

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

Delaware County

City of Muncie

Submitted: 01/02/2025

Case No.: BZA 02-25

(1) Applicant: Edwin Russell and Abigail Comber

Address: 6605 N Brenda Lane Phone: 765-212-5200

(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.: 2019R11665

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

Purchase Date: 9/06/2019

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).

6605 N Brenda Lane, 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.)

**SEE ATTACHED**

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

We are requesting a zoning appeal to raise a small number of birds (apx 12 chickens, ducks, and/or quail) on our property for personal use (fresh eggs). While there are no immediate plans to sell eggs, this may become a possibility if the supply exceeds personal use. The coop will be near the western edge of our property, next to land zoned for farming, and shielded on the south & east sides by the brick walls of our house. The birds will always be contained in a secure coop or fenced area unless under supervision, ensuring minimal impact on neighbors. Because it is adjacent to farming-zoned land, it is compatible with the area.

Reduced distance between birds and neighboring houses

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

R-1 Residence Zone

(10) Present use of the property:

Primary, residential home.

(11) Describe the proposed use of the property:

Continued residential use, with added chicken/bird coop next to zoned farm area.

(12) Is the property:

Owner Occupied

Renter Occupied

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

## **Answer to #7**

BZA 02-25 Comber

Request for variances from the terms of the Delaware County Comprehensive Zoning Ordinance, Article XIII, Section 1.A, to allow keeping 12 poultry birds (chickens, ducks and/or quail) and for business use to sell the eggs to customers, and Article XII, Section 1, to allow the birds to be kept with decreased distance to a neighboring residence the closest house being ~80' from the birds rather than 200' for a variance of ~120' in a residence zone.

(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.

#### Plat Restrictions

(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?

Spring 2025

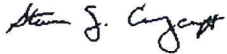
When will it be completed?

Summer 2025 and ongoing with maintenance and management of birds.

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

Our household will be solely responsible for the care and management of the birds.

Duly Entered for Taxation  
Transfer Fees \$ 20.00  
Sep 06 2019



DELAWARE CO. AUDITOR  
BN

**2019R11665**  
**MELANIE MARSHALL**  
**DELAWARE COUNTY RECORDER**  
**RECORDED ON**  
**09/06/2019 09:20 AM**  
**REC FEE 25.00**  
**PAGES: 2**

**WARRANTY DEED**

(Parcels No. 18-06-24-477-005.000-009  
and 18-06-24-477-006.000-009)

THIS INDENTURE WITNESSETH, That Dorothy L. Marvell ("Grantor") CONVEYS AND WARRANTS to Edwin Russell Comber V and Abigail Comber, Husband And Wife ("Grantees"), for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate located in Delaware County, State of Indiana:

Lots Number 3 and 4 n Brin-Dale Woods, an Addition situate in Harrison Township, Delaware County, Indiana, a plat of which is recorded in Plat Book 10, page 33, in the Office of the Recorder of Delaware County, Indiana.

The address of such real estate is commonly known as 6605 <sup>10</sup>Brenda Lane, Muncie, Indiana 47304.

Subject to any and all easements, agreements, restrictions and other matters of record; subject to the lien for real property taxes not delinquent; and subject to rights of way for roads and such matters as would be disclosed by an accurate survey and inspection of the real estate.

*[remainder of page intentionally left blank – signature page follows]*

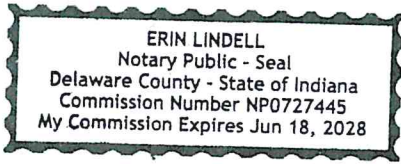
(I or We) Edwin Russell and Abigail Comber

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 2<sup>nd</sup> day of January, 20 25,



Erin Lindell  
Notary Public

June 18, 2028  
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 30 day of January, 20 25.

Signed: 



*Board of Zoning Appeals  
Sample Map*

