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BRANDON A. PARKER, P.L.S.

October 31, 2024

Floyd County Department of Building & Development Services
Attn: Nick Creevy, Director
2524 Corydon Pike, Suite 202
New Albany, IN 47510

Re: Special Exception (Variance of Use) – Wymberley Sanitary Works

Dear Mr. Creevy

On behalf of Aqua Indiana, Inc. (f/k/a WYMBERLEY SANITARY WORKS INC.) please see the attached set of documents regarding a request for a Special Exception to the current Floyd County Indiana Zoning Ordinance. The Wymberley Sanitary Works is located at the intersection of Buck Creek Road and Tanglewood Drive in Lafayette Township, Floyd County, Indiana. The current owner and operator, Aqua Indiana, Inc., is seeking a special exception to the zoning ordinance to construct an office building on the parcel. The parcel is currently zoned as residential suburban and is in a non-conforming use. The proposed small office building is a pre-manufactured building with outside dimensions of 15.5-feet by 46-feet.

Included with this submittal are the following:

- 1) Special Exception Application
- 2) Affidavit of Ownership
- 3) Deed for the Parcel
- 4) Site Plan of the Parcel with the proposed improvements located.
- 5) Building Plan Preliminary Drawing

Aqua Indiana is currently working with Midwestern Engineers, Inc. for foundation design and construction design release through the Department of Homeland Security. The included plans depict the building as sold by the manufacturer. Aqua Indiana will be making design changes to the interior layout to fit the needs of the office space. Those changes will be reflected in the plans submitted for building permit. The exterior dimensions will be as shown.

We appreciate your time and consideration of this request for special exception. Should you have any questions please contact our office at 317-334-0262 or by email at ssiple@midwesterneng.com.

Sincerely,

Scott M. Siple, P.E.
Midwestern Engineers, Inc.

Enclosures: as stated above

Cc: Mr. Jim Shields, P.E., Aqua Indiana LLC

802 W. BROADWAY ST. • P.O. BOX 295 • LOOGOOTEE, IN 47553 • P: 812-295-2800
6809 CORPORATE DRIVE • INDIANAPOLIS, IN 46278 • P: 317-334-0262
meinc@midwesterneng.com • www.midwesterneng.com



Floyd County
Department of Building & Development
Services 2524 Corydon Pike Suite 203
New Albany, IN 47150
Phone: (812) 981-7611
Fax: (812) 948-4744
Building@floydcounty.in.gov

Special Exception (Variance of Use)

Please Note:

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

Special Exception: A variance of use from a base zoning district's permitted or conditional uses.

1. General Information:

Applicant:	
Applicant Address:	
Applicant Phone:	
Applicant Email:	

Applicant's Interest in Property:

Owner Option Holder Purchase Agreement Legal Representative Other

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

Owner Name:	
Owner Address:	
Owner Phone:	
Owner Email:	

Applicant's Representative:

Representative Name:	
Representative Address:	
Representative Phone:	
Representative Email:	

2. Site Information:

Parcel ID Number:	
Address of Property/Location:	
Current Use of Property:	
Current Zoning District:	

3. Special Exception Request:

Detail the special exception request:

4. Special Exception Justification:

Indiana Code and the Floyd County Zoning Ordinance establishes specific criteria that each must be met in order for a Special Exception (Use Variance) to be approved. Describe how the request meets each of the following criteria:

1. The special exception will not be injurious to the public health, safety, morals, and general welfare of the community:

2. The use and value of area adjacent to the property will not be adversely affected in a substantially adverse manner:

3. The need for the special exception (variance of use) arises from some condition peculiar to the property involved:

4. The strict application of the terms of the Floyd County Zoning Ordinance would result in an unnecessary hardship in the use of the property:

5. Approval of the Special Exception will not contradict the goals and objectives of the Floyd County Comprehensive Plan:

The approval of the Special Exception will not contradict the goals and objectives of the Floyd County Comprehensive Plan. The special exception will allow the facility to expand and better serve the community that is currently being served.

5. Required Documents:

- \$500.00 Filing Fee
- Deed for subject property
- Affidavit of Ownership (if applicable)
- Site plan drawn to scale, signed, and dated which clearly shows the entire layout of the property and all features relevant to the request.
- Floor plan, including specific dimensions for any buildings on the property subject to the conditional use.
- Cover letter summarizing the request.
- For proposals using septic systems, a letter from the Floyd County Health Department shall be provided verifying that any proposed development makes appropriate use of the septic system.
- For proposals using sanitary sewer systems, a letter from the service provider shall be included verifying that any proposed new development will be served.

6. Signature:

The undersigned states that the above information is true and correct.

Name: Scott M. Siple, P.E.

Signature: *Scott M. Siple*

Date: 10/31/2024

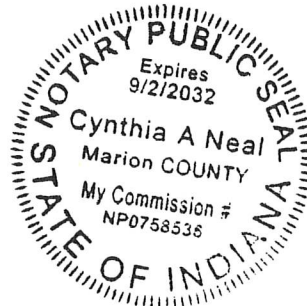
SUBSCRIBED AND SWORN BEFORE ME

THIS 31 DAY OF October, 2024.

NOTARY PUBLIC COUNTY OF Marion

MY COMMISSION EXPIRES 9/2/2032

Cynthia A. Neal
Cynthia A. Neal





Floyd County Plan Commission
 Floyd County Board of Zoning Appeals

AFFIDAVIT OF OWNERSHIP

If the owner(s) of the subject property are giving authorization for someone else to apply for this request, this attached attachment is to be completed and submitted at the time of the application.

I (We), Aqua Indiana, Inc. (f/k/a WYMBERLEY SANITARY WORKS INC.), do hereby certify that I am (we are)
 (Owners of subject property)

the owner(s) of the property legally described as 22-04-00-700-034.000-006,
 (Parcel ID Number)

And hereby certify that I (we) have given authorization to Scott Siple, P.E. - Midwestern Engineers, Inc.,
 (Applicant/Petitioner/Representative)

To apply for the included application on this subject property.

Name of Owner(s):	Parcel I.D. No:	Signature:	Date:
Aqua Indiana, Inc. (f/k/a WYMBERLEY SANITARY WORKS INC.)	22-04-00-700-034.000-006	<i>Robert Siple</i>	10/29/24

STATE OF IN)
) SS:
 COUNTY OF Boone)

Subscribed and sworn to before me, a Notary Public within and for said County and State

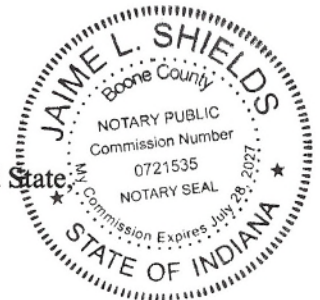
this 29 day of October, 2024.

MY COMMISSION EXPIRES:

July 28, 2027

MY COUNTY OF RESIDENCE:

Boone



Jaime L Shields
 Notary Public

Jaime L Shields
 Printed Signature

8544 v v

WARRANTY DEED

THIS INDENTURE WITNESSETH, that JOHN ADRIAN KANNAPEL and EMMA LOUISE KANNAPEL, also known as EMMA LOU KANNAPEL, husband and wife, of Floyd County, in the State of Indiana, CONVEY AND WARRANT to **WYMBERLEY SANITARY WORKS, INC.**, an Indiana corporation, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the following described real estate located in Floyd County, in the State of Indiana, to-wit:

Being a part of the Southwest quarter of Section 7, Township 2 South, Range 6 East, Lafayette Township, Floyd County, Indiana and being more fully described as follows:

Beginning at the Northeast corner of Lot No. 1 of Wymerley Woods Subdivision, Section One, Plat No. 794, and running thence North 0° 52' East, 50.0 feet to the true place of beginning of the tract of land to be herein described; Thence continuing North 0° 52' East, to the center line of Buck Creek Road; Thence running Southwestwardly along the center line of said Buck Creek Road to the Northeast corner of a 50 foot Right-of-way as shown on the above mentioned Plat No. 794; Thence South 7° 45' East, along said right-of-way for 100.0 feet; Thence South 88° 15' East, 541.78 feet to the place of beginning, containing 1.5 acres, more or less.

Subject to the right-of-way of the Buck Creek Road. Grantee herein assumes and agrees to pay 1977 taxes, due and payable in 1978, and all subsequent taxes.

IN WITNESS WHEREOF, the said Grantors have hereunto set

their hands and seals this 30 day of September, 1977.

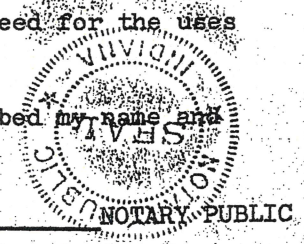
John Adrian Kannapel (SEAL) Emma Louise Kannapel (SEAL)
JOHN ADRIAN KANNAPEL EMMA LOUISE KANNAPEL, A/K/A EMMA LOU KANNAPEL

STATE OF INDIANA }
COUNTY OF FLOYD } SS:

Before me, a Notary Public, in and for said County and State, this 30 day of September, 1977, personally appeared the above named John Adrian Kannapel and Emma Louise Kannapel, A/K/A Emma Lou Kannapel, husband and wife, and acknowledged the execution of the foregoing conveyance to be their voluntary act and deed for the uses and purposes therein mentioned.

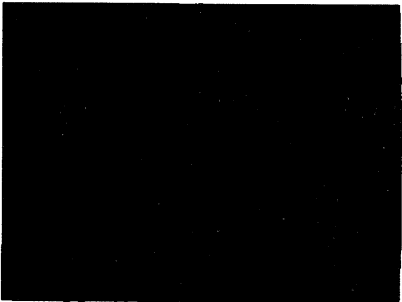
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

MY COMMISSION EXPIRES: October 21, 1980



RECEIVED FOR RECORD
OCT 3 1977
J. B. ...
RECORDED IN ...
INSTR. NO. 8544
RECORDER OF FLOYD COUNTY

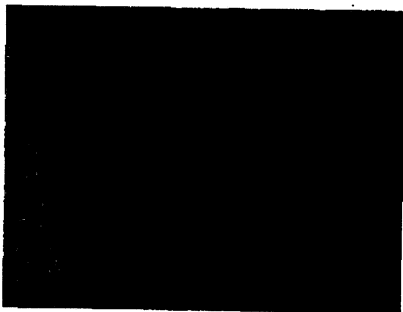
UNOFFICIAL COPY
CABINET 09 DRAWER 4 INSTRUMENT NO. 8544 ENTRY BOOK Deed CARD 1 OF 1 CARDS
DESCRIPTION Kammapel, John & Emma to Wymberley Sanitary
works, Inc.



THIS INSTRUMENT WAS FILED FOR RECORD IN THE
OFFICE OF THE RECORDER OF FLOYD COUNTY, INDIANA

DO NOT RE-FILE THIS FILMCARD
RETURN TO CLERK OR PLACE IN RE-FILE TRAY ON COUNTER

OFFICIAL COPY



DELIVERED 10-6 1921
TO 11173
[Signature]
Joseph A. Freilinger RECORDER FLOYD CO

**State of Indiana
Office of the Secretary of State**

**Certificate of Amendment
of
AQUA INDIANA, INC.**

I, CONNIE LAWSON, Secretary of State, hereby certify that Articles of Amendment of the above Domestic For-Profit Corporation have been presented to me at my office, accompanied by the fees prescribed by law and that the documentation presented conforms to law as prescribed by the provisions of the Indiana Code.

NOW, THEREFORE, with this document I certify that said transaction will become effective Friday, May 24, 2019.



In Witness Whereof, I have caused to be affixed my signature and the seal of the State of Indiana, at the City of Indianapolis, May 28, 2019

Connie Lawson

CONNIE LAWSON
SECRETARY OF STATE

1992080563 / 8278377

To ensure the certificate's validity, go to <https://bsd.sos.in.gov/PublicBusinessSearch>

APPROVED AND FILED
CONNIE LAWSON
INDIANA SECRETARY OF STATE
05/28/2019 08:36 AM

ARTICLE I - AMENDMENT

ARTICLE II - NAME AND PRINCIPAL OFFICE ADDRESS

BUSINESS ID 1992080563
BUSINESS TYPE Domestic For-Profit Corporation
BUSINESS NAME AQUA INDIANA, INC.
PRINCIPAL OFFICE ADDRESS 5750 CASTLE CREEK PARKWAY NORTH DRIVE, SUITE 314, Indianapolis, IN, 46250, USA
DATE AMENDMENT WAS ADOPTED 05/24/2019

ARTICLE III - EFFECTIVE DATE

EFFECTIVE DATE 05/24/2019
EFFECTIVE TIME 12:49PM

ARTICLE IV - AUTHORIZED SHARES

DATE OF ADOPTION 05/07/2019
NUMBER OF SHARES THE CORPORATION IS AUTHORIZED TO ISSUE 1001

ARTICLE V - GENERAL INFORMATION

DATE OF ADOPTION 05/07/2019
MANNER OF ADOPTION AND VOTE

The shareholders of the Corporation entitled to vote in respect to the amendment, adopted the proposed amendment. The amendment was adopted by: (Shareholder approval may be by either A or B).

B. Unanimous written consent executed on 05/07/2019 and signed by all shareholders entitled to vote.

APPROVED AND FILED
CONNIE LAWSON
INDIANA SECRETARY OF STATE
05/28/2019 08:36 AM

THE MANNER OF THE ADOPTION OF THE ARTICLES OF BUSINESS AMENDMENT AND THE VOTE BY WHICH THEY WERE ADOPTED CONSTITUTE FULL LEGAL COMPLIANCE WITH THE PROVISIONS OF THE ACT, THE ARTICLES OF INCORPORATION, AND THE BYLAWS OF THE CORPORATION.

THE UNDERSIGNED OFFICER OF THIS CORPORATION EXISTING PURSUANT TO THE PROVISIONS OF THE INDIANA BUSINESS CORPORATION LAW DESIRES TO GIVE NOTICE OF CORPORATE ACTION EFFECTUATING BUSINESS AMENDMENT OF CERTAIN PROVISIONS OF ITS ARTICLES OF INCORPORATION.

IN WITNESS WHEREOF, THE UNDERSIGNED HEREBY VERIFIES, SUBJECT TO THE PENALTIES OF PERJURY, THAT THE STATEMENTS CONTAINED HEREIN ARE TRUE, THIS DAY **May 24, 2019**.

SIGNATURE

Christopher P. Luning

TITLE

EVP, General Counsel and Secretary

Business ID : 1992080563

Filing No. : 8278377

ARTICLE II - AMENDMENT

The exact text of Article IV of the Articles is hereby amended and restated in its entirety to read as follows:

"The total number of shares that the Corporation has authority to issue shall be 1,001 shares (the "Shares"). All of the shares shall be of one class which class shall be designated Common Shares."



Wymberley Sanitary Works (Aqua Indiana, Inc. f/k/a Wymberley Sanitary Works Inc.) - SITE PLAN

Parcel ID : 22-04-00-700-034.000-006

Scott M. Siple

Applicant , Representative : Scott M. Siple P.E.
Date : 10 / 29 / 24

Quality Engineering Services Since 1959

Midwestern Engineers, Inc.

6809 Corporate Drive,
 Indianapolis, IN 46278
 Ph: 317-334-0262

802 West Broadway St., P.O. Box 295
 Loogootee, IN 47553
 Ph: 812-295-2800

Website: midwesterneng.com Fax: 812-295-2801 Email: meinc@midwesterneng.com

Consultants • Civil • Mechanical • Electrical

POST DATA - LVL									
LIVE LOAD: 20 LBS			PERIMETER PIERING REQUIRED						
LABEL	LOCATION	UNIT	POST LOAD	HEIGHT	BEARING	POST	PIER LOAD*	BEAM	CLEAR SPAN
A		A	800	96	1.75	2	1600	LVL	8'-0"
B	8'-0"	A	800	96	1.75	2	1600	LVL	8'-0"
C	16'-6"	A	1300	96	1.75	2	2600	LVL	12'-6 1/2"
C		B	1300	96	1.75	2		LVL	
D	29'-0 1/2"	A	1300	96	1.75	2	2600	LVL	12'-6 1/2"
D	13'-0 1/2"	B	1300	96	1.75	2		LVL	
* EMPTY PIER LOAD IS COMBINED IN NUMBER ABOVE									

LVL SPLICE LOCATION				
DIMENSIONS ARE FROM HITCH END				
LIVE LOAD: 20 LBS.				
FROM	TO	UNIT	MATE	
8'-0"	16'-6"	A	B	
29'-0 1/2"	64'-0"	A	B	
13'-0 1/2"	48'-0"	B	A	

FLOOR INFO	
JOIST SIZE	2x6
JOIST MAT'L	SPF
JOIST SPACING	16" O.C.

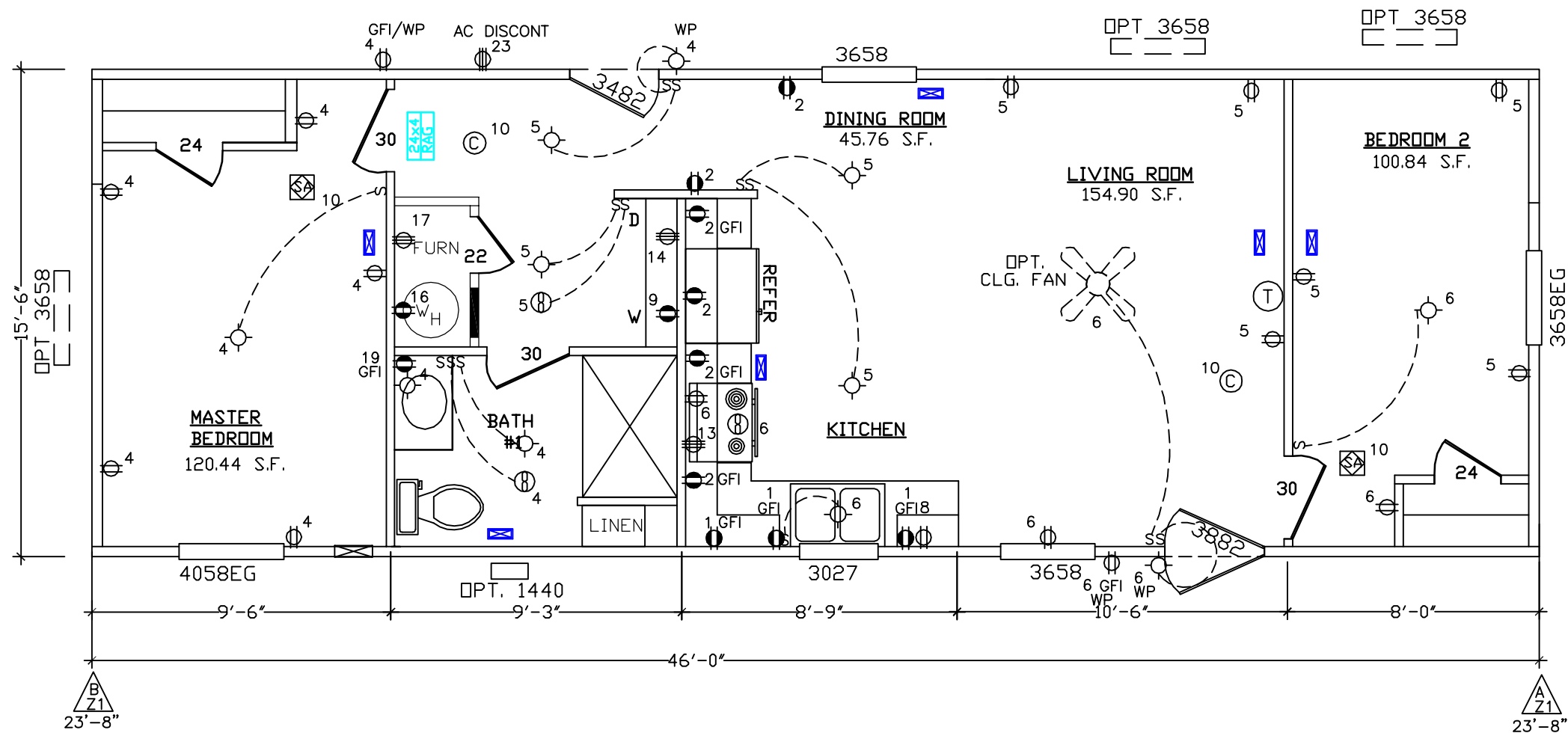
WALL INFO	
SIDEWALL HGT	96
EXT. WALL SIZE	2x6
EXT. SIDING MAT'L	VINYL LAP

CEILING/FLOOR INFO	
CEILING THICKNESS	1/2"
CEILING MAT'L	GYPSUM
FRONT EAVE D'HANG	3"
REAR EAVE D'HANG	3"
FRONT GABLE D'HANG	12"
REAR GABLE D'HANG	12"

SHEARWALL DATA										
WIND ZONE: 1										
LABEL	UNIT	WALL	PANEL	TYPE	ACT. LENGTH	NOTE	ACT. TRIB**	REQ. TRIB	JNS	SWHT
A	A	1	1SG	E	28"	3x26 ga Strap	5'-10"	4'-0"		96
B	B	1	1SG	E	68"	3x26 ga Strap	14'-3"	14'-0"		96
C	A	1	2SG	S	80"	3 JTS & 2 Lags	25'-0"	24'-0"		96
D	A	1	1SG	E	68"	3x26 ga Strap	14'-3"	14'-0"		96
** EMPTY TRIB FIELD IS COMBINED IN NUMBER ABOVE										
JNS = NUMBER OF JOISTS FOR USE WITHOUT STRAP										

WINDOW SCHEDULE						
QTY	SIZE	DESCRIPTION	TYPE	AREA	TOTAL	U VALUE
	34x82	BLANK	DOOR	19.36	19.36	0.21
2	38x82	GUNSLOT INSWING	DOOR	21.64	21.64	0.16
1	6/0x6/8	SGD-SAFETY	DOOR	40.00	40.00	0.32
	24 X 08	TRANSOM	WINDOW	1.33		0.30
	72 X 18	TRANSOM	WINDOW	9.0		0.30
1	14 X 40	SGL. HUNG WNDW	WINDOW	3.88	3.88	0.30
2	30 X 36	SGL. HUNG WNDW	WINDOW	7.5	15.0	0.30
8	36 X 58	SGL. HUNG WNDW	WINDOW	14.05	112.4	0.30
	40 X 58	SGL. HUNG WNDW	WINDOW	16.12		0.30
	36 X 70	SGL. HUNG WNDW	WINDOW	17.5		0.30
TOTAL WINDOW AREA: 133.95						

ADVENTURE HOMES 1119 FULLER DR. GARRETT, IN. 46738	Drawn By:	DRFTR
	Date	02/23/24
	Scale	NTS
	Rev Rev Date	REV REV_DATE
Title	COVER	
Model #	4562DR	SHT # SP 1



NOTES:

1. RECEPT SHALL NOT BE INSTALLED WITHIN 30" OF TUB/SHOWER SPACE.
2. ELECTRICAL WALL PLATES SHALL NOT BE INSTALLED WITHIN 6" OF A RANGE OR COOKTOP.
3. ROOM TITLES INCLUDING (#) INDICATES SQUARE FOOTAGE HAS BEEN COMBINED FOR GLAZING/VENTING REQUIREMENTS.
4. THIS FLOORPLAN MAY BE BUILT IN AN EXACT MIRROR IMAGE ABOUT ITS LENGTH (SIDE TO SIDE) AND /OR WIDTH (END TO END) AXIS. POST AND SPLICE RANGE DIMENSIONS (FROM CHARTS) ARE TO BE STARTED AT THE REAR OF END TO END MIRROR IMAGES.

THIS FLOOR PLAN AND ATTACHED OPTION DETAILS (IF APPLICABLE) IS DESIGNED TO MEET THE FOLLOWING STRUCTURAL REQUIREMENTS: WIND ZONE(S) 1 ROOF LOAD(S) 20 LBS.

LEGEND	
⊞ SERVICE PANEL	⊞ EXHAUST FAN
S SWITCH	S3 3-WAY-SWITCH
⊞ RECEPTACLE 15 AMP	⊞ SHEARWALL
⊞ RECEPTACLE 20 AMP	⊞ LIGHT (FLUORESCENT)
⊞ RECEPTACLE 220 V	⊞ SMOKE ALARM
GFI GROUND FAULT INTER.	⊞ SMOKE ALARM & C/O DET
↔ CROSS OVER CONNECTION	⊞ THERMOSTAT
○ SUPPORT POST	⊞ PERIMETER REGISTER
⊞ LIGHT (INCANDESCENT)	⊞ FLOOR REGISTER
⊞ PORCH LIGHT W/WP	⊞ RETURN AIR GRILLE
⊞ RECESSED LIGHT	⊞ OPT. CLG. FAN
○ PENDANT LIGHT	

BANK PACK

ADVENTURE HOMES 1119 FULLER DR. GARRETT, IN. 46738		Drawn By: DRFTR
Title Floorplans		Date 02/29/24
Model # 1646 CUSTOM		Scale NTS
SHT # FP 1		Rev Rev Date