

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION  
MAY - 2020 REGULAR MONTHLY MEETING  
AGENDA**

**DATE:** May 7, 2020

**PLACE:** Video Conference  
On the County Facebook at  
[www.co.delaware.in.us](http://www.co.delaware.in.us)  
Click on the Facebook icon.

**TIME:** 6:00 P.M.

**ROLL CALL:**

Kathy Carey	Shannon Henry	
Jerry Dishman	Teresa Hensley	Rickie Sipe
J. P. Hall	Jesse Landess	Nathan Vannatter
	Sharyll Martin	
	<b>Advisory Members</b>	
Tom Borchers	Brian Stephens-Hotopp	Laurynn Thieme

**TABLED BUSINESS:**

**MPC 08-19A ABC-DG Subdivision**

**NEW BUSINESS:**

**MPC 03-20 Jurisdiction: Delaware County Redevelopment Commission**  
Being a Resolution of Approval of the Delaware County Redevelopment Commission's Resolution regarding an amendment to the Declaratory Resolution and Amended Economic Development Plan for the Daleville Redevelopment Area.

**MPC 04-20 Jurisdiction: Delaware-Muncie Metropolitan Plan Commission**  
Being a resolution of approval to amend to the text of the DMMPC Rules of Procedure establishing a Hearing Officer and related procedures.

**LEGISLATIVE ACTION:**

**REPORT FROM DIRECTOR:**

**ADJOURNMENT:**

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

The Delaware-Muncie Metropolitan Board of Zoning Appeals (BZA) held its regular monthly meeting on Thursday, May 28, 2020 at 2:30 P.M., in the Commissioner's Court Room of the Delaware County Building, Muncie, Indiana. Members attended remotely. Chairman Jim Fowler called the meeting to order.

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

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

**MINUTES:**

Mr. Watson made a motion to approve the February 2020 regular monthly meeting meetings. Ms. Martin seconded the motion. Voting in favor: Mr. Bishop, Mr. Fowler, Ms. Martin, Ms. Mathewson, and Mr. Watson. Voting against: none. Motion carried, February, 2020 minutes approved.

**OLD BUSINESS**

**BZA 06-20 Jurisdiction: Board of Zoning Appeals**

Being an automatic withdrawal of an application filed by **Muncie Property Holdings, LLC**, 12701 Covered Bridge Road, Sellersburg, Indiana, requesting a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow some corrugated metal materials to be used on the north façade of a proposed carwash facing McGalliard Rd. on premises located at 6230 West Hometown Boulevard, Muncie, Indiana, as more accurately described in the application.

Ms. Moody stated that the applicant made changes to the building design plans so that the variance request was no longer needed. Being an automatic withdrawal, no action was needed by the Board.

**NEW BUSINESS**

**BZA 07-20 Jurisdiction: Board of Zoning Appeals**

Special Use Being a public hearing on the matter of an application filed by **Kerry Kelsey**, 9900 East County Road 800 South, Losantville, Indiana, requesting a special use and a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow temporary storage of salvaged vehicles and a reduced minimum distance from the storage and work area to the road on premises located at 9900 East County Road 800 South, Perry Township, Delaware County, Indiana, as more accurately described in the application.

Kerry Kelsey, 9900 E. CR 800S, Losantville, Indiana, appeared. He stated he would like a reduced distance from the work area fence to the road for his business.

Mr. Fowler asked how many cars he would have on the property at one time, and how many employees would there be.

Mr. Kelsey stated that there would be no more than 30 vehicles and that they did not have any employees.

Mr. Fowler asked if there would be any signage on the property and if the work area would all be behind fence.

Mr. Kelsey stated that there would be no signs and that the vehicles would all be behind the fence.

Ms. Moody stated that at the March 5<sup>th</sup>, 2020 Plan Commission meeting Mr. Kelsey had received a favorable recommendation, which she read. She stated that the Plan Commission had recommended conditions that all of the vehicles be behind a 6' tall fence, no more than 30 vehicles, and only one entrance into the work area from the road.

No one appeared in opposition

Mr. Watson made a motion to approve BZA 07-20 the appeal of Kerry Kelsey with the hardship as stated in the application with the following conditions: 1) That the premises be cleaned up and that all materials and vehicles connected to the salvage business shall be kept behind the fence; 2) That there shall be no more than 30 vehicles; 3) That the existing farm fence around the salvage area be removed and replaced with a 6' wooden privacy fence to be maintained for the life of the business; 4) That there shall be only one entrance to the salvage area; 5) That the variance is limited to the applicant only; 6) That there shall be no outside employees; and 7) That there shall be no signage. Mr. Bishop seconded the motion. Voting in favor: Mr. Bishop, Mr. Fowler, Ms. Martin, Ms. Mathewson, and Mr. Watson. Voting against: none. Motion carried, BZA 07-20 approved.

**BZA 08-20 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Bret Lancaster**, 3101 West County Road 750 North, Muncie, Indiana, requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow business use of an existing barn and storage of portable toilets on premises located at 3101 West County Road 750 North, Hamilton Township, Delaware County, Indiana, as more accurately described in the application.

Bret Lancaster, 3101 W. CR 750N, Muncie, Indiana, appeared. He stated that he would like to continue to operate Lancaster septic service at the property.

Mr. Fowler asked if the applicant is the only employee.

Mr. Lancaster stated that he and his daughter were all.

Mr. Fowler stated that the business was just the septic service and portable toilet business, which was probably seasonal.

Mr. Lancaster replied, yes.

Mr. Fowler asked if the portable toilets were inside.

Mr. Lancaster stated that the portable toilets were stored outside.

Mr. Fowler asked if they were in an enclosed area.

Mr. Lancaster replied, no they were just sitting outside.

Mr. Fowler stated that the toilets should be contained and asked if it would be okay with the applicant to enclose the area.

Mr. Lancaster stated that would be okay.

Mr. Bishop stated that he would recommend a 6' privacy fence around the toilet storage area.

Ms. Martin asked how large the storage area was.

Mr. Lancaster stated the area was about 30' x 100'.

Ms. Moody stated that looking at aerial, there seems to be room to place things so that there could be some fencing on the north side rather than around the entire area and this could screen view of the toilets from the road. She stated that the back of the property was all field area.

Mr. Fowler agreed that the front road side screening would be adequate.

Ms. Moody stated that she had a conversation with a neighbor, Mr. Johnson, and he had told her that he knew this was happening and had some questions. She reported that he said he had no problems with it, just that he had questions about how they were to deal with the waste.

Mr. Lancaster stated that all waste goes to MSD and they have an IDEM permit.

No one appeared in opposition.

Mr. Bishop made a motion to approve BZA 08-20 the appeal of Bret Lancaster with the hardship as stated in the application with the following conditions; 1) That a 6' privacy fence shall be installed that will screen the business storage area from view from the public road; 2) That the variance is for the applicant and family only. Mr. Watson seconded the motion. Voting in favor: Mr. Bishop, Mr. Fowler, Ms. Martin, Ms. Mathewson, and Mr. Watson. Voting against: none. Motion carried, BZA 08-20 approved.

**BZA 09-20 Jurisdiction: Board of Zoning Appeals**

Being an automatic withdrawal of an application filed by **Derek Johnson**, 4625 North County Road 850 West, Yorktown, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow the floor area of the accessory buildings to exceed that of the dwelling for a new barn on premises located at 4625 North County Road 850 West, Harrison Township, Delaware County, Indiana, as more accurately described in the application.

Ms. Moody stated that the issue with the barn had been resolved and that since this was automatic withdrawal no action was needed by the Board. She stated that notice had gone out to the surrounding property owners.

**BZA 10-20 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Jason Reed, Ashley Reed and Reed's Plumbing, Inc.**, 11951 West County Road 400 South, Yorktown, Indiana, requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a plumbing business to be operated from the home and barn on premises located at 11951 West County Road 400 South, Salem Township, Delaware County, Indiana, as more accurately described in the application.

Michael Foley, W. Jackson Street, Muncie, Indiana, appeared representing the applicant. He stated that the Reeds had been operating Reed's Plumbing from their home since 2011. He stated the applicants received a building permit for the addition to the barn and that the addition to the barn raised the issue before the Board, that of there being a business. He stated that the owners, Jason and Ashley Reed, were also present.

Mr. Fowler asked if the barn addition was given a permit, but there was no discussion at the time of a business or variance.

Ms. Moody stated the County Building Commissioner did an inspection and noticed the business use and informed the owners that they would need a variance and that the applicants then filed to correct the issue.

Mr. Fowler asked if there were 8 employees.

Mr. Foley replied there were 6 employees plus the owners, which is a total of 8.

Steve Massey, 11801 W CR 400S, Muncie, Indiana, appeared. He stated that his property is directly east from the Reed's. He stated that the only reason they knew a business was there is that they see a few trucks at 7:30 in the morning. He stated the property is very clean and neat, and you can't tell anything is going on. He added that the Reeds are great neighbors, the supplies are all inside and that there were a few trucks that come and go. He stated he had no idea they had 6 employees.

Mr. Fowler asked if the business is confined to just the pole barn and if all equipment is indoors.

Ms. Moody stated the aerial show some vehicles to the southeast side of the barn, but nothing in the front or visible from the road.

Ashley Reed, 11951 W. CR 400S, Muncie, Indiana, appeared. She stated there was 1 truck ready to go to auction that was outside and that it would be gone soon.

Mr. Fowler asked if everything else was in pole barn.

Ms. Reed stated yes, it was all behind doors.

No one appeared in opposition.

Ms. Mathewson made a motion to approve BZA 10-20 the appeal of Jason and Ashley Reed with the hardship as stated in the application with the following condition; That the variance is for the applicant only. Ms. Martin seconded the motion. Voting in favor: Mr. Bishop, Mr. Fowler, Ms. Martin, Ms. Mathewson, and Mr. Watson. Voting against: none. Motion carried, BZA 10-20 approved.

**BZA 11-20 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **James B. Stonoff, Linda K. Stonoff and Grace Gray**, 9990 West County Road 700 South, Middletown, 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 Grace Gray on premises located at 9990 West County Road 700 South, Salem Township, Indiana, as more accurately described in the application.

Ms. Moody stated that a request from the applicant had been received asking the Board to continue the request to the June meeting, but it was too late to be automatic, so the Board would need to vote for a continuance.

Mr. Watson made a motion to continue BZA 11-20 the appeal of James B. Stonoff to the June 25, 2020 regular monthly meeting. Ms. Martin seconded the motion. Voting in favor: Mr. Bishop, Mr. Fowler, Ms. Martin, Ms. Mathewson, and Mr. Watson. Voting against: none. Motion carried, BZA 11-20 continued to June 25, 2020.

**REPORT FROM DIRECTOR:**

Ms. Moody stated the Plan Commission instituted a hearing officer who can conduct specific BZA business such as a very basic variance from standards like setbacks or height, no variance of use and only a home occupation if it had already been approved and only a small change is needed. Ms. Moody stated that she will be the hearing officer unless there was need to authorize a replacement because of a conflict of interest. She stated that the Plan Commission did this so that if there were more cases than could be accommodated given the restrictions on public meetings, this process could help with very simple things. She stated that if there was any opposition for a case, it would be withdrawn from the hearing officer process and would go to full board for appeal. She stated that notice would be sent the same as with a regular meeting. She stated that the hope would be to not use this process, but it was there to continue to conduct business as needed for as long as the social distancing and other requirements were in effect.

Mr. Fowler asked if there were plans to move a large meeting to fairgrounds if needed for a larger crowd.

Ms. Moody stated the potential was there, but the problem was that the recording of the meeting was very bad at the fairgrounds.

Mr. Fowler asked about social distancing with members at an actual meeting.

Ms. Moody stated they would spread out and use the table down front and that it could work. She stated that the Plan Commission meeting in the courtroom could be more difficult because the number of members was greater.

**ADJOURNMENT:**

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James Fowler, Chairman

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Marta Moody, Secretary