



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

PETITIONERS:

Greg Klopstad (Dairy Queen)

William Struve

BZA MEETING MINUTES

10/17/13

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: Art Hall- Chairman
Brad Baker- Vice Chairman
Bruce Freeman-Secretary
Tim Fonderoli (Filling in for Dan Strong from Plan Commission)
Mark Thomas
Paul Munoz-Plan Director
John Culp- Legal Counsel
Kelly Gunn- Recording Secretary

Absent: Dan Strong

1. DECLARATION OF QUORUM:

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

2. APPROVAL OF MINUTES:

Bruce Freeman made a motion to approve the September 19th, 2013 meeting minutes. Mark Thomas seconded the motion. All members present were in favor.

3. OLD BUSINESS:

Docket #: BZA-0813-022-NC

Petitioner: Greg Klopstad (Dairy Queen)

Property Address: 90 S. Peru St.

Cicero, IN 46034

Development Standards Variance: To allow for a for a reduction in the front yard setback along a primary arterial road for the purpose of constructing a patio for outdoor seating to be reduced to (5) feet whereas the ordinances states that the front yard setback shall be twenty (20) feet in a Neighborhood Commercial District.

150 W. JACKSON ST. P.O. Box 650 CICERO, IN 46034
PHONE: 317-984-5845 FAX: 317-984-5938 WWW.CICEROIN.ORG



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

Greg Klopstad, Owner of Dairy Queen as well as Rick Rice, a representative from BHR Construction were present to discuss this matter. Plan Director Paul Munoz discussed an email that he received from Bill Bolander, primary contractor on this job. Mr. Bolander presented some possible solutions to the safety concerns that were brought up by the board at last month's meeting. Paul Munoz asked the board members if they had a chance to review this email. The board members replied that they had all reviewed the email from Mr. Bolander. A discussion in reference to the placement of the bollards took place amongst the board and Rick Rice. Brad Baker asked for clarification on the location of the posts. Rick Rice stated that they would be placed on the East end of the patio on the back side of the sidewalk. Mark Thomas asked how many posts would be used. Rick Rice stated at least three or four posts. Chairman Hall asked if they will commit to a minimum of at least eight foot on center and Mr. Klopstad and Mr. Rice agreed that they would. Bruce Freeman asked if the posts would be set far enough back to where snow plows would miss them and Mr. Rice answered yes. Bruce Freeman asked if there would be enough room for pedestrians to walk through and Mr. Rice answered yes. Mark Thomas asked about replacing the existing sidewalk and if that would occur. Rick Rice stated that they would not be replacing the sidewalk, and that they would be going on top of the existing sidewalk. Discussion of this topic continued amongst the members of the board and the contractor. Tim Fonderoli stated that there would be a gap between the sidewalk and the patio area. Rick Rice discussed the aluminum railing/fence on the patio to keep patrons from going onto the sidewalk. Discussion of this continued.

Brad Baker made a motion to open the Public Hearing. Bruce Freeman seconded the motion. All members present were in favor. There were no comments from the public. Bruce Freeman made a motion to close the Public Hearing and Mark Thomas seconded the motion. All members present were in favor.

Brad Baker stated that his previous safety concerns are not as high as they were, but that he would like to see a condition added to the motion that no work shall disrupt the five foot line.

Bruce Freeman made a motion to approve the variance request with the condition that the 5 foot medium would be undisturbed and that there would be no less than eight feet from the center of the bollards. Brad Baker seconded the motion. All members present were in favor.

4. NEW BUSINESS:

Docket #: BZA-1013-023-AG

Petitioner: William Struve

**Property Address: 23516 Colt Way
Cicero, IN 46034**

Development Standards Variance: To allow for a primary structure to be placed behind the existing accessory structures, whereas the ordinance requires accessory structures to be in the rear or side yard of the primary structure.



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

Mr. Struve was present and granted verbal permission to Dave Ellis, broker of the potential buyer of the property to discuss this matter on his behalf. Dave Ellis (1263 Presswood Circle, Greenwood, IN) came forward and discussed the variance request. Mr. Ellis stated that the closing for this property is scheduled for tomorrow and is contingent upon this request being granted. Mr. Ellis stated that the proposed home would meet all other development standards requirements. Mr. Ellis stated that the idea of building the home behind the barn has been discussed with the neighbors of this property. Paul Munoz discussed the site plans that were given to members of the board from the previous approval and the reasons for this particular variance request. Chairman Hall asked if there are any other practical reasons for home not being placed in the Southeast corner of the property. Paul Munoz stated that it is entirely up to the petitioner as to why they would or would not place the home in the previously approved corner of the lot. Discussion of this topic continued. Brad Baker asked about the septic field. Mr. Ellis discussed his previous meeting with Andy Conover from the Hamilton County Surveyor's Office and the research that had been done on this topic. Mr. Ellis passed around an elevation drawing of the proposed home. Chairman Hall asked why the proposed buyers wanted to place the home on this particular corner as opposed the other corner of the lot which was previously approved. Mr. Ellis stated that the wife of the potential buyer is concerned about the safety of her grandchildren in relation to the proximity to 236th Street.

Bruce Freeman made a motion to open the Public Hearing. Mark Thomas seconded the motion. All members present were in favor.

Ken King
23565 Colt Way
Cicero, IN 46034

Mr. King asked why this particular ordinance exists and if the neighbors should be concerned as adjacent property owners if this variance request were to be approved. Paul Munoz discussed the reason for the variance and the fact that the ordinance exists to protect neighbors and property owners in the zoning district. Chairman Hall discussed a case in Morse Landing from the past that involves a mini barn being placed in the front yard and how the ordinance applies. Paul Munoz stated that the neighbors have no reason to be concerned that they will be adversely affected by this particular variance. There were no other comments from the public.

Bruce Freeman made a motion to close the Public Hearing and Mark Thomas seconded the motion. All members present were in favor.

Discussion took place amongst members of the board in reference to previous variance requests and approvals that are similar to this case being presented tonight. There were no other questions or comments.

Brad Baker made a motion to approve the variance request as presented. Mark Thomas seconded the motion. All members present were in favor.



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

5. PLAN DIRECTOR'S REPORT

Paul Munoz stated that he did not have a report for this month.

6. CHAIRMAN'S REPORT:

Chairman Hall discussed his attendance in reference to 2014. Chairman Hall stated that he will be gone all of January and February traveling and that there would be a few other times throughout the year that he will be absent due to family commitments. Chairman Hall stated that he would like the board to think about how they would like to proceed and he would like their input at the next meeting. Chairman Hall stated that he would like to remain involved in some capacity if possible as he enjoys serving on the board. BZA alternate Tim Fonderoli stated that he is happy to fill in when he can.

7. LEGAL COUNSEL REPORT:

NONE

8. PUBLIC COMMENT:

NONE

9. BOARD MEMBERS COMMENTS:

NONE

11. NEXT MEETING:

November 21st, 2013 at 7:00 p.m.

12. ADJOURNMENT:

Bruce Freeman made a motion to adjourn and Mark Thomas seconded the motion. All members present were in favor. The meeting was adjourned at 7:28 pm.



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

Signatures:

Art Hall-2013 Chairman

Brad Baker-2013 Vice-Chairman

Bruce Freeman-2013 Secretary

Kelly E. Gunn- Recording Secretary

Date