



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

BZA-0522-19-DC Dark Side Roasters Vanessa Embry

BZA-0522-16-AG Four Goats Holdings James Adams

BZA-0522-18-NC Lincor/Holder

BZA Meeting Minutes

May 19, 2022

7:00 p.m.

Roll Call of Members

Present:

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

1. Declaration of Quorum: Chairman Bockoski declared a quorum with all members present. Chairman Bockoski also informed everyone present that the Board of Zoning Appeals is a quasi-judicial branch of local government. And will be reviewing items on the dockets for issues for items on the dockets. All comments and questions must be directed to the board and not other members of the audience. Any attendants wanting to speak tonight must sign in on the list by the door. Each of the members wanting to speak on the dockets, must stated name and address each time they approach the podium. Each docket typically will have time set aside for public comment, if a person wishing to speak agrees with a previous speaker, it is not necessary to restate all items just state agreement this helps with time.
2. Approval of Minutes:
Mr. Zell made motion to approve minutes as presented from April 21, 2022. Mr. Berry second. All present in favor.
3. Old Business: No old business.
4. New Business:

Docket#: BZA-0522-19-DC

Petitioner: Dark Side Roasters

Property Address: 110 W. Jackson Street, Cicero, IN 46034



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

BZA-0522-19-DC Dark Side Roasters Vanessa Embry

BZA-0522-16-AG Four Goats Holdings James Adams

BZA-0522-18-NC Lincor/Holder

A Special Exception Use Application has been submitted concerning Article 4.5 of the "DC" Downtown Commercial District Standards of the Cicero/Jackson Township Zoning ordinance in order to: Allow for the property located at 110 W. Jackson Street a restaurant with outdoor seating in the DC District whereas: A restaurant with outdoor seating is not a permitted use in the DC District and is only a Special Exception Use.

Vanessa and Matt Embry 110 West Jackson St. Cicero. Mrs. Embry explained would like to add four sets of tables and chairs on the walk to add additional seating as well as helping with inclusion as building is not handicap accessible.

Chairman Bockoski asked if early or late hours will require additional lighting in overall plan. Mrs. Embry stated open at 6:00 am and close at 7:00 pm, only having tables during summertime so lighting should not be an issue. Mrs. Embry stated the aesthetic board requested the area be sectioned off, so there will be chain type stations. Chairman Bockoski asked if two or four person tables. Mrs. Embry stated four tops. Mr. Zell asked how litter will be handled. Mrs. Embry stated will be adding outdoor trash receptacles. Mr. Embry stated the tables will be perpendicular to the building. Mr. Zell asked if tables and chairs will be put away at night or stay on sidewalk. Mrs. Embry stated stay at night during the season. Mr. Zawadzki addressed the Board with clarification, this has been approved at the Town Council level pending a contract that Mr. Culp was drawing up and also approved by the BZA for the aesthetic piece of the project, both committees have approved. Chairman Bockoski stated then we (the Board) are only addressing the zoning piece which is allowing the seating on the sidewalk. Mr. Strong added that the Board certainly has the latitude to put commitments on as well. But coming out of the Plan Commission, they attached that the tables would be a certain way, they spoke about umbrellas, cordoned off with plastic chains to identify the area. And did go thru the Town Council for the use of the sidewalk since it is Town property. Chairman Bockoski asked if measurements were taken for the compliance of pass thru. Mr. Zawadzki stated yes, they were taken, they have 139 inches of walk, 60 inches is what it takes to meet requirement and they have agreed. Mr. Culp stated that will be part of the use agreement with the Town, do not obstruct to meet ADA. Chairman Bockoski stated for us it is trash and turn around of table to not attract pests, birds, etc. is there a plan for that? Mrs. Embry stated added to staff checklist, anytime a table is used it is cleaned asap. Mr. Zell asked for protocol do we need to vote even though approved. Mr. Strong stated no it is entirely up to this Board if they can have the seating at all, it is a Special Exception Use, this Board is the only one that can allow. They went in front of the other Boards 1) due to using Town property, and 2) in aesthetic review area to the Plan Commission. They are here tonight to determine if allowed at all.

Mr. Zell questioned if motion should still be contingent upon Town Council approval. Mr. Strong stated could be contingent upon agreement is signed with Mr. Culp, doesn't have to be before the other two boards. Mr. Culp explained that went to Town Council first is that if the TC was not in willing to grant a license agreement to allow, there was no reason to spend time and money before other boards. Mrs. Nelson asked if there is any signage to indicate this area is for Dark Side only. Mrs. Embry stated not at this time, really don't feel want to limit. Chairman Bockoski asked if other questions, entertain motion for public hearing.



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

BZA-0522-19-DC Dark Side Roasters Vanessa Embry

BZA-0522-16-AG Four Goats Holdings James Adams

BZA-0522-18-NC Lincor/Holder

Mr. Zell made motion to open public hearing for this matter. Mrs. Nelson second. All present in favor. Chairman Bockoski—no public comment.

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

Mr. Zell made motion to approve BZA-0522-19-DC as presented with the contingency of signed agreement with Mr. Culp. Mr. Berry second.

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

Docket#: BZA-0522-16-AG

Petitioner: Four Goats Holdings

Property Address: 22900 Cammack Road Cicero, IN 46034

A Land Use Variance application has been submitted concerning Article 3.1 “AG” Agricultural District Standards of the Cicero/Jackson Township Zoning Ordinance in order to: Allow the property located at 22900 Cammack Road to use for an Agricultural related public education business whereas: a public education business is not a permitted use or special exception use for a property located in the Agricultural District.

Mrs. Nelson stated she needed to recuse herself from this application. Chairman Bockoski asked Mr. Culp to explain the ramifications of Mrs. Nelson recusing herself. Mr. Culp stated Board Members are permitted to recuse themselves if they feel there is a conflict of interest or what may appear to be conflict of interest. In these circumstances they do not participate in any of the discussions, deliberations, or decision making for the said docket. Mrs. Foley-Nelson has stepped away from the table for this discussion. This affects the outcomes as we have four members left on this panel and for a decision to be final, there must be three votes yes or no. In the case of not three, that is considered a split vote and would have to table the manner and represent next month with an alternate. Mr. Culp also explained that all motions made by the BZA are made in the affirmative, so they move to approve.

Chairman Bockoski verified that the petitioner could wait until next month for a five-person board if so desired. Mr. Culp stated that is correct, they could proceed and if 3:1 vote it would be considered final action, otherwise they have option for next meeting with full Board.

Chairman Bockoski asked for petitioner to approach.

James Adams 22900 Cammack Road, Cicero, IN requesting an agricultural educational opportunity on farm. Been on farm for approximately four years and have learned the most by doing. While have researched most of life, feel book learning doesn't have as much weight as getting in and gaining hands on experience. Looking to give this opportunity in a one on one or small group setting. List of topics shared including ecosystem, birds, pollinators, trees.

Chairman Bockoski wanted to make sure wanted to go forward with only four members. Mr. Adams stated yes. To finish up, have had many discussions at farmers market in Noblesville, and people express interest to come to farm to discuss. Have to tell them no.



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

BZA-0522-19-DC Dark Side Roasters Vanessa Embry

BZA-0522-16-AG Four Goats Holdings James Adams

BZA-0522-18-NC Lincor/Holder

Mr. Berry stated stressing education, who will be doing the teaching. Mr. Adams stated he would. Mr. Berry asked what are qualifications for this. Mr. Adams stated doing lots of research into native trees and ecosystems. Have a lot of knowledge even though did not go to college for this, also with park and rec department as well as soil conservationist to determine how to best use the farm and promote business. Mr. Berry asked if only one teaching. Mr. Adams stated yes. Mr. Berry asked any other staff members, or guest staff. Mr. Adams stated have local equestrian center for the carriage rides. Mr. Zell no formal credentials for teaching the subjects you have outlined. Mr. Adams stated academic-no. Mr. Zell questioned if boarding horses. Mr. Adams stated no, they would be brought in. Chairman Bockoski stated parking is lined out in the proposal, how many cars would you expect/fit. Mr. Adams stated 10. Chairman Bockoski questioned the carriage rides would be only on this property not on common roads. Mr. Adams stated only on my property. Mr. Zell expressed wanting to understand the traffic flow, how many days, hours of operation, how many people at the property in terms of maximum. Mr. Adams answered that hours of operation would be Tuesday-Friday 10-6, Saturday 1-6. These hours would not include people coming willy-nilly. Appointments would be made 1-1.5 hours in length for the tours at set times within those hours. Example: Tuesday 2:00 and Friday 3:00 and that would be it. Mr. Zell asked if anticipating signage. Mr. Adams stated there would be a sign at the road. Chairman Bockoski asked how many people at a time. Mr. Adams stated want small groups, 3-7 would be comfortable. Chairman Bockoski questioned restroom facilities and are they ADA compliant. Mr. Adams stated they are not, they are composting toilets, could address if required. Mr. Berry questioned application states meet animals, currently goats but will diversify. Mr. Adams stated chickens, ducks, sheep mostly the plan, popular for people to meet the animals. Mr. Zell questioned no night hours and no additional lighting. Mr. Adams stated no, just hours laid out winter would be less due to dark earlier. Mr. Berry questioned the selling of Christmas Trees. Mr. Adams yes but not on the property. They would be cut and sold elsewhere. Mr. Berry verified would not be selling anything else. Mr. Adams stated no sale of goods.

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

Chairman Bockoski asked if any public comment or if Mr. Zawadzki wanted to start.

Mr. Zawadzki stated he has emails from adjoining properties that were submitted and asked to be added for the record.

Letters summarized by the recorder:

Susan Hunter-Buhr-behalf of the Hunter Trust. Against project, potential harm to other property-currently adjacent land farmed annually, no barriers to prevent harm. Risk with people and animals doing harm to land.

Jay Egan 22801 Cammack Road. Across the street from this project. Several concerns- 1) conversations with James from initial request to rezone did not match what was at previous meeting. Concern that requests is not matching up with intent of use. 2) Cammack Road is dangerous road to walk and bike and concern for increase traffic. Russell Farms is a similar project and traffic, and heavy use would not fit into what this area is designated for via comp plan. 3) concern for property values in the area. Against.

Office of Hamilton County Highway Department-Dave Lucas. Property back on agenda, comments from previous application would still apply. Need to permit as commercial, need hours and months of operation and expected attendance.



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

BZA-0522-19-DC Dark Side Roasters Vanessa Embry

BZA-0522-16-AG Four Goats Holdings James Adams

BZA-0522-18-NC Lincor/Holder

Chairman Bockoski asked if any public comment.

Randy Buhr 10942 Ennis Brook Lane Fishers IN. Mr. Buhr explained Susan Hunter-Buhr is wife and unable to attend. Family has owned the property for generations. The Lively family has been stewards of the land for many years this project puts the land value at risk. The points from the last hearing still apply. (Email is part of the Boards packet). Question is if the goat tower is a part of this project as it was previously and what kind of barrier to prevent goats from going on adjacent landowners' property. Would like the Board to consider these topics.

Mr. Culp clarified that the goat tower is not a part of this. It would require a variance, which requires a notice and hearing just as this did. Mr. Buhr questioned that a goat tower under 22 feet could be done without variance and a certain number of goats permissible. Mr. Culp responded that he was referring to the tower from the previously proposed. Mr. Buhr asked what the number of goats permitted is. Mr. Culp referred to Mr. Strong on how many per acre. Mr. Strong answered it depends on the animal. Large animal like horses or cow is 1 per 1.5 acres/fenced area. Medium animals-ostrich or alpaca, sheep 1 per acre. Going to a small animal like a chicken is 1 per .1 acre fenced area. Mr. Strong stated we do have an ordinance that spells it all out.

Jacque Bryant 5225 E 225th Street came out of curiosity of what is proposed. In property service business. Have questions as to if this a back door to another venture. No understanding how would advertise to provide useful information. Would I need variance to allow people to come to my property, have creek and wetlands? Mr. Culp stated the key is business, if friends, no but if set up to run a business. Attracting and charging people it becomes a commercial business which requires a variance to run a business in this district. Mr. Bryant what are they selling? Trees not being sold, are they charging for people to come to seminars. Chairman Bockoski stated that is the understanding, advertising an educational business.

Jeff Titus 4160 E. 231st. Against anything going commercial in this area.

Dave Mason 5520 E. 226th. Properties bought due to zoning, want the country. Quality of life depends upon quiet. Adding commercial adds traffic and noise. Concern for how honest Mr. Adams has been with homeowners in the past. Request to deny.

Ray Adler Atlanta. Concern is who is petitioner before the Board. Four Goats is what read which is a new purchase, cannot claim hardship when you purchased with zoning. Claims owner yet nothing with Secretary of State showing principal owner of Four Goats. Mr. Adler gave details of weak business plan, citing ADA, parking lot standards, restroom standards, no plans presented for stormwater, marketing, no design plans, no financial plan, etc. as all missing in presentation. Documents presented are inconsistent, example was the hours. There is no business. Ask for deny on petition presented.

Leslie Thompson 5390 E. 231st. We are across the street; husband and I are business owners. See incomplete business plan as previously stated. Bigger concern is if this small opportunity is approved, then the larger



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

BZA-0522-19-DC Dark Side Roasters Vanessa Embry

BZA-0522-16-AG Four Goats Holdings James Adams

BZA-0522-18-NC Lincor/Holder

opportunity has a foot in the door to do what was seen two years ago. Appreciate the goal of the BZA to monitor the area and prevent spot zoning. Respectfully ask to deny this request.

Alicia Robinson 23320 Cammack. North of the property sent message earlier today to Director. Letter also states many things already said. Came to address safety of property, could fire truck enter this drive. Safety, traffic, and business plan. Examples: Public maple syrup testing's but then states hours by appointments. Copies of email handed out.

John Kile 4715 E. 231st. Emphasize some items that have been stated. First is the hardship seeming to be self-inflicted, since purchasing the property. Business plan is questionable on how to be profitable. Lastly the impact on the property values. Asked for petition to be denied.

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

Chairman Bockoski stated the Board is going to take a few minutes to review items that have been received during the public hearing no more than five minutes.

Meeting resumed with Chairman Bockoski asking Mr. Adams to approach podium.

James Adams 22900 Cammack Road. Chairman Bockoski asked if the goats are partitioned off. Mr. Adams answered yes. Chairman Bockoski stated the composting restrooms appear to also be a concern, becoming ADA compliant. Mr. Adams stated that would be with the Hamilton County Health Department, no septic currently. Chairman Bockoski questioned the property ownership versus business. Mr. Adams stated his parents (present) are owners of Four Goats Holdings, LLC and Juniper Farms operates under Four Goats, LLC which is the property LLC.

Mr. Berry questioned the maple syrup making in the proposal, at end lists that people can participate in the collecting, boiling of sap what kind of safety requirements have been considered. Mr. Adams explained not a lot of hands on mostly watching. Mr. Berry expressed concern- if friends that is one thing, however, clientele coming in may be opening up to problems from a safety perspective. Mr. Adams stated could strike from the proposal if feel detrimental to the plan. No further questions for Mr. Adams.

Mr. Zell appreciative of everyone giving feedback, concern is that there is no business plan, site plan, no formal education for teaching the public. Too many loose ends to support, no hardship expressed.

Chairman Bockoski questioned members on any stipulations. Discussion on removing the maple syrup process, restroom compliance. Mr. Zawadzki suggested a TAC meeting and address any elements out of that meeting.

Mr. Zell made motion to approve BZA-0522-16-AG with following contingencies: If approved Maple syrup activities to be removed from list of educational opportunities, review of restroom facilities by Hamilton County Health Department, and reschedule of TAC meeting for conditions. Mr. Schrumpf second.

Mr. Bockoski-no, Mr. Berry-no, Mr. Schrumpf-no, Mr. Zell-no. Motion failed 0-4.

Mrs. Foley-Nelson had reclused herself from this petition.



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

BZA-0522-19-DC Dark Side Roasters Vanessa Embry

BZA-0522-16-AG Four Goats Holdings James Adams

BZA-0522-18-NC Lincor/Holder

Mrs. Foley-Nelson rejoined the Board for the remainder of the meeting.

Docket #: BZA-0522-18-NC

Petitioner: Lincor, LLC

Property Address: 49 East Jackson Street, Cicero, IN 46034

A Land Use Variance application has been submitted concerning Article 4.0 "NC" District Standards of the Cicero/Jackson Township Zoning Ordinance in order to: Allow for the property located at 49 East Jackson Street to allow a light manufacturing business in the NC district whereas: a light manufacturing business is not a permitted or Special Use in the NC District.

Chairman Bockoski asked for petitioner to step forward.

Rick Holder 2019 Treving Drive, Cicero

Scott Lindenburg 1403 Cottonwood Circle Noblesville, IN property owner.

Mr. Holder looking for a place to continue hobby job. Hobby job is taking retired whiskey barrels and turning into furniture and décor. Have been working from home and have overwhelmed family. Have had location in trailer park-it is a two-car garage on a parcel-use for storage and finishing shop at my home garage. Have gotten complaints about using this garage and told it is strictly residential. Mr. Holder stated has been looking and a portion of this building is now available and why we are here. Mr. Holder explained the light manufacturing process with the barrels, breaking down the barrel/cutting hole/cleaning/sanding, adding shelf, staining and sealing then moving on to new home. Chairman Bockoski stated assumed quite a bit of dust. Mr. Holder stated yes, and annoying. Have vacuum system to collect all the dust. Chairman Bockoski asked about noise level with saw and vacuum and is it enclosed or outside. Mr. Holder stated some noise, inside building. Averaging 5-6 hours of noise during daylight hours. Mr. Holder understood the ordinance for noise.

Mr. Berry questioned the classification of hobby job, which means you have another job and do this as a hobby job. Mr. Berry questioned how this works with hours/weekends when would be there and are you selling out of this location. Mr. Holder answered his job is managing a residential team of home inspectors and do sales and marketing. Would be doing at the same time, do work into the evening but not after dark and yes over the weekend. Mr. Holder answered the sales question by stating the sole purpose of the location is so can have larger work area, and clients may swing by and pick up the order. Mr. Berry questioned showroom. Mr. Holder stated no but hope to move towards in future. Space for storefront is there if business grows to that. Both pick up and delivery options are provided. During week 2-3 clients may be coming. Parking is discussed, spots in back, pick up would be thru the large garage door. Mr. Zell how do you get large old whiskey barrels. Mr. Holder stated twice a month, picks up 10-15 barrels in Kentucky, uses car wash to clean, stored in storage building. Picks up 2-3 for order fulfillment at a time at the finishing shop. Mrs. Foley-Nelson questioned continuing to have the storage unit. Mr. Holder stated yes.

Chairman Bockoski always been a concern for traffic, has been an alley thru there, all business owners want to grow their business. Concern for traffic for trucks, or employees, or team. Mr. Holder stated he is the team if we grow, parking is in back. If further growth, will need guidance from board at that time, currently clients are out of town.



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

BZA-0522-19-DC Dark Side Roasters Vanessa Embry
BZA-0522-16-AG Four Goats Holdings James Adams
BZA-0522-18-NC Lincor/Holder

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

Robert Hendricks, 209 N. Peru Street, Cicero Live at 209 and own property at 59 So. Peru St. which is diagonal across alley from building. Quite familiar with property and occupants over several decades. It is located in the business district. Iris Rubber Company is across street and acceptable noise level for that area. Mr. Hendricks stated he does not see an issue with the type of business that is being proposed.

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

Chairman Bockoski stated seems to fit in the area in question and the size of the business currently fits in that building. Mr. Berry question for Mr. Culp in event approved and two or three years down the road if business would cease, does this open up for different type of manufacturing business to come in. Mr. Culp stated can tie to this petitioner or the site. If tied to site, would last beyond this petitioner's business. If tied to the petitioner, when ceases using, the variance would expire. Mr. Zell expressed tying to the petitioner is normal so allows us opportunity to review what is going in. Mr. Culp clarified that should instead of saying petitioner should say the business name. As this building is owned by real estate owner and should tie to the particular business. Mr. Schrumpf is the Marble business still in the building or have they moved out. Mr. Lindenberg stated yes, they are, it is a sublease. Mr. Holder stated he would be using approximately 600 square feet of the building 14% of the space of available. Mr. Zell asked if business has a name. Mr. Holder stated Timberline Sierra but will be renamed Cicero Barrel Company. Mr. Strong suggested that operators name be used since business name is changing.

Mr. Zell made motion to approve BZA-0522-18-NC with the business being Timberline Sierra and soon to be Cicero Barrel Company, owner Rick Holder as presented with the condition that the approval is tied to Timberline Sierra/Cicero Barrel Company and Rick Holder. Mr. Schrumpf second.

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

5. Plan Director's Report: Included in your packet. Mr. Zawadzki gave summary of directors' report. For month of April 2022 permit revenue of \$31609. Up over last year + \$17124 and YTD +\$30571. April 54 building permits issued for 2022.

6. Chairman's Report: Thank everyone for all attending tonight.

7. Legal Counsel's Report: Mr. Culp no report but thank you to Mr. Zell as the unofficial motion maker.

8. Board Member Comments: Mr. Zell stated glad to see public attending and very organized in thoughts.



**CICERO/JACKSON
TOWNSHIP
PLAN COMMISSION**

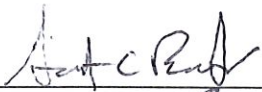
BZA-0522-19-DC Dark Side Roasters Vanessa Embry


BZA-0522-16-AG Four Goats Holdings James Adams

BZA-0522-18-NC Lincor/Holder

9. Next Planned BZA Meeting: June 23, 2022 @7:00 pm

10. Adjournment: Mr. Schrupf made motion to adjourn. Mrs. Nelson second. All present in favor.

Chairman: 

Secretary: 

Date: 6/23/2022

Location:

Red Bridge Park Community Building

697 West Jackson Street

Cicero, IN 46034