



# CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

## PETITIONERS:

**Walter and Heather Gibbs**

## **BZA MEETING MINUTES**

**01/19/12**

**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

**Absent:** AnnMarie Alligood

### 1. DECLARATION OF QUORUM:

Chairman Art Hall declared a quorum with 4 of 5 regular members being present.

### 2. APPROVAL OF MINUTES:

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

### 3. OLD BUSINESS:

- Docket #: BZA-1011-016-AG

**Petitioner: Walter and Heather Gibbs**

**Proposed Location: 23699 US 31 N**

**Arcadia, IN 46030**

Land Use Variance: To approve property for operation of a Commercial Auto Upholstery and Interiors business in an AG District

Mr. Gibbs came before the board and explained his proposed Commercial Auto Upholstery and Interiors business. Aaron Culp stated for the record that he has had contact with the daughter of Herbert and Dorothy



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Strough in reference to objections that they have as neighbors as well as problems with the procedures that have occurred in reference to the Gibbs' dockets. Aaron Culp stated that the Strough's daughter, Laurie McCammon has submitted letters of opposition and has once again requested that this meeting be tabled so that she and her parents' can be present to voice their opposition in person. Aaron Culp asked Plan Director Paul Munoz for the record, if the certified letters to neighbors and ad joiners were sent out in the proper timeframe. Plan Director Paul Munoz stated that the letters were actually sent out 28 days prior to the meeting, which is well before the minimum legal requirement of 10 days prior to the meeting. Mr. Munoz noted that the return receipt of the last letter to be received indicated that it was signed for 14 days before the hearing. Aaron Culp asked if the petitioners' satisfied the timeframe requirement for having the sign on the property which advertised the meeting. Plan Director Paul Munoz stated that the sign was also placed on the proposed site well in advance of the minimum 10 day requirement. Aaron Culp asked Plan Director Paul Munoz if the petitioners' satisfied the requirement of having the legal notice published at least 10 days prior to the meeting. Plan Director Paul Munoz stated that he has a copy of the published legal notices in his possession showing that each docket was advertised and published in the paper on December 8<sup>th</sup>, 2011 which is well before the minimum requirement of 10 days prior to the meeting. Aaron Culp suggested to the board that they would make a finding that all requirements were met therefore all proper channels of advertisement were satisfied. Chairman Hall asked if a motion was required. Aaron Culp stated yes. Dan Strong made a motion to approve the findings as presented by Legal Council Aaron Culp. Stephen Zell seconded the motion and all members present were in favor of the motion.

Aaron Culp stated for the record that this issue was brought up last month and the dockets were tabled due to a legal technicality involving the petitioners' listing themselves as the property owners. Aaron Culp stated that at the previous BZA meeting, the January meeting date was announced so that any parties who wanted to attend and voice their opinions were aware of the meeting time and date. Chairman Hall entertained a motion to approve this finding. Dan Strong made the motion and Bruce Freeman seconded the motion. All members present were in favor.

Plan Director Paul Munoz stated that he has in his possession a Limited Power of Attorney from Marcus Patterson (property owner) to Walter and Heather Gibbs (proposed buyers of the property) stating that they may speak on the property owners' behalf. Chairman Art Hall asked the Plan Director if he finds any reason that these dockets cannot move forward as is. Plan Director Paul Munoz discussed that the Gibbs' believed that the lease to buy, purchase agreement they have with the property owner, Mr. Patterson meant that they were the owners for the purposes of the application. Plan Director Paul Munoz stated that they now have fulfilled the legal requirement by obtaining the Limited Power of Attorney. Aaron Culp stated that the Gibbs' have met the legal requirements with this document and may move forward. The Strough's and their daughter Laurie McCammon stated that they believe from reading the previous minutes that the petitioners' presented themselves incorrectly or misrepresented themselves as the owners of the property. Aaron Culp discussed that the board can make the decision based upon all of these facts and the board's assessment of the Gibbs' credibility as to whether the board feels comfortable proceeding or whether they would like to table the dockets. Aaron Culp advised the board that the Petitioners' must go back before the Plan Commission for their Aesthetic Review due to the same issue on the application for their signage. Discussion continued about the options of the board for tabling these dockets. Plan Director Paul Munoz stated that the Aesthetic Review of



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the sign is contingent upon approval from the BZA of the Land Use Variance and the Development Standards Variance for the sign. Chairman Hall entertained a motion with the understanding that any items requiring Plan Commission approval would then have to seek that approval. Aaron Culp stated that for the record, the board can treat all of these dockets differently and can choose to hear some or all of the items on the docket or to table some or all of the dockets. Plan Director Paul Munoz stated that the Plan Commission's decision is null in void if the BZA decides to vote down the Land Use Variance tonight. Dan Strong made a motion to move forward with the items on the docket. Stephen Zell seconded the motion and all members were in favor.

Mr. Gibbs came before the board and explained his proposed Commercial Auto Upholstery and Interiors business. Mr. Gibbs gave an overview of his plans to move his existing business to the new proposed location on US 31. Chairman Hall asked if any new construction was involved. Mr. Gibbs stated yes that there is an already existing pole barn type structure and they would like to add a 40 x 100 structure as well. Chairman Hall asked how they would handle the parking of vehicles at the proposed location. Mr. Gibbs stated that some of the vehicles that you see at their existing location are from the other business that they share the property with, Rock Solid Motor Company. Mr. Gibbs stated that from time to time they may have a car sitting outside for a night or two, but all parking at the new location will be behind the building. Chairman Hall asked if the proposed parking would be visible to neighbors and Mr. Gibbs stated that yes it would be somewhat visible. Chairman Hall asked if the petitioners' are opposed to fencing or screening the area in and Mr. Gibbs stated that he is not opposed to that at all. Stephen Zell asked the petitioner if the business would be used in any way as a residence. Mr. Gibbs stated that there is an existing home on the property and that it would be used as a residence. Mr. Gibbs stated that the home is being rented by one of his employees and that the petitioners' sublet to him. Chairman Hall discussed the fact that the Comprehensive Plan has this particular area designated as Highway Commercial for future uses but that it is zoned Agricultural currently.

Aaron Culp discussed the errors on the application and asked the petitioner to explain what happened with the application and the petitioners' listing themselves as the current property owners. Mr. Gibbs stated that he believed that the current lease to buy agreement covered them as far as speaking as the property owner. Aaron Culp asked the petitioner if this was done in any way to be deceptive and Mr. Gibbs stated no. Dan Strong asked Aaron Culp if the board should table the dockets since the applications still reflect the Gibbs' as owners of the property. Aaron Culp stated that the application area in question can reflect the property owner or someone legally acting on their behalf, and since the Gibbs's do have the limited Power of Attorney, they can proceed as representatives of the property owner. Stephen Zell asked Aaron Culp if he has reviewed the Limited Power of Attorney and he stated that he was under the impression that the property owner would be at the meeting in person, so he has not. Mrs. Gibbs stated that he had planned on attending, but had a previous engagement. Chairman Art Hall stated that the board would take a moment to look over the Limited Power of Attorney. Aaron Culp suggested that the full letter of opposition be read into the record. Dan Strong asked if this should be done during the Public Hearing section. Aaron Culp stated that it would be fine to wait until the Public Hearing.

Stephen Zell made the motion to open the Public Hearing. Bruce Freeman seconded the motion. All members present were in favor. Chairman Art Hall read the letter of opposition from Herbert and Dorothy Strough, 23725 US 31, Arcadia, IN 46030 (reference attached) for the record. Dan Strong stated that the letter



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from the Strough does refer to the petitioners' as the "Biggs" and their last name is really "Gibbs." Plan Director Paul Munoz stated that he did receive a corrected version of the letter from the opposing neighbors, but did not have time to print the corrected letters off prior to the meeting. Chairman Hall stated that the board will address the questions in the letter individually. Chairman Hall addressed the question in from letter in reference to storage of vehicles. Chairman Hall asked the petitioner if he was willing to put up some sort of screen or fencing to shield the view of vehicles from the neighbors and Mr. Gibbs stated yes he is willing to do so.

Chairman Hall addressed the Strough's question in reference to the required number of parking spaces when the business only has 2-3 employees. Plan Director Paul Munoz discussed how square footage plays a factor and that they are well within the requirements. Dan Strong stated that he believes that the board should review the rules for parking because he believes that it has to do with total square footage as well as number of employees. The board discussed this topic. Plan Director Paul Munoz stated that they have more than enough room for the total number of parking spots that they need. Dan Strong asked the petitioner how many employees he will have. Mr. Gibbs stated that he has 4 employees including himself. Chairman Hall stated that the petitioner is within the necessary guidelines and regulations for parking.

Chairman Hall addressed the next question from the letter of opposition that referenced the requirements for a septic system on a commercial property. Plan Director Paul Munoz stated that it was his understanding that only one additional bathroom will be added which will not impact the septic system that is currently in place. Mr. Gibbs stated that they do not shower at work or use large amounts of water. Chairman Hall asked the Plan Director if septic systems fall under his realm of jurisdiction. Paul Munoz stated that the Hamilton Co. Board of Health actually rules on and makes decisions about septic systems, so that particular entity would address this question. Paul Munoz stated that the septic system and its requirement will be addressed during the permit phase.

Chairman Hall read the next question in regards to why a lighted sign is needed for the business and what impact would the sign have on the value of neighboring properties and the safety of drivers along US 31. Chairman Hall asked the petitioner if he was correct in assuming that the lighted sign was requested to draw customers to the business. Mr. Gibbs stated yes. Chairman Hall asked where the sign would be located and Mr. Gibbs stated along US 31. Chairman Hall stated that the specifics of the sign would be addressed at the appropriate time.

Chairman Hall asked what types of vehicles and how many would be on site at any given time. Mr. Gibbs stated that he wishes that he had an answer to that question but it varies. Chairman Hall asked the petitioner if any of the vehicles that he is working on would be contained within the enclosed area or kept inside of the building and the rest would be customers or employees vehicles. Chairman Hall asked if the petitioners' have large trucks making deliveries or car carriers dropping off cars. Mr. Gibbs stated that the most they ever get is a UPS truck making a delivery or the occasional tow truck bringing a vehicle. Mr. Gibbs stated that they never have car carriers making deliveries. Chairman Hall asked where the deliveries take place and Mr. Gibbs stated they would take place through the main entrance off of US 31. Chairman Hall asked Mr. Gibbs if he would be living on the property as his primary residence. Mr. Gibbs stated that he will not be and that he does not ever



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remember telling the Plan Director that he would be living there. Plan Director Paul Munoz stated that Mr. Gibbs told him that the residence on site would be occupied and he must have assumed that it would be occupied by the petitioners', Mr. and Mrs. Gibbs. Dan Strong asked the petitioner if he would own a tow truck for the business and Mr. Gibbs stated that he would not. Dan Strong asked Paul Munoz if he could provide a copy of the Plan Commission meeting minutes referencing the approval of the AROD for the petitioners'. Paul Munoz left the meeting to obtain the meeting minutes. Stephen Zell asked Aaron Culp if the Power of Attorney was sufficient and Aaron Culp stated that everything is sufficient and properly completed. Aaron Culp stated that the owner, Marcus Patterson was identified using his Indiana state driver's License by the Notary Public and that he gives full legal power to Mr. and Mrs. Gibbs to speak on his behalf in reference to the items on the docket. Chairman Hall asked if there were any other public comments.

Dan Erney  
23711 US 31  
Arcadia, IN 46030

Mr. Erney stated that he completely agrees with the Strough's opposition letter, and that he has spoken with their daughter, Laurie McCammon who has informed him about a lot of these issues. Chairman Hall asked Mr. Erney what facts he would like to present. Mr. Erney discussed the fact that he has issues with the sign. Chairman Hall stated that the sign will be addressed later in the meeting and that he can comment on it at the appropriate time. Mr. Erney stated that he did not receive any information on this other than the legal notice. Mr. Erney stated that he has the general feelings that he opposes this business. Kelly Gunn stated for the record that the woman whom Mr. Erney is referring to contacted her office to obtain the information and subsequent documents. Mr. Erney stated that he spoke with Paul Munoz and that he asked him to send the information and that he never received it. Kelly Gunn asked Mr. Erney in which manner he was told that the documents would be sent, via email regular mail, etc. and Mr. Erney didn't know. Mr. Erney stated that he didn't press the issue or ask for the information more than once.

Chairman Hall asked if there is another business in this immediate area. Mr. Erney stated that on the other side of his property there is another established business. Bruce Freeman asked Mr. Erney to show him on the map where his property is located in relation to the proposed business. Mr. Erney pointed his location out to the members of the board. Discussion continued in reference to Mr. Erney's proximity to the proposed business location. Chairman Hall discussed the fact that this particular area is designated Highway Commercial for future expansion. Discussion continued in reference to this topic.

Aaron Culp stated that before the public hearing is closed, he would like to hear from the Plan Director in reference to the information being provided to any party that requested it. Aaron Culp stated that the only information in the variance applications that has changed is the fact that the Gibbs' are not the property owners, but can now speak on behalf of the property owner due to obtaining the Limited Power of Attorney. Aaron Culp stated that there is some confusion on some of these questions as they are procedural questions that are not meant to be presented or answered prior to the public hearing. Paul Munoz re entered the meeting. Chairman Hall asked Plan Director Paul Munoz if he provided full records to Laurie McCammon as



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requested. Plan Director Paul Munoz stated that Ms. McCammon was supplied with everything that he has that was requested and that is public knowledge and that she was made aware that the items on the docket were tabled at the last meeting. Aaron Culp asked Paul Munoz to discuss what exactly was sent. Paul Munoz stated that he sent Ms. McCammon everything in the files except the ad joiner's list and staff reports. Aaron Culp asked if Paul Munoz sent Ms. McCammon everything that she requested and he stated yes with the exception of the documents previously discussed and any duplicate documents that she had already received. Mr. Erney asked if he could obtain copies of these documents. Plan Director Paul Munoz stated that it would not be a problem. Aaron Culp stated that Mr. Erney indicated that he asked for these documents previously but never received them. Plan Director Paul Munoz asked Mr. Erney when they spoke. Mr. Erney stated that Mr. Munoz told him that he wouldn't be able to understand the documents and that he should just come to the meeting. Aaron Culp asked the Plan Director if that is his recollection of the conversation. Plan Director Paul Munoz stated that he does not remember having a conversation with him in reference to these documents.

Dan Strong stated that after reviewing the Plan Commission meeting minutes from November 9<sup>th</sup>, 2011, that they do not reflect or address Mr. Gibbs as the property owner and that he is only referred to as the petitioner. Stephen Zell stated that he also serves on the Plan Commission and that he agrees with what Mr. Strong stated in reference to the Plan Commission meeting minutes.

Chairman Art Hall asked if there were any further public comments. There were none. Dan Strong 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. Dan Strong made a motion to approve the docket with the added conditions that if the petitioners' cease operations, that another business will not be allowed without them coming before the board for a variance in addition to the condition that a fence be put up. Bruce Freeman asked the petitioner how long a vehicle would typically be on his property while work is being completed. Mr. Gibbs stated that the worst case scenario is 3 to 4 days. Mr. Gibbs stated that any cars that stay longer than that would be stored inside. Mr. Gibbs stated that he believes that there will be approximately 6 to 7 cars on site. Chairman Hall stated that this variance would be attached to the petitioners' and not the property. Mr. Gibbs asked with whom he would need to speak in reference to the size of the fence and Chairman Hall explained that the Plan Director would guide the petitioners' through that process at the appropriate time. Stephen Zell seconded the motion that was presented. All members present were in favor and the docket was approved with commitments.



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- **Docket #: BZA-1011-015-AG**

**Petitioner: Walter and Heather Gibbs**

**Proposed Location: 23699 US 31 N**

**Arcadia, IN 46030**

Development Standards Variance: To allow for a third (3) accessory structure on the property whereas the ordinance only allows for two (2).

Chairman Hall asked Mr. Gibbs what accessory structures were currently on the property and Mr. Gibbs discussed the dimensions of the already existing structures. Chairman Hall asked if the petitioner was attaching an addition to an already existing structure and Mr. Gibbs stated yes. Chairman Hall asked if this variance was necessary since he is adding onto an already existing structure. Plan Director Paul Munoz stated that he felt it was necessary due to the proposed size of the structure with the addition.

Dan Strong discussed the originally proposed parking in front of the building and the fact that the petitioner has now moved all parking to the back of the building. Discussion continued in regards to the location of the addition and the existing accessory structures. The members of the board took a moment to look at the proposed parking and the changes to the diagram. Dan Strong discussed the Plan Commission meeting minutes and how they did address the parking being moved to the back of the structure. Chairman Hall asked how parking will be accessed. Mr. Gibbs stated that it will be accessed on the North Side. Chairman Hall asked what would be in front of the building and Mr. Gibbs stated that it will just be a driveway. Chairman Hall asked what Mr. Gibbs intentions were in regards to the fencing in of the area. Mr. Gibbs stated that he will be fencing or screening the entire property. Discussion continued amongst the members of the board in reference to the building and parking locations. Stephen Zell made the motion to open the Public Hearing and Dan Strong seconded the motion. All members present were in favor.

Dan Erney discussed the fence that was previously placed on the property by the former business owner and he wanted to know what the expectations or requirements were for the aesthetics or quality of the fence. Chairman Hall stated that they can require a fence, but cannot make rulings on what it must look like. Chairman Hall stated that it must be functional and working. Aaron Culp stated that if a nuisance arises from the quality or lack thereof of the fence, that it can be reported to the Plan Commission and that they can cite parties for non-compliance. Aaron Culp stated that if commitments that are made with the approval of an item are not being upheld, a neighbor or concerned party can report the same to Paul Munoz and he will take appropriate action.

Chairman Hall asked for any further public comment. There were no other comments from the public. Dan Strong stated that since the petitioners' must go back before the Plan Commission for the signage, lighting and landscaping, that they will also have to have their fence approved by that board as well. Plan Director Paul Munoz discussed the designated future Commercial land use of that particular area and the fact that it's not currently zoned as such. Chairman Hall asked when the Aesthetic Review would be completed by the Plan Commission and Paul Munoz stated it will take place on Feb. 8<sup>th</sup> 2011 at 7pm. Aaron Culp stated for the record



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that the objections by the Strough's are relevant to all items on the docket being heard in reference to the Gibbs', not just the first item, and stated that the Strough's letter and objections should be considered by the members as part of the public hearing comments for each item. The Plan Commission members agreed. Stephen Zell made a motion to close the Public Hearing and Bruce Freeman seconded the motion. All members present were in favor.

Chairman Hall asked if the board members had any other questions or comments prior to the disposal of this docket item. Stephen Zell stated for the record that all board members have thoroughly looked over the site plan and fully understand what the petitioner is proposing. Dan Strong made a motion to approve the docket and Stephen Zell seconded the motion. All members present were in favor and the variance was approved with no additional conditions.

- **Docket #: BZA-1011-014-AG**

**Petitioner: Walter and Heather Gibbs**

**Proposed Location: 23699 US 31 N**

**Arcadia, IN 46030**

**Development Standards Variance:** To allow for a minimum side yard setback of 15 feet whereas the ordinance allows for a minimum of 35 feet.

Plan Director Paul Munoz explained the petitioners' request to have the new proposed structure line up with the other existing structures on the property. Dan Strong asked Mr. Gibbs what his hours of operations would be. Mr. Gibbs stated that they will be 8:00 am to 5:30pm. Stephen Zell asked what the days of operation would be. Mr. Gibbs stated that the hours previously stated are Monday through Friday. Mr. Gibbs stated that the business will be open on Saturdays from 9am to Noon. Chairman Hall asked if work will ever be completed outside of those hours of operation. Mr. Gibbs stated no because of the liability and insurance issues that would be created. Dan Strong stated that he would like a condition to be added that the hours of operation be adopted due to the proximity to neighbors' properties and the setbacks.

Dan Strong made the motion to open the Public Hearing and Stephen Zell seconded the motion. All members present were in favor, and the public hearing was opened. Chairman Hall stated for the record that all statements made in the letter of opposition from the Strough's are relevant to this docket as they were to the previously heard dockets.

Dan Erney asked for clarification of the setbacks and Chairman Hall explained the proposal. There were no other public comments. Bruce Freeman 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.

Dan Strong made a motion to approve the docket with the conditions that the hours of operations are Monday through Friday from 8:00 am to 5:30 pm and Saturday from 9am to Noon and that there would be no other hours of operation. Bruce Freeman asked Mr. Gibbs about his employee whom is renting the residence





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located on the property. Bruce Freeman asked Mr. Gibbs if there was any chance that he would come in and work on a Saturday or a Sunday. Mr. Gibbs stated no. Stephen Zell seconded the motion. All members present were in favor and the docket was approved with the business hours as stated.

- **Docket #: BZA-1011-017-AG**

**Petitioner: Walter and Heather Gibbs**

**Proposed Location: 23699 US 31 N**

**Arcadia, IN 46030**

**Development Standards Variance:** To allow for a ground sign in an Ag district whereas the ordinance does not allow for a ground sign.

Aaron Culp stated that it is the board's discretion to approve this docket item contingent upon the Plan Commission's approval. Chairman Hall stated that he would like to see the board act on this docket item so that if the Plan Commission does approve, the petitioner would not have to come back before the board for a third time. The board members agreed with Chairman Hall. Chairman Hall asked Mr. Gibbs if the sign would be internally or externally lit. Mr. Gibbs stated that the sign would be externally lit. Plan Director Paul Munoz stated that the sign that is proposed meets the requirements of a ground sign in a C1 district if it were to be zoned as commercial. Discussion of the sign diagram occurred amongst the members of the board and the petitioner. Dan Strong asked the petitioner if he was aware of the landscaping and lighting requirements and Mr. Gibbs stated yes, he is aware and will comply with all requirements. Chairman Hall asked about the type of light that would illuminate the sign and Dan Strong asked the petitioner if it would be a spotlight. Mr. Gibbs stated yes.

Stephen Zell made a motion to open the Public Hearing and Bruce Freeman seconded the motion. All members present were in favor. Chairman Hall stated for the record that all previously made statements by the Strough's still apply to this docket.

Mr. Erney asked to hear more details about the proposed signage. Mr. Gibbs discussed the dimensions of the sign and the aesthetics of what the sign will look like. Mr. Erney stated that he didn't really care for the way the sign was going to look. General discussion about the proposed sign continued amongst the members of the board and the petitioner. There were no other comments from the public. Stephen Zell made a motion to close the Public Hearing and Bruce Freeman seconded the motion.

Dan Strong stated that if this is approved that it will need to go before the Plan Commission for approval of the Aesthetic Review. Dan Strong made a motion to approve the docket contingent upon the Aesthetic Review Overlay District with the Plan Commission and also approval of the fence. Stephen Zell seconded the motion. All members present were in favor and the docket was approved contingent upon approval by the Plan Commission.



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#### **4. NEW BUSINESS:**

NONE

#### **5. PLAN DIRECTOR'S REPORT**

Paul Munoz discussed the quarterly report and the end of the year report that he provided to the board members via email and hard copy. Paul Munoz discussed the number of permits that were issued for 2011 and what to expect for 2012. Discussion continued amongst the members of the board and the Plan Director in reference to these documents and future development.

Paul Munoz discussed the volume of violations that were issued in 2011. Paul Munoz discussed the types of violations that were issued and the manner in which they were discovered or reported. Discussion continued on this topic amongst the members of the board and the Plan Director.

Plan Director Paul Munoz updated the board on the proposed Comprehensive Plan update and the RFP process. Paul Munoz discussed the current issues with funding the project. Discussion of this topic continued.

Paul Munoz discussed the Economic Development and Planning conference that he attended at Ball State University last week. Paul Munoz discussed the topics of the sessions that he attended and how a common theme throughout the week was the importance of future planning and the Comprehensive Plan. Discussion continued in reference to this topic.

Dan Strong asked Legal Counsel Aaron Culp if the Town of Cicero should add an item in the adjointer agreement with Jackson Township in reference to their assistance with updating the Comprehensive Plan. Aaron Culp stated that it is something that could be included. Aaron Culp stated that his office is looking at and reviewing the agreement to make sure that it is up to date. Chairman Hall asked if the agreement has an expiration date. Aaron Culp stated that it is an open end agreement. Discussion of the adjointer agreement continued.

#### **6. CHAIRMAN'S REPORT:**

NONE

#### **7. LEGAL COUNSEL REPORT:**

NONE

#### **8. PUBLIC COMMENT:**

Dan Erney asked for information on his other neighbor, Dave Sutton and what his variance stated and whether it was attached to the property or the business owner. Chairman Hall asked Paul Munoz to check on that particular variance and what the approval stated. Paul Munoz stated that he will look for it but it may



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take him a little while as he needs to pinpoint the date in which it was granted. Discussion continued on this topic and the difference between zoning and variance amongst the members of the board, Plan Director and Mr. Erney.

## **9. BOARD MEMBERS COMMENTS:**

Stephen Zell thanked Aaron Culp for his assistance through the dockets and for his expertise and knowledge.

## **11. NEXT MEETING:**

**February 16<sup>th</sup>, 2012 at 7:00 p.m.**

## **12. ADJOURNMENT:**

Stephen Zell made the motion to adjourn. Dan Strong seconded the motion, and all members were in favor. Meeting adjourned at 8:50 pm.

Signatures:

\_\_\_\_\_  
Art Hall-2012 Chairman

\_\_\_\_\_  
Dan Strong 2012 Vice-Chairman

\_\_\_\_\_  
AnnMarie Alligood-2012 Secretary

\_\_\_\_\_  
Kelly E. Gunn- Recording Secretary

\_\_\_\_\_  
Date