

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

**APPLICATION FOR APPEAL**

Jurisdiction: (Check One)

Delaware County

City of Muncie

Submitted: Oct 30, 2024

Case No.: BZA 62-24

(1) Applicant: Jon and Emily Taylor

Address: 9601 N Walnut St. Muncie IN 47303 Phone: 765-748-7690

(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.: 2009R06002

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

Purchase Date: 1/09/2009

Legal Description: (From the Deed or Abstract)

See attached deed

(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).

9601 N Walnut St. , 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.)

square footage and height variance. Current pole barn structure was damaged in a fire March of 2023. The new structure is to replace the damaged structure. The new building will be constructed with large enough width and height to contain equipment (RV, horse trailer, boat etc.) If the structure is not built to size, the equipment will not fit inside the structure and required to sit outside on the property not securely stored away from potential theft, vandalism, and weather. It would also create a potential eyesore with multiple pieces of equipment stored in the open.

**SEE ATTACHED**

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

BV Variety Business Zone

(10) Present use of the property:

residential

(11) Describe the proposed use of the property:

personal residence

(12) Is the property:

Owner Occupied

Renter Occupied

Other: \_\_\_\_\_

## **Answer to #7**

BZA 62-24 Taylor

Request for variances from the terms of the Delaware County Comprehensive Zoning Ordinance, Article IX, Section 14.A.1.c, to allow the floor area of an existing 960 sq. ft. barn, an existing 420 sq. ft. lean-to and a proposed 2,240 sq. ft. barn totaling 3,620 sq. ft of accessory structures to exceed the 1,537 sq. ft. floor area of the dwelling for a variance of 2,083 sq. ft., and Article IX, Section 14.B, to allow a 24' height rather than a maximum of 17' for a variance of 7' all for a new 56'x 40'x 24' residential accessory barn for personal storage.

(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? Some

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

They are in approval.

(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?

Immediately

When will it be completed?

approximately 3 to 5 weeks after construction begins

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

current resident

**AFFIDAVIT**

(I or We) Jon and Emily Taylor  
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:

*[Handwritten signatures of Jon and Emily Taylor]*

Subscribed and sworn to before me this 29 day of October, 2024.



*[Handwritten signature of Jennifer Faletic]*

Jennifer Faletic

Notary Public

5-26-2030

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 21 day of November, 2024.

Signed:

*[Handwritten signature]*

Date:

10.30.24



Young's Title

2P

Duly Entered for Taxation  
Transfer Fees \$ 5.00

JAN 14 2009 ERP

Judy Rust  
DELAWARE CO. AUDITOR

  
\* 2 0 0 9 R 0 6 0 0 2 \*  
2009R06002  
JANE LASATER  
DELAWARE COUNTY RECORDER  
RECORDED ON  
01/14/2009 03:10:01PM  
REC FEE: 18.00  
PAGES: 2

WARRANTY DEED

THIS INDENTURE WITNESSETH, that

**Guy M. Burnett**

of Delaware County, in the State of Indiana.

Convey and Warrant to

**Jon B. Taylor and Emily D. Taylor, Husband and Wife**

of Delaware County, in the State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, in the following described Real Estate in Delaware County, in the State of Indiana, to-wit:

See Legal Description

Grantor represents that LOLA L. BURNETT and GUY M. BURNETT held title to the above real estate as husband and wife until the date of LOLA L. BURNETT's death on MAY 16, 2008, on which date Grantor became sole owner as survivor tenant by the entirety.

Tax Duplicate No. 0716200025000-006

SUBJECT TO TAXES DUE AND PAYABLE PRORATED TO DAY OF CLOSING

Property Address: 9601 N. Walnut St. Muncie, Indiana 47303

GRANTEES MAILING ADDRESS:

Jon B. Taylor and Emily D. Taylor

9601 N. Walnut St.  
Muncie, IN 47303

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

In Witness whereof the said Guy M. Burnett have hereunto executed the foregoing deed on this 9th day of January, 2009.

Guy M. Burnett  
Guy M. Burnett

State of Indiana  
County of Delaware SS:

Before me, the undersigned, a Notary Public in and for said County, on this 9th day of January, 2009, came **Guy M. Burnett** and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal:

Susan B. Sanders (Seal)  
Notary Public

SUSAN B. SANDERS  
NOTARY PUBLIC STATE OF INDIANA  
HENRY COUNTY  
COMMISSION EXPIRES 01-26-10

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 Susan B. Sanders

A part of the Northeast Quarter of the Northeast Quarter of Section Sixteen (16), Township Twenty-one (21) North, Range Ten (10) East, more particularly described as follows, to-wit:

Beginning at the Northeast corner of said Northeast Quarter of the Northeast Quarter and running thence South on the East line thereof Three hundred fifty-one (351.00) feet; thence West parallel with the North line of said Northeast Quarter of the Northeast Quarter Four hundred seventy-two (472.0) feet; thence North parallel with the East line of said Northeast Quarter of the Northeast Quarter Three hundred fifty-one (351.0) feet to the North line of said Northeast Quarter of the Northeast Quarter; thence East on said North line Four hundred seventy-two (472.0) feet to the point of beginning, containing 3.803 acres, more or less.

Also

A part of the Northeast quarter of the Northeast quarter of Section Sixteen (16), Township Twenty-one (21) North, Range Ten (10) East, more particularly described as follows, to-wit: Beginning at a point in the East line Three hundred fifty-one (351.0) feet South of the Northeast corner of said Northeast quarter of the Northeast quarter and running thence South on the East line thereof Twenty (20.0) feet; thence West parallel with the North line of said Northeast quarter of the Northeast quarter Four hundred seventy-two (472.0) feet; thence North parallel with the East line of said Northeast quarter of the Northeast quarter Twenty (20.0) feet; thence East parallel with the North line of said Northeast quarter of the northeast quarter four hundred seventy-two (472.0) feet to the point of beginning, containing 0.217 acres, more or less.

Except

A part of the Northeast Quarter of the Northeast Quarter of Section 16, Township 21 North, Range 10 East Delaware County, Indiana and being all that part of the owner's land, lying within the right of way lines depicted on the attached Right of Way Parcel Plat of Parcel 6 and more particularly described as follows; Commencing at the northeast corner of said quarter section; thence North 89 degrees 44 minutes 07 seconds West 143.866 meters (472.00 feet) along the north line of said section to the northwest corner of the owner's land; thence South 0 degrees 12 minutes 39 seconds West 9.144 meters (30.00 feet) along the west line of the owner's land to the point of beginning of this description which point is on the south boundary of U.S.R 35; thence along said boundary Easterly 134.047 meters (439.79) along an arc to the left and having a radius of 28927.750 meters (94,907.32 feet) and subtended by a long chord having a bearing of south 89 degrees 53 minutes 06 seconds East and a length of 134.047 meters (439.79) to the southwestern boundary of the intersection of said U.S.R. 35 and Center Road; thence South 40 degrees 38 minutes 43 seconds East 5.708 meters (18.73 Feet) along the boundary of the intersection of said U.S.R. 35 and said Center Road to the west Boundary of said Center Road; thence South 0 degrees 09 minutes 45 seconds West 96.904 meters (317.93) along said boundary to point #1017 on said plat; thence North 30 degrees 23 minutes 43 seconds West 11.613 meters (38.10 feet) to point #1016 on said plat; thence North 1 degree 55 minutes 13 seconds West 55.036 meters (180.56) feet to point #1015 on said plat; thence North 36 degrees 36 minutes 09 seconds West 29.097 meters (95.46) to point #1014 on said plat; thence North 87 degrees 01 minutes 46 seconds West 112.599 meters (369.42 feet) to the west line of the owner's land; thence North 0 degrees 12 minutes 39 seconds East 7.289 meters (23.91 feet) along said west line to the point of beginning and containing 0.2243 hectares (0.554 acres) more or less.

Also being modernly described as:

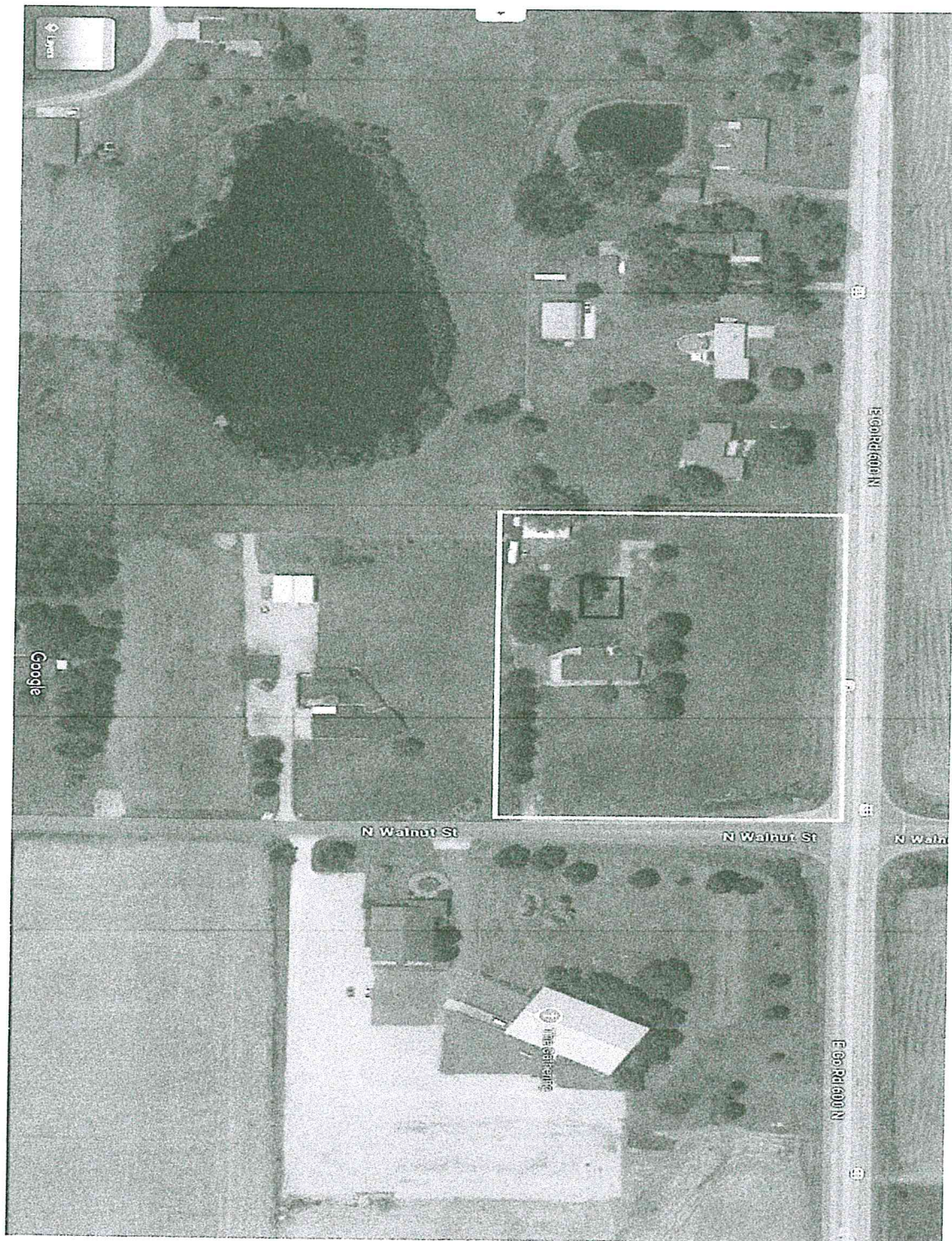
A part of the Northeast Quarter of the Northeast Quarter of Section 16, Township 21 North, Range 10 East in Hamilton Township Delaware County, Indiana, decribed as follows:

Commencing at the Northeast corner of the Northeast Quarter of Section 16, Township 21 North, Range 10 East, thence South 00 degrees 13 minutes 50 seconds East 371.00 feet (assumed bearing) along the East line of said Quarter Section; thence South 89 degrees 52 minutes 25 seconds West 20.00 feet parallel with the North line of said Quarter Section to the point of beginning; thence South 89 degrees 52 minutes 25 seconds West 452.00 feet to a 5/8 inch rebar; thence North 00 degrees 13 minutes 50 seconds West 371.08 feet to a 5/8 inch rebar on the Southerly right-of-way line of State Highway #28 being 53.92 feet south of the North line of said Quarter Section; thence South 87 degrees 25 minutes 14 seconds East 369.42 feet along said right-of-way line; thence South 36 degrees 59 minutes 37 seconds East 95.46 feet along said right-of-way line; thence South 02 degrees 18 minutes 41 seconds East 180.56 feet along said right-of-way, thence South 30 degrees 47 minutes 11 seconds East 38.10 feet along said right-of-way line; thence South 00 degrees 13 minutes 50 seconds East 10.07 feet to the point of beginning, containing 2.99 acres, more or less.



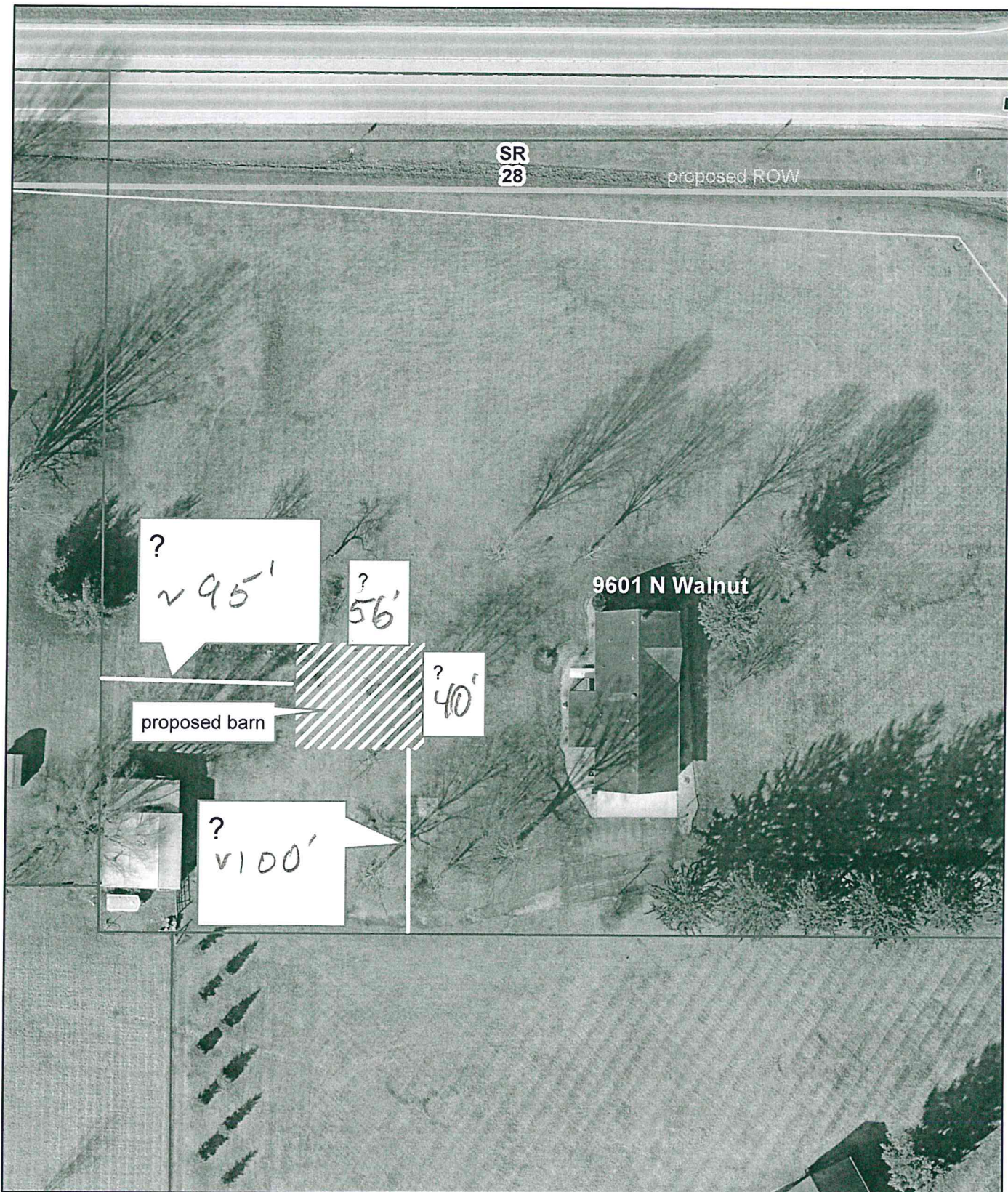
#8

- A. Corner of IN28 and Walnut
- B. Same as above
- C. Dimensions of property 3.5 acres (large outline on the map)
- D. Single family house ~1540 square feet, fire damaged pole barn in southeast corner 32x25 for equipment storage
- E. BV Variety Business Zone
- F. Included
- G. Included
- H. 56Wx40Lx24H (smaller inner outline on the property)



N





**BZA 62-24 Jon & Emily Taylor**

