



CICERO / JACKSON TOWNSHIP PLAN COMMISSION MEETING

Plan Commission Meeting Minutes

July 13th, 2016

7:00 p.m.

Roll Call of Members

Present:

- Dan Strong - President
- David Martin
- Rusty Miller
- Chad Amos
- Tim Fonderoli
- Dennis Schruppf- running late
- Glen Schwartz
- Linda Wilgus-absent
- Stephen Zell
- Aaron Culp - Legal Counsel-joined mid-way.
- Paul Munoz - C/JT Plan Director
- Recorder

1. Declaration of Quorum- President Strong declared quorum with enough members present as listed above.
2. Approval of Minutes
Minutes were emailed June 8 meeting.
Mr. Fonderoli made motion to approve minutes. Mr. Zell second.
All present were in favor. Motion to approve.
3. Old Business
Mr. Munoz had no old business. President Strong stated Mr. Amos questioned status of new computer system. Some issues with merging information being worked on.
Mr. Zell requested clarification of requirements if a variance is in process. Mr. Munoz stated should be posted in window or door.
4. New Business
Arts and Design District for St. Rd. 19: Several business owners have expressed interest in putting together a designated Arts and Design District for the State Road 19 Corridor through Cicero.
Mr. Munoz stated one pager listed concerns, make goal would be for marketing purposes to work as a group. Mr. Munoz is looking for couple of people to work on details of the district. Mr. Munoz stated would follow up via email to set up group. President Strong stated he saw an overlay district detail



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addressing some items well written, questioned if would expect this group to address this aspect. Mr. Munoz stated no was looking for input on such things as outdoor displays, special signage, outdoor sales, hours of operations, any manner of things that they may want, example of music outdoors would be allowed without permit/variance. Working with existing businesses to make sure not an issue with neighbors. President Strong asked for Mr. Munoz to continue process to get group together.

Dellulo's Restaurant: Owner to address the Plan Commission regarding current status of her project and future plans for expansion.

Mr. Munoz stated Ms. Kay is ill and couldn't attend. He stated to the board that he was looking for her to present her plans and intents. Colors have been picked out, etc. President Strong stated important issue is that a timeline is presented and other details for approvals.

5. **Plan Director's Report:** nothing at this time.

6. **President's Report:**

President Strong thanked Mr. Munoz for violations report and information contained. Stated interesting the time that is involved in matters is helpful to this board as well as the Town Council. President Strong asked about the fee structure and since not in the current book, could this be sent out. Mr. Munoz stated he would ensure everyone received a copy.

7. **Legal Counsel's Report:** No legal counsel at this time. No report.

8. **Public Comment:** President Strong thanked public for attending and clarified that comments should be addressed to the board. Also requested if comments were made to limit repetition. Reminded public to give name and address for the record.

Deming Neighborhood Group: To discuss new building and businesses taking place in the Deming area.

Steve LaLioff 4030 E. 225th St. Cicero. Speaking of the multifaceted problem facing neighborhood. Businesses in the area that leave unsightly pole barns behind when leaving. The property is five acres making it most unique for the R-5 district. Went on to share the definition of R-5 as listed in ordinances. Concern is pole barn 16000 sq. ft. to be used as a home on the property. Speculation is that it is not a home but a business. There is no language in definitions of Hamilton county ordinances to address this size. Sited another building in area that is now operating as a business at 4240. What can be done to keep away this type of business? Whether zoned commercial or not it is becoming commercial, homeowners in area didn't purchase to be in commercial area. Stated a concern with being forced to spy and report on neighbors. Also asked if possible to have language to prevent this owner and future owners from conducting business from such building.

President Strong stated had a couple of comments, the board was concerned about businesses in residential areas, and Mr. Munoz has addressed previously mentioned property. If petitioned for variance Notice would be given to neighbors. Current variance, there is a process to change zoning. President Strong stated petitioner has taken building from 16000 sq. to 13000. Concerns have been shared, has said he would sign a document that he is not operating a business. President Strong



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shared he does meet all setbacks and items of ordinance at this time. Further discussion by President Strong on items the board looks at regarding pole barns. Mr. LaLioff expressed his concern for the increase of this building type and who to work with to craft wording to prevent from an aesthetics aspect for the county. Mr. Munoz would be the contact for this type of thing.

Jeffrey Kappes 4739 E. 235th St. Question is going back to the structure, what is it called? President Strong stated residential, Mr. Munoz clarified it would be referred to as the primary structure. Mr. Kappes questioned the standards were do you go for measurements in the primary structure, accessory structure is different. Mr. Fonderoli stated if accessory structure is attached, the guidelines used are the primary structure as it is attached. Mr. Kappes question if all the codes will refer to a primary structure or a pole barn. Mr. Munoz stated all the primary area would meet the guidelines for primary structure, living quarters, insulation, etc. Living quarters meets requirements for safety and such. Mr. Kappes asked for show of hands for those present for Deming (no number given), stating very concerned about the type of structure and getting vague language. Mr. Kappes would like to refer to the proper language however finding it vague. Mr. Munoz stated the district intent was used because there is no variance to be applied for. Mr. Kappes stated having a hard time going from R-5 definition of small detached homes to 13000 sq. ft. President Strong even though states a small size, there is no size specified for an R-5. President Strong continued with all the ordinance requirements for setbacks and such apply, due to the acreage all are compliant. Mr. Kappes stated actually nothing out of character in the opinion of the board. President Strong stated opinion of board doesn't matter, have to comply with ordinance, minimum guidelines have to be met. Mr. Kappes expressed still concerned.

Mr. Kappes was shown the R-5 language, clarifying the entire building was a primary structure.

Scott Bockoski 4020 E, 221st. Thank board for consideration and convey concerns shared tonight. He would like to state felt board in the past has had the best interests of the neighborhood at heart.

Discussion from board member (can't hear) President Strong stated would have to get a land use variance then go to the BZA with neighborhood notified and board of zoning would hear. Mr. Amos Follow up question if runs business what happens. Mr. Munoz stated same process as with others in area and town, would receive notification of fines and penalties, 15 days to comply or file for variance, if fail to do so, legal counsel addresses issue and notifies of 10 days to comply, file suit if not. Goes to court of law, penalties are anywhere from \$10 per day or above.

Karen LaLioff 4030 E. 221st. Clarify language on what constitutes a business. If this structure is used for manufacturing is that a business. Mr. Munoz stated definitions are listed, what kind or type and home occupation standards that are allowed. Ms. Karen stated R-5 intent of district, lists prevention of business encroachment, is this meaningful. Mr. Munoz explained coverage standards, height restrictions etc. The size of this lot, prevents any of these being pertinent. Ms. Karen questioned cutting of road, etc. being done prior to permitting. Mr. Munoz stated drive is from county and it has been done.



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Barb Scott 4004 E. 231st. asked for education on process, how do we get notified of process. Mr. Munoz stated if variance is requested or required, notification 2 properties or 600 ft. whichever is farther, sign in yard. Mrs. Scott stated no sign. Mr. Munoz stated there was no reason, there is no variance required, and this meeting time was requested due to number of questions. Mr. Culp addressed the standards as well as giving examples of intent. He went on to discuss personal property rights, laws regarding property, and intent of districts, subdividing. Ms. Karen spoke again regarding septic and such. Mr. Culp discussed health department, reasons for variances, and fines that could be imposed if someone doesn't want to follow guidelines.

Mr. LaLioff stated if person agreeing to not run a business, how that can be attached to the property? Mr. Culp explained the process. A written commitment could be recorded, however there is no reason by law for it to be required as he isn't seeking a variance to operate a business in an area not allowed. Residents would be notified and sign in yard would be visible if variance is requested. Question was asked about Board of zoning and difficulty in getting a variance granted prior to building or after building is in place. Mr. Culp stated the proof of hardship and findings of fact and how they apply.

President Strong thanked the group for attending and sharing their concerns.

Cape Charles Ct.: To discuss business from a residential dwelling.

Richard Worland 1669 Cape Charles Ct., resident for 31 years. Three years ago, neighbor started a wrecker service out of home. Has been cited by police for violations over the years. July 4th cars started moving away. Where to proceed from here, driveway still has wreckers but not in the street, with several cars in area. Mr. Worland requesting issue be taken care of, doesn't want to address himself, or neighbor to address with him but doesn't want business in residential area. Mr. Worland provided pictures he had taken to the board.

Mr. Munoz stated the property owner had been cited last year, after visits with no visible activity assumed ceased operations. Was informed about a month ago, was back running, process of letter for legal to take to next steps, when informed business was moving. Mr. Munoz stated informed coming to meeting so have not sent further to allow time gather facts and determine next steps.

Mr. Worland continued to express concern for what he was seeing and expressed doesn't want to see happen again, how do we prevent.

Mr. Culp discussed the process, person to contact is Mr. Munoz. Usually 30 days to comply if cited, then if not compliant 10 days for legal to communicate, if not in compliance goes to Plan Commission and Town Council for further legal action. Usually compliance is achieved before legal action is taken. If the wrecker is his drive home truck that is not a violation. Examples were discussed, including what is not allowed such as unloading of vehicles.

Mr. Fonderoli asked if parking is allowed on street in the neighborhood. Answer was no.

Mr. Worland stated Google address states his work address same as home, Mr. Munoz stated he had that as evidence. Mr. Munoz stated social media and internet has made easier, however physical evidence and proof is needed as well. Discussion took place regarding police and Mr. Munoz role for the future.



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Jim Fledderjohn 1680 Cape Charles Ct. stated no one that is a neighbor has an issue with a company vehicle, but stated this person has taken it further. Two company vehicles, gravel in front yard, unloads vehicles without plates, works on vehicles in garage, parks tow trucks on the street. Expressed concern for safety as well as property values because of the extreme.

Mr. Munoz stated they would be continuing the process, with the help of the police.

Recording abruptly ends at this point. No further information on board member's general comments or adjournment.

9. Board Member Comments:

10. Next Planned Plan Commission Meeting:
August 10th, 2016 @ 7:00 p.m.

11. Adjournment:

Signatures:

- 2016 President

- 2016 Secretary

Terri Strong via Recorder

Date: _____

Location:

Cicero Town Hall
70 N Byron Street
Cicero, IN 46034