

ORDINANCE NO. 2016-12-CM
AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE
COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE
FROM _____ TO _____

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

Section 1: The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a unified county code is hereby amended to rezone the following described real estate situated in _____ Township, Tippecanoe County, Indiana

see attached

Section 2: The above-described real estate should be and the same is hereby rezoned from GB to R1.

Section 3: This ordinance shall be in full force and effect from and after its adoption.

(Adopted And Passed) (Denied) by the Board Of Commissioners of Tippecanoe County, Indiana, this 1st day of August, 2016.

VOTE:

<i>y</i>	<u>David Byers</u> DAVID BYERS, President
<i>y</i>	<u>Tracy Brown</u> TRACY BROWN, Vice President
<i>y</i>	<u>Thomas Murtough</u> THOMAS MURTAUGH, Member

ATTEST:

<u>Bob Plantenga</u> BOB PLANTENGA	CHIEF DEPUTY Auditor
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MS-21-1102

8403924

Note: Use of this form constitutes practice of law and is limited to practicing lawyers.

Form No. 8

WARRANTY DEED

THIS INDENTURE WITNESSETH. That Joseph D. Miller and Evelyn G. Miller, husband and wife, ("Grantor")
of Tippecanoe County, in the State of Indiana. CONVEY
AND WARRANT to Melvin Miller and Marilyn S. Miller, husband and wife,
of Tippecanoe County, in the State of Indiana, for the sum
of One and 00/100 Dollars (\$ 1.00) and other
valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in
Tippecanoe County, in the State of Indiana:

Parts of lot numbered thirteen (13) in the Town of Chapmanville (now Colburn) Indiana, as platted upon a part of the West half of the Northwest quarter of Section twenty four (24) in Township twenty four (24) North, Range three (3) West, described as follows, to-wit:

A strip of ground fifteen (15) feet of even width off of the entire East side of said lot;
ALSO a strip of ground of even width of thirty nine (39) feet and three (3) inches off of the entire South side of said lot.
Located in Washington Township, Tippecanoe County, Indiana.

Subject to all easements and restrictions of record, 1983 taxes due and payable in 1984, any unpaid prior taxes and all subsequent taxes.

RECORDED IN RECORD
NO. disc 84 PAGE 109-3
RECEIVED FOR RECORD
2:35 O'CLOCK P M

MAY 1 1984

Bothe High

Real Estate Transfer
Filed

Sarah S. Brown

Auditor Tippecanoe County

M. 1 10 84

THE

Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET
LAFAYETTE, INDIANA 47901-1209

(765) 423-9242
(765) 423-9154 [FAX]
www.tippecanoe.in.gov/apc

SALLIE DELL FAHEY
EXECUTIVE DIRECTOR

July 21, 2016
Ref. No.: 16-167

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

CERTIFICATION

RE: **Z-2656--MELVIN & MARILYN MILLER (GB to R1):**

Petitioners are requesting rezoning in order to replace a prior house destroyed by fire, at the southeast corner of Church Street and CR 700 N, more specifically, 6931 Church Street, in the unincorporated town of Colburn, Washington 24 (NW) 24-3.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on July 20, 2016 the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to rezone the subject real estate from GB to R1. 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 Monday, August 1, 2016 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,


Sallie Dell Fahey
Executive Director

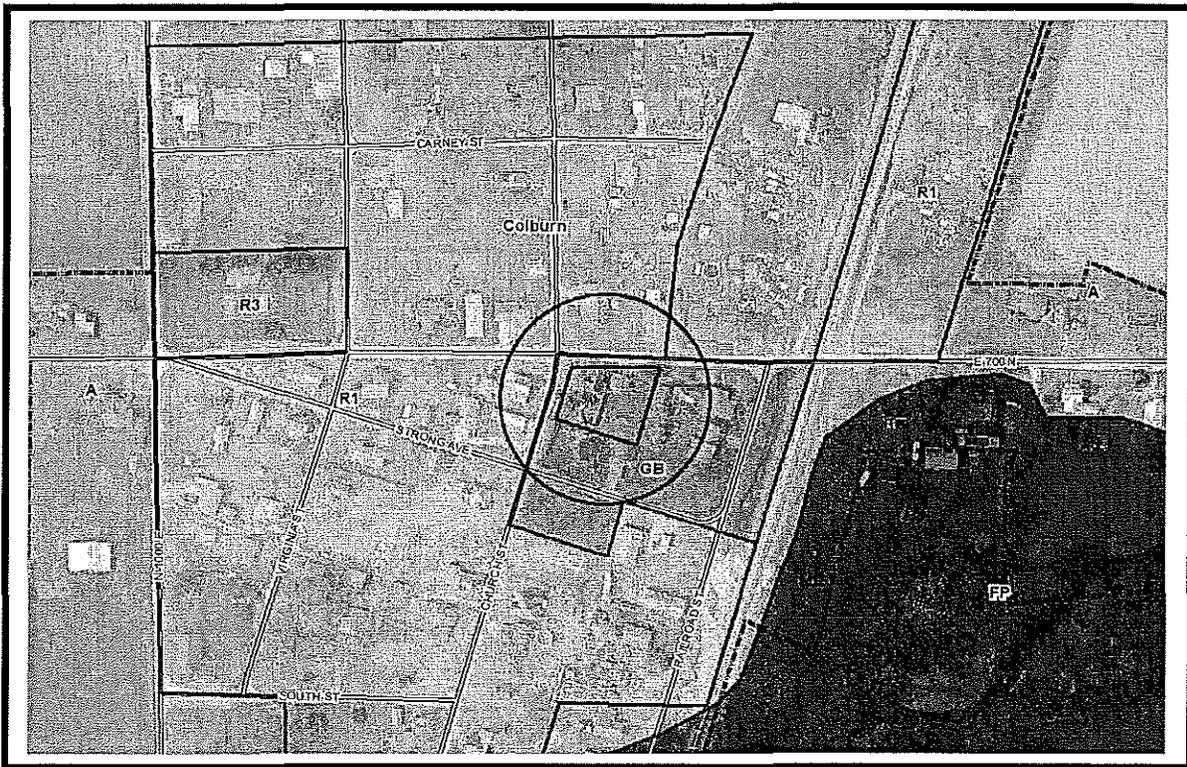
SDF/lmu

Enclosures: Staff Report & Ordinances

cc: Mike Wolf, Tippecanoe County Building Commissioner

Z-2656
MELVIN & MARILYN MILLER
(GB to R1)

STAFF REPORT
July 14, 2016



Z-2656
MELVIN D. & MARILYN S. MILLER
GB to R1

Staff Report
July 14, 2016

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioners, who are also the owners, are requesting rezoning of their property located in the middle of the unincorporated town of Colburn. Petitioners' home was destroyed by a fire earlier this year. In order for this home to be replaced the property must be rezoned from GB to a residential zone. The property is commonly known as 6931 Church Street, Washington 24 (NW) 24-3.

ZONING HISTORY AND AREA ZONING PATTERNS:

The site and the lots to the east and south are all zoned GB, General Business. R1 zoning is located to the west and north. Agricultural (A) zoning can be found to the northeast across CR 700 N.

The earliest zoning maps for Colburn show this block commercially zoned. A lot to the southeast (south side of Strong Street at Railroad Street) was rezoned in 2003 to R1 (Z-2136).

AREA LAND USE PATTERNS:

Petitioner's home was destroyed in a fire and a demolition permit was issued last month to remove the remnants of the house; a detached garage still stands on the site. Other single-family homes surround the site and appear to occupy all of the GB-zoned lots in the area.

TRAFFIC AND TRANSPORTATION:

Petitioners' site is located at the southeast corner of CR 700 N and Church Street, both classified as rural local roads in *The Thoroughfare Plan*.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

The site is served by private septic and well. The County Health Department has no record of installation, replacement or repair of the existing septic system. There is also no complaint of failure to function on file. Conversations with this department revealed that a similarly sized home could likely use the existing septic system on site.

Very early discussions have begun about serving the Buck Creek-Colburn-Americus area with sanitary sewer. The County Commissioners are looking for grant money to begin the feasibility study.

STAFF COMMENTS:

Petitioners' are requesting a rezone from GB to R1 so that they can rebuild their home. According to historic zoning maps, this part of Colburn has always been zoned GB. While commercial uses may have at one time occupied this area near the center of town and the railroad tracks, current uses are limited to single-family homes. Under the repealed zoning ordinance that was replaced by the 1998 UZO, single-family homes were permitted by right in the GB zone.

Staff encouraged the petitioners to discuss with their neighbors in the GB zone the possibility of filing a joint petition to make more of these homes conforming, but this option was not chosen. This rezone to R1 is supportable as it better reflects the existing land uses in the area and accommodates the petitioners' plan to rebuild their home.

STAFF RECOMMENDATION:

Approval