

ORDINANCE NO. 2024-2

**AMENDING THE ZONING MAP OF LA PORTE COUNTY, INDIANA
TO REZONE CERTAIN PROPERTY LOCATED IN
KANKAKEE TOWNSHIP FROM B2 TO R1B**

WHEREAS, Jason Atwood and Kristen A. Atwood (the “Petitioners”) filed a Petition (the “Petition”) with the La Porte County Plan Commission (the “Commission”) on March 21, 2024 asking that certain property in La Porte County be rezoned from B2 to R1B, specifically, an approximately 17.13 acre parcel located at N Whisper Crossing, La Porte, IN 46350, Parcel ID 46-07-29-200-046.000-052, more particularly described as follows:

See Legal Description attached hereto as Exhibit A

(hereafter the “Property”); and

WHEREAS, following the filing of the Petition the Commission scheduled a public hearing on the Petition for April 23, 2024; and

WHEREAS, at that public hearing the Commission found that the Petitioners properly gave the necessary notice of the filing of the Petition and of the date and time of the public hearing thereon by publication in the manner prescribed by Ind. Code § 5-3-1-1 *et. seq.*; and

WHEREAS, the Commission conducted the public hearing on the Petition and following said hearing, determined that the Property should be rezoned from B2 to R1B, all as permitted by the Joint Zoning Ordinance and Indiana law, and provided a favorable recommendation to the Board of Commissioners to rezone the Property from B2 to R1B.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of La Porte County, Indiana, pursuant to applicable laws, including Ind. Code § 36-7-4-608, that:

1. The Board of Commissioners find, based on all the evidence before it, that:
 - A. The requested change in zoning for the Property from B2 to R1B is compatible with the County’s comprehensive plan, the current conditions and the

character of current structures and uses in each district; the most desirable uses for which the land in each district is adapted; the conservation of property values throughout the County; and responsible development and growth;

B. The requested change in zoning will provide for the most reasonable use for which the Property is adapted and the proposed land use will not have an adverse effect on surrounding land;

C. The requested change in zoning will not be injurious or detrimental to the surrounding property values and will further the conservation of property values throughout the County;

D. The requested change in zoning will promote orderly and responsible community growth and development and will not adversely affect the community;

E. The topography, soil condition, and other physical features of the land involved are suitable for the proposed use and zoning change;

F. The change in zoning is not "spot zoning" which will confer a special benefit on a relatively small tract without commensurate benefit to the community; and

G. The change in zoning will not disrupt or destroy any neighborhood plan.

2. The Board of Commissioners find that it is in the best interests of La Porte County and its residents that the Board of Commissioners accept and approve the recommendation of the Commission that the requested change in the County's zoning map be approved by the Board of Commissioners.

3. The zoning for the Property, situated at N Whisper Crossing, La Porte, IN 46350 in La Porte County, Parcel ID 46-07-29-200-046.000-052, is hereby changed from B2 to R1B; and the zoning map of La Porte County, Indiana shall be amended to reflect this change; and the amended zoning map shall hereafter be available in the Planning Department office for review and copying by the public.

4. The Clerk shall furnish a certified copy of this Ordinance to the County Recorder for recording and to the County Auditor.

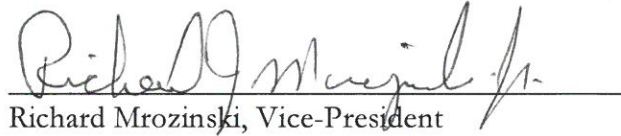
5. This Ordinance shall be in effect from and after its passage according to law.

PASSED AND ADOPTED this 1st day of May, 2024.

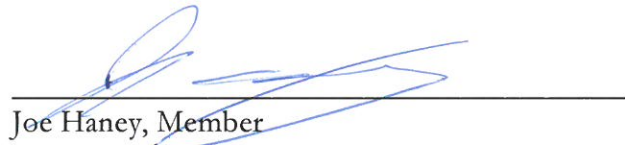
COMMISSIONERS OF LA PORTE
COUNTY, INDIANA



Connie Gramarossa, President



Richard Mrozinski, Vice-President



Joe Haney, Member

ATTEST:



Blonda Araves, Chief Deputy
Tim Stabosz, Auditor, La Porte County Auditor

1st Reading 5-1-2024
2nd Reading 5-1-2024

ORIGINAL

EXHIBIT "A"

LEGAL DESCRIPTION

A tract of land in the Northeast Quarter of Section 29, Township 37 North, Range 2 West, Kankakee Township, La Porte County, Indiana, more particularly described as follows: Commencing at the East Quarter corner of Section 29; thence North 00° 12' 57" West, a distance of 1369.81 feet along the East line of Section 29 to the Point of Beginning; thence South 89° 23' 57" West, a distance of 1307.48 feet to the Southeast corner of Lot 28 of Whisper Isle Subdivision Unit No. 1 recorded in Plat Book 21 Page 49 in the Office of the Recorder of La Porte County, Indiana; thence North 00° 36' 03" West, a distance of 238.02 feet along the East line of Lot 28 of Whisper Isle Subdivision Unit No. 1 recorded in Plat Book 21 Page 49 in the Office of the Recorder of La Porte County, Indiana; thence North 88° 46' 41" West, a distance of 85.02 feet along the North line of Lot 28 of Whisper Isle Subdivision Unit No. 1 recorded in Plat Book 21 Page 49 in the Office of the Recorder of La Porte County, Indiana; thence North 79° 52' 17" West, a distance of 50.45 feet along the North line of Lot 28 of Whisper Isle Subdivision Unit No. 1 recorded in Plat Book 21 Page 49 in the Office of the Recorder of La Porte County, Indiana; thence North 12° 41' 56" East, a distance of 72.07 feet along the East line of Whisper Crossing to a point on the South line of Lot 6 of Whisper Isle Subdivision Unit No. 1 recorded in Plat Book 21 Page 49 in the Office of the Recorder of La Porte County, Indiana; thence South 79° 52' 17" East, a distance of 47.22 feet along the South line of Lot 6 of Whisper Isle Unit No. 1 recorded in Plat Book 21 Page 49 in the Office of the Recorder of La Porte County, Indiana; thence South 73° 19' 10" East, a distance of 79.58 feet along the South line of Lot 6 of Whisper Isle Subdivision Unit No. 1 recorded in Plat Book 21 Page 49 in the Office of the Recorder of La Porte County, Indiana to the point of curve of a non tangent curve to the left of which the radius point lies North 04° 28' 16" East, a radial distance of 394.06 feet; thence Easterly along the arc, through a central angle of 21° 03' 47", a distance of 144.86 feet along the South line of Lot 6 of Whisper Isle Subdivision Unit No. 1 recorded in Plat Book 21 Page 49 in the Office of the Recorder of La Porte County, Indiana with chord bearing North 83° 56' 23" East and distance 144.05 feet; thence North 00° 36' 03" West, a distance of 298.47 feet along the East lines of Lots 6 & 5 of Whisper Isle Subdivision Unit No. 1 recorded in Plat Book 21 Page 49 in the Office of the Recorder of La Porte County, Indiana; thence North 89° 23' 57" East, a distance of 1163.69 feet; thence South 00° 12' 57" East, a distance of 600.01 feet along the East line of Section 29 to the Point of Beginning, containing 17.13 acres.