

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

Delaware County

City of Muncie

Submitted: Nov. 22, 2024

Case No.: B2A 64-24

(1) Applicant: Sandra Walters

Address: 11501 S County Road 950 W, Daleville, IN 47334 Phone: 269-330-0481

(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: NA

Owner's address: NA

(4) Record of Ownership:

Deed Book No.: 2024R

Page: 13400

Purchase Date: 09-27-2024

Legal Description: (From the Deed or Abstract)

S HLF NE QTR NW QTR S24 T19 R08 2.02 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).

11501 South County Road 950 West, Daleville, IN 47334

(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 expansion of a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance, Article XII, Section 1, to allow up to 35 baby goats in addition to keeping 30 adult goats on 2.02 acres as originally approved in BZA 50-24 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.)

Filing for an additional Variance Useage for the property at 11501 S CR 950 W, Daleville, IN 47334. The property size is less than the 5 acres required as set forth in Article XII Section 1 "Permitted uses" for property zoned as Farm. The applicant received permission via Variance Appeal number BZA 50-20 to house 30 goats (permanent herd members) on this property. The miniature dairy show goats are required to be in milk for show purposes. The goats (permanent herd members) will produce offspring in the spring of the year in order to begin their annual lactation. Kids produced (temporary herd members) will increase the number of goats to excede 30 therefore this variance is requested. Please see attached plan.

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

F-Farming Zone

(10) Present use of the property:

Rural Residential/Agriculture (miniature dairy goat herd raised for show and milk)

(11) Describe the proposed use of the property:

Female goats are bred to kid in the spring. Kids will be sold at weaning to maintain

(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.

Yes Article XII, Section 1 Permitted Uses (Minimum area of 5 acres)

- (15) Has work for which this application is being filed already started? If answer is "YES", give details.

Goats are currently pregnant, gestation period is 5 months.

- (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.

BZA 50-24 granted 09-26-2024 to allow the keeping of 30 goats on the property

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

The first goat is due on 02/11/2025. Other goats are due 03/09/2025 - 05/01/2025

When will it be completed?

Kidding for the year will occur between Feb-May. The kidding season is an annual e

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

Sandra Walters aka MeadowMist Nigerians

AFFIDAVIT

(I or We) Sandra S Walters
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: Sandra S Walters

Subscribed and sworn to before me this 22 day of Nov, 2024,



Nicole M Prose
Notary Public

6-6-2031
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 19 day of December, 2024.

Signed: [Signature]

Date: 11.27.24

DULY ENTERED FOR TAXATION
TRANSFER FEES \$ 10.00
Oct 01 2024 - ER


DELAWARE COUNTY AUDITOR

2024R13400
JAN SMOOT
DELAWARE COUNTY RECORDER
RECORDED ON
10/02/2024 09:04 AM
REC FEE 25.00
PAGES: 3
RECORDED AS PRESENTED

Cross References: 2016R04736 and 2022R04374

GENERAL WARRANTY DEED

THIS INDENTURE WITNESSETH, that effective as of the 27 day of SEPT, 2024, **Shawn Smith** ("Grantor"), CONVEYS AND WARRANTS to **Sandra S. Walters** ("Grantee"), for the sum of Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate, together with any improvements thereon, located in **Delaware County, State of Indiana**, to wit:

See "Exhibit A – Legal Description" attached hereto and incorporated by reference herein.

Parcel/Tax ID Number(s): **18-13-24-100-005.000-021**

This conveyance is subject to all rights-of-way, easements, agreements, restrictions and limitations of record; and all real estate taxes due and payable after the date of this instrument. The address of such real estate is commonly known as **11501 S. County Road 950 W., Daleville, IN 47334**.

IN WITNESS WHEREOF, Grantor has executed this Deed this 27 day of SEPT, 2024.

Tax Billing/Grantee's Address:

11501 S. County Road 950 W.

Daleville, IN 47334

TT File No.: 5124

Shawn Smith
Shawn Smith, Grantor

STATE OF INDIANA)
COUNTY OF Hamilton) SS:

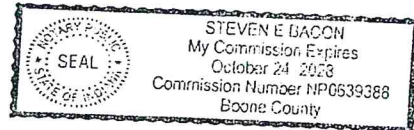
Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the Grantor, **Shawn Smith**, who acknowledged the execution of the foregoing General Warranty Deed, and who, being duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 27 day of SEPT, 2024.

STEVEN E BACON, Notary Public

Resident of BOONE County, State of Indiana

My Commission Expires: 10-24-28



This instrument was prepared by Garrett E. Lawton, McNeelyLaw LLP, 143 W. Market St., Suite 600-A, Indianapolis, IN 46204. 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. /s/ Garrett E. Lawton

EXHIBIT A – LEGAL DESCRIPTION

A part of the Northeast Quarter of the Northwest Quarter of Section 24, Township 19 North, Range 8 East in Salem Township, Delaware County, Indiana, described as follows:

Beginning at a nail on the East line of the Northeast Quarter of the Northwest Quarter of Section 24, Township 19 North, Range 8 East, said nail being South 00 degrees 15 minutes 21 seconds West 667.80 feet (assumed bearing) from a nail marking the Northeast corner of said Quarter-Quarter Section; thence South 00 degrees 15 minutes 21 seconds West 236.26 feet to a nail; thence North 88 degrees 42 minutes 02 seconds West 371.65 feet to a 5/8 inch rebar; thence North 00 degrees 15 minutes 21 seconds East 236.26 feet to a 5/8 inch rebar that is on the North line of the South Half of said Quarter-Quarter Section; thence South 88 degrees 42 minutes 02 seconds East 371.65 feet along said Half-Quarter-Quarter Section line to the point of beginning, containing 2.02 acres, more or less.

#8 cont.

Variance Request for 11501 S CR 950 W, Daleville, IN

Variance Proposal: Request permission for the production and **temporary** housing of Nigerian Dwarf miniature goat kids. Variance #BZA 50-24 was granted on 9/26/2024 allowing for the keeping of 30 goats on the property (permanent residents). However, during the kidding season the birth of new kids will cause the number of animals to **temporarily** exceed the allowed amount of 30 animals. This variance is requested to receive approval of the temporary excursion of allowable numbers caused by the birth of baby goats in the spring. The baby goats are normally sold between **8 to 16** weeks of age and early kids are typically all gone to new homes before the April/May kids are born. The expected number of kids produced per year would be 25-35. The birth weight of these kids averages 3 pounds. The kids are normally around 15 pounds when sold. All kids will be either sold before age 6 months OR retained to replace another animal (either sold or died) so that the permanent population on the property shall not exceed 30 goats.

Thinking in terms of animal units, the average weight of the 30 **permanent** residents is 50 lb. Per the Delaware County Comprehensive Zoning Ordinance, XXXIII Section 2, Definition 18, animal units: the average weight per goat $(50 \text{ lbs} \div 1000) \times 30 \text{ goats} = 1.5$ animal units. If we look at the average weight of kids at weaning age $(15 \text{ lb} \div 1000) \times 35$ possible kids = 0.5 animal units. Therefore the goat permanent population plus the temporary population will not exceed 2 animal units.

Of note, there are no houses (dwellings) within 300 feet of the property at 11501 S CR 950 W, Daleville, IN, and the property is zoned as Farm.

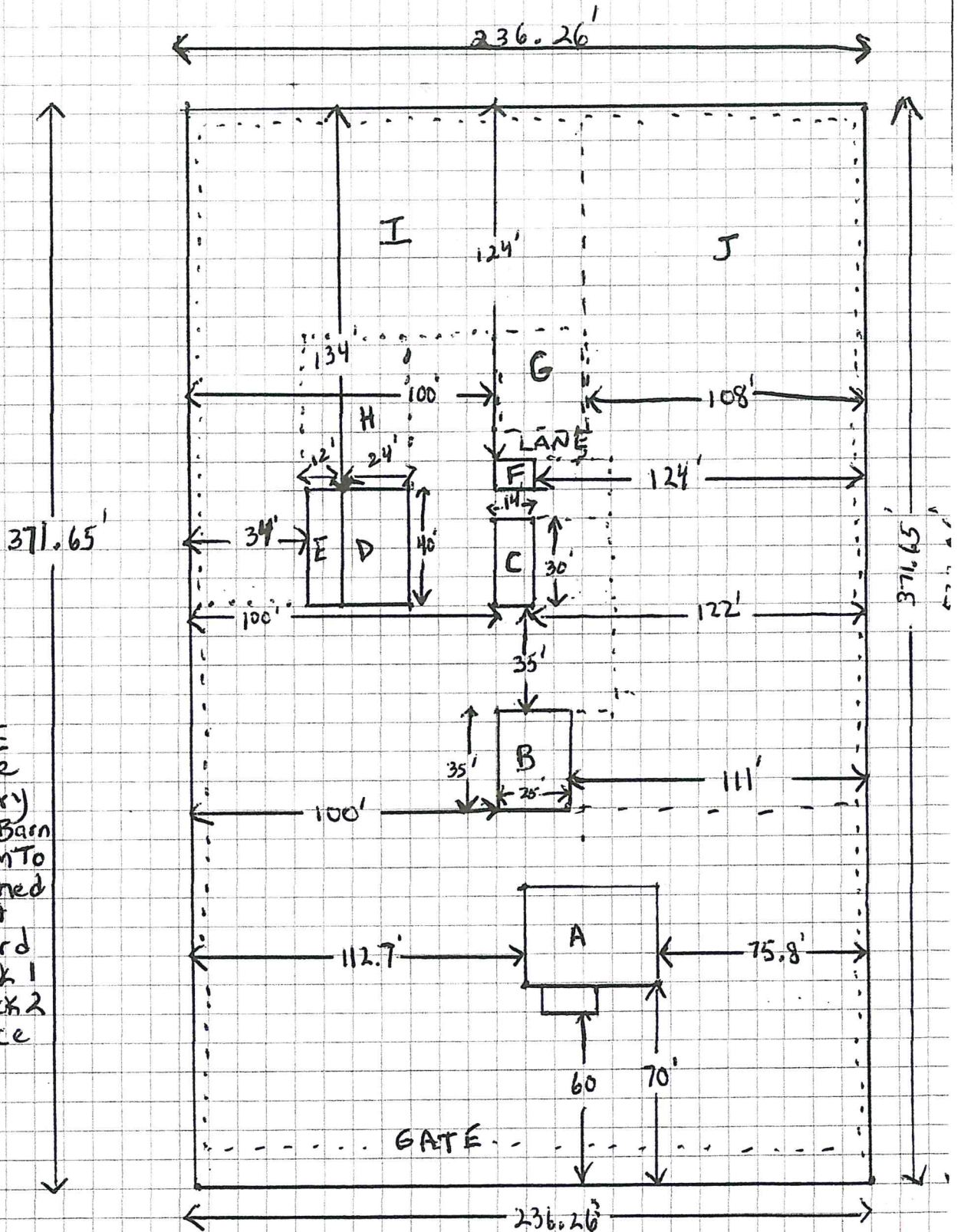
Introduction: MeadowMist Nigerians are a regionally known and respected herd of Nigerian Dwarf miniature dairy show goats. The herd has been in operation for ten years. The herd has become a family venture and therefore has recently relocated to Daleville, Indiana.

Proposed number of litters: 12 to 16 litters per year which is spread out from Feb. through May. Kids are normally sold when they are between 2 and 4 months of age. Early kids are typically all gone to new homes before the April/May kids are born. All kids will be either sold before age 6 months OR retained to replace another animal (either sold or died) so that the permanent population on the property shall not exceed 30 goats. It is important to note that **adult does must be in milk for exhibition**; therefore, all show does must produce one litter annually to initiate lactation. Litter size ranges from 1 to 4 kids, and typically one or two does fail to conceive or carry to full term. Some loss of kids often occurs during the birthing process. The expected number of live kids produced per year would be 25-35. The birth weight of these kids averages 3 pounds. The kids are normally around 15 pounds when sold.

Proposed housing: Housing will be provided by a 14' x 30' custom-made barn (Avery Buildings of Colon, MI) and also a new 24' x 40' steel building barn (North Edge Steel). Smaller runs and kidding pens are used during the kidding season to house pregnant does and does with young kids. All housing is in compliance with the setbacks required by the Delaware County Comprehensive Zoning Ordinance (reference property drawing).

Husbandry: All goats are under the care of a licensed large animal veterinarian in addition to the owner (Sandra Walters) being a retired veterinary technician. The health and well-being of the animals is always of utmost concern.

(F) 10x12 shed was moved originally next to garage



- A = HOUSE
- B = Garage
- C = Nursery
- D = 24x40 Barn
- E = 12x40 Lean To
- F = 10x12 Shed
- G = Compost
- H = Burnyard
- I = Paddock 1
- J = Paddock 2
- = Fence



1 Square = 10 Feet

11501 S CR 950
Parcel 1324100005000



DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION

Delaware County Building, 100 West Main Street, Room 206, Muncie, Indiana 47305

CERTIFICATION

GRANT OF APPEAL

APPEAL NO.: BZA 50-24

DATE: September 30, 2024

DATE OF PUBLIC HEARING: September 26, 2024

THIS IS TO CERTIFY that on the 26th day of September, 2024 the Delaware-Muncie Metropolitan Board of Zoning Appeals granted the following Appeal of Sandra Walters and Shawn Smith, after public hearing as required by law:

Request for a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance, Article XII, Section 1, to allow keeping 30 goats on 2.02 acres on premises located at 11501 South County Road 950 West, Salem Township, Delaware County, Indiana, as set forth in the application with the following conditions: 1) That the maximum number of goats will be 30 and an additional variance will be needed if that number is to increase; and 2) That the variance is *for the applicant only and will not transfer with the property.*

The granting of this Appeal shall also be subject to the obtaining of all necessary and/or applicable permits. This action is not intended to abrogate any easement, covenant, or any other private agreement or restriction provided that where the provisions of this action are more restricted or impose higher standards, the requirements of this action shall govern.


Kylene Swackhamer, Secretary

BUILDING PERMIT
COUNTY OF DELAWARE, INDIANA

PERMIT NO. B2024-242

DATE 10/25/24

ISSUED TO: Sandra Walters/Northedge Steel LLC

TO PERMIT: Erecting a 24x40 Steel Framed Garage

ON PREMISES LOCATED: LOT NO. _____ IN _____ ADDITION

ADDRESS: 11501 S CR 950 W, Daleville

Salem TOWNSHIP

DELAWARE COUNTY BUILDING COMMISSIONER
COUNTY OF DELAWARE, INDIANA

NOTICE

POST THIS PERMIT IN A CONSPICUOUS LOCATION ON THE PREMIESIES.
IF ANY CHANGES OR DEVIATIONS ARE MADE FROM THE ORIGINAL
APPLICATION, A NEW PERMIT IS REQUIRED.