



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

PETITIONERS:

Mike Alexander

BZA MEETING MINUTES

12/20/12

7:00 p.m.

Chairman Art Hall called the Cicero/Jackson Township BZA meeting to order at 7:00pm and the members were present or absent as follows:

ROLL CALL

Present: Chairman Art Hall
Vice Chairman Dan Strong
Stephen Zell-Secretary
Bruce Freeman
Corey Sylvester
Paul Munoz-C/JT Plan Director
Kelly Gunn-Recording Secretary
Aaron Culp-Legal Counsel

Absent: NONE

1. DECLARATION OF QUORUM:

Chairman Art Hall declared a quorum with 5 of 5 members being present.

2. APPROVAL OF MINUTES:

Stephen Zell made a motion to approve the meeting minutes from November 15th, 2012. Bruce Freeman seconded the motion. All members present were in favor.

3. OLD BUSINESS:

NONE

4. NEW BUSINESS:

Docket #: BZA-1212-038-R1

Petitioner: Mike Alexander

Proposed Location: 24592 Point Ln.

Arcadia, IN 46030

Development Standards Variance: To allow for an accessory structure to be 25 feet in heights whereas the ordinance states that the maximum height for an accessory structure is 20 feet.

150 W. JACKSON ST. P.O. Box 650 CICERO, IN 46034
PHONE: 317-984-5845 FAX: 317-984-5938 WWW.CICEROIN.ORG



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

Mr. Alexander came forward to discuss his request for a Development Standards Variance for the height of his already approved accessory structure. Mr. Alexander stated that in May that he received permission from the BZA to build his accessory structure prior to the construction of his residence. Mr. Alexander stated that at that time, he was told that the height restriction is 20' and he needs the structure to be 24' to 25'. Chairman Hall asked why he needed the extra pitch for the accessory structure. Mr. Alexander stated for that the extra pitch was needed for the aesthetics of the building as well as extra room for his family to store items. Chairman Hall asked for clarification on his previous variance. Dan Strong stated that it was approved so that he could store things as he moves from previous home and awaits the construction of the new home. Dan Strong asked if Mr. Alexander or his family would be living in the accessory structure. Mr. Alexander discussed his 2nd variance request this evening which asks for permission to place a mobile home on the property as temporary living quarters. Mr. Alexander stated that if the board said no to the mobile home, then he would like to request the ability to build temporary housing in the accessory structure while his primary home is being built. Dan Strong discussed typical stipulations that are attached to approval of certain variances by the BZA which consist of: the petitioner not running a business from the structure or having living quarters contained within the structure. Plan Director Paul Munoz stated that these were written legal commitments were attached to deed previously when the other variance was approved. Chairman Hall asked if they can rule on that request since it was already voted on previously. Legal Counsel John Culp stated that it cannot be ruled on as it was a restrictive covenant placed on the previous variance request. Dan Strong asked if there will be utilities contained within the structure, and Mr. Alexander stated electric. There were no further comments or questions from the board.

Stephen Zell made a motion to open the Public Hearing and Bruce Freeman seconded the motion. All members present were in favor. Chairman Hall informed the public that the comments or opinions that the board members are seeking are only for the height variance at this particular time. Chairman Hall stated that there will be a separate Public Hearing for Mr. Alexander's 2nd variance request.

Jim Williamson
38 Point Ln.
Arcadia, IN 46030

Mr. Williamson asked what the dimensions of the accessory structure are. Mr. Alexander stated that it is 40' x 64' with a loft area off to side that will run the length of the building which is approximately 12 feet wide. Mr. Williamson asked if the structure will be proportional to home and he also asked about the dimensions of the primary residence. Mr. Alexander said that the home will be 2 stories, approximately 4000 sq ft and will match the color choices of the barn to be aesthetically pleasing. Mr. Williamson inquired about the location. Mr. Alexander stated that it will be placed approximately 1000 feet off of road.



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

Bud Miles
12 Point Ln.
Arcadia, IN 46030

Mr. Miles asked the petitioner which direction the barn will run. Mr. Alexander stated that it will run north to South.

Madeline and Peter Freeman
4 Point Ln.
Arcadia, IN 46030

Chairman Hall read the applicable portion of a letter into the record which was submitted by Mr. and Mrs. Freeman.

Paul Gibson
5 Point Ln.
Arcadia, IN 46030

Mr. Gibson read a letter that was submitted from the Scully's whom reside at 2 Point Ln. Arcadia, IN 46030. In their letter they state that they have no objections to the height request.

There were no further comments from the public on this variance request.

Dan Strong made a motion to close the Public Hearing and Corey Sylvester seconded the motion. All members present were in favor, and the Public Hearing was closed.

Chairman Hall reiterated the fact that the 40 x 60 barn has already been approved at a previous BZA hearing. Dan Strong asked if the square footage of the structure was verified, and Paul Munoz stated that the petitioner has not filed a building permit yet. Mr. Alexander asked if the square footage of the home includes a basement. Paul Munoz stated yes if it is finished. Mr. Alexander said that he plans on having a finished basement which will change the square footage to around 6000 square feet total. There were no other questions or comments from the board members.

Stephen Zell made a motion to approve the variance request and Bruce Freeman seconded the motion. All members present were in favor.



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

Docket #: BZA-1212-039-AG

Petitioner: Mike Alexander

Proposed Location: 24592 Point Ln.

Arcadia, IN 46030

Development Standards Variance: To allow for a mobile home to be placed on the property prior to the primary structure for the purpose of living during the construction of the primary structure whereas the ordinance does not allow for a structure to be placed on the property and/or used for living quarters on the property prior to the primary structure being constructed.

Mr. Alexander discussed his request to place a mobile home on his property as temporary housing while the primary structure is being built. Mr. Alexander stated that construction loan states that the previous home must be sold prior to construction of the new home. Mr. Alexander stated that he has two families interested in his current residence and that he has the opportunity to negotiate the sale without putting the home on the market. Mr. Alexander stated that the transaction could be complete in February or March of 2013. The petitioner stated that this puts him in a time crunch with building the new home as they did not anticipate the current home selling this quickly. Mr. Alexander stated that this proposal would help his family financially. Mr. Alexander stated that he was going to buy another home out on 24 Point Ln. as temporary living quarters, but that deal fell through due to issues with the home structurally. Mr. Alexander said that this option is cost effective and helps him to be actively involved during all phases of construction on his new primary residence. Chairman Hall asked Mr. Alexander if he has looked at rental properties in the area. Mr. Alexander stated that he is a Real Estate agent and that he has looked into that option. Chairman Hall discussed the findings of facts that BZA board members must rule on, and that they are bound by law to follow these. Chairman Hall read number 3 aloud. Chairman Hall asked the petitioner if this is an economic decision on his part. Mr. Alexander further discussed his reasoning behind this request. Dan Strong asked about the timeline for the trailer being on the premises. Mr. Alexander stated that his plans are to be in the new home in December of 2013. Mr. Alexander stated that he anticipates the home being completed in December of 2013 and that the trailer would be gone at that time. Mr. Alexander said he was hoping for the structure to be in place no more than 9-10 months. Dan Strong asked if the trailer is placed and he and his family moves in, would construction then start. Mr. Alexander stated he is still working on finalizing his plans for the new home and hopes to have them completed in the next few weeks. Mr. Alexander stated that he will be using insulated concrete forms and he further discussed the home design. Dan Strong asked how long it would be from the time that the mobile home is on the property to the time it is moved off. The petitioner said 10 months. Chairman Hall asked about the length of the permit for a primary structure. Paul Munoz stated that single family home permits are good for 18 months. Stephen Zell asked if the mobile home would be new and asked for a description of the aesthetics and appearance of it. Mr. Alexander stated that it would be a new mobile home, and that it takes approximately 6-8 weeks to construct it. Mr. Alexander stated that it will probably be done in February and would be on placed on the property in March. Mr. Alexander stated that he already has the septic location identified, and has met with the Board of Health, and will be putting in a smaller tank and dosage station pump. Mr. Alexander said that when he is done with the temporary housing, he will put a toilet in the barn so that they don't have to move tank and so the expense is not wasted. Stephen Zell asked where the mobile



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

home will be placed on the property and will it be viewable from the road. Mr. Alexander stated that it will be viewable from road, and will be located 1000 feet off of the road and located behind the barn structure. Mr. Alexander stated that the trailer is approximately 64 feet long. Chairman Hall asked about the timeline for the barn's construction. Mr. Alexander stated that due to the height restriction variance, he couldn't start construction previously. Chairman Hall asked if the barn will be there before the trailer and the petitioner said yes. There were no further questions or comments from the board members.

Stephen Zell made a motion to open the Public Hearing and Corey Sylvester seconded the motion. All members present were in favor and the Public Hearing was opened.

Marie Back-Dean
10 Point Ln.
Arcadia, IN 46030

Mrs. Backdean discussed that she was previously on the Plan Commission board and her husband was as well. Mrs. Backdean discussed her opposition for request. She stated that she is very much against a trailer going in on the property.

Planning Director Paul Munoz read a letter into the record from Vicki Rieskamp of 15 Point Ln. Mrs. Rieskamp and her husband are also against a trailer being placed on the property.

Madeline and Peter Freeman
4 Point Ln.
Arcadia, IN 46030

Chairman Hall read a submitted letter from the Freeman's into the record. They are opposed to the trailer being placed on the property as well.

Marion Enman
51 Point Ln.
Arcadia, IN 46030

Mr. Enman asked about the 64 ft proposed trailer and the petitioner having 5 children along with him and his wife live in it. The petitioner said that only 2 children are currently living at home. Mr. Enman asked if there is a strategy for what happens when the 18 months to build the home is up and the trailer is still on the property. Chairman Hall stated that if it would be approved, that a definitive date will be attached to the motion. Chairman Hall explained that fines will start being accessed if the trailer is not gone from the premises on that date. Legal Counsel John Culp explained the restrictive covenants that can be placed on the request and that must be attached to the deed. John Culp stated that if they sign the legal commitments, and if they are not followed, he will be given authority to take legal action against the petitioner. John Culp explained how the fines work.



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

Robert Dean
10 Point Ln.
Arcadia, IN 46030

Mr. Dean asked if there is a way to enforce the fine if the restrictive covenants are broken. John Culp discussed the legal process that takes place if the covenants are broken.

Paul Gibson
5 Point Ln.
Arcadia, IN 46030

Mr. Gibson read a letter into the record from Steve and Kim Scully, 2 Point Ln. The Scully's are against a trailer being placed on the property.

Mr. Gibson also read a letter from William and Diane Jones of 1 and 24582 Point Ln. into the record. They are also against placement of a trailer or mobile home on the property.

Mr. Gibson stated that there are currently two homes on The Point for sale and it's his belief that the trailer would deter potential buyers and have a negative impact on property values while it is on the petitioner's property.

Larry Lee
37 Point Ln.
Arcadia, IN 46030

Mr. Lee worked with Mr. Alexander many years ago and stated that he was very good at what he did. Mr. Lee stated that the petitioner is very detailed and very strict with how things are done. Mr. Lee believes that if he says it will get done, it will be done. Mr. Lee did state however that he does not want to see the trailer placed on the premises either.

Don Shields
614 Marion Ave.
Arcadia, IN 46030

Mr. Shields stated that he owns the property next to the petitioner, which is located at 0 Point Ln. Mr. Shields, also opposes the trailer proposal.



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

Jim Williamson
38 Point Ln.
Arcadia, IN 46030

Mr. Williamson stated that he believes that the petitioner has very good intentions, but there are sometimes factors that interfere and do not allow a home to be built, and that he is against this proposed trailer. Mr. Williamson stated that this type of structure has never been allowed on The Point, and he does not want to see it now.

Bud Adams
12 Point Ln.
Arcadia, IN 46030

Mr. Adams asked why the petitioner cannot put the trailer into the Accessory Structure. Chairman Hall said that this question cannot be addressed as it is not the request of the petitioner to do so.

There were no other comments from the Public present. Bruce Freeman made a motion to close the Public Hearing and Corey Sylvester seconded the motion. All members present were in favor and the Public Hearing was closed.

Dan Strong made a motion to approve the request with the stipulation that from the time of construction, that the petitioner has 10 months to have the trailer removed from the premises. Paul Munoz stated that a Temporary Certificate of Occupancy can be issued or a timeframe placed on the Certificate of Occupancy. Dan Strong stated that the petitioner has 11 months from the time of the Mobile Home being placed until it is removed and that a Temporary Certificate of Occupancy is to be issued if the timeframe is exceeded. Listen to Stephen Zell seconded the motion.

Art Hall, Stephen Zell, Corey Sylvester and Dan Strong opposed the motion. Bruce Freeman voted in favor of the motion. Motion was denied 4-1. Mr. Alexander discussed his conversation with Paul Munoz and his opinion was to set forth the worst case scenario in front of the board and then go from there. Mr. Alexander stated that he was prepared to finish temporary living quarters in the barn, or pull the Mobile Home into the barn. Mr. Alexander asked the board to help him out with where to go from here. Chairman Hall discussed the fact that Mr. Alexander needs to gauge and consider what his neighbors stated. Chairman Hall stated that he could file another variance but he would advise the petitioner that he pay attention to what other neighbors said tonight. Paul Munoz stated that he will take responsibility for how the variance was written and discussed his impression that he could make alternate recommendations to board in midst of the discussion tonight. Chairman Hall stated that Paul Munoz took the right approach. Chairman Hall stated that this is the neighbors' neighborhood right now and that their opinions are weighed heavily. Mr. Alexander stated that he is a realtor and discussed that he understands concerns of property value being detrimentally affected. Chairman Hall said that he has been on this board for 19 years and he has never seen temporary living quarters being approved. Chairman Hall stated that the Findings of Fact cannot be self imposed and that he believes that this



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

was a self imposed sanction. Bruce Freeman asked the petitioner if he will still build his home on The Point and Mr. Alexander stated that he isn't sure.

Election of Officers

Chairman Art Hall opened up the floor for nominations for 2013 officers.

Stephen Zell made a nomination of current Chairman Art Hall to remain as the Chairman for 2013. Bruce Freeman seconded the nomination. There were no other nominations, and all members were in favor. Chairman Art Hall thanked the board members for their confidence in him.

Dan Strong nominated Stephen Zell as Vice Chairman and Bruce Freeman seconded the motion. There were no other nominations. All members present were in favor.

Stephen Zell nominated Bruce Freeman to be Secretary and Corey Sylvester seconded the motion. There were no other nominations. All members present were in favor.

5. PLAN DIRECTOR'S REPORT

Planning Director Paul Munoz stated that he did not really have a report this month. Chairman Hall asked for an update on where the building permit activity stands. Paul Munoz stated that by March of 2013 that all affordable lots will be completed. Paul Munoz stated that he is actively pursuing builders and developers to look at the land that is for sale in the area and that he wants to sit down and talk about future development. Chairman Hall asked if he is courting builders who would only build multiple home subdivisions and he said yes. Discussion of this topic continued.

6. CHAIRMAN'S REPORT:

NONE

7. LEGAL COUNSEL REPORT:

Legal Counsel John Culp commended Paul Munoz and Kelly Gunn for their excellent efforts this year. The board members discussed this topic further.

8. PUBLIC COMMENT:

NONE

9. BOARD MEMBERS COMMENTS:

Stephen Zell asked if the Legal Counsel needed approved and John Culp stated no, that is just the Plan Commission that needed to re-approve Culp and Culp. Dan Strong asked Paul Munoz if he has updated the board on where the Comprehensive Plan process is at the current time. Paul Munoz stated no he has not. Paul Munoz discussed the vision/branding statement that they have been working on, and the focus on walking and biking trails, as well as connectivity to Hamilton County parks and Noblesville. The other issue that continuously pops up is for the Town to utilize the water. Chairman Hall stated that they need to focus on zoning needs on US 31, and asked if it is time to finally make some of that property Commercial along US 31.



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

Paul Munoz stated that Commercial expansion along the US 31 corridor is in the future plan. Paul Munoz discussed the fact that next year's budget will include the rest of the funds to complete the Comprehensive plan. Paul Munoz discussed the fact that the Plan Commission and BZA will go through the Zoning book chapter by chapter, page by page to adjust update zoning ordinances accordingly. The board members discussed the changes that they would like to see made. Paul Munoz stated that he is going to look at 2014 for codification of zoning books and to have all new books printed. Paul Munoz and the board members discussed future plans for that process and the permit database update. Dan Strong stated that Paul Munoz is forward thinking and proactive when it comes to future planning. Paul Munoz discussed future development and the fact that his income in his Department in 2013 will not anywhere near what it is currently due to lack of buildable, affordable area left. Dan Strong stated that Paul Munoz is proactively seeking builders.

11. NEXT MEETING:

January 17th, 2013 at 7:00 p.m.

12. ADJOURNMENT:

Bruce Freeman made the motion to adjourn and Stephen Zell seconded the motion. All members present were in favor and the meeting was adjourned at 7:56 pm.

Signatures:

Art Hall-2012 Chairman

Dan Strong 2012 Vice-Chairman

Stephen Zell-2012 Secretary

Kelly E. Gunn- Recording Secretary

Date