

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

☒ Delaware County

☐ City of Muncie

Submitted: 10-9-24

Case No.: BZA 10-24

(1) Applicant: Gerald Dunsmore

Address: 11590 W. Co Rd 300 N. Muncie, IN 47304 Phone: 765-749-5122

(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.: 2007R11376

Page: _____

Purchase Date: 5/3/2007

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).

11590 W. Co Rd 300 N. Muncie, IN 47304

(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 variance from the terms of the Delaware County Comprehensive Zoning Ordinance, Article XII, Section 5, to allow a 2' side setback rather than 25' for a variance of 23' for a new 30'x 100' barn for personal storage use in a farm zone.

(8) State reasons supporting the Appeal: (If filing for a variance, refer to the attached sheet entitled "Hardship Variance" for explanation/guidance.)

30x100x17 Pole barn to be used for personal storage.

Desired location is the only possible location for the barn on the property due to septic system, wells, and location of the pond.

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

F-Farming Zone

(10) Present use of the property:

Residential

(11) Describe the proposed use of the property:

Residential

(12) Is the property:

☒ Owner Occupied

☐ Renter Occupied

☐ Other: _____

- (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?

Within one month.

When will it be completed?

As soon as possible. Before winter.

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

Gerand Dunsmore - applicant

AFFIDAVIT

(I or We) Gerald Dunsmore
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:

Gerald Dunsmore

Subscribed and sworn to before me this 9th day of October, 2024

[Signature]
Notary Public

5/30/2031
Commission Expires

of Delaware County

Resident Delaware Co.

State of Indiana



BEAU COMBS
COMMISSION NUMBER NP0749173
MY COMMISSION EXPIRES
MAY 30, 2031

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: 10.15.24

AFFIDAVIT

(I or We) Helen Deborah Dunsmore
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.

Helen D. Dunsmore
SIGNATURES:

Subscribed and sworn to before me this 17 day of October, 2024.



Brandy L. Ingermann
Notary Public
2-15-26
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 _____ day of _____, 20____.

Signed:

Date:

Royal Title
3P
1CK
10P



* 2 0 0 7 R 1 1 3 7 6 *

2007R11376

JANE LASATER
DELAWARE COUNTY RECORDER
RECORDED ON
05/03/2007 09:42:38AM
REC FEE: 22.00
PAGES: 3

Tax ID: 0629400017000

SPECIAL CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH, THAT

Deutsche Bank National Trust Company as Trustee under the pooling and Servicing Agreement Series 2001-A

("Grantor"), a corporation organized and existing under the laws of the State of California CONVEYS AND WARRANTS to

Gerald Dunsmore II and Helen Delynn Dunsmore, husband and wife

("Grantee") of Delaware County, in the State of Indiana, for the sum of Ten and no/100 Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Delaware County, in the State of Indiana.

A PART OF THE EAST HALF (E 1/2.) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION TWENTY-NINE (29), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE NINE (9) EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT NORTH NINETY DEGREES ZERO MINUTES WEST (N 90° 00' W) EIGHT HUNDRED SIXTY-SIX AND TWENTY-ONE HUNDREDTHS (866.21') FEET FROM THE SOUTHEAST CORNER OF SAID EAST HALF OF THE SOUTHEAST QUARTER AND FROM SAID BEGINNING POINT CONTINUING NORTH NINETY DEGREES ZERO MINUTES WEST (N 90° 00' W) ON AND ALONG THE SOUTH LINE THEREOF TWO HUNDRED SIXTEEN AND SEVENTY-FIVE HUNDREDTHS (216.75') FEET; THENCE RUNNING NORTH ZERO DEGREES FIFTY-EIGHT MINUTES WEST (N 00° 58' W) AND PARALLEL WITH THE EAST LINE THEREOF NINE HUNDRED FIFTY AND ELEVEN HUNDREDTHS (950.11') FEET TO A POINT IN THE CENTER LINE OF KILL CREEK; THENCE RUNNING NORTH SIXTY-EIGHT DEGREES FORTY FOUR MINUTES ZERO SECONDS EAST (N 68° 44' 00" E) ON SAID CENTER LINE TWENTY-ONE AND FIFTY-SIX HUNDREDTHS (21.56') FEET; THENCE RUNNING SOUTH SIXTY-EIGHT DEGREES TWELVE MINUTES THIRTY-ONE SECONDS EAST (S 68° 12' 31" E) ON SAID CENTER LINE SIXTY-FOUR AND FIFTY-THREE HUNDREDTHS (64.53') FEET; THENCE RUNNING NORTH EIGHTY-SEVEN DEGREES THIRTY-NINE MINUTES TWELVE SECONDS EAST (N 87° 39' 12" E) ON SAID CENTER LINE ONE HUNDRED THIRTY-SIX AND NINETY-TWO HUNDREDTHS (136.92') FEET; THENCE RUNNING SOUTH ZERO DEGREES FIFTY-EIGHT MINUTES EAST (S 00° 58' E) AND PARALLEL WITH THE EAST LINE OF SAID EAST HALF OF THE SOUTHEAST QUARTER NINE HUNDRED THIRTY-NINE AND SEVENTY-ONE HUNDREDTHS (939.71') FEET TO THE POINT OF BEGINNING, CONTAINING FOUR AND SIX HUNDRED EIGHTY-ONE THOUSANDTHS (4.681) ACRES, MORE OR LESS.

Subject to any and all easements, agreements and restrictions of record. The address of such real estate is commonly known as 11590 West County Road 300 North, Muncie, IN 47303. Tax bills should be sent to Grantee at such address unless otherwise indicated below.

Grantor hereby binds Grantor and Grantor's heirs, executors, administrator, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty when the claim is by, through, or under Grantor, but not otherwise.

The undersigned persons executing this deed on behalf of Grantor represent and certify that they are duly elected officer of Grantor and have been fully empowered, by proper resolution of the Board of Directors of Grantor, to execute and deliver this deed; that Grantor has full corporate capacity to convey the real

06-4304

Duly Entered for Taxation
Transfer Fees \$ 5.00

MAY 02 2007

Judy Runt
DELAWARE CO. AUDITOR

estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 10 day of April, 2007

Deutsche Bank National Trust Company as Trustee under the pooling and Servicing Agreement Series 2001-A by IndyMac Bank, FSB its Attorney In Fact

2007R11375

✓

By Cary B. Sternberg, V.P.
IndyMac Bank, FSB
Attorney in Fact for
Deutsche Bank National Trust Co.
State of Texas

County of Williamson

Before me, a Notary Public in and for said County and State, personally appeared Cary B. Sternberg the V.P. & P.O. of Deutsche Bank National Trust Company as Trustee under the pooling and Servicing Agreement Series 2001-A, represented by IndyMac Bank FSB its Attorney in Fact, who acknowledged execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 10 day of April, 2007.

[Signature]
Signature



Maritza Guerrero - Notary Public
Printed Name

My Commission Expires Feb. 16, 2011

County of Residence: Williamson

Return deed to: Royal Title Services, Inc., 365 East Thompson Road, Indianapolis, IN 46227

Send tax bills to: 3408 N. Harrison Rd, Muncie, IN 47304-8935

This instrument prepared by. Jennifer E. Jones, Attorney at Law

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Ramona R Davis

Printed Name

