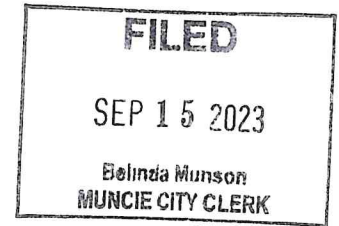


ORDINANCE NO. 16-23

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
1620 N. NEW YORK 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 12 in the Wilfred W. Wingate 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

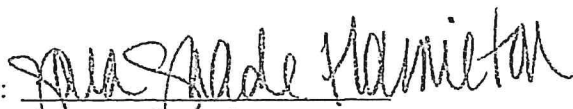
ATTEST:

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

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

Jurisdiction: (Check One)

Submitted: Aug 16, 2023

☐ Delaware County

Case No.: MPC 09-232

☒ 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.: 2018R/10144
Date of Deed: 07/30/2018

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).
WINGATE ADD LOT 12

(4) Common Address of Property Involved:
1620 N New York Ave
Muncie, IN 47304

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

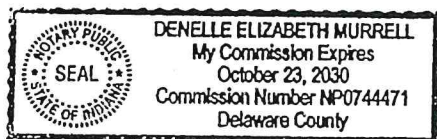
- (6) Intent and Purpose of Proposed Change: (Specify use contemplated on property.)
To construct residential housing in accordance with the parameters of Zone R-4A as described in the City of Muncie Comprehensive Zoning Ordinance.
- (7) Will the Owner develop the property for the use specified in Item 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: [Signature]

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 [Signature]

Date 8-17-2023

Eric Nolting
IP

Warranty Deed

2018R 44
MELANIE M. SHALL
DELAWARE COUNTY RECORDER
RECORDED ON
08/08/2018 12:59 PM
REC FEE 25.00
PAGES: 1

THIS INDENTURE WITNESSETH, that

Eric W. Nolting

of Hendricks County, in the State of Indiana,

Convey and Warrant to

Nolting Investments, LLC

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

Lot Numbered Twelve (12) in Wingate Addition to the City of Muncie, Indiana.

Tax Duplicate No. 181104377010000003

SUBJECT TO TAXES DUE AND PAYABLE FALL, 2018 AND THEREAFTER

Property Address: 1620 N New York Ave., Muncie, IN 47304

GRANTEES MAILING ADDRES: Nolting Investments, LLC
8206 Rockville Rd. #306
Indianapolis, IN 46214

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


In Witness whereof the said Eric W. Nolting has hereunto executed the foregoing deed on this 30 day of July, 2018.


Eric W. Nolting

State of Indiana
County of Hendricks SS:

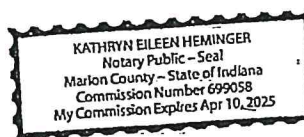
Before me, the undersigned, a Notary Public in and for said County, on this 30 day of July, 2018, came Eric W. Nolting and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal.

 (Seal)
Notary Public

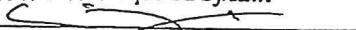
My commission expires: April 10, 2025

Resident of: Marion



PREPARED BY: ERIC W. NOLTING, Esq.

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.

Name 

Duly Entered for Taxation
Transfer Fees \$ 5.00
AUG 08 2018 ERP


Delaware County Auditor

1620 N New York

Property Dimensions: 50x275

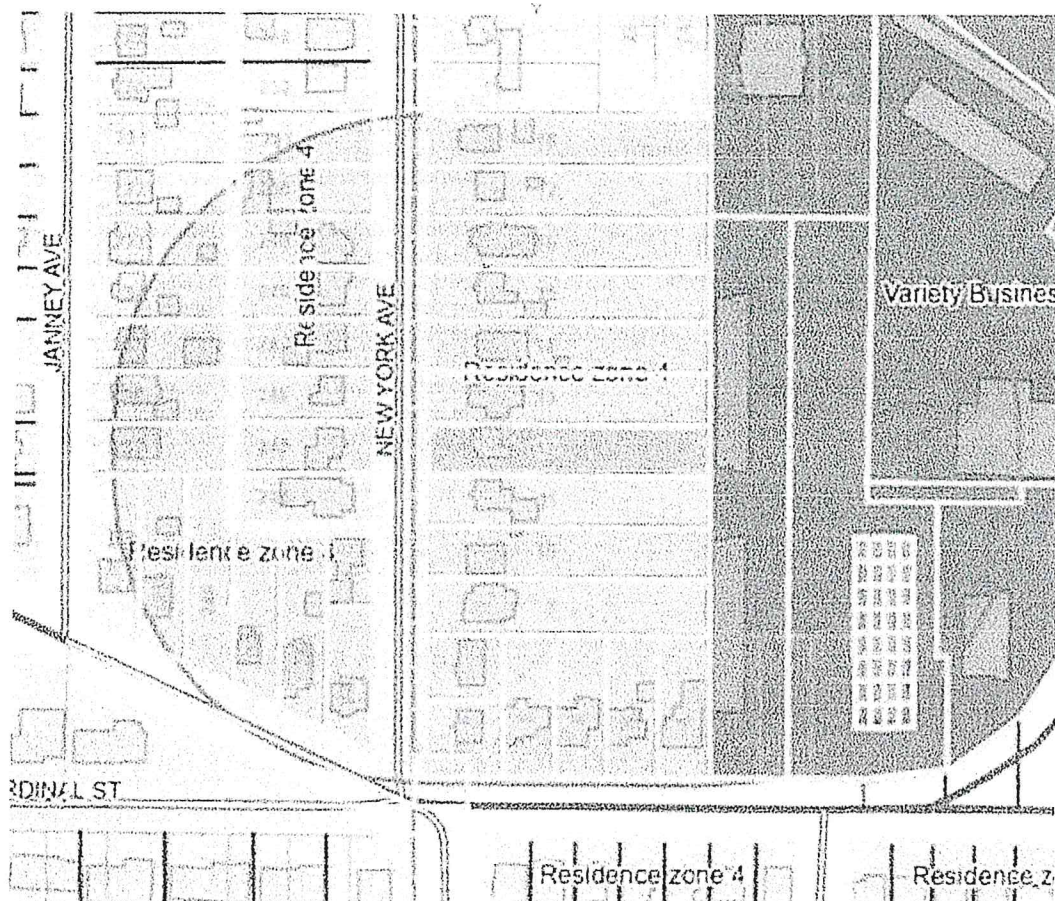
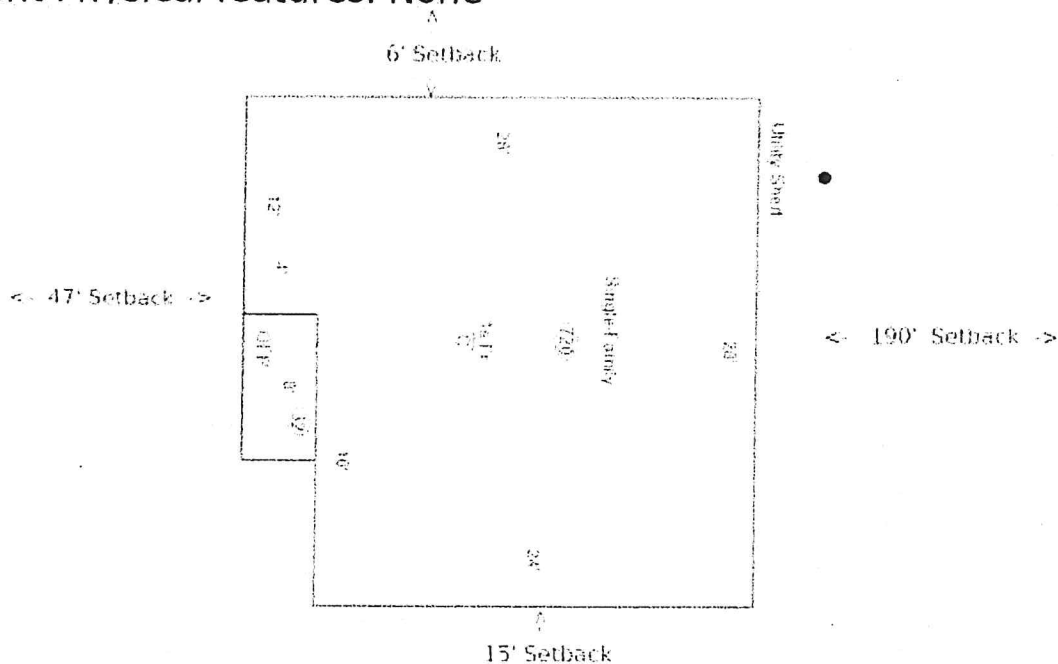
Property Acreage: .315

Existing Buildings: 2 Bed 1 Bath, Detail Below

Property owners within 300 feet: On Back

Prominent Physical features: None

MPC 09-23Z



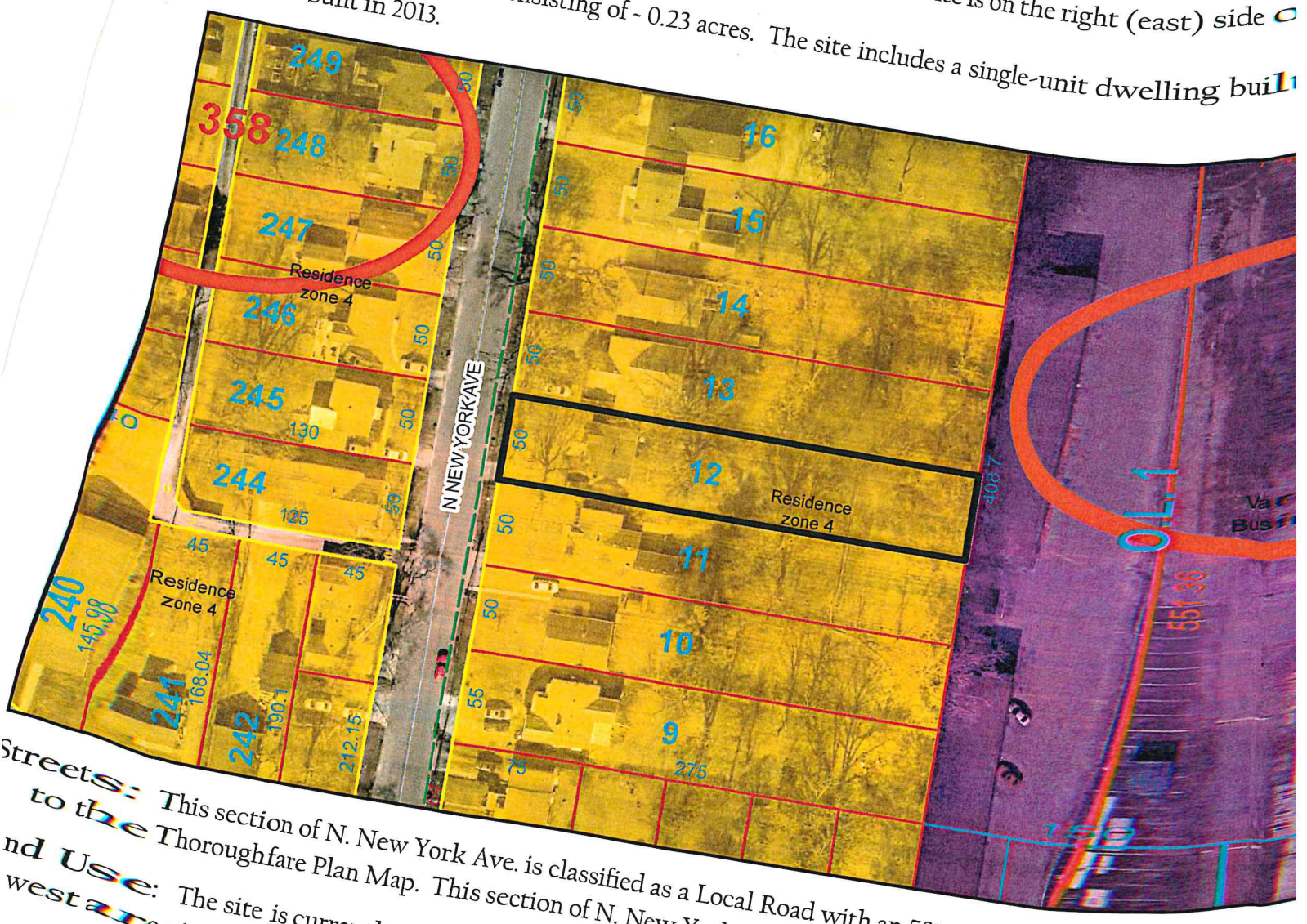
Delaware-Muncie Metropolitan Plan Commission
Excerpt of Case Analysis - September 2023

MPC 09-23Z

Nolting Investments, LLC

Location & Description: 1620 N. New York Ave., Muncie

Located on the east side of N. New York Ave., - 300' north of W. Bethel Ave. and - 500' south of St. Traveling north on Wheeling Ave. from downtown, go - 0.9 miles to W. Bethel Ave., turn left miles to N. New York Ave., turn right (north), go - 300 feet, the site is on the right (east) side Ave. The site includes 1 lot consisting of - 0.23 acres. The site includes a single-unit dwelling built shed built in 2013.



Streets: This section of N. New York Ave. is classified as a Local Road with an 50' proposed to the Thoroughfare Plan Map. This section of N. New York Ave. has 50' of dedicated R.O.W. **Use:** The site is currently single-unit residential in use. Surrounding properties to the west are single-unit residential in use. Surrounding properties to the east are multi-unit residential in use.

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

Request: The applicant is requesting a change in zone to the R-4A Residence Zone. The applicants 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. New York Ave., looking to the east. Neighboring residences are visible on each side.



View of the site from N. New York Ave., looking to the east. Neighboring residences are visible on each side. The driveway is located on the site for the proposed rezoning.

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

EXHIBIT DMMP
APPLICANT 05-232 thru 09-232
OPPONENT X
DATE REC'D 9-7-2023

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

September 8th, 2023

To the Honorable:

Common Council of the City of Muncie, Indiana

Dear Council Members:

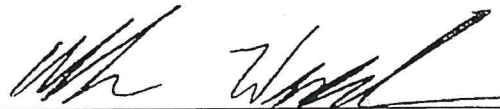
The Delaware-Muncie Metropolitan Plan Commission hereby submits to you the following report on the application of: Nolting Investments, LLC, 8206 Rockville Rd. #306, Indianapolis, IN, such applicant petitioning the commission to rezone the real estate as described in the application, generally located at: 1620 N. New York 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 (5 - 2, 2 absent)** the application for rezoning.

**DELAWARE-MUNCIE METROPOLITAN
PLAN COMMISSION**

BY:



Allen Wiseley, President



Lorey Stinton, Acting Secretary