**BZA Meeting Minutes**

**September 19, 2019**

**7:00 p.m.**

**Roll Call of Members**

Present:

* Steve Zell (alternate for Baker)
* Brett Ravenscroft (alternate for Berry)
* Scott Bockoski
* David Martin
* Dennis Schrumpf
* Aaron Culp - Legal Counsel
* C.J. Taylor - C/JT Plan Director
* Terri Strong- Recorder

1. Declaration of Quorum-Chairman Martin declared a quorum with 5 members present, utilizing two alternates.
2. Approval of Minutes Mr. Ravenscroft made motion to approve minutes from August 22, 2019. Mr. Bockoski second. Mr. Zell abstain. Motion carries.
3. Public Comment-No comments from public.
4. Old Business: None

5. New Business

**Docket #:** BZA-0819-030-R3

**Petitioner:** Jeff and Amanda Newman

**Property Address:** 1680 Nantucket Dr. Cicero, IN 46034

A development standards variance request application has been submitted concerning Article 7.5 of the Cicero/Jackson Township Zoning Ordinance in order to: allow the construction of a garage in front of the primary structure, Whereas; Article 7.5 B. AS-02, 3 states “An accessory structure shall only be located to the rear or side of the primary structure.”

Chairman Martin welcomed petitioner to address the Board.

Mr. Jeff Newman moved to area recently, full time resident wanting more storage for seasonal items. Would like to build a three-car garage, monitor used to explain where. It is a 24x 36 garage. Mr. Zell asked if for storage only or will include living areas. Mr. Newman stated only attic for storage. Question asked about materials being used/matching home. Mr. Newman stated match the home. Chairman Martin asked about materials on outside. Builder answered same as home, matching as close as possible, pictures included in packet. Wood siding and wood trim being used, no vinyl, shutters may be the only thing not on the garage. Mr. Bockoski asked if exterior lighting was anticipated. Mr. Newman stated by doors. Builder added possible soffits in porch area. Chairman Martin asked if any issues anticipated with grade, water drainage issues. Chairman Martin asked about setbacks. Mr. Taylor stated does not think there will be an issue, monitor shown area, 8ft setback to be maintained. Builder added foundation to be 8 ft setback, soffit and guttering may exceed, expect 6 ft total. Verbiage of standards discussed. Mr. Ravenscroft asked how much of home would be blocked. Builder answered approximately ½ of home would be blocked. Chairman Martin asked if any other concerns from Mr. Taylor. None listed.

**Mr. Zell made motion to open public hearing. Mr. Schrumpf second. All present in favor.**

**No public came forward.**

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

Chairman Martin asked if further questions by board. Mr. Schrumpf stated after driving past property no concerns, explained several in area have garages in front due to lots backing to water.

**Mr. Zell made motion to approve BZA-0819-030-R3. Mr. Bockoski second.**

**Mr. Zell-approve, Mr. Bockoski-approve, Mr. Schrumpf-approve, Mr. Ravenscroft-approve, Mr. Martin-approve. Motion approved 5-0.**

**Docket#:** BZA-0819-032-AG

**Petitioner:** Christina Kirtley

**Property Address:** 21992 & 22056 Cammack Rd. Noblesville, IN46062

A Development Standards Variance Request application has been submitted concerning Article 3.2 of the Cicero/Jackson Township Zoning Ordinance in order to: Allow four (4) lots in a minor subdivision to exceed required maximum lot depth to width ratio. Whereas; article 3.2 states that the maximum allowed lot depth is two and one-half (2.5) times the lot width.

Christina Kirtley property owner 2100 Cammack Rd. and Nathan Althouse Miller Surveying.

Mr. Althouse explained situation of two parcels wanting to split into four lots, monitor was used to explain current landscape. Custom home sites and small farms are the vision. Explained had seen the Plan Commission with approval based on tonight. Mr. Althouse added one neighbor present that expressed concern, resulting in commitment for covenants and restrictions to prevent modular homes and smaller homes, these are not completed. The lots are deep and thus the reason for the variance. Discussion on the commitment of covenants. Mr. Ravenscroft asked about agreement for drive condition. Mr. Althouse stated it would be part of a maintenance agreement. Mr. Bockoski asked about paving of drives if discussed. Mr. Taylor answered in a minor subdivision, in ag district, ordinances do not allow attaching paving commitments.

Question on road cuts being approved. Mr. Althouse stated all ready, exception is distance between proposed drives and will ensure 450 ft is met. Mr. Bockoski questioned drainage is all ok. Mr. Taylor stated county has signed off on drainage plan.

**Mr. Bockoski made motion to open public hearing. Mr. Zell second. All present in favor.**

**No public.**

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

Mr. Zell stated he felt the commitment for covenants should be reinforced. Mr. Culp pointed out it was part of Plan Commission approval.

**Mr. Schrumpf made motion to approve BZA-0819-32-AG as presented with addition for covenants to be presented for approval to Mr. Taylor. Mr. Zell second.**

**Mr. Ravenscroft-approve, Mr. Bockoski-No, Mr. Schrumpf-approve, Mr. Zell-approve, Mr. Martin-approve. Motion passed 4-1.**

**Docket#:** BZA-0819-031-AG

**Petitioner:** Marilyn Stafford

**Property Address:** 0 E. 249th St. Cicero, IN 46034

A Development Variance Request application has been submitted concerning Article 3.2 of the Cicero/Jackson Township Zoning Ordinance in order to: Allow a minimum road frontage of approximately one hundred sixty (160) Feet. Whereas; Article 3.2 requires a minimum of one hundred eighty (180) feet of road frontage.

Chairman Martin welcomed petitioner to front. Mrs. Stafford on vacation, daughter here on behalf. POA confirmed.

Monica Osbourne 19809 Six Points Road Sheridan, Kyle Osbourne 19809 Six Points. Rd. Chairman Martin asked for explanation of project. Mrs. Osbourne stated wanting to build a single-family home on this property.

Chairman Martin asked for visual from Mr. Taylor. Chairman Martin asked where approximate location of home would be located. Mr. Osbourne approached and explained drive and home locations to the Board.

Chairman Martin asked if approached county for road cuts. Mr. Osbourne stated have approval for road cuts, drainage cleared, and septic cleared. Mr. Taylor added, documentation received.

**Mr. Zell made motion to open public hearing for BZA-0819-031-AG specifically. Mr. Ravenscroft second. All present in favor.**

Steve and Patty Palmer 1945 E. 249th St. live next door. First question is the position of the drive. Mr. Osbourne answered 25 ft from drive.

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

Chairman Martin asked if further questions, or any concerns from Mr. Taylor. None presented.

**Mr. Schrumpf made motion to approve BZA-0819-031-AG as presented. Mr. Zell second.**

**Mr. Schrumpf-approve, Mr. Bockoski-approve, Mr. Ravenscroft-approve, Mr. Zell-approve, Mr. Martin-approve. Motion passed 5-0.**

**Docket#:** BZA-0819-033-AG

**Petitioner:** Marilyn Stafford

**Property Address:** 0 E. 249th St. Cicero, IN 46034

A Development Variance Request application has been submitted concerning Article 3.2 of the Cicero/Jackson Township Zoning Ordinance in order to: Exceed the maximum lot depth to width ratio in an agricultural district. Whereas; Article 3.2 requires a maximum lot depth of two and one-half (2.5) times the lot width.

Chairman Martin asked if any questions. No questions.

Mr. Schrumpf made motion to open public hearing. Mr. Ravenscroft second. All present in favor.

No public comment.

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

**Mr. Bockoski made motion to approve BZA-0819-33-AG as presented. Mr. Zell second.**

**Mr. Zell-approve, Mr. Ravenscroft-approve, Mr. Bockoski-approve, Mr. Schrumpf-approve, Mr. Martin-approve. Motion passed 5-0.**

**Docket#:** BZA-0819-034-AG

**Petitioner:** Marilyn Stafford

**Property Address:** 0 E. 249th St. Cicero, IN 46034

A Development Variance Request application has been submitted concerning Article 7.5 B. AS-02, 2 of the Cicero/Jackson Township Zoning Ordinance in order to: Allow a third accessory structure on a lot in the agricultural district. Whereas; Article 7.5 B. AS-02, 2 allows a maximum of two (2) accessory structures on a lot in the agricultural district unless the lot is a working farm.

Chairman Martin asked petitioner to step forward and explain the need for third structure as this is not a farm.

Mr. Osbourne stated barn from existing property planning on moving 24x36 also mini barn planning to move.

Mr. Taylor added the third structure will be a pool directly behind the house. Chairman Martin asked if driveway would connect to the barn. Mr. Osbourne added once septic is determined would route. Mr. Schrumpf asked if using for any commercial use. Mr. Osbourne answered no.

**Mr. Bockoski made motion to open public hearing. Mr. Schrumpf second. All present in favor.**

John Hancock 2455 Devaney Road neighbor to the south. Concern tonight was third structure would be used for commercial. Explained that other neighbor uses building all hours and lights shine into his home. Question has been answered.

**Mr. Schrumpf made motion to close public hearing. Mr. Bockoski second. All present in favor.**

Mr. Bockoski questioned the third structure is a pool, but the barn lighting and business are concerns.

Mr. Ravenscroft asked if lighting on the barn. Mr. Osbourne stated perhaps dusk to dawn but would be to the east. Mr. Bockoski asked if any residence going into the barn. Mr. Osbourne stated no. Plumbing was asked. Mr. Osbourne stated possibly.

**Mr. Zell made motion to approve BZA-0819-034-AG as presented. Mr. Ravenscroft second.**

**Mr. Bockoski-approve, Mr. Ravenscroft-approve, Mr. Schrumpf-approve, Mr. Zell-approve, Mr. Martin-approve. Motion passed 5-0.**

**Action Item:** Review the Special Exception Use Variance for Delullo’s Trattoria.

When the variance was approved the BZA asked to revisit in one year (at this meeting).

Chairman Martin asked Mr. Culp to explain this matter. Mr. Culp stated the BZA that approved this matter stipulated that at one year it be reviewed and verify compliance and address complaints. Mr. Culp stated no complaints have been received. Mr. Culp continued with approved from Memorial Day to Labor Day, and business owner would like to extend. Business owner would like for that to be removed to allow for weather permitting they could use decking. They would have to formally petition to have variance removed or adjusted. Mr. Culp stated they are asking for permission while going thru process, November would be first opportunity. Mr. Ravenscroft asked what type of events. Mr. Culp answered has music on deck, guitar.

Brett Morrow property owner of 230 West Jackson spoke stating two-person band has been most. Mr. Bockoski stated he felt the BZA added condition for a safety measure. Mr. Culp stated concern for complaints from another business prompted caution.

Discussion ensued. Mr. Taylor added that petitioner would have been here had it not had to be a public hearing based on the nature of the original approval. Further discussion on the town ordinance.

**Mr. Zell made motion to approve that DeLullo’s at 230 West Jackson has met conditions set forth June 15th, 2018. Mr. Bockoski second.**

**Mr. Zell-approve, Mr. Bockoski-approve, Mr. Ravenscroft-approve, Mr. Schrumpf-approve, Mr. Martin-approve. Motion passed 5-0.**

Chairman Martin asked for motion for petitioner to continue events as outlined in June of 2018 until BZA can be presented with variance extension.

**Mr. Schrumpf made motion to allow petitioner for DeLullo’s to continue events as approved in June of 2018 until BZA meeting in November 2019. Mr. Bockoski second.**

**Mr. Bockoski-approve, Mr. Ravenscroft-approve, Mr. Schrumpf-approve, Mr. Zell-approve, Mr. Martin-approve. Motion carries 5-0.**

6. Planning Director’s Report: Report included in packet. August of 2019 financially ahead of where ended 2018. Did 20 building permits, still working on code enforcement. Diagram presented of M/I Homes section one which includes 25 permitted sites, sold 8 Villas and 7 homes. Looking for them to start working on Section 2 in next couple months. Villas have exceeded expectation. Discussion ensued on community needs. Chairman Martin questioned Mr. Taylor’s workload on inspections. Mr. Taylor stated so far it is fine, the contractors are the same which is making the process much smoother. Mr. Taylor invited all to the M/I open house. Also, the Town Council has approved a Kiosk that will be installed in the Pocket Park, information available on happenings in the Town. M/I Homes is the sponsor for the Kiosk for the first year, approx. $1500 to maintain. Mr. Culp stated the Kiosk was won via a grant; installation had to be raised. Mr. Schrumpf stated the kiosk building site is in Berne, IN. There is also a kiosk in Westfield on the Monon. Mr. Bockoski asked since the homes have been so well received, how much has the price gone up. Mr. Taylor stated he did not know. Discussion ensued on timing of the home sales. Mr. Taylor stated have another developer looking to develop on the west side, 80 acres that are available, seeing next week to discuss a phased development starting with 100 homes. Development would be similar but no villas, single family home. Annexation options discussed. Chairman Martin asked for an update on the 236th bike trail. Mr. Taylor stated likely 2020, first phase to Deming, rest not until after highway is completed, funding and engineering is complete. Ultimately to go to Monon at Sheridan. Mr. Taylor stated also working on trail from Strawtown to town.

7. Chairman’s Report: Thank everyone for coming, appreciate the attendance.

8. Legal Counsel’s Report: Mr. Culp mentioned the interest in growing and the impact on the utility capacity. Water and sewer both are a concern. Discussion of traffic and impact of growth. Mr. Culp continued with discussion of downtown parking and impacts on ordinance changes.

9. Board Member Comments: Mr. Schrumpf shared conversation and desire to see covenants preventing new subdivisions from being owned by rental companies. Mr. Taylor stated HOA restrictions are in place no matter who owns the home. Discussion on individual versus rental companies.

10. Next Planned BZA Meeting: October 17, 2019 Chairman Martin stated Mr. Bockoski will be presiding over the meeting and asked Mr. Zell to fill in. Mr. Zell stated willing barring no issues with wife’s scheduled surgery.

11. Adjournment: **Mr. Schrumpf made motion to adjourn. Mr. Zell second. All present in favor.**

Location:

Cicero Town Hall

70 N Byron Street

Cicero, IN 46034