

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

DATE: May 25, 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 April, 2023 regular monthly meeting minutes.

NEW BUSINESS:

BZA 20-23 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Tasha Warthman**, 3729 Chestnut Street, Fort Wayne, Indiana, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a decreased dwelling width and decreased dwelling floor area for a new 15' x 40' prefabricated pole barn style home on premises located on the east side of Macedonia Avenue 325' north of Waid Avenue and formerly known as 2208 North Macedonia Avenue, Muncie, Indiana, as more accurately described in the application.

BZA 21-23 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Millard S. and Karen Stover**, 8180 North Reynard Road, Albany, Indiana, requesting variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a decreased side setback and a decreased rear setback for an addition to the attached garage on premises located at 8180 North Reynard Road, Delaware Township, Delaware County, Indiana, as more accurately described in the application.

BZA 22-23 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Jeffery and Michelle Matney and Levi and Brooke Pitser**, 7555 East Clifton Road, Albany, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow two dwellings on one parcel for a new modular home on premises located at 7555 East Clifton Road, Delaware Township, Delaware County, Indiana, as more accurately described in the application.

BZA 23-23 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Nebo Road, LLC and Amerilodge Group**, 2369 Franklin Road, Bloomfield Hills, Michigan, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow an increased front build-to line, increased building height, no sidewalk on McGalliard Road, and no bus stop, all for a new hotel on premises located on the north side of Hometown Boulevard east of 6200 West Hometown Boulevard, Muncie, Indiana, as more accurately described in the application.

ADJOURNMENT:

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

The Delaware-Muncie Metropolitan Board of Zoning Appeals (BZA) held its regular monthly meeting on Thursday, May 25, 2023 at 6:00 P.M., in the Commissioners Court Room of the Delaware County Building, Muncie, Indiana. Chairman James Fowler called the meeting to order.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Mr. Daniel called the meeting to order and the following members were present: Mr. Fowler, Ms. Fritch, Ms. Mathewson, and Mr. Wisely. Absent were: Ms. Brannon and Ms. Kaiser. Also present: Mr. Murphy, attorney for the board.

Mr. Daniel stated that there was an issue with the recording equipment at the last meeting and that those minutes should be prepared before the next meeting.

NEW BUSINESS:

BZA 20-23 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Tasha Warthman**, 3729 Chestnut Street, Fort Wayne, Indiana, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a decreased dwelling width and decreased dwelling floor area for a new 15' x 40' prefabricated pole barn style home on premises located on the east side of Macedonia Avenue 325' north of Waid Avenue and formerly known as 2208 North Macedonia Avenue, Muncie, Indiana, as more accurately described in the application.

Tasha Warthman, 3729 Chestnut St., Ft Wayne, Indiana, appeared. She stated that she would be moving her 600 square foot home, which was currently in Ft. Wayne, to a lot she had purchased here in Muncie.

Mr. Fowler asked if the pictures she had provided were of the home.

Ms. Warthman stated yes.

Mr. Fowler stated that the building width was only 15' and not the required 24' and asked where on the property it would be located and would it be in line with the other homes in the area.

Ms. Warthman stated that the lot was 125' deep, and that she would place it as far back from the road as the other homes.

Mr. Jones asked if this was a pole barn that had been converted into a home and if there was an existing septic or water hook-up on the property.

Ms. Warthman stated yes it had been converted into a dwelling and that there had been a house there previously but she was not sure if the water hook-up was still there. She stated that her plan was to have water reconnected or a new system in place within 6 months.

Mr. Fowler stated that from the pictures, it looked as though the house was just placed on blocks and not a permanent foundation.

Ms. Warthman stated yes, and that once moved here it would be on a concrete foundation.

Mr. Fowler stated that she would need to meet all building codes and get all the required permits.

Ms. Warthman stated that she would not do anything without permits.

Monte Murphy, 2412 N. Turner St., Muncie, Indiana, appeared in opposition. He stated that he owns a rental property across the street from Ms. Warthman's lot, and that there had been a house there at one time. He stated that this was a lower income neighborhood that welcomes new construction, but that he had a problem with this type of building, which was just a shed. He stated that a new dwelling needs to be over the 720 square foot in size and be able to meet the setbacks for the lot. He stated that people had been moving sheds and campers onto properties in the area and running extension cords for electricity and that it was not safe to ignore the codes. He stated that he was not upset with Ms. Warthman personally, just with the situation this would be creating and that he takes great pride in his properties and the neighborhood.

Jeff Williams, 2202 N. Turner St., Muncie, Indiana, appeared in opposition. He stated that people in the area take a lot of pride in their properties and that he was afraid this would bring more of this type of construction instead of encouraging new homes done the right way. He stated that after looking at the picture provided, he was even more against the request.

Antonio Goodwin, 2206 N. Turner St., Muncie, Indiana, appeared in opposition. He stated that this was a shed and not a traditional stick-built home. He stated that the neighborhood did not even want mobile homes in the area that would bring down the property values. He stated that he did not want to be mean, but that her idea was not what the neighborhood wanted to see built there.

Mr. Fowler asked Ms. Warthman to respond to the concerns of her neighbors.

Ms. Warthman stated that she had worked hard to buy her home and this property and that she felt it was a good move for her and that the structure was 600 square feet which met the ordinance.

Mr. Fowler clarified that the ordinance requirement on this property was 720 square feet for a dwelling.

Ms. Warthman stated that she did not have small children that would make a mess and that they would take care of the property. She stated that she wanted to move here because her son wanted to be a hairdresser and he could attend school down the road from the property.

Mr. Fowler asked how many people would be living in the home.

Ms. Warthman stated that it would be just herself and her son.

Mr. Fowler asked about the inside since a floorplan had not been provided.

Ms. Warthman stated that it had 2 bedrooms, and had been remodeled on the inside and would have an open upstairs.

Mr. Fowler stated that none of the pictures indicated that there would be an upstairs.

Ms. Warthman stated that it was a loft area and that they would not be doing anything for 6 months until they get the foundation in place. She stated that she was not a renter, she owned this property and would take very good care of the property.

Mr. Fowler stated that it had been brought to his attention that at he required signage had not been posted on the property prior to the meeting, but that the notice had been sent to the neighbors.

Mr. Murphy stated that the statute provides for newspaper notification but that the BZA rules require the signage be posted at the property. He stated that he believes that the board could not vote in favor since that was not complied with, but that they could continue the request and allow her time to post the signage, or they could deny the request.

Ms. Warthman asked if she could be given time to post the sign or maybe sell the property to one of the neighbors.

Mr. Wiseley made a motion to continue BZA 20-23 the appeal of Tasha Warthman to the June 29, 2023 regular meeting. Ms. Mathewson seconded the motion. Voting in favor: Mr. Fowler, Ms. Fritch, Mr. Jones, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 20-23 continued to June.

Mr. Daniel stated that no new notice would be sent to the property owners or be in the newspaper since this was a continuance.

BZA 21-23 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Millard S. and Karen Stover**, 8180 North Reynard Road, Albany, Indiana, requesting variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a decreased side setback and a decreased rear setback for an addition to the attached garage on premises located at 8180 North Reynard Road, Delaware Township, Delaware County, Indiana, as more accurately described in the application.

Millard Stover, 8180 N Reynard Rd, Albany, Indiana appeared. He stated that he wanted to demo the current attached garage and rebuild a 40' x 44' garage in its place.

Mr. Fowler asked if this would be for personal storage.

Mr. Stover stated that he had been in business for 24 years, and needed more room for his business tools and his own personal storage.

Mr. Fowler asked what type of business he had.

Mr. Stover stated it was construction and that he mostly worked in Indianapolis.

Mr. Jones asked if there was any heavy equipment such as back hoes and tractors.

Mr. Stover stated there was no heavy machines, just tools and scaffolding.

Mr. Wiseley asked if there would be any customers coming to the property.

Mr. Fowler asked if everything would be stored inside.

Mr. Stover stated that there would be no customers and that most everything would be inside.

Mr. Fowler asked if he had talked with any of the neighbors.

Mr. Stover stated yes, and that they were ok with the request.

No one appeared in opposition.

Mr. Wiseley made a motion to approve BZA 21-23 the appeal of Millard Stover with the hardship as stated in the application with the condition that the applicant may use the garage for personal and business storage. Mr. Jones seconded the motion. Voting in favor: Mr. Fowler, Ms. Fritch, Mr. Jones, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 21-23 approved.

BZA 22-23 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Jeffery and Michelle Matney and Levi and Brooke Pitser**, 7555 East Clifton Road,

Albany, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow two dwellings on one parcel for a new modular home in a farm zone on premises located at 7555 East Clifton Road, Delaware Township, Delaware County, Indiana, as more accurately described in the application.

Mr. Fowler stated that in the absence of anyone to represent the case, it would be moved to the end of the agenda to allow time for someone to appear.

BZA 23-23 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Nebo Road, LLC and Amerilodge Group**, 2369 Franklin Road, Bloomfield Hills, Michigan, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow an increased front build-to line, increased building height, no sidewalk on McGalliard Road, and no bus stop, all for a new hotel on premises located on the north side of Hometown Boulevard east of 6200 West Hometown Boulevard, Muncie, Indiana, as more accurately described in the application.

Kathy Vannice, Ashton Land Surveyor, 325 W. Washington St., Muncie, Indiana, appeared to represent the applicant. She stated that this was to allow for a new Holiday Inn on lot 3 in Dellen Crossing. She stated it would be 16,000 square feet per floor, and have 105 rooms, be completed within 10 months, and provide 50-60 new jobs to the area. She stated that the height of the building would be 53', which was taller than the 45' allowed in the ordinance, and that they were also asking that the build to line of 20' be granted to be 120' from Hometown Boulevard. She stated that the bus currently does not run this far, and they were asking to not have a bus stop or the sidewalk along McGalliard since there was a sidewalk along Hometown Boulevard.

Mr. Fowler asked if they planned to meet all other requirements and corridor standards.

Ms. Vannice stated yes, they had the required trees and parking and talked with the Fire Marshall who indicated they would not need a fire lane along the west side of the property so that would all be grassy area.

Mr. Jones asked if the only signage would be on the building.

Ms. Vannice stated that there were two ground signs; one on the northwest corner and one on the south of the property by the drive, and all other signs would be on the building.

Mr. Fowler stated that he appreciated them not asking for a pole sign. He asked if the hotel would have a bus or shuttle service to transport guests.

Ms. Vannice stated that she did not know if that was in the plans.

Mr. Fowler stated that many hotels provide transportation services, and if they did that here there would not be the need for the bus stop.

Mr. Daniel stated for the record that McGalliard Road was the corridor road, but that the ordinance states the front of the structure is where the entrance is located, which here is Hometown Boulevard and that the request was for 117'.

Mayor Ridenour, 300 N. High St, Muncie, Indiana, appeared. He stated that there had been dramatic growth in activities at the convention center, but have lost 4 conventions due to a lack of hotel space. He stated that for many reasons the city was in support of the 105 rooms that this hotel would bring and that it would ultimately help other businesses downtown and the surrounding area. He stated that a hotel study that was done shows that Muncie needed 3 more hotels to meet the needs and provide quality lodging.

James Falsey 5708 W. Winterhawk Ct., Muncie, Indiana, appeared in opposition. He stated that this was a small subdivision of 8 lots directly behind this property. He stated that they were under the impression that this would be an area of car sales only, and that no high rise or tall buildings would be built. He stated that although Muncie may need more hotels, this was not the location and that this area was already saturated by hotels. He stated that if the need was for the convention center, then a location closer to downtown should be considered. He stated that the drainage in the area had already affected the homes and farm ground in the area, and that they did not need to add more problems.

Mr. Wiseley made a motion to approve BZA 23-23 the appeal of Nebo Road, LLC and Amerilodge Group with the hardship as stated in the application. Ms. Mathewson seconded the motion. Voting in favor: Mr. Fowler, Ms. Fritch, Mr. Jones, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 23-23 approved.

Mr. Fowler stated that there being no one appearing for BZA 22-23 the appeal of Jeffery and Michelle Matney and Levi and Brooke Pitser, the request would be automatically continued to the regular monthly meeting on June 29, 2023.

Mr. Daniel stated that the office had received a phone call earlier from someone asking if they needed to present for this case and they were told yes.

ADJOURNMENT:

James Fowler, Chairman

Fred Daniel, Zoning Appeal Planner