

ZONING ORDINANCE NO. 2011-2

ZONING ORDINANCE AMENDMENT

THIS IS AN ORDINANCE for the purpose of amending and changing the zoning ordinances of the County of Shelby as it relates to a certain tract of property known as 4320 West 500 North, Fairland, Indiana, specifically amending the Shelby County, Indiana Zoning Ordinance adopted by the Board of Commissioners of Shelby County, Indiana on September 18, 2008, which became effective on October 18, 2008, including and incorporating therein Township Zoning Maps dated September 18, 2008 as amended, showing the boundary lines of certain Zoning Districts thereon.

BE IT ORDAINED by the Board of Commissioners of Shelby County Indiana, as follows:

Section 1: Purpose. The purpose of this Ordinance shall be to amend the Zoning Map of Brandywine Township of the Shelby County Code and the zoning ordinances thereunder as it relates to the real estate specifically described in Section 2 of this Ordinance to change the designation of said real estate from being zoned A2 (Agricultural) to a designation RE, Residential Estate (approximately 10.00 +/- acres).

Section 2: Amendment. Shelby County, Indiana Zoning Ordinance adopted by the Board of Commissioners of Shelby County, Indiana on September 18, 2008, which became effective on October 18, 2008, including and incorporating therein Township Zoning Maps dated September 18, 2008, as amended, showing the boundary lines of certain Zoning Districts thereon, are hereby amended by adding the following subsection:

Land rezoned from “A2,” Agricultural, to “RE,” Residential Estate:

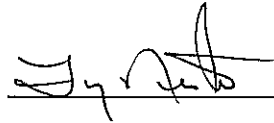
The following parcel of land and real estate located in Brandywine Township, Shelby County, Indiana and particularly described herein being formerly zoned and shown on the Brandywine Township Zoning District Map and lying in an “A2” Agricultural district is hereby rezoned to “RE” Residential Estate:

See attached legal description of subject rezone tract.

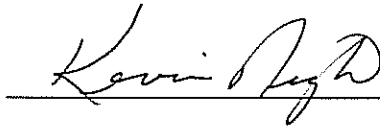
Section 3: Effective Date. This ordinance shall be in full force and effect from and after its adoption by the Board of Commissioners of Shelby County, Indiana.

Section 4: Repealable Provisions. All ordinances and parts of ordinances in conflict with the specific amendment herein are hereby repealed.

ADOPTED this 14 day of February, 2011, by a vote of 3 ayes and
 nays of members of the Board of Commissioners of Shelby County, Indiana.



Tony Newton, President

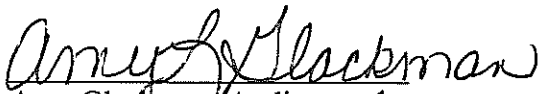


Kevin Nigh, Member



David Mohr, Member

ATTEST:



Amy Gladman, Auditor *js*
Shelby County, Indiana

REPORT

THE PURPOSE OF THIS SURVEY IS TO DESCRIBE AND MONUMENT TWO TRACTS OF LAND FROM ONE PARENT TRACT. THEN BOUNDARY BETWEEN THE TWO TRACTS WAS DETERMINED BY THE PROPERTY OWNER AND ARE CONSIDERED TO BE ORIGINAL, THEREFORE THERE IS NO UNCERTAINTY IN THEIR LOCATION.

PARENT TRACT DESCRIPTION (DB 291, PAGE 384)

BEGINNING AT A POINT 11.53 CHAINS EAST OF THE SOUTHWEST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 13 NORTH, RANGE 6 EAST AND RUNNING THENCE NORTH 00.62 CHAINS, THENCE EAST 9.53 CHAINS, THENCE SOUTH 20.62 CHAINS AND THENCE WEST 9.43 CHAINS TO THE PLACE OF BEGINNING, CONTAINING 19.45 ACRES, MORE OR LESS. (NOTE: CALCULATES TO BE 9.54 ACRES)

DESCRIPTION - TRACT ONE

PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 13 NORTH, RANGE 6 EAST, SHELBY COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID HALF-QUARTER SECTION BEING 760.98 FEET NORTH 90°00' EAST (ASSUMED BEARING) OF THE SOUTHWEST CORNER OF SAID HALF-QUARTER SECTION; THENCE NORTH 00°00' EAST 1360.92 FEET; THENCE NORTH 90°00' EAST 28.98 FEET; THENCE SOUTH 00°16'40" WEST 615.16 FEET; THENCE SOUTH 90°00' WEST 586.00 FEET; THENCE SOUTH 00°00' WEST 745.75 FEET TO THE SOUTH LINE OF SAID HALF-QUARTER SECTION; THENCE SOUTH 90°00' WEST 40.00 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING, CONTAINING 9.54 ACRES, MORE OR LESS.

DESCRIPTION - TRACT TWO

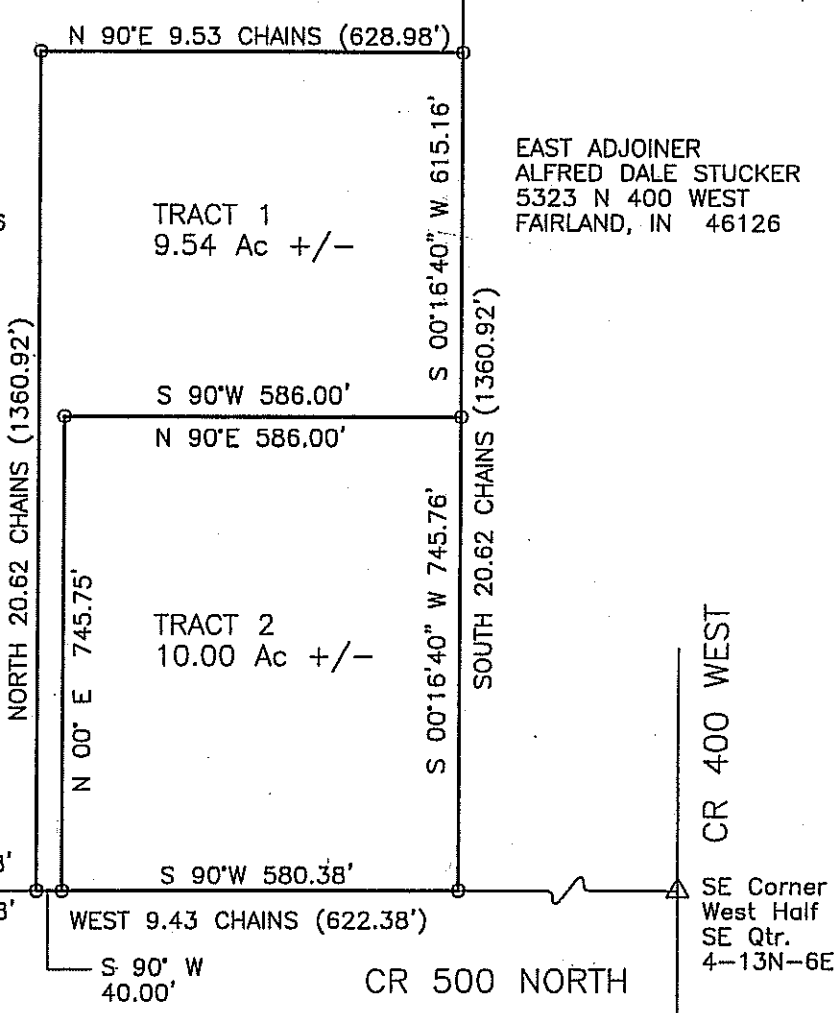
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NORTH ADJOINER MICHAEL D. AND MONIQUE SCOTT

WEST ADJOINER MICHAEL D. AND MONIQUE SCOTT 4844 N 450 W FAIRLAND, IN 46126

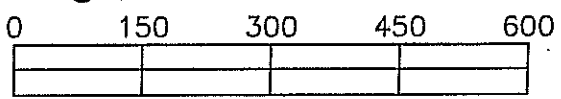
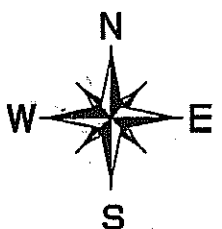
EAST ADJOINER ALFRED DALE STUCKER 5323 N 400 WEST FAIRLAND, IN 46126



CLIENT:
ROBERT E. THOMPSON
4320 W 500 NORTH
FAIRLAND, IN 46126

GREG GARRISON, LS
7393 W. 275 NORTH
BOGGSTOWN, IN 46110
317-835-7325

Gregory Garrison



SCALE

-
-
-
-

25 West Polk Street, Rm 201
Shelbyville, Indiana 46176
Phone 317.392.6338
Email:amy.dillon@co.shelby.in.us

Shelby County Plan Commission

January 26, 2011

To: Shelby County Commissioners
From: Amy L. Dillon, AICP
Executive Director

RE: Rezone 11-01: Robert Thompson

Gentlemen,

On behalf of the Shelby County Plan Commission, I certify to you the following report and recommendation concerning the application for approval of the rezone petition for the property located at 4320 West 500 North in Brandywine Township filed by Robert Thompson.

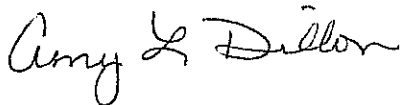
- 1.) The Plan Commission heard the application on January 25, 2011 at a public hearing held at the Shelby County Courthouse Annex Room 208A. Proper notice was given prior to the meeting to all interested parties and by publication in the Shelbyville News as required by ordinance.
- 2.) The petitioners were represented by Realtor Steve Allen of FC Tucker.
- 3.) Steve Allen made a formal presentation regarding the petition to the Plan Commission.
- 4.) Prior to the meeting on January 25, 2011, the petitioner had presented the Plan Commission with the following information.
 - a.) Rezone Application.
 - b.) Property description and aerial photo of the property to be rezoned.
 - c.) Survey Drawing of the proposed subdivision of the overall property.
- 5.) Public comment was solicited and considered by the Plan Commission. There was no public comment on the petition.

- 6.) The Plan Commission asked questions of the petitioner prior to making a motion on the petition.
- 7.) A motion was made to vote on the petition to forward a favorable recommendation to rezone the subject 10.00 +/- acres from A2 to RE to the County Commissioners with the following stipulations:
 - a. Should the platting of the subdivision not commence within two years, then the property shall revert to its original agricultural (A2) zoning designation.
 - b. Only two lots shall be permitted for the overall 19.54-acre parent tract. Further subdivision of the property would require further rezoning.
 - c. The owners shall apply for a development standards variance of the minimum lot frontage requirement should they desire to build on the 19.54-acre A2 zoned parcel in the future. If the variance request is denied the 9.54-acre lot shall be deemed a non-buildable lot.

The Plan Commission approved the motion by a vote of 5-1; therefore, a favorable recommendation is being forwarded to the County Commissioners.

If further information is required, please feel free to contact me at the enclosed location.

Respectfully,



Amy L. Dillon, AICP
Executive Director

Copy to: File
Steve Allen

REZONING APPLICATION

Shelby County Plan Commission
25 West Polk Street, Room 201
Shelbyville, IN 46176
P: 317.392.6338 F: 317.421.8365

For Office Use Only	
Case #:	_____
Hearing Date:	_____
Fees:	_____
Approved	Denied

1. Applicant/Property Owner:

Applicant: Robert E. Thompson
 Name: _____
 Address: 4320 W. 500 North
Fairland IN
 Phone Number: 317 372-4172 (cell)
 Fax Number: _____
 E-mail Address: _____

Owner:
 Name: _____
 Address: _____
 Phone Number: _____
 Fax Number: _____

2. Applicant's Attorney/Contact Person and Project Engineer (if any):

Attorney/Contact Person:
 Name: Steve Allen FL Tucker Shelby County
 Address: 204 N Harrison
Shelbyville IN 46176
 Phone Number: 317 398 8709
 Fax Number: 317 421 2037

Project Engineer:
 Name: _____
 Address: _____
 Phone Number: _____
 Fax Number: _____

3. Project Information:

General Location of Property (and address if applicable): _____
4320 W. 500 North, Fairland IN
Owner wants to divide 14.45 acres
to 10 acres and 4.45 acres

Current Use: Horse Farm and Residence
 Current Zoning: R1
 Proposed Use: Continue Same Use modify to 10 acre
 Proposed Zoning: RE and R2
 Area (in acres): 10 Acres and 4.45 Acres

4. Attachments:

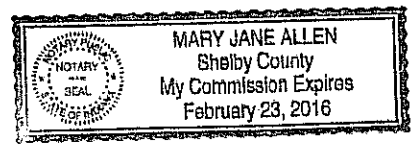
- Affidavit & Consent of Property Owner (if applicable)
- Proof of ownership (copy of deed)
- Letter of Intent
- Site Plan
- Vicinity Map
- Application Fee
- Legal Description

The undersigned states the above information is true and correct as (s)he is informed and believes.

Signature of Applicant: Robert E. Thompson Date: 12-27-10

State of Indiana)
 County of Shelby) SS:

Subscribed and sworn to before me this 27th day of December, 2010
Mary Jane Allen, Mary Jane Allen
 Notary Public Signed Printed
 Residing in Shelby County My Commission expires 2/23/2016



**AFFIDAVIT & CONSENT OF PROPERTY OWNER
APPLICATION TO THE SHELBY COUNTY PLAN COMMISSION**

STATE OF INDIANA)
COUNTY OF SHELBY) SS:

I, Robert E. Thompson, AFTER BEING DULY SWORN, DEPOSE AND SAY THE FOLLOWING:
(Name of property owner)

1. That I am the owner of real estate located at 4320 W. 500 North Fairland IN ;
(Address of affected property)
2. That I have read and examined the Application made to the Shelby County Plan Commission by:
Robert E. Thompson
(Name of applicant)
3. That I have no objections to, and consent to the request(s) described in the Application made to the Shelby County Plan Commission.

ROBERT E. THOMPSON
Owner's Name (Please Print)

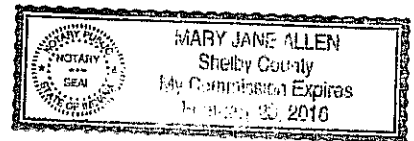
Robert E. Thompson
Owner's Signature

State of Indiana)
County of Shelby) SS:

Subscribed and sworn to before me this 27th day of December, 2010

Mary Jane Allen, Mary Jane Allen
Notary Public Printed

Residing in Shelby County My Commission expires 2/23/2016



NOTICE OF PUBLIC HEARING
BY THE
SHELBY COUNTY PLAN COMMISSION

Notice is hereby given that the Shelby County Plan Commission will hold a Public Hearing on 1/25/2011
(Date of hearing)
at 7:00 P.M. in Conference Room 208A at the Shelby County Courthouse Annex to consider a petition
by ^(Time) Robert E. Thompson to allow the following:
(Name of applicant)

Landowner requests permission to divide 19.45 acres in to 2 parcels. Parcel 1 to be house and all improvements measuring approx. 640X680 10 acres and zoned RE.
Parcel 2 to be tillable land North of parcel measuring 680X600 with 40 feet of road frontage west of parcel 1 and zoned A2.
(Type a brief description of request)

The property is located at 4320 W. 500 North, on the North side of County Road 500 North
between County Road 400 West and County Road 500 West in section 4 of Brandywine Township and
also described by the following:

(INSERT LEGAL DESCRIPTION OF PROPERTY)

The application may be examined at the office of the Shelby County Plan Commission located in the Courthouse Annex at 25 West Polk Street, Room 201, Shelbyville, Indiana, 46176, Monday through Thursday between the hours of 7:00 AM and 5:00 PM.

Written comments in support of or in opposition to the Petition may be filed with or mailed to the Plan Commission Director prior to the Public Hearing at the above address or filed with the Plan Commission Secretary at the Public Hearing. Said Public Hearing will be open to the public and any objectors will be heard at this meeting. Hearings may be continued from time to time as may be necessary.

Plan Commission
Representative

Title

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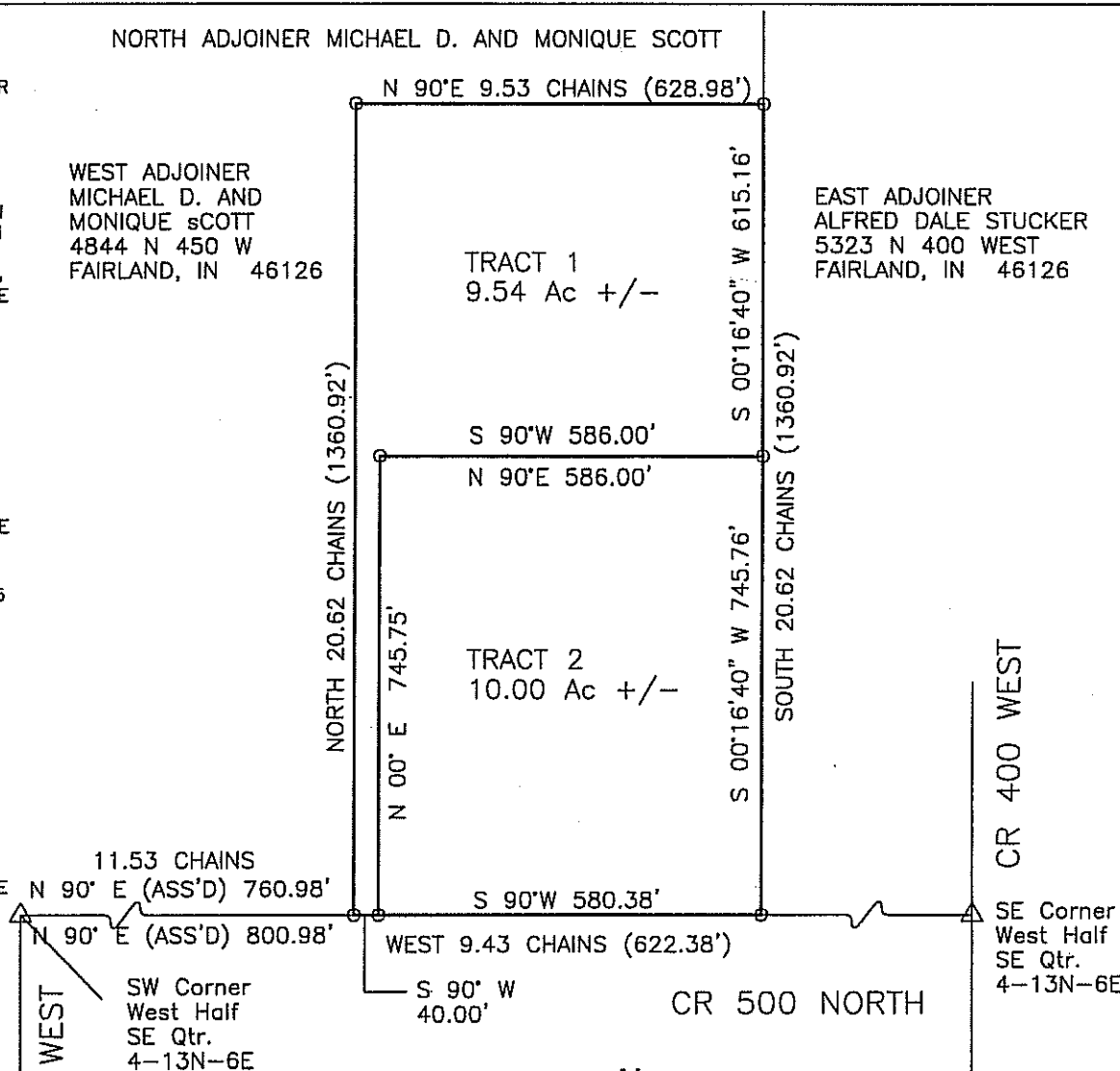
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 MICHAEL D. AND
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 4844 N 450 W
 FAIRLAND, IN 46126

EAST ADJOINER
 ALFRED DALE STUCKER
 5323 N 400 WEST
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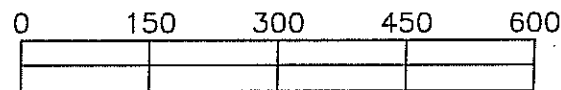
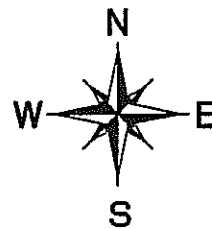
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4320 W 500 NORTH
FAIRLAND, IN 46126

GREG GARRISON, LS
7393 W. 275 NORTH
BOGGSTOWN, IN 46110
317-835-7325

Kenneth Gregory Garrison



12/27/2010



SCALE