



**CICERO/JACKSON
TOWNSHIP
PLAN COMMISSION**

Board of Zoning Appeals Minutes

March 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
- ☐ Frank Zawadzki - Cicero Jackson Township Planning Director
- ☐ Terri Strong – Recorder

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

2. Approval of Minutes

Mr. Zell made motion to approve minutes from BZA meeting on February 23rd, 2023, as presented. Mr. Berry second. All present in favor.

3. Old Business

Petitioner: Justin Kottkamp

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

Docket# - BZA-0223-02-AG

A Development Standards Variance application has been submitted concerning Article 3.2 of the Cicero/Jackson Township Zoning Ordinance to: Allow for the construction of an accessory structure at a maximum height of 24 feet, whereas the allowed maximum height of an accessory structure in the "AG" District is 22 feet.

Docket # - BZA-0223-03-AG

A Development Standards Variance application has been submitted concerning Article 3.2 of the Cicero/Jackson Township Zoning Ordinance to: Allow a side yard setback of 20 feet, whereas the side yard setback in the "AG" District is a minimum of 35 feet.

Mr. Schrumpf made motion to untable Dockets BZA-0223-02-03-AG for review. Mr. Zell second. All present in favor.

Chairman Bockoski questioned if petitioner is present. Invited to address the Board.

Justin Kottkamp 2580 E. 226th Street Cicero. Requesting variance on pole barn to be built on property. First is 20 ft side yard versus 35 ft. Documents shared, if 35 ft interferes with septic system. Photos referred to on



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slides. Also requesting 24 ft in height versus 22 ft limit. Tree coverage would block fence from neighbors and not interfere with their view.

Mr. Zell stated the surveyor recommended it be moved closer to the property line as well. Mr. Zawadzki agreed and stated a copy of the recommendation is in the packet as well. Chairman Bockoski asked what type of lighting was to be on the structure. Mr. Kottkamp stated getting built without electrical work, in a year or two plan on adding. Would have standard house, two garage lights, and light at side door. Chairman Bockoski asked if dusk to dawn or with a switch. Mr. Kottkamp answered not staying on all night. Mr. Berry asked if any commercial work would be done at building. Mr. Kottkamp for storage, for boat, and boys have more stuff for storage. Chairman Bockoski asked what size boat is in the pictures. Mr. Kottkamp stated 22, with trailer 25 feet. Mr. Kottkamp stated boat, mower, truck all inside. Chairman Bockoski questioned natural gas tank. Mr. Kottkamp explained trying to relocate that as indicated in the pictures. Discussion on tank location and if should be in the 20 ft area also. Mr. Massonne questioned what was driving the 24-foot-tall fence request. Mr. Kottkamp stated suggested bringing the pitch down will cause it to look flat, which is a concern to the aesthetics with the house. Also, the door, 14 ft high, perhaps for RV in future.

Chairman Bockoski questioned Mr. Culp concerning past conversations on height requirements and being adjusted. Mr. Culp stated yes, discussed as topic for next Comprehensive Plan updates.

Chairman Bockoski asked if barn would be significantly higher than home. Mr. Kottkamp stated shorter than but does not know height of home. Mr. Schrumpf stated in looking at homes in the area, doesn't feel that is an issue.

Chairman Bockoski reminded the public, if making comments should be addressed to the board members not to the petitioner.

Mr. Zell made motion to open public hearing on Docket number BZA 0223-02-AG and BZA 0223-03-AG.

Mr. Massonne second. All present in favor.

No public comment.

Mr. Zell made motion to close public hearing on these two dockets. Mr. Berry second. All present in favor.

Chairman Bockoski reminded public that motions are in the affirmative.

Mr. Schrumpf made motion to approve BZA-0223-02-AG as presented. Mr. Zell second.

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

Mr. Zell made motion to approve BZA-0223-03-AG as presented. Mr. Massonne-approve.

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

Chairman Bockoski stated if any follow up is needed to see Mr. Zawadzki.



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4. New Business

Petitioner: David & Leah Cupps

Property Address: 0 E 226th Street Cicero, IN 46034

Docket#: BZA-0323-04-R1

A Development Standards Variance application has been submitted seeking a Variance from Article 7.21, Fence and Wall Standards of the Cicero/Jackson Township Zoning Ordinance in order to: Allow a 54" fence in the front yard, whereas Article 7.21 FN-01 states that a fence cannot be greater than three (3) feet in height in the front yard in the "R1" District.

Docket #: BZA-0323-05-R1

A Development Standards Variance application has been submitted seeking a Variance from Article 7.5 of the Cicero/Jackson Township Zoning Ordinance in order to: Allow for (3) three accessory structures, whereas Article 7.5 Accessory Structures Standards states no more than (2) two enclosed accessory structures are permitted on a lot in the "R1" district.

Docket #: BZA-0323-06-R1

A Development Standards Variance application has been submitted seeking a Variance from Article 7.5 of the Cicero/Jackson Township Zoning Ordinance in order to: Allow for an accessory structure to exceed 65% of the finished floor area of the primary structure.

Docket #: BZA-0323-07-R1

A Development Standards Variance application has been submitted seeking a Variance from Article 7.5 of the Cicero/Jackson Township Zoning Ordinance in order to allow an Accessory Structure to be located in the front yard, whereas Article 7.5 states an accessory structure shall only be located to the rear or side of the Primary structure.

Docket #: BZA-0323-08-R1

A Development Standards Variance application has been submitted seeking a Variance from Article 3.4 of the Cicero/Jackson Township Zoning Ordinance in order to allow an Accessory Structure with a height of 22 feet, whereas Article 3.4 states an accessory structure shall have a maximum height of 20 feet in the "R1" district.

Docket #: BZA-0323-09-R1

A Development Standards Variance application has been submitted seeking a Variance from Article 3.4 "R1" District Standards of the Cicero/Jackson Township Zoning Ordinance which states that all Primary Structures shall be a minimum of 1900 Square feet for the first floor, provided that the total finished floor area is 2,600 square feet or more in the "R1" district.

Docket #: BZA-0323-10-R1

A Development Standards Variance application has been submitted seeking a Variance from Article 7.22 which states that all facades of Accessory Structures are to be brick or natural cut stone.

Chairman Bockoski read all dockets pertaining to this property to be discussed together. Inviting petitioner to address the Board.

David Cupps 0 E. 226th Street, Cicero. Mr. Cupps states trying to give kids taste of life we grew up with. Planning a large barn along tree line, large garage with apartment above. On the Polo team in Zionsville, have horses, plan six stalls or so, in order to have horse doesn't work with a three-foot fence. Plan is to ride and enjoy horses, play polo at the property. Chairman Bockoski questioned the



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proportions of building versus land. Mr. Cupps stated it was an overlay picture/drawing. Chairman Bockoski also questioned Mr. Zawadzki if hearing mainly due to being a corner lot. Mr. Zawadzki stated has a lot to do with it, has two front yards, is an eleven and half acre parcel. Chairman Bockoski asked if fence was typical in that area. Mr. Zawadzki stated typical as a horse fence. Mr. Zell asked where you would be living, in the apartment? Or building a home as well? Mr. Cupps answered living area is above the garage. Mapping was discussed. Mr. Zell asked if plan included boarding horses. Mr. Cupps stated no, only his own. Mr. Zell asked if had six horses. Mr. Cupps answered three currently, eventually six. Mr. Zawadzki stated six would be permitted by ordinance. Accessory structures and placement were clarified using maps. Mr. Berry asked about living quarters on the property, if apartment was only living quarters. Mr. Cupps stated apartment is only living area, lives in Chatham Hills in Westfield. Mr. Berry asked if apartment is planned on being vacant most of the time. Mr. Cupps stated it was to be used daily by himself and children. Mr. Berry asked about visitors using apartment, rental perhaps. Mr. Cupps said no. Mr. Zell questioned any waste/smell issues and how handled. Mr. Cupps stated has a service as well as rotating fields. Chairman Bockoski questioned docket number 6 and number 9, how far off is the request. Mr. Zawadzki replied as for the percentage of the primary structure, not even close as the primary is smaller than the barn. The other standard is 1900, this totals 1790. Chairman Bockoski stated number 10 is the material being used, the photos show stone. Mr. Cupps stated board and batten with stone but the issue is the two fronts which would be more expensive. Chairman Bockoski questioned if stone would be on all sides. Mr. Cupps stated thinks it will be all the way around, but if the percentage would match the covenants without. Mr. Zawadzki stated the ordinance reads primarily stone, we take that to mean 51%. Mr. Zell asked what type of fencing. Mr. Cupps stated typical wood, four board fencing. Mr. Zell expressed concern for maintaining. Mr. Berry asked, with this nice set up, are you planning on holding events or the public? Mr. Cupps answered maybe the neighbors for a BBQ, but nothing planned for public. Mr. Cupps added that the stone pillars in the fencing will be placed three on each side. Gate to the drive. Mr. Berry asked about the apartment, will there be electric, heat, water. Mr. Cupps stated yes, garage will be heated as well but not the barn.

Mr. Zell made motion to open all seven dockets for this property for public hearing. Mr. Berry second. All present in favor.

John Frank 46 Hickory Ridge Circle across from this property. What is the size of the structure besides the living quarters? Mr. Zawadzki stated it is part of record, asking Mr. Cupps if he recalled the square footage. Mr. Cupps replied not off top of his head. Square footage of residence? Mr. Zawadzki answered 1790 first floor which is garage, 1900 feet is ordinance minimum of footprint. Mr. Cupps added the barn is 46 x 60. House is 38 x 48. Mr. Zawadzki stated so the house is 1728 first floor, 2760 barn. Chairman Bockoski asked if that answered Mr. Frank's questions. He replied yes. Mr. Zawadzki read the actual ordinance.

Question asked if this was considered a barndominium. Discussion ensued. Answered by member of public that it is going to be built traditionally so would not be considered a barndominium.

Ian Heuer 25555 Scherer Ave, Arcadia barn is going to be a pole barn, the house will be built traditionally, with traditional frame. The overall size, 1728 second floor, garage space has bit more with total of 3456 sq ft. Chairman Bockoski asked in professional opinion, if this structure is considered a home. Mr. Heuer stated yes, being built as 3 beds, 2 full baths, living room. While unique that building above a garage, it is. Chairman Bockoski questioned if called home versus apartment. Mr. Culp states it comes down to the way it's defined in the ordinance, comes down to director but also note we know the intent it is going to be used. Mr. Schrupf asked if could be considered secondary residence, or vacation home. Mr. Culp stated for zoning, it doesn't matter, is it a residence or not.

Mr. Zell made motion to close the public hearing for these seven dockets. Mr. Massonne second. All present in favor.

Chairman Bockoski can continue discussion if needed but will roll call vote on each of the dockets. Mr. Zell expressed when hearing previous dockets, the public has expressed concern for subdividing properties. The covenants of Forest Bay do not allow for subdividing.

Discussion of any conditions ensued, and legal proceedings. Mr. Berry asked if in the event the property is sold, the nice set up, it seems possible that events would be possible. Mr. Culp stated they would have to get Use Variance.

Mr. Zell made a motion to approve Docket # 0323-04-R1 as presented. Mr. Schrupf second.

Mr. Bockoski-approve, Mr. Berry-approve, Mr. Schrupf-approve, Mr. Massonne-approve, Mr. Zell-approve.



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Mr. Zell made a motion to approve Docket # 0323-05-R1 as presented. Mr. Schrumpf second.
Mr. Zell-approve, Mr. Massonne-approve, Mr. Schrumpf-approve, Mr. Berry-approve, Mr. Bockoski-approve.

Mr. Zell made a motion to approve Docket # 0323-06-R1 as presented. Mr. Berry second.
Mr. Schrumpf-approve, Mr. Massonne-approve, Mr. Berry-approve, Mr. Zell-approve, Mr. Bockoski-approve.

Mr. Zell made a motion to approve Docket # 0323-07-R1 as presented. Mr. Massonne second.
Mr. Zell-approve, Mr. Massonne-approve, Mr. Schrumpf-approve, Mr. Berry-approve, Mr. Bockoski-approve.

Mr. Zell made a motion to approve Docket # 0323-08-R1 as presented. Mr. Berry second.
Mr. Zell-approve, Mr. Massonne-approve, Mr. Schrumpf-approve, Mr. Berry-approve, Mr. Bockoski-approve.

Mr. Zell made a motion to approve Docket # 0323-09-R1 as presented. Mr. Massonne second.
Mr. Bockoski-approve, Mr. Massonne-approve, Mr. Schrumpf-approve, Mr. Berry-approve, Mr. Zell-approve.

Mr. Zell made a motion to approve Docket # 0323-10-R1 as presented. Mr. Massonne second.
Mr. Zell-approve, Mr. Massonne-approve, Mr. Schrumpf-approve, Mr. Berry-approve, Mr. Bockoski-approve.

Petitioner: Andrew Ward

Property Address: 813 Lanyard Drive Cicero, IN 46034

Docket#: BZA-0323-11-R3

A Development Standards Variance application has been submitted concerning Article 7.21 of the Cicero/Jackson Township Zoning Ordinance in order to: Allow construction of an eight (8) foot tall fence in the side yard. Whereas Article 7.21 states that a fence may not be greater than six (6) feet in height, in the side yard in the "R3" district.

Andrew Ward 813 Lanyard Drive, Cicero looking for a barrier between properties, a partial section of fence to have a skirt to maintain a six-foot privacy fence. Elevation of first floors is a difference of 5-5' feet trying to get privacy to the backyards. Deck on back of property, explaining to bring fence to corner of home, utilized slides to show the variances. Would be six feet off Ward property using skirting on the other side. Roadside and streetside will be six-foot privacy.

Mr. Berry asked what the material would be for skirting. Mr. Ward stated treated 4 x 4 or 4x 6's depending upon elevation changes. Mr. Berry asked about the fence itself. Mr. Ward stated existing cedar, to match. This drives a couple of other projects in the future, concrete patio.

Mr. Massonne made motion to open to public hearing. Mr. Zell second. All present in favor.
No public comments.

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

Mr. Berry made motion to approve Docket # 0323-11-R3 as presented. Mr. Zell second.
Mr. Zell-approve, Mr. Massonne-approve, Mr. Schrumpf-approve, Mr. Berry-approve, Mr. Bockoski-approve.



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5. Plan Director's Report: Mr. Zawadzki gave summary of report that was included in the BZA packets. February 2023 permit revenue \$5941 with YTD \$9959, compared to 2022 revenue \$16063 month and \$27348 YTD 2022. That is a decrease of \$10122 for the month and \$17389 YTD 2023. Fourteen permits were issued for February 11 in town limits, two of which are new homes, 3 in township, one is a new home. Estimated costs of projects are \$2.21 million.
Other news: Auburn Estates section one is totally permitted, various stages, expect complete by mid-year. Tamarack section four, 69 lots, only 12 left.
Permits have been submitted and approved for Wastewater Treatment Plant, same site, expanded facilities, doubling capacity as well as improved processes. Expect bids for project to start next month. Expect it to last approximately a year. This is for waste to be clear. Discussion ensued on expansion. Mr. Culp shared information on County Overlay district and water treatment near US 31. Amory is still slated for 276th area.
6. Chairman's Report: Chairman Bockoski thanked everyone for attending as well as participating.
7. Legal Counsel's Report: Mr. Culp appreciated the project in the Forest Bay area as so many have been for subdividing in the past, which is prohibited.
8. Public Comment: No public comments.
9. Board Member Comments: Mr. Zell questioned follow up on the MI buffer areas, dead trees, next steps. Mr. Zawadzki stated discussion has started and optimistic on outcome before is HOA responsibility. Mr. Zell asked if crosswalk was being put in on Tollgate. Mr. Zawadzki stated still in plan. Mr. Culp stated it was part of the approval plan. Mr. Zell asked about Cicero Motors-abandoned cars and condition. Mr. Zawadzki stated was in office last week and agreed to get it cleaned up. Mr. Zell also thanked Mr. Zawadzki for the Talent Body property and excessive signage. Update on First Merchants will be followed up on by Mr. Zawadzki. Mr. Berry asked if the winery was being worked on or is that imagination. Mr. Zawadzki stated he was not aware of any. Concern expressed about permit expiration. Mr. Zawadzki will follow up on the permit.
10. Next Planned Board of Zoning Appeals Meeting: April 20, 2023
11. Adjournment: Mr. Schruppf made motion to adjourn. Mr. Massonne second. All present in favor.

Chairman:

Secretary:

Location:

Cicero Town Hall
70 N Byron Street
Cicero, IN 46034