

MAY 20 2022

STATE OF INDIANA )

) SS:

COUNTY OF SHELBY )

CAUSE NO. PC.2022.10

IN THE MATTER OF )  
THE REQUEST BY ARBOR HOMES )  
ALLEN & ALLEN LLC )  
FOR PRELIMINARY PLAT APPROVAL )  
IN PC.2022.10 FOR ISABELLE FARMS. )

BEFORE THE SHELBYVILLE  
PLAN COMMISSION

**REQUEST BY CHARLES J. HENTZ, DEBORAH L. HENTZ  
AND ROBERT ADAMS AS TO (1) FENCING AND (2) CONSTRUCTION ENTRYWAY**

Charles J. Hentz, Deborah L. Hentz, and Robert Adams request that the Preliminary Plat provide provide provisions for fencing and also construction entrance as follows:

**First Issue - Fencing**

1. That Charles J. Hentz and Deborah L. Hentz own a 1.50 acre tract at 1443 N. Riley Highway, surrounded on two sides by Isabelle Farms subdivision (the "Hentz Tract").
2. That Robert Adams owns a tract consisting of 1.74 acres at 1453 N. Riley Highway surrounded on two sides by the Isabelle Farms subdivision (the "Adams Tract").
3. That both the Adams Tract and the Hentz Tract are adjacent to each other and are surrounded in a large U-shape by the Isabelle Farms subdivision. That the Hentz Tract consists of a historic home of the Gordon Family after whom the Isabelle Farms subdivision is named. The residence was built in the 1830s and modernized by the Hentzs.
4. In addition, a common area is placed adjacent to both the Hentz Tract and the Adams Tract. A small lane designates farm access onto State Road 9, 17.5 feet wide.
5. That the Adams Tract, the Hentz Tract and the 17.5 feet lane are shown on Exhibit A.
6. That both Hentz and Adams request that the Plan Commission requires a 6 feet chain link boundary line fence around its respective tracts so that the real estate may be protected from the multiple ownership and fencing which would be required without it. Otherwise, a hodgepodge of fencing and issues with regard to adjacent property owners under the Fencing Law would result. Multiple litigation would be required to enforce the requirement for fencing on an individual property owner basis.
7. Without fencing, persons can freely wander into the larger Hentz Tract and Adams Tract, including children and animals.

8. That similar boundary line fencing was required by the Shelbyville Plan Commission with regard to the Fountain Lake Subdivision, and it worked to prevent people from dumping and trespassing onto adjacent real estate.

9. Without such fencing, the eleven separate property owners and the common area would be located adjacent to the Adams Tract and the Hentz Tract.

Second Issue – Construction Entrance

10. Arbor Homes proposes to have all its construction traffic enter over a 17.5 feet farm lane depicted on the attached Exhibit A. Such lane is inadequate for heavy construction and large equipment. Such equipment would trespass onto the adjacent property owners, including Adams, damaging his property with building materials, trusses, beams, and concrete trucks.

11. In addition, noise, fumes and construction activity will occur daily with personnel entering over such lane, which is not designed to bear such traffic and noise close to residences.

12. That debris, mud and customary construction matters would also be deposited in traveled portions of State Road 9, causing major issues on cleanup of construction materials and mud left by personnel traveling in and out of the construction site, for a period of over a year or more.

13. There are adequate alternatives for construction entry, including the Michigan Road extending easterly into the Isabelle Farms tract. Such route is shown on the attached Exhibit B, including the recently installed roadway down the hill. Such roadway for access was installed and used for heavy farm equipment, including sensitive combines. Therefore, construction equipment and vehicles can use such means of access.

14. That the alternative access results in no disturbance or interference with the residences or traffic on State Road 9.

WHEREFORE, Charles J. Hentz, Deborah L. Hentz and Robert Adams respectfully request that the Shelbyville Plan Commission provide in its plat approval for the two provisions requested herein, being (1) 6 feet fencing around the Adams Tract and the Hentz Tract; and (2) appropriate construction entrance into the subdivision; and all other appropriate provisions.

Respectfully submitted,



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Robert Adams, Owner of Adams Tract

Respectfully submitted,

Charles J. Hentz

Charles J. Hentz, Owner of Hentz Tract

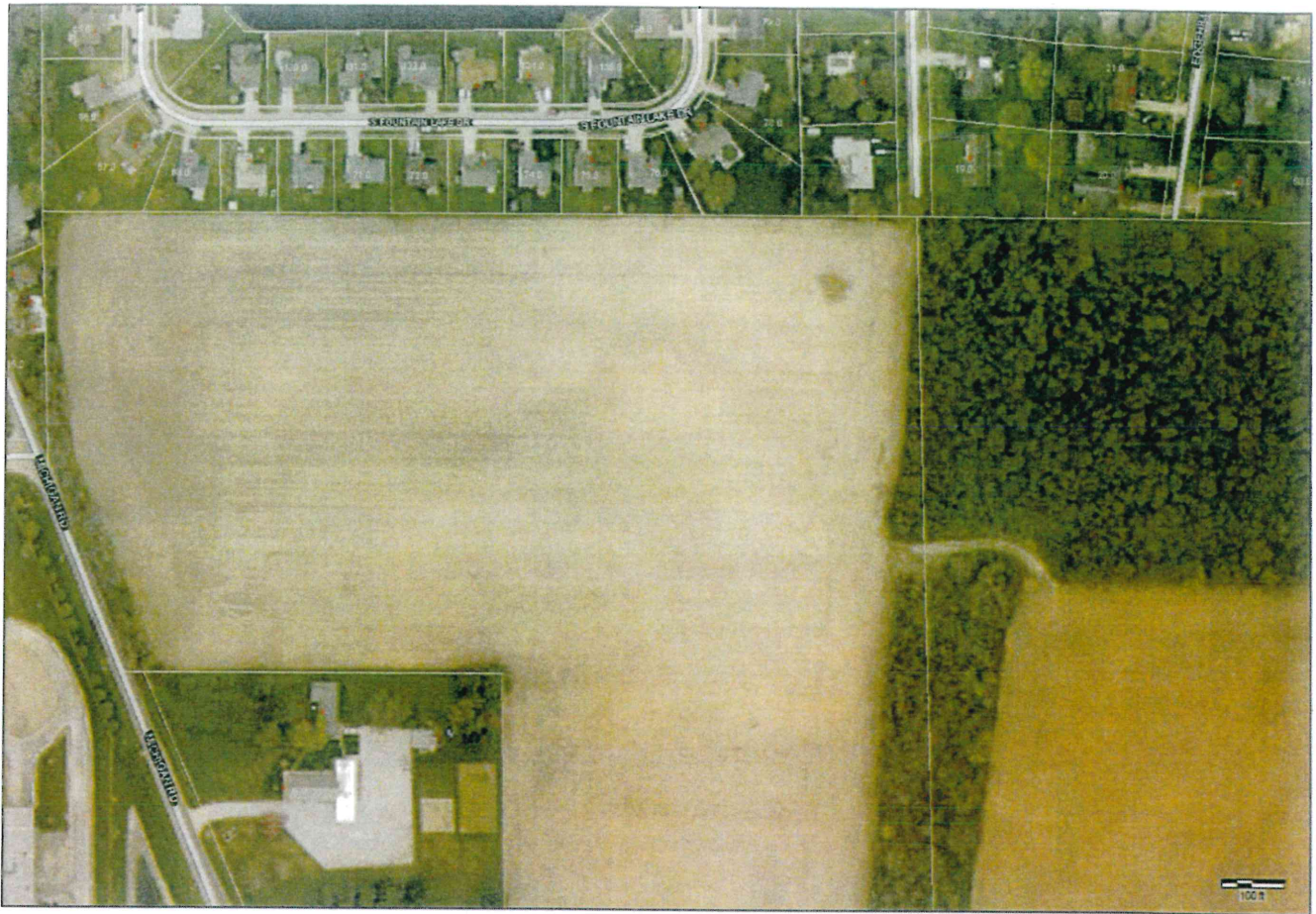
Deborah L. Hentz

Deborah L. Hentz, Owner of Hentz Tract

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The purpose of this map is to display the geographic location of a variety of data sources frequently updated from local government and other agencies. Neither WTH Technology nor the agencies providing this data make any warranty concerning its accuracy or merchantability. And no part of it should be used as a legal description or document.

General  
Payments  
Bills  
Deductions  
Assessments

#### Owner and General Parcel Information

<b>Property Card</b>	<a href="#">Show Property Card</a>
<b>Tax History Data</b>	
<b>Images</b>	
<b>Sketches</b>	
<b>Owner Name</b>	
<b>State Parcel Number</b>	
<b>Parcel Number</b>	
<b>Map Number</b>	
<b>Legal Description</b>	
<b>Acreage</b>	
<b>Instrument Number</b>	
<b>Book Number</b>	
<b>Page Number</b>	

EXHIBIT B