



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

BZA-0622-15-R3 Pharis Trucking

BZA Meeting Minutes

June 23, 2022

7:00 p.m.

Roll Call of Members

Present:

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

Absent:

Liz Foley-Nelson

1. Declaration of Quorum: Chairman Bockoski declared a quorum with 4 members present.
2. Approval of Minutes:
Mr. Zell made motion to approve minutes as presented from May 19, 2022. Mr. Berry second. All present in favor.
3. Old Business: None
4. New Business:

Docket#: BZA-0622-15-R3

Petitioner: Jimmy and Jessica Pharis, Pharis Trucking

Property Address: 6660 E 221st Cicero, IN 46034

A Land Use Variance Application has been submitted concerning Article 3.7 of the R3 District Standards of the Cicero/Jackson Township Zoning ordinance in order to: Allow for the property located at 6660 E. 221st Street Cicero IN to park commercial trucks and/or operate a trucking business in an R3 District whereas: parking commercial trucks and/or operating a trucking business is not a permitted use or special exception use in the R3 District.

Chairman Bockoski stated before continuing wanted to state that the Board of Zoning Appeals is a quasi-judicial branch of local government. Board members will be reviewing items on the docket for issues or stipulations to consider 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 attendant wanting to speak on the dockets,



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must state name and address each time they approach the podium. Each item 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.

Chairman Bockoski asked for petitioner to step forward if present.

Dave Coots, with law firm Coots, Henke, and Wheeler 255 E. Carmel Drive, Carmel, IN representing Jim and Jessica Pharis. Mr. Coots stated that he indicated with Mr. Zawadzki before the meeting, Mr. and Mrs. Pharis have asked Mr. Coots to discuss with the Board an amendment to the application. They are asking for application to be limited to duration two weeks. Or to withdraw the request and ask the Board to grant an agreement for two weeks, to July 11, 2022, to relocate the three trucks that are used in Mr. Pharis' business. The variance application was for the purpose of parking the three trucks that leave and return each day to the property. There is no asphalt work being done on the property. The variance was not for operating a construction or asphalt business on the property. Requesting the Board's assistance to withdraw the variance and grant a two-week period to relocate the trucks to a properly zoned site that is geographically convenient to Mr. Pharis to operate his business and still have a home life. Mr. Coots indicated he spoke to Mr. Culp for suggestions on procedure.

Mr. Culp procedurally we would need to hold the hearing or dismiss the petition. Speaking with Mr. Zawadzki before the meeting, Mr. Zawadzki could extend deadline they were given by two weeks for the removal of all the items. At the end of the two weeks, if not removed fines and penalties would be imposed. Mr. Culp stated since Mr. Zawadzki is willing to extend for two weeks would suggest taking that course of action. Mr. Culp explained to the Public this would mean the variance petition would be dead, they would not be allowed to keep trucks on the property and would have two weeks from today to have items associated with the business removed from the property. If they didn't, after two weeks they would be subject to fines and penalties from the Planning Department.

Chairman Bockoski questioned Mr. Zawadzki and his willingness to support that decision. Mr. Zawadzki stated fully support that decision and on July 12 everything would be removed, and inspection would be done.

Mrs. Pharis Wanted opportunity to clear up misconception of what the variance was for. Variance was not for zoning changes but permission to park the trucks. We do not have clients at all at this site. Always intended to be a temporary situation. The culvert pipe has always been intended to be installed due to yard issues. The size of the pipe was determined by the County, drainage, etc. Was inspected by local officials. When submitted request did not have a confident ETA on moving to other location, on Tuesday were approached by another business owner and offered to host us. We will be able to transition to that location and still provide services to Jackson Township businesses. Thanked the Board for the opportunity to be at meeting and maintain relationships with Jackson Township businesses.

Jessica Pharis 6660 E 221st Cicero.

Mr. Culp verified that Mrs. Pharis was wanting to withdraw her petition. Mrs. Pharis stated yes.

Mr. Zawadzki stated for interested parties and the record, Plan Director will grant an extension to July 11th, 2022, and on July 12th inspection will take place to verify removal of trucks and equipment.



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Mr. Culp instructed Chairman Bockoski that at this time would be appropriate for a vote to formally dismiss the petition.

Mr. Zell made motion to dismiss BZA-0622-15-R3 as presented. Mr. Berry second.

Mr. Berry-favor to dismiss, Mr. Bockoski-favor to dismiss, Mr. Schruppf-favor to dismiss, Mr. Zell-favor to dismiss. Petition dismissed.

5. Plan Director's Report: Included in your packet. Mr. Zawadzki gave summary of directors' report. For month of May 2022 permit revenue of \$16880. Up over last year + \$6759 and YTD +\$75259. May 2022 issued 32 building permits.

6. Chairman's Report: Mr. Bockoski presented items from County to Board members for their review for the future.

7. Legal Counsel's Report: Mr. Culp surprised at outcome of tonight's meeting; a lot of research done in preparing for tonight. Will share that Hamilton County is in process of updating zoning code and moving from a document of which 90% was adopted in 1990. Moving to new development ordinance including creation of an overlay district on the west side of US 31. Hearing was supposed to take place in June, but no quorum so meeting will take place in July, third Wednesday, at 7:00 p.m. Encourage public that would be interested to attend. Ordinance will be shared with our plan department in case we want to develop something similar.

8. Board Member Comments: Mr. Zell also surprised at outcome, indicated the findings of fact needed special note verified by Mr. Culp. Mr. Zell questioned if the three trucks are the only equipment that needed to be removed from the property. Mr. Zawadzki stated that according to them the three trucks are the only items pertaining to the trucking company. There is a fuel tank they say pertain to the home construction and mowers also linked to home.

9. Next Planned BZA Meeting: July 21, 2022 @7:00 p.m.

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

Chairman: _____

Secretary: _____

Date: _____

Location: _____



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