



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

PETITIONERS:

Robbie and Jennifer Albright
Michael Coppinger
William Frederick

BZA MEETING MINUTES

10/18/12

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
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 4 of 5 members being present.

2. APPROVAL OF MINUTES:

Stephen Zell made a motion to approve the meeting minutes from September 20th, 2012. Bruce Freeman seconded the motion. All members present were in favor.



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3. OLD BUSINESS:

Docket #: BZA-0911-012-R3

Petitioner: Robbie and Jennifer Albright

Proposed Location: 7100 E. 241st St.

Cicero, IN 46034

One year follow up on Land Use Variance for Commercial Kennel Operation.

Mr. Albright came forward and gave a brief update on his Kennel operations. Mr. Albright stated that he has had moderate activity over the course of the year and he did not raise a litter this year. Mr. Albright stated that he has had any complaints from neighbors during the course of the year since his variance was approved. Plan Director Paul Munoz verified that his office has not received any complaints on Mr. Albright's kennel. There were no other comments from the board.

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. There were no comments from the public. Stephen Zell made a motion to close the Public Hearing and Dan Strong seconded the motion. All members present were in favor.

Plan Director Paul Munoz stated that if there were complaints in the future, the board has the authority to place additional sanctions on Mr. Albright as this was not a conditional approval on a year to year basis. Bruce Freeman asked if there was another kennel in the area and the petitioner stated that yes his neighbor has one. Bruce Freeman asked if the board would like to have another follow up a year from now. The board discussed this briefly, and came to the conclusion that they are fine with the current operations and if any complaints come in, they would have Plan Director Paul Munoz follow up on them and involve the board if necessary for more sanctions.

4. NEW BUSINESS:

Docket #: BZA-0912-033-R3

Petitioner: Michael B. Coppinger

Proposed Location: 1560 Nantucket Dr.

Cicero, IN 46034

Development Standards Variance: To allow for a five (5) foot decorative fence to be placed in the front yard of the dwelling whereas the ordinance states that fences and walls shall not be greater than three (3) feet in height in the front yard.

Mr. Coppinger came before the board and explained his desire to place a decorative fence on his vacant lots in order to contain his dogs. Mr. Coppinger believes that his dogs would be able to clear a three (3) foot

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fence so that is why is requesting a five (5) fence. Chairman Hall asked for clarification on the location of the fence, and this was discussed. Stephen Zell asked if any structures existed on the vacant lots currently. Mr. Coppinger said that the only existing structure is a shed. There were no further comments from the board members.

Dan Strong 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.

Terry Ennis
1640 Nantucket Dr.
Cicero, IN 46034

Mr. Ennis asked what type of fence was being proposed and whether you would be able to see through it. The pictures that the petitioner submitted with his application were shared by Plan Director Paul Munoz. Mr. Ennis stated that he would like to see no sharp steeples or spikes across the top of the fence as a safety precaution. Mr. Ennis stated that there are a number of children who live in the neighborhood and he worries about the child impaling themselves on a sharp portion of the fence.

Jason VonFeldt
1569 Nantucket Dr.
Cicero, IN 46034

Mr. VonFeldt stated that he completely agreed with Mr. Ennis in regards to the safety concerns. He discussed his sons who play basketball near the property and how he would worry about them getting their ball back if they were to lose it by jumping the fence, even though that is something he does not condone. The safety issues in regards to having decorative steeples/spikes on the top of the fence continued to be discussed.

Karen Allen
1649 Nantucket Dr.
Cicero, IN 46034

Ms. Allen stated that she is glad that you can see through the fence as opposed to it being a wood privacy fence or something similar.

There were no other comments from the public. 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 asked if the fence was already existing and Mr. Coppinger stated no. Dan Strong asked the petitioner if the fence was protruding above or flat style and this was discussed. Mr. Coppinger stated that he would agree to have a flat top fence for safety reasons. Stephen Zell asked how many dogs Mr. Coppinger had and Mr. Coppinger stated 3. Mr. Coppinger stated that they are friendly dogs, but they are large. Bruce



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Freeman asked about the dimensions of the fence and discussion of this topic took place. Stephen Zell asked if there would be an obstructed view of neighbors' driveways due to the fence being installed. Mr. Coppinger stated that his property is off of the street, so the line of view is open. Chairman Hall asked if he wanted to proceed with a vote with only 4 members present and Mr. Coppinger stated yes. Stephen Zell made a motion to approve with the conditions that there be no spikes or protrusions on top of the fence as previously discussed, and that the fence be a wrought iron style fence with chain link fence along one side of the property. Dan Strong seconded the motion and all members present were in favor.

Docket #: BZA-1012-034-R1

Petitioner: William Frederick

**Proposed Location: 22685 Tollgate Rd.
Cicero, IN 46034**

Development Standards Variance: To allow for an accessory structure to be placed in the front yard of the dwelling whereas the ordinance states that an accessory structure shall only be located to the rear or side of the primary structure.

Joe Leonard (14137 Warbler Way N. Carmel, IN 46033), the builder of this project came forward to represent Mr. Frederick. Chairman Hall asked Mr. Leonard what the reason was to place the structure in the front yard. Mr. Leonard stated that because of the location of the home, you cannot place an accessory structure behind the home. Stephen Zell asked what the primary use of the structure would be. Mr. Leonard stated that it would be used to store a pontoon boat as well as be used as a woodworking shop as that is the petitioner's hobby. Chairman Art Hall explained that a business cannot be run out of the structure and that the board will place that as a commitment in their motion. Dan Strong asked what type of materials will be used. Mr. Leonard stated that it will be stick built with cement board siding. Chairman Hall discussed his issue with the accessory structure not having a stone/brick front like the home and it not being aesthetically consistent with the primary structure when it is being built in the front yard. Mr. Frederick discussed his reasoning behind the choice of cement board siding and that he thought it would be aesthetically pleasing without significantly raising his costs. Discussion of this topic continued amongst the members of the board and the petitioner. Stephen Zell stated that he completely agreed with Chairman Hall in reference to his comments on the potential aesthetics of using cement board siding which is not consistent with the primary structure. Plan Director Paul Munoz stated for the record that both of the petitioner's neighbors have been in the office to examine the petition and they did not have any problems with the project. Dan Strong asked if the petitioner would be willing to change the building materials on the 30 ft side that faces Tollgate Rd. Mr. Leonard stated that the direction they went was based on budget and that it could be done, but it will raise the cost for the petitioner. Chairman Hall stated that it will also raise the appearance of the structure and make it fit in with the characteristics of the surrounding homes.

Dan Strong asked about a potential variance for a side yard setback and Paul Munoz stated that it was not required because of the standards and requirements in Forest Bay. Discussion of this continued amongst the members of the board. Chairman Hall asked if the petitioner would be willing to change the materials along



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that 30 ft. stretch that faces Tollgate Rd. Mr. Frederick stated he would be agreeable to that. Discussion of potential landscaping and the planting of trees or bushes on the South Side of the building occurred. Dan Strong asked if the board was asking the petitioner to use stone or something that gives a stone look. Chairman Hall stated that it doesn't have to be stone, but he would like it to be a stone like that is consistent with the primary structure.

Dan Strong asked the petitioner if anyone was planning on living in the structure. Mr. Frederick stated no, that it would only be used for boat storage on one side and an area for his woodworking hobby on the other side. There were no other comments or questions from the board.

Dan Strong made a motion to open the Public Hearing and Stephen Zell seconded the motion. All members were in favor and the Public Hearing was opened. There were no comments from the public. 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.

Chairman Hall asked the petitioner if he would like to move forward with the vote with only 4 members of the board present or if he would like to table the petition until next month's meeting. Mr. Frederick stated that he would like to move forward. Legal Counsel Aaron Culp stated that the board may ask for the petitioner to come back for an update with a sample of the new building material to ensure that it meets their standards. Chairman Hall stated that he believes that the board can leave that approval up to the Planning Director, Paul Munoz. Discussion of the building materials continued in addition to discussion of how high to take the stone façade. Chairman Hall stated that he would like to see it go to the 9ft roof line. Discussion of this and the landscaping continued.

Dan Strong made a motion to approve the docket with the following conditions that there be no living quarters or business operated out of the structure, that the West side have a masonry façade up to the 9ft height and that Planning Director Paul Munoz has discretion over what the façade will look like. Also, that the South side of the structure be landscaped as a buffer for the neighbors. Stephen Zell seconded the motion and all members present were in favor.

Docket #: BZA-1012-035-R1

Petitioner: William Frederick

**Proposed Location: 22685 Tollgate Rd.
Cicero, IN 46034**

Development Standards Variance: To allow for an accessory structure to be 77% (1800 sq. ft) of the finished floor area of the primary structure whereas the ordinance is not to exceed the maximum square feet of 65% (1512 sq ft) of the finished floor area of the primary structure.

Chairman Hall asked the petitioner, Mr. Frederick to explain how he came up with the size of the structure. Mr. Frederick discussed his logic behind the size. Dan Strong asked if the same commitments should be attached to this motion and Chairman Hall stated yes. Chairman Hall asked Paul Munoz if there was any



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feedback or comments from neighbors prior to the meeting. Paul Munoz stated no. There were no other questions or comments from the board members.

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. There were no public comments or questions. Stephen 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.

Dan Strong made a motion to approve the docket with the previous commitments reaffirmed. Stephen Zell seconded the motion. Bruce Freeman asked how soon construction would begin. Mr. Leonard asked how soon the permits would be available. Paul Munoz stated that they would be issued tomorrow. Mr. Leonard then answered by saying that construction would start next week. All members present were in favor and the petition was granted. Mr. Frederick asked the board if it would be alright for him to plant the new landscaping in the Spring. Chairman Hall stated that he needed to do it within 12 months from today.

5. PLAN DIRECTOR'S REPORT

Planning Director Paul Munoz discussed the Comp Plan Steering Committee and gave an update on their progress as well as discussed the diversity of the group of members on the board. Paul Munoz stated that they have already received approximately 220 online responses to the Comp Plan survey which is a great start.

Paul Munoz briefly discussed some recent violations that have come to his attention. Paul Munoz stated that they are being addressed and dealt with in his office as well as with Legal Counsel. Paul stated that he will keep the board updated on his progress.

Paul Munoz discussed the NRG building and the potential for some grant money to conduct some Brownfield studies there. Paul discussed some recent interest in the building and some possible options for projects in the future.

6. CHAIRMAN'S REPORT:

NONE

7. LEGAL COUNSEL REPORT:

NONE

8. PUBLIC COMMENT:

NONE

9. BOARD MEMBERS COMMENTS:

NONE



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11. NEXT MEETING:

November 15th, 2012 at 7:00 p.m.

12. ADJOURNMENT:

Stephen Zell made the motion to adjourn and Dan Strong seconded the motion. All members present were in favor and the meeting was adjourned at 7:48pm.

Signatures:

Art Hall-2012 Chairman

Dan Strong 2012 Vice-Chairman

Stephen Zell-2012 Secretary

Kelly E. Gunn- Recording Secretary

Date