

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

☐ Delaware County

☒ City of Muncie

Submitted: BZA 48-25

Case No.: 9-3-25

*Main Contact : Cathy Stephens/Permit Solutions- Owner's Agent 330.327.1023/cstephens@permitsolutionsus.com

(1) Applicant: Amy Switzer/McDonald's Area Construction Manager

Address: 110 N. Carpenter St. Chicago IL 60607 Phone: 913.660.2205

(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: Applicant is in negotiations to purchase property.

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

Owner of the property involved: Pegasus Futures II LLC

Owner's address: 860 Johnson Ferry Rd. NE Suite 140-375 Atlanta GA 30342

(4) Record of Ownership:

Deed Book No.: 2008R

Page: 15716

Purchase Date: 07-17-2008

Legal Description: (From the Deed or Abstract)

See attached Deed

(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).

South East Corner of 29th St.
and Macedonia Ave. PN# 1126151019000

(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.)

SEE ATTACHED

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

The site's size and configuration create a hardship in meeting the front, left, and right side setbacks, as strict compliance would limit the buildable area and prevent safe circulation for parking and drive-thru operations. These conditions are inherent to the property and not self-imposed. Granting the variances will allow for a functional design consistent with surrounding development.

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

BV- Variety Business Zone

(10) Present use of the property:

Vacant Land

(11) Describe the proposed use of the property:

McDonald's Restaurant with Drive Thru.

(12) Is the property:

☐ Owner Occupied

☐ Renter Occupied

☒ Other: Vacant Land

Answer to #7

BZA 48-25 Pegasus/McDonalds

Request for variances from the terms of the City of Muncie Comprehensive Zoning Ordinance, Article XXX, Section 7, to allow a 52' front setback/ build to line rather than 20' for a variance of 32' along Macedonia and a front setback of 63.1' rather than 20' for a variance of 43.1' along 29th Street, and Article XXX, Section 7.F, to allow the drive thru traffic lane to be between the building and the road rather than behind the building, all for a proposed McDonald's in a business zone.

(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?

Target: April 2026

When will it be completed?

Target Nov. 2026

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

McDonald's

AFFIDAVIT

(I or We) B. Barak Zukerman

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 29th day of August, 2025



Ugbake William Eguogu
Notary Public

May 10 2026
Commission Expires

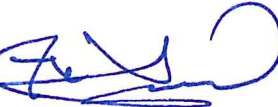
Resident of Fullerton County

State of Georgia

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 25 day of September, 2025.

Signed: 

Date: 9-8-25

4

ITIC
24

2008R15716
JANE LASATER
DELAWARE COUNTY RECORDER
RECORDED ON
07/17/2008 01:57:27PM
REC FEE: 18.00
PAGES: 2

File No: 281806
Parcel Number: 18-11-26-151-007-000.002
18-11-26-151-008-000.002
QUITCLAIM DEED

This Indenture Witnesseth. That Raymond A. Brassart, Kimberley Ingram, Personal Representative of the Estate of Dorothy E. Hole, deceased, and Wilbur A. Ridge and Mary R. Ridge, husband and wife (Grantor) **QUITCLAIM(S)** to Pegasus Futures II, L.L.C. (Grantee) for the sum of Ten & 00/100 Dollars (\$10.00) 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.

In Witness Whereof, Grantor has executed this deed this 16th day of July, 2008.

Raymond A. Brassart
Raymond A. Brassart
Wilbur A. Ridge
Wilbur A. Ridge
Mary R. Ridge
Mary R. Ridge

Kimberley Ingram P.R.
Kimberley Ingram, Personal Representative of the
Estate of Dorothy E. Hole, Deceased

STATE OF INDIANA, COUNTY OF DELAWARE SS: ACKNOWLEDGMENT

Before me, a Notary Public in and for the said County and State, personally appeared Raymond A. Brassart, Kimberley Ingram, Personal Representative of the Estate of Dorothy E. Hole, deceased, and Wilbur A. Ridge and Mary R. Ridge, husband and wife, who acknowledged the execution of the foregoing Quitclaim Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 16th day of July, 2008.

My Commission Expires: March 29, 2015

James W. Trulock
James W. Trulock, Notary Public
County of Residence: Delaware

Send tax bills (and Grantee's street or rural route address is: 2000 Powers Ferry Rd., Ste 550,
Marietta, GA 30067
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. James W. Trulock, Attorney-at-Law
This instrument prepared by: James W. Trulock, Attorney at Law

Duly Entered for Taxation
Transfer Fees \$ 18.00
JUL 17 2008

Judy Hunt
DELAWARE CO. AUDITOR
Clear title

EXHIBIT A

SHOPPES AT SOUTHSIDE -
Composite Ridge / Brassart - Hole Description

A part of the West Half of the Southwest Quarter of the Northwest Quarter of Section 26, Township 20 North, Range 10 East of the Second Principal Meridian in Center Township of Delaware County, Indiana, being more particularly described as follows:

Commencing at the southwest corner of said Northwest Quarter, said corner being North 00 degrees 49 minutes 00 seconds West (Assumed Bearing) 2655.44 feet from the southwest corner of said Section 26; thence North 89 degrees 57 minutes 45 seconds East 29.84 feet to a 5/8" diameter rebar with a yellow cap stamped "WEIHE ENGR LS 0012", (capped rebar), on the east right-of-way of State Road No. 3 per Parcel 53 of plans for project F-593(10), dated 1959, and the POINT OF BEGINNING of the following described real estate:

thence North 00 degrees 18 minutes 15 seconds West along said east right-of-way a distance of 1262.61 feet to a capped rebar; thence continue along said right-of-way North 45 degrees 41 minutes 35 seconds East 101.22 feet to a capped rebar on the south right-of-way of State Road 35 "East 29th Street" per said project, said point also being on the north line of said quarter quarter section; thence North 89 degrees 51 minutes 20 seconds East 375.19 feet to a capped rebar being 165 feet west of the northeast corner of the West Half of the Southwest Quarter of the Northwest Quarter of said section; thence South 00 degrees 50 minutes 40 seconds East parallel with the east line of said half quarter quarter section a distance of 264.00 feet to a capped rebar; thence North 89 degrees 51 minutes 20 seconds East parallel with the north line of said quarter quarter 165.00 feet to a capped rebar on the east line of said west half quarter quarter section; thence South 00 degrees 50 minutes 40 seconds East along said half quarter quarter section line a distance of 1070.40 feet to a capped rebar on the south line of said quarter quarter section; thence South 89 degrees 57 minutes 45 seconds West along said south line 625.59 feet to the POINT OF BEGINNING.

Containing 17.903 Acres, more or less.

3

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lp

2008R15715
JANE LASATER
DELAWARE COUNTY RECORDER
RECORDED ON
07/17/2008 01:57:26PM
REC. FEE: 16.00
PAGES: 1

File No: 281804
Parcel Number: 126151003000; 126151001000 .000
18

WARRANTY DEED

This Indenture Witnesseth, That Wilbur A. Ridge and Mary R. Ridge, husband and wife, (Grantor) *Convey(s) and Warrant(s)* to Pegasus Futures II, LLC, (Grantee) for the sum of Ten & 00/100 Dollars (\$10.00) 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:

A part of the West Half of the Southwest Quarter of the Northwest Quarter of Section 26, Township 20 North, Range 10 East, bounded and described as follows: Beginning at a point 10 rods West of the Northeast corner of said West Half of said Southwest Quarter of said Northwest Quarter of said Section 26, and running thence West 20 rods; thence South 16 rods; thence East 20 rods; thence North 16 rods to the place of beginning, containing 2 acres, more or less.

Subject To any and all easements, assessments, agreements, and restrictions of record.

In Witness Whereof, Grantor has executed this deed this 16th day of July, 2008.

Wilbur A. Ridge
Wilbur A. Ridge

Mary R. Ridge
Mary R. Ridge

STATE OF INDIANA , COUNTY OF DELAWARE, SS:

Before me, a Notary Public in and for the said County and State, personally appeared Wilbur A. Ridge and Mary R. Ridge, 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 16th day of July, 2008.

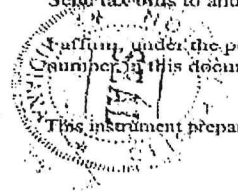
My Commission Expires: March 29, 2015

James W. Trulock
James W. Trulock, Notary Public
Residing in Delaware County, Indiana

Send tax bills to and Grantee's street or rural route address is: 2000 Powers Ferry Rd. S.W. # 550
Marietta, GA 30067

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number on this document, unless required by law. (James W. Trulock)

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



Duly Entered for Taxation
Transfer Fees \$ 10.00
JUL 17 2008

Judy Rust
DELAWARE CO. AUDITOR

2
ITIC
2p

2008R15714
JANE LASATER
DELAWARE COUNTY RECORDER
RECORDED UN
07/17/2008 03:57:25PM
REC FEE: 18.00
PAGES: 2

File No: 281806
Parcel Number: 1126151006000.003

PERSONAL REPRESENTATIVE'S DEED

Kimberley Ingram, Personal Representative of the Estate of Dorothy E. Hole, deceased, which estate is pending in the Delaware County Circuit Court No. 5 under Cause No. 18C05-0705-EU-22 by virtue of her power and authority granted to a personal representative under the Indiana Code proceeding under Unsupervised Administration does hereby **Convey** to Pegasus Futures II, LLC (Grantee), for the sum of no 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.

Subject To any and all easements, assessments, agreements, and restrictions of record.

In Witness Whereof, Grantor has executed this deed this 16th day of July, 2008.

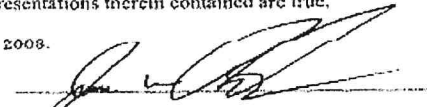

Kimberley Ingram, Personal Representative of
the Estate of Dorothy E. Hole, deceased

STATE OF Indiana, COUNTY OF DELAWARE SS: ACKNOWLEDGMENT

Before me, a Notary Public in and for the said County and State, personally appeared Kimberley Ingram, personal Representative of the Estate of Dorothy E. Hole, deceased, who acknowledged the execution of the foregoing no. and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 16th day of July, 2008.

My Commission Expires: March 29, 2015


James W. Trulock, Notary Public
Residing in Delaware County

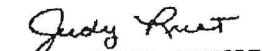
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. (James W. Trulock)

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

Send tax bills to:
Grantor's Mailing Address: 2000 Powers Ferry Rd
Ste. 550
Marietta, GA 30067

Duly Entered for Taxation
Transfer Fees \$5.00

JUL 17 2008


DELAWARE CO. AUDITOR

File No: 281800

EXHIBIT A - LEGAL DESCRIPTION

^{interest}
An undivided one-half of the following described real estate:

A part of the West Half ($W \frac{1}{2}$) of the Southwest Quarter ($SW \frac{1}{4}$) of the Northwest Quarter ($NW \frac{1}{4}$) of Section Twenty-six (26) in Township Twenty (20) North of Range Ten (10) East, bounded and described as follows: Beginning at the Northwest corner of said West Half ($W \frac{1}{2}$) of said Southwest Quarter ($SW \frac{1}{4}$) running thence East Ten (10) rods to the land formerly owned by David and Nora Silvers; thence South Sixteen (16) rods; thence West Ten (10) rods to the West line of said Section Twenty-six (26), thence North on said Section line Sixteen (16) rods to the place of beginning, containing One (1) acre.

Also, Part of the West Half of the Southwest Quarter of the Northwest Quarter of Section Twenty-six (26), Township Twenty (20) North of Range Ten (10) East, bounded and described as follows: Beginning at a point Sixteen (16) rods South of the Northeast corner of the said West Half ($W \frac{1}{2}$) of the Southwest Quarter ($SW \frac{1}{4}$) of the Northwest Quarter ($NW \frac{1}{4}$) of Section Twenty-six (26) and running thence South Twenty-four (24) rods; thence West Forty (40) rods; thence North Twenty-four (24) rods; thence East Forty (40) rods to the place of beginning, estimated to contain Six (6) acres more or less.

Also, the Southwest Quarter ($SW \frac{1}{4}$) of the Southwest Quarter ($SW \frac{1}{4}$) of the Northwest Quarter ($NW \frac{1}{4}$) of Section Twenty-six (26), Township Twenty (20) North, Range Ten (10) East, containing Ten (10) acres, more or less.

Excepting from the above described Real Estate the following: Beginning at the Southwest corner of the Northwest Quarter of Section 26, Township 20 North, Range 10 East, Center Township, Delaware County, Indiana; thence North 1163.1 feet to a point; thence East 27.1 feet to the point of beginning of this tract; thence South 00 degrees, 08 minutes East, 1162.2 feet to the South property line of this tract; thence South 89 degrees, 51 minutes West, 30 feet along said property line to the West property line of this tract; thence North 00 degrees, 42 minutes West, 1331.8 feet along said property line to the Southern boundary of S. R. #35; thence South 89 degrees, 58 minutes East, 115.9 feet along said boundary to a point; thence South 45 degrees, 54 minutes West, 101.3 feet to a point; thence South 00 degrees, 08 minutes East, 99 feet to the point of beginning and containing 1.175 acres, more or less. Leaving after said exception 15.825 acres, more or less.

TTC
Zp

2008R15713
JANE LASATER
DELAWARE COUNTY RECORDER
RECORDED ON
07/17/2008 01:57:24PM
REC FEE: 18.00
PAGES: 2

File No: 281806
Parcel Number: 181126151006000.003

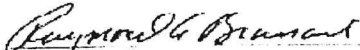
WARRANTY DEED

This Indenture Witnesseth. That Raymond A. Brassart, (Grantor) **Convey(s) and Warrant(s)** to Pepasus Futures II, L.L.C. (Grantee) for the sum of Ten & 00/100 Dollars (\$10.00) 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.

Subject To any and all easements, assessments, agreements, and restrictions of record.

In Witness Whereof, Grantor has executed this deed this 16th day of July, 2008.


Raymond A. Brassart,

STATE OF INDIANA, COUNTY OF DELAWARE, SS:

Before me, a Notary Public in and for the said County and State, personally appeared Raymond A. Brassart, 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 16th day of July, 2008.

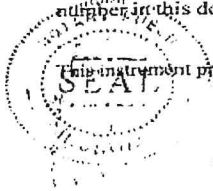
My Commission Expires: March 29, 2015


James W. Trulock, Notary Public
Residing in Delaware County, Indiana

Send tax bills to and Grantee's street or rural route address is: **2000 Powers Ferry Road, Ste 550
Marietta, GA 30067**

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. (James W. Trulock)

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



Duly Entered for Taxation
Transfer Fees \$5.00

JUL 17 2008

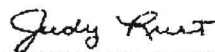

JUDY RUNT
DELAWARE CO. AUDITOR

EXHIBIT A - LEGAL DESCRIPTION

An undivided one-half ^{interest} of the following described real estate:

A part of the West Half (W ½) of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of Section Twenty-six (26) in Township Twenty (20) North of Range Ten (10) East, bounded and described as follows: Beginning at the Northwest corner of said West Half (W ½) of said Southwest Quarter (SW ¼) running thence East Ten (10) rods to the land formerly owned by David and Nora Silvers; thence South Sixteen (16) rods; thence West Ten (10) rods to the West line of said Section Twenty-six (26); thence North on said Section line Sixteen (16) rods to the place of beginning, containing One (1) acre.

Also, Part of the West Half of the Southwest Quarter of the Northwest Quarter of Section Twenty-six (26), Township Twenty (20) North of Range Ten (10) East, bounded and described as follows: Beginning at a point Sixteen (16) rods South of the Northeast corner of the said West Half (W ½) of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of Section Twenty-six (26) and running thence South Twenty-four (24) rods; thence West Forty (40) rods; thence North Twenty-four (24) rods; thence East Forty (40) rods to the place of beginning, estimated to contain Six (6) acres more or less.

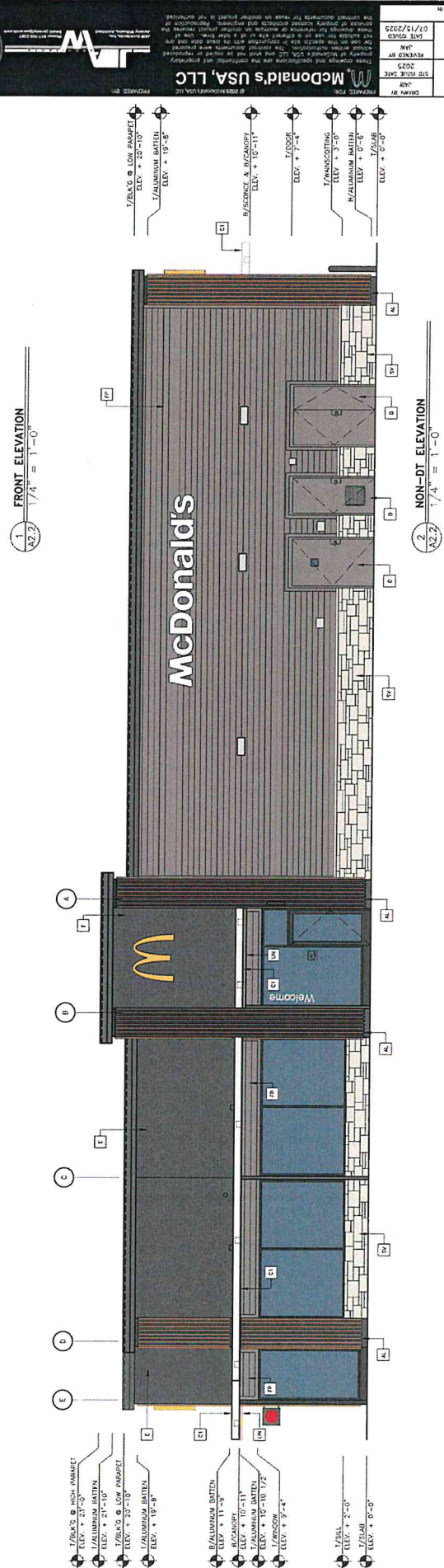
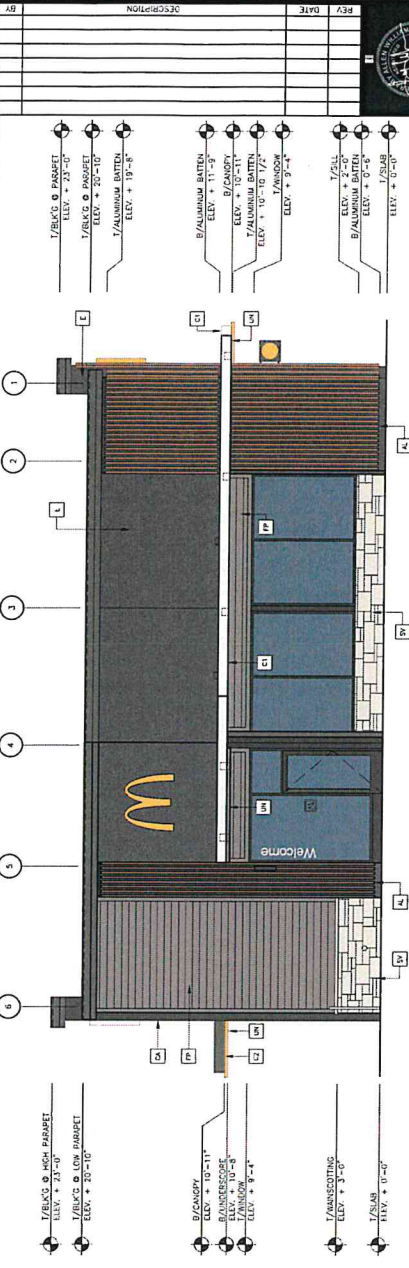
Also, the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of Section Twenty-six (26), Township Twenty (20) North, Range Ten (10) East, containing Ten (10) acres, more or less.

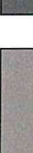
Excepting from the above described Real Estate the following: Beginning at the Southwest corner of the Northwest Quarter of Section 26, Township 20 North, Range 10 East, Center Township, Delaware County, Indiana; thence North 1163.1 feet to a point; thence East 27.1 feet to the point of beginning of this tract; thence South 00 degrees, 08 minutes East, 1162.2 feet to the South property line of this tract; thence South 89 degrees, 51 minutes West, 30 feet along said property line to the West property line of this tract; thence North 00 degrees, 42 minutes West, 1331.8 feet along said property line to the Southern boundary of S. R. #35; thence South 89 degrees, 58 minutes East, 115.9 feet along said boundary to a point; thence South 45 degrees, 54 minutes West, 101.3 feet to a point; thence South 00 degrees, 08 minutes East, 99 feet to the point of beginning and containing 1.175 acres, more or less. Leaving after said exception 15.825 acres, more or less.



Calculation Summary									
Label		CalcType	Units		Avg	Max	Min	Avg/Min	Max/Min
PAVED SURFACE READINGS		Illuminance	Fc		4.88	15.9	0.6	8.13	26.50
Property/line		Illuminance	Fc		0.39	1.9	0.0	N.A.	N.A.
Luminaire Schedule									
Symbol	Qty	Label	Arrangement	LLF	Description	Lum. Watts	EPA	Mtg Height	Pole Type
	4	B-HSS-90-B	Single	0.850	PAR2-480L-240-3K7-4W-HSS-90-B	226.9	0.607	16	SES-13-40-1-TA-GL-xx (4")
	1	BB	Single	0.850	PAR2-480L-240-3K7-4W-9C	226.9	0.607	16	SES-13-40-1-TA-GL-xx (4")
	2	C2@180	Back-Back	0.850	PAR2-480L-240-3K7-3	226.9	1.214	16	SES-13-40-1-TA-GL-xx (4")

16.

[illegible][illegible]

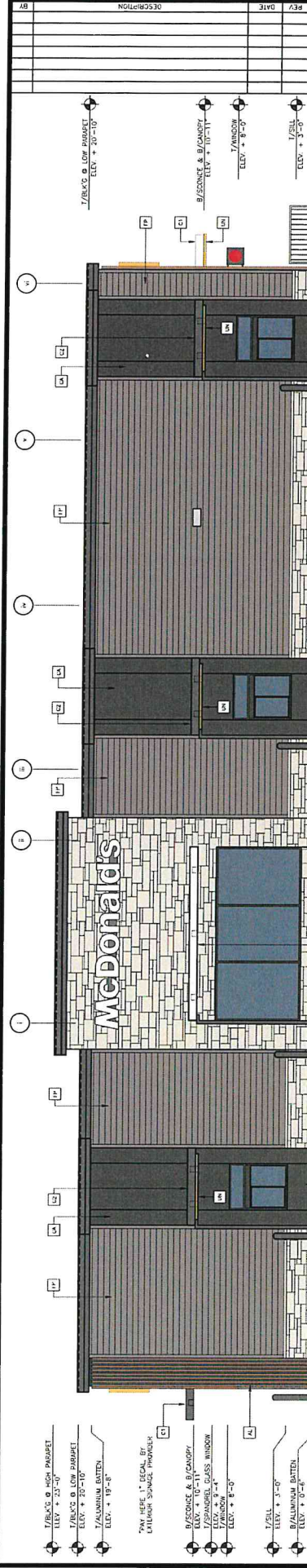
	1P	PER CHINA LUX ZINC RANDOM MOUNTAIN COLOR: "SANTLET GREY" COLOR BY SHERWIN WILLIAMS
	E	EXTENSION INSULATION COLOR: "IRON GREY" SW COLOR BY SHERWIN WILLIAMS
	AL	ALUMINUM BATES SYSTEM SUBSTRATE: "IRON GREY" SW 7082 BY SHERWIN WILLIAMS
	6A	OUTSIDE ACM WALL PANELS COLOR: "UMBER GRAY"
	29	STONE VENEER BY US COLOR: "RANDOM GRAY" COLOR: "RANDOM GRAY" PATTERN: RANDOM ASHLAR
	9	HOLLOW METAL DOOR COLOR: "SANTLET GREY" COLOR BY SHERWIN WILLIAMS
	UN	METAL UNDERSCORE COLOR: "GOLD"
	C1	ALUMINUM CANOPY SYSTEM COLOR: "WHITE"
	C2	ALUMINUM CANOPY SYSTEM COLOR: "BA 7022"

SEP 08 2025

DELAWARE-MUNCIE
METROPOLITAN PLAN COMMISSION

SHEET NO. **A2.2**
 JAWA 25-C092
 COLORED ELEVATIONS

2025 OPTIMIZED BUILDING - B820	1590-WOOD/WOOD	WOOD BRICK WALLS	WOOD ROOF JOIST FRAMING	1590-WOOD/WOOD	1590-WOOD/WOOD
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[illegible][illegible][illegible]