



CICERO / JACKSON TOWNSHIP BZA MEETING

BZA-0618-005-AG Hines-barn
BZA-0718-009-AG Wilson-lot width
BZA-0718-010-R3 and 011-R3- Gilbert gazebo
BZA-0718-012-NC Wigley garage

BZA Meeting Minutes August 16, 2018 7:00 p.m.

Roll Call of Members

Present:

- ☐ Brett Ravenscroft
- ☐ Dan Strong
- ☐ Scott Bockoski
- ☐ David Martin
- ☐ Mike Berry
- ☐ Aaron Culp - Legal Counsel
- ☐ C.J. Taylor - C/JT Plan Director
- ☐ Terri Strong- Recorder

1. Declaration of Quorum- Chairman Martin declared quorum for tonight's meeting.
2. Approval of Minutes -Motion made to approve minutes with correction of date by Mr. Bockoski July 19, 2018 is correct date. Mr. Ravenscroft second. All present in favor.
3. Public Comment- Chairman Martin invited anyone wanting to speak on topic not on tonight's agenda to come forward. No comments.
4. Old Business:

Docket#: BZA-0618-005-AG

Petitioner: Mr. Jason Hines

Property Address: 4969 East 246th Street
Cicero, IN 46034

A Development Standards Variance application has been submitted concerning Article 7.5, B.AS-02,2 of the Cicero/Jackson Township Zoning Ordinance in order to: Exceed the maximum number of allowed accessory structures in an "AG" Agricultural District. Whereas; the ordinance states that "No more than two (2) accessory structures are permitted on a lot, unless the property is in the "AG" Agricultural District and is used as a working farm, in that instance there is no limit to the number of accessory structures".

Chairman Martin asked for representation.

Mr. Strong made motion to untable BZA-0618-005-AG, Petitioner Mr. Jason Hines. Second by Mr. Berry. All present in favor.



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Mr. Jason Hines, 4979 East 246th St, Arcadia. First apologize for last time, had 20th wrote down. Stated desire to build a 30x 40 pole barn on southeast corner of property. However far from property line would be placement. Same colors as 30x36 other building, no plans for water, maybe electricity down the road. Intent is to store antique tractor, plow, trailer, and wood and pickup truck. Chairman Martin asked if intend to do driveway. Mr. Hines stated no, it is for storage. Mr. Hines continued with the 30x36 building holds some now and as it is heated and insulated, would like to move the older items out to be able to use for birthday parties and other parking. Chairman Martin questioned whether there was a smaller shed that could be used. Mr. Hines stated informed out of compliance as the smaller building is a portable chicken coop and was unaware that was out of compliance. Chairman Martin asked if intended to eliminate the coop. Mr. Hines explained the buildings on the property using the monitor/pictures. Mr. Strong asked if willing to eliminate the portable coop if asked by the board, what would be used. Mr. Hines stated small storage shed was used previously and could be used again if required. Mr. Berry questioned the aesthetics of the building. Mr. Hines stated other than wainscoting would match the other large building, with 12 ft. height. Mr. Strong verified that total height would be under the 22 ft allowed. Mr. Hines stated yes guessing 16ft but wasn't sure. Mr. Hines stated would ensure that when building plans are submitted. Mr. Berry stated calculations, it would need to be 16 ft. Chairman Martin asked about materials. Mr. Hines stated metal with stone. Chairman Martin questioned other concerns from Mr. Taylor. Nothing else to add, report in packet, details discussed with Mr. Hines.

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

Chairman Martin opened to public for any comment regarding this presentation. No comments.

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

Chairman Martin asked Board members if any discussion. Mr. Berry stated with the number of buildings, limiting does that affect a working farm. Mr. Strong stated there is a definition of a working farm. Mr. Strong stated standard practice is to add no living quarters and no operating a business in these situations and we may want to add this to conditions. Mr. Culp brought up adding a timeframe for elimination of the chicken coop in the future. Mr. Bockoski has a couple questions for Mr. Hines. Mr. Bockoski stated no electricity for the start, so that eliminates lighting questions. Mr. Hines stated that is correct and understands if added, would need to see CJ for permit. Mr. Bockoski asked if specific date for completion if approved. Mr. Hines stated at this point he feels it would be May 1. Mr. Bockoski asked if any possibility of removing the shed. Mr. Hines stated he was referring to the chicken coop, the shed is solid and good working order. Mr. Bockoski verified that no drive, gravel or otherwise was being planned. Mr. Hines stated correct. Mr. Strong asked if made a condition what would be a logical timeframe for removal of the chicken coop. Mr. Hines answered 60 days after CJ signs off on the barn. How would I need to prove that, pictures etc. Mr. Taylor answered he would just come out to review.

Mr. Strong made motion to approve BZA-0618-005-AG to allow for third accessory when ordinance states only two allowed. In this instance to achieve that, to allow chicken coop to be removed within 60 days of receiving COO from Plan Department. There are to be no living quarters or business operated out of this accessory structure, to be recorded with the deed. Mr. Ravenscroft second.

Mr. Ravenscroft-yes, Mr. Strong-yes, Mr. Bockoski-yes, Mr. Martin-yes, Mr. Berry-yes. Motion passed 5-0

5. New Business



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Docket#: Docket No. BZA-0718-009-AG

Petitioner: Patrick and Sarah Wilson

Property Address: 29273 Anthony Road
Atlanta, IN 46031

A Development Standards Variance application has been submitted concerning Article 3.2 of the Cicero/Jackson Township Zoning Ordinance in order to: Allow construction of a single-family dwelling on a parcel that exceeds the maximum lot depth to width ratio. Whereas, Section 3.2 of the Cicero/Jackson Township Zoning Ordinance allows a maximum lot depth of 2.5 times the lot width.

Chairman Martin asked if representation present. Mr. Berry questioned the docket number. Agenda and staff report do not match. Agenda is correct.

Patrick and Sarah Wilson 323 w. Hayden Dr. Carmel. Wanting to build dream home on the property. Purchased land approx. 5 years ago with brother, a 20 acre parcel rectangular in shape. At time of purchase we appeared to meet all requirements, until we split the parcel and now do not meet the 2.5 times lot width requirement. We are here to ask the board for a variance to build our forever home. We have spent over \$100,000 on lot improvements thus far (listed). We have been trying to do things the proper way to get things moving. Chairman Martin asked for more detail on the improvements. Mr. Wilson stated drainage in front of property. Mr. Taylor pulled up Google Earth for reference on the monitor. Mr. Bockoski asked if the drawing presented was to scale, the size of the dwelling to the lot. Mr. Wilson stated yes, to build a 2700 sq. ft ranch home with three car garages. Discussion ensued on placement. Mr. Wilson stated his brother had been thru the process with the other section of the acreage. Drainage was discussed, and driveway placement using monitor as visual. A lot of discussion on the 16 in drainage tile and improvements to the property. Mr. Wilson stated they have tried to dot all the l's and cross t's then came across this ordinance issue.

Mr. Strong made motion to open public hearing on BZA-0718-09-AG. Mr. Bockoski second. All present in favor. Chairman Martin opened for comments.

Erin Wilson 29275 Anthony Rd. stated applied in past for this variance and now in home, thank you to the board for that. Mrs. Wilson stated they support the placement of this project.

Mr. Taylor addressed letter received, summary: Mike and Nancy Roland cannot attend tonight and do support project. Letter added to the records.

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

Mr. Strong stated pretty straight forward, and neighbors have no issues. Chairman Martin asked if Mr. Taylor had anything to add or questions. Mr. Taylor answered nothing to add.

Mr. Bockoski made motion to approve BZA-0718-009-AG as presented. Mr. Berry second.

Mr. Ravenscroft-yes, Mr. Strong-approve, Mr. Bockoski-approve, Mr. Berry-approve, Mr. Martin-approve. Motion passed 5-0.

Docket#: BZA-0718-010-R3 and BZA-0718-011-R3

Petitioner: Jay Gilbert and Elizabeth Kasky

Property Address: 1318 Catamaran Circle
Cicero, IN 46034



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BZA-0718-010-R3- A development standards variance application has been submitted concerning Article 3.8 of the Cicero/Jackson Township Zoning Ordinance in order to: Reduce the required minimum side yard setback from six (6) feet to two (2) feet, for the construction of a pavilion.

Chairman Martin welcomed to the front the petitioners.

Jay Gilbert and Elizabeth Kasky 1318 Catamaran Circle, Cicero.

Chairman Martin stated we have two dockets, addressing 010 first. Mr. Gilbert stated taking part of yard that was unusable, trees and such to the dock, poured footers to build a pavilion. The issue is to make parallel we meet the standards on one side, but not on the other. One side is 7ft, the other is 3 ft., to make parallel to the decking.

Mr. Strong asked how they got to this point. Mr. Gilbert stated everything he read, it was a temporary structure since nothing was embedded in the concrete. They poured concrete and started to build. They told otherwise, not meeting ordinance, so stopped work and applied to be here. Chairman Martin questioned the structure. Mr. Gilbert stated sitting on the concrete nothing embedded. Chairman Martin stated just temporarily sitting there. Mr. Gilbert stated it meets all requirements for temporary structure, to be used for sunshade, no walls, use for picnic area. Chairman Martin asked about the materials. Mr. Gilbert stated wood, red cedar tone, with roof to match shingles on house. Mr. Berry questioned pictures submitted on work done currently.

Mr. Strong read into the record the definition of structure. Summarized as our ordinance would mean a structure. Mr. Culp confirmed. Mr. Culp asked which subdivision and plated setbacks. Mr. Taylor stated 6 ft. Mr. Ravenscroft asked what the width was of the property, you stated down to 18 ft. Ms. Kasky stated 30 ft all the way but with the way the houses are set it isn't parallel and if we found the actual property line the building would be (pointed to drawing). Mr. Gilbert stated if we went with the property line, it would be cockeyed. Mr. Berry stated you went with aesthetic pleasing view. Mr. Gilbert stated yes. Mr. Strong questioned, if your property lines you could have made your building not as wide and could have achieved that goal of aesthetic pleasing. Mr. Gilbert stated we could have. Mr. Strong stated you opted to not do that, Mr. Gilbert answered I deemed it a temporary structure.

Mr. Berry asked questions regarding the placement. Mr. Gilbert stated 6 ft from lake, 3 ft. on front corner but gutters will take us to 2 ft. Mr. Strong asked if the Board did not approve tonight what you need to do to correct it. Mr. Gilbert stated shrink it down. Questions arose on how much work was done at this point. Mr. Taylor stated uprights and a few rafters. Chairman Martin asked if neighborhood. Mr. Berry asked for the purpose of the structure without walls. Mr. Gilbert stated shade, other section is for a fire pit. Opted to do front so no ones view of the water was obstructed. Both sides of the houses are garages, no windows. Purposed for pulling to the front of the concrete was to not block the view. Mr. Berry asked about the existing decks, did you think to cover one of those decks. Mr. Gilbert stated no, it would block view for the neighbors. Mr. Strong asked about backing up to previous comment, your posts are not in the cement, so you could move them in without tearing up your cement. Mr. Gilbert stated yes. Chairman Martin verified which corner was affected for the variance. Monitor used. Mr. Bockoski when you deemed it to be temporary, was that because you plan on moving it in the future. Mr. Gilbert stated no, he deemed it temporary because it would not be embedded in the concrete itself, no on the footer. Mr. Bockoski stated a substantial tree in this area. Mr. Gilbert stated 26 trees dead or dying that were removed. Mr. Berry questioned the future plan. Mr. Gilbert stated trying to eliminate stairs but would likely be work next year. Mr. Berry stated the height you most likely would not eliminate number of stairs. Mr. Strong questioned Mr. Culp looking at platted with 6 ft. setbacks. Mr. Taylor stated covenants stated 6 ft. Mr. Culp stated at some point it would have had to be



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platted, and if that is the case this would be a different process than a variance. All members in subdivision would have to be notified. Mr. Culp stated the recorded plat would have the setbacks. Mr. Gilbert stated the plat he received from the county showed front and back setbacks. Mr. Taylor stated he doesn't have the entire plat. Mr. Strong stated the question is in the application a request for reduction from original setback variance of 2 ft. versus 6 ft., the original is the question.

Discussion ensued.

Chairman Martin commented to the petitioner good pictures, very helpful for this complex issue.

Mr. Strong made motion to open docket #BZA-0718-010-R3 for public hearing. Mr. Bockoski second. All present in favor.

Chairman Martin asked if anyone had comments for this issue.

David Sheets live next door to east, had issue on other side of property with drainage a while back, and was told by Plan Commission at that time setbacks were five feet. Neighbor rerouted downspouts to fix issue, assumed was five feet, issue on this side was further away from five feet. Discussion with monitor. Mr. Sheets stated opposed because there are reasons for setbacks, as an example has a heat pump on that side. Five feet is tight to service pump however having 7-8 ft. it isn't an issue.

Mr. Taylor stated there are also letters received. To clarify, asking Mr. Culp received four letters, one has name and address, the others do not are they admissible. One is signed as concerned neighbor. Mr. Culp answered it would be up to the board to determine if want to read into the record and weighted in decision since they are unsigned. Mr. Culp continued with err on the side of reading and the board can decide from there. Mr. Strong asked if return addresses to which Mr. Taylor answered one has Catamaran Circle, others do not. Chairman Martin stated he felt they should be heard.

Below is summary of letters. All letters in full entered into file for review.

Mr. Taylor first one is signed. Larry A. Wood Jr., 1322 Whitewater Ct., lists dockets. Summary: Letter is in lieu of being able to attend and to confirm conversation with Mr. Taylor. Opposed based on development standards violations. Any new construction should not encroach upon setbacks, and hardships from not following guidelines should not be allowed.

Second letter- no signature- opposed due to no property line verification and building is 2 ft from property owner. Setting precedents for ignoring standards is a concern.

Third letter-no signature-opposed for setback position.

Fourth letter-no signature-opposed for not following rules, DIY project with exceeding setbacks should not be allowed. Thanked the Commission for their service.

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

Chairman Martin asked if further board comments. Mr. Bockoski stated he felt the letters should be considered by the board. They all seem to be on the same vein of conforming to what was set prior with the setback limits. Mr. Berry asked question to C.J., if this was approved and property sold in the future and new owners wanted to enclose the structure, would a variance have to be sought. Mr. Taylor answered since structure would be in place, at most a variance would be needed. Mr. Culp answered it would also depend on what they would be using structure for. Example if they were to turn into a carriage house with residence they would require permit. Chairman Martin asked about the measuring. Mr. Taylor answered, it is the furthest point, including gutters, overhang, etc. Mr. Strong stated the overhang was what put him over. Mr. Gilbert



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stated even with the overhang, it is still 13 ft. from the closest building. Mr. Culp asked to clarify, you could put the building there without a variance if you ran it parallel to the property lines. Mr. Gilbert stated correct, then it would look cockeyed. Mr. Strong stated unless he downsized the structure, which is an option. Mr. Taylor stated the only further clarification he needs from the committee, is that there is also a concrete stamped patio that the structure sits on, that encroaches on the 6 ft setback as well. Mr. Gilbert stated can't see in picture, the edge of the concrete lines up with the driveway. Mr. Gilbert stated this is why he felt the concrete would be ok. Mr. Taylor stated this is why he mentioned the driveway, in the past if the driveway is in the setback, it has been standard practice as it isn't a structure. Mr. Bockoski asked the petitioner Mr. Gilbert if landscaping was planned for the edge of the structure, causing obstruction of larger equipment being able to be used. Mr. Gilbert stated no. Mr. Bockoski asked if structure was narrowed, could we entertain that. Mr. Strong stated you could add no landscaping as a condition. Mr. Culp stated if narrowed, they would not need the variance at all or if angled differently.

Mr. Strong made motion to approve BZA-0718-010-R3 with the stipulation of no landscaping on sides of structure. Mr. Berry second.

Mr. Bockoski-no, Mr. Berry-no, Mr. Martin-no, Mr. Strong-no, Mr. Ravenscroft-no. Motion failed 0-5.

Chairman Martin move on to BZA-0718-011-R3.

BZA-0718-011-R3- A development standards variance application has been submitted concerning Article 3.8 of the Cicero/Jackson Township Zoning Ordinance in order to: Reduce the required minimum side yard setback from six (6) feet to zero (0) feet, for the replacement of an existing deck.

Chairman Martin asked Mr. Gilbert to step forward for this docket.

Jay Gilbert petitioner. Chairman Martin clarified that replacing existing deck to lake, asked what kind of materials. Mr. Gilbert answered track stacking all the way down. Mr. Taylor indicated on monitor what decking was being referred to, stating with zero lot line felt it should be heard as well. When complete replacement is done, it has to become in compliance based on zoning ordinance. Mr. Strong clarified you are not increasing footprint. Mr. Gilbert stated no, would be increasing overall footprint, not on that side. Mr. Berry asked for clarification using monitor. Discussion ensued on changes.

Mr. Strong made motion to open public hearing for BZA-0718-011-R3. Mr. Ravenscroft second. All present in favor.

Chairman Martin welcomed public comments.

Dale Sheets next door, moved to this community for the lake, the seawalls all have zero lot lines very common, do not have issue with the decks in this case.

Mr. Strong made motion to close public hearing for BZA-0718-011-R3. Mr. Ravenscroft second. All present in favor.

Chairman Martin asked for further board questions or comments.

Mr. Berry made motion to approve BZA-0718-011-R3. Mr. Bockoski second.

Mr. Ravenscroft-yes, Mr. Strong-yes, Mr. Bockoski-yes, Mr. Martin-yes, Mr. Berry-yes Motion passed 5-0.



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Docket#: BZA-0718-012-NC

Petitioner: Robert Wigley

Property Address: 881 Peru Street
Cicero, IN 46034

A Development Standards Variance application has been submitted concerning Article 4.2 of the Cicero/Jackson Township Zoning Ordinance in order to: Reduce the required minimum side yard setback from twelve (12) feet to five (5) feet for the construction of an accessory structure.

Robert Wigley 881 Peru Street, on property have a yard barn that is ending its usable life, since needing to have repairs or replace found this is the time to replace with a two-car garage. At some time, Mr. Wigley felt setbacks had been changed from five to 12 ft. would like to go back to five ft to replace the barn with a garage. Monitor was used to establish boundaries. Mr. Wigley indicated neighbor has a barn as well, has a 75-year-old tree doesn't want to remove and doesn't want to relocate utilities. Discussion ensued on placement.

Mr. Strong asked for measurement from house to property line. Mr. Wigley stated approx. 10 ft. Mr. Strong questioned the existing structure. Mr. Wigley stated first order would be to remove it totally. Mr. Ravenscroft verified that existing drive is gravel. Chairman Martin asked about access for the new building. Mr. Wigley answered parks on south end of property would extend that area to the garage. Chairman Martin asked for size. Size is 24x28, using vinyl. Chairman Martin questioned materials. Mr. Wigley stated home is brick and compared to neighbors. Mr. Wigley stated neighbors had no objections. Mr. Bockoski verified that the existing structure would be removed due to space. Mr. Wigley stated yes. Chairman Martin asked builder to step forward. Questions asked.

David Pickett 12/4 pitch 12 ft. Asphalt shingle roof matching home as much as possible. Mr. Strong asked if home was brick front. Mr. Wigley answered all brick. Color was discussed. Gables are siding and that is what trying to match.

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

No public comment.

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

Chairman Martin asked for further comments or questions. Mr. Culp added he would recommend no living quarters and no commercial use as well as adding the removal of the barn as indicated by the petitioner, so it is clear that a swap is taking place.

Mr. Strong made motion to approve BZA-0718-012-NC with the following commitments: no living quarters and no commercial use of the building is allowed. Further the existing shed is to be removed. Mr. Ravenscroft second.

Mr. Ravenscroft-yes, Mr. Strong-yes, Mr. Bockoski-yes, Mr. Berry-yes, Mr. Martin-yes. Motion passed.



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6. Plan Director's Report: Emailed. Revenue is down, no new sites. One received today and met with M/I as well keeping us up to date on progress. Attended a RGIS class, the town does own the program so will be able to use for the town all departments. Chairman Martin stated extensive mapping program. Mr. Taylor expressed his excitement in being able to use these tools.

7. Chairman's Report: Nothing to add.

8. Legal Counsel's Report: Mr. Culp stated approaching the time limit for a property on ST. RD. 19 for demo. We are pursuing this issue. Expect resolution in 30-90 days process has to be done.

9. Board Member Comments: No comments.


10. Next Planned BZA Meeting: September 20, 2018 at 7:00 pm

11. Adjournment: Mr. Strong made motion to adjourn. Mr. Ravenscroft second. All present in favor.

Signatures:



David Martin - 2018 Chairman



Scott Bockoski - 2018 Secretary

Date: 11-15-18

Location:


Cicero Town Hall
70 N Byron Street
Cicero, IN 46034





CICERO / JACKSON TOWNSHIP BZA


CICERO/JACKSON TOWNSHIP BZA MEETING THURSDAY, AUGUST 16, 2018 7:00 P.M.


Please print your name, address, and sign in:

Erin Wilson 29275 N Anthony Rd Atlanta 

Patrick Wilson 3030 W. HAYDON DR APT 1205 CARMEL IN 

Sarah Wilson 323 W. HAYDON DR APT 1205 CARMEL IN 

Jay Gilbert & Elizabeth Kosky 1318 N. Catamaran Circle 

Robert Wigley 1881 S. Peru St. Cicero 

Jason Hine 4969 e 246th St. Arcadia 

Joe Baker 831 E. Lancaster Circle 

David Forke 10412 300W. Sheridan 