



CICERO / JACKSON TOWNSHIP BZA MEETING

BZA Meeting Minutes

August 17, 2017

7:00 p.m.

Roll Call of Members

Present:

- ☐ Mike Berry
- ☐ Tom Warner
- ☐ Scott Bockoski
- ☐ David Martin
- ☐ Steve Zell
- ☐ Aaron Culp - Legal Counsel
- ☐ Dan Strong & C.J. Taylor- C/JT Plan Director
- ☐ Terri Strong – Recorder

1. Declaration of Quorum: President Warner declared a quorum with all members present.
2. Approval of Minutes
Mr. Zell made motion to approve minutes from meeting of July 20th. Mr. Bockoski second. All present in favor.
3. Public Comment: No comments made.

4. Old Business

Docket #: BZA-0717-019-AG

Petitioner: Joel Phillips

Property Address: 2020 East 256th St., Arcadia, In 46034 (Jackson Twp.)

A Land Use Variance application has been submitted concerning Article 3.1 of the Cicero/Jackson Township Zoning Ordinances to: Allow an event venue rental business to be operated in an "AG" Agricultural District, whereas an event venue rental business is not a permitted or a special exception in an "AG" Agricultural District.

Mr. Zell made motion to untable Docket. Mr. Berry second. All present in favor.

Mr. Phillips stated he brought items that were in question before handing out documents. Design plans and other items listed. Mr. Phillips stated C.J. was very helpful. Jeff and Steve the private drive on western drive if needed. Mr. Strong clarified that Jeff Muszar with C/JT Fire department and Steve Smith with Cicero Fire Department. Mrs. Phillips indicated they had applied for permits for second driveway. Mr. Phillips asked if any questions. Mr. Martin asked if parking was to scale. Mr. Phillips answered yes, 150 parking stalls space made sense for 150. Mrs. Phillips answered lights are shown also, four posts. Possible to go to two, total height of 30 ft. Mr. Phillips stated prepared to address commercial standards, however being in AG district

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

President Martin reminded public that any of the hearings, comments are to be directed to the board. And that anyone has a comment, to raise their hand.

Tammy Thomas, 2504 E. 246th St. Cicero, stated she lives south of the property and question how to expect after five years requiring restrooms would require a large building and in the country how could this be done. President Warner stated his interpretation is that the restroom situation be reviewed in five years not necessarily mandate. Mr. Zell stated the topic was discussed at the previous meeting and the petitioners were to review what would be needed, potential second septic, additional well dug, and such to determine the solution. Ms. Thomas asked with the parking lot, can they address the drainage. Mr. Taylor explained it has been addressed and approval with Drainage Board is required before permits issued. Ms. Thomas continued to state as a resident to the south understand if must comply with commercial standards, however she would prefer little to no lighting, it is an agricultural district. Mr. Taylor stated that would be taken in to consideration.

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

Mr. Zell went over the list of proposed conditions. Mr. Taylor clarified the no food prep, if a caterer brings own truck can they prepare food. Answer was yes. Mr. Taylor also asked for ease of the department could the parking lot and restroom issues be assigned a date for follow up. President Warner asked petitioner for the project would December 31, 2022 be feasible for the paving and restrooms. Mr. Phillips answered yes. Mr. Berry clarified that the board is stating must have in five years, or reviewing in five years. Mr. Bockoski stated completed by the five years, hopefully business requires prior to the end of the five years. Discussion of date ensued. December 31, 2023 was determined as construction will be in 2018. Mr. Taylor suggested a letter of intent of business hours and commitment to be added by the petitioner.

President Warner explained to the public all motions are in the affirmative and then vote is taken.

Mr. Zell made a motion to approve BZA-0717-019-AG land use variance with the following conditions:

- 1. No later than December 31, 2023 the venue parking lot will be paved.**
- 2. By December 31, 2023 the venue will have formal restrooms.**
- 3. Events that will have beer and wine will have approved permits.**
- 4. Planning Director will approve lighting and signage that will be presented to department.**
- 5. Petitioners will have appropriate approvals from necessary authority and agencies.**
- 6. Approved lighting is only on during events.**
- 7. No food preparation on site, no commercial kitchen for this venue.**
- 8. Petitioners contract will be required to receive approval.**

Mr. Martin second the motion.

Meeting as follows:



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schedule is provided. She also stated spoke to several neighbors, letters provided of recommendation and several here today.

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

Eric Harley 845 Morse Landing Dr. Neighbor and stated has children of his own, that 100% for what Sarah is trying to do, she has been a resource for neighbors and looking out for all the kids. Has been helpful to children with crafts and activities. Referred to a letter wrote via email.

Bruce Freeman 880 Morse Landing Dr. Also neighbor and feels the business would be an asset to the area.

Frank McKeen 2646 East 236th operates a day care in Cicero area concerns that his wife has experienced. Questioned extra insurance intent, accepting special needs children, and whether payment would be to an LLC or to the petitioner.

Mr. Taylor stated three letters to be added to the record that were received. Mrs. Amy Harley letter was read and presented. LeeAnn Etchison letter read and presented. Jennifer and Lou Huff was read and presented. Letters added to the records, all positive and in favor.

President Warner asked if any further public equipment.

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

President Warner asked Mrs. Kaczmarek about the three questions. Her answers are that all items will be ran thru the business LLC once established. Regarding special needs children that would depend on the parent approving the home to meet needs of child, would not be opposed and certainly not single out anyone to not accept. Insurance is being reviewed thru State Farm, with additional being thru the LLC.

President Warner asked about conditions to the Board. Mr. Zell asked if permit received, when would business start. Mrs. Kaczmarek stated as soon as possible wanting permission prior to first aid, advertising. Mr. Berry started discussion on licensed day care versus no license. Mr. Taylor stated if chose to license would have to reapply as this was a special exception for unlicensed day care, requirements are different for licensed. Mr. Berry asked about parking on street. Mr. Taylor stated no on street parking allowed in her area. Mr. Berry asked about getting cars in driveway. Mr. Taylor stated this was covered in her contract for children to be picked up at the door and escorted to car. President Warner stated set back issues. Mr. Taylor stated in our zoning ordinance book referred to ** on page to address the development standards that may apply in a home business. Discussion ensued. President Warner stated he would like to address as A, B, C. Mr. Culp stated he recommended the Special Exception be first because if not granted the others are not needed.

Mr. Martin made motion to approve Special Exception Use Variance BZA-0717-022-R3-Part A with condition that approved for petitioner only and to clarify that it is an unlicensed day-care not licensed. Mr. Bockoski second. Mr. Martin amended motion to reflect that petitioner will need to reapply if change in status is desired. Mr. Bockoski second. Mr. Martin added condition that there is to be no advertising signage in yard. Mr. Bockoski second amended motion.

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

Mr. Zell asked if development standards variance could be all one motion. Mr. Culp stated yes.



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Mr. Zell made motion to approve BZA-0717-024-R3 Development Standards Variance to grant single family dwelling on 13,200 sq. ft. lot area in R3 District. Mr. Martin second.

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

Mr. Zell made motion to approve BZA-0717-024-R3 Development Standards Variance allowing 80 feet lot width in R3 District. Mr. Bockoski-second.

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

Docket #: BZA-0717-025-NC

Petitioner: Vivian Lee Investments-Frank McKeon

Property Address: 792 North Peru St.

Cicero, IN 46034

Land Use Variance: Application has been submitted concerning Article 4.1 of the Cicero/Jackson Township Zoning Ordinances to: Allow a multi-family multilevel (2 story) residential unit to be operated in an "NC" Neighborhood Commercial. Whereas a multi-family multilevel (2story) residential unit is not a permitted use or a special exception use in an "NC" Neighborhood Commercial District.

President Warner asked for petitioner to step forward.

Frank McKeon 2646 East 236th St. Cicero, IN. Plan is trying to get rid of burned out building by tearing down structure and provide more housing for individuals. Mr. McKeon asked what questions they had. President Warner asked if he owned the building. Mr. McKeon stated yes, approx. four months. Mr. Zell stated plans were thorough, and questioned parking plans and concerns, if turning into six apartments. Mr. Taylor stated Neighborhood Commercial versus Multilevel unit housing standards are different. Review of ordinance requested. President Warner questioned having two plans. Mr. McKeon stated the 8 unit will not work, so it will be a 6 unit. President Warner also concerned for parking. Mr. McKeon stated he felt removing a tree up front would allow for four spots up front depending on setback. Mr. Berry asked if requirements for handicap parking.

Mr. Taylor read standards requiring 1.5 spaces per unit plus one space for every two units. Mr. McKeon stated needed 12 then. Mr. Zell asked if building on current footprint. Mr. McKeon stated will not be higher or wider however, the garage will become two story housing so will appear larger overall even though footprint is same. Mr. Taylor stated height standard is 28 ft. Mr. Zell commented on appearance of proposed building being nice. Mr. Martin asked if other rentals. Mr. McKeon stated two other properties in Noblesville. Mr. Zell asked if any state requirements were needed, like design release. Mr. Taylor stated commercial property so state design release is required. Mr. McKeon expressed his willingness to comply. Mr. Taylor stated he had not met with Mr. McKeon on all setback requirements needed, and he was working with the plan being the same footprint, measurements are not on the plans presented. Mr. McKeon stated had requested a site survey and was still waiting.

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

Deuce Blazier new residence will be 24173 St. Rd. Cicero, directly across the street from building. Expressed concern for size of buildings approved in the area and objecting due to the fit of this project for the area.

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could research the previous approvals. Mr. Strong stated he felt the zoning had changed as well and needed to be reviewed since the previous business was in place and research on the previous building. As well as clarification with Mr. Savage with some type of agreement, otherwise Mr. McKeon would need to go to state highway for access to his property.

Mr. Zell made motion to table BZA-0717-025-NC to gather further information as discussed until September meeting. Mr. Berry second. All present in favor.

Mr. McKeon questioned next steps. Mr. Strong stated Mr. Taylor's office will reach out to Mr. Savage for clarification on the drive as well as Mr. McKeon should. Also, either documentation or parties should be present at next month's meeting to answer questions that were presented.

Docket#: BZA-0717-026-AG

Petitioner: Candice J. Rogers

Property Address: 22350 Flippins Rd.

Cicero, IN 46034 -Jackson Township

A Land Use Variance application has been submitted concerning Article 3.1 "AG" Agricultural District of the Cicero/Jackson Township Zoning Ordinances to: Allow a combination commercial riding stable and horse boarding business in an "AG" Agricultural District. Whereas; a combination commercial riding stable and horse boarding business is not a permitted or special exception use in an "AG" Agricultural District.

A Development Standards Variance application has been submitted concerning Article 3.2 "AG" Agricultural District of the Cicero/Jackson Township Zoning Ordinances to: Allow construction of an accessory structure (pole barn) on a lot that does not meet the lot width to depth requirement. Whereas; Article 3.2 "AG" Agricultural Standards allows a maximum lot depth of 2.5 times the lot width.

Also to: Exceed the maximum number of accessory buildings allowed per lot. Whereas; Article 3.2 "AG" Agricultural Standards allows a maximum of two (2) accessory structures per lot, in an "AG" Agricultural District.

Also to: Allow construction of an accessory structure (pole barn) with a height of twenty-nine (29) feet which exceeds the maximum height allowed for an accessory structure. Whereas; Article 3.2 "AG" Agricultural Standards allows a maximum height of twenty-two (22) feet for accessory structures in an "AG" Agricultural District.

A Development Standards Variance application has been submitted concerning Article 7.23, MS-04 Miscellaneous Standards of the Cicero/Jackson Township Zoning Ordinances to: allow possession of and/or boarding of horses without the required minimum acreage of fenced pasture. Whereas; Article 7.23, MS-04 Miscellaneous Standards of the Cicero/Jackson Township Zoning Ordinances requires a minimum of 1.5 acres of fenced pasture per horse.

President Warner welcomed petitioner to address the board.

Candice Rogers, daughter Lexi, petitioner 22350 Flippins Rd. stated submitted information to operate a horse boarding operation, updates in red in packet, welcome questions. Mr. Zell asked for clarification, does petitioner have horse stable business in Carmel. Mrs. Rogers stated Hamilton Road is personal second



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Question raised if Lexi lives on property and a cabin is on there as well. Ms. Lexi stated the cabin is going away and yes, she lives in the house that is on the property. Discussion on the drain in the area. Isaac Jones drain.

President Warner summarized the variances needing to be dealt with. Motion on each matter.

Mr. Zell made motion to approve BZA-0717-026-AG for the Land Use Variance to allow a riding stable and horse boarding business. Mr. Martin second.

Mr. Berry-approve, Mr. Zell-approve, Mr. Warner-approve, Mr. Martin-approve, Mr. Bockoski-approve.
Approved 5-0.

Mr. Zell made motion to approve BZA-0717-026-AG Development Standards Variance allow construction of accessory structure on lot that does not meet standards. Mr. Bockoski second.

Mr. Zell-approve, Mr. Martin-approve, Mr. Warner-approve, Mr. Berry-approve, Mr. Bockoski-approve.
Approved 5-0.

Mr. Zell made motion to approve BZA-0717-026-AG allowing number of accessory structures to exceed allowed in AG district. Mr. Bockoski second.

Mr. Martin-approve, Mr. Zell-approve, Mr. Bockoski-approve, Mr. Berry-approve, Mr. Warner-approve
Approved 5-0.

Mr. Zell made motion to approve BZA-0717-026-AG allowing accessory structure height to exceed maximum height standard allowed in an AG. Mr. Bockoski second.

Mr. Bockoski-approve, Mr. Berry-approve, Mr. Zell-approve, Mr. Warner-approve, Mr. Martin-approve
Approved 5-0

Mr. Zell made motion to approve BZA-0717-026-AG to allow Development Standards Variance for allowing possession or boarding of horses without the minimum required acreage 1.5 acres per horse to be met. Mr. Berry second.

Mr. Warner-approve, Mr. Martin-approve, Mr. Bockoski-approve, Mr. Berry-approve, Mr. Zell-approve
Approved 5-0.

Docket#: BZA-0717-027-R3

Petitioner: Bryan M. and Kimberly L. Floor

Property Address: 24920 Scherer Ave.

Arcadia, IN 46030-Jackson Township

A Development Standards Variance application has been submitted concerning Article 7.5 of the Cicero/Jackson Township Zoning Ordinances to: Allow construction of an accessory structure (Barn) to commence before the construction of the primary structure in an "R3" Residential District. Whereas Article 7.5, AS-01 states that "Accessory Structures are not permitted on a lot prior to any Primary Structure being constructed except where the accessory structure is being used for personal storage or agricultural purposes. Accessory Structures also must relate to the Primary Structure and its uses."

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5. Plan Director's Report: Report included in packets. Revenue comparison \$2323 with 84% increase over last year. Other details listed from the report.
Meeting with Jackson Township officials went well and agenda's being sent to assist with the process.
6. Chairman's Report: no report
7. Legal Counsel's Report: No report
8. Board Member Comments: Mr. Zell complimented Mr. Taylor on the completion of the information and Mr. Strong on his mentoring. Mr. Strong stated the use of the screen very helpful.
9. Next Planned BZA Meeting: **September 21, 2017 at 7:00 p.m.**
10. Adjournment: **Mr. Martin made motion to adjourn. Mr. Zell second. All present in favor.**

Signatures:

_____ - 2017 Chairman

_____ - 2017 Secretary

_____ - Recorder

Date: _____

Location:

Cicero Town Hall
70 N Byron Street
Cicero, IN 46034