



**CICERO/JACKSON
TOWNSHIP
PLAN COMMISSION**

Board of Zoning Appeals Meeting Minutes

January 19th, 2023

7:00 p.m.

Roll Call of Members

Present:

Mike Berry
Dennis Schrumpf
Steve Zell
Harrison Massonne
Aaron Culp - Legal Counsel
Frank Zawadzki - Cicero Jackson Township Planning Director Terri
Strong – Recorder

Absent:

Scott Bockoski

1. Declaration of Quorum-
Vice Chairman Berry declared a quorum with four members present.
2. Approval of Minutes **Mr. Zell made motion to accept minutes from November 17th, 2022, as written. Mr. Schrumpf second. All present in favor.**
3. Old Business None
4. New Business – 2 items
Vice-Chairman Berry stated the first item on the agenda is Board Officers Elections, asking for any nominations.
Mr. Zell stated he would like to nominate all of the current officers for 2023 term. Mr. Bockoski as Chairman, Mr. Berry as Vice-Chairman, Mr. Schrumpf as Secretary. Second by Mr. Schrumpf. All present in favor.

Docket#: BZA-1222-34-NC

Petitioner: Radiant Holdings/Craig & Nikki Hurley

Property Address: 11 North Main Street or 370 West Jackson Street, Cicero Indiana 46034

A Special Exception Use Variance application has been submitted concerning Article 4.1 of the Cicero/Jackson Township Zoning Ordinance in order to: Allow outdoor seating for a restaurant in the “NC” Neighborhood Commercial District. Whereas article 4.1 states that a restaurant with outdoor seating is only a Special Exception Use in the “NC” Neighborhood Commercial District.

Craig Hurley 7382 E. 256th Arcadia, IN 46030 Have purchased the building and business on the corner, Pizza House, purpose tonight is to continue the variance previously granted for outdoor seating at the location. The ability to have outdoor dining and on occasion outdoor music. Vice-Chairman Berry verified that no change to the current structure. Mr. Hurley stated correct. Mr. Zell verified the information in the packet. Mr. Zawadzki stated the summary page is from the Aesthetic Review of the Plan Commission. Mr. Zell questioned if this has gone before the current Plan Commission. Mr. Zawadzki stated correct it has not. (Time given to review information from 2019.) Mr. Zell stated something like this has to come before the board again due to ordinance stating follows the owner not the property, asking Mr. Culp if this is correct. Mr. Culp stated it is up to the BZA how it is approved and any conditions not due to the ordinance. Vice-Chairman Berry asked if any further questions for the petitioner. None asked.

Mr. Zell made motion to open meeting for public hearing. Mr. Massonne second. All present in favor.

Lady from audience asked what this is for. Vice-Chairman Berry stated for the Pizza House outdoor seating since they have new owners. (Unable to hear her question) Mr. Culp answered same seating, the variance was granted to the previous owners, they are asking to do the exact same thing.

Mr. Zawadzki stated letter has been submitted by Mr. & Mrs. Portwoods, 9 Bayview, Cicero summarized as: see no problem with same set up.

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

No further questions.

Mr. Zell made motion to approve BZA 1222-34-NC as presented with the same conditions as previously including tied to the owner of the property. Mr. Massonne second.

Mr. Berry-approve, Mr. Schrupf-approve, Mr. Zell-approve, Mr. Massonne-approve. Motion approved.

5. **Plan Director's Report:** Mr. Zawadzki stated report is part of packet. Summary of report, December 2022 permit revenue of \$5279, YTD \$175329. December 2021 permit revenue \$11982, and YTD \$152859, for month revenue -\$6703 and YTD +\$22470. Issued 18 permits, 12 in town limits, 3 of which are new homes, 6 in Township, no new homes, estimated costs of projects \$904815. Other news, Lennar 62 lots in section 1 all are permitted, Tamarack section four had 69 lots and 15 are left for permitting. IDEM inspection having to do with run off to creeks, official results received passing grade, received extension until February 28th for items needed action.

Mr. Zell stated couple of neighbors from Morse Landing that back to Tamarack have questioned the dead shrubs/trees on the mounding between the neighborhoods. The Morse Landing homeowners are not happy, so will MI Homes be replacing these items, do they have the responsibility to do so? This buffer zone has been discussed at length and since homes were not built right away, there was no watering etc. Mr. Zawadzki stated he is not aware if there is contract to do so but will bring it up and find out. Mr. Massonne stated he lives in Tamarack and has same concerns as they will be turning over the HOA to the residents. Concern for buffer area along 236th also.

6. **Chairman's Comments:** No report.

7. **Legal Counsel Report:** No report by Mr. Culp

8. **Public Comment:** No public comment.

9. **Board Member's Comments:** Mr. Zell questioned who the township board member's replacement is. Mr. Culp stated Liz Nelson was the Plan Commission appointee, Harrison Massonne is the appointee from the PC. Mr. Bockoski represents the Township.

10. **Next Planned Board of Zoning Appeals Meeting: February 23, 2023**

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

Chairman Michael Bey Acting
Secretary Dennis Schrupf
Date 2/23/23