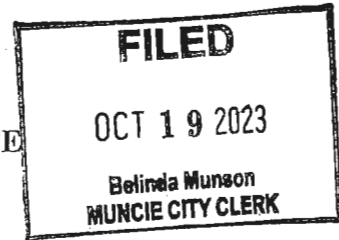


ORDINANCE NO. 20-23

BEING AN ORDINANCE TO AMEND
THE CITY OF MUNCIE
COMPREHENSIVE ZONING ORDINANCE
FROM THE R-4 RESIDENCE ZONE
TO THE R-4A RESIDENCE ZONE
ON PREMISES LOCATED AT

2200 BLK N. JANNEY AVE., MUNCIE, INDIANA.



WHEREAS, the State enabling act for planning and zoning empowers the City Council of Muncie, Indiana to adopt a Comprehensive Zoning Ordinance and also provides for amendments to the said ordinance as the need arises; and

WHEREAS, the Common Council of the City of Muncie, Indiana has given reasonable regard to the Comprehensive Plan; current conditions and the character of current structures and uses in each district; the most desirable use for which land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible growth and development.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Muncie, Indiana, as follows:

Section 1. That the City of Muncie Comprehensive Zoning Ordinance adopted on the 5th day of November, 1973, be amended, changed and supplemented so as to include in the R-4A Residence Zone the following described real estate located in the City of Muncie, Indiana, to wit:

Lot 209 in the Belmont Addition to the City of Muncie, IN.

Section 2. That all buildings or uses permitted and placed upon said above described real estate shall fully conform with all the provisions of the City of Muncie Comprehensive Zoning Ordinance and shall have obtained the proper permits.

Section 3. That this Ordinance shall be in full force and effect from and after its passage by the Common Council and its approval by the Mayor of the City of Muncie, Indiana, and such publication as may be required by law.

	YEAS	NAYS	ABSTAINED	ABSENT
Aaron Clark				
Jerry Dishman				
Brandon Garrett				
Jeff Green				
Troy Ingram				
Brad Marshall				
Roger Overbey				
Jeff Robinson				
Rosa Selvey				

Passed by the Common Council of the City of Muncie, Indiana, this ____ day of _____, 2023.

Jeff Robinson, President of the Common
Council of the City of Muncie, Indiana

Presented by me to the Mayor for his approval this ____ day of _____, 2023.

Belinda Munson, City Clerk of the
City of Muncie, Indiana

The above ordinance approved (vetoed) by me this ____ day of _____, 2023.

Daniel Ridenour, Mayor of the
City of Muncie, Indiana

ATTEST:

Belinda Munson, City Clerk of the
City of Muncie, Indiana

This ordinance is proposed by: _____

City Council Member

This ordinance is approved in form by: _____

Corporate Counsel

**REPORT TO THE COMMON COUNCIL OF
THE CITY OF MUNCIE, INDIANA**

October 9th, 2023

To the Honorable:

Common Council of the City of Muncie, Indiana

Dear Council Members:


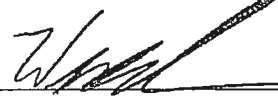
The Delaware-Muncie Metropolitan Plan Commission hereby submits to you the following report on the application of: **Nolting Investments, LLC, 8206 Rockville Rd. #306, Indianapolis, IN**, such applicant petitioning the commission to rezone the real estate as described in the application, generally located at: **2200 BLK N. Janney Ave., Muncie, Indiana**, from zone classification: **R-4 Residence Zone** to classification: **R-4A Residence Zone**.

WHEREAS, the said Plan Commission has given reasonable regard to the comprehensive plan, current conditions and the character of current structures and uses in each district, the most desirable use for which the land in each district is adapted, the conservation of property values throughout in the jurisdiction and responsible growth and development.

NOW, THEREFORE, the Delaware-Muncie Metropolitan Plan Commission hereby **UNFAVORABLY RECOMMENDS (7 - 1, 1 absent)** the application for rezoning.

**DELAWARE-MUNCIE METROPOLITAN
PLAN COMMISSION**

BY:

Allen Wiseley, President



Lorey Stinton, Acting Secretary

Delaware-Muncie Metropolitan Plan Commission
Excerpt of Case Analysis - October 2023

MPC 07-23Z Nolting Investments, LLC

Location & Description: 2200 BLK N. Janney Ave., Muncie

Located on the east side of N. Janney Ave., ~ 250' north of W. Wade Ave. and ~ 335' south of W. Cowing Dr. Traveling north on Wheeling Ave. from downtown, go ~ 1.3 miles to W. Cowing Dr., turn left (west), go ~ 0.15 miles to N. Janney Ave., turn left (south), go ~ 335', the site is on the left (east) side of N. Janney Ave. The site includes 1 lot consisting of ~ 0.15 acres. The site is currently vacant (greenspace).

*MPC 06-23Z is across Janney Ave. to the south at Lot 192.



Streets: This section of N. Janney Ave. is classified as a Local Road with a 50' proposed R.O.W. according to the Thoroughfare Plan Map. This section of N. Janney Ave. has 50' of dedicated R.O.W.

Land Use: The site is currently vacant (greenspace) in use. Surrounding properties to the north, east, south, and west are single-unit residential in use.

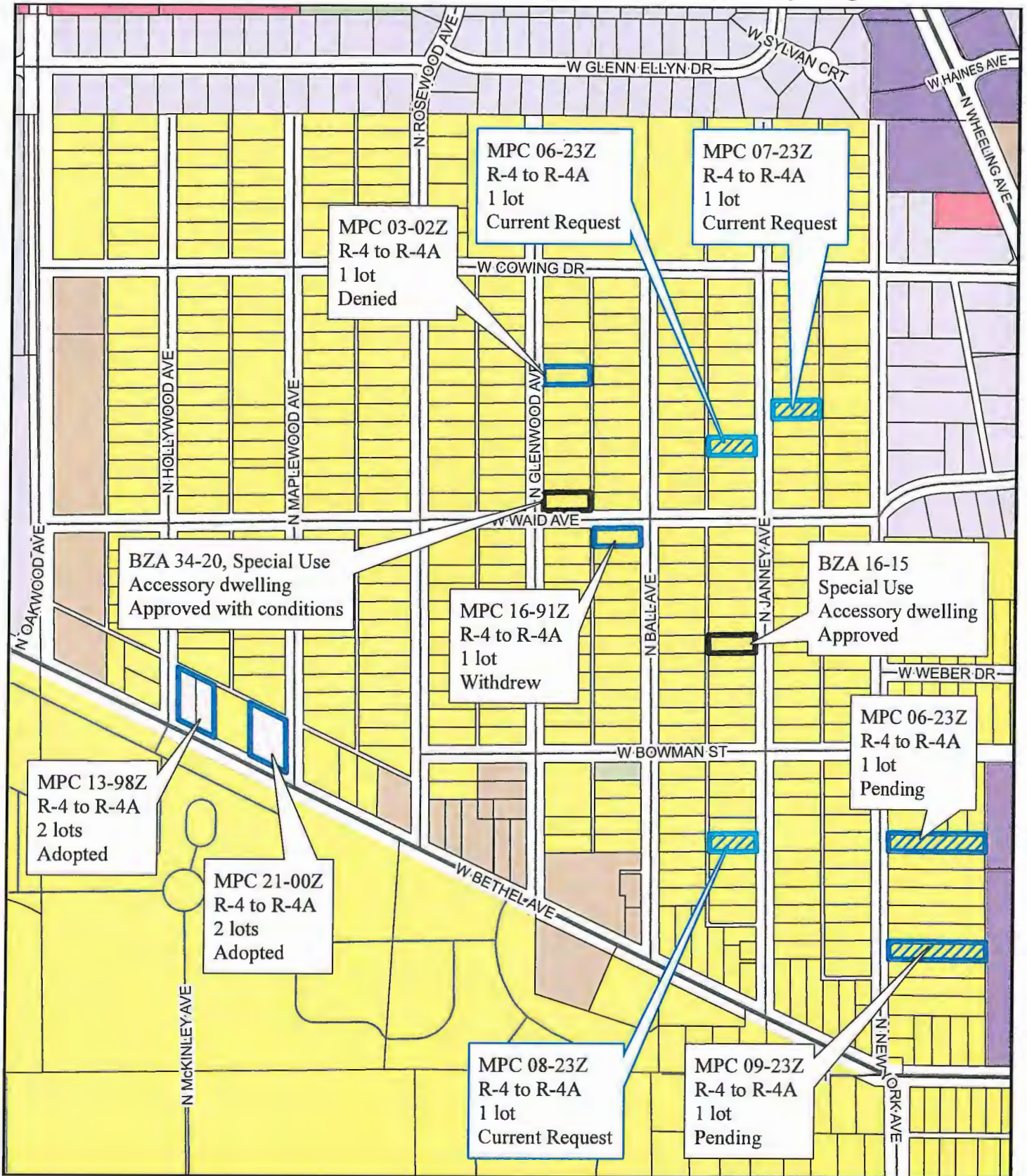
Zoning: The site is classified in the R-4 Residence Zone. Surrounding properties to the north, east, south, and west are classified in the R-4 Residence Zone.

Request: The applicant is requesting a change in zone to the R-4A Residence Zone. The applicant would like to redevelop the property in accordance with the R-4A Residence Zone, which allows single unit, 2 unit, and 3 unit dwellings.



View of the site from N. Janney Ave., looking to the east. Neighboring residences are visible on each side and homes on lots that back up to this lot are visible in the background.

Map showing the location of MPC cases to rezone to the R-4A Residence Zone and BZA cases to allow an accessory dwelling within the Anthony neighborhood.



Review of cases to rezone parcels to the R-4A Residence Zone and cases to allow an accessory dwelling, as a special use in the R-4 Residence Zone, within the Anthony Neighborhood.

MPC 16-91Z, Applicant: Coyle, William
2021 N. Ball Ave. (1 lot)

Request: rezone 1 lot from the R-4 Residence Zone to the R-4A Residence Zone, to allow a 4-5 car garage with 2 units above the garage.
The MPC gave this case an unfavorable recommendation (7-0, 2 absent).
The applicant withdrew the request after it was filed with City Council.

BZA 16-15, Applicant: Thomas, Lisa
1909 N. Janney Ave. (1 lot)

Request: allow a special use of an accessory dwelling.
The MPC gave this case a favorable recommendation (6-0, 3 absent).
The BZA approved this request.
1911 N. Janney Ave. was developed as an accessory dwelling.

MPC 13-98Z, Applicant: Childers, Charles and Dorman Hill

1818 & 1820 W. Bethel Ave. (2 lots)

Request: rezone 2 lots from the R-4 Residence Zone to the R-4A Residence Zone, to allow two duplexes.
The MPC gave this case a favorable recommendation (6-0, 2 absent, 1 vacant seat).
City Council adopted the requested rezoning.
1818 was redeveloped as a duplex, 1820 has remained a single-family home.

BZA 34-20, Applicant: Church, René
2100 N. Glenwood Ave. (1 lot)

Request: allow a special use of an accessory dwelling
The MPC gave this case a favorable recommendation (8-0, 1 absent).
The BZA approved this request with the condition that there is a maximum limit of 2 bedrooms in the accessory dwelling.
Assessment indicates that the accessory dwelling has not yet been developed.

MPC 21-00Z, Applicant: Jones, James D.
1800 W Bethel Ave (2 lots)

Request: rezone 2 lots from the R-4 Residence Zone to the R-4A Residence Zone, to allow two duplexes.
The MPC gave this case a favorable recommendation (8-0, 1 absent).
City Council adopted the requested rezoning.
The two lots include two single-unit homes.

MPC 05-23Z, Applicant: Nolting Investments, LLC
1700 BLK N. New York Ave. (1 lot)

Request: rezone 1 lot from the R-4 Residence Zone to the R-4A Residence Zone.
The MPC gave this case no recommendation (5-2, 2 absent).
This case has not yet been heard by City Council.

MPC 03-02Z, Applicant: Malchow, Cary L.
2208 N. Glenwood Ave. (1 lot)

Request: rezone 1 lot from the R-4 Residence Zone to the R-4A Residence Zone, to allow redevelopment of an existing house into a duplex.
The DMMPC gave this case an unfavorable recommendation (7-0, 2 absent).
City Council denied this request.

MPC 09-23Z, Applicant: Nolting Investments, LLC
1620 N. New York Ave. (1 lot)

Request: rezone 1 lot from the R-4 Residence Zone to the R-4A Residence Zone.
The MPC gave this case an unfavorable recommendation (5-2, 2 absent).
This case has not yet been heard by City Council.

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION
PROPOSED ZONING CHANGE APPLICATION**

Jurisdiction: (Check One)

Submitted: Aug 16, 2023

☐ Delaware County

Case No.: MPC 07-232

☒ City of Muncie

(1) Applicant: Nolting Investments, LLC (Eric Nolting, Sole Member)

Address: 8206 Rockville Rd #306 Phone: 317-825-8683
Indianapolis, IN 46214

(2) Record of Applicant's Ownership:

A. ☒ By Deed:
Deed Book No. & Page No.: 2015R/05392
Date of Deed: 05/06/2015

B. ☐ By Recorded Contract:
Misc. Book No. & Page No.: _____
Date of Contract: _____

C. ☐ By Unrecorded Contract:
Date of Contract: _____
Name of Contract Seller: _____
Book No. & Page No. Of Deed in Seller's Name: _____

(3) Legal Description of Property for which rezoning is requested: (From the Deed or Abstract).
BELMONT ADD LOT 209

(4) Common Address of Property Involved:
**2204 Adj. N Janney Ave
Muncie, IN 47304**

(5) Proposed zoning change: (Give exact zone classification.)
From the R-4 Zone
To the R-4A Zone

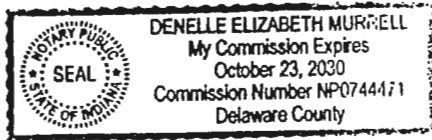
- (6) Intent and Purpose of Proposed Change: (Specify use contemplated on property.)
To construct residential housing in accordance with the parameters of Zone R-4A as described in the City of Muncie Comprehensive Zoning Ordinance.
- (7) Will the Owner develop the property for the use specified in Item 6 or does owner intend to sell property for the purpose specified.
Owner will develop for use specified in item 6.
- (8) State how the proposed change will not adversely affect the surrounding area.
The structure will be designed and built in a manner as to blend in with the existing style/feel of the surrounding neighborhood. The proposed change will also allow for more affordable housing options for all familial statuses.
- (9) Will certain variances be requested if the proposed zoning change is granted?
(If yes, list the variances)
no
- (10) Has the applicant provided stamped, addressed envelopes to send notices of this rezoning to all the property owners within 300 feet? Yes
Has the applicant discussed this rezoning with those owners personally? No
(If answer is yes, give their attitudes toward the rezoning.)
N/A
- (11) Are there any restrictions, easements, and/or covenants governing the property prohibiting its use for the purpose specified in this application?
(If answer is yes, attach copy of it and/or explain.)
No

AFFIDAVIT

(I or We) Nolting Investments, LLC (Eric Nolting, Sole Member) being duly sworn, depose and say that I/We am/are the owner(s)/contract owner(s) and contract seller(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/our knowledge and belief.

SIGNATURES: 

Subscribed and sworn to before me this 16th day of August, 2023



Denelle Murrell
Notary Public

October 23, 2030
My 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 submitted to the Delaware-Muncie Metropolitan Plan Commission Office in accordance with all the formal requirements. If properly advertised by the applicant, this application will be heard by the Plan Commission in Public hearing on the 7th day of September, 2023.

Signed 

Date 8-17-2023

1061
Young's Title
IP

2015R0. 12
 MELANIE MARSHALL
 DELAWARE COUNTY RECORDER
 RECORDED ON
 05/14/2015 11:38 AM
 REC FEE: 16.00
 PAGES: 1

WARRANTY DEED

THIS INDENTURE WITNESSETH, that

Kara R. Anderson and Brooke Nicole Anderson, Tenants in Common

Of Delaware County, in the State of Indiana,

Convey and Warrant to

Notling Investments, LLC

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

Lot Numbered Two hundred nine (209) in the Belmont Addition to the City of Muncie, Indiana.

Tax Duplicate No. 181104308008000003

SUBJECT TO TAXES DUE AND PAYABLE SPRING 2016

Property Address: ^{Ad}2204 N. Janney Ave., Muncie IN 47304

GRANTEES MAILING ADDRESS: Notling Investments, LLC

9742 Trail Dr.
 Avon IN 46123

Subject to easements, restrictions, and rights of way of record.

In Witness whereof the said Kara R. Anderson and Brooke Nicole Anderson, Tenants in Common have hereunto executed the foregoing deed on this 6th day of May, 2015.

Kara R. Anderson
 Kara R. Anderson

Brooke Nicole Anderson
 Brooke Nicole Anderson

State of Indiana
 County of Delaware SS:

Before me, the undersigned, a Notary Public in and for said County, on this 6th day of May, 2015, came Kara R. Anderson and Brooke Nicole Anderson, Tenants in Common and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal.

Tonya R Davis (Seal)
 Notary Public

My commission expires:

Resident of:



This instrument prepared by: James R. Wesley 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

Y-201504-33

Duly Entered for Taxation
 Transfer Fees \$ 5.00

MAY 14 2015

Steven G. Croy
 Delaware County Auditor



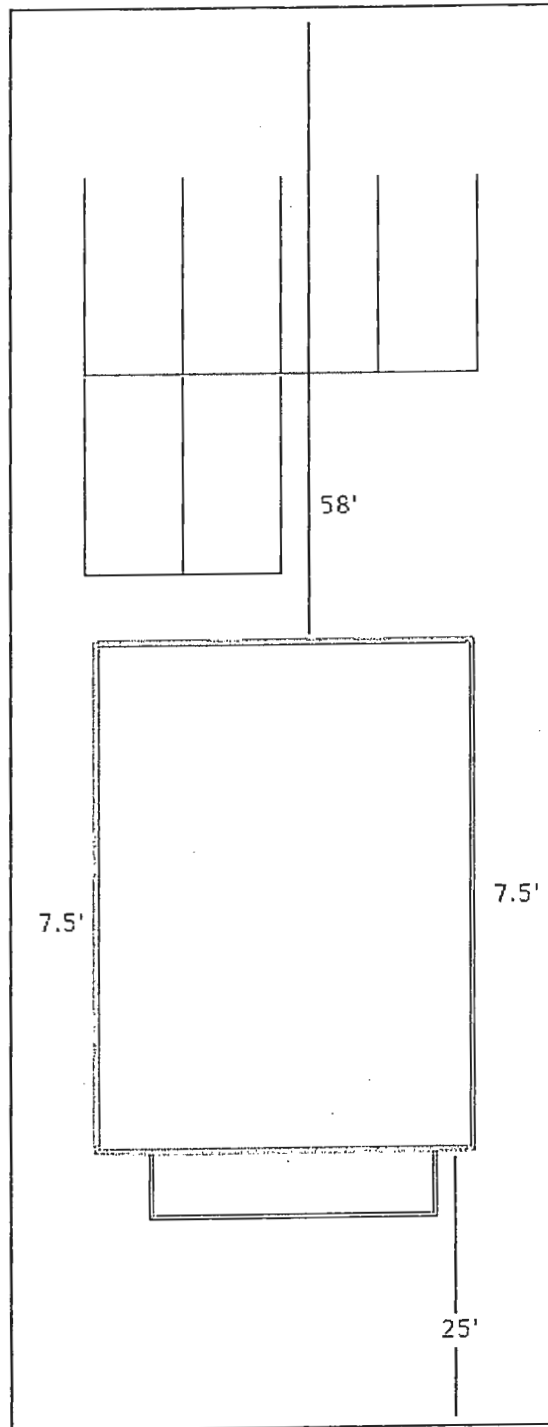


RECEIVED

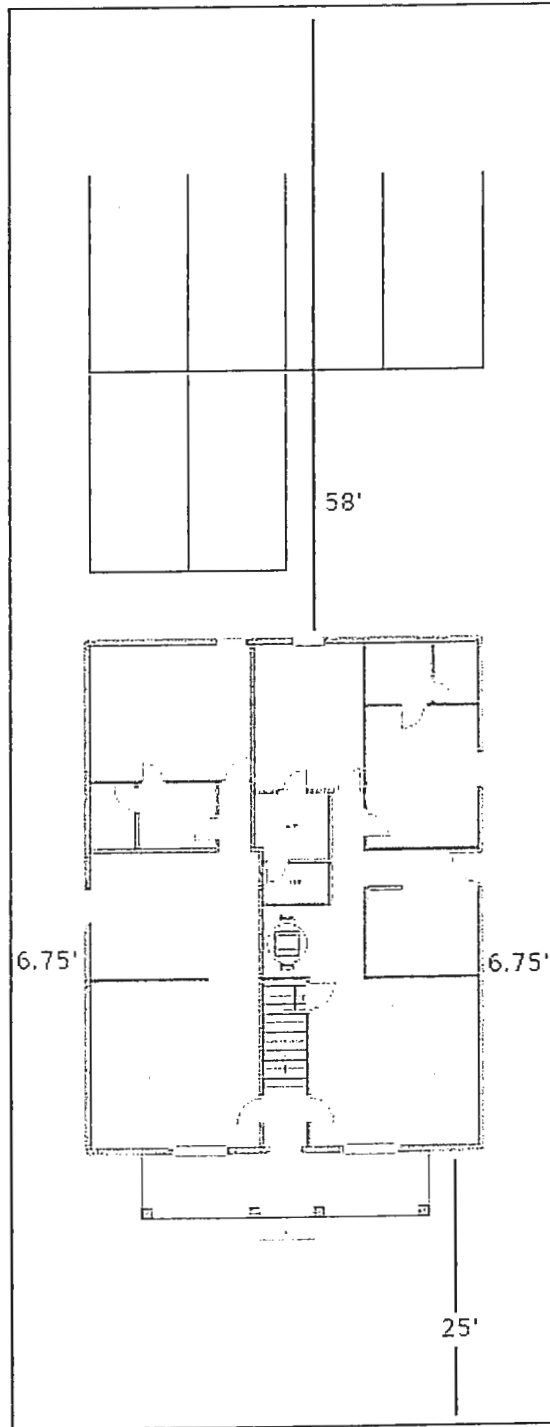
SEP 30 2023

DELAWARE-MUNCIE
METROPOLITAN PLAN COMMISSION

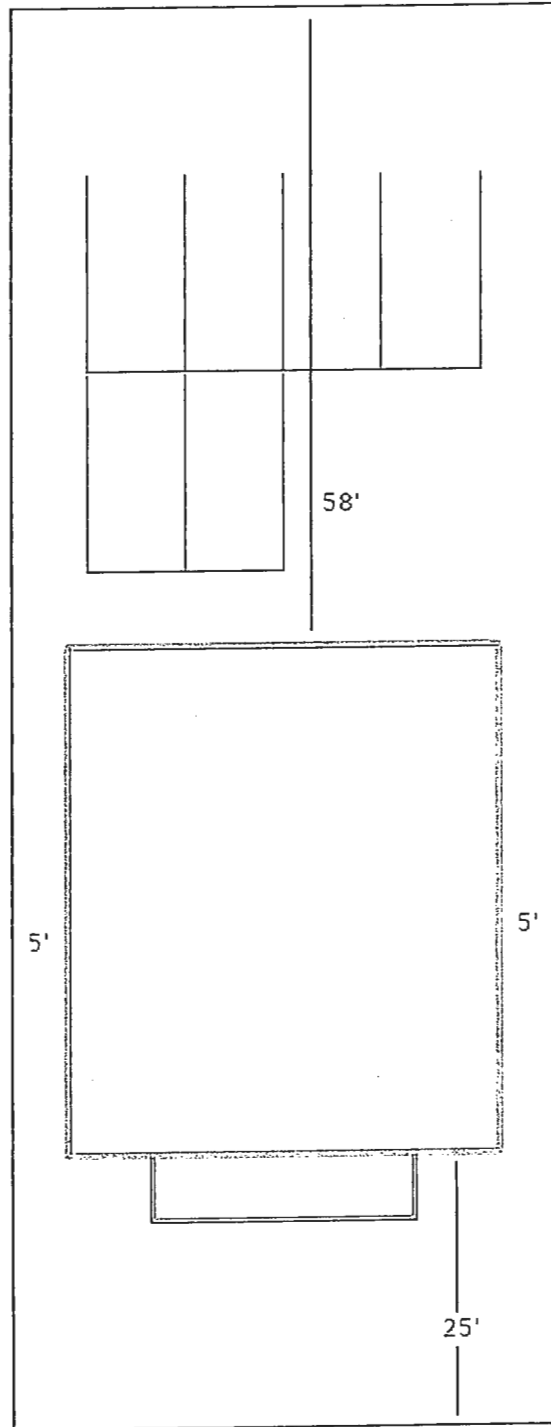
Design Concept 1













DMMP
 EXHIBIT MP 06232, 07-232, 08-232
 APPLICANT X
 OPPONENT _____
 DATE REC'D 10-5-2023



was 2113 N. Janney Ave.
since demolished

DMMP

EXHIBIT MP 06-232, 07-232, 08-232

APPLICANT ☒

OPONENT

DATE REC'D 10-5-2023



N. New York Ave.

EXHIBIT DMMP
APPLICANT APC 06-232, 07-232, 08-232
OPONENT X
DATE REC'D 10-5-2023

09/03/23 houses for rent on following N/S streets
between Bethel Ave. & Cowing Dr. in Anthony-Northside neighborhood

N. New York Ave.

1713 by owner (2-story)
1704 "orange sign"
1641 Middletown
1636 Campus Rentals
1620 Campus Rentals
1600 Campus Rentals
1628 Rent Close to BSU
1620 "orange sign"

N. Janney Ave.

1701 "orange sign"
2113 "orange sign"
2200 block "orange sign"

N. Ball Ave.

1905 Campus Rentals
1900 Campus Rentals
1712 Campus Rentals
1705 Campus Rentals
1701 Campus Rentals
1607 Campus Rentals
2300 TJ Lennon Properties
2201 TJ Lennon Properties
2117 TJ Lennon Properties
2113 TJ Lennon Properties
2101 TJ Lennon Properties
1909 TJ Lennon Properties
2200 by owner
2012 by owner

Bethel Ave.

1500
1520

N. Glenwood Ave.

1715 Campus Rentals
1905 Campus Rentals
1900 by owner
2013 J Brand Properties
2016 TJ Lennon Properties

N. Rosewood Ave.

1909 Campus Rentals
1808 Campus Rentals
1708 Campus Rentals
1704 Campus Rentals
2204 by owner
1809 P.E.R.
1800 Mark BSU Properties
1701 BK Management

N. Maplewood Ave.

1913 Campus Rentals
2309 Campus Rentals
2013 Key Realty

N. Hollywood Ave.

1914 BSU Living

Bowman between Janney & Ball

DMMP
EXHIBIT MPC 05-232 thru 09-232
APPLICANT _____
OPONENT ☒ _____
DATE REC'D 9-7-2023

9-30-23

I'm Sorry I can't be
There, my name is
Steve Parrie, my address
is 1611 N Janney Ave, Muncie
I am completely Against the
Changing the Code from
R4 to R4-A
(single) (multi)

Thank You.

Steve Parrie

DMMPC

EXHIBIT MPC 06-232, 07-232, 08-232
APPLICANT _____
OPPONENT X _____
DATE REC'D 10-5-2023