



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Agenda**

February 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**

December 19<sup>th</sup>, 2024

**3. Old Business:**

**4. New Business:**

**Docket No: BZA-0225-04-DC**

**Petitioner:** Stellhorn Cicero, LLC

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

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

**Docket No: BZA-0225-05-AG**

**Petitioner:** Eric & Alicia Robertson

**Property Address:** 23320 Cammack Road, Cicero, IN 46034

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

**Docket No: BZA-0225-06-AG**

**Petitioner:** Eric & Alicia Robertson

**Property Address:** 23320 Cammack Road, Cicero, IN 46034

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



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**Docket No: BZA-0225-07-R1**

**Petitioner:** Ben & Carrie VanAlstine

**Property Address:** 87 Cedar Lane, Cicero, IN 46034

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

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

**Petitioner:** Christopher & Catherine Lammer

**Property Address:** 2860 E 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.

**5. Plan Director's Report:** See packet.

**6. Chairperson's Report:**

**7. Legal Counsel's Report:**

**8. Board Member Comments:**

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

**10. Adjournment:**

Location:

Cicero Town Hall  
70 N Byron Street  
Cicero, IN 46034



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

**Roll Call of Members**

Present:

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

1. Declaration of Quorum- Chairman Bockoski declared a quorum.

2. Approval of Minutes

**Mr. Zell made motion to approve minutes from November 21<sup>st</sup>, 2024 meeting as submitted. Mr. Massonne second. All present in favor.**

3. Old Business:

Chairman Bockoski stated Old Business is the approval of Findings of Fact from November 21, 2024, meeting.  
**Mr. Zell made motion to approve Findings of Facts from November meeting. Mr. Berry second. All present in favor.**

4. New Business:

Petitioner: McClures

Property Address: 23576 Englewood Drive, Cicero, IN 46034

Docket: BZA-1224-52-C1

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

Roger Ditslear 1212 West 500 So. Marion Indiana, representing McClure Oil. Previously approved for fuel station on this site as well as a 60-foot sign. Shared pictures for reference of what a 60-foot sign looks like from 300 feet away.

Thought we would be able to see the sign in time to make exit at 60-foot level. Pictures shown with blimp positioned at 150 feet. This determined at a 60-foot level, there would be no visibility of the sign, building would be blocking down 31. Asking for change to be able to give motoring public time to make a decision to safely exit. There is a fuel desert in this



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

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

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



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

**Mr. Massonne made motion to open the public hearing for this docket. Mr. Berry second. All present in favor.**  
Chairman Bockoski invited public to address the Board, state name and address for the record.  
Public asked for aerial layout to be put on the monitors.

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

**Mr. Zell second.**

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

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



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

Petitioner: Jai & Robyn Cook

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

Docket: BZA-1224-53-AG

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

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

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

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

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

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

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

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

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



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

6. Chairperson's Report: Chairman Bockoski thanked the Board for their due diligence this evening.
7. Legal Counsel's Report: Mr. Culp shared that can access the zoning ordinance if you go to the Town of Cicero page under the Cicero/Jackson Township Plan Commission. Can find the Practical difficulty definition on page 198, Hardship on page192. If you go to page 167 it sets forth the requirements for a standards variance request.

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

Initially they will go through the County during the transition while they write their own ordinances.

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

8. Board Member Comments: No further comments.
9. Next Planned Board of Zoning Appeals Meeting:  
January 9<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:

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



CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION

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

**VARIANCE APPLICATION**

OFFICE USE ONLY			
Variance Category		Docket #: <u>BZA-D225-01-DC</u>	
<input checked="" type="checkbox"/> Development Standards	<input type="checkbox"/> Special Exception	Date of Application: <u>1-13-24</u>	
Land Use	<input type="checkbox"/> Other	Date of Expiration:	
Variance Check List		Variance Fee: <u>\$320.00</u>	
<input type="checkbox"/> Adjoinder List	<input type="checkbox"/> Legal Notice Copy	Date of Hearing: <u>2/20/25</u>	
<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: <u>Stellhorn Cicero, LLC</u>			
Property Address: <u>[REDACTED]</u>			
City: <u>Cicero</u>	State: <u>IN</u>	ZIP Code: <u>46034</u>	
Telephone: <u>[REDACTED]</u>	E-mail: <u>[REDACTED]</u>	Fax: <u>[REDACTED]</u>	
Project Address: <u>109 W. Jackson St.</u>	State: <u>IN</u>	ZIP Code: <u>CICERO</u>	
City: <u>Cicero</u>	Subdivision: <u>46034</u>		
Parcel: <u>05-06-D1-02-05-003.001</u>	Telephone: <u>[REDACTED]</u>		
General Contractor: <u>JRF Construction</u>	Fax: <u>[REDACTED]</u>		
Address: <u>[REDACTED]</u>	Cell Phone: <u>[REDACTED]</u>		
City: <u>Cicero</u>	State: <u>IN</u>	ZIP Code: <u>46034</u>	
Email: <u>jrf@jrfconstruction.com</u>			
Variance Request: <u>Sign height, distance off wall.</u>			
Commitments/ Conditions Offered:			
Code SectionAppealed:			



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

## Petitioners List of Findings

**Findings of**

**Facts**

**Approval:**

**Pages A1 to 30**

**DRAFT**



**CICERO/JACKSON  
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**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 the approval. A variance from the development standards may only be approved upon a determination in writing that:

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

*Findings of Facts:*

*Submitted*

*No evidence of any of the above was*

*This criterion has / has not been met.*

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

*Findings of Facts:*

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

*This criterion has / has not been met.*

- 3 The strict application of the 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 a situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

*Findings of Facts:*

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

*This criterion has / has not been met.*



CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION

**Board of Zoning Appeals Options:**

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

Decision: Denial

Any Conditions Attached: Go's with variance

Signature: John C. Bahr

Date: 12/19/24



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

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

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

*Findings of Facts:*

*I do not feel the petition presents a safety issue.*

*This criterion has / has not been met.*

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

*Findings of Facts:*

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

*This criterion has / has not been met.*

- 3 The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Practical Difficulties A difficulty, with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

*Findings of Facts:*

*I do not see a practical difficulty by not approving*

*This criterion has / has not been met.*



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

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

Decision: Not Approved

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

Signature: John Zell

Date: 12/19/2024

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

A.T.Z.



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

*Findings of Facts:*

*Public useful light pollution may/may not have impacts to  
wildlife & humans.*

*This criterion has / has not been met.*

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

*Findings of Facts:*

*There were no facts presented that lead you to believe  
adjacent property would not be affected in some manner.  
Neighbors noted "x" may in able to see this from their houses.*

*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:*

*This restriction has by implication w/ regard to  
use of this property.  
Based on current property approvals it appears to be used  
as planned.*

*This criterion has / has not been met.*



CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION

**Board of Zoning Appeals Options:**

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

Decision: No

Any Conditions Attached: start w/ petition

Signature: Harrison

Date: 12/19/24

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

**Findings of Fact/Decision Criteria:**

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

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

*Findings of Facts:*

*Light Pollution from homes in From Fair area at 150'. The size of houses regardless of the size of affects health and home value.*

*This criterion has / has not been met.*

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

*Findings of Facts:*

*Can not be done due to height of trees in area by tall trees that would be a death of future property.*

*This criterion has / has not been met.*

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

*Findings of Facts:*

*Present sign was granted via a variance for both the angle and height. More will be a future issue and interest may and development.*

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



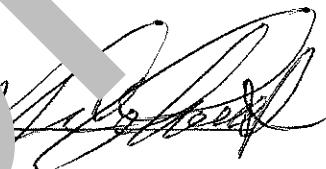
**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

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

Decision: Vote 1 - 0

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

Signature: 

Date: 12/10/24



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

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

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

*Findings of Facts:*

*This sign should not impact public health, safety or general welfare*

*This criterion has / has not been met.*

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

*Findings of Facts:*

*A sign this tall, set so tall, will be visible from large distances and could be viewed as a negative and therefore impact property value.*

*This criterion has / has not been met.*

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

*Findings of Facts:*

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

*This criterion has / has not been met.*



CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION

**Board of Zoning Appeals Options:**

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

Decision: Deny

Any Conditions Attached:

Signature: 

Date: 12/19/24



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

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

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

*Findings of Facts:*

*Will not be injurious*

This criterion has / has not been met.

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

*Findings of Facts:*

*Will not affect neighboring  
property use.*

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 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:*

*Would prove hardship.*

This criterion has / has not been met.



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

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

Decision: Approved

Any Conditions Attached: Plan Change to be approved by the Plan Director

Signature:

Date: 12/19/14

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

**Findings of Fact/Decision Criteria:**

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

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

*Findings of Facts:*

*There were no facts that pointed to this.*

*This criterion has*        *not been met.*

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

*Findings of Facts:*

*Based on fact presented these impacts do not affect adjacent property.*

*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 a "hardship," rather it is a situation where owner could comply with the regulations within this Ordinance but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

*Findings of Facts:*

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

*This criterion has*        *not been met.*



CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION

**Board of Zoning Appeals Options:**

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

Decision: Approved

Any Conditions Attached: Landscape plan to be

Submitted 11/19/2014 for Approval

Signature: Harrison M.

Date: 12/19/14



**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 the approval. A variance from the development standards may only be approved upon a determination in writing that:

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

*Findings of Facts:*

*Will make property more safe.*

*This criterion has*        *not been met.*

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

*Findings of Facts:*

*No impact to property values*

*This criterion has*        *not been met.*

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

*Findings of Facts:*

*Will be a better and safer environment for dogs*

*This criterion has*        *not been met.*



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Board of Zoning Appeals Options:**

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

Decision: Approve

Any Conditions Attached: Front lands sticks out front to be  
approved by PT Director

Signature: N. Jell

Date: 12/19/2024



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

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

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

*Findings of Facts:*

*No evidence was submitted to support any of the above conditions.*

*This criterion has not been met.*

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

*Findings of Facts:*

*No one from the public offered any evidence or opinion in opposition.*

*This criterion has not been met.*

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

*Findings of Facts:*

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

*This criterion has not been met.*

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

**Board of Zoning Appeals Options:**

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

Decision: Approved

Any Conditions Attached: None Subject to be added and approved by  
Planning Director

Signature: John C. Bish

Date: 12/19/24



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

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

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

*Findings of Facts:*

*The 6' fence will not, in any way, be injurious to the health, safety, and general welfare of the community.*

*This criterion has not been met.*

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

*Findings of Facts:*

*With the height as of proper landscaping adjacent properties will not be impacted.*

*This criterion has not been met.*

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

*Findings of Facts:*

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

*This criterion has not been met.*



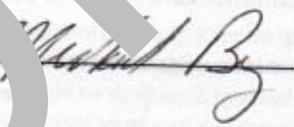
CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION

**Board of Zoning Appeals Options:**

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

Decision: Approve

Any Conditions Attached: Landscaping plan must be approved by the Planning Director

Signature: 

Date: 12/19/24

## RED BRIDGE BISTRO // SIGNAGE

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

DESIGN. FABRICATION. INSTALLATION



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



Qty: 1  
3' X 3'  
Double Side  
Hanging



Qty: 1  
3' X 3'  
Single Side

Version: 10.1

Approval: Signature

Printed

Date

Date: 01.08.2025

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

DISCLAIMER: Representations of artwork displayed on proof may not be precise as shown due to variations in monitor output. In some cases, colors rendered in actual print may vary slightly.

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CSI Customers/Layouts/Red Bridge Bistro/building signage/Red Bridge Bistro\_Building Signage\_w10.ai

NC/A



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

Docket: BZA-0225-04-DC

Petitioner: Stellhorn Cicero, LLC

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

**Docket No. BZA-0225-04-DC**

Staff: Frank Zawadzki

Applicant: Cicero Stellhorn, LLC

Property Size: 19,926 sq ft

Current Zoning: DC

Location: 109 W Jackson Street, Cicero, IN 46034

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

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

### **Zoning Ordinance Considerations:**

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



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Current Property Information:**

Land Use: Office Building, 2 story

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

Vehicle Access: Yes

**Planning Considerations:**

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

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

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



**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.*



**Board of Zoning Appeals Options:**

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

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

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

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

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



CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION

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

### VARIANCE APPLICATION

OFFICE USE ONLY		
Variance Category		Docket #: BZA-0225-05-AG
<input checked="" type="checkbox"/> Development Standards	<input type="checkbox"/> Special Exception	Date of Application: 01/16/2025
<input type="checkbox"/> Land Use	<input type="checkbox"/> Other	Date of Expiration:
Variance Check List		Variance Fee: \$320.00
<input type="checkbox"/> Adjoinder List	<input type="checkbox"/> Legal Notice Copy	Date of Hearing: 02/20/2025
<input type="checkbox"/> Certified Mail Receipts	<input type="checkbox"/> Property Sign	Date of Decision:
<input type="checkbox"/> Additional Applications for Variances		<input type="checkbox"/> Approved <input type="checkbox"/> Not Approved
APPLICANT MUST COMPLETE THE FOLLOWING		
Property Owner: Eric & Alicia Robinson		
Property Address:		
City: Cicero		State: IN      ZIP Code: 46034
Telephone:		E-mail:
Fax:		
Project 23320 Cammack Road Address:		State: IN      ZIP Code: 46034
City: Cicero		Subdivision: N/A
Parcel: 03-06-04-51-00-003.001		Telephone:
General Contractor: Schweetsa Construction		Fax: N/A
Address:		Cell Phone:
City: Macy      State: IN      ZIP Code: 46951		Email:
Variance Request: We would like to add on to the south side of our barn, which would sit 13'6" in to the 35' side yard set back and have an over all height of 24'8".		
Variance request for side yard set back and accessory structure height.		
Commitments/ Conditions Offered:		
Code SectionAppealed:		



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

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

## Petitioners List of Findings



CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION

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

### VARIANCE APPLICATION

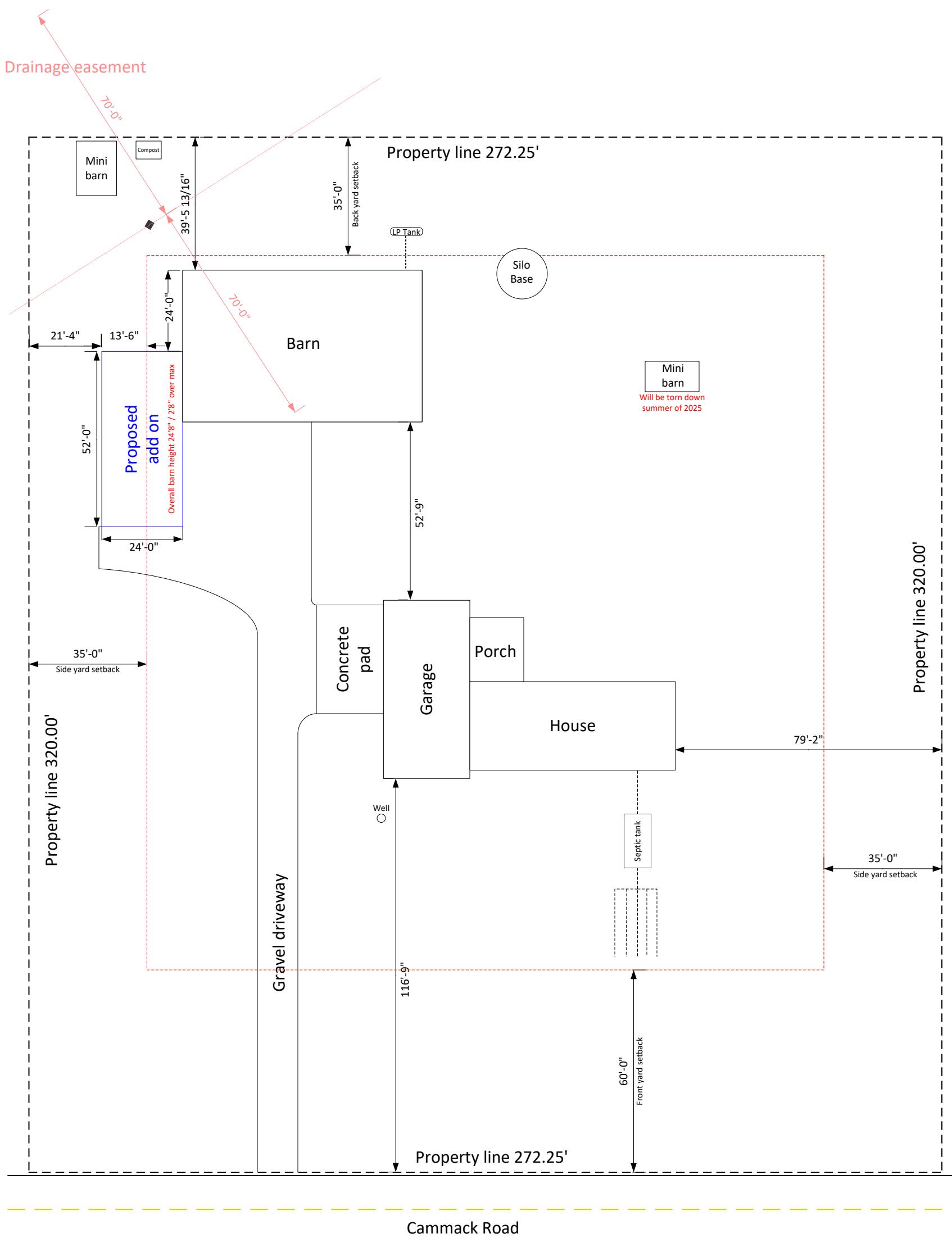
OFFICE USE ONLY		
Variance Category		Docket #: BZA-0225-06-AG
<input checked="" type="checkbox"/> Development Standards	<input type="checkbox"/> Special Exception	Date of Application: 01/16/2025
<input type="checkbox"/> Land Use	<input type="checkbox"/> Other	Date of Expiration:
Variance Check List		Variance Fee: \$25.00
<input type="checkbox"/> Adjoinder List	<input type="checkbox"/> Legal Notice Copy	Date of Hearing: 02/20/2025
<input type="checkbox"/> Certified Mail Receipts	<input type="checkbox"/> Property Sign	Date of Decision:
<input type="checkbox"/> Additional Applications for Variances		<input type="checkbox"/> Approved <input type="checkbox"/> Not Approved
APPLICANT MUST COMPLETE THE FOLLOWING		
Property Owner: Eric & Alicia Robinson		
Property Address:		
City: Cicero		State: IN      ZIP Code: 46034
Telephone:		E-mail:
Fax:		
Project 23320 Cammack Road Address:		State: IN      ZIP Code: 46034
City: Cicero		Subdivision: N/A
Parcel: 03-06-04-51-00-003.001		Telephone:
General Contractor: Schweetsa Construction		Fax: N/A
Address:		Cell Phone:
City: Macy      State: IN      ZIP Code: 46951		Email:
Variance Request: We would like to add on to the south side of our barn, which would sit 13'6" in to the 35' side yard set back and have an over all height of 24'8".		
Variance request for side yard set back and accessory structure height.		
Commitments/ Conditions Offered:		
Code SectionAppealed:		



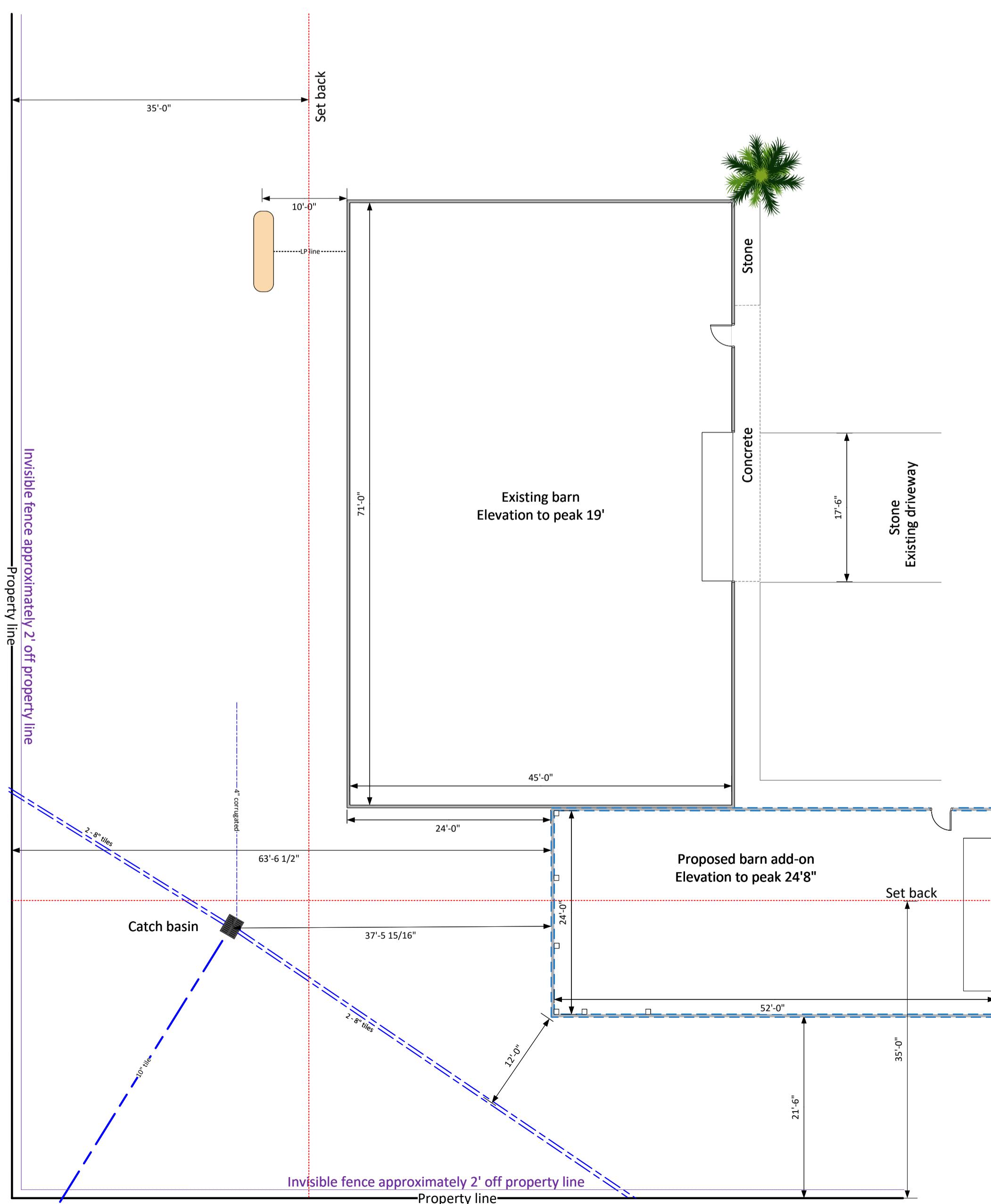
# CICERO/JACKSON TOWNSHIP PLAN COMMISSION

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

## Petitioners List of Findings

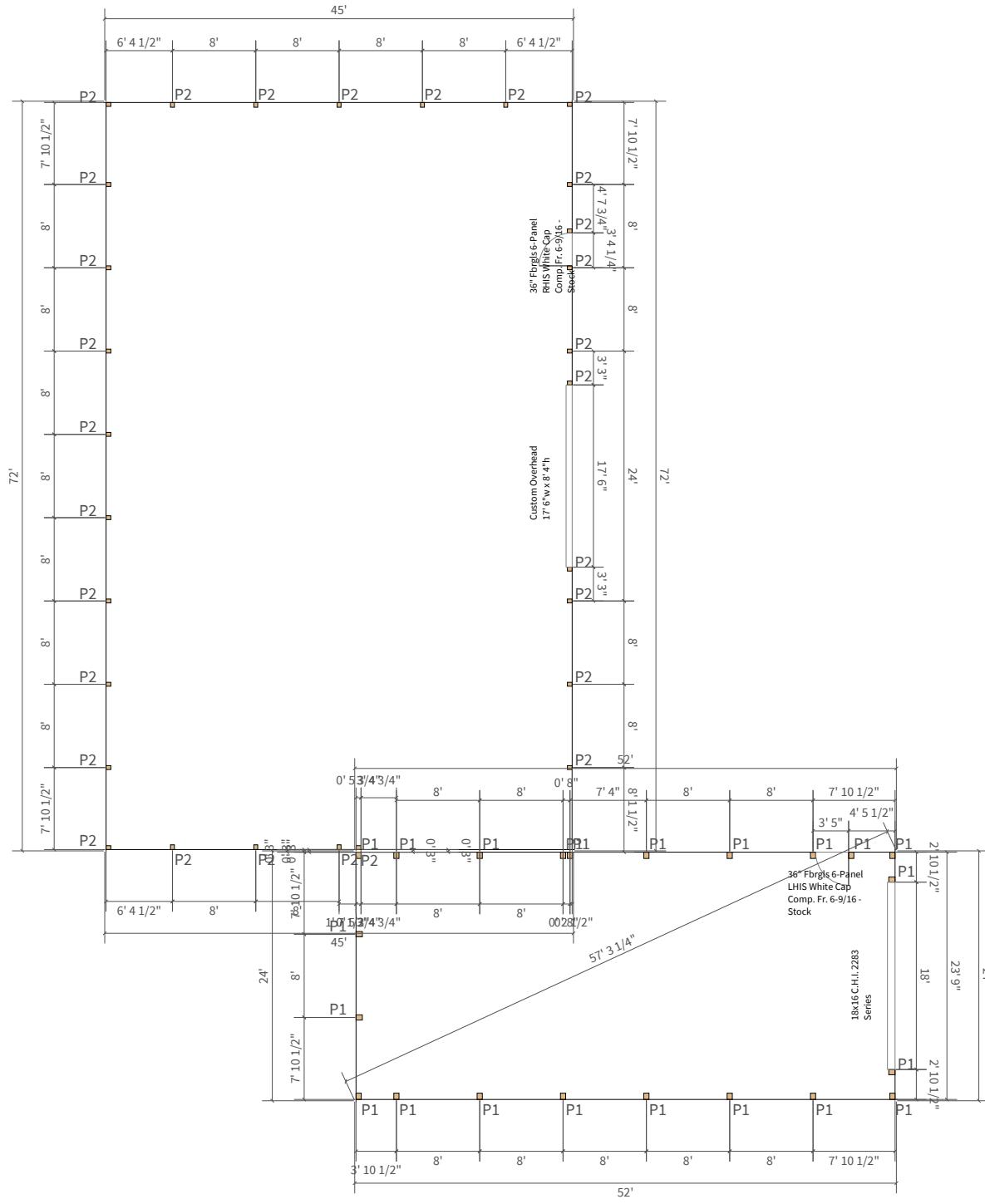


Eric & Alicia Robinson	
23320 Cammack Road, Cicero, IN 46034	
Site plan	12.13.24



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

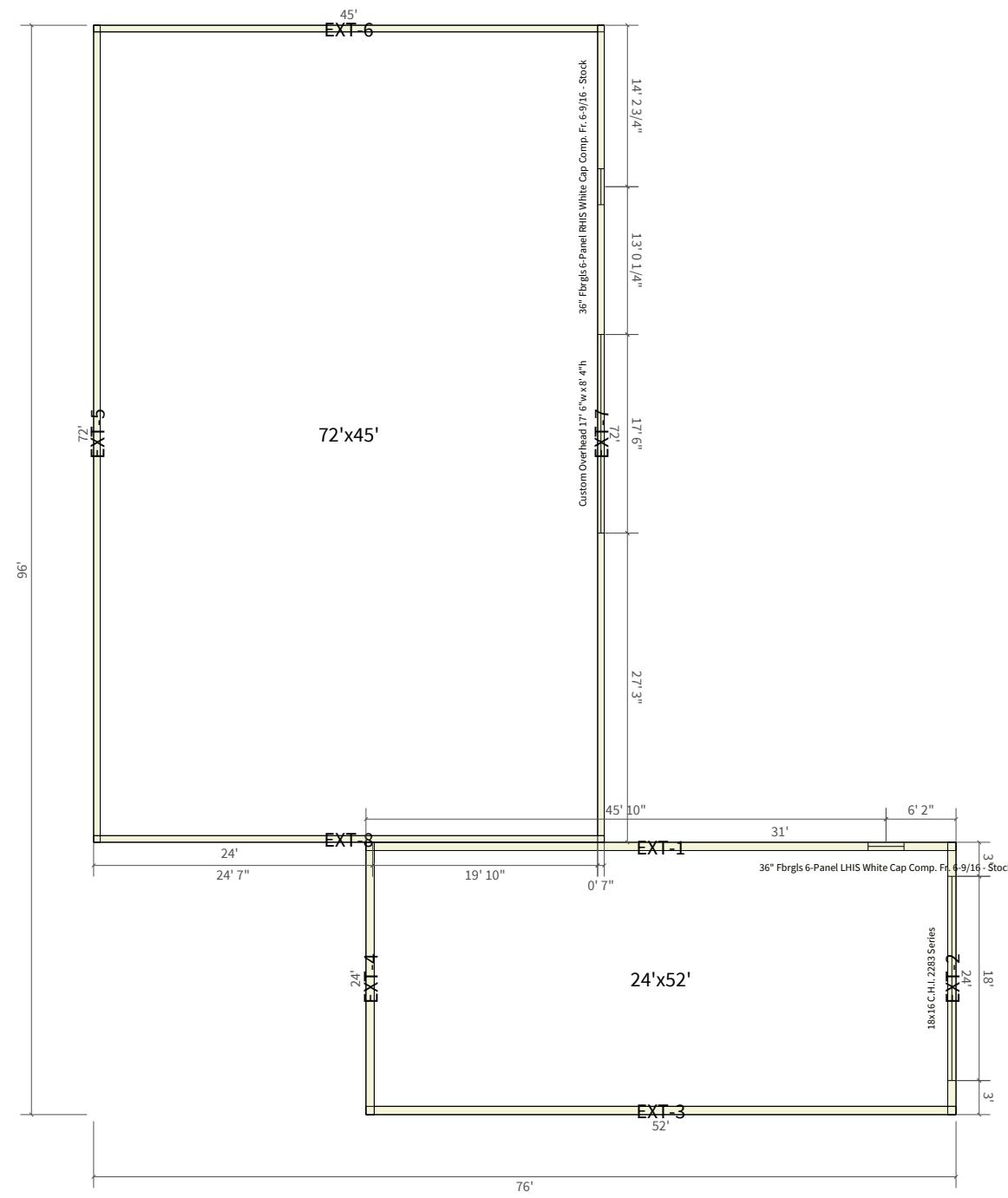
## Post Layout



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

# Wall Layout

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



## Cross Section - EXT-1

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

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

PURLINS: Spruce 2x4 Flat

SUBFASCIA: Spruce 2x6

FASCIA: 5 1/2" FASCIA

SOFFIT: G Rib Soffit

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

TOP OF WALL: OVERHANG TRIM

EXTERIOR CARRIER: SYP 2x12

EXTERIOR WALL GIRTS: Spruce 2x4

CORNER POSTS: 4 Ply 2x8 Nail Lam NON STOCK

INTERMEDIATE POSTS: 4 Ply 2x8 Nail Lam NON STOCK

EXTERIOR SKIRT BOARD: Treated 2x8

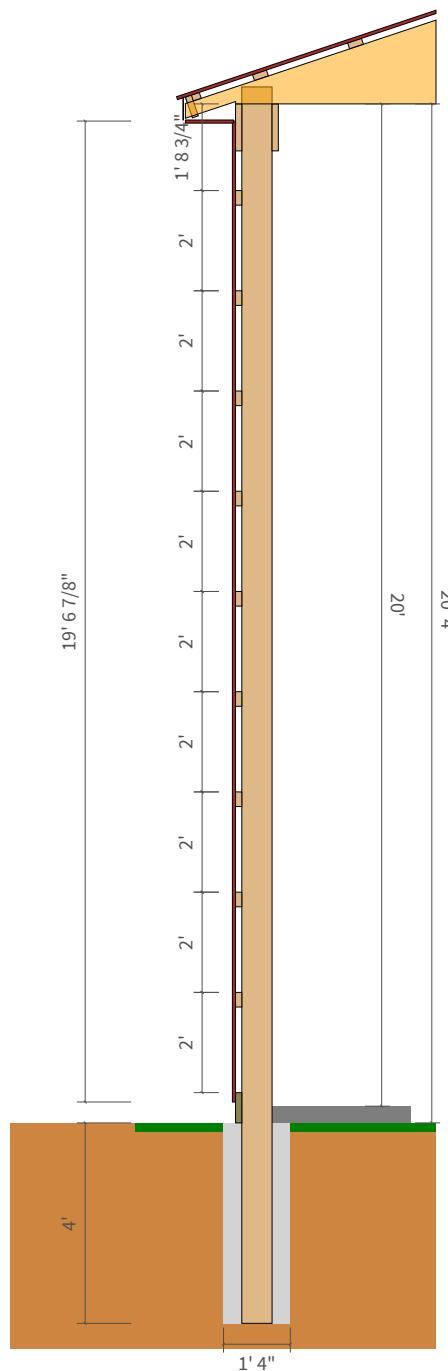
BOTTOM IS AT GRADE

SIDING BEGINS 0' 5" ABOVE GRADE

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

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

INTERIOR CARRIER: SYP 2x12



SLAB DEPTH 0' 4"

FOUNDATION NOTES:

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

## Cross Section - EXT-3

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

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

PURLINS: Spruce 2x4 Flat

SUBFASCIA: Spruce 2x6

FASCIA: 5 1/2" FASCIA

SOFFIT: G Rib Soffit

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

TOP OF WALL: OVERHANG TRIM

EXTERIOR CARRIER: SYP 2x12

EXTERIOR WALL GIRTS: Spruce 2x4

CORNER POSTS: 4 Ply 2x8 Nail Lam NON STOCK

INTERMEDIATE POSTS: 4 Ply 2x8 Nail Lam NON STOCK

EXTERIOR SKIRT BOARD: Treated 2x8

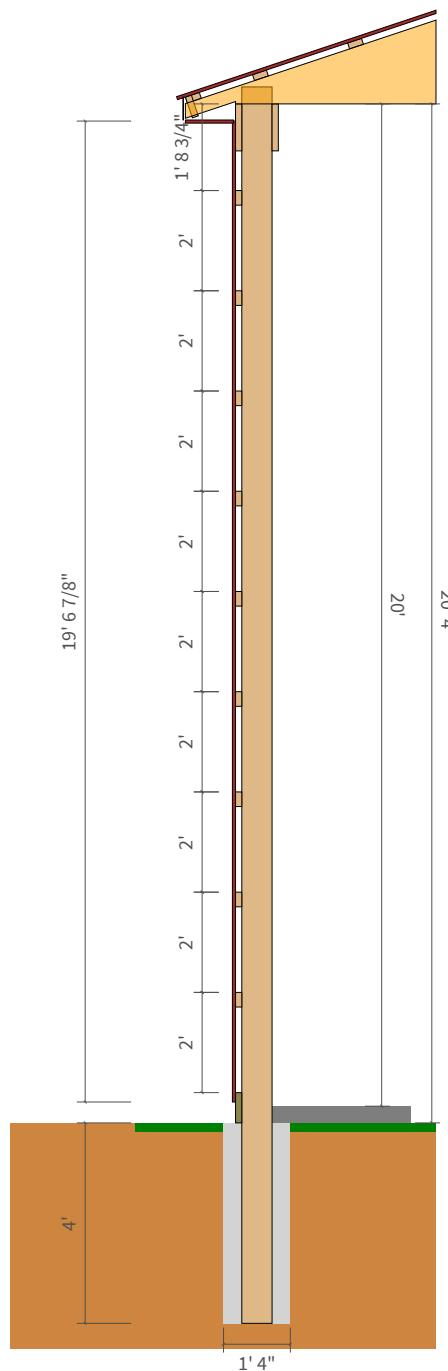
BOTTOM IS AT GRADE

SIDING BEGINS 0' 5" ABOVE GRADE

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

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

INTERIOR CARRIER: SYP 2x12



SLAB DEPTH 0' 4"

FOUNDATION NOTES:

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

## Cross Section - EXT-5

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

PURLINS: Spruce 2x4 Flat

SUBFASCIA: Spruce 2x6

FASCIA: 5 1/2" FASCIA

SOFFIT: G Rib Soffit

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

TOP OF WALL: OVERHANG TRIM

EXTERIOR CARRIER: SYP 2x12

EXTERIOR WALL GIRTS: Spruce 2x4

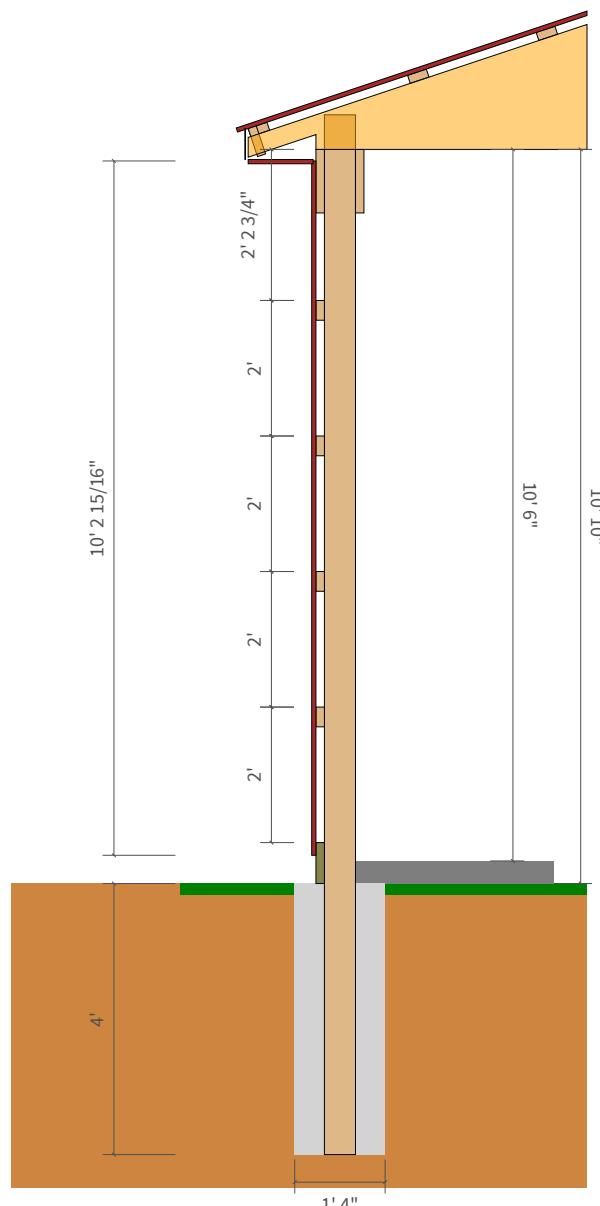
CORNER POSTS: 3 Ply 2x6 Nail Lam

INTERMEDIATE POSTS: 3 Ply 2x6 Nail Lam

EXTERIOR SKIRT BOARD: Treated 2x8

BOTTOM IS AT GRADE

SIDING BEGINS 0' 5" ABOVE GRADE



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

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

INTERIOR CARRIER: SYP 2x12

SLAB DEPTH 0' 4"

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

## Cross Section - EXT-7

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

PURLINS: Spruce 2x4 Flat

SUBFASCIA: Spruce 2x6

FASCIA: 5 1/2" FASCIA

SOFFIT: G Rib Soffit

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

TOP OF WALL: OVERHANG TRIM

EXTERIOR CARRIER: SYP 2x12

EXTERIOR WALL GIRTS: Spruce 2x4

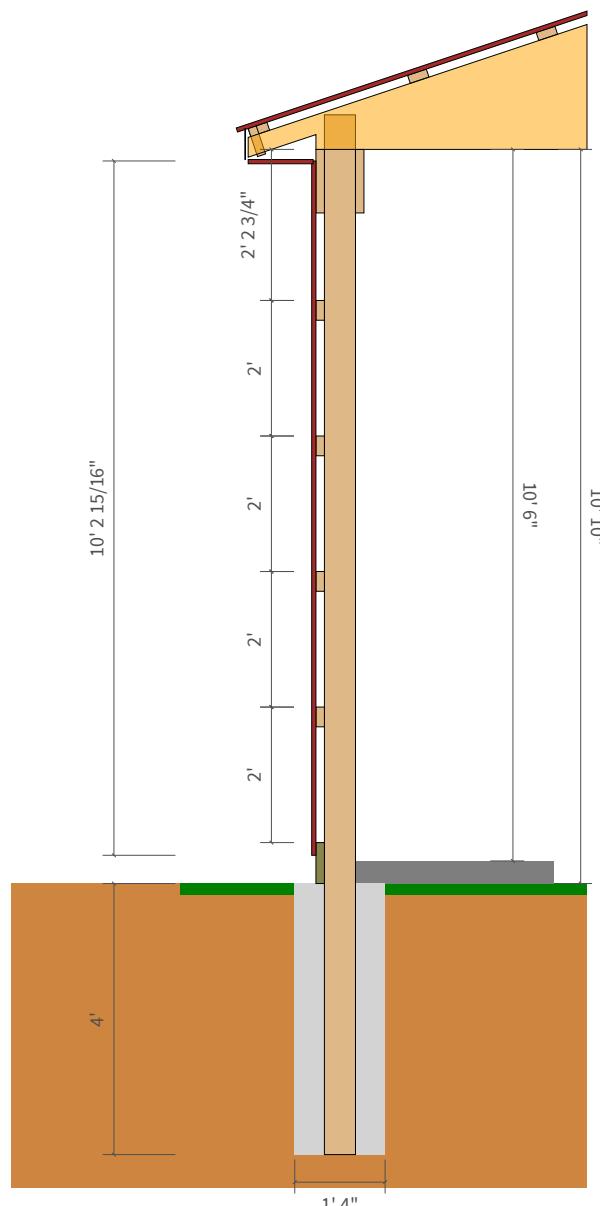
CORNER POSTS: 3 Ply 2x6 Nail Lam

INTERMEDIATE POSTS: 3 Ply 2x6 Nail Lam

EXTERIOR SKIRT BOARD: Treated 2x8

BOTTOM IS AT GRADE

SIDING BEGINS 0' 5" ABOVE GRADE



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

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

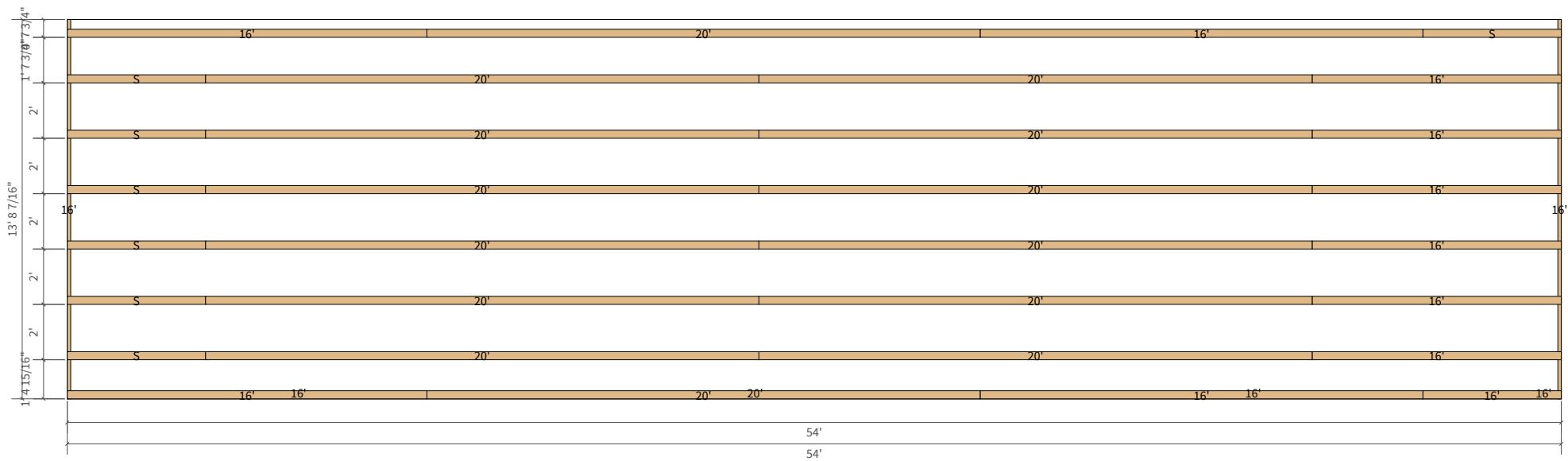
INTERIOR CARRIER: SYP 2x12

SLAB DEPTH 0' 4"

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

## Materials

Usage	Material
Purlin	Spruce 2x4

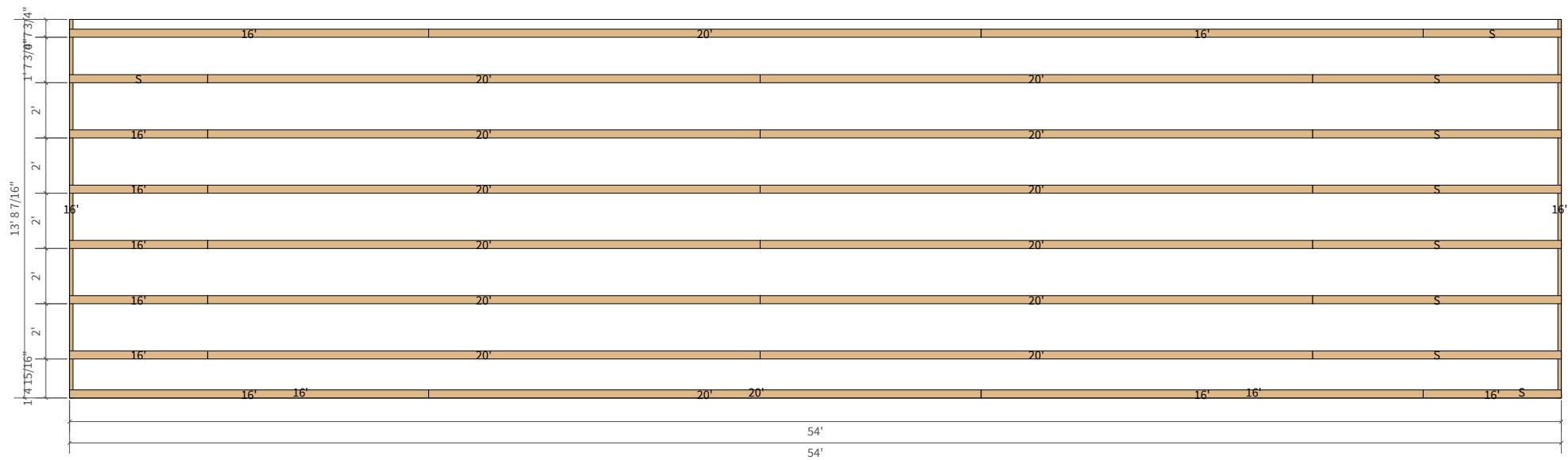


# Assembly Drawing - ROOF-2

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

## Materials

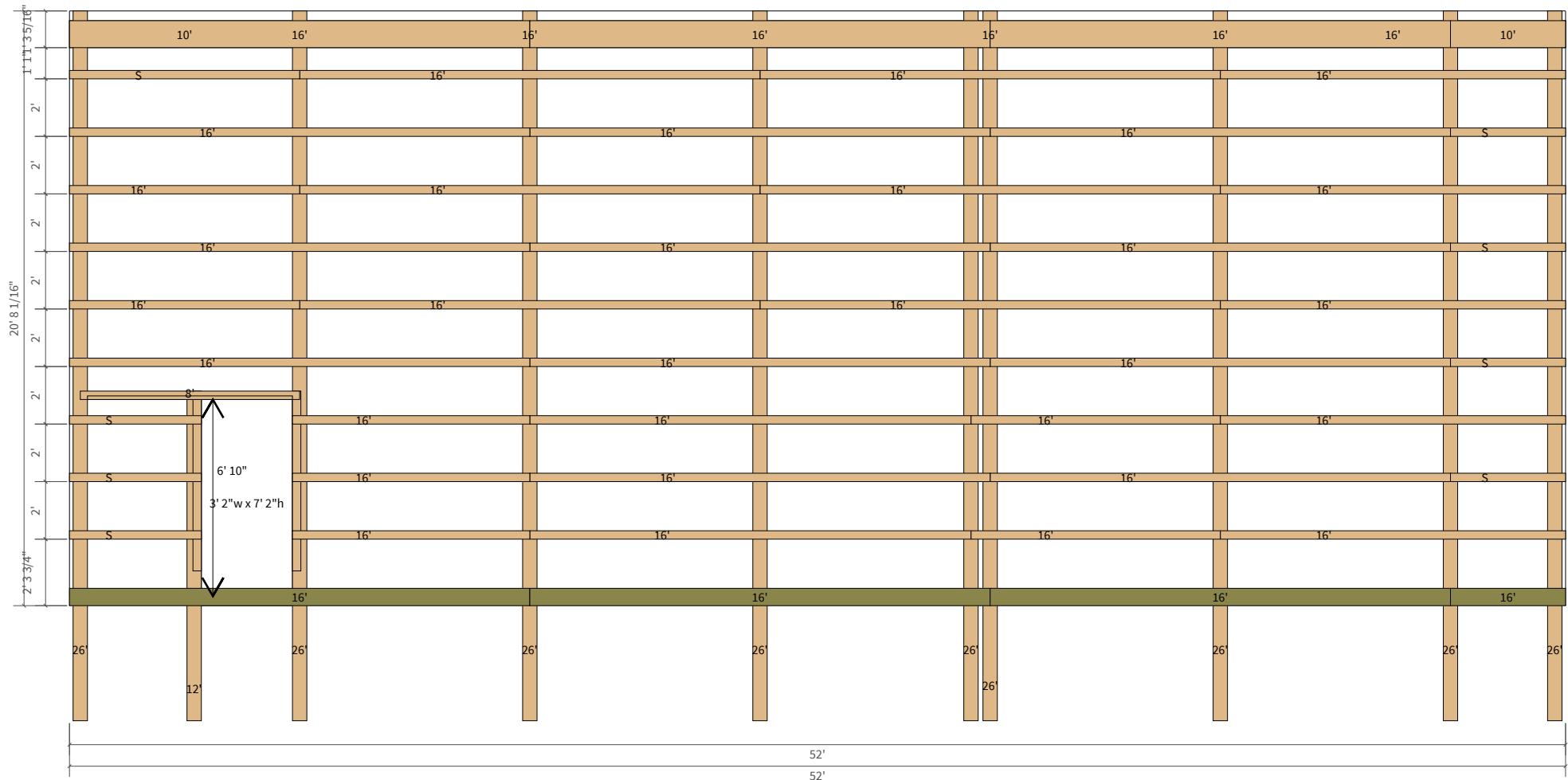
Usage	Material
Purlin	Spruce 2x4



## Assembly Drawing - EXT-1

## Materials

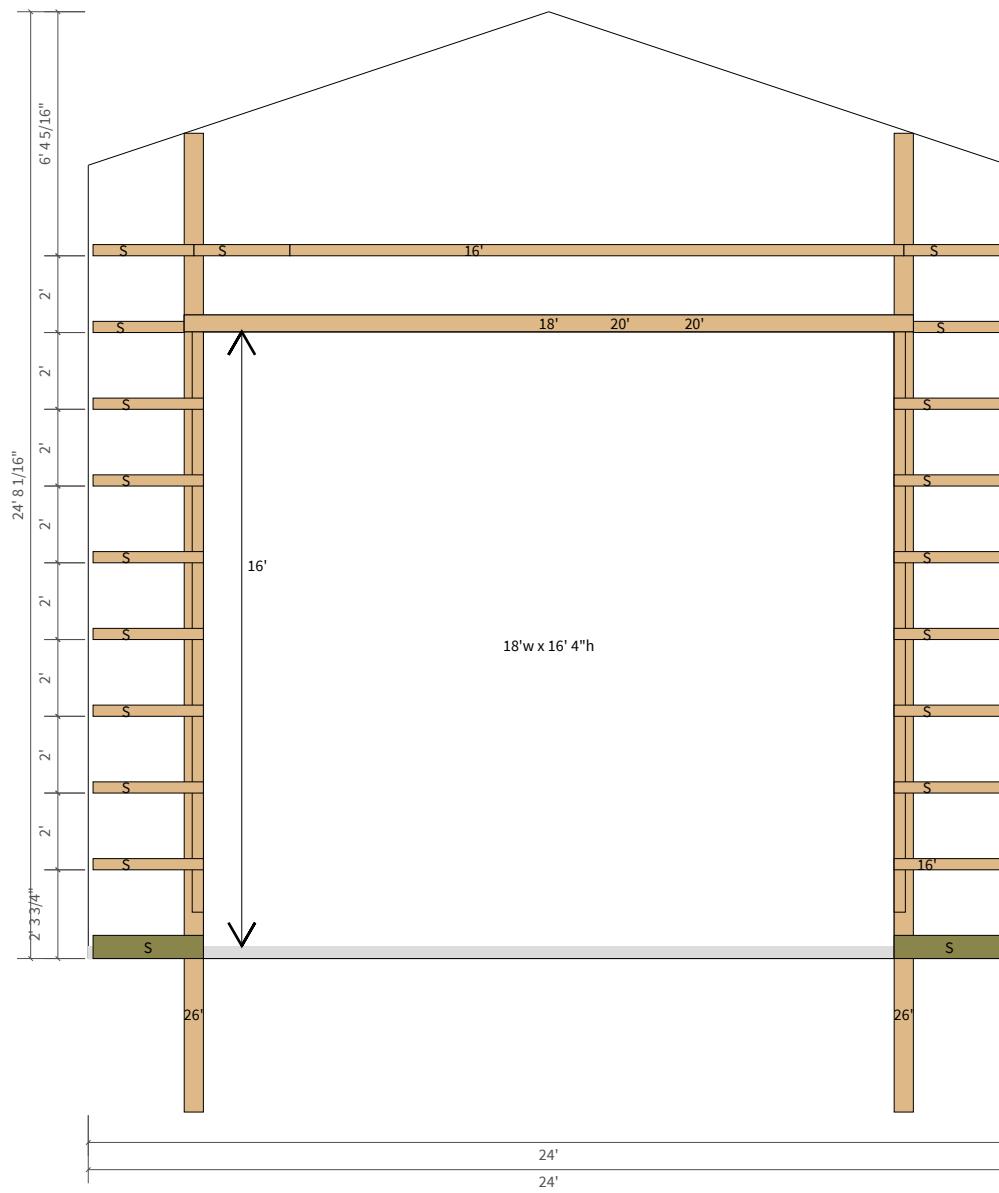
Usage	Material
TrussBearer	SYP 2x12
SkirtBoard	Treated 2x8
Girt	Spruce 2x4



## Assembly Drawing - EXT-2

## Materials

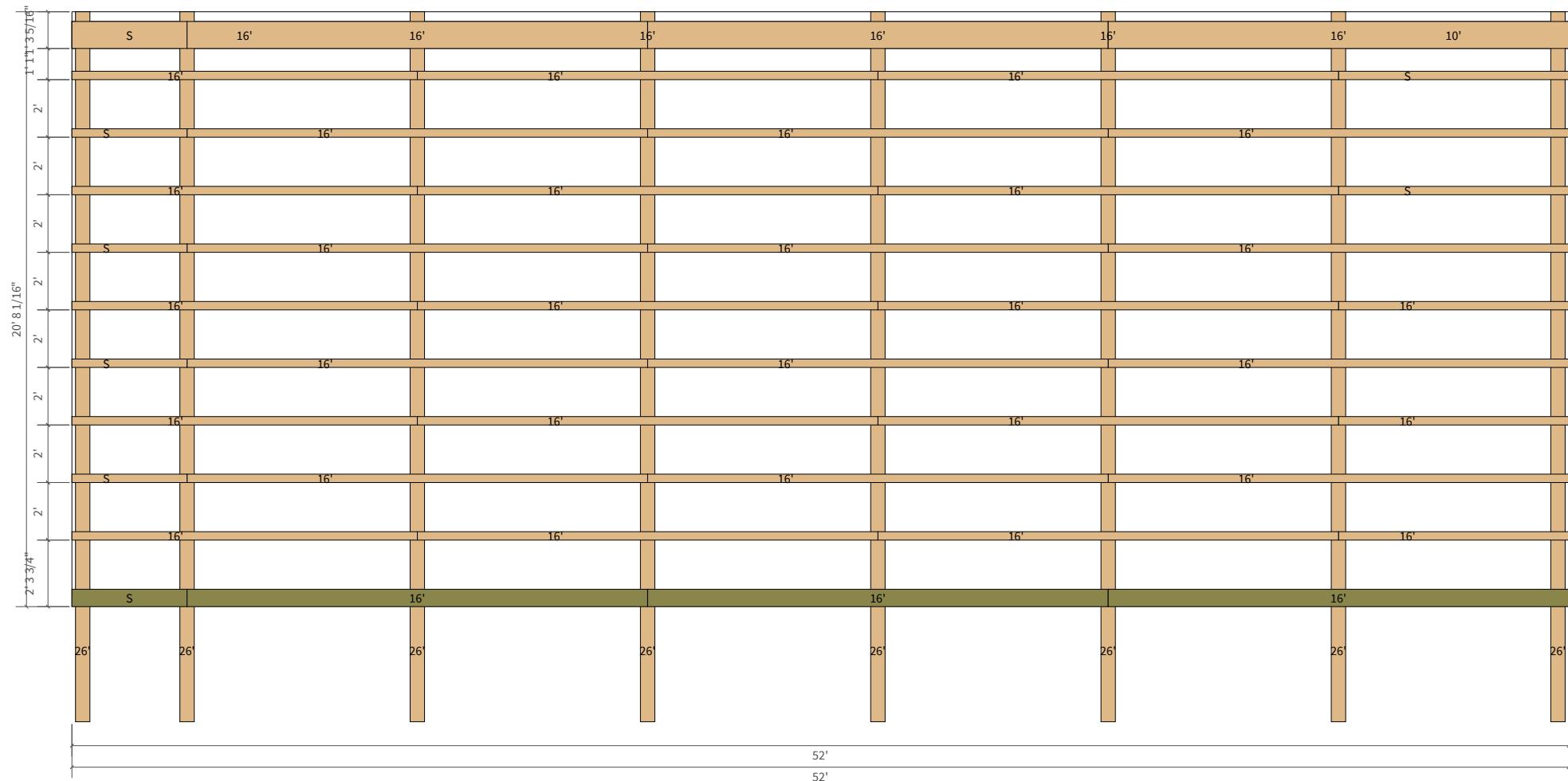
Usage	Material
SkirtBoard	Treated 2x8
Girt	Spruce 2x4



## Assembly Drawing - EXT-3

## Materials

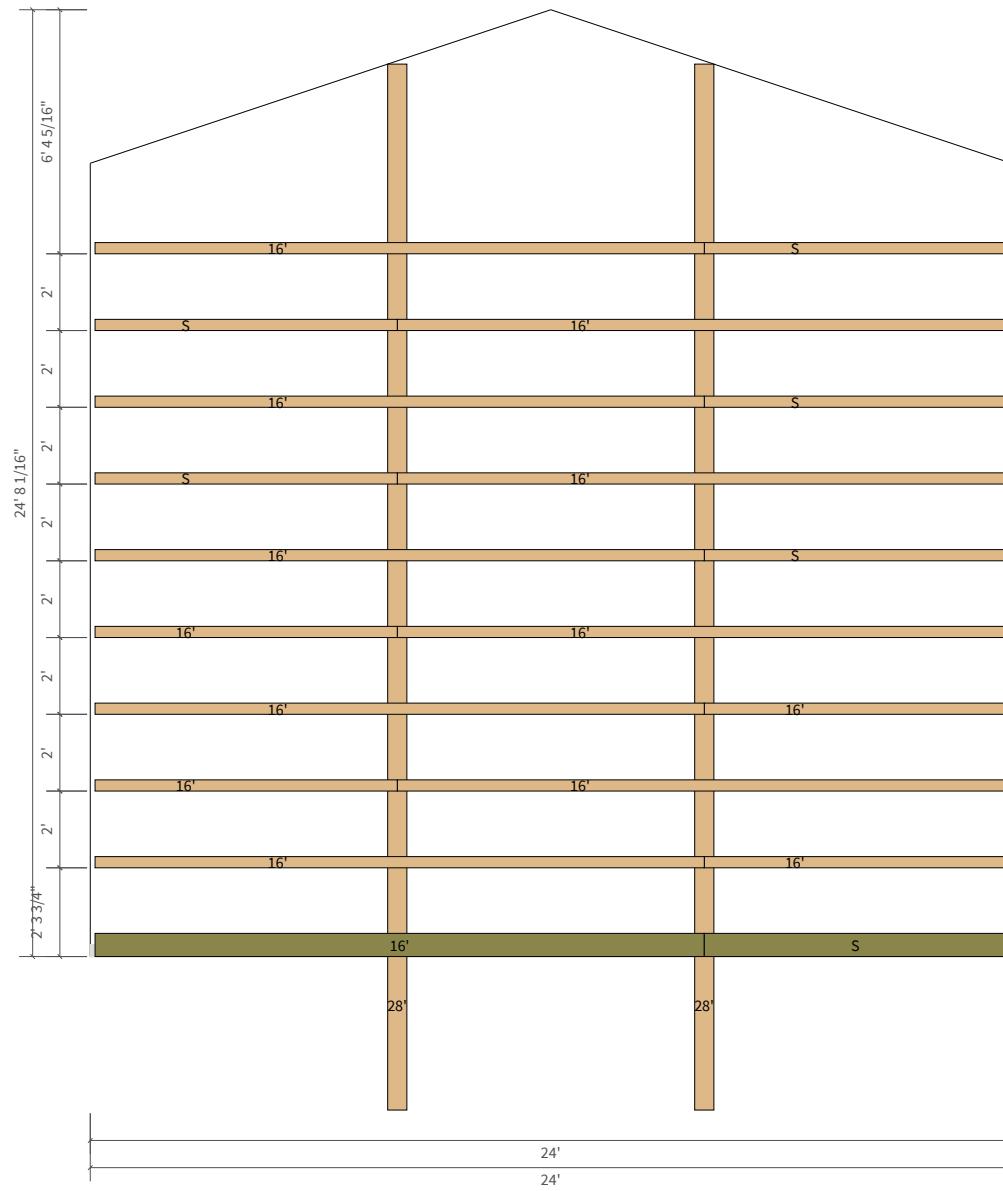
Usage	Material
TrussBearer	SYP 2x12
SkirtBoard	Treated 2x8
Girt	Spruce 2x4



## Assembly Drawing - EXT-4

## Materials

Usage	Material
SkirtBoard	Treated 2x8
Girt	Spruce 2x4

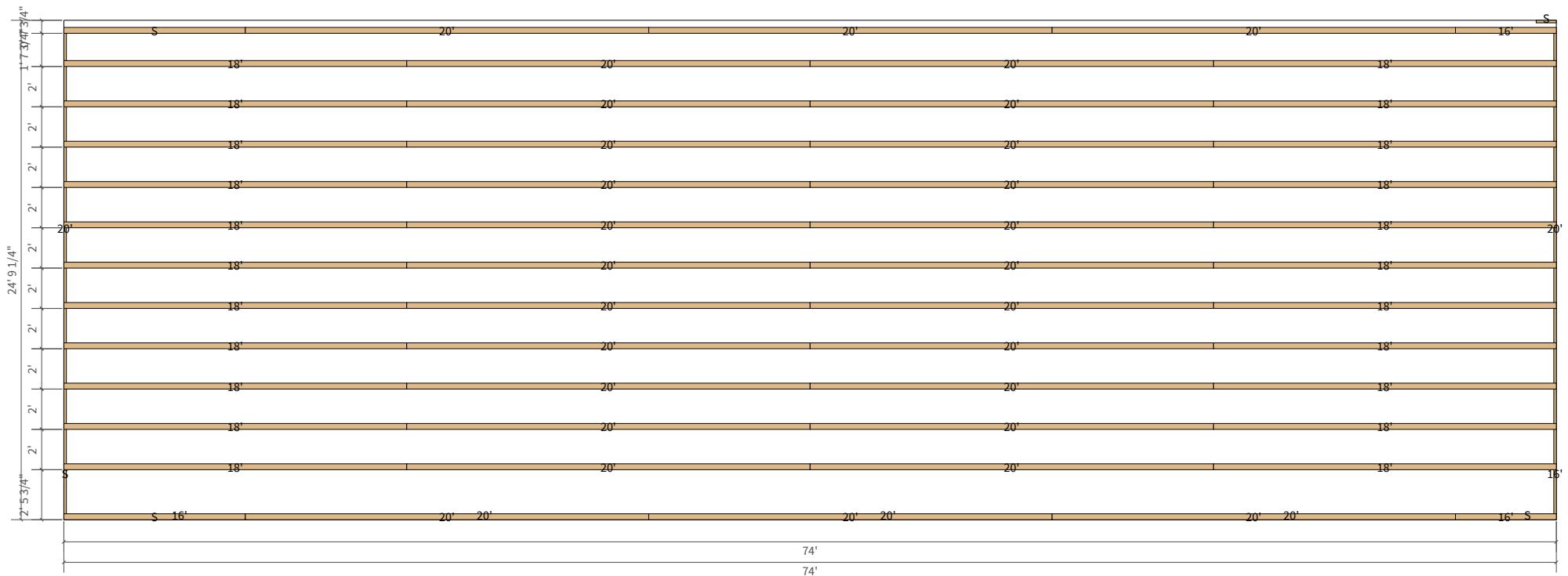


# Assembly Drawing - ROOF-3

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

## Materials

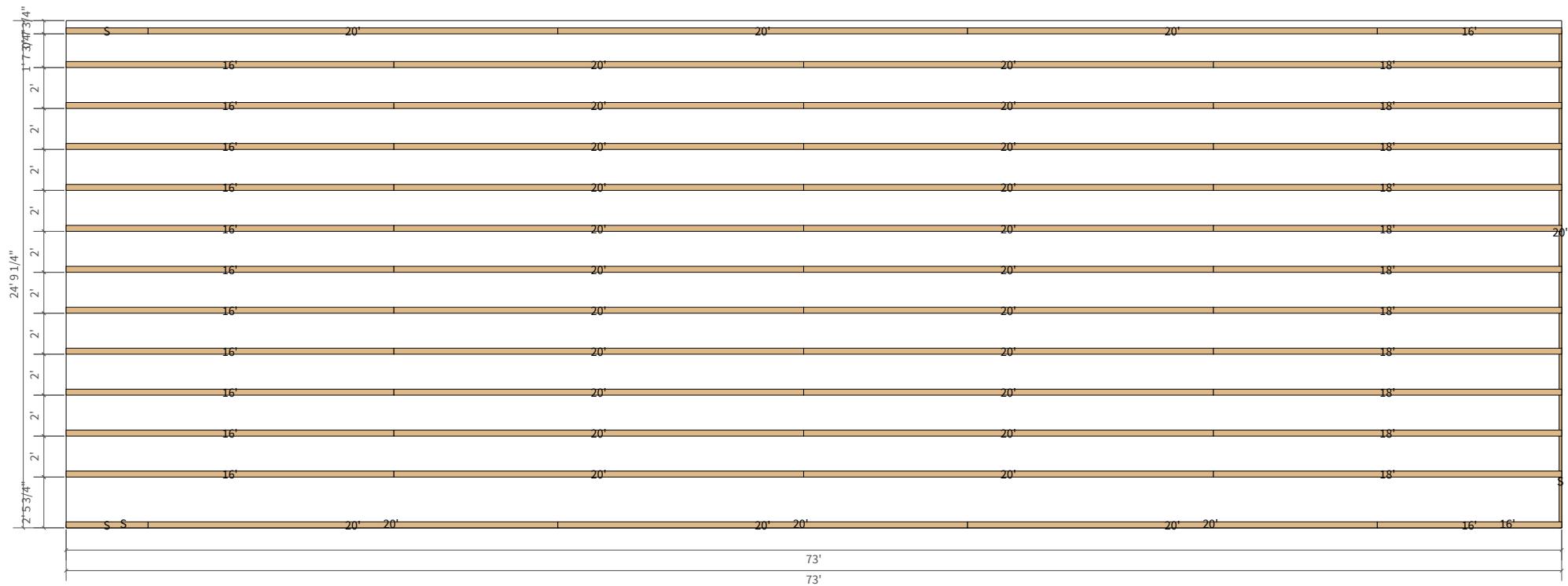
Usage	Material
Purlin	Spruce 2x4



## Assembly Drawing - ROOF-4

## Materials

Usage	Material
Purlin	Spruce 2x4

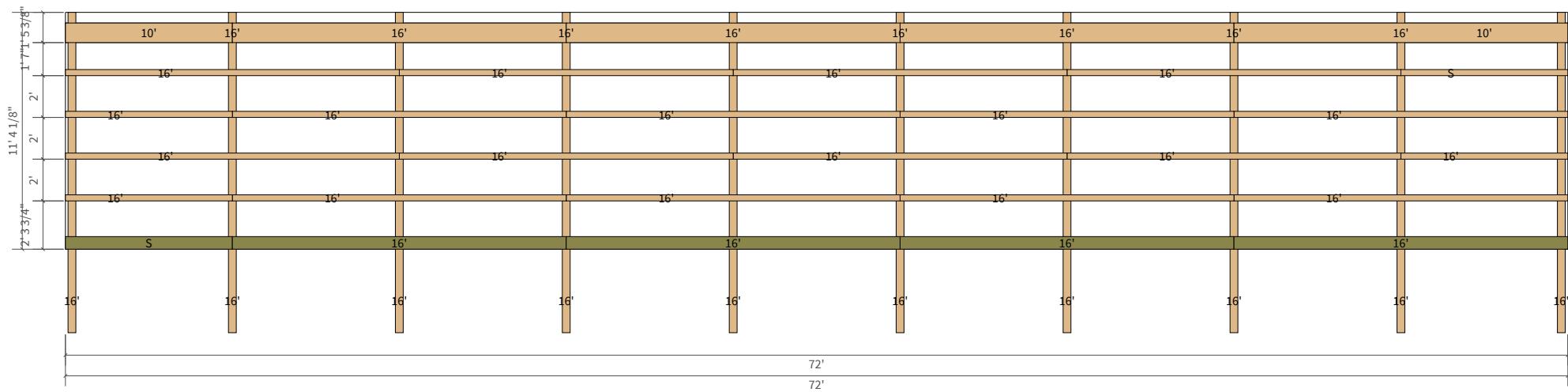


# Assembly Drawing - EXT-5

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

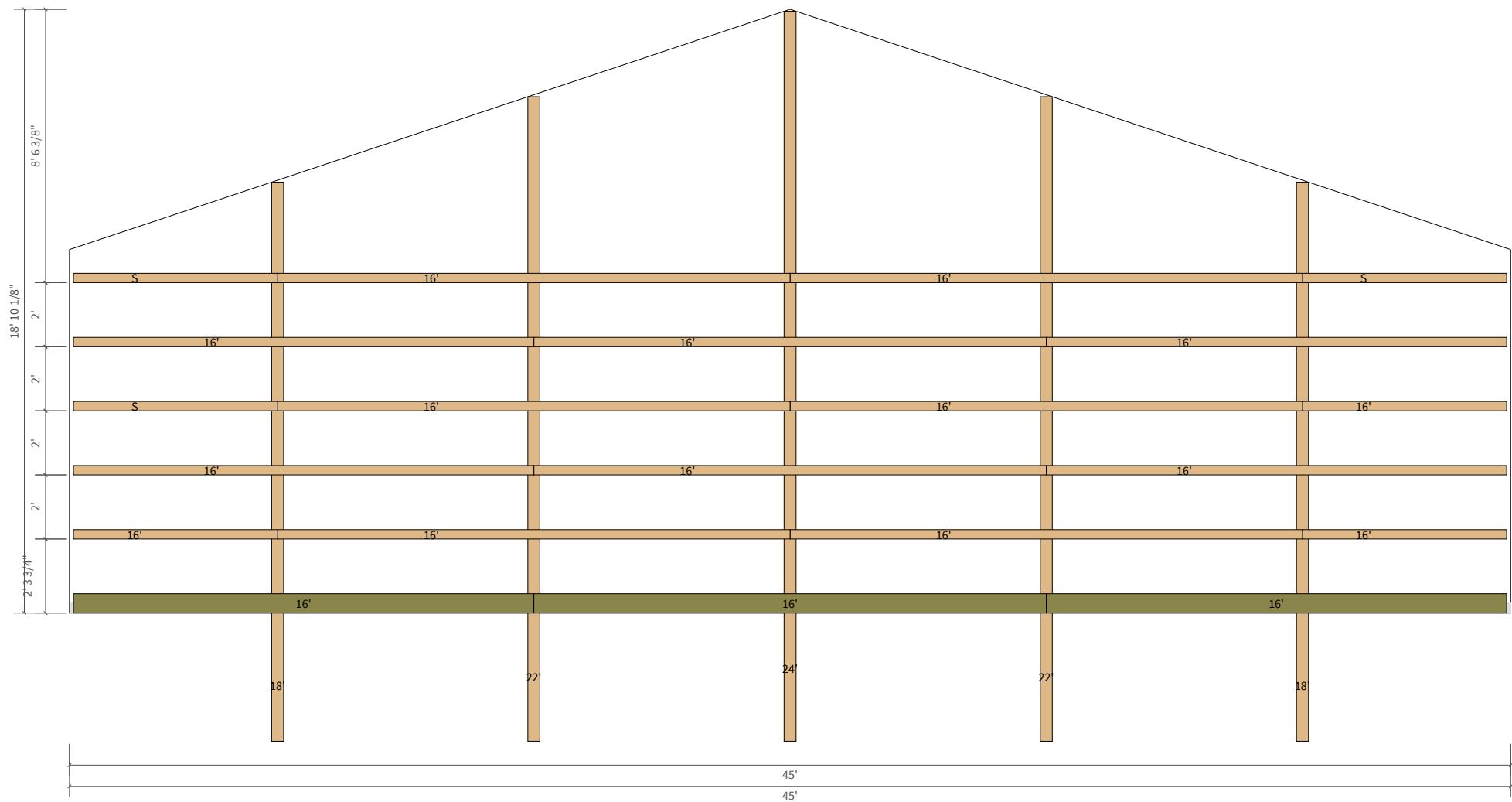
## Materials

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



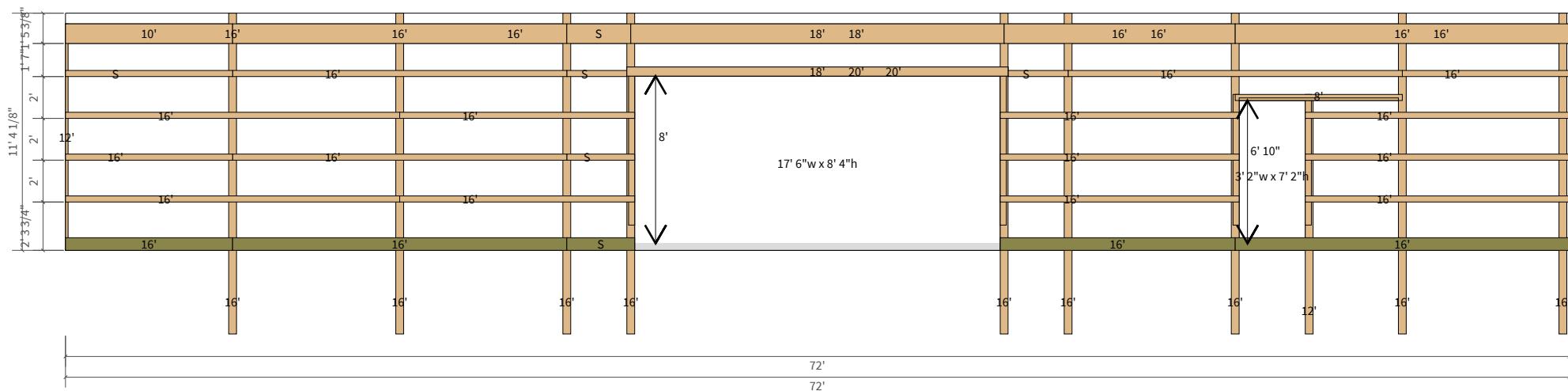
## Materials

Usage	Material
SkirtBoard	Treated 2x8
Girt	Spruce 2x4



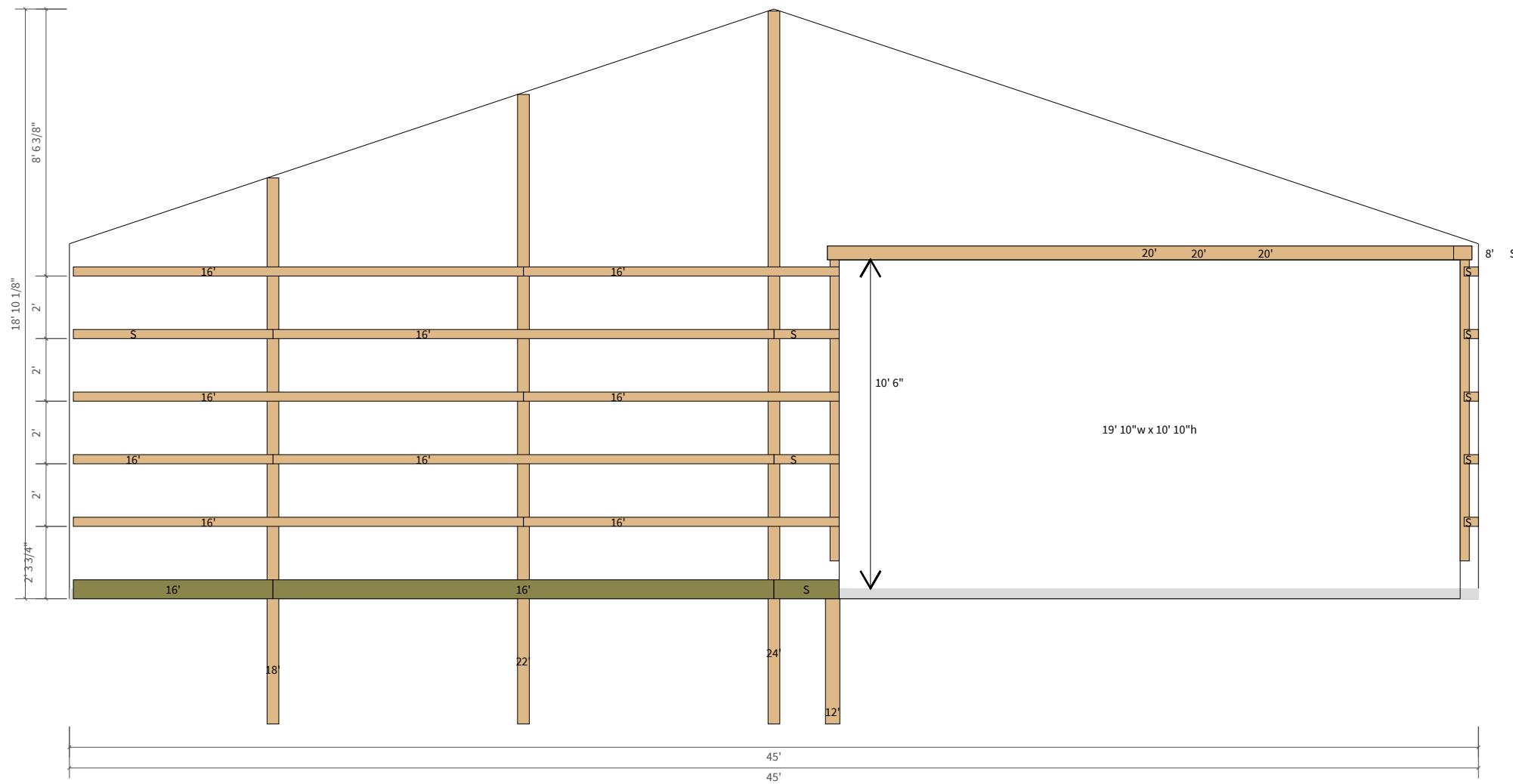
## Materials

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



## Materials

Usage	Material
SkirtBoard	Treated 2x8
Girt	Spruce 2x4

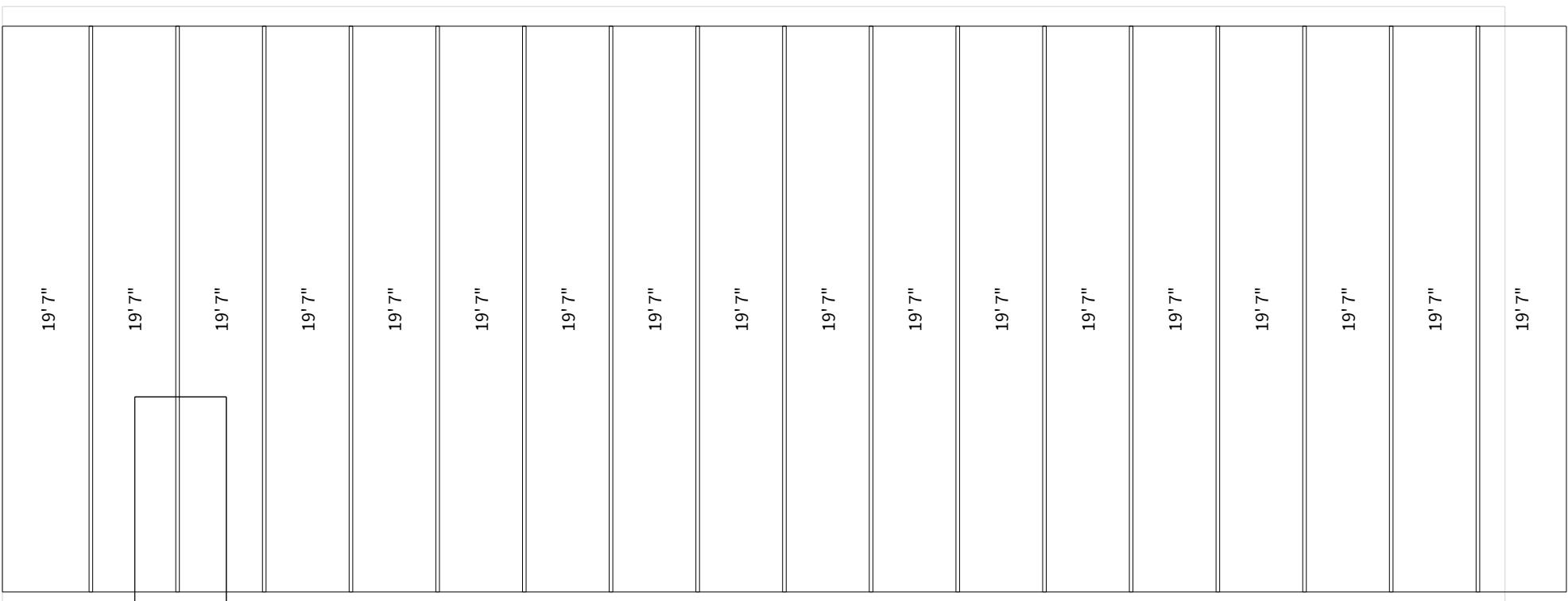






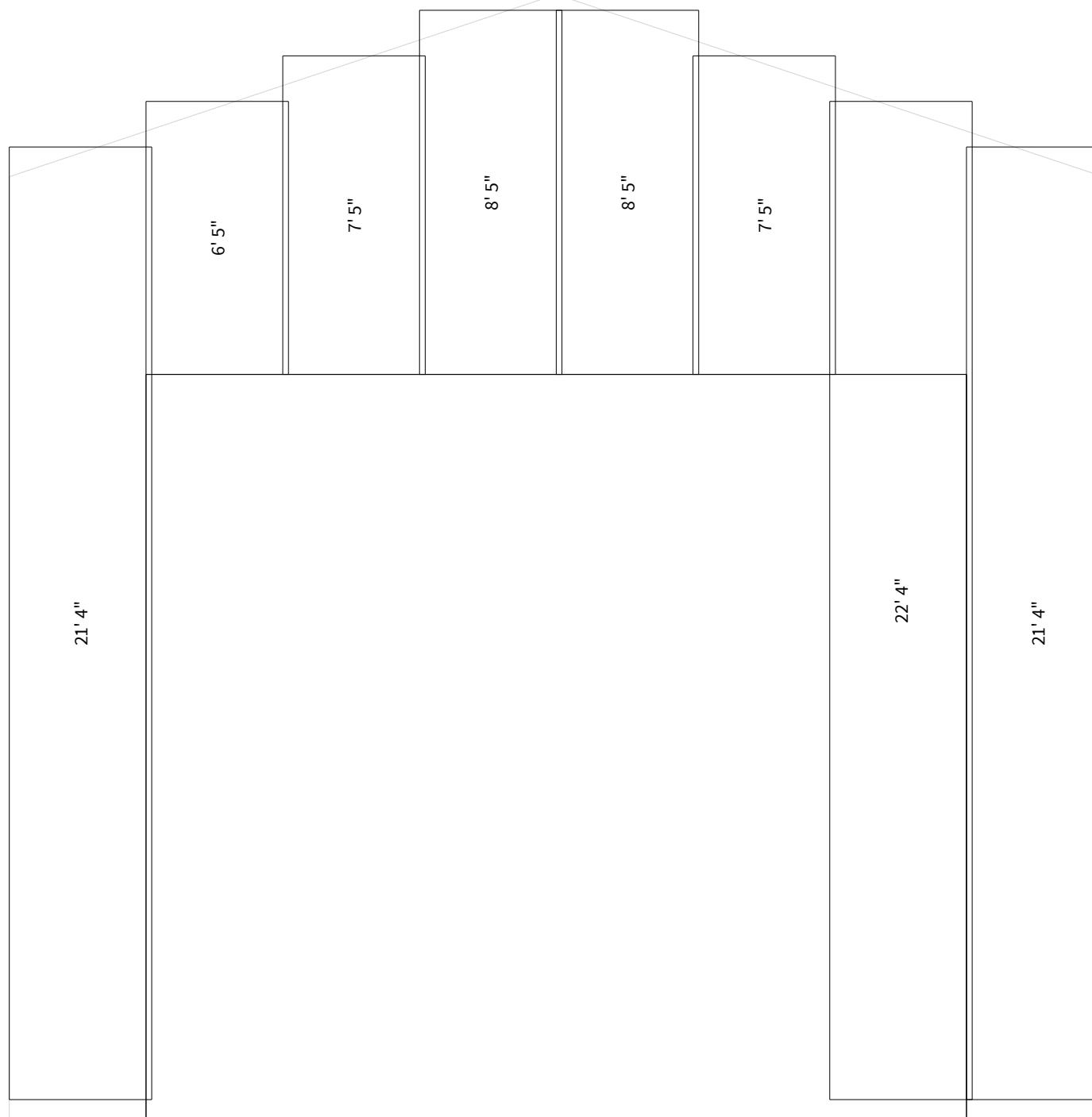
# Sheathing Drawing - EXT-1

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



## Sheathing Drawing - EXT-2

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



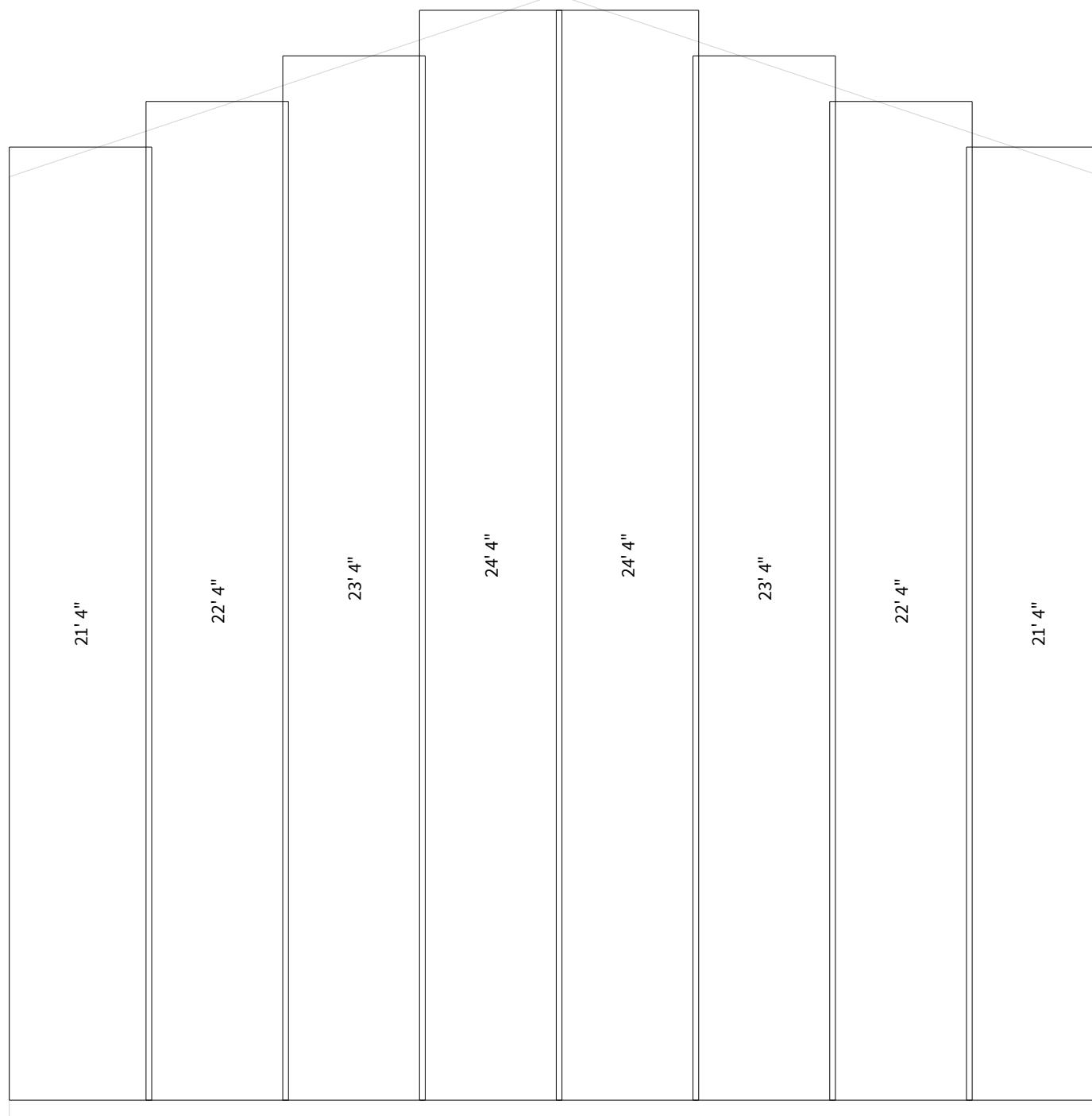
# Sheathing Drawing - EXT-3

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



# Sheathing Drawing - EXT-4

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



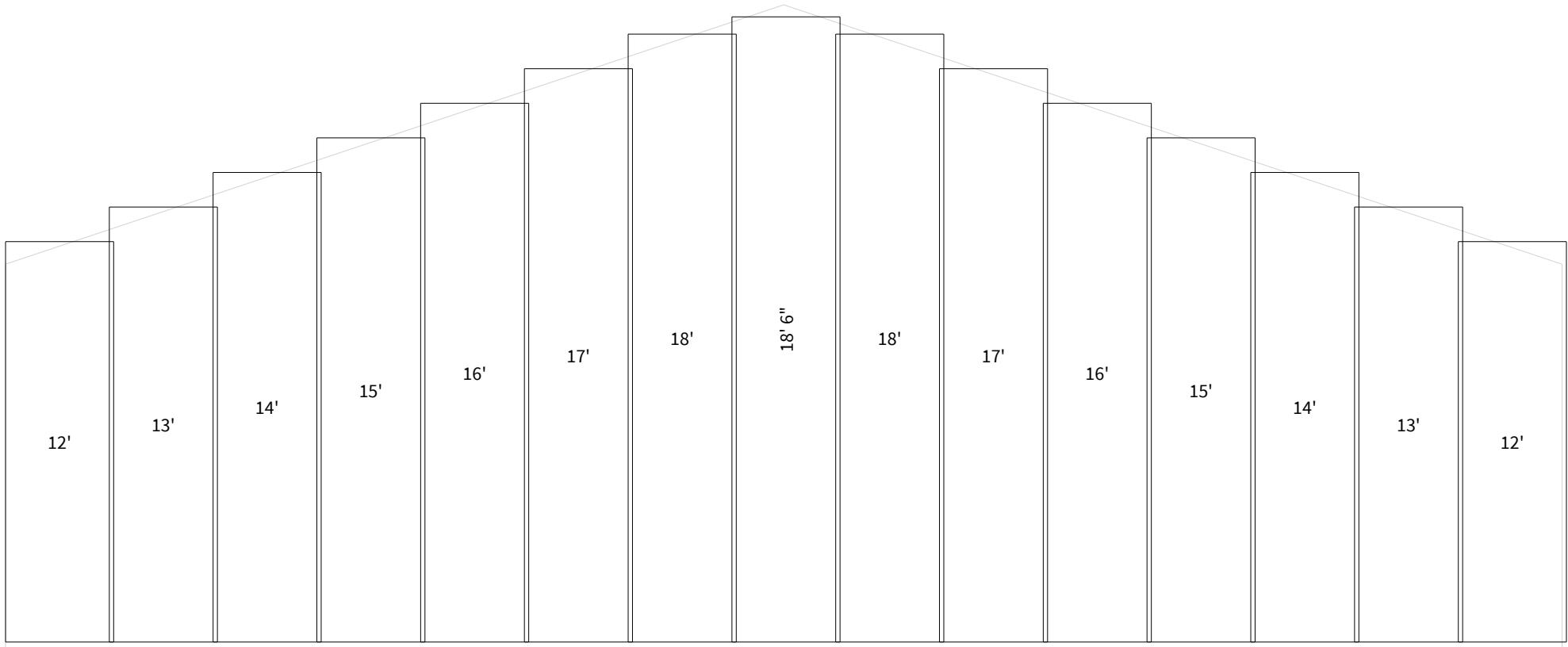
## **Sheathing Drawing - ROOF-3**





# Sheathing Drawing - EXT-6

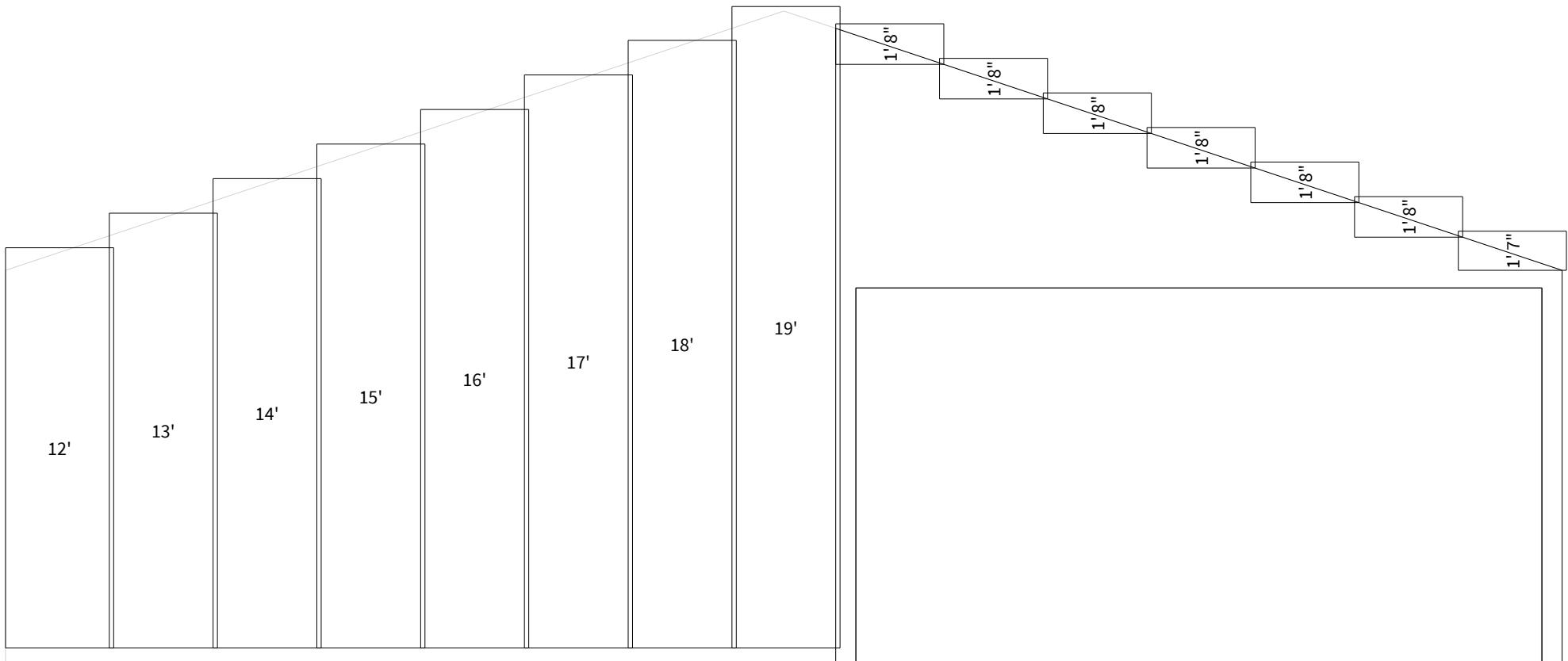
Job: Solo 24x52x20 w/attached old barn  
Date: 10/17/2024  
Time: 8:06 PM





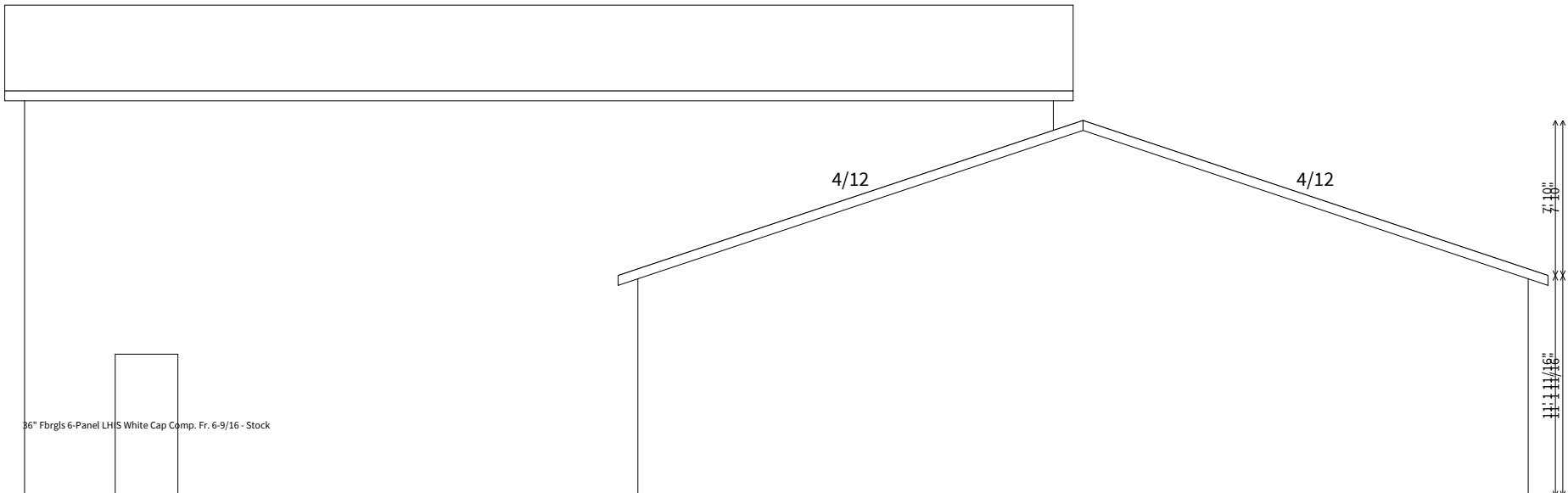
# Sheathing Drawing - EXT-8

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



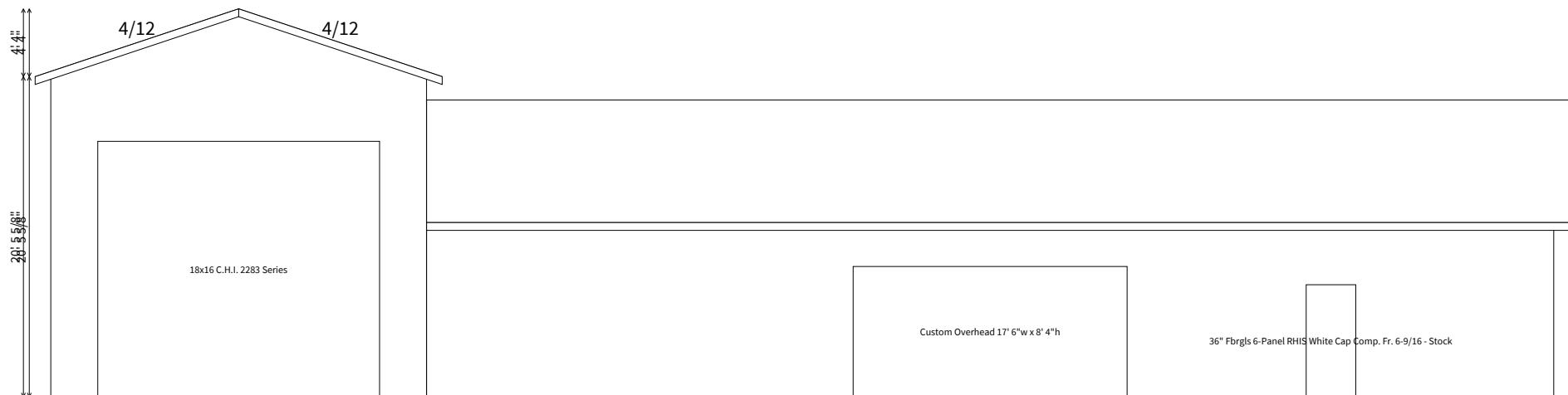
## Left Elevation

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



## Front Elevation

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



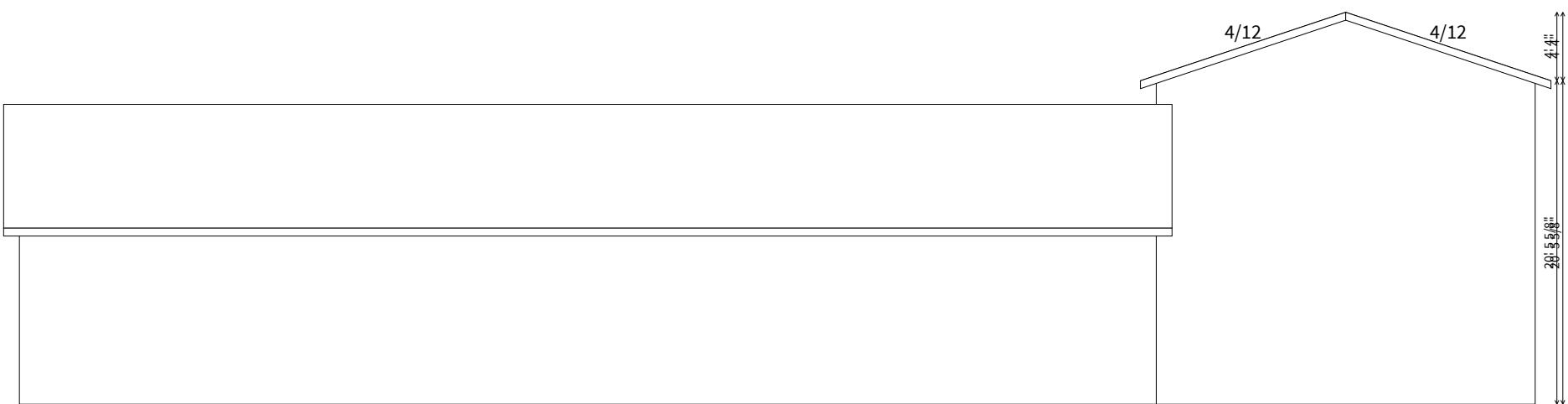
## Right Elevation

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

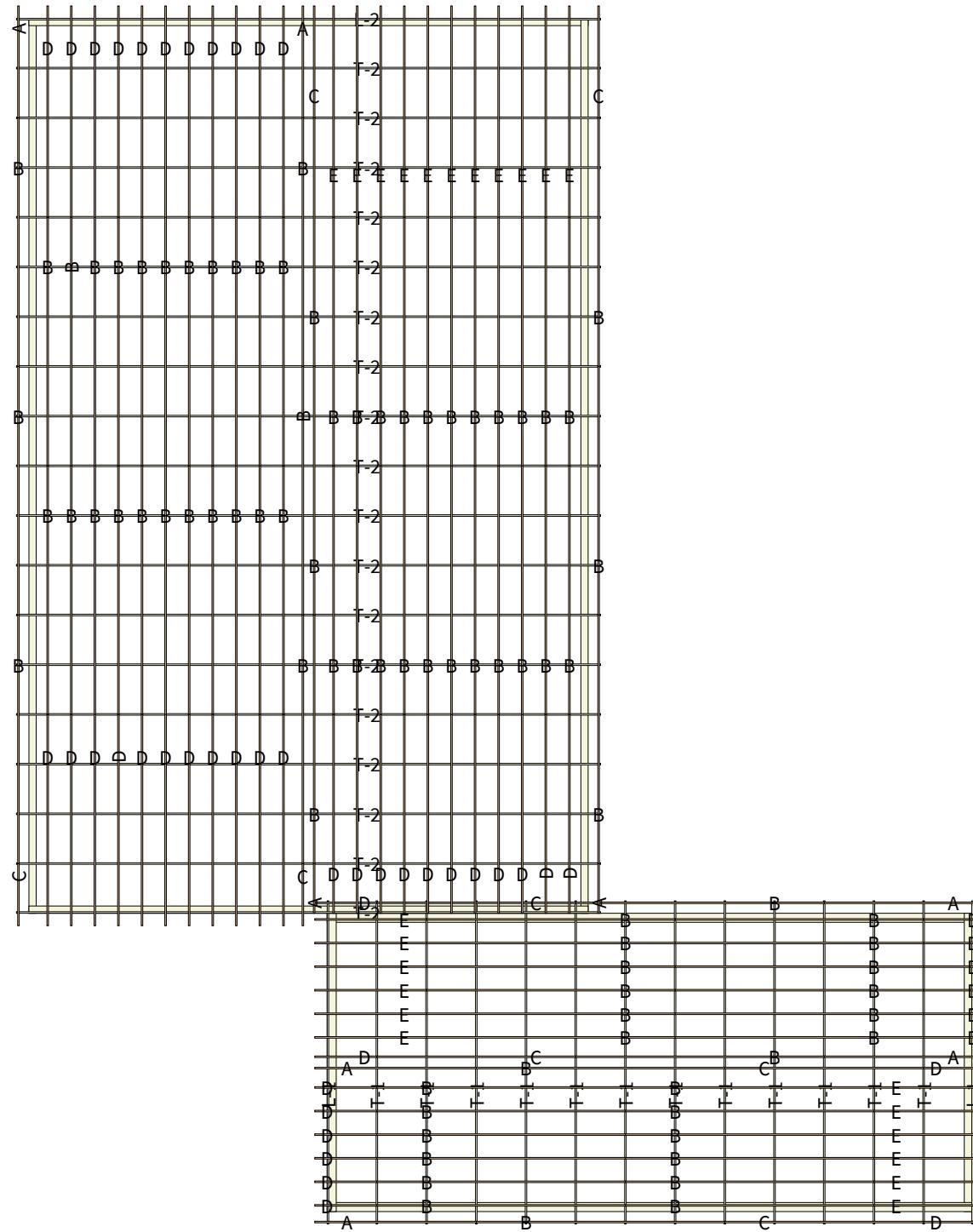


## Back Elevation

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



## Truss Layout



## Roof Layout



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

Docket: BZA-0225-05,06 -AG

Petitioner: Eric & Alicia Robinson

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

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

Staff: Frank Zawadzki

Applicant: Eric & Alicia Robinson

Property Size: 2 acres

Current Zoning: AG

Location: 23320 Cammack Road, Cicero, IN 46034

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

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

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

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



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Current Property Information:**

Zoned - AG

Land Use: Res-1 Family

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

Vehicle Access: Yes

**Planning Considerations:**

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

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

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



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

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

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

*Findings of Facts:*

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

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

*Findings of Facts:*

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---

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

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

*Findings of Facts:*

---

---

---

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



**Board of Zoning Appeals Options:**

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

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

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

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

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



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Findings of Fact/Decision Criteria:**

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

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

*Findings of Facts:*

---

---

---

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

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

*Findings of Facts:*

---

---

---

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

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

*Findings of Facts:*

---

---

---

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



**Board of Zoning Appeals Options:**

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

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

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

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

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



CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION

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

### VARIANCE APPLICATION

OFFICE USE ONLY			
Variance Category		Docket #: BZA-0225-07-R1	
<input checked="" type="checkbox"/> Development Standards	<input type="checkbox"/> Special Exception	Date of Application: 01/17/2025	
<input type="checkbox"/> Land Use	<input type="checkbox"/> Other	Date of Expiration:	
Variance Check List		Variance Fee: \$320.00	
<input type="checkbox"/> Adjoinder List	<input type="checkbox"/> Legal Notice Copy	Date of Hearing: 02/20/2025	
<input type="checkbox"/> Certified Mail Receipts	<input type="checkbox"/> Property Sign	Date of Decision:	
<input type="checkbox"/> Additional Applications for Variances		<input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved
APPLICANT MUST COMPLETE THE FOLLOWING			
Property Owner: Benjamin & Carrie VanAlstine			
Property Address: [REDACTED]			
City: Cicero	State: IN	ZIP Code: 46034	
Telephone: [REDACTED]	E-mail: [REDACTED]	Fax: [REDACTED]	
Project 87 Cedar Lane Address: [REDACTED]	State: IN	ZIP Code: 46034	
City: Cicero	Subdivision: Forest Bay Estates		
Parcel: 03-06-11-03-02-008.000	Telephone: [REDACTED]		
General Contractor: Heuer Homes, LLC	Fax: [REDACTED]		
Address: [REDACTED]	Cell Phone: [REDACTED]		
City: Cicero	State: IN	ZIP Code: 46034	Email: [REDACTED]
Variance Request: We had originally hoped to have the barn sit on the same plane as the front of the house.			
The site is forcing us to bring the barn forward of the house.			
Commitments/ Conditions Offered:			
[REDACTED]			
[REDACTED]			
Code SectionAppealed:			
[REDACTED]			
[REDACTED]			



# CICERO/JACKSON TOWNSHIP PLAN COMMISSION

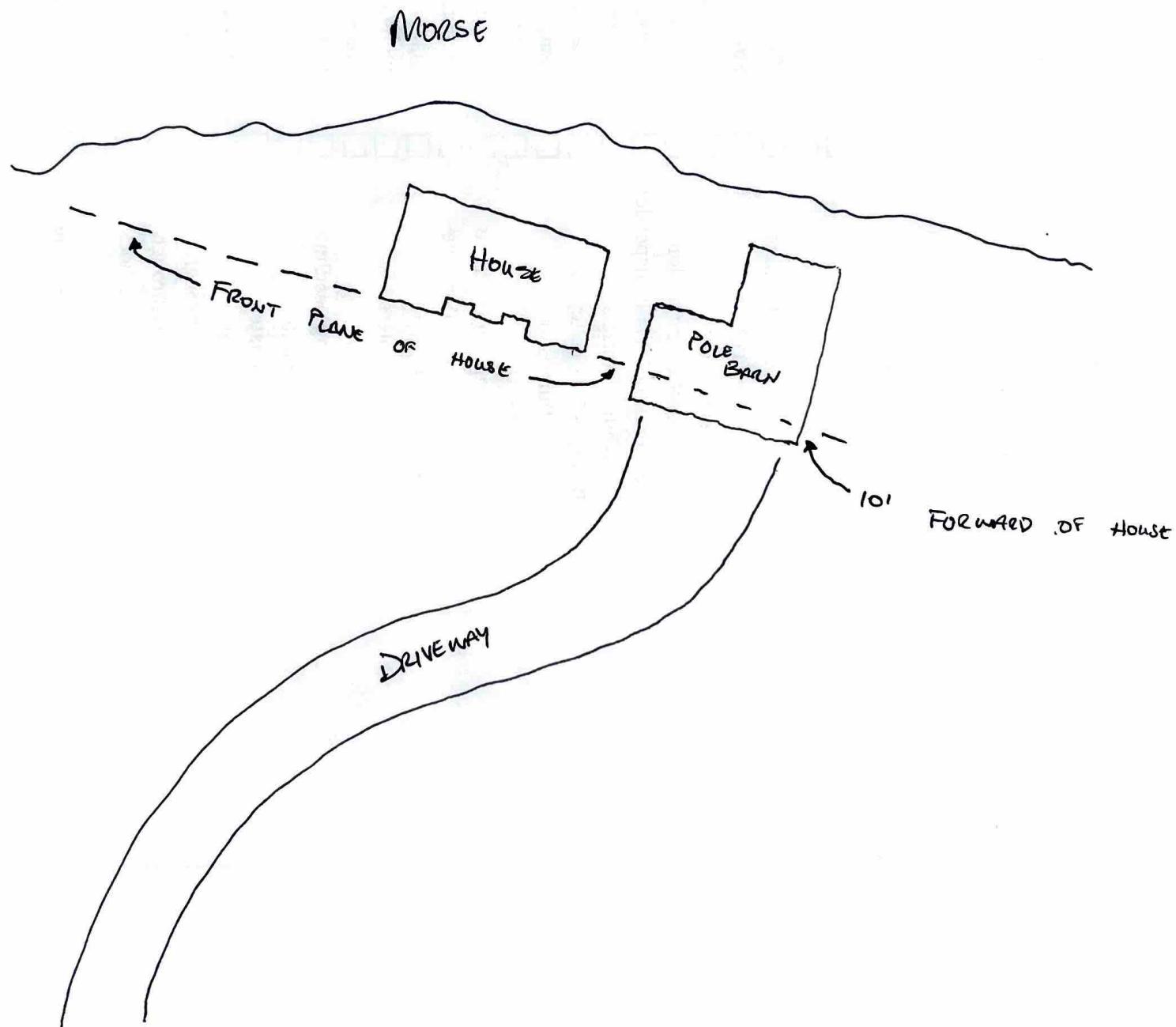
# **CICERO / JACKSON TOWNSHIP (BOARD OF ZONING AND APPEALS)**

## Petitioners List of Findings

We had originally hoped to have the barn sit on the same plane as the front of the house.

The site is forcing us to bring the barn forward of the house.

87 CEDAR LANE





Docket: BZA-0225-07-R1

Petitioner: Ben & Carrie VanAlstine

## Cicero/Jackson Township Plan Director Staff Report

**Docket No. BZA-0225-07-AG**

Staff: Frank Zawadzki

Applicant: Ben & Carrie VanAlstine

Property Size: 6.20 acres

Current Zoning: R1

Location: 87 Cedar Lane, Cicero, IN 46034

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

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

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

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



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Current Property Information:**

Forest Bay subdivision.

Land Use: Res – Vacant Platted Lot

Site Features: Large parcel, lakefront.

Vehicle Access: Yes

**Planning Considerations:**

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

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

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



**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.*



**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** RECEIVED  
**(BOARD OF ZONING AND APPEALS)**

## VARIANCE APPLICATION

## OFFICE USE ONLY

## Variance Category

Docket #: BZA-0225-08-AG

<input type="checkbox"/> Development Standards	<input type="checkbox"/> Special Exception	Date of Application: 01/21/2025
<input type="checkbox"/> Land Use	<input type="checkbox"/> Other	Date of Expiration:
Variance Check List		Variance Fee: \$750.00
<input type="checkbox"/> Adjoinder List	<input type="checkbox"/> Legal Notice Copy	Date of Hearing: 02/20/2025
<input type="checkbox"/> Certified Mail Receipts	<input type="checkbox"/> Property Sign	Date of Decision:
<input type="checkbox"/> Additional Applications for Variances	<input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved

## APPLICANT MUST COMPLETE THE FOLLOWING

 Property Owner: Address: Christopher & Catherine Lammer, 2860, 3124 E. 266th Street  
 City: Telephone: [REDACTED]

 Arcadia State: IN ZIP Code: 46030  
 Fax: [REDACTED] E-mail: [REDACTED]

Project Address: 2860, 3124 E. 266th Street

 City: Arcadia State: IN ZIP Code: 46030  
 Parcel: 29-02-18-000-009.000-008 Subdivision: N/A

General Contractor/ Builder: Address: N/A Telephone: N/A

City: N/A Fax: N/A

State: N/A Cell Phone: N/A

Variance Request: Land Use ZIP Code: N/A Email: NA/

Agritourism Ranch and Winery with retail sales and outdoor seating.

Commitments/ Conditions Offered:

Code SectionAppealed:

Section 3.1 "AG" District Standards, Permitted Uses



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

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

### Petitioners List of Findings

Please see attachment.

## FINDINGS OF FACT

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

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

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

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

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

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

The comprehensive plan supports local efforts to establish agritourism opportunities.

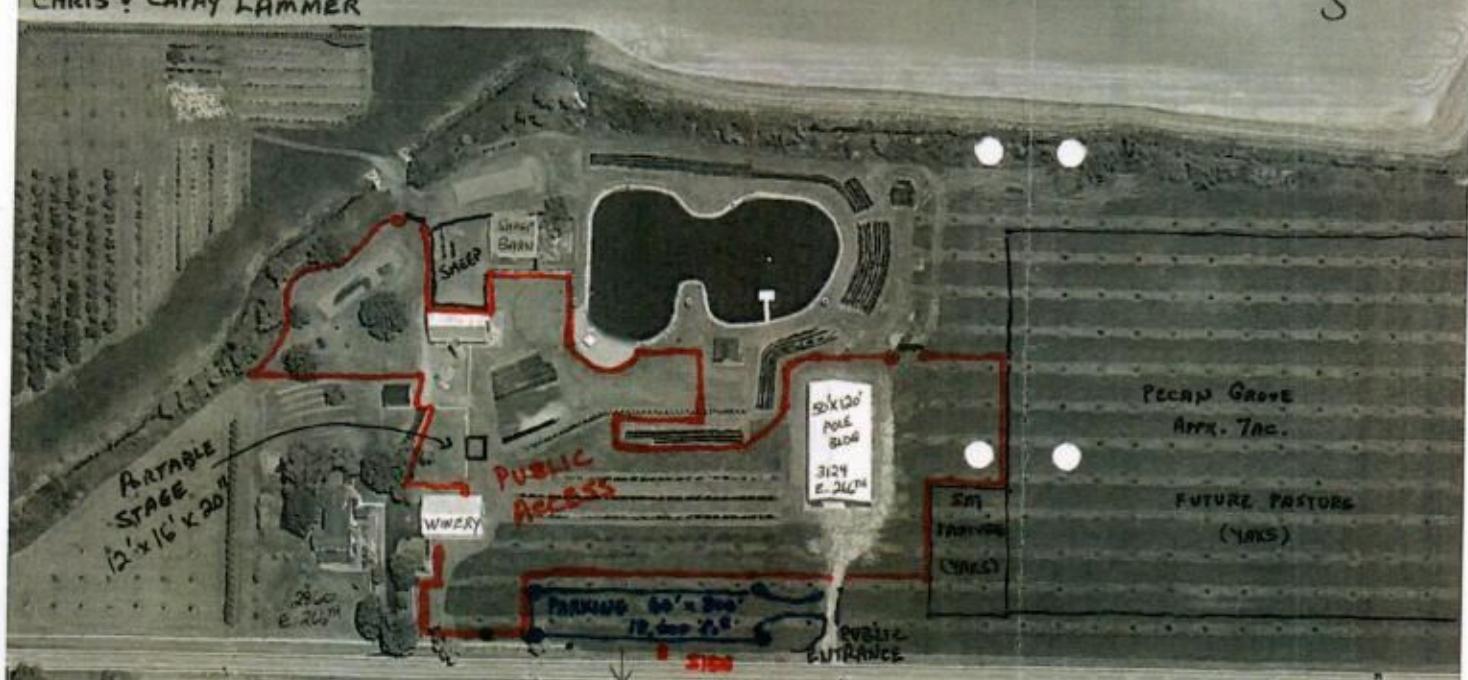
**The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought**, because the community has established an inability for anyone to initiate a tourism opportunity anywhere that is generally supported by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

3/16/24, 5:21 PM

### General Safety

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

W + E  
S



\* SEE ADDENDUM FOR PARKING

HZA0013

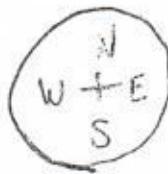
# WOOLLY YAK RANCH & WINERY

3124 E. 266<sup>th</sup> St

ARCADIA, IN 46030

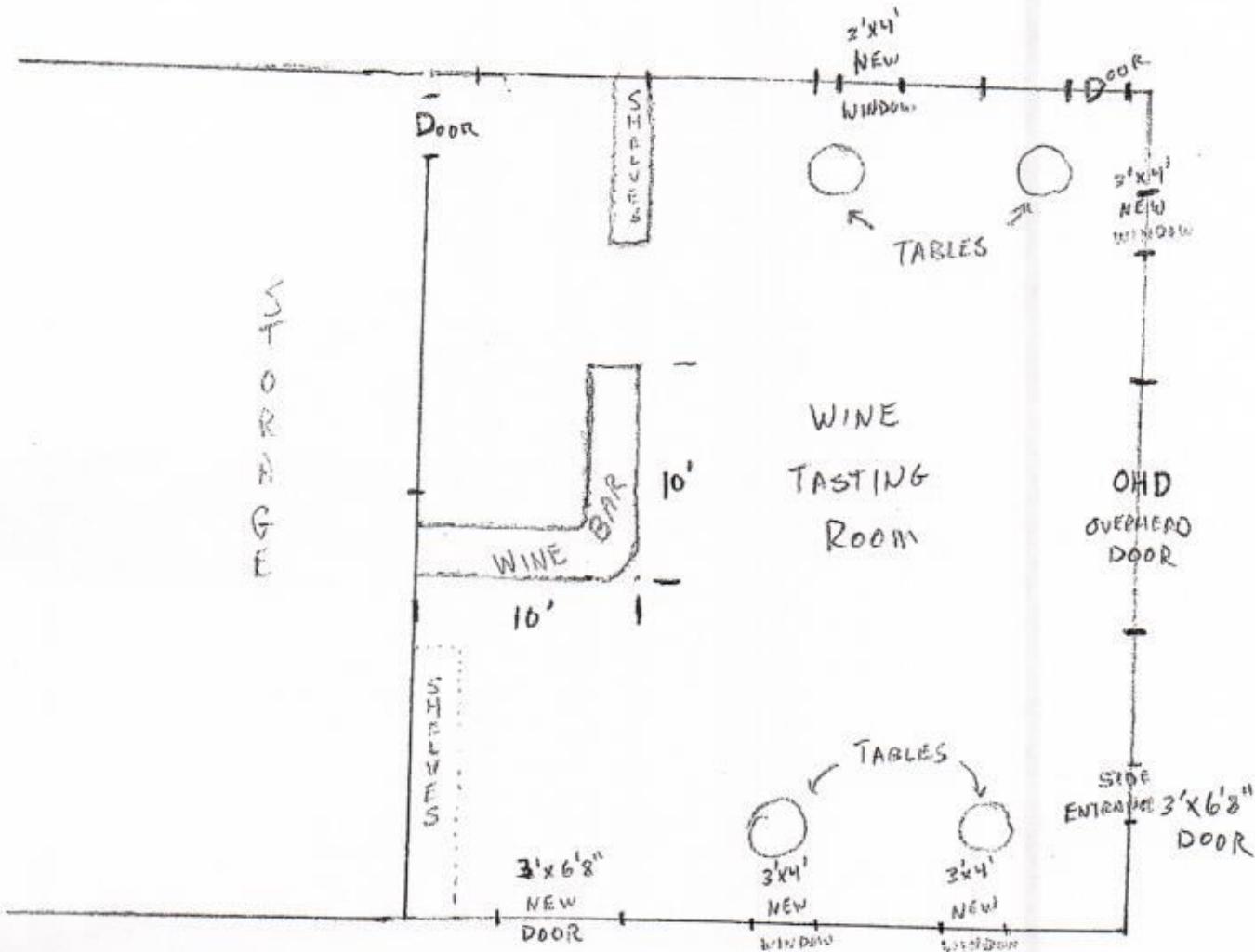
CHRISTOPHER LAMMER, OWNER

574-870-9819



WINERY BLDG.

1' = 8'



BZA0010

WOOLLY YAK RANCH & WINERY  
2860 E. 266<sup>TH</sup> ST

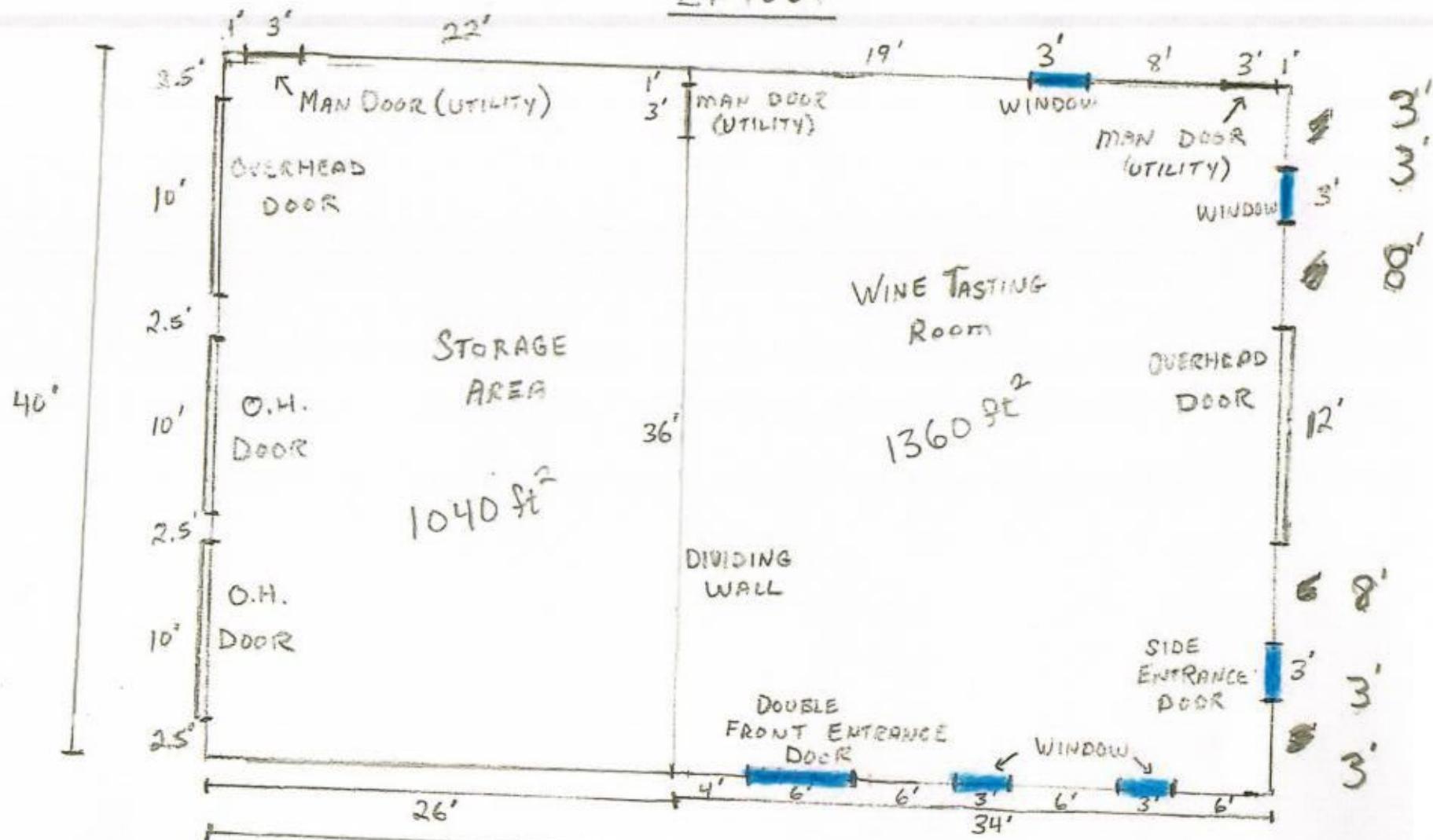
ARCADIA, IN 46730

CHRISTOPHE & CATHARINE LAMMER

## WINERY BUILDING AYOUT

W  $\frac{N}{S} + E$

BZA0011



MODIFICATIONS IN PROGRESS DENOTED IN BLUE 60'



Docket: BZA-0225-08-AG

Petitioner: Christopher & Catherine Lammer

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

### **Docket No. BZA-0225-08-AG**

Staff: Frank Zawadzki

Applicant: Christopher & Catherine Lammer

Property Size: 23.49 acres

Current Zoning: AG

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

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

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

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

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

### **Current Property Information:**

Land Use: Cash grain/general farm

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

Vehicle Access: Yes



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Planning Considerations:**

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

Please note hardship claim below.

**Findings of Facts/Decision Criteria:**

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

The hardship stated by the petitioner is as follows:

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



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

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

---

*This criterion has / has not been met.*

- 3 The proposed need for a variance arises from some condition peculiar to the property involved.**

*Findings of Facts:* \_\_\_\_\_

---

*This criterion has / has not been met.*

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

*Findings of Facts:* \_\_\_\_\_

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*This criterion has / has not been met.*

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

*Finding of Facts:* \_\_\_\_\_

---

*This criterion has / has not been met.*

**Board of Zoning Appeals Options:**

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

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

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



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

## **Director's Report**

### **January 2025**

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

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

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

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

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

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

Estimated Cost of projects permitted \$473,981.

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