



CICERO / JACKSON TOWNSHIP BZA MEETING

BZA Meeting Minutes
February 23, 2017
7:00 p.m.

Roll Call of Members

Present:

- ☐ Brad Baker – Chairman-absent
- ☐ David Martin-Acting Chairman-present
- ☐ Tom Warner-present
- ☐ Steve Zell-alternate-present
- ☐ Scott Bockoski-present
- ☐ Dan Strong-present as Interim Plan Director
- ☐ Mike Berry-present
- ☐ Aaron Culp - Legal Counsel-present
- ☐ Terri Strong – Recorder
- ☐

1. Declaration of Quorum- Chairman Martin declared quorum with five members present
2. Approval of Minutes-. **Motion was made by Mr. Berry to accept as presented. Mr. Zell second. All present in favor.**
3. Public Comment- Chairman Martin asked if any public comment outside of agenda dockets. No comments were made.
4. Old Business-

Docket#: BZA-1216-025-C4

Petitioner: GW Pierce Enterprises LLC/GW Pierce Auto Parts, Inc.

David Kingen and Justin Kingen (consent form on file)

Address: 22265 US 31

Cicero, IN 46034

Use Variance: To allow for a retail facility to sell motorized equipment in a C4 Zoning District whereas a retail facility to sell motorized equipment is not a permitted or special exception use in the C4 Zoning District.

Motion made by Mr. Zell to untable Docket# BZA-1216-025-C4. Mr. Berry second. All present in favor.

Justin Kingen present for petitioner. Mr. Kingen stated part of December requests, this is variance part of five requests, three were granted and two tabled. Mr. Kingen presented updated site plan. This business would be a towing facility. Chairman Martin stopped Mr. Kingen when he was presenting roadways, stressing this docket is the retail portion.

Mr. Kingen stated they were withdrawing the request for retail as they did not feel they had adequate answers to the board's questions. Mr. Strong stated this is based on the original conversations they did not have enough information as to the details of the retail request. Mr. Kingen said they thought they would have a tenant down the road so was doing requests at once, but do not, and therefore expect to



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be back before the board when they have details worked out. Mr. Zell clarified that they would be withdrawing not tabling. Mr. Kingen stated that is correct.

Docket#: BZA-1216-026-C4

Petitioner: GW Pierce Enterprises LLC/GW Pierce Auto Parts, Inc.

David Kingen and Justin Kingen

Property Address: 22265 US 31 North

Cicero, IN 46034

Development Standards Variance: To allow the southern portion of the front parking lot, maneuvering area and display area to remain stone whereas the ordinance states: All parking lots for commercial, industrial, business, public and private employee parking, offices, organizations, and places of assembly must be paved with asphalt, concrete, or other durable material.

Chairman Martin stated docket would need to be untabled to continue.

Mr. Warner made motion to untable docket BZA-1216-026-C4. Mr. Zell second. All present in favor.

Mr. Justin Kingen asked for clarification since the retail portion was withdrawn would paving still be required for all portions. Mr. Strong asked if any vehicles would be parked on this area. Mr. Kingen stated not at this time. Chairman Martin stated that would be the question if it would be used for storage as planned. Mr. Kingen shared photos of the existing lots. Discussion ensued. Mr. Culp asked if there was a reason for not looking at the whole area as previously planned. Mr. Culp stated worse case situation if the board voted no, then Mr. Kingen would be prohibited from asking for approval for twelve months. Mr. Kingen stated his question would be what type of surface would be required. It was clarified that asphalt, concrete or other durable material was required. Mr. Kingen stated he would be in agreement to rule as previously stated for the area in question, or would it be possible to state area would not be used for parking. (Petitioner referred to a photo for area in question numerous times). Mr. Strong stated the petitioner could request either option. Chairman Martin clarified that the motion would include a condition for the stone area to not be used for parking of any kind. Mr. Kingen stated existing stone would stay. Mr. Zell stated the southwest corner for the record. Mr. Strong stated if used in the future would be required to come before the board.

Mr. Zell made motion on BZA 1216-026-C4 to allow for asphalt drive required and to allow the southwest corner to remain stone, with understanding no parking on lot and any change to use compliance is required. Mr. Berry second. All present in favor.

5. New Business:

Docket#: BZA-0117-001-AG

Petitioner: Lee and Mary Anne Standeford

Property Address: 3529 E. 296th St.

Atlanta, IN 46031

Development Standard Variance: To allow a side yard setback of 18 ft. for a secondary structure whereas the ordinance states a minimum side yard setback of 35 ft. for a secondary structure in an "AG" tract.

President Martin asked for petitioner to come forward.



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Petitioner—did not state name. Mr. Standeford asked if both variances were at once. Stated would be discussed separately. Mr. Standeford stated had a barn fire, straw related, 100 year old barn lost. Would like to replace barn in same spot as before. Use of barn is for farming operation, hay, straw and equipment. Existing fence, phone and wooded area, and home drive position would be reason for placing in close proximity to old barn. Mr. Standeford stated 100 acre crop land to east, property owner discussed is fine with project. Mr. Strong stated all legal notices have been posted and cards received for this property. President Martin asked when the project would commence. Mr. Standeford stated when weather permitted, Mr. Heaver from FBI in hall, they would be doing the project. Just waiting for proper approval, neighbors have been helping to store items. Mr. Standeford was asked to refer to map. Discussion ensued. Mr. Zell stated he felt Mr. Standeford had shown valid reasons for hardship, has long lane, country property and saw no reason for board to not approve. Mr. Warner asked for dimensions of barn. Original barn was 40x96, 96ft feet wide east/west. New barn would be 90ft and 18 ft. lean-to. New barn would be deeper north/south. Mr. Warner asked about utilities. Mr. Standeford stated only electricity using existing pole. President Martin asked if any other questions.

Motion made to open public comment by Mr. Warner. Mr. Zell second. All present in favor.
No public to comment.

Motion made to close public comment by Mr. Warner. Mr. Zell second. All present in favor.

Motion made to approve Docket #BZA-0117-001-AG by Mr. Warner. Mr. Berry second.

Mr. Zell-yes, Mr. Warner-yes, Mr. Bockoski-yes, Mr. Berry-yes, Mr. Martin-yes Passed 5-0.

Docket#: BZA117-002-AG

Petitioner: Lee and Mary Anne Standeford

Property Address: 3529 E. 296th St.

Atlanta, IN 46031

Development Standard Variance: To allow a height of 28ft 1 inch for an accessory structure whereas the ordinance states the maximum height of 22 feet is allowed for an accessory structure in an "AG" district.

Mr. Standeford stated old barn was over 40 ft. tall, being 100 years old. The 16ft height interior is needed for equipment add the trusses takes over the 22 feet. Mr. Martin asked if included the cupola's. Mr. Strong stated the ordinance states maximums are to the peak. Mr. Martin asked if common issue with replacing old barns. Mr. Strong states yes not unusual. Mr. Zell stated again, with uses and location he doesn't personally see this as major issue.

President Martin asked board if ready for public comment.

Mr. Warner made motion to open public hearing for comment. Mr. Zell second. All present in favor.
No public comment made.

Mr. Warner made motion to close public hearing. Mr. Zell second. All present in favor.

Mr. Berry made motion to approve BZA-0117-002-AG as presented. Mr. Zell second.

Mr. Zell-yes, Mr. Warner-yes, Mr. Berry-yes, Mr. Martin-yes, Mr. Bockoski-yes. Motion passed 5-0.

Docket#: BZA-0117-004-R3

Petitioner: Aaron Spicer

Property Address: 3020 Stringtown Pike

150 W. JACKSON ST. P.O. Box 650 CICERO, IN 46034
PHONE: 317-984-5845 FAX: 317-984-5938 WWW.CICEROIN.ORG



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Development Standards Variance: To allow a single family home (structure) height of 38ft 1 inch whereas the ordinance states a maximum structure height of 35 ft. for a single family home in the "R3" District. President Martin requested the petitioner or representative to come forward to address the board.

Aaron Spicer took this project to the Morse Overlook neighborhood association, all neighbors were in favor. The reason for the extra height is that we are one block over from the waterfront homes, and all those are one story and one is a one and a half story home, and with two decks coming off the house we would have good views of the water. Basically feel like lakefront home for 1/4 of cost. Original plans 42ft 5" making changes to get down to 38ft. 1 inch. Pictures were presented to board. Mr. Strong stated renderings as well. Discussion on pictures. Mr. Spicer asked if any other questions. Mr. Culp stated he and Mr. Strong were contacted by the architectural board, they had no objections. Mr. Strong stated he had worked hard to lower the overall height. President Martin asked at what level they could see water. Mr. Spicer explained. Mr. Bockoski asked if there were any more homes in this area that are that height. Mr. Spicer referred to a new home is 35 ft. Mr. Bockoski clarified the homes that are in the area not backing to the lake. Mr. Spicer referred to the map and stated mostly 1.5 story, or 2 story. Amy Spicer spoke as well in discussion. Mr. Warner addressed answer regarding the application question number three, the practical difficulties. Mr. Zell stated he felt petitioner had done his homework with regards to neighbor consensus. Mr. Warner questioned the petitioner. Mr. Spicer stated to have the lakefront feel, the realtors being as close to water with the design it would maximize the potential value of the property with view. Mr. Zell stated it would be a positive to the comps in the area. Mr. Berry asked if he had a boat dock. Mr. Spicer stated share with Morse Overlook.

Mr. Warner made motion to open public hearing. Mr. Bockoski second. All present in favor.
No public. (Scott is at the table now!)

Mr. Warner made motion to close the public hearing. Mr. Bockoski second. All present in favor.

Mr. Zell made motion to approve BZA-0117-004-R3 as presented. Mr. Bockoski second.

Mr. Martin-yes, Mr. Bockoski-yes, Mr. Warner-no, Mr. Zell-yes, Mr. Berry-yes. Motion passed 4-1.

Mr. Warner stated for the record his reason for no was due to question of practical difficulties he did not reach the same conclusion as other members.

6. **Plan Director's Report:** Mr. Strong stated going through interview process and down to two candidates expect that March 8, 2017 committee would make recommendation to the Plan Commission then move on to the Town Council. Mr. Martin asked if exposure to candidate at that meeting. Mr. Strong stated he would make that happen. Also, there is a petitioner that would like for the Board to hold a special session, RAM INC. They have been before the board previously, in looking at their plans they have a need for more variances. The concern is that by not moving to have a special session they would be delayed another 30 days. Mr. Bockoski asked if possible for rezone. Mr. Strong stated timeline would push back 2-3 months for rezone and was discussed on options of rezone or land use in the original conversation with Director previously. Mr. Culp stated would still have to have 10 day notice in paper, etc. Discussion ensued. Mr. Strong stated the earliest would be March 8th for the paper. Discussion of case issues for the request, and concern for setting precedence.

r. Warner made motion to allow a special meeting for RAM, INC review prior to regular meeting. Mr. Bockoski second. Mr. Bockoski-no, Mr. Martin-no, Mr. Warner-no, Mr. Berry-no, Mr. Zell-no. Motion failed.



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7. Chairman's Report: No report. Dan and board complimented Mr. Martin on the great job tonight.
7. Legal Counsel's Report: NRG the town has declared emergency demolition for the building. It is more involved due to being industrial. The building is secure with exception of roof. NRG will also be doing smokestack, replacing fence. Mark Reynolds should have someone working on it in next week or so. This is for informational purposes in case you are asked. Mr. Martin asked if part of comp plan. Mr. Strong stated in the way of other uses and citizens request for cleanup.
8. Board Member Comments: Mr. Berry stated he had been on board for approx. a year and he appreciated minutes being timely.
9. Next Planned BZA Meeting: **March 23, 2017 7:00 pm.**
10. Adjournment: **Mr. Berry made motion to adjourn. Mr. Warner second. All present in favor.**

Signatures:

Chairman

Secretary

Recorder

Date: _____

Location:

Cicero Town Hall
70 N Byron Street
Cicero, IN 46034