

Shelby County Plan Commission

February 23, 2021 at 7:00 PM

Table of Contents

Agenda	3
RZ 21-04 / SD 21-02 Searle Rezoning & Searle Simple Subdivision.....	4
Staff Report	4
Petitioner’s Findings of Fact	9
Plat	10
SD 21-03 Stanton Simple Subdivision	11
Staff Report	11
Plat	13
RZ 21-05 / SD 21-04 Mohr Rezoning & Mohr Simple Subdivision.....	14
Staff Report	14
Petitioner’s Findings of Fact	19
Plat	20

MEETING AGENDA

Shelby County Plan Commission
February 23, 2021 at 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the January 26, 2021 meeting.

BUSINESS CONTINUED TO MARCH 23, 2021

RZ 21-03 – SMITH REZONING: Rezoning of 1.144 acres from the RE (Residential Estate) District to the R1 (Single-Family Residential) District. Located at 11949 S 300 W, Flat Rock, Washington Township.

SD 21-01 – SIMITH SIMPLE SUBDIVISION: Subdivision of 3.458 acres into a 2.314-acre building lot and a 1.144-acre lot including an existing single-family residence and waivers of subdivision design standards. Located at 11949 S 300 W, Flat Rock, Washington Township.

OLD BUSINESS

None

NEW BUSINESS

RZ 21-04 – SEARLE REZONING: Rezoning of 2.221 acres from the A2 (Agricultural) District to the RE (Residential Estate) District. Located at 7795 W 725 S, Edinburgh, Jackson Township.

SD 21-02 – SEARLE SIMPLE SUBDIVISION: Subdivision of 17.498 acres into a 15.277-acre building lot and a 2.221-acre lot including an existing single-family residence and waivers of subdivision design standards. Located at 7795 W 725 S, Edinburgh, Jackson Township.

SD 21-03 – STANTON SIMPLE SUBDIVISION: Subdivision of one 4.899-acre building lot from a 10.67-acre parent tract. Located at 1390 W Flat Rock Rd, Flat Rock, Washington Township.

RZ 21-05 – MOHR REZONING: Rezoning of 3 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District. Located on the north side of W 900 S, between Mt. Auburn Cemetery & 5554 W 900 S, Jackson Township.

SD 21-04 – MOHR SUBDIVISION: Subdivision of one 3-acre building lot from a 30.22-acre parent tract and waivers of subdivision design standards. Located on the north side of W 900 S, between Mt. Auburn Cemetery & 5554 W 900 S, Jackson Township.

DISCUSSION

Annual Report

ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **March 23, 2021 at 7:00 PM.**

Property Details

Location: 7795 W 725 S, Edinburgh, Jackson Township.

Property Size: 17.498 acres (2.221 acres included in the rezoning).

Current Land Use: Estate Residential.

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. Use this zoning district for existing developments and carefully for new residential development. Large subdivisions on well and septic systems are not favored.

Future Land Use per Comp Plan Agricultural

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.

Continued on next page...

Staff Report

Case Number: RZ 21-04 / SD 21-02

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

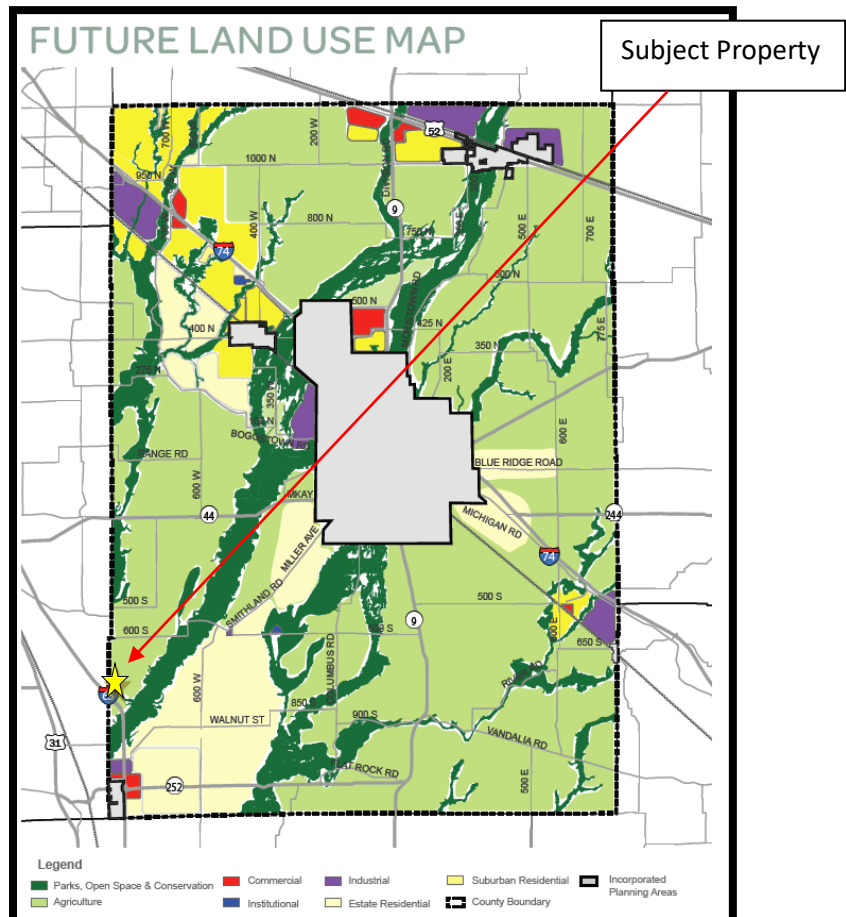
Requests

Rezoning of 2.221 acres from the A2 (Agricultural) District to the RE (Residential Estate) District to allow for a two-lot Simple Subdivision.

Simple Subdivision of 17.498 acres into a 15.277-acre building lot and a 2.221-acre lot including an existing single-family residence.

Waivers of subdivision design standards to allow (1) Simple Subdivision of property zoned A2 (Simple Subdivisions only permitted in the A3, A4, & RE Districts) and side lot lines not within a 15-degree angle to the right-of-way.

Future Land Use Map



Property Details

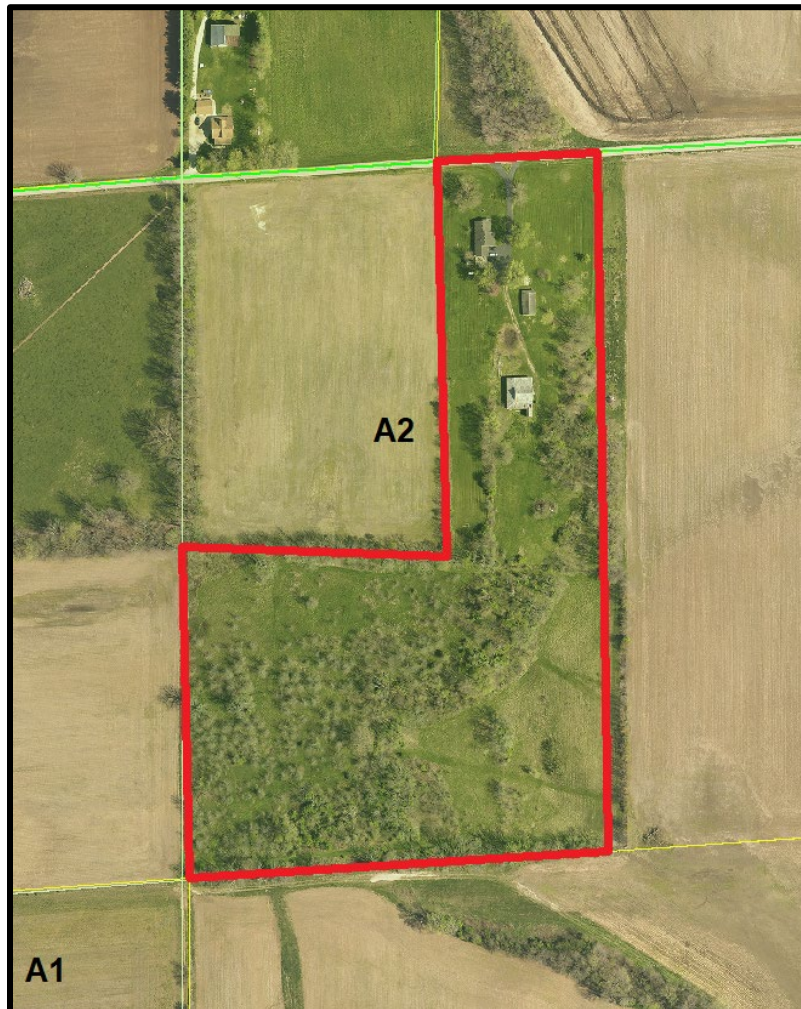
Parks, Open Space & Conservation

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 / Estate Residential
South	A1	Cropland
East	A1	Cropland
West	A1/A2	Cropland

Property Map



Case Description

- Approval of the requests would allow for development of one new single-family residential lot.
- The rezoning would only apply to the lot including the existing single-family residence (Lot 1). The size of the new building lot (Lot 2) and proposed use of much of this lot for agricultural purposes would be consistent with most other properties in the County within the A2 District.
- Trees cover much of the new building lot, however historical aerial photography indicates that the property may have previously included primarily row crops.
- The new building lot would include a 160-foot-wide strip of land providing access to the building site from W 725 S. The owner of the lot would own the strip of land rather than utilizing an access easement.
- The southeast corner of the new building lot lies within a Special Flood Hazard Area per effective Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM). The Indiana Department of Natural Resources (IDNR) best Available Data designates this area as Flood Fringe. The plat includes a 15-foot building setback from the edge of the Flood Fringe.
- The USDA Soil Survey classifies approximately 50% of the subdivision as 'Prime Farmland if Drained, approximately 25% as 'Prime Farmland', and approximately 25% as 'Not Prime Farmland'.

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**
2. **The Most Desirable Use for Which the Land in Each District Is Adapted**
3. **The Conservation of Property Values throughout the Jurisdiction**
4. **Responsible Development and Growth**
5. **The Comprehensive Plan**

The owner currently uses the property for residential purposes. Approval of the rezoning would not change the current use of the property and therefore would not impact the character of the area, impact surrounding property values, or conflict with 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 waivers to allow for Simple Subdivision of property within the A2 District and side lot lines not within a 15-degree angle to the right-of-way.
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 the Shelby County's Construction Standards.
6. The size of the new building lot and proposed use of much of this lot for agricultural purposes would be consistent with most other properties in the County within the A2 District. The owner of 10-acres of property within the A2 District directly north of the subject property recently subdivided the property and constructed a second single-family residence.
7. The 'L' shape of the parent tract necessitates a waiver from the side lot line requirements to create a new building lot.

Staff Recommendation

APPROVAL of the Rezoning, Simple Subdivision, and Waivers primarily because the subdivision would resemble existing residential development directly north of the property.

Applicant/Owner Information

Applicant:	John R Searle 7795 W 725 S Edinburgh, IN 46124	Owner:	Same	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
------------	--	--------	------	-----------	---

New Building Lot

Existing Residential Lot



View from northeast corner of property

Farmland Classification

- Green – Prime Farmland
- Turquoise – Prime Farmland if Drained
- Red – Not Prime Farmland



APPLICATION FOR REZONING
FINDINGS OF FACT BY THE SHELBY COUNTY PLAN COMMISSION

Applicant: John Searle

Case #: _____

Location: NW 1/4, Sec. 12-11-5 at 7795 W 725 S, Edinburgh

The Shelby County Plan Commission, having heard the application for rezoning described above and all opposition from parties claiming to be adversely affected thereby, has considered the request based on the provisions of Indiana law and forwards the following findings and recommendation to the Shelby County Commissioners:

1. The request **is/is not** (circle one) consistent with the Shelby County Comprehensive Plan because: _____

This location lies between an identified area of growth near Edinburgh and the main road to Franklin. An agricultural area nearby, but not direct impact.

2. The request **is/is not** (circle one) consistent with the current conditions and the character of structures and uses in each zoning district because: _____

This is a fairly rural part of the county. Lot 2 fits the size and type of scattered home site parcels in the area.

3. The request **is/is not** (circle one) consistent with the most desirable use for which the land in each district is adapted because: _____

The subject property appears to be hilly, former pasture ground and partially in a floodplain will make a desirable homesite without removing

4. The request **is/is not** (circle one) consistent with the conservation of property values throughout the jurisdiction ^{fillable,} because: _____

The home on Lot 1 is typical of older dwellings nearby. The home to be placed on Lot 2 will be secluded from 725 S.

5. The request **is/is not** (circle one) consistent with responsible growth and development because: _____

Along with #3, the ground is not suitable for row crops and will make little difference to the surroundings.

Based on the findings described above, the Plan Commission hereby forwards a **favorable/unfavorable** (circle one) recommendation to the County Commissioners this _____ day of _____, _____.

Shelby County Plan Commission

By: _____

President

Attest: _____

Secretary

RECORD DESCRIPTION OF PARENT TRACT

Warranty Deed Instrument No. 2018003904. Recorded July 18, 2018 Larry E. & Starnetta F. Snyder to John R. Searle

A part of the South Half of the Northwest Quarter of Section 12, Township 11 North, Range 5 East, Shelby County, Indiana, described as follows:

Beginning at the Southwest corner of the above described South Half of the Northwest Quarter of Section 12; thence with the West line of the Quarter North 01 degree 31 minutes 43 seconds West 637.67 feet; thence South 88 degrees 27 minutes 35 seconds East 497.43 feet; thence North 02 minutes 22 seconds East 759.00 feet to a point on the North line of the Half Quarter; thence with said North line, North 84 degrees 57 minutes 00 seconds East 352.55 feet; thence South 01 degree 43 seconds East 1338.97 feet to the South line of the Half Quarter; thence with said South line South 84 degrees 52 minutes 29 seconds West 838.95 feet to the point of beginning, containing 17.511 acres more or less.

Course data used in this description assumes the West line of the Half Quarter to have a bearing of North 01 degree 34 minutes 43 seconds West.

PLAN COMMISSION APPROVAL Approved by the Shelby County Plan Commission in accordance with all applicable Subdivision Regulations. By: President, Douglas Warnecke Date: Secretary, Scott Gabbard Date: Scott T. Sumnerford LAND SURVEYING 3149 NORTH RILEY HIGHWAY SHELBVILLE, IN 46176-9462 BUSINESS PHONE (317) 401-6050 Indiana Registered Surveyor No. 29800017

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

CLIENT John Searle 7795 W 725 S Edinburg, IN 46124 PROJECT Subdivision of a 1.75 acre parent parcel into 2 lots, one for a future residence in the back and the other for the front, existing dwelling.

LAST DATE OF FIELDWORK January 30, 2021 CERTIFICATION DATE February 23, 2021 NOTES/REVISIONS NONE TO DATE

INDIANA TITLE 865 BOUNDARY SURVEY JOB LOCATION PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER, SECTION 12, TOWNSHIP 11 NORTH, RANGE 5 EAST, JACKSON TWP., SHELBY COUNTY, IN JOB NUMBER 11N5E12-21-005 ORIGINAL DRAWING SIZE ARCH D SHEET 1 OF 1

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

RECORD DESCRIPTION OF PARENT TRACT Warranty Deed Instrument No. 2018003904. Recorded July 18, 2018 Larry E. & Starnetta F. Snyder to John R. Searle

A part of the South Half of the Northwest Quarter of Section 12, Township 11 North, Range 5 East, Shelby County, Indiana, described as follows:

Beginning at the Southwest corner of the above described South Half of the Northwest Quarter of Section 12; thence with the West line of the Quarter North 01 degree 31 minutes 43 seconds West 637.67 feet; thence South 88 degrees 27 minutes 35 seconds East 497.43 feet; thence North 02 minutes 22 seconds East 759.00 feet to a point on the North line of the Half Quarter; thence with said North line, North 84 degrees 57 minutes 00 seconds East 352.55 feet; thence South 01 degree 43 seconds East 1338.97 feet to the South line of the Half Quarter; thence with said South line South 84 degrees 52 minutes 29 seconds West 838.95 feet to the point of beginning, containing 17.511 acres more or less.

Course data used in this description assumes the West line of the Half Quarter to have a bearing of North 01 degree 34 minutes 43 seconds West.

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET BASIS OF BEARINGS: INDIANA STATE PLANE GRID (EAST ZONE 1301) SCALE: 1 INCH = 200 FEET

Property Details

Location: 1390 W Flat Rock Rd,
Flat Rock, Washington Township.

Property Size: 4.9 acres.

Current Land Use: Vacant.

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	A1	Woodland
South	A1, R1	Cropland, Single-Family Residential
East	A2	Estate Residential
West	A2	Woodland

Staff Report

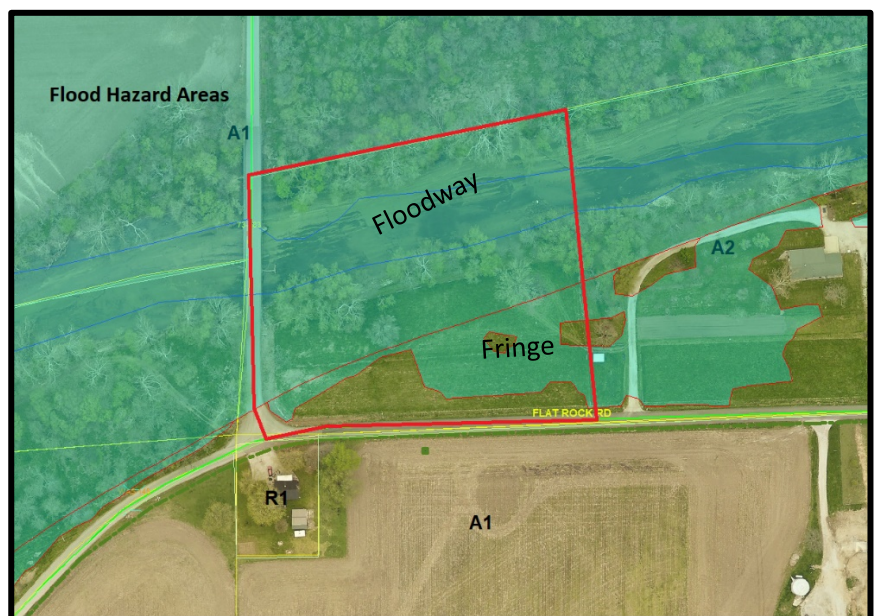
Case Number: SD 21-03

Case Name: Stanton Simple Subdivision

Request

Simple Subdivision to create one single-family building lot.

Property Map



Case Description

- On October 27, 2020 the Plan Commission voted 7-1 to forward a favorable recommendation to the County Commissioners to rezone the subject property from the A2 (Agricultural) District to the RE (Residential Estate) District. The recommendation included a stipulation: **Approval from DNR of any building project shall be submitted to the Planning Director prior to obtaining a building permit.**
- The County Commissioners voted 2-1 to approve the rezoning on November, 9 2020.
- The entire property lies within a Special Flood Hazard Area per effective Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM).

- Most of the property lies within the Floodway per Indiana Department of Natural Resources (IDNR) best Available Data. IDNR and the County UDO do not allow for development of new dwellings within the Floodway.
- Most of the remaining portion of the property lies within the flood Fringe per IDNR Best Available Data. The County UDO permits development of new dwellings in the Fringe in compliance with UDO regulations for development within the Fringe, such as elevating the structure to the flood protection grade, allowing for movement of floodwaters through the foundation of the structure, etc. IDNR does not require a state permit for construction within the Fringe.
- The purchaser of the property plans to construct a 5000-sqaure foot one-story house with attached garage. The house would sit in the Fringe area. The purchaser plans to use fill dirt to elevate the finished floor the required two feet above the base flood elevation. The home would include the required flood vents to allow potential floodwaters to flow through the crawl space of the structure below the base flood elevation.
- The petitioner has submitted a preliminary site plan to DNR showing elevations of the land, home, and septic system. The Planning Director will require that DNR verify the accuracy of the base flood elevation indicated on the site plan prior to approving the final site plan or issuing permits.
- In addition to the standards permits, development of the property will require a County Floodplain Permit. The Floodplain permit will allow the Planning Director to review the building plans for compliance with floodplain requirements, conduct additional building inspections to verify that the structure complies with the submitted plans, and to review pre- and post-construction elevation certificates submitted by a registered surveyor.

Staff Analysis Findings of Fact

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 the Shelby County's Construction Standards.

Staff Recommendation

APPROVAL

Applicant/Owner Information

Applicant:	Marty Stanton 1390 Flat Rock Rd. Flat Rock, IN 47234	Owner:	Same	Surveyor:	Scott Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
------------	--	--------	------	-----------	---

Property Details

Location: on the north side of W 900 S, between Mt. Auburn Cemetery & 5554 W 900 S, Jackson Township

Property Size: 3 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

RE (Residential Estate)
This district is established for single-family detached dwellings in a rural or country setting. Use this zoning district for existing developments and carefully for new residential development. Large subdivisions on well and septic systems are not favored.

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	A1	Cropland
South	A1	Cropland / Woodland
East	A1	Cropland
West	A2	Estate Residential

Staff Report

Case Number: RZ 21-05 / SD 21-04
Case Name: Mohr Rezoning – A1 (Conservation Agricultural) to RE (Residential Estate) & Mohr Simple Subdivision

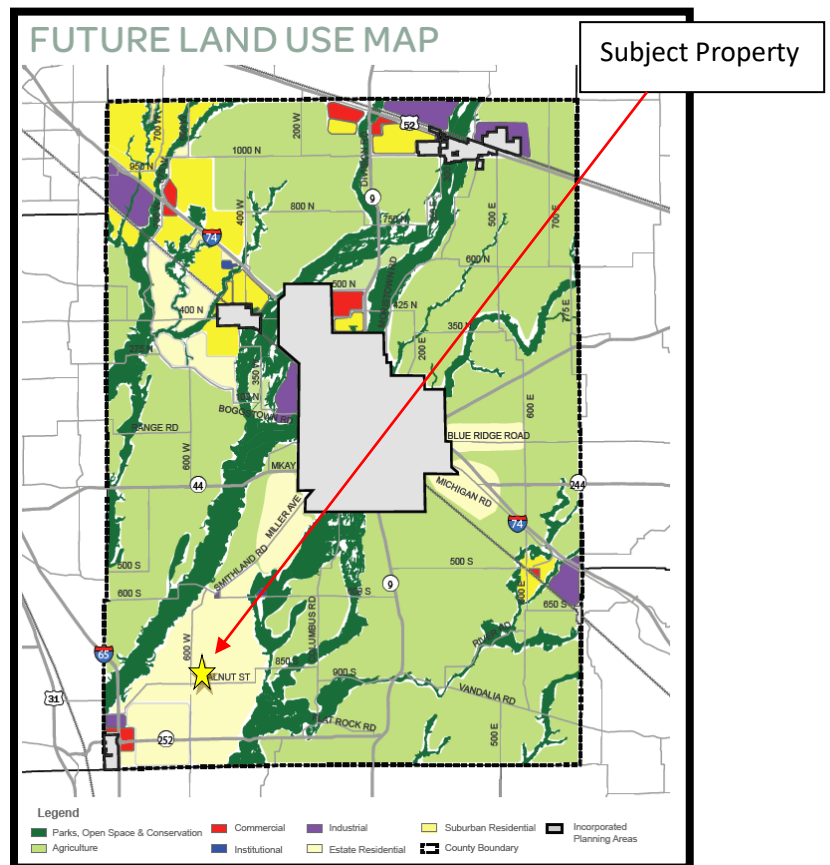
Requests

Rezoning of 3 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision.

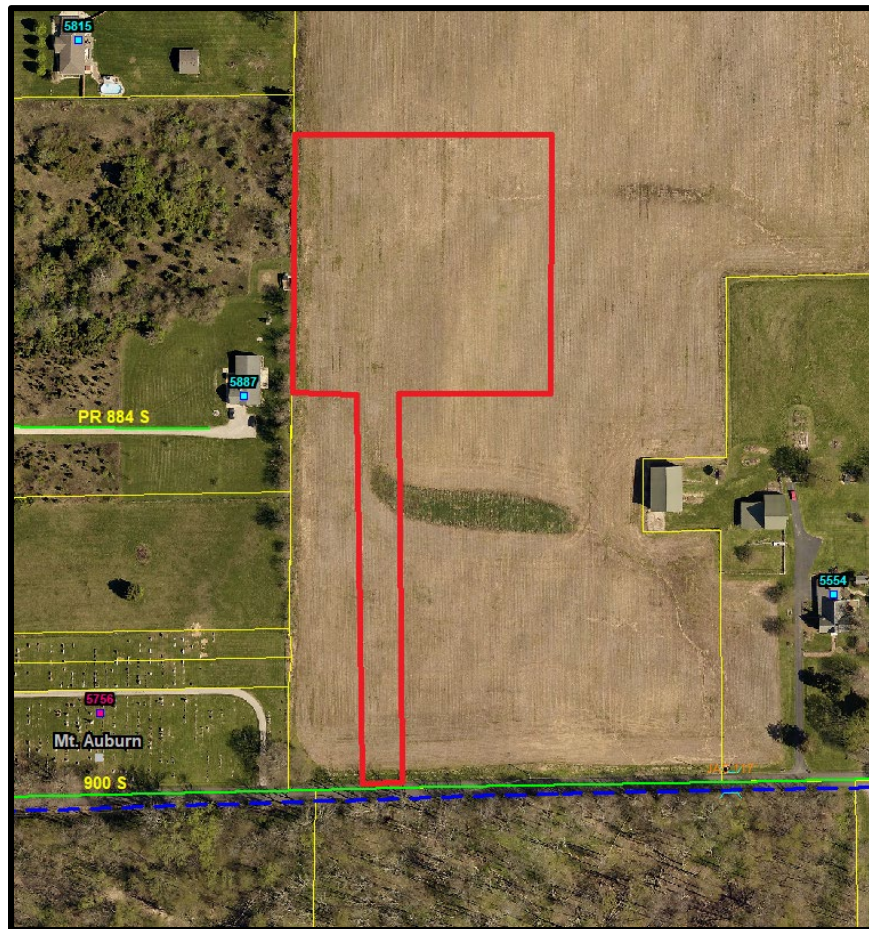
Simple Subdivision of one 3-acre building lot from a 30.22-acre parent tract.

Waivers of subdivision design standards to allow a lot having 50-feet of road frontage (minimum 160-feet required); having a width of 50-feet (minimum 160-feet required); and having side lot lines not within a 15-degree angle to the right-of-way.

Future Land Use Map



Property Map



Case Description

- Approval of the requests would allow for development of one single-family residential building lot.
- The petitioner has chosen the proposed area for the building lot because the land slopes less in that area than the overall parent tract (see attached contour map).
- The location of the lot would result in the front yard of the lot adjoining the rear yard of the adjoining property to the west. The rear yard of the adjoining property includes trees which would provide screening between the two yards.
- The lot would include a 50-foot-wide strip of land providing access to the building site from W 900 S. The owner of the lot would own the strip of land rather than utilizing an access easement.
- The petitioner stated that they would continue to use the land west of the access strip for agricultural purposes.
- The USDA Soil Survey classifies approximately 60% of the lot as 'Prime Farmland' and approximately 40% of the lot as 'Not Prime Farmland'.

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 surrounding area includes several 3-acre and 5-acre rural homesites. Therefore, development of a 3-acre property for single-family residential purposes would not conflict with the character of the area.

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

The land slopes less in the area proposed for the building lot than the overall parent tract, therefore this area is the most desirable portion of the parent tract for building development.

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

Approval of the rezoning would allow for residential development of a property designated for residential estate use by the Comprehensive Plan and for development consistent with the character of the area.

5. The Comprehensive Plan

Approval of the rezoning would allow for development of a residential lot larger than two acres. Therefore, approval of the rezoning would not significantly conflict with the Estate Residential land use recommendation of 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, pending approval of a waiver to allow side lot lines not within a 15-degree angle to the right-of-way.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance, pending approval of a waiver to allow a lot having 50-feet of road frontage and having a width of 50-feet.
5. The subdivision of land satisfies the construction requirements of the Shelby County's Construction Standards.
6. Waivers from the road frontage, lot width, and side lot line requirements limit the amount of farmland brought into the lot and allows for a building site on land that slopes less than the overall parent tract.

Staff Recommendation

APPROVAL of the Rezoning, Simple Subdivision, and Waivers primarily because the Comprehensive Plan recommends use of the property for estate residential purposes. The Plan Commission should also take the following factors into consideration when making their decision:

- Location of proposed development in relation to the house to the west and areas of the property designated as Prime Farmland.
- A lot configuration which results in physical subdivision of the parent tract into two portions.

Applicant/Owner Information

Applicant:	Jason & Charity Mohr 6174 S 300 W Shelbyville, IN 46176	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
------------	---	-----------	---

Owner: Kit A. Mohr & Deborah J. Mohr Rev. Living Trust
650 Meadowbrook Ln
Franklin, IN 46131

Building Site

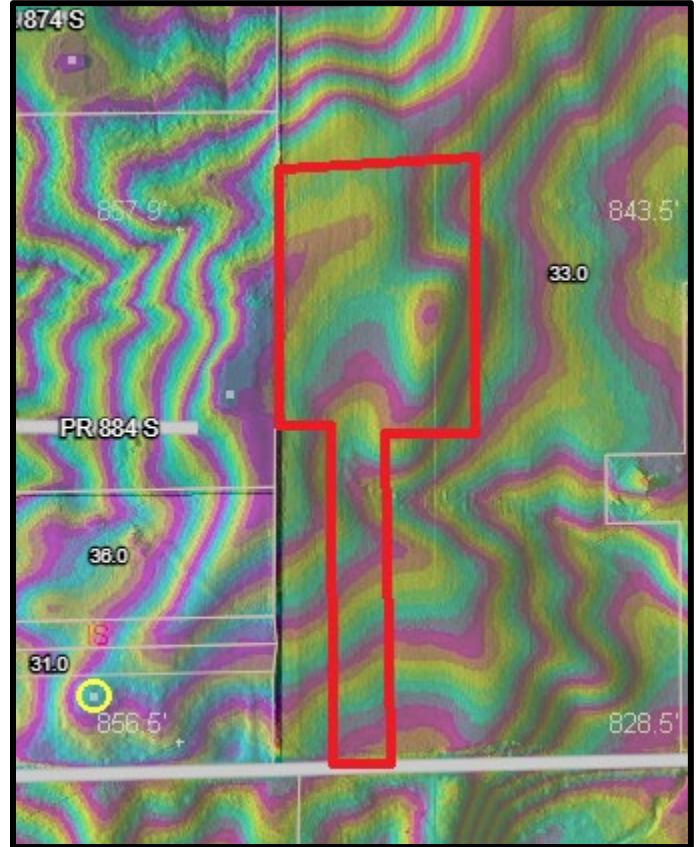


View from southeast corner of property

Farmland Classification

Green – Prime Farmland
Red – Not Prime Farmland

Contours



APPLICATION FOR REZONING
FINDINGS OF FACT BY THE SHELBY COUNTY PLAN COMMISSION

Applicant: John Searle

Case #: _____

Location: NW 1/4, Sec. 12-11-5 at 7795 W 725 S, Edinburgh

The Shelby County Plan Commission, having heard the application for rezoning described above and all opposition from parties claiming to be adversely affected thereby, has considered the request based on the provisions of Indiana law and forwards the following findings and recommendation to the Shelby County Commissioners:

1. The request **is/is not** (circle one) consistent with the Shelby County Comprehensive Plan because: _____

This location lies between an identified area of growth near Edinburgh and the main road to Franklin. An agricultural area nearby, but not direct impact.

2. The request **is/is not** (circle one) consistent with the current conditions and the character of structures and uses in each zoning district because: _____

This is a fairly rural part of the county. Lot 2 fits the size and type of scattered home site parcels in the area.

3. The request **is/is not** (circle one) consistent with the most desirable use for which the land in each district is adapted because: _____

The subject property appears to be hilly, former pasture ground and partially in a floodplain. Will make a desirable homesite without removing

4. The request **is/is not** (circle one) consistent with the conservation of property values throughout the jurisdiction ^{fillable,} because: _____

The home on Lot 1 is typical of older dwellings nearby. The home to be placed on Lot 2 will be secluded from 725 S.

5. The request **is/is not** (circle one) consistent with responsible growth and development because: _____

Along with #3, the ground is not suitable for row crops and will make little difference to the surroundings.

Based on the findings described above, the Plan Commission hereby forwards a **favorable/unfavorable** (circle one) recommendation to the County Commissioners this _____ day of _____, _____.

Shelby County Plan Commission

By: _____

President

Attest: _____

Secretary

PLAN COMMISSION APPROVAL

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

By: _____ Date: _____
Secretary, Scott Gabbard

WEST QUARTER CORNER SECTION 17-11-6
N1512150.63 E: 2655131.09
CR 950 S. This spike has been utilized by various surveys in the past and probably set in agreement with road centerlines. Origin not certain. There is no record for this corner in the old County Surveyor books.

SURVEYOR'S REPORT

The clients are preparing to build a new home on the family farm and are subdividing 3 acres for the new home site. A waiver from the minimum road frontage is being sought. The 50 foot wide access portion of Lot 1 was purposely positioned by the clients for better driver sight distance looking west. A hill crest in County Road 900 in front of the cemetery is the main issue. There will be 0.96 acres of the parent farm parcel remaining between the cemetery and the 50 foot strip of Lot 1.

In accordance with Title 865, Article 1, Chapter 12, Section 12, of the Indiana Administrative Code, the following report explains 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.
- Lot 1 is situated up against the west line of the east half quarter section. The legal description to the Mohr parent tract originates from a Pace Engineering survey found in the Auditor's Office, dated 1987. The monument is a 3" x 3" x 3" iron spike set in the ground in the center of the east half quarter section. The monument is a 3" x 3" x 3" iron spike set in the ground in the center of the east half quarter section. The monument is a 3" x 3" x 3" iron spike set in the ground in the center of the east half quarter section.

The fencing near the west line of the farm is depicted as measured on a former survey. This fence row is currently being cleaned up by the client, with fence wire being removed along the south part. The fence line ran from being on line near the county road to a maximum of about 7 feet east of the calculated split line at the northwest corner of the east half.

There were no ambiguities in title discovered between Lot 1 and the surrounding descriptions. All titles make calls to the common aliquot lines.

Relative positional accuracy of measurements
The lines and corners retraced or established by this survey have been executed meeting Title 865, Article 1, of the Indiana Administrative Code 14.12-7 (4) calls for a Suburban Survey Classification with a relative positional accuracy of 0.13 feet +/- 1.00 ppm.

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 Title 865, Article 1 of the Indiana Administrative Code.

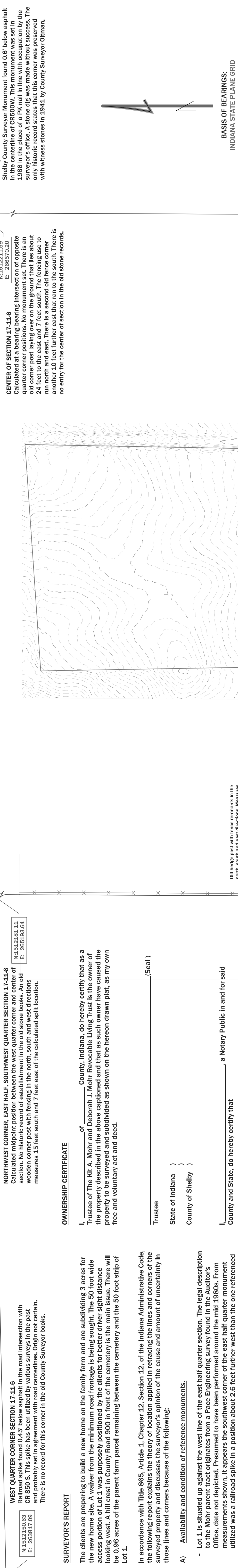
DATE: February 23, 2021
Signed: Scott T. Sumnerford Registration Number: 9800017

FINAL PLAT FOR MOHR SIMPLE SUBDIVISION

NORTH QUARTER CORNER SECTION 17-11-6
Stone found 0.1' above grade in north-south fence row and measured in the center of the top ridge. The stone was perpetuated in 2002 by the surveyor's office with occupation also running west. A stone was set with a label of "X" by County Surveyor Norris according to the old records.

CENTER OF SECTION 17-11-6
Calculated at a bearing bearing intersection of opposite quarter corner positions. No monument set. There is an iron spike set in the ground that lies about 24' corner post lying over on the ground that lies about another 10' feet further east that ran to the south. There is no entry for the center of section in the old stone records.

EAST QUARTER CORNER SECTION 17-11-6
Shelby County Surveyor Monument found 0.6' below asphalt in the center of the top ridge. The stone was perpetuated in 1986 in the place of a PK nail in line with corner by the surveyor's office. A stone dig was made without success. The only historic record states that this corner was preserved with witness stones in 1944 by County Surveyor Oltman.



RECORD DESCRIPTION OF PARENT TRACT

Quitclaim Deed
Instrument No. 2014004748, Recorded September 22, 2014
to
The Kit A. Mohr and Deborah J. Mohr, Revocable Living Trust 2/21/2014
Part of the southwest quarter of section 17, township 11 north, range 6 east in Shelby County, Indiana, more particularly described as follows:
Beginning at the southwest corner of the east half of said southwest quarter, said point being a railroad spike; thence north 01 degrees 51 minutes 00 seconds east along the west line of said east half 1458.47 feet to an iron pin beside a corner fence post; thence north 87 degrees 41 minutes 08 seconds East 458.48 feet along an existing fence and its extension to an iron pin; thence north 00 degrees 16 minutes 30 seconds east 459.61 feet along an existing fence and its extension to an iron pin; thence north 87 degrees 18 minutes 34 seconds east 498.53 feet along an existing fence to a corner fence post; thence south 02 degrees 21 minutes 59 seconds west 1276.55 feet along an existing fence to a corner fence post; thence north 01 degrees 51 minutes 00 seconds east 1458.47 feet to an iron pin; thence south 00 degrees 03 minutes 03 seconds west 681.12 feet to a road nail in the south line of said southwest quarter; thence north 30 degrees 00 minutes 00 seconds west 952.65 feet along said south line to the point of beginning, containing 35.8866 acres, more or less, and subject to all existing legal highway rights-of-way and easements of record.

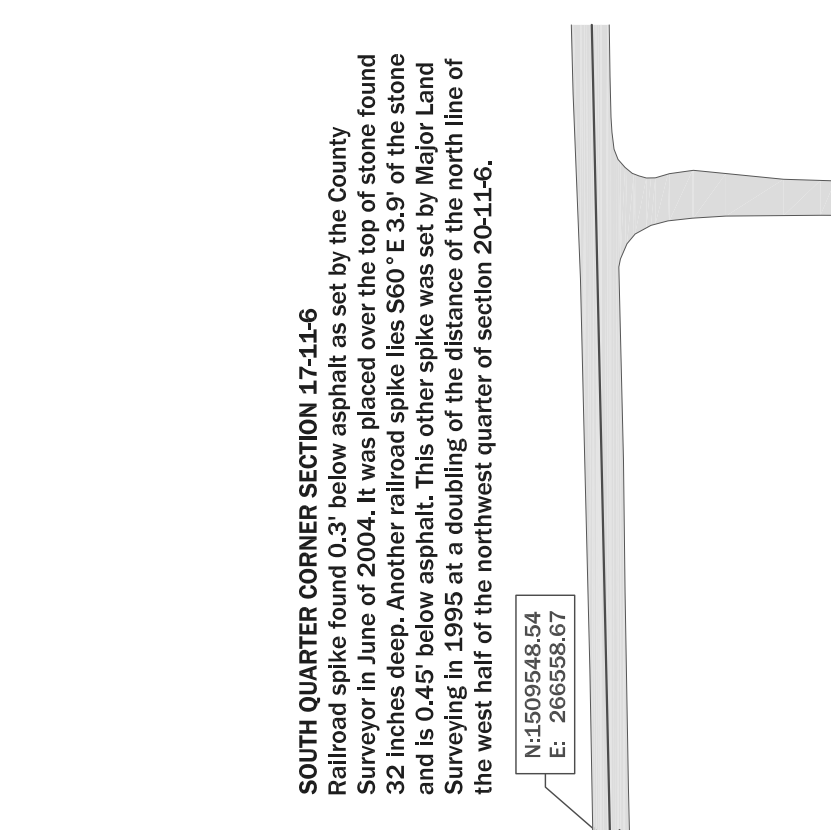
LEGAL DESCRIPTION OF LOT 1

Part of the east half of the southwest quarter of Section Seventeen (17), Township Eleven (11) North, Range Six (6) East of Jackson Township, Shelby County, Indiana, being part of a 35.8866 acre tract as described in Instrument No. 2014004748 in the Office of the Shelby County Recorder, also being part of survey Job #11N6E17-21-001 by Scott T. Sumnerford, RLS#29800017, certified February 23, 2021 and being more particularly described as follows:
Commencing at the southwest corner of the southwest quarter of said section 17-11-6, said point being marked by a railroad spike; thence along the south line of the west half of said quarter, North 88° 47' 38" East (basis of bearings being Indiana State Plane East Zone) 1,580.88 feet to the southwest corner of the east half of said southwest quarter, thence along the south line of said quarter, North 88° 47' 38" East 1,580.88 feet to the southeast corner of the east half, North 88° 43' 04" East 73.13 feet to the point of beginning of the herein described tract;
Thence North 00° 15' 48" East 573.80 feet to a capped rebar stamped "S. SUMNERFORD 29800017", said monument being hereinafter referred to as a capped rebar; thence South 88° 42' 59" West 73.13 feet to a capped rebar on the west line of said east half; thence along said west line, North 00° 15' 48" East 340.06 feet to a capped rebar; thence North 88° 42' 59" East 300.02 feet to a capped rebar; thence South 00° 15' 48" West 340.06 feet to a capped rebar; thence South 88° 42' 59" West 176.88 feet to a capped rebar; thence South 00° 15' 48" West 573.80 feet to a magnum and washer stamped "S. Sumnerford 29800017" on the south line of said quarter; thence along said south line, South 88° 45' 04" West 50.02 feet to the point of beginning, containing 3.000 acres.

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

NOTES
- Lot 1 is being resumed to RE (Residential Estate) from an A2 (Agricultural) zoning. The rezoning was approved on _____ by the Commissioners of Shelby County.

- The Lot 1 does not lie within a special flood hazard area per effective FEMA Flood Insurance Rate Map, Panel Number 18145C0175C, dated November 5, 2014. Lot 1 does not lie near a flood zone according to the 2019 Indiana Best Available Floodplain layer.



INDIANA TITLE 865
BOUNDARY SURVEY
JOB LOCATION
PART OF THE EAST HALF OF THE
SOUTHWEST QUARTER, SECTION 17
TOWNSHIP 11 NORTH, RANGE 6 EAST,
JACKSON TWP., SHELBY COUNTY, IN

JOB NUMBER
11N6E17-21-001
ORIGINAL DRAWING SIZE ARCH D
SHEET 1 OF 1