



**CICERO/JACKSON
TOWNSHIP
PLAN COMMISSION**

**Board of Zoning Appeals Meeting Minutes
December 21st, 2023
7:00 p.m.**

Roll Call of Members

Present:

- Scott Bockoski - Chairman
- Mike Berry
- Dennis Schrupf
- 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 5 members present.

2. Approval of Minutes

Mr. Zell made motion to approve minutes from November 16th, 2023, as presented. Mr. Berry second. All present in favor.

Chairman Bockoski stated will move to tonight's business. BZA is a quasi-judicial branch of the local government. The Board will be discussing items on the docket with issues and stipulations for each of those items. All comments and questions should be directed at members of the Board as opposed to members of the audience. Attendants must sign in if wanting to speak tonight, sign in sheet is at the door. All speakers will state their name and address for the record upon each visit to the podium. Each docket typically has a portion set aside for public comment. If someone wishing to speak is in agreement with comments previously made it is not necessary to repeat in entirety. Only necessary to agree with previous statement in essence of time. All motions are made in the affirmative action, but not necessarily the way we will vote. Thank you for all attending tonight and remember to sign in at the door.

3. Old Business:

Petitioner: Stephen & Elizabeth Nelson

Property Address: 5311 E 296th Street

Docket#: BZA-1123-65-AG

A Development Standards Variance application has been submitted regarding the property located at 5311 E 296th Street, Atlanta Indiana, 46031 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 only be located to the rear or side of the primary structure.

Mr. Schrupf made motion to untable Docket BZA-1123-65-AG. Mr. Massonne second. All present in favor.

Mrs. Nelson explaining that the lot is a corner lot, requiring variance. Chairman Bockoski recapped due to Mrs. Nelson having no voice. The property is on a corner lot and no matter where the placement of the accessory structure it would require a variance for approval. Chairman Bockoski stated we have all the plans, are there any questions from the Board. Chairman Bockoski asked if any business planned in the structure. Answer: no. Chairman Bockoski asked if any residence in the structure. Mrs. Nelson stated barn cats. Chairman Bockoski asked if plumbing and electricity to the building. Mrs. Nelson answered electricity no plumbing. Chairman Bockoski questioned the exterior lighting. Mrs. Nelson answered one exterior light.



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

No public comments.

Mr. Zell made motion to close the public hearing for this docket. Mr. Massonne second. All present in favor.

Chairman Bockoski asked if any further questions by board members. Corner lot is typically pretty cut and dried.

Mr. Massonne made motion to approve BZA-1123-65-AG as presented. Mr. Zell second.

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

Petitioner: Hoosier Wildlife Rescue

Property Address: 22800 Cammack Road, Cicero, IN 46034

Docket#: BZA-1223-68-AG

A Land Use Variance Application has been submitted regarding the property located at 22800 Cammack Road, Cicero IN, 46034 to allow a Wildlife Rescue Facility in the "AG" district; Whereas a Wildlife Rescue Facility is not listed as a Permitted Use or Special Exception Use in the "AG" district.

Rebecca Hamon Elwood IN Director of Hoosier Wildlife Rescue looking to have facility on location. Five years of experience. We are a non-profit company, have permits from Indiana Department of Natural Resources, vet signs off, inspections throughout year. Animals used to show what the Rescue does, explaining medical issues with animals both native to Indiana and others. Goals are to release them back into their habitat. Injured and sick wildlife animals are brought to us from Hamilton County and surrounding areas. In 2022 had 805 animals. Work to have more wildlife rehabilitators around the state. In Hamilton County Animal Control does not take in wildlife, we come in. Do not take in adult deer, or baby foxes, do not take in birds or bobcats. Biggest animal currently is a raccoon.

Looking at four structures, first is 16x32 pole barn building, electric and plumbing, education events would be held here at times. Pictures used to describe units that the animals are kept in and for how long until moved outdoors. We aren't talking about big cages inside this building. Second structure is an aviary- a 50 ft flight cage required for permitting. Waterfowl and eagles are goals once permit is granted. Frame and bird netting are main components of structure. Every unit has double entry, has lock on each one with cameras in the entries. Third structure is songbird sanctuary, looking to build this slowly as the current volunteers retire. Fourth structure is mammal cages. Security of cages discussed. Would have lights and cameras on each structure for security, motion detection. Protocol for animal handling in place as a business for all volunteers/employees and visitors. Have signed letter from Board of Directors and Ms. Hamon stating will not release any animals on the property. Some animals have to be released back where they are found.

Regarding property values, have looked at values of properties adjacent to other sites and do not see any difference in valuations. Also have talked to properties that have sold with sites, no major differences. Do not plan on putting big signs or advertising on google on the location. Have had to deal with unpleasant people so don't draw attention. Need is so large, but we are restrictive on what we bring in. Hours of operations: utilize off-site places like Tractor Supply to meet up with individuals dropping off animals that saves time in the long run. Quoted facilities that had sold or had property sold in their area without impact to value.

Chairman Bockoski thanked petitioner for thorough presentation and stated that the Board has heard it all previously, but appreciated sharing for the public that are present tonight. Going to go to some likely concerns so we can get those out of the way.

Chairman Bockoski stated the first one is fencing: there are a lot of coyotes in the area, for the protection of the animals you are rehabilitating are there plans to put in fence around the highlighted areas. Ms. Hamon stated she has no plans to put up fence because no pedestrian walking area but not opposed to fencing. Chairman Bockoski stated if there was a fence, around pink highlighted, what size would be required. Ms. Hamon answered the yellow area has a fence that goes around there so would attach to that fence if required, going across the front parcel. There is a large herd of deer so would be 4-5 feet with gate across the front. Chairman Bockoski questioned signage. Ms. Hamon simply easier for addressed to be text or meet.



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offsite. Can find us: number is given by DNR, or vet clinics, we are on Google search. Do intakes by appointment only. Chairman Bockoski discussed the composting of waste and probably will come up. Ms. Hamon stated it is like a working farm. Can work with different options and there is less waste than a horse farm. Chairman Bockoski asked what the education portion would look like, indication was 10 people or less. Ms. Hamon stated it would be about the size of the building. The space in the first building would hold animals but not large amount. Typically, we go to school. Chairman Bockoski asked how much of the education would take place on site. Ms. Hamon answered 10 per year, public that would come on-site would-be neighbors that would come to see the area. The scheduled ones would be outside of the property.

Mr. Zell asked about housekeeping, on application listed as Four Goats, LLC and this is Four Goats Holdings, LLC, nothing registered with State of IN under Four Goats, LLC. Ms. Hamon answered Four Goats Holdings, LLC. Mr. Zell asked for more information on the nuisance noise and impact on neighbors. Ms. Hamon stated there is minimal noise, a sneeze sound, squirrels make no noise, songbirds do make noise and raptors will make noise if calling to another raptor. Most animals see me as a predator, so they don't call out. Baby raccoons will call out to eat. Mr. Zell questioned the parking lot and paving. Mr. Zawadzki stated do not need it as it is the AG district. Mr. Zell reinforcing comments regarding fencing to keep the bad things out and prevent escaping. It is a piece of mind thing. Ms. Hamon stated she understood.

Mr. Berry asked if there are strict regulations on the number of animals you can have in a cage and on a property, correct. Ms. Hamon stated yes and no, there are regulations by the State that we adhere to. They include minimum standards on how many square feet each animal has in a cage, how long they can be held, and how many deer we can take in. Mr. Berry questioned the number of animals indicated earlier as 805. Ms. Hamon stated 805 in 2022, that is not at once. Quite a few that don't make it past 24 hours, brought to me and they are on the verge and don't make it. Success rate is 16%. Mr. Berry stated in the event you reach capacity what is procedure. Ms. Hamon stated close intakes, based on needs numbers set. Example: songbirds feeding maximum would be 20 baby birds. Raccoons based on cages but don't see more than 50. Mr. Berry questioned baby animals that while cute, who are the volunteers 24 hours a day. Ms. Hamon explained her volunteers present (approx. 8) and people that have interest in the process. Mr. Berry asked what the maximum number of people expected to be onsite outside of educational events. Ms. Hamon answered probably 5-6. Area for parking, explained as the lighted area. Mr. Zell stated you would be leasing the property, correct, is there anything we should know about? Ms. Hamon stated five years. Mr. Zell asked about when fencing would be done if required. Ms. Hamon stated before cages, right away, April approximately.

Chairman Bockoski questioned well/septic. Ms. Hamon stated well on sight, septic will have to be put in. Chairman Bockoski questioned if the volunteers are currently fostering animals and would they be moved to this facility. Ms. Hamon stated they would do both. They have them approximately 40 days. They would come back to the facility once they are old enough staying with the foster when young.

Mr. Massonne questioned the growth potential of the business. Ms. Hamon stated will stay here until retire, probably never retiring. We have triple of what we had last year, growth in 2024 expected to be the same. Mr. Massonne questioned if plan on adding to the property. Ms. Hamon stated have no current plans to add, reevaluate at the end of the lease. Mr. Massonne questioned Mr. Culp, if at the end decided to add on, this is a Land Use Variance which we control how much can be on. Mr. Culp stated it would depend upon the restrictions the Board placed on approval. And also, be tied to the particular property use and this particular non-profit.

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

Chairman Bockoski stated open to the public for comment, remember to state name and address as well as addressing comments to the Board.

(Recorder summarizes all public comment)

Lisa Schuller 9550 E. 256th Cicero. In support of project.

Alicia Robinson 23320 Cammack direct line sight to this property. Mr. Zawadzki has a document submitted but want to add. This is the third project in as many years that this property owner has submitted to this board. Feel this property owner is operating as "I want to do with my property as I want to do". Neither the landowner nor Ms. Hamon live on or near the property so what decisions are made does not affect them. Lack of transparency in the documents. Concern for multiple structures. Concern for future growth with no oversight. Concerns for safety. There is no hardship and are bringing it upon themselves.



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Jay Trauring 4715 E. 231st Cicero, speaking on behalf of my wife Kristen also. We are animal lovers, having pets and farm animals. Have multiple concerns and objections to this land use. Indiana Code 36419, point one, the approval cannot be against public health, and general welfare of the community. All animals listed in presentation are predatory and a threat to our pets and farm animals. We have had to deal with the aftermath of attacks from these types of animals to our pets/farm animals. We accept risk that nature deals us but to accept an artificial threat is not acceptable. Barriers discussed in presentations, however, escape especially if disease can be transmitted. Concern for compost being in the eco system with potential of diseases. Suggested looking into more remote area.

Kathy & Randy Griffin 5378 E. 221st building home currently. Not in favor of the proposal, agree with other comments.

Randy Schuller 9550 E. 256th. Everything Ms. Hamon does is against what I believe in, however knowing the lady and her passion, this is not a bad project. Buildings with cages inside, every step to ensure safety and rules are followed. Goes above the regulations. In favor of the project. There is a need for something like this. Will be covert in what she does.

Jay Egan 22801 Cammack across street from the property. Third time to address and with other requests no real limits on the number of animals that could harm us. Concern for increased traffic with the education/tours, intentions are stated but nothing to insure. Increased lighting is necessary for the safety but not something interested in having across the street from me. Outside cages will attract predators as they will know the animals have been injured and will attract the predators. Increase the number of coyotes to the area. Disease concerns being passed on to the deer population and ecosystem in general. After speaking with her, has not been a director, this is a big change from the current services offered from her home. No track record for this type of project.

Darcy Bryant 105 Northland Street Fishers lived across the street @ 59 N. Byron St. Worked with agencies involved with animals and rescues, work with Rebecca for the last year. Have fostered several animals. Want people to understand the mission of getting them to the point of returning to the wild. A short-term solution, not trying to make them into pets. Inspected my home to ensure met standards she set. If you have questions, encourage to see animals in the foster system and that they are not a danger to you.

Anita Painitz 560 Ironbridge, have beautiful swans living across the lake. Social media challenged, utilize Cicero Chatter for pulse of issues. Shared a story of swan with broken wing on Facebook with many people that were concerned. It is needed in the community. Not introducing animals to our community, they are here and need assistance. Last time we were here, the Board felt it was good but took it further out of town. How far do we need to go? Mrs. Painitz shared another story of a deer that needed assistance but was beyond help and how professional she is and knowledgeable. This service is needed badly. Don't see the downside of this project.

Randy Griffin 5378 E. 221st in line sight of area, thanked for comments.

Paul Hamon 827 Sunblest Blvd, Fishers, Becca is daughter, had opportunity to be a director but decided to move away from the Bloomington area and go on her own. Be hands on operator, also has certification from DNR.

Leslie Thompson 5390 E. 231st, Concern that didn't receive any notification of rezone. Family owns 85 acres since 1996, husband is vet. Explained family background of 24 years of caring for sick animals. Facility provides 365/24-hour care, over 20,000 square feet, know what is required to care for animals. Believe there are five points that legally someone can acquire a use variance. Clearly see that this plan does not meet any of the five points. Point one: EPM and costs associated. Concern for liability to the volunteers for contracting diseases. Concern for composting and impact on ecosystem. Concern about vet's being an hour away. Point two: financial plan and low budget and testing costs. Concern for five-year lease versus land worth and potential land worth. What studies show that we should risk human lives on rescue of raccoons, or species that are potentially a danger to humans. Don't understand the willingness to risk to humans, we save companion animals every day that live with humans without danger. Article from NIH website shared about wildlife rehabilitation and impact negatively to animals. Summarized as until funding is more available or space where this project is more welcome, that the project is not developed here. Point three: is not the case here. Point four: Hardship cannot be created by self. Point five: Does not fit into



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the comprehensive plan. Ms. Thompson asked if was approved could bring upon review since does not meet the five categories. Mr. Culp that is correct.

Chairman Bockoski questioned Mr. Zawadzki on letters received.
Mr. Zawadzki continued with emails and letters. *(summarized by recorder)*

Julia McLaughlin – (no address given) Fellow rehabilitator in favor of center for the following reasons. Animal control shelters cannot accommodate wildlife. DNR will suggest contacting rehabilitators. Center will decrease diseases in the area.

Lisa Schuller -in support of relocation to this project address.

Kate Roswell-expresses support for the project, has worked with Rebecca for two years. Urban growth increases need for services, this project includes education opportunities as well. Perfect location to service animals in this area.

Mr. and Mrs. Schuller 309 E. Jackson Street, Cicero, In support of the relocation of Hoosier Wildlife Rescue to this location.

Janice Jacobs 150 Washington Ave, Cicero, In support of the relocation of the wildlife rehabilitation facility.

Taylor Fig -Indianapolis resident-coming across more and more animals in need of assistance, relying heavily on organizations to assist in and around Indianapolis with found animals. Increasingly difficult to find organization that is not at capacity. Story of raccoon rescue last year with assist from Rebecca. Another facility is needed.

Vicki Topmiller-Questioned by Rebecca on opinion on location. Building would have to fit the area. Story of baby squirrels left orphaned after tree removal. Assist from organization promptly and support efforts.

Bart Richwalski -recommendation of Hoosier Wildlife, volunteer for two years, training provided. Quality of care is above other operations. Safety is utmost concern for humans and animals. Minimum human contact is respected with use of cameras. Major benefit to the community.

Stansbury Family-1330 Whitewater Ct. Cicero, in support of relocation of Hoosier Wildlife Rescue and Rehabilitation.

Alisha Robinson Cammack Road, Cicero. Third time in three years writing about this property. Each time Mr. Adams has claimed hardship due to variance. Hardship cannot be self-imposed. When purchased home did not purchase expecting neighbors to change to accommodate our wishes for our property. Previous meetings April 2023 there were 12 variances requested, September post indicated looking for new location. Question if this is the right location, spot zoning discouraged by town documents. Again, multiple variances are needed. Financial concerns for the project in the future, what happens to property if costs cause organization to close. Questioned what happens to buildings if org is no longer there. Is this a plan for Mr. Adams to get buildings at no cost, applying for commercial zoning in a residential/ag district? Request is for Land Use however variance for accessory structures has not been requested. Landscape and lighting standards are not mentioned in requests either. Driveway and signage not mentioned either. Waste management and water concerns, bedding disposal, diseases. Articles listed pertaining to the diseases. Fencing and escape concerns expressed. Concern for 26 min drive for Ms. Hamon to property and no one residing on premises. Concern for previous requests and educational opportunities that are not being listed here. Concern about predatory animals being brought to the area. Conclusion: As the board to deny request on basis on lack of clarity of operations. Spot zoning and property values, and concern for neighboring property health, not a necessary hardship per ordinance.

Halli Hunt -volunteer with Hoosier Wildlife Rescue and Rehabilitation, concern for urban growth and increasing need for such organizations. Over 800 animals last year, shows need. Center is needed in area. Vouch for Ms. Hamon and her efforts.

Kali Gangnon -Speaking regarding animal waste management, work with area farms. These animals have far less waste than horses and cows and a solution would be a dumpster that would be emptied weekly. Family has farm in Arcadia and this option works for them. Many options and should not be a concern.



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Jay Trauring 4725 E. 231st Cicero -860 ft. from property, concern for safety and quality of living for family. Specialize in destruction management as a job. Concerned about ordinance compliance: Public health as relates to animal waste. Air concerns as well as water concerns, pest attractions. Ordinance referring to negatively impacting neighbors: Visible waste/cages/sights and smells. Concern for abandonment in future. No peculiar property issues: simply that property isn't zoned for commercial use. Hardship: land is being used for a small farm and there is no hardship for the petitioner or landowner. Concern for liability issues: documents not provided by architect and standards being met. Concern for adequate restroom facilities, drinking water. Currently not on property. Concern for fire and safety, ADA compliance. Concern that budget is donations and building/maintaining is outside current budget levels, does this indicate abandonment in future. Pictures shown of existing landowners animals grazing on area properties after escape. If can't control existing animals, how can expect wild distressed animals be contained? Request BZA deny request. (pictures shared)

Jeff Titus 4160 E. 231st Cicero. Concern for any zoning outside of residential/ag without property owner on premises. Can set a negative precedent in the area. Concern for the type of animals, escape, small children in the area, property values.

Returning to podium- to clarify that these are not diseased animals, if diseased first thing is treatment, they are not roaming they are enclosed. Waste should not be a concern; squirrel vs horse is not the same. It is like a vet office. Listen to the facts that have been presented.

Anita Paintiz- 560 Iron Bridge Road- Returning to podium-second comments around diseases. They are out there in many animals not just wild and are being treated, area cleaned to kill diseases. EPM and horses, unless going to be grazing within barn, this is not possible to increase instances. She is controlling these diseases.

Kristin Kile 4715 E. 231st Want to point out that all the people that are championing this project, do not live near us. That is the issue. We are the ones that potentially could be impacted. This is a rezoning variance issue. This is a rural residential area. Letters without addresses should be thrown out.

Cathy Ferguson 5378 E. 231st. Biggest concern is that we don't know what this is going to turn into. What happens in three years. Concern for animals running wild approaching children. We shoot pests-groundhogs in garden. Overabundance of raccoons in the area already. Everyone should ask if they would want it in their backyard.

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

Mr. Zell asked Mr. Culp about the Findings of Fact and the Comprehensive Plan, does anyone have anything that is relevant to this petition and the Plan? Mr. Culp stated it is part of what the Board has to look at, this area is zoned agricultural. Certain agricultural businesses are allowed under current zoning. As we looked at the Uses, examples: commercial dog kennels are allowed in the area as Special Use. But we have nothing listed like this particular use. There is a distinction between livestock, pets and wildlife. Mr. Massonne asked if there was a Land Use listed somewhere, so if wanted to be anywhere in Cicero/Jackson Township would have to apply for a variance. Mr. Culp stated as a Land Use we are looking at the particular parcel, and if it meets the conditions. If meets all five required to approve, if fails to meet anyone, required to deny.

Chairman Bockoski asked the petitioner to approach the podium for follow up questions.

Chairman Bockoski asked if opposed to stipulating upon approval, animals that would not be accepted, such as black bear. Ms. Hamon stated she would not be opposed to that at all, also if did, would likely get fined from DNR. Not opposed to inspections to ensure not housing those animals. And only thing would be to have baby raccoons inside. Chairman Bockoski asked if the releasing of the rehabilitated animals would take place in this neighborhood. Ms. Hamon answered releasing of animals will not take place in this neighborhood or this town. The only release in Hamilton County are over 20 acres of private property, one in Noblesville and one in Sheridan. This report is provided yearly. Chairman Bockoski stated the plan refers to deceased animals, can you paint that scenario. Ms. Hamon answered tied to vet clinic, logged into our system but then taken to vet. Chairman Bockoski questioned the removal of waste versus composting is this something that is agreeable. Ms. Hamon stated absolutely. Chairman Bockoski asked when intaking animals are they from our community or where do they come from. Ms. Hamon stated take from all over, but about 50% come from Hamilton county. Chairman Bockoski asked Mr.



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Zawadzki if the number of structures comes into play. Mr. Zawadzki answered AS-04 does not apply to AG district standards. The concern by the citizen does not apply here, there are no limits to number of accessory structures on an AG property if a working farm. Ms. Hamon asked to speak about hardship and disease. First, diseased animals are not what I am taking in, distemper is biggest concern for animals and is handled as such. EPM, totally understand concern and dealt with for the first time this year and animal was taken to vet to euthanize. Work hard to not take animals if can be reunited. Mr. Berry have real situation, hypothetical, real is that I live in town, have raccoons. Hypothetical, if the raccoon is running in circles in my yard, what do I do? Ms. Hamon answered that sounds like distemper, explained diagnosing. Mr. Berry stated but who do I call, police? Ms. Hamon stated DNR, but we call the sheriff. Mr. Berry stated it is not your responsibility correct? Ms. Hamon answered correct.

Discussion amongst Board on any stipulations regarding types of animals as mentioned. Mr. Massonne adding number of structures in case there are more needed there is some say. Mr. Zell stated he has concerns about the business aspect. Only a five-year lease on property, no operational budget or plan, even the first year. Impact on property values. Also appears to be spot zoning and we should be wary per ordinances. Don't see a hardship or peculiar condition with property. Don't feel enough information for lighting and impact to neighbors. While concern for composting appears, there are options. Don't see an operational plan for sustaining over the term of the lease. Plans for site are not defined with just sketches. Too many unknowns and not a good fit. Chairman Bockoski asked if any other comments. Mr. Massonne stated they followed up with what we gave her at the last meeting. Not sure if the right property but we requested further from town, is this the right property, not sure. We don't have a land use for this, yet don't have for a lot of things. So, we as Town don't have a lot of control. Mr. Berry added there have been organizations/businesses come before us and we have approved without a business plan. We don't necessarily request that. Heard a lot of "nature take its course", which bothers me. Example of dog versus wild animal such as an owl that is endangered. Mr. Berry stated he likes the idea of a place like this for small animals. How far out do we need to go? Feel good idea and good fit. Mr. Zell stated we gauge on case and case basis, this is risky. Mr. Massonne questioned the Board members, if imagined in Jackson Township where would you imagine it at. It is needed but where. Chairman Bockoski stated to members, talk conditions. Large animals restricted, fencing required, removal of waste all discussed. Mr. Massonne asked if approved, can it be stated to stay with the lease holder. Mr. Culp answered yes, can stay with Hoosier Wildlife only. Mr. Culp questioned if approved with this number of buildings. Chairman Bockoski stated yes, that would cause them to come before the board for review if outgrown current request. Mr. Culp stated clarification of large animal could be not larger than a raccoon as presented earlier. Chairman Bockoski asked if that would be a good definition to the petitioner. Ms. Hamon questioned is that by weight? Chairman Bockoski questioned what the gray area would be. Ms. Hamon stated red foxes would be 5 pounds. Largest by size, Ms. Hamon stated raccoon likely at 10 lbs.

Mr. Massonne made motion to approve BZA-1223-68-AG with the following conditions: 1. No animals are allowed on intake greater than 10 pounds, size of raccoon. 2. Animal waste is to be removed from site. 3. Buildings should not be more than four, which are listed in the documents. 4. Variance should be tied to entity. 5. Fence for property per approval of Mr. Zawadzki. Mr. Zell second.

Mr. Schrupf-approve Mr. Berry-approve, Mr. Massonne-do not approve, Mr. Zell-do not approve, Mr. Bockoski-do not approve. Motion fails 2-3.

- 4. Director's Report:** Mr. Zawadzki information in the packets, highlighting results as follows: Permit revenue for November 2023 was \$6614, YTD \$92079. Compared to 2022, month of November is \$7826 and YTD \$170050. Decrease for month of \$1212 and YTD decrease in revenue of \$77971. Permits issued 28, with 11 in Town, no new homes, 17 in township with 2 new homes. Estimated cost of projects \$3.7 million. Email should have been received with the enforcement report.
Mr. Zell questioned the property status on east of Buckeye. Mr. Zawadzki stated it is cleaned up.
- 5. Chairman's Report:** Chairman Bockoski meeting dates that have been put out are not the third Thursday of each month, what is the reason. Mr. Zawadzki stated several conflicts due to the holiday or another meeting, or staff meeting. The dates are correct. Chairman Bockoski questioned officers voting timing. Will me first meeting of the year. Thanked everyone for their frankness and opinions in this evening's business.



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6. Legal Counsel's Report: Mr. Culp update on the Lennar petition to the Plan Commission, went to a vote of a unanimous negative recommendation to Town Council. At that point Lennar had options to go forward, withdraw petition, make changes, and go back before the Plan Commission. They have contacted to come back to Plan Commission with original target of February. Further conversation expect it to be later in the year, with a scaled back project. Was made clear that the size of the development, location and Comprehensive Plan elements were all concerns by the Plan Commission.

Secondly, in light of comments earlier, the Plan Commission can consider creating an area where this type of Land Use can be permitted. The problem is that Land Use Variance is tied to one particular parcel, and you are looking at conditions on that parcel. And if they don't meet the conditions on that parcel, hands are tied. Whereas, if wanting to change what is allowed, that is a policy change that the Town Council can make. Mentioning as we are going through the Comp Plan development/update if this is something for the Township, this would be a good time to address this type of thing.

Mr. Zell questioned Mr. Culp if there were any updates to water. Mr. Culp stated in negotiations with property owner about test drilling wells. This one is east of town but still talking with west of town as well. It is a slow process.

Mr. Zell asked about annexation, anything that can be talked about what Cicero thinks about it. Mr. Culp answered you have likely heard things. It has come to light that the mayor of Westfield would like to annex up to Tipton County line on 31 as well as along 32 to the Boone County line. The other is that Adams Township and Sheridan are in process of reviewing reorganization. Where two entities combine to form one. There are many steps to this process, including going to a public vote. Effectively if approved, they would become one large town which could stop the annexation by Westfield. Cicero is looking at the same option as well as annexation. Annexation is a slower process, has limits such as 51% of the landowners have to request voluntarily annexation. And 1/8 of the border of the property has to be contiguous with the border of town. This means it is step by step. The town has been looking at these options but some citizens from the Lennar project meetings have expressed quite a bit of concern. Information meetings are taking place, looking at costs, services etc. Reorg does allow for tiers of services, but only a handful of communities have done this in the state. Zionsville is the closest, they merged with township and surround Whitestown. It does have to be put to a vote, the Town with 51%, as well as the Township as a whole with 51% in support. Both towns of Arcadia and Atlanta have been in meetings. Town Council has no desire to be in charge and takeover of the Township but are looking at ways to prevent Westfield. Very long process either way.

7. Board Member Comments: Mr. Massonne stated that wherever Ms. Hamon would want to go, she will have a hard time. With the Comp Plan coming up, would be a good time to review options. Mr. Schruppf stated while in favor, it was clear that the folks in the area do not want anything on that particular property.

8. Next Planned Board of Zoning Appeals Meeting: January 18th, 2024

9. Adjournment: Mr. Schruppf made a motion to adjourn the meeting. Mr. Massonne seconded the motion. All present in favor.

Chairman: [Signature]

Secretary: [Signature]

Date: 3/21/24

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