

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

Delaware County

City of Muncie

Submitted: 8-6-24
Case No.: BZA 45-24

(1) Applicant: Dustin Koger

Address: 4700 N. 400 E. Phone: (765)744-0477

(2) Applicant's Status: (Check the appropriate response)

(a) The applicant's name is on the deed to the property.

(b) The applicant is the contract owner of the property.

(c) Other: _____

(3) If Item (2)(c) is checked, please complete the following:

Owner of the property involved: _____

Owner's address: _____

(4) Record of Ownership:

Deed Book No.: 2008

Page: 12994

Purchase Date: 06/03/2008

Legal Description: (From the Deed or Abstract)

See attached deed

(5) Common Address of the Property Involved: (Give full street address. If no address, give geographic location such as s. side of CR 400S, 500' west of SR 3).

4700 North CR 400 East Muncie IN 47303

(6) Type of Appeal: (Check the appropriate response)

(a) Request for an Appeal from the Decision of the Administrative Zoning Officer according to Article XXXII, Section 5-B-1. (Attach a copy of said decision/ruling).

(b) Request for a Special Use according to Article XXXII, Section 5-B-2.

(c) Request for a Variance according to Article XXXII, Section 5-B-3.

(7) State explanation of requested Appeal: (State what you want to do and cite the Article and Section of the Ordinance which applies and/or creates the need for this Appeal.)

Request for a variance from the terms of the Delaware County Comprehensive Zoning Ordinance, Article XII, Section 6, to allow a 20' rear setback rather than 50' for a variance of 30' for an addition to the house in a farm zone.

(8) State reasons supporting the Appeal: (If filing for a variance, refer to the attached sheet entitled "Hardship Variance" for explanation/guidance.)

We plan to add on a 30' x 30' addition on to the back of our house. It will include a living room, bed room, library, & utility closet. We need the variance since we will be 20' to our property connected to a field.

(9) Present Zoning of the property: (Give exact classification)

F Farm Zone

(10) Present use of the property:

Residential

(11) Describe the proposed use of the property:

Residential

(12) Is the property:

Owner Occupied

Renter Occupied

Other: _____

- (13) Has the Applicant provided stamped, addressed envelopes to send notices of this Appeal to all property owners within 300 feet? yes
Has the Applicant discussed this Appeal with these owners personally? yes
If answer is "YES", give their attitudes toward the proposal.

Positive

- (14) Are there any restrictions, laws, covenants, governing the property which would prohibit its use for the purpose specified in this application? If answer is "YES", attach a copy.

No

- (15) Has work for which this application is being filed already started? If answer is "YES", give details.

No

- (16) Has there been any previous appeal filed in connection with this property? If answer is "YES", give the date and the decision of the appeal.

Yes BZA 30-13 granted on 7/25/2013
 Height and sq footage for accessory structure

- (17) If the Appeal is granted, when will work commence?

Fall 2024

When will it be completed?

Spring 2025

- (18) If the Appeal is granted, who will operate and/or use the proposed improvement for which this application has been filed?

Myself

AFFIDAVIT

(I or We) Dustin L & Heather M Koger
TYPE NAME(S) OF SIGNATORIES

being duly sworn depose and say that (I or We) (am or are) the (owner[s]) (contract owner[s]) of property involved in this application and that the foregoing signatures, statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of (my or our) knowledge and belief.

SIGNATURES: *Heather Koger*
Dustin Koger

Subscribed and sworn to before me this 6 day of August, 2024



Brandy Lynn Ingermann
Notary Public
2-15-26
Commission Expires
Resident of Delaware County
State of Indiana

DO NOT WRITE IN THIS SPACE

The foregoing application has been inspected by me and was filed with the office of the Delaware-Muncie Metropolitan Board of Zoning Appeals in accordance with all the formal requirements and procedures.

ITIC
JP

2008R12994
* 2 0 0 8 R 1 2 9 9 4 *
2008R12994
JANE LASATER
DELAWARE COUNTY RECORDER
RECORDED ON
06/03/2008 03:06:30PM
REC FEE: 16.00
PAGES: 1

File No: 281412
Parcel Number: 0832100003000 / 0832100004000 -010

WARRANTY DEED

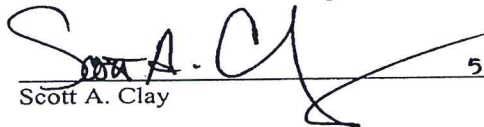
This Indenture Witnesseth, That Scott A. Clay and Savona S. Clay, husband and wife, (Grantor) **Convey(s) and Warrant(s)** to Dustin L. Koger and Heather M. Koger, husband and wife, (Grantee) for the sum of Ten & 00/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Delaware County, in the State of Indiana:

A part of the Northwest Quarter of the Northwest Quarter of Section 32, Township 21 North, Range 11 East, more particularly described as follows, to-wit: Beginning at a point in the West line of the Northwest Quarter of the Northwest Quarter of Section 32, Township 21 North, Range 11 East 604.06 feet South of the Northwest corner of the said Northwest Quarter of the Northwest Quarter; continuing South on the West line of the said Northwest Quarter of the Northwest Quarter 253.25 feet; thence East and at a right angle 172 feet; thence North parallel with the West line of the said Northwest Quarter of the Northwest Quarter 253.50 feet; thence West with a deflection angle to the left of 90 degrees 05 minutes and parallel with the North line of the said Northwest Quarter of the Northwest Quarter 172 feet to the point of beginning. Estimated to contain 1.000 acres, more or less.

ALSO, A part of the Northwest Quarter of the Northwest Quarter of Section 32, Township 21 North, Range 11 East, more particularly described as follows, to-wit: Beginning at a point in the West line of the Northwest Quarter of the Northwest Quarter of Section 32, Township 21 North, Range 11 East 857.31 feet South of the Northwest corner of the said Northwest Quarter of the Northwest Quarter; thence continuing South on the West line of the said Northwest Quarter of the Northwest Quarter 384.35 feet to the Northerly right-of-way of the Nickel Plate Railroad (now Norfolk and Western Railroad); thence in a Northeasterly direction on the said Northerly right-of-way line of the Nickel Plate Railroad (now Norfolk and Western Railroad) 230.72 feet; thence North parallel with the West line of the said Northwest Quarter of the Northwest Quarter 230.57 feet; thence West and at right angles to the last described line 172 feet to the point of beginning, estimated to contain 1.214 acres, more or less.

Subject To any and all easements, assessments, agreements, and restrictions of record.

In Witness Whereof, Grantor has executed this deed this 30th day of May, 2008.


Scott A. Clay 5-30-08


Savona S. Clay 5/30/08


STATE OF INDIANA , COUNTY OF DELAWARE, SS:

Before me, a Notary Public in and for the said County and State, personally appeared Scott A. Clay and Savona S. Clay, husband and wife who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 30th day of May, 2008

My Commission Expires: May 31, 2010
BETH A. SPONSELLER
Notary Public, Indiana
A resident of
Delaware County, Indiana
Commission Expires: May 31, 2010

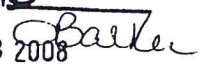


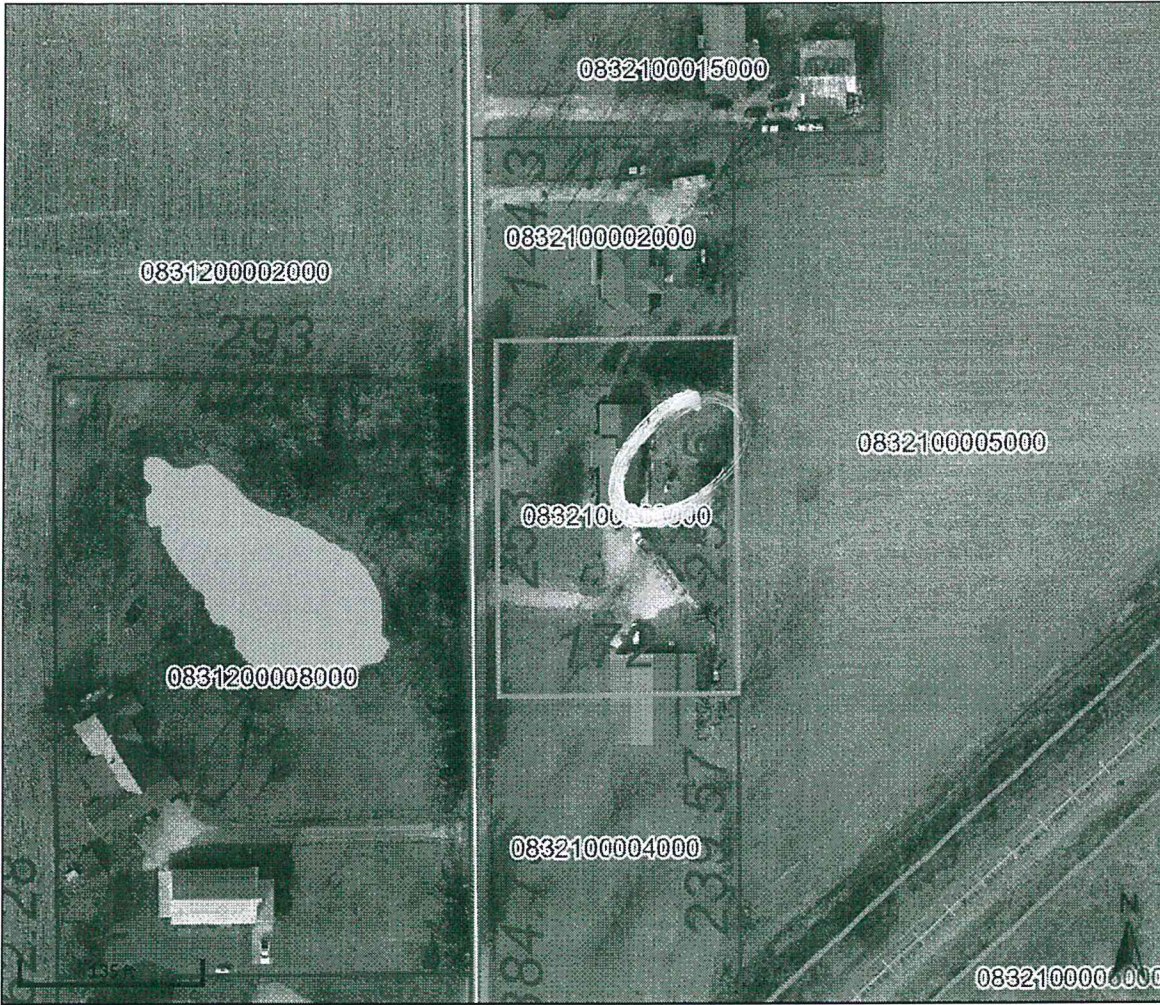

Beth A. Sponseller, Notary Public
Residing in Delaware County, Indiana

Send tax bills to and Grantee's street or rural route address is: 4700 North CR 400 East Muncie IN 47303

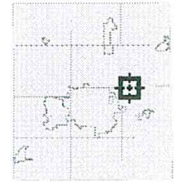
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. (James W. Trulock)

This instrument prepared by: James W. Trulock, Attorney-at-Law.

Duly Entered for Taxation
Transfer Fees \$10.00
JUN 03 2008

Judy Rust
DELAWARE CO. AUDITOR



Overview



Legend

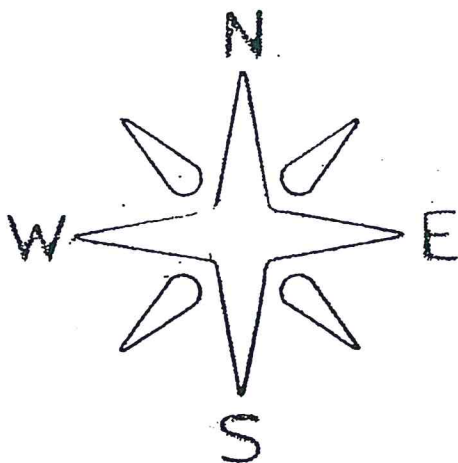
- Major Roads**
 - INTERSTATE
 - MAJOR ROAD
 - STATE ROAD
 - US HIGHWAY
 - Geocoded Streets
 - RR Lines
 - Airport Runways
- Cadastral Line**
 - Geographic Township Line
 - Lot Line
 - Misc Line
 - Parcel Line
 - Political Township Line
 - Railroad Centerline
 - Railroad ROW
 - Road Centerline
 - Road ROW
 - Section Line
 - Subdivision Line
 - Unknown
 - Water Line
 - <all other values>
- Parcels**
- Muncie Parks**
- Major Waterbodies**
- Lakes and Ponds**

Parcel ID	083210003000	Alternate ID	18-08-32-100-003.000-010	Owner Address	KOGER DUSTIN L & HEATHER M
Sec/Twp/Rng	n/a	Class	1 Family Dwell - Unplatted (0 to 9.99 Acres)		4700 N County Road 400 E
Property Address	4700 N CR 400E	Acres	1.0		Muncie, IN 47303-9136
	MUNCIE				
District	LIBERTY				
Brief Tax Description	PT NW QTR NW QTR 1.0000Acres STR: 322111 IN: OUT: (Note: Not to be used on legal documents)				

Land Records: The land record layers including parcel information is a work in progress. Some errors and commissions have occurred in the transfer of property information from paper plat books to the digital format that is available on this website. Delaware County is currently working to identify and correct this issues. Land records displayed on this site are for GRAPHIC REPRESENTATION AND INFORMATION RETRIEVAL PURPOSES ONLY. Refer to official deeds and surveys for detailed parcel information. Delaware County makes no warranties for the accuracy or completeness of this information.

NW COR. NW 1/4 NW 1/4
SEC. 32-21-11

N. LINE NW 1/4 NW
S 89° 50' 11" E



SCALE 1" = 100'
● IRON PIN
FB 67 PG 62
JOB 4563

Job #51-089-97

