



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

PETITIONERS:

Gayla Sliwa
Christine Bardsley (Christine's Café)
HAND, Inc.

BZA MEETING MINUTES

06/21/12

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

Absent: Corey Sylvester
Chairman Art Hall

1. DECLARATION OF QUORUM:

Vice Chairman Dan Strong declared a quorum with 3 of 5 members being present. Vice Chairman Strong and Legal Counsel John Culp explained to the petitioners' present that they must receive all 3 affirmative votes for their dockets to pass this evening and gave them the option to table until the next meeting.

2. APPROVAL OF MINUTES:

Stephen Zell made a motion to approve the meeting minutes from March. Bruce Freeman seconded the motion and all members present were in favor.

3. OLD BUSINESS:

NONE



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4. NEW BUSINESS:

Docket #: BZA-0612-027-NC

Petitioner: Bardsley Enterprises

**Proposed Location: 400 W. Jackson St.
Cicero, IN 46034**

Land Use Variance:

To allow for a restaurant with alcohol in a Neighborhood Commercial (NC) district whereas the Ordinance states that this is not a permitted use within this district.

Ms. Christine Bardsley stated that they have decided to table their docket until the July meeting. Bruce Freeman made a motion to table the docket and Stephen Zell seconded the motion. All members present were in favor. Legal Counsel John Culp explained that no additional legal notification will need to be made since they have requested their docket be tabled at this public meeting. Plan Director Paul Munoz announced that the next BZA meeting will be held on July 19th, 2012 at 7pm. The owner of the property, Peter Christos (502 Chestnut St Winona Lake, IN 46590) asked if there was anything that he needed to provide as he had traveled 2 hours to be at tonight's meeting and was unsure if he would be able to attend the July meeting. Legal Counsel John Culp explained that the docket has now been officially tabled but he can submit a letter or report of his feelings of support to the Plan Director prior to the next meeting. Plan Director Paul Munoz asked Legal Counsel John Culp if the property owner can put on record at this meeting that he is giving the petitioner permission to speak on his behalf. John Culp stated that it would be permitted. Mr. Christos stated that he will do his best to be in attendance at the next meeting but he does give permission for the petitioner, Bardsley Enterprises, to speak on his behalf in case of his absence.

Docket #: BZA-0512-023-R5

Petitioner: Gayla Sliwa

**Proposed Location: 50 W. Buckeye St.
Cicero, IN 46034**

Land Use Variance:

To allow for a the operation of a children's party/recreation facility in an R5-Old Town Residential District whereas the ordinance does not permit this type of use within a residential district.

Ms. Sliwa decided to move forward with her dockets this evening. The variances were discussed together, but will be voted on individually. She came before the board and discussed her proposal to open a commercial business that would house a kid and family friendly business with bounce houses and inflatable's. Ms. Sliwa stated that she would have birthday party rooms in the building and would not serve alcohol on the premises. Ms. Sliwa discussed the petition that she obtained in support of her proposal which contained approximately 108 signatures from members of the local community. Ms. Sliwa discussed her conversation with Chief



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Peachey and that he has given her approval to use the building in the manner in which she has proposed. Stephen Zell asked about food service. Ms. Sliwa stated that she would contract with local businesses to have food catered in for birthday parties, etc. Vice Chairman Strong asked the property owner, Mr. Chaudion if Ms. Sliwa had permission to speak on his behalf and he stated that she did and that he gave his full support for her proposal as did his wife. Bruce Freeman asked about the hours of operation and proximity to the railroad tracks. Ms. Sliwa stated that her hours of operation would be approximately 9 am to 8:30pm. Ms. Sliwa discussed the proposed hours of operation. Discussion continued about the train coming through Cicero and the proposed business being along the railroad tracks.

Stephen Zell asked the petitioner about the days of operation. Ms. Sliwa stated that she would like to be open 7 days a week with Sunday being a shorter day of operation. Vice Chairman Dan Strong brought up outdoor lighting and the property being in an AROD district. Ms. Sliwa discussed her plans for lighting and security as well as her plans for painting the exterior of the building. Ms. Sliwa stated that she does not plan on modifying the exterior of the building except for the addition of a handicapped ramp. Ms. Sliwa discussed the interior aesthetic changes that she would be making, including adding more bathrooms and adding the birthday party rooms. Stephen Zell asked about potential colors for the interior and exterior of the building. Ms. Sliwa stated that she will be keeping the exterior of the building a neutral color and will probably use primary colors on the interior of the building. Stephen Zell asked about the target age group that Ms. Sliwa will be looking to attract. Ms. Sliwa stated that typically businesses like these attract children ages 10 and under but she would like to explore doing something once a month for teenagers such as a lock in, etc. Discussion of this topic continued amongst members of the board and the petitioner. Stephen Zell asked about a security system to keep the children safe and indoors. Ms. Sliwa discussed her proposed wristband and parental sign in/sign out program.

Bruce Freeman asked about overflow parking. Ms. Sliwa discussed possibly using the Key Bank parking lot and working with them on some sort of an agreement. Ms. Sliwa discussed the fact that she believes that the parking won't be an issue as most parents will be dropping children off during birthday parties and not staying. Plan Director Paul Munoz discussed the parking situation and his belief that depending on the way the spots are laid out, that 18-20 spots could be on the property. Vice Chairman Strong asked the petitioner what her timeframe was to get the lot paved. The petitioner stated that she would like to have it paved within a year but would like to give herself 3 years so that she knows that she can do it in the amount of time in which she says she will. Ms. Sliwa discussed her financing situation and her desire to have it paved as soon as possible as well as the safety issue. Discussion of the potential timeframe of the lot being paved continued. Legal Counsel John Culp asked for more information about the drop off and pick up procedures for the children. Ms. Sliwa discussed her intentions for security of the children and patrons of the business. Ms. Sliwa discussed her background in Kids Watch at the YMCA in Fishers and her experience in checking kids in and out, returning them to the correct parents and keeping them safe. Vice Chairman Strong asked if the house will be staying attached to the business for the time being and Ms. Sliwa stated yes. There were no other questions or comments.



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Bruce Freeman 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.

Sheila Chaudion-Owner of the property, 50 W. Buckeye St.

Mrs. Chaudion voiced her support for the project and her belief that this is a great proposal with lots of potential for the future.

Sharon Knapp
9495 E. 266th St.
Arcadia, IN
46030

Ms. Knapp stated that she and her sisters' own property at 129 W. Buckeye St. Ms. Knapp stated that her mother lives there and she is concerned about children running all over the neighborhood and how nervous that makes older people. Ms. Knapp discussed her concerns about the parking as well as children coming onto her property.

Plan Director Paul Munoz entered into the record a petition that was received in favor of this proposal that contains 108 signatures from members of surrounding communities. Stephen Zell stated for the record that the majority of the signatures come from members of the communities that are contained within the BZA's jurisdiction. There were no further public comments. Steve Zell made a motion to close the Public Hearing and Bruce Freeman seconded the motion. All members present were in favor and the Public Hearing was closed.

Further comments from board members and discussion with the petitioner took place. Steve Zell asked the petitioner to respond to Ms. Knapp's concerns about noise and disruption from the children and patrons of the potential business. Ms. Sliwa stated that she believed that this would not be an issue as she will require parents to drop children off inside of the building and pick them up from inside of the building. Ms. Knapp stated that she has concerns about the teenagers. Ms. Sliwa stated that she has to work out the details in reference to the proposed teenage nights and how she will handle those. Stephen Zell stated that he would like to see as part of the motion, a stipulation that Ms. Sliwa provide a better understanding and a clear cut plan as to how the teenage nights are handled. Discussion continued in reference to the teenage nights as well as the location of the proposed business, and potential noise that could be generated. Ms. Sliwa stated that if it were to ever become a problem, she would do away with the teenage nights as that is not her primary targeted age group for her business and she does not want to take anything away from her business. Dan Strong asked Steve Zell to clarify what he is asking for. Steve Zell stated that he would like to see some sort of written policy and procedure manual as to how the teenage nights would be handled. Legal Counsel John Culp brought up the topic of parent chaperones and this topic was discussed amongst the members of the board and the petitioner. Steve Zell asked if there would be outside security that would be hired or



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contracted. Ms. Sliwa stated that on teenage nights there would definitely be outside security but other than that there would not be. Vice Chairman Dan Strong stated that this Land Use Variance will be tied to Ms. Sliwa and that the board would like to see the policies and procedures for the teenage night prior to the Certificate of Occupancy being issued for the business. Vice Chairman Dan Strong asked for a timeframe in which the petitioner believes that she would be open and Ms. Sliwa stated that she would like to be open by the time school starts, but she is unsure if that will occur due to the renovations and construction that will be completed. Discussion continued in reference to a timeframe for the policies and procedures manual for the teenage nights. Ms. Sliwa stated that she would forego the teenage nights if it were to cause a problem or would deter patrons from coming to her business. There were no further comments.

Stephen Zell made a motion regarding BZA-0512-023-R5 to allow for the land use variance under the following circumstances: that the variance is tied only to this petitioner and that the policies and procedures of the business, including those regarding the teenage nights be reviewed by the board prior to the Certificate of Occupancy being issued by the Planning Office. Bruce Freeman seconded the motion. Dan Strong, Bruce Freeman and Steve Zell all voted yes.

Docket #: BZA-0612-024-R5

Petitioner: Gayla Sliwa

**Proposed Location: 50 W. Buckeye St.
Cicero, IN 46034**

Development Standards Variance:

To allow for more than 30% of the parking to be in the front, and for none of the parking to be in the rear of the structure whereas the ordinance states that there can be a maximum of 30% in the front of the structure and a minimum of 10% to the rear of the structure.

Ms. Sliwa stated that there is no parking in the rear of the building. Vice Chairman Strong asked Ms. Sliwa to discuss where the entrance and exits of the lot would be and how the traffic would be flowing and the petitioner discussed this. Discussion of parking continued amongst the members of the board and the petitioner. Ms. Sliwa stated that she has had discussions with Cicero Fire Chief Steve Peachey and that he has no issues with the parking lot and accessibility for emergency vehicles. Discussion of parking requirements and ordinances continued. Bruce Freeman made a motion to open the Public Hearing and Steve Zell seconded the motion. All members present were in favor.

Brett Morrow
Cicero Market
P.O. Box 309
Cicero, IN 46034

Mr. Morrow stated that the petitioner would be permitted to use the lot next to the previous location for the Cicero Market as he owns the lot and it is there for overflow parking for town businesses. There were no

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



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further comments from the public. Bruce Freeman made a motion to close the Public Hearing and Steve Zell seconded the motion. All members present were in favor, and the Public Hearing was closed.

There were no further questions or comments from the members of the board. Steve Zell made a motion to approve the docket and Bruce Freeman seconded. All members present were in favor.

Docket #: BZA-0612-025-R5

Petitioner: Gayla Sliwa

**Proposed Location: 50 W. Buckeye St.
Cicero, IN 46034**

Development Standards Variance:

To allow for a reduction in the number of parking spaces required to 19 spaces whereas the ordinances state that 42 spaces would be required for the type of business.

Bruce Freeman made a motion to open the Public Hearing and Steve Zell seconded the motion. All members present were in favor. There was no public comment. Bruce Freeman made a motion to close the Public Hearing and Steve Zell seconded the motion. All members present were in favor, and the Public Hearing was closed.

Steve Zell made a motion to approve the docket and Bruce Freeman seconded the motion. All members present were in favor.

Docket #: BZA-0612-026-R5

Petitioner: Gayla Sliwa

**Proposed Location: 50 W. Buckeye St.
Cicero, IN 46034**

Development Standards Variance:

To allow for the parking lot to remain gravel whereas the ordinances state that all parking areas shall be asphalt, concrete or other durable material.

Vice Chairman Dan Strong asked Plan Director Paul Munoz to discuss any Storm water concerns as well as his recommendations for a timeframe for the parking lot to be completed. Discussion of this took place amongst the members of the board, the Plan Director and the petitioner. Bruce Freeman asked if some type of buffer would be needed and Paul Munoz stated that a slope would be sufficient to control run off. Legal Counsel John Culp asked if the Hoosier Port Authority was notified about this hearing as this would be a topic that they would have interest in and Paul stated that he believes that they were. Dan Strong brought up the timeframe for the lot to be finished and asked for discussion on that topic. Steve Zell stated that he believes a 2 year timeframe would be an agreeable compromise between what the petitioner asked for and what the board deems as reasonable. Ms. Sliwa stated that she would be fine with that. Paul Munoz stated that the Hoosier



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Heritage Port Authority was not notified but the Railroad was and John Culp deemed that to be sufficient notification. There were no other comments from members of the board.

Bruce Freeman made a motion to open the Public Hearing and Steve Zell seconded the motion. All members present were in favor. There was no public comment. Steve Zell made a motion to close the public hearing and Bruce Freeman seconded the motion. All members present were in favor and the Public Hearing was closed.

Discussion continued in reference to the timeframe for the completion of the parking lot as well as the process of having the commitment recorded to the deed to the property. There were no further comments. Bruce Freeman made a motion to approve the docket with the written commitment that the parking lot be paved within 2 years and that the commitment be recorded with the deed at the Hamilton County Recorder's Office as well as the drainage situation be discussed with Plan Director Paul Munoz and The Cicero Utilities Department. Steve Zell seconded the motion. All members present were in favor.

HAND, INC

Plan Director Paul Munoz stated for the record that HAND, INC. came back with an updated site plan that brought them within the side yard setback requirements therefore they are withdrawing 6 variance requests. Stephanie Burdick, Executive Director of HAND, INC came before the board and discussed their proposed project and the updated site plan that she submitted as well as the changes they made to address the concerns of the Plan Commission. Ms. Burdick stated that they would like to withdraw 6 of the variance requests as the new site plan has made these variance requests unnecessary. Plan Director Paul Munoz read off the 6 variance requests that are to be withdrawn and they are as follows: BZA-0412-009-R3, BZA-0412-010-R3, BZA-0412-012-R3, BZA-0412-013-R3, BZA-0412-015-R3, and BZA-0412-017-R3. Dan Strong asked if that would leave 3 variances to be heard and Paul Munoz stated yes. Vice Chairman Dan Strong asked Ms. Burdick to discuss how her presentation before the Town Council went in reference to the rezone and she stated that it went well and it was approved with a 3-2 vote.

- **Docket #: BZA-0412-009-R3: WITHDRAWN**

Petitioner: HAND, INC

**Proposed Location: 301 N. Peru St.
Cicero, IN 46034**

Development Standards Variance:

To allow for a reduction in the side yard setback to 10 feet from the property line on the north side whereas the required side yard setback is 20 feet in an R6 Zoning District



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- **Docket #: BZA-0412-010-R3: WITHDRAWN**

Petitioner: HAND, INC

**Proposed Location: 301 N. Peru St.
Cicero, IN 46034**

Development Standards Variance:

To allow for a reduction in the side yard setback to 10 feet from the property line on the east side whereas the required front yard setback is 20 feet in an R6 Zoning District

- **Docket #: BZA-0412-011-R3:**

Petitioner: HAND, INC

**Proposed Location: 301 N. Peru St.
Cicero, IN 46034**

Development Standards Variance:

To allow for a reduction in the minimum lot area per dwelling unit to 4030 Sq ft. whereas the ordinance requires a minimum lot area per dwelling unit of 6,000 Sq ft.

Steve Zell stated that he had no questions or comments as the updated site plan addresses any concerns that he had. Dan Strong asked the petitioner to discuss the exterior of the building and what materials would be used. Ms. Burdick discussed a diagram that was provided of one of their units in Noblesville that demonstrates a similar style aesthetic that will be used on the project in Cicero. There were no further questions or comments from the board members.

Bruce Freeman made a motion to open the Public Hearing and Steve Zell seconded the motion. All members present were in favor, and the Public Hearing was opened.

Brett Morrow
Cicero Market

Mr. Morrow discussed his favorable opinion of this project and his excitement for this project to come to our area. There were no other comments from the public. Bruce Freeman made a motion to close the Public Hearing and Steve Zell seconded the motion. All members present were in favor and the Public Hearing was closed.

There were no other comments from the board members. Steve Zell made a motion to approve the docket and Bruce Freeman seconded the motion. All members present voted yes.



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- **Docket #: BZA-0412-012-R3: WITHDRAWN**
Petitioner: HAND, INC
Proposed Location: 301 N. Peru St.
Cicero, IN 46034
Development Standards Variance:
To allow for a minimum floor area per dwelling unit of 896 Sqft. whereas the ordinance allows for a minimum square feet of 950 Sqft. per dwelling unit
- **Docket #: BZA-0412-013-R3: WITHDRAWN**
Petitioner: HAND, INC
Proposed Location: 301 N. Peru St.
Cicero, IN 46034
Development Standards Variance:
To allow for a reduction in the required parking spaces to twelve (12) whereas the ordinance states that sixteen (16) is required for an eight dwelling unit development
- **Docket #: BZA-0412-014-R3:**
Petitioner: HAND, INC
Proposed Location: 301 N. Peru St.
Cicero, IN 46034
Development Standards Variance:
BZA-0412-014-R3: To reduce the minimum distance a drive can be from a primary arterial road to 110 feet whereas the ordinance states that the minimum distance from a primary arterial road shall not be less than 120 feet

Paul Munoz discussed the location where the Rain Garden will be installed to assist with Storm Water management as well as where the fence will be installed on the property. Bruce Freeman asked if there would be any issues with parking on Flannigan St. Paul Munoz discussed this topic. Bruce Freeman made a motion to open the Public Hearing and Steve Zell seconded the motion. There were no public comments. There were no other questions or comments from the board members. Bruce Freeman made a motion to close the Public Hearing and Steve Zell seconded the motion.

There were no other questions or comments from the members of the board. Bruce Freeman made a motion to approve the docket and Steve Zell seconded the motion. All members present were in favor.



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- **Docket #: BZA-0412-015-R3:WITHDRAWN**
Petitioner: HAND, INC
Proposed Location: 301 N. Peru St.
Cicero, IN 46034
Development Standards Variance:
To allow for a minimum front yard setback on the south side (Flannigan Ave.) of 35 feet whereas the ordinance allows for a minimum front yard setback of 45 feet
- **Docket #: BZA-0412-016-R3:**
Petitioner: HAND, INC
Proposed Location: 301 N. Peru St.
Cicero, IN 46034
Development Standards Variance:
To allow for a minimum front yard setback on the south side (Flannigan Ave.) of 35 feet whereas the Indiana Department of Transportation requires a setback of 75 feet along St. Rd. 19

Vice Chairman Dan Strong asked Plan Director Paul Munoz to give an update on this topic. Paul Munoz gave a brief background on the ordinances and what the setback requirements are and what the options are in regards to waiving the setbacks in our jurisdiction. Discussion continued on the topic of setbacks and the fact that INDOT was notified and had no issues with the setbacks as proposed. There were no other questions or comments from the board members.

Bruce Freeman made a motion to open the Public Hearing and Steve Zell seconded the motion. There were no comments from the public. Bruce Freeman made a motion to close the Public Hearing and Steve Zell seconded the motion. All members present were in favor, and the Public Hearing was closed.

Bruce Freeman asked Paul Munoz to clarify some items in reference to the setbacks and what would occur if the State ever decided to widen State Road 19. Discussion of this topic occurred. Steve Zell made a motion to approve the docket and Bruce Freeman seconded the motion. All members present were in favor and the docket was approved.

- **Docket #: BZA-0412-017-R3:WITHDRAWN**
Petitioner: HAND, INC
Proposed Location: 301 N. Peru St.
Cicero, IN 46034
Development Standards Variance:
To allow for a minimum front yard setback on the west side (St. Rd. 19) of 35 feet whereas the ordinance allows for a minimum front yard setback of 45 feet



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5. PLAN DIRECTOR'S REPORT

Paul Munoz discussed the current timeframe for the Outdoor Seating ordinance as well as the success of the Arts Etc. event and Rain Barrel Auction. Dan Strong asked about the status of the Sidewalk ordinance and Paul stated that Aaron Culp is still working on it. Legal Counsel John Culp stated that Chief Hildebrand asked that they slow down the process to do a little bit more research.

6. CHAIRMAN'S REPORT:

Vice Chairman Dan Strong thanked everyone for their attendance and great comments and feedback tonight.

7. LEGAL COUNSEL REPORT:

NONE

8. PUBLIC COMMENT:

NONE

9. BOARD MEMBERS COMMENTS:

Brett Morrow stated that it is always informative as a member of the EDC to sit in on meetings like these to see what kinds of projects are coming into town. Discussion of the grand opening of Mr. Morrow's relocated Cicero Market took place.

11. NEXT MEETING:

July 19th, 2012 at 7:00 p.m.

12. ADJOURNMENT:

Bruce Freeman made a motion to adjourn and Steve Zell seconded the motion. All members present were in favor and the meeting was adjourned at 8:43 pm.

Signatures:

Art Hall-2012 Chairman

Dan Strong 2012 Vice-Chairman

Stephen Zell-2012 Secretary

Kelly E. Gunn- Recording Secretary



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Date