

Shelby County Plan Commission

January 28, 2025, at 7:00 PM

Table of Contents

Agenda.....	3
RZ 24-09 Rush Rezoning Findings of Fact.....	5
RZ 24-11 / SD 24-12 Bass Rezoning & Bass Simple Subdivision.....	6
Staff Report	6
Petitioner's Findings of Fact.....	9
Plat	10
RZ 25-01 / SD 25-01 Theobald Rezoning & Theobald Simple Subdivision.....	11
Staff Report	11
Plat	15

MEETING AGENDA

Shelby County Plan Commission
January 28, 2025, at 7:00 P.M.

CALL TO ORDER

ROLL CALL

ELECTION OF OFFICERS

PC APPOINTMENT TO THE BZA

PC APPOINTMENT OF BZA HEARING OFFICER

APPROVAL OF MINUTES

Minutes from the November 26, 2024, meeting.

OLD BUSINESS

RZ 24-09 – RUSH REZONING: Findings of Fact

RZ 24-11 – BASS REZONING: Rezoning of 1.5-acres from the A2 (Agricultural) District to the R1 (Single-Family Residential) District to allow for a one-lot Simple Subdivision. Located approximately 90-feet north of 5754 N 500 W, Fairland, Brandywine Township.

SD 24-12 – BASS SIMPLE 500 W SIMPLE PLAT SIMPLE SUBDIVISION: Simple Subdivision of a 1.5-acre single-family building lot from a 31.5-acre parent tract and waivers of subdivision standards. Located approximately 90-feet north of 5754 N 500 W, Fairland, Brandywine Township.

NEW BUSINESS

RZ 25-01 – THEOBALD REZONING: Rezoning of 3-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision. Located at 3179 N 775 E, Shelbyville, Union Township.

SD 25-01 – THEOBALD SIMPLE SUBDIVISION: Simple Subdivision of a 3-acres from a 35.82-acre parent tract and waivers of subdivision standards. Located at 3179 N 775 E, Shelbyville, Union Township.

DISCUSSION

Shelby County Sub-Area Economic Development Plan – Brief overview of the intent and contents of the Plan and approval process. Discussion and consideration of strategies and land use recommendations will occur during the public hearing portion of the approval process at a subsequent

Plan Commission meeting.

ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for **Tuesday, February 25, 2025, at 7:00 PM.**

Rezoning

FINDINGS OF FACT

Applicant: Rush Rezoning

Case #: RZ 24-09

Location: 4717 S Marietta Rd, Shelbyville, Hendricks Township.

1. Current Conditions and the Character of Current Structures and Uses in Each District

Residential development of the property would not prohibit continued use of adjacent property for agricultural production and continued agricultural use of a portion of the property would not conflict with the agricultural character of the area.

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

Approval of the rezoning would allow for development of a residential property adjoining a residential property occupied by family members of the petitioner.

3. The Conservation of Property Values throughout the Jurisdiction

Development of the property for residential purposes would have no perceivable impact on property values throughout the County.

4. Responsible Development and Growth

The property would sit a significant distance from the public road and would only have access to the public road through an easement. However, issues associated with utilizing an access easement typically arise only when shared by multiple lots in a major subdivision. Therefore, allowing for the development of one lot with access to the public road through an easement would not conflict with responsible development and growth.

5. The Comprehensive Plan.

The Simple Subdivision plat for the property includes a No-Disturb Easement over the Flood Hazard Area which would permanently preserve the floodplain as recommended for areas designated as Parks, Open Space, & Conservation by the Comprehensive Plan.

Property Details

Location: Approximately 100-feet north of 5754 N 500 W, Fairland, Brandywine Township.

Property Size: 1.5-acres.

Current Land Use: Cropland.

Current Zoning Classification

A2 (Agricultural)

This district is established for general agricultural areas and buildings associated with agricultural production.

Proposed Zoning Classification

R1 (Single-Family Residential)

Intent: *This district is established for single-family detached, medium to large sized homes on medium to large sized lots.*

Plan Commission: *Use this zoning district for existing developments and carefully for new residential development.*

Future Land Use per Comp Plan

Suburban Residential

This purpose of this category is for the transition of land use from agricultural and estate residential uses to low to medium-density, single-family residential subdivisions as water and sewer facilities become available.

Surrounding Development

	Zoning	Land Use
North	A2	Cropland
South	A2	Cropland
East	A2	Cropland
West	A1	Cropland

Staff Report

Case Number: RZ 24-11 / SD 24-12

Case Name: Bass Rezoning – A2 (Agricultural) to R1 (Single-Family Residential) & Bass 500 W Simple Plat Simple Subdivision

Requests

Rezoning of 1.5-acres from the A2 (Agricultural) District to the R1 (Single-Family Residential) District to allow for a one-lot Simple Subdivision.

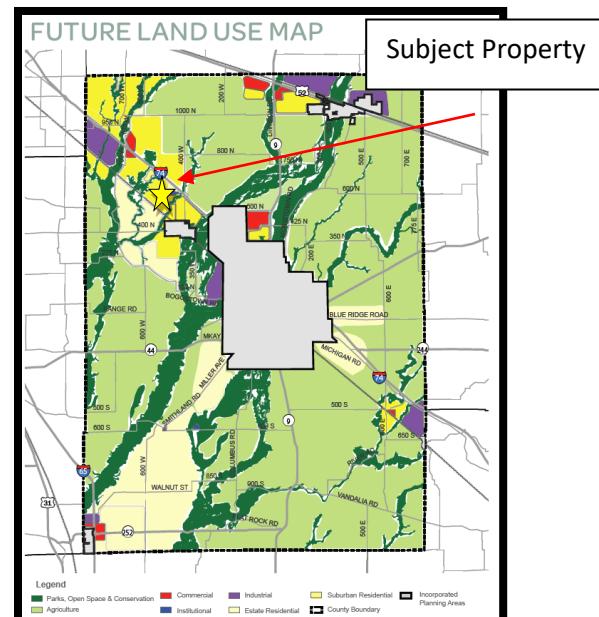
Simple Subdivision of a 1.5-acre single-family building lot from a 31.5-acre parent tract.

Waiver of Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned R1.

Purpose of Subdivision Code Requirement

The UDO restricts residential zoning in Simple Subdivisions to the RE (Residential Estate) District, which prohibits lots less than two-acres, to maintain low density residential development in rural areas. The requirement also allows for adequate lot size for installation of a septic system, and adequate area for a new septic system in the case of septic system failure.

Future Land Use Map



Property Map



Case Description

- Approval of the requests would allow for development of one, 1.5-acre single-family residential building lot.
- The size of the lot would equal the size of the lot to the south owned by the petitioner's family.
- The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance of permits for a new single-family residence.

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

Most residential lots in the immediate area have the R1 zoning designation.

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

The location of the property less than a mile from the Northwestern Consolidated Schools renders the property desirable for affordable single-family detached development on a medium sized lot for families with schoolchildren.

3. The Conservation of Property Values throughout the Jurisdiction

Development of the property for residential purposes would have no perceivable impact on property values throughout the County.

4. Responsible Development and Growth

The property has access to all utilities to support residential development.

5. The Comprehensive Plan

Approval of the rezoning would provide a suburban residential housing opportunity in an area recommended for suburban residential development by 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 a waiver to allow Simple Subdivision of property zoned R1
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 Shelby County's Construction Standards.
6. Approval of the waiver would allow for development of a single-family residence on a medium-sized lot in an area recommended for Suburban Residential development by the Comprehensive Plan.

Staff Recommendation

Approval would allow for development of a single-family residence on a medium-sized lot in an area recommended for Suburban Residential development by the Comprehensive Plan. Therefore, Staff recommends **APPROVAL of the Rezoning and Simple Subdivision.**

Applicant/Owner Information

Applicant:	Jason & Susan Bass PO Box 130 Fairland, IN 46126	Surveyor:	Greg Garrison, PS 8881 N Timothy Lane Fountaintown, IN 46130
------------	--	-----------	--

Owner:	James & Glen Bass PO Box 184 Fairland, IN 46126
--------	---

APPLICATION FOR REZONING

FINDINGS OF FACT

The applicant (or their representative) must fill out the findings of fact on the following pages. The Plan Commission may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact.

Applicant: Jason & Susan Bass

Case #:

Location: #1- 5800 N 500 W Fairland, IN 46126

1. The request is consistent with the Shelby County Comprehensive Plan because: going from agriculture to residential for the purpose of building a home.
2. The request is consistent with the current conditions and the character of structures and uses in each district because: for use of land for personal residence.
3. The request is consistent with the most desirable use for which the land in each district is adapted because: it is family ground and the site of our forever home.
4. The request is consistent with the conservation of property values throughout the jurisdiction because: it will increase the property value of all houses in the area.
5. The request is consistent with responsible growth and development because: we will be adding a family resident on family land.

General Guidance – Rezoning (not to be considered legal advice):

Finding 1: How is the proposed new zoning designation consistent with the future land use of the property identified in the Comprehensive Plan? If you do not know the future land use of the property, please ask the Planning Director.

Finding 2: How is the proposed use, and/or other possible future uses permitted in the proposed zoning district, similar to surrounding structures and uses of land?

Finding 3: Why is the proposed use, and/or other possible future uses permitted in the proposed zoning district, the most desirable use for the land?

Finding 4: Explain why the proposed use, and/or other possible future uses permitted in the proposed zoning district, would not negatively impact property values.

Finding 5: Why is the change in zoning designation consistent with responsible growth and development?

BASS 500 WEST SIMPLE PLAT

ORIGINAL SURVEY RECORDED AS _____

CERTIFICATE OF OWNERSHIP

State of Indiana

County of Shelby

We, Jason E. Bass and Susan A. Bass, Owners of the real estate known and described herein, do hereby certify that we are the owners of the real estate shown and described herein and that as such owners we have caused the property described herein to be surveyed and subdivided as shown on the herein Plat as our own free and voluntary act and deed.

Jason E. Bass

Susan A. Bass

Rezoning of this property was approved on _____ by County Commission
Ordinance _____

DIRECTOR & PLAN COMMISSION APPROVAL

Approved for the Planning Director and the Plan Commission in accordance with the Subdivision Control Ordinance

Plan Commission President _____ Plan Commission Secretary _____

Date _____

Void unless recorded by: _____

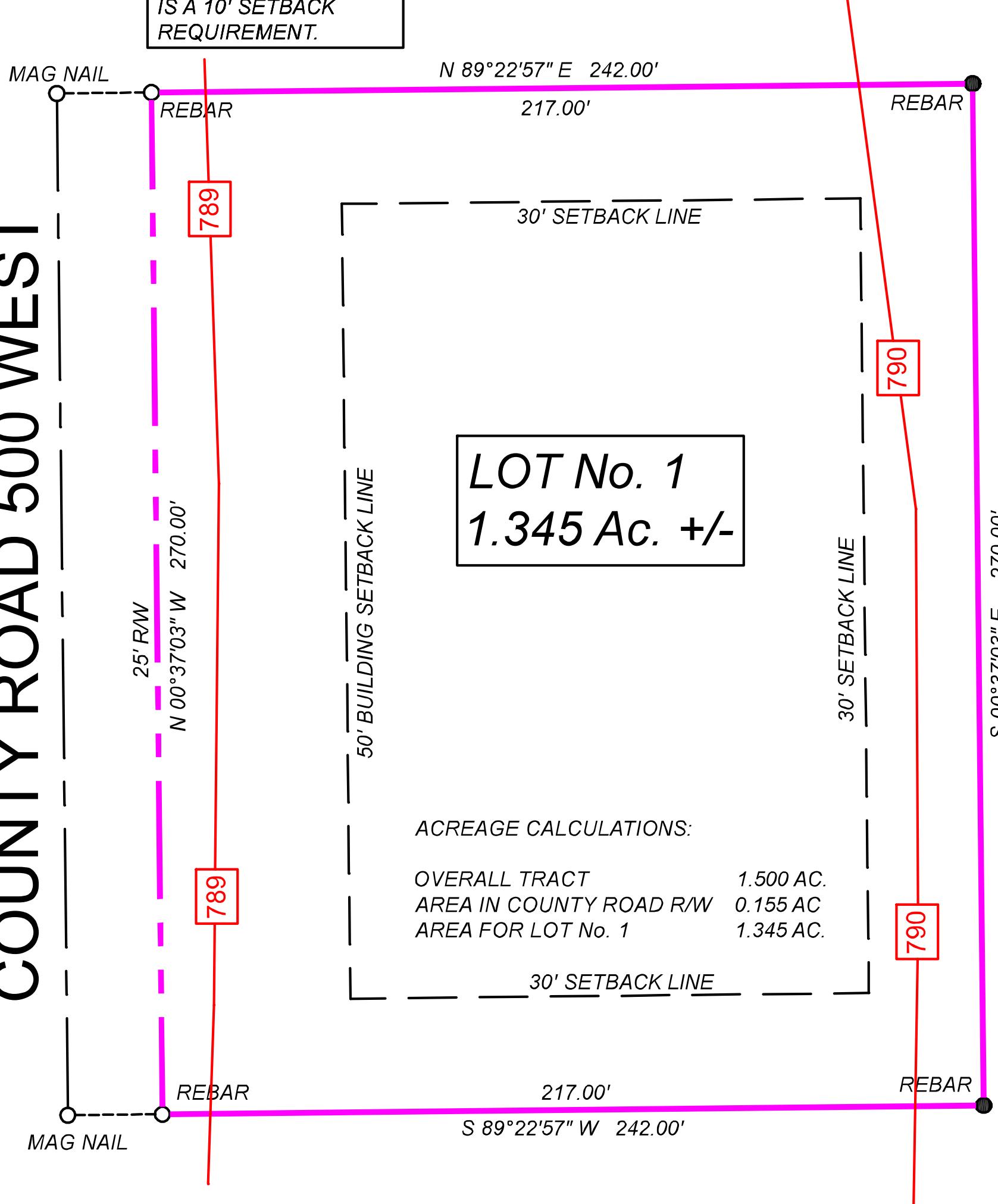
DESCRIPTION

A part of the fractional Northwest Quarter of Section 4, Township 13 North, Range 6 East, Shelby County, Indiana, described as follows:

COMMENCING at the southwest corner of said quarter section: thence North 03 degrees 37 minutes 03 seconds West 431.00 feet along the west line of said quarter section to the POINT OF BEGINNING of this description;

Thence continuing North 00 degrees 37 minutes 03 seconds West along said west line 270.00 feet; thence North 89 degrees 22 minutes 57 seconds East 242.00 feet; thence South 00 degrees 37 minutes 03 seconds East parallel with said west line 270.00 feet; thence South 89 degrees 23 minutes West 242.00 feet to the POINT OF BEGINNING, containing 1.50 acres, more or less.

COUNTY ROAD 500 WEST



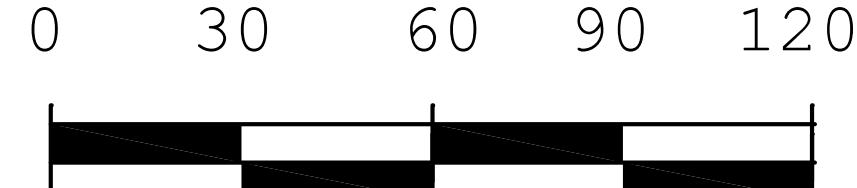
NOTES:

1. FIVE (5) DESIDUOUS TREES AT LEAST 1 3/4 INCH DBH AT THE TIME OF PLANTING SHALL BE PLANTED ON THE PROPERTY PRIOR TO OCCUPATION OF A RESIDENTIAL STRUCTURE.
2. SIMPLE SUBDIVISION APPROVED WITH A WAIVER OF SIMPLE SUBDIVISION REQUIREMENTS TO ALLOW FOR SIMPLE SUBDIVISION OF PROPERTY ZONED R1.

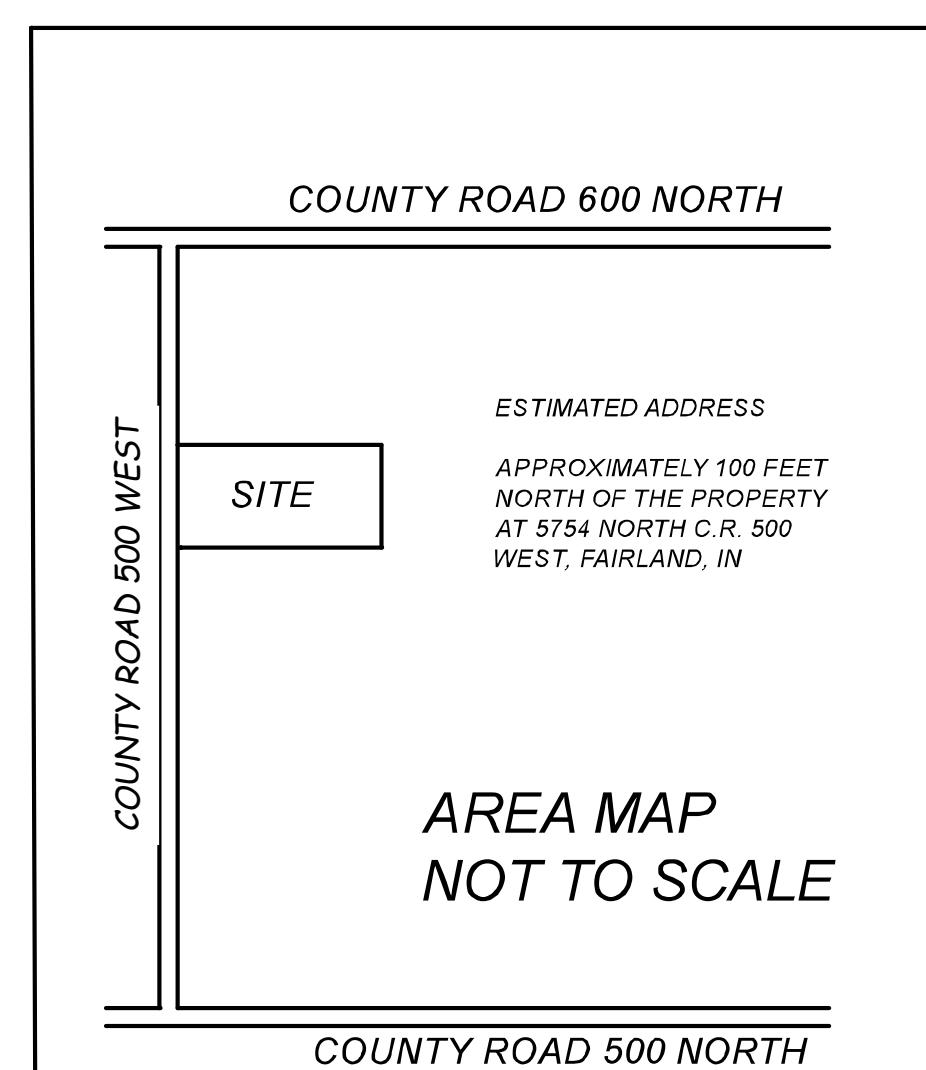


Kenneth Gregory Garrison

01/20/2025



NORTH



GREG GARRISON, PS
8881 N. TIMOTHY LANE
FOUNTAIN TOWN, IN 46130
317.371.3756
greg.garrison56@gmail.com

Property Details

Location: 3179 N 775 E, Shelbyville, Union Township.

Property Size: 3-acres.

Current Land Use: Cropland.

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.

Future Land Use per Comp Plan

Agriculture

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.

Surrounding Development

	Zoning	Land Use
North	A1	Agricultural Homestead / Cropland
South	A1	Cropland
East	A1	Cropland
West	A1	Cropland

Staff Report

Case Number: RZ 25-01 / SD 25-01

Case Name: Theobald Rezoning – A1 (Conservation Agricultural) to RE (Residential Estate) & Theobald 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.

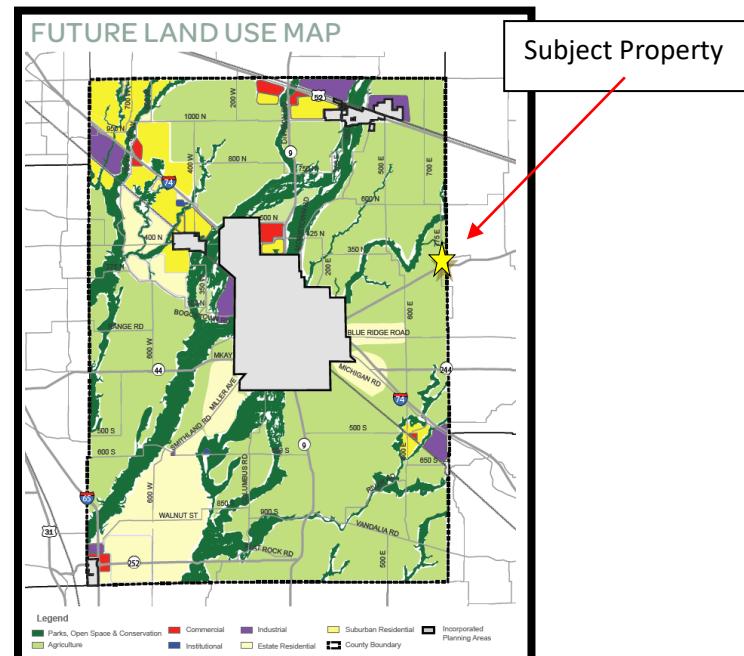
Simple Subdivision of 3-acres from a 35.82-acre parent tract.

Waiver of Simple Subdivision design standards to allow a lot with 40-feet of road frontage (minimum 160-feet of road frontage required).

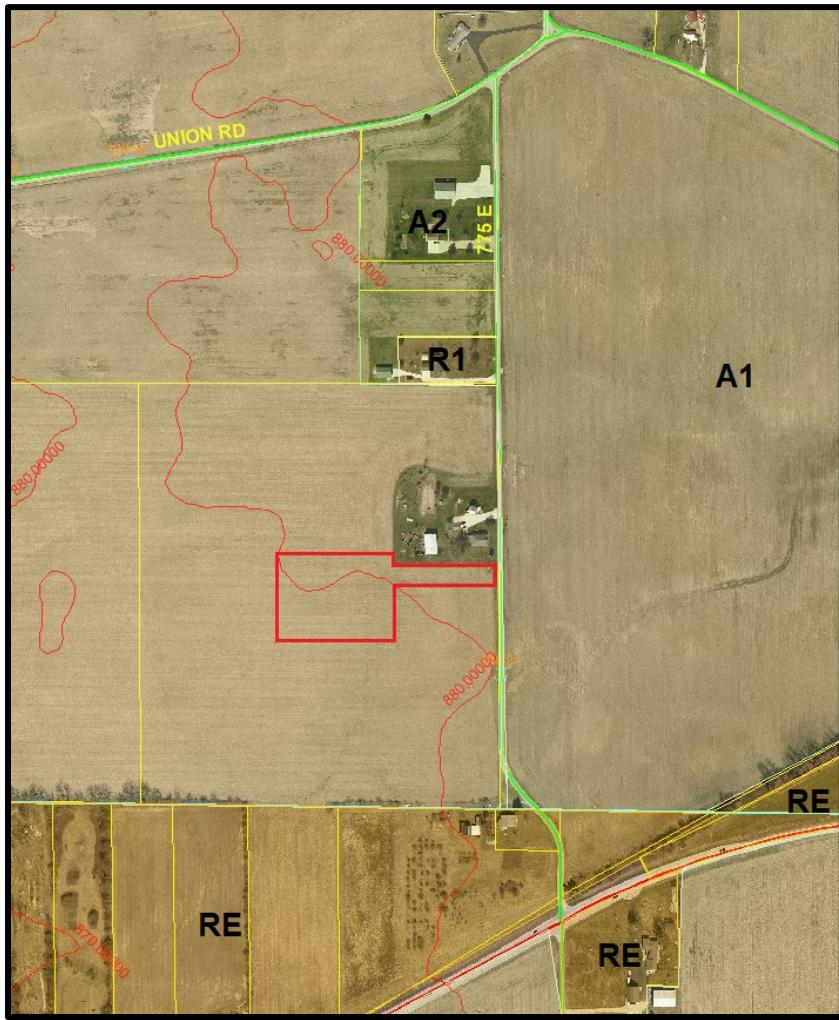
Purpose of Subdivision Code Requirement

The minimum road frontage requirement discourages the creation of 'flag lots.' Flag lots represent disorderly development which could lead to future property line disputes and cause difficulty for visitors or emergency vehicles in locating the house from the public road.

Future Land Use Map



Property Map



Case Description

- Approval of the requests would allow for development of one, 3-acre single-family residential building lot.
- The petitioner intends to construct a home with slab-on-grade. The northwest corner of the proposed lot includes level high ground which would accommodate this type of construction without significant earth work. A reduction in the minimum road frontage requirement allows for construction on a home on the level high ground while not encompassing additional farmland into the lot adjacent to the road.
- The USDA Soil Survey classifies the property as 'Prime Farmland if Drained.'
- The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance of permits for a new single-family residence.

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 size of the proposed lot would be consistent with the size of other residential lots on CR 775 E between Union Rd. and SR 44. Therefore, approval of the rezoning would not conflict with existing residential development in the area.

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

Approval of the rezoning would allow for development of a rural residential lot which would not result in the residential density of the surrounding area exceeding one lot per five acres as recommended for rural residential development in agricultural areas by the Comprehensive Plan.

3. The Conservation of Property Values throughout the Jurisdiction

Development of the property for residential purposes would have no perceivable impact on property values throughout the County.

4. Responsible Development and Growth

The property does not have the required minimum road frontage for lots in the RE District. However, a reduction in the minimum road frontage requirement allows for construction on a home on the level high ground while not encompassing additional farmland into the lot adjacent to the road. The property has access to all utilities to support residential development.

5. The Comprehensive Plan

Approval of the rezoning would not result in the residential density of the surrounding area exceeding one lot per five acres as recommended for rural residential development in agricultural areas by 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 a lot with 40-feet of road frontage (minimum 160-feet of road frontage required).
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 Shelby County's Construction Standards.

6. A reduction in the minimum road frontage requirement allows for construction on a home on the level high ground while not encompassing additional farmland into the lot adjacent to the road.

Staff Recommendation

Approval of the rezoning would allow for development of a rural residential lot which would not result in the residential density of the surrounding area exceeding one lot per five acres as recommended for rural residential development in agricultural areas by the Comprehensive Plan. Additionally, a reduction in the road frontage requirement would preserve farmland in an area recommended for agricultural use by the Comprehensive Plan. Therefore, Staff recommends

APPROVAL of the Rezoning and Simple Subdivision.

Applicant/Owner Information

Applicant:	Logan Theobald 10560 N 150 E Morristown, IN 46161	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
Owner:	Michael & Deborah Theobald 3179 N 775 E Shelbyville, IN 46176		

