

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

DATE: July 25, 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 June, 2024 regular monthly meeting minutes.

OLD BUSINESS:

BZA 32-24 Jurisdiction: Board of Zoning Appeals

Being a continuation of 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 continuation of 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 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.

NEW BUSINESS:

BZA 38-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Casey's Marketing Company**, 1 Southeast Convenience Boulevard, Ankeny, Iowa, requesting variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow an increased pole sign height and for the sign to be located in the greenbelt for a new fueling station and convenience store on premises located on at the southeast corner of Jackson Street and Country Club Road, Liberty Township, Delaware County, Indiana, as more accurately described in the application.

BZA 40-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Five Brothers, LLC**, Post Office Box 425, Portland, Indiana, requesting a variance of use from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a new parking lot as the primary use on a vacant lot in a residence zone on premises located on the east side of Martin Street 50' north of Main Street, Muncie, Indiana, as more accurately described in the application.

BZA 41-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Jerry and Monet Wright**, 14951 West County Road 700 South, Daleville, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow the temporary placement of a mobile home previously approved for James Olinger to transfer to Bailey Wright for the duration of her need on premises located at 14951 West County Road 700 South, Salem Township, Delaware County, Indiana, as more accurately described in the application.

BZA 43-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Full Gospel Temple**, 212 West 7th Street, Muncie, Indiana, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow decreased street setbacks for a new fellowship hall on premises located at the southeast corner of 6th Street and High Street, Muncie, Indiana, as more accurately described in the application.

REPORT FROM DIRECTOR:

ADJOURNMENT:

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

The Delaware Muncie Metropolitan Board of Zoning Appeals (BZA) held its regular monthly meeting on Thursday, July 25, 2024 at 6:00 P.M. in the Commissioners 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. Jones made a motion to approve the June 2024 regular monthly meeting minutes. 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, June 2024 minutes approved.

Ms. Mathewson stated that before the meeting began, she would like to remind the audience to turn off any cell phones, and that when it was your turn to speak, provide the Board with your name and address.

OLD BUSINESS:

BZA 32-24 Jurisdiction: Board of Zoning Appeals

Being a continuation of 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.

Ms. Mathewson stated as a reminder to everyone, this matter was old business due to a lack of required signage being posted prior to the last regular meeting, and asked if that had been done for this meeting.

Ms. Swackhamer stated yes.

Lauren Cunningham, 10871 W. CR 700S, Middletown, Indiana appeared. She stated she had been approved for this same variance in the past, and building it was delayed due to updates to the septic tank that took over a year to complete.

Ms. Mathewson asked Ms. Cunningham to briefly explain the request for any members who were not on the Board when the first variance was approved.

Ms. Cunningham stated it would not be living quarters and that her spouse was a writer and may use the space as work space from time to time. She stated that they did not want to rent the space to anyone, and would be happy with the Board placing that as a condition. She stated that she was an Air Force Veteran, and may have friends come stay when they come to visit, but no other purpose.

Ms. Mathewson asked if there would be any business conducted in the space.

Ms. Cunningham stated no.

Mr. Wiseley asked if there would be any plumbing in the building.

Ms. Cunningham stated yes, it would be a full bath with a shower.

Ms. Mathewson asked if Ms. Cunningham had talked to any of the neighbors for the recent request and if she had received any negative comments.

Ms. Cunningham stated no, all of her neighbors were very nice.

No one appeared in opposition.

Mr. Wiseley made a motion to approve BZA 32-24 the appeal of Lauren Cunningham with the hardship as stated in the application with the following conditions: 1) That the guest house be for the personal use of the owner and not used for business; and 2) That the guest house not become a rental unit. Mr. Jones 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 32-24 approved.

BZA 33-24 Jurisdiction: Board of Zoning Appeals

Being a continuation of 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.

Ms. Mathewson stated that as read, the applicant was requesting a variance to reduce the number of parking spaces, and that this Board cannot prohibit this project from being developed. She stated that this was zoned in a manner that allowed this project and that the only discussion and power that this Board had was to consider reducing the number of parking spaces. She stated that all discussion by the applicant, public, and Board should be limited to the request to reduce parking. She stated that this request had been presented at the last regular meeting, and asked if anything had changed since that time.

Brian Ayers, CEO of Open Door Health Services, 220 N. Walnut St., Muncie, Indiana, appeared. He stated that there had been no changes to the request which was for fewer than the 44 required parking spaces for the 22 units.

Ms. Mathewson stated that the Board had a letter that stated they had the ability to place the required number of parking spaces if necessary. She stated that the letter also stated that the applicant would prefer to have more greenspace than paved area.

Mr. Ayers stated yes, the developer stated that they had the ability to place the required parking spaces, but would prefer to use those spaces for greenspace instead.

Ms. Mathewson asked Mr. Ayres to explain hardship they had to request reducing the parking from the 44 spaces.

Mr. Ayers stated that the lot was fairly large for the 22 units, the health center, and the required landscaping. He stated that based on their knowledge of supportive housing units, most of the residents do not own a vehicle, much less 2 vehicles, and that they were not convinced that 2 spaces per unit was necessary. He stated that Walnut Commons was a good example since they had a lot of parking that was never utilized.

Shannon McCormick, 1623 S Pierce St., Muncie, Indiana appeared in opposition. He stated that he lived 1 block north of the proposed building site, and that he had a few questions. He stated that they had a neighborhood association meeting last week and that 115 people were there in opposition to this development, and 3 in support. He stated that he had a letter from the neighborhood association that had also been sent to Mr. Ayers.

Ms. Mathewson stated that the Board also had that letter. She asked Mr. Ayers if he had attended that meeting, and asked if the topic of the meeting was solely on the request of the parking, or the project altogether.

Mr. McCormick stated that it was his understanding that it was for the reduction in parking spaces and discussion about the applicant stating there was enthusiastic support from the neighborhood, and they wanted to have that withdrawn from their application. He stated that they had another 52 signatures on a petition to bring that total to 198 individuals that were immediate neighbors all in opposition. He stated that they had a list of questions for Open Door, all pertaining to the parking.

Mr. Murphy stated in order for there to be a response to the questions, it would need to be on the record, so Ms. McCormick should read those.

Mr. McCormick asked what the hardship was and what was keeping them from building on this lot. He asked if there was anything about the lot such as the size, contours, burial grounds, monuments or anything else that make it unique or unable to be built on.

Ms. Mathewson stated that what had been presented by the applicant showed they had space to install 44 parking spaces, so the focus was not so much can they build here, but why they do not want to have the required 44 spaces.

Ms. McCormick stated that in their proposed plans they showed a 5000 sq ft retention pond as part of the greenspace and that would cause a health concerns for the citizens in that area.

Ms. Mathewson stated that this Board cannot address that particular aspect of the development.

Mr. McCormick stated that Mr. Ayers stated that according to the ordinance a retention pond is a health concern and by not placing the required parking because they wanted more greenspace, they will place the pond, which will be a hazard. He stated that at the end of the last meeting Ms. Cheeseman stated that there was a financial impact of a 12-1 return on investment and asked if that was part of the minutes from that meeting.

Mr. Wiseley stated that the minutes stated a 15-1 match.

Mr. McCormick stated that there was a financial purpose to developing the apartments onto this lot. He read from the ordinance "it shall be incumbent upon the applicant to conclusively prove at public hearings that if compelled to meet the provisions of the ordinance, the applicant cannot secure reasonable use of the property". He stated the they can. He stated that there was nothing stating that they cannot build on this lot. He stated that it further stated "a hardship example would be the lot was too small, the contours of the lot" and further reads "the strict applicant of the terms or difficulty of the property" and also "the erection of an apartment with more units than allowed by the ordinance and occupying greater area" which is why they need the reduced parking that the neighborhood was against. He stated that the ordinance also stated that "a venture which was financially advantageous to the applicant or a financial loss if a variance was denied" and that they had stated that this was 15-1 of money coming back, so this was advantageous on their part. He stated that they would like for the Board to follow the Ordinance, and that if the applicant can place all of the parking spaces, they would like to see that happen. He stated that without knowing of the details it was the neighbors' belief that there was financial gain for Open Door for this project.

Mr. Wiseley stated that he would like to point out that they were not proposing more apartments on this lot than what was allowed.

Mr. McCormick stated correct, but it was the greater area of use.

Mr. Wiseley stated that Mr. McCormick stated specifically that trying to place more than allowed was not a hardship, which they were not trying to do.

Mr. McCormick stated that he read the whole sentence but that he could have marked that out and stated occupying greater area. He stated that if they take up more area, then they do not have the room for the required parking. He stated that they would like to not see a retention or detention pond that would attract mosquitos, flies, and animals, and that they were concerned of the safety of children in the area.

Ms. Mathewson asked the applicant to come back to address some of the concerns, starting with the hardship for not installing all 44 parking spaces.

Mr. Ayers stated that it was money that would be spent on spaces that would not be utilized and would be better spent into the construction of the housing and health center.

Ms. Mathewson asked Mr. Ayers to explain anything about the size or uniqueness of the lot that would cause them not to place those 44 spaces.

Ms. Ayers stated that he was not an engineer and could not answer that questions, but that to his knowledge there was nothing special about the lot and it could be used for the purposes proposed.

Ms. Mathewson asked if Open Door would benefit financially if they were to not install all 44 parking spaces.

Mr. Ayers stated no. He stated that they propose to sell the property and offer service to the residents of that property and surrounding neighborhood, and there was not much money in that.

Ms. Swackhamer stated that the letter mentioned by Mr. McCormick had been received by the parties seeking the development. She stated that any concerns about the development adhering to the corridor standards would be addressed at the time the development plans were submitted for review. She stated that the applicant was prepared to adhere to those standards, and if could not, another variance would need to be requested for any of those items. She stated that the retention/detention pond would go through the Health Department and Storm Water Management since those are sometimes required, but then needed to be properly regulated.

Mr. Wiseley asked if a retention/detention pond was required for a development this size.

Mr. Ayers stated that was their preliminary understanding and that the developer would do whatever was required.

Mr. Daniel stated that a development was required to handle its own stormwater run off and that there were a number of different ways to do that. He stated that this was more of an engineering question.

Mr. McCormick asked if he could make one more comment.

Mr. Murphy stated that the case was closed for comments at this time, and that procedure had been followed and it was time for the Board to deliberate.

Ms. Mathewson stated for the record, that the letter from the neighborhood association had been submitted had been received and reviewed by the Board for consideration. She stated that they would need provide the landscape plans and follow all of the corridor development standards, and that was not something that was to to be addressed at this time.

Ms. Swackhamer stated yes, this variance would not pertain to any of the other development standards, only the parking.

Mr. Wiseley stated that there was a request by the applicant to extend the period of time to pull permits.

Ms. Swackhamer stated that they recommend extend the period of time until they receive the grant funding.

Mr. Jones made a motion to approve BZA 33-34 the appeal of Open Door Health Services with the hardship as stated in the application with the condition that the timeline for acquiring permits and for finishing construction be extended to allow for the State's grant funding schedule. 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 33-24 approved.

NEW BUSINESS:

BZA 38-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Casey's Marketing Company**, 1 Southeast Convenience Boulevard, Ankeny, Iowa, requesting variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow an increased pole sign height and for the sign to be located in the greenbelt for a new fueling station and convenience store on premises located on at the southeast corner of Jackson Street and Country Club Road, Liberty Township, Delaware County, Indiana, as more accurately described in the application.

Johnathon Wocher, 5721 Dragon Way Ste 300, Cincinnati, Ohio, appeared. He stated that he was a planner with McBride Dale Clarion, and was the Site Development Manager for Casey's. He stated that they had been granted a variance in October 2022 to allow an increase in the sign height and a decrease in the setback, and that nothing had changed.

Ms. Mathewson asked for a brief explanation of the request for any members who were not on the Board when the first variance was approved.

Mr. Wocher stated that Casey's had purchased the property in 2023 after obtaining the variance. He stated that they had building permit approvals and the construction timing was stalled and resulted in the permits and variance expiring. He stated that they were at a point to begin construction and was here to request the variance for the sign that

would be located at the corner of Country Club Road and Jackson Street. He stated that the property was 3.2 acres and would share a drive with the existing dentist office to the east. He stated that they were asking the Board to allow the sign to be 10 ½ feet from the right of way along Jackson and that they would be more than 40' from the edge of pavement. He stated that there were existing trees along the frontage that would prevent a ground sign, and that the sign would not change the character of the area since there was a similar sign across the street at the Village Pantry. He stated that two of the conditions for the previous approval were that the landscape plan be approved and to dedicated the access easement, and they have done both of those.

Ms. Mathewson asked if they planned to keep the current mature trees to be part of the landscape plan.

Mr. Wocher stated yes. He stated that there was a row of trees along Jackson and they would need to install 1 tree to meet the requirements. He stated that he would ask the Board to grant a 1 year timeline just to be safe so that they would not have to come back again if things were delayed.

Mr. Jones asked if the height of the requested sign was the same as the existing one across the street.

Mr. Wocher stated yes.

Mr. Jones asked if there would be additional entrances.

Mr. Wocher stated that there would be a driveway on Jackson and one on Country Club, so 2 entrances total.

No one appeared in opposition.

Ms. Swackhamer explained that Mr. Fouch had been working with INDOT on some issues that needed to be resolved as far as drainage. She stated that he had a ZOOM meeting set with INDOT next week, and that all of those concerns would need to be resolved before permits would be issued.

Mr. Wocher stated that was part of the reason they were asking for the 1 year timeline so that if INDOT needed more studies things would not be delayed.

Mr. Wiseley asked if 6 months from the 1 year extension was a realistic construction timeline.

Mr. Wocher stated yes.

Mr. Jones made a motion to approve BZA 38-24 the appeal of Casey's Marketing Company with the hardship as stated in the application with the understanding that the INDOT requirements be followed and the condition that the time to apply for permits be extended to one year. Mr. Wiseley seconded the motion. Voting in favor: Mr. Billington, Mr. Jones,

Ms. Kaiser, Ms. Mathewson, and Mr. Wiseley. Voting against: Ms. Fritch. Motion carried, BZA 38-24 approved.

BZA 40-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Five Brothers, LLC**, Post Office Box 425, Portland, Indiana, requesting a variance of use from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a new parking lot to be placed on a vacant lot in a residence zone on premises located on the east side of Martin Street 50' north of Main Street, Muncie, Indiana, as more accurately described in the application.

Eric Collins, owner of Five Brothers, LLC, PO Box 425, Portland, Indiana, appeared. He stated that they had purchased the properties located at 203-225 N. Martin Street and that the previous owner placed 21 spaces for parking, and that they needed 21 more spaces. He stated that at that time, in 2017, they had provided parking passes and it was not an issue. He stated that since then the passes had not been approved, and a property management company had been providing some spaces in the village on campus. He stated that now that location would be under construction, and they would no longer have those spaces. He stated that they purchased this property and tore down the house and this was not their original intention for the property. He stated that they had met with Mr. Leach and Mr. Daniel and wanted to make sure they did everything properly.

Mr. Wiseley asked how many total units there were at Martin Street.

Mr. Collins stated that there were 42 total people.

Mr. Wiseley stated that he used to work in the office that handled the parking and that each one of those buildings the tenants can each have 1 parking pass per building.

Mr. Collins stated that was correct. He stated that meeting with Mr. Leach and the previous property manager, that was not attainable. And that the previous owner had even threatened lawsuits and getting lawyers involved. He stated that if this Board could make that happen, that would be great. He stated that they thought the parking situation could be resolved by buying this property and tearing down the house. He stated that so far, they had positive feedback from everyone since they were not talking about a gravel parking lot. He stated that Mr. Leah made it very clear that it had to be asphalt or concrete, so it would be expensive.

Mr. Wiseley asked if they intended to meet all of the development standards for a parking lot.

Mr. Collins stated yes. He stated that they wanted to use a common sense approach and that he wanted to maximize the space and work with the city.

Mr. Wiseley stated he asked that because the plans that were submitted show none of those requirements.

Mr. Collins stated that the plans were a very rough draft, and that they would have to do it how the city wanted it done.

Ms. Fritch if it was their intention to not do any of the beautification of the parking lot.

Mr. Collins stated no, he would like to maximize the space and that if they needed to add plants that was fine.

Ms. Fritch asked Mr. Daniel to elaborate on the requirements.

Mr. Daniel stated that there were 2 things for the Board to consider. He stated that the ordinance describes what the development standards for a parking facility should be in terms of dimensions of the spaces and the maneuvering isle, vertical and horizontal buffering, and in terms of the screening from public view. He stated that none of those things automatically apply with a variance of use. He stated that a variance of use exempts the developer from following all of the standards that would apply to something that was developed by right. He stated that the power that the Board had, was to place conditions on any approval that include meeting some or all of the Ordinance's development standards regarding parking.

Mr. Murphy stated that he agreed with that.

Ms. Swackhamer stated that the office had received a letter form Eric Nolting, a property owner in the area that was unable to attend the meeting but wanted to express his opposition and concerns of introducing a parking lot into a residential neighborhood, the environmental impact, and that it does not meet the objective of promoting pedestrian and cyclist friendly environments.

Ms. Matheson asked Mr. Collins if he could try to address any of those concerns.

Mr. Collins stated that he did not hear all of those concerns but that the parking lot would be done correctly. He stated that he would work with the City Engineer and have a nice parking lot that would enhance the community.

Mr. Wiseley stated that Mr. Leach stated each parking space should be 9' wide, and that was not what was shown on the drawings.

Mr. Collins stated that they would need to redo that plan and have it approved. He stated that they wanted to things right the first time and not have to come back for another hearing.

Ms. Mathewson stated that if a condition was to comply with the parking lot performance standards, that would ensure the widths of the spaces would be correct.

Mr. Daniel stated that they City Engineer had different standards and regulations, and if they would like the applicant to follow what was in the zoning ordinance, that was a condition that could be placed on the motion.

Ms. Fritch asked if the performance standards were the same as development standards.

Ms. Swackhamer stated yes, which also addresses landscaping and lighting.

Ms. Fritch asked if under the motion the City Engineer would need to approve the plans.

Mr. Daniel clarified that it was his understanding that the City Engineer had additional concerns such as drainage and the materials and depth of the surface. He stated that the fact that it needed to be built to engineering standards would be in place whether the Board made that a condition or not and that the conditions would be mainly for following the Ordinance's development standards for parking lots. He stated that all things such as building code, health department requirements and engineering requirements were expected to be met as was stated at the bottom of the certificate issued.

Mr. Murphy stated that was correct, that the Board was not doing anything to change those requirements. He stated that he wanted to make clear in the motion that the Board was applying the Zoning Ordinance's parking lot requirements.

Mr. Jones made a motion to approve BZA 40-24 the appeal of Five Brothers, LLC with the hardship as stated in the application with the condition that the parking lot performance standards as stated in the ordinance be met. Mr. Wiseley seconded the motion. Voting in favor: Mr. Billington, Mr. Jones, Ms. Kaiser, and Ms. Mathewson. Voting against: Ms. Fritch and Mr. Wiseley. Motion carried, BZA 40-24 approved.

Mr. Collins asked what the normal time frame was for permitting because his concern was getting an asphalt company lined up.

Mr. Wiseley stated that it was 90 days to pull the permits and 6 months from then to finish, so a total of 9 months.

Mr. Collins asked if he did not finish in that time would he need to come back for another variance.

Mr. Murphy stated yes, it would expire. He stated that an extension was not part of the motion, so the Board could give more time.

Ms. Mathewson stated that the Board would need to make a second motion to potentially extend the time period.

Mr. Billington made a motion to approve an extension for BZA 40-24 to allow 6 months to apply for permits and completion of the project to be within 6 months after permits were issued. Ms. Kaiser seconded the motion. Voting in favor: Mr. Billington, Mr. Jones, Ms. Kaiser, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried.

BZA 41-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Jerry and Monet Wright**, 14951 West County Road 700 South, Daleville, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow temporary placement of a

mobile home previously approved for James Olinger to transfer to Bailey Wright for the duration of her need on premises located at 14951 West County Road 700 South, Salem Township, Delaware County, Indiana, as more accurately described in the application.

Monet Wright, 14951 W CR 700S. Daleville, Indiana, appeared. She stated that her uncle had lived in the mobile home for the past 30 years and was now living in a skilled facility and would not be moving back home. She stated that they would like to keep the mobile home for her daughter to use as here residence.

Ms. Mathewson stated for the Board, the original variance was to permit Mr. Olinger to live in the mobile home and if he no longer did, the structure would need to be removed. She asked Ms. Wright to explain a little about her daughter and her situation.

Ms. Wright stated that she was enrolled in college and that she had a history of anxiety and that this would help her by being close to family.

Ms. Mathewson stated that the Board had received a letter that addressed those concerns with regards to her needs.

Mr. Wiseley asked if the mobile home was new when it was placed 30 years ago, and asked about the current condition.

Ms. Wright stated yes. She stated that it was in good condition and that her uncle was very good at taking care of things. She stated that they would need to do some painting and change some of the carpet.

Mr. Wiseley stated that it looked very nice from the photos of the outside.

Jerry Wright, 14951 W CR 700S., Daleville, Indiana, appeared. He stated that his parents kept the mobile home updated and cleaned and that he pressure-washed it each year and just replaced the roof with a metal roof.

Ms. Mathewson asked how long their daughter may need to complete her schooling.

Ms. Wright stated that she would like to get her masters degree, so around 5-7 years.

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

Ms. Wright stated no. She sated that even the newer residents have said they did not even know that the mobile home was there, and everyone had been supportive.

Mr. Wright stated that a few people had called and asked if they needed to show up in support.

Ms. Fritch asked how many bedrooms were in the mobile home, and asked if there would be the possibility of anyone else staying there.

Ms. Wright stated that it had 2 bedrooms, and that there was no intention to rent out the smaller bedroom or for anyone else to be living there.

Mr. Wiseley asked if the approval would be for Bailey to live there, and for details in terms of compliance over the years.

Mr. Daniel stated that on a yearly basis the office sends out a letter asking if the mobile was still on the property and being occupied by the person for whom the temporary placement had been granted. He stated that it was part of the obligation of the applicant to turn that information back in, and if no longer being used by the granted person, it should be removed. He stated that the other option was for the applicant to reappear before the Board and ask for a new request, as was being done in this case. He stated that if no response was received, a follow up was done by the office first by a second letter, and then by a visit if necessary.

Mr. Wiseley asked if the Wrights had been good about responding to those letters.

Mr. Daniel stated yes.

Ms. Fritch asked if the intention was to remove the mobile home after their daughter had completed her stay there.

Ms. Wright stated yes.

No one appeared in opposition.

Mr. Wiseley made a motion to approve BZA 41-24 the appeal of Jerry and Monet Wright with the hardship as stated in the application with the understanding that the variance is for Bailey Wright for the duration of need. Mr. Jones seconded the motion. Voting in favor: Mr. Billington, Ms. Fritch, Mr. Jones, Ms. Kaiser, Ms. Mathewson, and Mr. Wiseley. Voting against: None. BZA 41-24 approved.

BZA 43-24 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Full Gospel Temple**, 212 West 7th Street, Muncie, Indiana, requesting a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow decreased street setback for a new fellowship hall on premises located at the southeast corner of 6th Street and High Street, Muncie, Indiana, as more accurately described in the application.

Chris Badger, with Badger Engineering, 9830 Michigan Rd. Ste D, Carmel, Indiana, appeared. He stated that the current zoning was residential and that it was being used for a church, and that they would like to reduce the setback from 25' to 10' which was the same as the church. He stated that the proposed structure would be for the church use and would have an indoor basketball court, meeting area, and 2 rooms to be used during church.

Ms. Mathewson asked if they placed the fellowship hall in its proposed location, it would be intruding into the visibility of the intersection and that caused her some concern.

Mr. Badger stated that the visibility triangle would not be bothered by this building, it was the same setback as the church and they had no issues. He stated that they were looking at vacating a couple of alleys in that area and that the building would be a beautiful asset to the area. He stated that they would be removing some parking, and replacing it with a parking lot to the east.

Mr. Wiseley stated that they were also seeking to rezone the parcel.

Mr. Badger stated yes so that all of the parcels were the same zoning.

Mr. Wiseley stated that he had been in the area and that there was not a lot of traffic. He stated that he also believed that the church owned pretty much all of the property.

Ms. Fritch asked if the church owned all of the property, what was the reasoning for placing the building in the corner.

Mr. Badger stated that it was based on proximity to the church. He stated that if they moved it more to the south, the main parking area for the church would be blocked.

Mr. Billington asked about the sight triangle and asked what a typical distance would be.

Mr. Badger stated that there was the right of way, and then the building would be 10' from that. He stated that if there was a blind spot it would be for the people on High Street that were turning right, but there won't be an issue.

Mr. Jones asked if the new facility would be used exclusively for church activities.

John Paul Helton, Lead Pastor of Full Gospel Temple, appeared. He stated that their facilities were open to anyone and that all activities were open to the community.

Mr. Jones asked if they intended to rent the facility for others to use.

Pastor Helton stated no. He stated that they had no need to rent the facility and that all parties would come from the congregation.

Ms. Fritch asked if this would be considered an extension of the church that was across the street.

Pastor Helton stated yes. The children church and youth chapel would be in this building. He stated that they had an existing school building that was 150 years old and that they were in the process of selling that, so they will need 100% of this building as an extension of church.

Ms. Fritch asked if the area in the 10' setback from the right of way would be converted to greenspace.

Mr. Badger stated not all of it, but there would be some grassy area and shrubs there.

Ms. Fritch asked if the proposed parking lot would have additional landscaping.

Mr. Badger stated yes, they had a landscape plan.

Mr. Wiseley asked if the existing sidewalk was in good shape or if it would need any repairs.

Mr. Badger stated that if it was damaged they would replace it but that it was not cracked currently. He stated that water may be the only utility they needed to cut into the street for, and they would fix the sidewalk.

Ms. Fritch asked if there was an existing stop sign at the intersection of High Street and 6th Street.

Pastor Helton stated yes, there was a 2 way stop sign going east and west on 6th Street.

No one appeared in opposition.

Mr. Wiseley made a motion to approve BZA 43-24 the appeal of Full Gospel Temple, Inc. with the hardship as stated in the application. 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 43-24 approved.

REPORT FROM DIRECTOR:

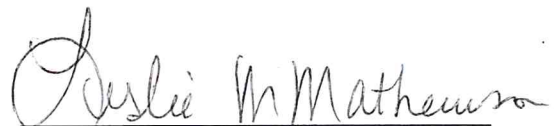
Ms. Swackhamer reported that she had given the Board a copy of her report to review. She stated that June and July had been very busy month for the Building Commissioner and that it was that time of year for building and inspections. She stated that there was a scheduled Unsafe Housing meeting on August 19th, and that Mr. Fouch had 5 items on that agenda. She stated that as a reminder, Mr. Fouch was the only one doing the inspections and reviews, and that we were starting to have Ms. Murrell help with some of the complaints. She stated that on the transportation side of the office, we have added a new member to the Transportation Policy Committee from County Council and that was Jim Mochal. She stated that he seemed excited to be part of that committee and learn more about the Plan Commission. She stated that the office was working on updating the Delaware County ADA Transition Plan, the current one was from 2007, and was more than outdated. She stated that she had a meeting with Angie Moyer, so Delaware County, Yorktown, and Selma were all participating in the update and a consultant would be hired to help with that. She stated that the Public Participation Policy was also being updated, and that Ball State had a studio class that would be working on that this fall and spring, so should be ready March of 2025. She stated that she had listed the BZA, MPC, Plat and VRC cases for the year to date and had those numbers listed by how many were in the county and how many were in the city limits. She stated that the properties that Mr. Jones had asked about at 6500 and 6504 E Jackson Street had been looked at, and no permits have been submitted, and that the timeframe for those variances had expired.

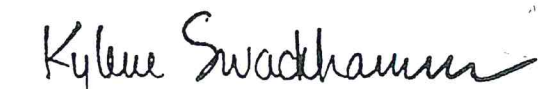
She stated that letters had been sent to JoAnn Burton from Golden Sky, the representative at the previous meeting, along with the owners Royalty Lionez and Olympus Management. She stated that all 3 of those letters had been returned, and that Mr. Daniel had found some alternate addresses, and that he would resend those notices.

Mr. Jones stated that he had started to take pictures of the property to show that it had been partially mowed since the last meeting, and that it appeared that the property was not secured.

Ms. Swackhamer stated that Mr. Daniel would be sending new letters and that she would have Mr. Fouch inspect the property and go from there. She stated that she had also attached an invite to a solar meeting called Power Hour, and that she was strongly encouraging everyone to learn as much as they could about solar energy. She stated that this Board was going to have to make some decisions on those issues very soon. She stated that she had talked to 3 of the solar companies and asked that they include the Plan Commission on all of the public outreach that they were planning. She stated that all 3 companies seemed very interested in public outreach and being transparent and trying to get as much information to the public sooner rather than later. She stated that these opportunities are very good for the public and for those that sit on the Boards and committees that make those decisions. She stated that there was also one planned on August 1st at the Hamilton Township fire department, but that she did not have those specific details. She stated that she would share any information with the Board and asked them to do the same if they had information to share. She stated that the TogetherDM Coalition was something that the Muncie Action Plan had created, and that they had hired a consultant and started scheduling meetings for stakeholders and involved agencies to provide input. She stated that if any of the Board members would like more information, please just email her and she would keep them updated. She stated that the 2025 budget had been submitted and that those meetings begin in September. She stated that she had received some input and advice from Mr. Murphy, and that they were just trying to inform the County Council a little more about what the office does and how that budget works.

ADJOURNMENT:


Leslie Mathewson, Chairman


Kylene Swackhamer, Secretary