

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

**APPLICATION FOR APPEAL**

Jurisdiction: (Check One)

☒ Delaware County

☐ City of Muncie

Submitted: April 22, 2025

Case No. BZA 24-25

(1) Applicant: Dean Peercy, Julie Danielson

Address: 11700 S. County Rd. 396 E Phone: 765-717-3705

(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.: 09908

Page: 3259,3260

Purchase Date: April 17, 1998

Legal Description: (From the Deed or Abstract)

lot number one (1), two (2), six (6), and seven (7).

(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).

11700 S. County Rd. 396 E

(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.)

switch variance to include farm animals

28 chickens

7 ducks

2 turkeys

2 guinea fowl

4 goats

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

R-3 Residence Zone

(10) Present use of the property:

residential, chickens, goats

(11) Describe the proposed use of the property:

residential, farm

(12) Is the property:

☐ Owner Occupied

☒ Renter Occupied

☐ Other: \_\_\_\_\_

## **Answer to #7**

BZA 24-25 Peercy

Request for a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance, Article XV, Section 1.A, to allow 28 chickens, 7 ducks, 2 turkeys, 2 guinea fowl and 4 goats, and to allow ~100' between the farm animals and the nearest neighboring house rather than a minimum 200' separation between where the animals are kept and neighbors for a variance of ~100', all for the 43 various farm animals to be kept 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? yes

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

I have personally talked to The Hunters across the street, The Hancocks directly next door, I have also talked to the Peters next to Scott Smith (the one who complained). They all said they had no issue with the animals.

- (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.

the fence is finished

- (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?

will address issues with fence when they arise

When will it be completed?

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

occupants of house

## AFFIDAVIT

(I or We) Dean Percy, Julie Danielson  
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:

*Dean Percy*

Subscribed and sworn to before me this 22 day of April, 2025

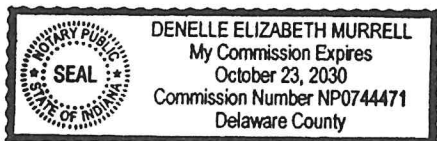
*Denelle Murrell*  
Notary Public

October 23, 2030  
Commission Expires

Resident of Delaware County

State of Indiana

DENELLE ELIZABETH MURRELL  
My Commission Expires  
October 23, 2030  
Commission Number NP0744471  
Delaware County



### 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 May, 2025.

Signed:

*Denelle Murrell*

Date:

4-23-25

VA#:  
NBMC#: 0104684584NAME: Dean & Betty Peercy  
PROP: 11700 South ~~CR~~ 396 E.  
Muncie, IN 47302

0119132400

THIS INDENTURE WITNESSETH THAT American Housing Trust II, a common law trust which is formed under the laws of the State of New York, having its principal place of business at c/o the Chase Bank of Texas, N.A. (formerly known as Chemical Bank), 801 West Greens Road, Suite 200, Houston, TX 77067, CONVEYS AND WARRANTS to Dean Peercy and Betty Peercy, husband and wife, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other valuable consideration the receipt whereof is hereby acknowledged, the following described property situated in the County of Delaware, Indiana, to-wit:

LOT NUMBERED ONE (1), TWO (2), SIX (6) AND SEVEN (7) IN BLOCK NUMBERED THREE (3) IN THE TOWN OF MT. PLEASANT, INDIANA.

2:30 FILED FOR RECORD  
Record 1988 Page 3259-60

MAY 11 1998

10<sup>00</sup>  
103.  
Recorder, Delaware County

Grantor warrants the title to said property against the lawful claims of any and all persons claiming or to claim the same or any part thereof by, through or under Grantor.

IN WITNESS WHEREOF, Grantor, on this the 17TH day of APRIL, 1998, has caused this instrument to be signed and sealed on the Grantor's behalf by the undersigned, being thereunto duly appointed and qualified, and who is authorized to execute this instrument.

THE CHASE BANK OF TEXAS, N.A. F/K/A  
THE CHASE MANHATTAN BANK  
F/K/A CHEMICAL BANK  
NOT IN ITS INDIVIDUAL CAPACITY, BUT  
SOLELY AS TRUSTEE FOR:

Signed, Sealed and Delivered  
in the presence of:

Bicili Woods  
BICILI WOODS

Geeta Lutchman  
GEETA LUTCHMAN

AMERICAN HOUSING TRUST II

By: FELISHA R. GREEN

SR. OPERATIONS SUPERVISOR

Duly Entered for Taxation  
Transfer Fees \$ 3.00

MAY 11 1998

Delaware County


#0104684584 Percy

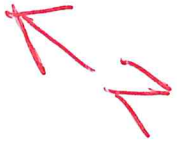
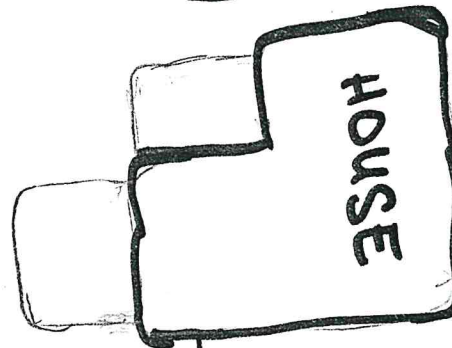
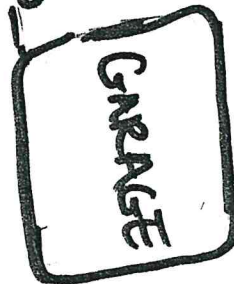
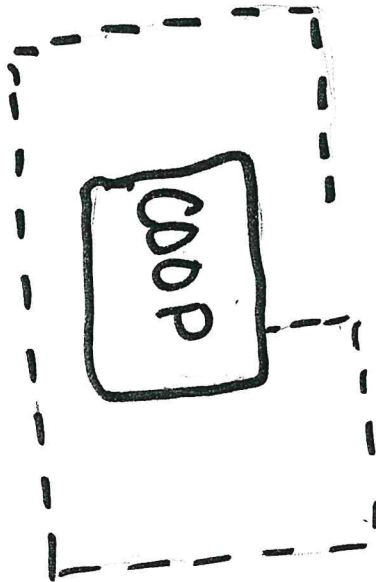
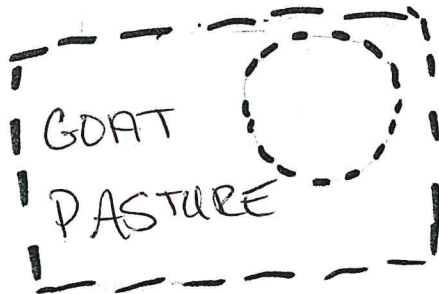
STATE OF: TEXAS  
COUNTY OF: HARRIS

On this date, before me the undersigned, personally appeared FELISHA R. GREEN, with whom I am personally acquainted, and who, upon oath, acknowledged her/himself to be the SR. OPERATIONS SUPERVISOR of The Chase Bank of Texas, N.A. (formerly known as Chemical Bank), not in its individual capacity, but solely as Trustee for American Housing Trust II, the within named bargainor, a trust, and that she/he as such FELISHA R. GREEN being authorized so to do, executed the foregoing instrument for the purpose therein contained by signing the name of the trust by her/himself as SR. OPERATIONS SUPERVISOR.

WITNESS my hand and seal at office in Houston, TX, this the 17TH day of APRIL, 19 98.



  
Notary Public  
My Commission expires:



CR 396 E