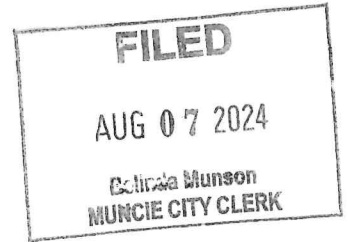


ORDINANCE NO. 18-24

BEING AN ORDINANCE TO AMEND
THE CITY OF MUNCIE
COMPREHESIVE ZONING ORDINANCE
FROM THE R-4 RESIDENCE ZONE
TO THE BV VARIETY BUSINESS ZONE
FOR LOT 1 AND THE WEST ½ OF LOT 9 IN E.C. ANTHONY'S FIRST ADDITION TO THE
CITY OF 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 is adapted; the conservation of property values throughout the jurisdiction; and responsible growth and development.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA, as follows:

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

Lot 1 and the west ½ of lot 9 in E.C. Anthony's First Addition to the City of Muncie,
Delaware County, Indiana.

Section 2. That all buildings or uses permitted and placed upon described real estate shall fully conform with all the provisions of the City of Muncie Comprehensive Zoning Ordinance and shall have obtained all 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	ABSTAIN	ABSENT
Dale Basham	✓			
Jerry Dishman	✓			
Brandon Garrett				✓
Jeff Green	✓			
Sara Gullion	✓			
William McIntosh Sr.	✓			
Harold Mason Jr.	✓			
Nora Powell	✓			
Ro Selvey	✓			

Passed by the Common Council of the City of Muncie, Indiana, this 7th day of October, 2024.

Jerry Dishman
President of the Common Council
City of Muncie, Indiana

Presented by me to the Mayor for his approval this 7 day of October, 2024.

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

The above ordinance approved (vetoed) by me this 7 day of October, 2024.

Dan Ridenour
Dan Ridenour, Mayor of the City of Muncie,
Indiana

ATTEST:

Belinda Munson
Belinda Munson, City Clerk of Muncie, Indiana

This ordinance is proposed by:

Jerry Dishman
City Council Member

This ordinance is approved in form by:

Sara Gullion
Corporate Counsel

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

August 1, 2024

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: Full Gospel Temple, 212 W. 7th St., Muncie, IN, such applicant petitioning the Commission to rezone the real estate as described in the application, generally located at: Lot 1 and the west ½ of Lot 9 in E.C. Anthony's First Addition to the City of Muncie, Delaware County, Indiana. from zone classification: R-4 Residence Zone to zone classification: BV Variety Business Zone.

WHEREAS, the 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 the jurisdiction and responsible growth and development; and

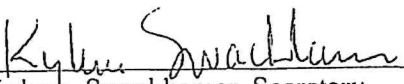
NOW, THEREFORE, the Delaware-Muncie Metropolitan Plan Commission hereby **FAVORABLY RECOMMENDS (8-0)** the application for rezoning.

**DELAWARE-MUNCIE METROPOLITAN
PLAN COMMISSION**

BY:

Allen Wiseley, President



Kylen Swackhamer, Secretary

MPC 09-24Z Full Gospel Temple Inc

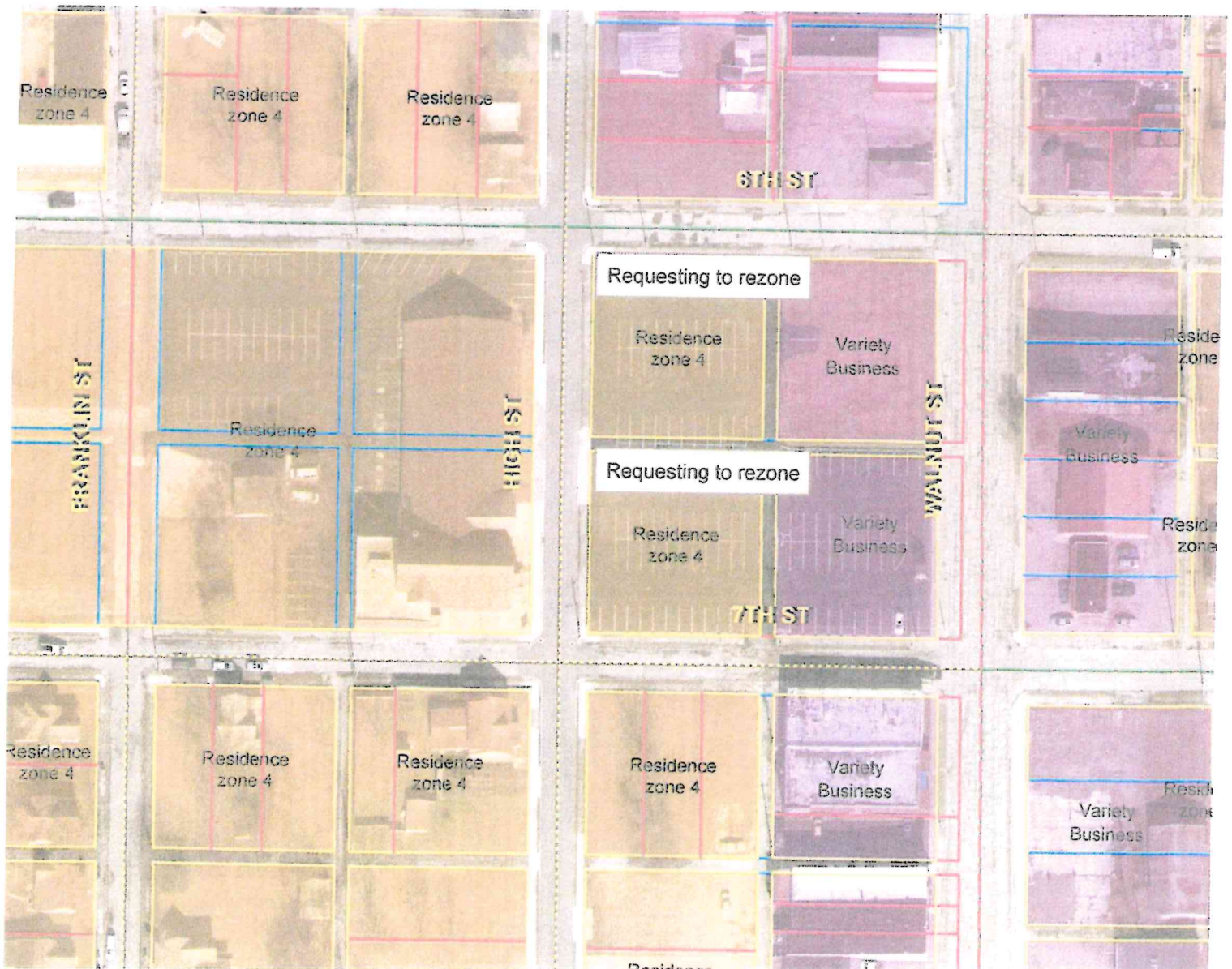
Description & Location: Lot 1 and the West 1/2 of Lot 9 in E.C. Anthony's 1st Add. to the City of Muncie. Lot one is located at the SE corner of W 6th St. and High St. Lot 9 is located at the NE corner of High St. and W 7th St., Muncie.

Streets: 6th St., 7th St. and High St. in that area, are all classified as local roads, with a 50' ROW.

Land Use: The land use in the area is a mixture of R 4 Residence Zone and BV Variety Business Zone.

Zoning: Lot 1 is currently split into 2 parcels. The east parcel is already in the BV Variety Business zone. Lot 9 is 1 parcel but is zoned as both R 4 Residence Zone (the west half) and BV Variety Business Zone (the east half). The applicant owns both lots. Rezoning the west half of lot 9 would bring the lot into compliance, avoiding split zoning.

Additional Information: The applicant has submitted a request for a variance (BZA 43-24) to allow for a decreased setback for a new building to be built on the west half of lot 1. This request will go before the BZA on July 25th, 2024.



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

Jurisdiction: (Check One)

☐ Delaware County

☒ City of Muncie

Submitted: 7-16-24

Case No.: MPC 09-247

(1) Applicant: Full Gospel Temple

Address: 212 W 7th Street Phone: (765) 282-3312
Muncie, IN 47302

(2) Record of Applicant's Ownership:

A. ☒ By Deed:
Deed Book No. & Page No.: See attached
Date of Deed: _____

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).
See attached

(4) Common Address of Property Involved:
212 W 7th Street
Muncie, Indiana 47302

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

- (6) Intent and Purpose of Proposed Change: (Specify use contemplated on property.)
The Owner desires to construct a Fellowship Hall and the zoning of the two parcels upon which the building will sit should both be zoned BV.
- (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.
The Owner intends to build and use the Fellowship Hall. No sale of the property is planned.
- (8) State how the proposed change will not adversely affect the surrounding area.
The proposed building is associated with the church, which is permitted in any zoning district, and does not change the environment.
- (9) Will certain variances be requested if the proposed zoning change is granted?
(If yes, list the variances)
The Owner has requested a variance in the setback stipulated. This appeal has been submitted.
- (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.)
- (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) John Helton 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. 7-15-24

SIGNATURES: John Helton

Subscribed and sworn to before me this 15 day of July, 20 24



Justin M Wallen, Notary Public
Delaware County, State of Indiana
Commission No: NP0748660
My Commission Expires 05/02/2031

Justin M Wallen
Notary Public

May 2, 2031
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 1st day of August, 20 24.

Signed Wm Pope

Date July 10th, 2024

Recorded this _____ day of _____ 19 _____ at _____ o'clock _____ M _____ Recorder

10200 Warranty Deed

THIS INDENTURE WITNESSETH, That Ernest A. Cain and Florence F. Cain, husband and wife

of _____ County, in the State of Florida Convey and Warrant to The Full Gospel Temple, Inc., an Indiana corporation

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

✓ A part of Lot Number Nine (9) in E. C. Anthony's First Addition to the City of Muncie, described as follows, to-wit: Commencing at the Southwest corner of said lot, and running thence North with the West line thereof, sixty-two and one-half (62 1/2) feet; thence East parallel with the South line of said lot one hundred twenty-five (125) feet; thence South parallel with the West line of said lot sixty-two and one-half (62 1/2) feet to the South line of said lot; thence West with said South line, one hundred twenty-five (125) feet to the place of beginning.

ALSO, The East Half (E 1/2) of Lot Number Nine (9) in Edwin C. Anthony's First Addition to the City of Muncie, Indiana, a plat of which is recorded in Plat Book 1, page 21 of the records of plats of Delaware County, Indiana.

Unit Tax Numbers 15-3066, 15-3068, 15-3069, 15-3070 and 15-3067

As a part of the consideration for this conveyance, the grantee herein assumes and agrees to pay all taxes and assessments which are now a lien or which may become a lien against said real estate.

This conveyance is made subject to all zoning restrictions imposed upon said real estate by the Common Council of the City of Muncie, Indiana, and subject also to the restrictions contained in the recorded plat of said addition and to all other restrictions and easements of record.

In Witness Whereof, The said Ernest A. Cain and Florence F. Cain, husband and wife,

have hereunto set their hands and seals, this 27 day of September, 1976

Duly entered for taxation Oct. 18 1976 (Seal) Ernest A. Cain (Seal)
JERRY L. THORNBURG, Auditor, Filed for Record (Ernest A. Cain)

Oct. 18 1976 at 10:30 year 1976 (Seal) Florence F. Cain (Seal)
Page 4863 Fee \$2.50 paid (Florence F. Cain)

Sam Sullivan R.D.C. (Seal) _____ (Seal)

STATE OF ~~INDIANA~~ FLORIDA

COUNTY, ss:

Before me, the undersigned, a Notary Public in and for said County, this 27 day of September, 19 76, came Ernest A. Cain and Florence F. Cain, husband and wife

, and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal.

NOTARY PUBLIC STATE OF FLORIDA at _____
My Commission Expires _____
BONDED BY AMERICAN BANKERS INSURANCE CO.

Sam Sullivan Notary Public

This instrument prepared by: Samuel L. Reed, Attorney at Law

(1777)C

OLD 1984 3425

THIS FORM HAS BEEN APPROVED BY THE INDIANA STATE BAR ASSOCIATION FOR USE BY LAWYERS ONLY. THE SELECTION OF A FORM OF INSTRUMENT, FILLING IN BLANK SPACES, STRIKING OUT PROVISIONS AND INSERTION OF SPECIAL CLAUSES, CONSTITUTES THE PRACTICE OF LAW AND MAY ONLY BE DONE BY A LAWYER.

Mail tax bills to:

WARRANTY DEED

This indenture witnesseth that MELVIN I. ROSS

of Jay County in the State of Indiana

Conveys and warrants to FULL GOSPEL TEMPLE, INC.

of Delaware County in the 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 in Delaware
in the State of Indiana, to wit:

County

A part of Lot number one (1) in E. C. Anthony's First Addition to the
City of Muncie, Indiana, described as follows:

Beginning at a point in the north line of said Lot number one (1),
thirty (30) feet east of the northwest corner thereof, thence south
parallel with the west line of said lot eighty-five (85) feet, thence
east parallel with the north line of said lot thirty-two and five
tenths (32.5) feet, thence north parallel with the west line eighty-
five (85) feet to the north line of said lot, thence west on said
north line thirty-two and five tenths (32.5) feet to the place of
beginning.

15-6196

Melvin I. Ross and Dorothy Ross were husband and wife at the time they
acquired title to the above-described real estate on September 12, 1972,
and the marital relationship continued uninterrupted until the death
of Dorothy Ross on May 3, 1984, at which time Melvin I. Ross acquired
title to said real estate as the sole surviving tenant by the entirety.

State of Indiana, Delaware County, Ind.
Before me, the undersigned, a Notary Public in and for said County
and State, this 1st day of Oct 1984
personally appeared: Melvin I. Ross

Duty entered for taxation 1084

Filed for Record
Oct 2 1984 at 2:45 PM
Record 1124 Page 3425 Fee \$5.00

Donna J. Aubrey R.O.C.

Notary Public
My commission expires 12/31/87

Resident of Delaware County.

Dated this 2nd Day of Oct 1984

Melvin I. Ross
Melvin I. Ross

Said

Said

Duty Entered For Taxation Said

OCT 2 1984 Said

Said

DELAWARE COUNTY INDIANA

Said

WHERE MIRACLES HAPPEN!



Legacy Church

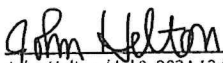
FULL GOSPEL TEMPLE

July 9, 2024

Fred Daniel
Demographics & Zoning Appeals Planner- GIS Specialist
100 W Main St.
Muncie, IN 47305

Mr. Daniel,

I hereby certify that I, John P. Helton, am President of Full Gospel Temple, INC. and that I am authorized to sign, execute, and endorse on behalf of Full Gospel Temple, INC. all financial transactions, legal documents, and other official agreements.



John Helton (Jul 9, 2024 12:03 EDT)

President

7/9/24

Date

"One generation shall praise thy works to another and shall declare thy mighty works." ~Psalms 145:4

212 West Seventh St.
Muncie, IN 47302

John P. Helton
Lead Pastor

• Dr. H. Denny Helton
Senior Pastor

765-282-3312
FGTOffice@yahoo.com

WHERE MIRACLES HAPPEN!

Legacy Church
FULL GOSPEL TEMPLE

July 9, 2024

Demographics & Zoning Appeals Planner- GIS Specialist
100 W Main St.
Muncie, IN 47305

To Whom It May Concern,

I affirm that, John P Helton, is Lead Pastor and President of Full Gospel Temple, INC. I hereby authorize John P. Helton to sign, execute, and endorse on behalf of Full Gospel Temple, INC. all financial transactions, legal documents, and other official agreements.



Pastor Emeritus

7-16-24

Date

"One generation shall praise thy works to another and shall declare thy mighty works." ~Psalms 145:4

212 West Seventh St.
Muncie, IN 47302

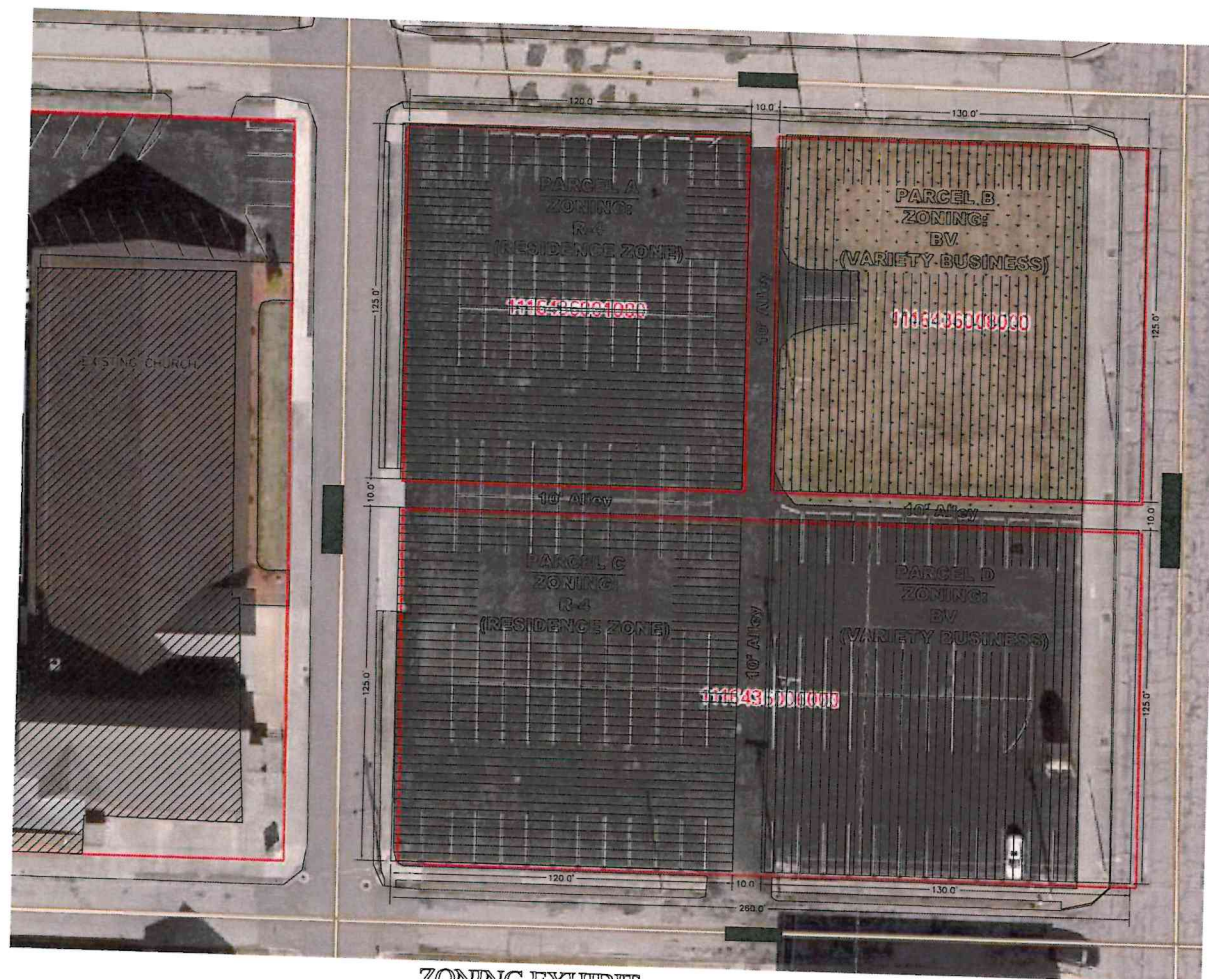
John P. Helton •
Lead Pastor

Dr. H. Denny Helton
Senior Pastor

765-282-3312
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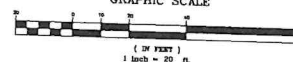


- | Legend | |
|--------|--------------------------|
| | Edge of Pavement |
| | Centerline |
| | Midchannel |
| | Sanitary Sewer Line |
| | Sanitary Manhole |
| | Storm Pipe |
| | Storm Manhole |
| | Hot Drain |
| | Storm Drain (Comb inlet) |
| | Storm Drain (Comb inlet) |
| | Water Line |
| | Utility Pole |
| | Customer Inflow |
| | Customer Inflow |
| | Building Return Line |
| | Building Inlet |
| | Right-of-Way Line |
| | Proposed Line |



ZONING EXHIBIT

GRAPHIC SCALE



OWNER

Full Gospel Temple Worship Center
212 W. 7th Street
Muncie, IN 47302
(765) 282-3312

CONSULTANT



9830 N. Michigan Rd. Ste D, Carmel, IN 46032
 Ph: (765) 485-0000 Fax: (317) 342-5832
 Email: chris@badgerengr.com
 Web: www.badgerengr.com

No.	Date	Revisions
1.	05/21/24	Released for Review & Sig
2.		

BADGER
ENGINEERING

ENGINEERING
9830 N. Michigan Rd., Ste D
Carmel, IN 46032
(765) 485-0000

Zoning Exhibit

Full Gospel Temple

Design By DMD	Order Quantity DMD	Deliverable Count COR	Initial Approved By CPS
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Know what's below.
Call before you dig.

Date	May 29, 2024
Lab No.	24-009
Case	N.T.S.
Sheet No.	