



# CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

## **PETITIONERS:**

**Krystal & Scott Hickman, Sandra & Samuel Heater  
Michael & Christina Evans  
Jason Hunt  
David & Stephanie Galt  
Todd Case**

## **BZA MEETING MINUTES**

**06/18/15**

**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  
Paul Vondersaar  
Kelleigh Fagan - Legal Counsel  
Paul Munoz - C/JT Plan Director  
Sally Mangas - Recorder

## **Absent:**

## **1. DECLARATION OF QUORUM:**

Chairman Hall declared a quorum with all 5 members present.

## **2. APPROVAL OF MINUTES:**

Dan Strong made a motion to approve the 5/21/15 meeting minutes. Brad Baker seconded the motion. All other members present were in favor.

Chairman Hall explained to the petitioners that when they go over each of the items on the agenda there will be a public hearing as well as a motion which is always made in the positive to grant the variance; this means nothing what matters is the count of the voting.



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

**Docket#: BZA-0415-001-R1**

**Petitioner: Krystal & Scott Hickman, Sandra & Samuel Heater**

**Property Address: 36 Point Lane  
Arcadia, IN 46030**

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

Chairman Hall began by introducing the docket and asking the petitioner to briefly explain what they are wanting to do. Scott Hickman introduced himself stating that they wanted to build this structure next to the detached garage to store their boat in. Chairman Hall asked if there is a reason why that location is better than another to which Mr. Hickman stated that it is right next to the other garage and if they go to the other side of the property there is the septic system. Chairman Hall asked about behind the house to which Mr. Hickman stated that the lake is behind them. Mr. Hickman stated that the septic is off to the front right and the garage is off to the left; he considers it the side yard with the driveway going down and turning in and the detached garage is already to the right of the house. Chairman Hall asked if there was already an existing garage to which Mr. Hickman stated there is. Chairman Hall stated that legally that is the front yard and he has to go by that. Mr. Munoz stated that the pictures that were submitted there are for this docket and there are also pictures that they submitted that are looking out their front door of the house at the current accessory structure and then a couple of what they are proposing along with a color scale of the barn and a sample of it for the board to review. Chairman Hall asked if the board members had any comments or questions while they were looking over the photos to which Mr. Strong stated that he understands that they were here last month but for clarification he understands that they are actually not building the building out of tin but out of steel to which Mrs. Heater stated that is correct. Mr. Strong continued stating that last month they had stated that they were building it out of tin however that is not what they are going to be using to which Mrs. Heater stated that to them in West Virginia called it steel or tin but it is steel, it's metal. Mr. Strong stated that there is a big difference to which Mrs. Heater remarked that they have found that out. Mrs. Heater also stated that they are going to be downsizing the building too; down to a 32X40. Mr. Munoz stated that the originally proposed size was 32X60. Vice Chairman Baker asked what the eave height is to which Mr. Munoz stated 23' to the peak so the eave is 14'. Chairman Hall asked if there were any other comments or questions to which there were none. Chairman Hall continued stating that he had driven through the area and he did see quite a few barns in front yards however every one of them was either designed or structured so that they kind of looked like the house...Mr. Hickman stated that the existing detached garage that is there is a grey wood garage and the steel is going to be grey with a... Mrs. Heater stated wainscoting...it's going to be a two tone with a darker and lighter grey. Chairman Hall asked what the house looks like to which Mr. Munoz shared a picture...Chairman Hall stated that it has siding on it...Mr. Hickman stated it was kind of a brick and paint. Mr. Strong asked for clarification if the color scheme was going to be fairly close to the picture to which Mrs. Heater stated that it would have a dark charcoal wainscoting and top roof and the gutters will be charcoal and the rest of the building is a light grey. Chairman Hall asked Mr. Munoz if when they have a motion on this they could put a requirement about the colors or similarities to the existing



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structures...Mr. Hickman stated that they are going to match it as much as they can to the paint on the garage...Chairman Hall continued asking if they can make it a requirement to receive Mr. Munoz's approval that it is substantially similar to the house. Ms. Fagan responded that she does not think that identical would work but substantially similar. Mr. Vondersaar asked if they are using the Zinc Grey and Charcoal Grey to which Mrs. Heater stated they are to which Mr. Vondersaar stated to just put that in the minutes. Ms. Fagan remarked that would be fine if the board is comfortable with those two colors. Chairman Hall stated that he would just be interested if substantially actually looks like the dwelling. Chairman Hall asked if there were any further comments or questions to which there was not.

Dan Strong made a motion to open the public hearing; seconded by Brad Baker. All members present were in favor.

Chairman Hall asked if there was anyone who would like to comment on this. Carol Huyck introduced herself stating that she lives at 35 Point Lane stating that she opposes this project. Chairman Hall asked her if there was a particular reason such as aesthetics to which she stated that she can see it from her house. Chairman Hall asked her if she can see any other barns from her house to which she stated she cannot.

Chairman Hall asked if anyone else would like to say anything to which Paul Gibson of 5 Point Lane introduced himself and handed the board some photos stating that they are modified slightly since they are downsizing, their original request was for a 64X46. Mr. Gibson stated that the photos were taken from Mrs. Huyck's backyard and you can see where the building would be and what it does to the area. There was discussion between Mr. Vondersaar and Mr. Gibson about the size of the proposed structure. Chairman Hall asked if you can see the sight from the street today because he tried to but it was blocked by trees. Mr. Gibson stated that you can see where the trailer is parked which is where they want to build it. Mr. Gibson stated that the pictures were taken from the Huyck's back porch. Chairman Hall stated that the barn itself will be 800' from the street and he looked today and did not think he could see 800' back through the trees but he may be wrong. Mr. Gibson stated that he is not concerned about what he can see from the street...Chairman Hall stated that Mr. Gibson lives on the other side of the street...Mr. Gibson stated that this is his neighbors home. Mr. Gibson continued stating that he has 3 concerns; the size, location, and materials/appearance. Mr. Gibson stated that size will have to be adjusted slightly but maybe do that mentally in your head as he's speaking...divide that by 3/4, 40X64X12 with a 5/12 pitch so you now have a 23' high screen in front of you which basically results in a 2560 square foot building as you look at it. Mr. Gibson continued stating that it is awful big for a residential area; and to keep in mind that there is already an attached 2 car garage and a 3 car carriage house. Mr. Gibson stated that they are not storing trucks and combines; he continued stating that he did not believe that any of them want to build a house next to a drive-in theater. Mr. Gibson remarked that if this building is built as proposed it will add another 1500 square feet of wall along with the existing 800 square feet that faces the Huyck residence; 2300 square feet is larger than a drive-in movie and it certainly changes the view of anyone's perspective. Mr. Gibson went on stating that the proposed location totally blocks the views from their home and it is unfair to them to say the least. Mr. Gibson believes that there are other locations that the building could be placed that would not interfere with the surrounding properties. Mr. Gibson stated that as for the materials and appearance, the sheet metal barn certainly doesn't blend in well



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with the home and matching carriage house, the house is stone and siding and the carriage house is lap siding that matches the house.

Chairman Hall asked if anyone else would like to comment on this to which Doug Barney of 34 Point Lane introduced himself and stated that he is supporting his neighbors next door and the idea of having something that you can see to your immediate left in their particular case and not have the (unintelligible) to the pictures (unintelligible) site access to my particular property as well. Mr. Barney stated that he has a barn in his front property and that he has only lived there for 3 years; he further stated that they were very careful these past 2 years when they had the entire property painted to ensure that it was consistent with the house, matter of fact identical as far as the paint scheme and the aesthetics and materials of the house itself so it is important to his neighbors and himself. Chairman Hall asked if his main concern was size or appearance to which Mr. Barney stated that it would be more size than anything else but right now if they look off to the left it is a pretty site to be able to go back and look at the golf course on their property and anything visually that would stick out from that could be an area of concern for him. Chairman Hall asked if anyone else would like to comment on this reminding the public that they only get to comment once and he cannot call on them a second time. Chairman Hall stated yes sir and that he'll get to speak all he wants, this is for people not involved, or people who are not party to this variance. Mr. Vondersaar stated sir do you have a barn in front of your yard to which (unknown person) stated he did, Mr. Vondersaar asked if there was one on the other side as well, opposite the Huycks', on the picture there appears to be one, is that what that is, it's right next to your house, right beside your barn...(unknown person) actually there are 2 outbuildings next to my property. Mr. Vondersaar asked if that is an outbuilding to which (unknown person) states that is 2 outbuildings.

Chairman Hall asked for any other input for the public hearing to which Secretary Warner stated that he was not entirely clear on...Mr. Barney is at 34, Mrs. Huyck is at 35 are those the 2 properties right next to...Mr. Vondersaar stated they are 36, they are going to the left. Mr. Barney asked where Mr. Gibson was and Mr. Vondersaar stated that he was across the street at 5.

Earline Gibson of 5 Point Lane stated that she thinks there is some discrepancy as to where the drain field is because that was one of the reasons why they didn't think they could put the barn in some other location. Mrs. Gibson continued stating that she questions whether or not the drain field is really questionable. Chairman Hall asked Mrs. Gibson if she had some sort of survey to which she stated she did not but the papers that she got from them show and you can see where it is in comparisons to where the property goes.

Chairman Hall asked if there was anyone else who would like to comment on this variance application. Mr. Gibson began to speak and Chairman Hall interrupted stating that he does apologize however they have to limit it to one time.

Paul Vondersaar made a motion to close the public hearing; Dan Strong seconded the motion. All members present were in favor.

Chairman Hall acknowledged Mr. Hickman stating that he had wanted to say something about his variance application. Mr. Hickman stated that he had thought about moving it different places, the big field on the



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right has a drain that goes out towards the railroad tracks, if they put it out in the far corner you'll be able to see it from the street and that is why he had said right next to the other garage. Chairman Hall asked what the size will now be to which Mr. Hickman stated 32X40 to which Chairman Hall asked Mr. Munoz if that was within the legal limit of the house to which Mr. Munoz stated it was. Mr. Munoz stated that the other spot that the Gibson's are suggesting that it may go would require them to put a driveway over the septic tank and part of the septic field and that is really not recommended for if anything were to happen and they'd have to get in there they'd have to tear out the entire driveway and the weight would be an issue too. Chairman Hall asked if there was a survey backing that up to which Mr. Munoz stated there are 2 different pictures/drawings that show where the proposed septic and proposed field is for the...Chairman Hall asked if this is a proposed septic to which Mr. Munoz stated no it's where the septic system is supposed to be and if you look from the aerial you can kind of see where the fingers are at and the recommendation they are trying to say is to put it back in that corner over there but that would require you to drive across the main line where the tank sits and putting the drive in there along with the pressure involved with that would not be recommended. Vice Chairman Baker asked where the reserve area was to which Mr. Munoz stated that the only other place that is out there is where the field is for the Geo Thermal. Mr. Munoz continued stating that the only other reserve area would be to move it back to the right by the lake in that one open area if something were to fail in that septic system. Chairman Hall asked if there were any other comments or questions from the board to which Mr. Strong asked about clarification on the new size of the building being proposed as 32X40 with one of the requirements being required to be attached to the deed that there be no living quarters and no business be operated out of this building. Mr. Hickman stated that it would be used for storage of such items as their trailer which is currently sitting outside; he does not like to have things sitting outside because he does not think it looks nice. Mr. Hickman continued stating that he has driven through the neighborhood and seen several other buildings and other things sitting out that he'd rather see a building put up. Mr. Strong stated that it is nothing against Mr. Hickman but that is just a requirement they put on all buildings and one of the reasons they do that is that in the past they did not and the next thing they know someone was running a business out of it so it's something they require now. Mr. Vondersaar asked if the current garage or car port (unintelligible) detached building a 36X36 to which Mr. Hickman stated that was very close maybe a 34X32. Mr. Vondersaar stated that it is about the same size as what he is proposing now to which Mrs. Heater stated that the one they are proposing now has a higher opening for him...Mr. Hickman stated it is so he can pull his boat in, if the other opening was bigger he would use that garage. Chairman Hall asked if they were talking about the carriage house to which Mr. Vondersaar stated it was. Mr. Vondersaar remarked that he was trying to put it in perspective and it's about the same size as the carriage house. Chairman Hall asked Mr. Munoz how many square feet of storage space they are allowed based on their house size to which Mr. Munoz remarked that it is 65% of the house size. Chairman Hall asked what the house square footage was to which Mr. Munoz stated about 5000 living quarters. Mr. Vondersaar asked if that was above ground or total to which Mr. Munoz stated that it is total finished living space. Chairman Hall asked if the basement was finished to which Mrs. Heater remarked that it is. There was discussion amongst the board members on the square footage. Mr. Vondersaar asked Mr. Hickman to approach the table. There was discussion about the site plan and what is where and possibly turning the accessory structure so it would be more out of the neighbor's view. Mr. Vondersaar stated that it would help everyone involved if he would be interested in possibly turning the building. Mr. Heater joined them at the table for the discussion. Chairman Hall asked if there were any other comments or questions; he continued stating that what they are proposing they do is rotate the building



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so there is less facing the neighbor's property, he further stated that this does not cure the problem but it tries to minimize it. Chairman Hall asked the neighbor's if they would like to come up and review what they had been discussing to which they did. Mr. Vondersaar explained to the neighbors what he had been discussing with the property owners. Chairman Hall stated that they cannot debate this and that Mr. Vondersaar is simply showing them something; it is not up for debate. Chairman Hall asked if there were any other comments or questions from the board members to which there were not.

Dan Strong made a motion to approve BZA-0415-001-R1 classified as the Heater Structure, with the petitioners being Sandra and Samuel Heater with the following commitments that the original size has been changed to a 32X40, the colors are to match as much as possible to the living quarters which would be a zinc gray and a charcoal gray as depicted on their roof and wall colors as they submitted, there will be no living quarters or business operated out of this building and that will be attached to the deed, and that the building gets turned approximately 30-45 degrees from the front right corner towards the house and that Mr. Munoz verify that as the construction process begins. Brad Baker seconded the motion. Voting was as follows: Paul Vondersaar-yes, Dan Strong-yes, Brad Baker-yes, Art Hall-no, Tom Warner-yes. Chairman Hall stated that the variance is granted with the attached conditions.

#### **4. NEW BUSINESS:**

**Docket#: BZA-0515-003-AG**

**Petitioner: Michael & Christina Evans**

**Property Address: 2660 E 266th Street  
Arcadia, IN 46030**

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

Chairman Hall introduced this docket asking Mr. Evans to come forward and explain what they want to do and why. Michael Evans introduced himself stating that he lives at 2660 E 266th Street and that they are wanting to build a pole barn. Mr. Evans stated that they have a circle drive with one of the flat places on their ground being right at the driveway, he also stated that the house is straight ahead as you pull onto the property. Mr. Evans remarked that the purpose for the barn is storage for their tractor, mower, and things like that. Mr. Evans continued stating that the positioning on the property...they are about 99% wooded, they are about .6 miles north of 266th Street and completely invisible from the road as you pass by. Mr. Evans stated that there are 4 houses on their block and all of them have pole barns. He continued stating that positioning for them is due to the side yard and making it accessible and convenient to the circle driveway, any other positioning behind the house in the back yard is the septic pump and behind that would require quite extensive development and destruction of their wooded area. Chairman Hall asked how far the proposed barn would be from the street to which Mr. Evans remarked from 266th Street is .6 miles. Mr. Munoz remarked to Chairman Hall for a point of reference on the submitted Staff Report it shows to the first house where the property line is on the aerial photo, the direct line back is over 1500 feet and there is easily another 800 to 1000 feet back to the Evans home and from 266th Street you cannot tell any of those houses are back there.



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Chairman Hall asked if there was any comments or questions from the board members. Mr. Strong stated that as they had heard with the other petitioner they will require no living quarters in this building as well as no business operated in it. Mr. Strong did ask what the need for 3-10X10 overhead doors was to which Mr. Evans stated that he had thought about that too, he stated one idea was that down the road they would have a larger tractor the other idea is pontoon storage and a small trailer. Chairman Hall asked if this would be a metal building to which Mr. Evans stated it would be. Chairman Hall asked if the colors would coordinate with the house to which Mr. Evans stated they will be almost identical to the house further stating that the 2 shades on the body of the barn and the house are going to be almost identical, the shutters on the house are currently more maroon and they are going to paint them to match the siding on the barn...he stated that he did have the color scheme if the board would like to see it to which Chairman Hall stated that was not necessary. There was discussion about some of the documents the board had for this docket with Chairman Hall asking where 266th Street was located on one of the papers to which Mr. Evans stated that you cannot see it. Chairman Hall asked if it was a private drive to which Mr. Evans stated it is. Chairman Hall asked if there were any other comments or questions among the board to which Secretary Warner asked if the place where they want to put the barn was visible from any of the other lots to which Mr. Evans stated that in the fall yes, he continued stating that he is able to see his neighbors which is built very far forward on their lot but currently he cannot see it when the trees are in bloom. Mr. Vondersaar asked if there was anything north of Mr. Evans to which Mr. Munoz stated that there is now; that gentleman came for a variance towards the end of last year to build a barn placed forward of where the potential primary structure is going to be so if you're looking...Mr. Vondersaar asked if there is a barn there with no structure to which Mr. Munoz acknowledged. Mr. Munoz continued stating that 50' off that front property line he put his barn back in that wooded area and you cannot see it right now even if you're coming down the main drive. Mr. Vondersaar stated so they have already approved one out there that will be in front of a primary structure to which Mr. Munoz acknowledged further stating that there is actually one behind it and another one almost directly next to it. Chairman Hall asked if there were any other comments or questions to which Mr. Vondersaar asked what would be considered the front yard for this one...266th to which Mr. Munoz answered saying the front yard where the private drive is at and the house faces. Mr. Evans asked for clarification so the front of the home forward all the way across the property to which Mr. Munoz acknowledged.

Paul Vondersaar made a motion to open the Public Hearing; Tom Warner seconded the motion. All members present were in favor.

Chairman Hall stated that the Public Hearing was open and asked if there was anyone who would like to comment on it 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 stated that the Public Hearing was closed. He further asked if anyone had any additional comments or questions.



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Dan Strong made a motion to approve BZA-0515-003-AG, the petitioners are Michael & Christina Evans of 2660 E 266th Street, Arcadia, Indiana, for a Development Standards Variance to allow for an accessory structure to be placed in the front yard whereas the ordinances state that an accessory structure shall be placed in the side or rear yard of a primary structure with the following commitments: that there will be no living quarters or a business operated out of this structure and that will be attached to the deed and that the colors are to match the primary structure as close as possible and their presentation colors are rustic and light stone. Tom Warner seconded the motion. Voting was as follows: Dan Strong-yes, Brad Baker-yes, Art Hall-yes, Tom Warner-yes, Paul Vondersaar-yes. Chairman Hall stated that the variance has been approved and Mr. Evans should see Mr. Munoz with any questions.

**Docket#: BZA-0515-004-R5 (Tabled)**

**Petitioner: Jason Hunt**

**Property Address: 0 Wilson Street  
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.**

**Docket#: BZA-0515-005-R5 (Tabled)**

**Petitioner: Jason Hunt**

**Property Address: 0 Wilson Street  
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.**

Chairman Hall introduced the dockets stating that it is in 2 parts and they will vote on each part separately and as was just suggested they are going to change the order because the second one is the basis for everything. Mr. Munoz interrupted stating that Mr. Hunt had contacted him earlier last week and was not able to get the notification in the paper 10 days prior to the actual meeting. Mr. Munoz continued stating that the paper and the legal notice out to the neighbors are what is required by state law and they have no ability to waiver on that so he is recommending that this be tabled until the next meeting giving them the opportunity to just have to notify by the paper since they have met all of the requirements for the sign and the letter to the neighbors. Chairman Hall remarked that in view of the legal requirements not being met you recommend that we table until the next meeting to which Mr. Munoz agreed.

Dan Strong made a motion to table BZA-0515-004-R5 as well as BZA-0515-005-R5 for not proper notice...Chairman Hall stated until our next meeting; Paul Vondersaar seconded the motion. Chairman Hall asked Mr. Hunt if he had an objection to this being tabled to which he responded he did not. Mr. Hunt continued stating that he had dropped the ball but that all of the legal notices were mailed...Chairman Hall stated that their hands are tied...Mr. Hunt asked if he would need to resend...Mr. Munoz stated that no since it has been tabled today the 2 things that you did qualify for you do not have to do again, you just have to meet that 1 last requirement. Mr. Munoz further stated that for anyone who is in attendance that is interested in or wants to speak on behalf of these dockets the next meeting is July 23rd at 7:00pm here at the





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Town Hall. Chairman Hall stated that there will be no further notice sent out to these individuals...Mr. Munoz stated that was correct...Chairman Hall continued stating that it is up to the individual...Mr. Hunt stated that he will be out of the country on July 23rd...Mr. Munoz asked if there was someone who could speak on his behalf to which an unnamed female said she could to which Mr. Hunt said ok...Mr. Munoz stated to Mr. Hunt if he was comfortable with her doing that it's fine...Chairman Hall stated that they could table it for 2 months or you could have somebody...Mr. Hunt asked the unnamed female if she was ok doing it and she acknowledged it was fine. Chairman Hall stated that they did have a motion and a second...all members present were in favor. Chairman Hall stated that they would see them again on July 23. Mr. Munoz stated to Mr. Hunt that he could post it in the paper anytime as long as it is 10 days prior so anytime this week would be fine.

**Docket#: BZA-0515-006-R1**

**Petitioner: David & Stephanie Galt**

**Property Address: 112 Royal Pine Lane  
Cicero, IN 46034**

**Development Standards Variance: To allow for the animal classification of *very small farm animals* (8 chickens) on a property of 0.9 acres whereas the ordinance states that farm animals are only allowed on a lot or combination of lots that is a minimum of three (3) acres.**

Chairman Hall introduced the docket then Mrs. Galt began speaking about their proposal. Mrs. Galt stated they would like to have chickens and be able to teach their daughter where chickens come from, it's a growing movement to have chickens in the neighborhood, it's going to be all fenced, no roosters, pretty quiet, they will keep them clean, there is not a lot of upkeep and they will paint it to match the house. Chairman Hall asked if it is a moveable structure to which Mrs. Galt stated it is. Chairman Hall asked Mr. Munoz if they had any jurisdiction over the structure then to which Mr. Munoz stated it is considered an accessory structure but in a case like this where it is portable he does not believe so. Chairman Hall asked if Mrs. Galt was asking for 8 chickens because they are allowed 3...Mr. Munoz stated that you have to have a minimum of 3 acres total before you can even have farm animals. Chairman Hall apologized for misspeaking...Mrs. Galt stated that she figures that she is going to lose some because of the hawks, foxes, raccoons; she stated she is going to try and keep them as confined as possible most of the time but she figured she would start out with more and lose some instead of starting out with 3 and having to add more (3) because it's a big deal with the pecking order and adding new ones. Chairman Hall asked if the chickens would be allowed to roam to which Mrs. Galt stated that they would moderately; she stated that the more she is reading the more scared she is for them. Mrs. Galt stated that they are going to get a chicken tractor that can be moved around the yard and put the girls to work reseeding the lawn. Mrs. Galt stated that the neighbors know she does not use pesticides or herbicides on her lawn so the chickens can do that work for her and she'll just reseed it. Chairman Hall remarked that if they are allowed to roam free how will she keep them out of her neighbor's yard to which Mrs. Galt stated that most of the time they will be in the chicken tractor which is a mobile structure to which Chairman Hall remarked not all of the time and Mrs. Galt agreed not all of the time but further stated that she will very rarely be letting them out because of what she has learned since starting this endeavor. Chairman Hall asked if anyone else had any comments or questions to which Mr. Strong asked about the shelter and if it would be a roofed structure to which Mrs. Galt remarked that they will be inside an enclosed coop. Mr. Strong stated



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that a concern he would have with the chickens roaming would be in regards to avian influenza and that would be from droppings of migratory birds and possibly dropping on the birds and then that contributes to the avian influenza and there is quite a bit of it going across the country right now so that would be his concern with the roaming and the need for them to roam. Mrs. Galt remarked that that was what she was thinking, they are not going to need to roam much just if they wanted to get out while they were watching them; she continued stating that she is really concerned about the foxes because they have so many of them in their neighborhood so she wants to watch the chickens so they are not picked off and she doesn't want to make the neighbors upset either. Mr. Strong asked about the structure the chickens will be kept in and how big it is to which Mr. Munoz stated that the board should have gotten a copy of the structure...Mrs. Galt responded that it is more than the recommendation because if they are overcrowded they get upset with each other and she does not want them to be crowded at all, she wants them to be happy and make lots of eggs. Mr. Vondersaar asked if there would be a little fenced in area next to it to which Mrs. Galt stated that there would be. Mr. Vondersaar stated that the structure is 4X6 plus the fenced area to which Mrs. Galt agreed stating the enclosed run plus the chicken tractor that they can move around that will help with the garden. Mrs. Galt stated that her neighbors had written a note about that, the garden across the street, and they had even said that they have more than 3 acres so if she was not allowed to have chickens she could put them on their property but she would rather have them on her property so she can...Mr. Vondersaar asked which neighbor she was talking about to which she stated the Locke's who are across the street to the garden and then...there was discussion about lot sizes...Mr. Munoz stated that when it comes to the public hearing he did have 3 letters from neighbors to read into the record. Chairman Hall asked for any other comments or questions to which Mr. Vondersaar asked why it's going to be right adjacent to the neighbors and on the property line to which Mrs. Galt stated that they have a heavy woods in between both of their yards and the neighbors won't see them unless it's winter time and they kind of liked it because it is tucked in and you won't be able to see it from the street and also it's a moveable coop so that was a good place in their yard to put it between a couple of trees and fit it in but if it is a problem they can move it over. Mr. Vondersaar remarked that he does not know if it is a problem or not, he further asked if they were supporting this and if they had sent in a letter to which...Mr. Munoz asked which neighbors they were talking about to which Mr. Galt stated the Jensen's who live to the immediate north and to his knowledge they did not write anything. Mr. Galt continued stating that they had spoken to them and they seemed in favor. Mr. Galt stated that there is a split rail fence there as well and a tree line so it will not be visible. Mr. Vondersaar stated that if there was a problem they could move the run to which Mrs. Galt agreed. Chairman Hall stated that their zoning is R1 which is Estate Residential, this is the highest residential zoning, he continued stating that chicken excrement can be quiet offensive to which Mrs. Galt stated that they are going to compost all of it in the garden. Chairman Hall asked if there were any other comments or questions to which there were not.

Tom Warner made a motion to open the Public Hearing; Paul Vondersaar seconded the motion. All members present were in favor.

Chairman Hall asked Mr. Munoz to read the 3 letters he had received. Mr. Munoz asked Ms. Fagan if he should read the letters completely or who they are and if they are in favor or not to which Ms. Fagan stated they should be read into the record. Mr. Munoz stated that the first letter he has is from Cecile and Bob Locke who are the owners of Lot 109 and 114 in Forest Bay Estates. We have lived her for 30 plus years, we love all



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of our neighbors especially the Galt's, we have a multi family organic garden and the few hens that are coming to share the space are wonderful and I support the endeavor 100%. I hope to help Stephanie with the chickens, there will be no roosters, all of the eggs will be unfertilized and easy to eat, this will keep the numbers small and loved pets as well. Sincerely Cecile Locke. The second letter is from Pennie Barnes of 110 Royal Pine Lane. I am a neighbor of Stephanie Galt and want to share with you that I am looking forward to the arrival of Stephanie's chicks. We garden together in another neighbor's plot, and these birds have been the topic of many conversations. Stephanie is a very passionate gardener and strives to complete all tasks with the greenest practices and the chickens are part of those plans. I am out of state this week and will not be able to attend the meeting...and she is in favor. The last letter is from Robert Locke. I would like to go on record as being in favor of Stephanie Galt's attempt to place chickens. My wife and I live at 109 Royal Pine Lane...not able to be here but in favor. Secretary Warner stated that they received letters from people living at 110 and 109...Mr. Munoz stated yes 110, 109, and 114. Mr. Galt stated that lot 114 is a large lot where the community garden is located. Secretary Warner asked if those lots were on the map to which Mr. Munoz stated they were. Mr. Munoz continued stating that the Galt's are 112; there was discussion as to where these lots were located on the map. Mr. Galt stated that everyone else was notified via mail and they did speak to many of the other neighbors none of which found it to be an issue and speak against it, they do have some pro, and if the board does recall their neighbor at the corner of Schullley and Forest Bay Lane currently has chickens that do roam free; he further stated that he is not sure of their acreage...Chairman Hall stated that they have 10 acres...Mr. Galt remarked that he knew they had more than he did but they do roam freely in the same neighborhood and he is in favor of this. Chairman Hall asked if there was anyone in the public that would like to comment on this to which there was not.

Dan Strong 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 additional comments or questions from the board to which Mr. Strong asked about the need for 8 chickens, he stated that a chicken lays an egg about every 24-28 hours so is that the need for 8 to which Mrs. Galt stated that they will have chickens that lay blue eggs and green eggs and who knows what color eggs they are not the best layers the only real good layers they will have are the 2 brown egg layers, so it will be more sporadic but she wants to have more cool colors for her daughter. Mr. Galt stated that their current supplier is the Executive Director of the Chamber to which Mrs. Galt remarked that she has all different colors. Mr. Strong asked if she would have Alabaster to which Mrs. Galt stated that Legbars will be the blue, Olive Eggers will be the green, Buff Orpingtons will be the brown, and the Easter Eggers will be the mystery eggs because you don't know what color they are going to be until they lay their first egg. Chairman Hall asked if there were any other questions among the board to which Secretary Warner asked if it were to create a problem down the road that they cannot foresee right now is there anything that can be done to which Chairman Hall stated that they could attach a condition that they have to reappear in a time period, perhaps a year, and see if the situation is still okay; are the neighbors fed up with the chickens or are they okay with the chickens to which Mr. Munoz remarked that they could do that. Mrs. Galt asked if she would have to do all of the paperwork again to which Chairman Hall stated she would not. Mr. Munoz informed Mrs. Galt that she would just be scheduled a year out to appear at a meeting to make sure that everything is okay...Mrs. Galt stated she was good with that. Mr. Vondersaar remarked that they will be



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putting a limit of 8 to which Chairman Hall stated that whoever makes the motion...Mr. Vondersaar stated that whoever makes the motion puts that 8 is the limit to which Chairman Hall stated he was not going out there to count them. There was discussion about the neighbors will know how many are there to which Mrs. Galt stated that they really will not be able to see them. Ms. Fagan stated to ask them to reappear in a year and formally specify if there is a problem what the consequences will be. Chairman Hall stated that they will specify when they state the conditions. Chairman Hall asked if there were any other comments or questions among the board members to which Mr. Strong asked for clarification on the year term and what the consequences will be...will it be to remove the chickens at that time or...Chairman Hall stated that if the neighbors are not happy with what they are doing he would certainly suggest that. Secretary Warner stated that he does not know if they could currently state what the consequences would be; it could be reducing them, cleaning something up that is not cleaned up, it could be multiple...Chairman Hall stated that legally they must say what the consequences will be...Ms. Fagan remarked that legally they don't have to but she suggest that they do but they don't have to state that it will automatically occur...Secretary Warner stated it could result in...Chairman Hall stated actions up to and including the removal of all chickens. Mr. Galt asked if the 1 year is based on if we receive a formal complaint or it's a standard we are going to be meeting in a year regardless to which Chairman Hall stated that if they state this condition they will be meeting regardless and see if anyone comes in to protest what is going on out there. Chairman Hall continued stating that in the absence of anyone protesting it generally it moves on, there is no guarantee but generally it does. Mr. Strong asked if there was any intention on having more than 8 chickens in the future or is that the limit to which Mrs. Galt stated that 8 is the limit. Chairman Hall asked if there were any other comments or questions from the board to which there was not.

Dan Strong made a motion to approve BZA-0515-006-R1 for David and Stephanie Galt of 112 Royal Pine Lane in Cicero Indiana for a Development Standards Variance to allow for the animal classification of very small farm animals (8 chickens) on a property of 0.9 acres whereas the ordinance states that farm animals are only allowed on a lot or combination of lots that is a minimum of three (3) acres. With the following conditions attached to it: that there be no roosters, the chickens would be limited to 8, and that they reappear before the board in June 2016 to make sure that everything is going okay and at that particular time the board would look at any complaints from the neighbors or anyone about the chickens and that could include at that time the possibility of removal of the chickens or the downsizing of the number of chickens allowed. Paul Vondersaar seconded the motion. Voting was as follows: Brad Baker-no, Art Hall-no, Tom Warner-yes, Dan Strong-yes, Paul Vondersaar-yes. Chairman Hall stated that they have their variance.

**Docket#: BZA-0515-007-C3**

**Petitioner: Todd Case**

**Property Address: 22690 State Road 19  
Cicero, IN 46034**

**Land Use Variance: To allow for a vehicle repossession business to be located in a "C3" Commercial Business Park/Light Manufacturing/Utility District whereas the ordinance states that a vehicle repossession business is not a permitted use.**



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Chairman Hall introduced the docket and asked Mr. Case to step forward and explain what and why they are doing. Mr. Case stated that they currently own a repossession company that they purchased in 2012, the business started in 2008 and was already located...Mr. Munoz interrupted stating that there is 1 notification issue on this piece of business being that we had run out of signs, we had more dockets than we had signs available to so we had to fabricate one and it was placed in the yard 8 days prior to the actual hearing. A sign is a local requirement according to our ordinances so that notification time period can be waived by this board but we need to make that justification prior to hearing it. Chairman Hall asked Ms. Fagan if she agreed with the legality of that to which she stated she did; it is not state statute. Chairman Hall stated that before they begin he needs a motion to waive the time restriction for the sign from 10 days down to 8 days.

Brad Baker made a motion to waive the sign requirement from 10 days down to 8 days on this variance; Tom Warner seconded the motion. All members present were in favor. Chairman Hall stated that that requirement was waived.

Mr. Case stated that they purchased the company in 2012, it was an existing business located at 8280 E 216th Street in Cicero; at that point the property was rented and they continued to rent it when they took the business over. They have grown the business and within a year they were trying to figure out what to do to better their image from what it was and at that point they began making improvements on the property but because the property was rented there were only a limited number of things they could do since the landlord did not want to participate in much of the improvements. They did redo the offices on the inside since they had clients coming in, they wanted to be sure they had a decent image inside. Chairman Hall interrupted asking Mr. Case if he owned the property on State Road 19 to which Mr. Case stated that he did not. Chairman Hall asked if Mr. Case could do this without the owner to which Charles Chaudion stated that he is here. Chairman Hall asked what the legal procedure should be...further asking Mr. Case if he is proposing to buy the property to which he said he is. Ms. Fagan asked to hear about the proposal to buy the property to which Mr. Case stated they want to move their existing business to 22690 State Road 19; it's a repossession company, all they do is repo vehicles, they do not tow wrecked vehicles or tow vehicles for dealerships, (unintelligible) services, they don't repair vehicles on site. Mr. Case stated that they bring vehicles in, they are stored for a very short amount of time at which time they are transported out by a transport company. Mr. Case continued stating that most of the vehicles are newer. Mr. Case stated that they want to improve their current image, and that they have been told that they have an impeccable image in every other part of their company, they have newer equipment now, the personnel are all in uniforms and trained, they have state of the art equipment but the building is holding them back. Chairman Hall stated that the question now is who has the legal right to present this so they are going to hold on to the rest of it until this has been decided. Ms. Fagan asked if they had reached an agreement to buy it to which the response was yes. Ms. Fagan asked when that was going to occur to which Mr. Case stated it would be once it is determined if they can have the business there. Ms. Fagan stated that if the board decides to pass it it would need to be contingent that the transaction closes and they are the legal owners of it. Chairman Hall asked if it is legal for Mr. Case to continue with his presentation to which Ms. Fagan stated that she believes that they will need to hear from the owners within this and not just the Public Hearing that they agree. Adam Davis spoke saying that he was Mr. Case's attorney stating that they are actually asking for a conditional variance to be approved based on the completion of the sale. Mr. Davis continued stating that they have a purchase agreement and they are in



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the middle of financing but they cannot get the financing until they get the variance because the bank won't approve the loan for them to buy the property until they have the variance. Mr. Davis stated that that was his original question as well if the owner needed to be there but then they would have to transfer the variance so they are just asking that it be conditional and that upon submission of the deed or financing transaction to the board the board would just approve it at that point. Chairman Hall asked Mr. Chaudion if he agreed that there is a purchase agreement in process to which Mr. Chaudion agreed there was. Chairman Hall apologized for the interruptions and asked Mr. Case to proceed. Mr. Case stated that they have had a lot of struggles with the current property, it is holding them back it is not a (unintelligible) piece of land and it's hard to put your money into something that you don't own. Mr. Case stated that they have expressed interest in buying the property but the land owner has said that he would sell it to them at some point but he won't give them a date, time, or even discuss it further. Mr. Case stated that they have found property at 22690 State Road 19, the size is good, the location is very good, they like the Cicero area, they already conduct their business in Cicero, it's very safe in Hamilton County and they would like to improve the property and make it more appealing to go along with their image. Mr. Case continued stating that this will help their business grow as well as the Town of Cicero with further growth.

Chairman Hall asked if there were any comments or questions from the board members to which Mr. Vondersaar asked what the plans were to improve the property. Mr. Case stated that currently the property has no septic/sewer or running water and they are going to install a well and make sure there is running water and septic/sewer, as well as finish off the bathrooms. Mr. Case continued stating that they will be installing a privacy fence along the side of the business to ensure more privacy to the daily business that is going on and it's going to match the buildings appearance, the building is white and the fence coming off the sides will be a white privacy fence. Mr. Case remarked that they plan on mowing the field to the North side of the property and continue to maintain it which he currently thinks it is hay and the lawn is currently overgrown but as he understands it it is currently maintained by a farmer to which Mr. Chaudion agreed. Mr. Case stated they would replant grass where necessary until it turns into an actual grass appearance. Mr. Case remarked that they plan on landscaping along the drive and fence line, put some bushes/brush to make it look more professional, they plan on keeping the existing flag pole and landscape around it, maybe putting a light to shine on the flag at night. Mr. Case stated that where the current sign is they would like to install their business sign and landscape around it. Mr. Case handed out a hand drawing of what they would like to do and explained the legend to the board. Chairman Hall asked what the building was made out of to which Mr. Case stated it is a steel building. Mr. Case stated that he feels that the landscaping will dress it up a lot. Mr. Case remarked that for the front driveway they would like a little bit of time to have it paved or concreted. Mr. Case stated that their image to remain professional and look like they are bettering themselves and this will dress up the property and make it look more professional. Mr. Case continued stating that they will continue to maintain the outside and get rid of the weeds and make it more neat and businesslike. Mr. Case stated that they know it is going to be one of the first things you see when you come in from the south side of Cicero and not only will it be their name but also the Town so it should be impeccable. Chairman Hall asked if there were any comments or questions from the board to which Secretary Warner stated that they have a building that entertains customers when they come in to which Mr. Case stated that they do have a few customers that come in but more clients and people that want to work with them come in for meetings. Secretary Warner asked Mr. Case to define who their customers and clients are to which Mr. Case stated that they have a list of



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probably over 80 clients, banks and lenders and such, some are national and some are local but most of the business is done through the internet, they have a web based program, field business is done by equipment. Mr. Case stated that the vehicles that they take would come in and a transport company would come in and pick them up. Secretary Warner asked how long they would have a vehicle on their property to which Mr. Case stated that it depends but currently they have 3 days a week that they transport vehicles out so they are going out just as quick as they are coming in so that they can get them to auctions and get them sold. Secretary Warner asked Mr. Case if he currently lives near his business to which Mr. Case stated that they live approximately 9 miles from the business location however they do have interest in moving into Cicero however they currently live in Carmel. Chairman Hall asked if there were any other comments or questions to which Mr. Strong asked about the transport and what types of transports Mr. Case has been referring to. Mr. Case stated that they are just transport companies that come in and get the vehicles, some are flatbed trucks, some just come in with drivers and they drive the vehicles off with regular plates and transport plates. Mr. Strong asked in terms of a tow truck transport or 18 wheeler transport or...Mr. Case stated they are more like a tow truck, usually a 3 car hauler with 2 on deck and tow 1 off the back; they come in and go, it's pretty seamless. Ms. Fagan asked if in the purchase agreement is there a contingency to this variance (unintelligible) to which Mr. Davis stated that the (unintelligible) agreement says that the property is zoned for the purpose (unintelligible) it's not necessarily a contingency however there is a contingency for financing and the financing is based on the variance. Chairman Hall asked how often there would be trucks coming in and leaving on State Road 19 to which Mr. Case stated that the business is conducted Monday-Friday so they could have trucks coming in daily as far as the frequency though there are days when nobody comes in or leaves. Chairman Hall asked Mr. Case to guess on an average to which Mr. Case stated per day maybe 8-10 but it would not be excessive for the normal business of that road. Darcy Case clarified that it would not be 8-10 different trucks it would be 1 of their trucks dropping off a car and leaving to go get another car and then coming back. There was discussion between Mr. Case, Mrs. Case, and Mr. Davis about the picking up and dropping off of vehicles. Mr. Case stated that they like to keep it as discreet as possible; that is one thing they like about where they are now-it's a discreet location, the Town is, it's a nice Town and the business that does come in likes the Town, they like the small town feel, a lot of them eat lunch in Town and that helps both of us. Chairman Hall asked Mr. Munoz about them facing a state highway and having customers into their business if there is a state approval process they need to go through to which Mr. Munoz stated there is not. Chairman Hall asked if there were any other comments or questions to which Mr. Vondersaar asked about the sketch and the 10' privacy fence in front and on the drawing it's 6-8' high...Mr. Case stated that initially he wanted to provide the most privacy for the property and for the people driving by to make it look as professional as it can. Mr. Case continued stating that after talking with Mr. Munoz he realized he could not go that high so that's why he put 6-8' because whatever is allowed is what he will do, it doesn't have to be that high. Mr. Munoz stated that he had made the recommendation that he come for the Land Use Variance first before he petition for any of the Development Standards Variances that may come with this potential business which would include a higher privacy fencing; so they did have the discussion but Mr. Munoz felt it was best to do this first. Mr. Vondersaar asked Mr. Case if he would be getting rid of the front loop where all the antique stuff and motorcycles and campers are sitting to which Mr. Case stated that he would and if you looked at the new drawing it shows that it will all be grass; they will be keeping the existing flag pole and going for a variance for the sign so they can put their company sign there in the same location with landscaping around it to make it look nicer. Mr. Vondersaar asked Mr. Munoz about when this came through 3-4 years ago they had



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talked about blacktopping because it was grandfathered in 1990 something we didn't make them do blacktop but according to this it is supposed to be blacktopped to which Mr. Munoz agreed; Mr. Munoz further stated that by looking at the driveway you can see paving the front parking lot and the...Mr. Vondersaar stated (unintelligible) 2-3 years to which Mr. Munoz stated it could be part of a condition if you would be willing to approve it. Chairman Hall asked if the car storage area needs to be paved inside the fence to which Mr. Munoz stated that no it is normally just for the customer and employee parking. Chairman Hall asked if we require any kind of gravel in there or just park the cars on the dirt to which Mr. Munoz stated that that area in the back is already gravel. Chairman Hall asked if that is a requirement to which Mr. Munoz stated it is. Chairman Hall stated that he would have to have gravel within the entire fence to which Mr. Munoz agreed. Chairman Hall asked for any other comments or questions to which there were none.

Paul Vondersaar made a motion to open the Public Hearing; Tom Warner seconded the motion. All members present were in favor. Chairman Hall asked if there was anyone who would like to comment on this docket to which Charlie Chaudion of 22690 State Road 19. Mr. Chaudion stated that after 50+ years of auctioneering he is going to be stopping; he continued to state that what Mr. Case is wanting to do will be an asset for Cicero. Mr. Chaudion stated that he has been in Cicero since 1959 and he has seen a lot of good and bad changes; he is from the old school and he likes the old school, what Mr. Case is doing will be an asset. Mr. Chaudion continued stating that he lives right next to this location and he will keep an eye on it. Chairman Hall asked if there were any other comments from the public 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 among the board members to which Mr. Strong asked Mr. Chaudion about the property next door where he lives and if he still planned on having outside storage behind his home to which Mr. Chaudion commented that he did. Mr. Strong asked if he would access that through his driveway to which Mr. Chaudion stated that he would. Chairman Hall asked if there were any other comments or questions to which Chairman Hall stated that he would like a motion to reopen the Public Hearing so that a letter that was submitted could be read into the record.

Brad Baker made a motion to reopen the Public Hearing; Tom Warner seconded the motion. All members present were in favor.

Chairman Hall stated that there is only 1 letter and it is from Cortney Frato with Management Resources Development. Ms. Frato stated that she is writing on behalf of the property owner of Grissom Estates Apartments regarding a possible zoning reclassification for the property located at 22690 State Road 19 in Cicero. Unfortunately, I am not able to attend the hearing concerning this matter, however I am asking that my written statement will be considered in your decision making process. While we encourage economic growth in our community and do our best to build relationships with new businesses in the area, we are opposed to a vehicle repossession business to operate at that specific location. The location of the property in question is on a high-traffic state road that many use to commute back and forth from Indianapolis, and is also the gateway into Cicero from Noblesville. We feel that introducing this type of business at a high visibility





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location will deter future business owners and potential residents from relocating to the surrounding area. Vehicle repossession compounds are commonly known for being unattractive, and it simply isn't the first thing we want our customers to see when navigating to our apartment complex from the South. Thank you in advance for your consideration of our opinion on this matter. Should you have any questions, please feel free to contact our office.

Paul Vondersaar 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 additional comments or questions among the board members to which Mr. Vondersaar stated that he agrees with the letter to a point; from what is out there now from the meeting 4 or 5 years ago there was going to be 1 or 2 things sitting out front and now there are many things sitting out front and he has heard some not so good things about that. Mr. Vondersaar continued stating that he does not believe this is the kind of business, and Mr. Case may run a great business and this is nothing personal, he just does not think this is what he wants to see in Cicero. Mr. Vondersaar further remarked that he thinks our ordinances are against this for a reason and that is probably why it wasn't approved to begin with. Chairman Hall asked for any other comments or questions from the board to which there were none. Mrs. Case asked if she could say something to which Chairman Hall asked if it is something new or if she was just going to reiterate what had already been said; Mrs. Case stated that she just wanted to explain a little bit about their business. Mrs. Case remarked that the "repo" shows on television have given people the wrong perception of what the business really is; it is not eventful, it is very quiet, they come and go quietly, and they want a business that looks good and they do not like where they are at but they are stuck because they cannot put money into something that is not theirs and their property owner is not willing to fix a multitude of things that are wrong. Mrs. Case continued to state that they are trying to have a better look and they are all for that. Mr. Vondersaar stated that this is not any direct relation to them it is just the type of business, he does not want to see a 10' fence when you drive into Cicero across the property; it's nothing against you or how you run your business...Chairman Hall stated that they are going to draw this to a close, it is not a debate. Chairman Hall asked if anyone else had a comment or question to which there was not.

Dan Strong made a motion to approve BZA-0515-007-C3, the property owner is Charles Chaudion and the petitioner is Indiana Recovery Services, location is 22690 State Road 19 in Jackson Township. Mr. Vondersaar asked if with the motion are they attaching pavement, fences, timelines, fines because he does not want to go down this road again. Secretary Warner stated that they have to have a condition that they are the property owners. Mr. Strong stated that on the other pieces they will have to come back and go through the process to which Mr. Vondersaar stated not for the pavement that is already a requirement to which Mr. Munoz stated it is required so they could make a stipulation based on this that it be done in a certain time period. Mr. Munoz stated that as for the fence, fence height, color, context...that will all be done through a Development Standards Variance that will be required for those particular items. Chairman Hall asked if they could ask for a variance on the pavement to which Mr. Munoz stated that in his personal opinion he would attach it to this and that it be required within a certain time period. Chairman Hall asked Mr. Strong if he would accept that with his motion to which he stated he would. Mr. Davis asked for clarification and if the property would be permitted to have a fence there to which Chairman Hall stated that all properties can have fences within our



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variance requirements but there are limits. Mr. Davis stated that they could not have the business there if it could not have a fence so he wanted to make sure that if they came back it would be a height variance and not to have a fence...Mr. Munoz and Chairman Hall stated that that was correct. Chairman Hall stated that everything can have a fence of one sort or another, it's the style of fence, whether it's a see through or etc... Mr. Munoz stated that for clarification if he does choose to put in a 6' privacy fence as part of this you can now attach as part of your Land Use Variance that it be made of a certain material that way if he does come back for just a simple 6' privacy fence we at least know what kind of materials. Mr. Davis asked if the motion would be conditional for the variance...Mr. Vondersaar asked what he meant by conditional such as in the purchase to which Mr. Davis agreed.

Dan Strong made a motion to approve BZA-0515-007-C3, the petitioner is Todd Case, the property is owned by the Chaudion's, the property address is 22690 State Road 19 in Cicero, Jackson Township, it is a Land Use Variance to allow for a vehicle repossession business to be located in a C3 Commercial Business Park/Light Manufacturing/Utility District whereas the ordinance states that a vehicle repossession business is not a permitted use. This would be a conditional variance contingent upon the petitioners close the deal on the completion of the sale that this is approved. Also, that in the future the determination of what materials will be used for the fence and a requirement would be that the driveway and front parking lot be paved as well as the entire fenced area will be gravel; the time frame on the pavement will be 24 months. Mr. Davis asked if it is 24 months from the condition being satisfied to which Ms. Fagan acknowledged. Tom Warner seconded the motion. Voting was as follows: Art Hall-no, Tom Warner-no, Paul Vondersaar-no, Dan Strong-no, Brad Baker-yes. Chairman Hall stated that the variance was not granted.

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

Mr. Munoz stated that if anyone has the opportunity to stop by the office he has the new Zoning Books, small zip drives available that have the Zoning Book and Comprehensive Plan on them, as well as disks that have the Comprehensive Plan on them. Mr. Munoz also stated that they should be getting the midterm report from the department in the next week or two that will explain permits and fees.

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

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

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

Ms. Fagan stated that she did not have anything either.

## **8. PUBLIC COMMENT:**

There was no public comment.

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

Dan Strong asked Mr. Munoz about the written versions and the zip drives to which Mr. Munoz stated to stop by any time you want to pick them up. Mr. Munoz continued stating that it had taken some time to get the 3 ring binders in to finish up the books. Chairman Hall asked if Mr. Munoz would like the old books back to which Mr. Munoz stated he did not but that everyone still needs to keep the Subdivision Control Ordinances



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that are in there because they would still be used if a minor or major subdivision were to come in. Mr. Munoz showed the board what his book looked like. Chairman Hall asked if there were any other comments or questions from the board members to which there were not.

**10. NEXT MEETING:**

**July 23rd, 2015 at 7:00 p.m.**

**11. ADJOURNMENT:**

Paul Vondersaar made a motion to adjourn and Brad Baker seconded the motion. All members present were in favor. The meeting was adjourned at 8:29 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