

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

☐ Delaware County

☒ City of Muncie

Submitted: 10/7/2025

Case No.: BZA 54-25

(1) Applicant: Harold Gene, Gerald Wayne & Charles Michael Williams

Address: 704 N Meadow Wood Dr, Muncie, IN Phone: 765-808-3781

(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.#2025R00302

Page: _____

Purchase Date: 1/7/2025

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).

3111, 3201 & 3205 E Jackson St, 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.)

See attached.

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

BV Variety Business Zone

(10) Present use of the property:

Building material supply store/storage, office space & residence

(11) Describe the proposed use of the property:

Building material supply store/storage, office space & residence

(12) Is the property:

☒ Owner Occupied

☒ Renter Occupied

☐ Other: _____

Answer to #7

BZA 54-25 Harold Gene, Gerald Wayne & Charles Michael Williams

Request for variances from the City of Muncie Comprehensive Zoning Ordinance, Article IX, Section 13, to allow for the division of property without conforming to all of the provisions in the Ordinance, Article XVII, Section 4, to allow a 16.88' front setback rather than 20' for a variance of 3.12' for an existing house, Article XXI, Section 2, for a 16.15' front setback rather than 25' for a variance of 8.85', and Article XXX, Sections 6.B.3.f.3 and 6.B.3.f.4 to allow no 10' wide peripheral vegetated buffer strip and no 5' tall vertical screening between commercial use on proposed Lot 2 and the dwelling on proposed Lot 1 and between the commercial use on proposed Lot 3 and the dwelling on proposed Lot 1, all to separate the existing dwelling and commercial buildings onto three platted lots in a business zone.

BZA 54-25

8. This parcel is being divided to separate the home and 2 businesses from each other. The proposed Lot 3 will be sold to the leasee, Modern Builders Supply, INC, and proposed lots 1 and 2 will be sold later. We are requesting a variance from Article 9, Section 13 to allow a division of land through platting without meeting current development standards, a reduced front setback on both proposed lots 1 and 2 and a variance from Article 30, Sections 6.B.3.F.3 and 6.B.3.F.4 to allow no 10 foot wide peripheral vegetated buffer strip and no 5 foot tall vertical screening between commercial use on proposed lot 2 and the dwelling on proposed lot 1 and between the commercial use on proposed lot 3 and the dwelling on proposed lot 1. All buildings on this site are pre-existing and there will not be any new development. This land is being divided so that it can be sold as is and not developed. The tributary and 75-foot drainage easement between lot 1 and lots 2 and 3 are impeding the possibility of screening being placed between the residential use of lot 1 and the commercial/business use of lots 2 and 3.

- (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 & renter

AFFIDAVIT

(I or We) Gerald Wayne & Charles Michael Williams

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:

Charles Michael Williams
Gerald Wayne Williams

Subscribed and sworn to before me this 3rd day of October, 2025

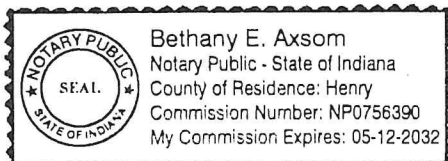
Bethany E. Axsom
Notary Public

5/12/2032

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 _____ day of _____, 20____.

Signed:

Date:

AFFIDAVIT

(I or We) Harold Gene Williams

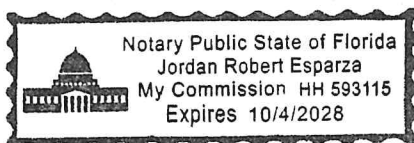
TYPE NAME(S) OF SIGNATORIES

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:

Harold Gene Williams

Subscribed and sworn to before me this 6 day of October, 2025.



JR Esparza
Notary Public

Jordan Robert Esparza
Commission Expires 10/04/2028

Resident of Heuchly County

State of FL

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 _____ day of _____, 20____.

Signed:

Date:

182

DULY ENTERED FOR TAXATION
TRANSFER FEES \$ 50.00
Jan 07 2025 - ER

CMC NC/ND
DELAWARE COUNTY AUDITOR

2025R00302
JAN SMOOT
DELAWARE COUNTY RECORDER
RECORDED ON
01/07/2025 01:20 PM
REC FEE 25.00
PAGES: 2
RECORDED AS PRESENTED

Mail Tax Statements to Grantee's Address: 704 N. Meadow Wood Dr., Muncie, IN 47304

DEED OF DISTRIBUTION

THIS INDENTURE WITNESSETH That Gerald Wayne Williams, is the Personal Representative of the Estate of Nova T. Jarvis, deceased. This estate is pending as Cause Number 18C01-2403-EU-000053 in Delaware County, Indiana. The Personal Representative, by virtue of the power given a Personal Representative under Indiana law, hereby distributes to Harold Gene Williams, Gerald Wayne Williams and Charles Michael Williams, as equal tenants in common, the following described real estate in Delaware County, in the State of Indiana:

See Exhibit "A" attached hereto.

PARCEL NO. 18-16-07-400-002.000-020
18-11-01-100-012.000-003
18-11-14-226-010.000-003
18-11-14-226-011.000-003
18-16-07-400-017.000-020

Subject to all covenants, restrictions, reservations, easements, conditions, rights of way and other rights appearing of record.

Grantees assume and agree to pay all taxes and assessments now levied against said real estate and thereafter.

IN WITNESS WHEREOF, This Deed of Distribution has been executed by the undersigned Personal Representative this 3rd day of January, 2025.

Gerald Wayne Williams
Gerald Wayne Williams, Personal Representative
of the Estate of Nova T. Jarvis, deceased.

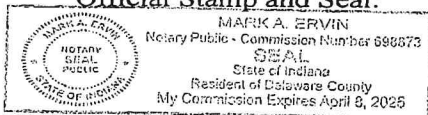
STATE OF INDIANA

SS:

DELAWARE COUNTY

January Before the undersigned Notary Public in and for said State, on the 3rd day of January, 2025, personally appeared Gerald Wayne Williams, Personal Representative of the Estate of Nova T. Jarvis, deceased, the above named Grantor, and acknowledged the voluntary execution of the foregoing deed and certified to the truth of the representations contained therein.

Official Stamp and Seal:



Mark A. Ervin
Notary Public of the State of Indiana

This instrument prepared by Mark A. Ervin, Attorney, P.O. Box 1648, Muncie, IN 47308.
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. Mark A. Ervin

EXHIBIT A
LEGAL DESCRIPTION

1 & 2a

Part of the Northeast Quarter of the Southwest Quarter and a part of the Northwest Quarter of the Southeast Quarter and a part of the Northeast Quarter of the Southeast Quarter of Section 7, Township 19 North, Range 11 East, more particularly described as follows, to-wit: Beginning at a point in the center line of U.S. Highway #35, (formerly known as State Road #21) 917 feet Southeasterly of the intersection of the North line of the Northeast Quarter of the Southwest Quarter of Section 7, Township 19 North, Range 11 East with the said center line of U.S. Highway #35; thence continuing in a Southeasterly direction on and along the said center line 257 feet; thence in a Northeasterly direction and with a deflection angle to the left of 78 degrees 21 minutes 1822.31 to the Westerly right-of-way line of the Chesapeake and Ohio Railroad; thence Northwesterly on and along the said right-of-way 242.82 feet; thence in a Southwesterly direction with a deflection angle to the left of 62 degrees 37 minutes 1767.0 feet to a point of beginning. Estimated to contain 10.200 acres, more or less. Subject to the right-of-way of U.S. Highway #35.

ALSO:

A part of the Southwest Quarter and a part of the Southeast Quarter of Section 7, Township 19 North, Range 11 East, more particularly described as follows, to-wit: Beginning at a point in the center line of U.S. Highway #35 1181.92 feet Southeasterly of the intersection of said center line with the North line of said Southwest Quarter and running thence Southeasterly on said center line 133.0 feet; thence deflecting to the left 78 degrees and 24 minutes and running Northeasterly 1842.9 feet to the Westerly right-of-way line of the Chesapeake and Ohio Railroad; thence deflecting to the left 114 degrees and 53 minutes and running Northwesterly along said Westerly right-of-way line 143.61 feet; thence deflecting to the left 65 degrees and 07 minutes and running Southwesterly 1809.22 feet to the point of beginning, containing 5.461 acres, more or less. Subject to the existing right-of-way of U.S. Highway #35.

ALSO:

A part of the Northeast Quarter of the Southwest Quarter and a part of the Northwest Quarter of the Southeast Quarter of Section 7, Township 19 North, Range 11 East, more particularly described as follows, to-wit: Beginning at a point in the center line of United States Highway #35 (formerly known as State Road #21) 665 feet Southeasterly of the intersection of the North line of the Northeast Quarter of the Southwest Quarter of Section 7, Township 19 North, Range 11 East, with the said center line of United States Highway #35; thence continuing Southeasterly on and along the center line 252 feet; thence in a Northeasterly direction with a deflection angle to the left of 77 degrees 15 minutes 1767 feet to the Westerly right-of-way line of the Chesapeake & Ohio Railroad; thence Northeasterly on and along the said right-of-way line 276.80 feet; thence Southwesterly with a deflection angle to the left of 62 degrees 37 minutes 1695.42 feet to the point of beginning. Estimated to contain 10 acres, more or less.

Parcel No. 18-16-07-400-002.000-020

A part of the fractional Northwest Quarter of Section 1, Township 20 North, Range 10 East in Center Township, Delaware County, Indiana, described as follows: Commencing at the Northwest corner of the fractional Northwest Quarter of Section 1, Township 20 North, Range 10 East; thence North 90 degrees 00 minutes 00 seconds East 1884.88 feet (previously deeded 1856.88 feet) (assumed bearing) along the North line of said Quarter Section; thence South 01 degree 08 minutes 52 seconds East 153.38 feet to a point on the Southerly right-of-way line of McGalliard Road, said point being the Northwest corner of a tract of ground described in Deed Record 1982 page 1776, Records of Delaware County, Indiana, said point also being the point of beginning; thence South 01 degree 08 minutes 52 seconds East 475.0 feet to the Southwest corner of said tract of ground; thence South 88 degrees 51 minutes 08 seconds West 154.00 feet; thence North 01 degree 08 minutes 52 seconds West 498.23 feet to the Southerly line of said McGalliard Road; thence South 82 degrees 34 minutes 07 seconds East 155.74 feet to the point of beginning, containing 1.66 acres, more or less.

Parcel No. 18-11-01-100-012.000-034

Beginning at a point on the Section line 158.5 feet East of the Northwest corner of the East Half of the East Half of the Northeast Quarter of Section 14, Township 20 North, Range 10 East, and running thence East on the Section line 254 feet; thence South to the North line of the right of way of the Cleveland, Cincinnati, Chicago & St. Louis Railway 25 rods, more or less, to a point 25 rods East of the West line of said East Half of the East Half of the Northeast Quarter of Section 14; thence West along said railway right of way to a point 158.5 feet East of the West line aforesaid; thence North 25 rods, more or less, to the place of beginning. Except 20 feet of equal width off the entire South-side. *NGRT*

ALSO, Commencing at a point 25 rods East of the Northwest corner of the East Half of the East Half of the Northeast Quarter of Section 14, Township 20 North, Range 10 East, running thence East on the Section line 90 feet; thence South to the right of way of the Cleveland, Cincinnati, Chicago and St. Louis Railway; thence West 90 feet, more or less, to a stake; thence North 361 feet, more or less, to the place of beginning, containing seventy-one and one hundredths of an acre, more or less.

Parcel No. 18-11-14-226-010.000-003 / 18-11-14-226-011.000-003

A part of the Southwest Quarter and a part of the Southeast Quarter of Section 7, Township 19 North, Range 11 East, more particularly described as follows, to-wit: Beginning at a point in the center line of U.S. Highway #35 1181.92 feet Southeasterly of the intersection of said center line with the North line of said Southwest Quarter and running thence Southeasterly on said center line 266.68 feet; thence deflecting to the left 73 degrees 52 minutes and running Easterly 1644.62 feet to the Southwest corner of the Northeast Quarter of the Southeast Quarter of said Section 7; thence deflecting to the right 02 degrees 10 minutes and running East on the South line of said Northeast Quarter of the Southeast Quarter 392.08 feet to the Westerly right-of-way line of the Chesapeake and Ohio Railroad; thence deflecting to the left 121 degrees and 35 minutes and running Northwesterly on said Westerly right-of-way line 472.13 feet; thence deflecting to the left 65 degrees and 07 minutes and running Southwesterly 1809.22 feet to the point of beginning, containing 14.425 acres, more or less. Subject to the existing right-of-way of U.S. Highway #35.

EXCEPT: A part of the Southwest Quarter and a part of the Southeast Quarter of Section 7, Township 19 North, Range 11 East, more particularly described as follows, to-wit: Beginning at a point in the center line of U.S. Highway #35 1181.92 feet Southeasterly of the intersection of said center line with the North line of said Southwest Quarter and running thence Southeasterly on said center line 133.0 feet; thence deflecting to the left 78 degrees 24 minutes and running Northeasterly 1842.9 feet to the Westerly right of way line of the Chesapeake and Ohio Railroad; thence deflecting to the left 114 degrees and 53 minutes and running Northwesterly along said Westerly right-of-way line 143.61 feet; thence deflecting to the left 65 degrees and 07 minutes and running Southwesterly 1809.22 feet to the point of beginning, containing 5.461 acres, more or less. Subject to the existing right-of-way of U.S. Highway #35. Containing after said exception 8.964 acres, more or less.

Parcel No. 18-16-07-400-017.000-020

