

**DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS
MARCH - 2023 REGULAR MONTHLY MEETING
AGENDA**

DATE: March 30, 2023

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

TIME: 6:00 P.M.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Jim Fowler

**Ellen Brannon
Delaney Fritch
Mike Jones**

**Sue Kaiser
Leslie Mathewson
Allen Wiseley**

MINUTES: Consideration of the February, 2023 regular monthly meeting minutes.

NEW BUSINESS:

BZA 04-23 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Coops Lawncare, LLC**, 1909 West County Road 600 South, Muncie, Indiana, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow an increased front build-to line, loading bays facing Cowan Road, no sidewalks, and decreased landscape and buffer area plantings, all for expansion of a lawncare business including a new metal building on premises located on the west side of Cowan Road south of Cornbread Road including 2801 South Cowan Road, Muncie, Indiana, as more accurately described in the application.

BZA 11-23 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Jesse and Corinne Bartlett**, 1915 East Depauw Avenue, Muncie, Indiana, requesting a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a decreased dwelling width for a new mobile home to replace the existing house on premises located at 1915 East Depauw Avenue, Muncie, Indiana, as more accurately described in the application.

BZA 12-23 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Steven Allen and Internists Associated**, 1910 West Royale Drive, Muncie, Indiana, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a decreased front setback and decreased landscaping for a building addition on premises located at 1910 West Royale Drive, Muncie, Indiana, as more accurately described in the application.

ADJOURNMENT:

**DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS
MARCH - 2023 REGULAR MONTHLY MEETING
MINUTES**

The Delaware-Muncie Metropolitan Board of Zoning Appeals (BZA) held its regular monthly meeting on Thursday, March 30, 2023 at 6:00 P.M., in the Commissioners Court Room of the Delaware County Building, Muncie, Indiana. Chairman Jim Fowler called the meeting to order.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Mr. Daniel called roll and the following members were present: Ms. Brannon, Mr. Fowler, Ms. Fritch, Ms. Kaiser, Ms. Mathewson, and Mr. Wiseley. Absent: Mr. Jones. Also present: Mr. Murphy, attorney for the board.

MINUTES:

Mr. Wiseley made a motion to approve the February 2023 regular monthly meeting minutes. Ms. Mathewson seconded the motion. Voting in favor: Ms. Brannon, Mr. Fowler, Ms. Fritch, Ms. Kaiser, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, February 2023 minutes approved.

NEW BUSINESS:

BZA 04-23 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Coops Lawncare, LLC**, 1909 West County Road 600 South, Muncie, Indiana, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow an increased front build-to line, loading bays facing Cowan Road, no sidewalks, and decreased landscape and buffer area plantings, all for expansion of a lawncare business including a new metal building on premises located on the west side of Cowan Road south of Cornbread Road including 2801 South Cowan Road, Muncie, Indiana, as more accurately described in the application.

Kathy Vannice, Ashton Land Surveyor, 325 W Washington St., appeared to represent the applicant. She stated that Coops Lawncare was a well-established local business, whose owners were from this area, and would like to build a new warehouse on the larger parcel for equipment storage. She stated that they had worked to create a buffer around the property which was near a residential area and that they had also created buffers for screening for those residents. She stated that they had met the ordinance requirements for drainage, sustainability features, lighting, ADA parking requirements and installation of a bike rack and that the pole sign would be removed and be replaced with a compliant

ground sign. She stated that on the larger parcel the south property line was along the City of Muncie's border and that the corridor standards for this area do not fit with the size of the parcel, and that was part of the reason for the variance requests. She stated that Ashton's had provided a topography of the property showing that the flood area does not have a true outlet drainage without forcing run off onto neighbors so they were asking that the build-to-line be moved. She stated that the existing building had a parking lot that was asphalt and in order to meet the planting requirements they would have to remove asphalt and fencing and that there were existing overhead power lines. She stated that they tried to accommodate this by placing planters in those areas, which does not meet the ordinance, but was a way they tried to create more screening. She stated that they did ask for a reduction of the perimeter trees and shrubs especially in the area of the property that abuts the farm ground along the west and south side of the larger property since they had concerns of herbicide sprays killing those plantings. She stated that with 204 trees and shrubs on the list they were asking for an extended planting time of 2 years to install all of the plants, and that this would not include the rain garden and foundation plantings. She stated that the property that adjoins to the north and west along Cornbread Road was a cell tower site and that there was no requirement for them to have a sidewalk, and that there was no sidewalk needed further south. She stated that the façade was a 2-tone metal building with the overhead doors facing Cowan Road. She stated that the west side of the new building had a drainage pond with a stand pipe for the fire department to be able to pump from the pond in the event of a fire in the building and there was not to be any parking between the pond and the building that would block a fire truck. She stated that because of this and the terrain of the flood area, they had positioned the building so that the overhead doors face Cowan Road. She stated that they had filed through FEMA for flood relief called a CLOMAR which means that they would be filling part of the flood area and that they had preliminary approval at this time. She stated that the next step once they have approvals for the building would be to file the rest of the CLOMAR to get final approval. She stated that they tried to give the look of foundation plantings with the planters around the small building, and that the new building would be for equipment storage and they placed foundation plantings where it would not obstruct entrance and exit of the building. She stated that this new building was designed so that the equipment would all be stored inside and nothing would be out around the property. She stated that the pre-existing asphalt on the current parking lot means that there are no islands for trees, and that they were asking for a variance from that as well.

Mr. Fowler asked if on the north side and south sides of the building there would be some foundation plantings.

Ms. Vannice stated that on the new building yes.

Mr. Fowler asked about the rain garden shown on the plans.

Ms. Vannice stated that it was more of a sustainability feature that would be a visible showcase for Coops.

Mr. Fowler asked why there were no plantings around that area.

Ms. Vannice stated that it was a lower grassy area and would not have counted towards the buffer requirements.

Mr. Fowler asked if the existing trees along the south fence line would remain.

Ms. Vannice stated that there were some invasive Honeysuckle along the south to be removed and to the north some invasive Cottonwood trees and that those would need to be removed and replaced but that she was not sure how many.

Mr. Wiseley asked if any of the customers would be coming to the new facility.

Ms. Vannice stated that the smaller existing building was for the customers and that the new building was for storage and had no public access.

Mr. Fowler asked if the offices were in the smaller building.

Ms. Vannice stated yes.

Mayor Dan Ridenour, 300 N. High St., Muncie, Indiana, appeared. He stated that the city had no involvement in this project, except than the owners had shared their vision and that it would look considerably better than what was existing. He stated that he was excited about the project and wanted to offer his support and felt that it was a good improvement to the area.

Garret Cooper, 1909 W. CR 600S, Muncie, Indiana, appeared. He stated that he had owned and operated this business since 2015 and that he and his wife grew up in the Cowan area. He stated that the goal was to have something equivalent to Wasson's Nursery on the southside of Muncie and to bring more jobs to the area as well.

Mr. Fowler asked the reason for the 2 years to plant everything.

Mr. Cooper stated that it was a 7 acres parcel and that they were being required to have trees border that entire property and that it was not feasible to get them all planted one season and to then keep maintained.

Ms. Vannice stated that there were 204 trees plus the construction of the building and that they were hoping for an additional planting season to get everything spring planted.

No one appeared in opposition.

Mr. Fowler stated that this was a lengthy list of variances and that the board could vote on the requests individually, in groups, or all at once.

Mr. Wiseley asked if the plantings along the residence would be given priority in the extended time request for installation.

Ms. Vannice stated yes.

The Board decided to vote on all requests at one time.

Mr. Wiseley made a motion to approve BZA 04-23 the appeal of Coops Lawncare, LLC with the hardship as stated in the application with the understanding that the 2-year planting extension shall give first priority to the plantings that border the residential areas. Ms. Mathewson seconded the motion. Voting in favor: Ms. Brannon, Mr. Fowler, Ms. Fritch, Ms. Kaiser, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 04-23 approved.

BZA 11-23 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Jesse and Corinne Bartlett**, 1915 East Depauw Avenue, Muncie, Indiana, requesting a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a decreased dwelling width for a new mobile home to replace the existing house on premises located at 1915 East Depauw Avenue, Muncie, Indiana, as more accurately described in the application.

Corrine Bartlett, 1915 E Depauw Ave., Muncie, Indiana, appeared. She stated that the existing home needed too many repairs and that they would like to replace it with a new mobile home which would be 14' x 66' in size.

Mr. Fowler stated that it looked like they would have room to install a 2-car driveway so there would be no on street parking.

Ms. Bartlett stated yes.

Mr. Fowler asked how long it might take to place the mobile home.

Ms. Bartlett stated that they would like to begin as soon as possible and finish within 2-3 months.

Mr. Fowler asked if they had talked to any of the neighbors.

Ms. Bartlett stated they had talked to several and had heard no complaints.

Mr. Wiseley stated that the placement looks like part of the mobile home would be in the floodplain fringe and asked if there would anything additional for the applicant to do.

Mr. Daniel stated that he had spoken to Ms. Bartlett, and that there was some flexibility in the placement and position of the mobile home to get it out of the fringe, otherwise they would need elevation certificates and if financed, the mortgage company would require flood insurance.

Mr. Fowler stated that they could do a survey and find that the elevations were different than what was shown on the map.

Tamara Harris, 2001 E. Purdue Rd., Muncie, Indiana, appeared. She stated that she was the Secretary of the Morningside Neighborhood Association, and that she was here to lend her support to a neighbor who was making improvements to the area.

No one appeared in opposition.

Mr. Wiseley made a motion to approve BZA 11-23 the appeal of Jesse and Corrine Bartlett with the hardship as stated in the application. Ms. Kaiser seconded the motion. Voting in favor: Ms. Brannon, Mr. Fowler, Ms. Fritch, Ms. Kaiser, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 11-23 approved.

BZA 12-23 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Steven Allen and Internists Associated**, 1910 West Royale Drive, Muncie, Indiana, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a decreased front setback and decreased landscaping for a building addition on premises located at 1910 West Royale Drive, Muncie, Indiana, as more accurately described in the application.

David Karnes, attorney with Dennis, Wenger, and Abrell, 324 W. Jackson St., Muncie, Indiana, appeared to represent the applicant. He stated that this was a family owned medical practice that was founded in 1981 which currently had 24 employees and 6 medical providers. He stated that the addition of the 3rd building would allow for at least 4 more employees and 1 more medical provider and continue to serve the community. He stated that the new building would be in line with the existing buildings so that the look was similar to the area which was zoned Variety Business, and that it would be ADA compliant and more accessible.

Mr. Fowler asked if this would be a stand alone building or an addition to one of the existing structures.

Mr. Karnes stated that it would be an addition to their existing building and that they would use the same entrance as they do currently.

Mr. Fowler asked if they planned to keep the same setback and plantings for the new building as what is currently there.

Mr. Karnes stated yes, and that in order to keep it uniform the variances were needed.

Ms. Fritch asked how the addition would allow for more ADA compliance and accessibility.

Theresa Evanko, Brenner Design Architects, 620 N. Delaware St., Indianapolis, Indiana, appeared. She stated that the original building had an addition that was at different levels and that a ramp had been installed at one point. She stated that the concept was to make the lower level staff only and that the patients would no longer need to use the ramp and would be on one level again.

Bill Reece, an investor and owner of Stillwater Holdings, 1904 W. Royal Dr., Muncie, Indiana, appeared. He stated that they would be purchasing the property to the south of Internists Associates and that he believes this project adds a lot of value to the entire office park. He stated that over the past year they had done many improvements to the existing building and that he was in support of them growing their business and improving services for their patients.

No one appeared in opposition.

Mr. Wiseley made a motion to approve BZA 12-23, the appeal of Steven Allen and Internists Associated, with the hardship as stated in the application. Ms. Mathewson seconded the motion. Voting in favor: Ms. Brannon, Mr. Fowler, Ms. Fritch, Ms. Kaiser, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 12-23 approved.

ADJOURNMENT:

James, Fowler, Chairman

Fred Daniel, BZA Planner