

Shelby County Plan Commission

October 28, 2025, at 7:00 PM

Table of Contents

Agenda.....	3
RZ 25-14 / SD 25-13 Conner Rezoning & Conner Family Simple Subdivision.	5
Staff Report	5
Plat.....	9

MEETING AGENDA

Shelby County Plan Commission
October 28, 2025

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the September 23, 2025, meeting.

OLD BUSINESS

None.

NEW BUSINESS

RZ 25-14 – CONNER REZONING: Rezoning of 1.209-acres from the A1 (Conservation Agricultural) District to the R1 (Single-Family Residential) District. Located at 9583 N Division Rd, Fountaintown, Van Buren Township.

SD 25-13 – CONNER FAMILY SIMPLE SUBDIVISION: Simple Subdivision of a 1.209-acre, single-family building lot from a 51.798-acre parent tract and waivers of subdivision standards. Located at 9583 N Division Rd, Fountaintown, Van Buren Township.

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **November 25, 2025, 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/86858999552?pwd=FNDrv8bOlrvTVLH9BvPFmutVJ7TuZL8.1>

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, Term 1/1/25 – 1/1/26

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

Tony Sipes, Member: Appointed by Extension Board, Term 4/1/25 – 4/1/26

Troy Merrick, Member: Council Representative, Term 1/1/25 – 1/1/26

Jeff Powell, Member: County Surveyor

Mike McCain, Member: Appointed by County Commissioners, Term 1/1/22 – January 1/1/26

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

Property Details

Location: 9583 N Division Rd,
Fountaintown, Van Buren Township.

Property Size: 1.209-acres.

Current Land Use: Single-Family
Residential.

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

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.

Surrounding Development

	Zoning	Land Use
North	A1	Cropland
South	A1	Agriculture
East	A1	Cropland
West	A1	Cropland

Staff Report

Case Number: RZ 25-14 / SD 25-13

Case Name: Conner Rezoning – A1 (Conservation Agricultural) to R1 (Single-Family Residential) & Conner Family Simple Subdivision

Requests

Rezoning of 1.209-acres from the A1 (Conservation Agricultural) District to the R1 (Single-Family Residential) District to allow for a one-lot Simple Subdivision.

Simple Subdivision of a 1.209-acre, single-family building lot from a 51.798-acre parent tract.

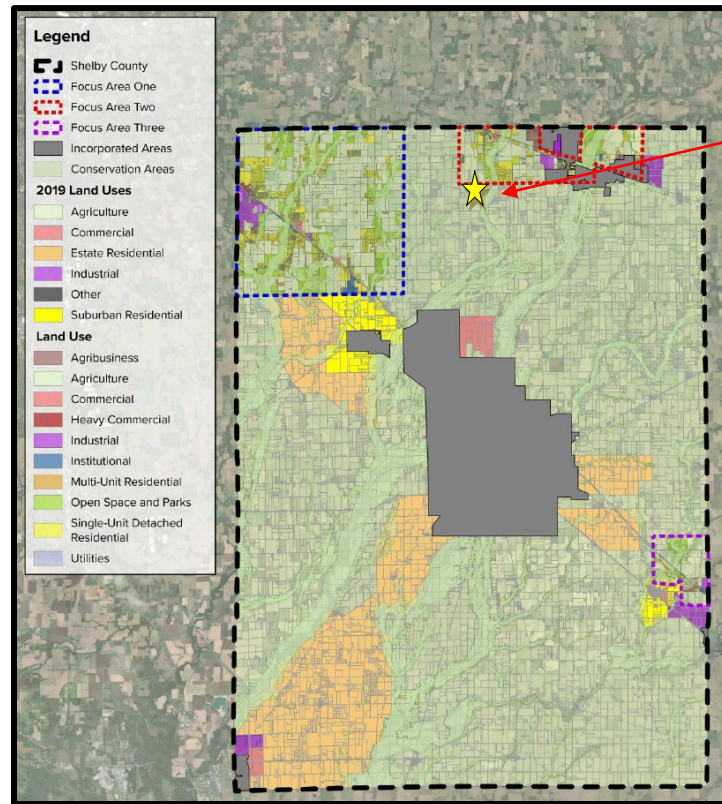
Waivers of:

1. Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned R1.
2. Simple Subdivision design standards to allow lot lines not within a 15-degree angle to the right-of-way.

Purpose of Subdivision Code Requirement

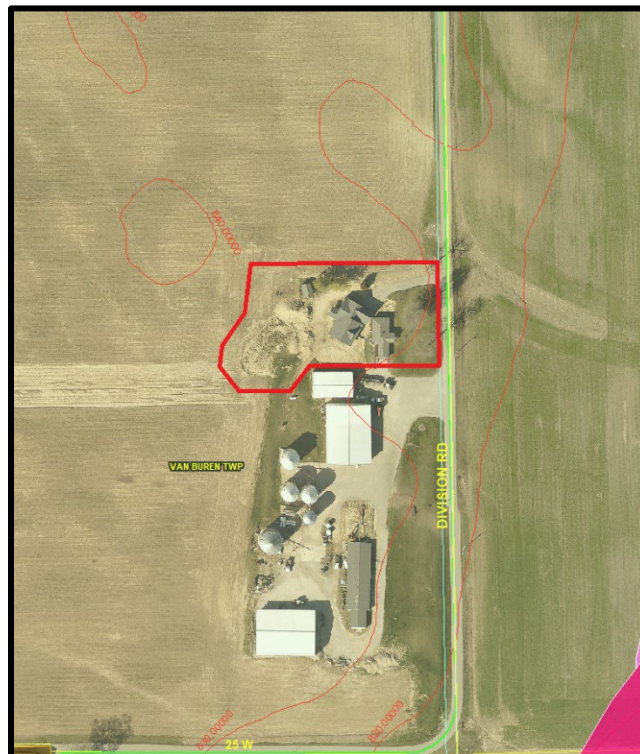
The UDO restricts residential zoning in Simple Subdivisions to the RE (Residential Estate) District, which prohibits lots less than two-acres, to maintain low density residential development in rural areas. The requirement also allows for adequate lot size for installation of a septic system, and adequate area for a new septic system in the case of septic system failure.

Future Land Use Map



Subject Property

Property Map



Case Description

- Approval of the requests would allow for subdivision of a recently constructed single-family home on a 1.209-acre lot from the petitioner's 51.798-acre farm.
- The property previously included a smaller single-family home which the petitioner has demolished.
- The USDA Soil Survey classifies approximately 50% of the property as 'Prime Farmland if Drained' and approximately 50% of the property as 'Not Prime Farmland.'
- The property lies within an agricultural area without any nearby residential development.

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 property currently includes a single-family residence and minimal tillable ground. Approval of the rezoning would not conflict with the current use of the property.

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

The property has been used for single-family residential purposes and has included minimal tillable ground for several decades. Approval of the rezoning would not conflict with the historical use of the property.

3. The Conservation of Property Values throughout the Jurisdiction

Approval of the rezoning would not allow any future use of the property not currently permitted in the A1 District.

4. Responsible Development and Growth

The property has access to all utilities to support residential use.

5. The Comprehensive Plan

The USDA soil survey classifies 50% of the property as 'Not Prime Farmland.' Approval of the rezoning would not remove prime farmland from production.

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 R1.

- a. The existing homesite encompasses less than two acres. Requiring the RE zoning with a 2-acre minimum lot size would result in the incorporation of existing tillable ground into the lot.
3. The subdivision of land satisfies the standards of Article 07: Design Standards, pending approval of a waiver to allow lot lines not within a 15-degree angle to the right-of-way.
 - a. Requiring side lot lines within a 15-degree angle to the right-of-way would result in the incorporation existing tillable ground into the lot.
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 residential zoning would not conflict with the current or historical use of the property.

Applicant/Owner Information

Applicant:	David & Linda Conner 9583 N Division Rd. Fountaintown, IN 46130	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
Owner:	Conner Family Revocable Trust 9583 N Division Rd. Fountaintown, IN 46130		

FINAL PLAT FOR

CONNER FAMILY SIMPLE SUBDIVISION

COUNTY ROAD 1000 NORTH

LEGAL DESCRIPTION OF PARENT TRACT

Quitclaim Deed
Instrument No. 2025002581, Recorded June 5, 2025
David C. Conner and Linda J. Conner
to
Conner Family Revocable Trust

Part of the Northeast quarter of Section 18, Township 14 North, Range 7 East in Shelby County, Indiana; more particularly described as follows:

Commencing at the Northeast corner of said quarter section thence South 00 degrees 00 minutes 00 seconds (assumed bearing) 1320.25 feet along the East line of said quarter section to the point of beginning; said point being a railroad spike at the Northeast corner of the southeast quarter of said northeast quarter section; thence continuing South 00 degrees 00 minutes 00 seconds 1320.25 feet to an iron pin at the Southeast corner of said Northeast quarter section; thence North 89 degrees 52 minutes 00 seconds West 113.02 feet along the South line of said quarter section to an iron pin; thence North 01 degrees 28 minutes 00 seconds East 13.0 feet to an iron pin; thence North 89 degrees 59 minutes 45 seconds West 286.52 feet along a fence line to a corner post; thence North 54 degrees 50 minutes 44 seconds West 396.12 feet along a fence line to a corner post; thence North 89 degrees 42 minutes 52 seconds West 184.66 feet along a fence line and its extension to an iron pin in the centerline of a ditch; the next seven calls are along the centerline of said ditch; thence North 43 degrees 42 minutes 47 seconds West 113.02 feet; thence North 32 degrees 41 minutes 47 seconds West 562.27 feet; thence North 38 degrees 40 minutes 51 seconds West 352.19 feet; thence North 14 degrees 51 minutes 45 seconds West 73.63 feet; thence North 02 degrees 05 minutes 25 seconds East 113.86 feet; thence North 22 degrees 53 minutes 57 seconds West 86.78 feet to an iron pin on the North line of the South half of said Northeast quarter section; thence South 89 degrees 50 minutes 26 seconds East 2150.02 feet to the point of beginning; containing 51.798 acres, more or less, and subject to all existing legal highway right-of-way and easements of record.

LEGAL DESCRIPTION LOT 1

Part of the south half of the northeast quarter of Section Eighteen (18), Township Fourteen (14), North Range Seven (7), East, Van Buren Township, Shelby County, Indiana, being part of survey Job #44VTE18-25-051 by Scott T. Sumnerford, RLS#29800017, certified October 28, 2025 and being more particularly described as follows:

Commencing at the southeast corner of the northeast quarter of said section 18-14-7, said point being marked by a Shelby County Surveyor Monument; thence along the east line of said quarter, North 01.0117° East (basis of bearings being Indiana State Plane East Zone) 629.43 feet to a mag nail and washer stamped "S. Sumnerford 9800017" at the point of beginning of the herein described tract;

Thence South 89.3358° West 240.48 feet to a capped rebar stamped "S. Sumnerford 299000177" said monument being hereinafter referred to as a capped rebar; thence South 34.5120° West 34.76 feet to a capped rebar; thence North 88.1320° West 170.62 feet to a capped rebar; thence North 28.0753° West 31.13 feet to a capped rebar; thence North 06.2325° East 28.69 feet to a capped rebar; thence North 37.4553° East 64.63 feet to a capped rebar; thence North 03.3701° East 78.99 feet to a capped rebar; thence North 89.3358° East 295.00 feet to a mag nail and washer stamped "S. Sumnerford 9800017" on the east line of said quarter; thence along said line, South 01.0117° East 160.00 feet to the point of beginning, containing 1.209 acres.

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

OWNERSHIP CERTIFICATE

I, _____, as a Trustee of the Conner Family Revocable Trust do hereby certify that we are owners of the property described in the above captioned and filed said owners have caused the property to be surveyed and subdivided as shown on the herein drawn plat, as our own free and voluntary act and deed.

Trustee of the Conner Family Revocable Trust _____ (Seal)

State of Indiana)
County of Shelby)

I, _____, a Notary Public in and for said County and State, do hereby certify that _____

personally known 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)

LEGEND

INDIANA STATE PLANE
GRID COORDINATE VALUE
SCALE FACTOR = 0.9998327
DATUM: NAD83(2011)

- ▲ SECTION CORNER REPERMUTATED ON CURRENT SHELBY COUNTY SURVEYOR TIE SHEETS
- △ SECTION CORNER PER OLDER COUNTY SURVEYOR RECORD BOOKS OR BEST AVAILABLE EVIDENCE
- MAGNAIL AND WASHER STAMPED "S. SUMNERFORD L58500017 RECESSED IN ROAD SURFACE 16.96 FEET
- 5/8" REBAR WITH PLASTIC CAP STAMPED "S. SUMNERFORD L529800017 SET AT GRADE
- [...] INDICATES RECORD DIMENSION

The (Conner Family Revocable Trust) Survey
Quitclaim Deed No. 2025002581
Instrument No. 2025002581
Recorded June 5, 2025
IN BOOK 18-25-051-000-020
IN PAGE 51.798 Acres

N 1575524.40
E 2855460.31

N 1575524.40
E 2855460.31

[...] INDICATES RECORD DIMENSION

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: October 28, 2025

Signed: _____
Scott T. Sumnerford Registration Number: 9800017

NOTES

- Lot 1 is being rezoned to R1 (Single Family Residential) from A1 (Conservation Agriculture) zoning.

The rezoning was approved on _____

per Ordinance No. _____ by the Commissioners of Shelby County.

- At least three deciduous trees with a caliper measurement of over 4-in shall be preserved on the lot.

- Lot 1 does not lie within a Flood Hazard Area per the effective FIRM map Panel 18145C0500C, dated November 5, 2014. Lot 1 does not lie within a Flood Hazard Area per the 2024 best available data per the Indiana DNR Floodplain Portal. The 100 year flood elevation is not currently available from the Indiana Floodplain Portal.

PLAN COMMISSION APPROVAL

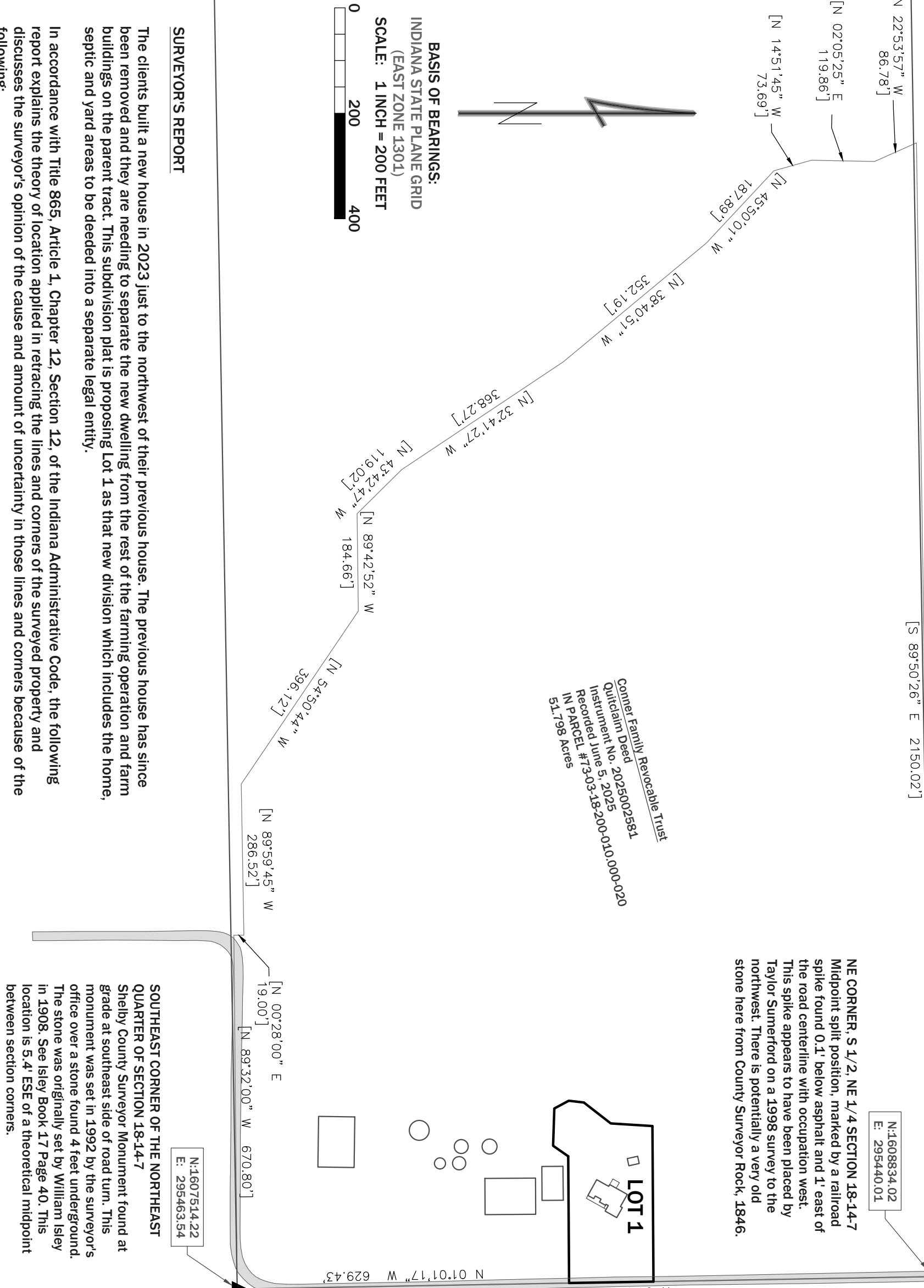
- Waiver of Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned R1.
- Waiver of Simple Subdivision design standards to allow lot lines not within a 15-degree angle to the right-of-way.

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

By: _____ Date: _____
President, Jon Kevin Carson

By: _____ Date: _____
Secretary, Megan Hart

BASIS OF BEARINGS:
INDIANA STATE PLANE GRID
EAST ZONE 1301
SCALE: 1 INCH = 200 FEET
0 200 400



A) Availability and condition of reference monuments.

The clients built a new house in 2023 just to the northwest of their previous house. The previous house has since been demolished. The new house is located at the northwest corner of the subdivision. The subdivision plat is proposing Lot 1 as the new division which includes the home, septic and yard areas to be deeded into a separate legal entity.

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 reticating 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:

- The 51.798 acre parent tract was created by a Pace Engineering, Inc. survey certified August 16, 1979. It is on file in the County Auditor's Office and was done for William Restall prior to the change since the 1979 survey. The pin that Pace Engineering was using was about 0.75 feet to the North of the stone recovered by the Surveyor's Office in 1992. The northeast corner of the section appears to be mis-identified as a pin on section corner ties and previous surveys. It has a head as on a boat spike and agrees well with the dimensions on previous surveys. The quarter section line as currently perpetuated with the spike and county monument have been tied.
- The bearing basis for this survey has been updated to the Indiana State Plane Coordinate System. This in particular, since the Pace quarter corner has changed. The bearing difference between the assumed Pace line and Grid line amounts to 1° 01.17' for the east line of the quarter. (Parent tract dimensions depicted per the record survey, but Lot 1 and quarter line shown in measured Grid)
- Offset stakes were set on the proposed half right-of-way width of 25 feet. Existing right-of-way appears most likely at an assumed half width of 16.5 feet. (1 rod)

B) Occupation or possession lines

- Lot 1 was set up with the south boundary being 10 feet north of the existing shop building. The north line was placed for 160 feet of road frontage as required per the county development ordinance. The back line was directed by the client to go around the new septic system for the house and along the tillable field lines.

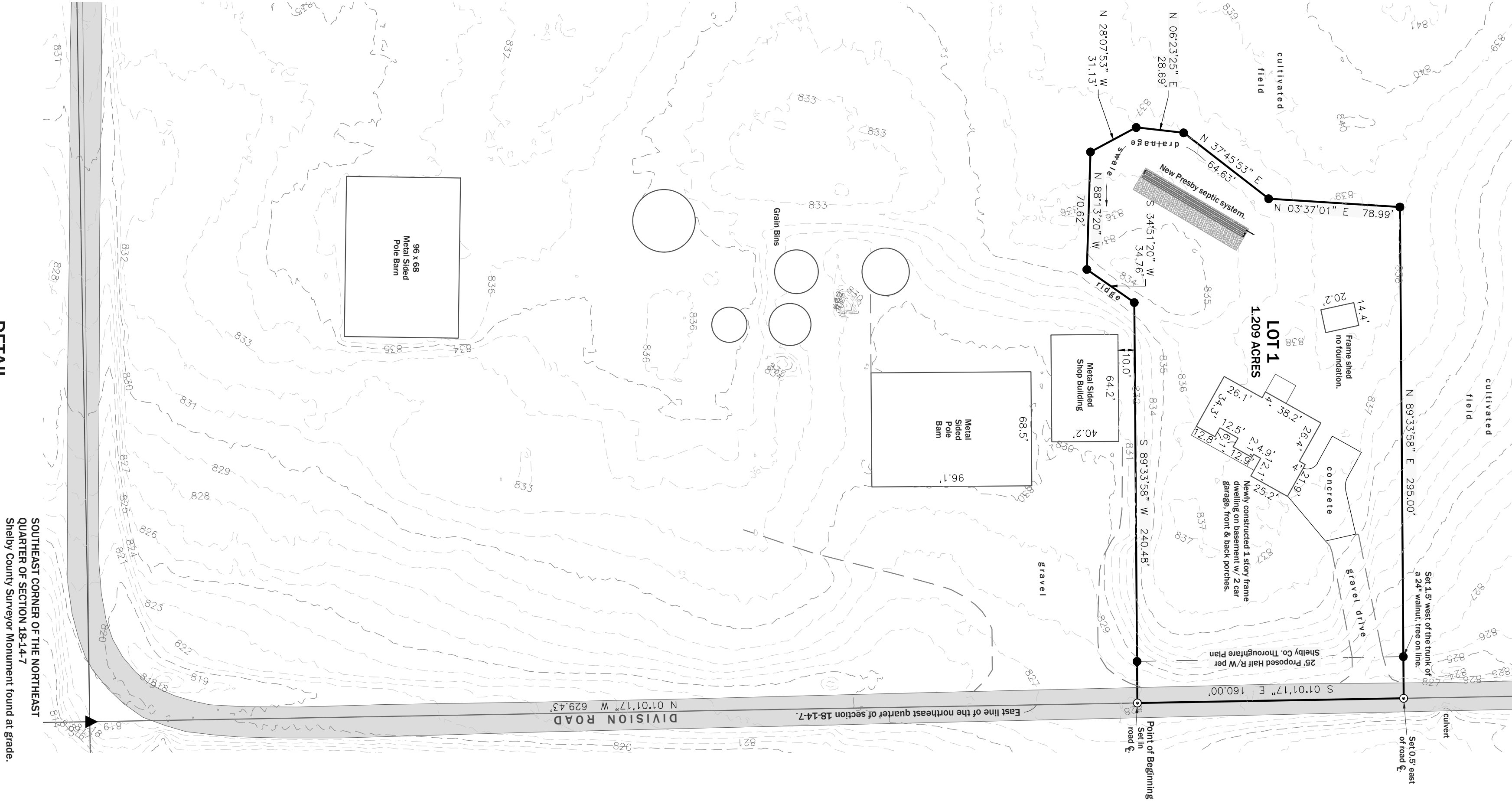
C) Clarity or ambiguity of record descriptions

- As explained in section A), the original Pace Engineering survey may have parent tract monumentation in slight conflict with the current quarter corners. A replacement would yield a slight difference in the east, north and south boundaries. The replacement would not affect the area of the lot. The replacement would not affect the area of the lot. There was no other title discrepancies discovered.

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 1-127, and falls under an Suburban Survey Classification with a relative positional accuracy of 0.13 feet + 100 ppm.

PROPOSED LOT 1
Primary setbacks as follows:
35' Front, 15' Side and 30' Rear.
Setback along sides and rear.
Proposed 25' Half Right-of-Way
Division Road - Local Road



DETAIL
1" = 50'

SOUTHEAST CORNER OF THE NORTHEAST
QUARTER OF SECTION 18-14-7
Shelby County Surveyor Monument found at grade.

LAST DATE OF FIELDWORK
CERTIFICATION DATE
NOTES/REVISIONS
NONE TO DATE

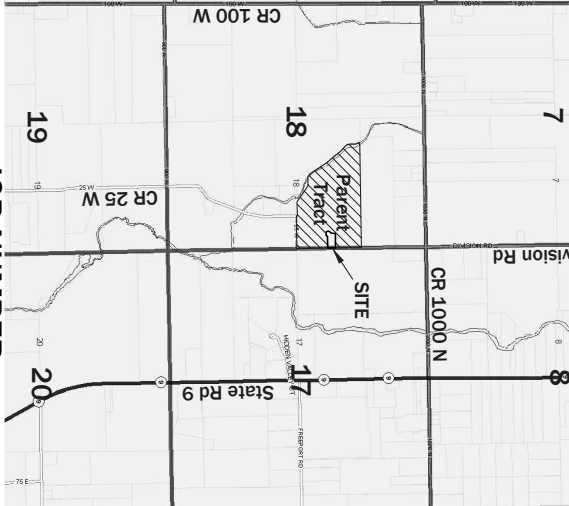
I AFFIRM, UNDER THE PENALTIES FOR PERJURY,
THAT I HAVE TAKEN REASONABLE CARE TO
RETRACT EACH SOCIAL SECURITY NUMBER IN
THIS DOCUMENT, UNLESS REQUIRED BY LAW.
NAME: _____
Prepared By: Scott T. Sumnerford

CLIENT
David and Linda Conner
9583 N Division Rd
Fountaintown, IN 46130

PROJECT
Simple Subdivision on a 51.80 acre parent
tract for dividing off the client's recently
built home at 9583 N Division Road.

INDIANA TITLE 865
BOUNDARY
SURVEY

JOB LOCATION
PART OF THE SOUTH HALF OF THE
THE NORTHEAST QUARTER, SECTION 18,
TOWNSHIP 14 NORTH, RANGE 7 EAST,
VAN BUREN TWP., SHELBY COUNTY, IN



ORIGINAL DRAWING SIZE ARCH D
14N7E18-25-051
JOB NUMBER
SHEET 1 OF 1