



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

PETITIONERS:

Cicero United Methodist Church
John and Teresa Lewis
Ann and Fred Day/Appleseed's, LLC
Colleen and Gene Starrett

BZA MEETING MINUTES

02/16/12

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

Absent: NONE

1. DECLARATION OF QUORUM:

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

2. APPROVAL OF MINUTES:

Chairman Art Hall asked for a motion to approve the January meeting minutes. Stephen Zell made the motion to approve the meeting minutes as submitted. Dan Strong seconded the motion. All members present were in favor and the meeting minutes were approved.

3. OLD BUSINESS:

NONE

4. NEW BUSINESS:

Docket #: BZA-1211-021-R5

Petitioner: Cicero United Methodist Church

Proposed Location: 100 E Jackson St.

Cicero, IN 46034



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Development Standards Variance: To allow for two (2) signs to be placed on the property whereas the ordinance does not allow for signs of this type to be erected in an R5 Zoning District.

Susan Adda, the Preschool Director at Cicero United Methodist Church came before the board and briefly discussed the proposed signage, the proposed location of the signage and the materials and design of the signage. Chairman Hall asked Plan Director Paul Munoz if the legal notification requirements had been met. Paul Munoz stated yes. Chairman Hall asked for clarification of the locations of the proposed signage. Bruce Freeman asked for clarification as to whether the signs would be “illuminated” or alimalite material. Susan Adda stated that the signs are made out of alimalite material and will not be lit signs. Dan Strong asked if Susan had permission to speak on behalf of the church. Paul Munoz stated that he has a letter on file from the board of the Cicero United Methodist Church stating that they voted and gave permission for the preschool to apply for these signs, so she does have permission to speak on this topic. Dan Strong asked about the total square footage of the proposed signage. Paul Munoz figured it and it is 26 Sq ft. Bruce Freeman asked about the current signage and Ms. Adda discussed this topic. There were no further questions or comments from the board.

Stephen Zell made a motion to open the Public Hearing and AnnMarie Alligood seconded the motion. All members present were in favor. There were no public comments. AnnMarie Alligood made the motion to close the Public Hearing and Stephen Zell seconded the motion. All members present were in favor and the Public Hearing was closed.

Dan Strong asked about the height of the proposed sign and Ms. Adda stated that she isn't sure, but she would guess approximately 6-7 feet. Stephen Zell asked if Paul Munoz had any comments or concerns about the signs and he stated that he had nothing further other than his comments that are contained in the staff report. Stephen Zell made a motion to approve the docket item as described by the petitioner and AnnMarie Alligood seconded the motion. All members present were in favor.

Docket #: BZA-0112-001-R5

Petitioner: John and Teresa Lewis

Proposed Location: 209 S Peru St.

Cicero, IN 46034

Development Standards Variance: To allow for an entrance to a parking lot to be within the required separation from a Primary Arterial road.

John Lewis, owner of Cicero Chiropractic came before the board to discuss the proposed entry to the parking lot. Mr. Lewis discussed the growth of the practice and the need for more parking and access to the business. Mr. Lewis discussed that he has moved into his wife's office from his previous Tipton location. Mr. Lewis stated that they are overflowing with patients and lacking parking to accommodate them. Mr. Lewis stated that the north side of the parking lot is the best option in his opinion to add this entry. Mr. Lewis discussed his proposal to bring the traffic off of Spring St. to the exit onto the alley to free up lots of congestion on State Road 19 and also to make the south lot a one way onto State Road 19. Discussion continued amongst the



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members of the board and the petitioner in reference to traffic flow and the proposal. Mr. Lewis discussed the Plan Commission's decision to do directional arrows on the pavement as opposed to adding directional signs. Mr. Lewis discussed the drainage and how Utilities Director, Pat Comer recommended the use of a bee hive drain in the grassy area. Discussion of drainage continued. Paul Munoz stated that Utilities Director, Pat Comer gave approval of all the plans for drainage. The petitioner discussed the lighting plan for exterior and security lighting. The petitioner stated that he added more lighting than what is actually on the site plan. The petitioner discussed the additional lighting. Mr. Lewis discussed his conversation with Duke Energy and what could be done with the dusk to dawn lighting. Chairman Hall asked Paul Munoz what the board was dealing with and Paul Munoz stated only the proposed entrance. Dan Strong stated for record, that Plan Commission approval is contingent upon BZA approval and if the BZA denies approval tonight, then Mr. Lewis will need to redesign his parking and entry plans. John Culp asked if this is an improved alley and will it be able to hold and withstand the additional traffic. Mr. Lewis stated that it currently is holding all traffic. Mr. Lewis stated it is unpaved, but they do add gravel rocks often. Legal Counsel John Culp asked if Utilities Director, Pat Comer has approved of this and Mr. Lewis stated that he cannot speak for Mr. Comer but that he seemed totally fine with it. Dan Strong discussed drainage and the fact that there is not currently a drainage issue as the alley has been built up over the years. Chairman Hall asked about Pat Comer's recommendations for the beehive drain. Discussion of this topic occurred.

AnnMarie Alligood made a motion to open the Public Hearing and Stephen Zell seconded the motion. All members present were in favor and the Public Hearing was opened. There were no public comments. AnnMarie Alligood made a motion to close the Public Hearing, and Stephen Zell seconded the motion. All members present were in favor and the Public Hearing was closed.

Chairman Hall asked the petitioner to clarify the arrows that he discussed on the pavement and he discussed the proposed locations of the arrows. Chairman Hall asked Plan Director Paul Munoz if he has calculated the number of spots needed. Paul Munoz stated that the petitioner will actually exceed the minimum number of spots needed. Dan Strong stated that he has talked to Police Chief Dave Hildebrand and that he approves the proposal as long as it is a one way onto Spring St. There were no other questions or comments from the board members. Dan Strong made a motion to approve the proposal with the conditions that a beehive drain be installed and that there be one way entrances on Spring and Peru St. AnnMarie Alligood seconded the motion. All members present were in favor.

Docket #: BZA-0112-002-R5

Petitioner: Gene and Colleen Starrett

**Proposed Location: 329 W. Buckeye St.
Cicero, IN 46034**

Land Use Variance: To allow for a commercial kitchen/catering business to operate from an R5 zoning district for the purpose of baked goods catering whereas this is not a permitted use within an R5 district.



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Petitioner Colleen Starrett came before the board and discussed her proposal. Mrs. Starrett discussed her hobby of baking and decorating different types of cakes. Mrs. Starrett stated that she and her husband purchased the property located at 329 W. Buckeye, which has in-laws quarters at the front of the property. Mrs. Starrett stated that she would use the in-laws quarters for her cake baking kitchen. Chairman Hall asked if they will use this newly purchased property as their primary residence. Mrs. Starrett stated yes they will be residing at this location. Mrs. Starrett stated that the area in front of the home has been gutted and that the exterior will not change but the inside will be remodeled. Chairman Art Hall asked what level of business will occur at the residence. Mrs. Starrett stated that she will be preparing cakes by order only and will not have a walk in style bakery where goods are prepared ahead of time and she will have not have established business hours. Mrs. Starrett stated that she will make approximately 1 to 5 cakes per week. Chairman Hall asked if the cakes are delivered or picked up by the customer. The petitioner stated that sometimes she delivers the cakes, but mostly they are picked up. Chairman Art Hall asked if the petitioner would have deliveries made by large trucks and she stated no deliveries are made as she buys all of her ingredients herself. Paul Munoz discussed the definition of a commercial kitchen. Chairman Art Hall asked the petitioner if she will have any employees and she stated that it will be a family owned and run business. Chairman Hall stated that this situation falls under the category of a Home Occupation 2 and Paul Munoz discussed this. Chairman Hall discussed the restrictions associated with a Home Occupation 2 and the petitioner was in agreement.

Legal Counsel John Culp recommended that if this is approved that it be attached to this owner only instead of the property. Dan Strong asked about set hours for cake pick up. The petitioner stated that she will not have set hours on Friday evenings, Saturday mornings or on Sundays. Dan Strong asked how late customers would be allowed to pick up and the petitioner stated no later than 7pm and no earlier than 8am on a weekend. There were no further board member comments.

Stephen Zell made a motion to open the Public Hearing. AnnMarie Alligood seconded the motion. All members present were in favor and the Public Hearing was opened. There were no comments from the public. Stephen Zell made a motion to close the Public Hearing and AnnMarie Alligood seconded the motion. All members present were in favor and the Public Hearing was closed.

Legal Counsel John Culp discussed the difference between a written commitment and a condition and that he recommends a written commitment be applied. Chairman Hall explained the process of this to petitioner. Dan Strong made motion to approve BZA-0112-002-R5 with the condition that there would be the owner and no more than 1 employee and that a written commitment be applied that the Land Use Variance only be allowed for Gene and Colleen Starrett. Stephen Zell seconded the motion. All members present were in favor.



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Docket #: BZA-0112-003-NC

Petitioner: Appleseed's, LLC (Ann and Fred Day)

Proposed Location: 7810 E 236th st.

Cicero, IN 46034

Land Use Variance: To allow for operation of a professional office in an NC district whereas that is not a permitted use with this district.

Petitioner Ann Day came forward and discussed her proposal to move her existing insurance business to this location. Mrs. Day discussed the current repairs that are being made to the building. Stephen Zell asked if the petitioners' need to come before the Plan Commission for an Aesthetic Review. Dan Strong stated yes they would need to do so. Chairman Hall asked if the petitioners' would need to go before the Plan Commission for the Aesthetic Review prior to opening the business. Dan Strong discussed this issue and stated the petitioner's would not have to do so prior to opening the business unless they put in a sign and a parking lot too. Paul Munoz stated that they can open their business with commitments that these items are taken care of within a certain timeframe.

Chairman Hall asked about the frequency of customers coming to the office. Mrs. Day stated that they do occasionally have some customers on site and some traffic, but usually not much at all. Mrs. Day discussed how they currently run their agency and how they sell insurance primarily to businesses and some individuals. Stephen Zell asked about a parking lot and the timing of that being paved. Mrs. Day stated her guess would be approximately 6-9 months down the road. Fred Day, the other petitioner, discussed the fact that they may drop power lines underground and do some landscaping and grading, but that it does not make sense to do a parking lot prior to those items being completed. Dan Strong stated that he wanted the petitioners' to understand that they still have items to complete through the Aesthetic Review process. Dan Strong asked if it is the intent of the petitioners' to wait on the installation of a sign. Mrs. Day stated that down the road after other items have been addressed, they will discuss putting in a sign. Chairman Hall asked if this will be a residence and a business. Mrs. Day stated no. There were no other questions or comments from the board members.

Dan Strong made a motion to open the Public Hearing and Bruce Freeman seconded the motion. All members present were in favor and the Public Hearing was opened. There were no public comments. Dan Strong made a motion to close the Public Hearing and Bruce Freeman seconded. All members present were in favor and the Public Hearing was closed. Dan Strong asked the board members for clarification of the timeframe as far as when they would like to see the Aesthetics completed. Chairman Hall stated that he is comfortable with 9 months and the rest of the board agreed. There were no further questions or comments from board members. Dan Strong made a motion to approve with conditions that no one reside in the business location, and that the petitioners' have 9 months for the Aesthetic Review items to be completed. Mrs. Day asked if the AROD will state what needs to be done and Paul Munoz stated that yes it will outline the development standards. Dan Strong stated that parking may need to come back before the BZA if it exceeds 30% in the front of the business. Stephen Zell seconded the motion. All members present were in favor and the docket item was approved.



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5. PLAN DIRECTOR'S REPORT

Paul Munoz discussed the Plan Commission meeting from last week and the discussion that took place in reference to Comprehensive Plan project. Paul Munoz stated that he has some sort of an idea from the Town Council in reference to their buy in. Paul Munoz stated that the Comprehensive Plan project is still in the early planning stages in reference to consultants and he is now looking into financial backing. Paul Munoz discussed how he is currently working on a grant opportunity that is due by the February 29th, 2012. Chairman Hall asked how the public meetings will be advertised. Paul Munoz stated that he was lucky enough through the Community Conversations workshop that he has met community people who are really interested in going door to door to pass out questionnaires and to inform citizens. Paul Munoz also discussed the use of the town's Facebook pages, the website, etc. Paul Munoz stated that he wants to focus a lot on public input and discussed the previous lack of public participation in this process in the past. Chairman Hall discussed the impact of social media and how helpful it is. Chairman Hall discussed the local newspapers and other news sources and how getting in touch with them to advertise would be helpful. General discussion about this topic continued amongst the members of the board and the Plan Director.

6. CHAIRMAN'S REPORT:

NONE

7. LEGAL COUNSEL REPORT:

NONE

8. PUBLIC COMMENT:

John Lewis asked how he could obtain a copy of the existing Comprehensive Plan. Paul Munoz stated that it is online on the website or that he can provide a hard copy if desired. Chairman Hall discussed what the Comprehensive Plan is and why it's needed and its importance to the Plan Commission and BZA for the purpose of hearing dockets and voting. Discussion continued in relation to this topic.

Legal Counsel John Culp stated that it is a map for our future zoning and also outlines any future changes to the town's zoning. Paul Munoz discussed the community buy in for the branding of Cicero and how he would like as much public input and comments as possible. Chairman Hall discussed the importance of determining a brand for the town. Discussion continued.

9. BOARD MEMBERS COMMENTS:

Dan Strong asked for updates on the ordinances. Paul Munoz discussed the final draft of the Outdoor Seating ordinance. Paul Munoz discussed the Parking ordinance and the fact that the Plan Commission has approved the map for that. Paul Munoz stated that they are waiting on bids to do the legal description for



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that. Paul Munoz stated that he hopes to have it approved by next month. Chairman Hall asked what it governs that ordinance would govern. Paul Munoz stated that it will discuss street parking. Dan Strong commended Paul Munoz and the firm of Culp and Culp for their work on the ordinance.

11. NEXT MEETING:

March 22nd, 2012 at 7:00 p.m.

12. ADJOURNMENT:

AnnMarie Alligood made the motion to adjourn and Stephen Zell seconded the motion. All members present were in favor. Meeting adjourned at 7:50 pm.

Signatures:

Art Hall-2012 Chairman

Dan Strong 2012 Vice-Chairman

AnnMarie Alligood-2012 Secretary

Kelly E. Gunn- Recording Secretary

Date