

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

DATE: July 31, 2025

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

TIME: 6:00 P.M.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

	<u>Board Member:</u>	<u>Appointed By:</u>	<u>Term:</u>
Chairperson	Leslie Mathewson	County Commissioners	01/01/2022 to 12/31/2025
Vice-Chair	Delaney Fritch	Mayor of Muncie	01/01/2025 to 12/31/2028
	Matt Billington	County Commissioners	05/23/2024 to 12/31/2027
	Ellen Brannon	Mayor of Muncie	01/01/2023 to 12/31/2026
	Dustin Clark	Mayor of Muncie	11/21/2024 to 12/31/2027
	Sue Kaiser	Mayor of Muncie	01/01/2023 to 12/31/2026
	Kristi Knapp	County Commissioners	02/01/2025 to 12/31/2025

MINUTES: Consideration of the May and June, 2025 regular monthly meeting minutes.

NEW BUSINESS:

BZA 29-25 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Megan Bohm**, 3116 West Torquay Road, Muncie, Indiana requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow for the division of property to separate by platting two existing structures on individual lots with reduced lot sizes, reduced setbacks, reduced lot frontage, reduced building square footage and width, and no off street parking on premises located at 1238 South Burlington Drive, and 1201 South Tennessee Avenue, Muncie, as more accurately described in the application.

BZA 30-25 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Richard L. and Linda M. Vore**, 4190 East Gregory Road, Eaton, Indiana requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow reduced side setback for a new barn, on premises located at 4190 East Gregory Road, Union Township, Delaware County, Indiana as more accurately described in the application.

BZA 31-25 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Theresa Kay Johnson**, 1201 North County Road 600 East, Selma, Indiana requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow the operation of a two-chair beauty salon in an accessory building in a residence zone on premises located at 1201 North County Road 600 East, Liberty Township, Delaware County, as more accurately described in the application.

REPORT FROM DIRECTOR:

ADJOURNMENT

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

The Delaware-Muncie Metropolitan Board of Zoning Appeals (BZA) held its regular monthly meeting on Thursday, July 31, 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. Fritch, Ms. Knapp and Ms. Mathewson. Absent: Ms. Brannon, Mr. Clark, and Ms. Kaiser. Also present: Mr. Murphy, attorney for the Board.

MINUTES:

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

NEW BUSINESS:

BZA 29-25 Jurisdiction: Board of Zoning Appeals

Continued to 9/25/2025 Being a public hearing on the matter of an application filed by **Megan Bohm**, 3116 West Torquay Road, Muncie, Indiana requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow for the division of property to separate by platting two existing structures on individual lots with reduced lot sizes, reduced setbacks, reduced lot frontage, reduced building square footage and width, and no off street parking on premises located at 1238 South Burlington Drive, and 1201 South Tennessee Avenue, Muncie, as more accurately described in the application.

Ms. Swackhamer reported that the applicant had requested a continuation of the request to the September 25, 2025 regular meeting, and had done so in time that notice had been sent to the surrounding property owners. She stated that this was an automatic continuance and that the Board did not need to take any action at this time.

BZA 30-25 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Richard L. and Linda M. Vore**, 4190 East Gregory Road, Eaton, Indiana requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to

allow reduced side setback for a new barn, on premises located at 4190 East Gregory Road, Union Township, Delaware County, Indiana as more accurately described in the application.

Richard Vore, 4190 E. Gregory Rd., Eaton, Indiana, appeared. He stated that he owned both parcels and that one was classified as a forest and that he could not build his new barn very close to that parcel. He stated that the parcels were in an irrevocable trust and classified as farmland, but it had a big hill with a drop down to the river, and was not able to be farmed.

Linda Vore, 4190 E. Gregory Rd., Eaton Indiana, appeared. She stated that it was also in the 500- year floodplain and that nothing could be grown there.

Ms. Mathewson asked why they chose this location for the new barn.

Mr. Vore stated it was close to the driveway and across from the existing garage.

Ms. Vore stated that their home sat on a hill and that as they got older, it was getting more difficult to get to the mowers and other equipment from the other storage shed so it would be nice to have something closer to the house.

Ms. Fritch asked if the existing storage shed was located on the northeast side of the property.

Mr. Vore stated yes.

Mr. Billington asked if that structure was partly on the classified forest land.

Mr. Vore stated that he had a map from DNR showing the classified area.

Ms. Fritch asked if the classified forest program he was referring to was a DNR program.

Mr. Vore stated yes.

Mr. Billington asked if there was any reason for the properties to be divided.

Mr. Vore stated that it had all been one parcel before it was labeled as a classified forest.

Ms. Fritch stated that a 0' setbacks was not something that the Board would normally see, and asked if it was possible to move the structure more to the northwest to allow for some separation from the property line.

Mr. Vore stated that would be too far away.

Ms. Mathewson stated that the Board had granted a 0' setback once before and might place a condition that there be a survey to make sure they are on the property line.

Ms. Knapp stated that the issue would be if they ever decided to sell the property, the barn would be directly on the property line so we want to ensure it is not over that line.

Mr. Billington asked if they would be willing to have a survey and change the property lines.

Mr. Vore stated that changing the property lines could affect the trust that they had in place to protect their assets.

Mr. Billington asked if the property with the house was in his name and the classified forest was the irrevocable trust.

Mr. Vore stated that the house was in a trust but it was not an irrevocable trust.

Ms. Mathewson stated that legally they were 2 separate entities.

Ms. Swackhamer asked if there was any room to move the barn closer to the driveway.

Mr. Vore stated that they would still be too close to the property line since it should be 25' away.

Ms. Fritch stated that the Board could grant anything less than 25' and asked how much of a setback they could manage.

Mr. Vore stated that they could do 5' but much more than that would just make everything so close together.

Ms. Swackhamer stated that the Board members had a map that indicated the 25' setback so they could estimate where 5' would be for the barn.

Ms. Mathewson asked Mr. Vore if was formally requesting to change his setback to 5' rather than 0' as originally stated.

Ms. Vore stated yes.

Ms. Swackhamer clarified that would be a 5' setback rather than 25' for a variance of 20'.

No one appeared in opposition.

Ms. Fritch made a motion to approve BZA 30-25 the appeal of Richard and Linda Vore with the hardship as stated in the application with the condition that it be 5' from the property line rather than 25' for a variance of 20'. Ms. Knapp seconded the motion. Voting in favor: Mr. Billington, Ms. Fritch, Ms. Knapp, and Ms. Mathewson. Voting against: None. Motion carried, BZA 30-25 approved.

BZA 31-25 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Theresa Kay Johnson**, 1201 North County Road 600 East, Selma, Indiana requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow the operation of a two-chair beauty salon in an accessory

building in a residence zone on premises located at 1201 North County Road 600 East, Liberty Township, Delaware County, as more accurately described in the application.

Theresa Johnson, 1201 N CR 600E, Selma, Indiana, appeared. She stated that she takes care of her mother, and that she would like to move her beauty salon from Selma to her home to be closer to her mom for her care.

Ms. Mathewson asked if Ms. Johnson could explain a little more about the hours of operation and number of clients.

Ms. Johnson stated that she worked Tuesdays, Wednesdays and Thursdays, between 9:00 AM to 9:00 PM, usually 8 hours each day and that it would just be her. She stated that she just wanted to accommodate her regular customers and that she may occasionally schedule a client on a weekend.

Ms. Mathewson asked if there would be a sign on the property.

Ms. Johnson stated no, that she had never had a sign and that with her mom there with caregivers that she did not want strangers coming to the property.

Ms. Mathewson asked if she had talked to any of the neighbors about the request.

Ms. Johnson stated yes, most of them. She stated that several neighbors had stopped by to tell her how nice the building looked and that everyone down their road knew her mother.

TJ Maines, Selma Indiana, appeared. He stated that his family owned much of the property in that area and that Ms. Jonson had been a great neighbor and had improved the property since owning it and that he was happy to speak in support.

No one appeared in opposition.

Ms. Fritch made a motion to approve BZA 31-25 the appeal of Theresa Kay Johnson with the hardship as stated in the application with the condition that the variance be for the applicant only and not transfer with the property. Ms. Knapp seconded the motion. Voting in favor: Mr. Billington, Ms. Fritch, Ms. Knapp, and Ms. Mathewson. Voting against: None. Motion carried, BZA 31-25 approved.

REPORT FROM DIRECTOR:

Ms. Swackhamer stated that she had provided the Board with the numbers for permits. Inspections, rezonings, variances, and plats for the year to date. She stated that we were still waiting for state and federal approval of the DMTIP, the 4-year transportation plan, which was referenced in the state documents. She stated that the Plan Commission was working on the Public Transit Human Services Transportation Coordination Plan and was a document required to be updated every 5 years and includes an evaluation of economic and demographic

conditions in the area. She stated that a special meeting for the Plan Commission Board regarding the solar ordinance was set for Tuesday August 12 at 6:00 PM in the Delaware County Justice Center. She stated that a Pond Ordinance had been drafted by staff and that a final draft was ready to be sent for a review by the county attorney. She stated that Delaware County ADA Transition Plan was currently being updated, and was the document that assessed the 8 Delaware County owned buildings. She stated that a consultant had been hired to complete that and that a public meeting had been held with surveys that were also online for anyone who would like to participate.

Ms. Swackhamer stated that the Board had discussed reevaluating and updating their Rules of Procedure and that she had a draft from Mr. Murphy for everyone to take a look at and then a special meeting can be set to discuss the changes.

Mr. Murphy stated that he would add that the Board would be able to discuss any changes at a special meeting but would need to vote on adoption of the rules at a regular meeting. He stated that with the large solar meeting scheduled for August, he did not know how quickly a special meeting could occur, but that he would leave that to the Board.

Ms. Fritch asked if an email would be sent to the members who were absent tonight.

Ms. Swackhamer stated yes.

Ms. Knapp asked the capacity of the Justice Center.

Ms. Swackhamer stated that it was 499.

Ms. Mathewson asked if the Board would need to make a formal introduction of the amendments to the rules of procedure.

Mr. Murphy stated that all that was required was that they be presented in writing at a regular meeting which we have done, and that action be taken at a subsequent meeting.

ADJOURNMENT:

Leslie Mathewson, Chairperson

Kylene Swackhamer, Secretary