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

DATE: June 27, 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 May, 2019 regular monthly meeting minutes.

NEW BUSINESS

BZA 16-19 Special Use Jurisdiction: Board of Zoning Appeals
Being a public hearing on the matter of an application filed by Paul Holeman, 7700 West Kilgore Avenue, Yorktown, Indiana, requesting a special use and variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a charitable institution to locate their administrative offices in an existing house with decreased side setbacks on premises located at 1715 North Tillotson Avenue, Muncie, Indiana, as more accurately described in the application.

BZA 17-19 Special Use Jurisdiction: Board of Zoning Appeals
Being a public hearing on the matter of an application filed by Jan Jirus, 814 West North Street, Muncie, Indiana, requesting a special use under the terms of the City of Muncie Comprehensive Zoning Ordinance to allow an accessory dwelling in an existing garage on premises located at 814 West North Street, Muncie, Indiana, as more accurately described in the application.

BZA 18-19 Jurisdiction: Board of Zoning Appeals
Being a public hearing on the matter of an application filed by Matthew and Tonya Johnston, 16200 North County Road 450 East, Eaton, Indiana, requesting variances 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 dwelling and an increased height for a new barn on premises located at 16200 North County Road 450 East, Niles Township, Delaware County, Indiana, as more accurately described in the application.
Jurisdiction: Board of Zoning Appeals
Being a public hearing on the matter of an application filed by Ronald and Barbara Storie, 700 East County Road 500 South, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a carport without a dwelling in a residence zone on premises located 60’ west of 700 East County Road 500 South, Monroe Township, Delaware County, 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, June 27, 2019 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:

ROLL CALL

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

MINUTES:

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

NEW BUSINESS

BZA 16-19 Special Use
Jurisdiction: Board of Zoning Appeals
Being a public hearing on the matter of an application filed by Paul Holeman, 7700 West Kilgore Avenue, Yorktown, Indiana, requesting a special use and variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a charitable institution to locate their administrative offices in an existing house with decreased side setbacks on premises located at 1715 North Tillotson Avenue, Muncie, Indiana, as more accurately described in the application.

Maura Hoff, DeFur Voran, 400 S. Walnut St., Muncie, Indiana, appeared. She stated that the use would be for the Jackie L. Michael Foundation Inc. that Mr. Holeman started in 2017 in honor of his late wife. She stated that this was a non-profit organization and that his wife was very dedicated to ARF and other animal rescue efforts in Muncie. She stated that the mission of the foundation was to help people learn how to successfully run an animal rescue fund. She stated that ARF has a facility where the animals were kept and that this location would be for the administrative purposes including board meetings and an office for the full time Executive Director. She stated that the house will continue to look like a house and if they ever decide to sell it could easily be a residential use again. She stated that there was adequate parking and that it meets all of the needs of the foundation. She stated that the surrounding property owners had been notified and that they had received no complaints about the request. She
stated that they had discovered the setback issue when filing for the special use and that they had received a favorable recommendation from the Plan Commission.

Mr. Fowler asked how many employees would be at the house.

Ms. Hoff stated there would only be one.

Mr. Fowler asked how often they hold their board meetings.

Ms. Hoff stated those were quarterly meetings.

Mr. Watson asked how many board members there were.

Ms. Hoff stated there were 3 on the foundation board.

Ms. Kennison asked if the board meetings would be for the foundation.

Mr. Holeman, 7700 W. Kilgore Ave., Yorktown, Indiana, appeared. He stated yes, the board meetings would be for the foundation.

Robert Frey, 1810 N. Alden Rd., Muncie, Indiana, appeared. He stated that Mr. Holeman had turned this into a very nice looking property and asked if there would be any animals brought onsite or any signage. He asked if Mr. Holeman owned the vacant lot to the north of this property and if so, were there any plans to expand onto that property.

Mr. Fowler stated they had not requested any signs at this time and if they decided to add any it would require a new filing.

Ms. Moody stated that they had received a favorable recommendation from the Plan Commission.

Mr. Holeman stated that they had no plans for signs at this time and that they do not own the property to the north and had no intentions of purchasing it.

Ms. Hoff stated that there would be no animals on the premises.

Mr. Watson made a motion to approve BZA 16-19 the appeal of Paul Holeman with the hardship as stated in the application. Voting in favor: Mr. Bishop, Ms. Carey, Mr. Fowler, Ms. Kennison, Ms. Mathewson, and Mr. Watson. Voting against: none. Motion carried, BZA 16-19 approved.

BZA 17-19 Jurisdiction: Board of Zoning Appeals
Special Use
Being a public hearing on the matter of an application filed by Jan Jirus, 814 West North Street, Muncie, Indiana, requesting a special use under the terms of the City of Muncie Comprehensive Zoning Ordinance to allow an accessory dwelling in an existing garage on premises located at 814 West North Street, Muncie, Indiana, as more accurately described in the application.
Jan Jirus, 814 W. North St., Muncie, Indiana, appeared. He stated that he currently lives in the house but would like to rent it to someone because it is too big for just him and that he would move to the apartment.

Mr. Fowler asked if he would be turning the garage into an apartment.

Mr. Jirus stated yes.

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

Mr. Jirus stated that he had sent notice about the meeting but had only talked to one neighbor and they had no problems with it. He stated that he had purchased the property on the left side of this property.

Mr. Fowler stated that he would need to get all of the appropriate permits from the city.

Ms. Moody stated that if approved yes.

Ms. Kennison asked if there were several rentals in this area.

Ms. Moody stated that it was a mix.

Mr. Fowler stated that the parking appeared to be adequate.

No one appeared in opposition.

Ms. Moody read the favorable recommendation from the Plan Commission.

Mr. Bishop made a motion to approve BZA 17-19 the appeal of Jan Jirus. Mr. Watson seconded the motion. Voting in favor: Mr. Bishop, Ms. Carey, Mr. Fowler, Ms. Kennison, Ms. Mathewson, and Mr. Watson. Voting against: none. Motion carried, BZA 17-19 approved.

BZA 18-19  Jurisdiction: Board of Zoning Appeals
Being a public hearing on the matter of an application filed by Matthew and Tonya Johnston, 16200 North County Road 450 East, Eaton, Indiana, requesting variances 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 dwelling and an increased height for a new barn on premises located at 16200 North County Road 450 East, Niles Township, Delaware County, Indiana, as more accurately described in the application.


Mr. Fowler asked if Mr. Johnston would be tearing down the old barn and what the new barn would be used for.

Mr. Johnston stated he would be tearing down the old barn and that the new one would be used for personal storage of his RV. He stated that he had talked to some of the neighbors and
no one had any concerns. He stated that he would be building the new barn 15’ farther away from the property line than the old barn.

No one appeared in opposition.

Ms. Kennison made a motion to approve BZA 18-19 the appeal of Matthew and Tonya Johnston with the hardship as stated in the application. Voting in favor: Mr. Bishop, Ms. Carey, Mr. Fowler, Ms. Kennison, Ms. Mathewson, and Mr. Watson. Motion carried, BZA 18-19 approved.

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

Being a public hearing on the matter of an application filed by **Ronald and Barbara Storie**, 700 East County Road 500 South, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a carport without a dwelling in a residence zone on premises located 60’ west of 700 East County Road 500 South, Monroe Township, Delaware County, Indiana, as more accurately described in the application.

Ronald Storie, 700 E. CR 500S, Muncie, Indiana, appeared. He stated that he wanted to move an existing carport from the property where he lives to another property he owns.

Mr. Fowler stated that the carport does not meet the setbacks and that was the reason for wanting to move it to the vacant lot.

Mr. Storie stated yes.

Mr. Fowler asked if Mr. Storie had plans to build anything on the vacant lot in the future.

Mr. Storie stated that there had been a house but it had burned and he had no plans to rebuild at this time.

Mr. Fowler stated the reason for the request was just the accessory structure without a dwelling.

Ms. Moody stated that a house could be rebuilt in the future.

Mr. Watson asked if he wanted to use the carport for personal storage.

Mr. Storie stated yes.

Mr. Bishop asked what the property was in between the two properties Mr. Storie owned.

Ms. Moody stated that it was access for the field to the north.

No one appeared in opposition.

Ms. Mathewson made a motion to approve BZA 19-19 the appeal of Ronald and Barbara Storie with the hardship as stated in the application. Ms. Kennison seconded the motion. Voting in favor: Mr. Bishop, Ms. Carey, Mr. Fowler, Ms. Kennison, Ms. Mathewson, and Mr. Watson. Voting against: none. Motion carried, BZA 19-19 approved.
ADJOURNMENT:

James Fowler, Chairman

Marta Moody, Secretary