



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

BZA-0921-013-AG Frye  
BZA-0921-014-AG Mahan

**BZA Meeting Minutes  
September 23, 2021  
7:00 p.m.**

**Roll Call of Members**

Present:

- ☐ Mike Berry
- ☐ Scott Bockoski
- ☐ Liz Foley-Nelson
- ☐ Dennis Schrumpf
- ☐ Steve Zell
- ☐ Aaron Culp - Legal Counsel
- ☐ Dan Strong - C/JT Plan Director
- ☐ Terri Strong- Recorder

1. Declaration of Quorum: Chairman Bockoski declared a quorum with all five members present.
2. Approval of Minutes:  
**Mr. Zell made motion to approve minutes as presented for July 22, 2021. Mr. Berry second. All present in favor.**
3. Public Comment: Chairman Bockoski asked for any comments for items not on agenda, as well as reminding those present to sign in.  
No comments from public.
4. Old Business: None
5. New Business:

**Docket #: BZA-0921-013-AG**

**Petitioner: Blair & Emily Frye**

**Property Address: 27810 Anthony Road Atlanta, Indiana 46031**

A Land Use Variance 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, flower sales (You pick) and gift shop in an "AG" agriculture district. Whereas, a retail Christmas tree farm, flower sales



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(You pick), and gift shop are not a permitted or special exception use in a “AG” agriculture district.

Chairman Bockoski asked for petitioner to address the Board, explaining what the project entails.

Blair Frye 27810 Anthony Road, Atlanta, currently live on 16 acres of land, taking northern most part approx. 8 acres for growing Christmas trees. Wanting there to be a gift shop for ornaments and selling the trees. After discussions with other tree farmers in Indiana, expecting busiest to be the three weeks between Thanksgiving and Christmas for retail sales. Would be doing the u-pick by appointment only. Do not anticipate selling trees at any other time of the year.

Mr. Frye will not be doing any other construction of buildings on the property. Not asking for any other variances, there is a barn already there to be used for the base of our business.

Mr. Zell asked are trees already there, already in the ground. Mr. Frye stated have planted approx. 300 trees this year. Description of where those were planted. Mr. Zell where are customers coming in from and where would they park. Mr. Frye just in our driveway on the map, planted hardwood trees spaced apart so they can pull in between those trees. Approximately 20+ trees. Small operations do not expect to exceed the 20-car parking at any one time. Mrs. Nelson asked when they would be open. Mr. Frye stated since just planted, 5-6 years before selling. Mrs. Nelson asked if anticipate the open side of the barn to be closed for retail space. Mr. Frye stated no, currently houses a truck. Has electricity in barn of four light bulbs. Mr. Berry asked if restroom facilities. Mr. Frye answered that if emergency could use house facilities. Not like other places that have activities, expect visit to be 30 minutes. TBD who is cutting the trees, customer, or someone else so don't expect long visits. Mr. Berry questioned you are selling other items though? Mr. Frye the main thing is trees, potentially ornaments, wreaths, flowers. Mrs. Nelson asked about signage. Mr. Frye stated cedar posts at entrance with steel sign with logo attached 4-5 ft wide. Mr. Strong added that would have to meet zoning regulations for signage. Chairman Bockoski asked if year-round. Answer was no. Mr. Zell asked about the flower sales could sell earlier if wanted to. Mr. Frye answered could be earlier than the 5 years, didn't have a lot of luck this year in growing. Moving to field, not sure how to answer. Mr. Berry according to sign, established in 2020, do you have a license with state. Mr. Frye stated have tax ID number and LLC set up with the state. Mrs. Nelson asked about flower sales. Mr. Frye stated would be u-pick set up. Chairman Bockoski questioned listed in petition the four light bulbs in the barn as all the lighting, in some cases have seen lights strung up and down rows to be able to see. Mr. Frye indicated that yes would need to do something like that. Mrs. Nelson asked if gravel the parking area. Mr. Frye answered gravel drive and grass where they would park. Mrs. Nelson questioned the Indiana weather in December, could be towing out of the mud. Mr. Frye stated have capability if comes to that. Mr. Zell questioned the liability of allowing to cut themselves. Mr. Frye indicated options without definite direction.

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

Chairman Bockoski asked if anyone present from the public wanted to speak regarding this petition.





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Mr. Strong stated since no one is stepping forward at this time, we did receive yesterday a notice of opposition to the zoning request at the Plan Commission office. Mr. Strong read the notice for the record. Added to the file.

*Summarized below:*

Notice states property is zoned for AG farming and area surrounding is zoned AG also.

Requesting variance be Denied on grounds: traffic on Anthony Road, potential of widening which would cause loss of property due to a business in the AG zoning, noise, and pollution.

12 residents listed on notice.

Mr. Strong passed the Board copies. Also Mr. Strong stated and passed a copy of a second letter received which is not a fan of the project, listing 15 reasons why project should not be approved.

Time was given for Board members to review the submitted information.

Mr. Berry asked if anyone that signed the petition was present tonight. Mr. Strong indicated that it didn't appear so. Mr. Strong told Mr. Frye he was welcome to review the presented sheets as well.

Chairman Bockoski stated the petitioner received the same copies presented to the Board. Chairman Bockoski asked if anyone present wished to speak on this matter.

Steve Nelson 296<sup>th</sup> just down from Anthony. Have pumpkin patch near that is seasonal does not cause disruptions, body shop up around the corner also doesn't affect. These are both on the Tipton side of 296<sup>th</sup>. Support creating jobs for young people in the area as what this young man is doing.

Doyle Mehan 19428 Prairie Baptist Road, echo what Mr. Nelson said.

Vader Ohler 27890 N. Anthony Road all for the tree operation, until adding the flowers and store piece. Feel turns into a July to tree time operation, road is very narrow much more than 296<sup>th</sup>. Road can not support traffic and snow drifting; road is not primary focus of the county maintenance. For the tree growing operation, speaking on behalf of the petition, concern is the traffic and the issues. Turn against is the flower operation which is spring to winter. Speaking for the farmers in the area and concern for narrowness of the road. Chairman Bockoski asked how long Mr. Ohler has been farming in the area. Mr. Ohler stated his mothers address, lived since he was five, farming since 13 and now 27.

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

Chairman Bockoski gave Mr. Frye time to address any comments by the public. Mr. Frye thanked for the comments, appreciate the opportunity to review the letters. Of the 12-14 names, five live near me. Mr. Frye stated he had expressed the flowers would be appointment only. Will not allow parking on Anthony Road, if exceeded the 20 anticipated, would go to appointment only for trees as well, would put into writing.





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Mr. Frye continued that it is not a year-round gift shop, would only be the three weeks. Flowers would not be gift, just flowers.

Chairman Bockoski stated concerned with plan as far as restroom, don't open a business to not grow. Going forward, better plan for parking. Mr. Strong added for the motion, that he spoke with Mr. Lucas with Hamilton Co., at this time not sure if anything will need to be done at end drive and would want to review. Mr. Zell surprised that business plan or model is not better defined. Realize some things not defined, like hours of operations, and parking. Expected a hard and defined business plan, examples given, lighting and restrooms. Mr. Frye stated he would not have anyone on the property after dark.

Mr. Strong pointed out to Mr. Zell that on the petitioners list of findings pointed out that business would be operated from Thanksgiving to Christmas with hours of 9-5 with majority of business to be on Friday and Saturday. Mr. Zell stated also interesting that none of the people that are on the list opposed were present. Mr. Frye commented that one neighbor was here. Mr. Ohler not on the list but stated his mom is on the list, many felt signing was sufficient.

Chairman Bockoski stated always want to see a business be successful in our area. Is there an opportunity for you to sell the trees but not on a zoned AG property? Mr. Frye stated he was sure there was an opportunity however, their thought would be for the church youth to have an opportunity to raise money. The experience of families picking out their tree.

Mr. Strong addressed the comment of attending if signed, office did have a couple calls and were told the letter would be presented and didn't have to attend if so desired.

Mr. Berry talking 6 years out, a lot can happen in six years, would we want to put some stipulations on this, like going with the owner or another type of farm. Mr. Culp answered can certainly place restrictions on it, whether the owner or the type of business however you want to state. Chairman Bockoski stated if approved has to be all elements listed. Mr. Culp stated no, can list A, B, or C or any combination. Mrs. Nelson asked, if possible, to ask the petitioner for a more clearly defined plan that would move forward with the six years. Chairman Bockoski stated approval tonight and if changed would have to come back again. Mr. Culp added if changed and required a variance would have to seek a variance for those changes.

Chairman Bockoski asked with a Land Use Variance do we need conditions as part of motion such as parking. Mr. Culp suggested hours of operations be added as well as part of the motion. Chairman Bockoski stated his stipulations to be listed would include hours of operations 9-5, parking to be inspected by the Plan Director, end of drive addressed with county, no parking on Anthony Rd., flowers by appt., don't feel that sign has to be a stipulation because ordinance would take care of. Mr. Zell restrict sales to trees, flowers by appt and small retail shop. Chairman Bockoski asked can we say restrict to items listed on findings. Which were: barn ornaments, mugs, t-shirts, wreaths made from tree trimmings. Mr. Strong asked for clarification of parking area, grass, gravel, what would be inspected. Mr. Culp stated he was thinking of the area. Mr. Berry stated if left grass, would become mud. Mr. Zell stated he could support gravel. Chairman Bockoski is designated area and gravel. Mr. Frye asked if modified to aesthetically pleasing would not look like an AG farm. Chairman Bockoski stated that is part of why reviewed, if in a retail zoning area there are requirements of paving, lighting, and safety requirements for an AG. Mr. Culp clarified that not rezoning, only variance. Discussion ensued.





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Chairman Bockoski listed conditions as: Hours of operations 9-5, parking to be inspected by Plan Director, county to approve drive, no parking on Anthony Rd., flower sales by appointment only, restrict sales to products listed in variance request. Mr. Schrumpf reminded that hours would not include Sundays. Mr. Culp stated motion can refer to this list without relisting.

**Mr. Zell made motion to approve BZA-0921-013-AG as presented with contingencies being as listed above in Chairman Bockoski statement. Mrs. Nelson second.**

**Mr. Berry-approve, Mr. Bockoski-no, Mrs. Nelson-approve, Mr. Schrumpf-no, Mr. Zell-approve. Motion 3-2.**

Chairman Bockoski stated if further questions, Mr. Frye should contact Plan Director for assistance.

**Docket #: BZA-0921-014-AG**

**Petitioner:** Doyle and Stacy Mahan

**Property Address:** 9340 E. 266<sup>th</sup> Street Arcadia, Indiana 46030

A Development Standards Variance Request application has been submitted concerning Article 7.5 of the Cicero/Jackson Township Zoning Ordinance: To allow an accessory structure to be located in the front yard whereas an accessory structure shall only be located to the rear or side of the primary structure.

Chairman Bockoski asked for petitioner to address the Board.

Stacy Mahan 9340 E. 266<sup>th</sup> Arcadia. Earlier purchased some land on the corner, referred to the pictures provided. Due to drainage and such have 110 feet before we can build our home. Site plan is provided, by Miller Survey, barn is pictured to the side and beyond the home. Due to the fact it is on a corner we have two front yards. House would have a walk out basement, barn would be to side and behind.

Mr. Strong stated Crooked Creek Road and 266<sup>th</sup> and per our ordinance both would be classified as fronts.

Mr. Mahan stated two large trees trying to save, due to the restrictions challenging to get everything in without cutting down trees.

Mr. Zell asked if the plan was to build the barn first. Mrs. Mahan stated not necessarily, the AG requirements would allow it for personal use. Mr. Mahan stated it would be the plan, to get items out of storage. Mr. Zell complimented the plan presented.

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

Rich and Pattie Uphus, 20344 Wagon Trail Dr. Noblesville, notified because of owning property to the south of 266<sup>th</sup> street. We didn't know what the petition was for, only that there was a meeting. Mr. Uphus asked if could see what is being petitioned for.

Mr. Strong shared the information with Mr. Uphus using the packet for directions. Discussion ensued on the actual location of the properties and location of the barn. Mrs. Uphus expressed concern at what renters of the duplex would be seeing.



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Mr. Mahan explained using the existing driveway. Further discussion on the location of items.  
Mrs. Uphus thanked everyone for the information.

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

Mr. Zell repeated that it was an excellent plan and can see why the case is before the Board.

**Mr. Schrumpf made motion to approve BZA-0921-014- AG as presented adding giving permission for barn to built first for personal storage. Mr. Zell second.**

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

Chairman Bockoski stated if you have any questions, please get with Plan Director. Question was asked if buffer was required. Mr. Strong answered can't plant in some areas but no requirements for buffering.

6. Plan Director's Report: Mr. Strong stated in packet report is provided. YTD revenue is up quite a bit over last year. 20 Building permits in August. Guest this evening, administrative assistant here tonight, Mrs. Harlow. Makes job very easy, very detailed orientated and a pleasure to work with. Councilman's system is included for review, looking at a system for microphones and recording item since we are using Red Bridge more. Mr. Zell asked for timing. Mr. Strong believes before the end of the year.

7. Chairman's Report: Mr. Bockoski formally apologized for missing last month and appreciate Mr. Berry filling in. Noted for the record meeting was shorter with Mr. Berry as chairman.

8. Legal Counsel's Report: No report

9. Board Member Comments: No comments

10. Next Planned BZA Meeting: October 21, 2021

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

Chairman: 

Secretary: 

Date: 10/21/2021



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Location:  
Red Bridge Park Community Building  
697 West Jackson Street  
Cicero, IN 46034