Shelby County Plan Commission

September 24, 2019 at 7:00 PM

Table of Contents

Agenda	3
Summary of Cases	4
RZ 19-11/SD 19-11 Morgan Rampley Rezoning & Simple Subdivision	5
Rezoning Staff Report	5
Simple Subdivision Staff Report	8
Area & Zoning Map	10
Petitioner's Findings of Fact.	11
Plat	12
RZ 19-13 Beaty Rezoning	13
Staff Report	13
Area & Zoning Map	15
Petitioner's Statement of Intent	16
Petitioner's Findings of Fact.	17
Site Plan	18

MEETING AGENDA

Shelby County Plan Commission September 24, 2019, 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the July 23, 2019 meeting.

OLD BUSINESS

None.

NEW BUSINESS

RZ 19-11 – MORGAN RAMPLEY REZONING: A2 (Agricultural) District to the RE (Residential Estate) District. Located at 7547 & 7578 S 750 E, Saint Paul.

SD 19-11 – MORGAN RAMPLEY SIMPLE SUBDIVSION - PRIMARY APPROVAL: To allow for subdivision of 8.658 acres into a 4.306-acre lot and a 4.352-acre lot. Located at 7547 & 7578 S 750 E, Saint Paul.

RZ 19-13 – BEATY REZONING: I2 (High Intensity Industrial) District to the RE (Residential Estate) District. Located at 5292 W 100 N, Boggstown.

COMPREHENSIVE PLAN: Recommendation to the Shelby County Commissioners.

DISCUSSION

Revisions to Plan Commission and Building Inspector Monthly & Annual Reports

Hearing Officer

ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, October 22, 2019 at 7:00 PM.

Summary of Cases

RZ 19-11- MORGAN RAMPLEY REZONING

<u>REQUEST:</u> Rezoning of 8.658 acres from the A2 (Agricultural) District to the RE (Residential Estate) District to allow for a 2-lot Simple Subdivision.

LOCATION: Nobel Township at 7547 & 7578 S 750 E, Saint Paul.

<u>STAFF RECOMMENDATION:</u> APPROVAL because the rezoning would bring the property closer into compliance with the current Unified Development Ordinance by establishing two existing single-family residences on separate lots.

SD 19-11- MORGAN RAMPLEY SIMPLE SUBDIVISION

<u>PRIMARY APPROVAL OF A SIMPLE SUBDIVISION</u> to allow for subdivision of 8.658 acres into a 4.306-acre lot and a 4.352-acre lot.

LOCATION: Nobel Township at 7547 & 7578 S 750 E, Saint Paul.

STAFF RECOMMENDATION: APPROVAL

RZ 19-13-BEATY REZONING

<u>REQUEST:</u> Rezoning of 2.72 acres from the I2 (High Intensity Industrial) District to the RE (Residential Estate) District to allow for development of a residential detached garage on a lot used for residential purposes.

LOCATION: Sugar Creek Township at 5292 W 100 N, Boggstown.

STAFF RECOMMENDATION: APPROVAL because the rezoning would legally establish an existing residential use and allow for improvements to a property historically used for residential purposes.

STAFF REPORT 19-11 SEPTEMBER 24, 2019 PAGE 1 OF 3

Staff Report

CASE NUMBER: RZ 19-11

CASE NAME: MORGAN RAMPLEY REZONING – A2 (AGRICULTURAL) TO RE

(RESIDENTIAL ESTATE).

CASE SUMMARY

<u>REQUEST:</u> Rezoning of 8.658 acres from the A2 (Agricultural) District to the RE (Residential Estate) District to allow for a 2-lot Simple Subdivision.

<u>STAFF RECOMMENDATION:</u> APPROVAL because the rezoning would bring the property closer into compliance with the current Unified Development Ordinance by establishing two existing single-family residences on separate lots.

PROPERTY DESCRIPTION

Location: Nobel Township at 7547 & 7578 S 750 E, Saint Paul.

Property Size: 8.658 acres.

<u>Property Improvements</u>: Two single-family residences, two accessory structures, a windmill, two septic systems, and two wells.

Surrounding Development: Four single-family residences, cropland, and woodland.

<u>Current Zoning District:</u> A2 (Agricultural) – Per the UDO, the district is established for general agricultural areas and buildings associated with agricultural production.

<u>Proposed Zoning District</u>: RE (Estate Residential) – Per the UDO, the district is established for single-family detached dwellings in a rural or county setting.

- The district should be used for residential estates, hobby farming, and low density single-family detached dwellings on large lots.
- The district should be applied to existing development, new development and small area zoning.
- The Plan Commission should use this zoning district for existing developments and carefully for new residential development. Large subdivisions on well and septic systems are not favored.

Comprehensive Plan Future Land Use: Parks, Open Space, & Conservation

- Included are conservation areas that protect environmentally sensitive features such as rivers, woodlands and wetlands from encroachment by new development. Protection of these resources promotes safety, protects private investment and property in floodprone areas, and also presents untapped possibilities for recreation.
- Conservation areas may encompass natural features associated with the Big Blue River and its tributaries. Mature vegetation should be preserved where possible to protect habitat and visual character. Conflicting land uses shall be strongly discouraged and well-buffered from Conservation areas.

STAFF REPORT 19-11 SEPTEMBER 24, 2019 PAGE 2 OF 3

• In the conservation areas, minimum roads and other paved surfaces should be provided in the more sensitive areas. The function of the natural system should not be compromised by development or construction activities. Light or noise from surrounding residential areas should be buffered. Open space also can aid in the management of stormwater runoff, protect natural site features, and at the same time be used for passive recreation.

CASE DESCRIPTION

- Approval of the rezoning request and subsequent simple subdivision would establish two existing single-family homes on separate lots (4.306 acres and 4.352 acres).
- The lots would comply with all lot dimensional requirements of the RE District identified in the UDO.
- The existing structures would not comply with the setback requirements of the RE District. The existing driveways would also not have a separation of less than the 60-foot minimum required by the UDO. Staff has determined that the structures and driveways are legal-nonconforming but any alteration to the structures or new development would need to comply with the UDO.
- County tax records list the date of construction for the larger house as 1960 and date of
 construction for the smaller house as 1980. Staff has found no record of an approved variance
 allowing two residences on the property.
- Each residence currently has an individual septic system, well, driveway entrance, and associated accessory structures.
- The Flat Rock River crosses the property and a large portion of the property lies within FEMA designated floodplain. One house also encroaches into the floodplain. The house existed prior to adoption of the floodplain maps and therefore does not violate any provisions of the County Floodplain Ordinance.

STAFF ANALYSIS & RECOMMENDATION

In accordance with IC 36-7-4-603 and the UDO, when considering a rezoning, the <u>Plan Commission shall</u> <u>pay reasonable regard to</u>:

- 1. The Comprehensive Plan
- 2. Current Conditions and the Character of Current Structures and Uses in Each District
- 3. The Most Desirable Use for Which the Land in Each District Is Adapted
- 4. The Conservation of Property Values throughout the Jurisdiction
- 5. Responsible Development and Growth

Approval of the rezoning would not result in any change to the current conditions of the site or allow for new development not permitted in the current A2 zoning district. Approval would bring the property closer into compliance with the current Unified Development Ordinance by establishing two existing single-family residences on separate lots.

STAFF REPORT 19-11 SEPTEMBER 24, 2019 PAGE 3 OF 3

Staff recommends approval.

APPLICANT/OWNER INFORMATION

Applicant: Andrew P. Scholle

212 West Main Street Greensburg, IN 47240

Owner: J.P. & Joan E Morgan

7578 S 750 E

Saint Paul, IN 47272

Surveyor: Andrew P. Scholle

212 West Main Street Greensburg, IN 47240

STAFF REPORT SD 19-11 SEPTEMBER 24, 2019 PAGE 1 OF 2

Staff Report

CASE NUMBER: SD 19-11

CASE NAME: MORGAN RAMPLY SUBDIVSION – PRIMARY APPROVAL

CASE SUMMARY

<u>PRIMARY APPROVAL OF A SIMPLE SUBDIVISION</u> to allow for subdivision of 8.658 acres into a 4.306-acre lot and a 4.352-acre lot.

STAFF RECOMMENDATION: APPROVAL

PROPERTY DESCRIPTION

Location: Nobel Township at 7547 & 7578 S 750 E, Saint Paul.

Property Size: 8.658 acres.

<u>Property Improvements</u>: Two single-family residences, two accessory structures, a windmill, two septic systems, and two wells.

Proposed Zoning District: RE (Residential Estate).

Comprehensive Plan Future Land Use: Parks, Open Space, & Conservation

CASE DESCRIPTION

- The Simple Subdivision would establish two existing single-family homes on separate lots (4.306 acres and 4.352 acres).
- Lot 2 incudes an Ingress-Egress easement over an existing driveway providing access to the house on Lot 1. Lot 2 also incudes an Ingress-Egress easement along the north property line.
- The existing structures do not comply with the setback requirements of the RE District and therefore lie within the setback lines established on the plat. Any new development must comply with the requirements of the RE District and setbacks established on the plat.

STAFF RECOMMENDATION

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 the Shelby County's Construction Standards.

STAFF REPORT SD 19-11 SEPTEMBER 24, 2019 PAGE 2 OF 2

Staff Recommends Approval.

APPLICANT/OWNER INFORMATION

Applicant: Andrew P. Scholle

212 West Main Street Greensburg, IN 47240

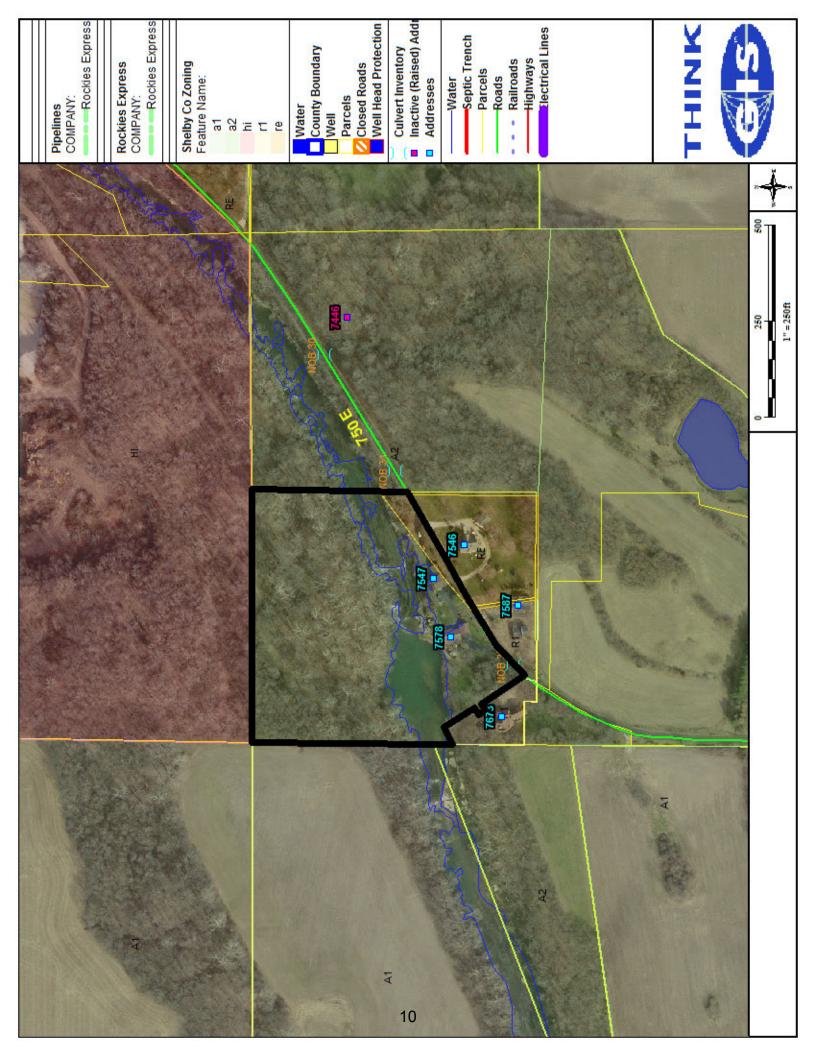
Owner: J.P. & Joan E Morgan

7578 S 750 E

Saint Paul, IN 47272

Surveyor: Andrew P. Scholle

212 West Main Street Greensburg, IN 47240



APPLICATION FOR REZONING

FINDINGS OF FACT BY THE SHELBY COUNTY PLAN COMMISSION

Applicant: J.P. Morgan and Joan E. Morgan	
Case #:	
Location: 7578 and 7547 S 750 E, Saint Paul, IN	N 47272
parties claiming to be adversely affected the	ng heard the application for rezoning described above and all opposition from ereby, has considered the request based on the provisions of Indiana law and endation to the Shelby County Commissioners:
1. The request is not (circle one) consiste	ent with the Shelby County Comprehensive Plan because:
It would place each residence in the prop	per zoning according to the current UDO.
The request is is not (circle one) consiste each zoning district because: Both reside	ent with the current conditions and the character of structures and uses in ences already exist. No new buildable Lots are being created.
	ent with the most desirable use for which the land in each district is adapted y land out of production and both residences already exist.
4. The requestishs not (circle one) consiste	ent with the conservation of property values throughout the jurisdiction
because: The property values should not	be affected because no new structures are being constructed.
5. The reque st is is not (circle one) consiste	ent with responsible growth and development because:
There will be no new growth or developm	nent because the two residences already exist.
recommendation to the County Commissione	Plan Commission hereby forwards a favorable/unfavorable (circle one) ers this day of
Shelby County Plan Commission	
Ву:	Attest:
President	Secretary

PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 11 NORTH, RANGE 8 EAST OF THE SECOND PRINCIPAL MERIDIAN LOCATED IN NOBLE TOWNSHIP, SHELBY COUNTY, INDIANA MORGAN RAMPLEY SUBDIVISION

NOTES:

1.) All structures and driveways indicated on this plat are legal nonconforming per Shelby County Ordinance 2008—19: Unified Development Ordinance. Any alteration to the structures or new development on each lot must comply with the effective Unified Development Ordinance or obtain applicable approvals.

2.) The house located in the floodplain is a pre—FIRM structure based on the date of construction indicated on County tax records.

3.) At least 5 deciduous trees with a caliper measuremen of over 4-in shall be preserved on each lot.
4.) New development on the site is subject to Section 5.1 of the Shelby County Unified Development Ordinance — Rural Residential Development Standards.
5.) The monuments, markers, and corner pins are still accurately in place, and were not removed, moved, or buried such that they do not accurately denote surveyed lines or cannot be easily located.

1 1/2" IRON PIPE FOUND 18" ABOVE GROUND NW CORNER, SE 1/4, SECTION 9, TWP. 11 NORTH, RGE. 8 EAST

13.04.57" 10.27'

30' BSI

EASEMENT 1
10.00 FOOT WIDE
INGRESS-EGRESS
EASEMENT CONTAINING
0.100 ACRES

00.15.44.

ш

<u>آ</u>

N 89*59'54" E

433.35

S 89°59'54" W

435.72

P. 11 EAST

N 89*59'54" E

226.40'

ZONE "A"

APPROXIMATE FLOOD LINE AS SCALED OFF OF FIRM MAP 18145C 0220C DATED NOVEMBER 5, 2014

POINT STONE CO., INC. RECORD 286, PAGE 527

RAILROAD SPIKE FOUND 1" BELOW ASPHALT NE CORNER, SE 1/4, SECTION 9, TWP. 11 NORTH, RGE. 8 EAST

5.67

All rebars set are 5/8 inches in diameter and 24 inches in length with yellow identification caps marked "A.P. Scholle LS20400051". The top of said rebars are within 0.3' of adjacent ground grade. A method of random traverse was used to survey the subject tract using a Topcon GR-5 GPS equipment, Topcon GT-1003 Robotic Total Station and a Topcon GPT-3205NW Total Station. Andrew P. Scholle, PS., Mark Reisman and Jay Schoettmer performed this survey from May 8 through July 29, 2019.

Every document of record reviewed and considered as a part of this plat is noted hereon. No abstract of title, nor title commitment, nor results of title searches were furnished to the surveyor. There may other documents of record that exist, which would affect this parcel. The Relative Positional Accuracy of this survey does not exceed the 0.26 feet plus 200 parts per million as specified on a Rural Survey.

LAND DESCRIPTION FOR LOT 1

Part of the West Half of the Southeast Quarter of Section 9, Township 11 North, Range 8 East of the Second Principal Meridian located in Noble Township, Shelby County, Indiana, being that 4.352 acre tract of land shown as Lot 1 on the Morgan Rampley Subdivision certified by Andrew P. Scholle, PS #LS20400051 on August 21, 2019 as the Scholle's Land Surveying, Inc.'s project number 2019-0056 (all references to monuments and courses herein are shown on said plat of survey) described as follows:

minutes 54 seconds East along the North line of said Quarter a distance of 226.40 feet to a 5/8 inch rebar set with yellow cap stamped "AP SCHOLLE LS20400051" (hereinafter referred to as a "capped rebar set"); thence South 13 degrees 04 minutes 57 seconds East passing through capped rebars set at 502.22 feet and 558.58 feet, a total distance of 592.85 feet to a mag nail set in the center of County Road 750 East; thence along the center of County Road 750 East; thence along the center of County Road 750 East; thence along the center of County Road 750 East; thence along the center of County Road 750 East the following four (4) courses:

1.) South 56 degrees 08 minutes 46 seconds West a distance of 22.59 feet to a mag nail set; thence
2.) South 56 degrees 02 minutes 27 seconds West a distance of 56.21 feet to a mag nail set; thence
3.) South 52 degrees 06 minutes 34 seconds West a distance of 85.47 feet to a mag nail set; thence
4.) South 46 degrees 21 minutes 04 seconds West a distance of 85.47 feet to a mag nail set; thence
55 minutes 28 seconds West passing through a 5/8 inch rebar found; thence North 32 degrees 55 minutes 28 seconds West a distance of 20.00 feet; a total distance of 133.36 feet to a 5/8 inch rebar found; thence South 57 degrees 04 minutes 32 seconds West a distance of 20.00 feet; thence North 32 degrees 55 minutes 28 seconds West a distance of 20.00 feet; thence North 57 degrees 04 minutes 32 seconds East a distance of 20.00 feet; to a capped rebar set; thence North 32 degrees 55 minutes 28 seconds West passing through a 5/8 inch rebar found at 79.15 feet, a total distance of 95.00 feet to the low water in the Flat Rock River; thence South 88 degrees 11 minutes 24 seconds West with the low water a distance of 32.44 feet to the West line of said Quarter; thence North 90 degrees 17 minutes 39 seconds East along the West line of said Quarter a distance of 524.50 feet to the

, 2019

personally appeared J.P. Morgan and aent as their voluntary acts and deeds

LAND DESCRIPTION FOR LOT 2

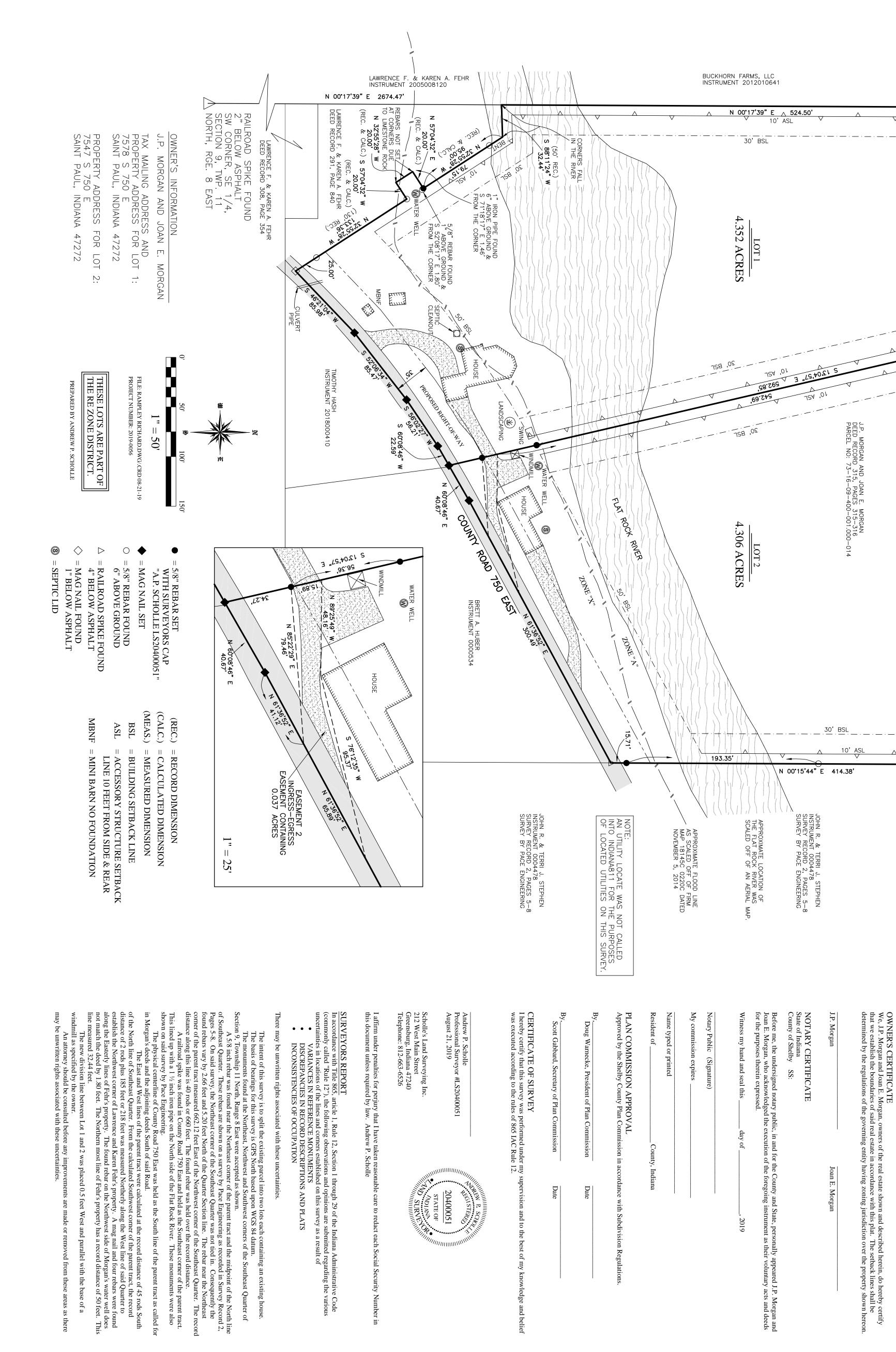
Part of the West Half of the Southeast Quarter of Section 9, Township 11 North, Range 8 East of the Second Principal Meridian located in Noble Township, Shelby County, Indiana, being that 4.306 acre tract of land shown as Lot 2 on the Morgan Rampley Subdivision certified by Andrew P. Scholle, PS #LS20400051 on August 21, 2019 as the Scholle's Land Surveying, Inc.'s project number 2019-0056 (all references to monuments and courses herein are shown on said plat of survey) described as follows:

12

Commencing at a 1 1/2 inch iron pipe found at the Northwest corner of said Quarter; thence North 89 degrees 59 minutes 54 seconds East along the North line of said Quarter a distance of 226.40 feet to a 5/8 inch rebar set with yellow cap stamped "AP SCHOLLE LS20400051" at the POINT OF BEGINNING; thence South 13 degrees 04 minutes 57 seconds East a distance of 10.27 feet; thence North 89 degrees 59 minutes 54 seconds East a distance of 433.35 feet; thence North 00 degrees 15 minutes 44 seconds East a distance of 10.00 feet to the North line of said Quarter (from which a 5/8 inch rebar found bears North 00 degrees 15 minutes 44 seconds East a distance of 2.66 feet); thence South 89 degrees 59 minutes 54 seconds West along the North line of said Quarter a distance of 435.72 feet to the POINT OF BEGINNING, containing 0.100 acres, more or less.

LAND DESCRIPTION FOR EASEMENT

An Ingress-Egress Easement being part of the West Half of the Southeast Quarter of Section 9, Township 11 North, Range 8 East of the Second Principal Meridian located in Noble Township, Shelby County, Indiana, being that 0.037 acre Easement shown on the Morgan Rampley Subdivision certified by Andrew P. Scholle, PS #LS20400051 on August 21, 2019 as the Scholle's Land Surveying, Inc.'s project number 2019-0056 (all references to monuments and courses herein are shown on said plat of survey) described as follows:



Commencing at a 1 1/2 inch iron pipe found at the Northwest corner of said Quarter; thence North 89 degrees 59 minutes 54 seconds East along the North line of said Quarter a distance of 226.40 feet to a 5/8 inch rebar set with yellow cap stamped "AP SCHOLLE LS20400051" (hereinafter referred to as a "capped rebar set"); thence South 13 degrees 04 minutes 57 seconds East passing through capped rebars set at 502.22 feet and 558.58 feet, a total distance of 592.85 feet to a mag nail set in the center of County Road 750 East; thence along the center of County Road 750 East the following two (2) courses:

1.) North 60 degrees 08 minutes 46 seconds East a distance of 40.67 feet to a mag nail set; thence
2.) North 61 degrees 36 minutes 52 seconds East a distance of 300.49 feet to a railroad spike found; thence North 00 degrees 15 minutes 44 seconds East passing through a capped rebar set at 15.71 feet and a 1 1/2 iron pipe at 209.06 feet, a total distance of 414.38 feet to the North line of said Quarter (from which a 5/8 inch rebar found bears North 00 degrees 15 minutes 44 seconds East a distance of 2.66 feet); thence South 89 degrees 59 minutes 54 seconds West along the North line of said Quarter a distance of 435.72 feet to the POINT OF BEGINNING, containing 4.306 acres, more or less.

Date

LAND DESCRIPTION FOR EASEMENT 1

my supervi

A 10.00 Foot Wide Ingress-Egress Easement being part of the West Half of the Southeast Quarter of Section 9, Township 11 North, Range 8 East of the Second Principal Meridian located in Noble Township, Shelby County, Indiana, being that 0.100 acre Easement shown on the Morgan Rampley Subdivision certified by Andrew P. Scholle, PS #LS20400051 on August 21, 2019 as the Scholle's Land Surveying, Inc.'s project number 2019-0056 (all reference to monuments and courses herein are shown on said plat of survey) described as follows:

0400051
STATE OF
NOTATE OF
SURVE

Commencing at a 1 1/2 inch iron pipe found at the Northwest corner of said Quarter; thence North 89 degrees 59 minutes 54 seconds East along the North line of said Quarter a distance of 226.40 feet to a 5/8 inch rebar set with yellow cap stamped "AP SCHOLLE LS20400051" (hereinafter referred to as a "capped rebar set"); thence South 13 degrees 04 minutes 57 seconds East a distance of 542.69 feet to the POINT OF BEGINNING; thence South 13 degrees 04 minutes 57 seconds East a distance of 15.89 feet; thence North 85 degrees 22 minutes 29 seconds East a distance of 79.46 feet to the center of County Road 750 East; thence North 61 degrees 36 minutes 52 seconds East along the center of County Road 750 East a distance of 65.89 feet; thence South 76 degrees 12 minutes 35 seconds West a distance of 95.37 feet; thence North 89 degrees 25 minutes 49 seconds West a distance of 48.16 feet to the POINT OF BEGINNING, containing 0.037 acres, more or less.

he parent tract and the midpoint of the North line ice Engineering as recorded in Survey Record 2, it Quarter was not tied in. Consequently the r Section line. The rebar near the Northeast west corner of the Southeast Quarter. The record vas held over the record distance. held as the Southeast corner of the parent tract. Flat Rock River. These monuments were also

STAFF REPORT 19-13 SEPTEMBER 24, 2019 PAGE 1 OF 2

Staff Report

CASE NUMBER: RZ 19-13

CASE NAME: BEATY REZONING – 12 (HIGH INTENSITY INDUSTRIAL) TO RE

(RESIDENTIAL ESTATE).

CASE SUMMARY

<u>REQUEST:</u> Rezoning of 2.72 acres from the I2 (High Intensity Industrial) District to the RE (Residential Estate) District to allow for development of a residential detached garage on a lot used for residential purposes.

STAFF RECOMMENDATION: APPROVAL because the rezoning would legally establish an existing residential use and allow for improvements to a property historically used for residential purposes.

PROPERTY DESCRIPTION

Location: Sugar Creek Township at 5292 W 100 N, Boggstown.

Property Size: 2.72 acres.

<u>Property Improvements</u>: Single-family residence, pool, tennis court, detached garage, and an accessory structure.

<u>Surrounding Development</u>: Heavy construction contractor office and yard, highway contractor office and yard, and cropland.

<u>Current Zoning District:</u> I2 (High Intensity Industrial) – Per the UDO, the district is established for high intensity industrial uses and heavy manufacturing facilities.

<u>Proposed Zoning District</u>: RE (Estate Residential) – Per the UDO, the district is established for single-family detached dwellings in a rural or county setting.

- The district should be used for residential estates, hobby farming, and low density single-family detached dwellings on large lots.
- The district should be applied to existing development, new development and small area zoning.
- The Plan Commission should use this zoning district for existing developments and carefully for new residential development. Large subdivisions on well and septic systems are not favored.

Comprehensive Plan Future Land Use: Agriculture

- Traditional farming practices as well as accessory residential and other agriculture related uses occur within this designation.
- Existing residential lots containing single-family housing units could also have agricultural related uses,
- This land use category is intended to preserve the existing rural character of the area, while limiting the occurrence of future development on, and subdivision of, natural areas and agricultural land.
- Non-farm residences located on agriculturally designated land should legally acknowledge agricultural activities and not interfere or impede this important economic sector of the County.

STAFF REPORT 19-13 SEPTEMBER 24, 2019 PAGE 2 OF 2

CASE DESCRIPTION

- Approval of the rezoning would legally establish the existing residence and allow for improvements to the property regulated by residential zoning standards rather than industrial zoning standards. A few differences in standards include reduced building setbacks, less stringent architectural standards, and elimination of required landscaping.
- The petitioner plans to construct a detached garage near the west property line. The proposed garage complies with all standards of the RE District.
- The County changed the zoning of the property from Agriculture to High Intensity Industrial at the time of adoption of the 2008 zoning maps. The County likely changed the zoning designation because the petitioner owns both the subject property and adjoining contractor's yard.
- County tax records indicate 1937 as the date of construction for the residence. Therefore, the property has likely been used for residential purposes since 1937.

STAFF ANALYSIS & RECOMMENDATION

In accordance with IC 36-7-4-603 and the UDO, when considering a rezoning, the <u>Plan Commission shall</u> <u>pay reasonable regard to</u>:

- 1. The Comprehensive Plan
- 2. Current Conditions and the Character of Current Structures and Uses in Each District
- 3. The Most Desirable Use for Which the Land in Each District Is Adapted
- 4. The Conservation of Property Values throughout the Jurisdiction
- 5. Responsible Development and Growth

Approval of the rezoning would legally establish an existing residential use and allow for improvements to a property historically used for residential purposes. Approval would not change the character of the property and therefore would not impact the surrounding area.

Staff recommends approval.

APPLICANT/OWNER INFORMATION

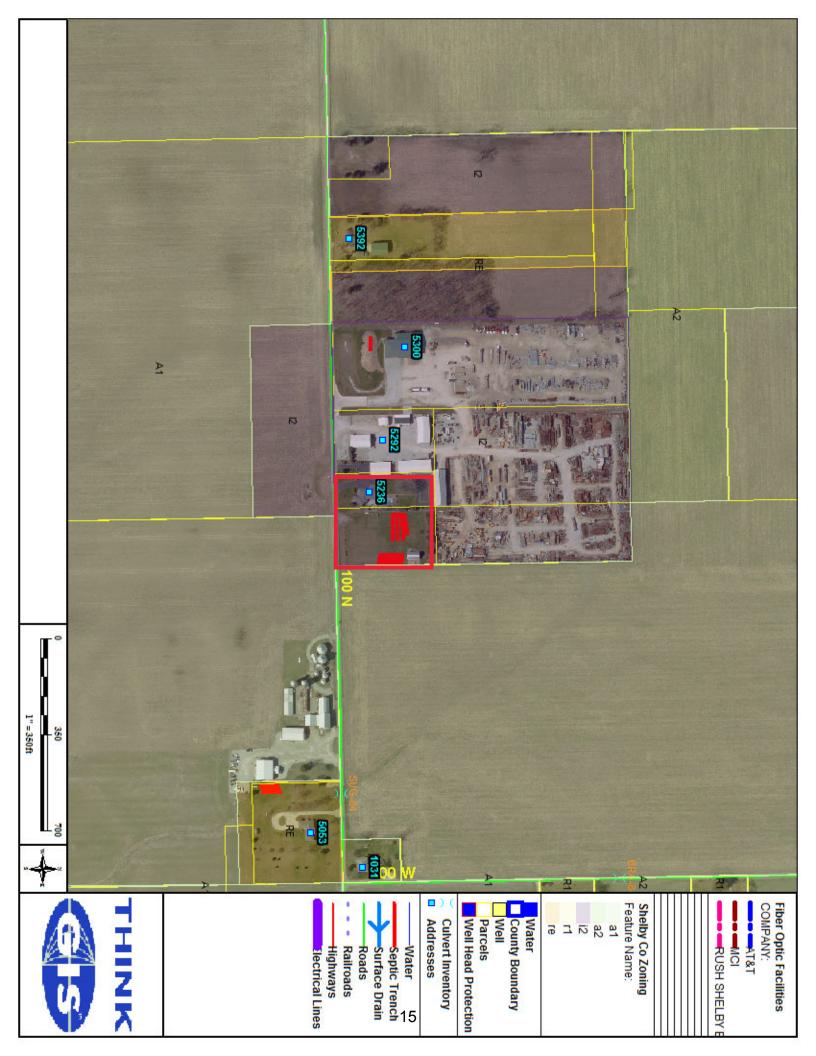
Applicant: Mary Ann Beaty Revocable Living Trust

5292 W 100 N

Boggstown, IN 46110

Applicant's Peter G. DePrez Attorney: 24 E Polk St.

Shelbyville. IN 46176



STATEMENT OF INTENT

The Applicant is building a new garage along the west property line.

In the process of obtaining the necessary permits, applicant determined the zoning of the real estate is I2, which does not allow residences.

Hence, in order to build a new garage and use the real estate for a personal residence, rezoning from I2 to RE District is needed.

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

Applicant: Mary Ann Beaty Revocable Li	ving Trust
Case #:	
Location: 5236 W 100 N, Boggstown, IN	46110
-	helby County Comprehensive Plan because: there is no change ting use within the terms of the Comprehensive Plan.
-	rrent conditions and the character of structures and uses in re other homes in the area and it is consistent with those
	nost desirable use for which the land in each district is adapted site, it is the most desirable use for that land.
•	onservation of property values throughout the jurisdiction te, it should not have a negative impact on other property
5. The request is consistent with responsible in an RE district whereas	nsible growth and development because: the present use is is not allowed in a I2 district.
V	, the Plan Commission hereby forwards a commendation to the County Council this day of
Shelby County Plan Commission	
Ву:	Attest:
President	Secretary

