

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

☒ Delaware County

☐ City of Muncie

Submitted: 10/8/2024

Case No.: BZA 57-24

(1) Applicant: Theresa Kay Johnson

Address: 1201 N County Road 600 East

Phone: 765-748-9619

(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.: 1984

Page: 2830

Purchase Date: August 16, 1984

Legal Description: (From the Deed or Abstract)

A part of Northeast Quarter of Section Nine (9), Township Twenty (20) Range Eleven (11) East in Liberty Township, Delaware County Indiana, described as follows:
Commencing at the Northeast Quarter (NE1/4) of Section Nine (9). Township

(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).

1201 North County Road 600 East

(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.)

To store tools and vehicles properly and to protect them from the weather, to free up living space in my house and make it more comfortable to take care of my mother's needs, and to have space to entertain family. Have a porch so my mother can get out of the house, out of the sun for exercise and enjoyment.

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

R1 Residence Zone

(10) Present use of the property:

Single family dwelling

(11) Describe the proposed use of the property:

To hold vehicles, tools, mowers, and yard tools. A room for family activities

(12) Is the property:

☒ Owner Occupied

☐ Renter Occupied

☐ Other: _____

Answer to #7

BZA 57-24 Goforth/Johnson

Request for variances from the terms of the Delaware County Comprehensive Zoning Ordinance, Article IX, Section 14.A.1.c, to allow an existing 144 sq. ft. shed, an existing 96 sq. ft. shed and a new 2,088 sq. ft. barn/detached garage for a total of 2,328 sq. ft. to exceed the 1378 sq. ft. floor area of the house for a variance of 950 sq. ft., Article IX, Section 14.A.1.d and Article XIII, Section 3, to allow a 24' front setback rather than 30' for a variance of 6', and Article IX, Section 14.A.1.d and Article XIII, Section 4, to allow a 5' side setback rather than 10' for a variance of 5', all for a new 30'x 60' barn/garage with covered porch in a residence 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? 2

If answer is "YES", give their attitudes toward the proposal.

They have no problems with the size

(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?

November 2024

When will it be completed?

June 2025

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

Theresa Kay Goforth, Bonnie Swingly/Mother. I take care of my mother who is 88 years old. I wanted a covered porch for her to sit under and a room to have family visit because my home is small and I have a large family and its hard to take her far to visit. She has dementia and needs a wheel chair to travel.

AFFIDAVIT

(I or We) Theresa Kay Johnson
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: Theresa Kay Johnson

Subscribed and sworn to before me this 21 day of October, 2024,



Denelle Murrell
Notary Public
October 23, 2030
Commission Expires

of Delaware County

Resident

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 31 day of October, 2024.

Signed: [Signature]
Date: 10-23-24

A part of the Northeast Quarter of Section Nine (9), Township Twenty (20) North, Range Eleven (11) East in Liberty Township, Delaware County, Indiana, described as follows:

Commencing at the Northeast corner of the Northeast Quarter (NE $\frac{1}{4}$) of Section Nine (9), Township Twenty (20) North, Range Eleven (11) East; thence North Eighty-eight degrees Zero minutes Zero seconds West (N 88° 00' 00" W) Three hundred thirty (330.0) feet (assumed bearing) along the North line of said quarter section; thence South Zero degrees Zero minutes Zero seconds (S 00° 00' 00") One thousand five hundred seven and ten hundredths (1507.10) feet along the center line of County Road 600-E to the point of beginning; thence South Zero degrees Zero minutes Zero seconds (S 00° 00' 00") Forty-seven and fifty-eight hundredths (47.58) feet; thence South Fifty-two degrees Twenty-four minutes Zero seconds East (S 52° 24' 00" E) Three hundred and forty-four hundredths (300.44) feet along the center line of said road; thence South Ninety degrees Zero minutes Zero seconds West (S 90° 00' 00" W) Four hundred twenty-six and sixty-seven hundredths (426.67) feet to the center of a creek; thence North Thirty-nine degrees Fifteen minutes Zero seconds East (N 39° 15' 00"E) Two hundred ninety-eight and sixty-one hundredths (298.61) feet to the point of beginning, containing One (1.0) acre, more or less, and subject to the right of way for County Road 600-E along the Northerly side, a drainage easement along the Westerly side and to all easements of record.

Theresa Kay Johnson
Duly Entered for Taxation
Transfer Fees \$ 10.00
OCT 21 2024

COPY

2024R14399
JAN SMOOT
DELAWARE COUNTY RECORDER
RECORDED ON
10/21/2024 02:01 PM
REC FEE 25.00
PAGES: 1
RECORDED AS PRESENTED

DELAWARE CO. AUDITOR
ER

NAME CHANGE AFFIDAVIT

State of Indiana)
County of Delaware) ss:

Comes now, Theresa Kay Johnson being duly sworn upon her oath, deposes and says:

That she is the owner of the following described real estate, to wit:

A part of the Northeast Quarter of Section 9, Township 20 North, Range 11 East, in Liberty Township, Delaware County, Indiana, described as follows: Commencing at the Northeast corner of the Northeast Quarter of Section 9, Township 20 North, Range 11 East; thence North 88 degrees 00 minutes 00 seconds West 330.0 feet (assumed bearing) along the North line of said Quarter Section; thence South 00 degrees 00 minutes 00 seconds 1507.10 feet along the center line of County Road 600-E to the point of beginning; thence South 00 degrees 00 minutes 00 seconds 47.58 feet; thence South 52 degrees 24 minutes 00 seconds East 300.44 feet along the center line of said road; thence South 90 degrees 00 minutes 00 seconds West 426.67 feet to the center of a creek; thence North 39 degrees 15 minutes 00 seconds East 298.61 feet to the point of beginning, containing 1.0 acre, more or less.

That she is the one and same person as Theresa Kay Goforth shown to be the owner of real estate in an Warranty Deed dated August 15, 1984 and recorded August 16, 1984 in Deed Record 1984 page 2830 in the Recorder's Office of Delaware County, Indiana, and that she subsequently changed her name to Theresa Kay Johnson.

Property Address and send tax bills to: 1201 N CR 600 E, Selma, IN 47383

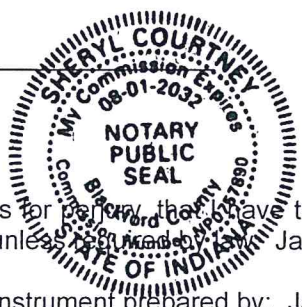
Parcel Number: 18-12-09-277-002.000-010

That this affidavit is made for the purpose of inducing the Auditor of Delaware County, Indiana, to change the transfer record in said Auditor's Office to show the above described real estate in the name of Theresa Kay Johnson.

Theresa Kay Johnson
Theresa Kay Johnson

Subscribed and sworn to before me this 21 day of October, 2024.

My Commission Expires:



Sheryl Courtney
Notary Public -
Resident of _____ County

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. James W. Smith

This instrument prepared by: James W. Smith, Attorney at Law

DocId:83997771
Tx:4229853

Warranty Deed

THIS INDENTURE WITNESSETH, That Mar-Fran Construction, Inc., an Indiana corporation, by order of its Board of Directors and by its duly authorized officers,

of Delaware County, in the State of Indiana, Convey and Warrant S
to Theresa Kay Goforth,

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, the following described Real Estate in Delaware County, in the State of Indiana, to-wit:

A part of the Northeast Quarter (NE 1/4) of Section Nine (9), Township Twenty (20) North, Range Eleven (11) East, in Liberty Township, Delaware County, Indiana, described as follows: Commencing at the Northeast corner of the Northeast Quarter (NE 1/4) of Section Nine (9), Township Twenty (20) North, Range Eleven (11) East; thence North Eighty-eight degrees, Zero minutes, Zero seconds West (N. 88°-00'-00" W.) Three hundred thirty (330.0) feet (assumed bearing) along the North line of said Quarter section; thence South Zero degrees, Zero minutes, Zero seconds (00°-00'-00") One thousand five hundred seven and ten hundredths (1507.10) feet along the center line of County Road 600-E to the point of beginning; thence South Zero degrees, Zero minutes, Zero seconds (00°-00'-00") Forty-seven and fifty-eight hundredths (47.58) feet; thence South Fifty-two degrees, Twenty-four minutes, Zero seconds East (S. 52°-24'-00" E.) Three hundred and forty-four hundredths (300.44) feet along the center line of said road; thence South Ninety degrees, Zero minutes, Zero seconds West (S. 90°-00'-00" W.) Four hundred twenty-six and sixty-seven hundredths (426.67) feet to the center of a creek; thence North Thirty-nine degrees, Fifteen minutes, Zero seconds East (N. 39°-15'-00" E.) Two hundred ninety-eight and sixty-one hundredths (298.61) feet to the point of beginning, containing One (1.0) acre, more or less, and subject to the right-of-way for County Road 600-E along the Northerly side, a drainage easement along the Westerly side and to all easements of record.

Unit Tax Number: 16-2199.

Grantee herein assumes and agrees to pay the 1984 taxes due and payable in 1985, and thereafter.

Grantor certifies under oath that no Indiana gross income tax is due in connection with the transfer made by this conveyance.

In Witness Whereof, The said Mar-Fran Construction, Inc., an Indiana corporation,

has hereunto set its hand and seal, this 15 day of August 1984.

MAR-FRAN CONSTRUCTION, INC.
BY: Marion E. Cunningham (Seal)
(Marion E. Cunningham) (Seal)

THIS 15 day of August 1984
Jack Donati (Seal)
DELAWARE COUNTY INDIANA (Seal)

STATE OF INDIANA, Delaware COUNTY, ss:

Before me, the undersigned, a Notary Public in and for said County, this
15 day of August 1984, came

Mar-Fran Construction, Inc., by Marion E. Cunningham, President,
, and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal.

My Commission expires Nov. 26, 1986
(Waldo F. Beebe) Notary Public

This instrument prepared by: Waldo F. Beebe. (County of Residence: Delaware)

Duly entered for taxation Aug 16 1984
Jack Donati, Auditor, Filed for Record
Aug 16 1984 at 8:30 A.M. in
Record 122 Page 222 Fee \$5.00 Paid
Dona J. Calkins R.D.C.



1201 N CR 600E

BZA 57-24
map not to scale

Byt

001082024

RECEIVED
OCT 08 2024

