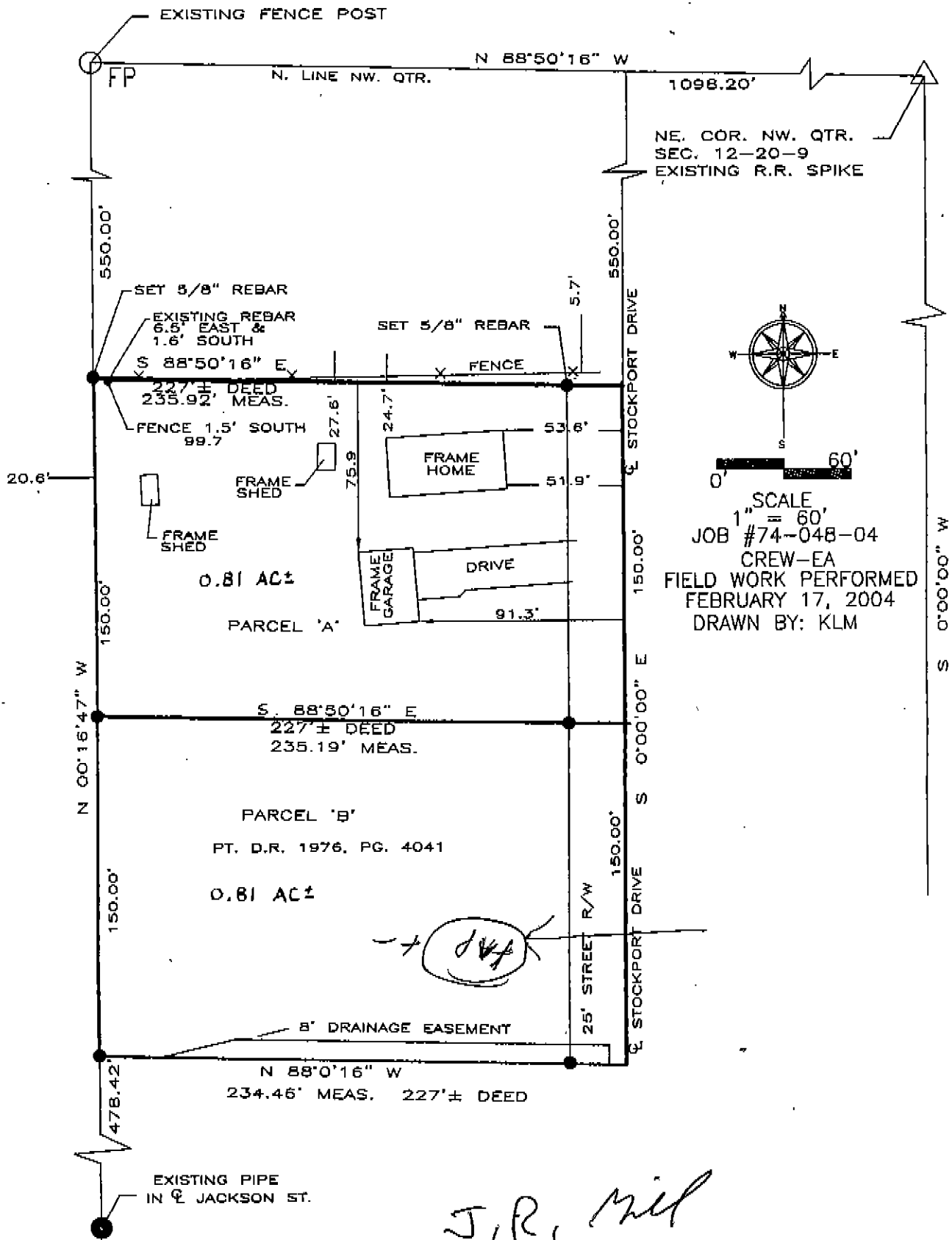


EVERETT SMITH
 1501 North Stockport Road
 Muncie, IN 47304



NE. COR. NW. QTR.
 SEC. 12-20-9
 EXISTING R.R. SPIKE

SCALE,
 1" = 60'
 JOB #74-048-04
 CREW-EA
 FIELD WORK PERFORMED
 FEBRUARY 17, 2004
 DRAWN BY: KLM

J.R. Mil
5-18-04

Sheet 1 of 2

DATED
 February 19, 2004

**Ashton Land
 Surveyor, Inc.**
 325 W. WASHINGTON
 MUNCIE, INDIANA 47305
 PHONE (765) 282-5584

- (7) State explanation of requested Appeal: (State what you want to do and cite the Article and Section of the Ordinance which applies and/or creates the need for this Appeal.)

Mr. and Mrs. Smith wish to move property line on parcel over 50 feet to accommodate both lots. one lot is currently 200 ft. and the other lot is 100 ft. Each lot would be .81 lots, instead of .54 and 1.08 Acres. The North lot is approved to build on now, but the extra 50 feet would be better suited with the Vacant lot.

- (8) State reasons supporting the Appeal: (If filing for a variance, refer to the attached sheet entitled "Hardship Variance" for explanation/guidance.)

- (9) Present Zoning of the property: (Give exact classification)

R 2

- (10) Present use of the property:

Vacant lot and single family dwelling

- (11) Describe the proposed use of the property:

- (12) Is the property:

Owner Occupied

Renter Occupied

Other: Undeveloped

- (13) Has the Applicant provided stamped, addressed envelopes to send notices of this Appeal to all property owners within 300 feet? yes

Has the Applicant discussed this Appeal with these owners personally? NO

If answer is "YES", give their attitudes toward the proposal.

- (14) Are there any restrictions, laws, covenants, governing the property which would prohibit its use for the purpose specified in this application? If answer is "YES", attach a copy.

NO

- (15) Has work for which this application is being filed already started? If answer is "YES", give details.

NO-

- (16) Has there been any previous appeal filed in connection with this property? If answer is "YES", give the date and the decision of the appeal.

NO

- (17) If the Appeal is granted, when will work commence?

NO work applicable, we are requesting to change parcel size.

When will it be completed?

Not applicable

- (18) If the Appeal is granted, who will operate and/or use the proposed improvement for which this application has been filed?

Mr. and Mrs. Smith will sell lot with the additional 50 feet. They are attempting to move to a home with less ground to take care of. Our ages are 80 and 79 respectively.

AFFIDAVIT

(I or We) Everett Smith and Betty Jane Smith
TYPE NAME(S) OF SIGNATORIES

being duly sworn depose and say that (I or We) (am or are) the (owner[s]) (contract owner[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 or our) knowledge and belief.

Everett Smith
Betty J. Smith

SIGNATURES:

Subscribed and sworn to before me this 9th day of January, 20 04



Notary Public Patrick Lee Orr

May 29, 2008
Commission Expires

Resident of Delaware County

State of Indiana

DO NOT WRITE IN THIS SPACE

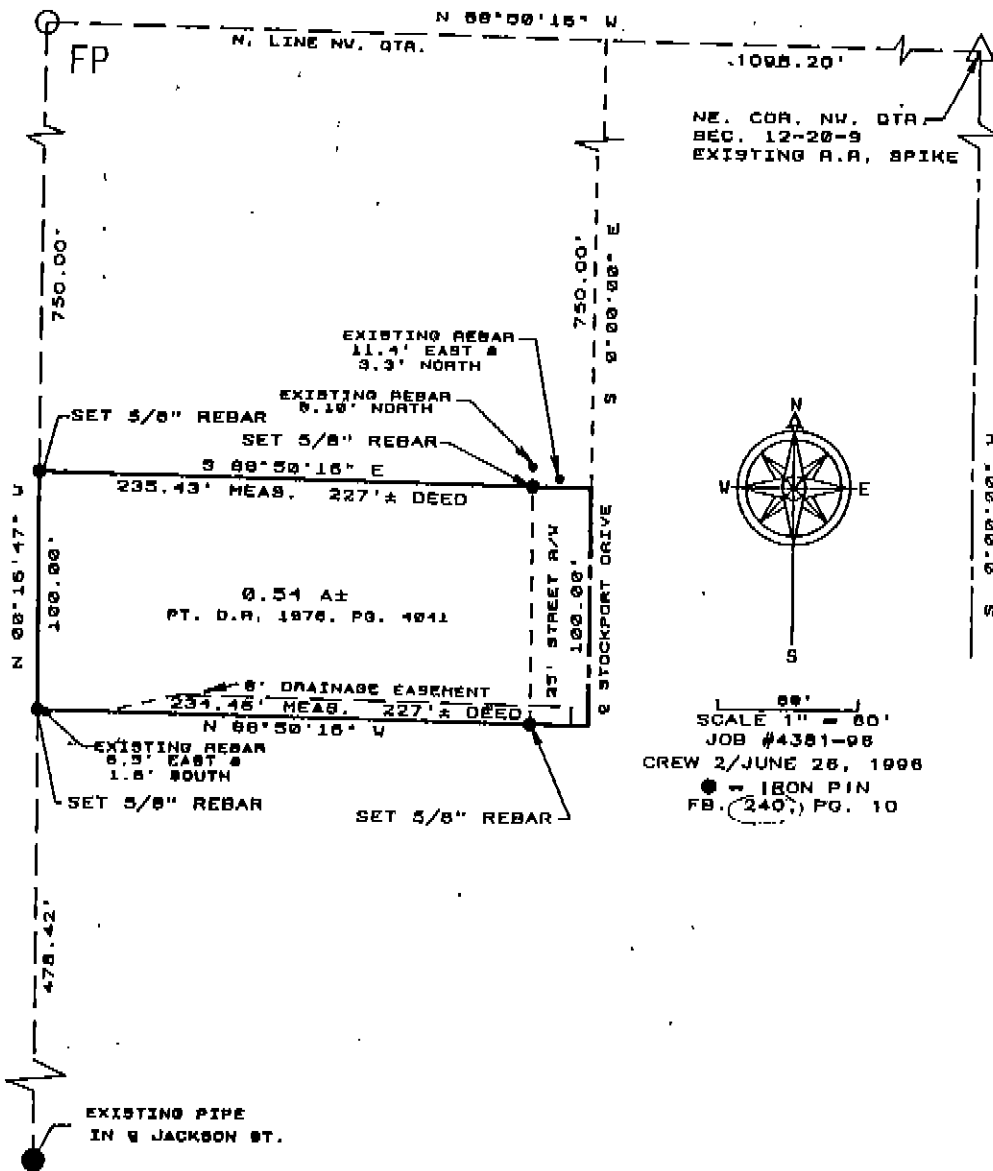
The foregoing application has been inspected by me and was filed with the office of the Delaware-Muncie Metropolitan Board of Zoning Appeals in accordance with all the formal requirements and procedures.

If properly advertised by the applicant, the application will be heard in public hearing on the _____ day of _____, 20 _____.

Signed:

Date:

For: Everett Smith
 1501 N. Stockport Drive
 Muncie, Indiana




A survey of a part of the northeast quarter of the northwest quarter of Section 12, Township 20 North, Range 9 East in Mt. Pleasant Township, Delaware County, Indiana, described as follows:

Commencing at a spike at the northeast corner of the northeast quarter of the northwest quarter of Section 12, Township 20 North, Range 9 East; thence north 88 degrees 50 minutes 16 seconds west 1098.20 feet (assumed bearing) along the north line of said quarter-quarter section; thence south 00 degrees 00 minutes 00 seconds 750.00 feet parallel with the east line of said quarter-quarter section to the point of beginning; thence south 00 degrees 00 minutes 00 seconds 100.00 feet along the center line of Stockport Road; thence north 88 degrees 50 minutes 16 seconds west 234.46 feet to a 5/8 inch rebar on the west line of said quarter-quarter section; thence north 00 degrees 16 minutes 47 seconds west 100.00 feet to a 5/8 inch rebar; thence south 88 degrees 50 minutes 16 seconds east 235.93 feet to the point of beginning, containing 0.54 of an acre, more or less, the east 25 feet of said tract is subject to a public street right-of-way and subject to a drainage easement along the southerly side thereof and to all easements of record.

I hereby certify that to the best of my information, knowledge and belief the within plat represents a survey, executed according to survey requirements in 865 IAC 1 - 12 (Rule 12), made under my supervision and completed on July 12, 1996.

The within tract does not lie within that Special Flood Hazard Zone A as said tract plots by scale on Community Panel #180051 0075 C of the Flood Insurance Rate Maps for Delaware County, Indiana (Maps Dated: 12/3/87).

Haldon L. Ashton
 Registered Land Surveyor S0149
 Haldon L. Ashton

| | |
|--|---|
| DATED |  |
| July 12, 1996 | |
| Ashton Land Surveyor, Inc. <small>325 W. WASHINGTON</small> MUNCIE, INDIANA 47305 <small>PHONE (317) 243-5564</small> | |

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

Submitted: _____

Delaware County

Case No.: _____

____ City of Muncie

(1) Applicant: Everett Smith and Betty Jane Smith

Address: 1501 N. Stockport Drive, Muncie, IN 47304 Phone: 288-2126

(2) Applicant's Status: (Check the appropriate response)

- (a) The applicant's name is on the deed to the property.
 (b) The applicant is the contract owner of the property.
 (c) Other: _____

(3) If Item (2)(c) is checked, please complete the following:

Owner of the property involved: Same as above

Owner's address: _____

(4) Record of Ownership:

Deed Book No.: 1976
Page: 4040 & 4041
Purchase Date: 8 - 27 -76

Legal Description: (From the Deed or Abstract)

See attached

(5) Common Address of the Property Involved: (Give full street address. If no address, give geographic location such as s. side of CR 400S, 500' west of SR 3).

1501 N. Stockport Drive, Muncie, IN 47304

(6) Type of Appeal: (Check the appropriate response)

____ (a) Request for an Appeal from the Decision of the Administrative Zoning Officer according to Article XXXII, Section 5-B-1. (Attach a copy of said decision/ruling).

____ (b) Request for a Special Use according to Article XXXII, Section 5-B-2.

(c) Request for a Variance according to Article XXXII, Section 5-B-3.