

Shelby County Plan Commission
Meeting Minutes
Tuesday
May 23, 2023

Members Present:

Megan Hart
Terry Smith
Nick Hartman
Taylor Sumerford
Kevin Carson
Scott Gabbard

Members Absent:

Mike McCain
Charity Mohr
Jason Abel

Staff Present:

Desiree Calderella – Planning Director
Jason Clark – Plan Commission Attorney

Call to Order and Roll Call:

Terry Smith called the May 23, 2023 meeting to order at 7:00 pm in Room 208 A at the Court House Annex.

Approval of Minutes:

Kevin Carson made a motion to approve the minutes from April 25, 2023. Nick Hartman seconded the motion. The minutes were approved 6-0.

Continued Business:

SD 23-02 – DAVIS SIMPLE SUDIVISION: Simple Subdivision of 14.74-acres into a 9.5-acre lot and 4.74-acre lot. Located east of and adjoining 453 E 700 S, Shelbyville, Washington Township.

RZ 23-11 – LARRISON REZONING: Rezoning of 2.547-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision. Located east of and adjoining 8493 S 475 E, Saint Paul, Nobel Township.

SD 23-07 – LARRISON SIMPLE SUBDIVISION: Simple Subdivision of 2.547-acres from a 62.63-acre parent tract and waiver of subdivision design standards to allow side lot lines not within a 15-degree angle to the right-of-way. Located east of and adjoining 8493 S 475 E, Saint Paul, Nobel Township.

Old Business:

RZ 23-09 – BRUNING REZONING: Rezoning of 10-acres from the A1 (Conservation Agricultural) District to the A2 (Agricultural) District to allow for a one-lot Simple Subdivision. Located at 9721 N SR 9, Morristown, Van Buren Township.

Desiree Calderella read the petition into the record and stated that Staff recommends approval with a stipulation.

Scott Sumerford represented the petitioner and indicated that the petitioner's son and his wife intend to build a house and keep animals on the property.

Loretta Bruning explained that she and her husband currently use the existing building on the property for storage and limited assembly of materials related to their off-site business.

Melinda Thomas, the wife of the petitioner's son, indicated that she plans to use the property as a hobby farm and the recently constructed building on the property as a horse arena.

The Board opened the hearing for public comment.

Heather McCullum, who owns property at 498 Hidden Valley Ct, expressed concern about business traffic using the existing driveway and asked how many and what type of animals the petitioner's son and his wife intend to keep on the property.

The Board closed the public comment portion of the hearing.

Melinda Thomas indicated that she plans to keep no more than ten horses on the property, a dog, and barn cats.

The Board discussed the keeping of animals standards identified in the Unified Development Ordinance.

Q: Kevin Carson – Are you agreeable to the stipulation?

A: Melinda Thomas – Yes.

Kevin Carson made a motion of vote on the petition and Nick Hartman seconded that motion. **The petition was APPROVED 6-0.**

The Board adopted the following findings of fact:

1. The request is consistent with the Shelby County Comprehensive Plan.
2. The request is consistent with the current conditions and the character of structures and uses in each district.
3. The request is consistent with the most desirable use for which the land in each district is adapted.
4. The request is consistent with the conservation of property values throughout the jurisdiction.
5. The request is consistent with responsible growth and development.

SD 23-05 – BRUNING SIMPLE SUBDIVISION: Subdivision of 10-acres from a 39.97-acre parent tract and waiver of Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned A2. Located at 9721 N SR 9, Morristown, Van Buren Township.

Desiree Calderella read the petition into the record and stated that Staff recommends approval.

Scott Sumerford represented the petitioner and had no additional comment.

The Board opened the hearing for public comment. There was none. The Board closed the public comment portion of the hearing.

Scott Gabbard made a motion of vote on the petition and Kevin Carson seconded that motion. **The petition was APPROVED 6-0.**

New Business:

SD 23-10 – ESTERS QUONSET HUTS SIMPLE SUBDIVISION: Simple Subdivision of one 1.435-acre industrial lot from a 6.364-acre parent tract and waiver of Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned I2 and of design standards to allow a lot in the I2 District less than 2-acres. Located at 103 East Carey St, Fairland, Brandywine Township.

Desiree Calderella read the petition into the record and stated that Staff recommends approval.

Jeff Powell represented the petitioner. He explained that the petitioner intends to subdivide the property for estate planning purposes and not for future development purposes.

Richard Esters outlined the division of the estate.

The Board opened the hearing for public comment. There was none. The Board closed

the public comment portion of the hearing.

Kevin Carson made a motion of vote on the petition and Megan Hart seconded that motion. **The petition was APPROVED 6-0.**

RZ 23-12 – THOMAS NORTH FARM REZONING: Rezoning of 15-acres from the A1 (Conservation Agricultural) District to the A2 (Agricultural) District to allow for a three-lot Simple Subdivision. Located generally north and west of the intersection of Freeport Rd. & CR 150 E, Van Buren Township.

Desiree Calderella read the petition into the record and stated that Staff recommends approval.

Jeff Powell represented the petitioners. He provided a summary of the proposed subdivision, indicated that the petitioners intend to homestead the properties and farm the land, and that the petitioners will utilize as much land on the lots as possible for farming activities. He indicated that the request reflects the goal of preservation of agricultural land indicated in the Comprehensive Plan.

John Lengacher was present. He had no additional comment.

The Board opened the hearing for public comment.

Tony Billerman, who lives at 1193 E Freeport Rd, asked about plans for septic systems and wells, and where on the property the petitioners planned to keep livestock.

Andrea Thompson asked if the change in zoning would allow multiple houses on the property in the future.

The Board closed the public comment portion of the hearing.

Jeff Powell indicated that the petitioners had done soil borings and had found suitable locations for septic systems on each lot. He indicated that wells would comply with all code requirements. He explained that County ordinance prohibits re-subdivision of the properties for five years.

John Lengacher explained that his family intends to use the lots and remaining tract for pasture and organic farming. He indicated that livestock would utilize shelters and pasture area throughout the lots and remaining tract.

Jeff Powell indicated that he would provide the Surveyor's Office with a revised legal description of the drainage easement that crosses the property.

The Board discussed the keeping of animals standards identified in the Unified Development Ordinance and explained that the petitioners would need to apply for a

variance if they intend to keep more animals on the lots than permitted.

Kevin Carson made a motion of vote on the petition and Scott Gabbard seconded that motion. **The petition was APPROVED 6-0.**

The Board adopted the following findings of fact:

1. The request is consistent with the Shelby County Comprehensive Plan.
2. The request is consistent with the current conditions and the character of structures and uses in each district.
3. The request is consistent with the most desirable use for which the land in each district is adapted.
4. The request is consistent with the conservation of property values throughout the jurisdiction.
5. The request is consistent with responsible growth and development.

SD 23-08 – THOMAS NORTH FARM SIMPLE SUBDIVISION: Simple Subdivision of three, 5-acre lots from a 316.791-acre parent tract and waiver of Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned A2 and of design standards to allow residential lots abutting a drainage way less than 25% larger than the minimum lot size requirement for the A2 District. Located generally north and west of the intersection of Freeport Rd. & CR 150 E, Van Buren Township.

Desiree Calderella read the petition into the record and stated that Staff recommends approval.

Jeff Powell represented the petitioners and had no additional comment.

The Board opened the hearing for public comment.

Tony Billerman, who lives at 1193 E Freeport Rd, asked if the petitioners plan to use the existing barn next to his house as a shelter for animals.

The Board closed the public comment portion of the hearing.

John Lengacher explained that his family plans to use the existing barn for equipment storage and plans to construct a 50' x 80' shop on the lot for equipment maintenance. He explained that animals would use open shelters which he could construct on the remaining tract.

Scott Gabbard made a motion of vote on the petition and Nick Hartman seconded that motion. **The petition was APPROVED 6-0.**

RZ 23-13 – THOMAS SOUTH FARM REZONING: Rezoning of 31.217-acres from the A1 (Conservation Agricultural) District to the A2 (Agricultural) District to allow for a

three-lot Simple Subdivision. Located on the east side of CR 250 E, generally east of the intersection of CR 750 N, Hanover Township.

Desiree Calderella read the petition into the record and stated that Staff recommends denial.

Jeff Powell represented the petitioners. He provided a summary of the proposed subdivision. He explained that the petitioners had chosen to spread out the lots over the parent tract to locate the most feasible building sites and to provide space between each of the lots. He emphasized that the petitioners intend to use the lots and remaining tract for agricultural purposes.

Steve Lengacher indicated that his family plans to use the lots and remaining tract for pasturing of sheep, horses, and cows and for crop farming.

The Board opened the hearing for public comment. There was none. The Board closed the public comment portion of the hearing.

Q: Megan Hart – If this gets approved, five years from now someone could come back and re-subdivide. And then re-subdivide in another five years.

A: Desiree Calderella – Yeah, they could re-subdivide the remaining tract as shown on your screen or any one of the three lots. That is how our ordinance is set up.

Q: Nick Hartman – With the stipulation, will you have enough room to build a barn and a house on any of those one lots?

A: Jeff Powell – Yes.

Q: Terry Smith – Is there any issue with crossing the flood fringe with ingress egress?

A: Desiree Calderella – Its permitted. One drawback is that the road is also in the floodplain, so if there was an emergency the building site could be islanded.

Q: Nick Hartman – We're not adding elevation to any of these building lots?

A: Jeff Powell – No. Septic sites need to go into virgin soils.

Jeff Powell indicated that he had suggested to his clients that they elevate the driveways to remove most of the driveway from the floodplain. However, they cannot elevate the entire driveway because the public road lies in the floodplain.

Q: Scott Gabbard – Have you seen this when its flooded?

A: Steve Lengacher – I haven't. I have talked to Bruce Batton. He has lived there for fifty years.

Scott Gabbard indicated that the floodplain would limit use of the property for livestock grazing.

Bruce Batton, who lives at 7654 N 250 E, described the flooding patterns in the area.

Kevin Carson indicated that many property owners must drive through floodplains to access their properties.

Kevin Carson made a motion of vote on the petition with a stipulation and Nick Hartman seconded that motion. **The petition was APPROVED 6-0 with a stipulation:**

- 1. Non-agricultural development including single-family dwellings, accessory structures, and alteration of land in the Designated Flood Hazard Area shall be prohibited. Elevated driveways may be permitted in the Designated Flood Hazard Area.**

The Board adopted the following findings of fact:

1. The request is consistent with the Shelby County Comprehensive Plan.
2. The request is consistent with the current conditions and the character of structures and uses in each district.
3. The request is consistent with the most desirable use for which the land in each district is adapted.
4. The request is consistent with the conservation of property values throughout the jurisdiction.
5. The request is consistent with responsible growth and development.

SD 23-09 – THOMAS SOUTH FARM SIMPLE SUBDIVISION: Simple Subdivision of three lots (8.301- acres, 10.797-acres, & 12.119-acres) from a 310.817-acre parent tract and waiver of Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned A2. Located on the east side of CR 250 E, generally east of the intersection of CR 750 N, Hanover Township.

Jeff Powell represented the petitioner and had no additional comment.

The Board opened the hearing for public comment. There was none. The Board closed the public comment portion of the hearing.

Jeff Powell indicated that he would provide the survey with the state plane coordinates to the Surveyor's Office.

Nick Harman made a motion of vote on the petition and Megan Hart seconded that motion. **The petition was APPROVED 6-0.**

ADOPTION OF PLAN COMMISSION RULES OF PROCEEDURE

Kevin Carson made a motion of vote on the Rules of Procedure as presented and Nick Hartman seconded that motion. **The Rules of Procedure were APPROVED 6-0.**

Discussion:

Unified Development Ordinance Text Amendment – Article 9, Processes

Desiree Calderella indicated that the Commissioners would need to adopt a text amendment to the UDO before the Rules of Procedure could take effect.

Adjournment:

With no further business to come before the Board, Scott Gabbard made a motion to adjourn. Nick Hartman seconded that motion. The meeting was adjourned.

Terry Smith
President

Date

Scott Gabbard
Secretary

Date