

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

Delaware County

City of Muncie

Submitted: Mar 6, 2025

Case No.: BZA 14-25

(1) Applicant: SANJH 11, LLC

Address: 821 Schilling Drive, Crown Point, IN 46307 Phone: (574) 323-8695

(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: SANJH 11, LLC will purchase and develop the property.

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

Owner of the property involved: Michael Concannon

Owner's address: 7717 N County Road 320 E, Albany, IN 47320

(4) Record of Ownership:

Deed Book No.: 2017R

Page: 07842

Purchase Date: 6/20/2017 (Transfer Date)

Legal Description: (From the Deed or Abstract)

Legal Description & Land Survey 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).

620 N Walnut Street, Muncie, IN 47305

(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.

(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.)

Attached

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

Attached

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

CB Central Business

(10) Present use of the property:

Former location of Concannon's Bakery

(11) Describe the proposed use of the property:

Convenience Market, Restaurant & Gas Service Station

(12) Is the property:

Owner Occupied

Renter Occupied

Other: _____

(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? Yes

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

Client and Client's representatives met with members of the McKinley Neighborhood Association on February 27, 2025, notes from meeting are attached.

Clients representatives met with members of the McKinley Neighborhood on February 28, 2025, at "Coffee with Bill" event, notes from meeting are attached

(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.

Previous Application withdrawn due to revised scope of project.

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

May 2025

When will it be completed?

November 2025

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

SANJH 11, LLC, 821 Schilling Drive, Crown Point, IN 46307

BZA 14-25 Concannon

Request for variances from the terms of the City of Muncie Comprehensive Zoning Ordinance, Article XXX, Sections 1 and 2.E, to allow 19 parking spaces rather than 41 spaces for a variance of 22 spaces, and Article XXX, Sections 2.D and 7.F.8, to allow the loading area to be in the public alley with approval of the Board of Public Works and to allow no perimeter planting buffer area between the loading area and residences, Article XXX, Section 4.B.3, to allow a 30' street setback to Walnut St. rather than 40' for a variance of 10' for the new pump-island canopy, Article XXX, Sections 6.B.3.a and 7.G.4.a, for no greenbelt area and no front yard trees along Columbus Ave. rather than a 10' wide greenbelt area with 2 shade trees (or 4 ornamental trees), Article XXX, Sections 6.B.3.f.4, and 7.G.5, to allow a 10' wide east side perimeter buffer area containing 1 ornamental tree and 46 shrubs and a 6' tall wooden fence rather than a 25' wide buffer area containing 11 shade trees, 11 ornamental trees and 54 shrubs and a 5' tall vertical buffer along the east property line for a variance of 15' of buffer width and 11 shade, 10 ornamental trees and 8 shrubs, and Article XXX, Section 7.G.8, to allow no parking lot landscape island rather than an island of 180 sq. ft. containing 1 shade tree, all for redevelopment of a commercial site for a new gasoline fueling station and convenience store.

2017R07842

MELANIE MARSHALL
DELAWARE COUNTY RECORDER
RECORDED ON
06/20/2017 12:13 PM
REC FEE: 22.00
PAGES: 3

2017R06302

MELANIE MARSHALL
DELAWARE COUNTY RECORDER
RECORDED ON
05/16/2017 12:55 PM
REC FEE: 19.00
PAGES: 2

THIS DOCUMENT IS FILED FOR PUBLIC USE

3P
1CC
1RR

Duly Entered for Taxation
Transfer Fees \$ 15.00KW

MAY 16 2017

Delaware County Auditor

Re-recorded to correct legal description

Tax Parcel Number(s):
18-11-10-305-003.000-003;

18-11-10-305-004.000-003; 18-11-10-305-029.000-003
18-11-10-305-001.000-003
18-11-10-305-002.000-003

QUIT-CLAIM DEED

THIS INDENTURE IS TO WITNESS that Mary Ann Rees, formerly Mary Ann Concannon, Releases and Quit-Claims to Michael T. Concannon, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Delaware County, Indiana:

Beginning at a point 179 feet South of the point of intersection of the East line of Walnut Street and the South line of Columbus Avenue in the City of Muncie, Indiana, and thence running South 26 feet; thence East on a line parallel with the South line of Columbus Avenue 125 feet to an alley therefound; thence running North on the West line of said alley 26 feet, and thence running West to the place of beginning. ALSO: A strip of ground having a width (measured from south to north) of 89 feet through off of the South end of the following described real estate: Beginning at the Southeast corner of the intersection of North Walnut Street and Columbus or Columbia Avenue, as the true name thereof may be, and running thence East along the South line of said Columbus or Columbia Avenue, 122 feet, more or less, to the West line of an alley therefound; thence South along the West line of said alley, 179 feet, more or less, to the North line of a tract of real estate conveyed to Wilborn Caldwell by Oneda E. Deckert on the 3rd day of September, 1925; thence West along the North line of said real estate so conveyed to said Caldwell, 122 feet, more or less, to the East line of North Walnut Street in the City of Muncie, Indiana; and thence North along the said East line of said North Walnut Street to the place of beginning, intending to describe herein and include in the above description the fractional Lots Numbered 4 and 5 in Block Numbered 24 in the Whitely Land Company's Second Addition to the City of Muncie, Indiana, as well as other real estate located in Hackley's Reserve. ALSO: A part of Hackley's Reserve in Township 20 North, Range 10 East, more particularly described as follows, to-wit: Beginning at a point 205 feet South of the point of intersection of the East line of Walnut Street and the South line of Columbus Avenue in the City of Muncie, Indiana, and thence running South 65 feet; thence East on a line parallel with the South line of Columbus Avenue 125 feet to an alley therefound; thence running North on the West line of said alley 65 feet; thence running West to the place of beginning.

Also, see Attached Exhibit "A"



Mary Ann Rees represents that she is one and the same as Mary Ann Concannon, one of the grantees in a General Warranty Deed for the above described property, recorded in the Office of the Recorder, of Delaware County on September 9, 1998, in Deed Record 1998 page 6184-6185. ✓

Signed and sealed this 2 day of May, 2017.

Mary Ann Rees

Mary Ann Rees

STATE OF INDIANA)

) SS:

DELAWARE COUNTY)

Before me, a Notary Public in and for said County and State, this 2 day of May, 2017, personally appeared Mary Ann Rees, and acknowledged the free and voluntary execution of the above and foregoing Quit-Claim Deed, and being first duly sworn, stated that the representations contained therein are true.

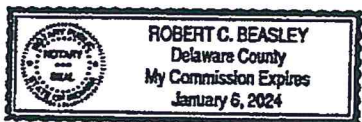
Witness my hand and notarial seal.

Signed by

Robert C. Beasley

Printed:

My Commission Expires:



This instrument prepared by Robert C. Beasley, attorney at law. I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Robert C. Beasley

Robert C. Beasley

Send tax statements to: Michael T. Concannon, 7717 N. County Road 320 East, Albany, IN 47320.

Duly Entered for Taxation
Transfer Fees \$ 25.00

JUN 20 2017

ERP
Rerecorded

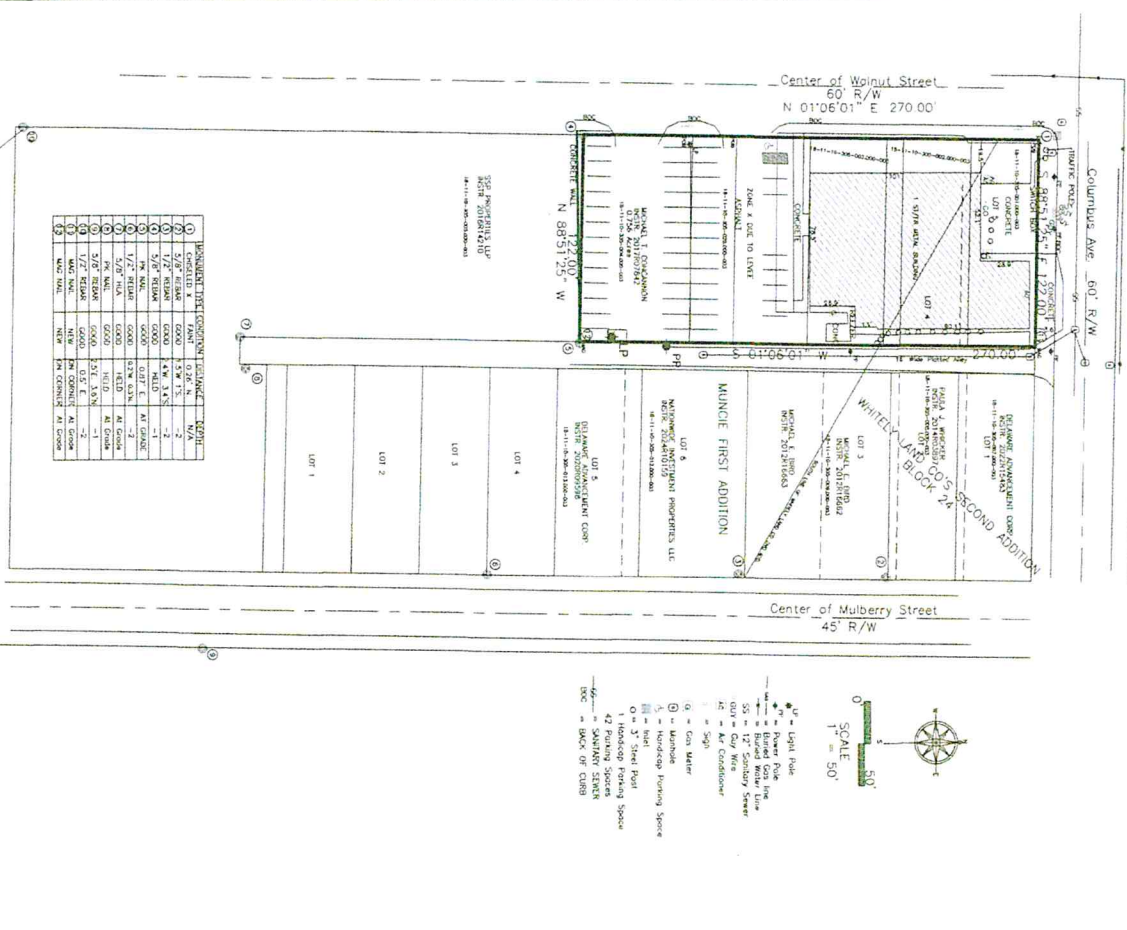
Steven G. Concannon
Delaware County Auditor

Exhibit A

Lots 4 and 5, Block 24 in Whitely Land Company's Second Addition to the City of Muncie, as shown in Plat Book 3, page 16, Records of Delaware County, Indiana, and also part of Hackley's Reserve described as follows: Beginning at the Southeast corner of the intersection of North Walnut Street and Columbus or Columbia Avenue, as the true name thereof may be, and running thence East along the South line of said Columbus or Columbia Avenue, 122.00 feet, more or less, to the West line of an alley therefound; thence South along the West line of said alley, 179.00 feet, more or less, to the North line of a tract of real estate conveyed to Wilborn Caldwell by Oneda E. Deckert on the 3rd day of September, 1925; thence West along the North line of said real estate so conveyed to said Caldwell, 122.00 feet, more or less, to the East line of North Walnut Street in the City of Muncie, Indiana; and thence North along the said East line of said North Walnut Street to the place of beginning, intending to described herein and include in the above description the fractional Lots Numbered 4 and 5 in Block 24 in the Whitely Land Company's Second Addition to the City of Muncie, Indiana, as well as other real estate located in Hackley's Reserve. Except a strip of ground having a width (measured from South to North) of 89.00 feet throughout off of the South end of the above described real estate.

THIS DOCUMENT IS FOR THE USE OF IN TITLE COMPANY AND NOT ELIGIBLE FOR RESALE UNDER IC 36-2-7

This instrument prepared by Holton L. Ashton
 Accuracy or completeness of subsurface features is not certified



Beginning at a point 179 feet South of the point of intersection of the East line of Walnut Street and the South line of Columbus Avenue in the City of Muncie, Indiana, and thence running South 26 feet, thence East on a line parallel with the South line of Columbus Avenue 125 feet to an alley therefound, thence running North on the West line of said alley 26 feet, and thence running West to the place of beginning.

AS50: A strip of ground having a width (measured from south to north) of 89 feet through off of the South end of the following described road, to-wit:

Beginning at the southeast corner of the intersection of North Walnut Street and Columbus or Center Avenue, and thence running West from said intersection to the West line of an alley therefound, thence South along the West line of said alley, 179 feet, more or less, to the North line of a tract of land owned by the City of Muncie, Indiana, 122 feet, more or less, to the West line of an alley therefound, thence West along the North line of said alley 26 feet, more or less, to the West line of said alley 26 feet, more or less, to the East line of North Walnut Street in the City of Muncie, Indiana; and thence North along the East line of said North Walnut Street to the place of beginning, intending to describe herein and Whitley Land Company's Second Addition to the City of Muncie, Indiana, as well as other real estate located in Hockley's Reserve.

AS50: A part of Hockley's Reserve in Township 20 North, Range 10 East, more particularly described as follows:

Beginning at a point 205 feet South of the point of intersection of the East line of Walnut Street and the South line of Columbus Avenue in the City of Muncie, Indiana, and thence running South 65 feet, thence East on a line parallel with the South line of Columbus Avenue 125 feet to an alley therefound, thence running North on the West line of said alley 65 feet, thence running West to the place of beginning.

AS50: Lots 4 and 5, Block 24 in Whitley Land Company's Second Addition to the City of Muncie, as shown in Plat Book 3, Page 16, Records of Delaware County, Indiana, and also part of Hockley's Reserve in Township 20 North, Range 10 East, more particularly described as follows: Beginning at the Southeast corner of the intersection of North Walnut Street and Columbus or Center Avenue, as the true name thereof may be, and running thence East along the South line of said Columbus Avenue, a distance of 179 feet, more or less, to the West line of an alley therefound, thence South along the West line of said alley, a distance of 179 feet, more or less, to the North line of a tract of real estate conveyed to Wilborn Caldwell by Ordel E. Deckert on the 3rd day of September, 1925; thence West along the North line of said real estate so conveyed to said Caldwell, 122.00 feet, more or less, to the East line of said North Walnut Street to the place of beginning, intending to describe herein and include in the above description the fractional Lots Numbered 4 and 5 in Block 24 in the Whitley Land Company's Second Addition to the City of Muncie, Indiana, as well as other real estate located in Hockley's Reserve, except a strip of ground having a width (measured from South to North) of 89.00 feet, the West half of the South end of the above described real estate.

For Fidelity National Title Insurance Company,
 Annapolis, Maryland,
 Center Bank.

This is to certify that the map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA, and NSPS, and includes Items 1, 2, 3, 4, 7(a), 8 and 13 of said Standard. The field work was completed on October 16, 2024.

Date: October 16, 2024

Holton L. Ashton
 Registered Land Surveyor (ESB0040149)
 Holton L. Ashton

Surveyor's Note:
 The Relative Positional Accuracy (due to random errors in measurement) of the corners of the subject tract established this survey is within the specifications for an Urban (more or less 0.07 feet) survey.

1. In accordance with the Indiana Survey Standards as defined in Indiana Administrative Code 865 IAC 1-12-7 (Rule 127), the following opinions and observations are submitted regarding the condition, location, and integrity of reference monuments by this survey, as a result of field observations: 1. Record monuments: S. Lines 31. There may be unwritten rights associated with these uncertainties.

Reference Monuments:
 There is a nail marking the Southeast corner of the surveyed tract 0.87 feet East. The nail is a 1/2-inch iron pin at the Southeast corner of Lot 4 in Muncie First Addition that is 0.2 feet West and 0.3 feet North. There could be 0.87 feet of uncertainty associated with reference monuments.

Occupation:
 The concrete wall of the South line of the tract is located about 3 feet South of the Southwest corner of the tract.

Record Descriptions:
 The Record First Tract is 26 feet wide by 125 feet long.
 The Second Tract is 89 feet wide by 125 feet long. The East side of the Second Tract is on the West line of the Whitley's Second Addition. The East side of the Second Tract is 89 feet long. The South end of the Second Tract is on the West line of the Whitley's Second Addition. The Third Tract is a 65-foot by 125-foot tract on the South side of the 26-foot wide tract. The distance from the East line of the First Tract to the West line of the Second Tract is 125 feet. The distance from the East line of Walnut Street to the West line of the alley is 122 feet. The record calls 125 feet to the East line of Walnut Street to the West line of the alley is 122 feet. The record calls 125 feet on this drawing are based on the State Plane Coordinate System, instead of assumed station.

2. Flood Zone:
 The within tract does not lie within that Special Flood Hazard Zone A (Due to Levee now located in the City of Muncie, Indiana) as shown on the Flood Insurance Rate Map for Delaware County, Indiana (Map Date: 7/4/2011) #180350253D of the Flood Insurance Rate Map. The minimum flood risk was verified by the INDKR Flood Plain Information Portal—dated: 10/16/2024.
 Gearing shown herein is per County Records or as indicated in this work provided by others. No warranty is made as to the accuracy of the information provided by others. City statement of facts revealed by same (IN Title Company Agent for Fidelity National Title Insurance Company Commitment #20241980 with an effective date of September 11, 2024).

620 N. WALNUT ST.
MUNCIE, INDIANA

325 W Washington St
Muncie, IN 47303
Ph: 765-552-5394
Fax: 765-552-5396
Areas Served: All Counties in IN

Ashton Land Surveyors

111 West Washington Street, Muncie, IN 47302
 851 Franklin Street, Ellettsville, IN 47120
 Email: ashton@ashton-surveyors.com

SECTION, COUNTY RECORDS AND PLAT OR MAP ON WHICH THIS INSTRUMENT IS BASED OR DATE OF 1943, CODE 36 IND. 2002-2003

REVISIONS

No.	Reason

DOWN: N/A
 JOB#: 2024-675
 CLIENT: TIM HALL
 OWNER: MICHAEL CONCANNON
 CREW: ERIC FIELD BACK
 FIELD DATE: 10/15/2024
 UPPS REF #: _____
 SHEET: _____



ARCHITECTURE
PLANNING

227 Historic W. 11th St.
PO Box 1006
Anderson, IN 46016

TEL: (765) 649-2258
FAX: (765) 649-2337

info@daussarchitects.com

February 27, 2025

Re: Variance Application
620 North Walnut Street
Muncie, IN 47305
Remodel of
Former Concannon's Bakery

Meeting Notes

The following items were noted during an informal meeting and discussion with members of the McKinley Neighborhood Association. There was no Agenda or Recorded Attendance, and the purpose of the meeting was to begin a dialogue with the developer and the neighborhood.

The meeting was held at Seven Rock Microbrew, Muncie Indiana following the BZA Zoning Variance Hearing Held on February 27, 2025.

Project Scope was presented and discussed concerning the development of the site and existing building.

Concerns

The following concerns were voiced by Neighborhood Association Members:

- Trash generated from convenience operation
- Safety for Central High School Students (Especially those who walk to school)
- Neighborhood Perception
- Food desert
- Crime concerns
- Homeless population
- Traffic

Design/Development to consider

The following is a list of possible items to be addressed by the development.

- Follow Neighborhood – Master Plan
- Central City Plan identifies the site as a restaurant or eatery.
- City of Muncie Columbus Avenue Project (Especially concerning off-site parking)
- Sale of “fresh food items”
- More “Grocery” less “C-Store”
- Possible location for Deli
- Community Involvement in Site Development
- Plan for walking & bicycle traffic



Action Items

- Tim Hall and Aaron Gardner will attend the Neighborhood Association meeting to be held on February 28th, at 9:00 AM at the same location.
- President of Neighborhood Association will schedule meeting to allow us to present the design and seek additional comments the neighborhood association members.
- The owner and design team will continue to develop schematic design and development drawings for the site.

Thank you to those who participated and for their input.

Sincerely,
Dauss Architects,

Michael R Dauss

Michael R. Dauss
mikedauss@daussarchitects.com

Copy: Max Singh, Sanjh11 LLC
Tim Hall, F.C Tucker
Aaron Gardner

Mike Dauss

From: Tim Hall <tim.hall@talktotucker.com>
Sent: Thursday, March 6, 2025 9:37 AM
To: Aaron Gardner
Cc: Mike Dauss; max Singh
Subject: Re: 620 Walnut Street

Hey brothers!

Mike, you might have been looking for a recap of the "Coffee with Bill" event Aaron and I attended last Friday morning as well. Here is a recap of that:

1. We were there from 9:00-11:00
2. 49 local attendees were present (they stated that this was the record for the weekly group)
3. Gave a brief presentation about the project and fielded questions from attendees
4. Had several one on one conversations afterward as well.
5. Some specific questions included:
 - What types of offerings would be available in the market? Healthy options, fresh produce, local vendors etc.
 - Has there been consideration of who would be doing the contracting work for the property/local companies? Yes, the Ridge Group.
 - Has consideration been given for incorporating art for the building/for the site? Yes, considering murals on walls of the building.

Overall very good experience.

Thanks!