



## CICERO/JACKSON TOWNSHIP PLAN COMMISSION

BZA-0122-02-03-04-05-DC Brett Morrow

BZA-0122-06-07-AG Christopher Thomas Wilson

### BZA Meeting Minutes

February 17, 2022

7:00 p.m.

#### Roll Call of Members

##### Present:

- ☐ Mike Berry
- ☐ Scott Bockoski
- ☐ Dennis Schrumppf (late)
- ☐ Steve Zell
- ☐ Aaron Culp - Legal Counsel (zoom)
- ☐ Frank Zawadzki - C/JT Plan Director
- ☐ Terri Strong- Recorder

##### Absent:

Liz Foley-Nelson

1. Declaration of Quorum: Chairman Bockoski declared a quorum with three members present. Chairman Bockoski explained that with any business conducted tonight, unanimous vote would be required to pass. Three of five votes are required to pass any docket. Further explained that any petitioner could postpone their docket if so desire.
2. Approval of Minutes:  
**Mr. Zell made motion to approve minutes from December 23, 2022. Mr. Berry second. All present in favor.**  
Mr. Zell made one correction to the minutes of January 20, 2022, spelling of the representative from Hamilton Heights should be Kristin McCarty.  
**Mr. Zell made motion to approve minutes of January 20, 2022, with correction. Mr. Berry second. All present in favor.**
3. Old Business: None
4. New Business:  
**Docket #: BZA-0122-02-DC**  
**Petitioner: Brett Morrow**  
**Property Address: 93 West Jackson Street, Cicero, Indiana 46034**

Chairman Bockoski stated need to hear from Mr. Zawadzki.



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Mr. Zawadzki stated need to recuse on this part of the hearing due to being part of the ad joiner list. Chairman Bockoski verified from all dockets regarding this property and petitioner Brett Morrow. Mr. Zawadzki stated yes. Mr. Dan Strong stated he would be filling in for Mr. Zawadzki on these dockets.

**A Land Use Variance application** has been submitted concerning Article 4.5 "DC" Downtown Commercial Zoning District of the Cicero/Jackson Township Zoning Ordinance in order to: Allow outdoor seating for a bar in a "DC" Downtown Commercial Zoning District. Whereas: Outdoor seating for a bar is not a permitted or special use exception use in a "DC" Downtown Commercial Zoning District.

Chairman Bockoski asked if petitioner is present.

Mr. Morrow stated he would like to postpone until full board with the exception of the tree.

Chairman Bockoski stated he understood and questioned if motion was needed to table. Mr. Strong stated yes, Mr. Culp added that need to state date, time and location that would be heard.

Chairman Bockoski March 17<sup>th</sup>, 2022, at 7:00 p.m. Discussion on date. Mr. Culp did state that have to have all three votes, however if would go 2-1 would not count against. Mr. Morrow decided to go forward tonight.

Brett Morrow stated that this day and age outdoor seating has become a necessity with Covid, social distancing. Planning a 22x15 ft balcony on back of building completely enclosed on second floor. Access from inside with an emergency exit only. Enclosed no one visible, with open roof. Smoking would be allowed as outside space. Mr. Berry asked if awning or totally open. Mr. Morrow stated perhaps Edison lighting but open.

**Mr. Zell made motion to open public hearing for BZA-0122-02-DC. Mr. Berry second. All present in favor.** Chairman Bockoski asked if any public to speak to this docket. Please address questions and concerns to the Board.

Dagny Zupin 20 West Jackson St. Cicero. Speak in favor of the outdoor dining. Covid showed residents how wonderful outdoor dining can be. Cicero has created a designation for dining with all the great options. This would be a great establishment with or without the outdoor dining, but with the addition elevates the experience Cicero is able to offer. Ms. Zupin explained she is the current president of OTC and outdoor dining is something they would love to see on our Main St.

Jeff Purkey 95 West Jackson St. Cicero. Agree with what has been said, however concern with what has happened in the past. Library Bar and Grill was fine but when sold, went downhill. Concern is what happens in the future if it would be sold, and they wanted to take down walls etc. Is there a way to prevent the walls from coming down to ensure privacy along corridor?

Chairman Bockoski deferred to Mr. Culp. Mr. Culp stated yes, they have the ability to add conditions to prevent changes to the walls to ensure measure of privacy. Mr. Purkey stated not against this project, want to think of the future.

Joe Cox 1050 Morse Landing Drive. Chairman of EDC speak in Support for this project. Building branding culture along Jackson Street as destination for dining. Feature is an attraction for community.





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Jama Fernung 647 Coral Court. Owner of DeLullo's, when you drive downtown past Boathouse, LaCasada and see the folks enjoying the community, great thing. In favor of outdoor dining.

Bonnie Ramirez 189 Iron Bridge Cicero, Newer resident, approximately six years. Since moving have seen many things take place to make it more appealing to be a resident. Railroad to current plan.

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

Chairman Bockoski asked Mr. Morrow if he wanted to make any comments and if issue to outdoor seating was limited to the petitioner and this property. If you sold the property, the next owner would have to go through this process. Mr. Morrow had no issue with that condition.

Mr. Berry stated so we are saying adding a condition that fencing would remain in place as long as deck permit stays with the owner. Chairman Bockoski questioned talking about outdoor seating and not just the barriers that are shown in this design tonight. Mr. Culp stated it is up to the board on which condition they want to attach. One would be attaching to Mr. Morrow as owner, the other would be the barrier as long as outdoor seating is in place. Whichever, one or both the board feels is appropriate. Discussion among board members. Mr. Strong questioned that Mr. Morrow understood a commitment letter would be added by Mr. Zawadzki. Mr. Morrow replied affirmative.

**Mr. Zell made motion to approve BZA-0122-02-DC as presented with the following condition: To be recorded, letter requiring the planned barrier to stay in place as long as outdoor seating is in place. Allowing privacy to the adjoining property owners to be maintained. Mr. Zell second.**

**Mr. Berry-approve, Mr. Bockoski-approve, Mr. Zell-approve. Motion passed 3-0.**

**Docket #: BZA-0122-03-DC**

**Petitioner: Brett Morrow**

**Property Address: 93 West Jackson Street, Cicero, Indiana 46034**

A Special Exception Use request has been submitted concerning Article 4.5 of the Cicero/Jackson Township Zoning Ordinance to: Allow a bar as a Special Exception Use in the "DC" (Downtown Commercial) District.

Brett Morrow 20 West Jackson-Cicero. In the state of Indiana liquor license can only have smoking in 21 and over establishment. Answer to community questions has been to do a specific smoking area, a cigar bar. Diagram is discussed. Glass enclosed area on the second floor, own ventilation area. Would sell cigars in the cigar lounge area. Upstairs would be a lounge area. Feel this would be a great addition to Cicero.

*Mr. Schrumpf arrived 7:30. Mr. Strong verified Mr. Schrumpf should opt out of this docket, since he didn't hear the whole presentation. Mr. Culp verified that is correct, could ask for questions to be answered or opt out and participate in the rest of the meeting. Mr. Schrumpf opted out of this docket.*

**Mr. Berry made motion to open public hearing for BZA-0122-03-DC. Mr. Zell second. All present in favor.**





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Jeff Purkey 95 West Jackson. Mr. Purkey stated he is in support of this project, thinks it is a great idea, only concern is having renters open windows if ventilated to the outside could have impact.

Joe Cox 1050 West Morse Landing Drive. On behalf of Cicero EDC, retail gap analysis done in 2018, handed out to the Board. Showing revenue that is leaving the area due to a gap in the market. In 2018 had one drinking establishment, it has since been closed. In favor because of the revenue opportunity to the community. Also, as part of the demographic, the 30-50 group, after 10 pm there is no place open in Cicero. If an establishment was open until 1:00 a.m. individuals would think twice about their choices rather than drive 10 minutes or so for the evening. Can also market this information.

Dagny Zupin 30 West Jackson. From the Our Town Cicero perspective if we have events and folks are looking to extend their evening this would provide opportunity for it to be extended in town. From the demographic perspective, someone that has recently moved to the community, one thing that attracted is the dining amenities and nightlife with the small-town feel. Losing out on the bar amenities can make a difference and this would help out.

Angela Garcia 1 West Jackson. Agree with all things that are being said. More than a bar but is an experience, have seen Brett do this before with 10 West and is a great concept.

Chris Elliott 99 W Jackson the other side of the Purkey building. Agree with things said and we need more things to do.

Joe Cox 1050 Morse Landing Drive, we have outside investors come in asking the number of bars/restaurants in town looking to add. Give Brett the benefit of doubt, has done a great job with 10 West.

Jeff Purkey 95 W. Jackson. At the barbershop have not heard one negative thing about this bar, hearing enthusiasm, will be big step for Cicero.

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

Chairman Bockoski asked if Mr. Morrow had anything to add. Mr. Berry asked for opening hours. Mr. Morrow answered, there is a deficient on Sunday and Mondays, so will be open Sunday and Monday and typically closed on Tuesday and Wednesday's. Would be open for lunch and close at 1:00 a.m. on weekends. Goal would be to close 1 am on weekends and 11:00 pm on weekdays. Mr. Berry said plan is to be closed on Tuesday and Wednesday. Mr. Morrow stated ultimately seven days a week but to start definitely closed to regroup give employees break. Repeat of hours given.

Chairman Bockoski asked about the drafting from the ventilation system, how would it work. Mr. Morrow stated hard to say if would draft to the front. Discussion ensued, possible options from west and back side.



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Mr. Morrow added there would be three different ventilation systems. Upstairs, downstairs, and smoking lounge. Discussed the priority from an owner's perspective. Mr. Morrow added he would have no problem with restriction if the business were sold to limit smoking to that area alone.

Chairman Bockoski shared that have had a revisit situation in the past, such as lighting requirements. Not sure this is necessary. Hearing limited to this area, top-notch ventilation system. Chairman Bockoski stated his opinion doesn't need additional conditions regarding this other than the stays with the ownership like the last docket. Mr. Zell stated felt hours needed to be stipulated and asked for feedback from Mr. Strong and Mr. Culp. Mr. Strong stated the Board has latitude to do that, the smoking lounge piece though Mr. Morrow is going to great expense for a system as well as glass to isolate. Don't feel it is prudent to revisit, if it is the Boards decision to not accept in the future, we should tell him now due to the added expense. Mr. Berry if a major modification were to be done to the business wouldn't they have to come to us for approval. Mr. Strong stated depended upon how the motion is made.

Chairman Bockoski hours not needed in the motion have spelled out. Mr. Berry yes but closing on Tuesday and Wednesday but if goes well open seven days a week. Discussion ensued. Mr. Culp stated something in for the special events he had indicated to make sure he isn't violating.

**Mr. Berry made motion to approve BZA-0122-03-DC as presented with the following stipulations: Hours of operations until 1:00am on Friday and Saturdays, 11:00 pm the remaining days of the week, with exception of holiday or special events permitted extended hours. Mr. Zell second.**

**Mr. Zell-approve, Mr. Berry-approve, Mr. Bockoski-approve. Motion carries 3-0.**

**Docket #: BZA-0122-04-DC**

**Petitioner: Brett Morrow**

**Property Address: 93 West Jackson Street, Cicero, Indiana 46034**

A Development Standards application has been submitted concerning Article 7.13 Section PK-03 District Standards of the Cicero/Jackson Township Zoning Ordinance in order to: Not plant the one (1) required deciduous shade tree per ten (10) parking spaces (or any part of ten (10) spaces in the interior of a parking lot located in the "DC" District.

Mr. Zell stated this is an ordinance that we should take a look at in the near future.

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

No public comment. Mr. Strong stated the ordinance.

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

Chairman Bockoski asked for comments from Board. No comments.

**Mr. Zell made motion to approve BZA-0122-04-DC as presented. Mr. Berry second.**

**Mr. Schrumpf-approve, Mr. Berry-approve, Mr. Zell-approve, Mr. Bockoski-approve. Motion passed 4-0**





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

**BZA-0122-02-03-04-05-DC Brett Morrow**

**BZA-0122-06-07-AG Christopher Thomas Wilson**

**Docket #: BZA-0122-05-DC**

**Petitioner: Brett Morrow**

**Property Address: 93 West Jackson Street, Cicero, Indiana 46034**

A Development Standards Variance application has been submitted concerning Article 7.13 Section PK-04 District Standards of the Cicero/Jackson Township Zoning Ordinance in order to: Reduce the required number of parking spaces for a business located in the "DC" Downtown Commercial District.

Mr. Morrow we have two spots in front of restaurant and adding five in the back. Drawing referred to: There are 18 spots within 328 feet and 21 within 250 feet plus public parking along the railroad. Asking for the variance to use consider all parking options. Mr. Zell reminded that Mr. Morrow has agreement with Cicero Methodist Church to use their lot along Jackson St. Mr. Strong stated many spots within walking distance.

**Mr. Berry made motion to open public hearing for BZA-0122-05-DC. Mr. Schrumpf second. All present in favor.**

No public comment.

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

**Mr. Berry made motion to approve BZA-0122-05-DC as presented. Mr. Schrumpf second.**

**Mr. Zell-approve, Mr. Berry-approve, Mr. Schrumpf-approve, Mr. Bockoski-approve. Motion passed 4-0**

Mr. Strong stated for the record, Mr. Zawadzki is back in the PC seat.

**Docket #: BZA-0122-06-AG**

**Petitioner: Christopher Thomas Wilson**

**Property Address: 29275 N. Anthony Road, Atlanta, IN 46031**

A Land Use Variance application has been submitted concerning Article 3.1 "AG" District Standards of the Cicero/Jackson Township Zoning Ordinances in order to: Allow a Firearms Business in an "AG" Agricultural District. Whereas a Firearms Business is not a Permitted or Special Exception Use in an "AG" Agricultural District.

Christopher Wilson applied for an MFL-07 Manufacturers License for Firearms allows for transfer and sell of firearms as well. Have full time job, on leave with Duke, primarily something interested in, not a full-time job. Government credentials to apply. One requirement is to have a store front, use my home residence for the address this requires me to separate my personal firearms and inventory for the business. Proposal is to use the current barn as the business address. I will not have storefront, no signage, no customers to browse inventory. Primarily interested in private sales, usually thru the internet. Have been doing events throughout year to support charities, example used was burn center. Being able to do the transfers would increase the amount able to pass on to the charities at these events. Two sides-my interests and assisting with the charity work.





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Chairman Bockoski questioned the mention of Manufacturing is this going thru your barn. Mr. Wilson stated any changes to the weapon serial coding, even mounting scopes, etc. are considered manufacturing. Chairman Bockoski questioned the information presented has no separate address for the barn, how is that handled with the licensing. Mr. Wilson stated he had ATF field agent out today to preapprove, have separate gun safe, and upgrade security system on paperwork listed home 29275 N. Anthony Road but listed underneath, the building structure of the barn is the only structure giving access to the ATF. Had to make substantial investment to get to this point with ATF with additions. Home/building inspection is next, will be inspecting the barn building from this point. Mr. Zell regarding the manufacturing piece, mounting scopes, etc. you indicated no customers coming to property so how does that work. Mr. Wilson reality is the license gives me the ability to have people come but that is not how the business is being run today. Purchase on website, can modify then sell to another ATF, there will be some traffic ultimately but not advertising, not random transferring. Mr. Zell asked if physical office at barn. Mr. Wilson stated all at barn. My intention is not to have people come to home. Mr. Berry asked if limitations on type of weapons. Mr. Wilson answered yes, standard firearms license, no machine guns, have ability to manufacture. Reason for that is for the coding. Mr. Berry asked about black powder guns. Mr. Wilson stated anyone can do currently. Mr. Berry asked if selling ammunition. Mr. Wilson stated not currently there are additional pieces to the license if in the future I decide to go that route. Mr. Zell asked if planning on doing any training at your location or shooting range. Mr. Wilson stated no don't have space for that. Discussion on property logistics. Mr. Zawadzki stated the ATF agent contacted the office asking about our process was going, where we were at in the process and were very complimentary about Mr. Wilson and following the rules.

Mr. Zell asked about procedure of tonight's business, regarding a modification of commitments, should we review the second docket first before the Land Use Variance. Mr. Strong stated could have gone either way. Mr. Strong also agreed that haven't seen many in past but could be seeing another in the near future. Mr. Culp stated he agreed with Mr. Strong's explanation. Mr. Zell asked if future ordinances need to be reviewed. Mr. Culp stated it is covered by state statute but certainly doesn't hurt to have as part of our ordinance.

Mr. Schrumpf asked if could add a couple of conditions, no store front, no signage, no range, and only stays with the property owner. Mr. Strong stated can certainly attach those options. As well as with the Land Use can tie to the person or property. Mr. Wilson stated he had no issue but would shoot his guns in his woods. Explained that it was the shooting range for public that was being referred to. Chairman Bockoski asked if there a situation of more than one customer at a time. Mr. Wilson stated with the ATF would not want that situation and his business would not expect it. Chairman Bockoski asked if display cases on wall or such. Mr. Wilson stated no, has children, this is to follow the rules of the ATF. All items would be locked up, as well as carts that can be locked up. Board discussion on conditions.

**Mr. Schrumpf made motion to open the public hearing on both Docket BZA-0122-06-AG and BZA-0122-07-AG. Mr. Zell second. All present in favor.**

**No public comments.**

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





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**BZA-0122-02-03-04-05-DC Brett Morrow**

**BZA-0122-06-07-AG Christopher Thomas Wilson**

Chairman Bockoski asked for a motion to approve. Mr. Strong asked if for both or one of the dockets. Chairman Bockoski stated both.

**Docket #: BZA-0122-07-AG**

**Petitioner: Christopher Thomas Wilson**

**Property Address: 29275 N. Anthony Road, Atlanta, IN 46031**

A Modification of Commitments application has been submitted concerning Docket #BZA-0199-001-AG in order to: Modify previously recorded commitments that no commercial use or residence would be allowed as part of the approval to allow an accessory structure in front of a primary structure. Whereas the petitioner is now requesting a modification of the previously recorded commitments in order to list the accessory structure (barn) as a place of business in order to obtain a Federal Firearms License. The petitioner lists in the Petitioners List of Findings that he will not actually be running the business through the barn. The petitioner also lists there will be no signs or advertising of any kind. The petitioner further lists do not intend to have any customers at his home residence while conducting business. The petitioner will primarily be running the business over the internet and for charity purposes.

**Mr. Schrumpf made motion to approve BZA-0122-06-AG and BZA-0122-07-AG with the stipulations that there is to be no storefront, no signage, no shooting range, and the property use would stay with this property owner only. Mr. Zell second.**

**Mr. Berry approve, Mr. Schrumpf approve, Mr. Bockoski approve, Mr. Zell approve. 4-0**

5. **Plan Director's Report:** Included in your packet. Mr. Zawadzki gave summary of directors' report. For month of January 2022 permit revenue of \$11285. Up over last year \$401. 20 building permits issued for January 2022. Chairman Bockoski thanked Mr. Zawadzki for that. Conversation on having docket pages for 07.

6. **Chairman's Report:** Chairman Bockoski asked if there were any questions or concerns regarding the list from last months discussion. They were included in the email; they would be brought up organically as the meeting progressed. Mr. Zell stated he agreed with the list and felt that Chairman Bockoski handled well when addressing in the past. Mr. Zell did ask if the name is correct, as this is really a hearing, should there be a change. Mr. Culp stated when the Board gets together it is a meeting, not just doing hearings, we discuss other items and reports. Also under the open-door law, it is a meeting. Mr. Berry the meeting before last, Anthony Estates, subdividing, brought up discussing only the division. The question is: we are a quasi-judicial group; they bring in documents can we question them or are we limited to only what the variance is. Comment was specifically around drainage; the answer was boiler plate information. Mr. Berry stated he didn't feel that was an acceptable answer, the information is presented as a whole and should be able to answer questions. We are approving everything that are bringing in. Are we limited to only the portion of the variance? Mr. Culp stated it is a good question but a complicated question, you all are the finders of fact. You are to evaluate the information presented. If there is information that you don't trust, or have questions, or is incomplete need more information. If you feel that you need more information to be able to make your





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decision, like drainage, you can table until the next meeting. Mr. Culp stated regarding drainage, if the county has signed off then you have to use that documentation, you can't weigh in further, we are not the experts. But if there are questions about the documentation presented. Mr. Strong added this got off key because there were some typos in the document. Mr. Berry brought up the drainage which needed addressed. Additionally, the two remonstrators wanted to revisit all the points that were discussed at the PC meeting. So do you deal with all those things or the docket before us. Mr. Culp added important to understand what a public hearing is for. It is for the public to be heard, address their concerns for or against a project. But it does not mean that the Board has to query everything that is asked. The public doesn't always understand the variances or the rules of the BZA. They will bring up items that are not part of the review. The public can address and then sit down, if they continue to bring up items that aren't under review you can stop them with that is not part of our review. Discourage the back and forth, can mess with minutes, understand who is discussing etc. Mr. Berry asked all procedures have been followed and what has been brought to the board does not fit the standards. Using the example drainage should not be considered. Mr. Strong stated he believed that was lot to depth ratio variance, and if that would be affected by drainage certainly discuss. Board discussed other examples. Mr. Culp ended with if you feel something is incomplete or questionable and affecting your decision you can table and ask for further documentation. Mr. Zawadzki asked if just gave public to address drainage each time. Chairman Bockoski stated he landed at reviewing the information and the thought process of what the variance is before us, but if there is a question on the items submitted or new information is given that may affect, we can certainly question or table for further information to be gathered. Mr. Culp: Summary, yes you have to listen to the public concerns, you can ask to not repeat or use show of hands etc. but this is the right of the public to express their views.

7. Legal Counsel's Report: Mr. Culp -no report. Mr. Zell asked about the solar farm moratorium information. Mr. Culp stated he has a draft to be presented at next Plan Commission meeting.

8. Board Member Comments: Mr. Strong stated he felt the Plan Commission will bring up the issue of the tree, when reviewing ordinance. Also, will have a general conversation regarding downtown parking. As things repeatedly come to the Boards for the same things, then perhaps the ordinance needs to be reviewed.

9. Next Planned BZA Meeting: March 17, 2022 @7:00 pm.

10. Adjournment: Mr. Schruppf made motion to adjourn. Mr. Zell second. All present in favor.

Chairman:

A handwritten signature in blue ink, appearing to read 'Michael Bockoski'.

Secretary:

A handwritten signature in blue ink, appearing to read 'Dennis Schruppf'.

Date: 17-Mar-21





**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

BZA-0122-02-03-04-05-DC Brett Morrow

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Location:

Red Bridge Park Community Building

697 West Jackson Street

Cicero, IN 46034