

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

**APPLICATION FOR APPEAL**

Jurisdiction: (Check One)

☐ Delaware County

☒ City of Muncie

Submitted:

**BZA**

Case No.:

6-25-25

29-25

(1) Applicant: Megan Bohm

Address 3116 W Torquay Rd. Muncie, IN 47304 Phone: 317-752-0811

(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.: instr#2024R03199

Page: \_\_\_\_\_

Purchase Date: 02/23/2024

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).

1238 S Burlington Dr. Muncie, IN 47302 And 1201 S Tennessee Ave.

(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.)

There are two residences on the same parcel. We are dividing the property to put each home on its own lot. Please see the attached sheet for the list of requested variances.

**SEE ATTACHED**

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

**R-4 Residence Zone**

(10) Present use of the property:

**2 Dwellings**

(11) Describe the proposed use of the property:

**Residence**

(12) Is the property:

☐ Owner Occupied

☒ Renter Occupied

☐ Other: \_\_\_\_\_

## **Answer to #7 BZA 29-25 Megan Bohm**

Request for variances from the terms of the City of Muncie Comprehensive Zoning Ordinance, Article IX, Section 13, which states no lot of land shall be divided into 2 or more lots of land unless all lots of land resulting in such division shall conform with the provisions of this Ordinance. The request is to allow division of a lot with two existing structures into two parcels with one structure on each through platting, and additional variances as follows:

**The existing structure on the north end of the property (proposed Lot 25A) would require variances from the following:**

Article XVI, Section 3 – The request is to allow a reduced frontage of 39.23' rather than 50' for a variance of 10.77'.

Article XVI, Section 3– The request is to allow a reduced lot width of 48.19' rather than 50' for a variance of 1.81'.

Article XVI, Section 3– The request is to allow a reduced square footage of the lot to allow 2,357 square feet rather than the 6,250 square feet minimum for a variance of 3,893 square feet.

Article XVI, Section 4– The request is to allow a reduced front setback of 0' rather than 25' for a variance of 25' (covered porch extends into the ROW).

Article XVI, Section 5– The request is to allow the proposed side setback of this structure to be 1.69' side setback rather than a 5' setback for a variance of 3.31'.

Article XVI, Section 7– The request is to allow a reduced rear setback of 14.78' rather than 25' for a variance of 10.22'.

Article XVI, Section 9– The request is to allow a reduced dwelling square footage of 698.25 rather than 720 for a variance of 21.75 square feet.

Article XVI, Section 9– The request is to allow a reduced dwelling width of 20.65' rather than 24' for a variance of 3.35'.

Article XXX, Section 2. A– The request is to allow no parking for a residential dwelling, rather than 2 parking spaces per dwelling.

**The existing structure on the south end of the property (proposed Lot 25 B) would require variances from the following:**

Article XVI, Section 5– The request is to allow a side setback of 4.92' rather than 5' for a variance of 0.08'.

Article XVI, Section 6– The request is to allow a street-side corner lot setback of 0' rather than 20' for a variance of 20' (covered porch extends into the ROW).

Article XVI, Section 7 – The request is to allow a rear setback of 4.42' rather than 25' for a variance of 20.58'.

Article XVI, Section 9– The request is to allow a 4,927 square foot lot rather than a 6,250 square foot lot for a variance of 1,323 square feet, all to separate 2 dwellings onto individual lots.

8.

Lot division

Lot 25A

Reduced square footage of the lot

Reduced lot width

Reduced frontage

Reduced front setback

Reduced side setback

Reduced rear setback

Reduced floor area

Reduced building width

No off-street parking

Lot 25B

Reduced square footage of the lot

Reduced side setback

Reduced corner lot side setback

Reduced rear setback

- (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.

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) Megan Bohm

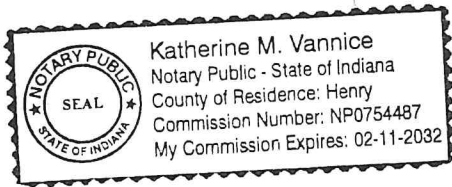
TYPE NAME(S) OF SIGNATORIES

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:

*Megan Bohm*

Subscribed and sworn to before me this 17<sup>th</sup> day of June, 2025



*Katherine M Vannice*  
Notary Public

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 31 day of July, 2025.

Signed:

*[Signature]*

Date:

6.26.25

Mathewson Law  
3p

2024R03199  
JAN SMOOT  
DELAWARE COUNTY RECORDER  
RECORDED ON  
02/23/2024 03:03 PM  
REC FEE 25.00  
PAGES: 3  
RECORDED AS PRESENTED

TRUSTEE'S DEED

THIS INDENTURE WITNESSETH: That Megan Bohm, as Successor Trustee of the Donald E. Stamper Revocable Living Trust warrants and conveys to Megan Bohm for and in consideration of One Dollar and other valuable consideration, the receipt whereof is hereby acknowledged, the following described REAL ESTATE, in the State of Indiana, County of Delaware, to-wit:

PARCEL 1:

THE FOLLOWING DESCRIBED REAL ESTATE IN MUNCIE, INDIANA,  
TO-WIT:

LEGAL DESCRIPTION: SITUATED IN THE COUNTY OF DELAWARE, IN  
THE STATE OF INDIANA TO WIT:

LOT NUMBER 25 IN THE HIGHWAY ADDITION TO THE CITY OF MUNCIE,  
INDIANA, EXCEPT A PART OF LOT NUMBER 25 IN THE HIGHWAY  
ADDITION TO THE CITY OF MUNCIE, INDIANA, MORE PARTICULARLY  
DESCRIBED AS FOLLOWS TO WIT:

BEGINNING AT THE NORTHWEST CORNER OF LOT NUMBER 25 IN THE  
HIGHWAY ADDITION, TO THE CITY OF MUNCIE, INDIANA; THENCE  
SOUTHEASTERLY, ALONG THE NORTH LINE OF SAID LOT NUMBER 25,  
7.17 FEET; THENCE SOUTHWESTERLY, 148.21 FEET, TO THE SOUTH  
LINE OF LOT NUMBER 25, ALSO BEING THE NORTHERLY RIGHT-OF-  
WAY LINE OF BURLINGTON DRIVE, TO A POINT THAT IS 2.73 FEET EAST  
OF THE SOUTHWEST CORNER OF SAID LOT NUMBER 25 2.73 FEET, TO  
THE SOUTH-WEST CORNER OF SAID LOT NUMBER 25; THENCE NORTH,  
ALONG THE WEST LINE OF SAID LOT NUMBER 25, 150.0 FEET, TO THE  
POINT OF BEGINNING. ESTIMATED TO CONTAIN .015 ACRES (673.11 SQ.  
FT.) MORE OR LESS.

Parcel ID: 18-11-14-403-017.000-003

Property Address: 1238 S. Burlington Dr., Muncie, IN 47302

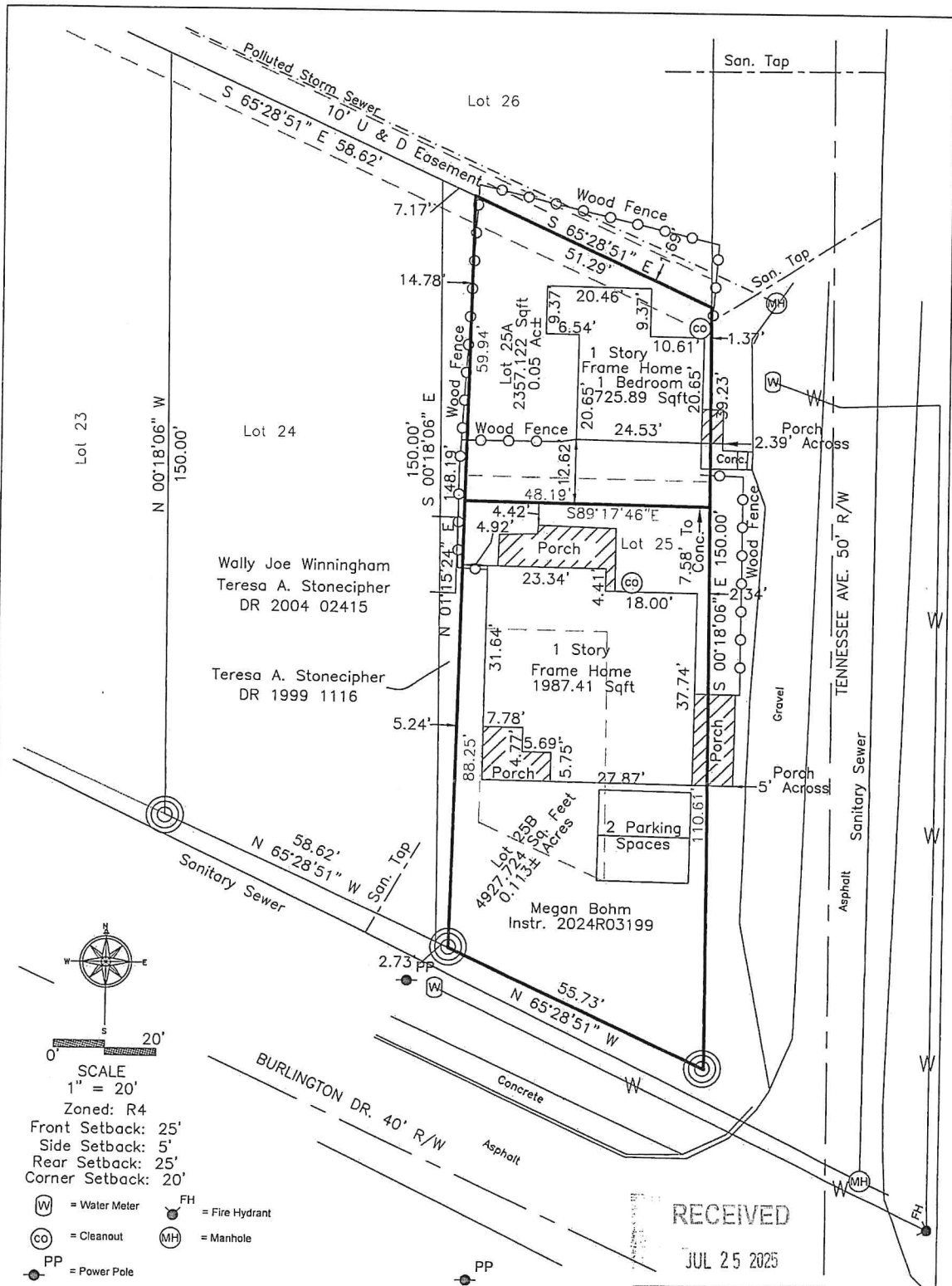
Tax Mailing Address: 3116 W. Torquay Rd., Muncie, IN 47304

Duly Entered for Taxation  
Transfer Fees \$ 20.00

FEB 23 2024

DELAWARE CO. AUDITOR





This Instrument Prepared by: Haldon L. Ashton  
Accuracy or completeness of subsurface features is not certified.

Revisions
Date: Reason:
Date: Reason:
Drawn: SMK Date: 06/18/25 Job: 2025412 Client: Megan Bohm Owner: Donald Stamper Rev. Trust Crew: EA Electronic Field Book Field Date: 03/04/24 IUPPS REF. #

Variance Drawing  
1238 South Burlington Drive  
Muncie, IN

SECTION CORNER COORDINATES ARE BASED ON  
INDIANA STATE PLANE EAST ZONE (NORTH AMERICAN  
DATUM OF 1983, CORS 96 EPOC 2002.000)  
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 (HALDON L. ASHTON).



325 West Washington Street, Muncie, IN 47305  
Ph: (765) 287-5534 Fax: (765) 282-5554  
Email: ashtonlandsurveyors.com

BZA 29-25