



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

BZA# 0621-0012-R5 / Foster

BZA Meeting Minutes July 22, 2021 7:00 p.m.

Roll Call of Members

Present:

- ☐ Mike Berry
- ☐ Steve Zell
- ☐ Dennis Schrumpf
- ☐ Aaron Culp - Legal Counsel
- ☐ Dan Strong – Interim C/JT Plan Director
- ☐ Terri Strong- Recorder

Absent:

Scott Bockoski
Liz Foley-Nelson

1. Declaration of Quorum: Vice-Chairman Berry conducting the meeting as Chair; stated there is a quorum with 3/5 members present and according to rules all three votes must agree. Mr. Culp stated all three votes had to be the same, otherwise a split vote and would have to return next month or have option to be tabled to be heard next month. Mr. Kingen is heard to say-will proceed.
2. Approval of Minutes: **Mr. Zell made motion to approve minutes for June 17, 2021, as presented. Mr. Schrumpf second. All present in favor.**
3. Public Comment: Chairman Berry stated this is time for comments on items not on the agenda. No comments.
4. Old Business: None
5. New Business:

Docket #: 0621-012-R5

Petitioner: Jeremiah & Jerry Marie Foster

Property Address: 559 Main Street, Cicero, IN 46034

A Special Exception Use application has been submitted concerning Article 3.11 of the Cicero/Jackson Township Zoning Ordinance to allow a two-family dwelling in a R5 residential district. Whereas; a two-family dwelling is only permitted as a Special Exception Use in an R5 residential district.



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Chairman Berry asked if someone to speak to this docket. Mr. Strong stated do have a consent form for Mr. Kingen to speak on behalf of the petitioner.

Mr. David Kingen Urban Planner-618 East Market St. Indianapolis. Jeremiah Foster is owner of property; Jerry Foster is client residing in Arizona wanting to move back. Plan is to build duplex on property. While R5 district, there are other duplexes, and triplexes as well as multi family residences in this area of town. Building structure and site plan were referred to. There is no variance needed for setbacks and required parking for two vehicles is part of the plan.

Mr. Zell questioned if approved, what timing is being planned. Mr. Kingen anticipates would be completed in 2021. Mr. Berry asked what type of materials. Mr. Kingen stated part is preconstructed, log cabin type. Further details were not known by Mr. Kingen. Mr. Zell questioned if Plan Commission review was needed. Mr. Strong stated setbacks are not an issue and does not sit in Aesthetic Review area, so Plan Commission review is not required.

Mr. Culp stated the findings of fact form is not the correct one that is included in the packet. Mr. Zell stated in section 1A which is single family home, which is correct based on the ordinance. Mr. Strong regarding that particular question the definition is three families or more. The reason they are here is to have two single family homes whereas the ordinance allows for one single family home.

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

Tina Harris 620 Main St. Cicero While feel it would be an improvement do not want to see more rentals. However, there are multiple rentals on this street, what happens when something happens would it become a rental. Love to see something new but don't want to see another multiple. Deal with a lot with the current ones, police, traffic.

Crystal Bannon 490 Main St. same concerns as Mrs. Harris. Not concern for current but for future. Lived here for 20 years and moved back two years ago and would hate to see more rentals.

Chairman Berry nothing to prevent current dwelling to be a rental.

Mr. Zell made motion to close public hearing. Mr. Schrumpf second. All present in favor.

Mr. Zell expressed sympathy for resident's concerns, however, doesn't think there is anything legally that could secure/prevent in the future. This is not a part of a HOA, subdivision control or such exist. Mr. Culp stated isn't anything currently in ordinances to address because legally cannot do that. We are even restricted on the ability to restrict short term rentals by Indiana law. HOA's can restrict because it is a private contract. Mr. Culp read the rules for review of Special Exception, the Board has to approve if all four categories are met.

**Mr. Zell made motion to approve BZA# -621-0012-R5 as presented. Mr. Schrumpf second.
Mr. Schrumpf-approve, Mr. Zell-approve, Mr. Berry-approve. Motion approved 3-0.**



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6. Plan Director's Report: Mr. Strong reported MI Homes continuing 2-7 permits per week. Close to section four and duplexes seem to go as quickly as can be built. Currently working with Lennar Homes on the process. Mr. Zell asked earlier about well test sites, Mr. Strong stated to share with group, had site picked out, drilled four test wells, water in one. New site being identified that could also utilize the one where water was found. Mr. Zell questioned the number of homes approved with Lennar. Mr. Strong stated 62 is the limit approved due to the capacity with wastewater. Mr. Zell thanked Mr. Strong for all the work he does for the Town.

7. Chairman's Report: None

8. Legal Counsel's Report: None

9. Board Member Comments: Mr. Zell thanked Mr. Berry for serving and the opportunity to serve as alternate.

10. Next Planned BZA Meeting: August 19, 2021

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

Chairman:

Let C. Zell *Michael Berry*

Secretary:

Deanna Schrumpf

Date:

9/23/2021

Location:

Red Bridge Park Community Building
697 West Jackson Street
Cicero, IN 46034