%	1.0000	\$390						
Market Model 140001-100-199																			
Characteristics																			
Topography		Flood Hazard																	
		☐																	
Public Utilities		ERA																	
		☐																	
Streets or Roads		TIF																	
		☐																	
Neighborhood Life Cycle Stage Static																			
Printed Friday, April 21, 2023																			
Review Group		2022		Data Source		Aerial		Collector		03/29/2023		KB		Appraiser		06/13/2022		KB	
															Land Computations				
															Calculated Acreage		4.57		
															Actual Frontage		0		
															Developer Discount		☐		
															Parcel Acreage		4.57		
															81 Legal Drain NV		0.00		
															82 Public Roads NV		0.00		
															83 UT Towers NV		0.00		
															9 Homesite		0.00		
															91/92 Acres		0.00		
															Total Acres Farmland		4.57		
															Farmland Value		\$8,990		
															Measured Acreage		4.57		
															Avg Farmland Value/Acre		1968		
															Value of Farmland		\$8,990		
															Classified Total		\$0		
															Farm / Classified Value		\$9,000		
															Homesite(s) Value		\$0		
															91/92 Value		\$0		
															Supp. Page Land Value				
															CAP 1 Value		\$0		
															CAP 2 Value		\$9,000		
															CAP 3 Value		\$0		
															Total Value		\$9,000		

48-15-02-300-008.000-032

General Information

Parcel Number
48-15-02-300-008.000-032

Local Parcel Number
no local #

Tax ID:

Routing Number
J13-

Property Class 101
Cash Grain/General Farm

Year: 2022

Location Information

County
Madison

Township
STONY CREEK TOWNSHIP

District 032 (Local 031)
LAPEL TOWN

School Corp 5245
FRANKTON-LAPEL COMMUNITY

Neighborhood 140001-032
RURAL RES

Section/Plat
02

Location Address (1)
4516 S 800 W
LAPEL, IN 46051

Zoning

Subdivision

Lot
1

Market Model
1940-1989 Rural Res Houses-Sout

Characteristics

Topography
Flood Hazard

Public Utilities
ERA

Streets or Roads
TIF

Neighborhood Life Cycle Stage
Static

Printed
Saturday, August 6, 2022

Review Group
2022

MAGGART GLEN WAYNE , *SISTER PROPERTY*

Ownership

MAGGART GLEN WAYNE & CHRISTI
4484 S COUNTY ROAD 800 W
LAPEL, IN 46051

Legal

MAGGART MINOR SUB LOT 1 (9.635AC)



Valuation Records (Work In Progress values are not certified values and are subject to change)

2022	Assessment Year	2022	2021	2020	2019	2018
WIP	Reason For Change	AA	AA	AA	AA	AA
01/24/2022	As Of Date	05/27/2022	04/15/2021	04/16/2020	04/20/2019	07/15/2018
Indiana Cost Mod	Valuation Method	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod
1.0000	Equalization Factor	1.0000	1.0000	1.0000	1.0000	1.0000
	Notice Required	☐	☐	☐	☐	☐
\$31,000	Land	\$31,000	\$29,500	\$28,400	\$30,400	\$30,700
\$20,500	Land Res (1)	\$20,500	\$20,500	\$19,500	\$19,500	\$19,500
\$10,500	Land Non Res (2)	\$10,500	\$9,000	\$8,900	\$10,900	\$11,200
\$0	Land Non Res (3)	\$0	\$0	\$0	\$0	\$0
\$64,300	Improvement	\$64,300	\$55,100	\$52,100	\$53,200	\$52,000
\$28,600	Imp Res (1)	\$28,600	\$26,100	\$24,700	\$24,700	\$26,000
\$0	Imp Non Res (2)	\$0	\$0	\$0	\$0	\$0
\$35,700	Imp Non Res (3)	\$35,700	\$29,000	\$27,400	\$28,500	\$26,000
\$95,300	Total	\$95,300	\$84,600	\$80,500	\$83,600	\$82,700
\$49,100	Total Res (1)	\$49,100	\$46,600	\$44,200	\$44,200	\$45,500
\$10,500	Total Non Res (2)	\$10,500	\$9,000	\$8,900	\$10,900	\$11,200
\$35,700	Total Non Res (3)	\$35,700	\$29,000	\$27,400	\$28,500	\$26,000

Land Data (Standard Depth: Res 100', CI 100' Base Lot: Res 0' X 0', CI 0' X 0')

Land Type	Pricing Method	Soil ID	Act Front.	Size	Factor	Rate	Adj. Rate	Ext. Value	Infl. %	Res Elig %	Market Factor	Value
9	A		0	1.00	1.00	\$20,475	\$20,475	\$20,475	0%	100%	1.0000	\$20,480
4	A	BS	0	2.150	1.28	\$1,500	\$1,920	\$4,128	0%	0%	1.0000	\$4,130
4	A	MNB2	0	0.490	0.89	\$1,500	\$1,335	\$654	0%	0%	1.0000	\$650
4	A	CRA	0	2.105	1.02	\$1,500	\$1,530	\$3,221	0%	0%	1.0000	\$3,220
5	A	CRA	0	3.360	1.02	\$1,500	\$1,530	\$5,141	-60%	0%	1.0000	\$2,060
5	A	BS	0	0.530	1.28	\$1,500	\$1,920	\$1,018	-60%	0%	1.0000	\$410

101, Cash Grain/General Farm

Transfer of Ownership

Date
11/04/2013

Owner
MAGGART GLEN WA

Doc ID

Code
WD

Book/Page

Adj

Sale Price
\$0

V/I

Agricultural

RURAL RES/140001-032

1/2

Notes

6/16/2022 Imported: soil types done 23p24 kl

6/16/2022 Imported: TRANSF 4.567A TO 48-15-02-300-008.001-032 FOR 23P24 KL

6/13/2022 Imported: No change per reassessment 23p24 -KB

8/2/2018 Imported: CHGD WDDK TO CONCP PER REASS 19P20 KL

5/1/2018 Imported: SOILS DONE 18P19 KL

9/26/2016 Imported: 09/23/16 for 2017-2018 per instr# 2016R012606 split (9.635ac0 from parcel# 48-15-02-300-001.000-032 for Maggart Minor Sub Lot 1 from Glen Wayne and Christina Maggart.SB vn

Land Computations

Calculated Acreage
9.64

Actual Frontage
0

Developer Discount
☐

Parcel Acreage
9.64

81 Legal Drain NV
0.00

82 Public Roads NV
0.00

83 UT Towers NV
0.00

9 Homesite
1.00

91/92 Acres
0.00

Total Acres Farmland
8.64

Farmland Value
\$10,470

Measured Acreage
8.64

Avg Farmland Value/Acre
1213

Value of Farmland
\$10,470

Classified Total
\$0

Farm / Classified Value
\$10,500

Homesite(s) Value
\$20,500

91/92 Value
\$0

Supp. Page Land Value

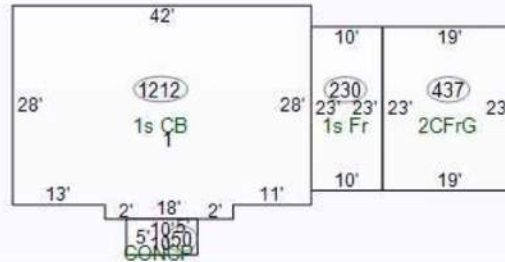
CAP 1 Value
\$20,500

CAP 2 Value
\$10,500

CAP 3 Value
\$0

Total Value
\$31,000

General Information			Plumbing		
Occupancy	Single-Family		#	TF	
Description	Single-Family		Full Bath	1	3
Story Height	1		Half Bath	0	0
Style	N/A		Kitchen Sinks	1	1
Finished Area	1442 sqft		Water Heaters	1	1
Make			Add Fixtures	0	0
Floor Finish			Total	3	5
☐ Earth	☐ Tile		Accommodations		
☐ Slab	☐ Carpet		Bedrooms	0	
☐ Sub & Joist	☐ Unfinished		Living Rooms		
☐ Wood	☐ Other		Dining Rooms	1	
☐ Parquet			Family Rooms	1	
Wall Finish			Total Rooms	0	
☐ Plaster/Drywall	☐ Unfinished		Heat Type		
☐ Paneling	☐ Other		Central Warm Air		
☐ Fiberboard			Roofing		
☐ Built-Up	☐ Metal	☒ Asphalt	☐ Slate	☐ Tile	
☐ Wood Shingle	☐ Other		Exterior Features		
Description			Area	Value	
Patio, Concrete			50	\$300	



Specialty Plumbing		
Description	Count	Value

Cost Ladder					
Floor	Constr	Base	Finish	Value	Totals
1	4	1442	1442	\$99,900	
2					
3					
4					
1/4					
1/2					
3/4					
Attic					
Bsmt					
Crawl					
Slab					
				Total Base	\$99,900
Adjustments		1 Row Type Adj. x 1.00			\$99,900
Unfin Int (-)					\$0
Ex Liv Units (+)					\$0
Rec Room (+)					\$0
Loft (+)					\$0
Fireplace (+)					\$0
No Heating (-)					\$0
A/C (+)					\$0
No Elec (-)					\$0
Plumbing (+ / -)			5 – 5 = 0 x \$0		\$0
Spec Plumb (+)					\$0
Elevator (+)					\$0
				Sub-Total, One Unit	\$99,900
				Sub-Total, 1 Units	
Exterior Features (+)				\$300	\$100,200
Garages (+) 437 sqft				\$14,300	\$114,500
				Quality and Design Factor (Grade)	0.80
				Location Multiplier	1.00
				Replacement Cost	\$91,600

Summary of Improvements																					
Description	Res Eligibl	Story Height	Construction	Grade	Year Built	Eff Year	Eff Age	Co nd	Base Rate	LCM	Adj Rate	Size	RCN	Norm Dep	Remain. Value	Abn Obs	PC	Nbhd	Mrkt	Improv Value	
1: Single-Family	100%	1	Concrete Block	D	1948	1948	74	F		1.00		1,442 sqft	\$91,600	65%	\$32,060	0%	100%	0.970	0.9200	\$28,600	
2: Barn, Bank & Flat (T2)	0%	1		D+2	1940	1940	82	P	\$39.59	1.00	\$0.00	48' x 28' x 16'	\$47,888	80%	\$9,580	0%	100%	0.970	0.6500	\$6,000	
3: Barn, Pole (T3)	0%	1	T3AW	C	1940	1940	82	F	\$15.88	1.00	\$0.00	64' x 38' x 8'	\$35,994	70%	\$10,800	0%	100%	0.970	0.6500	\$6,800	
4: Barn, Pole (T3)	0%	1	T3AW	C	2006	2006	16	A	\$13.49	1.00	\$0.00	58' x 80' x 14'	\$46,957	30%	\$32,870	0%	100%	0.970	0.6500	\$20,700	
5: Steel Grain Bin	0%	1		C	1940	1940	82	P		1.00		16' x 15'	\$11,450	80%	\$2,290	0%	100%	0.970	1.0000	\$2,200	

EXHIBIT 7. PRIOR PERMITS



BUILDING PERMIT APPLICATION

Permit Details

Application #: 360
Dated: 5/31/2022
Status: Processing
P.O. Box 999
Lapel, IN 46051

Property Owner

Tristan Maggart
4540 S 800w
Lapel, IN 46051
Tel: (765) 635-0627

Property Address

4540 S 800
Lapel, IN 46051
Lot #
Sub-division:
Zoning: R

Nature of Structural Work

- Estimated Project Cost: \$347,512
- Type of Structure: New Structure

New Structure Area (square feet)

- First Floor: 2330²
- Second Floor: 0²
- Basement Floor: 0²
- New Garage / Storage: 617²

Type of Bearing Wall Construction

- Wood frame

Nature of Structure

- Principal structure

Contractor

Sherfick Companies
Contact: Marcus Crouch
18882 mallery rd
Noblesville IN 46060
License #:
Phone: 3175509911

Permit has been digitally signed by:

Marcus Crouch

BUILDER'S AUTHORIZED AGENT



\$683⁰⁰ PERMIT FEE
#2674

Intended Use

RESIDENTIAL

- Single Family

Notes

APPROVED
6/7/22

Source: http://lapelPlanning.org/permit_form.asp?ChildID=360



TOWN OF LAPEL

STRUCTURAL BUILDING PERMIT APPLICATION

INSTRUCTIONS:

- [1] Print all information in ink.
- [2] Applicant must complete every part of this form unless special instructions indicate otherwise. Blanks will delay processing of your application and issuance of a permit.
- [3] Place a ☒ or an ☒ in the box corresponding to your response.
- [4] Open lines should be filled in with the requested words or numbers.

1. LOCATION OF CONSTRUCTION ACTIVITY:

ADDRESS: 4540 S. 800 W
Number N - S - E - W Street Name Apt #
Lot Sub-division Zoning

Is the subject property located in a special flood hazard area, as established by the Federal Emergency Management Agency-National Flood Insurance Program, as per flood insurance rate map _____.

☐ Yes ☒ No

2. HOME/PROPERTY OWNER OF THE PREMISES WHERE WORK IS TO BE CARRIED OUT.

NAME: Maggart Tyeon W
Last First Middle initial

ADDRESS: 4516 S. 800 W
Number N - S - E - W Street Name Apt #

Lapel IN 46051
City State Zip Code

TELEPHONE: 765-635-0627
Area Code Number

ESTIMATED COST OF PROJECT: \$ _____

3. NATURE OF STRUCTURAL WORK:

- A. Type of Structure:
- ☐ New structure
 - ☐ Addition to an existing structure
 - ☐ Remodeling, alteration or repair of an existing structure
 - ☐ Construction of shell of a new structure
 - ☐ Tenant fix-up
 - ☐ Roofing
 - ☐ Fence
 - ☐ Deck
 - ☐ Porch
 - ☐ Other, specify Pool

- B. Area:
- New Structure (square feet):
- First floor _____ Second floor _____
- Basement _____ Garage _____ TOTAL _____

- Deck _____
- Porch _____
- Addition/Remodel (square feet):
- First floor _____ Second floor _____
- Basement _____ Garage _____
- Deck _____ Screen Porch _____ TOTAL _____

- New Garage or Storage Building (square feet): _____

- C. Type of bearing wall construction:
- ☐ Masonry
 - ☐ Pole
 - ☐ Wood frame
 - ☐ Reinforced concrete
 - ☐ Structural steel
 - ☐ Other, specify: _____

- D. Nature of structure:
- ☐ Principal structure
 - ☐ Accessory structure
 - ☐ Other, specify: _____

4. INTENDED USE OF THE STRUCTURE: (Check One Only)

- RESIDENTIAL
- ☐ Single Family
 - ☐ Two Family
 - ☐ Multi-Family, # of units _____

- COMMERCIAL SPECIFY _____

- INDUSTRIAL
- ☐ Manufacturing
 - ☐ Warehousing
 - ☐ Other, specify: _____

- SPECIAL USE
- ☐ Church
 - ☐ Park
 - ☐ School
 - ☐ Other, specify: _____

5. CONTRACTOR RESPONSIBLE FOR THIS PERMIT:

- a. Identify the Contractor/Applicant for the permit:

CONTACT PERSON: Tyeon Maggart

CONTRACTOR: 4516 S. 800 W. Lapel

Lic.# _____ Phone# _____

- b. Sub Contractors:

Electrical: NAME _____ LIC# _____

ADDRESS _____ PHONE _____

Plumbing: NAME _____ LIC# _____

ADDRESS _____ PHONE _____

Heating /Cooling: NAME _____ LIC# _____

ADDRESS _____ PHONE _____

I hereby certify that I have the authority to make the foregoing application, that the application and accompanying site plan are correct, and that all construction (building and sewer) will comply with all ordinances currently adopted by the TOWN OF LAPEL, IN. I further certify that all drainage will be properly controlled. I further certify that the construction will not be used and/or occupied in any manner until all inspections have been made and Certificates Of Completion & Compliance have been filed and a Certificate of Occupancy has been issued by the Department of Community Development.

signature of Builder's authorized agent

FOR OFFICE USE ONLY - DO NOT WRITE IN THIS SPACE -

BUILDING PERMIT FEES TOTAL \$500.00

STRUCTURAL FEES \$200.00

ELECTRICAL FEE _____

PLUMBING FEE _____

MECHANICAL FEE _____

ELECTRICAL TEMP FEE _____

PARK IMPACT FEE _____

ROAD IMPACT FEE _____

SEWER FEE TOTAL \$200.00

SEWER CONNECTION FEE _____

SEWER AVAILABILITY FEE _____

VALUE OF CONSTRUCTION \$100,000

PERMIT #S 2723

BUILDING **PAID**

IMPROVEMENT LOCATION _____

SEWER CONNECTION _____

ELECTRICAL _____

ELECTRICAL TEMP. _____

PLUMBING _____

MECHANICAL _____

BY: TR \$300.00

SPECIAL CONDITIONS: CONSTRUCTION

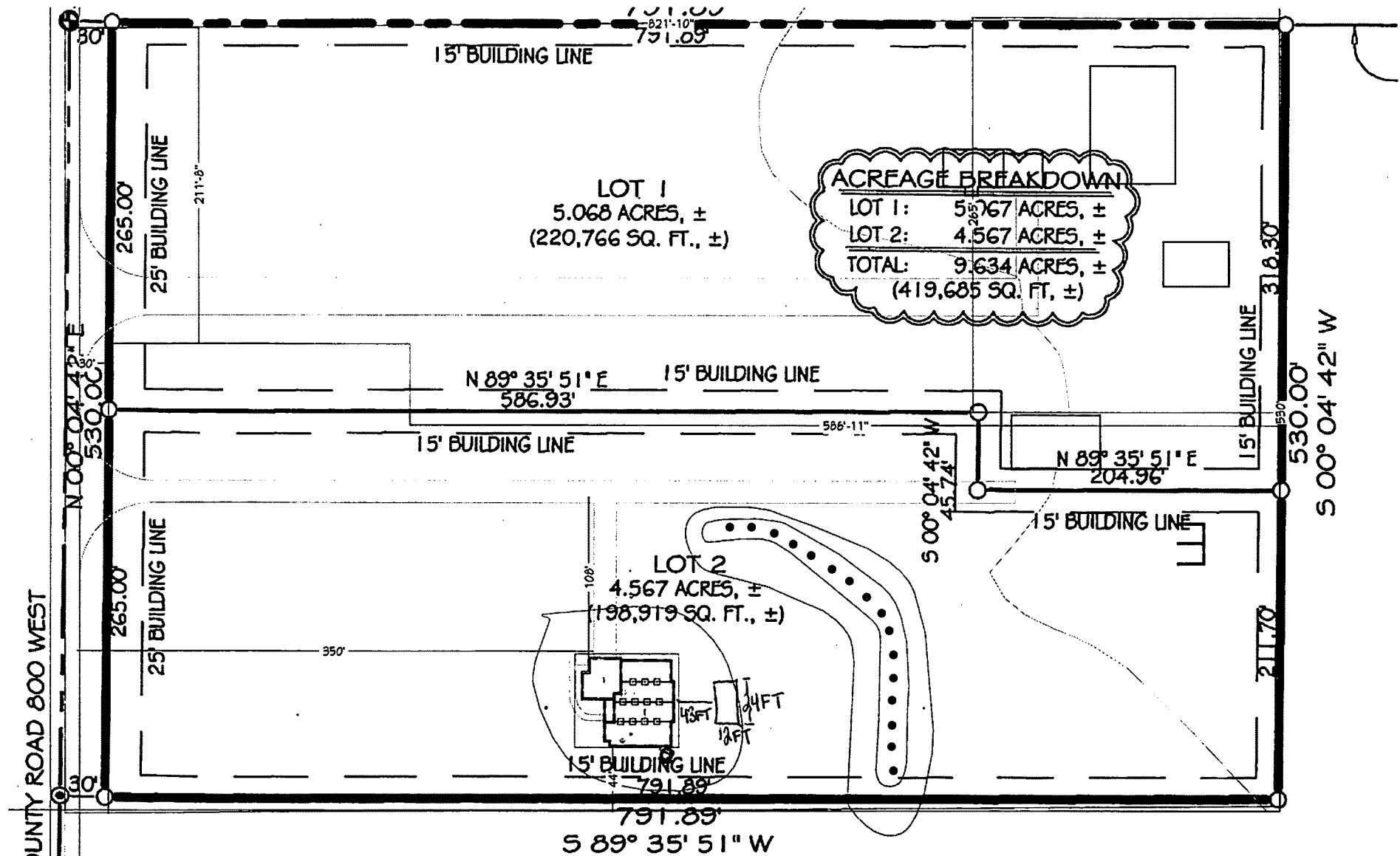
STARTED WITH PERMIT

Building _____ Zoning _____

☐ APPLICATION APPROVED ☐

☐ APPLICATION DENIED ☐

initials date initials date

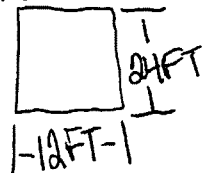


3 JUNTY ROAD 800 WEST
4540 s 800
Pool

Site Plan

Proposed

Scale= 1"-60'



43FT off Back of house
 ○ - Pump is South EAST Corner of the house
 Pool is manufactured out of Sheet metal & Aluminum / PVC piping

LOCATION IMPROVEMENT LOCATION PERMIT

CITY OF LAPEL, INDIANA

Lapel Planning Commission – Lapel Town Hall

825 Main Street - P.O. Box 999

Lapel, Indiana 46051

Phone: 534-3157

PERMIT NO.

2916

DATE

11/9/25

ISSUED TO:

TRISTAN MAGGART

TO PERMIT:

ACCESSORY STRUCTURE

ON PREMISES LOCATED:

LOT NO.

IN

ADDRESS:

4540 S. 800 W.

IN

STONY CREEK

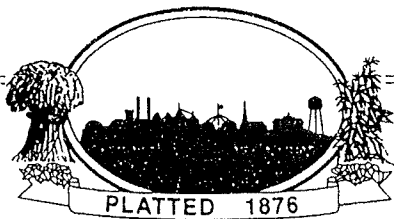
TOWNSHIP, COUNTY OF MADISON


BUILDING COMMISSIONER
City of Lapel, Indiana

NOTICE

**POST THIS PERMIT IN A CONSPICUOUS LOCATION ON THE PREMISES.
IF ANY CHANGES OR DEVIATIONS ARE MADE FROM THE ORIGINAL
APPLICATION, A NEW PERMIT IS REQUIRED.
PERMIT MUST REMAIN POSTED UNTIL STRUCTURE COMPLETE.**

*THIS LOCATION IMPROVEMENT PERMIT HAS BEEN ISSUED ON THIS BUILDING IN
ACCORDANCE WITH THE COMPREHENSIVE PLAN ORDINANCE . . . PERMIT IS VOID
AFTER 12 MONTHS FROM DATE OF ISSUANCE UNLESS RENEWED.*



TOWN OF LAPEL

STRUCTURAL BUILDING PERMIT APPLICATION

INSTRUCTIONS:

- [1] Print all information in ink.
- [2] Applicant must complete every part of this form unless special instructions indicate otherwise. Blanks will delay processing of your application and issuance of a permit.
- [3] Place a ☒ or an ☒ in the box corresponding to your response.
- [4] Open lines should be filled in with the requested words or numbers.

1. LOCATION OF CONSTRUCTION ACTIVITY:

ADDRESS: 4540 S. 800 W.
Number N - S - E - W Street Name Apt #

Lot Sub division Zoning

Is the subject property located in a special flood hazard area, as established by the Federal Emergency Management Agency-National Flood Insurance Program, as per flood insurance rate map _____.

☐ Yes ☒ No

2. HOME/PROPERTY OWNER OF THE PREMISES WHERE WORK IS TO BE CARRIED OUT.

NAME: Maggart Tristan W.
Last First Middle Initial

ADDRESS: 4540 S. 800 W.
Number N - S - E - W Street Name Apt #

LaPel IN 46051
City State Zip Code

TELEPHONE: 765-635-0627
Area Code Number

ESTIMATED COST OF PROJECT: \$135,000

3. NATURE OF STRUCTURAL WORK:

- A. Type of Structure:
- ☐ New structure
 - ☐ Addition to an existing structure
 - ☐ Remodeling, alteration or repair of an existing structure
 - ☒ Construction of shell of a new structure
 - ☐ Tenant fix-up
 - ☐ Roofing
 - ☐ Fence
 - ☐ Deck
 - ☐ Porch
 - ☐ Other, specify _____

- B. Area:
- New Structure (square feet):
- First floor 3456 Second floor _____
- Basement _____ Garage _____ TOTAL _____

- Deck _____
- Porch _____
- Addition/Remodel (square feet):
- First floor _____ Second floor _____
- Basement _____ Garage _____
- Deck _____ Screen Porch _____ TOTAL _____

New Garage or Storage Building (square feet): _____

- C. Type of bearing wall construction:
- ☐ Masonry
 - ☒ Pole
 - ☐ Wood frame
 - ☐ Reinforced concrete
 - ☐ Structural steel
 - ☐ Other, specify _____

- D. Nature of structure:
- ☐ Principal structure
 - ☐ Accessory structure
 - ☐ Other, specify _____

4. INTENDED USE OF THE STRUCTURE: (Check One Only)

RESIDENTIAL

- ☒ Single Family
- ☐ Two Family
- ☐ Multi-Family, # of units _____

COMMERCIAL SPECIFY _____

INDUSTRIAL

- ☐ Manufacturing
- ☐ Warehousing
- ☐ Other, specify _____

SPECIAL USE

- ☐ Church
- ☐ Park
- ☐ School
- ☐ Other, specify _____

5. CONTRACTOR RESPONSIBLE FOR THIS PERMIT:

a. Identify the Contractor/Applicant for the permit:

CONTACT PERSON: Paul Miller

CONTRACTOR: Miller Construction

ADDRESS: 9401 W. 700 N. Converse

Lic. # _____ Phone # 765-432-6276

b. Sub Contractors:

Electrical: NAME _____ LIC # _____

ADDRESS _____ PHONE _____

Plumbing: NAME _____ LIC # _____

ADDRESS _____ PHONE _____

Heating /Cooling: NAME _____ LIC # _____

ADDRESS _____ PHONE _____

I hereby certify that I have the authority to make the foregoing application, that the application and accompanying site plan are correct, and that all construction (building and sewer) will comply with all ordinances currently adopted by the TOWN OF LAPEL, IN. I further certify that all drainage will be properly controlled. I further certify that the construction will not be used and or occupied in any manner until all inspections have been made and Certificates Of Completion & Compliance have been filed and a Certificate of Occupancy has been issued by the Department of Community Development.

[Signature]
signature of Builder's authorized agent

FOR OFFICE USE ONLY - DO NOT WRITE IN THIS SPACE -

BUILDING PERMIT FEES TOTAL \$445.00

STRUCTURAL FEES _____

ELECTRICAL FEE _____

PLUMBING FEE _____

MECHANICAL FEE _____

ELECTRICAL TEMP FEE _____

PARK IMPACT FEE JAN 09 2025

ROAD IMPACT FEE _____

SEWER FEE TOTAL BY: [Signature]

SEWER CONNECTION FEE _____

SEWER AVAILABILITY FEE _____

VALUE OF CONSTRUCTION _____

PERMIT #'S

BUILDING 2916

IMPROVEMENT LOCATION 3456 38

SEWER CONNECTION _____

ELECTRICAL _____

ELECTRICAL TEMP _____

PLUMBING _____

MECHANICAL _____

SPECIAL CONDITIONS: _____

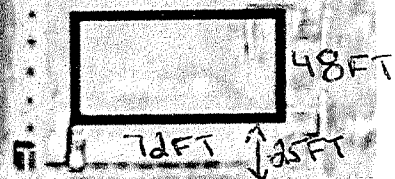
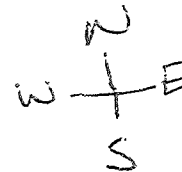
Building ☒ APPLICATION APPROVED Zoning ☒

☐ APPLICATION DENIED ☐

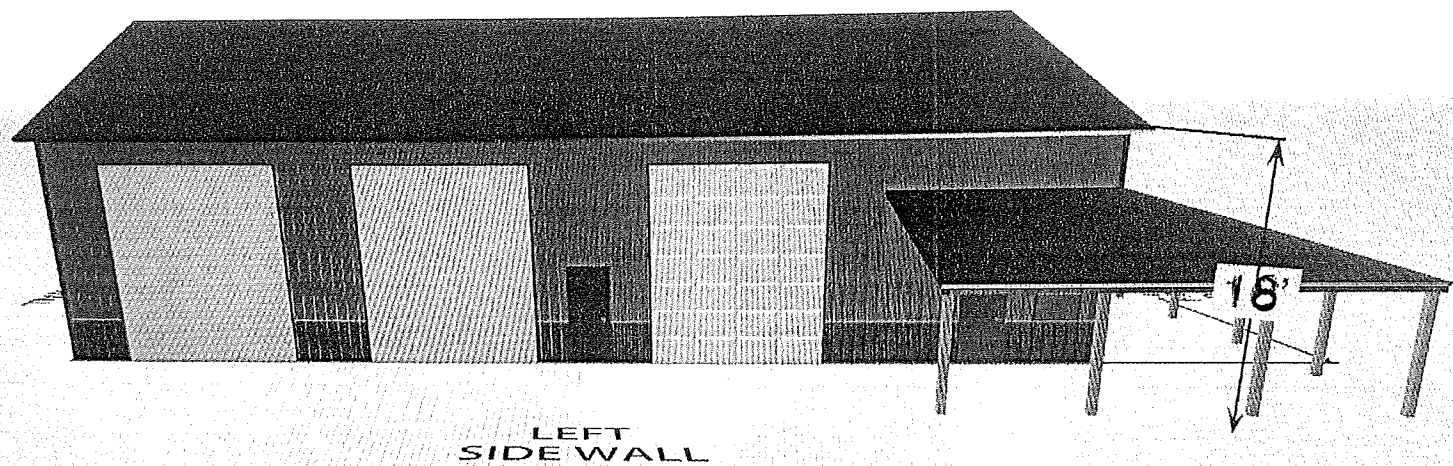
DN, 1/9/25 DN, 1/9/25

initials date initials date

County Rd 800 W

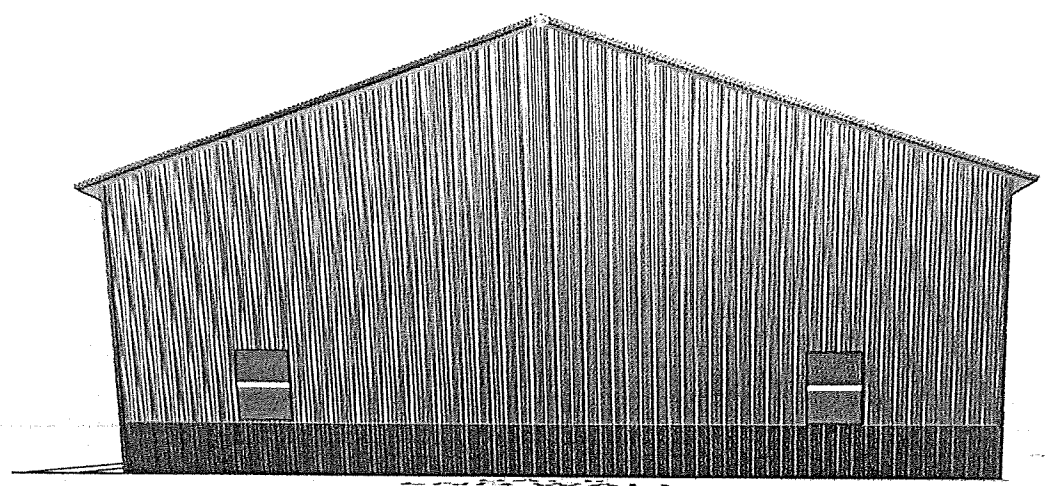


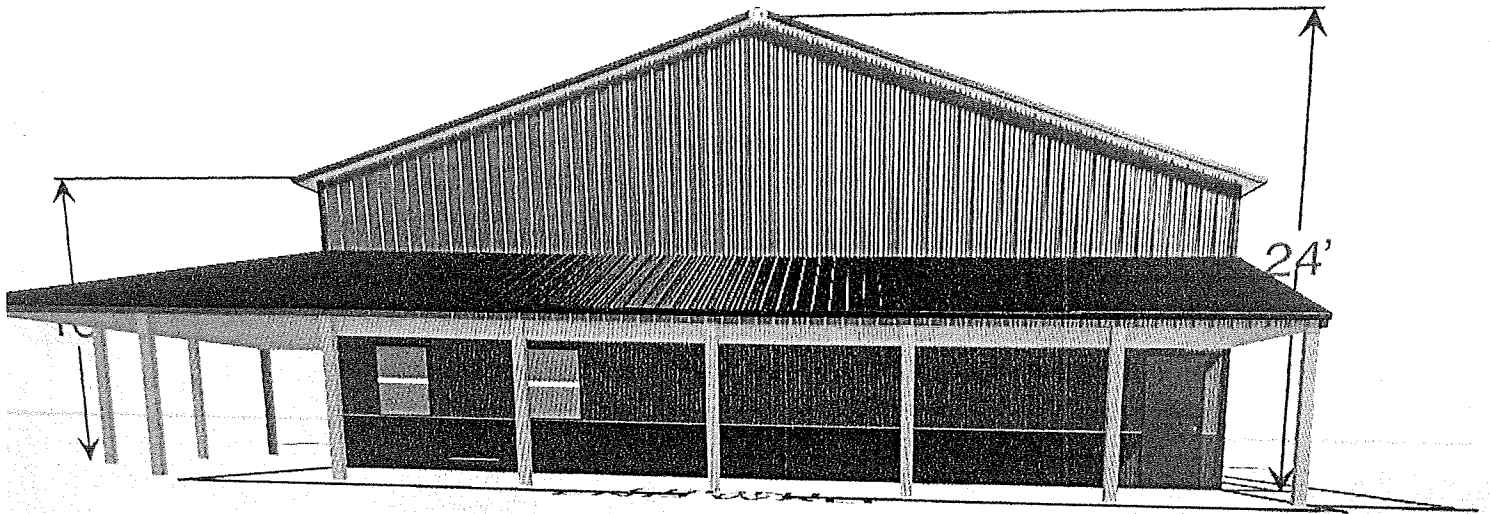
Barn - 48x72x18
off South of Property line - 25 FT



LEFT
SIDE WALL

FBi Buildings 3D Designer





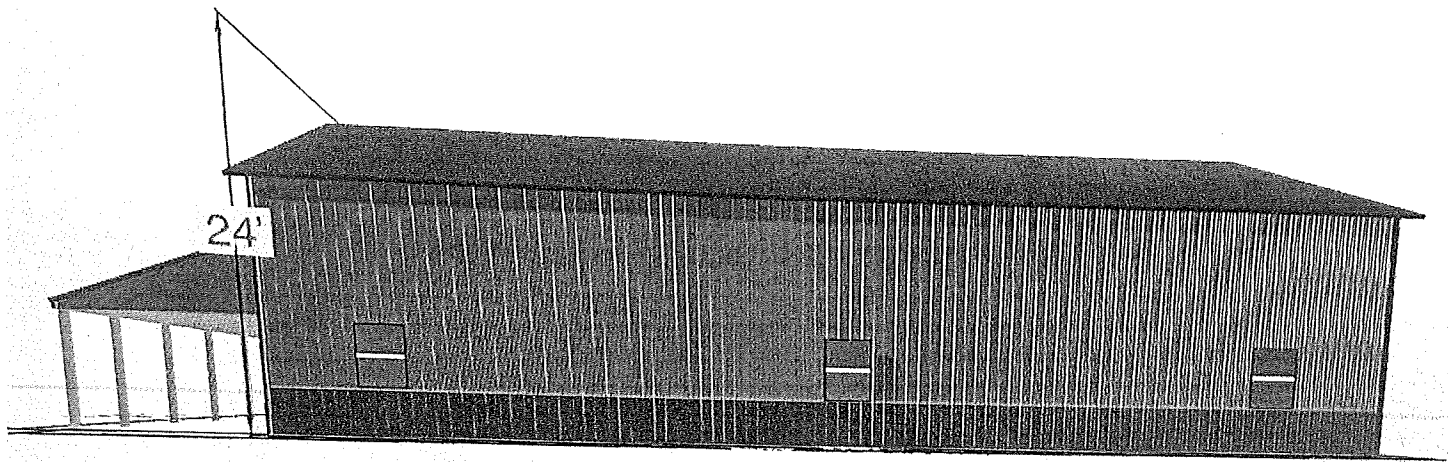


EXHIBIT 8. FUTURE LAND USE MAP

Comprehensive Plan Proposed Land Use - Entire Town of Lapel

