

CICERO / JACKSON TOWNSHIP BZA MEETING

BZA Meeting Minutes

April 20, 2017

7:00 p.m.

Roll Call of Members

Mr. Zell called meeting to order. Mr. Strong stated missing officers tonight so necessary to appoint a Chairman Pro-Temp for this meeting.

Motion made by Mr. Vondersaar to elect Mr. Zell as Chairman Pro-temp. Second by Mr. Bockoski. All present in favor.

Present:

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

1. Declaration of Quorum- Chairman Zell declared quorum with four members present. Notice to petitioners you do have option to hold business until next monthly meeting if desired. All motions will require three votes to pass or fail. A tie is considered a no vote and be added to the next meeting as stated by Mr. Strong.
2. Approval of Minutes- **Motion was made by Mr. Berry to accept as amended. Mr. Bockoski second. All present in favor.**
3. Public Comment- Chairman Zell asked if any public comment outside of agenda dockets. No new public comments.
4. Old Business-

Docket#: BZA-0217-005-AG

Petitioner: Dallas Potts

Address: 6651 East 256th St.

Arcadia, IN 46030

Development Standards Variance: To build a 3rd accessory structure whereas the ordinance states no more than two (2) accessory structures are permitted on a lot, unless the property is in the Ag, Agriculture District and is used as a working farm, in that instance, there is no limit to the number of accessory structures.

CICERO / JACKSON TOWNSHIP BZA MEETING

Motion to untable docket made by Mr. Bockoski. Mr. Berry second. All present in favor.

Petitioner Dallas Potts stepped forward stating need structure for purpose of riding horses inside structure. Chairman Zell stated to Board, the next docket deals with business of horse boarding. Mr. Berry clarified to ride inside. Mr. Strong stated has an outdoor arena currently. Chairman Zell asked this is for the horse boarding operation. Mr. Potts answered this is for his personal horses. Mr. Berry asked what kind of utilities would be part of the structure. Mr. Potts answered lights, couple of outlets, but no water. Mr. Berry asked if there would be hours attached to this. (Could not hear answer). Mr. Vondersaar asked if attached to existing buildings. Mr. Potts stated no. Mr. Strong stated possibly a breezeway. Mr. Vondersaar clarified that the building would be to the south and behind existing building, low visibility from the street. Mr. Bockoski questioned the lighting on the outside how much brighter than current. Mr. Potts stated had day to night lights 250 watt on current structure would use something similar.

Mr. Vondersaar questioned the existing structures from the drawings.

Motion to open public hearing made by Mr. Berry. Mr. Bockoski second. All present in favor.

No public hearing.

Motion to close the public hearing made by Mr. Vondersaar. Mr. Bockoski second. All present in favor.

Mr. Vondersaar clarified this is AG district and if working farm this would not be an issue. Mr. Strong stated correct, in AG district but not classified as a working farm.

Motion to accept Docket #BZA-0217-005-AG made by Mr. Bockoski. Mr. Vondersaar second. Mr. Bockoski-yes, Mr. Berry-yes, Mr. Vondersaar-yes, Mr. Zell-yes. Motion passed.

Docket#: BZA-0217-006-AG

Petitioner: Dallas Potts

Property Address: 6651 East 256th St.
Arcadia, IN 46030

Land Use Variance: Allow a Horse Boarding Business to operate in a "AG" District whereas a Horse Boarding is not a Permitted Use or a Special Exception Use in a "AG" District.

Motion to untable docket made by Mr. Bockoski. Mr. Berry second. All present in favor.

Mr. Potts is asking for the variance for future use when he retires in two years, would like to train horses throughout the year. Chairman Zell asked if running business himself, would there be signage and how many horses including his own would be on property. Mr. Potts answered he would be running the business, no to signage and he would say two additional total of six. Chairman Zell asked how many stalls currently. Mr. Potts stated he has seven. Mr. Vondersaar asked if willing to sign a non-transferrable agreement for the business tied to the property. This process was discussed, including documentation on the deed. Mr. Bockoski stated the board would limit the number of horses, would he be agreeable to limiting. Mr. Potts stated no more than the seven stalls. Mr. Berry asked how long it takes to train a horse. Mr. Potts answered typically 2-years. Mr. Berry asked if the intent is to keep the horses boarded for 2-4 years. Mr. Potts stated he has kept

CICERO / JACKSON TOWNSHIP BZA MEETING

them so far but his intent will be to sell them after trained. Mr. Vondersaar asked if training riders. Mr. Potts stated occasionally as it would be their horse, but not open to public weekly training.

Motion to open public hearing made by Mr. Bockoski. Second by Mr. Berry. All present in favor.
No public comment.

Motion to close public hearing made by Mr. Berry. Second by Mr. Vondersaar. All present in favor.
Discussion on the limit of horses, and conditions within board.

Motion made by Mr. Vondersaar to approve BZA-0217-006-AG with the following conditions:

1. No more than seven horses allowed
2. Business is not transferrable and will be recorded on the deed.
3. No signage allowed for business
4. The maximum stalls allowed stays at current level of seven.

Motion seconded by Mr. Bockoski. Mr. Potts asked and received clarification on deed condition.

Vote: Mr. Bockoski-yes, Mr. Berry-yes, Mr. Vondersaar-yes, Mr. Zell-yes. Motion passes 4-0.

Chairman Zell stated next Docket will need to be untabled.

Docket # BZA-0217-010-AG

Petitioner: RAM North America, Inc.

Address: 25415 SR 19

Arcadia, IN 46034

Development Standards Variance: To reduce the rear yard setback from 45 ft. to 18 ft. whereas the ordinance states the rear yard setback in the "AG" Agricultural District is 45 ft.

Chairman Zell asked Mr. Strong to update on the situation. Mr. Strong explained the issue with the variance from the previous month requesting the rear yard setback did not have proper notification. The other three variances for front yard setback, side yard setback and overall lot coverage did gain approval of the board at that meeting. Proper notice has now been done on this variance.

Petitioner Jim Yearly 25415 SR 19, Arcadia, no changes to report.

Mr. Bockoski made motion to open public hearing. Mr. Vondersaar second. All present in favor.
No public comment.

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

Mr. Vondersaar asked why the rear set back. Mr. Strong stated it is the size of lot and getting all items in the area.

Mr. Berry made motion to approve BZA—217-010-AG. Mr. Vondersaar second.

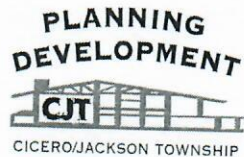
Mr. Berry-yes, Mr. Vondersaar-yes, Mr. Bockoski-yes, Mr. Zell-yes. Motion passed. 4-0.

5. **New Business:**

Docket#: BZA-0317-012-R2

This docket was moved to the end of the dockets as it involved a board member for the courtesy of the rest of the agenda items.

Docket#: BZA-0317-013-R1



CICERO / JACKSON TOWNSHIP BZA MEETING

Petitioner: William and Diann Jones

Property Address: 24582 Point Lane
Arcadia, IN 46030

Land Use Variance: To allow an equestrian based business in a "R1" (Estate Residential) District whereas an equestrian based business is not a Permitted Use or a Special Exception Use in the "R1" (Estate Residential) District

Chairman Zell made note that there is a letter for public comment.

Mr. Jones stated has an existing structure, 15 horse stall stable with indoor riding arena. Most buffers the woods to Morse Reservoir. Would like to run a business there. No alternations to the building. Understand the ordinance allows five horses. Chairman Zell asked if presented to board before. Mr. Culp stated previous owner of the property had been before the board. Chairman Zell asked how many stalls. Mr. Berry asked how many horses the petitioner has. Mr. Jones answered 10 stalls and zero horses. Mr. Berry asked how long owned the property. Mr. Jones stated 5 years. Mr. Berry asked if aware of previous petition. Mr. Jones gave his understanding of the background of previous property owner. Mr. Berry asked how many stalls. Mr. Jones answered building was built with 15, she took 5 with her but his current desire to have only five horses due to the amount of grazing property necessary.

Mr. Vondersaar stated he is building near property and would need to recuse. Mr. Strong stated the petitioner would need all three votes. Petitioner after explanation decided to proceed.

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

Carole Handler 71 Point Lane, Arcadia, we are the third property and see every car coming in area, and were residents when previous property owner had horses. Have no issue and actually enjoy seeing the horses. Mr. Berry asked where in subdivision-discussion ensued.

Greg Marshall 81 Point Lane, Arcadia, asked for clarification on five horse ordinance. Not concerned for traffic, does feel concern that if beautiful barn is not used for purpose could fall into disrepair which would be more of a concern.

Kim Alexander 24592 Point Lane, Arcadia, property adjacent to project. Love to have horses to see in area.

Marion Inman 51 Point Lane, Arcadia, across the street. Blessed with last decision for this property and has enjoyed the lack of flies and smell in the last few years. Concern for the insects and diseases that animals carry and was blessed with the last decision and would appreciate living in a residential area and enjoying his property.

Steve Holt 3 Point Lane, Arcadia, as previously stated this is a residential area. This didn't fit with the previous owner and doesn't fit now, my property is closest to the riding area and barn. File was given to Paul Gibson but it didn't include an exhibit that was given seven years ago. Exhibit presented to the board, showed survey of property to be 6.22 acres-which would be at most a four horse parcel. Mr. Holt asked that the county's position be added to this file. Jeff Juday testified in 2010 that it would impact our property values to have a horse related business adjacent. Mr. Holt's house faces the barn concern for the lights on the property. The traffic will be nights and weekends and we moved to area 33 years ago to enjoy the residential setting and Morse Reservoir which typically would be nights and weekends. In 2010, everyone in the area understood that this would not be a business and feels this should be upheld. There is no screening, due to hood area.

CICERO / JACKSON TOWNSHIP BZA MEETING

Glen Leer 61 Point Lane, Arcadia, across the street, no issues with property owner but concerned with business aspect. Previously had issues with trailers and such. Also shared the stench and wear and tear on our drive for access.

Peter Freeman 4 Point Lane, Arcadia, structure is visible from his property. Structure should never have been built, it is a commercial building illegally build with a Smell from manure and urine, as well as impact of manure going to the lake, addition of rats due to the straw.

Letter read by Chairman Zell. Letter submitted by Paul and Earline Gibson 5 Point Lane, Arcadia. Building should not have been built, with addition of building and business, smells, noise, flies. No trails in area which meant manure was on streets. Impact on property values determined to be negative. Only 3 acres is pasture determining less than three horses would be possible, not the six that are being discussed. Stated that Mr. Jones knew the property/business issues in 2010 and what has changed in seven years to make it ok. (Summary of letter to be submitted for records)

Mike Alexander 24592 Point Lane, Asked for clarification from board that Bill could legally have horses if he owned the horses. Chairman Zell answered that is correct. Mr. Alexander asked so he could have horses just not a business and collect revenue from a boarding business. Chairman Zell stated that is correct.

Mr. Jones asked if he could state a rebuttal. Chairman Zell allowed it. Mr. Jones described his property pasture as 7.35 acres giving boundaries and based on calculations that is how he got five horses. Mr. Jones stated he is asking for the business to help address concerns because if he was responsible for the horses he would not be riding outside of his property on the streets. This also would limit the trailer access. Regarding the insects, he addressed prevention measures and life cycle of horse flies being two weeks. Regarding vermin comments, we live in a country setting with woods and such, there are groundhogs and woodchucks being addressed now. Mr. Jones stated he is a neighbor as well and this is why he is trying to be transparent with his intent. Does not have a business plan totally worked out but doesn't want to see disrepair and knows issues before.

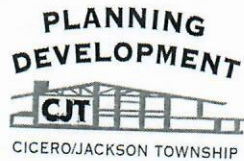
Bernie Huber 31 Point Lane, Arcadia questioned the business plan as riding lessons. Mr. Jones answered her questions.

Mr. Rodrigues 30 Point Lane, Arcadia can understand the concerns but would rather see the barn in what is being proposed compared to what was there before or abandoned. Believes it was mismanaged before causing some of the issues described.

Terry Hanler 71 Point Lane, Arcadia have one horse in the area, Bill allows on property seasonally for grazing and is referred to as the neighborhood horse with people giving him treats and such.

Motion made by Mr. Berry to close the public hearing. Mr. Bockoski second. All present in favor.

Chairman Zell asked if further questions. Mr. Bockoski asked if approve could it come back for review. Mr. Culp stated no, once granted is approved. Chairman Zell clarified details, five horses, 10 stalls, business is not transferrable. Mr. Culp stated they may want to review hours of operation. Board discussed details on this. Mr. Strong stated ask petitioner. Mr. Jones reasonable hours (outside of school bus time, etc.) approx. 7-8 am. but without a plan detailed can't state specifically.



CICERO / JACKSON TOWNSHIP BZA MEETING

Motion made by Mr. Berry to Approve Docket # BZA-0317-013-R1 with the following conditions, business is not transferrable, no signage, limit of five horses, limit of 10 existing stalls, and hours of operation to be best judgement by owner. Second by Mr. Bockoski. Mr. Vondersaar-recluse himself. Mr. Zell-no, Mr. Bockoski-no, Mr. Berry-no. Motion failed. 0-3.

Docket#: BZA-0317-014-AG

Petitioner: Kristin Moon

Property Address: 4601 East 246th Street
Cicero, IN 46034

Development Standards Variance: To allow an Accessory Structure to have a height of 25 ft. in a "AG" District whereas the ordinance states that the maximum height of an Accessory Structure in an "AG" District is 22 ft.

Brad Moon, 4601 East 246th Street, Cicero. Seeking approval to build new home and pole barn on property and both are at 3 ft. over the ordinance. Mr. Berry questioned why the extra height. Mr. Moon answered trying to get a 14ft door for camper, 16ft ceilings and with the roof pitch the extra height is needed. Mr. Berry asked if currently owned equipment and where stored. Mr. Moon answered yes a camper and at current home in Arcadia.

Motion to open public hearing made by Mr. Berry. Mr. Bockoski second. All present in favor.

Douglas Quear 4410 East 246th Street own all property to the north, have issues with drainage in area and especially with other homes that have been built and drain to his property and Taylor Creek. Concern is the additional buildings and wants to ensure drainage is taken care of for any buildings. Second concern is will the current business be moving out to this area. Chairman Zell questioned the second concern. Mr. Quear stated they have spoken about that and his concern is the drainage. Narrow road and poorly maintained. Chairman Zell questioned Mr. Moon who stated office is in Noblesville, keeping other home as well, no intent to operate business at new home. Drainage, pole barn is on south corner, discussion ensued. Mr. Strong stated signed off from Hamilton County Drainage. Mr. Vondersaar asked what drive would be. Mr. Quear answered gravel.

No further comments.

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

Mr. Vondersaar disclosed that he had done business in the past but not involved in this matter. Mr. Strong clarified for the board that in the past, most pole barns were attached with conditions of no living quarters and no businesses.

Mr. Vondersaar made motion to accept BZA-0317-14-AG with the following conditions, there is to be no living quarters in the structure and no business is allowed to operate.

Mr. Vondersaar-yes, Mr. Berry-yes, Mr. Bockoski-yes, Mr. Zell-yes. Motion passes 4-0.

Docket#: BZA-0317-015-AG

Petitioner: Kristin Moon

Property Address: 4601 East 246th Street
Cicero, IN 46034



CICERO / JACKSON TOWNSHIP BZA MEETING

Development Standards Variance: To allow a Primary Structure to have a height of 38 ft. in a "AG" District whereas the ordinance states that the maximum height of a Primary Structure in an "AG" District is 35 ft.

Chairman Zell stated there was drawings in the packet, nice looking home.

Mr. Moon 4601 East 246th St. Cicero Mr. Berry asked how many homes in area. Discussion ensued.

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

No comments.

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

Mr. Vondersaar commented that with higher ceilings on a two story home, it is hard to get the 35ft. and this is why seeing this request. More common even in small subdivisions. Mr. Berry asked when the height standards were in place. Mr. Strong stated at least the early 1990's. Chairman Zell stated sounded like time for an action item. Mr. Strong suggested the petitioner and Mr. Quean continue discussion on the drainage.

Mr. Vondersaar made motion to approve BZA-03170-015-AG as presented. Mr. Bockoski second.

Mr. Vondersaar-yes, Mr. Bockoski-yes, Mr. Berry-yes, Mr. Zell-yes. Motion passes 4-0.

Mr. Strong advised Mr. Moon that his permit would be turned around promptly.

Docket#: BZA-0317-016-R3

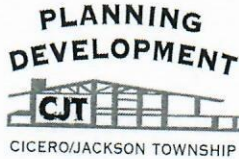
Petitioner: James Fishman

**Property Address: 1300 Lighthouse Point
Cicero, Indiana 46034**

Land Use Variance: To allow a home office (required) to apply for a Federal Firearms License and to maintain records on premise in a "R3" Residential District whereas this is not a Permitted or Special Exception Use in the "R3" Residential District.

No retail sales will be conducted from the home office.

James Fishman 1300 Lighthouse Point does not own or lease a commercial building presently but would like to apply for a Federal Firearms License and requires an address to do so. Would like in the future to operate a business, however no desire to open home to public or become a retail store on property. Therefore would need to hold records. Chairman Zell asked if the license would allow for this to turn into the ability to sell. Mr. Fishman stated still learning the details. Chairman Zell asked for business model. Mr. Fishman stated he would have a brick and mortar store with employees in the future, but would like to keep the records on site at his home. The definition of "sale" is the question to the board. Mr. Fishman stated he does not intend to sell until he had a store front. He understands that many do internet sales or gun show sales with a License, but his intent is to open a store. Chairman Zell stated understood wanted to do off site sales. Mr. Berry asked how long before store. Mr. Fishman stated he hoped to have it by first quarter of 2018. Doesn't wanted to go that far until had a license. Mr. Fishman stated he did a search for sites with licenses and there are 17-20 dealers in 10 mile radius of Cicero and two in town. Many do repairs, some do off site selling, so this is going on around us. Chairman Zell asked for legal assistance, if only using the address not selling, not advertising, no signage, is that a Land Use Variance. Mr. Culp answered that the variance came in due to number of questions. The conversation ensued around if any product was coming to the home. ATF will want question what rules there are in the area. Mr. Fishman wanted to come before the board to ensure being above board and would clear if contacted. Mr. Culp stated could continue with variance, however do not see



CICERO / JACKSON TOWNSHIP BZA MEETING

a need. Mr. Taylor shared facts with regards to an FFL. Discussion ensued. Mr. Strong stated could add a timeframe until brick and mortar. Actually that would change the legal notice. Mr. Culp stated legal notice would need to be done. Suggestion would be to table if he decided to sell via internet.

Mr. Bockoski made motion to table BZA-0317-016-R3. Mr. Vondersaar second. All present in favor. Mr. Strong asked Mr. Fishman to let the office know of his desire and notification would take place.

Docket#: BZA-0317-012-R2

Petitioner: Eric and Jane Nichols

**Property Address: 0 East 226th Street
Cicero, IN 46034**

Development Standards Variance: To allow the maximum lot depth to exceed the ordinance of 2.5 times the lot width in the "R2" District on Lot numbers 4, 5, 6 and 9 whereas the ordinance states a maximum lot depth of 2.5 times the lot width in the "R2" District.

Paul Vondersaar reclude himself for this variance, he is the builder for development. Mr. Strong stated this had approval from the property owners.

Mr. Vondersaar had been to the Planning Commission and received approval, here for these four lots to be larger. Discussion ensued pointing to the map where the lots were located.

Mr. Bockoski made motion to open the public hearing. Mr. Berry second. All present in favor.
to Comments from the public.

Mr. Bockoski made motion to close the public hearing. Mr. Berry second. All present in favor. Mr. Berry asked how quickly this project was being started. Mr. Vondersaar stated 60 days is the hope.
Mr. Berry made motion to approve BZA-0317-012-R2 as presented. Mr. Bockoski second.
Mr. Zell-yes, Mr. Bockoski-yes. Mr. Berry-yes. Motion passed 3-0.

6. **Plan Director's Report:** Mr. Taylor is here and coming to all meetings to gain understanding of proceedings does start Monday his formal position on the 24th. Dan will stay on in temporary position. Thank you to Mr. Vondersaar for stepping in. And Mr. Zell as well. Mr. Zell asked about membership. Mr. Strong will be looking for one member and reaching out to another member to determine needs.

7. **Chairman's Report:** no report

8. **Legal Counsel's Report:** no report.

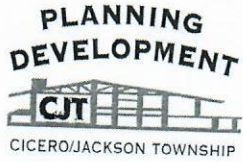
9. **Board Member Comments:** Mr. Berry asked about the determination forms, can be dropped off.

10. **Next Planned BZA Meeting:** May 18th, 7:00 pm

11. **Adjournment:** Motion made by Mr. Vondersaar to close the public hearing. Mr. Bockoski second. All present in favor.

Signatures:

Chairman



CICERO / JACKSON TOWNSHIP BZA MEETING

Secretary

Recorder

Date: _____

Location:

Cicero Town Hall
70 N Byron Street
Cicero, IN 46034