



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

BZA# 0421-001-AG / Chowning

BZA# 0421-002-AG / Chowning

BZA# 0421-003-R3 / Linville

BZA# 0421-001-NC / LinCor LLC

BZA# 0421-011-NC / LinCor LLC

BZA Meeting Minutes

May 20, 2021

7:00 p.m.

Roll Call of Members

Present:

- ☐ Liz Nelson
- ☐ Mike Berry
- ☐ Scott Bockoski
- ☐ Steve Zell (Alternate)
- ☐ Dennis Schrupf
- ☐ Aaron Culp - Legal Counsel
- ☐ C.J. Taylor - C/JT Plan Director
- ☐ Terri Strong- Recorder

NOTICE: Mr. Brad Baker has resigned his position on the BZA due to increased work demands.

1. **Declaration of Quorum-** Chairman Bockoski declared a quorum with all members present.
2. **Approval of Minutes-** December 17, 2020, was last meeting.
Mr. Schrupf made motion to approve minutes from December 17, 2020. Mr. Zell second. All present in favor.
3. **Public Comment-** Chairman Bockoski reminded everyone to sign in if they wanted to address the Board. Also, reminded that this is the time to address the Board for any items that are not on the agenda tonight. Items on the agenda will have a different method of addressing. No public comment.
4. **Old Business:** No old business.
5. **New Business**

Docket #: BZA-0421-001-AG

Petitioner: Edward Chowning

Property Address: 22350 Flippins Rd., Cicero, IN 46034



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A Land Use Variance application has been submitted concerning Article 3.1 "AG" Agricultural District of the Cicero/Jackson Township Zoning Ordinances in order to: Allow a combination commercial riding stable and horse boarding business in an "AG" Agricultural District. Whereas a combination commercial riding stable and horse boarding business is not a permitted or special exception use in an "AG" Agricultural District.

Edward Chowning 589 Bowman Lane Avon, IN. Mr. Chowning explained that he and his wife have signed an agreement to purchase the property at 22350 Flippins Road. There is an existing boarding facility. The Roberts that own the facility have done the infrastructure that is needed. Would like to construct a composting facility, which is a good way to recycle. Mr. Chowning opened to questions.

Mr. Zell suggested that Mr. Taylor give a history of the property, to get everyone up to speed on the existing business. Mr. Taylor stated in 2017 Candy Rogers came thru this process for a horse boarding and to give lessons. Mr. Taylor stated built horse barn, pastures, arena, inspections were done with no issues. Ms. Rogers has operated since then; the office has not received any complaints in this time. In the staff report, Mr. Taylor indicated if approved, would look for a commitment for things to continue as is.

Mrs. Nelson questioned other than manure processing, looking to keep things as they are. Mr. Chowning stated yes would start out they same way, until the facility could be built to compost. Mr. Zell questioned what facility improvements. Mr. Chowning wants to purchase the plans for the compost facility even though the actual building could take some time. Mr. Zell questioned how soon. Mr. Chowning stated within the next six months. Mr. Bockoski asked for an overview of the actual business, especially the slab. Mr. Chowning stated it is a slab, pipe going thru, has a fan that blows into the composting bins. Fan is on a timer. Mr. Chowning has researched many systems. Mr. Bockoski asked if additional approvals would be needed perhaps by Plan Commission. Mr. Taylor stated yes, a building permit would be needed. Also stated asked Mr. Chowning to add to proposal since it was an addition to the existing business. Mr. Taylor shared that he had heard of aerobic composting in his work with wastewater treatment. Should not have odors, and some problems with heat generation on a standard composting pile. Mr. Berry questioned experience. Mr. Chowning stated at several different boarding facilities not operated one. Has had small composting piles but not with the covered piles. Details given. Mr. Zell suggested letter of commitment regarding the operating elements.

Mr. Zell made motion to open public hearing. Mrs. Nelson second. All present in favor.

No public comment.

Mr. Zell made motion to close public hearing. Mrs. Nelson second. All present in favor.

Chairman Bockoski discussed letter of operation commitments and questioned the board if there were other items to add. Mr. Zell stated to get in the record, goal is to have existing site improvements done in the next six months. Chairman Bockoski asked petitioner if that works in his timeline. Mr. Chowning stated he would be ready, but construction could be delayed. Discussion ensued on the actual docket versus commitments. Mr. Berry asked for clarification, the original approval was tied to ownership, thus the reason for the variance



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tonight. Mr. Taylor stated correct. Mr. Berry asked if could be tied to land instead. Mr. Culp stated yes it could be worded to run with the property. Discussion ensued.

Chairman Bockoski reminded that all motions are made in the affirmative.

Mr. Berry made motion to approve Docket BZA#0421-001-AG adding conditions of: Eight-month commitment for facility improvements, variance is tied to property, and letter of commitment provided. Mr. Schrumpf second.

Mrs. Nelson-approve, Mr. Berry-approve, Mr. Bockoski-approve, Mr. Zell-approve, Mr. Schrumpf-approve. Motion approved 5-0.

Petitioner: Edward Chowning

Property Address: 22350 Flippins Rd., Cicero, IN 46034

A Development Standards Variance application has been submitted concerning Article 7.23, MS-04 Miscellaneous Standards of the Cicero/Jackson Township Zoning Ordinances in order to: allow possession of and/or boarding of horses without the required minimum acreage of fenced pasture. Whereas, Article 7.23, MS-04 Miscellaneous Standards of the Cicero/Jackson Township Zoning Ordinances requires a minimum of 1.5 acres of fenced pasture per horse.

Edward Chowning the diet of horses consists mainly of hay, with grain supplemented to get vitamins needed, will be turned out for grass to supplement. This is same as the Rogers were following, feeling plenty of land for the 14 horses that were approved previously. Mr. Zell asked how many acres do the horses have for pasture. Mr. Chowning stated best he can measure 7 acres. Mr. Taylor stated he recalled 7-9 but depends on the area by the barn if included. Mr. Berry clarified the 11 acres shown included the home and barns. Mr. Chowning stated correct. Mr. Schrumpf asked how many horses were being boarded. Mr. Chowning stated 14. Mr. Zell stated he calculates this as 21 acres needed, understanding the supplementing grass grazing. Mr. Chowning stated horses should not eat that much grass or eat only grass. Discussion ensued on previous business model.

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

Gentlemen from public (no name given) gave the history: he knew the numbers didn't have anything to do with diet but rather the number of horses allowable on small acreage, ordinance from years ago.

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

Mr. Berry stated he would like to also make this go with the property rather than owner. Mrs. Nelson brought up the chances of increasing the number of horses beyond 14.



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Mr. Schrumpf made motion to approve Docket #0421-002-AG as presented adding the variance goes with the property. Mr. Zell second.

Mr. Schrumpf-approve, Mr. Zell-approve, Mr. Bockoski-approve, Mr. Berry-approve, Mrs. Nelson-approve. Motion passed 5-0.

Chairman Bockoski congratulated and asked that Mr. Chowning follow up with Mr. Taylor on any items needed.

Docket#: BZA-0421-003-R3

Petitioner: David Linville

Property Address: 1025 West Morse Drive, Cicero, IN 46034

A Development Standards Variance Request application has been submitted concerning Article 3.8 of the Cicero/Jackson Township Zoning Ordinance. In order to encroach onto the minimum required rear yard setback for the construction of a yard shed.

Chairman Bockoski invited petitioner to address the Board.

Petitioner addressed Board (no name given) Don't want to put barn in the side yard but with the easements most of the backyard is taken with easement. The old lot plans, the garage was in the easement and was given a variance to be able to construct. Mr. Zell commented that it is an odd shaped lot and seems straight forward request. Discussion on boundaries. Petitioner indicated there is a drainage easement, neighbors' fence, and pine trees in the easement all present before purchasing the home. Mr. Berry asked how tall the privacy fence behind -answer 5 feet. Mr. Berry asked if foundation, utilities planned for the shed. Petitioner answered, slab and electric for one light. Drainage didn't match the slope of the land; this has been repaired for better drainage. Mr. Berry asked what shed is being made of. Petitioner stated wood.

Mr. Zell made motion to open docket for public hearing. Mrs. Nelson second. All present in favor.

Bill Holiday-HOA president-stated the only lot shaped like that. HOA does not have an issue, backs to a fence, and is not in the easement. Mr. Holiday stated would have to be approved by the HOA for looks.

Mr. Taylor stated not in an easement and wouldn't be here if it were as the Town Council has stated they would not approve items in the easement. He is here because of the setback requirements.

Mr. Taylor has two letters received for the record.

Adam and Sarah Colter, No issue for the yard shed. NO address given other than business. Mr. Zell stated live on 236th street.

Amy and John Wolfe 1035 West Morse Dr. No issue with the shed, can see the location from windows and have full support.

Letter also from Mr. Holiday and the HOA but he has covered what is in the letter.



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

Mr. Zell made motion to approve BZA#-0421-003-R3 as presented. Mr. Schrumpf second.

Mr. Berry-approve, Mr. Bockoski-approve, Mrs. Nelson-approve, Mr. Zell-approve, Mr. Schrumpf-approve.
Motion passed 5-0.

Docket#: BZA-0421-010-NC

Petitioner: LinCor LLC

Property Address: 49 East Jackson St., Cicero, IN 46034

A Land Use Variance application has been submitted concerning Article 4.1 "NC" Neighborhood Commercial Zoning District of the Cicero/Jackson Township Zoning Ordinances in order to: Allow the operation of a concrete coating business in an "NC" Neighborhood Commercial Zoning District. Whereas a concrete coating business is not a permitted or special exception use in an "NC" Neighborhood Commercial Zoning District.

Chairman Bockoski welcomed representative from LinCor to address the Board.

Scott Lindenburg 1403 Capital Way Circle, Noblesville. Operator for Marblelife, a franchise, looking for retail storefront.

Looking at 49 East Jackson for a showroom, to display products. 1500 square foot of the space would be display. Mr. Zell asked for details of manufacturing process. Mr. Lindenburg stated it is small-epoxy type of process for marble and solid surface materials. Mr. Zell expressed desire to hear details; noise, odors, air contaminants, hours of operation, smoke. Especially since a neighborhood commercial project. Mr. Lindenburg asked if appropriate to call. Chairman Bockoski stated could or could be in best interest to table until July for details to be able to be answered. Mr. Berry asked if there was a timeline for this. Mr. Lindenburg stated GT Carts went out, space is available. Mr. Zell expressed his concern for knowing the details before being comfortable on voting to support. Mr. Berry questioned if manufacturing was done by machines or by hand. Mr. Taylor questioned Mr. Culp would it be acceptable to approve showroom and return for manufacturing approval at later date. Mr. Lindenburg asked, if possible, to try to reach via phone. Mr. Culp stated everyone in the room has to be able to hear.

Mr. Lindenburg calls "Mike", stating questions on fabrication process. Mike stated cutting done with circular saw, epoxy mixed to seal. Mr. Zell explained that questioned the manufacturing since in a Neighborhood Commercial district, is there going to be smoke, odors etc. that could be problem for the neighbors. Mike answers nothing that could be disturbing. Perhaps some odor while applying, many do this type of work inside customer homes to is not to disturb. Prefers to start from scratch not tie up a kitchen in someone's home. Mr. Zell asked if this is a daily process. Mike answered that main business is the stone and tile restorations, do not anticipate daily occurrence of the epoxy in shop. Mainly would be on site applying



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product to people's garages. Mr. Berry asked how many employees on any given day. Mike stated now it is himself and two other guys. Hope that in a year, two to three can be added as business grows. Mrs. Nelson questioned only hand tools are used. Mike answered, circular saw, jig saw, perhaps saw for wood. Belt sander perhaps, router, nothing super loud and dust collector is used. Nothing added to the air outside a small shop. Chairman Bockoski thanked for speaking, with the chemicals used what kind of equipment is used by employees. Mike answered safety eye wear, gloves, apron, nothing more major than that. Mike apologized for not being able to attend in person.

Mr. Zell made motion to open public hearing. Mrs. Nelson second. All present in favor.

No public comments.

Mr. Zell made motion to close public hearing. Mrs. Nelson second. All present in favor.

Mr. Berry stated the comment he has is there is a manufacturing plant across the street. Chairman Bockoski indicated his concern was how toxic it would be. Mr. Schrumpf stated it had been several years, but Decker had a concrete sealing business in that location. Mr. Taylor added that even if approved we still have environmental standards that have to be met. If there were concerns, we could enforce.

Mr. Zell made motion to approve BZA-0421-010-NC as presented. Mr. Berry second.

Mrs. Nelson-approve, Mr. Berry-approve, Mr. Bockoski-approve, Mr. Zell-approve, Mr. Schrumpf-approve.

Motion passed 5-0.

Docket#: BZA-0421-011-NC

Petitioner: LinCor LLC

Property Address: 49 East Jackson St., Cicero, IN 46034

A Development Standards Variance application has been submitted concerning Article 7.13 of the Cicero/Jackson Township Zoning Ordinances in order to: seek relief from the minimum off-street parking requirements in an "NC" Neighborhood Commercial Zoning District.

Scott Lindenburg 1403 Capital Way Circle Noblesville. While there is asphalt out front and some on side, there is not parking lot. Understand there will be three trucks out and about, at night one on pavement and we granted access to a garage. Chairman Bockoski expressed the concern for the amount of different traffic that goes down that alley, not only for his business but for others and the residents. Chairman Bockoski also stated assuming customers would be using street parking. Mr. Lindenburg stated there would be deliveries, on Jackson St. primarily. Mr. Taylor added that he had a conversation with the operator of the business, explaining that work vehicles could not be outside overnight. First, taking street parking for other businesses and residents as well as perception of using trucks for signage/advertising. Mr. Zell asked where proposing to park. Mr. Taylor stated looking to grant relief for customer parking, only using street parking. Chairman



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Bockoski stated have dealt with this for that property. Mr. Schrumpf mentioned the dog groomer and Big Dog's.

Mr. Schrumpf made motion to open public hearing. Mrs. Nelson second. All present in favor.

Mr. Holiday stated history, Iris Rubber wanted to purchase and run forklift across the street. Not opposed, just giving history.

Mrs. Nelson made motion to close public hearing. Mr. Zell second. All present in favor.

Mr. Zell made motion to approve BZA# 0421-011-NC as presented. Mr. Schrumpf second.

Mr. Schrumpf-approve, Mr. Zell-approve, Mr. Bockoski-approve, Mr. Berry-approve, Mrs. Nelson-approve. Motion passed 5-0.

6. Plan Director's Report: Mr. Taylor stated report in the packets. April very good month. YTD \$65866 revenue. Andrew left April 15th for position in Indianapolis, while not receiving any applications, did get someone hired starting Monday from applications received by treasurer's office.

7. Chairman's Report: Return to this topic.

8. Legal Counsel's Report: Mr. Culp stated anticipated Lennar Homes would be filing their petition for annexation in next month. Currently 62 homes approved and want to do more than double however, due to water and sewer constraints they are limited. Working on sewer project, expect start before end of year. Working on water project would like to start before end of year, however challenges in finding water. Also, have new council member, Jack Russell relocated, replaced by Chad Blueher. He was elected by precinct committee members to fill the rest of Jack's term.

9. Board Member Comments: No board comments.

10. Chairman's Report: Chairman Bockoski after six months of no meetings, topic of election of officers was addressed. Chairman Bockoski questioned officers needed at this point. Determination is Chairman, Vice-Chair, and Secretary are all required for Board of Zoning.

Mr. Schrumpf nominated Mr. Bockoski for chairman of Board of Zoning and Appeals.

Mr. Berry-yes, Mr. Schrumpf-yes, Mr. Bockoski-yes, Mr. Zell-yes, Mrs. Nelson-yes.

Mrs. Nelson nominated Mr. Berry for vice-chairman. Second Mr. Schrumpf.

Mr. Schrumpf-yes, Mr. Bockoski-yes, Mr. Zell-yes, Mrs. Nelson-yes, Mr. Berry-no.



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Chairman Bockoski explained the duties of Secretary.

Mrs. Nelson nominated Mr. Schrumpf for office of Secretary. Mr. Berry second.

Mr. Zell-yes, Mr. Berry-yes, Mr. Bockoski-yes, Mrs. Nelson-yes, Mr. Schrumpf-yes.

Discussion on joining the railroad crew ensued. Chairman Bockoski thanked Mr. Zell for consistently stepping in to assist the Board. Mr. Berry asked about replacement for Mr. Baker. Mr. Taylor stated has a couple of leads for people to replace. Mr. Culp asked whose appointment was it. Mr. Schrumpf stated his paper states TC appointment.

11. Next Planned BZA Meeting: June 17, 2021

12. Adjournment: Mr. Schrumpf made motion to adjourn. Mrs. Nelson second. All present in favor.

Chairman: _____

Secretary: _____

Date: _____

Location:

Cicero Red Bridge Park
697 West Jackson St.
Cicero, IN 46034