

**DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS**

**APPLICATION FOR APPEAL**

Jurisdiction: (Check One)

Submitted: 5-28-2024

Delaware County

Case No.: BZA 31-24

City of Muncie

(1) Applicant: Cathy Jean Staton and Steven Dennis Staton

Address: 6415 S. County Road 275 West Muncie, In. 47302 Phone: 765-716-2822

(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.: 2022R02240

Page: \_\_\_\_\_

Purchase Date: December 30, 2021

Legal Description: (From the Deed or Abstract)

See attached description

(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).

6415 S. County Road 275 West Muncie, IN. 47302

(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 IX, Section 14.A.2.c, to allow a new above ground residential swimming pool to be located in the side yard rather than the rear yard.

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

Our house faces County Road 400S. however our address is 275 West. According to legal description our actual back yard is considered a side yard. Due to this we need a variance so that we may erect an above ground pool. Article nine Section 14.

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

BV Variety Business Zone

(10) Present use of the property:

Single family dwelling

(11) Describe the proposed use of the property:

Single family dwelling

(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.

We have spoken to owners within 300 feet and there were no objections to our receiving a variance.

- (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.

yes, provided we apply for a variance and get it.

- (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.

no

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

May 31, 2024

When will it be completed?

June 1, 2024

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

Current owners, Cathy and Steven Staton

**AFFIDAVIT**

(I or We) Cathy Jean Staton and Steven Dennis Staton  
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.

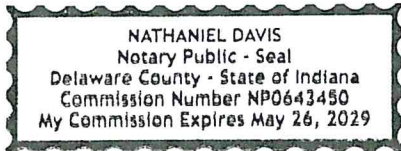
SIGNATURES: Cathy Jean Staton  
Steven Dennis Staton

Subscribed and sworn to before me this 28 day of May, 2024 /

[Signature]  
Notary Public

May 26, 2029  
Commission Expires

Resident of Delaware County  
State of IN



**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.

If properly advertised by the applicant, the application will be heard in public hearing on the 27 day of June, 2024.

Signed: [Signature]

Date: 5-28-24

EXHIBIT A

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 20 NORTH, RANGE 10 EAST, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND RUNNING THENCE NORTH ON THE EAST LINE OF SAID QUARTER QUARTER SECTION, 344.7 FEET TO THE SOUTHEAST CORNER OF A 3 ACRE TRACT HERETOFORE CONVEYED BY EDITH MARTIN TO LEONARD JOHNSON BY DEED DATED FEB. 1, 1947, AND RECORDED IN DEED RECORD 291 PAGE 555 IN THE DELAWARE COUNTY RECORDER'S OFFICE AT MUNCIE, INDIANA; THENCE DEFLECTING TO THE LEFT 89 DEGREES AND 44 MINUTES AND RUNNING WEST ON THE SOUTH LINE OF SAID LEONARD JOHNSON TRACT, 189.7 FEET; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID QUARTER QUARTER SECTION 344.5 FEET TO THE SOUTH LINE OF SAID QUARTER QUARTER SECTION; THENCE EAST ON SAID SOUTH LINE 189.7 FEET TO THE PLACE OF BEGINNING, CONTAINING 1.50 ACRES, MORE OR LESS.

EXCEPTING:

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 20 NORTH, RANGE 10 EAST, DELAWARE COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EAST LINE OF SAID QUARTER-QUARTER SECTION WITH THE NORTH BOUNDARY OF COUNTY ROAD 400 SOUTH, NORTH 0 DEGREES 06 MINUTES 55 SECONDS WEST 16.50 FEET (ALONG THE EAST LINE OF SAID QUARTER-QUARTER SECTION) FROM THE SOUTHEAST CORNER OF SAID QUARTER-QUARTER SECTION; THENCE NORTH 89 DEGREES 44 MINUTES 15 SECONDS WEST 10.00 FEET ALONG SAID NORTH BOUNDARY; THENCE NORTH 50 DEGREES 17 MINUTES 52 SECONDS EAST 12.98 FEET TO THE EAST LINE OF SAID QUARTER-QUARTER SECTION; THENCE SOUTH 0 DEGREES 06 MINUTES 55 SECONDS EAST 8.34 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING AND CONTAINING 0.001 ACRES, MORE OR LESS.

ALSO EXCEPTING THEREFROM, A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 20 NORTH, RANGE 10 EAST, DELAWARE COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING ON THE EAST LINE OF SAID QUARTER-QUARTER SECTION NORTH 0 DEGREES 06 MINUTES 55 SECONDS WEST 269.64 FEET FROM THE SOUTHEAST CORNER OF SAID QUARTER-QUARTER SECTION; THENCE NORTH 45 DEGREES 28 MINUTES 11 SECONDS WEST 35.71 FEET; THENCE



DAL71627504WD10101101

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NORTH 89 DEGREES 44 MINUTES 15 SECONDS WEST 164.30 FEET TO THE WEST LINE OF THE OWNER'S LAND; THENCE NORTH 0 DEGREES 06 MINUTES 55 SECONDS WEST 49.50 FEET ALONG SAID WEST LINE TO THE NORTH LINE OF THE OWNER'S LAND; THENCE SOUTH 89 DEGREES 53 MINUTES 19 SECONDS EAST 189.70 FEET ALONG SAID NORTH LINE TO THE EAST LINE OF SAID QUARTER-QUARTER SECTION;

THENCE SOUTH 0 DEGREES 06 MINUTES 55 SECONDS EAST 74.92 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING AND CONTAINING 0.22 ACRES, MORE OR LESS.

Permanent Parcel No(s):  
Commonly Known As:  
Prior Instrument:

18-11-31-354-004.000-012  
6415 S. County Road 275 West, Muncie, IN 47302  
2020R06159 and 2021R21195

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DAL71627504WD10101101

**2022R02240**  
**MELANIE MARSHALL**  
**DELAWARE COUNTY RECORDER**  
**RECORDED ON**  
**02/11/2022 09:02 AM**  
**REC FEE 25.00**  
**PAGES: 4**  
**RECORDED AS PRESENTED**

DULY ENTERED FOR TAXATION  
TRANSFER FEES \$ 10.00  
Feb 10 2022 - ER  
*Steven J. Cuyper*  
DELAWARE COUNTY AUDITOR

Space above reserved for use by Recorder's Office

**Warranty Deed**

THIS INDENTURE WITNESSETH, That, GRANTOR(S), Cutting Edge Construction, LLC, a Limited Liability Company, organized and existing under the laws of the State of Indiana, of 1905 N. Robinwood Drive, Muncie, IN 47304, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, CONVEY(S) and WARRANT(S) to the GRANTEE(S), Cathy Jean Staton and Steven Dennis Staton, wife and husband, of 6415 S. County Road 275 West, Muncie, IN 47302, the GRANTEE(S), whose tax mailing address will be 6415 S. County Road 275 West, Muncie, IN 47302 the following Real Property:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT A

Permanent Parcel No(s): 18-11-31-354-004.000-012  
Commonly Known As: 6415 S. County Road 275 West, Muncie, IN 47302  
Prior Instrument: 2020R06159 and 2021R21195

SUBJECT to all easements, covenants, conditions, restrictions, rights-of-way, and reservations of record and all zoning and legal highways, if any; Real Estate taxes and assessments both general and special, which are a lien not yet due and payable and which have been prorated through the date of closing.

TO HAVE AND TO HOLD same unto Grantee(s), and unto Grantee's heirs and assigns forever, with all appurtenances thereunto belonging.



DAL71627504WD10101101

IN WITNESS WHEREOF, EXECUTED by the undersigned on this X 30 day of  
X December, 2021.

Name of Company: Cutting Edge Construction, LLC

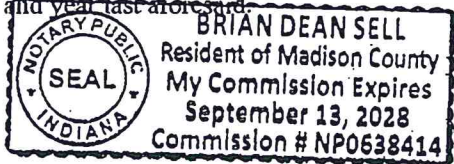
By: X [Signature]  
Jason Coffey - Member

By: X [Signature]  
Chris Chandler - Member

STATE OF INDIANA COUNTY OF DELAWARE ss.

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that Jason Coffey and Chris Chandler, known to me to be the person(s) who, as Member(s) of Cutting Edge Construction, LLC, the Limited Liability Company which executed the foregoing instrument, signed the same, and acknowledged to me that he/she/they did so sign said instrument in the name and upon behalf of said company as such officers; respectively that the same is their free act and deed as such officers, respectively, and the free and voluntary act and deed of said limited liability company, that they are duly authorized thereunto by its members.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year last aforesaid.



[Signature] Notary Public  
My commission expires X 9-13-2028

Instrument prepared by without examination of title:  
Jason Duhn  
Diaz Anselmo & Associates LLC  
1771 W. Diehl Ste 120  
Naperville, IL 60563  
(630) 453-6800

Brian Dean Sell

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. — Jason Duhn

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DAL71627504WD10101101



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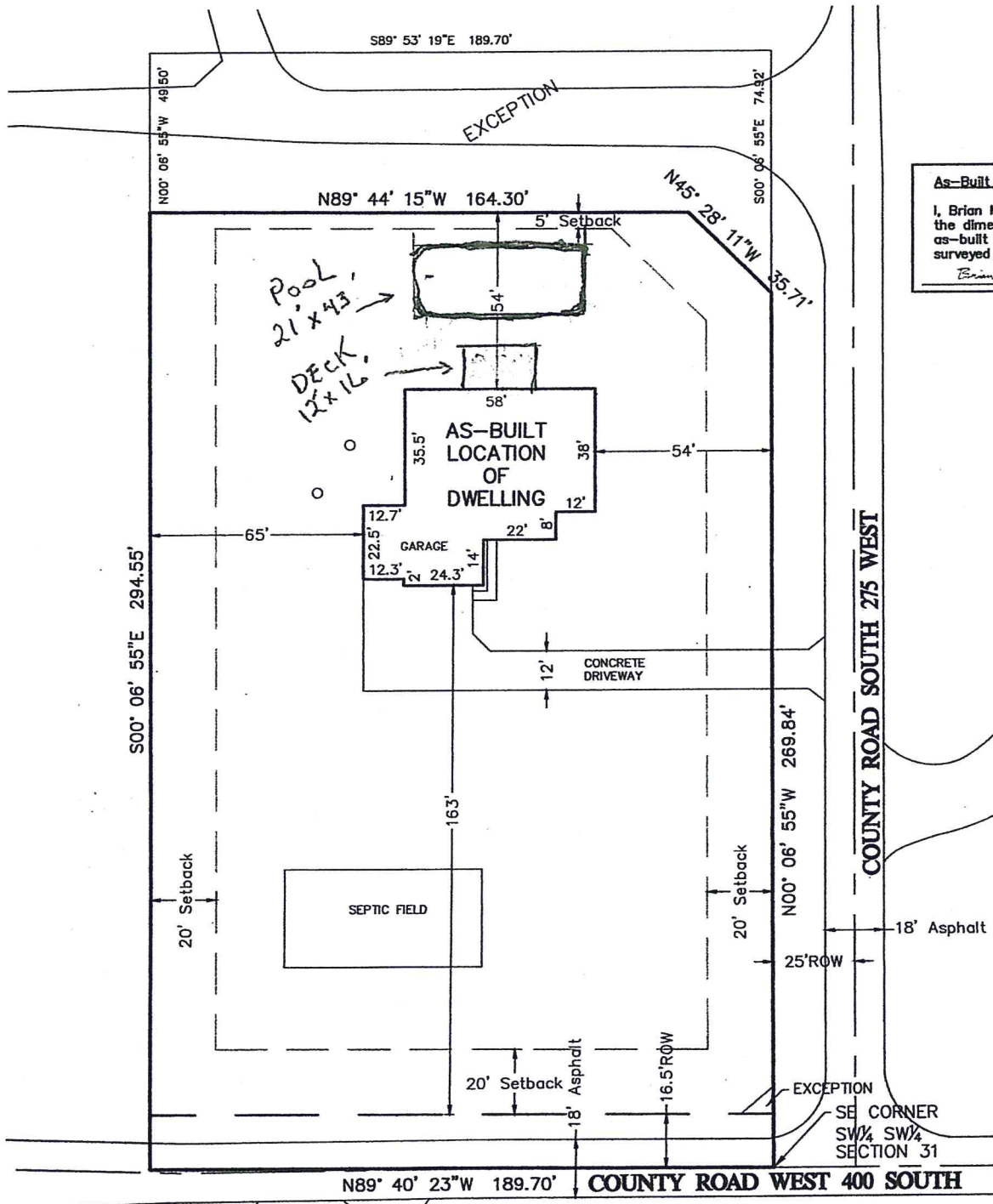


DAL71627504WD10101101

City of Muncie, Delaware County, Indiana  
part of Section 31, T20N-R10E



SCALE: 1" = 50'



**As-Built Survey Certification**  
I, Brian Maxwell PE #11800521, certify that the dimensions on this plan represent the as-built location of site improvements as surveyed on November 16, 2021.  
*Brian Maxwell* November 16, 2021

**Property Information**  
6415 South CR 275 W  
Muncie, IN 47302  
Delaware County, Indiana  
Parcel# 18-11-31-354-004.000-012  
Section 31 T20N-R10E

**Owner**  
Phipps, Andrew and Joan  
Instrument# 2020R06159  
Recorded 05/27/20

**Parcel Area**  
1.27 acres (55,537sf)

**Zoning**  
City of Muncie Zoning  
Zoned BV, R-5 Zoning  
Setback Distances  
Front: 20 feet  
Side: 20 & 5 feet  
Rear: 20 feet

**LEGAL DESCRIPTION**

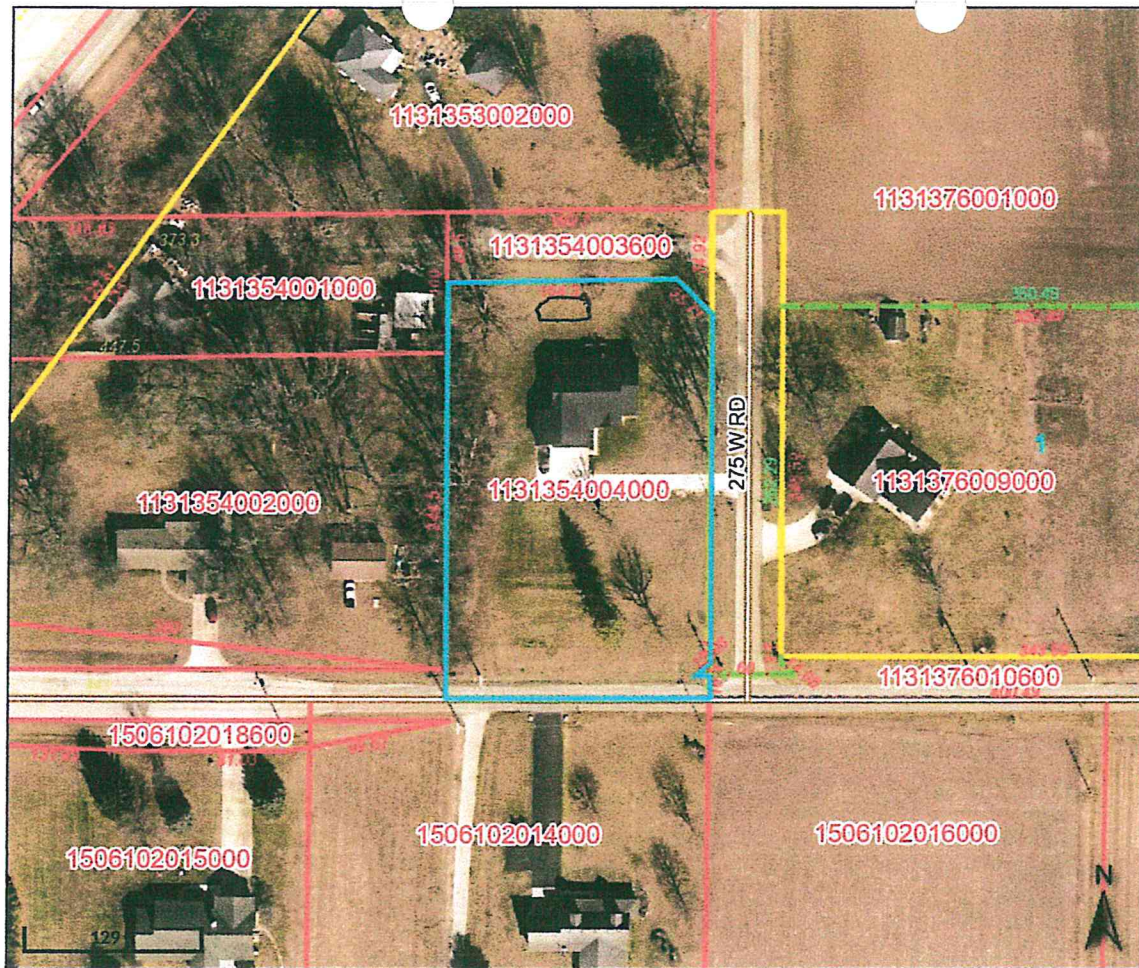
A part of the Southwest Quarter of the Southwest Quarter of Section 31, Township 20 North, Range 10 East, described as follows: Beginning at the southeast corner of said southwest quarter of the southwest quarter and running thence north on the east line of said quarter section, 344.7 feet to the southeast corner of a 3 acre tract heretofore conveyed by Edith Martin to Leonard Johnson by deed dated Feb. 1, 1947, and recorded in Deed Record 291 page 555 in the Delaware County Recorder's Office at Muncie, Indiana; thence deflecting to the left 89 degrees and 44 minutes and running West on the south line of said Leonard Johnson tract, 189.7 feet; thence south parallel with the east line of said quarter quarter section 344.5 feet to the south line; thence 189.7 feet to the place of beginning, containing 1.50 acres, more or less.

**EXCEPTING:**  
A part of the Southwest Quarter of the Southwest Quarter of Section 31, Township 20 North, Range 10 East, described as follows: Beginning at the intersection of the east line of said quarter-quarter section with the north boundary of County Road 400 South, North 0 degrees 06 minutes 55 seconds West 16.50 feet (along the east line of said quarter-quarter section) from the southeast corner of said quarter-quarter section; thence North 89 degrees 44 minutes 15 seconds West 10.00 feet along said north boundary; thence North 50 degrees 17 minutes 52 seconds East 12.98 feet to the east line of said quarter-quarter section; thence South 0 degrees 06 minutes 55 seconds East 8.34 feet along said east line to the point of beginning and containing 0.001 acres, more or less.

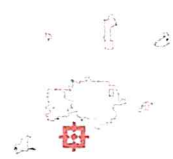
Also excepting therefrom, a part of the Southwest Quarter of the Southwest Quarter of Section 31, Township 20 North, Range 10 East, described as follows: Beginning on the east line of said quarter-quarter section North 0 degrees 06 minutes 55 seconds West 269.84 feet from the southeast corner of said quarter-quarter section; thence North 45 degrees 28 minutes 11 seconds West 35.71 feet; thence North 89 degrees 44 minutes 15 seconds West 164.30 feet to the west line of the owner's land; thence North 0 degrees 06 minutes 55 seconds East 89.50 feet along said west line to the north line of the owner's land; thence South 89 degrees 53 minutes 19 seconds East 189.70 feet along said north line to the east line of said quarter-quarter section; thence South 0 degrees 06 minutes 55 seconds East 74.92 feet along said east line to the point of beginning and containing 0.22 acres, more or less.



*Brian Maxwell*  
Brian Maxwell  
420 W 5th Street,  
Anderson, IN 46016  
(765) 283-2390  
Date Drawn: Nov. 16, 2021  
Drawn By: BEM



**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**

<b>Parcel ID</b>	1131354004000	<b>Alternate ID</b>	18-11-31-354-004.000-012	<b>Owner Address</b>	STATON CATHY JEAN & STEVEN DENNIS STATON 6415 S COUNTY ROAD 275 W MUNCIE, IN 47302
<b>sec/Twp/Rng</b>	n/a	<b>Class</b>	1 Family Dwell - Unplatted (0 to 9.99 Acres)		
<b>Property Address</b>	6415 S CR 275 W MUNCIE	<b>Acreage</b>	1.27		
<b>District</b>	MONROE				
<b>Brief Tax Description</b>	S W QTR S W QTR E OF TPK SE COR 1.2700Acres STR: 312010 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