

ORDINANCE NO. 26-25

BEING AN ORDINANCE TO AMEND
THE CITY OF MUNCIE
COMPREHESIVE ZONING ORDINANCE
FROM THE R-4 RESIDENCE ZONE
TO THE BC COMMUNITY BUSINESS ZONE
ON PREMISES LOCATED AT
1600 N. WHEELING 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 is adapted; the conservation of property values throughout the jurisdiction; and responsible growth and development.

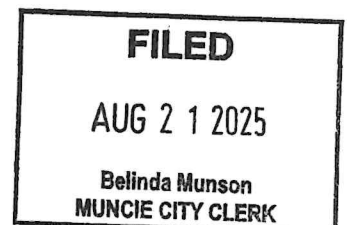
NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA, as follows:

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 BC Community Business Zone the following described real estate located in the City of Muncie, Indiana to wit:

1600 N. WHEELING AVE., MUNCIE, 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 _____ 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

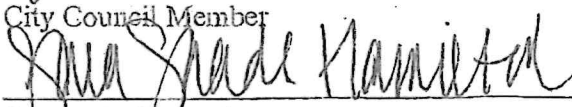
ATTEST:

Belinda Munson, City Clerk of Muncie, Indiana

This ordinance is proposed by:



City Council Member



Corporate Counsel

This ordinance is approved in form by:

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

August 7, 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: Benjamin M. and Belinda D. Hughes, 513 Wintergreen Ave, Yorktown, IN, such applicant petitioning the Commission to rezone the real estate as described in the application, generally located at: 1600 N. Wheeling Ave., Muncie, IN, from zone classification: R-4 Residence Zone to zone classification: BC Community 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 (7-0)** the application for rezoning.

**DELAWARE-MUNCIE METROPOLITAN
PLAN COMMISSION**

BY:



Chris Smith, President



Kylene Swackhamer, Secretary

EXCERPT FROM THE AUGUST 7, 2025

CASE ANALYSIS FROM THE

DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION

MPC 14-25Z Benjamin M. and Belinda D. Hughes

Description & Location: 1600 N. Wheeling Ave, Muncie, IN, 47304, Center Township

Parcel: 11-04-455-009-000

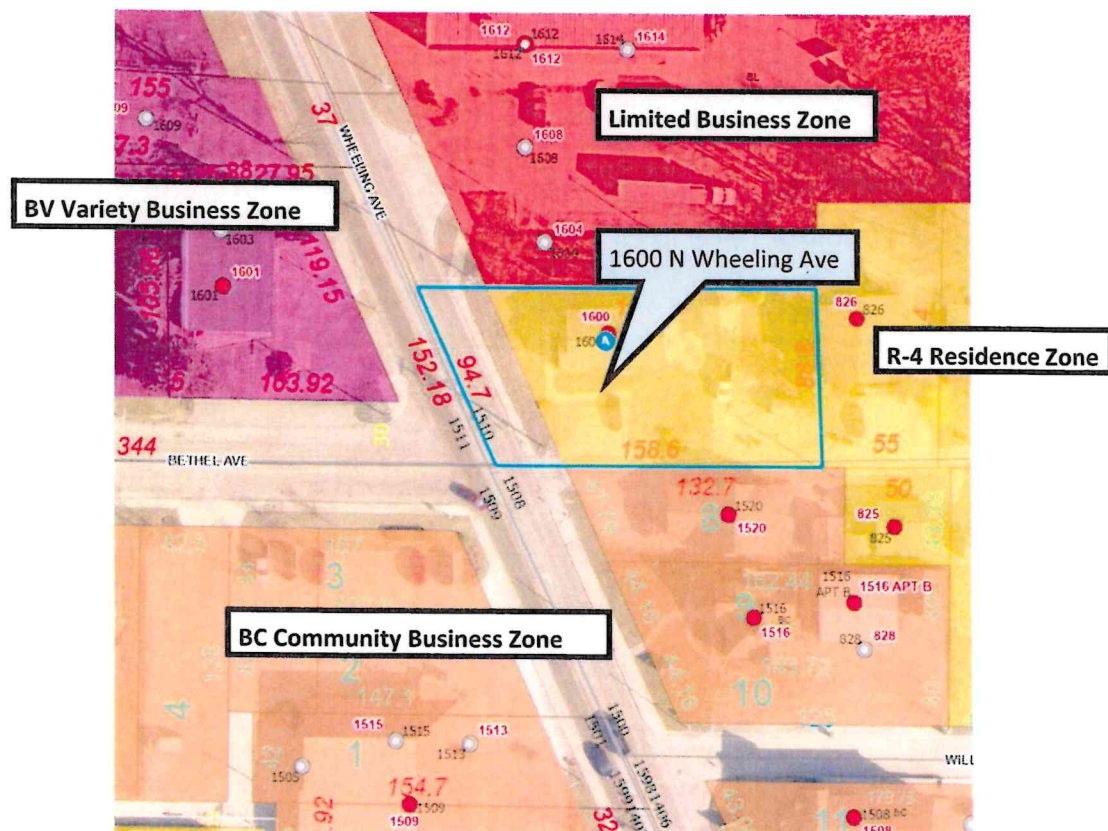
Streets: N. Wheeling Ave is classified as a Secondary Arterial Road with a 80' ROW according to the Thoroughfare Plan Map.

Land Use: This parcel is currently being used as a residential rental.

Zoning: The current zoning of this parcel is R-4 Residence Zone. The zoning of surrounding properties consists of R-4 Residence Zone, BV Variety Business Zone, BL Limited Business Zone, and BC Community Business Zone.

Request: The request is to change zoning of this property from R-4 Residence Zone to BC Community Business Zone for a retail store operation.

Additional Information: The applicant stated that this retail operation will focus on the sale of educational materials to families of children with Autism. They stated they have a very limited customer base and limited operating hours. They do not foresee any variances being required.



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

Jurisdiction: (Check One)

☐ Delaware County

☒ City of Muncie

Submitted. 7-15-25

Case No.: MPC 14-25Z

(1) Applicant: Benjamin M. & Belinda D. Hughes

Address: 513 Wintergreen Ave Phone: 765-288-3651
Yorktown, IN 47303

(2) Record of Applicant's Ownership:

A. ☒ By Deed:

Deed Book No. & Page No.: 2020R14267

Date of Deed: 10/21/2020

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).

PT LOT 6 0.4000Acres STR: 042010

See attached Warranty Deed

(4) Common Address of Property Involved:

1600 N Wheeling Ave

Muncie, IN 47303

(5) Proposed zoning change: (Give exact zone classification.)

From the R-4 Residence Zone

To the BC Community Business Zone

- (6) Intent and Purpose of Proposed Change: (Specify use contemplated on property.)

Change from residential rental use to retail store focusing on the sale education materials to families of children with autism.

- (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

- (8) State how the proposed change will not adversely affect the surrounding area.

Neighboring properties are currently in Community Business, Variety Business, and Limited Business zones; the proposed retail store operation is focused on a very limited customer base; and the retail store will have limited operating hours.

- (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.)

NA

- (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.)

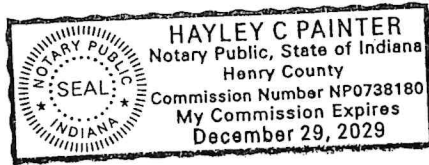
No.

AFFIDAVIT

(I or We) Benjamin M. Hughes & Belinda D. Hughes 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: *Benjamin M. Hughes* *Belinda D. Hughes*

Subscribed and sworn to before me this 16 day of June, 20 25



Hayley C. Painter
Notary Public

12-29-29
My Commission Expires

Resident of ~~IA~~ Henry 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 7 day of August, 20 25.

Signed 7/25/2025

Date *Denille Murrell*

Belinda Hughes
2p


2020R14267
MELANIE MARSHALL
DELAWARE COUNTY RECORDER
RECORDED ON
10/21/2020 11:00 AM
REC FEE 25.00
PAGES: 2
RECORDED AS PRESENTED

File No.: 20202348
Parcel Number: 18-11-04-455-009.000-003

WARRANTY DEED

This Indenture Witnesseth, That Carole F. Bashore (Grantor) **Conveys and Warrants** to Benjamin M. Hughes and Belinda D. Hughes, as joint tenants with right of survivorship (Grantee) for the sum of One & 00/100 Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Delaware County, in the State of Indiana:

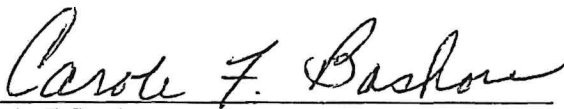
A part of the fractional southeast quarter of Section four (4), in Township twenty (20) north of Range 10 (10) east, described as follows:

Beginning at a point in the south line of said fraction southeast quarter, three hundred sixty five and forty three hundredths (365.43) feet west of the west line of Hackley's Reserve, and running thence northwesterly eighty eight and eight tenths (88.8) feet to the southeast corner of a tract of land conveyed to Gettude C. Calvin by Mary E. Orman et al on November 27, 1922 by deed recorded in deed record 184, page 474 of the records of Delaware County, Indiana; Thence west on the south line of said Calvin Tract, one hundred eighty-seven (187) feet to the centerline of the Muncie and Wheeling Turnpike; Thence southeasterly on said centerline ninety four and seven tenths (94.7) feet to the south line of said fractional southeast quarter; Thence east on said south line one hundred fifty-eight and six tenths (158.6) feet to the place of beginning. 

The parties acknowledge that the preparer has not conducted a title search in connection with this transaction and makes no guarantee as to the status or condition of the real estate title.

Subject To any and all easements, assessments, agreements, and restrictions of record.

In Witness Whereof, Grantor has executed this deed this 21 day of October, 2020



Carole F. Bashore

State of Indiana, County of Delaware SS: ACKNOWLEDGMENT

Before me, a Notary Public in and for the said County and State, personally appeared **Carole F. Bashore** who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 21 day of October, 2020.

My Commission Expires 11/5/23

 Melanie Marshall

File No.: 20202348
Warranty Deed
Page 2

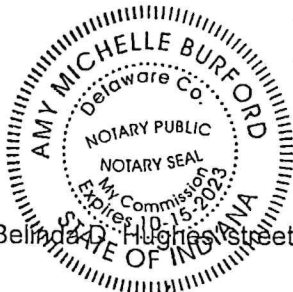
CERTIFICATE OF PROOF

Krista Landreth
Witness Signature
Krista Landreth
Witness Names Printed

STATE OF INDIANA
COUNTY OF DELAWARE

Before me, a Notary Public in and for said County and State, on the 21 day of October, 2020, personally appeared the above named WITNESS to the foregoing instrument, who, being by me duly sworn, did depose and say that he/she knows Carole F. Bashore to be the individual described in and who executed the foregoing instrument; that said WITNESS was present and saw said him/her/them execute the same; and that said WITNESS at the same time subscribed his/her name as a witness thereto.

My Commission Expires: 10/15/23



Amy Michelle Burford
Notary Public -
Residing in Delaware County

Send tax bills to and Benjamin M. Hughes' street or rural route address is: 513 Wintergreen Dr., Yorktown, IN 47396

Benjamin M. Hughes' street or rural route address is: 1600 N. Wheeling Ave., Muncie, IN 47303

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. James W. Smith, Attorney-at-Law

This instrument prepared by: James W. Smith, Attorney-at-Law

