

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

☐ Delaware County

☒ City of Muncie

Submitted: 93-25

Case No.: BZA 43-25

(1) Applicant: Muncie City View Homes, LLC

Address: 9100 Centre Pointe Dr., Suite 210 West Chester, OH 45069 Phone: (317)-503-4529

(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: N/A

Owner's address: N/A

(4) Record of Ownership:

Deed Book No.: 2023RO6661

Page: 5

Purchase Date: 05/03/2023

Legal Description: (From the Deed or Abstract)

PLEASE 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).

1118, 1120, 1122, and 1124 S Elm St.
Muncie, IN 47302

(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 variances from the terms of the City of Muncie Comprehensive Zoning Ordinance, Article XVII, Section 4, to allow a reduced front setback of 17.9' rather than 20' for a variance of 2.1' and to allow a reduced side setback of 9' rather than 20' for a variance of 11', all for a single-family dwelling in a business zone.

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

CONTRACTOR FAILED TO STAKE FOUNDATION LOCATIONS PROPERLY,
CAUSING FOUNDATION TO BE OUT OF COMPLIANCE WITH THE EXISTING
SETBACKS.

Street side setback of 9' rather than 20'

Front setback of 17.9' rather than 25'

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

BV - VARIETY BUSINESS ZONE

(10) Present use of the property:

Single Family Attached

(11) Describe the proposed use of the property:

Single Family Attached

(12) Is the property:

☐ Owner Occupied

☒ Renter Occupied

☐ Other: _____

(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.

YES, WORK HAS STARTED AND BEEN COMPLETED.

(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.

BZA 14-21 Approved with Conditions

On July 29th, 2021

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

WORK IS COMPLETE

When will it be completed?

WORK IS COMPLETE

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

PIVOTAL MANAGEMENT LLC WILL OPERATE. TENANTS WILL CONTINUE TO

RENT PER THE LEASE AGREEMENT

AFFIDAVIT

(I or We) Brian McGeady

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:



Subscribed and sworn to before me this 3rd day of September, 20 25 /



Danielle Martin
Notary Public, State of Ohio
My Commission Expires:
June 09, 2029


Notary Public

June 09, 2029

Commission Expires

Resident of Hamilton County

State of Ohio

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 25 day of September, 20 25.

Signed:



Date: 9.4-25

2
First American

5p

Duly Entered for Taxation
Transfer Fees \$ 60.00

MAY 26 2023

CLC
DELAWARE CO. AUDITOR

site 5

2023R06661

JAN SMOOT

DELAWARE COUNTY RECORDER

RECORDED ON

05/26/2023 03:11 PM

REC FEE 25.00

PAGES: 5

RECORDED AS PRESENTED

GENERAL WARRANTY DEED

THIS INDENTURE WITNESSETH, that The City of Muncie Redevelopment Commission ("Grantor"), CONVEYS AND WARRANTS to Muncie City View Homes, LLC, an Indiana limited liability company ("Grantee"), for the sum of Ten and 00/100ths Dollars (\$10.00), and other valuable consideration, the receipt of which is hereby acknowledged, that certain real estate located in Delaware County, in the State of Indiana, more particularly described in Exhibit A, attached hereto and by reference made a part hereof (the "Real Estate").

THIS CONVEYANCE IS MADE, and the Real Estate is SUBJECT TO:

- (1) real estate taxes and public assessments due and payable after the closing on the conveyance, and all such taxes and assessments payable thereafter; and
- (2) all covenants, agreements, easements, restrictions and rights of way of record.

Remainder of Page Intentionally Left Blank.
Signature Page Follows.

site 5



Tax Parcel Number(s):
11-15-305-013-000/ State Parcel ID# 18-11-15-305-013.000-003;

18-11-15-440-012.000-003;

18-11-15-440-013.000-003;

18-11-15-440-014.000-003;

11-15-305-011.000-003/ State Parcel ID# 18-11-15-305-011.000-003; and

11-16-253-003-000-003/ State Parcel ID# 18-11-16-253-003.000-003-18-11-15-305-012-000-003

Address of Transferred Property:

1124 S Elm Street, 1516 E 8th Street, 1520 E 8th Street, 1118 S Elm Street, and
719 W Powers Street, Muncie, Indiana- 1122 S Elm St Muncie, IN 47302

Grantee's Address for Mailing of Tax Statements and Recorded Deed:

9100 Centre Pointe Drive
Suite 210
West Chester, OH 45069

THIS INSTRUMENT PREPARED BY:
Patrick M. Rooney, Attorney at Law
1638 Shelby Street, Suite 101
Indianapolis, Indiana 46203
pmrooney1@gmail.com; 317.445.9956

I affirm under penalties for perjury that
I have taken reasonable care to redact
each social security number in this
document, unless required by law.
/s/ Patrick M. Rooney

Exhibit A

Legal Description of Real Estate

TRACT I:

PARCEL 4:

A PART OF LOT NUMBER TWENTY-FIVE (25) IN ANTHONY PARK ADDITION TO THE CITY OF MUNCIE, INDIANA, A PLAT OF WHICH IS RECORDED IN PLAT BOOK 2, PAGE 71 OF THE RECORDS OF PLATS OF DELAWARE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT NUMBER 25; THENCE RUNNING NORTHWARDLY ON THE WEST LINE OF SAID LOT 1 A DISTANCE OF 23.0 FEET; THENCE RUNNING EASTWARDLY ON A STRAIGHT LINE PARALLEL TO THE SOUTH LINE OF SAID LOT 1 DISTANCE OF 93.0 FEET; THENCE RUNNING SOUTHWARDLY ON A STRAIGHT LINE PARALLEL WITH THE WEST SIDE OF SAID LOT A DISTANCE OF 23.0 FEET TO THE POINT IN THE SOUTH LINE OF SAID LOT; THENCE RUNNING WESTWARDLY ON SAID SOUTH LINE TO THE PLACE OF BEGINNING, A DISTANCE OF 93.0 FEET.

PARCEL 11:

THE WEST TWENTY-FIVE (25) OF EVEN WIDTH OF LOT FOUR HUNDRED FIFTY-ONE (451) AND THE EAST FIFTEEN (15) FEET OF EVEN WIDTH OF LOT FOUR HUNDRED FIFTY (450) IN GALLIHER'S SUBDIVISION, AN ADDITION TO THE CITY OF MUNCIE, INDIANA.

PARCEL 12:

THE WEST THIRTEEN (13) FEET OF EVEN WIDTH OF LOT FOUR HUNDRED FIFTY-TWO (452) AND THE EAST TWENTYFIVE (25) OF EVEN WIDTH OF LOT FOUR HUNDRED FIFTY-ONE (451) IN GALLIHER'S SUBDIVISION, AN ADDITION TO THE CITY OF MUNCIE, INDIANA.

PARCEL 13:

THE EAST THIRTY-SEVEN (37) FEET OF EVEN WIDTH OF LOT FOUR HUNDRED FIFTY-TWO (452) IN GALLIHER'S SUBDIVISION, AN ADDITION TO THE CITY OF MUNCIE, INDIANA.

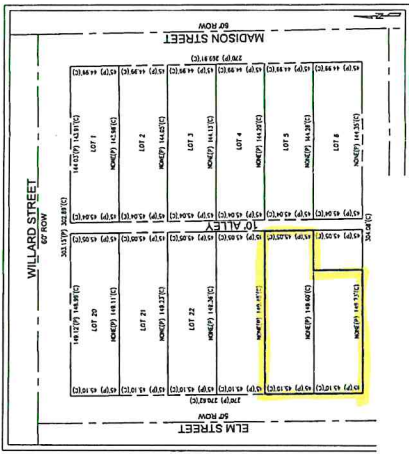
PARCEL 18:

LOT NUMBER TWENTY-FOUR (24) IN THE ANTHONY PARK ADDITION TO THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA. THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 2, PAGE 71, ON FILE IN THE OFFICE OF THE RECORDER OF DELAWARE COUNTY, INDIANA.

PARCEL 20:

A PART OF LOT NUMBER TWENTY-FIVE (25) IN ANTHONY PARK ADDITION, AN ADDITION TO THE CITY OF MUNCIE, INDIANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT NUMBER TWENTY-FIVE (25); THENCE RUNNING EASTWARDLY ON THE NORTH LINE OF SAID LOT A DISTANCE OF ONE HUNDRED THIRTEEN (113) FEET; THENCE RUNNING SOUTHWARDLY ON A STRAIGHT LINE PARALLEL WITH THE WEST LINE OF SAID LOT TO A POINT IN THE SOUTH LINE OF SAID LOT ONE HUNDRED THIRTEEN (113) FEET EAST FROM THE SOUTHWEST CORNER OF SAID LOT; THENCE RUNNING WESTWARDLY ON THE SOUTH LINE OF SAID LOT A DISTANCE OF TWENTY (20) FEET; THENCE RUNNING NORTHWARDLY ON A STRAIGHT LINE PARALLEL WITH THE WEST LINE OF SAID LOT A DISTANCE OF TWENTY-THREE (23) FEET; THENCE RUNNING WESTWARDLY ON A STRAIGHT LINE PARALLEL WITH THE SOUTH LINE OF SAID LOT TO A POINT IN THE WEST LINE OF SAID LOT, A DISTANCE OF NINETY-THREE (93) FEET; THENCE RUNNING NORTHWARDLY ON THE WEST LINE OF SAID LOT; TWENTY-TWO (22) FEET TO THE PLACE OF BEGINNING.

Street side setback of 9' rather than 20'

[illegible][illegible]

BZA 43-25
Site 5