

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

☒ Delaware County

☐ City of Muncie

Submitted: Mar. 26, 2025

Case No.: BZA 18-25

(1) Applicant: Irrevocable Trust Agreement of Fred J Edwards and Nellie Irene Edwards Dated Septemb
23,2021

Address: 8081 N Schindel Rd, Albany, IN Phone: 748-0655

(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.: 2022R01830 and 2025R04671

Page: _____

Purchase Date: 2/12/2025 and 4/7/2025

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).

8501 & 8601 Clifton Rd, Albany, IN

(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.)

This property is being divided to be split between the heirs of the estate. Where the metal building currently sits, it is across parcel lines. We are requesting a variance for a reduced side setback and reduced front setback for the parcel the metal building will be on after platting. There is no way to correct the metal building being across parcel lines and be in compliance with the setback requirements of the farming zone.

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

F-Farming Zone

(10) Present use of the property:

Personal Storage

(11) Describe the proposed use of the property:

Personal Storage

(12) Is the property:

☒ Owner Occupied

☐ Renter Occupied

☐ Other: _____

Answer to #7

BZA 18-25 Edwards

Request for variances from the Delaware County Comprehensive Zoning Ordinance, Article XII, Section 4, to allow a 35.98' front setback rather than 50' for a variance of 14.02' and Article XII, Section 5, to allow a 15.24' north side setback rather than 25' for a variance of 9.76', all for an existing metal barn to be located on a lot of 1.81 acre to be created through platting.

(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.

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. Yes. BZA 01-99 to allow a split of less than 5 acres in an F Farming zone (approved with a vote of 6-0)

No

(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?

Owner

AFFIDAVIT

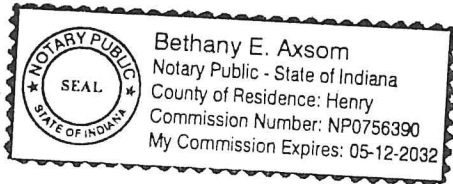
(I or We) Deborah Edwards
TYPE NAME(S) OF SIGNATORIES

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:

Deborah Edwards

Subscribed and sworn to before me this 26th day of March, 2025



Bethany E. Axsom
Notary Public

5/12/32

Commission Expires

Resident of Henry County

State of IN

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 29 day of April, 2025

Signed: [Signature]

Date: 4.10.25

POWER OF ATTORNEY

I, Nellie Irene Edwards, as Trustee of The Irrevocable Trust Agreement of Fred J. Edwards and Nellie Irene Edwards dated September 23, 2021 do hereby constitute and appoint Deborah L. Edwards as my true and lawful Attorney In Fact with general authority to act on my behalf with respect to the following matters:

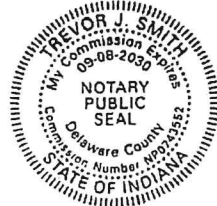
1. Real property transactions (I.C. 30-5-5-2)
2. Tangible Personal Property Transactions (I.C. 30-5-5-3)
3. Bonds, Commodities and Shares (I.C. 30-5-5-4)
4. Retirement plans (I.C. 30-5-5-4.5)
5. Banking transactions (I.C. 30-5-5-5)
6. Business Operations (I.C. 30-5-5-6)
7. Insurance (I.C. 30-5-5-7)
8. Beneficiaries (I.C. 30-5-5-8)
9. Gifts (I.C. 30-5-5-9)
10. Fiduciaries (I.C. 30-5-5-10)
11. Claims and Litigation (I.C. 30-5-5-11)
12. Family Maintenance (I.C. 30-5-5-12)
13. Military Service Benefits (I.C. 30-5-5-13)
14. Records, Reports and Statements (I.C. 30-5-5-14)
15. Estate Transactions (I.C. 30-5-5-15)
16. Health Care (I.C. 30-5-5-16)
17. To Withdraw or Withhold Health Care (I.C. 30-5-5-17)
18. Delegation of Authority (I.C. 30-5-5-18) and
19. All Other Matters (I.C. 30-5-5-19)

I hereby reserve the right of revocation; however, this Power of Attorney shall continue in full force and effect until I have executed and recorded in the Delaware County Recorder's Office a written revocation hereof.

I relieve all persons dealing with my said Attorney In Fact from determining the proper application of any money or other property received by my said Attorney In Fact on my behalf. I hereby ratify and confirm all that my said Attorney In Fact shall do by virtue hereof. Further, I agree to indemnify and hold harmless any person who, in good faith, acts under this Power of Attorney or transacts business with my Attorney In Fact in reliance upon this Power of Attorney, without actual knowledge of its revocation.

This Power of Attorney shall not be affected by my subsequent disability or incompetence.

IN WITNESS WHEREOF, I have signed this instrument this 5th day of October, 2023.



THE IRREVOCABLE TRUST AGREEMENT OF
FRED J. EDWARDS AND NELLIE IRENE
EDWARDS DATED SEPTEMBER 23, 2021

By: Nellie Irene Edwards
Nellie Irene Edwards, Trustee

State of Indiana, Delaware County, ss:

Before me the undersigned, a Notary Public in and for said County and State, this 5th day of October, 2023 came Nellie Irene Edwards, as Trustee of The Irrevocable Trust Agreement of Fred J. Edwards and Nellie Irene Edwards dated September 23, 2021, and acknowledged the execution of the foregoing instrument.

Commission Expires: September 08, 2030
County of Residence: Delaware

[Signature]
Notary Public

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)

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

DULY ENTERED FOR TAXATION
TRANSFER FEES \$ 10.00
Apr 07 2025 - ER

CMC NC/ND
DELAWARE COUNTY AUDITOR

RECEIVED

APR 07 2025

DELAWARE-MUNCIE
METROPOLITAN PLAN COMMISSION

2025R04671
JAN SMOOT
DELAWARE COUNTY RECORDER
RECORDED ON
04/07/2025 01:23 PM
REC FEE 25.00
PAGES: 2
RECORDED AS PRESENTED

Mail Tax Statements To Grantee At: 8081 North Schindel Road, Albany, IN 47320

QUIT-CLAIM DEED

THIS INDENTURE WITNESSETH, That Nellie Irene Edwards, by her attorney in fact, Deborah L. Edwards, of Delaware County, in the State of Indiana, RELEASES AND QUIT-CLAIMS to Fred J. Edwards and Nellie Irene Edwards as Co-Trustees of the Irrevocable Trust Agreement of Fred J. Edwards and Nellie Irene Edwards dated September 23, 2021, for no consideration, the following described real estate in Delaware County, in the State of Indiana, to-wit:

A part of the southeast quarter of the southwest quarter of Section 16, Township 21 north, Range 11 east, more particularly described as follows: Commencing at a point on the west line of said quarter quarter section in the center of the highway running east and west on the south side of the Town of Clifton; running thence south on said west line of said quarter quarter section 10 rods; thence east 20 rods; thence north 10 rods, more or less, to the center of said highway above mentioned; thence west 20 rods, more or less, to the place of beginning, containing 1 1/4 acres, more or less.

Parcel Number: 18-08-16-300-015.000-004.

Commonly known as 8501 Clifton Road, Albany, IN 47320.

Nellie Irene Edwards and Fred J. Edwards were husband and wife at the time of the purchase of this real estate and remained husband and wife until the death of Fred J. Edwards on May 29, 2023.

The Power of Attorney of Deborah L. Edwards was recorded in Record Number 2023R14372 on November 3, 2023.

IN WITNESS WHEREOF, the said Nellie Irene Edwards by her attorney in fact, Deborah L. Edwards, has hereunto set her hand and seal, this 7th day of April, 2025.

Nellie Irene Edwards by Deborah L. Edwards

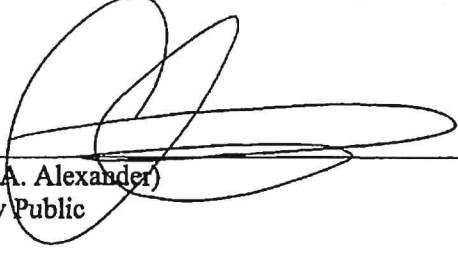
(Nellie Irene Edwards by Deborah L. Edwards her
Attorney in fact)

STATE OF INDIANA, DELAWARE COUNTY, SS:

Before me, the undersigned a notary public in and for said County, this 7th day of April, 2025, came Deborah L. Edwards as attorney in fact for Nellie Irene Edwards, and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal.




(Chip A. Alexander)
Notary Public

This instrument prepared by Chip A. Alexander, 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.

Chip A. Alexander

Bales &
Alexander

FEB 01 2022

For Taxation
Taxes \$ 80.00 ft

Delaware County Auditor

2022R01830
MELANIE MARSHALL
DELAWARE COUNTY RECORDER
RECORDED ON
02/01/2022 02:01 PM
REC FEE 25.00
PAGES: 5
RECORDED AS PRESENTED

Mail Tax Statements To Grantee At: 8081 North Schindel Road, Albany, IN 47320

QUIT-CLAIM DEED

THIS INDENTURE WITNESSETH, That Fred J. Edwards a/k/a Fred Edwards and Nellie I. Edwards a/k/a Nellie Irene Edwards of Delaware County, in the State of Indiana, RELEASES AND QUIT-CLAIMS to Fred J. Edwards and Nellie Irene Edwards as Co-Trustees of the Irrevocable Trust Agreement of Fred J. Edwards and Nellie Irene Edwards dated September 23, 2021, for no consideration, the following described real estate in Delaware County, in the State of Indiana, to-wit:

Tract 1.

A part of the Northwest Quarter of the Northwest Quarter of Section 21, Township 21 North, Range 11 East, more particularly described as follows, to-wit: Beginning at the northwest corner of the Northwest Quarter of the Northwest Quarter of Section 21, Township 21 North, Range 11 East, thence south on the west line of the said Northwest Quarter of the Northwest Quarter 331.7 feet to the northwest corner of a tract of land deeded by Chancy M. Kinter and Grace E. Kinter to Leon W. Agullana by deed dated January 29, 1965, and recorded in Deed Record 450, pages 19-20 in the office of the Recorder of Delaware County, Indiana, thence east on the north line of the Agullana tract 1281.44 feet to the center line of a County Road commonly known as Sharon Road; thence North on the center line of the said Sharon Road to the north line of the said Northwest Quarter of the Northwest Quarter; thence west on the north line of the said Northwest Quarter of the Northwest Quarter to the point of beginning. Estimated to contain 9.75 acres, more or less. Excepting therefrom the following tract: Commencing at a point in the east line of the Northwest Quarter of the Northwest Quarter of Section 21, Township 21 North, Range 21 East 248.2 feet south of the northwest corner of the said Northwest Quarter of the Northwest Quarter running thence south on the east line of the said Northwest Quarter of the Northwest Quarter 79.98 feet; thence westerly with an interior angle of 93°51'10" 255.59 feet; thence north with an interior angle of 89°11'43" 90.23 feet; thence east with an interior angle of 38°33'48" 250.01 feet to the point of beginning. Estimated to contain 0.504 acres, more or less. ALSO excepting therefrom a tract of land being 643.12 feet in equal width East and West off of the entire west and of the above described land, containing 4.885 acres, more or less. The area of the tract of land hereby conveyed, after deducting the two exceptions, contain 4.500 acres, more or less. Subject to all legal highways.

Parcel Number: 18-08-21-100-002.000-004. Commonly known as 8081 North Schindel Road, Albany, IN 47320

Tract 2.

Lot Number Eleven (11) in Replat of Andrew's Acres, a Subdivision of real estate situated in Mt/Pleasant Township, Delaware County, Indiana, as shown in Plat Book 10 pages 19 and 20 in the



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Recorder's Office of Delaware County, Indiana. Parcel Number: 18-10-23-152-009.000-017.
Commonly known as 2209 Sisk Road, Yorktown, IN 47396.

Tract 3.

Part of the South Half of the Southeast Quarter of Section 16, Township 21 North, Range 11 East, described as follows: Beginning at a point in the South line of said Southeast Quarter 103.52 rods East of the Southwest corner thereof, running thence North parallel with the West line of said Southeast Quarter 290.4 feet, thence East parallel with the South line of said Southeast Quarter 150 feet, thence South parallel with said West line 290.4 feet to the South line of said Southeast Quarter, thence West on said South line 150 feet to the place of beginning, containing 1 acre, more or less. Parcel Number: 18-08-16-400-020.000-004. Commonly known as 9450 East Co. Rd. 500 North, Albany, IN 47320.

Tract 4.

A part of the East Half of the Southwest Quarter of Section 24, Township 21 North, Range 10 East in Hamilton Township, Delaware County, Indiana, described as follows: Beginning at the point of intersection of the North line of the East Half of the Southwest Quarter of Section 24, Township 21 North, Range 10 East with the center line of State Highway #67, said point being South 90°00'00" East 1028.00 feet (assumed bearing from the Northwest corner of said Half-Quarter Section); thence South 37°03'00" West 176.80 feet along said center line; thence South 85°39'03" East 239.04 feet to a 5/8 inch rebar; thence North 00°00'00" 159.23 feet to a nail 132.00 feet East of the point of beginning; thence North 90°00'00" West 132.00 feet to the point of beginning, containing 0.64 of an acre, more or less, and subject to the right-of-way for State Highway #67 along the Westerly side, to the right-of-way for County road 450-N along the Northerly side and to all easements of record. Parcel Number: 18-07-24-326-003.000-006. Commonly known as 7212 State Road 67, Muncie, IN 47303.

Tract 5.

A part of the Southeast Quarter of the Southwest Quarter of Section 16, Township 21 North, Range 11 East, more particularly described as follows:

Beginning at a cornerstone marking the Northwest corner of the land owned by Benjamin Zehner in Deed Record 18 page 170 of the records of Delaware County, Indiana; thence South 19 rods; thence East 9 rods; thence North 19 rods; thence West 9 rods to the place of beginning. Estimated to contain 1.096 acres, more or less.

EXCEPT: Beginning at the Northwest corner of the above described tract; thence South 100.0 feet; thence East 148.5 feet; thence North 100.0 feet; thence West 148.5 feet to the point of beginning, said exception containing 0.341 of an acre, more or less; leaving after said exception 0.719 of an acre, more or less. Parcel Number: 18-08-16-300-007.000-004. Commonly known as 8300 North Schindel Road, Albany, IN 47320.

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Tract 6.

A part of the Southeast Quarter of the Southwest Quarter of Section 16, Township 21 North, Range 11 East, more particularly described as follows, to-wit: Beginning at a point, which point is established as follows: Beginning at the Southwest corner of said Southeast Quarter of the Southwest Quarter and running thence North 00 degrees 00 minutes West on the West line thereof 754.3 feet to the center line of a Public Highway; thence running North 82 degrees 34 minutes 20 seconds East on said center line 159.35 feet to the point of beginning of the Tract hereafter described; thence running North 80 degrees 39 minutes 10 seconds East on said center line 393.14 feet; thence running North 78 degrees 40 minutes 40 seconds East on said center line 178.34 feet to the center line of Campbell's Creek; thence running North 12 degrees 25 minutes 10 seconds East on the center line of said Creek 241.14 feet; thence running South 89 degrees 10 minutes West 622.0 feet; thence running South 01 degree 16 minutes 50 seconds East 325.4 feet to the point of beginning, containing 3.813 acres, more or less.

Parcel Number: 18-08-16-300-021.000-004. Commonly known as Clifton Road, Albany, IN 47320

Tract 7.

A part of the southeast quarter of the southwest quarter of Section 16, Township 21 north, Range 11 east, Delaware County, Indiana, described as follows, to-wit: Commencing at a point in the west line of said southeast quarter of the southwest quarter, 5 chains north of the southwest corner thereof; running thence east parallel to the south line of said southeast quarter southwest quarter, 5.32 chains; thence north 5 degrees 30 minutes east a distance of 1.44 chains; thence north 41 degrees 00 minutes east a distance of 5.19 chains; thence east parallel to the south line of said southeast quarter southwest quarter, a distance of 1 chain to the center line of Campbells Creek; thence bearing north 24 degrees 00 minutes east on said center line, a distance of 2.88 chains; thence north 14 degrees 00 minutes east on said center line, a distance of 3.82 chains; thence running west parallel to the south line of said southeast quarter southwest quarter, 9.73 chains; thence south parallel to the west line of said southeast quarter southwest quarter, 4.93 chains to the center line of a highway; thence bearing north 81 degrees 30 minutes east on the center line of said highway for a distance of 2.65 chains; thence running south parallel to the west line of said southeast quarter southwest quarter, 2.90 chains; thence west parallel to the south line of said southeast quarter southwest quarter, 5.06 chains to the west line of said southeast quarter southwest quarter; thence running south on said west line 4.015 chains to the place of beginning, estimated to contain 8.16 acres, more or less.

EXCEPTING THEREFROM: A part of the southeast quarter of the southwest quarter of Section 16, Township 21 north, Range 11 east, more particularly described as follows, to-wit: Beginning at a point, which point is established as follows: Beginning at the southwest corner of said southeast quarter of the southwest quarter and running thence north 00 degrees 00 minutes west

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on the west line thereof 754.3 feet to the center line of a public highway; thence running north 82 degrees 34 minutes 20 seconds east on said center line 159.35 feet to the point of beginning of the tract hereafter described; thence running north 80 degrees 39 minutes 10 seconds east on said center line 393.14 feet; thence running north 78 degrees 40 minutes 40 seconds east on said center line 178.34 feet to the center line of Campbells Creek; thence running north 12 degrees 25 minutes 10 seconds east on the center line of said Creek, 241.14 feet; thence running south 89 degrees 10 minutes west 622 feet; thence running south 1 degree 16 minutes 50 seconds east 325.4 feet to the point of beginning, containing 3.813 acres, more or less.

ALSO EXCEPTING THEREFROM: A part of the East half of the Southwest quarter of Section 16, Township 21 North, Range 11 East in Delaware Township, Delaware County, Indiana, described as follows: Beginning at a nail on the West line of the East half of the said Southwest quarter, said nail being North 00 degrees 00 minutes 00 seconds 330.00 feet (assumed bearing) from the Southwest corner of said half-quarter Section; thence North 00 degrees 00 minutes 00 seconds 230.00 feet; thence North 89 degrees 11 minutes 19 seconds East 190.00 feet; thence South 00 degrees 00 minutes 00 seconds 230.00 feet to the South line of a tract of ground described in Deed Record 1986 pages 851-2, Records of Delaware County, Indiana; thence South 89 degrees 11 minutes 19 seconds West 190.00 feet to the point of beginning, containing 1.00 acres, more or less, and subject to the right-of-way for County Road 525-E along the Westerly side thereof and to all easements of record. Parcel Number: 18-08-16-300-016.000-004. Commonly known as 8601 Clifton Road, Albany, IN 47320.

Tract 8.

Lot Numbered 20 in Eden Park Addition, Section "A", a subdivision of real estate in Hamilton Township, Delaware County, Indiana, a plat of which is recorded in Plat Book 7, Page 53 of the records of plats of Delaware County, Indiana. Parcel Number: 18-07-11-152-014.000-006. Commonly known as 10609 Mansfield, Muncie, IN 47303.

IN WITNESS WHEREOF, the said Fred J. Edwards a/k/a Fred Edwards and Nellie I. Edwards a/k/a Nellie Irene Edwards have hereunto set their hands and seals, this 31st day of January, 2022.


(Fred J. Edwards a/k/a Fred Edwards)


(Nellie I. Edwards a/k/a Nellie Irene Edwards)

Mail Tax Statements To Grantee At: 8081 North Schindel Road, Albany, IN 47320

QUIT-CLAIM DEED

THIS INDENTURE WITNESSETH, That Nellie Irene Edwards as the sole surviving trustee of the Irrevocable Trust Agreement of Fred J. Edwards and Nellie Irene Edwards dated September 23, 2021, by her attorney in fact, Deborah L. Edwards, of Delaware County, in the State of Indiana, RELEASES AND QUIT-CLAIMS to Fred J. Edwards and Nellie Irene Edwards as Co-Trustees of the Irrevocable Trust Agreement of Fred J. Edwards and Nellie Irene Edwards dated September 23, 2021, for no consideration, the following described real estate in Delaware County, in the State of Indiana, to-wit:

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IN WITNESS WHEREOF, the said Nellie Irene Edwards by her attorney in fact, Deborah L. Edwards, has hereunto set her hand and seal, this 12th day of February, 2025.

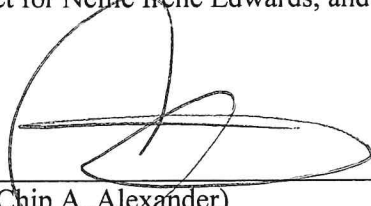
Nellie Irene Edwards by Deborah L Edwards POA
(Nellie Irene Edwards by Deborah L Edwards her
Attorney in fact)

STATE OF INDIANA, DELAWARE COUNTY, SS:

Before me, the undersigned a notary public in and for said County, this 12th day of February, 2025, came Deborah L. Edwards as attorney in fact for Nellie Irene Edwards, and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal.




(Chip A. Alexander)
Notary Public

This instrument prepared by Chip A. Alexander, 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.



323 W. Washington St.
Albany, NY 12206
Ph: 765-282-5594
Fax: 765-282-5596
ashtonland.com

Existing Boundary Lines
860 Clifton Road
Albany, NY

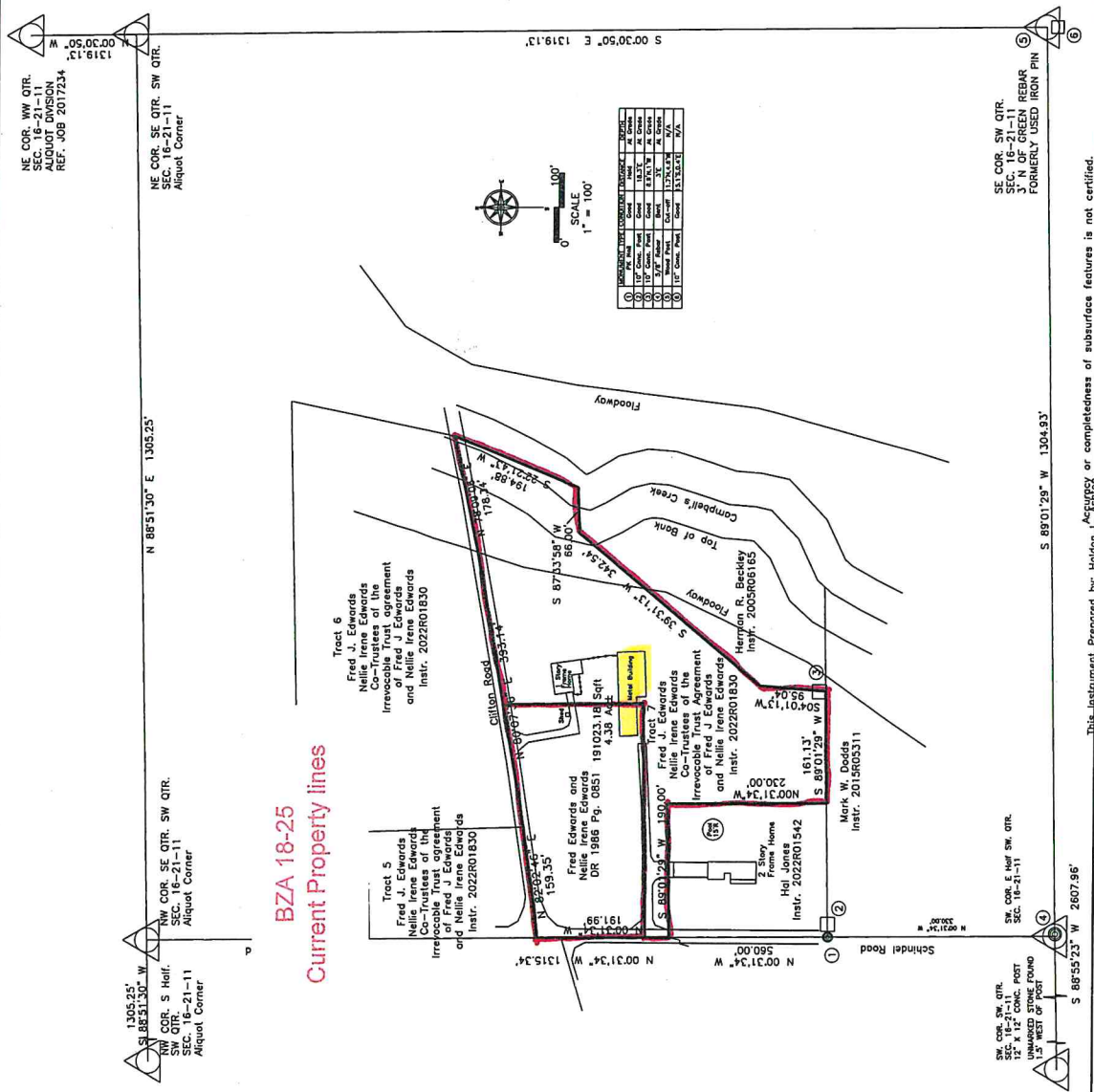
I affirm, under the penalties for perjury, that I have personally examined the records and the field notes and maps and certify that they are correct and true and that the same conform to the requirements of the law.

SECTION COVERING APPROPRIATE ARE SHOWN ON RECORD STATE PLAT AND EXISTING RECORD MAPS AND DATA OF THIS OFFICE (DATE 2022.000)

REVISIONS	
No.	Reason

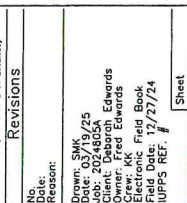
Drawn: SMK
Date: 01/22/25
Job: 2024805
Owner: Fred Edwards
Clerk: KK
Field Date: 12/27/24
LUPPS REF. #

Sheet



BZA 18-25
Current Property lines

This instrument prepared by Ashton Land Surveyors or completeness of subsurface features is not certified.



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