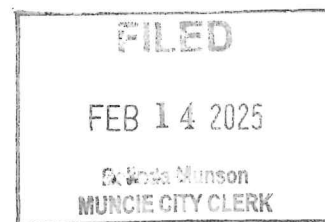


ORDINANCE NO. 8-25

BEING AN ORDINANCE TO AMEND
THE CITY OF MUNCIE
COMPREHESIVE ZONING ORDINANCE
FROM THE R-4 RESIDENCE ZONE
TO THE BV VARIETY BUSINESS ZONE
ON PREMISES LOCATED AT
2810 W. ETHEL AVE., 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 **BV Variety Business Zone** the following described real estate located in the City of Muncie, Indiana to wit:

2810 W. Ethel Ave., 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.

	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 April, 2025.

Harold Mason
President of the Common Council
City of Muncie, Indiana

Presented by me to the Mayor for his approval this 7th day of April, 2025.

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

The above ordinance approved (vetoed) by me this 7th day of April, 2025.

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:

John Shade Hamilton
Corporate Counsel

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

February 7, 2025

To the Honorable:

Common Council of the City of Muncie, Indiana

Dear Council Members:

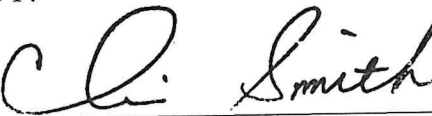
The Delaware-Muncie Metropolitan Plan Commission hereby submits to you the following report on the application of: Michael Lunsford, 2701 W. Jackson St., Muncie, IN 47304, such applicant petitioning the Commission to rezone the real estate as described in the application, generally located at: 2810 W., Ethel Ave., Muncie, IN, 47304 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

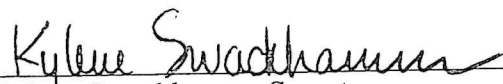
NOW, THEREFORE, the Delaware-Muncie Metropolitan Plan Commission hereby FAVORABLY RECOMMENDS (8-0) the application for rezoning.

**DELAWARE-MUNCIE METROPOLITAN
PLAN COMMISSION**

BY:



Chris Smith, President



Kylee Swackhamer, Secretary

EXCERPT FROM THE FEBRUARY 6, 2025

CASE ANALYSIS FROM THE

DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION

MPC 04-25Z Michael Lunsford

Description & Location: 2810 W Ethel Ave., Muncie, IN 47304

Located on the northeast corner of Ethel Ave and Varsity Ave.

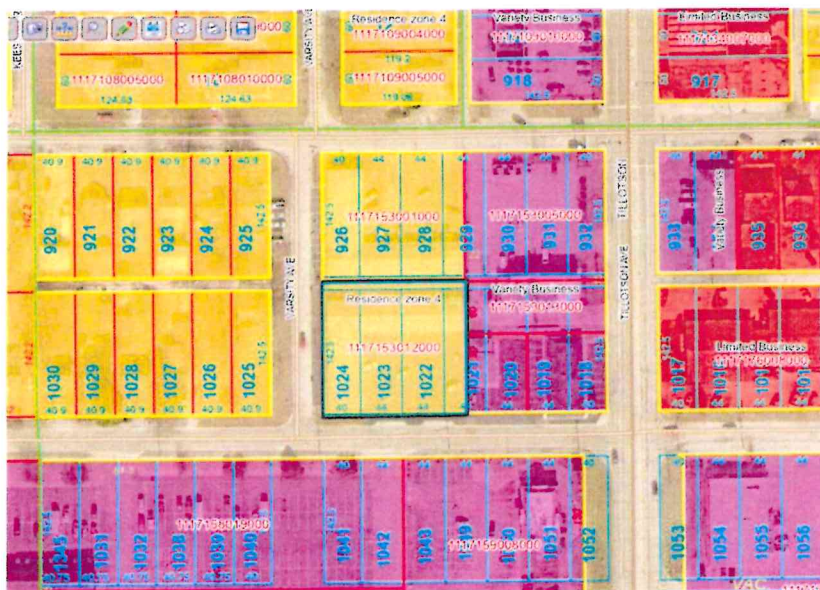
Travel west on W Main St toward N High St for 0.2 mile. Turn right (west) onto W Jackson St and continue for 1.1 miles. Turn left (south) continue for 0.3 mile. Turn right (west). The parcel is on the northeast corner of Ethel and Varsity Ave.

Streets: Ethel Ave is platted with a 50' ROW and is classified as a Local Road according to the Thoroughfare Plan Map. Varsity Ave is platted with a 50' ROW and is classified as a Local Road according to the Thoroughfare Plan Map.

Land Use: This parcel is currently used commercially, and per the applicant, has been since it was constructed. The owner's intent is to sell the parcel and the buyers would continue to use it commercially.

Zoning: The parcels in this area consist of BV Variety Business zoning to the south and east, and R-4 Residence 4 zoning to the north and west.

Request: The applicant is requesting this lot to be rezoned from the R-4 Residence Zone to the BV Variety Business Zone. The property currently contains a commercial structure and a parking lot. The requested zone change is consistent with the zoning for the adjoining property to the east and is more consistent with the current use.



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

Jurisdiction: (Check One)

☐ Delaware County

☒ City of Muncie

Submitted: 01/07/2025

Case No.: MPC 04-252

(1) Applicant: Michael Lunsford

Address: 2701 W. Jackson Street Phone: 765-748-4843
Muncie, IN 47303

(2) Record of Applicant's Ownership:

A. ☒ By Deed:
Deed Book No. & Page No.: 2005R21668
Date of Deed: October 10, 2005

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 Exhibit A.

(4) Common Address of Property Involved:
2810 West Ethel Avenue, Muncie, IN 47304

(5) Proposed zoning change: (Give exact zone classification.)
From the R-4 Residence Zone Zone
To the BV - Variety Business Zone Zone

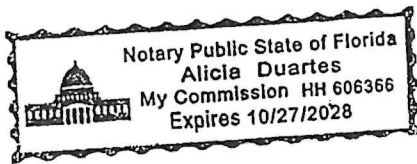
- (6) Intent and Purpose of Proposed Change: (Specify use contemplated on property.)
- This property has been a 9-unit commercial property since constructed and is contiguous to many other BV-Variety business properties along Tillotson. Owner is preparing to sell the property and Buyers would continued commercial use.
- (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 plans on selling the property in the near future.
- (8) State how the proposed change will not adversely affect the surrounding area.
- Rezoning will not have an adverse affect as properties to the east and south are already zoned BV-Variety Business, and the property has been commercial units since constructed. Property to the north is identical - R4 with Commercial Use.
- (9) Will certain variances be requested if the proposed zoning change is granted?
(If yes, list the variances)
- None that Owner is aware of at this time
- (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) Michael Lunsford 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 4th day of Jan, 20 25




Notary Public

10/27/2028
My Commission Expires

Resident of LEE County

State of FL

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 6 day of February, 20 25.

Signed 

Date 1-27-25

MICHAEL LUNSFORD
2 P

* 2 0 0 5 R 2 1 6 6 8 *

2005R21668

REGINA WILLIAMSON
DELAWARE COUNTY RECORDER
RECORDED ON
10/17/2005 01:33:39PM
REC FEE: 16.00
PAGES: 2

File No: 252817

Parcel Number: 1117153012000 003

WARRANTY DEED

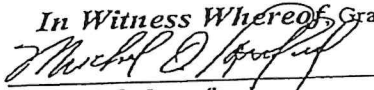
This Indenture Witnesseth, That Michael O. Lunsford and Laurretta A. Lunsford, husband and wife (Grantor) *Convey(s) and Warrant(s)* to Michael O. Lunsford (Grantee) for the sum of One & 00/100 Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Delaware County, in the State of Indiana:

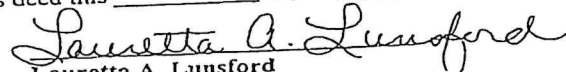
See Attached Exhibit A for complete Legal Description made a part hereof.

The parties hereto acknowledge that preparer has not conducted a title search in connection with this transaction and makes no guarantee to the status of 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 10th day of October, 2005.


Michael O. Lunsford

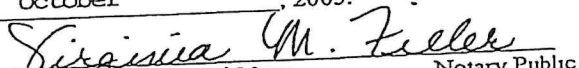

Laurretta A. Lunsford

STATE OF INDIANA, COUNTY OF DELAWARE SS: ACKNOWLEDGMENT

Before me, a Notary Public in and for the said County and State, personally appeared Michael O. Lunsford and Laurretta A. Lunsford, husband and wife who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

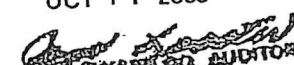
Witness my hand and Notarial Seal this 10th day of October, 2005.

My Commission Expires: Nov. 20, 2008


Virginia M. Filler, Notary Public
Residing in Delaware County

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

Send tax bills to: 3601 W. Bethel Ave.
Muncie, IN 47304

Duty Entered for Taxation
Transfer Fee \$ 50
OCT 17 2005 ERP

DELAWARE CO. AUDITOR

File No:252817

EXHIBIT A - LEGAL DESCRIPTION

Lots numbered One thousand twenty-two (1022), One thousand twenty-three (1023), One thousand twenty-four (1024), and the West one-half (1/2) of Lot numbered One thousand twenty-one (1021), together with the South half of that portion of the vacated alley adjacent to and bordering on the North of said above described lots, all in Delaware County Land Improvement Company's Subdivision of the Westside Addition, an Addition to the City of Muncie, Indiana, as the same is platted in Plat Book 1, page 54, in the Delaware County Recorder's Office.

Exhibit A

Legal Description for 2810 W. Ethel Ave, Muncie, IN 47304

Lots numbered One thousand twenty-two (1022), One thousand twenty-three (1023), One thousand twenty-four (1024), and the West one-half (1/2) of Lot numbered One thousand twenty-one, together with the South half of that portion of the vacated alley adjacent to and bordering on the North of said above described lots, all in Delaware County Land Improvement Company's Subdivision of the Westside Addition, an Addition to the City of Muncie, Indiana, as the same is platted in Plat Book 1, page 54, in the Delaware County Recorder's Office.

