

# Shelby County Plan Commission

November 26, 2024, at 7:00 PM

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# MEETING AGENDA

Shelby County Plan Commission  
November 26, 2024, at 7:00 P.M.

## CALL TO ORDER

## ROLL CALL

## APPROVAL OF MINUTES

Minutes from the October 22, 2024, meeting.

## BUSINESS CONTINUED TO JANUARY 28, 2024

**RZ 24-11 – BASS REZONING:** Rezoning of 1.5-acres from the A2 (Agricultural) District to the R1 (Single-Family Residential) District to allow for a one-lot Simple Subdivision. Located approximately 90-feet north of 5754 N 500 W, Fairland, Brandywine Township.

**SD 24-12 – BASS SIMPLE SUBDIVISION:** Simple Subdivision of a 1.5-acre single-family building lot from a 31.5-acre parent tract and waivers of subdivision standards. Located approximately 90-feet north of 5754 N 500 W, Fairland, Brandywine Township.

## OLD BUSINESS

None.

## NEW BUSINESS

**VAC 24-02 – VACATION OF LOTS IN DRAKE’S ADDITION:** Vacation of Part of Lot 5, Lot 6, Lot 7, Lot 8, Lot 9, and Part of Lot 10 of Drake’s Addition Subdivision. Located at 208 S Franklin St, Fairland, Brandywine Township. **This petition has been withdrawn.**

**SD 24-10 – BROWN WOODS TRAIL SIMPLE SUBDIVISION:** Simple Subdivision of a 2.4-acre single-family building lot from a 14.64-acre parent tract. Located East of and adjoining 7816 W 950 N, Fairland, Moral Township.

**RZ 24-09 – RUSH REZONING:** Rezoning of 8.24-acres from the A1 (Conservation Agricultural) District to the A2 (Agricultural) District to allow for a one-lot Simple Subdivision. Located at 4717 S Marietta Rd, Shelbyville, Hendricks Township.

**SD 24-11 – RUSH SIMPLE SUBDIVISION:** Simple Subdivision to legally establish an 8.24-acre building lot subdivided from a +/- 95-acre parent tract and waivers of subdivision standards. Located at 4717 S Marietta Rd, Shelbyville, Hendricks Township.

**RZ 24-10 – DAVIS REZONING:** Rezoning of 6-acres from the A1 (Conservation Agricultural) District to the A2 (Agricultural) District to allow for development of a single-family residence. Located at 9075 N 800 E, Morristown, Hanover Township.

#### **APPROVAL OF 2025 PLAN COMMISSION MEETING CALENDAR**

#### **DISCUSSION**

None.

#### **ADJOURNMENT**

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **January 28, 2024**, at **7:00 PM** (no December meeting).

## Property Details

**Location:** East of and adjoining 7816 W 950 N, Fairland, Moral Township.

**Property Size:** 2.346-acres.

**Current Land Use:** Cropland / Woodland.

**Current Zoning Classification**  
RE (Residential Estate)

*This district is established for single-family detached dwellings in a rural or country setting.*

**Future Land Use per Comp Plan**  
Suburban Residential

*This purpose of this category is for the transition of land use from agricultural and estate residential uses to low to medium-density, single-family residential subdivisions as water and sewer facilities become available.*

**Parks, Open Space, & Conservation**

*The purpose of this category is to provide for passive and active recreational activities, permanent preservation of significant natural areas, and preservation of natural features within clustered developments. This category applies to public and private lands.*

### Surrounding Development

	Zoning	Land Use
North	RE	Woodland
South	RE	Cropland
East	RE	Cropland
West	RE	Estate Residential

# Staff Report

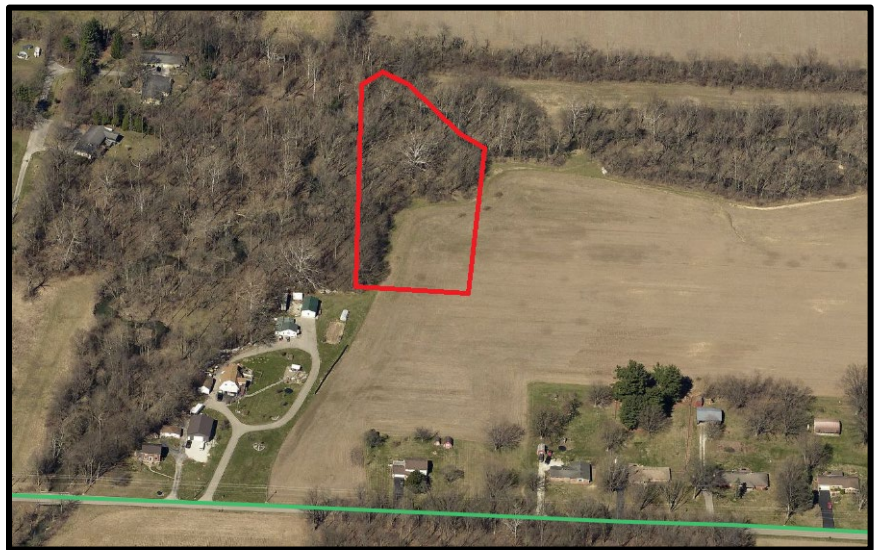
**Case Number:** SD 24-10

**Case Name:** Brown Woods Trail Simple Subdivision

## Request

**Simple Subdivision** of a 2.346-acre single-family building lot from a 14.64-acre parent tract.

## Property Map



## Case Description

- The petitioner proposes to subdivide a 2.346-acre single-family building lot from a 14.64-acre parent tract to allow a family member to build a new home.
- The northwest corner of the property adjoins West Little Sugar Creek.
- Approximately 1.5-acres of the property along West Little Sugar Creek lies within a Federal Emergency Management Agency (FEMA) and Indiana Department of Natural Resources (IDNR) designated Flood Hazard Area. The plat includes a No-Disturb Easement over the Flood Hazard Area prohibiting development of single-family dwellings, accessory structures, and alteration of land in the Flood Hazard Area.

- The property lies approximately 1/10-mile from CR 950 N. The petitioner plans to record an access easement providing access to the lot. The Plan Commission Office will require proof of easement prior to issuance of construction permits for the property.
- On August 27, 2024, the Plan Commission approved a vacation of stipulations of rezoning attached to the property and waivers to allow for creation of the lot without 160-feet of road frontage and without frontage on a public street built to County street standards. Criteria in support of the waiver request include visibility of the building site from the road, desirability of including existing wooded area within the lot, and allowance for residential development within an existing residential area.
- The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance of permits for a new single-family residence.
- Per State Code, the Plan Commission must approve any subdivision of property that complies with local subdivision code. The proposed subdivision complies with local subdivision code.

### Staff Analysis Findings of Fact

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#### Staff has reviewed the proposed plat and has determined:

1. The subdivision of land is consistent with the Shelby County Comprehensive Plan.
2. The subdivision of land satisfies the development requirements of Article 06: Subdivision Types.
3. The subdivision of land satisfies the standards of Article 07: Design Standards.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.

### Staff Recommendation

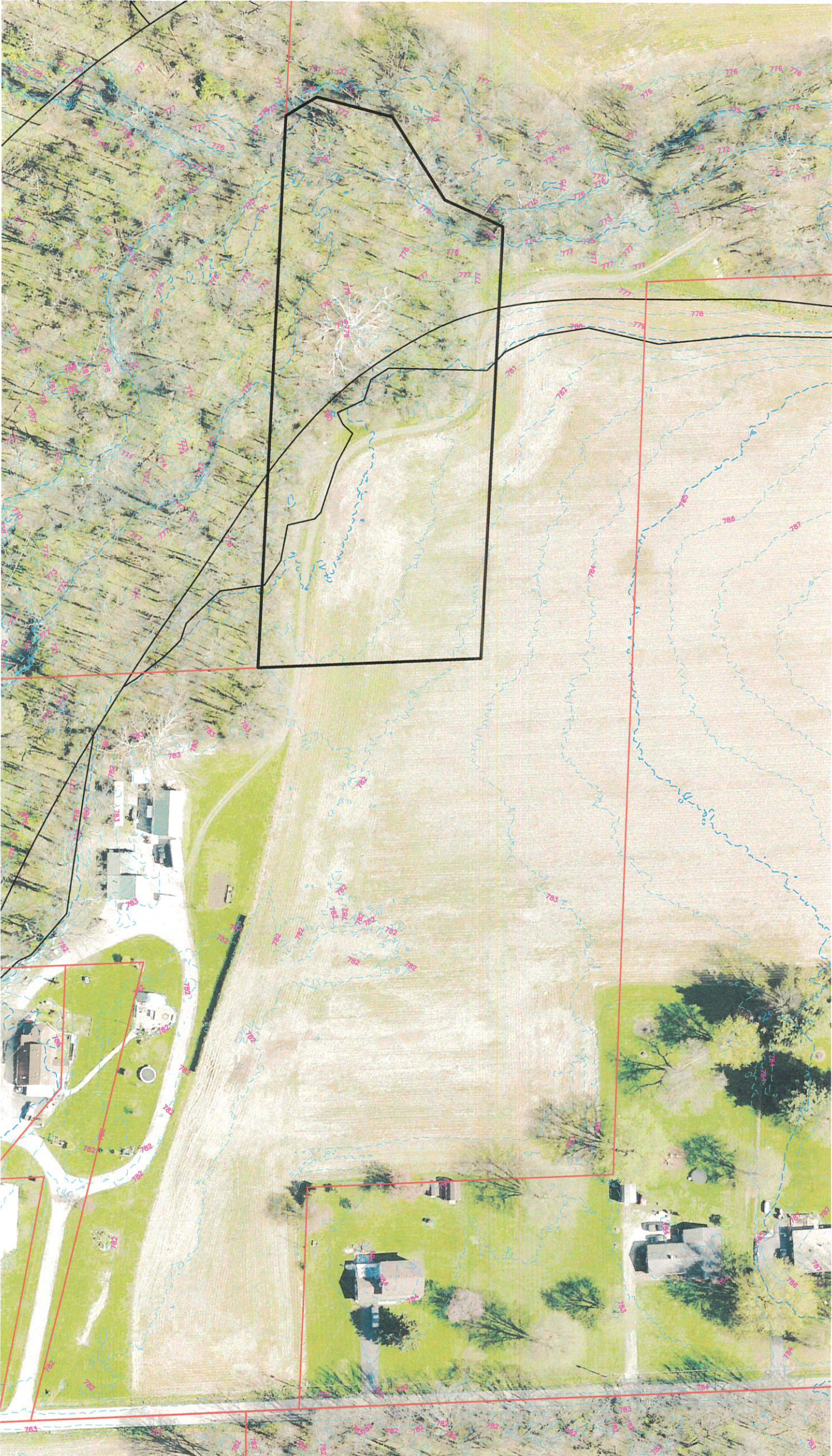
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#### APPORVAL

#### Applicant/Owner Information

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Applicant:	Nancy E Brown 7770 W 950 N Fairland, IN 46126	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
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## Property Details

**Location:** 4717 S Marietta Rd,  
Shelbyville, Hendricks Township.

**Property Size:** 8.241-acres.

**Current Land Use:** Agricultural.

### Current Zoning Classification

**A1 (Conservation Agricultural)**

*This district is established for the protection of agricultural areas and buildings associated with agricultural production.*

### Proposed Zoning Classification

**A2 (Agricultural)**

Intent: *This district is established for general agricultural areas and buildings associated with agricultural production.*

Plan Commission: *Use this zoning district for existing agricultural land. Protect the land and operations within the Agricultural District from residential, commercial, and industrial encroachment through the use of appropriate buffers and setbacks.*

### Future Land Use per Comp Plan

**Parks, Open Space, & Conservation**

*The purpose of this category is to provide for passive and active recreational activities, permanent preservation of significant natural areas, and preservation of natural features within clustered developments. This category applies to public and private lands.*

### Surrounding Development

	Zoning	Land Use
North	A1	Cropland
South	A1	Cropland
East	A2/RE	Cropland / Estate Residential
West	A1	Cropland

# Staff Report

**Case Number:** RZ 24-09 / SD 24-11

**Case Name:** Rush Rezoning – A1 (Conservation Agricultural) to A2 (Agricultural) & Rush Simple Subdivision

## Requests

**Rezoning** of 8.241-acres from the A1 (Conservation Agricultural) District to the A2 (Agricultural) District to allow for a one-lot Simple Subdivision.

**Simple Subdivision** to legally establish an 8.241-acre single-family building lot subdivided from a +/- 95-acre parent tract.

### Waivers:

1. Of Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned A2.
2. Of Simple Subdivision design standards to allow a lot:
  - a. Without 50-feet of road frontage;
  - b. Without frontage on a public street built to County street standards;
  - c. Having side lot lines not within a 15-degree angle to the right-of-way.

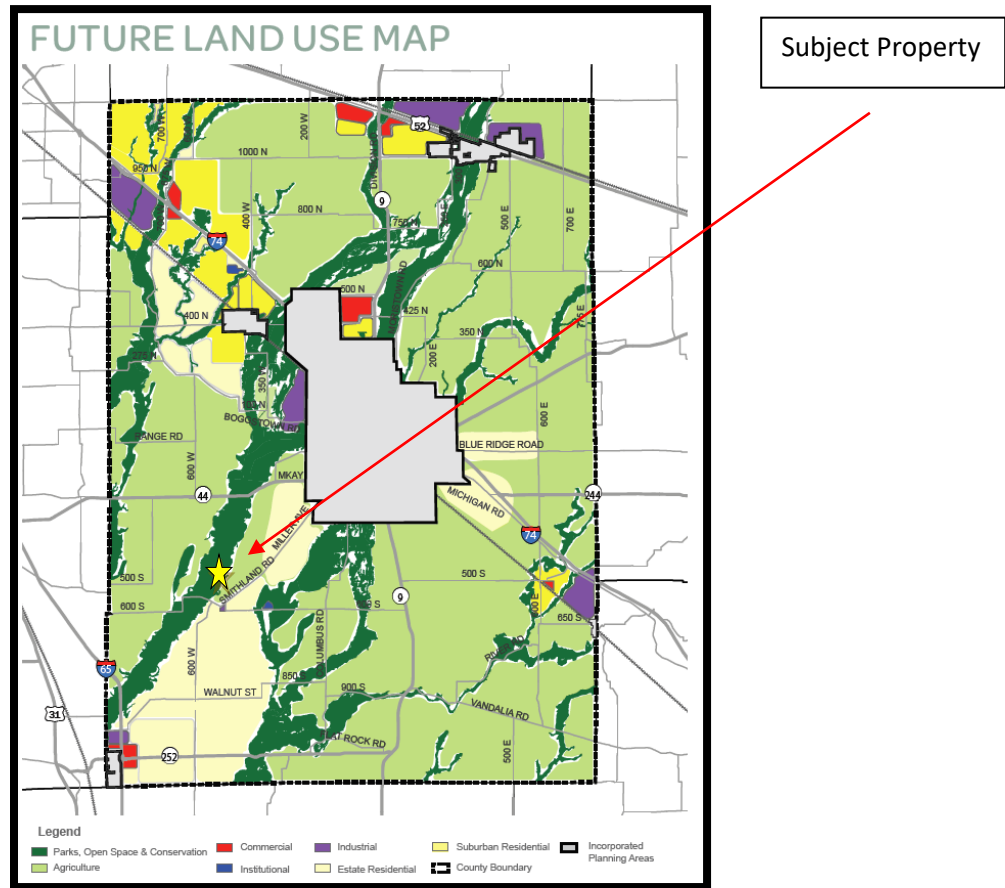
## Purpose of Subdivision Code Requirement

The UDO requires RE zoning for properties in residential Simple Subdivisions to limit use of lots for intense agricultural uses that may pose a nuisance to adjacent residential properties. For example, the UDO allows agritourism and keeping of large numbers of animals on property in the A2 District, however, prohibits these uses in the RE District.

The UDO requires that lots have frontage on a public road to eliminate future disputes over the rights to use a private access easement, to ensure clear visibility of the lot to visitors and emergency vehicles from the public road, and to promote orderly development.



## Future Land Use Map



## Property Map



## Case Description

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- Approval of the requests would allow for development of one, 8.241-acre single-family residential building lot.
- The property lies approximately 1/3-mile from Marietta Rd. An existing 20-foot-wide access easement provides access to the property from Marietta Rd.
- The Howell Regulated Legal Drain ditch runs along the north and west sides of the property. The legal drain includes a 75-foot-easement on both sides of the ditch.
- Property History
  - In 2022, the previous property owner recorded a survey subdividing the subject property from the +/- 95-acre parent tract.
  - State law allows for the subdivision and sale of property without approval from the local Planning Authority, however the Planning Authority may prohibit development of property subdivided not in accordance with the local planning code.
  - Per the UDO, this subdivision would have required Plan Commission approval of a Rezoning and Simple Subdivision to develop the property for residential purposes.
  - Therefore, the petitioner cannot build on the property without retroactive approval by the Plan Commission of a Rezoning and Simple Subdivision.
- Flood Hazard Area Considerations
  - Approximately five-acres of the property along Howell Ditch lies within an Indiana Department of Natural Resources (IDNR) designated Flood Hazard Area Floodway and Flood Fringe. The plat includes a No-Disturb Easement over the Flood Hazard Area prohibiting development of single-family dwellings, accessory structures, and alteration of land in the Designated Flood Hazard Area.
  - The entire property currently lies within a Federal Emergency Management Agency (FEMA) Designated Flood Hazard Area.
    - A surveyor has determined that the ground elevation of the portion of the property not in the DNR Flood Hazard Area sits higher than the Base Flood Elevation.
    - Therefore, this portion of the property will most likely qualify for a Letter of Map Amendment (LOMA) from FEMA removing this portion of the property from the FEMA Flood Hazard Area. Development standards applicable to construction in the floodplain would not apply to property removed from the floodplain by LOMA.
    - The surveyor intends to submit the LOMA paperwork to FEMA within the next few weeks. Typically, FEMA will review and approve or deny a LOMA within 90 days.

- The petitioner has requested a waiver to allow for A2 zoning to allow for the keeping of more farm animals than permitted in the RE District. Most properties in the County greater than or equal to five-acres and under twenty-acres have the A2 zoning designation.
- The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance of permits for a new single-family residence.

## Staff Analysis Findings of Fact

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**Rezoning: In accordance with IC 36-7-4-603 and the UDO, when considering a rezoning, the Plan Commission shall pay reasonable regard to:**

**1. Current Conditions and the Character of Current Structures and Uses in Each District**

Residential development of the property would not prohibit continued use of adjacent property for agricultural production and continued agricultural use of a portion of the property would not conflict with the agricultural character of the area.

**2. The Most Desirable Use for Which the Land in Each District Is Adapted**

Location of the property over 1/3-mile from the public road renders the property more desirable for uses that involve infrequent access to the property. Infrequent access would limit issues associated with locating the property from the public road by visitors and emergency vehicles. Most uses permitted in the A1 District do not involve frequent access to the property. Additional uses permitted in the A2 (single-family dwellings, fair housing facilities, Type 3 Home Businesses, commercial stables, and wineries) would generate more trips to the property by owners and visitors.

**3. The Conservation of Property Values throughout the Jurisdiction**

Development of the property for residential purposes would have no perceivable impact on property values throughout the County.

**4. Responsible Development and Growth**

Approval of the rezoning does not represent responsible development and growth. Approval of the rezoning would allow for a building lot without road frontage located over 1/3-mile from the public road, and solely utilizing an easement for access, which could lead to future disputes over rights to the access easement and cause difficulty for visitors and emergency vehicles in locating the house from the public road.

**5. The Comprehensive Plan**

The Simple Subdivision plat for the property includes a No-Disturb Easement over the Flood Hazard Area which would permanently preserve the floodplain as recommended for areas designated as Parks, Open Space, & Conservation by the Comprehensive Plan.

**Simple Subdivision: Staff has reviewed the proposed plat and has determined:**

1. The subdivision of land is consistent with the Shelby County Comprehensive Plan.
2. The subdivision of land satisfies the development requirements of Article 06: Subdivision Types, pending approval of a waiver to allow for Simple Subdivision of property zoned A2.
  - a. The only adjacent residential lot also has the A2 zoning designation. Therefore, allowance for A2 zoning would not conflict with other residential development in the area.
3. The subdivision of land satisfies the standards of Article 07: Design Standards, pending approval of a waivers to allow a lot without 50-feet of road frontage, without frontage on a public street built to the County street standards, and having side lot lines not within a 15-degree angle to the right-of-way.
  - a. Allowing a building lot without road frontage located over 1/3-mile from the public road, and solely utilizing an easement for access, could lead to future disputes over rights to the access easement and cause difficulty for visitors and emergency vehicles in locating the house from the public road.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.

**Staff Recommendation**

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Staff recommends **DENIAL** because allowing a building lot without road frontage located over 1/3-mile from the public road, and solely utilizing an easement for access, could lead to future disputes over rights to the access easement and cause difficulty for visitors and emergency vehicles in locating the house from the public road.

*Applicant/Owner Information*

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Applicant:	James & Kelly Rush 7282 E 50 N Franklin, IN 46131	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
Owner:	Same		

FINAL PLAT FOR

RUSH SIMPLE SUBDIVISION

LEGEND

SECTION CORNER AS DESIGNATED

5/8" REBAR WITH PLASTIC CAP STAMPED

WOEHNE LS20800128" AS SET PER 2022 SURVEY

BY RANGE LINE SURVEYING (STEVEN KOEHNE LS)

NOTE:

This drawing is based upon a previously recorded survey by Steven W. Koehne, LS per Instrument No. 2022005194, recorded August 11, 2022. This subdivision plat is required for the formal approval of a new building lot under the Shelby County Development Ordinance and through the Shelby County Plan Commission.

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 60 FEET

0 60 120



NOTES

- Lot 1 is being rezoned to A2 (Agricultural) from an A1 (Conservation Agricultural) zoning. The rezoning was approved on \_\_\_\_\_ by the Commissioners of Shelby County.

- Applicable Waivers: Waivers of Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned A2 and of Simple Subdivision design standards to allow a lot without 50-foot of road frontage, without frontage of a public street front to the County street standards, and having side lot lines not within a 15-degree angle to the right-of-way.

FLOOD STATEMENT

All of Lot 1 does currently lie within a special flood hazard area per effective FEMA Flood Insurance Rate Map, Panel Number 18145C0175C, effective date of November 5, 2014. A Letter of Map Amendment will be pursued in the coming weeks by submitting a request to FEMA to remove all that property above the 100 year base flood elevation. According to the FEMA National Flood Hazard Program map, the portion of Lot 1 that is within the floodplain is zoned A2. The Floodplain is shown on the attached Floodplain Analysis and Regulatory Assessment officially reported on October 15, 2024. The contributing flooding stream is Big Blue River.

Development including single-family dwellings, accessory structures, and alteration of land in the Designated Flood Hazard Area shall be prohibited.

SURVEY CERTIFICATION

I hereby certify that this drawing was prepared under my direct supervision and to the best of my knowledge and belief represents the property being subdivided and as previously surveyed and recorded in Instrument No. 2022005194 on August 11, 2022.

DATE: November 26, 2024

Signed: \_\_\_\_\_

Scott T. Sumnerford

Registration Number: 98000417

LEGAL DESCRIPTION OF LOT 1 Part of the Southeast Quarter of Section 29, Township 12 North, Range 6 East in Hendricks Township, Shelby County, Indiana, described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 29; thence along the East line of said quarter section South 01 degrees 35 minutes 05 seconds East 1,326.28 feet to the Northeast corner of the Southeast Quarter of said quarter section in Marietta Road; thence along Marietta Road, South 00 degrees 25 minutes 47 seconds East 507.71 feet to a Mark Nail at the Northeast corner of a 1.982 acre tract for the lands of Bradley L. Dehnol described in an Affidavit recorded as Miscellaneous Record 74, Page 572-574 in the Office of the Recorder of Shelby County; thence continuing along Marietta Road the following three calls: South 00 degrees 25 minutes 47 seconds East 111.00 feet, South 26 degrees 40 minutes 46 seconds West 101.00 feet, South 37 degrees 57 minutes 39 seconds West 29.00 feet to a 1.977 acre tract for the lands of Steven W. Koehne, LS per Instrument No. 2022005194, recorded August 11, 2022; thence along said south line South 89 degrees 46 minutes 42 seconds West 1,832.36 feet to a 5/8" capped rebar stamped Koehne 1520800128" (from hereon referred to as "monument"), and the Point of Beginning, passing a 1.27" Iron Pipe at 1804.36 feet, thence parallel with the west line of a 2.78 acre tract per unrecorded survey David U. Solter, dated April 19, 1978, in the records of the Office of the Auditor of Shelby County, North 00 degrees 44 minutes 54 seconds East 208.00 feet to a monument; thence parallel with said south line of the 4.035 tract, North 89 degrees 46 minutes 42 seconds East 28.00 feet to said west line of the 2.78 acre tract and a monument; thence along said west line North 00 degrees 44 minutes 54 seconds East 512.80 feet to the northeast corner thereof and a monument; thence along the bank of Howell Legal Drain the following 8 calls, all of which are per the base plat on record: North 50 degrees 07 minutes 58 seconds West 150.00 feet, South 89 degrees 13 minutes 13 seconds West 54.00 feet, West 140.00 feet, South 77 degrees 52 minutes 44 seconds West 40.00 feet; South 38 degrees 14 minutes 33 seconds West 70.00 feet; South 14 degrees 10 minutes 45 seconds West 44.00 feet; South 45 degrees 33 minutes 32 seconds West 145.00 feet; South 20 degrees 09 minutes 24 seconds West 45.00 feet; thence North 85 degrees 33 minutes 25 seconds East 106.75 feet more or less to the center of an existing gravel drive; thence more or less along said gravel drive the following 3 calls: along a curve to the right with Delta Angle of 41 degrees 19 minutes 17 seconds, a Radius of 120.00 feet, an Arc Length of 86.54 feet, a Tangent of 45.25 feet, and on a chord South 73 degrees 46 minutes 56 seconds East 84.68 feet to a monument; South 53 degrees 07 minutes 47 seconds East 157.75 feet to a monument; South 58 degrees 17 minutes 18 seconds East 131.22 feet to a monument; thence along a curve to the left with a Delta Angle of 31 degrees 58 seconds, a Radius of 60.00 feet, an Arc Length of 69.17 feet, and on a chord South 74 degrees 45 minutes 18 seconds East 148.00 feet to a monument; South 18 degrees 42 seconds East 86.22 feet to the Point of Beginning, Containing 8.2412 acres more or less.

OWNERSHIP CERTIFICATE

We, Kelly J. Rush and James M. Rush, of Johnson County, Indiana, do hereby certify that we are the owners of the property described in the above captioned and that as such owners have caused the property to be surveyed and subdivided as shown on the hereon drawn plat, as our own free and voluntary act and deed.

Owner, Kelly J. Rush \_\_\_\_\_ (Seal)

Owner, James M. Rush \_\_\_\_\_ (Seal)

State of Indiana ) County of Shelby )

I, \_\_\_\_\_, a Notary Public in and for said County and State, do hereby certify that \_\_\_\_\_

personally known to me to be the same persons whose names are subscribed to the above certificate appeared before me and acknowledged to me that they executed the above certificate as their own free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_

Notary Public \_\_\_\_\_ (Seal)

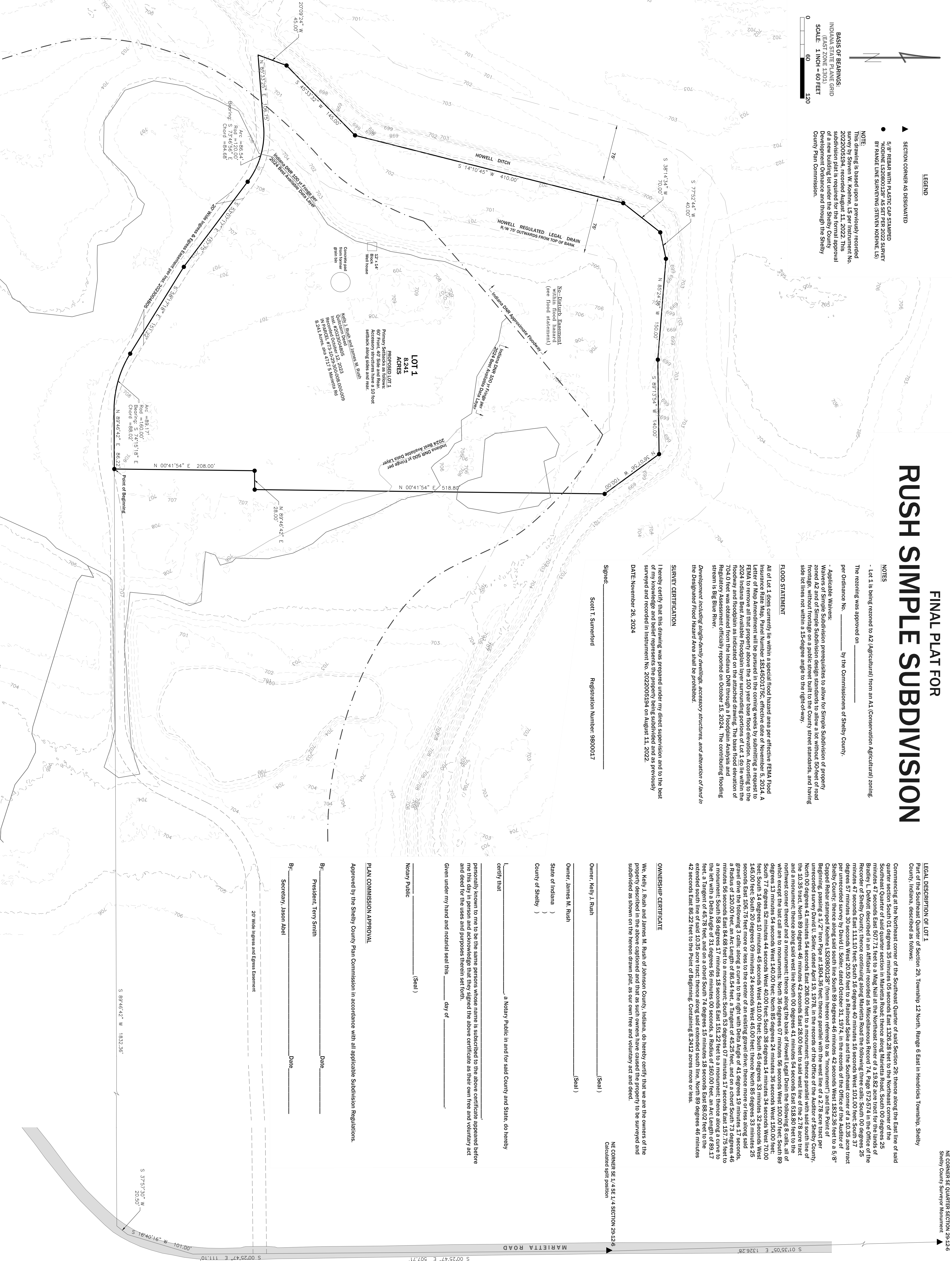
PLAN COMMISSION APPROVAL

Approved by the Shelby County Plan Commission in accordance with all applicable Subdivision Regulations.

By: \_\_\_\_\_ Date: \_\_\_\_\_ President, Terry Smith

By: \_\_\_\_\_ Date: \_\_\_\_\_ Secretary, Jason Abel

20' Wide Ingress and Egress Easement



NE CORNER SE 1/4 SECTION 29-12-26 Shelby County Surveyor Monument

NE CORNER SE 1/4 SE 1/4 SECTION 29-12-26 Calculated split position

SCOTT T. SUMNERFORD LAND SURVEYING 3149 NORTH RILEY HIGHWAY SHELBYVILLE, IN 46176-9462 BUSINESS PHONE (317) 401-6050

Indiana Registered Surveyor No. 29800017

Copyright © 2024 by Scott T. Sumnerford This document is only considered an original copy if an inked seal and original signature is affixed.

LAST DATE OF FIELDWORK May 1, 2024 NOTES/REVISIONS NONE TO DATE

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

NAME: \_\_\_\_\_ Prepared By: Scott T. Sumnerford

CLIENT James and Kelly Rush 7282 E 50 N Franklin, IN 46131

PROJECT Subdivision Process on 8.241 acres at 4717 S Marietta Road, Shelbyville for the purpose of creating a building lot for property already divided by a survey.

SHELBY CO SIMPLE SUBD FINAL PLAT

JOB LOCATION: PART OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 12 NORTH, RANGE 6 EAST, HENDRICKS TOWNSHIP, SHELBY COUNTY, INDIANA. JOB NUMBER: 12N6E29-24-063. ORIGINAL DRAWING SIZE ARCH D SHEET 1 OF 1

Property Details

**Location:** 9075 N 800 E, Morristown, Hanover Township.

**Property Size:** 6-acres.

**Current Land Use:** Vacant.

**Current Zoning Classification**

A1 (Conservation Agricultural)

*This district is established for the protection of agricultural areas and buildings associated with agricultural production.*

**Proposed Zoning Classification**

A2 (Agricultural)

***Intent:** This district is established for general agricultural areas and buildings associated with agricultural production.*

***Plan Commission:** Use this zoning district for existing agricultural land. Protect the land and operations within the Agricultural District from residential, commercial, and industrial encroachment through the use of appropriate buffers and setbacks.*

**Future Land Use per Comp Plan**

**Agriculture**

*The purpose of this category is to provide for traditional agricultural practices (such as crop production and livestock grazing) and modern agricultural practices (such as agricultural research facilities and CAFOs). Rural home sites may also occur within this category; however, the emphasis should remain on agriculture. New residential subdivisions that remove prime farmland from production should be discouraged. The residential density of this category should be one lot for every five acres.*

**Surrounding Development**

	Zoning	Land Use
North	A2	Railroad
South	A1	Cropland
East	A3 (Rush County)	Estate Residential
West	A1	Cropland

# Staff Report

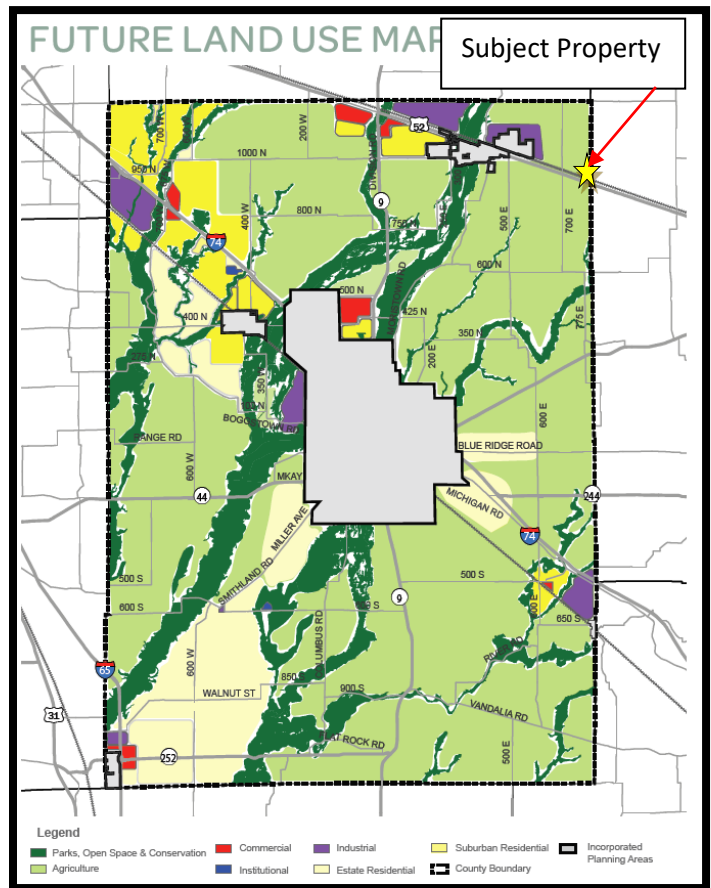
**Case Number:** RZ 24-10

**Case Name:** Davis Rezoning – A1 (Conservation Agricultural) to A2 (Agricultural)

**Request**

**Rezoning** of 6-acres from the A1 (Conservation Agricultural) District to the A2 (Agricultural) District to allow for development of a single-family residence.

**Future Land Use Map**



## Property Map

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## Case Description

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- The petitioner initially intends to build an accessory structure and then intends to build a single-family residence on the property.
- The UDO only permits farmsteads as a residential use in the A1 District. The UDO does not include a definition for farmstead; however, Staff has interpreted a farmstead as a single-family dwelling associated with an agricultural use of the property exceeding the maximum permitted size of a residential hobby farm (40% of the lot area). The petitioner does not intend to use more than 40% of the lot for agricultural purposes.
- The UDO permits all uses permitted A1 District in the A2 District, other than confined feeding operations. The UDO also permits single-family dwellings, fair housing facilities, Type 3 Home Businesses, commercial stables, and wineries in the A2 District which it does not permit in the A1 District. The UDO permits construction of accessory structures before a home on properties in the A2 District greater than or equal to five-acres.
- The County assigned the property the A1 zoning designation as part of the County-wide zoning map update in 2008.
- Most properties in the County greater than or equal to five-acres and under twenty-acres have the A2 zoning designation.
- Previous use of the property included an automobile junkyard; however, the property has remained vacant for several years.

- The petitioner recently purchased the property from Barry Grant. Mr. Grant obtained a use variance from the BZA in February of 2024 to allow for development of an outdoor living, garden, and farm supplies retail establishment on the property. Use variances expire at the time of sale of a property.
- The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance of permits for a new single-family residence.

## Staff Analysis Findings of Fact

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**Rezoning:** In accordance with IC 36-7-4-603 and the UDO, when considering a rezoning, the Plan Commission shall pay reasonable regard to:

**1. Current Conditions and the Character of Current Structures and Uses in Each District**

Residential development of the property would not conflict with other dispersed residential homesites in the area.

**2. The Most Desirable Use for Which the Land in Each District Is Adapted**

Previous use of the property for a junkyard poses potential ground contamination issues which renders the property undesirable for exclusively agricultural use.

**3. The Conservation of Property Values throughout the Jurisdiction**

Development of the property for residential purposes would have no perceivable impact on property values throughout the County.

**4. Responsible Development and Growth**

The property would have access to utilities and drainage infrastructure to support residential development. Most properties in the County greater than or equal to five-acres and under twenty-acres have the A2 zoning designation.

**5. The Comprehensive Plan**

Rezoning of the property to an agricultural district would not conflict with the agricultural land use recommendation for the area by the Comprehensive Plan.

## Staff Recommendation

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**APPROVAL** primarily because most properties in the County greater than or equal to five-acres and under twenty-acres have the A2 zoning designation.

### *Applicant/Owner Information*

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Applicant:	Frank & Robin Davis 342 W North St. Morristown, IN 46161	Owner:	Same
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**APPLICATION FOR REZONING  
FINDINGS OF FACT**

The applicant (or their representative) must fill out the findings of fact on the following pages. The Plan Commission may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact.

Applicant: Frank & Robin Davis

Case #: \_\_\_\_\_

Location: 9075 N 800 E Morristown TN 37661

1. The request is consistent with the Shelby County Comprehensive Plan because: We need to have residential zoning to build our home and our plans for future will not meet current zoning for agriculture

2. The request is consistent with the current conditions and the character of structures and uses in each district because: There are residents in our area and on our roads connecting to property lines already that are residential zoning

3. The request is consistent with the most desirable use for which the land in each district is adapted because: The size of property suitable for a single dwelling home and is our intent for future, will not cause any future harm to surrounding property

4. The request is consistent with the conservation of property values throughout the jurisdiction because: We will be taking a vacant lot and investing in our hand purchase with services of septic, water, electric & home ect that will increase the value of area

5. The request is consistent with responsible growth and development because: The lot was not maintained the land scape was grown up we would be adding to the area by cleaning & caring for property and value with building on land would increase and not cause any harm to nearby residents, it would raise value of nearby property as it is residential zoning

**Finding 1:** How is the proposed new zoning designation consistent with the future land use of the property identified in the Comprehensive Plan? If you do not know the future land use of the property, please ask the Planning Director.

**Finding 2:** How is the proposed use, and/or other possible future uses permitted in the proposed zoning district, similar to surrounding structures and uses of land?

**Finding 3:** Why is the proposed use, and/or other possible future uses permitted in the proposed zoning district, the most desirable use for the land?

**Finding 4:** Explain why the proposed use, and/or other possible future uses permitted in the proposed zoning district, would not negatively impact property values.

**Finding 5:** Why is the change in zoning designation consistent with responsible growth and development?

## Statement of Purpose

on this day November 5<sup>th</sup> 2024  
we are submitting the application  
for requesting the zoning for property  
located at 9075 N. 800 E Moxmstown IN 46161  
to be changed from its current zoning to  
Residential so that we can build  
our home on to reside in ourselves

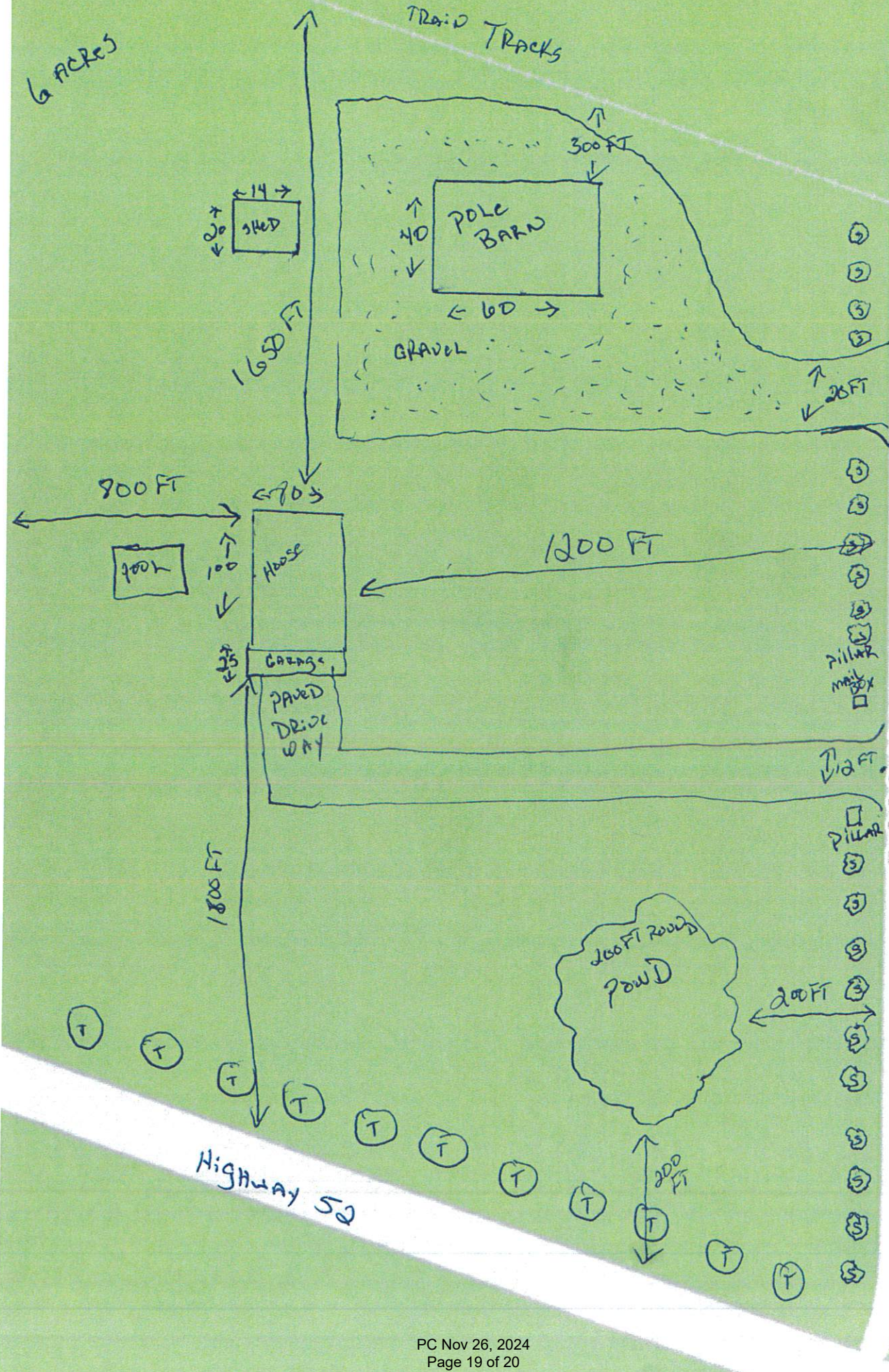
Applicants: Robm Davis  
Frank Davis

9075 N 800 E MORRISTOWN

6 ACRES

N 800 E

N 800 E



# Shelby County Plan Commission

25 West Polk Street, Room 201

Shelbyville, Indiana 46176

(317) 392-6338

Planning Director

Desiree Calderella

The following are the meeting dates for the Shelby County Plan Commission (SCPC) and the Shelby County Board of Zoning Appeals (BZA) for 2025. All Plan Commission and BZA meetings begin at 7:00 p.m. unless noted/announced otherwise.

## Shelby County Plan Commission

<u>SCPC Scheduled Meetings</u>	<u>SCPC Application Deadline</u>	<u>SCPC Legal Notice Deadline*</u>
January 28, 2025	January 7, 2025	January 16, 2025
February 25, 2025	February 4, 2025	February 13, 2025
March 25, 2025	March 4, 2025	March 13, 2025
April 22, 2025	April 1, 2025	April 10, 2025
May 27, 2025	May 6, 2025	May 15, 2025
June 24, 2025	June 3, 2025	June 12, 2025
July 22, 2025	July 1, 2025	July 10, 2025
August 26, 2025	August 5, 2025	August 14, 2025
September 23, 2025	September 2, 2025	September 11, 2025
October 28, 2025	October 7, 2025	October 16, 2025
November 25, 2025	November 3, 2025	November 13, 2025
December 23, 2025	December 2, 2025	December 11, 2025

\*Completed Preliminary Plats are due by the Notice Deadline