Town of Greenville P.O. Box 188 Greenville, In. 47124

PUBLIC HEARING NOTICE FOR THE TOWN OF GREENVILLE

OPEN SESSION FOR PUBLIC INFORMATION:

<u>SUBJECT:</u> FIRST READING ORDINANCE 2011-TO-029 CONDITIONAL USE VARIANCE FOR 9403 D HARRISON STREET PETITIONED BY BRYAN AND TANYA DUNNING AND CAROL WEAVER FOR THE OPERATION OF THE LOVE CENTER IN A RESIDENTIAL LAND USE AREA.

The following adjacent property owners have been notified by Certified Mail and shall be allowed to comment at this Public Hearing.

- 1. Karen Ollis or current Resident 9401 Harrison Street Greenville, Indiana 47124
- 2. Kevin Larson or current Resident 9403 Harrison Street Greenville, Indiana 47124
- 3. Bobby Larson or current Resident 9403B Harrison Street Greenville, Indiana 47124
- 4. Bryan Dunning or current Resident 9403D Harrison Street Greenville, Indiana 47124
- 5. Edward Henley or current Resident PO Box 514, 9405 Harrison Street Greenville, Indiana 47124
- 6. Ronnie Payton or current Resident PO Box 142, 9409 Harrison Street Greenville, Indiana 47124
- 7. Troy Smith or current Resident PO Box 92 9425 Hwy. 150 Greenville, Indiana 47124
- 8. Leon Smith or Current Resident 9439 Hwy. 150 Greenville, Indiana 47124
- 9. Robert Marcum or current Resident 9511 Hwy. 150 Greenville, Indiana 47124
- 10. Bryan and Tanya Dunning C/O Wanda Kehrer 1207 Edwardsville Galena Road Georgetown, Indiana 47122
- 11. Carol Weaver {Love Center} C/O Wanda Kehrer 1207 Edwardsville Galena Road Georgetown, Indiana 47122

DATE: 05-09-2011

TIME: 6:00 P.M.

NOTICE POSTED BY THE GREENVILLE TOWN COUNCIL XX-XX-2011

TALBOTTE RICHADSON

PRESIDENT GREENVILLE TOWN COUNCIL

Minutes of Greenville Public Hearing May 9th, 2011

Council President Talbotte Richardson called the public hearing to order. Other Councilpersons present were James Pearce, Patti Hayes and Randal Johnes, along with Clerk Jack Travillian. Also in attendance were several concerned citizens with property on Harrison Street.

Conditional Use Variance - for 9403D Harrison Street

The petitioner removed the petition from consideration.

No further business coming before the Council the meeting was adjourned.

PRESIDING OFFICER
TOWN OF GREENVILLE, INDIANA

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TALBOTTE RICHARDSON

JAĆK TRAVILLIAN

CLERK / TREASURER

ORDINANCE CONCERNING THE CONDITIONAL USE VARIANCE PETITIONED BY BRYAN DUNNING, TANYA DUNNING AND CAROL WEAVER TO LOCATE THE LOVE CENTER AT 9403D HARRISON STREET WITHIN THE TOWN OF GREENVILLE, INDIANA

WHEREAS, the Town Council for the Town of Greenville, Indiana, in the interest of utilizing real property for its best purpose has deemed it necessary to pass an Ordinance of conditional use for the property located at 9403D Harrison Street within the Corporate limits of the Town of Greenville;

WHEREAS, the Town Council for the Town of Greenville, Indiana, received a written petition from Bryan Dunning, Tanya Dunning {current owners of property} and Carol Weaver of the Love Center {prospective renter of property} on April 14th, 2011 requesting a conditional use variance;

WHEREAS, notice of a Public Hearing was published in the New Albany Tribune on April 20th, 2011 publication of record;

WHEREAS, all adjacent property owners were notified of Public Hearing by certified mail on April 15th, 2011;

WHEREAS, the Public Hearing was held on May 9th, 2011 @ 6:00 pm;

WHEREAS, Property commonly known as 9403D Harrison Street Greenville, Indiana 47124, Parcel No. 22-03-00-500-309.000-005.

PRT. NE NW $\frac{1}{4}$ 5-2-5 1.525 AC PER SURVEY ALSO PART OF 5-2-5 .69 AC #22-03-00-500-2 39.000-005 2.215AC TOTAL AS RECORDED WITH THE FLOYD COUNTY INDIANA AUDITORS OFFICE. SEE EXHIBIT "A" ATTACHED.

Is located in a residential use only area of the Town of Greenville, Indiana as is indicated on the Comprehensive Planning Map adopted by the Town of Greenville Resolution 2009-R-037 dated 10-12-2009 and amended by the Town of Greenville Ordinance 2010-T-083 dated 12-13-2010.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GREENVILLE, INDIANA, AS FOLLOWS:

1. After passage of this Conditional Use Variance Ordinance Carol Weaver of the Love Center shall be authorized by this Conditional Use Ordinance to operate this not for profit business at 9403D Harrison Street Greenville, Indiana.

- 2. This Conditional Use Variance Ordinance is non- transferable to any other business or person. This Conditional Use Ordinance applies for the operation of the Love Center only by Carol Weaver. If the Love Center or Carol Weaver move or vacate the property this Conditional Use Variance Ordinance shall become null and void on that date.
- 3. As a condition for the passage of this Conditional Use Variance Ordinance Carol Weaver agrees to the following terms, conditions and associated penalties.
 - a. To adhere to all Town of Greenville Ordinances and Resolutions concerning property up keep.
 - b. Nothing shall be left outside of the structure located on the property for over 24 hours.
 - c. Shall be allowed to construct a privacy fence in immediate vicinity at front of building to hide trash cans.
 - d. Hours of operation shall be limited up to and include the hours of 9:00 am until 4:00 pm Monday thru Saturday.

4. EXEMPTIONS:

In consideration of the Love Center being a not for profit charity establishment and that fund raising by yard sales may be required from time to time to help with cost of operation. The Love Center operated by Carol Weaver shall be exempt from Ordinance 2010-T-055 Regulating of Yard Sales.

- 5. The following adjacent property owners have been notified by certified mail and did not raise any objections at the Public Hearing held on May 9th, 2011 @ 6:00 pm.
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- 3. Bobby Larson or current Resident 9403B Harrison Street Greenville, Indiana 47124
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- 9. Robert Marcum or current Resident 9511 Hwy. 150 Greenville, Indiana 47124

- 10. Bryan and Tanya Dunning C/O Wanda Kehrer 1207 Edwardsville Galena Road Georgetown, Indiana 47122
- 11. Carol Weaver {Love Center} C/O Wanda Kehrer 1207 Edwardsville Galena Road Georgetown, Indiana 47122

ENFORCEMENT:

Enforcement of this Ordinance shall be pursuant to I.C.36-1-6-2, I.C.36-1-6-3, I.C.36-1-6-4, or a successor statute if said statute is repealed.

Fines and Penalties;

- 1. The Town shall give all persons holding a substantial interest in any Real property, which is not in compliance with this Ordinance {48} hours written notice to correct the condition and bring the property into compliance. Such notice may be in person by any member of the Greenville Marshal Department, or by mailing it by registered or certified mail with return receipt requested.
- 2. That for each day any person or entity shall be in violation of this Ordinance after the {48} hour period set forth in paragraph one {1} above, said person shall be fined an amount not less than twenty five dollars {\$25.00} per day plus Attorney fees and Court Cost.
- 3. If levied fines are not paid within 30 days, a lien will be sought against person or person's responsible real estate in accordance with I.C. 36-1-6-2.
- 4. Furthermore, if the condition of said real estate has not been corrected within thirty {30} days after the aforesaid {48} hour notice period, the Town may cause to be certified to the County Auditor as a charge against the taxes due and payable to the County Treasurer in the following year together with Attorney Fees and Court Cost in accordance with I.C. 36-1-6-2 or successor statute, if said statute is repealed.
- 5. The Town of Greenville may pursue any and all penalties described in I.C. 36-1-6-3 in addition to the penalties described in I.C. 36-1-6-4, or a successor statute if said statute is repealed.
- 6. No penalty shall be levied for violation of this Ordinance, nor shall any action be taken by the Town to bring the real property into compliance with this Ordinance, unless all persons holding a substantial interest in the property are given a reasonable opportunity to bring the property into compliance.
- 7. Any portion of any prior Ordinance in conflict with the provisions of this Ordinance is hereby repealed.

- 8. The Town of Greenville Clerk Treasurer shall publish this Ordinance within 30 days in the New Albany Tribune after passage.
- 9. The Town of Greenville Clerk Treasurer shall attach a copy of the publication and related information to the original signed Ordinance and a PDF file shall be added to the electronic file copy of this Ordinance.
- 10. Any unlawful provision found in this ordinance shall not affect the remaining provision.

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE 9^{TH} DAY OF MAY 2011.

I, CAROL WEAVER OPERATOR OF THE LOVE CENTER, AGREES TO AND WILL ABIDE BY THE TERMS OF THIS CONDITIONAL USE VARIANCE PASSED BY THE GREENVILLE TOWN COUNCIL ON MAY 9TH, 2011.

JACK TRAVILLIAN,

CLERK/TREASURER

PRESIDENT OF THE TOWN COUNCIL OF GREENVILLE, INDIANA

PREPARED BY: RANDAL JOHNES

MAY 9 , 2011.	
	TALBOTTE RICHARDSON
CAROL WEAVER	-

4

IC 36-1-6

Chapter 6. Enforcement of Ordinances

IC 36-1-6-1 Application of chapter

Sec. 1. This chapter applies to all municipal corporations having the power to adopt ordinances. As added by Acts 1980, P.L.211, SEC.1.

IC 36-1-6-2

Action to bring compliance with ordinance conditions; expense as lien against property; enforcement of delinquent fees and penalties

Sec. 2. (a) If a condition violating an ordinance of a municipal corporation exists on real property, employees or contractors of a municipal corporation may enter onto that property and take appropriate action to bring the property into compliance with the ordinance. However, before action to bring compliance may be taken, all persons holding a substantial interest in the property must be given a reasonable opportunity of at least ten (10) days but not more than sixty (60) days to bring the property into compliance. Continuous enforcement orders (as defined in IC 36-7-9-2) can be enforced and liens may be assessed without the need for additional notice. If the municipal corporation takes action to bring compliance, the expenses incurred by the municipal corporation to bring compliance constitute a lien against the property. The lien attaches when notice of the lien is recorded in the office of the county recorder in which the property is located. The lien is superior to all other liens except liens for taxes, in an amount that does not exceed:

- (1)ten thousand dollars (\$10,000) for real property that:
- (A)contains one (1) or more occupied or unoccupied single or double family dwellings or the appurtenances or additions to those dwellings; or
- (B) is unimproved; or
- (2) twenty thousand dollars (\$20,000) for all other real property not described in subdivision (1).
- (b) The municipal corporation may issue a bill to the owner of the real property for the costs incurred by the municipal corporation in bringing the property into compliance with the ordinance, including administrative costs and removal costs.
- (c)A bill issued under subsection (b) is delinquent if the owner of he real property fails to pay the bill within thirty (30) days after the date of the issuance of the bill.
- (d)Whenever a municipal corporation determines it necessary, the officer charged with the collection of fees and penalties for the municipal corporation shall prepare:
- (1) a list of delinquent fees and penalties that are enforceable under this section, including:
- (A)the name or names of the owner or owners of each lot or parcel of real property on which fees are delinquent;
- (B)a description of the premises, as shown on the records of the county auditor; and
- (C) the amount of the delinquent fees and the penalty; or (2) an instalment for each lot or parcel of real property on which the fees are delinquent.
- (e) The officer shall record a copy of each list or each instrument with the county recorder, who shall charge a fee for recording the list or instrument under the fee schedule established in IC 36-2-7-10.
- (f) The amount of a lien shall be placed on the tax duplicate by the auditor. The total amount, including any accrued interest, shall be collected in the same manner as delinquent taxes are collected and shall be disbursed to the general fund of the municipal corporation.

- (g)A fee is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded with the county recorder before conveyance to the subsequent owner. If the property is conveyed before the lien is recorded, the municipal corporation shall notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty fees for delinquencies, is due not later than fifteen (15) days after the date of the notice. If payment is not received within one hundred eighty (180) days after the date of the notice, the amount due may be considered a bad debt loss.
- (h) The municipal corporation shall release:
- (1) liens filed with the county recorder after the recorded date of conveyance of the property; and (2) delinquent fees incurred by the seller; upon receipt of a written demand from the purchaser or a representative of the title insurance company or the title insurance company's agent that issued a title insurance policy to the purchaser. The demand must state that the delinquent fees were not incurred by the purchaser as a user, lessee, or previous owner and that the purchaser has not been paid by the seller for the delinquent fees.
- (i) The county auditor shall remove the fees, penalties, and service charges that were not recorded before a recorded conveyance to a subsequent owner upon receipt of a copy of the written demand under subsection (h).

As added by Acts 1980, P.L.211, SEC.L Amended by P.L.50-2002, SEC.l; P.L.144-2003, SEC.l; P.L.177-2003, SEC.2; P.L.131-2005, SEC.5; P.L.88-2006, SEC.7; P.L.194-2007, SEC.8; P.L.88-2009, SEC. 5.

IC 36-1-6-3

Proceeding to enforce ordinance; law applicable

- Sec. 3. (a) Certain ordinances may be enforced by a municipal corporation without proceeding in court through:
- (1) an admission of violation before the violations clerk under IC 33-36; or
- (2) administrative enforcement under section 9 of this chapter,
- (b) Except as provided in subsection (a), a proceeding to enforce an ordinance must be brought in accordance with IC 34-28-5, section 4 of this chapter, or both.
- (c) An ordinance defining a moving traffic violation may not be enforced under IC 33-36 and must be enforced in accordance with IC 34-28-5.

As added by Acts 1980, P.L.211, SEC.1. Amended by Acts 1981, P.L.108, SEC.39; P.L.177-1988, SEC.8; P.L.130-1991, SEC.35; P.L.1-1998, SEC.202; P.L.98-2004, SEC.159.

IC 36-1-6-4

Civil action by municipal corporation; action by court

Sec. 4. (a) A municipal corporation may bring a civil action as provided in IC 34-28-5-1 if a person:

- (1) violates an ordinance regulating or prohibiting a condition or use of property; or
- (2) engages in conduct without a license or permit if an ordinance requires a license or permit to engage in the conduct.
- (b) \bar{A} court may take any appropriate action in a proceeding under this section, including any of the following actions:
- (1) Issuing an injunction.
- (2) Entering a judgment.
- (3) Issuing a continuous enforcement order (as defined in IC 36-7-9-2).
- (4) Ordering the suspension or revocation of a license.
- (5) Ordering an inspection.
- (6) Ordering a property vacated.
- (7) Ordering a structure demolished.
- (8) Imposing a penalty not to exceed an amount set forth in IC36-1-3-8(a)(10).
- (9) Imposing court costs and fees in accordance with IC 33-37-4-2 and IC 33-37-5.
- (10) Ordering a defendant to take appropriate action to bring a property into compliance with an ordinance within a specified time.
- (11) Ordering a municipal corporation to take appropriate action to bring a property into compliance with an ordinance in accordance with IC 36-1-6-2.

As added by Acts 1980, P.L.211, SEC.I. Amended by P.L. 194-2007, SEC. 9; P.L. 88-2009, SEC. 6.

PETITION FOR CONDITIONAL USE VARIANCE PURSUANT TO THE TOWN OF GREENVILLE, INDIANA COMPREHENSIVE PLANNING MAP ADOPTED BY THE TOWN OF GREENVILLE RESOLUTION 2009-R-037 DATED 10-12-2009 AND AMENDED BY THE TOWN OF GREENVILLE ORDINANCE 2010-T-083 DATED 12-13-2010

Comes now Bryan D. and Tanya L. Dunning {current property owners 9403 D Harrison Street Greenville, Indiana 47124} and hereby petitions the Town of Greenville, Indiana along with Carol Weaver of the Love Center (prospective owner 9403 D Harrison Street Greenville, Indiana 47124} for a conditional use variance for the operation of the Love Center on property indicated as Residential use only real estate in the Town of Greenville, Floyd County, Indiana.

See legal description 9403 D Harrison Street Exhibit "A" attached;

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BRYAN I	O. DUNNING	~ · ·	Vare:	1-1-1	4
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CAROL V	VEAVER		r en en general de la company	•	
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AMY STONE

DEPUTY CLERK TOWN OF GREENVILLE, INDIANA

IN REQUESTING A VARIANCE FOR THE PROPERTY KNOWN AS 9403D HARRISON STREET GREENVILLE, INDIANA, HERE ARE SOME RESTRICTIONS THE OWNERS HAVE SET FORTH.

RESTRICKIONS FOR PART 9403D HARRISON STREET GREENVILLE, IN.47124.

- 1. NOTHING SHALL BE LEFT OUTSIDE BUILDING OVER A 24 HOURS.
- 2. PROPERTY SHALL BE MOWED AND KEPT CLEAN IN KEEPING WITH A GOOD NEIGHBORHOOD POLICY.

OWNERS: Son Own Janya Dunning
4/13/11

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TALBOTTE RICHADSON

PRESIDENT GREENVILLE TOWN COUNCIL

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- Entertainment
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- STATE INDIANA COUNTY OF FLOYD IN THE FLOYD CIRCUIT COURT COUNTY OF FLOYD CASE ... NOTICE OF SHERIFF'S SALE By virtue of a certified copy of a decree to me ... PUBLIC HEARING NOTICE FOR THE TOWN OF GREENVILLE OPEN SESSION FOR PUBLIC ...

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U.S. Postal Service va	
CERTIFIED MAIL RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
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Street, Apt. No. 7401 HARRISONS T.	
City, State, ZIF-18 CEFFWVILE, IN. 47124	
PS Form 3800. August 2006 See Reverse for Instructions	





SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
 Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. Article Addressed to: ROBOLT MARCUM SSS 2 COHEN TUSH 	A. Signature X
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2. Article Number (Transfer from service label) 7009 2820	0110002147918052
PS Form 3811, February 2004 Domestic Ret	um Receipt 102595-02-M-1540

- 8. Leon Smith or Current Resident 9439 Hwy. 150 Greenville, Indiana 47124
- 9. Robert Marcum or current Resident 9511 Hwy. 150 Greenville, Indiana 47124
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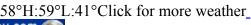
TALBOTTE RICHADSON PRESIDENT GREENVILLE TOWN COUNCIL

#3 Published: April 19th, 2011 4:00pm

#4	NOTICE OF SHERIFF'S SALE TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESATE
#5	STATE OF INDIANA COUNTY OF FLOYD IN THE FLOYD SUPERIOR COURT NO. 3 CASE NOO
#6	NOTICE OF REAL PROPERTY TAX CERTIFICATE SALE Floyd County Indiana Beginning
#7	STATE OF INDIANA IN THE CLARK CIRCUIT COURT COUNTY OF CLARK CASE NO
#8	STATE OF INDIANA COUNTY OF CLARK IN THE CLARK CIRCUIT COURT CASE NO:
#9	NOTICE TO BIDDERS Notice is hereby given that the Board of Trustees of West
#10	NOTICE TO BIDDERS Notice is hereby given that the Board of Trustees of West
#11	CLARK COUNTY SHERIFF'S OFFICE TO THE OWNERS OF THE WITHIN DESCRIBED REAL
#12	STATE OF INDIANA COUNTY OF CLARK IN THE CLARK CIRCUIT COURT CAUSE NO
#13	NOTICE OF SHERIFF'S SALE TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESATE
#14	IN THE CIRCUIT COURT FOR CLARK COUNTY STATE OF INDIANA IN THE MATTER OF THE
#15	STATE OF INDIANACOUNTY OF FLOYD IN THE FLOYD CIRCUIT COURT CAUSE NO
#16	NOTICE OF SHERIFF'S SALE By virtue of a certified copy of a decree to me
#17	STATE OF INDIANA COUNTY OF CLARK IN THE CLARK CIRCUIT COURT CASE NO
#18	ATTORNEY: STANLEY E. Robison Jr. SUMMONS BY PUBLICATION STATE OF INDIANA IN
#19	NOTICE OF SHERIFF'S SALE By virtue of a certified copy of a decree to me
#20	IN THE CLARK SUPERIOR COURT FOR CLARK COUNTY STATE OF INDIANA THE BANK OF NEW

Ads From Other State Newspapers

Batesville Herald Tribune | Goshen News | Greensburg Daily News | Hendricks County
Flyer | Herald Bulletin | Kokomo Tribune | Lebanon Reporter | Pharos-Tribune |
Rushville Republican | Tribune Star | Washington Times Herald | Zionsville Times
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APRIL 26,2011

TOWN OF GREENVILLE ORDINANCE NO. 2011-TO-029

We wish to cancel the Ordinance concerning the Conditional Use Variance petitioned by BRYAN AND TAYNA DUNNING AND CAROL WEAVER, to locate the Love Center at 9403D HARRISON STEET WITHIN THE TOWN OF GREENVILLE, INDIANA. 47124

Thank you for your consideration,

Wanda Kehrer Rainbow Real Estate, Inc. 812-923-1234

× Bon Ou	4-27-11
BUYEKS:	DATE
x Sanya Dunning	4-27-11
BUYERS:	DATE
x Cowol Weaver	4-27-11
SELLERS:	DATE
& Many Wews	4-27-11
SELLERS:	DATE

Beceived May 3,2011
By: Amy Stone
Deputy Clerk Freasures