

Meeting Minutes
Board of Zoning Appeals
July 10, 2025

Members present: Debbie Brammer, Chr
Dave Barker, Vice Chr
Don Criswell, VBM
Jennifer Kelsik, VBM
Joel Harvey, Atty
Janet Davis, Clerk

Absent: Peggy Manor, VBM
Kenny Melton, Sec

Also in attendance: Steve Servies, Jason Loveless, Kuldeep Singh, Kathy Vannice, Eric Himelick

The New Castle Board of Zoning Appeals met on Thursday, July 10, 2025, in the City Council Chambers.

Chairman Chriswell brought the meeting to order at 6:00pm. After he confirmed the members had reviewed the minutes from the January 9, 2025 meeting, Dave Barker made a motion to accept the minutes, with a second made by Debbie Brammer; this motion passed unanimously by the voting members attending.

The Chair then explained the procedures of the meeting to those attending, and advised the applicants that a quorum was present but one of the voting members was absent. The applicants were informed that three affirmative votes were required to approve their request. Due to an absent voting member, they could postpone presenting their request until the next meeting. Both applicants opted to move forward with their requests at this meeting.

Next, Chairman Criswell introduced the first item on the agenda, BZA-2-25, an application made by Jason Loveless of LJ's Quick Through of New Castle LLC; located at 2323 Broad Street, New Castle; requesting a use variance and a development standards variance, to continue to operate a convenience store and add gas pumps, and also add a pole style fuel pricing sign; in R2 single- and two-family residential zoning.

Steve Servies, Servies Engineering and Surveying, 920 Main Street, Anderson; was present to represent Jason Loveless, who was also in attendance. Mr. Servies explained the requests had been made to add a canopy with three fuel dispensing units on the west of the existing building. The dispensing units would have a pump on each side, which would result in a total of six pumps. They intended to use the existing parking lot area and the existing driveways. The garage building currently on the site on the far west side would remain. The convenience store to continue to operate as it has in the past.

Dave Barker noted that the application included a request to approve a pole sign, and confirmed the applicant was aware that pole signs were expressly prohibited by the Unified Development Ordinance (UDO). If the sign was not approved, Mr. Servies informed them that they were prepared to add a ground sign instead. Mr. Barker then asked if they had any idea of the current traffic flow numbers, and Mr. Loveless advised it depended on the time of year but averaged about 300 per day. When Mr. Barker asked the increase in traffic anticipated, Mr. Loveless estimated an increase of between 60 and 70 cars per day. Mr. Barker also asked if this change could affect the parking for the convenience store, and Mr. Loveless stated the majority of the convenience store business was through the drive through. He believed the drive through accounted for maybe 85% of their business. They currently only use a fraction of the lot for parking. When asked if they'd considered moving the pumps and canopy more to the west, Mr. Servies stated they wanted to keep the pumps more centered in the lot. This still allows for good flow of traffic. The pumps were to be kept 47' from the building to allow for sufficient parking for the store. Chairman Criswell then confirmed vehicles would face east/west when using then pumps.

The Chairman then asked Joel Harvey if there were any laws or rules regarding the proximity of fuel tanks and pumps to a residence. Mr. Harvey stated he was not aware of any.

Dave Barker then asked if a traffic study had been completed, or if they had considered obtaining one. He had some concerns about traffic flow, as he believed the growth in numbers could easily exceed the numbers Mr. Loveless had previously stated. Mr. Loveless confirmed they had five entrances/exits in the lot. Three were at Broad Street and three were on Shopp Avenue.

Chairman Criswell then asked if there was anyone present wishing to speak in favor of, or in opposition to the request. With no response, he then asked if the board any additional questions or concerns. When none followed, he then called for voting.

Before conducting the vote, Janet Davis asked City Attorney Harvey to confirm that the board should vote on a use variance, since the property is residentially zoned; and on a development variance, since the request includes developing the property in a manner not allowed in residential zoning. When he agreed, she then asked if there should be a separate vote on the sign request, since a pole sign was specifically prohibited by the UDO. Mr. Harvey felt the applicant should be allowed to decide if the board would vote on the development of the sign separately from the development of the fuel pump and canopy addition. When asked if they wished to vote on the development standards one at a time, Mr. Servies stated he felt that would be the best way. Mr. Harvey suggested voting on the use first, since it had to approved before any development could be considered.

Before the roll call vote commenced, Chairman Criswell confirmed with Janet Davis that the legal requirements had been met for this application.

After conducting roll call voting on the requests, Janet Davis announced the following outcomes:
BZA-4-25: Use variance: granted 4-0, with one absent voting member
BZA-4-25: Development variance for pumps and canopy: granted 4-0, with one absent voting member

BZA-4-25: Development variance for the pole sign: failed to pass tied 2-2, with one absent voting member

The owner and his representative were instructed the next step would be to submit a development plan to the building commissioner's office for administrative approval.

Upon learning that the city's attorney had to leave early, Chairman Criswell opted to introduce BZA-5-25, an application made by KSR Holdings LLC, 1326 South 17th Street, New Castle; requesting a special exception at 2500 Grand Avenue, New Castle; to add fuel tanks and pumps to the property currently used as a convenience store; in C1 commercial zoning.

Kuldeep Singh addressed the members of the board, advising they were already operated a convenience store at this location, and wanted to add fuel sales. They had already acquired their state permits when they discovered the city's newly adopted UDO did not allow them to operate fuel sales in C1 zoning without approval of a special exception from this board.

Jennifer Kelsik asked if they owned additional stores, and was told they also owned the station at 18th Street and Indiana Avenue, and at 6th and Broad Streets, as well as multiple locations in other towns.

The Chair offered the floor to anyone who wished to speak in favor of the request, or in opposition to it. When there was no response, Jennifer Kelsik then confirmed with Janet Davis that the legal requirements for this request had been met.

Dave Barker then confirmed they were adding two pumps with a canopy that allows four cars. When the owners advised this site had previously sold fuel, Debbie Brammer asked why the pumps and tanks were removed. She was informed the previous owner had removed them, twenty or thirty years ago. Dave Barker then verified the location of the proposed tanks and pumps, and the existing building as indicated on the site plans provided. He was also advised a survey had confirmed the property lines of their parcel. Debbie Brammer then asked if they would be adding all new pumps and tanks, and the owners confirmed they were adding new pumps and new fiberglass tanks. In addition, an environmental study had been conducted and the property was clean. Don Criswell also confirmed they did not intend to add new signs, since the application did not include any information about signs.

With no additional discussion, Chairman Criswell called for voting. After completing the roll call vote, Janet Davis announced the following outcome:

BZA-5-25: granted 4-0 with one absent voting member

The owners were instructed their next step would be to submit a development plan to the building commissioner's office for administrative approval.

Chairman Criswell then opted to introduce BZA-4-25, to allow the city attorney to hear this request, as well. This application was made by Ashton Land Surveyors on behalf of Rory G LLC, in care of Matt Dills of 9015 Kirkham Court, Indianapolis; requesting a development standards variance at 1102 Thornburg Street, New Castle; to divide the existing parcel in two, to place each home onto their own parcels; without meeting the UOD requirements for setback, lot

size, off-street parking, lot width, and/or structure width; in R2 single- and two-family residential zoning.

Kathy Vannice of Ashton Land Surveyors, 325 West Washington Street, Muncie, appeared to present the request. She informed the members of the board the owner wished to divide the parcel into two parcels, to be purchased separately. They needed this board's approval to divide the lot into two lots that would not conform to the zoning ordinance requirements.

The homes were built in 1900, and the retaining wall that surrounded the property along the sidewalks prohibited off-street parking. The major hurdle presented in this lot division was that both structures shared a common sewer lateral. Zed Leath, with the city's pollution control department, had been working with them to resolve this issue. Their proposal was to create an easement across the larger proposed tract to connect the smaller structure on the smaller of the proposed tracts directly to the sewer main, located on North 11th Street. Their other proposal was to create a sanitary sewer agreement easement to continue to share the existing lateral, until either experienced a breakdown, then the parties would agree to separate.

Dave Barker stated he would not be in favor of a shared lateral, which led to a short discussion regarding how best to approach the old shared laterals that are located in the city, from time to time. When that discussion concluded, and no further questions were asked, Chairman Criswell offered the floor to anyone wishing to speak in favor of, or in opposition to, the request. With no response, he confirmed with Janet Davis that the legal requirements for this application had been met, and then opened a discussion to address the sewer issue. Joel Harvey informed the board they had the ability to impose conditions to grant a variance, such as requiring the separation of the shared sewer lateral. The owner would sign a written commitment, agreeing to the conditions, that would be executed.

With that, Chairman Criswell called for voting. The condition imposed by the board to grant the variance was as follows: each property must have a separate sewer lateral connecting to the city sewer system, with a recorded easement. A separate vote was taken for the condition to acquire an approval, with the following outcome: approved 4-0, with one absent voting member. After completing the roll call vote to consider granting the variance with the condition, Janet Davis announced the following outcome:

BZA-4-25: granted 4-0 with one absent voting member

Joel Harvey advised he would draft the commitment and provide it to the building commissioner's office to obtain the required signature.

The city attorney then had to leave the meeting, due to a prior commitment.

Chairman Criswell then introduced the final request on the evening's agenda, BZA-3-25, an application made by Heartland Christian School Inc, 3340 West County Road 100 South, New Castle; requesting a special exception at 423 South 11th Street, New Castle, to include the parking lot to the west of the property; to sue the church for a Christian school kindergarten; in R2 single- and two-family residential zoning.

Eric Himelick, 5311 S 800E, Upland, Indiana, presented the request to the board. Heartland Christian School proposed to use the former church as a kindergarten for the school year only, for religious and educational instruction, and would not exceed thirty children. Due to increased enrollment, their current facility on County Road 100 South, New Castle, was full and they needed additional space, for two to three years, while they were endeavoring to build a new facility. The church building on South 11th Street was donated to them. They intended to minimally modify the interior of the building to accommodate their educational plans, and also add a fence for a small playground area. There are no exterior modifications planned. They intend to use the parking lot on the west side of 10th Street that was also donated to them with the church, for parking as well as a pickup and drop-off area to minimize the impact the local traffic. They intend to provide special pickup/drop-off instructions, to enter from 10th Street to the lot's designated pickup and drop-off area and then exit toward Indiana Avenue. School would be conducted Monday through Friday, 8:00am – 3:00pm, from August through May. They have modest plans for the building.

Dave Barker confirmed they would not have more than thirty students, while Jennifer Kelsik confirmed crossing guards would be available to help with the children crossing 10th Street. Dave Barker commented that 10th Street is narrow and used much but it is a two-way street. Don Criswell asked if they intended to eliminate the 11th entrance to the church, and was informed they would not remove it but the parents of their students would use the 10th Street entrance to utilize the lot to the west. Don Criswell commented he believed their school was a great thing.

Chairman Criswell then offered the floor to anyone who wished to speak in favor, or in opposition, to the request. With no response, he then asked the board members for additional questions. Jennifer Kelsik took that opportunity to confirm with Janet Davis that the legal requirements for this application had been met.

The Chair then called for voting, and after conducting a roll-call vote, Debbie Brammer proposed making this variance, if granted, personal in nature to the Heartland Christian School, and specifically limiting the number of students to the thirty requested in the application, conditions to the exception. A separate vote was taken for the condition, with the following outcome: approved 4-0, with one absent voting member. After completing the roll call vote to consider granting the variance with the condition, Janet Davis announced the following outcome:

BZA-3-25: granted 4-0 with one absent voting member

A commitment would be drafted by the city attorney to execute the conditions of the exception.

With no additional business, Jennifer Kelsik made a motion to adjourn; second by Debbie Brammer. The meeting adjourned at 7:00pm.

Respectfully submitted,



Kenny Melton, Secretary

New Castle Board of Zoning Appeals