

**DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS
OCTOBER 2018 REGULAR MONTHLY MEETING
AGENDA**

DATE: October 25, 2018

**PLACE: Commissioner's Court Room
3rd Floor, Delaware County
Building**

TIME: 6:30 P.M.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Jim Fowler

Zane Bishop

Leslie Mathewson

Kathy Carey

Kelly Watson, Jr.

Kathryn Kennison

Phyllis Zimmerman

MINUTES: Consideration of the September, 2018 regular monthly meeting minutes.

NEW BUSINESS:

BZA 28-18 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Shawn Slagle**, 7401 West Augusta Boulevard, Yorktown, Indiana, requesting variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a new personal storage building without a dwelling on 2 acres and an increased height for the new personal storage building on premises located at 7010 West Bethel Avenue, Harrison Township, Delaware County, Indiana, as more accurately described in the application.

BZA 29-18 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Burns Development, Incorporated**, 9152 Kent Avenue, A25, Indianapolis, Indiana, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow an increased front setback along Morrison Road and for the existing vegetation along the west property line to be maintained as the rear buffer yard for a new medical facility on 4.49 acres on premises located at the northwest corner of Morrison Road and Hessler Road, Muncie, Indiana, as more accurately described in the application.

BZA 30-18 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **L.E. Bailey Holdings, LLC**, 3100 East Washington Street, Muncie, Indiana, requesting a modification to an approved variance to allow an increased height not to exceed 22' for a new personal storage building on premises located at 11205 East County Road 200 North, Liberty Township, Delaware County, Indiana, as more accurately described in the application.

REPORT FROM DIRECTOR:

ADJOURNMENT:

**DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS
OCTOBER 2018 REGULAR MONTHLY MEETING
MINUTES**

The Delaware-Muncie Metropolitan Board of Zoning Appeals (BZA) held its regular monthly meeting on Thursday October 25, 2018 at 6:30 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:

Ms. Moody stated that Mr. Quirk would be sitting in for attorney Ms. Quirk who was away on a pre-planned trip.

ROLL CALL:

Ms. Moody called roll and the following members were present: Mr. Fowler, Ms. Kennison, Mr. Watson, and Ms. Zimmerman. Absent: Ms. Carey, Mr. Bishop, and Ms. Mathewson. Also present: Mr. Quirk, attorney.

MINUTES:

Ms. Kennison made a motion to approve the September, 2018 regular monthly minutes. Mr. Watson seconded the motion. Voting in favor: Mr. Fowler, Ms. Kennison, Mr. Watson, and Ms. Zimmerman. Voting against: none. Motion carried, September 2018 minutes approved.

NEW BUSINESS:

BZA 28-18 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Shawn Slagle**, 7401 West Augusta Boulevard, Yorktown, Indiana, requesting variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a new personal storage building without a dwelling on 2 acres and an increased height for the new personal storage building on premises located at 7010 West Bethel Avenue, Harrison Township, Delaware County, Indiana, as more accurately described in the application.

Shawn Slagle, 7401 W. Augusta Blvd., Yorktown, Indiana, appeared. He stated that he had purchased the 2 acres and was planning to build an accessory structure without a dwelling and that he needed the additional height for his RV. He stated that it would be for personal storage for the RV and cars and a small office space.

Mr. Fowler asked if it was just for personal use and what type of office space it would be.

Mr. Slagle stated that it was just for personal storage and it would be his office just to relax in after working on his cars, not for any business use.

Ms. Kennison asked if the cars were his own.

Mr. Slagle stated that there was a limit to what he could have in the subdivision where he lived and that he needed the extra space for cars, a boat, and his RV.

Mr. Fowler asked if he was planning to restore and sell the cars he was working on.

Mr. Slagle stated no, that they were his own personal collector cars.

Ms. Zimmerman asked how many he would have.

Mr. Slagle stated that he did not have a specific number in mind.

Mr. Fowler stated that there needed to be a limit to the number of cars that could be stored and that they should all be stored inside.

Mr. Slagle stated that they were collector cars and would all be stored inside.

No one appeared in opposition.

Ms. Kennison made a motion to approve BZA 28-18 the appeal of Shawn Slagle, with the hardship as stated in the application with the following conditions: 1) That there be no outside storage; and 2) That there be no business activity. Mr. Watson seconded the motion. Voting in favor: Mr. Fowler, Ms. Kennison, Mr. Watson, and Ms. Zimmerman. Voting against: none. Motion carried, BZA 28-18 approved.

BZA 29-18 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Burns Development, Incorporated**, 9152 Kent Avenue, A25, Indianapolis, Indiana, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow an increased front setback along Morrison Road and for the existing vegetation along the west property line to be maintained as the rear buffer yard for a new medical facility on 4.49 acres on premises located at the northwest corner of Morrison Road and Hessler Road, Muncie, Indiana, as more accurately described in the application.

Ms. Moody stated that there was a Planning Law Class from Ball State in attendance taught by Bill Hughes.

Mr. Hughes stated that they were graduate and undergraduate students from Ball State in a semester long course covering all aspects of planning law and they were here to observe how that was done.

Brad Schoeff, with Weihe Engineers, 10505 N. College Ave., Indianapolis, Indiana, appeared. He stated that Jim Mack from Mack Architects was also present to answer any questions. He stated that they consulted with a certified arborist to identify and tag the trees along the west property line as to their condition. He stated that they plan to preserve those trees as much as possible and that they have a report to show what can be kept and count towards the buffer yard. He stated that they would be providing all of the other foundation plantings, buffer yard, perimeter plantings and all other screenings to be in compliance.

Mr. Fowler asked about the front setback request.

Mr. Schoeff stated that they had a canopy structure on the front façade to allow for a 2 lane drop off area for patients and that would not allow for any parking on the front of the building. He stated that for security they would like for the VA clients to have that parking to the front near the entrance.

Mr. Fowler asked if the employees utilized the other parking spaces would that allow them to eliminate one row of parking in the front to bring the building closer to meeting the setback requirements.

Mr. Schoeff stated that on a daily basis they would have approximately 40 staff members plus the VA clients so they needed all the spaces they show. He stated that they had started with 230 spaces but to allow for the landscaping and detention area, they are down to around 130 spaces.

Mr. Fowler asked how many people they anticipated being there on a daily basis.

Ken Suhr, 5108 W. Connie Dr., Muncie, Indiana appeared. He stated that he works for Muncie VA which has 4 primary clinics that see between 15 and 18 patients per day. He stated that they have mental health providers, social workers and counselors that would be expanding to also include x-rays and physical therapy.

Mr. Fowler asked if the facilities in Muncie would all be moved to this one location.

Mr. Suhr stated that Muncie only has 1 facility but this expansion of services would eliminate the need to drive to Marion or to Indianapolis.

Ms. Kennison asked if there would be any residential patients.

Mr. Suhr stated no.

No one appeared in opposition.

Mr. Watson made a motion to approve BZA 29-18 the appeal of Burns Development, LLC with the hardship as stated in the application. Ms. Kennison seconded the motion. Voting in favor: Mr. Fowler, Ms. Kennison, Mr. Watson, and Ms. Zimmerman. Voting against: none. Motion carried, BZA 29-18 approved.

BZA 30-18 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **L.E. Bailey Holdings, LLC**, 3100 East Washington Street, Muncie, Indiana, requesting a modification to an approved variance to allow an increased height not to exceed 22' for a new personal storage building on premises located at 11205 East County Road 200 North, Liberty Township, Delaware County, Indiana, as more accurately described in the application.

Jake Dunnuck, 100 E. Washington St., Muncie, Indiana, appeared. He stated that last month a variance was granted but due to miscommunication between the buyer and the seller, the building plans did not show the correct height of 22' for the proposed building.

Mr. Fowler asked what the reason for the increased height was.

Mr. Dunnuck stated that the buyer travels a lot for work and planned to store his RV in the proposed building and needed the change from the approved 18' to 22' in height.

Mr. Watson asked if it was for personal use only.

Mr. Dunnuck stated yes, that it would be used for the storage of his personal RV.

No one appeared in opposition.

Ms. Zimmerman made a motion to approve BZA 30-18 the appeal of L.E. Bailey Holdings, LLC with the hardship as stated in the application with the following condition: That the building will be for personal use only. Mr. Watson seconded the motion. Voting in favor: Mr. Fowler, Ms. Kennsion, Mr. Watson, and Ms. Zimmerman. Voting against: none. Motion carried, BZA 30-18 approved.

REPORT FROM DIRECTOR:

Ms. Moody stated that 2 cases had been filed with the courts for a writ of certiorari. She stated that a hearing had been set for Bailey's Place on November 18, 2018 and that an agreement for no construction until the hearing had been made. She stated that the Chambers, Driscoll, Evans case has had different motions filed but nothing to report right now.

Ms. Moody stated for the students information, the setback request was a little different due to the VA Medical Center being on a corridor with additional standards, one of which was a build to setback which was 20' and they were asking for an increase to allow room for the drop off area.

Mr. Fowler asked if there was any CAFO information and how it would come to the BZA?

Ms. Moody stated that they would use county density to establish areas that were deemed more appropriate for an agricultural use. She stated that the Rural Agricultural Area was split into 2 categories, a Level 1 was an area of 16 or fewer dwellings and a Level 2 was an area of 32 or fewer dwellings and that a CFO/CAFO would be a permitted use if it met the requirements including setbacks. She stated that a Rural Residential area was an area with 33 or more dwellings a CFO/CAFO would be considered a special use and would go through a public hearing process.

Mr. Fowler asked if IDEM would still have a major role.

Ms. Moody stated that they would have to have IDEM approval before they could do anything. She stated that they included some other requirements to help with different issues such as additional storage capacity and an added shelter belt requirement. She stated that the public hearing was set for November 1, 2018 and after the Plan Commission takes action it would go to the County Commissioners for final action and until it was final changes could still be made.

Mr. Fowler stated that there was a proposed calendar of meetings for next year and also if any Board Member thinks they are up for reappointment to please contact whoever appointed the member.

Ms. Moody stated that 4 board members were appointed by the Mayor and 3 were appointed by the County Commissioners and that they serve a 4 year term and there was a continual rotation

so the Board was never completely replaced at one time. Ms. Moody stated that the December and November meeting dates for 2019 would both be moved up one week due to the holidays if everyone was in agreement.

ADJOURNMENT:

James Fowler, President

Marta Moody, Secretary