

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

DATE: June 27, 2024

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

TIME: 6:00 P.M.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Leslie Mathewson

Matt Billington

Mike Jones

Ellen Brannon

Sue Kaiser

Delaney Fritch

Allen Wiseley

MINUTES: Consideration of the May, 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.

BZA 27-24 Jurisdiction: Board of Zoning Appeals

Being a continuation of 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.

NEW BUSINESS:

BZA 30-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **CRU Properties, LLC**, 11401 East Windsor Road, Selma, Indiana, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow decreased front setbacks, decreased lot widths and decreased lot areas, increased lot coverage, decreased dwelling widths, decreased side setbacks and a decreased sidewalk width along Walnut Street, all for seven new townhouses on seven individual replatted lots on premises located on the east side of Walnut Street north of Columbus Avenue, Muncie, Indiana, as more accurately described in the application.

BZA 31-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Cathy Jean Staton and Steven Dennis Staton**, 6415 South County Road 275 West, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a new residential swimming pool to be placed in the side yard on premises located at 6415 South County Road 275 West, Monroe Township, Delaware County, Indiana, as more accurately described in the application.

BZA 32-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Lauren Cunningham**, 10871 West County Road 700 South, Middletown, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a new guest house/studio as an accessory to a residence in a farm zone on premises located at 10871 West County Road 700 South, Salem Township, Delaware County, Indiana, as more accurately described in the application.

BZA 33-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Open Door Health Services, Incorporated**, 333 South Madison Street, Muncie, Indiana, requesting a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow decreased parking for a new health clinic and housing development on premises located on the north side of Memorial Drive west of Pierce Street, Muncie, Indiana, as more accurately described in the application.

BZA 34-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Old Westend Economic Redevelopment Corporation**, PO Box 1614, Muncie, Indiana, requesting a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow decreased parking for a 6-unit residential remodel and addition to an existing house on premises located at 719 West Charles Street, Muncie, Indiana, as more accurately described in the application.

BZA 35-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Priscilla N. Ervin-Beasley and Samuel J. Beasley**, 1115 North Brentwood Lane, Muncie, Indiana, requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a dance studio business in an existing church building in a residence zone on premises located at 6113 East Jackson Street, Liberty Township, Delaware County, Indiana, as more accurately described in the application.

BZA 36-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Chanda Hubble and Randy Smith**, 7601 North Walnut Street, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a decreased front setback for a new detached garage in a residence zone on premises located at 7601 North Walnut Street, Hamilton Township, Delaware County, Indiana, as more accurately described in the application.

BZA 37-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **KMAC Enterprises Incorporated and Steve L. Riedman**, 2472 North County Road 150 East, Rushville, Indiana, requesting a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow the drive through to be located between the new building and Bethel Avenue for a new 7 Brew coffee business development on premises located at 4105 West Bethel Avenue, Muncie, Indiana, as more accurately described in the application.

REPORT FROM DIRECTOR:

ADJOURNMENT:

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

The Delaware-Muncie Metropolitan Board of Zoning Appeals (BZA) held its regular monthly meeting on Thursday, June 27, 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:

ROLL CALL:

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

MINUTES:

Mr. Wiseley made a motion to approve the May 2024 regular monthly meeting minutes with the correction to the signature line on page 15. Ms. Fritch seconded the motion. Voting in favor: Mr. Billington, Ms. Fritch, Ms. Kaiser, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Abstaining: Mr. Jones. Motion carried, May 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 this would be the third time this request was before the Board for consideration. She stated that the members had all of those minutes and other information that had been provided, and asked for new updates since the May 2024 meeting, where this matter had been continued.

Tent Conaway, 19323 Morrison Way, Noblesville, Indiana, appeared. He stated that he had gone through all of the steps that were required for the state expansion plan, septic plans, stormwater plans, along with the requirements for a campground. He stated that there had been Board members that voted against the request and he was confused by that since he had completed all of the requirements. He stated that a complaint had

been due to him being an absentee owner, and he wanted to clear that up by giving a little history on his family. He stated that his grandfather grew up in Muncie and was the Pastor at Glad Tidings Church, and his parents were both born here and both went to Ball State. He stated that his mom was a teacher for over 30 years and that his dad worked at GM and also had his teaching degree. He stated that his uncle was a football coach and mentor at Central High School and was a big part of the community. He stated that he was also born here, went to Delta High School and Ball State University, worked at Ontario Systems, and after getting married he lived in Yorktown. He stated that he volunteered for Habitat for Humanities for 5 years, and that he was not an out of town owner, and given the complaints, he would like to know why the members are voting no so that he can try and clear up any confusion.

Ms. Mathewson stated that the members had no obligation to explain their vote, and that it was up to Mr. Conaway to advocate for his request.

Mr. Conaway stated that he would like to have an opportunity to answer questions since he had met the requirements and no one had asked him any questions so far.

Ms. Mathewson asked the Board if they had any questions for Mr. Conaway.

Ms. Conaway stated that if there were no questions and people were voting no, he was confused.

Mr. Billington asked about the time frame between plans being approved by the State and completion of the project.

Mr. Conaway stated that plans were made and that approval is based on doing what those plans say to meet the requirements, and that was maybe a 1-2 month project. He stated that he was working with the State and that they were pleased with the progress of the sewer system. He stated that it was also in the plans to get rid of some of the campers and to make sure that they were not any closer than the 15' to each other.

Mr. Wiseley asked about the timeline on having the entire septic system completed.

Mr. Conaway stated that he was working Steve Yeary with the State and that they were looking at being completed over the winter, by March 20, 2025. He stated that part of the process was to move the campers to the new sites, fix those older sewer lines and keep moving the campers in that manner. He stated that they had completed 14 sites so far that had the old pipes, and Mr. Yeary wanted all the sites to be updated. He stated that the treatment center was all complete so there was nothing going into the creek and that now it was a matter of replacing all of those pipes.

Mr. Jones stated that some of the concerns were the condition of the campground and the debris everywhere that needed cleaned up.

Mr. Conaway stated that there is none.

Mr. Jones stated that he had been there.

Mr. Conaway asked if he had been there in the past year.

Mr. Jones stated he had been there in the past week, and he did not say it was terrible, but things could look better and asked what the plans were to improve the overall look of the property.

Mr. Conaway stated that for what they were providing, all of the sites were being improved and that all but 1 of the unused mobile homes had been removed.

Robert Haines, 8609 N. CR 500W, Muncie, Indiana, appeared in opposition. He stated that he lived on 500 W where the campground was located, and had lived here his whole life. He stated that the only thing new was the drainage at SR 28 being plugged up on the east side. He stated that he first thought a neighbor had done this, but he had noticed a fresh batch of millings and stones at the campground and wondered if they had done this to keep the campers from going off into the ditch. He stated that he had checked with Tommie Humbert at the County Highway Department and he stated that this culvert belonged to the State. He stated that when they mentioned police reports and calls being made, Mr. Conaway reported the ones from the campground, but that many calls came from the surrounding neighbors addresses. He stated that there had been many instances of trespassing, vehicles stuck overnight on their property, and other activity that had been mentioned before and he just wanted to bring up the fact that those calls came from surrounding neighbors. He stated that his biggest reason for coming to speak was that they live on County Road 500 W and have to deal with this every day all hours of the day and night.

Mr. Mathewson stated that she was not sure the drainage issue was something the Board could address.

Mr. Conaway stated that the entrance to the property used to back up and he was not sure who installed the culvert by that he had worked closely with Courtney Pruit with Stormwater Management to completely redo that area by the road and that the millings were 60'-70' from the road.

Mr. Wiseley stated that this was a months long process and he would like to separate this into 2 separate motions and votes; first to bring this up to the 89 sites to be in compliance since that was what he currently had in use, and second for the expansion.

Mr. Wiseley made a motion to approve BZA 10-24 the appeal of Big Oak Park, LLC with the following conditions: 1) That the approval is for 89 campsites; 2) That all campers be at least 15' apart; and 3) That all non-used campers be hooked to utilities or removed. Mr. Jones seconded that motion. Voting in favor: Mr. Billington, Ms. Fritch, Mr. Jones, Ms. Kaiser, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 10-24 approved for 89 campsites.

Mr. Wiseley made a motion to approve BZA 10-24 the appeal of Big Oak Park, LLC to allow 108 campsites with the following conditions: 1) That the approval is for 108 campsites; 2) That all campers be at least 15' apart; and 3) That all non-used campers

be hooked to utilities or removed. Ms. Fritch seconded that motion. Voting in favor: Mr. Billington, Mr. Jones, and Ms. Kaiser. Voting against: Ms. Fritch, Ms. Mathewson, and Mr. Wiseley. Motion failed, no official action taken.

Mr. Murphy stated if there were no other motions, it would be continued to the next meeting.

Mr. Conaway asked if there could be any other conditions placed for another vote.

Mr. Billington asked if a timeframe of 6 months could be a condition to allow for completion.

Ms. Swackhamer asked if that timeframe would be for the septic system to be complete.

Mr. Billington stated it should for compliance with the State regarding the septic and sewer system.

Mr. Wiseley asked if the collection system was complete.

Mr. Conaway stated that the treatment system was finished, that replacing the old pipes with the new ones was not finished.

Ms. Swackhamer read the letter written on May 21, 2024, from Steve Yeary regarding the expansion stating that the he was most concerned with re-sewering the sites and that was nearly complete, and that the perimeter drain outlet was being protected, and that the short list of items needing finished was nearly complete, and that the total replacement could take years. She stated that basically Mr. Yeary's letter was stating that the crucial items had been addressed but that this was an on-going process, so that should be considered when determining a timeframe.

Mr. Murphy asked to understand that motion, it was that the State should be satisfied with the progress within 6 months.

Mr. Billington stated that he felt that was a reasonable condition since it had been going on for so long.

Ms. Swackhamer asked if that would just require a letter from Mr. Yeary that he was satisfied with the progress at that time.

Mr. Murphy stated yes.

Mr. Billington made a motion that BZA 10-24 the appeal of Big Oak Park, LLC to allow 108 campsites with the following conditions: 1) That all campers be at least 15' apart; 2) That all non-used campers be hooked to utilities or removed; and 3) That the campground be in compliance with all state regulations within 6 months. Mr. Wiseley seconded that motion. Voting in favor: Mr. Billington, Mr. Jones, Ms. Kaiser, Ms. Mathewson, and Mr. Wiseley. Voting against: Ms. Fritch. Motion carried, BZA 10-24 approved.

BZA 27-24 Jurisdiction: Board of Zoning Appeals

Being a continuation of 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.

Ms. Swackhamer read an email received from Ms. Watson stating that she would like to withdraw her request and would build her home on a permanent foundation.

Mr. Murphy recommended a voice vote to withdraw the request.

Mr. Wiseley made a motion to approve BZA 27-24 the appeal of Mary Gale Watson to be withdrawn per the applicant's request. Mr. Jones seconded the motion. All in favor: Mr. Billington, Ms. Fritch, Mr. Jones, Ms. Kaiser, Ms. Mathewson, and Mr. Wiseley. Opposed: None. Motion carried, BZA 27-24 withdrawn.

NEW BUSINESS:

BZA 30-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **CRU Properties, LLC**, 11401 East Windsor Road, Selma, Indiana, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow decreased front setbacks, decreased lot widths and decreased lot areas, increased lot coverage, decreased dwelling widths, decreased side setbacks and a decreased sidewalk width along Walnut Street, all for seven new townhouses on seven individual replatted lots on premises located on the east side of Walnut Street north of Columbus Avenue, Muncie, Indiana, as more accurately described in the application.

John Shamblast, co-owner of CRU Properties, LLC, 315 E Columbus Ave, Muncie, Indiana, appeared. He stated that the goal was to develop 7 townhomes on 5 existing parcels in the McKinley neighborhood. He stated that they would like to split the 5 parcels into 7 to allow for individual lots, each with a single-family home.

Mr. Mathewson asked if part of the request was to allow the 5' wide sidewalk to remain as opposed to expanding to the 6' wide required sidewalk.

Mr. Shamblast stated that he had a letter from the City Engineer, Adam Leach, stating that he accepted the 5' wide sidewalk and that it was in good condition. He stated that he also had a letter from Jeff Howe, Director of Muncie redevelopment Commission expressing his support of the project. He stated that they had reviewed the City View townhomes projects that had requested variances, and that these were similar.

Mr. Wiseley stated that on the site plan there was a unit marked 7A that had a driveway leading back, and asked if that was an existing drive.

Mr. Shamblast stated no, this was a plan for the future phases of the development since the area at Columbus and Walnut would be more of a mixed-use space, and the drive would help set the divide between the homes and commercial buildings.

Mr. Wiseley stated that with the school being so close he had some concerns about another drive leading out to Walnut.

Mayor Dan Ridenour appeared in support. He stated that they had been working with the neighborhood for approximately 6 years and were attempting to do what those residents were asking for. He stated that the neighborhood had set up some guidelines which were being followed, and that they were excited about the development. He stated that these were homes that would be for sale and would create more ownership in the neighborhood, and that they were excited for what this could mean for the community. He stated that the city was very supportive and that they had worked diligently to find a local builder and that they were thankful for CRU Properties as that developer.

Ms. Swackhamer read the letter from Mr. Leach, City Engineer regarding his satisfaction with the existing sidewalk. She also read a letter of support from Mr. Howe, Director of Muncie Redevelopment Commission stating that this project fits with the McKinley Live Learn design standards and goals for the neighborhood. She also stated that a letter from Lorey Stinton was received and asked if the Board would like her to read that email.

Ms. Mathewson stated that for the record, we would make note of when it was received and from whom, and it would become part of the record.

Ms. Swackhamer stated that an email had been received June 27, 2024 from Lorey Stinton regarding this project, and noted that all of the Board members did receive a copy of that email.

Mr. Wiseley stated that one of the points in Ms. Stinton's letter was that 1 shade tree per unit was a well taken point and asked Mr. Shamblast his thoughts on that matter.

Mr. Shamblast stated that they were still in the planning process and he is looking for feedback, and that they would include any requirements in those final plans.

Ms. Swackhamer stated that those site plans will be submitted to the Plan Commission and be reviewed and if anything was found to not be in compliance, they could make those corrections at that time.

No one appeared in opposition.

Mr. Wiseley made a motion to approve BZA 30-24 the appeal of CRU Properties, LLC with the hardship as stated in the application with the condition that an acceptable landscape plan be submitted. Ms. Fritch seconded the motion. Voting in favor: Mr. Billington, Ms.

Fritch, Mr. Jones, Ms. Kaiser, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 30-24 approved.

BZA 31-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Cathy Jean Staton and Steven Dennis Staton**, 6415 South County Road 275 West, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a new residential swimming pool to be placed in the side yard on premises located at 6415 South County Road 275 West, Monroe Township, Delaware County, Indiana, as more accurately described in the application.

Cathy Staton, 6415 S. CR 275W, Muncie, Indiana, appeared. She stated that they built this home 3 years ago and that they considered the area for the new pool to be their back yard.

Mr. Wiseley asked if they would be installing a fence around the pool area.

Ms. Staton stated yes, they had an existing deck and they planned on placing that fence within a month.

No one appeared in opposition.

Mr. Wiseley made a motion to approve BZA 31-24 the appeal of Cathy and Steven Staton with the hardship as stated in the application with the condition that the required fence be installed around the pool area. Ms. Kaiser seconded the motion. Voting in favor: Mr. Billington, Ms. Fritch, Mr. Jones, Ms. Kaiser, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 31-24 approved.

BZA 32-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Lauren Cunningham**, 10871 West County Road 700 South, Middletown, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a new guest house/studio as an accessory to a residence in a farm zone on premises located at 10871 West County Road 700 South, Salem Township, Delaware County, Indiana, as more accurately described in the application.

Mr. Daniel stated that the required legal notice had been posted in the newspaper and sent to surrounding property owners, however the sign that was required to be posted 10 days prior to the meeting had not been done in this case.

Ms. Cunningham stated that since she had previously filed a variance, she did not think that she needed to post a sign again.

Mr. Murphy stated that this was a similar situation that the Board had dealt with before, and that they should vote to continue the case in order to be in compliance, and that no

other notice would be given in the case of a continuance. He stated that the Board could do a voice vote to approve a continuation.

Mr. Wiseley made a motion to continue BZA 32-24 the appeal of Lauren Cunningham with the hardship as stated in the application to allow for the required sign to be posted at the property. Ms. Fritch seconded the motion. Voting in favor: Mr. Billington, Ms. Fritch, Mr. Jones, Ms. Kaiser, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion approved, BZA 32-24 continued to the July 25, 2024 meeting.

BZA 33-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Open Door Health Services, Incorporated**, 333 South Madison Street, Muncie, Indiana, requesting a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow decreased parking for a new health clinic and housing development on premises located on the north side of Memorial Drive west of Pierce Street, Muncie, Indiana, as more accurately described in the application.

Bryan Ayers, CEO of Open Door Health Services, 112 N. Cherry St., Muncie, Indiana, appeared. He stated that they were asking for a variance for a plan to create housing for 22 people to help reduce homelessness. He stated that there would also be a health center and a common area for the residents, and they were asking for a reduction in parking for that development.

Ms. Mathewson asked if he could explain the need for reduced parking.

Mr. Ayers stated that most homeless people do not have a vehicle, they may have 1 but that the likelihood of having 2 was slim. He stated that they had used Walnut Commons as an example having 44 units and only 77 parking spaces which are rarely more than half full.

Ms. Mathewson stated that the application mentioned someone from Open Door attending a neighborhood association meeting and asked about that outcome.

Mr. Ayers stated that the most recent meeting was with the Thomas Park Avendale Neighborhood and explained the project which received a good endorsement from them. He stated that they had been meeting with the 8twelve Coalition for the past 6 years to identify the needs of the community, and those identified needs were healthcare, housing, reduction in homelessness and drug use, and a grocery store. He stated that they had 100 single individuals on a waiting list that were homeless, and that last year they had over 270 individuals listed as homeless, so there was an issue and they wanted to help.

Gretchen Cheeseman, Director of Community Development for the City of Muncie appeared. She stated that in 2021 the city received a home ARP grant from HUD and that the purpose of that grant was to assist homeless people. She stated that they had committed \$1,000,000 towards the project and that they had changed the plans during

the process for it to become a permanent supportive housing project. She stated that this would allow them to leverage their money 15/1 by participating in this project. She stated that during the grant process they met with the Avendale Neighborhood at one of their regular meetings and asked for public input on how to spend the money. She stated that they received many comments for the need for more permanent supportive housing in the community and would like to ask the Board for their support for the project.

Frank Baldwin, CEO of the Muncie Mission, 1725 S. Liberty St., Muncie Indiana, appeared. He stated that he also served as the Chair for the State of Indiana Region 6, State Continuum of Care and addressing homelessness in a 6 county region. He stated that he had also helped facilitate a strategic plan that was developed by the city and county and that item #2 on that plan was to address permanent supportive housing in our community. He stated that the vision was to build a beautiful place that provides supportive services and they had found a developer and a non-profit partner to support the project, which he also supported.

Jeannetta Pressley, 1419 W. 8th St., Muncie, Indiana, appeared to represent the neighborhood association. She stated that the President and Vice-President were both unavailable and asked her to voice their support of the parking request.

Shannon McCormick, 1623 S. Pierce St., Muncie, Indiana, appeared in opposition. He stated that he had a petition with 146 signatures within a 6 block area of this property that he would like to submit for the record, and that there were over 40 that were homeowners. He stated that Muncie had a homelessness issue and that a contributor to that was drug abuse. He stated that the proposed lot had the Muncie Mission, HUD, a crisis center, along with another variance recently approved, all within a 12 block radius of this location. He stated that this side of the neighborhood was starting to shoulder a lot of the homelessness issues, and with that comes the decay of the neighborhood. He stated that they had done a lot of great things in the area, and that they did not want to see this project take away from all of those improvements. He stated that they had a meeting on Tuesday, and that the only way they had found out about the request was due to the mandatory orange signs that were posted for tonight's meeting. He stated that it was now a health clinic and a housing development and rehab center.

Ms. Mathewson stated that they would have the ability to build this facility on this location without a variance if they met all of the requirements. She stated that the applicant was asking for a reduction in the number parking spaces, and that was the topic that should be addressed.

Mr. McCormick stated that the 146 people that signed the petition would like to see the Board require the 2 spaces per unit. He stated that they had been told by Mr. Ayers that the development was a done deal and that they feel like this was being forced upon the neighborhood. He stated that the first time they were aware of anything was when those orange signs appeared.

Melvin Brooks, 1300 W. 11th St., Indiana, appeared in opposition. He stated that he had lived here for 30 years, and that the meeting where this was discussed was not well supported. He stated that he was asking to table this request until the next meeting so

that they can get more information on the project because they were currently in a legal battle. He stated that nothing was posted or explained as to what was being done, and they would just like more time.

Epherom Williams, 1712 S. Pierce St., Muncie, Indiana, appeared in opposition. He stated that he had watched the neighborhood go downhill over the past 9 years, including losing the Marsh store. He stated that he supported anything that would help the community by bringing jobs and making things better. He stated that he had people jumping his fence, hanging out in his yard, stealing bikes and other items, and he wanted to make sure his kids were safe here. He stated that there were so many homes being built and he wondered how much more the area needed. He stated that he did not know about any of this until he saw the orange signs and then when the gentleman came along with the petition to sign. He stated that he just wanted to know how this would help the neighborhood and not ruin the community. He stated that this was a college town and that kids here were growing up and moving away and that he would rather see the area used for a park or splash pad for the kids now.

Mr. Ayers stated that he never said the housing development was a done deal, just that they could develop without any variances. He stated that proper notification for the variance was posted and mailed, and that they had been working with the community for years and he was sorry for any misunderstandings.

Ms. Swackhamer stated that an email had been received from Gretchen Cheesman stating that the developer was applying for the low income tax credits and those applications were due July 29, 2024 with the awards being announced in late November and that construction would not start for 12-18 months after that. She stated that the Plan Commission suggested that a condition be included to follow that timeline so that if granted, they would not need to come back for a second variance if the normal variance time lapsed without permits being obtained.

Ms. Mathewson stated that the petition would be entered as part of the record, and that the request was for a reduction in parking spaces.

Ms. Fritch made a motion to approve BZA 33-24 the appeal of Open Door Health Services with the hardship as stated in the application with the understanding that the timeline will follow the state application process for the grants. Ms. Kaiser seconded the motion. Voting in favor: Ms. Fritch, Ms. Kaiser, and Ms. Mathewson, Voting against: Mr. Billington, and Mr. Jones. Abstaining: Mr. Wiseley. Motion failed, BZA 33-24 automatically continued to the July 25, 2024 regular meeting.

BZA 34-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Old Westend Economic Redevelopment Corporation**, PO Box 1614, Muncie, Indiana, requesting a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow decreased parking for a 6-unit residential remodel and addition to an existing house on premises located

at 719 West Charles Street, Muncie, Indiana, as more accurately described in the application.

Denise King, 420 W. Mound St., Muncie, Indiana, appeared. She stated that she was a board member of the Old West End Economic Redevelopment Corporation and that they were seeking a variance for parking. She stated that the existing building was previously a 10 unit building and that there must have been a variance from parking or it had been grandfathered in. She stated that the building would potentially be low income housing offering supportive programs, similar to the previous request. She stated that there would be less vehicles since there would be fewer units and not all of the tenants would have cars.

Ms. Mathewson asked Ms. King to explain why she believed that they did not need the required parking spaces.

Ms. King stated that not only would there be fewer units, but they were anticipating some of those tenants would not have a vehicle.

Ms. Mathewson asked if they had any conversations with any of the surrounding property owners other than the neighborhood association.

Ms. King stated a few, but that the required letters did go out.

Ms. Mathewson asked if there had been any negative feedback shared with her.

Ms. King stated not to her personally. She stated that they did have some neighbor who reached out for clarification since they would have a shared alley.

Ms. Wiseley asked if they would all be 1 bedroom units in the building.

Ms. King stated that there would be four 2-bedroom units, and two 1 bedrooms.

Ms. Kaiser asked if this would include homeless housing.

Ms. King stated that it would potentially be permanent supportive housing, so yes, it could. She stated that there were people in her neighborhood that were homeless who were still her neighbors and that she would like to see them get housing and get support that would be available to help them be successful.

Frank Baldwin, CEO of the Muncie Mission, 1725 S. Liberty St., Muncie, Indiana, appeared. He stated that as part of the Continuum of Care coalition the Board needs to understand that homelessness was an issue and that they maintain a coordinated entry list of those individuals. He stated that not all people who were homeless were seeking help and resources, and that may be influencing some of the people in opposition. He stated that this housing development and the people that would benefit from it, come from the coordinated entry list and were individuals that had reached out for support.

Gretchen Cheesman, Director of Community Development for the City of Muncie appeared. She stated that this development was another piece of the larger project that

was discussed earlier, and that the Old West End Neighborhood Association was aware and supportive of the project.

Bryan Ayers, 112 N. Cherry St., Muncie, Indiana, appeared. He stated that he attended the Old West End neighborhood meeting and that there was strong support for the project. He stated that the goal was to help homeless individuals get under roof and with a lease with supportive services provided to help them thrive. He stated that some of those individuals may stay in that house forever. He stated that as a resident of the Old West End, he was in support of the project.

Jeannetta Pressley, appeared and stated that she runs a half way home at 413 S. Liberty St., Muncie, Indiana, and that she would like to see some of those individuals go into the housing that was part of this project.

Dave Munster, 725 W. Charles St., Muncie Indiana, appeared and stated that he was not really in opposition to the project but had concerns. He stated that this property had been on the demolition list with the Health Department, Building Commissioner, and the Unsafe Housing Authority. He stated that there had been no one working on the site for over 10 months, not since the roofers tore off the soffit and facing, and he did not think that they were certified to work with lead paint. He stated that the property line on the east and west side of the site had 6' setbacks for a 2-story building. He stated that he received the letter about this meeting stating that the variance was for a home but it was for a commercial building that was built for apartments. He stated that he had purchased his home in 1945 and that there were 4 apartments in this building that was 6000 square feet in size and that he had picture for the Board. He stated that he had a letter from the EPA discussing anyone working on homes with lead paint had to be lead certified.

Ms. Mathewson stated that the discussion should be limited to the request for a reduction in parking.

Mr. Munster stated that his concerns were about the overall look of the property and that for 3 years nothing had been done to site. He stated that the main beam in the basement had cracked and that the first floor levels were sinking and there was mold throughout. He stated that he had talked to environmental lawyers and that you cannot treat homes that have lead paint and that could cost \$500,000 or more to redevelop. He stated that this would be a commercial property and would require a dumpster which would take away from parking spaces. He stated that he would like to sell his house and was concerned about how this would affect him.

Ms. Mathewson stated that there were several other cases, and asked Mr. Munster to summarize his final concerns.

Mr. Munster stated that he had many pictures of the property to share with the Board and that he had a large piece of debris that was just a sample of what had been falling from that structure for over 10 months. H stated that he had stepped on nails and had to visit the doctor, and that he did not believe the corporation cared.

Ms. Cheesman stated that they had been working on this project for a long time and that had encountered several problems including the structural problems which required more consultations for the plans. She stated that the site plans for this home, showed that there was only room for the 6 parking spaces shown and that even if it were 4 units, they would be required to have 8, and there was just not enough room. She stated this was a historic rehabilitation project and that all of the work would be done according to the Secretary of the Interior Standards and that the budget was 2.3 million dollars.

Ms. Swackhamer stated that an email had been received from Gretchen Cheesman stating that the same timeline as the previous request would apply, and that the awards would be announced in late November and that construction would not start for 12-18 months after that. She stated that the Plan Commission suggested that a condition be included to follow that timeline so that if granted. She stated that staff did a search and no variances had been applied for at this site, so the 6 units that used to exist most likely predated the ordinance, but had also operated as 12 units with those same parking spaces.

Ms. Fritch made a motion to approve BZA 34-24 the appeal of Old West End Economic Redevelopment Commission with the hardship as stated in the application with the understanding that the timeline will follow the state application process for the grants. Mr. Jones seconded the motion. Voting in favor: Ms. Fritch, Mr. Jones, Ms. Kaiser, and Ms. Mathewson, Voting against: Mr. Billington. Abstaining: Mr. Wiseley. Motion approved, BZA 34-24 approved.

BZA 35-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Priscilla N. Ervin-Beasley and Samuel J. Beasley**, 1115 North Brentwood Lane, Muncie, Indiana, requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a dance studio business in an existing church building in a residence zone on premises located at 6113 East Jackson Street, Liberty Township, Delaware County, Indiana, as more accurately described in the application.

Samuel Beasley, 1115 N. Brentwood Ln., Muncie, Indiana appeared with his wife Priscilla Beasley. He stated that were under contract to purchase 6113 E. Jackson St. in Muncie which was a former church. He stated that the purchase of the property was contingent upon the variance being granted, and they would be operating a dance studio. He stated that the goal would be to renovate the existing facility for a modestly sized studio.

Mr. Wiseley stated that many of the surrounding properties were rentals and asked if they had an opportunity to speak to any of the owners or tenants.

Mr. Beasley stated that they had not had any direct communication with any of the residents in the area but they did send the required notices and had heard nothing.

Mr. Wiseley stated that he was curious because if a landlord received the notice they might not have shared the information with their tenants.

Mr. Beasley stated that where the signs were placed was at the only entrance so everyone would have an opportunity to see those posted.

Ms. Fritch asked Mr. Beasley to elaborate on what he meant by a modestly sized studio and the size and number of classes and how many students that will involve.

Priscilla Beasley, 1115 N. Brentwood Ln., Muncie, Indiana, appeared. She stated that Mr. Beasley stated that her mom opened the studio 30 years ago, and that they had consistently grown over the years. She stated that the past year they had around 150 students and that they were currently renting a building downtown Selma and they were at capacity at that location. She stated that they teach 4 nights per week, Monday-Thursday from 3:00 PM to around 9:00 PM. She stated that the class sizes average 10 students per class with 36 classes available.

Mr. Beasley stated that based on the size of the former church, they believe that their class load would be less than what would have been at that location for church services and functions. He stated that their classes did rotate one after the next, and that the growth of the studio would not be doubling or tripling by any means. He stated that the extra space would allow to offer different services such as tumbling and dance.

Ms. Fritch asked if they operated during the weeknights.

Ms. Beasley stated yes, and the 1st Saturday of each month.

Ms. Swackhamer stated for the record that office had received 13 emails in support of the Beasley's request and that copies had been given to the Board members to review. She stated that the Beasley's as teachers, mentors and people in general had a lot of support from the community.

No one appeared in opposition.

Ms. Fritch made a motion to approve BZA 35-24 the appeal of Priscilla Ervin Beasley and Samuel Beasley with the hardship as stated in the application. Mr. Wiseley seconded the motion. Voting in favor: Mr. Billington, Ms. Fritch, Mr. Jones, Ms. Kaiser, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 35-24 approved.

BZA 36-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Chanda Hubble and Randy Smith**, 7601 North Walnut Street, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a decreased front setback for a new detached garage in a residence zone on premises located at 7601 North Walnut Street, Hamilton Township, Delaware County, Indiana, as more accurately described in the application.

Chanda Hubble, 7601 N. Walnut St., Muncie, Indiana, appeared. She stated that they had purchased the property in October last year and that she would like to build an additional

garage for personal storage. She stated that she lived in a really beautiful neighborhood and that she purchased the home that needed some maintenance and she would like to keep things inside. She stated that she had talked to all but one of her neighbors and that they were all supportive of her request and they were happy with how she had been cleaning up the property.

Ms. Mathewson asked if this would be for personal storage only.

Ms. Hubble stated yes, that it would be a prebuilt structure and for personal storage only. She stated that they had a car and trailer that they would like to move indoors.

Mr. Wiseley asked if there would be any utilities connected to the structure.

Ms. Hubble stated no.

No one appeared in opposition.

Mr. Wiseley made a motion to approve BZA 36-24 the appeal of Chandra Hubble and Randy Smith with the hardship as stated in the application with the condition that this be for personal storage only. Ms. Kaiser seconded the motion. Voting in favor: Mr. Billington, Ms. Fritch, Mr. Jones, Ms. Kaiser, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 36-24 approved.

BZA 37-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **KMAC Enterprises Incorporated and Steve L. Riedman**, 2472 North County Road 150 East, Rushville, Indiana, requesting a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow the drive through to be located between the new building and Bethel Avenue for a new 7 Brew coffee business development on premises located at 4105 West Bethel Avenue, Muncie, Indiana, as more accurately described in the application.

Bill Terry, Weihi Engineers, 10505 N. College Ave., Indianapolis, Indiana, appeared to represent the applicant. He stated that this location was an old carwash, and since it was in the overlay district for McGalliard, the drive thru needed to be on Bethel Ave since they had 2 road frontages. He stated that the Board had the most current site plan including landscape plans and color rendering of the building.

Mr. Wiseley asked about the parcel extending to the middle of Bethel Avenue, and asked if they planned to dedicate that right of way.

Mr. Terry showed Mr. Wiseley on the plans where the property line was located.

Mr. Wiseley asked if that right of way would be dedicated.

Mr. Terry stated yes.

Mayor Ridenour stated that they were pleased with the project on Tillotson and asked for the Board's support on this location.

No one appeared in opposition.

Mr. Wiseley made a motion to approve BZA 37-24 the appeal of KMAC Enterprises, Incorporated and Steve L Reidman with the hardship as stated in the application with the following conditions: 1) That the applicant continue to work with the Plan Commission staff to meet the corridor Development Standards and; 2) That the right of way on Bethel Ave. be properly dedicated. Ms. Fritch seconded the motion. Voting in favor: Mr. Billington, Ms. Fritch, Mr. Jones, Ms. Kaiser, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 37-24 approved.

REPORT FROM DIRECTOR:

Ms. Swackhamer reported that she had provided the Board with a report including building permits and inspections to date. She stated that the Transportation Policy Committee had a new member Pete Heuer, Director of Operations and Facilities Planning and Management at Ball State University and he was replacing Jim Lowe. She stated that we were still waiting on a County Council and City Council appointments for that committee as well. She stated that the Technical Advisory Committee also had a new member Daniel Blankenship, representing the town of Eaton, and were excited to fill some of those seats that had been vacant for a while. She stated that the UPWP agreement that must be submitted to INDOT annually has been signed and approved. She stated that this was the document that allowed us to submit and receive federal reimbursements such as salaries when work was done on the transportation side of the office and that current allocation was \$291,041 for the fiscal year of 2025. She stated that the report also reflected the land use and development cases and what number of those were city or county. She stated that she did want to mention that there had been 3 informal discussions with solar facility companies with one more coming up in July, all interested in developing solar projects.

Mr. Jones asked about 2 properties located on E. Jackson St. that had received variances and had not completed any work on those sites. He asked how long those variances were valid and how long they could continue to not do work there.

Ms. Matheson stated that they had a certain amount of time once the variances were granted to begin construction.

Ms. Swackhamer stated that they had not obtained any building permits at this time.

Mr. Daniel stated that if there were no dates listed on those applications stating when work would begin and be completed, they must have their permits within 90 days completed within 6 months. He stated that he would check those records and reach out

to the owners and remind them of the timeframe and make sure that they are maintaining the property and mowing.

Mr. Wiseley stated that they had also given approval for the duplex to be built where the home had burned down, and asked if that had been done either.

Mr. Jones stated no, nothing had been done.

Mr. Wiseley stated that about a month ago he noticed that the larger house had been listed for sale and wondered if it still was.

ADJOURNMENT:

Leslie Mathewson, Chairman

Kylene Swackhamer, Secretary