

MONTGOMERY COUNTY BOARD OF COMMISSIONERS

ORDINANCE 2023-28

APPROVING THE REQUEST OF RATCLIFF, INC. AND REZONING A CERTAIN PARCEL OF LAND AT 1388 WEST U.S. HIGHWAY 136 FROM COMMERCIAL TO RESIDENTIAL

WHEREAS, Ratcliff, Inc. (Ratcliff) filed a proposal to rezone from Commercial to Residential a certain parcel of land located at 1388 West I.S. Highway 136 (Parcel No. 54-06-25-443-011.000-024) in Montgomery County, (the legal description for the parcels is attached as Exhibit A); and

WHEREAS, this parcel is currently zoned Commercial, and Ratcliff intends to convert the existing medical office to a single-family residence and add an unattached garage to the site; and

WHEREAS, the Montgomery County Plan Commission published notice of a public hearing for Case RZ2023-3 and conducted a public hearing on the proposal on October 25, 2023; and

WHEREAS, the Plan Commission considered Ratcliff's request, comments by the public, the case report and comments by the Zoning Administrator and approved a favorable recommendation on October 25, 2023, subject only that Ratcliff obtain septic and building permits for the site; and

WHEREAS, the Plan Commission properly certified its recommendation to the Montgomery County Board of Commissioners on October 26, 2023, and this certification included a favorable recommendation for the rezone of the parcel from Commercial to Residential, subject only to the condition of Ratcliff obtaining a septic and building permit; and

WHEREAS, the Board of Commissioners published notice of a public hearing on the proposal and conducted a public hearing on November 13, 2023; and

WHEREAS, the Board of Commissioners, having considered the certification of the Plan Commission, presentations of the Zoning Administrator and Ratcliff, 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 is consistent with the Comprehensive Plan as it will encourage and facilitate needed residential development;
2. the approval 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 will not be affected in a substantially adverse manner by development of the existing commercial building into a single-family residential use on the land;
4. the approval of the rezone request will likely increase the value of surrounding 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 single family residential is consistent with the most desirable use of the property in the district given the need for residential development in Montgomery County; and

7. that the requested proposal to rezone the subject land from Commercial to Residential should be granted, with the condition proposed by the Plan Commission; and

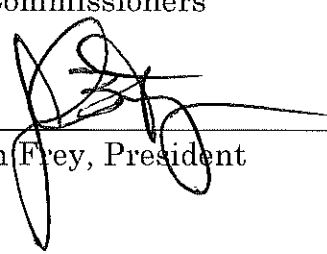
IT IS, THEREFORE, ORDAINED that the request by Ratcliff, Inc. to rezone a certain parcel of real estate, located at 1388 West U.S. Highway 136, specifically parcel 54-06-25-443-011.000-024, in Montgomery County, and described more particularly in Exhibit A, from Commercial to Residential is hereby approved, subject only to the following condition: Ratcliff, Inc. will obtain septic and building permits for the site.

IT IS FURTHER ORDAINED that the subject real estate is hereby rezoned to Residential, 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.

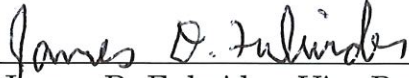
IT IS FURTHER ORDAINED that this ordinance is effective upon adoption.

Adopted: November ²⁷~~18~~, 2023

Montgomery County Board
of Commissioners



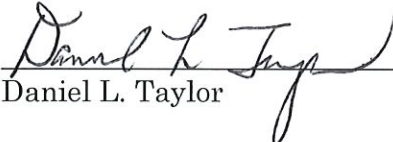
John Frey, President


James D. Fulwider, Vice President


Dan Guard, 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