

Findings of Fact and Ruling

PETITION FOR REZONING APPROVAL: **A09-04-01 (APC office creates this #)**

OWNER OF REAL ESTATE: **John H. Doe**

LOCATED AT: **100 S File St**

DESCRIPTION: **3 Acres in the NE ¼ of S12T26NR12E**

CURRENT ZONING CLASSIFICATION: **R-2**

PROPOSED REZONING: **R-3**

PRINT DATE: **April 24, 2009**

Comes now the Wells County Area Plan Commission and in support of granting John H. Doe's Petition for Rezoning makes the following Findings of Fact, to wit:

John H. Doe filed a Petition for a Rezoning as to the following described real estate located in Harrison Township, Wells County, Indiana; more particularly described on Exhibit A attached hereto.

Notice of the scheduled May 7, 2009 public hearing on the Petition was duly published in accordance with I.C. 5-3-1 more than ten (10) days prior to the public hearing.

The sign as required by the Wells County Area Plan Commission has been duly posted in accordance with the Rules of Procedure of the Wells County Area Plan Commission more than fourteen days prior to the Wells County Area Plan Commission hearing.

On May 7, 2009, the Wells County Area Plan Commission conducted a public hearing on the Petition in accordance with the Rules of Procedure of the Wells County Area Plan Commission and the following evidence was heard.

9-13 (1) This petition is located next to areas which are similarly zoned to the future zoning type due to the fact that the zoning district to the North and East is R-2 and the zoning district to the South and West is R-3. This petition shall not be considered spot zoning.

9-13 (2) This petition shall not create a conflict in land use that may endanger public safety or welfare due to fact that the properties surrounding this project site are zoned for similar uses.

9-13 (3) This petition shall not cause damage to the property values in the neighborhood due to the fact that the surrounding properties are zoned for and currently used in manner similar to the proposed zoning in this petition.

9-13 (4) This petition shall not need a visual buffer placed between conflicting uses due to the fact that the surrounding properties are zoned and currently used in a similar manner to the proposed zoning in this petition.

9-13 (5) This petition pays reasonable regard the zoning district definition for R-3 and its provisions due to the fact that the area currently embraces the definition and land uses for the R-3 zoning district.

Wherefore, based upon the above findings of fact and upon the Motion of _____, duly seconded by _____, the Petition for a Rezoning by _____ is hereby granted by a vote of _____ in favor and _____ opposed.

Granted this 7th day of May, 2009.

Wells County Area Plan Commission President

Wells County Area Plan Commission Secretary