



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Board of Zoning Appeals Agenda

February 20th, 2025

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

December 19th, 2024

3. Old Business:

4. New Business:

Docket No: BZA-0225-04-DC

Petitioner: Stellhorn Cicero, LLC

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

A Development Standards Variance Application has been submitted concerning Article 10 of the Cicero/Jackson Township Zoning Ordinance – Permanent Projecting Sign Standards in order to: allow a projecting sign taller than fifteen (15) feet; to allow two (2) projecting signs and to allow a projecting sign to protrude more than eighteen (18) inches from the wall it is attached. Whereas Article 10 states that a projecting sign shall not be taller than fifteen (15) feet; that the maximum quantity shall be one (1) per tenant and shall not protrude more than eighteen (18) inches from the wall it is attached.

Docket No: BZA-0225-05-AG

Petitioner: Eric & Alicia Robertson

Property Address: 23320 Cammack Road, Cicero, IN 46034

A Development Standards Application has been submitted regarding the property located at 23320 Cammack Road, Cicero, IN 46034 to: allow a twenty-one (21) foot side yard setback. Whereas Article 3.2 of the Cicero/Jackson Township Zoning Ordinance requires a thirty-five (35) foot side yard setback for a secondary structure in the “AG” district.

Docket No: BZA-0225-06-AG

Petitioner: Eric & Alicia Robertson

Property Address: 23320 Cammack Road, Cicero, IN 46034

A Development Standards Application has been submitted regarding the property located at 23320 Cammack Road, Cicero, IN 46034 to: Allow an accessory structure to be twenty-four feet (24) eight (8) inches in height. Whereas Article 3.2 of the Cicero/Jackson Township Zoning Ordinance limits the height of an accessory structure to twenty-two (22) feet in the “AG” district.

331 EAST JACKSON ST. P.O. Box 650 CICERO, IN 46034
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CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Docket No: BZA-0225-07-R1

Petitioner: Ben & Carrie VanAlstine

Property Address: 87 Cedar Lane, Cicero, IN 46034

A Development Standards Variance application has been submitted for 87 Cedar Lane, Cicero IN, 46034 regarding Article 7.5 of the Cicero Jackson Township Zoning Ordinance to: allow an accessory structure to extend in front of the primary structure. Whereas Article 7.5 Accessory Structures (AS-02) of the Cicero Jackson Township Zoning Ordinance states that an accessory structure shall only be to the side or rear of the primary structure.

Docket No: BZA-0225-08-AG

Petitioner: Christopher & Catherine Lammer

Property Address: 2860 E 266th Street/3124 E 266th Street, Arcadia, IN 46030

A Land Use Variance application has been submitted regarding the property located at 2860 and 3124 East 266th Street, Arcadia IN, 46034 to allow an Agritourism Ranch and Winery with retail sales and outdoor seating in the "AG" district. Whereas: Article 3.1 of the Cicero/Jackson Township Zoning Ordinance does not list Agritourism Ranch and Winery with retail sales and outdoor seating as a Permitted Use or a Special Exception Use in the "AG" district.

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:**
March 20th, 2025
10. **Adjournment:**

Location:
Cicero Town Hall
70 N Byron Street
Cicero, IN 46034



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

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

Roll Call of Members

Present:

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

1. **Declaration of Quorum**- Chairman Bockoski declared a quorum.
2. **Approval of Minutes**
Mr. Zell made motion to approve minutes from November 21st, 2024 meeting as submitted. Mr. Massonne second. All present in favor.
3. **Old Business:**
Chairman Bockoski stated Old Business is the approval of Findings of Fact from November 21, 2024, meeting.
Mr. Zell made motion to approve Findings of Facts from November meeting. Mr. Berry second. All present in favor.
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.

Roger Ditslear 1212 West 500 So. Marion Indiana, representing McClure Oil. Previously approved for fuel station on this site as well as a 60-foot sign. Shared pictures for reference of what a 60-foot sign looks like from 300 feet away. Thought we would be able to see the sign in time to make exit at 60-foot level. Pictures shown with blimp positioned at 150 feet. This determined at a 60-foot level, there would be no visibility of the sign, building would be blocking down 31. Asking for change to be able to give motoring public time to make a decision to safely exit. There is a fuel desert in this

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area, especially as the 221st location is closed. Video/pictures shown both going north and south on US31. Removing trees from adjacent property is the only other option to improve visibility. I do not want to remove trees. Did not ask for the higher sign in beginning because we typically do not need that high, as well as cost of sign is triple.

Mr. Zell stated we look at US31 as interstate or limited access highway and there are typically signs to indicate approaching exit with gas, restaurants, so there is not a total reliance upon the sign. Are there other signs that the motoring public would see? Mr. Ditslear stated the only other sign would be a highway sign, INDOT informational signs and that has not been proposed, do not know if we can get one. Mr. Zell stated shouldn't that be tried, that is a fallback. Mr. Ditslear stated yes we will but more signs the better. There are billboards for us to get as an example. That would be the only way to get motorists to know where we are. Mr. Zell stated the trees to the north, and questioned what you are saying it is too expensive to remove. Mr. Ditslear stated no, do not want to disturb the environment any more than necessary. Mr. Zell questioned the photos used in Logansport. Mr. Ditslear explained that the area is flatter and has no trees. Mr. Berry questioned the sign at the current location, has it been a problem. Mr. Ditslear stated that sign is right on US31, which this one would be quite a way off the road. Accidents have occurred with motorists making quick decisions to enter the facility. Mr. Berry questioned why this sign would not be closer to the highway. Mr. Ditslear stated it is not our property. Mr. Berry questioned how the balloon compares in size to the 200 square foot sign. Mr. Ditslear stated it was 9 foot tall and 12 feet long. Mr. Ditslear compared to the Mc Clure logo on the Logansport pictures. Mr. Thomas clarified that the location is the southern westernmost edge of the property. Mr. Ditslear explained that while they have 17 acres they are not planning on using 10 acres but leasing or selling in the future. Mr. Zell questioned if not approved tonight would you do the 60-foot sign. Mr. Ditslear stated yes we would have to, and plan b would be to approach the property owner to remove all the trees. We have approached the property owners but do not have a deal, and while would be cheaper would not like to ruffle feathers. Mr. Berry questioned size of signs and expenses. Mr. Ditslear explained differences of footers and steel diameters to be able to take the wind. Do have other signs in the company that are this size. Mr. Massonne questioned the blimp positioning. Mr. Ditslear explained he went down a mile down the road in either direction. The pictures show the first spot the ballon/blimp could be seen. Mr. Massonne questioned how long it took to slow down or stop a semi. Mr. Ditslear stated 300-600 feet to stop, if going the speed limit would have plenty of time at this point. Monitor was used to describe southbound as well. Concerns are trees and the distance where the sign can be placed. Mr. Massonne expressed his concerns, looking at semi planning exits for fuel, car experiences at the other locations, and concern for safety. Mr. Massonne expressed concern for property values if looking at a sign 150 feet in the air. Mr. Ditslear explained that the house across the street, if sitting on their porch, the 60-foot sign would be visible in their sightlines. At 150-foot height it would not be seen, unless looking for it. Mr. Massonne expressed concern for visibility from 246th and Anthony. Mr. Ditslear stated they would not see the sign.

Adding as far property values, we would be adding to property values extremely high. Desire for the other parcel is there. We are in a lot of communities; we do not have issues with our neighbors. Mr. Massonne expressed desire for neighbors and community to be respected. Chairman Bockoski expressed concerns in his travels not seeing this type of height in the signs other than McDonald's in Westfield/Carmel. Torn because there seems to be an alternative. We don't allow this type of sign, business doesn't strike you in that area, should McClure's doesn't make it we are left with a giant cement pad with no tenant because people didn't know you were there. These are things being weighed. Mr. Ditslear stated as far as not making it, we have 37 other locations, have 40 years of experience, never built that didn't succeed. Don't spend 8 million dollars a site, if you haven't done the research to know you will be a success. This piece of property has been researched for over two years, we know because of the location down the street, failure is less than 5%. We know the numbers, the traffic counts, know what is being done with the highway will only increase success of the fuel centers that are left because of the limitations. Chairman Bockoski questioned his thoughts on the highway (INDOT) signs. Do you think it is going to happen? Mr. Ditslear stated they want them; we hope and will ask for it. Chairman Bockoski asked Mr. Zawadski to put on monitor an overhead view. Mr. Ditslear stated it is not closer to the



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

highway, there is a bit of a jog, but still a way from highway. Monitor used for discussion on this location and blimp pictures. Discussion ensued on the southwestern most corner of the entire property, and the southbound impact. Mr. Thomas asked out of the 37 other locations how many are a mile or two off the interstate and how do they advertise those locations. Mr. Ditslear stated we are either right off the interstate or we are in a community. Lebanon-sign is right on 65, Marion is right on 69, we are on the INDOT signs on those highways. Mr. Thomas asked if INDOT contact has said they would be doing the signs. Mr. Ditslear stated we do not know. Mr. Berry asked if the actual sign has changed. Mr. Ditslear stated it is the same square footage of the sign, 649. Lighting is the same, all internally lit, the same except for the height.

Mr. Massonne made motion to open the public hearing for this docket. Mr. Berry second. All present in favor.

Chairman Bockoski invited public to address the Board, state name and address for the record.

Public asked for aerial layout to be put on the monitors.

Steven Chance 3161 E. 246th. Perspective is wrong, sitting in a car will see the trees, tractor driver will plan their route. Understand the four wheelers. DOT lights that are 100-110 feet high are visible. Asked the Board to take a minute and review the lights, take a drive to see how high this would be. Appreciate the Boards questions, the fact of no signage to 465 until you get to McClure's. First thing you will see will be a 150-foot sign northbound. Variance was given for 60 feet, also shared progress coming and trees will come down. Cell tower near area used a range finder, is 240 feet with angle, the light from it can be seen for 2-3 miles. This is a stretch for the community. Property values comment do not think a truck stop is going to raise property values. Comments around the environment have approved the truck stop, 60 parking spots, run the engines and the environmental impact on pollution possibly not considered. Concern for current lights at McClure station blinding drivers. Concern for where the next sign is, the next one, how saying no to them. Does Speedway/Burger King get a sign? Do not feel a safety issue as discussed.

Betty Jo Wills 24051 Twilight Hills, 241st area, see the light from the INDOT lights. See it through the trees at 109 feet, what will be seen at 150 feet with red, yellow, green. Express opposition to the sign. My understanding of the variances is when there is an undue hardship a variance is requested and considered. Indiana code states undue hardship. Signs at every exit telling me what will be coming up. There is no question there will be the blue signs at every exit. Not sure why stating can't get a billboard, driving 31, there are billboards all along 31. Asking what is the hardship? Asking what the undue hardship would be? Suggest taking a drive. Technology helps any driver, and there will be blue signs. Appreciate the questions from the Board, very well thought out.

Shelby Wills 24051 Twilight Hills, comment made upset me. He commented we have never failed. Just because you haven't doesn't mean you won't. Too many things are at risk. With technology, signs, billboards you won't be missed. If concerned, take a page from Buckee's marketing plan. Driving I'm looking at GPS not looking at large signs. Concern for backyard view-want to see stars and birds not a 150-foot sign doesn't fit that image.

Mr. Rockwell 17970 Way. Opposition is light pollution. Neighbors will be impacted, health concerns listed. There are other ways for people to know they are located there, technology everywhere. Are there any other businesses in Cicero/Jackson Township that have 150-foot-tall electronic signs? A variance was granted for 60-foot sign and 11 other variances in June, no other variances should be granted. Perspective given that father's property is five miles from Highway 28 and when you pull out of drive you can see the Love's truck stop sign. Information given to Board for the record.



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Sandy Strand 21911 Flippins Road, Cicero. Agree with comments about alternative ways for signage. Petitioner stated concerned about environment if removing trees, more concerned about light pollution. Not only from this sign but as pointed out others are interested in developing area. Will be hard to deny others if this variance is granted. Extended family has owned 190 farm a quarter of mile east of this location since 1962. Currently board horses for people that live in Carmel, Westfield, Fishers and Indy. There is not another area that can offer services like we do; appeal is the night sky. Also, by people that enjoy astronomy. Do not want to be another Carmel. Appreciate about concerns for protecting our community.

Kimberely Chance 3161 E. 246th St. Live approximately a mile from this location. Agree with many things already said. This community is unfortunate that we have had to deal with a lot of things coming toward us. Whether Lennar or the transfer station or McClure's. There is a sense of exhaustion from the residents. I appreciate the questions asked by the Board to the petitioner. I want to address that this petitioner has already been granted 12 variances. I know that the BZA attempts to be fair to the petitioners. Ask that the community that surrounds also receives some consideration. Husband asked about property values. Neighbor recently sold property. Values are quite high as people have what we have. Not in the middle of a construction zone, night sky visible, not a town. Know that area along 31 will be developed in time. Recognize that each decision has an impact on property values. We all believe it will have a negative impact. This sign will be on 24/7.

Mr. Zawadzki added letters to the record. *Will be added to the file. Letters summarized by recorder.*

Dan Conger 2842 E. 236th Cicero, Opposed. Eyesore, using the water tower as reference, will be visible from Cicero.

Jerry Dunbar 2840 E. 236th Cicero- Opposed. Concern for what the truck stop brings to area, potential for crime, adding height will only increase concern. Billboards will be more impactful to travelers. Already 11 variances granted. Thanked the Board for the job.

Carol Sanquetti 3250 E. 236th Opposed. Already granted 60-foot sign variance, there is no reason for the sign. Previously Speedway was at the intersection and did not have a high-rise sign and was always busy. Most moved to rural area because of the desire to not be in town or city, while development will impact, make decisions that will have a positive impact on the area. Rumors of other residential developments will they want 150-foot sign? Once there is one sign, then others will want them ruining the rural environment. Other fuel stations along US 31, none of which have 150-foot signs.

Michael Scherer Opposed for several reasons. Beneficial amenities do not locate near truck stops. No commitment from county to improve 236th for truck traffic. Concern for safety with increased traffic, concern for 236th becoming a primary truck route impacting downtown Cicero negatively. Expressed concern for previous BZA form completion and definition of hardship. Concern for overnight parking potential based on other location. Adverse effects of truck stop per article, such as noise and light pollution, property value impact. Impact of bad decision (previous approvals) will be highlighted with a 150-foot sign labeling as a truck stop. Recommended members take following actions prior to approvals: visit truck stops and see surrounding properties, analyze crime at these truck stops, review light pollution, where is the hardship. Does not fill any hardship based on current location, billboard signage available, online marketing options, no economic hardship for McClure's.

Mr. Zawadzki stated no more letters to submit for record.



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Mr. Massonne made motion to close public comment for this docket. Mr. Thomas second. All present in favor.

Chairman Bockoski stated he wanted to clarify a couple items. For a Development Standards we are not talking about hardship. We are discussing practical difficulty. That is the difficulty in regard to the ability to improve land stemming from regulations of this ordinance. A practical difficulty is where the situation is that the owner can comply with the ordinance but would like variance from the development standards to improve the practical manner. While similar they are not the same. Other item is billboards, clarification from Mr. Zawadzki needed. Do not believe billboards are allowed at all currently even along US31. Mr. Zawadzki stated that was correct. So, if McClure's wanted a billboard they would have to apply for a variance. Mr. Zawadzki stated that is correct. Mr. Zell it isn't that we haven't heard a variance on a billboard, but that they are reviewed on a case-by-case basis.

Chairman Bockoski asked for the Board to consider the vision for the future and the gateway to the community which as shifted to US 31. Mr. Massonne asked Mr. Culp a question, if this was approved tonight, and another variance was requested for another 150-foot sign would it have to be approved. Mr. Zawadzki stated he could answer that the Board is under no obligation to approve another sign, each variance is reviewed on a case-by-case basis. Chairman Bockoski if this would be denied tonight, they could come back in a year to reapply for the same or similar petition. Mr. Zawadzki stated per BZA rules and procedures, they have to wait one year to re-petition the board. Mr. Zell stated that while we don't know what the area will look like we do expect it to be developed, and lighting will be added as businesses are added. Mr. Zell stated the other thing that impacted him tonight is the emphasis on technology. Signage is old school in many cases, right kind could work like the IDOT signage. Mr. Zell expressed concern for light pollution, and expressed his opinion that did not see a positive impact to property values, does not see a negative one either. Variance is not common for this board's review. Feels this is overkill, there are other alternatives.

Chairman Bockoski asked if further questions from the Board. Mr. Ditslear asked to speak. Chairman Bockoski granted.

Roger Ditslear representing McClure Oil 1212 W. 500 South, Marion IN. Addressed comment regarding 60 parking spots, this location will have 16 and do not allow overnight parking at any of our locations. Follow the rules as far as lighting, adequate but not overdone. Light pollution-height of the light on the ramp at 110, our site is 20-feet below that. Will be close to the lights from INDOT, far exceeds light on the ground as this is designed to be seen but not adding light to the ground. Number of trees would be 30-40 trees on other properties. Billboard would have more light pollution as it would only be 30-40 feet in the air. Technology world but hope they are not paying more attention to GPS than the road. Gas stations on the highways and interstates have a high-rise sign. INDOT signs are very good, but we don't have one, it is not proposed so we don't know if we will have one. Chairman Bockoski questioned if a billboard was to be used would it be on the property. Mr. Ditslear stated no, it would be miles ahead, larger than our sign, and have more light pollution. On someone else's property we would have to buy or rent and petition to have one.

Chairman Bockoski addressed the Board for any stipulations for a motion. Mr. Massonne addressed variance with the property owner, or petitioner.

Mr. Massonne made motion to approve BZA-1224-52-C1 with condition that approval stays with current petitioner. Mr. Zell second.

Mr. Bockoski-no, Mr. Berry-no, Mr. Massonne-no, Mr. Thomas-no, Mr. Zell-no Motion denied.

Chairman Bockoski addressed petitioner that the request is denied, would listen in a year if determined sign wasn't needed or a different height. Thanked for going through the process.



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Mr. Culp addressed the public to explain that there is a difference in Indiana law between a Land Use Variance and a Development Standards Variance. Land Use requires a hardship, Development Standards but this is practical difficulty. In response to question, Mr. Culp shared the Indiana Codes referring to the variances: IC 36-7-4-918.4 and IC 36-7-4-918.5. Also explained the Findings of Fact indicated the Practical Difficulty category.

Petitioner: Jai & Robyn Cook

Property Address: 8989 E 256th Street, Arcadia, IN 46034

Docket: BZA-1224-53-AG

A Development Standards Variance application has been submitted regarding the property located at 8989 E 256th 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.

Jai Cook 8989 E 256th Street, Arcadia and Robyn Cook same address. I want to fence entire yard in black chain link fence. I would like to go six feet due to dogs. Bigger concern is coyotes in the area, other dogs in yard and recently delivery drivers using drive as a turnaround. Front yard is larger than back. Pictures used to indicate where fence would be. Fence planned for 15-20 feet behind the tree line at the road. Pine trees on the front and the west side. Mr. Berry asked for clarification using the monitor. Mr. Cook explained surrounding the entire property, 25-30 feet back. Gate to drive, solar powered. Black powder coat to help disguise. Biggest issue of concern is the coyotes. Mr. Berry asked if consideration was given to only a section of the yard for the dogs and not the whole yard. Mr. Cook answered yes, but the type of dogs need the activity, and other neighbors' dogs in the yard are a concern. Mrs. Cook added that they have a garden to protect as well. Mr. Berry expressed that the whole yard with black chain link is not aesthetically pleasing to him. Mr. Cook explained that the reason for the whole yard is the variety of reasons for a fence at all. Mr. Thomas commented on neighbors not being present. Mrs. Cook shared she had conversation with them, they said good luck.

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

No public to speak. Mr. Zawadzki has no items to read in.

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

Chairman Bockoski stated he is concerned like Mr. Berry for the entire yard to be that high. Yet there is no public opposition. Mr. Berry shared his situation with aluminum fencing versus looking like a compound. Mr. Zell questioned what is in the best interest of the animals. Mrs. Cook commented earlier on landscaping to soften. No plan presented. Mr. Thomas questioned if the trees to the west were staying. Mrs. Cook stated yes. Mr. Thomas suggested if shrubs were added to the east side of the drive a big chunk of the fence would be hidden. Mr. Thomas also added 256th dead ends after the property. Mr. Zell stated could add as a condition, to add landscaping. Discussion ensued on compliance. Mrs. Cook shared other pictures, adding hydrangea bushes to the area.

Mr. Massonne made motion to approve BZA-1224-53-AG with the condition that a landscaping plan be presented to Mr. Zawadzki verification and for approval. Mr. Zell second.

Mr. Zell-approve, Mr. Thomas-approve, Mr. Berry-approve, Mr. Bockoski-approve, Mr. Zell-approve Passed 5-0

5. Plan Director's Report: Mr. Zawadzki summarized report from packet as follows. Month of November 2024 permit revenue of \$5491 bringing YTD to \$58361. Compared to 2023 for month \$6614 and YTD 2023 \$91579. Difference of decrease \$1123 for month and decrease of \$33218 for year. Building permits issued for the month were 26, 14 in town limits, and 0 new homes. Additionally, 12 in Township with 0 new homes. Estimated cost of projects is \$960,013. Completed additional MS4 training this month.



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Board members recognized Mr. Zawadzki for continuing training and certifications.

6. Chairperson's Report: Chairman Bockoski thanked the Board for their due diligence this evening.
7. Legal Counsel's Report: Mr. Culp shared that can access the zoning ordinance if you go to the Town of Cicero page under the Cicero/Jackson Township Plan Commission. Can find the Practical difficulty definition on page 198, Hardship on page 192. If you go to page 167 it sets forth the requirements for a standards variance request.

Mr. Zell asked Mr. Culp water status. Mr. Culp stated the test well process continues. It takes a while for the information to be gathered. There are three sites and others being discussed. Sewer project is moving along and there are no issues. Also, Town of Sheridan and Adams Township will become one entity on January 1.

Initially they will go through the County during the transition while they write their own ordinances. Mr. Berry asked if someone wants to video this meeting do they need permission. Mr. Culp stated this is a public meeting so as long as they do not disrupt the meeting they can record. As of July 1, we will broadcast live, being set up to make this happen from Town Hall.

8. Board Member Comments: No further comments.
9. Next Planned Board of Zoning Appeals Meeting:
January 9th, 2025
10. Adjournment:
Mr. Massonne made a motion to adjourn the meeting. Mr. Zell second. All present in favor.

Chairman: _____

Secretary: _____

Date: _____

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



CICERO/JACKSON
TOWNSHIP
PLAN COMMISSION

CICERO / JACKSON TOWNSHIP (BOARD OF ZONING AND APPEALS)

VARIANCE APPLICATION

OFFICE USE ONLY

Variance Category		Docket #: BZA-0225-04-DC
<input checked="" type="checkbox"/> Development Standards	<input type="checkbox"/> Special Exception	Date of Application: 1-13-24
<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: 2/20/25
<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: Stellhorn Cicero, LLC	
Property Address: 109 W. Jackson St.	
City: Cicero	State: IN ZIP Code: 46034
Telephone: 317-896-1100	E-mail: jrc@jrfconstruction.com
Fax:	
Project Address: 109 W. Jackson St.	State: IN ZIP Code: 46034
City: Cicero	Subdivision: 46034
Parcel: 05-06-D1-02-05-003.001	Telephone: 317-896-1100
General Contractor: JRF Construction	Fax:
Address: 109 W. Jackson St.	Cell Phone: 317-714-8386
City: Cicero State: IN ZIP Code: 46034	Email: jrc@jrfconstruction.com
Variance Request: SIGN HEIGHT, DISTANCE OFF WALL.	

Commitments/ Conditions Offered:

Code Section Appealed:



Petitioners List of Findings

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the paper. A faint vertical crease is visible down the center, suggesting it might be a notebook page or a piece of paper designed to be folded.

Findings of Facts

Approval:

Pages 11 to 30



**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:

Submitted No evidence of any of the above was

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:

here was no proof provided that the signage would not adversely affect surrounding home values.

This criterion has / has not been met.

- 3 The strict application of the provisions 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. 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:

No practical difficulties were presented. Alternate types of signage are a possibility

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: Deny

Any Conditions Attached: Cons with Historic

Signature: [Signature]

Date: 12/19/24



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 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:

I do not feel the petition presents a safety issue.

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:

I do not feel the petition will increase property values as petitioner has stated. However, negative property values may be possible.

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:

I do not see a practical difficulty by not approving.

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: Not Approved

Any Conditions Attached: _____

Signature: [Signature]

Date: 12/14/2024

The petitioner has other good alternatives to putting up a 150 sign. Technology, indot signage, light pollution is a major concern. This was an uncommon request for our area in light of future development.

A.T.3



**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:

Public use of light pollution may lead to impacts to wildlife & humans.

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 were no facts presented that lead me to believe adjacent properties would be affected in some manner. Neighbors noted they may be able to see this from their homes.

This criterion has / has not been met.

- 3 The strict application of the provisions 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 petition has no implication w/ regard to use of this property. Based on current property to approach it appears to be used as planned.

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: No

Any Conditions Attached:

stated with petitioner

Signature: [Signature]

Harrison A

Date: 12/19/24



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:

Light Pollution has been seen from far away at night. The location of signs regulated of this size will affect health and home value.

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:

Can not be confirmed. 150 ft. is a variance in tall signs that will be a detriment of future signage.

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 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:

Present sign was granted via a variance for both the area type and height. There will be a future sign and interact map and development.

This criterion has / has not been met. With the ~~variance~~ available.



**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 variance to the next regularly scheduled meeting.

Decision: Vote 1-0

Any Conditions Attached: _____

Signature: [Signature]

Date: 12/19/24



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 sign should not impact public health, safety or general welfare

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:

A sign this tall that will be visible from large distances could be viewed as a negative and therefore impact 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 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:

A higher sign is not necessarily an improvement in increased business over the all ready approved sign

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: Deny

Any Conditions Attached: _____

Signature: [Signature]

Date: 12/19/24



**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 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:

Will not be injurious

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:

Will not affect neighboring 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 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:

Did prove hardship.

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: Landscape Plan to be approved by the Plan Director

Signature: [Signature]

Date: 12/19/24

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:

There were no facts that pointed to this.

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:

Based on facts presented these impacts do not affect adjacent properties.

This criterion ☒ has / has not been met.

- 3 The strict application of the provisions 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:

This allows the property owner practical use of their lawn for their dogs.

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: Landscape plan to be
Submitted for Approval

Signature: Harrison M.

Date: 12/19/24



**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 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:

Will make property more safe.

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 impact to 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 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 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:

Will be a better and safer environment for dogs

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: Approved

Any Conditions Attached:

Front lands, signs out front to be approved by Planning Director

Signature: N. Zell

Date: 12/19/2024



**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 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 was submitted to support any of the above conditions

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 one from the public offered any evidence or opinion in opposition

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:

The placement of the primary structure and size of the dogs along with wildlife intrusion were evidence

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

to be added and approved by
Planning Director

Signature: [Signature]

Date: 12/19/24



**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 6' fence will not interfere with the health, safety and general welfare of the community.

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:

With the condition of proper landscaping adjacent properties will not be 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 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:

A lower fence less than 6' could allow wild animals into the yard.

This criterion has has not been met.

Town of Cicero | **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: Landscape plan must be approved by the Planning Director

Signature: [Signature]

Date: 12/19/24

RED BRIDGE BISTRO // SIGNAGE

CSI Contact: Amber Willis | Office: 317-867-2737 x4000 | cell: 317-473-4322 | amber@csi-signs.com

DESIGN. FABRICATION. INSTALLATION



Qty: 1
30" X 48"
Double Side
Wall Mount



Qty: 1
3' X 3'
Double Side
Hanging



Qty: 1
3' X 3'
Single Side

Version: 10.1

Approval: Signature

Printed

Date

Date: 01.08.2025

By approving this artwork, customer is also approving all spelling and grammar, therefore relinquishing CSI from any fault for typo's not corrected by customer before production.
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NC/A

Docket: BZA-0225-04-DC

Petitioner: Stellhorn Cicero, LLC

Cicero/Jackson Township Plan Director Staff Report

Docket No. BZA-0225-04-DC

Staff: Frank Zawadzki

Applicant: Cicero Stellhorn, LLC

Property Size: 19,926 sq ft

Current Zoning: DC

Location: 109 W Jackson Street, Cicero, IN 46034

Background Summary: A Development Standards Variance Application has been submitted concerning Article 10 of the Cicero/Jackson Township Zoning Ordinance – Permanent Projecting Sign Standards in order to: allow a projecting sign taller than fifteen (15) feet; to allow two (2) projecting signs and to allow a projecting sign to protrude more than eighteen (18) inches from the wall it is attached. Whereas Article 10 states that a projecting sign shall not be taller than fifteen (15) feet; that the maximum quantity shall be one (1) per tenant and shall not protrude more than eighteen (18) inches from the wall it is attached.

Preliminary Staff Recommendations: Staff does not oppose approval.

Zoning Ordinance Considerations:

District Intent: : The “DC” (Downtown Commercial) District is intended to provide a land use category for normal commercial uses in small town downtowns.

Current Property Information:

Land Use: Office Building, 2 story

Site Features: Downtown corner of Jackson and Byron. Grass lot to the West.

Vehicle Access: Yes

Planning Considerations:

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

The property went through the Aesthetic Review process and was approved based on the BZA's approval of the sign Variances.

Findings of Facts/Decision Criteria: A practical difficulty can be stated here for the height, as the sign cannot meet Ordinance due to the presence of an awning in front. One could also argue that with this being a corner property, that more than 1 sign is needed.



**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**

CICERO / JACKSON TOWNSHIP (BOARD OF ZONING AND APPEALS)

VARIANCE APPLICATION

OFFICE USE ONLY			
Variance Category		Docket #: BZA-0225-05-AG	
<input type="checkbox"/> Development Standards	<input type="checkbox"/> Special Exception	Date of Application: 01/16/2025	
<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: 02/20/2025	
<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: IN	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

This image shows a single sheet of white paper with horizontal blue or grey ruling lines, typical of notebook paper. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



CICERO/JACKSON
TOWNSHIP
PLAN COMMISSION

CICERO / JACKSON TOWNSHIP (BOARD OF ZONING AND APPEALS)

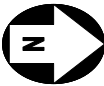
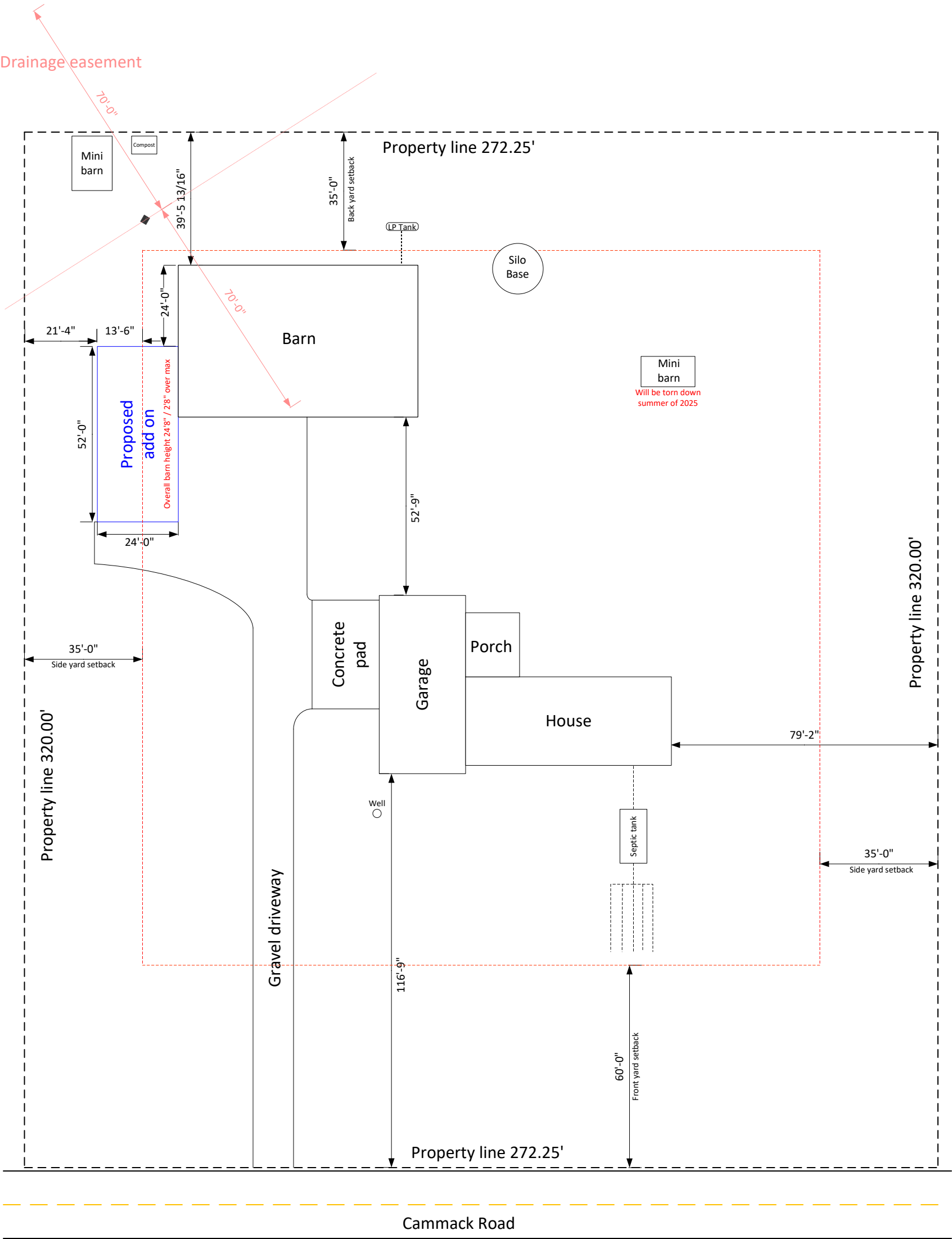
VARIANCE APPLICATION

OFFICE USE ONLY			
Variance Category		Docket #: BZA-0225-06-AG	
<input type="checkbox"/> Development Standards	<input type="checkbox"/> Special Exception	Date of Application: 01/16/2025	
<input type="checkbox"/> Land Use	<input type="checkbox"/> Other	Date of Expiration:	
Variance Check List		Variance Fee: \$25.00	
<input type="checkbox"/> Adjoiner List	<input type="checkbox"/> Legal Notice Copy	Date of Hearing: 02/20/2025	
<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: IN	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:			

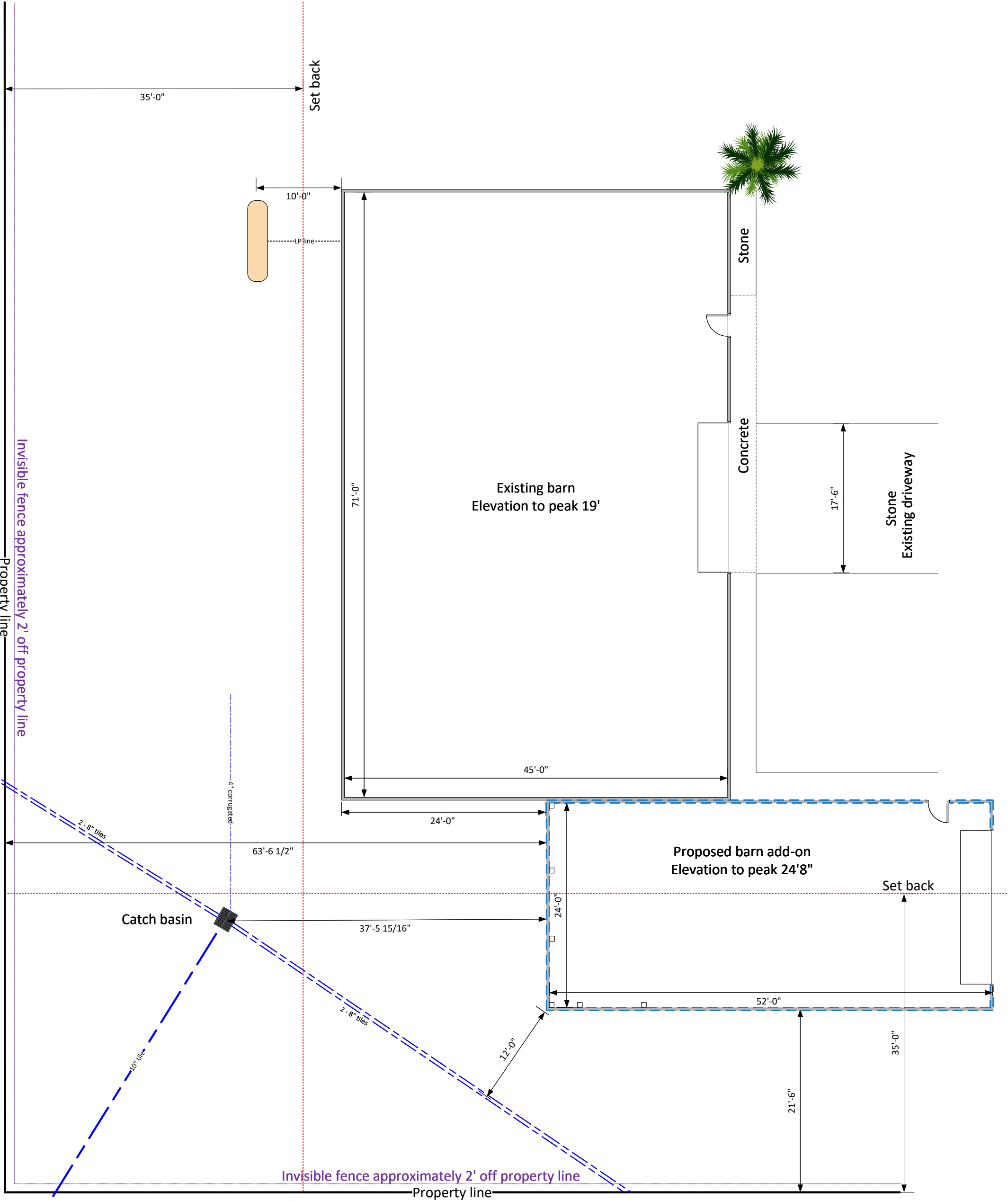


Petitioners List of Findings

This image shows a single sheet of white paper with horizontal blue or grey ruling lines, typical of notebook paper. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

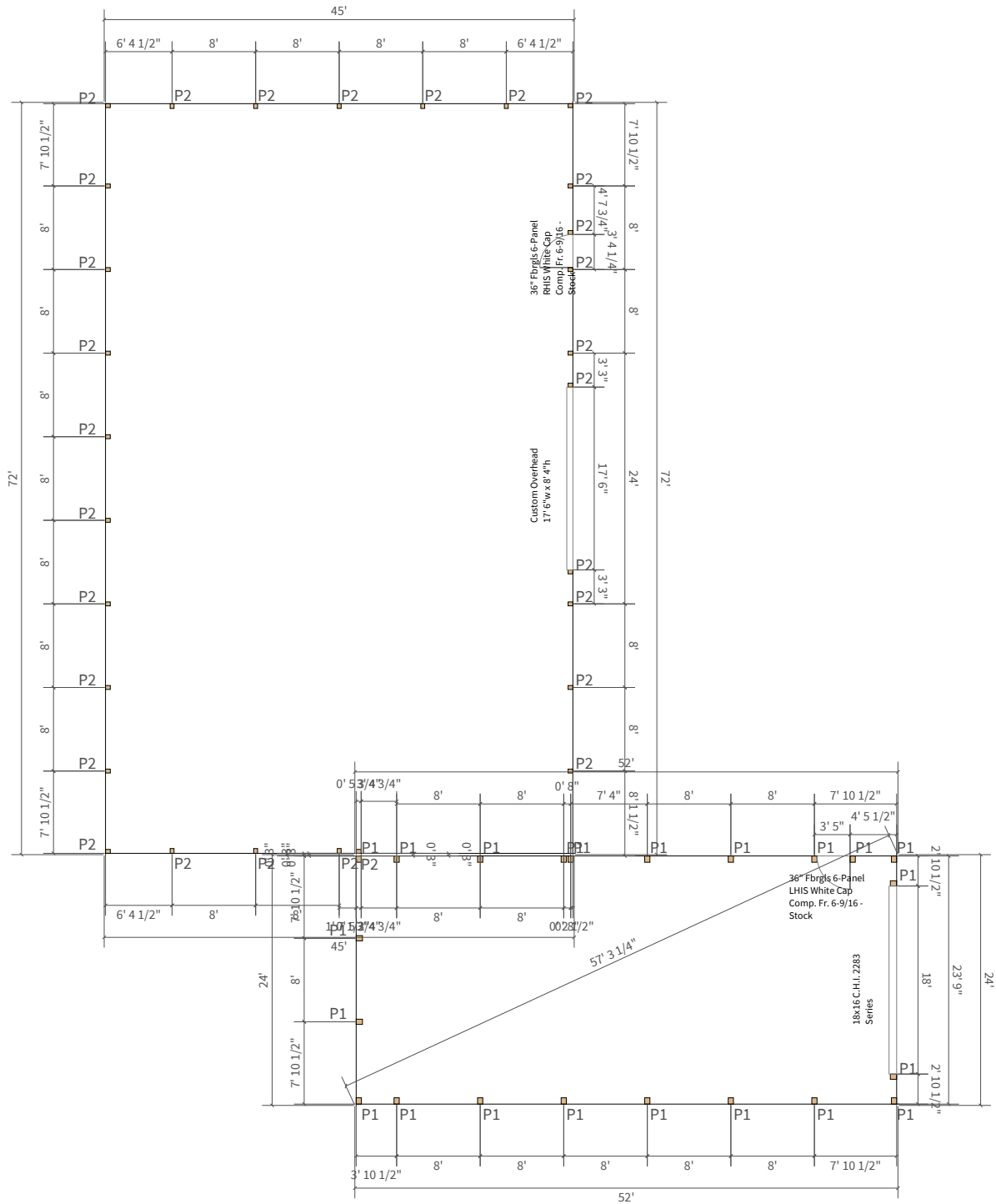


Eric & Alicia Robinson 23320 Cammack Road, Cicero, IN 46034	
Site plan	12.13.24



Eric Robinson 23320 Cammack Road, Cicero, IN 46034			
F	Barn add-on	9.23.24	Proposed layout

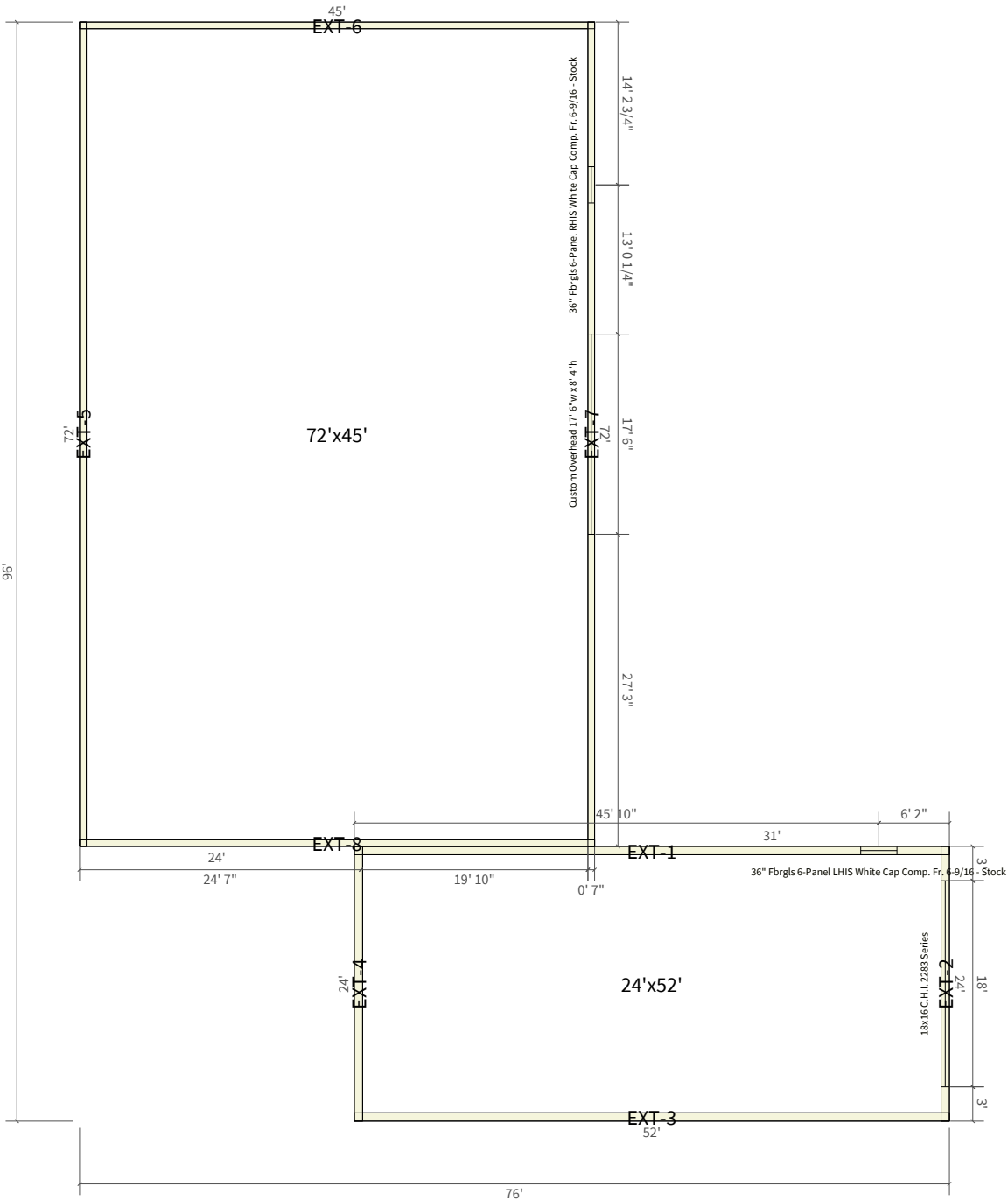
Post Layout



P1	4 Ply 2x8 Nail Lam N
	ON STOCK
	15" Precast Concrete
	Cookie
	1' 4"x4' Hole Depth
P2	80 # Bag Of Sackrete
	1/2" X 12" REBAR UPL
	IFT
	3 Ply 2x6 Nail Lam
	15" Precast Concrete
P2	Cookie
	1' 4"x4' Hole Depth
	80 # Bag Of Sackrete
	1/2" X 12" REBAR UPL
	IFT

Wall Layout

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM



Cross Section - EXT-1

ROOF MATERIAL: Burnished Slate G-Rib 40 Yr. 29 Ga Dripstop

PURLINS: Spruce 2x4 Flat
SUBFASCIA: Spruce 2x6
FASCIA: 5 1/2" FASCIA
SOFFIT: G Rib Soffit

WALL MATERIAL: Clay G-Rib 40 Yr. 29 Ga

TOP OF WALL: OVERHANG TRIM

EXTERIOR CARRIER: SYP 2x12

EXTERIOR WALL GIRTS: Spruce 2x4

CORNER POSTS: 4 Ply 2x8 Nail Lam NON STOCK
INTERMEDIATE POSTS: 4 Ply 2x8 Nail Lam NON STOCK

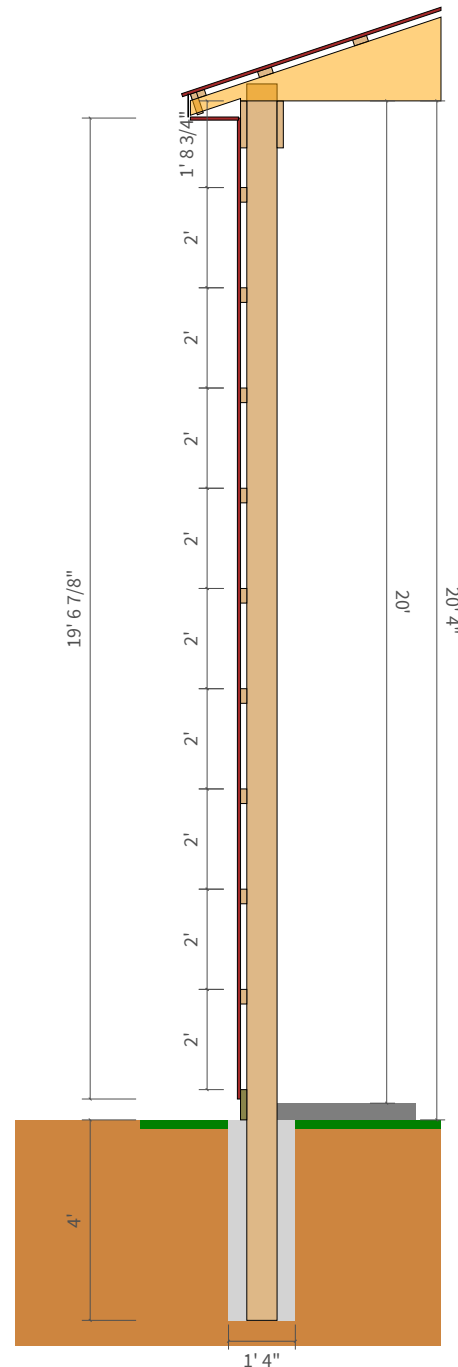
EXTERIOR SKIRT BOARD: Treated 2x8
BOTTOM IS AT GRADE

SIDING BEGINS 0' 5" ABOVE GRADE

4/12 TRUSS SYSTEM
HEEL HEIGHT: 0' 4 1/16"
TRUSS SPACING: 48 IN. O. C.

BRACE PER TRUSS MANUFACTURER'S RECOMMENDATIONS
TRUSS LOADING: 21-4-4

INTERIOR CARRIER: SYP 2x12



Cross Section - EXT-3

ROOF MATERIAL: Burnished Slate G-Rib 40 Yr. 29 Ga Dripstop

PURLINS: Spruce 2x4 Flat
SUBFASCIA: Spruce 2x6
FASCIA: 5 1/2" FASCIA
SOFFIT: G Rib Soffit

WALL MATERIAL: Clay G-Rib 40 Yr. 29 Ga

TOP OF WALL: OVERHANG TRIM

EXTERIOR CARRIER: SYP 2x12

EXTERIOR WALL GIRTS: Spruce 2x4

CORNER POSTS: 4 Ply 2x8 Nail Lam NON STOCK
INTERMEDIATE POSTS: 4 Ply 2x8 Nail Lam NON STOCK

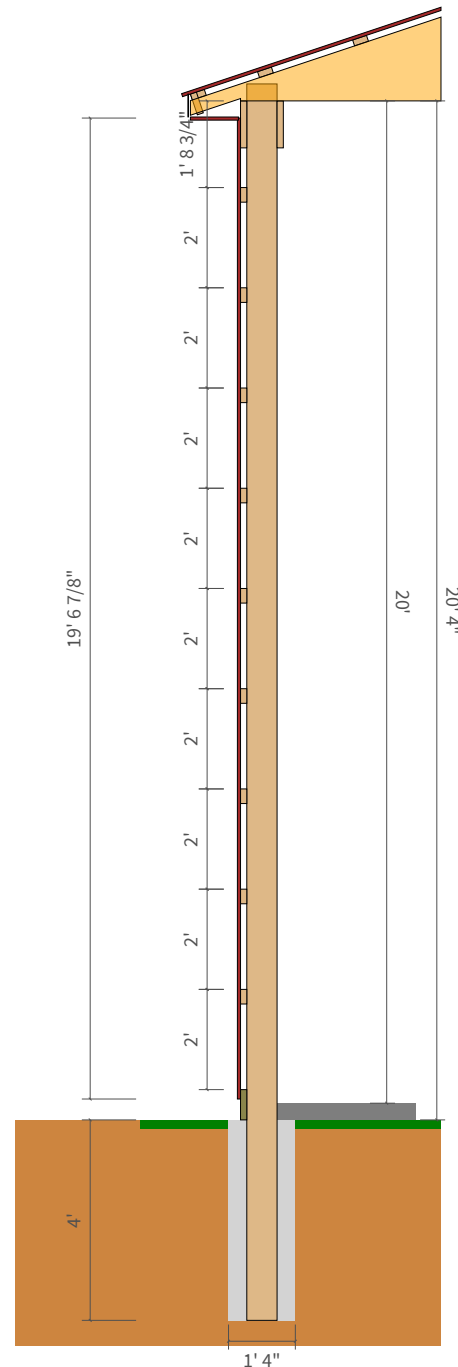
EXTERIOR SKIRT BOARD: Treated 2x8
BOTTOM IS AT GRADE

SIDING BEGINS 0' 5" ABOVE GRADE

4/12 TRUSS SYSTEM
HEEL HEIGHT: 0' 4 1/16"
TRUSS SPACING: 48 IN. O. C.

BRACE PER TRUSS MANUFACTURER'S RECOMMENDATIONS
TRUSS LOADING: 21-4-4

INTERIOR CARRIER: SYP 2x12



SLAB DEPTH 0' 4"

FOUNDATION NOTES:
POST HOLE: 4' X 1' 4" DIAMETER
FASTENER: 80 # Bag Of Sackrete
BASE: 15" Precast Concrete Cookie
UPLIFT: 1/2" X 12" REBAR UPLIFT

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM

FOUNDATION NOTES:
POST HOLE: 4' X 1' 4" DIAMETER
FASTENER: 80 # Bag Of Sackrete
BASE: 15" Precast Concrete Cookie
UPLIFT: 1/2" X 12" REBAR UPLIFT

Cross Section - EXT-7

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM

ROOF MATERIAL: Burnished Slate G-Rib 40 Yr. 29 Ga Dripstop

PURLINS: Spruce 2x4 Flat
SUBFASCIA: Spruce 2x6
FASCIA: 5 1/2" FASCIA
SOFFIT: G Rib Soffit

WALL MATERIAL: Clay G-Rib 40 Yr. 29 Ga

TOP OF WALL: OVERHANG TRIM

EXTERIOR CARRIER: SYP 2x12

EXTERIOR WALL GIRTS: Spruce 2x4

CORNER POSTS: 3 Ply 2x6 Nail Lam
INTERMEDIATE POSTS: 3 Ply 2x6 Nail Lam

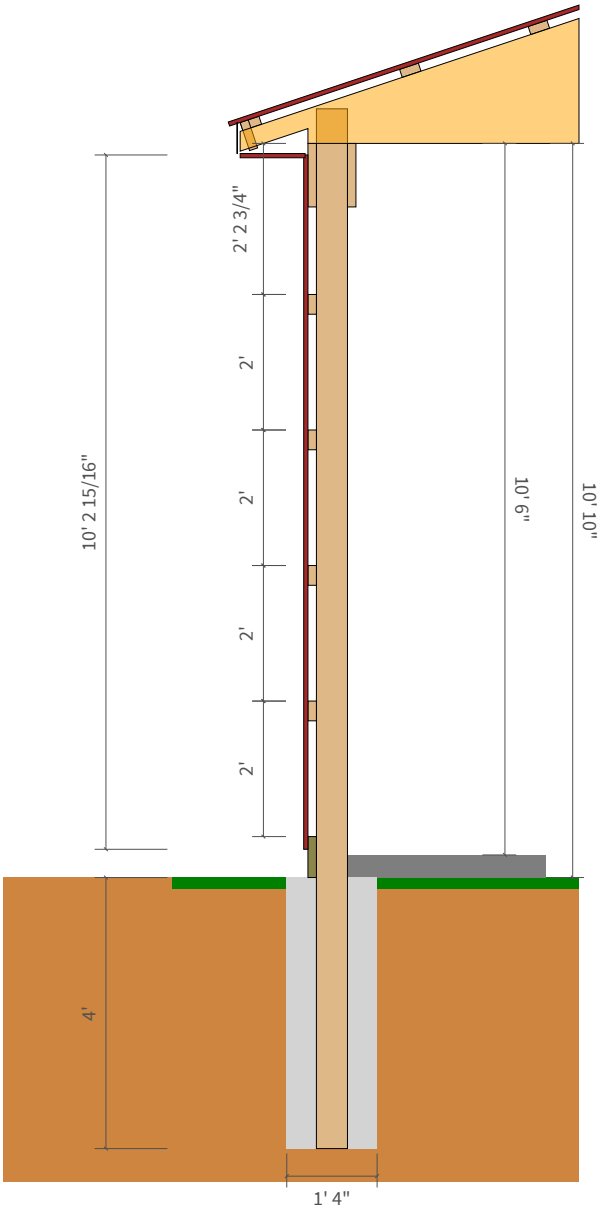
EXTERIOR SKIRT BOARD: Treated 2x8
BOTTOM IS AT GRADE

SIDING BEGINS 0' 5" ABOVE GRADE

4/12 TRUSS SYSTEM
HEEL HEIGHT: 0' 6 1/8"
TRUSS SPACING: 48 IN. O. C.

BRACE PER TRUSS MANUFACTURER'S RECOMMENDATIONS
TRUSS LOADING: 21-4-4

INTERIOR CARRIER: SYP 2x12



SLAB DEPTH 0' 4"

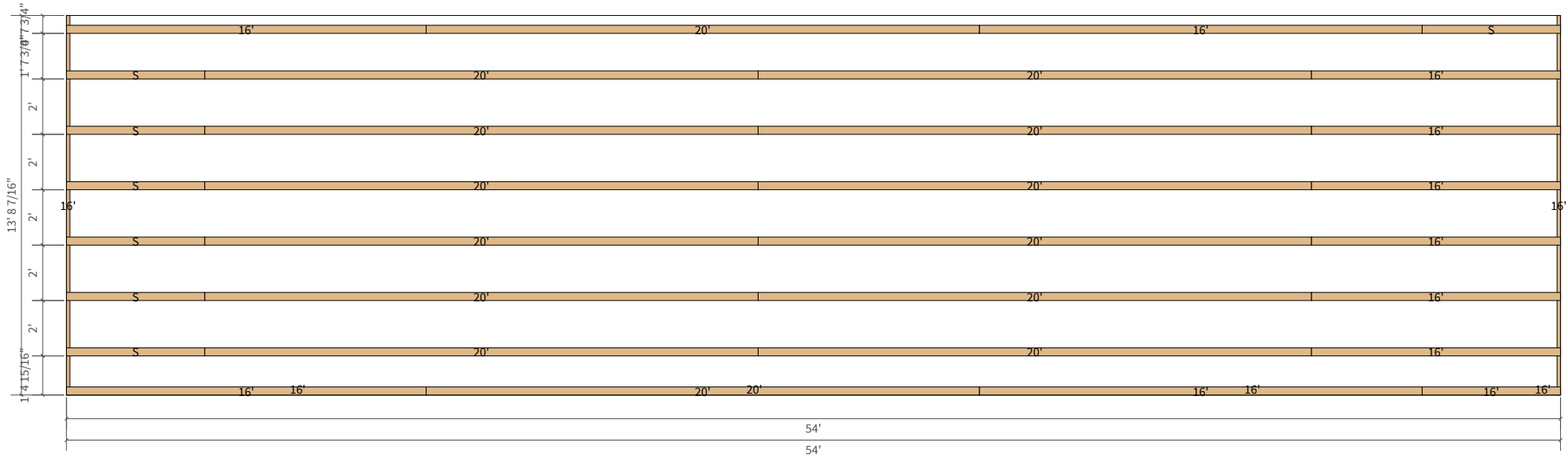
FOUNDATION NOTES:
POST HOLE: 4' X 1' 4" DIAMETER
FASTENER: 80 # Bag Of Sackrete
BASE: 15" Precast Concrete Cookie
UPLIFT: 1/2" X 12" REBAR UPLIFT

Assembly Drawing - ROOF-1

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM

Materials

Usage	Material
Purlin	Spruce 2x4

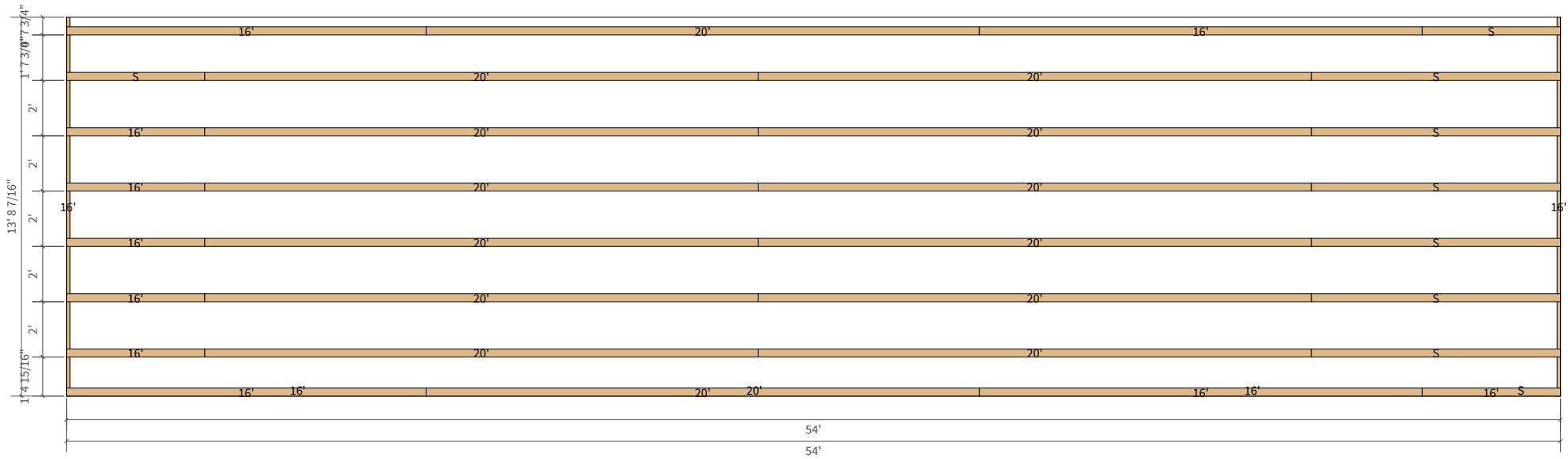


Assembly Drawing - ROOF-2

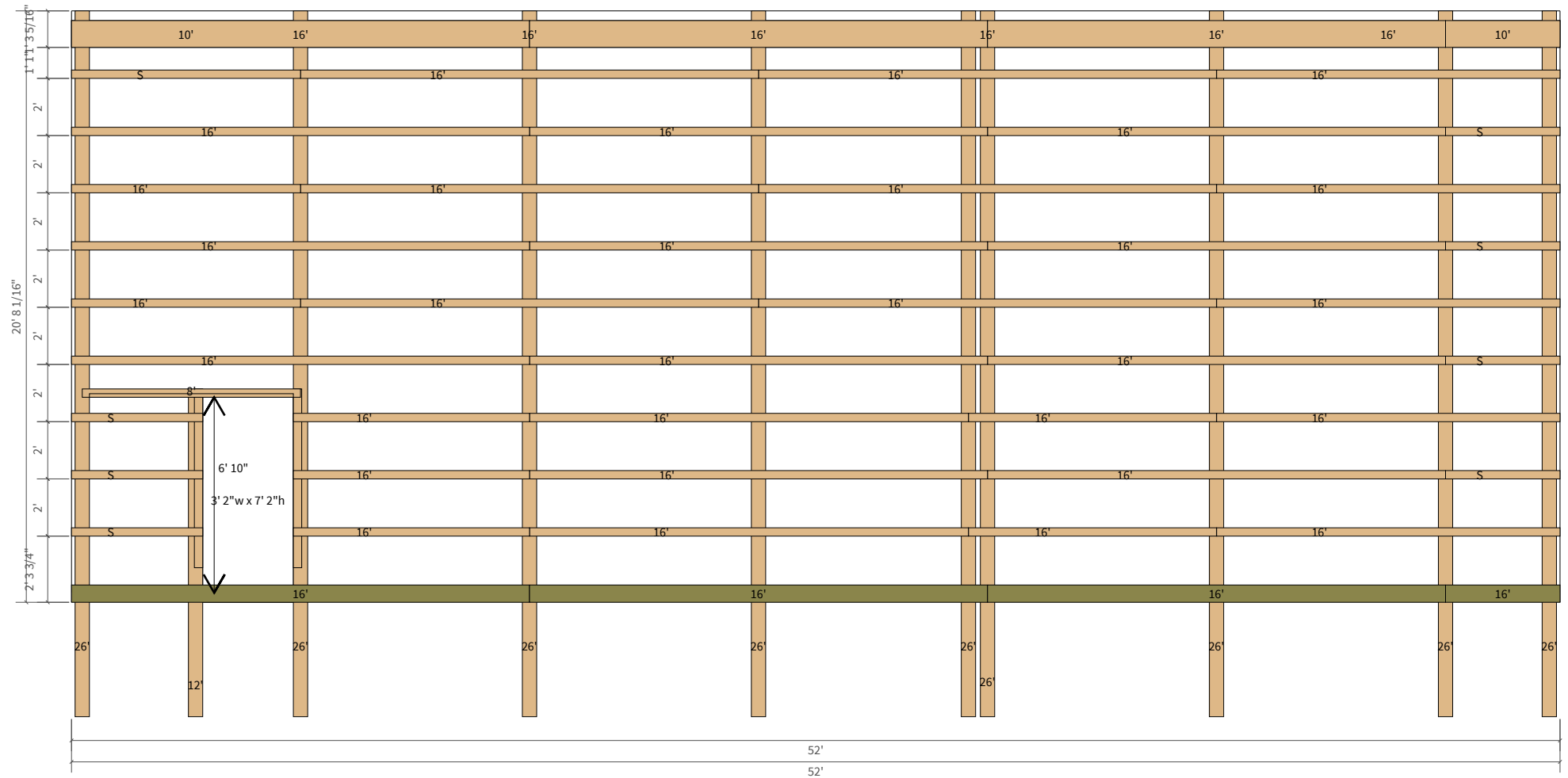
Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM

Materials

Usage	Material
Purlin	Spruce 2x4



Usage	Material
TrussBearer	SYP 2x12
SkirtBoard	Treated 2x8
Girt	Spruce 2x4

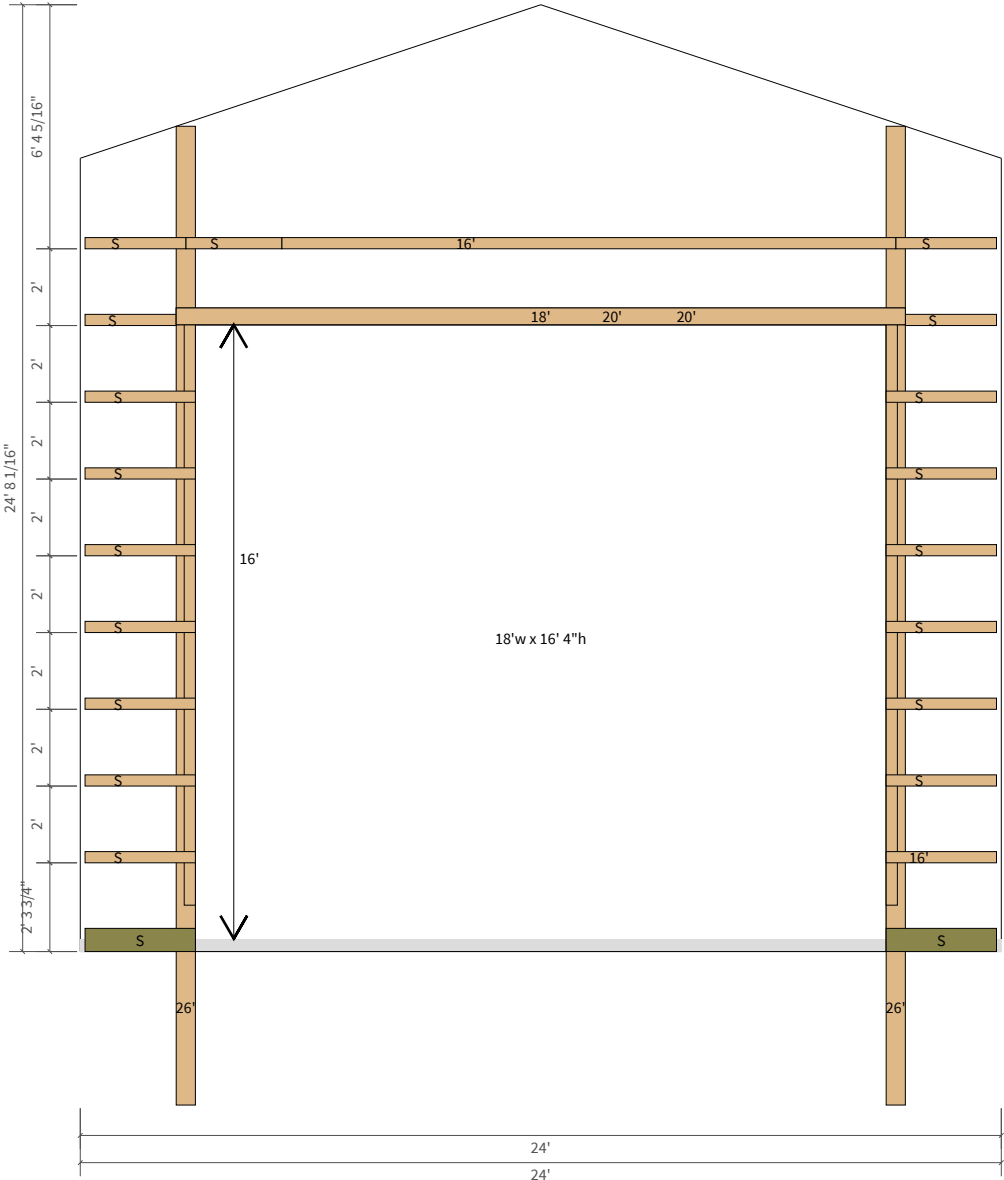


Assembly Drawing - EXT-2

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM

Materials

Usage	Material
SkirtBoard	Treated 2x8
Girt	Spruce 2x4

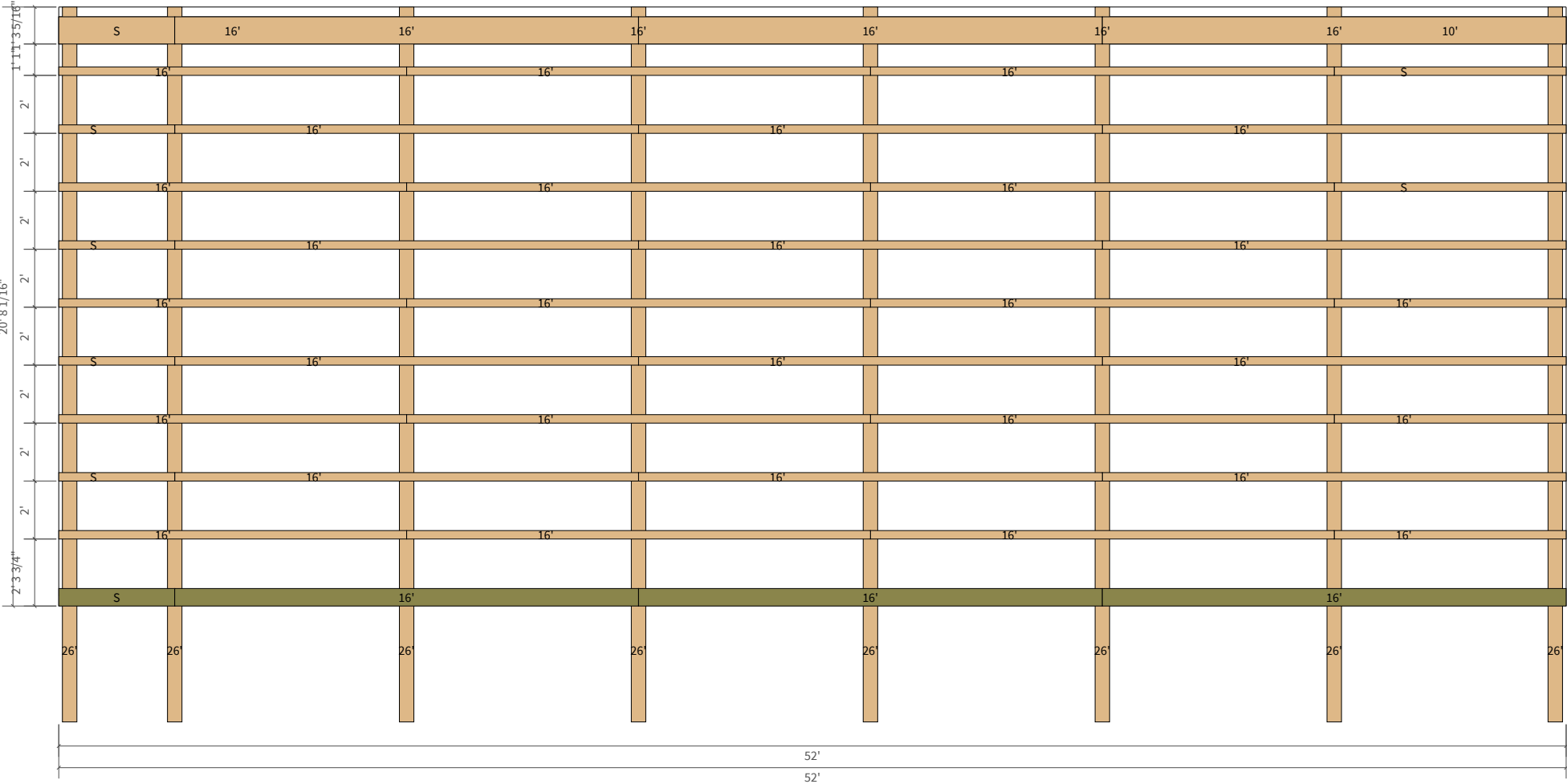


Assembly Drawing - EXT-3

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM

Materials

Usage	Material
TrussBearer	SYP 2x12
SkirtBoard	Treated 2x8
Girt	Spruce 2x4

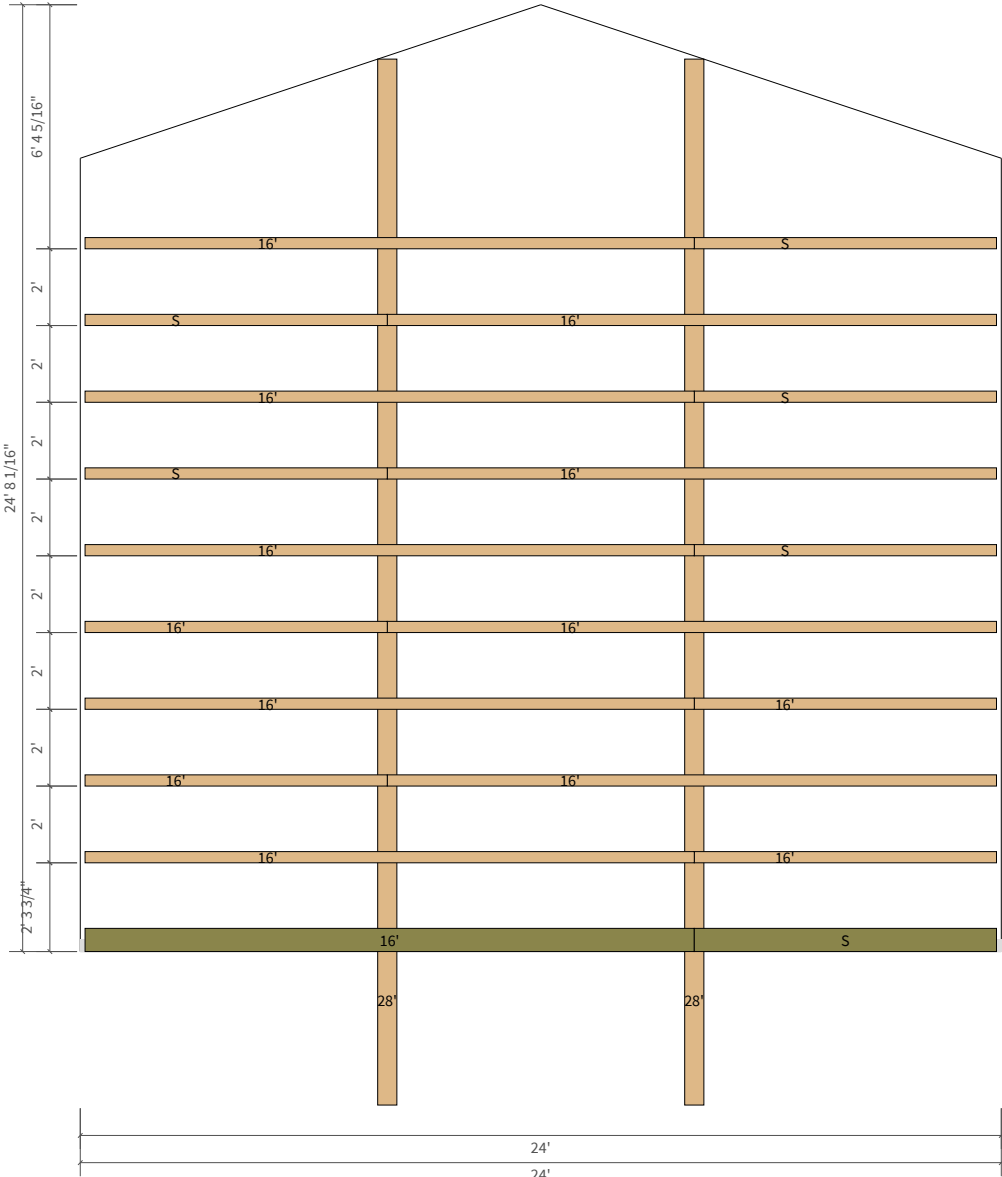


Assembly Drawing - EXT-4

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM

Materials

Usage	Material
SkirtBoard	Treated 2x8
Girt	Spruce 2x4

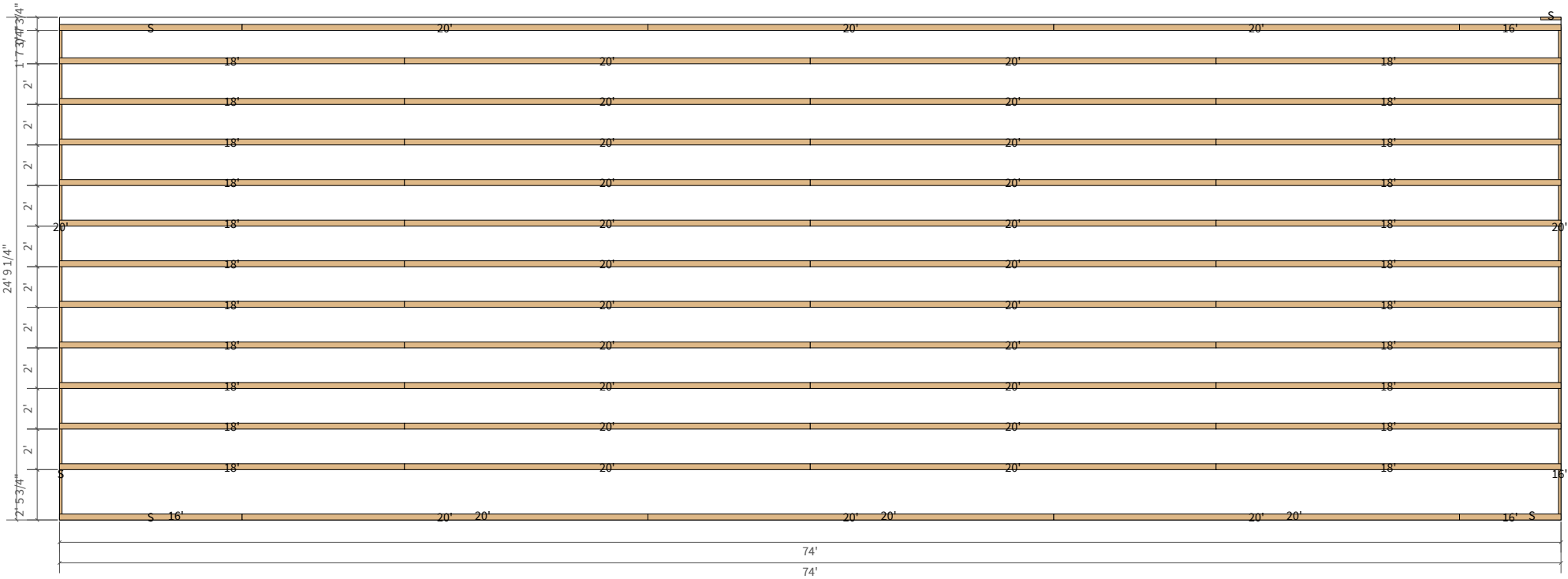


Assembly Drawing - ROOF-3

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM

Materials

Usage	Material
Purlin	Spruce 2x4

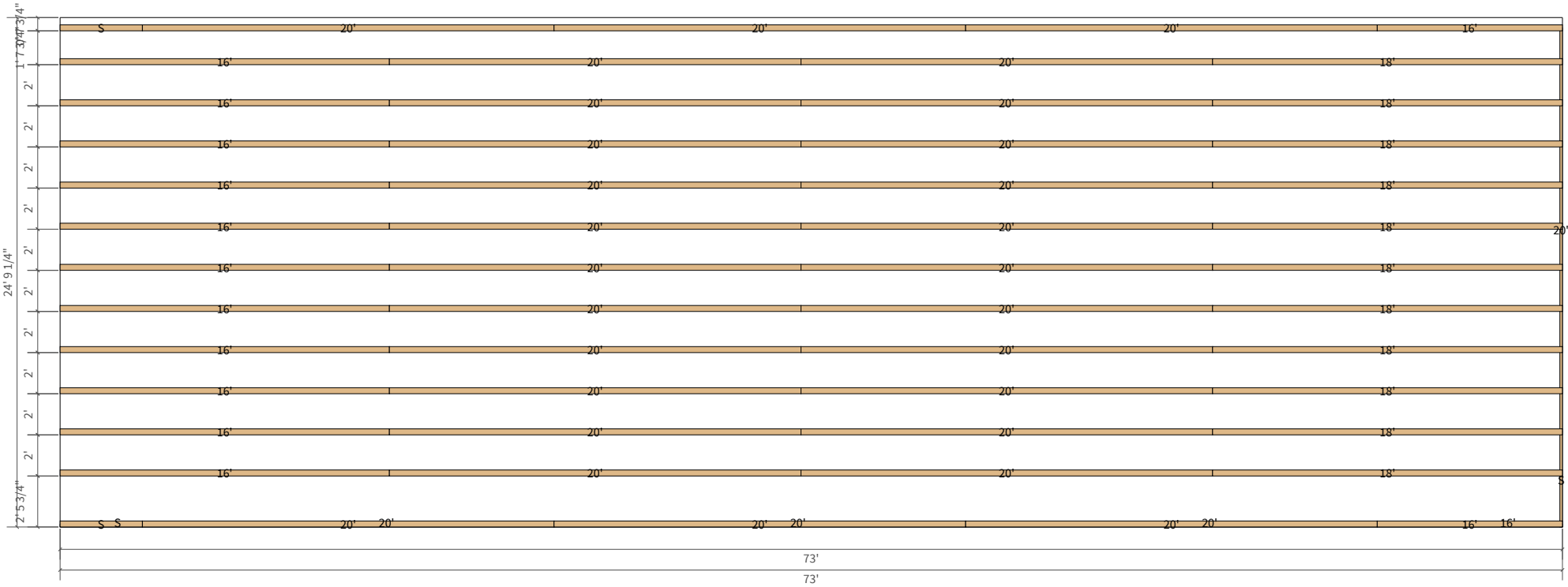


Assembly Drawing - ROOF-4

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM

Materials

Usage	Material
Purlin	Spruce 2x4

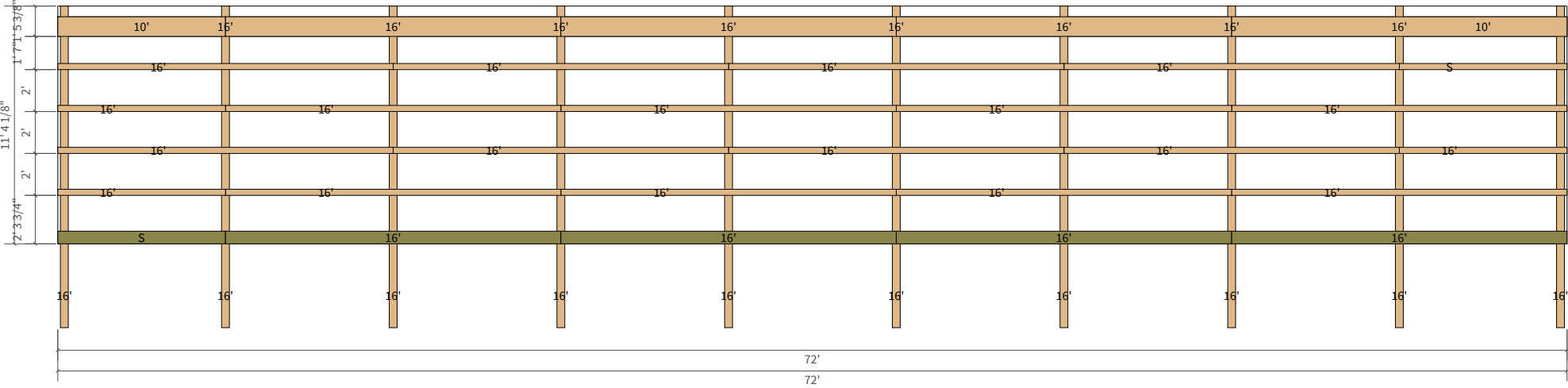


Assembly Drawing - EXT-5

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM

Materials

Usage	Material
TrussBearer	SYP 2x12
SkirtBoard	Treated 2x8
Girt	Spruce 2x4

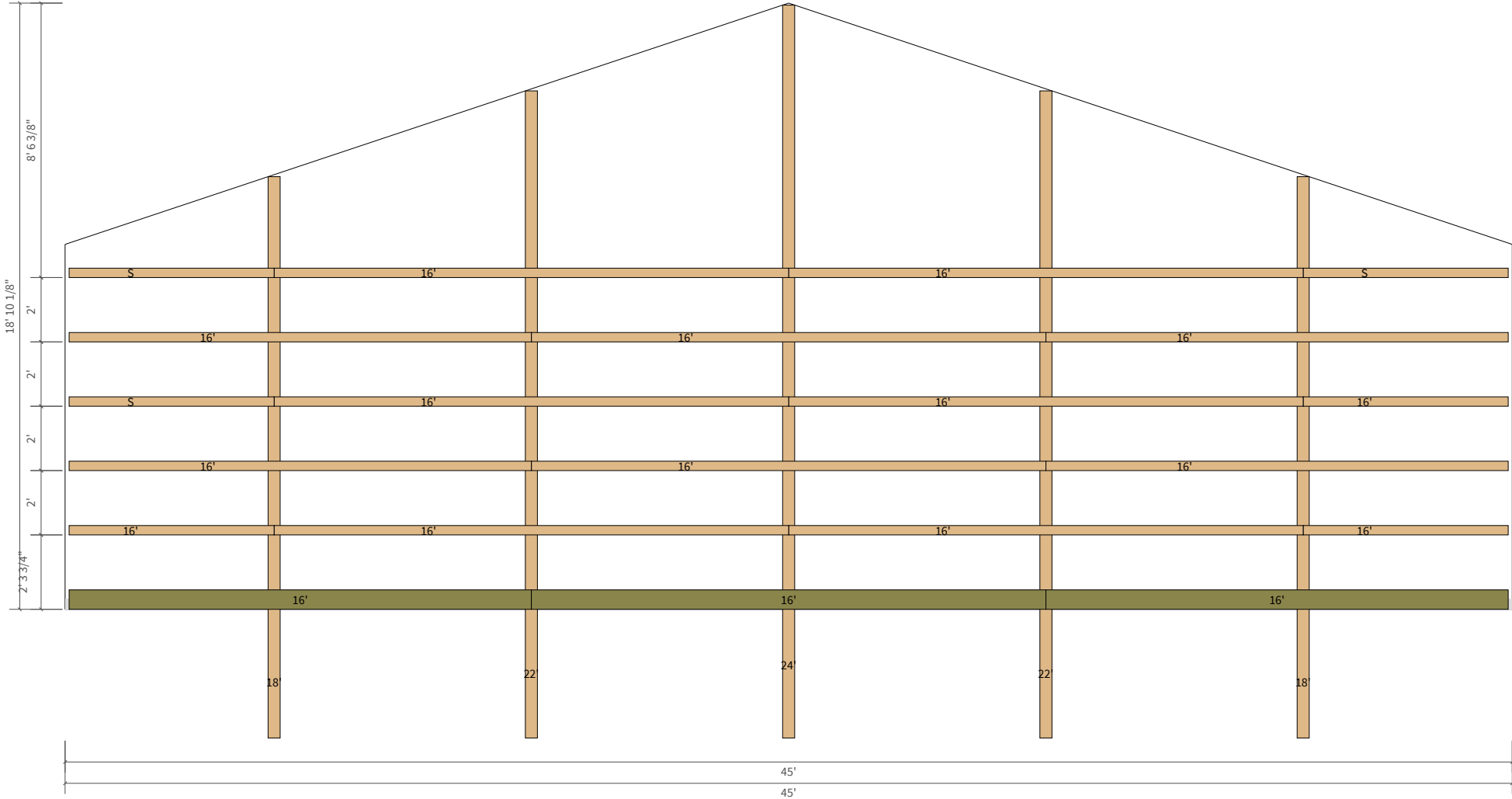


Assembly Drawing - EXT-6

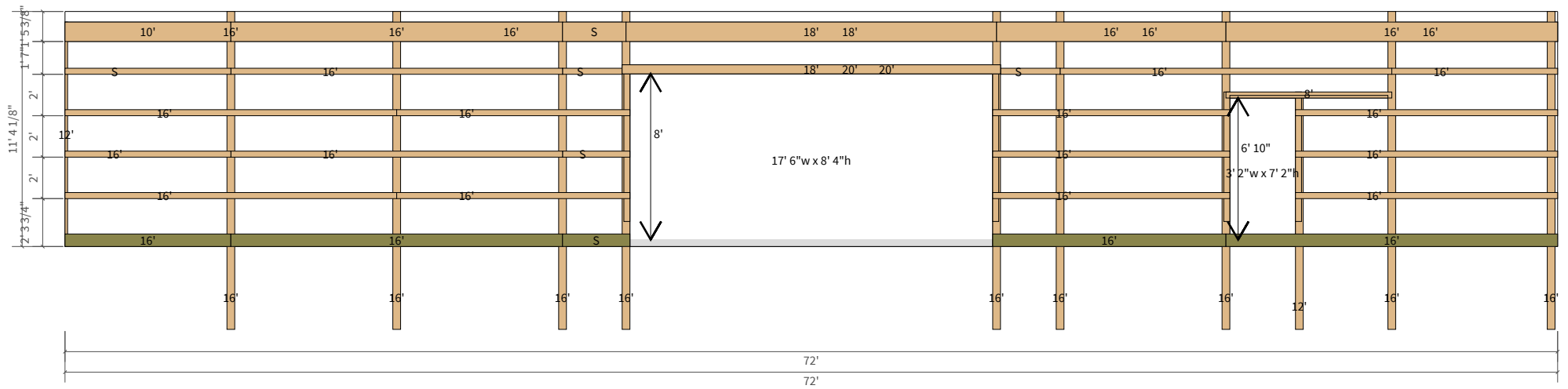
Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM

Materials

Usage	Material
SkirtBoard	Treated 2x8
Girt	Spruce 2x4



Usage	Material
TrussBearer	SYP 2x12
SkirtBoard	Treated 2x8
Girt	Spruce 2x4

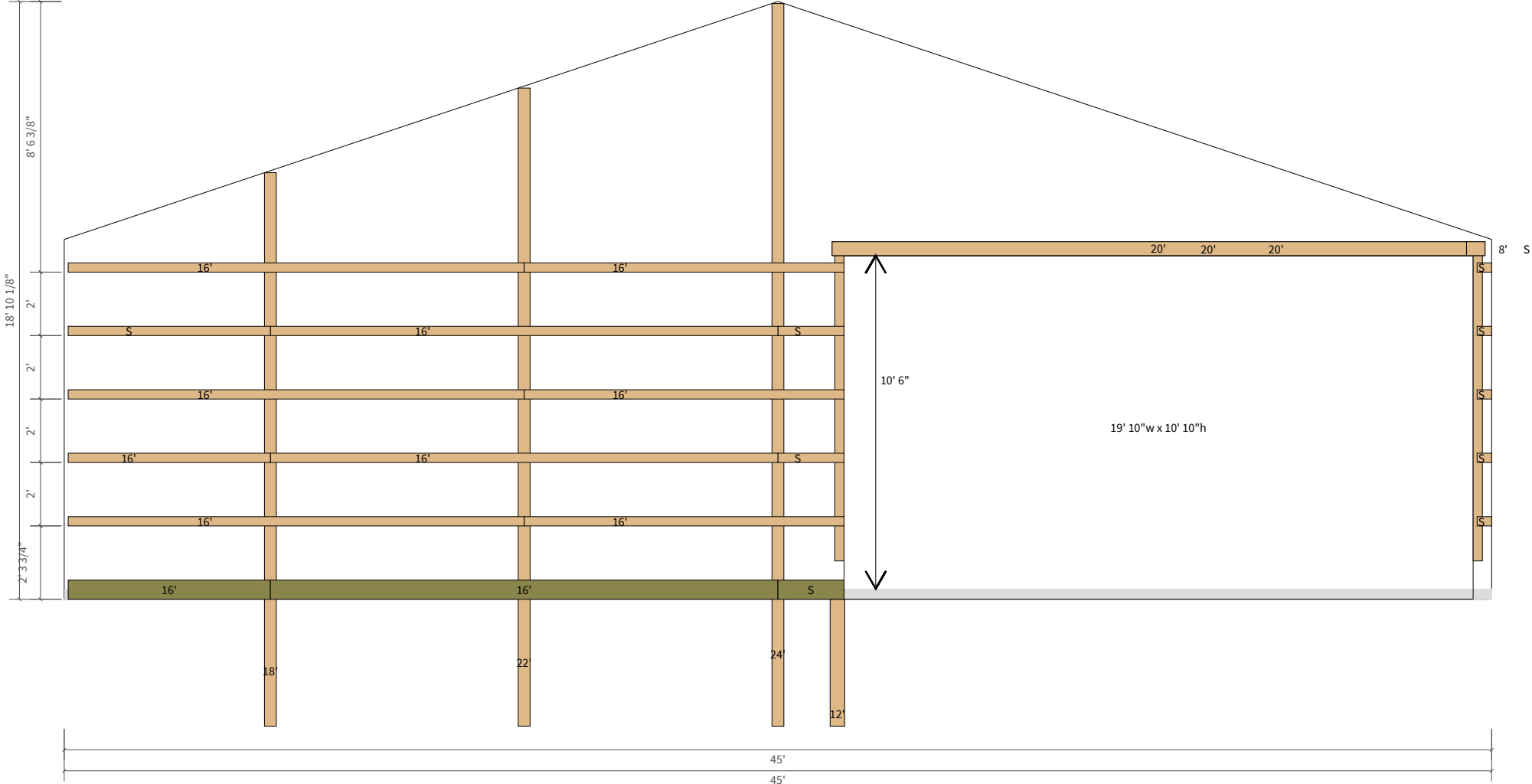


Assembly Drawing - EXT-8

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM

Materials

Usage	Material
SkirtBoard	Treated 2x8
Girt	Spruce 2x4



Sheathing Drawing - ROOF-1

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM

[illegible]

Sheathing Drawing - ROOF-2

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM

[illegible]

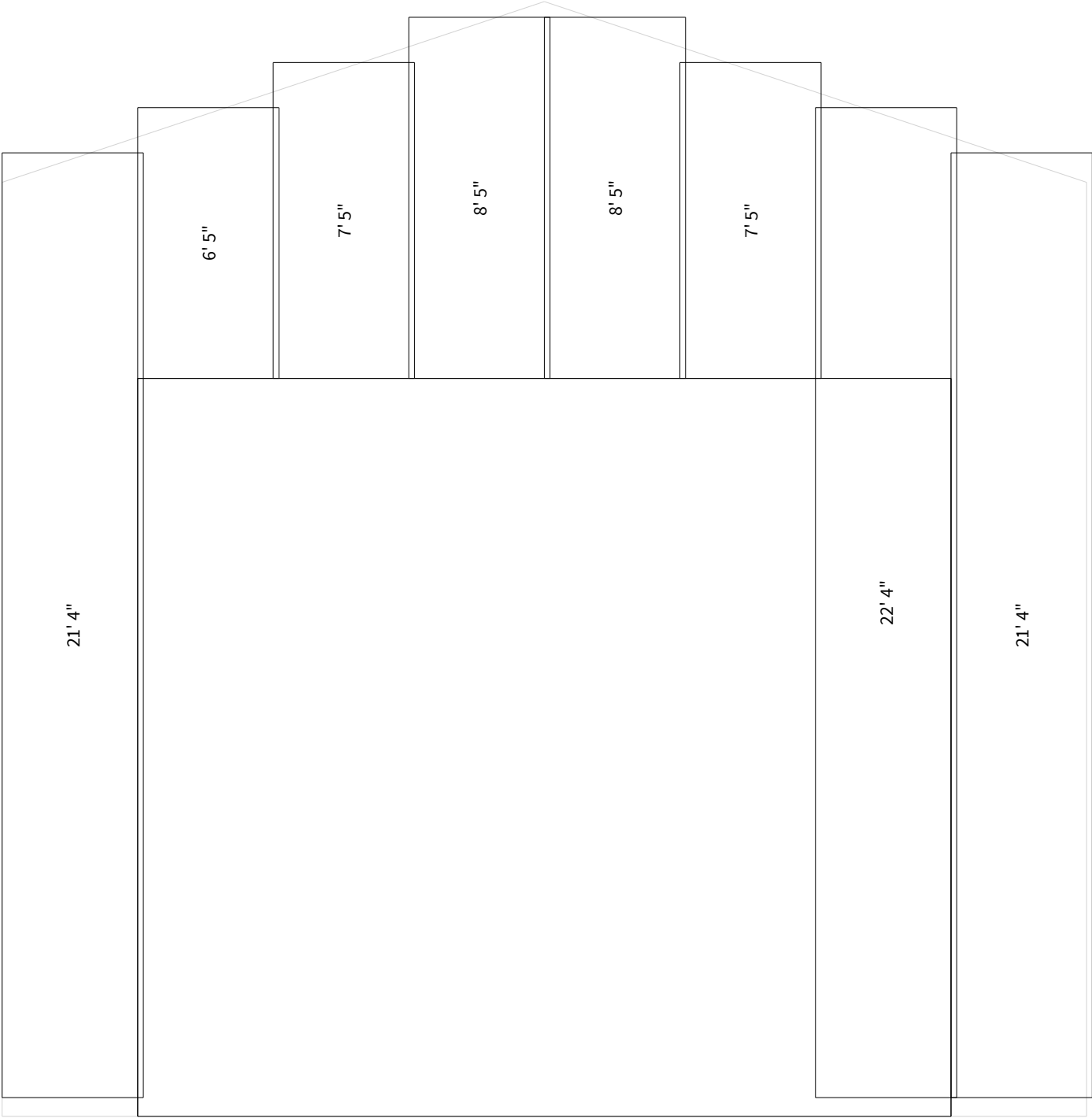
Sheathing Drawing - EXT-1

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM

[illegible]

Sheathing Drawing - EXT-2

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM



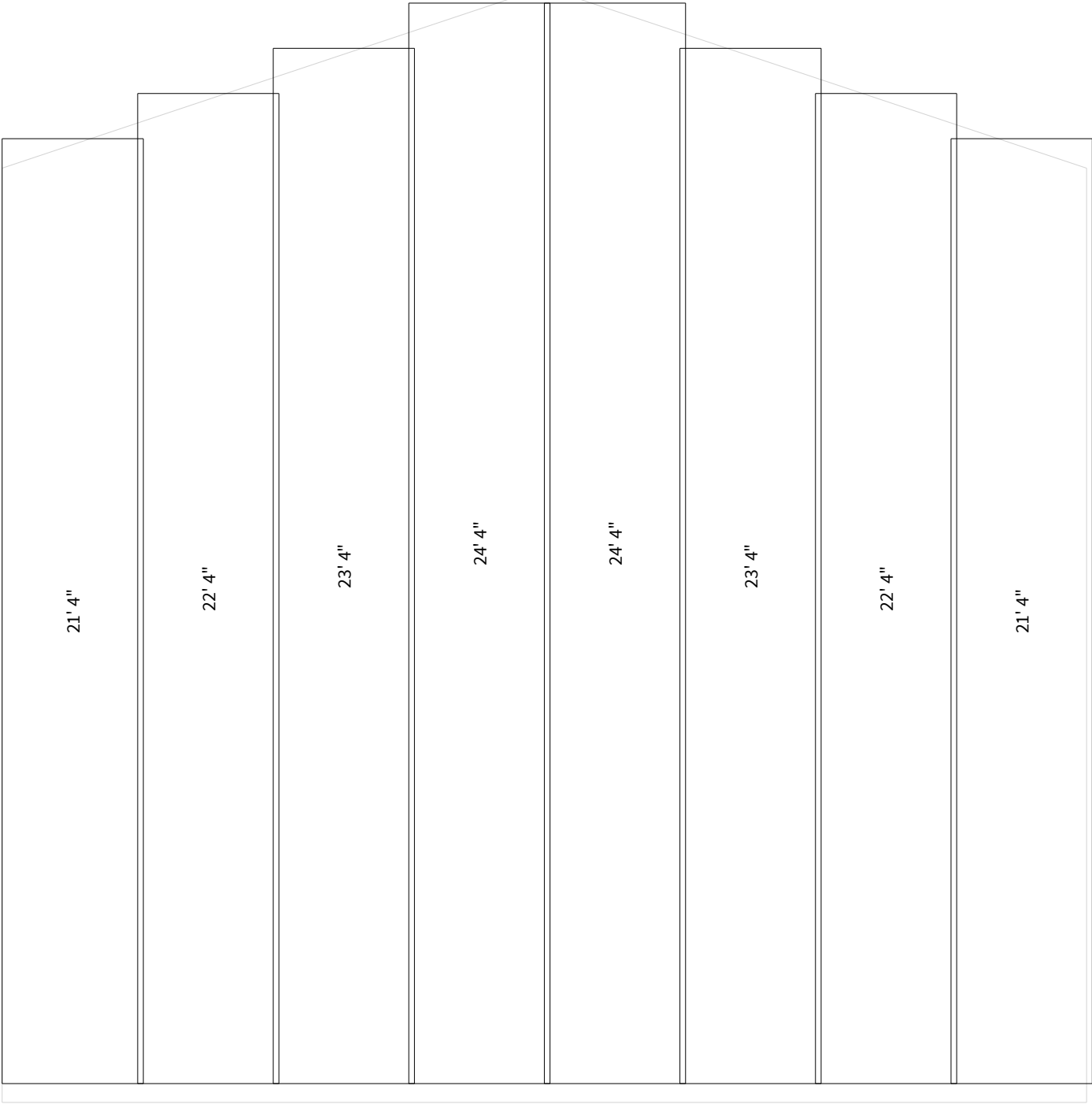
Sheathing Drawing - EXT-3

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM

[illegible]

Sheathing Drawing - EXT-4

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM



Sheathing Drawing - ROOF-3

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM

[illegible]

Sheathing Drawing - ROOF-4

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM

[illegible]

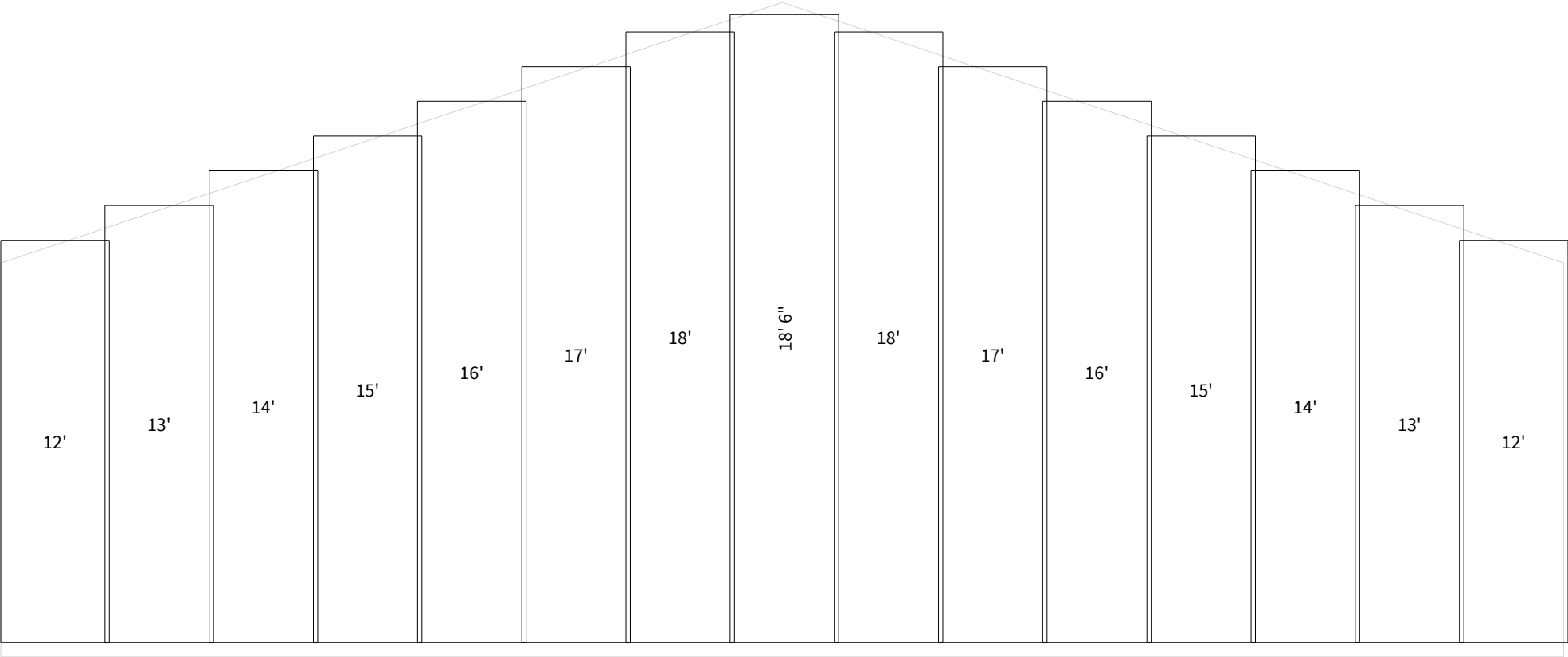
Sheathing Drawing - EXT-5

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM

[illegible]

Sheathing Drawing - EXT-6

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM



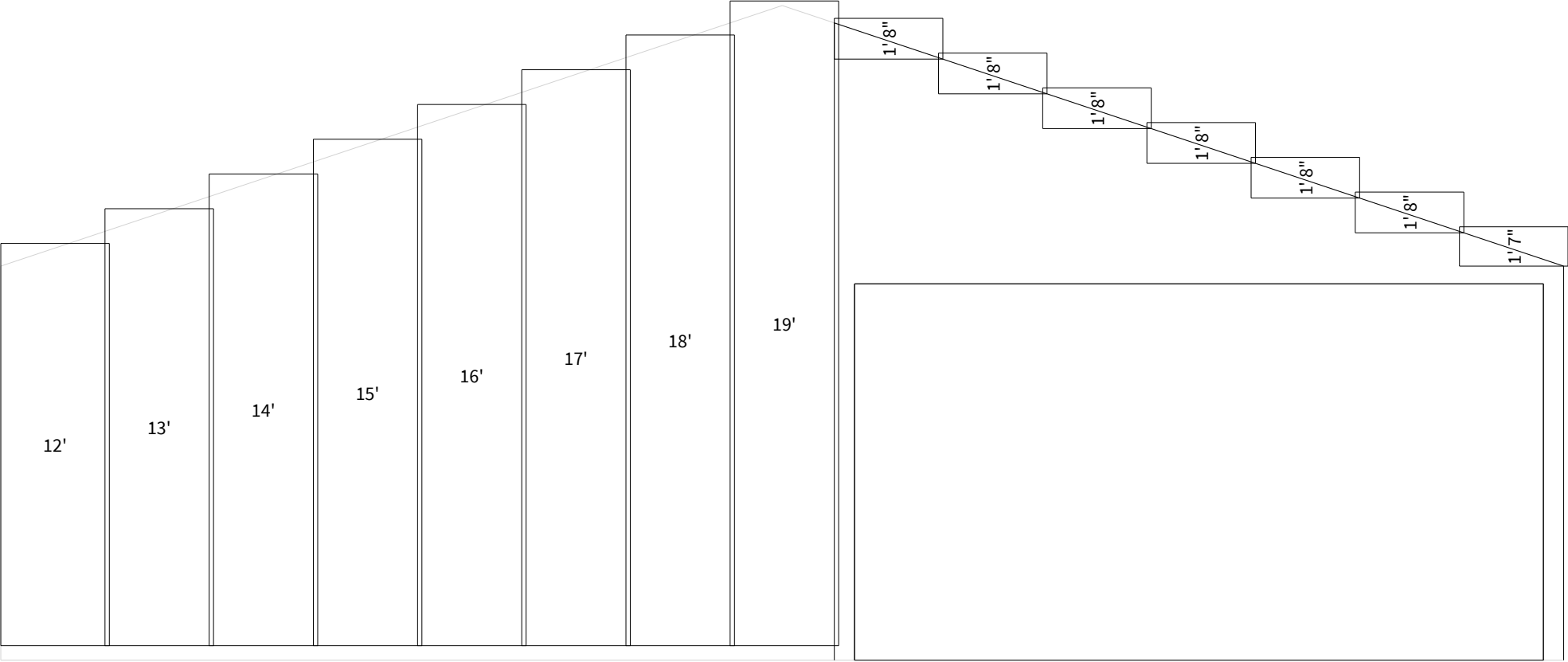
Sheathing Drawing - EXT-7

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM

The floor plan shows a rectangular room measuring 10 feet by 30 feet. A central aisle, 10 feet wide, runs the length of the room. On the left side of the aisle, there are eight storage units, each 10 feet 3 inches wide and 10 feet 3 inches high. The first unit from the left is a double-door unit, while the others are single-door units. On the right side of the aisle, there are eight storage units, each 10 feet 3 inches wide and 10 feet 3 inches high. The first unit from the right is a double-door unit, while the others are single-door units. At the top of the room, there are four small storage units, each 2 feet 4 inches wide and 10 feet 3 inches high. At the bottom of the room, there are four small storage units, each 2 feet 4 inches wide and 10 feet 3 inches high. The central aisle is 10 feet wide. The overall dimensions of the room are 10 feet by 30 feet.

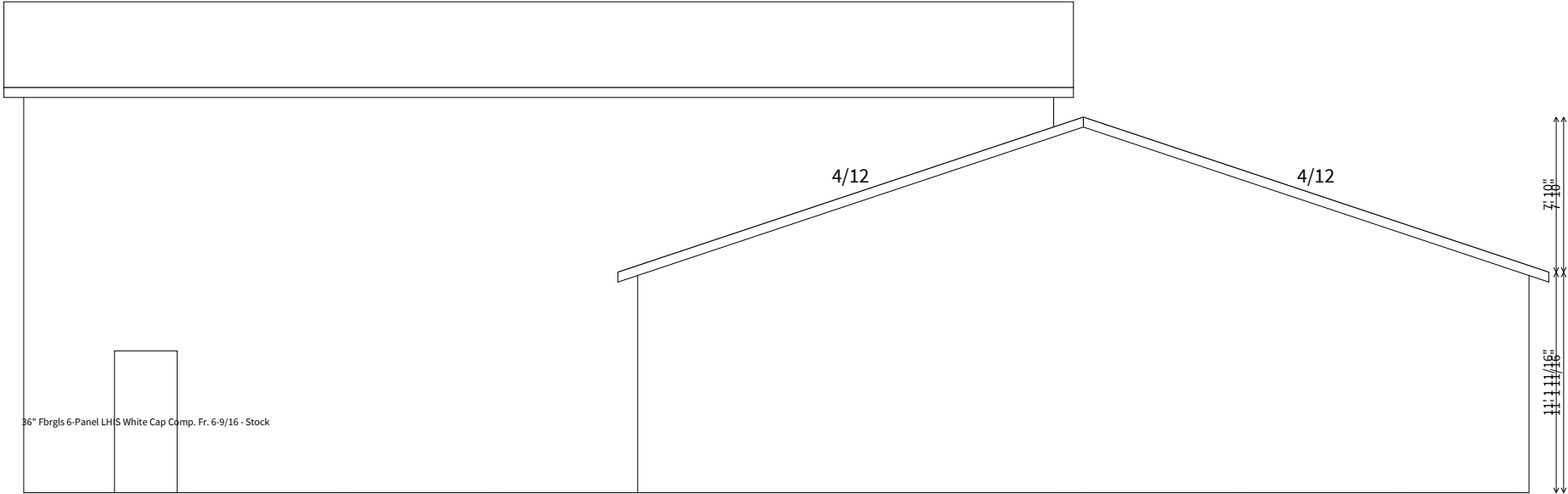
Sheathing Drawing - EXT-8

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM



Left Elevation

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM



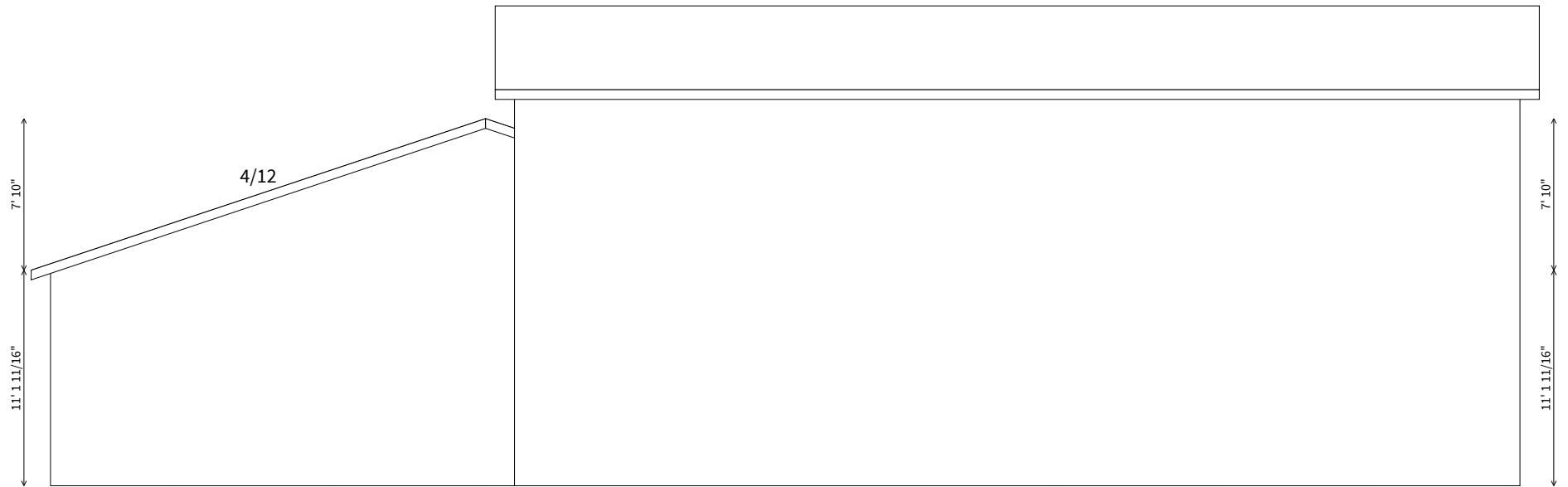
Front Elevation

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM



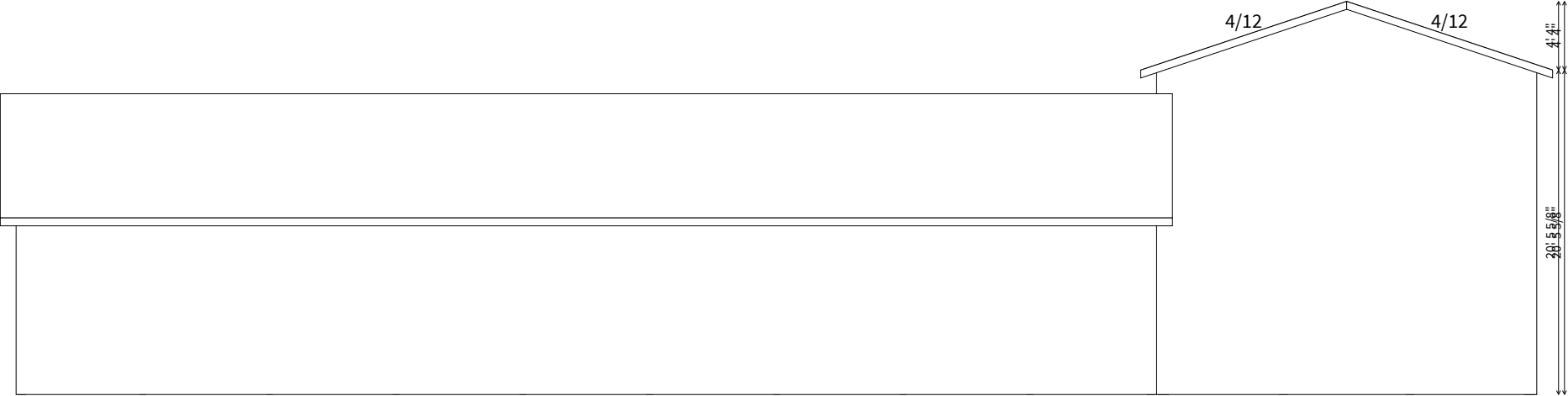
Right Elevation

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM

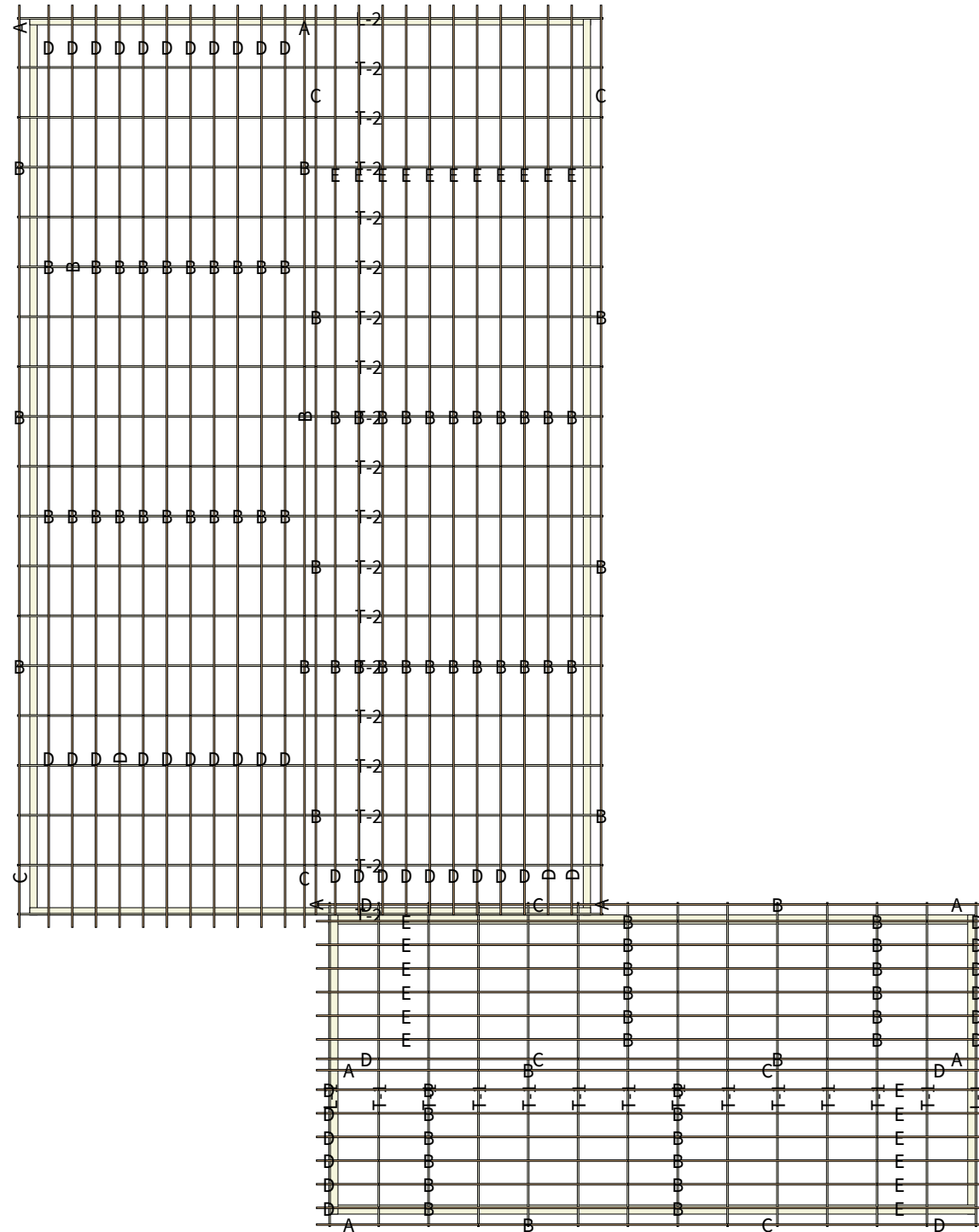


Back Elevation

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM



Truss Layout



Roof Layout

Job: Solo 24x52x20 w/attached old barn
Date: 10/17/2024
Time: 8:06 PM

[illegible]

Docket: BZA-0225-05,06 -AG
Petitioner: Eric & Alicia Robinson

Cicero/Jackson Township Plan Director Staff Report

Docket No. BZA-0225-05,06-AG

Staff: Frank Zawadzki

Applicant: Eric & Alicia Robinson

Property Size: 2 acres

Current Zoning: AG

Location: 23320 Cammack Road, Cicero, IN 46034

Background Summary: A Development Standards Application has been submitted regarding the property located at 23320 Cammack Road, Cicero, IN 46034 to: allow a twenty-one (21) foot side yard setback. Whereas Article 3.2 of the Cicero/Jackson Township Zoning Ordinance requires a thirty-five (35) foot side yard setback for a secondary structure in the “AG” district. Height Variance to allow 24’ 8” whereas 22’ allowed.

Preliminary Staff Recommendations: Staff would not oppose approval.

Zoning Ordinance Considerations: This project would encroach upon a regulated drain easement. Since we cannot authorize building in an easement, they have applied for and been approved a “Non-enforcement” by the Hamilton County Surveyors Office.

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

Current Property Information:

Zoned - AG

Land Use: Res-1 Family

Site Features: Farm fields surrounding, regulated drain feature to the south, across Cammack rd. from R2 zoning district.

Vehicle Access: Yes

Planning Considerations:

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

Please note approval by HCSO for drain encroachment. There is another accessory structure that will be removed so as to meet standards.

Findings of Facts/Decision Criteria: Barn would need Variance of some kind wherever it's located. Has a septic field to deal with as well. The height is so they can park a camper in there. A practical difficulty can be stated that they cannot park their camper in a shorter building that still works with the connection to their home.



**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**

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

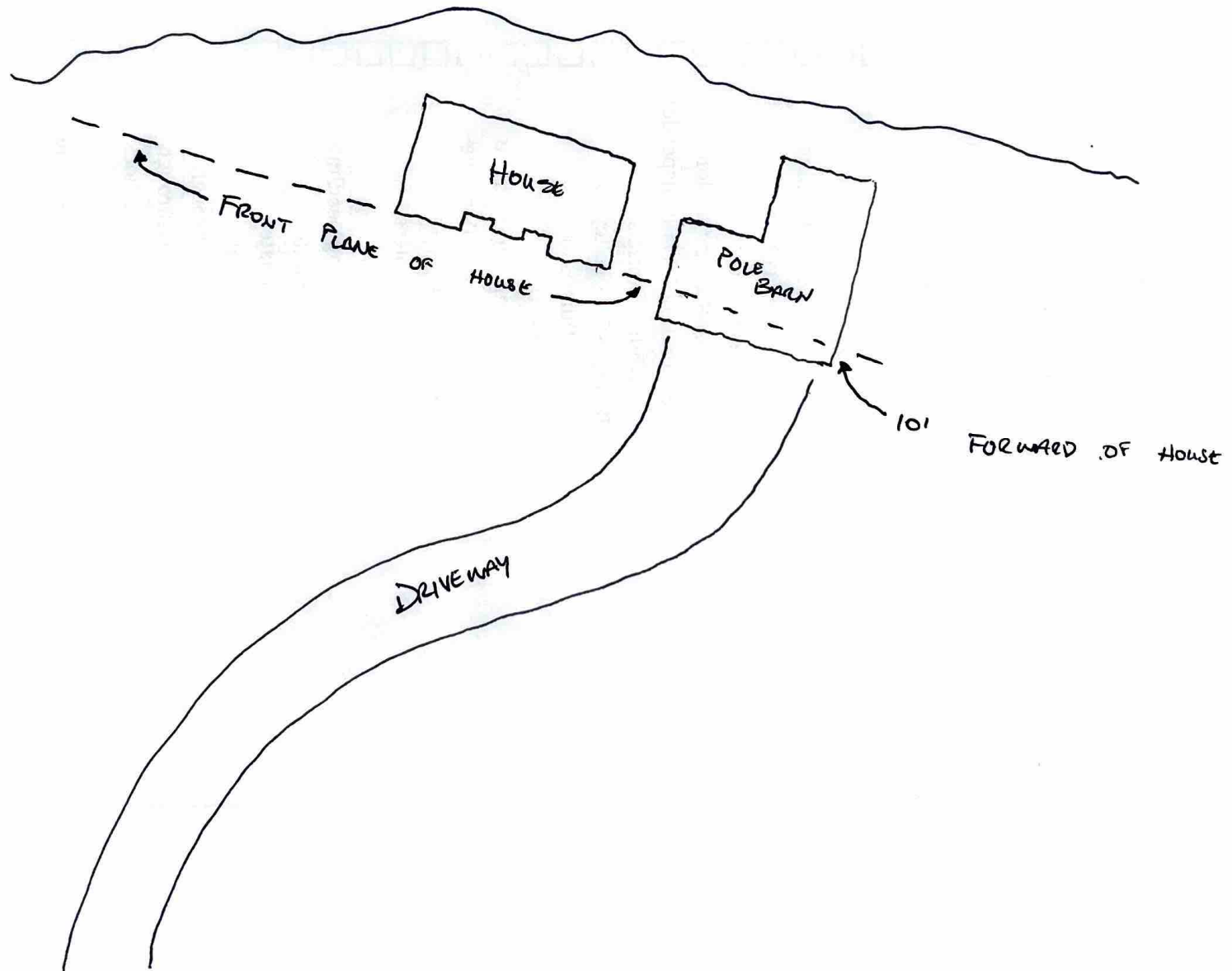
CICERO / JACKSON TOWNSHIP (BOARD OF ZONING AND APPEALS)

VARIANCE APPLICATION

OFFICE USE ONLY			
Variance Category		Docket #: BZA-0225-07-R1	
<input checked="" type="checkbox"/> Development Standards	<input type="checkbox"/> Special Exception	Date of Application: 01/17/2025	
<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: 02/20/2025	
<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: Benjamin & Carrie VanAlstine			
Property Address: 87 Cedar Lane			
City: Cicero		State: IN	ZIP Code: 46034
Telephone: 317-385-1330		E-mail: benv@emptechgroup.com	
		Fax:	
Project Address: 87 Cedar Lane		State: IN	ZIP Code: 46034
City: Cicero		Subdivision: Forest Bay Estates	
Parcel: 03-06-11-03-02-008.000		Telephone:	
General Contractor: Heuer Homes, LLC		Fax:	
Address: PO Box 315		Cell Phone: 317-518-2993	
City: Cicero	State: IN	ZIP Code: 46034	Email: ian@heuerhomes.com
Variance Request: We had originally hoped to have the barn sit on the same plane as the front of the house.			
The site is forcing us to bring the barn forward of the house.			
Commitments/ Conditions Offered:			
Code Section Appealed:			

87 CEDAR LANE

MORSE



Docket: BZA-0225-07-R1

Petitioner: Ben & Carrie VanAlstine

Cicero/Jackson Township Plan Director Staff Report

Docket No. BZA-0225-07-AG

Staff: Frank Zawadzki

Applicant: Ben & Carrie VanAlstine

Property Size: 6.20 acres

Current Zoning: R1

Location: 87 Cedar Lane, Cicero, IN 46034

Background Summary: A Development Standards Variance application has been submitted for 87 Cedar Lane, Cicero IN, 46034 regarding Article 7.5 of the Cicero Jackson Township Zoning Ordinance to: allow an accessory structure to extend in front of the primary structure. Whereas Article 7.5 Accessory Structures (AS-02) of the Cicero Jackson Township Zoning Ordinance states that an accessory structure shall only be to the side or rear of the primary structure.

Preliminary Staff Recommendations: Staff recommends approval.

Zoning Ordinance Considerations: The plane of the barn will extend in front of the home necessitating the Variance request. The rear of the property is lakefront and steep, the front has an easement. There is not a more suitable spot that meets standards.

District Intent: : The “R1” (Estate Residential) District is intended to provide a land use category for large lots and large single family detached homes.

Current Property Information:

Forest Bay subdivision.

Land Use: Res – Vacant Platted Lot

Site Features: Large parcel, lakefront.

Vehicle Access: Yes

Planning Considerations:

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

This will be very far off the road and completely invisible to anyone passing by.

Findings of Facts/Decision Criteria: One practical difficulty is that there isn't a more suitable space that meets the standards. Easement in front and a very steep grade to the rear limit the space.



**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: _____

JAN 21 REC'D

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

VARIANCE APPLICATION

OFFICE USE ONLY

Variance Category

- | | |
|--|--|
| <input type="checkbox"/> Development Standards | <input type="checkbox"/> Special Exception |
| <input type="checkbox"/> Land Use | <input type="checkbox"/> Other |

Docket #: BZA-0225-08-AG

Date of Application: 01/21/2025

Date of Expiration:

Variance Fee: \$750.00

Variance Check List

- | | |
|--|--|
| <input type="checkbox"/> Adjoiner List | <input type="checkbox"/> Legal Notice Copy |
| <input type="checkbox"/> Certified Mail Receipts | <input type="checkbox"/> Property Sign |
| <input type="checkbox"/> Additional Applications for Variances | |

Date of Hearing: 02/20/2025

Date of Decision:

☐ Approved☐ Not Approved

APPLICANT MUST COMPLETE THE FOLLOWING

Property Owner: Address: Christopher & Catherine Lammer, 2860, 3124 E. 266th Street

City: Telephone: 574-870-9819; 317-750-0703

Arcadia

State: IN

ZIP Code: 46030

Fax:

E-mail: cjlammer@yahoo.com

Project Address: 2860, 3124 E. 266th Street

City: Arcadia

State: IN

ZIP Code: 46030

Parcel: 29-02-18-000-009.000-008

Subdivision: N/A

General Contractor/ Builder: Address: N/A

Telephone: N/A

City: N/A

Fax: N/A

State: N/A

Cell Phone: N/A

Variance Request: Land Use

ZIP Code: N/A

Email: NA/

Agritourism Ranch and Winery with retail sales and outdoor seating.

Commitments/ Conditions Offered:

Code Section Appealed:

Section 3.1 "AG" District Standards, Permitted Uses



Petitioners List of Findings

Please see attachment.

331 E. JACKSON ST. P.O. Box 650 CICERO, IN 46034
PHONE: 317-984-5845 FAX: 317-984-5938 WWW.CICEROIN.ORG

FINDINGS OF FACT

The approval will not be injurious to the public health, safety, morals, and general welfare of the community, because the proposed land use is generally compatible with its surroundings in its rural setting, builds on the rich agricultural history of the area and will add to the list of agritourism opportunities that are supported by the Town's comprehensive plan and available across Hamilton County and are supported by the Hamilton County Tourism/Visit Hamilton County.

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner, because the project site is approximately 23.5 acres in size, and the "active" areas are located central to the property. Also, 266th Street is classified as a major thoroughfare by both the Town and the County and a direct link between Arcadia and US 31, therefore, development along the corridor is anticipated and supported through local planning efforts.

The need for the variance arises from some condition peculiar to the property involved, because agritourism on the existing developed property, while contemplated in the comprehensive plan and supported by local economic development organizations, is not possible under the current regulations. The necessary changes to the zoning ordinance to support agritourism have not been adopted.

The approval does not interfere substantially with the comprehensive plan, because of the following supportive statements included in the comprehensive plan:

- Goal III.2. Maintain and grow the local park system. [No differentiation between public park or private park opportunities.]
- Goal IV.3. Increase tourism.
- Goal V.3. **Preserve** small town/**rural character.**
- Goal V.4. Encourage more unique local small businesses.
- Goal VI.2. Promote tourism as a big part of local economic development potential.
- Goal VII.9 Increase visibility and access to parks, open space and landscaped areas.
- Tourism-related business growth is recognized as important economic development...
- Other economic development includes support for entrepreneurial efforts...including local business promotion.
- Coordination and connection is in place for area recreational facilities, including Koteewi Park, the County's White River Campground and Westfield's Grand Park.
- 266th Street is a major arterial with plans for shared alternative transportation on the road.
- Prepare more for local tourism and new tourism spillover...by working with Hamilton County Tourism, Inc. Take steps to encourage establishment of...entertainment options and offer quality recreation...
- Develop additional agricultural zoning districts for Jackson Township, including the Agricultural Intensive, General Agricultural and Agricultural Enterprise Zoning District.

- Work with Hamilton County economic development and tourism official to market Cicero and Jackson Township for commercial and hospitality businesses.
- Consider opportunities to diversify agricultural business to take advantage of markets such as organic food and specialty crops.
- Organize Tours – Develop and offer...tours to showcase local assets such as...agricultural...
- From the “Culture, Tourism & Entertainment” Focus Group meeting notes:
 - Under “Issues”:
 - People don’t understand importance of tourism as economic development.
 - Under “Ideas”:
 - Work even more closely with Convention and Visitors Bureau.
 - Take advantage of Hamilton County Park System’s growth. These...will...be tourism destinations and we need to be ready to support the associated tourism.
 - Educate business people about the importance of cultural tourism as economic development.
 - Promote the “Mom and Pop” businesses that...make us unique.
- From the “Economic Development” Focus Group meeting notes:
 - Under “Ideas”:
 - Prepare for spillover opportunities from Westfield’s new park complex... Cicero/Jackson Township should proactively plan for development along the US 31 corridor.

The comprehensive plan supports local efforts to establish agritourism opportunities.

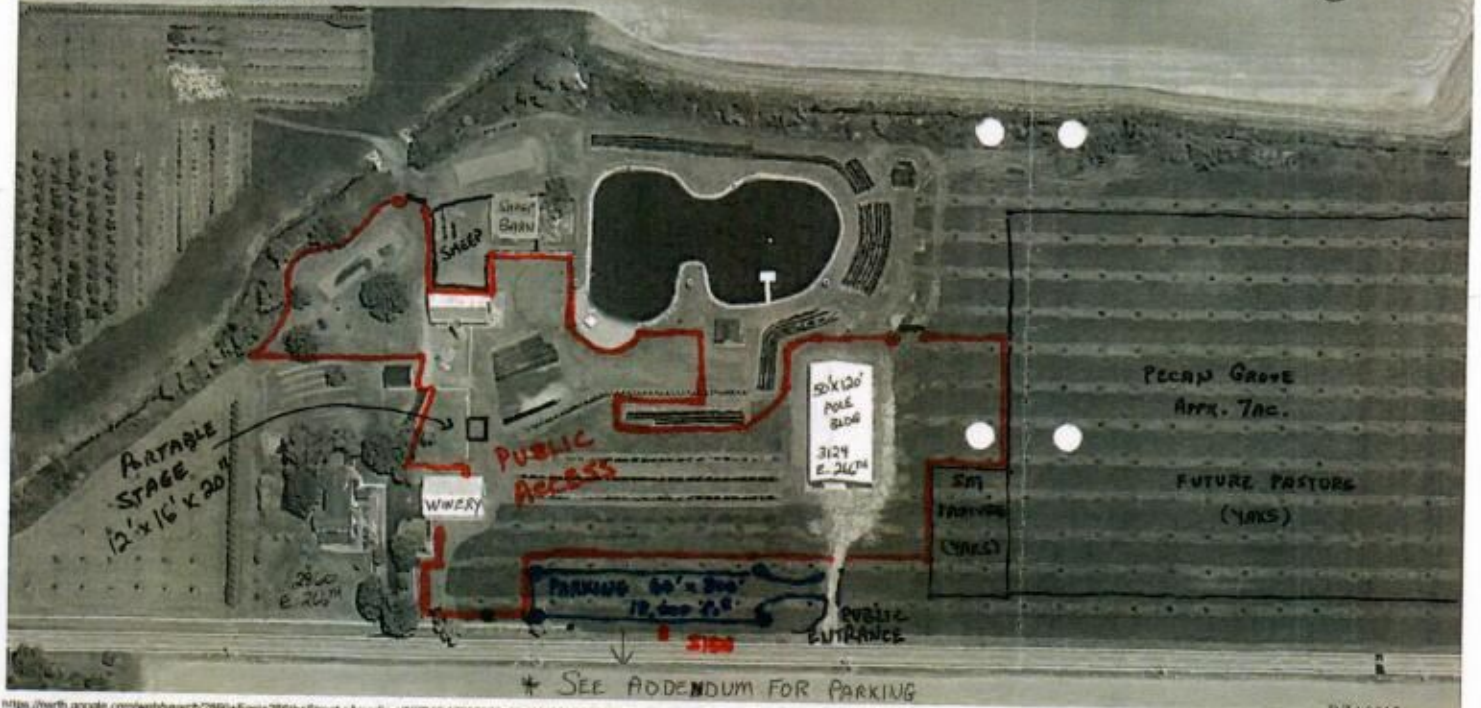
The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought, because the community has established an inability for anyone to initiate a tourism opportunity anywhere that is generally supported by numerous statements in the comprehensive plan under considerations for both “agritourism” and “economic development”. The ordinance was not amended, based on supportive language in the comprehensive plan, to provide for agritourism opportunities anywhere, thus forcing anyone wishing to engage in agritourism to seek variance(s). In and of itself, this constitutes an unnecessary hardship and a situation that is not self-imposed.

3/16/24, 5:21 PM

Google Earth

WOOLLY YAK RANCH & WINERY
2860, 3124 E. 266TH ST.
ARCADIA, IN 46030
CHRIS & CATHY LAMMER

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W + E
S



<https://earth.google.com/websearch?2860+E+266th+Street+Arcadia,+IN&ll=40.17653087,-86.11149517,270.726007984,531.797586534,35y,0.00017747h,0.01s&data=CglUpokCbgMAo0nF0RAEUgpmhF0RA0Z7---vTH0XAVBmzbnmh1XA>

BZA0013

1/1

WOOLLY YAK RANCH & WINERY

3124 E. 266th ST

ARCADIA, IN 46030

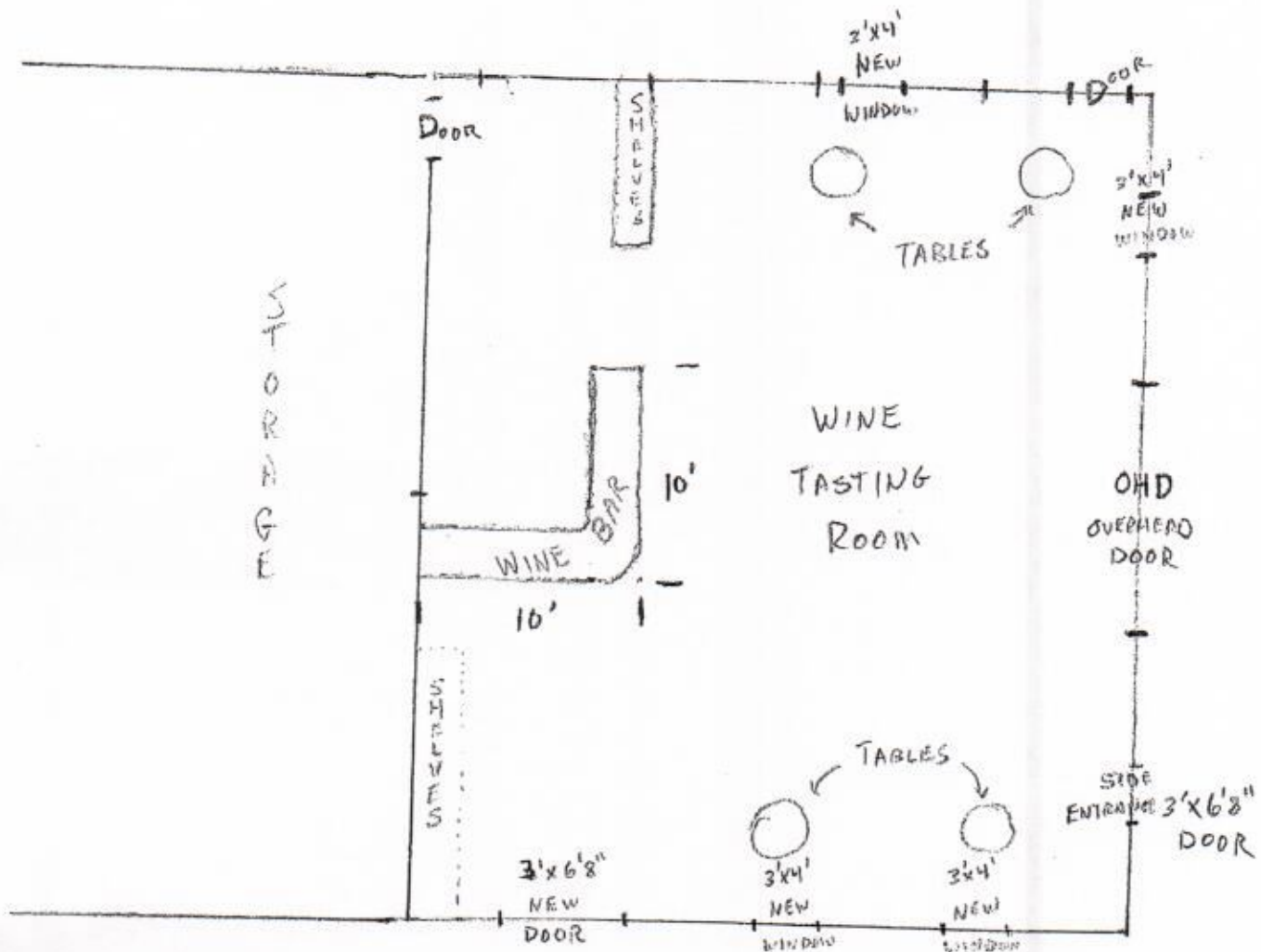
CHRISTOPHER LAMMER, OWNER

574-870-9819



WINERY BLDG.

1" = 8'



BZA0010

WOOLLY YAK RANCH & WINERY

2860 E. 266TH ST

ARCADIA, IN 46030

CHRISTOPHER & CATMARINE LAMMER

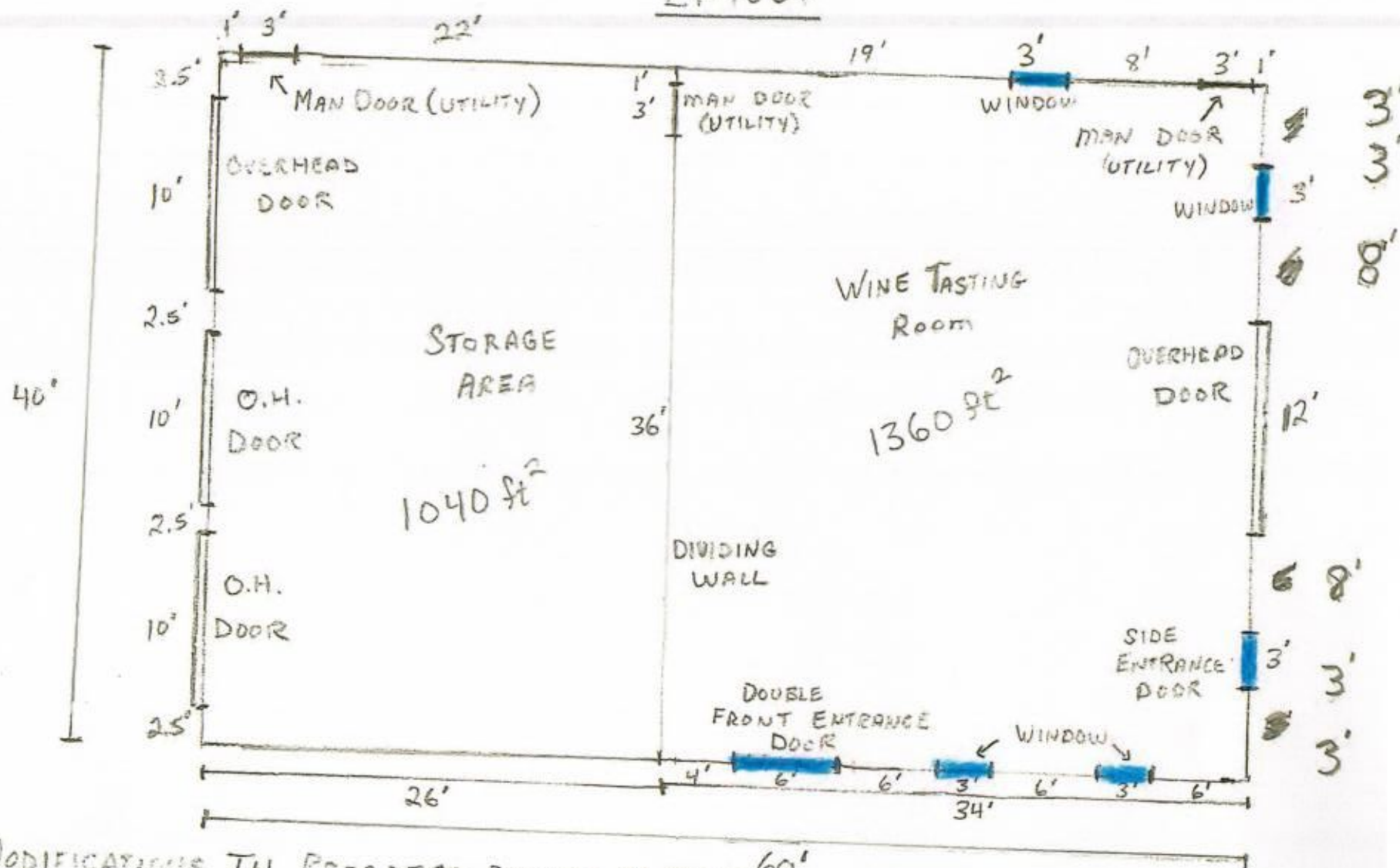
WINERY BUILDING

LAYOUT

W N
+ E
S

1" = 8'

BZA0011



* MODIFICATIONS IN PROGRESS DENOTED IN BLUE

Docket: BZA-0225-08-AG

Petitioner: Christopher & Catherine Lammer

Cicero/Jackson Township Plan Director Staff Report

Docket No. BZA-0225-08-AG

Staff: Frank Zawadzki

Applicant: Christopher & Catherine Lammer

Property Size: 23.49 acres

Current Zoning: AG

Location: 2860 E 266th Street / 3124 E 266th Street, Arcadia, IN 46030

Background Summary: This went through the Land Use process before. It also went through the Dev Standards for the number of Yaks per acre which is not being applied for here.

Preliminary Staff Recommendations: Staff has no issue with a BZA approval.

Zoning Ordinance Considerations: There is no agritourism use currently permitted anywhere in Zoning Ordinance in any district.

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

Current Property Information:

Land Use: Cash grain/general farm

Site Features: Ag property surrounded by Ag properties with approx. 1 acre pond. Regulated drain feature on the north boundary.

Vehicle Access: Yes

Planning Considerations:

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

Please note hardship claim below.

Findings of Facts/Decision Criteria:

Staff would recommend strict hours of operation and noise control. Possibly limit the type and volume of live music by not allowing or limiting amplification or similar means. We'd also like to see attention paid to lighting somehow, so as not to disturb the adjoining properties.

The hardship stated by the petitioner is as follows:

Because the community has established an inability for anyone to initiate a tourism opportunity anywhere that is generally supported by numerous statements in the comp plan under considerations for both agritourism and economic development. The ordinance was not amended, based on supportive language in the comp plan, to provide for agritourism opportunities anywhere, thus forcing anyone wishing to engage in agritourism to seek a Variance(s). In and out of itself, this constitutes unnecessary hardship and a situation that is not self-imposed.

Christopher & Catherine Lammer



**CICERO/JACKSON
TOWNSHIP
PLAN COMMISSION**

Findings of Fact/Decision Criteria:

Article 12.13 of the Cicero/Jackson Township Zoning Ordinance permits the Board of Zoning Appeals to allow conditional uses that meet the criteria listed below. The Board may impose written commitments and/or reasonable conditions as part of an approval.

1 The proposal 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 proposed need for a variance arises from some condition peculiar to the property involved.

Findings of Facts: _____

This criterion *has / has not* been met.

4 The proposed use does not interfere substantially with the comprehensive plan adopted under the 500 series of IC 36-7-4.

Findings of Facts: _____

This criterion *has / has not* been met.

5. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship applied to the property for which the variance is sought.

Finding of Facts: _____

This criterion *has / has not* been met.

Board of Zoning Appeals Options:

In reviewing a request for conditional 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: _____

Director's Report

January 2025

Permit Revenue: January 2025 = \$2,997 YTD: \$2,997

January 2024 = \$2,401 YTD: \$4,018

Difference: Month = +\$4596 YTD: -\$1,021

We have issued a total of 14 building permits for January 2025.

10 have been inside the corporate limits (of which 0 are for new homes).

We have issued 4 in Jackson Township (of which, 0 are for a new home).

Estimated Cost of projects permitted \$473,981.

The Planning Commission meeting is scheduled for February 12th at the Town Hall. The next BZA meeting is scheduled for February 20th at the Town Hall. Both committees will meet and have items on the agenda. We are still looking for applicants to attend the Qualified Individual training held on March 11th at Flix brewhouse. All contractors should attend due to a new IDEM requirement. See me for registration details.

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

At your service!

Frank Zawadzki