

Shelby County Plan Commission

May 26, 2026, at 7:00 PM

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MEETING AGENDA

Shelby County Plan Commission
May 26, 2026

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the March 24, 2026, meeting.

NEW BUSINESS

SD 26-10 – HORNING SIMPLE SUBDIVISION: Simple Subdivision of 5.172-acres into a 3.172-acre single-family building lot and a 2-acre lot including an existing single-family residence and waiver of subdivision standards. Located at 5458 E 475 N, Shelbyville, Union Township.

OLD BUSINESS

RZ 26-09 – LINGERFELT REZONING: Rezoning of 1.5-acres from the A2 (Agricultural) District to the R1 (Single-Family Residential) District to allow for a two-lot Simple Subdivision. Located at 4193 S 600 E, Waldron, Liberty Township.

SD 26-08 – LINGERFELT SIMPLE SUBDIVISION: Simple Subdivision of a 9.8-acres into one new 8.3-acre, single-family building lot and a 1.5-acre lot including an existing single-family residence and waiver of subdivision standards. Located at 4193 S 600 E, Waldron, Liberty Township.

RZ 26-10 – HANSEN REZONING: Rezoning of 0.7-acres from the RE (Residential Estate) District to the R1 (Single-Family Residential) District to allow for a one-lot Simple Subdivision. Located at 10645 N SR 9, Fountaintown, Van Buren Township.

SD 26-09 – HANSEN SIMPLE SUBDIVISION: Simple Subdivision of a 0.7-acre, single-family building lot from a 6-acre parent tract and waivers of subdivision standards. Located at 10645 N SR 9, Fountaintown, Van Buren Township.

DISCUSSION

Unified Development Ordinance Text Amendments required by State Law.

ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **June 23, 2026, at 7:00 PM.**

Meeting Information

Location: Conference Room 208A of the Shelby County Courthouse Annex Building, 25 West Polk Street, Shelbyville, Indiana

Time: 7PM

Zoom Link: <https://us06web.zoom.us/j/87143227674?pwd=OaIbnvbUzYdmQH6GTC0jdZUbVC74h7.1>

Password: Shelby

Board Members & Staff

Kevin Carson, President: Appointed by County Commissioners, Term 1/1/25 – 1/1/29

Jason Abel, Vice President: Commissioners Representative

Megan Hart, Secretary: Appointed by County Commissioners, Term 1/1/23 – 1/1/27

Jeremy Ruble, Member: Council Representative

Jeff Powell, Member: County Surveyor

Jenna Martin, Member: Appointed by County Commissioners, Term 1/1/26 – January 1/1/30

Alicia Barr, Member: Appointed by County Commissioners, Term 1/1/25 – 1/1/29

Andrew Newkirk, Member: Appointed by County Commissioners, Term 1/1/25– 1/1/29

Desiree Calderella, Planning Director

Jody Butts, Board Attorney

In accordance with the **Americans with Disabilities Act**, if anyone wishes to attend the public meeting on the above referenced matter and is in need of reasonable accommodations in order to attend, hear, or present evidence at the public meeting on this matter, for accommodations contact the Shelby County Plan Commission 25 W Polk St, Shelbyville, IN 46176 317-392-6338

Property Details

Location: 5458 E 475 N,
 Shelbyville, Union Township.

Property Size: 5.172-acres.

Current Land Use: Estate
 Residential

Current 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	Cropland
South	A1	Cropland
East	RE	Estate Residential
West	A1	Cropland

Staff Report

Case Number: SD 26-10

Case Name: Horning Simple Subdivision

Request

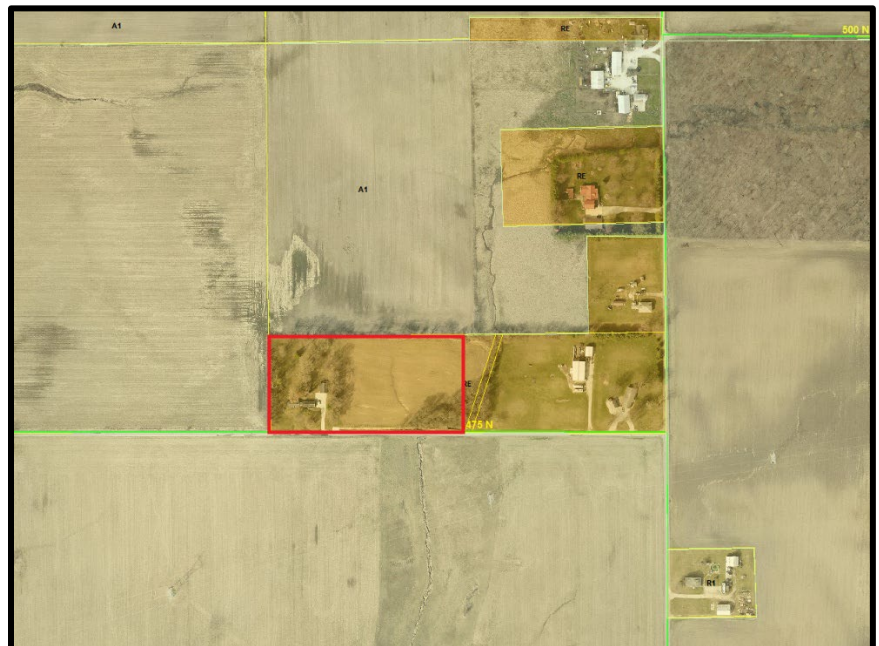
Simple Subdivision of 5.172-acres into a 3.172-acre single-family building lot and a 2-acre lot including an existing single-family residence.

Waiver of Simple Subdivision prerequisites to allow for Simple Subdivision of a parent tract less than 6-acres.

Purpose of Subdivision Code Requirement

The UDO requires a minimum parent tract size of 6-acres to maintain low residential density in rural areas and to prohibit re-subdivision of properties under 6-acres created under the '5-acre rule'. Prior to 2008, the County allowed subdivision of property into minimum 5-acre building lots without Plan Commission review.

Property Map



Case Description

- The petitioner proposes to subdivide the property into a 3.172-acre building lot (Lot 2) and a 2-acre lot (Lot 1) including an existing single-family residence and accessory structures.
- A branch of Little Blue River crosses the southeast corner of Lot 2. Per the requirements of the UDO, the plat includes a no-disturb easement over the ½-acre area adjacent to the waterway.
- Surrounding development includes single-family homesites between ½-acre and 5-acres.
- 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 the new single-family residence on Lot #2.

Staff Analysis Findings of Fact

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 for Simple Subdivision of property less than 6-acres.
 - a. The size of the lots would not conflict with the size of other single-family residential homesites in the area.
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.

Staff Recommendation

Staff recommends **APPORVAL** because the size of the lots would not conflict with the size of other single-family residential homesites in the area.

Applicant/Owner Information

Applicant/Owner:	George & Susan Horning 5458 E 475 N Shelbyville, IN 46176	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
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Property Details

Location: 4193 S 600 E, Waldron, Liberty Township.

Property Size: 9.8-acres.

Current Land Use: Estate Residential.

Current Zoning Classification

A2 (Agricultural)

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

Proposed Zoning Classification for Lot 1
 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

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.

Parks, Open Space, & Conservation

The purpose of this category is to provide for passive and active recreational activities, permanent preservation of significant natural areas, and preservation of natural features within clustered developments. This category applies to public and private lands.

Surrounding Development

	Zoning	Land Use
North	A1	Cropland
South	RE	Estate Residential

Staff Report

Case Number: RZ 26-09 / SD 26-08

Case Name: Lingerfelt Rezoning – A2 (Agricultural) to R1 (Single-Family Residential) & Lingerfelt Simple Subdivision

Requests

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

Simple Subdivision of 9.8-acres into one new 8.3-acre, single-family building lot and a 1.5-acre lot including an existing single-family residence.

Waiver of Simple Subdivision prerequisites to allow subdivision of property zoned A2 & R1.

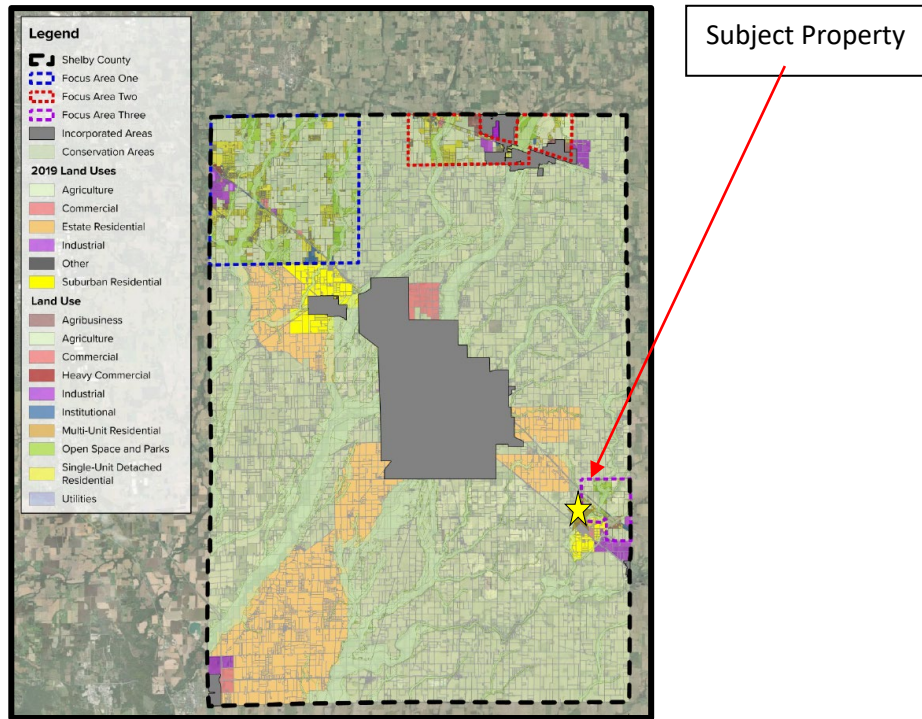
Purpose of Subdivision Code Requirement

The UDO restricts residential zoning in Simple Subdivisions to the RE (Residential Estate) District. The minimum 2-acre lot size requirement for properties in the RE District maintains low density residential development in rural areas and 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. Limited agricultural use permitted in the RE District also prohibits intense agricultural use of properties that may pose a nuisance to adjacent residential properties.

Surrounding Development

	Zoning	Land Use
North	RE/IS	Estate Residential / Public Water Utility
South	RE	Estate Residential
East	A2	Estate Residential
West	A1	Cropland

Future Land Use Map



Property Map



Case Description

- Approval of the requests would allow for development of one new 8.3-acre, single-family building lot.
- The petitioner has requested a waiver to allow the new building lot to retain A2 zoning to continue to use the site for its existing agricultural purposes.
- A tributary of Conns Creek runs through the west side of the new building lot. The plat includes a no-disturb zone which starts at the top of the ridge running down to the creek and over to the west property line. The no-disturb zone prevents development including single-family dwellings, accessory structures, and alteration of land within this area of the property.
- Approximately 2.7-acres within the no-disturb zone also lies within Indiana Department of Natural Resources (IDNR) designated floodway and flood fringe. The plat includes a note that "Development including single-family dwellings, accessory structures, and alteration of land in the Designated Flood Hazard Area shall be prohibited".
- The Waldron Conservancy District also has a 1.6-acre wellhead protective easement at the northwest corner of the no-disturb zone. This easement states that "owners may not construct or do any act which might cause contamination of the wells."
- The second proposed lot in the subdivision includes an existing single-family residence, detached garage, greenhouse, and shed on 1.5-acres. The plat also shows a proposed 30' x 40' barn on the lot.
- The rezoning only applies to the second lot including the existing structures. The petitioner has also requested a waiver to allow the lot to have R1 zoning. Increasing the lot to 2-acres to comply with the minimum lot size requirement for properties in the RE District would result in an irregular lot shape or incorporation of tillable land into the lot.
- The USDA Soil Survey classifies 64.2% of the property as 'Prime Farmland', 27.7% of the property as "Prime farmland if protected from flooding or not frequently flooded during the growing season", and 8.1% of the property as "Not Prime Farmland."
- The surrounding area includes cropland and single-family residential homesites on lots between 1.5-acres and 20-acres. The Waldron Conservancy District owns adjacent property to the northwest which includes wellheads for its public water utility.
- 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 any 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

Approval of the rezoning would allow for residential development of an 8.3-acre building lot consistent with the size of other residential lots in the area.

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

Approval of the rezoning would allow for subdivision of an additional building lot from the property. The USDA Soil Survey classifies much of the new building lot as 'Prime Farmland'. However, lack of significant contiguous tillable acreage and location of the property within a rural residential neighborhood renders the property desirable for residential development.

3. The Conservation of Property Values throughout the Jurisdiction

Approval of the rezoning would allow for subdivision of an additional building lot from the property. Development of the property for residential purposes would have no perceivable impact on property values throughout the County.

4. Responsible Development and Growth

Approval of the rezoning would allow for subdivision of an additional building lot from the property. 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 any new single-family residence.

5. The Comprehensive Plan

Approval of the rezoning would allow for residential development of a property over five acres as recommended for 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, pending approval of a waiver to allow for Simple Subdivision of property zoned A2 & R1.
 - a. The new building lot would comply with the minimum lot size requirement for properties in the A2 District. Continued use of the property for agricultural purposes would have no further impact on adjacent properties.
 - b. Increasing the size of the lot with the existing structures to 2-acres to comply with the minimum lot size requirement for the RE District would result in an irregular lot shape or incorporation of tillable land into the lot.
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.

Staff Recommendation

Staff recommends **APPROVAL of the Rezoning and Simple Subdivision** primarily because lack of significant contiguous tillable acreage and location of the property within a rural residential neighborhood renders the property desirable for residential development.

Applicant/Owner Information

Applicant:	Cody & Lauren Lingerfelt 4193 S 600 E Waldron, IN 46182	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
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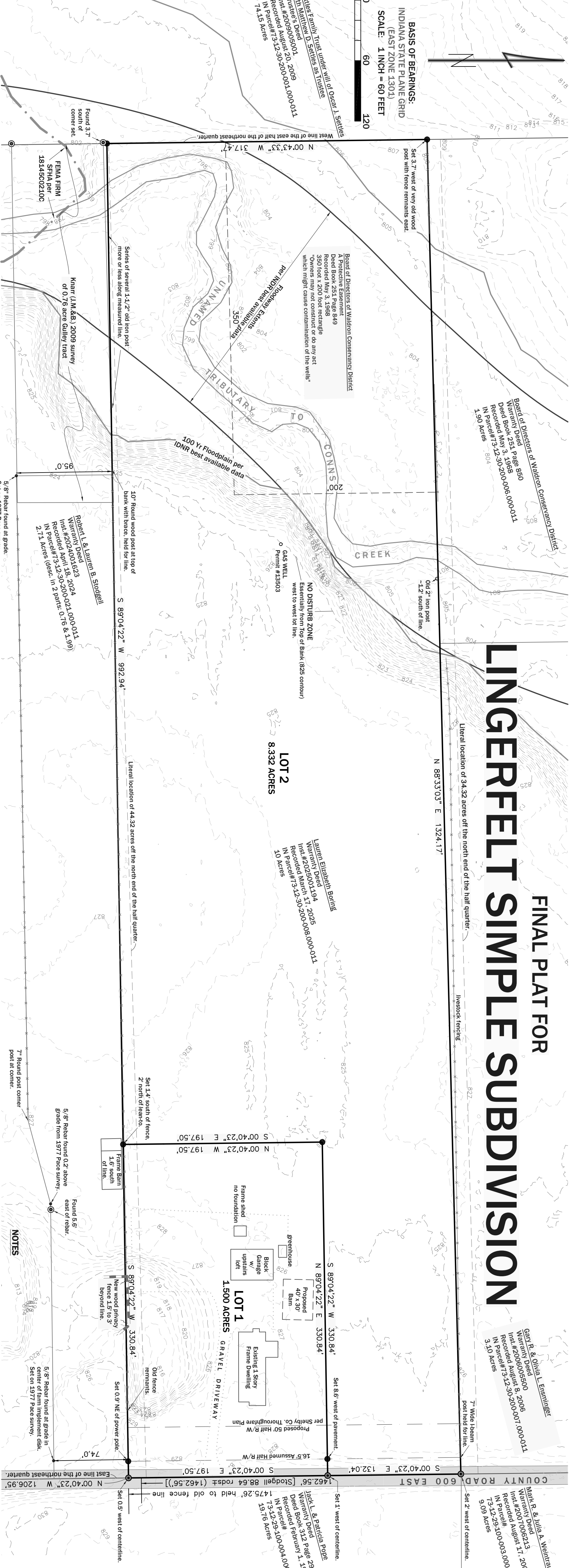
Owner:	Lauren Lingerfelt 4193 S 600 E Waldron, IN 46182
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FINAL PLAT FOR

LINGERFELT SIMPLE SUBDIVISION

Literal location of 34.32 acre of the north end of the half quarter.

Imagined fencing



SURVEYOR'S REPORT

This project is for splitting the parent parcel into two lots. One to be eventually sold off and the larger remnant to be retained for constructing a new dwelling. Both lots will have a portion of road frontage along County Road 600 East for independent access.

In accordance with Title 865, Article 1, Chapter 12, Section 12 of the Indiana Administrative Code, the following report explains the theory of location applied in retracing the lines and corners of the surveyed property and discusses the surveyor's opinion of the cause and amount of uncertainty in those lines and corners because of the following:

A) Availability and condition of reference monuments.

The subject quarter section has been perpetuated, all except the center of section. The corner nails in the middle of the Waldron Conservancy Sledge pond. The two corners marked by a stone and iron pipe as discussed in the quarter section detail. Some past surveyor computed theoretical splits for these corners, but both have become much older establishments in the county surveyor records.

Some surveys have been done in the surrounding area and recovered both from the public records and private sources. These have been performed by Sogig & Associates, Stephen Kuhn, J.M.&S Surveying and Pace Engineering, but none specifically were found for the subject 10 acre parcel. This parcel was first described in 1946, simply as a large acreage parcel (10 acres) and was later described as a 10 acre parcel. The north and south sidelines, however, are not so clear. See chain detailed lines on the drawings, indicating how a literal interpretation of the record acreages described in the deed, relating to lines of original interpretation of the record acreages described in the deed, the north adjoining 5 acres and south adjoining piece from a second remnant, are not well defined for plotting back the boundaries as can be done with typical meries and bounds. Acreage descriptions are very low on the priority list of controlling calls and most often never represent the original intent of the conveyance.

B) Occupation or possession lines

The north line of the 10 acre parent tract goes back to a 1924 deed describing 34.32 acres off the north end of the half quarter section. This line is best represented from the old occupation maintained over the years. Otherwise, the calculated area quantity lies 13 to 17 feet further north than the line of possession. The fencing does not have a real straight alignment to it, but the adjacent property to the north has replicated the line to the east. The fence line is best evidenced along this line. The very old, deteriorating 12" wooden corner post with fence remnants at the west end, the 7" iron beam at the east end near to the road. The 2" iron post at the east edge of the ditch in the bottom grounds. These appeared to be the oldest points, best displaying the old boundary.

C) Clarity or ambiguity of record descriptions

Refer to the left side of the quarter section detail drawing for a sketch depicting early thin lines of the east half quarter section. Back in 1924 the 80 acre half quarter section was described into 3 parts. The 34.32 acres off the north end a crude meters and bounds of 23-1/2 acres at the south and 22.18 remnant acres in the middle. In 1946, the 10 acre description of the subject parent tract was split off of the remnant middle. It was described adjacent on the south side of the 34.32 acres, without the 10 acre description. The 10 acre description of the subject parent tract was split off of the quarter section as determined today, contains 81.24 acres. This size, this entire acreage would be left over within the 12.18 acres. This is impossible to actually ascertain because the south 23-1/2 acre tract is not physically preserved and the north acreages are not actually computing out with the long-term occupation lines.

D) Relative positional accuracy of measurements

The lines and corners retraced or established by this survey have been executed meeting Title 865, Indiana Administrative Code 1-12-7 and falls under a Suburban Survey Classification with a relative positional accuracy of 0.13 feet ± 100 ppm.

Table with 2 columns: Symbol and Description. Includes symbols for section corner, section corner per older county surveyor, record books, and magnal and washer stamped.

Table with 2 columns: Symbol and Description. Includes symbols for Indiana State Plane Grid Coordinate Value, Farm Fencing and Remnants, and Job Location.

Client information: Cody and Lauren Lingerfelt, 4193 S 600 E, Waldron, IN 46182. Project description: Simple Subdivision on a 10 acre parent tract at 4193 S 600 E, Waldron to divide off existing home, create second building site. Includes job location map and contact information for Scott T. Sumnerford.

LEGAL DESCRIPTION LOT 1

Part of the east half of the northeast quarter of Section Thirty (30), Township Twelve (12) North, Range Eight (8) East, Liberty Township, Shelby County, Indiana, being part of a 10 acre tract first conveyed per Deed Book 432 Page 93, recorded July 26, 1946 in the Office of the Shelby County Recorder, and being part of survey Job #12N8E30-26-019 by Scott T. Sumnerford, RLS#29800017, certified April 28, 2026 and being more particularly described as follows:

Commencing at the southeast corner of the east half of the northeast quarter of said section; thence along the east line of said east half, North 00° 40'23" West (basis of bearings being Indiana State Plane East Zone) 1206.95 feet to the southeast corner of said 10 acre tract; said point being marked by a magneal with washer stamped "S. Sumnerford 9800017"; and being the point of beginning of the herein described tract;

Thence along the south line of said 10 acre tract, South 89° 04'22" West 330.84 feet to a capped rebar stamped "S. Sumnerford 2980017"; thence parallel to the east line of said 10 acre tract, East 132.04 feet to a capped rebar stamped "S. Sumnerford 2980017"; hence parallel to the north line of said 10 acre tract, North 89° 04'22" East 330.84 feet to a magneal with washer stamped "S. Sumnerford 9800017"; on the east line of said east half; thence along said east line, South 00° 40'23" East 197.50 feet to the point of beginning, containing 1.500 acres.

LEGAL DESCRIPTION LOT 2

Part of the east half of the northeast quarter of Section Thirty (30), Township Twelve (12) North, Range Eight (8) East, Liberty Township, Shelby County, Indiana, being part of a 10 acre tract first conveyed per Deed Book 432 Page 93, recorded July 26, 1946 in the Office of the Shelby County Recorder, and being part of survey Job #12N8E30-26-019 by Scott T. Sumnerford, RLS#29800017, certified April 28, 2026 and being more particularly described as follows:

Commencing at the southeast corner of the east half of the northeast quarter of said section; thence along the east line of said east half, North 00° 40'23" West (basis of bearings being Indiana State Plane East Zone) 1206.95 feet to the southeast corner of said 10 acre tract; said point being marked by a magneal with washer stamped "S. Sumnerford 9800017"; hence along the south line of said 10 acre tract, South 89° 04'22" West 330.84 feet to a capped rebar stamped "S. Sumnerford 2980017"; said monument being hereinafter referred to as a capped rebar; said point being the point of beginning of the herein described tract;

Thence continuing along said south line, South 89° 04'22" West 992.94 feet to a capped rebar stamped "S. Sumnerford 2980017"; thence along said south line, said point marked by a capped rebar; thence along the west line of said east half, North 00° 43'33" West 317.47 feet to the northwest corner of said 10 acre tract; said point marked by a capped rebar; thence along the north line of said 10 acre tract, North 88° 33'03" East 1324.17 feet to the northeast corner of said 10 acre tract on the east line of said east half and being marked by a magneal with washer stamped "S. Sumnerford 9800017"; hence along said east line, South 00° 40'23" East 132.04 feet to a magneal with washer stamped "S. Sumnerford 9800017"; thence parallel to the south line of said 10 acre tract, South 89° 04'22" West 330.84 feet to a capped rebar; thence parallel with the east line of said east half, North 00° 40'23" East 197.50 feet to the point of beginning, containing 8.332 acres.

PLAN COMMISSION APPROVAL

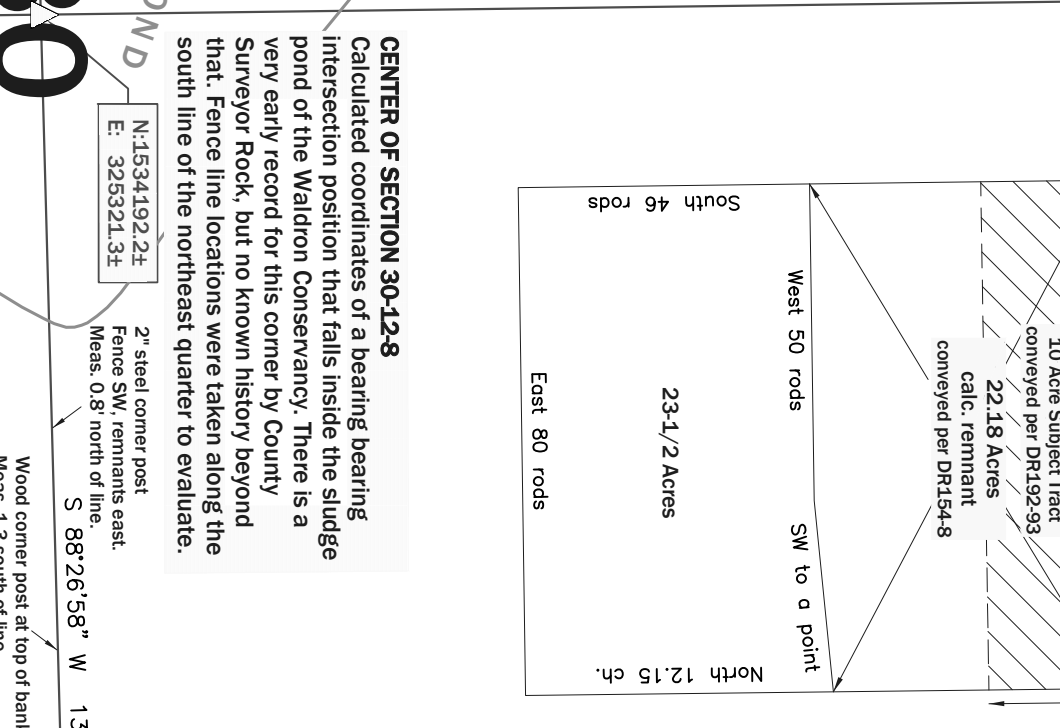
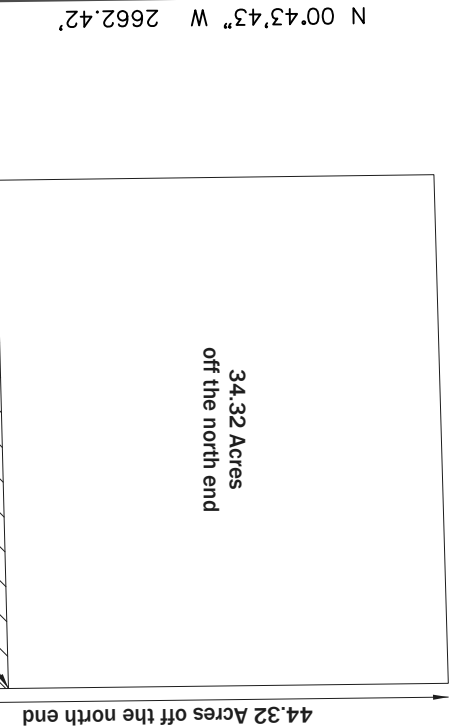
Approved by the Shelby County Plan Commission in accordance with all applicable Subdivision Regulations.

By: Secretary, Megan Hart Date:
By: President, Jon Kevin Carson Date:
By: Scott T. Sumnerford Registration Number: 9800017

LEGAL DESCRIPTION OF PARENT TRACT

Warranty Deed Instrument No. 2025001194, Recorded March 17, 2025 Sandra Weaver to Lauren Elizabeth Boring

Ten (10) acres, more or less, off of the entire South end of the following described tract, to wit: Forty-four and Thirty-two Hundredths (44.32) acres, more or less, off of the entire North end of the East Half of the Northeast Quarter of Section Thirty (30), Township Twelve (12) North, Range Eight (8) East, Shelby County, Indiana, containing in the tract hereby conveyed Ten (10) acres, more or less.



NORTH QUARTER CORNER SECTION 30-12-8

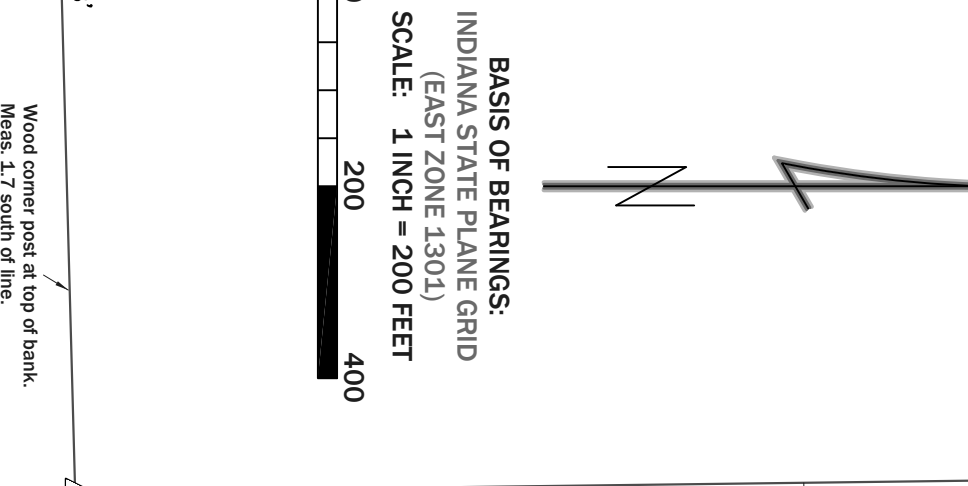
Shelby County Surveyor Monument found 1.1' below grade previously in the middle of cultivated field and held as the corner. The monument was originally set in 2007 by Sogig and Associates and then buried in 2012 by the county surveyor's office in response to fence robbing. The 2007 position was apparently established by single proportional measurement bearing upon the stone to the east. No entry exists for this quarter corner in the old corner records. A stone was found by the county surveyor's office in 1985 in traversing the line between sections 19, 29 and 30. A very large limestone still exists a foot below grade at N68° E 4.5 feet from the monument base and an old wood post still upright in the ground. For same reason a the sheet for this stone was never created and to survey was discovered with its tags.

NW CORNER EAST HALF NE QUARTER OF SECTION 30-12-8

17' by 8' Rebar/iron marker monument found roughly 0.6' below grade on the east side of a capstone rod. A threaded rod with ribbon nail very near a midpoint split of the quarter line between the stone and capstone rod. This stone was found by the surveyor's office in 1985, but a reference stone piece of section monument by County Surveyor Orlman during the construction of the concrete highway, year not known. A surveyor Nelson in 1982, but with the road improvements during Orlman's tenure.

NORTHEAST CORNER OF SECTION 30-12-8

Top of a Shelby County Surveyor Monument established in 1985. The nail has a west of the road centerline and about 28.8 feet north of a property line and fence running between the stone and capstone rod. This stone was found by the surveyor's office in 1985, but a reference stone piece of section monument by County Surveyor Orlman during the construction of the concrete highway, year not known. A surveyor Nelson in 1982, but with the road improvements during Orlman's tenure.



NW CORNER EAST HALF NE QUARTER OF SECTION 30-12-8

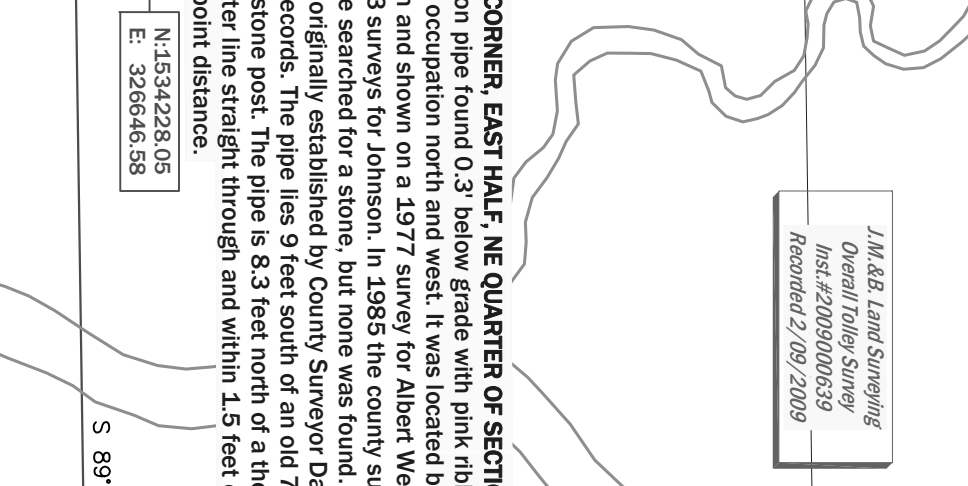
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PROPOSED LOT 1

Primary Structures as follows: 36' Front, 15' Side and 30' Rear setbacks along sides and rear. Primary PROPOSED LOT 2: 60' Front, 40' Side and 40' Rear setbacks along sides and rear. County Road 600 East, 1/4 Mile Collector



NW CORNER EAST HALF NE QUARTER OF SECTION 30-12-8

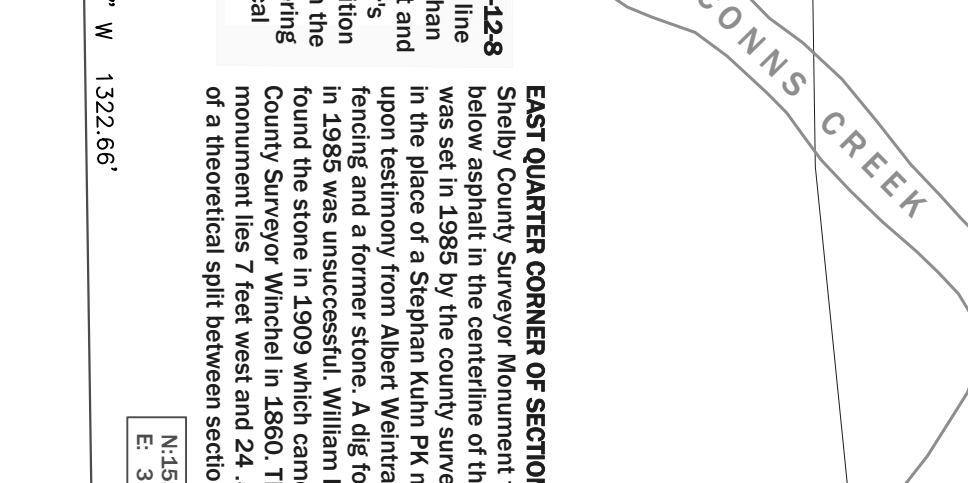
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NW CORNER EAST HALF NE QUARTER OF SECTION 30-12-8

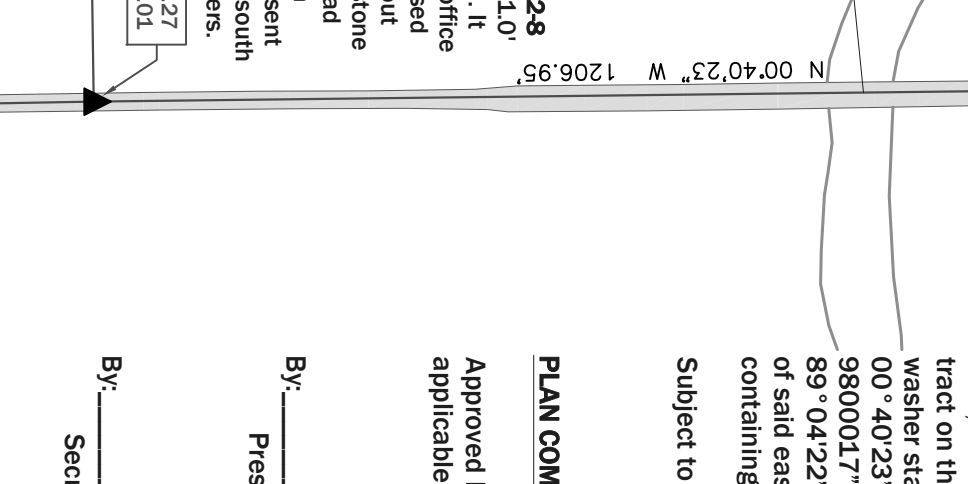
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PROPOSED LOT 1

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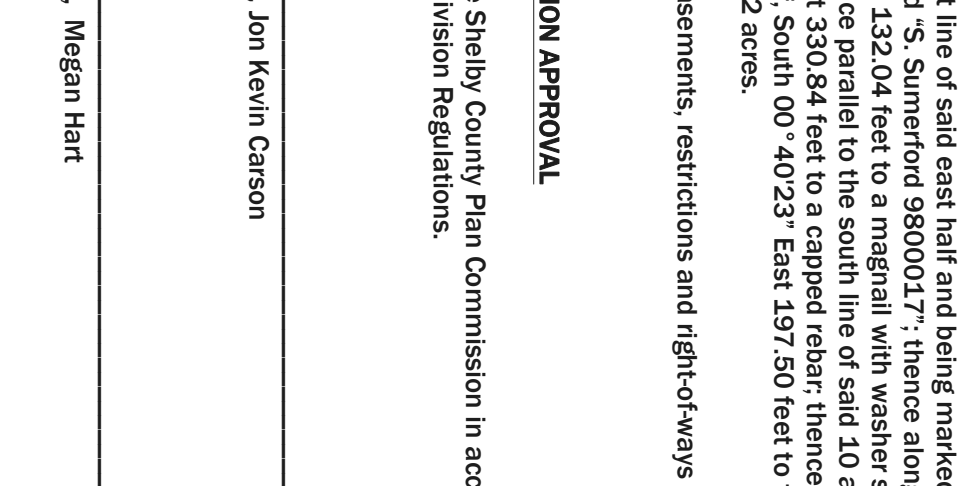
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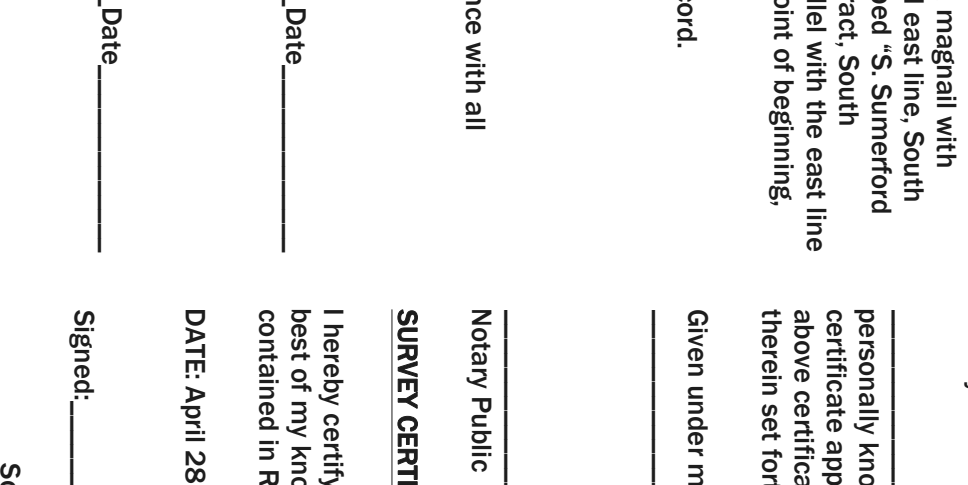
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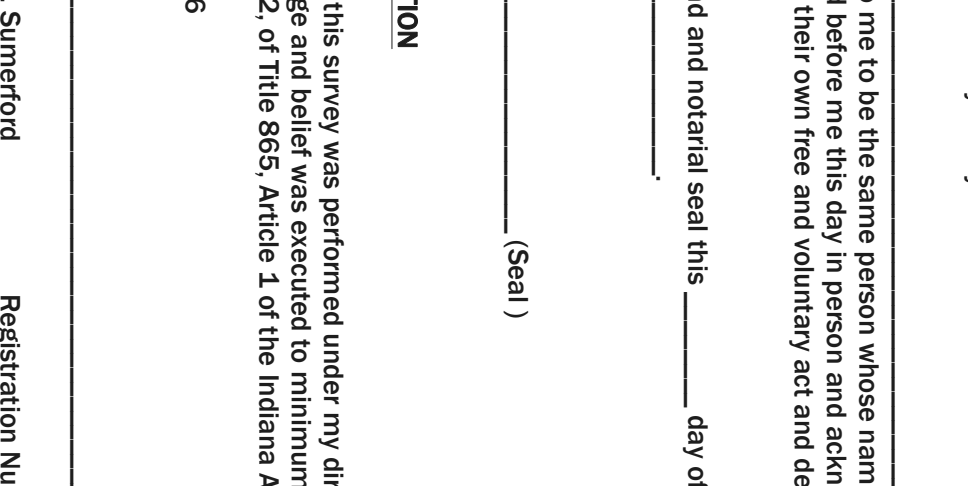
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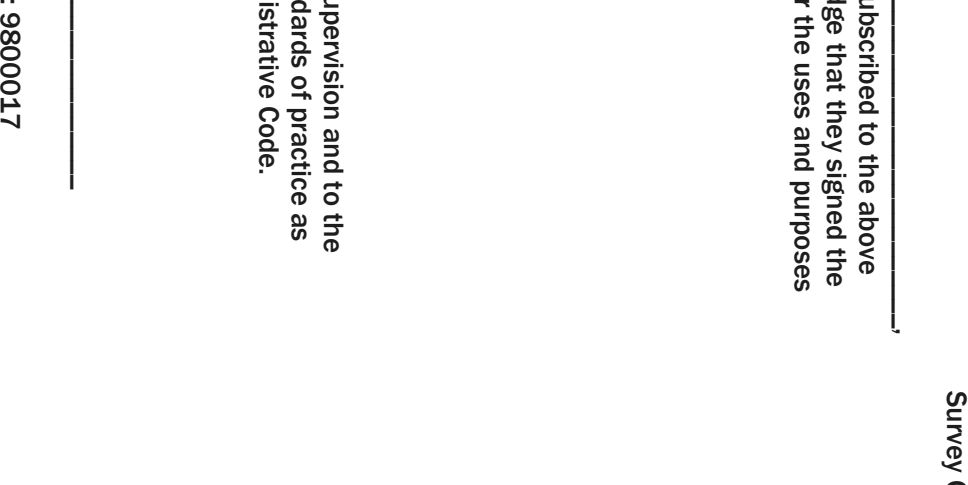
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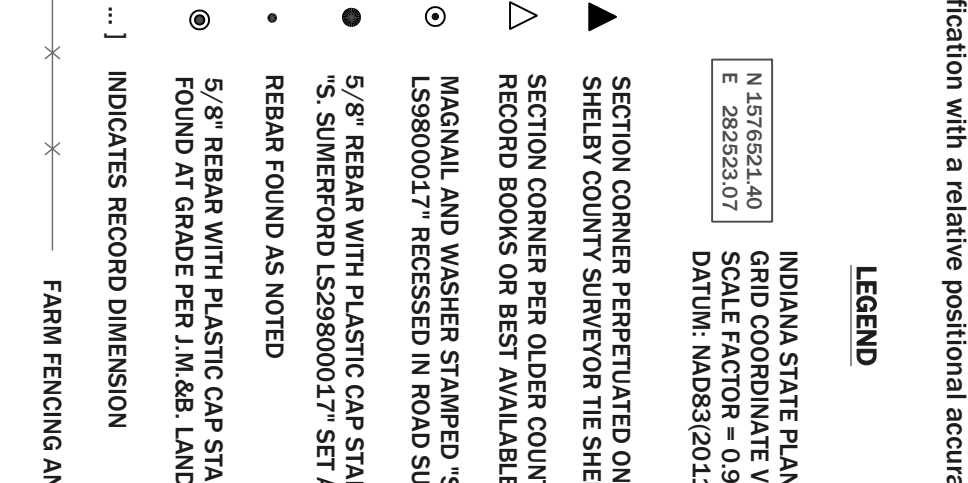
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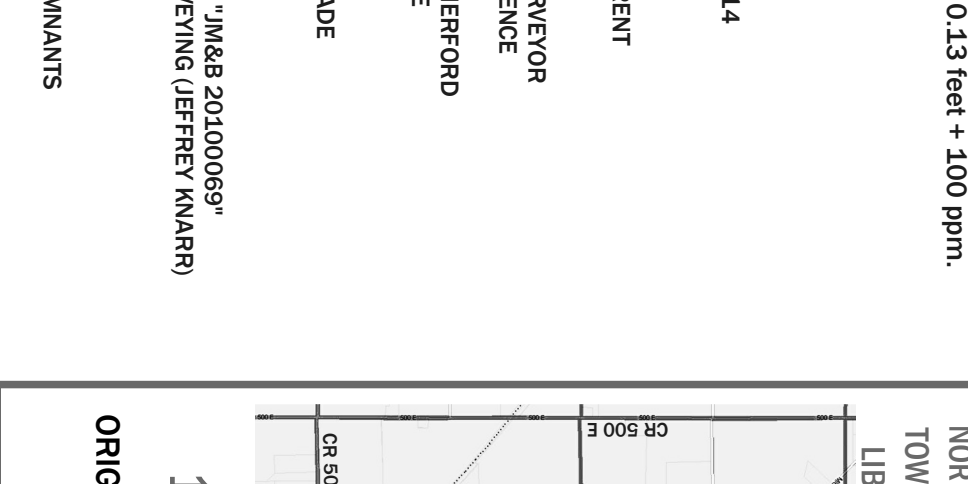
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Property Details

Location: 10645 N SR 9,
Fountaintown, Van Buren
Township.

Property Size: 0.7-acres.

Current Land Use: Estate
Residential.

Current Zoning Classification RE (Residential Estate)

This district is established for single-family detached dwellings in a rural or country setting.

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

Single-Unit Detached Residential
This land use category is designed for medium to low-density residential neighborhoods, common throughout Shelby County and its communities.

Surrounding Development

	Zoning	Land Use
North	RE	Cropland
South	RE	Estate Residential
East	RE	Estate Residential
West	RE	Estate Residential

Staff Report

Case Number: RZ 26-10 / SD 26-09
Case Name: Hansen Rezoning – RE (Residential Estate) to R1 (Single-Family Residential) & Hansen Simple Subdivision

Requests

Rezoning of 0.7-acres from the RE (Residential Estate) District to the R1 (Single-Family Residential) District to allow for a one-lot Simple Subdivision.

Simple Subdivision of a 0.7-acre, single-family building lot from a 6-acre parent tract.

Waivers of:

1. Simple Subdivision prerequisites to allow subdivision of property zoned R1;
2. Simple Subdivision design standards to allow a lot without 50-feet of road frontage;
3. Simple Subdivision design standards to allow a lot without frontage on a public street built to County street standards.

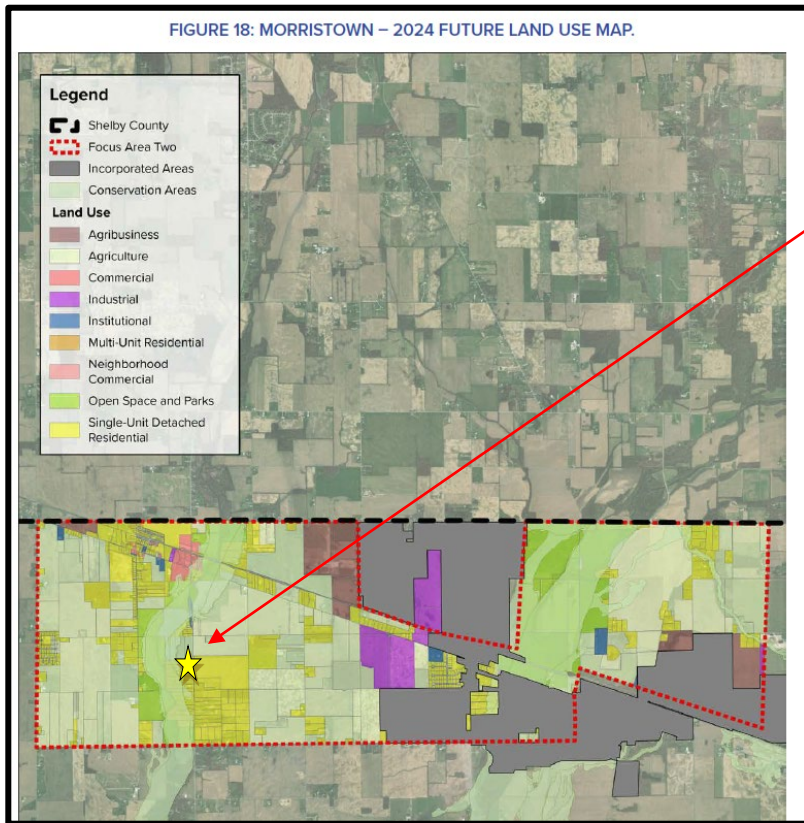
Purpose of Subdivision Code Requirement

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.

The UDO requires that lots have frontage on a public road to:

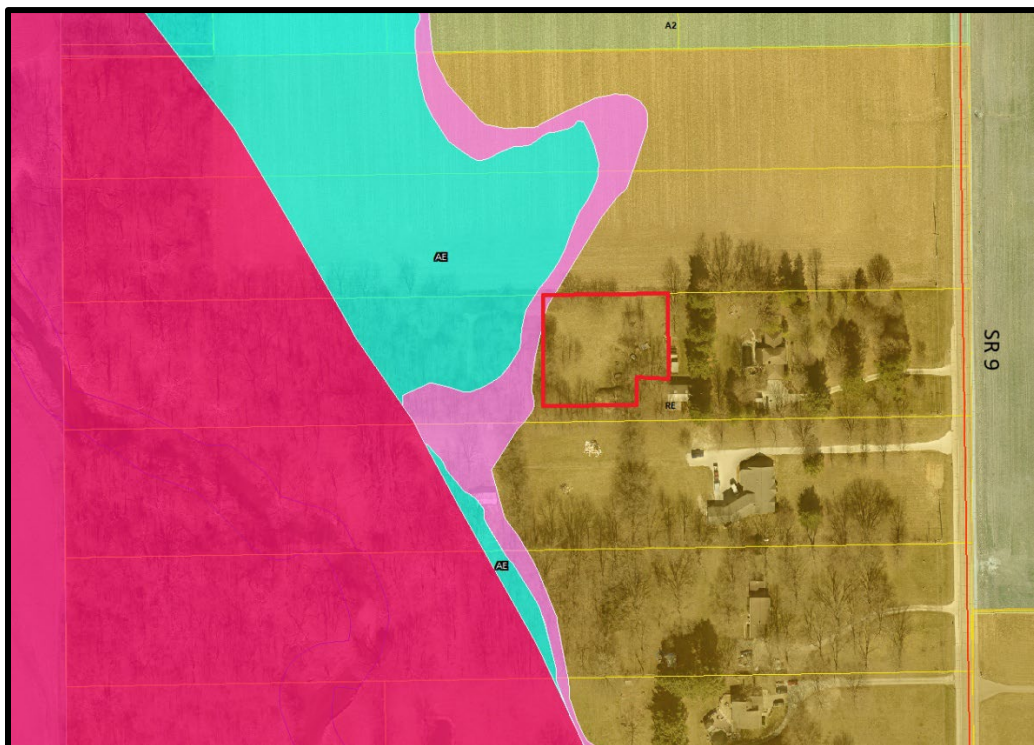
- Eliminate future disputes over the right to use and maintain a private driveway within an access easement.
- Eliminate conflicts between vehicles using a shared private driveway not built to County road specifications.
- To ensure clear visibility of property from the public road for the purpose of access by visitors and emergency vehicles.
- To promote orderly development.

Future Land Use Map



Subject Property

Property Map



Case Description

- Approval of the requests would allow for development of one, 0.7-acre single-family residential building lot. The son of the property owner intends to build a home on the property.
- The lot includes the area of the parent tract behind the existing house and outside of the 100-year floodplain, leaving a 20-foot-wide strip of land on the parent tract south of the lot to provide access between the east and west portion of the parent tract. These property conditions render the lot smaller in size than most subdivided lots approved by the Plan Commission.
- The petitioner has provided a soil report showing that the property can accommodate a septic system. The report shows that the system will not require a drainage outlet.
- The property does not have frontage on a public road. The plat shows access through a +/- 400-foot-long shared gravel driveway which currently provides access to the home on the remaining tract.
 - The plat shows a 40-foot-wide ingress/egress/utility easement providing access over the existing driveway.
 - The plat includes a note that an easement agreement between the property owner and the owner of the driveway shall be approved by the Planning Director (see minimum requirements for the easement agreement at bottom of Staff Report).
 - The plat shows a minimum driveway width of 20 feet, for the first 65 feet of the driveway measured from the centerline of the public road. This width would accommodate two vehicles entering or exiting the driveway at the same time. The petitioner will need to widen the existing driveway to accommodate the 20-foot width.
 - The driveway complies with all other requirements for residential driveways indicated in the UDO.
 - Historically, Staff has not recommended approval of petitions including properties without road frontage due to the problems associated with use of access easements (see purpose of subdivision code requirement section of Staff Report). However, the easement and driveway requirements included on the plat address these concerns. Additionally, the easement and driveway requirements are consistent with the proposed revisions to the County subdivision regulations reviewed and approved by the Plan Commission in 2025.
- The area of State Road 9 between CR 1000 N and CR 1100 N includes primarily 6-acre single-family residential lots developed in the 1970s.
- 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 area of State Road 9 between CR 1000 N and CR 1100 N includes single-family residential development. Existing mature trees would screen development of the site from the public road. State right-to-farm laws allow for unrestricted continued use of the land to the north for agricultural purposes.

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

Approval of the rezoning would allow for residential development of an underutilized portion of an existing residential lot. The property has soils that can accommodate a septic system without a drainage outlet.

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 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. The petitioner has provided a soil report showing that the property can accommodate a septic system. Adequate provisions for property access and driveway maintenance will apply to development of the property without road frontage.

5. The Comprehensive Plan

Approval of the rezoning would provide a single-family residential housing opportunity as recommended for the area 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 for subdivision of land zoned R1.
 - a. The lot includes the area of the parent tract behind the existing house and outside of the 100-year floodplain, leaving a 20-foot-wide strip of land on the parent tract south of the lot to provide access between the east and west portion of the parent tract. These property conditions render the lot smaller than the minimum lot size requirement of the RE District.
3. The subdivision of land satisfies the standards of Article 07: Design Standards, pending waivers to allow a lot without 50-feet of road frontage and without frontage on a public street built to County street standards.

- a. Adequate provisions for property access and driveway maintenance will apply to development of the property.
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.

Staff Recommendation

Staff recommends **APPROVAL of the Rezoning and Simple Subdivision** primarily because the Comprehensive Plan recommends single-family residential development for the area. Adequate provisions for property access and driveway maintenance will apply to development of the property without road frontage.

Applicant/Owner Information

Applicant:	John & Michele Hansen 10645 N SR 9 Fountaintown, IN 46130	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
Owner:	Same		

Minimum Requirements for Easement Agreement

1. Be cross-referenced to the Simple Subdivision plat which the easement is associated;
2. Grant the grantee the right to access the easement for purposes of accessing their lot;
3. Specify the grantee's financial responsibilities with respect to the alteration, repair, maintenance, and removal of the improvements;
4. Prohibit the grantee or any other person from placing any obstruction within the easement;
5. Be binding on all heirs, successors, and assigns to the property on which the easement is located;
6. Be enforceable by the parties to the easement and the County;
7. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement;
8. Provide for modification or termination in any manner stipulated by the Plan Commission;
9. Be cross-referenced to the most recently recorded deeds to the properties where the easement is to be established;
10. Include a metes and bounds description of the easement;
11. Be signed by a duly authorized representative of each property owner of record granting the easement and by duly authorized representatives of each property owner accepting the easement.

Shelby County Plan Commission

Memo

Date: May 26, 2026

To: Shelby County Plan Commission

From: Desiree Calderella, Planning Director

Unified Development Ordinance Text Amendments required by State Law

New law enacted during the 2026 State Legislative Session requires minor updates to the Unified Development Ordinance and certain other actions taken by the Plan Commission Department. The Plan Commission will review and vote on the ordinance amendments at their June meeting to ensure that the County passes the final ordinance amendment by the July 1, 2026, deadline. A summary of the required actions and timeline for completion is listed below for informational purposes. A detailed summary of the laws and required actions can be obtained from the Plan Commission Department.

Shooting Ranges

- Action Items
 - Amend UDO to allow Retail Sporting Good Store in all commercial zoning districts
 - Amend UDO to all Indoor Shooting Ranges in agricultural, commercial, and industrial zoning districts
 - Amend UDO to include regulations and definitions applicable to Indoor Shooting Ranges
- Timeline
 - May Plan Commission
 - Commissioners must approve by July 1, 2026

PC/BZA Member Removal

- Action Items
 - Amend PC & BZA Rules of Procedure to note that:
 - A member serves at the pleasure of the appointing authority so long as:
 - the officeholder who appointed the individual continues to hold the office; or
- 25 W Polk St, Shelbyville, IN 46176
T: 317-392-6338 W: <https://www.co.shelby.in.us/plan-commission/>

- the board, committee, or body that appointed the individual retains all of the same members who served on the board, committee, or body when the individual was appointed.
- Timeline
 - May Plan Commission & BZA Meetings. Must be approved by July 1, 2026

Short-Term Rentals / Manufactured/Mobile Homes

- Action Items
 - Revise definition of short-term rental in UDO (this will not impact our current regulations)
 - Revise definitions of manufactured and mobile home in UDO.
- Timeline
 - May Plan Commission
 - Commissioners must approve by July 1, 2026

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 - Revise definitions of manufactured and mobile home in UDO.
- Timeline
 - May Plan Commission
 - Commissioners must approve by July 1, 2026

Housing

- Action Items
 - Amend UDO to include certain definitions
- Timeline
 - May Plan Commission
 - State code already in effect

- Action Items
 - Audit calculation methodology for all planning/building fees to ensure they do not exceed the costs to process an application.
 - Adopt new fee schedule if necessary
- Timeline
 - Must be completed by December 31, 2026 (after July 1, 2027, fees can only be increased once every 5 years and are limited by CPI)

- Action Items
 - Submit Housing Progress Report to IHCD (IHCD plans to put together an online reporting system)
 - Audit UDO to determine how the standards are impacting the goal of increasing housing development. Specific items must be included in the audit, and the audit requires a public hearing. Submit report of audit to IHCD.
 - Set up separate non-reverting fund dedicated to reimbursing the costs actually incurred (fees currently go into the general fund)
 - Clarify definition of a 'complete' application on all application forms (permits are required to be issued if complete and in compliance with all requirements. Fees may be refunded for violation in certain circumstances)
- Timeline
 - Must be completed by January 1, 2027