

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

☐ Delaware County

☒ City of Muncie

Submitted: Sept. 13, 2024

Case No.: BZA 54-24

(1) Applicant: Sunbelt Rentals LLC; Contact: Kelly Basinger

Address: 1799 Innovation Point, Fort Mill, SC 29715 Phone: 803-280-2167

(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 leasing the property

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

Owner of the property involved: RRO, LLC

Owner's address: 2520 South Madison Street; Muncie IN 47302

(4) Record of Ownership:

Deed Book No.: Instrument Numbers: 2017R08709 & 2017R08710

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

Purchase Date: 7/10/2017

Legal Description: (From the Deed or Abstract)

LOTS 1,2,3,4,5,6,11,12,13,14,15,16 the vacated alley running north and south between said lots, and the vacated west half of Monroe St along the easterly side thereof in block 223 in the Muncie Natural Gas Land Improvement Co's Subdivision of the Galliher and Ohmer Tracts aka 2516 and 2500 & 2520 S. Madison St.

(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).

2520 S. Madison St., 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 lot is peculiarly shaped making it difficult to erect a suitable building and provide sufficient parking that meets all requirements listed in the following Variance Summary:

Article XXX, Section 7.D.1 - Bldg shall be setback no more than 20 feet from the public ROW applies to North Bldg Facade.

Article XXX, Section F.7 - Service base to be oriented toward the public ROW applies to North Bldg Facade.

Article IX, Section 12 - Fence in Front Yard shall be no more than 8 feet in height. Applies along South Madison Street and East 18th Street.

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

Intense Industrial

(10) Present use of the property:

Retail

(11) Describe the proposed use of the property:

Retail

(12) Is the property:

☐ Owner Occupied

☒ Renter Occupied

☐ Other: \_\_\_\_\_

## **Answer to #7**

BZA 54-24 RRO & Sunbelt

Request for variances from the terms of the City of Muncie Comprehensive Zoning Ordinance, Article IX, Section 12, to allow a 84" (7') fence height in front of the building rather than 42" for a variance of 42", Article XXX, Section 7.D, to allow a front setback of approximately 85' rather than a maximum of 20' for a variance of 65', and Article XXX, Section F.7, to allow 5 service bays to face 18th St. rather than to be located to face the side or rear property lines, all for redevelopment of a rental business.

- (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?

Spring 2025

When will it be completed?

Spring 2026

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

Sunbelt Rentals LLC

# AFFIDAVIT

(I or We) RRO 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:

Rosemary Orr

Subscribed and sworn to before me this 8<sup>th</sup> day of September, 2024.



Marcy Lynn Orr  
Notary Public

April 04, 2027

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 31 day of October, 2024.

Signed:

[Signature]

Date:

9.13.24



2017R08710  
 MELANIE MARSHALL  
 DELAWARE COUNTY RECORDER  
 RECORDED ON  
 07/10/2017 2:56 PM  
 REC FEE: 25.00  
 PAGES: 1

PIN No.: 18-11-22-183-006.000-003

## QUITCLAIM DEED

This indenture witnesseth that Rosemary A. Orr ("Grantor"), being of legal age, of Delaware County, in the State of Indiana,

QUITCLAIM(s) to RRO, LLC ("Grantee"), a limited liability corporation organized and existing under the laws of the State of Indiana

for and in consideration of One Dollar (\$1) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following real estate in Delaware County in the State of Indiana:

Lot number eleven (11) in Block number two hundred twenty-three (223) in the Muncie Natural Gas Land Improvement Company's Subdivision of the Galliher and Ohmer Tract, an addition to the City of Muncie, Indiana  
 [more commonly known as 2520 South Madison Street, Muncie, IN 47302]

This conveyance is subject to the current taxes, all subsequent taxes; also subject to existing highways, easements, rights of way, assessments, and restrictions of record.

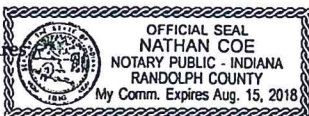
Dated this 10<sup>th</sup> day of July, 2017.

Rosemary A Orr  
 ROSEMARY A. ORR, Grantor

State of Indiana, County of Delaware, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 10<sup>th</sup> day of July, 2017, personally appeared Rosemary A. Orr, and acknowledged the execution of the foregoing Quitclaim Deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires



Aug 15, 2018

Nathan Coe  
 (Signature)  
Nathan Coe, Notary Public  
 (Printed Name)  
 Resident of Randolph County, IN

This instrument was prepared by Benjamin S.J. Williams, Esq.; Shambaugh, Kast, Beck & Williams, LLP; 229 West Berry Street, Suite 400; P.O. Box 11648, Fort Wayne, Indiana 46859-1648; Attorney No. 24447-02.

lit  
 P:\WORK\BSW\Orr,Rosemary\Quitclaim-ded01.wpd

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. - Benjamin S.J. Williams

Mail Tax Bills to/Grantee's Address: Rosemary Orr, Registered Agent, 2520 South Madison Street, Muncie, IN 47302

Mail to: Rosemary Orr, Registered Agent, 2520 South Madison Street, Muncie, IN 47302

Duly Entered for Taxation  
 Transfer Fees \$ 500.00

JUL 10 2017

Steven G. Coughlin  
 Delaware County Auditor



**2017R08709**  
**MELANIE MARSHALL**  
**DELAWARE COUNTY RECORDER**  
**RECORDED ON**  
**07/10/2017 2:56 PM**  
**REC FEE: 25.00**  
**PAGES: 1**

PIN No.: 18-11-22-183-005.000-003  
18-11-22-183-012.000-003

## QUITCLAIM DEED

This indenture witnesseth that Rosemary A. Orr ("Grantor"), being of legal age, of Delaware County, in the State of Indiana,

QUITCLAIM(s) to RRO, LLC ("Grantee"), a limited liability corporation organized and existing under the laws of the State of Indiana

for and in consideration of One Dollar (\$1) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following real estate in Delaware County in the State of Indiana:

A survey of Lots numbered one (1), two (2), three (3), four (4), five (5), six (6), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), and the vacated alley running north and south between said lots, and the vacated west half of Monroe Street along the easterly side thereof in block two hundred twenty-three (223) in the Muncie Natural Gas Land Improvement Company's Subdivision of the Galliher and Ohmer Tracts, as shown in Plat Book 2, page 95, in the office of the Recorder of Delaware County, Indiana.  
 [more commonly known as 2516 and 2500 South Madison Street, Muncie, IN 47302]

This conveyance is subject to the current taxes, all subsequent taxes; also subject to existing highways, easements, rights of way, assessments, and restrictions of record.

Dated this 10 day of July, 2017.

Rosemary A Orr  
 ROSEMARY A. ORR, Grantor

State of Indiana, County of Delaware, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 10<sup>th</sup> day of July, 2017, personally appeared Rosemary A. Orr, and acknowledged the execution of the foregoing Quitclaim Deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:



Nathan Coe  
 (Printed Name)  
 Resident of Randolph County, IN

Aug 15, 2018

This instrument was prepared by Benjamin S.J. Williams, Esq.; Shambaugh, Kast, Beck & Williams, LLP; 229 West Berry Street, Suite 400; P.O. Box 11648, Fort Wayne, Indiana 46859-1648; Attorney No. 24447-02.

lit  
 P:\WORK\BSW\Orr,Rosemary\Quitclaim-deed02.wpd

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. - Benjamin S.J. Williams

Mail Tax Bills to/Grantee's Address: Rosemary Orr, Registered Agent, 2520 South Madison Street, Muncie, IN 47302

Mail to: Rosemary Orr, Registered Agent, 2520 South Madison Street, Muncie, IN 47302

Duly Entered for Taxation  
 Transfer Fees \$ 10.00

JUL 10 2017

Steven J. Cingolani  
 Delaware County Auditor





B2A 54-24



SUNBELT RENTALS  
2220 South Madison Street  
Muncie, Indiana 47302  
DELAWARE COUNTY, INDIANA  
SECTION 22, TOWNSHIP 22 NORTH, RANGE 10 EAST

Reasons for Submittal:  
1. To show the location of the proposed utility poles and lines.  
2. To show the location of the proposed storm water collection system.  
3. To show the location of the proposed sanitary sewer collection system.

Project Number: 763772-01  
Scale: 1"=50'  
Drawn By: R.E. Manno  
Checked By: R.E. Manno  
Date: 03/07/2024  
Issue:

# BOUNDARY TOPOGRAPHIC SURVEY

1 OF 1

## SETBACKS:

1. 25 feet minimum from existing or proposed utility poles to the nearest lot line.
2. 25 feet minimum from existing or proposed utility poles to the nearest lot line.
3. 25 feet minimum from existing or proposed utility poles to the nearest lot line.
4. 25 feet minimum from existing or proposed utility poles to the nearest lot line.
5. 25 feet minimum from existing or proposed utility poles to the nearest lot line.
6. 25 feet minimum from existing or proposed utility poles to the nearest lot line.
7. 25 feet minimum from existing or proposed utility poles to the nearest lot line.
8. 25 feet minimum from existing or proposed utility poles to the nearest lot line.
9. 25 feet minimum from existing or proposed utility poles to the nearest lot line.
10. 25 feet minimum from existing or proposed utility poles to the nearest lot line.

## SETBACKS:

1. 25 feet minimum from existing or proposed utility poles to the nearest lot line.
2. 25 feet minimum from existing or proposed utility poles to the nearest lot line.
3. 25 feet minimum from existing or proposed utility poles to the nearest lot line.
4. 25 feet minimum from existing or proposed utility poles to the nearest lot line.
5. 25 feet minimum from existing or proposed utility poles to the nearest lot line.
6. 25 feet minimum from existing or proposed utility poles to the nearest lot line.
7. 25 feet minimum from existing or proposed utility poles to the nearest lot line.
8. 25 feet minimum from existing or proposed utility poles to the nearest lot line.
9. 25 feet minimum from existing or proposed utility poles to the nearest lot line.
10. 25 feet minimum from existing or proposed utility poles to the nearest lot line.

## SURVEYOR'S NOTES:

1. The survey was conducted on the 15th day of March, 2024.
2. The survey was conducted on the 15th day of March, 2024.
3. The survey was conducted on the 15th day of March, 2024.
4. The survey was conducted on the 15th day of March, 2024.
5. The survey was conducted on the 15th day of March, 2024.
6. The survey was conducted on the 15th day of March, 2024.
7. The survey was conducted on the 15th day of March, 2024.
8. The survey was conducted on the 15th day of March, 2024.
9. The survey was conducted on the 15th day of March, 2024.
10. The survey was conducted on the 15th day of March, 2024.

## SURVEYOR'S CERTIFICATION:

I, the undersigned, hereby certify that this survey was performed under my personal supervision and that I am a duly licensed Professional Engineer in the State of Indiana.

Date of Fieldwork: February 23, 2024

Robert E. Manno, P.E.

Professional Engineer No. 14574

Indiana Professional Engineer Seal No. 14574/00007

## TOPOGRAPHIC LEGEND:

- 1. Spot Elevation
- 2. Contour Line
- 3. Elevation
- 4. Elevation
- 5. Elevation
- 6. Elevation
- 7. Elevation
- 8. Elevation
- 9. Elevation
- 10. Elevation

## SURVEY MONUMENT LEGEND:

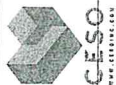
- 1. 1/2" Iron Pin Set into Cement
- 2. 1/2" Iron Pin Set into Cement
- 3. 1/2" Iron Pin Set into Cement
- 4. 1/2" Iron Pin Set into Cement
- 5. 1/2" Iron Pin Set into Cement
- 6. 1/2" Iron Pin Set into Cement
- 7. 1/2" Iron Pin Set into Cement
- 8. 1/2" Iron Pin Set into Cement
- 9. 1/2" Iron Pin Set into Cement
- 10. 1/2" Iron Pin Set into Cement

## BENCHMARK:

- 1. BM 1: 1/2" Iron Pin Set into Cement
- 2. BM 2: 1/2" Iron Pin Set into Cement
- 3. BM 3: 1/2" Iron Pin Set into Cement
- 4. BM 4: 1/2" Iron Pin Set into Cement
- 5. BM 5: 1/2" Iron Pin Set into Cement
- 6. BM 6: 1/2" Iron Pin Set into Cement
- 7. BM 7: 1/2" Iron Pin Set into Cement
- 8. BM 8: 1/2" Iron Pin Set into Cement
- 9. BM 9: 1/2" Iron Pin Set into Cement
- 10. BM 10: 1/2" Iron Pin Set into Cement



B2A 54-24



**SUNBELT  
RENTALS**

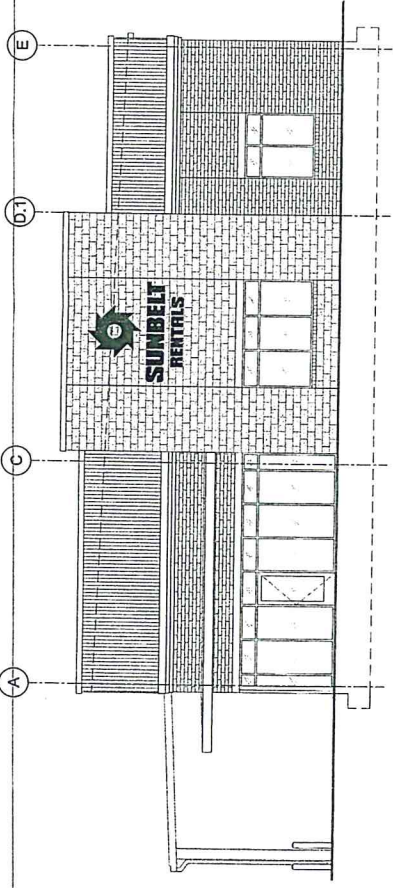
1874 RENOVATION

2022 S. MASON ST  
MADISON, IN 47002

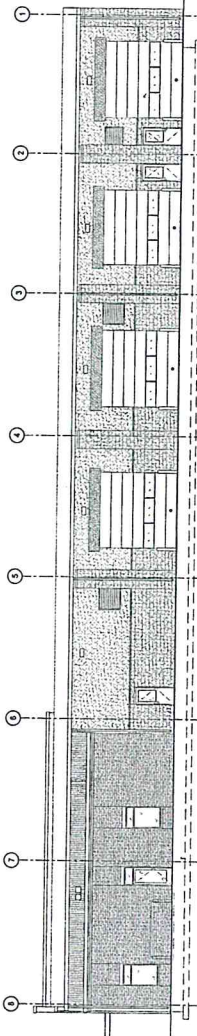
Project Number: 713275  
Scale: AS SHOWN  
Drawn By: DJS, DMJ  
Checked By: DJS, DMJ  
Date: 2024.05.20  
By: SPELMAN DESIGN  
Drawing Title:

EXTERIOR  
ELEVATIONS

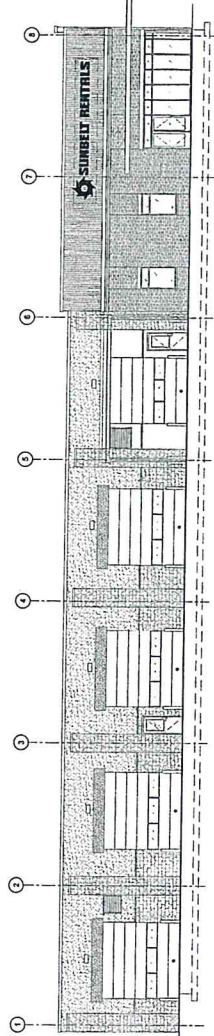
A2.01



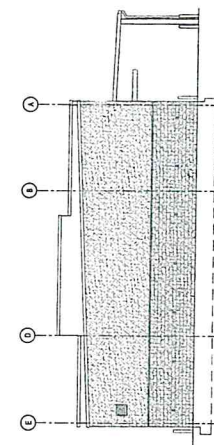
1 ELEVATION  
SCALE: 1/8" = 1'-0"



2 ELEVATION  
SCALE: 1/8" = 1'-0"



3 ELEVATION  
SCALE: 1/8" = 1'-0"



4 ELEVATION  
SCALE: 1/8" = 1'-0"





100% SATISFACTION GUARANTEE  
 NO RISK TO YOU  
 NO OBLIGATION TO YOU  
 NO MONEY TO YOU

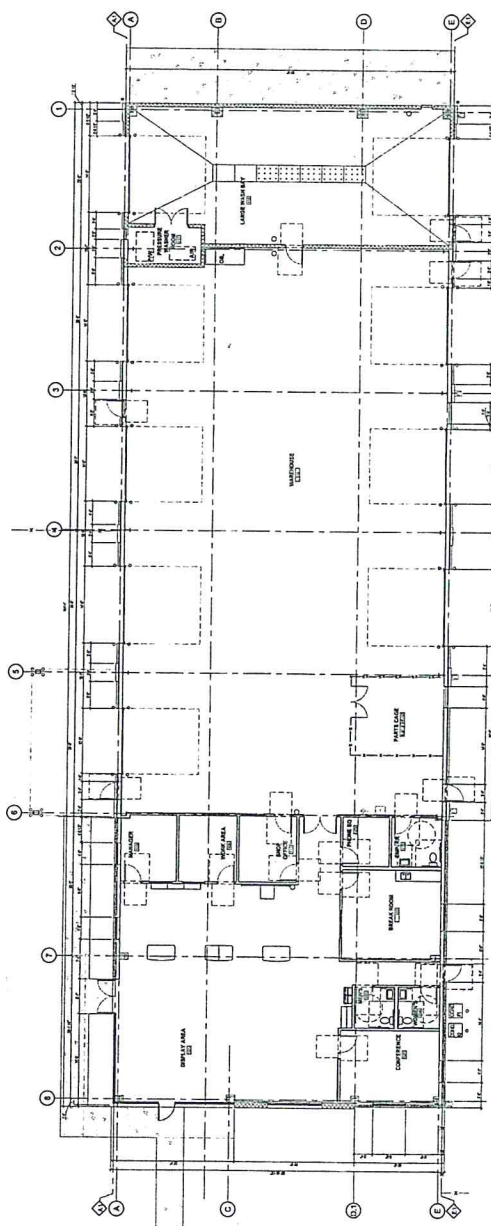


**SUNBELT**  
RENTALS

Project Number:	763275
Scale:	AS SHOWN
Drawn By:	STW, NAR
Checked By:	DPS, DMT
Date:	2024.05.20
Issue:	SCHEMATIC DESIGN

**FLOOR PLAN**

A1.01



**1** FLOOR PLAN  
SCALE: 1/8" = 1'-0"





