



# CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

## PETITIONERS:

Steve and Laceta Taylor (Property Owner) Robin Lawrence (Buyer)  
Aquatech Pool and Spa

## **BZA MEETING MINUTES**

**04/17/14**

**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  
Mark Thomas -Secretary  
Dan Strong  
Bruce Freeman  
John Culp- Legal Counsel  
Paul Munoz-Plan Director  
Kelly Gunn- Recording Secretary

**Absent:** NONE

### 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 03/20/14 meeting minutes. Mark Thomas seconded the motion. All members present were in favor.



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### **3. OLD BUSINESS:**

**Docket #:** BZA-0214-001-AG

**Petitioner:** Steve and Laceta Taylor (Property Owner), Robin Lawrence (Buyer)

**Property Address:** 1955 E. 226<sup>th</sup> St.  
Cicero, IN 46034

**Development Standards Variance:** To allow for one (1) Large Animal (Horse) per acre whereas the ordinance allows for one (1) Large Animal per 1.5 acres of fenced in pasture.

**Docket #:** BZA-0214-002-AG

**Petitioner:** Steve and Laceta Taylor (Property Owner), Robin Lawrence (Buyer)

**Property Address:** 1955 E. 226<sup>th</sup> St.  
Cicero, IN 46034

**Development Standards Variance:** To allow for a horse boarding, stable and riding lesson business to operate from the property in an AG Zoning District.

**Docket #:** BZA-0214-003-AG

**Petitioner:** Steve and Laceta Taylor (Property Owner), Robin Lawrence (Buyer)

**Property Address:** 1955 E. 226<sup>th</sup> St.  
Cicero, IN 46034

**Development Standards Variance:** To allow for a third (3) accessory structure whereas the ordinance states that no more than two (2) accessory structures are permitted on a lot.

Chairman Art Hall stated that the board will discuss the variances together but will vote upon BZA- 0214-002-AG first as everything else is contingent upon that single variance being passed. Gina Cooper, the Realtor for the Taylor's as well as Ms. Robin Lawrence, the buyer of the property were present at the meeting. Plan Director Paul Munoz stated that he has on file a Power of Attorney signed by the property owners, Steve and Laceta Taylor, which gives both Ms. Cooper and Ms. Lawrence permission to speak on the Taylors' behalf as they live out of state. Robin Lawrence came forward and discussed her proposed business plans as well as her plans for the property. Ms. Lawrence discussed her plans for the proposed construction of her horse barn and stated that it is her intention to live in the home that currently exists on the property. Ms. Lawrence discussed the current condition of the existing home as she had the inspection of the home completed today as well as her plans for major renovations of the home. Discussion of this continued amongst the petitioner and the members of the board. Ms. Lawrence stated that she plans on investing a great deal of money into the property to make it aesthetically pleasing for the neighbors and the public. Ms. Lawrence stated that she received no response from her ad joiners whom she sent certified notice of the Public Hearing to. Paul Munoz stated for the record that all legal notifications were met in the required timeframe necessary for Ms.



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Lawrence to be heard by the board this evening. Brad Baker asked Ms. Lawrence if she had a site plan available for the board members to reference for the layout of the structures and proposed outbuildings. Ms. Lawrence stated that she does not have one at the current time as she is still awaiting a response from the drainage board to tell her exactly where the structure should be placed. Ms. Lawrence discussed her plans for the outbuildings and her plan to get rid of one of them eventually. Discussion of this topic continued.

Ms. Lawrence discussed the nature of her business which is purchasing high end horses in Europe and then selling them here in the United States. Ms. Lawrence stated that the traffic that her business will generate will be minimal as she does not hold auctions or sales on site. Discussion of this continued. Ms. Lawrence discussed her plans to add a small second driveway to the property. Ms. Lawrence passed out pictures from her builders to the board members of the proposed barn plans and aesthetics. Ms. Lawrence stated that the existing home will be painted to match the color of the barn and she discussed her plans for landscaping of the property. Plan Director Paul Munoz asked the petitioner to speak about her fencing plans. Ms. Lawrence discussed this in depth with the members of the board including discussion of the county regulated drain that runs across the front of her property. Ms. Lawrence stated that she will plan on protecting that drain and will not be allowing horses on that part of the property to ensure that protection. Discussion of this topic continued. Paul Munoz stated that this was a concern of his initially and that he referred Ms. Lawrence to the Hamilton County Surveyor's Office when she first came to him with her proposal. Paul Munoz stated that he knows that she has spoken to the Surveyor's Office at length about this topic and they are comfortable with her proposal and plans. Dan Strong asked if there would be any exterior lighting that the petitioner would be adding. Ms. Lawrence stated that she will add lights if it is a recommendation of the board, but that she really does not want this to be a public facility or for it to draw the public there, so she would rather not do so. Dan Strong asked Plan Director Paul Munoz if there were any requirements in place for the petitioner to pave her parking area. Paul Munoz stated that because it is within in AG district, and the property will be used for such a purpose, there is no requirement for paving. Brad Baker asked the petitioner if she had plans to have on site restrooms for her patrons. Ms. Lawrence stated that in the existing barn plans, there is one restroom. Chairman Hall asked if the petitioner if she would ever be holding large sales or auctions, and Ms. Lawrence stated no. Discussion of Ms. Lawrence's business practices continued. Chairman Art Hall asked about the request for less acreage per animal and why the petitioner felt it was necessary. Ms. Lawrence stated that her horses will not be grazing and that they will be outdoors more so for their mental health and well being. Ms. Lawrence stated that most often her horses will be going out at night as the sunlight can bleach out their hair and that horses can get sun burnt which can all take away from their appearance and value. Ms. Lawrence discussed the diet and regimen that her horses follow which is comparable to the diet that the use in Denmark and the European countries that she primarily purchases the animals from. Chairman Hall stated that he would like to see this variance have a one year review attached to it to make sure that the animals are being well cared for and that the board is comfortable with the operations. There were no further questions or comments from the board members.

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



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Gina Coleman  
203 Regent Ct.  
Noblesville, IN

Ms. Coleman is the Realtor whom represents the property owners/sellers, the Taylor's. Ms. Coleman stated that she has just met Ms. Lawrence for the first time tonight and she is thoroughly impressed with her plans for this property and her business operations. Ms. Coleman discussed the conditions of the current property and home. Ms. Coleman stated that the proposal that the board has heard tonight sounds like a wonderful improvement to this existing lot. Ms. Coleman stated that the sellers' have no objections to Ms. Lawrence's proposal.

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

Dan Strong made a motion to approve the variance request with the commitments that there be a one year review and inspection of the operations and business at no cost to the petitioner and that any fencing must be approved by the drainage board. Chairman Hall requested that Dan Strong save the one year review as an additional commitment to one of the variances to be heard next. Dan Strong withdrew the first commitment from his motion. Bruce Freeman seconded the motion. All members present were in favor.

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Dan Strong made a motion to approve this variance request with the added commitment that there would be a one year review and inspection of the property and business at no cost to the petitioner to ensure that the animals are being properly taken care of. Mark Thomas seconded the motion. All members present were in favor.

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Chairman Hall stated that if they allow this variance, and the petitioner tears down one structure in the future, that this variance is then null and void and the petitioner cannot build another structure in its place. Legal Counsel John Culp stated that Chairman Hall and the board can add that as a condition to approval of this variance request if they so choose. Bruce Freeman stated that there will be no living quarters permitted in the structure and Ms. Lawrence stated that it would not be an issue at all. Dan Strong made a motion to approve with the following commitments: that the 3<sup>rd</sup> structure is approved as presented but if one of the structures is taken down in the future, that another structure cannot be built in its place without further approval by the BZA, and that there would be no living quarters within the structures. All members present were in favor.



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## **4. NEW BUSINESS:**

**Docket #:** BZA-0314-004-NC

**Petitioner:** Aquatech Pool and Spa (Jeremy Pope)

**Property Address:** 120 S Peru St.

Cicero, IN 46034

**Land Use Variance:** To allow for a pool and spa business to be located within an "NC" Neighborhood Commercial District whereas a pool and spa business is not a permitted use in an "NC" District.

Co-Owners, Jeremy Pope (88 Bayshore Dr, Cicero, IN) and Gary Porter (8845 Seville Rd, Noblesville, IN) were present to discuss their proposal. Mr. Porter stated that they have taken all necessary safety precautions to store the pool chemicals in an outbuilding behind the business. Mr. Porter discussed all of the traffic that the business will bring to the area as well as their intent to hire new employees which will bring jobs to the Town of Cicero. Chairman Art Hall asked if Fire Chief Steve Peachey has inspected the facility and the safety measures that are being proposed. Mr. Pope stated that they have requested his assistance but that he has not made it out to the facility yet. Paul Munoz stated that he has discussed the proposed safety measures with Fire Chief Steve Peachey and he is comfortable with their safety and storage plans. Legal Counsel John Culp recommends that there be an added commitment to any motion that Chief Peachey makes periodic safety checks of the facilities. Mr. Pope discussed the proposed structure, and its building materials. Bruce Freeman asked about its close proximity to the train tracks. Chairman Hall stated that as long as they are not encroaching on the Port Authority's property, that they should be fine. Bruce Freeman discussed using stronger more durable materials for the outbuilding. Chairman Hall stated that he believes that it is best to defer that decision to Fire Chief Steve Peachey. Mr. Pope stated that they will do whatever it takes to comply. Dan Strong asked about the location being in the Wellhead Protection area and whether it posed a problem. Plan Director Paul Munoz stated that it did not since the outbuilding will be housed on a concrete pad. Legal Counsel John Culp asked if Plan Director Paul Munoz will obtain something in writing from Chief Peachey for the file. Paul Munoz stated yes. There were no further questions or comments from the board members.

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

Dan Strong asked how frequently the board would like Chief Peachey to complete inspections of the facility. Chairman Hall stated that it was appropriate to leave that to Chief Peachey's discretion. There were no further questions or comments from the board.

Dan Strong made a motion to approve with the commitments that Fire Chief Steve Peachey review the safety plans for the building and storage of chemicals and that he would establish a timeframe for periodic inspections for safety and security. Bruce Freeman seconded the motion. All members present were in favor.



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## **5. PLAN DIRECTOR'S REPORT**

Paul Munoz stated that he hoped to have the 1<sup>st</sup> Quarter report out to the board members by next week. Paul Munoz also discussed the timeframe in hiring a replacement for Secretary Kelly Gunn and that he hoped to have the process wrapped up by next week.

## **6. CHAIRMAN'S REPORT:**

NONE

## **7. LEGAL COUNSEL REPORT:**

NONE

## **8. PUBLIC COMMENT:**

NONE

## **9. BOARD MEMBERS COMMENTS:**

Bruce Freeman stated that he will be absent from next month's meeting. Paul Munoz will try and find a substitute. Paul Munoz stated that he will be gone during the first week in May for training.

## **11. NEXT MEETING:**

**May 22nd, 2014 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 7:41 pm.



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Signatures:

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Art Hall-2014 Chairman

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Brad Baker-2014 Vice-Chairman

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Mark Thomas-2014 Secretary

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Kelly E. Gunn- Recording Secretary

\_\_\_\_\_  
Date