

**DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS
JANUARY - 2020 REGULAR MONTHLY MEETING
AGENDA**

DATE: January 30, 2020

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

TIME: 6:30 P.M.

PLEDGE OF ALLEGIANCE:

INTRODUCTION/CONFIRMATION OF MEMBERS:

ROLL CALL:

Jim Fowler

Zane Bishop

Leslie Mathewson

Kathy Carey *

Kelly Watson, Jr.

Kathryn Kennison

Phyllis Zimmerman

ELECTION OF OFFICERS:

MINUTES: Consideration of the December, 2019 regular monthly meeting minutes.

OLD BUSINESS

BZA 35-19 Jurisdiction: Board of Zoning Appeals

Being a continuation of a public hearing on the matter of an application filed by **Muncie Sanitary District**, 300 North High Street, Muncie, Indiana, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow non natural building façade materials with no architectural features for 2 new buildings, decreased buffering, and service bay doors facing the road along Doctor Martin Luther King Junior Boulevard, and no sidewalk along unimproved Market Street on premises located at 2121 North Doctor Martin Luther King Junior Boulevard, Muncie, Indiana, as more accurately described in the application.

NEW BUSINESS:

BZA 01-20 Jurisdiction: Board of Zoning Appeals

Special Use

Being a public hearing on the matter of an application filed by **James W. Lacey II**, 4001 South Sciscoe Road, Muncie, Indiana, requesting a special use and variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a gunsmith home occupation special use and variances for a ground mounted sign larger than 12"x12" and a shop size larger than 25% of the floor area of the home on premises located at 4001 South Sciscoe Road, Center Township, Delaware County, Indiana, as more accurately described in the application.

REPORT FROM DIRECTOR:

ADJOURNMENT:

*Term expiring; members serve until new appointments are made.

**DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS
JANUARY - 2020 REGULAR MONTHLY MEETING
MINUTES**

PLEDGE OF ALLEGIANCE:

INTRODUCTION/CONFIRMATION OF MEMBERS:

Ms. Moody stated that there were no new members at this time. She stated that Mr. Fowler had been reappointed for a 4 year term. She stated that Ms. Zimmerman had resigned, and that the remainder of her term would be filled by the County Commissioners and that the Mayor would be filling Ms. Carey's position.

ROLL CALL:

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

ELECTION OF OFFICERS:

Ms. Moody opened the floor for nominations for the office of Chairman.

Mr. Watson nominated Mr. Fowler to serve as Chairman. Mr. Bishop seconded the motion. There being no further nominations, Ms. Moody declared the nominations closed. Voting in favor: Mr. Bishop, Mr. Fowler, Ms. Kennison, Ms. Mathewson, and Mr. Watson. Voting against: none. Motion carried, Mr. Fowler will serve as Chairman for 2020.

Ms. Moody opened the floor for nominations for the office of Vice-Chairman.

Mr. Fowler nominated Mr. Watson to serve as Vice-Chairman. Ms. Mathewson seconded the motion. There be no further nominations, Ms. Moody declared the nominations closed. Voting in favor: Mr. Bishop, Mr. Fowler, Ms. Kennison, Ms. Mathewson, and Mr. Watson. Voting against: none. Motion carried, Mr. Watson will serve as Vice-Chairman for 2020.

MINUTES:

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

Motion: , **Action:** Approve, **Moved by** Mr. Bishop, **Seconded by** Ms. Kennison.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Mr. Bishop, Mr. Fowler, Mr. Watson, Ms. Kennison, Ms. Mathewson.

OLD BUSINESS

BZA 35-19 Jurisdiction: Board of Zoning Appeals

Being a continuation of a public hearing on the matter of an application filed by **Muncie Sanitary District**, 300 North High Street, Muncie, Indiana, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow non-natural building façade materials with no architectural features for 2 new buildings, decreased buffering, and service bay doors facing the road along Doctor Martin Luther King Junior Boulevard, and no sidewalk along unimproved Market Street on premises located at 2121 North Doctor Martin Luther King Junior Boulevard, Muncie, Indiana, as more accurately described in the application.

Phil Tevis, Flatland Resources, 100 E. McCulloch Blvd., Muncie, Indiana, appeared. He stated that Muncie Sanitary District had met with the Whitley Neighborhood Committee to discuss their main concerns which included the fencing and sidewalks. He stated that they had attempted to meet with Harvest Christian Church and had a meeting that was cancelled and a letter was sent stating that the church's concerns go beyond the variance requests, and since that was all the meeting was about, there was no need to meet further. He stated that they had made changes to the fence and that they would also comply with the ordinance and install a 6' wide sidewalk along Martin Luther King Jr. Boulevard. He stated they would also be decreasing the bay door request from 7 to 2 and the road cut on Martin Luther King Jr Boulevard would be reduced from 85' to 35' for the two-way traffic.

Ms. Moody asked how tall was the fence.

Mr. Tevis stated that the fence would have 8' tall ornamental brick columns and that it would be set back farther on the property.

Mr. Fowler stated that a drawing of the fence and building façade had been submitted for review and that Muncie Sanitary District did a great job working with everyone and listening to their concerns.

Ken Hudson, 4501 W. Kings Rd., Muncie, Indiana, appeared. He stated that the Whitley Neighborhood Association and Harvest Christian Church had given Muncie Sanitary a list of concerns and worries about the project. He stated that they appreciated them listening to those concerns and answering all their questions and making changes. He stated that this type of development was needed to revitalize the area and Muncie Sanitary had done a great job of communicating with the neighborhood.

No one appeared in opposition.

Mr. Tevis stated for the record that they were still working on the street vacations.

Mr. Watson made a motion to approve BZA 35-19 the appeal of Muncie Sanitary District with the hardship as listed in the application. Ms. Kennison seconded the motion. Voting in favor: Mr. Bishop, Mr. Fowler, Ms. Kennison, Ms. Mathewson, and Mr. Watson. Voting against: none. Motion carried, BZA 35-19 approved.

Motion: , Action: Approve, Moved by Mr. Watson, Seconded by Ms. Kennison.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 5).

Yes: Mr. Bishop, Mr. Fowler, Mr. Watson, Ms. Kennison, Ms. Mathewson.

NEW BUSINESS:

BZA 01-20 Jurisdiction: Board of Zoning Appeals

Special Use Being a public hearing on the matter of an application filed by **James W. Lacey II**, 4001 South Sciscoe Road, Muncie, Indiana, requesting a special use and variances from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a gunsmith home occupation special use and variances for a ground mounted sign larger than 12"x12" and a shop size larger than 25% of the floor area of the home on premises located at 4001 South Sciscoe Road, Center Township, Delaware County, Indiana, as more accurately described in the application.

James Lacey II, 4001 S Sciscoe Rd., Muncie, Indiana, appeared. He stated that he had a degree in gunsmithing and manufacturing and would like to start out small and build the business. He stated that he does have a fulltime job and that he eventually would like to manufacture his own line and move to a different location.

Mr. Fowler asked how often people would be coming to the property.

Mr. Lacey stated not many at all since he works 10 hour days and that he really didn't want to have a home business he just needed a place to get started.

Mr. Fowler asked why he decided to have a yard sign this size instead of the wall sign.

Mr. Lacey stated that the distance from the road to the house would make it difficult to see a wall sign.

Ms. Kennison asked how close he was to any neighbors.

Mr. Lacey stated that his closest neighbor's house was about 500' away.

Mr. Fowler stated that he could have a very nice wall sign if he put it on the shed that was closer to the road.

Mr. Lacey stated that he would not want people to think the shed was the business.

Mr. Fowler asked if he would have any employees or deliveries.

Mr. Lacey stated that he would not have any employees and that they would not have many more deliveries than they have now. He stated that his time was limited and eventually he would have a website and customers might mail things to him from time to time.

Ms. Kennison asked if the yard sign could be smaller since it would be easier to see closer to the road.

Mr. Fowler stated that a larger sign could be placed on the shed.

Mr. Lacey stated that the address was confusing and that the sign closer to the road would help people find him.

Mr. Fowler stated that the address needs to be on the mailbox to help people locate him.

Mr. Lacey stated that there was a tree between the drive and the shed that would block any sign on the building.

Ms. Moody asked if the space south of the garage doors could be used for a wall sign.

Mr. Lacey stated that there was a little space there before the deck starts.

Mr. Watson stated that this was a rural country road, and asked if Mr. Lacey was the first or second house down the road.

Mr. Lacey stated that he was the second house down the road.

Ms. Moody stated that the graphic for the sign was a rectangle, but that his request was for a 30" x 30" square sign.

Mr. Lacey stated that his measurements were not accurate.

Ms. Kennison stated that an 18" x 24" sign would be better.

Ms. Moody stated that an 18" x 24" sized sign matched his drawing more closely.

Mr. Fowler stated that it could also be lowered from 5' to 4' in height.

Mr. Watson stated that the bigger sign would still be nicer on the shed.

Ms. Moody stated that placing the address on the mailbox would be a big help. She read the favorable recommendation from the Plan Commission from their January 2nd, 2020 meeting.

No one appeared in opposition.

Ms. Kennison made a motion to approve BZA 01-20 the appeal of James W. Lacey II with the hardship as stated on the application with the following condition: That the ground sign be no greater than 4' in height and that the sign itself be limited to 18" x 24". Mr. Watson seconded the motion. Voting in favor: Mr. Bishop, Mr. Fowler, Ms. Kennison, Ms. Mathewson, and Mr. Watson. Voting against: none. Motion carried, BZA 01-20 approved.

Motion: , Action: Approve, Moved by Ms. Kennison, Seconded by Mr. Watson.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 5).

Yes: Mr. Bishop, Mr. Fowler, Mr. Watson, Ms. Kennison, Ms. Mathewson.

REPORT FROM DIRECTOR:

Ms. Moody stated that Ms. Zimmerman had resigned from the Board because she would not be able to attend upcoming meetings, and she knew how important attendance was.

ADJOURNMENT:

James Fowler, President

Marta Moody, Secretary