



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

BZA-0623-37-AG Brian Spear
BZA-0623-38-R1 Robin Pennington
BZA-0623-39&40-R3 Scott & Carrie Simpson
BZA-0523-35/36 & 40-AG Reuben Arvin
BZA-0623-43/44/45-AG Beck's Superior Hybrids

Board of Zoning Appeals Meeting Minutes

June 22nd, 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 a quorum with all members present.
2. Approval of Minutes- **Mr. Zell made motion to approve minutes from April 20th, 2023. Mr. Schrumpf second. All present in favor.**
3. New Business

Petitioner: Brian Spear

Property Address: 26797 Crooked Creek

Docket#: BZA-0623-37-AG

A Development Standards Variance Request application has been submitted concerning Article 7.21 of the Cicero/Jackson Township Zoning Ordinance in order to: Increase the fence height from 36 inches to 56 inches. Whereas; Article 7.21 states that a fence may not be greater than 36 inches in height in the front yard in the "AG" District.

Andy Wert with Church, Church, Hittle and Antrim, Noblesville, representing Brian Spear. Petitioner owns three lots; fence has been constructed in two and wanting to extend to third where house is being built. Informed after the horse fence was completed that it was too tall for the subdivision. Not a solid fence but does fall into the drainage easement and filed for enforcement with drainage board, while does not affect this variance disclosing the information.

Chairman Bockoski stated he felt the board understood why the need for a horse fence height to be higher. Also suggested this be something the Board reviews in the standards of the AG district. Mr. Zell questioned what the Big Cicero Creek Drainage Board plays in this variance. What is the situation. Mr. Wert stated has filed and may go



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before the Board. Mr. Zell questioned Mr. Culp if motion needed to be made contingent upon approval of Board. Mr. Culp said yes and would suggest it be made contingent.

Mr. Schrumpf made motion to open public hearing for Docket BZA-0623-37-AG. Mr. Berry second. All present in favor.

No public comment.

Mr. Schrumpf made motion to close the public hearing. Mr. Massonne seconded. All present in favor. Chairman Bockoski asked if further questions by Board. No further discussion.

Mr. Massonne made motion to approve BZA-0623-37-AG with the condition of Drainage Board approval before fence is installed. Mr. Zell second.

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

Petitioner: Robin Pennington

Property Address: 17 Point Lane

Docket#: BZA-0623-38-R1

A Land Use Variance Request application has been submitted concerning Article 3.3 of the Cicero/Jackson Township Zoning Ordinance in order to: relocate a beauty salon business to a home in the "R1" residential district. Whereas; a beauty salon business is not a Permitted Use or Special Exception Use in the "R1" residential district.

Robin Pennington 17 Point Lane, wanting to move beauty shop to home as husband has been diagnosed with Alzheimer's and I need to be there.

Mr. Schrumpf stated Ms. Pennington is his hair person and feels can be fair, but if Board desires can recluse himself. Mr. Zell stated he did not feel it necessary. Chairman Bockoski stated he felt would leave on board.

Mrs. Pennington stated have operated the shop for 33 years downtown, babysit grandkids, lived Point Lane for 12 years. Do not need parking, have three acres, shop will be in home.

Chairman Bockoski stated for the record, you will have one customer at a time, no parking needs, and questioned if there are any handicap requirements that will be necessary. And assume daytime hours, no lighting needs. Mrs. Pennington stated she works two full days a week. Chairman Bockoski asked if drive is currently paved. Mrs. Pennington stated cannot see house from road, neighbors cannot see house, no signage necessary. Moving towards retirement but seems like this is the time, hopefully he won't get bad but preparing. Chairman Bockoski explained that people tend to get concerned that we are setting a precedence for operating businesses. Each case is treated on a case-by-case basis. Mr. Berry questioned stated building addition. Mrs. Pennington said yes but now looking at changing one of the garage bays into the shop. Things changed since turning in all the paperwork.



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Drainage and sewage under drive all adding costs, decided to convert a garage stall. Mr. Berry questioned no other construction but assume toilet facilities and water, will current system handle the volume. Mrs. Pennington agreed, two full days additional 8 customers.

Mr. Zell made motion to open public hearing for BZA-0623-38-R1. Mr. Schrumpf second. All present in favor.

Mr. Zawadzki stated has received letters concerning this variance. Letters will be added to the file.

Recorder summarized as follows:

1. Tom Luthman in favor of request, most considerate neighbors and will respect rights of others.
2. Vicki and Edward Rieskamp, 15 Point Lane do not object to this request do not feel it would be a distraction to the neighbors.

No further public comment.

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

Chairman Bockoski stated now closed to public, are there any Board questions or comments. Mr. Berry asked if there is a need for contingency on applying to only this business in case home sells cannot have another business. Chairman Bockoski stated he agreed and good point.

Mr. Massonne made motion to approve BZA-0623-38-R1 with the condition that it stays with the current property owners until property is sold. Mr. Zell second.

Mr. Massonne-approve, Mr. Schrumpf-approve, Mr. Zell-approve, Mr. Berry-no, Mr. Bockoski-approve.

Motion passed 4-1.

Petitioner: Scott & Carrie Simpson

Property Address: 840 Main Street

Docket#: BZA-0623-39-R3

A Development Standards Variance application has been submitted concerning Article 3.8 of the Cicero/Jackson Township Zoning Ordinance in order to: Allow a swimming pool which is an accessory structure, to be installed with a 12-foot rear setback on this parcel whereas "R3" District Standards require a 20-foot rear setback for an accessory structure.

Chairman Bockoski stated there is a second docket for this petitioner, will discuss together but vote separately.

Docket No. BZA-0623-40-R3

A Development Standards Variance application has been submitted concerning Article 3.8 of the Cicero/Jackson Township Zoning Ordinance in order to: exceed the 45% maximum impervious surface area allowed of a lot in the "R3" district, whereas "R3" district standards state that the square footage of all primary and secondary structures cannot exceed 45% of the lot area.

Chairman Bockoski stated will discuss at the same time but vote separately.



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Scott Simpson 840 Main Street-moved to Cicero last year lived in existing home prior to moving into this one. That home had a pool that we enjoyed, after we bought home, we wanted to move the pool. Had done the patio etc. and didn't realize the 45% rule. Chairman Bockoski stated the reason tends to be drainage with the 45% rule, have noticed any issues. Mr. Simpson stated behind is a field that yard drains to, where pool will sit on patio will continue to drain to that field, won't disturb anything just go to the fence line. Chairman Bockoski asked if neighbors.....

At this point recording cut off- no further information is available as audio.

The rest of the minutes are being re-constructed from notes.

Petitioner: Reuben Arvin

Property Address: 8140 E 279th Street

Docket#: BZA-0523-35-AG

A Land Use Variance application has been submitted concerning Article 3.1 of the Cicero/Jackson Township Zoning Ordinance in order to: Allow a two (2) family home on this parcel whereas a two (2) family home is not a Permitted Use or a Special Exception Use in the "AG" District.

Motion did not pass. Mr. Massone – no, Mr. Schrumpf – approved, Mr. Zell – approved, Mr. Berry – no, Mr. Bockoski – no. Motion did not pass. 3-2. Massone made motion to approve BZA-0523-35-AG. Mr. Zell second.

Docket #: BZA-0523-36-AG

A Development Standards Variance application has been submitted seeking relief from Article 3.2 of the Cicero/Jackson Township Zoning Ordinance which states: the Maximum Lot Depth shall be a maximum of 2.5 times the lot width.

Motion passed with all 5 members in favor of. Massone made motion to approve BZA-0523-36-AG. Mr. Zell second.

Docket #: BZA-0523-41-AG

A Development Standards Variance application has been submitted seeking relief from Article 3.2 of the Cicero/Jackson Township Zoning Ordinance which states that the Minimum Lot width shall be 200 feet.

Motion passed with all 5 members in favor of. Massone made motion to approve BZA-0523-41-AG. Mr. Zell second.



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Petitioner: Beck's Superior Hybrids

Property Address: 6767 E 276th Street

Docket#: BZA-0623-43-AG

A Land Use Variance application has been submitted concerning Article 10.2 of the Cicero/Jackson Township Zoning Ordinance regarding the property located at the Northwest Corner of 266th Street and Devaney Road and is addressed as 0 Devaney Road, Atlanta Indiana, 46031 in order to: Allow a billboard sign in the "AG" district, whereas a billboard sign is not permitted in any Zoning district.

Motion passed with all 5 members in favor of. Massone made motion to approve BZA-0623-43-AG. Mr. Zell second.

Docket#: BZA-0623-44-AG

A Land Use Variance application has been submitted concerning Article 10.2 of the Cicero/Jackson Township Zoning Ordinance regarding the property located at the Southeast corner of 266th Street and US 31 and is addressed as 0 US 31, Arcadia Indiana, 46030 in order to: Allow a billboard sign in the "AG" district, whereas a billboard sign is not permitted in any Zoning district.

Motion passed with all 5 members in favor of. Massone made motion to approve BZA-0623-44-AG. Mr. Zell second.

Docket#: BZA-0623-45-AG

A Land Use Variance application has been submitted concerning Article 10.2 of the Cicero/Jackson Township Zoning Ordinance regarding the property located at Southeast corner of 276th Street and Devaney Road and is addressed as 0 East 276th Street, Atlanta Indiana, 46031 in order to: Allow a billboard sign in the "AG" district, whereas a billboard sign is not permitted in any Zoning district.

Motion passed with all 5 members in favor of. Massone made motion to approve BZA-0623-45-AG. Mr. Zell second.

4. Plan Director's Report: See packet.

5. Chairman's Report:

6. Legal Counsel's Report:



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7. Public Comment:

8. Board Member Comments:

9. Next Planned Board of Zoning Appeals Meeting:
July 20th, 2023

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

Chairman

Secretary

Date

Location:

Cicero Town Hall
70 N Byron Street
Cicero, IN 46034