

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

☒ Delaware County

☐ City of Muncie

Submitted: 11/26/25

Case No.: BZA 65-25

(1) Applicant: Steven S. Massie

Address: 11801 W. Co. Rd. 400 S. Yorktown, IN 47396

Phone: 765-729-2713

(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.: Record Instalment # 2013R01332

Page: _____

Purchase Date: December 27, 2012

Legal Description: (From the Deed or Abstract)

A part of the Northeast Quarter (NE 1/4) of Section Five (5), Township Nineteen (19) North, Range Nine (9)

East, more particularly described as follows, to-wit:

Beginning at a point in the North line of the Northeast Quarter (NE 1/4) of Section Five (5), Township

(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).

11801 W. County Road 400 S. Yorktown, IN 47396

(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.)

FOR OFFICE USE ONLY

(8) State reasons supporting the Appeal: (If filing for a variance, refer to the attached sheet entitled "Hardship Variance" for explanation/guidance.)

Variance to operate my tree service using the back (south portion) of the property and part of the front to operate my tree service business. My operating hours are 8 am to 8 pm. Days of operation varies with the season and weather. The business operations include storing/maintaining vehicles and equipment and dropping/storing brush and trees while waiting to transfer to a disposal facility. No open burning is performed for business purposes. Storing and processing firewood is for personal use only. There are many businesses surrounding me, including Reed's plumbing (which adjoins my property), a tree farm, locksmith, and autobody garage.

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

(F) Farm Zone

(10) Present use of the property:

Residential Home and Tree Service

(11) Describe the proposed use of the property:

Residential Home and Tree Service

(12) Is the property:

☒ Owner Occupied

☐ Renter Occupied

☐ Other: _____

Answer to #7

BZA 65 -25 Steven S. Massie

Request for a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance, from Article XII, Section 1, to allow the operation of a tree service business, including the storage of work vehicles, brush, and trees, in a farm zone. An additional request from the terms of the Delaware County Comprehensive Zoning Ordinance, from Article XII, Section 6, to allow approximately 1' rear setback, rather than 50', for a variance of 49', and Article XII, Section 5, to allow approximately 0' east side setback, rather than 25', for a variance of 25' to reflect the existing conditions on the property.

- (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.

1. Jason Reed, Owner of Reed's Plumbing, has stated he has no problem with me having a tree service. 2. Ernest Westerfield has stated that he doesn't have a problem with me having a tree service. 3. James Haler has stated the same.

- (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.

Yes, I have had a sawmill and a tree service since 2012 with no complaints.

- (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?

February 2026

When will it be completed?

n/a

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

Steven S. Massie

AFFIDAVIT

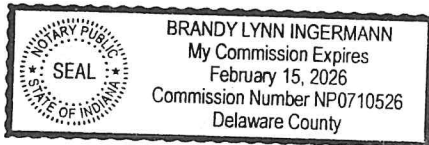
(I or We) Steven Massie
TYPE NAME(S) OF SIGNATORIES

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:

St S Massie

Subscribed and sworn to before me this 2 day of December, 2025,



Brandy L Ingermann
Notary Public

2-15-2026
Commission Expires

Resident

State of Indiana
(B.T.)

of 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 18 day of December, 2025.

Signed: [Signature]

Date: 11/26/25

stand Title
3P
1cc
20p

2013R01332
JANE LASATER
DELAWARE COUNTY RECORDER
RECORDED ON
01/23/2013 2:10 PM
REC FEE: 21.00
PAGES: 3

SPECIAL CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH THAT: BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP, a corporation organized and existing under the laws of the State of Florida, by OCWEN LOAN SERVICING, LLC, a Delaware limited liability company, its Attorney-in-Fact, CONVEYS AND WARRANTS to STEVEN MASSIE, for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Delaware County, in the State of Indiana:

SEE ATTACHED LEGAL DESCRIPTION

Commonly known as: 11801 West County Road 400 South, Yorktown, Indiana 47396
Key #1405200002000 (STE #18-14-05-200-002-000-021)

#18-14-05-200-002-000-021

Subject to all easements, restrictions, assessments, rights-of-way of record and all visible unrecorded easements, and to all matters that would be discovered by an accurate inspection and survey of the real estate.

The undersigned persons executing this deed on behalf of Grantor represent and certify that they are duly elected officers of Grantor and have been fully empowered, by proper resolution of the Board of Directors of Grantor, to execute and deliver this deed; that Grantor has full corporate capacity to convey the real estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

The undersigned person executing this Deed for and on behalf of Grantor, hereby certifies to the Grantee and all other persons that the following statements are true: this Deed is made and given pursuant to Power of Attorney granted to the undersigned attorney-in-fact from the said grantor; any event (such as the principal's incapacity) required to occur in order to make the grant of the power of attorney take effect has occurred; the Power of Attorney has not been revoked or rescinded and is still in full force and effect; that the said Grantor is still living. The said Power of Attorney simultaneously recorded herewith on _____, as Instrument No. _____

The Grantor, BANK OF AMERICA, N.A., warrants title as to its own acts only.

RTC
122492
2/2

Duly Entered for Taxation
Transfer Fees \$ 5.00

JAN 17 2013

Judy Ruet
DELAWARE CO. AUDITOR



IN WITNESS WHEREOF; The said Grantor has caused this deed to be executed this 27 day of December, 2012.

BANK OF AMERICA, N.A., SUCCESSOR BY
MERGER TO BAC HOME LOANS
SERVICING, LP, Grantor,
by Ocwen Loan Servicing, LLC its Attorney-in-Fact

2013R01331

By: 

Name:

Ashley Kessler

Title:

Contract Management Coordinator

STATE OF FL, COUNTY OF Palm Beach, ss:

Before me, the undersigned Notary Public, personally appeared Ashley Kessler, the Contract Management Coordinator (title), of BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP, by OCWEN LOAN SERVICING, LLC, its Attorney-in-Fact, who acknowledged execution of the foregoing Deed for and on behalf of said Corporate Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 27 day of Dec, 2012.

My Commission Expires:



Chris Heinichen

, Notary Public

A resident of _____ County, _____

This Deed was prepared by SANSBERRY DICKMANN FREEMAN & BUILTA
by J. R. Bulta, 1001 Jackson Street, Anderson, IN 46015

Mail to: 6274 Sun Blvd Unit 7 St Petersburg, FL 33715

Mail Tax Statements to: same

Auditor's Stamp:

Recorder's Stamp:

EXHIBIT "A"
LEGAL DESCRIPTION

A part of the Northeast Quarter (NE 1/4) of Section Five (5), Township Nineteen (19) North, Range Nine (9) East, more particularly described as follows, to-wit:

Beginning at a point in the North line of the Northeast Quarter (NE 1/4) of Section Five (5), Township Nineteen (19) North, Range Nine (9) East, One thousand four hundred twenty-five and five hundredths (1425.05) feet West of the Northeast corner of the said Northeast Quarter (NE 1/4); thence continuing West on the said North line one hundred nine and seventy-two hundredths (109.72) feet; thence South and with a deflection angle to the left of Ninety-two degrees, two minutes (92 02'), Four hundred eighty-seven and eighty-five hundredths (487.85) feet; thence East and with a deflection angle to the left of Eighty-seven degrees, Fifty-eight minutes (87 58'), One hundred thirty-one and seventeen hundredths (131.17) feet; thence North and with a deflection angle to the left of Ninety-two degrees, two minutes (92 02') Ninety and eighty-five hundredths (90.85) feet; thence West with a deflection angle to the left of Eighty-seven degrees, fifty-eight minutes (87 58') Twenty-one and forty-five hundredths (21.45) feet; thence North and with a deflection angle to the right of Eighty-seven degrees, Fifty-eight minutes (87 58'), Three hundred ninety-seven (397.0) feet to the Point of Beginning. Estimated to contain One and two hundred seventy-four thousandths (1.274) acres, more or less.

DELAWARE COUNTY

J:\RT\DEEDS\122492.2.wpd

3:39

96



Beacon - Dela...
chneidercorp.com



Delaware County, IN

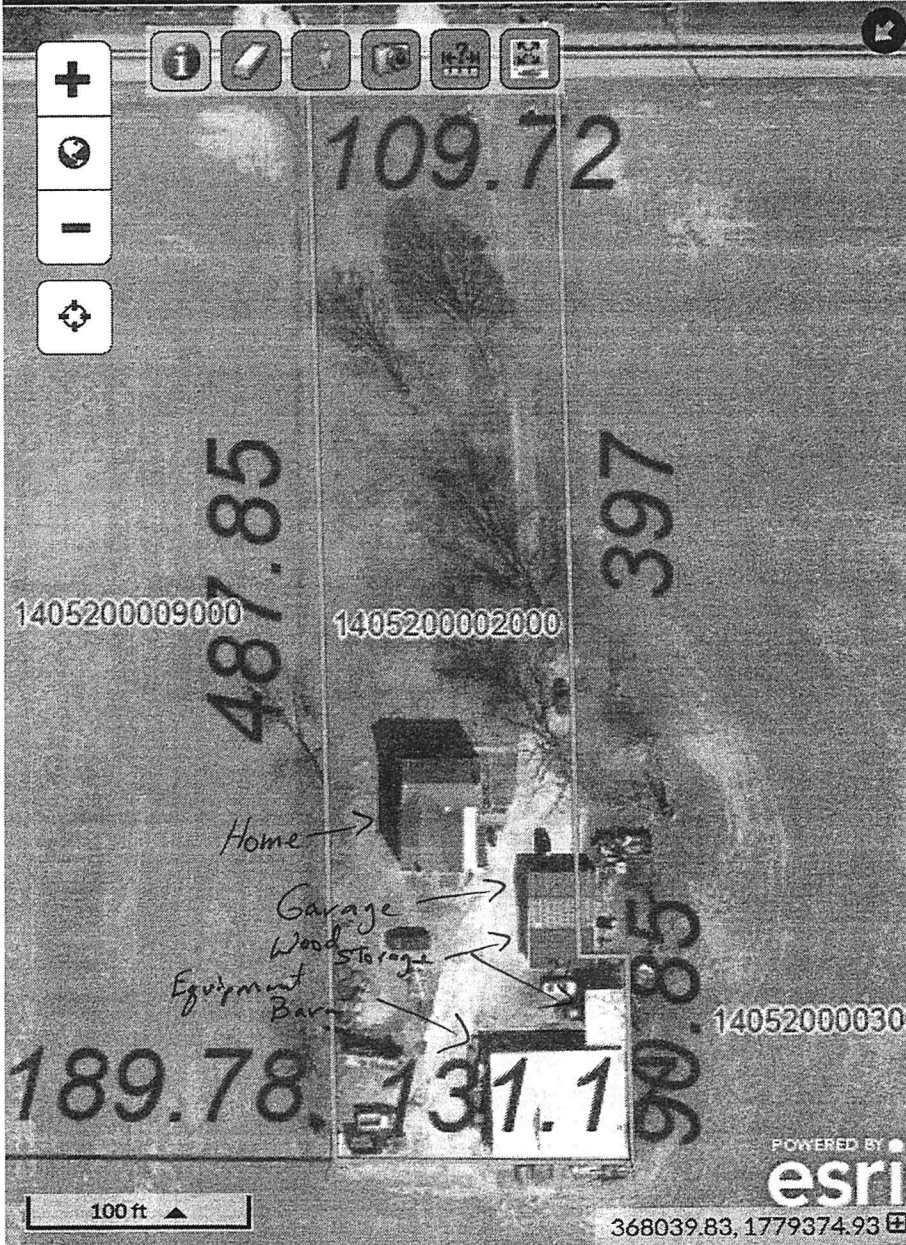


Map

Search

Comp Search

More



MASSIE STEVEN
11801 W CR 400 SOUTH
Acres: 1.27
Value: \$237,700
View: [Report](#) | [Google Maps](#)



12:44

30



Beacon - Dela...

hneidercorp.com



Delaware County, IN



Map

Search

Comp Search

More



00005000

1032400004000

400 S RD

109.72

487.85

397

50

1405200009000

189.78

1405200003000

POWERED BY
esri

200 ft

368050.82, 1779105.03

MASSIE STEVEN

11801 W CR 400 SOUTH

Acres: 1.27

Value: \$237,700

View: [Report](#) | [Google Maps](#)

3:39

96



Beacon - Dela...

chneidercorp.com



Delaware County, IN

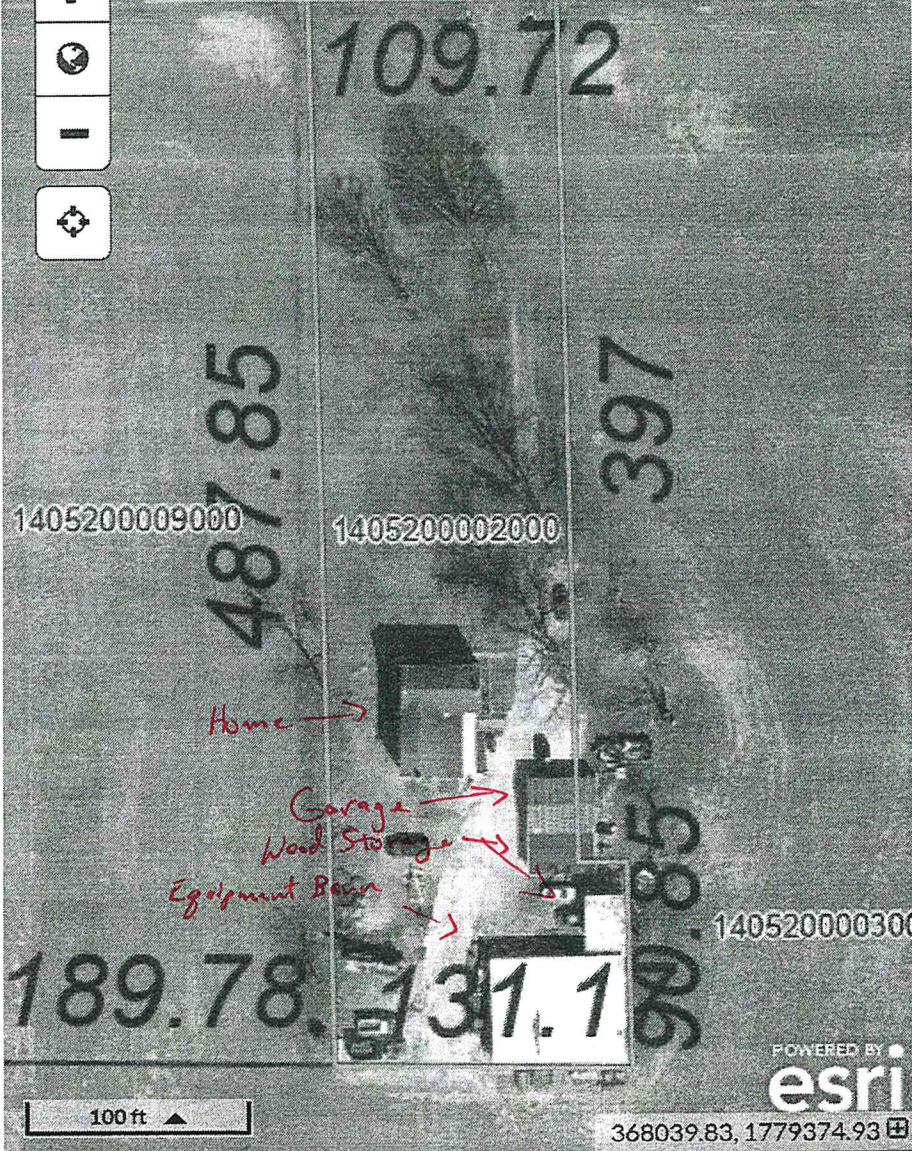


Map

Search

Comp Search

More



MASSIE STEVEN

11801 W CR 400 SOUTH

Acres: 1.27

Value: \$237,700

View: [Report](#) | [Google Maps](#)

6:33

97



Beacon - Dela...

chneidercorp.com



Delaware County, IN



Map

Search

Comp Search

More



REED JASON M
11951 W CR 400 SOUTH
Acres: 10.42
Value: \$688,100
View: [Report](#) | [Google Maps](#)

6:23

98



Beacon - Dela...

chneidercorp.com



Delaware County, IN

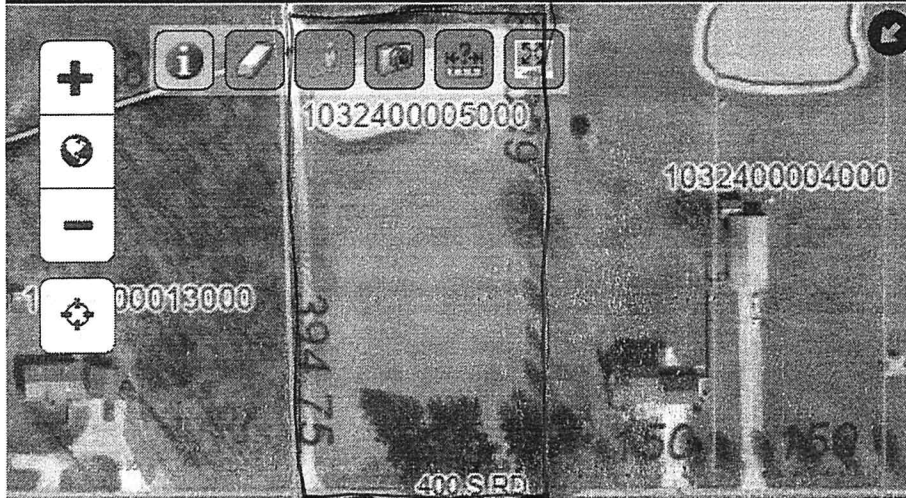


Map

Search

Comp Search

More



MELANDER NICHOLAS H & PAMELA L TRUST

11910 W CR 400S

Acres: 5.79

Value: \$413,700

View: [Report](#) | [Google Maps](#)

6:23

04:05



98



Beacon - Dela...

hneidercorp.com



Delaware County, IN

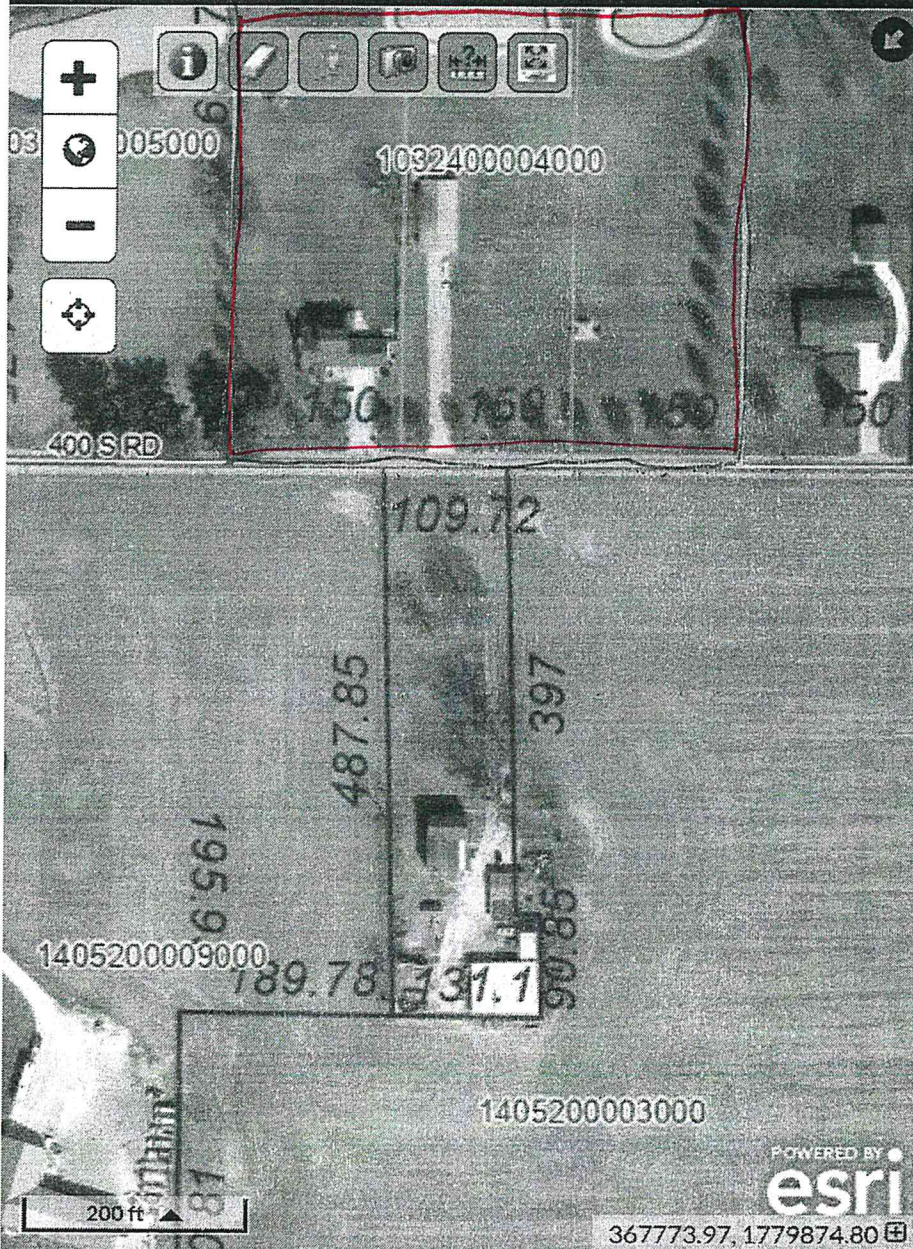


Map

Search

Comp Search

More



WESTERFIELD ERNEST WILLIAM VINCENT

11900 W CR 400 S

Acres: 6.57

Value: \$478,200

View: [Report](#) | [Google Maps](#)

6:23

98



Beacon - Dela...

chneidercorp.com



Delaware County, IN



Map

Search

Comp Search

More



1032400004000



HALER JAMES E AND CAROL D

11810 W CR 400S

Acres: 2.19

Value: \$380,700

View: [Report](#) | [Google Maps](#)