

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

DATE: June 29, 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.

OLD BUSINESS:

BZA 20-23 Jurisdiction: Board of Zoning Appeals

Being a continuation of 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 22-23 Jurisdiction: Board of Zoning Appeals

Being a continuation of 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.

NEW BUSINESS:

BZA 24-23

Special Use

Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Papa Lou's Incorporated and TWG**, PO Box 2726, Muncie, Indiana, requesting a multi-unit development special use and variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow an increased height, decreased west side setback, increased lot coverage, and decreased parking, all for a new 120-unit housing development on 3.09 acres on premises located on the north side of Kilgore Avenue 625' west of Nichols Avenue including 2380 West Kilgore Avenue, Muncie, Indiana, as more accurately described in the application.

BZA 25-23

Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Connie Hurn**, 1800 North Morrison Road, Muncie, Indiana, requesting a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow an increased height for a privacy fence extending beyond the front of the house on premises located at 1800 North Morrison Road, Muncie, Indiana, as more accurately described in the application.

BZA 26-23

Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Alexander Family Farms, Incorporated DBA Wise Farms Incorporated and Ben and Dena Alexander**, 404 West Eaton-Albany Pike, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a new swimming pool located on the east side of the residence rather than in the rear yard on premises located at 404 West Eaton-Albany Pike, Union Township, Delaware County, Indiana, as more accurately described in the application.

BZA 27-23

Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Josiah and Jessica Avery**, 10801 South County Road 419 East, Muncie, Indiana, requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow business storage in a new 40' x 50' building in a farm zone on premises located at 10801 South County Road 419 East, Perry Township, Delaware County, Indiana, as more accurately described in the application.

BZA 28-23 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Robert Huddleston, Steve Maines and 3J7B Real Estate, LLC**, 312 Kings Street, Charleston, South Carolina, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a decreased sidewalk, decreased greenbelt, decreased buffering and screening, decreased landscape plantings and an increased height for pedestrian light poles, all for a drive thru coffee business on premises located on the northeast corner of Tillotson Avenue and Adams Street, Muncie, Indiana, as more accurately described in the application.

BZA 29-23 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Katie and Jason Wray**, 11601 East Edgewater Road, Albany, Indiana, requesting a modification of a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a larger second dwelling unit which together with the existing house results in two dwellings in a farming zone on premises located at 11601 East Edgewater Road, Delaware Township, Delaware County, Indiana, as more accurately described in the application.

BZA 32-23 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Robert S. and Felicia J. Todd III**, 19120 North Wheeling Avenue, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a new swimming pool located on the south side of the residence rather than in the rear yard on premises located at 19120 North Wheeling Avenue, Washington Township, Delaware County, Indiana, as more accurately described in the application.

ADJOURNMENT:

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

The Delaware-Muncie Metropolitan Board of Zoning Appeals (BZA) held its regular monthly meeting on Thursday, June 29, 2023 at 6:00 P.M., in the Commissioners Court Room of the Delaware County Building, Muncie, Indiana. Vice-Chair Leslie Mathewson called the meeting to order.

ROLL CALL:

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

MINUTES:

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

OLD BUSINESS:

BZA 20-23 Jurisdiction: Board of Zoning Appeals

Being a continuation of 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.

Ms. Mathewson stated that this had been continued from the last BZA meeting since the applicant did not follow proper notice for the May meeting.

Mr. Daniel stated that a new sign had been prepared, but no one picked that up to be posted for this meeting.

Mr. Murphy stated that the Board cannot approve the variance without proper legal notice being met.

Ms. Mathewson stated that the applicant was not present, and asked Mr. Murphy if the Board would need to make a formal motion to dismiss the request.

Mr. Murphy stated that the Board should still follow the formal process.

Ms. Mathewson asked if that would mean letting people in support and opposition speak.

Mr. Murphy stated yes.

Mr. Wiseley asked if they could move the case to the end of the agenda and see if anyone appeared to represent the case.

Audience member asked that it be heard now as it appears on the agenda, since they had appeared to speak.

Mr. Murphy stated that the Board could to decide to move the case to the end of the meeting or proceed with the request at this time.

Mr. Wiseley made a motion to deny BZA 20-23 the appeal of Tasha Warthman with the hardships as stated in the application. Ms. Fritch seconded the motion. Voting in favor: Ms. Brannon, Ms. Fritch, Ms. Kaiser, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 20-23 denied.

BZA 22-23 Jurisdiction: Board of Zoning Appeals

Being a continuation of 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.

Ms. Mathewson stated that a letter had been received from the applicant.

Ms. Daniel stated yes, that an email had been submitted today by the applicant asking to withdraw their variance, and that the Board would need to make a motion and vote to accept their request to withdraw.

Mr. Wiseley made a motion to withdraw BZA 22-23 the appeal of Jeffery and Michelle Matney and Levi and Brook Pitser, as requested by the applicant. Ms. Fritch seconded the motion. Voting in favor: Ms. Brannon, Ms. Fritch, Ms. Kaiser, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 22-23 request withdrawn.

NEW BUSINESS:

BZA 24-23

Special Use Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Papa Lou's Incorporated and TWG**, PO Box 2726, Muncie, Indiana, requesting a multi-unit development special use and variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow an increased height, decreased west side setback, increased lot coverage, and decreased parking, all for a new 120-unit housing development on 3.09 acres on premises located on the north side of Kilgore Avenue 625' west of Nichols Avenue including 2380 West Kilgore Avenue, Muncie, Indiana, as more accurately described in the application.

Marisa Conatser, with TWG Development, 1301 E. Washington St., Indianapolis, Indiana, appeared to represent the applicant. She stated that the special use request was to build a 120 multi-unit development at the site of the former End Zone bar. She stated that the development was part of the workforce housing program, and that the application for funding from the state was due at the end of June. She stated that the design plans and setbacks would be similar to the Silver Birch development which was next to this property, and a continued revitalization to this area of Kilgore.

Ms. Mathewson stated that it looked like the variances were for increased lot coverage, reduced side yard setback, reduced parking ratio and an increase in the building height.

Ms. Conatser stated that was correct.

Ms. Mathewson asked Mr. Conatser to explain the reasons for those requests.

Ms. Conatser stated that the northern portion of the property was in the floodway, and required them to shift the building site which was the reason for the setback request. She stated that in order to apply for state funding they must meet a specific number of units, and they had increased the building to a 4-story structure to meet those requirements which accounts for the height and lot coverage requests. She stated that they had developments in 20 other states and had conducted many traffic and parking studies, and believe that a 1-1 ratio of parking was adequate. She stated that they were looking to acquire more land for added parking for residents and visitors.

Mr. Wiseley stated that when the request was brought before the MPC there had been a request for no bus stop, and he asked if that had been resolved.

Ms. Conatser stated that she had submitted a revised site plan, but did not bring enough for each Board member, and that the bus stop had been added in front of the building and would have an enclosure and meet all of the requirements.

Ms. Mathewson asked for the MPC recommendation.

Mr. Daniel read the favorable recommendation from the MPC meeting.

Mayor Dan Ridenour, 300 E. McCullough Blvd., Muncie, Indiana, appeared. He stated that TWG had finished an affordable housing development and that it was filling up quickly. He stated that this property was in an area that had a lot of traffic, but was an area that definitely needed some redevelopment and that the city was very supportive of the project. He stated that this was a competitive project with other cities and they were trying to gain as many points as possible by meeting all of the requirements to receive the state funding. He stated that the 2 largest employers within a few miles of this property were Ball State University and Ball Memorial Hospital, and those employees would like to live closer to work. He stated that this location was close to shopping opportunities along Tillotson Avenue as well West Side Park and would make a positive impact on the area. He asked the board to follow the support of the MPC and vote in favor of the development.

No one appeared in opposition.

Mr. Wiseley made a motion to approve BZA 24-23 the appeal of Papa Lou's Inc., and TWG for a special use. Ms. Kaiser seconded the motion. Voting in favor: Ms. Brannon, Ms. Fritch, Ms. Kaiser, Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 24-23 approved.

BZA 25-23 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Connie Hurn**, 1800 North Morrison Road, Muncie, Indiana, requesting a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow an increased height for a privacy fence extending beyond the front of the house on premises located at 1800 North Morrison Road, Muncie, Indiana, as more accurately described in the application.

Connie Hurn, 1800 N. Morrison Rd., Muncie, Indiana, appeared. She stated that she would like to install a 6' tall fence that would extend 41' from the front of her house.

Ms. Mathewson asked what was the purpose of the taller fence and if she had talked with any of her neighbors.

Ms. Hurn stated it would be for privacy and that the neighbor had no windows on that side of their home so they would not even see the fence. She stated that she had talked to the neighbor, Jay to the south of her.

Ms. Mathewson asked if those were the neighbors that would be on the other side of this fence.

Ms. Hurn stated no, she does not talk to those neighbors.

Donnie Wright, 1804. Morrison Rd., Muncie, Indiana, appeared in opposition. He stated that he did not want the fence to be that tall in front of the house for security reasons. He stated that within a few blocks a man had been beaten to death, another man shot, and a Wal-Mart employee was attacked in his drive-way just to name a few. He stated that 2 men had run through his backyard while he was standing there and that his car had been broken into. He stated that Ms. Hurn's fence would be located near where he parked his car, and if someone was hiding he would not be able to see them. He stated that if the fence stopped at the front of his house it would be safer because if it went the full 41', that would be $\frac{3}{4}$ of the length of his driveway.

Ms. Mathewson asked Ms. Hurn to address the concerns of the neighbor.

Ms. Hurn stated that she had not heard of any of the violence he described and that the fence would end where the neighbor parks his car and camper, and that no one should be walking through that area.

Ms. Mathewson stated that 41' was an odd number and asked how she arrived at that distance.

Ms. Hurn stated that her son measured and it goes to the end of the neighbors' fence where there was an open space between their properties.

Mr. Wiseley stated that he understood the 41' length, but asked why it could not be the permitted 3.5' height and asked if she would be open to that height.

Ms. Hurn stated that she would like it to be taller to keep people from going into her yard and possible hurting her dog. She stated that her neighbor had a fence that extended beyond the front wall of his house, but that you could see through it and she wanted privacy.

Ms. Brannon asked if Ms. Hurn would be ok with the 6' tall fence extending only to the front of the neighbors' house.

Ms. Hurn stated that she wanted to cover the hole in their fencing that was about a panel and a half wide and that she had no idea why the space was left open.

Ms. Mathewson asked how tall the neighbors' fence was.

Ms. Hurn stated that it was about 5' tall.

Ms. Mathewson asked if she could install the 6' tall fence in the gap in the existing fence.

Ms. Hurn stated that she wanted the fence from the front of her house to fill in the gap.

Ms. Kaiser asked if this would meet her neighborhood association guidelines.

Ms. Hurn stated that she was not aware that she had a neighborhood association.

Mr. Wiseley stated that he understood that Mr. Hurn's house was back further back than that of the of the neighbor which did create a hardship for the location of the taller fence and did not have a problem with the 6' height.

Ms. Hurn asked if she could not have the 6' fence could she maybe ask for 4' or 5' instead.

Ms. Brannon showed the map to Ms. Hurn and asked if she could install the 6' tall fence to the front of her neighbors house and then reduce the height to 4' for the remaining length to fill in the gap in fencing.

Discussion was had by the board members and Ms. Hurn.

Ms. Brannon asked what the maximum height for a fence in the front yard could be.

Ms. Daniel stated that the Ordinance permits 42" in front of the house.

Ms. Brannon asked if the fence could be 6' tall to the front line of the neighbors' house, and then drop to 4' for the remaining distance.

Mr. Wiseley stated that should prevent anyone from jumping over the fence.

Ms. Hurn stated that a taller fence would be better.

Mr. Wiseley made a motion to approve BZA 25-23 the appeal of Connie Hurn with the hardship as stated in the application with the condition that the fence be 6' tall for ~35' between the front of 1800 N. Morrison Rd. and 1804 N. Morrison Rd., and 4' tall beyond the front of 1804 N. Morrison Rd., covering the existing gap for a total distance of 41' of fence. Ms. Brannon seconded the motion. Voting in favor: Ms. Brannon, Ms. Fritch, Ms. Kaiser, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 25-23 approved.

BZA 26-23 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Alexander Family Farms, Incorporated DBA Wise Farms Incorporated and Ben and Dena Alexander**, 404 West Eaton-Wheeling Pike, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a new swimming pool located on the east side of the residence rather than in the rear yard on premises located at 404 West Eaton-Wheeling Pike, Union Township, Delaware County, Indiana, as more accurately described in the application.

Ben Alexander, 404 West Eaton-Wheeling Pike, Muncie, Indiana, appeared with his wife Dena. He stated that this was the best location on the property for the pool and that there were no neighbors within 1000' feet of them.

Ms. Mathewson asked him to explain a little about the property and the why this would be the best site for the pool.

Mr. Alexander stated that there were tile drains behind the house and that area was not flat and that the septic system was located on the west side of the home, making this the best location for the pool. He stated that their driveway had an elevation that dropped down and that they considered this location the back of their house anyway. He stated that he cannot see of his neighbors from his house and that someone had been here to speak in support but had left.

Ms. Mathewson asked if anyone had told Mr. Alexander that they were not in support.

Mr. Alexander stated no.

No one appeared in opposition.

Mr. Wiseley made a motion to approve BZA 26-23 the appeal of Alexander Family Farms, Incorporated DBA Wise Farms Incorporated and Ben and Dena Alexander, with the hardships as stated in the application. Ms. Fritch seconded the motion. Voting in favor: Ms. Brannon, Ms. Fritch, Ms. Kaiser, Ms. Mathewson, and Mr. Wiseley. Voting in favor: None. Motion carried, BZA 26-23 approved.

BZA 27-23 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Josiah and Jessica Avery**, 10801 South County Road 419 East, Muncie, Indiana, requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow business storage in a new 40' x 50' building in a farm zone on premises located at 10801 South County Road 419 East, Perry Township, Delaware County, Indiana, as more accurately described in the application.

Ms. Mathewson asked if anyone was here to represent this case.

No one appeared.

Ms. Mathewson asked if the board could move the request to the end of the meeting.

Mr. Murphy stated that the Board could move the request to the end of the meeting or could proceed at this time.

Mr. Wiseley made a motion to move the request to the end of the meeting. Ms. Brannon seconded the motion. Motion carried with 5 yays and 0 nays, BZA 27-23 moved to the end of the agenda.

BZA 28-23 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Robert Huddleston, Steve Maines and 3J7B Real Estate, LLC**, 312 Kings Street, Charleston, South Carolina, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a decreased sidewalk, decreased greenbelt, decreased buffering and screening, decreased landscape plantings and an increased height for pedestrian light poles, all for a drive thru coffee business on premises located on the northeast corner of Tillotson Avenue and Adams Street, Muncie, Indiana, as more accurately described in the application.

Joe Calderon, 11 S. Meridian St., Indianapolis, Indiana, appeared. He stated that he worked with 3J7B which was a franchise of 7 Brew Coffee and new to the Indiana market. He stated that they would like to ask to be continued to the July meeting to collaborate with staff to develop a better site plan. He stated that they would not be able to eliminate all of the variances, but that they could make the most of the small site and come up with a nice development to improve that area.

Mr. Wiseley made a motion to approve the request for a continuation to the July, 2023 regular monthly meeting for BZA 28-23, the appeal by Robert Huddleston, Steve Maines, and 3J7B Real Estate, LLC. Ms. Fritch seconded the motion. Voting in favor: Ms. Brannon, Ms. Fritch, Ms. Kaiser, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 28-23 continued to the July 2023 regular monthly meeting.

BZA 29-23 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Katie and Jason Wray**, 11601 East Edgewater Road, Albany, Indiana, requesting a modification of a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a larger second dwelling unit which together with the existing house results in two dwellings in a farming zone on premises located at 11601 East Edgewater Road, Delaware Township, Delaware County, Indiana, as more accurately described in the application.

James Wray, father-in-law of Katie Wray, 11601 E. Edgewater Rd., Albany Indiana, appeared. He stated that they were asking to have the new dwelling be 1700 square feet and to not be attached to the existing house.

Ms. Mathewson asked why they needed the extra square footage and the separation of the structures.

Mr. Wray stated that the plans they had looked at originally had changed, and his wife could better explain.

Nancy Wray, 11601 E. Edgewater Rd., Albany, Indiana, appeared. She stated that the extra square footage would allow for an extra bedroom and a larger dining room to have space for the grandkids and that she was not ready for such a small living space yet.

Mr. Wray stated that they had just sold a 2500 square foot home and that it was not easy to downsize that much.

Ms. Mathewson stated that if granted, were they ok with the condition that this could not be used as a rental.

Mr. Wray stated yes.

Ryan Kramer (no address), stated that he was a business partner of Katie Wray, and that he was in support of them wanted to have their family closer.

No one appeared in opposition.

Mr. Wiseley made a motion to approve BZA 29-23 the appeal of Katie and Jason Wray with the hardship as stated in the application with the condition from BZA 18-23 to remain in effect. Ms. Brannon seconded the motion. Voting in favor: Ms. Brannon, Ms. Fritch, Ms. Kaiser, MS. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 29-23 approved.

Ryan Kramer stated that he had appeared to speak during the 3J7B Real Estate request. He stated that he would not be able to attend the July meeting and asked how to get his information to the board.

Mr. Daniel stated that he could send his comments via regular mail to the office or send him an email.

BZA 32-23 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Robert S. and Felicia J. Todd III**, 19120 North Wheeling Avenue, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a new swimming pool located on the south side of the residence rather than in the rear yard on premises located at 19120 North Wheeling Avenue, Washington Township, Delaware County, Indiana, as more accurately described in the application.

Felicia Todd, 19120 N. Wheeling Ave., Muncie Indiana, appeared. She stated that there was no room on the east side of her house and that this was the best location for the pool.

Ms. Mathewson stated that the area abuts an alley.

Ms. Todd stated that it was not an alley, it was their yard that the neighbor had paid to have the alley closed 22 years ago.

Mr. Wiseley stated that this area was not mentioned in the legal description of her property.

Ms. Todd stated that it had been closed and that they had fence between the properties, and she pointed the area out on an aerial map.

Ms. Brannon stated that Ms. Todd had described her fence as running along the southern line of the right-of-way of the alley.

Mr. Wiseley stated that was still a public right-of-way.

Ms. Mathewson stated that based on the deeds, it appeared that the alley had not been vacated and it does not appear in Ms. Todd's legal description of the property.

Ms. Todd stated that her neighbor had paid to have the alley closed but that she could not find the paperwork to prove it.

Mr. Daniel stated that if the board was concerned about the ownership they could require a survey to have an accurate record of the property.

Mr. Murphy stated that records were not always filed properly and this was something important for the Board to consider.

Ms. Mathewson stated that paperwork that could prove the ownership or a survey would be important if they intended to build where the alley was located.

Mr. Murphy stated that it did not appear from the map that the pool would cross that boundary.

Ms. Todd stated it would not cross the line.

Ms. Mathewson stated that could be a condition if the variance was granted and asked if there had been any concerns expressed by any neighbors.

Ms. Todd stated no, they were all ready to come over and swim.

No one appeared in opposition.

Mr. Wiseley made a motion to approve BZA 32-23 the appeal of Robert and Felecia Todd III, with the hardship as stated in the application with the condition that the pool be entirely located on the platted lot and not encroach into the alley right-of-way. Ms. Brannon seconded the motion. Voting in favor: Ms. Brannon, Ms. Fritch, Ms. Kaiser, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 32-23 approved.

Ms. Mathewson stated that no one had appeared for BZA 27-23 the appeal of Josiah and Jessica Avery.

Mr. Wiseley made a motion to continue BZA 27-23 to the July 2023 regular monthly meeting. Ms. Fritch seconded the motion. Voting in favor: Ms. Brannon, Ms. Fritch, Ms. Kaiser, Ms. Mathewson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 27-23 continued to July 2023 regular monthly meeting.

Mr. Wiseley reported that the Plan Commission was working with a consultant to complete the work on the solar ordinance with the goal to be finished by August.

ADJOURNMENT:

Leslie Mathewson, Vice Chair

Fred Daniel, Acting Secretary