

ORDINANCE NO. 2024 – 5C

AMENDING

HANCOCK COUNTY ZONING ORDINANCE NO. 2007-1B

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

SECTION 1

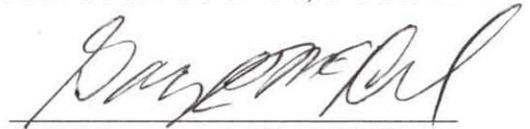
Title XV Chapter 156 of the Hancock County Code, is amended as follows: The Zoning Map Referenced in Section 156.020 for Brown Township is hereby amended by rezoning the subject area from Agricultural (A) to Commercial Community (CC).

The subject area is described herein as Exhibit A.

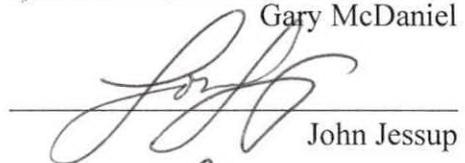
This amendment is subject to the commitments described in Exhibit B.

ADOPTED THIS 21st DAY OF MAY 2024

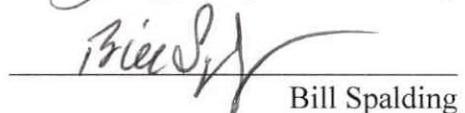
BOARD OF COMMISSIONERS OF
HANCOCK COUNTY, INDIANA



Gary McDaniel



John Jessup



Bill Spalding

ATTEST:


Debra Carnes, Hancock County Auditor

MB

Petitioner: Silvia Miller on behalf of Mitchell Kramer

EXHIBIT A

LOT 2 DESCRIPTION

A part of the East half of the Northwest Quarter of Section 10, Township 17 North, Range 08 East, Brown Township, Hancock County, Indiana, and being more particularly described as follows:

BEGINNING at a brass plug marking the Northwest corner of the East half of the Northwest Quarter and running thence South 89 degrees 49 minutes 43 seconds East, on and along the North line of the East half of the Northwest Quarter, a distance of 176.00 feet to the POINT OF BEGINNING; thence continuing South 89 degrees 49 minutes 43 seconds East, a distance of 347.85' feet to a mag nail; thence South 0 degrees 32 minutes 35 seconds West, parallel with the West line of the East half of the Northwest Quarter, a distance of 562.93 feet to an M J Gibson capped 5/8" rebar; thence North 89 degrees 49 minutes 43 seconds West, parallel with the North line of the East half of the Northwest Quarter, a distance of 347.85 feet thence North 0 degrees 32 minutes 35 seconds East, a distance of 562.93 feet to the POINT OF BEGINNING of this description, containing in all 4.495 acres, more or less.

EXHIBIT B

**IN THE HANCOCK COUNTY AREA PLAN COMMISSION (THE "COMMISSION")
AND THE HANCOCK COUNTY BOARD OF COMMISSIONERS (THE "COMMISSIONERS")
RE: DIVERSIFIED LAND ACQUISITION, LLC
PETITION FOR REZONING**

**COMMITMENT CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE
MADE IN CONNECTION WITH A PETITION FOR REZONING**

In accordance with I.C. 36-7-4-1015, Mitchell P. Kramer, ("Owner") having heretofore agreed and consented to the Petition for Rezoning (the "Petition") regarding the real estate located in Hancock County, Indiana, located at approximately 10261 E 1100 N, Markleville, Indiana, which is described in Exhibit A makē(s) the following commitment concerning the use and development of the parcel(s) of the real estate ("Real Estate"):

Statement of Commitment: If the Real Estate is rezoned to "Commercial Community (CC)" the Owner commits to the Commission and the Commissioners the following:

- A) The owner shall limit use of property to performance of diesel automotive repair and body shop functions for farming equipment and other vehicles on the Real Estate.
- B) The current business use on the Real Estate, diesel repair shop, was determined to be an existing nonconforming use and shall continue on the Real Estate while the Owner makes any improvements or changes on the Real Estate to expand the current operation.

This Commitment shall be binding on the Owner, its successors and assigns, subsequent owners of the Real Estate, and other persons acquiring an interest therein. This Commitment may be modified or terminated only in writing and only by a decision of the Commission following a public hearing for which proper notice has been given, which decision also has been approved by the Commissioners.

This Commitment may be enforced jointly or severally by:

1. The Commission, the Commissioners, the Hancock County Board of Zoning Appeals;
2. Owners of the Real Estate; and
3. Any person who is aggrieved by a violation of this Commitment, including but not limited to all owners of real estate which are abutting or adjoining the Real Estate.

In the event it becomes necessary to enforce this Commitment in a court of competent

jurisdiction, and the owners of the Real Estate are found to be in violation of this Commitment, the Owners shall pay all reasonable costs in the enforcement of this Commitment, including attorney fees.

The undersigned hereby authorizes the Commission and the Commissioners to record this Commitment in the Office of the Recorder of Hancock County, Indiana upon final approval of the ordinance rezoning the property to "Commercial: Community (CC)" by the Commissioners, the cost of which shall be paid by the Owners to the Commission prior to recording.

In Witness Whereof, the Owners have executed this instrument this 02 day of July, 2024.

[Signature]
Mitchell P. Kramer

STATE OF INDIANA)
)
COUNTY OF HANCOCK) SS:

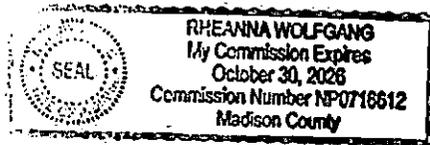
Before me, a Notary Public, in and for said county and State, personally appeared Mitchell P. Kramer who acknowledged the execution of the foregoing Commitment, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 2nd day of July, 2024.

[Signature]
Rheanna Wolfgang
Notary Public

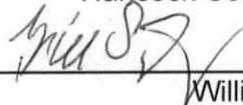
My Commission Expires: 10/30/26

County of Residence: Madison



APPROVED THIS 21st DAY OF MAY 2024

Board of Commissioners
Hancock County, Indiana



William Spalding
President



Gary McDaniel
Vice President

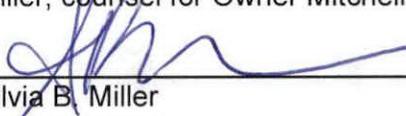


John Jessup
Commissioner

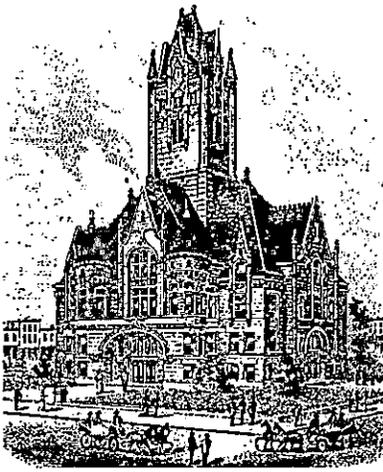
Attest: 

Debra Carnes, Hancock County Auditor

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. This instrument prepared by: Silvia B. Miller, counsel for Owner Mitchell P. Kramer.



Silvia B. Miller



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

CERTIFICATION

Hancock County Area Plan Commission

Project Name: Kramer Diesel Repair
Petitioner: Silvia B. Miller on behalf of Mitchell Kramer
Project Location: 10261 E 1100 N, Markleville, IN 46056
Township: Brown
Certification Date: 23 April 2024

I, Renee Oldham, being the Secretary of the Hancock County Area Plan Commission of Hancock County, Indiana, do hereby certify that the attached rezoning ordinance and zoning commitment are true and accurate records of the meeting of the Plan Commission on April 23, 2024.

- The proposal to rezone 4.363 acres from Agriculture (A) to Commercial: Community (CC) received a favorable recommendation by a vote of eight (8) ayes and zero (0) nays with the following condition:
 - Use of the property is limited to agricultural and other vehicle and equipment service and repair (auto repair and body shop); and
 - It is acknowledged that this use is currently operating on this site as a nonconforming use which will continue.

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

HANCOCK COUNTY AREA PLAN COMMISSION
HANCOCK COUNTY, INDIANA

Renee Oldham, Secretary