



**CICERO/JACKSON
TOWNSHIP
PLAN COMMISSION**

BZA# 1020-017-NC / 9 S. Peru St.

**BZA Meeting Minutes
December 17, 2020
7:00 p.m.**

Roll Call of Members

Present:

- Mike Berry
- Brad Baker
- Liz Nelson
- Scott Bockoski
- Dennis Schrumpf
- Aaron Culp - Legal Counsel
- C.J. Taylor - C/JT Plan Director
- Terri Strong- Recorder

1. **Declaration of Quorum-** Chairman Bockoski declared a quorum.
2. **Approval of Minutes:** Chairman Bockoski stated in minutes it was recorded that elections for Chairman/Vice and Secretary would be made at this meeting, that is not correct, it will take place in January. Minutes are correctly reported.
Mr. Berry made motion to approve minutes from November 20, 2020 meeting. Mr. Baker second. All present in favor.
3. **Public Comment:** Chairman Bockoski explained this is the time for comment on items not on the docket. Also, if planning to speak, please make sure to sign in on the sheet by the door. No public comment.
4. **Old Business:** None
5. **New Business:**

Docket#: BZA# 1120-018-AG

Petitioner: Paul Vondersaar

Property Address: 0 East 266th St., Arcadia, IN 46030

A Development Standards Variance Request application has been submitted concerning Article 3.2 of the Cicero/Jackson Township Zoning Ordinance to create two plots via the subdivision process that exceed the maximum allowed lot depth to 2.5 times width of lot.

Chairman Bockoski welcomed petitioner to address the request.

Paul Vondersaar 1105 Bear Cub Drive, Cicero, IN. Thank you for seeing tonight, I have 18 acres looking to split into two 9 acre lots. The homes in the area average 2.35 acres, this would be almost 4x the area lots. Plan Commission approved unanimously even though there were issues raised. Concern was future splitting to 4 acre lots or such, Mr. Vondersaar stated he offered up deed attachment to not allow future split of lots and will be recorded to not be split further if passed tonight. Width to depth ratio is 5.16 to 1 which is 2 times.

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Mr. Vondersaar stated he is aware of the ruling and thought it was in place to prevent flagpole lots. That is not the situation here as well as not trying to have a parcel with shared drive that is 3000 feet long like another in the area.

Chairman Bockoski asked for questions from the Board. Mrs. Nelson questioned the location of the homes. Mr. Vondersaar stated would meet setback requirements, did not show on the pages. Drive cuts are noted waiting on approval from county highway. Mr. Baker questioned if there was a home on the center two acres. Mr. Vondersaar replied yes.

Mr. Schrumpf made a motion to open public hearing for BZA-1120-018-AG. Mrs. Nelson second. All present in favor.

Chairman Bockoski asked if anyone wanted to speak from the public on this docket.

Jeffery Brown and Cynthia Brown 2270 E 266th Street, Arcadia, IN 46030 Home on the acreage is ours. Mr. Brown has letter to submit. Read the letter. Thanked the Board members for their time and efforts. Has lived on the property since 1993, raising family. Like the privacy of the area. Concerned for the property when received the legal notice, was aware it sold however thought it was a farmer that would continue the present use of farmland. The development requires variance and two waivers to do what is proposed. Without either of these waivers or variances could not be done, seems being forced to conform. Plan Commission did give approval for the driveway waiver.

Recorder summarized the letter read to the Board: *If every property requires waivers then perhaps the property is not meant to be developed as requested. While not sure where the homes will be on the property, we will lose the privacy of our lot. The drawing shows placement to the north and east and to the north and west, front doors will view our back door. Concerns with variance requests, privacy is main concern, these two homes could diminish value, and additional two drives add to safety concerns. Article 3.2 is clear developers should make decision on the rules instead of anticipating the rubber stamping of a variance to be allowed. Have talked to all but one of the property owners and they are opposed, have signatures to attach to letter. Urge the Plan Commission to deny the request and adhere to the articles. Letter entered into record.*

Cynthia Brown 2270 E. 266th Street, Arcadia. Approaching on a personal note, originally was 20-acre lot. When home was built two acres were split off. Still trying to determine if 266th is too close. Thought others would come to the meeting, but due to Covid are concerned and trusted us to represent the neighbors. Mrs. Brown stated she was aware that Mr. Vondersaar approached the property owners to the back to share their drive and they were not interested. There are four homes sharing that drive currently.

Mr. Berry asked for clarification on the map of where the drive is located. Mr. Brown explained. Mr. Baker also added for Mr. Berry drive clarification and placement of the Brown's property. Mr. Berry continued with questions/comments based on what can be read on plans the Browns lot is 175 ft. wide and 487 feet deep which meets requirements of 2.5 x. The proposed lots are 250 wide and left side is 240 ft which is wider. This is wider than your lot, they could easily have matched the depth of yours and placed 2 homes on each lot. The proposal is to place two homes instead of four. Mrs. Brown stated it was a win for them for it to only be two homes. The road safety of the number of drives is a big concern and other areas coming to Arcadia are not

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like that. Mrs. Nelson questioned like what. Mr. Brown stated the 450 ft between drives is not being met they are all more than that. Mr. Brown stated he didn't understand what was being said, the lots are still more than 2.5X. Mr. Culp added he could have split the property to meet the 2.5X criteria and not even needed a variance approval for four homes. Mrs. Brown thought the deed restriction prevented that. Mr. Culp stated the restriction does not have to be done unless we accept it. Mr. Schrupf stated Plan Commission is where the restriction was added. Mr. Culp corrected himself that if the lots were changed, it would have to go back to the Plan Commission. Mrs. Nelson clarified what Mr. Berry was saying but stating if the lots were the same as the Brown's lots in depth, there would be no question of house on either side, and no avenue for the Browns to object. Mrs. Nelson continued with what Mr. Vondersaar has proposed, if the Browns home is ½ way or 300 ft back and the other homes are built ½ way down the nine acres you will have 450 ft from the back of your home and front of their home, that is a pretty good barrier for privacy. Mrs. Nelson stated she lives on 296th and is busy road as well with many drives, people adjust. Mrs. Brown stated she was confused that the deed restriction would not apply. Mrs. Nelson stated if this variance is approved, these two lots can only have two homes. Mr. Culp added if this is denied tonight, he can go right back to the Plan Commission and put sub-divide, they have already said they would grant the waivers for the driveway. If he goes back, doesn't have to offer the restriction. Question was raised if could change in six months or so. Mr. Culp stated had to file before building, once filed is part of deed. Mr. Taylor stated part of the deed for perpetuity. Mr. Culp stated once commitment is made, Mr. Taylor will not permit until everything is done. Mr. Taylor explained the process in detail.

Chairman Bockoski asked if others from public. No one came forward.

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

Chairman Bockoski moved to Board members comments. Mr. Schrupf stated he had a couple, first, the Browns mentioned closing of 266th. Mr. Schrupf stated in all the plans he has seen, the only crossroads that would remain open are 236 and 276th. Other is given the division of this property, this is a no brainer, no objection. If worried about quality of work on these homes, that should not be a concern, have seen the quality of homes Mr. Vondersaar builds. Mr. Bockoski stated he has seen in his travels and at this board, this is becoming more common to have a narrow but long lot. Mr. Berry agreed, newer homes are humongous but have a long lot.

Mr. Vondersaar asked if he could speak, to clarify, I am not required to be the builder. This is the goal but not required and wanted to make sure that was clear to the Board. Everyone is calling it a development, but it is only two lots.

Mrs. Nelson made motion to approve BZA-1120-018-AG. Mr. Schrupf second.

Mr. Baker-approve, Mr. Berry-approve, Mr. Bockoski-approve, Mr. Schrupf-approve, Mrs. Nelson-approve. Motion unanimous.

The Browns thanked the Board for their sharing of information.

Action Item: None



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- 1. Plan Director’s Report:** Mr. Taylor included in your packet. November good month, ending year ahead of last year. Have received a PUD from Arbor Homes and would expect more information next year. Things still going gangbusters at Tamarack. Super for the project stated all the duplexes you see in green board are sold, there is only one spec/one side of one building.
- 2. Chairman Report:** Chairman Bockoski election of officers will be next month.
- 3. Legal Counsel’s Report:** Mr. Culp some of you were on the Board when the Steury property was before us for storage buildings. He has approached again about water and sewer; annexation was a condition. Expect to see 2021 some action there. Mr. Baker said he has been clearing towards the back of the property. Mr. Culp stated they had thought it was going to go away since it had been 2-3 years ago. Chairman Bockoski asked if we put a constraint of one year as example. Mr. Culp stated it can be done, some have wanted to selectively, or with stages. Mr. Culp continued that if wanted to do blanketly would recommend adding to the ordinances or variance will expire. Discussion ensued. Mr. Taylor did add that this property was very specific with constraints. Mrs. Nelson suggested with the rate of growth, time restraints should be done, don’t want variance permit to set 2-3 years without action, then project doesn’t fit in comprehensive plan. The project on 19 across the school was mentioned as an example. Mr. Taylor asked about additional building permits could a limitation be placed on number or times can be . Mr. Culp stated he did not believe so as that is covered by state statue and cannot be stricter than state. Mr. Taylor added, HOA at Tamarack doesn’t allow sheds, resident comes to ask for permit, Mr. Taylor has to issue if pursued. HOA will have to pursue. Discussion ensued on HOA’s and legalities involved.
- 4. Board Member Comments:** No comments.
- 5. Next Planned BZA Meeting:** January 21, 2021 at Red Bridge Park Community Building.
- 6. Adjournment:** Mr. Schrupf made motion to adjourn. Mr. Berry second. All present in favor.

Chairman: _____

Vice-Chairman: _____

Date: _____

Location:
Red Bridge Park
697 W. Jackson Street
Cicero, IN 46034