

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

**DATE:** June 25, 2020

**PLACE:** Commissioner's Court Room  
3<sup>rd</sup> Floor, Delaware County  
Building

**TIME:** 6:30 P.M.

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**Jim Fowler**

**Zane Bishop**

**Leslie Mathewson**

**Kathryn Kennison**

**Kelly Watson, Jr.**

**Sharyll Martin**

**Vacancy**

**MINUTES:** Consideration of the May, 2020 regular monthly meeting minutes.

**OLD BUSINESS**

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

Being a continuation of 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.

**NEW BUSINESS**

**BZA 12-20 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Manpreet Thind**, 8989 North Shaffer Road, Muncie, Indiana, requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a trucking business use and storage of trucking business vehicles in an F Farming Zone on premises located at 8989 North Shaffer Road, Hamilton Township, Delaware County, Indiana, as more accurately described in the application.

**REPORT FROM DIRECTOR:**

**ADJOURNMENT:**

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

The Delaware-Muncie Metropolitan Board of Zoning Appeals (BZA) held its regular monthly meeting on Thursday, June 25, 2020 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, Mr. Fowler, Ms. Mathewson, and Mr. Watson. Absent: Ms. Kennison, Ms. Martin. Also present: Mr. Rhetts, attorney for the Board.

**MINUTES:**

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

Mr. Fowler stated that the meeting would be live streamed on the County's Facebook page.

Ms. Moody stated that this was a 7 member Board, and that there was 1 vacancy and 2 absent for this meeting. She stated that official action requires a vote of either 4 yes or 4 no, and if that did not happen the request would be automatically continued to the next meeting.

Mr. Fowler asked if an applicant could request to be continued since there were only 4 members present.

Ms. Moody stated yes, and that the Board would vote to continue their request.

**OLD BUSINESS**

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

Being a continuation of 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.

Stephanie Stonoff, 12531 W Arrowhead Lane, Daleville, Indiana, appeared. She stated that the request was for her mother to live in the mobile home so that she would be close to family to help care for her.

Mr. Fowler stated that this was a continued use for the mobile home and that a letter from the doctor had been submitted. He stated that a letter would be sent yearly to check the status of the mobile home.

No one appeared in opposition.

Mr. Watson made a motion to approve BZA 11-20 the appeal of James B. Stonoff, Linda K. Stonoff, and Grace Gray with the hardship as stated in the application. Mr. Bishop seconded the motion. Voting in favor: Mr. Bishop, Mr. Fowler, Ms. Mathewson, and Mr. Watson. Voting against: none. Motion carried, BZA 11-20 approved.

## **NEW BUSINESS**

### **BZA 12-20 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Manpreet Thind**, 8989 North Shaffer Road, Muncie, Indiana, requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a trucking business use and storage of trucking business vehicles in an F Farming Zone on premises located at 8989 North Shaffer Road, Hamilton Township, Delaware County, Indiana, as more accurately described in the application.

Mr. Fowler stated that the Rules of Procedure allows the applicant 20 minutes for presentation, and the opposition 20 minutes to speak. He stated that the applicant would then have 5 minutes for rebuttal and that the 5 minutes for the opposition would be from questions and concerns from Facebook comments.

Thind Manpreet, 8989 N Shaffer Rd, Muncie, Indiana, appeared. He stated that he owns the property and would like to continue to use the land for truck parking and add a small repair space for those trucks.

Mr. Fowler asked where the repair shop would be located and what the size was.

Mr. Thind stated that it would be located in the middle of the area, and he was not sure of the size but it would be small.

Mr. Fowler asked if he had a rough idea of the building size.

Mr. Thind stated maybe a 30'x60' building and that it would be for the maintenance of his own trucks.

Mr. Fowler asked how many trucks he would have on the property.

Mr. Thind stated it would be between 10 and 15 trucks.

Mr. Fowler stated that the Board could limit it to no more than 15 trucks.

Mr. Thind stated that would be fine.

Mr. Fowler stated that the roads were not intended for semi use, and that they would need to be brought up to standards. He stated that a bond may be required to cover the cost of repairs.

Mr. Thind asked how long he would need to have a bond and much it would be.

Mr. Fowler stated he would need to have a bond for the duration of the business.

Mr. Thind asked the time frame to redo the roads.

Mr. Fowler stated he did not know how many years in between those repairs, but that the trucks would cause damage to them. He asked Mr. Thind how often were trucks coming and going from the property.

Mr. Thind stated that there were 5 people and that they come to the property once or twice per month.

Mr. Fowler asked Ms. Moody how much a bond for this type of request should be.

Ms. Moody stated that it would depend on the extent of improvements required.

Ms. Moody stated that the zoning ordinance steers trucking operations to places where they have access to a primary highway that was already built for the heavy traffic. She stated that the roads may need improvements and a bond that would cover the repairs for the life of the business and that maintenance could be required on a 7-14 year cycle.

Mr. Watson stated that the minor roads were just not designed to handle the heavy truck traffic.

Mr. Fowler asked who was living in the house and maintaining the property since he was gone for a month at a time and the property appears vacant.

Mr. Thind stated that he purchased the home approximately 2 ½ years ago and that this was his primary residence. He stated that he was home for a few days at a time each month.

Mr. Fowler stated that the trucks should be screened so they were not visible from the road.

Ms. Moody stated that the problem was the height limit to a fence was 8' and that would not be tall enough to block a semi from view.

Mr. Thind stated that he could build a building that was 60' wide and keep the trucks parked behind that.

Ms. Fowler explained that would only block the trucks from view in one direction.

Mr. Thind stated that there was only farm ground and his woods all around and that there were no houses.

Mr. Fowler asked how many trucks he could park behind a 60' wide building.

Mr. Thind stated 15 trucks.

Mr. Bishop asked if any of the trucks could be parked inside and what materials the building would be made of.

Mr. Thind stated all of the trucks could fit behind the building and that it would be a metal structure.

Mr. Bishop asked how many trucks could be parked on the property if the variance was not granted.

Ms. Moody stated that 1 truck could be parked there but no more.

Mr. Thind stated that 5 people live at the house who all drive trucks.

Ms. Mathewson explained that Mr. Thind was the only property owner, so only he could park his truck there.

Mr. Thind stated that they all do the same work and bring their work vehicles home.

Ms. Moody stated that the request was to allow for more than 1 truck to be parked at the property.

Ms. Mathewson asked if it was always the semi and the trailer at the property or just the semi.

Mr. Thind stated that it depends on if they needed repairs.

Ms. Mathewson asked where the pictures that were filed were taken from.

Ms. Moody stated that the Building Commissioner, Tom Fouch had taken the pictures and that it appears to be from the road.

Stanley Geidel, 8410 N. Tahoe Dr., Muncie, Indiana. appeared in opposition. He stated that he lives in the Creekwood Neighborhood and that he strongly objected to the request. He stated that the residential zoning of the area was a large part of why people had chosen this location to live. He stated that it was a quiet neighborhood of around 350 and that the zoning promised that it would remain that way. He stated that zoning should not be used to advance 1 person in the area for something that does not give anything back in return. He stated that the roads were traveled twice daily by students and that they were not built for heavy trucks. He stated that allowing a trucking company would not be compatible with the residential settings, and that there were many other locations that would be more suitable.

Mitch Issacs, 8501 N. Yellowstone Dr., Muncie, Indiana, appeared in opposition. He stated that he was the President of the Neighborhood Association and that they take great pride in the area

and that the trucks would not only cause damage to the roads, but to the overall aesthetic of the area. He stated that the property owner does not respect the rules now, and if granted what other violations could they expect from him. He stated that the roads can't handle the additional traffic of the large trucks and that the quality of life to the residents would be threatened.

Norb Heban, 2301 W. Pineview Dr., Muncie, Indiana, appeared in opposition. He stated that he had sent a letter, but he wanted to point out the safety concerns for the number of children in the area and that the roads were not meant for this type of traffic. He stated that a trucking company in this location would only depreciate the value of the homes. He stated that the application mentions there would be 30 trucks on the property and that he already had some trucks now.

Mr. Fowler stated that the Board would place a condition that no more than 15 trucks be allowed on the property. He asked Mr. Heban if a vacant building or a business would be worse.

Mr. Heban stated that the trucks would be worse.

Mr. Fowler stated that if they were stored behind a building or fencing that no one would know they were there.

Mr. Heban stated that he would want to know the kind of fencing that would be used for screening and that the property looks really bad right now. He stated that the homeowners in the area moved here to be away from business and that he was sorry that the property owner did not look into the zoning before purchasing the property.

Lisa May, 9610 N. Shaffer Rd., Muncie, Indiana, appeared in opposition. She stated that this was a wonderful community and that she had spent a lot of money to move to move here because of the farming aspect.

Pam Carothers, 9000 N. Shaffer Rd., Muncie, Indiana, appeared in opposition. She stated that Mr. Thind can't say that nothing can be seen because her house is directly across the street from him and she can see everything.

Perry Carothers, 9000 N. Shaffer Rd., Muncie, Indiana, appeared in opposition. He stated that Mr. Thind has had trucks here for a long time and that he does not keep the property maintained. He stated that he has trucks running all night sometimes and that the fumes from the diesel are a problem. He stated that he would need a very big fence to block the trucks from view and that these roads were not meant to handle the size of trucks.

Kristy Knapp, 2201 W. Pineview Dr., Muncie, Indiana, appeared in opposition. She stated that she had lived here all of her life and that when the mansion was first built there were a lot of water and drainage issues. She stated that the roads would not hold the weight of the trucks and had concerns of the fluids ending up in the water table. She stated that the applicant does not have specific answers for many questions and that this had been going on for 2 years. She stated that these were mismatched trucks that did not seem part of a company and should not be allowed to continue.

Ms. Moody stated that the Building Commissioner had sent a letter to Mr. Thind and that standard practice was to allow some time to take action.

Ms. Knapp asked when the letter had been sent.

Ms. Moody stated that a letter was sent in January, 2020 with no response, so a follow up letter was sent in April, 2020. She stated that Mr. Thind sent in the paperwork to apply for a variance in May.

Ms. Knapp stated that a neighbor tried for days to contact someone that lived there and that no one was taking care of the property.

Mr. Fowler stated that Mr. Thind would have time to address the concerns mentioned, and that he needed to address the Board, not the audience.

Mr. Thind stated that he had brought a car hauler home one time and that he could stop running the vehicles all night. He also stated that he would place a building that some of the trucks could be parked inside or behind to not be seen. He stated that he had been working during everything going on right now and asked if the problem was the grass being too tall.

Mr. Fowler stated that some of the concerns of the neighbors were the number of trucks and the damage that would happen to the roads.

Mr. Thind stated that he would not have more than 15 trucks and that he never saw a sign stating the weight limit on the road.

Mr. Fowler stated that it was a secondary road and that there were weight restrictions.

Mr. Thind stated that he had never had any complaints until he received the letter and that the property had been sold to him as a commercial property.

Mr. Fowler stated that the property was zoned farming.

Ms. Moody stated that the concerns from facebook were similar to those already mentioned about the damage to the roads, traffic, and some were not fans of the fence. She stated that the office had received 1 letter of support and 78 letters and 14 phone calls in opposition mostly with the same concerns.

Mr. Fowler added that another condition should be that all repairs be done inside.

Mr. Watson made a motion to approve BZA 12-20 the appeal of Manpreet Thind with the hardship as stated in the applications with the following conditions; 1) That there be a maximum of 15 trucks; 2) That a 60'x60' building be used to block the trucks from view; 3) That a drainage plan be submitted and a Bond for the life of the business to make any road repairs due to damage; and 4) That the request is for the applicant only. Mr. Bishop seconded the motion. Voting in favor: none. Voting against: Mr. Bishop, Mr. Fowler, Ms. Mathewson, and Mr. Watson. Motion failed, BZA 12-20 denied.

Ms. Moody stated that this was a denial of the appeal and the Board could set a time limit to have the trucks removed.

Ms. Mathewson made a motion to give the applicant 30 days to remove the trucks from the property. Mr. Watson seconded the motion. Voting in favor: Mr. Bishop, Mr. Fowler, Ms. Mathewson, and Mr. Watson. Voting against: none. Motion carried.

Ms. Moody stated that when the Board denies a request, the applicant can submit new evidence and ask the Board for a second hearing, and if granted the applicant would file a new request. She stated that the applicant could also wait one year and refile the request, or file a writ of certiorari with the courts.

**ADJOURNMENT:**

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James Fowler, Chairman

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Marta Moody, Secretary