

ORDINANCE NO. 2012-006

ORIGINAL

**BEING AN ORDINANCE TO AMEND
THE DELAWARE COUNTY COMPREHENSIVE ZONING ORDINANCE**

WHEREAS, the State enabling act for planning and zoning empowers the Board of County Commissioners of Delaware County, Indiana to adopt a Comprehensive Zoning Ordinance and also provides for amendments to the said ordinance as the need arises; and

WHEREAS, the Board of County Commissioners of Delaware County, Indiana has given reasonable regard to the Comprehensive Plan; current conditions and the character of current structures and uses in each district; the most desirable use for which land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible growth and development.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, INDIANA, as follows:

Section 1. That the Delaware County Comprehensive Zoning Ordinance, theretofore adopted by the Board of County Commissioners of Delaware County, Indiana, on the 11th day of December, 1973, be amended, changed and supplemented so as to include in the **IL Limited Industrial Zone** the following described real estate located in Delaware County, Indiana, to wit:

see attached legal description

Section 2. That no structures shall be placed on said lot or parcel of land except in compliance with the Delaware County Comprehensive Zoning Ordinance of Delaware County, Indiana.

Section 3. That this Ordinance shall be in full force and effect from and after its passage by the Board of County Commissioners of Delaware County, Indiana.

Section 4. That this Ordinance is adopted this 20 day of FEBRUARY, 2012.

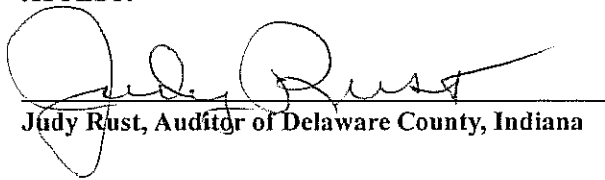
**BOARD OF COUNTY COMMISSIONERS
DELAWARE COUNTY, INDIANA**


Todd Donati, President


Larry Bledsoe, Jr., Member


Donald Dunnuck, Member

ATTEST:


Judy Rust, Auditor of Delaware County, Indiana

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION
PROPOSED ZONING CHANGE APPLICATION**

Jurisdiction: (Check One)

Delaware County

City of Muncie

Submitted: 12-28-11

Case No.: MPC 1-12Z

(1) Applicant: Dee L Slice

Address: 12250 S Shortcut Road Phone: 765-524-4648
Muncie, Indiana 37302

(2) Record of Applicant's Ownership:

A. By Deed:
Deed Book No. & Page No.: 2011R/11956
Date of Deed: 10/20/2011

B. By Recorded Contract:
Misc. Book No. & Page No.: _____
Date of Contract: _____

C. By Unrecorded Contract:
Date of Contract: _____
Name of Contract Seller: _____
Book No. & Page No. Of Deed in Seller's Name: _____

(3) Legal Description of Property for which rezoning is requested: (From the Deed or Abstract).
see attached warranty deed.


(4) Common Address of Property Involved:
2121 E 29th street
Muncie, Indiana 47302

(5) Proposed zoning change: (Give exact zone classification.)
From the R-4 residential Zone
To the limited industrial Zone

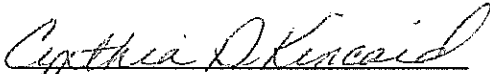
- (6) Intent and Purpose of Proposed Change: (Specify use contemplated on property.)
see attached.
- (7) Will the Owner develop the property for the use specified in Item 6 or does owner intend to sell property for the purpose specified.
The owner will develop the property for ECI Erectors, LLC main office and shop.
- (8) State how the proposed change will not adversely affect the surrounding area.
The purpose will be similar to the preceding business with much less exterior clutter and equipment.
- (9) Will certain variances be requested if the proposed zoning change is granted?
(If yes, list the variances)
no
- (10) Has the applicant provided stamped, addressed envelopes to send notices of this rezoning to all the property owners within 300 feet? yes
Has the applicant discussed this rezoning with those owners personally? yes
(If answer is yes, give their attitudes toward the rezoning.)
Everyone was very acceptable with the proposed plan and wishes luck for success.
- (11) Are there any restrictions, easements, and/or covenants governing the property prohibiting its use for the purpose specified in this application?
(If answer is yes, attach copy of it and/or explain.)
no.

AFFIDAVIT

(I or We) Dee L Stice being duly sworn, depose and say that I/We am/are the owner(s)/contract owner(s) and contract seller(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/our knowledge and belief.

SIGNATURES: 

Subscribed and sworn to before me this 27th day of Dec, 20 11


Notary Public

4-17-15
My Commission Expires

Resident of Henry County

State of Indiana

DO NOT WRITE IN THIS SPACE

The foregoing application has been inspected by me and was submitted to the Delaware-Muncie Metropolitan Plan Commission Office in accordance with all the formal requirements. If properly advertised by the applicant, this application will be heard by the Plan Commission in Public hearing on the _____ day of _____, 20_____.

Signed _____

Date _____

②
TTC
2P



* 2 0 1 1 R 1 1 9 5 6 *
2011R11956
JANE LASATER
DELAWARE COUNTY RECORDER
RECORDED ON
10/20/2011 03:03:00PM
REC FEE: 18.00
PAGES: 2

File No: 20112151
Parcel Number: 18-11-26-177-006.000-002

WARRANTY DEED

This Indenture Witnesseth, That Clifford Stice and Kathleen Stice, husband and wife, *Convey(s) and Warrant(s)* to Dee Stice for NO consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Delaware County, in the State of Indiana:

Tract 1

A part of the East Half of the Northwest Quarter of Section 26, Township 20 North, Range 10 East, more particularly described as follows, to-wit: Beginning at a point in the center line of State Highway No. 21, a public highway running East and West through the said East Half of said Northwest Quarter, which point is 189.39 feet East of the West line of said East Half of the Northwest Quarter, running thence South parallel with the West line of said East Half of said Northwest Quarter, a distance of 690 feet; thence East parallel with the center line of State Highway No. 21, a distance of 126.26 feet; thence North parallel with the West line of said East Half of said Northwest Quarter, 690 feet to the center line of State Highway No. 21; thence running West with the said centerline of State Highway No. 21, 126.26 feet to the place of beginning, estimated to contain 2 acres.

Subject To any and all easements, assessments, agreements, and restrictions of record.

In Witness Whereof, Grantor has executed this deed this 3rd day of October, 2011.

Clifford Stice

Kathleen Stice

Duly Entered for Taxation
Transfer Fees \$ 5.00

OCT 20 2011

DELAWARE CO. AUDITOR

(6)

The new business will employ 2-10 persons to work in the office, steel fabrication shop and repair tools for the steel erection business.

The building was built in 1979 with a small mobile home on site built in 1973. The business will be similar to the preceding excavating and machine repair business.

With the rezoning complete I plan to put up a 6' security fence and resurface the parking lot in front of the building which is 126'X93' to provide security and ample employee parking for the new business ECI Erectors, LLC.

Mobile Home Residence

Muncie

29TH

114.7
-001
0.35

74.68

126.25

100

100

100

100

-001
0.52

-001
0.28

114.7
-002
0.25

-026
0.684

-027
0.43

-028
0.43

MOCK

100
-003
0.15

-003
0.15

176

-010
0.24

Limited Industrial

-040
0.15

-005
0.2

Residence zone 4

-005
0.18

-007
1.218

-009
0.47

-009
0.47

-007
0.3

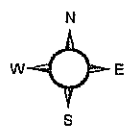
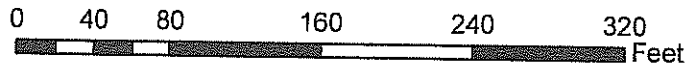
-007
0.4

-008
0.37

325

-042
0.1

Variety Business



29th St.

26.26

93

17

56.26

60 x 90

12 x 45

690

290

MOCK AVE

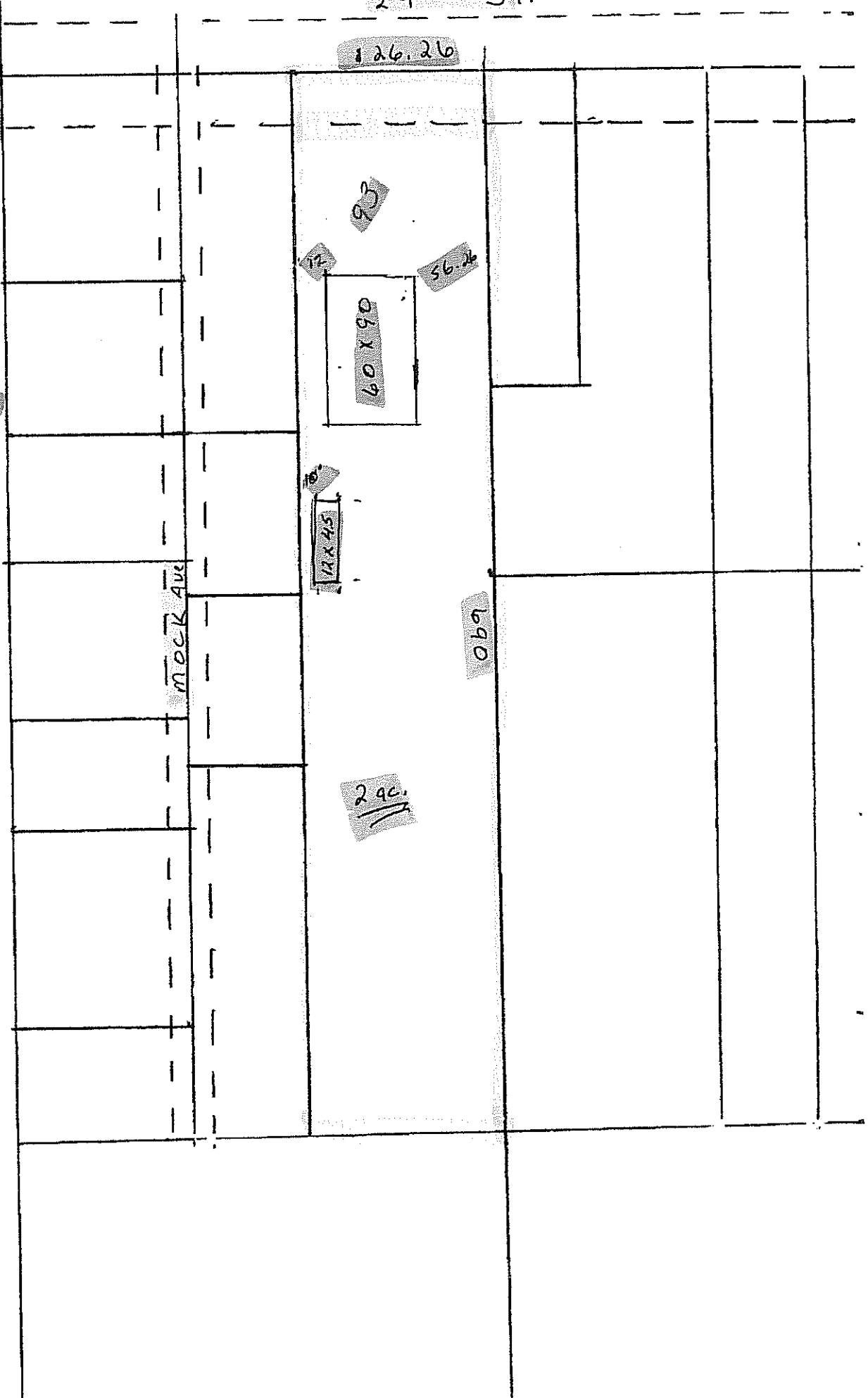
4st of Wal-Mart

Mock + 29th St.

56.26 x 690 = 290.

60 x 90 = Shop/warehouse

12 x 45 = Mobil home
Rental



29th St.

826.26

Shady Grove Church

East of Wal-Mart

Rock & 29th St.

56.26 x 690 = 2 ac.

60 x 90 = Shop/Warehouse

12 x 45 = Mobil home Rental

Fusate Rental

Timbal Rental

93

60 x 90

56.26

Collins Rental

Bob Arson

Timbal Rental

12 x 45

Collins

Fusate Vacant

MOCK AVE

Fredrick Rental

069

Fusate Rental

2 ac.

Taylor

Fredrick

Collins

Fredrick Rental

	OwnerName	OwnerAddress	OwnerCity	OwnerState	OwnerZIP
1	ABBOTT JOHN L AND BETTY D	2210 E 26TH ST	MUNCIE	IN	47302
2	ARISON ROBERT N & REXANNE	3707 S MOCK AVE	MUNCIE	IN	47302
3	B E S DEVELOPMENT INC	3410 W FOX RIDGE LANE	MUNCIE	IN	47304
4	BRUNER DENNIS W II	2211 E 29TH ST	MUNCIE	IN	47302
5	COLLINS PERRY SCOTT AND CATHY	2205 E 29TH ST	MUNCIE	IN	47303
6	FOREHAND DAWN A & MICHAEL E BRANHAM	2207 E 29TH ST	MUNCIE	IN	47302
7	FREDERICK STACY A & DONNA S	3710 S MOCK AVE	MUNCIE	IN	47302
8	FREDERICKS WILLIAM A AND SANDRA	3710 MOCK AVE	MUNCIE	IN	47302
9	FUGATE HOWARD JR AND HAZEL	3711 S MOCK AVE	MUNCIE	IN	47302
10	PITTMAN TERRI C	2215 E 29TH ST	MUNCIE	IN	47302
11	SHADY GROVE CHURCH OF GOD INC	2021 E 29TH ST	MUNCIE	IN	47302
12	SHROYER WILLIAM O	2212 S WALNUT ST	MUNCIE	IN	47302
13	SMITH HUGH B AND DORIS H	2206 E 26TH ST	MUNCIE	IN	47302
14	SOUND THE ALARM CHURCH OF GOD MOUNTAIN	3100 E MCGALLIRD RD	MUNCIE	IN	47303
15	TAYLOR LARRY J	10501 E CR 500 S	SELMA	IN	47383
16	TRIMBLE CARL AND TERRY	3815 S MEEKER	MUNCIE	IN	47302
17	TRIMBLE WILLIAM J AND MARY E	8511 E JACKSON ST	SELMA	IN	47383
18	WEST WILLIAM E & C MAE	PO BOX 2401	MUNCIE	IN	47307

**REPORT TO THE BOARD OF COUNTY COMMISSIONERS
OF DELAWARE COUNTY, INDIANA**

February 6th, 2012

To The Honorable:

Board of County Commissioners of Delaware County, Indiana

Dear Board Members:

The Delaware-Muncie Metropolitan Plan Commission hereby submits to you the following report on the application of: Dee L. Stice, 12250 S. Shortcut Rd., Muncie, IN 47302, such applicant petitioning the commission to rezone the real estate as described in the application, generally located at: 2121 E. 29th St., Muncie, Indiana 47302, from zone classification: R-4 Residence Zone to classification: IL Limited Industrial Zone.

WHEREAS, the Commission has given reasonable regard to the comprehensive plan, current conditions and the character of current structures and uses in each district, the most desirable use for which the land in each district is adapted, the conservation of property values throughout in the jurisdiction and responsible growth and development; and

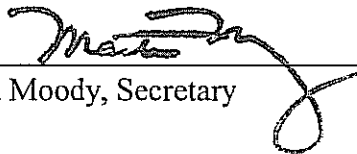
NOW, THEREFORE, the Delaware-Muncie Metropolitan Plan Commission hereby **FAVORABLY RECOMMENDS (6-0)** the application for rezoning.

**DELAWARE-MUNCIE METROPOLITAN
PLAN COMMISSION**

BY:



Tom Green, President



Marta Moody, Secretary

Delaware-Muncie Metropolitan Plan Commission
Excerpt of Case Analysis - February, 2012

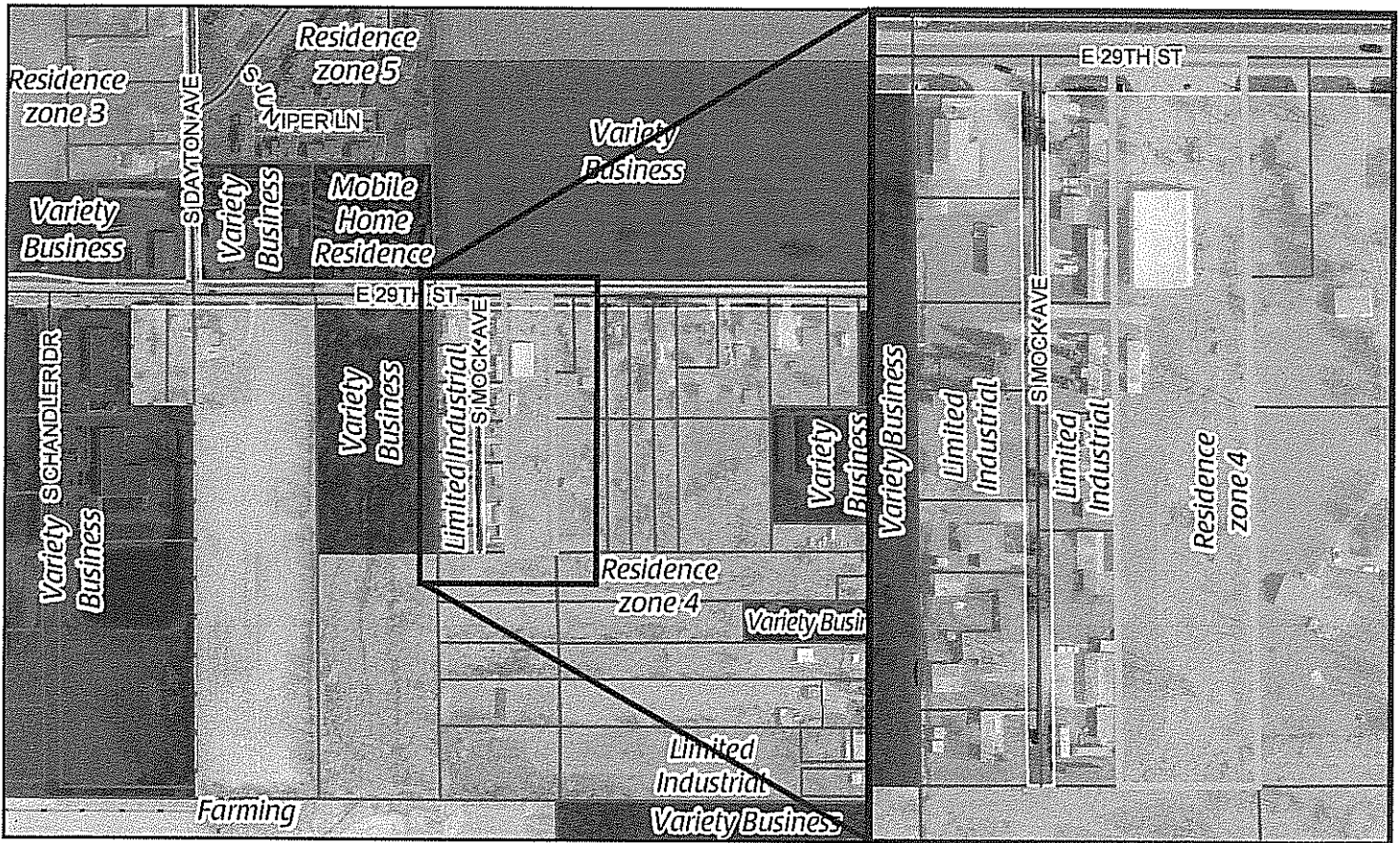
MPC 01-12Z Stice, Dee L.

Location & Description: 2121 E. 29th St., Muncie, IN 47302

Located on the south side of E. 29th St. between S. Mock St. and S. Meeker Ave.

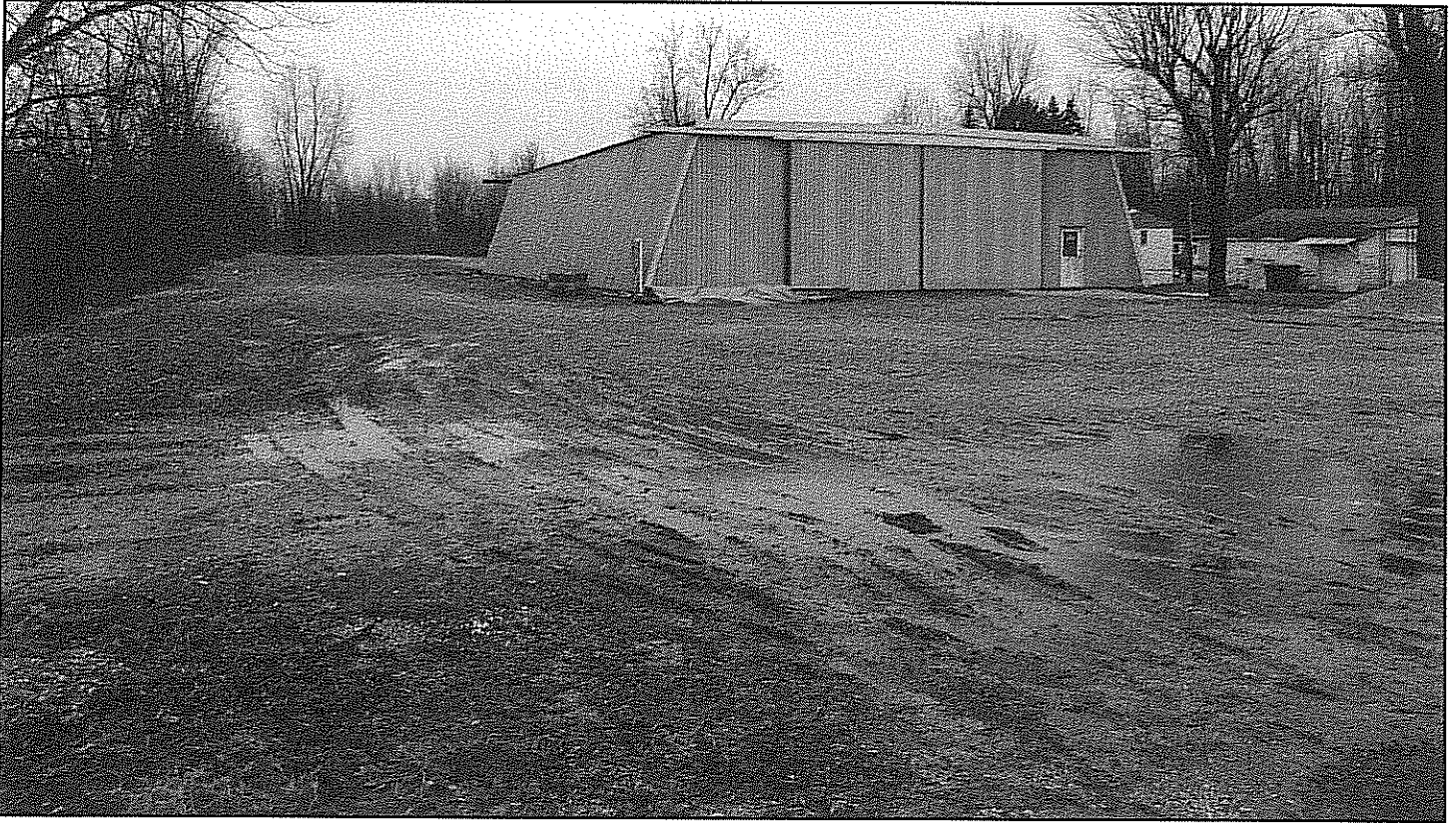
Traveling south on Madison St., turn left (east) on 29th St., continue approximately 1 mile; 2121 E. 29th St will be on the right (south side).

The ~2 acre parcel includes a large building and a mobile home. The parcel has ~126' of road frontage and is ~690' deep. The large structure is setback ~90' from 29th Street's R.O.W. The large structure was built in 1973 and has a non-conforming industrial use. Due to the scale of the zone maps before the digital transition, and the few reference points in the area, it is possible that the use was mistakenly permitted due to the property's proximity to existing IL Limited Industrial Zone.



Streets: 29th Street is classified as a Secondary Arterial with an 80' proposed R.O.W. according to the Thoroughfare Plan Map and as a Major Road according to the Delaware County Major/Minor Roads Map.

Land Use: The site's land use is commercial in the northern half and it is greenspace (vacant) in the southern half. Property to the south is vacant, while properties to the west and east are residential in use. Property to the north is agricultural.



View of site from 29th Street, looking southeast.

Zoning: The current zoning is R-4 Residence Zone. Abutting properties to the west are in the IL Limited Industrial Zone; abutting properties to the east and south are in the R-4 Residence Zone.

Request: The request is to rezone the property to the IL Limited Industrial Zone to make the non-conforming use conforming. The applicant would like to develop the property for ECI Erectors, LLC's main office and shop using the existing buildings.

Map showing locations of cases.

