

FORM# 0111

Case# Z-2023-17

Date Applied: 09/01/2023

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

Name of Applicant: LARRY HOCHSTETLER Applicant Phone #: 574-646-2323

Mailing Address: 431 N SR 19 ETNA GREEN IN 46524

Name of Agent: JOHN BEECHY Agent Phone #: 574-354-7690

Property Owner Name: Hochstetler Larry Joe & Laurie Jo

Property Owner Address: Hochstetler Larry Joe & Laurie Jo | 431 N SR 19 | Etna Green, IN 46524

I/We Do Hereby Petition Your Honorable Body to Amend the Zoning of A/An Parcel Currently Zoned Commercial District to A/An Agricultural 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: 013-030-006 Township: Harrison

Additional Key Numbers: _____

Property Location: _____

Property is Situated on the: West side of STATE ROAD and 180 feet South of 75 N

The Proposed Use of the Property is Agricultural 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 from the Area Plan Commission to enter the property in question through this hearing in order to prepare exhibits and documentation for the public hearing.

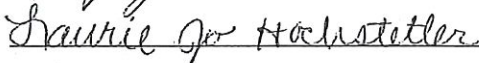
Owner Name:

Signature:

Owner 1: LARRY JOE HOCHSTETLER



Owner 2: LAURIE JO HOCHSTETLER



Owner 3: _____

Owner 4: _____

Additional Owners (if needed):

Date: 9-12-23 Signature of Party Picking up Paperwork: Brian Beechy

Filing Fee \$300.00 Paid

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

WARSAW TIMES-UNION

Notice of Public Hearing

Notice Is Hereby Given, That The Kosciusko County Area Plan Commission Shall Hold A Public Hearing On A Petition Filed by LARRY HOCHSTETLER Requesting An Amendment To the Kosciusko County Zoning Ordinance, To Reclassify From an Commercial District to an Agricultural District, The Following Real Estate, located on Key#: 013-030-006

013-030-0061 PT TRACT NW & SW 10-32-4-2.30A

Harrison

And Described As Follows on the 2nd page, To Wit:

Commencing at a Kosciusko County Mag' nail at the center of said Section 10; thence South 00.45'06" East (basis of bearings established by INDOT VRS Base, using NAD83 Indiana East coordinate system), along the center line of State Road 19, 221.20 feet to the Point of Beginning; thence South 00°45'06" East, 424.39 feet to the Northeast corner of Terrace and Stacy Holloway's properly described in Document Number 2016070665; thence North 89°27'06" West, along the North line of said Holloway property and North line extended, 616.00 feet more or less to the center of the Tippecanoe River; thence North 49°21' 42" West, along said center line, 255.20 feet more or less; thence North 43°09'05" West, along said center line, 359.53 feet more or less; thence South 89°27'06" East, 1050.00 feet to the Point of Beginning, containing 8.23 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 10/04/2023 At 1:00 P.M. All interested persons are invited to attend and be heard. Written comments will be considered if they are received in the Office of the Kosciusko County Plan Commission, Court House, Warsaw, Indiana, no later than 72 hours before the meeting, (mailing address: 100 W Center St, Rm 303, Warsaw, IN 46580). Any digitally submitted comments or exhibits on devices, such as but not limited to, flash memory drives, thumb drives, or external drives must be submitted to the office 72 hours before the hearing any presented at the meeting will not be viewed in accordance with the Kosciusko County Cybersecurity directives.

Kosciusko County Area Plan
Matthew Sandy, Director
9-16,23 hspaxlp

23

Affiant

23 before me this 23 day

2023

Laura Sowers

Notary Public

Laura Sowers

My Commission expires June 1, 2026
Resident of Kosciusko County

Printer's Fee, \$ 100.00

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 LARRY HOCHSTETLER heretofore filed in the office of the Kosciusko County Area Plan commission, praying rezoning of certain real estate LARRY HOCHSTETLER (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 September 16 & 23 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 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 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 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 Samdyl
Director at
Kosciusko County Area Plan Commission

Dated: 10/04/2023

Commencing at a Kosciusko County Mag nail at the center of said Section 10; thence South 00°45'06" East (basis of bearings established by INDOT VRS Base, using NAD83 Indiana East coordinate system), along the center line of State Road 19, 221.20 feet to the Point of Beginning; thence South 00°45'06" East, 424.39 feet to the Northeast corner of Terrance and Stacy Holloway's property described in Document Number 2016070665; thence North 89°27'06" West, along the North line of said Holloway property and North line extended, 616.00 feet more or less to the center of the Tippecanoe River; thence North 49°21'42" West, along said center line, 255.20 feet more or less; thence North 43°09'05" West, along said center line, 359.53 feet more or less; thence South 89°27'06" East, 1050.00 feet to the Point of Beginning, containing 8.23 acres more or less.

ORDINANCE NO. 23-10-24-001

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

2023100952 ORDN \$0.00
10/24/2023 11:22:30A 3 PGS
Deborah A Wright
Kosciusko County Recorder IN
Recorded as Presented


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:

"SEE ATTACHED"

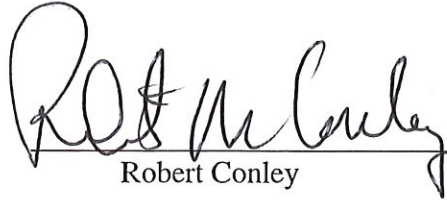
be, and the same is hereby, removed from classification as an Commercial and subject real estate shall be reclassified and rezoned as Agricultural within the limitations, definitions and description of the Kosciusko County Zoning Ordinance.

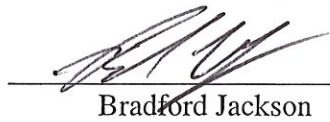
Section 3. That the Ordinance Administrator, pursuant to said Zoning Ordinance be, and he is hereby authorized to issue Location Improvement Permits and Certificates of Occupancy with reference to the construction and improvements upon said described real estate so long as applications therefore comply 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 10/24/2023.

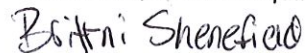

Robert Conley


Bradford Jackson


Cary Groninger


Attest: Kosciusko County Auditor – Rhonda Helser

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



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