



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Minutes**

August 8th, 2024

7:00 p.m.

**Roll Call of Members**

**Present:**

- ☐ Scott Bockoski - Chairman
- ☐ Mike Berry
- ☐ Harrison Massone
- ☐ Steve Zell
- ☐ Dan Strong filling in for Aaron Culp/Frank Zawadzki Plan Director
- ☐ Terri Strong – Recorder

**Absent:**

Frank Zawadzki  
Aaron Culp

1. **Declaration of Quorum-** Chairman Bockoski declared a quorum with 4/5 members present. Chairman Bockoski explained rules regarding three positive votes needed for approval, explained rights of the petitioners regarding the number of Board members. Next meeting should have a full quorum if anyone wishes to wait until next meeting.

Chairman Bockoski explained to the public, the BZA is a quasi-judicial branch of the local government. The Board will be discussing items on the dockets, the issues and stipulations relating to the docket. All comments and questions should be addressed to the Board as opposed to the audience or petitioners. Attendants must sign in if wanting to speak, sign in is at the door, name and address required for the record. Each attendant must state their name and address for the record each time they are at the podium. Each docket typically includes public comment portion, for public comment. If each person that wishes to speak has comments previously mentioned, it is not necessary to restate each comment, simply agree and move on for interest of time. All motions are made in the affirmative but does not mean that is the way we will vote.

2. **Approval of Minutes**

**Mr. Zell made the motion to approve BZA Minutes from meeting on July 17<sup>th</sup>, 2024, as presented. Mr. Berry second. All present in favor.**

3. **Old Business:**

Findings of Facts Approval  
BZA-0724-35-AG - Fence  
BZA-0624-19-C4 – Waste Transfer Station

Mr. Strong addressed the Board. Not all Findings of Facts were received prior to this meeting, and after discussion with Mr. Zawadzki and Mr. Culp we would ask that you not move forward on approvals tonight.. There are some sheets for consideration on the approval process for the future regarding Findings of Fact form. The Findings of Facts would be filled out today as normal, a summary would be done and the summary would be the document to approve at the next meeting. Chairman Bockoski questioned the process each Findings of Fact vs a summary. Mr. Strong explained that the five criteria used would have a summary of all individual members Findings of Fact. Then the Board would approve the summary. This process is done in other areas. Chairman Bockoski questioned if would be read or handled like the minutes. Mr. Strong stated just like the minutes. This should assist with some of the comments and concerns we have been shared recently from the public. And is one step in improving our communications. Mr. Zell asked regarding tonight's meeting, we fill out the forms as we have previously. Mr. Strong stated that was correct for each docket, and then they would be put together into a summary and would be part of our packet to approve at the next meeting.





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Chairman Bockoski asked for motion to untable the next item of business.

**Mr. Zell made motion to untable BZA-0724-36-AG from last meeting. Mr. Massonne second. All present in favor.**

**Petitioner:** James Olson

**Property Address:** 9410 E 256<sup>th</sup> Street, Cicero, IN

**Docket#:** BZA-0724-36-AG

A Development Standards Variance Application has been submitted regarding the property located at 9410 E 256<sup>th</sup> Street, Cicero IN, 46030 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 to the rear or side of the primary structure in the "AG" district.

James Olson 9410 E. 256<sup>th</sup> Street. Plan is to put a 36 x 50 pole barn on the property. Can not put behind the house because 13 feet behind the house is a bank down to the creek. Only other option is in front/side of the house.

Karen Olson 9410 E. 256<sup>th</sup> Street. The place is most logical placement. Six acres but if by the trees, trees would have to be removed. Mr. Olson stated anything further is flood plan. Mrs. Olson commented there is only one neighbor that lives close. To the right of our home, doesn't object to our plan, will not see the barn when sitting on her porch. Sent letters to 13 people and have not heard anyone was against. Appreciate the support from the neighbors that are here.

Chairman Bockoski stated in looking at different photo than showing, showing an additional building, sharing a drive with the neighbor. Mrs. Olson stated that is the neighbors' buildings. Mrs. Olson discussed the flooding when there are issues.

Chairman Bockoski used the map/monitor to clarify items with the Olson's. House, barn location, garden, area where floods.

Chairman Bockoski stated we (the BZA) deal with this often due to the lake in the community. Several questions we always ask. Is there going to be electricity and plumbing in the barn? Mr. Olson stated only electricity for shop/welding no plumbing. Chairman Bockoski asked if residence, apartment, living quarters. Mr. Olson stated no. Chairman Bockoski asked if plans for a business being run from the structure. Mr. Olson stated no. Mr. Berry asked how big the structure is. Mr. Olson stated 36 x 52, storage for tractor and RV. Mr. Berry asked if structure would match house in siding and color. Mr. Olson responded with a tan color as yellow not available, brown roof. Mr. Berry asked if materials are the same. Mr. Olson stated metal siding, overhead doors. Mr. Massonne stated being AG no further questions.

**Mr. Massonne made motion to open 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.**

Chairman Bockoski asked the Board if further questions or concerns.

**Mr. Massonne made motion to approve BZA-0724-36-AG as presented without conditions.**

**Mr. Berry-approve, Mr. Massonne-approve, Mr. Zell-approve, Mr. Bockoski-approve. 4-0**

Chairman Bockoski and Mr. Strong indicated they should call Mr. Zawadzki for next steps before moving forward.

#### **4. New Business:**

**Petitioner:** Entrust Group/Paul Vondersaar

**Property Address:** 740 S Peru Street, Cicero, IN 46034

**Docket#:** BZA-0824-37-NC

A Development Standards Variance application has been submitted seeking relief from Article 7.8 Buffer Yard Standards (BY-01) of the Cicero/Jackson Township Zoning Ordinance which states that an additional five (5) feet of setback shall be required in addition to the normal setback in the "NC" district.

**Petitioner:** Entrust Group/Paul Vondersaar

**Property Address:** 740 S Peru Street, Cicero, IN 46034

**Docket#:** BZA-0824-38-NC





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

A Development Standards Variance application has been submitted seeking relief from Article 5.9 of the Cicero/Jackson Township Zoning Ordinance which states; a roof shall be a gable design with slopes between fifteen (15) and forty-five (45) degrees.

**Petitioner:** Entrust Group/Paul Vondersaar

**Property Address:** 740 S Peru Street, Cicero, IN 46034

**Docket#:** BZA-0824-39-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 (5) five parking spaces. Whereas Article 7.13 states that fourteen (14) parking spaces for general or professional office use are required in the "NC" District.

**Petitioner:** Entrust Group/Paul Vondersaar

**Property Address:** 740 S Peru Street, Cicero, IN 46034

**Docket#:** BZA-0824-40-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 one (1) deciduous shade tree per any part of ten (10) parking spaces.

Chairman Bockoski all dockets were read into record and will be discussed together with voting to be for each docket separately.

Paul Vondersaar 1105 Bear Cub Drive. Looking to build new office building for Edward Jones. Monitor used throughout presentation. The five yard buffer, we are staying in the original 12-yard setbacks on the side. A lot of ordinances are impossible along 19. This is a double wide lot, and we are struggling to get a 46- or 44-foot building on the lot. This is a single office, with a meeting area, and a receptionist. There will be two people in the building full-time. Average client is 1-2 people at a time showing up if not done online. As far as the gable, single pitch, this is the new design that has become more popular in Hamilton county and Indiana. Trees that are there, one to front and one to back that are planned to stay but they will not be in the parking lot. Chairman Bockoski asked if the trees had to go, would they be replaced. Mr. Vondersaar answered we would plant other trees, but they would not be in the parking lot. There is a landscape plan in the packet. Building mostly brick and stone, and some masonry and metal trim. There are a couple parking spots on 19. Chairman Bockoski stated over different projects we understand the parking concerns. The tree piece understand. The buffer and side yard setbacks questioned the double lot comments. Mr. Vondersaar stated it is double wide, and originally two lots but converted to one parcel. There is a trailer on one side now. Discussion on other parcels in the area and side yard. Front will be facing HWY 19.

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

Jackie Pugh 50 Wilson St. Cicero, IN My property is behind this property across the alley. Concerns for construction time, effects of our property during the time of construction, the parking lot and positioning of the building. The parking concerns are from the other businesses across from us and seems to be overcrowded, parking in alley and in our drives. Concern as a resident for the parking concerns. Access gate to our property becomes limited.

Chairman Bockoski questioned where property is located using monitor. The business that has hair cutting and other businesses is overcrowding the parking lot is what you are saying. Ms. Pugh explained where the overflow goes. Chairman Bockoski addressed hours of construction, what is expectation. Ms. Pugh stated concern is delivery, big trucks.

Mr. Strong stated there was a letter sent via email to be added.

Sandy Hayes 79 Armitage Street. Resident for 30 years, neighborhood has not changed, we do not want it to change with another business being added. Not an issue with Rugged as the building has been a business prior to buying the house. Opposed to adding another business in a neighborhood setting. Traffic in alley is a concern. Concern for eyesore and town involvement as well as no improvements in year that Mr. Vondersaar has owned the property. Prefer a house to be built.

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





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Chairman Bockoski asked petitioner to return and offered opportunity to address any concerns. Mr. Vondersaar stated he knew the public didn't know what business would be going in and that it is not a high traffic business. Secondly, do not know what happens with parking and other business, and not concern but have plan for our traffic and do not see it as a concern. The construction time/plan/traffic do not know if town would allow access from HWY 19 to the property and replace the sidewalk. Would be easier and less concern. That would be up to the Town, we would access thru the alley if needed. Chairman Bockoski asked what the route is if alley is used. Mr. Vondersaar answered the alley, it cannot be blocked. Parking would be staging area. Not saying it would be parked/blocked but maybe a few minutes. Chairman Bockoski questioned the positioning of the building compared to the trailer. The new building would be considerably closer to the sidewalk with the parking behind. Mr. Massonne appreciated the color relationship to the Oak building. Discussion ensued on positioning. Mr. Massonne stated this is zoned neighborhood commercial, and there are homes but also small businesses in the area. Mr. Zell echoed that it is NC zoned, and businesses are there, Mr. Vondersaar built the barber shop. It is a nice building, well done, good track record, and this is a part of town that needs revitalization efforts. Not a high-volume business, with constant deliveries and 15 customers at once. Mr. Vondersaar stated he failed to add that Corey's office is downtown, Amanda is moving from Elwood, they do not want to be in the same building. We are gaining a new business. Mr. Vondersaar stated have cut down a couple dead trees and the trailer would be moved as soon as project starts. Mr. Zell asked for the timeline. Mr. Vondersaar stated we would start with permits, already have state release, they would handle a couple financial items, and with permits we would be ready move. Thirty days to start, four-five months project. Mr. Strong added that Aesthetic Review is next week. Chairman Bockoski questioned colors/lights not up for review at this meeting. Mr. Strong stated correct only the four variances before the Board. The lighting and plans are before the Plan Commission. Mr. Massonne added concern for the tree replacement. Chairman Bockoski stated would ask that if the trees came down they would be replaced by two trees. Mr. Vondersaar stated goal is to keep the two large trees, will commit to two mature trees if they come down. Mr. Strong questioned if trees came down during construction or if died within two years, what is the replacement time. Chairman Bockoski asked what is normal with the plan director. Mr. Strong stated timeline would be important. Mr. Zell stated we are talking about the construction variances and after that would be the plan commission. Mr. Vondersaar stated committed to one in front and one in back. Brief discussion commenced.

**Mr. Massonne made a motion to approve BZA-0824-37-NC as presented with the condition that two existing trees remain or are replaced if die or are removed during construction phase. Mr. Zell second.**

**Mr. Bockoski-approve, Mr. Massonne-approve, Mr. Berry-approve, Mr. Zell-approve 4-0**

**Mr. Massonne made a motion to approve BZA-0824-38-NC as presented with the condition that two existing trees remain or are replaced if die or are removed during construction phase. Mr. Zell second.**

**Mr. Zell-approve, Mr. Bockoski-approve, Mr. Massonne-approve, Mr. Berry-approve 4-0**

**Mr. Massonne made a motion to approve BZA-0824-39-NC as presented with the condition that two existing trees remain or are replaced if die or are removed during the construction phase. Mr. Zell second.**

**Mr. Massonne-approve, Mr. Zell-approve, Mr. Berry-approve, Mr. Bockoski-approve 4-0**

**Mr. Massonne made a motion to approve BZA-0824-40-NC as presented with the condition that the two existing trees remain or are replaced if die or are removed during the construction phase. Mr. Zell second.**

**Mr. Berry-approve, Mr. Bockoski-approve, Mr. Massonne-approve, Mr. Zell-approve 4-0**

**Petitioner:** Beck's Superior Hybrids INC.

**Property Address:** 6767 E 276<sup>th</sup> Street, Atlanta, AIN 46031

**Docket#:** BZA-0824-41-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 266<sup>th</sup> 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.





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Mark Thomas here for Beck's Hybrids, 6767 E. 276<sup>th</sup>, and live at 6775 E. 241<sup>st</sup>. Here prior asking for a temporary sign at 266<sup>th</sup> and US 31 south/southeast corner. The construction of interchange is complete at 276<sup>th</sup> Street and we would like to make the present billboard sign that is there, a 12x24 sign permanent. There is actually a house that will disappear, there will be an overpass at 266<sup>th</sup> not an interchange. For safety reasons and traffic patterns to be ready to turn at 276<sup>th</sup> would like to keep in the area. The sign cannot stay in exact spot, due to the utility district. Due to the 30 ft easement the sign would need to move an additional 30 feet to the east. If possible once the house is gone and the overpass is complete, move the sign within 100 feet of where it is currently. Either to the south or north for the best visibility. Sign has been there for approximately a year, and we have had no comments made negatively. Mr. Zell asked about verbiage changes. Mr. Thomas stated the exit number would be adjusted but same layout. Would be for only Beck's use.

Chairman Bockoski stated the question he had, would it be only for Beck's, and you answered it. Mr. Thomas stated he could say 150% it would only be for Beck's use. Been around since 1937, third largest brand in US, has grown to 15 states and have close to 1000 employees, 350 approximately that work daily at Beck's in Arcadia. Chairman Bockoski stated he would like to see the stipulation in the motion that it stay with Beck's and if something happened, it would not be allowed to go to someone else without coming before the Board.

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

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

Chairman Bockoski asked if further question or discussion by Board members. Mr. Berry asked about conditions. Brief discussion ensued.

**Mr. Massonne made the motion to approve BZA-0824-41-AG with the condition that the sign stays with the owner, Beck's Hybrids for their exclusive use. Mr. Zell seconded the motion.**

**Mr. Zell-approve, Mr. Massonne-approve, Mr. Berry-approve, Mr. Bockoski-approve. 4-0.**

Mr. Strong informed Mr. Thomas that the department would have a letter of commitment for someone to sign in the near future.

5. Plan Director's Report: Mr. Strong gave a summary of the Plan Director's report as follows: July 2024 permit revenue was \$7331 with YTD at \$32388 compared to July 2023 of \$8965/61765 creating a difference of -1634 for the month and -29377 for the year. Issued 27 permits with 17 being in town limits and no new homes, 10 in township with 1 new home. Estimated costs of projects to be \$1,790,211. Continued education by Mr. Zawadzki by attending the Stormwater Drain conference at Purdue University this month. Survey for Comprehensive Plan is available and QR codes are around town, please fill out the survey if you haven't already. Met with another engineering firm concerning the traffic study, very productive and felt concerns were heard.  
Mr. Strong gave a brief update on a notification process that has been approved to move forward with by the Town Council. You are aware that when the packets come out, the agendas are posted online. Moving forward we will set up a list serve email system for anyone that is wanting to be added to the email system. When agendas are posted there will be a link to go to the Plan Department website to be able to see all the dockets and information that would be discussed. Members of the Boards felt this was great. Mr. Berry asked how they would get on the list. Mr. Strong answered will be on Plan Department website, town website, and utility department Facebook page. Expect word to get out and list to grow from initial postings. Mr. Berry asked if anyone could get on the list or just Cicero/Jackson Township. Mr. Strong stated anyone. Chairman Bockoski questioned the items included. Mr. Strong stated the entire packet, unless Mr. Culp states something cannot go out, but once items are given to the Board, they are considered open to the public so using the link will include everything. Chairman Bockoski expressed concern for impression that items were not public record until presented, also concern that once out more public may contact members for comment or discussion and the Board would have to decline to speak of the items. Very thrilled to be a part of this update to the process. Mr. Strong stated in the past anyone could come to the Plan Department and see anything that





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was in a packet, this is just a step up from that. This is a starting point and will have to make adjustments, but this is our best shot to getting up and running quickly. Chairman Bockoski expressed appreciation for the Town Council looking forward and responding to public concern. Mr. Zell echoed sentiments of appreciation and listening to the public comments in recent meetings and thanked the PC and Town Council. Mr. Strong stated intent is to start in September barring any glitches. Appreciate any feedback to the process.

6. Chairman's Report: Chairman Bockoski thanked the members, looking forward to additional member next month as well as elections to fill the secretary spot.

7. Legal Counsel's Report: No report.

8. Board Member Comments: Mr. Massonne campaigning for Secretary position and announced his upcoming marriage on the 31<sup>st</sup>. Congratulations issued by all.

Mr. Berry expressed thoughts that at the end of the last meeting, Mr. Culp had done an excellent job explaining the role of the BZA. However, the people that needed to hear it were not present due to the latest. Also, the forms, how much detail is needed and how much time do we have. Mr. Strong stated the intent is your reasoning on the findings of fact for each category but would think a week maximum. This way summary can get done and out in time. Mr. Strong suggested it be asked of Mr. Culp at the next meeting.

Mr. Zell expressed concern for the Millersburg property with trucks/weeds etc. The efforts made by Mr. Taylor created improvement but certainly not done. Mr. Strong stated he knows Mr. Zawadzki has had communication with the property owner but not recently. Will pass along to Mr. Zawadzki the comments.

Mr. Zell expressed concern for the continued project on State Road 19 and an end date. Is there any recourse? Or any project where we haven't put an end date on the approvals. Another example is the open foundation on the west side of 19 to the north. Mr. Strong stated he will have conversation with Mr. Culp to see if there have been any changes to assist with this type of item. Discussion on part of the motion versus commitment by petitioner. Mr. Massonne questioned if can be added to the permit process. Mr. Strong stated there is another document being reviewed and coming to you for consideration. Mr. Massonne shared Marion county verbiage. Mr. Strong shared current ordinance guidelines and understand the concern is if they don't come back for additional permit but don't finish the project.

Discussion resumed on the timing of the Findings of Fact. Mr. Strong will communicate concerns to Mr. Culp.

9. Next Planned Board of Zoning Appeals Meeting: September 19<sup>th</sup>, 2024

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

Chairman: \_\_\_\_\_

Secretary: \_\_\_\_\_

Date: \_\_\_\_\_

Location:

Cicero Town Hall  
70 N Byron Street  
Cicero, IN 46034