



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

PETITIONERS:
Cicero Seventh Day Adventist

BZA MEETING MINUTES

03/22/12

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
Corey Sylvester

Absent: NONE

1. DECLARATION OF QUORUM:

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

Chairman Art Hall discussed AnnMarie Alligood's departure due to job obligations and the addition of new BZA member, Corey Sylvester.

2. APPROVAL OF MINUTES:

Chairman Art Hall asked for a motion to approve the February 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:

Chairman Art Hall opened the floor for nominations for Secretary due to AnnMarie Alligood's departure from the board. Dan Strong nominated Stephen Zell and Bruce Freeman seconded the nomination. There were no other nominations. Dan Strong made a motion to close the nominations and Bruce Freeman seconded. Stephen Zell was elected Secretary for the remainder of 2012.



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

4. NEW BUSINESS:

Welcome New Member Corey Sylvester to the BZA

- **Docket #: BZA-0312-007-R3**
Petitioner: Indiana Conference of Seventh Day Adventist
Proposed Location: 24089 St. Rd. 19
Cicero, IN 46034

Development Standards Variance: To allow for a ground sign of sixty (60) Sq ft. whereas the sign standards for a residential zoning district does not allow for a ground sign to exceed fifty (50) Sq ft.

Chairman Art Hall stated that he will read through all 3 variances and have general discussion about them, but the board will vote on each variance individually. Chairman Hall read the variance descriptions and asked for a representative of Cicero Seventh Day Adventist to come forward.

Aaron Clark
23050 SR 37
Noblesville, IN 46060

Aaron Clark, from Cicero Seventh Day Adventist, came before the board and discussed the school's proposal to build a permanent electronic ground sign in the front of the school's property. Mr. Clark discussed the proposed location of the sign and the need for it to advertise for fundraisers for the school. Mr. Clark also discussed the desire for the sign so that the school can increase the professionalism of their signs and also share inspirational messages and make announcements for the school. Chairman Hall asked Aaron how he was affiliated to the school and he said that he is the Assistant Pastor. Discussion of the size of the sign in comparison to the yard was discussed.

Mr. Clark discussed the electronic ground sign at the Noblesville City Hall and stated that the sign will be the exact same size and will be similar in design. Dan Strong asked the petitioner why the school isn't using a changeable copy sign and he discussed the traffic safety aspect of using an electronic sign. Mr. Clark stated that an electronic sign would maximize the news and advertisements to where it would be the equivalent of 4 signs instead of just 1. Mr. Clark stated that they are open to guidelines and suggestions due to it being in a residential area. Chairman Hall asked about the frequency of the changing electronic advertisements on the sign. Mr. Clark stated that he would be looking for suggestions from the board and he went on to discuss how the Noblesville sign changes. Chairman Hall discussed the sign on US 31 at Westfield High School and that it's his opinion that it is a safety issue when a sign changes so frequently.



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

Dan Strong asked Mr. Clark to elaborate on his comment about the electronic sign being the equivalent of 4 signs. Mr. Clark discussed his logic behind it and how it saves labor and manpower in reference to changing the copy sign frequently. Dan Strong asked about the sign being located closer to the road. Mr. Clark discussed the proposed location of the sign, and the aesthetics of the location of the sign. Stephen Zell asked if the petitioner will need to go before the Plan Commission for an Aesthetic Review. Dan Strong and Paul Munoz stated no, that they are not located within the area that requires an Aesthetic Review. Dan Strong stated that in the past these types of signs have not been allowed in commercial districts and that it should be noted that if this passes, that it was allowed for a school only.

Dan Strong discussed the fact that the sign changing every 30 seconds would be a safety concern in his opinion, due to drivers' paying more attention to the sign and less attention to their driving, fellow drivers' on the road, etc. Discussion continued in reference to safety concerns.

Chairman Art Hall discussed how technology changes and how communities have to change as well and that the sign needs to be controlled and safe. Chairman Hall stated that he would be in favor of heavy restrictions to lay the groundwork for safety of the community. Stephen Zell discussed the Nestle sign on Highway 69 and how distracting that sign can be to passing drivers. Bruce Freeman asked if Mr. Clark would be opposed to advertising messages that promote the city and events if approved. Mr. Clark stated that he would need to speak to the school board about this topic before he could comment on it or answer to the board. Discussion continued in reference to the advertising on the sign. Bruce Freeman discussed including yearly reviews in the stipulations if approved. Dan Strong asked if there would be any issue with the sign changing every 2 minutes and Mr. Clark stated that he would be agreeable to that. Dan Strong asked if the sign would be animated and/or flickering and Mr. Clark stated no. Dan Strong asked Planning Director Paul Munoz about policing the sign and making sure that the sign is changing every 2 minutes. Paul Munoz stated that it's not a problem and that he believes that if any issue would come up, that it would be addressed quickly. Bruce Freeman asked if there is a timeframe in which the sign would be installed and running and whether a stipulation should be added in reference to this. Mr. Clark stated that he would like to see the sign installed in the next few months and that funding would allow for the timeframe to occur. Discussion on this topic continued.

Chairman Hall asked for a motion to open the Public Hearing and Bruce Freeman made the motion. Stephen Zell seconded the motion. All members present were in favor. There were no public comments. Bruce Freeman made a motion to close the Public Hearing and Stephen Zell seconded the motion. All members present were in favor.

Chairman Hall asked if all of the legal requirements were met and Paul Munoz stated yes. Chairman Hall explained the way that a motion is made prior to a vote occurring. There were no further comments by the board members. Stephen Zell made a motion to approve and Bruce Freeman seconded the motion. All members present were in favor.



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

- **Docket #: BZA-0312-004-R3**
Petitioner: Indiana Conference of Seventh Day Adventist
Proposed Location: 24089 St. Rd. 19
Cicero, IN 46034

Development Standards Variance: To allow for an electronic reader board to be placed as part of a ground sign whereas general sign standards prohibit signs that have blinking, flashing, or fluttering lights or which have a changing intensity, brightness or color, or give such illusion.

Dan Strong discussed the petitioner coming back before the board in a year for a review and the risk of the sign needing to be removed if in a year if safety concerns come up or things change. Mr. Clark asked if they would be coming back to look at removal of the sign, or to make any necessary changes to it. Chairman Hall stated that it could be anything, whether it's removal of the electronic portion, a change to the messages and their frequency, etc. Bruce Freeman asked how soon the sign would be installed. Mr. Clark stated that they plan on installing it within the next few months. Stephen Zell discussed monitoring the display over the next year and that the display verbiage consisting of stationary text and appropriate graphics with the understanding that changes may be required after a year. Stephen Zell continued by saying that it will be required that the text/graphics not change any more frequently than 2 minute intervals. Mr. Clark asked about a picture or background being behind the text and whether that would be allowed. Chairman Hall stated that a background or picture behind the stationary text would be permitted as long as it's not flashing or animated. Mr. Clark stated that he is not sure that the electronic board has the capability for animation of any kind. Dan Strong discussed the uniqueness of a school using this sign for fundraisers and general information sharing with the public. There were no other comments made by the members of the board.

Stephen Zell made a motion to approve the variance request with the following commitments: that the display be monitored over the next year and that the display verbiage consist of stationary text only with appropriate graphics being permitted with the understanding that changes may be required after a year. Also, that it is required that the text/graphics not change any more frequently than 2 minute intervals. This variance would be granted due to this being a school and that it would be used for non commercial uses only. Bruce Freeman seconded the motion. All members present were in favor. Chairman Hall realized that no Public Hearing had occurred for this item on the agenda, so he rescinded approval in order to open the Public Hearing. Stephen Zell made a motion to open the Public Hearing and Bruce Freeman seconded the motion. All members present were in favor. There was no public comment. Stephen Zell made a motion to close the Public Hearing and Bruce Freeman seconded the motion. Chairman Hall took another vote for the stated variance request and all members approved.



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

- **Docket #: BZA-0312-005-R3**

Petitioner: Indiana Conference of Seventh Day Adventist

Proposed Location: 24089 St. Rd. 19

Cicero, IN 46034

Development Standards Variance: To allow for a front yard setback of forty five (45) ft. for a structure (Ground Sign) whereas the ordinance states that the front yard setback is sixty (60) ft. in an "R3" Zoning District.

Dan Strong asked about the landscaping around the sign and wanted the petitioner to be aware that there will be requirements for that. Mr. Clark stated that they will seek to have shrubs and flowers to dress that area up. Dan Strong asked about the location of said landscaping and Mr. Clark stated that it would be located just around the sign. Bruce Freeman asked if the flag pole is currently or would be illuminated. Mr. Clark stated that it was not currently illuminated, and that the idea had not been discussed or proposed for the future.

Dan Strong made a motion to open the Public Hearing and Corey Sylvester seconded the motion. No public comments were made. Dan Strong made a motion to close the Public Hearing and Corey Sylvester seconded the motion. All members were in favor.

Dan Strong asked about the hours of illumination for the sign and if any stipulations are to be made, that it needs to be attached to this. Discussion continued about this topic. Chairman Hall stated that he doesn't see a need to set hours of operation for the sign. Chairman Hall stated that when the variance requests are reviewed in a year and if it's needed, it can be added by the board at that time. Dan Strong asked the petitioner if single family homes in the neighborhood had complaints, would the Church board listen to the requests and be willing to make changes. Mr. Clark stated that they are willing to listen to any complaints and find favorable remedies. Chairman Hall stated that the Cicero Seventh Day Adventist organization is a benefit to the community and that they have been cooperative with the board and the community leaders. Discussion continued about this topic. Stephen Zell made a motion to approve the variance request and Bruce Freeman seconded the motion. All members present were in favor.

5. PLAN DIRECTOR'S REPORT

Paul Munoz followed up on the Downtown Overlay District and the fact that he is waiting on the legal description to be finished. Paul Munoz stated that it is supposed to be done any week now. Chairman Hall asked for clarification on what the Overlay District consists of. Paul Munoz discussed the parking credit that is proposed for downtown businesses.

Paul Munoz discussed the Outdoor Seating ordinance and how it's basically completed. Paul Munoz gave the background information and history of this ordinance and why it is necessary. Discussion continued about this



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

ordinance and the timeframe in which it will be reviewed and adopted. Paul Munoz stated that he hopes to have it by the end of the week and plans for it to be discussed at the next Plan Commission meeting.

The Comprehensive Plan was discussed. Paul Munoz stated that he has applied for one grant so far and is waiting on a response from Jackson Township in reference to their participation. Paul Munoz stated that there are more grant opportunities coming up in the next few months that he will be looking at. Paul Munoz stated that a firm has not been picked to complete the project and that they are debating on sending out another RFP. Discussion continued in reference to this topic. Chairman Hall asked if this would be an update to the existing Comprehensive Plan or a brand new Comprehensive Plan. Paul Munoz discussed that it would be a brand new Comprehensive Plan. Discussion continued about this topic.

Dan Strong stated that Paul Munoz did a nice job setting up the Economic Development presentation with Dick Heupel from Ball State University. Dan Strong stated that he felt that the presentation was very enlightening and thought provoking. Dan Strong discussed his opinion that the town needs a vision statement or idea of what we want it to look like and how and what type of future growth should occur, and that there is a lot of potential for positive change in our area. Dan Strong discussed the changes that are occurring in surrounding areas. Chairman Hall stated that this town needs character and that we need to answer the questions, "what are we about and what is our focus?" Paul Munoz discussed the public input that will be used to achieve the vision and target and that it will help the EDC have an idea of how we want the town to grow and the infrastructure that is needed for that growth to occur in the future. Chairman Hall discussed the importance of getting a good cross section of residents to provide their input. Stephen Zell discussed the need for a vision and commended Paul Munoz on his pursuit of the Comprehensive Plan project despite the current economic conditions. Paul Munoz discussed the few setbacks that he has encountered, but stated that we are headed in the right direction. Chairman Hall commended the Planning office for their efforts and hard work. Dan Strong discussed the education that is coming along with this process. Dan Strong brought up impact fees and that he would like to see questions on that topic included when obtaining citizen feedback. Paul Munoz discussed why impact fees are important and what they are used for and who has to pay them. Discussion continued about this topic. Paul Munoz discussed improving the demand to move to Cicero and the quality of life here. Paul Munoz stated that if there is a lack of demand to move here, or that the town is at maximum build out, then the town isn't growing and the Planning office is not sustainable.

Chairman Art Hall stated that the Cicero Kiwanis bought a \$7000 piece of equipment that will be added to Community Park. Bruce Freeman asked about construction of a new shelter at the park. Paul Munoz stated that they got approval of bids at the most recent Town Council meeting last week and that construction will be starting soon. Paul Munoz stated that it will be one large unit as opposed to several units.

Paul Munoz discussed an accessory structure that was built out on Flippens Rd. and the issues that have been occurring with this. Paul Munoz stated that he is receiving complaints from neighbors about the homeowner running a business out of the accessory structure. Paul Munoz stated that he will be moving forward with legal counsel to address this issue. Dan Strong discussed the history of this and the complaints he has received from neighbors. Paul Munoz discussed how he handles complaints and the procedures that are used.



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

Paul Munoz discussed the issue of political campaign signs being placed in right of ways and that there are a ton of them currently due to election season. Paul stated that he spoke with John Culp and that he will be drafting a respectful letter to address this issue. Chairman Hall asked if they could legally remove the election signs and Paul Munoz stated that there are certain locations such as right of ways where it's prohibited for them to be placed. Chairman Hall asked Paul Munoz not to throw the signs away in case the parties' responsible for the placement want to pick them up. Discussion continued in reference to this topic.

6. CHAIRMAN'S REPORT:

NONE

7. LEGAL COUNSEL REPORT:

NONE

8. PUBLIC COMMENT:

NONE

9. BOARD MEMBERS COMMENTS:

NONE

11. NEXT MEETING:

April 19th, 2012 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 8:02 pm.

Signatures:

Art Hall-2012 Chairman

Dan Strong 2012 Vice-Chairman

Stephen Zell-2012 Secretary

Kelly E. Gunn- Recording Secretary

Date



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS