

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

Delaware County

City of Muncie

Submitted: Nov. 26, 2024

Case No.: B2A 66-24

(1) Applicant: Plunty Real Estate LLC- Alan Robinson

Address: 11901 E CR 125 S, Selma, IN 47383 Phone: 765-808-1634

(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.: Instr.# 2024R09978

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

Purchase Date: \_\_\_\_\_

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).

The northeast corner of the intersection of Pineview Dr and Shaffer Rd.

(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 from the terms of the Delaware County Comprehensive Zoning Ordinance, Article XII, Section 4, to allow a 30' setback from the building wall to Pineview Dr. rather than 50' for a variance of 20' for a new dwelling on a corner lot 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.)

The owner of the property tried to obtain a building permit and they were informed that this lot was platted with incorrect front setbacks. The house they intend to build will not fit with the 50ft setback and the erroneously platted setback of 30ft needs to be fixed and brought into compliance. We are requesting a variance for a reduced front setback from the required 50 ft to 30 ft to match what was platted.

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

F-Farming Zone

(10) Present use of the property:

Vacant land

(11) Describe the proposed use of the property:

The owner intends to build a house.

(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.

No

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

Yes, the owner is ready to build a home and has tried to obtain the building permit.

(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.

**Yes. Bza 29-24 on May 30, 2024  
Approved for property split**

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

Immediately

When will it be completed?

2 years

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

The owner.

# AFFIDAVIT

(I or We) Alan P Robinson  
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:



Subscribed and sworn to before me this 25 day of November, 2024 /

Carrie Rufenbarger  
Notary Public

Feb 22, 2025  
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.



DULY ENTERED FOR TAXATION  
TRANSFER FEES \$ 10.00  
Jul 18 2024 - ER

*[Handwritten Signature]*

DELAWARE COUNTY AUDITOR

2024R09978  
JAN SMOOT  
DELAWARE COUNTY RECORDER  
RECORDED ON  
07/18/2024 11:01 AM  
REC FEE 25.00  
PAGES: 1  
RECORDED AS PRESENTED

File No.: 20240433

Parcel Number: 18-07-17-426-007.000-006 TS

**WARRANTY DEED**

*This Indenture Witnesseth*, That **Kraig A. Lehman and Hope E. Lehman**, husband and wife (Grantor) **Convey(s) and Warrant(s)** to **Plunty Real Estate LLC** (Grantee) for the sum of One & 00/100 Dollar (\$1.00) 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:

Lot Number 1 in Lehman Subdivision, a subdivision in Hamilton Township, Delaware County, Indiana, a plat of which is recorded as Instrument No. 2024R08691.

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

**In Witness Whereof**, Grantor has executed this deed this 1st day of July, 2024.

*[Handwritten Signature]*  
\_\_\_\_\_  
Kraig A. Lehman

*[Handwritten Signature]*  
\_\_\_\_\_  
Hope E. Lehman

**State of Indiana, County of Delaware SS: ACKNOWLEDGMENT**

Before me, a Notary Public in and for the said County and State, personally appeared **Kraig A. Lehman and Hope E. Lehman, husband and wife** 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 1st day of July, 2024.

My Commission Expires: September 08, 2030

*[Handwritten Signature]*  
\_\_\_\_\_  
Trevor J. Smith, Notary Public  
Residing in Delaware County

Send tax bills to and Grantee's street or rural route address is: 11901 E County Road 125 S, Selma, IN 47383

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



APPROVED AND FILED  
DIEGO MORALES  
INDIANA SECRETARY OF STATE  
06/26/2024 09:47 AM

**ARTICLES OF ORGANIZATION**

Formed pursuant to the provisions of the Indiana Code.

**ARTICLE I - NAME AND PRINCIPAL OFFICE ADDRESS**

BUSINESS ID 202406251802703  
BUSINESS TYPE Domestic Limited Liability Company  
BUSINESS NAME PLUNTY REAL ESTATE LLC  
PRINCIPAL OFFICE ADDRESS 11901 E County Road 125 S, Selma, IN, 47383, USA

**ARTICLE II - REGISTERED OFFICE AND ADDRESS**

REGISTERED AGENT TYPE Individual  
NAME Alan P. Robinson  
ADDRESS 11901 E County Road 125 S, Selma, IN, 47383, USA  
SERVICE OF PROCESS EMAIL arobinson@pizzaking.com

I acknowledge that the Service of Process email provided above is the email address at which electronic service of process may be accepted.

**ARTICLE III - PERIOD OF DURATION AND EFFECTIVE DATE**

PERIOD OF DURATION Perpetual  
EFFECTIVE DATE 06/25/2024  
EFFECTIVE TIME 04:34PM

**ARTICLE IV - GOVERNING PERSON INFORMATION**

TITLE Manager  
NAME Alan P. Robinson  
ADDRESS 11901 E. County Road 125 S, Selma, IN, 47383, USA

**MANAGEMENT INFORMATION**

THE LLC WILL BE MANAGED BY MANAGER(S) Yes  
IS THE LLC A SINGLE MEMBER LLC? Yes

**APPROVED AND FILED**  
DIEGO MORALES  
INDIANA SECRETARY OF STATE  
06/26/2024 09:47 AM

**SIGNATURE**

THE SIGNATOR(S) REPRESENTS THAT THE REGISTERED AGENT NAMED IN THE APPLICATION HAS CONSENTED TO THE APPOINTMENT OF REGISTERED AGENT.

THE UNDERSIGNED, DESIRING TO FORM A LIMITED LIABILITY COMPANY PURSUANT TO THE PROVISIONS OF THE INDIANA BUSINESS FLEXIBILITY ACT EXECUTES THESE ARTICLES OF ORGANIZATION.

IN WITNESS WHEREOF, THE UNDERSIGNED HEREBY VERIFIES, SUBJECT TO THE PENALTIES OF PERJURY, THAT THE STATEMENTS CONTAINED HEREIN ARE TRUE, THIS DAY **June 25, 2024**.

THE UNDERSIGNED ACKNOWLEDGES THAT A PERSON COMMITS A CLASS A MISDEMEANOR BY SIGNING A DOCUMENT THAT THE PERSON KNOWS IS FALSE IN A MATERIAL RESPECT WITH THE INTENT THAT THE DOCUMENT BE DELIVERED TO THE SECRETARY OF STATE FOR FILING.

**SIGNATURE**

Robert A. Bosco

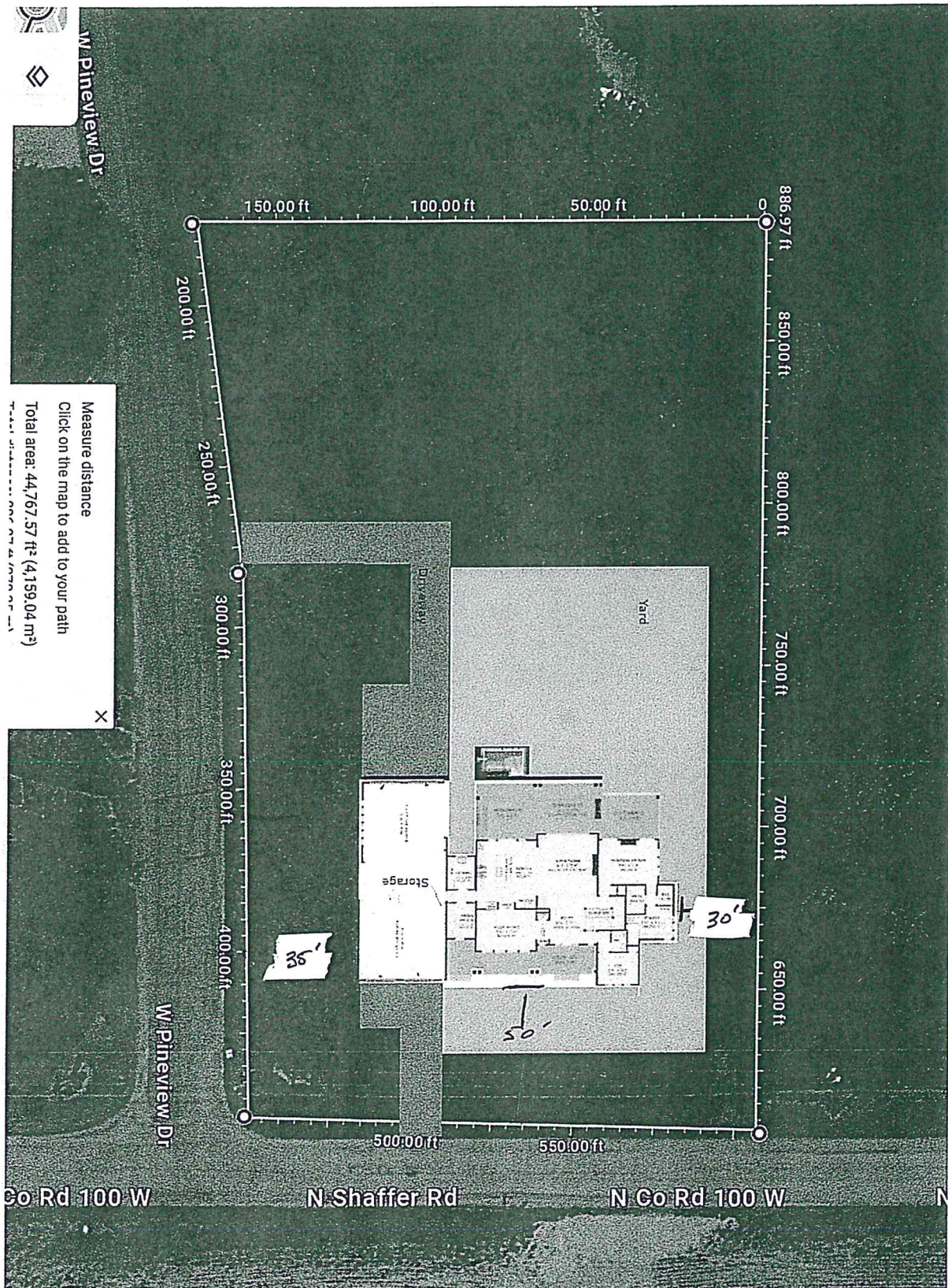
**TITLE**

Legal Representative

Business ID : 202406251802703

Filing No : 10386169





Building Layout on  
LOT



# Lehman Subdivision

DELAWARE COUNTY, INDIANA  
 SUBDIVISION OF SECTION 17, TOWNSHIP 21 NORTH, RANGE 10 EAST,  
 HAMILTON TOWNSHIP, DELAWARE COUNTY

IN SECTION 17, TOWNSHIP 21 NORTH, RANGE 10 EAST,  
 HAMILTON TOWNSHIP, DELAWARE COUNTY  
 FINAL PLAN  
 SEC. 17-21-10  
 MAG. NAD 83

2024R0691  
 DELAWARE COUNTY RECORDER  
 RECORDED ON  
 06/24/2024 02:47 PM  
 REC. FEE \$5.00  
 PAGES 1  
 RECORDED AS INSTRUMENT

PLAT NOTE: REDUCED SIZE  
 GRANTED IN BZA 23-24  
 TO BE PLACED WITHIN THE DRAINAGE  
 AREA OF THE DRAINAGE EDWARDS  
 FROM THE DRAINAGE EDWARDS

SCALE  
 1" = 60'  
 MONUMENT MARKER  
 PUB = POINT OF BEGINNING  
 PC = POINT OF CURVATURE  
 PURPOSE TO CREATE LOT  
 1 IN LEHMAN SUBDIVISION



A part of the Southeast Quarter of Section 17, Township 21 North, Range 10 East in Hamilton Township, Delaware County, Indiana, is described as follows:  
 Beginning at a nail on the East line of the Southeast Quarter of Section 17, Township 21 North, Range 10 East, said nail being South 00 degrees 09 minutes 33 seconds West 360.00 feet (assumed bearing) from a mass nail marking the Northeast corner of said Southeast Quarter; thence (assumed bearing) South 00 degrees 09 minutes 33 seconds West 73.00 feet along the North line of Pineview Drive to the point of beginning of a curve, said point being North 00 degrees 09 minutes 33 seconds East 1350.79 feet from the radius point of said curve; thence West 203.39 feet along said curve to a 5/8-inch rebar that is 31.73 feet from the center of said curve; thence North 00 degrees 09 minutes 33 seconds East 81 degrees 31 minutes 49 seconds West 21.23 feet to a 5/8-inch rebar; thence North 00 degrees 09 minutes 33 seconds East 173.54 feet to the point of beginning, containing 1.09 acre, more or less, and subject to the right-of-way for County Road 100—West across the Eastern side and to all easements of record.

I hereby certify that to the best of my information, knowledge and belief the within plat represents a survey, executed according to survey requirements in 865 IAC 1-12-7 made under my supervision and complete on April 01, 2024.



Haldon L. Ashton  
 Registered Land Surveyor LS80040149

Boundary Survey Recorded in Instrument Number 2424R0691 Records of Delaware County, Indiana.

The undersigned owner(s) of the herein described real estate, Lehman Subdivision, for themselves and for all future owners and occupants of said real estate, or any part or subdivision thereof, for and in consideration of the right to develop the real estate for other than agricultural uses, hereby:

First, acknowledges and agrees that the Lehman Subdivision is in and adjacent to an area zoned for agricultural uses, which uses include, but are not limited to, production of crops, animal husbandry, land application of animal waste, the raising, breeding and sale of livestock and poultry, including confined feeding operations, use of farm machinery, and the sale of farm products. Second, waives any and all objections to any such agricultural uses on any real estate zoned for such uses within two miles of any boundary of the Lehman Subdivision, whether such uses currently exist, are engaged, or changed in use in the future to another agricultural use.

Third, agrees that such agricultural uses, whether currently existing, or hereafter established, engaged, or changed, do not constitute a nuisance so long as they are not negligently maintained, do not cause bodily harm to third parties, or directly endanger human health, and

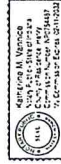
Fourth, agrees that this covenant is for the benefit of Delaware County, Indiana and all persons engaged in agricultural uses within two miles of any boundary of the Lehman Subdivision and is enforceable by any of the foregoing, together with such other covenants as may be required.

OWNERS CERTIFICATE  
 We, the undersigned, Kraig A. Lehman and Hope E. Lehman, of the real estate shown and reserved herein, do hereby certify that they by this plat subdivide into lots, and dedicate the road to the public thereof, in accordance with the plat herein. This subdivision shall be valid and our lands this 11th day of June, 2024.

Kraig A. Lehman  
 Hope E. Lehman

State of Indiana )  
 County of Delaware )

Before me, a Notary Public in and for said County and State, personally appeared Kraig A. Lehman and Hope E. Lehman, who acknowledged the execution of the foregoing plat, to be voluntary act and deed this 11th day of June, 2024.



My Commission expires: 2-11-2024 Resident of Henry County, Indiana

PLAN COMMISSION: Under authority of the Acts of 1947 enacted by the General Assembly of the State of Indiana and all Acts amendatory thereto, the Delaware-Muncie Metropolitan Plan Commission hereby approves the foregoing plat of the Lehman Subdivision.

DATED this 11th day of June, 2024  
 Kraig A. Lehman, President  
 Hope E. Lehman, Member

COUNTY COMMISSIONERS: THIS IS TO CERTIFY that the Board of Commissioners of Delaware County, Indiana, hereby approves and accepts the dedication of public lands and public improvements within the foregoing plat of the Lehman Subdivision.

DATED this 11th day of June, 2024  
 Henry, President  
 Kraig A. Lehman, Member

COUNTY AUDITOR:  
 Duly entered for taxation this 11th day of June, 2024.

Auditor of Delaware County

COUNTY RECORDER:  
 Received for record and recorded this 11th day of June, 2024.

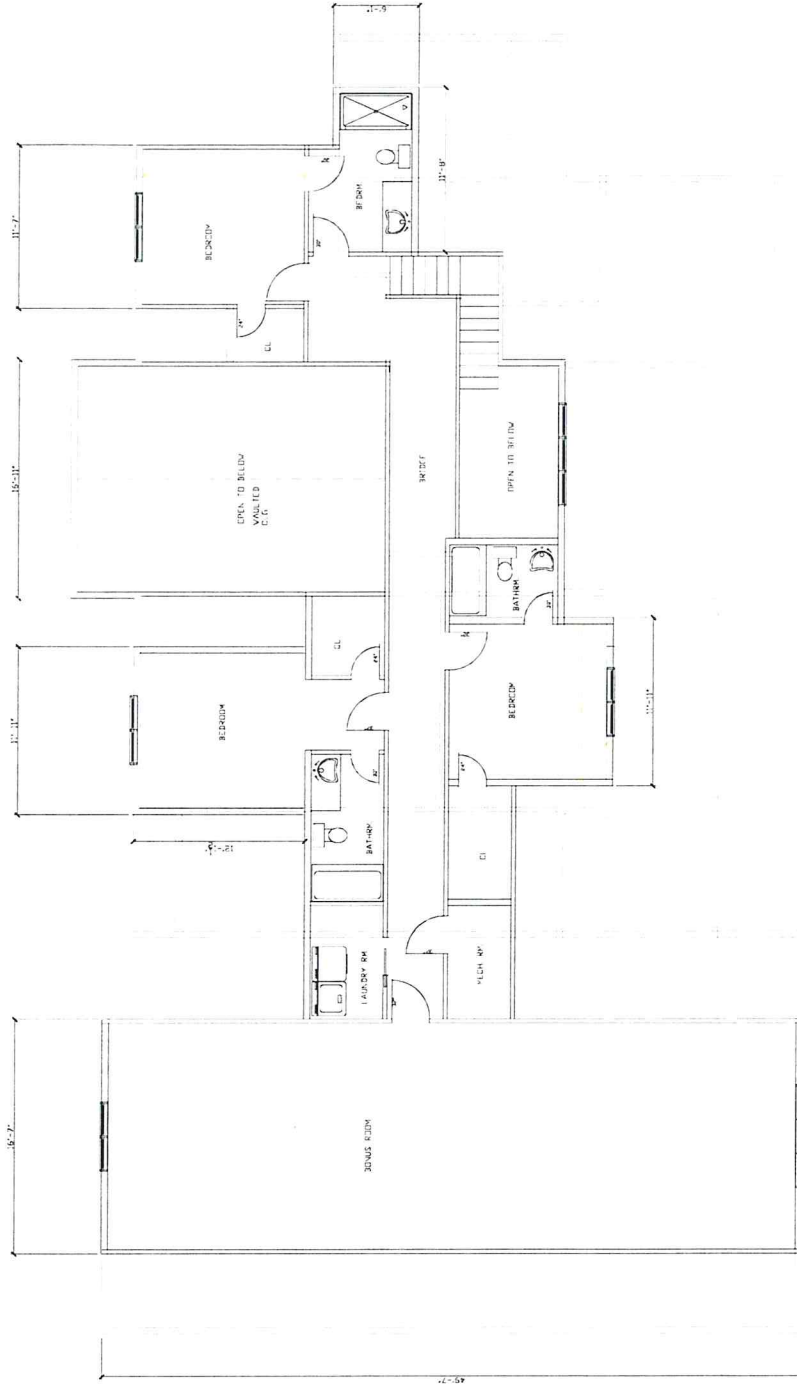
Plat Book \_\_\_\_\_ page \_\_\_\_\_  
 Recorder of Delaware County

Duly Entered for Taxation  
 Transfer Fees \$ 200.00  
 JUN 24 2024  
 DELAWARE CO. AUDITOR

Sheet 1 of 1



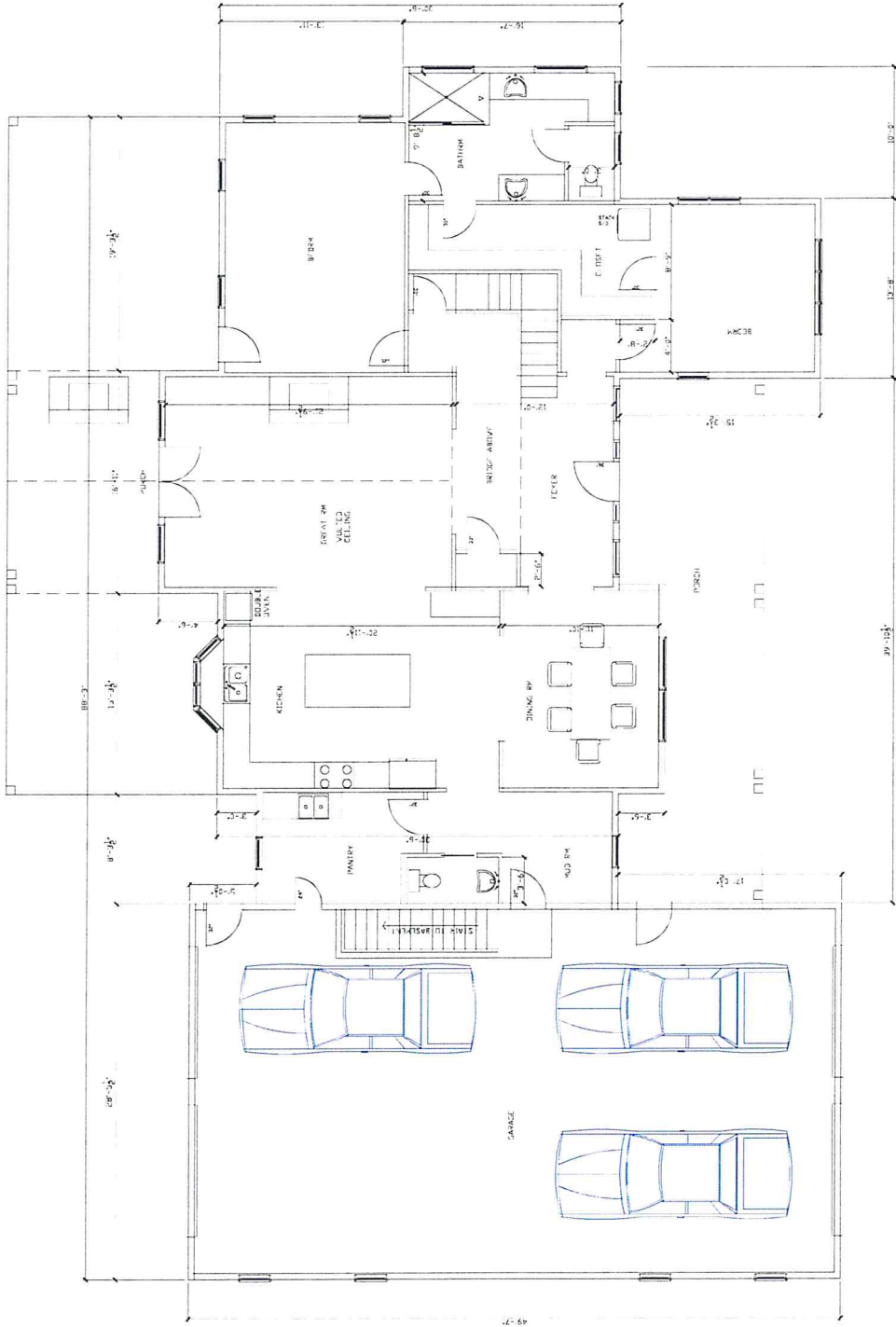
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number from this instrument, unless required by law.  
 Haldon L. Ashton  
 This instrument Prepared by: Haldon L. Ashton



SECOND FLOOR PLAN  
SCALE 1/8" = 1'-0"

KIMBRELL HOUSE PLANS  
General Contractor  
Ryne-Wood Builders Inc.

SEPT. 28, 2024



FIRST FLOOR PLAN  
 3/26/24 - P-3



Kimbell House Plans

General Contractor  
**Ryne Wood Builders Inc.**  
 AUG. 2024  
 SEPT. 28, 2024