



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

BZA-0322-08-R3

BZA Meeting Minutes
March 17, 2022
7:00 p.m.

Roll Call of Members

Present:

- ☐ Mike Berry
- ☐ Liz Foley-Nelson
- ☐ Dennis Schrumpf
- ☐ Steve Zell
- ☐ Aaron Culp - Legal Counsel
- ☐ Frank Zawadzki - C/JT Plan Director
- ☐ Terri Strong- Recorder

Absent:

Scott Bockoski

1. Declaration of Quorum: Vice-Chairman Berry declared a quorum.
2. Approval of Minutes:
Mr. Zell made motion to approve minutes from February 17, 2022. Mrs. Foley-Nelson second. All present in favor.
3. Old Business: None
4. New Business:
Docket #: BZA-0322-08-R3
Petitioner: Swan Vondersaar
Property Address: 0 East 236th Street, Cicero, Indiana 46034
(Located behind 7690 East 236th Street, Cicero, IN 46034)

A Land Use Variance application has been submitted concerning Article 3.7 of the Cicero/Jackson Township Zoning Ordinance in order to: Allow a Commercial (Business) parking lot in a "R3" (Residential) District. Whereas a Commercial (Business) parking lot is not a Permitted Use or Special Exceptions Use in a "R3" (Residential) District.

Vice-Chairman Berry asked for petitioner to approach if present and share the plan.

Swan Vondersaar explained plan is a parking lot to the back behind Tom's house. There will still be a huge buffer of wooded area, it is for tow trucks to turn around and we have storage for vehicles waiting on parts.



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Shouting from back occurred, Vice-Chairman Berry had to restore order. Explained that comments to be directed to the Board and they would have their chance to speak.

Ms. Vondersaar explained it is not a junkyard, won't be able to see it, it is for turnaround, for safety, don't want spilling chemicals. Right next to the storage buildings that are already there, there will still be a huge buffer of woods between it and Hidden Bay. Not going to see the parking lot, it is for safety and need more storage.

Chairman Berry asked what storage is being talked about. Ms. Vondersaar stated just storage for parking. Just for cars, there are no cars sitting there that are not repairable. All vehicles that are totaled are removed after 10 days; it is not a junkyard. There were a couple vehicles, but they are all gone. Just for turnaround and storage.

Mr. Zell asked for clarification on size of lot. The area in question is larger than the area in yellow on the documents. Ms. Vondersaar answered yes, the yellow is the lot, there are three parcels there. Mr. Zell verified that Ms. Vondersaar is the owner of the property. Ms. Vondersaar stated yes. Mr. Zell asked if planning on selling property. Ms. Vondersaar stated yes, currently multiple buyers, one wants a larger parking lot for turnaround. Ms. Vondersaar stated it is long overdue, have needed for quite a while. Mr. Zell questioned positioning of drain on north side of property. Ms. Vondersaar stated no where near that drain. Mr. Zell stated that county surveyor would have to be informed. Any motion contingent upon county surveyors' office having approved.

Discussion on C1 and R3 boundaries. Mr. Schrumpf questioned when/how was done. Mr. Strong thought it was in early 2000, petitioned for rezone of 3.56 acres. Did not get a favorable recommendation but allowed for property to be squared up. Front part is C1 but back had to remain R3. Mr. Schrumpf stated he didn't understand the logic, how would you get to it to build a house.

Mr. Zell questioned Ms. Vondersaar if willing to pave the area. Ms. Vondersaar stated whatever would be needed. Mr. Zell asked if willing to add a fence for blocking and for security. Ms. Vondersaar agreed. Mr. Zell asked if lighting would be added to the area subject to approval by plan director. Ms. Vondersaar if required would add. Mrs. Nelson asked for dimensions of the lot. (Another break out from public occurred) Ms. Vondersaar said she didn't have, part of public record. Mrs. Nelson clarified wanting to know the parking lot dimensions. Ms. Vondersaar stated she didn't have that info with her. Mrs. Nelson asked how many vehicles the parking lot would accommodate. Ms. Vondersaar stated 30 right next to each other, has 36 almost every day on front parcel. Mrs. Nelson verified that this is daily. Chairman Berry questioned timeline. Ms. Vondersaar stated this is for a potential buyer may not even be the ones however, trying to assist them in the long run that business will need additional parking.

Mr. Zell made motion to open the public hearing for Docket# BZA-0322-08-R3 Mr. Schrumpf second. All present in favor.

Chairman Berry stated public hearing open, please state name and address for the record.

Tom Grenstead 7680 E. 236th St. Cicero. Live right next to Talent Body shop, 56 years. Have seen many businesses but this one is really good. Own five acres and sold off four so Talent could grow several years ago.



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that area, trees can be put back. Mr. Engle stated he would gladly move trees on her side to block/hide if it would help the process. Have company that does this all the time, happy to assist.

Angie Isley two properties in Hidden Bay, 69 Court, another on Rosewood. When working on property, generally quiet neighborhood. There are a lot of people that come and go that make a lot of noise. Doesn't last long but all hours of the day/night. This could change the view by making people understand there are people living across the road. More that is brought in, the more noise there could be.

Ms. Vondersaar replied that if there is noise after 5:30, it isn't her business, there is no one there after that. Gentleman asked for the Board to drive around to Hidden Bay and look at the painting of the trees. Green and brown, hard to tell what will be left. Ms. Vondersaar stated she has not painted any trees and trees painted orange were done by trespassers.

Chairman Berry had to regain control of the meeting due to numerous outbursts. Here to discuss issues and address the Board, if cannot abide by rules, can leave.

Mr. Grenstead directly west of property, lived here 56 years, do not hear the issues. There are a lot of scrub trees. Creek starts at 241st. Drainage goes south. They need more parking.

Chairman Berry asked Frank if comments sent to him.

Frank Zawadzki Plan Director received emails last couple of days recapped as follows:

Kelly Rigby-opposed to rezone for commercial use, concern for eagles and oil from cars runoff to Morse.

Kevin Richardson resident Hidden Bay, concern for property values and environmental concerns.

Terry Monday Attorney representing the HOA contacted via phone then received email. Client object to the variance request. Elimination of the buffer, watershed issues, no offer of alternative buffering, area does not conform to the comprehensive plan for the area. Request for board to deny.

Petition brought to office with 130 signatures against the variance.

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

Chairman Berry asked if any questions/comments from Board members.

Chairman Berry addressed Mr. Culp; what Mr. Berry has heard is this request is to make the property more sellable. What limitations can be placed so if trees are left that new buyer could not come in and take down trees? Mr. Culp stated the BZA can insert conditions that must be recorded that are binding for any buyer. Can require so much space be left, more planted, several options can be imposed upon the property. Legally binding and enforceable to any buyer, no way to get out of it other than seeking a modification from the BZA. Chairman Berry asked in the event this proposal would be rejected tonight could the new buyer come in and request the same or that would be final for this property. Mr. Culp stated it would depend upon what the new buyer would propose, if something different, can come in right away, if exactly the same they would have to wait 12 months.

Mr. Zell expressed concerns all the items addressed: for buffer zone, lighting carefully placed, if some way to come to agreement to address the concerns of the citizens as well as what petitioner would want.



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Do not see woods concern as an issue not going to be bothered. Support the variance. No junk vehicles are back there, never has been. Asked for time at end for rebuttal.

Chad Hughes 156 Sierra Dr, Cicero homeowner and asked by HOA to speak on their behalf. Licensed real estate broker H&H Realty Group. Have contract on 133 Sunset, and 141 Sunset Dr recently sold, investment in Hidden Bay one of the last affordable housings in Cicero, and Hamilton County. What has been presented has added clarification. Mr. Hughes expressed opinion on Prater project and elimination of mature trees. EPA concerns, creek, and tree size. Buffer space is required by most municipalities and Prater project up to property line is travesty. Petition submitted tonight, did not have size of parking lot which would have helped. Mr. Hughes stated there were cars there until last week. Environmental impact is a concern, fluids run off. Concern for the seniors in the community, run off, light pollution, rodents. Area needs to be protected; stream goes right to Morse. Woods currently does its job of helping with all pollution. Discussed the buffer between residential and commercial. Concern for future property values if vehicles are parked, left, etc. Reference to the Petition presented.

Chairman Berry asked where the stream is located, not seeing on the map. Mr. Hughes stated covered up by the trees, towards the back. Further north from the yellow marked on the map. Surface run off is the concern, goes into the lake. Expressed concern for the Prater project impact as well. Expressed desire for a balance. Hope that the affordability of Hidden Bay is considered in the decision.

David Davenport 118 Cottonwood, first driveway. Take a trip, trees that are painted that are to be removed, only give three feet of green space. Discussion on the map and positioning. Mr. Davenport stated there can be other places for the junk cars if they wanted. Eyesore for Hidden Bay. Mr. Davenport was asked to keep comments to this issue by Chairman Berry after referring to issue in past and restrictions on adding a home on a property outside of town. Mr. Davenport insisting upon it is a junk yard. Pockets lined by Vondersaar.

Mrs. Nelson asked to address public on behalf of the myself as a member of the BZA. Twice now have referred to this being as a social economic issue, it is not. This Board entertains all requests equally and equitably. We do not consider who the petitioner is nor what their resources are. Do not consider who and what resources the people adjoining may or may not have. And personally offended if anyone here from the public would make that assumption. This is a board that is here to do exactly what you have asked for, to protect the interests of all the residents. That is why we hold these hearings, why a petitioner can make their petition for a variance, why you are able to come to discuss your concerns. We take all that information and apply to the rules of laws, ordinances, and variances that we go by. Mrs. Nelson stated she took exception to anyone here that is accusing of lining pockets or being paid to serve on this Board.

Mrs. Nelson apologized to any of her fellow members if she has overstepped. Many replied no.

Chairman Berry asked if anyone else from the public wanted to speak on this issue.

Trampas Engle, 104 North Drift Street, Arcadia. Mr. Engle stated he is saying to help them as well as her, you see the campers, etc., has one parcel area currently that is 2 feet to the edge. If they clear the lots back to



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Mr. Culp asked if have exact legal description for the exact area that the parking lot would be. Mr. Zawadzki stated have a drawing with approximation. Mr. Culp wondered if had an exact description, showing intent of buffer space, would that allow the Board to say we are guaranteeing x feet of buffer. Would that allow the Board to make the determination they need. Mr. Zell agreed that would be helpful to make the best decision for the petitioner, the town, and the township. Don't feel all the pertinent information is being provided. Mr. Culp stated the BZA does have the right to table asking the petitioner to come back with a legal description, site plan explaining all the detail of the area, including size and buffer area. Mr. Zell stated while have a lot of good information but not all the information needed to make the best decision for the project and citizens concerns. Mr. Zell is proposing it be tabled until next month until information could be provided.

Chairman Berry asked petitioner if understood what Mr. Zell is asking for, is this something that could be provided. The exact location of the parking lot, the boundaries of the buffer zone. Ms. Vondersaar and gentleman asked if looking for measurements or description like a surveyor would provide. Mr. Culp answered like the surveyor would provide, having to approve the use as well as where it would be, there would be no debate on where the line would be.

Gentleman was asked for name and address: Scott Schuller 23224 Marin Drive Cicero.

Mrs. Nelson made motion to table BZA-0322-08-R3 until further information is received including legal description and dimensions of the proposed parking lot to be presented on April 21st, 2022, BZA meeting, 7:00 pm at Red Bridge Park Building. Mr. Zell second. All present in favor.

Question was asked about public attendance. Mr. Culp stated this meeting is not over, it is being continued, everything that has been said is still a part of the record. There will not be further notices will be sent.

5. Plan Director's Report: Included in your packet. Mr. Zawadzki gave summary of directors' report. For month of February 2022 permit revenue of \$16063. Up over last year + \$5997 and YTD +\$6398. 26 building permits issued for February 2022.

6. Chairman's Report: Chairman Berry Thank you for support tonight, interesting meeting. Feel the right thing to do is table for further information that is needed.

7. Legal Counsel's Report: Mr. Culp informed that Tuesday-two days ago- the Town Council approved the moratorium on solar fields. This will be for six months, while we work on ordinance for requirements, so if in the future you will have guidance if one is presented. County is close to releasing their draft and we will use theirs as a template. This is for commercial fields, more than a quarter acre in size. Does not apply to residential or to the Hamilton Heights field that was approved.

8. Board Member Comments: Mr. Zell another spirited meeting handled well. Board member Berry specifically commented to Terri that he left his microphone on the whole meeting just for you. Recorder: *Appreciate everyone's efforts with the new microphones.*



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9. Next Planned BZA Meeting: April 21, @7:00 pm. Mr. Schrumpf stated he will not be able to attend the next meeting. Mr. Strong stated a full meeting next month, and they would get someone to fill in.

10. Adjournment: Mrs. Nelson made motion to adjourn. Mr. Schrumpf second. All present in favor.

Chairman: Michael Buz

Secretary: _____

Date: 3-17-22

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