

ORDINANCE NO. 23-02-28-001


AN ORDINANCE AMENDING, AND TO AMEND
THE ZONING ORDINANCE OF KOSCIUSKO
COUNTY, INDIANA

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

ARTICLE 1.

Section 1. That the Kosciusko County Zoning Ordinance heretofore passed and adopted by the Board of Commissioners of Kosciusko County, Indiana, and recorded under Miscellaneous Record 53, Page 130 be and the same is hereby amended in the particulars hereinafter set forth.

Section 2. That certain tract of land situated in Kosciusko County, Indiana, now lying without the corporate limits of any non-participating City or Town and under the jurisdiction of the Kosciusko County Area Plan Commission, as a part of the Comprehensive Plan for Kosciusko County, Indiana; to-wit:

2023020934 ORDN \$0.00
02/28/2023 11:45:46A 8 PGS
Deborah A Wright
Kosciusko County Recorder IN
Recorded as Presented


"SEE ATTACHED"

be, and the same is hereby, removed from classification as an Agricultural and
subject real estate shall be reclassified and rezoned as Agricultural 2 within the
limitations, definitions and description of the Kosciusko County Zoning Ordinance.

Section 3. That the Ordinance Administrator, pursuant to said Zoning Ordinance be, and he is hereby authorized to issue Location Improvement Permits and Certificates of Occupancy with reference to the construction and improvements upon said described real estate so long as applications therefore comply with the Kosciusko County Zoning Ordinance and upon compliance with all applicable rules and regulations of the State of Indiana and local authorities, as the same may be applicable to the construction of streets, parking facilities, storm sewers, drains, sidewalks and sewer and water facilities.

ARTICLE 2.

This original rezoning description is part of the property conveyed to Thomas E. Hardy III in Document Number 2011010832 being a tract of land in the Northeast Quarter of Section 14, Township 30 North, Range 7 East, Jackson Township, Kosciusko County, Indiana and is more particularly described as follows:

Beginning at the Southeast corner of Thomas E. Hardy III's property described in Document Number 2011010832 and within the right-of-way of County Road 700 East; thence North 89°22'32" West (basis of bearings established said deed document number 2011010832), along the South line of said Hardy property, 75.00 feet; thence South 89°50'13" West, along said South line, 295.00 feet; thence North 00°00'00" East, 471.03 feet; thence North 90°00'00" East, 370.00 feet to the East line of said Hardy property; thence South 00°00'00" West, 471.00 feet to the Point of Beginning, containing 4.00 acres more or less.

FORM# 0111

Case# Z-2023-2

Date Applied: 01/05/2023

**Request for Zoning Ordinance Amendment
Kosciusko County Area Plan Commission**

Name of Applicant: THOMAS HARDY Applicant Phone #: 260-578-0003

Mailing Address: 12197 S 700 E, NORTH MANCHESTER, 46962

Name of Agent: _____ Agent Phone #: _____

Property Owner Name: Hardy Thomas E III

Property Owner Address: Hardy Thomas E III | 12197 S 700 E | North Manchester, IN 46962

I/We Do Hereby Petition Your Honorable Body to Amend the Zoning of A/An Parcel Currently Zoned Agricultural District to A/An Agricultural 2 District. The Property Described as Follows, and Shown on the Map Attached Hereto, Which By Reference is Made A Part of this Petition.

Primary Key Number: 019-101-001.B Township: Jackson

Additional Key Numbers: _____

Property Location: 12197 S 700 E

Property is Situated on the: West side of 700 E and 347 feet South of 1150 S

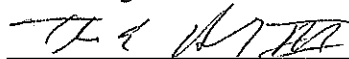
The Proposed Use of the Property is Agricultural 2 as defined by the Kosciusko County Zoning Ordinance:

"I/We do hereby certify that as the undersigned I am/we are the owner(s) of Fifty Percent of More or the Property Described in the Petition."

Owner Name:

Signature:

Owner 1: THOMAS HARDY III



Owner 2: _____

Owner 3: _____

Owner 4: _____

Additional Owners (if needed):

Date: _____ Signature of Party Picking up Paperwork: _____

LT

Filing Fee \$300.00 Paid

cash 020956

AFFIDAVIT

Kosciusko County)
State of Indiana) SS:

Personally appeared before me, a notary public and for said county and state, the undersigned Jessica Rodriguez, who being duly sworn says that she is of competent age and is comptroller of the

Notice of Public Hearing

Notice is hereby given, That The Kosciusko County Area Plan Commission Shall Hold A Public Hearing **WARSAW TIMES-UNION** On A Petition Filed by THOMAS HARDY Requesting An Amendment To The Kosciusko County Zoning Ordinance, To Reclassify From an: Agricultural District to an Agricultural 2 District, The Following Real Estate, located on 12197 S 700 E Key#: 019-101-001.B

019-101-001.B 1 PT S 1/2 N 1/2 NE 14-30-7 24-55A PER DEED Jackson

And Described As Follows on the 2nd page, To Wit: Exhibit A: A tract of land in the northeast quarter of section 14, township 30 north, range 7 east, Jackson Township, Kosciusko County, Indiana, and more particularly described as follows:

Commencing at a bronze marker marking the northeast corner of the northeast quarter of said section 14, thence south 00°00'00" west, along the east line of said northeast quarter, being within the right-of-way of County Road 700 east, 720.89 feet to a railroad spike, thence continuing south 00°00'00" west, along said east line 100.30 feet to a mag nail and the point of beginning, thence north 85°37'00" west, 482.00 feet east Kimpel cap pin; thence south 57°00'00" west, 220.00 feet to a point; thence north 87°20'00" west 806.00 feet to a point, thence south 00°00'00" west, 65.00 feet, more or less to the centerline of Hurricane Creek; thence southwest along the meandering of said creek centerline, 1566.0 feet, more or less, to a point north 68°37'30" east of southwest corner of the north half of said northeast quarter; thence south 68°37'30" west, 40.0 feet, more or less, to a Walker cap pin at the southwest corner of the north half of said northeast quarter; thence south 01°00'10" west, along the west line of the south half of said northeast quarter, 31.21 feet to the northwest corner of a tract of land recorded in Document #2010120778, said corner being on said west line, said corner also ben situated 12.2 feet east of and 4.3 feet north of a steel post found; thence south 89°01'24" east, along the north line of said tract of land recorded in Document #2010120778, 213.00 feet to a wood post found and on existing fence line; thence north 89°50'13" east, along said fence line, 2365.49 feet to the point of intersection with said fence line and the south line of said north half; thence south 89°22'32" east, along said south line a distance of 75.00 feet to a mag nail at the southeast corner of the north half of said northeast quarter, said mag nail being situated south 00°00'00" west, 1342.78 feet from a bronze marker found at the northeast corner of said northeast quarter, said mag nail also being situated 0.85 feet south of and 0.15 feet east of a railroad spike found; thence north 00°00'00" east, along the east line of said northeast quarter, 521.59 feet to the point of beginning, containing 24.55 acres, more or less.

This Change is Requested To Permit the Above Described Real Estate to Be Used For The Purpose of Agricultural Uses as defined in the Kosciusko County Zoning Ordinance.

This Hearing Will Be Held in the: Area Plan Commission Office - 100 W Center St., Warsaw On 02/01/2023 At 1:00 PM. All Interested Persons Are Invited To Attend To Be Heard. Written Comments Will Be Considered If They Are Received In The Office Of The Kosciusko County Planning Department, Court House, Warsaw, Indiana, No Later Than 12:00 Noon On The Day Of The Hearing.

Kosciusko County Area Plan
Matthew Sandy, Director
1-21-28 hspaxlp

28 Jessica Rodriguez
Affiant

, before me this 28 day
2023

Jane Lewis
Notary Public

Warriors

My Commission expires June 1, 2026
Resident of Kosciusko County

Printer's Fee, \$ 120.00

STATE OF INDIANA)
)SS:
KOSCIUSKO COUNTY)

BEFORE THE KOSCIUSKO COUNTY
AREA PLAN COMMISSION

IN THE MATTER OF THE
PETITION OF:

REPORT AND RECOMMENDATION TO
County Commissioners

Comes now (the secretary of) the Executive Director of the Kosciusko County Area Plan Commission and presents to the commission the petition of THOMAS HARDY heretofore filed in the office of the Kosciusko County Area Plan commission, praying rezoning of certain real estate THOMAS HARDY (by counsel), and make proof of publication of notice of public hearing before said commission by publication of notice thereon in the Warsaw Times Union, a newspaper of general circulation published in Kosciusko County, Indiana, the publication of which was upon the January 21 & 28 days of 2023, which said proof of such publication is in the words and figures following, to-wit: (H.I.)

Said petition, being duly before said commission, the same is now submitted for hearing thereon, evidence heard, and the commission being duly advised with reference thereto, now finds:

1. That the petition for rezoning of the subject real estate as and for Agricultural 2 uses defined by the Kosciusko County Zoning Ordinance, be and the same should be granted

2. That said commission further finds that the use of said real estate will not :
- (1) Alter the land use characteristics of the district.
 - (2) Impair the adequate supply of light and air to the adjacent property.
 - (3) increase the hazard from fire, flood and other dangers to said property.
 - (4) Diminish the marketable value of adjacent lands and buildings.
 - (5) Increase the congestion in the public streets
 - (6) Otherwise impair the public health, safety, convenience, comfort or general welfare.

3. That said petition, and the use of said real estate as proposed therein, does, in fact, comply with all the requirements of the Kosciusko County Zoning Ordinance and that

the commission should recommend passage, by the County Commissioners

Kosciusko County, Indiana, of an ordinance approving rezoning as prayed in said petition.

That such ordinance should include, as a part of its content, the following recommendations or restrictions:

1. The area to be rezoned, as presented by the petitioner, is limited to the southeastern four (4) acres of ground.
2. Upon platting the rezoned area, as offered by the petitioner, will not contain more than two lots and the plat will include a covenant that the ground will not be further subdivided

That based upon the findings and recommendations hereinabove set forth, and upon motion duly made and seconded, the members of said commission voted 9-0 to recommend to the County Commissioners Kosciusko County, Indiana, adoption and passage of an ordinance to the effect that the real estate described in the petitioners petition be rezoned as therein prayed in conformity with Agricultural 2 Uses as the same is enumerated and defined in the Kosciusko County Zoning Ordinance, which said real estate is described as follows:

“SEE ATTACHED”

Matthew Sandy
Director at
Kosciusko County Area Plan Commission

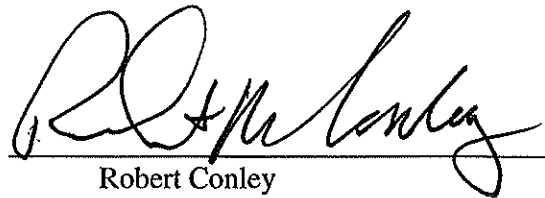
Dated: 02/01/2023

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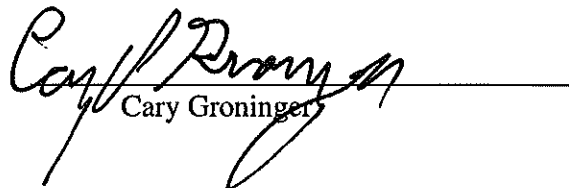
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Section 1. This ordinance shall be in full force and effect from and after its passage.

Passed and adopted at a regular and duly constituted meeting of the County Commissioners
of Kosciusko County, Indiana, on 02/28/2023.


Robert Conley

Attended Via Video Conference
Bradford Jackson


Cary Groninger


Attest: Kosciusko County Auditor – Rhonda Helser

I affirm, under the penalties for perjury,
that I have taken reasonable care to redact
each Social Security number in this
document, unless required by law.

Ashley R. Miller

FILED

FEB 22 2023


Rhonda G. Helser
Auditor of Kosciusko County

THOMAS HARDY