



**Board of Zoning Appeals Staff Report**  
**Department of Planning and Building**  
**Town of McCordsville**

**September 2, 2020**

**Project:** McCordsville Investments, LLC, BZA-20-010

**Petitioner:** Gurinder Singh

**Location:** Westside of CR 600W, approximately ¼ mile north of CR 800N

**Request:** The petitioner's request seeks an Administrative Appeal to a decision of the Administrative Officer (Director of Planning & Building) to enforce the Town's Unwholesome Environmental Conditions Ordinance, which requires all properties to maintain their properties so that all vegetation is no taller than eight (8) inches in height.

**Staff Review:** This property is undeveloped and zoned as part of the Villages at Brookside PUD. The property is approximately 25 acres in size.

On September 11, 2012 the Town Council adopted the Town's current Unwholesome Environmental Conditions Ordinance (the "Ordinance"). The Ordinance considers an "unwholesome environmental condition" *to exist on public or private property whenever any vegetation on such property, or easement appurtenant thereto is abandoned, neglected, disregarded, or not cut, mown, or otherwise removed and which has attained a height of eight (8) inches or more, or violates any valid law, ordinance or regulation of the State of Indiana, Hancock County, the Town of McCordsville, or any departments or agencies thereof.*

Furthermore, the Ordinance states: *The McCordsville Town Manager and/or his/her designee is authorized and directed to establish and maintain an office of environmental enforcement whose powers and duties shall include but not limited to determining and causing to be abated any public nuisance which constitutes an "unwholesome environmental condition" as hereinafter defined and prosecution of violation of this ordinance.* The Town Manager has designated the Director of Planning & Building as her designee in regard to enforcement of this Ordinance.

The Planning & Building Dept. acting as code enforcement has sent various letters to the property over the years in attempts to bring the property into compliance with the Ordinance.

Last month, staff was able to discuss this issue with the property owner, who at that time expressed his wish to appeal the Planning & Building Director's decision to enforce the Ordinance. The owner has cited the cost of mowing/bush-hogging as the reason for his appeal. The Ordinance does not give any consideration to financial cost and therefore the Director of Planning & Building cannot choose to simply not enforce the Ordinance. Thus, this appeal is being brought before the Board of Zoning Appeals.

### Existing Conditions

