

**DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS  
MARCH - 2025 REGULAR MONTHLY MEETING  
AGENDA-REVISED**

**DATE:** March 27, 2025

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

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

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**Leslie Mathewson**

**Matt Billington**

**Delaney Fritch**

**Ellen Brannon**

**Sue Kaiser**

**Dustin Clark**

**Kristi Knapp**

**MINUTES:** Consideration of the February, 2025 regular monthly meeting minutes.

**ANNOUNCEMENTS:**

**BZA 14-25 the appeal of Michael Concannon and SANJH 11, LLC  
has been withdrawn by the applicant and will not be heard.**

**NEW BUSINESS:**

**BZA 65-24 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Misti Greene**, 5705 East Robert Street, Muncie, Indiana, requesting variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a decreased east side setback for a new residential storage shed on premises located at 5705 East Robert Street, Liberty Township, Delaware County, Indiana, as more accurately described in the application.

**BZA 08-25 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Gail Van Deusen and Net Lease Properties, LLC**, 1000 Forest Park Boulevard, Suite 401, Fort Worth, Texas, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow an increased front setback/build-to line and for the drive-thru lane to be between the building and the street for a new drive-thru coffee business on premises located at the northwest corner of McGalliard Road and Milton Street including 602 and 604 West McGalliard Road and 3303 and 3305 North Milton Street, Muncie, Indiana, as more accurately described in the application.

**BZA 09-25 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **TXCRE Muncie, LLC and Wawa Incorporated**, 2665 North White Chapel Boulevard, Southlake, Texas, requesting a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow an increased sign height for a new gas station and convenience store on premises located at on the south side of Jackson Street west of Country Club Road, Muncie, Indiana, as more accurately described in the application.

**BZA 10-25 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Wink Realty, LLC**, 4801 West Bethel Avenue, Muncie, Indiana, requesting a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a lot containing a commercial development to be divided into two platted lots without the existing nonconforming commercial development meeting all of the current development standards on premises located at 4801 West Bethel Avenue, Muncie, Indiana, as more accurately described in the application.

**BZA 11-25 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Michael Standish**, 2601 North Timber Lane, Muncie, Indiana, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow keeping chickens in a residence zone and decreased distance between the chickens and neighboring houses on premises located at 2601 North Timber Lane, Muncie, Indiana, as more accurately described in the application.

**BZA 12-25 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Holy Ghost Temple Church of God in Christ of Muncie, Incorporated and TWG Development, LLC**, 1301 East Washington Street, Suite 100, Indianapolis, Indiana, requesting variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow decreased parking and a decreased rear setback for a new 120 unit residential development on premises located on the east side of Cowan Road including the former church address of 4500 South Cowan Road, Center Township, Delaware County, Indiana, as more accurately described in the application.

**BZA 13-25 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Delaware County Redevelopment Commission and Spirit 2 Go, LLC**, 5809 North Brandon Brook Lane, Muncie, Indiana, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow an increased sign height and for two signs along Bethel Avenue for a new gas station and convenience store on premises located at the northeast corner of Bethel Avenue and Morrison Road, Muncie, Indiana, as more accurately described in the application.

**BZA 15-25 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Yang Real Properties, LLC and AbyMuncie**, 200 South Frontage Road, Suite 300, Burr Ridge, Illinois, requesting a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a 35' tall pole sign along Wheeling for the redevelopment of a commercial site for a new Popeye's restaurant on premises located at 3000 North Wheeling Avenue, Muncie, Indiana, as more accurately described in the application.

**REPORT FROM DIRECTOR:**

**ADJOURNMENT:**

**DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS  
MARCH - 2025 REGULAR MONTHLY MEETING  
MINUTES**

The Delaware-Muncie Metropolitan Board of Zoning Appeals held its regular monthly meeting on Thursday March 27, 2025 at 6:00 P.M., in the Commissioners Court Room of the Delaware County Building, Muncie, Indiana. Chairperson Leslie Mathewson called the meeting to order.

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

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

**MINUTES:**

Ms. Fritch made a motion to approve the February 2025 regular meeting minutes. Ms. Knapp seconded the motion. Voting in favor: Ms. Fritch, Ms. Kaiser, Ms. Knapp, and Ms. Mathewson. Voting against: None. Motion carried, February 2025 minutes approved.

**ANNOUNCEMENTS:**

Ms. Mathewson reported that two of the cases that were scheduled to be heard had been withdrawn by the applicants and were the following:

**BZA 14-25** The appeal filed by Michael Concannon and SANJH 11, LLC on premises located at 620 North Walnut Street.  
and,

**BZA 13-25** The appeal filed by Delaware County Redevelopment Commission and Spirit 2 Go, LLC, on premises located at the northeast corner of Bethel Avenue and Morrison Road, Muncie, Indiana, as more accurately described in the application.

Ms. Mathewson stated that there would be no discussion on those matters and that if any member of the audience was present for either of those cases, that they would not be heard and that they could feel free to leave at this time. She also reminded everyone that it would take 4 votes to receive official action of either a grant or denial of an appeal, and that there were 4 board members present.

## **NEW BUSINESS:**

### **BZA 65-24 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Misti Greene**, 5705 East Robert Street, Muncie, Indiana, requesting variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a decreased east side setback for a new residential storage shed on premises located at 5705 East Robert Street, Liberty Township, Delaware County, Indiana, as more accurately described in the application.

Cody Greene, 5705 E. Roberts St., Muncie, Indiana, appeared. He stated that he was out of the state when his wife ordered the shed, and that it was placed 3.5' from the property line instead of the required 8' from the line. He stated that they had received a complaint but due to the location of the ac unit they cannot move it to the west. He stated that he may eventually be able to move the ac unit, but in the meantime, he would like to keep the shed where it is currently. He stated that it was a nice new shed and would be well maintained.

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

Mr. Greens stated yes, and that two of those neighbors were here to speak in support, and that two others had sent in emails. He stated that he had talked to the neighbor that had complained and that her concern was for privacy since the side door faced her property. He stated that he had talked to her and that he would be removing the door from that side of the shed and placing it on the west side and that she was fine with that.

Ms. Fritch asked for clarification did the neighbor who complained live on the west side or the east side of Mr. Greene.

Mr. Greene stated she lived on the west side of him.

Ms. Fritch asked if he would be moving the door from the west side of the shed to the east side of the shed.

Mr. Greene stated yes. He stated that he was making moving the door a priority and would do that as soon as he was back home since he was on a quick leave right now for the meeting.

Ms. Fritch asked about the ac unit that sits between the house and the shed and if he that was moved, would he shift the shed closer to his house.

Mr. Greene stated yes, the plan was that when finances allowed they would move the ac unit and he could move the shed about 1' closer to his home.

Ms. Kaiser asked what the shed would be used for.

Mr. Greene stated it was for his wife's decorations and there was no more garage space to store things.

Ken Walker, 5708 E. Cowan Dr., Muncie, Indiana, appeared. He stated that he lived right behind Mr. Greene and that he had no issues with the shed and that it looks very nice.

Kylie Champion, 5704 E. Robert St., Muncie, Indiana, appeared. She stated that she lived directly across the street and that their driveways are aligned with each other. She stated that the shed was beautiful and that it was partially blocked by trees and that she did not see why the neighbor had privacy concerns.

No one appeared in opposition.

Ms. Swackhamer stated that the office had received an email from Kaylee Craycraft and Rena Heilman, both stating that they were in support and had no objections.

Ms. Fritch made a motion to approve BZA 65-24 the appeal of Misti Greene with the hardship as stated in the application with the following conditions: 1) That the shed will be for personal storage only; and 2) That the door on the west side of the shed (facing the neighbor) will be moved within 1 year from the date of approval. Ms. Knapp seconded the motion. Voting in favor: Ms. Fritch, Ms. Kaiser, Ms. Knapp, and Ms. Mathewson. Voting against: None. Motion carried, BZA 65-24 approved.

#### **BZA 08-25 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Gail Van Deusen and Net Lease Properties, LLC**, 1000 Forest Park Boulevard, Suite 401, Fort Worth, Texas, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow an increased front setback/build-to line and for the drive-thru lane to be between the building and the street for a new drive-thru coffee business on premises located at the northwest corner of McGalliard Road and Milton Street including 602 and 604 West McGalliard Road and 3303 and 3305 North Milton Street, Muncie, Indiana, as more accurately described in the application.

Mark Unger, Net Lease Properties, 1000 Forest Park Blvd, Fort Worth, Texas, appeared to represent the applicant. He stated that when analyzing a potential site one of the first things they look at is vehicular and pedestrian safety. He stated that there was no internal restroom or seating for customers and that they thought that moving the building back was necessary for the drive thru turning radius and line of site. He stated that this development was consistent with the commercial section of the corridor and would fit in nicely with the area.

Ms. Mathewson stated that there would be 3 separate parcels involved in this development and that 2 of those parcels had been through part of the process with the Plan Commission. She stated that the remaining parcel was still zoned residential, and asked if they would have any objection to the Board placing a condition that the zoning on that parcel be changed to Variety Business Zone.

Mr. Unger stated that would be fine.

Ms. Mathewson asked if they had a site plan at this time including any thoughts as to the signage for the site.

Mr. Unger stated that they had not made it that far but that they would run the electrical conduit to the location of sign if in the future they decide to do that.

Ms. Mathewson stated that there was currently a pole sign on one of the parcels, and asked Mr. Daniel what would need to happen to that sign.

Mr. Daniel stated that it would need to be removed.

Ms. Fritch asked if there was a pole sign and a billboard, and if they would both be removed.

Mr. Unger stated yes.

Ms. Fritch asked if they would have any objection to the condition that a pole sign not be permitted on the site.

Mr. Unger stated no, they would not object.

No one appeared in opposition.

Ms. Fritch made a motion to approve BZA 08-25 the appeal of Gail Van Deuson and Net Lease Properties, LLC, with the hardship as stated in the application with the following conditions: 1) That the lot currently zoned R-3 Residence Zone will be rezoned to the BV Variety Business Zone; and 2) That there will be no request for a pole sign at this location. Ms. Kaiser seconded the motion. Voting in favor: Ms. Fritch, Ms. Kaiser, Ms. Knapp, and Ms. Mathewson. Voting against: None. Motion carried, BZA 08-25 approved.

#### **BZA 09-25    Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **TXCRE Muncie, LLC and Wawa Incorporated**, 2665 North White Chapel Boulevard, Southlake, Texas, requesting a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow an increased sign height for a new gas station and convenience store on premises located on the south side of Jackson Street west of Country Club Road, Muncie, Indiana, as more accurately described in the application.

Paul Hanson, CESO, 777 Bonham Road, Clayton Missouri, appeared to represent the applicants. He stated that they were requesting a taller sign ~700' east of the off ramp for SR 35 at the entrance of the development. He stated that this would be a 23' tall sign with the WAWA logo and 3 spaces for the fuel prices to be displayed. He stated that the taller sign would be more visible at the off ramp than the smaller monument sign. He stated that they had already began construction and that they planned to be opened in early 2026.

Ms. Mathewson stated that they had received some concerns regarding the sign including the lighting possibly causing accidents as well as the aesthetic of the sign.

Mr. Hanson stated that the lighting for the sign would be all internal and that there would be no flashing lights on the sign. He stated that the lighting on the site would all be downcast and would not be spilling onto surrounding properties.

Kelly Day, 513 S. Elliot Acres, Muncie, Indiana, appeared in opposition. She stated that she had concerns about the height of the sign, which would be taller than the Village Pantry across the street, and maybe they could place a smaller sign on the bypass. She stated that from her neighborhood she had a clear line of site to this location and did not want to feel like she was looking out at a truck stop. She stated that she cannot see the Village Pantry or other business signs from her house. She stated that she had looked online at some of WAWA's other locations and that the signs don't look bad, she just felt that there were other ways to direct customers to the business without such a tall sign.

Ms. Swackhamer stated that the office had received a letter from Kelly Day and James Day, both in opposition to the sign.

Ms. Mathewson stated that there were some comments regarding the Village Pantry sign and to the Board's knowledge that sign is taller than what was being requested here.

Mr. Daniel stated that he had not measured that sign which was placed prior to the pole sign ordinance in 2014, but that his estimation was that the sign was ~30' tall.

Ms. Mathewson stated that the Board had recently approved a variance for a pole sign in this same area.

Mr. Daniel stated yes, it was for the Casey's store for a 25' tall sign and that their variance had expired.

Mr. Hanson stated that they understood the sign was taller and that it was necessary for visibility along SR 35 and that they would obtain a permit for the sign. He stated that WAWA would be a destination location however the sign would help capture travelers passing by the site.

Ms. Knapp asked how far it was from the Country Club and that beautiful neighborhood.

Mr. Hanson stated that the entrance where the sign would be located was a shared driveway with the storage facility.

Ms. Fritch made a motion to approve BZA 09-25 the appeal of TXCRE Muncie, LLC and WAWA Inc., with the hardship as stated in the application. Ms. Kaiser seconded the motion. Voting in favor: Ms. Mathewson. Voting against: Ms. Fritch, Ms. Kaiser, and Ms. Knapp. Motion failed, not official action. BZA 09-25 automatically continued to the April 24, 2025 regular meeting.



**BZA 10-25 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Wink Realty, LLC**, 4801 West Bethel Avenue, Muncie, Indiana, requesting a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a lot containing a commercial development to be divided into two platted lots without the existing nonconforming commercial development meeting all of the current development standards on premises located at 4801 West Bethel Avenue, Muncie, Indiana, as more accurately described in the application.

Kathy Vannice, 325 W. Washington St., Muncie, Indiana, appeared to represent the applicant. She stated that they had been through the platting process to divide off 1.13 acres to the east which was vacant land. She stated that the west portion had the building which was built in 2008, prior to the corridor standards from 2014 so the building would not meet the build-to line or any of the development standards. She stated that the intention was to divide the property and sell the portion on the east for future development.

Ms. Mathewson stated for clarification, the request was for the west parcel to not be required to meet the corridor standards.

Ms. Vannice stated yes, it was only for the preexisting structures, not for the new parcel.

Ms. Swackhamer stated that any new development would be required to meet the development standards.

David Wilson, 4902 W. Churchhill Ct., Muncie, Indiana, appeared. He stated that he was one of the current property owners of Wink Realty and that they had owned the extra land since 2007. He stated that they intended to split the parcel to sell the unused portion of the property.

No one appeared in opposition.

Ms. Fritch made a motion to approve BZA 10-25 the appeal of Wink Realty, LLC with the hardship as stated in the application with the following conditions: 1) That future development on either lot will be subject to the Ordinance Development Standards, or seek variances; and 2) That the replat will be completed and recorded. Ms. Knapp seconded the motion. Voting in favor: Ms. Fritch, Ms. Kaiser, Ms. Knapp, and Ms. Mathewson. Motion carried, BZA 10-25 approved.

**BZA 11-25 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Michael Standish**, 2601 North Timber Lane, Muncie, Indiana, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow keeping chickens in a residence zone and decreased distance between the chickens and neighboring houses on premises located at 2601

North Timber Lane, Muncie, Indiana, as more accurately described in the application.

Michael Standish, 2601 N. Timber Ln., Muncie, Indiana, appeared. He stated that they lived on a dead end with a lot of wildlife and woods behind their property and that they would like to have some backyard chickens. He stated that they had .20 of an acre all fenced in with privacy fence that had been all overgrown and they would like to have 6 hens for their kids and personal egg use, with no roosters.

Ms. Mathewson asked if they had talked with any of the surrounding neighbors, especially those who would be impacted the most.

Mr. Standish stated yes, they had talked to Roy Couch, the neighbor directly west of their property before the letters were sent out regarding the variance. He stated that Mr. Couch appreciated him coming and talking to him and had no objection to the request.

Ms. Fritch asked for clarification where Mr. Couch lived.

Mr. Standish stated that he was immediately to the west of his property. He stated that there was a request to be a decreased distance to a neighbor and this was that neighbor.

Ms. Mathewson stated that the Board hears many requests for chickens and that they had heard many of the pros and cons for allowing them in neighborhoods. She asked if the chickens would be kept in the fenced in area and not allowed to roam free, and how they would be removing the waste and dealing with any smells.

Mr. Standish stated that the area was 2000 square feet that had chain link fence and that there was also a 6' tall privacy fence in the backyard where their pool was located. He stated with there only being 6 chickens, they intended to compost what waste they could on site and that there should be no issues.

Ms. Knapp stated that the subdivision had covenants that prohibited chickens and asked how they would handle that.

Mr. Standish asked what that meant.

Mr. Murphy stated that the most pressing issue was that this board could grant the request from the zoning ordinance, but the city had an ordinance in place that prohibited chickens inside the city limits. He stated that in order to have a lawful chicken coop he would need to address that with City Council and that there had been attempts to change that in the recent past.

Ms. Swackhamer stated that the recorded plat restrictions that do not allow poultry in the addition would need to be enforced by the neighbors as a civil matter. She also stated that as Mr. Murphy stated that other issue was the City Code section 90.19 that would need to be addressed with City Council. She stated that if the Board granted this request and he had chickens, he would still be in violation of City Code and that they would enforce asking him to remove the chickens.

Mr. Standish stated that he was beginning to remember Mr. Daniel mentioning all of this to him.

Randy Norris, 2607 N. Timer Ln., Muncie, Indiana, appeared. He stated that he shared a property line with the applicant and that he lived to the north. He stated that this was a great neighborhood and that he had lived here for 30 years. He stated that there was a wooded area adjoining Mr. Standish and that there was not much traffic in the neighborhood. He stated that since they moved in they had made many improvements to the property, they were a great family, and that he supported the request.

Patricia Rollins, 2604 N. Timber Ln., Muncie, Indiana, appeared. She stated that she had lived there for 60 years, and that she was not opposed to 6 chickens but she did have some concerns. She stated that she had a daughter who lived out of state and had chickens and she asked for some input. She stated that food would need to be stored properly because it can attract rats, coyotes can be a problem, and that roosters were very noisy. She asked if they were permitted to have chickens, would that allow other neighbors to have them, and how would that affect the potential to sell their home in the future. She stated that she appreciated that the applicant was doing this in the correct way, but that this had been a quiet neighborhood and the baby chicks will get bigger and create more concerns.

Tom Parker, 2800 N Lyn-Mar, Muncie, Indiana, appeared in opposition. He stated that he had lived in the neighborhood for 36 years, and that he had never met the applicant but that they had been doing a great job on the property. He stated that there were many deer, raccoons, birds, and other wildlife in the area. He stated that his son had 18 acres and that no matter the amount of chickens he had, they smell. He stated that he believed that this applicant would take care of the property, but what would happen if more neighbors wanted to have chickens or other animals. He stated that he had been a realtor for almost 40 years and that he would hate to have a precedent set for animals in the area because it would affect the property values.

Ms. Swackhamer stated that an email was received from Mark and Tara Covault listing concerns of smells, noise, attracting mice, and contamination from the waste and deceased chickens since there was a creek nearby. She read the letter which also included concerns from another neighbor, Sharon Robinson, who has a respiratory condition and was concerned about the smells. She stated that Josh Taulbee, Director of Muncie Animal care and Services also submitted a letter of opposition, strongly encouraging the Board to deny the request since the city had an existing ordinance in place that prohibited chickens (see full letter in BZA 11-25). She stated that she had reached out to the City Building Commissioner, Richard Rawlings, and that he stated he would enforce the ordinance.

Mr. Standish stated that he appreciated the remarks, and that the 2 years they have lived here it was a great neighborhood. He stated that it was not their intention to lower their property value or any of the neighbors or sit by the pool and smell the chickens either. He stated that they respected the Board, and that they just wanted to try something new with their children and he appreciated everyone's time.

Ms. Fritch made a motion to approve BZA 11-25 the appeal of Michael Standish with the hardship as stated in the application with following conditions: 1) That there be no more than 6 hens, and no roosters; 2) That the variance be for the applicant only and not transfer with the sell of the property; 3) That the enclosure be built and maintained and that the chickens remain in that enclosure; and 4) With the understanding that the applicant acknowledge the concerns with the city code which would be enforced, and plat restrictions that would be a civil matter. Ms. Kaiser seconded the motion. Voting in favor: Ms. Fritch. Voting against: Ms. Kaiser, Ms. Knapp, and Ms. Mathewson. Motion failed, no official action. BZA 11-25 automatically continued to the April 25, 2025 regular meeting.

### **BZA 12-25    Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Holy Ghost Temple Church of God in Christ of Muncie, Incorporated and TWG Development, LLC**, 1301 East Washington Street, Suite 100, Indianapolis, Indiana, requesting variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow decreased parking and a decreased rear setback for a new 120 unit residential development on premises located on the east side of Cowan Road including the former church address of 4500 South Cowan Road, Center Township, Delaware County, Indiana, as more accurately described in the application.

Marrisa Conatser, TWG 1301 E. Washington St., Indianapolis, Indiana, appeared to represent the applicant. She stated that the variances were for decreased parking and a decreased rear setback for a new 120-unit residential development. She stated that plans for the church at this site fell through and they sold the property, and they hoped to move forward with this development.

Ms. Mathewson asked how they determined that they would not need all of the parking spaces that were required.

Ms. Conatser stated that TWG had developments in 23 states, and when looking at parking they consider if the location was walkable and how much transportation would be needed. She stated that they develop affordable workplace housing and if it was a walkable location they liked to stay with a 1:1 parking ratio and they had great success with those figures. She stated that if the location relied more on cars or public transportation the used parking was more like 1.2 spaces per each unit. She stated that they wanted to meet the 2:1 standard as much as possible, but they do not believe all of those parking spaces would be used, so the average of 1.6 spaces to each unit would maximize the parking.

Ms. Mathewson stated that this site was not surrounded by shops or places where anyone would typically walk to, but that there was a MITS bus stop down the road. She asked if they had been talking to anyone at MITS to place a bus stop at this location.

Ms. Conatser stated that on another development they had on Kilgore Avenue, they had an option for a bus top, so they were familiar with that process and were working on that for this site as well. She stated that the current bus stop was about ¼ of a mile north at

the Muncie Area Career Center and that their proposal was for the stop to come down to their site with an enclosed shelter to be installed.

Ms. Mathewson stated that this was predominately an industrial area and asked how they would make this site look and feel residential among all of the factories.

Ms. Conatser stated that they would have a full landscape plan to beautify the site. She stated that there was an empty lot to the rear of the site with a walking trail that they would add a tree line or fence to add more privacy from any future development.

Ms. Fritch asked how the selection process occurred for this site, which seemed like an odd location for apartments.

Ms. Conatser stated that when they were looking for sites through the IHEDA Tax Credit program, they looked at areas that are identified as areas in need of more housing, and that based on studies the southside of Muncie was labeled as one of those areas. She stated that based on that information and the church development no longer being feasible, this site scored top in the region and made sense to be awarded funding from the state.

Ms. Swackhamer stated that Tom Fouch, County Building Commissioner had some concerns about the lane widths from emergency vehicles navigating the site with most of the lanes on the drawings only measuring between 24'-27' wide.

Alex Steven, with Kimley Horn 500 E. 96<sup>th</sup> St., Indianapolis, Indiana, appeared. He stated he was the civil engineer on the project and that they run movements with trash trucks for the site, and that they would be happy to run the numbers for fire vehicles and make adjustments.

Ms. Knapp asked what the plan was if they needed more parking after the development was complete.

Ms. Conatser stated that before moving in, potential residents are made aware that it was permitted parking so that the property management can monitor that. She stated that if they got close to capacity, first they would look at acquiring additional land for more parking, and if not, they would let those potential residents know that there was no parking. She stated that they had not had that become a problem in any of the developments in Indiana so far.

Ms. Kaiser stated that there was a clubhouse on the site plan and asked if that could cause parking issues.

Ms. Conatser stated that clubhouse was a secured building only for residents, and that they had keys to have access to.

Ms. Swackhamer stated that the office had received the traffic study and drainage report prior to the meeting and had supplied the Board members with those key pages for review.

Mr. Daniel stated that those documents had been received at the end of the business day and he had not had an opportunity to review those. He stated that he had discussed with Ms. Conatser that they should bring copies of any additional items they may want the Board to consider.

Mr. Steven stated that most of what was submitted today was the construction plan and permit submittal, not necessarily for this Board to review.

Ms. Fritch asked for clarification of the concerns Mr. Fouch had about the lane widths.

Ms. Swackhamer clarified that Mr. Fouch had verbally expressed concerns about the width of the travel lanes in the parking lot, and those would be addressed in the permitting process or additional variances would be needed.

Ms. Conatser stated that the first step in approval was the civil review, next would be the state permit approvals, and then to the county for local approval. She stated that during that county review all of that internal feedback would go to the developer for corrections.

Ms. Fritch stated that she was concerned that if the site plan changed the parking could also change and would need to be adjusted. She stated that she was hesitant to make a motion to approve a specific number of parking spaces at this time, and would prefer to vote on the requests separately.

Ms. Fritch made a motion to approve the setback request for BZA 12-25 the appeal of Holy Ghost temple Church of God in Christ of Muncie, Inc. and TWG Development, LLC with the hardship as stated in the application. Ms. Kaiser seconded the motion.

Mr. Murphy stated that they had the right to have a decision on both parts of the request.

Ms. Fritch stated that if they made a motion to approve 193 spaces and that changed, they would need to come back for an additional request.

Ms. Conatser stated that if any changes were made and they needed to seek additional variances for parking based on those changes, they would do so.

Ms. Fritch stated that she would like to proceed with her motion for the setback that was seconded by Ms. Kaiser. Voting in favor: Ms. Fritch, Ms. Kaiser, Ms. Knapp, and Ms. Mathewson. Voting against: None. Motion carried, BZA 12-25 setback request approved.

Ms. Fritch made a motion to approve the reduced parking of 193 spaces for BZA 12-25 the appeal of Holy Ghost temple Church of God in Christ of Muncie, Inc. and TWG Development, LLC with the hardship as stated in the application with the following conditions: 1) That the developer will install a bus stop and shelter on the site if MITS requests it; 2) That the developer will continue to work with the County Highway Department to provide safe and adequate access to the property; and 3) That the developer will install perimeter features that define the property boundaries and provide some privacy and security for residents and neighbors such as fencing, a wall, a berm or hedge. Ms. Kaiser seconded the motion. Voting in favor: Ms. Fritch, Ms. Kaiser, Ms.

Knapp, and Ms. Mathewson. Voting against: None. Motion carried, BZA 12-25 parking request approved.

**BZA 15-25 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Yang Real Properties, LLC and AbyMuncie**, 200 South Frontage Road, Suite 300, Burr Ridge, Illinois, requesting a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a 35' tall pole sign along Wheeling for the redevelopment of a commercial site for a new Popeye's restaurant on premises located at 3000 North Wheeling Avenue, Muncie, Indiana, as more accurately described in the application.

Mark Robertson, 200 S. Frontage, Burr Ridge Illinois, appeared to represent the applicant. He stated that they were seeking a variance for a sign that would be consistent with other businesses along Wheeling Avenue. He stated that this would allow for better visibility at the McGalliard Road intersection and would match the larger sign at Arby's which was a neighboring restaurant.

Ms. Mathewson asked what the height was for the existing pole sign.

Mr. Robertson stated that the previous owner did not have a pole sign.

No one appeared in opposition.

Ms. Fritch asked if the other signs in the area were there prior to the 2014 corridor standards if they had received variances.

Ms. Daniel stated that the other pole signs along Wheeling Avenue and McGalliard Road all preexisted the adoption of the corridor standards in 2014. He stated that all of the request that had come before this Board for taller signs had been withdrawn by the applicants or denied.

Ms. Fritch made a motion to approve BZA 15-25 the appeal of AbyMuncie with the hardship as stated in the application. Ms. Kaiser seconded the motion. Voting in favor: Ms. Kaiser. Voting against: Ms. Fritch, Ms. Knapp, and Ms. Mathewson. Motion failed, no official action, BZA 15-25 automatically continued to the April 24, 2025 regular meeting.

**REPORT FROM DIRECTOR:**

Ms. Swackhamer stated that she had provided the Board with her regular monthly report including permits, inspections, and complaints, variances, and rezonings. She reported that staff member Denelle Murrell had moved to the Community Planner position, and that Kayla Ferguson had joined the staff as an intern at this time (please see full report attached).

Ms. Swackhamer stated that the County Commissioners would soon be submitting a solar ordinance for review and approval by the Plan Commission, and that several solar companies were still working on projects.

Ms. Fritch asked if they were looking at the same locations or if they were different.

Ms. Swackhamer stated that they were different projects in different areas of the county.

Ms. Mathewson asked if they were a special use that would also come to the Board of Zoning Appeals.

Ms. Swackhamer stated yes, they would go to the Plan Commission Board for a recommendation and be forwarded to the BZA for final action.

Ms. Mathewson asked if the Board could follow up with Ms. Swackhamer for meetings and educational information for solar.

Ms. Swackhamer stated yes, the office had been doing research, as well as the solar companies and citizen groups who had been submitting information that the members could review.

#### **ADJOURNMENT:**

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Leslie Mathewson, Chairperson

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Kylene Swackhamer, Secretary