

ORDINANCE NO. 2016-004

ORIGINAL

**BEING AN ORDINANCE TO AMEND  
THE DELAWARE COUNTY COMPREHENSIVE ZONING ORDINANCE**

**WHEREAS**, the State enabling act for planning and zoning empowers the Board of County Commissioners of Delaware County, Indiana to adopt a Comprehensive Zoning Ordinance and also provides for amendments to the said ordinance as the need arises; and

**WHEREAS**, the Board of County Commissioners of Delaware County, Indiana has given reasonable regard to the Comprehensive Plan; current conditions and the character of current structures and uses in each district; the most desirable use for which land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible growth and development.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, INDIANA**, as follows:

**Section 1.** That the Delaware County Comprehensive Zoning Ordinance, theretofore adopted by the Board of County Commissioners of Delaware County, Indiana, on the 11th day of December, 1973, be amended, changed and supplemented so as to include in the **R-4 Residence Zone** the following described real estate located in Delaware County, Indiana, to wit:

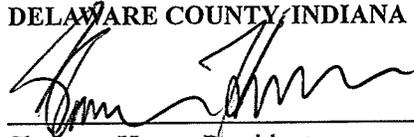
**Lot 3 in Pearce Addition, an Addition to the City of Muncie**

**Section 2.** That no structures shall be placed on said lot or parcel of land except in compliance with the Delaware County Comprehensive Zoning Ordinance of Delaware County, Indiana.

**Section 3.** That this Ordinance shall be in full force and effect from and after its passage by the Board of County Commissioners of Delaware County, Indiana.

**Section 4.** That this Ordinance is adopted this 15 day of February 2016.

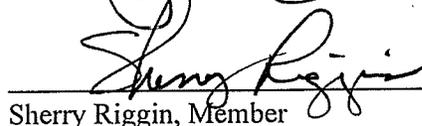
**BOARD OF COUNTY COMMISSIONERS  
DELAWARE COUNTY, INDIANA**

  
\_\_\_\_\_

Shannon Henry, President

  
\_\_\_\_\_

James King, Vice President

  
\_\_\_\_\_

Sherry Riggins, Member

**ATTEST:**

  
\_\_\_\_\_  
Steven G. Craycraft, Auditor

Delaware-Muncie Metropolitan Plan Commission  
Excerpt of Case Analysis - February 2016

MPC 03-16Z

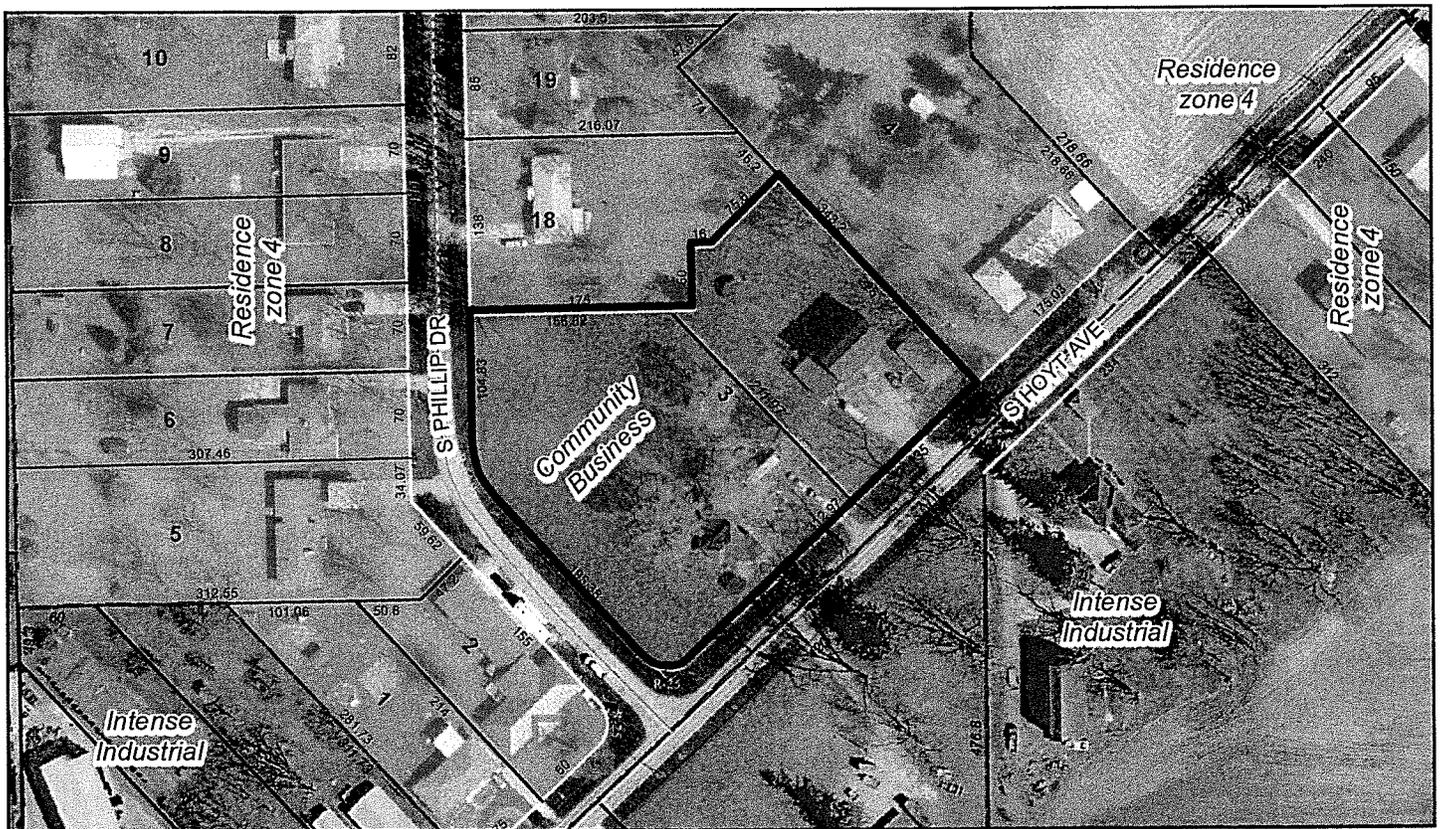
Evans, Jeffrey, Judy E. Mickey, and Julayne L. Ross

**Location & Description:** 3113 & 3121 S. Hoyt Ave., Muncie

Located on the northwest side of S. Hoyt Ave. and the east side of S. Phillip Dr.

Traveling west on Main St. from downtown, go - 0.1 miles to S. Liberty St., turn left (south), go - 0.5 miles to S. Hoyt Ave., veer right (southwest) onto S. Hoyt Ave., go - 2 miles, the sites are on the right (northwest) side of S. Hoyt Ave.

The overall site is - 1.9 acres; one parcel is vacant, the other parcel has a residential structure that was built in 1960, a barn and a utility shed that were both built in 1900, and a gazebo that was built in 1990.



**Streets:** S. Hoyt Ave. is classified as Collector/Connector with a 60' proposed R.O.W. and S. Phillip Dr. is classified as a Local Road with a 50' proposed R.O.W. according to the Thoroughfare Plan Map. The northwest side of S. Hoyt Ave. is platted with 30' of R.O.W.; this section of S. Hoyt Ave. does not have dedicated R.O.W. on its south east side; S. Phillip Dr. was platted with a 50' R.O.W. S. Hoyt Ave. is classified as a Major Road and S. Phillip Dr. is classified as a Minor Road according to the Delaware County Major/Minor Roads Map.

**Land Use:** This property is currently residential and greenspace (vacant) in use. Surrounding properties to the west, north, east, and south are residential in use.

**Zoning:** 3113 & 3121 S. Hoyt Ave. are classified in the BC Community Business Zone. Surrounding properties

to the west and north are classified in the R-4 Residence Zone. Surrounding properties to the east and south are classified in the II Intense Industrial Zone.

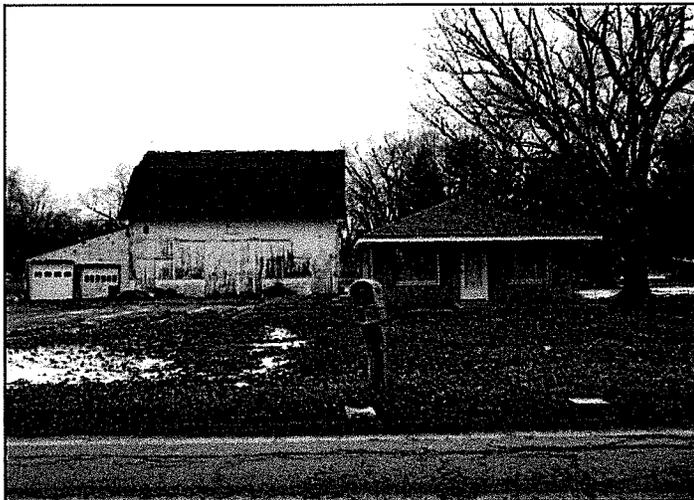
**Request:** The request is to rezone the properties to the R-4 Residence Zone. The applicant would like to sell the properties to buyers that would use them for residential use.



View of the vacant lot from the SE looking to the NW.



View of the vacant lot from the SE looking to the NW.



View of the house and accessory structure from the SE looking to the NW.



View of the properties from the SW looking to the NE.

**REPORT TO THE BOARD OF COUNTY COMMISSIONERS  
OF DELAWARE COUNTY, INDIANA**

February 9th, 2016

**To The Honorable:**

Board of County Commissioners of Delaware County, Indiana

**Dear Board Members:**

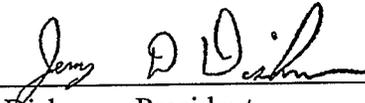
The Delaware-Muncie Metropolitan Plan Commission hereby submits to you the following report on the application of: Jeffrey Evans, Judy E. Mickey, and Julayne L. Ross, 5005 Preakness Crt., Muncie, IN, such applicant petitioning the commission to rezone the real estate as described in the application, generally located at: 3113 & 3121 S. Hoyt Avenue, Muncie, IN, from zone classification: BC Community Business Zone to zone classification: R-4 Residence Zone.

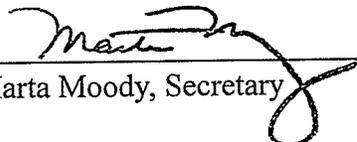
WHEREAS, the Commission has given reasonable regard to the comprehensive plan, current conditions and the character of current structures and uses in each district, the most desirable use for which the land in each district is adapted, the conservation of property values throughout in the jurisdiction and responsible growth and development; and

NOW, THEREFORE, the Delaware-Muncie Metropolitan Plan Commission hereby FAVORABLY RECOMMENDS (7-0-0-2) the application for rezoning.

**DELAWARE-MUNCIE METROPOLITAN  
PLAN COMMISSION**

BY:

  
\_\_\_\_\_  
Jerry Dishman, President

  
\_\_\_\_\_  
Marta Moody, Secretary