

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

Delaware County

City of Muncie

Submitted: 8-7-24

Case No.: BZA 46-24

(1) Applicant: Amanda Frazee (Smith)

Address: 500 N Cook Rd Muncie, IN 47303 Phone: 765-730-9978

(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.: 2019R17169 _____

Page: 12/3/2019 _____

Purchase Date: _____

Legal Description: (From the Deed or Abstract)

(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).

500 N Cook Rd 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.)

SEE ATTACHED

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

We purchased approx 30 chickens over the last few months for our children/family. They are for "pet" use and our children have really enjoyed playing with them, feeding them and holding them, as well as collecting eggs that are providing our family food. We have spent a lot of time, money and energy building a nice coop for them to live in. We were not aware that we weren't able to have them at our property, but we did talk to our neighbors to make sure they were okay with them once we got them and have had zero complaints. They do not leave our yard, as we have plenty of room for them. We are hoping that we are able to keep them so our kids can continue to enjoy them and what they provide.

30 total chickens (29 chickens and 1 rooster)

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

R2 Residential 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: _____

Answer to #7

BZA 46-24 Frazee Smith

Request for a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance, Article XIV, Section 1.A, to allow keeping 30 chickens (including 1 rooster) in a residence zone and to allow ~85' rather than 200' for a variance of 115' between the chicken coop and the nearest neighboring house.

(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.

(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-CURRENTLY HAVE CHICKENS

(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?

NOW

When will it be completed?

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

SELF AND FAMILY

AFFIDAVIT

(I or We) Amanda Smith
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: Amanda Smith

Subscribed and sworn to before me this 7 day of August, 2024,



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

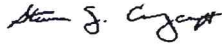
DO NOT WRITE IN THIS SPACE

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.

If properly advertised by the applicant, the application will be heard in public hearing on the 29 day of August, 2024.

Signed: [Signature]
Date: 8.7.24

Duly Entered for Taxation
Transfer Fees \$ 10.00
Dec 18 2019



DELAWARE CO. AUDITOR
BN

File No.: 1911064

2019R17169
MELANIE MARSHALL
DELAWARE COUNTY RECORDER
RECORDED ON
12/18/2019 09:37 AM
REC FEE 25.00
PAGES: 2

QUITCLAIM DEED

THIS INDENTURE WITNESSETH, That **Cory Frazee** ("**Grantor**"), of Delaware County, in the State of Indiana QUITCLAIM(S) to **Amanda D. Frazee** ("**Grantee**") of Delaware County, in the State of Indiana, for the NO consideration, the following described real estate in Delaware County, in the State of Indiana (hereinafter called the "**Real Estate**"):

A part of the Southwest Quarter of Section 8, Township 20 North, Range 11 East, more particularly described as follows, to-wit:


Beginning at a point in the East line of Cook Acres extended North, 289.0 feet North of the Southeast corner of Lot Numbered 1.3 in Cook Acres, as said Cook Acres is shown in Plat Book 6, page 20 of the Recorder's Office of Delaware County, Indiana; thence North on the extended East line of Cook Acres, 106 feet; thence West parallel with the South line of the said Lot Numbered 13, 325.0 feet; thence South parallel with the said extended East line of Cook Acres, 106.0 feet; thence East 325.0 feet to the point of beginning, estimated to contain 0.791 of an acre, more or less.

The Address of such real estate is 500 N Cook Rd., Muncie, IN 47303
commonly known as: Parcel No.: 18-12-08-377-006.000-010

Subject to all easements, restrictions and rights of ways of record.

This Quitclaim Deed is given Pursuant to Decree of Dissolution/Settlement Agreement filed August 23, 2019 as Cause No. 18C04-1906-DC-262.)

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 3rd day of December, 2019.

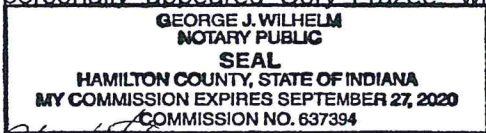

Cory Frazee

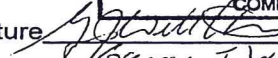
State of Indiana)
County of Delaware) SS: ACKNOWLEDGMENT

Before me, a Notary Public in and for said County and State, personally appeared Cory Frazee who acknowledged execution of the foregoing Quitclaim Deed.

Witness my hand and Notarial Seal this 3rd day of December, 2019.

My Commission Expires: 9-27-20



Signature 
George J. Wilhelm, Notary Public
Resident of Ham, Ind

This instrument was prepared by Dean Lopez, Attorney at Law, 9225 Priority Way West Drive, Suite 110, Indianapolis, IN 46240.

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. Angie Locascio

Return to: Security Title Services, 3147 W. Smith Valley Road, Ste F, Greenwood, IN 46142

Send tax statements to: 500 N Cook Rd., Muncie, IN 47303

Grantee's mailing address: 500 N Cook Rd., Muncie, IN 47303

2666.9

7/1

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10'
20'
20'
20'

1208377005000

1208377006000

1208377007000

150'

115'

215'

106

106

106

COOK RD

