

REPORT TO THE BOARD OF COUNTY COMMISSIONERS
OF DELAWARE COUNTY, INDIANA

ORIGINAL

August 13th, 2015

To The Honorable:

Board of County Commissioners of Delaware County, Indiana

Dear Board Members:

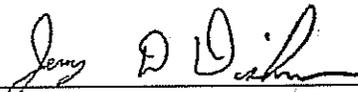
The Delaware-Muncie Metropolitan Plan Commission hereby submits to you the following report on the application of: Michael M. and Melinda G. Brown, 11881 W. C.R. 650 S., Daleville, IN, such applicant petitioning the commission to rezone the real estate as described in the application, generally located at: 12101 W. C.R. 650 S., Daleville, IN, from zone classification: R-1 Residential Zone to zone classification: F Farming Zone.

WHEREAS, the Commission has given reasonable regard to the comprehensive plan, current conditions and the character of current structures and uses in each district, the most desirable use for which the land in each district is adapted, the conservation of property values throughout in the jurisdiction and responsible growth and development; and

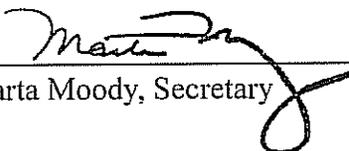
NOW, THEREFORE, the Delaware-Muncie Metropolitan Plan Commission hereby FAVORABLY RECOMMENDS (6-0-3) the application for rezoning.

DELAWARE-MUNCIE METROPOLITAN
PLAN COMMISSION

BY:



Jerry Dishman, President



Marta Moody, Secretary

ORDINANCE NO. 2015-014

**BEING AN ORDINANCE TO AMEND
THE DELAWARE COUNTY COMPREHENSIVE ZONING ORDINANCE**

WHEREAS, the State enabling act for planning and zoning empowers the Board of County Commissioners of Delaware County, Indiana to adopt a Comprehensive Zoning Ordinance and also provides for amendments to the said ordinance as the need arises; and

WHEREAS, the Board of County Commissioners of Delaware County, Indiana has given reasonable regard to the Comprehensive Plan; current conditions and the character of current structures and uses in each district; the most desirable use for which land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible growth and development.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, INDIANA, as follows:

Section 1. That the Delaware County Comprehensive Zoning Ordinance, theretofore adopted by the Board of County Commissioners of Delaware County, Indiana, on the 11th day of December, 1973, be amended, changed and supplemented so as to include in the **F Farming Zone** the following described real estate located in Delaware County, Indiana, to wit:

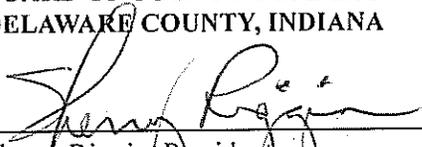
see attached legal description

Section 2. That no structures shall be placed on said lot or parcel of land except in compliance with the Delaware County Comprehensive Zoning Ordinance of Delaware County, Indiana.

Section 3. That this Ordinance shall be in full force and effect from and after its passage by the Board of County Commissioners of Delaware County, Indiana.

Section 4. That this Ordinance is adopted this 17 day of August, 2015.

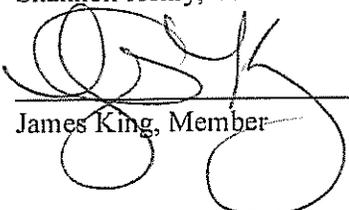
**BOARD OF COUNTY COMMISSIONERS
DELAWARE COUNTY, INDIANA**



Sherry Riggins, President



Shannon Henry, Vice President



James King, Member

ATTEST:



Steven G. Craycraft, Auditor

Attached Legal Description

A part of the Northeast quarter of the Southwest quarter of Section Seventeen (17), Township nineteen (19) North, Range nine (9) East, in Salem Township, Delaware County, Indiana, more particularly described as follows: Commencing at a stone marking the northeast corner of the southwest quarter of Section seventeen (17) Township nineteen (19) North, Range nine (9) East; thence south nine hundred ninety (990) feet along the east line of the southwest quarter of said Section Seventeen (17); thence west five hundred twenty eight (528) feet parallel with the north line of the southwest quarter of said Section Seventeen (17), thence north nine hundred ninety (990) feet parallel with the east line of the southwest quarter of said Section seventeen (17) to the north line of the southwest quarter of said Section Seventeen (17), thence east five hundred twenty-eight (528) feet to the place of beginning, containing twelve (12) acres, more or less, subject to legal highways.

Delaware-Muncie Metropolitan Plan Commission
Excerpt of Case Analysis - August 2015

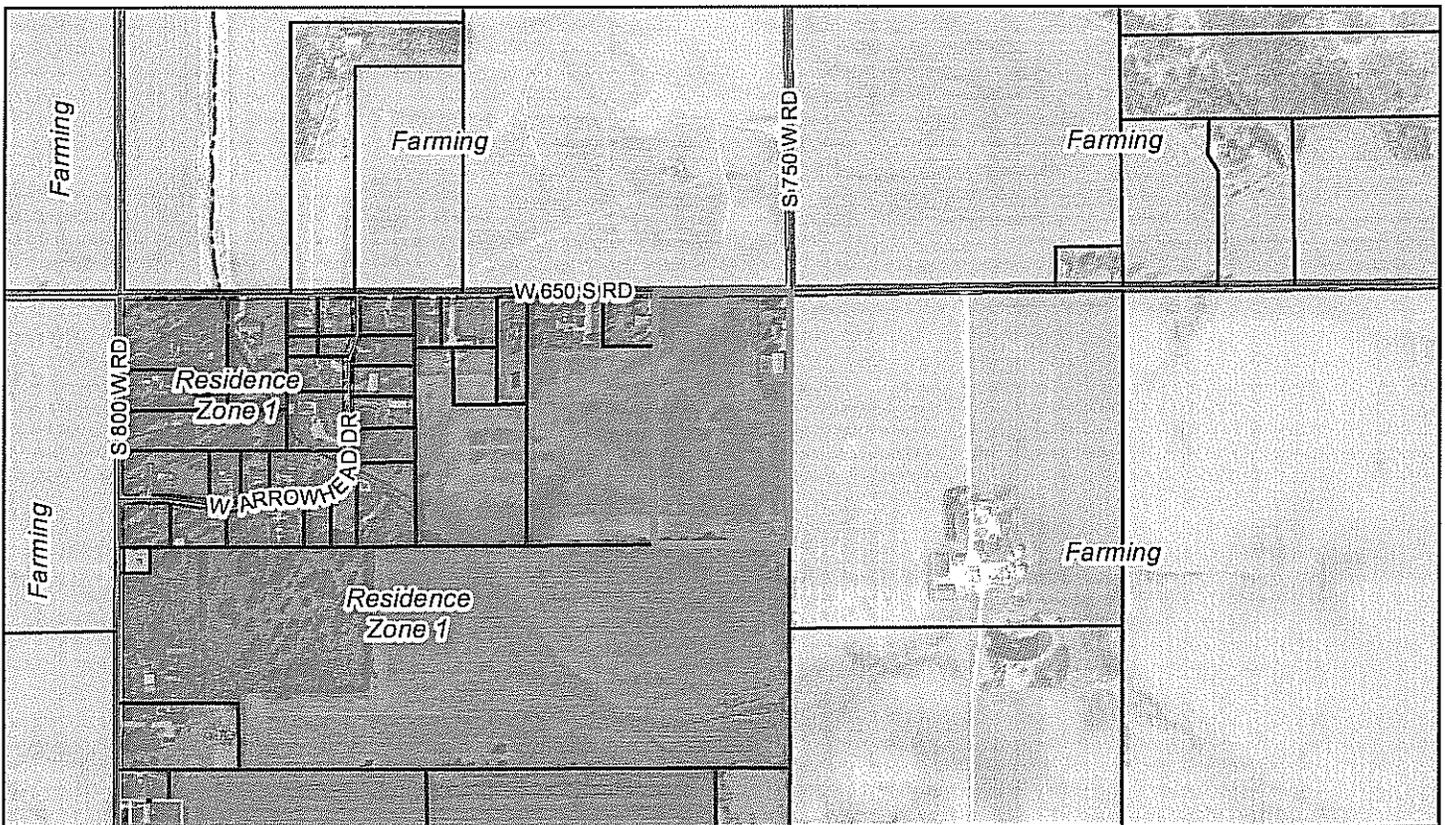
MPC 03-15Z

Brown, Michael M. & Melinda G.

Location & Description: 12101 W. C.R. 650 S., Daleville

Located on the south side of W. C.R. 650 S. west of the intersection with C.R. 700 W.

Traveling south on Liberty St. from downtown, go - 0.5 mile to S. Hoyt Ave., turn right (southwest), go - 3.6 miles to Old SR 67, turn right (southwest), go - 0.6 miles, merge onto SR 67, go - 5.7 miles to C.R. 750 W., turn left (south), go 1 mile to C.R. 650 S., turn right, the site is immediately on the left(south) side of C.R. 650 S. The property is a 12 acre parcel with a single family home and barn built in 1959 and a detached garage built in 2007 that are located in the northeast quadrant of the site; the remaining acreage is farmed.



Streets: W. C.R. 650 S. and S. C.R. 750 W. are classified as local roads with a 50' proposed R.O.W. according to the Thoroughfare Plan Map. W. C.R. 650 S. and S. C.R. 750 W. are both Minor Roads according to the Delaware County Major/Minor Roads Map.

Land Use: This property is currently agricultural and residential in use. Surrounding properties to the north are agricultural in use; surrounding properties to the east, south and west are agricultural and residential in use.

Zoning: 12101 W. C.R. 650 S. is classified in the R-1 Residence Zone. Surrounding properties to the north and east are classified in the F Farming Zone. Surrounding properties to the south and west are classified in the

R-1 Residence Zone.

Request: The request is to rezone the property to F Farming Zone. The applicant would like to split the property in order to sell the homesite with - 1.5 acres and keep the remaining 10.5 acre parcel in agricultural use.

Property splits in the residential zones are required to include a minimum of 5 acres or must go through the platting process. Property splits in the F Farming Zone may be less than 5 acres as long as the site meets a list of conditions. Those conditions include:

- the applicant can secure a septic tank permit from the Health Department for installation of a septic tank system.
- elevation of new structures shall be as follows: (a) if drainage is to the roadway, it shall be at least 12 inches in 100 feet from the top of the foundation to the lowest existing road surface elevation; or (b) if drainage is to the side or rear, elevation shall be 12 inches per 100 feet in at least 2 of the 3 directions.
- access to the property is through a "minor" thoroughfare, as determined by the County Zoning Administrator in conjunction with the County Highway Engineer.
- setback distances involved shall be consistent with what the State Board of Health requires when a confined livestock operation is involved.
- all side ditch characteristics must be maintained on the county road right-of-way of at least a 12 inch diameter culvert pipe or equal, and must be installed at each and every ingress or egress point and shall extend a minimum of 2 feet on each side.
- each tract shall have a minimum of 150 feet of public road frontage and be not less than 1 acre.

If the property is rezoned to the F Farming Zone, the home could be split off per the above requirements. At that time they may have to address the existing accessory buildings exceeding the size of the house - either through a variance or demolition and rebuilding a smaller barn.



View of 12101 W. C.R. 650 S., looking to the southwest.
View of the property includes (from left to right) a barn, the house and the agricultural field.



View of 12101 W. C.R. 650 S., looking to the southwest.
View shows the structures visible from C.R. 650 S. The agricultural field to the east (left) is on a separate parcel that is in the F Farming Zone.