



## CICERO/JACKSON TOWNSHIP PLAN COMMISSION

**Board of Zoning Appeals Agenda**  
Red Bridge Park  
25 Red Bridge Park/697 W Jackson Street  
Cicero, IN 46034  
December 19<sup>th</sup>, 2024  
**7:00 p.m.**

### **Roll Call of Members**

Present:

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

1. Declaration of Quorum

2. Approval of Minutes  
November 21<sup>st</sup>, 2024

3. **Old Business:**

4. **New Business:**

Petitioner: McClures

Property Address: 23576 Englewood Drive, Cicero, IN 46034

Docket: BZA-1224-52-C1

A Development Standards Variance application has been submitted regarding the property located at 23576 Englewood Road, Cicero to: Allow an electronic pole sign 150 feet tall: Whereas Article 10.7 Commercial Sign Standards states that pole signs and electronic signs are prohibited.

Petitioner: Jai & Robyn Cook

Property Address: 8989 E 256<sup>th</sup> Street, Arcadia, IN 46034

Docket: BZA-1224-53-AG

A Development Standards Variance application has been submitted regarding the property located at 8989 E 256<sup>th</sup> St, Arcadia IN to: Allow a fence to be 6 feet tall in the front yard: Whereas Article 7.21 Fence and Wall Standards (FN) states that a fence shall not be greater than three (3) feet in height in the front yard.



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5. Plan Director's Report: See packet.
6. Chairperson's Report:
7. Legal Counsel's Report:
8. Board Member Comments:
9. Next Planned Board of Zoning Appeals Meeting:  
January 9<sup>th</sup>, 2025
10. Adjournment:

Location:

Red Bridge Park  
25 Red Bridge Park/697 W Jackson Street  
Cicero, IN 46034



## CICERO/JACKSON TOWNSHIP PLAN COMMISSION

### Board of Zoning Appeals Minutes

November 21<sup>st</sup>, 2024

7:00 p.m.

#### Roll Call of Members

##### Present:

- ☐ Scott Bockoski - Chairman
- ☐ Mike Berry
- ☐ Harrison Massonne
- ☐ Mark Thomas
- ☐ Steve Zell
- ☐ Frank Zawadzki - Cicero Jackson Township Planning Director
- ☐ Terri Strong - Recorder

##### Absent:

Aaron Culp-Legal Counsel

1. Declaration of Quorum- Chairman Bockoski announced a quorum with five members present.
2. Approval of Minutes  
Mr. Berry made motion to approve minutes from meeting on October 17<sup>th</sup>, 2024. Mr. Thomas second. Motion passed 3-0-2  
Two members abstained as they were not present for meeting.
3. Old Business:  
Approval of findings of facts-Chairman Bockoski stated the Findings of Facts were presented and called for approval. Approved.  
  
Chairman Bockoski asked for agenda item Rules of Procedure to be moved to the last item on the docket tonight.  
**Mr. Zell made motion to move Rules of Procedure under Old Business to the end of tonight's agenda to take care of business from citizens. Mr. Massonne 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 stipulations 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 hearing, if someone is in agreement with someone that previously spoke, stated agreement and move on in interest of time. Like to remind everyone that all motions are made in the affirmative but that does not mean it is the way we will vote.

**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.

**Mr. Massonne made motion to untable BZA-1024-45-R1. Mr. Zell second. All present in favor.**

David Cupps 67 Hickory Ridge Circle, Cicero. Chairman Bockoski clarified the reason for tabling this docket last month, due to requesting more information. This was included in packets, it was the March 23, 2023, items that were approved for the property. Chairman Bockoski asked if the Board had reviewed and if any questions. None asked. Chairman Bockoski asked if Mr. Zawadzki had any comments. Mr. Zawadzki gave update, here for variance last year to get design approved. The board approved several variances, the design presented had stone on the north front. When finished building, the stone was omitted, discussed with contractor and stated would prefer to not have due



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to danger to horses. Communicated that it was not the design approved and would need to add stone or ask for a variance to not add the stone.

Chairman Bockoski asked Mr. Cupps if he had anything to add. Mr. Cupps stated I wasn't here at last month, worried about the safety of the horses in that area. They are dry lots are made to stay dry when muddy in other lots. When enclosed in there want to have wood so if they kick it they would be less likely to hurt themselves. There are only four spots, a few feet between the doors, there will be gates at the end of the dry lots, so when you are looking from the street, the area would be blocking view. The doors would be open most of the time, which would also be covering where the stone would be if required.

Chairman Bockoski thanked for clarification and asked Mr. Zawadzki if the definition of façade was also discussed. Mr. Zawadzki stated we interpret the word façade to mean the side that shows. Primarily brick or stone, not aluminum, not plywood, textured siding must show on all sides. So if side that no one would see, that is not counted as façade. Chairman Bockoski clarified the percentage to be 51%. Mr. Zawadzki stated 51% for the primary structure but have made approvals in the past what catches the eye. In this case the main house does meet the 51%, you cannot count doors and windows, so numbers work out. The accessory structure must relate to the primary structure. The standards are not the same for an accessory structure. However, they must relate which means same design and materials. Mr. Cupp added we added nine stone columns on the property in the fence, to make it more aesthetically pleasing. We also added underside lighting on the columns, the metal gates with lights on columns, greenhouse attached to south side of house added stone on bottom. Mr. Cupp stated we went further to add more stones in total because that side doesn't face the road.

Mr. Zell asked what brought to his attention the potential injury to horses after the approvals, the variances. Why wasn't it brought to our attention? Mr. Cupps stated the whole project has been a learning experience. Know horses now but six months before started the polo team participation had not ridden. I didn't know about concerns until other horse people brought to my attention. Probably not the last thing I will say, I didn't think about that.

Chairman Bockoski stated we do have the option to not open to the public, however, think we can do that.

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

Jay Nichols 10175 Donaldson Lane, Westfield. Mother lives at 45 Hickory Ridge. Would refer to minutes from meeting in October, the renderings showed that there were stone all the way around the accessory structure as well as the primary structure. Wonder where the façade is only defined as just the front of the house. Along Hickory Ridge Circle both structures face the longest portion of the street. Mr. Nichols stated minutes state buildings do not have stone all the way around, the primary structure has less than 20% and the east side and south side of the secondary structure do not have any stone on it. If the façade is only the portion that faces the street, the longest portion is along Hickory Ridge Circle. Estimated that to be 1500-1800 linear feet. Mr. Nichols stated the minutes gave exemptions to the accessory structures but not the primary structure not mentioned and not requested as a variance. Looks like a farm in the middle of a million-dollar subdivision and detracts from the value of the other homes in the subdivision. Question would be where is the façade definition only road facing, and if it is it should be the whole structure including the south facing. Trying to protect the home values in the neighborhood. Fearful it will detract from the neighborhood values with a horse farm, concern for stables at the property. Feel there are many things given relief from, and some things that should have been kept in place for the values. Neighborhood sign was removed, and property sign says Firefly Farms, it is not a neighborhood farm but an apartment for when they are riding. Big apartment to be used randomly and fearful of being turned into quarters for a riding stable. Have 50 pictures if wanted.

Chairman Bockoski stated not necessary but thank you for offering.

**Mr. Zell made motion to close public hearing on this petition. Mr. Berry second. All present in favor.**

Chairman Bockoski stated some points brought up, question to Mr. Zawadzki, as we discuss façade and road wrapping around property. While this does not pertain to this docket, is it something to be investigated for the future? Mr. Zawadzki is consistent with what has been approved in the area, if someone backs to woods, we don't have authority to require. Could there be a Plan Commission question if we want to address the ordinance? Mr. Zawadzki stated his job to interpret the ordinance, and we have made that recommendation.

Mr. Zell stated in his years he would say our attorney would state the same as what Mr. Zawadzki shared tonight, this is what we have been taught. While every case is on its own, I would say this same definition has been applied in the past.

Mr. Massonne referenced the past minutes when Mr. Zell asked if the plan included boarding horses, Mr. Cupp stated no, apartment is for he and family. Reference included if did, he would be in violation. Mr. Massonne stated do take in consideration that it is important to not commercialize residential neighborhoods. Mr. Cupps did ask in the meeting (2023) about the stone around but if met covenants without being around would leave off. Mr. Zell reminded that tonight's petition is about the north side of the barn. Mr. Massonne stated his opinion after the fact is that once the boards go up, they will not see the stone. Mr. Thomas agreed. Mr. Zell stated it is a beautiful setting and do not see how it can be a negative to the neighborhood property values. Always look at impact to the neighbors.

**Mr. Thomas made motion to approve BZA-1024-45-R1 as presented. Mr. Zell second.**

**Mr. Zell approve, Mr. Thomas approve, Mr. Massonne approve, Mr. Berry approve, Mr. Bockoski deny Motion passed 4-1.**





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

**Petitioner:** Justin & Kristin Bender

**Property Address:** 2030 W Morse Drive

**Docket:** BZA-1124-46-R3

A Development Standards Variance application has been submitted seeking relief from Article 3.8 which states that the square feet of all primary and secondary structures and impervious surface cannot exceed 45% of the Lot Area.

Kristin Bender 2030 W. Morse Drive, have two boys that love basketball and while our drive has large slant they wind up in the street. Trying to take up our yard for a sport court/patio for the back. Chairman Bockoski asked if aerial footage is available. Mr. Zawadzki added to the monitor. Chairman Bockoski asked what is behind the property. Mrs. Bender stated there is a creek and woods. Mr. Massonne stated Tamarack is behind the wooded area. Described as removing the trampoline, have a small patio showing with bricks that would become grass again. Mrs. Bender stated there is a utility line, also a retaining wall on sides that we are trying to match.

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

Mr. Zawadzki had letter from Joel Levi 263 Alvor Ct. Cicero, only concern is tree line providing privacy, do not want to lose trees. Chairman Bockoski stated he could see that question. Mr. Zawadzki stated did not think it was an issue.

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

Mr. Zell questioned if lighting was going to be added. Mrs. Bender stated we have two lights, but no additional lighting will be added. Mr. Berry asked if it would impact drainage in the area. Mr. Zawadzki stated he didn't think so. There is a very large, wooded area behind the house. That is why we have the impervious surface ordinance for regulate runoff. The house where it sits, 4306 feet allowed, currently has 4309 as it was built doesn't meet the standards. Would add another 7-8% and do not anticipate any issues at all.

**Mr. Massonne made motion to approve BZA-1124-46-R3 as presented. Mr. Thomas second.**

**Mr. Bockoski-approve, Mr. Berry-approve, Mr. Massonne-approve, Mr. Thomas-approve, Mr. Zell-approve. Motion passed 5-0**

Chairman Bockoski stated the next petitioner is Stellhorn Cicero, LLC and will have three dockets that we will discuss together and vote on separately.

**Petitioner:** Stellhorn Cicero, LLC

**Property Address:** 109 W Jackson Street, Cicero, IN 46034

**Docket:** BZA-1124-47-DC

A Special Exception Use Variance application has been submitted concerning Article 4.5 of the "DC" District Standards of the Cicero/Jackson Township Zoning Ordinance in order to: Allow for the property located at 109 West Jackson Street, Cicero Indiana to use the property for a restaurant with outdoor seating, whereas a restaurant with outdoor seating is not a Permitted use and is only a Special Exception Use in the "DC" district.

**Petitioner:** Stellhorn Cicero, LLC

**Property Address:** 109 W Jackson Street, Cicero, IN 46034

**Docket:** BZA-1124-48-DC

A Development Standard Variance application has been submitted seeking relief from Article 7.13 PK-04 which states that there shall be one (1) parking space per employee, one (1) space per every three seats in a restaurant, and one space for every two hundred fifty (250) feet of office space in the "DC" district.

**Petitioner:** Stellhorn Cicero, LLC

**Property Address:** 109 W Jackson Street, Cicero, IN 46034

**Docket:** BZA-1124-49-DC

A Development Standards Variance application has been submitted seeking relief from Article 7.13 PK-03 which states that there shall be one (1) deciduous shade tree per every ten (10) parking spaces in the "DC" district.

JR Fryberger business address 109 W. Jackson Street, live at 4020 E. 226<sup>th</sup> St. Cicero. Chairman Bockoski asked for petitioner to tell what have planned and about the exceptions. Mr. Fryberger plan is for the main floor of the building, restaurant and outdoor patio. The other two



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standards, the landscaping and parking, have more parking than most in town. Have our parking and exclusive lease for parking lot next door. Have under lease control, it is 40 spaces. Do not feel it would be a burden for any businesses along Jackson St. To allow landscape along the area of Byron and Jackson would be challenge, will be leaving the trees that are there, if we do take any out would replace with bushes. To allow trees in alley would not be feasible. Chairman Bockoski stated have heard this before but treat each situation individually and appreciate your due diligence. Mr. Berry asked for the final name, there is two different names. Mr. Fryberger stated Red Bridge Bistro is the intended name. Mr. Berry asked what is the anticipated seating capacity of the restaurant. Mr. Fryberger answered overall occupancy level is 99, with seating 78-85 to allow for staff. That would be the inside, we haven't set the outside level. Mr. Berry questioned further. Mr. Fryberger stated around the same, 75 total of 150. Mr. Berry stated according to ordinance you would need 60 parking spaces. Mr. Fryberger thought he would have that. Mr. Zawadzki stated they have 48 and per standards should have 70+. Mr. Zell questioned if in restaurant business currently. Mr. Fryberger stated managing partner. Tom shared his story, casual American fare, affordable. Mr. Zell complimented the plans that have been shared. Mr. Massonne questioned if square footage of patio is available. Mr. Fryberger did not. Mr. Zawadzki stated his copy had 2000, another one stated 1000. Mr. Massonne stated French drain is to be used to the town system. Answered that is correct. Discussion on the plans, outdoor freezer, outdoor bar. Color of items discussed, complimentary to brick and dark brown trim. Mr. Massonne questioned whether the business was dependent upon the outdoor seating, can survive winters without. Mr. Fryberger answered yes. Mr. Zell questioned if adding music. Mr. Fryberger stated he would like to add to the vibe. Limits discussed. Mr. Zawadzki stated limits are set with ordinance. Mr. Thomas questioned the actual entrance to the building. Mr. Fryberger stated if Byron sidewalks are to be widened ramp would be there. Otherwise, we would use the front door. Doors discussed. Mr. Zell questioned anticipated opening time. Answer was May 1, 2025. Mr. Fryberger added history that his construction company has done 3-400 restaurant over last 15-20 years. Construction is not the issue. Mr. Massonne questioned review of signage. Mr. Zawadzki stated would be doing an Aesthetic Review next meeting for signage. Mr. Thomas asked if patio was all concrete. Mr. Fryberger answered yes. Mr. Thomas questioned the fencing that was currently in place. Mr. Fryberger stated the fencing on the alley would remain, it is open on Jackson Street. Helps with security. Also fencing along patio area, anticipate obligation with alcohol that we would need the fencing. Decorative would be anticipated but to meet the alcohol board's requirements.

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

Chairman Bockoski asked if any public wanting to speak to step forward. Also questioned Mr. Zawadzki if any items to read into record. Mr. Zawadzki stated no items.

Ian Heuer 25555 Scherer Ave, did not know that it was on the agenda tonight but appreciate the investment here and preserving historic buildings. Love seeing what Cicero is becoming.

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

Chairman Bockoski stated three items, is there any stipulations that may need to be placed on them. Special exceptions is first one, parking, and landscaping. Mr. Zell stated they will be going before the Plan Commission for aesthetics so that is covered. Mr. Thomas questioned the basement and would be moving down there. Mr. Fryberger stated it is utility and has no intent to occupy. Mr. Thomas follow up with no intent to branch out in future. Mr. Fryberger stated not asking for that. Mr. Berry asked for opening time, and May was mentioned, since we have said in past we would place time frames on process, but this is not a new building. Mr. Zell stated he felt we should follow rules of procedures. Discussion ensued on past issues/delays. Chairman Bockoski summarized to petitioner that if not completed in 12 months, you would come back to the Board. Mr. Fryberger stated he felt that was very reasonable, May is goal but obviously could have issues.

**Mr. Zell made motion to approve BZA-1124-47-DC as presented with the following condition: The project has to be completed within one year from approval date. Mr. Berry seconded.**

**Mr. Thomas-approve, Mr. Zell-approve, Mr. Bockoski-approve, Mr. Berry-approve, Mr. Massonne-approve. 5-0**

**Mr. Massonne made motion to approve BZA-1124-48-DC as presented. Mr. Thomas second.**

**Mr. Zell-approve, Mr. Thomas-approve, Mr. Massonne-approve, Mr. Berry-approve, Mr. Bockoski-approve. 5-0**

**Mr. Massonne made motion to approve BZA-1124-49-DC as presented. Mr. Zell second.**

**Mr. Massonne-approve, Mr. Berry-approve, Mr. Bockoski-approve, Mr. Thomas-approve, Mr. Zell-approve. 5-0**

Chairman Bockoski stated the next items on the docket will also be discussed together and voted on separately.



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**Petitioner:** James Heuer

**Property Address:** 0 Spring Street, Cicero, IN 46034

**Docket:** BZA-1124-50-R5

A Development Standards Variance application has been submitted regarding the property located at 0 West Spring St, Cicero IN, 46034 seeking relief from Article 3.12 "R5" District Standards which states that the minimum lot area shall be 10,000 square feet.

**Petitioner:** James Heuer

**Property Address:** 0 Spring Street, Cicero, IN 46034

**Docket:** BZA-1124-51-R5

A Development Standards Variance application has been submitted regarding the property located at 0 West Spring St, Cicero IN, 46034 seeking relief from Article 3.12 "R5" District Standards which states that street access must be directly from street on the front side of the primary structure.

Ian Heuer 25555 Scherer Avenue, Arcadia own the property on corner of Bryon and Spring and haven't done anything with it, put up for sale. Interested party came forward and reached out to Frank, can we build a house on it? We had already gone thru process for that but the R5 standards have changed and now the lot is no longer compliant with the new standards. It is a 62-foot-wide lot, 132 feet deep, not inconsistent with what is in the area but the changes to R5 standards impact the lot size and the alley or side access. Asking for variances to build what we thought we already was approved.

Chairman Bockoski questioned the front side bring Spring side, are we saying there is not access from Spring side. Mr. Zawadzki explained that the design plan shown and approved at Plan Commission showed a rear entry garage or alley way access. While subdivision was approved, the design does not have a front load garage. Chairman Bockoski questioned if common in Cicero. Mr. Zawadzki stated it is all over town, not unique. Mr. Thomas verified the information is what was presented to Plan Commission. Mr. Zawadzki stated correct, was an approved parcel at that time. Did debate if legal non-conforming, Mr. Culp felt this was necessary.

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

Stephanie Yott, 1140 Shoreline Drive, Cicero actually representing the buyer. One of the conditions of buying is that it is buildable. They have gone to the trouble to fix after the zoning changes. Going from 5000 to 10000 put a lot of lots in Cicero at non-compliance. Question to protect buyer is if you are approving with the exact plan that Ian and his brother have submitted. They want to make sure if they wanted to make architectural changes would they have to come before the Board again.

Chairman Bockoski stated what we are going to rule on this evening is the minimum lot area and then the access to the street.

Mrs. Yott stated they liked the design, especially the side alley access. As a general question with the new zoning, what happens if a house burns down and they have a 6000 square foot lot but are noncompliance so what happens? Mr. Zawadzki stated we have an ordinance that protects residents in those types of cases. We have an ordinance that if it was 75% or more destroyed and there before, this ordinance would not pertain to that situation. Have authority to approve building permit. They could rebuild. Mrs. Yott asked if they could sell the lot, if they decided not to rebuild. Chairman Bockoski stated typically our decision goes with the owner for that property at the time. Adding, this is to protect the town from having something really strange that doesn't fit, doesn't fit the environment. Example used was an apartment building on a small lot. Standards were discussed.

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

Chairman Bockoski questioned Board members if any stipulations. Mr. Berry stated like the last one, a time frame. Mr. Heuer stated he would request no timeframe, we do not know what their plans are, our intent is to sell to them with these approvals. I don't know if it is one year or five years, and frankly don't know for us either. Chairman Bockoski stated we would want to put something on it. Two years is normal. Mr. Heuer stated our intent is to sell to them going through process to help them. Mrs. Yott added they don't have a plan yet, questioning once they submit a plan there is a time limit on completion. Chairman Bockoski stated if approved tonight within the two years it has to be complete. Mrs. Yott questioned even without a building plan being submitted. Mr. Massonne read section of ordinances relating to building plans. Building permits and/or improvements with fees will be applied for within 90 days of final court action. All site improvements including structures shall be completed and inspected and issued a Certificate of Occupancy within 2 years of issuance of building permit or if otherwise approved by the Board. Chairman Bockoski stated this is new but that is what we are talking about. Mrs. Yott asked if she could get a copy of that. Mr. Zawadzki stated yes. Mr. Massonne questioned if we kept it with property owner, what happens if they are selling on Monday. Mr. Thomas questioned the current ownership. Mr. Heuer stated he is with his brother, planning to sell to the other people. Mr. Massonne stated the intent is to make sure the single-family home that is planned to build does not become a duplex that will max out the lot per ordinance. Mrs. Yott verified that the new owners would have to come to get a building permit with their plans. Mr. Zawadzki stated yes they would, and he would verify at that point it would meet all standards. If not, they would have to come before the board for any variances. Discussion of new requirements and variances. Mr. Zawadzki stated the Board can specify whatever



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they want, if you specify it is typically with the property owner. If you don't specify, then a Development Standard would run with the parcel. What that

would mean, if you approved tonight, the two-year rule would be in effect, with the parcel not the petitioner. But you do have the authority to specify. Mr. Massonne questioned whether the variance would be forever or whether the person buying on Monday. Discussion ensued on time limits and changing of ownership rules.

Stephanie Yott 1140 Shoreline Drive asked if prior to the change, could it be to ask for a variance to the way it was? Gave example of Shoreline Drive changes when they built their home, stating they asked for variance to match other homes in the neighborhood prior to ordinance changes that affected them. Is that what they are asking for or are they asking for that specific house? Mr. Zawadzki answered they are asking for relief from standards. That is what the legal notice says. Chairman Bockoski stated it is a fine line, to do what you are wanting but people do strange things, and we want to protect the town. Chairman Bockoski stated can approve with the parcel but with timeline of two years. Mrs. Yott asked if two years go by and haven't built they have to get an extension. Chairman Bockoski stated yes. Mr. Berry asked what if petitioner withdrew this request and the new owner came, what would be situation. Mrs. Yott stated she could answer, would not be able to sell the lot, on billing sheet it is listed as a buildable lot. Purchase agreement is contingent upon the variance. It would have a hard time selling unless went through this again, as it is not buildable per standards. At least for a buildable lot price. Mr. Berry questioned, if we approve it tonight and two years pass with no building, it is no longer a buildable lot, and they have to come back is that correct. Mr. Zawadzki stated correct. Mr. Thomas stated we could approve it under the old rules. Mr. Zawadzki stated yes.

Discussion among board members on conditions and dockets ensued.

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

**Mr. Massonne made motion to approve BZA 1124-50-R5 with the condition that Certificate of Occupancy is issued within two years. Mr. Thomas second.**

**Mr. Thomas-approve, Mr. Massonne-approve, Mr. Berry-approve, Mr. Bockoski-approve, Mr. Zell-approve. 5-0**

**Mr. Massonne made motion to approve BZA 1124-51-R5 with the condition that the Certificate of Occupancy is issued within two years. Mr. Zell second.**

**Mr. Bockoski-approve, Mr. Berry-approve, Mr. Massonne-approve, Mr. Thomas-approve, Mr. Zell-approve. 5-0**

### **5. Old Business Part 2:**

Rules of Procedures- Chairman Bockoski stated feel we can read through and approve tonight without guidance of legal counsel, however, want to hear from other Board members. Mr. Zell asked Mr. Zawadzki if he felt there were any significant differences to the way we have been operating. Mr. Zawadzki stated not significant other than one difference is the thing we just discussed. That was a big push by Plan Commission president and council. There is a cleanup of language throughout. Chairman Bockoski stated the purpose is to submit into public record that this is the way we conduct ourselves. Mr. Berry questioned section 3.2. Mr. Zawadzki clarified that gives board member ability to reclude without giving reason. Chairman Bockoski stated he also reads the section as ability to reclude if wanted to represent neighbor as example. Discussion ensued with examples. Mr. Zawadzki stated he felt it was personal conflict. Mr. Zell questioned if this was presented previously by Aaron. Mr. Thomas stated it could be tabled and discussed in December. Mr. Zawadzki stated could call Aaron if questions, as we would like to get approved. Call was placed to Mr. Culp to join the meeting.

Mr. Zawadzki stated they would like a brief discussion with the Rules of Procedures.

Mr. Berry had a question regarding 3.2 last sentence. In event one board member wants to bring forth a petition and there are five others on the agenda. Mr. Culp stated they are only required to sit out the one hearing. Each item has its own hearing. Mr. Berry second question, if a petitioner comes forth with an item and a board member is against for whatever reason, could they reclude themselves and present their opposition or support during the meeting. Mr. Culp if it is an item of which they do not have a conflict. Idea is if they reclude themselves from a petition they cannot go to audience and present their side. Mr. Thomas stated that any conflict we have as a board member, we are negating our voice against that opposition. Mr. Culp stated the concern is that if a board member reclude and sits in the audience they are like board members participating ahead of the vote.

Mr. Zell are you ok with us approving this without going through it? Mr. Culp stated if the board is ready to proceed the document is ready. Mr. Berry in the finding of facts, do all the criteria have to be yes to approve or if one is not can it be approved. Mr. Culp answered they all have to be met. Mr. Thomas questioned page 12, paragraph 6, petitioner provides a certified list of names, which we get from the courthouse, in the last sentence, the receipts and sign affidavits, isn't that already done by getting the list from the courthouse. Mr. Culp stated if the petitioner went through the step of going to the courthouse that would be met. Mr. Thomas feeling it is redundant in the wording. Mr. Culp answered could insert "as provided by Hamilton County Transfer and Maps". And could get rid of affidavit requirement as long as they are getting the list from the courthouse. Mr. Zawadzki questioned if that could be done later. Mr. Culp stated orally if agreed can be added. Mr. Zell questioned what key points are now in the documents that would require changes from us as members. Mr. Culp



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stated there really aren't changes, just language changes due to statute changes. The defaults would be an area that is updated. So, you don't always have to ask or add unless you are giving more time. Mr. Zell asked if these are state statutes. Mr. Culp answered a lot is based upon state statute.

Mr. Culp explained language corrections were a part of it. Example: chairperson instead of chairman. Mr. Thomas questioned page 10, 8.2, do want to limit the number of times they continue. We are limited on others. Mr. Culp stated the way it is written it would be the Board to decide. Mr. Thomas asked if a concern from Mr. Zawadzki. He replied that it has not been an issue for him. Mr. Zawadzki stated to Mr. Culp he will get signatures and then will get changes made as discussed.

6. Plan Director's Report: Mr. Zawadzki highlighted report which was in the packets to the members as follows. October 2024 permit revenue was \$6976 bringing YTD \$53370. October 2023 permit revenue was \$13255 and YTD of \$85465. Difference for month was -\$6279 and YTD -\$32095. Building permits issued for month were 25 with 18 in town limits, zero new homes and 7 in the township with one new home. Estimated cost of permit projects is \$1700889.

7. Chairperson's Report: Chairman Bockoski opened with taking a moment to recognize Frank Zawadzki. Without him and other key members of board, last month was difficult. I appreciate due diligence. Constantly providing the services the community requires to uphold our standards. Thank you and you are a valued member of the team.

8. Legal Counsel's Report: No report.

9. Board Member Comments: Mr. Thomas the façade to the south, stating it is a long ways away from the road. Do we have a length/setback that would impact that. Chairman Bockoski stated that is where Frank's interpretation is valued. It is so far away. Mr. Zell added that it was why he brought up the reason we are here is for the petitions before us. Mr. Massonne questioned the 51% not being on the standards by percentage. Discussion ensued.

Mr. Massonne asked Mr. Zawadzki regarding his report, how difficult it would be to have in January how many building permits were issued in 2024. Mr. Zawadzki stated not a big deal, can be added. Mr. Massonne shared his reason for asking as it relates to speculation on the part of School Board consultant. Mr. Zawadzki stated that he reports to US Census and also BAGI monthly, yearly is not an issue. Mr. Massonne stated his numbers stated 50 students by 2035.

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

11. 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

# Approval of Findings of Facts: Page 11 - 79





# CICERO/JACKSON TOWNSHIP PLAN COMMISSION

## Findings of Fact/Decision Criteria:

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as a part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

### Findings of Facts:

The public and community will not be impacted by the scope of this project

This criterion has has not been met.

- 2 The use and value of the area adjacent to the property in which the variance will not be affected in a substantially adverse manner.

### Findings of Facts:

This will not affect the property values. Having a "farm" like structure in a rural area is considered by some to be a good thing.

This criterion has has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. **Practical Difficulties:** A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where owner could comply with the regulations within this ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

### Findings of Facts:

Due to safety concerns of the horses, hewing stone in specific areas can be dangerous to the animals.

This criterion has has not been met.





**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: Approved

Any Conditions Attached: No

Signature: [Signature]

Date: 11/21/24



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

**Findings of Facts:**

The petitioner indicates that placing stone on north side of barn as was required in the March 2023 A Hearing would potentially be a injurious situation for the horses

This criterion has has not been met.

- 2 The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

**Findings of Facts:**

By approving this variance does not negatively impact SAR RUNDIA Property

This criterion has has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. **Practical Difficulties** A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person might request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

**Findings of Facts:**

The practical difficulty in this case would be a problem for the horses

This criterion has has not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: Approved

Any Conditions Attached: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: A. M. Zell

Date: 11/21/2024





# CICERO/JACKSON TOWNSHIP PLAN COMMISSION

## Findings of Fact/Decision Criteria:

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as a condition of approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general well-being of the community.

Findings of Facts:

*None*

This criterion has / has not been met.

- 2 The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Findings of Facts:

*None*

This criterion has / has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Practical Difficulty is a difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person might request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Findings of Facts:

*Would be injurious to horses  
and not be seen from the street  
↑  
stone*

This criterion has / has not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: Approve

Any Conditions Attached: None

Signature: [Signature]

Date: 11/2/24





**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

*It will not be a safety hazard.*

This criterion has / has not been met.

- 2 The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Findings of Facts:

*It does not appear as if this will affect property value*

This criterion has / has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Practical Difficulty - A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Findings of Facts:

*Due to potential safety issues for their animals. It makes sense to wait until the next meeting.*

This criterion has / has not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: Approve

Any Conditions Attached: None

Signature: [Signature]

Date: 11/21/21





**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

No evidence presented would indicate there would be anything injurious to the public

This criterion ☒ has not been met.

- 2 The use and value of the area adjacent to the property involved in the variance will not be affected in a substantially adverse manner.

Findings of Facts:

Houses in immediate area are higher end, causing the need to apply the Req amount of store be applied to the facade as required

This criterion has ☒ not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. **Practical Difficulties:** A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Findings of Facts:

The Claim that the danger to horses - injurious could be averted by opening the doors to cover the store required

This criterion has ☒ not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: Denial

Any Conditions Attached: None

Signature: [Signature]

Date: 11/21/24



**Town of Cicero** | **CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

Due to the location, exceeding the pervious surface area will not pose any problems.

This criterion has has not been met.

- 2 The use and value of the area adjacent to the property in question will not be affected in a substantially adverse manner.

Findings of Facts:

This will not impact property values.

This criterion has has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. **Practical Difficulties:** A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Findings of Facts:

There is no other place on the property due to the size to place this project.

This criterion has has not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: Approve

Any Conditions Attached None

Signature: Michael Bey

Date: 11/21/24





**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

*Findings of Facts:*

*There is no proof that approval of the petition would cause any issues described above.*

This criterion *has* / has not been met.

- 2 The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

*Findings of Facts:*

*no negative impact to adjacent properties*

This criterion *has* / has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. **Practical Difficulty** A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

*Findings of Facts:*

*This petition is not a hardship and is a reasonable petition to approve*

This criterion *has* / has not been met.

**Town of Cicero** | **CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of its approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

*No*

This criterion has / has not been met.

- 2 The use and value of the area adjacent to the property involved in the variance will not be affected in a substantially adverse manner.

Findings of Facts:

*No*

This criterion has / has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. *Practical Difficulties* - A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Findings of Facts:

*No*

This criterion has / has not been met.





**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: Approve

Any Conditions Attached: None

Signature: [Signature]

Date: 11/21/21





**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of its approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

*It will provide a safe space for their family to play.*

This criterion ☒ has / has not been met.

- 2 The use and value of the area adjacent to the property including the variance will not be affected in a substantially adverse manner.

Findings of Facts:

*They do not appear to be affected.*

This criterion ☒ has / has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. **Practical Difficulties:** A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Findings of Facts:

*The deep driveway & small lot does not allow space.*

This criterion ☒ has / has not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: Approve

Any Conditions Attached: No standard conditions.

Signature: [Signature]

Date: 11/21/24





# CICERO/JACKSON TOWNSHIP PLAN COMMISSION

## Findings of Fact/Decision Criteria:

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

Nothing that could be described as injurious was described in the presentation of the petitioner

This criterion ☒ has not been met.

- 2 The use and value of the area adjacent to the property involved in the variance will not be affected in a substantially adverse manner.

Findings of Facts:

property values No indication of an adverse effect on

This criterion ☒ has not been met.

- 3 The strict application of the terms of a zoning ordinance will result in practical difficulties in the use of the property. **Practical Difficulties** A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Findings of Facts:

There does not appear to be a way to achieve the surface area needed without executing the plans of the petitioner

This criterion ☒ has not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: \_\_\_\_\_

Approve

Any Conditions Attached: \_\_\_\_\_

None

Signature: \_\_\_\_\_

[Signature]

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

11/21/24



Docket # BZA-1124-47-DC  
Stellhorn Cicero LLC



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may grant a special exception use for use in a district if, after a hearing and it makes findings of facts in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

This project will be similar to other restaurants in the area.

This criterion has has not been met.

- 2 The requirements and development standards for the requested use prescribed by this ordinance will be met.

Findings of Facts:

This project will adhere to the required developmental standards.

This criterion has has not been met.

- 3 Granting the special exception will not subvert the general purposes served by this Ordinance and will not permanently injure other property or uses in the same district and vicinity.

Findings of Facts:

This project will not subvert the general activities in the area.

This criterion has has not been met.

- 4 The proposed use will be consistent with the character of the district therein, the spirit and intent of the Ordinance, and the Cicero/Jackson Township Comprehensive Plan.

Findings of Facts:

This project is a match for the other businesses in the area.

This criterion has has not been met.





## CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

Docket #:  
Petitioner:  
Address:

### Board of Zoning Appeals Options:

In reviewing a request for Special Exception Use the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.

Signature: Michael Bay Date: 11/21/24

Conditions: Must be held within one year.

Docket # BZA-1124-47-DC  
Stellhorn Cicero LLC



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may grant a **special exception use** for use in a district if, after a hearing, it makes findings of facts in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

*No negative impact to the above*

This criterion **has** / has not been met.

- 2 The requirements and development standards for the requested use prescribed by this ordinance will be met.

Findings of Facts:

*All requirements will be met*

This criterion **has** / has not been met.

- 3 Granting the special exception will not subvert the general purposes served by this Ordinance and will not permanently injure other property in the district and vicinity.

Findings of Facts:

*No negative impact*

This criterion **has** / has not been met.

- 4 The proposed use will be consistent with the character of the district therein, the spirit and intent of the Ordinance, and the Cicero/Jackson Township Comprehensive Plan.

Findings of Facts:

*The proposed use will be a beautiful addition to our town.*

This criterion **has** / has not been met.



## CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

Docket #:

Petitioner:

Address:

CONDITION: Project completed within  
1 year of approval

### Board of Zoning Appeals Options:

In reviewing a request for Special Exception Use the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.

Signature: [Signature]

Date: 11/24/2024



Docket # **BZA-1124-47-DC**  
Stellhorn Cicero LLC



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may grant a special exception use for use in a district if, after a hearing and it makes findings of facts in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

*None*

This criterion has / has not been met.

- 2 The requirements and development standards for the requested use prescribed by this ordinance will be met.

Findings of Facts:

*Yes*

This criterion has / has not been met.

- 3 Granting the special exception will not subvert the general purposes served by this Ordinance and will not permanently injure other property owners in the same district and vicinity.

Findings of Facts:

*No*

This criterion has / has not been met.

- 4 The proposed use will be consistent with the character of the district therein, the spirit and intent of the Ordinance, and the Cicero/Jackson Township Comprehensive Plan.

Findings of Facts:

This criterion has / has not been met.



# CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

Docket #:  
Petitioner:  
Address:

Approve

Condition: 1 year

## Board of Zoning Appeals Options:

In reviewing a request for Special Exception Use the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.

Signature:

Date:

11/21/24



Docket # BZA-1124-47-DC

Stellhorn Cicero LLC



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may grant a special exception use for use in a district if, after a hearing under oath, it makes findings of facts in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

It does not appear that we

This criterion has / has not been met.

- 2 The requirements and development standards for the requested use prescribed by this ordinance will be met.

Findings of Facts:

It appears, following the zoning commission, it will.

This criterion has / has not been met.

- 3 Granting the special exception will not subvert the general purposes served by this Ordinance and will not permanently injure other property or interests in the same district and vicinity.

Findings of Facts:

It does not appear so.

This criterion has / has not been met.

- 4 The proposed use will be consistent with the character of the district therein, the spirit and intent of the Ordinance, and the Cicero/Jackson Township Comprehensive Plan.

Findings of Facts:

It meets the comp plan intent

This criterion has / has not been met.



## CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

Docket #:  
Petitioner:  
Address:

### Board of Zoning Appeals Options:

In reviewing a request for Special Exception Use the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.

Signature: \_\_\_\_\_

Date: 11/21/21

Open within 12 months

Docket # BZA-1124-47-DC

Stellhorn Cicero LLC



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may grant a special exception use for use in a district if, after a hearing and it makes findings of facts in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

No evidence uncovered during proceeding

This criterion ☒ has not been met.

- 2 The requirements and development standards for the requested use prescribed by this ordinance will be met.

Findings of Facts:

All standards met by petitioner

This criterion ☒ has not been met.

- 3 Granting the special exception will not subvert the general purposes served by this Ordinance and will not permanently injure other property owners in the same district and vicinity.

Findings of Facts:

None would be subverted as stated by petitioner

This criterion ☒ has not been met.

- 4 The proposed use will be consistent with the character of the district therein, the spirit and intent of the Ordinance, and the Cicero/Jackson Township Comprehensive Plan.

Findings of Facts:

All proposals are within intentions of ordinances

This criterion ☒ has not been met.





## CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

Docket #:

Petitioner:

Address:

to be complete within minutes

### Board of Zoning Appeals Options:

In reviewing a request for Special Exception Use the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.

Signature: \_\_\_\_\_

Date: 11/21/24



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

*Findings of Facts:*

The below minimum number of parking spaces will be offset by public parking.

This criterion has has not been met.

- 2 The use and value of the area adjacent to the property in question will not be affected in a substantially adverse manner.

*Findings of Facts:*

This will not impact property value due to its location

This criterion has has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. *Practical Difficulties:* A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

*Findings of Facts:*

The restaurant capacity will exceed the number of parking places and the parking area cannot be expanded.

This criterion has has not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: Approved

Any Conditions Attached: Must be completed within one year

Signature: [Signature]

Date: 11/21/24





**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

*no negative impact to the community.*

This criterion has been met.

- 2 The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Findings of Facts:

*no negative impact to the area above*

This criterion has been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Practical Difficulties A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person might request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Findings of Facts:

*This petition is a reasonable request for approval. The ordinance applied here is not practical*

This criterion has been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: approved

Any Conditions Attached: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: [Signature]

Date: 11/21/2024





**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of its approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

*No - Short setbacks*

This criterion has / has not been met.

- 2 The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Findings of Facts:

*No*

This criterion has / has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

*Practical Difficulties* A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather, it is a situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Findings of Facts:

*Yes*

This criterion has / has not been met.





**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: Approve

Any Conditions Attached: None

Signature: [Signature]

Date: 11/21/24



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

*It does not appear so*

This criterion ☒ has / has not been met.

- 2 The use and value of the area adjacent to the property involved in the variance will not be affected in a substantially adverse manner.

Findings of Facts:

*It appears they will increase*

This criterion ☒ has / has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. **Practical Difficulties:** A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Findings of Facts:

*The use adjacent parking. It is not reasonable to have DL to much parking.*

This criterion ☒ has / has not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: Approved

Any Conditions Attached: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: 11/21/24





**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

No evidence of injurious items  
presented by petitioner

This criterion ☒ has not been met.

- 2 The use and value of the area adjacent to the property involved in the variance will not be affected in a substantially adverse manner.

Findings of Facts:

No evidence provided would point to  
any adverse property values

This criterion ☒ has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. **Practical Difficulties:** A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Findings of Facts:

No practical difficulties mentioned

This criterion ☒ has not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: \_\_\_\_\_

Approve

Any Conditions Attached: \_\_\_\_\_

None

Signature: \_\_\_\_\_

[Signature]

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

11/21/24





**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

There are no anticipated problems.

This criterion has has not been met.

- 2 The use and value of the area adjacent to the property involved in the variance will not be affected in a substantially adverse manner.

Findings of Facts:

This will not change proper values.

This criterion has has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. **Practical Difficulties** A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Findings of Facts:

The property that is plantable cannot support the required number of trees.

This criterion has has not been met.





**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: Approved

Any Conditions Attached: Project to be completed in one year.

Signature: [Signature]

Date: 11/21/24

Docket # BZA-1124-49-DC  
Stellhorn Cicero LLC

Have Tell  
11/21/2024



CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION

Findings of Fact/Decision Criteria:

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as a condition of approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts: The above finding for #1 is not negatively going to cause the above issues

This criterion has / has not been met.

- 2 The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Findings of Facts: will not be negatively impacted

This criterion has / has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Practical Difficulty: A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Findings of Facts: Practical difficulty is not applicable here. The application of the ordinance here is not practical

This criterion has / has not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: Approved

Any Conditions Attached: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: [Signature]

Date: 12/21/2024





**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of its approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

*No*

This criterion has / has not been met.

- 2 The use and value of the area adjacent to the property in question will not be affected in a substantially adverse manner.

Findings of Facts:

*No*

This criterion has / has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Practical Difficulty - A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Findings of Facts:

*No*

This criterion has / has not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: Approved

Any Conditions Attached: None

Signature: [Signature]

Date: 11/21/24



# Town of Cicero

## CICERO/JACKSON TOWNSHIP PLAN COMMISSION

### Findings of Fact/Decision Criteria:

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of its approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

It does not appear so

This criterion has / has not been met.

- 2 The use and value of the area adjacent to the property including the variance will not be affected in a substantially adverse manner.

Findings of Facts:

It does not appear like it will

This criterion has / has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Practical Difficulty A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Findings of Facts:

with limited space in PC, they will not have room. They will leave existing landscaping

This criterion has / has not been met.





**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: Approve

Any Conditions Attached: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: [Signature]

Date: 1/21/24



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

No evidence shown injurious to the public were provided

This criterion ☒ / has not been met.

- 2 The use and value of the area adjacent to the property involved in the variance will not be affected in a substantially adverse manner.

Findings of Facts:

adversely affected property values determined to be improvements proposed

This criterion ☒ / has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Practical Difficulties A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Findings of Facts:

The special exception could not be approved without a practical difficulty to the petitioner and property

This criterion ☒ / has not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: \_\_\_\_\_

Approve

Any Conditions Attached: \_\_\_\_\_

None

Signature: \_\_\_\_\_

[Signature]

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

11/27/27



Docket # BZA-1124-50-R5  
James Heuer



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

*This petition will not have an impact.*

This criterion has has not been met.

- 2 The use and value of the area adjacent to the property involved in the variance will not be affected in a substantially adverse manner.

Findings of Facts:

*This will not change the value of adjacent property.*

This criterion has has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. **Practical Difficulties:** A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Findings of Facts:

*The "rules" changed and will impact the use of the property.*

This criterion has has not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: Approved

Any Conditions Attached: Mus be completed with 2 yrs.

Signature: Michael By

Date: 11/21/24



Docket # BZA-1124-50-R5  
James Heuer



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of its approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

*No negative impact to finding #1*

This criterion has has not been met.

- 2 The use and value of the area adjacent to the property involved in the variance will not be affected in a substantially adverse manner.

Findings of Facts:

*There is no negative impact as outlined in finding #2*

This criterion has has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Practical Difficulties A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Findings of Facts:

*No negative impact. However sale of property is contingent on sale of property*

This criterion has has not been met.





**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: Approved

Any Conditions Attached:

2 year time frame for buildings on  
the lot for full development

Signature: [Signature]

Date: 11/21/2024

Docket # BZA-1124-50-R5  
James Heuer



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

no

This criterion has / has not been met.

- 2 The use and value of the area adjacent to the property in need of a variance will not be affected in a substantially adverse manner.

Findings of Facts:

no

This criterion has / has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Practical Difficulty A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Findings of Facts:

no - originally approved and then changed due to square footage reduction of building lot.

This criterion has / has not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: Approved

Any Conditions Attached: None

Signature: [Signature]

Date: 11/21/24



Docket # BZA-1124-50-R5  
James Heuer



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of its approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

*It does not appear to be.*

This criterion has / has not been met.

- 2 The use and value of the area adjacent to the property involved in the variance will not be affected in a substantially adverse manner.

Findings of Facts:

*It appears it will be adding value.*

This criterion has / has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Practical Difficulties - A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Findings of Facts:

*The lot is not buildable.*

This criterion has / has not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: Approved

Any Conditions Attached: Set for 2 years

Signature: [Signature]

Date: 11/21/14



Docket # BZA-1124-50-R5  
James Heuer



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

The square footage required would not cause injury

This criterion ☒ has / has not been met.

- 2 The use and value of the area adjacent to the property involved in the variance will not be affected in a substantially adverse manner.

Findings of Facts:

Property value would not be affected due to square footage

This criterion ☒ has / has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Practical Difficulties A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Findings of Facts:

Less square footage would be impossible with a comfortable living space

This criterion ☒ has / has not been met.





**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: \_\_\_\_\_

Approve

Any Conditions Attached: \_\_\_\_\_

2 years to complete construction

Signature: \_\_\_\_\_

[Signature]

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

11/21/24



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

*This will not be injurious to health, safety or general welfare.*

This criterion ~~has~~ has not been met.

- 2 The use and value of the area adjacent to the property involved in the variance will not be affected in a substantially adverse manner.

Findings of Facts:

*This does not impact adjacent property values.*

This criterion ~~has~~ has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. **Practical Difficulties:** A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Findings of Facts:

*Without the variance the property will not be compliant with new standards which are different from previous standards.*

This criterion ~~has~~ has not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: Approve

Any Conditions Attached: Must be completed in 2 yrs

Signature: [Signature]

Date: 11/21/24



*Also includes BZA-1124-90-R5?*  
Docket # BZA-1124-51-R5  
James Heuer



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

*No negative impact to the neighborhood*

This criterion *has* / has not been met.

- 2 The use and value of the area adjacent to the property involved in the variance will not be affected in a substantially adverse manner.

Findings of Facts:

*There is no negative impact*

This criterion *has* / has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Practical Difficulty - A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Findings of Facts:

*Practical Difficulty is not applicable here. However, sale of property is contingent on approval.*

This criterion *has* / has not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: Approved

Any Conditions Attached:

24' max. frame for buildings on  
the lot for the building

Signature: [Signature]

Date: 11/21/2024



Docket # BZA-1124-51-R5  
James Heuer



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

*No*

This criterion has / has not been met.

- 2 The use and value of the area adjacent to the property involved in the variance will not be affected in a substantially adverse manner.

Findings of Facts:

This criterion has / has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Practical Difficulties - A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Findings of Facts:

*Yes No*

This criterion has / has not been met.





**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

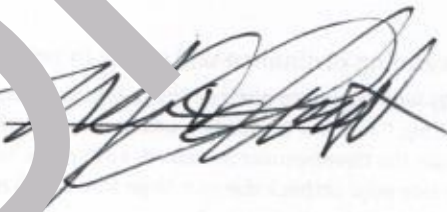
**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: Approve

Any Conditions Attached:

Must be completed  
within 2 years.

Signature: 

Date: 11/21/24



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

*It will not be*

This criterion has / has not been met.

- 2 The use and value of the area adjacent to the property involved in the variance will not be affected in a substantially adverse manner.

Findings of Facts:

*It appears they will increase*

This criterion has / has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. **Practical Difficulties** A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Findings of Facts:

*Due to large tree, it makes the most sense to make access from alley*

This criterion has / has not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic carryover to the next regularly scheduled meeting.

Decision: Approved

Any Conditions Attached: Let be issued within 2 years

Signature: [Signature]

Date: 1/21/24





**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Findings of Facts:

Access to the garage from the alley would not cause injury. It is common in the area

This criterion has / has not been met.

- 2 The use and value of the area adjacent to the property involved in the variance will not be affected in a substantially adverse manner.

Findings of Facts:

Most houses have alley garage access in the area

This criterion has / has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Practical Difficulty A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Findings of Facts:

If the zoning ordinance was followed the access from the road would require the garage to be in the front of the house which is not esthetically pleasing

This criterion has / has not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: \_\_\_\_\_

Approve

Any Conditions Attached \_\_\_\_\_

For

12 years to complete

Signature: \_\_\_\_\_

[Signature]

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

11/21/21



CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION

## CICERO / JACKSON TOWNSHIP (BOARD OF ZONING AND APPEALS)

### VARIANCE APPLICATION

OFFICE USE ONLY			
Variance Category		Docket #: <b>BZA-1224-52-C1</b>	
<input type="checkbox"/> Development Standards	<input type="checkbox"/> Special Exception	Date of Application: <b>11/12/2024</b>	
<input type="checkbox"/> Land Use	<input type="checkbox"/> Other	Date of Expiration:	
Variance Check List		Variance Fee: <b>\$320.00</b>	
<input type="checkbox"/> Adjoiner List	<input type="checkbox"/> Legal Notice Copy	Date of Hearing: <b>12/19/2024</b>	
<input type="checkbox"/> Certified Mail Receipts	<input type="checkbox"/> Property Sign	Date of Decision:	
<input type="checkbox"/> Additional Applications for Variances		<input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved
APPLICANT MUST COMPLETE THE FOLLOWING			
Property Owner:			
Property Address:			
City:		State:	ZIP Code:
Telephone:		E-mail:	
		Fax:	
Project Address:		State: <b>IN</b>	ZIP Code:
City:		Subdivision:	
Parcel:		Telephone:	
General Contractor:		Fax:	
Address:		Cell Phone:	
City:	State:	ZIP Code:	Email:
Variance Request:			
Commitments/ Conditions Offered:			
Code Section Appealed:			





## Petitioners List of Findings

[illegible]



316 S. 6th Street,  
St. Joseph, MO 64501

800.821.9013

#### Client

McClure Oil

#### Install Location

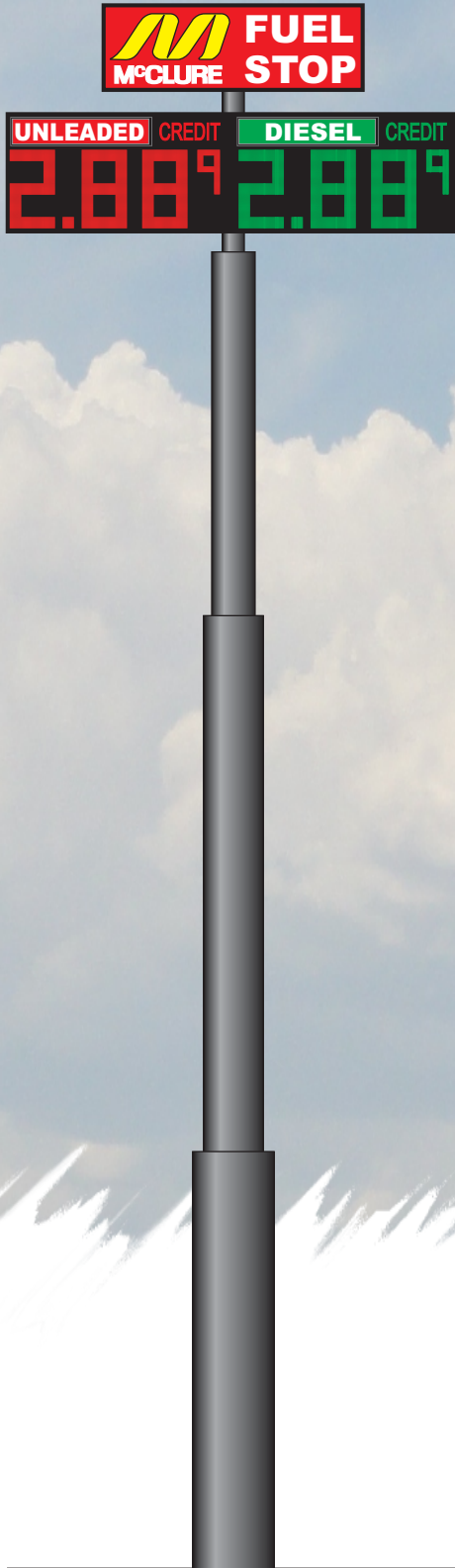
McClure  
Cicero, IN

#### Sales

John Boyd  
970.390.6800  
JohnB@Sunshine.US.com

Client Approval:

Date:



150' overall height

8' x 24' Logo Sign

11' x 41'6" Price Sign

Install per engineering  
by Bennett and Pless,  
Job #:

**Total Sign Area = 649 SF**

Logo Sign: 192 SF

Price Sign: 457 SF

<div>SUNSHINE®</div> <div>316 S. 6th Street, St. Joseph, MO 64501</div> <div>800. 821. 9013</div>	Client	Install Location	Sales	Date: 11/09/24	Job #:
	McClure Oil	McClure CICERO, IN	John Boyd 970.390.6800 JohnB@Sunshine.US.com	Revisions:	Date:
	Client Approval:	Date:			



??? deep cabinet  
Supply with 1/2" plate  
collars top and bottom

11' x 41'6" x 64" Double-face Cabinet

??? pipe thru-pole mounting

Install Bottom service door offset for ??? BASE PIPE

Install top service door near pole with inside access - make with access to top door.

POWER Lead Drops (all circuits are 120 volt)

4 circuits total  
Diesel: 2 circuits - 16 amp draw each w.10 gage wire drop  
Unleaded: 2 circuits - 14 amp draw each w. 10 gage wire drop

Price sign circuits must have dedicated neutrals and ground lines (do not share with each other or lighting circuits)

Recommend a dedicated grounding rod at the sign installed per local code.

16" CASH/CREDIT on both prices  
red unleaded, green diesel

- ☐ Green pricer same build as red
- ☒ Same layout both sides
- ☐ Digits back to back

Cabinet Specs		Label Specs	
Digit Size & Style:	89" LED	LED Backlit Label Panel:	2'4" x 12'6"
"UNL" Digit Color:	Red	Label Cap Height & Style:	20" Helvetica Medium
"DSL" Digit Color:	Green	"UNL" Label Panel Color:	3M 3630-73 red
Overall Cab. Size:	11' x 41'6" x ???	"UNL" Label Type Color:	White
Cabinet Color:	Black	"DSL" Label Panel Color:	3M 3630-76 green
S/F or D/F:	D/F	"DSL" Label Type Color:	White
Build Type:	Over Pole Mount w. plates		

☐ Optimum digit spacing

☐ Minimum digit spacing

☒ Weld collars provided/pole specs by others

☐ Control box placement to be determined

☐ Label colors for representation only


☒ sq ft: 456.5

This original drawing is provided as part of a planned project and is not to be exhibited, copied or reproduced without the written permission of Sunshine Electronic Display Corporation or its authorized agent. All installation details are suggested only. All signs must be installed in accordance with NATIONAL, STATE, ELECTRICAL AND BUILDING CODES. Sunshine Electronic Display Corporation has no responsibility for wind loads, installations or electrical circuits. These are the sole responsibility of the Buyer/user. Actual LED size and conguration may vary

ETL LISTED  
CONFORMS TO  
UL STD 48  
UL STD 1433  
102482  
CAN/CSA STD C22.2 NO. 207

UL LISTED  
File Number: E340294  
CCN: UXYT



<div></div> <div>316 S. 6th Street, St. Joseph, MO 64501</div> <div>800. 821. 9013</div>	Client	Install Location	Sales	Date: 11/09/25	Job #:
	McClure Oil	McClure Cicero, IN	John Boyd 970.390.6800 JohnB@Sunshine.US.com	Revisions:	Date:
		Client Approval:		Date:	

8' x 24' High Rise Logo Sign



64" deep cabinet  
Supply with 1/2" plate  
collars top and bottom,  
Pipe extends thru top  
Supply cap.

Price Sign Below

8' x 24" x ??? Double-face Cabinet

Saddle Mounting - ??? pipe

Flex-Face - internally illuminated with LED's - 4-1/2" retainer

Service doors on each end and on the bottom

Ladder to access the top center of the sign at the service door.  
Service Doors top, bottom (match price sign) and both ends.

POWER Lead Drops (120 volt)  
1 circuit total (logo sign only - does not include price sign below)  
1, 14 amp draw with 10 gage wire drop



Production Art  
VO=7'3" x 23'3"  
Trim Size = 8'3" x 24'3"

Red Color: Match PMS 186c  
Yellow Color: Match PMS 109c  
White: material substrate





Exit 138  
236th St

EVERGREEN

STOP THE  
DUMP



Docket: BZA-1224-52-C1

Petitioner: McClure Oil

## **Cicero/Jackson Township Plan Director Staff Report**

**Docket No. BZA-1224-52-C1**

Staff: Frank Zawadzki

Applicant: McClure Oil

Property Size: 17.72

Current Zoning: C1

Location: 0 E 236<sup>th</sup> Street/23576 Englewood Drive

**Background Summary:** A Development Standards Variance application has been submitted regarding the property located at 23576 Englewood Road, Cicero to: Allow an electronic pole sign 150 feet tall: Whereas Article 10.7 Commercial Sign Standards states that pole signs and electronic signs are prohibited.

**Preliminary Staff Recommendations:** Staff would not oppose approval.

**Zoning Ordinance Considerations:** Pole signs at any height are not permitted in any zoning district.

**District Intent:** : The “C1” District (Small to Medium Scale General Business) is intended to provide a land use category for most small scale general business uses.

**Current Property Information:**

Land Use: Vacant Land that has been approved for a convenience store with fuel pumps and outdoor seating.

Site Features: Adjacent to US 31 and E 236<sup>th</sup> st. There is a regulated drain feature to the west of the parcel. A new road (Englewood) has been built to the east and access is gained from this new road.

Vehicle Access: Yes

**Planning Considerations:**

The following general considerations, planning concepts, and other facts should be considered in the Plan Commission decision making process:

**Findings of Facts/Decision Criteria:** A practical difficulty argument can be made here based on safety requirements regarding semi-trucks. The height that was approved previously (60'), does not appear to be high enough to give highway speed trucks on US-31 ample time to see the sign and safely decelerate to make the exit at 236<sup>th</sup> st. A plan was discussed about an adjacent property owner to the south cutting trees to improve visibility, these discussions and therefore this option has, for now, become somewhat cost prohibitive.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

*Findings of Facts:*

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*This criterion has / has not been met.*

- 2 The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

*Findings of Facts:*

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*This criterion has / has not been met.*

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. *Practical Difficulty: A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.*

*Findings of Facts:*

---

---

---

*This criterion has / has not been met.*





**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: \_\_\_\_\_

Any Conditions Attached: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

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

NOV 14 REC'D

CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSIONCICERO / JACKSON TOWNSHIP  
(BOARD OF ZONING AND APPEALS)

RECEIVED

## VARIANCE APPLICATION

OFFICE USE ONLY			
Variance Category		Docket #: BZA-1224-53-AG	
<input checked="" type="checkbox"/> Development Standards	<input type="checkbox"/> Special Exception	Date of Application: 11-14-24	
<input type="checkbox"/> Land Use	<input type="checkbox"/> Other	Date of Expiration:	
Variance Check List		Variance Fee: \$320.00	
<input type="checkbox"/> Adjoiner List	<input type="checkbox"/> Legal Notice Copy	Date of Hearing: 12/19/24	
<input type="checkbox"/> Certified Mail Receipts	<input type="checkbox"/> Property Sign	Date of Decision:	
<input type="checkbox"/> Additional Applications for Variances		<input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved
APPLICANT MUST COMPLETE THE FOLLOWING			
Property Owner: Jai & Robyn Cook			
Property Address: 8989 E 256th St			
City: Arcadia		State: IN	ZIP Code: 46030
Telephone: 765-432-3083 Jai		E-mail: jaimcook@yahoo.com	
317-603-7090 - robyn		robyncook12@yahoo.com	
Fax:			
Project Address: Same		State: IN	ZIP Code:
City:		Subdivision:	
Parcel:		Telephone:	
General Contractor: J&M Interiors & exteriors		Fax:	
Address: 221 E Michigan St		Cell Phone:	
City: Indianapolis	State: IN	ZIP Code:	Email: jandminteriorsexteriorsllc@yahoo.com
Variance Request: 6' chain link fence around perimeter of property			
Commitments/ Conditions Offered: NA			
Code Section Appealed: NA			



CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION

## CICERO / JACKSON TOWNSHIP (BOARD OF ZONING AND APPEALS)

### Petitioners List of Findings

for the security of our pets and property



4' Gate

6'

4' Gate









Docket: BZA-1224-53-AG

Petitioner: Jai & Robyn Cook

## **Cicero/Jackson Township Plan Director Staff Report**

**Docket No. BZA-1224-53-AG**

Staff: Frank Zawadzki

Applicant: Jai & Robyn Cook

Property Size: 1.23

Current Zoning: AG

Location: 8989 E 256<sup>th</sup> Street, Arcadia, IN 46030

**Background Summary:** A Development Standards Variance application has been submitted regarding the property located at 8989 E 256<sup>th</sup> St, Arcadia IN to: Allow a fence to be 6 feet tall in the front yard: Whereas Article 7.21 Fence and Wall Standards (FN) states that a fence shall not be greater than three (3) feet in height in the front yard.

**Preliminary Staff Recommendations:** Staff would not oppose approval.

**Zoning Ordinance Considerations:** Petitioner has some big dogs that can jump 36' fence pretty easily. There has also been some trouble with neighbor's dogs coming into their yard along with coyotes. House sits back toward the rear of the property and in order to have a useable space, the 6' chain-link fence is best suited to include the front. The fence is mostly transparent, will not impede traffic visibility and plans will not encroach on any Right of way, property line or easements.



**District Intent:** : The “AG” District (Agriculture) is intended to provide a land use category for agricultural activities.

**Current Property Information:**

Land Use: One Family Dwelling Platted

Site Features: Wooded parcel in the AG district. Dead end road.

**Vehicle Access:** Yes

**Planning Considerations:**

The following general considerations, planning concepts, and other facts should be considered in the Plan Commission decision making process: There was a Variance granted a few months ago to allow a pole barn in front of the home.

**Findings of Facts/Decision Criteria:** I think a solid argument about the practical difficulty can be made based on the location of the home on the parcel along with the effectiveness of the 36” standard for the front. Any legal fence would not be enough room or effective to contain large dogs such as Belgian Malinois and still provide humane treatment.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

*Findings of Facts:*

---

---

---

*This criterion has / has not been met.*

- 2 The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

*Findings of Facts:*

---

---

---

*This criterion has / has not been met.*

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. *Practical Difficulty: A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.*

*Findings of Facts:*

---

---

---

*This criterion has / has not been met.*





**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: \_\_\_\_\_

Any Conditions Attached: \_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_

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



## CICERO/JACKSON TOWNSHIP PLAN COMMISSION

### Director's Report

### November 2024

**Permit Revenue:** November 2024 = \$5,491, YTD: \$58,861

November 2023 = \$6,614 YTD: \$92,079

Difference: Month = -\$1,123 YTD: -\$33,218

We have issued a total of 26 building permits for November 2024.

14 have been inside the corporate limits (of which 0 have been new homes).

We have issued 12 in Jackson Township (of which, 0 has been for a new home).

Estimated Cost of projects permitted \$960,013.

Please feel free to email, call or stop by the office anytime.

At your service!

Frank Zawadzki