

Shelby County Plan Commission

September 27, 2022 at 7:00 PM

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MEETING AGENDA

Shelby County Plan Commission
September 27, 2022 at 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the August 23, 2022 meeting.

OLD BUSINESS

SD 22-09 – SUNDVALL SIMPLE SUBDIVISION: Subdivision of 5.004 acres into a 3.004-acre building lot and a 2-acre lot including an existing single-family residence and waiver of subdivision prerequisites. Located at 7203 N Frontage Rd, Fairland, Moral Township.

NEW BUSINESS

SD 22-14 – LONDON WOODS SIMPLE SUBDIVISION: Subdivision of 9.36-acres into three, 3.12-acre, building lots and waiver OF subdivision project applicably standards. Located South of and adjoining 9296 N 675 W, Fairland, Moral Township.

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **October 25, 2022 at 7:00 PM.**

Property Details

Location: 7203 N Frontage Rd,
Fairland, Moral Township.

Property Size: 5.004-acres

Current Land Use: Estate
Residential.

Current Zoning Classification

RE (Residential Estate)

This district is established for single-family detached dwellings in a rural or country setting.

Future Land Use per Comp Plan

Suburban Residential

This purpose of this category is for the transition of land use from agricultural and estate residential uses to low to medium-density, single-family residential subdivisions as water and sewer facilities become available.

Surrounding Development

	Zoning	Land Use
North	NA	I-74
South	A1	Homestead / Cropland
East	RE	Estate Residential
West	RE	Estate Residential

Staff Report

Case Number: SD 22-09

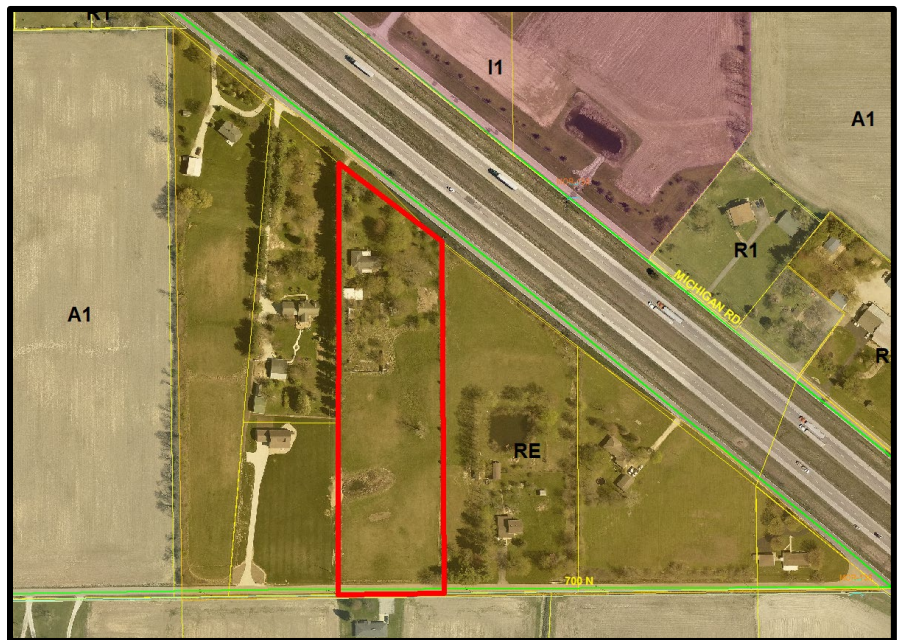
Case Name: Sundvall Simple Subdivision

Requests

Simple Subdivision of 5.004 acres into a 3.004-acre building lot and a 2-acre lot including an existing single-family residence.

Waiver of Simple Subdivision prerequisites to allow for subdivision of a parent tract under 6-acres.

Property Map



Case Description

- Approval of the requests would allow for development of one single-family residential building lot with frontage along CR 700 N. An existing single-family residence and barn would remain on a second lot with frontage along Frontage Rd.
- The petitioner anticipates drainage from the new building lot to outlet into an existing pond along the west property line of the lot.
- The property and majority of surrounding properties have existed as separate residential tracts for over forty years. The Plan Commission approved a Simple Subdivision of the adjoining

property to the west in 2014. The subdivider and current owner constructed a home on the building lot in this subdivision in 2017.

- The Technical Review Committee would review a detailed Site Plan which would include structure layout, septic system design, drainage design, and any other property improvements prior to issuing construction permits for a new home on the building lot. The Technical Review Committee cannot approve any Site Plan that does not comply with County code.

Staff Analysis Findings of Fact

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 subdivision of a parent tract under 6-acres.
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.
6. Approval of the waiver would allow for the creation of a residential building lot in an area recommended for Suburban Residential development by the Comprehensive Plan and which would be consistent with the size of other residential lots in the neighborhood.

Staff Recommendation

APPROVAL primarily because approval would allow for the creation of a residential building lot in an area recommended for Suburban Residential development by the Comprehensive Plan and which would be consistent with the size of other residential lots in the neighborhood.

Applicant/Owner Information

Applicant:	Frank L. Sundvall 7203 N Frontage Rd. Fairland, IN 46126	Surveyor:	Jeffery Powell, Powell Land Surveying LLC 4634 N 575 E Shelbyville, IN 46176
Owner:	Same		

Property Details

Location: South of and adjoining 9296 N
675 W, Fairland, Moral Township.

Property Size: 9.36-acres.

Current Land Use: Natural Resources.

Current Zoning Classification

RE (Residential Estate)

This district is established for single-family detached dwellings in a rural or country setting.

Future Land Use per Comp Plan

Suburban Residential

This purpose of this category is for the transition of land use from agricultural and estate residential uses to low to medium-density, single-family residential subdivisions as water and sewer facilities become available.

Commercial

The purpose of this category is to provide a full range of commercial, retail, office and service uses for residents, businesses, and visitors. This category includes commercial activities with direct contact with customers ranging from neighborhood convenience stores to regionally oriented specialty stores.

Surrounding Development

	Zoning	Land Use
North	R1	Single-Family Residential
South	RE	Cropland
East	RE	Cropland
West	RE	Residential Estate

Staff Report

Case Number: SD 22-14

Case Name: London Woods Simple Subdivision

Requests

Simple Subdivision of 9.36-acres into three, 3.12-acre, building lots.

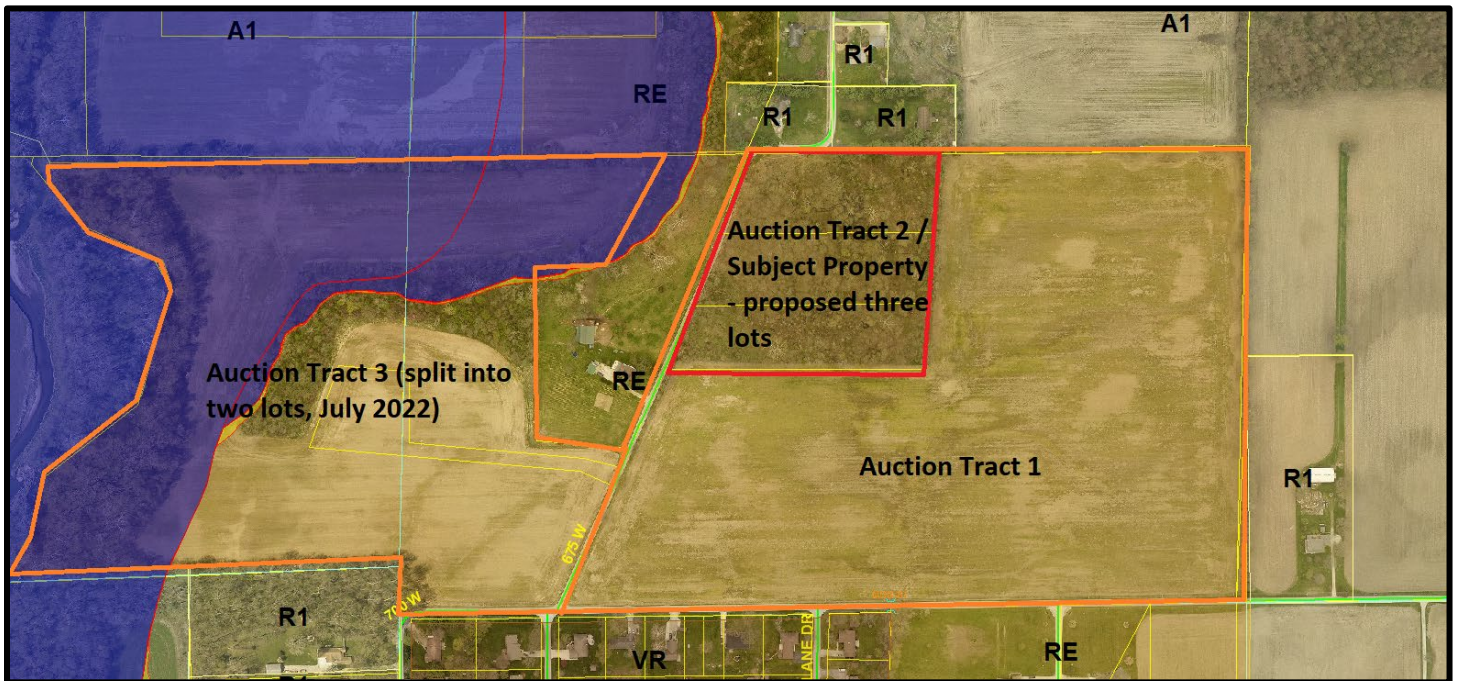
Waivers:

1. Of subdivision project applicably standards to allow re-subdivision of a parent tract split/subdivided within the previous five (5) years;
2. Of subdivision design standards to allow side lot lines not within a 15-degree angle to the right-of-way.

Purpose of Subdivision Code Requirements

Restricting re-subdivision of property for a 5-year period prevents property owners from subdividing a parent tract multiple times to create additional lots than permitted by ordinance. The ordinance limits Simple Subdivision of property to three lots to maintain low-density development in rural areas while allowing a development option that does not necessitate significant road, drainage, and utility improvements.

Property Map



Case Description

- Approval of the requests would allow for development of three single-family residential building lots.
- The petitioner indicated that he and his family members intend to build personal residences on each of the lots.
- The petitioner indicated that his contracted builder is currently designing the drainage system for each of the lots. The Technical Review Committee would review a detailed Site Plan which would include structure layout, septic system design, drainage design, and any other property improvements prior to issuing construction permits for a new home on the building lot. The Technical Review Committee cannot approve any Site Plan that does not comply with County code.
- Historical aerial photography indicates that woodland has covered the property since at least 1985.
- The USDA Soil Survey classifies the property as “Prime Farmland if Drained.”
- Property and Zoning History
 - 2003 - Zion Evangelical United Church of Christ acquired the 93.338-acre parent tract.
 - 2007 – The Plan Commission and County Commissioners approved a rezoning of the 93.338-acre tract from A (Prime Agricultural Cropland) to R1 (Single-Family Residential) to allow the church to market the property for residential development. The ordinance in effect at the time would not have allowed for the creation of

more than three lots without road, drainage, and utility improvements required as part of a major subdivision.

- 2008 – The County updated the county-wide zoning maps and assigned the subject property the RE (Residential Estate) zoning designation.
- March 2022 – The church surveyed the property into three tracts for the purposes of public auction (Tract 1, Tract 2, & Tract 3 as indicated on map on previous page). State law allows for the subdivision and sale of property without approval from the local Planning Authority, however the Planning Authority may restrict development of property subdivided not in accordance with the local planning code. This split would have required Plan Commission approval of a Simple Subdivision Plat to develop the property for residential purposes. The UDO would have prohibited further subdivision of each of the three lots for a five-year period.
- April 2022 – The petitioner and two other buyers purchased each of the three tracts. The deed transferring Tract 2 to the petitioner further split Tract 2 into three lots. The petitioner contacted surveyor Scott Sumerford to submit Site Plans to the Technical Review Committee for residential development of the three lots. At that time, Staff informed the petitioner that he would need to obtain Plan Commission approval to retroactively subdivide the property to legally establish the building lots.
- May 2022 – The Plan Commission approved subdivision of Tract 3 into two building lots. The approval included one stipulation: *The building lot and remainder tract shall be subject to a ten (10) year suspension of further subdivision.*
- At the time of the writing of this Staff Report, the owner of Tract 1 has not contacted the Plan Commission office regarding plans for future development of Tract 1.

Staff Analysis Findings of Fact

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 waivers from the side lot line angle requirement.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance, pending approval of waivers from project applicability requirements.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.
6. CR 675 W runs from north to south at a 20-degree angle, which necessitates a waiver from the side lot line angle requirement to create lots with side lot lines that run parallel from east to west.

7. Approval of a waiver from the 5-year suspension on re-subdivision of property allows for re-subdivision of a parent tract significantly larger than typical tracts in the RE District. The proposed lots also exceed the size of adjacent lots

to the north and the minimum lot size for properties in the RE District. Therefore, re-subdivision of the property would not have a significant impact on the residential density of the area or deviate from the character of the area. However, the Plan Commission should limit future subdivision of the property to discourage development of multiple lots without access to road, drainage, and utility improvements required as part of a major subdivision.

Staff Recommendation

APPROVAL of the **Simple Subdivision and Waivers** primarily because the proposed development would not conflict with the rural residential character of the area. However, the Plan Commission should limit future subdivision of the property to prevent the creation of multiple lots without access to road, drainage, and utility improvements required as part of a major subdivision.

Recommended Stipulation: Each lot shall be subject to a fifteen (15) year suspension of further subdivision.

Applicant/Owner Information

Applicant:	Douglas A Dugger 5999 West Memory Lane Greenfield, IN 46140	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
Owner:	Same		

FINAL PLAT FOR

LONDON WOODS SIMPLE SUBDIVISION

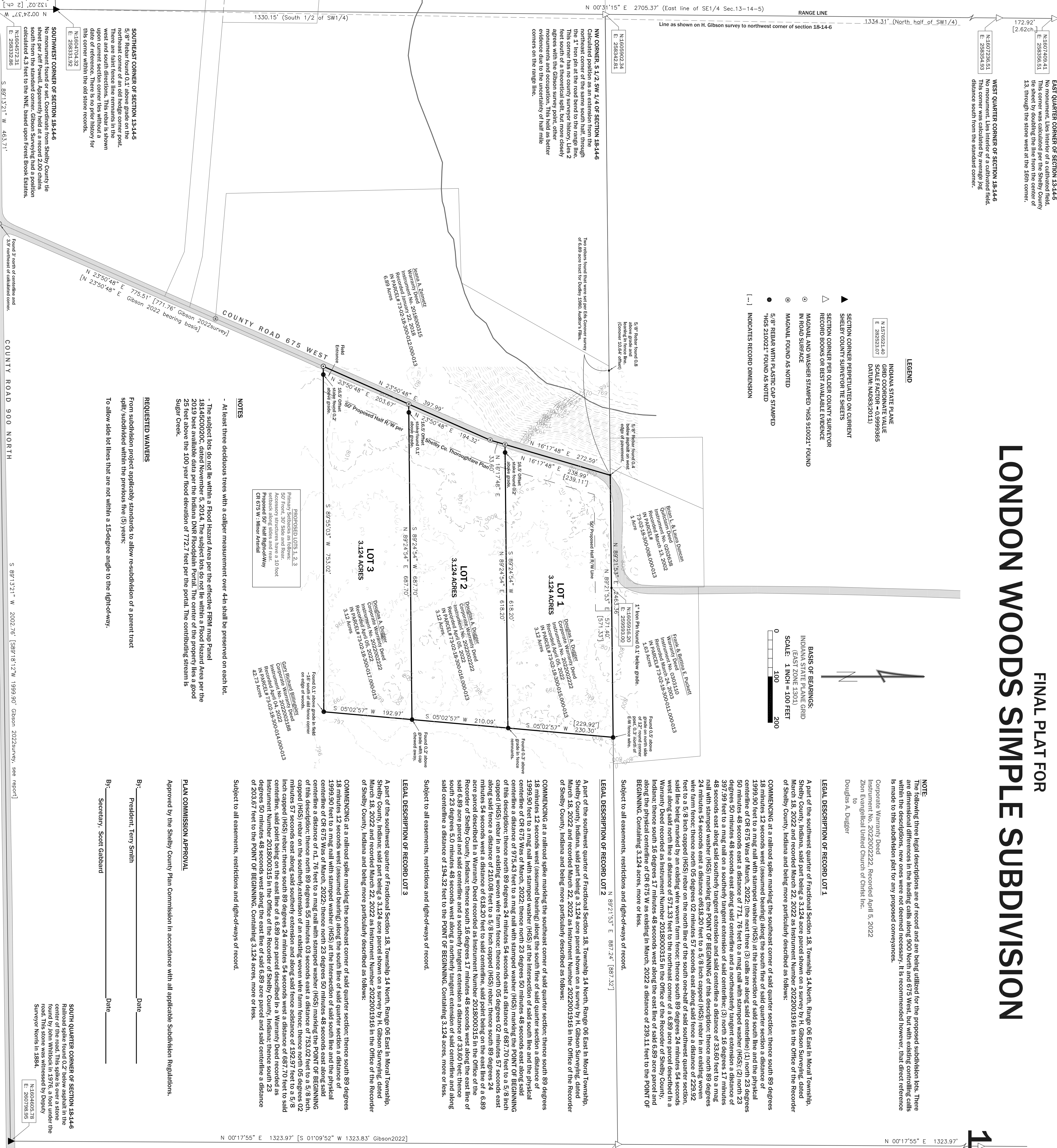
EAST QUARTER CORNER OF SECTION 13-14-6... The monument... calculated per the Shelby County... sheet by doubling the line from the center of... 13 through the stone west at the 16th corner.

WEST QUARTER CORNER OF SECTION 13-14-6... The corner was calculated by averaging the... distance south from the standard corner.

LEGEND
INDIANA STATE PLANE
SCALE FACTOR = 0.9999365
DATE: NAD83(2011)

- SECTION CORNER PERPETUATED ON CURRENT
SHELBY COUNTY SURVEY ON THE SHEETS
SECTION CORNER PER OLDER COUNTY SURVEYOR
RECORD BOOKS OR BEST AVAILABLE EVIDENCE
IN ROAD SURFACE
MAGNAIL FOUND AS NOTED
5' GR REBAR WITH PLASTIC CAP STAMPED
THIS 200221 FOUND AS NOTED
INDICATES RECORD DIMENSION

BASIS OF BEARINGS:
INDIANA STATE PLANE GRID
(EAST ZONE 1301)
SCALE: 1 INCH = 100 FEET



OWNERSHIP CERTIFICATE
SCOTT T. SUMERFORD LAND SURVEYING
3149 NORTH RILEY HIGHWAY
SHELBYVILLE, IN 46176-9462
BUSINESS PHONE (317) 401-6050
INDIANA REGISTERED SURVEYOR NO. 29800017
JOB LOCATION
PART OF THE SOUTH HALF OF THE
SOUTHWEST QUARTER, SECTION 18-14-6
MORAL TOWNSHIP, SHELBY COUNTY, IND
INDIANA TITLE 865
BOUNDARY SURVEY
CLIENT Douglas Dugger
5999 W Memory Ln
Greenfield, IN 46140
PROJECT Simple Subdivision Process for creating 3 building lots that were acquired through auction by the client back in April of this year.

OWNERSHIP CERTIFICATE
I, Douglas A. Dugger, of Hancock County do hereby certify that as 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.

STATE OF INDIANA
COUNTY OF SHELBY
I, Douglas A. Dugger, do hereby certify that as 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.

PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE ABOVE CERTIFICATE AS HAVING BEEN SO KNOWN TO ME BY ME OR BY OTHER PERSONS PERIODICALLY FOR THE PURPOSES OF THIS CERTIFICATE AS SHOWN FREE AND VOLUNTARILY ACT AND DEED FOR THE USES AND PURPOSES THEREON SET FORTH.

NE CORNER, S. 1/2, SW. 1/4 OF SECTION 18-14-6
Calculated position at a midpoint split between quarter corners. This is the same method as the 2007 Gibson work, but their monument measures about 0.34 feet south and 0.82 feet east of the 0.8' above grade line 2' east of a corner post with iron fence(running west). There is no stone record, but there was an entry for 'S' corner by County Surveyor Elliot, bearing trees only, 1851.

SURVEYOR'S REPORT
The client purchased this property by a real estate auction back in spring of this year. It had been divided on paper by H. Gibson Land Surveying out of Greenfield. Just prior to the auction, these monuments were obliterated by the Sheriff's office. The subdivision process to officially create three buildable lots.

LEGAL DESCRIPTION OF RECORD LOT 3
A part of the southwest quarter of Fractional Section 18, Township 14 North, Range 06 East in Moral Township, Shelby County, Indiana; said part being a 3.124 acre parcel shown on a survey by H. Gibson Surveying, dated March 18, 2022 and recorded March 22, 2022 as Instrument Number 2022001916 in the Office of the Recorder of Shelby County, Indiana and being more particularly described as follows:

COMMENCING at a railroad spike marking the southeast corner of said quarter section; thence south 89 degrees 18 minutes 12 seconds west (assumed bearing) along the south line of said quarter section a distance of 1999.90 feet to a mag nail with stamped washer (HGS) at the intersection of said south line and the physical centerline of CR 675 W of March, 2022; thence north 23 degrees 50 minutes 48 seconds east along said centerline a distance of 75.43 feet to a mag nail with stamped washer (HGS) marking the POINT OF BEGINNING of this subdivision; thence north 89 degrees 55 minutes 05 seconds east a distance of 75.502 feet to a 5/8 inch capped (HGS) rebar in an existing well; thence north 05 degrees 02 minutes 57 seconds east along said fence a distance of 210.08 feet to a 5/8 inch capped (HGS) rebar; thence south 89 degrees 24 minutes 54 seconds west a distance of 618.20 feet to said centerline; said point being on the east line of a 6.89 acre parcel described in a Warranty Deed recorded as Instrument Number 2018000315 in the Office of the Recorder of Shelby County, Indiana; thence south 16 degrees 17 minutes 48 seconds west along the east line of said 6.89 acre parcel and said centerline and a southerly tangent extension a distance of 33.60 feet; thence south 23 degrees 50 minutes 48 seconds west along a northerly tangent extension of said centerline and along said centerline a distance of 134.32 feet to the POINT OF BEGINNING. Containing 3.124 acres, more or less.

LEGAL DESCRIPTION OF RECORD LOT 1
A part of the southwest quarter of Fractional Section 18, Township 14 North, Range 06 East in Moral Township, Shelby County, Indiana; said part being a 3.124 acre parcel shown on a survey by H. Gibson Surveying, dated March 18, 2022 and recorded March 22, 2022 as Instrument Number 2022001916 in the Office of the Recorder of Shelby County, Indiana and being more particularly described as follows:

COMMENCING at a railroad spike marking the southeast corner of said quarter section; thence south 89 degrees 18 minutes 12 seconds west (assumed bearing) along the south line of said quarter section a distance of 1999.90 feet to a mag nail with stamped washer (HGS) at the intersection of said south line and the physical centerline of CR 675 W of March, 2022; thence north 23 degrees 50 minutes 48 seconds east along said centerline a distance of 75.43 feet to a mag nail with stamped washer (HGS) marking the POINT OF BEGINNING of this subdivision; thence north 89 degrees 55 minutes 05 seconds east a distance of 75.502 feet to a 5/8 inch capped (HGS) rebar in an existing well; thence north 05 degrees 02 minutes 57 seconds east along said fence a distance of 210.08 feet to a 5/8 inch capped (HGS) rebar; thence south 89 degrees 24 minutes 54 seconds west a distance of 618.20 feet to said centerline; said point being on the east line of a 6.89 acre parcel described in a Warranty Deed recorded as Instrument Number 2018000315 in the Office of the Recorder of Shelby County, Indiana; thence south 16 degrees 17 minutes 48 seconds west along the east line of said 6.89 acre parcel and said centerline and a southerly tangent extension a distance of 33.60 feet; thence south 23 degrees 50 minutes 48 seconds west along a northerly tangent extension of said centerline and along said centerline a distance of 134.32 feet to the POINT OF BEGINNING. Containing 3.124 acres, more or less.

PLAN COMMISSION APPROVAL
Approved by the Shelby County Plan Commission in accordance with all applicable Subdivision Regulations.
Requested Waivers
From subdivision project applicably standards to allow re-subdivision of a parent tract split/subdivided within the previous five (5) years.
To allow side lot lines that are not within a 15-degree angle to the right-of-way.