

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

DATE: August 28, 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
	Vacant	Mayor of Muncie	----- 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 July, 2025 regular monthly meeting minutes.

NEW BUSINESS:

BZA 32-25 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Muncie Aviation Company**, 5201 North Walnut, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow access for the restaurant through an ingress/egress agreement with the airport, and to allow some parking and ADA spaces off site, and reduced side and rear setbacks, all for a new restaurant, on premises located at 5201 North Walnut Street, Hamilton Township, Delaware County, Indiana, as more accurately described in the application.

BZA 33-25 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **JRF Management, LLC**, 1924 North Elm Street, Muncie, Indiana, requesting a variance of use from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a multi-family duplex unit to operate in a Residence Zone to allow a new duplex together with an existing dwelling for a total of three dwellings in a single family residence zone on premises located at the northwest corner of North Madison Street and East Berkley Street, Muncie, as more accurately described in the application.

BZA 34-25 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Daniel C. Newhouse**, 4313 North Janney Avenue, Muncie, Indiana requesting a variance of use from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a reduced front setback for a proposed 20' x 22' carport in a Residence Zone on premises located at 4313 North Janney Avenue, Muncie, as more accurately described in the application.

REPORT FROM DIRECTOR:

ADJOURNMENT:

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

The Delaware-Muncie Metropolitan Plan Commission held its regular monthly meeting on Thursday, August 28, 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 ALLIGIANCE:

ROLL CALL:

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

MINUTES:

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

NEW BUSINESS:

BZA 32-25 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Muncie Aviation Company**, 5201 North Walnut, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow access for the restaurant through an ingress/egress agreement with the airport, and to allow some parking and ADA spaces off site, and reduced side and rear setbacks, all for a new restaurant, on premises located at 5201 North Walnut Street, Hamilton Township, Delaware County, Indiana, as more accurately described in the application.

Nick Tokar, 400 W. Jackson St., Muncie, Indiana, appeared to represent the applicant. He stated that this was all part of the plans to subdivide the parcel which had housed a restaurant throughout the years. He stated that there was no direct access to Walnut which would be provided with the ingress/egress agreement.

Ms. Mathewson asked if there would be a written agreement prepared for that access.

Mr. Tokar stated yes.

Ms. Mathewson asked Ms. Swackhamer if this matter had been to the Plat Committee.

Ms. Swackhamer stated yes, for the division of the land and that the Plat Committee had recommended the applicant seek variances.

Ms. Fritch asked for some clarification to the development and the reason for the request.

Mr. Tokar stated that the parcel being sold did not have direct access to Walnut Street and that the parking to the east of the building was owned by the Delaware County Airport Authority. He stated that they were going to grant the easement, which was one of the reasons for the variance requests.

Ms. Swackhamer asked if the property split was in order to sell that parcel.

Mr. Tokar stated yes.

No one appeared in opposition.

Ms. Fritch made a motion to approve BZA 35-25 the appeal of Muncie Aviation Company with the hardship as stated in the application. Ms. Kaiser seconded the motion. Voting in favor: Mr. Billington, Ms. Fritch, Ms. Kaiser, Ms. Knapp, and Ms. Mathewson. Voting against: None. Motion carried, BZA 35-25 approved.

BZA 33-25 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **JRF Management, LLC**, 1924 North Elm Street, Muncie, Indiana, requesting a variance of use from the terms of the City of Muncie Zoning Ordinance to allow a multi-family duplex unit to operate in a Residence Zone to allow a new duplex together with an existing dwelling for a total of three dwellings in a single family residence zone on premises located at the northwest corner of North Madison Street and East Berkley Street, Muncie, as more accurately described in the application.

Joe Jackson, owner of JRF Management, LLC appeared. He stated that he and his son own the LLC and the house, that was in terrible condition when they purchased the property. He stated that they had remodeled the house for his father and step mother to live in. He stated that the property was 3 parcels and that they would like to combine them to end up with 2 parcels, and place a duplex on the undeveloped parcel. He stated that they owned other properties, and that this seemed to the type of housing that was in demand.

Ms. Mathewson stated that the packet provided did include a layout of the duplex.

Mr. Jackson stated that he had 6 children and his son had 5 children, so he had first hand experience of how difficult it was to find a large unit for a family and that was why they went with 5-bedroom units for the duplex.

Ms. Matheson asked if they had spoken to any of the neighbors about their proposal.

Mr. Jackson stated he had walked through the neighborhood and stopped at 15 houses and talked to 8 residents. He stated that he explained what the request was for and showed them all the drawings of the proposal to them and that he had no negative comments.

No one appeared in opposition.

Ms. Fritch asked if they would have to legally split the property or if that was a condition that the Board should include if granted.

Ms. Swackhamer stated that the applicant stated that the intent was to split, but that they would not be bound to that by this Board's decision.

Mr. Jackson stated that they were already in the process of completing the matter.

Mr. Murphy stated that it sounded as though the applicant would be agreeable to that condition.

Ms. Fritch made a motion to approve the appeal of JRF Management, LLC with the hardship as stated in the application with the condition that the property split is completed resulting in the duplex on one parcel and the single family on the other. Mr. Billington seconded the motion. Voting in favor: Mr. Billington, Ms. Fritch, Ms. Kaiser, Ms. Knapp, and Ms. Mathewson. Voting against: None. BZA 33-25 approved.

BZA 34-25 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Daniel C. Newhouse**, 4313 North Janney Avenue, Muncie, Indiana requesting a variance of use from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a reduced front setback for a proposed 20' x 22' carport in a Residence Zone on premises located at 4313 North Janney Avenue, Muncie, as more accurately described in the application.

Daniel Newhouse, 4313 N. Janney Ave., Muncie, Indiana, appeared. He stated that the carport was something that they had wanted for awhile since they did not have an interior garage. He stated that he had also had a pressure washing business which was the main reason for the request. He stated that the carport would be approximately 17' from the street.

Ms. Kaiser asked if he had spoken to any of his neighbors.

Mr. Newhouse stated yes, the surrounding neighbors and that they had no issues.

Ms. Mathewson stated that the application indicated that he would have a professional install the carport.

Mr. Newhouse stated yes, it would be Direct Structures.

Ms. Mathewson asked if the structure would be for personal use only.

Mr. Newsome stated that he had one commercial vehicle which was the primary reason for the carport.

Ms. Knapp if there would be any visual obstruction to traffic since this was closer to the road.

Mr. Newhouse stated that he felt that it was still far enough from the road to have a clear view.

Ms. Swackhamer asked for clarification if Mr. Newhouse intended to use the structure to conduct his business.

Mr. Newhouse stated that he did not conduct any business from his home, but he had equipment in his truck and that this carport would help protect that from the weather.

No one appeared in opposition.

Ms. Fritch made a motion to approve BZA 34-25 the appeal of Daniel C. Newhouse with the hardship as stated in the application. Ms. Kaiser seconded the motion. Voting in favor: Mr. Billington, Ms. Fritch, Ms. Kaiser, Ms. Knapp, and Ms. Mathewson. Voting against: None. BZA 34-25 approved.

REPORT FROM DIRECTOR:

Ms. Swackhamer stated that she had provided the Board with a report regarding the number of permits, inspections, plats, rezonings, and variances for the year to date. She stated that the TIP which was the 4-year Transportation Improvement Program had been approved by INDOT and Federal Highway and that as of today the State Tip was approved. She stated that these were the projects planned with money allocated through Federal Highway and that for the fiscal year 2026 the office had received \$3,389,595.00, which was dispersed to the local public agencies doing roadwork, bridge projects, and trails. She stated that those local agencies were still required to provide a 20% match, but that these funds did help cover the cost of those projects. She stated that she had provided the list of continuing projects and what phase of the project they were in. She stated that the Delaware County ADA Transition Plan had been completed and that the 200-page document included assessments and pictures for the county owned buildings. She stated that there were recommendations of what needed to be addressed and a cost assessment of how much it may take to make those repairs. She stated that the Plan Commission had a meeting regarding the Solar Ordinance on August 12, 2025 and that a few recommendations had been made. She stated that a favorable recommendation would be forwarded to the County Commissioners for consideration at their September 15, 2025 meeting. She stated that at the last BZA meeting recommendations for their Rules of Procedure had been shared with the Board and that she had not received any comments from any of the members. She stated that the next step would be to have a special

meeting to go over those recommendations and to discuss any changes. She stated that the first week of September began the budget hearings and that the Plan Commission was scheduled on the first day, and that she would report back to the Board.

Mr. Murphy stated that if they had a short meeting, the Rules of Procedure could be discussed at a regular meeting. He asked when the office would know how much business would be on the next agenda.

Ms. Swackhamer stated that the filing deadline was usually 3 weeks prior to the meeting and that the next deadline was September 3, 2025 for the September meeting.

Mr. Murphy asked the Board if there were 5 cases or fewer, would they like to also discuss the Rules of Procedure at their next regular meeting and that if there were more than 5 cases they could move forward with a special meeting.

Mr. Fritch stated as long as the 5 cases were not complicated.

Mr. Murphy stated that he would leave that decision with Ms. Swackhamer.

Ms. Swackhamer stated that it could always be added to the agenda and be continued if needed.

ADJOURNMENT:

Leslie Matheson, Chairperson

Kylene Swackhamer, Secretary