



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

BZA# 0220-005-DC 409 West Jackson - Boathouse
BZA# 0220-006-DC 409 West Jackson - Boathouse
BZA# 0520-009 & 010-AG 22800 Cammack Rd. – James Adams
BZA# 0520-011-AG 22800 & 22900 Cammack Rd. – James Adams

BZA Meeting Minutes July 23, 2020 7:00 p.m.

Roll Call of Members

Present:

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

1. Declaration of Quorum- Chairman Bockoski declared a quorum with five members present.
2. Approval of Minutes : **Mr. Schrupf made motion to approve minutes from BZA meeting for June 20, 2020. Mr. Berry second. All present in favor.**
3. Public Comment: Chairman Bockoski stated this portion is for any comments that are for items not on the agenda. **Mr. Hall made motion to open for public comment. Mr. Baker second. All present in favor.** No Comments. Chairman Bockoski reminded everyone to sign in if they are planning on speaking for any items on the agenda.
Mr. Hall made motion to close public comment. Mr. Berry second. All present in favor.

Chairman Bockoski suggested to Board for time saving purposes to move Docket #BZA 06-20-014-AG Thomas and Brooke Whitten to be heard first under new business. No objections.

4. Old Business:
Chairman Bockoski stated two items on agenda for Boathouse, items BZA 0220-005-DC and BZA 2220-006-DC will need to remain tabled until August 20, 2020 meeting.
5. New Business

Docket #: BZA# 0620-014-AG

Petitioner: Thomas and Brooke Whitten



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BZA# 0520-009 & 010-AG 22800 Cammack Rd. – James Adams
BZA# 0520-011-AG 22800 & 22900 Cammack Rd. – James Adams

Property Address: 22210 Hinkle Road, Noblesville, IN

A Development Standards Variance Request application has been submitted concerning Article 7.5 of the Cicero/Jackson Township Zoning Ordinance in order to: allow an accessory structure to be constructed in front of the primary structure. Whereas; Article 7.5 of the Cicero/Jackson Township Zoning Ordinance states an accessory structure will be located to the side or rear of the primary structure.

Thomas Whitten 22210 Hinkle Rd. Noblesville, IN have 10-acre lot with existing structure located to the front of home, reason is there is a pipeline running thru the property and drainage creek to the back. The current structure is older and falling into disrepair, plus small for needs, like to demo and replace with barn with larger footprint. Chairman Bockoski asked if any questions from the Board. Mr. Hall asked what the barn is to be used for. Mr. Whitten stated mainly horse, chicken, goat, storage of tractor. Mr. Hall questioned commercial use. Mr. Whitten stated no, and absolutely no issue with restrictions for that when questioned by Mr. Hall. Mr. Schruppf asked what type of building. Mr. Whitten stated pole building. Mr. Berry asked if utilities. Mr. Whitten stated electric and water running from home to building. Mr. Berry questioned outdoor lighting. Mr. Whitten stated planned on having a light at each end and can lighting over porch. Mr. Whitten answered led lamp on the ends. Mr. Bockoski asked if living quarters. Mr. Whitten stated no living but plan on having a bathroom. Mr. Whitten added drawings presented had a two-story structure however, decided to not do that, will have a porch across. Drawings used for clarification.

Mr. Schruppf made motion for BZA 0620-014-AG to open for public comment. Mr. Baker second. All present in favor.

No public comment.

Mr. Schruppf made motion to close BZA 0620-014-AG for public comment. Mr. Baker second. All present in favor.

Mr. Schruppf made motion to approve BZA -0620-014-AG with conditions added of no commercial use allowed and no living quarters in this replacement barn. Mr. Baker second.

Mr. Baker-approve, Mr. Berry-approve, Mr. Bockoski-approve, Mr. Hall-approve, Mr. Schruppf-approve. Motion passed 5-0.

Docket#: BZA# 0520-009-AG

Petitioner: Juniper Farms- James Adams

Property Address: 22800 & 22900 Cammack Rd. Cicero, IN 46034

A Development Standards Variance Request Application has been submitted concerning Article 3.2 of the Cicero/Jackson Township Zoning Ordinance in order to: increase the maximum height of an accessory structure from 22 feet to 35 feet.

Chairman Bockoski stated have received a revised plan and would like that plan to be explained. Stating there are members here that were not part of original presentation, so details are important. Chairman Bockoski explained there would be public hearing for each, however there will be a two-minute limit for each speaker. Mr. Culp stated the Board members that were not here before did receive the information from the last meeting including the minutes. Also, this matter needs to be untabled.



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**Mr. Hall made motion to untable BZA#0520-009-AG. Mr. Baker second.
All present in favor. #0520-1010-AG, and #0520-011-AG added, all three are untabled.**

Andy Wert with Church, Church, Hittle & Antrim 2 N. 9th St. Noblesville. Also present are Rich & Lori Adams property owners and James Adams operator of Juniper Farms. Project has changed to only sell Christmas trees from Thanksgiving to Christmas Day. Removed from consideration events, berry picking, artisan markets and craft shops. Request includes retail sales for Christmas trees, 100 space gravel parking lot, and to build the 35 ft. Goat Tower. In place of craft shop, construct pole barn to facilitate tree processing, sell wreaths and pottery and other accessories, store farm equipment and provide restrooms for the public. Calendar for the year, from January to October would be closed to the public. There would be production of other ag products, tomatoes and micro greens mentioned. November and December public would be allowed to tag and cut trees, pre-cut trees would be brought on property, once sold out more would not be brought back. Operating hours starting Friday after Thanksgiving 9-6, Mon-Friday 3-6pm, S/S 9-6 would like some flexibility for changing. Noting these changes were made after a lot of thought, genuine concern listening to our neighbors. One other commitment would dedicate right away for public pedestrian trail to Hamilton County standards.

Chairman Bockoski thanked for the information and asked how much space is dedicated to the restrooms, how is it calculated for septic and such. Mr. Wert stated would be relying on the Co. Health Department for those calculations. Mr. Berry asked about lighting the area. Mr. Wert stated security lighting is what is planned. James Adams 22900 Cammack added, do not plan on having operations after dark. Mr. Berry questioned not planning a large display of Christmas lights. Mr. Adams stated no, might have regular lights but no large displays.

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

Chairman Bockoski stated open, state name and address for the record and please only one time and limit of two minutes.

Raymond Adler, 1365 9th #400 Noblesville, IN. Presenting as remonstrator and resident of Jackson Township, representing many of those opposed to project. Have presented on June 16th submitting 39 findings of fact, violates many ordinances of Cicero/Jackson Township. Mr. Adler highlighted several items including, conforming use, lack of hardship, and proposed a bond that can be used for removal when this fails. Definitions section excludes Christmas tree, and the Comprehensive Plan and definitions of crops, nursery. Financial concerns. At three-minute time, findings of fact presented by Mr. Adler.

Jacque Bryant 5225 E. 221st St. At last meeting discussion of mess on the property prior to purchase, was this board responsible for the cleanup. Chairman Bockoski answered do not know. Mr. Bryant explained numerous telephone poles, concern for the current soil contaminants.

Doug Layman 5375 E. 225th St. Concern asking for retail sales in an AG district. What would prevent me or many others with 10 acres, to ask and sell jams, jellies etc. Is this going to become a retail area, where does it stop.



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Alicia Robinson 23320 Cammack Road. Home is 108 feet from Cammack Road corner, daughter's bedroom is 108 feet from corner. By passing you will double the amount of the traffic on our road. Asking to not allow double the drivers going 55 mph on a road they don't know. Only takes 2 seconds for them to be distracted and reach daughter's bedroom.

Scott Burton 22400 Cammack Rd. Noblesville 46062. Everything that was discussed previously was shared from the heart. Hope those that were not here had the opportunity to review the record for all the items shared. Overwhelmingly comments have been against the project. Mr. Burton asked for a show of hands of those present that are against the project. How many live in the township? How many are for the project and live in the township? *(note: no mention of the number of hands raised at any of these questions was shared).*

Christy Kirtley 22100 Cammack Rd. Noblesville, Manager of Kirtley Family Farms 22056 Cammack Rd. which we raise angus cattle. Want to preserve agriculture in a tasteful manner. Against retail sales. While haven't reviewed new proposal, presented was retail sales plan. Mrs. Kirtley stated attended many meetings and one thing that has stood out is the Board being against spot zoning. This does not fit into the goals of the current zoning plan. Also concerned for safety as Cammack is a N/S. While there are reasons to build over the height restriction such as a RV, hay storage, combine, or other equipment there is no reason in this case other than to build a spectacle in our area. Which could only add more traffic. Mr. Berry asked Mrs. Kirtley if the 236th closure is making the road unsafe currently. Mrs. Kirtley stated yes (many in audience stated yes at the same time) adding she will not allow her children to ride their bikes due to the increase in traffic. Comments made were it is like a racetrack.

Adam Knoll 23475 Cammack Rd. Cicero. The bike path was discussed last time. The planning for the retention pond is poorly placed due to the topography of the area. Questioned if gravel parkway, don't you require lights? Concern for safety.

Sam Scott 4004 E. 231st St. Questioned the placement of items versus stated placement. Pole barn and goat tower specifically. Clarification on the map is given. Mr. Adams stated currently pole barn on back, separate pole barn would be built on the front. Chairman Bockoski verified building second structure.

Leslie Thompson 5390 E. 231st St. Directly across the street. Question which building is identified as the primary building. Now asking for two accessory structures in front of what would currently be considered the primary structure. Also is a sign variance required for this project. Others have been denied in the area. Additionally, has Hamilton County Highway department approved this plan and are there additional measures to be taken. Regarding the news article, many took the comment "if large tower not approved multiple towers would be constructed" as a threat. While glad they have purchased property, claiming hardship that is self-imposed, did not buy the hardship. Realtors feel would devalue the properties in the area, due to being across from retail established. Concern for the easement for trail etc., would place in the front of many older homes more than halfway of their front yards. Mrs. Thompson went on to explain she felt at point of setting precedence of spot zoning. Four letters of support that do not live in area, and 22 letters of opposition.



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Mr. Taylor read a letter received today from J.R. Freiburger 4020 E. 221st St. Cicero. Opposing the project due to traffic concerns as well as changing the architectural standards in this area. Letter was read and added to the file.

John Kile 4715 E. 231st northwest of the property. Safety elements that have been mentioned today. Also, the hardship elements, how is this a hardship. Questioned Article 3.2 of AG district, the limits on imports, how to govern the 30% limit of imports of the Christmas tree.

Kristin Kile 4715 E. 231st St. Observations from last meeting a young couple, renting before purchasing and receiving permits, this is the way it should be done. Don't purchase then impose will on the others.

Mark Fisher 4300 E. 231st St. Regarding the right of way for the bike path, HCH their thoroughfare plan calls for a connection from Little Chicago and Devaney to run east, so need for path does not make sense.

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

Chairman Bockoski asked if any board member comments or questions.

Mr. Berry stated he understood the desire to keep things as they are today, however the area is growing. Status quo is not going to stay; we want to make sure it grows in the proper way however it will grow. Traffic will continue to rise even after 236th is complete. Mr. Berry stated Mr. Adler noted the number of variances that this is going against, that is why we are here. Traffic is double, where is that count coming from. Lady in audience answers 600 people travel the road according to Hamilton County Highway Dept. Project is expecting 4800 people that is 1200 if four per car.

Chairman Bockoski stated will vote one variance at a time. Mr. Hall asked a question of Mr. Culp prior to voting. Asked to explain every motion made in an affirmative. Mr. Culp stated the procedure is that the motion is in the affirmative, so the Board can determine via voting.

**Mr. Hall made motion to approve BZA -0520-009-AG regarding the height restriction. Mr. Schrupf second.
Mr. Schrupf-no, Mr. Hall-no, Mr. Bockoski-no, Mr. Berry-no, Mr. Baker-no. Motion denied.**

Docket#: BZA#0520-010-AG

Petitioner: Juniper Farms – James Adams

Property Address: 22800 & 22900 Cammack Rd. Cicero, IN 46034

A Development Standards Variance Request application has been submitted concerning Article 7.13.C. of the Cicero/Jackson Township Zoning Ordinance in order to: provide relief from parking lot paving and interior landscaping standards. Whereas, Article 7.13.C. of the Cicero/Jackson Township Zoning Ordinance requires all commercial parking lots be paved and contain interior landscaping.

Mr. Berry made motion to approve BZA-0520-010-AG regarding parking lot paving and landscaping standards. Mr. Schrupf second.

Mr. Bockoski-no, Mr. Hall-no, Mr. Schrupf-no, Mr. Berry-no, Mr. Baker-no. Motion denied.



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Docket#: BZA#0520-011-AG

Petitioner: Juniper Farms – James Adams

Property Address: 22800 & 22900 Cammack Rd. Cicero, IN 46034

A Land Use Variance Request application has been submitted concerning 3.1 of the Cicero/Jackson Township Zoning Ordinance in order to: Allow operation of a retail Christmas tree farm and craft store in an “AG” agriculture district. Whereas, a retail Christmas tree farm and craft store are not a permitted or special exception use in an “AG” agriculture district.

Mr. Berry made motion to approve BZA-0520-011-AG for retail sales. Mr. Hall second.

Mr. Berry-yes, Mr. Baker-no, Mr. Bockoski-no, Mr. Schruppf-no, Mr. Hall-no. Motion denied. 1-4.

6. Plan Director’s Report: Mr. Taylor stated report is attached. Down from a year ago, but ahead for the year, as of today 65 of the 76 available lot in Tamarack have been sold. M/I Homes will be before Plan Commission for second two. Working on disrepair properties, also numerous ordinance updates presented to the Plan Commission this last week. Mr. Culp working on the format for those approved. One change is under the unsafe buildings dealing with the abandoned buildings. Discussion ensued. Mr. Bockoski asked regarding Tamarack delay for section two. Mr. Taylor explained is due to replot process. Lennar Homes discussed and impact on wastewater, planning is taking place.

7. Chairman’s Report: Chairman Bockoski asked what guidelines are around another election. Mr. Bockoski expressed his concern for this meeting and appreciated the help of his Board members. Mr. Culp stated Board can always decide to vote or have Vice-Chair continue. Mr. Hall expressed his opinion that Mr. Bockoski was fine for his first meeting and it takes time to be comfortable. Everyone agreed.

8. Legal Counsel’s Report: Mr. Culp have one item other than Mr. Taylor’s update. Had one property that was due to be demolished, when a developer purchased the property. Understand the developer’s intent is to demo the building. Copy of notice will be sent to the new property owner.

9. Board Member Comments: Mr. Schruppf questioned Mr. Culp on the branch of government the BZA is under and verified Judicial. Mr. Schruppf wanted to ensure his knowledge of the role is to review the ordinances, making decisions when presented at these meetings but not to be the enforcement arm. Mr. Culp agreed if violations are found to report to Mr. Taylor as he is the enforcement arm. Mr. Schruppf wanted to make sure he is completing his role correctly. Mr. Culp reinforced that Mr. Taylor should deal as



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if his decision is appealed this is the Board that would hear the appeal. Mr. Bockoski stated he also struggled with this, concerning his neighbors discussing items, and had to shut down the conversation. Mr. Baker stated he always says, I can't hear this, and walk away. Mr. Berry questioned if Christmas trees are agricultural. Mr. Culp stated our ordinance states tree farms are agricultural. Christmas trees are agricultural. Chairman Bockoski thanked Mr. Hall for attending and being a part.

10. Next Planned BZA Meeting: August 20, 2020

11. Adjournment: Mr. Schrupf made motion to adjourn. Mr. Baker second. All present in favor.

Chairman _____

Secretary _____

Date _____