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 110-25

(1) Applicant: <u>Darrell E. Smith/Integrated eBusiness Solutions, Inc.</u>
 Address: <u>1813 Edward Lane Anderson, IN 46012</u> Phone: <u>317-443-6702</u>

(2) Applicant's Status: (Check the appropriate response)

- \Box (a) The applicant's name is on the deed to the property.
- \Box (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.
 - \Box (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: Kin Myn Word S. Zion Subscribed and sworn to before me this 2 day of March

JESSICA SHORT Notary Public - Commission NP0755312 SEAL State of Indiana My Commission Expires March 19, 2032

PRINT

AQ ary Public

,2025

Commission Expires

Resident of County

State of .

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 3^{rol} day of 10^{rol} , 20 3^{rol} .

Signed: Develle Murul 3121/25 Date:

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]) (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) **k**nowledge and belief.

SIGNATURES: mell & Smith

Subscribed and sworn to before me this 2 day of March, 2025/



Notary Public

Commission Expires

PRINT

Resident of

State of

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 3^{-1} day of 2^{-1} , 2^{-1} .

Signed: Jull Muul Date: 3/21/25

County

FRank 31:nKMAN	Duly Entered for Transfer Fees \$	

MAR 23 2021

- g. Cu Delaware County Additor



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

2021R04476

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:

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 $7\frac{1}{2}$ 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 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





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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 therfrom:

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; 267.17 feet; thence South 00 degrees 00 minutes 00 seconds 163.04 feet; thence North 90 degrees 00 minutes 00 seconds East; 200 seconds East 163.04 feet along the West line of the Northwest Quarter to the point of beginning 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 1/4) of the Southeast Quarter (SE 1/4) 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 thirtyfive 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

1,

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

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hereunto set her hand and seal this $\underline{23}$ day of $\underline{}$	Marel 2021.	
Bonne	S. Hawbush	
ĐONNA L. FA	W BUSH	-
Individually		

Grantor

STATE OF INDIANA COUNTY OF DELAWARE Before me, a Notary Public, in and for Delaware County, State of Indiana, this 📈 day of 2021, did personally appear, Donna L. Fawbush, said person being over 18 years of age and knowingly and voluntarily acknowledged he execution of the foregoing "Quitclaim Deed". Notary Public - Seat Delaware County - State of Indiana Commission Number NP0668475 y Commission Expires May 29, 2023 My Commission Expires: (Print'] Vame Resident of Delaware County KIMBERLY SUE COLLINS Notary Public - Seal Delaware County - State of Indiana otary Public EXECUTED AND DELIVERED DELIVERED AND DELIVERED March J 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 A day of 2021, did personally appear, Franklyn D. Brinkman, Jr., a witness, being known by me. $\Delta \Lambda ($ 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: (Print Name) MABERLY SUE COLLINS A Resident of Delaware County Notary Public - Seal Delaware County - State of Indiana Notary Public Commission Number NP0668475 Commission Expires May 29, 2023 Send Property Tax Statement to: Kevin W. Zion and Dora S. Zion, 9090 S. CR 750 W., Daleville, IN 473

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

. . .



Beacon[™] Delaware County, IN



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







BUSINESS ENTITY REPORT

NAME AND PRINCIPAL OFFICE ADDRESS

BUSINESS ID BUSINESS TYPE BUSINESS NAME ENTITY CREATION DATE JURISDICTION OF FORMATION PRINCIPAL OFFICE ADDRESS	2002022200137 Domestic For-Profit Corporation INTEGRATED EBUSINESS SOLUTIONS, INCORPORATED 02/22/2002 Indiana 1704 E 60th St, Anderson, IN, 46013 - 3042, USA
YEARS FILED	
YEARS	2024/2025
EFFECTIVE DATE	
EFFECTIVE DATE EFFECTIVE TIME	05/10/2024 6:26 PM
REGISTERED OFFICE AND ADDRESS	
REGISTERED AGENT TYPE NAME ADDRESS	Individual DARRELL E SMITH 1813 EDWARD LANE, ANDERSON, IN, 46012 - 1918, USA
GOVERNING PERSON INFORMATION	
TITLE	President
NAME	Darrell E Smith
ADDRESS	1813 Edward Lane, Anderson, IN, 46012 - 1918, USA
TITLE NAME ADDRESS	Secretary Sherri B Snow 1818 Rudgate Dr, Avon, IN, 46123, USA



SIGNATURE

IN WITNESS WHEREOF, THE UNDERSIGNED HEREBY VERIFIES, SUBJECT TO THE PENALTIES OF PERJURY, THAT THE STATEMENTS CONTAINED HEREIN ARE TRUE, THIS DAY May 10, 2024.

THE UNDERSIGNED ACKNOWLEDGES THAT A PERSON COMMITS A CLASS A MISDEMEANOR BY SIGNING A DOCUMENT THAT THE PERSON KNOWS IS FALSE IN A MATERIAL RESPECT WITH THE INTENT THAT THE DOCUMENT BE DELIVERED TO THE SECRETARY OF STATE FOR FILING.

SIGNATURE

Darrell E Smith

President

TITLE

Business ID : 2002022200137 Filing No. : 10334040

- Page 2 of 2 -

RECEIVED

APR 2 4 2025 &

DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION SUBMITTED BY APPLICANT

Amendment to Special Use Permit – BZA 16-25 Stillwell Manor Haunted Attraction

ZA 16-2

Please add this addendum to the Application for Special Use Permit. We have modified the layout to address many of the specific concerns brought up by the neighbors in the April 3rd meeting with the Plan Commission. We have modified the proposed layout of the attractions, midway, parking, and egress access from the attraction to SR 67. We have also clarified a few subjects in greater detail.

- Noise While there is no Noise Ordinance in Delaware Co, we agree that the proposed decibel level of 85db would not be a problem to adhere to outside of the haunt. We have been using chainsaws for several weeks without comments and is less noise than a combine.
- Traffic and Parking The parking lot and entrance to the attraction has been moved entirely to the north side of the property. Entrance from CR 750 W is over 350 Ft from SR 67. The exit will be on 750 W approx..175 ft to SR 67. If this will eliminate any backlogs on CR 750 W and force any backup to be in the parking lot.
- The parking lot will be gravel on the main paths and any low areas. An emergency access road has been added for any emergency vehicles if needed.
- Dates of Operations Our main season is from the last two weekend in Sept. (Fri and Sat Only 4 nights), Thurs – Sun in the month of Oct (usually 17-18 Nights), and the first weekend in Nov (Fri & Sat only). We do like to operate special events nights (Fri/Sat only), weather permitting. Those events are Krampus (1 weekend in Dec), Valentine's Day Weekend, St. Patrick's Day, a Halfway to Halloween in May, and if there is a Friday the 13Th. This usually amounts to no more than 32 – 34 nights a year. This is with weather permitting.
- Hours of Operations The doors open at 7:30 each night. Haunt closes at 10PM on Thursdays and Sundays. No ticket sales 30 min prior to closing. Fridays and Saturdays in Sept and Nov the haunt closes at 11 PM. In Oct. the haunt closes at midnight on Fridays and Saturdays.
- The "Hardly Haunted" (Family friendly activities) hours are 1PM to 5PM in October for the Saturday and Sunday. The submitted design is same except for the parking and the location of the Pumpkin Patch. Treat or Treat is during the Sunday before Halloween.
- Lighting All Lights are LED plastic bulbs. Only the security lights and Parking areas have stronger LED fixtures which are pointed towards the ground.
- We do not allow weapons and backpacks into the haunt area and all guests must pass through metal detectors. Police Officers are present at the security check points and have their own vehicles in the attraction.
- Food Vendors must meet the County Health Dept requirements. They will consist of stand alone booths and Food Trucks.
- Midway games are stand-alone booths with "corny" themes, ie.Casket ball, toilet paper toss,...
- Any permanent structure to be build will have the necessary permits for the County and inspected.
- All regulation required by the State of Indiana Homeland Security for our annual permit will be adhered too and all rules under Indiana code Section 317.
- Public Restrooms Port-a-pots will be installed in the midway area. They will be cleaned throughout the evenings and will be emptied and cleaned by the rental company weekly.













