

ORDINANCE NO. 2012-20-CM

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE FROM AW TO A

BE IT ORDAINED BY THE COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA:

Section I: The Unified Zoning Ordinance Tippecanoe County, Indiana being a separate ordinance is hereby amended to rezone the following described real estate situated in Perry Township, Tippecanoe County, Indiana, to-wit:

See attached

Section II: The above described real estate should be and the same is hereby rezoned from AW to A.

Section III: This Ordinance shall be in full force and effect from and after its adoption.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA, THIS 4th DAY OF June, 20 12.

VOTE:

absent

yes

yes

absent

President Thomas Murtaugh

John Knochel

Vice President John Knochel

David S Byers

Member David Byers

ATTEST:

Jennifer Weston, Auditor
Jennifer Weston, Auditor

Description:

A part of the Southwestern Quarter, Section 21, Township 23, Range 3 West, Perry Township, Tippecanoe County, Indiana, described as follows:

Commencing at the Southwestern corner of said Southwest Quarter:

Thence North 00°00'00" West along the western line of said Southwestern Quarter, 994.6 feet;

Thence South 90°00'00" East, 124.11 feet to the point of Beginning of this description;

Thence North 30°30'00" East, 23 feet;

Thence North 01°30'00" West, 63 feet;

Thence North 44°00'00" East, 55 feet;

Thence South 87°38'45" East, 47.70 feet;

Thence South 08°30'00" East, 125 feet;

Thence South 47°00'00" West, 53 feet;

Thence South 04°00'00" East, 55 feet;

Thence North 86°00'00" West, 20 feet;

Thence North 04°0'00" East, 60 feet

Thence North 59°30'00" West, 65 feet to the point of beginning of this description.

THE

Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET
LAFAYETTE, INDIANA 47901-1209

(765) 423-9242
(765) 423-9154 [FAX]

SALLIE DELL FAHEY
EXECUTIVE DIRECTOR

May 17, 2012
Ref. No.: 12-143

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

CERTIFICATION

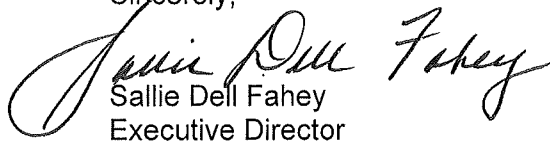
RE: **Z-2490--SHERYL S. WEIST (AW to A):**
Petitioner is requesting rezoning a 1.748 acre portion of an 8.9 acre tract (the part of the tract which lies above the Flood Plain zone) located at 6940 SR 26 East, Perry 21 (SW) 23-3.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on May 16, 2012 the Area Plan Commission of Tippecanoe County voted 10 yes - 0 no on the motion to rezone the subject real estate from AW to A. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their June 4, 2012 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,


Sallie Dell Fahey
Executive Director

SDF/lmu

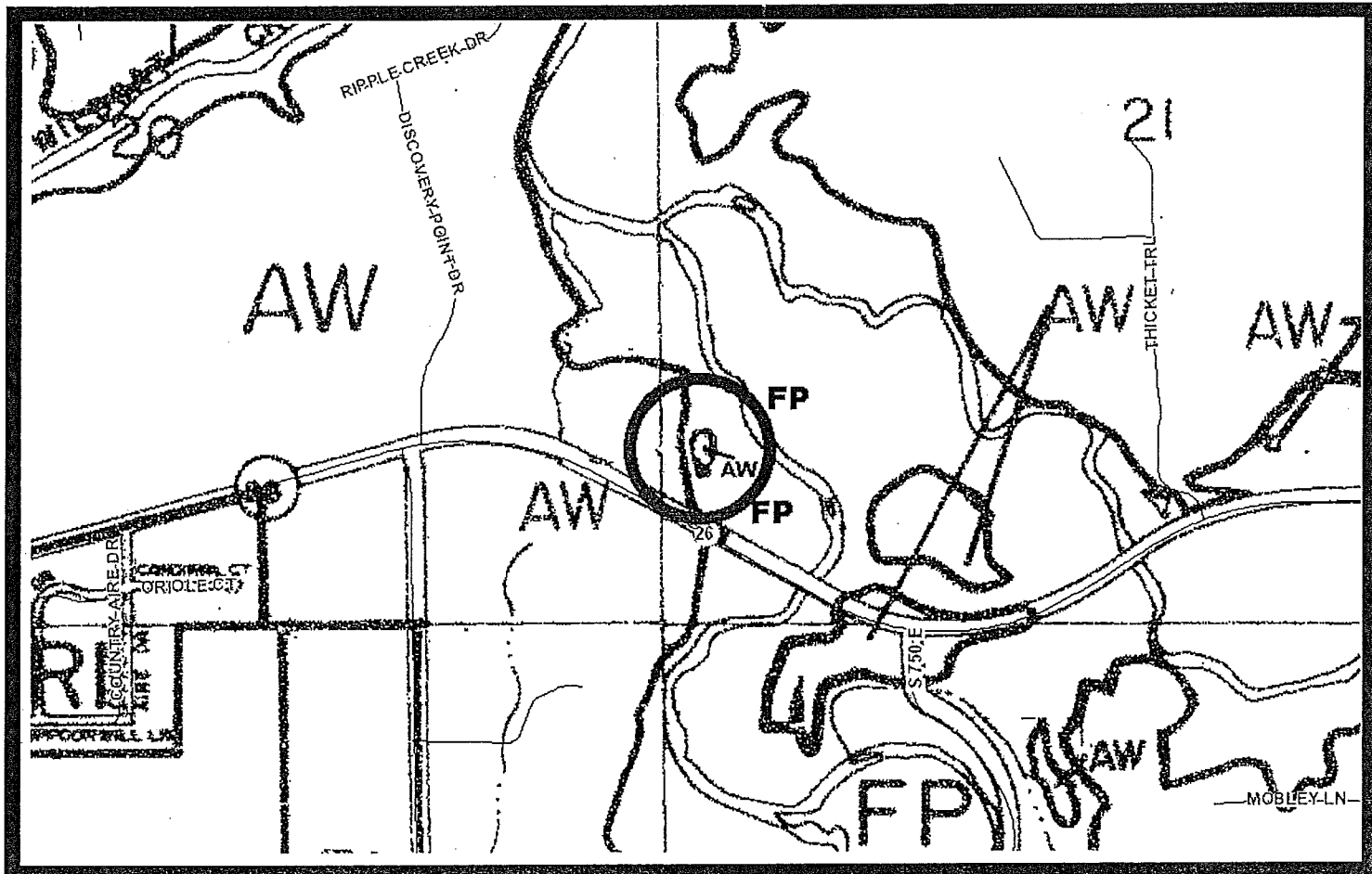
Enclosures: Staff Report & Ordinances

cc: Sheryl and Michael Weist
Ken Brown, Tippecanoe County Building Commissioner

**Z-2490
SHERYL WEIST
AW to A**

**STAFF REPORT
May 10, 2012**

Z-2490
SHERYL WEIST
(AW to A)



REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, who is the property owner along with Michael C. Weist, is requesting rezoning of a 1.748 acre portion of an 8.9 acre tract (the part of the tract which lies above the Flood Plain zone) located at 6940 SR 26 East, Perry 21 (SW) 23-3. Petitioner plans to add on to the existing house on site and make the structure a duplex.

ZONING HISTORY AND AREA ZONING PATTERNS:

The 8.9 acre site in question was at one time entirely zoned Flood Plain. The South Fork of the Wildcat Creek runs through petitioner's property; the confluence of the South and Middle Forks is only a quarter mile to the north. In 1985, fill dirt was added to the site; a Flood Plain Certification was done and 1.748 acres were found to be above the elevation of the 100 year flood. At that time, property taken out of the FP zone that was surrounded by FP zoning, automatically became zoned FC, Forestry Conservation. The FC zone became the current AW, Agricultural Wooded zone with the adoption of NUZO in 1998.

Surrounding properties are a mix of FP and AW zoning.

AREA LAND USE PATTERNS:

The site has an existing house and pole barn within the confines of the area above the flood plain. Most properties in the area are unplatted large-lot residences.

There is a 25' building setback from the FP zoning district; construction within 100' of the FP zone is required to meet the Flood Protection Grade. This means the lowest floor of any building is required to be 2' above the FP elevation. It is not clear if petitioner can add on to the existing house and meet these criteria.

TRAFFIC AND TRANSPORTATION:

This request would not affect traffic in the area. The property is served by a shared off-site driveway from SR 26 E. Whether or not a driveway permit would be necessary for this minor change of use would be the decision of the Crawfordsville Office of INDOT.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

The site is served by individual septic system and well. A letter from the County Health Department states that, the office "has no objection to the proposed rezoning..." The letter continues that, "The single-family dwelling which will be a duplex is served by an

onsite sewage disposal system and private water well. The soils at this site are well drained with no seasonal high water table or limiting layers such as a dense till or bedrock. The Health Department would allow the existing system to be replaced in the area of the soil borings if it would become necessary due to a failure to function properly.”

STAFF COMMENTS:

There are few differences between the AW, Agricultural Wooded zone and the A, Agricultural zone; one of them is the fact that duplexes are permitted by right in the A zone but not permitted in the AW zone. (This is a leftover from the time period when some farmsteads had an attached unit for a farmhand and his family.) Likewise, there are few uses allowed by right in the A zone that are not also allowed by right in the AW zone. The one or two uses that could possibly be considered incompatible that are permitted in the A zone, would not fit within the small confines of petitioner’s A zoned area. Therefore an island of Agricultural zoning will not negatively impact the surrounding properties, and staff can support this request.

STAFF RECOMMENDATION:

Approval