

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

DATE: February 27, 2025

PLACE: Commissioners Court Room
3rd Floor, Delaware County
Building

TIME: 6:00 P.M.

PLEDGE OF ALLEGIANCE:

INTRODUCTION/CONFIRMATION OF MEMBERS:

ROLL CALL:

Leslie Mathewson	
Matt Billington	Delaney Fritch
Ellen Brannon	Sue Kaiser
Dustin Clark	Vacant

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

NEW BUSINESS:

BZA 06-25 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Robert and Jennifer Braun**, 101 South County Road 700 East, Parker City, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a 10' tall sign partially located in the proposed right-of-way advertising a business not located on the property in a farm zone on premises located at 101 South County Road 700 East, Liberty Township, Delaware County, Indiana, as more accurately described in the application.

BZA 07-25 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Michael Concannon and SANJH 11, LLC**, 821 Shilling Drive, Crown Point, Indiana, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow decreased parking, decreased greenbelt width and plantings, decreased buffer area and landscape plantings, decreased canopy front setback along Walnut Street, and for the loading area to face Columbus Avenue and to be partially in the right-of-way, all for the redevelopment of a commercial site for a new gas station and convenience store on premises located at 620 North Walnut Street, Muncie, Indiana, as more accurately described in the application.

REPORT FROM DIRECTOR:

ADJOURNMENT:

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

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

PLEDGE OF ALLEGIANCE:

INTRODUCTION/CONFIRMATION OF MEMBERS:

Ms. Swackhamer introduced Kristy Knapp, who was appointed by the County Commissioners and will serve the remainder of Mr. Jones's term. Ms. Swackhamer asked Ms. Knapp to stand, and she read the oath office, to which Ms. Knapp responded "I will".

Ms. Mathewson stated that the Board had received several letters regarding cases on the agenda, and asked that the members please read those and take them into consideration when making a decision. She also asked that everyone turn off or silence their cell phones, and that when speaking, remain respectful to one another.

ROLL CALL:

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

MINUTES:

Mr. Billington made a motion to approve the January 2025 regular meeting minutes. Ms. Brannon seconded the motion. Voting in favor: Mr. Billington, Ms. Brannon, Mr. Clark, and Ms. Mathewson. Voting against: none. Abstaining: Ms. Fritch and Ms. Knapp. Motion carried, February 2025 minutes approved.

NEW BUSINESS:

BZA 06-25 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Robert and Jennifer Braun**, 101 South County Road 700 East, Parker City, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a 10' tall sign partially located in the proposed right-of-way advertising a business not located on the property in a farm zone on premises located at 101 South County Road 700 East, Liberty Township, Delaware County, Indiana, as more accurately described in the application.

Robert Braun, 101 S. CR 700E, Parker City, Indiana, appeared. He stated that he had 3 grandsons who own and operate a dump truck business in Randolph County, and that this sign was to advertise that business.

Ms. Mathewson asked if the sign was currently in place.

Mr. Braun stated yes.

Ms. Mathewson stated that the sign was located in the proposed right-of-way, and asked Mr. Braun if he would be agreeable to signing a waiver of rights for any damages to the sign if the road was to be widened and damages occurred.

Mr. Braun stated yes.

Ms. Mathewson asked if the advertising on the sign would only be for his grandson's business and that he would not be leasing the sign to any other business.

Mr. Braun stated it was only for his grandsons aged 18, 21, and 23 and that he would take the sign down if they were no longer in business.

Ms. Mathewson asked if they were no longer in business or he sold the property that the sign would be removed.

Mr. Braun stated yes.

No one appeared in opposition.

Ms. Fritch made a motion to approve BZA 06-25 the appeal of Jennifer and Robert Braun with the hardship as stated in the application with the following conditions: 1) That the applicant will sign a waiver for the sign against any claim of damages to the sign in the right-of-way; 2) That the variance is for the sign to advertise Braun Trucking and that it will be removed if Braun Trucking is no longer in business or if the property is sold; 3) That the sign will not become leased advertising space; and 4) That the variance is for the applicant only and will not transfer with the sale of the property. Ms. Brannon seconded the motion. Voting in favor: Mr. Billington Ms. Brannon, Mr. Clark, Ms. Fritch, Ms. Kaiser, Ms. Knapp, and Ms. Mathewson. Voting against: None. Motion carried, BZA 06-25 approved.

BZA 07-25 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Michael Concannon and SANJH 11, LLC**, 821 Shilling Drive, Crown Point, Indiana, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow decreased parking, decreased greenbelt width and plantings, decreased buffer area and landscape plantings, decreased canopy front setback along Walnut Street, and for the loading area to face Columbus Avenue and to be partially in the right-of-way, all for the redevelopment of a commercial site for a new gas station

and convenience store on premises located at 620 North Walnut Street, Muncie, Indiana, as more accurately described in the application.

Ms. Mathewson stated that due to the large crowd in attendance, the Board would be utilizing the time limits outlined in their rules of procedure. She stated that the applicant would be given 20 minutes to set forth their request, others wishing to speak in favor and opposition would each have 3 minutes to speak. She stated that the applicant would be given an additional 5 minutes at the end to address any comments that were made.

Mike Dauss, Dauss Architects, 1171 W. 11th St., Anderson, Indiana, appeared to represent the current owner. He stated that the applicant was in the process of purchasing the former Concannon's Bakery site, and there were several items in the zoning ordinance that would be difficult to meet, and therefore they were asking for variances. He stated that he had some updated drawings that he would like to provide the Board at this time, and that Arron Gardner who was the Project Manager would be speaking more about the development.

Arron Gardener, 9624 N. CR 800W, Daleville, Indiana, appeared. He stated that there had been a few misconceptions and rumors regarding the plans, and he wanted to begin by clarifying some of those. He stated that Indiana law would not allow the sale of cigarettes within 1000' of a school, and that would include vapes and that they knew that going into the project and that was never a goal of the applicant. He stated there was some consideration of a 3-way liquor license for a restaurant, and that was just a thought at the beginning. He stated that this was not a typical convenience store since it was 10,000 square feet. He stated they would be removing part of the front of the building, and that the remainder would be divided into 3 businesses under one roof. He stated they would have a hybrid convenience store/market that would have fountain drinks, coffee, but also some food options and some groceries. He stated that the second entrance would be for the location of a smoothie shop to provide the YMCA with those healthy drink options. He stated that the entrance from Columbus Avenue would be for a restaurant, and would be the second phase of the project with indoor and outdoor seating. He stated that the fueling area would also have EV chargers and that GM and Chargepoint had expressed an interest in those as well as fuel. He stated that the applicant wants to add to downtown to be part of the community and not take anything away from the area. He stated that the applicant had multiple stores and was working on several projects, and was not an owner that builds and then leaves.

Ms. Mathewson asked if the changes to the drawings changed any of the variances being requested.

Mr. Dauss stated that they were addressing the rear yard where a buffer yard was required between commercial use and residential property of 25', since the property was only 125' deep that would be difficult. He stated that the proposed right-of-way for Walnut Street had been expanded from 60' to 80', which took 20' from the front of the property. He stated that the greenbelt was measured from the proposed right-of-way of 10' and the existing building did not allow them to meet that requirement. He stated that the garage door facing Columbus Avenue was another request where the use of the

restaurant would be. He stated that there was also the buffer between them and the Social Security Office and that they had addressed and corrected that. He stated that they had met with the Mayor early in the week, and understand that there are many people with concerns and they would like to be allowed to continue the request to next months meeting. He stated that having an additional month would allow them time work with the neighborhood association and the Mayor's Office and hopefully develop a project that everyone in the community would feel good about.

Mr. Murphy stated that the motion that could be made would be to continue the request.

Mr. Clark made a motion to allow BZA 07-25 to be continued to the March 27, 2025 meeting. Ms. Brannon seconded the motion.

Ms. Mathewson stated that should give the applicant a chance to talk to some of the surrounding property owners.

Mr. Dauss stated that it would also allow them to work with the Mayor's Office to coordinate with their plans for Columbus Avenue.

Ms. Swackhamer stated that she would recommend an additional meeting with the Plan Commission staff to look at the new drawings that had been submitted to ensure the correct variances were being asked for.

Ms. Fritch asked if the additional letters would be read at the next meeting as part of the record.

Ms. Mathewson stated that they could become part of the packet for the next meeting and the Board would be asked if they had reviewed those letters.

Mr. Murphy stated that when items were received in advance, there was an opportunity to review them and make them part of the decision, so the Board had the ability to review them before the next meeting.

Ms. Fritch stated that a few of those letters had requested that they be read into the record so she wanted to make sure that was done.

Mr. Clark made a motion to continue BZA 07-25 the appeal of SANJH 11, LLC and Michael Concannon. Ms. Brannon seconded the motion. Voting in favor: Mr. Billington, Ms. Brannon, Mr. Clark, Ms. Fritch, Ms. Knapp, and Ms. Mathewson. Voting against: None. Motion carried, BZA 07-25 continued to the March 27, 2025 regular meeting.

(speaking from the audience asking to speak regarding the request)

Mr. Murphy stated that the hearing procedure only permitted the Board to hear comments while the matter was pending and not outside of the hearing on the matter.

Ms. Mathewson stated that public comment would be permitted at the March meeting and if individuals could not attend the meeting they could provide written comments for the Board to consider.

Ms. Swackhamer stated that the office would take emails, letters and phone calls that would be forwarded to the Board members for review.

Mr. Murphy stated that he did see some members of the audience raising their hands but respectfully, the Board was not permitted to discuss the case outside of the hearing, and this matter had been continued.

REPORT FROM DIRECTOR:

Ms. Swackhamer stated that she had provided the Board with her regular report summarizing permits issued, fees collected, inspections completed, variances, rezonings, and plats that had been filed (full report attached). She stated that there would be an upcoming unsafe housing meeting that consisted of the 3 County Commissioners, and that there were several items on that agenda. She stated that the Plan Commission had a new employee, Zach Wickliffe, and that he had taken over for Cheryl McGairik who had retired at the end of 2024. She stated that he had been in the office for 3 weeks now and was doing a wonderful job. She stated that for the MPO side of the office they had been working on the fiscal year 2026 cost allocation plan, which was turned in early and had already received approval for INDOT and Federal Highway. She stated that plan was a small portion of the Unified Work Program (UPWP) that will be completed and tuned in in March. She stated that the DMTIP for fiscal year 2026-2030 which was the 4 year transportation improvement plan that outlines all of the projects that would be funded in those years was also underway. She stated that the SS4A Grant was still moving forward and that they were currently reaching out to additional stakeholders to get them engaged and receive feedback. She stated that Matthew Nichols was the Project Manager on that project and that they had a slide show together to present to the 4 counties involved and were trying to get 3-4 people from each county to be involved in a steering committee.

Ms. Swackhamer also reported that she had been reappointed to the ECIRPD Board by the County Commissioners, and that she was a member of the Muncie Action Plan (MAP) Board which held their annual community report meeting last month. She stated that it was very well attended with presentations of some of the accomplishments of MAP throughout the year. She stated that Ms. Ingermann had been attending weekly handbook meetings and that the group was working on updating some of the language in that document. She stated that the IDEA conference was upcoming and that she had provided the Board with an agenda that includes some of the sessions and subjects that would be discussed. She stated that this was the 10th annual meeting and that the County Building Commissioner Tom Fouch would be on one of the panels to discuss code enforcement. She stated that there was an INDOT public meeting to discuss 2 proposed roundabouts. She stated that solar was still under a moratorium while the County Commissioners reviewed possible amendments to be forwarded to this Board for consideration, and that she would keep everyone updated on that moving forward.

ADJOURNMENT:

Leslie Mathewson, Chairperson

Kylene Swackhamer, Secretary