

# Shelby County Plan Commission

January 25, 2022 at 7:00 PM

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# MEETING AGENDA

Shelby County Plan Commission  
January 25, 2022 at 7:00 P.M.

## CALL TO ORDER

## ROLL CALL

**ELECTION OF OFFICERS - Continued to February 22, 2022**

**PC APPOINTMENT TO THE BZA - Continued to February 22, 2022**

**PC APPOINTMENT OF BZA HEARING OFFICER - Continued to February 22, 2022**

## ATTORNEY CONTRACT

## APPROVAL OF MINUTES

Minutes from the October 26, 2021 meeting.

## OLD BUSINESS

**RZ 21-17 – COMBINED ASSET DEVELOPMENT, LLC REZONING:** Findings of Fact

**RZ 21-19 – PENNINGTON REZONING:** Rezoning of 2 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District. Located on the east side of N 350 W., ¼-mile south of W 200 N, Brandywine Township.

**SD 21-11 – PENNINGTON SIMPLE SUBDIVISION:** Subdivision of one 2-acre building lot from a 40-acre parent tract. Located on the east side of N 350 W., ¼-mile south of W 200 N, Brandywine Township.

## NEW BUSINESS

**RZ 22-01 – MT. GILEAD BAPTIST CHURCH REZONING:** Rezoning of 0.25 acres from the M2 (Multiple-Family Residential) District to the IS (Institutional) District to allow for use of the property for church-related purposes. Located at 4449 S Smithland Rd, Shelbyville, Hendricks Township.

**RZ 22-02 – KUHN REZONING:** Rezoning of 9.9 acres from the A2 (Agricultural) District to the RE (Residential Estate) District. Located at 475 N 800 E, Shelbyville, Union Township.

**SD 22-01 – JEFFREY KUHN SIMPLE SUBDIVISION:** Subdivision of 9.9 acres into a 5.78-acre lot and a 4.119-acre lot. Located at 475 N 800 E, Shelbyville, Union Township.

## DISCUSSION

Annual Report.

## ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **February 22, 2022 at 7:00 PM.**

**REZONING  
FINDINGS OF FACT**

**Applicant:** Combined Asset Development, LLC

**Case #:** RZ 21-17

**Location:** West of and adjoining 4324 E SR 244, Shelbyville, Liberty Township

1. The request **is NOT** consistent with the Shelby County Comprehensive Plan because:

*The Comprehensive Plan does not recommend use of the property for industrial purposes.*

2. The request **is NOT** consistent with the current conditions and the character of structures and uses in each district because:

*The petitioner did not provide adequate means to mitigate impacts to groundwater or drainage patterns within the area. The petitioner did not adequately demonstrate that the proposed use would not pose noise, traffic, or visual impacts to surrounding residential properties.*

3. The request **is NOT** consistent with the most desirable use for which the land in each district is adapted because:

*The petitioner did not provide adequate means to mitigate impacts to groundwater or drainage patterns within the area. The petitioner did not adequately demonstrate that the proposed use would not pose noise, traffic, or visual impacts to surrounding residential properties.*

4. The request **is NOT** consistent with the conservation of property values throughout the jurisdiction because:

*Development of the property for the proposed use could negatively impact property values of lower intensity uses in the area.*

5. The request **is NOT** consistent with responsible growth and development because:

*The petitioner did not provide adequate means to mitigate impacts to groundwater or drainage patterns within the area. The petitioner did not adequately demonstrate that the proposed use would not pose noise, traffic, or visual impacts to surrounding residential properties. The Comprehensive Plan does not recommend use of the property for industrial purposes.*

Property Details

**Location:** East side of N 350 W., ¼-mile south of W 200 N, Brandywine Township

**Property Size:** 2 acres.

**Current Land Use:** Agricultural.

**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. Use this zoning district for existing developments and carefully for new residential development. Large subdivisions on well and septic systems are not favored.*

**Future Land Use per Comp Plan**  
 Agricultural  
*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	A1	Cropland
West	A1	Cropland

# Staff Report

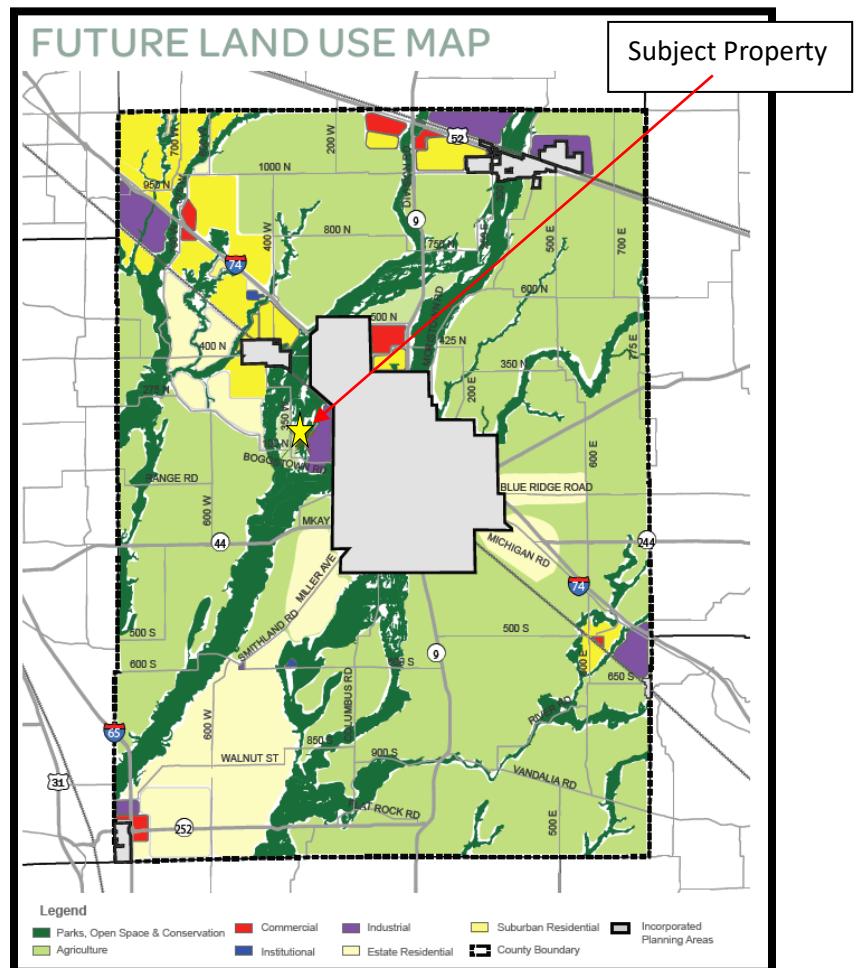
**Case Number:** RZ 21-19 / SD 21-11  
**Case Name:** Pennington Rezoning – A1 (Conservation Agricultural) to RE (Residential Estate) & Pennington Simple Subdivision

## Requests

**Rezoning** of 2 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision.

**Simple Subdivision** of one 2-acre building lot from a 40-acre parent tract.

## Future Land Use Map



## Property Map

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## Case Description

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- Approval of the requests would allow for development of one single-family residential building lot.
- The plat states that a homesite previously existed on the proposed lot. A barn previously existed northeast of the proposed lot.
- The USDA Soil Survey classifies approximately 75% of the site as 'Prime Farmland' and approximately 25% of the site as 'Prime Farmland if Drained.'

## Staff Analysis Findings of Fact

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**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**

Subdivision of one building lot from a 40-acre parent tract would not conflict with the density of rural residential development in the area.

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

Development of the property would increase the value of the property. The property includes area not currently used for crop production.

**3. The Conservation of Property Values throughout the Jurisdiction**

Development of the property for residential purposes has no perceivable impact on property values throughout the jurisdiction.

**4. Responsible Development and Growth**

Approval of the rezoning would result in a minimal increase in the density of residential development in the area.

**5. The Comprehensive Plan**

Approval of the rezoning would not result in an overall residential density of the area exceeding one lot for every five acres. Therefore, approval of the rezoning would not significantly conflict with the Agricultural land use recommendation of 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.
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**

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**APPROVAL** of the **Rezoning** and **Simple Subdivision** primarily because approval would result in a minimal increase in the overall residential density of the surrounding agricultural area and therefore not impact the character of the area.

*Applicant/Owner Information*

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Applicant:	Debra Pennington 1469 N 350 W Shelbyville, IN 46176	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
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Owner: Same

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

Applicant: Scott Sumnerford for Debra Pennington

Case #: RZ 21-19

Location: east side of CR 350W, 1686 N 350 W, Shelbyville SW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>, Sec. 27-13-6

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/is not** (circle one) consistent with the Shelby County Comprehensive Plan because: \_\_\_\_\_

There are currently 9 RE zoned properties within a 1/2 mile radius of this site.

2. The request **is/is not** (circle one) consistent with the current conditions and the character of structures and uses in each zoning district because: \_\_\_\_\_

There are several 3-5 acre tracts on the next road over (325W), except for the client's farmstead across the street, this would be consistent with what already exists.

3. The request **is/is not** (circle one) consistent with the most desirable use for which the land in each district is adapted because: \_\_\_\_\_

The proposed lot was a previous homestead that was torn down several years ago. A portion of the lot hasn't been farmed.

4. The request **is/is not** (circle one) consistent with the conservation of property values throughout the jurisdiction because: \_\_\_\_\_

New construction along this road will add to the growing Fairland area.

5. The request **is/is not** (circle one) consistent with responsible growth and development because: \_\_\_\_\_

This request will re-utilize an abandoned area of this farm.

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



PLAN COMMISSION APPROVAL

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

By: President, Douglas Wannecke

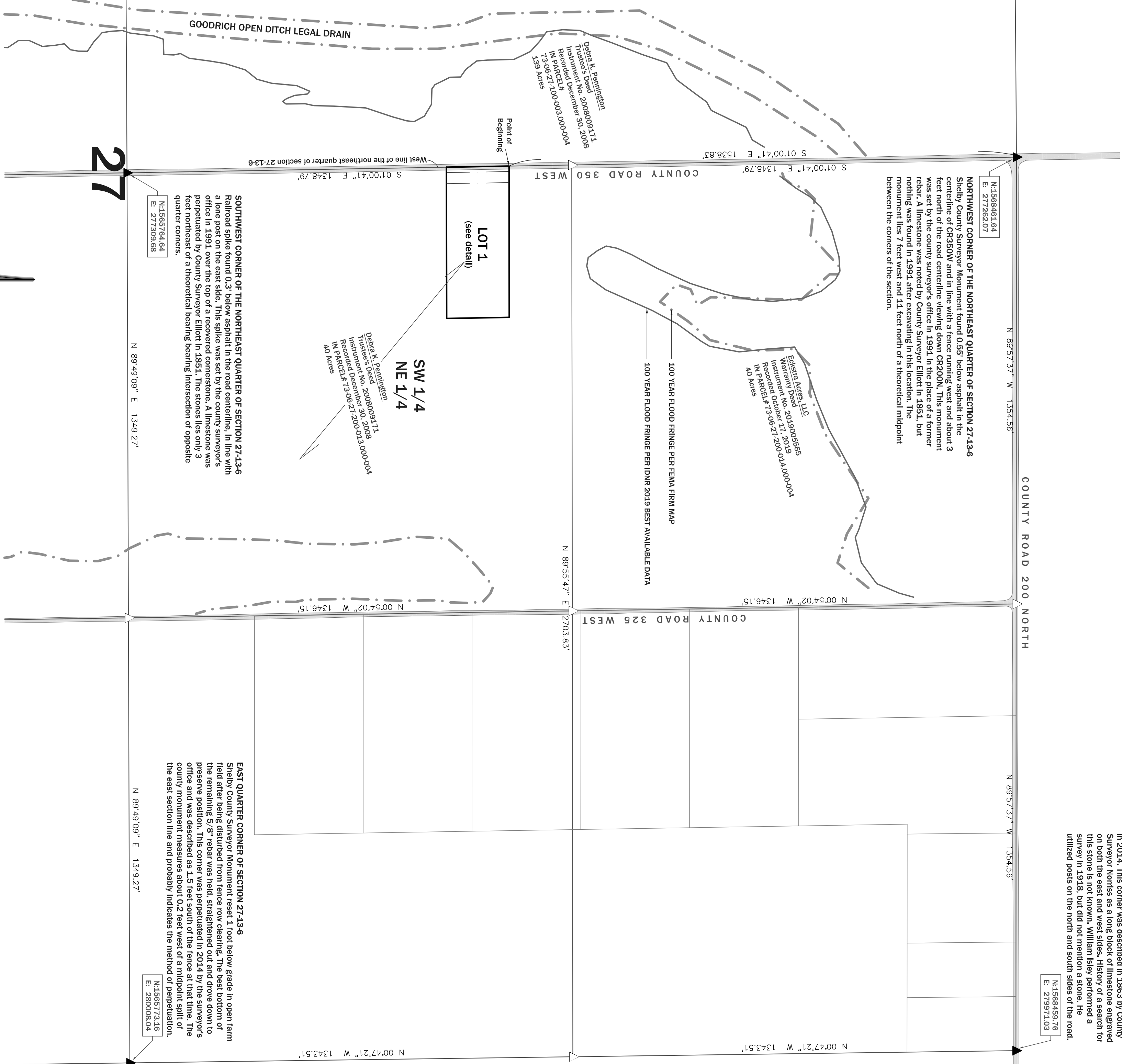
Date: \_\_\_\_\_

By: Secretary, Scott Garbhard

Date: \_\_\_\_\_

FINAL PLAT FOR

PENNINGTON SUBDIVISION

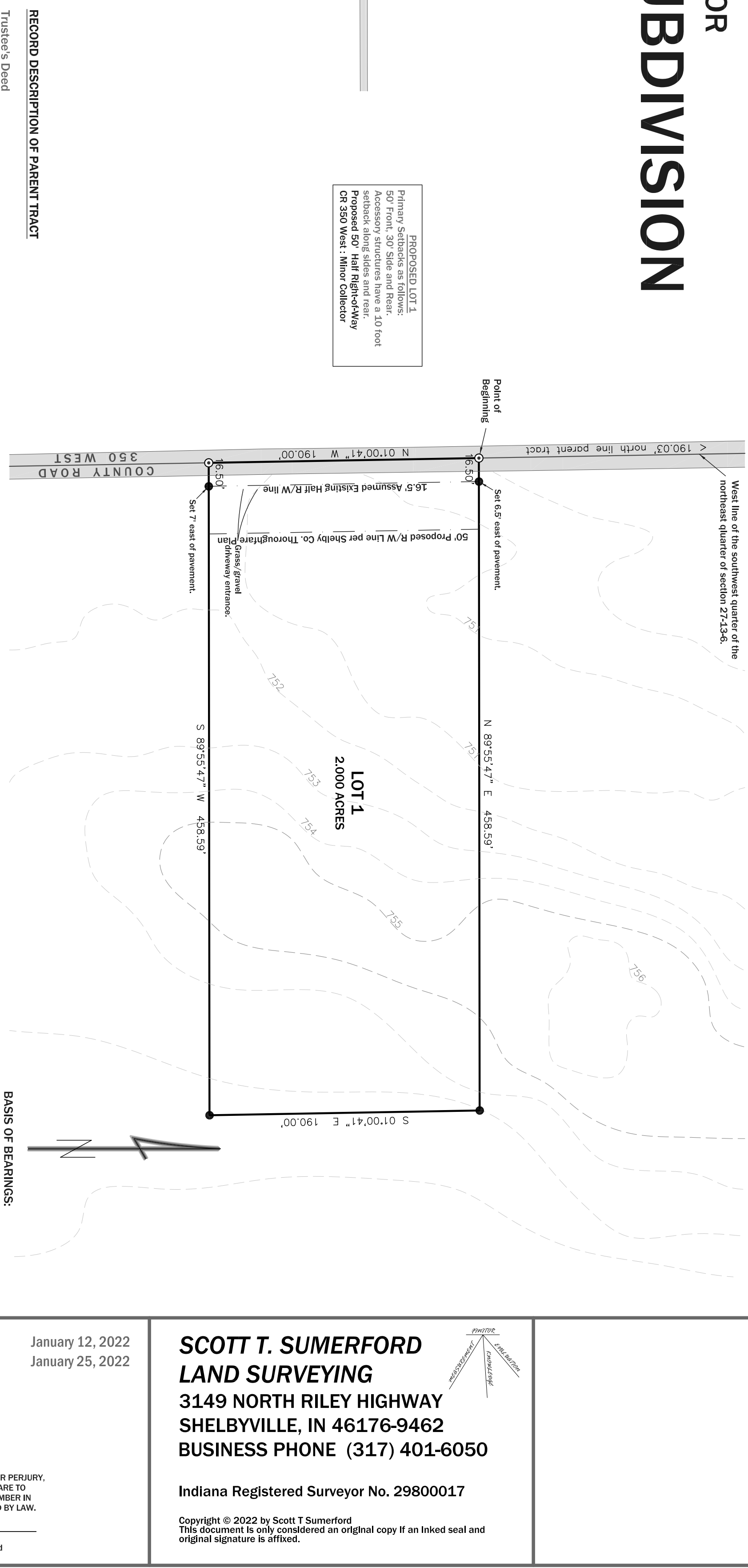


**INDIANA STATE PLANE GRID COORDINATE VALUE**  
N: 157523.40 E: 282523.07  
DATUM: NAD83(2011)

**LEGEND**  
▲ SECTION CORNER RESPECTIVE TO CORNER SHELDY COUNTY SURVEYOR THE SHEETS  
▽ SECTION CORNER PER OLDER COUNTY SURVEYOR RECORD BOOKS OR BEST AVAILABLE EVIDENCE (EAST ZONE 1301)  
MONUMENT OR SUBSTANTIAL OCCUPATION FOUND

**BASIS OF BEARINGS:**  
INDIANA STATE PLANE GRID (EAST ZONE 1301)  
SCALE: 1 INCH = 200 FEET

**SECTION CORNER PER OLDER COUNTY SURVEYOR RECORD BOOKS OR BEST AVAILABLE EVIDENCE (EAST ZONE 1301)**  
MONUMENT OR SUBSTANTIAL OCCUPATION FOUND



**RECORD DESCRIPTION OF PARENT TRACT**  
Trustee's Deed  
Instrument No. 2008090171, Recorded December 30, 2008  
Meloy Trust under Will of Thomas F. Meloy  
to  
Debra K. Pennington  
The Southwest Quarter of the Northeast Quarter of Section 27 in Township 13 North and Range 6 East, containing 40 Acres, more or less.

**LEGAL DESCRIPTION OF LOT 1**  
Part of the southwest quarter of the northeast quarter of Section Twenty-seven (27), Township Thirteen (13) North, Range Six (6) East of Brandywine Township, Shelby County, Indiana, being part of survey Job #13NE627-21-100 by Scott T. Sumnerford, RL#29800017, certified January 25, 2022 and being more particularly described as follows:  
Commencing at the northwest corner of the northeast quarter of said section 27-136-6, said point marked by a Shelby County Surveyor Monument; thence along the west line of said northeast quarter, South 01° 00' 42" East (basis of bearings being Indiana State Plane East Zone) 1538.53 feet to a magall and washer stamped "S. Sumnerford 9800017" on the west line of the southwest quarter of said northeast quarter; said point being the point of beginning of the herein described tract;  
Thence North 89° 55' 47" East 458.59 feet to a capped rebar stamped "S. Sumnerford 29800017"; thence parallel with the west line of said quarter quarter section, South 01° 00' 42" East 190.00 feet to a magall and washer stamped "S. Sumnerford 29800017"; thence South 89° 55' 47" West 458.59 feet to a magall and washer stamped "S. Sumnerford 9800017" on the west line of said quarter quarter section; thence along said west line, North 01° 00' 42" West 190.00 feet to the point of beginning, containing 2.000 acres.

**IN ACCORDANCE WITH TITLE 865, ARTICLE 1, CHAPTER 12, SECTION 12.1, 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 parent tract is the southwest quarter of the northeast quarter and has been theoretically broken down as shown in the adjacent sketch. The four corners of the subject northeast quarter have all been perpetuated by the county surveyor's office. The interior sixteen (16) quarter corners were calculated at splices since there was no recovered evidence to the contrary. There were several surveys by Face Engineering from the 1970s and a couple of follow up surveys by them in the early 1990s lying in the eastern half of the quarter. The road monuments were PK nails and they could not be detected or recovered. The drawings indicated corners by appearance with spalls as well.

**B) Occupation or possession lines**  
- Lot 1 was located as picked out by the client. There was a previous barn located to the northeast of the northeast corner of the lot. This area was cleared and will be returned to growing row crops.

**C) Clarity or ambiguity of record descriptions**  
- The client owns on both sides of the road and descriptions are all aliquot in nature. There are no conflicts in title.

**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.

**SURVEY CERTIFICATION**  
I hereby certify that this survey was performed under my direct supervision and to the best of my knowledge and belief was executed to minimum standards of practice as contained in Rule 12, of Title 865, Article 1 of the Indiana Administrative Code.  
DATE: January 25, 2022

Signed: \_\_\_\_\_  
Scott T. Sumnerford Registration Number: 9800017

**OWNERSHIP CERTIFICATE**  
I, Debra K. Pennington of Shelby County, Indiana, do hereby certify that I am the owner of the property described in the above captioned and that as such owner have caused the property to be surveyed and subdivided as shown on the hereon drawn plat, as my own free and voluntary act and deed.

**NOTARY PUBLIC**  
Debra K. Pennington \_\_\_\_\_ (Seal)  
State of Indiana )  
County of Shelby )  
I hereby certify that \_\_\_\_\_ a Notary Public in and for said County and State, do personally know to me to be the same person whose name is subscribed to the above certificate appeared before me this day in person and acknowledge that they signed the above certificate as their own free and voluntary act and deed for the uses and purposes therein set forth.  
Given under my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_  
Notary Public \_\_\_\_\_ (Seal)

**NOTES**  
- Lot 1 is being rezoned to RE (Residential Estate) from an A1 (Conservation Agricultural) zoning. The rezoning was approved on \_\_\_\_\_ by the Commissioners of Shelby County.  
- At least three deciduous trees with a caliper measurement over 4in shall be preserved on the lot.  
- Lot 1 does not lie within a special flood hazard area per effective FEMA Flood Insurance Rate Map Panel Number 18145C01156, dated November 5, 2014, nor does it lie within a flood zone according to the 2019 Indiana Best Available Floodplain Layer. An approximate flooding elevation of 750.4 feet was obtained from the Indiana DNR Floodplain Information Portal for the middle of the lot. The contributing flooding stream is the Goodrich Ditch which lies across the road.

**INDIANA TITLE 865 BOUNDARY SURVEY**

**JOB LOCATION**  
PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, SECTION 27 TOWNSHIP 13 NORTH, RANGE 6 EAST, BRANDYWINE TWP., SHELBY COUNTY, IN

**CLIENT**  
Debra Pennington  
1469 N 350 W  
Shelbyville, IN 46176

**PROJECT**  
Subdividing 2 acres from a 40 acre parent tract in the location of a former home site for the purpose of selling off the 2 acres.

**LAST DATE OF FIELDWORK** January 12, 2022  
**CERTIFICATION DATE** January 25, 2022

**NOTES/REVISIONS**  
NONE TO DATE

**BASIS OF BEARINGS:**  
INDIANA STATE PLANE GRID (EAST ZONE 1301)  
SCALE: 1 INCH = 60 FEET

**MAGALL AND WASHER STAMPED "S. SUMNERFORD 15890017" RECESSED IN ROAD SURFACE. 0.5' WEST OF ROADWAY CENTERLINE**  
5.0" REBAR WITH PLASTIC CAP STAMPED "S. SUMNERFORD 529800017" SET AT GRADE

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO RETRACE EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.  
NAME: \_\_\_\_\_  
Prepared By: Scott T. Sumnerford

**SCOTT T. SUMERFORD LAND SURVEYING**  
3149 NORTH RILEY HIGHWAY  
SHELBYVILLE, IN 46176-9462  
BUSINESS PHONE (317) 401-6050

Indiana Registered Surveyor No. 29800017

Copyright © 2022 by Scott T. Sumnerford  
This document is only to be considered an original copy if an inked seal and original signature is affixed.

**JOB NUMBER**  
13NE627-21-100

**ORIGINAL DRAWING SIZE** ARCH D  
**SHEET** 1 OF 1

Property Details

**Location:** 4449 S Smithland Rd,  
 Shelbyville, Hendricks Township.

**Property Size:** 0.25-acres.

**Current Land Use:** Vacant.

**Current Zoning Classification**  
 M2 (Multiple-Family Residential)  
*This district is established for small-scale,  
 two and three-family housing units.*

**Proposed Zoning Classification**  
 IS (Institutional)  
*This district is established for institutional  
 and municipal owned lands for public  
 purpose and use.  
 \*see attached district intent, permitted  
 uses, special exception uses, and  
 development standards.*

**Future Land Use per Comp Plan**  
 Estate Residential  
*The purpose of this category is to provide  
 for new rural residential housing  
 opportunities in rural areas not well suited  
 for agriculture. New residential  
 development should have reasonable access  
 to roads and utilities and should not  
 significantly disrupt agricultural activities.  
 The residential density of this category  
 should not exceed one lot for every two  
 acres.*

**Surrounding Development**

	Zoning	Land Use
North	IS	Church
South	R1	Single-Family Residential
East	R1	Single-Family Residential
West	A1	Cropland

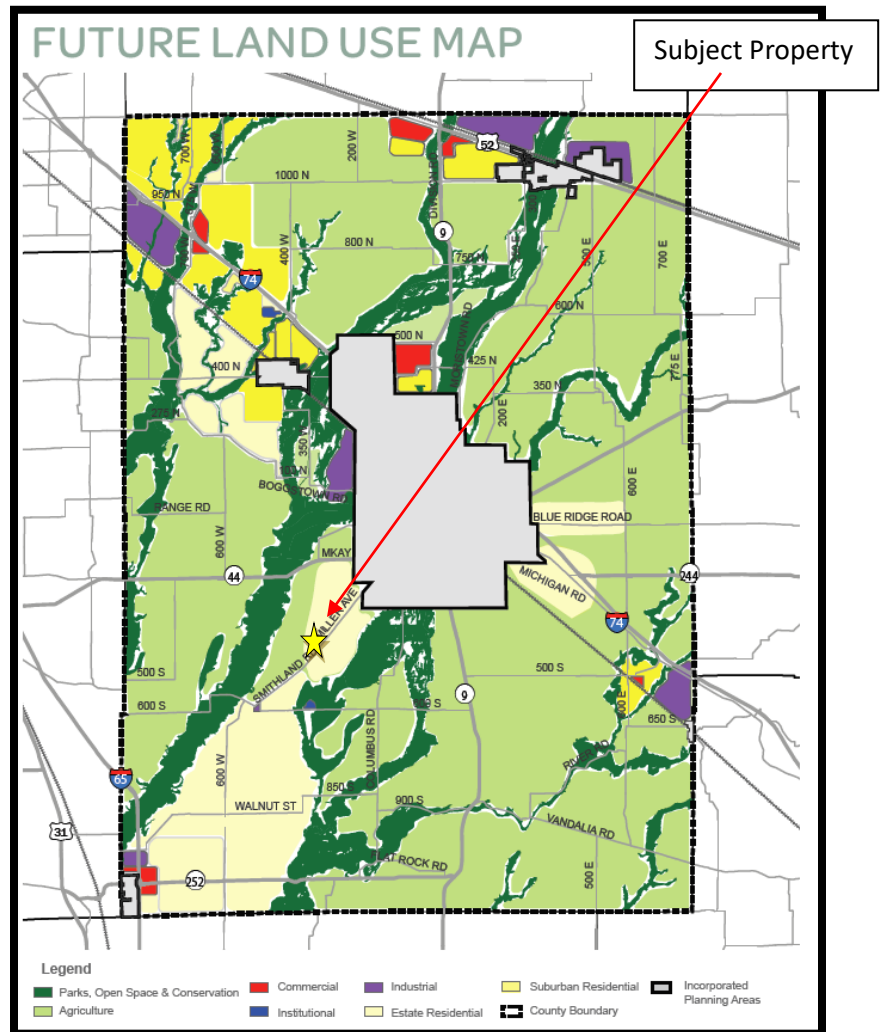
# Staff Report

**Case Number:** RZ 22-01  
**Case Name:** Mt. Gilead Baptist Church Rezoning – M2  
 (Multiple-Family Residential) District to  
 the IS (Institutional)

## Requests

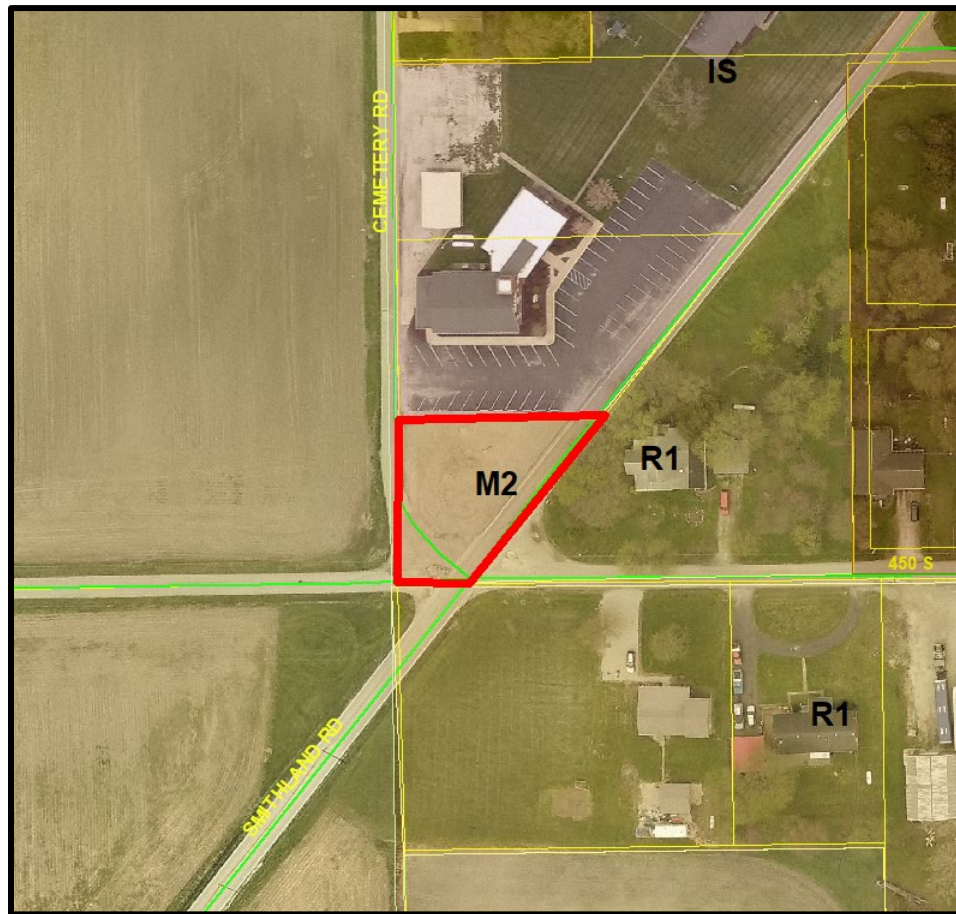
**Rezoning** of 0.25 acres from the M2 (Multiple-Family Residential) District to the IS (Institutional) District to allow for use of the property for church-related purposes.

## Future Land Use Map



## Property Map

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## Case Description

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- Approval of the rezoning would allow for use of the property in conjunction with the adjoining property owned by the petitioner for church-related purposes. The petitioner plans to install a sign on the subject property identifying the church. The M2 District does not allow for installation of ground signs related to businesses or institutional uses.
- Approval would also allow for use of the property for all other uses permitted in the IS District, however the size of the property limits development of the property for an independent use unrelated to the church.
- The County assigned the property the M2 zoning designation when updating the County-wide zoning maps in 2008. At that time the property included a multiple-family dwelling unit.
- The petitioner purchased the property in 2019 and then demolished the multiple-family dwelling.

## Staff Analysis Findings of Fact

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**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**

Use of the property for small-scale church related purposes would not conflict with the character of the unincorporated village of Smithland.

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

The size of the property limits development of the property for multiple-family use.

**3. The Conservation of Property Values throughout the Jurisdiction**

Use of the property for church-related purposes has no perceivable impact on property values throughout the jurisdiction.

**4. Responsible Development and Growth**

Use of the property for small-scale church related purposes would not conflict with the character of the unincorporated village of Smithland.

**5. The Comprehensive Plan**

The Comprehensive Plan indicates that properties used for institutional purposes should remain used for institutional purposes in the future. Approval of the rezoning would allow for the addition of a relatively small portion of land to an existing institutional use.

**Staff Recommendation**

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**APPROVAL** primarily because (1) use of the property for small-scale church related purposes would not conflict with the character of the unincorporated village of Smithland and (2) the size of the property limits development of the property for a multi-family use.

*Applicant/Owner Information*

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Applicant:	Don Parker 6663 S 750 W Edinburgh, IN 46124	Owner:	Mt. Gilead Baptist Church 4449 S Smithland Rd. Shelbyville, IN 46176
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Property Details

**Location:** 475 N 800 E, Shelbyville, Union Township.

**Property Size:** 9.99-acres.

**Current Land Use:** Estate Residential / Event Venue.

**Current Zoning Classification**

A2 (Agricultural)

*This district is established for general 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. Use this zoning district for existing developments and carefully for new residential development. Large subdivisions on well and septic systems are not favored.*

**Future Land Use per Comp Plan**

Agricultural

*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	Woodland
South	A2	Estate Residential
East	A3 (Rush County)	Cropland
West	A2/R1	Estate Residential

# Staff Report

**Case Number:** RZ 22-02 / SD 22-01

**Case Name:** Kuhn Rezoning – A2 (Agricultural) to RE (Residential Estate) & Jeffrey Kuhn Simple Subdivision

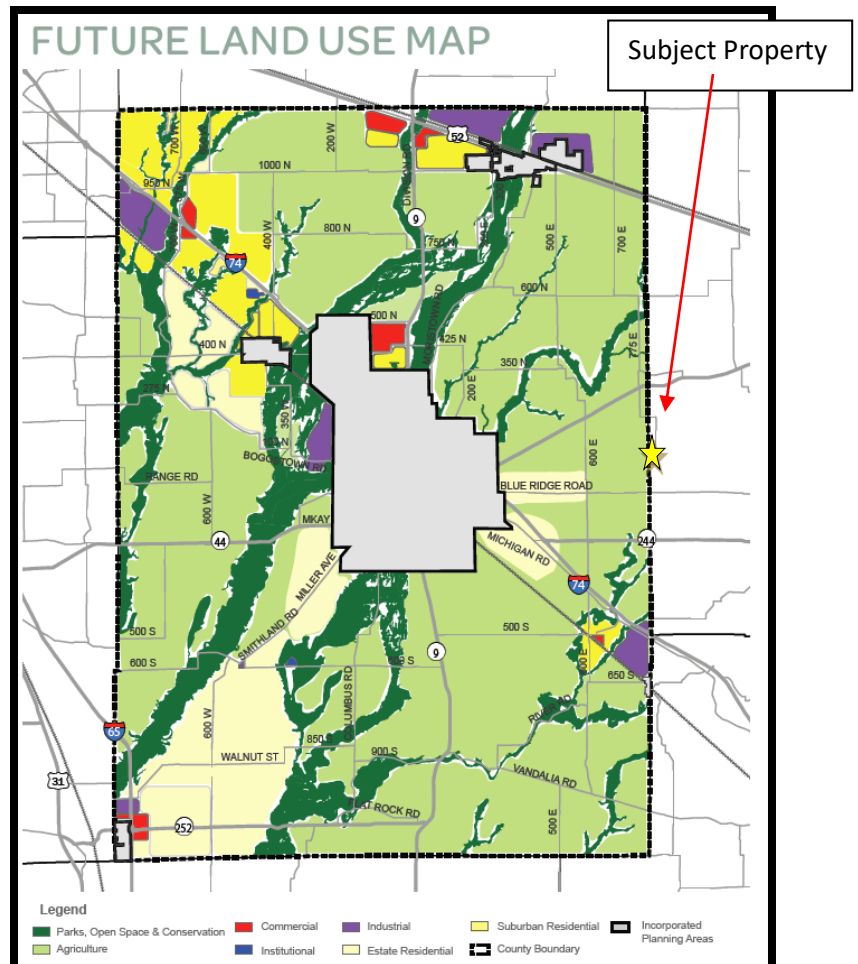
## Requests

**Rezoning** of 9.9 acres from the A2 (Agricultural) District to the RE (Residential Estate) District to allow for a two-lot Simple Subdivision.

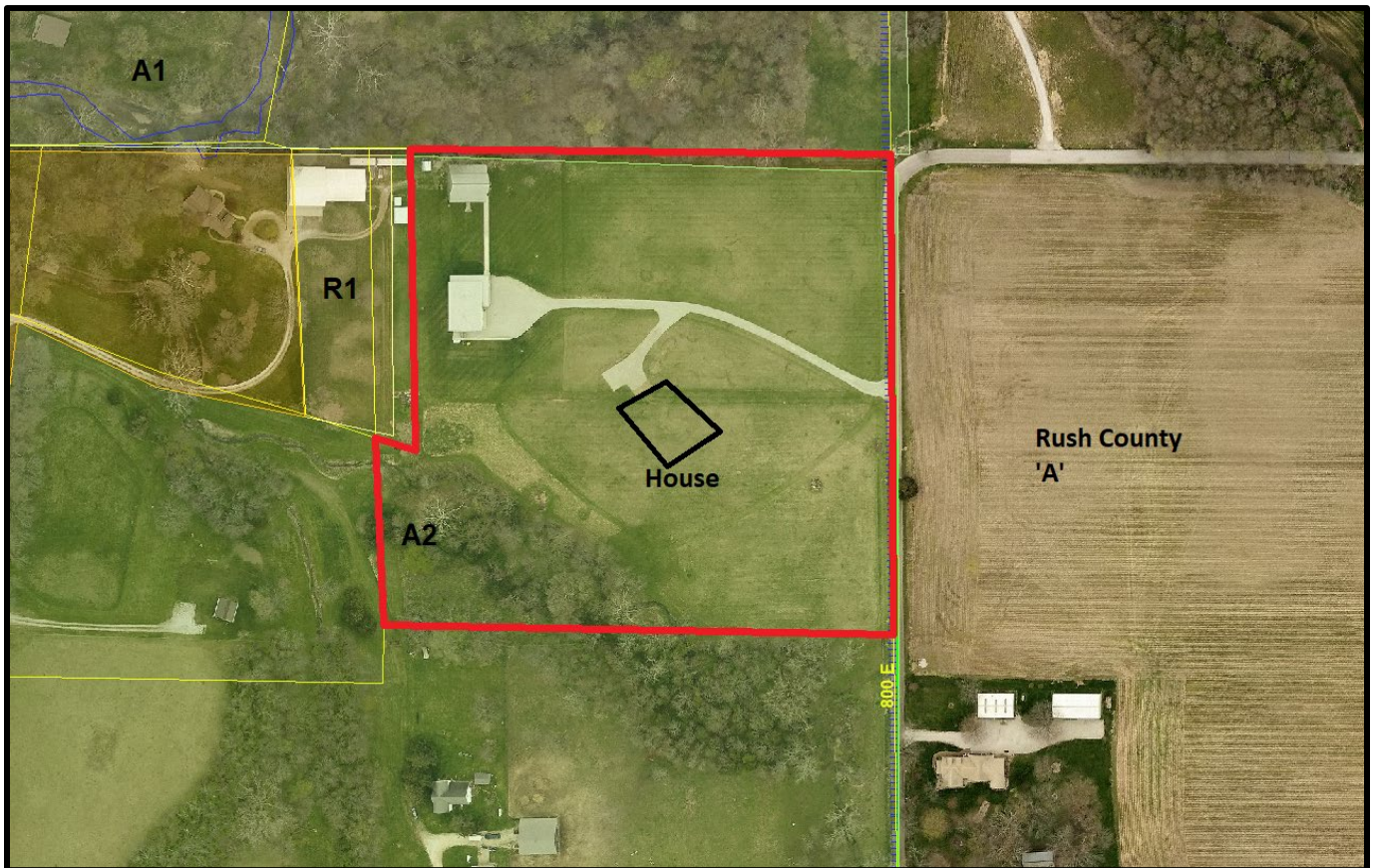
**Simple Subdivision** of 9.9 acres into a 5.78-acre lot including an existing single-family residence and a 4.119-acre lot including an existing barn used as an event venue.

**Waiver** of subdivision design standards to allow side lot lines not within a 15-degree angle to the right-of-way.

## Future Land Use Map



## Property Map



## Case Description

- Approval of the requests would allow the petitioner to create separate lots for an existing single-family residence and existing event venue. The petitioner seeks to create separate lots for financing purposes.
- The BZA approved a variance in 2015 to allow for the event venue. Approval of the current requests would not impact or vacate the variance approval.
- The Plan Commission office issued permits for construction of the existing single-family residence in 2020. The petitioner has completed construction of the house.
- The plat includes a 40-foot-wide ingress & egress easement on Lot 1 (event venue lot) to allow Lot 2 (single-family residence lot) to utilize the driveway currently serving the event venue.
- Lot 2 includes a 50-foot-wide gas line easement as indicated on the deed for the property.

- The USDA Soil Survey classifies approximately half of the property as ‘Prime Farmland if Drained’, approximately one-fourth of the property as ‘Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season’, and approximately one-fourth of the property as ‘Not Prime Farmland.’

## Staff Analysis Findings of Fact

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**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**

Rezoning of the property would not change the current use of the property.

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

The property does not include Prime Farmland as designated by the USDA soil survey. Use of the property for estate residential purposes and agrotourism activities would complement the use of surrounding properties more suitable for crop production.

**3. The Conservation of Property Values throughout the Jurisdiction**

Rezoning of the property would not change the current use of the property and therefore would not impact property values throughout the jurisdiction.

**4. Responsible Development and Growth**

Use of the property for estate residential purposes and agrotourism activities would complement the use of surrounding properties more suitable for crop production.

**5. The Comprehensive Plan**

Use of the property for estate residential purposes and agrotourism activities would complement the use of surrounding properties more suitable for crop production. Therefore, approval of the rezoning would not significantly conflict with the Agricultural land use recommendation of 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 side lot lines not within a 15-degree angle to the right-of-way.
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 additional front yard area for the existing single-family residence.

## Staff Recommendation

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**APPROVAL** of the **Rezoning** and **Simple Subdivision** primarily because approval would not change the current use of the property.

### *Applicant/Owner Information*

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Applicant:	Bradley Rund & Jeffrey Kuhn 475 N 800 W Shelbyville, IN 46176	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
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Owner: Same



LEGEND

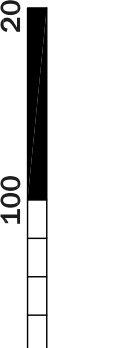
INDIANA STATE PLANE  
NAD 83 COORDINATE SYSTEM  
SOUTH ZONE 1300  
Easting: 1399393.06  
Datum: NAD83(2011)

- SECTION CORNER PERPETUATED ON CURRENT  
SHELBY COUNTY SURVEY FOR THE SHEETS
- SECTION CORNER PER OLDER COUNTY SURVEYOR  
RECORD BOOKS OR BEST AVAILABLE EVIDENCE
- MAGNAIL AND WASHER STAMPED - S, SUMERFORD  
SET IN ROAD CENTERLINE
- 5/8" REBAR WITH PLASTIC CAP STAMPED  
- S, SUMERFORD LS29800017- SET AT GRADE
- 5/8" REBAR FOUND AS NOTED
- 5/8" REBAR FOUND AS NOTED
- CAPPED REBAR FOUND AS NOTED
- FENCING AND/OR REMNANTS

BASIS OF BEARINGS:

INDIANA STATE PLANE GRID  
(EAST ZONE 1300)

SCALE: 1 INCH = 100 FEET



CENTER OF SECTION 33-13-8  
Wooden corner post at 4 way fence intersection per 2012 Powell  
survey, not verified. Had been a stone per Union Surveyor Danah,  
but no record of this perpetuation. Surveys by Stephan Kuhn had a  
mole line clear across from west quarter corner to east quarter corner.

33

RECORD DESCRIPTION OF PARENT TRACT

Trustee's Deed  
Instrument No. 2015006403, Recorded September 17, 2015  
William Larry Karmine Irrevocable Trust and Paula Kay Karmine Trust  
to  
Bradley Rund and Jeffrey Kuhn as Joint Tenants with Rights of Survivorship

A part of the East half of the Southeast quarter of Section 33, Township 13 North, Range 8 East, Union Township, Shelby County, Indiana and being more particularly described as follows:

Beginning at the Northeast corner of the said half-quarter section, said point being the point of beginning herein described, thence South 00 degrees 52 minutes 54 seconds East (Bearings based on NAD 83, Indiana East, State Plane Coordinates) along the East line of the said half-quarter section a distance of 649.75 feet to a mag nail with a Powell washer set at the Southeast corner of a 14.33 acre tract described in Instrument #2009006549, and said line being previously described as South 00 degrees 00 minutes 00 seconds East; thence North 89 degrees 46 minutes 24 seconds West, along the South line of the said 14.33 acre tract a distance of 691.94 feet to a found Kuhn capped rebar referring the Southeast corner of a 3.92 acre tract created per a survey by Stephan H. Kuhn dated 12-22-14; thence North 02 degrees 24 minutes 46 seconds West, along the East line of the said 3.92 acre tract a distance of 252.18 feet to a found Kuhn capped 3/4" iron pipe referencing the Northeast corner of the said 3.92 acre tract; thence south 73 degrees 46 minutes 42 seconds East a distance of 97.50 feet to a capped rebar stamped "Powell 29800024"; thence North 89 degrees 46 minutes 24 seconds West, along the West line a distance of 651.98 feet to the point of beginning, containing 9,898 acres more or less and subject to all existing legal rights-of-way and easements of record.

SUBJECT TO a 50 foot wide (25' each side of the centerline) gas line easement, with the center line of the said easement being described as follows:  
A part of the East half of the Southeast quarter of Section 33, Township 13 North, Range 8 East, Union Township, Shelby County, Indiana and being more particularly described as follows:  
Beginning at the Northeast corner of the said half-quarter section, thence South 00 degrees 52 minutes 54 seconds East (Bearings based on NAD 83, Indiana East, State Plane Coordinates) along the East line of the said half-quarter section a distance of 649.75 feet to a mag nail with a Powell washer set at the Southeast corner of a 14.33 acre tract described in Instrument #2009006549, said point being the point of beginning of the centerline of the said easement; thence North 62 degrees 24 minutes 16 seconds West a distance of 734.21 feet to a point on the West line of the above described 9,898 acre tract, said point being the point of terminus of the said easement.

LEGAL DESCRIPTION OF LOT 1 (Business Lot)

Part of the east half of the southeast quarter of Section Thirty-three (33), Township Thirteen (13) North, Range Eight (8) East of Union Township, Shelby County, Indiana, being part of survey Job #13N8E33-21-098 by Scott T. Sumerford, RLS#29800017, certified January 25, 2022 and being more particularly described as follows:

Beginning at the northeast corner of the southeast quarter of said section 33-13-8, said point marked by a stone; thence along the east line of said southeast quarter, South 00° 52'54" East (basis of bearings being Indiana State Plane East Zone) 351.48 feet to a mag nail and washer stamped "S. Sumerford 9800017"; thence North 62° 37'10" West 279.46 feet to a capped rebar stamped "S. Sumerford 29800017"; thence South 47° 10'06" West 286.56 feet to a capped rebar stamped "Powell 29800024"; thence North 02° 05'57" West 410.17 feet to a capped rebar stamped "Powell 29800024" on the north line of said southeast quarter; thence along said north line, North 89° 53'22" East 651.98 feet to the point of beginning, containing 4.118 acres.

Subject to all easements, restrictions and right-of-ways of record.

LEGAL DESCRIPTION OF LOT 2 (Residence Lot)

Part of the east half of the southeast quarter of Section Thirty-three (33), Township Thirteen (13) North, Range Eight (8) East of Union Township, Shelby County, Indiana, being part of survey Job #13N8E33-21-098 by Scott T. Sumerford, RLS#29800017, certified January 25, 2022 and being more particularly described as follows:

Commencing at the northeast corner of the southeast quarter of said section 33-13-8, said point marked by a stone; thence along the east line of said southeast quarter, South 00° 52'54" East (basis of bearings being Indiana State Plane East Zone) 351.48 feet to a mag nail and washer stamped "S. Sumerford 9800017" at the point of beginning of the herein described tract; thence continuing along said east line, South 00° 52'54" East 298.27 feet to the southeast corner of a 14.33 acre tract as described in Instrument No. 2009006549; thence along the south line of said 14.33 acre tract, North 89° 46'24" West 691.94 feet to a capped rebar stamped "Kuhn Assoc 80012922" at the southeast corner of a 3.92 acre tract; thence along the east line of said 3.92 acre tract, North 02° 24'46" West 125.18 feet to the northeast corner of said tract; thence South 73° 46'42" East 57.90 feet to a capped rebar stamped "Powell 29800024"; thence North 47° 10'06" East 286.56 feet to a capped rebar stamped "S. Sumerford 29800017"; thence South 87° 57'04" East 184.18 feet to a capped rebar stamped "S. Sumerford 29800017"; thence South 62° 37'10" East 279.46 feet to the point of beginning, containing 5.780 acres.

Subject to all easements, restrictions and right-of-ways of record.

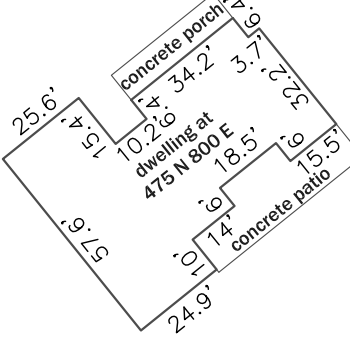
PROPOSED EASEMENT FOR LOT 2 ACCESS

An easement for ingress and egress being forty (40) feet of even width lying on the northerly side of two (2) courses located in part of the east half of the southeast quarter of Section Thirty-three (33), Township Thirteen (13) North, Range Eight (8) East of Union Township, Shelby County, Indiana, being part of survey Job #13N8E33-21-098 by Scott T. Sumerford, RLS#29800017, certified January 25, 2022 and being more particularly described as follows:

Commencing at the northeast corner of the southeast quarter of said section 33-13-8, said point marked by a stone; thence along the east line of said southeast quarter, South 00° 52'54" East (basis of bearings being Indiana State Plane East Zone) 351.48 feet to a mag nail and washer stamped "S. Sumerford 9800017" at the point of beginning of the aforesaid two (2) courses;

- (1) North 62° 37'10" West 279.46 feet to a capped rebar stamped "S. Sumerford 29800017";
- (2) North 87° 57'04" West 184.18 feet to a capped rebar stamped "S. Sumerford 29800017" at the point of termination.

FINAL PLAT FOR  
JEFFREY KUHN SUBDIVISION



DETAIL

North & Linda A. Horton  
Warrenton No. 2019-000078A  
Instrument No. 2019-000078A  
Recorded May 06, 2019  
IN PARCEL# 10-09-34-100-000-000-005  
IN 1.12 Acres

NORTHEAST CORNER SOUTHEAST QUARTER OF SECTION 33-13-8

Pointed granite stone 12" x 6" round 0.1' below grade, 16' east of fence line end. Perpetuated by the surveyor's office in 2014. A stone is identified as being set by the surveyor's office in 2014. A stone is identified as being set by the surveyor's office in 2014. A stone is identified as being set by the surveyor's office in 2014.

SURVEYORS REPORT

The intent of this subdivision plat is to divide the 9.9 acre tract of the clients into two separate parcels. Lot 1 will be the business portion and Lot 2 will contain the residence. 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.
- B) Occupation or possession lines
- C) Clarify or ambiguity of record descriptions
- D) Relative positional accuracy of measurements

The subject parent tract is apparently part of survey work performed by Jeff Powell sometime around 2015 before the tract was separated from the previous William Karmine 14.33 acre tract. Survey monuments as called out from the parent description amounted to two Powell capped rebars, a mag nail with washer, two other Stephan Kuhn monuments from the south adjoining property and a stone quarter corner at the point of beginning. Of these six monuments, four were recovered in the field as indicated on the accompanying plat and best fitted to the bearings and distances from the plat description and best fitted to the bearings and distances from the plat description. The worst case fit was 0.3 feet, not including the disturbed monument. Coordinates of the three nearest aliquot corners are depicted on the drawing as physically measured per this survey. A deviation of around 0.1 feet is noted at the northwest and southeast corners of the subject tract as directed towards the measured aliquot corners.

Various segments of fence lines are shown on the plat as observed during the survey. The fencing near the south and west sides of Lot 2 were apparently interior in nature when the older parcels were created and not intended to represent desired boundaries.

There are no apparent title deficiencies in the parent parcel. The record description was written to yield to the surrounding title lines.

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.

SURVEY CERTIFICATION

I hereby certify that this survey was performed under my direct supervision and to the best of my knowledge and belief was executed to minimum standards of practice as contained in Rule 12, of Title 865, Article 1, of the Indiana Administrative Code.

DATE: January 25, 2022

Signed: \_\_\_\_\_  
Scott T. Sumerford  
Registration Number: 9800017

OWNERSHIP CERTIFICATE

We, Bradley Rund and Jeffrey Kuhn of Shelby County, Indiana, do hereby certify that we are the owners of the property described in the above captioned and that as such owners have caused the property to be surveyed and subdivided as shown on the hereon drawn plat, as our own free and voluntary act and deed.

Bradley Rund \_\_\_\_\_ (Seal)  
Jeffrey Kuhn \_\_\_\_\_ (Seal)  
State of Indiana )  
County of Shelby )

\_\_\_\_\_ hereby certify that \_\_\_\_\_ a Notary Public in and for said County and State, do personally know to me to be the same persons whose name is subscribed to the above certificate appeared before me this day in person and acknowledge that they signed the above certificate as their own free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 2022.  
Notary Public \_\_\_\_\_ (Seal)

INDIANA TITLE 865  
BOUNDARY SURVEY  
Bradley Rund and Jeffrey Kuhn  
475 N 800 E  
Shelbyville, IN 46176  
CLIENT

INDIANA TITLE 865  
BOUNDARY SURVEY  
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JOB LOCATION  
JOB NUMBER  
13N8E33-21-098  
ORIGINAL DRAWING SIZE ARCH D  
SHEET 1 OF 1

INDIANA REGISTERED SURVEYOR No. 2980017  
SCOTT T. SUMERFORD  
LAND SURVEYING  
3149 NORTH RILEY HIGHWAY  
SHELBYVILLE, IN 46176-9462  
BUSINESS PHONE (317) 401-6050  
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NAME:  
Prepared by: Scott T. Sumerford

INDIANA TITLE 865  
BOUNDARY SURVEY  
PART OF THE EAST HALF OF THE SOUTHEAST QUARTER, SECTION 33 TOWNSHIP 13 NORTH, RANGE 8 EAST, UNION TOWNSHIP, SHELBY COUNTY, IN

JOB LOCATION  
JOB NUMBER  
13N8E33-21-098  
ORIGINAL DRAWING SIZE ARCH D  
SHEET 1 OF 1

INDIANA REGISTERED SURVEYOR No. 2980017  
SCOTT T. SUMERFORD  
LAND SURVEYING  
3149 NORTH RILEY HIGHWAY  
SHELBYVILLE, IN 46176-9462  
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