



Area Plan Commission of Tippecanoe County, Indiana

December 22, 2022  
Ref. No.: 2022-255

Tippecanoe County Commissioners  
20 North Third Street  
Lafayette, Indiana 47901

**CERTIFICATION**

**RE: Z-2869 KEVIN & TAMMY UNDERHILL (GB to R1):**

Petitioners are requesting rezoning of a residential lot located on the northeast corner of Church Street and Strong Avenue, specifically, 10110 Strong Avenue, south of CR 700 N in the unincorporated town of Colburn, Washington 24 (NW) 24-3.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on December 21, 2022, the Area Plan Commission of Tippecanoe County voted 11 yes – 0 no on the motion to rezone the subject real estate from GB to R1. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at its January 3, 2023 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

David Hittle  
Executive Director

DH/kl

Enclosures: Staff Report & Ordinance

cc: Kevin & Tammy Underhill



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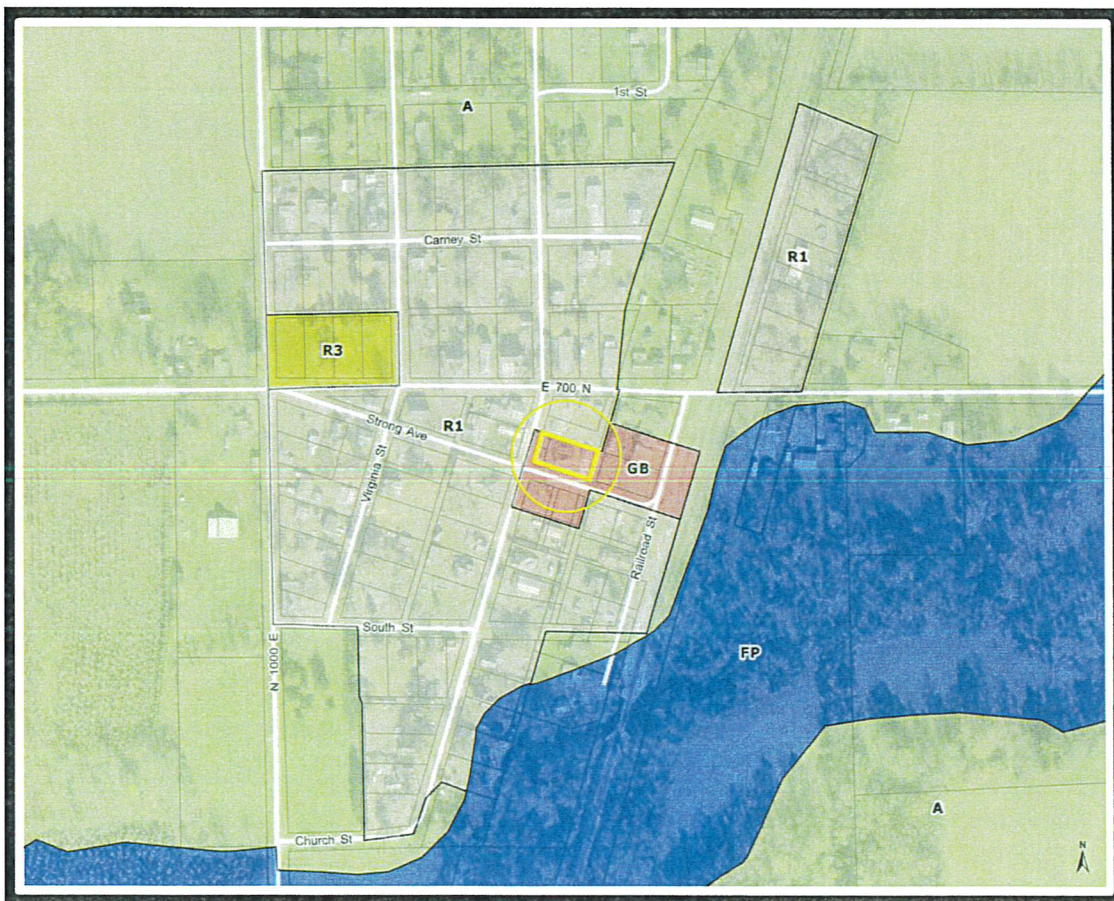
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**Z-2869**  
**KEVIN & TAMMY UNDERHILL**  
**(GB to R1)**

**STAFF REPORT**  
**December 15, 2022**

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**Z-2869**  
**KEVIN & TAMMY UNDERHILL**  
**GB to R1**

Staff Report  
December 15, 2022

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioners, who are also the owners, are requesting rezoning of their property located in the middle of the unincorporated town of Colburn from GB to R1. Rezoning this single-family property would bring it into conformity. The property is located on the northeast corner of Church Street and Strong Avenue, specifically 10110 Strong Avenue, in the unincorporated town of Colburn, Washington 24 (NW) 24-3.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

The site and the lots to the east and south across Strong Ave are all zoned GB, General Business. R1 zoning is located to the west and north. Agricultural (A) zoning can be found to the northeast across CR 700 N.

The earliest zoning maps for Colburn show this block commercially zoned. It has been slowly evolving to residential zoning. A lot to the southeast (south side of Strong Street at Railroad Street) was rezoned in 2003 to R1 (Z-2136), and a site immediately to the north was rezoned earlier this year to R1 (Z-2656).

**AREA LAND USE PATTERNS:**

A single-family home currently sits on this property, along with a detached garage. Other single-family homes surround the site and appear to occupy all of the GB-zoned lots in the area.

**TRAFFIC AND TRANSPORTATION:**

Petitioners' site is located at the northeast corner of Strong Avenue and Church Street, both classified as rural local roads in *The Thoroughfare Plan*. The detached garage and driveway provide sufficient parking for the residential use.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

According to the County Health Department, the site is served by private septic and well. They have no record of installation, replacement or repair of the existing septic system. There is also no complaint of failure to function on file.

Very early discussions are ongoing about serving the Buck Creek-Colburn-Americus area with sanitary sewer.

**STAFF COMMENTS:**

Petitioners are requesting a rezone from GB to R1 so that they can market and sell the property as a residence; future owners could then make improvements or rebuild if needed. From staff experience, nonconforming homes can complicate the transfer process. As the home currently exists in a GB zone, if more than 50% of it needed to be replaced, it could not be rebuilt. A construction permit would likely not be issued in the event the owners wanted to add on to the house or remodel. According to historic zoning maps, this part of Colburn has always been zoned GB. While commercial uses may have at one time occupied this area near the center of town and the railroad tracks, current uses are limited to single-family homes.

Under the repealed zoning ordinance that was replaced by the 1998 UZO, single-family homes were permitted by right in the GB zone. Therefore, this house became nonconforming in 1998, through no action of the owners, but with the adoption of the current zoning ordinance.

This rezone to R1 is supportable as it better reflects existing land uses both on site and in the area.

**STAFF RECOMMENDATION:**

Approval

**ORDINANCE NO. \_\_\_\_\_**  
**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE**  
**COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE**  
**FROM GB TO RI**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA:**

**Section 1:** The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a unified county code is hereby amended to rezone the following described real estate situated in Washington Township, Tippecanoe County, Indiana

**SEE ATTACHED**

**Section 2:** The above-described real estate should be and the same is hereby rezoned from GB to RI.

**Section 3:** This ordinance shall be in full force and effect from and after its adoption.

**(Adopted And Passed) (Denied) by the Board Of Commissioners of Tippecanoe County, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.**

VOTE:

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\_\_\_\_\_ David Byers, President

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\_\_\_\_\_ Tracy Brown, Vice President

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\_\_\_\_\_ Thomas Murtaugh, Member

ATTEST:

\_\_\_\_\_ Robert Plantenga, Auditor

Lot Numbered Twelve (12) in the Plat of Chapmanville,  
as laid out by Jacob Chapman. Said Addition being  
platted upon a part of the West Half of the Northwest  
Quarter of Section Twenty-four (24), Township Twenty-four  
(24) North, Range Three (3) West.  
Located in Washington Township, Tippecanoe County,  
Indiana.

Commonly known as 10110 Strong Avenue, Lafayette,  
Indiana.

Subject to all roadways, easements, restrictions of record, taxes  
and all facts as would be revealed by an accurate survey.