



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Board of Zoning Appeals Minutes

October 19th, 2023

7:00 p.m.

Roll Call of Members

Present:

- ☐ Scott Bockoski - President
- ☐ Mike Berry
- ☐ Dennis Schrumpf
- ☐ Steve Zell
- ☐ Art Hall
- ☐ Aaron Culp - Legal Counsel
- ☐ Frank Zawadzki - Cicero Jackson Township Planning Director
- ☐ Terri Strong - Recorder

Absent:

Harrison Massone

1. Declaration of Quorum- Chairman Bockoski declared quorum with 5 members present.

2. Approval of Minutes

Mr. Zell made a motion to approve Minutes from September 21st, 2023, meeting as presented. Mr. Schrumpf seconded. Mr. Hall abstained. Other members present approved unanimously.

3. Old Business

Petitioner: Eric Scherer

Property Address: 22610 State Road 19

Docket#: BZA-0923-56-C3

A Land Use Variance application has been submitted regarding the property located at 22610 State Road 19, Cicero Indiana 46034 to allow: a trailer and equipment sales, service, and rental company to be operated on the property in the Business/Light Industrial "C3" District, whereas a trailer and equipment sales, service and rental business with retail sales is not a Permitted Use or a Special Exception Use in the Business/Light Industrial "C3" District.

Chairman Bockoski requested item to be untabled. All present in favor.

Eric Scherer 22610 State Road 19, the idea is to run the business as a start up on my own personal property. Doing sales of equipment and trailer renting. Chairman Bockoski stated we are rehearing due to a 2-2 vote at last meeting. Rehearing with additional materials, slideshow. Mr. Scherer stated addressing items such as updated landscaping, signage, fencing, and paving spread out in a timeline that would be fiscally responsible with a new business. Slideshow is used to show positioning. New fence on the south that would become the only thing visible from the road, planned for 2025. In 2024 would put the signs with Aesthetic Review approval, the drive on the north is not on this property and have no say in that drive. Property line is south of that drive. From the front, can see the garage but not the lot, signs are shown. Led lit/6x9 feet and 2-3 feet from the ground on the back (tri form) due to the slope. Mr. Scherer stated these are the updates from the last meeting. Mr. Zell asked if still planning on placing trailers that are for rent/sale on the front area. Mr. Scherer stated if the signage is approved, then no, they are only there now for advertising. Mr. Zell stated this is a change from last time. Mr. Scherer stated correct. Mr. Hall questioned trailer maintenance, will this be in the building or the lot. Mr. Scherer stated the only maintenance would be on his own equipment and would be done in both areas depending upon weather. Mr. Zell asked if this was a change, as he was under the impression service would be something offered. Mr. Scherer stated for the variance it was listed in case business model is changed, however, does not intend to offer maintenance for other trailers. Mr. Hall verified

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that the variance would allow for that in the future. Mr. Scherer said yes. Chairman Bockoski stated there were questions around the paving previously. Chairman Bockoski questioned if the pavement area would be a requirement for this type of business. Mr. Zawadzki stated yes it would be a requirement per ordinance for a business in that district. Mr. Culp questioned that it was his understanding he was applying for a variance for the paving. Mr. Zawadzki stated last meeting he did indicate that however this time he agrees to the terms but proposes time to do it. Mr. Scherer added asking for the variance to delay getting it completed. Mr. Culp stated the variance before us is strictly a Land Use Variance not a variance on the standards. We can't grant an exception to a standard unless the variance is pursuant to a Standards Variance request. Mr. Zell clarified tonight we are simply approving or not the business presented. Mr. Culp added that there was nothing in the legal notice to let the public know we were considering scraping a standard. Mr. Scherer clarified the Land Use and the exceptions at Plan Commission. Mr. Zell stated he was glad it was presented again, several questions answered. Mr. Berry asked what size trailers are we talking about. Mr. Scherer answered 8ft, to 22 ft, not semi-trailers, do not want to do that. Mr. Berry asked about signage, three faced, document stated 5ft tall and 10 ft long, according to earlier comments signs will be 6x9 and 3 feet off ground. Mr. Scherer answered not set in stone just yet, in the last month work done, the 6x 9 makes more sense and would get final approval from Plan Commission. Mr. Culp stated for clarification we are not approving anything with signs.

Mr. Zell made motion to open public hearing for this docket. Mr. Hall second. All present in favor.

Dave Becker 999 Washington last time hearing point was made about aesthetics as the first thing coming into town. Every side of town has a business. If paved, will look like a business, do not see a problem. Personal side was able to use trailer and at one quarter of the cost for transporting a car.

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

Chairman Bockoski referred to the public comment and to the Board members that we are here to reconfirm that we are here to uphold standards and to promote growth in the community. Mr. Culp suggested if there are any conditions they are included in the motion. Discussion ensued on signage, storage to the back. Clarification on the back lot using slides. Mr. Scherer stated most is done electronically and it is a pickup/delivery business with equipment being placed in one section for this purpose.

Mr. Zell made motion to approve Docket #BZA-0923-56-C3 as presented with the following conditions: Trailers are to be kept in the back storage/garage area where existing trailer lot is unless servicing a unit in front of garage. Also, no display of equipment in front yard once signs are approved by the Plan Commission along St. Rd. 19. Mr. Berry second.

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

4. New Business

Chairman Bockoski stated two dockets for same petitioner, will read and discuss together and vote separately.

Petitioner: David Speckman

Property Address: 23770 Anthony Road

Docket#: BZA-1023-57-AG

A Development Standards Variance application has been submitted regarding the property located at 23770 Anthony Road, Cicero Indiana 46034 concerning Article 3.2 of the Cicero/Jackson Township Zoning Ordinance to: Build an Accessory Structure with a 20-foot side yard setback, Whereas Article 3.2 states that the side and rear yard setback should not be less than 35 feet.

Petitioner: David Speckman

Property Address: 23770 Anthony Road

Docket#: BZA-1023-60-AG

A Development Standards Variance application has been submitted regarding the property located at 23770 Anthony Road, Cicero Indiana 46034 concerning Article 3.2 of the Cicero/Jackson Township Zoning Ordinance to: Build an Accessory



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Structure with a 20-foot rear yard setback, Whereas Article 3.2 states that the side and rear yard setback should not be less than 35 feet.

David Speckman 23770 Anthony Road building a pole barn mainly for storage, we are a family that has downsized to be in the community yet need the recreational storage. Fits the spot perfect but didn't realize the setbacks were further than we thought. Chairman Bockoski questioned if forced to do the 35 feet instead of 20 that is being asked for, what does that do. Monitor was used. Mr. Speckman asked for assistance from friend.

Ian Heuer 2555 Scherer Avenue trying to stay out of the backyard, and on the side, there is an asphalt drive trying to preserve and would terminate at the barn. Edge of asphalt drive without encroaching into the backyard. Mr. Speckman added option one would have to be making barn a lot smaller, which would probably not do as it would not accomplish goal. Future fishing boat or camper could not be stored if smaller. Second, it would be cost prohibitive to cut into the drive as drive is tight as it is, does not make for great parking. Mr. Speckman stated he has chosen to do aesthetically pleasing and message from neighbor supporting project. Discussion of property, mature trees facing the neighbors.

Mr. Hall made motion to open public hearing for these dockets. Mr. Zell second. All present in favor.

Chairman Bockoski stated anyone to speak on docket, and invited Mr. Zawadzki to speak on the docket. Mr. Zawadzki stated he has letter from Brian & Erin Lettersen 23716 Anthony Rd. Neighbors in support of structure close to shared property line.

No further public comment.

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

Mr. Zell made motion to approve Docket #BZA-1023-57-AG as presented. Mr. Hall second.

Mr. Zell-approve, Mr. Hall-approve, Mr. Schrumpf-approve, Mr. Berry-approve, Mr. Bockoski-approve. 5-0.

Mr. Zell made motion to approve Docket #BZA-1023-60-AG as presented. Mr. Berry second.

Mr. Hall-approve, Mr. Zell-approve, Mr. Bockoski-approve, Mr. Berry-approve, Mr. Schrumpf-approve 5-0.

Petitioner: Roberts Chapel Church Trustees

Property Address: 3102 E 276th Street

Docket#: BZA-1023-61-AG

A Land Use Variance application has been submitted regarding the property located at 3102 East 276th Street, Atlanta Indiana, 46031 concerning Article 3.1 "AG" District Standards of the Cicero/Jackson Township Zoning Ordinance to allow a permanent Museum, whereas a permanent Museum is not a Permitted Use or a Special Exception Use in the "AG" district

Petitioner: Roberts Chapel Church Trustees

Property Address: 3102 E 276th Street

Docket#: BZA-1023-59-AG

A Development Standards Variance application has been submitted regarding the property located at 3102 East 276th Street, Atlanta Indiana 46031 concerning Article 3.2 of the Cicero/Jackson Township Zoning Ordinance to: Build an exhibit with a fifteen (15) foot six (6) inch front yard setback. Whereas Article 3.2 states that the front yard setback shall not be less than forty-five (45) feet for a secondary structure when adjacent to a collector road.

Petitioner: Roberts Chapel Church Trustees

Property Address: 3102 E 276th Street

Docket#: BZA-1023-58-AG

A Development Standards Variance application has been submitted regarding the property located at 3102 East 276th Street, Atlanta Indiana, 46031 concerning Article 3.2 of the Cicero/Jackson Township Zoning Ordinance to: Build an exhibit with a seven (7) foot side yard setback. Whereas Article 3.2 states that the side yard setback shall not be less than thirty-five (35) feet for a secondary structure.



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Andy Wert office of Church, Church, Hittle, Antrim, 2 North 9th Street Noblesville representing Trustees. Individuals present with the Board. Chapel and cemetery from 1835 African American settlement. The legacy walk to the west of the current chapel, with four components along the walk. Asking for variances, for the museum, which is due to not listed, other two are setbacks for the monuments. Three of the monuments would encroach upon setback requirements. Mr. Wert pointed out that setbacks are originally set to ensure air flow for safety, this would not be an issue. Currently visitation is by schedule, with volunteer leading a tour. Expect visitation to increase upon completion. Current parking will accommodate school bus and 13 passenger vehicles. Replacing the current out houses with composting facility. The State Board of Health has approved the chosen changes to the outhouses.

Chairman Bockoski questioned if forced to adhere to setbacks, could it be done, appears to have space. Mr. Wert stated could be redesigned but would be tight on side setback but ok on front. Chairman Bockoski stated the restrooms would be maintained by service not septic. Mr. Wert answered one restroom and yes, no septic. Mr. Hall clarified anticipating people to come out often with automobiles is there parking for them.

Brian Glover 4571 Cherry Street, Noblesville, most people currently come by car. Normally a scheduled visit. One reason for the Legacy Walk is to create an exhibit that is self-led, using the monuments and technology QR code. Anticipate larger groups for the tours as staffing for 1-2 can be challenging. Also, the setback issue, on the west side trying to stay out of the root system of the 125-year-old Maple tree featured. The front looking at the spacing for each of the stations. Don't want it to look like a wall.

Mr. Zell questioned if Plan Commission is involved. It is not. Mr. Berry asked for hours of operation. Mr. Glover stated currently the grounds are available anytime of the day, to the cemetery. Will not be limit the hours to the grounds but likely only visited during daytime hours. The church is not open without an appointment, no active congregation. Mr. Berry questioned other than homecoming that was mentioned, are there other events that are planned. Mr. Glover stated we are a historical society but would like to plan more in the future upon interest.

Mr. Zell questioned when the project would be started. Mr. Glover stated tomorrow, having been planning for four years, approval would start the details.

Mr. Berry questioned security cameras, concern for vandalism. Mr. Glover stated have discussed and technology is limited at the site. We are concerned, especially since we all live remotely. Chairman Bockoski stated genuinely concern for vandalism, the monuments are large and will attract attention. Have you considered lighting? There is no way of "closing" to the public. Mr. Glover stated lighting would draw more attention, lighting would only be considered if we started having evening programs. Chairman Bockoski stated there could be some cellular options available. Mr. Hall questioned if there have been issues in the past. Mr. Glover answered decades ago. Mr. Wert stated it is not a remote area anymore, more traffic.

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

Brenda Meyers Hamilton County Tourism, 37 East Main Street, Carmel. Job is to lift up stories that tell what a great place to live and to visit. Roberts Settlement is an example of that and why chosen to invest \$100,000+ in the great project. Excited for the story, both nationally and regionally. This is not an intrusive display.

Jessica Leeman 606 Harbour Town Court, Noblesville present as the president of Hamilton County Historical Society. Explained her history of the area, and impression that the Legacy Walk is a great enhancement to the history of the settlement. Opportunity to have pride in place and telling the story. Ms. Leeman gave example of utilizing the walk. Asked for approval of variances.

Dave Highway Hamilton County Historian 140 N. 15th Street expressed support of the Legacy Walk project. As important as the Conner home and Courthouse and sadly underrepresented. Request approval.

Melissa Martin 25815 Schuller Road, Hamilton Heights teacher, does tours of Hamilton Heights districts including the Roberts Settlement. Third graders will be able to bring parents back to teach them using the Legacy Walk. Endorse the project as a teacher. On personal side, markers can draw visitors in to see our area. Endorse and thank the Board members.

Lavella Hyttr 186 Monticello Court Noblesville. Inspiring are the students that visit. Stories shared of validation of the legacy.



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Nichole Speth 3060 E 276th Street property owner next to Settlement. Property is to the west. Letter read at meeting, was sent to Mr. Zawadzki. *Summarized as:* Opposed to project. Letter emphasizes the 14 structures that would require variance approval resulting in a seven-foot distance from her property line. Impacting the view from her property. Respects the Settlement and the history. Concern for 10 of the 14 structures height of 10 ft tall, as well as the 5 feet to 35-inch width and the impact that will have. Concern for tree canopy and overall health of the trees and the health of the cemetery. Proposed project is too tall, too wide and out of character in design of the current historical church and cemetery. Have not received any notices of changes after expressing concerns, even though zoning ordinances are known. Requests adherence to the zoning ordinances as in the AG district. Also added she had requested the structure be placed on the opposite side, where there is no home viewing the church. States structures are not providing any education, the QR codes are providing education and do not need to be 10 feet tall to do so. Pictures were shared from her viewpoint.

Mr. Berry asked how close her house to the property line is. Mrs. Speth did not know. Mr. Zawadzki utilized GIS to show map of the area. Mrs. Speth shared information about her property and the detailed work that goes into it.

Mr. Zawadzki stated he had received several letters to read. *Summarized as follows by recorder:*

Hamilton County Community Foundation-proud to be partnering with Roberts Settlement project. One of a few settlements with historic structures. Support of project.

One Zone Northern Hamilton Chamber of Commerce-Jack Russell support of the Legacy Walk project, invaluable to area, county and state.

Indiana Landmarks Black Heritage Preservation-Eunice Trotter, in support of project. Feels significant impact with use of technology.

Larry Duvall-support of the project

Bob DuBois CEO Noblesville Chamber of Commerce -Support of the project. Hundreds of students have been impacted. Century old structures and improvements are necessary for educational impact.

Letters to be added to records.

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

Chairman Bockoski asked for questions from the Board. Mr. Zell stated he felt it is an asset to the community, having visited it in past, and feels the project will add to the experience. Mr. Schrumpf, as someone that has helped to prepare for the homecoming, feels the site has great historical significance and is something that must move forward.

Chairman Bockoski stated will vote separately on each docket and asked if any stipulations to any docket.

Mr. Zell made a motion to approve BZA-1023-61-AG as presented for permanent museum. Mr. Schrumpf second.

Mr. Zell-approve, Mr. Hall-approve, Mr. Schrumpf-approve, Mr. Berry-approve, Mr. Bockoski-approve. 5-0

Mr. Zell made a motion to approve BZA-1023-59-AG as presented for front yard setback. Mr. Schrumpf second.

Mr. Bockoski-approve, Mr. Berry-approve, Mr. Schrumpf-approve, Mr. Hall-approve, Mr. Zell-approve. 5-0

Mr. Zell made a motion to approve BZA-1023-58-AG as presented for side yard setback. Mr. Schrumpf second.

Mr. Schrumpf-approve, Mr. Hall-approve, Mr. Zell-approve, Mr. Bockoski-approve, Mr. Berry-approve 5-0



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Petitioner: Theodore & Jennifer Lenze

Property Address: 1240 Shoreline Drive

Docket#: BZA-1023-62-R3

A Development Standards Variance application has been submitted regarding the property located at 1240 Shoreline Drive, Cicero Indiana, 46034 concerning Article 7.5 of the Cicero/Jackson Township Zoning Ordinance to: Allow an accessory structure in the front of the primary structure. Whereas Article 7.5 of the Cicero/Jackson Township Zoning Ordinance states that an accessory structure shall be located to the rear or side of the primary structure.

Theodore Lenze (Ted) 1240 Shoreline Drive, planning on building on what would consider the side if the house, however considered the front by standards. Property is "L" shaped, unique as far as size. Has two trailers, utility for hauling mulch etc., and other is for a use of a ski clinic. Not used for any business. Have too many toys and two teens ready to drive. Follow the same footprint as the house. 28ftx 24 not sticking out from sizing of the house. Shutters to match and garage doors to match as well. Neighbors here to support. Shared pictures of this area of town that is very common to have structures in front due to lakefront being taken up.

Chairman Bockoski explained that deal with this often and each situation is evaluated on it is own. Chairman Bockoski questioned lighting plan. Mr. Lenze stated plan on putting the farm style lamps over each day. Mr. Bockoski asked (before Mr. Berry) about business being operated out of structure. Mr. Lenze stated not planning on it. Mr. Hall also comment that can not be used as living quarters. Mr. Lenze stated no, not an option as water and sewer would mess up drive, only planning on electric for garage doors.

Mr. Schrumpf made a motion to open public hearing for BZA-1023-62-R3. Mr. Hall second. All present in favor.

Joe Toms 1260 Stringtown Pike using pictures showed relationship to his property. Structure will be in eyesight of home and have no issues with the project.

Bill Krier 1260 Stringtown Pike no objections to project.

Dave Glessner 1220 Stringtown Pike-no objections to project, keep property in nice condition.

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

Chairman Bockoski stated most neighbors are not usually opposed to enclosing trailers and such. Any questions or stipulations?

Mr. Zell made motion to approve BZA-1023-62-R3 as presented. Mr. Schrumpf second.

Mr. Schrumpf-approve, Mr. Hall-approve, Mr. Zell-approve, Mr. Bockoski-approve, Mr. Berry-approve 5-0

Chairman Bockoski stated next two are same petitioner. Will hear at same time and vote separately.

Petitioner: McGill/Comprehensive Financial

Property Address: 7800 E 236th Street

Docket#: BZA-1023-63-NC

A Development Standards Variance application has been submitted regarding the property located at 7800 East 236th Street, Cicero Indiana, 46034 concerning Article 10.5 of the Cicero/Jackson Township Zoning Ordinance to: Allow two hundred four (204) square feet of signage. Whereas Article 10.5 of the Cicero/Jackson Township Zoning Ordinance states that the maximum allowable cumulative square footage of signage is one hundred (100) square feet.



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Petitioner: McGill/Comprehensive Financial

Property Address: 7800 E 236th Street

Docket#: BZA-1023-64-NC

A Development Standards Variance application has been submitted regarding the property located at 7800 East 236th Street, Cicero Indiana, 46034 concerning Article 10.5 of the Cicero/Jackson Township Zoning Ordinance to: Allow two (2) signs per facade. Whereas Article 10.5 of the Cicero/Jackson Township Zoning Ordinance states that the maximum allowable number of signs per façade is 1.

Christian McGill on behalf of Comprehensive Financial, 7800 E 236th Street and reside at 5345 E 236th Street. Chairman Bockoski questioned signage. Mr. McGill trying to move medallion from left to top. Mr. Zawadzki stated ordinance states we measure the sign based on the smallest rectangle you can put everything in. They were here before and got approval for the inspirational sign but decided this looked better, causing it to make it bigger. Mr. McGill stated want it to look good coming into town from all sides. Mr. Zell complimented the overall project. Chairman Bockoski questioned that this means the second docket means it is two signs. Mr. Zawadzki stated that is his interpretation.

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

No public.

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

Chairman Bockoski thanked for the due diligence on this matter, and it looks great. Discussion on Aesthetic Review.

Mr. Schrumpf made motion to approve BZA-1023-63-NC contingent upon Aesthetic Review by Plan Commission. Mr. Zell second.

Mr. Schrumpf-approve, Mr. Hall-approve, Mr. Zell-approve, Mr. Bockoski-approve, Mr. Berry-approve 5-0

Mr. Schrumpf made motion to approve BZA-1023-64-NC contingent upon Aesthetic Review approval by Plan Commission. Mr. Zell second.

Mr. Schrumpf-approve, Mr. Hall-approve, Mr. Zell-approve, Mr. Bockoski-approve, Mr. Berry-approve 5-0

5. Plan Director's Report: Mr. Zawadzki gave report update as follows: September 2023 permit revenue \$5310 bringing YTD to \$72210. September 2022 month was \$9706 with YTD as \$153132, that is a month decrease of 4396 and YTD decrease of \$80922. Issued 29 permits, 23 in town limits with 0 new homes and 7 in township with 1 new home. Estimated cost of projects is \$1.558 million. Other news, will be doing Flood Plain Admin Training as required prior to 2025, will get scheduled as soon as available. Chairman Bockoski thanked Mr. Zawadzki for the permit listing report. Mr. Zell thanked Mr. Zawadzki for continuing the ordinance portion of his job as it has been an issue in past years and appreciates staying on top of it.
6. Chairman's Report: Chairman Bockoski thanked everyone for their attendance.
7. Legal Counsel's Report: Mr. Culp reminded everyone of the Lennar 720 home project in the township that will be coming before the Plan Commission. This project was moved to the November meeting by Lennar after their own public hearing heard concerns about the timing being over fall break. Lennar not the town had the informational meeting and requested the move. Will be held at Red Bridge in November. Mr. Culp stated he doubts a decision will be made as in the past they take time to listen to public and review the information, make requests over a couple of months before making a decision. As it relates to a rezone the Plan Commission does not make the decision, they take the information, conduct the public hearing and then make a recommendation of favorable, unfavorable, or no recommendation to the Town Council. If Town Council makes a decision different from the recommendation, the project goes back to the Plan Commission for modification. Mr. Culp stated his recollection for MI project was about a six-month timeline going back and forth with modifications. Also, if a negative recommendation we have seen the developer withdraw their proposed project. Example was Arbor Homes.



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Mr. Zell asked about water. Mr. Culp answered the town is still working, it is a slow project, have to get approval to drill and it just takes time. Early stages unfortunately. Mr. Hall asked if there was a possibility of utilizing Purdue resources. Mr. Culp stated there is an engineering firm being used and have found water, however, way to slow for our needs. Mr. Berry commented on the Lebanon issues per the news, bringing water from Wabash River. Discussion ensued on lake, river, and sources and the complications. Mr. Berry questioned the number of homes. Mr. Culp stated there is a subdivision west of Westfield (Westgate) that is supposed to be very similar to the proposed development. Mr. Zell stated they are stating the space in-between homes is to be more than Westgate project. Discussion ensued on roads and schools. Mr. Culp stated it is a PUD development, which is common for a large development.

8. Public Comment: Chairman Bockoski questioned this agenda item. Thought was this was eliminated previously. Mr. Zawadski stated would correct.
9. Board Member Comments: Mr. Schrumpf stated the 15th is Plan Commission and request that the 16th is a short meeting. Meetings moved due to Thanksgiving. Promises were made. Mr. Schrumpf commented that the Roberts project is very much needed.
10. Next Planned Board of Zoning Appeals Meeting:
November 16th, 2023
11. Adjournment: Mr. Schrumpf made a motion to adjourn. Mr. Berry second. All present in favor.

Chairman: [Signature]
Secretary: [Signature]
Date: 11/16/23

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