



## CICERO/JACKSON TOWNSHIP PLAN COMMISSION

PC-0920-012-R3-PD - Tamarack Section 4

PC-0920-013-R3-PD- Tamarack Section 4

PC-1120-015-AG – 0 E. 266<sup>th</sup> St.

PC-1120-016-NC – 9 S. Peru St.

### Plan Commission Meeting Minutes

December 9, 2020 7:00 p.m.

Due to the COVID-19 guidelines the meeting will be held at  
Red Bridge Community Center  
697 W Jackson Street  
Cicero, IN 46034

#### Roll Call of Members

Present:

- Dan Strong
- Greg Gary
- Dennis Schrupf
- Stephen Zell
- Glen Schwartz
- Aaron Culp - Legal Counsel (will be late)
- Terri Strong - Recorder

Absent:

Jack Russell  
Liz Nelson  
Marc Diller  
Corey Burkhardt  
C. J. Taylor-Plan Director

1. **Declaration of Quorum:** President Strong declared a quorum with five members present. Everyone that is a petitioner, will need all five votes to pass. Petitioner will have opportunity to postpone. President Strong stated this is very unusual to only have five of the nine members.

2. **Approval of Minutes:**

Mr. Zell made motion to approve Minutes from PC Meeting: November 10, 2020 as submitted. Mr. Schwartz second. All present in favor.



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3. **Public Comment:** President Strong stated this is time for public comment for items not on the agenda, there will be opportunity for public hearing/comments on two items the others are aesthetic review and do not require a public hearing. No comments from the public.

4. **Old Business:**

**Docket #:** PC-0920-012-R3-PD *This was tabled in November*

**Petitioner:** M I Homes of Indiana, LP – Tamarack Subdivision

**Property Address:** 236<sup>th</sup> Street and Tollgate Road (South-West Corner)

An application for Construction Plan review has been submitted concerning section 4 of the Tamarack Subdivision.

**Docket #:** PC-0920-013-R3-PD *This was tabled in November*

**Petitioner:** M I Homes of Indiana, LP – Tamarack Subdivision

**Property Address:** 236<sup>th</sup> Street and Tollgate Road (South-West Corner)

An application for Secondary Plat review has been submitted concerning section 4 of the Tamarack Subdivision.

**President Strong asked for representation from M I Homes to approach. No response, both dockets continue to remain tabled.**

5. **New Business:**

**Docket #:** PC-1120-015-AG

**Petitioner:** Paul Vondersaar

**Property Address:** 0 East 266<sup>th</sup> Street Arcadia, IN 46030

A Minor Subdivision with two (2) waivers application has been submitted concerning Article 4 of the Cicero/Jackson Township Zoning Ordinance in order to subdivide one (1) eighteen (18) acre parcel into two (2) nine (9) acre parcels.

**Waiver A.** – Petitioner is seeking relief from Article 4.2 that requires a shared drive.

**Waiver B.** – Petitioner is seeking relief from Article 4.2 that requires a minimum drive separation of four-hundred fifty (450) feet.

President Strong asked for petitioner or representation to step forward and give name and address for the record, and to address the Board.

Paul Vondersaar 1105 Bear Cub Drive, Cicero. Have 18 acres, there was a two-acre piece in the middle added in the 70's, plan is to take the 18 acres around it and make into two 9-acre sites.

President Strong asked for questions/comments from Board. President Strong questioned the application stating 266<sup>th</sup> would be closed to 31 access. Mr. Vondersaar stated going by the plan he had seen, to close all access roads, assuming this would be one of the roads to be closed. Building a home for someone that lives on 241<sup>st</sup> that is losing home due to the road.

**Mr. Zell made motion to open public hearing on this item. Mr. Schwartz second. All present in favor.**



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President Strong asked if anyone from the public wanted to speak, and to state name for the record. President Strong verified that Mr. Vondersaar wanted the docket to be heard tonight. Agreement from Mr. Vondersaar.

Jeff Brown and Cindy Brown, 2270 E. 266<sup>th</sup> street. We are the two acres in the middle of the 18 acres mentioned by Mr. Vondersaar. Mr. Brown has a prepared letter to submit after reading for the Board.

*Summary of letter by recorder: Shared his Appreciation for work the Board does for consistency within the county. Property was selected due to the privacy we would have. Aware the property had sold but assumed would be used for the purpose of AG as it has for generations. The ordinance variances requested indicate it is not suitable for the purpose proposed today. Lose privacy and places closer than ordinances allowed. Concerns for variance request-are closeness of homes, shared drive vs not and safety concerns on 266<sup>th</sup>. Lot depth addressing today even though will be another meeting. Rules not being followed. Concern for splitting further. Deeded owner is not a resident. Included signatures from neighbors.*

President Strong accepted the copies will be added to the file. The subdivision piece of his letters, if property owner wanted to further subdivide the same process would have to be done. They just couldn't subdivide. Mr. Brown stated understood but once started, where does it stop, have a subdivision where used to have corn and beans.

Cynthia Brown 2270 E. 266<sup>th</sup> Street Arcadia, while you addressed properties being subdivided further. Are the properties sold, or they subdivide and then sell them. Drainage is a concern, lake in front yard when rain is heavy, even though it drains within a couple of hours. Would something be done with drainage.

Mr. Vondersaar given opportunity to address concerns. Mr. Vondersaar states he has been building for 20+ years. Average home in the area is 2.35 acres and this is a 9-acre plan. The width of the road is met. Drainage will not have any issues, approached neighbor for a tile, not building up drive. Mr. Vondersaar stated he spoke to three people and no issues. Apologized for them not getting drawings if they didn't. Mr. Brown answered he received but not this one. Mr. Vondersaar stated concern for splitting in future was addressed by board they would have to return, however if the Board wanted to place a deed restriction on the property, he has no problem with that. It would be filed with the deed and stays with the property forever. Mrs. Brown asked how large of homes. Mr. Vondersaar has someone interested in west property. Responded with meeting the requirements in the ordinances. Regarding the property ownership, Mr. Vondersaar stated he is the owner of the property, the company is his retirement custodial account. No outside group.

Mr. Brown asked if would be grass. Mr. Vondersaar stated suggested beans until built to have grass following. Mr. Vondersaar stated west has indicated home ½ way back. Not committing to placement at this time, drawings were for reference. President Strong asked if contacted Hamilton Co. for road cuts. Mr. Vondersaar replied that has been submitted. Mr. Zell stated it would be pending approval of. Mr. Brown asked if road cuts would have culverts on drive. Mr. Vondersaar stated yes, they would have. Looked at subdividing more and determined that it wasn't the right thing for this property. Surveyor's office will require drainage to be done. Access for ground water is not an issue. Checks and balances are in place and being worked on for continuation, i.e., health department for septic.

**Mr. Gary made motion to close public hearing. Mr. Schrupf second. All present in favor.**



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Mr. Zell questioned President Strong on so many pending items, clarification on what Plan Commission can and should do, scheduled for BZA. President Strong stated the only item with the BZA is the width to depth issue and this can be made contingent upon that approval if board so desired. Mr. Vondersaar clarified that width to depth would not be approved tonight, affirmative from Mr. Strong. Mr. Vondersaar also stated the width is more than the other property in the area, and he was under the impression the concern was road frontage-not to have too skinny of a property.

Discussion amongst members, items to put into motion were discussed. Approvals needed discussed-can't build unless approval from Drainage Board and Health Department are received so not necessary to add. President Strong asked Mr. Vondersaar if ok to add no splitting on the deed. Mr. Vondersaar stated he offered because appears to be a major concern and does not have an issue with the stipulation of not splitting in the future.

Mr. Brown asked if he could ask a question. President Strong stated would allow even though public hearing was closed. Mr. Brown asked if have rules and reg over 10, why have if going to always waive. President Strong stated not always approved, each petitioner has right to petition, each situation is handled as is. Unique to the property some or all may be waived. This would not be unusual request to approve in recent years. Mr. Brown asked why did not modify the articles. President Strong stated valid point and have in many articles looked at current status and modified in recent years. Mr. Brown stated everybody is opposed to project. Mr. Vondersaar asked about Mr. Clark. Mr. Brown said did not talk to him as he doesn't have a house on that property. Mr. Brown continued to share information about area properties. President Strong stated public hearing is over and can't allow to continue. Mr. Vondersaar added property in woods was five acres and the land was for sale, anyone purchasing would want to build. President Strong ended any further comments. Mr. Zell stated surprised more neighbors didn't show if concerned always beneficial if they are heard. President Strong asked Board about restrictions to motion. Mr. Zell listed three contingencies.

**Mr. Zell made motion to approve PC-1120-015-AG as presented with contingencies as follows:**

- 1. Pending status of approval of road cut from Hamilton County Highway Department.**
- 2. Petitioner will include deed restriction to prevent further dividing of property.**
- 3. BZA must approve the depth to width ratio**

**Mr. Schrupf second.**

**Mr. Schrupf-approve, Mr. Zell-approve, Mr. Schwartz-approve, Mr. Gary-approve, Mr. Strong-approve.**

Motion approved with contingencies. President Strong reminded if BZA the deed restriction would need to be added. Mr. Vondersaar asked if two restrictions-one for each lot. President Strong stated yes both sides.

**Docket #:** PC-1120-016-NC

**Petitioner:** Deckard Knapp LLC (owner) Chris and Cheryl Faulkner (tenant)

**Property Address:** 9 South Peru Street, Cicero, IN 46034

An Aesthetic Review application has been submitted concerning the conversion of a single-family dwelling into a retail business.

Chris Faulkner with wife Cheryl reside at 1596 E 400 S in Tipton, IN. Planning retail shop in the building on the corner. With wonderful group of restaurants, see need for additional reason for folks to spend time in town,



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pick up a gift, etc. while spending time in town. Sharing the sign design and aesthetic look proposed for the site.

President Strong asked for questions from the Board. Mr. Zell stated wanted to get better idea of what would be selling as well as hours of operations.

Cheryl Faulkner- With Big Dogs closed Sun/Mon many others are as well. Expect to be open longer in summer but 4-9 pm Tues-Friday with Sat being 11-9. Try to match Betsy's hours for convenience. Want to appeal to all, with variety of items, men's/women's/baby/gardening, using downstairs only. Family would be doing the project.

President Strong understand looking for approval of the sign, not making changes to outside. Mrs. Faulkner stated correct, Victorian home fits, might want to add lights, similar to Christmas lights. AJ Witham will make the sign. President Strong reviewing your sign, proposing pole sign. Mrs. Faulkner stated sign between two decorative poles, space open at bottom for flowers. President Strong stated our ordinances does not allow pole signs. Mr. Faulkner stated thought it meant single pole, metal etc. President Strong clarified anything over 4 inches above ground is considered a pole sign, even if two posts. Mrs. Faulkner stated would modify plan. Question was about seeing over the current fence. President Strong stated no pole sign permitting in any zoning area, variance process is available thru the Board of Zoning Appeals. Mrs. Faulkner stated could be modified. Discussion ensued on options and regulations regarding height and maximum square footage, also landscaping is required. President Strong stated Mr. Taylor can help with the process. President Strong stated there are rules for the placement regarding distance from the sidewalk etc. Mr. Taylor can help with the proper placement.

President Strong stated does not require public hearing, are there further questions from the Board.

**Mr. Schrupf made motion to approve PC-1120-016-NC regarding signage if detail plan is approved by Mr. Taylor. Mr. Taylor to also approve lighting and landscaping plan. Mr. Zell second.**

**Mr. Gary-approve, Mr. Zell-approve, Mr. Schrupf-approve, Mr. Schwartz-approve, Mr. Strong-approve.**

**Motion passed 5-0**

6. **Plan Director's Report:** President Strong verified that everyone received a copy in packets. Good news is that budget appears to be funded this year.
7. **President's Report:** President Strong stated sorry to report that this will be Mr. Zell's last meeting as a permanent member. Mr. Zell has agreed to stay as alternate. President Strong expressed appreciation for Mr. Zell's time and attention to detail and will be sorely missed. Question was raised if have to accept resignation. Mr. Zell commented he has been a part since 2005 and many great memories of serving with the previous and past members. Look forward to serving in reduced capacity. President Strong stated it does take a commitment to serve for 15 years.  
President Strong reminded that this is last Board meeting for year, in January will look for new officers, President, Vice, and Secretary.
8. **Legal Counsel's Report:** No report.



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**9. Board Member Comments:** Mr. Schrupf asked why still Jackson St. detour signs out, on causeway and one by church. President Strong stated he would follow up; contractor has not picked them up. Mr. Schrupf asked if street dept could remove them. Mr. Zell added the signs in the ditch on 236<sup>th</sup> St. President Strong stated he would follow up on both. Mr. Schrupf asked about Mr. Widows building on 19, one is finished but the other is not, is there a time limit. President Strong stated 18 months and could of course request an extension. This goes to previous conversations around time limits on permitting on any projects.

**10. Next Planned Plan Commission Meeting:** January 13, 2021  
Meetings at Red Bridge Community Building continuing until at least June.

**11. Adjournment:** Mr. Schrupf made motion to adjourn. Mr. Zell second. All present in favor.

President: \_\_\_\_\_

Secretary: \_\_\_\_\_

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

Location:  
Red Bridge Community Center  
697 W Jackson Street  
Cicero, IN 46034