



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

PETITIONERS:

Cicero Motors
Jason Cosand
Jen Hasler Troutman and Dusty Troutman

BZA MEETING MINUTES

11/15/12

7:00 p.m.

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

ROLL CALL

Present: Chairman Art Hall
Vice Chairman Dan Strong
Stephen Zell-Secretary
Bruce Freeman
Tim Fonderoli (substitute from Plan Commission)
Paul Munoz-C/JT Plan Director
Kelly Gunn-Recording Secretary
Aaron Culp-Legal Counsel

Absent: Corey Sylvester

1. DECLARATION OF QUORUM:

Chairman Art Hall declared a quorum with 5 of 5 members being present. Former BZA member, Tim Fonderoli was substitute for absent board member, Corey Sylvester.

2. APPROVAL OF MINUTES:

Stephen Zell made a motion to approve the meeting minutes from October 10th, 2012. Bruce Freeman seconded the motion. All members present were in favor.



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

3. OLD BUSINESS:

Docket #: BZA-0711-008-NC

Petitioner: Cicero Motors (Jonathan and David Mangum)

Proposed Location: 150 N. Peru St.

Cicero, IN 46034

Review of Land Use Variance. Petitioners are requesting permission to park additional cars for sale (30 cars total) on the car lot.

David Mangum came forward and described his request and new proposal to park more cars for inventory on the lot. Mr. Mangum stated that he would like to have 30 cars on the lot. Mr. Mangum discussed the pictures that were given to the board of the property which show that it is feasible to have that many cars parked on the lot. Mr. Mangum stated that with 30 cars on the lot, emergency personnel would still have adequate access to the property. Mr. Mangum also stated that any through traffic would be able to travel safely on both sides. Dan Strong asked about the back side of the business and whether the agreement with the Railroad is still intact. Mr. Mangum stated that as long as no vehicles are parked within the striped "No Parking" area, then his business is in compliance with the agreement. Dan Strong commented on the appearance of the business and told Mr. Mangum that he has done a great job of improving the aesthetics of the building and area as well as maintaining the grounds. Bruce Freeman asked where the petitioner's inventory comes from. Mr. Mangum stated that he purchases vehicles from local auctions and he does not purchase or obtain vehicles from out of state. Mr. Mangum also stated that he does accept trade in's. Bruce Freeman voiced his concerns in reference to a fire occurring on the railroad tracks and the access that the Fire Department would have if that were to happen. Bruce Freeman also stated that if we endured a heavy snow, that might hinder vehicles being moved. Bruce Freeman asked the petitioner to discuss how he would arrange the inventory on the lot. Mr. Mangum discussed his proposal for this. Bruce Freeman asked if the petitioner has another lot somewhere for storage of vehicles. Mr. Mangum stated that he does not. There were no other questions or comments from the board members or the petitioner.

Dan Strong made a motion to approve the docket. Chairman Hall stated that this needed to be approved for the current owners only with a limit of 30 cars total on the lot. The motion was amended to state this. Stephen Zell seconded the motion. Dan Strong, Stephen Zell, Tim Fonderoli and Art Hall voted for the motion to be approved. Bruce Freeman was opposed. The motion was passed 4-1.



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

4. NEW BUSINESS:

Docket #: BZA-1012-035-AG

Petitioner: Jason Cosand

**Proposed Location: 24000 Twilight Hills Dr.
Cicero, IN 46034**

Carl Abbott, (Noblesville, IN) the builder of this proposed project came forth before the board. He discussed the layout of the proposed pole barn. Mr. Abbott stated that they would like to place the barn behind 2 houses on the left side of the property so that it is out of sight for the neighbors. Dan Strong asked if the house and barn would be constructed at the same time. Mr. Abbott stated that the barn will be built first and then he will obtain the building permits for the home. Stephen Zell asked what the purpose of the barn is. Mr. Abbott stated that it will be used for personal storage. Dan Strong asked whether the petitioner would be operating a business out of the structure. Mr. Abbott stated that the petitioner would not be running a business from the structure that he will be using to store items until he sells his current home and until the new home is constructed. Chairman Hall asked if a variance is needed due to the size of the structure. Paul Munoz stated that it was not necessary because it is located in an AG zoning district. Chairman Hall asked about the design of the structure. Mr. Abbott stated that it will be a steel building consisting of 2 colors. Tim Fonderoli asked whether there would be living quarters contained within the structure. Mr. Abbott stated that there will not be. Chairman Hall asked if the structure would contain any utilities. Mr. Abbott stated that they plan on having electric in the structure. There were no other questions or comments from the board members or the petitioner.

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

Brian Dawls
24002 Twilight Hills Dr.
Cicero, IN 46034

Mr. Dawls stated his concerns in reference to this area staying Agricultural. Chairman Hall stated that the board cannot rule on future zoning and that this current variance is not requesting to change the zoning. Mr. Dawls stated that he wants the neighborhood's drainage to be adequate and not to be compromised. Mr. Dawls stated that he is not sure how a barn on a hill will access that. Discussion of drainage in the area took place amongst the members of the board and Mr. Dawls. Paul Munoz stated that the proposal for the new home was reviewed by Hamilton County Soil and Water as well as the Hamilton County Surveyor. Discussion of drainage continued.



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

Phillip Roudebush
23998 Twilight Hills Dr.
Cicero, IN 46034

Mr. Roudebush inquired about housing livestock on the property. Chairman Hall stated that because the home is located in an AG district, that the board cannot stop them from doing so. Paul Munoz stated that there are requirements for specific acreage per animal, fenced in pastures and the number of animals allowed. Discussion of this topic continued. Mr. Abbott stated that there is currently no fence on the property or proposed.

There were no more comments from members of the public. Bruce Freeman made a motion to close the Public Hearing. Stephen Zell seconded the motion and all members present were in favor.

Dan Strong inquired about the height of the structure and Mr. Abbott stated that it would be 16-17 feet. Dan Strong asked if there were any future plans for livestock and Mr. Abbott stated no. Stephen Zell asked for a timeframe for construction of the barn and the home. Mr. Abbott stated that he hopes to have both constructed by next summer. Mr. Cosand, (700 East, Elwood, IN) the petitioner stated that he must sell his current home first. Dan Strong stated that any motion made should include no living quarters within the structure as well as no business being run from the structure. Dan Strong also stated that he would like to see approval from the Drainage board included in the motion. Stephen Zell made a motion that included these commitments and Dan Strong seconded the motion. All members present were in favor.

Docket #: BZA-1012-036-R3

Petitioner: Jen Hasler Troutman and Dusty Troutman

Proposed Location: 3029 Stilton Dr.

Cicero, IN 46034

Development Standards Variance: To allow for an accessory structure to be placed one (1) foot from the property line whereas the side yard setbacks for the subdivision/development require a side yard setback of five (5) feet.

Mr. Troutman came forward and discussed his request. Mr. Troutman described his current mini barn, and the desired location for the barn. Mr. Troutman said that due to the very small yard that he and his wife do have, if they followed the setback requirements, the mini barn would be directly in the middle of their yard. Chairman Hall asked the petitioner whether a permit was obtained to build the shed/mini barn. Mr. Troutman stated that he was unaware that one was needed at the time in which it was built and placed on the property. Paul Munoz stated that once it was brought to the attention of the petitioner, they have been extremely cooperative in obtaining their permit and getting everything accomplished to come before the board tonight. There were no other questions or comments from the board members.

**150 W. JACKSON ST. P.O. Box 650 CICERO, IN 46034
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CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

Stephen Zell 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.

Steve Peachey- President of the Greystone Village HOA/Cicero Fire Dept. Fire Chief
3022 Stilton Dr.
Cicero, IN 46034

Chief Peachey came forward and stated that the homeowner's have approval through the Homeowner's Association. Chief Peachey discussed the fact that the HOA sees this issue often due to the small size of the lots in the neighborhood. Chief Peachey stated from the Fire Department's perspective, they see no issue with this either.

Anthony Minton
3028 Stilton Dr.
Cicero, IN 46034

Mr. Minton informed the board that the Troutman's are wonderful neighbors and that he is in support of their request.

There were no other questions or comments from the board members. Stephen Zell made a motion to close the Public Hearing. Bruce Freeman seconded the motion. All members present were in favor and the Public Hearing was closed.

Dan Strong stated that the request seems logical due to the lot size. Stephen Zell agreed and stated that the request and the mini barn itself complement the property well. Tim Fonderoli stated that the petitioner really has no other viable location for the mini barn. There were no other questions or comments from the board members.

Dan Strong made a motion to approve the request. Stephen Zell seconded the motion. All members present were in favor. Chairman Hall commented and said that the petitioner's have made a great effort to seek approval from their neighbors and effort like that is much appreciated.

5. PLAN DIRECTOR'S REPORT

Planning Director Paul Munoz discussed the Comp Plan online survey. Paul Munoz stated that his office received over 300 responses, which was far more than what was received during the previous Comp Plan update process. Paul Munoz discussed the Comp Plan Community meeting and the turnout that they had. Paul discussed the activities that occurred at the meeting and gave a general update on the Comp Plan process and timeline.



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

Paul Munoz passed out some information to the board members in reference to the Main Street Conference that he attended. Paul discussed a Façade Improvement Program and his desire to see that implemented in Cicero. Paul Munoz discussed the Economical Development Council's interest in this type of program, and discussion continued about this topic.

Dan Strong asked Paul Munoz if there was any way that he and Chief Peachey about hosting public outreach meetings with different neighborhoods and Homeowner's Associations to make sure they are educated about permitting, ordinances and requirements. Discussion of this topic continued.

6. CHAIRMAN'S REPORT:

NONE

7. LEGAL COUNSEL REPORT:

NONE

8. PUBLIC COMMENT:

NONE

9. BOARD MEMBERS COMMENTS:

NONE

11. NEXT MEETING:

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

12. ADJOURNMENT:

Stephen Zell made the motion to adjourn and Bruce Freeman seconded the motion. All members present were in favor and the meeting was adjourned at 7:44pm.

Signatures:

Art Hall-2012 Chairman

Dan Strong 2012 Vice-Chairman

Stephen Zell-2012 Secretary



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

Kelly E. Gunn- Recording Secretary

Date