

**DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS  
DECEMBER - 2024 REGULAR MONTHLY MEETING  
AGENDA**

**DATE:** December 19, 2024

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

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

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

	<b>Leslie Mathewson</b>
	<b>Matt Billington</b>
	<b>Delaney Fritch</b>
	<b>Ellen Brannon</b>
	<b>Mike Jones</b>
	<b>Dustin Clark</b>
	<b>Sue Kaiser</b>

**MINUTES:** Consideration of the November, 2024 regular monthly meeting minutes.

**OLD BUSINESS:**

**BZA 60-24 Jurisdiction: Board of Zoning Appeals**

Being a continuation of a public hearing on the matter of an application filed by **Gerald Dunsmore**, 11590 West County Road 300 North, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a decreased side setback for a new barn in a farm zone on premises located at 11590 West County Road 300 North, Harrison Township, Delaware County, Indiana, as more accurately described in the application.

**NEW BUSINESS:**

**BZA 63-24 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Shelby Wilber and Benjamin Wilber**, 10001 South State Road 3, Muncie, Indiana, requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a state licensed childcare/preschool business in an existing building in a farm zone on premises located at 10001 South State Road 3 South, Monroe Township, Delaware County, Indiana, as more accurately described in the application.

**BZA 64-24 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Sandra Walters**, 11501 South County Road 950 West, Daleville, Indiana, requesting an expansion of a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow up to 35 baby goats in addition to keeping 30 adult goats previously approved on 2.02 acres in a farm zone on premises located at 11501 South County Road 950 West, Salem Township, Delaware County, Indiana, as more accurately described in the application.

**BZA 66-24 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Plunty Real Estate, LLC and Alan Robinson**, 11901 East County Road 125 South, Selma, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a decreased street side setback along Pineview Drive for a new dwelling facing Shaffer Road on premises located at the northwest corner of Shaffer Road and Pineview Drive, Hamilton Township, Delaware County, Indiana, as more accurately described in the application.

**BZA 67-24 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Muncie Investment II, LLC**, 961 Four Mile Road, Richmond, Kentucky, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow replacement of two existing signs with a 25' tall sign along McGalliard Road and a 10' sign along Hometown Boulevard for an auto sales business on premises located at 6732 West Hometown Boulevard, Muncie, Indiana, as more accurately described in the application.

**REPORT FROM DIRECTOR:**

**ADJOURNMENT:**

**DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS  
DECEMBER - 2024 REGULAR MONTHLY MEETING  
MINUTES**

The Delaware-Muncie Metropolitan Board of Zoning Appeals held its regular monthly meeting on Thursday, December 19, 2024 at 6:00 PM, in the Commissioner's Court Room of the Delaware County Building, Muncie, Indiana. Chairperson Leslie Mathewson called the meeting to order.

**ROLL CALL:**

Ms. Swackhamer called roll and the following members were present: Mr. Billington, Ms. Fritch, Mr. Jones, and Ms. Mathewson. Absent: Ms. Brannon, Mr. Clark, and Ms. Kaiser. Also present: Mr. Murphy, attorney for the Board.

**MINUTES:**

Ms. Fritch made a motion to approve the November, 2024 regular meeting minutes. Mr. Billington seconded the motion. Voting in favor: Mr. Billington, Ms. Fritch, Mr. Jones, and Ms. Mathewson. Voting against: None. Motion carried, November 2024 meeting minutes approved.

**OLD BUSINESS:**

**BZA 60-24 Jurisdiction: Board of Zoning Appeals**

Being a continuation of a public hearing on the matter of an application filed by **Gerald Dunsmore**, 11590 West County Road 300 North, Muncie, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a decreased side setback for a new barn in a farm zone on premises located at 11590 West County Road 300 North, Harrison Township, Delaware County, Indiana, as more accurately described in the application.

Gerald Dunsmore 11590 W CR 300N, Muncie, Indiana, appeared. He stated that since the November meeting, he had determined that he could move the proposed barn 5-6 feet from the property line, and that he would not be adding a bathroom.

Ms. Mathewson asked if he would be moving the barn closer to the house.

Mr. Dunsmore stated yes.

Ms. Mathewson asked if the barn would be for personal use only and no business use.



Mr. Dunsmore stated that it was for his own use, and that he was a self-employed contractor and would keep his tools stored here.

Mr. Jones asked if there would be any members of the public coming to the property.

Mr. Dunsmore stated no.

Ms. Fritch asked for clarification if the request for the side setback would be for 5' rather than the required 25' setback.

Mr. Daniel stated that the original request was for a 2' side setback rather than 25' as is required, and that it seemed that Mr. Dunsmore would be willing to increase the 2' request to be 5' instead. He stated that ideally a drawing should be provided to show that change in the setback distance.

Mr. Murphy asked for clarification on the distance Mr. Dunsmore was requesting from the setback.

Mr. Dunsmore stated that he would be measuring 6' from the property line.

Ms. Mathewson asked if the drawings that had been submitted would remain the same other than the proposed building being 6' from the side property line.

Mr. Dunsmore stated yes, where it previously showed 2' that would change to be 6' from the property line.

Mr. Murphy stated for clarification that the variance would be for 19' from the side setback.

Ms. Swackhamer stated yes, it would now be a request for 6' from the property line rather than 25', for a variance of 19'.

Ms. Fitch asked if this would be for storage and contain no bathroom, only electrical.

Mr. Dunsmore stated that was correct.

Ron Crouch, 2901 W. CR 700N, Muncie, Indiana, appeared. He stated that he owned a company in Muncie and that they were a union HVAC and Plumbing contractor. He stated that he was Mr. Dunsmore's brother-in-law and would be helping him to build the barn when approved, as they have helped each other over the years. He stated that Mr. Dunsmore wanted to build a simple garage next to his house, so that in the winter he could go out of the house and get to his truck and go to work. He stated that he had asked Mr. Dunsmore what the concerns were, and that he feels Mr. Dunsmore had cooperated by moving the barn closer to the house. He stated that he looked around the area, and that there were other barns closer than 25' to their property lines, and those barns were approved. He stated that he had talked with Mr. Dunsmore regarding the concerns about the septic, and in his 35 years of experience, he did not find any issues. He stated that he recommended to Mr. Dunsmore to remove the plans for a restroom in

the barn since he would be moving closer to the house. He stated that they respected that the process takes time, but he had been waiting for 2 months and had been having trouble securing a contractor because of the delay. He stated that there were barns that were adjacent to Mr. Dunsmore that were less than 25' from the property line, and he would like to have that same luxury. He respectfully asked the Board to approve the request to allow them to move forward with plans.

Kenna Bales, 11500 W. CR 300N, Muncie, Indiana, appeared in opposition. She stated that she lived at the property adjacent to Mr. Dunsmore and shared the property line, and felt that the barn would be too close to her and lower the value of her home.

William Bales, 11500 W. CR 300N, Muncie, Indiana, appeared in opposition. He stated that on his property he had a small pole barn that was 10' from the property line, and was 50' behind his house. He stated that he felt that a 30' x 100' pole barn at 17' tall was not a small attached garage. He stated that he had been in construction for over 42 years and that the rule stated if a building was set behind the dwelling, it can be built closer to the property line. He stated that if this was a 30' x 30' garage being built closer to his house, he would not be here to speak in opposition, but that this was a very large building that he would have to look at.

Mr. Jones made a motion to approve BZA 60-24 the appeal of Gerald Dunsmore with the hardship as stated in the application, and to allow a 6' side setback rather than a 25' side setback, for a variance of 19' for a new 30' x 100' barn for personal use. Ms. Fritch seconded the motion. Voting in favor: Mr. Jones. Voting against: Mr. Billington, Ms. Fritch, and Ms. Mathewson. Motion failed, no official action taken. BZA 60-24 to be automatically continued to the January 30, 2025 regular monthly meeting.

## **NEW BUSINESS:**

### **BZA 63-24 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Shelby Wilber and Benjamin Wilber**, 10001 South State Road 3, Muncie, Indiana, requesting a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a state licensed childcare/preschool business in an existing building in a farm zone on premises located at 10001 South State Road 3, Monroe Township, Delaware County, Indiana, as more accurately described in the application.

Ben Wilber, 10001 S. State Road 3, Muncie, Indiana, appeared. He stated that they had a home daycare business and would like to move it into the existing building on the property that had been there since the 1930's. He stated that they were a licensed home daycare and that the building was located 200' behind their house.

Ms. Fritch asked Mr. Wilbur to describe the building a little more.



Mr. Wilber stated that the building began as a community building before Cowan had a Lion's Club. He stated that they had been using it for storage until they decided to move the business to this location and have more kids with the larger building. He stated that a class 1 daycare allowed for up to 12 kids and a class 2 daycare allowed for up to 16 kids. He stated that there was a restroom and a residential kitchen in the building, and since it was a home daycare, commercial accommodations were not required.

Mr. Jones stated that looking at the map, he was not clear as to which building would be used.

Ms. Fritch stated that she was also not clear based on the map.

Mr. Wilber stated that his house was basically in the center of the 5 acres, and that the building to be used was 200' behind his house, approximately 30-40' from the north property line.

Mr. Daniel took a moment to show the members which building it was on the map, and that it looked like it was a 2 story building.

Mr. Wilber stated that the second floor would be for storage for supplies for the daycare, and the day care would be on the first floor.

Ms. Fritch asked how many children would be cared for.

Mr. Wilber stated that they would have up to a maximum of 16 children.

Ms. Fritch asked what the plans for parking, drop off and pick up, and driveway access.

Mr. Wilber stated that parents would use the driveway to the property and that there were 2 spaces where the parents would drop off and pick up the children. He stated that they would like to have 2-3 staff, and that would be used for their parking as well.

Mr. Jones asked which fire service covered this area.

Mr. Wilber stated that it was Cowan Volunteer Fire Department. He stated that the State regulated everything, and that would provide a fire evacuation plan to the fire department as part of their requirements.

Ms. Fitch asked if there were any concerns about the drop off and pick up times, or if that was staggered to help with parking and traffic.

Mr. Wilber stated that they were all staggered and that at the most there would be 2 at the same time.

Ms. Fritch asked how many parking spaces would be in the parent parking area.

Mr. Wilber stated that there would be 2 spaces.

Mr. Jones asked the age ranged of the children

Mr. Wilber stated that they ranged from 6 months old to 5 years old. He stated that through the state they could go up to 12 years of age, but then there would be after school care, and they did not want to do that.

Ms. Fritch stated that the application indicated that they did not intend to have any signage at this time.

Mr. Wilber stated they had thought about a small sign similar to a political sign, but nothing right now.

Mr. Jones asked if there would be an outdoor play area.

Mr. Wilber stated yes.

Ms. Fritch asked if it would be like a park type of playground structures, or more a residential play area.

Mr. Wilber stated it would not be like a city park type of structure, but they would have outdoor toys and maybe a slide and swing.

No one appeared in opposition.

Ms. Fritch made a motion to approve BZA 63-24 the appeal of Shelby and Benjamin Wilber with the hardship as stated in the application. Mr. Jones seconded the motion. Voting in favor: Mr. Billington, Ms. Fritch, Mr. Jones, and Ms. Mathewson. Voting against: None. Motion carried, BZA 63-24 approved.

**BZA 64-24 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Sandra Walters**, 11501 South County Road 950 West, Daleville, Indiana, requesting an expansion of a variance of use from the terms of the Delaware County Comprehensive Zoning Ordinance to allow up to 35 baby goats in addition to keeping 30 adult goats previously approved on 2.02 acres in a farm zone on premises located at 11501 South County Road 950 West, Salem Township, Delaware County, Indiana, as more accurately described in the application.

Sandra Walters, 11501 S. CR 950W, Daleville, Indiana, appeared. She stated that she had not considered the baby goats in her previous request and she wanted to stay in compliance. She stated that she had the new barn built and that the originally requested goats have been moved and they are all doing well. She stated that the baby goats were sold to 4-H homes, and she wanted to account for that temporary increase in the number of goats



Ms. Mathewson asked if the request was for up to 35 baby goats in addition to the previously approved 30 adult goats.

Ms. Walters stated yes.

Ms. Mathewson asked what the maximum number of babies and adults being on the property at the same time, and if that would be a year-round maximum or during certain times of the year.

Ms. Walters stated that it would be for a maximum of 35 babies and the 30 permanent goats and that the babies were generally sold between 8-10 weeks old. She stated that the main purpose for the babies was so that the goats would be in milk in order to be shown.

Melanie Witcoski, Noblesville, Indiana, appeared. She stated that Ms. Walters was her mom, and that she was thankful for the support shown during the previous request. She stated that she had been very proud of her mom and that she was working to keep in compliance and take care of the property. She stated that the babies were very small and that they were born weighing 2-3 pounds. She stated that it was important to stay within that maximum of 35 babies, and to allow room in case they had to keep a baby a little longer than the 8-10 week time frame. She stated that the kidding season does spread out over 3 months, and that they wanted to keep that area safe for all of the other goats while finding good 4-H homes for the babies. She stated that the plan was to sell the babies and not keep them and that the waste from a baby goat was less than a small dog, just for comparison.

No one appeared in opposition.

Ms. Fritch made a motion to approve BZA 64-24 the appeal of Sandra Walters with the hardship as stated in the application. Mr. Jones seconded the motion. Voting in favor: Mr. Billington, Ms. Fritch, Mr. Jones, and Ms. Mathewson. Voting against: None. Motion carried, BZA 63-24 approved.

#### **BZA 66-24 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Plunty Real Estate, LLC and Alan Robinson**, 11901 East County Road 125 South, Selma, Indiana, requesting a variance from the terms of the Delaware County Comprehensive Zoning Ordinance to allow a decreased street side setback along Pineview Drive for a new dwelling facing Shaffer Road on premises located at the northwest corner of Shaffer Road and Pineview Drive, Hamilton Township, Delaware County, Indiana, as more accurately described in the application.

Kathy Vannice, Ashton Land Surveyor, 325 W. Washington St., Muncie, Indiana, appeared to represent the applicant. She stated that they were asking for the reduced setback due to the size of the home on the lot that was in a farm zone. She stated that Mr. Robinson owned the property, and that part of the garage would be used for vehicles owned by



Pizza King. He stated that there was a previous variance due to a property split that occurred leaving an accessory structure too close to the property line.

Clayton Kimbrile, 1090 E. Case Blvd., Albany, Indiana, appeared. He stated that he was representing Plunty Real Estate, and that he worked for Alan Robinson at Pizza King. He stated that he would be the one that would be living in this home after construction.

Mr. Daniel asked if he heard that some of the business vehicles would be parked on the property.

Mr. Kimbrile stated that he drove one as his daily vehicle.

Mr. Daniel asked if this was considered a personal vehicle such as a police officer bringing home their cruiser, or delivery vehicles that the drivers would come here to pick up.

Mr. Kimbrile stated no, they were not for delivery drivers.

No one appeared in opposition.

Mr. Jones made a motion to approve BZA 66-24 the appeal of Plunty Real Estate, LLC with the hardship as stated in the application. Ms. Fritch seconded the motion. Voting in favor: Mr. Billington, Ms. Fritch, Mr. Jones, and Ms. Mathewson. Voting against: None. Motion carried, BZA 66-24 approved.

#### **BZA 67-24 Jurisdiction: Board of Zoning Appeals**

Being a public hearing on the matter of an application filed by **Muncie Investment II, LLC**, 961 Four Mile Road, Richmond, Kentucky, requesting variances from the terms of the City of Muncie Comprehensive Zoning Ordinance to allow replacement of two existing signs with a 25' tall sign along McGalliard Road and a 10' sign along Hometown Boulevard for an auto sales business on premises located at 6732 West Hometown Boulevard, Muncie, Indiana, as more accurately described in the application.

Jason Miller, RMA, 333 E. Washington St., Muncie, Indiana, appeared to represent the applicant. Mr. Miller stated that when this site was developed initially it was in the county, and then had been annexed into the city. He stated that when the property had been developed 10 years ago, that the corridor standards were not in effect, and that 2 pole signs had been constructed as shown in their application. He stated that the brand for the dealership requires that they update the signs to meet their standards and that the signs would be placed in the same locations as the existing signs. He stated that the sign at the northeast corner would be 25' tall reducing it by 2', and the second sign at the southeast corner would be 10' tall. He stated that the BZA had previously granted variances for Toyota for a 30' tall sign, for Ford for a 36' tall sign, and for Chevy for a 42' tall sign. He stated that of the signs for all the auto dealerships in this area, these would still remain the smallest of all the signs.

Mr. Jones asked for the existing square footage of the proposed signs.

Mr. Miller stated that in their application they had included the sign standards, there were drawings showing the signs to be removed and the signs to be placed.

Mr. Jones asked if those were lighted signs.

Mr. Miller stated yes, both would be.

Ms. Fritch asked if there was a reason why the new signs could not be adapted to be compliant.

Mr. Miller stated that KIA had provided the signs that they required for the brand, and he did not know what would happen if the request was denied.

No one appeared in opposition.

Mr. Jones made a motion to approve BZA 67-24 the appeal of Muncie Investments II, LLC with the hardship as stated in the application. Mr. Billington seconded the motion. Voting in favor: Mr. Billington, Ms. Fritch, Mr. Jones, and Ms. Mathewson. Voting against: None. Motion carried, BZA 67-24 approved.

## **REPORT FROM DIRECTOR:**

Ms. Swackhamer stated that she had provided the Board with a monthly report of permits, and inspections completed by the Building Commissioner. She reminded the Board that 90% of those fees collected remain in county general, and that the other 10% is placed in an Unsafe Housing fund to help with demolition of unsafe structures. She also reported on the number of variances, rezonings, and plats that had been filed. She stated that the new Principal Planner, Kayla Shawver had been attending the MITS meetings, and had been working with a classroom to help translate some of the documents to Spanish to reach more of the population. She reported progress on the SS4A Grant, and that the target date of completion was December, 2025. She also reported that Cheryl McGairk, Transportation Planner, would be retiring at the end of December after serving 35 years of employment, and that she would be greatly missed. She reported that she had attended the APA conference in November and participated in sessions on planning in general. She stated that she was named the Treasurer on the ECIRD Board, and the Secretary for MAP (Muncie Action Plan) Board. She stated that she wanted to thank the Board for their time and commitment contributing to the Board and the community that we serve. She stated that she had been the Director for almost a year now, and it had been a busy year and that not having a Director for a year prior it had been a busy year of catching up. She stated that she did not believe that anyone would have survived this position without a supportive team, and that Mr. Daniel and Ms. Ingermann, were both very supportive and that she wanted to publicly tell them how much she appreciated them.



Mr. Jones congratulated her on her Board appointments, and was glad to hear that she was on the ECIR Board. He asked if the 90% and 10% ratio was a state enacted ratio and how long since that had been enacted.

Ms. Swackhamer stated that an ordinance had been set in place in 2021 with the percentage being in place.

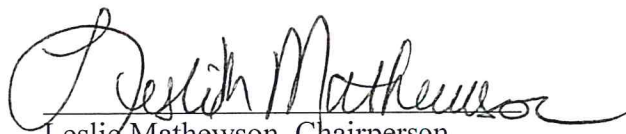
Mr. Jones asked if there was an option of changing that ratio.

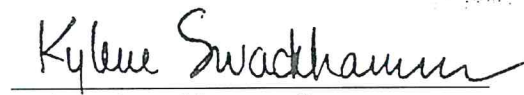
Ms. Swackhamer stated that it was something to look into.

Mr. Jones stated that more money in that fund could go a long way making a difference.

Ms. Swackhamer stated as a reminder, that the money in that fund can only spent on the demolition of unsafe structures and cleaning up those properties.

**ADJOURNMENT:**

  
Leslie Mathewson, Chairperson

  
Kylene Swackhamer, Secretary