

**DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS**  
**March 12, 2018 SPECIAL MEETING**  
**AGENDA**

**DATE:** March 12, 2018

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

**TIME:** 5:30 P.M.

**PLEDGE OF ALLEGIANCE:**

**INTRODUCTION/CONFIRMATION OF MEMBERS:**

**ROLL CALL:**

|  |                         |                          |
|--|-------------------------|--------------------------|
|  | <b>Jim Fowler</b>       |                          |
|  | <b>Kathy Carey</b>      | <b>Kelly Watson, Jr.</b> |
|  | <b>Kathryn Kennison</b> | <b>Phyllis Zimmerman</b> |
|  | <b>Scott O'Dell</b>     | <b>Vacant</b>            |

**MINUTES:** Consideration of the January, 2018 regular monthly meeting minutes.

**NEW BUSINESS:**

**BZA 02-18    Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Phillip Peterson and Deborah Taylor**, 1204 West County Road 700 North, Muncie, Indiana, requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a catering business in an existing building in a farming zone on premises located at 7300 North Walnut Street, Hamilton Township, Delaware County, Indiana, as more accurately described in the application.

**BZA 03-18    Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **National Indiana, LLC and Taco Bell**, Post Office Box 718, Evansville, Indiana, requesting a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a decreased number of parking spaces for a new Taco Bell restaurant on premises located at 1001 East McGalliard Road, Muncie, Indiana, as more accurately described in the application.

**REPORT FROM DIRECTOR:**

**ADJOURNMENT:**

**DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS**  
**March 12, 2018 SPECIAL MEETING**  
**MINUTES**

The Delaware-Muncie Metropolitan Board of Zoning Appeals (BZA) held its regular monthly meeting on Monday, March 12, 2018 at 5:30 P.M., in the Commissioners' Court Room of the Delaware County Building, Muncie, Indiana. Chairman James Fowler called the meeting to order.

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

Ms. Moody called roll and the following members were present: Ms. Carey, Mr. Fowler, Ms. Kennison, Mr. O'Dell, Mr. Watson, and Ms. Zimmerman. Absent: none. Also present: Ms. Quirk, attorney for the Board.

**MINUTES:**

Mr. Watson made a motion to approve the January, 2018 regular monthly meeting minutes. Mr. O'Dell seconded the motion. Voting in favor: Ms. Carey, Mr. Fowler, Ms. Kennison, Mr. O'Dell, Mr. Watson, and Ms. Zimmerman. Voting against: none. Motion carried, January, 2018 minutes approved.

**NEW BUSINESS:**

**BZA 02-18    Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Phillip Peterson and Deborah Taylor**, 1204 West County Road 700 North, Muncie, Indiana, requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a catering business in an existing building in a farming zone on premises located at 7300 North Walnut Street, Hamilton Township, Delaware County, Indiana, as more accurately described in the application.

Phillip Peterson, 1204 West County Road 700 North, Muncie, Indiana appeared. He stated the catering business had been there for 30+ years. He stated he recently sold Pete's Duck Inn and the catering business, and he would like to lease the space to the new owner to continue the same use.

Ms. Kennison asked if the only difference was who would be operating the business.

Caleb Churchill 1212 North Winthrop Road, Muncie, Indiana, appeared. He stated he and his wife would be operating the catering business. He stated they would prepare the food at this location and take it elsewhere to be served. He stated they would have deliveries at the location but no more than usual.

Mr. Fowler asked how many employees.

Mr. Churchill stated they would have 1 full time employee and 2 part time employees depending on the season.

Ms. Kennison asked if that would be the same amount as in the past.

Mr. Churchill stated yes, Mr. Peterson's daughter would continue to run things and then 1-2 other employees as needed. He also stated they would not have any signage.

Mr. Fowler asked since Mr. Peterson owns the property how could we specify who is operating the business.

Ms. Moody stated as part of the approval it could be stated that Caleb Churchill and Jill Seals would be operating the business.

Mr. O'Dell asked if the variance would be for Caleb and Jill only.

Ms. Moody stated yes.

No one appeared in opposition.

Mr. O'Dell made a motion to approve BZA 02-18, the appeal of Phillip Peterson and Deborah Taylor, with the hardship as stated in the application with the following condition: That the request is for Caleb Churchill, Jill Seals, and Phillip Peterson for the duration of ownership and operation of the catering business. Mr. Watson seconded the motion. Voting in favor: Ms. Carey, Mr. Fowler, Ms. Kennison, Mr. O'Dell, Mr. Watson, and Ms. Zimmerman. Voting against: none. Motion carried, BZA 02-18 approved.

### **BZA 03-18 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **National Indiana, LLC and Taco Bell**, Post Office Box 718, Evansville, Indiana, requesting a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a decreased number of parking spaces for a new Taco Bell restaurant on premises located at 1001 East McGalliard Road, Muncie, Indiana, as more accurately described in the application.

Anthony Barchanowicz, 3161 Chadborn Road, Shaker Heights, Ohio, of GPD Group, LLS appeared. He stated the request was to allow a reduction of parking spaces from 31 to 28 due to the size of the lot. He stated they would also be removing the pylon sign and following all of the landscape requirements.

Mr. Fowler stated this was a small lot for a drive-thru.

Ms. Moody stated since they are reusing an existing building and not doing an enlargement, they could have kept the pylon sign but they have decided to replace it with a monument sign.

Mr. Fowler thanked Mr. Barchonowicz for keeping the trees and working with the limited space they have on this site. He also asked if any of the other Taco Bell location would be closing.

Mr. Barchanowicz stated no. He stated this new location would help take some of the strain from the other stores during their peak hours of operation.

Ms. Moody stated this had been a bank for a long time.

No one appeared in opposition.

Ms. Kennison made a motion to approve BZA 03-18, the appeal of National Indiana, LLC and Taco Bell with the hardship as stated in the application. Ms. Carey seconded the motion. Voting in favor: Ms. Carey, Mr. Fowler, MS. Kennison, Mr. O'Dell, Mr. Watson, and Ms. Zimmerman. Motion carried, BZA 03-18 approved.

#### **REPORT FROM DIRECTOR:**

There was discussion regarding member attendance at meetings.

#### **ADJOURNMENT:**

There being no further business, the meeting was adjourned.

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James Fowler, Chairman

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Marta Moody, Secretary