



# CICERO / JACKSON TOWNSHIP BZA MEETING

## BZA Meeting Minutes

July 20, 2017

7:00 p.m.

### Roll Call of Members

#### Present:

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

#### Absent:

Tom Warner

1. Declaration of Quorum: President Martin declared a quorum.
2. Approval of Minutes  
Mr. Berry made motion to approve minutes from May 2017 meeting. Mr. Bockoski second. All present in favor.
3. Public Comment: No comments made.
4. Old Business

Docket #: BZA-0417-017-R3

Petitioner: James Fishman

Property Address: 1300 Lighthouse Point  
Cicero, IN 46034

Petitioning for a Land Use Variance to allow a home office (required) to apply for a Federal Firearms License, retail sales and to maintain records on premises in an "R3" Residential District whereas this is not a permitted or special exception use in the "R3" Residential District.

Mr. Zell made motion to un-table BZA-0417-017-R3. Mr. Berry second. All present in favor.

Update from Director requested. Mr. Taylor responded in lieu of lack of petitioner response recommend removing from docket.

Mr. Zell made motion to dismiss BZA-0417-017-R3 from docket. Mr. Bockoski second. All present in favor.

Docket #: BZA-0717-018-AG

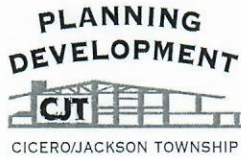
Petitioner: Beck's Superior Hybrids

Property Address: 6868 E. 276<sup>th</sup> St. Atlanta, IN 46031 (Jackson Twp.)

Land Use Variance: petition concerning (Article 3.1) of the Cicero/Jackson Township Zoning ordinances to: Allow for a solar field to be installed in an "AG" Agricultural District, whereas a solar field is not a permitted or special use in an "AG" Agricultural District.

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





## CICERO / JACKSON TOWNSHIP BZA MEETING

President Martin asked for petitioner if present to step forward.

Mr. Todd Marschand with Beck's Hybrids 6767 E. 276<sup>th</sup> St. Atlanta, IN 46031 also present is Mr. Jim Stranter(?) specialist on solar fields. Packets were handed out with maps for locations, with descriptions referred to by Mr. Marschand. Five acres of farm ground is being proposed for use on this project to be completed by December 31, 2017. President Martin questioned that there is a deadline on construction. Mr. Marschand stated yes, there is possibility of an extension but currently a deadline. Proposing 132 units, each is 13ft.x 45 ft. with 17 feet grass pathway. Manually adjusted four times per year. Example from Tipton Co. Jim Overdorf field shared. Continued explanation of pages presented. Mr. Marschand referenced drainage review by Mr. Conover approving the 8-9 in diameter cement circles for legs, minimal impact for drainage. Mr. Zell questioned if each panel required its own concrete slab, in relationship to drainage conversation. Mr. Marschand answered no, just the leg bases. Mr. Zell asked who would be doing the install. Mr. Stranter is with AG Technologies from Rochester will be doing the install.

Mr. Berry questioned battery storage. No battery storage. Mr. Berry referenced changing position. Mr. Marschand answered manual adjustments will be made. Mr. Berry asked where product is coming from. Mr. Stranter answered Oregon, some parts from California, voltage is less with this system. Anything exposed will be in conduit. Conduit will be underground and on back side of panel. Mr. Zell questioned fencing in picture only on two sides. Mr. Marschand answered that is existing. Concern for safety discussed. Voltage and conduit placement were referenced along with code. President Martin asked life span of units. Mr. Stranter answered guarantee of 25 years. President Martin asked maintenance of area more required besides spraying of weeds etc. Mr. Marschand stated that was pretty much it. Mr. Zell asked what the field would be lowering. Mr. Marschand stated a portion of the research facility on the north side. President Martin asked if neighboring issues, glare etc. Mr. Stranter stated in some counties.

Mr. Zell asked Director Taylor if proper notices were filed since public hearing is required. Mr. Taylor stated yes all was complete, and a question for Mr. Stranter. Is there state approval process that this must go thru for construction. Mr. Stranter answered is some counties the stand must be reviewed. Mr. Bockoski questioned the water shed, need of swells or ditching. Mr. Stranter answered the area between is of size to assist with even distribution of water, without ditching. Further discussion.

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

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

President Martin asked if further comments from board members. Hearing none, requested motion.

**Mr. Zell made motion to approve BZA-0717-018-AG as presented. Mr. Bockoski second.**

**Vote as follows: Mr. Zell-yes, Mr. Bockoski-yes, Mr. Berry-yes, Mr. Martin-yes. Motion passes. 4-0.**

**Docket #: BZA-0717-021-AG**

**Petitioner: Beck's Superior Hybrids**

**Property Address: 27708 Gwinn Rd., Atlanta, IN 46031 (Jackson Twp.)**

**Development Standards Variance: Application submitted concerning Article 3.2 "AG" Agriculture District Standards, "Minimum Side Yard Setback: 35 feet for Secondary Structure and Minimum Rear Yard Setback: 35 feet for Secondary Structure" of the Cicero/Jackson Township Zoning Ordinances to: Decrease**





## CICERO / JACKSON TOWNSHIP BZA MEETING

*aerial*

rear yard setback from the required 35 feet to 15 feet. Also, to decrease the side yard setback from the required 35 feet to 0 feet.

Mr. Zell asked for clarification if this was for additional research facility. Answer was for pole barn for storage. Mr. Todd Marschand Beck's Hybrids 6767 E. 276<sup>th</sup> St. Atlanta, packets handed out. Explanation of information handed out at intersection of 276<sup>th</sup> and Gwinn Rd. Aerial photo shows where a 40x80 pole barn structure, on existing stone is proposed. Project has been approved by drainage board on the existing stone. Mr. Marschand stated Mr. Weichel neighbor to the southwest, concern with drainage. Photos showed new tile to assist with drainage. President Martin asked if field tile will go into another tile. Discussion ensued. President Martin summarized that structure will have downspouts to take everything underground. Mr. Marschand confirmed yes. Mr. Berry asked why the need for variance on setback on 0. Mr. Marschand answered the adjoining property is theirs as well on that side. Storage of lawn mowers and such is need. President Martin asked if other questions from the board.

Mr. Taylor asked with addition of building would there be more employee parking. Mr. Marschand stated should be the same as existing, the grounds crew. Mr. Taylor stated he received a call from a neighbor concerned with parking in the drive beyond the house. Mr. Marschand explained they would make sure parking was in the lot not on the drive.

President Martin questioned the ownership. Mr. Marschand stated it was not titled in the same way. Discussion ensued.

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

Pay Adler 28011 N. Gwinn Rd. property to the east, and chief downstream water receiver. Beck's have done a tremendous job in last few years improving drainage situation. And encourage to support because believes that proposed project will improve situation further and is in favor.

Larry Butcher 7280 E. 276<sup>th</sup> Atlanta, discussed project with Mr. Marschand and with Mr. Sonny Beck. Concern that parking will be on both sides of drive, due to additional dust in area. Also concern for view, would like to see a privacy fence. Concern for property value with a zero line.

President Martin asked for showing area on drawings. Mr. Butcher agreed the drainage would improve. President Martin showed the zero is on another area on the drawings for this petition.

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

**Mr. Zell made motion to approve BZA-0717-21-AG with special conditions as follows: that all efforts will be made concerning dust issues and all efforts made for drainage to not adversely affect neighbors**

**Mr. Bockoski second.**

**Mr. Zell-approve, Mr. Bockoski-approve, Mr. Berry-approve, Mr. Martin-approve. Motion passed variance approved.**

**Docket #: BZA-0717-019-AG**

**Petitioner: Joel Phillips**

**Property Address: 2020 East 256<sup>th</sup> St., Arcadia, IN 46034 (Jackson Twp.)**

**Land Use Variance: Application submitted concerning Article 3.1 of the Cicero/Jackson Township Zoning Ordinances to: Allow for an event venue rental business to be operated in an "AG" Agricultural**





## CICERO / JACKSON TOWNSHIP BZA MEETING

**District, whereas the ordinance states an event venue rental business is not a permitted or a special exception use in an "AG" Agricultural District.**

Joel Phillips and wife Holli, 2020 E. 256<sup>th</sup> St. Arcadia. Papers handed out. Seeking variance to restore historic barn for use of building an event business. Looking to have facility for private and public events. Mr. Phillips continued by stating his primary job is a pastor and events would be on weekends mainly, however not interested in late night. Looking for events primarily on Friday and Saturday. Improvements to property would be landscaping and relocating secondary drive away from current homes. Restrooms and drainage will be reviewed as well.

Pictures were reviewed for placement of barn and drives. Mr. Zell asked when target time for operations. Mr. Phillips stated late spring. Mr. Zell asked for details if possible for events and hours of operations, as examples. Mr. Phillips stated thoughts were close up at 10 p.m. on weddings. Mr. Martin asked what other types of events besides weddings. Mr. Phillips answered church events, birthday celebrations. Mr. Zell asked for details on renovations. Mr. Phillips answered has researched with health department requirements, so restrooms and the drive are the two main concerns presently. Mr. Berry questioned historic of old barn. Mr. Phillips stated 1940, so old barn. Mr. Berry stated he thought there were boats stored in area. Mr. Phillips indicated the previous owners did store boats, there are trailers currently but contracts are up in September and the people paid thru September to the previous owners so he was waiting until then.

Mr. Berry also asked if drive will be lit. Mr. Phillips stated he had not determined what he would be doing, concern for safety as well as the neighbors and country setting. Barns are to the back of the building. Mr. Berry verified the road is same as Wilsons Farm Market, therefore fair amount of traffic. Mr. Phillips stated that was correct, 256<sup>th</sup> St. Mr. Zell asked about alcohol being served. Mr. Phillips stated he is not looking at commercial kitchen, so he will be looking at requirements for necessary licenses for business. Mr. Zell encouraged Mr. Phillips to do his research. Mr. Phillips stated that is one reason for the limit to hours. Mr. Zell questioned if looking for a new road cut. Mr. Phillips answered he was aware that would need to go before the highway department if they determined to do a different drive and they are here casting vision for land use variance. Mrs. Phillips stated they are working with companies that are leading thru process, land use being necessary. Mrs. Phillips shared numerous specialists they are working with to get the answers they need to take proper steps.

Mr. Zell expressed concern to President Martin and Directors, for the details and what would they be approving tonight. President Martin stated he didn't think they had enough information example the parking lot doesn't appear to scale on the drawing. Mr. Taylor answered to the Board, if the petitioner received approval tonight they would not be required to come before this board in the future. The board would not be able to go back and change anything presented. Mr. Strong stated they are here for a commercial venue in an AG district and not under aesthetic review so they would not be back. Mr. Strong stated he believed the Board could require commitments based on what they have seen, but the purpose is to allow land use. Mr. Culp verified that Mr. Strong was correct with the commitments, conditions could be hour of operations, parking lot, etc. Mr. Zell went on to explain the parking lot. Mr. Bockoski stated he felt there were several items that the petitioner just doesn't have specific details on that make it hard to approve without conditions. Mrs. Phillips stated she knew they were a bit premature in seeking, but didn't want to go further with construction costs and such if not approved, stating approximately \$20,000. President Martin asked if it was a hardship if the approval was delayed 30 days to discover more and gain answers. Mrs. Phillips answered the





## CICERO / JACKSON TOWNSHIP BZA MEETING

architects and others looking for payment before details are finished, so they would be out the \$20,000 if not approved. Mr. Culp asked if they were given 30 days to determine what they would want to do, hours of operations and other items mentioned, without paying and without the board determining for you could they have answers. President Martin stating coming back would be no cost to them if in 30 days. Mrs. Phillips stated they were comfortable with some of the decisions like hours since they would be by appointment however, others they are looking for information and requirements from the experts.

Mr. Zell stated he would recommend tabling for answers. Mrs. Phillips asked what other questions. President Martin stated road cut, drainage, square footage for parking, lighting, parking, restroom, drive. Mr. Culp stated not looking for colors and design. Mr. Taylor asked if it would be possible for the board members to email him the items they have questions on, and he could assist the petitioner. Mr. Culp stated that answers could not flow both ways. Mr. Strong stated Mr. Taylor would be happy to assist the petitioner in the questions that are needing defined, music, signage, etc.

Mr. Bockoski asked if public comment would be helpful to petitioner and could it be done a second time. Mr. Culp answered no reason the board could not. Mr. Culp asked if anyone from the public was here for this petition. Further discussion.

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

Steve Hammond 1955 E. 256<sup>th</sup> St. Arcadia, directly across the street. Like the Board, he would like to see more information on this project. While not against, is concerned with sound and lighting. Shared this he believed the barn was the first in state to have an elevator in a barn even though it is not a historic barn.

Mr. Culp advised the procedure is to not close the public hearing as part of the motion.

**Mr. Zell made motion to table BZA-0717-019-AG until August meeting with understanding that public hearing will continue with the petition. Mr. Bockoski second.**

**Mr. Zell-yes, Mr. Bockoski-yes, Mr. Berry-yes, Mr. Martin-yes. Motion passed, petition tabled.**

Mr. Culp advised that notice was complete. Mrs. Phillips asked if legal notice needed to be done again. Mr. Strong stated not needed and Mr. Taylor would be happy to assist further with your questions.

**Docket#: BZA-0717-020-AG**

**Petitioner: Doug Braly/Leading Properties, LLC, owner of Rockin A Farms, LLC**

**Property Address: 21955 Anthony Road (approximate) Cicero, IN 46034 (Jackson Twp.)**

**A Development Standards Variance application has been submitted concerning Article 3.2 "AG"**

**Agriculture District Standards- "Minimum Lot Frontage: 180 feet on a Public Street with access from said Public Street (only if used for a building site for primary or secondary structures)" of the Cicero/Jackson Township Zoning Ordinances to: Allow proposed lots #9 and #10 of Anthony Meadows subdivision to be accessed from a private drive with no frontage on a public road.**

President Martin welcomed the petitioner to the front.

Duane Sharrer, Weihe Engineers, 10505 N. College Ave, Indianapolis. Also present the property owner, Doug Braly. Shared an exhibit for the project with the board. Filed a primary plat for this project to develop 42 acres for 10 lots, eight have frontage and two lots do not. Now seeking variance with this petition for a private drive for the two lots. Indicated in green and red on the exhibit. Previous meetings with the sketch plan, three lots became two per the highway department concerns and regulations.





## CICERO / JACKSON TOWNSHIP BZA MEETING

Mr. Zell stated to President he had reviewed this as part of the Planned Commission. Had reviewed the sketch plan for the subdivision. President Martin verified that lots 1-8 would not use this drive. Mr. Sharrer stated correct, answered that the drive he believed was only required to be gravel. Mr. Berry stated his impression of upscale subdivision as described would be paved drives. Mr. Berry continued with questions around common area and road. Mr. Sharrer stated it is common simply because more than one person would have access and would be maintained thru the covenants. Mr. Zell agreed that he assumed the drives would be paved in a major subdivision, asking Mr. Strong or Mr. Taylor if there are regulations pertaining. Mr. Strong stated he reviewed and it could be a commitment if the board so chooses. President Martin asked about the square footage of the homes per vision. Mr. Braly answered approx. 2000 sq. ft. \$350-450,000 homes not sure if requiring asphalt. Mr. Bockoski asked if ending in a cul-de-sac or fingering to the drives. Mr. Braly answered correct no cul-de-sac. Mr. Bockoski questioned placement of drive and relationship to lot #3 being dangerous, the traffic on Anthony and Gifford is fast and slope of road causes sight concerns. Question is that going to be developed to improve sight lines making less dangerous than current. Mr. Sharrer answered one of the requirements from County Surveyors is development of roadside ditches that are not there now, this would improve the sight concern. Mr. Taylor asked drive for lot #3 accesses from which road. Mr. Sharrer answered depends on homeowner to determine home placement and drive. Mr. Taylor answered there are standards for driveway separation. Mr. Strong to answer further Mr. Zell's question on paving, most of the ordinances are for major subdivision projects within corporate limits of town. The AG district standards are ED-01 which applies, ED-03 applies to R-1, R-2, and R-3 which requires paved drives. A minor subdivision does require paved streets but does not apply in this case.

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

Fred Martz 3340 Gifford Ave, Cicero, neighbor, expressed his disapproval for the project. The land was Martz family and lost it, had several conversations with the petitioner about use of land and does not understand why you would put a town in the country. He has been asked to trade land or buy him out he doesn't understand why you would put these homes on small acreage. Mr. Martz indicated his address on the photos and the fact that there is a blind hill.

**Mr. Berry made motion to close public hearing. Mr. Bockoski second. All present in favor.**

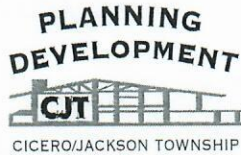
President Martin asked if any further board questions or discussion. Mr. Zell stated he felt the strong feelings of Mr. Martz however, there is precedent in the area for home development on land not in the Martz family. While sympathetic, doesn't sway opinion of project and previous approvals. Mr. Taylor clarified that they have been approved only for sketch plans with Plan Commission and still must come for primary plat approval, and county approvals and secondary plat. There are further processes to go thru. Mr. Zell understood.

**Mr. Berry made motion to approve BZA-0717-020-AG. Mr. Zell second.**

**Mr. Zell-in favor, Mr. Berry-approve, Mr. Bockoski-in favor, Mr. Martin-approve. Motion passes 4-0.**

5. Plan Director's Report: Mr. Taylor presented printed report. Permit Fees from June 2016 to 2017 increase of \$1865.00, does not include plat. Process for violations working well details on report. New items upcoming with Beck's. New vehicle coming, thank you to Chief Hildebrand for help with the pricing. Thank you to Dan as well appreciate his continued help, grasping well and still more to learn and Dan helps as you saw tonight. Mr. Taylor addressed a complaint to the Town Council. Mr. Strong stated the complaint was rectified, and while determined unfounded, still dealt with by the department. Mr. Bockoski





## CICERO / JACKSON TOWNSHIP BZA MEETING

stated to Mr. Taylor he appreciated the communication being given to the board, feels he is informed. Mr. Zell stated this is huge improvement from previous years. Mr. Taylor appreciated the latitude being given by the boards to deal with violations one-on-one, 99.9% of the time it has been able to be resolved amicably. Mr. Taylor stated he is working on the websites and Facebook pages being informative and planning an educational seminar in the winter.

6. Chairman's Report: Mr. Martin questioned the board situation with members. Mr. Strong stated Mr. Baker's position was filled by Mr. Bockoski, Mr. Strong will return to his position when approved by Mr. Culp, Mr. Zell is filling in for that presently. Mr. Warner was out of town tonight, and as previously warned will need to monitor this aspect. Mr. Strong did share that Mr. Zell questioned if officers had to wait until end of year to be elected or could a mid-year election take place. Mr. Culp answered can reelect new officers at any time especially when losing a president. This could take place tonight or next meeting. Mr. Martin stated he is fine to continue for next few. Discussion ensued. Mr. Martin stated perhaps waiting until the end of year would be best unless Dan has returned prior. Mr. Zell encouraged getting to a full board due to the number of items that being reviewed. Mr. Taylor indicated there were currently 7 Dockets for August.

7. Legal Counsel's Report: No report.

8. Board Member Comments: Mr. Berry stated he may not be at next meeting due to trip west.

10. Next Planned BZA Meeting:

August 17, 2017

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

### Signatures:

\_\_\_\_\_  
\_\_\_\_\_- 2017 Chairman

\_\_\_\_\_  
\_\_\_\_\_- 2017 Secretary

\_\_\_\_\_  
\_\_\_\_\_- Recorder

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

### Location:

Cicero Town Hall  
70 N Byron Street  
Cicero, IN 46034