



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Minutes**

April 20<sup>th</sup>, 2023

7:00 p.m.

**Roll Call of Members**

Present:

- ☐ Scott Bockoski - President
- ☐ 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 a quorum.

2. Approval of Minutes

**Mr. Zell made motion to approve minutes from March 23<sup>rd</sup>, 2023, meeting. Mr. Schrumpf second. All present in favor.**

Chairman Bockoski explained that BZA is a quasi-judicial branch of the government and gave rules to follow.

3. New Business – 3 items

**Petitioner:** Larry & Jan Unger

**Property Address:** 790 S Main Street

**Docket#:** BZA-0423-13-R3

A Development Standards Variance application has been submitted concerning Article 7.5 Accessory Structure Standards (AS) Section AS-02 of the Cicero/Jackson Township Zoning Ordinance in order to: Allow an accessory structure to exceed sixty percent (60%) of the finished floor area of the primary structure in the "R3" Residential Zoning District.

**Petitioner:** Larry & Jan Unger

**Property Address:** 790 S Main Street

**Docket #:** BZA-0423-14-R3

A Development Standards Variance application has been submitted concerning Article 3.8 "R3" Residential District Standards of the Cicero/Jackson Township Zoning Ordinance in order to: Reduce the rear yard setback from 20 feet to 8 feet in order to add onto an existing accessory structure (pole barn).

Jan and Larry Unger reside at 678 Coral Court, owners of property at 790 S. Main Street. Mrs. Unger stated would like to get the two items approved tonight. Asked if any questions. Chairman Bockoski questioned use of current buildings, to keep items stored, hidden and not in yards. Mrs. Unger stated there are a barn and two mini barns currently on the property. One is not in good shape and considering buying an RV would want to store inside. Maintain control of larger one would want to add 20 ft. to it. Would be removing the barn that is not in good shape.



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Mr. Zell asked for the timeframe for starting the project. Mrs. Unger stated have contacted contractor waiting on yes/no. Mr. Zell questioned timing on removal of other building. Mrs. Unger stated as soon as other one is done. Chairman Bockoski asked if any living quarters in the building. Mrs. Unger stated absolutely not, no water there.

**Mr. Zell made motion to open public hearing on these two items. Mr. Berry second. All present in favor. Chairman Bockoski invited public to speak on these two dockets. No public comment.**

**Mr. Zell made motion to close public hearing on these two items. Mr. Massonne second. All present in favor.**

Chairman Bockoski asked if further discussion by Board members. Mr. Zawadzki requested no business to be added as stipulation. Mr. Culp questioned if Board wanted to add timeframe for removal of damaged building. Chairman Bockoski stated in the record so official that way.

**Mr. Zell made motion to approve BZA-0423-13-R3 with the following conditions added: at no time will there be a business conducted in the barn, and upon approval, the indicated structure will be removed as soon as possible. Mr. Berry second.**

**Mr. Bockoski-approve, Mr. Berry-approve, Mr. Schrumpf- approve, Mr. Massonne-approve, Mr. Zell-approve.**

**Mr. Zell made motion to approve BZA-0423-14-R3 with following conditions: no business operated in the facility, upon approval the shed indicated to be removed as soon as possible.**

**Mr. Zell-approve, Mr. Massonne-approve, Mr. Schrumpf-approve, Mr. Berry-approve, Mr. Bockoski-approve.**

Chairman Bockoski stated next petitioner has three dockets.

**Petitioner:** Morse Haven

**Property Address:** 289 S Peru Street

**Docket#:** BZA-0423-17-NC

A Land Use Variance application has been submitted concerning Article 4.1 "NC" (Neighborhood Commercial) District of the Cicero/Jackson Township Zoning Ordinance in order to: Allow the property located at 289 South Peru Street, Cicero, Indiana to be used as a vacation rental with a swimming pool. Whereas: A vacation rental and swimming pool are not a Permitted Use or a Special Exception Use in the "NC" (Neighborhood Commercial) Zoning District.

**Petitioner:** Morse Haven

**Property Address:** 289 S Peru Street

**Docket #:** BZA-0423-18-NC

A Development Standards Variance application has been submitted concerning Article 7.8 Buffer Yard Standards (BY) Section BY-01 of the Cicero/Jackson Township Zoning Ordinance in order to: Allow the Buffer Yard to be installed per Article 7.8 Buffer Yard Standards (BY) Section BY-01 as required except for the area where the existing garage is located.

**Petitioner:** Morse Haven

**Property Address:** 289 S Peru Street

**Docket #:** BZA-0423-19-NC

A Development Standards Variance application has been submitted concerning Article 7.5 Accessory Structure Standards (AS) Section AS-04 of the Cicero/Jackson Township Zoning Ordinance in order to: Allow a third (3<sup>rd</sup>) Accessory Structure (Swimming Pool) on the property located at 289 South Peru Street, Cicero, Indiana. Whereas:





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Article 7.5 Accessory Structure Standards (AS) Section AS-04 states: No more than two (2) Accessory Structures are permitted on a lot.

Chairman Bockoski stated will hear all three at the same time. Mr. Culp questioned hearing the Land Use first then the other two dockets. Chairman Bockoski instructed the petitioner to only address the Land Use first.

Sally Bowden 24 Forest Bay Lane Cicero. Vacation rental business for last 20 years. (Slides used) Purchased the old florist property last year. Front house, back house, and garage on the property. The back house was in good shape, front was a commercial property requiring a lot of remodeling to return to residential property. Pictures shown of interior of both homes. Intent is to provide lodging for overnight guests that come to town to enjoy our town. As well as overflow lodging for residents. Get a lot of calls currently looking for this as well as folks in transition from one home to another, looking for a short-term rental. Anticipate getting Grand Park traffic and utilizing local artists to showcase their work. Realize there are aesthetic reviews, parking, lighting that will need to happen. Timing of the pool will be next year, but anxious to get safety items completed. Like to be open by Memorial weekend.

Chairman Bockoski asked regarding the swimming pool, is the use only for those guests staying at the location. Ms. Bowden stated yes. No other outside tenants. Mr. Berry asked is that only for tenants or could they invite friends. Ms. Bowden answered we will be limiting the number of people per unit, and they would be the only ones allowed use of the pool. Mr. Berry asked how many people total will be allowed in the facility. Anticipating without discussing with Steve, front house 6-8 and back house 4-6. Mr. Zell asked for clarification on timing, open Memorial for the houses but pool next year. Ms. Bowden stated correct. Mr. Zell asked the location of the pool is expected to be where there was a large garden. Mr. Zell questioned the corner piece. Ms. Bowden stated likely incorporate into the pool area, there will be fencing after the pool is in. Mr. Zawadzki clarifies for the record, when mentioning Steve, that is Assistant Fire Chief Steve Smith. Mr. Massonne questioned the type of fencing around pool since along ST RD 19, assuming privacy fence. Ms. Bowden stated envisioning rod iron would look better but does still have to go through the Aesthetic Review process. Mr. Zell asked if been before the Plan Commission and where it stands. Mr. Zawadzki stated yes, have done the Aesthetic Review for the outside colors of the buildings. Have not done the Aesthetic Review for signage, lighting, landscaping, fence. Ms. Bowden added if this didn't get approved there was no reason to continue.

Chairman Bockoski stated there is letter to be added to the record.

Letter read at meeting: Summarized as discussion on safety precautions, need for state design release regarding property at 289 Peru St. by Frank Zawadzki and AFC Steve Smith. SDR determined by stated to not be needed, however concerns for consideration were shared via letter.

Mr. Zawadzki shared those concerns for consideration as follows: Egress lighting be added to exterior doors, address plaque be added to 289 structure (for identifying second structure), two fire extinguishers added to both buildings and one in the proposed game room, swimming pool is not to be rented outside of renting of buildings. Chairman Bockoski asked that the letter be added to file.

**Mr. Massonne made motion to open to the public hearing. Mr. Zell second. All present in favor.**

**No public comment.**

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

Mr. Zawadzki stated he has another letter sent to him.

Stan Widows adjoining neighbor to property. (Summarized) In favor of improvements to Cicero, not in favor of a swimming pool in front area along Peru St. With garage, apartment, and house could sleep 15-20 people. Have rental property to the south, with young couple, concern for future rentals with this type of business next door. Do not see it as a benefit to the town or neighbors.





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Mr. Zell questioned if contingent upon Plan Commission approval. Mr. Culp stated they would have to sign off.

**Mr. Massonne made motion to approve Docket# BZA-0423-17-NC including the five items from the letter by Frank and Steve, and contingent upon Planned Commission approval. Mr. Zell second.**

**Mr. Massonne-approve, Mr. Zell-approve, Mr. Bockoski-approve, Mr. Berry-approve, Mr. Schrumpf-approve.**

Chairman Bockoski moving on to other dockets, first is a buffer yard except where garage is located, second is the additional structure which is the swimming pool. Any additional items to be added by petitioner.

**Mr. Berry made motion to open both dockets to the public for hearing. Mr. Massonne second. All present in favor.**  
No public comments.

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

Mr. Culp stated Mr. Widows' letter is still applicable to these two dockets.

Mr. Massonne buffer to the garage, the pool should be reviewed by Aesthetic Review and regarding fencing the view should be considered. Agreement indicated.

Chairman Bockoski questioned what the other structures are. Clarification by Mr. Zawadzki the 289 ½ is one, garage is second, making the pool the third accessory structure. Chairman Bockoski questioned if addressing the 289 ½ is it no longer an accessory structure. Mr. Zawadzki stated can only be one primary structure per property. Mr. Culp added the only way is to subdivide the property.

**Mr. Zell made motion to approve BZA-0423-18-NC as presented. Mr. Massonne second.**

**Mr. Zell -approve, Mr. Massonne-approve, Mr. Schrumpf-approve, Mr. Berry-approve, Mr. Bockoski-approve.**

**Mr. Berry made motion to approve BZA-0423-19-NC as presented with condition of approval by Plan Commission. Mr. Schrumpf second.**

**Mr. Schrumpf-approve, Mr. Zell-approve, Mr. Berry-approve, Mr. Massonne-approve, Mr. Bockoski-approve.**

Chairman Bockoski stated approve, and to continue with Plan Commission process.

Chairman Bockoski stated to continue with final petitioner of tonight. There are 10 docket numbers with this property, reading all of them and continue with the first one. Approval of that one will determine next steps.

**Petitioner:** Hoosier Wildlife

**Property Address:** 610 N Peru Street

**Docket#:** BZA-0423-20-R4/NC

A Land Use Variance application has been submitted concerning Article 3.9 and Article 4.1 of the Cicero/Jackson Township Zoning Ordinance in order to: Allow a Wildlife Rescue Service Organization in the "R4/NC" District. Whereas a Wildlife Rescue Service Organization is not a permitted use or a special exception use in the "R4" or "NC" District.

**Petitioner:** Hoosier Wildlife

**Property Address:** 610 N Peru Street

**Docket No.** BZA-0423-21-R4

A Development Standards Variance application has been submitted seeking relief from Article 7.5 (Accessory Structure Standards AS-02) of the Cicero/Jackson Township Zoning Ordinance in order to: Allow for a third (3<sup>rd</sup>) accessory structure, whereas ordinance states no more than (2) two enclosed accessory structures are permitted on a lot.



## **CICERO/JACKSON TOWNSHIP PLAN COMMISSION**

**Petitioner:** Hoosier Wildlife

**Property Address:** 610 N Peru Street

**Docket No. BZA-0423-22-R4**

A Development Standards Variance application has been submitted seeking relief from Article 7.5 (Accessory Structure Standards AS-02) of the Cicero/Jackson Township Zoning Ordinance in order to: Allow for a fourth (4<sup>th</sup>) accessory structure, whereas ordinance states no more than (2) two enclosed accessory structures are permitted on a lot.

**Petitioner:** Hoosier Wildlife

**Property Address:** 610 N Peru Street

**Docket No. BZA-0423-23-NC**

A Development Standards Variance application has been submitted seeking relief from Article 7.13 (Parking Standards PK-05) of the Cicero/Jackson Township Zoning Ordinance which states that a maximum of 30% of parking spaces shall be installed in the front of the primary structure.

**Petitioner:** Hoosier Wildlife

**Property Address:** 610 N Peru Street

**Docket No. BZA-0423-29-R4**

A Development Standards Variance application has been submitted seeking relief from Article 7.5 (Accessory Structure Standards AS-02) of the Cicero/Jackson Township Zoning Ordinance which states a accessory structure shall not exceed 60% of the Finished Floor Area of the Primary Structure.

**Petitioner:** Hoosier Wildlife

**Property Address:** 610 N Peru Street

**Docket No. BZA-0423-30-NC**

A Development Standards Variance application has been submitted seeking relief from Article 7.13 (Parking Standards PK-03) of the Cicero/Jackson Township Zoning Ordinance which states that all parking lots must be paved with asphalt or concrete or other durable material.

**Petitioner:** Hoosier Wildlife

**Property Address:** 610 N Peru Street

**Docket No. BZA-0423-31-NC**

A Development Standards Variance application has been submitted concerning Article 7.13 (Parking Standards PK-04) of the Cicero/Jackson Township Zoning Ordinance to allow only (4) four parking spaces whereas ordinance requires (14) fourteen parking spaces for a general or professional office use in the "NC" District.

**Petitioner:** Hoosier Wildlife

**Property Address:** 610 N Peru Street

**Docket No. BZA-0423-32-NC**

A Development Standards Variance application has been submitted seeking relief from Article 7.13 (Parking Standards PK-03) of the Cicero/Jackson Township Zoning Ordinance which states: The interior of all parking lots shall be landscaped with (1) one deciduous shade tree per (10) ten parking spaces.

**Petitioner:** Hoosier Wildlife

**Property Address:** 610 N Peru Street

**Docket No. BZA-0423-33-R4/NC**





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A Development Standards Variance application has been submitted seeking relief from Article 7.23 (Misc. Standards MS-04) of the Cicero/Jackson Township Zoning Ordinance which states: The minimum lot size to be able to have any farm animal on any lot or combination of any lots is (3) three acres.

**Petitioner:** Hoosier Wildlife

**Property Address:** 610 N Peru Street

**Docket No. BZA-0423-34-R4/NC**

A Development Standards Variance application has been submitted seeking relief from Article 7.23 (Misc. Standards MS-04) of the Cicero/Jackson Township Zoning Ordinance which states: Small Animals and Very Small Animals shall have .5 acre or .1 acre of fence pasture per animal.

Chairman Bockoski stated will discuss the first item then move on to the others.

Rebecca Hamlin Director of Hoosier Wildlife 1200 Cedar St. Elwood, IN expressed appreciation of everyone's time and consideration. Hoosier Wildlife Rescue is a rehabilitation facility working with DNR to take in injured, sick, and wounded native Indiana wildlife to take care of injuries. Are a 501C3 non-profit. Work with four people. Wanting to move into space because need more space. Rehabilitate reptiles, small mammals, amphibians currently, do not do birds or waterfowl. Ms. Hamlin shared other services in area, closest is Westfield. Explanation of Indiana law and how it pertains to rehabilitation. Proposing to build three structures for holding animals. Fix up house and have office. 10x8 raptor building would be one. Proposing minimal standards for all holding areas. Pictures shared; each one explained the purpose, people would not be able to see the animals. Structure would be dark green to blend in and have no plans to remove any existing vegetation, it would be used for camouflage. Each enclosure has dual entry, inspected by DNR. Second building is a 16x16 structure, for songbirds. Mammal cage is the third structure. Processes explained for vaccination and release. Security and light protocol shared, no bright lights, security camera for motion. All access areas have camera surveillance. Neighbors would not be able to see any animals in the enclosures. Explanation given of who would be contacted should an animal be able to escape was shared. No coyotes are handled, no bobcats, some foxes if severe mange. Ms. Hamlin shared detailed information concerning care for the animals and processes. Explaining minimal noise level, release procedures for different animals. Presentation included real estate information of similar locations in other communities. Rely on donations and grants to operate and improving each year.

Chairman Bockoski thanked for the thorough presentation. Couple of questions raised, during presentation were clear that the staff and Ms. Hamlin are the only ones on the property per license, but at the end indicated possible tours. Will you have groups come to the property and how many if so. Ms. Hamlin stated she had not had groups come to the property but usually goes to them. Has been contacted but would only be one room in the home. Groups usually want to do an activity which is best suited to parks. Chairman Bockoski questioned the release, is it a designated area. Ms. Hamlin stated yes, designated with approvals for release. Mr. Zell questioned fencing on two sides, why not on all sides of perimeter. Ms. Hamlin stated it is already there, can add more but the enclosures are all fully enclosed themselves. Mr. Zell questioned how location was picked, do you own that property. Ms. Hamlin stated no, lease the property. Looking for place to grow to be able to take in birds. Mr. Zell stated his concern of the zoning of R-4, with a lot of homes in the area, first indication is to question why not in the country someplace. Ms. Hamlin stated office is in Fishers, but because of the drive that people would have to make. Currently we are in Elwood if Westfield people would not make the drive. Mr. Zell asked about liability insurance is required. Ms. Hamlin stated has insurance quotes for the area. Ms. Hamlin stated it is not uncommon for it to be in a residential district. Mr. Zell read the definition of R-4 zoning intent, expressing concern for spot zoning. Mr. Zell expressed concern about the project. Ms. Hamlin stated the back section would not be changed.

Mr. Berry questioned wildlife only, no domesticated animals. Ms. Hamlin stated correct, with the largest being a

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raccoon. Mr. Berry asked you pick up the animals, and if the police do, you cannot take them, how do animals come to you. Ms. Hamblin answered animals must be found by people, they are reported to us, we quarantine them then take to vet. Police departments will sometimes reach out to us. Mr. Berry questioned a trapped animal. Ms. Hamblin stated only take injured animals.

**Mr. Zell made motion to open the public hearing on this Land Use Variance docket. Mr. Berry second. All present in favor.**

Chairman Bockoski reminded everyone to step to podium and address the board, stating your name and address for the record.

*Recorder summarized public comments as follows:*

Andrew Kinney 580 Iron Bridge Road. Thanked the Board for their time, expressed appreciation for presentation and noble cause. Topic of concern is location, the fact that it would not impact our home values is not accurate. Three separate sources were quoted as negative impact to the Cicero Shores properties. Concern for train noise and impact to the animals. Article quoted with negative impact to birds on noise. Concern for traffic, information shared that animals may be brought but at a minimum people coming and going to take care of animals daily. Smells and noises with open enclosures is not appetizing. Also expressed concern for the fact of 10 variances, this animal rescue was not meant to go into a residential area if it takes 10 variances. Standards in our zoning do not allow animal rescues. End on a quote: We should strive to protect the district from conflicting land uses, and not family-oriented business. Do not want in my neighborhood.

Dr. Anita Pairitz, owner of this property. Point out that the front part is zoned commercial, could put in a bakery. It is meant to look like a house, not to stand out. That's why don't want the parking lot. House is rough, which is part of the reason we contacted these folks. It is a family business, caring for wildlife. Understand concern for residential and want it to look like residential. Want to do something for the community that is good. Expressed need in the community for the services.

Larry Murdock 650 N. Peru, kennel that was referenced is a foster situation. Real estate experience and as mentioned, we are not Elwood, we are Hamilton County. The most affluent county in the state and we are not talking \$50,000 but \$300,000 home and no one is going to come in and buy at that level near something like this. Raccoons destructive to steel buildings let alone the ¼ inch plywood structures. Concern about diseases being carried to the area, with doctors and dentist offices as well as school across the street. Land use in itself, an applicant that wants to run a commercial operation without doing the things to operate commercial business in town. If this was in the country, probably would be a volunteer but not here in town.

Nicki Wert 609 Iron Bridge Road, which is directly behind the property. Two small children who are very curious have chain link fence but if animals were to get out, concern for the closeness to property. Love the idea but not the location.

Briana Zawadzki 49 1/2 Bryon Street Cicero. Speak on behalf of Hoosier Wildlife. Thanked Rebecca for her thorough presentation. Does not increase the number of wild animals in our community. Believe the kindhearted people in community want to take in and care for injured wildlife, however not trained. Hoosier Wildlife has tools, and training to do so. Can offer educational purposes for the community, to be a safer community.

Lavonna Zosso 729 Iron Bridge Road, on track side. Very thrilled for this project. Not concerned for property values. Does rescue and often turned away, DNR limits number of days can assist the injured. Duty to protect





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nature. Hope community supports.

Chris Elliot Booker Realty, Concern for property values, amount of noise alone from birds and train.

Madeline Cole directly south to this property 570 N. Peru. Purchased in 2022 and excited to be part of quiet community with a bit of land. Owners of property also own lake property which is well kept. Looked forward to property being improved, previously cats and racoons living in attic of property. While roof has been replaced, that is where improvements have stopped. Owners come to feed stray cats, so they are around the area. Concerns for this project being next door. Concern for the property values and do not want next door to \$400,000 home. Property values as well as the fact of renting the property and what could be next if zoning changes are made are a concern. Visibility can look out and see everything in the back yard do not want to see big bird cages. Concerns mentioned for smell, impact of train, personal pets, and impact to them. Do not like the idea of people coming and going daily and impact to quiet neighborhood. Great cause but not the right location, no benefit to the ones that live in neighborhood.

Shannon Purdie 290 Peru St. Cicero, friends with lady that just spoke, can see everything year-round from her home. Applaud all previous comments and concerns. Added that deer was mentioned yet also said nothing bigger than raccoon, this did not match up. Live across the street from previous auto place, security lights even with shades is disturbing, people living next door will have to deal with all the lighting mentioned. Traffic is also a concern.

Tracy Loy 709 Iron Bridge Rd. Passionate for the rehab center. Concern for lack of communication about the proceedings. People are concerned for traffic but zoned commercial so anything could go into that property, bakery, hairdresser, etc. Concerns/questions about size of animals, her foundation does the larger animals but not at this location. Most work will be done inside of the home, a medical facility, and rest in cages. Inspections will be done. Waste concerns versus dog waste should be less. There are foxes living along tracks and owls, the train should not be a concern.

Jeanine Reynolds 530 N. Peru St. Have large family, and do not want to see in town. Keep children safe.

Shelley Murdock 650 N. Peru St. Heard from my husband earlier, brought pictures of damage from racoons from work property. Concerned for property values. To know that racoons were living in the home before and feeding cats. Concerned for property values as well as physical damage to homes, vehicles etc. Hard to remove once they know they can get food and start breeding there, they return. Presentation talked about diseases, racoon ringworm is different than human ringworm. This can be a public health issue. Love the idea but not the area, talk to Koteewi as they have the land.

Sherry Inman 501 W. 216 St. Sheridan. Ms. Inman states she is a rehabber in Hamilton County. Responding to the comments made. Regarding smell- smack in the middle of the county and my neighbors don't even realize I have animals. Most small or injured they are indoors, when older or larger they go outdoors to learn to take care of themselves. No smells or issues with them getting out. DNR does do inspections, spot checking unannounced even. Cage cleanliness is reviewed closely. License renewal is at risk otherwise. This is not a cheap venture, because of costs very few people take this on. Housing growing at such a great rate, the animals do not have anywhere to go. Receive calls every day that have to be turned away due to not having enough people doing this type of work. Vaccinations are done to prevent diseases when released. Majority of animals will be inside. Cage restrictions and requirements were emphasized. Rehabbers work together to manage the number of animals at





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one facility. Some people were concerned about the train tracks and noise. Animals adapt to this type of sound. Raccoon issues addressed; her animals are not going to be a threat to structures as they would be inside. Food has to be measured and will be in the enclosures not just thrown into the yard. Animals will not be released on the site, so they are not adding to the neighborhood. Emphasized that the structure is to remain looking like a house, not a commercial business. From another rehab person in Hamilton Co. this is so needed.

Megan Kinney 580 Iron Bridge Rd. No question this is needed, no question that people of Cicero love wildlife. What is in question is the location. No question that it is needed, but why this location. Why is it not in the country. The number of variances and the acreage variances required for animals is a concern. Why breaking the variances.

Nick Nix 609 Iron Bridge Rd. in the case of the fox and birds around the tracks they choose the area, the wildlife being brought in does not, how the noise impacts them is unknown. Children in the area, neighborhood is full of kids and should be considered. Feel the project is awesome but location is not right.

Victor Leach 539 Peru St. Whole thing is about property values, nothing to say improving values. Better spot would be down 19 by the vet clinic.

Todd Pairitz 560 Iron Bridge Rd. owner of property, a lot being said, appreciate everyone's comments. Goal was to preserve the property as it is, the tree line etc. Property has been neglected for quite a while; renters did not maintain it. No raccoon but did have a squirrel. What the town is about, nature, thought this is a good fit for the property. Growth in the area contributes to the orphaned wildlife. Funds for purchasing land in the country for a non-profit is unlikely. As property owner, concerned about value as well. Trust the experts and DNR. Cages are not permanent structures, could be removed in future. Number of animals versus acreage is concerning farm animals; this is wildlife.

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

Chairman Bockoski invited petitioner to podium to address concerns.

Rebecca Hamblin shared information regarding Westfield office, property assessments. Sheet provided to Board with details. Showing that property values were not impacted by the Westfield wildlife center.

Chairman Bockoski stated know where you are going with this information, is there more you wanted to address.

Ms. Hamblin stated many people commented on being in country, if could purchase 60 acres, would but leasing to get a jump start on the center. Requirements for caging would not change if 60 acres, or 5 acres, or 3 acres. 99% of rehab is inside the house.

Chairman Bockoski asked if in situation to hear the train. Ms. Hamblin stated yes. Chairman Bockoski asked how many skunks. Ms. Hamblin stated none, have friend with Indiana Skunk Rescue that contact. Chairman Bockoski asked the average amount of time that racoon is in the facility. Ms. Hamblin stated depends on species, requirements have to be met for size, etc. 20-22 weeks inside, 25 weeks released. Chairman Bockoski questioned signage. Ms. Hamblin stated would only consider a small sign on the house, not that someone driving by sees, but if looking for us, identifies.

Chairman Bockoski next question is for Mr. Zawadzki, if in an AG district would this require a variance. Mr.

Zawadzki stated would require several of them, parking lot etc. Ms. Hamblin spoke to Madison County, and it would require land use. Mr. Culp stated that would be their ordinance.

Chairman Bockoski stated feel this is a needed situation but goes back to location. If this would not pass, would hope the petitioner would look elsewhere in the community. Mr. Schrupf echo thoughts, would have trouble.





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when our ordinances do not allow chickens in backyard.

Mr. Culp stated after review, would come down to Plan Director interpretation in an AG district, would be a Special Exception. We do allow a kennel, which would be the closest description, which is permitted as a Special Exception.

This would be up to details at that time.

Chairman Bockoski asked if further questions. Mr. Zawadzki stated he have a few letters to submit.

*Letters added to the file and recorder summarized as follows:*

Mr. Zawadzki stated one is a letter from person with petition attached.

Letter- opposed to project-effect of wildlife rescue compound would have on property values in this area. Traffic concerns, safety concerns for potential escaped animals. Signed by Andrew Kinney and 16 others.

Letter-Caleb Shepland concerned about sickly animals, how might impact values and long-term neighborhood aesthetics.

Letter- Jody Humes neighbors had expressed concerns, concern for lighting of the area, saw plans and support the wildlife rescue.

Mr. Zawadzki addressed the farm animal question from earlier, Chapter 16 of zoning ordinance discusses animals that were potentially going to be seen at facility, foxes in particular. The other was if needed or not needed so it was added as a variance.

Mr. Culp addressed the notice information; the ordinance dictates 600 feet from property line or two parcels deep whichever is less. The other issue is with Plan variance, you have to prove hardship exists, it cannot be purely financial, or I want to do what I want to my property.

Mr. Massonne made motion to approve BZA-0423-20-R4/NC as presented. Mr. Zell second.

Mr. Bockoski-no, Mr. Berry-no, Mr. Schrupf-no, Mr. Massonne-no, Mr. Zell-no Motion failed to pass.

Chairman Bockoski questioned if the petitioner needed to go forward with the rest. Mr. Culp stated would be up to the petitioner. Mr. Zawadzki stated the pole barn could be applicable.

**Petitioner:** Hoosier Wildlife

**Property Address:** 610 N Peru Street

**Docket No.** BZA-0423-21-R4

A Development Standards Variance application has been submitted seeking relief from Article 7.5 (Accessory Structure Standards AS-02) of the Cicero/Jackson Township Zoning Ordinance in order to: Allow for a third (3<sup>rd</sup>) accessory structure, whereas ordinance states no more than (2) two enclosed accessory structures are permitted on a lot.

**This is not the correct one. Mr. Zawadzki stated that BZA-0423-29-R4 is the correct one for the pole barn.**

**Petitioner:** Hoosier Wildlife

**Property Address:** 610 N Peru Street

**Docket No.** BZA-0423-29-R4

A Development Standards Variance application has been submitted seeking relief from Article 7.5 (Accessory Structure Standards AS-02) of the Cicero/Jackson Township Zoning Ordinance which states an accessory structure shall not exceed 60% of the Finished Floor Area of the Primary Structure.





## **CICERO/JACKSON TOWNSHIP PLAN COMMISSION**

Todd Pairitz 560 Iron Bridge Road, owner of the property. The home does not have an attached garage, looking to add a 40x60 pole barn on the property. Pictures included in the packet. This would be for personal storage. The height requirement is met but the square footage is in excess. A 30x40 would be allowed, however looking for storage for personal car, boat, trailer, and equipment for maintaining yard. Properties in the area have similar barns in this size.

Chairman Bockoski questioned the drive is not an issue, just the size. Mr. Berry asked if utilities would be at building. Mr. Pairitz stated water, sewage, bathroom, and electric, no living quarters. Mr. Zell asked if operating a business. Answer no. Chairman Bockoski asked what type of lighting. Mr. Pairitz stated down lighting, to accent the wall.

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

Andrew Kinney 580 Iron Bridge Road. Know water usage is an issue in Cicero, want that to be considered. Whether that is needed, and questioned business usage as have heard rumor it would be used for boat storage. A year ago, he spoke against variances being the norm. Fought against a previous variance of 1'8" of a home. Should not be the norm for variances.

Madeline Cole 570 Peru St. What is the timeline and what can be done to clean up the house.

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

Chairman Bockoski asked petitioner what the timeline would be for this project. Mr. Pairitz answered a year or two possibly. Chairman Bockoski asked about drainage to Mr. Zawadzki. He answered the surveyor does not have to get involved due to being in the town limits, would be handled through permitting process. Chairman Bockoski stated would be contingent though. Mr. Massonne questioned the drive, is that the state. Mr. Zawadzki stated the green lines were for the original project. Can use the existing drive for this only. Mr. Pairitz asked to address the boat storage rumor. The two boats in the picture would be mine, not renting or leasing space, all personal items. Mr. Berry questioned the size of the primary structure and comparison to this building. Answer found.

Conditions discussion ensued.

**Mr. Zell made motion to approve BZA-0423-29-R4 as presented with following conditions: shall at no time a business operated out of structure, building should be completed within two years of start, no residential use.**

**Mr. Berry second.**

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

Chairman Bockoski asked petitioner to follow up with Mr. Zawadzki on next steps.

**Chairman Bockoski stated the following dockets were withdrawn: BZA-0423-21-R4, BZA-0423-22-R4, BZA-0423-23-NC, BZA-0423-30-NC, BZA-0423-31-NC, BZA-0423-32-NC, BZA-0423-33-R4/NC, BZA-0423-34-R4/NC.**





## CICERO/JACKSON TOWNSHIP PLAN COMMISSION

4. Plan Director's Report: Mr. Zawadzki permit revenue for March 2023 \$13025, YTD \$22984, for March 2022 \$16220 and YTD \$43568. That is a decrease from 22 to 23 of -\$3195 and -\$20584 for the year. Did issue 26 building permits, 17 inside town limits with 5 being new homes, 9 in township-1 new home. Estimated cost of projects is \$5.5 million. Other news: Auburn Estates section 1-all permitted, Tamarack section 4-has seven lots remaining. This month also certified in Damage Assessment, and permit for Wastewater plant has been completed. Chairman Bockoski asked what the certification meant. Mr. Zawadzki answered in cases such as a tornado, would be able, along with safety guys and county guys, to assess damage. Area would be split up allowing quicker response. Mr. Zell thanked Mr. Zawadzki for his follow-up on the west side signage issues.
5. President's Report: Chairman Bockoski stated all the prep work for tonight was extensive and thank you.
6. Legal Counsel's Report: No report.
7. Public Comment:
8. Board Member Comments: Mr. Berry asked where stood on the new ordinances. Mr. Culp stated first have to do the Comp Plan update, the RFP was requested this last week. This is usually a six-month process. If referring to the overlay district, do not want to wait for the comp plan. The previous plan is reviewed then updated. Ordinances could be tweaked only, which is expected. Discussion on notes regarding the ordinances.
9. Next Planned Board of Zoning Appeals Meeting:  
May 18<sup>th</sup>, 2023
10. Adjournment: Mr. Massonne made a motion to adjourn. Mr. Schrumpf second. All present in favor.

Chairman: Joe Bull

Secretary: Dennis Schrumpf

Date: 6/22/23

Location:  
Cicero Town Hall  
70 N Byron Street  
Cicero, IN 46034