

**DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS
MAY - 2024 REGULAR MONTHLY MEETING
REVISED AGENDA**

DATE: May 30, 2024

PLACE: Commissioners Court Room
3rd Floor, Delaware County
Building

TIME: 6:00 P.M.

PLEDGE OF ALLEGIANCE:

INTRODUCTION/CONFIRMATION OF MEMBERS:

ROLL CALL:

	Leslie Mathewson	
	Matt Billington	Mike Jones
	Ellen Brannon	Sue Kaiser
	Delaney Fritch	Allen Wiseley

MINUTES: Consideration of the April, 2024 regular monthly meeting minutes.

OLD BUSINESS:

BZA 10-24 Jurisdiction: Board of Zoning Appeals

Special Use Being a continuation of a public hearing on the matter of an application filed by **Big Oak Park, LLC and Trent Conaway**, 19323 Morrison Way, Noblesville, Indiana, requesting a special use under the terms of the Delaware County Comprehensive Zoning Ordinance to allow expansion of an existing nonconforming campground in a farm zone on premises located at 9401 North County Road 500 West, Harrison Township, Delaware County, Indiana, as more accurately described in the application.

NEW BUSINESS:

BZA 20-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Rodney L. and Nona J. Garringer**, 800 North County Road 600 East, Selma, Indiana, requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow keeping 3 goats and up to 20 chickens on 7 acres in a residence zone on premises located at 800 North County Road 600 East, Liberty Township, Delaware County, Indiana, as more accurately described in the application.

BZA 21-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Orpha Dewitt and James LeRoy**, 1112 South Fullhart Drive, Muncie, Indiana, requesting a variance of use from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a residential accessory building without a dwelling in a residence zone and an increased fence height on premises located south of and adjoining 1112 South Fullhart Drive, Muncie, Indiana, as more accurately described in the application.

BZA 22-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **William J. and Barbara A. Broyles**, 17300 North Willman Road, Eaton, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow the floor area of the accessory buildings to exceed that of the dwelling for a new storage barn in a residence zone on premises located at 17300 North Willman Road, Union Township, Delaware County, Indiana, as more accurately described in the application.

BZA 23-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Jay E. Allardt, Christopher A. Long, Leon A. Mudd and TXCRE Muncie, LLC**, 2665 North White Chapel Boulevard, Southlake, Texas, requesting a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow an increased driveway width for a new fueling station and convenience store development on premises located on the south side of Jackson Street west of Country Club Road, Muncie, Indiana, as more accurately described in the application.

BZA 24-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Indiana Apprenticeship Trust**, 5001 North Shadeland Avenue, Indianapolis, Indiana, requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a light manufacturing and metalworking facility to operate in an existing building in a Variety Business Zone on premises located at 6930 South State Road 67, Salem Township, Delaware County, Indiana, as more accurately described in the application.

BZA 25-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Larry and Stephanie Clapp**, 6320 West Eaton-Wheeling Pike, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a new residential storage barn to be on a parcel without a dwelling in a residence zone on premises located adjacent to and west of 6320 West Eaton-Wheeling Pike, Washington Township, Delaware County, Indiana, as more accurately described in the application.

BZA 26-24 Jurisdiction: Board of Zoning Appeals
Being a public hearing on the matter of an application filed by **Joseph Davis**, 6320 South Proctor Road, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow the floor area of the accessory buildings to exceed that of the dwelling in a residence zone for an addition to a detached garage on premises located at 6320 South Proctor Road, Salem Township, Delaware County, Indiana, as more accurately described in the application.

BZA 27-24 Jurisdiction: Board of Zoning Appeals
Being a public hearing on the matter of an application filed by **Mary Gale Watson**, 7904 South Maple Drive, Daleville, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow placement of a modular home on piers rather than on a foundation on premises located on the north side of Malissa Avenue between County Road 50 West and John Street, Monroe Township, Delaware County, Indiana, as more accurately described in the application.

BZA 28-24 Jurisdiction: Board of Zoning Appeals
Being a public hearing on the matter of an application filed by **SS Freedom, LLC and Margaret Coffin**, 6141 South US Highway 35, Muncie, Indiana, requesting a variance from the terms of the Delaware County Subdivision Ordinance to allow no frontage on a public road and no public access to a public road for a property split to create a new 2.33 acre lot through platting on premises located southwest of and adjoining 6141 South US Highway 35, Monroe Township, Delaware County, Indiana, as more accurately described in the application.

BZA 29-24 Jurisdiction: Board of Zoning Appeals
Being a public hearing on the matter of an application filed by **Kraig A. and Hope E. Lehman**, 1800 West Pineview Drive, Muncie, Indiana, requesting variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow decreased rear and decreased side setbacks for a property split creating a new 1.09 acre lot through platting in a farm zone on premises located at 1800 West Pineview Drive, Hamilton Township, Delaware County, Indiana, as more accurately described in the application.

REPORT FROM DIRECTOR:

ADJOURNMENT:

**DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS
MAY - 2024 REGULAR MONTHLY MEETING
MINUTES**

The Delaware-Muncie Metropolitan Board of Zoning Appeals (BZA) held its regular monthly meeting on Thursday, May 30, 2024 at 6:00 P.M., in the Commissioner's Court Room of the Delaware County Building, Muncie, Indiana. Chairman Leslie Mathewson called the meeting to order.

PLEDGE OF ALLEGIANCE:

INTRODUCTION/CONFIRMATION OF MEMBERS:

Ms. Swackhamer stated that the County Commissioner's had appointed a new member, Matt Billington, to the Board and asked if he would like to say anything to the Board.

Mr. Billington stated that he was excited for the opportunity to add his experience as a real estate investor and a property manager to the Board.

Ms. Swackhamer read the oath of office and asked if Mr. Billington agreed, to respond with "I do", which he did.

ROLL CALL:

Ms. Swackhamer called roll and the following members were present: Mr. Billington, Ms. Fritch, Ms. Mathewson, and Mr. Wiseley. Absent: Ms. Brannon, Mr. Jones and Ms. Kaiser. Also present: Mr. Murphy, attorney for the Board.

MINUTES:

Mr. Wiseley made a motion to approve the April, 2024 regular monthly meeting minutes. Ms. Fritch seconded the motion. Voting in favor: Mr. Billington, Ms. Fritch, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, April 2024 minutes approved.

OLD BUSINESS:

BZA 10-24 Jurisdiction: Board of Zoning Appeals

Special Use Being a continuation of a public hearing on the matter of an application filed by **Big Oak Park, LLC and Trent Conaway, 19323**

Morrison Way, Noblesville, Indiana, requesting a special use under the terms of the Delaware County Comprehensive Zoning Ordinance to allow expansion of an existing nonconforming campground in a farm zone on premises located at 9401 North County Road 500 West, Harrison Township, Delaware County, Indiana, as more accurately described in the application.

Ms. Mathewson stated that due to the number of cases on the schedule, a time limit for each side of 20 minutes would be established, and in order to give everyone an opportunity to speak, try not to repeat things that had already been mentioned.

Trent Conaway, 19323 Morrison Way, Noblesville, IN, appeared. He stated that the Plan Commission had some questions regarding police calls and negative activity at the property and he had provided information for 5 calls made in the past 2.5 years, and none were violent. He stated that he had provided the engineered plans that were approved by the State for the 2 part project which covered the sewer and the expansion by 11 spaces, and correcting the number of sites on the state register. He stated that the sewer system was 2 part; treating the sewage and collecting sewage, and there may have been some confusion on this topic. He stated that treating the sewage meant there would be nothing going into the creek, and they were collecting it with the old system, and added a new system which was approved by the State. He stated that they had started to replace the piping in the campground to collect the sewage, and that they were doing this environmentally correct. He stated that he worked closely with Steve Yeary, the State Health Inspector, and that Mr. Yeary had talked with the County Building Commissioner Mr. Fouch. He stated that he spoke to Mr. Fouch a few days ago, and after talking to Mr. Yeary, it was his understanding that they were both pleased with the progress. He stated that the proposed 11 sites were important for the replacement of the whole system, so that they can move campers around as they replace the pipes to other sites

Mr. Wiseley asked about the older RV's at the back of the site and what was the plan for removing them, or if they were hooked up to services.

Mr. Conaway stated that they store some RV's for \$50 per month, and some were older and needed to be cycled out. He stated that they were not hooked to services and that they had tried to hide them as best they could.

Mr. Billington asked if this was the beginning or the end of the expansion project.

Mr. Conaway stated it was the end of the process. He stated that they put hundreds of thousands of dollars into a system that would take care of exactly 108 camp sites. He stated that it was an advanced system that was studied by an environmental class From Ball State University.

Mr. Wiseley asked if the new sites would be the required 15' apart.

Mr. Conaway stated yes, that being capped at 108 sites they would have more room and that they were very proud of Big Oak Park.

Ms. Mathewson stated that the Board had received pictures that were taken by the Building Commissioner Mr. Fouch, and asked if he would like to share his comments.

Mr. Fouch stated that he worked with Mr. Yeary on a lot of projects and that he had shared that the 11 sites being requested would help with the process of installing the sewer system. He stated that Mr. Yeary had told him that he was pleased with the progress, and that it was a huge project that would not happen overnight, and that they were not concerned about the deadline since he speaks with Mr. Conaway weekly. He stated that one of his concerns was the older campers on the property that do not look lived in, and should not be lived in, need to be removed from the property. He stated that the County Ordinance stated that vehicles needed to be behind a fence out of the public viewing area, and these campers can be seen from the road. He stated that there were some campers that were closer than 15' to each other, and he did speak with Mr. Conaway about some of those things that need to be taken care of, or he would continue to bother him until they were addressed. He stated that he leans towards the State since they had more regulations over campgrounds than the county which was why he worked so closely with Mr. Yeary.

Mr. Billington asked if repositioning the campers to be 15' apart was a minor process.

Mr. Fouch stated that even without the 11 added spaces, there was room to reposition those campers. He stated that he did not know about the volume of campers coming and going, it was possibly just a matter of being in a hurry when they park and that can be corrected.

Ms. Fritch stated that she had heard the number 11 and also 31 and asked for clarification on the request of new sites.

Mr. Fouch stated that the 11 sites were the new ones located near the road where the house had been torn down.

Mr. Daniel stated that the State had authorized 77 sites on there registry, and that Mr. Conaway had stated before he had used more sites, and that the 11 to be added would bring the total to 108 sites.

Mr. Conaway stated that the State had a campground registry and they were listed as having 77 sites, but since he purchased the campground 10 years ago, they had always had around 91 sites. He stated that those sites had all been inspected by the State and that many campgrounds don't match the number of sites listed on the registry. He stated

that the new system would accommodate 108 sites and this would give them a chance to update that information with the State as well. He stated that he would be happy to move the vacant campers out within 30 days, they were only moved to the back to make things look better.

Phil Bonnell, 9009 N. CR 500W, Muncie, Indiana, appeared in opposition. He stated that he had nothing against Mr. Conaway and was in favor of improvements to Delaware County. He stated that he had worked for the State, and had spent a lot of time in campgrounds and had high hopes for this location. He stated that Mr. Conaway had done very little to the campground and had avoided many of the big issues and that there was a lot of potential at this site. He stated that there were years of violation at this site and to avoid those issues Mr. Conaway had closed the bath house and tornado shelter, and this was not a place to take children. He stated that he believed that a residential waste facility had been placed along Kill Buck Creek, and there was history of a negative impact to the creek. He stated that if Mr. Conaway really wanted to develop the campground and do things right, he would be in favor, but he does not believe the Board should allow the expansion without improvements being made first. He stated that it was difficult to take a persons' word for it without some kind of action showing true improvements being made.

Robert Haynes, 8609 N. CR 500W, Muncie, Indiana, appeared in opposition. He stated at the previous meeting he had mentioned some of his concerns. He stated that they had several instances of residents of the campground being intoxicated and that the police had been there many times. He stated that the police have stated there was not much they could do if the residents were walking along the public road. He stated that he was thankful nothing had been stolen yet, but that there had been several instances of people from the campground trespassing on his property. He stated that the property was very unsightly, and he did not understand if it was being used as a campground or a permanent housing development since it was advertised as year-round housing. He asked if that would change the zoning from a campground to a mobile home park since they were not really closed at any time during the year. He stated that all of the residents at the campground use 500 West to go to Muncie to shop and eat, so there is an increase in traffic down the road which does disturb the quiet atmosphere that they were all used to. He stated that when the owner of Emerald Lake tried to fill that in, he had to contact IDEM since he was disturbing more than 1 acre, and had to place the straw blankets at the property. He stated that he had not seen any of that being done at the campground, even when they were working on the septic systems. He stated that his wife was born and raised here, and that many of the neighbors had been here for more than 20 years. He stated that since the previous owner had sold the property, it had really become an eyesore and was not very good for the community to have to deal with.

Bill James, 9221 N. CR 500W, Muncie, Indiana, appeared in opposition. He stated that he was the neighbor that lived the closest to the campground. He stated that based on the number of kids that get on the school bus each morning, the number of cars coming and

going each morning and afternoon, and the number of sheds and fencing built next to the campers, this was more than just a campground.

Mr. Conaway stated that there were only 3 people that stayed at the campground year-round that would call Muncie their home. He stated that the other sites were the construction crews that build the infrastructure and stay for anywhere from 1-6 months at a time. He stated that they do drive to Muncie and spend money at stores and restaurants. He stated that they had no overnight or tent camping, and that this was not a family type of campground. He stated that they do not allow people to stay that do not have their own bathroom facilities, and that they were not required to have restrooms since each site had sewer connections. He stated that the tornado shelter was opened, and that the manager, Charlie Wulloms makes sure that area was opened when there was a warning issued. He stated that Mr. Yeary was there all of the time, and that the sewer system was being done right and was a top-notch system. He stated that Mr. Yeary had talked to some of the neighbors across Kill Buck Creek and assured that that the new sewer system had been running for over a year and there was no sewage going into the creek. He stated that while they were installing the new system, he paid over \$40,000 having the sewage hauled away by Lancaster Septic. He stated that they did have some people who rented sheds for storage and that they were open during the winter, even though it was difficult to be open at that time of year. He stated that many times friends want to camp side by side and sometime they get closer than the required 15' to each other, and he would make sure that was corrected.

Ms. Mathewson stated that for the record, there were some additional letters that had been submitted and asked Ms. Swackhamer to address those.

Ms. Swackhamer stated that a letter from Mr. Daniel and Mr. Fouch had been submitted with pictures, and she thought they had covered much of what was written. She stated that an email had been received from Steve Davis, 8901 N. CR 500W, expressing his concerns with the condition of the campground, police visits to the site, and the owners' attitude towards correcting these issues, including pictures of the needles/trash that he previously mentioned and a Facebook listing for Big Oak diagraming 130 sites. She stated that a letter from Mr. Yeary, Indiana State Department of Health, dated May 21st discussing a meeting they recently had and that Mr. Conaway was working through the list of issues that needed to be finished (all letters can be found in file BZA 10-24).

Mr. Conaway stated that there were not 130 sites, the map was not numbered in order.

Mr. Wiseley made a motion to approve BZA 10-24, the appeal of Big Oak Park, LLC with the following conditions: 1) that all vehicles not hooked to utilities be removed from the property or hooked up and; 2) That the campers be moved to meet the 15' requirement between them. Ms. Fritch seconded the motion. Voting in favor: Mr. Billington. Voting against: Ms. Fritch, Ms. Mathewson, and Mr. Wiseley. Motion failed, no official action.

Mr. Murphy stated that unless the Board would like to consider a different motion at this time, it would be continued to the next meeting.

Mr. Conaway asked for clarification.

Ms. Mathewson stated that in order to have official action, there needed to be a majority of votes in favor or against and with a 7-member board, that would mean 4 votes. She stated with only 4 members present and a vote of 3 no and 1 yes, that was not official action, the case would be continued to the June 27, 2024 meeting, unless the Board would entertain a different motion that resulted in official action being taken.

Ms. Mathewson stated that seeing no further motion being made, BZA 10-24 would be continued to the June 27, 2024 regular meeting.

NEW BUSINESS:

BZA 20-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Rodney L. and Nona J. Garringer**, 800 North County Road 600 East, Selma, Indiana, requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow keeping 3 goats and up to 20 chickens on 7 acres in a residence zone on premises located at 800 North County Road 600 East, Liberty Township, Delaware County, Indiana, as more accurately described in the application.

Rodney Garringer, 800 N CR 600 E, Selma, Indiana, appeared. He stated that they had no idea until a month ago that they were violating any ordinances since they had no complaints from neighbors. He stated that they had 3 goats and 11 chickens and they discovered it was all rezoned residential not farming like they thought. He stated that they had a house fire and when having a footer inspection, the Building Commissioner noticed the animals.

Ms. Mathewson stated that the application indicated that they had talked with some of the neighbors and asked what they had to say about the request.

Mr. Garringer stated that they were all positive and that a few had been in attendance but had to leave the meeting.

Tim Bertram, 808 N. CR 600 E, Selma, Indiana, appeared. He stated that he lived next door to them and that he was in favor of the request.

No one appeared in opposition.

Ms. Swackhamer read a letter that was received from Linda Kronz that stated she lived across the street from the Garringer's property, and that the animals were well maintained and she did not see a problem with the request.

Mr. Wiseley made a motion to approve BZA 20-24 the appeal of Rodney and Nona Garringer with the hardship as stated in the application with the condition that it be for the applicant only. Ms. Fritch seconded the motion. Voting in favor: Mr. Billington, Ms. Fritch, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 20-24 approved.

BZA 21-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Orpha Dewitt and James LeRoy**, 1112 South Fullhart Drive, Muncie, Indiana, requesting a variance of use from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a residential accessory building without a dwelling in a residence zone and an increased fence height on premises located south of and adjoining 1112 South Fullhart Drive, Muncie, Indiana, as more accurately described in the application.

Orpha DeWitt, 1111 S. Fullhart Dr., Muncie, Indiana, appeared. She stated that she currently owned the property adjoining 1112 S. Fullhart and that Mr. LeRoy would purchase that parcel if his variance was approved.

James LeRoy, 1112 S Fullhart Dr., Muncie Indiana, appeared. He stated that he hoped to add 14' on the north side of the existing garage for his shop space. He stated that it was built on the lowest part of the lot and that he would need to raise the whole structure, and that the fence would be the typical 4' tall chain link fence.

Mr. Wiseley asked if this would be for personal storage and if he would be installing any plumbing.

Mr. LeRoy stated that it would be for personal use and that he would only have electrical at this time, but might like to add a bathroom later.

No one appeared in opposition.

Mr. Wiseley made a motion to approve BZA 21-24 the appeal of James LeRoy and Orpha DeWitt with the hardship as stated in the application. With the condition that it be for personal use only. Ms. Fritch seconded the motion. Voting in favor: Mr. Billington, Ms. Fritch, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 21-24 approved.

BZA 22-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **William J. and Barbara A. Broyles**, 17300 North Willman Road, Eaton, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow the floor area of the accessory buildings to exceed that of the dwelling for a new storage barn in a residence zone on premises located at 17300 North Willman Road, Union Township, Delaware County, Indiana, as more accurately described in the application.

William Broyles, 17300 N Willman Rd., Eaton, Indiana, appeared with his wife Barbara Broyles. He stated that they would like to build a small pole barn to enclose their cars and a boat to be out of the weather. He stated that they would not have a bathroom or water to the barn and it would only be for personal use. He stated that they talked to some neighbors and had no concerns mentioned.

No one appeared in opposition.

Mr. Wiseley made a motion to approve BZA 22-24 the appeal of William J. and Barbara A. Broyles with the hardship as stated in the application with the condition that it be for personal use only. Voting in favor: Mr. Billington, Ms. Fritch, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 22-24 approved.

BZA 23-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Jay E. Allardt, Christopher A. Long, Leon A. Mudd and TXCRE Muncie, LLC**, 2665 North White Chapel Boulevard, Southlake, Texas, requesting a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow an increased driveway width for a new fueling station and convenience store development on premises located on the south side of Jackson Street west of Country Club Road, Muncie, Indiana, as more accurately described in the application.

Eric Boyd, with CESO, 3601 W Rigby Rd. Miamisburg, Ohio, appeared representing the developer. He stated that they were seeking a variance from the maximum driveway width to allow for safe entrance of the fueling truck onto the site. He stated that the driveway was existing at that width and that they were not looking to widen it any further.

Mr. Wiseley stated that they were planning on replacing the trees at the 2:1 ratio and that he was very impressed by that.

No one appeared in opposition.

Mr. Wiseley made a motion to approve BZA 23-24 the appeal of Jay E. Allardt, Christopher A. Long, Leon A. Mudd and TXCRE Muncie, LLC, with the hardship as stated in the application. Ms. Fritch seconded the motion. Voting in favor: Mr. Billington, Ms. Fritch, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 23-24 approved.

BZA 24-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Indiana Apprenticeship Trust**, 5001 North Shadeland Avenue, Indianapolis, Indiana, requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a light manufacturing and metalworking facility to operate in an existing building in a Variety Business Zone on premises located at 6930 South State Road 67, Salem Township, Delaware County, Indiana, as more accurately described in the application.

Kathy Vannice, 325 W Washington St., Muncie, Indiana, appeared to represent the applicant. She stated that this was for the ABC property which was located at the northside of the property. She stated that under the Central Business Zone a permitted use was a machine shop, and that they were struggling somewhat with the definition of what this company does. She stated that they turn a lathe that produces compressed springs that would be sent to other places. She stated that the company itself sent in a letter from a nearby neighbor at another facility discussing how quiet the machine was while operating. She stated that the ABC training center had evening hours and that the new company would be closed in the evening and only operate during the daytime working hours. She stated that they would not be adding on to the existing building at this time.

Jeremy Champus, 252 High Street, Middletown, Indiana, with Neturen USA, appeared. He stated that they were the company interested in buying the property and that they were a CNC manufacturer of induction heat treated parts. He stated that all they would do here was make the tooling that heat treats parts, and that they would not be producing loud noises or emissions. He stated that they had 7 staff members and would possibly increase that in the future, and that they would not be open to the public.

Don Hansing 7005 S. CR 300 W, Muncie, Indiana, appeared in opposition. He stated that he lived adjacent to that property and that he was not necessarily against the request, but he had some concerns. He stated that he used to work in CNC manufacturing and that a lot of degreasers were used and he was concerned about those contaminating the ground water since they had a septic system.

Mr. Champus stated that they used safety clean and that nothing goes down the septic. He stated that they had recycling bins for all of the metal shavings that they had picked

up by Omni-Source and that they filter and reuse everything. He stated that they self-contain all of the fluid and that they had been reusing the same fluid for 2 years and that they just add to it due to evaporation.

Ms. Swackhamer stated that a letter was received from Jason Short, a neighboring business of Neturen stating that they had no concerns or issues and that they shared a common wall with their shop in Noblesville. She also stated that a brief video had been shared with the Board to show the entrance of the current shop in Noblesville.

Mr. Wiseley made a motion to approve BZA 24-24 the appeal of Indiana Apprenticeship Trust, with the hardship as stated in the application with the condition that the hours of operation be limited to Monday through Friday from 6:00 AM to 5:30 PM as stated in the application. Ms. Fritch seconded the motion. Voting in favor: Mr. Billington, Ms. Fritch, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 24-24 approved.

BZA 25-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Larry and Stephanie Clapp**, 6320 West Eaton-Wheeling Pike, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a new residential storage barn to be on a parcel without a dwelling in a residence zone on premises located adjacent to and west of 6320 West Eaton-Wheeling Pike, Washington Township, Delaware County, Indiana, as more accurately described in the application.

Larry Clapp, 6320 W. Eaton-Wheeling Pike, Muncie, Indiana, appeared. He stated that they would like to build a new storage building for their vehicles and trailer and that they would only have electric and no bathroom.

Ms. Mathewson stated that the application stated personal use only and no business use.

Mr. Clapp stated that was correct.

Ms. Mathewson asked if they had heard any complaints or concerns from neighbors.

Mr. Clapp stated no.

No one appeared in opposition.

Mr. Wiseley made a motion to approve BZA 25-24 the appeal of Larry and Stephanie Clapp with the hardship as stated in the application with the condition that the storage building be for

personal use only. Ms. Fritch seconded the motion. Voting in favor: Mr. Billington, Ms. Fritch, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried BZA 25-24 approved.

BZA 26-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Joseph Davis**, 6320 South Proctor Road, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow the floor area of the accessory buildings to exceed that of the dwelling in a residence zone for an addition to a detached garage on premises located at 6320 South Proctor Road, Salem Township, Delaware County, Indiana, as more accurately described in the application.

Joseph Davis, 6320 S. Proctor Rd., Muncie, Indiana, appeared. He stated that he would like to add a 30' x 40' addition to the existing garage. He stated that he had talked to his neighbors and that many of them had offered to come to the meeting to show support.

Ms. Mathewson asked if this would be for personal use only and no business operations.

Mr. Davis stated that was correct.

Mr. Wiseley asked if he would be tearing down the old shed after the new building was built.

Mr. Davis stated yes.

No one appeared in opposition.

Mr. Wiseley made a motion to approve BZA 26-24 the appeal of Joseph Davis with the hardship as stated in the application with the following conditions; 1) That the building be for personal use only and; 2) That the existing storage shed be demolished after the garage addition is complete. Ms. Fritch seconded the motion. Voting in favor: Mr. Billington, Ms. Fritch, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 26-24 approved.

BZA 27-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Mary Gale Watson**, 7904 South Maple Drive, Daleville, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow placement of a modular home on piers rather than on a foundation

on premises located on the north side of Malissa Avenue between County Road 50 West and John Street, Monroe Township, Delaware County, Indiana, as more accurately described in the application.

Gale Watson, 7904 S. Maple Dr., Muncie, Indiana, appeared. She stated that she was purchasing a new manufactured home, and that the builder had recommended it to be placed on piers. She stated that she was trying to save money since she had 2 teenagers at home and was on a fixed income. She stated that it would be 1500 square feet and have 3 bedrooms and 2 bathrooms, and that she did not believe it would have a negative effect on the area.

Paul Mosser, 710 W. Melissa Dr., Muncie, Indiana, appeared in opposition. He stated that he lived directly east of this property and had mowed this lot for many years to help Ms. Watson, but that he had concerns about his property value. He stated that all of the other homes in the area were on foundations and although it may not be an issue, he would like to see her follow the rules. He stated that since the property was 4 lots he wondered if more homes could be placed on the property. He stated that he did not want to add any financial hardship to Ms. Watson, he would just like to see it built right and not affect his property.

Susan Kiplinger, 801 W. Malissa Ave., Muncie Indiana, appeared in opposition. She stated that she was a single person and knows things can be tough and she did not want to cause any financial hardships either. She stated that she had concerns that this could decrease her property value and that her insurance company stated that could happen.

Mr. Daniel stated that this was an unusual request, and that the Building Commissioner, Mr. Fouch had asked for the building specifications to look at the foundation recommended by the manufacturer of the home. He stated that once Mr. Fouch reviewed those plans, he had indicated that the piers would work and if granted by the Board, Mr. Fouch could approve a permit for the structure.

Ms. Fritch asked why the manufacturer recommended this model of home to be placed on piers.

Ms. Watson stated she did not know the reason, she only knew that was their recommendation. She stated that she called John Jett, a contractor about installing the piers and he also thought it was a good way to place the home.

Mr. Billington asked the difference in the price between the piers and a foundation.

Ms. Watson stated she did not know the prices, she only knew that it was a lot more for a foundation. She stated that with the piers, they do each pier instead of digging the whole area for the foundation.

Ms. Fritch asked Mr. Billington if he had any comments regarding the property value.

Mr. Billington stated that he used to work for an engineer for manufactured housing, and this was probably a steel frame structure and that was why they recommended the piers. He stated that on a personal note, he would rather have his neighbors' homes be on a traditional foundation and that it would make for a better home.

Mr. Wiseley made a motion to approve BZA 27-24 the appeal of Mary Gale Watson with the hardship as stated in the application. Ms. Fritch seconded the motion. Voting in favor: Ms. Fritch. Voting against: Mr. Billington, Ms. Mathewson, and Mr. Wiseley. Motion failed, no official action. BZA 27-24 will be automatically continued to the June 27, 2024 regular monthly meeting.

Mr. Wiseley asked if the Board could have copies of the building specifications for next month to review.

Mr. Billington stated that for her own knowledge, Ms. Watson should find prices for a foundation because he did not believe it would be as scary as she thought and that she would be happier.

BZA 28-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **SS Freedom, LLC and Margaret Coffin**, 6141 South US Highway 35, Muncie, Indiana, requesting a variance from the terms of the Delaware County Subdivision Ordinance to allow no frontage on a public road and no public access to a public road for a property split to create a new 2.33 acre lot through platting on premises located southwest of and adjoining 6141 South US Highway 35, Monroe Township, Delaware County, Indiana, as more accurately described in the application.

Kathy Vannice 325 W. Washington Street, Muncie IN, appeared to represent the applicant. She stated that they intend to divide the 2.33 acre parcel for their son to purchase and build a home. She stated that they would continue to own and operate the existing nursery on the rest of the property. She stated that in the plat meeting they would be addressing the maintenance and usage of the access to the highway since they would continue to use the existing driveway.

Mr. Wiseley asked if they would be recording an easement for that access.

Ms. Vannice stated yes, that would be part of the plat process including the maintenance of that drive.

Molly Wilhite, 6141 S. US 35, Muncie, Indiana, appeared. She stated that the property was so beautiful and some of that would be lost if another driveway were to be added.

Ross Wilhite, 6221 S US 35, Muncie, Indiana, appeared. He stated that he currently lived on the property and would like to build the new home with his wife. He stated that he was part owner of the nursery and they would need to remove some of their crops and trees to install another driveway. He stated that it would be an added expense to place a driveway for the new house.

No one appeared in opposition.

Mr. Wiseley made a motion to approve BZA 28-24 the appeal of SS Freedom, LLC and Margaret Coffin with the hardship as stated in the application with the condition that the platting process be completed and recorded. Ms. Fritch seconded the motion. Voting in favor: Mr. Billington, Ms. Fritch, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 28-24 approved.

BZA 29-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Kraig A. and Hope E. Lehman**, 1800 West Pineview Drive, Muncie, Indiana, requesting variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow decreased rear and decreased side setbacks for a property split creating a new 1.09 acre lot through platting in a farm zone on premises located at 1800 West Pineview Drive, Hamilton Township, Delaware County, Indiana, as more accurately described in the application.

Kathy Vannice 325 W Washington Street, Muncie, Indiana appeared to represent the applicant. She stated that there was an existing accessory structure on the northeast side of the property, and once they divide the parcel the accessory structure will be too close to the newly created property line. She stated that they would be going through the platting process to establish a new 1 acre parcel which was on sewer and would have no need for a septic system.

Mr. Wiseley asked if the goal was to eventually build a house on the new parcel and if so, would the access be from Shaffer Road.

Ms. Vannice stated that they would probably have access from Pineview, but she did not know the potential buyers, only the sellers.

Clayton Kimbrel, 1090 E Case Blvd., Eaton, Indiana, appeared. He stated that he was the potential buyer and he had no issue with the shed that would be on the adjacent property.

No one appeared in opposition.

Mr. Wiseley made a motion to approve BZA 29-24 the appeal of Kraig A. and Hope E. Lehman with the hardship as stated in the application with the condition that the platting process be completed and recorded. Ms. Fritch seconded the motion. Voting in favor: Mr. Billington, Ms. Fritch Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion approved, BZA 29-24 approved.

DIRECTORS REPORT:

Ms. Swackhamer stated that she had provided the Board with a report of the building permit numbers along with the inspection and complaint report. She reminded the Board that of the permit revenue, 90% went to County General and 10% was placed in the Unsafe Housing Fund. She stated that Ms. Murrell was also beginning to help Mr. Fouch with the complaints by doing inspections, taking pictures, and sending those notification letters. She also stated that the office had 2 grad students at this time, Adrienne Baker and Sajjad Naseri who have both been working in the office. She stated that Ms. Baker was in attendance at this meeting and had been working with Mr. Daniel a lot on the case analysis for this meeting. She stated that the MPO portion of the office was working on a Regional Transportation Safety Action Plan through a grant and that Mr. Naseri would be working on that 30 month long project which was funded through a grant (Director’s Report attached). She also reported that a resolution memorializing Marta Moody had been introduced by Senator Scott Alexander at a previous County Commissioner’s meeting. She stated that a framed copy of that honor would be hung outside of the Plan Commission with a plaque.

Mr. Wiseley asked if there was any word on the plaque that was to be placed at the Cardinal Greenway bridge honoring Marta.

Ms. Swackhamer stated that Angie Poole had stated that it would possibly be springtime, and that she would check back with her and try and find out. She stated that there were many people that would like to be there for that and it would be nice to share that information.

ADJOURNMENT:

Leslie Mathewson, Chairman

Kylene Swackhamer, Secretary