



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

PETITIONERS:

Jason Hunt

David B & Wanda L Taylor

BZA MEETING MINUTES

07/23/15

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
Tom Warner - Secretary
Dan Strong
Aaron Culp - Legal Counsel
Paul Munoz - C/JT Plan Director
Sally Mangas - Recorder

Absent: Paul Vondersaar

1. DECLARATION OF QUORUM:

Chairman Hall declared a quorum with 4 of the 5 members present. Chairman Hall continued stating that it takes 3 votes to either allow or deny a petition; so if a vote comes out 2-2 it will have to be reheard at the next meeting which is in August.

2. APPROVAL OF MINUTES:

Brad Baker made a motion to approve the 6/18/15 meeting minutes. Tom Warner seconded the motion. All members present were in favor.

3. OLD BUSINESS:

Docket#: BZA-0515-004-R5

Petitioner: Jason Hunt

Property Address: 0 Wilson Street (also known as 05-06-01-02-08-030.002)
Cicero, IN 46034

Development Standards Variance: To allow for an accessory structure height of 25 feet whereas the ordinance states that the maximum height of an accessory structure is 16 feet.

Chairman Hall introduced the docket stating that they would need to untable it since it was tabled last month for lack of proper notice to which Mr. Munoz agreed.



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Dan Strong made a motion to untable BZA-0515-004-R5; Tom Warner seconded the motion. All members present were in favor.

Chairman Hall stated that they would be handling the 2 dockets that Mr. Hunt had separately. Chairman Hall asked if Mr. Hunt was present or who would be representing him to which Jennifer Turner stated that Mr. Hunt was on vacation and she would represent him; he already had these plans when this was tabled last month. Ms. Turner went on to state that she is Mr. Hunt's realtor and good friend.

Chairman Hall asked Ms. Turner to briefly explain what Mr. Hunt is wanting to do with this property further stating that they would listen to both variances right now. Ms. Turner remarked that Mr. Hunt is wanting to build the barn for personal storage, it's going to be a pole barn, steel structure, steel roof, 40X60X18 will be the inside ceiling height but the pitch will be 25' which is the height variances they are wanting, he does not care about the color stating that the Town can choose that, it will be a 2 toned steel with darker on the bottom and lighter on the top, it will have 8 windows, with a 6' vinyl privacy fence, eventually concrete but gravel for now with whatever terms he is given to get the concrete down, 1 oversized overhead door 12X14 on one side, 1 single garage door on the side towards the alley and 1 service door; she stated she had pictures to show them. Chairman Hall asked if the privacy fence was going to surround the entire building to which Ms. Turner stated that it would just be the rear because as the zoning says it has to be just to the rear of the building.

Chairman Hall asked if there were any comments or questions from the board members to which Mr. Strong asked what the fence would be screening; Ms. Turner remarked that it is more for not having an open building, he's going to have his RV, motorcycle, truck so they thought this would add a little more safety for his belongings. Chairman Hall asked if those items would be outside to which Ms. Turner stated they would be inside the building.

Chairman Hall asked if there were any other comments or questions in regards to the height issue to which Secretary Warner asked what the specific reason was for the height to which Ms. Turner remarked that she believes in the long term if he chooses to put a loft in the building and make it livable, like an apartment, she thinks the fees are \$5000 to the town utilities, but in the future if it is ever an option...Chairman Hall stated that that would never be an option, they do not allow living quarters in barns...Ms. Turner remarked that other than that she is not sure. Mr. Munoz stated that he believes that some of the height was because of his RV and getting it into the structure. Mr. Strong remarked that just for clarification they will put in the motion that there will be no living quarters in that building if it is approved to which Ms. Turner stated that she is sure he would be fine with that.

Chairman Hall asked if he could open both of the dockets and have a single public hearing to which Mr. Culp stated that he could and it would make more sense. Chairman Hall stated that they would consider this along with the next variance to allow for an accessory structure on a lot prior to a primary structure with no future plans for a primary structure on the property.



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Chairman Hall asked if there were any questions from the board to which Mr. Strong asked Ms. Turner if she was anticipating him wanting to operate a business out of the building to which Ms. Turner stated that Mr. Hunt would not, this is just for personal storage. Ms. Turner stated that the outside lighting would be on a sensor, there would not be any lights on all night that would disturb the neighbors. Ms. Turner further stated that Mr. Hunt does everything above and beyond with care, his vehicles, his home, his business (he has a local business), his reputation is important to him so he's going to do a really good job and the building will be nice and maintained. Chairman Hall asked what Mr. Hunt's local business is to which Ms. Turner stated that he owns a jewelry gallery in Westfield and Fishers. Chairman Hall asked if Mr. Hunt realized that he cannot use this barn to store goods for his businesses or anything like that further stating that they are very strict on this. Ms. Turner stated that he does and this is being used for storing his recreational vehicles...Chairman Hall asked where Mr. Hunt resides at to which Ms. Turner stated on Mallard Point which is on the lake in Noblesville. Ms. Turner went on to state that he is in a small condo with no garage and this will solve that problem.

Chairman Hall asked if there were any other comments or questions to which Mr. Strong asked Mr. Munoz in regards to color and specifying a color in that area, could he recommend or do they want to leave that to the petitioner to which Mr. Munoz stated that they could leave the actual color to the petitioner, that style is something they could focus on, he does not believe that color is something they can have a direct say over as a board to which Mr. Culp agreed. Mr. Munoz went on stating that if they state that they agree with the 2 tone structure as he had stated would be preferred; he believes it is similar to what the Heater's were looking at building as far as the darker color at the bottom and lighter color at the top. Ms. Turner asked if the board would like to see the colors to which Chairman Hall stated that they did not right now. Chairman Hall stated that for his comment he was going to read the zoning ordinance for R5---to provide a land use category for small lots and small single family detached homes, the provisions that regulate this land use district should protect promote and maintain the old town character in Cicero---and personally he does not have a problem with the building but he has a problem with a steel building. Chairman Hall stated that he had driven over there today and the homes in that area are modest homes, nicely kept, almost all vinyl siding, and to him he does not see a steel building, Mr. Hunt does not live there so he won't be looking at it but his neighbors will be and it is in a section of the old town which the Comprehensive Plan advises the town strongly that the community wants the old town section to remain the old town section. Chairman Hall stated that he would like to hear what everyone else thinks; he continued stating that if this was a vinyl sided building or something like that he would not have near the problem if it aesthetically fit in; he does not have a problem putting a building there but he does have a problem with the steel. Secretary Warner stated that he shares similar concerns wanting whatever goes there to fit in with the neighborhood. Secretary Warner said that he thinks he has an idea of what it would look like but he's not as clear as he'd like to be...Ms. Turner stated that she had a picture of the other one that was approved in town and Mr. Hunt's will be very similar to it; she added that that one is right on Stringtown and Mr. Hunt's would be on 2 alleys by the railroad tracks where no one would really see it. Chairman Hall (looking at pictures) stated that it looks like this one has lap siding on it to which Ms. Turner stated she was not quite sure to which Chairman Hall stated that he needs to be sure because if he's going to do something that looks like this it's a different case but if he's going to build a steel building...Mr. Munoz remarked that he believes that that one does have a steel roof but vinyl siding. Chairman Hall stated that there are steel roofs on houses, that's not an issue, but steel siding and the look of



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an industrial building in a small town area but if he were to propose something that looks like that, and they were very careful when they approved that one to make sure it blended in with the homes around there. Ms. Turner remarked that she did not think that Mr. Hunt would have a problem with it. Mr. Munoz stated that they could make that condition that if the building is to be built it would have to be built out of lap siding or vinyl siding but not steel. Mr. Culp agreed with this further stating that Mr. Munoz would have to sign off on it. Chairman Hall stated to be clear that they just want it to fit in with the neighborhood because Mr. Hunt would not be living there and having to look at it. Secretary Warner asked a question about what appears to be an overhang and if there is going to be a porch on one side to which Ms. Turner stated that Mr. Hunt had the builder put an option for a porch and price both; she does not know if it is finalized but it is an option. Secretary Warner asked if the porch would be on the opposite side of the railroad tracks to which Ms. Turner stated where people mostly drive. Secretary Warner asked if there are any doors on that side of the building to which Ms. Turner stated that she has a really good drawing to which she approached the board to discuss. There was discussion about the building and what is where; the alley is here, service door, garage door...the single, the oversized...Secretary Warner asked if there are entrances to the structure from the driveway and street, 2 driveways...Mr. Strong asked to see the drawings...Mr. Munoz stated that the number of windows that Mr. Hunt is putting in is really going to help it with its aesthetic look and not be just a large structure but the choice of exterior materials is up to you. Mr. Strong asked Mr. Culp if they can make a clarification on the colors that would fit into that area...Mr. Culp agreed...Mr. Strong stated to pick some colors that would be aesthetically pleasing in that area that might fit in better with the residential desires...Mr. Culp agreed. Chairman Hall asked if there were any other comments or questions among the board to which Secretary Warner stated there are 8 windows asking Ms. Turner where they would be located to which she stated wherever the board would like them.

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

Chairman Hall asked if there was anyone present who would like to comment on this variance application to which Steve Stackhouse introduced himself stating he lives at 759 Washington Avenue. Mr. Stackhouse stated that it is old town Cicero, it is residential and he feels that there are other lots around that would be better suited for a structure. Mr. Stackhouse stated that his kids play back there, other kids play back there, they sit in their backyards around a fire pit in the evenings and they don't want to look at that and people coming in and out, the guy doesn't live in town, he doesn't have a business in town, they don't know who will be coming in and out of the building and what times of the night and he is opposed to it. Brian Hutchison introduced himself stating he lives at 789 Washington Avenue which is the property directly west of the property in question, his backyard backs up to the alley which backs up to this property. Mr. Hutchison stated that he had looked at the plans and they look very nice; further stating that he does not have a problem with the structure itself but like what Mr. Stackhouse had said, Mr. Hunt does not live in town and he does not own this property yet to which Ms. Turner stated that he does not yet own the property it is contingent on the variance but he is going to buy it regardless. Mr. Hutchison stated that the original offer was only contingent on this variance going through which (unintelligible)...Ms. Turner began to speak as Chairman Hall stated that she can address the board but there cannot be any cross (unintelligible). Chairman Hall asked Mr. Hutchison if he had any questions to which he said he did not, he had looked at the plans pretty well and he did not have any



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problems with the building itself. Chairman Hall asked if anyone else would like to comment to which there was no one.

Dan Strong made a motion to close the Public Hearing; Tom Warner seconded the motion. All members present were in favor.

Chairman Hall asked if there were any further comments or questions from the board to which Mr. Strong stated that they need to give the petitioner a chance to address what she had been trying to earlier. Chairman Hall asked Ms. Turner if she would like to address some particular issue that she was...Ms. Turner stated that Mr. Hunt does not live in Cicero or have his business in Cicero but he does dine here often and he is a part of Cicero so he does give back and he does want it to be nice and there are no other lots and no other choice for him. Ms. Turner continued stating that with the structure...she handed the board some photos showing across the way with campers being stored outside, there's an excavating business diagonally, and this is going to be way more pleasing to the eye. Chairman Hall asked for any other comments or questions from the board to which there was not.

Chairman Hall stated that to be clear all motions are made to be positive, in other words the motion will be to approve the variance but that does not signify anything it's the vote that matters not the wording of the motion.

Mr. Strong asked for some clarification before the motion in regards to the type of material the board would like to see on the exterior, he understands that the roof can be steel but what about materials for the exterior and establishing some color parameters from the color chart. Chairman Hall stated that as for the type of materials for the exterior he's thinking it would be a lap sided look whether it be vinyl, aluminum, wood; just something that looks like the other structures in the area. Chairman Hall continued stating that aluminum siding is a metal but he does not have a problem with that as long as it is a lap type siding. Mr. Strong asked about the color spectrum and specifying a color range; he stated he would not be in favor of a red building so what about something more appealing to the neighbors like in the top colors...Mr. Munoz asked if it would be better to be signed off by him and his office as far as the colors...Mr. Strong and Chairman Hall stated that they did not have an objection to that however Mr. Strong stated he would have a problem if someone put up a red building. Mr. Munoz agreed and stated that after the meeting they could go over the colors and give him some ideas on the direction and then when Mr. Hunt brings it in he will make sure it meets with the requirements. Secretary Warner asked if the lot was big enough to build a home on to which Mr. Munoz stated it would be difficult to do; a lot of people have talked about it but some of the issues are it's on an alley and the railroad is off to the side and has a large easement placed on that lot which makes it very difficult to try and fit a house but a 40X60 2 story would be a good size home. Secretary Warner asked if the lot was owned by a neighbor to which Mr. Munoz stated he believed it was owned by town resident but not a neighbor. There was discussion between Mr. Munoz and Mr. Stackhouse about the owner of the property owning a duplex right around there.

Dan Strong made a motion to approve BZA-0515-004-R5 to allow for the roof height to be 25' whereas the ordinance states that the maximum roof height is not to exceed 16'; Brad Baker seconded the motion. Voting



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was as follows: Tom Warner-no, Dan Strong-yes, Art Hall-yes, Brad Baker-no. Chairman Hall stated that it is a split vote so Mr. Hunt will have to come back on the height.

Dan Strong made a motion to approve BZA-0515-005-R5 with the following commitments-that there be no living quarters or business operated in the structure, that the exterior be of some lap siding look, that the Planning Director will sign off on what would be appealing in regards to the colors for the neighborhood, and that there be no outside storage...Mr. Munoz asked for clarification on outside storage being outside of the privacy fence or outside period to which Mr. Strong stated outside of the privacy fence...Chairman Hall asked if the privacy fence would come up to the building or if it would be free standing...Ms. Turner stated the rear...Mr. Munoz stated that the submitted drawing shows that it surrounds an area that he is allowed to outside of the easements. Tom Warner seconded the motion. Voting was as follows: Dan Strong-no, Art Hall-no, Brad Baker-no, Tom Warner-no. Chairman Hall stated that the variance was denied and informed Ms. Turner to contact Mr. Munoz if they have any further questions about it.

Docket#: BZA-0515-005-R5

Petitioner: Jason Hunt

**Property Address: 0 Wilson Street (also known as 05-06-01-02-08-030.002)
Cicero, IN 46034**

Development Standards Variance: To allow for an accessory structure on a lot prior to the primary with no future plans for a primary structure on the property.

See docket BZA-0515-004-R5 above for discussion and vote.

4. NEW BUSINESS:

Docket#: BZA-0715-009-AG

Petitioner: David B & Wanda L Taylor

**Property Address: 25857 Anthony Road (also known as 03-02-20-00-00-023.004)
Arcadia, IN 46030**

Development Standards Variance: To allow for a reduction in the side yard setback to 15 feet whereas the ordinance states that the minimum side yard setback in an "AG" District is 35 feet for an accessory structure.

Chairman Hall introduced the docket and stated that they had another docket as well; the board would be discussing them together but voting on them separately. Chairman Hall asked Mr. and Mrs. Taylor to give a brief overview of what they would like to do. Mr. Taylor stated that he would like to build a shop/storage building for himself, a 36X40, 14' sidewalls, peak of 22', concrete floor, he would be building it behind his home which also has a pond back there so he is restricted on space. Mr. Taylor continued stating that he is trying to keep it so that the neighbors are not looking at it by keeping it in line with their building. Mr. Taylor remarked that it will be a steel sided structure with a darker toned wainscot, metal roof, gutters, eaves, 2 12X12 overhead doors with 8 windows around it and a service door. Mr. Taylor stated that the building will be for his personal storage and use. Chairman Hall asked about the picture the board has and how the pond looks like it goes all the way up to the property to which Mr. Taylor stated that the pond has been somewhat



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trimmed and runs more east and west. Vice Chairman Baker asked if they had already done that to which Mr. Taylor stated they had. Chairman Hall asked if it had been filled in to which Mr. Taylor remarked that it has been filled in and compacted since the first of June.

Chairman Hall asked if there were any comments or questions among the board members to which Mr. Strong stated to clarify for Mr. Taylor that they always attach that there will be no living quarters or business operated out of the building to which Mr. Taylor acknowledged. Chairman Hall stated that essentially the building will be across from the neighbors to which Mr. Taylor stated that it will be across and back, about the middle of his building will be in front of Mr. Taylor's building and set to the back a little bit; the neighbors have always had a view across the pond so he didn't want to block them out. Mr. Taylor stated that on the picture the board is looking at they will see a shed sitting there and that will go away once the building is built. Chairman Hall asked Mr. Munoz if all of the notifications had been made to which Mr. Munoz stated they had. Chairman Hall asked if there were any other comments or questions among the board members to which Mr. Taylor stated that by allowing the reduction in setbacks it will allow him to keep it out of the pond/away from the edge and give him room around both sides of the pond and around the back. Mr. Strong asked about colors and if they will be similar to the primary structure to which Mr. Taylor stated they will. Mr. Taylor continued stating that the house is a light brick and he is looking at a light stone color on the walls and a tan trim and wainscoting to match the house; no bright red or blue, it will fit into the neighborhood. Chairman Hall asked if it is going to be a pole barn type structure to which Mr. Taylor stated it will be stick built with metal siding. Vice Chairman Baker remarked that it is going to have heated floors. Mr. Taylor talked about a previous barn he had had and as he is getting older how he doesn't like to be cold and so this is for down the road.

Dan Strong made a motion to open the Public Hearing; Brad Baker seconded the motion. All members present were in favor. Chairman Hall asked if there was anyone present who would like to comment on this variance application to which there was not. Tom Warner made a motion to close the Public Hearing; Brad Baker seconded the motion. All members present were in favor.

Chairman Hall asked if there were any other comments or questions from the board to which Mr. Munoz remarked that of the 4 lots they can see from the aerial photo 3 of the lots have metal structures and the lot that does not have an accessory structure just built one so this is fitting for the neighborhood. Chairman Hall asked if it is an AG District to which Mr. Munoz stated it is. Mr. Strong asked if there would be any issue with him taking down the shed after the accessory structure is built to which Mr. Munoz stated there is not.

Brad Baker made a motion to approve BZA-0715-009-AG to which Chairman Hall stated that there are no conditions on this one and they will vote on the other variance after this. Mr. Baker asked if they could place the conditions all in one to which Chairman Hall stated they could. Tom Warner seconded the motion. Voting was as follows: Art Hall-yes, Brad Baker-yes, Tom Warner-yes, Dan Strong-yes. Chairman Hall stated that that variance is granted.

Chairman Hall stated that the second variance is to allow for a rear yard setback to 26 feet.



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Dan Strong made a motion to approve BZA-0715-010-AG to allow for the reduction of the rear yard setback to 26 feet whereas the ordinance states that the minimum rear yard setback in that district is 35 feet for an accessory structure with the following commitments: that there be no living quarters or business in the accessory structure and that it be attached to the deed and that the colors as present by the petitioner match as closely as possible to the primary structure; Tom Warner seconded the motion. Voting was as follows: Brad Baker-yes, Tom Warner-yes, Dan Strong-yes, Art Hall-yes. Chairman Hall stated for Mr. Taylor to see Mr. Munoz for the details.

Docket#: BZA-0715-010-AG

Petitioner: David B & Wanda L Taylor

**Property Address: 25857 Anthony Road (also known as 03-02-20-00-00-023.004)
Arcadia, IN 46030**

Development Standards Variance: To allow for a reduction in the rear yard setback to 26 feet whereas the ordinance states that the minimum rear yard setback in an "AG" District is 35 feet for an accessory structure.

See docket BZA-0715-009-AG above for discussion and vote.

5. PLAN DIRECTOR'S REPORT:

Mr. Munoz stated that he did not have anything this evening.

6. CHAIRMAN'S REPORT:

Chairman Hall stated that he did not have anything for this evening.

7. LEGAL COUNSEL REPORT:

Mr. Culp stated that he wanted to clear up an issue that they had last month in regards to failure to post a sign for the Public Notice. Mr. Culp remarked that he had gone through the code and the sign is a local requirement not a state law requirement which means that if the board wants to, in the future, they can suspend the rule such as in the situation where all the signs are out and there are not enough for all of the dockets. Mr. Culp continued stating that the sign can be suspended unlike the 10 day rule which is statutory and cannot be suspended.

8. PUBLIC COMMENT:

There was no public comment.

9. BOARD MEMBERS COMMENTS:

There were no board comments.

10. NEXT MEETING:

August 20th, 2015 at 7:00 p.m.



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11. ADJOURNMENT:

Brad Baker made a motion to adjourn and Tom Warner seconded the motion. All members present were in favor. The meeting was adjourned at 7:35 pm.

Signature on Official Documents!

Art Hall, 2015 C/JT BZA - Chairman

Tom Warner, 2015 C/JT BZA - Secretary

Sally Mangas, C/JT BZA - Recorder

Date: _____

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