

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

**DATE:** December 28, 2017

**PLACE:** Commissioner's Court Room  
3<sup>rd</sup> 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 November, 2017 regular monthly meeting minutes.

**NEW BUSINESS:**

**BZA 57-17 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Bridges Community Services, Incorporated**, 318 West 8<sup>th</sup> Street, Muncie, Indiana, requesting a variance of use from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow multi-family use for 4 units in an existing house in a single family residence zone on premises located at 1515 West 8<sup>th</sup> Street, Muncie, Indiana, as more accurately described in the application.

**BZA 58-17 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **5K Enterprises, LLC**, 1350 West State Road 28, Union City, Indiana, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow decreased front setbacks for existing condominiums on two lots in 5K estates so that they may be replatted on premises located at 407 and 409 East Charter Drive and 3904 and 3906 North Easy Living Avenue, Muncie, Indiana, as more accurately described in the application.

**REPORT FROM DIRECTOR:**

**ADJOURNMENT:**

**DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS  
DECEMBER - 2017 REGULAR MONTHLY MEETING  
MINUTES**

The Delaware-Muncie Metropolitan Board of Zoning Appeals (BZA) held its regular monthly meeting on Thursday, December 28, 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: Ms. Carey, Mr. Folwer, Ms. Kennison, Mr. Neal, Mr. O'Dell, Mr. Watson, and Ms. Zimmerman. Absent: none. Also present: Ms. Quirk, attorney for the board.

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

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

**NEW BUSINESS:**

**BZA 57-17 Jurisdiction: Board of Zoning Appeals**

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Suzie Kemp, Director of Bridges, 318 W. 8<sup>th</sup> St., Muncie, Indiana appeared. She stated they bought this house and would like to turn it back into a 4 unit dwelling. She stated it had been a 4 unit in the past, until a family purchased it and removed some of the doors to turn it into a single family unit.

Mr. Fowler asked what the plan was for this house.

Ms. Kemp stated Bridges Community Services not only helps homeless individuals, but also low income families. She stated they develop housing in the community and this 4 unit single bedroom house would be part of the service.

Mr. Fowler asked if this would be a house for homeless individuals or is it a separate project.

Ms. Kemp stated this would be open to anyone as long as they are low income.

Ms. Kennison asked how many people would be living in one unit if they are to be single bedrooms.

Ms. Kemp stated it would be no more than 1-2 people in each unit.

Ms. Kennison asked if they have talked to any of the neighbors.

Ms. Kemp stated no.

Ms. Kennison asked about parking.

Ms. Kemp stated they had parking for around 15 vehicles.

Ms. Moody stated there was evidence that it was 4 units, however the ordinance states if its use is discontinued for over a year, it would revert to whatever the current zone allows.

Mr. Fowler asked when the family converted it to a single family dwelling.

Ms. Moody stated it had been longer than a year, but did not know exactly.

Mr. Fowler asked how long Bridges had owned this property.

Ms. Kemp stated they had purchased it in July of 2017.

Mr. Neal asked about the sketches of the apartments in the application.

Ms. Kemp stated the apartments were already there and that they would not be doing any type of construction. She stated re hanging the doors to the individual apartments would be the only thing going back to divide the 4 units again.

Ms. Kennison asked if each bedroom had its own bathroom and kitchen.

Ms. Kemp stated each unit is the same with a kitchen, bedroom, bathroom, and living room.

Ms. Kennison asked how the renters would access their apartment.

Ms. Kemp stated each unit has its own front and back door from an entrance hall.

Mr. Fowler asked if a limit of 2 people per unit would be acceptable.

Ms. Kemp stated that would be fine, unless it was a couple with children.

Mr. Fowler stated it could be a limit of 2 adults.

No one appeared in opposition.

Mr. Fowler made a motion to approve BZA 57-17, the appeal of Bridges Community Services with the hardship as stated in the application with the condition that there be no more than two adults per unit. Ms. Kennison seconded the motion. Voting in favor: Ms. Carey, Mr. Fowler, Ms. Kennison, Mr. Neal, Mr. O'Dell, Mr. Watson, and Ms. Zimmerman. Voting against: none. Motion carried, BZA 57-17 approved.

Ms. Kemp reported that in the 15-28 months since they have placed the tiny homes, that Bridges Community Services has had no arrests, and have housed 9 men and women without incident. She stated she wanted to thank the Board for approving this project.

Mr. Fowler thanked Ms. Kemp for what she has done to help the community.

**BZA 58-17 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **5K Enterprises, LLC**, 1350 West State Road 28, Union City, Indiana, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow decreased front setbacks for existing condominiums on two lots in 5K estates so that they may be replatted on premises located at 407 and 409 East Charter Drive and 3904 and 3906 North Easy Living Avenue, Muncie, Indiana, as more accurately described in the application.

Gordon Moore, of Beals-Moore & Associates 122 S. 8<sup>th</sup> St., Richmond, Indiana appeared. He stated after the houses were built, he was called in to replat the 2 lots. He stated at that time it was discovered that they had been built in the setbacks. He stated the builder did not take into consideration the curve of the cul-de-sac. He stated the houses are built and ready to be occupied, but they want to correct the problem. He stated they had been before the Plat Committee and the replat is approved if the variance is granted.

Mr. Fowler stated he could understand lot 11 but the mistake on lot 13 should have been discovered by the builder if the proper stakes had been set.

Mr. Moore stated he agreed with Mr. Fowler, but that he was not informed of an issue until the houses were already built. He stated his firm did not set any stakes.

Mr. Fowler asked how the houses were built without stakes to mark the lines.

Mr. Moore stated he had no idea how this was missed. He stated there were inspections on the foundations when they were poured, and no one caught the mistakes until the houses were completed. He stated they will not make this mistake in the future.

Mr. Fowler stated he understands that this is after the fact, but in the future to try and resolve any issues before building begins.

Mr. Moore stated they have decided to look at sites in the future before the foundation is poured.

Ms. Moody stated she had talked to the developer and he said if he does anymore duplexes he will use a different footprint for them, but that he may do single detached homes on the lots without splitting them.

Mr. Fowler stated developing duplexes is not an issue. He stated it is the radius of the road and a Surveyor should be involved to stake the proper points.

No one appeared in opposition.

Mr. Fowler made a motion to approve BZA 58-17, the appeal of 5K Enterprises, LLC, with the hardship as stated in the application. Mr. O'Dell seconded the motion. Voting in favor: Ms. Carey, Mr. Fowler, Ms. Kennsion, Mr. Neal, Mr. O'Dell, Mr. Watson, and Ms. Zimmerman. Voting against: none. Motion carried, BZA 58-17 approved.

**REPORT FROM DIRECTOR:**

Ms. Moody reminded the Board that a CAFO is not a special use, and therefore not the jurisdiction of the Board of Zoning Appeals. She stated if anyone contacts them regarding a CAFO, they

should direct them to IDEM for any complaints or questions.

**ADJOURNMENT:**

There being no further business the meeting was adjourned.

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Jack Neal, Jr., Chairman

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Marta Moody, Secretary