

February 3, 2021

Board of Zoning Appeals,
City of Shelbyville, Indiana
44 W. Washington Street
Shelbyville, Indiana 46176

*RE: Administrative Appeal of Burnside LLC and Sumerford Land Trust I
Case No. BZA 2020-12*

Dear Board Members:

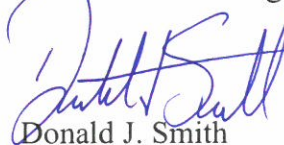
The undersigned represents Burnside LLC and the Sumerford Land Trust I (the "Petitioner"), as it relates to the above-referenced case.

Enclosed for your review is a statement of Michelle Hansard, the former Deputy Director of the Shelbyville Planning Department. Ms. Hansard contacted Bob Adams spontaneously and offered to provide this statement in support of this appeal. This statement was not available to the Petitioner at the time of the hearing, and Petitioner requests that it be considered in rendering the Board's decision on this matter pursuant to Section 9.04(D) of the Shelbyville Unified Development Ordinance and added to the record of these proceedings.

Thank you for your consideration in this matter.

Very truly yours,

Katz Korin Cunningham PC



Donald J. Smith

Enclosures

cc (all via e-mail): Robert Adams, Esq.
Tom Vander Luitgaren, Esq.
Jenny Meltzer, Esq.
Adam Rude
Lisa Loveless

4843-1090-2746, v. 1

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**STATEMENT BY FORMER DEPUTY PLANNING DIRECTOR AS
TO REQUIREMENTS TO W. TAYLOR SUMERFORD, JR.**

1. I served as the Deputy Planning Director of the City of Shelbyville. I was employed for ten years from 2005 to 2015, working under Thomas DeBaun and Dann Bird as Plan Commission Directors. I am personally familiar with the matters set forth in this statement and voluntarily brought them forth for consideration by any concerned person or governmental body, including the Shelbyville Board of Zoning Appeals. I reside in Shelby County.

2. I have reviewed the current proceedings on file with the Board of Zoning Appeals on its website on appeal from a determination by the planning director against Mr. Sumerford and his companies Burnside LLC and Sumerford Land Trust I (referred to as owned by Mr. Sumerford).

3. The Planning Department has never required an Improvement Location nor other permits during the period from 2005 to 2015 when I served as Deputy Director, as requested currently against Mr. Sumerford. Such permits were simply not required even if there was a provision for permit under the zoning ordinance.

4. During my employment, several of the department's personnel knew of and observed the use and filling that was being conducted for the two gravel pits by Mr. Sumerford north of Shelbyville on State Road 9. They were immediately adjacent to State Road 9, a major thoroughfare. No concerns or objections were mentioned by the Director to Mr. Sumerford filling in of the gravel pits.

5. There was no objection expressed in the Department that what Mr. Sumerford was doing at those two locations was not in compliance with the zoning rules, or that he was doing any improvements that would require a permit through the Department. It was expressed that any items used to fill in pits were to be clean fill or the State would have an issue with it.

6. Mr. Sumerford was cooperative when a matter arose, such as mowing of grass. He would immediately respond to remediate the problem that we thought should be

taken care of. We would simply call Mr. Sumerford, and he would respond promptly to take care of such minor matters.

7. No one contacted me to make this statement. I voluntarily came forward because I believe that the actions by the Planning Department against Mr. Sumerford are substantially inconsistent with the practices previously applied by the Shelbyville Planning Department.

8. A copy of this statement is effective in the same manner as the original document.

Dated the 1st day of February, 2021.

Respectfully submitted,

Michele Hansard
Michele Hansard