

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

☒ Delaware County

☐ City of Muncie

Submitted: 9-3-24  
Case No.: BA-50-24

(1) Applicant: Sandra Walters

Address: 10797 T Ave E, Scotts, MI 49088

Phone: 269-330-0481

(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: Applicant is under contract to purchase property from current owner

(3) If Item (2)(c) is checked, please complete the following:

Owner of the property involved: Shawn Smith

Owner's address: 11501 S CR 950 W, Daleville, IN 47334

(4) Record of Ownership:

Deed Book No.: 2022R04736

Page:           

Purchase Date: April 28, 2016

Legal Description: (From the Deed or Abstract)

S Hlf Ne Qtr Nw Qtr S24 T19 R08 2.02 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).

11501 S CR 950 W, 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.)

Request for a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance, Article XII, Section 1, to allow keeping 30 goats on 2.02 acres.

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

Filing for a Variance Useage for the property at 11501 S CR 950 W, Daleville, IN 47334. The applicant is under contract to buy said property which includes 2.1 acres. The property size is less than the 5 acres required as set forth in Article XII Section 1 "Permitted uses" for property zoned as Farm. The applicant is a livestock owner and requires permission via Variance to house livestock on this property. The sale of the home is contingent on being allowed to keep goats on the property. Please see attachments for complete details of planned usage and maps. Of note, there are no houses within 300 feet of the property for which this variance is requested.

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

F FARMING ZONE

(10) Present use of the property:

Rural residential/agriculture

(11) Describe the proposed use of the property:

Request permission to allow the keeping of goats on this property. See attachment.

(12) Is the property:

☒ Owner Occupied

☐ Renter Occupied

☐ Other: \_\_\_\_\_

## Variance Request for 11501 S CR 950 W, Daleville, IN

#11

**Variance Proposal:** Request permission for the housing, husbandry and breeding of Nigerian Dwarf miniature dairy show goats on a specified scale and in accordance with animal husbandry good livestock practices as well as all local ordinances including this variance. Of note, there are no houses (dwellings) within 300 feet of the property at 11501 S CR 950 W, Daleville, IN, and the property is zoned as Farm.

**Introduction:** MeadowMist Nigerians are a regionally known and respected herd of Nigerian Dwarf miniature dairy show goats. The herd is currently located in Scotts, MI and has been in operation for ten years. The herd has become a family venture and therefore is being relocated to Indiana within a reasonable distance of Noblesville where the immediate family of Sandra Walters (the proposed purchaser) resides. Please reference attached Photograph 1.

**Purpose:** The MeadowMist Nigerian herd is maintained for the purpose of

1. The production and exhibition of high quality Nigerian Dwarf dairy show goats
2. The sales of Nigerian Dwarf show and breeding stock with high quality genetics
3. The production of goat milk for personal and pet use
4. Improvement of the herd through incorporating top national genetics, participation in the national linear appraisal program, DHIA (Dairy Herd Improvement milk testing), DNA testing and culling lower quality animals
5. Providing the opportunity for 3 grandchildren residing in Noblesville, IN to learn and practice animal husbandry, and participate in the goat exhibition in 4-H of Hamilton County, IN; Indiana Dairy Goat Youth Association; Beyond the Ring Junior Livestock Association sanctioned shows; and American Dairy Goat Association open shows including at the National level. Reference attached Photograph 2.
  - a. This purpose specifically addresses the recommendation of a licensed counselor for the 11-year-old child who is diagnosed with autism spectrum disorder to receive therapy via maintaining and exhibition of her goats. The relocation from Michigan to the proposed procurement of the property at 11501 S CR 950 W, Daleville, IN will provide the child with weekly interaction with her own goats, to participate in the 4-H Dairy Goat Program, and to assist with the rearing and socialization of any goat kids produced. The 4-H Program in particular is included to target appropriate social development to encourage long-term independence.
6. Proposing to serve the Delaware County, IN 4-H Goat Club to provide goats for children living in non-rural areas in Delaware County who wish to participate in 4-H.

**Definitions:** To provide understanding of the size and age group of the proposed herd

1. Adult Doe) > 2 years, 50-65 lb (i.e. medium Labrador retriever)
2. Juvenile Doe) 6 months to 2 years, 25-49 lb (i.e. Beagle)
3. Doe Kid) birth to 6 months, 2-25 lb (i.e. Toy Poodle)
4. Adult Buck) > 2 years, 60-85 lb (i.e. large Labrador retriever)
5. Juvenile Buck) 6 months to 2 years, 22-59 lb (i.e. Blue Heeler)



#11

**Variance Request for 11501 S CR 950 W, Daleville, IN**

Proposed herd size: This has been achieved by the dispersal in 2024 of 84 adult, juvenile and kid goats

Adult Doe	16
Juvenile Doe	5
Doe Kid	6
Adult Buck	2
Juvenile Buck	<u>1</u>
Total	30

Proposed number of litters: 12 to 16 litters per year. The kidding season is from Feb. through May; kids to be sold before age 6 months OR retained to replace another animal (either sold or died). It is important to note that **adult does must be in milk for exhibition**; therefore, all show does must produce one litter annually. Litter size ranges from 1 to 4 kids, and typically one or two does fail to conceive or carry to full term.

Proposed method of manure disposal: Manure and bedding to be composted in compliance with local ordinance regulations.

Proposed method of animal carcass disposal: Disposal by cremation or via a licensed veterinarian disposal service in compliance with local ordinance regulations.

Proposed housing: Housing will be provided by a 14' x 30' custom-made barn (Avery Buildings of Colon, MI) to be relocated from Scotts, MI to the proposed procurement of the property at 11501 S CR 950 W, Daleville, MI. The barn is a steel-sided building that is moveable and will be located in a designated approved site on the property in compliance with all local ordinance with regards to the home septic system. See proposed barn site on attached map of property. Reference attached Photograph 3

Proposed pasturing: Goats are a browsing rather than a grazing animal and as such require roughage (hay) daily at all times of the year, which is the current regimen. Field fence will be professionally installed around the perimeter of the property per local regulations. Two fenced paddock areas will be established within the fenced area. Paddock areas are useful for exercise and some plant consumption but are not intended to provide any part of the daily diet. The paddocks will be rotated to prevent parasite infestations. The proposed paddock size is 1/3 to 1/2 acre each. Enrichment items such as wooden spools are provided in the paddocks for the animals to lounge and play on. Bucks are to be maintained within a 10' x 20' x 6' chain link dry lot enclosure (including enrichment) and are not permitted in the paddock area. Smaller runs and kidding pens are used during the kidding season to house pregnant does and does with young kids.

Husbandry: All goats are under the care of a licensed large animal veterinarian in addition to the proposed buyer of the property (Sandra Walters) being a retired veterinary technician. The health and well-being of the animals is always of utmost concern.

#11

## Variance Request for 11501 S CR 950 W, Daleville, IN

Proposed Herd

Adult Does	Age	2024 Status	Notes
1. Akiko	9 years	Breed	Champion
2. Beholder	1 year	Breed	Champion dam
3. Carbonado	5 years	Breed	From top farm
4. Celeste	3 years	Not breeding for 2025	Champion dam
5. Fiasco	1 year	Breed	Champion sired
6. Glitter	1 year	Breed	Champion sired
7. Legend	2 years	Breed	Youth owned
8. Mix Up	4 years	Not breeding for 2025	Youth owned
9. Monster	4 years	Breed	
10. Muffin	8 years	Retired from breeding	
11. Mystic	1 year	Breed	Youth owned, champion sired
12. Pyrite	1 year	Breed	Youth owned, from top farm
13. Sirius	10 years	Do not breed	Retired champion
14. Tiger Lily	3 years	Breed	
15. Water Lily	1 year	Breed	Champion sired
16. Ziggy	4 years	Do not breed	Youth owned, retired

## Juvenile Does

1. Gad Zouks	14 months	Breed	
2. Pinkie	9 months	Breed	Champion dam and sire
3. Skittles	16 months	Breed	Youth owned, champion sire
4. Splash	16 months	Breed	From top farm
5. Tango	9 months	Breed	Champion sire

## Doe Kids

1. Blossom	6 weeks	Do not breed	Champion sired
2. Honey Crisp	3 months	Do not breed	Youth owned
3. Ruby	5 months	Do not breed	Youth owned
4. Snip	5 months	Do not breed	
5. Sunrise	3 months	Do not breed	Youth owned
6. Sutton Beauty	5 months	Do not breed	Youth owned

## Bucks

1. Buddy	2 years		Champion, from top farm
2. Mark	2 years		From top farm
3. Honcho	1 year		Champion dam, Elite sire

**Variance Request for 11501 S CR 950 W, Daleville, IN**

**Photograph 1**

**MeadowMist Nigerians at the 2024 ADGA National Show: Sandra Walters and the Witkowski family of 5**





Variance Request for 11501 S CR 950 W, Daleville, IN

Photograph 2

Youth Goat Exhibition 2024 Including the ADGA National Show



**Variance Request for 11501 S CR 950 W, Daleville, IN**

**Photograph 3**

**Nursery Barn 14' x 30' by Avery Buildings, Colon, MI**





- (13) Has the Applicant provided stamped, addressed envelopes to send notices of this Appeal to all property owners within 300 feet? YES (3)

Has the Applicant discussed this Appeal with these owners personally? One

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

Discussed the purchasing of additional property from Ameri Properties; however, no adjacent property is currently available. The contact from Ameri Properties (Darren) was supportive and helpful.

- (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.

Yes, Article XII, Section 1 Permitted Uses (Minimum area of 5 acres)

- (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?

Sept. 27, 2024 or upon closing of contract

When will it be completed?

Oct. 15, 2024 or within 30 days of closing contract

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

Sandra Walters, applicant

# AFFIDAVIT

(I or We) Shawn Smith  
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: Shawn Smith

Subscribed and sworn to before me this 3<sup>rd</sup> day of September 2024



Virginia L Cash, Notary Public  
Wayne County, State of Indiana  
Commission No: NP0717853  
My Commission Expires 01/10/2027

Virginia L Cash  
Notary Public  
1-10-27

Commission Expires

Resident of Wayne 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 26 day of September 2024.

Signed: [Signature]

Date: 9-4-24

Shawn Smith  
3p

2016R04736  
MELANIE MARSHALL  
DELAWARE COUNTY RECORDER  
RECORDED ON  
04/29/2016 9:35 AM  
REC FEE: 20.00  
PAGES: 3

**QUITCLAIM DEED**  
Under IC 32-21-1-15

This QUITCLAIM DEED, executed on this 28th day of April, 2016, by the grantor,  
Nathan Smith, a married man, and Shawn Smith, a married woman, as joint tenants with right of survivorship  
9845 W County Road 975 N  
Middletown, IN 47356

to the grantee,  
Shawn Smith, a married woman, as her sole and separate property  
11501 S County Road 950 W  
Daleville, IN 47334

WITNESSETH, that the said grantor, for the sum of love and affection

hereby quitclaims the following parcel of land in Delaware County, Indiana – legally described as:  
See attached, Exhibit A

Commonly known as: 11501 S County Road 950 W Daleville, IN 47334  
Parcel Identification: 18-13-24-100-005.000-021 & 18-13-24-100-001.000-21  
Source of title:

Duly Entered for Taxation  
Transfer Fees \$ 10.00  
APR 29 2016 ERP

*Steven G. Croy*  
Delaware County Auditor



Deeds.com Uniform Conveyancing Blanks



IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Nathan Smith  
Signature  
Print name: Nathan Smith  
Capacity: Grantor

Shawn Smith  
Signature  
Print name: Shawn Smith  
Capacity: Grantor

\_\_\_\_\_  
Signature  
Print name: \_\_\_\_\_  
Capacity: \_\_\_\_\_

\_\_\_\_\_  
Signature  
Print name: \_\_\_\_\_  
Capacity: \_\_\_\_\_

*Construe all terms with the appropriate gender and quantity required by the sense of this deed.*

STATE OF Indiana }  
COUNTY OF Madison } ss:

Before me, the undersigned, a notary public in and for said county and state, personally appeared Nathan Smith AND Shawn Smith, who acknowledged the execution of the annexed deed on this 28<sup>th</sup> day of April, 20 16.  
Witness my hand and official seal.

\_\_\_\_\_  
Notary Public  
Print name: LORA E Mullins  
County of residence: Madison  
My commission expires: 7/29/2023

Document prepared by:

Shawn Smith  
11501 C County Road 950 W  
Daleville, IN 47334  
(765) 215-6428

After recording, please send document and future  
tax bills to: Shawn Smith  
11501 S County Road 950 W  
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.

Print name: Shawn Smith

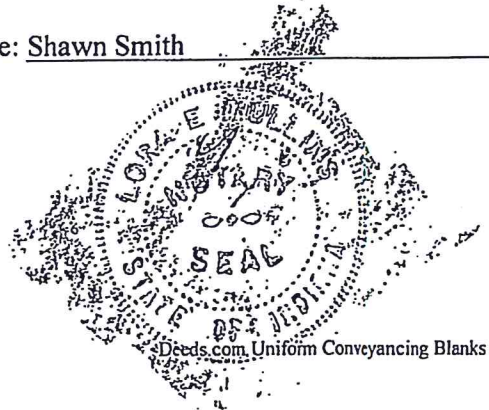
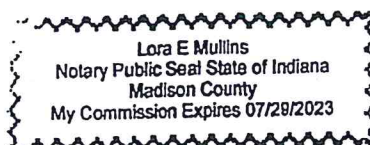


Exhibit A

A part of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section Twenty-four (24) , Township Nineteen (19) North, Range Eight (8) East, containing 20.264 acres: and a part of the Northwest quarter (NW 1/4) of said Northwest Quarter (NW 1/4) and containing 3.2 acres, and containing in all 23.464 acres, more or less.

Beginning at the Southeast corner of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Sections Twenty-four (24), Township Nineteen (19) North, Range Eight (8) east, and running thence North Eighty-nine degrees one minute and fifteen seconds West (N 89 01'15" W) One thousand six hundred sixty seven and thirty-five hundredths (1667.35) feet along the South line of the North Half of said Northwest Quarter to the Easterly right-of-way line of Interstate Route No. 69, thence Northeasterly on and along said right-of-way line, a arc distance of Seven hundred thirty-six and nine tenths (736.9) feet along a curve to the left having a radius of Eleven thousand five hundred fifty nine (11,559) feet and subtended by a chord bearing North Twenty-four degrees and three minutes East (N 24 03" E) Seven hundred thirty-six and eight tenths (736.8) feet, thence South Eighty-eight degrees forty minutes and thirty seconds East (S 88 40'30" E) Fifty-six and six tenths (56.6) feet to a 3-inch iron post in concrete, thence South Eighty-eight degrees forty minutes and thirty seconds East (S 88 49'30" E) One thousand three hundred ten and six tenths (1,310.6) feet to the East line of said Northeast Quarter of the Northwest Quarter, thence South Zero degrees and zero minutes (S 00 00') Six hundred sixty-nine and seventy-five hundredths (669.75) feet to the place of beginning.







SEP 09 2024

$19460' = .45 \text{ acre}$

Key: 1 square = 5'

## PROPOSED PHASE 2 (Final Phase)

- Paddocks shall be mowed  
Perimeter Fenced  
Privacy Fence around Compost

127

## Field fence

## GOAT BOUNDARY LINE

## DRIVEway

Garage

Propane  
Tank

Back  
Yard  
Fenced  
For Dogs

Septic

HOUSE

75.8

NO ANIMALS IN FRONT YARD

NOTE- Front Yard not Fenced



700 S RD

1324100004000

950 W RD

1324200001

1324100011000

0002000

1324100012000

1324100005000

1324200000

1324100013000

POWERED BY  
esri



## Fred Daniel

---

**From:** Sandi Walters <walters.sandi@yahoo.com>  
**Sent:** Monday, September 9, 2024 4:53 PM  
**To:** Fred Daniel  
**Subject:** Phase 2 completion  
**Attachments:** compost.pdf

CAUTION: This email originated from outside of Delaware County Government. Please do not click links or open attachments from an unknown or suspicious sender.

Hi Fred,

Here is my vision for the property on 15501 S CR 950 W, Daleville. I am very excited about it, it will be a showplace when finished. I am hoping to add a 24 x 40 barn which will feature a milking parlor, feed room, holding pens and a lounging area for the does without babies. Depending on the price it will be 8 or 10' high, I will know that dimension before the 26th. Attached will be either a carport or lean to depending on what company I go with, 12 x 40 which will be used to store hay. The carport will be slate gray, the barn 2 toned black and slate gray to match the nursery so everything will look nice. The buck barn will be a 10 x 20 horse run in which are quite nice, I am attaching a picture of that.





10x20 Run-In  
\$3980

## 10x20 Enclosed Run-In

\$3,980

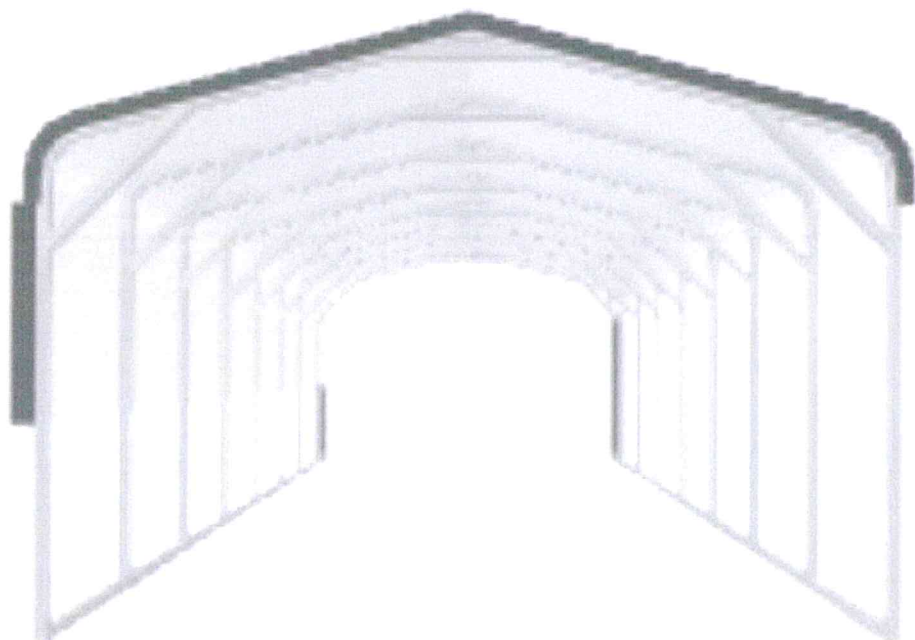
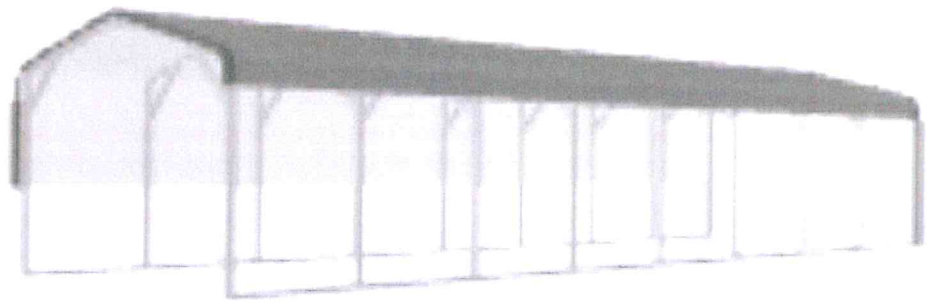
-----

For the compost area I think it would be nice to use a privacy fence around that area for aesthetics.

The scale I used does not allow for the inclusion of the north boundary however the house is the closest building to that property line at 75.8'.

All







goat facilities are located 200' from the road frontage. I intend to keep the front yard open as just a lawn and a no-animal zone in the driveway area. The limestone will get really messed up if it gets a lot of hay in it.

I am including a picture of the steel barn as designed and the carport which will be located on the south side of the other barn. I do not plan to pour concrete, that's hard on the goats and I use rubber mats in the milking area for sanitation. The buck barn will be on dirt as well.

And I'm also including a picture of 2 of the proposed 30, little Blossom is around 5 lb. We have 3 candidates coming that are under 10 lb and 7 that are 15-30lb. So 10 of the 30 are very small.



Thank you so much for your assistance,  
Sandi Walters

Sent from my iPhone