



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

PETITIONERS:

Jeff and Marcie Pecor

BZA MEETING MINUTES

09/20/12

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
Corey Sylvester
Paul Munoz-C/JT Plan Director
Kelly Gunn-Recording Secretary
John Culp-Legal Counsel

Absent:

1. DECLARATION OF QUORUM:

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

2. APPROVAL OF MINUTES:

Stephen Zell made a motion to approve the meeting minutes from August 16th 2012. Corey Sylvester seconded the motion. All members present were in favor.

3. OLD BUSINESS:

NONE

4. NEW BUSINESS:

- Docket #: BZA-0812-032-R3
Petitioner: Jeff and Marcie Pecor
Proposed Location: 390 Morse Landing Dr.
Cicero, IN 46034



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Development Standards Variance: To allow for an accessory structure to be placed 1 ½ feet from the property line whereas the ordinance requires 8 feet.

Mr. Pecor came before the board to discuss the mini barn that is currently erected on his property. Mr. Pecor explained that he had a previous mini barn that had rotted and he replaced it with the current 2 story mini barn, but he was unaware that he would need to come for a variance for the setbacks. Mr. Pecor discussed the dimensions and location of the current shed with regards to the utility easement and property lines. Chairman Hall asked if the shed was located in an easement. Mr. Pecor stated that it was not. Chairman Hall asked if the structure was being proposed or if it were already built. Mr. Pecor stated that it is already built and placed on his property. Planning Director Paul Munoz discussed the background on this situation and the fact that once he realized this shed was built that he approached Mr. Pecor and that Mr. Pecor was extremely cooperative and willing to go through the process. Discussion of the history of the structure and its location continued amongst the members of the board and the petitioner.

Vice Chairman Dan Strong asked about the zoning being different back when Morse Landing was originally platted. Discussion of this topic took place amongst the members of the board and the Planning Director. Stephen Zell asked Mr. Pecor if the structure was on a foundation. Mr. Pecor discussed that it is on a foundation and has 9 posts/beams. Mr. Pecor continued to discuss the foundation of the structure. Dan Strong asked the petitioner what his intentions for the structure were. Mr. Pecor stated that he will be using the shed for storage of tools and holiday decorations so that he can clean out the garage to park his vehicles in it. Dan Strong explained to the petitioner that as a board they would most likely attach commitments to Mr. Pecor's deed that he would not be permitted to have living quarters contained within the structure or run a business from the structure. Mr. Pecor stated that he would be fine with that. There were no other questions or comments from members of the board.

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

Jim Stepp
10522 Corral Ct.
Carmel, IN 46033

Mr. Stepp stated that he owns a property near Mr. Pecor's home. Mr. Stepp questioned whether Mr. Pecor submitted a set of plans for the structure to the Planning office. Planning Director Paul Munoz stated that he did have a copy of the plans along with pictures of the structure in his file. Mr. Stepp discussed his issues with the height of the building as well as the use of T-11 siding on the structure. Chairman Hall stated that T-11 siding is permitted within the ordinances. Mr. Stepp discussed his displeasure with the look of the structure as well as the height.



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Brady Sexton
3045 W. Morse Dr.
Cicero, IN 46034

Mr. Sexton stated that his presence at the meeting was simply to just double check the scope of the variance request. Mr. Sexton asked about the current ordinances for an Accessory Structure based upon square footage and whether they can be 2 stories or not. Chairman Hall discussed the ordinance and stated that an accessory structure cannot be more than 60% of the primary structure unless you come for a variance. Discussion of the ordinances as well as the side yard setbacks took place amongst the members of the board and Mr. Sexton.

Patricia Harmon
540 Morse Landing Drive
Cicero, IN 46034

Ms. Harmon asked if anyone can just put up a mini barn without a permit and what the requirements are. Chairman Hall discussed this topic and reiterated that a permit is necessary. Paul Munoz discussed the locations where accessory structures are permitted and not permitted such as easements. Discussion about the requirements for an accessory structure permit continued.

There were no other questions or 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.

Bruce Freeman discussed how the shed sticks out in relation to Mr. Sexton's property which is located behind the petitioner's property. Chairman Hall stated that the board must rule according to the ordinances. Chairman Hall stated that he believes that the board needs to look at changing the maximum height of accessory structures in subdivisions because he does not like what is currently allowed which is 18 feet. Chairman Hall believes that is too high in a residential neighborhood like Morse Landing. Vice Chairman Dan Strong asked the petitioner if he will have lighting on the structure and Mr. Pecor stated that none is planned. Stephen Zell asked the petitioner if the shed was painted. Mr. Pecor stated that it was a green color and he referenced the pictures that he passed out earlier. Chairman Hall asked Paul Munoz if the shed met all construction standards. Paul Munoz stated that the shed is very structurally sound and more than met the standards. The board members then took a moment to look over the pictures submitted by the petitioner. There were no other questions or comments from the board members.

Stephen Zell made a motion to approve with the following written commitments: that no living quarters be contained within the structure and that no business be ran from the structure. Vice Chairman Dan Strong seconded the motion. All members present were in favor. Chairman Art Hall stated that he is not happy with the height of the structure as he lives in the same neighborhood as the petitioner, but all the board was ruling



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on tonight was the side yard setback. Mr. Pecor discussed potentially removing some of the height to appease his neighbors in the future and discussion of this topic took place. Mr. Pecor also stated that he would consider adding vinyl siding if that would make his neighbors happier. Chairman Hall asked Planning Director Paul Munoz to make note that the board would like to review and reconsider the ordinance pertaining to height of accessory structures. Discussion of this and other ordinances took place amongst the members of the board and the Planning Director.

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.

6. CHAIRMAN'S REPORT:

NONE

7. LEGAL COUNSEL REPORT:

NONE

8. PUBLIC COMMENT:

Patricia Harmon
540 Morse Landing Dr.
Cicero, IN 46034

Ms. Harmon discussed the tires that are visible in Morse Reservoir near Red Bridge Park and wanted to know who is responsible for their removal. Ms. Harmon stated that she contacted the Cicero Parks Dept. and that they were not cooperative at all. Chairman Art Hall stated that Citizens Water owns the Reservoir, so ultimately they are responsible for its care, but that they do allow Morse Waterways Associations to do cleanups of the Reservoir, etc. Chairman Hall instructed Ms. Harmon to report instances such as this to Morse Waterways Association in the future as they do their very best to take care of situations such as this with the blessing of Citizens Water.

9. BOARD MEMBERS COMMENTS:

NONE

11. NEXT MEETING:

October 18th, 2012 at 7:00 p.m.



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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 7:35pm.

Signatures:

Art Hall-2012 Chairman

Dan Strong 2012 Vice-Chairman

Stephen Zell-2012 Secretary

Kelly E. Gunn- Recording Secretary

Date