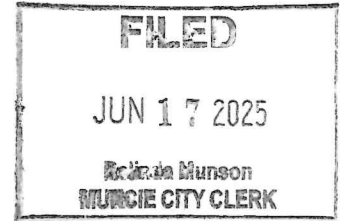


ORDINANCE NO. 22-25

BEING AN ORDINANCE TO AMEND
THE CITY OF MUNCIE
COMPREHESIVE ZONING ORDINANCE
FROM THE R-1 RESIDENCE ZONE
TO THE R-5 RESIDENCE ZONE
ON PREMISES LOCATED AT
2700 BLK N. BENTON RD., MUNCIE, IN 47304



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 **R-5 Residence Zone** the following described real estate located in the City of Muncie, Indiana to wit:

2700 BLK N. BENTON RD., MUNCIE, IN 47304

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.

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

June 6th, 2025

To the Honorable:

Common Council of the City of Muncie, Indiana

Dear Council Members:

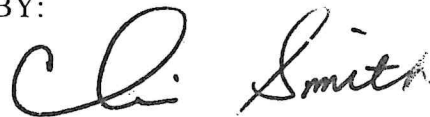
The Delaware-Muncie Metropolitan Plan Commission hereby submits to you the following report on the application of: **James Daugherty, 9495 W. Jackson St. Muncie, IN 47304**, such applicant petitioning the Commission to rezone the real estate as described in the application, generally located at: **2700 BLK N. BENTON RD., MUNCIE, IN 47304** from zone classification: **R-1 Residence Zone** to zone classification: **R-5 Residence 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 (9-0)** the application for rezoning.

**DELAWARE-MUNCIE METROPOLITAN
PLAN COMMISSION**

BY:



Chris Smith, President


Kylene Swackhamer, Secretary

	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 _____ day of _____, 2025.

President of the Common Council
City of Muncie, Indiana

Presented by me to the Mayor for his approval this _____ day of _____, 2025.

Belinda Munson, City Clerk
City of Muncie, Indiana


The above ordinance approved (vetoed) by me this _____ day of _____, 2025.

Dan Ridenour, Mayor of the City of Muncie,
Indiana

ATTEST:

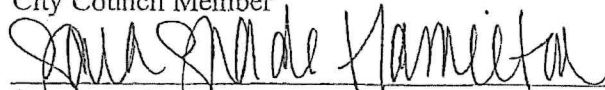
Belinda Munson, City Clerk of Muncie, Indiana

This ordinance is proposed by:



City Council Member

This ordinance is approved in form by:



Corporate Counsel

EXCERPT FROM THE MAY 1, 2025

CASE ANALYSIS FROM THE

DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION

MPC 12-25Z James Daugherty

Description & Location: 2700 BLK N. Benton Rd, Muncie, IN, 47304, Mt Pleasant Township

Parcels: 10-01-252-004-000

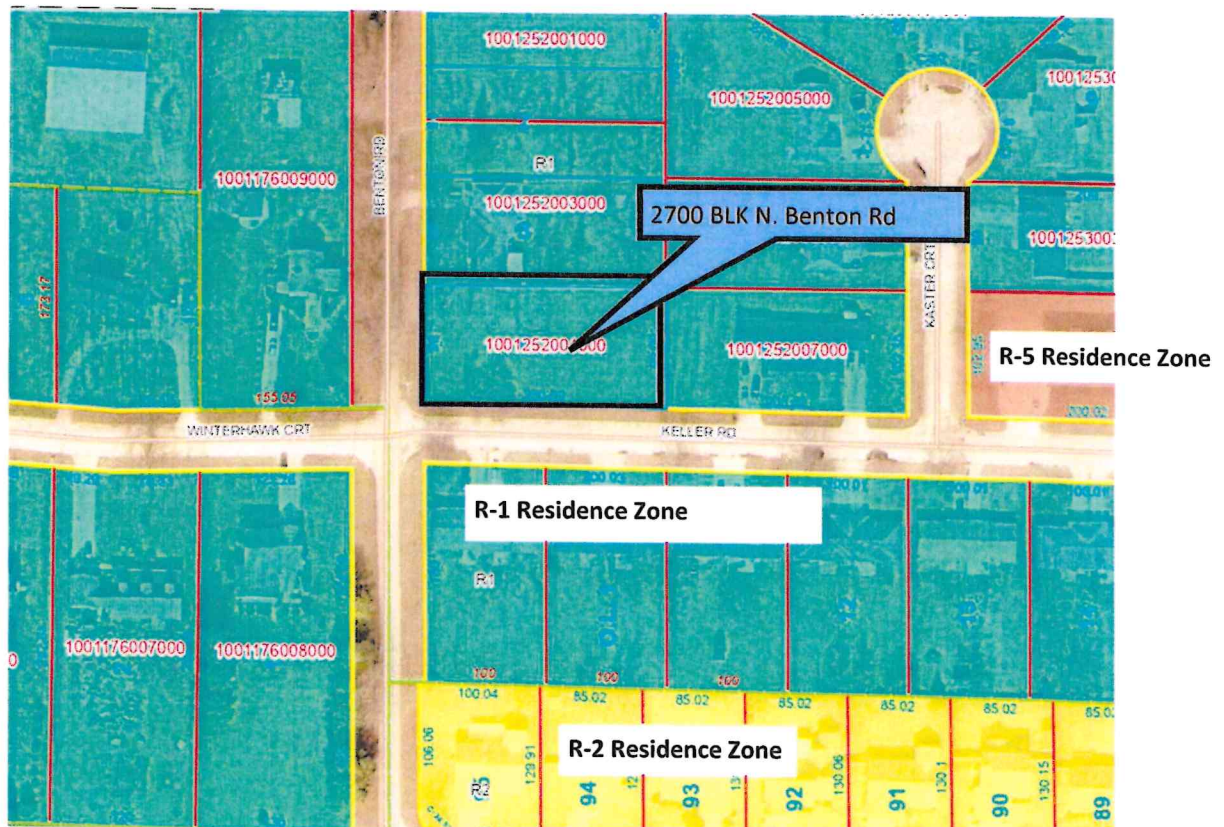
Streets: Benton Rd. and Keller Rd. are both platted with a 50' ROW and are classified as Local Roads according to the Thoroughfare Plan Map.

Land Use: The land use in this area is residential, both single family homes, and multi family homes.

Zoning: The current zoning of these properties is R-1 Residence Zone. The surrounding areas consist of R-1, R-2, and R-5 Residence Zones.

Request: The request is to change zoning of this property from R-1 Residence Zone to R-5 Residence Zone.

Additional Information: According to the application, the applicant does not believe the rezoning will adversely affect the surrounding area as there are several multi family dwellings including across the street and adjacent to this property. Several of these existing multi family units were present prior to the City of Muncie annexing this area from Mt. Pleasant Twp. The owner intends to develop the property with a multi family unit.



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

Jurisdiction: (Check One)

☐ Delaware County

☒ City of Muncie

Submitted: May 14, 2025

Case No.: MPL 12-25Z

(1) Applicant: James R. Daugherty

Address: 9495 W. Jackson Street Phone: (765) 730-8699
Muncie, Indiana 47304

(2) Record of Applicant's Ownership:

A. ☒ By Deed:
Deed Book No. & Page No.: Plat Book 12, pages 65-66
Date of Deed: November 22, 2024

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).
Lot number Four (4) in Keller West, Section "A", an Addition located in Mt. Pleasant Township, Delaware County, Indiana.

(4) Common Address of Property Involved:
N. Benton Road, Muncie, Indiana 47304 (no house number)

(5) Proposed zoning change: (Give exact zone classification.)
From the R-1 Residence Zone Zone
To the R-5 Residence Zone Zone

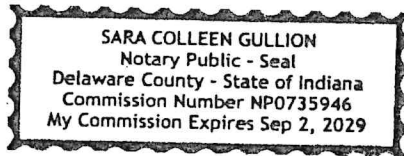
- (6) Intent and Purpose of Proposed Change: (Specify use contemplated on property.)
The purpose of the proposed change in zoning is to allow for the construction of a multi-family family dwelling (triplex) on the property which is currently unimproved. A rendering of the proposed development is attached hereto.
- (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 will develop the property and will manage the property after construction.
- (8) State how the proposed change will not adversely affect the surrounding area.
The owner does not believe that the proposed change will adversely affect the surrounding area as there are several multi-family dwellings in the area including duplexes across the street and adjacent to the property at issue.
- (9) Will certain variances be requested if the proposed zoning change is granted?
(If yes, list the variances)
The owner does not intend to request any variances to complete the project.
- (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

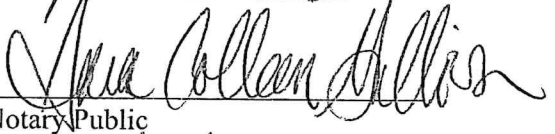
AFFIDAVIT

(I or We) James Daugherty 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 14 day of May, 20 25




Notary Public

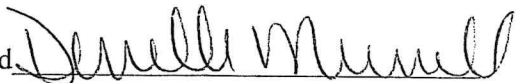
9/2/2029
My Commission Expires

Resident of Delaware County

State of IN

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 5 day of June, 20 25.

Signed 

Date 5/20/25

DULY ENTERED FOR TAXATION
TRANSFER FEES \$ 10.00
Nov 22 2024 - ER


DELAWARE COUNTY AUDITOR

2024R15763
JAN SMOOT
DELAWARE COUNTY RECORDER
RECORDED ON
11/22/2024 10:31 AM
REC FEE 25.00
PAGES: 2
RECORDED AS PRESENTED

TRUSTEES DEED

THIS INDENTURE WITNESSETH, That

The Dr. Joan Williams Revocable Trust AKA the Living Trust of Joan L. Williams dated January 19, 2000

of Delaware County, in the State of IN,

Convey and Warrant to

James R. Daugherty

of Delaware County, in the State of IN, 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 IN, to-wit:

Lot number Four (4) in Keller West, Section "A", an Addition located in Mt. Pleasant Township, Delaware County, Indiana, as shown in Plat Book 13, pages 65-66 in the Recorder's Office of Delaware County, Indiana.

Parcel No. 18-10-01-252-004.000-036

GRANTORS COVENANT THAT THEY ARE LAWFULLY SEIZED OF THE ESTATE HEREBY CONVEYED, HAVE FULL RIGHT, POWER AND AUTHORITY TO CONVEY THE SAME.

SUBJECT TO TAXES DUE AND PAYABLE PRORATED THROUGH CLOSING.

Property Address: Vacant Land, North Benton Road, Muncie, IN 47304

GRANTEES MAILING ADDRESS: James R. Daugherty
9495 W. Jackson St.
Muncie, IN 47304

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

Grantor certifies that Mabel M. Williams, a previous co-owner as joint tenants with rights of survivorship with Joan L. Williams, died on 07/04/1997, leaving Joan L. Williams as surviving joint tenant prior to conveying to the above named grantor.

In Witness Whereof the said The Dr. Joan Williams Revocable Trust AKA the Living Trust of Joan L. Williams dated January 19, 2000 have hereunto executed the foregoing deed on this 20th day of November, 2024.

The Dr. Joan L. Williams Revocable Trust AKA the Living Trust of Joan L. Williams dated January 19, 2000

By: 
Brennan Brown, Wealth Manager for First Merchants Bank, Private Wealth Advisors, as Successor Trustee

State of Indiana
County of Delaware SS:

Before me, the undersigned, a Notary Public in and for said County, this 20th day of November, 2024, came **Brennan Brown, Wealth Manager for First Merchants Bank, Private Wealth Advisors, as Successor Trustee of The Dr. Joan Williams Revocable Trust AKA the Living Trust of Joan L. Williams dated January 19, 2000** and acknowledged the execution of the foregoing instrument.

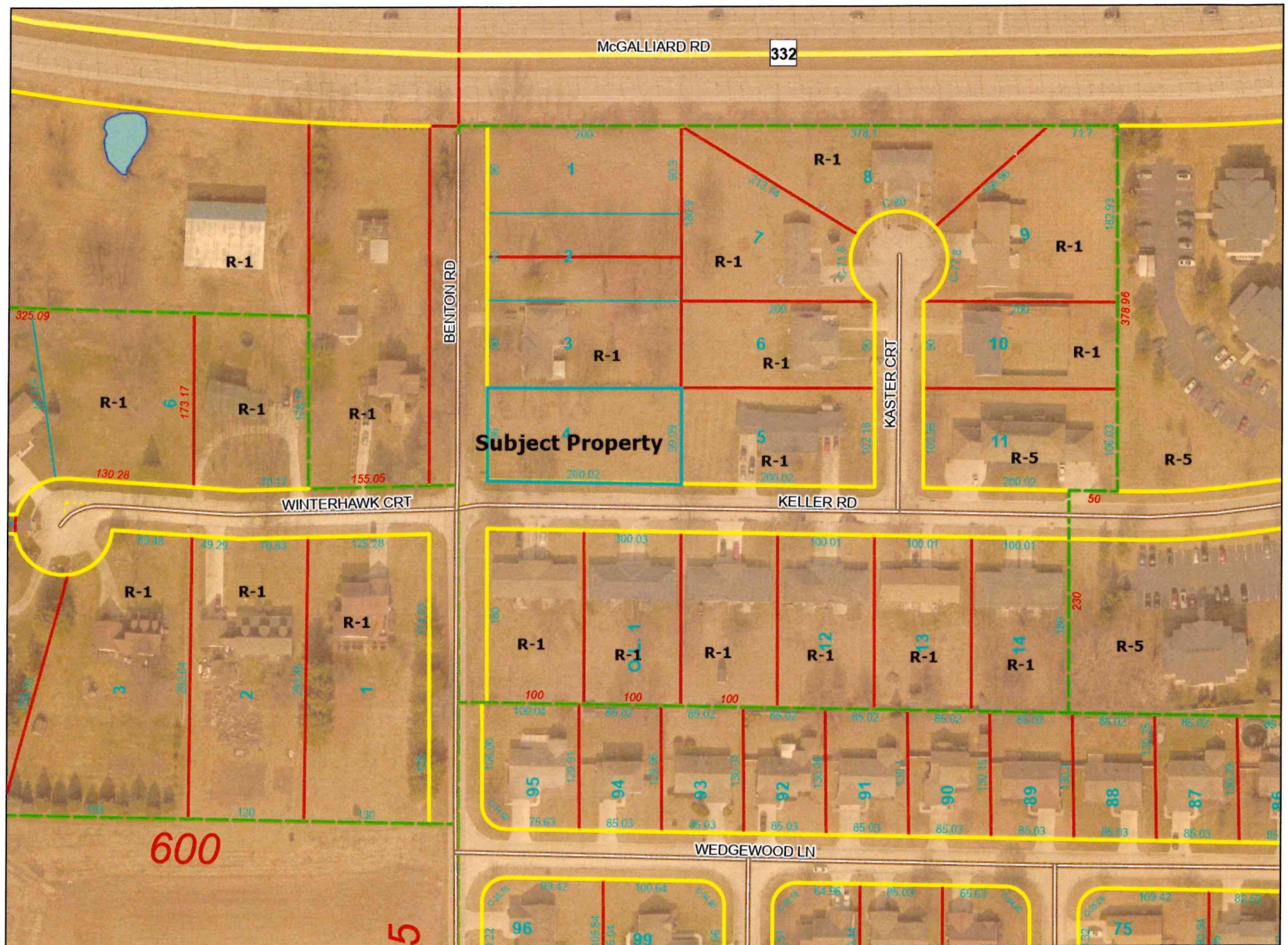
Witness my hand and official seal.

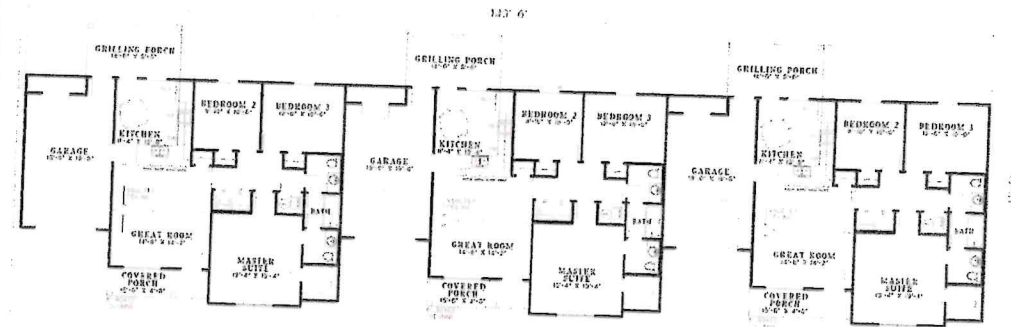
My commission expires:
Resident of:



Victoria Hummer (Seal)
Notary Public

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 Victoria Hummer





Main Level