



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

BZA-1121-016-R1 Fred
BZA-1221-019-R1 Fred
BZA-1221-018-AG Vondersaar

BZA Meeting Minutes
December 23, 2021
7:00 p.m.

Roll Call of Members

Present:

- ☐ Mike Berry
- ☐ Scott Bockoski
- ☐ Liz Foley-Nelson
- ☐ Dennis Schrumpf
- ☐ Steve Zell
- ☐ Aaron Culp - Legal Counsel (available by phone)
- ☐ Frank Zawadzki - C/JT Plan Director
- ☐ Terri Strong- Recorder

1. Declaration of Quorum: Chairman Bockoski declared a quorum with all five members present.

2. Approval of Minutes:

Mr. Zell made motion to approve minutes as presented for November 18, 2021. Mr. Berry second. All present in favor.

3. Old Business:

Chairman Bockoski stated for Old Business both dockets would be heard together then at end of discussion will be voted on separately.

Mr. Schrumpf made motion to untable BZA-1121-016-R1. Mr. Zell second. All present in favor.

Docket #: BZA-1121-016-R1

Petitioner: David Fred

Property Address: 97 Cedar Lane, Cicero, IN 46034

A Development Standards Variance application has been submitted concerning Article 7.5 of the Cicero/Jackson Township Zoning Ordinance: To allow an accessory structure to be located in the front yard. Whereas: Article 7.5 B. AS-20, B. states "An accessory structure shall only be located to the rear or to the side of the primary structure".

Chairman Bockoski stated the second docket to be heard is:

Docket #: BZA-1221-019-R1

Petitioner: David Fred



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Property Address: 97 Cedar Lane, Cicero, IN 46034

A Development Standards Variance application has been submitted concerning Article 3.4 "R1" District Standards of the Cicero/Jackson Township Zoning Ordinance in order to: Allow for construction of an accessory structure at a peak height of 24 feet. Whereas: An accessory structure maximum height in the "R1" District is 20 feet.

Chairman Bockoski asked if petitioner is present.

Kunal Yancey 25 Forest Bay Lane, Cicero, speaking for David. Chairman Bockoski recapped last meeting and asked for update on the project, including the height exception. Mr. Yancey stated filed for a variance and why here tonight. Would like it to be 24 feet, and while higher than 20 feet limit, it is below the height of the structures in the area. The positioning of the structure in the front yard is due to being on the lake and the slope is to the lake, structure would not fit.

Mrs. Nelson asked what the two-story structure would be used for, living quarters or just storage. Mr. Yancey stated a hobby room. **Question asked but could not hear.** Mr. Yancey stated no, did not believe so. Mr. Zell asked if to be used for commercial business or living space. Mr. Yancey answered no. Mr. Zell stated make part of the motion. Mr. Zell asked when the project is to be completed. Mr. Yancey as for start date, like to break ground as soon as over and finish within a year.

Chairman Bockoski stated a standard question is the type of lighting planned. Mr. Yancey stated LED on the front corners of the building. Mr. Berry asked what the drive is made of. Mr. Yancey stated paved, it is a circle and would be next to the house, so connects to circle. Mr. Zell verified that the building location had not changed since last meeting. Mr. Yancey indicated it had not changed.

Mr. Zell made motion to open both dockets to the public. Mr. Schrumpf second. All present in favor.

Mr. Zawadzki, Plan Director, stated has emails received to the plan office. Citizen Energy speaking pro, and another one from adjacent homeowner speaking pro, nice addition to neighborhood.

Mr. Zell made the motion to close the public hearing on both dockets. Mrs. Nelson second. All present in favor.

Chairman Bockoski asked if any board member comments. Mr. Schrumpf speaking to the 1221-019 the height variance, allowing would be consistent for the buildings in the area, the subdivision was built before our restriction, and would be going against what was built. Chairman Bockoski added the 20 ft pitch would also not be as aesthetically pleasing.

Mr. Schrumpf made motion to approve BZA 1121-016-R1 with following conditions: No living quarters in structure allowed, building completion by 12/31/22, and no commercial operation from this location. Mr. Zell second.



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Mr. Zell-approve, Mr. Schrumpf-approve, Mrs. Foley-Nelson-approve, Mr. Berry-approve, Mr. Bockoski-approve. Motion passed 5-0.

Mr. Zell made motion to approve BZA 1221-019-R1 as presented. Mr. Berry second.

Mr. Schrumpf-approve, Mr. Berry-approve, Mr. Zell-approve, Mrs. Foley-Nelson-approve, Mr. Bockoski-approve. Motion passed 5-0.

Chairman Bockoski stated approved, if further questions please see Mr. Zawadzki.

Chairman Bockoski moved to next docket, prefacing with may have questions.

Docket #: BZA-1221-018-AG

Petitioner: Paul Vondersaar

Property Address: 0 East 246th Street (the second Parcel east of Anthony on north side of 246th street)

A Development Standards Variance application has been submitted concerning Article 3.2 of the Cicero/Jackson Zoning Ordinance to create three (3) lots via the subdivision process that exceed the maximum allowed lot depth of two and one-half (2.5) times the lot width.

Chairman Bockoski stated questioning the Street, it should be 246th and it is the second parcel over not two parcels over. **Recorder: the changes are corrected above, docket reads correctly.**

Mr. Zell questioned the information on the minor plat included from Miller Survey. Vondersaar Estates or Anthony Estates and questioned the number of lots. Mr. Vondersaar stated typo, his mistake it is Anthony Estates there are three lots not four the drawing is accurate. Will be corrected before filed.

Paul Vondersaar 1105 Bear Cub Drive, Cicero IN. Proposing to divide ten acres into three lots. Each lot averages 3.1 acres larger than neighbors. Larger lot width than required for street, we are at 200 and 210. Mr. Zell asked when planning to start. Mr. Vondersaar stated right away on essential, on first home next year. Mr. Berry asked who is responsible for maintaining erosion fencing. Mr. Vondersaar stated the builder, could be up to three builders. In county the builder is responsible for any and all erosion fencing. Mr. Zell asked if thru Planning Commission. Mr. Zawadzki answered the minor subdivision yes. Mr. Zell asked if drainage issues. Mr. Vondersaar stated pretty flat ground, after grass etc., will be less issues. Mr. Zell asked if restriction on type of home, minimum value on home. Mr. Vondersaar stated illegal to that, these days no cheap homes.

Mrs. Foley-Nelson made motion to open Docket BZA 1221-018-AG to public hearing. Mr. Berry second. All present in favor.



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Mike McMillian 24705 Anthony Road, Cicero. Purchased home knowing the zoning, as did "he", hopeful it state the size of lot. Not just talking about these 10 acres but the next 10 acres, setting a precedent. And while not concerned for three acres but then to divide further and wind up with track homes. Concern for setting a precedent for the future on dividing lot size.

Mr. Berry asked what the concern is- for this particular item. Mr. McMillian not concerned for three acres, lot sizes are fine, concern that they would become option for smaller lots in the future in the area. Not concerned for the homes that are built by Mr. Vondersaar. Concern is big doorway for opening up further small lots on the acreage in the area. Worrisome that can purchase land knowing the zoning laws then ask for permission to change. Chairman Bockoski stated he would like to ease mind-the great part of this process is can always come to these meetings and voice opinion, both here and the Plan Commission. Mr. McMillian would like to see the properties stay larger, nice properties with minimal neighbors.

Doug Quear 4410 East 246th St. Cicero. Drainage is an issue, set on the Saltwater Board in the past. Last time before this board was concerned with someone building and spent \$9000 last year to tile farm to get rid of surface water. Always looking at surface water, roof lines and how to get rid of water. Never met Mr. McMillian but water from his property drains to this land and the backside drains to my property. Also spent \$10000 to drain those 15 acres. Mr. Quear stated he owns several acres in that area and frankly will look to divide. If look at intent and spirit of this Board what was written years ago on width and depth most was to keep 4-5 acre lots. When wrote ordinance, wanted to stop the process of selling frontage and land locking the rest of the acreage. Mr. Quear gave examples of splitting lots and drainage. This board says it is the surveyor's office, they say it is zoning. This is why look at the rooflines and surface water and how it gets to the 640-acre field. Mr. Quear shared the history of the homes in the area and the sizes all of which are more than the two acres discussed. Not opposed to Mr. Vondersaar's quality home building but concerned with the number of homes wanting to build and the future precedent. Opposed to reducing the frontage versus depth -to achieve three homes.

Mr. Berry asked hearing you say dividing until three lots. Mr. McMillian stated against dividing to have a shared drive and the reduced frontage to depth ratio, without a drainage plan. Precedent being set for larger areas being divided. Example used of others in the area and issues. Mr. Berry asked if only two lots instead of three would you be opposed. Mr. McMillian said without a drainage plan yes. Feels opening up a can of worms to the future. Hates to see 10-12 acres sold off then divided up when thought one home. Rest of the 60 acres bought as a development and is a farm.

Mr. Strong addressed Chairman Bockoski and the Board as well as others here for clarification. Approving one project does not set a precedent for anything in the future, doesn't mean all future will be three acre lots. Also, for clarification, this did go to thru the Plan Commission and is approved as a three-acre subdivision, this Board is strictly looking at the lot width to depth ratio. Chairman Bockoski asked if drainage was addressed at the Plan Commission. Mr. Strong answered yes talked about it, Mr. Vondersaar had talked to the surveyor's office and his drainage was approved by them. Chairman Bockoski asked for clarification from Mr. Vondersaar on the shared drive. Mr. Vondersaar stated it is set up as three separate drives, couple other things, not



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looking to split the other 10-acres. It is listed as 10 and intend to sell as a 10-acre lot. Mr. Vondersaar stated he used to sit on this board and his understanding of the 2.5 to 1 lot to width ratio was to prevent flagpole lots. Glad that is in place to prevent the long drives with house behind house-Mill creek drive was indicated as example. As far as development, small lots need sewer and don't see that happen, two acre is minimum for septic. Example used of percent of impervious surface, cleaner with grass, not gushing water.

Mike McMillian expressed concern for not understanding the meaning of precedence. Land attorney would disagree as first question is: has it been done before. Feels stand-up guy not doing anything wrong however, land is always wet, had no issues when moved up to this area. Any basement is going to put water on my land. Chairman Bockoski responded with by precedence we are referring to each situation is heard individually, and decisions made on a case-by-case basis. Mrs. Foley-Nelson not a drainage expert, we cannot control the drainage, the land you buy today may be different in 5-10-20 years. Personally, lived several years without any drainage issues, but the last three years have had issues with no building in my area. Mother nature has just changed course.

Mr. Berry made motion to close public hearing for BZA-1221-018-AG. Mrs. Foley-Nelson second. All present in favor.

Mr. Zell since this has been to the Plan Commission and drainage did come up-correct? Mr. Zawadzki stated yes drainage was questioned. Mr. Zell clarified that the Board tonight was solely here to determine the variance of lot width to depth ratio approval. Mr. Berry also questioned. Affirmative was answered.

Mr. Zell made motion to approve BZA-1221-018-AG as presented. Mr. Berry second.

Mr. Bockoski-approve, Mr. Berry-approve, Mr. Schrupf-approve, Mrs. Foley-Nelson-approve, Mr. Zell-approve. Motion passed 5-0.

6. Plan Director's Report: Mr. Zawadzki gave summary of Directors' report.

November 2021-permit revenue \$18614. YTD 2021 \$152627

November 2020-permit revenue \$7709 YTD 2020 \$99892

In November issued 25 building permits, 14 inside corporate limits, 11 in township.

7. Chairman's Report: Chairman Bockoski fantastic year in the books, thank the Board for all their hard work.

8. Legal Counsel's Report: None

9. Board Member Comments: Mr. Zell curious on whether will get staff reports on all items to be reviewed. Mr. Zawadzki assured that they will be included with all in the future.

10. Next Planned BZA Meeting: January 20, 2022



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11. Adjournment: Mr. Schrumpf made motion to adjourn. Mr. Foley-Nelson second. All present in favor.

Chairman: _____

Secretary: _____

Date: _____

2/17/22

Location:

Red Bridge Park Community Building

697 West Jackson Street

Cicero, IN 46034