

ORDINANCE NO. 23-04-25-002

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:

2023040771 ORDINANCE \$0.00
04/26/2023 08:09:03A 10 PGS
Deborah A Wright
Kosciusko County Recorder IN
Recorded as Presented

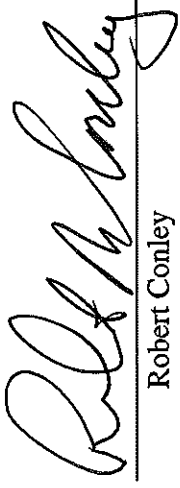
"SEE ATTACHED"

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.

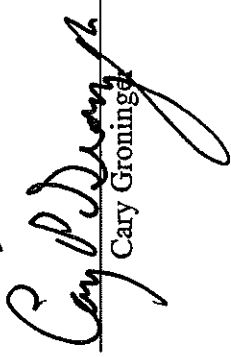
Section 3. That the Ordinance Administrator, pursuant to said Zoning Ordinance be, and he is hereby authorized to issue Location Improvement Permits and Certificates of Occupancy with reference to the construction and improvements upon said described real estate so long as applications therefore comply 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.

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 04/25/2023.


Robert Conley


Bradford Jackson


Cary Groninger


Attest: Kosciusko County Auditor – Rhonda Helser

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

Ashley R. Miller

Timothy & Darci Lynn Posthuma

EXHIBIT A - LEGAL DESCRIPTION

Part of the Southeast Quarter of Section 27, Township 33 North, Range 6 East, Kosciusko County, Indiana, more particularly described as follows, to-wit:

Commencing at a broken concrete post found marking the Southeast corner of said Southeast Quarter; thence North 89 degrees 46 minutes 24 seconds West (deed bearing), on and along the South line of said Southeast Quarter, a distance of 297.36 feet to an iron pin found at the true Point of Beginning; thence continuing North 89 degrees 46 minutes 24 seconds West, on and along said South line, being partially with in the right-of-way of County Road 300 North, a distance of 1132.75 feet to a P.K. nail at the Southeast corner of Lot Number 11 in Autumn Ridge, a subdivision in said Southeast Quarter; thence North 00 degrees 00 minutes 00 seconds East, on and along the East line of said Lot Number 11, a distance of 264.6 feet (recorded 263.96 feet) to an iron pin found at the Northeast corner of said Lot Number 11; thence South 89 degrees 45 minutes 37 seconds East, on and along a line established by survey monuments found, a distance of 781.51 feet to an iron pipe found at the Southeast corner of a certain tract of land as recorded in Deed Record 305, page 528, of the records of Kosciusko County, Indiana; thence North 00 degrees 22 minutes 56 seconds East, on and along the East line of said tract in Deed Record 305, page 528, a distance of 357.6 feet to an iron pin, said iron pin being situated 2.7 feet West of and 0.5 feet North of a concrete marker found; thence South 69 degrees 59 minutes 54 seconds East, a distance of 441.89 feet to an iron pin; thence South 08 degrees 00 minutes 05 seconds West, a distance of 476.90 feet to the true Point of Beginning.

Date Applied: 03/09/2023

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

Name of Applicant: Timothy & Darci Lynn Posthuma Applicant Phone #: 000-000-0000Mailing Address: 1950 E 300 N Warsaw, IN 46582Name of Agent: Steve Snyder Agent Phone #: 574-457-3300Property Owner Name: Posthuma Timothy J & Darci LynnProperty Owner Address: Posthuma Timothy J & Darci Lynn | 1950 E 300 N | Warsaw, IN 46582

I/We Do Herby 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: 029-108-001.J Township: Plain

Additional Key Numbers: _____

Property Location: 1950 E 300 NProperty is Situated on the: North side of 300 N and 0 feet North of 175 EThe 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. I/we have the right and do grant permission to a designated representative form the Area Plan Commission to enter the property in question through this hearing in order to prepare exhibits and documentation for the public hearing.

Owner Name:

Signature: _____

Owner 1: Timothy Posthuma

Signature: _____

Owner 2: Darci Lynn Posthuma

Signature: _____

Owner 3: _____

Signature: _____

Owner 4: _____

Signature: _____

Additional Owners (if needed): _____

Date: 3-22-23 Signature of Party Picking up Paperwork: _____Filing Fee \$300.00 Owes [☐]

AT

Kosciusko County)
SS:) State of Indiana

WARSAW TIMES-UNION

times, the dates of publication being as follows

Anna Rodriguez
Affiant

2023

James Joule

Printer's Fee, \$

Key #: 029-108-00 1,1
029-108-001,1 | Pl Se Fc||/4 27-33-6 9.63A
ment at the Northwest corner of t

Commencing at a broken concrete post marker, 729.14 feet (recorded 729.14 feet) east, Kosciusko County, Indiana, more particularly East Columbia system, did

North line of Living Gospel Church

degrees 45 minutes 37 seconds East, on an
ance of 78151 feet to an iron pipe found a
with 89°34'42" East, along said s

...the South 69 degrees 59 minutes and 59 seconds and possible

Agricultural Uses as defined in the Kosciusko Act are filed with the official hearing will be held in the Commission before the hearing will.

are received in the Office of the Kosciusko Co. The Public Hearing may be held then 72 hours before the meeting, (mailing found necessary.

Kosciusko County Area Plan
Matthew Sandy, Director
Lincoln Street, Nappanee, Indiana
as soon as possible, if

eduled event.

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 Timothy & Darci Lynn Posthuma heretofore filed in the office of the Kosciusko County Area Plan commission, praying rezoning of certain real estate Timothy & Darci Lynn Posthuma (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 March 25th & April 1st 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:

That based upon the findings and recommendations hereinabove set forth, and upon motion duly made and seconded, the members of said commission voted 6-0 to _____ 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”

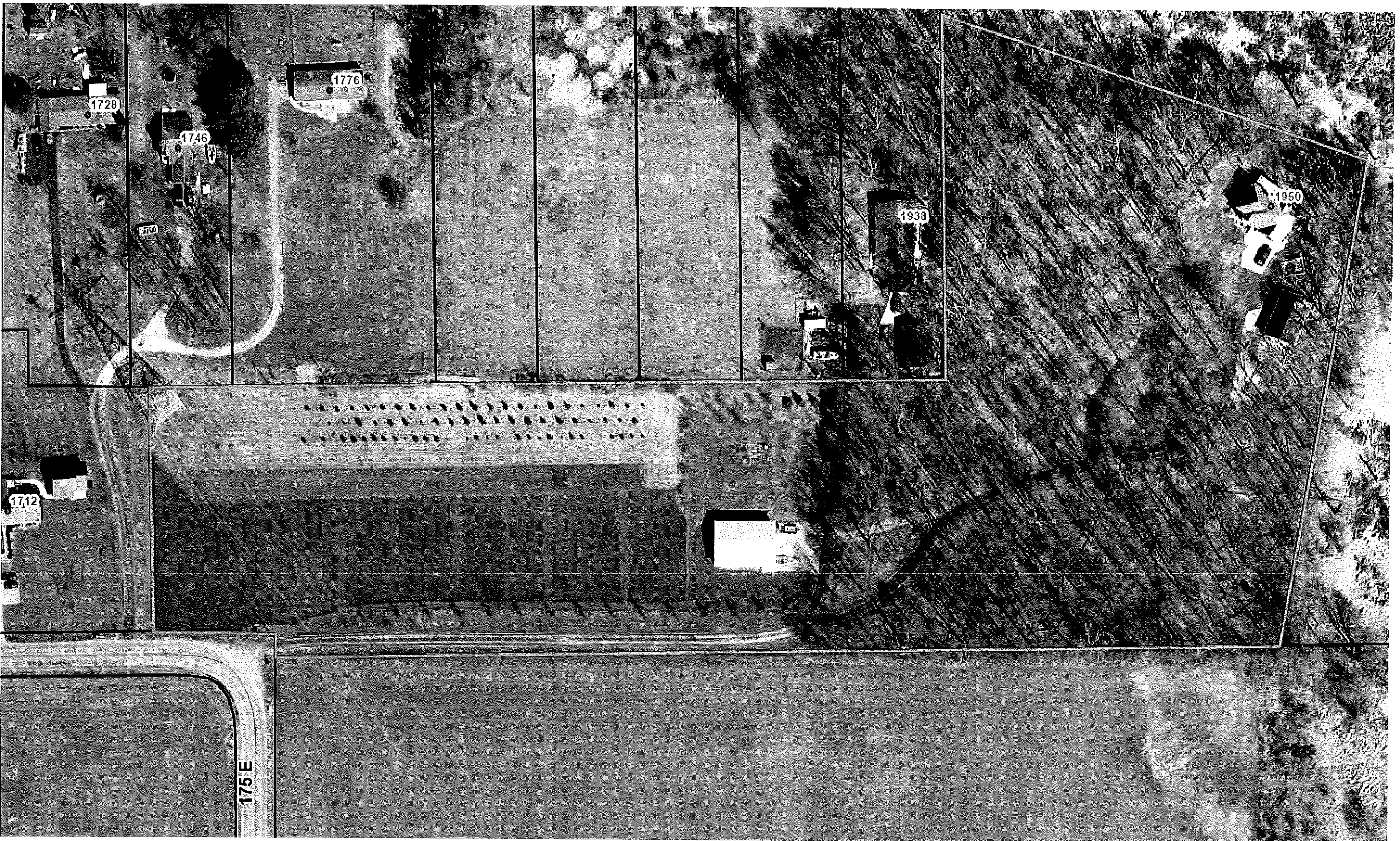
Dated: 04/05/2023

Matthew Sandy _____
Director

Kosciusko County Area Plan Commission

Mat Sandy





175 E

1728

1746

1776

1938

1950

1712

**VOLUNTARY CONDITIONS
FOR APPROVAL OF A REZONING REQUESTED BY
TIMOTHY POSTHUMA AND DARCI LYNN POSTHUMA**

Timothy Posthuma and Darci Lynn Posthuma ("Petitioners") submit the following to be attached as voluntary conditions to the approval of rezoning from Agricultural to Agricultural 2 as requested in Rezoning Petition No. Z2023-7 filed with the Kosciusko County Area Plan Commission:

1. Petitioners have filed an application for rezoning of the real estate described in Exhibit A ("Real Estate") from Agricultural to Agricultural 2 with the Kosciusko County Area Plan Commission.
2. The Kosciusko County Area Plan Commission has recommended to the Kosciusko County Commissioners that the rezoning be approved.
3. To induce the Kosciusko County Commissioners to approve the rezoning, Petitioners are willing to place this Voluntary Condition on the rezoning approval:
 - a. The Agricultural 2 real estate may not be subdivided into more than 2 lots;
 - b. This condition may only be modified with the approval of the Kosciusko County Area Plan Commission.
4. This voluntary condition shall be a part of any Ordinance rezoning the Real Estate from Agricultural to Agricultural 2 approved by the Kosciusko County Commissioners.
5. This condition may be enforced by the Kosciusko County Board of Zoning Appeals and upon any breach the prevailing party shall have the right to recover its reasonable attorney's fees.

Dated: April 26, 2023



Timothy Posthuma



Darci Lynn Posthuma