

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

☐ Delaware County

☒ City of Muncie

Submitted: March 6, 2024

Case No.: BZA 14.24

(1) Applicant: The Rheuben A. Allen Trust

Address: 2627 S Meeker Avenue, Muncie, IN 47302 Phone: 818.985.9846

(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.: 2024R

Page: 00486

Purchase Date: January 10, 2024

Legal Description: (From the Deed or Abstract)

Lots Numbered 176 and 177 in C.W. Chase's Addition to the City of Muncie, Indiana.

Lot Number 166 in C.W. Chase's Addition to the City of Muncie, Indiana.

Lot Number 217 in C.W. Chase's Addition to the City of Muncie, Indiana.

(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).

1600 West 15th Street, 1601 West 15th Street, and 2101 South Acorn Avenue, Muncie, IN 47302

(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 owner operates a non-profit organization, ICoMusic Foundation. It is a 501(c)(3) entity that donates to deserving young, underprivileged students musical instruments and instructional master classes. Activities that would take place in the former church building will be recitals, and classes as well as storage of musical instruments. The only proposed change to the property is the construction of a 16 by 40 foot pre-fabricated building for storage on the north lot. While the prior church use was a permitted use in the R-3 Residence Zone, this particular use is unique and not anticipated by the zoning ordinance. Intensity of the proposed use is far less than the previous church use.

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

R-4 Residence Zone

(10) Present use of the property:

former church building and utility shed

(11) Describe the proposed use of the property:

Restoration of musical instruments and music lessons for children.

(12) Is the property:

☒ Owner Occupied

☐ Renter Occupied

☐ Other: \_\_\_\_\_

## **Answer to #7**

BZA 13-24 Rheuben

Request for variances from the terms of the City of Muncie Comprehensive Zoning Ordinance, Article XVI, Section 1, to allow a non-profit organization, ICoMusic Foundation, to operate out of an existing 2,888 sq. ft. church building and for the vacant lot south across 15<sup>th</sup> St. to be used as overflow parking for the non-profit, and Article IX, Section 14.1.e, to allow a storage building on a lot to the north across the alley without a dwelling in a residence zone, and Article XVI, Section 6, to allow a 9' side street setback rather than 20' for a variance of 11' for a new 40'x16' storage building, all for the use of the non-profit on three parcels located 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.

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?

Within a few days following the variance approval

When will it be completed?

Within 3 to 4 weeks of construction commencement

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

# AFFIDAVIT

(I or We) Rheuben A. Allen  
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: Rheuben A. Allen

Subscribed and sworn to before me this 9<sup>th</sup> day of February, 2024



Karen S. Krupski  
Notary Public

7/12/2027  
Commission Expires

Resident of Hamilton County

State of Indiana

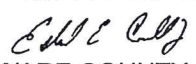
## DO NOT WRITE IN THIS SPACE

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 28 day of March, 2024.

Signed: [Signature]  
Date: 3-6-24



DULY ENTERED FOR TAXATION  
TRANSFER FEES \$ 30.00  
Jan 11 2024 - ER  
  
DELAWARE COUNTY AUDITOR

NC/ND

**2024R00486**  
**JAN SMOOT**  
**DELAWARE COUNTY RECORDER**  
**RECORDED ON**  
**01/12/2024 09:04 AM**  
**REC FEE 25.00**  
**PAGES: 3**  
**RECORDED AS PRESENTED**

## QUITCLAIM DEED

THIS INDENTURE WITNESSETH, That Rheuben Allen Enterprises, Inc. ("Grantor") of Delaware County in the State of Indiana, QUITCLAIMS to The Rheuben A. Allen Trust dated January 10, 2024, of Delaware County in the State of Indiana, ("Grantee") for no consideration, its interest in the following described real estate in Delaware County, Indiana:

Tract 1: Lots Numbered 176 and 177 in C.W. Chase's Addition to the City of Muncie, Indiana.

Tract 2: Lot Number 166 in C.W. Chase's Addition to the City of Muncie, Indiana

Tract 3: Lot Number 217 in C.W. Chase's Addition to the City of Muncie, Indiana

Local Parcel No.: 1121110012000  
State Parcel No.: 18-11-21-110-012.000-003  
Commonly known as 1600 W. 15<sup>th</sup> St., Muncie, IN 47302


Local Parcel No.: 1121110006000  
State Parcel No.: 18-11-21-110-006.000-003  
Commonly known as 2101 S. Acorn Ave., Muncie, IN 47302

Local Parcel No.: 1121114006000  
State Parcel No.: 18-11-21-114-006.000-003  
Commonly known as 1601 W. 15<sup>th</sup> St., Muncie, IN 47302

**IN WITNESS WHEREOF**, the Grantor has executed this deed, this 10<sup>th</sup> day of  
January, 2024.

Signature:

Printed:


  
RHEUBEN ALLEN ENTERPRISES,  
INC., by Rheuben Allen, President and  
Shareholder, Grantor

STATE OF INDIANA                     )  
  ) SS:  
COUNTY OF HAMILTON                )

Before me, a Notary Public in and for said County and State, personally appeared Rheuben Allen in his capacity as president and shareholder of Rheuben Allen Enterprises, Inc., Grantor, 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 10<sup>th</sup> day of January, 2024.



  
\_\_\_\_\_  
Notary Public  
Printed: Sarah J. Randall  
Resident of: Hancock County, Indiana  
My Commission Expires: 1/1/2032

Mail Tax Statements To: Rheuben Allen, 2627 W. Meeker Ave, Muncie, IN 47302.

Grantees' Address: Rheuben Allen, Trustee of The Rheuben A. Allen Trust, 2627 W. Meeker Ave, Muncie, IN 47302.

This instrument was prepared by: Sarah J. Randall, Attorney at Law, CHURCH CHURCH HITTLE + ANTRIM, Two North Ninth Street, Noblesville, IN 46060; (317)773-2190.

I affirm under the penalties of perjury that I have taken reasonable care to redact each Social Security number in this document, unless they are required by law. Sarah J. Randall



## **Narrative Statement**

### **Rheuben Allen, Variance of Use petition**

**1600 West 15<sup>th</sup> Street, Muncie**

IcoMusic Foundation is a non-profit organization that provides musical instruments to deserving young underprivileged students. Master classes are offered both virtually and in person. The foundation is run by Rheuben Allen.

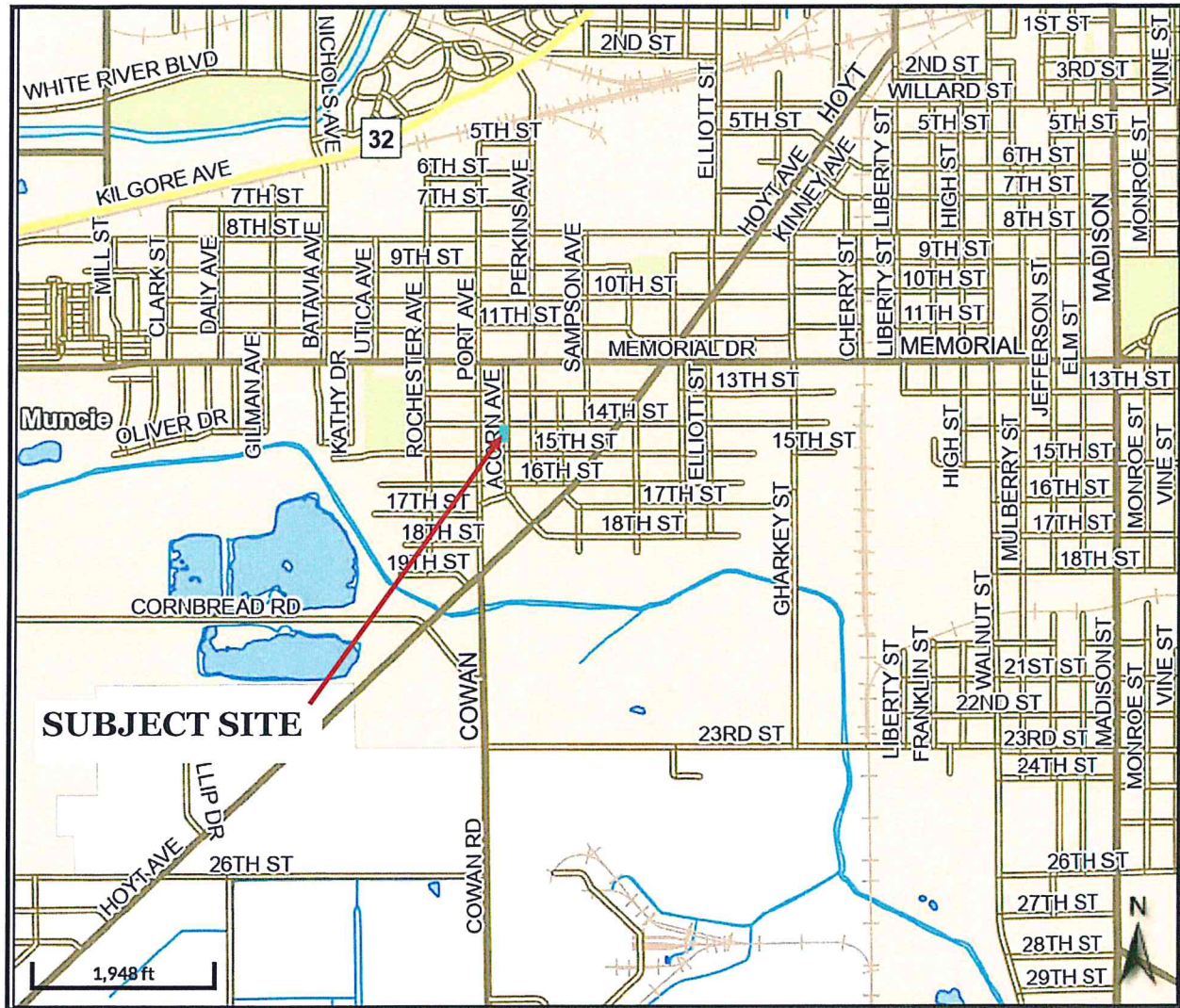
In 2022, the Foundation acquired the property at 1600 West 15<sup>th</sup> Street, the former site of the Good News Baptist Church. This property contains a 2800 square foot church building and thirteen off-street parking spaces. Also acquired were two adjacent vacant lots...to the north, 2101 South Acorn Avenue and to the south, 1601 South 15<sup>th</sup> Street. The intent behind the purchase is to conduct non-profit activities within the building. The north lot will be the site of a future 16 foot by 40 foot storage building. The south lot will be used for overflow parking.

The property is zoned R-4 Residence Zone. The City of Muncie Comprehensive Zoning Ordinance permits religious assembly in the R-4 district. The proposed non-profit is not a permitted use. Consequently, a Variance of Use is being requested.

Activities on the property will be significantly less intense than the previous church use. Typically, the building will host 2 to 3 people at a time. Master classes are held once a month. The proposed storage building on the north lot will be used to house residual musical instruments.

# VICINITY MAP

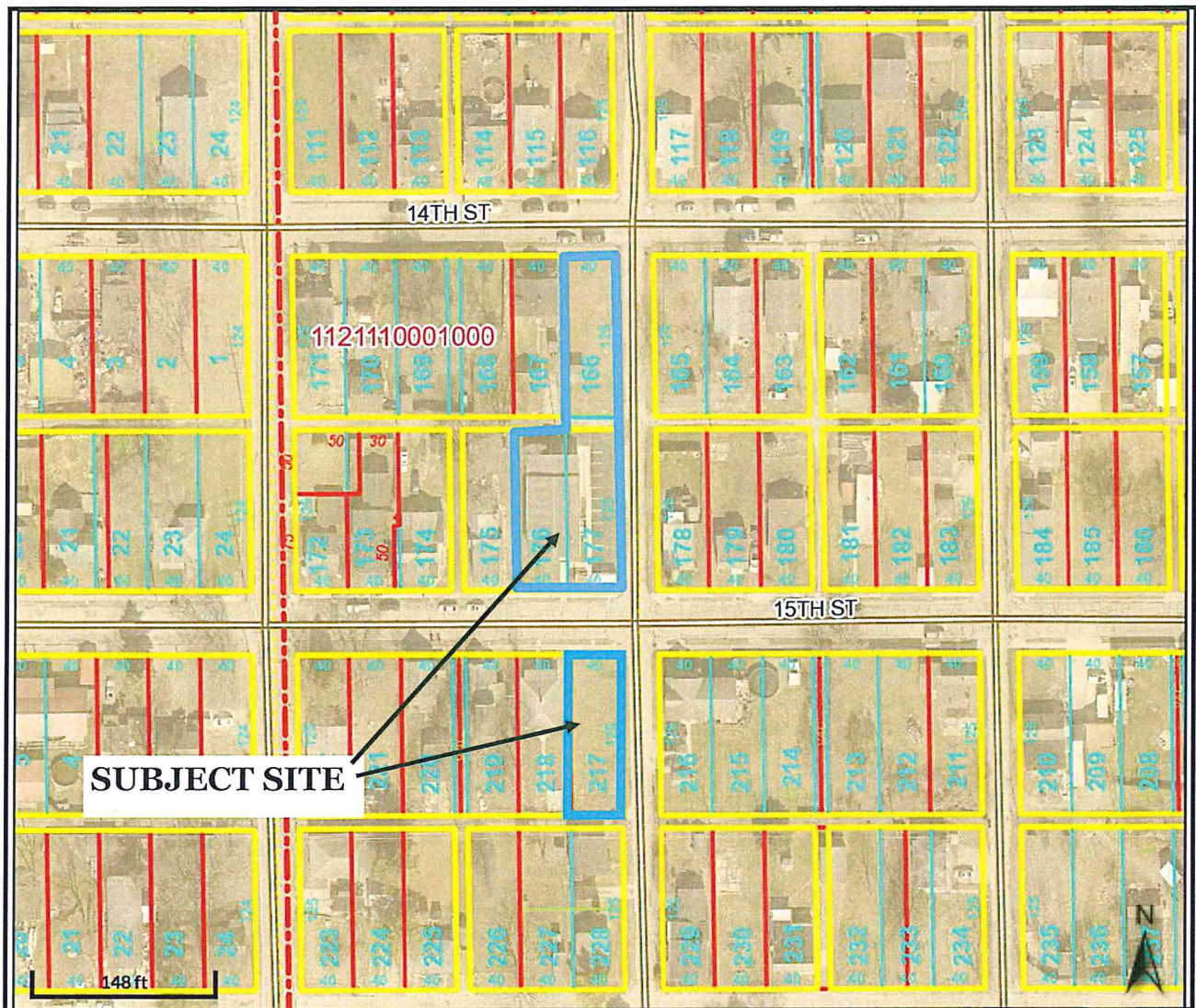
## Rheuben Allen Variance petition





# VICINITY MAP

## Rheuben Allen Variance petition



**SITE MAP**  
**Rheuben Allen Variance petition**



Proposed 40' x 16' storage building

Proposed overflow parking





**SITE PHOTOS**  
**RHEUBEN ALLEN – VARIANCE PETITION**  
**1600 West 15<sup>th</sup> Street, Muncie**

