

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

Delaware County

City of Muncie

Submitted: Nov 21, 2024

Case No.: BZA 63-24

(1) Applicant: Shelby Wilber

Address: 10001 S. State Rd. 3 Phone: 865-806-5670

(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: The applicant is the wife of the property owner whose name is on the deed.

(3) If Item (2)(c) is checked, please complete the following:

Owner of the property involved: Benjamin Wilber

Owner's address: 10001 S. State Rd. 3 Muncie, IN 47302

(4) Record of Ownership:

Deed Book No.: 2012R12066

Page: 1

Purchase Date: Sep 17 2012

Legal Description: (From the Deed or Abstract)

See attachment.

(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).

10001 S. State Rd. 3 Muncie, IN 47302 Unit B

(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 XII, Section 1, to allow a state licensed childcare business in a 30' x 52' building in a farm zone.

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

We are filing for a variance to be able to use a building on our property as a state licensed childcare business. We will be open from 6:30 a.m. to 5:30 p.m. all year, Monday through Friday (closed weekends and major holidays). We will have up to five employees. We will have up to sixteen students at a time.

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

F-Farming Zone

(10) Present use of the property:

Personal residence property. The particular building is storage currently.

(11) Describe the proposed use of the property:

Childcare/preschool

(12) Is the property:

Owner Occupied

Renter Occupied

Other: The particular building is unoccupied storage currently.

- (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? A couple of them
If answer is "YES", give their attitudes toward the proposal.

They are happy about our plans.

- (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?

Within three months.

When will it be completed?

Within one year.

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

Shelby Wilber, Woodside Child Care Home

(I or We) Benjamin Wilber
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:

Benjamin A. Wilber

Subscribed and sworn to before me this 21 day of November, 2024,



Denelle Murrell
Notary Public

October 23, 2030
Commission Expires

Resident of Delaware County

State of Indiana.

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 19 day of December, 2024.

Signed: *[Signature]*

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Legal Description from Deed

A part of the West Half of the Northeast Quarter of Section 15, Township 19 North, Range 10 East, more particularly described as follows, to-wit:

Beginning at a point in the West right-of-way line of Indiana State Highway Number 3, 908.3 feet South of the North line of said West Half of the Northeast Quarter, and running thence South zero degrees zero minutes West on said right-of-way line 280.0 feet; thence running North 90 degrees 00 minutes West 777.86 feet; thence running North 00 degrees 00 minutes East and parallel with said right-of-way line, 280.0 feet; thence running South 90 degrees 00 minutes East 777.86 feet to the point of beginning, containing 5.00 acres, more or less.

1082



IP



* 2 0 1 2 R 1 2 0 6 6 *

2012R12066

JANE LASATER
DELAWARE COUNTY RECORDER
RECORDED ON

09/17/2012 11:25:52AM

REC FEE: 16.00

PAGES: 1

File No: 20122230
Parcel Number: 18-15-15-200-006.000-012

WARRANTY DEED

This Indenture Witnesseth, That Benjamin R. Wilber and Benjamin R. Wilber II, as joint tenants with right of survivorship, *Convey and Warrant* to Benjamin R. Wilber II, for the sum of Ten & 00/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Delaware County, in the State of Indiana:

A part of the West Half of the Northeast Quarter of Section 15, Township 19 North, Range 10 East, more particularly described as follows, to-wit:

Beginning at a point in the West right-of-way line of Indiana State Highway Number 3, 908.3 feet South of the North line of said West Half of the Northeast Quarter, and running thence South zero degrees zero minutes West on said right-of-way line 280.0 feet; thence running North 90 degrees 00 minutes West 777.86 feet; thence running North 00 degrees 00 minutes East and parallel with said right-of-way line, 280.0 feet; thence running South 90 degrees 00 minutes East 777.86 feet to the point of beginning, containing 5.00 acres, more or less.

Subject To any and all easements, assessments, agreements, and restrictions of record.

In Witness Whereof, Grantor has executed this deed this 31st day of August, 2012.

Benjamin R. Wilber
Benjamin R. Wilber

Benjamin R. Wilber II
Benjamin R. Wilber II

STATE OF INDIANA , COUNTY OF DELAWARE, SS:

Before me, a Notary Public in and for the said County and State, personally appeared Benjamin R. Wilber and Benjamin R. Wilber II, as joint tenants with right of survivorship, who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 31st day of August, 2012.



Carla M. Hulic
Carla M. Hulic, Notary Public
Residing in Delaware County, Indiana

Send tax bills to and ~~Carla M. Hulic~~ street or rural route address is: 10001 S SR 3 Muncie, IN 47302

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. (James W. Smith, Attorney-at-Law.)

This instrument prepared by: James W. Smith, Attorney-at-Law.

Duly Entered for Taxation
Transfer Fees \$ 5.00-ff

SEP 17 2012

Judy Runt
DELAWARE CO. AUDITOR

Woods

5 Acres

Field

Property dimensions

777.26 feet East boundary
250.9 feet North boundary

Field

Fence

Fence

shed

owner and Employee parking

parent parking

Score Area

chicken house

parent walking to by side of front door

Garage

Garage

sign

House

Adikh runs along the highway

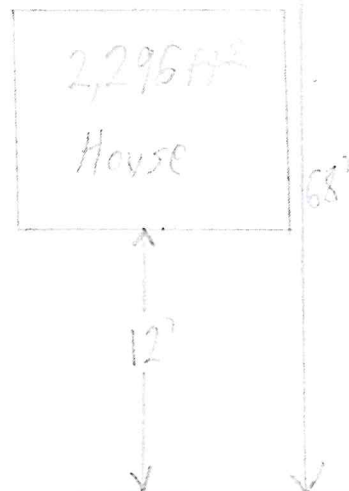
Fence

Fence

Fence

Highway 3

Field



The edge of the paper is the property line.

All measurements are approximate.

Distance from property line measurements are from the closest property lines to each building.