

2.21.23

REPORT TO THE BOARD OF COUNTY COMMISSIONERS  
OF DELAWARE COUNTY, INDIANA

February 13th, 2023

ORIGINAL

To The Honorable:

Board of County Commissioners of Delaware County, Indiana

Dear Board Members:

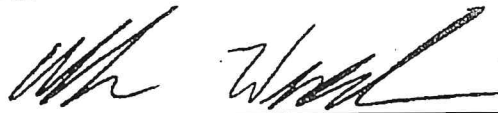
The Delaware-Muncie Metropolitan Plan Commission hereby submits to you the following report on the application of: Trudy J. Hudson, 5312 S. Walnut St., Muncie, IN, such applicant petitioning the commission to rezone the real estate as described in the application, generally located at: the 3700 BLK of W. CR 325 S, Muncie, IN, from zone classification: R-5 Residence Zone to zone classification: R-2 Residence Zone.

WHEREAS, the Commission has given reasonable regard to the comprehensive plan, current conditions and the character of current structures and uses in each district, the most desirable use for which the land in each district is adapted, the conservation of property values throughout in the jurisdiction and responsible growth and development; and

NOW, THEREFORE, the Delaware-Muncie Metropolitan Plan Commission hereby FAVORABLY RECOMMENDS (8-0, 1 absent) the application for rezoning.

DELAWARE-MUNCIE METROPOLITAN  
PLAN COMMISSION

BY:



Allen Wiseley, President



Lorey Stinton, Env. & Dev. Planner

ORDINANCE NO. 2023.005

**BEING AN ORDINANCE TO AMEND  
THE DELAWARE COUNTY COMPREHENSIVE ZONING ORDINANCE**

**WHEREAS**, the State enabling act for planning and zoning empowers the Board of County Commissioners of Delaware County, Indiana to adopt a Comprehensive Zoning Ordinance and also provides for amendments to the said ordinance as the need arises; and

**WHEREAS**, the Board of County Commissioners of Delaware County, Indiana has given reasonable regard to the Comprehensive Plan; current conditions and the character of current structures and uses in each district; the most desirable use for which land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible growth and development.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, INDIANA**, as follows:

**Section 1.** That the Delaware County Comprehensive Zoning Ordinance, heretofore adopted by the Board of County Commissioners of Delaware County, Indiana, on the 11th day of December, 1973, be amended, changed and supplemented so as to include in the **R-2 Residence Zone** the following described real estate located in Delaware County, Indiana, to wit:

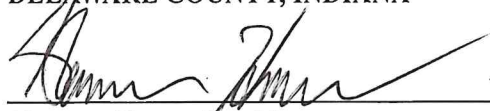
**Lot 16 in Towne and Country Estates, an Addition to the City of Muncie, Indiana.**


**Section 2.** That no structures shall be placed on said lot or parcel of land except in compliance with the Delaware County Comprehensive Zoning Ordinance of Delaware County, Indiana.

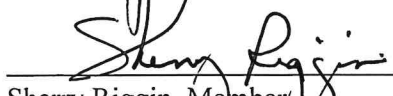
**Section 3.** That this Ordinance shall be in full force and effect from and after its passage by the Board of County Commissioners of Delaware County, Indiana.

**Section 4.** That this Ordinance is adopted/vetoed this 21 day of FEBRUARY, 2023.


**BOARD OF COUNTY COMMISSIONERS  
DELAWARE COUNTY, INDIANA**

  
Shannon Henry, President

  
James King, Vice President

  
Sherry Riggins, Member

**ATTEST:**

  
Edward E. Carroll Jr., Auditor



**Land Use:** The site is currently vacant (greenspace) in use. Surrounding properties to the north, east, and south are residential in use; surrounding properties to the west are institutional (cemetery) in use.

**Zoning:** This site is classified in the R-5 Residence Zone. Surrounding properties to the north, east, south, and west are classified in the R-2 Residence Zone.

**Request:** The applicant is requesting a change in zone to the R-2 Residence Zone. The applicant would like to combine this lot with adjacent lots for a single family residence.

It is unknown why this one lot was classified in the R-5 Residence Zone in the 1973 Zone Map. This site is not large enough for a multi-family development. Rezoning the lot to the R-2 Residence Zone will allow the property owner to combine the lot with the other lots that they own that are classified in the R-2 Residence Zone.



View of the site from the southeast portion of the lot on CR 325 S looking slightly northwest.



View of the site from Old SR 67 looking southeast.



View of the site from the southwest portion of the lot on CR 325 S looking slightly northeast. This view shows the additional vacant lots owned by the applicant.

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION  
PROPOSED ZONING CHANGE APPLICATION**

Jurisdiction: (Check One)

Submitted: Dec 27, 2022

Delaware County

Case No.: MPC 01-232

City of Muncie

(1) Applicant: Trudy J Hudson

Address: 5312 S. Walnut St. Phone: 765-524-3431  
Muncie, IN 47302

(2) Record of Applicant's Ownership:

A.  By Deed:  
Deed Book No. & Page No.: Instrument #2021R10626  
Date of Deed: Signed 25 June 2021 Recorded 6/29/2021 @ 10:47 am

B.  By Recorded Contract:  
Misc. Book No. & Page No.: \_\_\_\_\_  
Date of Contract: \_\_\_\_\_

C.  By Unrecorded Contract:  
Date of Contract: \_\_\_\_\_  
Name of Contract Seller: \_\_\_\_\_  
Book No. & Page No. Of Deed in Seller's Name: \_\_\_\_\_

(3) Legal Description of Property for which rezoning is requested: (From the Deed or Abstract).

Lot 16 in Towne and Country Estates Section "A" an addition to the City of Muncie as shown by the records of Delaware County, Indiana, and subject to a 20 foot wide non-exclusive ingress and egress easement across the south easterly side.

(4) Common Address of Property Involved:  
3700 BLK of W CR 325 S, Muncie, IN 47302

(5) Proposed zoning change: (Give exact zone classification.)

From the R-5 Residence Zone Zone  
To the R-2 Residence Zone Zone

- (6) Intent and Purpose of Proposed Change: (Specify use contemplated on property.)  
Lot 16 is part of the block of lots numbered 13,14,15,16. Lot 16 is a very small pie shaped piece of property that is bordered by lot 15, Road 325 S and Old St Rd 67. The parcel that is too small to build anything on, will be combined into one parcel consisting of lots 13, 14, 15, 16 used to build a home and outbuilding.
- (7) Will the Owner develop the property for the use specified in Item 6 or does owner intend to sell property for the purpose specified.  
Yes, the property will be used as stated in item 6. The lot will remain natural and be part of the front yard of the home.
- (8) State how the proposed change will not adversely affect the surrounding area.  
In no way will this adversely affect the surrounding area. No buildings will be built on this small piece of property but will remain natural and be part of the owners yard.
- (9) Will certain variances be requested if the proposed zoning change is granted?  
(If yes, list the variances)  
No. It is believed this zoning of this property was a mistake. This is so small nothing should be built on it especially a multi family dwelling.
- (10) Has the applicant provided stamped, addressed envelopes to send notices of this rezoning to all the property owners within 300 feet? yes  
Has the applicant discussed this rezoning with those owners personally? several  
(If answer is yes, give their attitudes toward the rezoning.)  
After years of the property sitting idle with grass waist high and never mowed, with years of trash, the neighborhood is very happy to see the area being developed into a home site. The site has been kept mowed, trees trimmed and well maintained since the 4 adjoining lots were purchased in 2021
- (11) Are there any restrictions, easements, and/or covenants governing the property prohibiting its use for the purpose specified in this application?  
(If answer is yes, attach copy of it and/or explain.)  
No. There is a tiny tip at the southeasterly side of the property that is subject to a 20 foot wide non-exclusive ingress and egress easement. Property owner had this area identified by Ashton Survey when the survey of the property was completed. This was identified across all 4 lots and an access was graveled completing it to better serve those who work on the utility poles and lines that run through this identified egress area.

**AFFIDAVIT**

(I or We) Trudy J Hudson being duly sworn, depose and say that I/We am/are the owner(s)/contract owner(s) and contract seller(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/our knowledge and belief.

SIGNATURES: Trudy J. Hudson

Subscribed and sworn to before me this 15<sup>th</sup> day of December, 2022

Sarah N Frost  
Notary Public

9/12/2030  
My Commission Expires

Resident of Delaware County

State of Indiana



Sarah N Frost, Notary Public  
Commission Number: NP0743618  
My Commission Expires: 9/12/2030  
Residing in Delaware County, IN

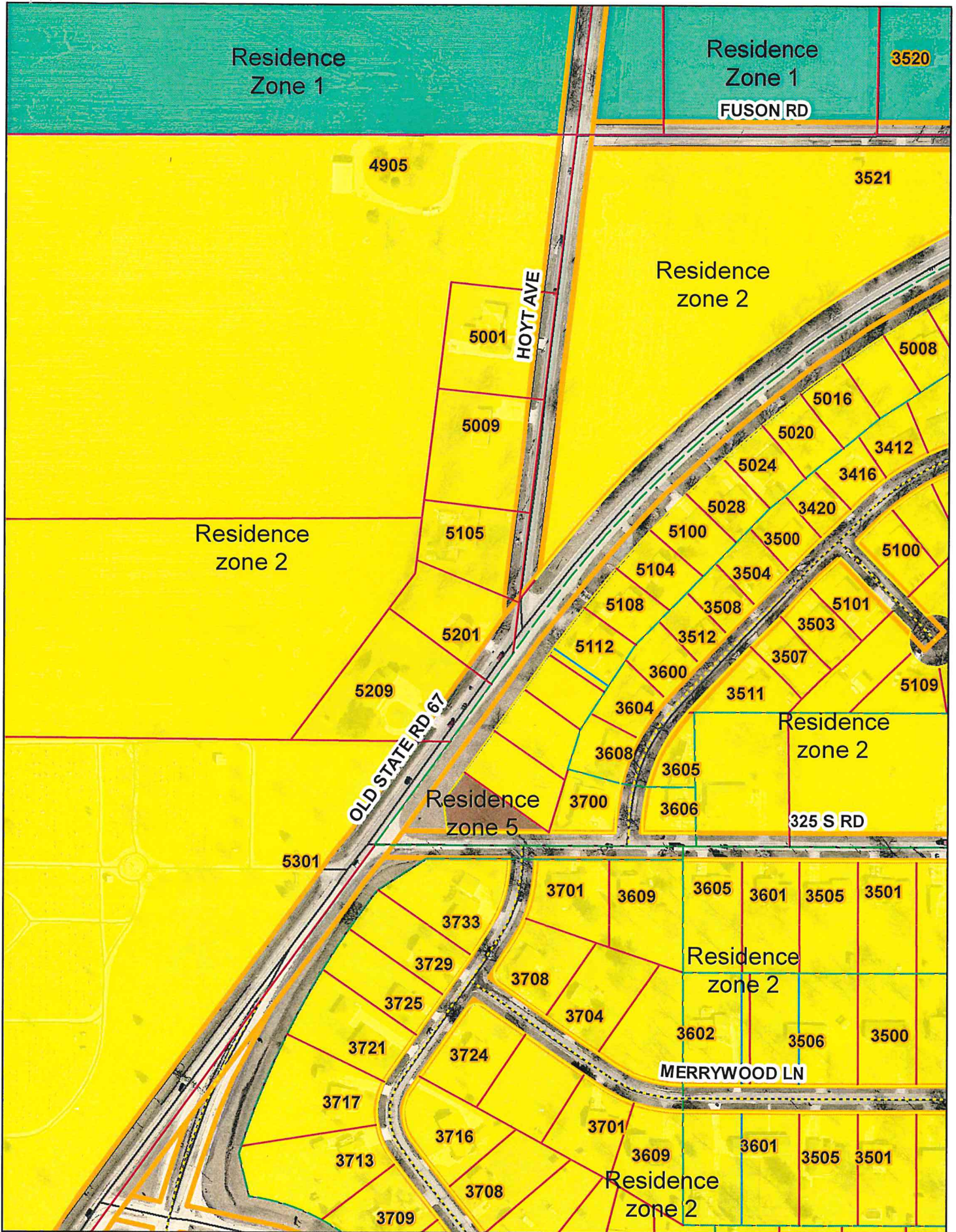
**DO NOT WRITE IN THIS SPACE**

The foregoing application has been inspected by me and was submitted to the Delaware-Muncie Metropolitan Plan Commission Office in accordance with all the formal requirements. If properly advertised by the applicant, this application will be heard by the Plan Commission in Public hearing on the 2<sup>nd</sup> day of February, 2023.

Signed [Signature]

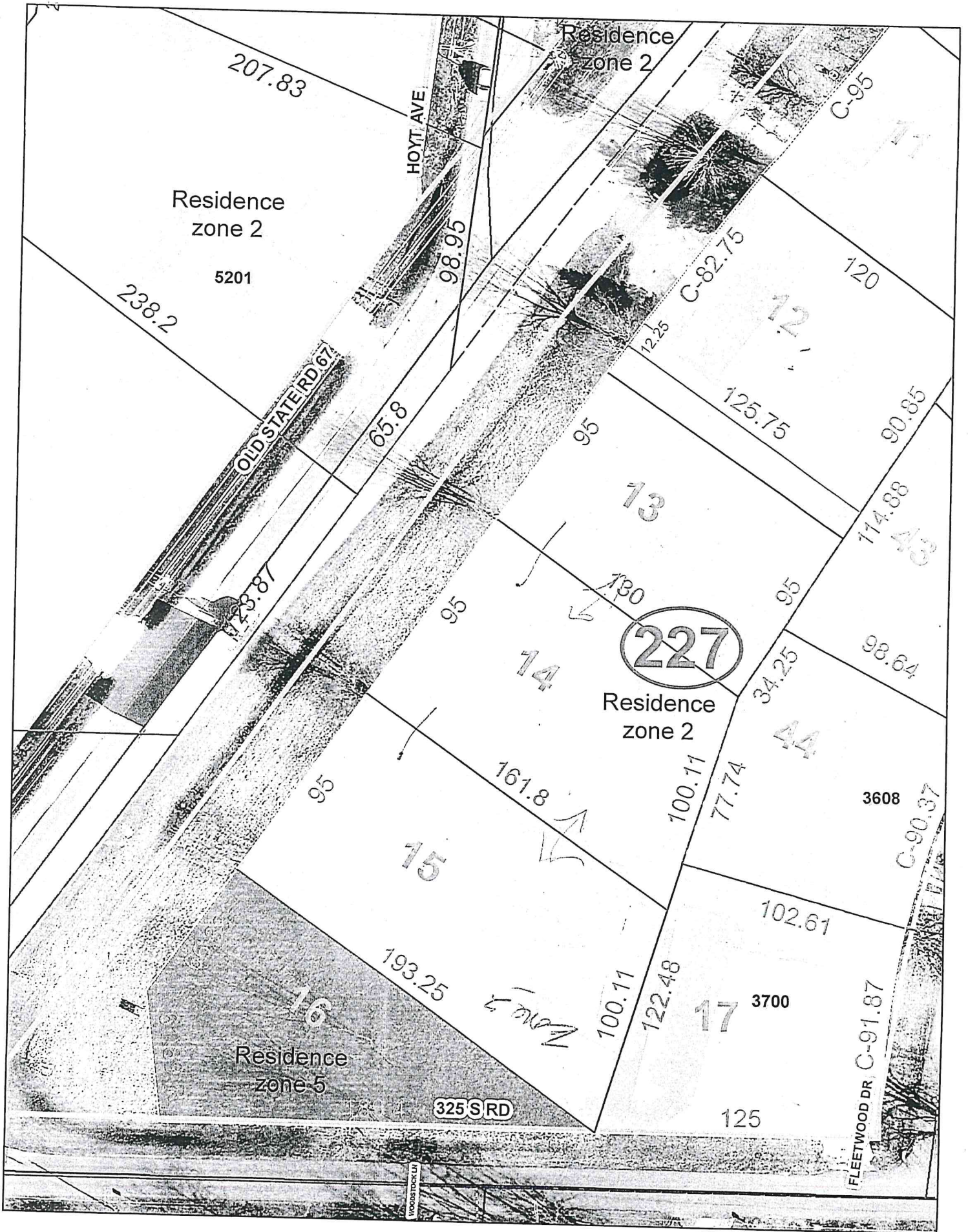
Date 1-12-23





MPC 01-23z

N map not to scale





DULY ENTERED FOR TAXATION  
TRANSFER FEES \$ 40.00  
Jun 29 2021 - ER  
*Stam J. Cuyper*  
DELAWARE COUNTY AUDITOR

2021R10626  
MELANIE MARSHALL  
DELAWARE COUNTY RECORDER  
RECORDED ON  
06/29/2021 10:47 AM  
REC FEE 25.00  
PAGES: 1  
RECORDED AS PRESENTED

WARRANTY DEED

THIS INDENTURE WITNESSETH, that  
Jeffrey William Taylor and Trena Faye Taylor, Husband and Wife  
of Maricopa County, In the State of AZ,  
Convey and Warrant to  
Trudy Hudson

of Delaware County, in the State of IN, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, in the following described Real Estate in Delaware County, In the State of Indiana, to-wit:

Lots Numbered Thirteen (13), Fourteen (14), Fifteen (15) and Sixteen (16) in Towne and Country Estates, an Addition to the City of Muncie, Indiana, recorded in Plat Book 8, page 37 in the Office of the Recorder of Delaware County, Indiana.

Except: Fifteen (15) Feet of equal width off of the entire northeasterly side of Lot Number Thirteen in Towne and Country Estates, Section "A", an Addition to the City of Muncie, Indiana, as recorded in PLat book 8 pages 37 in the office of the Recorder of Delaware County, Indiana.

Preparer states that no title search has been performed in conjunction with preparation of deed, which has been prepared at the Grantors request, and makes no warranties as to the vesting or quality of title to subject real estate, and makes no representation as to the tax or legal consequences resulting from the execution of this deed.

Tax Duplicate No. 18-11-31-227-004.000-012, 18-11-31-227-003.000-012, 18-11-31-227-002.000-012 & 18-11-31-227-001.000-012  
Property Address: 5200 Bk SR 67  
Muncie, Indiana 47302

SUBJECT TO TAXES DUE AND PAYABLE  
GRANTEES TAX MAILING ADDRESS: Trudy Hudson  
5312 S. Walnut  
Muncie In 47302

Subject to easements, restrictions, and rights of way of record.

In Witness whereof the said Jeffrey William Taylor and Trena Faye Taylor, Husband and Wife have hereunto executed the foregoing deed on this 25<sup>th</sup> day of June, 2021.

*Jeffrey William Taylor*  
Jeffrey William Taylor

*Trena Faye Taylor*  
Trena Faye Taylor

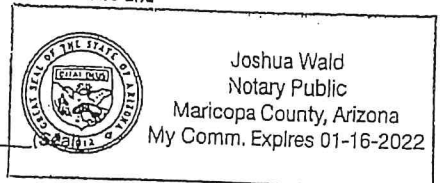
State of Arizona  
County of Maricopa SS:

Before me, the undersigned, a Notary Public in and for said County, on this 25<sup>th</sup> day of June, 2021, came Jeffrey William Taylor and Trena Faye Taylor, Husband and Wife and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal.

My commission expires; 01/16/2022  
Resident of:

*Joshua Wald*  
Notary Public



This instrument prepared by: James R. Wesley Attorney at Law  
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 R. Wesley*

202106-134

Lot 13 except 15-feet off the Northeasterly side in Town and Country Estates Section "A" an addition to the City of Muncie as shown by the records of Delaware County, Indiana.  
ALSO, a 20-foot-wide non-exclusive ingress and egress easement being across the Southeasterly side of Lots 14, 15, and 16 in Town and Country Estates Section "A", being along the Northwesterly side of the following described line:  
Beginning at a 5/8-inch rebar at the Southerly corner of Lot 13 in Town and Country Estates Section "A"; thence South 17 degrees 34 minutes 02 seconds West 197.82 feet and terminating at a 5/8-inch rebar at the East corner of Lot 16 in said Estates.

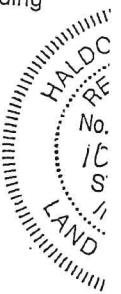
Lot 14 in Town and Country Estates Section "A" an addition to the City of Muncie as shown by the records of Delaware County, Indiana, and subject to a 20-foot-wide non-exclusive ingress and egress easement across the Southeasterly side.  
ALSO, a 20-foot-wide non-exclusive ingress and egress easement being across the Southeasterly side of Lots 14, 15, and 16 in Town and Country Estates Section "A", being along the Northwesterly side of the following described line:  
Beginning at a 5/8-inch rebar at the Southerly corner of Lot 13 in Town and Country Estates Section "A"; thence South 17 degrees 34 minutes 02 seconds West 197.82 feet and terminating at a 5/8-inch rebar at the East corner of Lot 16 in said Estates.

Lot 15 in Town and Country Estates Section "A" an addition to the City of Muncie as shown by the records of Delaware County, Indiana, and subject to a 20-foot-wide non-exclusive ingress and egress easement across the Southeasterly side.  
ALSO, a 20-foot-wide non-exclusive ingress and egress easement being across the Southeasterly side of Lots 14, 15, and 16 in Town and Country Estates Section "A", being along the Northwesterly side of the following described line:  
Beginning at a 5/8-inch rebar at the Southerly corner of Lot 13 in Town and Country Estates Section "A"; thence South 17 degrees 34 minutes 02 seconds West 197.82 feet and terminating at a 5/8-inch rebar at the East corner of Lot 16 in said Estates.

Lot 16 in Town and Country Estates Section "A" an addition to the City of Muncie as shown by the records of Delaware County, Indiana, and subject to a twenty (20) foot wide non-exclusive ingress and egress easement across the Southeasterly side.

I hereby certify that to the best of my information, knowledge and belief the within plat represent a survey, executed according to survey requirements in 865 IAC 1-12-7 made under my supervision and completed on October 6, 2021.

Haldon L. Ashton  
Registered Land Surveyor LS80040149  
Haldon L. Ashton



Surveyor's Note

The Relative Positional Accuracy (due to random errors in measurement) of the corners of the subject tract established this survey is within the specifications for a Suburban (more or less 0.13 feet) Survey.

1. In accordance with the Indiana Survey Standards as defined in Indiana Administrative Code 865 IAC 1-12-7 ("Rule 12"), the following opinions and observations are submitted regarding uncertainties in the location of the lines and corners established by