

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

☐ Delaware County

☒ City of Muncie

Submitted: Oct. 2 2024

Case No.: BZA 55-24

(1) Applicant: TCP Muncie I, LLC (Christopher McCrea)

Address: 9102 N. Meridian St, Ste 230, Indianapolis, IN 46260 Phone: 317-846-6611

Weihe Engineers Phone
Number

(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: Christopher McCrea / TCP Muncie, LLC

Owner's address: 301 Pennsylvania Parkway, Ste 201, Indianapolis, IN 46280

(4) Record of Ownership:

Deed Book No.: 2015R

Page: 12432

Purchase Date: 10/13/2015

Legal Description: (From the Deed or Abstract)

see attached

A part of the Northwest Quarter of the Northeast Quarter of Section 3, Township 20 North, Range 10 East.

(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).

Southwest corner of McGallaird St. and Granville, 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

NLY

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

With having two (2) street frontages, and the building is required to be within the McGallaird overlay district build to line. Also asking for two (2) variances for the drive-thru between the building and the right-of-way on McGallaird & Granville.

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

BV Variety Business Zone

(10) Present use of the property:

Parking lot is in poor condition.

(11) Describe the proposed use of the property:

Future Dutch Brothers Coffee Shop. 900+/- sf building, 13 parking, 18 stacking

(12) Is the property:

☐ Owner Occupied

☐ Renter Occupied

☒ Other: Parking lot only

Answer to #7

BZA 55-24 TCP Muncie I, LLC

Request for variances from the terms of the City of Muncie Comprehensive Zoning Ordinance, Article XXX, Section 7.D, to allow a front setback of approximately 33' along McGalliard Rd. and a front setback of approximately 55' along Granville Ave. rather than a maximum of 20' for variances of 13' and 35' respectively, and Article XXX, Section F.9, to allow the drive-thru lanes along the front of the structure between the building and McGalliard Rd. and the building and Granville Ave. rather than to be located to the side or rear of the building, all for a new coffee business development.

- (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.

Happy to see new development to the area.

- (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?

March 1, 2025

When will it be completed?

June 1, 2025

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

Dutch Brothers

AFFIDAVIT

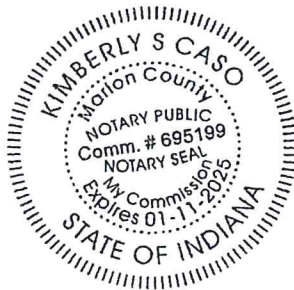
(I or We) Christopher McCrea Christopher McCrea with TCP Muncie I, LLC
TYPE NAME(S) OF SIGNATORIES

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 27th day of September, 2024



Kimberly S. Case
Notary Public

1-11-25
Commission Expires

Resident of Marion 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 31 day of October, 2024.

Signed: 

Date: 10.15.24

AFFIDAVIT

TCP Muncie I, LLC

(I or We) Christopher McCrea Christopher McCrea with TCP Muncie, LLC
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:



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hearing on the 31 day of October, 20 24.

Signed: 

Date: 10.2.24



Business Search

Business Search Result

Business ID	Business Name	Name Type	Entity Type	Principal Office Address	Registered Agent Name	Status
2015092500199	TCP MUNCIE I LLC	LEGAL NAME	Domestic Limited Liability Company	9102 N MERIDIAN ST, STE 230, Indianapolis, IN, 46260, USA	CHRISTOPHER MCCREA	Active

Page 1 of 1, records 1 to 1 of 1

[Return to Search](#)

BUSINESS INFORMATION
DIEGO MORALES
INDIANA SECRETARY OF STATE
10/02/2024 11:06 AM

Business Details

Business Name: **TCP MUNCIE I LLC**

Business ID: **2015092500199**

Entity Type: **Domestic Limited Liability Company**

Business Status: **Active**

Creation Date: **09/25/2015**

Inactive Date:

Principal Office Address: **9102 N MERIDIAN ST, STE 230,
INDIANAPOLIS, IN, 46260, USA**

Expiration Date: **Perpetual**

Foreign Legal Name:

Jurisdiction of Formation:

Business Entity Report Due Date: **09/30/2025**

Registered Agent Information

Type: **Individual**

Name: **CHRISTOPHER MCCREA**

Address: **9102 N MERIDIAN ST, STE 230, INDIANAPOLIS, IN, 46260, USA**

TRUSTEE'S DEED

(Parcel No. 110325102300 / 18-11-03-241-023.000-003)

THIS INDENTURE WITNESSETH, That Dean W. Braun, as Trustee of the Dean Braun Revocable Trust Agreement dated May 15, 2008 and restated April 30, 2014, ("Grantor"), by virtue of and pursuant to the authority vested in said Trustee in and by said Trust, does hereby CONVEY unto TCP Muncie I LLC, an Indiana limited liability company ("Grantee"), for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate located in Delaware County, State of Indiana:

See the attached Exhibit A.

The address of such real estate is commonly known as 1111 E. McGalliard Road, Muncie, Indiana.

Subject to any and all easements, agreements, restrictions and other matters of record; subject to the lien for real property taxes not delinquent; and subject to rights of way for roads and such matters as would be disclosed by an accurate survey and inspection of the real estate.

[the remainder of page intentionally left blank – signature page follows]

IN WITNESS WHEREOF, the undersigned Trustee has executed this deed this 30 day of September, 2015.

GRANTOR: Dean Braun Revocable Trust Agreement dated May 15, 2008
and restated April 30, 2014

By: Dean W. Braun Trustee
Dean W. Braun, Trustee

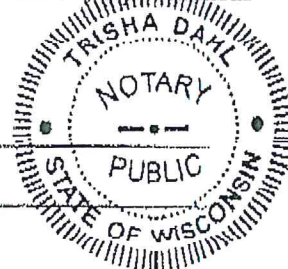
STATE OF Wisconsin)
~~INDIANA~~) SS: ACKNOWLEDGMENT
COUNTY OF Walworth)

Before me, a Notary Public in and for said County and State, personally appeared Dean W. Braun, as Trustee of the Dean Braun Revocable Trust Agreement dated May 15, 2008 and restated April 30, 2014, who acknowledged the execution of the foregoing Trustee's Deed for and on behalf of said Trust, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 30 day of September 25, 2015

My Commission Expires: May 08, 2016

Trisha Dahl
Notary Public
Printed
Resident of Walworth County



This instrument was prepared by Robert A. Hicks, Attorney at Law, HALL, RENDER, KILLIAN, HEATH & LYMAN, P.C., One American Square, Suite 2000, Box 82064, Indianapolis, Indiana 46282.

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. Robert A. Hicks

Grantee's mailing address and send tax bills to: 33 East Cedar Street, Zionsville, IN 46077.

After recording, return to: 33 East Cedar Street, Zionsville, IN 46077.

1822471
NCS-749375-INDY

EXHIBIT 'A'

File No.: NCS-749375-INDY (gll)
Property: 1111 E McGalliard Road, Muncie , IN

09/30/2015

A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 20 NORTH, RANGE 10 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT IN THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 20 NORTH, RANGE 10 EAST, 542.01 FEET EAST OF THE NORTHWEST CORNER OF THE SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE SOUTH WITH A DEFLECTION ANGLE TO THE RIGHT OF 90 DEGREES 30 MINUTES 298.0 FEET; THENCE EAST PARALLEL WITH THE NORTH LINE OF THE SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER 98.15 FEET TO THE CENTER LINE OF THE MUNCIE-GRANVILLE PIKE; THENCE NORTHEASTERLY ON THE CENTER LINE OF SAID MUNCIE-GRANVILLE PIKE AND WITH A DEFLECTION ANGLE TO THE LEFT OF 57 DEGREES 19 MINUTES 49 SECONDS, A DISTANCE OF 358.7 FEET TO THE NORTH LINE OF THE SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE WEST ON THE SAID NORTH LINE 290.5 FEET TO THE POINT OF BEGINNING. ESTIMATED TO CONTAIN 1.347 ACRES, MORE OR LESS.

THE FOREGOING HISTORICAL LEGAL DESCRIPTION HAS NOW BEEN DESCRIBED BY A MODERNIZED LEGAL DESCRIPTION AS CERATED BY RUDY VUGTEVEEN WITH A SURVEY PREPARED BY RANDALL MILLER & ASSOCIATED DATED SEPTEMBER 1, 2015 AS JOB NO. 15-0187, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF LAND SITUATE IN THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 20 NORTH, RANGE 10 EAST OF THE SECOND PRINCIPAL MERIDIAN IN DELAWARE COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH LINE OF THE NORTHEAST QUARTER AS BEARING NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST WITH ALL OTHER BEARINGS HEREIN CONTAINED RELATIVE THERETO; COMMENCING AT AN EXISTING BRASS PIN AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, ON SAID NORTH LINE, A DISTANCE OF 542.01 FEET TO THE NORTHWEST CORNER OF THE LAND DESCRIBED IN INSTRUMENT #2009R09271, BEING THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 30 MINUTES 00 SECONDS WEST, ON THE WEST LINE OF THE LAND DESCRIBED IN SAI INSTRUMENT, A DISTANCE OF 298.00 FEET (AND THROUGH A 5/8 INCH REGAR WITH IDENTIFICATION CAP STAMPED "RMA FIRM #0074" SET ON LINE AT 273 FEET) TO THE SOUTHWEST CORNER THEREOF, WITNESSED BY AN EXISTING 5/8 INCH REBAR WITH ASHTON CAP LOCATED 0.33 FEET SOUTH; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, ON THE SOUTH LINE OF THE LAND DESCRIBED IN SAID INSTRUMENT AND PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 102.02 FEET, MEASURED (98.15 FEET, DEED) TO THE CENTER LINE OF GRANVILLE AVENUE; THENCE NORTH 32 DEGREES 40 MINUTES 11 SECONDS EAST, ON SAID CENTER LINE OF GRANVILLE AVENUE, A DISTANCE OF 353.99 FEET, MEASURED (358.7 FEET, DEED) TO THE NORTH LINE OF THE NORTHEAST QUARTER; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, ON SAID NORTH LINE, A DISTANCE OF 29.50 FEET TO THE POINT OF BEGINNING; COTAINING 1.34 ACRES (58,483SQ. FT.), MORE OR LESS.
A.P.N. 1103251023000

Initials: _____

First American
3p

2015R12432
MELANIE MARSHALL
DELAWARE COUNTY RECORDER
RECORDED ON
10/13/2015 10:05 AM
REC FEE: 20.00
PAGES: 3

TRUSTEE'S DEED

(Parcel No. 110325102300-48-11-03-241-023,000-005)

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[the remainder of page intentionally left blank - signature page follows]

Duly Entered for Taxation
Transfer Fees \$5.00

OCT 12 2015

Steven G. Crone
Delaware County Auditor

NOS-749375



IN WITNESS WHEREOF, the undersigned Trustee has executed this deed this 30 day of September, 2015.

GRANTOR: Dean Braun Revocable Trust Agreement dated May 15, 2008
and restated April 30, 2014

By:

Dean W. Braun Trustee
Dean W. Braun, Trustee

WISCONSIN
STATE OF ~~INDIANA~~)

COUNTY OF Walworth) SS: ACKNOWLEDGMENT

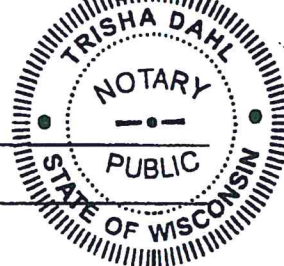
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My Commission Expires:

May 08, 2016

Trisha Dahl
Notary Public
Trisha Dahl
Printed
Resident of Walworth County



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1822471
NCS-749375-INDY

Exhibit A
Legal Description

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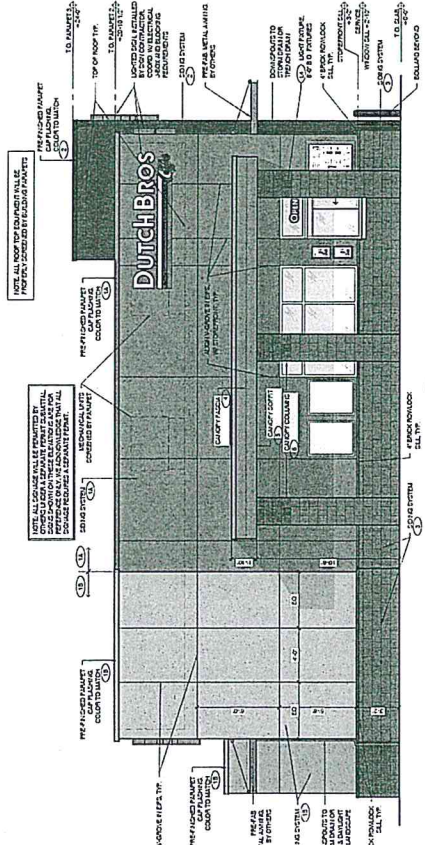
RECEIVED
OCT 14 2024
By

ID TAG	MATERIAL	MANUFACTURER	MODEL	REMARKS
SIDING SCHEDULE - ALTERNATE w/ CANOPY				
ZONE 1 (ROOF)				
1A	EPS	BAU7/SEVEN-70Y	1" UNPAVED ADHESIVE CI	COLOR: BLOD DE DARK
1B	EPS	BAU7/SEVEN-70Y	1" UNPAVED ADHESIVE CI	COLOR: BLOD DE LIGHT
ZONE 2 (TOWER)				
2	EPS	BAU7/SEVEN-70Y	1" UNPAVED ADHESIVE CI	COLOR: BLOD DE BLUE
ZONE 3 (BASE)				
3	EPS	BAU7/SEVEN-70Y	1" UNPAVED ADHESIVE CI	COLOR: BLOD DE BLUE
ZONE 4 (FRAMED CANOPY)				
4	FASCA	METAL FASCA FLAT	1/2" UNPAVED ADHESIVE CI	COLOR: BLOD DE BLUE
5	SPIT	METAL NORTHWESTERN	1/2" UNPAVED ADHESIVE CI	COLOR: BLOD DE BLUE
6	COLUMNS	4-8" SPIT FACE	1/2" UNPAVED ADHESIVE CI	COLOR: BLOD DE BLUE



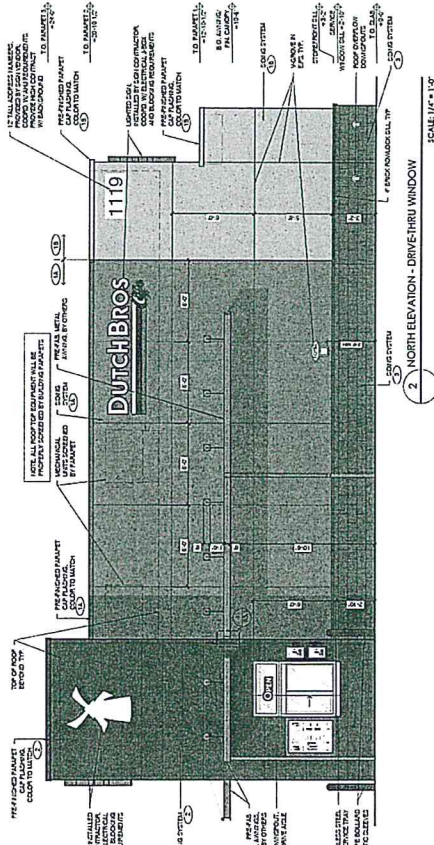
ARCHITECT
CORALIC, LLC
570 MACADAMIE BLVD, STE. 202
PORTLAND, OR 97204
P: 503.255.0033
F: 503.255.0034
WWW.CORALIC.COM

MEP ENGINEER
CORALIC, LLC
570 MACADAMIE BLVD, STE. 202
PORTLAND, OR 97204
P: 503.255.0033
F: 503.255.0034
WWW.CORALIC.COM



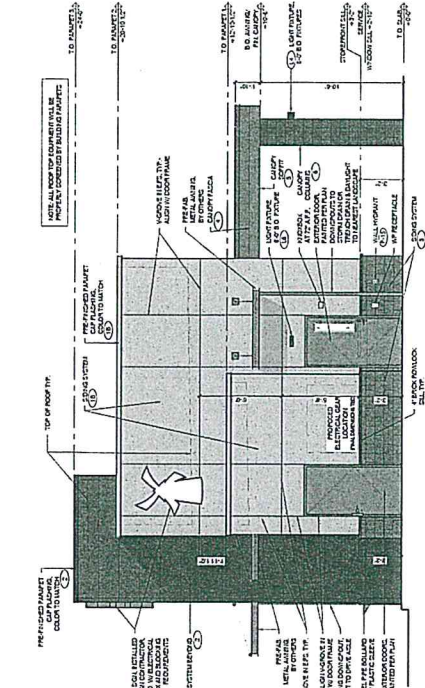
4 NORTH ELEVATION - WALK-UP WINDOW

SCALE: 1/4" = 1'-0"



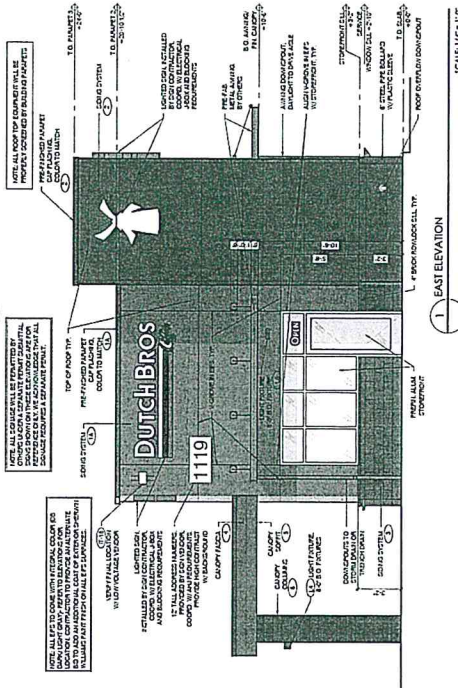
2 SOUTH ELEVATION - DRIVE-THRU WINDOW

SCALE: 1/4" = 1'-0"



3 WEST ELEVATION

SCALE: 1/4" = 1'-0"



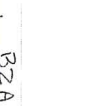
1 EAST ELEVATION

SCALE: 1/4" = 1'-0"

Project No: IN0501
ISSUED FOR PERMIT:
10.18.2024
Dutch Bros Coffee
New Freestanding Store
1119 McGILLIARD RD.
MUNICIPALITY OF PORTLAND, OR 97204
110 SW 4th St, Grants Pass, OR 97526

REV	DATE	DESCRIPTION
1	10.18.2024	ISSUED FOR PERMIT

A6.1
10.18.2024



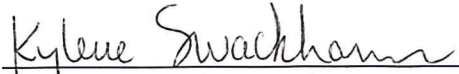
ALLAN R. WEHLE, P.E., L.S. • FOUNDER

NOTICE OF PUBLIC HEARING

On October 31, 2024, the Delaware-Muncie Metropolitan Board of Zoning Appeals will hold a public hearing on the matter of an appeal filed by Dutch Bros Coffee and TCP Muncie I, LLC, 9102 N. Meridian St., Ste. 230, Indianapolis, IN 46260, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance. The property involved is located at the southwest corner of McGalliard Rd. and Granville Ave., Muncie, Ind., as more accurately described as follows:

A part of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 3, Twp. 20N, Rge. 10E, est. to contain 1.347 acres, more or less.

The purpose of this appeal is to allow increased build-to front setbacks and drive-thru lanes between the building and the road for a new coffee business development. The hearing will begin at 6:00 P.M., on the above date, in the Commissioners Court Rm., 3rd Floor, Delaware County Building, Muncie, Ind. Interested persons may appear at the meeting and voice their opinions. Copies of the appeal may be viewed online at www.dmmpe.org or you may contact the Delaware-Muncie Metropolitan Plan Commission (DMMPC) office, 765-747-7740, and request the information be sent to you via mail or email. Also, any individual with a disability may request accommodation for the public hearing. Requests should be made at least 4 days in advance by contacting the DMMPC office by phone or by email to Fred Daniel at fdaniel@co.delaware.in.us. Written comments may be sent by email to Mr. Daniel up to and including the day of the meeting.


Kylene Swackhamer, Secretary