

**BZA Meeting Minutes**  
**May 23, 2019**  
**7:00 p.m.**

**Roll Call of Members:**

Present:

Brad Baker  
Mike Berry  
Scott Bockoski  
David Martin  
Dennis Schrupf  
Aaron Culp-Legal Counsel  
C.J. Taylor- C/JT Plan Director  
Terri Strong-Recorder

1. Declaration of Quorum-Chairman Martin declared a quorum with 5 members present.
2. Approval of Minutes-  
**Mr. Baker made motion to approve minutes from April 18, 2019. Mr. Berry second. All present in favor.**
3. Public Comment-Chairman Martin asked for public comment for any items not on the agenda. No comments.
4. Old Business-None
5. New Business

**Docket#:** BZA-0419-017-AG

**Petitioner:** Michael Brown 161 Baylee Circle, Noblesville

**Property Address:** 24195 Cal Carson Road, Cicero, IN 46034

A Development Standards Variance application has been submitted concerning Article 7.5 B. AS-02, 3 of the Cicero/Jackson Township Zoning Ordinance in order to: allow an accessory structure to be located in front of a primary structure. Whereas; Article 7.5 B. AS-02, 3 states that an accessory structure shall only be located to the rear or side of the primary structure.

Chairman Martin welcomed petitioner to front and asked for monitor to be utilized. Michael W. Brown 161 Baylee Circle, Noblesville. Wanting to build a storage structure on the front side to avoid destroying the trees on the back side. Trees will be removed when primary structure is built. Monitor was used to clarify placement of structures. Mr. Berry asked what structure is to be used for. Mr. Brown answered housing a motor home. Chairman Martin asked the timing for the build. Mr. Brown answered July 1 for pole barn and next year for home. Chairman Martin asked if positive of building home. Mr. Brown-yes. Discussion on drainage. Mr. Brown stated had spoken to county. Mr. Berry asked about utilities to property. Mr. Brown stated not yet. Mr. Bockoski asked if lighting was planned. Mr. Brown stated yes, motion detectors. Chairman Martin asked if height was within ordinance. Mr. Taylor answered building permit has not been submitted as of yet. Discussion on drive.

Chairman Martin asked if any business would be conducted out of this building. Mr. Brown answered no. No further questions from Board.

**Mr. Schrumpf made motion to open public hearing for BZA-0419-017-AG. Mr. Baker second. All present in favor.**

Chairman Martin asked for any public with comments to come forward. No public comment.

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

Chairman Martin asked for comments from Board members. Discuss on standard conditions.

**Mr. Baker made motion to approve BZA-0419-017-AG with conditions of no living quarters and not for commercial use. Mr. Schrumpf second.**

**Mr. Baker-approve, Mr. Bockoski-approve, Mr. Berry-approve, Mr. Martin-approve, Mr. Schrumpf-approve. Motion approved 5-0.**

**Docket#:** BZA-0419-018-C3

**Petitioner:** David and Amy Morris

**Property Address:** 21810 State Road 19, Cicero, IN 46034

A Development Standards Variance application has been submitted concerning Article 7.5 B. AS-02, 2 of the Cicero/Jackson Township Zoning Ordinance in order to: allow a fifth (5<sup>th</sup>) accessory structure in a "C3" commercial district, whereas; Article 7.5 B. AS-02, 2 states that no more than two (2) accessory structures are permitted on a lot.

Chairman Martin welcomed petitioner to address the Board.

Amy Morris 21810 State Road 19, Cicero. Home parcel is separated out however, own the surrounding property as well. Several years ago, the city zoned property on 19 commercials, however this is a family farm since 1965, we are the current family members. Want to get a mini barn/garden shed since we have 8 children. The first building is a garage; however, it doesn't hold all the bicycles and items for all the children. All the buildings are white with green metal roofs, the shed would be as well.

Mr. Berry questioned this is the fifth building are all the others legal conforming. Mr. Taylor stated yes, Mrs. Morris stated yes, the newest building was built in 1970 ish. And that would be the pole barn. Mr. Berry asked if any would be replaced. Mrs. Morris stated they are all in good shape, metal sides, home and garage have been remodeled to keep up to date. Chairman Martin asked steel with steel roof? Mrs. Morris stated shingle roof; garage is also shingle but would match. Chairman Martin mentioned there are letters attached. Chairman Martin asked about feed business. Mrs. Morris stated her 18-year-old son started it when he was 16, feed for livestock, delivered when ordered online or via text.

Typically, not picked up/traffic minimal. Mr. Berry asked for dimensions. Discussion ensued on where to find information in packet. It will be a pre-built on a stone foundation shed.

Mr. Bockoski questioned Mr. Taylor, first if it was zoned agricultural there would be no question since number of building on a working farm are not limited, Mr. Taylor-correct. Second, since it is zoned a commercial so is the business a concern. Mr. Taylor stated no, if it was a retail business there would be conflict, however since it is wholesale business and/or warehouse there is no conflict.

**Mr. Bockoski made motion to open public hearing. Mr. Baker second. All present in favor. No public comment.**

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

Mr. Schrumpf commented that he didn't realize it was zoned commercial and to him it is a working farm. Question on conditions. Chairman Martin questioned if had electricity, Mrs. Morris stated no.

**Mr. Berry made motion to approve BZA-0419-018-C3. Mr. Schrumpf second.  
Mr. Schrumpf-approve, Mr. Martin-approve, Mr. Berry-approve, Mr. Bockoski-approve, Mr. Baker-approve. Motion approved 5-0.**

**Docket#:** BZA-0419-020-AG

**Petitioner:** Kent Steury

**Property Address:** 5091 E. 225<sup>th</sup> Cicero, IN 46034

A Development Standards Variance application has been submitted concerning Article 3.2 to allow construction of a pole barn and single-family dwelling on a lot with no road frontage. Whereas; Article 3.2 states that minimum required road frontage in an Agricultural district is one hundred eighty (180) feet.

Chairman Martin welcomed petitioner to address the Board.

Kent Steury live at 21820 Cammack Road. Bought property 25 years ago, planted and sold trees for years have five acres buildable ground towards back, have electricity and with clearing north west corner of property would like to build a barn and barn house. Want to farm it. Chairman Martin questioned the driveway plan. Mr. Steury stated prior to purchasing he questioned if he would be able to build, he was told if met requirements with governing bodies. Mr. Steury access is thru deeded easement. Intent is to sell his current home, live in the back property. Had tried to sell the parcel however no luck and would prefer to live on back property. Discussion on easement rights and location of buildings using monitor. Mr. Steury stated approx. 20 acres total, wooded, tillable. Chairman Martin questioned the tree business viability. Mr. Taylor stated no because agricultural zoned. Discussion on conditions.

**Mr. Schrumpf made motion to open public hearing for BZA-0419-020-AG. Mr. Baker second.  
No comments.**

**Mr. Berry made motion to close the public hearing. Mr. Bockoski second.**

Discussion on easement among board members.

**Mr. Schrumpf made motion to approve BZA-0419-020-AG. Mr. Baker second.  
Mr. Baker-approve, Mr. Berry-approve, Mr. Bockoski-approve, Mr. Schrumpf-approve, Mr. Martin-approve. Motion approved 5-0.**

**Docket#:** BZA-0419-021-R3

**Petitioner:** KAS LP

**Property Address:** 0 East 236<sup>th</sup> St. Cicero, IN 46034 (approx. 2640' west of intersection of 236<sup>th</sup> and Tollgate Road.)

A Development Standards Variance application has been submitted concerning Article 10.3 of the Cicero/Jackson Township Zoning Ordinance in order to: allow the placement of an "off-premise" billboard sign in an R3 residential district. Whereas; Article 10.3 states that "off premise" billboard signs are prohibited in an R3 residential district.

Chairman Martin welcomed petitioner to address the Board.

Mark Thomas representing Beck's Hybrids 6767 East 276<sup>th</sup> St. of which KAS LP is a part, sign that is there has been there approximately 50 years to the recollection of Sonny Beck. They are widening 236<sup>th</sup> street in the fall of this year, the county purchased additional right a- way. So, this sign will need to be move

30 ft to the south of its current location. Discussion of sign location and wording of location (corrected above). Mr. Thomas stated the request is due to the widening of the road, we need to move the sign outside of the right away and since signs are no longer allowed in an R3, additionally requesting an increase in the size to 5 x 10 instead of 4x8 as it is now due to the distance from the road. Mr. Berry asked the purpose of the sign. Mr. Thomas answered advertising, Thomas Docks on one side, McDonald's on the other, and has been the same businesses for years. Mr. Berry questioned who owns the property. Mr. Thomas verified that it is Beck's property. Mr. Taylor stated currently the signs are legal non-conforming. Mr. Schrumpf verified that if the road was not being widened it would not be an issue. Chairman Martin questioned who takes care of the sign. Mr. Thomas stated AJ Witham maintains this sign and would continue to do so, similar construction 4x4's with metal signs. Mr. Baker questioned the information in the packet, stating the sign would be advertising Beck's. Mr. Taylor stated info switched, two different petitions being heard. Chairman Martin asked if there was a driveway to the west from a safety standpoint. Mr. Taylor stated the west would wind up being the walking trail. Mr. Berry asked if McDonald's and Thomas Docks are paying Beck's. Mr. Thomas stated they are paying AJ Witham, think AJ pays Beck's \$600 or so a year not a huge amount. Mr. Berry asked if this was not approved would the sign go somewhere else? Mr. Thomas answered the sign would disappear, the sign has been there for 50 years, and kind of hard to put one up in Hamilton County. Chairman Martin asked if a lighted sign. Mr. Thomas stated no, just moving and making it larger. Mr. Berry questioned why larger. Mr. Thomas answered because of the walkway and harder to see since it would be further away.

**Mr. Berry made motion to open the public hearing for BZA-0419-021-R3. Mr. Schrumpf second. All present in favor.**

Tim Knapp with Hamilton County Highway Dept and resident of Cicero 2470 Lincoln Dr. Here to lend our support, it is our fault they have to move the sign. Been working with Beck's on this project. Also, to point out the County Commissioners have sent their support as part of the packet.

**Mr. Schrumpf made motion to close the public hearing. Mr. Baker second. All present in favor.**

Mr. Baker asked Mr. Taylor if the sign would be non-conforming if it wasn't already there. Mr. Taylor stated correct. Mr. Baker questioned the allowable size if in an area where it would be allowed. Mr. Taylor stated we don't have any size because we don't have any area where a billboard is allowed.

Mr. Berry stated his thoughts, today's standards it is not conforming with the widening of the road do we want to put a sign there. Discussion on size and time that sign has been in place.

**Mr. Bockoski made motion to approve BZA-0419-021-R3 as presented. Mr. Berry second. Chairman Martin verified that this is the west sign.**

**Mr. Martin-approve, Mr. Baker-no, Mr. Bockoski-no, Mr. Berry-no, Mr. Schrumpf-approve. Motion denied.**

**Docket#:** BZA-0419-022-R3

**Petitioner:** KAS LP

**Property Address:** 0 East 236<sup>th</sup> St. Cicero, IN (SW corner of Tollgate and 236<sup>th</sup>)

A Development Standards Variance application has been submitted concerning Article 10.3 of the Cicero/Jackson Township Zoning Ordinance in order to: allow the placement of an "off-premise" billboard sign in an R3 residential district. Whereas; Article 10.3 states that "off premise" billboard signs are prohibited in an R3 residential district.

Chairman Martin welcomed petitioner to address the Board on this issue.

Mark Thomas this sign was placed in the early 1970's. 70 foot right away, the sign is presently gone, the sticks are still there. Had heard there was to be round about so had not replaced the sign. Currently asking to replace with a 5x10 sign to advertise Beck's Hybrids. Has to be moved approx. 40 ft to the south from its present location. Of course, the same issues as other signs.

Mr. Berry verified that there are currently only poles. Mr. Thomas stated yes and answered didn't know how long it had been only poles. Sign placement was discussed using monitor. Chairman Martin asked for update on a roundabout. Mr. Taylor stated the county has stated it would not be happening. Mr. Thomas stated funds not available for a roundabout. Mr. Thomas stated the placement is due to the set back requirements from the easement. Mr. Baker questioned the style of sign. Mr. Thomas stated it was the original plan to do one side-coming into town, however, could split with Chamber of Commerce, American Legion etc. on half of the sign if needed or required. As the entrance to Cicero would keep as professional as possible.

**Mr. Bockoski made motion to open public hearing for BZA-0419-022-R3. Mr. Schrumpf second. All present in favor.**

Tim Knapp-Hamilton County Highway Department 2470 Lincoln Dr. wanted to state these signs are being moved due to the County project. Also, to state that the Commissioners lent support and is in the packet.

Matt Russell 1023 Quiet Bay Circle traveled the road for approximately 19 years, do not have a problem with the sign as long as it positioned so visibility is not an issue. Mr. Berry questioned further. Mr. Russell explained the visibility in the past and if moving the stop sign to ensure visibility is not an issue, he has no problem with the sign.

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

Mr. Berry questioned Mr. Taylor if there was a height requirement concerned about safety. Mr. Taylor stated no. Mr. Baker questioned if the center line of the road would be moving when road improvements are done. Mr. Knapp stated no. Mr. Baker then expressed his thoughts that moving further south is an improvement and would be in favor of allowing exactly as picture shows for Beck's use only. Mr. Culp stated cannot get into content for a sign. Discussion ensued. Mr. Thomas stated Beck's intent was to retain possession of that sign for their use. Discussion ensued on sign size and specifics of ownership of property. Chairman Martin questioned sight requirements. Mr. Taylor stated ordinance would take care of that.

**Mr. Baker made motion to approve with conditions BZA-0419-022-R3 with following conditions:**

**Allow the sign to be moved and constructed as a 4x8 sign similar to current sign size, two sided. Also, condition that sign approved only to current landowner Beck's or KAS LP. Mr. Berry second.**

**Mr. Martin-approve, Mr. Baker-approve, Mr. Berry-no, Mr. Bockoski-approve, Mr. Schrumpf-approve. Motion approved 4-1.**

**Docket#:** BZA-0419-023-R3

**Petitioner:** Deborah and Georg Tuma

**Property Address:** 1140 Dahlgren Lane, Cicero, IN 46034

A Land-Use Variance application has been submitted concerning Article 3.7 of the Cicero/Jackson Township Zoning Ordinance in order to: allow operation of a childcare home (owner

occupied home) in an R3 residential district. Whereas; operation of a childcare home (owner occupied home) is not a permitted use in an R3 residential district.

Chairman Martin welcomed petitioner to present to the Board.

Dan Shields representing daughter, from Arcadia 200 N. Church St., daughter is Deborah Tuma. Board has received a packet including letters of approval from HOA and adjoining neighbors. All licenses have been included. Mr. Baker asked if there is a state limit to the number of children that can be cared for in this instance. Mr. Shields answered licensed for up to 12.

Chairman Martin asked for background, is this an existing business. Mr. Shields answered no, has been in day care, however sold that home because HOA did not approve and purchased this home and began operating there. Mr. Berry asked for hours of operation. Mr. Shields stated 6:30am.-5:30pm. Mr. Berry clarified information given on hours for nurses, traffic would include later hours as well as weekends. Mr. Shields stated rare occasions.

Deborah Tuma 1140 Dahlgren Lane approached. Mr. Berry questioned the number of cars, information stated 8 cars coming to the home. Mrs. Tuma stated eight. Mr. Berry asked about operating during holidays. Mr. Shields stated not operating on holidays. Mr. Berry asked about sickness of Mrs. Tuma, clarify what would happen if she is sick. Mr. Shields stated alternative care would have to be sought by the parents. Mr. Berry asked how many surveys were conducted. Mr. Shields answered 17. Mr. Berry stated 13 returned, where are the other four. Mr. Shields stated those people are out of state. Mrs. Tuma stated everyone around approved. Mr. Berry stated across street and diagonally did not. Discussion ensued. Mr. Berry asked if surveys were filled out in front of homeowner or sent. Mr. Shields stated Mrs. Tuma went door to door, explaining what was going to be happening, asking them to sign. Mr. Berry asked if discussion with homeowners on the increase of traffic, up to 12 cars. Mr. Shields indicated no. Mr. Berry asked if they were aware of any licensed day care in a residential district. Mrs. Tuma stated there are no licensed day care in Cicero. Discussion ensued. Mr. Culp stated if under a certain number they do not have to be licensed. Chairman Martin asked if she had help. Mrs. Tuma stated did this herself.

**Mr. Schrumpf made motion to open public hearing for BZA-0419-023-R3. Mr. Baker second. All present in favor.**

Chairman Martin stated there seemed to be several that wanted to speak, please be brief to allow everyone to have a chance to speak.

Tim Fonderoli- 800 Morse Landing, a member of the board in the past, here to support Deb and her business. She takes care of two of my grandchildren. This is a licensed daycare, operated in the past and after several years the homeowner's association decided she could not operate, she sold her home and found this one. Mr. Fonderoli expressed his concern for a board member with a history of Deb's situation and he should recuse himself. This HOA has given their approval. Mr. Fonderoli also expressed his concern that this docket was the last one of the night.

Lisa Campbell 1749 Nantucket-need day care in the community, expressed concern for Mr. Berry being allowed to question. Chairman Martin stopped conversation due to attack of Board member. Warning to public issued. Mrs. Campbell continued stating her support for the daycare.

Ginger Valentine 17951 Philip Dr. Noblesville. Ms. Valentine shared her story and lent her support to the day care and expressed her appreciation for Mrs. Tuma.

Lindsay Benn 12214 Whirlaway Dr. Noblesville. Supports expressed appreciation for the various hours that Debbie has done for her sake. Also shared that some of the children that go are family which is added benefit to her.

Kayla Simms 14555 Stuart Circle-Fishers We are teachers in Hamilton County, Debbie has been great for our family situation. Other facilities do not offer the time situations that Debbie does.

Diana Hunter 10459 West 100 N. Kempton-Works for economic development, take out the emotional part of the equation. Ms. Hunter stated to look to what it adds to the community. It is a public road, the traffic cannot be controlled, and the convenience that can be added to the community.

Kathrine Drennan 563 Lions Creek Dr. Noblesville

**At this point the recorder stopped. The rest of the minutes are from Mr. Taylor's notes.**

The following public spoke in favor of the petitioner:

Kathrine Drennan 563 Lions Creek Dr. Noblesville-supports

Lisa Stevens 310 W. Jackson St. Cicero-supports

Jaimie Forman 4 Rugby Ct-Noblesville-supports

Mary Chaplain 8485 Big Oak Drive Atlanta-supports

Adrienne Benn 605 S. Indiana St.-supports

Boston Hampton 9895 Traditions Lane Noblesville-supports

Dana Moore 201 N. Church St.-supports

Michelle Shields 995 Morse Landing Dr. Cicero-supports

Aaron Farley 800 Morse Landing Dr. Cicero -supports

Lindsay Lawhorn 503 E. Howard-Arcadia-supports

Gary Reynolds 1628 Westport Ct. Cicero-supports

Bruce Freeman-supports

**Mr. Schrumpf made motion to close public hearing. Mr. Baker second. All present in favor.**

**Mr. Schrumpf made motion to approve BZA-0419-023-R3 with following conditions: Approval is for current property owners only and not to exceed 12 children. Mr. Bockoski second.**

**Mr. Martin-approve, Mr. Schrumpf-approve, Mr. Bockoski-approve, Mr. Baker-abstain, Mr. Berry-abstain. Motion approved 3-0-2.**

6. Plan Director's Report: Enclosed in packet.

7. Chairman's Report: Chairman Martin asked for training to be set up on a light docket evening.

8. Legal Counsel's Report: No notes.

9. Board Members Comments: Cases car clinic sign, move back. No further information listed.

10. Next Planned BZA Meeting: June 27, 2019.

11. Adjournment: No motion in notes.

Location:

Cicero Town Hall

70 N. Byron Street

Cicero, IN 46034

Chairman:

Secretary:

Date:

Dave Martin

Dan Hays

6-20-19