

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

DATE: January 30, 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

ELECTION OF OFFICERS:

MINUTES: Consideration of the December, 2024 regular monthly meeting minutes.

OLD BUSINESS:

BZA 60-24 Jurisdiction: Board of Zoning Appeals

Being a continuation of a public hearing on the matter of an application filed by **Gerald Dunsmore**, 11590 West County Road 300 North, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a decreased side setback for a new barn in a farm zone on premises located at 11590 West County Road 300 North, Harrison Township, Delaware County, Indiana, as more accurately described in the application.

NEW BUSINESS:

BZA 01-25 Jurisdiction: Board of Zoning Appeals

Special Use Being a public hearing on the matter of an application filed by **Weybright Muncie, LLC and Cameron Sarah**, 6925 East 96th Street, Suite 230, Indianapolis, Indiana, requesting an accessory dwelling special use under the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a 619 square foot one-bedroom apartment addition to an existing house in a single-family residence zone on premises located at 1121 West Marsh Street, Muncie, Indiana, as more accurately described in the application.

BZA 02-25 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Edwin Russell and Abigail Comber**, 6605 North Brenda Lane, Muncie, Indiana, requesting variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow keeping 12 poultry birds (chickens, ducks and/or quail) with decreased distance between where the birds are kept and neighboring residences and to allow selling the eggs in a residence zone on premises located at 6605 North Brenda Lane, Harrison Township, Delaware County, Indiana, as more accurately described in the application.

BZA 03-25 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Jeffrey J. Brubaker and Sparky's Corner Greenhouse, LLC**, 1723 South Sampson Avenue, Muncie, Indiana, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a business use, two signs and a banner, and no off-street parking for a greenhouse business, and for the floor area of the accessory buildings to exceed that of the dwelling in a residence zone on premises located at 1723 South Sampson Avenue, Muncie, Indiana, as more accurately described in the application.

BZA 04-25 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Steven Kocsak**, 14481 North Wheeling Avenue, Gaston, Indiana, requesting variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow decreased front and corner street side setbacks for a new attached garage in a farm zone on premises located at 14481 North Wheeling Avenue, Washington Township, Delaware County, Indiana, as more accurately described in the application.

BZA 05-25 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Patti Hirst**, 2200 North Rector Avenue, Muncie, Indiana, requesting a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a decreased street side setback to replace a damaged and demolished house on premises located at 2200 North Rector Avenue, Muncie, Indiana, as more accurately described in the application.

ADJOURNMENT:

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

The Delaware-Muncie Metropolitan Board of Zoning Appeals (BZA) held its regular monthly meeting on Thursday January 30, 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: Mr. Billington, Ms. Brannon, Mr. Clark, Ms. Kaiser, and Ms. Mathewson. Absent: Ms. Fritch. Also present: Mr. Murphy, attorney for the Board.

ELECTION OF OFFICERS:

Ms. Swackhamer opened the floor for nominations for Board Chairperson. Ms. Brannon nominated Ms. Mathewson to serve as Chairperson for 2025. Mr. Clark seconded the nomination. There being no further nominations, Ms. Swackhamer declared the nominations closed. Voting in Favor: Mr. Billington, Ms. Brannon, Mr. Clark, Ms. Kaiser, and Ms. Mathewson. Voting against: None. Motion carried, Ms. Mathewson will serve as Chairperson for the Board for 2025.

Ms. Swackhamer opened the floor for nominations for the Board Vice-Chairperson. Ms. Mathewson nominated Ms. Fritch. Mr. Clark seconded the nomination. There being no further nominations, Ms. Swackhamer declared the nominations closed. Voting in favor: Mr. Billington, Ms. Brannon, Mr. Clark, Ms. Kaiser, and Ms. Mathewson. Voting against: None. Motion carried, Ms. Fritch will serve as Vice-Chairperson for the Board for 2025.

MINUTES:

Ms. Kaiser made a motion to approve the December, 2024 regular meeting minutes. Mr. Billington seconded the motion. Voting in Favor: Mr. Billington, Ms. Brannon, Mr. Clark, Ms. Kaiser, and Ms. Mathewson. Voting against: None. Motion carried, December, 2024 minutes approved.

Ms. Mathewson stated that before the meeting begins, she would remind everyone to turn off or silence their cell phones. She stated that everyone wishing to speak in support or opposition of a request would have an opportunity to speak. She stated that she asked that everyone show respect to each other, even if they have a different opinion. She stated that the BZA was a 7 member Board, and in order for a case to have official action,

a vote of 4 in favor of or against the request. She stated that if that did not occur, that request would automatically be continued to the next regular meeting.

OLD BUSINESS:

BZA 60-24 Jurisdiction: Board of Zoning Appeals

Being a continuation of a public hearing on the matter of an application filed by **Gerald Dunsmore**, 11590 West County Road 300 North, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a decreased side setback for a new barn in a farm zone on premises located at 11590 West County Road 300 North, Harrison Township, Delaware County, Indiana, as more accurately described in the application.

Ms. Mathewson stated as a reminder, that this would be the 3rd meeting for this request to be heard by the Board, and that they had also had an opportunity to review all of the materials including those meeting minutes. She asked that anyone speaking, try and briefly talk about the request, and add anything that may be new since the previous meeting.

Mr. Dunsmore, 11590 W. CR 300N, Muncie, Indiana, appeared. He stated that his original request was for a 2' setback, and at the previous meeting he agreed to 6', and that after looking at things, he would be willing to move to 10' from the property line.

Ms. Mathewson stated for clarification, that would make this a variance of 15' from the side property line.

Mr. Dunsmore stated that he would like to address a few of the comments that had been made by his neighbors at the previous meetings about his septic system. He stated that there was nothing wrong with his septic and that he had no idea why it was even brought up at the meetings. He stated that if there had been a concern, it was 2-3 months later now and that no one had been to his property to check things out. He stated that his neighbor was worried about her property value decreasing, but since he purchased his property, they had only increased in value. He stated that the neighbor did not like the location of the proposed barn because they would have to look at it from their bedroom window, but he had to look at their barn from his window. He stated that they had built their barn without any permits, and now they want to tell him where he can build his barn. He stated that this was truly the only location that was suitable for the barn, and that he was confused by the variance not being approved, and asked someone on the Board to explain the variance to him.

Mr. Murphy stated that this was a request for a variance from the terms of the Zoning Ordinance that must be approved by this Board.

Mr. Dunsmore asked what would make a good candidate to be approved for this request.

Mr. Murphy stated that all requests were decided upon by the Board members based on their judgement as to whether the variance was appropriate.

Mr. Dunsmore stated that he had some votes in his favor, which tells him that in similar circumstances the Board had approved variances, and just asked what was different in his case. He stated that the Board mentioned the 25' setback and he knew that prior to paying his fee for the variance request, and he did not understand that measurement.

Mr. Murphy stated that in order to build according to his plans he would need a variance, if he had complied with the zoning ordinance he would not need to come before this Board.

Mr. Dunsmore stated that if the Board was going to make a decision on someone's property, that they should at least explain why they voted no.

Ms. Mathewson stated that the Board members were not required to explain their vote.

Mr. Crouch, 2901 W. CR 700N, Muncie, Indiana, appeared. He stated that he was Mr. Dunsmore's brother-in-law and that he had spoke on his behalf at the last meeting, and that he appreciated the Board's attendance at this meeting. He stated that Mr. Dunsmore paid \$200 for his variance.

Ms. Mathewson stated that was for the application for a variance request.

Mr. Crouch stated yes, that was for the fees and he asked for his variance to be considered and that at the last meeting there were members that did not ask Mr. Dunsmore any questions. He asked how he could get a fair action on his request without being asked any questions. He stated that he was very disappointed and did not believe that Mr. Dunsmore received a fair evaluation of his request. He stated that at the last meeting he stated that Mr. Dunsmore would build 10' from the line just like the neighbors did, and that they live in a rural farming area and that should be fine. He stated that he figured out that based on what he had witnessed; Mr. Dunsmore should go ahead and build his barn and not get permission. He stated that the neighbors in opposition built their barn without any permits, and that the decision against Mr. Dunmore was based on some of their comments. He stated that if no one had appeared in opposition, he does not feel that he would have been denied his request. He stated that Mr. Dunsmore was trying to follow the rules, and that he respected this Board, and valued the rules that should be followed. He stated that he paid the fee to ask for consideration, and he did not receive fair treatment. He stated that many answers can be found if someone would just ask a question, and he could not understand how such a quick decision can be made without asking any questions.

Kenna Bales, 11500 W. CR 300N, Muncie, Indiana, appeared in opposition. She stated that she believed that this would decrease the value of her property and that there were other locations on Mr. Dunsmore's property that he could build the barn. She stated that for a hardship variance, there had to be a hardship that was not due to their own actions.

William Bales, 11500 W. CR 300N, Muncie, Indiana, appeared in opposition. He stated that he was the neighbor to the east of Mr. Dunsmore, and that they moved to the county to have peace and quiet and a nice view. He stated that they were not able to do that with all of the noise all hours of the night, dogs barking, and even mowing occurring at midnight and that having this barn so close to their house would add more noise. He stated that there was plenty of room on the property to build the barn and that he had provided those locations on a drawing. He stated that the septic was supposed to be where the pond was, so there was room to move the building to that northwest corner. He stated that he stands by his belief that there was more than this one place to build a 300 square foot barn, and that he remains in opposition.

Ms. Swackhamer stated that she would like to inform the Board that Mr. Dunsmore did issue a formal complaint regarding the neighbor's barn. She stated that Mr. Fouch, the Building and Zoning Administrator had sent a letter regarding that issue.

Ms. Mathewson asked Mr. Dunsmore to return and address any of the comments heard.

Mr. Dunsmore stated that he had no idea about the mowing at midnight, and that there was a dog further down the road that barked more than his dog. He stated that he would not build the barn 900' or more from his house, he wanted it for convenience to park his truck and go inside his home. He stated that the neighbors have garages that are close to their homes that they park in and that was what he wanted.

Ms. Brannon asked if the proposed barn would be for personal use only, and would have no bathroom or electrical installed.

Mr. Dunsmore stated it would be just for him, and no bathroom or electrical installed. He stated that his truck sits out in the weather right now, and that he was storing a tractor at a neighbor's house until he could build this barn.

Ms. Brannon stated that he was amending the original request from 2' to be 10' from the property line.

Mr. Dunsmore stated yes.

Mr. Clark stated that the 2' request posed some concerns, and that 10' was an acceptable buffer and asked if Mr. Dunsmore would consider adding a vegetation wall to help conceal the barn.

Mr. Dunsmore stated that he could eventually do something and that he would need to make sure he could still get a mower around the trees, which would take up a lot of space.

Mr. Clark stated that would depend on the species of trees.

Mr. Dunsmore stated that he might need to move 15' from the property line to allow for a little more room for the trees.

Mr. Clark stated that he had changed from 2' to 10', and possibly now 15' so would he consider going to the 25' required.

Mr. Dunsmore stated if he did not get a variance, he would go to the 25' to get his barn built. He stated that if he moved to the 25' he would build the barn bigger at that point.

Mr. Billington asked if Mr. Dunsmore was willing to go to 15' or if he would like to stick with the change to 10' made earlier.

Mr. Dunsmore stated that he could go up to 15'.

Ms. Brannon asked if he would be changing the size of the building.

Mr. Dunsmore stated that he would probably build it 40' x 100' because it would be a better size for his needs.

Ms. Kaiser asked if he was still willing to install a vegetation wall.

Mr. Dunsmore stated yes.

Ms. Brannon clarified it would be a 40' x 100' building, with a 15' side setback and a vegetation wall.

Mr. Dunsmore stated yes.

Ms. Mathewson asked how Mr. Dunsmore could officially modify his original request.

Mr. Murphy stated that the Board had enough information to consider the application modified, and that the motion would need to be consistent with Mr. Dunsmore's changes.

Mr. Billington stated that he weighed his decisions heavily on the opposition's comments, and he asked if their opposition would be as strong if this was the compromise being made.

Mr. Clark asked if the Board could hear from the neighbors again.

Mr. Murphy stated yes, the Board would need to suspend the normal rules of procedure with a vote to allow the opposing side another opportunity to speak.

Mr. Billington stated that he felt like going to 15' was a big difference from the original request. He stated that it does show compromise from Mr. Dunsmore, but he would like to hear from the neighbors.

Ms. Mathewson stated that she would need a motion to suspend the regular rules of procedure to allow for the opposition to speak again. Mr. Billington made a motion to suspend the regular rules of procedure. Mr. Clark seconded the motion. Ms. Swackhamer called for all those in favor to say ayes, all those opposed say no. She stated that the ayes have it, and that the opposition would have a second opportunity to speak.

Ms. Mathewson stated that the change to a 15' setback and the addition of a vegetation wall had been discussed, and asked for any comments from the neighbors in opposition.

Ms. Bales stated that she was not sure why the barn needed a variance to begin with.

Ms. Mathewson asked if they would be in favor of the amended changes.

Mr. Bales asked how tall the vegetation wall in comparison to a 21' tall barn.

Mr. Clark stated that could be something that the Board could outline specifically.

Mr. Bales stated that he understands the idea, but it would do nothing to hide the barn. He stated that in the previous meeting a detached garage was mentioned, and if that was the case, they would have no objection. He stated that now Mr. Dunsmore wants to build it larger at 40' 100' and they remain in opposition. He stated that it would not matter how far from the property line it was built, it was the size that they would be looking at from their home.

Mr. Dunsmore stated that he can't plant trees as tall as the barn. He stated that this was a farm zone, and if you look in all directions from his property, there was an average of 2 barns on each property. He stated that it would not be convenient for him to build the barn far away from his house. He stated that he had compromised, and that he did not feel that the neighbors would be happy with anything he did.

Mr. Billington made a motion to approve BZA 60-24 the appeal of Gerald Dunsmore with the following conditions: 1) That the barn will be 40' x 100' and the side setback will be 15' to the east property line; 2) That the barn will be screened by a vegetative wall, planted in the 15' setback area; and 3) That the barn be for personal use of the owner only. Ms. Brannon seconded the motion. Voting in Favor: Mr. Billington, Ms. Brannon, Mr. Clark, Ms. Kaiser, and Ms. Mathewson. Voting against: None. Motion carried, BZA 60-24 approved.

NEW BUSINESS:

BZA 01-25 Jurisdiction: Board of Zoning Appeals

Special Use Being a public hearing on the matter of an application filed by **Weybright Muncie, LLC and Cameron Sarah**, 6925 East 96th Street, Suite 230, Indianapolis, Indiana, requesting an accessory dwelling special use under the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a 619 square foot one-bedroom apartment addition to an existing house in a single-family residence zone on premises located at 1121 West Marsh Street, Muncie, Indiana, as more accurately described in the application.

Cameron Sarah, 7904 S. CR 560E, Selma, Indiana, appeared. He stated that he was the Property Manager for Campus Rentals and was here to represent the owner. He stated that the rear portion of the dwelling had been damaged in a storm, and they decided to add an accessory dwelling to that area as they rebuilt. He stated that the footprint of the

front of the dwelling would remain a 3 bedroom, and that the accessory dwelling addition would be a 1-bedroom unit. He stated that there had been a high demand in recent years for this 1-bedroom units such as this and that Ball State University had been adding single unit dorms as well. He stated that under the Special Use terms, this was allowed in the R-4 Residence Zone, and that they had a similar approval last year on a property on Rex Street.

Ms. Kaiser asked if there was enough parking for the addition.

Mr. Sarah stated yes, that there was an alley that lead to a garage, which will be demolished to provide more parking. He stated that they would have 5 total spaces, not blocking, and that the ordinance required 2 spaces per unit so they would have more.

Ms. Swackhamer stated for the record that the Plan Commission heard this request on January 9, 2025 and that Mr. Sarah was there to answer any questions. She stated that the Board favorably recommended the request with a vote of 7-0.

Mr. Billington made a motion to approve BZA 01-25 the appeal of Weybright Muncie, LLC and Cameron Sarah. Ms. Brannon seconded the motion. Voting in Favor: Mr. Billington, Ms. Brannon, Mr. Clark, Ms. Kaiser, and Ms. Mathewson. Voting against: None. Motion carried, BZA 01-25 approved.

BZA 02-25 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Edwin Russell and Abigail Comber**, 6605 North Brenda Lane, Muncie, Indiana, requesting variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow keeping 12 poultry birds (chickens, ducks and/or quail) with decreased distance between where the birds are kept and neighboring residences and to allow selling the eggs in a residence zone on premises located at 6605 North Brenda Lane, Harrison Township, Delaware County, Indiana, as more accurately described in the application.

Abigail Comber, 6605 N. Brenda Lane, Muncie, Indiana, appeared. She stated that their property was next to farm land and that they would like to have no more than 12 chickens on their property. She stated that they potentially may want to sell the eggs if they had more than they could use or give away.

Ms. Mathewson asked if they had talked to any of the neighbors.

Ms. Comber stated no.

Ms. Mathewson asked if they would be fine with the condition being placed that this was for a maximum of 12 chickens.

Ms. Comber stated yes, they can't imagine they would ever want more than 12, and that would have no roosters.

Ms. Mathewson asked if granted, was there a plan to install fencing or some type of enclosure so that the chickens were not running free.

Ms. Comber stated yes, they would be caged at all times.

Edwin Comber, 6605 N. Brenda Lane, Muncie, Indiana, appeared. He stated that the enclosure would be against the back of the house on 2 walls, and that they would fence in the other 2 walls of the enclosure.

Ms. Mathewson asked if they would have signage to advertise they were selling eggs.

Ms. Comber stated that they might sell them in the future, and if they did they would probably have a sign.

Ms. Mathewson asked if they would be fine if signage was not allowed.

Ms. Comber stated yes.

Ms. Clark stated that it was great to hear that they would have no roosters. He stated that there were many types of chickens, and which all had different temperaments, and asked if they had chosen the species that they would have.

Ms. Comber stated that they wanted quieter chickens that liked to be handled, and that they did not want the noise either.

Samantha Schaible, 5310 W. CR 400N, Muncie, Indiana, appeared. She stated that she was the owner of the farm ground behind the Comber's house. She stated that on her property she had 30 chickens, 2 roosters, and 2 turkeys. She stated that their neighbors love the animals, and they also sold eggs from their property. She stated that she had no objection to the request.

Ms. Swackhamer stated that the office had received a phone call from Donna Miller who lived 3 houses away from this property. She stated that Ms. Mills was in opposition and that she had concerns about this setting a precedent for the neighborhood and that others would want to have chickens even though it is a residential neighborhood. She stated that Ms. Mills had nothing against the applicant, but that birds can carry airborne diseases and she asked the Board to deny the request.

Ms. Comber stated that the birds would be caged and contained at all times, and that they would monitor their health. She stated that they would not want to have more than 12 birds maximum.

Ms. Kaiser made a motion to approve BZA 02-25, the appeal of Edwin and Abigail Comber with the hardship as stated in the application with the following conditions: 1) That the number of birds will not exceed 12; 2) That there be no rooster; 3) That the birds be kept in the enclosure behind the house; 4) That there will be no business sign or advertising of eggs for sale; and 5) That the variance is for the applicant only and will not transfer with the sale of the property. Mr. Clark seconded the motion. Voting in Favor:

Mr. Billington, Ms. Brannon, Mr. Clark, Ms. Kaiser, and Ms. Mathewson. Voting against: None. Motion carried, BZA 02-25 approved.

BZA 03-25 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Jeffrey J. Brubaker and Sparky's Corner Greenhouse, LLC**, 1723 South Sampson Avenue, Muncie, Indiana, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a business use, two signs and a banner, and no off-street parking for a greenhouse business, and for the floor area of the accessory buildings to exceed that of the dwelling in a residence zone on premises located at 1723 South Sampson Avenue, Muncie, Indiana, as more accurately described in the application.

Allen Wiseley, attorney with Beasley & Gilkison, 302 E. Jackson St., Muncie, Indiana, appeared to represent the applicant. He stated that Sparky's Greenhouse was an LLC with 2 owners, Mr. Brubaker and Mr. Carless. He stated that Mr. Brubaker owns the property and that Sparky's Greenhouse rents part of that platted lot. He stated that at one time, this lot was subdivided and contained the house and a grocery store, and that Mr. Brubaker purchased the parcels and combined them back to one lot. He stated that the greenhouse was started with a small grant from the neighborhood and was a small business that during COVID helped those who did not want to go to large stores. He stated that they had continued to add greenhouses to property, including one that was currently under construction. He stated that this new structure would have the accessory structure more area than the dwelling by ~60 square feet, but this was the last building that that they planned to install. He stated that there was no parking available on the lot and that the house and business before the greenhouse never had any onsite parking. He stated that they had several letters of support, one being from Pastor Ed Armantrout, the pastor of Avondale United Methodist Church which was on the opposite corner of the same intersection as Sparky's. He stated that the church had given them permission to use the church's parking lot if they needed. He stated that Mr. Brubaker and Mr. Carless were the only employees but sometimes they had volunteers that would help. He stated that they were on site throughout the day to water the plants, but sales were limited to 10:00 AM to 6:00 PM.

Mr. Clark stated that he had visited the site multiple times and that the landscaping was beautiful, and asked if that would continue.

Mr. Wiseley stated yes, and that they were continually making improvements.

Suzanne Clem, 2008 W. Purdue Ave., Muncie, Indiana, appeared. She stated that she attended Avondale United Methodist Church regularly and that she had provided a letter of support. She stated that this was a bright spot in the neighborhood and that they had done a great job in improving the property. She stated that it was a colorful and cheerful site and that she was in support of the request.

Ms. Swackhamer stated that letters of support had been received from Neil Kring, Neighborhood Pastor and Activist, Edward Armantrout, Avondale United Methodist Church, Sue Errington, Jena Ashby, Toria Callow, Dana Arnold, and Suzanne Clem. She stated that copies of all those letters had been provided to the Board members for review.

No one appeared in opposition.

Mr. Billington made a motion to approve BZA 03-25 the appeal of Jeffery Brubaker and Sparky's Corner Greenhouse, LLC with the hardship as stated in the application with the following conditions: 1) That all necessary sign permits be obtained; and 2) That the variances are 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. Kaiser, and Ms. Mathewson. Voting against: None. Motion carried, BZA 03-25 approved.

BZA 04-25 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Steven Kocsak**, 14481 North Wheeling Avenue, Gaston, Indiana, requesting variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow decreased front and corner street side setbacks for a new attached garage in a farm zone on premises located at 14481 North Wheeling Avenue, Washington Township, Delaware County, Indiana, as more accurately described in the application.

Steven Kocsak, 14481 N. Wheeling Ave., Muncie, Indiana, appeared. He stated that he was requesting a decreased setback for an addition to the existing garage on the northside of his property. He stated the structure would be 26' x 20' garage.

Ms. Mathewson asked if this would be for personal storage.

Ms. Kocsak stated yes. He stores his 1970 Chevelle and for his hobby shop.

Mr. Clark asked for clarification on the setback being requested if there was 30' on that side and the building would take up 26' of that.

Mr. Murphy stated that the request was for 30' street side setback for a variance of 20'.

Mr. Clark asked if Mr. Kocsak had talked to any of his neighbors.

Mr. Kocsak stated yes, he had talked to the neighbor behind him, Mr. Payne, and he was in support.

No one appeared in opposition.

Mr. Billington made a motion to approve BZA 04-25 the appeal of Steven Kocsak with the hardship as stated in the application. Ms. Brannon seconded the motion. Voting in Favor:

Mr. Billington, Ms. Brannon, Mr. Clark, Ms. Kaiser, and Ms. Mathewson. Voting against: None. Motion carried, BZA 04-25 approved.

BZA 05-25 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Patti Hirst**, 2200 North Rector Avenue, Muncie, Indiana, requesting a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a decreased street side setback to replace a damaged and demolished house on premises located at 2200 North Rector Avenue, Muncie, Indiana, as more accurately described in the application.

Derek Lewis, the contractor for Ms. Hirst appeared. He stated that they believed that they could build the house back in the same footprint as the one that was demolished. He stated that the home was 41' wide, and that they wanted to rebuild on the same footprint so they changed that to 40', and they were just asking to keep the same layout.

Ms. Mathewson asked if they were only asking for a 1' variance on the setback to rebuild the house.

Mr. Lewis stated that they be 6' from the house next door, but the new house would be 25' to the south, and had been 10' on the existing home.

Mr. Daniel stated that he had talked to the City Building Commissioner and that he felt the old house was too close to the north property line and that he would be more comfortable with moving the house south from 12' to 11' to Wade Avenue.

Ms. Brannon asked how that recommendation changed this request.

Mr. Daniel stated that this request represents that recommendation. He stated that there was no dispute to the dimensions, only that it gets moved 1' closer to Wade Avenue to increase the distance between the new house and the house on the north side.

Mr. Lewis stated that they had been dealing with insurance, and that if they needed to make adjustments and change the size of the house, they would make that change, but they might have trouble since they already had the trusses on site.

Ms. Swackhamer stated that they did not need to change the dimensions of the house, they just needed to change from 12' to 11' from Wade Avenue.

MR. Lewis stated that would not be an issue.

No one appeared in opposition.

Ms. Kaiser made a motion to approve BZA 05-25 the appeal of Patti Hirst with the hardship as stated in the application. Mr. Billington seconded the motion. Voting in Favor: Mr.

Billington, Ms. Brannon, Mr. Clark, Ms. Kaiser, and Ms. Mathewson. Voting against: None. Motion carried, BZA 05-25 approved.

Ms. Swackhamer reported that she had provided the Board with a report of permits, inspections, variances, rezonings, and plats for the year so far (see full report attached). She stated that an Unsafe Housing meeting was scheduled for March, and that those were held after the Commissioners Meeting at the end of the month. She stated that the 2026 apportionments had been received, and that amount was \$3,513,573.00 and that those funds help with road and bridge projects. She stated that the 2026 Unified Work Program amount had been issued and that was \$274,121.80 and that was the money that reimbursements can be applied for. She stated that this was used for salaries worked on transportation, and other expenses. She stated that the 4 year Transportation Improvement Plan (TIP) was being worked on, and included all of the transportation projects within our planning area. She stated that the Cost Allocation Plan was also being amended and showed where all of the work program money was being used. She stated that she had provided information for a public meeting that INDOT was hosting regarding roundabouts at SR 32 and Madison Street and also SR 32 and Hackley Avenue. She stated that the Transportation Planner position had been filled and they were scheduled to start on February 3, and that the Community Planner position was still open. She stated that this was the 10th year for the IDEA conference which was hosted by Muncie Action Plan (MAP), and that this would be her first year attending. She stated that it was a free conference and had been very successful for active leaders and people involved in the community. She stated that the Building Commissioner, Tom Fouch would be on one of the panels covering the topic of code enforcement, and that Mr. Clark was moderating that session.

ADJOURNMENT:

Leslie Mathewson, Chairperson

Kylene Swackhamer, Secretary