



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Board of Zoning Appeals Meeting Minutes

May 9th, 2024

7:00 p.m.

Roll Call of Members

Present:

- ☐ Scott Bockoski - Chairman
- ☐ Mike Berry
- ☐ Dennis Schrupf
- ☐ Harrison Massonne
- ☐ Aaron Culp - Legal Counsel
- ☐ Frank Zawadzki - Cicero Jackson Township Planning Director
- ☐ Terri Strong - Recorder

Absent:

Steve Zell

1. Declaration of Quorum-Chairman Bockoski declared a quorum with 4/5 members present. Also explained that majority ruling is needed. If any petitioners wanted to postpone their hearing they would be allowed to do so since we do not have a full board tonight.

2. Approval of Minutes

Mr. Berry made motion to approve minutes as presented for April 18th, 2024, meeting. Mr. Schrupf second.

All present in favor.

Chairman Bockoski informed the audience that the BZA is a quasi-judicial form of the local government. Will be discussing items that sit on the docket and the issues that surround those items. All comments should be addressed to the board members not to the petitioner or others in the audience. Attendants must sign in if wishing to speak tonight to the board. Each person must state name and address from the podium when addressing the Board for the record. Each item typically has time for public comment as a portion of the hearing. It is not necessary for each person to repeat items already addressed in their entirety, but to simply agree and move on for the sake of time. Each motion is made in the affirmative but does not mean that is the way we vote.

3. Old Business:

Chairman Bockoski stated all four variances would be heard together and voted on separately for the next petitioner.

Petitioner: Adam & Nichole Knoll

Property Address: 23475 Cammack Road, Cicero, IN 46034

Docket#: BZA-0424-10-R2

A Development Standards Variance Application has been submitted regarding the property located at 23475 Cammack Road, Cicero IN 46034 to: allow an accessory structure in the front of the primary structure. Whereas Article 7.5 of the Cicero/Jackson Township Zoning Ordinance states that an accessory structure shall only be placed in the rear or side of the primary structure in the R2 district.

Docket#: BZA-0424-11-R2

A Development Standards Variance Application has been submitted regarding the property located at 23475 Cammack Road, Cicero IN 46034 to: allow an accessory structure to exceed 65% of the finished floor area of the primary structure,



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Whereas Article 7.5 of the Cicero/Jackson Township Zoning Ordinance states that an accessory structure shall not exceed 65% of the finished floor area of the primary structure in the R2 district.

Docket#: BZA-0424-12-R2

A Development Standards Variance Application has been submitted regarding the property located at 23475 Cammack Road, Cicero IN 46034 to: allow an accessory structure with a height of 25 feet, Whereas Article 3.6 of the Cicero/Jackson Township Zoning Ordinance states that an accessory structure shall not exceed 18 feet in height in the R2 district.

Docket#: BZA-0424-13-R2

A Development Standards Variance Application has been submitted regarding the property located at 23475 Cammack Road, Cicero IN 46034 to: allow an accessory structure with 100% siding on all facades.

Whereas Article 7.22 of the Cicero/Jackson Township Zoning Ordinance states that an accessory structure shall have primarily brick or natural cut stone on all facades.

Chairman Bockoski verified the reason for the tabling was due to proper notice. Mr. Zawadzki confirmed.

Mr. Schrumpf made motion to untable dockets pertaining to Knoll property. Mr. Massonne second. All present in favor.

Adam Knoll 23475 Cammack Road, purpose here tonight is desire to build a pole barn. The location chosen by the previous owner for the home is on the back corner of the property, not allowing any room behind the home for a barn. There is a small barn on corner which was a horse stall. Want a pole barn to store tractors, implements etc. If expanded the small barn, it would require driving across the front yard to park in. Pictures shared for location of buildings proposed. Visibility of buildings is blocked by woody areas. Mr. Knoll commented that he did not want to run a business out of building. Would want to add lights just above doors. Chairman Bockoski stated always ask about business, and if living quarters intended inside. Mr. Knoll stated absolutely not. Chairman Bockoski asked plumbing and electricity. Mr. Knoll stated no plumbing. Mr. Berry questioned siding. Mr. Knoll stated house built in 1992 with vinyl siding, currently not allowed, per R-2 I need to add stone or something to the side of the pole barn and would not match the house. Mr. Berry verified not vinyl. Mr. Knoll stated ordinance states textured, variance is due to that.

Mr. Massonne made motion to open to public comment. Mr. Berry second. All present in favor.

No letters from Mr. Zawadzki.

Mr. Massonne made motion to close the public comment portion. Mr. Berry second. All present in favor.

Chairman Bockoski asked if any other questions or discussion from the Board. Deal with these situations often and the positioning is understood in cases like this. Mr. Massonne stated see very difficult to be able add a barn otherwise.

Mr. Massonne made motion to approve BZA-0424-10-R2. Mr. Schrumpf second.

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

Mr. Massonne made motion to approve BZA-0424-11-R2. Mr. Schrumpf second.

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

Mr. Massonne made motion to approve BZA-0424-12-R2. Mr. Schrumpf second.

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

Mr. Massonne made motion to approve BZA-0424-13-R2. Mr. Schrumpf second.

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



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4. **New Business:**

Petitioner: Yvonne Knasel

Property Address: 1660 Nantucket Drive, Cicero, IN 46034

Docket#: BZA-0524-16-R3

A Development Standards Variance application has been submitted regarding the property located at 1660 Nantucket Drive, Cicero IN, 46034 concerning Article 3.8 of the Cicero/Jackson Township Zoning Ordinance to: allow an accessory structure to be (26) twenty-six feet (8) eight inches tall, whereas article 3.8 states that an accessory structure shall be (18) eighteen feet tall maximum.

Docket#: BZA-0524-19-R3

A Development Standards Variance application has been submitted regarding the property located at 1660 Nantucket Drive, Cicero IN, 46034 concerning Article 7.5 of the Cicero/Jackson Township Zoning Ordinance to: allow an accessory structure to be placed in front of the primary structure. Whereas Article 7.5 states that an accessory structure shall only be placed to the rear or side of the primary structure.

Michael Bussel of Advance Design and Build agent for Yvonne Knasel, 6622 Carmel Drive, McCordsville, IN 46055. Rebuilding a garage, larger, that was destroyed by trees. Since replacing want it to be larger to have storage area. Chairman Bockoski questioned if taller than home. Mr. Bussel stated yes. Chairman Bockoski verified positioning in front is due to being lakefront property. Mr. Bussel stated yes on the water. Chairman Bockoski questioned business planned to be run out of building. Mr. Bussel stated no. Chairman Bockoski questioned if living quarters. Mr. Bussel stated no for storage. Chairman Bockoski questioned if would have electricity and plumbing. Mr. Bussel stated yes electricity and plumbing for a slop sink. Perhaps in future come before board for living space up top. Chairman Bockoski stated that would definitely have to come back before us. And would be a condition at this time. Chairman Bockoski questioned external lighting. Mr. Bussel stated on front/backside for security.

Mr. Berry made motion to open hearing to public. Mr. Massonne second. All present in favor.

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

Chairman Bockoski opened discussion on conditions, living quarters. Mr. Massonne stated concern for number of windows being perfect for living quarters. Height of building was also discussed. Mr. Schrumpf stated not inconsistent with other buildings in the area even though higher than the home itself.

Mr. Massonne made motion to approve BZA-0524-16-R3 with condition that there are no living quarters in the building. Mr. Schrumpf seconded the motion.

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

Mr. Massonne made motion to approve BZA-0524-19-R3 with condition that there are no living quarters in the building. Mr. Schrumpf seconded the motion.

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

Petitioner: Jai & Robyn Cook

Property Address: 8989 E 256th Street, Arcadia, IN 46030

Docket#: BZA-0524-17-AG

A Development Standards Variance Application has been submitted regarding the property located at 8989 E 256th Street, Cicero, IN 46034 to: allow an accessory structure in the front of the primary structure. Whereas Article 7.5 of the



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Cicero/Jackson Township Zoning Ordinance states that an accessory structure shall only be placed in the rear or side of the primary structure in the "AG" district.

Docket#: BZA-0524-18-AG

A Development Standards Variance Application has been submitted regarding the property located at 8989 E 256th Street, Cicero, IN 46034 to: allow a side yard setback of (7) seven feet, Whereas Article 3.2 of the Cicero/Jackson Township Zoning Ordinance states that the minimum side yard setbacks shall be (35) thirty-five feet in the "AG" District.

Robin Cook 8989 E. 256th Street, Arcadia, IN building for storage, have existing building want to tear down and build new. If moved to the other side of the drive, it would set right in front of the house and would not look good. Chairman Bockoski verified in the rear is septic. Mrs. Cook stated yes and no room at the back for the pole barn. Chairman Bockoski questioned living quarters. Mrs. Cook answered no living quarters, no business, electricity but no plumbing, and just a couple of outside lights.

Mr. Schrumpf made motion to open Docket BZA-0524-17-AG and BZA-0524-19-AG to the public. Mr. Berry second. All present in favor.

Phil Moore 201 Church St. Arcadia, speaking for Father Russell Moore 9015 E. 256th Street. Distributed a handout to the Board. First page indicated view from father's porch. At 88 uses porch often and has lived there for 46 years. If the building is put where they want it and the size they want, page two showed the view father would have after build. Third page shows the entire size of the building. Page four shows the questions the Board has to review to pass. Item two, Land adjacent to the property would not be adversely affected. Mr. Moore stated he felt it would be affected. Page five, put building in the back yard if you do the setbacks, also could set on the side. Page six is the AG standards. Page seven indicates the lot sizes per ordinance. Page eight indicates all accessory structures comply with standards. Also indicates no more than two accessory structures are allowed unless used as a working farm. Page eleven shows map indicating two structures currently, one should be removed prior to building. Page thirteen, minimum lot standards indicated. Questioned because if the property doesn't meet the standards of the district to begin with, should there be variances to indicate that or are they grandfathered in? The property itself doesn't meet the standards 1.5 acres. If the building would be moved 40-foot south from where they want to put it, page 13 shows view father would have. There are four old pine trees, that could be in front or remove the trees. Questions regarding the use of the building, have heard from neighbors to be used as a kennel, she stated not a business. However, if used as a private kennel is a permitted use but is allowed as a Special Exception Use. Intent is to use; neighbors deserve more information. Would ask the building be to the back or back to the field or put in area where building that is to be torn down. If variances there should be a third variance for a third building. If would approve, would ask that be moved back 40-50 feet to the south. Doesn't feel adds to the property value.

No letters to add from Mr. Zawadzki.

Mr. Schrumpf made motion to close public hearing. Mr. Berry seconded. All present in favor.

Chairman Bockoski asked petitioner to return to the podium and questioned if they had a copy of the document presented to them. Mrs. Cook replied yes. Chairman Bockoski discussed each picture/item presented. Use of computer images were used. Page five is where the discussion was taken asking if any other locations were considered. Mrs. Cook stated they were determined not to be good options. The one in the back yard looks really small. Chairman Bockoski questioned if the scale of the pictures is the same. Then questioned where the two drives intersected, was that discussed. Mrs. Cook stated talked about but there was something, like turning to get the tractor into the barn.



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Chairman Bockoski questioned Mr. Zawadzki on the ordinance. Mr. Culp stated this is a Legal Non-Conforming Lot, the only way it would become a factor is if they were trying to make smaller or narrow the width. But they are not trying to do that. They would retain their Legal Non-Conforming status, also point out that any of the locations would require a variance. Actually, the back could require a third variance because of the southern property line. Concerning the number of buildings, we have passed where we give approval for a new one with condition of old being torn down within a timeline. Brief discussion ensued. Chairman Bockoski questioned Mrs. Cook regarding page 13, if moving 40-50 feet to the south was something that could be considered. Mrs. Cook answered would have to help with the doors. Mr. Zawadzki stated to the eye it looks like it would work. Mr. Culp stated didn't think was fair for the petitioner to be asked to commit to that tonight, based on the fact that husband was the one with the detailed information. Suggest if headed to that, we should table to give opportunity to talk to Mr. Cook. Chairman Bockoski stated he was headed that way in lieu of new information or suggestions. Mr. Culp stated could have them vote but would then have to wait to come back. Mrs. Cook stated like Mr. Moore, tabling would be best to have answers on if possible to move location. Chairman Bockoski stated the last piece is the question of the kennel. Mrs. Cook stated felt it was a misunderstanding, husband is a K-9 handler and is going for Master Trainer certification, but that would be so he can go further with training dogs, but not at this location. Mrs. Cook stated has four dogs herself, two were for training certification but not for kennel. Mr. Berry asked you would not be kenneling dogs. Mrs. Cook stated no. Discussion on process and review.

Mr. Massonne made motion to table BZA-0524-17-AG and BZA-0524-18-AG until next meeting. Mr. Schrupf second. Chairman Bockoski asked Mr. Moore to come back up before tabling.

Phil Moore 201 Church St. Arcadia, speaking for Father Russell Moore 9015 E. 256th Street, regarding scale if you look, didn't change from what they are showing. Also using the monitor, positioning was discussed. Understand the Legal Non-Conforming status. Indicated been on the BZA for Arcadia for 30 years. Do feel there is a compromise possible. Did not discuss with the petitioner, don't know personally. Glad to hear about the business aspect.

Chairman Bockoski stated he would encourage open dialogue with the petitioner, and welcome Mr. Moore to return at next meeting.

All present in favor of tabling until June 20, 2024.

Mr. Culp added 7:00 p.m. at same location.

5. Plan Director's Report: Mr. Zawadzki summarized his report as follows: April 2024 permit revenue of \$3624 with YTD of \$14652 compared to April 2023 monthly revenue of \$9758, and YTD of \$32742. This is a decrease for the month of \$6134 and for the year of \$18090. Issued 19 permits, 14 in town limits, zero new homes, and 5 in Township with zero new homes. Estimated cost of projects is \$305258. IDEM requiring Flood Plain Managers to complete certification, have started this process which is a 40-hour course.
6. Chairman's Report: No report.
7. Legal Counsel's Report: Mr. Culp reported update to water wells as Mr. Zell would ask if present. Two water wells tested on east side of town with a total of four desired. All are along 236th on east side. Also, BAN has been approved which is the note for the wastewater plant, ordering long lead time equipment anticipating further approvals for the plant to be in by end of June with start of the plant to be July.



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8. Board Member Comments: Chairman Bockoski questioned if there was any news to share on the gas station proposal at 236th and 31. Mr. Zawadzki stated he has not received any official petition as of now.

9. Next Planned Board of Zoning Appeals Meeting:
June 20th, 2024

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

Chairman: _____

Secretary: _____

Date: _____

Location:

Cicero Town Hall

70 N Byron Street

Cicero, IN 46034