



ORDINANCE NO. 2024-25

AN ORDINANCE REZONING LAND WITHIN
THE JURISDICTION OF MORGAN COUNTY, INDIANA

WHEREAS, the Morgan County Commissioners have adopted a Unified Development Ordinance (UDO) for the County that includes a map showing the zoning classifications assigned to land within the County's jurisdiction; and

WHEREAS, a petition has been filed by Holloway Engineering, on behalf of Carl VanRooy, requesting the County to rezone certain real estate located in a part of the Northwest Quarter of the Northeast Quarter of Section 26, Township 12 North, Range 2 East, Morgan County, Indiana. This real estate is fully described in the attached legal description Exhibit A and illustrated in attached Exhibit B; and

WHEREAS, the petitioner requested approximately 1.257 acres included in Lot 1 of the VanRooy's McWhorter Road Minor Subdivision to be rezoned from Agriculture (AG) to Residential 1 (R-1); and

WHEREAS, the Morgan County Plan Commission conducted a public hearing on October 16, 2024 for the petitioner's proposed zone classification and the Plan Commission has certified the proposal with a **favorable recommendation** to the Morgan County Commissioners; and

WHEREAS, the Morgan County Commissioners have reviewed and considered the Plan Commission's recommendation.

NOW THEREFORE BE IT ORDAINED BY THE MORGAN COUNTY COMMISSIONERS
THAT: the real estate described in the attached legal description shall have the zoning classification of **Residential 1 (R-1)**.

This ordinance is hereby passed and adopted this 4 day of November, 2024 and shall be effective as of the execution of this ordinance.

MORGAN COUNTY COMMISSIONERS

Don Adams

Bryan Collier

Kenny Hale

ATTEST:

Linda Pruitt
Linda Pruitt, Morgan County Auditor

EXHIBIT A

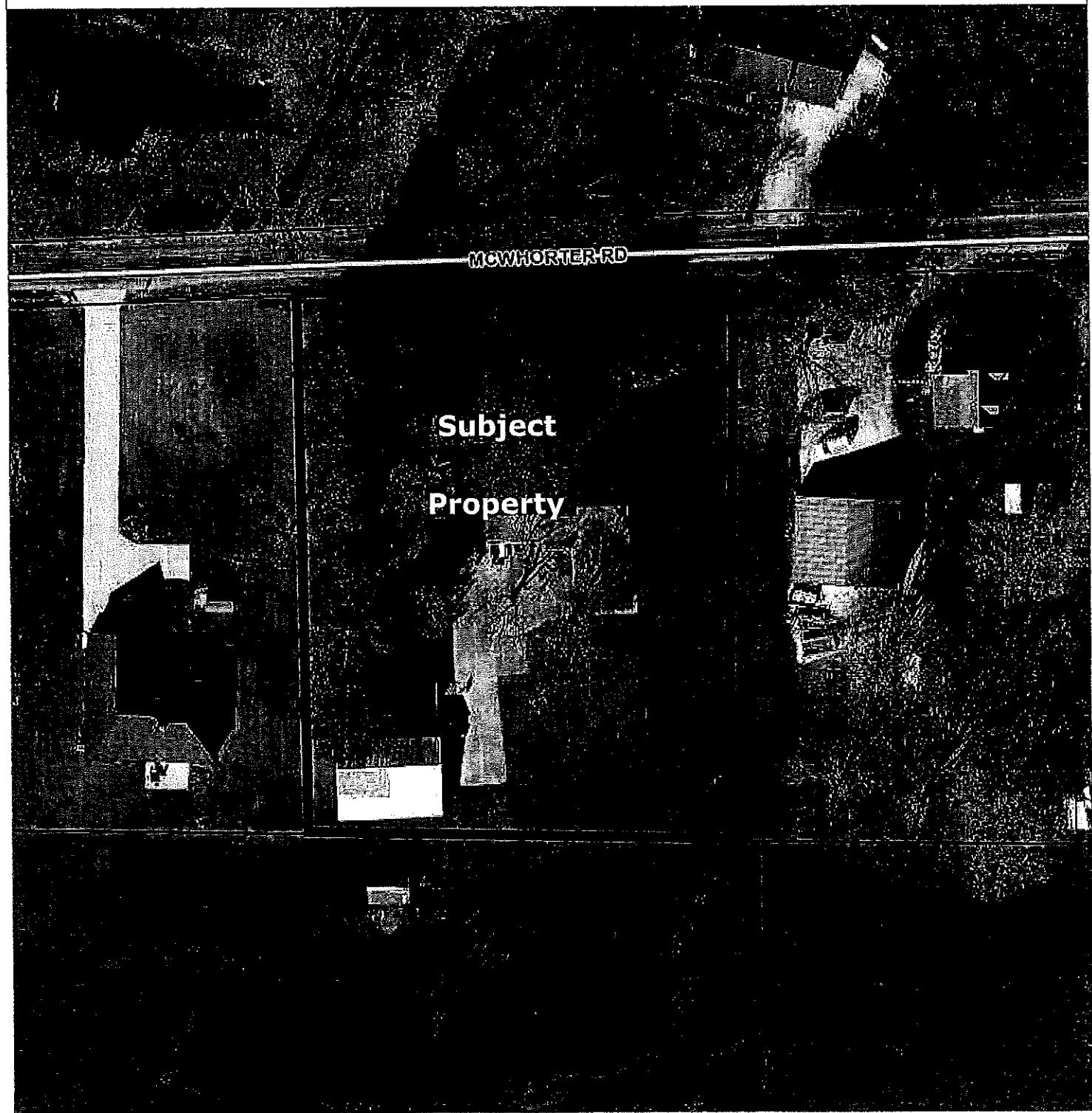
LEGAL DESCRIPTION OF VANROOY'S McWHORTER ROAD MINOR SUBDIVISION

Part of the Northwest Quarter of the Northeast Quarter of Section 26, Township 12 North, Range 2 East, Morgan County, Indiana, described as follows:

Commencing at a survey monument with brass cap which, per Morgan County Surveyor marks the northwest corner of the above captioned quarter-quarter (for reference, the iron spike which marked the historically accepted northwest corner of the Northwest Quarter of the Northeast Quarter was 4.24 feet west of the monument with brass cap, and has been obliterated); thence North 88 degrees 11 minutes 12 seconds East (bearing of the north line of the quarter-quarter, based upon Indiana State Plane, West Zone Coordinate System – N.A.D. 1983), with said north line and in the county road, 359.46 feet to an iron survey nail with washer engraved "Holloway Engr. – Firm 46" and the **POINT OF BEGINNING** of the subdivision herein described; thence continuing North 88 degrees 11 minutes 12 seconds East, with said north line and in the county road, 208.48 feet to an iron survey nail with washer engraved "Holloway Engr. – Firm 46"; thence South no degrees 19 minutes 16 seconds West, 272.33 feet to an iron pin with cap engraved "Holloway Engr. – Firm 46"; thence North 87 degrees 27 minutes 30 seconds West, 205.93 feet to an iron pin with cap engraved "Holloway Engr. – Firm 46"; thence North no degrees 15 minutes 05 seconds West, 256.60 feet to the Point of Beginning.

Containing 1.257 acres, more or less, including that part of the lands hereby dedicated to the public for roadway purposes, and subject to any other rights-of-way, easements or restrictions of record or observable.

EXHIBIT B
8245 McWhorter Road





MORGAN COUNTY PLAN COMMISSION
180 South Main Street
Martinsville, IN 46151
765.342.1060

MORGAN COUNTY PLAN COMMISSION
Staff Report
October 16, 2024
Rezone Request: Z-24-05

GENERAL INFORMATION

Petitioner/Owner: John Larrison, Holloway Engineering, on behalf of Carl VanRooy, VanRooy Management III, LLC
1030 N. College Avenue
Indianapolis, IN 46202

Tax ID / Parcel #: 55-10-26-200-002.000-009

Request: Rezone 1-lot minor plat from AG to R-1.

SITE INFORMATION

Location: 8245 McWhorter Road in Green Township

Acreage: 1.257 acres

Existing Land Use: Residential

Current Zoning District: Agriculture (AG)

Surrounding Zoning: The surrounding zoning is AG and R-1.

Related Petition: Petition MIP-24-07 for a single-lot subdivision.

DESCRIPTION OF THE PETITION

The petitioner is seeking to rezone the only lot in the VanRooy's McWhorter Road Minor Subdivision from AG to R-1 so the platted lot will conform to the R-1 minimum lot size.

CHARACTER OF THE SITE AND SURROUNDING AREA

The general area is primarily a mix of agricultural and rural residential uses. The terrain is gently rolling with open fields and wooded hillsides. There are no Special Flood Hazard Areas in the immediate vicinity.

BACKGROUND AND HISTORY

As explained in the previous minor plat request, the house and out buildings are being split off into a single lot of just over 1 acre. The new lot needs to be rezoned to conform with the minimum acreage requirements for R-1 zoning.

STAFF RECOMMENDATION

The Future Land Use Map identifies this area as appropriate for rural residential development, so the proposed R-1 zoning would be consistent with that goal. Therefore, staff supports a favorable recommendation for the R-1 rezone request.

Plan Commission Action on Z-24-05:

Forward a Favorable Recommendation for the R-1 Rezoning
or

Forward a Favorable Recommendation for the R-1 Rezoning with Commitments
or

Forward an Unfavorable Recommendation for the R-1 Rezoning



MORGAN COUNTY PLAN COMMISSION
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PLAN DIRECTOR
Laura Parker

PLAN COMMISSION

Terry Brock
Melanie DePoy
Dustin Frye
Kenny Hale
Michele Jones
Jason Maxwell
Bill Mitchell
Brian Patrick
Bill Rumbaugh

BOARD OF ZONING
APPEALS

John Chappelow
Gordon Crone
Jason Maxwell
Gerard McGrath
Bill Rumbaugh

CERTIFICATION OF ZONING PROPOSAL

To: Morgan County Commissioners
From: Morgan County Plan Commission
Date: October 28, 2024
Re: Rezoning Recommendation

On October 16, 2024, the Morgan County Plan Commission conducted a public hearing on Petition Z-24-05, submitted by Holloway Engineering, on behalf of Carl VanRooy, to rezone 1.25 acres of a single-lot minor plat from Agriculture (AG) to Residential 1 (R-1). The property is located at 8245 McWhorter Road in Green Township, Morgan County, Indiana.

After the public hearing, the Plan Commission voted 5-0 to forward a **favorable recommendation** to the Morgan County Commissioners to rezone the above-referenced property from **Agriculture (AG)** to **Residential 1 (R-1)**.

Having complied with the applicable statutory requirements, the Plan Commission hereby certifies this proposal and its recommendation to the Morgan County Commissioners.

Terry Brock, Plan Commission President