

**BOARD OF ZONING APPEALS**  
**Wednesday, March 15, 2023**  
**5:00 pm**  
**Town Council Chambers**

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<b>Members Present:</b>	<b>Members Absent:</b>	<b>Others Present:</b>
Mike Freeney Jerry Hoffman Mark Darrall Katie Nixon	Mark Tinch	Matt Ray Erin Hurley

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Jerry Hoffman called the meeting to order at 5:00 pm. Members present were Jerry Hoffman, Mike Freeney, Mark Darrall, and Katie Nixon. Mark Tinch was absent.

Jerry Hoffman moved to approve the minutes from the May 19, 2021 meeting. Second by Mike Freeney. All members present voted Aye.

Election of Officers

The following nominations were made and seconded:

Mark Darrall, President  
Jerry Hoffman, Vice President  
Katie Nixon, Secretary

All members present voted in the affirmative to elect the slate of officers for the 2023 term.

Old Business

There was no old business.

New Business

Use Variance – Conkle

Matt Ray presented an application for a use variance for 7211 W. Jackson Street, Muncie. The property is owned by Zachariah & Ashley Conkle. Their request is to run a home-based pet grooming business out of their garage. Their property is zoned R1 (Low Density Single-Family Residential). There will be no changes to the property to support the business. They plan to be open Monday-Friday from 8:00am to 6:00 pm. They can take up to 8 pets per day and there is plenty of parking at the house. They will not need any additional employees.

Jerry Hoffman made a motion to allow the use variance with the following restrictions:

Hours            8:00am-6:00pm Monday to Saturday  
Maximum        Limited to 6 cages

Katie Nixon seconded the motion. Motion carried 4-0.

Use Variance – Swoveland

Matt Ray presented an application for a use variance for 1590 N CR 900 W, Daleville. The property is owned by Kay & Randy Swoveland. Their request is to rent out a pavilion on their 14-acre property as a wedding venue. It is a 36' x 72' open air pavilion with electricity and water. It sits back from the road and is not enclosed so is not a Class I structure. Parking will be in the grass and they may add some gravel areas, but there will be no parking on the street.

Mike Freeney moved to approve the use variance with no restrictions. Jerry Hoffman seconded the motion. Motion carried 4-0.

Height Variance & Special Exception Use – Delaware County Indiana Board of Commissioners

Attorney David Karnes presented an application for a height variance on behalf of the Delaware County Indiana Board of Commissioners for a property located on N. Priority Way at Park One. The parcel number is 1006300014000. The lot is 3.6 acres and includes a rail spur. The applicant is requesting a Special Exception in order to build a non-hazardous Storage Tank and an Accessory Structure Height Variance due to the height of the storage tank. The proposed height is 135 feet; the maximum height allowed in the ordinance is 35 feet.

Representatives from Smyrna Ready Mix and Penta Engineering were present and informed the Commission of the distribution process and the design of the silo and office building. In addition to the silo, a 22' X 30' office building will be constructed. The proposed silo will be one foot shorter than the town's water tower which is on the site.

Steven Robb, a neighboring property owner, had questions about the ownership of the building and the land. Town Council President Rick Glaub was resent and stated that the intent of the rail spur was industrial use and he supports the project. Brad Bookout, representing the Delaware County Commissioners, added that they would like to construct an additional entrance and stoplight at the location and need development at Park One to generate income for the street improvements.

Katie Nixon moved to approve both variance requests. Jerry Hoffman seconded the motion. Motion carried 4-0.

Special Exception Use & Design Standards Variance – Yorktown Real Equities

Arden Johnson, representing Yorktown Real Equities, presented their petition for the construction of two 26-unit senior, independent-living apartment buildings at their development located at 9860 W. Smith Street. By ordinance the maximum units per building is 16 units. Additionally, by ordinance the minimum area per unit is 800 square feet. This project's average area per unit is 792 square feet.

Member Mark Darrall stated that the PD (Planned Development) zoning gives latitude on development and that these buildings are consistent with the intent of the project. Building Commissioner Matt Ray added that the Yorktown Fire Department has reviewed and approved the project. They made some changes for road turnarounds but have no concerns with the size of the buildings.

Katie Nixon made a motion to approve the Design Standards Variance for the average unit size. Jerry Hoffman seconded the motion. Motion carried 4-0.

Mike Freaney made a motion to approve the unit count of 26 per building. Jerry Hoffman seconded the motion. Motion carried 4-0.

The was no other public comment.

Meeting adjourned at 5:56 pm.



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(President)