



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Board of Zoning Appeals Minutes

September 21st, 2023

7:00 p.m.

Roll Call of Members

Present:

- ☐ Scott Bockoski - Chairman
- ☐ Dennis Schrumpf
- ☐ Harrison Massone
- ☐ Steve Zell
- ☐ Frank Zawadzki - Cicero Jackson Township Planning Director
- ☐ Terri Strong - Recorder

Absent:

Michael Berry
Aaron Culp-Legal Counsel (arrived mid meeting)

1. Declaration of Quorum- Chairman Bockoski declared a quorum with 4 members present. Explained to petitioners they would need three votes to be approved. Petitioners have the choice to have docket tabled if so wish to get their three votes with a full board.
2. Approval of Minutes
Mr. Zell made a motion to approve minutes as presented for August 17th, 2023. Mr. Schrumpf second. All present in favor.
3. New Business

Petitioner: David Becker

Property Address: 999 Washington Street

Docket#: BZA-0923-52-R5

A Development Standards Variance application has been submitted regarding the property located at 999 Washington Street, Cicero Indiana 46034 concerning Article 7.21 of the Cicero/Jackson Township Zoning Ordinance to: allow a fence in the front yard to be taller than three (3) feet, whereas Article 7.21 states that a fence shall not be taller than three (3) in the front yard.

Chairman Bockoski explained would hear at same time but vote separately both dockets pertaining to this petitioner.

Petitioner: David Becker

Property Address: 999 Washington Street

Docket#: BZA-0923-53-R5

A Development Standards Variance application has been submitted regarding the property located at 999 Washington Street, Cicero Indiana 46034 concerning Article 7.21 of the Cicero/Jackson Township Zoning Ordinance to: allow a fence in the side or rear yard to be taller than six (6) feet, whereas Article 7.21 states that a fence shall not be taller than six (6) feet in the side or rear yard.

David Becker 999 Washington Street, regarding the first one, garage sits back from the house, yard is two foot lower than the road on the south side. Mr. Zell questioned the photos presented.

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



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Chairman Bockoski invited public to comment on this docket, adding to please address comments to the Board.

Eric Scherer 22610 St. Rd 19. Have lived as a neighbor to this house in the past at 959, for 24 years. The variance in fence height makes sense with difference in road heights. Give a vote of confidence to the petitioner.

Chris Jackson 970 Washington across the street. Second the claim that the aesthetics are pleasing. Over 20 feet from the road edge no concern for traffic. Only issue is why would you want to prevent privacy in back yard, with a swimming pool. Would like to see pass.

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

Chairman Bockoski asked Mr. Becker if your area, are there any other fences that are that tall 10ft, along the railroad track. Mr. Becker stated he wasn't aware, and the railroad isn't as much of a concern as the road. Being right on Britton as it has gotten very busy. Concern for daughters' safety when playing in the yard. Concern for people in the yard, tracks from bikes, it is a privacy thing.

Mr. Massonne questioned if had considered a 6-10 foot as 10 is pretty high. Mr. Becker stated it would be tapered on back side. Could consider on alley side but that is taller than yard as well. Considered adding gravel to level, but that is added expense. If alley was level with my yard I would consider. Mr. Zell questioned a fence at the neighbors. Mr. Schrupf stated can see it if you drive by, may not be in that picture. Pictures referenced. Mr. Schrupf stated he drives by that frequently and when you are on the road you are looking down on his property as you are coming across the tracks. Mr. Schrupf clarified that the garage area would go from six to ten. Mr. Becker stated yes. Chairman Bockoski questioned what was on the other side of the tracks. CVS was the answer. Chairman Bockoski stated what is up for approval is essentially a wall, not going back with an aesthetic review. Mr. Zell stated Frank would review. Chairman Bockoski continued with allowing an ease for parade viewing etc. putting a structure up concern is what is going to go on, on the other side of the structure. Thought is what is going to go on with no oversight, what can take place. Chairman Bockoski questioned the trash cans and gate. Chairman Bockoski stated plenty of room for spectating, questioned the structure that is between two outbuildings looks to be 10 feet tall. Mr. Becker stated probably that tall. Mr. Zell stated the area is well maintained.

Discussion ensued on any necessary conditions.

Mr. Massonne made motion to approve BZA-0923-52-R5 as presented. Mr. Zell second.

Mr. Zell-approve, Mr. Massonne-approve, Mr. Schrupf-approve, Mr. Bockoski-approve. 4-0.

Mr. Massonne made motion to approve BZA-0923-53-R5 as presented with stipulation that Mr. Zawadzki approve fencing materials prior to installation. Mr. Zell second.

Mr. Bockoski-approve, Mr. Schrupf-approve, Mr. Massonne-approve, Mr. Zell approve 4-0.

Petitioner: Stephen Butler

Property Address: 162 Sierra Drive

Docket#: BZA-0923-54-MP

A Development Standards Variance application has been submitted regarding the property located at 162 Sierra Drive, Cicero Indiana 46034 concerning Article 7.21 of the Cicero/Jackson Township Zoning Ordinance to: allow a fence in the front yard to be taller than three (3) feet, whereas Article 7.21 states that a fence shall not be taller than three (3) in the front yard.

Petitioner: Stephen Butler

Property Address: 162 Sierra Drive

Docket#: BZA-0923-55-MP

A Development Standards Variance application has been submitted regarding the property located at 162 Sierra Drive, Cicero,



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Indiana 46034 concerning Article 7.5 of the Cicero/Jackson Township Zoning Ordinance to: allow an Accessory Structure in the front yard, whereas Article 7.5 states that an Accessory Structure shall only be located on the side or the rear of the primary structure.

Stephen Butler 162 Sierra Drive want to build a six-foot fence for security purposes and want to put a shed in the front yard as don't have any other place to put it. Mr. Butler stated has 9-10 feet on south side, and 15 feet on north side and have mature trees in that area. Want to put an 8x12 shed to replace the one that was destroyed when neighbors tree fell on it. When bought property shed was in the same area. Need the fence for security due to recent issues.

Chairman Bockoski questioned the size of the replacement versus previous shed. Mr. Butler stated same size. Mr. Zell asked for monitor to be used to indicate where fencing would be. Mr. Zawadzki pointed out the area, explaining long, narrow lot way back from road. Mr. Zell questioned another fence. Mr. Butler said it is a fence for lot 96, he shares a fence with lot 96 but ends with the corner. Wants to extend the fence to the corner and down 40 feet. Mr. Butler stated if the other lots 95 and 161 wanted to put in a six-foot fence they could without a variance. Chairman Bockoski stated the Board deals with corner lot fencing and side yard setbacks quite a bit.

Mr. Zell made motion to open public hearing for these two dockets. Mr. Schrumpf second. All present in favor.

No public comment.

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

Mr. Zell made comment that can totally understand why with current issues of security would want to do this type of fence. Discussion of stipulations if any.

Mr. Massonne made motion to approve BZA-0923-54-MP as presented. Mr. Zell second.

Mr. Bockoski-approve, Mr. Schrumpf-approve, Mr. Massonne-approve, Mr. Zell-approve. 4-0

Mr. Massonne made motion to approve BZA-0923-55-MP as presented. Mr. Zell second.

Mr. Zell-approve, Mr. Massonne-approve, Mr. Schrumpf-approve, Mr. Bockoski-approve. 4-0

Petitioner: Eric Scherer

Property Address: 22610 State Road 19

Docket#: BZA-0923-56-C3

A Land Use Variance application has been submitted regarding the property located at 22610 State Road 19, Cicero Indiana 46034 to allow: a trailer and equipment sales, service, and rental company to be operated on the property in the Business/Light Industrial "C3" District, whereas a trailer and equipment sales, service and rental business with retail sales is not a Permitted Use or a Special Exception Use in the Business/Light Industrial "C3" District.

Eric Scherer 22610 State Road 19, looking for variance to run start up business. Small business to rent trailers and equipment with selling in the future. Chairman Bockoski questioned the type of equipment being referenced. Mr. Scherer stated starting out would be smaller, unique equipment, like mini excavator, small concrete mixer, smaller equipment harder to find, stump grinder. Mr. Zell questioned the number of LLC's (5), and which one would be used for this. Mr. Scherer stated Scherer Adventures LLC, and asked which other ones are being shown. Mr. Zell stated the companies listed as LLCs under the secretary of state. Mr. Scherer stated they are all DBAs under Scherer Adventures, LLC. Mr. Zell stated he asked because he wondered if the other businesses would be run out of this location. Mr. Scherer explained all those names, they are either dissolved or been sold, and are no longer active. This would be run under Scherer Adventures LLC, DBA KP Trailers and Equipment. Mr. Zell stated it is close to St. Rd 19, the front is not a flat yard and doesn't lend itself to putting equipment in front, no pull off for traffic. Mr. Zell asked where would you be surfacing for equipment? Mr. Scherer stated the back area, and utilized the monitor to describe where the equipment would be positioned.



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Could/would eliminate some equipment up front if allowed signs, this is step one in the approval process. Chairman Bockoski asked how trailers etc. would get safely out on the road. Mr. Scherer answered the north side drive would be utilized with the area shaded in red, large enough as a turnaround. The south drive is the residential drive and would move trailers himself with his tractor, using this drive when needed. Mr. Zell stated he is seeing three areas of business, storage for equipment, service, and sales. Mr. Scherer stated storage would be for own equipment storage. Mr. Scherer stated service, sales and rentals is the business. Chairman Bockoski questioned Mr. Zawadzki if surface of the drive under the aesthetics and Plan Commission or is BZA concern. Mr. Zawadzki stated we would ask for drive to be paved per ordinance. Chairman Bockoski asked if ok with that. Mr. Scherer stated no, he would ask for a variance for that, being a start up do not have that capital. Mr. Zell questioned the front section where parking trailers, that would be part of the aesthetics. Mr. Zawadzki added that no parking on the grass is per ordinance. Mr. Massonne questioned the zoning of the south property if it is AG. Mr. Zawadzki answered south is zoned commercial, and north is some type of commercial. Mr. Scherer stated north is C-3 he is pretty sure. Chairman Bockoski reminded we are here to look at using this land for this purpose.

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

Chris Jackson 970 Washington Ave feels a rental business would be an asset to the community. Not many where you can rent, use and return so easily. A few but competition is healthy.

Jeff Newcom 22515 Voss Hait Ave, across the railroad track. Variance goes halfway back of property, what happens to the rest of the property. (Address the Board please). Mr. Culp, using the map, states he (the petitioner) owns this and the other has another owner. Mr. Newcom expressed concern about it becoming for trash or junk. Chairman Bockoski stated that is why we open to public, thank you for the question.

Mr. Schrump made motion to close the public hearing for Docket BZA-0923-56-C3 Mr. Zell second. All present in favor.

Chairman Bockoski asked if further questions. Mr. Zell expressed concerns, and if approved would go to the Plan Commission, petitioner has expressed a couple things that might be a challenge for him. I am concerned about the turn off of heavy equipment and the closeness to the road. Mr. Massonne explained he was looking at Special Exceptions and appears the ordinances are cultured toward building structure, but not really a startup. Also concerned about what impression is giving on the south side of town.

Discussion on conditions/stipulations.

Mr. Massonne made motion to approve Docket BZA-0923-56-C3 with the stipulation that the approval stays with current property owner and not the property itself and contingent upon Plan Commission approval. Mr. Zell second.

Mr. Zell-no, Mr. Massonne-no, Mr. Schrumpf-approve, Mr. Bockoski-approve. 2-2

Chairman Bockoski stated this is not approved. Mr. Culp explained that in order for the Board to take action, it has to have three votes one way or another. The petitioner will be allowed to come back next month when all five members are present, present materials, another public hearing and put to a vote.

Chairman Bockoski explained to Mr. Scherer the process and can check with plan director for full board participation. Chairman Bockoski asked him to consider, your property is the gateway to Cicero, the first impression to arriving in Cicero. Pieces of that puzzle can be filled in that may impact. Mr. Culp stated October 19, here. If additional materials to the Board, can do that.

4. **Plan Director's Report:** See packet enclosed. Mr. Zawadzki summarized that permit revenue for August 2023 was \$5135 with ytd as \$66900, 2022 month of August was \$6621/ytd of \$143426. Decrease of 1486 for month and -76526 in year to



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date. Did have 28 permits, 19 in corporate limits, 0 new homes, 9 in township 0 new homes. Projects expected to cost \$832682. Other news: response from MS-4 audit in and we have responded, all in good shape from that audit. Mr. Zell thanked Mr. Zawadzki for his response when things are brought to him. Mr. Culp stated do need to turn in findings of fact.

5. Chairman's Report: Thank you for including the building permit report. Thank you Board tonight for diligence that is given.
6. Legal Counsel's Report: Mr. Culp thanks for understanding in being late. The comp plan process continues to proceed. It was determined to proceed with American Structure Point for an agreement. Will work with them to put together a plan, the feeling is with engineering and planning in one house, we will get a detailed plan. Also, Lennar homes has submitted a PUD for 720 homes on 248 acres north of 236th street. Supposed to hear at PC in October, developer decided to move to November based on last night's meeting. Mr. Strong has arranged that meetings will be held at Red Bridge building until the end of the year. Discussion on rules of PC. Suggest moving the ordinance changes to October as previously discussed. Mr. Zell questioned water. Mr. Culp stated still looking for water but have determined an aquifer, very slow process. Mr. Zell stated regarding the meeting last night, got emotional for many, and many people do not understand the relationship between Town of Cicero and Council and jurisdiction in the Township. Another point at the public meeting was direct questions on Lennar their process with investors and rentals. People are concerned for future property values. Mr. Schrumpf shared the HOA in newer subdivision staying on top of the rental to ensure doesn't become trashed. Discussion ensued.
Mr. Culp stated they have a subdivision in Westfield, Westgate-to see an example of the type of neighborhood. Mr. Schrumpf stated the quality of his daughter's house is quite good. Mr. Zell shared single homes for \$400,000+ and townhomes from \$300,000. One point was no drives to block the sidewalks.
7. Board Member Comments: Mr. Massonne stated likes Cicero, like lakeside feel and still working on the entrance to the south and west. Chairman Bockoski stated he appreciated those comments.
8. Next Planned Board of Zoning Appeals Meeting:
October 19th, 2023
9. Adjournment: Mr. Schrumpf made motion to adjourn. Mr. Massonne second. All present in favor.

Chairman:

Secretary:

Date:

10/19/23

Location:

Cicero Town Hall
70 N Byron Street
Cicero, IN 46034