

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION**  
**March 2024 REGULAR MONTHLY MEETING**  
**AGENDA**

**DATE:** March 7, 2024

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

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

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

Nathaniel Carroll  
Jerry Dishman  
Shannon Henry

Teresa Hensley\*  
Jesse Landess  
Michele Owen

Rickie Sipe  
Christopher Smith  
Allen Wiseley

**Advisory Members**

Tom Borchers

Justin Curly

Adam Leach

**MINUTES:** Consideration of the February, 2024 Regular Monthly Meeting Minutes and the February Special Meeting Minutes.

**OLD BUSINESS:**

**MPC 02-24Z      Jurisdiction: County Commissioners**

Being a continuation of the consideration of an appeal filed by **Cheryl Dawson**, 4214 West State Road 28, Muncie, Indiana, requesting a change in zone from the BV Variety Business Zone and the MHR Mobile Home Residence Zone to the F Farming Zone on premises located at 4214 West State Road 28, Hamilton Township, Delaware County, Indiana, as more accurately described in the application.

**NEW BUSINESS:**

**MPC 01-24Z      Jurisdiction: County Commissioners**

Being a consideration of an appeal filed by **Mason and Destiny Barber**, 7904 E Turtledove Rd, Muncie, Indiana, requesting a change in zone from the R-3 Residence zone to the F Farming Zone on premises located at 6109 N CR 500E, Muncie, Indiana, as more accurately described in the application.

**MPC 03-24Z      Jurisdiction: County Commissioners**

Being a consideration of an appeal filed by **Lauck Property Investments, LLC.**, 50 Baillere Dr., Martinsville, Indiana, and **Gary and Lynn Lucas**,

\*Terms expiring; members serve until new appointments are made.

13336 Amberwood St., Hudson, Florida, requesting a change in zone from the R-1 Residence Zone to the BC Community Business Zone on premises at 1301 N Nebo Rd., Muncie, Indiana, as more accurately described in application.

**BZA 10-24 Jurisdiction: Board of Zoning Appeals**

Special Use Being a consideration of an appeal filed by **Big Oak Park, LLC**, 19323 Morrison Way, Noblesville, Indiana, requesting a Special Use under the terms of the Delaware County Comprehensive Zoning Ordinance, to allow for an of an existing nonconforming private campground development on premises at 9401 N CR 500W, Muncie, Indiana, as more accurately described in the application.

**BZA 11-24 Jurisdiction: Board of Zoning Appeals**

Special Use Being a consideration of an appeal filed by **REL Homes LLC**, 11706 Little River Way, Parrish, Florida, requesting a Special Use under the terms of the City of Muncie Comprehensive Zoning Ordinance, to allow an accessory dwelling in an existing detached garage in a single family residence zone on premises at 233 S McKinley Ave, Muncie, Indiana, as more accurately described in the application.

**LEGISLATIVE ACTION:**

**STAFF REPORT:**

**ADJOURNMENT:**

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION  
MARCH 2024 REGULAR MONTHLY MEETING  
MINUTES**

The Delaware-Muncie Metropolitan Plan Commission held its regular monthly meeting on Thursday, March 7, 2024 at 6:00 P.M. in the Commissioner's Court Room of the Delaware County Building, Muncie, Indiana. President Wiseley called the meeting to order.

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

Ms. Swackhamer called roll and the following members were present: Mr. Borchers,. Mr. Carroll, Mr. Dishman, Mr. Henry, Ms. Hensley, Mr. Landess, Ms. Owen, Ms. Sipe, Mr. Smith, and Mr. Wiseley. Absent: Mr. Curley and Mr. Leach. Also present: Mr. Murphy, attorney for the Board.

**MINUTES:**

Mr. Henry made a motion to approve the February 2024 regular meeting minutes and the February 2024 Special meeting minutes. Mr. Dishman seconded the motion. Voting in favor: Mr. Carroll, Mr. Dishman, Mr. Henry, Ms. Hensley, Mr. Landess, Ms. Owen, Ms. Sipe, Mr. Smith, and Mr. Wiseley. Voting against: None. Motion carried, minutes approved.

**OLD BUSINESS:**

**MPC 02-24Z    Jurisdiction: County Commissioners**

Being a continuation of the consideration of an appeal filed by **Cheryl Dawson**, 4214 West State Road 28, Muncie, Indiana, requesting a change in zone from the BV Variety Business Zone and the MHR Mobile Home Residence Zone to the F Farming Zone on premises located at 4214 West State Road 28, Hamilton Township, Delaware County, Indiana, as more accurately described in the application.

Cheryl Dawson, 4214 W. SR 28, Muncie, Indiana, appeared. She stated that her grandparents had owned the 2 farm fields in the 1970's, and at some point the split zoning had been allowed. She stated that one field had been intended to become a mobile home park and the other field remained farm ground. She stated that she would like to make it a conforming property, and have both fields zoned farming.

Mr. Wiseley asked if she planned to remove the existing mobile homes.

Ms. Dawson stated yes, that they were very old and not livable. She stated that the County Assessor had told her that she could not receive a moving permit because of their conditions, so she would clean them out and have them torn down and salvaged.

Mr. Wiseley asked if there would be any other changes to the use of the property.

Ms. Dawson stated no, it had always been farming and residential, and that was how she intended to move forward.

Ms. Owen asked how many mobile homes were on the property currently.

Ms. Dawson stated that there were 2, and that they had been rentals when they were newer, but they had been used for storage now for a long time and not lived in.

No one appeared in opposition.

Mr. Landess asked for clarification in the paperwork since it stated changing the entire property to the BV Variety Business Zone.

Mr. Wiseley stated that was a mistake in the case analysis, and that the application was correct.

Mr. Landess made a motion to approve MPC 02-24Z, requesting a change in zoning from the BV and MHR Zones to the F Farming Zone. Ms. Owen seconded the motion. Voting in favor: Mr. Carroll, Mr. Dishman, Mr. Henry, Ms. Hensley, Mr. Landess, Ms. Owen, Ms. Sipe, Mr. Smith, and Mr. Wiseley. Voting against: None. Motion carried, a favorable recommendation will be forwarded to the County Commissioner's for their March 18, 2024 regular meeting.

#### **NEW BUSINESS:**

##### **MPC 01-24Z      Jurisdiction: County Commissioners**

Being a consideration of an appeal filed by **Mason and Destiny Barber**, 7904 E Turtledove Rd, Muncie, Indiana, requesting a change in zone from the R-3 Residence zone to the F Farming Zone on premises located at 6109 N CR 500E, Muncie, Indiana, as more accurately described in the application.

Ed Ashton, Ashton Land Surveyor, 325 W Washington Street, Muncie, Indiana, appeared. He stated that there was a barn on lot 1 that they would like to use.

Mr. Wiseley asked if the ultimate goal was to combine this parcel with the larger one.

Mr. Ashton stated yes, the parcel to the west.

No one appeared in opposition.

Ms. Sipe made a motion to approve MPC 01-24Z, requesting a change in zoning from the R-3 Residence Zone to the F Farming Zone. Mr. Dishman seconded the motion. Voting in favor: Mr. Carroll, Mr. Dishman, Mr. Henry, Ms. Hensley, Mr. Landess, Ms. Owen, Ms. Sipe, Mr. Smith, and Mr. Wiseley. Voting against: None. Motion carried, a favorable recommendation will be forwarded to the County Commissioner's for their March 18, 2024 regular meeting.

##### **MPC 03-24Z      Jurisdiction: County Commissioners**

Being a consideration of an appeal filed by **Lauck Property Investments, LLC.**, 50 Baillere Dr., Martinsville, Indiana, and **Gary and Lynn Lucas**,

13336 Amberwood St., Hudson, Florida, requesting a change in zone from the R-1 Residence Zone to the BC Community Business Zone on premises at 1301 N Nebo Rd., Muncie, Indiana, as more accurately described in application.

Travis Smith, Lauck Properties, appeared to represent the applicant. He stated that he had a packet to share with the Board regarding the project which was located at the southwest corner of Nebo Road and Jackson Road. He stated that this had been a long process since they originally thought the parcel was under the jurisdiction of Yorktown, and later found that it was the county. He stated that the first photo in the packet provided was a rough layout of how they would like to utilize the property. He stated that there was a map provided that showed the C1 Zoning of the bank to the north, and that the remaining parcels were R-1 Residence Zone. He stated that the site plan shows a 100' buffer along the west property line and southern property line that adjoins residential zoning. He stated that the general idea was to have 100', which was twice what the ordinance calls for, was to preserve as many of the trees as possible, while still using the property for the commercial use. He stated that the property was 9 acres and that they would be using less than half of that for the development. He stated that there was no proposed driveway onto Jackson Street, they would use the current curb cut from Nebo Road. He stated that this was all preliminary and that they would like to work with the County so that the property can be placed on the tax roll and also be sensitive to the surrounding area. He stated that the sidewalk would also be extended and that they would not anticipate needing any variances and that the intention was to be compliant in all areas. He stated that BP also has a Spirit Pump at many of their locations which was a designated pump where between 1-2 cents per gallon goes towards the local jurisdictions school, and this averages between \$3000-\$4000 per quarter.

Mr. Wiseley asked if the photos provided were of a development that they had done.

Mr. Smith stated yes, and that the intention here would be to match the materials of the bank across the street.

Mr. Wiseley asked if they had talked to any of the surrounding property owners.

Mr. Smith stated that they had tried to speak to the homeowner to the west and had not been successful, but that the mailing had gone out. He stated that they wanted to show them the plans including the buffering and trees and ask for their feedback on making a smooth transition.

Mr. Wiseley asked about the drainage plans since they would be adding a lot of hardscape to the property.

Mr. Smith stated that it would be a combination of underground containment or a pond onsite, whichever was preferred by the county.

Mr. Wiseley stated that might be a question for Mr. Borchers.

Mr. Borchers stated that there was county regulated drain to the east but they would need to do some type of detention area.

Mr. Dishman asked if they would be seeking any tax abatements.

Mr. Smith stated no.

Sarah Balle, 6708 W. Norway Dr., Muncie, Indiana, appeared in opposition. She stated that she lived directly opposite of the proposed site, and had a concern of the wording in the change of zoning request. She stated that it mentioned a fueling station and commercial development, and asked what that meant and if it would allow for apartments in the future, and fall under the category of commercial development. She stated that the train here idles between 2-4 A.M and that she had researched the concerns of a diesel vehicle idling next to a gas station, and had found that could create issues for the surrounding residents. She asked if this fueling station would be owned by a large oil company, or by a small business owner, and asked if they would be able to cover the costs of a leak or a spill should that happen in the future since all of the residents on the other side of the train tracks had a well. She stated that she was home most days, and no one had knocked on her door to discuss anything with her, and that she opposes the change in zoning.

Daniel Prater, 6613 W. Jackson St., Muncie, Indiana, appeared in opposition. He stated that he lived next door to his uncle, Greg Prater, who lived at 6609 W. Jackson. Street which was directly beside the proposed gas station. He stated that he heard about the hearing 2 days ago, and that he went along Nebo Road and talked to his neighbors, and that they unanimously oppose the request. He stated that he had a list of signatures of those people which include their name, address, and reasons for being opposed to the request. He stated that this was a real estate development that did not fit within Yorktown's plans and that that another gas station was not needed in this area. He stated that the property had an area that had standing water, and that there was a good chance that part of this property would qualify as part of the wetland area. He stated that he had several pictures of the standing water and that the status of the area should be checked, and that this application should be denied. He stated that the drainage leaving his farm and this property goes under Nebo Road which was just cleaned out, so that had helped, but there were drainage issues. He stated that this does look like spot zoning for a commercial development inside of a residential area, and that did not seem to fit the Boards plans, and asked them again to deny the request. He stated that there would be concerns of light and noise pollution, along with the crime that comes with a gas station. He stated that they had concerns about the quality of water that would drain from this property onto their farms. He stated that they had been discussing other development options with real estate investors, and that if the Board denied the request it would give everyone more time to find alternative options that would be better for everyone.

Andy Markelz. 6605 W Norway Dr., Muncie, Indiana, appeared in opposition. He stated that he just wanted to express his opposition to the request.

Ingrid Morey, 6700 W. Norway Dr., Muncie, Indiana, appeared in opposition. She stated that she lived just on the other side of the property and was concerned with other development that could occur if it did not stay residential and that she also opposed the zone change.

David Philebaum, 6604 W. Norway Dr., Muncie, Indiana, appeared in opposition. He stated that he agreed with the statements of those in opposition, and he was also opposed to the change in zoning.

Gary Foltz, 6600 W. Norway Dr., Muncie, Indiana appeared in opposition. He stated that there was a fueling station 1 mile to the north at Meijer and another 1 mile to the south, a Village Pantry at SR 32, and that there was not a need for another in this area. He stated that he and his wife had lived here for 30 years, and had put a lot of money into their property and felt that this would reverse all of those improvements and he was not in favor of the request.

Greg Prater, 6609 W. Jackson St., Muncie, Indiana, appeared in opposition. He stated that he was adjacent to this property and that the drainage was terrible and that he had not heard anything that showed him they would help the problem.

Travis Smith, Lauck Property, stated that this would not be owned by a large corporate oil company, it would be locally owned but branded as a BP fuel stop. He stated that IDEM controls the process, and when tanks were put in the ground they had a monitoring system that checked for leaks and spills 24/7 and if anything was detected the state and the operator would be notified. He stated that any clean up that needed to be done was run through a fund controlled by IDEM that would pay for that clean up, and that they had not had a significant spill. He stated that the tanks they installed now were not metal but made of poly material that holds up better over time. He stated that the parcel to north with the bank was commercial so they do not feel this was spot zoning. He stated that surface water from anywhere on the site would be captured by installing perimeter drains and would not allow the water to flow onto surrounding properties. He stated that there will not be apartments on the site, the only thing that they were proposing was a 7000 square foot building with a convenience store, and that there was potential for another tenant, such as a sandwich shop. He stated that the site plan showing the building in the center and all of the buffering was to address some of the concerns of the neighbors. He stated that the bank property was wide open and prepared for commercial use, which was not what they were proposing.

Mr. Henry stated that he had talked to the developer and asked if they had any opposition, and asked the members of the audience to raise their hand if they were opposed (approximately 20 people raised their hands). He stated that it did not seem like they had done a decent job of talking to the neighbors.

Mr. Smith stated that he assumed incorrectly that the discussions with neighbors would happen more during the design phase but that they were happy to talk to anyone.

Mr. Smith, (Board Member) asked if the owner was local to Delaware County or Martinsville.

Mr. Smith stated that the company was from Martinsville, Indiana.

Ms. Owen asked about the neighbor's concerns about trains idling in the area.

Mr. Smith stated that they had no intentions of being open 24/7 so the store would be closed during those early hours, and that the tanks were filled during the day while the store was open.

Mr. Dishman asked if the request could be postponed, so that the applicant could have a meeting with the neighbors, because they deserved to have their questions answered.

Mr. Smith (Board Member), asked if the property where the bank was located was within the county's jurisdiction.

Mr. Wiseley stated that was Yorktown's jurisdiction.

Mr. Smith stated that C1 was a zoning classification for Yorktown, and Community Business was the county's designation.

Mr. Wiseley stated that that they were roughly the same in terms of permitted uses, it was just 2 different jurisdictions. He stated that Community Business was one of the lowest levels of business use in the county the same as C1 was for the Town of Yorktown.

Mr. Henry stated that he always felt this was an odd place for a bank, and he thought a gas station would be strange too.

Mr. Wiseley asked the audience by a show of hands who might change their mind and support the request if they had a meeting with the developer (no one raised their hands).

Ms. Swackhamer stated that the requirement for notification was for any properties within 300 feet or 2 properties deep, and may be why some of the neighbors were not notified. She stated that the signed letter from Daniel Prater was requesting that the Board deny the rezoning and was signed by 73 individuals with their name, number, address, and a brief reason why they were opposed. She stated that emails from Daniel Prater and Greg Prater had been received in opposition.

Mr. Landess stated that after reading the case analysis, it mentioned spot zoning which was not allowed for Delaware County, and would not be keeping with the area.

Mr. Wiseley stated that when that was written, staff was un aware that the bank property had been rezoned, so his understanding was that this would no longer be considered, spot zoning.

Mr. Murphy stated that the Board was permitted to consider adjacent municipality zoning in determining if it was considered spot zoning, but that was correct, that the ordinance did prohibit spot zoning.

Mr. Henry made a motion for an unfavorable recommendation for MPC 03-24Z requesting a change in zone from the R1- Residence zone to the BC Community Business zone. Mr. Smith seconded the motion. Voting in favor: Mr. Carroll, Mr. Henry, Ms. Hensley, Mr. Landess, Ms. Sipe, Mr. Smith, and Mr. Wiseley. Voting in favor: Mr. Dishman and Ms. Owen. Motion carried, an unfavorable recommendation will be forwarded to the County Commissioner's their March 18, 2024 regular meeting.

**BZA 10-24 Jurisdiction: Board of Zoning Appeals**

Special Use Being a consideration of an appeal filed by **Big Oak Park, LLC**, 19323 Morrison Way, Noblesville, Indiana, requesting a Special Use under the terms of the Delaware County Comprehensive Zoning Ordinance, to allow for an expansion of an existing nonconforming private campground development on premises at 9401 N CR 500W, Muncie, Indiana, as more accurately described in the application.

Trent Conaway, 19323 Morrison Way, Noblesville, Indiana, appeared. He stated that he had purchased the camp ground 10 years ago, which he had put thousands of dollars into over the years. He stated that Big Oak was about people needing long term stay such as construction crews and traveling nurses, not a family fun campground. He stated that several years ago they realized that the septic system was not keeping up with the standards, and they built a new system, which cost around \$300,000. He stated that as part of that process, they needed to consider this an expansion of the park, so they were asking to go from 89 sites to 108 sites, so this was an increase of 9 spaces. He stated that there had been an old house at the front that was torn down and planned to place the 11 sites at that



location. He stated that the State had a campground registry, and that they had Big Oak approved for 77 even though they always had 89 sites, so they were technically asking for 31 more sites. He stated that he hoped those numbers would ease the minds of some of the people opposed, since they were just moving things around and only adding a few new spaces instead of having the house. He stated that they had approval from Courtney Pruit, with Stormwater Management, IDEM has given approval based on the plans Big Oak submitted, as well as the County and State with the sewer plans for the expansion. He stated that the expansion would not be creating any added traffic, they were on the corner of 500 W and SR 28, and that they were not typically 100% full at any time. He stated that the noise, light and traffic created would be almost exactly the same, and he hoped that explained the plans a little better.

Mr. Wiseley stated that the Board had a copy of the campground inspection report from December, 2023 where the State had sited Mr. Conaway for 1 or more issues on over 30 different sites. He stated that was almost half of the sites being not up to code now.

Mr. Conaway stated that was fairly common for a State inspection to site things like stray cats, tires laying out or fire pits as a trash can. He stated that if you looked at the last 10 years of reports, they were consistently fixing and repairing things, so the list was always changing. He stated that the biggest issue was the sewer system project was not fully completed since it was all one system that worked together. He stated that as they replace new water lines the old ones would be removed along with the electrical work. He stated that Steve Yeary with the State was very thorough, and that he had 2 other campgrounds that were inspected, and they were run the same way. He asked the Board if they had any major concerns other than the number of items listed.

Mr. Smith stated that the first 2 items on the inspection report stated that the sewer needed to be made operational before the freezing winter weather hit, and asked if those items had been fixed.

Mr. Conaway asked what those items were.

Mr. Smith stated that it was the main lift station at the northwest corner of the camp which receives the majority of the camp sewage was no longer operating due to an electrical supply problem.

Mr. Conaway stated that there was an alternate supply switch that went out, and had been tripping the breaker but that had been resolved.

Mr. Smith stated that the second item was that 2 of the 4 Presby beds (septic beds), were not being utilized because the pumps were not operational.

Mr. Conaway stated that he believed it turned out that only one pump was not working. He stated that they had 4 different septic beds with a pump, so if one stops, there were still 3 to take care of the system. He stated that was not good long term, but that they had a good system of getting the sewage where it needs to go without overwhelming one bed, and that there was never any sewage on the ground.

Mr. Wiseley asked if that work had been completed.

Mr. Conaway stated yes, that they had extra pumps onsite to do quick changes.

Mr. Wiseley asked about the perimeter drain out, because they had been sited for that problem in 2022 and still had not been fixed in 2023.

Mr. Conaway stated that he was being a little stubborn on that one. He stated that the 4” culvert pipe that dumps into the creek after treatment should have the last 4’ hard piped with a rodent guard, and that he just had not placed that yet.

Mr. Wiseley stated that the State gave Mr. Conaway a deadline of May 1, 2024 to have all of that work completed and asked if he was on track to have that finished.

Mr. Conaway stated yes, mostly. He stated that a large part of the inspection was to show progress on many things, and that a few items may roll over to the next inspection. He stated that they take care of the large issue and make progress all of the time.

Mr. Dishman asked if they ever had any trouble with the police here.

Mr. Conaway stated that 10 years ago when he purchased the camp that there were many issues, and that those had all been resolved. He stated that 90% of his customers were just people who were here to work 6-7 days a week. He stated that they try not to have long stays with local people because that can cause problems.

Mr. Dishman stated that campgrounds can have trouble with drinking and fighting.

Mr. Conaway stated that was why he wanted to clarify that Big Oak was not a family fun campground with tent camping and fun activities, it was for working people in the county for a project.

Mr. Landess asked if the Indiana Department of Health would come back to reinspect the issues, and if they had the ability to fine Mr. Conaway if he did not correct those issues.

Mr. Conaway stated that he spoke to Mr. Yeary all of the time since he had 3 campgrounds, and that they would go through the list and make sure that progress was being made especially on the major issues.

Mr. Landess asked if there were fines involved.

Mr. Conaway stated that they had never heard of any fines. He stated that Hoosier Land Campground was at risk of being shut down when he purchased that campground, so they can close a campground after a long time.

Mr. Landess asked if the county also did inspections.

Mr. Conaway stated that Jeff Turner from the Health Department and Tom Fouch the Building Commissioner had stopped by and noticed the house had been torn down and that was when he found out he could not just add the 11 camp sites. He stated that they provided a site plan for the sewer and when they realized they needed an expansion plan, they already had that information. He stated that when Hoosier Land was being shut down, he called Mr. Yeary and they made a plan to get things opened and fix the issues within the first year of being the owner. He stated that they were now placing new water lines to each camper and doing things right. He stated that they had spent a lot of money

pumping the sewage at Big Oak, and now they were putting the money into that site to make things right, and that the State knows they do great work.

Mr. Smith stated for clarification, that at some point the state approved the site for 77 sites, but that they had been operating at 89 sites, and now they want to make it 108 sites.

Mr. Conaway stated that the campground registry could be random since some campgrounds were approved for 60 sites but had 100, and that he had never had an issue with the State with the number of sites he had versus what was listed. He stated that if a campground had more sites than what was listed, you needed to prove that all of the systems can handle that number of sites. He stated that they had to place a big enough sewer system in that every camper could use 50 gallons of waste over the 108 sites, and that this was one of the largest systems around. He stated that Ball State had an environmental class that came out to look at the system.

Mr. Carroll asked who installed the system.

Mr. Conaway stated he did, and that they were very proud of what they were doing and he hoped that the neighbors would not see any difference with the traffic and noise. He stated that they did not want any weekend campers or problems at the campground, they just wanted things run smoothly.

Steve Davis, 8901 N. CR 500W, Muncie, Indiana, appeared in opposition. He stated that he had lived here for 9 years. He stated that everyone had camped as a kid at one time, and had an idea of what that looked like, and unfortunately, he discovered that this was not the case here. He stated that this was more of a mobile apartment complex than a campground, and if the intent was for long term campers, that was where the issues were coming into play. He stated that the fact that the owner lives in Noblesville left him oblivious to what was happening at the property and the issues they were having. He stated that he lived in Fishers, and decided to move to the country knowing there was a campground, and thought it would be more of a fun, clean environment. He stated that the construction workers and traveling nurses would blend in, but the residents that stick out are the assumed drug users that cause constant problems. He stated that 5 years ago all of his vehicles had been broken into and several items stolen, houses along 500 W had been broken into, and a gun had been stolen from one of those homes. He stated that one of the residents of the campground had tried to cash a check from a checkbook that he stole from one of those homes, and was kicked out of the campground. He stated that this made the news because his camper did not run and he had to pull it with a truck, and it broke and hit a telephone pole and his girlfriend was injured. He stated that every year the summertime gets worse and worse and that the police have to be called multiple times. He stated that someone left the campground and dropped trash bags off, and that they called the police because when the bags burst there were syringes found in the garbage right in front of his property. He stated that he called the county police, and that he and an officer put on gloves and cleaned up the syringes, and that one of the bags had an addressed piece of mail. He stated that they searched the name and discovered that the person had an open court case for drug use. He stated that the reason it was used for longer stays was because it was cheaper, or else why would a nurse live in a campground, and a cheaper place to live attracts the problem people that they had to deal with. He stated that they have had to call the police many times because of the people that walk up and down the road at 2:00 AM in the morning, fighting in the road, and this was a consistent problem. He stated that when he first moved into his house, he noticed that the previous owner had clamps on top of all the doors, and he said it was due to trouble with break ins. He stated that the problems were still happening and that he understood the business side of things, however safety was one of the main reasons for governing peoples' rights and that the level of safety was not where the owners would want things if they actually

lived there. He stated that even if only 10% of the year round campers were the ones creating the problems, the expansion means that another 1-2 tenants would be another problem in the area. He stated that this was an apartment complex on wheels, and that the area was not safe for kids and grandkids in the area.

Robert Haines, 8609 N. CR 500W. Muncie, Indiana, appeared in opposition. He stated that his wife's family had owned that property for almost 100 years and that one of the biggest problems was the disregard for private property. He stated that they had found many people from the campground on their property and had found needles in the side ditches constantly. He stated that they lived to the south of the campground, which was on the way to Muncie, and that the traffic back and forth had increased considerably. He stated that they have had several times where they have had to call the police, people in their yard, including one man who sat in his front yard and took off his clothes. He stated that they have dealt with these issue for years, and that adding more sites and more people would not solve any of those problems.

Kathy Haines, 8609 N. CR 500W., Muncie, Indiana, appeared n opposition. She stated that the farm had been in her family for over 100 years and she had never been this scared to go to bed at night, not knowing who might come across her property. She stated that she was scared to go feed the cows and horses that there may be someone in her barn. She stated that they have had incidents with people on her property at night, and a friend asked them to leave, and they came up to the house and stood by the window. She stated that she had knee trouble and sometimes slept in her chair, and could see the flashlights from people walking up and down the road and was scared she would be robbed or have her animals harmed. She stated that before Mr. Conaway purchased the campground an older man owned it, and as a teenager she was not afraid to ride her horse down to the campground. She stated that it was not a dump, and that the gentleman knew everyone of the people that stayed at the campground. She stated that her mother was 84 years old and lived on the farm and that she was worried about leaving her alone to go to work. She stated that all of the people at the campground knows everyone's schedule and it was alarming and scary and she was in opposition of the request.

Ms. Swackhamer stated that emails from Billy and Diana James, Delores Huffman, and Mickey Swain had been received expressing their concerns and opposition of the request. She stated that 4 letters had been received from neighbors wishing to remain anonymous, also stating their concerns and opposition (see BZA 10-04 Big Oak File for copies of letters).

Mr. Conaway stated that he grew up in Farmington Addition, and lived there until he was in his mid 20's, and had attended Delta High School and Ball State. He stated that his parents still lived there and that he was in Muncie all of the time. He stated that they were trying to completely get away from people living at the campground year-round, and that he less than 5 of those residents currently. He sated that he understood things were bad in previous years but they know every person that stays there right now. He stated that they had a great relationship with the county police, and that he wishes he would have brought some of those reports for the Board. He stated that for a small camper to stay here for a month it cost \$695 per month, for a larger camper it was \$795, and for a larger camper over 40' it cost \$845 per month. He stated that they were not trying to get people in the community to live at Big Oak Park, they had 2 people that had lived for a very long time, and he just did not want to kick them out. He stated that over 90% of the people staying here were people only staying 1-6 months at a time for their work. He stated that he would encourage anyone to visit the campground anytime, because they were very proud of the park and that they did not believe there was any known drug use by any of the people staying there. He stated that he had a site manager that actually lived at the campground.

Mr. Carroll asked if they have had any inspection to the septic.

Mr. Conaway stated yes, and that they even brought a group from Ball State to look at the system.

Mr. Carroll asked if he had all of the paperwork to prove that.

Mr. Conaway stated yes, he had all of the State and County inspections on all of the septic beds, water, sewer and electrical work. He stated that they had fixed the road in front of Big Oak and that it did not flood anymore since they repaired the culverts and cleaned the ditches. He stated that he was very confident that there were no pictures of any recent flooding to that area. He stated that they did not have anyone that caused trouble anymore and that it was sad that the neighbors felt scared, and he would like to know about anything that was happening.

Ms. Owen made a motion for an unfavorable recommendation for BZA 10-24 requesting a Special Use to allow for an expansion of an existing nonconforming private campground. Mr. Henry seconded the motion. Voting in favor: Mr. Carroll, Mr. Dishman, Mr. Henry, Ms. Hensley, Mr. Landess, Ms. Owen, Ms. Sipe, Mr. Smith, and Mr. Wiseley. Voting against: None. Motion carried, an unfavorable recommendation to be forwarded to BZA for their March 28, 2024 regular monthly meeting.

Mr. Wiseley suggested that Mr. Conaway bring all of his documentation to the BZA meeting for the work that had been completed in response to the issues brought discussed.

**BZA 11-24 Jurisdiction: Board of Zoning Appeals**

Special Use Being a consideration of an appeal filed by **REL Homes LLC**, 11706 Little River Way, Parrish, Florida, requesting a Special Use under the terms of the City of Muncie Comprehensive Zoning Ordinance, to allow an accessory dwelling in an existing detached garage in a single family residence zone on premises at 233 S McKinley Ave, Muncie, Indiana, as more accurately described in the application.

James Rhoades, 7001 W. Isanogel Rd, Muncie, Indiana, appeared. He stated they had a 3 bedroom rental with an existing garage that they would like to convert to a 1 bedroom unit. He stated that he was a general contractor had some pictures to share of the quality of work that they do.

Mr. Wiseley asked if this was a property owned by an out of state owner and managed by a local company.

Mr. Rhoades stated yes.

Mr. Wiseley asked how many bedrooms were in the existing house.

Mr. Rhoades stated that the house actually had 5 bedrooms.

Mr. Wiseley stated that the site plan indicated 4 parking spaces, which was what was required however, he had concerns of a 5 bedroom house plus a single unit, that could be 6 cars at the property.

Jake Hart, 7508 N Landings Trail, Muncie, Indiana, appeared. He stated that he managed the property and that currently there was a family that lived here, and that they would never be able to rent 5

bedrooms to students. He stated that the house would always be family rented and therefore the parking should not be an issue.

Mr. Smith asked if the drawings had just been misprinted in listing the house as a 3 bedroom.

Mr. Rhoades stated that was his mistake.

Mr. Carroll asked if the pictures provided were recent.

Mr. Rhoades stated that they were from December 2023.

Mr. Hart stated that they would be doing many of those same upgrades to the apartment since the 2 car garage was in very poor condition. He stated that the owner was spending around \$80,000 on this building, and that the other property they manage for him was just a few blocks away and had no issues.

Mr. Wiseley asked if the pictures were of a property that Mr. Hart managed or just of a property that Mr. Rhoades renovated.

Mr. Rhoades stated that it was a renovation he did.

Ms. Owen asked if the proposed apartment would be accessible for maybe an elderly parent, or more geared towards students.

Mr. Rhoades stated that he would say geared more towards students, but his mindset was always geared towards accessibility for walkers and wheelchair users.

No one appeared in opposition.

Mr. Dishman made a motion for a favorable recommendation for BZA 11-24 requesting a Special Use to allow an accessory dwelling in an existing detached garage in a single family residence zone. Mr. Smith seconded the motion. Voting in favor: Mr. Carroll, Mr. Dishman, Mr. Henry, Ms. Hensley, Mr. Landess, Ms. Owen, Ms. Sipe, Mr. Smith, and Mr. Wiseley. Voting against: None. Motion carried, BZA 11-24 to be forwarded to the BZA for their March 28, 2024 regular meeting.

#### **LEGISLATIVE ACTION:**

Ms. Swackhamer reported that MPC 01-24A, approval of the 2023 Official Zone map changes for Delaware County had been adopted by the County Commissioners on February 20, 2024, and that MPC 02-24A, the Official Zone map changes for the City of Muncie had been adopted by City Council on March 4, 2024. She stated that BZA 04-24, requesting a Special Use for charitable a charitable facility for Delaware County Redevelopment Commission, was approved by the BZA on February 29, 2024.

#### **STAFF REPORT:**

Ms. Swackhamer stated that she had several items to report, (see the attached Director's Report).

Mr. Landess asked if this meant that Ms. Ingermann would no longer be with the Board.

Ms. Swackhamer stated she would still be here while they were training her replacement.

Mr. Landess stated that he appreciated Ms. Ingermann, that she was always pleasant on the phone, and that he believed he was speaking for the rest of the Board as well. He congratulated her on her promotion, but stated that he would really miss her if she was not at the meetings.

Ms. Ingermann thanked the Board and stated that she would still be at the meetings for a while.

Ms. Swackhamer stated that one of the good things was while everyone was learning their new positions, they would still be here to train the new staff.

Mr. Henry stated that it would need to be someone that they could all call because they all call Ms. Ingermann, and thanked her for everything that she does. He stated that based on her report, Ms. Swackhamer needed to be on a few more Boards.

Ms. Swackhamer stated that she was meeting a lot of people and learning so much, which was fun and interesting.

Mr. Wiseley stated that they could change the Staff report now to the Director's report moving forward. He thanked the staff for all stepping up and taking on more since losing Marta, and that he was excited for everyone moving to new positions and was very proud of everyone.

**ADJOURNMENT:**

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Allen Wiseley, President

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Kylene Swackhamer, Secretary