



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

PETITIONERS:

Hamilton County Pool and Spa
Golden Arches Limited Partnership (McDonald's)
Joe E. Booker Estate
Raedel Susan Cahill (Property Owner), Immaculate Concepts (Tenant)

BZA MEETING MINUTES

04/18/13
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 Stephen Zell
Bruce Freeman-Secretary
Dan Strong
Corey Sylvester
Tim Fonderoli (fill in from Plan Commission)
Paul Munoz-C/JT Plan Director
John Culp- Legal Counsel

Absent: Kelly Gunn-Recording Secretary

1. DECLARATION OF QUORUM:

Chairman Hall declared a quorum with 5 of 5 members being present. Former BZA member Tim Fonderoli was present as well due to current board member Dan Strong having to recues himself from an agenda item this evening.

2. APPROVAL OF MINUTES:

Stephen Zell made a motion to approve the meeting minutes from March 21st, 2013. Bruce Freeman seconded the motion. All members present were in favor.

3. OLD BUSINESS:

NONE



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4. NEW BUSINESS:

Docket #: BZA-0313-007-DC

Petitioner: Hamilton County Pool and Spa (Jason Snyder)

Property Address: 175 W. Jackson St.
Cicero, IN 46034

Land Use Variance: To allow for a Pool and Spa Business in a "DC" Downtown Commercial zoning district whereas a pool and spa business is not currently a permitted use.

Mr. Snyder came forward and discussed the fact that he purchased Cicero Pool and Spa and discussed their day to day operations and the services that they provide. Chairman Hall asked the petitioner if Chief Peachey had approved their storage of chemicals in the building. Mr. Snyder stated that Chief Peachey did come and inspect the business location and that he approved everything. Stephen Zell asked about parking for the business. Mr. Snyder discussed the lot on the side of the building that can be utilized when a funeral is not going on at Hartley Funeral Home. Mr. Snyder discussed the employee parking at the rear of the business as well as the free public parking on the other side of the business. A brief discussion of parking continued amongst the members of the board. Legal Counsel John Culp asked Plan Director Paul Munoz if restrictive conditions were necessary in this situation. Paul Munoz stated that he believes that any conditions attached to the variance should be exclusive to this business owner only. Discussion continued on the topic.

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 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.

Dan Strong asked if something could be submitted in writing verifying that Chief Peachey did approve all chemical storage and fire and electrical issues and/or concerns. Paul Munoz stated that he could have Chief Peachey do so. Dan Strong requested that this Land Use Variance be attached to this business owner only so if they were to ever sell the business, the new owners would need to come before the board and request a variance. Dan Strong asked if the business had signage plans currently. Paul Munoz discussed their plans. Bruce Freeman asked about the chemicals and what would happen if there was a fire. Mr. Snyder discussed his conversation with Chief Peachey and the fact that because they are segregated, he doesn't believe there would be any type of explosion, etc. There were no other questions or comments from the board members.

Stephen Zell made a motion to approve the variance request with the conditions that approval tonight would be exclusive to this business owner and that this motion be contingent upon written approval by Cicero Fire Chief Steve Peachey. Bruce Freeman seconded the motion. All members present were in favor.



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Docket #: BZA-0413-008-C1

Petitioner: Golden Arches Limited Partnership (McDonald's)

**Property Address: 1015 S. Peru St.
Cicero, IN 46034**

Development Standards Variance: To allow for a second (2) wall sign to be placed on the same facade whereas the ordinance allows for a maximum of one (1) permanent wall sign per facade, with a maximum of two (2) per building.

Board member Dan Strong recused himself from this hearing as he has financial interest in this piece of business. Tim Fonderoli will step in as voting member for Dan Strong. Terri Strong came forward to discuss their request to place a second wall sign on the façade. Mrs. Strong discussed the placement proposal for the signage that they are requesting. Mrs. Strong stated that they had not originally requested the "McDonald's" sign and that they thought about it and decided to come forward to request the additional sign. Mrs. Strong discussed the advertising and financial implications that come with having the "McDonald's" wording on the building and discussed the research that she has done on this topic. Chairman Hall asked Paul Munoz about total square footage of signs requested. Paul Munoz stated that they are still within the guidelines for total square footage and that the variance is only because of the request for an additional façade sign. There were no other questions or comments from the board members.

Stephen Zell made a motion to open the Public Hearing and Tim Fonderoli seconded the motion. There were no comments from the public. Stephen Zell made a motion to close the Public Hearing and Corey Sylvester seconded the motion. All members present were in favor, and the Public Hearing was closed.

Tim Fonderoli made a motion to approve the variance request. Bruce Freeman seconded the motion. All members present were in favor. Dan Strong returned to his position as voting member of the board.

Docket #: BZA-0413-009-DC

Petitioner: Joe E. Booker Estate

**Property Address: 99 W. Jackson St.
Cicero, IN 46034**

Land Use Variance: To allow for a dwelling, Single Family Residential (Apartment) to be placed on the first floor, rear of the building, whereas this is not a permitted use on the first floor within a Downtown Commercial "DC" zoning district.

Deborah Elliott, personal representative for the Estate, 721 E. 266TH St. Arcadia, IN came forward and discussed her proposal to place an apartment in the rear of the building. Ms. Elliott stated that this would be for her son to live in as he is a Sales Representative for their company and he no longer desires to live at home. Chairman Hall asked Plan Director Paul Munoz if there is a minimum square footage requirement for

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apartments. Paul Munoz stated no not as far as a building like that is concerned. Stephen Zell asked for clarification on the number of apartments. Ms. Elliott stated that there are 2 apartments upstairs currently and the request is just to close off the rear of the building for her son to live in. Ms. Elliott stated that there is currently a kitchenette in this rear part of the building/office along with a living room and a room that will be used as the bedroom that is currently a storage room. Chairman Hall asked if Ms. Elliott would be collecting rent from her son and she stated no. Chairman Hall stated that there may be conditions attached to this variance that do not allow her to collect rent from other parties if her son were to vacate the apartment. Discussion of this continued amongst the members of the board and the petitioner. Dan Strong asked what would happen to that space if her son were to vacate. Ms. Elliott stated that it would be turned back into office space and would be leased out as such which is its current usage. There were no other questions or comments from the board members.

Dan Strong made a motion to open the Public Hearing. Bruce Freeman seconded the motion and the Public Hearing was opened. There were no comments from the public. Bruce Freeman made a motion to close the Public Hearing. Corey Sylvester seconded the motion. All members present were in favor and the Public Hearing was closed.

Dan Strong stated that the only problem he sees would be in the future if the property were sold, he would advise that this not be a permitted use for any other property owner. Ms. Elliott stated that it was her intent that if this variance was granted that she would purchase the property from the Estate so that it would be permitted to allow her son to stay there and live. Discussion continued on this topic and approval of the variance.

Dan Strong made a motion to approve the variance with the following conditions that it would be approved only for the Joe E. Booker estate and that if the Elliott's do purchase the property, that approval be carried on to them. In addition that if their son vacates the apartment, that they will not be allowed to rent the apartment out and collect rent in that location. Stephen Zell seconded the motion. All members present were in favor.

Docket #: BZA-0413-010-R5

Petitioner: Raedel Susan Cahill (Property Owners) Immaculate Concepts (Tenant)

Property Address: 22121 Schulley Rd.

Cicero, IN 46034

Land Use Variance: To allow for a professional cleaning service business to operate from the property whereas a business is not a permitted use within an "R5" Old Town Residential zoning district.

Mr. John Cahill came forward as the husband of the property owner and introduced Sara Sample, 215 Crossbow St, Sheridan, IN as the business owner. Ms. Sample came forward and discussed her proposal to relocate her business from Sheridan to a bigger location and a more high traffic area so that they can generate



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more business. Ms. Sample discussed the services that her business provides and referenced the information package that she provided which included her signage. Ms. Sample discussed the parking of her business vehicles and options for future parking. Ms. Sample discussed the cleaning solutions that they use and the fact that they are not flammable. Ms. Sample stated that all cleaning products will be on shelving units and not on the floor. Ms. Sample stated that they get approximately one delivery at the business a month, which are their cleaning supplies. Ms. Sample discussed a possible expansion on the building in the upcoming years if they outgrow the existing space. Chairman Hall asked if her employees would be driving to the office and taking a business vehicle. Ms. Sample stated that she does provide company vehicles to her employees and that her employees will be parked on the premises and not on streets. Discussion continued on parking issues and plans. Stephen Zell stated that the petitioner would need to come before the Plan Commission for signage, dumpster fencing if it's not there already in addition to a visit and approval from Fire Chief Steve Peachey in reference to chemical storage. Property owner John Cahill inquired about what was needed for the signage plans. Paul Munoz described what is needed for the Aesthetic Review of the sign package. Discussion of the sign package continued amongst the members of the board and the petitioner.

Mr. Cahill asked if the petitioner decided to purchase the building, can the variance be tied to the business and not the property so they do not have to go through the variance process again. Paul Munoz stated that it could be done and added into the motion to approve. Bruce Freeman asked about the potential of expansion and the "lean to" that was spoken of. Mr. Cahill stated that it would be a secure structure, like a car port. Dan Strong asked the petitioner what time the employees arrive at the property. Ms. Sample stated that the business does not open until 8am however she does have members of a commercial cleaning team that come in as early as 530 am to gather their supplies and get their company vehicles, etc. Dan Strong asked if there is enough room to park 10 vehicles on the premises. Mr. Cahill stated that he believes that there is and he discussed the area in which vehicles can park on site. Discussion continued on this topic. Dan Strong made the petitioner aware that outdoor storage is not permitted. The petitioner understood. Stephen Zell asked what the days of operation would be. Ms. Sample stated that she is open Monday through Friday from 8am to 5pm and on Saturdays from 8am to Noon. Legal Counsel John Culp asked if all employees were full-time, part-time or a mixture of both. Ms. Sample stated that she does have both. John Culp asked if the petitioner anticipates having more than 13 employees. Ms. Sample stated that she looks to have 20 within the year, but not more than 30 employees. Discussion of parking continued.

Dan Strong asked if the petitioner proposed any additional lighting. Ms. Sample stated that she has not seen the property at night so she isn't sure. Mr. Cahill discussed the current lighting on site. Discussion continued about lighting on the premises.

Stephen Zell made a motion to open the Public Hearing. Corey Sylvester seconded the motion. All members present were in favor and the Public Hearing was opened. There were no comments from the public. Steve Zell made a motion to close the Public Hearing and Corey Sylvester seconded the motion. All members present were in favor and the Public Hearing was closed. There were no further questions or comments from the board.



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Dan Strong made a motion to approve the variance request with the conditions that this would be allowed for this business only, that they are allowed to use the existing parking spaces but cannot exceed that and use on street parking and contingent upon Fire Chief Steve Peachey's approval of chemical storage as well as that the Hours of Operation be set as Monday through Friday 8am to 5pm and Saturday 8am to 12pm. Stephen Zell seconded the motion. All members present were in favor.

5. PLAN DIRECTOR'S REPORT

Paul Munoz stated that he really had nothing to report this evening. Chairman Hall asked about the Causeway project and Paul gave a brief update on that.

6. CHAIRMAN'S REPORT:

NONE

7. LEGAL COUNSEL REPORT:

John Culp stated that his law office is in a state of transition. John Culp stated that he only plans on working for another year or so and that his son and partner in the firm, Aaron Culp has the opportunity to become a partner in Church, Church, Hittle and Antrim. John Culp stated that over the next few months, they will be bringing a new attorney to the board meetings to introduce him to the community. Discussion of this transition continued amongst the members of the board and Legal Counsel.

8. PUBLIC COMMENT:

NONE

9. BOARD MEMBERS COMMENTS:

NONE

11. NEXT MEETING:

May 16th, 2013 at 7:00 p.m.

12. ADJOURNMENT:

Bruce Freeman made the motion to adjourn and Corey Sylvester seconded the motion. All members present were in favor and the meeting was adjourned at 8:00 pm.



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Signatures:

Art Hall-2013 Chairman

Stephen Zell-2013 Vice-Chairman

Bruce Freeman-2013 Secretary

Kelly E. Gunn- Recording Secretary

Date