

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

**APPLICATION FOR APPEAL**

Jurisdiction: (Check One)

Submitted: 5-28-24

Delaware County

Case No.: BZA 32-24

City of Muncie

(1) Applicant: Lauren Cunningham

Address 10871 W CR 700 S Middletown IN 47356 Phone: 314-540-1503

(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.: 2019R02334

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

Purchase Date: 2/26/2019

Legal Description: (From the Deed or Abstract)

Legal Description: PT N HLF NW QTR S21 T19 R09 1.09 AC

Parcel Number: 18-14-21-100-003.000-021

(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).

10871 W CR 700 S Middletown IN 47356

(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 of use from the terms of the Delaware County Comprehensive Zoning Ordinance, Article XII, Section 1, to allow a new 16' x 24' guest house/studio space as an accessory to the existing residence.

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

We are re-applying for a variance on the proposed property due to a desire to build a small guest house/writing studio on the farm zoned parcel. This small building will not be used as a primary residence but rather a separate dwelling for those who visit or a writing studio when not housing periodic overnight guests.

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

F - Farming 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? No

If answer is "YES", give their attitudes toward the proposal.

Previously submitted letters garnered no concerns.

(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.

BZA 48-22 9/30/22 Approved with Conditions

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

Summer 2024

When will it be completed?

Fall 2024

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

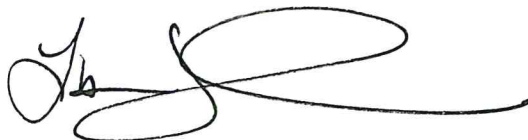
Lauren Cunningham (current owner)

# AFFIDAVIT

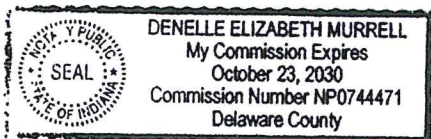
(I or We) Lauren Cunningham  
TYPE NAME(S) OF SIGNATORIES

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:



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



Denelle Murrell  
Notary Public

October 23, 2030  
Commission Expires

Resident of Delaware County

State of Indiana

PRINT

### 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:

Date:

[Signature]  
5-28-24

**AFFIDAVIT**

(I or We) Erin Sadler  
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: Erin Sadler

Subscribed and sworn to before me this 31<sup>st</sup> day of May, 2024



Brandy Lynn Ingermann  
Notary Public  
2-15-2026  
Commission Expires

of Delaware County

Resident

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.

If properly advertised by the applicant, the application will be heard in public hearing on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed:

Date:

DULY ENTERED FOR TAXATION  
TRANSFER FEES \$ 10.00  
Sep 13 2023 - ER

  
DELAWARE COUNTY AUDITOR

NC/ND

2023R12269  
JAN SMOOT  
DELAWARE COUNTY RECORDER  
RECORDED ON  
09/14/2023 09:02 AM  
REC FEE 25.00  
PAGES: 3  
RECORDED AS PRESENTED

## WARRANTY DEED

THIS INDENTURE WITNESSETH, that **LAUREN M. CUNNINGHAM** ("Grantor"), of DELAWARE County in the State of Indiana, as a gratuitous transfer, **WARRANTY** an undivided one-half (1/2) interest in the following described real estate to:

**LAUREN CUNNINGHAM and ERIN SADLER, Trustees, or their successors in trust, under the LAUREN CUNNINGHAM LIVING TRUST, dated July 13, 2023, and any amendments thereto**

and an undivided one-half (1/2) interest in the following described real estate to:

**ERIN SADLER and LAUREN CUNNINGHAM, Trustees, or their successors in trust, under the ERIN SADLER LIVING TRUST, dated July 13, 2023, and any amendments thereto**

which real estate is located in DELAWARE County, Indiana, and more particularly described as follows, to-wit:

**SEE ATTACHED "EXHIBIT A"**

**PARCEL NO.: 18-14-21-100-003.000-021**

Common Street Address: 10871 W County Road 700 S, Middletown, IN 47356  
Send Tax Statements to: 10871 W County Road 700 S, Middletown, IN 47356

This conveyance is by grantors as husband and wife for estate planning purposes. Grantors elect to treat the interest(s) conveyed herein as matrimonial property under Indiana Code 30-4-3-35 and warrant that the grantee(s) are matrimonial trusts as defined in said statute.

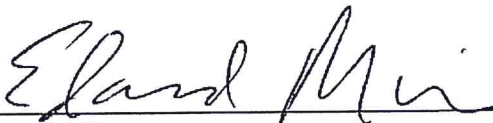
IN WITNESS WHEREOF, the Grantors have executed this Warranty Deed on 9/13/2023

  
\_\_\_\_\_  
LAUREN M. CUNNINGHAM

STATE OF INDIANA        )  
  ) SS:  
COUNTY OF MARION     )

Before me, a Notary Public in and for said County and State, personally LAUREN M. CUNNINGHAM, who acknowledged the voluntary 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 on 09/13/2023.

  
\_\_\_\_\_  
Notary Public

Edward Morris  
\_\_\_\_\_  
Printed



Grantee's Address: 10871 W County Road 700 S, Middletown, IN 47356

Effective July 1, 2006 (I.C.36-2-11-15) "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. (Jennifer Norton)"

This instrument was prepared by Jennifer Norton, Attorney at Law, Norton Estate Planning & Elder Law Firm, LLC, 3750 N. Meridian Street, Ste. 300, Indianapolis, IN 46208, Phone: (317) 572-8696. Email: [jennifer@estate-planners.org](mailto:jennifer@estate-planners.org)

**EXHIBIT "A"**

**A PART OF THE NORTH HALF OF NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 19 NORTH, RANGE 9 EAST IN SALEM TOWNSHIP, DELAWARE COUNTY, INDIANA; DESCRIBED AS FOLLOWS:**

**BEGINNING AT A NAIL ON THE NORTH LIE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 19 NORTH, RANGE 9 EAST, SAID NAIL BEING SOUTH 89 DEGREES, 37 MINUTES, 42 SECONDS WEST 1104. 11 FEET (ASSUMED BEARING) FROM A SPIKE MARKING THE NORTHEAST CORNER OF SAID HALF-QUARTER SECTION; THENCE SOUTH 00 DEGREES 22 MINUTES 18 SECONDS EAST 431.54 FEET TO A 5/8 INCH REBAR, THENCE SOUTH 89 DEGREES 37 MINUTES 43 SECONDS WEST 201.88 FEET TO A 5/8 INCH REBAR, THENCH NORTH 00 DEGREES 22 MINUTES 18 SECONDS WEST 431.54 FEET TO A NAIL, THENCE NORTH 89 DEGREES 37 MINUTES 42 SECONDS EAST 201.88 FEET TO THE POINT OF BEGINNING, CONTAINING 2.09 ACRES, MORE OR LESS.**





Neighbor = Lee Ann Kellams  
10900 W CR 700 S

Neighbor =  
Vacant Land

W CR 700 S

Current Zone = Farming  
10871 W CR 700 S  
Middletown, IN 47356

← 57'

Residence

Proposed Building  
~400 sq ft  
16'0 x 24'0

Pole Barn -  
35x50

→ 60'

115'

55'

Farming Land - owned by  
Neighbors: Howell Farms  
of Crossroads, LLC  
12261 S CR 600 W

Google