

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

☒ Delaware County

☐ City of Muncie

Submitted: 10-1-25

Case No.: BZA 52-25

(1) Applicant: Thomas Toole

Address: 1401 N Country Club Rd, Muncie, IN 47303 Phone: 765-744-1171

(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.# 2014R04190

Page: _____

Purchase Date: 4/17/2014

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).

4709 E Centennial Ave, Muncie, IN

(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.)

This parcel is going to be split through platting to divide the home from the remaining land. The home is pre-existing and does not meet the requirement for the front setback. We are also requesting a variance for reduced lot width for the lot the home and garage will be on after platting. The width of the parcel as it currently sits is not wide enough to allow both the lot that is to be platted and the remaining land to both have 150 feet of lot width.

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

F Farming zone

(10) Present use of the property:

Residence

(11) Describe the proposed use of the property:

Residence/Vacant land

(12) Is the property:

☐ Owner Occupied

☒ Renter Occupied

☐ Other: _____

Answer to #7

BZA 52-25 Thomas Toole

Request for variances from the Delaware County Comprehensive Zoning Ordinance, Article XII, Section 3, to allow a 100' lot width rather than 150' lot width for a variance of 50' and for a 19,812 sq. ft. lot area rather than 30,000 sq. ft. for a variance of 10,188 sq. ft., and Article IX, Section 13, to allow division of a parcel without conforming to all of the provisions of the Ordinance, all to separate an existing house (1,924 sq. ft.) and detached garage (576 sq. ft.) from the remaining area through platting in a farm zone.

(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) Thomas Toole

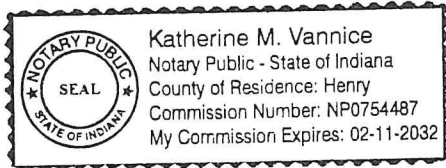
TYPE NAME(S) OF SIGNATORIES

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 17th day of Sept, 2025 /




Notary Public

2-11-2032

Commission Expires

Resident of Henry County

State of In

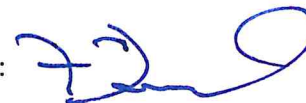
DO NOT WRITE IN THIS SPACE

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 30 day of October, 20 25.

Signed:



Date:

10.2.25

Young's Title

*2P
ick*

2014R04190
JANE LASATER
DELAWARE COUNTY RECORDER
RECORDED ON
04/17/2014 12:54 PM
REC FEE: 19.00
PAGES: 2

WARRANTY DEED

THIS INDENTURE WITNESSETH, that

Dorothy J. Bezy

Of Delaware County, in the State of Indiana,

Convey and Warrant to

Thomas Toole

Of Delaware County, in the State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, in the following described Real Estate in Delaware County, in the State of Indiana, to-wit:

See Attached Schedule C

Tax Duplicate No. 181112226009000001

SUBJECT TO TAXES DUE AND PAYABLE SPRING 2015

Property Address: 4709 E. Centennial Ave., Muncie, IN 47303

GRANTEES MAILING ADDRESS: Thomas Toole

1401 N. Country Club Rd.
Muncie IN 47303

Subject to easements, restrictions, and rights of way of record.

This deed is being recorded pursuant to POA recorded on _____ as Inst. # 2014R04189
In Witness whereof the said Dorothy J. Bezy by John Michael Bezy, POA has hereunto executed the foregoing
deed on this 14th day of April, 2014. ✓

Dorothy J. Bezy John Michael Bezy POA
Dorothy J. Bezy by John Michael Bezy, POA

State of Indiana
County of Delaware SS:

Before me, the undersigned, a Notary Public in and for said County, on this 14th day of April, 2014, came Dorothy J. Bezy by John Michael Bezy, POA and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal.

Tonya R. Davis (Seal)
Notary Public

My commission expires:

Resident of:

This instrument prepared by: James R. Wesley Attorney at Law

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 Tonya R. Davis

Y-201404-44



TONYA R. DAVIS, Notary Public
Blackford County, State of Indiana
My Commission Expires January 26, 2019



Duly Entered for Taxation
Transfer Fees \$ 5.00

APR 17 2014

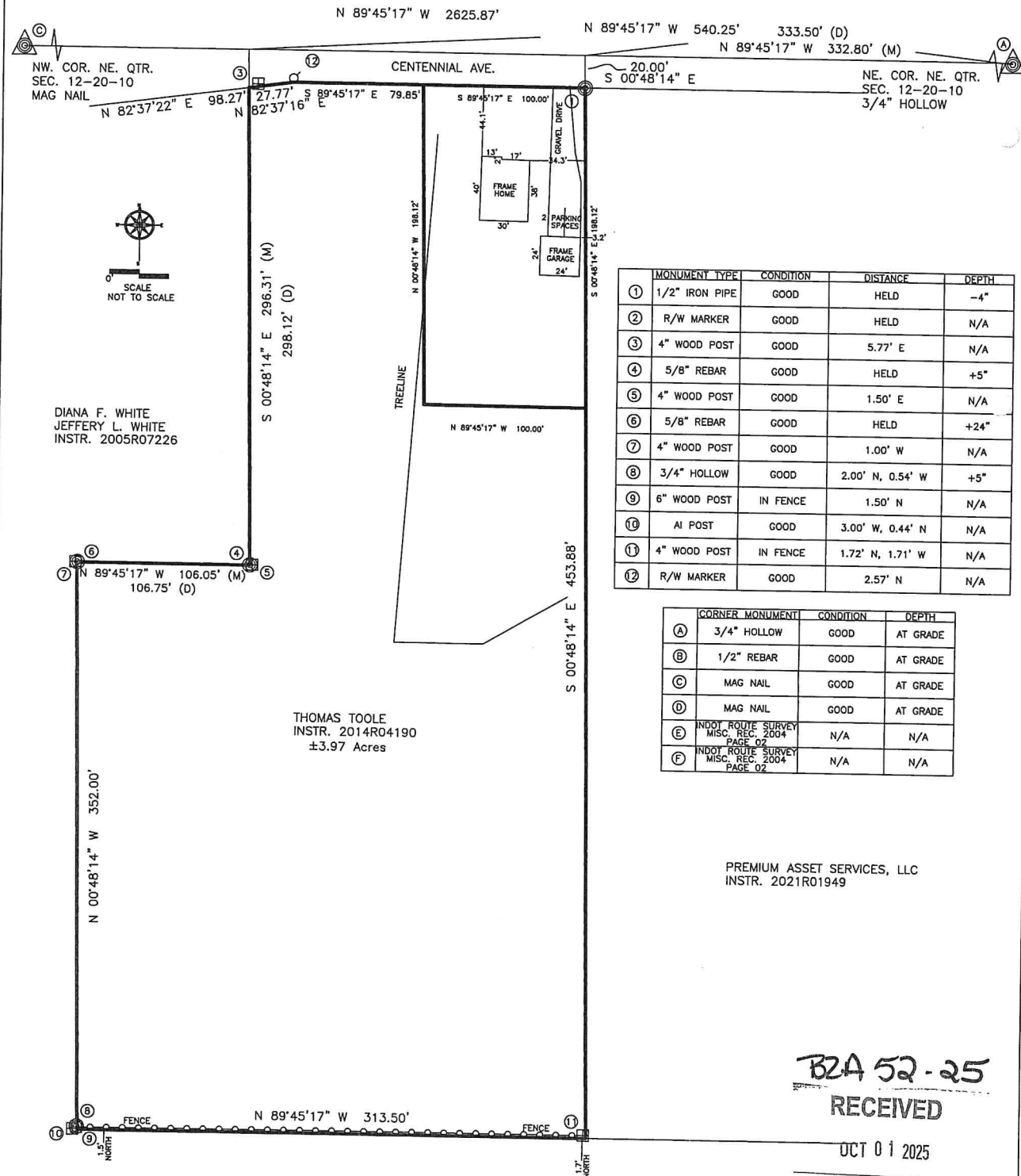
Joely Hunt
DELAWARE CO. AUDITOR

19

EXHIBIT A

Parcel Numbered Three (3). Being more fully described as follows: Part of the Northeast Quarter of the Northeast Quarter of Section Twelve (12), Township Twenty (20) North, Range Ten (10) East, as follows: Beginning at a point in the South line of Centennial Pike, Three hundred thirty-three and five tenths (333.5) feet West and Twenty (20) feet South of the Northeast corner of the said Northeast Quarter of the Northeast Quarter Section and running thence South parallel to the East line of said Northeast Quarter of the Northeast Quarter Section, Six hundred and fifty-two (652) feet; thence West parallel to the North line of the said Northeast Quarter of the Northeast Quarter Section Three hundred thirteen and five tenths (313.5) feet; thence North Six hundred and fifty-two (652) feet; thence East Three hundred thirteen and five tenths (313.5) feet to the place of beginning, containing Five (5) acres, more or less.

EXCEPT: A part of the Northeast Quarter of the Northeast Quarter of Section Twelve (12), Township Twenty (20) North, Range Ten (10) East, more particularly described as follows, to-wit: Beginning at the Northeast corner of the Northeast Quarter of the Northeast Quarter of Section Twelve (12), Township Twenty (20) North, Range Ten (10) East; thence West on the North line of the said Northeast Quarter of the Northeast Quarter Five hundred forty and twenty-five hundredths (540.25) feet; thence South parallel with the East line of the said Northeast Quarter of the Northeast Quarter Twenty-one and eighty-eight hundredths (21.88) feet to the point in the South line of the Right-of-Way of Indiana State Road Number 3 By-Pass, which point is the point of beginning for the real estate herein described; thence South parallel with the East line of the said Northeast Quarter of the Northeast Quarter Two hundred ninety-eight and twelve hundredths (298.12) feet; thence West with a deflection angle to the right of ninety-one degrees, one minute, thirty seconds (91°01'30") One hundred six and seventy-five hundredths (106.75) feet; thence North parallel with the East line of the said Northeast Quarter of the Northeast Quarter and with a deflection angle to the right of eighty-eight degrees, fifty-nine minutes, thirty seconds (88°59'30") Two hundred eighty-two and thirty-five hundredths (282.35) feet to the South Right-of-Way line of the aforesaid State Highway No. 3 By-Pass; thence in an Easterly direction on said South Right-of-Way line and with a deflection angle to the right of eighty-six degrees, fifty-seven minutes (86°57') Nine and thirty-four hundredths (9.34) feet; continuing on the said South Right-of-Way line with a deflection angle to the left of four degrees, thirty-five minutes, fifty seconds (04°35'50") Ninety-eight and twenty-seven hundredths (98.27) feet to the point of beginning. Estimated to contain 0.710 acres, more or less.



MONUMENT TYPE	CONDITION	DISTANCE	DEPTH
① 1/2" IRON PIPE	GOOD	HELD	-4"
② R/W MARKER	GOOD	HELD	N/A
③ 4" WOOD POST	GOOD	5.77' E	N/A
④ 5/8" REBAR	GOOD	HELD	+5"
⑤ 4" WOOD POST	GOOD	1.50' E	N/A
⑥ 5/8" REBAR	GOOD	HELD	+24"
⑦ 4" WOOD POST	GOOD	1.00' W	N/A
⑧ 3/4" HOLLOW	GOOD	2.00' N, 0.54' W	+5"
⑨ 6" WOOD POST	IN FENCE	1.50' N	N/A
⑩ AI POST	GOOD	3.00' W, 0.44' N	N/A
⑪ 4" WOOD POST	IN FENCE	1.72' N, 1.71' W	N/A
⑫ R/W MARKER	GOOD	2.57' N	N/A

CORNER MONUMENT	CONDITION	DEPTH
A 3/4" HOLLOW	GOOD	AT GRADE
B 1/2" REBAR	GOOD	AT GRADE
C MAG NAIL	GOOD	AT GRADE
D MAG NAIL	GOOD	AT GRADE
E NDOT ROUTE SURVEY MISC. REC. 2004 PAGE 02	N/A	N/A
F NDOT ROUTE SURVEY MISC. REC. 2004 PAGE 02	N/A	N/A

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

Revisions

No.
Date:
Reason:

No.
Date:
Reason:

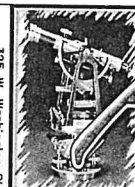
Drawn: CLG
Date: 10/01/25
Job: 2025631
Client: Thomas Toole
Owner: Thomas Toole
Crew: EHA
Electronic Field Book
Field Date: 09/16/25

I affirm, under the penalties for perjury, that I have taken reasonable care to record each Social Security number in this document, unless required by law. Haldon L. Ashton

VARIANCE DRAWING
4709 E CENTENNIAL AVE
MUNCIE, IN

SECTION CORNER COORDINATES ARE BASED ON INDIANA STATE PLANE EAST ZONE (NORTH AMERICAN DATUM OF 1983, CORRS 98 EPOC 2002.000)

325 W. Washington St.
Muncie, IN 47305
PH: 765-282-5594
FAX: 765-282-5596
Mobile: 765-282-5596



Ashton
Land Surveyors

325 West Washington Street, Muncie, IN 47305
PH: 765-282-5594 FAX: 765-282-5596
E-mail: hal@ashtonsurveyors.com