

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

☐ Delaware County

☒ City of Muncie

Submitted: Dec. 13, 2023

Case No.: BZA 01-24

(1) Applicant: 3 Brothers Campus Properties LLC

Address: 7675 W McColm Rd., Gaston, IN 47342 Phone: 765-215-3719

(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.: 2023-R-140501

Page: 1

Purchase Date: October 17, 2023

Legal Description: (From the Deed or Abstract)

Neely Addition
Block 12
Lot 6

(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).

1221 W Rex, Muncie, IN 47303

(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 special use under the terms of the City of Muncie Comprehensive Zoning Ordinance, Article XVI, Section 2 item 6, to allow an accessory dwelling unit for a new development containing two dwellings on the same parcel in a single-family residence zone.

(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)

R4

(10) Present use of the property:

Uninhabitable

(11) Describe the proposed use of the property:

dwelling

(12) Is the property:

☐ Owner Occupied

☒ Renter Occupied

☐ Other: _____

Answer to #8

Nov. 8, 2023

BZA Board Members,

We request the board entertain a second hearing regarding BZA 54-23 for the property located at 1221 W Rex St. We are no longer requesting the board approve a variance to allow a three-unit property. We have modified our application to request Special Use approval for the creation of an accessory dwelling. All other variance requests have been removed from our application.

We present the following new facts and evidence supporting a material change in our case.

Our site plan has been modified. A revised plan is attached. The new plan will consist of one primary unit consisting of 4 bedrooms and one accessory unit consisting of 1 bedroom. 5 bedrooms in total.

As required by the established procedures in Article XVI Section 2 the accessory dwelling will be greater than 300 square feet and provide two parking spots for each unit. Detail provided in the attached site plan.

The creation of an accessory dwelling, resulting in a 2-family property class will not result in a unique property class within the Neely Addition, the neighborhood in which 1221 W Rex is located.

Within the Neely addition the following family dwelling property types currently exists:

- 3 Family Dwelling – 6 properties (1.5%)
- 2 Family Dwelling – 35 properties (8.7%)
- 1 Family Dwelling – 361 properties (89.8%)
- Total – 402 properties

1 of every 10 parcels within the Neely Addition currently houses a multi-family dwelling. Detail attached.

Thank you for your consideration.

Mark Price

Owner

3 Brothers Campus Properties LLC

- (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.

See attachments

- (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.

R4 Zoning

- (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.

Yes October 26, 2023. BZA turned down our request for a variance. Nov.30, 2023

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

As soon as possible

When will it be completed?

August 2024

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

BSU Campus Rentals as operator and tenants as users.

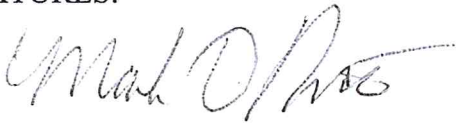
AFFIDAVIT

(I or We) 3 BROTHERS CAMPUS PROPERTIES LLC (Mark Price)

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 12th day of December, 2023 /



Brenda K. Webster

Notary Public

8-31-2028

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.

DULY ENTERED FOR TAXATION
TRANSFER FEES \$ 10.00
Oct 26 2023 - ER

EWL
DELAWARE COUNTY AUDITOR

2023R14050
JAN SMOOT
DELAWARE COUNTY RECORDER
RECORDED ON
10/26/2023 09:22 AM
REC FEE 25.00
PAGES: 1
RECORDED AS PRESENTED

WARRANTY DEED

THIS INDENTURE WITNESSETH, that

Checkmate GOH, LLC, a Limited Liability Company

of **Delaware** County, in the State of IN,

Convey and Warrant to

3 Brothers Campus Properties LLC

of **Delaware** County, in the State of IN, 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 IN to-wit:

Lot Number Six (6) in Block Numbered Twelve (12) in the Neely Addition, an Addition to the City of Muncie, Delaware County, Indiana.

Tax Duplicate No. **18-11-09-133-002.000-003**

Property Address: **1221 West Rex Street, Muncie, IN 47303**

SUBJECT TO TAXES DUE AND PAYABLE PRORATED TO DAY OF CLOSING

GRANTEES TAX MAILING ADDRESS: **3 Brothers Campus Properties LLC**
7675 W McCOLM RD
GASTON IN 47342

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

In Witness whereof the said **Checkmate GOH, LLC, a Limited Liability Company** By **Cameron Sarah and Mark Price, Members**, have hereunto executed the foregoing deed on this 17th day of October, 2023

Checkmate GOH, LLC, a Limited Liability Company

By: *Cameron Sarah*
Cameron Sarah, Member

By: *Mark Price*
Mark Price, Member

State of IN

County of **Delaware**SS:

Before me, the undersigned, a Notary Public in and for said County, on this 17th day of October, 2023, came **Checkmate GOH, LLC, a Limited Liability Company** by **Cameron Sarah and Mark Price, Member**, and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal.

My commission expires:
Resident of:

Susan B. Rankin
Notary Public



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.

State of Indiana
Office of the Secretary of State

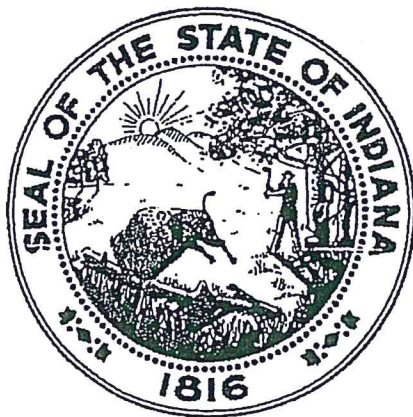
CERTIFICATE OF ORGANIZATION

of

3 BROTHERS CAMPUS PROPERTIES LLC

I, Connie Lawson, Secretary of State of Indiana, hereby certify that Articles of Organization of the above Domestic Limited Liability Company (LLC) has been presented to me at my office, accompanied by the fees prescribed by law and that the documentation presented conforms to law as prescribed by the provisions of the Indiana Business Flexibility Act.

NOW, THEREFORE, with this document I certify that said transaction will become effective Wednesday, May 01, 2013.



In Witness Whereof, I have caused to be affixed my signature and the seal of the State of Indiana, at the City of Indianapolis, April 19, 2013

Connie Lawson

CONNIE LAWSON,
SECRETARY OF STATE

BUSINESS INFORMATION
CONNIE LAWSON
INDIANA SECRETARY OF STATE
11/14/2019 03:09 PM

Business Details

Business Name: **3 BROTHERS CAMPUS PROPERTIES LLC** Business ID: **2013041900458**
Entity Type: **Domestic Limited Liability Company** Business Status: **Active**
Creation Date: **05/01/2013** Inactive Date:
Principal Office Address: **7675 W. McColm, Gaston, IN, 47303, USA** Expiration Date: **Perpetual**
Jurisdiction of Formation: **Indiana** Business Entity Report Due Date: **05/31/2021**
Years Due:

Principal Information

Title	Name	Address
Member	Mark D Price	7675 W. McColm Road, Gaston, IN, 47342, USA
Member	Nicolle B Price	7675 W. McColm Road, Gaston, IN, 47342, USA

Registered Agent Information

Type: **Individual**
Name: **NICOLLE B. SIDWELL**
Address: **7675 W. McColm Road, Gaston, IN, 47304, USA**

RECEIVED 04/19/2013 01:06 PM

APPROVED AND FILED
CONNIE LAWSON
INDIANA SECRETARY OF STATE
4/19/2013 1:23 PM

ARTICLES OF ORGANIZATION

Formed pursuant to the provisions of the Indiana Business Flexibility Act.

ARTICLE I - NAME AND PRINCIPAL OFFICE

3 BROTHERS CAMPUS PROPERTIES LLC

5205 W. TAMARAC DRIVE, MUNCIE, IN 47304

ARTICLE II - REGISTERED OFFICE AND AGENT

MARK D. PRICE

5205 W. TAMARAC DRIVE, MUNCIE, IN 47304

ARTICLE III - GENERAL INFORMATION

What is the latest date upon which the entity is to Perpetual
dissolve?:

Who will the entity be managed by?: Members

Effective Date: 5/1/2013

Electronic Signature: MARK D. PRICE

RESOLUTION

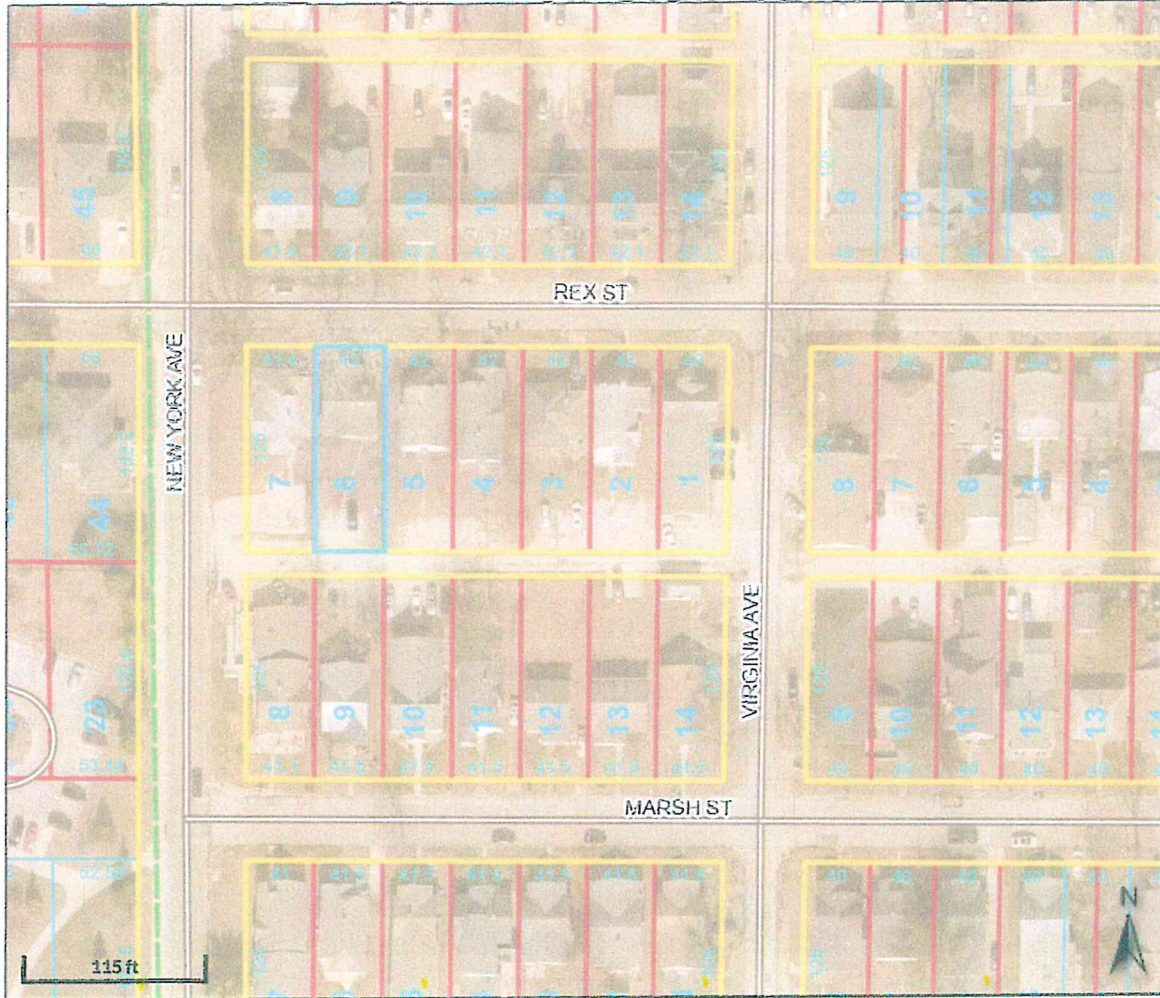
The undersigned, being all the members of **3 Brothers Campus Properties, LLC** hereby consents to, authorizes, and appoints **Mark D Price** as Authorized Member to execute any and all documents necessary to sell and/or purchase property including, executing the mortgage, promissory notes, deeds, disclosures, amendments, settlement statements, and other related closing documents. The undersigned hereby ratifies all acts to be done which are consistent with this resolution. This written consent shall be in lieu of any special meeting of the officers.

Nicolle Price
Nicolle B Price, Member

Mark D Price
Mark D Price, Member

12/11/2020
Date

12/11/2020
Date



Overview



Legend

- Major Roads
 - INTERSTATE
 - MAJOR ROAD
 - STATE ROAD
 - US HIGHWAY
- Geocoded Streets
- RR Lines
- Airport Runways
- Cadastral Line
 - Geographic Township Line
 - Lot Line
 - Misc Line
 - Parcel Line
 - Political Township Line
 - Railroad Centerline
 - Railroad ROW
 - Road Centerline
 - Road ROW
 - Section Line
 - Subdivision Line
 - Unknown
 - Water Line
 - <all other values>
- Parcels
- Muncie Parks
- Major Waterbodies
- Lakes and Ponds

Parcel ID 1109133002000
 Sec/Twp/Rng n/a
 Property Address 1221 W REX ST
 MUNCIE

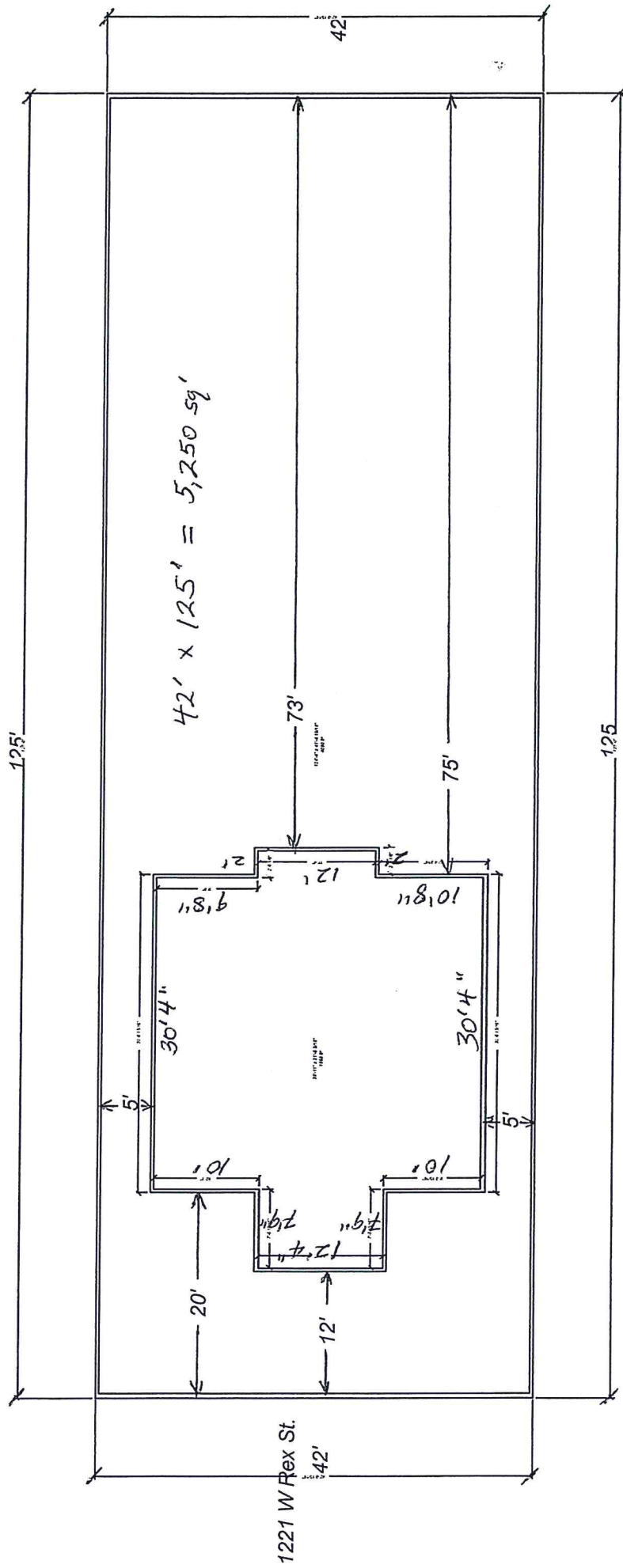
Alternate ID 18-11-09-133-002.000-003
 Class 1 Family Dwell - Platted Lot
 Acreage n/a

Owner Address CHECKMATE GOH LLC
 7675 W MCCOLM RD
 GASTON, IN 47342

District MUNCIE
 Brief Tax Description NEELY ADD BLK 12 LOT 6
 (Note: Not to be used on legal documents)

Land Records: The land record layers including parcel information is a work in progress. Some errors and commissions have occurred in the transfer of property information from paper plat books to the digital format that is available on this website. Delaware County is currently working to identify and correct this issues. Land records displayed on this site are for GRAPHIC REPRESENTATION AND INFORMATION RETRIEVAL PURPOSES ONLY. Refer to official deeds and surveys for detailed parcel information. Delaware County makes no warranties for the accuracy or completeness of this information.

Current Site



Proposed Plan

