

ZONING ORDINANCE NO. 2009-07

ZONING ORDINANCE AMENDMENT

THIS IS AN ORDINANCE for the purpose of amending and changing the zoning ordinances of the County of Shelby as it relates to a certain tract of property known as 1390 East 375 North Shelbyville, Indiana, specifically amending the Shelby County, Indiana Zoning Ordinance adopted by the Board of Commissioners of Shelby County, Indiana on September 18, 2008, which became effective on October 18, 2008, including and incorporating therein Township Zoning Maps dated September 18, 2008 as amended, showing the boundary lines of certain Zoning Districts thereon.

BE IT ORDAINED by the Board of Commissioners of Shelby County Indiana, as follows:

Section 1: Purpose. The purpose of this Ordinance shall be to amend the Zoning Map of Marion Township of the Shelby County Code and the zoning ordinances thereunder as it relates to the real estate specifically described in Section 2 of this Ordinance to change the designation of said real estate from being zoned A1 (Conservation Agricultural) to a designation RE, Residential Estate (approximately 5.00 acres).

Section 2: Amendment. Shelby County, Indiana Zoning Ordinance adopted by the Board of Commissioners of Shelby County, Indiana on September 18, 2008, which became effective on October 18, 2008, including and incorporating therein Township Zoning Maps dated September 18, 2008, as amended, showing the boundary lines of certain Zoning Districts thereon, are hereby amended by adding the following subsection:

Land rezoned from “A1,” Conservation Agricultural, to “RE,” Residential

Estate:

The following parcel of land and real estate located in Marion Township, Shelby County, Indiana and particularly described herein being formerly zoned and shown on the Marion Township Zoning District Map and lying in an “A1” Conservation Agricultural district is hereby rezoned to “RE” Residential Estate:

See attached legal description of overall parent tract.

Section 3: Effective Date. This ordinance shall be in full force and effect from and after its adoption by the Board of Commissioners of Shelby County, Indiana.

Section 4: Repealable Provisions. All ordinances and parts of ordinances in conflict with the specific amendment herein are hereby repealed.

ADOPTED this 1st day of June, 2009, by a vote of 3 ayes and 0

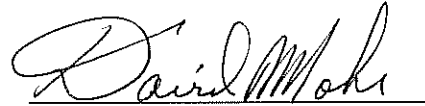
nays of members of the Board of Commissioners of Shelby County, Indiana.



Tony Newton, President

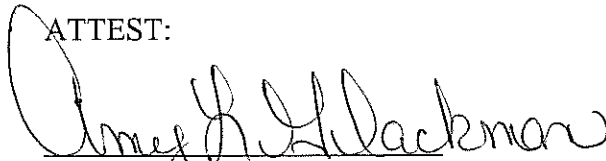


Kevin Nigh, Member



David Mohr, Member

ATTEST:



Amy Glackman, Auditor
Shelby County, Indiana

001204

FEB 27 1997

BOOK 326 PAGE 443

Entered for Taxation

MAY 1997

Janet L. Miller
Auditor Shelby County

WARRANTY DEED

THIS INDENTURE WITNESSETH THAT DOROTHY CRAFTON

of SHELBY County in the State of INDIANA

CONVEYS AND WARRANTS TO GERALD CRAFTON AND PATRICIA CRAFTON, HUSBAND AND WIFE

of SHELBY County in the State of INDIANA
for and in consideration of One Dollar and other considerations
the receipt whereof is hereby acknowledged, the following Real Estate in Shelby County
in the State of Indiana, to wit:

All of Grantors right, title and interest in and to the following described real estate:

SEE ATTACHED LEGAL

As a part of the consideration herefor, Grantees assume and agree to pay taxes for May 1996 due and payable in May 1997 and all subsequent taxes.

-
-
-
-

25 West Polk Street, Rm 201
Shelbyville, Indiana 46176
Phone 317.392.6338
Email:amy.dillon@co.shelby.in.us

Shelby County Plan Commission

May 28, 2009

To: Shelby County Commissioners
From: Amy L. Dillon, AICP
Executive Director

RE: Rezone 09-07: Gerald and Patricia Crafton

Gentlemen,

On behalf of the Shelby County Plan Commission, I certify to you the following report and recommendation concerning the application for approval of the rezone petition for the property located at 1390 East 375 North in Marion Township filed by Gerald and Patricia Crafton.

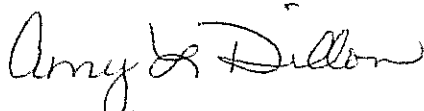
- 1.) The Plan Commission heard the application on May 27, 2009 at a public hearing held at the Shelby County Courthouse Annex Room 208A. Proper notice was given prior to the meeting to all interested parties and by publication in the Shelbyville News as required by ordinance. Seven members of the Plan Commission were present.
- 2.) The petitioners represented themselves.
- 3.) Gerald Crafton made a formal presentation regarding the petition to the Plan Commission.
- 4.) Prior to the meeting on May 27, 2009, the petitioner had presented the Plan Commission with the following information.
 - a.) Rezone Application.
 - b.) Property description and drawing of the property to be rezoned.
 - c.) Written Findings of Fact.
 - d.) Letter of Intent including the proposed written layout of a subdivision for the property.

- 5.) Public comment was solicited and considered by the Plan Commission.
 - a.) There was no formal public comment regarding the project.
- 6.) The Plan Commission asked questions of the petitioner prior to making a motion on the petition.
- 7.) A motion was made to vote on the petition to forward a favorable recommendation to rezone the property from A1 to RE to the County Commissioners with the following stipulation:
 - a.) Should the platting of the subdivision not commence within two years, then the property shall revert to its original agricultural (A1) zoning designation.

The Plan Commission approved the motion by a vote of 7 to 0; therefore a favorable recommendation is being forwarded to the County Commissioners.

If further information is required, please feel free to contact me at the enclosed location.

Respectfully,



Amy L. Dillon, AICP
Executive Director

Copy to: File
Gerald and Patricia Crafton

APPLICATION FOR REZONING
FINDINGS OF FACT BY THE SHELBY COUNTY PLAN COMMISSION

Applicant: Gerald and Patricia Crafton

Case #: R7 09-07

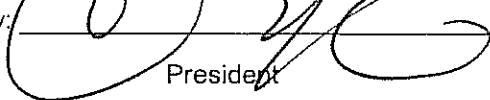
Location: 1390 E 375 N

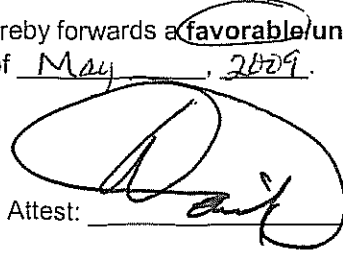
The Shelby County Plan Commission, having heard the application for rezoning described above and all opposition from parties claiming to be adversely affected thereby, has considered the request based on the provisions of Indiana law and forwards the following findings and recommendation to the Shelby County Commissioners:

1. The request is not (circle one) consistent with the Shelby County Comprehensive Plan because: the land to be rezoned is for use by a family member and is located in close proximity to Little Marion
2. The request is not (circle one) consistent with the current conditions and the character of structures and uses in each zoning district because: only one single-family home will be constructed on the subject 5.00-acre rezoned area. The other homes on 375 N are on similar large lots.
3. The request is not (circle one) consistent with the most desirable use for which the land in each district is adapted because: the subject 5.00 acres is well-suited to accommodate a single-family home (soils, drainage, access, etc).
4. The request is not (circle one) consistent with the conservation of property values throughout the jurisdiction because: the construction of the new home on the property will increase the property's value and the value of property in the area
5. The request is not (circle one) consistent with responsible growth and development because: it is in close proximity to Little Marion and is for a family member of the petitioner

Based on the findings described above, the Plan Commission hereby forwards a favorable unfavorable (circle one) recommendation to the County Commissioners this 27th day of May, 2009.

Shelby County Plan Commission

By: 
President

Attest: 
Secretary

REZONING APPLICATION

Shelby County Plan Commission
25 West Polk Street, Room 201
Shelbyville, Indiana 46176

LETTER OF INTENT


GERALD AND PATRICA CRAFTON , RESIDING AT 1546 E 375 N, PROPOSE TO DEED REAL ESTATE TO OUR SON, DANIEL PATRICK CRAFTON AND HIS WIFE, CHRISTINA CRAFTON, FOR THE PURPOSE OF BUILDING THEIR FAMILY HOME.

FIVE (5) ACRES WOULD BE DEDUCTED FROM THE WEST END OF 23.93 ACRES OWNED BY GERALD AND PATRICIA CRAFTON. THE PROPERTY LINE ON THE WEST WOULD CONTINUE TO BORDER 7 ACRES OWNED BY DANIEL'S AUNT, MARY KAY STILLABOWER. THE NEW PROPERTY LINE ON THE EAST WOULD MARK OFF THE 5 ACRES FROM THE 23.93 ACRES - PT NW & NE COR NE NW 16 13 7 23.93. THE REMAINING PARCEL, 18.93 ACRES, WOULD CONTINUE TO BE USED AS FARM GROUND. OUR REQUEST IS TO HAVE THIS 5 ACRES REZONED RE (RESIDENTIAL ESTATE).

THE ONE LEVEL RANCH HOME IS TO BE BUILT OF BRICK AND WILL HAVE 3 BEDROOMS AND 2 ½ BATHS. THE ATTACHED DOUBLE GARAGE WILL BE ON THE WEST END ON THE HOME.

RESPECTFULLY SUBMITTED,

GERALD CRAFTON



PATRICIA CRAFTON



2007 PAYABLE 2008

29.93 acres

18.93 acres

0.5 acres

Morrisfork Rd

7 acres

Mary Stillbauer
sister of
Gerald Crafton

Proposed
home site
for
Daniel and
Christine
Crafton
6 acres

Home Site
of
Gerald and
Patricia
Crafton
5 acres

Road
Woods

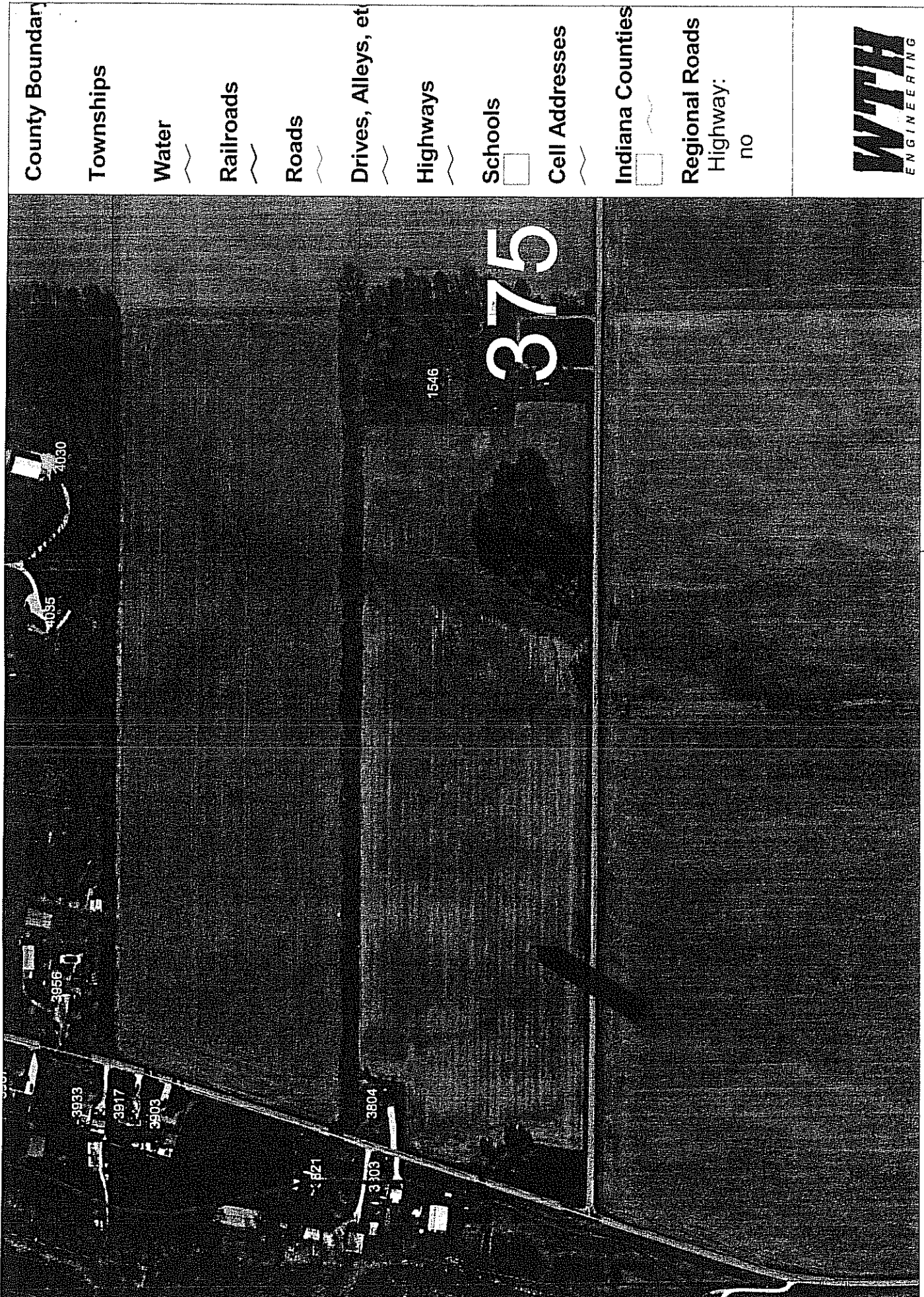
375 N

1546 E

2007 PAYABLE 2008		DUPLICATE NUMBER		GROSS TAX		TAX BREAKDOWN		LEGAL DESCRIPTION		FIRST INSTALLMENT (SPRING)	
MAKE ALL CHECKS PAYABLE TO Kathy A. Plunkett SHELBY COUNTY TREASURER 25 W. Polk St, Room 102 Shelbyville, IN 46176		2714		GROSS TAX		CREDITS		Total		TOTAL	
PARCEL NUMBER 73-07-16-100-009-000-012		73-07-16-100-009-000-012		0.00		HOMESTEAD		154.15		1,980.00	
TAXING UNIT NAME MARION		MARION		0.00		REPLACEMENT		46.88		37,366.30	
GROSS VALUE		TAXABLE VALUE		0		CIRCUIT BREAKER		0.00		23,319.00	
DEDUCTIONS		DEDUCTIONS		0		201.03		0.00		16,132.00	
BREAKDOWN		BREAKDOWN		20200		0.00		0.00		2,000.00	
GERALD & PATRICIA CRAFTON 1546 E 375 N SHELBYVILLE IN 46176		GERALD & PATRICIA CRAFTON 1546 E 375 N SHELBYVILLE IN 46176		0.00		0.00		0.00		0.00	
LEGAL DESCRIPTION		LEGAL DESCRIPTION		0.00		0.00		0.00		0.00	
PT NW & NE COR NE NW 16 13 7 23.93 AC		PT NW & NE COR NE NW 16 13 7 23.93 AC		0.00		0.00		0.00		0.00	
DEEDED OWNER		DEEDED OWNER		0.00		0.00		0.00		0.00	
Crafton, Gerald & Patricia		Crafton, Gerald & Patricia		0.00		0.00		0.00		0.00	
ACRES		ACRES		23.93		23.93		23.93		23.93	
MAP NUMBER		MAP NUMBER		024-13014-00		024-13014-00		024-13014-00		024-13014-00	
TOTAL DUE		TOTAL DUE		154.15		154.15		154.15		154.15	
01/15/2009		01/15/2009		0.00		0.00		0.00		0.00	

154.15

TOTAL DUE
01/15/2009



County Boundary

Townships

Water >

Railroads >

Roads >

Drives, Alleys, et >

Highways >

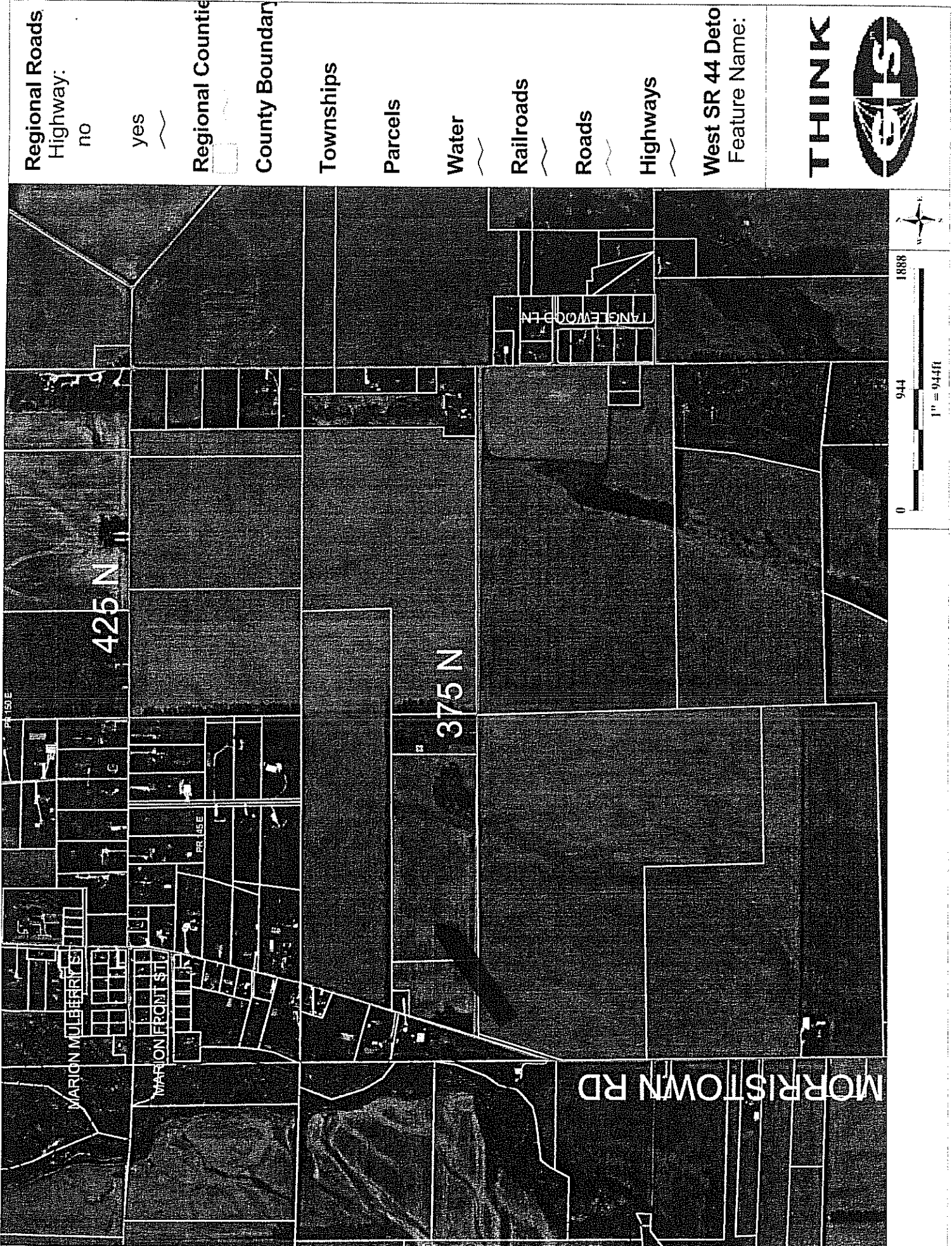
Schools

Cell Addresses >

Indiana Counties

Regional Roads
Highway: no





Regional Roads Highway:

no

yes



Regional Counties



County Boundary

Townships

Parcels

Water



Railroads



Roads



Highways



West SR 44 Deto

Feature Name:

THINK



1888

944

1" = 944ft

0

APPLICATION FOR REZONING
FINDINGS OF FACT BY THE SHELBY COUNTY PLAN COMMISSION

Applicant: Gerald & Patricia Crafton

Case #: _____

Location: 375 N Marion Twp Shelby Co IN

The Shelby County Plan Commission, having heard the application for rezoning described above and all opposition from parties claiming to be adversely affected thereby, has considered the request based on the provisions of Indiana law and forwards the following findings and recommendation to the Shelby County Commissioners:

1. The request is not (circle one) consistent with the Shelby County Comprehensive Plan because: the land to be rezoned for use by a family member and is in proximity to Little Marion.
2. The request is not (circle one) consistent with the current conditions and the character of structures and uses in each zoning district because: the land is to be used by our son, Daniel Patrick Crafton, for a single family residence and is close to Little Marion
3. The request is not (circle one) consistent with the most desirable use for which the land in each district is adapted because: to the west is land owned by Gerald's sister, Mary Kay Stillhower, and to the east is our family home.
4. The request is not (circle one) consistent with the conservation of property values throughout the jurisdiction because: the home plan selection, both in appearance and square footage, will add property value to the Little Marion area.
5. The request is not (circle one) consistent with responsible growth and development because: of similarity to our home and to the homes in the Little Marion area

Based on the findings described above, the Plan Commission hereby forwards a **favorable/unfavorable** (circle one) recommendation to the County Commissioners this _____ day of _____, _____.

Shelby County Plan Commission

By: _____
President

Attest: _____
Secretary

**AFFIDAVIT OF NOTICE TO INTERESTED PARTIES
PUBLIC HEARING OF THE SHELBY COUNTY PLAN COMMISSION**

STATE OF INDIANA)
COUNTY OF SHELBY) SS:

I, Daniel P. Crafton, DO HEREBY CERTIFY THAT NOTICE TO INTERESTED
(Name of person mailing letters)

PARTIES OF THE PUBLIC HEARING BY THE SHELBY COUNTY PLAN COMMISSION, to consider the application

of: Gerald & Patricia Crafton
(Name of person on application)

Requesting: Approval to rezone an approx 2 acre section of an
overall 23.93 acre parcel from an A1 zoning to an RE zoning
district.

For Property Located at: 1390 E 375 N.

Was sent to the following owners and addresses as listed in the Plat Books of the Shelby County Auditor's Office (attach additional sheets if necessary):

OWNERS	ADDRESS
<u>Lucille Kinville & Patricia Roberts</u>	<u>2997 E. 350 N, Shelbyville 46176</u>
<u>John, Peter & Anne Deprez</u>	<u>3427 N. 200 E., Shelbyville 46176</u>
<u>Mary Stillabower</u>	<u>2275 Godfrey Ave., Spring Hill, FL 34609</u>
<u>Feltz B&J Farms Inc.</u>	<u>2443 E. Marion Rd., Shelbyville 46176</u>
<u>Lynn & Kimberly VanSickle</u>	<u>3504 N. Morristown Rd., Shelbyville 46176</u>
_____	_____
_____	_____
_____	_____

And that said notices were sent on or before the 29th day of April, 2009, being at least ten (10) days prior to the date of the Public Hearing.

Daniel P. Crafton
(Name of person mailing the letters)

State of Indiana)
County of Shelby) SS:

Subscribed and sworn to before me this 7th day of April, 2009.

Amanda L. Waltermann, AMANDA L. WALTERMAN
Notary Public Printed

Residing in Decatur County My Commission expires May 11, 2016

