

**Shelby County Plan Commission
Meeting Minutes
Tuesday
August 27, 2024**

Members Present:

Terry Smith
Kevin Carson
David Lawson
Jeff Powell – via Zoom
Charity Mohr – via Zoom
Jason Abel
Mike McCain

Members Absent:

Megan Hart

Staff Present:

Desiree Calderella – Planning Director
Jason Clark – Plan Commission Attorney

Call to Order and Roll Call:

Terry Smith called the August 27, 2024, 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 June 25, 2024. David Lawson seconded the motion. The minutes were approved 7-0.

Old Business:

None.

New Business:

RZ 09-08 – NANCY BROWN REZONING: Vacation of stipulations of rezoning. Located east of and adjoining 7816 W 950 N, Fairland, Moral Township.

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

Scott Sumerford represented the petitioner. He provided a summary of the request and indicated that the petitioner's granddaughter intends to build a home on the proposed lot.

Nancy Brown provided a summary of the request and indicated that her granddaughter intends to build a home on the proposed lot.

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

Kevin Carson indicated that the gravel driveway could only serve the proposed house and one other lot, and that service to additional lots would require upgrading of the driveway to County street standards.

Kevin Carson made a motion of vote on the petition and David Lawson seconded that motion. **The petition was APPROVED 7-0.**

SD 24-10 – NANCY BROWN WAIVERS: Waivers of simple subdivision design standards to allow a residential lot without 160-feet of road frontage and without frontage on a public street built to the County street standards. Located east of and adjoining 7816 W 950 N, Fairland, Moral Township.

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

Scott Sumerford represented the petitioner. He indicated that he and the petitioner had discussed possible driveway entrance locations that would allow for upgrading of the driveway to County street standards in the future.

The Board opened the hearing for public comment.

Charles Maupin, who lives at 7624 W 950 N, asked if the driveway would only serve one house.

Terry Smith explained that the gravel driveway could only serve the proposed house and one other lot, and that service to additional lots would require upgrading of the driveway to County street standards.

The Board closed the public comment portion of the hearing.

Scott Sumerford discussed the petitioner's plans for placement of the driveway.

Kevin Carson made a motion of vote on the petition and David Lawson seconded that motion. **The petition was APPROVED 7-0.**

SD 24-07 – ALYSSA PURDUE SIMPLE SUBDIVISION: Simple Subdivision of 7.119-acres into a 2.682-acre building lot and a 4.438-acre lot including an existing single-family residence. Located at 7077 N 500 E, Shelbyville, Hanover Township.

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

Melissa Purdue indicated that her father intends to build a house on the new building lot.

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

Kevin Carson indicated that the subdivision would not remove farmland from production.

Kevin Carson made a motion of vote on the petition and David Lawson seconded that motion. **The petition was APPROVED 6-0-1**, with Jeff Powell abstaining.

RZ 24-06 – R & V LAIN FARMS INC. REZONING: Rezoning of 8-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a two-lot Simple Subdivision. Located east of and adjoining 4477 W 900 S, Edinburgh, Jackson Township.

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

Teresa Lain indicated that her son intends to build a home on the 5-acre lot and will also continue to use the lot for agricultural purposes. She explained that she intends to sell the other lot to finance family medical expenses.

Brian Zobel, who plans to purchase the 3-acre lot, explained that he intends to build a home and will also continue to use the lot for agricultural purposes.

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

Kevin Carson indicated that the UDO would not allow for the keeping of farm animals on the lots without approval of a variance.

Jason Abel asked about drainage.

Jeff Powell explained that the lots drain to the west, that the plat includes drainage easements, and that the site development plan would ensure preservation of any existing drainage ways.

Kevin Carson made a motion of vote on the petition and Jason Abel seconded that motion. **The petition was APPROVED 5-0-2**, with Jeff Powell and Mike McCain abstaining.

Kevin Carson made a motion to adopt the Findings of Fact as stated in the Staff Report. Jason Abel seconded the motion. The Findings of Fact as stated in the Staff Report were adopted 6-0-1, with Jeff Powell abstaining.

SD 24-08 – R & V LAIN FARMS INC. SIMPLE SUBDIVISION: Simple Subdivision of two building lots (5-acres & 3-acres) from a 49.97-acre parent tract. Located east of and adjoining 4477 W 900 S, Edinburgh, Jackson Township.

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

Teresa Lain 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 noted that further subdivision of the farm into multiple lots must comply with the standards for major subdivisions.

Kevin Carson made a motion of vote on the petition and Charity Mohr seconded that motion. **The petition was APPROVED 5-0-2**, with Jeff Powell and Mike McCain abstaining.

RZ 24-07 – SUNDVALL REZONING: Rezoning of 4.444-acres from the A2 (Agricultural) District to the RE (Residential Estate) District to allow for a three-lot Simple Subdivision. Located at 7160 E 200 N, Shelbyville, Union Township.

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

Jacob Brattain with McNeely Law represented the petitioner. He provided a summary of the request, indicated that the two proposed building lots include unproductive farm ground, indicated that soil samples had determined septic system feasibility, that the lots have adequate drainage outlets, and that each lot would have a separate driveway,

The Board opened the hearing for public comment.

Denny Harold, with Stephenson Rife, represented Michael Cassidy who owns farm ground near the subject property. He noted several other neighboring property owners in the audience opposed to the petition. He emphasized that the proposal does not comply

with the provisions of the UDO or the recommendations for agricultural areas of the Comprehensive Plan. He indicated that the project would eliminate prime farm ground historically used for agricultural production and would create small residential lots within an agricultural area lacking residential development, which does not represent orderly development.

Michael Cassidy emphasized that the surrounding area does not include subdivisions. He expressed concern that development of subdivisions could impact area drainage and that spraying of crop fields could pose a nuisance to new residential property owners. He indicated that the City of Shelbyville already has residential lots available for development.

Laura Anderson, who owns property at 7478 E 200 N, emphasized that the area includes generational family farms and prime farmland, and therefore deserves the A1 zoning designation. She referenced inconsistency of the proposal with the recommendations for the A1 District included in the UDO and indicated that development of the property would compromise the integrity of the neighborhood and lower property values.

Chris Robinson, who owns property at 7634 E 100 N, opposed the petition.

The Board closed the public comment portion of the hearing.

Jacob Brattain emphasized that the proposed subdivision would offer a rural living opportunity for two new families. He indicated that the petitioner had offered to sell the vacant portion of the land to the adjacent farmland owner, however, the farmland owner had chosen not to purchase the property. He indicated that one acre of the current vacant land would transfer to the rear residential lot.

David Lawson asked why the rear residential lot would acquire the additional acre.

Jeff Powell explained that the lot would need the additional acre to comply with the size requirement for lots in the A2 District.

Terry Smith asked if the property had been used for any other purpose since discontinuance of use of the property for an orchard.

Frank Sundvall indicated that the property has been bushhogged since discontinuation of the orchard. He indicated that the adjacent farmer had recently installed a drain tile on his property for use by adjacent farmland.

Kevin Carson made a motion of vote on the petition and David Lawson seconded that motion. **The petition was DENIED 5-1-1**, with Mike McCain casting a vote to approve and Jeff Powell abstaining.

