

**Shelby County Plan Commission  
Meeting Minutes  
Tuesday  
November 26, 2024**

**Members Present:**

Terry Smith  
Kevin Carson  
David Lawson  
Jeff Powell – via Zoom  
Charity Mohr – via Zoom  
Jason Abel  
Megan Hart

**Members Absent:**

Mike McCain

**Staff Present:**

Desiree Calderella – Planning Director  
Jason Clark – Plan Commission Attorney

**Call to Order and Roll Call:**

Terry Smith called the November 26, 2024, meeting to order at 7:00 pm in Room 208 A at the Court House Annex.

**Approval of Minutes:**

David Lawson made a motion to approve the minutes from October 22, 2024. Kevin Carson seconded the motion. The minutes were approved 7-0.

**Business Continued to January 28, 2025**

**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 SUBDIVISION:** Simple Subdivision of a 1.5-acre single-family building lot from a 31.5-acre parent tract and waiver of Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned R1. Located approximately 90-feet north of 5754 N 500 W, Fairland, Brandywine Township.

**Old Business:**

None.

**New Business:**

**SD 24-10 – BROWN WOODS TRAIL SIMPLE SUBDIVISION:** Simple Subdivision of a 2.4-acre single-family building lot from a 14.64-acre parent tract. 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 explained that his client's daughter and her daughter's husband intend to build a home on the southeast portion of the property. He indicated that the petitioner has soil tests and a site design plan to build on the lot. He indicated that the petitioner would record an easement for access to the property separate from the plat.

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 Board had essentially approved the subdivision at their August meeting.

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

**RZ 24-09 – RUSH REZONING:** Rezoning of 8.24-acres from the A1 (Conservation Agricultural) District to the A2 (Agricultural) District to allow for a one-lot Simple Subdivision. Located at 4717 S Marietta Rd, Shelbyville, Hendricks Township.

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

Scott Sumerford represented the petition. He outlined the history of the property as indicated in the Staff Report. He indicated that the UDO does not prohibit long driveways.

Kelly Rush explained that she and her husband would like to live next-door to her parents, and therefore had chosen to build on the property. She indicated that her parents have not had a problem with visitors finding their home from Marietta Rd. She emphasized that her family intends to maintain ownership of the driveway and surrounding farmland, therefore, she does not foresee any disputes arising over rights to

use the driveway to access the property.

Bradley Demott, Ms. Rush's stepfather, provided a letter to the Board from his attorney objecting to the Staff recommendation (see case file). He asked if the County had contacted the Fire Department to inquire if they would have an issue finding or servicing the property.

Ms. Rush's mother and James Rush were also present.

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

Megan Hart indicated that in the future, the petitioner could add the driveway to the property or establish a separate driveway prior to the farm ground transferring out of the family.

Jeff Powell asked if the UDO requires a minimum width for easements.

Desiree Calderella indicated that the UDO does not address easement width.

Jeff Powell asked if the petitioner would provide a turn-a-round for emergency vehicles.

David Lawson explained that farm semis have not had a problem turning around on the property.

Kevin Carson indicated that lack of a turn-a-round for emergency vehicles would only become a problem if the property was further subdivided.

Desiree Calderella explained that future subdivision of the property would also require approval of a waiver from the road frontage requirement from Plan Commission.

Terry Smith and Kevin Carson explained that the Board had previously denied waivers from the road frontage requirement for multiple-lot developments, however, in this case the petitioner only plans to develop one lot. They indicated that the issues associated with utilizing a shared access easement typically arise when shared by multiple lots in a major subdivision. They indicated that the Board should revisit the issue of the driveway if more lots utilizing the driveway are proposed in the future.

Terry Smith indicated that emergency vehicles should not have an issue turning around on the property if farm trucks can turn around on the property.

Jeff Powell indicated that he would prefer a hammerhead turn-a-round for emergency vehicles.

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

Megan Hart made a motion to continue the Findings of Fact to the next meeting and Jason Abel seconded the motion. The Findings of Fact were continued.

**SD 24-11 – RUSH SIMPLE SUBDIVISION:** Simple Subdivision to legally establish an 8.24-acre building lot subdivided from a +/- 95-acre parent tract and waiver of Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned A2 and of Simple Subdivision design standards to allow a lot without 50-feet of road frontage, without frontage on a public street built to County street standards, and having side lot lines not within a 15-degree angle to the right-of-way. Located at 4717 S Marietta Rd, Shelbyville, Hendricks Township.

Desiree Calderella read the petition into the record and stated that Staff recommends approval given that the Plan Commission had approved the rezoning.

Scott Sumerford 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.

Jason Abel made a motion of vote on the petition and Megan Hart seconded that motion. **The petition was APPROVED 7-0.**

**RZ 24-10 – DAVIS REZONING:** Rezoning of 6-acres from the A1 (Conservation Agricultural) District to the A2 (Agricultural) District to allow for development of a single-family residence. Located at 9075 N 800 E, Morristown, Hanover Township.

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

Frank Davis indicated that he plans to build his forever home on the property.

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

Jeff Powell asked about plans for drainage.

Frank Davis explained that he had hired Scott Sumerford to provide a drainage plan.

Scott Sumerford outlined the drainage plan.

Jeff Powell asked if the petitioner planned to access the property from CR 800 E.

Frank Davis stated that he plans to access the property from CR 800 E.

Kevin Carson indicated that the lot cannot support many other uses.

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

Kevin Carson made a motion to adopt the Findings of Fact as stated in the Staff Report. The Findings of Fact as stated in the Staff Report were adopted 7-0.

#### **APPROVAL OF 2025 PLAN COMMISSION MEETING CALENDAR**

Kevin Carson made a motion to adopt the 2025 meeting calendar as proposed and David Lawson seconded that motion. **The calendar was APPROVED 7-0.**

#### **Discussion:**

Desiree Calderella thanked the Board members not returning in 2025 for their service.

#### **Adjournment:**

With no further business to come before the Board, Chairty Mohr made a motion to adjourn. David Lawson seconded that motion. The meeting was adjourned.

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**Terry Smith**  
**President**

**Date**

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**Jason Abel**  
**Secretary**

**Date**