

Shelby County Plan Commission

September 24, 2019 at
7:00 PM

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MEETING AGENDA

Shelby County Plan Commission
September 24, 2019, 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the July 23, 2019 meeting.

OLD BUSINESS

None.

NEW BUSINESS

RZ 19-11 – MORGAN RAMPLEY REZONING: A2 (Agricultural) District to the RE (Residential Estate) District. Located at 7547 & 7578 S 750 E, Saint Paul.

SD 19-11 – MORGAN RAMPLEY SIMPLE SUBDIVISION - PRIMARY APPROVAL: To allow for subdivision of 8.658 acres into a 4.306-acre lot and a 4.352-acre lot. Located at 7547 & 7578 S 750 E, Saint Paul.

RZ 19-13 – BEATY REZONING: I2 (High Intensity Industrial) District to the RE (Residential Estate) District. Located at 5292 W 100 N, Boggstown.

COMPREHENSIVE PLAN: Recommendation to the Shelby County Commissioners.

DISCUSSION

Revisions to Plan Commission and Building Inspector Monthly & Annual Reports

Hearing Officer

ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, October 22, 2019 at 7:00 PM.

Summary of Cases

RZ 19-11- MORGAN RAMPLEY REZONING

REQUEST: Rezoning of 8.658 acres from the A2 (Agricultural) District to the RE (Residential Estate) District to allow for a 2-lot Simple Subdivision.

LOCATION: Nobel Township at 7547 & 7578 S 750 E, Saint Paul.

STAFF RECOMMENDATION: **APPROVAL** because the rezoning would bring the property closer into compliance with the current Unified Development Ordinance by establishing two existing single-family residences on separate lots.

SD 19-11- MORGAN RAMPLEY SIMPLE SUBDIVISION

PRIMARY APPROVAL OF A SIMPLE SUBDIVISION to allow for subdivision of 8.658 acres into a 4.306-acre lot and a 4.352-acre lot.

LOCATION: Nobel Township at 7547 & 7578 S 750 E, Saint Paul.

STAFF RECOMMENDATION: **APPROVAL**

RZ 19-13- BEATY REZONING

REQUEST: Rezoning of 2.72 acres from the I2 (High Intensity Industrial) District to the RE (Residential Estate) District to allow for development of a residential detached garage on a lot used for residential purposes.

LOCATION: Sugar Creek Township at 5292 W 100 N, Boggstown.

STAFF RECOMMENDATION: **APPROVAL** because the rezoning would legally establish an existing residential use and allow for improvements to a property historically used for residential purposes.

Staff Report

CASE NUMBER: RZ 19-11
CASE NAME: MORGAN RAMPLEY REZONING – A2 (AGRICULTURAL) TO RE (RESIDENTIAL ESTATE).

CASE SUMMARY

REQUEST: Rezoning of 8.658 acres from the A2 (Agricultural) District to the RE (Residential Estate) District to allow for a 2-lot Simple Subdivision.

STAFF RECOMMENDATION: **APPROVAL** because the rezoning would bring the property closer into compliance with the current Unified Development Ordinance by establishing two existing single-family residences on separate lots.

PROPERTY DESCRIPTION

Location: Nobel Township at 7547 & 7578 S 750 E, Saint Paul.

Property Size: 8.658 acres.

Property Improvements: Two single-family residences, two accessory structures, a windmill, two septic systems, and two wells.

Surrounding Development: Four single-family residences, cropland, and woodland.

Current Zoning District: A2 (Agricultural) – Per the UDO, the district is established for general agricultural areas and buildings associated with agricultural production.

Proposed Zoning District: RE (Estate Residential) – Per the UDO, the district is established for single-family detached dwellings in a rural or county setting.

- The district should be used for residential estates, hobby farming, and low density single-family detached dwellings on large lots.
- The district should be applied to existing development, new development and small area zoning.
- The Plan Commission should use this zoning district for existing developments and carefully for new residential development. Large subdivisions on well and septic systems are not favored.

Comprehensive Plan Future Land Use: Parks, Open Space, & Conservation

- Included are conservation areas that protect environmentally sensitive features such as rivers, woodlands and wetlands from encroachment by new development. Protection of these resources promotes safety, protects private investment and property in floodprone areas, and also presents untapped possibilities for recreation.
- Conservation areas may encompass natural features associated with the Big Blue River and its tributaries. Mature vegetation should be preserved where possible to protect habitat and visual character. Conflicting land uses shall be strongly discouraged and well-buffered from Conservation areas.

- In the conservation areas, minimum roads and other paved surfaces should be provided in the more sensitive areas. The function of the natural system should not be compromised by development or construction activities. Light or noise from surrounding residential areas should be buffered. Open space also can aid in the management of stormwater runoff, protect natural site features, and at the same time be used for passive recreation.

CASE DESCRIPTION

- Approval of the rezoning request and subsequent simple subdivision would establish two existing single-family homes on separate lots (4.306 acres and 4.352 acres).
- The lots would comply with all lot dimensional requirements of the RE District identified in the UDO.
- The existing structures would not comply with the setback requirements of the RE District. The existing driveways would also not have a separation of less than the 60-foot minimum required by the UDO. Staff has determined that the structures and driveways are legal nonconforming but any alteration to the structures or new development would need to comply with the UDO.
- County tax records list the the date of construction for the larger house as 1960 and date of construction for the smaller house as 1980. Staff has found no record of an approved variance allowing two residences on the property.
- Each residence currently has an individual septic system, well, driveway entrance, and associated accessory structures.
- The Flat Rock River crosses the property and a large portion of the property lies within FEMA designated floodplain. One house also encroaches into the floodplain. The house existed prior to adoption of the floodplain maps and therefore does not violate any provisions of the County Floodplain Ordinance.

STAFF ANALYSIS & RECOMMENDATION

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

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

Approval of the rezoning would not result in any change to the current conditions of the site or allow for new development not permitted in the current A2 zoning district. Approval would bring the property closer into compliance with the current Unified Development Ordinance by establishing two existing single-family residences on separate lots.

Staff recommends approval.

APPLICANT/OWNER INFORMATION

Applicant: Andrew P. Scholle
212 West Main Street
Greensburg, IN 47240

Owner: J.P. & Joan E Morgan
7578 S 750 E
Saint Paul, IN 47272

Surveyor: Andrew P. Scholle
212 West Main Street
Greensburg, IN 47240

Staff Report

CASE NUMBER: SD 19-11
CASE NAME: MORGAN RAMPLY SUBDIVISION – PRIMARY APPROVAL

CASE SUMMARY

PRIMARY APPROVAL OF A SIMPLE SUBDIVISION to allow for subdivision of 8.658 acres into a 4.306-acre lot and a 4.352-acre lot.

STAFF RECOMMENDATION: APPROVAL

PROPERTY DESCRIPTION

Location: Nobel Township at 7547 & 7578 S 750 E, Saint Paul.

Property Size: 8.658 acres.

Property Improvements: Two single-family residences, two accessory structures, a windmill, two septic systems, and two wells.

Proposed Zoning District: RE (Residential Estate).

Comprehensive Plan Future Land Use: Parks, Open Space, & Conservation

CASE DESCRIPTION

- The Simple Subdivision would establish two existing single-family homes on separate lots (4.306 acres and 4.352 acres).
- Lot 2 includes an Ingress-Egress easement over an existing driveway providing access to the house on Lot 1. Lot 2 also includes an Ingress-Egress easement along the north property line.
- The existing structures do not comply with the setback requirements of the RE District and therefore lie within the setback lines established on the plat. Any new development must comply with the requirements of the RE District and setbacks established on the plat.

STAFF RECOMMENDATION

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 Recommends Approval.

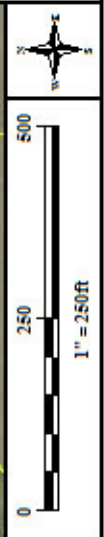
APPLICANT/OWNER INFORMATION

Applicant: Andrew P. Scholle
212 West Main Street
Greensburg, IN 47240

Owner: J.P. & Joan E Morgan
7578 S 750 E
Saint Paul, IN 47272

Surveyor: Andrew P. Scholle
212 West Main Street
Greensburg, IN 47240

Pipelines COMPANY:	
	Rockies Express
Rockies Express COMPANY:	
	Rockies Express
Shelby Co Zoning Feature Name:	
	a1
	a2
	hi
	r1
	re
	Water
	County Boundary
	Well
	Parcels
	Closed Roads
	Well Head Protection
Culvert Inventory Inactive (Raised) Address Addresses	
	Water
	Septic Trench
	Parcels
	Roads
	Railroads
	Highways
	Electrical Lines



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

Applicant: J.P. Morgan and Joan E. Morgan

Case #: _____

Location: 7578 and 7547 S 750 E. Saint Paul, IN 47272

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: _____
It would place each residence in the proper zoning according to the current UDO. _____

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: Both residences already exist. No new buildable Lots are being created. _____

3. The request is ~~is not~~ (circle one) consistent with the most desirable use for which the land in each district is adapted because: This request does not take any land out of production and both residences already exist. _____

4. The request is ~~is not~~ (circle one) consistent with the conservation of property values throughout the jurisdiction because: The property values should not be affected because no new structures are being constructed. _____

5. The request is ~~is not~~ (circle one) consistent with responsible growth and development because: _____
There will be no new growth or development because the two residences already exist. _____

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

Staff Report

CASE NUMBER: RZ 19-13
CASE NAME: BEATY REZONING – I2 (HIGH INTENSITY INDUSTRIAL) TO RE (RESIDENTIAL ESTATE).

CASE SUMMARY

REQUEST: Rezoning of 2.72 acres from the I2 (High Intensity Industrial) District to the RE (Residential Estate) District to allow for development of a residential detached garage on a lot used for residential purposes.

STAFF RECOMMENDATION: APPROVAL because the rezoning would legally establish an existing residential use and allow for improvements to a property historically used for residential purposes.

PROPERTY DESCRIPTION

Location: Sugar Creek Township at 5292 W 100 N, Boggstown.

Property Size: 2.72 acres.

Property Improvements: Single-family residence, pool, tennis court, detached garage, and an accessory structure.

Surrounding Development: Heavy construction contractor office and yard, highway contractor office and yard, and cropland.

Current Zoning District: I2 (High Intensity Industrial) – Per the UDO, the district is established for high intensity industrial uses and heavy manufacturing facilities.

Proposed Zoning District: RE (Estate Residential) – Per the UDO, the district is established for single-family detached dwellings in a rural or county setting.

- The district should be used for residential estates, hobby farming, and low density single-family detached dwellings on large lots.
- The district should be applied to existing development, new development and small area zoning.
- The Plan Commission should use this zoning district for existing developments and carefully for new residential development. Large subdivisions on well and septic systems are not favored.

Comprehensive Plan Future Land Use: Agriculture

- Traditional farming practices as well as accessory residential and other agriculture related uses occur within this designation.
- Existing residential lots containing single-family housing units could also have agricultural related uses,
- This land use category is intended to preserve the existing rural character of the area, while limiting the occurrence of future development on, and subdivision of, natural areas and agricultural land.
- Non-farm residences located on agriculturally designated land should legally acknowledge agricultural activities and not interfere or impede this important economic sector of the County.

CASE DESCRIPTION

- Approval of the rezoning would legally establish the existing residence and allow for improvements to the property regulated by residential zoning standards rather than industrial zoning standards. A few differences in standards include reduced building setbacks, less stringent architectural standards, and elimination of required landscaping.
- The petitioner plans to construct a detached garage near the west property line. The proposed garage complies with all standards of the RE District.
- The County changed the zoning of the property from Agriculture to High Intensity Industrial at the time of adoption of the 2008 zoning maps. The County likely changed the zoning designation because the petitioner owns both the subject property and adjoining contractor's yard.
- County tax records indicate 1937 as the date of construction for the residence. Therefore, the property has likely been used for residential purposes since 1937.

STAFF ANALYSIS & RECOMMENDATION

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

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

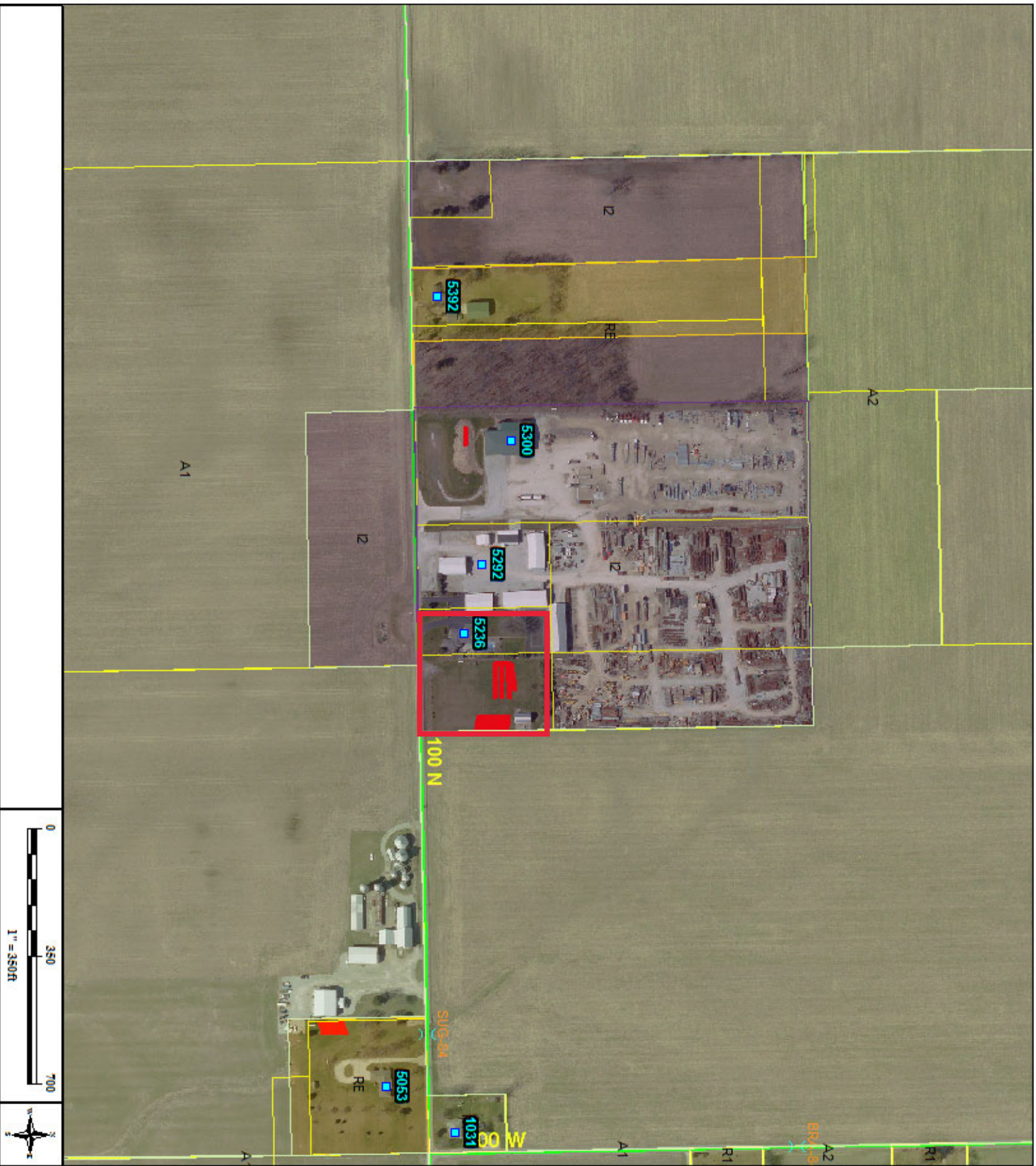
Approval of the rezoning would legally establish an existing residential use and allow for improvements to a property historically used for residential purposes. Approval would not change the character of the property and therefore would not impact the surrounding area.

Staff recommends approval.

APPLICANT/OWNER INFORMATION

Applicant: Mary Ann Beaty Revocable Living Trust
5292 W 100 N
Boggestown, IN 46110

Applicant's Attorney: Peter G. DePrez
24 E Polk St.
Shelbyville, IN 46176



Fiber Optic Facilities
 COMPANY:
 AT&T
 MCI
 RUSH SHELBY E

Shelby Co Zoning
 Feature Name:

- a1
- a2
- i/2
- r1
- re

- Water
- County Boundary
- Well
- Parcels
- Well Head Protection

- Culvert Inventory
- Addresses
- Water
- Septic Trench
- Surface Drain
- Roads
- Railroads
- Highways
- Electrical Lines

THINK



STATEMENT OF INTENT

The Applicant is building a new garage along the west property line.

In the process of obtaining the necessary permits, applicant determined the zoning of the real estate is I2, which does not allow residences.

Hence, in order to build a new garage and use the real estate for a personal residence, rezoning from I2 to RE District is needed.

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

Applicant: Mary Ann Beaty Revocable Living Trust

Case #:

Location: 5236 W 100 N, Boggstown, IN 46110

1. The request is consistent with the Shelby County Comprehensive Plan because: there is no change in the existing use, bringing the existing use within the terms of the Comprehensive Plan.
2. The request is consistent with the current conditions and the character of structures and uses in each zoning district because: there are other homes in the area and it is consistent with those structures, as well as existing use.
3. The request is consistent with the most desirable use for which the land in each district is adapted because: since it is already a home site, it is the most desirable use for that land.
4. The request is consistent with the conservation of property values throughout the jurisdiction because: this is an existing home site, it should not have a negative impact on other property values.
5. The request is consistent with responsible growth and development because: the present use is allowable in an RE district whereas is not allowed in a I2 district.

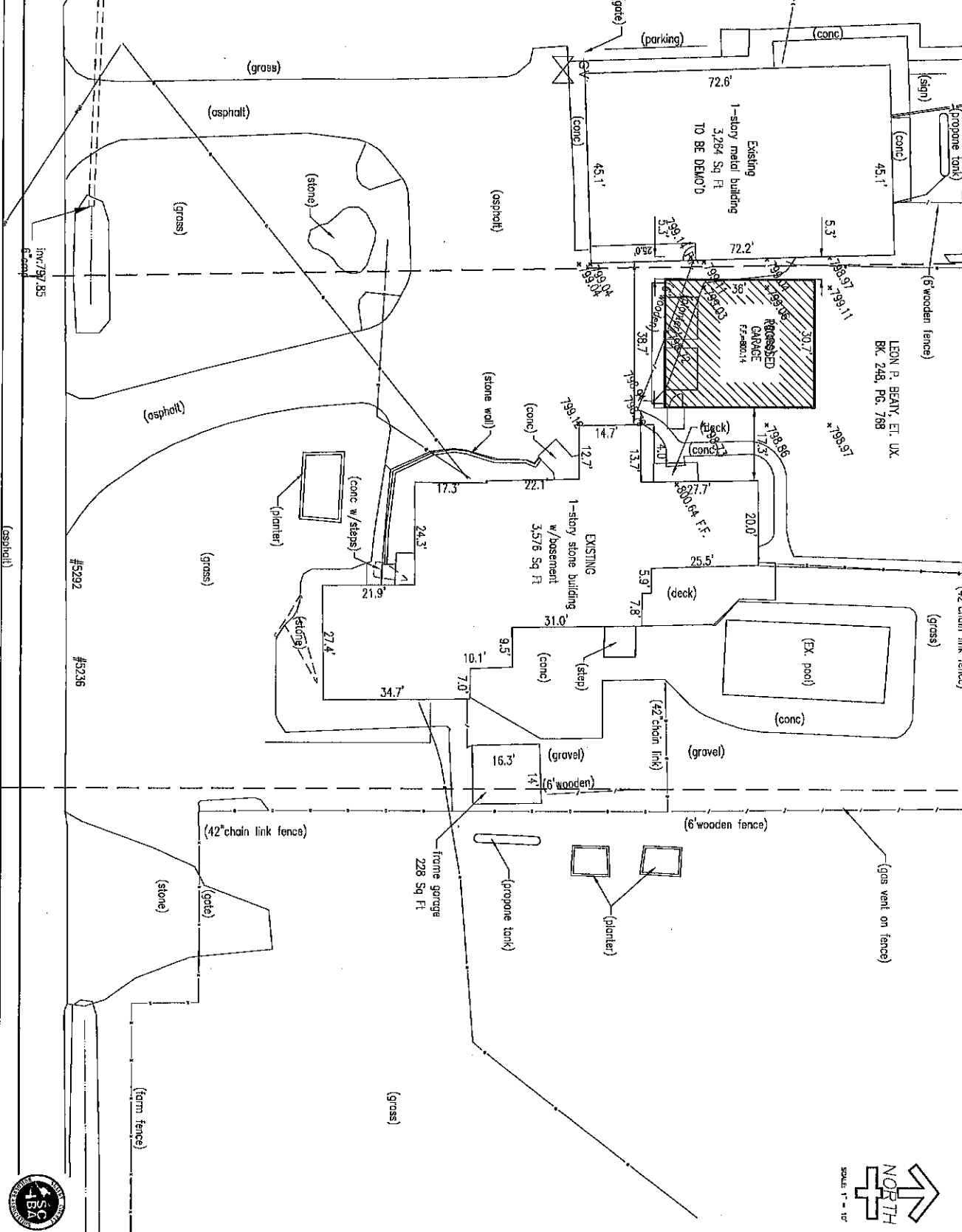
Based on the findings described above, the Plan Commission hereby forwards a **favorable/unfavorable** (circle one) recommendation to the County Council this ____ day of _____, 2019.

Shelby County Plan Commission

By: _____
President

Attest: _____
Secretary

Know what's Below.
Call before you dig.



SHEET NAME
PROPOSED SITE/UTILITY PLAN

PROJECT NAME
LEON BEATY-GARAGE
5292 W. 100 N.
BOGGS TOWN, IN 46110

NO.	DATE	REVISION

SPACE and SITES, LLC
BUILDING DESIGN, PLANNING
6 East Taylor St. Shelbyville, IN 46176
PH 317.392.4444 FAX 317.392.0709
www.spaceandsites.com
e-mail: spaceandsites@sbcglobal.net

DATE: JUN 11, 2019
PROJECT: H&L-FENCE
SHEET NO.: C100



SCALE
1"=10'
DRAWN
BC

