

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

☒ Delaware County

☐ City of Muncie

Submitted: 3/12/2025

Case No.: BZA 1025

(1) Applicant: Darrell E. Smith/Integrated eBusiness Solutions, Inc.

Address: 1813 Edward Lane Anderson, IN 46012 Phone: 317-443-6702

(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: Applicant is renting the property

(3) If Item (2)(c) is checked, please complete the following:

Owner of the property involved: Kevin W. and Dora S. Zion

Owner's address: 9090 S CR 750 W Daleville, IN 47334

(4) Record of Ownership:

Deed Book No.: 2021R

Page: 04476

Purchase Date: March 23, 2021

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).

9090 S CR 750 W Daleville, IN 47334

(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.)

Applicant is wishing to operate Stillwell Manor, a haunted attraction. Stillwell Manor has operated for several years in Anderson but is looking for a new location. Attractions will include a haunted house, a walking trail, a hayride, concession stands, and merchandise trailers. The only permanent building will be the utility building. The attraction will operate from mid-September through mid-November on Thursdays through Sundays in the afternoons and evenings. The attraction will also be open for special events throughout the rest of the year, weather dependent.

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

F Farming Zone

(10) Present use of the property:

Agriculture

(11) Describe the proposed use of the property:

Seasonal Haunted attraction; agricultural

(12) Is the property:

☒ Owner Occupied

☒ Renter Occupied

☐ Other: _____

Answer to #7

BZA 16-24 Smith

Request for an amusement park special use under the terms of the Delaware County Comprehensive Zoning Ordinance, Article XII, Section 2, item 3, to allow a seasonal amusement business known as Stillwell Manor Haunted Attraction on 40 acres in a farm 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? Some

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

Neighbors are generally supportive

- (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.

A tent has been erected to store some of the materials.

- (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?

As soon as possible

When will it be completed?

Fall 2025

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

Darrell E. Smith/Integrated eBusiness Solutions, Inc.
Operating as Stillwell Manor Haunted Attraction

AFFIDAVIT

(I or We) Kevin W. and Dora S. Zion

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:

Kevin W. Zion Dora S. Zion

Subscribed and sworn to before me this 12 day of March, 2025



Jessica Short
Notary Public

Commission Expires _____

Resident of _____ County

State of _____

PRINT

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 3rd day of April, 2025.

Signed:

Denelle Munell

Date:

3/21/25

AFFIDAVIT

Darrell E. Smith, President, Integrated eBusiness Solutions, Inc.
(I or We) TYPE NAME(S) OF SIGNATORIES

being duly sworn depose and say that (I or We) (am or are) the ~~(owner[s])~~ ^{tenant} ~~(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:

Darrell E. Smith

Subscribed and sworn to before me this 12 day of March, 2025



PRINT

Jessica Short
Notary Public

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Resident of _____ County

State of _____

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the Delaware-Muncie Metropolitan Board of Zoning Appeals in accordance with all
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hearing on the 3rd day of April, 2025.

Signed:

Denelle Munnell

Date:

3/21/25

2
Frank
Brinkman
5P

Duly Entered for Taxation
Transfer Fees \$ 20

MAR 23 2021

Steve J. Cingoff
Delaware County Auditor

ER

QUIT CLAIM DEED

2021R04476
MELANIE MARSHALL
DELAWARE COUNTY RECORDER
RECORDED ON
03/23/2021 10:59 AM
REC FEE 25.00
PAGES: 5
RECORDED AS PRESENTED

This indenture witnesseth, that Donna L. Fawbush, Individually, of Delaware County, State of Indiana, releases and quit claims to Kevin W. Zion and Dora S. Zion, husband and wife, tenants by the entirety, of Delaware County, State of Indiana, for and in consideration of one dollar (\$1.00) and other valuable consideration the receipt whereof is hereby acknowledged, the following real estate located at the common address of 9090 S. CR 750 W., Daleville, Delaware County, Indiana 47334, with adjacent bare lot, which is more particularly described as follows, to-wit:

Parcel I

The Northwest Quarter of the Southeast Quarter of Section Eight (8), Township Nineteen (19) North, Range Nine (9) East, containing 40 acres, more or less.

Also Fifteen (15) rods in width North and South off of the entire North side of the Southwest Quarter of the Southeast Quarter of Section Eight (8), Township Nineteen (19) North, Range Nine (9) East, containing 7 1/2 acres, more or less.

Excepting therefrom:

A part of the Northwest Quarter of the Southeast Quarter of Section 8, Township 19 North, Range 9 East, Delaware County, Indiana, described as follows: Commencing at the Northwest corner of said quarter section; thence South 0 degrees 09 minutes 28 seconds East 59.46 feet (18.124 meters) along the West line of said quarter section to the prolonged South boundary of S.R. 67; thence North 89 degrees 50 minutes 32 seconds East 16.50 feet (5.029 meters) along said prolonged boundary to the point of beginning of this description, which point of beginning is where the East boundary of County Road 750 West meets the Southeastern boundary of the intersection of said County Road 750 West and said S.R. 67, which point is 75.00 feet right of Station 1256 + 27.87 on Line "C" as shown on the Route Survey Plat of INDOT Project HDPPE 9108(001) recorded in Miscellaneous Record 1994 pages 1947 and 1948, in the Office of the Recorder of Delaware County, Indiana; thence North 61 degrees 54 minutes 22 seconds East 53.35 feet (16.261 meters) along the boundary of the intersection of said County Road 750 West and said S.R. 67 to the South boundary of said S.R. 67; thence North 89 degrees 51 minutes 00 seconds East 1,248.98 feet (380.690 meters) along the boundary of said S.R. 67 to the East line of said quarter-quarter section; thence South 0 degrees 08 minutes 09 seconds East 41.79 feet (12.736 meters) along said East line; thence South 87 degrees 53 minutes 57 seconds West 1,179.82 feet (359.608 meters); thence South 81 degrees 43 minutes 54 seconds West 66.28 feet (20.202 meters); thence

QCD



def

South 23 degrees 50 minutes 14 seconds West 49.11 feet (14.968 meters); thence South 0 degrees 43 minutes 15 seconds East 246.06 feet (75.000 meters); thence South 11 degrees 27 minutes 29 seconds West 167.82 feet (51.151 meters) to the East boundary of said County Road 750 West; thence North 0 degrees 09 minutes 28 seconds West 521.61 feet (158.988 meters) along the boundary of said County Road 750 West to the point of beginning and containing 2.190 acres (0.886 hectares), more or less.

Also excepting therefrom:

A part of the Northwest Quarter of the Southeast Quarter of Section 8, Township 19 North, Range 9 East located in Salem Township, Delaware County, Indiana, being bounded as follows: Commencing at the Northwest corner of the Northwest Quarter of the Southeast Quarter of Section 8, Township 19 North, Range 9 East; thence South 00 degrees 00 minutes 00 seconds (A. 8) 1014.59 feet along the West line of the Northwest Quarter of said Southeast Quarter to the point of beginning of this description, said point being 315.20 feet North of the Southwest corner of the Northwest Quarter of said Southeast Quarter; thence North 90 degrees 00 minutes 00 seconds East 267.17 feet; thence South 00 degrees 00 minutes 00 seconds 163.04 feet; thence North 90 degrees 00 minutes 00 seconds East 163.04 feet along the West line of the Northwest Quarter of said Southeast Quarter to the point of beginning, containing 1.00 acre, more or less and being subject to applicable easements and rights of way of record.

Also excepting therefrom:

A part of the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of Section Eight (8), Township Nineteen (19) North, Range Nine (9) East located in Salem Township, Delaware County, Indiana more particularly described as follow, to-wit: Commencing at the Northwest corner of the Northwest Quarter of the Southeast Quarter, thence South zero degrees zero minutes zero seconds West (S 00°00'00" W) for a distance of seven hundred thirty-nine and fifty-seven hundredths (739.57') feet to a PK; point being the point of beginning for the tract hereafter described; thence South eighty-nine degrees fifty-nine minutes thirty-five seconds East (S 89°59'35" E) one hundred eighteen and two hundredths (118.02') feet to a 5/8 inch rebar set; thence South four degrees zero minutes forty seconds East (S 04°00'40" E) one hundred three and forty-six hundredths (103.46') feet to a 5/8 inch rebar set; thence South eighty-seven degrees forty-eight minutes fifty seconds East (S 87°48'50" E) one hundred fifteen and fourteen hundredths (115.14') feet to a 5/8 inch rebar set; thence North one degree thirty-seven minutes forty-three seconds West (N 01°37'43" W) sixty-seven and ninety-seven hundredths (67.97) feet to a 5/8 inch rebar set; thence North eighty-nine degrees fifty-one minutes fifty-nine seconds East (N 89°51'59" E) one hundred forty-three and eight tenths (143.8') feet to a 5/8 inch rebar set; thence South zero degrees twenty-seven minutes six seconds West (S 00°27'06" W) two hundred thirty-five and sixty-four hundredths (235.64') feet to a 5/8 inch rebar set; thence South eighty-nine degrees fifty-nine minutes thirty-six seconds West (S 89°59'36" W) three hundred eighty and three tenths (380.3') feet to a PK found; thence North zero degrees zero minutes zero seconds West (N 00°00'00" W) on and along the West line of said Northwest Quarter of the Southeast Quarter two hundred seventy-five and two tenths (275.02') feet to the point of beginning, containing 2.00 acres, more or less. The above tract is subject to an easement along the entire West side for County Road 750 West and any other easements of record.

Parcel II

The East Half of the Northeast Quarter of the Southwest Quarter of Section Eight (8), Township Nineteen (19) North, Range Nine (9) East, containing 20 acres, more or less.


Excepting therefrom:

A part of the East Half of the Northeast Quarter of the Southwest Quarter of Section 8, Township 19 North, Range 9 East, Delaware County, Indiana, described as follows: Commencing at the Northeast corner of said quarter section; thence South 0 degrees 09 minutes 28 seconds East 346.46 feet (10.503 meters) along the East line of said quarter section to the prolonged South boundary of S.R. 67; thence South 89 degrees 50 minutes 32 seconds West 16.50 feet (5.029 meters) along said prolonged boundary to the point of beginning of this description, which point of beginning is where the South boundary of said S.R. 67 meets the West boundary of County Road 750 West, which point is 50.00 feet right of Station 1255 + 94.87 on Line "C" as shown on the Route Survey Plat of INDOT Project HDPPE-9108(001) recorded in Miscellaneous Record 1994 pages 1947 and 1948, in the Office of the Recorder of Delaware County, Indiana; thence South 0 degrees 09 minutes 28 seconds East 546.94 feet (166.708 meters) along the boundary of said County Road 750 West; thence North 13 degrees 59 minutes 26 seconds West 202.25 feet (61.646 meters); thence North 0 degrees 43 minutes 15 seconds West 213.26 feet (65.000 meters); thence North 30 degrees 03 minutes 29 seconds West 61.07 feet (18.615 meters); thence South 88 degrees 24 minutes 46 seconds West 554.58 feet (169.037 meters) to the West line of said half quarter-quarter section; thence North 0 degrees 09 minutes 09 seconds West 98.29 feet (29.858 meters) along said West line to the South boundary of said S.R. 67; thence North 89 degrees 51 minutes 00 seconds East 635.30 feet (193.638 meters) along the boundary of said S.R. 67 to the point of beginning and containing 1.750 acres (0.708 hectares), more or less.

Parcel No.: 18-14-08-400-001.000-021
18-14-08-326-001.000-021

This quit claim deed is subject to any and all taxes, assessments, encroachments, restrictions, mortgages, right of ways, conditions, and all other encumbrances that are made of governmental record or that are otherwise visible to the eye.

IN WITNESS WHEREOF, the said Donna L. Fawbush, Individually, and in her individual capacity, has hereunto set her hand and seal this 23 day of March 2021.


DONNA L. FAWBUSH
Individually
Grantor

STATE OF INDIANA
COUNTY OF DELAWARE

Before me, a Notary Public, in and for Delaware County, State of Indiana, this 23rd day of March 2021, did personally appear, Donna L. Fawbush, said person being over 18 years of age, and knowingly and voluntarily acknowledged the execution of the foregoing "Quitclaim Deed".

My Commission Expires:

KIMBERLY SUE COLLINS
Notary Public - Seal
Delaware County - State of Indiana
Commission Number NP0668475
My Commission Expires May 29, 2023

Kimberly Collins
(Print Name)

A Resident of Delaware County
Notary Public

EXECUTED AND DELIVERED

March 23, 2021
Date:

Franklyn D. Brinkman, Jr.
Frank Brinkman Law, P.C.
Attorney At Law
407 S. Walnut Street
Muncie, Indiana 47305

STATE OF INDIANA
COUNTY OF DELAWARE

Before me, a Notary Public, in and for Delaware County, State of Indiana, this 23rd day of March 2021, did personally appear, Franklyn D. Brinkman, Jr., a witness, being known by me, said person being over 18 years of age, and knowingly and voluntarily acknowledged the foregoing "Quit Claim Deed" was executed and delivered by Donna L. Fawbush.

My Commission Expires:

KIMBERLY SUE COLLINS
Notary Public - Seal
Delaware County - State of Indiana
Commission Number NP0668475
My Commission Expires May 29, 2023

Kimberly Collins
(Print Name)

A Resident of Delaware County
Notary Public

Send Property Tax Statement to: Kevin W. Zion and Dora S. Zion, 9090 S. CR 750 W., Daleville, IN 47334

This instrument prepared by:

FRANKLYN D. BRINKMAN, JR.

Attorney ID # 3784-18

Frank Brinkman Law, P.C.

407 S. Walnut Street

Muncie, IN 47305

(765) 284-2622

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. Franklyn D. Brinkman, Jr

QCD

**** Grass areas will be the Midway, areas around the Midway including the attractions entrances, walk ways and Parking lot.**

MIDWAY AREAS

+ Attractions



**First Aid Station -
20x20 tent**



Enclosed Electrical Boxes

Grass area is marked with PINK highlighter.

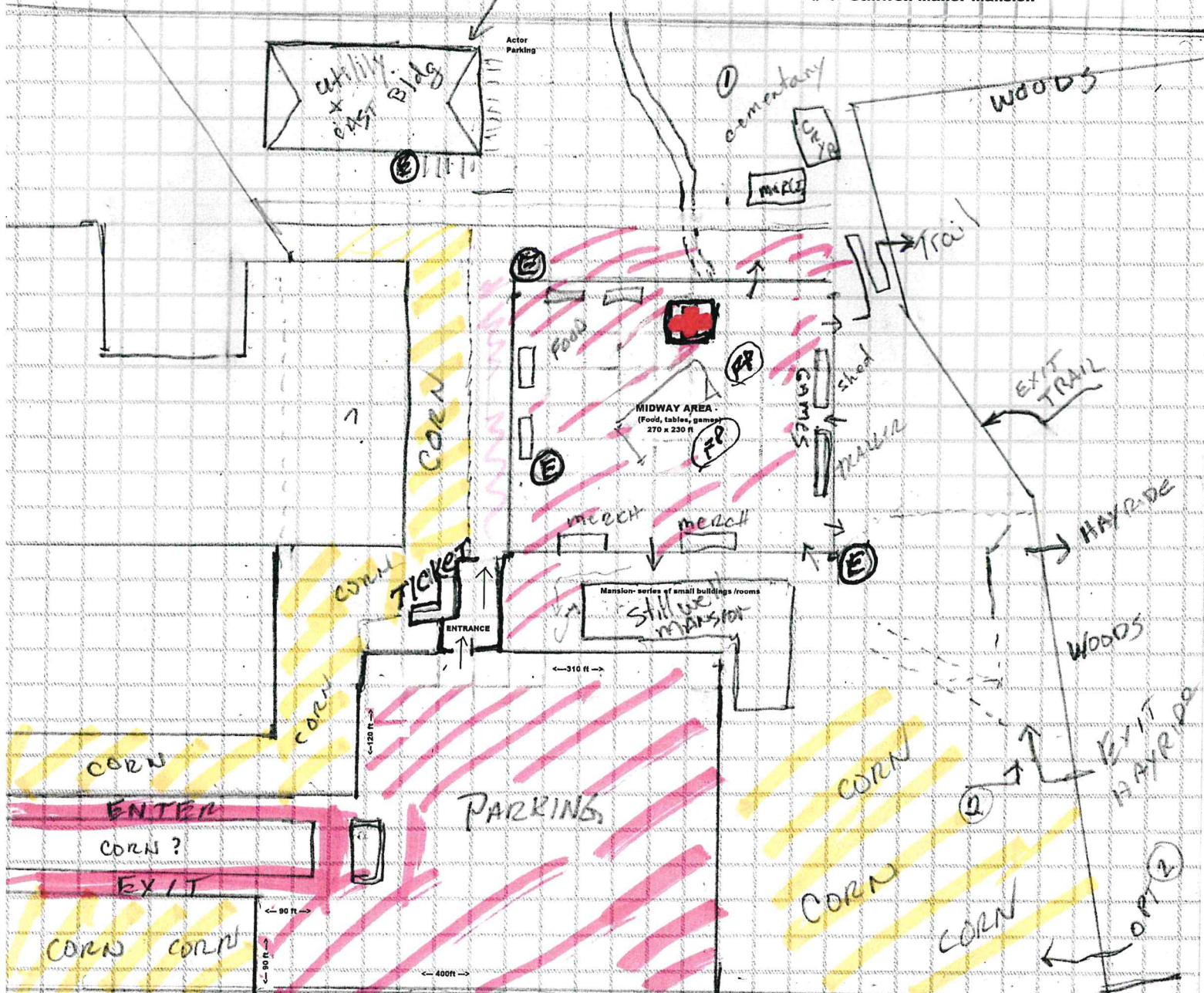
Corn is marked by Yellow Highlights

Scale: 1 Square = 30 Ft x 30 ft

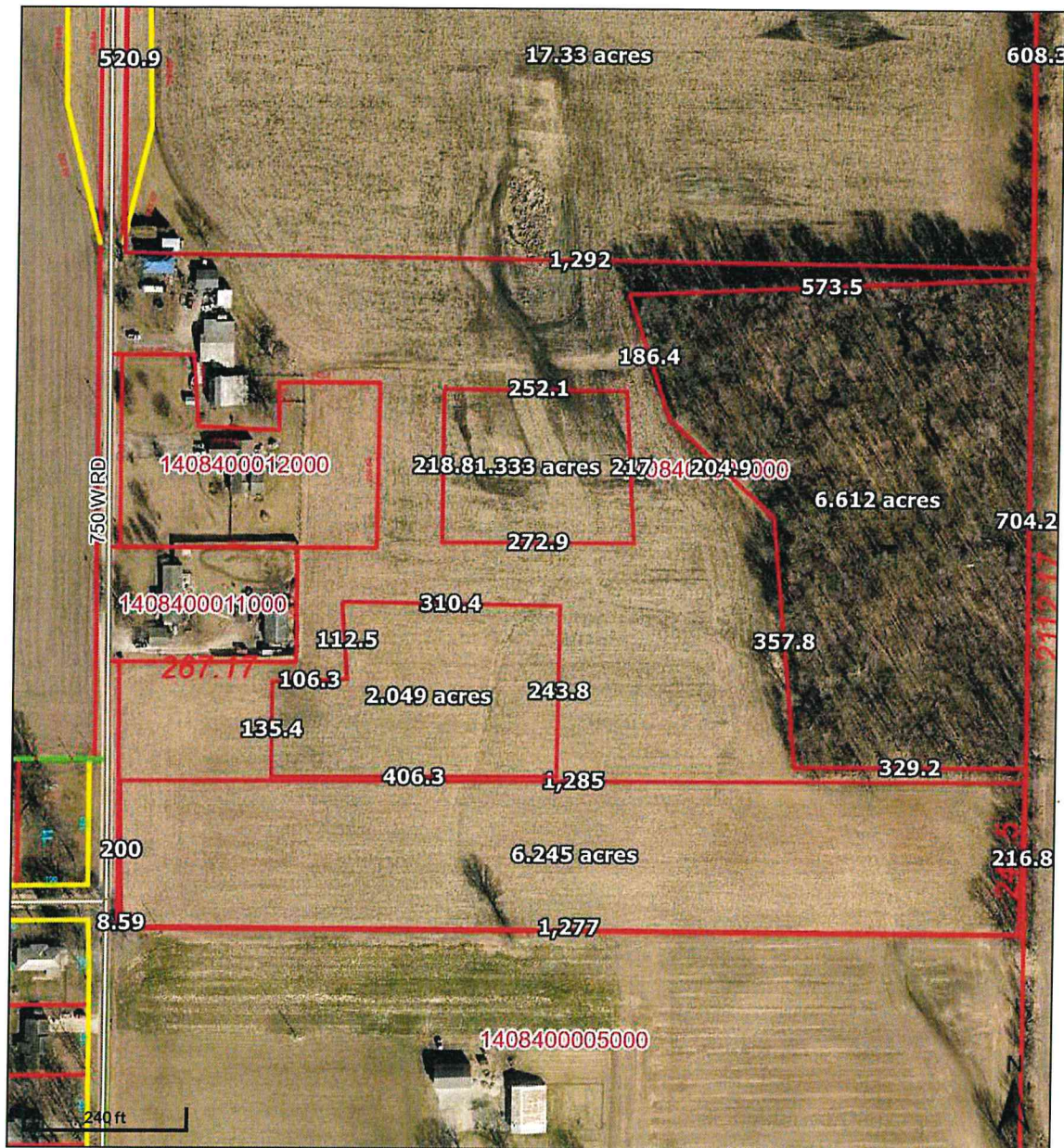
Attractions:

- # 1 - Cementary/Mausoleum**
2 - Woods Walking Trail
3 - Hayride/Trail
4 - Stillwell Manor Mansion

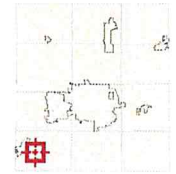
Haunt office building - 90 x 180
(Makeup, Costumes, Maintenance)



Only building proposed is the Utility Building for Storage, Maintenance, Makeup, and Costumes. Food Trailers are approx. 8x15 or 8x20. Merchandise trailers will be the same unless only one area is created and will be approx 20x30. Other structures at attractions are temporary small less than 1000 sq ft.



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

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.

Property Addresses as shown in the parcel record:

Property Addresses shown in the parcel record report are generated from the County Auditor's and Assessor's databases. There is potential for an incorrect property address to be shown. The County is currently working to fix these issues. Verify official address by turning on the "Address Point" layer in teh map table of contents. Any questions about addresses can be forwarded to the Delaware-Muncie Metropolitan Plan Commission at 765-747-7740.

Right of Way: Road right of way (Road ROW) are symbolized in the cadastral lines layer on the map (yellow). Only Road ROW in platted areas are





