



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Board of Zoning Appeals Minutes

October 17th, 2024

7:00 p.m.

Roll Call of Members

Present:

- ☐ Scott Bockoski - Chairman
- ☐ Mike Berry
- ☐ Mark Thomas
- ☐ Aaron Culp - Legal Counsel
- ☐ Dan Strong filling in for Mr. Zawadzki
- ☐ Terri Strong - Recorder

Absent:

Harrison Massonne
Steve Zell
Frank Zawadzki-Cicero Jackson Township Planning Director

1. Declaration of Quorum

Chairman Bockoski announced can declare a quorum with three members present. Chairman Bockoski explained the process with petitioners, they have to have three positive or three negative votes for a motion to pass and also their right to ask for tabling until a full board is present.

2. Approval of Minutes

Chairman Bockoski noted one change to the minutes—copy needs to say “Minutes” not agenda for the September 19th, 2024, meeting.

Mr. Berry made motion to approve with change to the document as stated. Mr. Thomas seconded. All present in favor.

3. Old Business:

Rules of Procedure- Chairman Bockoski asked with only three members present he would call for a motion to table.

Mr. Thomas made the motion to table the Rules of Procedure discussion until next meeting. Mr. Berry second. All present in favor.

Approval of findings of facts-Chairman Bockoski asked if Findings of Fact are all submitted from last meeting. Mr. Strong stated they are all received.

Mr. Thomas made a motion to approve the Findings of Fact from September meeting. Mr. Berry second. All present in favor.

Chairman Bockoski stated for the public, the BZA is a quasi-judicial branch of the local government. Will be discussing the items listed on the docket and issues or items regarding the docket. All comments/questions should be directed to the Board members not the petitioners or parties with the petitioners. Attendants must sign in if planning to speak. You must state name and address each time you approach the podium. Each item typically has time set aside for public comment, if someone is in agreement with someone that previously spoke, stated agreement and move on in interest of time. Remind everyone that all motions are made in the affirmative but that does not mean it is the way we will vote.

4. New Business:

Petitioner: Garry Harling

Property Address: 169 W Buckeye Street, Cicero, IN 46034

Docket#: BZA-1024-44-R5

A Development Standards Variance application has been submitted regarding the property located at 169 West Buckeye St, Cicero IN, 46034 seeking relief from Article 3.12 “R5” District Standards which states that side yard setbacks shall be five (5) feet.

Garry Harling 169 W Buckeye Street, moved 5-6 years ago. Running out of storage, spoke to Frank and added a mini barn. The barn was placed right next to garage. Tried rebuilding the garage but price was prohibitive. Thought the property line ended at the alley, and ends a couple of feet in. That is why we are here, placement of the barn. Does not block utilities or any views or transportation.

Chairman Bockoski asked if barn in that location in the past. Mr. Harling stated no. Chairman Bockoski asked Mr. Strong if he was aware of any concerns by Fire Department. Mr. Harling stated he is chief of White River Township Fire Department, and trained person there is

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plenty of space for a fire truck. Mr. Berry asked if it was on any kind of foundation. Mr. Harling stated no it is sitting on large rocks and blocks. Mr. Berry asked if wood structure. Mr. Harling stated wood with metal roof. Mr. Berry asked if electrical power. Mr. Harling stated not currently, perhaps in future. Currently, patio furniture is being housed and such to give room in garage for Mustang. Mr. Thomas asked how much of a set-back are you at now. Mr. Harling stated two feet too close. Mr. Thomas questioned if there was room for moving closer to the garage. Mr. Harling stated it could but would be extremely expensive to move. Mr. Berry clarified that the shed is three feet from the property line. Property line is almost equal with the poles.

Mr. Berry made motion to open to the public. Mr. Thomas seconded the motion. All present in favor.

Chairman Bockoski questioned if items to be read into record. Mr. Strong stated yes, an email.

Leah Thomas email read into record, no issue with shed and location.

Joshua Biddle 130 W Biddle no issue with shed or location.

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

Mr. Berry made motion to approve BZA-1024-44-R5 as presented. Mr. Thomas seconded.

Mr. Bockoski-approve, Mr. Berry-approve, Mr. Thomas-approve. Motion 3-0

Petitioner: David & Leah Cupps

Property Address: 67 Hickory Ridge Circle, Cicero, IN 46034

Docket#: BZA-1024-45-R1

A Development Standards Variance application has been submitted seeking relief from Article 7.22 of the Cicero/Jackson Township Zoning Ordinance which states; The primary building material for all facades of the Primary and Accessory Structures are to be brick, natural or cut stone.

Leah Cupps 67 Hickory Ridge Circle, Cicero. Chairman Bockoski questioned project. Mrs. Cupps stated we have a barn and house that faces two roads. The main house has stone in place on both side facing both streets. Original renderings had stones on the barn on both sides facing the roads. When finishing the barn, the runouts for horses face 226th, when we put the fences up realized that if we put stone on the 226th side if the horses would kick the stone it would injure the horse. In addition, if we had put the stone up prior to the run-out fencing, the other fencing would block any view of the stone. Mrs. Cupps stated we have put a lot of time and thought into creating a beautiful property, and while did not add stone to the building, did add nine stone pillars along the property line. With a nice gate adding to the aesthetics of the property and entrance to the Forest Bay addition. Only having horses for three years, didn't realize the stone could endanger the property.

Mr. Berry asked what material instead of stone would be used. Mrs. Cupps answered the metal board and batten that is on the rest of the barn.

Mr. Thomas made motion to open public hearing on BZA-1024-45-R1. Mr. Berry second. All present in favor.

Mr. Strong had two items to read and add to the record.

Larry and Arlet Gray 66 Hickory Ridge Circle Expressed concern for large animals being destructive to themselves and stone would be unrealistic to have in the area of questioned. Farm is compliment to all in the area.

Theresa Zimmerman showing support of the variance request.

Brian Sheppick 65 Hickory Ridge Circle. Second the comments mentioned. Fencing on 226th will block area. Compliment to the neighborhood.

Mike Muhusek 60 Hickory Ridge Circle. I was misled on what this variance is about. The two additional structures on the property, shelters on the pastures. They are a lot closer to Hickory Ridge Circle than the house and barn. Was not present for initial approvals, but caused us to move our Forest Bay sign, that had been in place for 40 years. Sign had been repaired in 2006 and has been maintained since. Discussion with Cupps to keep sign, didn't match vision with stone columns. Keeping stones off the barn to prevent injury but having stone columns in the pastures where the horses will be is disingenuous. What is it to keep horses from bumping up or kicking the columns? Also curious of the two structures in the pastures, questioned if they were a part of the original plan. They are not on any original plans. Thought that is what this meeting/variance was about.

Jay Nichols 11975 Donaldson Lane, Westfield, representing Mother (Jean Nichols) that resides at 45 Hickory Ridge Circle. Last year's variances of BZA-0323-10-R1 addressed the stone be waved in the variance. The board then addressed that removing the façade on the outside of the building was it to be on both sides. Mr. Culp had answered yes all the way around, but if it was a covenant variance it would be different. Thought this meeting was about the primary structure, it has 20% or less of cut stone, does not meet the development standards.



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Meeting minutes from 0323 quoted regarding the stone measurements and location. Façade should be consistent with the rest of the neighborhood, which is the first floor being primarily brick or stone. Expressed concern for the south side only has 2.5 feet of stone. Was also under the impression that this was the purpose of the meeting, the primary structure. Questioned the purpose of the variance. Chairman Bockoski stated he understands the confusion in the variance. Mr. Nichols states feels it is after the fact. You told them 51% and they didn't do it and now coming back for a variance on a finished project. Mr. Nichols stated the primary structure is more of his concern as it is exposed from Hickory Ridge Circle. Also of concern is the comment of a polo grounds, which requires 9.5 acres. They have posted off 8 separate pastures, and two or three riding rings which would not be anywhere near polo ground requirements. Chairman Bockoski to clarify the reason for tonight, we are not talking about the primary structure but the barn. Mr. Strong stated he agreed and was also under the understanding that they were looking for relief from stone on the stalls of the barn due to potential injury to the horses on the north side.

Mr. Nichols stated they were already granted that relief in previous number 10 of the variances last year. Development Standards are no vinyl, aluminum, or plywood for the area, all the accessory structures have metal.

Chairman Bockoski this request is for the petitioner to not have stone on the barn. Mr. Nichols stated it was already granted and do not want there to be confusion on the record. Mr. Culp stated his recollection was that the BZA was ok with the outbuildings that were to not have stone, not the barn itself, but it was a year and a half ago. Mr. Nichols stated but the primary structure was to have 51% stone and does not have anywhere near that. Mr. Culp stated that it is a separate issue, the only issue before us tonight is the barn. Any other complaints would be made to Mr. Zawadzki, and he would have to investigate, cite them if necessary, they would then have to correct or seek a variance. But tonight, all that the Board can address is the barn itself. Mr. Nichols stated the Development Standards is to not have metal, has minutes, primarily stone or brick which would be 51%. That is not even close to 51%. Further discussion on where the stone is currently, on the south side only between doors, less than 25 feet. Concern is that it looks like a horse barn in a residential area, and R1. It might be beautiful, but we are talking our subdivision that looks like a horse barn with living quarters above, not consistent to the neighborhood. Mr. Strong asked where he got the measurement. Mr. Nichols stated from the minutes of the meeting. Mr. Strong stated the standards are for different zones. Mr. Culp stated Mr. Zawadzki was incorrect in his quote. Mr. Nichols stated there are lot of things that are different than what the standards are. They may be beautiful but not the aesthetics that are the neighborhood. They received seven variances and are now asking for another. Mr. Nichols expressed number of concerns for the size of pastures, number of horses and the potential of additional variances in the future, boarding of horses. I appreciate everyone listening.

Ian Heuer 25510 Ocean Drive Arcadia stated was builder for the project. Address concerns, renderings for project were done to show vision. The stone was on the barn in the renderings on both north and east sides. The east side does have stone. It is taller than 2.5 feet, added additional stone in other places. The area on the north is covered by awnings, fencing and fencing along road, so very little would be visible from 236th. This is for private use not for boarding horses for others.

Mr. Berry made motion to close public hearing portion. Mr. Thomas second. All present in favor.

Chairman Bockoski asked petitioner to return to the podium.

Leah Cupp 67 Hickory Ridge Circle. Chairman Bockoski asked regarding the markers that have the stone on them are they in contact with horses. Mrs. Cupp stated they are in open field, the concern is the contained spaces, a small area. Approx 10 feet wide. In a contained area they are much more likely to be antsy and come in contact with the stone. Mrs. Cupp described the runs to the Board. Chairman Bockoski questioned if there was fence between the barn and the horses. Further discussion commenced to explain how the area works. Mr. Strong had technical difficulties showing pictures of the property. Pictures were shown on monitors. Using monitors Mr. Strong indicated his knowledge of where they are looking for relief from having stone on the north side of the building. Mrs. Cupp stated will almost be impossible to see if the stone was there. Mr. Thomas questioned the fencing of three boards. Mr. Berry stated they would only be used if the horses were injured. Mrs. Cupp explained all types of injury, which could be abscess, it is a dry lot. Mrs. Cupp stated she understood that the ordinance is that only the street sides are to have stone.

Chairman Bockoski asked if further questions from the petitioner. And announced that public portion is closed at this point. Chairman Bockoski stated there are a lot of questions that are going through his mind. I would like to review the minutes from the previous meeting. Mr. Thomas wasn't on the Board at that time, there are only three of us. Mr. Berry stated he has the same questions. Especially the comment that it had already been approved. There are several issues brought up tonight, that have questions on. However, we only are here for the one item tonight. Still do not feel reviewing will answer all the questions. Mr. Thomas stated he has familiarity with horses, drove by the property. What is being discussed, would be concerned for not only kicking but chewing on the stone. I would like time to read minutes. Chairman Bockoski stated we are only looking for the one item and yet reviewing minutes for that item seems pertinent for the docket tonight. Mr. Berry added as Mr. Culp stated if there are violations, that would be to plan director. Mr. Culp stated he thought it would be helpful if plan director was here, he did the inspections. Chairman Bockoski encouraged the other members to have dialogue with plan director.

Mr. Berry made motion to table BZA-1024-45-R1 until November meeting. Mr. Thomas second. All present in favor.



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Mr. Culp added for the people here tonight next meeting is November 21, at 7:00 p.m. They may not reopen the public hearing, but to ask Frank questions, but will be at this location.

5. Plan Director's Report: Chairman Bockoski the packet has report and September permit revenue for 2024 was indicated as follows; \$5612 for month and YTD of \$46394, compared to last year of \$5310 and \$72210 for YTD. That is a difference of +\$302 for month and decrease of \$25816 for YTD. 20 permits, 15/0 and 5/0 new homes, estimated cost of projects is \$802555. Feel free to contact Mr. Zawadzki for any questions.
6. Chairperson's Report: No report, looking forward to a full board for next meeting.
7. Legal Counsel's Report: Mr. Culp now have drilled two additional test wells on the east side of town. No data to report but process is moving forward. Sewer plant expansion is underway, expected to take 18 months. By the time we meet next month, we will know what is happening in Adams Township, they have their vote on reorganization in less than three weeks. In reading short term things will stay the same until they can do own plan and zoning work. Chairman Bockoski questioned the steering committee, any ideas, thoughts to share. Mr. Culp stated he stays out of the Comp Plan process, it is not a legal document, but when ordinances are needed reviewed to adapt that is when he is involved. Chairman Bockoski stated his curiosity was regarding Arcadia. Mr. Culp stated he is Arcadia's town attorney and plan department attorney. Chairman Bockoski encouraged everyone to fill out the survey.
8. Comments: Mr. Berry asked the item we tabled, can not discuss with anyone other than Frank. Mr. Culp stated and himself no one else until the next meeting. Mr. Thomas stated he was looking at the back part and it has already been approved. Chairman Bockoski stated he appreciated the input.
9. Next Planned Board of Zoning Appeals Meeting:
November 21st, 2024
10. Adjournment: Mr. Berry made the motion to adjourn. Mr. Thomas second. All present in favor.

Chairman: _____

Secretary: _____

Date: _____

Location:

Cicero Town Hall
70 N Byron Street
Cicero, IN 46034