

ZONING ORDINANCE NO. 2010-09

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 2265 East 850 North, Morristown, 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 Van Buren 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 +/- 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 sub-section:

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

Estate:

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

See attached map and legal description of subject rezone tract.

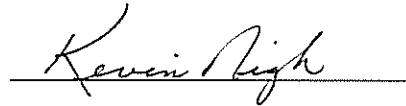
Section 3: Effective Date. This ordinance shall be in full force and effect from and after its adoption by the Board of Commissioners of Shelby County, Indiana.

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 All ordinances and parts of ordinances in conflict with the specific amendment herein are hereby repealed.

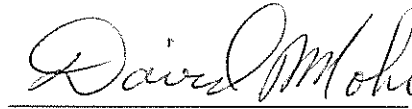
ADOPTED this 29 day of March, 2010, by a vote of 3 ayes and
0 nays of members of the Board of Commissioners of Shelby County, Indiana.



Tony Newton, President

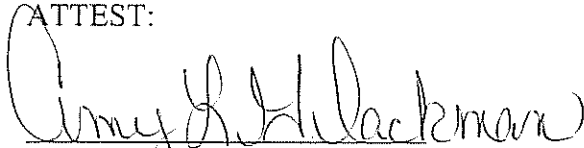


Kevin Nigh, Member

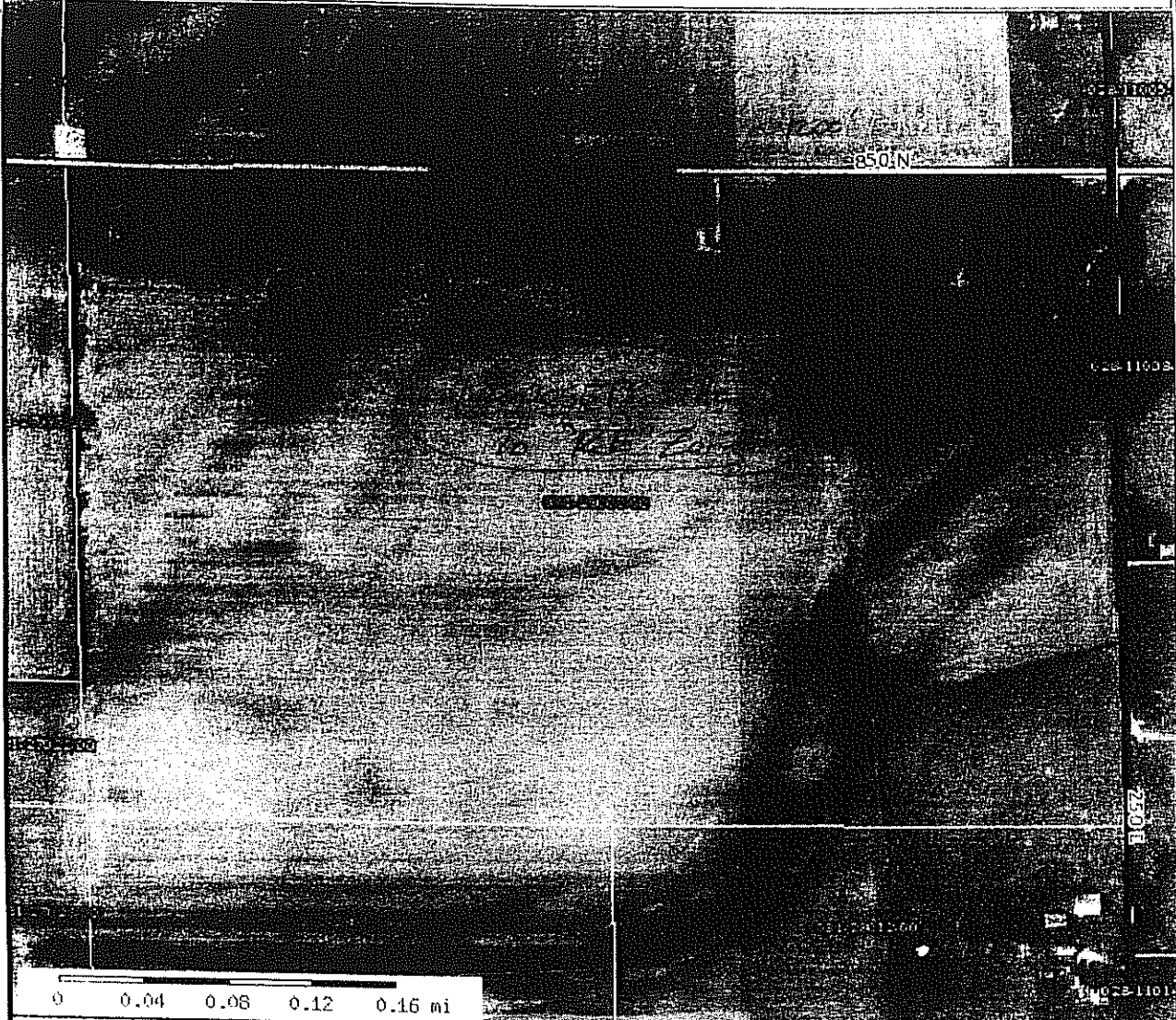


David Mohr, Member

ATTEST:



Amy Glackman, Auditor
Shelby County, Indiana



Description for Cole, 5.000 acres Rezoned to "RE", (Dated 2-20-10)

A part of the Southwest quarters of Section 22, Township 14 North, Range 7 East, Van Buren Township, Shelby County Indiana. Being more particularly described as follows:

Commencing at the Northeast corner of the said quarter section, said point being a Railroad Spike; thence South 89 degrees 44 minutes 38 seconds West, along the North line of the said quarter section a distance of 1167.99 feet to a Mag Nail, said point also being the POINT OF BEGINNING; thence South 35 degrees 00 minutes 00 seconds West, a distance of 105.88 feet to a 5/8" capped rebar stamped "Powell 29800024" (hereinafter called a capped rebar); thence South 0 degrees 15 minutes 22 seconds East, a distance of 308.54 feet to a capped rebar; thence South 89 degrees 44 minutes 38 seconds West, parallel to the North line of the said quarter section a distance of 544.70 feet to a capped rebar; thence North 0 degrees 15 minutes 22 seconds West, a distance of 395.00 feet to a Mag Nail set on the North line of the said quarter section; thence North 89 degrees 44 minutes 38 seconds East, along the North line of the said quarter section a distance of 605.82 feet to the POINT OF BEGINNING said described tract containing 5.000 acres, more or less and being subject to the 25 foot half right of way of County Road 850 North, also subject to any and all easements, right of ways and restrictions.

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

Shelby County Plan Commission

March 24, 2010

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

RE: Rezone 10-08: Gaylord Cole

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 2265 East 850 North in Van Buren Township filed by Gaylord Cole.

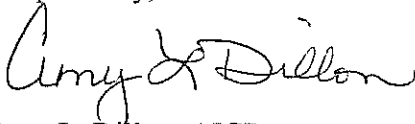
- 1.) The Plan Commission heard the application on March 23, 2010 at a public hearing held at the Shelby County Courthouse Annex Room 208A. Proper notice was given prior to the meeting to all interested parties and by publication in the Shelbyville News as required by ordinance. Nine members of the Plan Commission were present.
- 2.) The petitioners were represented by Jeffery Powell, LS.
- 3.) Jeff Powell made a formal presentation regarding the petition to the Plan Commission.
- 4.) Prior to the meeting on March 23, 2010, the petitioner had presented the Plan Commission with the following information.
 - a.) Rezone Application.
 - b.) Property description and aerial photo of the property to be rezoned.
 - c.) Written Findings of Fact.
- 5.) Public comment was solicited and considered by the Plan Commission.
 - a.) No one made formal public comment about the petition.

- 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 subject 5.00 +/- acres from A1 to RE to the County Commissioners with the following stipulations:
 - a. Should the platting of the subdivision not commence within two years, then the property shall revert to its original conservation agricultural (A1) zoning designation.
 - b. No more than two lots shall be created on the overall parent tract.

The Plan Commission approved the motion by a vote of 9 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,

A handwritten signature in cursive script that reads "Amy L. Dillon".

Amy L. Dillon, AICP
Executive Director

Copy to: File
Jeffery Powell

REZONING APPLICATION

Shelby County Plan Commission
25 West Polk Street, Room 201
Shelbyville, IN 46176
P: 317.392.6338 F: 317.421.8365

For Office Use Only	
Case #:	_____
Hearing Date:	_____
Fees:	_____
Approved	Denied

1. Applicant/Property Owner:

Applicant:

Name: Gaylor Cole _____
Address: 8437 N 250 E _____
Shelbyville, IN 46176 _____
Phone Number: 765-763-7110 _____
Fax Number: _____
E-mail Address: _____

Owner:

Name: Same _____
Address: _____
Phone Number: _____
Fax Number: _____

2. Applicant's Attorney/Contact Person and Project Engineer (if any):

Attorney/Contact Person:

Name: None _____
Address: _____
Phone Number: _____
Fax Number: _____

Project Engineer:

Name: Powell Land Surveying _____
Address: _____
Phone Number: _____
Fax Number: _____

3. Project Information:

General Location of Property (and address if applicable): _____
~1200' West of CR 250 East on the South side of CR 850 North
22405 E 850 N

Current Use: Farming _____
Current Zoning: A1 _____
Proposed Use: Residential _____
Proposed Zoning: RE _____
Area (in acres): 5 Acres _____

4. Attachments:

- Affidavit & Consent of Property Owner (if applicable)
- Proof of ownership (copy of deed)
- Letter of Intent
- Site Plan

- Vicinity Map
- Application Fee
- Legal Description

The undersigned states the above information is true and correct as (s)he is informed and believes.

Signature of Applicant: *Gaylor Cole* Date: 2-23-10

State of Indiana)
County of Shelby) SS:

Subscribed and sworn to before me this 23 day of February, 2010
Christine K. Brinson | *Christine K. Brinson*
Notary Public - Signed Printed

Residing in Shelby County My Commission expires 02/17/2014

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

STATE OF INDIANA
COUNTY OF SHELBY

)
) SS:

I, *Jeffrey Powell*, 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: Gaylord Cole
(Name of person on application)

Requesting: Rezone 5 acres from "A1" to "RE" for a single building lot.

For Property Located at: ~1200' West of CR 250 East on the South side of CR 850 North

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):

<u>OWNERS</u>	<u>ADDRESS</u>			
Faut, Kenneth G & Marilyn W	2235 W U S 52	New Palestine	IN	46163
Ballard, Edy & Roy	8599 N 250 E	MORRISTOWN	IN	46161
Burton, Sammie & Mildred H	10704 N Asbury RD	Morristown	IN	46161
Freeland, Ruthann	339 Granada Place	WHITELAND	IN	46184
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

And that said notices were sent on or before the 25 day of Feb., 2010, being at least ten (10) days prior to the date of the Public Hearing.

Jeffrey Powell
(Name of person mailing the letters)

State of Indiana)
County of Shelby) SS:

Subscribed and sworn to before me this 25 day of February, 2010

Christine K. Brinson , Christine K. Brinson
Notary Public Printed

Residing in Shelby County My Commission expires 02/17/2016

NOTICE OF PUBLIC HEARING
BY THE
SHELBY COUNTY PLAN COMMISSION

Notice is hereby given that the Shelby County Plan Commission will hold a Public Hearing on March 23, 2010 at 7:00 Pm in Conference Room 208A at the Shelby County Courthouse Annex to consider a petition by Gaylord Cole to allow the following:

Rezone 5 acres from "A1" to "RE" for a single building lot.

(Type a brief description of request)

The property is located ~1200' West of CR 250 East on the South side of County Road 850 North between County Road 250 East and County Road 150 East in section 22 of Van Buren Township and also described by the following:

100 acres off the North end of the Southwest quarter of Section 22, Township 14 North, Range 7 East, Shelby County Indiana.

The application may be examined at the office of the Shelby County Plan Commission located in the Courthouse Annex at 25 West Polk Street, Room 201, Shelbyville, Indiana, 46176, Monday through Friday between the hours of 8:00 AM and 4:00 PM.

Written comments in support of or in opposition to the Petition may be filed with or mailed to the Plan Commission Director prior to the Public Hearing at the above address or filed with the Plan Commission Secretary at the Public Hearing. Said Public Hearing will be open to the public and any objectors will be heard at this meeting. Hearings may be continued from time to time as may be necessary.

Plan Commission
Representative

Title

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

Applicant: Gaylord Cole _____

Case #: _____

Location: ~1200' West of CR 250 East on the South side of CR 850 North _____

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** consistent with the Shelby County Comprehensive Plan because: it requires the land to be rezoned to a "RE" zoning for residential use. _____

2. The request **is** consistent with the current conditions and the character of structures and uses in each zoning district because: the proposed building site is being placed next to non-tillable ground and would not interrupt farming practices. _____

3. The request **is** consistent with the most desirable use for which the land in each district is adapted because: the proposed building will not interrupt the farming practices of the remaining ground. _____

4. The request **is** consistent with the conservation of property values throughout the jurisdiction because: it will raise the value of the land that is being rezoned. _____

5. The request **is** consistent with responsible growth and development because: it will have little effect on the existing land use. _____

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

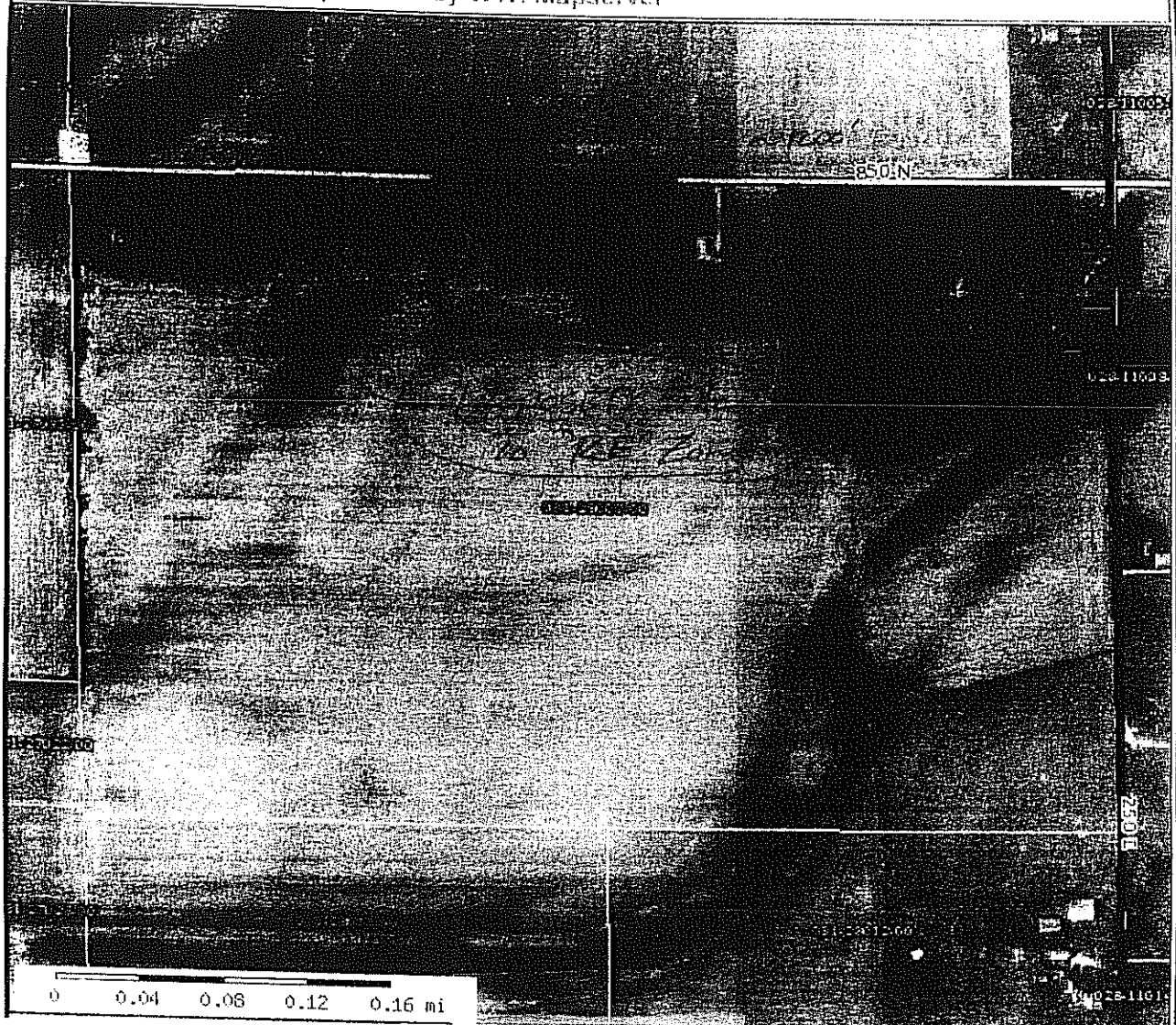
Shelby County Plan Commission

By: _____

President

Attest: _____

Secretary



Description for Cole, 5,000 acres Rezoned to "RE", (Dated 2-20-10)

A part of the Southwest quarters of Section 22, Township 14 North, Range 7 East, Van Buren Township, Shelby County Indiana. Being more particularly described as follows:

Commencing at the Northeast corner of the said quarter section, said point being a Railroad Spike; thence South 89 degrees 44 minutes 38 seconds West, along the North line of the said quarter section a distance of 1167.99 feet to a Mag Nail, said point also being the POINT OF BEGINNING; thence South 35 degrees 00 minutes 00 seconds West, a distance of 105.88 feet to a 5/8" capped rebar stamped "Powell 29800024" (hereinafter called a capped rebar); thence South 0 degrees 15 minutes 22 seconds East, a distance of 308.54 feet to a capped rebar; thence South 89 degrees 44 minutes 38 seconds West, parallel to the North line of the said quarter section a distance of 544.70 feet to a capped rebar; thence North 0 degrees 15 minutes 22 seconds West, a distance of 395.00 feet to a Mag Nail set on the North line of the said quarter section; thence North 89 degrees 44 minutes 38 seconds East, along the North line of the said quarter section a distance of 605.82 feet to the POINT OF BEGINNING said described tract containing 5,000 acres, more or less and being subject to the 25 foot half right of way of County Road 850 North, also subject to any and all easements, right of ways and restrictions.

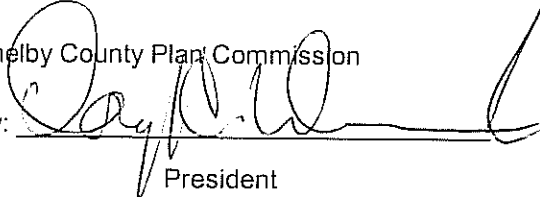
APPLICATION FOR REZONING
FINDINGS OF FACT BY THE SHELBY COUNTY PLAN COMMISSION


Applicant: Gaylord Cole
Case #: Z RZ 2010-08
Location: 2265 E 850 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 Plan states that the County should, "Provide opportunities for minor subdivisions in agricultural areas."
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 proposed rezone area and subsequently the proposed residential lot will meet or exceed all of the minimum requirements for a lot zoned RE.
3. The request is not (circle one) consistent with the most desirable use for which the land in each district is adapted because: the petitioner plans to deed the subject rezone acreage to a relative, and the Comprehensive Plan supports rezones and minor subdivisions for family members.
4. The request is not (circle one) consistent with the conservation of property values throughout the jurisdiction because: adding the proposed home will increase property values in the area.
5. The request is not (circle one) consistent with responsible growth and development because: it is for only one single-family home for a family member of the property owner.

Based on the findings described above, the Plan Commission hereby forwards a favorable unfavorable (circle one) recommendation to the County Commissioners this 23rd day of March, 2010.

Shelby County Plan Commission
By: 
President

Attest: 
Secretary