

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

Delaware County

City of Muncie

Submitted: Aug. 7, 2024

Case No.: BZA 47-24

(1) Applicant: Bradley M. Richards & Megan P. Richards

Address: 15201 N CR 900 W. Phone: 7652157576

(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.: 2023R03314

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

Purchase Date: February 24, 2023

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).

15201 North Co.Rd. 900 West, Gaston, IN 47342

(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 Delaware County Comprehensive Zoning Ordinance, Article IX, Section 14.A.2.c, to allow a new 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.)

A variance is being applied for in order to place a swimming pool on the side of the home at above listed address. The back lawn is not a suitable location of the installation of the pool. The north side of the home is the back lawn & includes a right of way only 23' from the foundation of the home. There is a ditch from an overpass that passes over interstate 69 in the back yard, the bank of the overpass is heavy cover of trees and native plants. This area would not be suitable for a pool due to the right of way limitations allowing 23' of space. You can see section G and H of variance request for more information if needed.

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

F Farming Zone

(10) Present use of the property:

Home

(11) Describe the proposed use of the property:

Home with swimming pool

(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.

(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.

no

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

September to October

When will it be completed?

October to November

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

Residents of home

# AFFIDAVIT

(I or We) Bradley M. Richards & Megan P. Richards  
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.

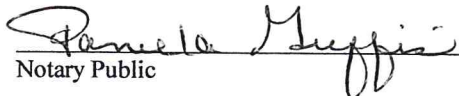
SIGNATURES:



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



Pamela Griffis, Notary Public  
Commission Number: NP0666434  
My Commission Expires: 04/08/2031  
Residing in Madison County, IN

  
Notary Public

April 8, 2031  
Commission Expires

Resident of Madison 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: 

Date: 8.7.24



Babes & Alexander

2p.

Duly Entered for Taxation  
Transfer Fees \$ 10.00 *JA*

MAR 02 2023

*CD & C*  
DELAWARE CO. AUDITOR

2023R03314

JAN SMOOT  
DELAWARE COUNTY RECORDER

RECORDED ON  
03/02/2023 10:15 AM  
REC FEE 25.00

PAGES: 2

RECORDED AS PRESENTED

Mail Tax Statements To Grantee At: 15201 North Co. Rd. 900 West, Gaston, IN 47342.

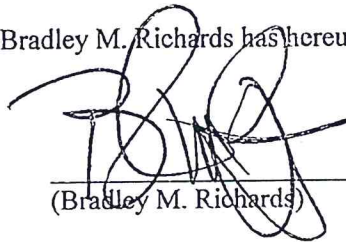
QUIT-CLAIM DEED

THIS INDENTURE WITNESSETH, That Bradley M. Richards, of Delaware County, in the State of Indiana, RELEASES AND QUIT-CLAIMS to Bradley M. Richards and Megan P. Richards, Husband and Wife, for no consideration, the following described real estate in Delaware County, in the State of Indiana, to-wit:

A part of the Southwest quarter of Section Thirty (30), Township Twenty-two (22) North, Range Nine (9) East, more particularly described as follows, to-wit: Beginning at a point in the West line Fifty-nine and six tenths (59.6') feet South of the Northwest corner of said Southwest quarter and running thence South One degree twenty-eight minutes forty-five seconds East (S 01 28' 45" E) on said West line Six hundred five and ninety-four hundredths (605.94') feet to the Westerly Right-of-Way line of a Frontage Road built in connection with I-69; thence on a curve to the Right on said Right-of-Way line with a radius of Five hundred ninety-eight (598.0') feet subtended by a long chord of Four hundred seventy-seven and eighteen hundredths (477.18') feet said chord having a bearing of North Thirty-eight degrees eighteen minutes forty-seven seconds East (N 38 18' 47" E); thence running North Sixty-one degrees fifty-five minutes forty-five seconds East (N 61 55' 45" E) on said Right-of-Way line One hundred fifty-six and five tenths (156.50') feet; thence on a curve to the Left on said Right-of-Way line with a radius of Two hundred four and eighty-two hundredths (204.82') feet said chord having a bearing of North Thirty-six degrees fifteen minutes five seconds East (N 36 15' 05" E); thence running North Thirty-four degrees one minute forty-four seconds West (N 34 01' 44" W) on said Right-of-Way line Eighty-five and eighty-one hundredths (85.81') feet; thence running South Eighty-nine degrees thirty-seven minutes forty-two seconds West (S 89 37' 42" W) on said Right-of-Way line Twenty-five and eleven hundredths (25.11) feet; thence running South Eighty degrees twenty-one minutes forty-seven West (S 80 21' 47" W) on said Right-of-Way line Three hundred twenty-two and four tenths (322.40') feet; thence running North Eighty-nine degrees forty-six minutes West (N 89 46' W) on said Right-of-Way line One hundred sixty-three and eighty-four hundredths (163.84) feet to the point of beginning, containing 4.033 acres, more or less.

Parcel Number: 18-02-30-300-006.000-024. Commonly known as 15201 North Co. Rd. 900 West, Gaston, IN 47342

IN WITNESS WHEREOF, the said Bradley M. Richards has hereunto set his hand and seal, this 24<sup>th</sup> day of February, 2023.

  
\_\_\_\_\_  
(Bradley M. Richards)

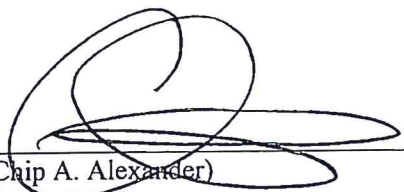


STATE OF INDIANA, DELAWARE COUNTY, SS:

Before me, the undersigned a notary public in and for said County, this 24<sup>th</sup> day of February, 2023, came Brandley M. Richards, and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal.

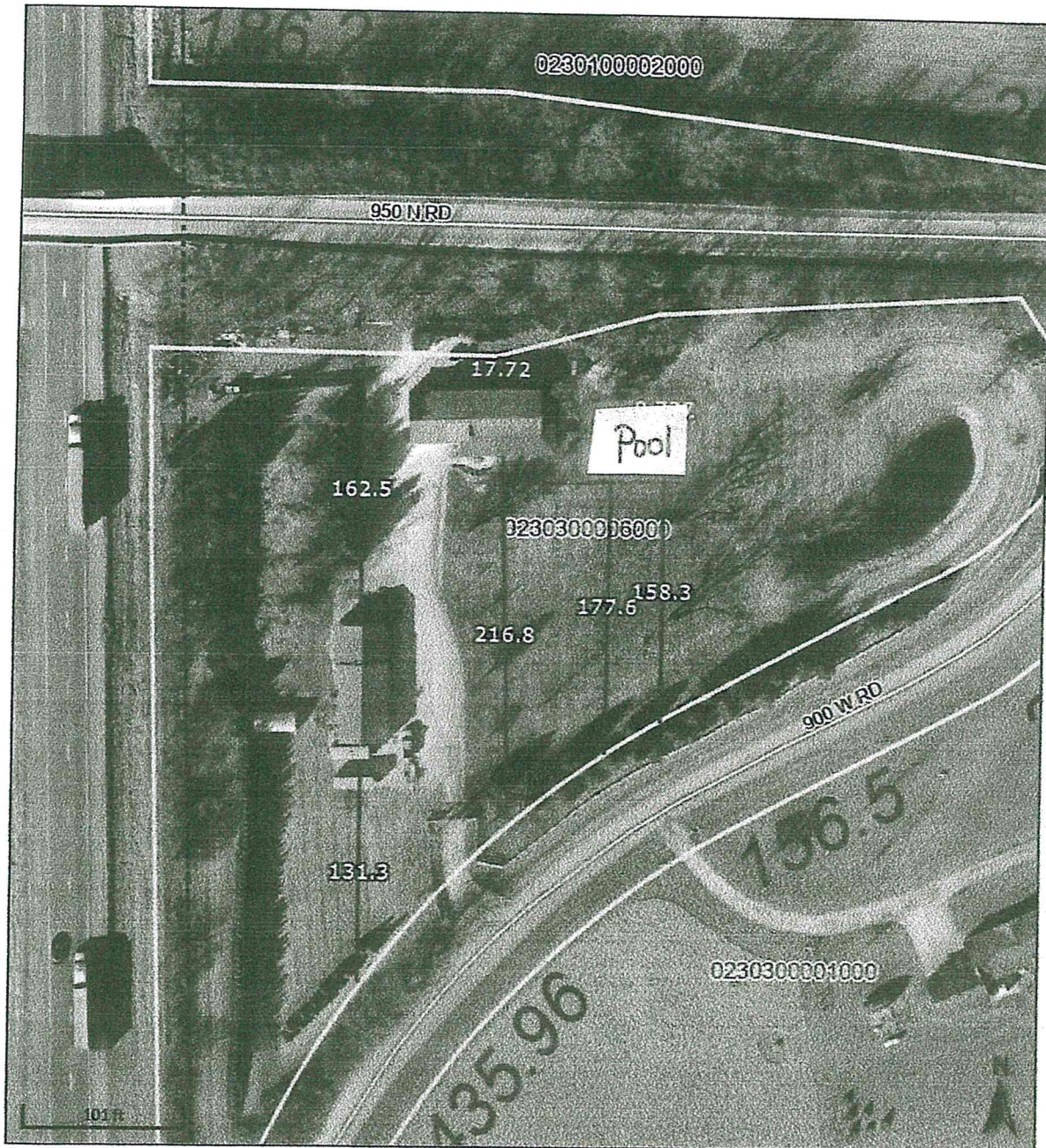


  
\_\_\_\_\_  
(Chip A. Alexander)  
Notary Public

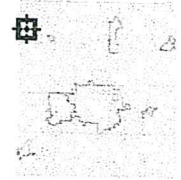
This instrument prepared by Chip A. Alexander, Attorney at Law.

"I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Chip A. Alexander."





**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**

**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.

**Property Addresses as shown in the parcel record:**

Property Addresses shown in the parcel record report are generated from the County Auditor's and Assessor's databases. There is potential for an incorrect property address to be shown. The County is currently working to fix these issues. Verify official address by turning on the "Address Point" layer in teh map table of contents. Any questions about addresses can be forwarded to the Delaware-Muncie Metropolitan Plan Commission at 765-747-7740.

**Right-of-Way:** Road right of way (Road ROW) are symbolized in the cadastral lines layer on the map (yellow). Only Road ROW is plotted across the



950 N RD

950 N RD



Right of way on property,  
Only 23' available in back  
yard

Overpass levy / ditch runoff water course with heavy growth of trees and native hedge material making back yard not suitable for a pool and not visible from 950 W RD

storage shed

7x10

house 29x77'

pool 16x32'

23' to right of way

fenced in side yard including pool area.

pool is 279' from property line

pole barn used for storage 7'1' x 29'

pole barn is 131' from property line

pool is 216' from property line

Evergreen Hedge Entire Road Frontage on 900 W RD

Evergreen Hedge Entire Road Frontage on 900 W RD

900 W RD

900 W RD

900 W RD



Bradley & Megan Richards  
15201 N. CR. 900 W.  
Gaston, In. 47342

Zoning Residential



## Variance Request

A. Bradley and Megan Richards  
15201 N C.R. 900 W.  
Gaston, In 47342

B. Roads in Vicinity 900W Rd. and 950N. Rd.

C. Parcel Acreage: 4.03

D. House/Living Space	29'x77'	216' from south property line
Pole Building / Storage	29'x71'	131' from south property line
Mini Barn /Storage	7'x10'	170' from south property line

E. Zoning = 9-Homesite / Residential Excess Acreage

F. Charles Kirtley, Max Draper, Matthew&Sara Gaither, Michael Garrison, Michael&Lisa Garrison, Lasater Family Land LLC, Cole J Stephens, James&Jami Wormer

G. Prominent physical features include a ditch and or water course at the bottom of an overpass crossing Interstate 69. This property includes a right of way which is only 22'-23' from the north side of our home foundation.

### Unsuitable Pool Location In Back Yard:

The north side of the home is our back yard which includes a right of way and an overpass ditch with large trees and overgrowth limiting space to 23' which is under suitable space requirements for a swimming pool.

This area would not be suitable for a swimming pool due to the right of way limitations allowing only 23' of space, and also trees and overgrowth growing in the overpass ditch bank area causing a negative effect due to debris falling from trees and heavy shade all day.

The east side of the home provides a very suitable space to put in a swimming pool with plenty of unused lawn space, with plenty of open acreage.

The chosen space is not visible to any other neighbors or passers by due to planted evergreen plants on all sides of our property, and the overpass trees and overgrowth on the north side of the property. The closest and only home is over 360' from the projected location of the pool site with a blocked view due to a total screen of Norway Spruce over 20'tall.

Some photos have been submitted to provide spacial orientation of the pool projected location. The pool projected space is 18' due east of the house.

H. Pool dimensions are 16'x32'. The pool will be 177' from the south property line.



