DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS
MAY - 2019 REGULAR MONTHLY MEETING
AGENDA

DATE: May 30, 2019
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 April, 2019 regular monthly meeting minutes.

OLD BUSINESS:

BZA 10-19 Jurisdiction: Board of Zoning Appeals
Being a continuance of a public hearing on the matter of an application filed by
Michael L. Anderson, 11801 North Black Cemetery Road, Albany, Indiana, requesting a variance of use and variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow an expansion of a nonconforming use including a new building with reduced side and rear setbacks on premises located at 11901 South U.S. 35, Perry Township, Delaware County, Indiana, as more accurately described in the application.

NEW BUSINESS

BZA 07-19 Jurisdiction: Board of Zoning Appeals
Special Use
Being an automatic continuance of a public hearing on the matter of an application filed by Bison Properties, Inc. and City of Muncie Redevelopment Commission, 10410 Trillium Court, Noblesville, Indiana, requesting a special use under the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a new 136 unit housing development on premises located at the southeast corner of Tillotson Avenue and Cornbread Road, Muncie, Indiana, as more accurately described in the application.

BZA 11-19 Jurisdiction: Board of Zoning Appeals
Special Use
Being a public hearing on the matter of an application filed by 4300 Riverside, LLC, 13150 West County Road 300 North, Yorktown, Indiana, requesting an amendment to a special use under the terms of the City of Muncie Comprehensive Zoning Ordinance for changes to an existing Planned Unit Development (PUD) known as Pineview at Riverside on premises located on the north side of Riverside Ave., east of Morrison Road and south of the Hiatt Ditch, Muncie, Indiana, as more accurately described in the application.
BZA 12-19  Jurisdiction: Board of Zoning Appeals  
Being a public hearing on the matter of an application filed by James E. Burgess II, 2405 North Carriage Lane, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow the total floor area of the existing accessory buildings to exceed that of the existing dwelling so that two adjacent lots may be joined together on premises located at 900 and 906 South Winmere Avenue, Liberty Township, Delaware County, Indiana, as more accurately described in the application.

BZA 13-19  Jurisdiction: Board of Zoning Appeals  
Being a public hearing on the matter of an application filed by David and Sherry Brown, 600 South County Road 700 East, Parker City, Indiana, requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow the applicants to operate a heating and air conditioning business from their home located in a residential zone on premises located at 600 South County Road 700 East, Liberty Township, Delaware County, Indiana, as more accurately described in the application.

BZA 14-19  Jurisdiction: Board of Zoning Appeals  
Being a public hearing on the matter of an application filed by Magdalin Lorgoulloux and Phillip and Claire Berger, 15509 West County Road 300 North, Alexandria, Indiana, requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow the applicant to operate a catering business in an existing accessory building in a farming zone on premises located at 15509 West County Road 300 North, Harrison Township, Delaware County, Indiana, as more accurately described in the application.

BZA 15-19  Jurisdiction: Board of Zoning Appeals  
Being a public hearing on the matter of an application filed by John D. and Martha Sprague, Jamie Rawlinson and Patrick T. Lewis, 186 Venice East Boulevard, Venice, Florida, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow placement of a 12’ x 64’ 1969 mobile home with a 7’ x 12’ addition on premises located at the southwest corner of Haines Avenue and Milton Street, also known as 2713 North Milton Street, Muncie, Indiana, as more accurately described in the application.

REPORT FROM DIRECTOR:

ADJOURNMENT:
The Delaware-Muncie Metropolitan Board of Zoning Appeals (BZA) held its regular monthly meeting on Thursday, May 30, 2019 at 6:30 P.M., in the Commissioner's Court Room of the Delaware County Building, Muncie, Indiana. Chairman James Fowler called the meeting to order.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

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

MINUTES:

Ms. Carey made a motion to approve the April, 2019 regular monthly meeting minutes. Ms. Kennison seconded the motion. Voting in favor: Ms. Carey, Mr. Fowler, Ms. Kennison, Ms. Mathewson, and Ms. Zimmerman. Voting against: none. Motion carried, May 2019 minutes approved.

OLD BUSINESS:

BZA 10-19 Jurisdiction: Board of Zoning Appeals

Being a continuance of a public hearing on the matter of an application filed by Michael L. Anderson, 11801 North Black Cemetery Road, Albany, Indiana, requesting a variance of use and variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow an expansion of a nonconforming use including a new building with reduced side and rear setbacks on premises located at 11901 South U.S. 35, Perry Township, Delaware County, Indiana, as more accurately described in the application.

Mike Anderson, 11801 N. Black Cemetery Rd., Albany, Indiana, appeared. He stated that he had met with the Drainage Board and he needs to fill out the application. He stated that he had also met with Leonard from Ashton Land Surveyor and he will be out in June to do the water assessment and that it was a very expensive process and if his request was granted he would move forward with the drainage plan and permit.

Mr. Fowler stated that if his request was granted a condition would be that the drainage plan be approved.

Mr. Anderson stated he had provided pictures of the area since the last meeting to show all of the water and the pipe that that goes under the highway. He stated that the pipe was clear but on the other side of the highway it had been filled in with dirt which could be causing the water to back up on his side of the highway.

Mr. Fowler stated that was something that could be looked at.
Ms. Moody stated it was the State’s pipe.

Mr. Anderson stated that the State has told him it was the County’s responsibility.

Ms. Moody stated that part of the drainage plan would be to assess all of those conditions and part of the plan would include recommendations to have that pipe opened up because there needs to be a working outlet for the water. She stated that Mr. Anderson also provided a revised map to show the new setback and as a result of the last meeting, a condition was to be added that states all site work for the new building shall not impede the natural drainage flow and that any underground tile encountered would be rerouted to maintain existing drainage.

Kaye Whitehead, 6220 E. CR 650S., Muncie, Indiana, appeared. She stated that she and her husband own the property next door and had not seen any of the revisions since the last meeting. She stated that the Drainage Board did vote to table this until a drainage plan was in place. She asked who would monitor all of the conditions and items mentioned during the construction process.

Ms. Moody stated that the Building Commissioner would do routine inspections of the construction and in this instance could work with the County Surveyor to do inspections.

Ms. Whitehead asked at this time had the building been shortened or moved.

Mr. Fowler stated that the building was the same size and had been moved 5’ more from the property line.

Ms. Kennison asked Ms. Whitehead if the pipe was cleared and the improvements were made, would she have any objections to the new building.

Ms. Whitehead stated that until she could see the plans for improvement that she was neither for or against the request and that this might even improve the current water situation in the area.

Ms. Moody stated that was why a drainage plan was so important.

Ms. Kennison made a motion to approve BZA 10-19 the appeal of Michael Anderson with the hardship as stated in the application with the following conditions: 1) That the site work for the new building shall not impede the natural drainage flow and any underground tile encountered during construction shall be rerouted and/or repaired to maintain existing drainage; 2) That an approved drainage plan and drainage permit be obtained prior to construction.

NEW BUSINESS

**BZA 07-19 Special Use**  
**Jurisdiction:** Board of Zoning Appeals  
Being an automatic continuance of a public hearing on the matter of an application filed by Bison Properties, Inc. and City of Muncie Redevelopment Commission, 10410 Trillium Court, Noblesville, Indiana, requesting a special use under the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a new 136 unit housing development on premises
located at the southeast corner of Tillotson Avenue and Cornbread Road, Muncie, Indiana, as more accurately described in the application.

Ms. Moody stated that a letter had been received from Todd Donati, Muncie Redevelopment Commission, asking to withdraw this request but it was not received in time to be automatic so the Board would need to make a motion to withdraw and vote.


**BZA 11-19 Jurisdiction: Board of Zoning Appeals**

**Special Use**

Being a public hearing on the matter of an application filed by 4300 Riverside, LLC, 13150 West County Road 300 North, Yorktown, Indiana, requesting an amendment to a special use under the terms of the City of Muncie Comprehensive Zoning Ordinance for changes to an existing Planned Unit Development (PUD) known as Pineview at Riverside on premises located on the north side of Riverside Ave., east of Morrison Road and south of the Hiatt Ditch, 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 the original filing was in 1999 to be for a 98 unit development. She stated that several of the parcels were too small and too far to the west and entered into the flood zone. She stated that new developers now own the property and that they were building larger homes. She stated that the intent of the request was to correct several errors by adjusting several property lines to ensure that everyone that had purchased land gets what they were intended to have.

Ms. Moody stated that they would be going from 97 to 86 lots.

Mr. Fowler asked if this request had been to the Plan Commission.

Ms. Moody stated yes, and had received a favorable recommendation.

No one appeared in opposition.

Ms. Zimmerman made a motion to approve BZA 11-19 the appeal of 4300 Riverside, LLC., with the hardship as stated in the application. Ms. Carey seconded the motion. Voting in favor: Ms. Carey, Mr. Fowler, Ms. Kennison, Ms. Mathewson, and Ms. Zimmerman. Voting against: none. Motion carries, BZA 11-19 approved.

**BZA 12-19 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by James E. Burgess II, 2405 North Carriage Lane, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow the total floor area of the existing accessory buildings to exceed that of the existing dwelling so that two adjacent lots may be joined together on
James Burgess, 2405 N. Carriage Lane, Muncie, Indiana, appeared. He stated that he would like to combine the 2 properties and that he uses the house as a rental. He stated that he would not be building any other structures on either one of the properties.

Mr. Fowler asked if the garage would be used for any type of business use.

Mr. Burgess stated that he would use it for personal storage only.

Ms. Kennison asked what was being used as a rental.

Mr. Burgess stated that the house and garage that are on one parcel is a rental. He stated that the garage on the property by itself he uses for his own storage and would just like to combine the properties.

Mr. Fowler asked if Burgess understood he could not build a house on the lot once they are combined.

Mr. Burgess stated yes.

Lori Burton, 814 S. Winmere, Selma, Indiana, appeared. She stated that she lives in the house next door to the property with the garage and that she had concerns about a fence being built between the properties because that may reduce the amount of light her special needs daughter gets to her bedroom.

Mr. Fowler stated that was not part of this request and that the Board had no jurisdiction over that.

Walker Wasson, 814 S. Winmere, Selma, Indiana, appeared. He asked exactly what the use of the garage would be.

Mr. Fowler stated that Mr. Burgess would be using it for personal storage only.

Ms. Zimmerman made a motion to approve BZA 12-19 the appeal of James Burgess II with the hardship as stated in the application with the following conditions: 1) That the garage be for personal use only; and 2) That there be no house built on lot 36 with the garage. Ms. Kennison seconded the motion. Voting in favor: Ms. Carey, Mr. Fowler, Ms. Kennison, Ms. Mathewson, and Ms. Zimmerman. Voting against: none. Motion carried, BZA 12-19 approved.

BZA 13-19  Jurisdiction: Board of Zoning Appeals
Being a public hearing on the matter of an application filed by David and Sherry Brown, 600 South County Road 700 East, Parker City, Indiana, requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow the applicants to operate a heating and air conditioning business from their home located in a residential zone on
premises located at 600 South County Road 700 East, Liberty Township, Delaware County, Indiana, as more accurately described in the application.

David Brown, 600 S. CR 700E, Parker City, Indiana, appeared with his wife Sherry Brown. He stated that in April they had received a letter about having the business, deliveries, and employees at the property. He stated that 3 of the employees live at the residence and that 2 others come to the house. He stated that there was no signage or equipment at the property and that no work was done other than occasionally scraping a unit. He stated that they would have made this request 13 years ago if he knew it was a problem and that he had not heard any complaints until now.

Mr. Fowler stated that the biggest thing would be keeping the business items inside.

Mr. Brown stated that they have an area to move everything and when the ground is drier they plan to install a fence. He stated that none of the vehicles have the business name on them. He stated that it was their home and they wanted to keep it nice, but due to an accident his mobility had been limited until now. He stated that he only wished that if one of his neighbors had an issue they would have talked to him about it.

Mr. Fowler asked if Mr. Brown expected to need more than the 2 outside employees.

Mr. Brown stated that right now they limit the work to stay the size they are currently because finding help was difficult.

Mr. Fowler asked if placing a condition of only 2 outside employees would be ok with Mr. Brown.

Mr. Brown stated yes, and he would move anything he needed to because he wants to keep his house looking nice.

Mr. Fowler asked if the deliveries were just FedEx or larger semi trucks.

Mr. Brown stated he had semi trucks but so have other people down that road and that it was not every day.

Lori Turner, 610 S. CR 700E, Parker City Indiana, appeared in opposition. She stated that she has lived in the house south of the Brown’s for the past 19 years. She stated the previous owners had kept that property well maintained and that she had pictures for the Board to show the deterioration of the property over the years. She stated that the pictures were taken after they received notice about the meeting and that they show what she has to look at from her house every day. She stated that brick was removed from the house and never replaced, a pole and 2 tool sheds had been added and the detached garage removed. She stated that many times there were skids of bricks and blocks and AC units sitting outside and that 2 years ago, 2 large commercial type units sat outside for months. She stated that there was a lot of scrap metal in piles and several 55 gallon drums sitting around the property filled with metal and that they have multiple vehicles along with 2 flat-bed trailers and a tractor. She stated that she and her husband take care of their property and that they have concerns about listing their house and taking a loss when they can no longer take care of it. She stated that this was the Brown’s livelihood and she did not want to put a hardship on them but that the manner in
which they maintain the property decreases the value of her home. She asked if the Board could place some conditions that would keep the scrap metal, units, drums and vehicles that can be seen cleaned up and to limit the number of cars and that maybe a fence could be put in place.

Mr. Fowler asked if a fence was in place and things were out of public view would she be ok with that.

Ms. Turner stated if all of the things she mentioned were not visible.

Mr. Fowler stated the mowers that were not business related could not be included in those conditions, only the items pertaining to the business.

Ms. Turner asked if the flatbed trailers were personal or part of the business since they are often piled with scrap metal and skids of blocks.

Ms. Carey asked Ms. Turner if she had talked to the Brown’s about everything.

Ms. Turner stated no she had just gone along with things until she received the letter about the meeting and that she decided to come and voice her opinion. Ms. Carey stated that being neighbors for years maybe communicating sooner would have helped. She asked Ms. Turner if she had her property assessed to determine if the value had gone down.

Ms. Turner stated she had not had her property assessed but could not imagine the value had not gone down.

Don Marshall, 610 S. CR 700E, Parker City, Indiana appeared in opposition. He stated that the Brown’s knew it was not zoned for a business and yet they had a business.

Ms. Carey stated that many people are not aware they even need a permit.

Mr. Marshall stated that he agrees, but that a home business was not permitted here.

Richard Dujmovick 550 S. CR 700E, Parker City, Indiana, appeared in opposition. He stated that he had pictures and a letter to give to the Board. He stated he lived to the north of the Brown’s and had purchased his property in 1999 and he would not have purchased the property if there had been businesses next door and that he had expected the area to stay residential. He stated that this was not just a “family room” operation when deliveries are being made and materials from job sites are brought back and left on the property for months. He stated that many of the wood materials are brought back and burned in barrels or in piles and that when they tore down the garage they dug a hole and buried some items. He stated that he had no problem with them making phone calls and doing paperwork for the business, but bringing materials back from a job site and leaving them out for months was a concern. He stated that in the pictures provided you can see the employees coming and going from the pole barn that was stated as being for personal use. He stated that he would like to see all of the storage and business related items in a storage building in the proper area and not here. He stated that he had concerns about the types of material and if anything was hazardous such as oils and gases and if so was it stored properly. He stated that he was concerned about the value of his property when the time comes when he decides to sell.
Ms. Carey asked if he had talked to Mr. Brown about his concerns.

Mr. Dujmovick stated that when Mr. Brown moved in he helped him mow his yard and when they had an issue with their well he allowed them to connect to his outside spicket until it was fixed. He stated that he had helped Mr. Brown with snow removal and had tried to be a good neighbor. He stated that the Brown’s had friends over riding the 4 wheelers and when they started coming onto his property he talked to Mr. Brown and asked that they stay off of his yard. He stated that as he walked back home that friend yelled and cussed at him and from that time on they have not talked.

Ms. Carey asked if the photos might show them cleaning up the property.

Mr. Dujmovick stated that he was taking the business related pallets off the trailer and placing them at the back of the property and they will burn that pile eventually.

Mr. Fowler asked if Mr. Brown could address some of the biggest concerns mentioned including containing the business items to a separate building or behind a fence out of view and that the hazardous materials were being dealt with properly.

Mr. Brown stated that per EPA regulations everyone in his company holds a license and that all of the hazardous materials have to be removed before he brings them back to the property. He stated that he does have a burn pile for branches just like many of the neighbors and that sometimes he does burn some of the skids. He stated that it was mentioned about the vehicles and that they had 7 kids and 6 of them drive plus they have their own cars.

Mr. Fowler stated that they were not discussing the personal vehicles only the ones used for business and the outside employees coming to the property to add to the vehicles. He asked if one of the trailers on the property was used for the business.

Mr. Brown stated that the trailer was broken and was to be removed.

Mr. Fowler stated that any trailer should be kept inside and out of sight.

Mr. Brown stated that it was a personal trailer used for the mowers.

Mr. Kennison asked if it was ever used for the business.

Mr. Brown stated yes.

Ms. Moody stated that they were talking about an enclosure so that items were not visible from the road or from the neighbors so not just fencing but privacy screening.

Mr. Fowler stated that the scrap metal and barrels need to be stored in an enclosed space.

Mr. Brown stated that was their intention once the ground dried and they could place the fence.

Mr. Fowler stated that no signage would be allowed and that none of the employees should park their vehicles there overnight.

Ms. Kennison asked about the AC units they were being left in view.
Mr. Fowler stated that no business items could be stored outside.

Ms. Moody stated that anything used in connection with the business including the trailer would need to be stored so that it was not visible.

Ms. Kennison made a motion to approve BZA 13-19 the appeal of David and Sherry Brown with the hardship as stated in the application with the following conditions: 1) That the non-working trailer be removed and any other trailers used for the business be hidden from public view; 2) That the site be cleaned up including removal of all debris, units and scrap; 3) That all units, skids and other items used for the business be hidden from public view from the road and from the neighbors and that all work shall be done inside; 4) That the business be limited to two outside employees and there be no employee vehicles parked overnight; 5) That there be no signage; and 6) That the variance is limited to the applicants only. Ms. Mathewson seconded the motion. Voting in favor: Ms. Carey, Mr. Fowler, Ms. Kennison, and Ms. Mathewson. Voting against: Ms. Zimmerman. Motion carried, BZA 13-19 approved.

After further discussion the Board considered including an additional condition to set a time limit to complete the cleanup of the property.

Ms. Kennison made a motion to approve the following amendment for BZA 13-19 the appeal of David and Sherry Brown. That the work required by conditions 1-3 be completed within 2 months (by July 31, 2019). Ms. Carey seconded the motion. Voting in favor: Ms. Carey, Mr. Fowler, Ms. Kennison, Ms. Mathewson, and Ms. Zimmerman. Voting against: none. Motion carried,

**BZA 14-19  Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Magdalin Lorgoulloux and Phillip and Claire Berger**, 15509 West County Road 300 North, Alexandria, Indiana, requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow the applicant to operate a catering business in an existing accessory building in a farming zone on premises located at 15509 West County Road 300 North, Harrison Township, Delaware County, Indiana, as more accurately described in the application.

Magdalin Lorgoulloux, 15509 W CR 300N, Alexandria, Indiana, appeared. She stated that she would like to use space in her parents existing building to make her cakes and candies. She stated that she was a stay at home mom and that she wants to have a health department inspected kitchen to do her work.

Mr. Fowler asked if there would be any signage, employees, or customers at the site.

Ms. Lorgoulloux stated no one would come to the site and that she would not have any large deliveries.

Ms. Kennison asked how she planned to advertise.

Ms. Lorgoulloux stated that social media was a wonderful tool as well as word of mouth.
Claire Berger, 15509 W. CR 300N, Alexandria, Indiana, appeared. She stated that she was Magdalin’s mom and that her daughter works very hard and was a full time mom and this space would be wonderful for her to use and that they fully support her.
No one appeared in opposition.

Ms. Mathewson made a motion to approve BZA 14-19 the appeal of Magdalin Lorgoulloux and Phillip & Claire Berger with the hardship as stated in the application with the following conditions; 1) That there be no outside employees; 2) That there be no signage; 3) That there be no customers at this location; and 4) That the variance be for the applicants only. Ms. Carey seconded the motion. Voting in favor: Ms. Carey, Mr. Fowler, Ms. Kennison, Ms. Mathewson, and Ms. Zimmerman. Voting against: none. Motion carried, BZA 14-19 approved.

**BZA 15-19**

**Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by John D. and Martha Sprague, Jamie Rawlinson and Patrick T. Lewis, 186 Venice East Boulevard, Venice, Florida, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow placement of a 12’ x 64’ 1969 mobile home with a 7’ x 12’ addition on premises located at the southwest corner of Haines Avenue and Milton Street, also known as 2713 North Milton Street, 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 applicants. He stated that Martha’s parents had lived in the mobile home for over 40 years on property owned by Reynold’s John Deere who would like to use now that ground for their business, and that the mobile home must be moved by the end of July. He stated that this was their home and they would like to keep it and move it to the site at Milton Avenue. He stated that if approved, the mobile home would be moved and the purchase agreement complete by August 1 of this year. He stated that they had submitted pictures to show the condition of the mobile home and that they plan to continue to make improvements.

Mr. Fowler asked with the age of the mobile home if it had been updated.

Mr. Karnes stated that he was not sure if it meets those conditions that had been placed since 1980.

Martha Sprage, 1003 E. Cedar St., Leroy, Illinois, appeared. She stated that John Sprague was her father. She stated that her parents had taken very good care of the trailer including a new furnace and it looks nice on the inside and outside.

Mr. Fowler asked what the plans were for the garage on the property.

Ms. Sprague stated that if it could be remodeled she would do so or it would be removed.

Mr. Karnes stated that it was not a priority to keep the garage and removal was not an issue.

Mr. Fowler stated that it looked in pretty bad shape.

Ms. Kennsion asked how old Ms. Sprague’s parents were.
Ms. Sprague stated that they were 77 years old.

Ms. Kennison stated that she asked that because there was letter sent to the Board.

Ms. Moody read a letter of objection from James and Nina Lowe who live at 2709 N. Milton St., Muncie, Indiana, stating that this request does not meet the “unusual situation affecting a specific parcel of land” associated with a hardship variance, and that caring for elderly parents was not a hardship and that they asked the Board to deny the request.

Ms. Carey asked what they meant that it was not a hardship to care for elderly parents.

Ms. Moody stated that the Board has had requests to place a mobile home on a temporary basis to care for parents due to age or medical illness.

Ms. Kennison asked if a condition could be placed on the request that the mobile home be placed for the duration of the parents need so that it was a temporary placement.

Mr. Karnes stated that the owners of the property live in Florida and that they were selling the property to Martha and her father. He stated that there would be a lot of expense moving the mobile home and they would really like to stay on a private lot in their own home.

Mr. Fowler asked if there was a mobile home across the street from this lot.

Ms. Moody stated yes and that it was one of the only ones in the neighborhood.

Ms. Carey stated that it does appear that they had taken very good care of the mobile home.

Ms. Kennison agreed and stated that the neighborhood would not be poorly affected by it being placed on the property.

Ms. Quirk stated that the request was due to the age of the mobile home because if someone was placing a 1981 or newer mobile home there would be no variance request.

Ms. Moody stated a mobile home 1981 or newer with the minimum dimensions of 24’X24’ would not need a variance.

Ms. Quirk stated the issue before the Board then was the age and size of the mobile home.

Ms. Moody stated that the way the ordinance was written the 1981 age and size applies to scattered placement and that other units are intended to be placed inside Mobile Home Parks.

Ms. Quirk stated that often in the past a temporary mobile home is placed on a parcel that already has a house so that is part of the difference here as well.

Ms. Kennison stated that many of the homes in the neighborhood were older.

Ms. Carey asked if they had looked at the cost of a new mobile home compared to moving the older one.
Ms. Sprague stated that everything involved with moving the mobile home was going to be expensive and that her parents love their home and want to keep it. She stated that it was well taken care of and they planned to redo the siding once it was moved. Ms. Carey stated it does look very nice for the age of the home.

Ms. Moody stated that in 1981 there were established standards that were applied to manufactured housing being built to certain standards. She stated that making sure that the electrical had been brought up to code was very important.

Ms. Sprague stated that she would make sure everything was checked and brought to code.

Casey Conley, 2213 N. Milton St., Muncie, Indiana, appeared in opposition. He stated that he had moved to the neighborhood 8 months ago from Texas and that he had always loved Muncie. He stated that the neighborhood was small but was a good area and that he grew up in a mobile home park and loved interesting living spaces. He stated that he was a builder and knows how mobile homes were built, and that he had concerns of how it would hold up to being moved. He stated that he was just opposed to having mobile homes in a housing community and not in a mobile home park.

Mr. Karnes stated that they would do their best to keep the property looking as nice as possible and that they do not want to hurt the neighborhood but improve it.

Ms. Carey asked what the plans for the future would be for the property.

Ms. Sprague stated that if something happened to her parents she would keep it maintained and would probably sell it.

Ms. Kennison asked if it would be possible to place the condition that when the parents no longer live there, that the mobile home be sold and moved to help ease the minds of the neighbors.

Mr. Karnes stated that restriction would make it cost prohibitive with the expensive of bringing the mobile home up to current standards, moving it, and purchasing the lot. He stated that if the mobile was moved again that there would be no place to move it that would not have the same restrictions and need another variance.

Ms. Moody stated that the county had the same age requirement of a mobile home. She stated that this mobile home would meet the requirements of the temporary placement requirements because there was no age limit or minimum size, but it does not meet the permanent placement requirements.

Ms. Kennison made a motion to approve BZA 15-19 the appeal of John and Martha Sprague, Jamie Rawlinson and Patrick Lewis with the hardship as stated in the application with the following conditions; 1) That the applicant supply proof (through inspection reports) that the mobile home is compliant with current codes dealing with electrical, plumbing and safety; and 2) That the garage be repaired or demolished and removed. Ms. Carey seconded the motion. Voting in favor: Ms. Carey, Mr. Fowler, Ms. Kennison, and Ms. Mathewson. Voting against: Ms. Zimmerman. Motion carried, BZA 15-19 approved.
REPORT FROM DIRECTOR:

Ms. Moody stated that she had received a copy of the findings on the Rhett and Alana Light case with the Board of Zoning Appeals and that the BZA’s decision was reversed and the Building Commissioner/Zoning Administrator’s decision to issue the building permit was reinstated.

ADJOURNMENT:

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James Fowler, Chairman

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Marta Moody, Secretary