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NOV 3 2025

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

DELAWARE-MUNCIE
METROPOLITAN PLAN COMMISSION

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

Submitted: 10/9/25

☒ Delaware County

Case No.: BZA 55-25

☐ City of Muncie

(1) Applicant: Paula and Chad Hofstetter

Address: 10608 N. Colby Avenue, Muncie, IN 47303-9474 Phone: 765-499-2912

(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.: DED 2001

Page: 2509

Purchase Date: 4/26/2001

Legal Description: (From the Deed or Abstract)

Please see attached for detailed. Abbreviated: Single family residence. Code 18035. Delaware County. Lot 53 in Eden Park Subdivision. Deed of Trust. Coordinates 40.285663, -85.362977. Land sq ft 21,600. 0.50 acre. Lot depth 21,600 ft/ lot width 10,000 ft. Parcel # 18-07-11-176-009.000-006.

(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).

10608 N. Colby Avenue, Muncie, IN 47303-9474

(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.)

For detailed information, please see attached written explanation and photos RE:

1. Small independent building 5' x 5' "mini shed".
2. Independent building 17'8" x 7'4" "shed".
3. Small farm animals.
4. Covered space that exceeds square footage of house.
5. Independent structure "guest house" for friends and family.
6. Secondary to #5: Living quarters separate from the main house.
7. Secondary to #5: Living quarters smaller than minimum required for living quarters.

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

R-2 Residence Zone

(10) Present use of the property:

Residential, single family home

(11) Describe the proposed use of the property:

Residential, two dwelling: primary residence and friends/family guest house.

(12) Is the property:

☒ Owner Occupied

☐ Renter Occupied

☒ Other: Request second dwelling friends and family guest house.

Answer to #7

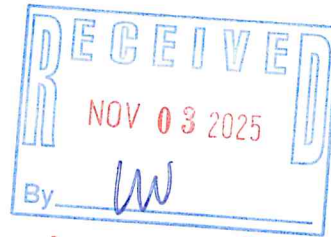
BZA 55 -25 Paula and Chad Hofstetter

Request for a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance, Article XIV, Section 1.A., to allow keeping poultry (12 medium and full-sized chickens, 34 micro and miniature chickens, 4 micro and miniature roosters, 1 turkey, and 2 ducks, for a total of 53 poultry birds) in a residence zone with approximately 15' between the birds and the nearest neighboring dwelling, and a yard sign advertising "fresh eggs". The applicant is also requesting a variance from Article XIV, Section 1, to have a second dwelling/guest house, and Article XIV, Section 7, for the second dwelling to be 252 sq. ft., rather than 768 sq. ft., for a variance of 516 sq. ft.

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METROPOLITAN PLAN COMMISSION



Chad and Paula Hofstetter
10608 N. Colby Avenue
Muncie, IN 47303-9474
765-348-6489 (Chad)
765-499-2912 (Paula)
chadandpaulahof@att.net

Answer to #8
BZA 55-25

Building Commissioner's Office
Delaware County Building Department
100 West Main Street, Room 206
Muncie, IN 47305
765-747-7799

BZA 55-25

Our home is located in Hamilton Township of Delaware County, lot 53 in Eden Park Edition.

Greetings. Thank you for reviewing the variance requests and information we've submitted. We apologize for doing so belatedly. We live outside city limits and, in our ignorance, did not know construction projects or other actions require variance approval and permitting. We are striving to right all oversights.

Explanation of part 1, to question #8

Request variance approval for an existing 5'x 5' independent building "mini shed" on our property used to store supplies, such as for pet care.

Explanation of part 2, to question #8

Request variance approval for a nearly completed 17'8"x 7'4" independent building "shed" on our property that will store our riding lawn mower, push mower, lawn care implements, and other supplies. It's positioned directly behind our detached garage where it is not visible from the road.

Explanation of parts 3 and 4, to question #8

Includes three variance requests.

1. small farm animals
2. small attractive yard sign noting "Fresh Eggs"
3. cumulative covered space on our property that exceeds the total covered square footage of our home

1. Request variance approval of small farm animals (fowl) on our property: We've owned chickens for about two years, having obtained them to enrich the life of our severely disabled youngest son. The chickens' antics provide Atticus endless entertainment, offer visual stimulation and interest when he looks out the window, and are gentle pets he can safely hold.

At the onset of our venture to own chickens we spoke with our neighbors to ask if they had objections, explaining our reasons for getting fowl and plan to keep them contained in our backyard. None objected.

Our back yard is entirely enclosed by a wooden privacy fence. Our fowl free-range, but never outside the bounds of our back yard. Therefore, though our birds are less than 200' from our neighbors, they remain physically and visually separate. We do not sell fowl.

2. Sometimes our hens are especially generous egg producers. We'd like variance approval to place a small attractive sign in our yard noting "Fresh Eggs" when they're available.

Fowl Quantity:

- 1 turkey and 2 ducks that, though quite friendly, will not be replaced once deceased
- 38 micro and miniature chickens (including 1 micro and 3 miniature roosters)
- 12 medium and full size chickens

3. Requesting variance approval of covered space that exceeds the covered square footage of our home: An [mostly] open-sided roofed structure separated into “people area” and “chicken space” facilitates increased outdoor time for our family (our disabled son, especially) as well as designated space to contain and care for our animals. Other roofed structures on our property (excluding the house) include a detached garage, small 5’x 5’ shed, regular size 17’8”x 7’4” shed, portable storage enclosure 18’x 7’, and an 18’x 14’ guest house. An attached property diagram displays these structures.

Explanation of parts 5, 6, and 7, to question #8

Includes three variance requests secondary to approval for a small “guest house” to intermittently serve as living quarters for friends and family.

1. Independent structure
2. Living quarters separate from the main house
3. Living quarters smaller than minimum requirement

This is a hardship request on behalf of my father, Herbert H. Somers. We want to preserve Dad’s dignity by providing a means of independent living that simultaneously enables me (Paula--his daughter, POA, and primary support person) to oversee his wellbeing and assist him promptly when needed. We are seeking for dad other long-term housing within our small neighborhood, but our guest house is a comfortable temporary solution.

The guest house, which is nearing completion, is approximately 18’x 14’. It comprises open concept studio living space and an enclosed bathroom with sink, toilet, and walk-in shower. The living area will have sleeping quarters, cozy daytime space, and a kitchenette. The building will be thermoregulated by a gas mini split, and access water via the property’s 150’ well. Property sewage is per Regional Wastewater District.

Once dad finds a suitable nearby home, we will use the guest house as free lodging for visiting friends and family. When no guests are visiting, Paula and Atticus will use the building as a thermoregulated “outdoor” hobby house and place to relax. We have no desire to use this space as a rental.

Conclusion pertaining to all above requests

We’ve constructed all our backyard projects to be both functional and aesthetically pleasing. The appearance and color of all structures match and/or coordinate. Even so, our privacy fence means the structures, covered spaces, and entire backyard are not easily seen from the road, and have only a limited view from neighboring properties.

Thank you for understanding the situation in which we find ourselves, and for your consideration of these matters.

Pleasant regards,
Chad and Paula Hofstetter

Chad M. Hofstetter

Paula L. Hofstetter

Addendum: variance requests sorted by priority

It is difficult to prioritize the catagoric variance requests we’ve submitted, as many of them overlap in purpose and have supportive functionality. However, if pressed, their order of importance is:

1. guest house
2. covered space
3. fowl
4. shed
5. mini shed
6. small attractive sign

- (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.

Please see attached typed explanation, and notes from neighbors.

- (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.

I did not know of such until I spoke with a planner regarding this application.

- (15) Has work for which this application is being filed already started? If answer is "YES", give details.

Yes. All requests are existing or in-progress. Please see attached info.

- (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?

already in-progress or completed

When will it be completed?

Goal = December 2025

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

Current homeowners Chad and Paula Hofstetter and their friends and family.

AFFIDAVIT

(I or We) Paula Hofstetter

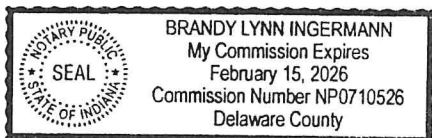
TYPE NAME(S) OF SIGNATORIES

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:

Paula L. Hofstetter

Subscribed and sworn to before me this 9 day of October, 2025.



Brandy L Ingermann
Notary Public
2-15-2026

Commission Expires

Resident of Delaware 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 20 day of November, 2025.

Signed: *[Signature]*

Date: 11/10/25

AFFIDAVIT

(I or We) Chad M. Hofstetter

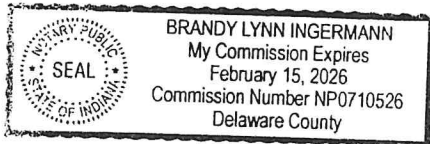
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being duly sworn depose and say that (I or We) (am or are) the (owner[s]) (contract owner[s]) of property involved in this application and that the foregoing signatures, statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of (my or our) knowledge and belief.

SIGNATURES:

Chad M. Hofstetter

Subscribed and sworn to before me this 10 day of October, 2025.



Brandy Lynn Ingermann
Notary Public

2-15-2026

Commission Expires

Resident of Delaware 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 20 day of November, 2025.

Signed: *[Signature]*

Date: 11/10/25

010776

APR 30 2001

DeMarbo
Recorder, Delaware County

011 9146223

WARRANTY DEED

THIS INDENTURE WITNESSETH, That

ARNOLD S. EVERETT, JR.

of Delaware County, in the State of Indiana,

Convey and Warrant to

CHAD M. HOFSTETTER AND PAULA L. HOFSTETTER, HUSBAND AND WIFE

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:

Lot 53 in Eden Park, Section "B", a Subdivision in Hamilton Township, Delaware County, Indiana, the plat of which is recorded in Plat Book 9, Pages 91 and 92 in the Office of the Recorder of Delaware County, Indiana. 07-01947

SUBJECT TO TAXES DUE AND PAYABLE _____.

SEND TAX STATEMENT TO: CHAD M. HOFSTETTER AND PAULA M. HOFSTETTER
10608 N. COLBY AVE
MUNCIE IN 47303

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

In Witness Whereof the said ARNOLD S. EVERETT, JR. have hereunto affixed their name and seal, this 26 day of APRIL, 2001.

Arnold S. Everett Jr.
ARNOLD S. EVERETT, JR.

State of Indiana, Delaware County, SS:

Before me, the undersigned, a Notary Public in and for said County, this 26th day of April, 2001, came ARNOLD S. EVERETT, JR. and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal.

Donna Shaw
Notary Public (Seal)

My commission expires:
Resident of:

DONNA SHAW Notary Public
A resident of Delaware County
My Commission Expires Nov 5, 2008

This instrument prepared by: JAMES ROBERT WESLEY, ATTORNEY AT LAW.

Duly Entered for Taxation
Transfer Fees \$300

APR 30 2001

James Robert Wesley
DELAWARE CO. AUDITOR

Chad and Paula Hofstetter
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Muncie, IN 47303-9474
765-348-6489 (Chad)
765-499-2912 (Paula)
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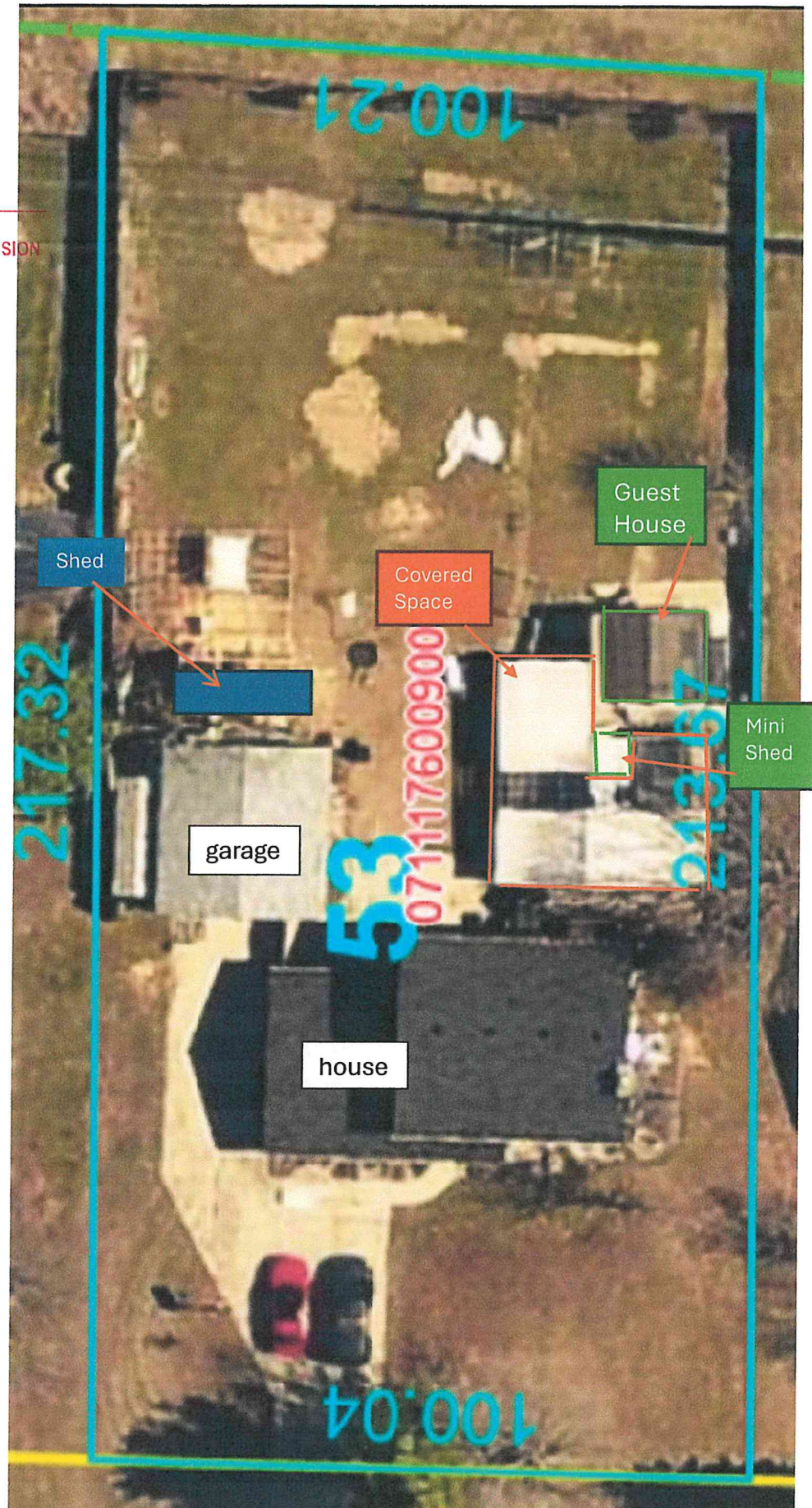
Hamilton Township
Delaware County

lot 53 in Eden Park Edition
DELAWARE-MUNCIE
METROPOLITAN PLAN COMMISSION

BEACON: DISTANT VIEW



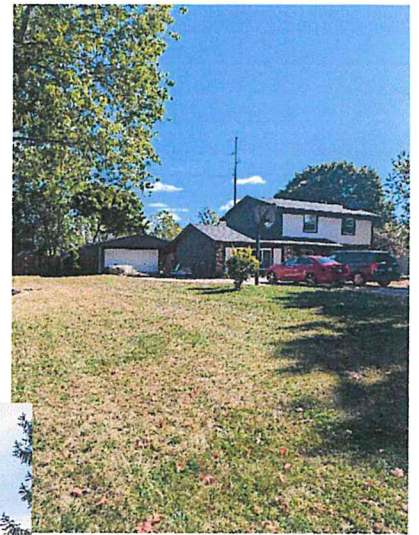
BEACON: ROTATE ABOVE PIC, ZOOM TO PROPERTY



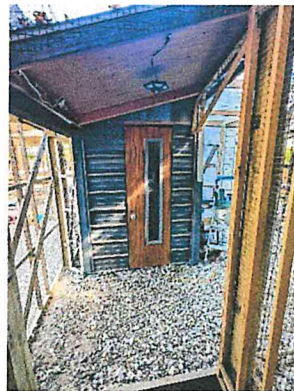
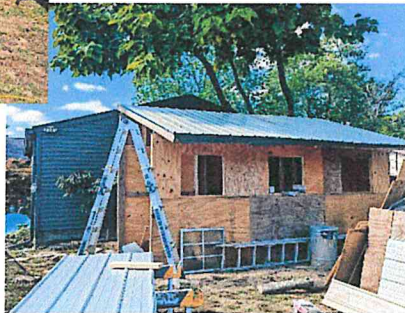
BEACON: ZOOM PIC, STRUCTURES IDENTIFIED



House:
front view



Shed:
Front and side
views



Mini
Shed

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METROPOLITAN PLAN COMMISSION



Atticus peering
through his window



back yard, rear
house view from
INSIDE privacy
fence

Updated [in-progress] Pictures



guest house



shed

This picture includes nearly all the chickens. Excluded are only 3 moms/chicks (most already gone to other forever homes) and 2 "fragile" hens that have their own space.



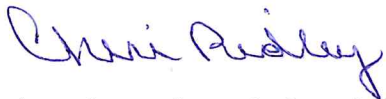
October 7, 2025

Support Letter
for BZA 55-25

To Whom It May Concern:

I am writing this note on behalf of Chad and Paula Hofstetter. I live across the street from the Hofstetter family and have known they have chickens in their back yard for some time. At no time has this ever bothered us in any way. Yes, we hear them in the summer, particularly the rooster :), but from our vantage point, we never see them. There is an attractive fence which goes across the yard where the chickens are in the back. Trees and other plants are on the front side of this fence.

Sincerely,



Cheri and Keith Ridley
10605 N Colby Ave.

Support Letter
for BZA 55-25

As a neighbor of Paula and Chad Hofstetter, the animals next door have always been contained and we are not opposed of them being there. None of the animals have ever been a nuisance or roamed the neighborhood. My children also enjoy hearing the animals while they're plaing out back.

Thank you,

Marisa and Adam Clifford of 10604 North Colby Avenue

October 7th, 2025

Support letter
for BZA 55-25

TO the BZA -

I own the property next to Paula, Paula does a great job of keeping the chickens under control, and the yard very clean, there is no smell, the chickens are in a fenced in back yard they do no roam free. I would have no issues with the board approving her request.

Michael Baddels