



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

PETITIONERS:

Steve Decatur
Carrie J. Orton

BZA MEETING MINUTES

05/22/14

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
John Culp-Legal Counsel
Paul Munoz-Plan Director
Sally Mangas-Recorder

Absent: Bruce Freeman

1. DECLARATION OF QUORUM:

Chairman Art Hall declared a quorum with 4 of 5 members present. He also notified the petitioners that they have the opportunity to table their requests if they so desired until all five members of the board were present; reminding them that it would take 3 out of 5 votes to pass a variance. Both petitioners declined this offer.

2. APPROVAL OF MINUTES:

Dan Strong made a motion to approve the 04/17/14 meeting minutes. Brad Baker seconded the motion. All members present were in favor.

3. OLD BUSINESS:

None

4. NEW BUSINESS:

Docket #: BZA-0414-006-R3

Petitioner: Steve Decatur

**Property Address: 10 Bay View Drive
Cicero, IN 46034**



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

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

Docket #: BZA-0414-007-R3

Petitioner: Steve Decatur

Property Address: 10 Bay View Drive
Cicero, IN 46034

Development Standards Variance: To allow for an accessory structure to be placed (1) foot from a side property line whereas the ordinance states that the side yard setback for any accessory structure is fifteen (15) feet.

Chairman Art Hall asked the petitioner, Steve Decatur, why he was at the meeting. Mr. Decatur stated to the board that he was there requesting a variance in order to build a garage on his property and improve the lot. Mr. Munoz asked Mr. Decatur to please state his name and address for the board to which Mr. Decatur stated his address as 20 Bay View Drive; next door to the property he is requesting a variance for. Mr. Decatur passed out a photo of a garage that is similar to what he plans on building. Mr. Decatur was asked about the planned appearance of the garage to which he explained that it would look like part of the house. He is planning on using the same types of materials, paint colors, roofing. Chairman Hall asked if this property is going to be used as a rental to which Mr. Decatur stated that he is planning on moving into this property once completed. Chairman Hall asked if the garage was going to be attached to the house, stating that if so there is no need for a variance. Mr. Decatur informed the board that the garage would not be attached to the house because if it were it would be attached at the master bedroom. Mr. Baker asked about the roof run off on the north side to which Mr. Decatur explained it would not be a problem; they continued to discuss the pitches on both the house and garage.

Chairman Hall stated that they would go ahead and discuss the two variances together however they would be voting on them separately.

Mr. Munoz informed the board that the setback is fifteen feet however in some areas such as Morse Landing West it is only five feet. Mr. Decatur went on to state that he only needed the setback to fit the garage onto the lot. Mr. Baker did state some concern with lowering the setback to one foot however there is not much else that can be done. Mr. Baker and Mr. Decatur discussed the setback further bringing in some examples from subdivisions.

BZA-0414-006-R3

Dan Strong made a motion to open the Public Hearing and Brad Baker seconded the motion. All members present were in favor, and the Public Hearing was opened.



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

There were no comments from the public; Mark Thomas made a motion to close the Public Hearing and Brad Baker seconded the motion. All members present were in favor, and the Public Hearing was closed.

Mr. Culp then asked Mr. Munoz if all legal requirements had been met to which Mr. Munoz stated that they had.

BZA-0414-007-R3

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BZA-0414-006-R3

Chairman Hall called for a vote; however Mr. Strong had a question about the height of the garage to which Mr. Decatur stated that it would be the same as the house. Mr. Strong also questioned Mr. Decatur to the notion that there is to be no living space or business space within the garage; Mr. Decatur assured him there would not be.

Mark Thomas made a motion to approve this variance request. Chairman Hall stated that he should include the two previously mentioned conditions to which Mark Thomas made a motion to approve this variance request with the conditions that the garage will not hold a living space or business. Brad Baker seconded this motion. All members present were in favor.

BZA-0414-007-R3

Dan Strong made a motion to approve this variance request. Mark Thomas seconded this motion. All members present were in favor.

Docket #: BZA-0414-008-AG

Petitioner: Carrie J. Orton

**Property Address: 27910 Cal Carson Road
Atlanta, IN 46030**

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



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

Chairman Hall began discussing the requested variance with Carrie Orton. Mrs. Orton explained that the storage building would be used to store personal items and small tractors. Chairman Hall stated that there is to be no living or business space within the building. Paul Munoz asked Mrs. Orton if she had her green cards (return service) to which she responded she did. Mark Thomas asked if she was planning on putting horses in the building to which she replied that they were going to be putting two horses in the existing barn. Chairman Hall and Paul Munoz discussed the limits for size and number of buildings allowed. Paul Munoz stated that there are no size limits, just height limits and height is not an issue on this request. Mr. Munoz did state that there is a limit of two on the number of buildings allowed.

Dan Strong made a motion to open a Public Hearing. Brad Baker seconded the motion. All members present were in favor, and the Public Hearing was opened.

Gary Baitz of Box 73 276th Street Atlanta informed the board that he had grown up in the house on the property being discussed. He wanted to know what the size of the barn was going to be and why there would not be any farming. Mr. Orton informed that the building would be 40 X 72. Chairman Hall then stated that each horse would need 1 ½ acres and that no business such as a lawn care business can be run out of the building.

Dan Strong 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.

Chairman Hall asked if there were any other comments or questions; Mr. Culp stated that the building should not exceed legal code. Mr. Munoz said under 20 feet and Chairman Hall stated that the height should be under 12 feet. Mr. Strong then asked what materials the building would be made out of and Mr. Orton stated post beam, metal.

Dan Strong made a motion to approve the third structure variance request with the conditions that there be no living or business space in the building and that the height not exceed code. Mark Thomas seconded the motion. All members present were in favor.

Gary Baitz stated that he had another question for the board. He informed the room of his family's history on the property and that he currently has four (4) extra buildings on his property; he questioned if that were too many. Chairman Hall instructed Mr. Baitz to see Mr. Munoz if he every planned on doing anything with those buildings. Mr. Munoz briefly explained variances he may need but again Mr. Baitz was informed to see Mr. Munoz if he desires to make any changes in the future with moving/destroying/adding buildings.

5. PLAN DIRECTOR'S REPORT:

Mr. Munoz began by introducing his new Administrative Assistant, Sally Mangas, to the board. He then began going over the Comprehensive Plan for the future growth of Cicero and things that will be needed (ie: ordinance updates, overlay districts, changing of lot sizes, etc.). Mr. Munoz is hoping to



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

have the ordinance updates in the next couple of weeks and have both the Comprehensive Plan and ordinances wrapped up in the next two (2) months. The quarterly report is not yet complete; still some issues with the Waterfront property and two (2) nuisance properties. Mr. Munoz would like to look at starting an Unsafe Building Fund. Chairman Hall asked where the money would come from for this to which Mr. Munoz stated possible fines however this is something he would have to discuss with the Town Council. There was a discussion between the board members about the possible nuisance properties/unsafe structures in town.

Mr. Munoz also gave a briefing on the conference he attended in Dallas; Strategic Planning and Land Development & Reuse. Mr. Munoz is working towards his certificate in Economic Development. To earn this it will take 118 hours and this was the first step. He was assigned a mentor who owns a consulting firm; Mr. Munoz is able to contact them free of charge with any questions he has. Mr. Munoz is planning on applying for the Legacy Scholarship for the next two (2) sessions.

6. CHAIRMAN'S REPORT:

None

7. LEGAL COUNSEL REPORT:

John Culp had some questions for Paul Munoz regarding the status of the Waterfront project; this was discussed amongst the members.

8. PUBLIC COMMENT:

None

9. BOARD MEMBERS COMMENTS:

Dan Strong mentioned sitting in on other meetings and stated that there is a reason the board has to be so tough with the zoning. Mr. Munoz brought up the Hamilton County Detail business on State Road 19. How they have vehicles sitting in the front and they have taken down their sign and put up a man made sign. This location is now an auto repair shop; previously it was a tow truck shop. They do not have permission to be running this business and they have been sent a letter and given two (2) weeks to figure out what they are going to do or apply for a variance. He has not heard from them yet. The land is owned by Chaudions. There was a discussion between the board on this and Chairman Hall stated that if he just does not understand the process we should try to work with him. There should be no open storage in front of the business; it must be enclosed. Chairman Hall stated that State Road 19 is a main artery into Cicero and we must keep it cleaned up. Brad Baker mentioned that he had seen some piles of dirt around there and it appeared that there was some soil boring going on. Mr. Munoz stated that there are some drainage issues out in that area and no building can occur.

10. NEXT MEETING:

June 19th, 2014 at 7:00 p.m.



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

11. ADJOURNMENT:

Brad Baker made a motion to adjourn and Mark Thomas seconded the motion. All members present were in favor. The meeting was adjourned at 7:52 pm.

Signature on Official Documents!

Art Hall, 2014 C/JT BZA-Chairman

Brad Baker, 2014 C/JT BZA-Vice Chairman

Mark Thomas, 2014 C/JT BZA-Secretary

Sally Mangas, 2014 C/JT BZA-Recorder

Date

Location:
Cicero Town Hall
70 N Byron Street
Cicero, IN 46034