

Shelby County Plan Commission

November 28, 2023 at 7:00 PM

Table of Contents

Agenda.....	3
SD 23-16 Rhoden Simple Subdivision	4
Staff Report	4
Site Plan.....	7
Plat.....	8
RZ 23-30 Wells Rezoning: Findings of Fact	9
RZ 23-23 Fairland Investment Inc. Rezoning: Findings of Fact	10
RZ 23-22 Meador Rezoning / SD 23-17 Meador Simple Subdivision	11
Staff Report	11
Plat.....	14
RZ 23-23 Glackman Rezoning / SD 23-18 Glackman Simple Subdivision	15
Staff Report	15
Plat.....	18
Plan Commission Meeting Calendar 2024	19
Amended Plat for Tracts #3 & #4 Brandywine Trace Subdivision	20

MEETING AGENDA

Shelby County Plan Commission
November 28, 2023 at 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the October 24, 2023 meeting.

OLD BUSINESS

SD 23-16 – RHODEN SIMPLE SUBDIVISION: Simple Subdivision of 5-acres into a 2.5-acre building lot and a 2.5-acre lot including an existing single-family residence and waiver of subdivision standards. Located at 6045 N 600 W, Fairland, Moral Township.

RZ 23-20 – WELLS REZONING: FINDINGS OF FACT

RZ 23-21 – FAIRLAND INVESTMENT INC: FINDINGS OF FACT

NEW BUSINESS

RZ 23-22 – MEADOR REZONING: Rezoning of 7.16-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District. Located north of and adjoining 7587 S 600 W, Edinburgh, Jackson Township.

SD 23-17 – MEADOR SIMPLE SUBDIVISION: Simple Subdivision of 7.16-acres from a 21.75-acre parent tract. Located north of and adjoining 7587 S 600 W, Edinburgh, Jackson Township.

RZ 23-23 – GLACKMAN REZONING: Rezoning of 3-acres from the A2 (Agricultural) District to the RE (Residential Estate) District. Located east of and adjoining 5009 W 500 N, Fairland, Brandywine Township.

SD 23-18 – GLACKMAN SIMPLE SUBDIVISION: Simple Subdivision of 3-acres from a 10.11-acre parent tract. Located east of and adjoining 5009 W 500 N, Fairland, Brandywine Township.

APPROVAL OF 2024 MEETING CALENDAR

DISCUSSION

Amended Plat for Tracts #3 & #4 Brandywine Trace Subdivision

Shelby County Sub Area Plan Progress Update – American Structurepoint Inc.

ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **January 23, 2024 at 7:00 PM.**

Staff Report

Property Details

Location: 6045 N 600 W, Fairland, Moral Township.

Property Size: 5-acres.

Current Land Use: Estate Residential.

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

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	Estate Residential
South	A1/R1	Cropland / Single-Family Res.
East	A1	Cropland
West	A1	Cropland

Case Number: SD 23-16

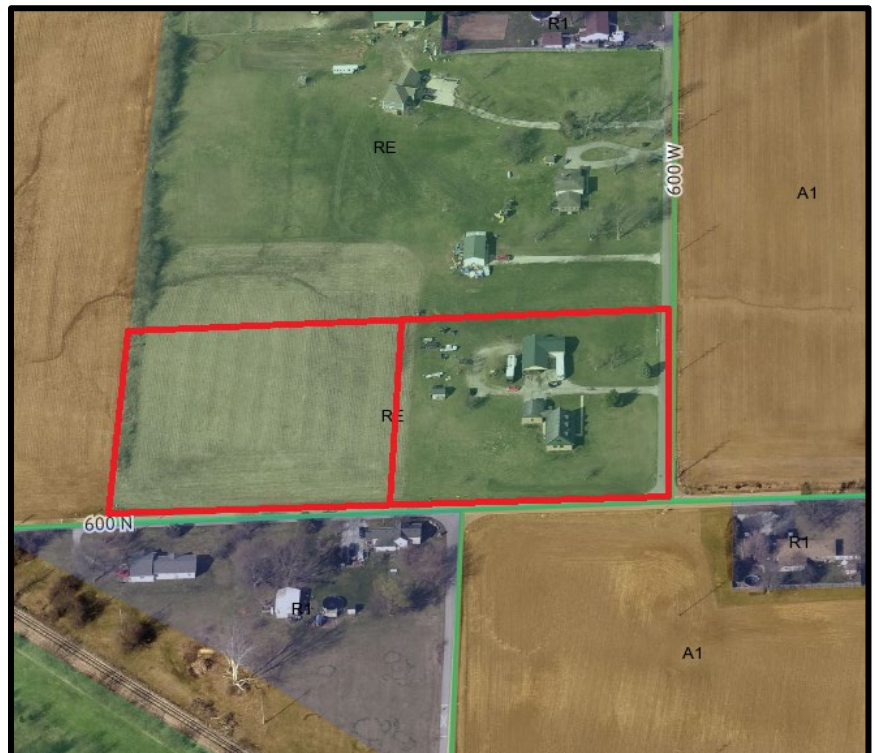
Case Name: Rhoden Simple Subdivision

Request

Simple Subdivision of 5-acres into a 2.5-acre building lot and a 2.5-acre lot including an existing single-family residence.

Waiver of Simple Subdivision prerequisites to allow for Simple Subdivision of property less than 6-acres.

Property Map



Case Description

- The petitioner intends to subdivide the property into a 2.5-acre building lot and a 2.5-acre lot including an existing single-family residence.
- The petitioner has obtained soil borings on the highest ground at the northwest corner of the proposed building lot.
- Flood Hazard Area
 - The new building lot lies within Federal Emergency Management Agency (FEMA) and Indiana Department of Natural Resources (IDNR) Flood Fringe. The FEMA detailed study designates the main branch Dry Fork, located ½-mile to the northwest, as the contributing stream. The study shows that a 100-year flood would run from the stream over to the proposed building lot at an elevation of approximately 781-feet above sea level. The ground level of the building site sits at approximately 777-feet above sea level. Therefore, to comply with ordinance requirements for development in the floodplain, the new home must be elevated by fill or foundation walls by approximately 6-feet (two feet above the flood elevation).
 - Indiana Department of Natural Resources (IDNR) has also conducted a detailed floodplain study. The IDNR study designates the Dry Fork tributary, located adjacent to the property, as the contributing stream and provides a 100-year flood elevation of 773.4-feet above sea level. Per this study, the building site would sit higher than the base flood elevation and therefore outside of the floodplain. However, floodwaters from the main branch of Dry Fork could overtake the floodwaters from the tributary and inundate a non-elevated structure.
 - The petitioner has submitted a request to DNR to define the flood elevation from the main branch of Dry Fork. The surveyor will update the Flood Statement included on the plat to reflect this number prior to recording the final plat.
 - Flood Hazard Area information is included for informational purposes only. Per State Code, the Plan Commission must approve any subdivision of property that complies with local subdivision code. Shelby County's subdivision code does not restrict subdivision of property due to flood hazard area restrictions.
- 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 the new single-family residence.

Staff Analysis Findings of Fact

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 Simple Subdivision of property less than 6-acres.
 - a. Approval of the waiver would allow for creation of two lots consistent in size with adjacent residential lots.

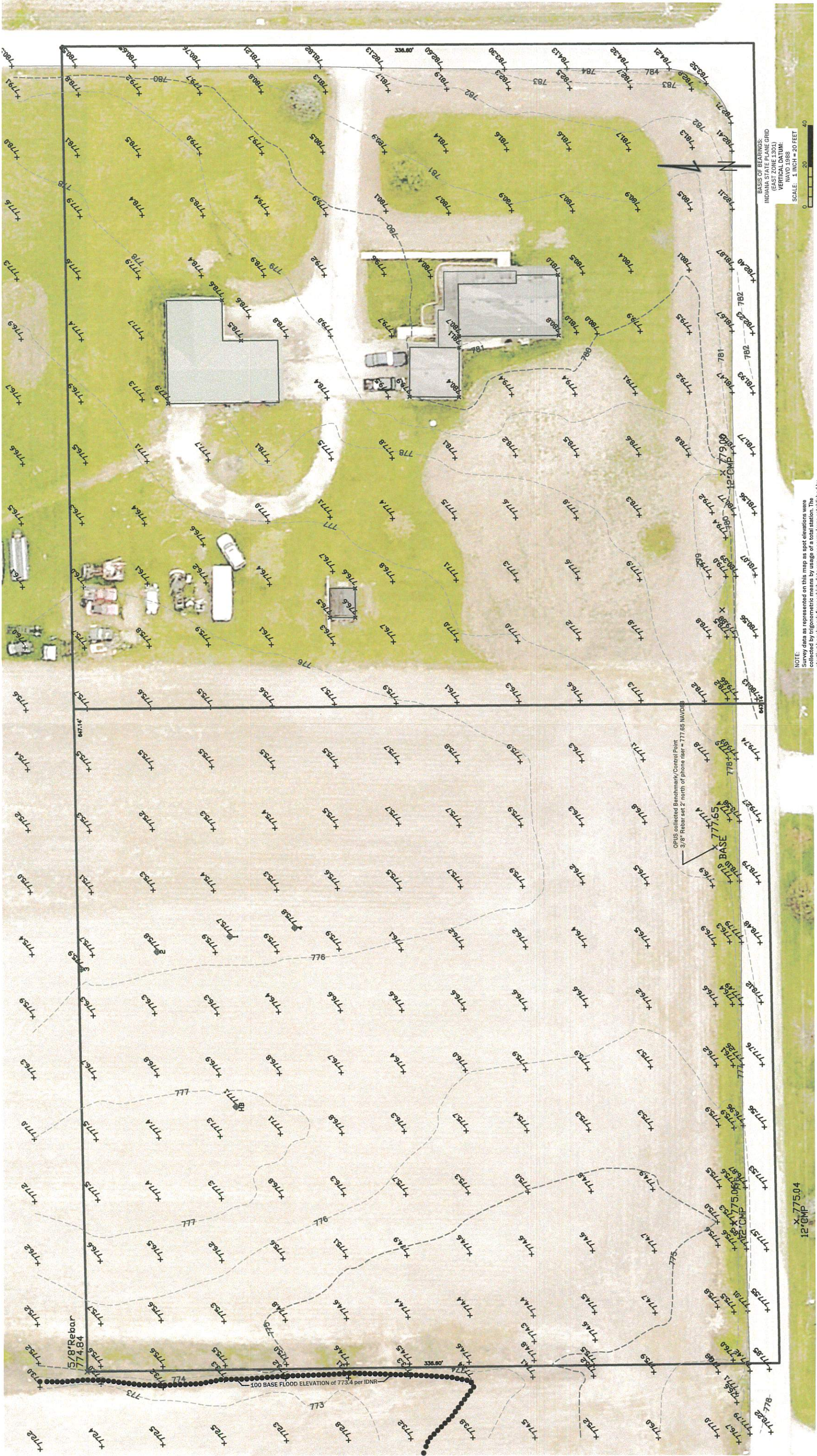
3. The subdivision of land satisfies the standards of Article 07: Design Standards, pending approval of a waiver to allow side lot lines not within fifteen degrees (15°) of a right angle to the street and right-of-way.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.

Staff Recommendation

APPORVAL

Applicant/Owner Information

Applicant:	Travis Rhoden Jr. 6045 N 600 W Fairland, IN 46176	Owner:	Same
Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176		



BASIS OF BEARINGS:
INDIANA STATE PLANE GRID
(EAST ZONE 1301)
VERTICAL DATUM:
NAVD 1988
SCALE: 1 INCH = 20 FEET

12' GMP
X 775.04

NOTE:
Survey data as represented on this map as spot elevations were collected by trigonometric means by usage of a total station. The starting benchmark from which data was measured was established by a 5 hour collection of static GPS data that was submitted to NGS OPUS.

TOPOGRAPHIC SURVEY

JOB LOCATION
PART OF THE SOUTHEAST QUARTER OF
THE SOUTHEAST QUARTER OF SECTION 31,
TOWNSHIP 14 NORTH, RANGE 6 EAST,
MORAL TWP., SHELBY COUNTY, IN

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

Indiana Registered Surveyor No. 29600017
Copyright © 2023 by Scott T. Sumerford
This document is only considered an original copy if an inked seal and original signature is affixed.

CLIENT
Travis Rhoden Sr.
6125 N 600 W
Fairland, IN 46126

PROJECT
Elevation survey on 5 acre parcel located at
6045 N 600 W, Fairland for client's son for
LOMA application/removal from SFHA.

DATE: May 19, 2023

Signature: *Scott T. Sumerford*

LAST DATE OF FIELDWORK
CERTIFICATION DATE
March 21, 2023
May 19, 2023

NOTES/REVISIONS
NONE TO DATE

SURVEY CERTIFICATION
I hereby certify that this survey was performed under my direct supervision and to the best of my knowledge and belief that the positions shown on this map are correct. I further certify that the entire property as shown lies at an elevation higher than 773.4 feet being the Base Flood Elevation as determined from an Indiana Department of Natural Resources Floodplain Analysis and Regulatory Assessment (FARA), generated 4/12/2023.

JOB NUMBER
14N6E31-23-010
ORIGINAL DRAWING SIZE ARCH/D
SHEET 1 OF 1

March 21, 2023
May 19, 2023

FINAL PLAT FOR

RHODEN SIMPLE SUBDIVISION

LEGAL DESCRIPTION OF PARENT TRACT

Quinclaim Parcel
Instrument No. 2017002140, Recorded April 20, 2017
Travis L. Rhoden, Jr. and Dennise Rhoden
to
Travis Rhoden

A part of the Southeast Quarter of the Southeast Quarter of Section 31, Township 14 North, Range 6 East, Shelby County, Indiana, described as follows:

Beginning at the Southeast corner of said section 31, thence with the south line of the parent section South 89° 34' 55" West 323.57 feet to a certain 5.00 acre tract as surveyed by W. Taylor Sumnerford in Survey Book 2, Pages 180, 181, on September 10, 1993 in the Office of the Shelby County Recorder, also being part of survey Job #14N6E31-25-010 by Scott T. Sumnerford, RLS#29800017, certified September 26, 2023 and being more particularly described as follows:

Commencing at the southeast corner of the southeast quarter of said section 31, 1/4-6, said point being marked by a magall over a stone, thence along the south line of said quarter quarter section, South 89° 34' 55" West 323.57 feet to a magall and washer stamped "S. Sumnerford 9800017", thence parallel with the east line of said quarter quarter North 00° 00' 00" East (basis of bearings assumed) 336.60 feet to a capped rebar stamped "S. Sumnerford 29800017, thence parallel with the south line of said quarter quarter, North 89° 34' 55" East 323.57 feet to a magall and washer stamped "S. Sumnerford 9800017" on the east line of said quarter quarter, thence along said east line, South 00° 00' 00" West 336.60 feet to the point of beginning, containing 2.500 acres.

Subject to all easements, restrictions and right-of-ways of record.

LEGAL DESCRIPTION LOT 1
Part of the southeast quarter of the southeast quarter of Section Thirty-one (31), Township Fourteen (14) North, Range Six (6) East, Moral Township, Shelby County, Indiana, being the east half of a certain 5.00 acre tract as surveyed by W. Taylor Sumnerford, recorded in Survey Book 2, Pages 180, 181, on September 10, 1993 in the Office of the Shelby County Recorder, also being part of survey Job #14N6E31-25-010 by Scott T. Sumnerford, RLS#29800017, certified September 26, 2023 and being more particularly described as follows:

Commencing at the southeast corner of the southeast quarter of the southeast quarter of said section 31, 1/4-6, said point being marked by a magall over a stone, thence along the south line of said quarter quarter section, South 89° 34' 55" West 323.57 feet to a magall and washer stamped "S. Sumnerford 9800017", thence parallel with the east line of said quarter quarter North 00° 00' 00" East (basis of bearings assumed) 336.60 feet to a capped rebar stamped "S. Sumnerford 29800017, thence parallel with the south line of said quarter quarter, North 89° 34' 55" East 323.57 feet to a magall and washer stamped "S. Sumnerford 9800017" on the east line of said quarter quarter, thence along said east line, South 00° 00' 00" West 336.60 feet to the point of beginning, containing 2.500 acres.

Subject to all easements, restrictions and right-of-ways of record.

LEGAL DESCRIPTION LOT 2
Part of the southeast quarter of the southeast quarter of Section Thirty-one (31), Township Fourteen (14) North, Range Six (6) East, Moral Township, Shelby County, Indiana, being the west half of a certain 5.00 acre tract as surveyed by W. Taylor Sumnerford, recorded in Survey Book 2, Pages 180, 181, on September 10, 1993 in the Office of the Shelby County Recorder, also being part of survey Job #14N6E31-25-010 by Scott T. Sumnerford, RLS#29800017, certified September 26, 2023 and being more particularly described as follows:

Commencing at the southeast corner of the southeast quarter of the southeast quarter of said section 31, 1/4-6, said point being marked by a magall over a stone, thence along the south line of said quarter quarter section, South 89° 34' 55" West 323.57 feet to a magall and washer stamped "S. Sumnerford 9800017" at the point of beginning, containing 2.500 acres.

Subject to all easements, restrictions and right-of-ways of record.

SURVEYOR'S REPORT

The client's son owns the parent tract of 5 acres in the very southeast corner of section 31-14-6. His son lives in the existing dwelling on proposed Lot 1 and has family who wants to build a residence upon proposed Lot 2, the west half of the property. This subdivision will create the additional building lot needed.

In accordance with Title 865, Article 1, Chapter 12, Section 12, of the Indiana Administrative Code, the following report explains the theory of location applied in retracing the lines and corners of the surveyed property and discusses the surveyor's opinion of the cause and amount of uncertainty in those lines and corners because of the following:

- A) Availability and condition of reference monuments.
The subject property was originally surveyed by Taylor Sumnerford in 1993 and was split off as a 5 acre parcel at that time. The original boundaries were established by perched corner 2x4 rebar posts from 2-4 Page 344 in 1993 and found to be within 0.05 feet of published position. The rebar (iron pin) in the northeast corner measures within 0.2 feet. The southeast corner is the southeast corner of the section and was identified as a PK nail over a stone at the time, but appears to be a magall presently. The measured interior angle at this section corner differs by .34 seconds, which equates to about 0.1 feet of uncertainty. The basis of bearings for this current project has been matched up in agreement with the 1993 survey and other previous surveys in the area where the east line of the quarter section was assumed to be north and south, N00° 00' 00" E.
The quarter section corners were found as detailed on the drawing. The subdivision into quarter quarter sections is a new survey and does not exist at theoretical split distances, but do lie in a straight line along the southeast quarter. The west and north sixteen corners have been shown at a midpoint split. The north one has old stone history, but has not been thoroughly investigated for the purposes of this survey. The main reason for looking at the quarter quarter corners was to roughly identify the amount of the gap between the Rhoden and Blether properties. See C) below.

- B) Occupation or possession lines
Along the west line of the 5 acre parent tract lies a partial fence row. There was once a fence line running north and south through the property. The Rhoden Farm was originally described as 45.4-1/2 acres of the east side of the quarter quarter section. This mathematical definition results in an east-west width of the property at 639.04 feet. The previous fence line made this property width to be 647.14 feet, about 8 feet wider. See discussion in next section.

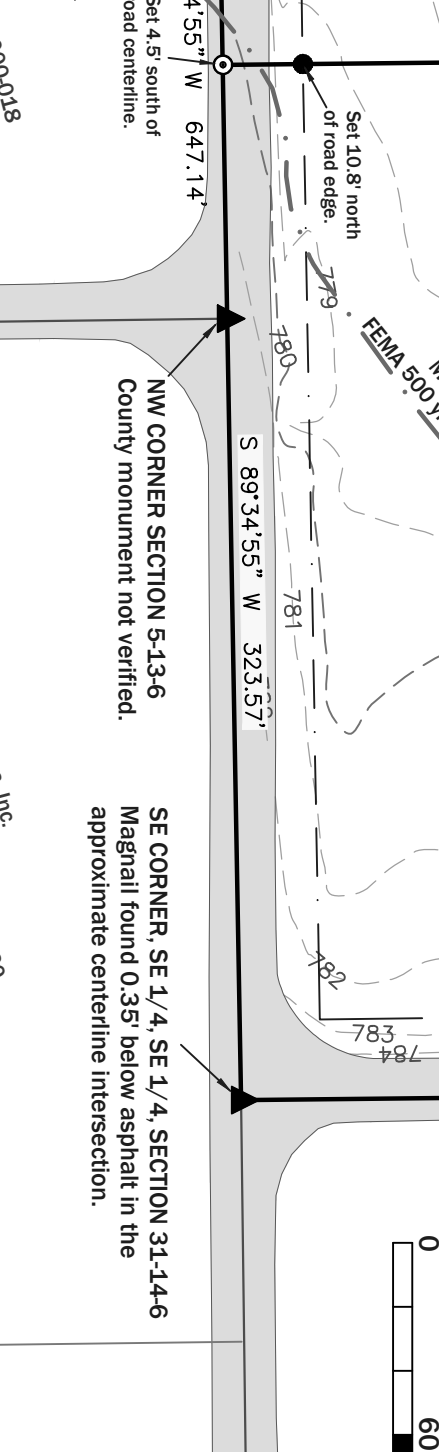
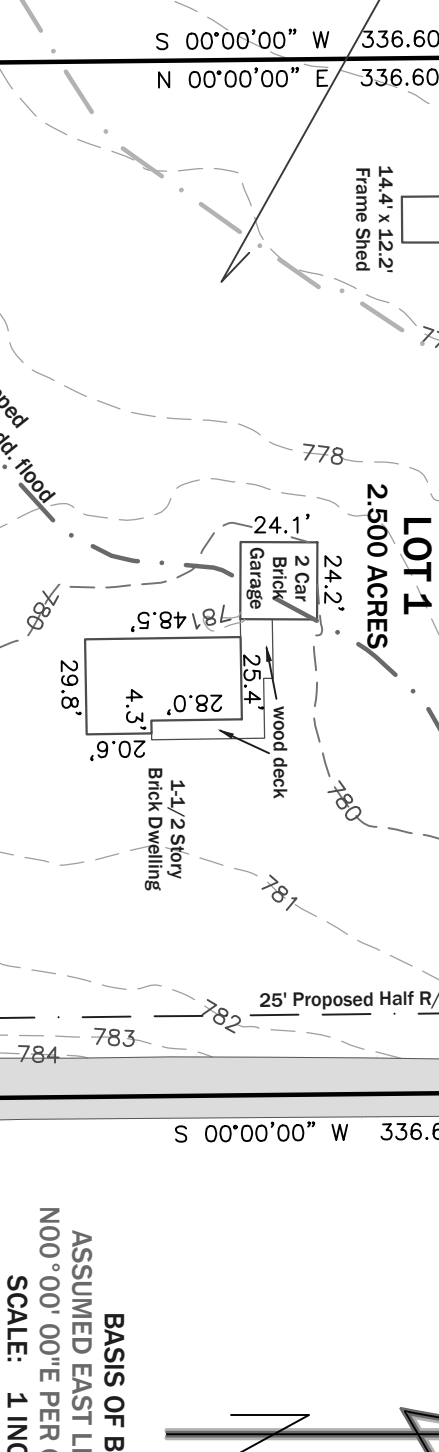
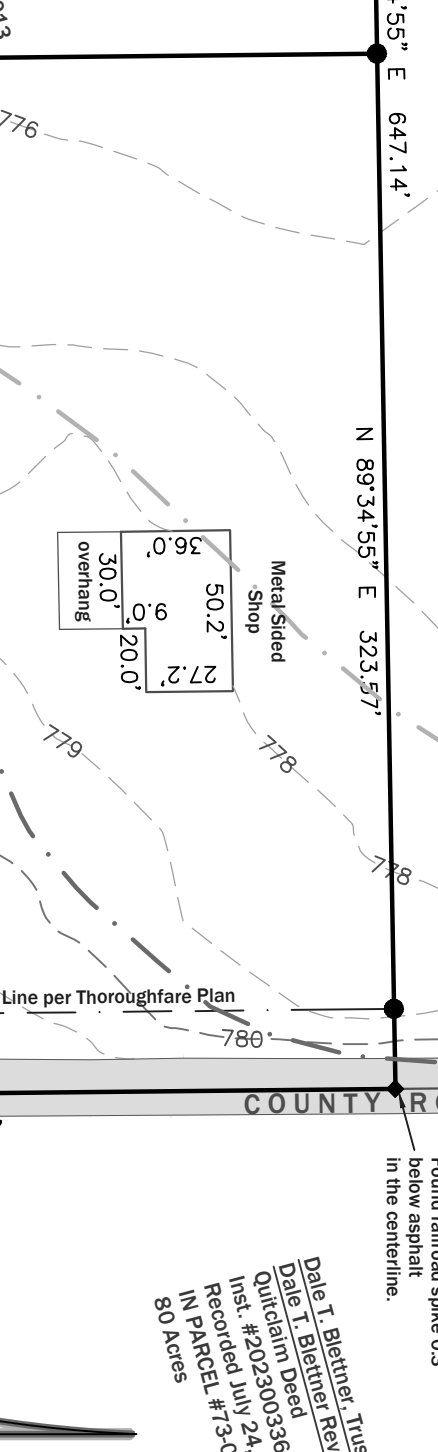
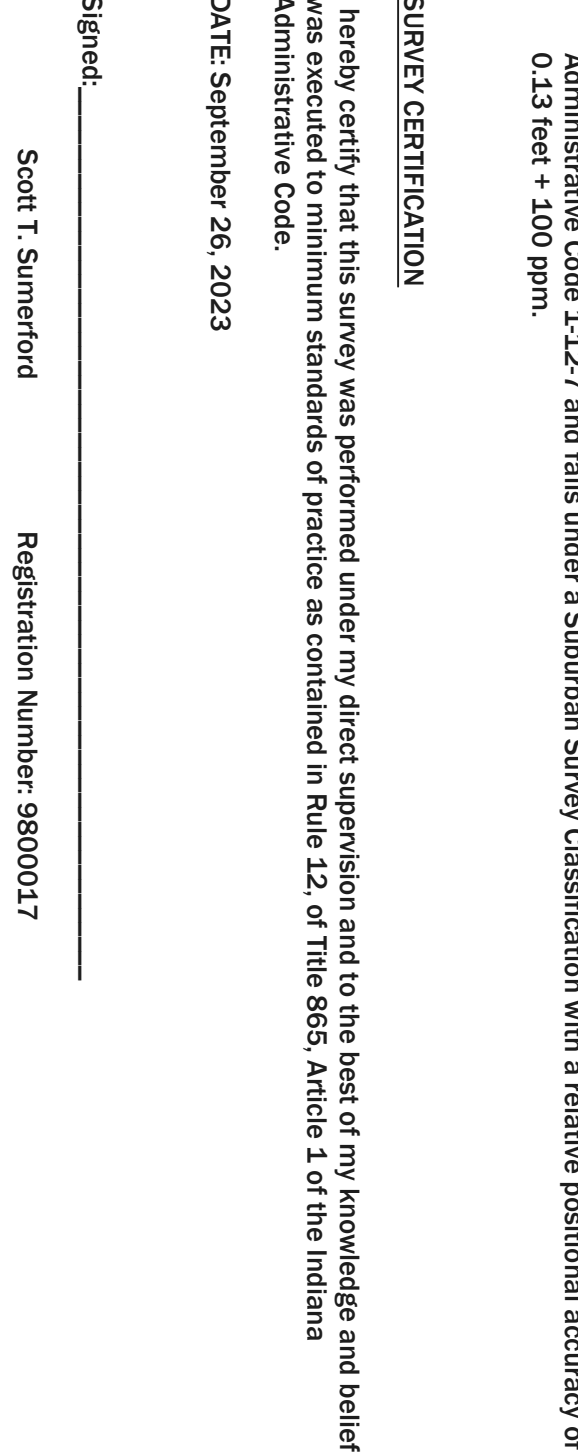
- C) Clarity or ambiguity of record descriptions
As introduced above, there is a gap in written title between the Rhoden and Blether farms. The east line of Blether starts at 10.38 chains west from the southeast section corner. This is 682.08 feet vs. 639.04 feet for the 19-1/2 acre description of Rhoden's. Even with the 647.14 feet to the old fence line, there is still 8 feet of gap at the road and about 4.4 feet in the back at the subject's northwest corner. There is no suggestion being made here to the client in attempting to claim anything else beyond the old fence location. Additional sorting out at the northwest corner should be done, before any title "clean up" is undertaken with the westerly adjoining property owner. There is also a parcel of ground obtained by the Commissioners of Shelby County in 1992, along the road, that has this same title gap situation.

- D) Relative positional accuracy of measurements
The lines and corners retraced or established by this survey have been executed meeting Title 865, Indiana Administrative Code 1-4-27 and falls under a Suburban Survey Classification with a relative positional accuracy of 0.13 feet + 100 ppm.

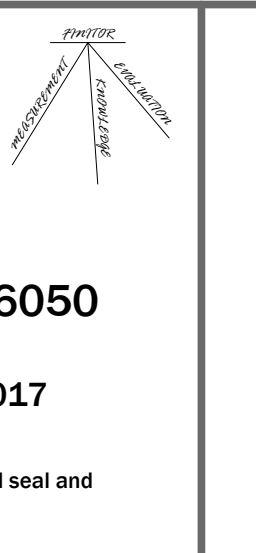
There were no other title irregularities encountered, affecting the subject property from other adjoining title holders.

Surveyor Certification
I hereby certify that this survey was performed under my direct supervision and to the best of my knowledge and belief was executed to minimum standards of practice as contained in Rule 12, of Title 865, Article 1 of the Indiana Administrative Code.

Date: September 26, 2023
Signed: Scott T. Sumnerford Registration Number: 98000017



SCOTT T. SUMERFORD LAND SURVEYING
3149 NORTH RILEY HIGHWAY
SHELBYVILLE, IN 46176-9462
BUSINESS PHONE (317) 401-6050
Indiana Registered Surveyor No. 29800017

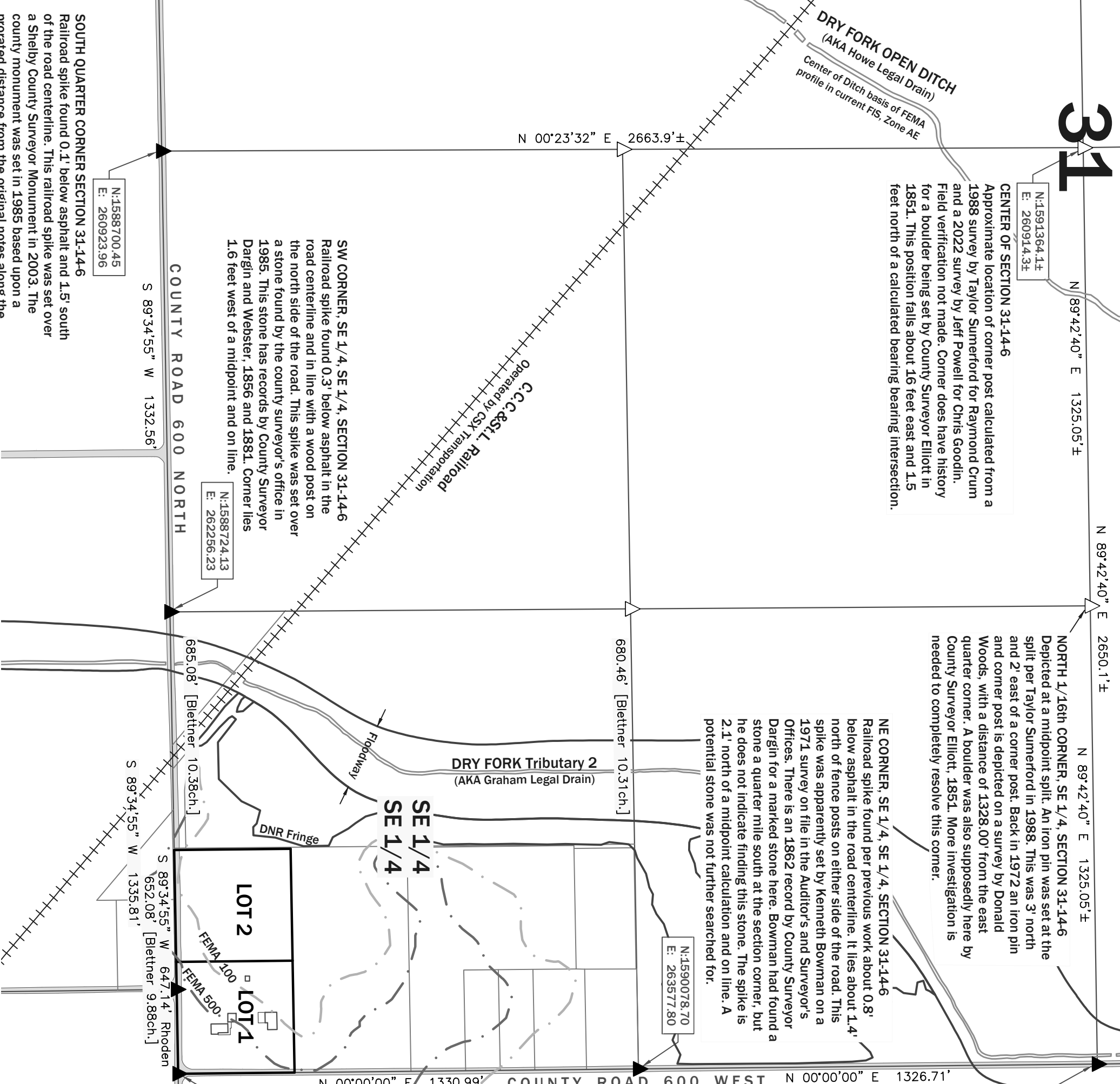


CLIENT: Travis Rhoden, 6129 N 600 W, Fairland, IN 46126
PROJECT: Simple Subdivision splitting a 5 acre parcel into one existing and one future home site at 6045 N 600 W, Fairland.
LAST DATE OF FIELDWORK: September 14, 2023
CERTIFICATION DATE: September 26, 2023
NOTES/REVISIONS: NONE TO DATE

INDIANA TITLE 865 BOUNDARY SURVEY
JOB LOCATION: PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 31 TOWNSHIP 14 NORTH, RANGE 6 EAST, MORAL TWP., SHELBY COUNTY, IN.

14N6E31-23-010
JOB NUMBER: 14N6E31-23-010
ORIGINAL DRAWING SIZE: ARCH D SHEET 1 OF 1

31



OWNER: Travis L. Rhoden
State of Indiana
County of Shelby

OWNERSHIP CERTIFICATE
I, Travis L. Rhoden, Jr. of Shelby County, Indiana, do hereby certify that I am the owner of the property described in the above captioned and that as such owner have caused the property to be surveyed and subdivided as shown on the hereon drawn plat, as my own free and voluntary act and deed.

NOTES
- A waiver being requested for having a Simple Subdivision procedure on a parent tract containing less than 5 acres.
- Five deciduous trees with at least 1 3/4 inch DBH at the time of planting shall be planted on Lot 2 prior to occupation of the residence.

FLOOD STATEMENT
- Lots 1 and 2 do lie within a special flood hazard area per effective FEMA Flood Insurance Rate Map, Panel Number 18145C0085C effective date of November 5, 2014. Both Lots 1 and 2 do not lie within a flood zone according to the 2022 Indiana Best Available Floodplain layer. The 100 year flood elevation per the FEMA FIRM map has the overall property in Zone AE with a downstream elevation of about 777 up to about 779.5 at the very upstream point in the flood profile. The contributing stream is the main branch of the Dry Fork. The 100 year flood elevation per the Best Indiana DNR Flood portal is 773.4 for a possible building set on Lot 2.

PLAN COMMISSION APPROVAL
Approved by the Shelby County Plan Commission in accordance with all applicable Subdivision Regulations.
Notary Public: [Name] (Seal)

Secretary: Scott Gabbard

Rezoning

FINDINGS OF FACT FOR DENIAL

Applicant: Dennis Wells

Case #: RZ 23-20

Location: 1803 & 1815 S 450 E, Shelbyville, Liberty Township.

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

The Unified Development Ordinance does not list the adjacent A2 District as an appropriate adjacent district to the C2 District. Approval of the rezoning without an intent or plan for the property may result in undesirable development that would negatively impact surrounding properties.

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

The Unified Development Ordinance does not list the adjacent A2 District as an appropriate adjacent district to the C2 District. Approval of the rezoning without an intent or plan for the property may result in undesirable development that would negatively impact surrounding properties.

3. The Conservation of Property Values throughout the Jurisdiction

Use and development of the property would have a greater impact on the overall community due to the location of the property at the interchange of I-74 & SR 244. Approval of the rezoning without an intent or plan for the property may result in undesirable development that would negatively impact property values throughout the jurisdiction.

4. Responsible Development and Growth

Use and development of the property would have a greater impact on the overall community due to the location of the property at the interchange of I-74 & SR 244. Approval of the rezoning without an intent or plan for the property may result in undesirable development that would negatively impact the County.

5. The Comprehensive Plan

The Comprehensive Plan recommends use of the property for Estate Residential purposes.

Rezoning

FINDINGS OF FACT FOR DENIAL

Applicant: Fairland Investment Inc.

Case #: RZ 23-21

Location: 9237 N Frontage Rd, Fairland, Moral Township.

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

The Unified Development Ordinance does not list the adjacent R1 District and adjacent A1 District as appropriate adjacent districts to the I2 District. Noise and other undesirable nuisance impacts associated with industrial development would impact the use and value of adjacent residential properties.

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

Development of the property would result in removal of a mature wooded area that provides a natural asset to the community.

3. The Conservation of Property Values throughout the Jurisdiction

Use and development of the property would have a greater impact on the overall community due to location of the property along the highly visible I-74 corridor. Approval of the rezoning without an intent or plan for the property may result in undesirable development that would negatively impact property values throughout the jurisdiction.

4. Responsible Development and Growth

Use and development of the property would have a greater impact on the overall community due to location of the property along the highly visible I-74 corridor. Approval of the rezoning without an intent or plan for the property may result in undesirable development that would negatively impact the County.

5. The Comprehensive Plan

The Comprehensive Plan recommends use of the property for industrial purposes. However, other considerations referenced in these findings render approval of the rezoning undesirable.

Property Details

Location: North of and adjoining 7587 S 600 W, Edinburgh, Jackson Township.

Property Size: 7.16-acres.

Current Land Use: Estate Residential.

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

RE (Residential Estate)

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

Future Land Use per Comp Plan

Estate Residential

The purpose of this category is to provide for new rural residential housing opportunities in rural areas not well suited for agriculture. New residential development should have reasonable access to roads and utilities and should not significantly disrupt agricultural activities. The residential density of this category should not exceed one lot for every two acres.

Surrounding Development

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

Staff Report

Case Number: RZ 23-22 / SD 23-17

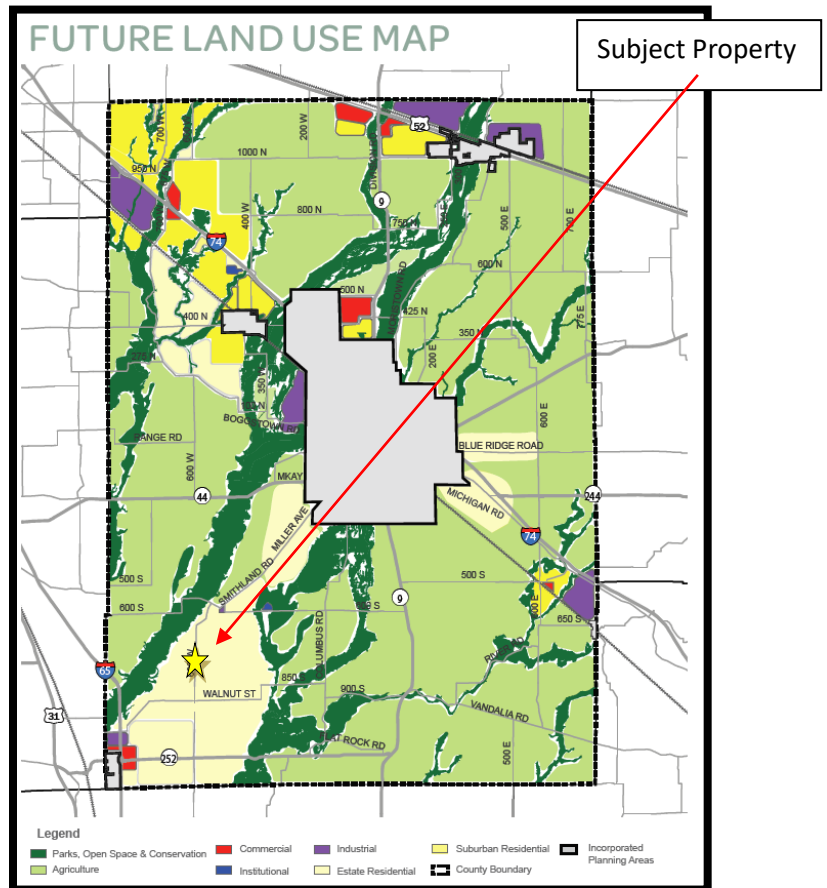
Case Name: Meador Rezoning – A1 (Conservation Agricultural) to RE (Residential Estate) & Meador Simple Subdivision

Requests

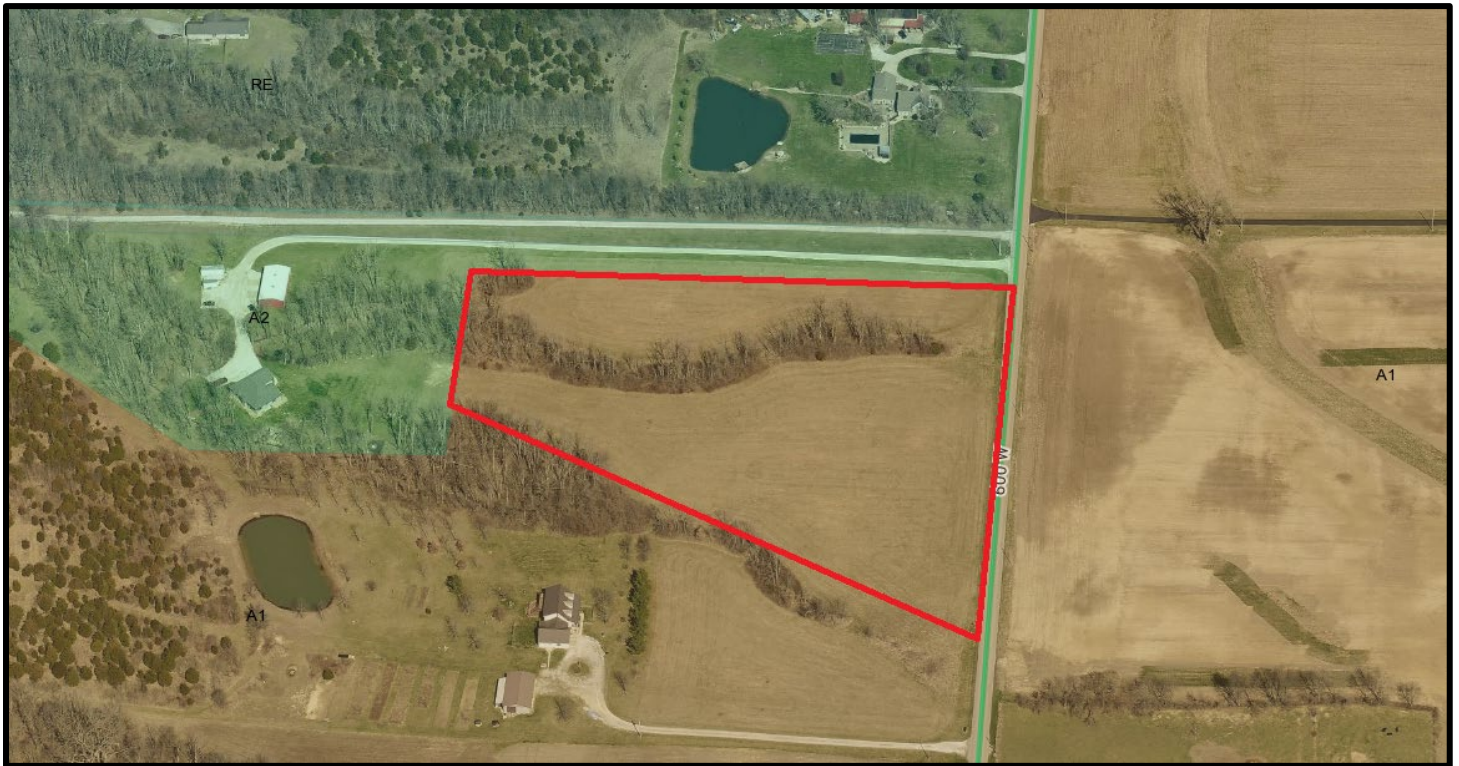
Rezoning of 7.16-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision.

Simple Subdivision of 7.16-acres from a 21.75-acre parent tract.

Future Land Use Map



Property Map



Case Description

- Approval of the requests would allow for development of one new 7.16-acre single-family residential lot.
- 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 on permits for a new single-family residence.

Staff Analysis Findings of Fact

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

The size of the lot would exceed the size of the lots in the adjacent residential subdivision to the north. Therefore, rezoning to allow for residential development of a seven-acre lot would not conflict with the character of the area.

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

The size of the lot would exceed the size of the lots in the adjacent residential subdivision to the north. The size of the proposed lot exceeds two-acres as recommended for Estate Residential areas by the Comprehensive Plan.

Development of a seven-acre residential lot would be consistent with existing development and planned future development for the area.

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.

5. The Comprehensive Plan

The size of the proposed lot exceeds two-acres as recommended for Estate Residential areas 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.
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

APPROVAL because the size of the lot would exceed the size of the lots in the adjacent residential subdivision to the north. The size of the proposed lot exceeds two-acres as recommended for Estate Residential areas by the Comprehensive Plan. Development of a seven-acre residential lot would be consistent with existing development and planned future development for the area.

Applicant/Owner Information

Applicant:	Jason Meador 658 Young St. Franklin, IN 46131	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
Owner:	Rick & Linda Meador 7587 S 600 W Edinburgh, IN 46124		

Property Details

Location: East of and adjoining 5009 W 500 N, Fairland, Brandywine Township.

Property Size: 3-acres.

Current Land Use: Cropland.

Current Zoning Classification

A2 (Agricultural)

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

Proposed 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.

Surrounding Development

	Zoning	Land Use
North	A2	Cropland
South	A2	Cropland
East	A2	Cropland
West	R1	Single-Family Residential

Staff Report

Case Number: RZ 23-23 / SD 23-18

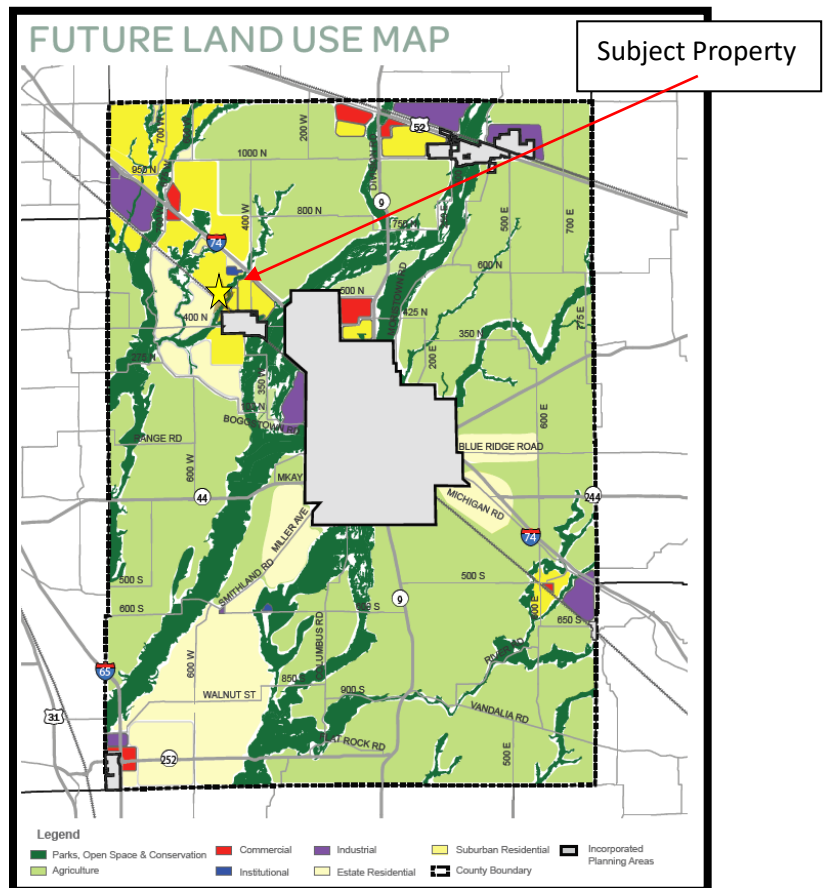
Case Name: Glackman Rezoning – A2 (Agricultural) to RE (Residential Estate) & Glackman Simple Subdivision

Requests

Rezoning of 3-acres from the A2 (Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision.

Simple Subdivision of 3-acres from a 10.11-acre parent tract.

Future Land Use Map



Property Map



Case Description

- Approval of the requests would allow for development of one new 3-acre single-family residential lot.
- 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 on permits for a new single-family residence.
- Per the UDO, the remaining 7.11-acres would also qualify as a building lot.

Staff Analysis Findings of Fact

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

The property lies within proximity to the Town of Fairland and several residential lots in the surrounding area do not exceed three acres. Therefore, rezoning to allow for residential development of a three-acre lot would not conflict with the character of the area.

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

The property lies within proximity to the Town of Fairland and several residential lots in the surrounding area do not exceed three acres. The Comprehensive Plan recommends Suburban Residential development for the area. Transition of use of the property from agricultural use to residential use would be consistent with existing development and planned future development for the area.

3. The Conservation of Property Values throughout the Jurisdiction

Development of the property for residential purposes has no perceivable impact on property values throughout the jurisdiction.

4. Responsible Development and Growth

The property would have access to utilities and drainage infrastructure to support residential development.

5. The Comprehensive Plan

Development of a three-acre lot for residential purposes would not conflict with low-to-medium intensity residential development recommended for Suburban Residential areas 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.
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

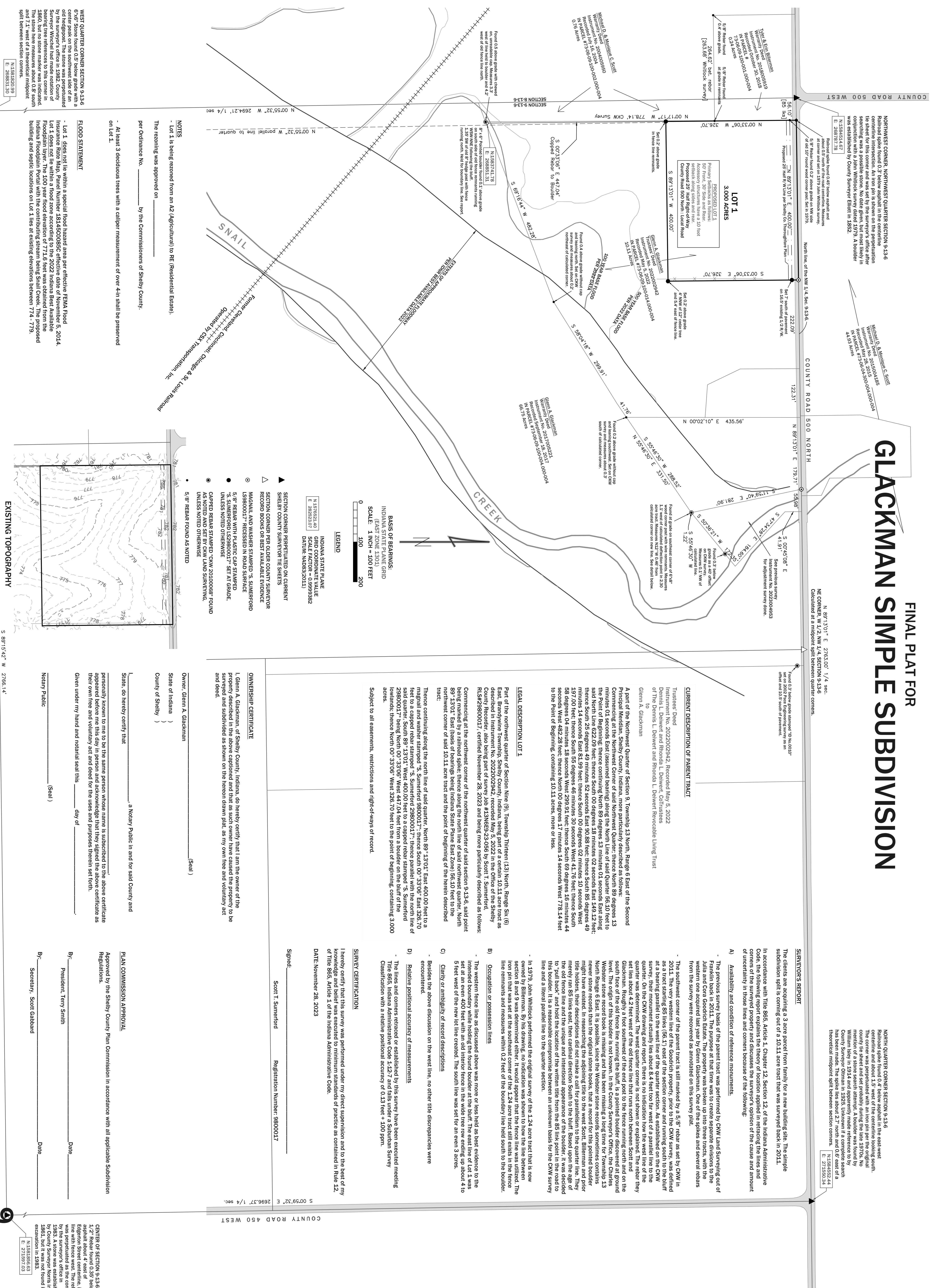
APPROVAL because the property lies within proximity to the Town of Fairland and several residential lots in the surrounding area do not exceed three acres. The Comprehensive Plan recommends Suburban Residential development for the area. Transition of use of the property from agricultural use to residential use would be consistent with existing development and planned future development for the area.

Applicant/Owner Information

Applicant:	Benjamin & Sarah Kuhn 203 W Eden Way Waldron, IN 46182	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
Owner:	Glenn Glackman 4725 W 500 N Fairland, IN 46126		

FINAL PLAT FOR

GLACKMAN SIMPLE SUBDIVISION



NORTHWEST CORNER, NORTHWEST QUARTER SECTION 9-13-6
Railroad spike found 0.3' below asphalt in the centerline centerline intersection. An iron pin is shown on the perpetuation sheet for this corner. And was set by the surveyor's office after searching was possible stone. No other given, but from likely in the centerline intersection. This corner was established by County Surveyor Eldred in 1852.

Michael D. & Jennifer L. Scott
Tribal Court 2015040436
Measured May 28, 2015
Recorded #130094-3-200-004-000-004
N 45.3° W 44.83' ACRES

N 89°13'01" E 2753.00' 1/4 sec.
NE CORNER, W 4.2' NW 1/4 SECTION 9-13-6
Calculated at a midpoint split between quarter corners.

NORTH QUARTER CORNER SECTION 9-13-6
Railroad spike found 0.4' below asphalt in the east-west centerline and about 1.5' west of the centerline looking south. The corner was perpetuated with an iron pin per the original county plat and set probably during the 1970s. No monument was found at this corner. This corner was likely in 1914 and apparently made reference to by County Surveyor O'Brien in 1925. Unknown if a complete search has been made. The spike lies about 2.7' north and 0.6' east of a theoretical midpoint split between section corners.

Found 0.2' below grade stamped "10 No. 0019" set on 2002 Pace Engineering survey as an iron pin and 10.1' apart in perpetuation.

SURVEYOR'S REPORT
The clients are acquiring a 3 acre parcel from family for a new building site. The simple subdivision split is coming out of a 10.11 acre tract that was surveyed back in 2011.

A) Availability and condition of reference monuments:
The previous survey basis of the parent tract was performed by CWV Land Surveying out of Franklin Park, IN 2011. The purpose at that time was to create separate divisions to the western one acquired last year by Glenn Glackman. One of the spikes and several rebars from the survey were recovered as annotated on this survey plat.

B) Occupation or possession lines
The western fence line as discussed above was more or less held as best evidence to the intended boundary while holding the found boulder at the bluff. The east line of Lot 1 was set at an even 400 feet with an old interior fence in the wide tree row ending up about 4 to 5 feet west of the new lot line created. The south line was set for an even 3 acres.

C) Clarity or ambiguity of record descriptions
Besides the above discussion on the west line, no other title discrepancies were encountered.

D) Relative positional accuracy of measurements
The lines and corners retraced or established by this survey have been executed meeting Title 865, Indiana Administrative Code 1-22-27 and falls under a Suburban Survey Classification with a relative positional accuracy of 0.13' feet ± 100 feet.

SURVEY CERTIFICATION
I hereby certify that this survey was performed under my direct supervision and to the best of my knowledge and belief was executed to minimum standards of practice as contained in Rule 12, of the 865, Article 1 of the Indiana Administrative Code.
DATE: November 28, 2023

PLANNING COMMISSION APPROVAL
Approved by the Shelby County Planning Commission in accordance with all applicable Subdivision Regulations.

OWNERSHIP CERTIFICATE
I, Glenn A. Glackman, of Shelby County, Indiana, do hereby certify that I am the owner of the property described in the above captioned and that as such owner have caused the property to be surveyed and subdivided as shown on the hereon drawn plat, as my own free and voluntary act and deed.

LEGAL DESCRIPTION OF PARENT TRACT
Trustees' Deed Instrument No. 2022002942, Recorded May 5, 2022 of Dennis L. Delwert and Rhonda L. Delwert, Co-Trustees of The Dennis L. Delwert and Rhonda L. Delwert Revocable Living Trust to Glenn A. Glackman

LEGAL DESCRIPTION LOT 1
Part of the northwest quarter of Section Nine (9), Township Thirteen (13) North, Range Six (6) East, Brandywine Township, Shelby County, Indiana, being part of a certain 10.11 acre tract as described in Instrument No. 2022002942, recorded May 5, 2022 in the Office of the Shelby County Recorder, also being part of survey Job #131N6E9-23-056 by Scott T. Sumnerford, RLS#2980017, certified November 28, 2023 and being more particularly described as follows:
Commencing at the northwest corner of the northwest quarter of said section 9-13-6, said point being marked by a railroad spike; thence along the north line of said northwest quarter, North 89° 13'01" East (basis of bearings being Indiana State Plane East Zone 56, 10' feet to the northwest corner of said 10.11 acre tract and the point of beginning of the herein described tract;

EXISTING TOPOGRAPHY
Topographic map showing contour lines and elevation data for the survey area.

NOTARY PUBLIC
Notary Public (Seal) Scott T. Sumnerford

PLANNING COMMISSION APPROVAL
Approved by the Shelby County Planning Commission in accordance with all applicable Subdivision Regulations.

OWNERSHIP CERTIFICATE
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JOB LOCATION
PART OF THE NORTHWEST QUARTER, SECTION 9, TOWNSHIP 13 NORTH, RANGE 6 EAST, BRANDYWINE TOWNSHIP, SHELBY COUNTY, INDIANA

CLIENT
Benjamin and Sarah Kuhn
203 W Eden Way
Waldron, IN 46182

LAST DATE OF FIELD WORK November 09, 2023
CERTIFICATION DATE November 28, 2023
NOTES/REVISIONS NONE TO DATE

JOB NUMBER 13N6E9-23-056
SHEET 1 OF 1

PROJECT
Further subdivision of a 10.11 acre parcel for establishing a new residential building lot next to and east of 5009 W 500 N, Fairland.

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

Indiana Registered Surveyor No. 29800017

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INDIANA TITLE 865
BOUNDARY SURVEY

JOB LOCATION
PART OF THE NORTHWEST QUARTER, SECTION 9, TOWNSHIP 13 NORTH, RANGE 6 EAST, BRANDYWINE TOWNSHIP, SHELBY COUNTY, INDIANA

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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 2024. 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 23, 2024	January 2, 2024	January 13, 2024
February 27, 2024	February 6, 2024	February 17, 2024
March 26, 2024	March 5, 2024	March 16, 2024
April 23, 2024	April 2, 2024	April 13, 2024
May 28, 2024	May 7, 2024	May 18, 2024
June 25, 2024	June 4, 2024	June 15, 2024
July 23, 2024	July 2, 2024	July 13, 2024
August 27, 2024	August 6, 2024	August 17, 2024
September 24, 2024	September 3, 2024	September 14, 2024
October 22, 2024	October 1, 2024	October 12, 2024
November 26, 2024	November 5, 2024	November 16, 2024
December Canceled		

*Completed Preliminary Plats are due by the Notice Deadline

