

**BZA Meeting Minutes**

**June 18, 2020**

**7:00 p.m.**

**Roll Call of Members**

**Present:**

- ☐ Mike Berry
- ☐ Scott Bockoski
- ☐ David Martin
- ☐ Dennis Schrupf
- ☐ Art Hall
- ☐ Aaron Culp - Legal Counsel
- ☐ Dan Strong filling in for C.J. Taylor - C/JT Plan Director
- ☐ Terri Strong- Recorder

**Absent:**

Brad Baker

1. Declaration of Quorum- Chairman Martin declared a quorum with five members.

**Mr. Bockoski made motion to adjust agenda, moving Stan Widows BZA #0520-12-C1 ahead of the Juniper Farms dockets also rotating Juniper Farms to hear BZA 0520-010 prior to BZA#-520-009. Mr. Hall second. All present in favor.**

Public Notice still in Covid-19 restrictions, if needed to be in front of Board, utilizing podium.

2. Approval of Minutes : **Mr. Schrupf made motion to approve minutes from January 23, 2020. Mr. Berry second. All present in favor.**
3. Public Comment- Chairman Martin explained this is time for any comments on items not on the agenda. No Public Comment.
4. Old Business: No Old Business.
5. New Business

**Docket #:** BZA# 0220-002-R1

**Petitioner:** Tim Shaw

**Property Address:** 84 Cedar Lane Cicero, IN 46034

A Development Standards Variance Request application has been submitted concerning Article 3.4 of the Cicero/Jackson Township Zoning Ordinance in order to: allow an accessory structure to be constructed with a height to exceed (20) feet in an R1 residential district. Whereas; Article 3.4 of the Cicero/Jackson Township Zoning Ordinance states the maximum allowed height of an accessory structure in an R1 residential district is (20) twenty feet.

Tim Shaw 84 Cedar Lane Cicero currently have existing structure built in excess of ordinance. Height of building is 27 ft. The reason is that the General Contractor convinced to go taller than the original plan to better match the home.





## **CICERO/JACKSON TOWNSHIP PLAN COMMISSION**

is 20 ft. away from structure and home is 30 ft. tall. Thought everything was ok until neighbor questioned. Mr. Taylor put structure building on hold. Plan includes wrapping building with brick to 40 inches. Top being Hardy board with gable roof, RV storage is the use with 14 ft doors. Original contractor issues been dealing since Nov. 2018. Neighbors don't have issue other than want to get it done. Pictures were shared of project.

Mr. Berry questioned if three bays and are there utilities. Mr. Shaw stated Duke will run separate utilities. Mr. Berry stated no living quarters. Mr. Shaw stated correct, have shops will do business out of his shops. Mr. Berry questioned heating of building, also questioned the pitch of the roof. Mr. Shaw stated the pitch is different, and would cause it to be 30 ft. Mr. Berry stated is it lit. Mr. Shaw stated it would be can lighting in soffit or up lighting, there is a buffer between barn and neighbors. Mr. Schrupf commented that while the roof line is different, the height of the homes in the area are similar. Chairman Martin questioned other changes that were done, siding is different and windows. Mr. Shaw explained went with larger windows 6 that are 3x4 and one that is larger. Chairman Martin questioned color. Mr. Shaw explained pre painted, will blend with house.

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

Randall Hubbell, 85 Cedar Lane, lives adjacent and property across and feel the building is appropriate to the property.

Glen Schwartz. 21989 Schuller Rd.-neighbor went several times to see project and talked to four neighbors and feel we should support this project.

Mr. Strong stated letter received to be added to file. Kevin Smith 96 Cedar Lane, in favor of height of building.

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

**Mr. Hall made motion to approve BZA 0220-002-R1. Mr. Bockoski second.**

**Mr. Hall-approve, Mr. Berry-approve, Mr. Bockoski-approve, Mr. Schrupf-approve, Mr. Martin-approve. 5-0.**

**Docket#:** BZA# 0220-003-R5

**Petitioner:** Wesleyan Church/ Pastor Alan Gross

**Property Address:** 170 Washington Street Cicero, IN 46034

A Land Use Variance Request application has been submitted concerning Articles 7.19 A and 7.19 B of the Cicero/Jackson Township Zoning Ordinance in order to: operate an outdoor storage business in an R5 residential district. Whereas; an outdoor storage business is not a permitted or special exception use in an R5 residential district.

Pastor Alan Gross 219 Pearl St. Cicero, Business is not something we are wanting to do, we have allowed parishers or individuals that have connection to the Church to park RV's and such on the parking lot. Currently we have 6, and one that has a variance from years back. There is no charge for this, they come and go, we have one back row against fence that has been cleared with the neighbors, past and present. Was told had too many and applied for the variance. Chairman Martin questioned numbers. Pastor Gross stated currently have 6-7, with this being the season they come and go. Winter have 10. Mr. Berry questioned application asks for 12. Pastor Gross stated back row has 12 spots. Mr. Berry questioned only church people. Pastor Gross stated church people or people that have affiliation with the church from business etc., do not charge anything for them to park. Mr. Hall states he was with the BZA years ago with the original variance was granted and it was with the understanding that it not be expanded. Pastor Gross stated did not know and is here to ask for expansion of variance. Was not informed when applied for variance. Chairman Martin questioned how long ago. 10-15 years ago. Mr. Strong verified records would be available in archives and do remember the request. Mr. Hall stated the vehicle was there and variance was for the structure. Pastor Gross commented not asking for expansion of structure. Mr. Berry asked if they are covered during the winter. Pastor Gross stated all but one



pull behind camper is and the RV. Mr. Berry asked if visible from the street. Pastor Gross stated back lot not facing the street, but they are visible from Pearl St. Mr. Berry questioned lighting. Pastor Gross stated one on the building not around the RV's. Mr. Berry asked if any vandalism. Pastor Gross stated not one thing.

Chairman Martin asked if further questions.

**Mr. Bockoski made motion to open public hearing for this matter. Mr. Berry second. All present in favor. Chairman Martin asked if any public comments, now is time to come to podium.**

John Haskin, Arcadia, own the hill across and have no objections, church have done a good job with the public.

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

Mr. Berry questioned a photo, verifying the original structure. Chairman Martin questioned Mr. Strong on the changes made last year to zoning with regards to issues with RV's and parking. Mr. Strong stated this one is in looking at staff report is thinking operating a business and outside storage in the residential district, according to Plan Director. Mr. Berry heard mention in summer vehicles go in and out, how often. Pastor Gross stated it varies, some every other week, probably one or two a week. Reserve spots with cones. Giving back to community by it being free.

Chairman Martin asked for a motion, all motions are in the affirmative.

**Mr. Bockoski made motion to approve BZA#0220-003-R5 with limit of 12 vehicles/trailers allowed on the lot with stipulation of staying with the Wesleyan Church property ownership. Mr. Berry second.**

**Mr. Hall -oppose, Mr. Berry-no, Mr. Bockoski-no, Mr. Martin-yes, Mr. Schrumpf-no Motion failed.**

Pastor Gross asked why? Asked for reasoning. Mr. Hall stated there are five conditions to be met. As he stated with his vote, one is condition peculiar to the property, and does not see that there is anything peculiar, to park vehicles. Pastor Gross asked the others, when stated Mr. Hall is one vote. Chairman Martin stated this can be discussed later after the meeting. Mr. Hall apologized he spoke out of turn. Pastor Gross expressed his concerns, as a citizen, as a Pastor, being told cannot help people out. Mr. Culp stated this is not a personal decision, there are four criteria. Pastor Gross stated we have missed one. Mr. Culp stated have to meet all of them, meaning the rules or zoning ordinance have some way of apply that have odd or unusual causing the property to not be used in the way you want, not saying anything about the Church and what you do, you do not meet the criteria.

**Docket#: BZA# 0220-005-DC Cannot Be Heard – Notice did not make the newspaper publishing deadline**

**Petitioner: Boathouse/Matt Hall**

**Property Address: 409 West Jackson Street Cicero, IN 46034**

A Special Exception Use Variance request application has been submitted concerning Article of the Cicero/Jackson Township Zoning Ordinance in order to: allow outdoor seating and curb service for a restaurant in a DC downtown commercial district. Whereas; outdoor seating and curb service is a special exception use in a DC downtown commercial district.

**Docket#: BZA# 0220-006-DC**

**Petitioner: Boathouse/ Matt Hall**

**Property Address: 409 West Jackson Street Cicero, IN 46034**

A development standards variance request application has been submitted concerning Articles 10.1-1-A-1-C and 10.8 of the Cicero/Jackson Township Zoning Ordinance in order to: allow color changing lights and to allow more than (60) sixty square feet of signage in a DC downtown commercial district. Whereas; Articles 10.1-1-A-1-C and 10.8 of the Cicero/Jackson Township Zoning Ordinance prohibit color changing lighting and a maximum of (60) sixty square feet of signage in a DC downtown commercial district.





## **CICERO/JACKSON TOWNSHIP PLAN COMMISSION**

Chairman Martin asked if petitioner is present.

Matt Skelton, Church, Church, Hittle, & Antrim 20 N. 9<sup>th</sup> St. Noblesville. Matt Hall is present. Retained this week by Matt Hall not up to speed on this project. Have been in discussion with Mr. Culp and Mr. Strong to meet next week, here in person to ask for time to review and take care of the notice issue. Intent would be to return next month.

**Mr. Bockoski made motion to table BZA 0220-005-DC and BZA 0220-006 DC until July 2020 meeting. Mr. Schrumpf second. All present in favor.**

**Docket#:** BZA# 0320-007-AG

**Petitioner:** Phil Curnutt

**Property Address:** 5008 E. 246<sup>th</sup> St. Arcadia, IN 46030

A Development Standards Variance Request application has been submitted concerning Article 7.5 of the Cicero/Jackson Township Zoning Ordinance in order to: Allow a third enclosed accessory structure to be constructed on a parcel. Whereas; article 7.5 of the Cicero/Jackson Township Zoning Ordinance states that "No more than two (2) enclosed accessory structures are permitted on a lot, unless the property is in the AG, Agriculture District and is used as a working farm; in that instance, there is no limit to the number of accessory structures."

Phil Curnutt 5008 E 246<sup>th</sup> Arcadia, currently have 3.5 acres and have primary residence and two accessory structures. One is mini barn 10x12 and other is attached garage 30x40. Asking for accessory structure as a pole barn 40x56 for storage for camper and landscape trailer. Mr. Berry asked if anything would be removed. Mr. Curnutt stated wanting to keep, the mini barn is used for grandkids toys away from drive and traffic. Chairman Martin asked about drive being stone. Mr. Curnutt stated it is an existing drive, just putting building at end. Mr. Bockoski asked if any draining issues, or if board has been involved. Mr. Curnutt stated no issues. Mr. Bockoski asked if water/electric. Mr. Curnutt stated no, just storage facility.

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

**No public comment.**

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

**Mr. Hall made motion to approve variance with two standard conditions, 1) no living quarters, and 2) no business to be operated out of barn. Mr. Bockoski second.**

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

**Docket#:** BZA# 0420-008-AG

**Petitioner:** Sandra Green / Laura Bowers

**Property Address:** 2815 E. 296<sup>th</sup> St. Atlanta, IN 46031

A Development Standards Variance Request application has been submitted concerning Article 16 of the Cicero/Jackson Township Zoning Ordinance in order to: Allow a second single family dwelling to be constructed on a parcel in the AG, Agriculture District. Whereas; article 16 of the Cicero/Jackson Township Zoning Ordinance states that "No more than one (1) single family dwelling structures are permitted on a parcel in the AG, Agriculture District"

Laura Bowers and have letter from Sandra Green to speak on her behalf. Questioned discussing only one variance or both. Ms. Bowers looking to purchase land from Sandra Green. Eventually want to add second dwelling and utilize first as caretaker quarters. Mother would be moving in and goal would be live separately requiring a larger home. Want to make sure can do with land what desire, eventually is in next five years. Mr. Berry asked if currently the property



owner. Ms. Bower stated renting currently, living there, did not want to close on property until variances were through to ensure plan would be approved close is July 1. Ms. Bower stated when close on property, mother would move into existing home, construction on pole barn with small living quarters would be built until another home would be built. Mr. Berry asked how large the property is. Answer is 9.76 acres. Mr. Hall asked what would happen to second dwelling once home is built. Ms. Bowers answered father in law is disabled, so if he needed to move in. Mr. Hall asked if issue with condition that renting to anyone other than immediate family was a condition. Ms. Bowers answered no. Mr. Hall asked why not splitting property. Ms. Bowers stated it would be all in their name, didn't see why split when want to keep as a working farm with animals and garden, roadside stand, and all in their name. Mr. Hall explained why he asked the question. Chairman Martin asked what happened to living quarters in the barn once the home is built. Ms. Bowers explained the health concerns and moving family into, or using for visiting family (no renting), storage if in-laws did not need it once the second house was built. Mr. Bockoski questioned current residence. Ms. Bowers stated renting for the month of June, allowed by property owner, since with Covid could not get variance. Mr. Bockoski stated there will eventually be three living spaces on the property. Chairman Martin asked for timeline for the property. Ms. Bowers stated pole barn would be immediately so mother doesn't have to live with them, with house in 3-5 years when could afford. Mr. Bockoski asked if operating a farm, and accessory structures are not an issue. Ms. Bowers stated it is a farm and want to keep it, farm equipment to be stored, mother needing shelter very soon. Discussion ensued on need for variance, variance for living quarters and sub-dividing property.

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

**No public comment.**

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

Mr. Berry states understands the goal, however down the line feels there would be issues, if someone passes, one sitting empty or be rented out. Mr. Bockoski asked about septic system, how does this work. Mr. Hall stated required would be separate. Ms. Bowers stated company assess they would build one septic with the barn that would be large enough for the house when built to tie into. So, there would be two on the property, highway department also gave permission for second drive if desired, gravel to barn first. Chairman Martin asked if it would be a hardship for eliminating the living quarters in the barn when the house is built. Ms. Bowers and male voice stated would temporary be allowed, family visiting for a month, but nothing permanent. Chairman Martin asked if timeframe on this. Ms. Bowers and male voice stated conservatively seven years but like to do in three-five. Mr. Hall explained options of temporary as well as on the deed. Mr. Berry stated temporary would be hard to monitor. Chairman Martin asked sq. feet size of barn/living quarters. Ms. Bowers stated 4500 pole barn, 40x40 would be shop with 40x60 as living quarters. House would have 3300 sq. feet give or take a 100. Ms. Bower explained bed, bath, living, kitchen with parents able to live. Mr. Berry asked if existing structure could be added on to. Ms. Bower expressed the home was built in the 1900's, so antique style would be compromised, the original farm home. Chairman Martin asked for conditions. Discussion ensued on the legalities of the variances.

**Mr. Bockoski made motion to approve BZA 0420-008-AG with the stipulation that the structures do not include any rental outside of immediate family. Mr. Schrumpf second.**

**Mr. Berry -no, Mr. Hall-approve, Mr. Bockoski-no, Mr. Schrumpf-approve, Mr. Martin-approve. 3-2 approved.**

**Docket#:** BZA# 0420-013-AG

**Petitioner:** Sandra Green / Laura Bowers

**Property Address:** 2815 E. 296<sup>th</sup> St. Atlanta, IN 46031





## **CICERO/JACKSON TOWNSHIP PLAN COMMISSION**

A Development Standards Variance Request application has been submitted concerning Article 7.5 of the Cicero/Jackson Township Zoning Ordinance in order to: Allow a fourth (4<sup>th</sup>) accessory structure on a parcel in the AG, Agriculture District. Whereas article 7.5 of the Cicero/Jackson Township Zoning Ordinance states that no more than two (2) accessory structures are permitted on a parcel in the AG, Agriculture District unless it is a working farm. Also concerning Article 16.2 of the Cicero/Jackson Township Zoning Ordinance in order to allow a living-quarters in an accessory structure. Whereas Article 16.2 defines an accessory structure is not designed for human occupancy.

Laura Bowers the pole barn is this variance with using as an apartment in the pole barn. Chairman Martin stated sounds like open to limiting full time to 3-5-7 years as residence would be done and not need for full time occupancy. Ms. Bowers stated only if for a parent. Mr. Strong stated knew the background of Mr. Taylor concerned as not typically done. Discussion on conditions ensued. Mr. Hall stated cease being legal living space when parents are not living there, would be what he would like to see.

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

Mr. Strong addressed with a letter from a neighbor, concerned for the drainage, letter added to the file. Ms. Bowers stated tile drainage installed behind and that there would not be a problem tying into that existing drainage. This would stop the flow across the property. Mr. Evan Smith was the septic installer, also spoke to Hamilton County Health Department. Mr. Hall added that this board doesn't approve drainage and the Drainage Board would need to approve. Mr. Culp stated the Surveyors office would be the contact. Ms. Bower stated has letter from the Surveyors office.

No other public comment.

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

**Mr. Hall made the motion to approve BZA-0420-013-AG with the condition that the pole barn living space cease to exist sanction of use or passing of Bowers parents. Mr. Berry second.**

**Mr. Hall-approve, Mr. Berry-no, Mr. Bockoski-approve, Mr. Martin-approve, Mr. Schrumpf-approve.**

**Docket#:** BZA# 0520-012-C1

**Petitioner:** Stan Widows

**Property Address:** 369 E. Jackson St. Cicero, IN 46034

A Special Exception Use Request application has been submitted concerning Article 4.9 of the Cicero/Jackson Township Zoning Ordinance in order to: Grant a special exception use "Business: Office/Professional" to include any of the following: Contractor Office, Electrical Contractor, Plumbing Contractor, Building Contractor, Landscape Contractor, and Landscape Business. Whereas, regarding Article 4.9 of the Cicero/Jackson Township Zoning Ordinance a "Business: Office/Professional" use is a special exception use.

Stan Widows 1380 Lighthouse Point. Have the C1 zoning and exception uses, however, have contractors having use of building and closed outside storage. It is on main entrance of building, maintain even though empty while get the zoning changed. Mr. Strong gave background of this variance, Mr. Widows approaching Mr. Taylor trying to utilize and lease property and going thru the land use process each time was cumbersome. Also, the restrictions involved from a timeframe by potential tenants. In discussion, seeking this variance would cover similar businesses. Mr. Berry verified that no food service or personal living would be at this location. Mr. Widows referred to pictures for details. Mr. Culp clarified that by adding under office/professional would only eliminate need to come for land use each time the business changed. Chairman Martin asked if any need to change the fencing with the change of business. Mr. Widows stated no didn't see that, but there is a jog in the fencing that makes it harder to access the rear outdoor storage. May remove this jog in the fence in the future, would be the same sq. footage for accessibility.



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

No public comment.

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

Mr. Schrumpf questioned if it should go with petitioner. Upon request, Mr. Strong questioned if stayed with heirs. Chairman Martin stated if contractor grows concern for where they go. Mr. Schrumpf stated some concerned uses were already limited in the category, video store etc.

Mr. Schrumpf made motion to approve BZA#-520-012-C1 to allow Business: Professional/Offices special exceptions uses in this location. Mr. Berry second.

Mr. Berry-approve, Mr. Hall-approve, Mr. Bockoski-approve, Mr. Martin-approve, Mr. Schrumpf-approve. Motion 5-0

Chairman Martin stated in moving to the next docket will be rotating to hear BZA#0520-011-AG first.

**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.

Andy Wert with Church, Church, Hittle and Antrim offices at 2 North 9<sup>th</sup> St. Conner St. Noblesville letter with support to distribute. Mr. Wert requested permission to address all three petitions at once realizing you will address separately. Representing Juniper Farms, LLC, 31.75 acres, Petitioners Richard and Lori Adams and son James, the principle operator are present. Wanting to have U-Pick Christmas tree farm, with craft shop, flowers, and craft in shop.

James Adams 22900 Cammack Rd. Mr. Adams addressed changes to the business plan as presented. Change to make tonight after feedback from neighbors, is to remove the events planned in the formal gardens in the business plan. List examples read and asked to remove those events, and May to October in the calendar on page 4, the formal gardens with reservations removed.

Other two stipulations to the variance, asking for the approvals to pass to Mr. James Adams if/when land is passed from parents, the variances would not pass on if sold to other parties.

Second is hours of operations listed would appreciate leniency as it will be many years before operational, may find other hours to be more beneficial. Mr. Adams went on to say selling Christmas trees and berries. Would like to address the goat tower, it is not a business venture, no public would be allowed to go into tower, not monetizing not during tours. Do not want lots of people on our land if one or two families came by that would be ok. In the zoning book, it technically would be allowed as we are an agricultural farm and there is no height restriction on secondary accessory structures. Discussion with Mr. Taylor coming to make sure no issues and would have to tear down after being built. The reason for the 35 feet is the primary structure could be 35 feet, so would not be two tall for the farm. Next want to address retail sales on the farm. There has been talk that we have retail sales currently, we have tomatoes and micro greens and we sell online and in Carmel. And will not be unless variance is approved. Have letter for parking lot/drive, no Christmas tree farm in Indiana has a paved parking lot. Mr. Adams stated seems excessive for 100 spots for use two weeks out of the year. Other things, the septic for the shop, the Board of Health will not move forward until approval is granted. The Drainage Board has been contacted and have a similar concern about the craft shop and parking lot and the decisions of what is allowed. Drainage is a concern, draining onto Mr. McGill's land and we will address in August.



Further, the highway department discussed concerns from neighbors and what increased traffic would do, they do not feel this would cause any substantial increase and not be detrimental to roads. If there would be an event, would have security/traffic officer.

Mr. Berry asked about the craft building. Mr. Adams stated not currently on the property, the vision. Mr. Berry asked what the vision would be in the two weeks prior to Christmas as discussed as busiest. Mr. Adams stated there would be 10 acres of planted trees, customers will park-be given a hand saw and sled and go to cut their own tree. Winding up at the craft building to bundle/pay. Discussion on Zionsville farm, Mr. Adams stated that is a large farm (Doles) and not his vision way too large. It was stated that Doles has approx. 38 acres for Christmas trees. Mr. Berry questioned the goat tower and if it had been viewed by Mr. Adams. Mr. Adams stated no. Mr. Berry expressed he has in Europe. People will stand and watch for hours. Mr. Adams plans on having 16 goats or so. Mr. Berry questioned why 35 ft. tall. Mr. Adams stated it would be largest in the world, and neat. Mr. Berry questioned if having food items for sale on site. Mr. Adams stated no. Trees would not be available for seven years, would be hiring local individuals to work the farm.

Chairman Martin questioned photos, a pole barn and barrier, wanting to understand spacing. Mr. Adams explained the wind break-noise barrier (-40%), visual barrier as well. Details given on plants/trees for three rows.

Chairman Martin asked about County Highway and necessary lanes and road cuts. Mr. Adams stated only use existing no lanes needed. Mr. Strong stated have Mr. Lucas here to address this issue.

David Lucas, Hamilton County Highway 1700 So. 10<sup>th</sup> St. Noblesville, here on official business as representative of Hamilton County Highway Dept. Here to be on record letting the Board and petitioners know, the existing road cut is a farm field entrance used to access to the pole barn. This was all portrayed in conversations with Mr. Adams (Rich or James) a year ago as simply a Christmas tree farm. Not concerned as that would be a 4-6 week use per year. However, the scope and size has changed dramatically which in turn changes the need for a commercial entrance. If the variances are approved, asked that Mr. Strong and Mr. Taylor schedule a TAC meeting, with drawings, hours of use, details, so type of drive with or without lanes.

Mr. Adams stated there would be another road for public use.

Mr. Berry asked what was meant by local products. Mr. Adams stated artist community items like soaps etc. no food items. No large kitschy items. Mr. Adams stated no wine tastings, no alcohol on the premises. Chairman Martin questioned the wind break after 10 years. Mr. Adams stated would like minimal lighting, if necessary and required would do what is needed. Chairman Martin questioned restrooms. Mr. Adams stated they are in the plan, options for restrooms listed for what is necessary by this Board or Health Dept. Planting is in the spring.

Chairman Martin stated he appreciated the detail that went into the business plan.

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

Chairman Martin stated housekeeping for the public hearing seems many individuals here to speak. Please come to podium, state name and address, speaking to the Board not the audience, be concise if others have made point so we can try to have everyone say their piece.

Mr. Culp stated have received considerable amount of correspondence regarding this matter. Normally we would try to read each one which would take considerable amount of time. For the record, Mr. Strong will summarize for or against and name written. For the audience, each Board member has received a copy of the letters and have read or will read prior to decision. If wrote a letter and still want to speak, welcome to do so, just know your letter is submitted and concern will be heard. One of the letters received is from Mr. Ray Adler, attorney for one party and his letter requested the Board to table so he could be present.

Mr. Strong stating received letters from the following in favor:



Gary Green-Cicero Resident  
Joyce Butler -Cicero Resident  
Jody Inman-Cicero Resident  
Tebbe Parks-Sheridan Resident

Received letters also from:

Dr. Kevin and Christine Kirtley-Cicero  
Chris Ibolt-23150 Deming Rd.  
Without Addresses: Alana Hunt, Christine McGill, Keith Carroll  
Donna Bryant 5225 E 225<sup>th</sup> St. Noblesville  
Sam Scott 4004 E 231<sup>st</sup> Cicero  
Steve Carroll 7227 Park Dr. Noblesville, noting that will be building on N. 216<sup>th</sup> street south of the proposed project.  
Jay Trawling 4725 E. 225<sup>th</sup> St. Cicero  
Dan Pritchard 5995 E. 236<sup>th</sup> Cicero  
Jane Moore 24270 Devaney Rd. Cicero  
Without Addresses: Ashley Bryant, Lesley Cox  
Alisha Robinson 23320 Cammack Rd. Cicero  
Bryan & Christine Kyle-no address  
Jeff & Cheryl Titus 4160 E. 231<sup>st</sup> St. Cicero  
Jay Egan 22801 Cammack Rd. Cicero  
Jennifer Buck-resident Cammack Rd. Cicero  
Gavin Fox 4735 E. 231<sup>st</sup> Cicero  
Michele & Kathleen Scott, Leslie Thompson Cammack Properties 231<sup>st</sup>, 80+ acres  
David & Gina McGill-Cicero

Mr. Strong stated 22 letters opposed to this project. There is one more that was passed out, Lance Cymbal past president of Indiana Christmas Tree Growers Association, 7783 N. St. RD 9 in Fortville IN. This letter was passed out by the petitioner as well. Mr. Culp stated if not reading all, only submit this one to the record. This letter was in favor of the project. Chairman Martin gave Board members a moment to read this letter as it was new to the packet.

Chairman Martin stated ready to hear from public.

(recorder is summarizing the speakers)

Mark Fisher 4300 E. 231<sup>st</sup> St. Cicero-concerned is for the idea of a farmer's market two times per year-15 vendors-parking would be limited to 50 open spots, where would attendees park. Cammack traffic is concern, and on side of road parking hinders traffic. Also shared that speed limit is 55mph, safety would be a concern.

Jay Egan 22801 Cammack, across the street, while things have changed since my prepared letter, lighting is a concern, drainage is a concern-to my yard. Proposing 1600 people on opening day, 400 cars, Farmers on road after Thanksgiving. Request 30-day delay to retain attorney as have many concerns and information was not received until this last Friday. Mr. Egan stated had had conversations with Mr. Adams in past, was to be a Christmas Tree Farm, this is a whole different story. Mr. Egan read list of items that had not been included. Concern for height for other buildings. Expressed the concern for seeking to do the minimal required. Comp plan was referred to. Concern for visibility for goat tower. Safety concerns-against project.





## **CICERO/JACKSON TOWNSHIP PLAN COMMISSION**

Mr. Bryant 5225 E. 225<sup>th</sup> street, property management for many years. Tree growth timeline concern, restrooms and porta pot needs are a concern. Concerned for watering, and what it does for the neighbor. Concern for gravel request vs size of retention pond.

Dave Mason 22611 Cammack just south, drive is hard to get out of drive, also felt things have changed in the plans, concern for the Farmers Market and amount of traffic. Also, drainage concerns. Feel should be postponed due to changes tonight. Lighting and crafts that are not his, stated pre-cut trees, which would mean trucked in, concern for trucks for crafts. How to police-selling things not agreed to.

Dick Egler 65 E. 276<sup>th</sup> Atlanta, own 100 acres to the west and south, in opposition. No issue with Christmas tree farm as discussed with the Adams family, but opposed to all the other items listed, concerned that will morph into something the neighbors do not want. Road traveled heavily. Safety.

Doug Layman 5375 E. 221<sup>st</sup> agree with items listed, appt only what is timeframe, concern for variances. Agree with Mr. Lucas and lanes, also hours and after dark hours relate to lighting.

Sam Scott 4004 E. 231<sup>st</sup>. Agree with items above, road concern for bikers/walkers this area is the most hazardous. Fatalities in the area in recent months and this road is narrower than those roads. Goat stands concerns.

Could not understand name: 225<sup>th</sup> St. Sled used for tree cutting, will they be dug up? What is the plan for after the trees are dug up, excuse to do something other after trees are gone?

J. R. Freiburger 4020 E. 226<sup>th</sup> St. Moved to area three years ago, wanted property and control of area and asked Board to listen to what is being said and the plan impact. Run tree farm with family for 20 years, 1.4 acres of trees which would give 2100 trees per season- will run out and bring more in. Typical small operation will sell 3-5000 trees in two weeks. 100's of cars on the roads, when it is a time that residents want to enjoy the peace and quiet without the tractors etc.

Ashley Bryant 5225 E. 225<sup>th</sup>, nanny of six girls take walks every day. Number of times have almost been hit. Amount of traffic would be concern, for residents living on road. Many accidents already. Sound barriers as the sound travels, and lighting.

Leslie & Scott Thompson, 5390 E. 231<sup>st</sup> which is above season 2 so this will be our view, 24 years ago purchased. Mr. Adler mentioned 41 points of contention of the project, some with financial concerns for business, legal precedence. Why would purchase that size property for that amount to use contingent upon variances for commercial use? Financial irresponsible. Mentions of neighbor's approval, yet we are all here, mentions of HWY Department -also not correct. Goat tower points of contention-aesthetics does count. Feels does not compare to Europe, flat eyesore. Noise level, safety concerns. Asked Mr. Lucas about easements for decell lane purchase. Mr. Lucas did answer with on their own property depending upon where they would access their property. Concern with traffic increasing with roundabout on 31. Concern for reason for gravel parking lot.

Scott Thompson making sure Board is clear on why here, Mr. Adams seeking permission for a commercial business on purchased property fully aware of zoning limitations preventing such goals. Suitable parcels available that would meet goals, and suitably zoned. Asked for no leniency in the Board and appreciate time this evening.

Scott Burton 22400 Cammack Rd. Emotions aside, legal aspects have to be reviewed. Land Use Laws for a reason. Personal experience dictates there are many areas where this project would be legal and welcomed. Four standards that must be met: Public Health this is a drastic change of use for the area, traffic issues, walking, biking concerns.



Examples given. Second criteria- Adverse Manner, quality of life should be part of this. Lights as concern. Three-peculiar to the property involved. The only peculiarity is that they are creating it. Fourth Hardship-majority agriculture should not be considered, as they are changing use by the craft building. Asking for serious consideration by the Board, view our properties and the impact this would have.

Doug Layman 5375 E. 225<sup>th</sup> St. -Project is 30 acres and changing zoning rules for this, not totally sure but spot zoning isn't allowed. Does this open door for the whole area to change becoming retail?

Adam Knoll 23475 Cammack Rd. Drainage, safety-unnecessary hardship- petitioner has stated if not approved, would continue to wholesale trees, therefore there is no hardship. On 236<sup>th</sup> road construction to add bike path so this will increase the use of bike traffic.

Lindsay Bunch 5355 E. 225<sup>th</sup> submitted letter did not hear name, nothing new to add but opposed to this project.

Jeffrey Koppes 4739 E. 225<sup>th</sup> owns 147 acres west and south of proposed. Letter/name sent did not get read, very long letter with reasons opposed to project. Mr. Strong stated he would review list of names sent to ensure added.

Brian Roby 4150 E. 231<sup>st</sup> Currently trying to have orchard and the deer in the area run to this wooded area. The impact this would have includes small tree breakage, fence proposed as 6ft would not keep out, minimum of 8 ft. required. Plus, a 2ft overhang to prevent them from jumping, with the listed it would not prevent issues/damage to the trees. Mr. Roby did state he appreciated Mr. Adams desire to start something from scratch, but this area is not a desirable one due to the deer impact.

Kathy Johnson 23445 Cammack lived for 30 years in this area seen many changes, agree with other comments and doesn't fit into the neighborhood, traffic is an issue. Does not feel this is the place for the project.

Chairman Martin asked Mr. Lucas to give quick lesson on how go about understanding the size of road etc. Mr. Lucas stated in larger development a traffic study would be done. While would not require a traffic study will evaluate many aspects, hours of operation, size of parking lot, have to work with the petitioner to see what kind of traffic. Based on information use engineering principles to determine needs, will need to see firm plan of the project. Would need to know what board gives them from variances to determine what might be required.

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

Chairman Martin asked petitioner if they would like to address what had been said. Mr. Wert stated would like to request 30-day continuance. Have heard many comments, typically would like to hold a neighborhood meeting. Thirty days would give time to make changes in writing, gather information from Mr. Lucas.

**Mr. Hall made motion to table until BZA meeting on July 23, 2020 dockets: BZA #0520-009-AG, BZA#0520-010-AG, and BZA #0520-011-AG. Mr. Berry second. All present in favor.**

Mr. Culp stated to the audience there will be no special notice for this meeting, welcome to attend in July and hear changes presented, and at the BZA's discretion can allow public comment to the changes. Meeting will be at Red Bridge. Mr. Adams asked if changes could be presented that night. Mr. Culp stated two weeks prior to the meeting to Mr. Taylor.





## CICERO/JACKSON TOWNSHIP PLAN COMMISSION

**Petitioner:** Juniper Farms – James Adams

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

Docket No. BZA-0520-009-AG

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 allowed height of an accessory structure from twenty-two (22) feet to thirty-five (35) feet.

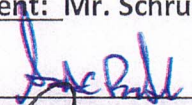
Docket No. BZA-0520-010-AG

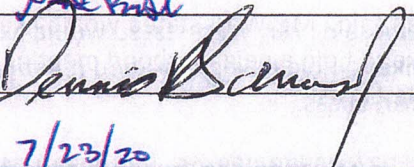
A Development Standards Variance Request application has been submitted concerning Article 7.13.C. of the Cicero/Jackson Township Zoning Ordinance in order to: provide relief from parking lot paving and interior landscaping standards. Whereas, Article 7.13.C. of the Cicero/Jackson Township Zoning Ordinance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

### **Action Item:**

1. Plan Director's Report: Attached. Mr. Strong stated nothing more.
2. Chairman's Report: Thank you everyone for their patience and support.
3. Legal Counsel's Report: Mr. Culp no more to add.
4. Board Member Comments: Thank you to Mr. Hall for additions to earlier petitions. Discussion on no discussion for 30 days on the tabled items.
5. Next Planned BZA Meeting: July 23, 2020

**Adjournment:** Mr. Schrupf made motion to adjourn. Mr. Berry second. All present in favor.

Chairman: 

Secretary: 

Date: 7/23/20

Location:

Cicero Town Hall  
70 N Byron Street  
Cicero, IN 46034