

**DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS
NOVEMBER - 2017 REGULAR MONTHLY MEETING
AGENDA**

DATE: November 30, 2017

PLACE: Commissioner's Court Room
3rd Floor, Delaware County
Building

TIME: 6:30 P.M.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

	Jack Neal, Jr.	
	Kathy Carey	Scott O'Dell
	Jim Fowler	Kelly Watson, Jr.
	Kathryn Kennison	Phyllis Zimmerman

MINUTES: Consideration of the October, 2017 regular monthly meeting minutes.

NEW BUSINESS:

BZA 50-17 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **William Cripe**, 2006 West Woodmont Drive, Muncie, Indiana, requesting a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a decreased street side setback for a storage addition to an existing house on premises located at 2006 West Woodmont Drive, Muncie, Indiana, as more accurately described in the application.

BZA 51-17 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Evan and Kristy Smoot**, 19601 North Boundary Road, Eaton, Indiana, requesting variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow expansion of a business use and a decreased side setback for a new addition to an existing barn used as an event center on premises located at 19601 North Boundary Road, Niles Township, Delaware County, Indiana, as more accurately described in the application.

BZA 52-17 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Paul and Ardith Bell**, 520 South Butterfield Road, Muncie, Indiana, requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a multi-family use of two existing dwellings in a Farming Zone, one structure containing a single unit and a second containing two units on premises located at 520 South Butterfield Road, Center Township, Delaware County, Indiana, as more accurately described in the application.

BZA 53-17 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Miromar, LLC**, 400 North High Street, Suite 110, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a decreased rear setback for a new storage building on premises located at 4501 South Cowan Road, Center Township, Delaware County, Indiana, as more accurately described in the application.

BZA 54-17 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Brenda (Adams) Cribbs and Homer Adams**, 18600 North County Road 100 West, Muncie, Indiana, requesting variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a decreased street side setback for an existing barn and for the floor area of the barn to exceed the floor area of the house for a property split resulting in added acreage to an existing platted lot on premises located at 18600 North County Road 100 West, Union Township, Delaware County, Indiana, as more accurately described in the application.

BZA 55-17 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Gilbert and Carolyn Duncan**, 2010 East County Road 400 South, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a new 1,440 square foot accessory building on 4.16 acres without a dwelling for a total accessory building area of 3,300 square feet on premises located at 2001 East County Road 400 South, Monroe Township, Delaware County, Indiana, as more accurately described in the application.

BZA 56-17 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Indiana General Service Company and Indiana Michigan Power Company**, 1 Riverside Plaza, Columbus, Ohio, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow decreased foundation plantings, decreased buffer and plantings and decreased drainage basin screening for a new utility building on premises located at 5609 North Shaffer Road, Muncie, Indiana, as more accurately described in the application.

REPORT FROM DIRECTOR:

ADJOURNMENT:

**DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS
NOVEMBER - 2017 REGULAR MONTHLY MEETING
Minutes**

The Delaware-Muncie Metropolitan Board of Zoning Appeals (BZA) held its regular monthly meeting on Thursday, November 30, 2017 at 6:30 P.M., in the commissioners' Court Room of the Delaware County Building, Muncie, Indiana. Chairman Jack Neal Jr. called the meeting to order.

PLEDGE OF ALLEGIANCE:

Roll Call:

Ms. Moody called roll and the following members were present: Mr. Fowler, Mr. Neal, Mr. O'Dell, and Ms. Zimmerman. Ms. Kennison arrived after the meeting started. Absent: Ms. Carey, and Mr. Watson. Also present was Ms. Quirk, attorney for the Board.

Minutes: Consideration of the October, 2017 regular monthly meeting minutes.

Mr. Fowler made a motion to approve the October, 2017 regular monthly meeting minutes. Ms. Zimmerman seconded the motion. Voting in favor: Mr. Fowler, Mr. Neal, Mr. O'Dell, and Ms. Zimmerman. Voting against: none. Motion carried, October, 2017 minutes approved.

NEW BUSINESS:

BZA 50-17 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **William Cripe**, 2006 West Woodmont Drive, Muncie, Indiana, requesting a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a decreased street side setback for a storage addition to an existing house on premises located at 2006 West Woodmont Drive, Muncie, Indiana, as more accurately described in the application.

William Cripe 2006 W. Woodmont Dr., Muncie, Indiana appeared. He stated he wanted to add a storage room to his existing house. He stated he has several storage units, and would like to just have everything located into one place.

Mr. Neal asked what the overall look of the addition would be and how it would be accessed.

Mr. Cripe stated it would have french style doors not an overhead garage door and would match the look of the house. He stated it would have no access from the house. He also stated he has talked to a few neighbors and no one has expressed any complaints.

Mr. Fowler asked why it needed to be this size to make it so close to the property line.

Mr. Cripe stated he has a lot of tools and other personal items that was currently in other storage units. He stated the size meets the need for him to bring all of his things to one location.

Mr. Fowler asked if all of his belongings from the other units would fit in this addition. He also stated he has concerns with how close to the property line he wants to build.

At 6:36 P.M. Ms. Kennison arrived.

Ms. Kennison asked what exactly would he be storing here.

Mr. Cripe stated he has many tools and antique furniture that he just wants to have all in one location. He stated he does some woodworking and would like to have the space for that as well.

Mr. Neal asked if this was for a business.

Mr. Cripe stated it was not a business, just a hobby. He also asked Mr. Fowler what are his concerns.

Mr. Fowler stated he does not believe it is a good idea to start ignoring setbacks and lot lines because it can create visibility issues and a loss of greenspace.

Mr. Cripe stated he and his contractor don't believe this to be an issue.

David Clemmens, 4916 S. Arlington, Dunkirk, Indiana, appeared. He stated he is the contractor and he has spoken to the Building Commissioner's office, and a 50' line of site at the intersection is met with the existing plans for the addition.

Mr. Kennison asked how many storage units he has and if everything would fit in the addition.

Mr. Cripe stated he has several storage units, and that he would be getting rid of some items.

Mr. Fowler stated he would prefer a 10' setback instead of the requested 6' to help with visibility.

Ms. Kennison asked how he would feel about reducing the area of the addition.

Mr. Cripe stated would be willing to reduce the size of the building.

Craig Johnson, 2005 W. Woodmont, Muncie, Indiana, appeared. He stated he lives across the street and has no problem as long as the building looks nice, matches the house, and does not create any visibility issues.

Ms. Kennison asked as a neighbor, does he have concerns with this blocking line of site.

Mr. Johnson stated no.

No one appeared in opposition.

Mr. Fowler made a motion to approve BZA 50-17, the appeal of Mr. Cripe with the hardship as stated in the application with a 10' setback rather than 6'. Mr. O'Dell seconded the motion.

Voting in favor: Ms. Kennison, Mr. Fowler, Mr. Neal, Mr. O'Dell, and Ms. Zimmerman. Voting against: none. Motion carried, BZA 50-17 approved.

BZA 51-17 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Evan and Kristy Smoot**, 19601 North Boundary Road, Eaton, Indiana, requesting variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow expansion of a business use and a decreased side setback for a new addition to an existing barn used as an event center on premises located at 19601 North Boundary

Road, Niles Township, Delaware County, Indiana, as more accurately described in the application.

Kristy Smoot, 19601 N. Boundary Rd., Eaton, Indiana appeared. She stated the wedding venue is expanding and growing, and they would like to have office space and a permanent restroom facility in the barn.

Mr. Neal asked what restroom accommodations they have now.

Ms. Smoot stated they use a mobile restroom service.

Mr. Neal asked why they could not do the expansion on the other side of the barn.

Ms. Smoot stated they had updated landscape on that side of the barn and that is also the side where the patio is located. She also stated the only windows are on that side of the building, which provides a lot of natural lighting.

Mr. Neal stated the Board members had a letter from a neighbor.

Ms. Moody read a letter from a neighbor, Patria Alice Wilhoite stating she is in support of the request and is excited to see the business expanding and growing and would like to see the request granted.

Mr. Neal stated that they would need to follow all building codes and to keep in mind that the conditions for the previous request that granted the event center will still continue.

No one appeared in opposition.

Mr. Fowler made a motion to approve BZA 51-17, the appeal of Evan and Kristy Smoot with the hardship as stated in the application with the following conditions: 1) That BZA 04-15 remains in effect with all of its conditions: 2) That all permit regulations for septic and building will be met.

Mr. O'Dell seconded the motion. Voting in favor: Ms. Kennison, Mr. Fowler, Mr. Neal, Mr. O'Dell, and Ms. Zimmerman. Voting against: none. Motion carried, BZA 51-17 approved.

BZA 52-17 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Paul and Ardith Bell**, 520 South Butterfield Road, Muncie, Indiana, requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a multi-family use of two existing dwellings in a Farming Zone, one structure containing a single unit and a second containing two units on premises located at 520 South Butterfield Road, Center Township, Delaware County, Indiana, as more accurately described in the application.

Paul Bell, 520 S. Butterfield Rd., Muncie, Indiana, appeared. He stated at one time he had a business but since 1996 he was using it as a rental unit and would like to continue this use.

Mr. Neal asked if he had any problems.

Mr. Bell stated he had not.

Mr. Neal asked if they had separate septic and wells.

Mr. Bell stated they have separate septic systems and were on city water.

Mr. Fowler stated if in the future he wanted to sell this property he should split it so the house and rental unit are on separate parcels.

Ms. Moody stated at one point they were 2 parcels, and in the past the Center Township Assessor combined them, and that if in the future he decided to sell the property it could be dealt with at that time.

No one appeared in opposition.

Mr. O'Dell made a motion to approve BZA 52-17, the appeal of Paul and Ardith Bell with the hardship as stated in the application with the understanding that new addresses will be issued for the duplexes. Ms. Kennison seconded the motion. Voting in favor: Ms. Kennison, Mr. Fowler, Mr. Neal, Mr. O'Dell, and Ms. Zimmerman. Voting against: none. Motion carried, BZA 52-17 approved.

BZA 53-17 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Miromar, LLC**, 400 North High Street, Suite 110, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a decreased rear setback for a new storage building on premises located at 4501 South Cowan Road, Center Township, Delaware County, Indiana, as more accurately described in the application.

William Hughes, 110 E Charles St., Muncie, Indiana appeared. He stated the property was purchased in April, 2017 by Mike Lunsford, and his plan is to lease the property to ABC Supply Company. He stated there is an existing 11000 square foot building which they would use, and have plans for a new building. He stated they would like the new building to be within 10' of the property line so they can use the space between the two buildings as outdoor storage which would be fenced. He stated Magna is the business to the west and they have expressed no concerns.

Mr. Neal asked why they couldn't just move the new building over and they would not need the variance.

Mr. Hughes stated they would lose approximately 400 square feet of outdoor storage by moving the new building.

Mr. Neal asked if the outdoor storage would be all asphalt.

Mr. Hughes stated yes.

Mr. Neal asked if there was room for future expansion if needed.

Mr. Hughes stated that Mr. Lunsford had been talking with Ivy Tech, which owns the property to the north and it is not currently being used. He stated that is a possibility for future expansion.

Mr. Neal asked if they need room for semi trucks.

Mr. Hughes stated yes.

No one appeared in opposition.

Mr. O'Dell made a motion to approve BZA 53-17, the appeal of Miromar, LLC with the hardship as stated in the application. Mr. Fowler seconded the motion. Voting in favor: Ms. Kennison, Mr. Fowler, Mr. Neal, Mr. O'Dell, and Ms. Zimmerman. Voting against: none. Motion carried, BZA 53-17 approved.

BZA 54-17 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Brenda (Adams) Cribbs and Homer Adams**, 18600 North County Road 100 West, Muncie, Indiana, requesting variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a decreased street side setback for an existing barn and for the floor area of the barn to exceed the floor area of the house for a property split resulting in added acreage to an existing platted lot on premises located at 18600 North County Road 100 West, Union Township, Delaware County, Indiana, as more accurately described in the application.

Brenda Cribbs, 3101 W. Royerton Rd., Muncie, Indiana appeared. She stated they are selling the house that belonged to her parents. She stated the house was built in 1978 and the barn in 1979, and the barn was larger than the house. She stated in order to access the barn, you have to go on to the forty acres, but they are not selling that land with the house.

Melissa Smith, 18708 N. 100 W. Muncie, Indiana, appeared. She stated she and her husband Bret have lived near this property for 32 years. She stated there will now be a street running from 100W back to the farm ground and is now seeing drainage issues, and farm equipment use in this area.

Ms. Moody stated they may be considering putting the south 30' of lot 4 with the field acreage to the east however this is not part of the request.

Mr. Neal stated the variance request currently has to do with the size of the barn being larger than the house and the setbacks of that barn. He stated if they have further questions about the property and how it will be split, they should talk to Ms. Moody or Mr. Daniel at a later time.

No one appeared in opposition.

Mr. Fowler made a motion to approve BZA 54-17, the appeal of Brenda (Adams) Cribbs and Homer Cribbs, with the hardship as stated in the application. Ms. Kennison seconded the motion. Voting in favor: Ms. Kennison, Mr. Fowler, Mr. Neal, Mr. O'Dell, and Ms. Zimmerman. Voting against: none. Motion carried, BZA 54-17 approved.

BZA 55-17 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Gilbert and Carolyn Duncan**, 2010 East County Road 400 South, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a new 1,440 square foot accessory building on 4.16 acres without a dwelling for a total accessory building area of 3,300 square feet on premises located at 2001 East County Road 400 South, Monroe Township, Delaware County, Indiana, as more accurately described in the application.

Gilbert Duncan, 2010 E. 400 S., Muncie, Indiana appeared. He stated he would like to build a new barn on this property without having a house.

Mr. Fowler asked if the old house would be torn down.

Mr. Neal asked how long he had owned the property.

Mr. Duncan stated he had owned the property since 1982 and lives across the street. He stated the old house had burned and was taken down and the barn would be for his cows.

Mr. Neal asked if any neighbors had expressed any complaints.

Mr. Duncan stated no one had complained to him
Mr. Neal asked what other structures were on the property.

Mr. Duncan stated there is a barn and a small shed.

Mr. Neal asked how many cows he wanted.

Mr. Duncan stated he usually has no more than 6 or 7 cows.

Mr. Fowler asked how many acres was the property.

Mr. Duncan stated it is 4.16 acres.

Ms. Zimmerman asked what the maximum number of cows would be for that size property.

Mr. Fowler stated there needs to be a maximum number as a condition.

No one appeared in opposition.

Ms. Kennison made a motion to approve BZA 55-17, the appeal of Gilbert and Carolyn Duncan with the hardship as stated in the application with the following understanding: That the number of permitted animals is limited to a maximum of 10. Mr. O'Dell seconded the motion. Voting in favor: Ms. Kennison, Mr. Fowler, Mr. Neal, Mr. O'Dell, and Ms. Zimmerman. Voting against: none. Motion carried, BZA 55-17 approved.

BZA 56-17 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Indiana General Service Company and Indiana Michigan Power Company**, 1 Riverside Plaza, Columbus, Ohio, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow decreased foundation plantings, decreased buffer and plantings and decreased drainage basin screening for a new utility building on premises located at 5609 North Shaffer Road, Muncie, Indiana, as more accurately described in the application.

Jim Rosing, 12 Enter Meadows Way, Pallo, Ohio, with American Electric Power appeared. He stated the distribution center is on one side of the bike trail and is fully landscaped and looks very nice. He stated theft was becoming a bigger issue on the property because people are breaking in to

steal the copper and equipment. He stated the site is for the storage of the equipment used to install the high voltage lines that extend over the farm grounds. He stated the landscape rules are creating a safety issue because it not only becomes a place for thieves to hide, but it is breaking the rules AEP has for its customers about trees and plantings being too close to the lines.

Mr. Neal asked if this was the updated site plan for landscaping that they will be using.

Ryan Stroud, 6340 Princess Dr., Stevensville, Michigan with Whitman and Associates appeared. He stated this was the site plan in the application but they would like to see no plantings under the overhead lines. He stated they want to meet the ordinances as much as possible, but AEP states there can be no plantings under the power lines due to maintenance and security and safety issues. He stated AEP has the same policies for residential customers.

Ms. Moody asked if they were asking for a decrease or no plantings along the front greenbelt.

Mr. Rosing stated they were fine with the plantings it was just the trees that create the problem for maintenance and security.

Mr. Stroud showed the Board the area on the site plan where they would like to make some adjustments to the plantings.

Ms. Moody stated it appeared that for space the plantings would need to be inside the fence.

Mr. Stroud stated the existing fence will be removed.

Ms. Moody stated this is a new issue that was not addressed in the original request.

Mr. Rosling stated they wanted to get things started so that building permits could be obtained at the time.

Ms. Moody stated the landscaping was one of the last items of development, so they could continue with this request and come at a later time with a new request that addresses the landscaping issues.

Mr. Rosling asked if what was requested originally could be approved and then just file another appeal for the additional requests.

Ms. Quirk stated for clarification that it would not be an appeal it would be a new request and to go through the variance process again to address the additional requests.

Ms. Moody stated this site plan would allow them to get their permits from the city for the buildings. She stated the landscaping is the last thing to be put into place before a Certificate of Occupancy would be issued so they have time to file a new application. She also stated the vegetation in the area to the north needs to remain.

Mr. Fowler stated he has concerns about the detention pond.

Mr. Stroud stated there is an existing wetland area at the detention pond to the north and they plan to stay away from that area. He also stated the detention pond to the south is screened as much as possible from the road due to the overhead lines.

No one appeared in opposition.

Mr. Fowler made a motion to approve BZA 56-17, the appeal of Indiana General Service Company and Indiana Michigan Power Company with the hardship as stated in the application with the following understanding: That the existing vegetation on the west and north bufferyard areas is to remain and that the applicant will continue to work with the staff on the landscaping plan. Mr. O'Dell seconded the motion. Voting in favor: Ms. Kennison, Mr. Fowler, Mr. Neal, Mr. O'Dell, and Ms. Zimmerman. Motion carried, BZA 56-17 approved.

Mr. Fowler thanked Mr. Lorrison, the City Building Commissioner, for attending the meetings.

ADJOURNMENT:

There being no further business the meeting was adjourned.

Jack Neal, Jr., Chairman

Marta Moody, Secretary