

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

**APPLICATION FOR APPEAL**

Jurisdiction: (Check One)

☒ Delaware County

☐ City of Muncie

Submitted: 4-2-25

Case No.: BZA 20-25

(1) Applicant: SAMUEL H COMBS

Address: 3905 W RUSSELL CT. MUNCIE, IN. 47304 Phone: 765-730-1290

(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.: 14

Page: 109-110

Purchase Date: 10/08/2021

Legal Description: (From the Deed or Abstract)

Lot Number Two Hundred Seventeen (217) and Lot Number Two Hundred Eighteen (218), In Farmington Plat No. Ten, a Subdivision of Real Estate located in Center Township, Delaware County, Indiana, as shown in Plat book 14, pages 109-110. in the Office of the Recorder of Delaware County, Indiana.

(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).

3905 W. Russell Ct., Muncie, Indiana 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.)

Request for a variance from the Delaware County Comprehensive Zoning Ordinance, Article IX, Section 14.B, to allow a 25' tall accessory building for a new 40'x 64'x 25' building for personal use (no business) in a residence zone.

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

THIS IS A REQUEST FOR VARIANCE OF STANDARDS - THE STANDARD THAT WE ARE SEEKING VARIANCE ON IS HEIGHT. THE REQUESTED HEIGHT VARIANCE IS FOR 25 TOTAL HEIGHT AT PEEK - VS THE 17 FEET ALLOWED BY THE STANDARD. (NOTE: This does not exceed the height of any of the surrounding homes.) This structure will be tastfully built and will be used for personal use only. It will have a indoor basketball goal/pickleball court for our family and friends. This will not be used as a training facility in any way. It will be well insulated so there will be no noise issues.

Proposed building will be 40'x64'x25'

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

R-2 Residence Zone

(10) Present use of the property:

RESIDENTIAL

(11) Describe the proposed use of the property:

PERSONAL - INDOOR BASKETBALL/PICKLEBALL FOR FAMILY

(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? yes

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

Neighboring neighbors have no issue with this improvement

- (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.

This has been okayed by the Farmington Neighborhood Association.

- (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?

Most likely May

When will it be completed?

Plans are to be done before june

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

The property owner and family. (Samuel Combs and family)

## AFFIDAVIT

(I or We) Samuel H. Combs

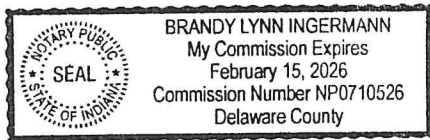
TYPE NAME(S) OF SIGNATORIES

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:

Samuel Combs

Subscribed and sworn to before me this 2 day of April, 20 25



Brandy Lynn Ingermann  
Notary Public

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 24 day of April, 20 25

Signed:

Date:

[Signature]  
4-10-25

DULY ENTERED FOR TAXATION  
TRANSFER FEES \$ 10.00  
Oct 12 2021 - ER  
DELAWARE COUNTY AUDITOR

2021R17371  
MELANIE MARSHALL  
DELAWARE COUNTY RECORDER  
RECORDED ON  
10/12/2021 01:57 PM  
REC FEE 25.00  
PAGES: 1  
RECORDED AS PRESENTED

### WARRANTY DEED

THIS INDENTURE WITNESSETH, that  
**Craig E. Buckles and Cynthia A. Buckles, Husband and Wife**  
of DELAWARE County, in the State of IN,  
Convey and Warrant to  
**Samuel Combs**

of DELAWARE County, in the State of IN, 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:

Lot Number Two Hundred Seventeen (217) and Lot Number Two Hundred Eighteen (218), in Farmington Plat No. Ten, a Subdivision of Real Estate located in Center Township, Delaware County, Indiana, as shown in Plat book 14, pages 109-110, in the Office of the Recorder of Delaware County, Indiana.

Tax Duplicate No: 18-07-31-206-001.000-002

Property Address: 3905 W. Russell Ct., Muncie, Indiana 47304

SUBJECT TO TAXES DUE AND PAYABLE PRORATED TO DAY OF CLOSING

GRANTEES TAX MAILING ADDRESS: Samuel Combs

3905 W. Russell Ct  
Muncie IN 47304

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

In Witness whereof the said **Craig E. Buckles and Cynthia A. Buckles, Husband and Wife** have hereunto executed the foregoing deed on this 8th day of October, 2021.

Craig E. Buckles  
Craig E. Buckles

Cynthia A. Buckles  
Cynthia A. Buckles

State of Indiana  
County of Delaware SS:

Before me, the undersigned, a Notary Public in and for said County, on this 8th day of October, 2021, came **Craig E. Buckles and Cynthia A. Buckles, Husband and Wife** and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal:

Susan B. Rankin  
Notary Public



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 Rankin

DULY ENTERED FOR TAXATION  
TRANSFER FEES \$ 10.00  
Oct 12 2021 - ER  
*Samuel J. Combs*  
DELAWARE COUNTY AUDITOR

2021R17371  
MELANIE MARSHALL  
DELAWARE COUNTY RECORDER  
RECORDED ON  
10/12/2021 01:57 PM  
REC FEE 25.00  
PAGES: 1  
RECORDED AS PRESENTED

### WARRANTY DEED

THIS INDENTURE WITNESSETH, that

**Craig E. Buckles and Cynthia A. Buckles, Husband and Wife**

of DELAWARE County, in the State of IN,

Convey and Warrant to

**Samuel Combs**

of DELAWARE County, in the State of IN, 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:

Lot Number Two Hundred Seventeen (217) and Lot Number Two Hundred Eighteen (218), in Farmington Plat No. Ten, a Subdivision of Real Estate located in Center Township, Delaware County, Indiana, as shown in Plat book 14, pages 109-110, in the Office of the Recorder of Delaware County, Indiana.

Tax Duplicate No. 18-07-31-206-001.000-002

Property Address: 3905 W. Russell Ct., Muncie, Indiana 47304

SUBJECT TO TAXES DUE AND PAYABLE PRORATED TO DAY OF CLOSING

GRANTEES TAX MAILING ADDRESS: Samuel Combs

3905 W. Russell Ct  
Muncie IN 47304

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

In Witness whereof the said **Craig E. Buckles and Cynthia A. Buckles, Husband and Wife** have hereunto executed the foregoing deed on this 8th day of October, 2021.

*Craig E. Buckles*  
Craig E. Buckles

*Cynthia A. Buckles*  
Cynthia A. Buckles

State of Indiana  
County of Delaware SS:

Before me, the undersigned, a Notary Public in and for said County, on this 8th day of October, 2021, came **Craig E. Buckles and Cynthia A. Buckles, Husband and Wife** and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal.

*[Signature]*  
Notary Public



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

*[Signature]*

Farmington Neighborhood Association  
Muncie, Indiana



March 1, 2025

Samuel Combs  
3905 W Russell CT  
Muncie, IN 47304

Reference: Parcel ID 0731206001000 Farmington Addition 3905 W Russell Ct. Muncie Ind.

Mr. Combs:

The Architectural committee of the Farmington Neighborhood Association has reviewed the plans that you have submitted for the storage barn that you have submitted for 3905 W Russell Ct. The committee has determined that the structure you have presented to us, meets the protective covenants of the Association, and therefore gives you approval of the Association for this structure.

If you find the need to make any changes sized or placement of the structure during construction, please advise us so we can make the necessary changes in our records.

If you have any other questions, please do not hesitate to contact us.

Kent Thomas

Chairman Architectural Committee  
Farmington Neighborhood Association



North

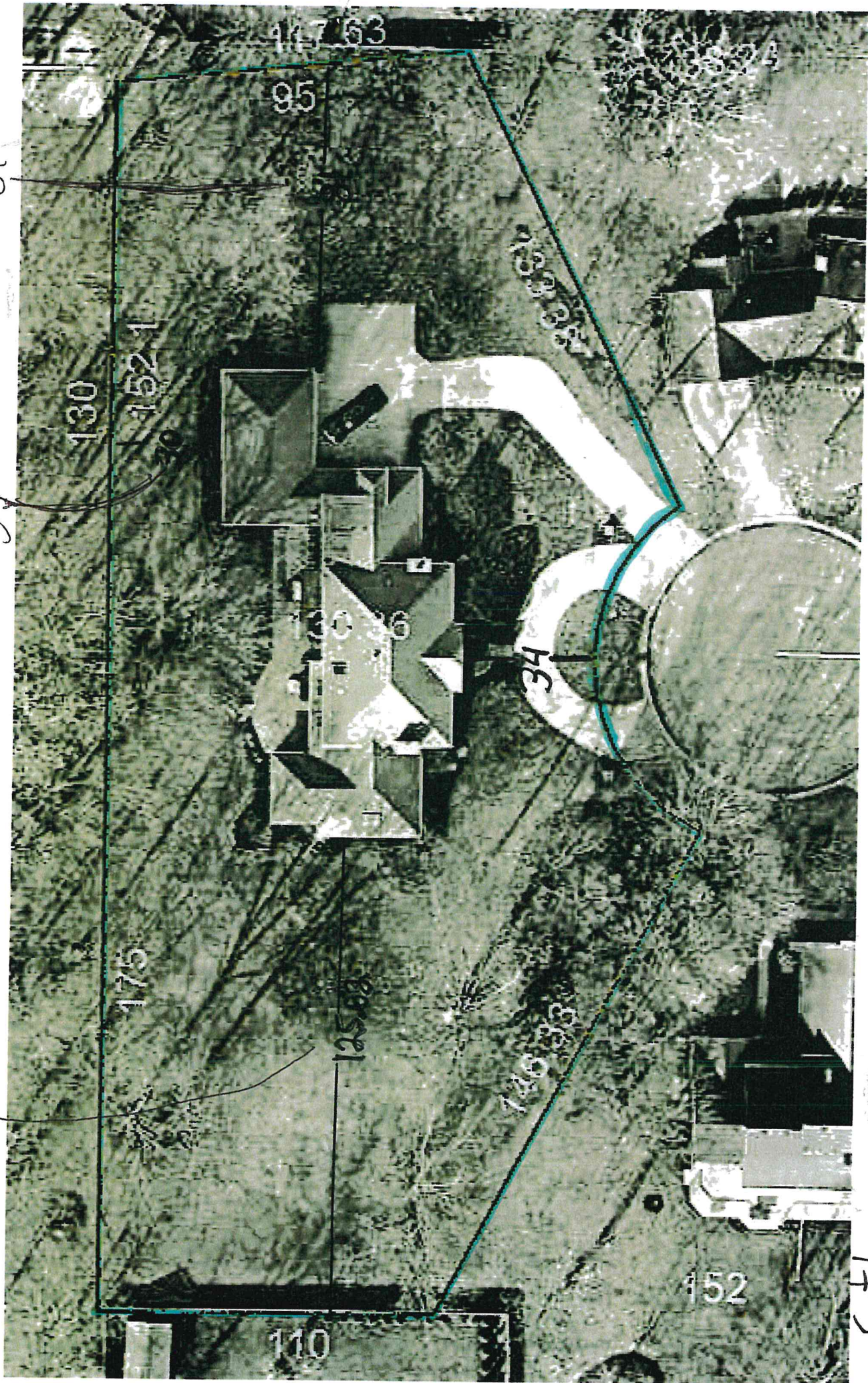




1276°

30

81



Current Structure & Driveway  
5289sq Feet

in Feet