

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

**APPLICATION FOR APPEAL**

Jurisdiction: (Check One)

☐ Delaware County

☒ City of Muncie

Submitted: 4/25/2025

Case No.: BZA 20-25

(1) Applicant: YMCA of Muncie Building Corporation

Address: 654 N Jefferson St, Muncie, IN 47305 Phone: \_\_\_\_\_

(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: \_\_\_\_\_

Owner's address: \_\_\_\_\_

(4) Record of Ownership:

Deed Book No.: Instr. # 2023R08688

Page: \_\_\_\_\_

Purchase Date: 7/11/2023

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).

615 N Walnut St, Muncie, IN

(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.)

We are requesting a variance for the building to not be on the build-to line. The building is already completed, and there is no way to move the building to the build-to line. We are requesting this variance to bring the property into compliance. The building is located at 25ft west of the boundary line and not located at the 20 ft build to line. Since the building is 44,245 sq-ft, it is required to be at the 20 ft build-to line.

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

R-4 Residence Zone

(10) Present use of the property:

Charitable Organization/ YMCA

(11) Describe the proposed use of the property:

Charitable Organization/ YMCA

(12) Is the property:

☐ Owner Occupied

☒ Renter Occupied

☐ Other: \_\_\_\_\_

## **Answer to #7**

BZA 26-25 YMCA of Muncie Building Corp.

Request for a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance, Article XXX, Section 7.D.1, to allow a 25' front setback/build-to line along Walnut St., rather than a 20' setback for a variance of 5' for the new 44,245 sq. ft. YMCA building located on 1.82 acre in a residence 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.

Yes, it is already completed

- (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.

Yes, BZA 10-23 on 4/27/2023. The appeal was granted.

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

Work is already completed.

When will it be completed?

It is complete.

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


Young Men's Christian Association of Muncie, Indiana, Inc.

## AFFIDAVIT

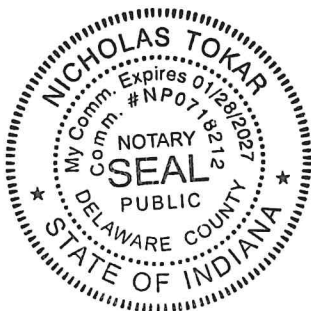
(I or We) YMCA of Muncie Building Corporation  
TYPE NAME(S) OF SIGNATORIES

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:

  
Cyndi Zamboni  
President

Subscribed and sworn to before me this 24<sup>th</sup> day of April, 20 25 /





Notary Public

NICHOLAS TOKAR

Commission Expires 1/28/2027

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 29 day of May, 20 25.

Signed:



Date:

5-14-2025

Tokar Law

3p  
1CR

Duly Entered for Taxation  
Transfer Fees \$ 10.00 **ERP**

JUL 11 2023

*W. C. C. C.*  
DELAWARE CO. AUDITOR

**2023R08688**  
**JAN SMOOT**  
**DELAWARE COUNTY RECORDER**  
**RECORDED ON**  
**07/11/2023 02:20 PM**  
**REC FEE 25.00**  
**PAGES: 3**  
**RECORDED AS PRESENTED**

Tax and Grantee's mailing address: 654 N. Jefferson Street, Muncie, Indiana 47305

**SPECIAL CORPORATE WARRANTY DEED**

This SPECIAL CORPORATE WARRANTY DEED ("Deed"), made this 11th day of July, 2023 by and between **MUNCIE COMMUNITY SCHOOL CORPORATION** ("Grantor"), and **YMCA OF MUNCIE BUILDING CORPORATION**, an Indiana non-profit corporation ("Grantee").

The Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) dollars, the receipt and sufficiency of which is hereby acknowledged and received, and for other good and valuable consideration, does hereby grant, convey and warrant unto the Grantee, its successors and assigns, the following described premises located in the City of Muncie, County of Delaware, and State of Indiana:

**SEE EXHIBIT A**, attached hereto and incorporated herein,

subject to easements and encumbrances of record.

Grantor covenants with the Grantee that the Grantor is now seized in fee simple absolute of said premises; that the Grantor has full power to convey same; and that the Grantor warrants and defends the state of title against all lawful claims of all persons claiming under, by or through Grantor but not further or otherwise.

Grantor shall have the right of first refusal to purchase the premises in the event Grantee attempts to sell the property at any time Grantor owns adjacent property. If at any such time Grantee shall receive a bona fide offer from a third person for the purchase of the premises, which offer Grantee shall desire to accept, Grantee shall promptly deliver to Grantor a copy of such offer, and Grantor may, within thirty (30) days thereafter, elect to purchase the demised premises on the same terms as those set forth in such offer. If Grantee shall receive an offer for the purchase of the premises, which is not consummated by delivering a deed to the offerer, Grantor's right of first refusal to purchase shall remain applicable to subsequent offers. If Grantee shall sell the premises (other than to a subsidiary or affiliate) after a failure of Grantor to exercise its right of first refusal, such right of first refusal shall lapse. Notwithstanding the foregoing, Grantor's right of first refusal shall not apply or extend to any sales or transfers between Grantee and any subsidiary or affiliate of Grantee.

DocId:8372063  
Tx:4212449  


EXHIBIT A

LOT 1 OF BEARCAT PLACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN  
PLAT BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, IN THE OFFICAL RECORDS OF DELAWARE COUNTY,  
INDIANA. 2023R08687 ✓

Being also described as a follows:

A part of the Hackley Reserve, 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 centerline of Walnut Street with the centerline of  
Wysor Street as shown by the survey Plat Book 5, page 43 of the Rebecca Hackley Reserve as shown by  
the Records of Delaware County, Indiana; thence North 00 degrees 55 minutes 10 seconds East 747.47  
feet (State Plane Coordinates 83 - Indiana, East) along the centerline of said Walnut Street; thence North  
89 degrees 04 minutes 50 seconds West 40.00 feet to the point of beginning said point being on the  
westerly right-of-way of Walnut Street; thence North 89 degrees 04 minutes 50 seconds West 344.80 feet  
to a nail; thence North 00 degrees 55 minutes 10 seconds East 235.94 feet to a nail, thence South 89  
degrees 04 minutes 50 seconds East 156.73 feet to a nail; thence South 80 degrees 08 minutes 40 seconds  
East 103.46 feet to a nail; thence South 89 degrees 04 minutes 50 seconds East 85.88 feet to a nail on the  
Westerly right-of-way of said Walnut Street; thence South 00 degrees 55 minutes 10 seconds West 219.87  
feet to the point of beginning, containing 1.82 acres more or less, and subject to all easements of record.

ALSO, a ingress and egress easement in the Hackley Reserve, 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 centerline of Walnut Street with the centerline of  
Wysor Street as shown by the survey Plat Book 5, page 43 of the Rebecca Hackley Reserve as shown by  
the Records of Delaware County, Indiana; thence North 00 degrees 55 minutes 10 seconds East 747.47  
feet (State Plane Coordinates 83 - Indiana, East) along the centerline of said Walnut Street; thence North  
89 degrees 04 minutes 50 seconds West 40.00 feet to the point of beginning said point being on the  
westerly right-of-way of Walnut Street; thence South 00 degrees 55 minutes 10 seconds West 24.00 feet;  
thence North 89 degrees 04 minutes 50 seconds West 379.80 feet; thence North 00 degrees 55 minutes 10  
seconds East 299.95 feet; thence South 89 degrees 04 minutes 50 seconds East 191.72 feet; thence South  
80 degrees 08 minutes 40 seconds East 103.46 feet; thence South 89 degrees 04 minutes 50 seconds East  
85.88 feet to the Westerly right-of-way of said Walnut Street; thence South 00 degrees 55 minutes 10  
seconds West 40.00 feet; thence North 89 degrees 04 minutes 50 seconds West 85.88 feet; thence North  
80 degrees 08 minutes 40 seconds West 103.46 feet; thence North 89 degrees 04 minutes 50 seconds West  
156.73 feet; thence South 00 degrees 55 minutes 10 seconds West 235.94 feet; thence South 89 degrees  
04 minutes 50 seconds East 344.80 feet to the point of beginning, containing 0.75 acres more or less, and  
subject to all easements of record.

For Informational Purposes Only

Parcel No. 18-11-09-276-001.000-003 Mother #

New # to be given (ERP) to be transferred  
18-11-09-276-004-000-003  
(ERP)

**APPROVED AND FILED**  
DIEGO MORALES  
INDIANA SECRETARY OF STATE  
04/16/2025 04:56 PM

**BUSINESS ENTITY REPORT**

**NAME AND PRINCIPAL OFFICE ADDRESS**

|                                  |  |
|----------------------------------|--|
| <b>BUSINESS ID</b>               | 202306121698943                                |
| <b>BUSINESS TYPE</b>             | Domestic Nonprofit Corporation                 |
| <b>BUSINESS NAME</b>             | YMCA OF MUNCIE BUILDING CORPORATION            |
| <b>ENTITY CREATION DATE</b>      | 06/12/2023                                     |
| <b>JURISDICTION OF FORMATION</b> | Indiana  |
| <b>PRINCIPAL OFFICE ADDRESS</b>  | 500 S. Mulberry Street, Muncie, IN, 47305, USA |

**YEARS FILED**

|              |           |
|--------------|-----------|
| <b>YEARS</b> | 2025/2026 |
|--------------|-----------|

**EFFECTIVE DATE**

|                       |            |
|-----------------------|------------|
| <b>EFFECTIVE DATE</b> | 04/16/2025 |
| <b>EFFECTIVE TIME</b> | 4:56 PM    |

**REGISTERED OFFICE AND ADDRESS**

|                              |   |
|------------------------------|---|
| <b>REGISTERED AGENT TYPE</b> | Business                                      |
| <b>NAME</b>                  | TOKAR.LAW LLC                                 |
| <b>ADDRESS</b>               | 400 W. Jackson Street, Muncie, IN, 47305, USA |

**GOVERNING PERSON INFORMATION**

|                |   |
|----------------|---|
| <b>TITLE</b>   | President                                       |
| <b>NAME</b>    | Chad Zaucha                                     |
| <b>ADDRESS</b> | 654 N. Jefferson Street, Muncie, IN, 47305, USA |



**APPROVED AND FILED**  
DIEGO MORALES  
INDIANA SECRETARY OF STATE  
04/16/2025 04:56 PM

**SIGNATURE**

IN WITNESS WHEREOF, THE UNDERSIGNED HEREBY VERIFIES, SUBJECT TO THE PENALTIES OF PERJURY, THAT THE STATEMENTS CONTAINED HEREIN ARE TRUE, THIS DAY **April 16, 2025**.

THE UNDERSIGNED ACKNOWLEDGES THAT A PERSON COMMITS A CLASS A MISDEMEANOR BY SIGNING A DOCUMENT THAT THE PERSON KNOWS IS FALSE IN A MATERIAL RESPECT WITH THE INTENT THAT THE DOCUMENT BE DELIVERED TO THE SECRETARY OF STATE FOR FILING.

**SIGNATURE**

Nicholas Tokar

**TITLE**

Legal Representative

Business ID : 202306121698943

Filing No. : 10798358