

**Shelby County Plan Commission  
Meeting Minutes  
Tuesday  
July 25, 2023**

**Members Present:**

Megan Hart  
Nick Hartman  
Taylor Sumerford  
Mike McCain  
Terry Smith  
Kevin Carson

**Members Absent:**

Charity Mohr  
Jason Abel  
Scott Gabbard

**Staff Present:**

Desiree Calderella – Planning Director  
Jason Clark – Plan Commission Attorney

**Call to Order and Roll Call:**

Terry Smith called the July 25, 2023 meeting to order at 7:00 pm in Room 208 A at the Court House Annex.

**Approval of Minutes:**

The minutes were continued to the next regular meeting of the Plan Commission.

**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:**

None.

**New Business:**

**RZ 22-16 – HAM REZONING:** Rezoning of 3-acres from the RE (Residential Estate) District to the R1 (Single-Family Residential) District to allow for a two-lot Simple Subdivision. Located at 8800 S 600 W, Edinburgh, Jackson Township.

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

Scott Sumerford represented the petitioner and provided a summary of the request.

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.**

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 22-11 – THE WOODS OF MAHREPOOC SIMPLE SUBDIVISION:** Subdivision of 3-acres into a 1.5-acre building lot and a 1.5-acre lot including an existing single-family residence and waivers of Simple Subdivision prerequisites to allow subdivision of a parent tract under 6-acres and subdivision of property zoned R1 (Simple Subdivisions only permitted in the A3, A4, and RE Districts). Located at 8800 S 600 W, Edinburgh, Jackson 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.

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

**RZ 23-17 – COOK REZONING:** Rezoning of 3.675-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision. Located on the east side of S Edinburgh Rd, between CR 900 S & CR 1000 S, Jackson Township.

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

Scott Sumerford represented the petitioner. He explained that the property owner's son planned to build a home on the hillside on the wider portion of the proposed lot.

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

Nick Hartman made a motion of vote on the petition and Megan Hart 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 23-14 – COOK SIMPLE SUBDIVISION:** Subdivision of a 3.675-acre lot from a 76.5-acre parent tract and waivers of subdivision design standards to allow a lot with 114.5-feet of road frontage (minimum 160-feet of road frontage required), 80-foot lot width (minimum 160-foot lot width required), and side lot lines not within a 15-degree angle to the right-of-way. Located on the east side of S Edinburgh Rd, between CR 900 S & CR 1000 S, Jackson Township.

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

Scott Sumerford represented the petitioner. He explained that the narrow strip of land on the lot would allow for access to Edinburgh Rd. while allowing the remaining tract to retain road frontage on Edinburgh Rd.

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 23-14 – VOEGE REZONING:** Rezoning of 4.1-acres from the A2 (Agricultural) District to the RE (Residential Estate) District and 0.9-acres from the A2 (Agricultural) District to the R1 (Single-Family Residential) District to allow for a two lot Simple Subdivision. Located at 5250 N Morristown Rd, Shelbyville, Marion Township.

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

Scott Sumerford represented the petitioner. He provided a summary of the request.

Brandon Voegel explained that his ex-wife resides in the existing home and that he intends to build a new home on the north lot. He acknowledged that the property lies in a flood zone.

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

Desiree Calderella spoke to an email that she had forwarded to the Board from an adjacent property owner (see case file). She explained that the email cited a concern that the petitioner currently resides in the barn on the property which was not permitted as a dwelling unit. She explained that the potential violation does not fall under the criteria for consideration of a rezoning, however the BZA could address the violation.

The Board discussed the floodplain development restrictions. Desiree Calderella indicated that FEMA would likely remove the property from the floodplain through the LOMA process because the DNR map does not include most of the property in the floodplain. Terry Smith noted that if the Board approves the rezoning with the recommended stipulation and the ground does not sit high enough to qualify for removal from the FEMA map, that the petitioner must appear again before the Board to discuss options for developing the property.

Q: Kevin Carson – How soon are you planning on building the house?

A: Brandon Voege – The next two years, unless its significantly convoluted then I'll check out of that process anyways.

Q: Kevin Carson – Are you planning to reside in that building before you build?

A: Brandon Voege – No, I don't reside in the building.

Brandon Voege indicated that he has made improvements to the existing barn and uses the structure recreationally. He indicated that he does not reside in the barn.

Kevin Carson indicated that he supports subdivision of the property because the property does not include any farmland.

Kevin Carson made a motion of vote on the petition with a stipulation and the Board moved to vote. **The petition was APPROVED 6-0 with a stipulation:**

- 1. Prior to permit application for any new residence, the property or ground around the proposed residential structure shall be removed from the Special Flood Hazard Area through the LOMA process.**

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 23-15 – VOEGE SIMPLE SUBDIVISION:** Subdivision of 5-acres into a 4.1-acre building lot and a 0.9-acre lot including an existing single-family residence and waivers of Simple Subdivision prerequisites to allow for subdivision of a parent tract under 6-acres and subdivision of property zoned R1 (Simple Subdivisions only permitted in the A3, A4, and RE Districts) and of subdivision design standards to allow side lot lines not within a 15-degree angle to the right-of-way. Located at 5250 N Morrystown Rd, Shelbyville, Marion 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.

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

**RZ 23-19 – SCHWIER & CO., LLC REZONING:** Rezoning of 38.197-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District and waivers of Simple Subdivision prerequisites to allow Simple Subdivision of property into nine lots (major subdivision process required for division into more than three lots) and of subdivision design standards to allow two lots under two acres and one lot with less than 160-feet of road frontage.

Desiree Calderella read the petition into the record and stated that Staff recommends approval of the rezoning and denial of the waivers.

Jacob S. Brattain with McNeely Law LLP represented the petitioner. He requested a continuance to the September Plan Commission meeting.

Kevin Carson made a motion to continue the petition to the September meeting of the Plan Commission and Nick Hartman second that motion. **The petition was CONTINUED 6-0.**

**Discussion:**

None.

**Adjournment:**

With no further business to come before the Board, Megan Hart made a motion to adjourn. Mike McCain seconded that motion. The meeting was adjourned.

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**Terry Smith**  
**President** **Date**

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**Scott Gabbard**  
**Secretary** **Date**