



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Board of Zoning Appeals Minutes September 19th, 2024 7:00 p.m.

Roll Call of Members

Present:

- Y Scott Bockoski - Chairman
- Y Mike Berry
- Y Harrison Massone
- Y Mark Thomas
- Y Steve Zell
- Y Aaron Culp - Legal Counsel
- Y Frank Zawadzki - Cicero Jackson Township Planning Director
- Y Terri Strong - Recorder

1. Declaration of Quorum- Chairman Bockoski declared a quorum with 5 members present.
2. Approval of Minutes
Mr. Zell made motion to approve minutes from August 8th, 2024, meeting. Mr. Berry second. All present in favor.
3. Old Business:
Nomination of BZA Secretary was discussed.
Mr. Massonne nominated Mr. Zell for secretary. Mr. Thomas second. All present in favor.

4. New Business:
Petitioner: Gary Watson/Second Base Properties LLC
Property Address: 1300 Bayswater Lane, Cicero, IN 46034
Docket#: BZA-0924-42-R3

A Development Standards Variance application has been submitted regarding the property located at 1300 Bayswater Lane, Cicero IN, 46034 seeking relief from Article 3.8 "R3" District Standards which states that impervious surface cannot exceed 45% of the Lot Area.

Gary Watson 1300 Bayswater Lane, Cicero. Plan is to extend east side of original house, with the setback restrictions on peaks, would be looking at a 9-10 feet extension with a 12x12 entry, door on the side. Pictures used to describe; a porch would be added as well. Surprised at the 45% restriction, have quite a bit of yard in the front and side. And the lake side have greenspace headed to the lake. Chairman Bockoski stated while understanding the surprise, in place for larger lots to be able to have green space and not be filled with drives, etc. Thank you for going thru the process, materials submitted are very detailed. Chairman Bockoski asked for questions. Mr. Zell echoed very thought-out plans and detailed. Mr. Watson stated he did talk to the neighbor across the street concerned about messing up his view, neighbor did not have issues with plans. Mr. Zell asked if approval when construction would start and how long expected. Mr. Watson stated Zeb Pickett is contractor, plan would be end of October for foundation and outside structure, with inside being over winter. Mr. Watson stated from someone going past, would think before snow flies. Chairman Bockoski questioned space where red vehicle was parked, is that a common area and it is a filled lot on weekends. Mr. Watson stated yes it is. As a weekend resident do not want to cause conflict with neighbors. Chairman Bockoski questioned, running business or adding any lighting. Mr. Watson stated no to business, flood lights on porch. Currently have lights on either side of garage doors. Courtyard type of look between house and garage. Discussion on other options considered.

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

David Small 1320 Bayswater Lane, to the west of this property. We are for this project, going to enhance the neighborhood, and improve the property values to the area. Happy the property is being invested in.

Mr. Zawadzki read letter from Brett Ravenscroft 1260 Bayswater Lane. Support the petition.
Letter added to file.

Doug Bergman 1269 Bayswater Lane, not seeing information on added drainage for the added roof, and last time anything done, messed up our lot and didn't clean it up. Keeping debris on his property. Questioned the property line compliance.
Mr. Zawadzki answered will meet the setbacks for the area, six feet from the property line.

Mr. Bergman stated would be right on the line. Mr. Zawadzki stated if not requesting a variance would have to meet the standards. Chairman Bockoski stated the variance is for lot to have more surface than allowed. Mr. Bergman stated there are drainage issues in the area. Also added when doing work prior, threw items down the hill, never cleaned up. Don't want that to happen again.

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

Chairman Bockoski asked Mr. Zawadzki about any drainage issues. Mr. Zawadzki stated not aware of any issues currently in the area, but anything built would not be allowed to impact others. Will have to meet the standards. Chairman Bockoski questioned the process. Mr. Zawadzki stated the Utility Department does that inspection prior to Certificate of Occupancy is granted. Chairman Bockoski addressed Mr. Watson asking what plans are for materials during construction. Mr. Watson stated he has not discussed this with Zeb but respect he is an experienced builder and expect front drive and yard would be used and would not interfere with us living there as we are not a full-time resident. Have plenty of space for materials and confidence in Zeb to do correctly. Mr. Watson stated he is willing to invest money to help clean up common area, stumps etc. Chairman Bockoski suggested stipulation would say materials must stay on your property, as well as Mr. Massonne stating timeframe for completion is typically one year are those things that can be agreed to. Mr. Watson agreed, would hope by springtime. Brief discussion on conditions.

Mr. Zell made motion to approve Docket No. BZA-0924-42-R3 as presented with the following conditions: all materials be properly placed on petitioners' property and no materials to be in the common area, also, petitioner would have one year to complete exterior portion of the project from time of approval. Mr. Berry second.

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

1. Plan Director's Report: Mr. Zawadzki highlighted the report as follows. Permit revenue for August 2024 was \$8394 and YTD \$40782, compared to August 2023 of \$5135 and YTD 2023 of \$66900. That is an increase for month of \$3259 and a YTD decrease of \$26118 so far. Issued 22 building permits, 16 in Town limits, 4 new homes and additional 6 in Township, no new homes. Estimated cost of projects under these permits is \$2,152,535.
2. Chairman's Report: Chairman Bockoski welcomed Mr. Mark Thomas to the BZA Board.
3. Legal Counsel Report: Mr. Culp addressed a couple things. Sewer plant construction is underway, started in August expected to take 2-2.5 years. All in the area of the same plant, a mirror duplicate of the current plant. Estimate the plant should serve needs of community for next 20 years. Secondly, after months of working, got lease agreement signed to do test wells on the east side of town. Assuming testing goes well, have agreement to purchase land for well, which should provide enough water for next 20 years as well. Finally, seeing a lot of speculation on the former NRG property. This is in middle of an IDEM clean up. There was some contamination at the site, degreasers and items, arsenic (was an industrial property for 100 years). They are removing things from the area and initially wanted to leave the foundation, Town was concerned about this because if it sold the buyer would be responsible for cleanup. The estate determined to remove the foundation, which is what you are seeing now. Will continue to do the cleanup work for any chemicals in the soil. Property has not been sold, still owned by Ashton Sethi Trust. One other item, everyone received a copy of the Rules of Procedures, one item came out that will be reworded. This will be done and sent back out, it was under the disclosure of why a member would reclude themselves. Another thing in the rules is that permits must be completed in a certain timeframe and construction must be completed in two years of approval of a variance. Unless this Board approves otherwise. Chairman Bockoski asked if the paperwork could reflect that timeframe. Brief discussion ensued. Mr. Zell questioned the survey of reorganization going around. Are those discussions ongoing in the Town Council meetings, if they could be discussed. Mr. Culp stated his understanding is that the Township would like to go forward with a referendum. The Town of Cicero remains concerned about which option is the best. There is a lot of financial questions, concerns on cost. Also, zoning is currently controlled by the Town, unlike Sheridan, so the urgency is not the same. They are exploring simultaneously the reorg and annexing options. Concern is the road maintenance becomes town responsibility, and the costs associated. Outside counsel has been retained to do this work. Anticipate solution next year.
4. Board Member Comments: Mr. Zell questioned if anything to report on the Millersburg situation. Mr. Zawadzki stated Mr. Strong did share concerns from last meeting. Contacted property owner, he has since gotten out with a mower and did a bunch of clean up. Followed up a week later, has sold six of the vehicles and cleaned up more of the fence line. There is another house, he owns that house as well, has a different plan for the property. Have discussed condemnation with Mr. Culp, however, do not have power for that. Mr. Culp explained the county has jurisdiction over that area. Mr. Taylor has been contacted by Mr. Culp for discussion purposes only. Mr. Zell also brought up the Yeary property, is there anything that gives us more leverage for that project to get completed. Mr. Culp stated since there wasn't language attached to the variances, there isn't much that can be done as long as he continues to do any work. Unless he comes for a different variance. Mr. Thomas questioned what property is being discussed. Mr. Culp stated on 19, was looking at a winery with sandwiches type of business but has gotten sidetracked with other projects. Mr. Zell also thanked the Board for allowing him to continue to serve the BZA with his recent health issues. Appreciate being nominated for Secretary position. Mr. Zell also shared a recent commendation from the Sheriff Department and appreciate the highlights of this tough year, and living in this wonderful town and community. Mr. Massonne asked if have heard anything more on the Wolly Yak petition. Mr. Culp stated heard approximately two weeks ago, they finalized the final record. This had to be done prior to moving forward. Last known time was January. Mr. Culp stated he will get to everyone the revised rules on reclusion and would like to discuss next months. Brief discussion on the Findings of Fact. Mr. Culp added that the agendas are now on the servlist system and posted on website.

5. Next Meeting: October 17, 2024

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

Chairman:

Secretary:

Date:

Location:

Cicero Town Hall
70 N Byron Street
Cicero, IN 46034

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