

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

**DATE: November 21, 2024**

**PLACE: Commissioners Court Room  
3<sup>rd</sup> Floor, Delaware County  
Building**

**TIME: 6:00 P.M.**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

<b>Leslie Mathewson</b>	
<b>Matt Billington</b>	<b>Mike Jones</b>
<b>Ellen Brannon</b>	<b>Sue Kaiser</b>
<b>Delaney Fritch</b>	<b>Vacant</b>

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

**NEW BUSINESS:**

**BZA 53-24 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Mike and Denise Hall**, 4601 West County Road 700 South, Muncie, Indiana, requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a motocross track business in a farm zone on premises located at 4601 West County Road 700 South, Monroe Township, Delaware County, Indiana, as more accurately described in the application.

**BZA 54-24 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Sunbelt Rentals, LLC and RRO, LLC**, 2520 South Madison Street, Muncie, Indiana, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow an increased front setback/build to line, service bays facing Madison Street and increased fence height for commercial redevelopment on premises located at 2520 South Madison Street, Muncie, Indiana, as more accurately described in the application.

**BZA 55-24 Jurisdiction: Board of Zoning Appeals**  
Being a public hearing on the matter of an application filed by **Dutch Brothers Coffee and TCP Muncie I, LLC**, 9102 North Meridian Street, Suite 230, Indianapolis, Indiana, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow increased front setback build to lines and for the drive-thru in front of the building for a new coffee shop commercial development on premises located at the southwest corner of McGalliard Road and Granville Avenue, Muncie, Indiana, as more accurately described in the application.

**BZA 56-24 Jurisdiction: Board of Zoning Appeals**  
Being a public hearing on the matter of an application filed by **Earl George and Peggy Jane Clark**, 3528 14<sup>th</sup> Street West, Lot K-1, Bradenton, Florida, requesting variances from the terms of the Delaware County Subdivision Ordinance to allow division of a property resulting in a 1.02 acre parcel located on a major road and in a flood hazard area separating the house from the surrounding tillable area in a farm zone on premises located at 11301 East Edgewater Road, Delaware Township, Delaware County, Indiana, as more accurately described in the application.

**BZA 57-24 Jurisdiction: Board of Zoning Appeals**  
Being a public hearing on the matter of an application filed by **Theresa Kay (Goforth) Johnson**, 1201 North County Road 600 East, Selma, Indiana, requesting variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow the floor area of the accessory buildings to exceed that of the dwelling and for decreased front and side setbacks all for a new detached garage in a residence zone on premises located at 1201 North County Road 600 East, Liberty Township, Delaware County, Indiana, as more accurately described in the application.

**BZA 58-24 Jurisdiction: Board of Zoning Appeals**  
Being a public hearing on the matter of an application filed by **Fredrick J. Current**, 9701 South Fleming Street, Muncie, Indiana, requesting variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow increased lot coverage and decreased setbacks for a new detached garage in a residence zone on premises located at 9704 South Fleming Street, Monroe Township, Delaware County, Indiana, as more accurately described in the application.

**BZA 59-24 Jurisdiction: Board of Zoning Appeals**  
Being a public hearing on the matter of an application filed by **Sharon Jones**, 608 North County Road 500 East, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a decreased front setback for an addition to the house on premises located at 608 North County Road 500 East, Liberty Township, Delaware County, Indiana, as more accurately described in the application.

**BZA 60-24 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Gerald Dunsmore**, 11590 West County Road 300 North, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a decreased side setback for a new barn in a farm zone on premises located at 11590 West County Road 300 North, Harrison Township, Delaware County, Indiana, as more accurately described in the application.

**BZA 61-24 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Ralph David and Lori K. Hobbs**, 5881 West County Road 700 South, Daleville, Indiana, requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow new commercial barn in a farm zone on premises located on the south side of County Road 700 South ½ mile west of County Road 300 West, Salem Township, Delaware County, Indiana, as more accurately described in the application.

**BZA 62-24 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Jon and Emily Taylor**, 9601 North Walnut Street, Muncie, Indiana, requesting variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow the floor area of the residential accessory buildings to exceed that of the dwelling and for an increased height for a new barn for personal storage on premises located at 9601 North Walnut Street, Hamilton Township, Delaware County, Indiana, as more accurately described in the application.

**REPORT FROM DIRECTOR:**

**ADJOURNMENT:**

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

The Delaware-Muncie Metropolitan Board of Zoning Appeals (BZA) held its regular monthly meeting on Thursday, November 21, 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:**

**CONFIRMATION OF NEW MEMBER:**

Mr. Daniel stated that the Board was welcoming a new member, Dustin Clark, who would be filling a vacant seat. Mr. Daniel read the oath of office to Mr. Clark, who responded in agreement with "I will".

**ROLL CALL:**

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

**MINUTES:**

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

**NEW BUSINESS:**

**BZA 53-24 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Mike and Denise Hall**, 4601 West County Road 700 South, Muncie, Indiana, requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a motocross track business in a farm zone on premises located at 4601 West County Road 700 South, Monroe Township, Delaware County, Indiana, as more accurately described in the application.

Mike Hall, 4601 W. CR 700S., Muncie, Indiana, appeared with his wife Denise Hall. He stated that they would like to continue to run their motocross track on the property. He stated that they had started this just for friends, and with more and more people coming, they needed the variance.

Ms. Mathewson stated for the record that the Board had received a packet of approximately 25 letters in support and that some of those letters were from people from other locations that discussed coming to the track.

Mr. Hall stated that it takes a lot of work to run, so he only does 1 day per week.

Ms. Kaiser asked if it was only on the weekends.

Mr. Hall stated that it was usually on Saturday or Sunday but that he had run the track during the week for a few hours depending on the weather.

Mr. Jones asked how long they had been in operation.

Mr. Hall stated it had been about 3 years. He stated that he really like motocross but was tired of driving over 2 hours to the nearest track. He stated that his friends starting using the track and then it just grew from that.

Mr. Jones asked if he sold any of the equipment.

Mr. Hall stated no, it was just for people to ride on the track.

Ms. Mathewson asked how many people would be here at one time.

Mr. Hall stated that if it was during the week maybe 15-20 people and on the weekends it could be 30-40 people.

Mr. Jones asked about the hours of operation.

Mr. Hall stated that on Saturday and Sunday it was mostly 10:00 A.M. to 4:00 P.M. but could vary based on the weather.

Ms. Kaiser asked if he had ever had complaints from the neighbors.

Mr. Hall stated that he had never had any of the neighbors come to him to complain, they have come to watch.

Ms. Kaiser stated that she was curious about the noise.

Mr. Hall stated that no one had ever complained about noise.

Mr. Billington asked if this was a year-round track.

Mr. Hall stated no, he usually stops in November and starts back up in March or April depending on the weather.

Ms. Mathews stated that the Board had an aerial image that showed the track and asked where all of the people would be parking.

Mr. Hall stated that the track was mainly on one side of the property and that the grassy area on the other side was where people parked.

Levi Johnson stated that he lived approximately ½ mile away from Mr. Hall, appeared in support. He stated that he used to race all over the country and that was a financial struggle for his parents. He stated that he wished there had been some place close by when he was a kid. He stated that his dad is 57 years old and that they go to Mr. Hall's track together and that it was a very family friendly space. He stated that he met someone from Michigan here, and then went to dinner and saw some one else from out of town and that he believed it was bringing money into Delaware County. He stated that he had raced for a long time and that this was one of the safest tracks that he had been on and was in support.

Candy Smith, Hagerstown, Indiana, appeared in support. She stated that racing was not cheap and her husband had been racing since he was a kid and that there were no tracks close by them. She stated that this was not a cheap sport and that they would need to drive a few hours to get to the nearest track. She stated that it was great when they found this track and that they were very excited, and she had never been to a track that was this safe and controlled. She stated that different age groups are on the track at different times to keep everyone safe at all the levels of experience. She stated that he allows people to park in his yard, use this nice track that runs by his house, and that everyone appreciated that very much. She stated that when they come to the track, they spend money shopping and eating when they are in Delaware County.

No one appeared in opposition.

Mr. Daniel read a letter that was received from a neighbor, not in opposition, but with a concern about the noise since the business seems to be growing, and there was a church just down the road, and that Sunday was his only day of rest.

Ms. Mathewson asked if they had received any complaints about the noise.

Mr. Hall stated that no one had ever said anything to him about the noise.

Ms. Mathewson asked if there was a church nearby.

Mr. Hall stated that there was one fairly close.

Ms. Mathewson asked if anyone had ever come and asked them to change the times of their racing or mentioned the noise.

Mr. Hall stated no.

Mr. Jones asked if they had liability insurance.

Mr. Hall stated that they had everyone complete a waiver which was what most race tracks did.

Mr. Jones stated as a good neighbor he would like to see them contact the pastor of the church and just have a brief conversation.

Ms. Fritch asked if they had any objection to the times of operation not to include Sunday.

Mr. Hall stated no. He usually only runs for a few hours and he could run 1 day during the week.

Ms. Hall stated that it was all depending on the weather also as to running on Saturday or Sunday.

Mr. Clark asked if they would consider a tree line to be added to help diffuse the noise.

Mr. Hall stated yes.

Mr. Jones made a motion to approve BZA 53-24 the appeal of Mike and Denise Hall with the hardship as stated in the application. Mr. Billington seconded the motion. Voting in favor: Mr. Billington, Mr. Clark, Ms. Fritch, Mr. Jones, Ms. Kaiser, and Ms. Mathewson. Voting against: None. Motion carried, BZA 53-24 approved.

#### **BZA 54-24 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Sunbelt Rentals, LLC and RRO, LLC**, 2520 South Madison Street, Muncie, Indiana, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow an increased front setback/build to line, service bays facing Madison Street and increased fence height for commercial redevelopment on premises located at 2520 South Madison Street, Muncie, Indiana, as more accurately described in the application.

Ryan Orr, 2520 S. Madison St., Muncie, Indiana, appeared with Dave Teyber to represent the applicant. He stated that they were pursuing 3 different variances as part of the redevelopment of this site. He stated that they would be demolishing the existing buildings which had reached the end of their life-span, and construction of a new 10,600 square foot building. He stated that they would be complying with the 20' building line along Madison Street, but that the hardship was along 18th Street, where they would like to build back 85' due to the overhead doors. He stated that the nature of the business would have a vehicle pull in for maintenance and then straight out of the building to create continuous movement for safety purposes. He stated that the bays would have movement in both directions, and would require a little more of a building setback to accommodate that. He stated due to this being a corner lot, the bay doors would face

the public right of way on 18<sup>th</sup> Street and would happen no matter how they orient the building. He stated that the fencing in the front yard was already a 6' chain link fence with a barbed-wire topper and that they were asking to continue that fence for security of the property. He stated that they wanted the fence to surround the entire equipment storage area with gates that would close when the business was closed. He stated that the customer parking on the northwest corner of the property would not be enclosed with fencing and that they would close one of the driveways on South Madison with the new site layout. He stated that there was some parking on the southwest parking as well in order to meet code requirements and would mostly be used for employees but could be used by customers if needed.

Mr. Jones asked if they leased the property.

Mr. Teyber stated yes, that his mother owned the property.

Mr. Jones asked Mr. Murphy if as a lessee of the property, could they file the application.

Mr. Murphy stated that he would review the application quickly to answer that questions.

Mr. Orr stated that the current property owner did sign and notarize that document.

Mr. Jones asked if they would be demolishing the current structures on the property.

Mr. Teyber stated that his family owned the property and that his great-grandfather started the business and built that building on the southside of the property in 1960. He stated that the red building on the northeast corner of the property was over 100 years old, and that they were both older buildings that needed torn down. Mr. Teyber stated that currently the customers enter on the northwest entrance of the building, and leave through that same entrance by the gas station. He stated that the new layout would give a much broader area for traffic to flow, and that traffic would less effected with the new plan than it sometime was now.

Mr. Murphy stated that he had reviewed the application, and that he was not concerned since page 4 of that document was signed by the property owner.

Mr. Clark stated that they would be removing the older buildings, and asked what the façade of the proposed 10,600 building would look like.

Mr. Orr stated that there was an exterior elevation sheet that was included in their packets. He stated that the portion of the building that faced South Madison Street that would be a combination of block and store front windows. He stated that was the façade that would also be visibly from 18<sup>th</sup> Street, and was the front showroom and office area. He stated that the once it turned the corner to the service area, the building was predominately bay doors.

Ms. Fritch asked if there were bay doors on the north and south sides of the building.

Mr. Orr stated yes.



Mr. Teyber stated it would be more like a breezeway all the way through on both sides.

Ms. Mathewson stated that these were both corridor roads, so the development would need to meet the corridor standards including the façade.

Mr. Orr stated that they had been working with Mr. Daniel on those requirements.

Ms. Fritch stated that these were both important streets, and that she did not see the landscape plans and asked about those.

Mr. Orr stated that they would work with staff and develop a plan that would be code compliant.

Mayor Ridenour, 300 N. High St., Muncie, Indiana, appeared in support. He stated that the existing buildings were at the end of their lifetime, and that the city was supportive of replacing buildings that would improve business operations. He stated that the landscaping will be important since this was located along Madison Street, and the city was very much in support of the request.

No one appeared in opposition.

Mr. Jones made a motion to approve BZA 54-24 the appeal of Sunbelt Rentals, LLC and RRO, LLC with the hardship as stated in the application with the following conditions: 1) That the development will meet all other corridor standards not covered by variances; and 2) That the applicant will continue to work with staff to achieve an approved landscape plan. Ms. Kaiser seconded the motion. Voting in favor: Mr. Billington, Mr. Clark, Ms. Fritch, Mr. Jones, Ms. Kaiser, and Ms. Mathewson. Voting against: None. Motion carried, BZA 54-24 approved.

#### **BZA 55-24 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Dutch Brothers Coffee and TCP Muncie I, LLC**, 9102 North Meridian Street, Suite 230, Indianapolis, Indiana, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow increased front setback build to lines and for the drive-thru in front of the building for a new coffee shop commercial development on premises located at the southwest corner of McGalliard Road and Granville Avenue, Muncie, Indiana, as more accurately described in the application.

Bill Terry, Weihe Engineers, 10505 N. College Ave. Indianapolis, Indiana, appeared to represent the applicant. He stated that they would like to increase the required setback and to locate the drive-thru between the building and the street.

Ms. Mathewson asked if he could briefly explain why they were asking for the variances.

Mr. Terry stated that it was mainly for traffic circulation. He stated that they had looked at several different layouts, and this one was the best for stacking in the drive-thru and that it would take approximately 30 cars to wrap around and reach back to McGalliard Road. He stated that they would be removing one curb cut on Granville Avenue that was close to the intersection, and that the existing curb cut on McGalliard Road would be improved for easier access. He stated that he had been communicating with Mr. Daniel on the landscape plans, and that they had been working with Mr. Leach, City Engineer, the 50' right of way dedication on McGalliard, and 30' on Granville Avenue.

Mr. Daniel asked if he had drawings that he would like to submit showing those right of way dedications.

Mr. Terry stated yes.

Mayor Ridenour, 300 N. High St., Muncie, Indiana, appeared in support. He stated there had been a building at this location that was now gone, and that this would be a great improvement for that corner. He stated that they had been working hard with Mr. Daniel and Mr. Leach and that he was hopeful for a favorable recommendation.

Ms. Mathewson stated that an email had been received in support.

No one appeared in opposition.

Mr. Jones made a motion to approve BZA 55-24 the appeal of TCP Muncie, LLC with the hardship as stated in the application. Ms. Fritch seconded the motion. Voting in favor: Mr. Billington, Mr. Clark, Ms. Fritch, Mr. Jones, Ms. Kaiser, and Ms. Mathewson. Voting against: None. Motion carried, BZA 55-24 approved.

#### **BZA 56-24 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Earl George and Peggy Jane Clark**, 3528 14<sup>th</sup> Street West, Lot K-1, Bradenton, Florida, requesting variances from the terms of the Delaware County Subdivision Ordinance to allow division of a property resulting in a 1.02 acre parcel located on a major road and in a flood hazard area separating the house from the surrounding tillable area in a farm zone on premises located at 11301 East Edgewater Road, Delaware Township, Delaware County, Indiana, as more accurately described in the application.

Kathy Vannice, Ashton Land Surveyor, 325 W. Washington St., Muncie, Indiana, appeared to represent the applicant. She stated that the applicant was in Florida, trying to fix their house up after the hurricane damage. She stated that the house was built in 1968 and remodeled in 1999, and was in a flood zone. She stated that they had gone through the process of obtaining a septic permit approved through testing, and that the well was on the southeast side of the property. She stated that the original septic dated to around 1968, so she believed the location was to the south and west of the property. She stated that the Clark's were intending to sell just the property with the house, and that they wanted

to keep as much of the farm ground as possible since the farming activity was part of their income.

No one appeared in opposition.

Ms. Fritch made a motion to approve BZA 56-24 the appeal of George and Peggy Clark with the hardship as stated in the application. Mr. Billington seconded the motion. Voting in favor: Mr. Billington, Mr. Clark, Ms. Fritch, Mr. Jones, Ms. Kaiser, and Ms. Mathewson. Voting against: None. Motion carried, BZA 56-24 approved.

**BZA 57-24 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Theresa Kay (Goforth) Johnson**, 1201 North County Road 600 East, Selma, Indiana, requesting variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow the floor area of the accessory buildings to exceed that of the dwelling and for decreased front and side setbacks all for a new detached garage in a residence zone on premises located at 1201 North County Road 600 East, Liberty Township, Delaware County, Indiana, as more accurately described in the application.

Theresa Johnson, 1201 N. CR 600E, Selma, Indiana, appeared. She stated that she would like to build a 60' x 30' garage with a 16' x 30' section to be a recreation room. She stated that her mother had dementia and required 24 hour care, and that this area would be nice for family to come to visit since her house was very small. She stated that this would have a covered porch area that her house did not have and would be nice for her mother. She stated that years ago she had converted the attached garage into a room for her grandfather, and it would be nice to have a garage again for the cars and trucks. She stated that she just had the outside of the house refinished, and that the new building would match that as well.

Ms. Kaiser asked if there would be bathroom facilities in the building since it was a recreation area.

Ms. Johnson stated yes, she would like to have a bathroom in the building since her house only had the one bathroom.

Ms. Mathewson asked if this would be for personal use, or if there would be any type of business use.

Ms. Johnson stated that she was almost 67 years old, and that she did have a beauty shop in Selma. She stated that she would like to have the business here, but that would depend on the economy and how business went or if she decided to retire. She stated that it would cost another \$7,000 for the changes needed.

No one appeared in opposition.

Mr. Jones made a motion to approve BZA 57-24 the appeal of Theresa Johnson with the hardship as stated in the application with the condition that there be no business use and be for personal use only. Ms. Kaiser seconded the motion. Voting in favor: Mr. Billington, Mr. Clark, Ms. Fritch, Mr. Jones, Ms. Kaiser, and Ms. Mathewson. Voting against: None. Motion carried, BZA 57-24 approved.

**BZA 58-24 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Fredrick J. Current**, 9701 South Fleming Street, Muncie, Indiana, requesting variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow increased lot coverage and decreased setbacks for a new detached garage in a residence zone on premises located at 9704 South Fleming Street, Monroe Township, Delaware County, Indiana, as more accurately described in the application.

Fredrick Current, 9701 S. Fleming St., Muncie, Indiana, appeared. He stated that he had a modular home that he was renting to his grandson, and he would like to build a 30' x 30' garage for storage. He stated that they would need a variance for the setback along Fleming Street, and the new garage would be the same distance from that road as the existing modular home.

Ms. Mathewson asked if this would be strictly for personal use.

Mr. Current stated yes.

Ms. Kaiser asked if the façade of the new garage would match the house.

Mr. Current stated that it would either be a pole building or stick built building with metal or vinyl siding similar to the house.

No one appeared in opposition.

Mr. Jones made a motion to approve BZA 58-24 the appeal of Fred Current with the hardship as stated in the application with the condition that the garage be for personal use only. Ms. Fritch seconded the motion. Voting in favor: Mr. Billington, Mr. Clark, Mr. Jones, Ms. Kaiser, and Ms. Mathewson. Voting against: Ms. Fritch. Motion carried, BZA 58-24 approved.

**BZA 59-24 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Sharon Jones**, 608 North County Road 500 East, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a decreased front setback for an addition to the house on premises located at 608 North County Road 500 East, Liberty Township, Delaware County, Indiana, as more accurately described in the application.

Cyler Sarah, 8212 N. Ravenwood Dr., Muncie, Indiana, appeared. He stated that he and his wife currently lived in Country Village with their 3 children and would like to move to this location. He stated it was his grandmothers house and that they would need to add 2 bedrooms to the house for his family.

No one appeared in opposition.

Ms. Fritch made a motion to approve BZA 59-24 the appeal of Sharon Jones with the hardship as stated in the application. Mr. Clark seconded the motion. Voting in favor: Mr. Billington, Mr. Clark, Ms. Fritch, Mr. Jones, Ms. Kaiser, and Ms. Mathewson. Voting against: None. Motion carried, BZA 59-24 approved.

**BZA 60-24 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Gerald Dunsmore**, 11590 West County Road 300 North, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a decreased side setback for a new barn in a farm zone on premises located at 11590 West County Road 300 North, Harrison Township, Delaware County, Indiana, as more accurately described in the application.

Gerald Dunsmore, 11590 W. CR 300N, Muncie, Indiana, appeared. He stated that he was currently going through a divorce and needed the space to keep all of his things from that house.

Ms. Mathewson stated that it looked like he wanted to build a pole barn and asked how he decided on the proposed location for that building.

Mr. Dunsmore stated that it was the only good location to build on that property because of the pond, septic, and well.

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

Mr. Dunsmore stated yes.

Ms. Mathewson asked if he ever intended to use the building for business use.

Mr. Dunsmore stated no, he did run a drywall business but it was just his personal tools.

Ms. Mathewson asked if had talked to any of the neighbors about the request.

Mr. Dunsmore stated he had talked to Josh Curts, the neighbor that lives to the west.

Ms. Mathewson asked what his reaction was to the request.

Mr. Dunsmore stated that he was ok with the request and that Mr. Curts was going to help him build the garage.

Ms. Mathewson asked if he had talked to the owners to the east.

Mr. Dunsmore stated no, but that they were in the audience.

Ms. Mathewson asked if he had talked to the Health Department concerning his septic system.

Mr. Dunsmore stated no.

Mr. Jones asked if there was an existing septic system on the property now.

Mr. Dunsmore stated yes for the house, and that the he would be 30-40 feet from that system for the new garage.

Mr. Jones asked if the proposed barn would have a restroom.

Mr. Dunsmore stated maybe, but not right away.

Mr. Jones asked if he would be adding to the existing septic system.

Mr. Dunsmore stated he would add another finger if it was called for to add another bathroom.

Mr. Jones asked what role the Health Department would have if a bathroom were added.

Mr. Daniel stated the addition of a restroom would require the Building Commissioner to send the permit application to the Health Department for approval or recommendations for additions to the existing system. He stated that there had been some question about the location of the existing septic system brought to the Building Commissioner's attention. He stated that staff had reached out to the Health Department and that their records of the current system show its location being partially under the existing pond, so that raised some concerns as to it supporting additional bathroom facilities.

Mr. Dunsmore stated that when he purchased the property in 2007, the system was broken at that time and he had to address that and fix it and then build his home. He stated that he would have to run lines under the driveway to place a bathroom in the new barn, so he was not certain he could do it or not yet.

Mr. Jones stated that a bathroom would be based on approval by the Health Department, and there seems to be a question at this time.

Mr. Daniel stated yes, they would need to sign off on that permit.

Ms. Mathewson stated that the request could be approved for the location with the understanding that Mr. Dunsmore would need to follow all of the regulations for adding a bathroom.

Mr. Daniel stated that a bathroom in the plans for a building permit would automatically send that to the Health Department for their review. He stated that approval for any variance request that the Board makes is with the understanding that all other applicable permits are obtained. He stated that if the Board had concerns regarding the septic system and would like to include that in the motion as a condition, he believed that was within the Board's authority.

Mr. Murphy stated that he agreed with Mr. Daniel.

Ms. Fritch asked for confirmation that the design of the structure was chosen out of the need for his personal storage and that he could not make it smaller to place it elsewhere on the property.

Mr. Dunsmore stated no, he had built 2 other garages before and they were both too small, and that he was storing a tractor at his neighbor's house now because he needed more space.

Ms. Fritch asked if there was any room on the north side of the property that would be suitable for the building.

Mr. Dunsmore stated that when they dug the pond they left all of the dirt and that it had created a hill in that area and would take a lot of excavating to get the ground ready to build. He stated that this barn was not something he wanted to build, he needed to for storage.

Kenna Bales, 1150 W. CR 300N, Muncie, Indiana, appeared in opposition. She stated that she lived directly to the east of Mr. Dunsmore, and she had several concerns. She stated that she did not believe the building can be built 2' from her property line without trespassing on her property. She stated that in the proposed building area, the ground slopes from the east to the west and from the north to the south a total of 32". She stated that using a builders tripod, the ground slopes down 14", so he would need to build up the ground 46" to build a slab for the building. She stated that the front of the barn would be 17' and the back would be 20' tall. She stated that she believed that there were other location that he could build including the north west corner that was flat enough. She stated that she also believed it would decrease the value of her property because of the location of the proposed building and the lack of maintenance to his modular home now. She stated that she questioned if he would be hiring a licensed contractor and if it would be built in a timely manner.

William Bales, 1150 W. CR 300N., Muncie, Indiana, appeared in opposition. He stated that they had built their house 19 years ago on their 5 acre property and that they went through all of the permitting processes that were required. He stated that they had provided an aerial of both properties, and that he had calculated the size of the proposed barn, and found 6 different locations other than the location Mr. Dunsmore suggested.

He stated that any of the other locations would not be directly outside of their bedroom window and encroaching on their property line. He stated that the lines that Mr. Dunsmore had drawn for the location of his septic did not match up with what the Health Department had on record. He stated that he used a laser and measured from Mr. Dunsmore's house to the property line, and that there was more room for the building and they would not have to build so close to them. He stated that he understood why he wanted to build this building, he just did not believe it needed to be built in this location. He stated that he did not want to cause any trouble, but that this would make their life miserable and that they were in opposition.

Mr. Dunsmore stated that the area on the north west side of the property was too narrow and would not work for the building because of the farm fence. He stated that because of the location of the well, if he was to build on the west side of the property he would be even closer to the road. He stated that he was not trying to be a problem to anyone this was just the best location for the size barn he needed to build.

Mr. Jones made a motion to approve BZA 60-24 the appeal of Gerald Dunsmore with the hardship as stated in the application with the condition that all approvals including the Health Department are obtained. Ms. Fritch seconded the motion. Voting in favor: MR. Jones and Ms. Kaiser. Voting against: Mr. Billington, Ms. Fritch, and Ms. Mathewson. Abstaining: Mr. Clark. Motion failed, BZA 60-24 to be automatically continued to the December 19, 2024 regular meeting.

**BZA 61-24 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Ralph David and Lori K. Hobbs**, 5881 West County Road 700 South, Daleville, Indiana, requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow new commercial barn in a farm zone on premises located on the south side of County Road 700 South 1/2 mile west of County Road 300 West, Salem Township, Delaware County, Indiana, as more accurately described in the application.

David Hobbs, 5881 W. CR 700S., Daleville, Indiana, appeared with his wife Lori Hobbs. He stated that they were the owners of Accurate Stripping and had been in business since 1993. He stated that they primarily do work for the city and county Department of Transportation (DOT) as far as traffic control devices included the lines on the roads. He stated that they had 2 existing structures on the property that the specialized equipment they use for that work was stored in since it must be inside out of the elements. He stated that they would like to build a new structure to keep those vehicles and equipment inside for protection and to maintain the properties appearance.

Ms. Mathewson stated this would keep everything inside now instead of being outside,

Mr. Hobbs stated yes. He stated it was highly specialized equipment that they have to purchase and maintain out of state, and it needed to be protected as much as possible.



Ms. Mathewson asked if this was the type of business where people come to them or do they go to the customers.

Mr. Hobbs stated that they did not have customers coming here, they go to the clients and that some are in neighboring states and cities.

Ms. Fritch asked if they had any designs available of the building.

Mr. Hobbs stated that they did not have full plans at the time they submitted but that they had those now. He stated that it would be a pole building structure and would be very similar to the 2 existing structures.

Ms. Fritch asked if the overhang faced north.

Mr. Hobbs stated yes, the overhang was north and south and that the gable ends were the east and west ends. He stated that there was a front gable that was for the longer pieces of equipment that needed a little more length.

Ms. Hobbs stated that the proposed building would be placed in front of the current buildings, so this new structure would be the only one visible from the road.

Mr. Hobbs stated that they had good relationships with the neighbors, and they wanted to move some of these items inside to help maintain the property.

Ms. Fritch asked if all of the equipment would now be fully enclosed.

Mr. Hobbs stated that they believed that they could have everything inside.

Mr. Clark stated that this was a property outside of the city limits, but asked if they would consider the addition of any trees or shrubs to breakup the view of the building from 700 South.

Mr. Hobbs stated that they had been talking with J. Crew Landscaping regarding some additional landscaping on the property.

Ms. Fritch asked if there would be any business signage.

Mr. Hobbs stated no, and there would be none. He stated that they had been operating on an existing variance from 2011, and that was the same type of business they would still be operating. He stated that they owned 3 parcels and that their new building fell on one of the parcels that the existing variance did not cover.

Mr. Daniel stated for the record, this also constitutes an expansion of what was previously approved in 2011, so any new buildings would require a variance.

Ms. Fritch asked about the 2 horses that were mentioned in the staff report.

Ms. Hobbs stated that it had been brought to their attention, and that they had contacted Ashton Land Surveyors in order to add 2 acres to the 4.1 acres where their home and the horses were located.

Ms. Fritch asked if the horses were on the northern most parcel.

Mr. Hobbs stated yes.

Mr. Clark asked for clarification that they also owned the property to the west.

Mr. Hobbs stated yes.

Ms. Hobbs stated that the home and barn would then be on 6.1 acres and would include the pasture area for the horses.

Ms. Fritch asked if they were pursuing the issue of the horses independently of this variance, and if anything would need to be addressed at this time.

Mr. Daniel stated that this request did not include the horses so it could not be covered at this time. He stated that the proposed solution would place the horses on at least 5 acres in farm zone and which was a permitted use.

Ms. Fritch asked if they were required to do that in order to be in compliance with the ordinance.

Mr. Daniel stated that they could address the situation with the horses in various ways, and that adding acreage to the house and barn to be 5 acres or more was one way. He stated that they could also come before the Board with a different request to have horses on less than 5 acres, or they could remove the horses.

Mr. Hobbs stated that the horses belonged to their daughter and that they would be most likely be gone in the next year.

Mr. Billington asked if they needed to expand the approved 2011 variance.

Mr. Daniel stated that this request was for an expansion of the business use that was approved in 2011 to allow the addition of a new building for their business.

No one appeared in opposition.

Ms. Fritch made a motion to approve BZA 61-24 the appeal of Ralph David Hobbs and Lori Hobbs with the hardship as stated in the application with the condition that the variance is for the applicant only and will not transfer with the property. Mr. Billington seconded the motion. Voting in favor: Mr. Billington, Mr. Clark, Ms. Fritch, Mr. Jones, Ms. Kaiser, and Ms. Mathewson. Voting against: None. Motion carried, BZA 61-24 approved.

**BZA 62-24 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Jon and Emily Taylor**, 9601 North Walnut Street, Muncie, Indiana, requesting variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow the floor area of the residential accessory buildings to exceed that of the dwelling and for an increased height for a new barn for personal storage on premises located at 9601 North Walnut Street, Hamilton Township, Delaware County, Indiana, as more accurately described in the application.

Jon Taylor, 9601 N. Walnut St., Muncie, Indiana, appeared. He stated that he owned and RV that stays outside during the summer and in the winter, he pays for storage. He stated that he would like the new building for the height of the RV, and that the square footage would allow for his boat and other personal items to be stored inside. He stated that there would not be water utilities to the barn.

No one appeared in opposition.

Ms. Fritch made a motion to approve BZA 62-24 the appeal of Jon and Emily Taylor with the hardship as stated in the application. Mr. Billington seconded the motion. Voting in favor: Mr. Billington, Mr. Clark, Ms. Fritch, Mr. Jones, Ms. Kaiser, and Ms. Mathewson. Voting against: None. Motion carried, BZA 62-24 approved.

Ms. Mathewson reported that Ms. Swackhamer was at a conference, and thanked Mr. Daniel for stepping up and handling the meeting this evening.

**ADJOURNMENT:**

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Leslie Mathewson, Chairman

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Fred Daniel, Acting Secretary