



**CICERO/JACKSON
TOWNSHIP
PLAN COMMISSION**

Board of Zoning Appeals Minutes

February 23rd, 2023

7:00 p.m.

Roll Call of Members

Present:

- ☐ Scott Bockoski - Chairman
- ☐ Mike Berry
- ☐ Dennis Schrumpf
- ☐ Harrison Massone
- ☐ Steve Zell
- ☐ Aaron Culp - Legal Counsel absent
- ☐ Frank Zawadzki - Cicero Jackson Township Planning Director
- ☐ Terri Strong – Recorder

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

2. Approval of Minutes

Mr. Zell made a motion to approve minutes as submitted for meeting on January 19th, 2023. Mr. Berry second. All present in favor.

3. Old Business -None

4. New Business

Chairman Bockoski started this portion by explaining the following: The Board of Zoning Appeals is a quasi-judicial branch of the local government. The Board will be discussing items listed on the docket with issues or stipulations to consider for each item on the docket. All comments or questions should be addressed to Board and its members. Attendants should sign in if intending to speak tonight. Each attendant must state name and address for the record, each visit to the podium. Each docket has a portion of discussion set aside for public comment. If someone agrees with points made prior to speaking, it is not necessary to repeat each point but to agree with the previous statements, in order to move on in the interest of time. All motions are made in the affirmative, whether we are voting to approve or not.

Rearrangement of dockets presented as below.

Chairman Bockoski asked for Mr. Zawadzki to explain the two dockets.

Mr. Zawadzki stated, issue is that the set of dockets did not get the public notification done in time, so will need to be tabled until next meeting. That is March 23, at 7:00 pm at this location.



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Chairman Bockoski the dockets referred to are BZA -0223-02-AG and BZA-0223-0-AG, and will entertain a motion to table until March 23, 2023.

Mr. Schrumpf made a motion for the dockets to be tabled. Mr. Zell seconded. All present in favor.

Tabled Docket#: BZA-0223-02-AG

Petitioner: Justin Kottkamp

Property Address: 2580 E 226th Street, Cicero IN, 46034

A Development Standards Variance application has been submitted concerning Article 3.2 of the Cicero/Jackson Township Zoning Ordinance in order to allow a 20' side yard setback for a secondary structure, whereas Ordinance states that a secondary structure must have a minimum side yard setback of 35 feet.

Tabled Docket#: BZA-0223-0-AG

Petitioner: Justin Kottkamp

Property Address: 2580 E 226th Street, Cicero IN, 46034.

A Development Standards Variance application has been submitted concerning Article 3.2 of the Cicero/Jackson Township Zoning Ordinance in order to: allow for an Accessory Structure to be 24 feet in height, whereas Ordinance states the maximum height in the "AG" District for an accessory structure is 22 feet.

Chairman Bockoski announced to public that would be moving on to next docket.

Docket#: BZA-0223-01-NC

Petitioner: Heuer Group LLC

Property Address: 120 N Peru Street, Cicero IN, 46034

A Development Standards Variance application has been submitted concerning Article 7.13, Parking Standards, of the Cicero/Jackson Township Zoning Ordinance in order to: Allow 13 parking spaces for the property located at 120 N Peru Street, whereas Ordinance requires 18 parking spaces for this property.

Ian Heuer 2555 Scherer Ave, Arcadia. Property lot to the south of the building, ordinance requires each office 3200 requires one parking lot, additional space takes us to count of 18 spaces. We have space for 13 spaces for employees.

Chairman Bockoski questioned document in the packet shows 12 spaces, are there spaces not on this document. Mr. Heuer explained there are 12 spaces and additional one on the side. Chairman Bockoski questioned the roped off area. Mr. Heuer explained that would be removed when the lot is redone. Chairman Bockoski questioned the parking being utilized to the west of the lot by the railroad tracks, will it be able to be utilized. Mr. Heuer explained it is owned by the Port Authority, when I drove by tonight there are 11 people parked there. Our desire would be to open lot after hours to



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public. Regarding the Port Authority, nothing is being enforced currently. Hours would be traditional 8-5, Monday-Friday. No intentions of putting up a gate to prevent. Mr. Zell asked if before Plan Commission, assume so or wouldn't be here. Mr. Zawadzki stated correct, last month for Aesthetic Review process, building and parking lot were approved. Mr. Zell asked what business is going to be. Mr. Heuer answered construction company. Remodel to inside and aesthetic improvements. Mr. Zell asked if tanks still underground. Mr. Heuer stated IDEM required previous owner to take care of any issues. Mr. Berry regarding the parking lot, how many employees at any given time. Mr. Heuer replied with if everyone is at the office at one time, most are remote, we would have nine people. Mr. Berry verified if special meeting would be nine, what about clients. Mr. Heuer replied typically do not meet with staff. During business hours, brother or myself with clients. Mr. Berry asked if closings etc. would take place. Mr. Heuer stated not normally. Chairman Bockoski asked if any discussion on lighting at the Aesthetic Review. Mr. Zawadzki replied yes, discussed one light, design just came through. At corner has landscaping plan that will remove the gas station sign and put a light post with sign hanging, light will be like town of Cicero lights. Mr. Heuer added there would be dawn to dusk lighting, under overhangs for security. Discussion on exiting the parking lot.

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

Mr. Zawadzki added that he has received a letter.

Troy Ferguson questioned if the letter was his. Response was yes. Mr. Ferguson expressed concern for safety. Bring up the concern for safety in the town and adding 13-15 cars is concerning. Mr. Ferguson added he is not opposed to the project, for the project. Need a crosswalk.

Chairman Bockoski asked if Mr. Ferguson's address was 129-130 Peru Street. Answered yes. Also asked if he was against opening the parking spaces here or a different piece outside of the lot. Mr. Ferguson replied that they are asking for relief from the standard and would like to see help for the area. Chairman Bockoski summarized this plan adding that the concern during the dinner hour seems to be the most issue. Mr. Ferguson stated wanted to send a red flag out there concerning the state highway, for the project, for the businesses.

Mr. Zawadzki added the letter was sent to him by Mr. Ferguson and the Town Council and now BZA has it.

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

Chairman Bockoski asked Board members if there are further questions or conditions needed for this. Mr. Berry stated that the business that is proposed has nine employees but if they were to sell the business after remodeled, new business could have more of a parking need. The petition needs to go with this petitioner. Mr. Zell asked when the parking lot and business remodel is expected to be done.



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Ian Heuer 2555 Scherer Ave, our current lease in Noblesville is up on June 30, so plans are to have this be done and moved in by then. Our target date is June 30.

Mr. Strong stated to Chairman Bockoski before vote would like to clarify that it would be up to Mr. Heuer to determine ingress and egress, and depicted on picture to potentially exit on Railroad right away. Want to mention to Board that it is not necessarily what he would be able to do, but may need to go to HWY 19 if Railroad would prevent. Chairman Bockoski verified that Mr. Strong was saying it may be forced upon Mr. Heuer to exit upon 19.

Mr. Heuer stated he has reached out to Port Authority to make sure the plan is ok, have not heard back from them. The Port Authority has permission to cease use of the easement. If they did that it would not only be an issue for me, but an issue for Dairy Queen, Treatment plant, Erika's, Gymies, any business using the easement. We can flip the exit if they would respond otherwise.

Chairman Bockoski asked Mr. Strong if needed to add to the motion. Mr. Strong stated he was mentioning so the Board is informed, entirely up to them if added, but the issue tonight is if you would allow them the variance in the number of parking stalls.

Mr. Zell made motion to approve BZA-022-01-NC as presented with following conditions: The variance follows the owner of the property, in case of change of ownership variance ceases, also the remodel and parking lot is to be completed by June 30, 2023. Extensions of project to be reviewed by Plan Director. Mr. Berry second.

Mr. Zell-approve, Mr. Massonne-approve, Mr. Schrumpf-approve, Mr. Berry-approve, Mr. Bockoski-approve. Motion passed 5-0.

5. Plan Director's Report:

Mr. Zawadzki stated report is included in the packets. Summary: January 2023 permit revenue of \$4018. January 2022 permit revenue of \$11285, difference of -7267. Issued 14 building permits, 13 in town limits, one is a new home. Projects estimated at \$770,200.

6. President's Report: Chairman Bockoski apologized for missing last month, thanked everyone for carrying on. Look forward to working with the new and continuing board members.

7. Legal Counsel's Report: No report.

8. Public Comment: No public.

9. Board Member Comments:



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Chairman Bockoski asked if any comments, Mr. Schruppf-none. Mr. Berry questioned the lot next to the library, lots of flags are there any updates. Mr. Zawadzki answered they have environmental testing company out there. They have drilled in a planned grid to determine needs for remediation. Mr. Zell asked about Cicero Motors-is it still in business, looking crummy, don't see any activities. Concern as a citizen for the look especially with the newer businesses. Also, the Cicero Fun Factory building it appears they are trying to sell vehicles on that lot, not sure if they are plated. Appears to have an RV and a shuttle bus. We have had previous issues with this property and want to get ahead of it. Also looking crummy. Third issue is in Morse Landing, and know we aren't the only subdivision being targeted, people in the home remodeling business soliciting. Canvas in Cicero by Blue Ladder, sales tactics are that preauthorized by homeowners' companies for hail damage. Concern for the suspect tactics and sharing for getting permits, how we protect citizens. Mr. Berry asked who issues permits. Mr. Strong answered Town Clerk or Municipal building, permit on a lanyard is to be worn. The police enforce, however, know they are busy. The Police Department does have a full-time administrative assistant, out for lunch but there 8-4. Can call the non-emergency number and they will assist. Mr. Berry stated he only knew it 2-3 years ago and the majority of people in town don't know of the ordinance.

Mr. Zawadzki responded to last month's request regarding the Bank Machine area. Spoke to owner of property, sent letter to tenant regarding maintenance. Follow up to the dead trees between Morse Landing and Tamarack, we do not have a maintenance agreement with MI. Mr. Zell expressed concern for the west wooded area on Tollgate. The stumps were thrown into the wooded area, trash along Tollgate. Mr. Zawadzki stated has been an ongoing issue 5-6 times we have addressed. Will follow up again.

Mr. Zawadzki asked when the motion was made with Mr. Heuer for the completion date, is this legal, normal. Permit is good for two years. Mr. Zell expressed concern for the length of projects and enforcement of those projects. Placing in the motion is one avenue to help. Discussion ensued on examples where it has taken excessive lengths of time, HWY 19, Ram Corp. is one. Chairman Bockoski explained trying to improve the completion timeline. Mr. Berry added that they are here for a variance and giving a time limit for a variance is different than a permit. Further discussion on the issue and verification will be sought from Mr. Culp.

Mr. Massonne stated MI is turning over HOA to homeowners and will follow up on the tree issue before it becomes a homeowner HOA expense.

10. Next Planned Board of Zoning Appeals Meeting:

March 23rd, 2023

11. Adjournment:

Mr. Schruppf made motion to adjourn. Mr. Massonne second. All present in favor.



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Chairman *David C. Smith*

Secretary *Dennis Schumacher*

Date *3/23/23*

Location:

Cicero Town Hall
70 N Byron Street
Cicero, IN 46034