



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

BZA-0723-42-NC Reliant Partners -Business  
BZA-0723-46-R3 Randall-fence  
BZA-0723-47-AG Hodkin-accessory structure  
BZA-0723-48-AG Beck's Hybrids-billboard

**Board of Zoning Appeals Meeting Minutes**

July 20<sup>th</sup>, 2023

7:00 p.m.

**Roll Call of Members**

Present:

- ☐ Scott Bockoski – Chairman
- ☐ Mike Berry
- ☐ Dennis Schrumpf
- ☐ Harrison Massonne
- ☐ Steve Zell
- ☐ Aaron Culp - Legal Counsel
- ☐ Frank Zawadzki - Cicero Jackson Township Planning Director
- ☐ Terri Strong – Recorder

1. Declaration of Quorum- Chairman Bockoski declared a quorum with all members present.
2. Approval of Minutes-Chairman Bockoski stated issue with last month's recordings. The recorders shut off and we have an accurate record of the voting, so that is good. But we determined we need better back up of motions for the future in case this happens again. Speaking with Mr. Schrumpf he will keep a record in the future. Chairman Bockoski asked if this is sufficient. Mr. Culp answered yes, but last month we had the motions but not who made or second the motions. Mr. Culp responded to discussion comments that he recommended tabling the minutes until next meeting and gather the information everyone has.

Chairman Bockoski stated he would entertain a motion to table the minutes for June 22, 2023, until next meeting.

**Mr. Berry made a motion to table the minutes for June 22, 2023, until next meeting. Mr. Zell second. All present in favor.**

3. New Business

Chairman Bockoski stated BZA is quasi-judicial branch of the local government. The Board will be discussing the items listed on the docket and be listing stipulations on the docket. All comments or questions are to be addressed to the board and members as opposed to audience members. All attendants must sign in at the door to speak. Each attendant must state name and address for the record upon each visit to the podium. Each docket has a portion of discussion set aside for public hearing. If someone is in agreement with previous speaker it is not



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necessary to restate only to indicate agreement. Lastly, all motions made are in the affirmative, doesn't necessarily mean agreement.

**Petitioner:** Reliant Partners

**Property Address:** 49 E Jackson Street

**Docket#:** BZA-0723-42-NC

A Land Use Variance application has been submitted regarding the property located at 49 East Jackson Street, Cicero Indiana 46034 to allow: a furniture restoration business with retail sales in the Neighborhood Commercial "NC" District, whereas a Furniture restoration business with retail sales is not a Permitted Use or a Special Exception Use in the Neighborhood Commercial "NC" District.

Matt Corley 49 E. Jackson St., Owner of the building, welcomed the operators of the business to speak. Jim West 880 Maple Ave. Noblesville. Chairman Bockoski asked what was planned. Mr. West stated Three Rusty Nails is the name of company, and also a store in Noblesville. Restore 50-90's furniture this will be used for restoration to sell in Noblesville, also have Jeff Clark, from Simply Home Indy is using part of the space to restore furniture for his booth at Logan Village Mall. Mr. West also owns the Mall. Chairman Bockoski asked what type of traffic is anticipated. Mr. West stated for this Cicero location, anticipating not a lot of traffic, his business would be to set up a showroom for internet sales, for folks to see and then come to see it. Goal would love to find a space to open a store in Cicero. Original space was in Anderson, since sold. Mr. Zell questioned where restoring furniture currently. Mr. West stated Jackson Street location. Mr. Zell questioned the type of business, fumes, noise, dust levels, concerning the locale are all things the Board is concerned with. Mr. West stated have sanders with vacuum system that eliminates dust that could put in your living room. Use water-based products primarily, paint to polyurethanes is water-based. No sprayers in the building, may see can for handles or hardware. As far as noise, not there late at night usually and would not be heard in the room. Mr. Zell asked about hours of operations. Currently not there on f/s/s, Jeff may be there on weekends, usually 10-5 or 6 pm. Mr. Zell questioned signage if there is currently or plans for. Mr. West stated not planning perhaps a sandwich sign, but goal is not a retail store at this time. Chairman Bockoski shared uniqueness of the building/neighborhood with lots of foot traffic but parking is always a concern at this building. The building is zoned Neighborhood Commercial, so we are concerned about the impact on the neighbors. Not only frontage but the alleyway. Chairman Bockoski asked if he would have issue with signs in the alley for no parking, supplying them. Mr. West stated not at all, he had brought up the disabled parking spot. Chairman Bockoski addressed the blocking of the sidewalk. They typically use the parking across the street according to Mr. West. Mr. Massonne asked if any external dust collectors. Mr. West stated uses the system described earlier with no issues, minimal dust.

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

Mr. Zawadzki stated he has a letter to add to the public portion. *Summarized by recorder.*





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Rick and Brenda Alden 79 E. Jackson St. with concerns with variance. Environmental concerns as the business have been operating and painting, sanding etc. happening outside of the building and a concern for family environment. Location next to restaurant with outdoor seating, fumes and dust permeating home. Hours questioned as operating at 2-3 am. Odors could impact patrons of area businesses when walking to and from cars. Concern about parking in alleyway. Concern for recent occupants utilizing for more than light manufacturing, told storing yet work being done on site.

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

Chairman Bockoski to follow up on items in letter. Concerning time, Mr. West stated Jeff does come in earlier but will confine to a normal 8:00 a.m. start. Concerning fumes-will ensure all painting/staining is done inside to prevent fumes from being outside. Also Mr. West stated he didn't use the alleyway for parking.

Matt Corley questioned if letter is confusing and is addressing the middle tenant versus these guys. Mr. Zell stated as the building owner, to address with tenants the concerns brought up. Mr. Corley agreed. Mr. Schrupf asked if the barrel guy was still in the building. Mr. West stated he is behind us.

**Mr. Zell made a motion to approve Docket BZA 0723-42-NC as presented with conditions as follows: Asking the building owner to put signs in the alley for no parking and ensure the sidewalk is not obstructed in any way. Also, to conduct themselves during normal business hours, and for fumes/sanding/and any painting to be done inside the building. Signs to be approved by utility department. Mr. Massonne second.**

**Mr. Bockoski-approve, Mr. Berry-approve, Mr. Schrupf-approve, Mr. Massonne-approve, Mr. Zell-approve. Motion passed. 5-0.**

**Petitioner: Stephen Randall**

**Property Address: 101 Common Loon Blvd**

**Docket#: BZA-0723-46-R3**

A Development Standards Variance has been submitted regarding 7.21 FN-01 which states that a fence shall not be greater than six (6) feet in the side yard and rear yard or greater than three (3) feet in height in the front yard.

Stephen Randall 101 Common Loon Blvd, built in Tamarack in March, with small son and dog reviewed HOA requirements for a fence. Had lot plan reviewed, had approved by HOA, fence was completed. Just a few weeks ago, informed not allowed to break the plane of the house if you are on a corner, two front yards, as well as informed needed a fence permit which was not mentioned by the HOA. Accepting fault for not doing enough research. Mr. Randall gave description of the fence, and with a larger space asking for permit to leave it as it is. Chairman Bockoski stated he is not alone with the corner lots. Mr. Zell questioned if fence is in place. Mr. Randall stated yes, and further explained, the fence juts out from the corner and exceeds three feet. Mr. Randall stated if shorter would look ridiculous, back would be six feet. Mr. Zell asked if he was in the





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utility easement. Mr. Randall stated no, went further away from the easement. Discussion of HOA versus MI Homes. Mr. Zawadzki explained sequence and explanation to HOA. Discussion of aesthetics of fence.

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

Brian Rancier 141 Tamarack Larch Blvd, representing the HOA for the subdivision. Were just turned over to the residents from the developer in March. This was the first request we had received and being a corner lot had reached out to MI Homes for information. Gave approval based on information given and in role of HOA in keeping improvements within the aesthetics of the neighborhood. Board does stand behind the variance. Also, Board has shared with residents the permit and made part of their approval process.

Mr. Culp stated letter that is part of packet in response to variance-Joel Stubblefield in support does not have to be read.

Mr. Zawadzki received email letter from Gary Maynard, neighbor, in favor. Complimented the look and feel of the fence on that lot and that the HOA approved. *(Letter read and added as part of file)*

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

Chairman Bockoski asked if questions from the Board. Mr. Massonne stated he didn't feel he would have had an issue if presented before installation. Chairman Bockoski concurred and addressed the situation to the public present. All of this is in defense of the silly things happening to the public and eyesores and the BZA has to defend. Want to protect the residents and citizens from situations. Also added that need to look at the ordinance to review the corner lot wording. Thanks given to the individuals speaking on this situation.

**Mr. Massonne made a motion to approve BZA-0723-46-R3 as presented. Mr. Zell second.**

**Mr. Massonne-approve, Mr. Zell-approve, Mr. Schrumpf-approve, Mr. Bockoski-approve, Mr. Berry-approve. Motion passed 5-0.**

**Petitioner: David & Linda Hodgin**

**Property Address: 3525 E 236<sup>th</sup> Street**

**Docket#: BZA-0723-47-AG**

A Development Standards Variance application has been submitted regarding the property located at 3525 East 236<sup>th</sup> Street, Cicero Indiana 46034 concerning Article 7.5 of the Cicero/Jackson Township Zoning Ordinance which states that an accessory structure shall only be located to the rear or side of the primary structure.

Linda Hodgin 3525 E. 236<sup>th</sup> Street and David Hodgin same address, Cicero. Chairman Bockoski questioned the request of building behind the structures that are already there. Answer was yes. Chairman Bockoski asked for the timeframe of the request. Mrs. Hodgin stated didn't have a timeframe, would like for it to go with the property if we ever sold. No plans to sell but with the road construction, right of way would be 7 ft from front



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porch. And as traffic continues to increase. Concerns for privacy as the trees are now gone, have looked at options to move the house, salty in cost. Down the road, someone to build to the back. Mrs. Hodgkin explained using the maps where the bike path and road will be. Mr. Hodgkin stated everything is marked. Mr. Zell asked where house would be built. Mr. Hodgkin stated to the south or east of the main barn. Mrs. Hodgkin explained the septic field is being moved. Mr. Massonne questioned the road behind the house. Mrs. Hodgkin stated that is the neighbor's property. Mr. Schruppf stated the neighbor surrounds this property on three sides, with each having a road. Chairman Bockoski stated happy now but looking for when the project is done. Mrs. Hodgkin stated if to sell the property wanted to be able to share. Mr. Hodgkin shared the noise and privacy concerns. Mr. Massonne opened discussion for options concerning the number the buildings. Mrs. Hodgkin stated asking for the future for this to go with the property in case of selling in five years or whenever.

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

Mr. Zawadzki has letter from Hamilton County Board of Commissioners concerning the property for Phase 2 of the Deming Road to US 31.

*Summarized by recorder-* Recognizes the County project is affecting the property. Understand inquiries for variance to move/or build behind accessory structures are underway. The project is thru no fault or result of the Hodgkin's family actions. Hamilton County supports their variance application and requests the variance be approved. Contact Tim Matt at Hamilton County Highway if you have any questions, signed by Christine Altman.

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

Mr. Berry asked what constitutes the front of a house. What if you build a house that is 90 degrees to a road, what is considered the front? Mr. Culp answered for the sake of the BZA the side that is facing the street is the front. Concern is the side that the traffic will see the most. Mr. Massonne stated he thought in the case of the fire department, it is the side that matches the address, in the case of a corner lot. Chairman Bockoski opened discussion on stipulations.

**Mr. Massonne made a motion to approve BZA-0723-47-AG with the condition that it will go with the property not the current owners, and new house if built. And existing house is removed once home is complete. Mr. Zell second.**

**Mr. Berry-approve, Mr. Schruppf-approve, Mr. Massonne-approve, Mr. Zell-approve, Mr. Bockoski-approve Motion carries 5-0.**





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**Petitioner:** Beck's Hybrids

**Property Address:** 6767 E 276<sup>th</sup> Street

**Docket#:** BZA-0723-48-AG

A Land Use Variance application has been submitted concerning Article 10.2 of the Cicero/Jackson Township Zoning Ordinance regarding the property located at 5411 East 296<sup>th</sup> Street, Atlanta Indiana, 46031 in order to: Allow a billboard sign in the "AG" district, whereas a billboard sign is not permitted in any Zoning district.

Mark Thomas, Beck's Hybrids 6767 E 276<sup>th</sup> Street. Have one more sign on 296<sup>th</sup> street than listed. Interchange on Devaney Road is being closed down, and building at 276<sup>th</sup> and US 31, for a period of 16-18 months. Asked for signs before 266 & 31, and Devaney Road. Directional needs to be able to by-pass the construction and arrive at Beck's Hybrids. Another safety measure to assist trucks. Would have included this in the previous request however didn't own the property. Have received permission from new owner to have the sign placed further back. County has reviewed area to make safer for semi's as well. Previous signs have agreement to remove with opening of 276<sup>th</sup> & 31 interchange. Would like this sign to be permanent sign. If when interchange opens, they miss 276<sup>th</sup>, 296<sup>th</sup> will be the next road to access. Discussion on legal notice wording. Mr. Zell asked if property owners are aware of permanent requests. Mr. Thomas said yes.

**Mr. Zell made a motion to open the public hearing. Mr. Massonne second. All present in favor.**

**No public comment.**

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

Mr. Zell questioned if information was requesting height allowance. Mr. Thomas answered the other two signs are taller than original, due to corn, making it safer. Can also see underneath those other signs.

Mr. Massonne questioned with growth in the area if concern for signs becomes an issue can, we remove the sign.

Mr. Culp stated if approved with no limits they would be able to keep the sign normally. Discussion ensued. The height was also discussed as it will be up 10 feet in the air, and a 2 ft sign. Mr. Berry clarified that the sign would be a permanent sign, and concern for public being properly notified. Mr. Zawadzki stated the legal notice stated "sign" not indicating temporary. Mr. Culp stated the Board has the authority to amend the documents orally, if not a conflict with the legal notice to the public.

Chairman Bockoski opened discussion on conditions to the motion. Map is used for location of the sign and property owners of the land in the area. Mr. Berry asked for clarification on paperwork, has that there "was" a sign at the location, how long has it been gone. Mr. Thomas stated 2-3 years ago, it was closer to Devaney and was getting hit by semis and tractors. Planning on widening the corner to have a safer turn. Mr. Berry questioned when 31 project is completed, will this route be used? Mr. Thomas stated hope not but depending upon the way they come in, it would be used. Mr. Culp stated could be tabled and Beck's update paperwork and request modification for voting upon next meeting, without new variance. Mr. Zawadzki stated temporary is defined as two weeks by ordinance definition. Notice resent but application not redone. Mr. Culp stated an extension of this variance. Mr. Zell stated would want to add height to the motion. Discussion ensued.

**Mr. Massonne made a motion to approve BZA-0723-48-AG as presented with the following conditions: The sign is removed within 30 days of completion of construction and an extension of this application be reviewed for permanent status of this sign next month. Mr. Zell second.**

**Mr. Berry-approve, Mr. Schrupf-approve, Mr. Zell-approve, Mr. Massonne-approve, Mr. Bockoski-approve. Motion carries 5-0**





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4. Plan Director's Report: Mr. Zawadzki Included in the packets. Permit revenue for June 2023- \$10496, YTD \$52808, June 2022 \$21230, YTD \$126812. That is a decrease for the month of 10734 and YTD -74004. Issued 38 permits-22 in town limits, 2 new homes, 16 in Jackson Township, 2 new homes. Estimated costs of projects permitted are \$2,933,056. Continued education on Fire systems and wood structuring. Also Mr. Zawadzki added in the process of an IDEM audit, this one dealing with Stormwater Systems and expects requirements to be modified when completed.
5. Chairman's Report: Chairman Bockoski thanked everyone for their attendance and thanked Mr. Schrumpf for the tracking of the motions.
6. Legal Counsel's Report: Mr. Culp update to Comp Plan-have received two firms interested in conducting. They will both be invited to present to the full Plan Commission since there are only two companies. Noted that this is not bound to the lowest bid, can choose the firm. Mr. Zell asked if new items are expected. Mr. Culp stated early-but items are always coming up, Agri-Tourism was one that has come up recently. Mr. Culp does feel there will be a lot of changes due to 276<sup>th</sup> and also US 31. Plan Commission has indicated that while the county has developed an overlay district, they are looking at a hybrid commercial type zoning but leave zoning as AG, meaning each business would have to apply for PUD, to be reviewed. Concern for roads as well as fire and safety protection services.
7. Public Comment: No public comment
8. Board Member Comments: Mr. Zell stated great meeting. Mr. Culp discussed the temporary sign versus permanent and Mr. Berry being accurate in his concerns. Mr. Culp stated glad was able to come up with a solution. Mr. Berry questioned the level of authority the Board has on making changes. Mr. Culp stated generally reasonable but cannot exceed the scope of the notice. Examples given. Mr. Culp stated the issue is always the notice due to common thinking, if I have an issue I will call or come to meeting based on what I read. Chairman Bockoski stated he was not expecting that the area was not primarily Beck's property. Also concern for a barren land 60% of the time with a 12 ft sign, do we want to look at that in the future. Perhaps an adjustable sign is the answer. Mr. Culp stated we are talking about other signs in the future, this one has been presented.
9. Next Planned Board of Zoning Appeals Meeting:  
August 17<sup>th</sup>, 2023
10. Adjournment:  
**Mr. Zell made a motion to adjourn. Mr. Massonne second. All present in favor.**



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Chairman: \_\_\_\_\_

Secretary: \_\_\_\_\_

Date: \_\_\_\_\_

8/17/23

Location:  
Cicero Town Hall  
70 N Byron Street  
Cicero, IN 46034