

ORDINANCE NO. 2022 - 4 D

AMENDING
HANCOCK COUNTY ZONING ORDINANCE NO. 2007-1B

AMENDING TITLE XV, CHAPTER 156, ZONING
OF THE HANCOCK COUNTY CODE OF ORDINANCES

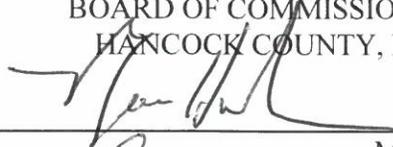
SECTION I

Title XV, Chapter 156 of the Hancock County Code, is amended as follows: The Zoning Map referenced in Section 156.020 for Vernon Township is hereby amended by rezoning the subject area from Agricultural (A) to Rural Residential (RR).

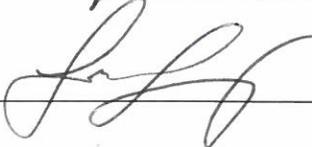
The subject area is described herein as Exhibit A.

ADOPTED THIS 19th DAY OF APRIL 2022.

BOARD OF COMMISSIONERS OF
HANCOCK COUNTY, INDIANA



Marc Huber



John Jessup



Bill Spalding

ATTEST:



Debra Carnes, Hancock County Auditor

Petitioner: Wade & Brenda Fugate

Exhibit A

QUITCLAIM DEED

THIS INDENTURE WITNESSETH, That **WADE FUGATE and BRENDA FUGATE, husband and wife**, ("Grantor")
QUITCLAIMS to **WADE FUGATE and BRENDA FUGATE, husband and wife**, ("Grantee"), *for no consideration*, the following
described real estate in Hancock County, Indiana:

A part of the Southwest 1/4 of the Southwest 1/4 of Section 23, Township 17 North, Range 6 East in Vernon Township,
Hancock County, Indiana; said part being more particularly described as follows:

Commencing at a railroad spike marking the Southwest corner of the Southwest 1/4 of said Southwest 1/4, thence North 88
degrees 50 minutes 29 seconds East along the South line of said 1/4 - 1/4 Section a distance of 669.49 feet to a P.K. nail
marking the POINT OF BEGINNING of this description; thence North 88 degrees 50 minutes 29 seconds East, continuing
along the South line of said 1/4 1/4 Section a distance of 328.63 feet to the Southwest corner of Marion Hills Minor
Subdivision per Instrument No. 94-2831 in the Office of the Recorder of said Hancock County; thence North 00 degrees 12
minutes 54 seconds East along the Westerly boundary of said Minor Subdivision a distance of 1325.93 feet to a 5/8 inch
capped rebar marking the Northwest corner thereof, said point being on the North line of said 1/4 - 1/4 Section; thence South
88 degrees 49 minutes 33 seconds West along the North line of said 1/4 - 1/4 Section a distance of 328.63 feet to a 5/8 inch
capped rebar; thence South 00 degrees 12 minutes 54 seconds West parallel with the Westerly boundary of aforesaid Minor
Subdivision a distance of 1325.84 feet to the POINT OF BEGINNING. Containing 10.00 acres more or less.

EXCEPTING THEREFROM:

Lot Numbered 1 in Fugate Minor subdivision of Section 23, Township 17 North, Range 6 East in Vernon Township,
Hancock County, Indiana, as per plat thereof recorded April 8, 2002 as Instrument Number 02-5847 in Plat Cabinet C, slide
86, in the Office of the Recorder of Hancock County, Indiana.

FURTHER EXCEPTING THEREFROM:

Lot Numbered 2 in Fugate Minor Subdivision of Section 23, Township 17 North, Range 6 East in Vernon Township,
Hancock County, Indiana, as per plat thereof recorded April 8, 2002 as Instrument Number 02-5847 in Plat Cabinet C, slide
86, in the Office of the Recorder of Hancock County, Indiana.

Commonly known as W State Rd. 234, Fortville, Indiana 46040
Hancock County Tax Parcel #30-02-23-300-020.003-016



*The Hancock County Area Plan Commission
Court House Annex
111 American Legion Place, Suite 146
Greenfield, IN 46140
Phone: (317) 477-1134
Fax: (317) 477-1184*

CERTIFICATION
Hancock County Area Plan Commission

Project Name: Fugate - Rezone
Petitioner: Wade & Brenda Fugate
Project Location: 0776 W SR 234
Township: Vernon
Certification Date: 15 April 2022

I, Wendell Hester, being the Secretary of the Hancock County Area Plan Commission of Hancock County, Indiana, do hereby certify that the attached rezoning ordinance is a true and accurate record of the meeting of the Plan Commission on 22 March 2022. The attached ordinance received a favorable recommendation by a vote of seven (7) ayes and zero (0) nays.

The attached ordinance is hereby certified to the Board of Commissioners, Hancock County, Indiana.

HANCOCK COUNTY AREA PLAN COMMISSION
HANCOCK COUNTY, INDIANA

Wendell A. Hester

Wendell Hester, Secretary

**HANCOCK COUNTY AREA PLAN COMMISSION
111 AMERICAN LEGION PLACE
GREENFIELD, IN 46140**

PLAN COMMISSION MINUTES

DATE: March 22, 2022 TIME: 6:30 P.M.

2.Fugate, Wade & Brenda
776 W SR 234
23 - 17 - 6

Agricultural
Rezoning 22-2214
Vernon

Rezone 8.0 acres from A (Agricultural) to RR (Rural Residential) for a residential three (3) lot subdivision at 776 W SR 234. Mr. Dale stated the site is the remainder of the two-lot Fugate minor subdivision and the petitioner is proposing a three-lot subdivision which requires rezoning to accommodate a major subdivision at this location. He said our ordinance does not allow a major subdivision in the A zoning district. He said the Comprehensive Plan shows the area as suburban residential-low density and is intended for detached single-family homes with larger lot sizes and setbacks and with a density not to exceed 2.5 dwelling units/acre and the proposed density is 0.4 du/ac. He said Buffer Yard Type 2 is required between RR and A zoning districts. He said the minimum size lot on septic is two acres and the minimum lot width is 125 ft, which they will require a variance as two lots have zero road frontage and one lot has 50 ft road frontage. He said the minimum front/side/rear yard setbacks are 50'/15'/15' with a 35% maximum lot coverage and the minimum size per dwelling unit is 1,200 SF with minimum of 60% on ground floor living area and a maximum height of 40'. Mr. Dale stated the project is consistent with the Comp Plan, with the most desirable use of land, with conservation of property values and responsible growth and development but is not consistent with the current conditions and character of current structures. He said staff's position is favorable. Ms. Brenda Fugate was present and stated they purchased the 10 acres in 1995 and split 2 acres off the front and built their home. She said they purchased 10 more acres and created two more lots and sold those. She said they have been leasing the remaining ground for farming but are getting older now and want to sell it. She said the 8 acres has been listed but no one wants 8 acres, they want smaller lots. She said she has spoken to her neighbors and they are ok with this proposal. There was no further discussion. The board asked for remonstrators. There were none. Mr. Holden made the motion for a favorable recommendation to the County Commissioners. Mr. Bolander seconded. Motion carried. Seven (7) approved the favorable recommendation, Zero (0) denied.

Item 2: Wade & Brenda Fugate

- Rezone 8.0 acres from Agricultural (A) to Rural Residential (RR).
- Location: 0776 W SR 234
 - ◆ Vernon Township
- Purpose:
 - ◆ To accommodate a future three-lot residential subdivision at this location.

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Fugate / Vicinity

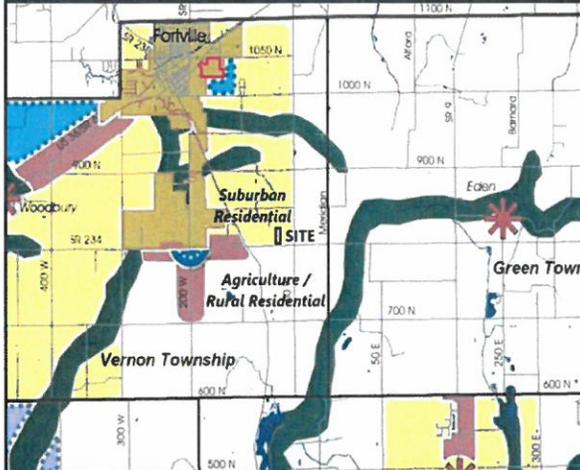


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Fugate / Comprehensive Plan



Suburban Residential – Low Density

Intent: Should include detached single-family development with larger lot sizes and setbacks; diversity of homes sizes is encouraged; density should not exceed 2.5 dwelling units/acre.

■ Proposal = 0.4 du/ac

Relationships: Appropriate for areas with access to utilities, transportation facilities, and commercial uses; around fringes of schools and urbanized areas.

Infrastructure: Should occur in areas where connections to sewer and water utilities are available.

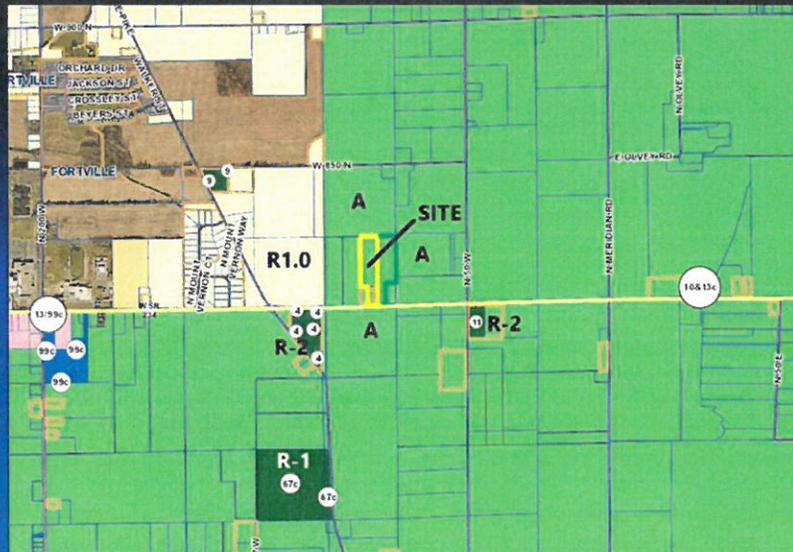
Design: Should include multiple access points, sidewalks and streets; strong vehicular and pedestrian connections to surrounding areas.

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Fugate / Zoning Map & Buffer Yard



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Buffer Yard Type 2 required between RR and A zoning districts

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Fugate / Neighborhood / Site



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Fugate / Letter of Intent

- We own two 8-acre lots.
- One of the lots we have used for pasture for our livestock and leasing for crops. We have downsized our livestock and no longer need the pasture.
- We intend to peel 2 ½ - 2 acre lots off the 8 acres for single family homes.

Staff Comments

- The 8-acre remainder was formed when the two-lot Fugate minor subdivision was recorded in April 2002. The site is therefore not a lot of record (must have been formed prior to 2002).
- Further subdivision of the site will require approval of a major subdivision which is not permissible in the A zone.
- The RR zoning district is intended to accommodate a mixture of agricultural and residential land uses. The RR zone should be used to provide unique, rural housing options with the ability to connect to available infrastructure.

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Fugate / Concept Plan



RR Development Standards

- Minimum Lot Width = 125'
 - Variance needed
- Min. Lot Area if Septic = 2 Acres
- Min. Front/Side/Rear Yard Setbacks = 50'/15'/15'
- Minimum Living Area / Dwelling Unit = 1,200 sf
- Max. Lot Coverage = 35%
- Min. Ground Floor Living Area = 60%
- Max. Primary Structures / Lot = 1
- Max. Height = 40'

Subdivision Standards

- Max Depth:Width = 3:1
 - Exception needed
- Primary Plat / Secondary Plat

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Fugate / Consistency with Comp Plan

- 1) Consistent with the Comprehensive Plan:
 - ◆ The proposed RR zoning conforms to the "Suburban Residential – Low Density" designation that supports large lot residential uses in an agricultural setting.
- 2) Not consistent with current conditions & character of current structures:
 - ◆ The proposed RR zoning does not conform to the current use of the property which is entirely agricultural.
- 3) Consistent with most desirable use of land:
 - ◆ The proposed RR zoning conforms to the owner's goal to accommodate low-density residential development of the site.
 - ◆ At the time of this writing, staff has not received word of opposition to this proposal.
- 4) Consistent with conservation of property values:
 - ◆ In the absence of a market analysis, staff is uncertain whether the proposed RR zoning would adversely affect the value of nearby properties.
- 5) Consistent with responsible growth and development:
 - ◆ The site is in an area that supports agricultural and residential land uses. If approved, site development will be subject to the county's development standards relating to subdividing and developing the site (unless variances and exceptions are granted). Ingress/egress along SR 234 will be subject to INDOT approval.
 - ◆ There is no assurance the site can be developed as proposed by the petitioner until all entitlements and permits have been granted.
- Staff Position: Favorable.

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