



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

### **Board of Zoning Appeals Agenda**

March 20<sup>th</sup>, 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**

February 20<sup>th</sup>, 2025

#### **3. Old Business:**

Approval of Findings of Facts

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

**Docket#** BZA-0325-10-AG

**Petitioner:** Stephen Moore

**Property address:** 4114 E 236<sup>th</sup> Street, Cicero, IN 46034

A Development Standards Variance application has been submitted regarding the property located at 4114 E 236<sup>th</sup> Street, Cicero IN, 46034 to: Allow an accessory structure in front of the primary structure. Whereas Article 7.5 of the Cicero/Jackson Township Zoning Ordinance states that an accessory structure shall only be placed to the rear or side of the primary structure in the "AG" district.

**Docket#** BZA-0325-11-R3

**Petitioner:** Paul Vondersaar

**Property address:** 70 W Buckeye Street, Cicero, IN 46034

A Development Standards Application seeking relief from Article 4.2 of the Cicero/Jackson Township Zoning Ordinance has been submitted regarding the property located at 70 W Buckeye Street, Cicero IN, 46034 to: Allow a parking lot to encroach into both front and side yard setbacks. Whereas Article 4.2 states that a structure shall have twelve (12) foot setbacks in the side yard and fifteen (15) foot setbacks in the front yard in the "NC" district.

**Docket #** BZA-0325-12-R3

**Petitioner:** Paul Vondersaar

**Property Address:** 70 W Buckeye Street, Cicero, IN 46034

A Development Standards Application seeking relief from Article 4.2 of the Cicero/Jackson Township Zoning Ordinance has been submitted regarding the property located at 70 W Buckeye Street, Cicero IN, 46034 to: allow a parking lot to exceed 60% impervious surface of the Lot Area. Whereas Article 4.2 states that Maximum Lot Coverage cannot exceed 60% of the Lot Area in the "NC" district.



## CICERO/JACKSON TOWNSHIP PLAN COMMISSION

### Board of Zoning Appeals Minutes

February 20<sup>th</sup>, 2025

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 with all members present.

Mr. Zell suggested this time to amend the agenda to include election of officers for 2025.

**Chairman Bockoski made motion to amend agenda to allow for election of officers for 2025. Mr. Massonne second. All present in favor.**

Mr. Zell indicated starting with Chairman the need for nominations.

**Mr. Berry nominated Mr. Bockoski for Chairman for 2025. Mr. Thomas second. All present in favor.**

Mr. Zell indicated the need for Vice-Chairman nominations.

**Mr. Zell nominated Mr. Berry for Vice-Chairman for 2025. Mr. Massonne second. All present in favor.**

**Mr. Zell nominated Mr. Massonne for Secretary for 2025. Mr. Thomas second. All present in favor.**

2. **Approval of Minutes**

**Mr. Zell made motion to approve Minutes from December 19<sup>th</sup>, 2024, as presented. Mr. Berry seconded. All present in favor.**

3. **Old Business**: No 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.

J.R. Frieburger 109 W. Jackson is business, residence is 4020 E. 236<sup>th</sup> Cicero. Received variance first time and while the sign didn't work. This revision is where we landed. Raised it up, cosmetically, where we think it would work. Chairman Bockoski asked if any questions from the Board. Mr. Zell stated from what he sees he feels it fits the area and is tastefully done. Mr. Massonne stated he was not a fan of the one on Jackson St. this one is better. Chairman Bockoski added that



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this could be considered a corner lot, so do not see issue with the second sign on the other street. Mr. Freiburger front door will be on Byron St. Mr. Berry asked if it was illuminated. Mr. Freiburger stated yes, self-illuminated. Front has canned lights in canopy. Mr. Berry questioned when closed would the signs be off. Mr. Freiburger stated would go off after hours. Mr. Zell questioned Mr. Zawadzki if had been to Plan Commission. Mr. Zawadzki stated PC had approved the aesthetics of the sign. Mr. Thomas questioned the sign on the front door, is it affixed to the building. Mr. Freiburger stated yes would not swing back and forth.

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

Chairman Bockoski stated the BZA is a quasi-judicial branch of the local government. The Board will be discussing items listed on the docket and issues or stipulations to consider for each item on the docket. All comments or questions should be addressed to the Board and its members as opposed to others. Attendants must sign in to speak. Each attendant must state their name and address each time to the podium, each person is limited to three minutes. Each item on the docket typically has a portion set aside for the public hearing, if a person wishing to speak it is not necessary to restate those points in their entirety. Simply agree with the other person's comments and move on in the interest of time. Reminding everyone our motions are made in the affirmative, it doesn't mean the vote will be affirmative, but motion will be.

Chairman Bockoski asked if anyone here to speak for this particular docket to step forward.

No public comment.

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

No other board member comments. Chairman Bockoski noted that stipulations appeared to be covered by Plan Commission.

**Mr. Zell made motion to approve BZA-0225-04-DC as presented with condition of lighting being programmed for night brightness, to be monitored by Mr. Zawadzki. Mr. Massonne second.**

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

**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.

Chairman Bockoski stated will discuss together but vote on separately.

Eric and Alicia Robertson 23320 Cammack Road, Cicero. I have applied for variance to allow to have a barn. This is to house camper and potentially a larger camper. Also helps to keep the yard tidy by having storage room, as well as cars for teen children. Mr. Robertson stated the height overage was 2 feet 8 inches. Chairman Bockoski verified that there is another accessory structure that would be removed. Mr. Robertson stated there is a small barn a woodshed that would be removed in the spring. This would not be attaching to that,, it would be attaching to the current barn. To get the tie-in with the existing structure we have to do the side walls getting us to the height. Chairman Bockoski verified the drainage board has signed off.



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Mr. Robertson stated yes and was in your packet. Chairman Bockoski restated that this would be attached to the existing barn. Mr. Robertson stated yes, told we needed 20-foot-side walls, other designs did not work. Chairman Bockoski questioned why not on the other side, due to septic? Mr. Robertson stated no, backing into the existing structure requires a turn, a larger RV would have to go between the house and barn at a turn. Septic is in northeast corner of property. Mr. Berry questioned what utilities would be in structure. Mr. Robertson stated lighting possibly in future, cold storage, concrete slab, no insulation at this point. Chairman Bockoski verified no business out of structure. Mr. Robertson stated no.

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

No public comment.

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

Chairman Bockoski asked if any stipulations for this docket.

**Mr. Massonne made motion to approve BZA-0225-05-AG as presented. Mr. Zell second.**

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

**Mr. Thomas made motion to approve BZA-0225-06-AG as presented. Mr. Berry second.**

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

**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.

Ian Heuer 121 Peru Street Cicero. Addressed site information using monitors. Working with VanAlstine to build a home, have powerlines going through property at 87 Cedar Lane. Not a ton of buildable area, after positioning house, realized the structure is on a part of the bank that is compromised. Asking for 15 feet to pull structure forward. Building will be consistent with existing structure.

Carrie VanAlstine 1060 Cape Coral Dr. Currently on north end of lake and wanting to move to the Forest Bay area. Nature of the land do not have a garage, need boat storage, tractor storage.

Chairman Bockoski questioned 10 feet in the front of house. Can not see from street. Chairman Bockoski verified able to comply to ordinance requirements for materials.

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

Mr. Zawadzki read letter of support Steven Hailey 4 Cedar Lane Cicero. *(letter added to file)*

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

No further Board questions.

**Mr. Massonne made motion to approve BZA-0225-07-R1 as presented. Mr. Zell second.**

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

**Docket No: BZA-0225-08-AG**

**Petitioner:** Christopher & Catherine Lammer

**Property Address:** 2860 E 266<sup>th</sup> Street/3124 E 266<sup>th</sup> Street, Arcadia, IN 46030

A Land Use Variance application has been submitted regarding the property located at 2860 and 3124 East 266<sup>th</sup> 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.





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Kevin Buchheit, Attorney 12800 N. Meridan St. Carmel, IN representing Chris and Cathy Lammer 16299 Seminole Road, Noblesville. Mr. Buchheit started with handouts, 118 different emails received in support of projects, and letters from Dr. Gabriel Small with Animal health and Speaker Huston. All items are in support. Mr. Buchheit went through the packet of information starting with a description of the property, 23.5 acres, indicating GIS location. Project includes educational perspective of wooly yaks as well as locally produced wines. Mr. Buchheit continued by explaining Agritourism is not listed as a special use in the ordinances therefore variances are required. Benefits to Agritourism were shared. Hamilton County supports Agritourism and closeness to 236<sup>th</sup> is benefit. Page six explains this is a working farm with Agritourism potential, very personal to the family. Farm type animals would be yaks, sheep and other small animals. Fibers from animals as well as trees that bear fruit would be produced. Potential of case studies for educational purposes. Workshops as well such as canvas and wine. Expect 6-8 employees, and opportunities for special needs individuals. Days of operations would be closed to public but available for tours, Wed-Thurs 8am-9pm, Fri-Saturday 9-10pm. Friday and Saturdays would offer music offerings, stage would be oriented away from existing residences and would abide by noise ordinances of Hamilton County. Sunday hours would be 9-9pm with acoustic music offerings. All the hours would be maximum hours. Tab 5-site and building graphs were shared, including area closed to wine. Building diagrams have not changed from last year's presentation with the tasting room. Emphasis on the hour's changes, music changes, lighting changes from last year's presentation. Findings of Fact and business plan shared. Emphasis on Agritourism, ag area, and the zoning doesn't allow an area for Agritourism currently in the district. Comparison to Comp Plan was highlighted. Anyone wanting to provide Agritourism opportunities would have to seek a Land Use variance.

Mr. Berry stated he had questions. Is the wine to be made on the property for the tastings? Mr. Buchheit stated eventually yes. Mr. Berry assume would follow state regulations for making and bottling wine. Mr. Buchheit stated yes. Mr. Berry asked what happens to the animals at night, where do they go. Christopher Lammer 16299 Seminole Road, Noblesville. They are barns on site, due west of the pond, currently there they are at another site. Don't typically require to be in a building each night. Mr. Berry asked if there was a caretaker at night. Mr. Lammer stated yes there will be. Mr. Berry questioned 24/7. Mr. Lammer stated yes there will be. No one visits the property in Sheridan overnight. Mr. Berry questioned if an animal get ill what would be the plan, would they stay on site. Cathy Lammer 16299 Seminole Road, Noblesville, we utilize vet in Sheridan and would do what they advise. Mr. Berry stated he questioned due to chicken flu and is not familiar with yaks and what they are susceptible to. Mrs. Lammer stated it would be similar to cows.

Mr. Zell questioned how many yaks there are on this property. Mr. Lammer stated four for now. Mr. Zell questioned if he planned to grow that number. Mr. Lammer stated have a contact with animal science experts at Purdue, that our animal pasture on the east side, would be able to accommodate 10 yaks. Mrs. Lammer stated have area that could be fenced to grow. Mr. Lammer stated area fenced could grow to that and understand would need to come back if moved beyond that area. Mr. Zell asked for a summary of the major differences of what was presented now and the first time. Understand the music differences. Mr. Buchheit stated not much has changed but more detail in the presentation, such as the hours of operation and the music details.

Mr. Massonne questioned after skimming through emails, do you know how many are from this area. Mrs. Lammer stated about dozen. Mr. Massonne stated 5 with Cicero address and 3-5 with Arcadia/Atlanta out of 118. Mr. Zell stated a lot from Westfield. Mrs. Lammer stated but all from the county. Mr. Massonne emphasized that Cicero/Jackson Township Planning was separate from the County.

Mr. Zell questioned lighting since there were hours going into the nighttime, what major lighting has been planned. Mr. Lammer stated it would not be bright, security lighting, some that is dusk to dawn. Mr. Zell expressed concern for safety with a gravel lot, as well as light pollution to the neighbors. Mr. Berry stated about your hours, you indicated seasonally adjusted, will they be adjusted for any events. Specifically extended beyond stated hours. Mr. Lammer stated that they would not, the hours are maximum hours we would have. Mr. Thomas questioned amplification on Fri/Sat nights only. Mr. Lammer stated yes. Mr. Thomas questioned the one entrance/exit. Mr. Lammer stated yes. Mr. Thomas stated the future pasture you would remove the pecan grove. Mr. Lammer stated no, plan would be for a form of agroforestry where the property is utilized for dual purposes. For forestry and livestock. And no to goats when asked. Mr. Zell questioned the use of 266<sup>th</sup> for delivery purposes. Mr. Lammer stated don't believe there will be a lot, do not expect a lot of other sales



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beyond the wine, and it is limited to sales to Indiana rules. Expect deliveries twice a year. Mr. Zell stated you mentioned prepackaged food and beverages, promotional items which raised the question of traffic. Mr. Lammer stated he didn't feel there would be much sales outside of wine but hard to tell at this point. Mrs. Lammer stated local items from artisans such as honey which would not be coming in by truck.

Mr. Thomas stated the amount of hours make it seem like much higher volume than just a few trucks. Mrs. Lammer stated the wine is extremely expensive for shipping so would limit to two times a year. Also, limited on the amount of wine we can sell until we produce our own. Hours may be exaggerated because of being maximum. Mr. Lammer stated mostly farming hours. Hours discussed again as maximum and mainly summer.

Mr. Massonne questioned 266<sup>th</sup> and access. Mr. Thomas stated 266<sup>th</sup> is going to be an overpass and only access would be 236<sup>th</sup> and 276<sup>th</sup> from US31 to get location. Mr. Massonne stated in the application and the presentation has development in support of local planning efforts along the corridor. He didn't find where 266<sup>th</sup> was a development area. Mr. Buchheit indicated the thoroughfare plan. Mr. Culp answered talking about information from different sources of information. Mr. Zell felt the Board would have indication of development that was being planned and there is none. Mr. Massonne stated Comp Plan is very strategic and that would be a unique place for development.

Mr. Thomas asked on a typical Fri/Sat how many cars per day or evening for an event. Mr. Lammer stated parking lot would be about 50 cars. Mr. Zell asked if any statistics that would indicate in state of Indiana, what typical growth of that type of business (Agritourism) would have in 5-10 years. Mrs. Lammer the point of the property is not to be big exciting with toys for kids etc. but a place to relax and enjoy the countryside. Mr. Zell questioned as a business owner you might have some type of expectation for growth. Mrs. Lammer stated it is a for profit business, but not a get rich quick business. Do not plan on expanding the parking lot, want a serene environment. Mr. Lammer stated the orchards are a high priority and there is only so much space.

Mr. Massonne expressed that he was on the Board last time and while thinking a great idea, one of the things is the impact on the neighbors. Last time it was around the Eclipse and was detrimental to your petition. Want to hear from neighbors. Will you live on the land. Mrs. Lammer stated someone would reside there.

Chairman Bockoski asked for them to run through a special event, how would it go throughout the day. Mrs. Lammer stated she thought we would have an Easter Egg Hunt, one session for small kids, one for older kids for the community. Mr. Lammer state we also have one-one workshop. Approximately 20-25 people. Workshop and wine, arts and crafts etc.

Chairman Bockoski stated what about a music event. Mrs. Lammer stated live music on Fri/sat mostly, with exception of Mother's Day which would be acoustic. Music would stop half hour before closing. We will comply with ordinance.

Chairman Bockoski asked if bands would bring their own speakers. Mr. Lammer stated we would be looking to imitate what other area wineries do with music. Usually involves one or two individuals only with no amplification. We reworked to respect the concern for noise. Mr. Thomas questioned waiters and menus. Mrs. Lammer stated no.

Mr. Massonne stated we don't have this listed in our ordinances. Closest is the neighborhood commercial.

Discussion ensued on the Comp Plan (2015) page 44 and 47 both mentioned in discussion in trying to determine where the Plan would like to see tourism developed in Cicero. Page 80 discusses preserving Jackson Township. Mr. Massonne stated his opinion and interpretation of the is that a commercial business does not fit in the location based on the 2015 Comp Plan. Mrs. Lammer stated she feels this is an ag business not a tourist business in downtown Cicero, emphasis on if this business was placed downtown Cicero it would not be appropriate, but this location would. Mr. Buchheit stated this operation is a reflection of the agriculture history and culture of the township. This is a preservation of an agricultural operation that offers the opportunity for tourism, education and relaxation. Any one project is not going to hit all the marks of the Comprehensive Plan, but this hits most. Mr. Buchheit stated he appreciated the research that was done by Mr. Massonne.

Mr. Massonne questioned when the house was purchased. Mr. Lammer stated February 2024. Mrs. Lammer stated this concept is not new to us, it is done on our property in Sheridan. But it is just very expensive to build buildings on.

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

Chairman Bockoski stated anyone wanting to speak on this docket to step to the podium. Please state name and address for the record and limit to three minutes.



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Terri, Gordon and Jack Smith 1180 Coral Springs Cicero. Met Cathy and Chris through social group for support of children with disabilities. Difficult to find employment opportunities for family members especially in Northern Hamilton County. Hoping to take into consideration the employment opportunities and feel fits in the area, with the farm market and such.

Gordon Smith added Beck's has a museum, so this is not the first time you would have a business that is not related but designed to bring in tourists. This does fill a need that is not available in the area.

Dan Davis 2181 E 266<sup>th</sup> St. Three doors to the west of the property. Love the property here in support of the project. Mr. Davis addressed the light pollution but see Beck's lights every night, do not put animals in every night and don't see why they would need to do that either. It is still a farm. There are animals out in the area already, we all would help each other out. Would prefer to see this successful business than a Walmart, or dump in the industrial area behind me. Not concerned for the music.

Jim McKinna 3216 Elkhart W. Lafayette, IN In support. Knew the original owner of the property. Planted the trees on the property, professional tree leader. Private business now, helping people with the orchard. Pecan trees value is phenomenal. Utilized building without wine etc., for winter meeting/education.

Xihynan Shi 424 E. Sullivan Ave, Indianapolis In support. Work for 501C3 in support of agroforestry in Midwest. This is a legitimate practice of agriculture. Example shared brought revenue to the community wanting to see the trees. Have had two other farmers contact using Woolly Yak as example of what they would want to do with trees.

Todd and Sherry Snow 872 River Bay Dr. Indianapolis also own business in Arcadia. Admire property as we drive along 266<sup>th</sup>. Share support of entrepreneurial spirit.

Sherry Snow while we moved away from farm life however we enjoy going to the farm locations in the area that are available for learning opportunities. Fully support.

Kimberely Chance 3116 E. 246<sup>th</sup> about two miles south of project. While have met Chris and Cathy and toured the property, love the animals, love the property. However this Board needs to consider the community they serve, which is Jackson Township. Concern is not with the animals, trees, the biggest concern is the music. Deer Creek is an example of what the noise ordinance allows. Comprehensive Plan is scheduled for public hearing and have looked at agritourism and everyone's desires. Back to the hardship issue indicated with McClures just because not listed doesn't mean it should be approved.

Amanda Egler 5228 E 225<sup>th</sup> St. Noblesville, this is Jackson Township. Farm directly around this property. Pro agritourism, pro farming, NOT for live music every Friday and Saturday nights in the country. Need to look at looking closely at agritourism and the 2015 Comp Plan. Discourage spot zoning. Does not see anything changed from last April, no large concerns, variance was denied yet still building brand online. Get framework in place then come back once agritourism has been addressed.

Mr. Zawadzki stated if no others to speak have a stack of letters to read. *(Letters become part of file and recorder summarizes for minutes)*

Kent Philgens- In support of Woolly Yaks, orchards needed in IN.

Dr. Gabrielle Small-Greenfield, IN—In Support of project, economic and educational impact, unique tourism destination, addressed concerns for health of animals.

Erin Pinter-In support-economic driver, unique opportunity for tourism, educational opportunities, attraction of unique birds, location in relation to Grand Park marketing opportunities.

Sherry Snow-In support of rezoning for farm. Believe an attraction to Arcadia businesses.



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Randy Shamburg-Lebanon- Strong Support. Economic and cultural impact to township. Denying it could limit economic development.

Heather D'boa- Cicero-Clarify that residents are in favor of projects like this. Support of project. Lack of fees to attend for educational group such as Girl Scouts.

Catherine Hornpouts-Sheridan In support. Unique therapeutic opportunity, support local, learn about animals

Todd Huston-Indiana Speaker, Indiana House- In Support of project. Unique opportunity supporting agritourism. Concerns existed in April of noise, traffic, convinced Lammers are committed to finding mutual beneficial solutions to the concerns. Sustainable educational businesses are needed.

Kim Irving- Noblesville-In support of project. Lavendar in the spring

Carl (?) From New Mexico. In support of project. Visitors to area often and would like to see project in action

Don Lintz 26640 Anthony Road, Live next to it. Do not want alcohol in area, traffic, noise. Do not approve.

Cedar Road Westfield, In support of project. Tons of opportunities beyond yaks and wine.

Cortney Knoll- In support of project. Therapeutic opportunity.

Deidre Ray-In support of project. Visited last year, clean area, kid friendly, farm learning opportunity.

Carly Fulton-Plainfield-In support of project. Place to hang out with children

Emily Mraz- Cicero- In support. See many benefits, another source of produce, place to gather, opportunity for son with autism.

Amy Cooper-Cicero – In support. Opportunity to see working farm, yaks, purple martins

Shawn Duncan-Fishers-In support. Highlight of previous trip. Unique experience.

Brenda Jeffries-Westfield-In support. Would like to visit and will attend concerts similar to Blackhawk Winery.

Sofie Abel-worked the eclipse event last year. Confident that it was done with integrity. Unique addition to Hamilton County.

Christian Abrams-Jackson Township resident. In support of Wooly Yak. Small business with local people. Does not see an impact to traffic in area. Look forward to artisan market shopping.

Katie Rogers-Noblesville-In Support. Local farming and willingness to share learning opportunities with others.

Jay McKinney 266<sup>th</sup> Arcadia- Live within 1500 feet of farm. Opposed to Land Use Variance for project. Concerns for protection of farmland and spot zoning. Setting a precedence for future commercial businesses within township and spot zoning. Concerts venue is conflicting with zoning ordinance in the AG district. Production of farm crops and animals does not fit with the alcohol consumption. Concern for accidents at US31 and 236/266/276 with farm community.

Amelia Roberts- Arcadia Opposed to project. Integrity of the area compromised, events and with alcohol. Not a lot of public transportation and impact on residents.



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Mr. Culp questioned if these letters were received after the packets went out. Mr. Zawadzki stated correct, had not seen the other letters until presented tonight. Mr. Berry questioned recognizing one or more as part of the packet. Others agreed. Mr. Culp stated at the Boards discretion as you received the packet in time to study. Chairman Bockoski stated he had a chance to go thru them, feel like has been represented, did pay attention to addresses.

Chairman Bockoski questioned Mr. Culp if there is a precedence of asking the public for more thoughts. Has it been done or can we do tonight? There are a couple of individuals that were against and wanted to ask them questions. Mr. Culp answered the Board has the right to ask follow-up questions. Mr. Culp stated if you have a point of clarification, certainly. Chairman Bockoski stated the public has the right to not answer.

Chairman Bockoski asked to either of the members of the public that are against, are there any scenario that is acceptable around music? The music and safety around drinking seem to be the two major issues being heard. Don't have to answer but curious.

Amanda Egler 5228 E 225<sup>th</sup>-no amplified music changes dynamics of the farm. Band playing and 50 cars at once. Not been through the ordinance is the issue. Amplified music will impact neighbors, especially every Fri/Saturday is an issue. Chairman Bockoski questioned if the amplified is the hard no. Ms. Egler stated a guitar is not an issue, amplified it and it is.

Kimberly Chance-3161 E. 246<sup>th</sup>-Would agree with the amplification. In country in Jackson Township, we have no issue with a graduation party with music on occasion but if my neighbor had music every weekend I would object. Chairman Bockoski thanked the individuals, the Board appreciate the publics opinion and weighs heavy on us.

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

Chairman Bockoski asked the Board if they have any follow up questions for the petitioners.

Mr. Buchheit stated the Comprehensive Plan is an important document to the town and reviewing do we hit the majority of points in the plan. Think we are talking about two different situations. A concert/performance versus what you see at a winery-typically background music. Mostly for atmosphere. Limiting performance to two hours. Question that folks go to a winery to get drunk, they go to taste and buy a bottle they enjoyed. This is an agricultural versus a commercial event. It is not a spot zone; we are not rezoning the property just looking at additional Land Use for the area.

Mrs. Lammer addressed the concern for serving intoxicated people. Transportation concerns, there is UBER. Trees are buffer for decibel sounds; our evergreens will make a difference. Stage in the middle of the property to be able to use nature to lower the sound spread. No intention of concerts just to have music.

Mr. Buchheit stated he conferred with Mr. Lammer and if amplification is a real concern they are willing to ensure no amplification of music for your consideration.

Chairman Bockoski stated thank you that was going to be asked.

Mr. Zell speaking for myself, has a lot more positive support than we heard in April, emphasis on education was stronger this time, emphasis on employing those with disabilities is big for me, it is a rural type of business until you add the music. Appreciate taking out the amplified music from the equation. Do not see the wine as an issue.

Mr. Berry commented that relating to the stack of emails, more than 95% were not from Jackson or Cicero. Plainfield, New Mexico, Westfield, any place but from here. Understand people want to come visit, but again people that were supportive were not from here. We will come visit but would they want in your backyard. The other question for the Board. What happens in three/four years if this business doesn't make a go? Are they able to sell to someone else to make it a go?

What happens if it fails, what happens to the property then. Mr. Lammer stated if as a business the concept fails, it would remain a working farm. There are very valuable orchards on site that are producing or on the cusp of producing. Mr. Thomas asked if the agribusiness more than works out? Parking lot of 50 cars, interest from around, what is plan beyond.

Mr. Buchheit answered would come back, there is minimal space to grow beyond. Wine tasting is 24, spaces are in place already. Mr. Thomas stated 50 cars and not growing beyond. Mr. Zell stated he learned tonight the value of the trees. Also made connections with the professional community, do not recall those resources at the previous presentation.

Mr. Buchheit asked for small amp/microphone would be acceptable, if not would step back from it. Mr. Berry added regarding sound, I live on the lake, and there are times when boats come down the lake and we have to stop talking until





## CICERO/JACKSON TOWNSHIP PLAN COMMISSION

they pass. Been to meetings with law enforcement asking what can be done. The answer is hard to measure/enforce. Not a band one or two people, it can be loud. Can not be enforced, we have to take your word for it that it would not happen. Mr. Buchheit answered monitoring noise is a specialty, equipment/time. In consideration we will take it off the table. Mr. Massonne asked what the property is being used for currently. Mr. Buchheit agricultural, sheep, and trees are there as well. Mr. Massonne asked if considered removing the winery portion and concentrate on the agricultural education piece rather than the entertainment piece. Mr. Lammer stated has to be a margin to take care of the overhead. We have vineyards in Sheridan on a 20-acre farm.

Chairman Bockoski questioned if can revoke a variance. Mr. Culp stated you cannot just revoke out of the blue, you can if non-compliance issues. Violations of conditions, intentionally misrepresentation of presentation. Frank would start the process. Chairman Bockoski questioned if a revisit within a timeframe, say a year, if a stipulation that we revisit the petition is this possible. Mr. Culp stated he doesn't recall if we have. Mr. Zell stated he recalled doing a six month or year review. Chairman Bockoski stated if they are outgrowing such as Mr. Thomas questioned. Mr. Culp stated if they did without coming to us they would be in violations, would suggest a condition is restricted to current site plan. If they wanted to modify they would have to come back to us, present as a modification of conditions, legal notice and all procedures. Example if expanded parking would be a violation. Chairman Bockoski stated that was a concern, with 118 emails showing interest. Amplification should be considered heavily. Mr. Zell concurred that amplification was number one concern. Chairman Bockoski stated a concert venue is not what he is hearing from the petitioner. Mr. Culp added he does recall a violation that was a review. Discussion on process explained if complaints.

Mr. Zell stated he has three conditions to summarize: no amplification of music or any kind, restricted to current size 23 acres, petitioner would return in one year for review with plan director. Mr. Culp stated to be clear it is the site plan discussed/presented tonight. Mr. Buchheit questioned whether administration review or to the Board. Mr. Culp if passed, in front of the Board for administration review.

Chairman Bockoski stated he wanted to stress, we are in unchartered territory, you presented a great argument/petition tonight. There is a lot riding if this is approved tonight. It is important to us.

**Mr. Massonne made a motion to approve BZA-0225-08-AG with the following conditions: no amplification of noise, property is to remain per submitted site plan unless new variance is applied for, and twelve months review with the BZA, the variance goes with the owner not the property. Mr. Zell second.**

**Mr. Massonne-not approved, Mr. Thomas-not approved, Mr. Bockoski-approve, Mr. Zell-approve, Mr. Berry-approve 3-2**

Chairman Bockoski stated motion is approved and you will need to see us in 12 months. Mr. Buchheit stated his appreciation to the Board.

**5. Plan Director's Report:** Mr. Zawadzki stated report enclosed in your packets, giving highlights. January 2025 permit revenue was \$2997, compared to January 2024 of \$2401, difference of \$596. Permits issued were 14, Cicero 10/0 new homes, Township 4/0 new homes. Estimated cost of projects \$473,981.

Also looking for applicants for Qualified Individuals March 11 IDEM training if anyone knows of anyone, can get the information to them. Mr. Zawadzki explained that IDEM and Construction and General Storm Water Permit now requires trained individuals to be on site. The training is available to contractors, town officials, inspectors, developers. Chairman Bockoski asked for expansion on applicants for qualified individuals training. Mr. Zawadzki stated IDEM has expanded requirement to require on-site individual that would assess storm water barriers. Municipalities are also required to attend. Two of our local contractors already have the certification.

**6. Chairperson's Report:** Chairman Bockoski stated thank you again this evening. Encourage and appreciate your voting the way you feel.

**7. Legal Counsel's Report:** Mr. Culp no major news. As of January 1, Adams Township is operating under the jurisdiction of Town of Sheridan. They are starting with Hamilton County zoning ordinance until they make adjustments. Changes for us is only if we get calls direct them to Sheridan instead of County. The Town is moving forward on the sewer project. Do not believe they will be done until 2026, building new half, then will shift to the new





## CICERO/JACKSON TOWNSHIP PLAN COMMISSION

and rebuild the old. When done it will double capacity getting us through 20 years. The water efforts continue and believe the Town has decided to exercise option on property. Eastside property, as well as looking at other sites. Looking to plan ahead so not in this situation in the future. The general assembly attempted to take away control from locals on solar/windmill, failed but going to bring back next year. Goal would be for the state to have the ok, too much money involved. Brief discussion on other assembly conversations and funding.

8. **Board Member Comments:** No Board Member comments.

9. **Next Planned Board of Zoning Appeals Meeting:**  
March 20<sup>th</sup>, 2025

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

**Chairman** \_\_\_\_\_

**Secretary** \_\_\_\_\_

**Date** \_\_\_\_\_

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

# Approval of Findings of Facts: Pages 13-59



# **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:

Signage proposed causes no injurious situations

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 signs adjacent - provides for primarily commercial/business

This criterion has / has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Practical Difficulty is a difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is 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 corner lot causes the height variance.  
The corner lot causes the second sign necessity

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 continuation to the next regularly scheduled meeting.

Decision: Approved

Any Conditions Attached: None

Signature: [Signature]

Date: 2/20/25





# 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 approval will better identify the building for general safety.

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:

The surrounding properties (commercial) shall be improved  
w/ these renovations

This criterion has / has not been met.

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

Findings of Facts:

The building is located @ a corner. The owner also  
effects the height in which they can mount the 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, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuation to the next regularly scheduled meeting.

Decision: Approved

Any Conditions Attached: lights reasonable for time

Signature: Harrison M

Date: 2/20/25





**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:

*not injurious to public*

This criterion has / has not been met.

- 2 The use and value of the area adjacent to the property 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 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 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:

*looks aesthetic and not injurious.  
approved.*

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 continuation to the next regularly scheduled meeting.

Decision: Approved

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

Signature: [Signature]

Date: 2-20-2025





**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 sign will not obstruct traffic in the downtown area  
and will not create any safety hazards.

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:*

Since this is a commercial district these will not impact property  
values.

This criterion has has not been met.

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

*Findings of Facts:*

Due to the corner location and building structure (awnings)  
the sign placement ~~in other~~ is a practical solution.

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 continuation to the next regularly scheduled meeting.

Decision: Approved

Any Conditions Attached: Lighted sign will not be on during  
non-business hours

Signature: [Signature]

Date: 2-20-24





**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

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

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

Findings of Facts:

*No negative impact*

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 negative impact*

This criterion has not been met.

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

Findings of Facts:

*sign cannot meet ordinance due to the presence of an  
awning over front. One could also argue that with this  
being a corner property - more than one sign is needed*

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 continuation to the next regularly scheduled meeting.

Decision: Approved

Any Conditions Attached: When lights at night are on they can be programmed to turn off and on.

Signature: [Signature]

Date: 2/20/2025



set back



# 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:

of Drange board Drange is not affected by determination

This criterion ☒ has not been met.

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

Findings of Facts:

No evidence of damaged property was identified

This criterion ☒ has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. *Practical Difficulties* is a difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not "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:

Addition Cannot be added in any other fashion for maneuverability reasons

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 continuation 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:

No facts presented otherwise.

This criterion has / has not been met.

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

Findings of Facts:

No facts presented otherwise.

This criterion has / has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Practical Difficulty is a difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is 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 facts presented otherwise.

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 continuation to the next regularly scheduled meeting.

Decision: Approve

Any Conditions Attached: None

Signature: Harrison M.

Date: 2/20/25





**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:

*Will not be.*

This criterion has / has not been met.

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

Findings of Facts:

*No.*

This criterion has / has not been met.

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

*Cannot build according to the stated  
setback for the size desired. Setback*

This criterion has / has not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

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

Decision: Approved

Any Conditions Attached: No conditions

Signature: [Signature]

Date: 2-10-2025





**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 Hamilton County Surveyors Office approved the drain easement encroachment and therefore no issues expected

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 will be impact to adjacent property

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

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

Placing the building in any other location will make it difficult to drive vehicles into the structure.

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



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

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

Decision: Approved

Any Conditions Attached: None

Signature: Michael Bay

Date: 2-20-24



Eric & Alicia Robinson



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

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

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

Findings of Facts:

*No negative impact*

This criterion has / has not been met.

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

Findings of Facts:

*No negative impact*

This criterion has / has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Practical Difficulty is a difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is 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 practical difficulty can be stated that they cannot park their car in a shorter building that still works with the connection to their home.*

This criterion has not / 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 continuation to the next regularly scheduled meeting.

Decision: Approved

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

Signature: [Signature]

Date: 2-20-25





**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

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

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

Findings of Facts:

No evidence of any injury was noted.

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:

Substantially or heard No evidence of property values affected was

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 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 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:

Location of Septic, house and existing barn are practical difficulties

This criterion has / has not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

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

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

*Approve*

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

*None*

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

*[Signature]*

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

*2/26/25*



Eric & Alicia Robinson str. height.



**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 facts presented otherwise

This criterion has / has not been met.

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

Findings of Facts:

No facts presented otherwise

This criterion has / has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Practical Difficulty is a difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is 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 facts presented otherwise

This criterion has / has not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

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

Decision: Approved

Any Conditions Attached: NA

Signature: Hanson M.

Date: 2/20/25




**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:

*Will not be*

☒ This criterion has / has not been met.

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

Findings of Facts:

*Will not be.*

☒ This criterion has / has not been met.

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. *Practical Difficulty* is a difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is 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:

*Need 2.8' Feet for added height in parking camper.*

☒ This criterion has / has not been met.

*Country Batching no issue*



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

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

Decision: Approved

Any Conditions Attached: None

Signature: [Signature]

Date: 1-20-2025





**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 Hamilton County Surveyors Office encroachment to the drainage area. No other problems are expected*

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:*

*Adjacent property 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 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 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:*

*Placing structure in another location would require removal of existing trees or septic system and would also create difficulties entering the building.*

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 continuation to the next regularly scheduled meeting.

Decision: Approve

Any Conditions Attached: None

Signature: [Signature]

Date: 2-20-24



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

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

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

Findings of Facts:

*No negative impact*

This criterion has has not been met.

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

Findings of Facts:

*No negative impact*

This criterion has has not been met.

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

*See docket # BZA-0225-05-AG comments.*

This criterion has has not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

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

Decision: Approved

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

Signature: [Signature]

Date: 2-20-25





# 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, moral and general welfare of the community.

Findings of Facts:

Structure cannot be seen from roadway

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:

Many other properties in the area are affected by being tall. From properties in the same manner

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:

Practical difficulty is the lake in the back yard of property and pasture location

This criterion ☒ has / has not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

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

Decision: Approve

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

Signature: [Signature]

Date: 2/20/25





**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, moral and general welfare of the community.

Findings of Facts:

No facts presented stating otherwise

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 facts presented stating otherwise

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 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 facts presented stating otherwise

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, (4) deny the petition (with or without prejudice). Failure to achieve a quorum on a motion results in an automatic continuance to the next regularly scheduled meeting.

Decision: Approve

Any Conditions Attached: N/A

Signature: [Signature]

Date: 2/20/15

Harrison



**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, moral and general welfare of the community.

Findings of Facts:

*Will not be*

This criterion has / has not been met.

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

Findings of Facts:

*Increase hard to build on.*

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 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 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:

*Not injurious.*

This criterion has / has not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

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

Decision: Approved

Any Conditions Attached: No Conditions

Signature: [Signature]

Date: 1-20-2025





**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, moral, and general welfare of the community.

Findings of Facts:

This should not impact public health or safety or general welfare of the community

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 will not be included in well with other properties.

This criterion has has not been met.

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

Findings of Facts:

The lake side property is starting to erode making it difficult to place the building close to the lake.

This criterion has has not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

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

Decision: Approve

Any Conditions Attached: None

Signature: [Signature]

Date: 2-20-24





**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

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

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

Findings of Facts:

*No negative impact*

This criterion has / has not been met.

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

Findings of Facts:

*No negative impact*

This criterion has / has not been met.

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

*There isn't a more suitable space that meets the standards.  
There is an easement in front and a very steep grade to the rear with very limited space*

This criterion has / has not been met.





**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

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

Decision: Approved

Any Conditions Attached: None

Signature: [Signature]

Date: 2-20-25



# 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: Volume of noise addressed. Evidence was provided against over-serving of alcoholic beverages. Traffic will be minimal

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 evidence to determine reduced property values

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: Agritourism not zoned anywhere currently

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: Agritourism is not zoned anywhere currently

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: Anywhere Agritourism is proposed would result in same hardship

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: [Signature]

Date: 2/20/25

- Variance goes with petitioner
- 12 months - review with BZA
- Follow site plan submitted
- No Amplified noise/music





# 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: There were facts shared for both sides.

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 could go either way based on my opinion. There were facts shared for both.

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: The physical property poses a peculiar condition. The lack of permitted use for agricultural uses. However, this is defined as a commercial enterprise which is not permitted.

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: Per notes in meeting. The context is missing in petitioner's proposed facts. Per 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

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.

Findings of Facts: The property, as confirmed by the petitioner, is being used as it is zoned. It was purchased in Feb 2011 & cond. have not changed since.

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: Harrison Masson

Date: 2/20/25

- No amplification of noise site
- property per submitted plan
- 12 month review @ BZA
- w/ property owner.

Not Approved





# 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:

*Does not affect*

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:

*Felt like a spot zone*

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:

*Yes for what they were asking to do required*

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:

*- did not prove the necessary hardship  
- could continue as a working farm*

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:

*2-20-2025*



# **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: Health and Safety will follow state & local guidelines

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: Keeping noise (music) un-amplified along with general property layout will not have adverse affects on adjacent property

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 variance will allow the property to continue to exist as a farming venue.

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: The comprehensive plan supports expanding economic development.

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 project will allow the land and trees to continue to thrive and grow without any further development.

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: Michael By

Date: 3-20-24

## **Conditions:**

1. Must maintain the proposed site plan as presented
2. The use of an amplifier for music is prohibited
3. This project is for the owner and not the property
4. The project is to be reviewed in one year.





# CICERO/JACKSON TOWNSHIP PLAN COMMISSION

## Findings of Fact/Decision Criteria:

*Land Use Variance*

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: *The petitioner has worked hard to make sure the property blends in with surrounding rural areas. No other negative impact.*

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: *With the petitioner adjusting their original request on amplified music made the potential negative impact to surrounding areas a moot point*

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: *the property agri-business is supported by current comp plan and supported highly by Hamilton residents*

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: *The lack of ordinance addressing Agri-business was a concern to me and what I believed was a hardship to the petitioner. There will agree to work with the board on amplified music/sound issue was a positive*

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: *S. N. Zell*

Date: *2-20-2025*

### CONDITIONS

- \* NO AMPLIFICATION *MUSIC OF ANY KIND*
- \* RESTRICTED TO CURRENT SIZE OF CURRENT SITE PLAN AS SUBMITTED
- \* COME BACK IN 12 months for a Review w/ *Plan Director* BZA BOARD
- \* VARIANCE GOES W/ OWNER NOT PROPERTY

*Petition was approved 3 to 2*





CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION

CICERO / JACKSON TOWNSHIP  
(BOARD OF ZONING AND APPEALS)

CICERO / JACKSON TOWNSHIP  
PLANNING AND DEVELOPMENT

FEB 18 REC'D

RECEIVED

VARIANCE APPLICATION

OFFICE USE ONLY

Variance Category		Docket #: BZA-0325-10-AG
<input checked="" type="checkbox"/> Development Standards	<input checked="" type="checkbox"/> Special Exception	Date of Application: 02/18/2025
<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: 03/20/2025
<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: Address: 4114 E 236 <sup>th</sup> St.	
City: Cicero Telephone: 317.371.4474	
Fax:	State: IN ZIP Code: 46034
Project Address: 4114 E 236 <sup>th</sup> St.	
City: Cicero	State: IN ZIP Code: 46034
Parcel: 03-02-32-00-00-011.001	Subdivision: rural
General Contractor/ Builder: Address: Chateau Kitchens	
City: 301 E Carmel Dr. suite B100	Telephone:
State: Carmel, IN	Fax:
Variance Request:	Cell Phone: 317.371.4474
ZIP Code: 46032	Email: steve@ChateauKitchens.com
Special exception for barn placement	

Commitments/ Conditions Offered:

Code Section Appealed:



# **BOARD OF ZONING APPEALS (BZA) MEETING COVER SHEET**

**Project Proposal: New Barn Construction in Front of Primary Residence**

**Applicant Name:** Stephen Moore

**Project Address:** 4114 East 236<sup>th</sup> Street, Cicero IN 46034

**Parcel Number:** 03-02-32-00-00-011.001

**Meeting Date:** March 20<sup>th</sup>, 2025

**Case Number:** TBD

## **Property Information**

- **Zoning District:** Zoning classification – Agricultural
- **Lot Size:** 3.6 acres
- **Existing Structures:** New home, 1 small garage/shed, 1 large barn
- **Proposed Structure:** New barn to replace existing barn
- **Building Dimensions:** 72' wide by 54' deep
- **Intended Use:** Storage and workshop

## **Requested Variances**

- Special exception for barn placement on property

## **Justification for Request**

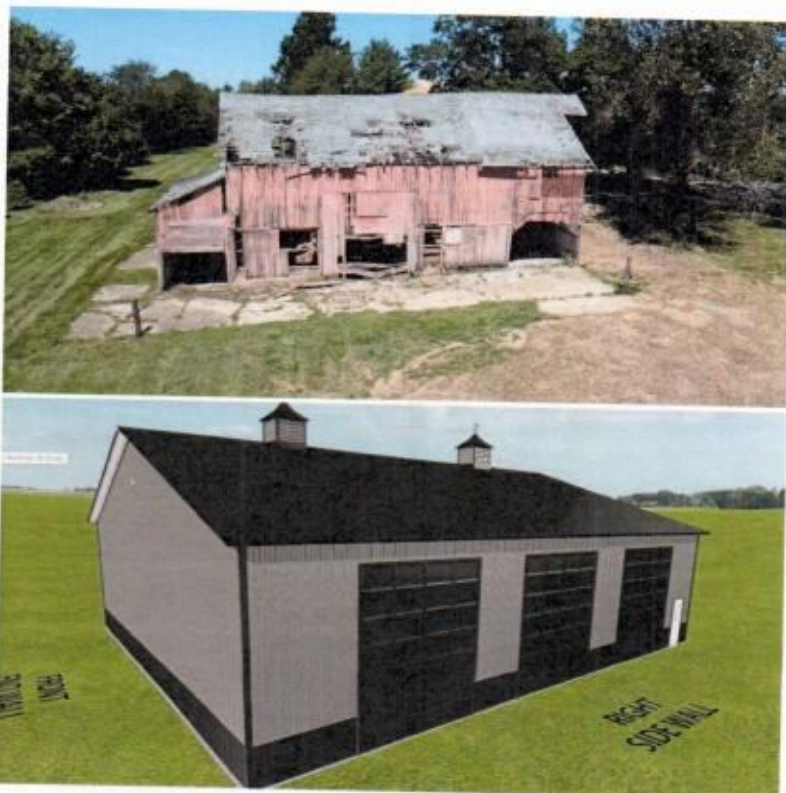
- The new barn will align with **aesthetic and functional needs** for the property.
- It will **enhance property value** and maintain the **rural character** of the area.
- The requested variance will not **negatively impact neighbors** or **public welfare**.
- Current barn is deteriorated and unsafe
- New barn will be near existing barn's location but not exact (see site plan)

**Supporting Documents are included in Binder**

## **Applicant Contact Information**

**Email:** [steve@chateaukitchens.com](mailto:steve@chateaukitchens.com)

**Phone:** 317-371-4474



S I T E P L A N

4114 E 236th St


Cicero, IN 46034

Parcel ID: 29-02-32-000-011.001-008

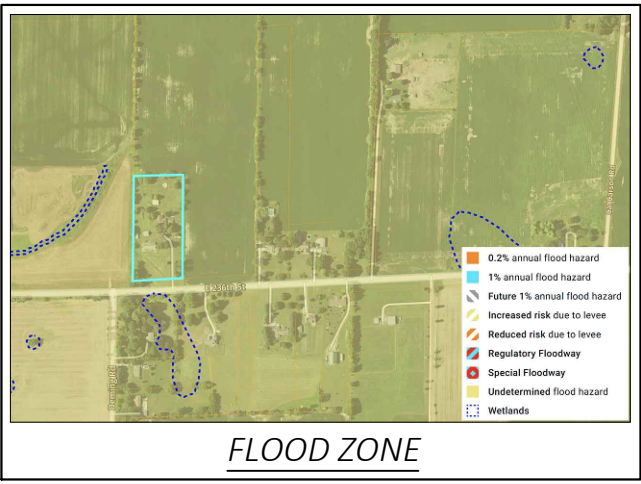
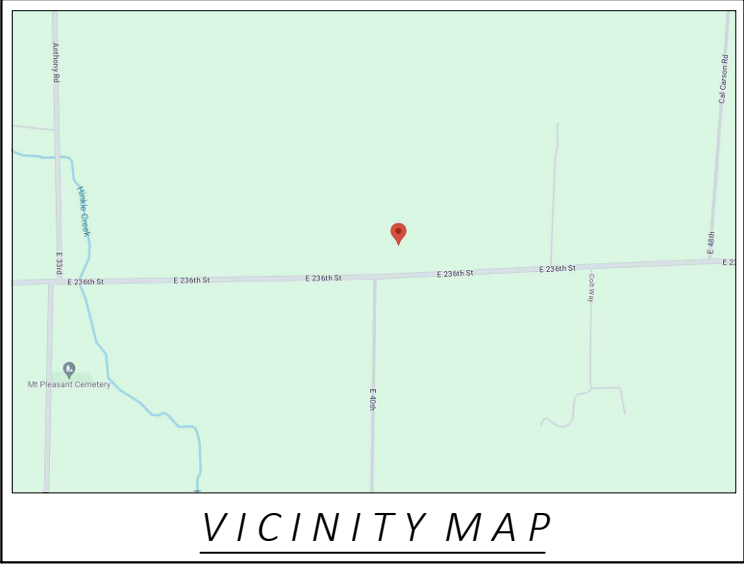
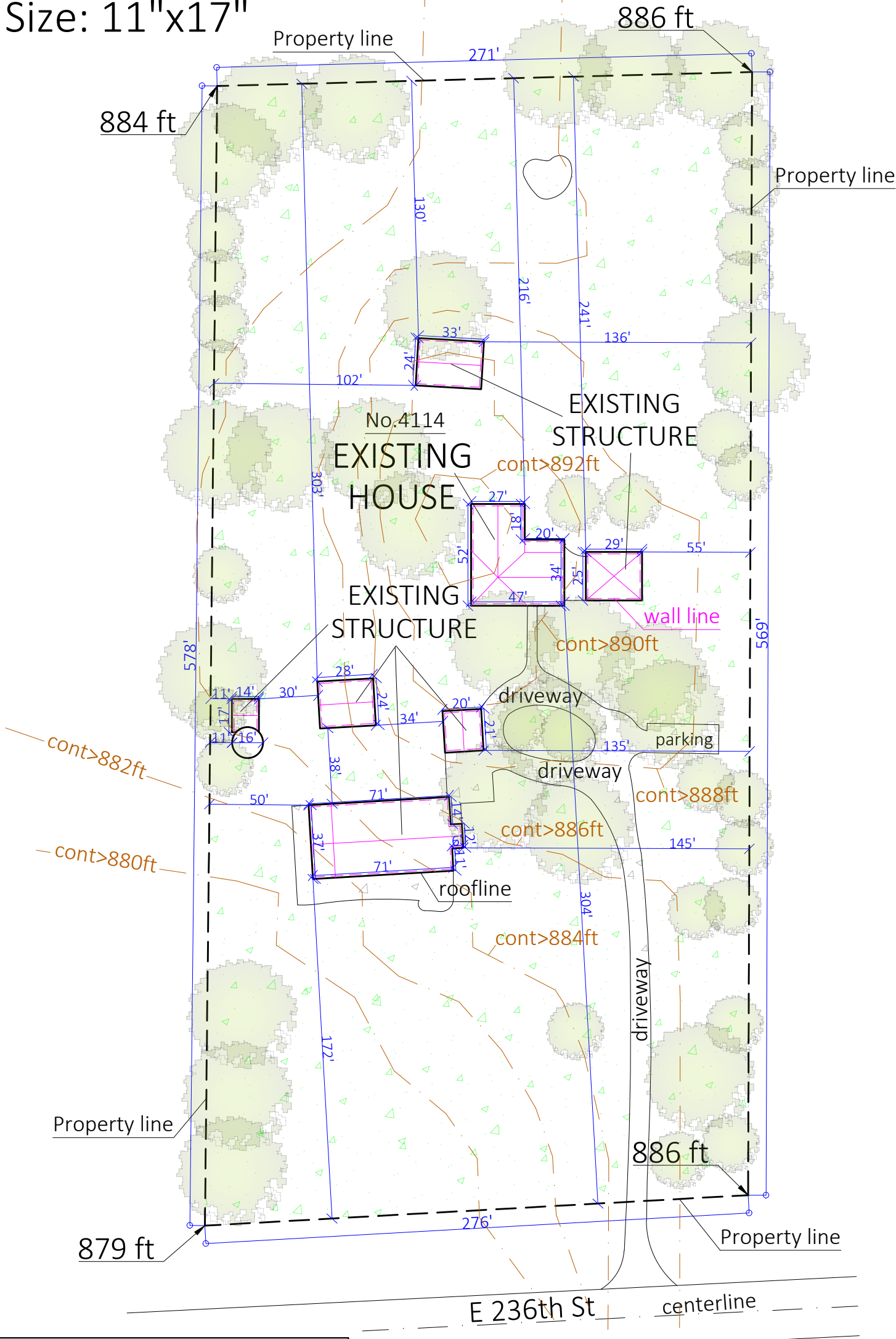
Lot area: 3.6 Acres

Paper Size: 11"x17"

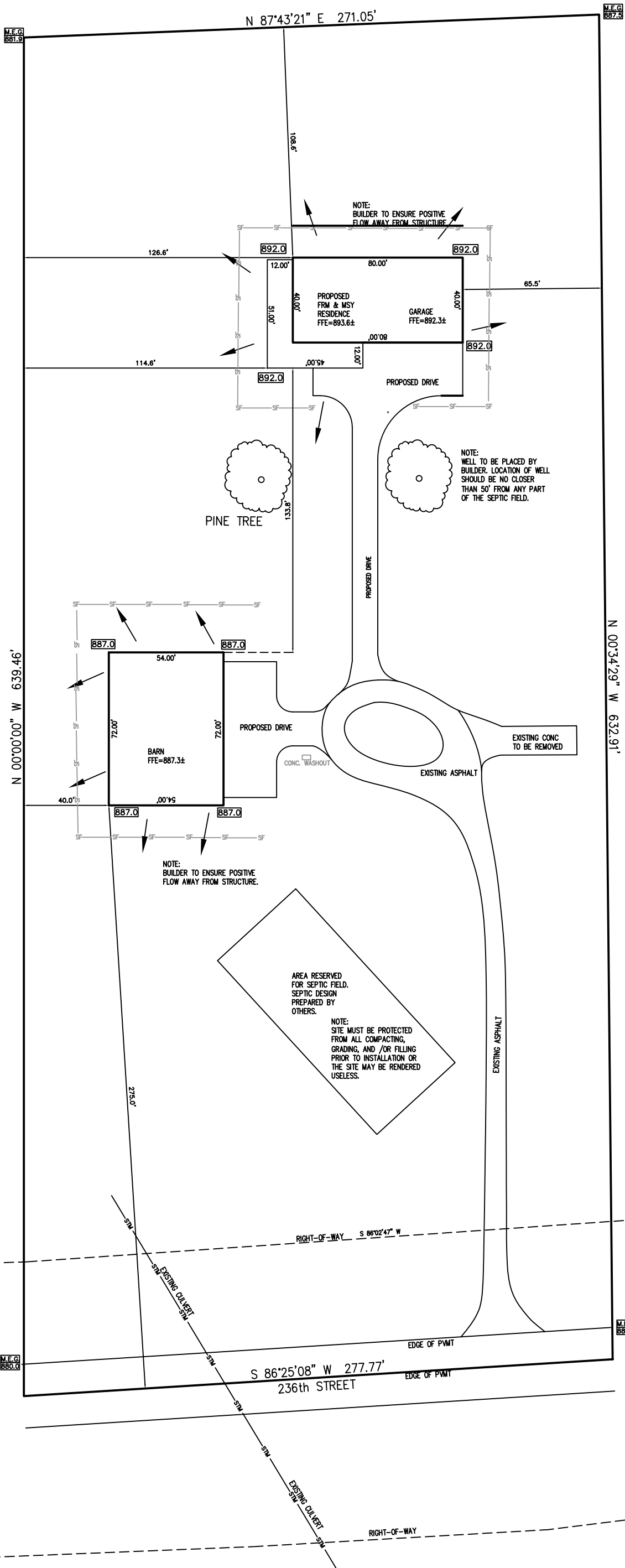
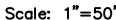
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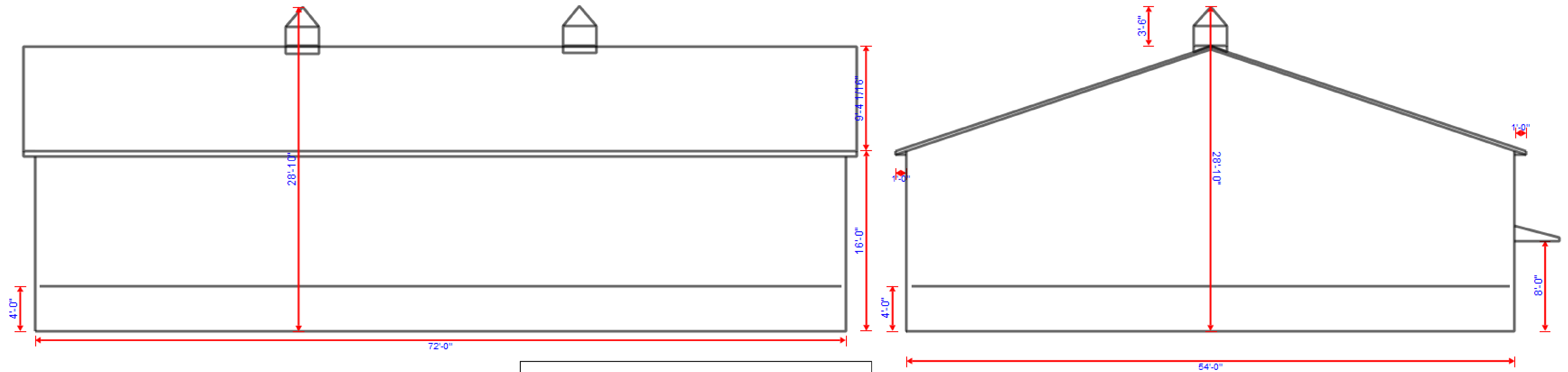
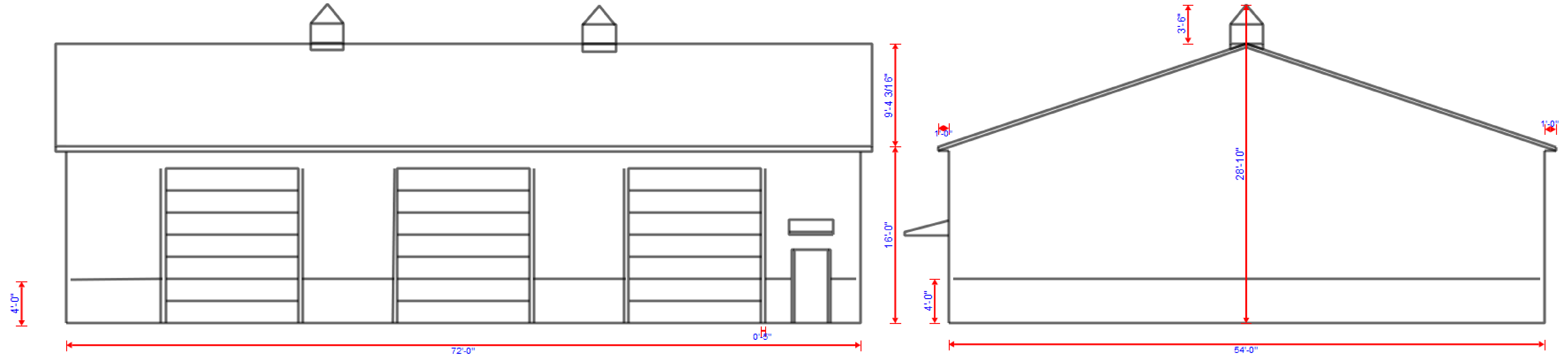


scale 1"=60'









ELEVATIONS



FRONT  
END WALL

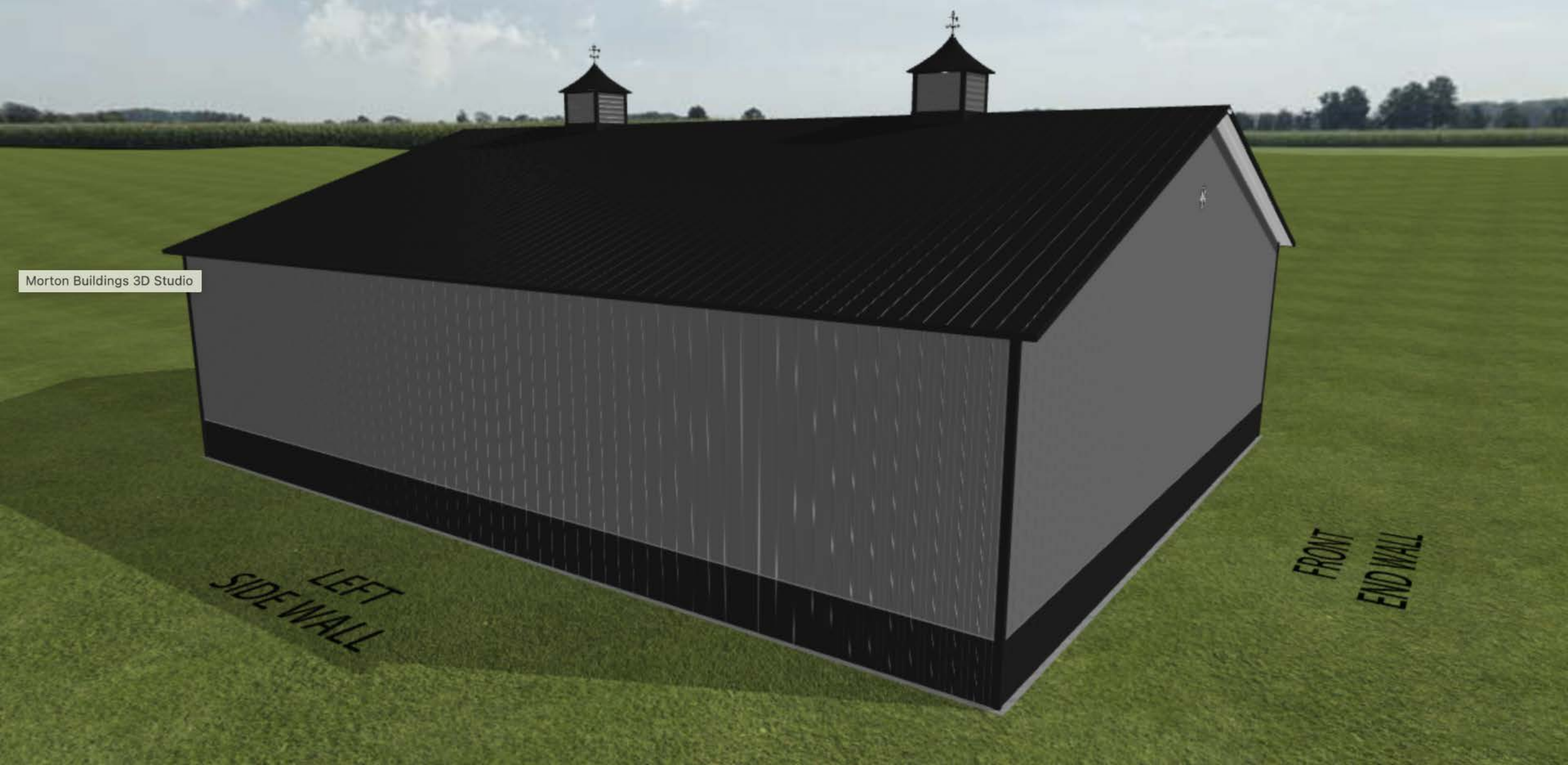
RIGHT  
SIDE WALL



Morton Buildings 3D Studio

LEFT  
SIDE WALL

FRONT  
END WALL



Docket: BZA-0325-10-AG

Petitioner: Stephen Moore

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

### **Docket No. BZA-0325-10-AG**

Staff: Frank Zawadzki

Applicant: Stephen Moore

Property Size: 3.60 acres

Current Zoning: AG

Location: 4114 E 236<sup>th</sup> Street, Cicero, IN 46034

**Background Summary:** Major rehab has gone on here at this property. New home has been built. This is the old falling down red barn out on 236<sup>th</sup>.

**Preliminary Staff Recommendations:** Recommend approval.

**Zoning Ordinance Considerations:** A legal non-conforming determination was my by me before as the plan was to demo and rebuild on the same footprint. The petitioner decided to turn the new barn 90 degrees therefore triggering the Variance need.

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

**Current Property Information:** AG Property used as residential. 3.6 acres.

Land Use: Residential

Site Features: Wooded

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 has been approved by the surveyor for demo.

**Findings of Facts/Decision Criteria:**

Practical difficulty can be made here by considering the old barn vs the new. Current barn is a hazard and therefore unusable. Same footprint but enough of a change to trigger the process. The new barn will have doors that face a usable direction if approved.



**Docket # BZA-0325-10-AG - Accessory Structure in front of primary structure  
Stephen Moore**



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

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

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

*Findings of Facts:*

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

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

*Findings of Facts:*

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

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

*Findings of Facts:*

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*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-0325-11-R5	
<input type="checkbox"/> Development Standards	<input type="checkbox"/> Special Exception	Date of Application: 02/19/2025	
<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: 03/20/2025	
<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: <i>IN</i>	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:			



Petitioner's Findings  
70 West Buckeye Street

Parking Lot Variances - To accommodate the projected number of cars for both 50 W Buckeye and 89 S Byron St., the parking lot will encompass majority of the property. This will require a variance for the impervious area covered and encroaching into the setbacks. The new parking lot will allow for 14 parking spaces, and when combined with the 2 existing parking lots, there will be a total of approximately 22 parking spaces. We will install a new surface drain in the parking lot and tie it to the existing storm drain along W Buckeye St. to alleviate water runoff onto W. Buckeye Street.

This parking lot will match all existing parking lots on the surrounding properties and in downtown Cicero. Parking is a challenge in all small downtown areas, and Cicero is no exception. The proposed parking lot will help alleviate any additional congestion from this commercial property. Although it is not required by the current ordinance to add any parking for this particular property, it is best for my tenants and all surrounding property owners.

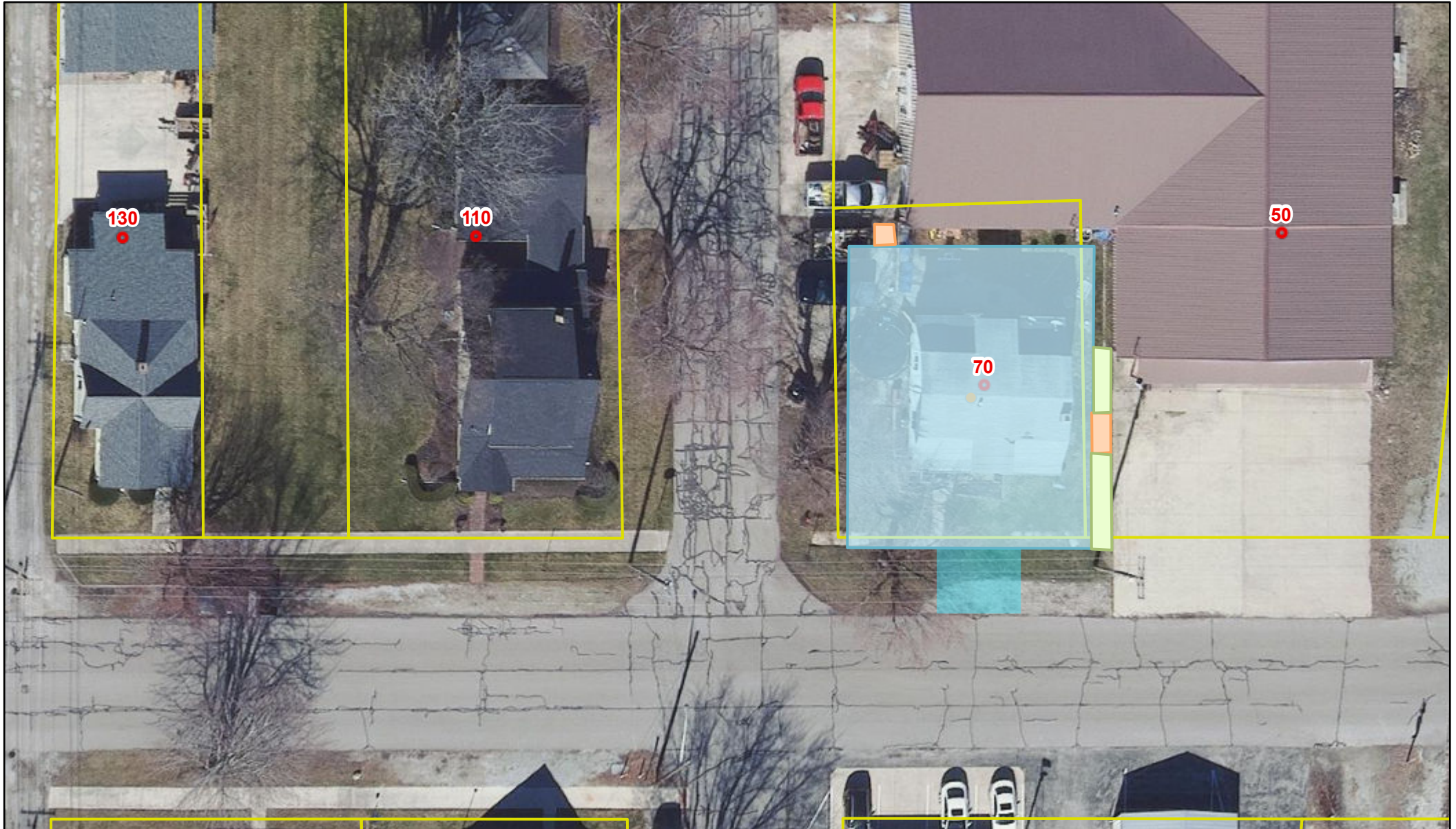
Tree Variance - Cicero ordinance requires one tree per 10 parking spots to be located within the parking lot. This is not feasible for any small parking lot and is meant for larger parking lots such as Walmart and larger retail. There are two existing large trees along Buckeye and Byron St. that will remain and is better suited than smaller trees inside a parking lot.

The petitioner will work with the town of Cicero regarding the two proposed landscape areas show on drawings between the new and existing parking lots on West Buckeye. Please note that the existing Right of Way on Buckeye and Byron are approximately 15 foot deep from adjacent roads. This will allow a green buffer area to surround the parking lot to not be crowding the road, other than the entrance off W Buckeye.

This parking lot would only enhance the overall appearance and functionality of this property and surrounding properties. We have made a stark difference in the appearance of this property since we have taken it over and will continue to improve the property and work with the Town of Cicero as we move forward.

I appreciate your continued support and approval on these above items that will enhance this area and the overall Town of Cicero.

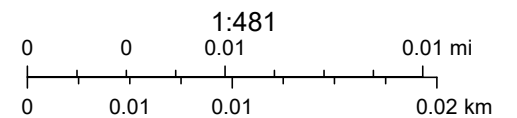
# 70 West Buckeye Street - Parking Lot Overview



2/18/2025, 11:43:18 AM

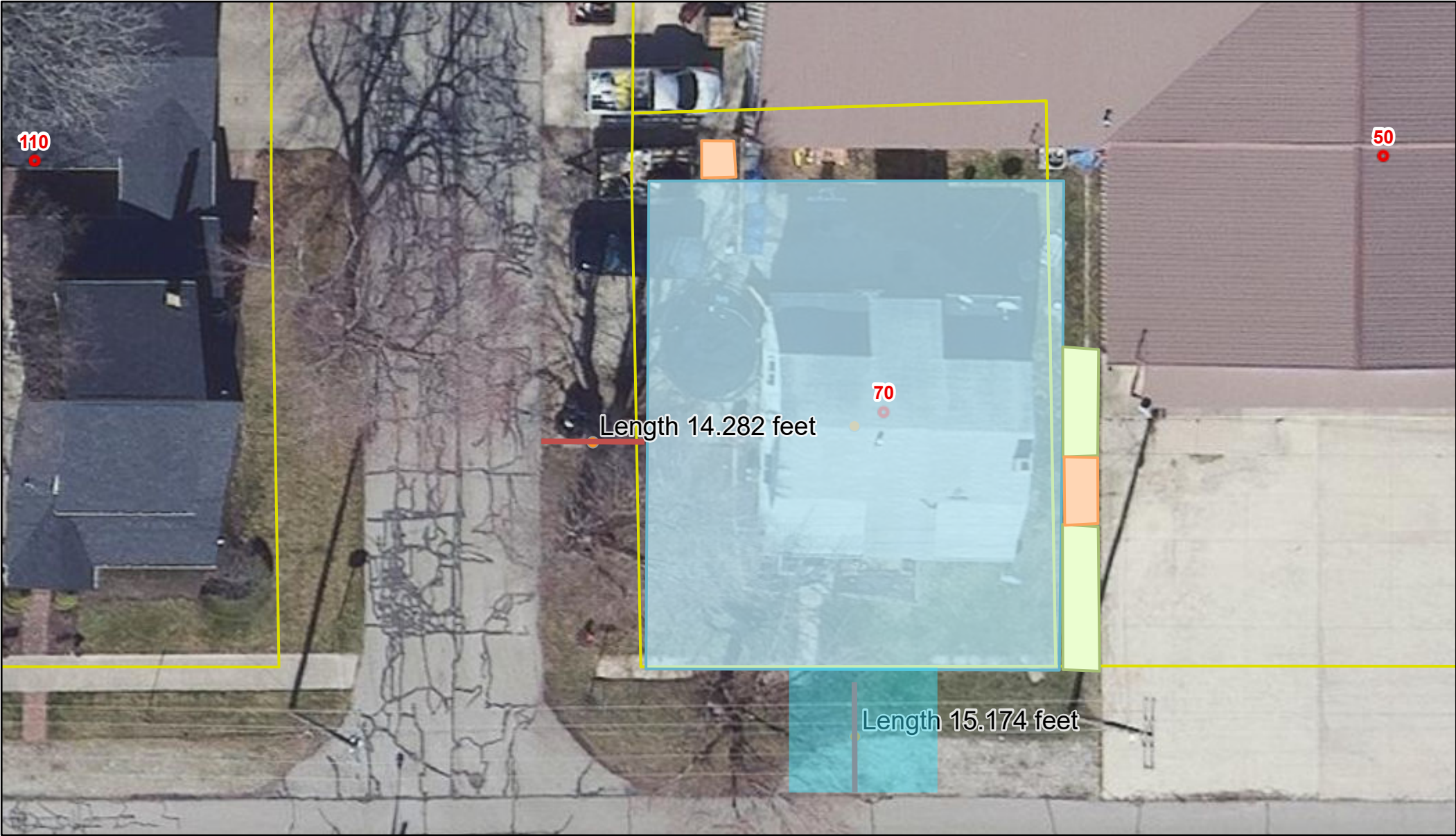
KEY

Proposed Parking Lot  
Proposed Landscaping Area  
Proposed Sidewalk



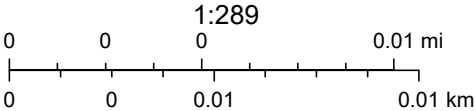


70 West Buckeye St - Parking Lot



2/18/2025, 11:57:10 AM

- KEY
- Proposed Parking Lot
  - Proposed Lanscaping
  - Proposed Sidewalk







CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION

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

### VARIANCE APPLICATION

OFFICE USE ONLY			
Variance Category		Docket #: BZA-0325-12-R5	
<input type="checkbox"/> Development Standards	<input type="checkbox"/> Special Exception	Date of Application: 02/19/2025	
<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: 03/20/2025	
<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: <i>IN</i>	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:			

Petitioner's Findings  
70 West Buckeye Street

Parking Lot Variances - To accommodate the projected number of cars for both 50 W Buckeye and 89 S Byron St., the parking lot will encompass majority of the property. This will require a variance for the impervious area covered and encroaching into the setbacks. The new parking lot will allow for 14 parking spaces, and when combined with the 2 existing parking lots, there will be a total of approximately 22 parking spaces. We will install a new surface drain in the parking lot and tie it to the existing storm drain along W Buckeye St. to alleviate water runoff onto W. Buckeye Street.

This parking lot will match all existing parking lots on the surrounding properties and in downtown Cicero. Parking is a challenge in all small downtown areas, and Cicero is no exception. The proposed parking lot will help alleviate any additional congestion from this commercial property. Although it is not required by the current ordinance to add any parking for this particular property, it is best for my tenants and all surrounding property owners.

Tree Variance - Cicero ordinance requires one tree per 10 parking spots to be located within the parking lot. This is not feasible for any small parking lot and is meant for larger parking lots such as Walmart and larger retail. There are two existing large trees along Buckeye and Byron St. that will remain and is better suited than smaller trees inside a parking lot.

The petitioner will work with the town of Cicero regarding the two proposed landscape areas show on drawings between the new and existing parking lots on West Buckeye. Please note that the existing Right of Way on Buckeye and Byron are approximately 15 foot deep from adjacent roads. This will allow a green buffer area to surround the parking lot to not be crowding the road, other than the entrance off W Buckeye.

This parking lot would only enhance the overall appearance and functionality of this property and surrounding properties. We have made a stark difference in the appearance of this property since we have taken it over and will continue to improve the property and work with the Town of Cicero as we move forward.

I appreciate your continued support and approval on these above items that will enhance this area and the overall Town of Cicero.



CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION

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

### VARIANCE APPLICATION

OFFICE USE ONLY			
Variance Category		Docket #: BZA-0325-13-R5	
<input type="checkbox"/> Development Standards	<input type="checkbox"/> Special Exception	Date of Application: 02/19/2025	
<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: 03/20/2025	
<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: <i>IN</i>	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:			



Petitioner's Findings  
70 West Buckeye Street

Parking Lot Variances - To accommodate the projected number of cars for both 50 W Buckeye and 89 S Byron St., the parking lot will encompass majority of the property. This will require a variance for the impervious area covered and encroaching into the setbacks. The new parking lot will allow for 14 parking spaces, and when combined with the 2 existing parking lots, there will be a total of approximately 22 parking spaces. We will install a new surface drain in the parking lot and tie it to the existing storm drain along W Buckeye St. to alleviate water runoff onto W. Buckeye Street.

This parking lot will match all existing parking lots on the surrounding properties and in downtown Cicero. Parking is a challenge in all small downtown areas, and Cicero is no exception. The proposed parking lot will help alleviate any additional congestion from this commercial property. Although it is not required by the current ordinance to add any parking for this particular property, it is best for my tenants and all surrounding property owners.

Tree Variance - Cicero ordinance requires one tree per 10 parking spots to be located within the parking lot. This is not feasible for any small parking lot and is meant for larger parking lots such as Walmart and larger retail. There are two existing large trees along Buckeye and Byron St. that will remain and is better suited than smaller trees inside a parking lot.

The petitioner will work with the town of Cicero regarding the two proposed landscape areas show on drawings between the new and existing parking lots on West Buckeye. Please note that the existing Right of Way on Buckeye and Byron are approximately 15 foot deep from adjacent roads. This will allow a green buffer area to surround the parking lot to not be crowding the road, other than the entrance off W Buckeye.

This parking lot would only enhance the overall appearance and functionality of this property and surrounding properties. We have made a stark difference in the appearance of this property since we have taken it over and will continue to improve the property and work with the Town of Cicero as we move forward.

I appreciate your continued support and approval on these above items that will enhance this area and the overall Town of Cicero.

Docket: BZA-0325-11,12,13-NC

Petitioner: Paul Vondersaar

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

**Docket No. BZA-0325-11,12,13-R5**

Staff: Frank Zawadzki

Applicant: Paul Vondersaar

Property Size: 0.00 acres

Current Zoning: R5

Location: 70 W Buckeye Street, Cicero, IN 46034

**Background Summary:** This was the site of the old multi-unit house in disrepair next to the old fun factory that was demolished by Paul Vondersaar. He has refurbished the fun factory and has a tenant renting. This proposed parking lot is an ideal spot for a parking lot which will help the new business and also assist in our parking problem.

**Preliminary Staff Recommendations:** Staff recommends approval.

**Zoning Ordinance Considerations:** Setbacks will be encroached upon by this proposal, this won't have much effect on impervious surface because of the drain feature along buckeye, along with the green space surrounding the lot in the ROW. The tree Variance we've seen several times, this standard is unreasonable for a lot this size.

**District Intent:** : This was recently rezoned NC neighborhood commercial by Paul to alleviate future Variance requests due to the nature of the building. It is not suitable for residential.

**Current Property Information:**

Land Use: Commercial

Site Features: Railroad to the east, Buckeye to the south and Byron st 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:

This property is suited for a commercial parking lot only mostly because of the style of the building adjacent (commercial). It also does not meet size requirements for the R5 district anyway, so residential building is not allowed without Variance by the BZA. A parking lot makes sense here.

**Findings of Facts/Decision Criteria:** I think a Practical difficulty exists here due to the nature of the comment above.





**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

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

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

*Findings of Facts:*

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*This criterion has / has not been met.*

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

*Findings of Facts:*

---

---

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*This criterion has / has not been met.*

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

*Findings of Facts:*

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*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: \_\_\_\_\_

**Docket # BZA-0325-12-R5 - Impervious Surface**  
**Paul Vondersaar**



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

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

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

*Findings of Facts:*

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

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

*Findings of Facts:*

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*Findings of Facts:*

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





**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

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

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

\_\_\_\_\_

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

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



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

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*Findings of Facts:*

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*Findings of Facts:*

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**CICERO/JACKSON  
TOWNSHIP  
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Decision: \_\_\_\_\_

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

\_\_\_\_\_

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

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





## Director's Report

### February 2025

**Permit Revenue:** February 2025 = \$4,448 YTD: \$7,445

February 2024 = \$4,174 YTD: \$6,575

Difference: Month = +\$274 YTD: +\$870

We have issued a total of 13 building permits for February 2025.

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

We have issued 2 in Jackson Township (of which, 0 are for a new home).

Estimated Cost of projects permitted \$12,223,475

The Planning Commission meeting is scheduled for March 12<sup>th</sup> at the Town Hall. The next BZA meeting is scheduled for March 20<sup>th</sup> at the Town Hall. Both committees will meet and have items on the agenda. The draft of the Comprehensive Plan will be discussed on Mar 12<sup>th</sup>. We are still looking for applicants to attend the Qualified Individual training held on March 11<sup>th</sup> 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