

**DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS**

**APPLICATION FOR APPEAL**

Jurisdiction: (Check One)

Submitted: March 7<sup>th</sup>, 2025

Delaware County

Case No.: BZA 15-25

City of Muncie

(1) Applicant: AbyMuncie

Address: 200 S. Frontage Road, Suite 330, Burr Ridge, IL 60527 Phone: 630-522-3958

(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: The applicant is the contract purchaser.

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

Owner of the property involved: Yang Real Properties LLC

Owner's address: 3000 N Wheeling Ave, Muncie, IN 47303

(4) Record of Ownership:

Deed Book No.: 2018R06818

Page: 7 Pages

Purchase Date: 04/10/2018

Legal Description: (From the Deed or Abstract)

A PART OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 20 NORTH, RANGE 10 EAST IN THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 20 NORTH, RANGE 10 EAST WITH THE CENTERLINE OF THE WHEELING PIKE AS LAID OUT IN THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA, THENCE SOUTH 24 DEGREES 01 MINUTE 13 SECONDS EAST 643.86 FEET (ASSUMED BEARING) ALONG SAID CENTERLINE, THENCE NORTH 89 DEGREES 35 MINUTES 47 SECONDS EAST 54.37 FEET PARALLEL WITH THE NORTH LINE OF SAID QUARTER SECTION TO A NAIL AT THE POINT OF BEGINNING, THENCE NORTH 24 DEGREES 01 MINUTE 13 SECONDS WEST 160.00 FEET TO A POINT 0.27 FEET EAST OF AN EXISTING SPIKE, THENCE NORTH 89 DEGREES 35 MINUTES 47 SECONDS EAST 308.45 FEET TO A POINT 0.53 FEET WEST OF AN EXISTING SPIKE, THENCE SOUTH 00 DEGREES 21 MINUTES 13 SECONDS EAST 146.60 FEET, THENCE SOUTH 89 DEGREES 35 MINUTES 47 SECONDS WEST 244.22 FEET TO THE POINT OF BEGINNING, CONTAINING 0.93 ACRES MORE OR LESS.

(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).

3000 Wheeling Avenue, Muncie, Indiana 47303

(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.)

Request for a variance from the City of Muncie Comprehensive Zoning Ordinance, Article XXX, Section 7.J, to allow a 35' pole sign along Wheeling Ave. for a new Popeye's restaurant.

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

See page 113, Section 7, Part J of the Muncie-Delaware Zoning Code, Corridor Development Standards.

The proposed sign package includes a pylon sign that is prohibited by the zoning code. Granting this variance will meet the purpose of the zoning district, Variety Business, as it will provide similar development pylon sign characteristics to other businesses along this corridor. Granting this variance will increase the exposure of the restaurant to potential customers.

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

Variety Business

(10) Present use of the property:

Restaurant with Drive-Thru

(11) Describe the proposed use of the property:

Restaurant with Drive-Thru

(12) Is the property:

Owner Occupied

Renter Occupied

Other: Currently Unoccupied, Pre-Redevelopment

- (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? \_\_\_\_\_  
If answer is "YES", give their attitudes toward the proposal.

Envelopes are included with the hard copies.

- (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?

When will it be completed?

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

AbyMuncie Team (the applicant, future owner)

**AFFIDAVIT**

(I or We) Yeon Sik Yang  
TYPE NAME(S) OF SIGNATORIES

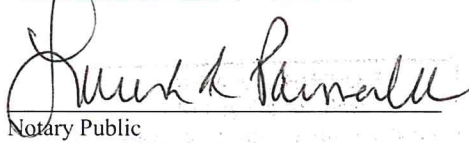
being duly sworn depose and say that (I or We) (am or are) the (owner[s]) (contract owner[s]) of property involved in this application and that the foregoing signatures, statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of (my or our) knowledge and belief.

SIGNATURES:



Subscribed and sworn to before me this 6th day of March, 2025,

LAURA A. PARMERLEE  
Notary Public - Seal  
Delaware County - State of Indiana  
Commission Number NP0667400  
My Commission Expires May 22, 2031

  
Notary Public

5/22/2031  
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:



