

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

Submitted: 8/29/2024

Delaware County

Case No.: BZA 49-24

City of Muncie

(1) Applicant: Loren and Austin Mansfield

Address: 10612 N. Mansfield Dr Muncie IN 47303 Phone: 7657449270

(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.: 2022R10280 _____

Page: . _____

Purchase Date: May 18, 2022 _____

Legal Description: (From the Deed or Abstract)

SEE ATTACHED

(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).

10612 NORTH MANSFIELD DRIVE MUNCIE INDIANA 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 would have up to 10 hens at one time, a mixture, for raising of meat and/or egg production, no specific breed. No roosters. They would free range the fenced in backyard, 6 foot on eastside, 6 foot on northside, 4 foot chain link south and west side.

SEE ATTACHED

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

R-2 Residence Zone

(10) Present use of the property:

Residency

(11) Describe the proposed use of the property:

Residency

(12) Is the property:

Owner Occupied

Renter Occupied

Other: _____

Answer to #7

BZA 49-24 Mansfield

Request for a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance, Article XIV, Section 1.A, to allow keeping 10 chickens in a residence zone and to allow ~20' rather than 200' for a variance of 180' between the chickens and the nearest neighboring house.

#8

1. Our chickens will be located in the most centralized area of our property as possible. They are able to free range inside a fenced in yard when someone is home. Our two dogs and our 2 cats are able to coexist with chickens. Our two children like interacting with the chickens and it is a great learning opportunity for them. Backyard chickens are good for us because it allows us to teach the children that good, healthy food is important and humans can grow/raise anything that is needed to survive. Our household has been in the works of being more environmentally friendly, reusing what is possible and sending less harmful things to landfills. We try to recycle what we can, but the Muncie Recycle program does not reach this far into the county. We try to upcycle/ reuse what we can before items go to the landfill.
2. Backyard chickens are beneficial domesticated animals. Chickens allow us to raise our own foods, making healthier choices than store bought foods. Chickens allow us to have fresh eggs daily and when/ if the time comes, fresh chicken that was raised by us, and that in itself is a wonderful feeling.
3. Chickens are natural insecticides and pest control. They eat the bugs in the grasses, weeds, and the ones that fly away, lowering the need to use chemicals. Backyard chickens are also useful by renewing the soil by scratching and forging into the soil looking for bugs and worms. Chickens also keep the unwanted greens at tolerable and manageable heights as they forge for the greens they desire.
4. Chickens are a great way to teach children the needs to take care of the animals and discipline needed to care for something other than themselves. Chickens are an easy backyard animal for children to care for. They allow the children to have hands-on experience in everything that the chickens do.
5. The diversity in their diet alone is making it worth having backyard chickens. Chickens eat a wide range of veggies, fruits, meats and much more. Chickens love eating the kitchen scraps leaving nothing left for the landfills. The carbon footprint is lower if homes had their own chickens. The industrial chicken farms allow the chickens to live a short lifespan, ceasing their life when their egg production slows at about 2 years and not using the whole chicken. While backyard chickens can be more pets than farm animals, they do serve a purpose. Backyard chickens have a better growing life, longer years, and when it's the end of their time, the whole chicken is used in the home.
6. Chickens are not considered undomesticated animals. Chickens have been bred and adapted by humans to make them resistant to diseases, produce more eggs, and need to be cared for and handled by humans. Chickens are able to recognize and remember faces and their caregivers. Chickens are intelligent animals and know who they can trust.

RECEIVED

AUG 29 2024

DELAWARE-MUNCIE
METROPOLITAN PLAN COMMISSION

8 cont.

7. Our household would greatly benefit from having backyard chickens. The ability to have fresh eggs and the opportunity to store fresh eggs if they have over produced during warmer weathers allows us to have fresh foods year round. Backyard chickens do serve a purpose in the household, but it is also considered a hobby. It allows the family to do something productive for the family as a whole and it allows the children the experience of working together to produce a strong work ethic, team building, problem solving, allowing their creative minds to work on their own.

We have had chickens for a year prior. Honestly, we were not aware we needed a variance as we are located in the county, which was a misunderstanding on our behalf. Our youngest is hoping to get his chickens back. He adored them while they were within our care and was heartbroken when they were rehomed.. Please consider this in the decision, it would be greatly appreciated. Thank you for your time.

The Mansfield family.

- (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.

Approval of Chickens

- (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.

YES Plat Restrictitons: No Poultry

- (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?

ASAP

When will it be completed?

N/A

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

LOREN AND AUSTIN MANSFIELD

AFFIDAVIT

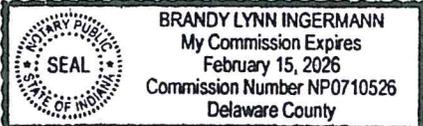
(I or We) LOREN MANSFIELD, ~~AUSTIN MANSFIELD~~, AMY JONES
TYPE NAME(S) OF SIGNATORIES

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: *Loren Mansfield*
Amy D. Jones

Subscribed and sworn to before me this 15 day of August, 2024,

Brandy L 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 26 day of September, 2024.

Signed: *[Signature]*
Date: 9-4-24

AFFIDAVIT

(I or We) Austin Mansfield
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: Austin Mansfield

Subscribed and sworn to before me this 29th day of August, 2024 /



Denelle Murrell
Notary Public

October 23, 2030
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 _____ day of _____, 20_____.

Signed:

Date:

MUN-119538

WARRANTY DEED

THIS INDENTURE WITNESSETH that Ezekiel J. Lewis, (each) being over the age of eighteen (18) years ("Grantor"),

Convey(s) and Warrant(s) to Loren N. Mansfield and Amy D. Jones, as joint tenants with right of survivorship, (each) being over the age of eighteen (18) years ("Grantee"), for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, the following Real Estate in Delaware County in the State of Indiana, to wit:

LOT NUMBERED 31 IN EDEN PARK, A SUBDIVISION IN HAMILTON TOWNSHIP, DELAWARE COUNTY, INDIANA, A PLAT OF WHICH IS RECORDED IN PLAT BOOK 7, PAGE 53 OF THE RECORDS OF PLATS OF DELAWARE COUNTY, INDIANA.

Property Address: 10612 North Mansfield Drive, Muncie, IN 47303

Tax Parcel ID: 18-07-11-153-005.000-006

SUBJECT TO all current real estate taxes and assessments and all subsequent taxes and assessments.
SUBJECT TO all easements, covenants, conditions, and restrictions of record.

Dated this 23 day of October, 2020.

Ezekiel J. Lewis

Ezekiel J. Lewis

STATE OF INDIANA, COUNTY OF Delaware

Before me, the undersigned, a Notary Public in and for said County and State, this 23 day of October, 2020, personally appeared **Ezekiel J. Lewis**, who acknowledged the execution of the above and foregoing Deed and who, having been duly sworn, stated that the representations therein contained are true.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

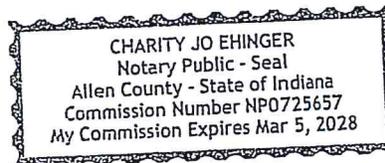
My Commission Expires:

3/5/28

Charity Jo Ehinger

Charity Jo Ehinger, Notary Public

Resident of Allen County



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. Terry A. Stauffer.

This instrument prepared by: Terry A. Stauffer, Attorney, 3484 Stellhorn Rd., Ft. Wayne, IN 46815. 260-312-3778

Grantee's Mailing Address for tax bills: 10612 North Mansfield Drive, Muncie, IN 47303

Grantee's street address if different than Mailing Address: Same

DULY ENTERED FOR TAXATION
TRANSFER FEES \$ 10.00
Jul 12 2022 - ER
Steven J. Conroy NC/ND
DELAWARE COUNTY AUDITOR

2022R10280
MELANIE MARSHALL
DELAWARE COUNTY RECORDER
RECORDED ON
07/12/2022 11:43 AM
REC FEE 25.00
PAGES: 3
RECORDED AS PRESENTED

QUITCLAIM DEED

THIS INDENTURE WITNESSETH that **Loren N. Mansfield and Amy D. Jones**, (each) being over the age of eighteen (18) years ("Grantor"),

RELEASE AND QUITCLAIM to **Loren N. Mansfield and Austin Mansfield, wife and husband and Amy D. Jones**, as **joint tenants with right of survivorship** (each) being over the age of eighteen (18) years ("Grantee"), for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, the following Real Estate in **Delaware County** in the State of **Indiana**, to wit:

LOT NUMBERED 31 IN EDEN PARK, A SUBDIVISION IN HAMILTON TOWNSHIP, DELAWARE COUNTY, INDIANA, A PLAT OF WHICH IS RECORDED IN PLAT BOOK 7, PAGE 53 OF THE RECORDS OF PLATS OF DELAWARE COUNTY, INDIANA.

Property Address: 10612 North Mansfield Drive, Muncie, IN 47303

Tax Parcel ID: 18-07-11-153-005.000-006

SUBJECT TO all current real estate taxes and assessments and all subsequent taxes and assessments.
SUBJECT TO all easements, covenants, conditions, and restrictions of record.

Dated this 18 day of May, 2022.

M:\REAL\2022.05\Mansfield QC\ MUN-119538.docm Created on 3/22/2011 2:25 pm

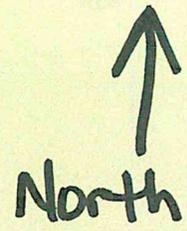
* UP TO 10 HENS & COXATIONS

* NO ROOSTERS

COPY

Date	Signature	Printed Name	Address	Comments
8-9-24	Lindy Bays	Lindy Bays	10609 N. Mansfield Dr.	
8-9-24	Lisa Knox	LISA Knox	10605 N. MANSFIELD	
8-9-24	Jill Seals	Jill Seals	1800 E. McBrinck Dr	
8-9-24	Jon Stinson	Jon Stinson	1700 E MCCORMICK DR	
8-9-24	Michelle Fox	Michelle Fox	16768 N Mansfield Dr	
8-9-24	Lee Crumner	Lee Crumner	10701 N Mansfield Dr	
8-9-24	Marcia Hinds	Marcia Hinds	10705 N Mansfield Dr	
8-9-24	Carlene Kay-Simmons	Carlene Kay-Simmons	10708 N Mansfield Dr	
8-13-24	Benjamin Davis	Benjamin Davis	10613 N Mansfield Dr.	
8/13/2024	Tracey Williams	Tracey Williams	10601 N Faye Ave	
8/13/2024	Tyler Ciller	Tyler Cillard	10613 N Faye Ave	
8/13/2024	Teresa Landwehr	Teresa Landwehr	10705 N Faye Ave	
8-13-2024	Tony Coeching	Tony Coeching	10709 N Faye ave	
8-14-2024	John Beeman	John Beeman	10608 N. Mansfield Dr	

20



NORFOLK SOUTHERN

3

3

Eden Park Addition as a subdivision in Hamilton Township, Section A

E HAMILTON DR

E HAMILTON DR

N MANSFIELD DR

N FAYE AVE

N COLBY AVE

E MCCORMICK DR

E MCCORMICK DR

NORFOLK SOUTHERN

RECEIVED

AUG 29 2024

DELAWARE-MUNCIE
METROPOLITAN PLAN COMMISSION