



# CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

**PETITIONER:**

**Cicero Capital, LLC**

## BZA MEETING MINUTES

**03/19/15**

**7:00 p.m.**

Vice Chairman Brad Baker called the Cicero/Jackson Township BZA meeting to order at 7:00pm and the members were present or absent as follows:

### **ROLL CALL**

**Present:** 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:** Art Hall - Chairman

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

Vice Chairman Baker declared a quorum with 4 of 5 members present.

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

Dan Strong made a motion to approve the 1/22/15 meeting minutes. Tom Warner seconded the motion. Paul Vondersaar abstained from voting since he was not on the board at the time of that meeting. All other members present were in favor.

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

#### **Election of 2015 Officers (*needs to be untabled*)**

Dan Strong made a motion to untable the elections for 2015; Tom Warner seconded the motion.

Dan Strong nominated Art Hall as Chairman; Tom Warner seconded the nomination. All members present were in favor.

Dan Strong nominated Brad Baker as Vice Chairman; Paul Vondersaar seconded the nomination. All members present were in favor.



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Dan Strong nominated Tom Warner as Secretary; Paul Vondersaar seconded the nomination. All members present were in favor.

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

**Docket#: BZA-0210-004-DC Request #4 AMEND**

**Petitioner: Cicero Capital, LLC**

**Property Address: 409 W Jackson Street  
Cicero, IN 46034**

**Development Standards Variance: To allow for the Monument Sign #12 as indicated on Page S-3 (attached) to be double sided whereas it was stated in the original BZA meeting on September 16th 2010 by the developer that the sign would remain one sided.**

Vice Chairman Baker asked if there was a representative for Cicero Capital to which Gregg Boyd stated that he was there on behalf of Cicero Capital as an owner of the property. Mr. Boyd stated that what they are trying to do is ask for an amendment to the signage granted on the corner of Jackson Street and Main Street; this week Mr. Boyd was out of town and the sign guy installed the signs - hopefully everyone had a chance to drive by and see them because he cares what they think of them; but this is the sign they are specifically referring to on the corner (Alexander's corner). Vice Chairman Baker asked if everyone had the map/plan that shows which one Mr. Boyd is talking about...Mr. Boyd stated that it is right on the corner of Main Street and Jackson Street. Mr. Boyd continued stating that this particular sign has always been 2 sided and they are asking for the ability to make it a front and back sign rather than just a sign that faces to the east; so it would be the side that faces the building. Mr. Boyd stated that as far as the overall square footage of signs they have other signs that they will be putting up that map and measure according to what they asked for and were approved for 2 years ago but this particular sign they either made a mistake on or forgot or whatever so they are asking for an amendment...they are under, they are not going to exceed the approved square footage of 316 square feet. Mr. Boyd stated that currently with the signs installed, just to bring everyone up to speed of what they've done as of this moment, the front of the building, the Lazy Frogg sign used to say, what was approved was extra verbiage - Restaurant and Bar on Morse Lake - they took all of that off and just made it Lazy Frogg; that is actually on the east side of the building and it's also on the lake side or west side of the building - they are the exact same sign. Those signs are aluminum with a digital face so they will always stay in good shape; they won't peel in the sun. Mr. Boyd continued stating that those 2 signs are each 47 1/2 square feet, they are approved for 54 and 56 square feet, so they are under for those 2 signs as approved for what is actual. Mr. Boyd stated that the other 2 signs that were installed are on the Shrimp Hut which is the 4 post building that is going to be the walk up bar and shrimp cocktail hut. This signage was approved for 16 square feet, which would be signage #3, those are now installed and are 1' X 3' each, they are each 3 square feet for a total of 6 square feet; so they are 10 square feet under the 16 square feet approved for the Shrimp Hut sign...and it looks like this and it faces the building which would be the south and it also faces the east which is the parking lot. Mr. Boyd stated that it is very small but it is big enough for what they needed; they downsized those signs. Mr. Vondersaar asked if there was 1 facing the lake to which Mr. Boyd stated that no they only put them on those 2 sides. Mr. Boyd stated that with 1' X 3' signs you would never see them from the lake.



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Mr. Boyd continued stating that they are little signs but they will do what they need them to do; know what to call that structure.

Mr. Boyd stated that overall they are at 49% of the approved 316 square feet collectively on everything that has been installed. Mr. Boyd continued by stating that they are going to be installing their awning signs which they have been approved for and they will be installing little directional signs that say things such as entrance...they have a little problem with the old location of the entrance to the Waterfront with people pulling on the door, which is locked all the time, the Lazy Frogg doors are actually on the north side of the building, and people keep telling them that they need a sign, well they have a sign approved that says it's a staff and service entrance only but they haven't put that up yet, they are going to put that above the door and then the door to the south is Brian's Door; the rest of the signs are real small - they are more directional and for the patrons to tell them where...they are going to have 1 for golf cart parking - a little sign on a post. Mr. Boyd stated that those are all coming but with trying to get open, they've been open a week and it's been chaotic trying to get everybody situated with what they are doing.

Vice Chairman Baker asked about #10 on page S3, there is a sign between the Shrimp Hut and the road which he thinks is now inside the fence enclosure...Mr. Munoz asked if it is a directional sign...Vice Chairman Baker stated towards the road in front of the Shrimp Hut is a circle with a sign in it...Mr. Munoz stated that he thinks that that is the other monument sign that is currently there...Vice Chairman Baker stated that no it's by #11 by the drive...Mr. Goldfarb stated the he believes that is the exit sign...Vice Chairman Baker stated no #10 it says it's a wood sign board with hearty plank shakes letters to be selected by owner...Mr. Goldfarb stated that is golf cart parking...Vice Chairman Baker stated that he was just curious because he assumes that was a sign that was approved...Mr. Boyd stated that that sign is one they are not doing and it was inside the fence. Vice Chairman Baker stated that there will not be 3 signs right in a row down...Mr. Boyd stated no that is an old sign concrete area that has actually been removed because it is inside the fence; there is no sign there at all. Mr. Boyd stated that what they are hoping to do is...they are starting to make their awnings now because they did not want to put them up during the winter, and those are the awnings that go on the north side of the building and they sort of frame the entrance, it's where they built the new canopy on the north side, there are actually 4 and they wrap around the new canopy that is up there, there is a staff door next to the double door entrance and they've had problems with when it is raining they know that the staff that is going in that door is serving food and they don't have an awning over that door and they would like to put an awning over that door and he does not know if this is something that they can talk about but they have 4 awnings approved but this is an awning they did not know they would need as a drip edge when you go in and out and the size of the awning would roughly be 4' wide and 3' tall. Vice Chairman Baker asked if that was on the other side from the chimney from the main entrance to which Mr. Boyd stated it was. Mr. Strong stated that that would need to be discussed with the Planning Commission when they come in for their architectural review because that would go before that board.

Mr. Strong stated that they are strictly dealing with the 1 sign tonight. Mr. Boyd agreed further stating that that would be the end of his report.



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Vice Chairman Baker stated that this leads him to his last question. On the back of this application in the reasoning Mr. Boyd has stated that "No, we are only changing the locations of our signs on the building itself" and so on and so forth, further it states "we will only be increasing the size of 2 signs on the building itself" and that is not what it says on the front that they are here to talk about so he is curious what those 2 things mean. Mr. Boyd asked if he could see what Vice Chairman Baker was looking at because he did not prepare that himself. Mr. Boyd asked if the question there is why are they talking about the corner sign vs these signs...Vice Chairman Baker acknowledged...Mr. Goldfarb stated that he believed that Tres filled that out and he believed that it was understood the meeting was for the corner sign; he does not believe that he rewrote that, he believes that the variance was for this 1 sign. Vice Chairman Baker stated that that is why we are here and he is just curious what those statements on the back are referring to. Mr. Strong stated that he had answered in regards to the signs on the building on the east and west sides...Mr. Boyd agreed...Mr. Strong continued stating that he had answered to that as opposed to answering for the monument sign that sits on the corner of Jackson Street and Main Street. Mr. Boyd acknowledged further stating that they are removing the 2 signs that are on top of the building that they had talked about; they are not doing those signs either. Mr. Strong stated that they had answered to something that they were previously working on. Vice Chairman Baker stated that these answers do not go with this...Mr. Strong agreed...Vice Chairman Baker stated that he wanted to make sure that they were stricken from this record however (unintelligible) effect what they are here to talk about which is the monument sign on the corner. Mr. Boyd stated that that was his understanding and that they should limit it to only that at this meeting. Mr. Goldfarb stated that in summary the 1 side that is in question and with the reduction in the 2 signs, even though the other signs were a little bit larger we are still 25 square feet below the total allotted signage and once again even though only 1 side was requested even if you doubled the 24 square foot that's sign facing Alexander's which is debatable whether it should or shouldn't be doubled even if it is doubled it will still leave 1 square foot to play with under our total allotted sign even if you count another 24 for the back. Mr. Strong stated that for clarification so there is no misunderstanding, your signs that were approved are your signs, even if you come under that that does not give you the latitude to go put 3 additional signs up that were not approved. Mr. Boyd stated that he understood that. Mr. Goldfarb stated that from they have with what Mr. Boyd talked about with the awnings they do not plan on anything else. Mr. Strong acknowledged further stating that he just wanted to make sure it was on the record and there was no misunderstanding later that...Mr. Boyd stated that (unintelligible) cannot approve it, I understand.

Vice Chairman Baker asked if there were any further questions from the board to which Mr. Vondersaar asked if there was a sign on the Main Street entrance to which Mr. Boyd stated there is not. Mr. Vondersaar asked if they would be wanting to put one there since coming from the south going north, you get up there to the corner and people going west are going to see the big building and everything else along with the sign on Jackson Street; he just sees that...Mr. Boyd stated that they had wanted a sign there but in some prior discussions that they had had with several people the thought process was that they would have too many signs. Mr. Vondersaar stated that he was thinking of moving the one from the corner down there so that there would be 1 on both sides; he stated that he likes the signage on the building, you can see it from a long ways. Mr. Vondersaar stated that this is his first meeting so he may be asking questions that have already been asked but he was thinking of taking the 2 sided sign and putting it down on Main Street before you got to the intersection.



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Ms. Fagan asked Mr. Munoz if because 1 and 2 on the application are answering questions that are not with this variance/this sign, does he need for the record those to be answered particular to this sign. Mr. Munoz stated that we very well could if they would like to do that on record. Ms. Fagan stated that we should have those answered on the record in the minutes so that if we ever have to go back to this we are not all confused about what the answers were since they are not referring to what the variance is for the sign that we are here for today. Vice Chairman Baker asked if we could strike the comments in...Ms. Fagan stated yes...the motion as well. Mr. Vondersaar asked if they should just ask them the questions to which Ms. Fagan stated yes. Ms. Fagan stated that the first 2, because these answers did not pertain to the monument sign we are here about today, if Mr. Boyd could just verbally answer those today on the record...Mr. Boyd acknowledged. Mr. Boyd stated that the approval will not be injurious to the public health, safety, morals, and general welfare of the community...that is true, yes that will not be injurious. Ms. Fagan acknowledged. Mr. Boyd continued stating that #2 the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner by the approval of this variance request...and that is true, it will not be affected in an adverse manner (unintelligible) 2 faced versus 1 faced. Ms. Fagan acknowledged.

Vice Chairman Baker asked if there were any other questions to which Mr. Vondersaar asked about the sign they already have on Jackson Street, the new one, there is a monument/pole sign there...will that pole just be taken down never to be used again, it kind of blocks the sign so he did not know if they would be...Mr. Boyd stated that there are 2 poles there, a light pole and the old sign pole which they are hoping to put an American flag on there someday. Mr. Boyd continued stating that the Legion...Mr. Goldfarb stated that they are going to be painting that and making it pretty; he further stated that the light pole is totally blocking it if you're coming west...Mr. Vondersaar asked if they were taking that down to which Mr. Boyd stated that they do not like the light pole and the quest will be to take it down however it won't happen immediately but they will be taking it down. Mr. Vondersaar restated that it does block their sign to which Mr. Boyd stated it does that and also interferes with the Cicero Light Project.

Dan Strong made a motion to open the Public Hearing, Paul Vondersaar seconded the motion. All members present were in favor.

No members of the public were present.

Dan Strong made a motion to close the Public Hearing, Paul Vondersaar seconded the motion. All members present were in favor.

Vice Chairman Baker asked if there were in further comments to which Mr. Strong stated that he had 1 further question for the record...1 side of the sign looks very nice, is the reverse side of that going to look identical to which Mr. Boyd stated that it is identical. Vice Chairman Baker stated that it is already there to which Mr. Strong remarked that it was covered when he went by earlier. Mr. Boyd stated that it was covered today and they were supposed to attach it facing inward and he came out and it was already screwed and he told them they had to cover it up so they should be able to go down and tear that off and it will be identical. Mr. Warner asked about the base of the sign on the corner and how it looks unfinished, the other sign has green aluminum



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or something down to the base of the sign while the one on the corner does not have anything below the sign...Vice Chairman Baker stated that those are the old standards for the old sign...Mr. Warner asked if the corner sign would look like the other sign to which Mr. Boyd remarked that they planned on painting the post black...Mr. Goldfarb stated that currently it is a mix of rust and wood and they are either going to paint it black or green; he stated it will not be identical but it will look very nice. Mr. Strong remarked with that being said there is still some landscaping to do to make it comply with the ordinances as well to which Mr. Boyd and Mr. Goldfarb agreed.

Dan Strong made a motion to approve BZA-0210-004-DC Request #4 Amendment to a previous BZA meeting, the petitioner is Cicero Capital LLC, it is for the allowance of the second side of a monument sign which on their documents is #12 as indicated on page S3, and to allow for that to be a double sided sign; also to have stricken their answers in regards to the Findings of Fact they submitted and take their verbal comments as addressed. Mr. Warner asked about the signs that they were told this evening were not going to be used and if they should be part of this motion to which Mr. Munoz stated they would be part of the Aesthetic Review and not this. Mr. Vondersaar asked about adding the painting of the corner sign to this motion; Dan Strong added to his motion that they would paint the base of the monument sign...Mr. Boyd and Mr. Goldfarb stated they would do that. Tom Warner seconded the motion. All members present were in favor; Paul Vondersaar voted yes, Dan Strong approved, Tom Warner approved, Brad Baker approved.

Mr. Boyd asked the board what they thought of the signs to which Mr. Vondersaar stated that he liked them and Vice Chairman Baker remarked that he likes what they have done there.

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

Mr. Munoz stated there are 2 issues that the Council has chosen to move forward with at the last Town Council meeting. They will be having legal action filed on them; one of them is 49 E Buckeye and the condition of the house. Mr. Munoz stated that they have been working with them on this for years trying to work with them to clean it up and they would give the Town a timeline and do a couple of repairs and some cleanup and then when they get off of it the Town writes them another issue; they have all but considered the house hazardous. They've had them go in and clean up quite a few things but it's stopped again and now they have people living out behind it in a trailer. Mr. Vondersaar asked if it is a rental to which Mr. Munoz stated it is. Vice Chairman Baker asked if anyone is currently living in the house to which Mr. Munoz stated there is. Mr. Vondersaar stated that he has seen kids coming out of it in the morning. Mr. Munoz remarked that that one is being passed on the Mr. Culp to take care of. Mr. Munoz stated that the other one is the automotive place south on State Road 19; we have been dealing with that one for awhile and all communication has stopped, we have not heard from them in quite some time. This one had been passed off to Mr. Culp as well so he could write a letter, he did this and sent it certified, and regular mail 3 or 4 times and they will not accept it however the regular mail was not returned so we know someone is living at that address by that name. The Town is pursuing legal action on that one too. Vice Chairman Baker asked what the legal action would be on NRG, what are they looking for there to which Mr. Munoz stated this is actually the auto place that down on 19. Mr. Munoz continued stating that the NRG site is heading in a different direction; the Town is currently working with them on some projects. Vice Chairman Baker asked if it is still ongoing to which Mr. Munoz



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remarked that it is and that they are very optimistic that you will start seeing some progress in a couple of different directions very soon.

Mr. Munoz stated that the Comprehensive Plan was tabled at the last Town Council meeting; there was some discussion by one of the council members who wants Mr. Munoz to help her review it further. As for the Ordinances they are finalizing some of the last draft questions they had; there was not enough time to get it ready before the council meeting for them to be able to review. Hopefully all the their documentation, paperwork and resolutions will be in place here in the next week so he will be able to get it to them and they can review it and hopefully approve it at the first meeting in April.

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

Vice Chairman Baker had nothing to report.

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

Ms. Fagan had nothing to report.

## **8. PUBLIC COMMENT:**

There was no public comment.

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

There was no further comment.



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**10. NEXT MEETING:**

April 23rd, 2015 at 7:00 p.m.

**11. ADJOURNMENT:**

Dan Strong made a motion to adjourn and Tom Warner seconded the motion. All members present were in favor. The meeting was adjourned at 7:29 pm.

***Signature on Official Documents!***

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Brad Baker, 2015 C/JT BZA - Vice Chairman

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Tom Warner, 2015 C/JT BZA - Secretary

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Sally Mangas, C/JT BZA - Recorder

Date: \_\_\_\_\_

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