

**Shelby County Plan Commission**  
**Meeting Minutes**  
**Tuesday**  
**May 28, 2024**

**Members Present:**

Jason Abel  
Terry Smith  
Kevin Carson  
David Lawson  
Megan Hart  
Mike McCain  
Jeff Powell – via Zoom

**Members Absent:**

Charity Mohr

**Staff Present:**

Desiree Calderella – Planning Director  
Jason Clark – Plan Commission Attorney

**Call to Order and Roll Call:**

Terry Smith called the May 28, 2024, meeting to order at 7:00 pm in Room 208 A at the Court House Annex.

**Approval of Minutes:**

Jason Abel made a motion to approve the minutes from April 23, 2024. Kevin Carson seconded the motion. The minutes were approved 7-0.

**Old Business:**

None.

**New Business:**

**RZ 24-03 – LAW REZONING:** Rezoning of 5.94-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision. Located on the east side of Sand Creek Rd, ¼-mile south of CR 100 N, Sugar Creek Township.

Desiree Calderella read the petition into the record and stated that Staff recommends

approval.

Scott Sumerford represented the petitioner. He indicated that the petitioner intends to build a house east of the waterway located on the property and had already tested the soil for septic system feasibility.

The Board opened the hearing for public comment. There was none. The Board closed the public comment portion of the hearing.

Jason Abel asked if the driveway would cross the waterway.

Scott Sumerford explained that the petitioner would need to install a pipe under the driveway where it crosses the waterway.

Kevin Carson made a motion of vote on the petition and Jason Abel seconded that motion. **The petition was APPROVED 7-0.**

Kevin Carson made a motion to adopt the Findings of Fact as stated in the Staff Report. Jason Abel seconded the motion. The Findings of Fact as stated in the Staff Report were adopted 7-0.

**SD 24-04 – LAW SIMPLE SUBDIVISION:** Simple Subdivision of 5.94-acres from a 103.67-acre parent tract. Located on the east side of Sand Creek Rd, ¼-mile south of CR 100 N, Sugar Creek Township.

Desiree Calderella read the petition into the record and stated that Staff recommends approval.

Scott Sumerford represented the petitioner. He had no additional comment.

The Board opened the hearing for public comment. There was none. The Board closed the public comment portion of the hearing.

Jeff Powell made a motion of vote on the petition and Mike McCain seconded that motion. **The petition was APPROVED 7-0.**

**RZ 24-04 – HOCKETT REZONING:** Rezoning of 1.082-acres from the A4 (Agricultural Commercial) District to the R1 (Single-Family Residential) District to allow for a one-lot Simple Subdivision. Located at 5542 W 1100 N, New Palestine, Moral Township.

Desiree Calderella read the petition into the record and stated that Staff recommends denial.

Scott Sumerford and Keith Hocket explained that the subdivision would allow for equal distribution of property among the current owners of the parent tract. They explained that the petitioner also intends to subdivide an existing house on a 1.082-acre lot from the parent tract through the exempt subdivision process.

Peggy Hocket also provided clarification as to the intent of the subdivision.

The Board opened the hearing for public comment. There was none. The Board closed the public comment portion of the hearing.

Jeff Powell asked clarifying questions regarding the lot layout.

Terry Smith noted that other lots zoned R1 exist in the area.

Kevin Carson noted that the petitioner may decide to subdivide another lot from the parent tract in the future.

Jeff Powell expressed concern that the proposed driveway easement would limit the developable area of the lot. He noted that increasing the size of the lot would result in an undesirable lot configuration. He noted that the petitioner could obtain an easement for an off-site septic system if the septic system on the lot failed.

The Board had a discussion regarding septic system approval.

Desiree Calderella explained that she had recommended denial of the petition primarily because most other residential lots in the area lie within the RE District.

Jeff Powell indicated that ideally the lot should be larger, however, the size of the lot would not necessarily prohibit development of the lot.

Kevin Carson indicated that he supported the rezoning because the lot would not encompass farm ground, however, does not believe that the Board should approve a rezoning to solve a monetary problem of the property owner.

Jeff Powell asked if the petitioner intended to develop the lots they had subdivided from the parent tract in 2018.

Keith Hockett indicated that they did not have any immediate plans to develop those lots.

Desiree Calderella explained that historically the Board has approved rezoning of property to R1 to allow lots under 2-acres, however, in most of those cases the property lied within an area with primarily R1 zoning or within an isolated agricultural area.

The Board had a conversation regarding the desirability of moving the driveway from the proposed lot to another location.

Jason Abel made a motion of vote on the petition and Megan Hart seconded that motion. **The petition was APPROVED 7-0.**

Megan Hart made a motion to adopt the Findings of Fact as stated in the Staff Report under Considerations Supporting Rezoning. Mike McCain seconded the motion. The Findings of Fact as stated in the Staff Report under Considerations Supporting Rezoning were adopted 7-0.

**SD 24-05 – PJH SIMPLE SUBDIVISION:** Simple Subdivision of 1.082-acres from a 75.46-acre parent tract and waiver of Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned R1. Located at 5542 W 1100 N, New Palestine, Moral Township.

Desiree Calderella read the petition into the record and stated that Staff recommends approval.

Scott Sumerford represented the petitioner. He had no additional comment.

The Board opened the hearing for public comment. There was none. The Board closed the public comment portion of the hearing.

The Board had a discussion regarding the shared driveway across the lot.

Kevin Carson made a motion of vote on the petition and David Lawson seconded that motion. **The petition was APPROVED 7-0**

**RZ 24-05 – AMENDMENT TO SECTION 5.30 FP-01 FLOOD DAMAGE PREVENTION OF THE SHELBY COUNTY UNIFIED DEVELOPMENT ORDINANCE. Applies to unincorporated Shelby County.**

Desiree Calderella outlined the revisions made to the ordinance from the draft that the Board had reviewed the previous month.

Kevin Carson made a motion of vote on the amendment and Jason Abel seconded that motion. **The amendment was APPROVED 7-0.**

**Discussion:**

None.

**Adjournment:**

With no further business to come before the Board, Kevin Carson made a motion to adjourn. David Lawson seconded that motion. The meeting was adjourned.

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**Terry Smith**  
**President**                                **Date**

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**Jason Abel**  
**Secretary**                                **Date**