

**MONTGOMERY COUNTY  
BOARD OF COMMISSIONERS**

**ORDINANCE 2025-7**

**APPROVING THE REQUEST OF JAMES AND CHRISTINA DEER AND  
REZONING CERTAIN PARCELS OF LAND AT 3994 EAST STATE ROAD 32  
FROM COMMERCIAL TO RESIDENTIAL**

WHEREAS, James and Christina Deer (Deers) filed a proposal to rezone from Commercial to Residential a certain parcel of land located at 3994 East State Road 32 (Parcel No. 54-07-35-100-003.000-024) in Montgomery County, (the legal description for the parcels is attached as Exhibit A); and

WHEREAS, if the rezone is approved, the Deers intend to develop the 0.5-acre site, which has been used as a commercial site, into a single-family residential dwelling; and

WHEREAS, the Montgomery County Plan Commission published notice of a public hearing for Case RZ2025-1 and conducted a public hearing on the proposal on January 8, 2025; and

WHEREAS, the Plan Commission considered Deers' request, comments by the public, the case report and comments by the Zoning Administrator, and approved a favorable recommendation on January 8, 2025; and

WHEREAS, the Plan Commission properly certified its recommendation to the Montgomery County Board of Commissioners on January 9, 2025, and this certification included a favorable recommendation for the rezone to Commercial, subject to the following condition:

- A. The Deers secure from Montgomery County a remodel permit and provide to the Montgomery County Regional Sewer District a verification of connection to sanitary sewer.

WHEREAS, the Board of Commissioners published notice of a public hearing on the proposal and conducted a public hearing on February 24, 2025; and

WHEREAS, the Board of Commissioners, having considered the certification of the Plan Commission, presentations of the Zoning Administrator and the Deers, and comments from the public, and having paid reasonable regard to this evidence and

1. the Montgomery County Comprehensive Plan;
2. the current conditions and the character of current structures and uses in each zoning district;
3. the most desirable use for which the land in each district is adapted;
4. the conservation of property values throughout the unincorporated area of Montgomery County; and
5. responsible development and growth

now finds as follows:

1. Rezoning this real estate from Commercial to Residential for a single-family residential dwelling as recommended by the Plan Commission, is consistent with the Comprehensive Plan as it will serve to provide an additional residential

use and will not have significant adverse impacts on surrounding agricultural and residential uses;

2. the approval, with the condition recommended by the Plan Commission, will not be injurious to the public health, safety, morals, and general welfare of the community;

3. the use and character of land and structures in the area adjacent to the subject site and in the area generally is residential and agricultural and will not be affected in a substantially adverse manner by development of a single-family residential dwelling because this use is not disharmonious with the uses in the area;

4. the approval of the rezone request will likely increase the value of surrounding agricultural and residential property and will not substantially and adversely impact the value property in the area of the subject property;

5. the approval of the requested rezone is consistent with the interests of responsible development and growth in that the approval will not unduly burden the schools, County or State roads and highways, or unduly burden utility providers;

6. the proposed use of the property as a single-family residential dwelling is consistent with the most desirable use of the property in the district given the need for such use, the location of the site, and the condition imposed by the approval; and

7. that the requested proposal to rezone the subject land from Commercial to Residential for a single-family residential dwelling should be granted, with the condition recommended by the Plan Commission.

IT IS, THEREFORE, ORDAINED that the request by James and Christina Deer to rezone a certain parcel of real estate, located at 3994 East State Road 32, specifically parcel No. 54-07-35-100-003.000-024, in Montgomery County, and described more particularly in Exhibit A, from Commercial to Residential for a single-family residential dwelling is hereby approved, subject to the following condition:

- A. The Deers secure from Montgomery County a remodel permit and provide to the Montgomery County Regional Sewer District a verification of connection to sanitary sewer.

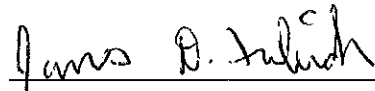
IT IS FURTHER ORDAINED that the subject real estate is hereby rezoned to Residential, with a condition, and the Zoning Administrator is directed to record this ordinance, change the Zoning Maps, which are incorporated into the Zoning Ordinance, in order to reflect this rezone, and to maintain a record of the conditions contained in this approval.

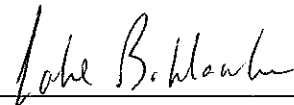
IT IS FURTHER ORDAINED that this ordinance is effective upon adoption.

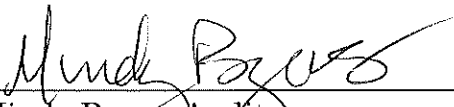
Adopted: February 24, 2025

Montgomery County Board  
of Commissioners

  
\_\_\_\_\_  
Dan Guard, President

  
James D. Fulwider, Vice President

  
Jake Bohlander, Member

Attest:   
Mindy Byers, Auditor

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.

\_\_\_\_\_  
Daniel L. Taylor

This instrument prepared by Daniel L. Taylor, Indiana Supreme Court #11337-54,  
Taylor, Minnette, Schneider & Clutter, P.C., 105 North Washington Street,  
Crawfordsville, Indiana 47933. Telephone 765-361-9680.

# EXHIBIT A