

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

DATE: December 19, 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 November, 2019 regular monthly meeting minutes.

NEW BUSINESS

BZA 39-19 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Craig Morris**, 6320 North County Road 600 West, Gaston, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow an existing accessory building without a dwelling in a residence zone on premises located at 6320 North County Road 600 West, Harrison Township, Delaware County, Indiana, as more accurately described in the application.

BZA 40-19 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Center for Psychological Development**, 2205 North Wheeling Avenue, Muncie, Indiana, requesting a variance of use and a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow continuation of a variance of use for a psychology office and an identification sign under new ownership in a residence zone on premises located at 2205 North Wheeling Avenue, Muncie, Indiana, as more accurately described in the application.

BZA 41-19 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Brad Linn and Danielle Yoder**, 3600 East County Road 1100 North, Eaton, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow the temporary placement of a mobile home for the duration of need for Karen Linn on premises located at 3600 East County Road 1100 North, Union Township, Delaware County, Indiana, as more accurately described in the application.

REPORT FROM DIRECTOR:

ADJOURNMENT:

**DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS
DECEMBER - 2019 REGULAR MONTHLY MEETING
MINUTES**

The Delaware-Muncie Metropolitan Board of Zoning Appeals (BZA) held its regular monthly meeting on Thursday, December 19, 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: Mr. Bishop, Ms. Carey, Mr. Fowler, Ms. Mathewson, Mr. Watson, and Ms. Zimmerman. Absent: Ms. Kennison. Also present: Ms. Quirk, attorney for the Board.

MINUTES:

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

NEW BUSINESS

BZA 39-19 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Craig Morris**, 6320 North County Road 600 West, Gaston, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow an existing accessory building without a dwelling in a residence zone on premises located at 6320 North County Road 600 West, Harrison Township, Delaware County, Indiana, as more accurately described in the application.

Mr. Morris, 6320 N CR 600W, Gaston, Indiana, appeared. He stated that he had built the accessory building 3 years ago and now selling the house but wanted to keep the building.

Mr. Fowler asked if the drive was shared by the neighbors.

Mr. Morris stated that it was on all of the deeds that he had access, and it was maintained by all the property owners.

Mr. Fowler stated that Mr. Morris had received a variance in 2016 for the square footage of the accessory structures to exceed the dwelling, and asked what keeps stored in the building.

Mr. Morris stated that he stores his vintage cars, boat, and camper in the building.

Mr. Fowler asked if he was moving why not store those items on the new property.

Mr. Morris stated that he had designed the building to meet his needs, and that since it was only 3 years old, he would like to continue to use the barn.

Mr. Fowler asked if he would only be keeping the 1 acre with the barn and be selling the rest of the property.

Mr. Morris stated yes.

Mr. Fowler stated that a gravel drive extending from the shared drive to the barn should be a condition.

Mr. Morris stated that he had plans to add a driveway and had been gathering some quotes.

Mr. Watson asked if the property was on a well and septic.

Mr. Morris stated yes.

Mr. Bishop asked how often Mr. Morris would be at the property.

Mr. Morris stated at least once per week to maintain the property.

Mr. Fowler asked if there was a bathroom in the barn.

Mr. Morris stated no, it was just for storage.

Ms. Moody read a letter from surrounding property owner's Mr. and Mrs. Bradshaw that shared concerns they had for the request. She stated that they had also been into the office and expressed concerns about added traffic on the shared drive.

No one appeared in opposition.

Mr. Bishop made a motion to approve BZA 39-19 the appeal of Craig Morris with the hardship as stated in the application with the following conditions: 1) That the barn be for personal use only; and 2) That a gravel drive be installed. Ms. Carey seconded the motion. Voting in favor: Mr. Bishop, Ms. Carey, Mr. Fowler, Ms. Mathewson, and Mr. Watson. Voting against: Ms. Zimmerman. Motion carried, BZA 39-19 approved.

BZA 40-19 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Center for Psychological Development**, 2205 North Wheeling Avenue, Muncie, Indiana, requesting a variance of use and a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow continuation of a variance of use for a psychology office and an identification sign under new ownership in a residence zone on premises located at 2205 North Wheeling Avenue, Muncie, Indiana, as more accurately described in the application.

Tammy Lampke, 3101 E. Shockley R., Muncie, Indiana, appeared. She stated that she and her partners were in the process of purchasing the building and they would like to continue the current use of a psychology center. She stated that there had been a variance granted for this use 7 years ago at this location, and they would not be changing anything from that variance except maybe a new sign in the future.

Mr. Fowler asked if the sign would stay at the height of the current sign.

Ms. Lampke stated yes.

Mr. Watson stated that the application states the current sign was 4' tall and that the new sign would be 5' tall.

Ms. Lampke stated that the previous variance approval was for a 3' x 6' sign, so they would still be under that limit.

Mr. Fowler stated that the case analysis states that the current sign was 3' x 4' and the applicant would like to increase to a 4' x 5' sign.

Ms. Moody stated that it was on poles and that ground signs along major corridors are now required to have a base instead of poles.

Mr. Bishop asked what the standards were along a corridor.

Ms. Moody stated that if it was a regular commercial use, the requirements would be a ground sign no larger than 80 square feet and no taller than 3' if within 5' of the right of way and up to 8' tall when beyond 5' of the right of way.

Mr. Bishop asked what the distance to right of way would be for the sign.

Ms. Lampke stated that with Wheeling under construction things would be moving.

Mr. Watson stated that according to the map, the current sign looks approximately 5-7 feet from the right of way.

Ms. Moody stated that with the Wheeling project, there would be sidewalk in the right of way.

Mr. Bishop stated that looking at the photo it was difficult to tell how far from the right of way the sign was.

Ms. Moody asked Ms. Lampke if they had been told to relocate the sign.

Ms. Lampke stated not yet.

Ms. Moody stated that the board can make a condition that if they install a new sign, it must meet the setback and height requirements stated in the ordinance.

No one appeared in opposition.

Mr. Bishop made a motion to approve BZA 40-19 the appeal of Center for Psychological Development, XLA, LLC, and CPD3, Inc. with the hardship as stated in the application with the following conditions: 1) That the new sign must meet the corridor development standards for signage requiring a base and being less than 80 sq. ft. in size; and 2) That the new sign meets the height and setback requirements for a ground sign. Mr. Watson seconded the motion. Voting in favor: Mr. Bishop, Ms. Carey, Mr. Fowler, Ms. Mathewson, Mr. Watson, and Ms. Zimmerman. Voting against: none. Motion carried, BZA 10-19 approved.

BZA 41-19 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Brad Linn and Danielle Yoder**, 3600 East County Road 1100 North, Eaton, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance

to allow the temporary placement of a mobile home for the duration of need for Karen Linn on premises located at 3600 East County Road 1100 North, Union Township, Delaware County, Indiana, as more accurately described in the application.

Brad Linn, 600 E CR 100 N, Eaton, Indiana, appeared. He stated that they had built a new house on this property over the summer, and they would like to use the mobile home for his grandmother so they could help her.

Mr. Fowler stated that there was a letter from her doctor.

Mr. Linn stated that she wanted to keep as much independence as she could, but needed to be close to family for help on occasion.

Mr. Fowler asked if the mobile home was connected to a septic and well.

Mr. Linn stated yes, that they had lived there while they were building their new house.

Ms. Moody stated that they had been issued all the necessary permits for the new house and that if granted they would need a permit for temporary placement of the mobile home.

Mr. Fowler stated that if granted, they would receive an annual letter asking them to report on the status of the mobile home.

No one appeared in opposition.

Mr. Watson made a motion to approve BZA 41-19 the appeal of Brad Linn and Danielle Yoder with the hardship as stated in the application with the following condition: That the mobile home is for Karen Linn only. Ms. Carey seconded the motion. Voting in favor: Mr. Bishop, Ms. Carey, Mr. Fowler, Ms. Mathewson, Mr. Watson, and Ms. Zimmerman. Voting against: none. Motion carried, BZA 41-19 approved.

REPORT FROM DIRECTOR:

Ms. Moody stated that the BZA positions up for reappointment were Ms. Carey who also represents the Plan Commission, and Mr. Fowler.

Mr. Fowler stated that he had sent a letter to the County Commissioners and that he would like to be reappointed.

ADJOURNMENT:

James Fowler, Chairman

Marta Moody, Secretary