

CICERO / JACKSON TOWNSHIP BZA MEETING

BZA Meeting Minutes

December 21, 2017

7:00 p.m.

Roll Call of Members

Present:

- ☐ Steve Zell
- ☐ Tom Warner
- ☐ Scott Bockoski
- ☐ David Martin
- ☐ Mike Berry
- ☐ Aaron Culp - Legal Counsel
- ☐ Dan Strong & C.J. Taylor - C/JT Plan Director
- ☐ Terri Strong- Recorder

1. Declaration of Quorum- Chairman Warner declared a quorum.
2. Approval of Minutes- Mr. Zell made motion to approve BZA meeting minutes from November 16, 2017 as submitted. Mr. Martin second. All present in favor.
3. Public Comment-Chairman Warner welcomed public comments. No comments.
3. Old Business:

Docket#: BZA-0717-025-NC
Petitioner: Vivian Lee Investments - Frank McKeon
Property Address: 792 North Peru St.
Cicero, IN 46034

A Land Use Variance application has been submitted concerning Article 4.1 of the Cicero/Jackson Township Zoning Ordinances to allow a multi-family multilevel (2 story) residential unit to be operated in an "NC" Neighbor Commercial. Whereas a multi-family multilevel (2 story) residential unit is not a permitted use or a special exception use in an "NC" Neighborhood Commercial.

Chairman Warner asked if petitioner was present. After receiving positive confirmation, Chairman Warner explained that prior several items were not available in the previous presentation that were necessary for consideration of the variance. The items received since the last presentation are survey, site plans with 13 and 15 parking spots, maps of Savage and Vivian Lee parcels. These items will be the ones reviewed this evening. There has been a public hearing concerning this property. Chairman Warner would like to proceed with questions on the items.

Mr. Zell made motion to untable BZA-0717-025-NC to continue business. Mr. Martin second. All present in favor.

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Mr. Martin asked if a map could be shown, recalled an issue with access and neighbors, and have petitioner explain how has that been rectified. Mr. Taylor stated he could access GIS and zoom in/out. Mr. Martin stated he is concerned for accessibility. Mr. Zell stated he would like to understand the swell and back of the property, also parking and handicap parking. Voice asked what questions exactly. Mr. Strong asked for petitioner to state name for the record prior to answering.

Captain Frank McKeon 2646 236th St. Cicero. Mr. Taylor stated he drew the red lines showing on the map they are approximates. Mr. Zell stated then the building plan would extend into the swell. Captain McKeon stated the building does not extend past the existing foundation and roof line is not taller than the existing structure. Mr. Martin questioned east/west and north/south it fits exactly on existing. Captain McKeon stated that was correct. Mr. Zell stated then it would not extend. Mr. Taylor stated not for the building, parking is different. Mr. Martin asked what is the parking plan. Captain McKeon stated he has sent two options, referring to the plans. Mr. Taylor pointed to one or two stalls that would affect the swell. Captain McKeon stated being short a few spots from last meeting, development of option two was referred to. Captain McKeon stated the second one would have to be looked at for the swell. Mr. Martin questioned the number of stalls. Captain McKeon stated one plan has one more than the other. Mr. Martin questioned the access. Captain McKeon stated the ownership of the access was in question, it is a shared drive for the three properties. Discussion ensued using plans. Captain McKeon pointed to the flow pattern using the plans. Discussion of designated handicap parking was also discussed.

Mr. Zell asked for follow up the dispute on the property lines, has the proper documentation been submitted to understand where the lines are. Captain McKeon stated it is no longer a concern. Chairman Warner stated he has reviewed and is also still concerned, clear on the Savage property and his property but not the property to the south. Mr. Culp stated after reading the deeds provided there clearly is an easement on the property to the Savage property for ingress and egress. Mr. Taylor stated after reading the legal descriptions, the easement is deed to the south property, the Savage property has legal access to the easement, however, the Vivian Lee did not have legal description of access. Captain McKeon stated the surveyor states it is a road, split when was one property, allowing access to all properties. Discussion on the legal descriptions. Captain McKeon referred to Miller Survey descriptions. Monitor was used for this discussion. Mr. Taylor stated there is no legal description on the Miller Survey, which is unusual. Mr. Martin stated could make conditional on the document being produced (showing the legal description for all properties). Mr. Taylor read the title search document to the board. Further discussion by Captain McKeon on the process he has followed to this point. Mr. Taylor stated the other question he had, area showing 12ft and requirement is 14ft. for a 45-degree angle. Mr. Martin asked if building could be moved north. Captain McKeon stated possibly, would have to check on. Mr. Zell questioned which parking option now. Mr. Martin stated he didn't feel it could be decided as one has drainage concern to be figured out, possibly the second option would as well. Captain McKeon asked if it was normal to not see what is wrong prior to the meeting. Mr. Taylor stated measurements were not available prior. Chairman Warner stated front parking appears to have adequate parking. Mr. Zell expanded on those comments that the details are reviewed, and concerns are expressed here. Captain McKeon referred to drawings for what the building would look like. Mr. Zell commented on aesthetic review, Mr. Taylor stated is not in an aesthetic review area. Mr. Martin asked if any of the existing structure was to be saved. Captain McKeon stated had to review with a structural engineer, possibly the front foundation with adding on to the back. Captain McKeon went on to explain his plan to look at government funded agencies to fit the provide for either mental health patients or veterans to live there. It is not a complex for families living there as not property that would be good for children. Mr. Culp stated in looking at all deeds provided, for Vivian Lee, it is not original deed, but going back there is a deed from 1988 where the easement was created for the three

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properties. Chairman Warner asked if needed to be verified. Mr. Culp explained documents would have been attached if that was no longer the case and he is not seeing any attachments as such. Chairman Warner asked with six apartments, looking at 12 parking spaces. Mr. Taylor stated the formula, stating 13, handicap could be determined by the state release. Chairman Warner questioned if looking at the 15-space parking plan, this plan would encroach upon the swell, how do we make sure this is not an issue. Mr. Taylor stated he would have to hire an engineer then town engineer would have to approve the plan for dealing with the swell/drainage. Mr. Culp added if a solution was not found, then they would have to come back before the board for a variance. Today dealing with a land use variance. Mr. Taylor referred to the plans as questions have come up. The building could be moved to the north to get the area needed. Without a need for further variances. Applying for land use for apartments. Captain McKeon explained his vision. Mr. Strong stated would not follow the legal notice. Mr. Culp stated if it is an apartment, and not a group home which he has not heard. Captain McKeon expanded upon his vision, not as a hospice type of building but as a low-income option. Captain McKeon explained a proposal with the adjoining neighbors, to eliminate the grass spot between. Mr. Martin explained that not for tonight's discussion, but need for trash removal and getting as much space as can. Mr. Taylor expanded upon this topic, for discussion with the engineer. Mr. Zell asked if going with option 2 on parking. Captain McKeon stated he wasn't sure. Mr. Zell and Chairman Warner stated for this process, details do need to be nailed down. Captain McKeon expressed his concern for getting a green light before investing more money. Mr. Berry expressed concerned for lack of details regarding swell. Mr. Martin commented would be doing additional engineering research. Mr. Culp stated the issue before us is for land use, not a variance on building. Mr. Taylor asked for clarification, if the board says yes you can use for this, that is not approving the parking lot. Captain McKeon stated the approval for use would give enough to get partner to take next steps with engineer. Chairman Warner asked if further questions. Mr. Zell asked if contingents could be engineering approved or what else. Chairman Warner answered if get to voting tonight, parking, confirmation of access, options for building to meet the parking would all be possible.

Chairman Warner stated have had fair amount of information presented that was not known prior. Called upon C.J. (Mr. Taylor) to address petition received, and questioned the procedure for this. Mr. Culp stated can just ask. Chairman Warner asked Mr. Taylor how many signatures, answer was 14. Different addresses, with 11 different addresses. Chairman Warner asked for Mr. Taylor to read the letter. Letter was read and entered as part of the file. Summary of petition: against changing property from a two-business dwelling to a 6-apartment building 12 bedrooms/14 parking stall. Reasons given: lack of security, 24/7 traffic flow, noise, and changing neighborhood, support by voting no to the petition signed by 14 signatures. Cover letter was also included, from Mr. Blazier also asking for the stop of the project.

Actual letter and petition entered into the file.

Chairman Warner verified that of the 12 signatures were not at any public meetings. Mr. Berry stated the letter writer has. Chairman Warner stated didn't recall anyone else speaking out. Mr. Taylor stated the petition and letter were received after the public hearing was closed. There were individuals at the public hearing.

Chairman Warner asked if other questions from board, or ready to proceed. Mr. Martin would be good to do something with the property and impressed with the concept presented tonight, multi-family dwelling is allowed as a special exception. Chairman Warner stated a lot of information in last 24 hours, is there something else we are requiring for review. Mr. Bockoski stated the other items would be either in compliant or we would see Captain McKeon back for review/variance.

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Chairman Warner reminded everyone that each motion is made in the affirmative, prior to roll call vote. Mr. Zell stated as others have indicated, CJ will need to review and engineering as well, and parking plans. Mr. Martin asked for clarification, Mr. Berry reminded of land use variance and everything else must follow building standards. Mr. Culp stated they would have many chances to review plans. Mr. Taylor stated and the state review. Mr. Taylor encouraged board members to use findings of facts forms. Further discussion among board. Mr. Culp stated still must comply with ordinances.

Mr. Zell made motion to approve Docket # 0717-025-NC Land Use Variance, contingent on proper oversight by plan director, compliance of ordinances, proper oversight on parking compliances, and state of Indiana regulations, (amended) before full approval is granted proper confirmation of easement presented, (amended) and any other variances reviewed for compliance. Mr. Martin second.

Mr. Strong indicated need for addition of potential ordinances so amended above.

Mr. Bockoski-yes, Mr. Martin-yes, Mr. Berry-yes, Mr. Zell-yes, Mr. Warner-yes. Motion for land use variance is approved.

are
Chairman Warner stated next item on agenda is 10 docket numbers, land use variance has been granted however 10 variances to be reviewed. Chairman Warner stated voting would be individual docket numbers, however would prefer petitioner to walk through project to understand project as a whole.

Petitioner: Kent Steury,

Docket#: BZA-1017-031-NC
Petitioner Kent Steury
Property Address: 0 E. 236th St. - Jackson Township
Cicero, IN 46034

A development standards variance has been submitted concerning Article 7.5, AS-02 of the Cicero/Jackson Township Zoning Ordinances to: Exceed maximum number of accessory structures allowed in an "NC" district.

Chairman Warner stated voting would be individual docket numbers, however would prefer petitioner to walk through project to understand requests.

Petitioner: Kent Steury, 21820 Cammack Rd.

Mr. Culp stated under old business, weren't they all tabled last meeting action would need to be taken.

Mr. Zell made motion to untable all 10 Dockets before us involving Kent Steury at 0 E. 236th -Jackson Township. Mr. Martin second. All present in favor.

Chairman Warner, description stands as above would like to walk through with Mr. Steury and if assistance is needed. Also present is: Matt Maple, HWC Engineering, 135 Pennsylvania St. Indianapolis.

Chairman Warner read the first and second dockets, number of accessory structures in "NC" district and number of accessory structures in a "R3" district please explain the need.

Mr. Steury applied for concept and now coverage number of percentage, with business plan need the square footage requesting. Mr. Maple explained the plan is the same as before but now the purpose is to come back and clean up details ensure compliance with ordinances.

Chairman Warner asked how many accessory structures. Mr. Steury answered six separate buildings.

Docket#: BZA-1017-032-R3



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Petitioner Kent Steury
Property Address: 0 E. 236th St. - Jackson Township
Cicero, IN 46034

A development standards variance has been submitted concerning Article 7.5, AS-02 of the Cicero/Jackson Township Zoning Ordinances to: Exceed maximum number of accessory structures allowed in an "R3" district.

Docket#: BZA-1017-033-NC
Petitioner Kent Steury
Property Address: 0 E. 236th St. - Jackson Township
Cicero, IN 46034

A development standards variance has been submitted concerning Article 4.2 of the Cicero/Jackson Township Zoning Ordinances to: Exceed maximum allowable lot coverage of 60% in an "NC" District.

Docket#: BZA-1017-034-R3
Petitioner Kent Steury
Property Address: 0 E. 236th St. - Jackson Township
Cicero, IN 46034

A development standards variance has been submitted concerning Article 3.8 of the Cicero/Jackson Township Zoning Ordinances to: Exceed maximum allowable lot coverage of 45% in an "R3" District.

Chairman Warner read the next Dockets, referring to lot coverage. Mr. Bockoski stated you had different percentages. Mr. Steury stated problem is the change of the zoning, buildings would cover 95% of south the NC, and 50% of north R3, which is 66% of the total lot coverage. Questions arose concerning pond.

Docket#: BZA-1017-035-NC
Petitioner Kent Steury
Property Address: 0 E. 236th St. - Jackson Township
Cicero, IN 46034

A development standards variance has been submitted concerning Article 4.2 of the Cicero/Jackson Township Zoning Ordinances to: Exceed maximum allowable lot depth of 2 times the lot width in an "NC" District.

Chairman Warner asked if anything specific to this one. Mr. Steury stated no.

Docket#: BZA-1017-036-R3
Petitioner Kent Steury
Property Address: 0 E. 236th St. - Jackson Township
Cicero, IN 46034

A development standards variance has been submitted concerning Article 3.8 of the Cicero/Jackson Township Zoning Ordinances to: Exceed maximum allowable lot depth of 2.5 times the lot width in an "R3" District.

Docket#: BZA-1017-037-NC
Petitioner Kent Steury
Property Address: 0 E. 236th St. - Jackson Township
Cicero, IN 46034



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A development standards variance has been submitted concerning Article 4.2 of the Cicero/Jackson Township Zoning Ordinances to: Exceed maximum allowable floor area of 6,000 square feet in an "NC" District.

Docket#: BZA-1017-038-NC
Petitioner Kent Steury
Property Address: 0 E. 236th St. - Jackson Township
Cicero, IN 46034

A development standards variance has been submitted concerning Article 4.2 of the Cicero/Jackson Township Zoning Ordinances to: Exceed maximum allowable lot area of 30,000 square feet in an "NC" District.

Chairman Warner asked if specifics to these two variances. Mr. Steury stated building total square footage of all buildings is 33000 square feet, total lot area 140000.

Docket#: BZA-1017-038-NC/R3
Petitioner Kent Steury
Property Address: 0 E. 236th St. - Jackson Township
Cicero, IN 46034

A development standards variance has been submitted concerning Article 7.13, PK-03 of the Cicero/Jackson Township Zoning Ordinances to: Allow paving to take place in phases as the storage units are constructed.

Chairman Warner asked if any questions or specifics to this variance. Mr. Steury stated in aesthetics review, this was a topic they offered up or wanted to see done, allowing to let stone settle prior to paving, no reason to pave and then repave, paving as project is built out. Mr. Maple stated the commitment was with first two buildings, paving. Mr. Strong stated the issue is the ordinance states all paving is to be done within one year. The issue came into play that the total project will not be done in one year since doing in three phases. So, it was discussed in the aesthetic review process to pave as each phase was completed, however is totally up to the BZA to agree to that. Mr. Taylor stated the first two buildings would be phase one, and not pave until next set of buildings are done. Monitor was used to discuss the phases. Mr. Steury indicated the phase one would be the building parallel to 236th and two storage units. As finances allow then to finish the next phase, love to do in two phases. Mr. Bockoski sure you have done homework so total time for the project; do you have an estimate. Mr. Steury stated after the initial, two years. The back section of an acre, acre and a half would be wooded.

Docket#: BZA-1017-038-NC/R3
Petitioner Kent Steury
Property Address: 0 E. 236th St. - Jackson Township
Cicero, IN 46034

A development standards variance has been submitted concerning Article 5.9, J of the Cicero/Jackson Township Zoning Ordinances to: Allow Non-Gable roofs to be constructed on the storage units located behind the primary structure.

Chairman Warner asked if any questions on this variance and to explain it. Mr. Steury explain more affordable to do the gable on the office building, and shed roofs on the storage units. Chairman Warner asked

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if had images of the differences. Mr. Strong shared photos. Mr. Culp asked if actual buildings. Mr. Steury stated 112 roof pitch on pictures shown.

Chairman Warner stated have gone thru rather quickly, are there any questions. Mr. Zell stated on the last variance on the gable, this is a major site for the west gateway, ordinance is pretty clear on what is preferred, not sure how hard and fast you are set on.

Mr. Steury stated not hard fast, but with fence and trees the goal would be out of sight, you would see the side not the gable. Mr. Maple stated did beef up the landscape plan. Mr. Taylor did express a concern, according to the architectural standards is a 712, accessory structure. Mr. Taylor stated asking for variance to get away from gable, however read the ordinance. The standard 712 doesn't specify primary or secondary, however 15/45 degree is for a secondary structure. Mr. Steury gave information for roof pitches, would not be room to do a 712 roof on the buildings. Discussion ensued. Mr. Steury stated not hung up didn't want to do the gable. Mr. Martin clarified that the shed roof doesn't meet the 15/45 either, so would need to go back to gable or achieve 15/45.

Chairman Warner to go back to the paving, clarifying the ordinance. Mr. Taylor stated immediately is required upon completion of build. Mr. Taylor asked if Mr. Strong or any board member remembered what was discussed. Mr. Maple explained building of phase 1 then pave, start phase 2 when complete then pave phase 2, same for phase 3. Mr. Steury stated all the earth work would be done at once. Mr. Berry asked further questions, access to phase one, phase 2 would not be dirt. Mr. Maple stated no. Mr. Berry asked about security, is there a fence for phase one, or whole thing. Mr. Taylor stated discussed this also, confusing.

Mr. Maple stated temporary fence for each section. Mr. Culp asked if plastic, or what kind of temporary fence. Mr. Steury answered chain link fence would be the temporary fence during construction.

Chairman Warner stated need to open public hearing. Mr. Culp suggested that one public hearing since no remonstrators present would be acceptable for all variances.

Mr. Zell made motion to open public hearing for all 10 development standards variances. Mr. Berry second. All present in favor.

No public comments.

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

Chairman Warner asked if further questions. Mr. Berry expressed concern for the roof visibility while the landscaping grows, shared concerns with appearance of the entry of the Town of Cicero. Chairman Warner had a question on that as well as the paving which was answered as the project went along. Mr. Strong stated before motions have a couple of comments: one is the front office building, clarifying since it would not be utilized as an office, commitment that it would be built as part of the first two buildings this came thru the aesthesis and the front building to act as a screen. Second is the landscaping on the front of the building and not sure how the phasing would be addressed on the landscaping, just a couple of comments for the board. Mr. Steury would like to plant trees right away to the back, if feasible with equipment moving but the front yes. Mr. Bockoski stated would like to ask petitioner to complete the landscaping and fencing completed as the buildings are completed. As far as the front, would like to see the front package 100% completed as the plan, giving a finished look and screening of the storage areas. Mr. Zell stated coming back to earlier petition, talking about development standards how far do we go. Mr. Taylor stated from his office perspective, the detail is helpful. Personal opinion certainly the landscaping and fencing as they complete phasing, with the first building being done first makes it easier for the office. Chairman Warner the one item that addresses phases is number 9, should conditions be on all or on one. Mr. Culp suggested going in order and attaching to number nine.

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Chairman Warner asked for motions starting with 031. Mr. Zell made motion and rescinded due to wrong page.

Mr. Zell made motion to approve BZA-1017-031-NC as presented. Mr. Martin second.

Mr. Bockoski-yes, Mr. Martin-yes, Mr. Berry-yes, Mr. Zell-yes, Mr. Warner-yes. Motion passed 5-0.

Mr. Martin made motion to approve BZA-1017-032-R3 as presented. Mr. Zell second.

Mr. Taylor asked if commitments could be added to this motion for front building, landscaping, paving as this makes the most sense. Chairman Warner agreed.

Mr. Martin amended the motion to approve BZA-1017-032-R3 with the following commitments: the landscaping to be completed with the completion of the first three buildings, the fencing done in phasing, in addition the construction of the front building to be completed in phase one. Mr. Zell second.

Mr. Martin-yes, Mr. Berry-yes, Mr. Zell-yes, Mr. Warner-yes, Mr. Bockoski-yes Motion passed 5-0.

Mr. Zell made motion to approve BZA-1017-033-NC as presented. Mr. Martin second.

Mr. Berry-yes, Mr. Zell-yes, Mr. Warner-yes, Mr. Bockoski-yes, Mr. Martin-yes. Motion passed 5-0.

Mr. Martin made motion to approve BZA-1017-034-R3 as presented. Mr. Berry second.

Mr. Zell-yes, Mr. Warner-yes, Mr. Bockoski-yes, Mr. Martin-yes, Mr. Berry-yes. Motion passed 5-0.

Mr. Berry made motion to approve BZA-1017-035-NC as presented. Mr. Martin second.

Mr. Warner-yes, Mr. Bockoski-yes, Mr. Martin-yes, Mr. Berry-yes, Mr. Zell-yes. Motion passed 5-0.

Mr. Martin made motion to approve BZA-1017-036-R3 as presented. Mr. Berry second.

Mr. Bockoski-yes, Mr. Martin-yes, Mr. Berry-yes, Mr. Zell-yes, Mr. Warner-yes. Motion approved 5-0.

Mr. Zell made motion to approve BZA-1017-037-NC as presented. Mr. Berry second.

Mr. Martin-yes, Mr. Berry-yes, Mr. Zell-yes, Mr. Warner-yes, Mr. Bockoski-yes. Motion approved 5-0.

Mr. Martin made motion to approve BZA-1017-038-NC as presented. Mr. Zell second.

Mr. Berry-yes, Mr. Zell-yes, Mr. Warner-yes, Mr. Bockoski-yes, Mr. Martin-yes. Motion approved 5-0.

Mr. Berry made motion to approve BZA-1017-039-NC/R3 as presented allowing paving to be completed in phases as construction of storage units is completed. Mr. Martin second.

Mr. Zell-yes, Mr. Warner-yes, Mr. Bockoski-yes, Mr. Martin-yes, Mr. Berry-yes. Motion approved 5-0.

Mr. Zell asked for clarification, still concerned with the shed roof or lean-to type of construction on this, knowing the landscaping will shield however would like to see a nice standard set for this type of construction. Chairman Warner asked if any other discussion. Mr. Berry stated he would like to reinforce that, potentially other units in the area and we are setting precedence here. Further discussion on motion process, affirmative motions.

Mr. Zell made motion to approve BZA-1017-040-NC/R3 as presented allowing non-gable roofs to be allowed. Mr. Martin second.



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Mr. Warner-no, Mr. Bockoski-no, Mr. Martin-no, Mr. Berry-no, Mr. Zell-no. Motion did not carry 0-5, which means gables are required.

Clarification from Mr. Steury, 15% is required. Answered was yes. Petitioner was referred to Mr. Taylor for further information.

6. Plan Director's Report: Mr. Taylor stated enclosed in packet. No changes to the report. Mr. Taylor will be happy to address any questions or concerns you may have. Have started attending classes, they are included in the report. Last class was on annexation, subdivision control.

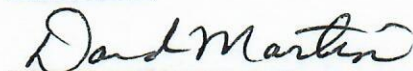
8. Legal Counsel's Report: Chairman Warner stated due to work related issues will need to step down from full participation, would be willing to be an alternate. First three months, travel is in the meeting weeks. Expressed concern for next steps. Mr. Culp stated next meeting in January would need to elect new president, and perhaps by then council will have replacements named. Question rose on how many replacements needed, Mr. Zell is an alternate filling in for Mr. Strong. Mr. Berry asked about Mr. Strong's status. Depending on information from Mr. Culp on Mr. Strong's responsibilities in January. Chairman Warner stated not what he wanted to do, but to be absent for first quarter or longer is not fair. Mr. Strong from the planning department, not speaking for Mr. Taylor, happy you are willing to stay on as alternate.

9. Board Member Comments: Mr. Berry commented on first day of winter, days getting longer. Mr. Bockoski thanked board for tolerance with lack of voice.

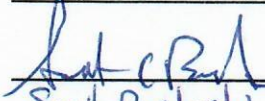
10. Next Planned BZA Meeting: January 18, 2018 at 7:00 pm

11. Adjournment: Mr. Zell made motion to adjourn. Mr. Martin second. All present in favor.

Signatures:



David Martin - 2017 Chairman



Scott Bockoski - 2017 Secretary

Date: 1-18-18

Location:

Cicero Town Hall
70 N Byron Street
Cicero, IN 46034



CICERO / JACKSON TOWNSHIP BZA

**CICERO / JACKSON TOWNSHIP BZA MEETING
THURSDAY, DECEMBER 21, 2017
7:00 P.M.**

Please print your name, address, and sign in:

KENT STEURY 21820 Cammack Rd. Nashville TN 37062
MATT MAPLE 135 PENNSYLVANIA ST SUITE 200 INDY 46204