



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

PETITIONERS:

**Krystal & Scott Hickman, Sandra & Samuel Heater
Larry & Alana Robertson**

BZA MEETING MINUTES

05/21/15

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 5 members present. Chairman Hall stated that in order for a variance to be approved they would need 3 votes of the committee; tonight it would be 3 of the 4 present members so if they so choose they may postpone their hearing until there are 5 members present, a month from now. He further stated that they will ask each docket before they are heard if they would like to proceed or wait.

2. APPROVAL OF MINUTES:

Dan Strong made a motion to approve the 3/19/15 meeting minutes. Brad Baker seconded the motion. All other members present were in favor.

3. OLD BUSINESS:

NONE

4. NEW BUSINESS:

Docket#: BZA-0415-001-R1

Petitioner: Krystal & Scott Hickman, Sandra & Samuel Heater

Property Address: 36 Point Lane

Arcadia, IN 46030



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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 asked the petitioner to stand and state their name and address. Sandra Heater stood and introduced herself and her husband Sam. Chairman Hall asked Mrs. Heater to explain what this was about. Mrs. Heater stated that they had moved from West Virginia with their daughter and son in law, Krystal and Scott Hickman, and they are all living in the same house and they have a lot of stuff. Chairman Hall asked who the owner of the property is to which Mrs. Heater stated that all 4 of them are; they are all listed on the deed. Chairman Hall asked Mr. Munoz if they would have authority to speak for the other owners to which Mr. Munoz stated they would. Mrs. Heater remarked that her son in law just purchased a boat and they will need to store that, they have a box trailer they would like to keep out of the weather, they have a garden tractor that has multiple attachments; there is just not enough room in the little garage that is there. She continued stating that they have 4 vehicles that they would also like to put in a garage instead of having sit out. Chairman Hall asked if the location of this was going to be adjacent to the existing garage to which Mrs. Heater responded that it will be. Chairman Hall asked if they will be joined to which Mrs. Heater stated that they will not be, there will be a separation between the two.

Chairman Hall asked the board if they had any questions. Mr. Strong asked if the building size was going to be 40X64 to which Mrs. Heater stated that was correct. Mr. Strong responded that it is roughly 2560 square feet he proceeded to ask Mrs. Heater if she knew the square footage of their home to which she responded that it is almost 5000 square feet. Mr. Strong asked Mr. Munoz if that would meet the 65% criteria to which Mr. Munoz stated it would. Mr. Strong informed the petitioners that it would be a requirement on their deed that there be no living quarters or a business operated out of this building to which Mrs. Heater stated there would not be. Mr. Strong reiterated that that would need to be attached to the deed. Mrs. Heater remarked that that would be fine.

Secretary Warner asked if the construction would be next to the existing garage to which Mrs. Heater stated it would be. Secretary Warner asked if it is a 2 car or 4 car garage; Mrs. Heater remarked it is just a 2 car. Secretary Warner asked if the new building would be the same size or smaller than the existing to which Mr. Heater stated they would be pretty much the same size. Chairman Hall remarked that it is actually a lot bigger...Mrs. Heater remarked that it would be longer. Chairman Hall stated that the existing building is 30X36 and the new one will be 40X64. Chairman Hall continued stating about 2500 as compared to about 1000. Secretary Warner asked if they would be the same height to which Mr. Heater stated that the roof would be the same height. Chairman Hall asked if that would be within the limits to which Mr. Strong and Mr. Munoz stated it is. Mr. Heater stated that no one will be able to see it because of the pine trees.

Vice Chairman Baker asked about the existing 30 X 36 and if this was going directly adjacent to it to which Mr. Heater stated it is. Vice Chairman Baker remarked that that is a total of 3640 square feet in those two buildings. Mr. Munoz stated that it is individual; on an accessory structure it's individual on the size requirements not the total. Chairman Hall remarked that they are allowed two and each one counts



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individually, you do not sum them up against the 65% to which Mr. Munoz agreed further stating that they had not in the past. Chairman Hall responded that they fall within the requirements to which Mr. Munoz agreed. Vice Chairman Baker asked what the space would be between the existing garage and the new one to which Mr. Heater stated about six feet. Mr. Strong asked if there was a reason why they were not combining them or having them attached to which Mr. Heater stated that it is too much money, they would have to tear the other side out of the existing building.

Chairman Hall asked for any other comments or questions to which there were none. Dan Strong made a motion to open the Public Hearing; Tom Warner seconded. All members present were in favor.

Peter Freeman of Point Lane stood and asked if the structure would be 40X64; Chairman Hall stated that it is a 40X64. Mr. Freeman asked if there is a size that is allowed to which Chairman Hall remarked that each building can be no more than 65% of the square footage of the primary residence and they do meet that requirement because they are less than 65% of the primary residence square footage. Mr. Freeman asked if it is less than 65% to which Chairman Hall stated it is 65% or less. Mr. Freeman reiterated 65% or less to which Chairman Hall agreed further stating that that is the standard requirement. Chairman Hall continued stating that the only variance they are asking for has nothing to do with size or type, it only has to do with the location which is technically in front of the house because the house backs up to the lake...Mr. Freeman stated that it is so far back it doesn't matter...Chairman Hall stated that he can ask plenty of questions but the only variance they are looking at is for the location. Mr. Freeman remarked that every time they have a big building go up out there it has been a problem because last time it was a barn that was a business so we are assuming this is not a business...Chairman Hall stated that there will be some attachments to the deed stating that it cannot be a business and it cannot be a living quarters; this will be attached to the deed so if the property is sold it will go along with it; they cannot use it for a business or living quarters.

Erleen Gibson of the Point stated that she questions the location because there is a location back away from the house and if she was wanting to buy that property after they didn't want it anymore it seems like it's this huge monster of a building in front of this beautiful house. She further stated that she just questions all of that. Chairman Hall asked the Heaters if there was a particular reason why they had chosen that location. Mrs. Heater remarked that the other side of the house is where the septic pump, well, and geothermal heating is located so they could not put it over on that side. Mrs. Gibson asked what side of the house she was talking about the front area or the side by the railroad...Mr. Heater remarked (unintelligible) they have this whole big (unintelligible)...Chairman Hall asked Mr. Heater to just answer the question, which side of the house. Mrs. Heater remarked that if you are looking at the house it is on the right hand side of the house. Chairman Hall asked if the septic field was to which Mrs. Heater remarked no the septic field is on the left by the railroad track. Chairman Hall stated that they are putting the building on the right to avoid the septic and heating system...Mrs. Heater stated geo thermal...Chairman Hall reiterated that would be the reason why. Mr. Munoz remarked to Chairman Hall that if you look at the aerial that was given you can see the lines along this section here, that is where the septic field is at, it faces this direction and the geo thermal also runs in this area here so if they had to put it on this side of the house they would have to put it way out here in front of it. Chairman Hall asked if they could put it behind the house to which Mr. Munoz remarked that it drops off



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pretty sharply there right off the back of the house. Chairman Hall stated that there is no location so they could meet the requirement without the variance.

Paul Gibson of 5 Point Lane asked Mr. Munoz if you could build two buildings, you could build 9000 square feet of outbuildings and a 4000 square foot house to which Mr. Munoz stated that by our standards yes. Chairman Hall remarked that that is the current zoning law.

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

Chairman Hall asked if there was any further comment or discussion to which Mr. Strong asked in regards to the building design and what it is going to look like, if it is going to coordinate with the existing garage and house to which Mr. Heater remarked that it would. Mrs. Heater remarked that color scheme would be the same as the house. Mr. Strong asked what type of materials it would be built out of to which Mr. Heater responded with tin. Chairman Hall responded with "metal barn" to which Mr. Heater acknowledged. Mr. Heater continued stating that it would be decorative at the bottom, Mrs. Heater stated wainscoting at the bottom so far up, Mr. Heater stated that the roofing would match the house and it would be well insulated. Mr. Strong asked what the house is currently built out of to which Mr. Heater stated stone and siding. Mr. Strong stated that it will not actually coordinate with the house then, Mrs. Heater stated that color wise it will. Mr. Strong asked what the garage was built out of to which Mrs. Heater stated siding. Secretary Warner asked if the new structure would have siding as well to which Mr. Heater stated it would be tin. Secretary Warner asked what the roof would be to which Mr. Heater remarked that it will have a tin roof too.

Chairman Hall restated that they would need 3 positive votes out of 4, he asked if they would like to continue now or postpone until the next meeting to which Mrs. Heater stated they would like to continue. Chairman Hall stated that the business procedures here are that every motion is made in the affirmative and then they vote on it so do not read anything into the motion.

Dan Strong made a motion to approve BZA-0415-001-R1 for Krystal and Scott Hickman & Sandra and Samuel Heater at 36 Point Lane Arcadia Indiana 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 with the following commitments that it be recorded with their deed that there be no living quarters or business operated out of this building; Tom Warner seconded the motion. Voting was as follows: Brad Baker-against, Tom Warner- in favor, Art Hall-in favor, Dan Strong-no. Chairman Hall stated that there were 2 yes and 2 no so it was denied. Mr. Strong stated that they will have the option to come back...Mr. Culp stated that in order for the board to have final action you have to have 3 votes one way or the other which means that technically they have not rendered a final decision so they can come back next month when there are 5 members present. Chairman Hall stated that if they wish to pursue this they can be rescheduled for next month's meeting. Mr. Munoz asked Mr. Culp if those who voted in the negative could express why they did so that maybe they could address it by next month's meeting. Mr. Culp stated that they are in a public hearing so if they want to express what the concerns were that would be permissible. Mr. Strong stated that his concern would be that it's a metal building and the colors may match but our ordinances actually state that it needs to



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look similar to the primary structure...Mr. Heater stated that it will look similar to the other buildings; he continued stating that the buildings they build nowadays are nice. Mr. Strong remarked that if Mr. Heater wants to bring pictures and things to the next meeting to show them he would be happy to look at them but his vote today is no based on the fact that it is a metal building. Vice Chairman Baker stated that he agrees with Mr. Strong along with the fact that he always puts a high level of stock into neighbors wishes when talking about a variance.

Chairman Hall stated that the main concerns for the no's were the facts that it's a sheet metal building and that the neighbors objected to it. Chairman Hall informed the Heaters' that they would be rescheduled for the June 18th meeting, that there will be no new notifications sent out so anybody that wants to come is hereby notified.

Docket#: BZA-0415-002-R1

Petitioner: Larry & Alana Robertson

**Property Address: 20 Forest Bay Lane
Cicero, IN 46034**

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 asked who was present to represent the Robertson's to which Alana Robertson stood stating that her address is 20 Forest Bay Lane. Chairman Hall asked Mrs. Robertson why they had chosen that location. Mrs. Robertson stated that their property backs onto the lake, they have a very large front yard and a very minimal back yard, the side yard on one side has a very steep access to the lake and the other side yard has the septic system, generator, and propane tank. Mrs. Robertson continued stating that the location that they chose for the shed to go...their neighbors property is significantly forward from theirs, the Robertson's front yard is actually the neighbors back yard...the neighbors have a shed that is in a location that is on their side of the fence but it would be equivalent to the Robertson's front yard so they would like to place the shed directly back to back with the neighbors shed; this way the neighbors will not see their shed and they will not see the neighbors shed. Mr. Munoz stated that by looking at the aerial photo that was given it does not actually show a house on the property that is because the original house that was there had a fire and just as of today they received their C of O for their new house and that house sits on the lighter portion of the property clear back towards the back and as you can see there is hardly any side or rear yard to this property.

Chairman Hall asked if there were any comments or questions from the board members. Vice Chairman Baker asked Mr. Munoz if he had been to the property and seen it because he is just interested in where the neighbors shed really is to which Mr. Munoz stated that if you're looking at it their shed sits almost right here and their house is right about in this area...Vice Chairman Baker asked if that is the back of their house directly...Mr. Munoz stated it is. Vice Chairman Baker asked if there is a setback requirement for a portable shed from the property line to which Mr. Munoz remarked that it would be 5' off the property line. Chairman Hall stated that it won't be a portable shed to which Mr. Munoz remarked that it is like what you would have



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on skids. Chairman Hall asked what size it is to which Mrs. Robertson answered that it is 10X14 and it is a prefabricated. Mr. Munoz stated that it would be like what you would find at Lowes. Secretary Warner asked if there was construction activity going on at the property right now to which Mrs. Robertson remarked that yes but they received their Certificate of Occupancy today, the construction is done. Mr. Strong asked Mr. Munoz that in looking at the map in regards to the area classified as X, it is identified as a flood zone, but what is in this area here to which Mr. Munoz stated that in looking at the house on that side it actually drops off largely, probably 10-15' and when you get down here there is a pool that they just installed and a deck; it is a very large drop off. Mr. Strong stated that helps him to understand why that large area is there because he could not picture what was there to know that the drop off and pool was there. Mr. Strong asked Mrs. Robertson if she knew what the prefab building will be made out of to which she stated plastic, Mr. Strong asked if it is a pretty small building to which Mrs. Robertson stated it is 10X12 she believes...Chairman Hall stated that it says 15X8, Mrs. Robertson said it had been awhile since...Chairman Hall remarked that it's a standard spec sheet for that model. Mr. Strong stated that she had not included in her packet what they were going to use that building for to which Mrs. Robertson stated to store the garden tractor and in the winter time put lawn furniture and for just general storage of household items. Mr. Strong stated to Mr. Munoz that since it's on a skid they couldn't live in it. Secretary Warner asked if there would be electricity going to it to which Mrs. Robertson stated there would not be.

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 who would like to comment on this variance application; there was no response.

Brad Baker made a motion to close the Public Hearing; Dan Strong 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 Secretary Warner asked if the sign for the Public Hearing was posted to which Mr. Munoz stated it was. Chairman Hall stated that they assume they have met all notification requirements etc...Mr. Munoz stated that is correct.

Chairman Hall stated that they only have 4 of the 5 members present this evening so she would need 3 to get a positive so did she wish to move forward with this tonight or would she like to postpone it until next meeting; Mrs. Robertson stated she would like to move forward. Chairman Hall stated they would move forward and that the motion would be stated in the affirmative and to not read anything into that because it is just procedural.

Dan Strong made a motion to approve BZA-0415-002-R1, the petitioners are Larry and Alana Robertson of 20 Forest Bay Lane Cicero for a 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 stated there is a motion with no conditions. Brad Baker seconded



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the motion. Voting was as follows: Tom Warner-in favor, Art Hall-in favor, Dan Strong-in favor, Brad Baker-in favor.

Chairman Hall stated that if there were any details left Mrs. Robertson should get with Mr. Munoz but she is set to proceed.

5. PLAN DIRECTOR'S REPORT:

Mr. Munoz stated that he has received the pages for the zoning books and is just waiting on the 3-ring binders to come in; they have been ordered but are taking longer than expected to come in. He also has copies of the zoning books on zip drives if anyone would like an electronic version also. Chairman Hall asked if this is a complete new book or are they inserting pages to which Mr. Munoz responded that they will still have the Subdivision Control Ordinances, pretty much the front half of it, but a lot of the binders and books are falling apart so we are just going to replace all of those. Mr. Munoz continued stating that the hope is that next year they will redo all of the Subdivision Control Ordinances and potentially combine everything into one.

6. CHAIRMAN'S REPORT:

Chairman Hall stated that he had nothing to report.

7. LEGAL COUNSEL REPORT:

Mr. Culp stated that he had nothing to report at this time.

8. PUBLIC COMMENT:

There was no public comment.

9. BOARD MEMBERS COMMENTS:

Dan Strong stated to Mr. Munoz that he is sure that the Heater's will come in to see him and based upon our Architectural Standards AR-02 it talks specifically about what they do not allow: aluminum, plywood, vinyl and that an accessory structure should be brick, natural or cut stone and that is why his interpretation is that a tin building would not be appropriate. Chairman Hall asked what page that is on to which Mr. Strong stated 7-26. Mr. Munoz stated that a good portion of the house is lap siding and that is why they were going to do the bottom half of it up to a certain chair rail height or a little higher to make it look similar to that and match the same color of the house and then the top half of it was going to match the trim color, with the roof being similar in color to the roof of the actual structure. Mr. Strong stated that they were not real clear on that; Mr. Munoz agreed. Mr. Munoz stated he would clarify that. Chairman Hall stated that it says that no vinyl, aluminum or plywood, so they cannot even use plywood...Mr. Munoz remarked not on the exterior. Mr. Munoz stated that the house is already T-111...Mr. Strong stated that T-111 is plywood and they've never done that just to keep people from taking plywood and putting it up and painting it...Chairman Hall stated that legally T-111 is plywood...Vice Chairman Baker stated with a veneer...Chairman Hall stated that he doesn't know if it's a veneer but it's cut different. Chairman Hall stated that he wants to make sure that they don't get into something...Mr. Munoz stated that he will discuss this with them further to make sure that they understand that they can make some slight adjustments to it. Mr. Culp stated that before they come back next month we may want to make sure we have 5 people and that way they don't present a second time and



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get another split decision. There was a discussion about a property on Tollgate Road. Chairman Hall stated that if we cannot have 5 board members present next month we need to notify the Heater's ahead of time so they can get a continuance. There was discussion about who would be able to attend next month's meeting as of now knowing that it could change; all 4 members present said they should be able to attend. Chairman Hall asked the members to please let Ms. Mangas know as soon as possible if anything changes.

10. NEXT MEETING:

June 18th, 2015 at 7:00 p.m.

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