

**DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS
JANUARY - 2021 REGULAR MONTHLY MEETING
AGENDA**

DATE: January 28, 2021

PLACE: Remote-Zoom Conference Call

NUMBER: 1-929-205-6099

TIME: 6:30 P.M.

PASSCODE: 960874

ROLL CALL:

Jim Fowler

Zane Bishop

Leslie Mathewson

Mike Jones

Kelly Watson, Jr.

Kathryn Kennison

Allen Wiseley

ELECTION OF OFFICERS:

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

NEW BUSINESS:

BZA 01-21 Jurisdiction: Board of Zoning Appeals

Special Use

Being a public hearing on the matter of an application filed by **Erica Y. Robinson**, 605 South Willow Road, Muncie, Indiana, requesting a special use and a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a beauty salon home occupation special use and a variance for a 4'x 4' ground sign rather than a 1'x 1' wall sign to advertise the salon business use on premises located at 605 South Willow Road, Muncie, Indiana, as more accurately described in the application.

BZA 02-21 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Anthony M. and Elba S. Kirkham**, 13310 West State Road 32, 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 pole barn in a residence zone on premises located at 13310 West State Road 32, Salem Township, Delaware County, Indiana, as more accurately described in the application.

REPORT FROM DIRECTOR:

ADJOURNMENT:

**DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS
JANUARY - 2021 REGULAR MONTHLY MEETING
MINUTES**

The Delaware-Muncie Metropolitan Board of Zoning Appeals (BZA) held its regular monthly meeting on Thursday, January 28, 2021 in the Commissioner's Court Room of the Delaware County Building with the members attending remotely. Chairman James Fowler called the meeting to order.

ROLL CALL:

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

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, Mr. Jones, Ms. Mathewson, Mr. Watson, and Mr. Wiseley. Voting against: None. Motion carried, Mr. Fowler will serve as Chairman for 2021.

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

Mr. Wiseley nominated Mr. Watson to serve as Vice-Chairman. Mr. Bishop seconded the motion. There being no further nominations, Ms. Moody declared the nominations closed. Voting in favor: Mr. Bishop, Mr. Fowler, Mr. Jones, Ms. Mathewson, Mr. Watson, and Mr. Wiseley. Voting against: None. Motion carried, Mr. Watson will serve as Vice-Chairman for 2021.

MINUTES:

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

NEW BUSINESS:

BZA 01-21 **Jurisdiction: Board of Zoning Appeals**
Special Use Being a public hearing on the matter of an application filed by **Erica Y. Robinson**, 605 South Willow Road, Muncie, Indiana, requesting a special use and a variance from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow a beauty salon home occupation special use and a variance for a 4'x 4' ground sign rather than a 1'x 1' wall sign to advertise the salon business use on premises

located at 605 South Willow Road, Muncie, Indiana, as more accurately described in the application.

Erica Robinson, 605 S. Willow Rd., Muncie, Indiana, appeared. She stated that she would like to have a one chair beauty salon in her home that would allow her to control who was there. She stated that she was a fulltime teacher, so she would have appointments mostly in the evenings and on weekends. She stated that she and her son were both high risk due to COVID, and that this would also allow her to be home if her children had to go back to remote learning, and still provide income for her family.

Mr. Fowler asked how she would space out her clients since there could not be any on street parking.

Ms. Robinson stated that they had a paved drive that could fit 4 cars and that a graveled area next to that drive had space for 2 more cars. She stated that her clients would be by appointment only and that she would space those appointments based on the type of service provided.

Mr. Jones asked how many people might be inside at one time.

Ms. Robinson stated that most of the time she would have 1 client and maybe the next one coming in to wait for a few minutes and that there was a sunroom they could sit in to keep their distance. She stated that she does have a few families that she cuts everyone's hair, and that would be the only time there would be multiple people inside and waiting.

Mr. Fowler asked how many clients she might have in one day and what her hours would be.

Ms. Robinson stated that she teaches in Indianapolis so through the week her hours would be mostly in the evenings from 5-8 PM and on the weekends they would be 9-5. She stated that there might be days where she does not have any appointments and some days that she had up to 6.

Mr. Fowler asked if that would change in the summer when she was not teaching.

Ms. Robinson stated that she teaches cosmetology and that it was a year-round schedule with no summer break.

Ms. Moody read the favorable recommendation from the Plan Commission meeting that was held on January 4, 2021.

Ms. Robinson stated that after that meeting she looked at placement for the sign on the garage and sizes that might work for that space. She stated that there were 2 possible places that would work for a sign, one being along the top that could be 8' long x 3' tall, and that a vertical sign could go between the doors at 4' tall and 13" wide.

Mr. Fowler asked if she would be willing to do the sign along the top but 6' long instead of 8' long.

Ms. Robinson stated yes.

No one appeared in opposition.

Mr. Watson made a motion to approve BZA 01-21 the appeal of Erica Robinson with the hardship as stated in the application with the following conditions: 1) That the identification sign shall be located on the garage above the doors and measure 3'x6'; 2) That the variance is for the applicant only. Mr. Wiseley seconded the motion. Voting in favor: Mr. Bishop, Mr. Fowler, Mr. Jones. Ms. Mathewson, Mr. Watson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 01-21 approved.

BZA 02-21 Jurisdiction: Board of Zoning Appeals

Being a public hearing on the matter of an application filed by **Anthony M. and Elba S. Kirkham**, 13310 West State Road 32, 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 pole barn in a residence zone on premises located at 13310 West State Road 32, Salem Township, Delaware County, Indiana, as more accurately described in the application.

Anthony Kirkham, 13310 W. SR 32, Yorktown, Indiana, appeared. He stated that he would like to build the 30'x40' pole barn that would be replacing an old barn that would eventually be torn down. He stated that the old barn was built in 1904, and that it had become too expensive to try to preserve it and that it was not functional to store his farm equipment. He stated that the old barn would be taken down, but that he could not say for certain when that might be.

Mr. Fowler asked if it would be for personal storage only.

Mr. Kirkham stated yes, it would be for his farm equipment.

No one appeared in opposition.

Mr. Watson made a motion to approve BZA 02-21 the appeal of Anthony M. and Elba S. Kirkham with the hardship as stated in the application. Mr. Wiseley seconded the motion. Voting in favor: Mr. Bishop, Mr. Fowler, Mr. Jones, Ms. Mathewson, Mr. Watson, and Mr. Wiseley. Voting against: None. Motion carried, BZA 02-21 approved.

REPORT FROM DIRECTOR:

Ms. Moody reported that Mr. Bishop had been reappointed by the Mayor to serve on the Board for another term.

Ms. Moody stated that the Comprehensive Plan and Muncie Strategic Investment Plan updates were underway, and that the Board would receive invitations to participate as part of the public input process. She stated that it would be a 12-month process and that the consultant had started to request background data and that the end result would be very exciting.

Mr. Fowler asked if there had been any more cases that had been referred to the Hearing Officer to help eliminate some of the cases to the BZA agenda.

Ms. Moody stated that there had not been any for the past few meetings, and that it was a good process for those requests that were simple and had no questions or opposition.

ADJOURNMENT:

James Fowler, Chairman

Marta Moody, Secretary