



## CICERO/JACKSON TOWNSHIP PLAN COMMISSION

BZA-0822-022-R3 Argo-garage  
BZA-0822-023-R5 Tolson-fence

### BZA Meeting Minutes August 18, 2022 7:00 p.m.

#### Roll Call of Members

##### Present:

- ☐ Scott Bockoski
- ☐ Mike Berry
- ☐ Dennis Schrumpf
- ☐ Steve Zell
- ☐ Aaron Culp - Legal Counsel -
- ☐ Dan Strong filling in for C/JT Plan Director
- ☐ Terri Strong- Recorder

##### Absent:

Liz Foley-Nelson  
Frank Zawadzki

1. Declaration of Quorum: Chairman Bockoski declared a quorum with 4 members present.
2. Approval of Minutes:  
**Mr. Zell made motion to approve minutes as presented from July 21, 2022. Mr. Schrumpf second. All present in favor.**
3. Old Business: None
4. New Business:

Chairman Bockoski stated wanted to remind everyone that the Board of Zoning Appeals is a quasi-judicial branch of local government. Board members will be discussing items on the docket for issues or stipulations to consider for items on the docket. All comments and questions must be directed to the board as opposed to other members of the audience. Any attendants wanting to speak tonight must sign in on the list by the door. Each of the attendant wanting to speak on the dockets, must state name and address each time they approach the podium for the record. Each item docket typically will have time set aside for public comment, if a person wishing to speak agrees with a previous speaker, it is not necessary to restate all items just state agreement this helps with time.

**Docket#:** BZA-0822-22-R3

**Petitioner:** Bryan and Heather Argo

**Property Address:** 640 Moonlight Bay Circle, Cicero, IN 46034



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**Petitioner looking for relief from Article 3.8 of the Cicero/Jackson Township Zoning ordinance by applying for a Development Standards Variance to allow the property to exceed 45% maximum allowable lot coverage of impervious surface. Whereas the maximum square footage of impervious surface shall not exceed 45% of the lot area in a R3 district.**

Mr. Zell informed President Bockoski that he would need to reclude himself from this docket this evening.

President Bockoski asked if petitioner is present and informed him with Mr. Zell stepping away, he would need three favorable votes from the Board for your petition to pass. Further explained the right to hold off until the next meeting for a full board to be present if so desired. Petitioner expressed his understanding. Mr. Strong stated if a split vote, considered a non-vote and has the right to come back next month.

Mr. Bryan Argo 640 Moonlight Bay Circle, Cicero. Heather Argo 640 Moonlight Bay Circle. Mr. Argo moved in November, trying to get all three cars into the garage. Have two-car garage currently, wanting to add 13.5 x 22.5-foot addition, with drive. Mrs. Argo questioned if Board had the pictures. Chairman Bockoski replied that only had the drawings as part of the packet. Pictures distributed. Mrs. Argo stated she doesn't have a contractor since they did not have the variance. The pictures show a rendering of what it would look like. Mr. Argo states doesn't interfere with any other setbacks, no current drainage issues, back patio is pavers with sand in between, so drains well also. Similar design as the neighbors.

Chairman Bockoski questioned the slash marks on the drawing. Mrs. Argo stated would remain grass. The current bark and plants will be moved over and extend.

Mr. Argo added the garage doors would be the same as the others. Chairman Bockoski verified that it would be a single door not a double. Mrs. Argo showed photo of neighbor's property with similar set up, would be single door. Mr. Berry asked what type of siding. Mr. Argo stated it is a lifetime siding has two boxes from original that if needed will be supplemented with brick. Mr. Berry asked for explanation on lifetime. Mr. Argo stated plastic composite that has been insulated.

**Mr. Berry made motion to open public hearing. Mr. Schrumpf second. All present in favor.**

Jerald Johnson 630 Moonlight Bay Circle-live next door and feel this makes perfect sense wonderful addition to house and neighborhood.

Mr. Strong stated did receive an email on this docket. Reads as: no issue with addition to garage and no change in value. Rene and Darryl Voss 657 Coral Court Cicero.

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

Chairman Bockoski asked Board members if had questions or discussion. Chairman Bockoski stated the reason we are here is the impervious surface and the impact on drainage for the lot coverage. Continued with can not think of any conditions that may go with this request.

**Mr. Schrumpf made motion to approve BZA-0822-22-R3 as presented. Mr. Berry second.**





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**Mr. Bockoski-approve, , Mr. Schrumpf-approve, Mr. Berry-approve. Motion passed.**

Chairman Bockoski stated motion passed, congratulations and that Mr. Zell has rejoined the Board.

**Docket#: BZA-0822-23-R5**

**Petitioner: C. David Tolson**

**Property Address: 109 W Buckeye Street, Cicero, IN 46034**

**Petitioner seeking relief from Article 7.21 of the Cicero/Jackson Township Zoning Ordinance by applying for a Development Standards Variance to allow for the construction of fence in the front yard, six (6) feet in height and will not meet the required minimum of 50% surface open area in a R5. Whereas the standard in an R5 district does not allow a fence six feet tall and will not meet the required surface minimum of 50%.**

David Tolson 109 W. Buckeye Street, wanting to build a fence on our corner lot. We have two front yards, being on the corner of Byron and Buckeye. We are wanting to build on the side and to us the rear yard, build a fence. The side/front is 75 ft from the corner, does not cause any issues to vision triangle. Mr. Tolson approached with pictures of the vision triangles that would be impacted. Mr. Tolson felt this fence would make the home more finished looking, also have a large puppy. Want for the future to have the privacy, as there are plans for backyard work. The outside would be the finished side as required. The fence would be six foot high for the privacy as well as the dog containment.

Chairman Bockoski complimented petitioner on the explanation given of the project. Mr. Zell asked if receive approval when would you want to start the project. Mr. Tolson stated right away. Mr. Zell questioned what kind of finish. Mr. Tolson stated natural/stain. Mr. Berry asked for explanation on the picket fence-is it vertical. Mr. Tolson stated there is currently a picket fence-but there will be no picket fence when complete. Will not be a shadowbox either will be flat pine. Mr. Berry asked which direction the boards will run. Mr. Tolson stated up and down.

**Mr. Zell made motion to open public hearing for this docket. Mr. Berry second. All present in favor.**

No public comment and no correspondence on this docket.

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

Chairman Bockoski asked if questions. Mr. Zell commented that he appreciated the improvements to the property and felt it was a good development variance. Chairman Bockoski stated the two front yards is why it had to come before the board, thank you for coming to state your case.

**Mr. Zell made motion to approve BZA-0822-23-R5 as presented. Mr. Berry second.**

**Mr. Zell-approve, Mr. Berry-approve, Mr. Schrumpf-approve, Mr. Bockoski-approve. Motion carries.**

5. Plan Director's Report: Mr. Strong gave summary of directors' report for Mr. Zawadzki, as presented in the packets. For month of July 2022 permit revenue of \$9926. YTD total \$136805 and while decrease for month still at YTD +\$51496 for 2022. Issued 20 building permits, 8 new homes in town limits. Total projects estimated at \$2495589. Auburn Estates update, original lots in section one-62 homes- only 8 lots left to



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permit. In Tamarack, in section 4 there are 69 lots. Of the total 268 lots down to 23 lots available to permit in the Tamarack subdivision. Mr. Zawadzki did attend a Fair Housing seminar in Noblesville, continuing his education.

6. Chairman's Report: No report.

7. Legal Counsel's Report: Mr. Culp the county has adopted a new zoning code. This applies to Adams and White River Townships. Adopted large scale solar ordinance as part of this new code. Solar fields that are built not for individual property use but for large scale. In the case of fields that would be over .25 acre in size, there is an overlay district that has setbacks etc. that have to be met. They have also developed an overlay district on the west side of US31. Has special rules that will apply to businesses, goal is to encourage agricultural businesses in the is area. While county has shared what has been done, we are looking at and will present to Plan Commission next month a solar ordinance for large scale projects. Discussing for projects that would be thousands of acres. Also introducing the overlay district information for the east side of 31, for us to evaluate what that might look like in the near future. Solar is first with extended deadline of October 1. Chairman Bockoski asked if we have someone waiting for the moratorium to end. Mr. Culp stated it is something need to have in place, currently we don't have anything that would cover any large project. Mr. Zell in terms of new county zoning in place, is there any other that we need to look at for changes in the future. Mr. Culp stated knows the county held township meetings did a comp plan with all the townships and while focused on the agricultural business and tourism. While this is the unincorporated areas of the county. Mr. Culp stated it is certainly worth looking at the updated ordinances. Last zoning code was in 1990. Mr. Culp added that the way zoning is discussed now versus 30 years ago is quite different. Mr. Zell questioned if and who should review. Mr. Culp stated Mr. Strong is currently as well as myself and obviously Mr. Taylor has impacted at the county level. Mr. Zell asked about the wells. Mr. Culp stated looking at options, initial stages of other sites.

8. Board Member Comments: No additional comments.

9. Next Planned BZA Meeting: September 22, 2022 @7:00 p.m.

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

Chairman: \_\_\_\_\_

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

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





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**Location:**

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