

**DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS**

**APPLICATION FOR APPEAL**

Jurisdiction: (Check One)

Delaware County

City of Muncie

Submitted: 4-6-26

Case No.: BZA 20-26

(1) Applicant: Todd and Eva Marsh

Address: 17121 N Willman Rd Phone: 765-208-0315

(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.: 2016R09435

Page: \_\_\_\_\_

Purchase Date: July 1, 2016

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).

17121 North Willman Road, Eaton, Indiana 47338

(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.)

We would like to build a 30' x 50' x 15'9" (1500 square feet) building with a 12' x 30' (360 square feet) lean to for personal storage and personal vehicle maintenance. No business use. Our house is 1560 square feet. Other accessory structures on our 11-acre property include a 208 square foot utility shed, 480 square foot detached garage, 96 square foot utility shed, 120 square foot utility shed and a 96 square foot gazebo.

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

R2 residence 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: \_\_\_\_\_

## **Answer to #7**

BZA 20 -26 Todd & Eva Marsh

Request for a variance from the terms of the Delaware County Comprehensive Zoning Ordinance, Article IX, Section 14 A. 1. C., to allow the accessory structures' total floor area to be 2,860 sq. ft. (including an existing 480 sq. ft. garage, an existing 208 sq. ft. shed, an existing 96 sq. ft. gazebo, an existing 96 sq. ft. shed, 120 sq. ft. shed and a proposed 1,860 sq. ft. building), which exceeds the 1,560 sq. ft. of the existing dwelling, for a variance of 1,300 sq. ft. all for a new accessory structure 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? 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?

As soon as possible

When will it be completed?

December 2026

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

Todd and Eva Marsh

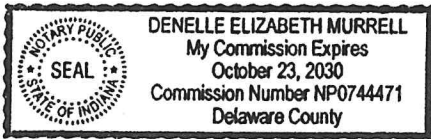
**AFFIDAVIT**

(I or We) Todd Marsh Eva Marsh  
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: Todd Marsh  
Eva Marsh

Subscribed and sworn to before me this 2 day of April, 2026



Denelle Murrell  
Notary Public

October 23, 2030  
Commission Expires

Resident of Delaware County

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 30 day of April, 2026.

Signed: [Signature]

Date: 4/17/26

TTC  
2P

2016R09435  
MELANIE MARSHALL  
DELAWARE COUNTY RECORDER  
RECORDED ON  
08/09/2016 11:00 AM  
REC FEE: 18.00  
PAGES: 2

[Space above this line reserved for recording data.]

Mail Tax Statements To: 9540 N Sugarwoods Ct Muncie, IN 47303

**WARRANTY DEED**

THIS INDENTURE WITNESSETH, that MUTUALBANK, Muncie, Delaware County, Indiana, hereinafter referred to as "Grantor" in consideration of ONE DOLLAR and OTHER VALUABLE CONSIDERATION, the receipt whereof is hereby acknowledged, hereby CONVEYS and WARRANTS to:

**Todd A. Marsh and Eva J. Marsh, husband and wife,**

of Delaware County, Indiana, hereinafter referred to as "Grantee" whether singular or plural, the following described real estate situate in Delaware County, State of Indiana, to-wit:

A part of the Southeast Quarter of the Northwest Quarter of Section 24, Township 22 North, Range 10 East, and bounded and described as follows, to-wit: Commencing at the Northwest corner of the Southeast Quarter of said Northwest Quarter of said Section, and running thence East on the North line thereof, 13 chains and 16 links to a stone in the middle of the Muncie and Fort Wayne State Road; thence Southwesterly with the center line of said Road, 9 chains and 63 links to a stone; thence West parallel with the North line of said Southeast Quarter 10 chains and 80 links to a stone in the West line of said Southeast Quarter; thence North on and along the West line 9 chains and 33 links to the place of beginning, containing 11.177 acres. &

PARCEL NO.: 18-03-24-176-001.000-022  
18-03-24-176-002.000-022

Subject to all recorded, visible or apparent easements or encroachments and all recorded covenants, conditions or restrictions; also, subject to any and all liens or encumbrances on the above described real estate acquired, suffered or permitted by reason of any act or omission of the Grantee or any predecessor in title purchasing the real estate on contract executed by the Grantor.

Grantor and Grantee assume and agree to prorate taxes and assessments for 2015 due and payable in 2016 as of the day immediately prior to the date hereof with Grantor paying the portion pro-rated prior to the date hereof and Grantee paying the portion pro-rated from and after the date of proration. Grantee assumes and agrees to pay all taxes and assessments accruing thereafter.

Grantor certifies upon its oath that no Indiana Gross Income Tax is due or payable in respect to the transfer made by this deed.

The Grantor represents and warrants that this deed is executed under and pursuant to the following resolution of the Board of Directors of the Grantor duly adopted and in effect:

By resolution of the Board of Directors, the Chief Executive Officer or the Chief Operating Officer or his designee shall have the power and authority to convey any real estate now owned or hereafter acquired by MutualBank and to make, sign, attest, and deliver any and all instruments of

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Duly Entered for Taxation  
Transfer Fees \$ 10.00  
AUG 09 2016

*Steven J. Craycraft*  
Delaware County Auditor



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conveyance found necessary or convenient in properly conveying to any Grantee, with or without covenants of general warranty, all of MutualBank's title, interest and estate now owned or hereafter acquired by it in and to the real estate.

IN WITNESS WHEREOF, MutualBank, Muncie, Indiana, has caused this instrument to be executed by its duly authorized officer on July 1<sup>st</sup>, 2016.

MUTUALBANK

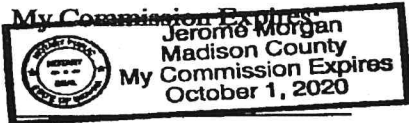
*Patrick C. Botts*  
Patrick C. Botts, Chief Operating Officer

STATE OF INDIANA  
SS:  
DELAWARE COUNTY

Before the undersigned Notary Public in and for the foregoing County and State, personally came the above named person known to me to be the designated officer of MutualBank, Muncie, Indiana, Grantor, and in my presence acknowledged his execution of the above and foregoing warranty deed as his voluntary act and deed for and on behalf of Grantor on the date of execution above set forth.

Executed this 1 day of July, 2016.

*Jerome Morgan*  
Notary Public  
A resident of MADISON County, Indiana



This instrument prepared by Charles V. Retherford, P.O. Box 1648, Muncie, Indiana 47308. 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. Charles V. Retherford.

2 [Space below this line is reserved for recording data.]



BZA 20-26

