



# Cicero / Jackson Township BZA Meeting

BZA Meeting Minutes

November 16, 2017

7:00 p.m.

## Roll Call of Members

Present:

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

Absent:

David Martin

1. Declaration of Quorum- Chairman Warner declared a quorum.
2. Approval of Minutes- September 21, 2017 (no October meeting).  
**Mr. Zell made motion to approve September 21, 2017 minutes as presented. Mr. Berry second. Mr. Hall abstained. Motion passed 4-0-1.**
3. Public Comment- Chairman Warner opened for general comments from public. No comments.
3. Old Business:

**Docket#:** BZA-0717-025-NC

**Petitioner:** Vivian Lee Investments - Frank McKeon

**Property Address:** 792 North Peru St.  
Cicero, IN 46034

**A 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" Neighbor Commercial. Whereas a multi-family multilevel (2 story) residential unit is not a permitted use or a special exception use in an "NC" Neighborhood Commercial.

Chairman Warner requested petitioner or representative come forward to present. No one came forward, prompting Chairman Warner to ask legal, the docket was tabled prior, does it need to be untabled to discuss next steps. Mr. Culp answered it would, and speaking to Mr. Taylor, he had not received materials/communication. Mr. Taylor clarified that he spoke to petitioner today, for more information about materials, stating he would need them for this meeting tonight. Petitioner did not believe he would be able to comply. Mr. Taylor stated he told the petitioner if he would not be able to meet the deadline, he should email for an extension if needed. At this point there has been no email received. Mr. Strong stated he also





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spoke to the petitioner today via telephone answering questions on time of meeting. Chairman Warner asked if this could be skipped. Mr. Culp advised it could remain tabled, petitioner would need to present next month or be dismissed. Chairman Warner redirected to skip until the end of the new business, giving petitioner time to show.

### 5. New Business

**Docket#:** BZA-1017-030-R4  
**Petitioner:** Dustin and Joyce Lytle  
**Property Address:** 220 Bayview Dr.  
Cicero, IN 46034

A Development Standards Variance application has been submitted concerning Article 3.10 of the Cicero/Jackson Township Zoning Ordinances to: Reduce the side yard setback from the required six (6) feet, to two (2) feet. This variance request applies only to the south side of the dwelling.

Chairman Warner welcomed petitioner to present.

Dustin Lytle and wife Joyce 220 Bayview Dr. Desire to add 10x 12 area to south side of home for third bay garage, with a second story for storage and office. Explained that neighbor Dr. Bob would like to see one-foot overhang on that side, and he agrees.

Mr. Zell asked with setbacks, are there utilities affected. Mr. Taylor answered none that he is aware of, other than the gas meter located on this side would have to be relocated.

Chairman Warner asked if other questions. Mr. Zell complimented the letter received from Dr. Bob. Mr. Bockoski asked about the language in the letter referring to the property line, is that a Board matter. Answer was no. Mr. Zell explained that the reference to Dr. Bob's concern would have to be presented to the board for review as a separate issue. Dr. Bob replied that's fine, he was in support of Mr. Lytle project. Mr. Hall asked if separate area on second floor or adding on to a room. Mr. Lytle stated it would have a door, from the artist studio, being used for storage and an office area. Chairman Warner stated his questions were answered.

**Mr. Zell made motion to open public hearing for BZA-1017-030-R4. Mr. Bockoski second. All present in favor.**

Chairman Warner opened to public. Reminding to state name and address.

Dr. Bob 200 Bayview. The variance stated 6 ft. to 2ft. and it should be 3 ft.

Mr. Zell amended his motion to reflect. Mr. Strong asked if could be amended due to legal notice. Mr. Culp stated it could, since they were asking for less.

No further questions from public.

**Mr. Berry made motion to close public hearing for BZA-1017-030-R4. Mr. Zell second. All present in favor.**

Chairman Warner stated he had a few questions, there were several conditions stated in the letter, was Mr. Lytle ok with these conditions. Mr. Lytle stated he had not seen the letter, but they agreed upon the one-foot overhang. Chairman Warner read part of the letter referring to drainage and trimming of trees. Mr. Lytle stated yes, they had agreed upon those items. Chairman Warner suggested they be added to the motion. Mr. Culp expressed concern with adding to the motion, it is a private agreement between neighbors. As part of the motion, this becomes legal and if drainage as example would need to be tweaked, they could not do it with further action by the Board. Mr. Hall asked if Mr. Lytle decides to not do it, does that leave the





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neighbor no recourse. Discussion with Dr. Bob and Mr. Lytle on the letter and being good neighbors. Mr. Culp asked for the wording on the letter. Chairman Warner read portion again. Chairman Warner stated he agreed with Mr. Culp as not part of the motion, civil recourse if issues arise with drainage. Comments do probably affect opinions of the Board members. Letter will be on record. Mr. Culp answered could add downspouts to conditions, or general drainage. Don't want to unintentionally tie hands.

Chairman Warner stated all motions are made in the affirmative with a second, after voting petition approved or denied.

**Mr. Zell made motion to approve BZA-1017-030-R4 with the following conditions tied to motion: adequate and proper drainage measures are taken, downspouts buried, adequate drainage implemented to the satisfaction of petitioner and his neighbor. Chairman Warner asked if any questions. Mr. Berry second. Mr. Bockoski-yes, Mr. Berry-yes, Mr. Hall-yes, Mr. Zell-yes, Mr. Warner-yes. Approved 5-0.**

Chairman Warner noted that the following dockets for Mr. Steury's docket numbers will not be heard tonight, none of the following will be addressed due to legal notice not timely as required. Mr. Culp stated they needed to be formally tabled, and announce they will be heard next meeting. The only issue is the legal notice, all the work doesn't have to be redone if remain tabled.

**Note: The remaining dockets did not receive timely legal notice in the newspaper, therefore cannot be heard at this meeting.**

**Mr. Zell made motion concerning Docket numbers, BZA-1017-031-38, Kent Steury project, to table all dockets until December for proper legal notice to newspaper. Mr. Bockoski second. All present in favor.**

**Docket#: BZA-1017-031-NC**  
**Petitioner Kent Steury**  
**Property Address: 0 E. 236<sup>th</sup> St. - Jackson Township**  
**Cicero, IN 46034**

A development standards variance has been submitted concerning Article 7.5, AS-02 of the Cicero/Jackson Township Zoning Ordinances to: Exceed maximum number of accessory structures allowed in an "NC" district.

**Docket#: BZA-1017-032-R3**  
**Petitioner Kent Steury**  
**Property Address: 0 E. 236<sup>th</sup> St. - Jackson Township**  
**Cicero, IN 46034**

A development standards variance has been submitted concerning Article 7.5, AS-02 of the Cicero/Jackson Township Zoning Ordinances to: Exceed maximum number of accessory structures allowed in an "R3" district.

**Docket#: BZA-1017-033-NC**  
**Petitioner Kent Steury**  
**Property Address: 0 E. 236<sup>th</sup> St. - Jackson Township**  
**Cicero, IN 46034**

A development standards variance has been submitted concerning Article 4.2 of the Cicero/Jackson Township Zoning Ordinances to: Exceed maximum allowable lot coverage of 60% in an "NC" District.

**Docket#: BZA-1017-034-R3**





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**Petitioner** Kent Steury  
**Property Address:** 0 E. 236<sup>th</sup> St. - Jackson Township  
Cicero, IN 46034

A development standards variance has been submitted concerning Article 3.8 of the Cicero/Jackson Township Zoning Ordinances to: Exceed maximum allowable lot coverage of 45% in an "R3" District.

**Docket#:** BZA-1017-035-NC  
**Petitioner** Kent Steury  
**Property Address:** 0 E. 236<sup>th</sup> St. - Jackson Township  
Cicero, IN 46034

A development standards variance has been submitted concerning Article 4.2 of the Cicero/Jackson Township Zoning Ordinances to: Exceed maximum allowable lot depth of 2 times the lot width in an "NC" District.

**Docket#:** BZA-1017-036-R3  
**Petitioner** Kent Steury  
**Property Address:** 0 E. 236<sup>th</sup> St. - Jackson Township  
Cicero, IN 46034

A development standards variance has been submitted concerning Article 3.8 of the Cicero/Jackson Township Zoning Ordinances to: Exceed maximum allowable lot depth of 2.5 times the lot width in an "R3" District.

**Docket#:** BZA-1017-037-NC  
**Petitioner** Kent Steury  
**Property Address:** 0 E. 236<sup>th</sup> St. - Jackson Township  
Cicero, IN 46034

A development standards variance has been submitted concerning Article 4.2 of the Cicero/Jackson Township Zoning Ordinances to: Exceed maximum allowable floor area of 6,000 square feet in an "NC" District.

**Docket#:** BZA-1017-038-NC  
**Petitioner** Kent Steury  
**Property Address:** 0 E. 236<sup>th</sup> St. - Jackson Township  
Cicero, IN 46034

A development standards variance has been submitted concerning Article 4.2 of the Cicero/Jackson Township Zoning Ordinances to: Exceed maximum allowable lot area of 30,000 square feet in an "NC" District

**Docket#:** BZA-1017-038-NC/R3  
**Petitioner** Kent Steury  
**Property Address:** 0 E. 236<sup>th</sup> St. - Jackson Township  
Cicero, IN 46034

A development standards variance has been submitted concerning Article 7.13, PK-03 of the Cicero/Jackson Township Zoning Ordinances to: Allow paving to take place in phases as the storage units are constructed.

**Docket#:** BZA-1017-038-NC/R3  
**Petitioner** Kent Steury





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**Property Address: 0 E. 236<sup>th</sup> St. - Jackson Township  
Cicero, IN 46034**

A development standards variance has been submitted concerning Article 5.9, J of the Cicero/Jackson Township Zoning Ordinances to: Allow Non-Gable roofs to be constructed on the storage units located behind the primary structure.

Chairman Warner returned to first docket concerning BZA-0717-025-NC. Chairman Warner stated could untable and re-table until next month or could dismiss. Chairman Warner asked for clarification on dismissal process, motion is made, second and vote is that correct. Mr. Culp stated dismissal process is same as any other process. If it is dismissed, could refile at any time. If Board does not want to dismiss, communication to petitioner that would be dismissed at next meeting if no action taken. Mr. Zell stated he felt it should be left tabled and give gentlemen one more option for presenting. Mr. Bockoski stated he agreed with Mr. Zell but what course of action to notify. Mr. Culp stated planning director would be the one to notify of status. Chairman Warner would like to readdress earlier comments, directed to Mr. Taylor and Mr. Strong, they both spoke to Mr. McKeon directly. Both answered affirmative. Mr. Taylor stated he informed Mr. McKeon he needed to email if an extension was needed, so Mr. Taylor could present that to the board. Chairman Warner expressed concern that Mr. McKeon has not emailed or showed for two meetings. Mr. Culp stated totally up to the board for the direction. Mr. Berry stated the petitioner could reapply with no repercussions. Mr. Taylor stated he would have to pay the fees again. Mr. Culp stated he would start the entire process over. Mr. Berry expressed concern regarding email. Mr. Culp stated a date for tabling due to fact of public had to be notified. Discussion on this process.

Chairman Warner stated he felt after all discussion, the docket stayed tabled until December meeting.

6. Plan Director's Report: Enclosed in your packet. I will be happy to address any questions or concerns you may have. Permit revenue up for month and YTD. Sixteen permits, violation notices, non-compliant have been notified as well. Updates to ordinance books given, with clarification on who has received the updates.

7. Chairman's Report: No report.

8. Legal Counsel's Report: Council passed four new ordinances concerning, peddlers, solicitors, and food trucks. And working with Planning Commission ordinance for RV's which will include trailers. A couple more will be coming such as the solar fields. Questions and issues pushed some ahead of others. Should see in next month or so.

9. Board Member Comments: Mr. Bockoski question for Mr. Taylor and Mr. Strong see 23% increase this month and 96% YTD do you have records for what 2016 versus 2015 was. How is this affecting your workload, other items being done. Mr. Taylor stated busy, until recently independent inspector was used for most inspections, now I am doing most of those. Still money in budget for inspector when needed, Dan comes in on a regular basis and helps which is appreciated. Mr. Taylor stated he would have to look for the 2015-2016 comparison. Mr. Bockoski stated he felt a wonderful job was being done.

Mr. Strong informed board of the Municipal Study being done and public hearing. Looking out to the 2040 mark. November 30<sup>th</sup> 6:30 p.m. at Red Bridge Building.



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Mr. Taylor stated this is one of the many things that Mr. Strong has taken on from the Town Council that probably would have landed on Mr. Taylors desk. This has helped tremendously.

10. Next Planned BZA Meeting: **December 21, 2017 at 7:00 pm**

11. Adjournment: **Mr. Bockoski made motion to adjourn. Mr. Berry second. All present in favor.**

Signatures:

\_\_\_\_\_  
\_\_\_\_\_- 2017 Chairman

\_\_\_\_\_  
\_\_\_\_\_- 2017 Secretary

Date: \_\_\_\_\_

Location:  
Cicero Town Hall  
70 N Byron Street  
Cicero, IN 46034