

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

☒ Delaware County

☐ City of Muncie

Submitted: 4/24/25

Case No.: BZA 25-25

(1) Applicant: Amy and Kenneth Pope

Address: 16099 W. Cty Rd 750 S, Daleville, IN 47334 Phone: 765-635-6689

(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.: 2021R/01633

Page: 2021R/01633

Purchase Date: 02/01/2021

Legal Description: (From the Deed or Abstract)

PT WHLF SW QTR S24 T19 R08 16.21 AC

(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).

16099 W. County Road 750 South, Daleville, IN 47334

(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.)

Variance

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

F- Farming Zone

(10) Present use of the property:

Residential and Event Venue

(11) Describe the proposed use of the property:

Residential

(12) Is the property:

☒ Owner Occupied

☐ Renter Occupied

☐ Other: _____

Answer to #7

BZA 25-25 Pope

Request for a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance, Article XII, Section 1, to allow a temporary 1,000 sq. ft. dwelling to be in a new 40'x 60' barn for the duration of need of the applicant's parents, Gary and Irene Sneed, on 16.21 acres in a farm zone.

Amy and Kenneth Pope
16099 West County Road 750 South
Daleville, IN 47334
765-635-6689

BZA 25-25
Answer to #8

To whom it may concern:

We are requesting a variance for the purpose of building a barndominium with a small living quarters attached for Amys elderly parents to live in.. Amys parents ^{names?} have multiple health concerns and are unable to properly maintain a home without the assistance of family. Amy, as she is a registered nurse, will also be able to assist with any healthcare needs that may arise. Kenneth can assist with the mowing and maintenance of the home and surrounding property. Having Amys parents living close to us would be much safer for her parents. The future intent of the barndominium, after Amys parents are deceased would be used for a storage barn.

Sincerely, Amy and Kenneth Pope

- (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.

All persons notified are fine with the decision to build a small barndominium for my elderly parents to live in so that health care can be provided to them by family.

- (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.

December 17, 2020 BZA 46-20 Approved

- (17) If the Appeal is granted, when will work commence?

Anticipate to begin the construction immediately following the approval.

When will it be completed?

Within 6 months of starting the construction.

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

Gary & Irene Sneed; Amy's Parents

AFFIDAVIT

(I or We) Amy Pope and Kenneth Pope

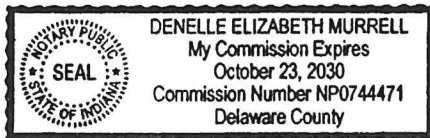
TYPE NAME(S) OF SIGNATORIES

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:

Amy Pope
Kenneth Pope

Subscribed and sworn to before me this 6 day of May, 2025



Denelle Murrell
Notary Public

October 23, 2030
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 29 day of May, 2025.

Signed:

[Signature]

Date:

5-14-25

Duly Entered for Taxation
Transfer Fees \$ 10

MAY 06 2025

DELAWARE CO. AUDITOR

COPY

2025R05864
JAN SMOOT
DELAWARE COUNTY RECORDER
RECORDED ON
05/06/2025 09:48 AM
REC FEE 25.00
PAGES: 2
RECORDED AS PRESENTED

File No.: 20250797
Parcel Number: 18-13-24-301-003.000-021

Amy Pope
2P

WARRANTY DEED

This Indenture Witnesseth, That Amy R. Pope (Grantor) **Convey(s) and Warrant(s)** to Amy R. Pope and Kenneth Aaron Pope, wife and husband (Grantee) for no consideration, the following described real estate in Delaware County, in the State of Indiana:

SEE EXHIBIT "A" ATTACHED HERETO

The parties hereto acknowledge that the preparer has not conducted a title search in connection with this transaction and makes no guarantee as to the status or condition of the real estate title.

Subject To any and all easements, assessments, agreements, and restrictions of record.

In Witness Whereof, Grantor has executed this deed this 6 day of May, 2025.

Amy R. Pope
Amy R. Pope

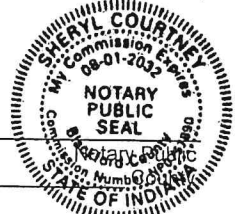
State of Indiana, County of Delaware SS: ACKNOWLEDGMENT

Before me, a Notary Public in and for the said County and State, personally appeared Amy R. Pope who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 6 day of May, 2025.

My Commission Expires: _____

Residing in _____



Send tax bills to and Grantee's street or rural route address is: 16099 W CR 750 S, Daleville, In 47334

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, Attorney-at-Law

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

TX:4238673

DocId:8412324



EXHIBIT "A"
LEGAL DESCRIPTION

A part of the West Half of the Southwest Quarter of Section 24, Township 19 North, Range 8 East in Salem Township, Delaware County, Indiana, described as follows: Beginning at a 5/8 inch rebar on the West line of the Southwest Quarter of Section 24, Township 19 North, Range 8 East said rebar being South 00 degrees 00 minutes 37 seconds East 668.46 feet (assumed bearing) from a 3/4 inch pipe marking the Northwest corner of said Quarter Section; thence South 89 degrees 15 minutes 25 seconds East 1306.92 feet parallel with the North line of said Quarter Section to a 5/8 inch rebar on the East line of the West Half of said Quarter Section; thence South 00 degrees 06 minutes 09 seconds West 735.25 feet to a 5/8 inch rebar; thence North 89 degrees 43 minutes 07 seconds West 645.33 feet to a 5/8 inch rebar on the East line of Lot 12 in Sylvan Hills Subdivision an addition to Salem Township; thence North 00 degrees 00 minutes 37 seconds West 61.63 feet to a one inch pipe marking the Northeast corner of said Lot 12; thence North 89 degrees 43 minutes 07 seconds West 660.00 feet to the Northwest corner of said addition; thence North 00 degrees 00 minutes 37 seconds West 864.16 feet to the point of beginning, containing 21.27 acres, more or less.

EXCEPT: A part of the West Half of the Southwest Quarter of Section 24, Township 19 North, Range 8 East, in Salem Township, Delaware County, Indiana, described as follows: Beginning at a 5/8 inch rebar on the West line of the Southwest Quarter of Section 24, Township 19 North, Range 8 East, said rebar being South 00 degrees 00 minutes 37 seconds East 875.06 feet (assumed bearing) from a 3/4 inch iron pipe marking the Northwest corner of said Half-Quarter Section; thence south 82 degrees 42 minutes 07 seconds East 526.35 feet to a 5/8 inch rebar; thence South 07 degrees 59 minutes 00 seconds West 417.02 feet to a 5/8 inch rebar on the North line of Lot 12 in Sylvan Hills Subdivision an Addition to Salem Township; thence North 89 degrees 43 minutes 07 seconds West 464.09 feet to a 5/8 inch rebar at the Northwest corner of said addition; thence North 00 degrees 00 minutes 37 seconds West 477.56 feet to the point of beginning, containing 5.06 acres, more or less.

DULY ENTERED FOR TAXATION

TRANSFER FEES \$ 10.00

Feb 01 2021 - ER

Amy R. Pope

NC/ND

DELAWARE COUNTY AUDITOR

2021R01633

MELANIE MARSHALL
DELAWARE COUNTY RECORDER

RECORDED ON
02/01/2021 09:20 AM

REC FEE 25.00

PAGES: 4

RECORDED AS PRESENTED

QUIT-CLAIM DEED

20-4002

THIS INDENTURE WITNESSETH, That Amy R. Moore n/k/a Amy R. Pope ("Grantor") of Delaware County in the State of Indiana, QUITCLAIM(S) to Amy R. Pope, for no consideration, the following described real estate in Delaware County, Indiana:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

Commonly known as: 16099 W CR 750 S, Daleville, IN 47334

Parcel Number: 18-13-24-301-003.000-021

Taxing Unit: Salem

Subject to easements, restrictions, covenants and agreements of record.

Grantor herein, Amy R. Pope, hereby states and certifies that she is one and the same person as the Grantee and who took title as Amy R. Moore.

IN WITNESS WHEREOF, the Grantor has executed this deed, this 29th day of January, 2021.

Signature

Printed

Amy R. Pope
Amy R. Moore
n/k/a Amy R. Pope

RECEIVED

APR 24 2025

DELAWARE-MUNCIE
METROPOLITAN PLAN COMMISSION

State of Indiana

County of Delaware

Before me, Notary Public in and for said County and State, personally appeared **Amy R. Moore n/k/a Amy R. Pope**, who acknowledged the execution of the foregoing Quitclaim Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 29th day of January, 2021.



Signature _____

Printed _____

Residing in _____

County, IN

My commission expires: _____

03/26/2025

THIS DOCUMENT IS PROVIDED FOR SINGLE USE OF INSTRUMENT ONLY AND NOT TO BE REPRODUCED OR COPIED FOR ANY OTHER PURPOSE.

Certificate of Proof

EXECUTED AND DELIVERED in my presence:

Shannon Scott
Witness Signature

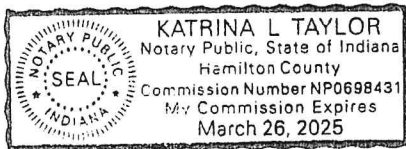
Shannon Scott
Witness Name [Printed][Typed]

STATE OF INDIANA
COUNTY OF Delaware

Before me, a Notary Public in and for said County and State, personally appeared

SHANNON SCOTT, being known to me to be the person whose name is subscribed as a witness to the foregoing instrument, who, being duly sworn by me, deposes and says that the foregoing instrument was executed and delivered by Amy R. Moore n/k/a Amy R. Pope in the above-named subscribing witness's presence, and that the abovenamed subscribing witness is not a party to the transaction described in the foregoing instrument and will not receive any interest in or proceeds from the property that is the subject of the transaction.

Witness my hand and Notarial Seal this 29th day of January, 2021.



Signature Katrina L. Taylor
Printed Katrina L. Taylor
Resident of HAMILTON County, Indiana
My commission expires: 03/26/2025

Grantee's Mailing Address: 16099 W. CR 750 S. DALEVILLE IN 47334
Send Tax Statements to: 16099 W. CR 750 S. DALEVILLE IN 47334

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. /s/ Leroy D. Medley

This instrument was prepared by: Leroy D. Medley, Attorney at Law
580 East Carmel Drive, Suite 308, Carmel, Indiana 46032

No title exam performed by the preparer. Legal description and parties' names provided by the parties

THIS DOCUMENT IS PROVIDED FOR RESALE UNDER IC 36-2-7

EXHIBIT "A"
LEGAL DESCRIPTION
16099 W CR 750 S, Daleville, IN 47334

Tract 2A

A part of the West Half of the Southwest Quarter of Section 24, Township 19 North, Range 8 East in Salem Township, Delaware County, Indiana, described as follows: Beginning at a 5/8 inch rebar on the West line of the Southwest Quarter of Section 24, Township 19 North, Range 8 East said rebar being South 00 degrees 00 minutes 37 seconds East 668.46 feet (assumed bearing) from a 3/4 inch pipe marking the Northwest corner of said Quarter Section; thence South 89 degrees 15 minutes 25 seconds East 1306.92 feet parallel with the North line of said Quarter Section to a 5/8 inch rebar on the East line of the West Half of said Quarter Section; thence South 00 degrees 06 minutes 09 seconds West 735.25 feet to a 5/8 inch rebar; thence North 89 degrees 43 minutes 07 seconds West 645.33 feet to a 5/8 inch rebar on the East line of Lot 12 in Sylvan Hills Subdivision an addition to Salem Township; thence North 00 degrees 00 minutes 37 seconds West 61.63 feet to a one inch pipe marking the Northeast corner of said Lot 12; thence North 89 degrees 43 minutes 07 seconds West 660.00 feet to the Northwest corner of said addition; thence North 00 degrees 00 minutes 37 seconds West 864.16 feet to the point of beginning, containing 21.27 acres, more or less.

Together with a non exclusive ingress-egress easement, described as follows:

Beginning at a 5/8 inch rebar at the point of intersection of the North line of the Southwest Quarter of Section 24, Township 19 North, Range 8 East with the Southeasterly limited access right-of-way of Interstate Highway #69, said rebar being South 89 degrees 15 minutes 25 seconds East 220.12 feet (assumed bearing) from a 3/4 inch pipe marking the Northwest corner of said Quarter Section; thence North 89 degrees 15 minutes 25 seconds East 90.00 feet; thence South 59 degrees 21 minutes 11 seconds West 78.74 feet; thence South 30 degrees 11 minutes 16 seconds West 21.19 feet; thence South 28 degrees 18 minutes 18 seconds West 404.12 feet; thence South 00 degrees 00 minutes 37 seconds East 250.72 feet; thence North 89 degrees 15 minutes 25 seconds West 40.00 feet to a point on the West line of said Quarter Section; thence North 00 degrees 00 minutes 37 seconds West 260.29 feet along said West line; thence North 28 degrees 18 minutes 18 seconds East 414.87 feet along the Southeasterly limited access right-of-way line of Interstate Highway #69; thence North 30 degrees 11 minutes 16 seconds East 46.37 feet along said right-of-way line to the point of beginning.





1324100008000

750 S RD



1324301002000

1324326003000

1324301003000

1324326002000

1324400001000

POWERED BY

esri

660 ft

355156 31 1750676 20



260.29

1324301002000

1306.92

16099

Proposed

barn

526.35

16091

Shed

1324301003000

477.56

1324301004000

417.02

464.09

248.71

130.50

138.50

211.12

POWERED BY

esri

200 ft

1324356003000

353748.40, 1760327.56

+

🌐

-

🎯

📍

📱

🌿

📷

🔍

🌐

1324301002000

1306.

16099

1,000 sq ft living space	1,400 sq ft barn space garage
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Well

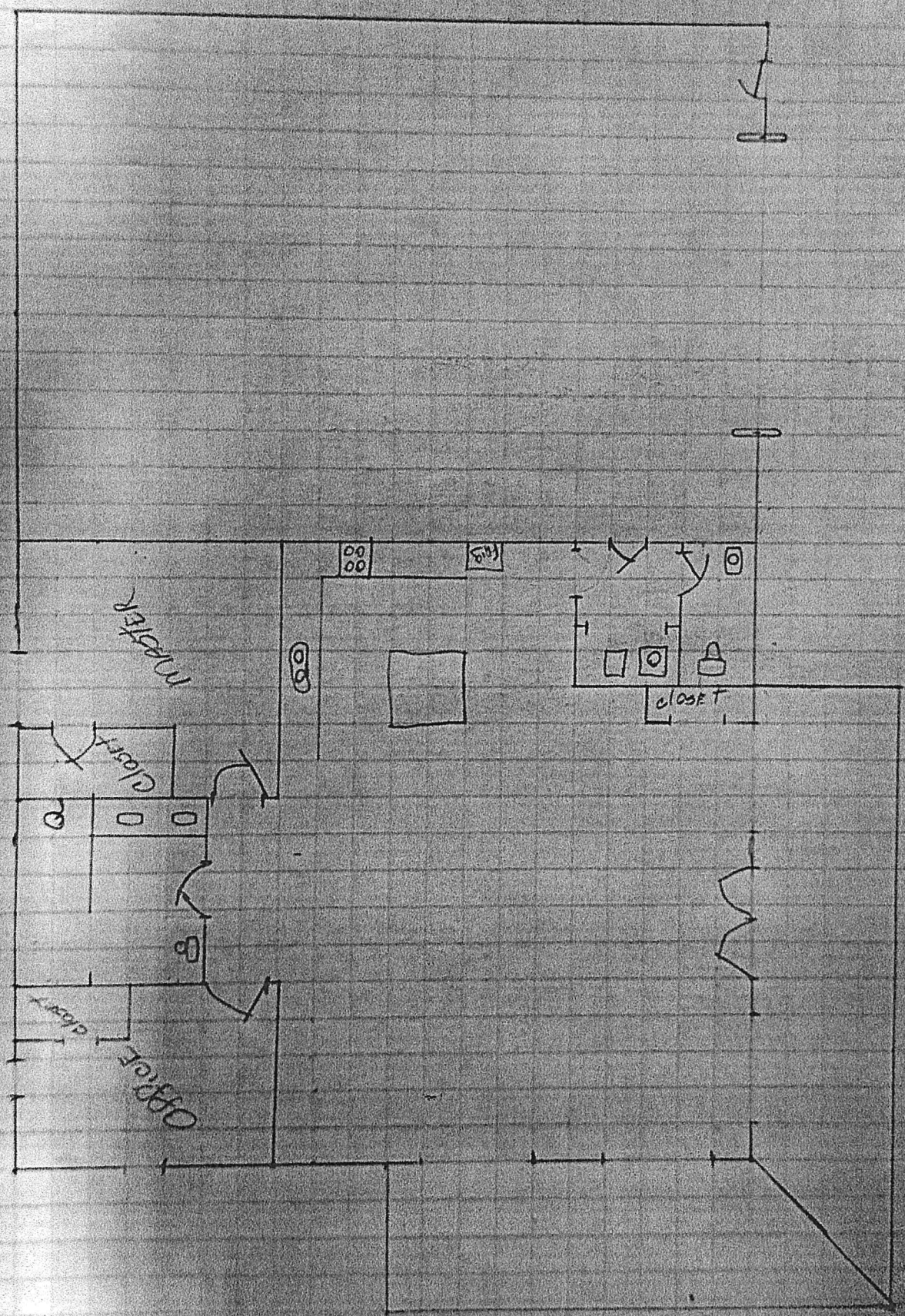
Storage
barn
mower

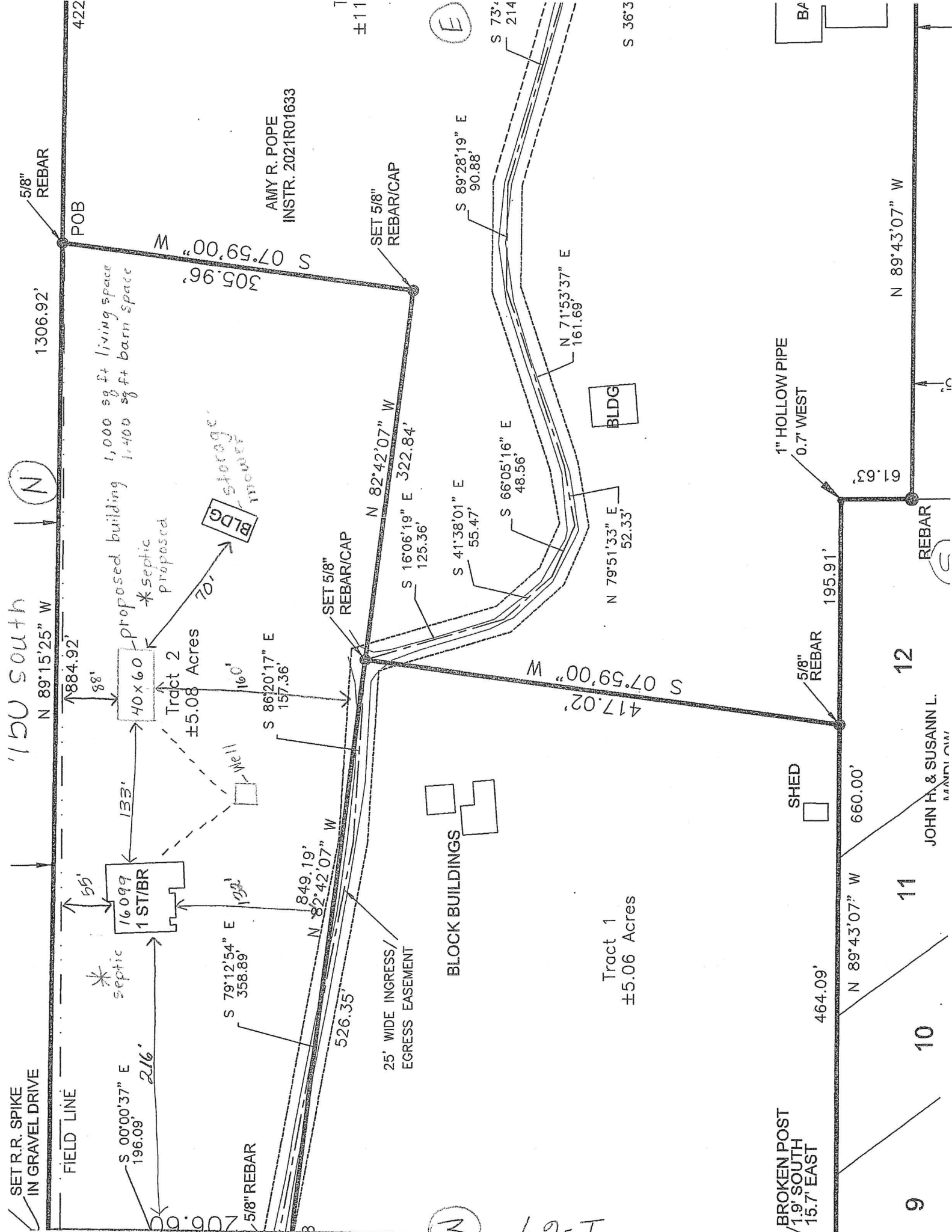
1324301003000

35

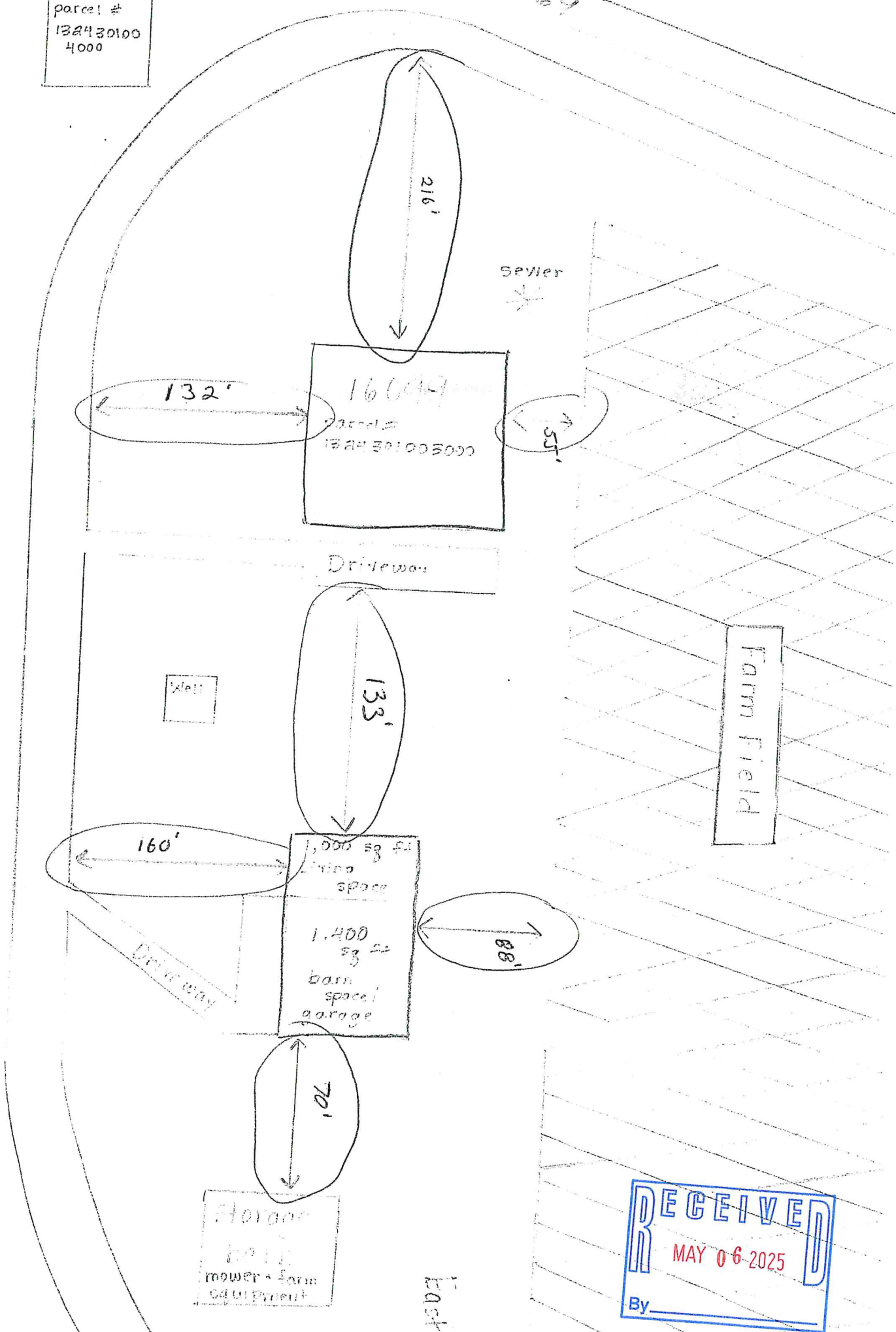
100 ft ▲

Each Block = 2'





parcel #
132430100
4000



RECEIVED
MAY 06-2025
By _____