

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

Delaware County

City of Muncie

Submitted: Sept. 4 2024

Case No.: BZA 52-24

(1) Applicant: ZHOU XUHUA

Address: 4809 W CR 400 N Muncie, In 47304 Phone: 765.

702.4732

(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.: 2021R14860 \_\_\_\_\_

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

Purchase Date: August 18, 2021 \_\_\_\_\_

Legal Description: (From the Deed or Abstract)

PT FRAC NW QTR NW QTR S30 T21 R10 2.030 AC

PT FRAC NW QTR S30 T21 R10 7.970 AC

(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).

4809 W CR 400 N Muncie, In 47304

(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 XIV, Section 1.A, to allow keeping 10 horses in a residence zone and to allow ~75' rather than 200' for a variance of 125' between the horses and the nearest neighboring house.

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

ZHOU XUHUA is selling the property to Elisabeth DeHart who intends to have horses on the property. There is to be no more than 10 horses on the property. Manure will be maintained and stored in a compost bin behind the barn and removed regularly. All horses are regularly cared for by Circle D Veterinary.

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

R2 Residence Zone

(10) Present use of the property:

Residential and Livestock Farming

(11) Describe the proposed use of the property:

Residential and Livestock Farming

(12) Is the property:

Owner Occupied

Renter Occupied

Other: Zhou Xuhua is selling the home and property to Elisabeth DeHart

(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.

The property has been used for raising livestock for many years, including this year.

(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?

The property is ready as it stands

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?

Elisabeth DeHart

# AFFIDAVIT

(I or We) ZHOU XUHUA  
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: Xuhua Zhou

Subscribed and sworn to before me this 03<sup>rd</sup> day of sep, 20 24

Pierre F Zaytoon  
NOTARY PUBLIC  
Forsyth County, GEORGIA  
My Commission Expires 11/25/2026

[Signature]  
Notary Public  
11/25/2026  
Commission Expires  
Resident of Forsyth County  
State of Georgia

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 26 day of September, 20 24.

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

DULY ENTERED FOR TAXATION  
TRANSFER FEES \$ 20.00  
Sep 02 2021 - ER  
*Steve J. Cuyper* NC/ND  
DELAWARE COUNTY AUDITOR

2021R14860  
MELANIE MARSHALL  
DELAWARE COUNTY RECORDER  
RECORDED ON  
09/03/2021 09:02 AM  
REC FEE 25.00  
PAGES: 4  
RECORDED AS PRESENTED

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH, That

Jianping Mao

of Suichang County, in the State of Zhejiang

Release and Quit-Claim to

Xuhua Zhou

of Delaware County, in the State of Indiana, for no consideration the following described Real Estate in Delaware County, in the State of Indiana, to-wit:

SEE ATTACHED EXHIBIT A

Preparer states that no title search has been performed in conjunction with preparation of deed, which has been prepared at the Grantors request, and makes no warranties as to the vesting or quality of title to subject real estate, and makes no representation as to the tax or legal consequences resulting from the execution of this deed.

Parcel No. T1:18-07-30-100-020.000-007; T2:18-07-30-100-022.000-007

Property Address: 4809 W. CR 400 N.  
Muncie, Indiana 47304

GRANTEES TAX MAILING ADDRESS: Xuhua Zhou 7178 Chimring Dr. John Creek  
GA 30097

Subject to easements, restrictions, and rights of way of record.

In Witness whereof the said Jianping Mao has hereunto executed the foregoing deed on this 18<sup>th</sup> day of August, 2021.

*Jianping Mao*  
Jianping Mao

State of \_\_\_\_\_  
County of \_\_\_\_\_, SS:

Before me, the undersigned, a Notary Public in and for said County, on this 18 day of August, 2021 came Jianping Mao and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public (Seal)

My commission expires:  
Resident of:

This instrument prepared by: James R. Wesley, Attorney at Law

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 Annisa Parton

EXHIBIT A FOR RESALE

A part of the Fractional Northwest Quarter of the Northwest Quarter of Section 30, Township 21 North, Range 10 East, more particularly described as follows, to-wit: Beginning at the Northwest corner of said Fractional Northwest Quarter of the Northwest Quarter and running thence South 90 degrees 00 minutes East on the North line thereof 150.0 feet; thence running South 00 degrees 28 minutes 15 seconds East and parallel with the West line of said Fractional Northwest Quarter of the Northwest Quarter 630.0 feet to a point in the center line of Jakes Creek; thence running North 68 degrees 44 minutes 56 seconds West on said center line 107.30 feet; thence running North 90 degrees 00 minutes West on said center line 50.0 feet to a point in the West line of said Fractional Northwest Quarter of the Northwest Quarter; thence running North 00 degrees 28 minutes 15 seconds West on said West line 591.11 feet to the point of beginning, containing 2.03 acres, more or less.

ALSO, A part of the Fractional Northwest Quarter of Section 30, Township 21 North, Range 10 East, described as follows: Beginning at a point on the North line of the Fractional Northwest Quarter of Section 30, Township 21 North, Range 10 East, said point being North 90 degrees 00 minutes 00 seconds East (assumed bearing) 150.00 feet from an existing iron rod marking the Northwest corner of the said Fractional Quarter Section; thence continuing North 90 degrees 00 minutes 00 seconds East along the North line of the said Fractional Quarter Section 481.55 feet to a point marking the Northwest corner of the Michael K. McCoy property as recorded in Deed Record 2001, pages 3723 in the Office of the Recorder of Delaware County, Indiana; thence South 01 degree 06 minutes 06 seconds East along the West line of said McCoy property 818.39 feet to a point in the centerline of Jakes Creek; thence North 75 degrees 40 minutes 48 seconds West along the centerline of said Creek 328.78 feet to a point; thence North 65 degrees 53 minutes 27 seconds West along the centerline of said Creek 188.01 feet to a point marking the Southeast corner of the Royce Ronald Costin property as recorded in Deed Record 1998, page 7577 in the Office of the Recorder of Delaware County, Indiana; thence North 00 degrees 27 minutes 01 second East along the East line of said Costin property 830.00 feet to the point of beginning. Being a part of the Fractional Northwest Quarter of Section 30, Township 21 North, Range 10 East, containing 7.97 acres, more or less.



**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 in platted areas are