



**CICERO/JACKSON
TOWNSHIP
PLAN COMMISSION**

Board of Zoning Appeals Meeting Minutes

April 18th, 2024

7:00 p.m.

Roll Call of Members

Present:

- ☐ Scott Bockoski - Chairman
- ☐ Mike Berry
- ☐ Dennis Schrumpf
- ☐ Harrison Massone
- ☐ 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 five members present.

2. Approval of Minutes

Mr. Zell made the motion to accept minutes from March 21st, 2024, meeting as presented. Mr. Schrumpf second. All present in favor.

3. Old Business: No old business.

Chairman Bockoski informed the audience that the BZA is a quasi-judicial form of the local government. Will be discussing items that sit on the docket and the issues that surround those items. All comments should be addressed to the board members not to the petitioner or others in the audience. Attendants must sign in if wishing to speak tonight to the board. Each person must state name and address from the podium when addressing the Board for the record. Each item typically has time for public comment as a portion of the hearing. It is not necessary for each person to repeat items already addressed in their entirety, but to simply agree and move on for the sake of time. Each motion is made in the affirmative but does not mean that is the way we vote.

4. New Business:

Petitioner: Gregory Nemeth

Property Address: 150 N Peru Street, Cicero, IN 46034

Docket#: BZA-0424-04-NC

A Land Use Variance application has been submitted regarding the property located at 150 North Peru Street, Cicero IN, 46034 to allow an Auto Sales business in the NC district. Whereas Article 4.1 of the Cicero/Jackson Township Zoning Ordinance does not list an Auto Sales business as a permitted use or a special exception use in the NC District.

Gregory Nemeth 850 Jennifer Drive, Greenwood, IN 46143 Plan for the location is for auto sales, very similar to the previous owner Cicero Motors. A low volume dealership, not having a large amount of vehicles, newer not more than seven years old. They will be clean vehicles; any refurbishing will be in the enclosed bays. No changes to the physical building other than signage. Will restripe the lot.

Mr. Zell asked when planning to open the business. Mr. Nemeth stated as soon as possible to do the modifications, have to have a physical location when get the dealers license. After that will be 30-45 days. Mr. Zell questioned if lease or purchase and how many employees. Mr. Nemeth stated purchased the property and is operating it by himself. Mr. Berry as you sell, assuming will take trade-ins. Mr. Nemeth stated not planning on taking any trade-ins. Mr. Berry questioned where the vehicles would be coming from. Mr. Nemeth stated auto auctions and internet sales. Mr. Berry asked once operating how

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many vehicles would you plan on having on the lot. Mr. Nemeth stated 10-15. Chairman Bockoski questioned if any thought to the fencing on the back side of property. Mr. Nemeth stated on the north side, looks like it can be put back up. Chairman Bockoski stated you mentioned cleaning up the lot, weeds, etc. In the past the property did not fit the description that you are giving us, the status or condition of the vehicles, all vehicles will be operable. Mr. Nemeth stated if any repairs they would be in the bays for repair, such as windshields etc. before they are on the sale lot and operable. Mr. Zell questioned Mr. Zawadzki if this petition had been before the PC. Mr. Zawadzki stated it had not, if approved tonight, it would go through the Aesthetic Review process. Chairman Bockoski questioned the photos, the difference between the existing elevation and planned elevation. Mr. Nemeth stated it is just showing the aesthetics. Plan to replace the lenses, lights going down for safety purposes. Mr. Zell stated it is important that the condition is what has been described, condition of the cars and such got pretty ratty. Chairman Bockoski explained that the Board bases decision on the items presented, and this is a thoroughfare to the town and has not been a positive in the past.

Mr. Zell made a motion to open BZA-0424-04-NC to public hearing. Mr. Massonne second. All present in favor.

Troy Ferguson 139 N. Peru Cicero. Had submitted a letter to the Board and would like to read it. Chairman Bockoski stated all members have received a copy. Mr. Ferguson read the letter and is summarized as follows: Buildings across the street have received major updates, REMAX and Bellalisse property. Have invested in the neighborhood. This area was/is referred to as Uptown. The area has never looked better with recent investments. Helped create the zoning classification of Neighborhood Commercial approximately 15 years ago, to help protect the small businesses and residents. Last neighborhood eyesore, the old car wash should be demolished and returned to green space. Has another letter that explains the history of the area.

Chairman Bockoski asked Mr. Zawadzki if any correspondence to read into minutes. Mr. Zawadzki stated only the letter that Mr. Ferguson read. Mr. Culp stated clear everyone received a copy and he has read it into the record, so no need to read again.

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

Chairman Bockoski stated to Members, need to discuss any stipulations, adding the variance goes with the owner not the property itself would be one. Limiting number of vehicles was one thought, but that could limit the viability of the business. Mr. Zawadzki stated he would consult with Mr. Smith with the fire department about any stipulations or additions to safety. Mr. Zell stated can state the preference of max number of vehicles. Mr. Culp stated that the fire department would be concerned about access to the property, not like a restaurant with equipment that would be a concern. Mr. Berry stated have about 115 feet across, that would be 10 feet per car, so 10-11 cars approximately. Fence was discussed. Determined that is a Plan Commission issue. Mr. Massonne questioned number for sale versus repair. Mr. Culp suggested no inoperable cars on lot. Chairman Bockoski stated how do you enforce. Mr. Culp stated can make part of the variance. Mr. Massonne questioned the use and impact on sewer system. Chairman Bockoski questioned if the three pages spelled out by the petitioner could be part of the motion. Mr. Culp suggested that in addition to staying with the owner, that it incorporates both the representations of Findings of Fact and additional information that was provided by petitioner. Mr. Berry questioned if all previous vehicles were for sale or used as storage. Confirmed that they were all for sale.

Mr. Massonne made motion to approve BZA -0424-04-NC with the following conditions: Variance stays with the business owner and includes the three documents that are included with the Findings of Fact part of the application. Mr. Bockoski-approve, Mr. Berry-approve, Mr. Schrupf-approve, Mr. Massonne-approve, Mr. Zell-approve. 5-0.

Petitioner: Jacob Clarkson

Property Address: 24 Point Lane

Docket#: BZA-0424-05-R1

A Development Standards Variance Application has been submitted regarding the property located at 24 Point Lane, Arcadia IN, 46030 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 placed in the rear or side of the primary structure in the R1 district.



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Docket#: BZA-0424-06-R1

A Development Standards Variance Application has been submitted regarding the property located at 24 Point Lane, Arcadia IN, 46030 to: allow a side yard setback of 25 feet, Whereas Article 7.5 of the Cicero/Jackson Township Zoning Ordinance states that the minimum side yard setbacks shall be 40 feet in the R1 district.

Docket#: BZA-0424-07-R1

A Development Standards Variance Application has been submitted regarding the property located at 24 Point Lane, Arcadia IN, 46030 to: allow an accessory structure to exceed 65% of the finished floor area of the primary structure, Whereas Article 7.5 of the Cicero/Jackson Township Zoning Ordinance states that an accessory structure shall not exceed 65% of the finished floor area of the primary structure in the R1 district.

Docket#: BZA-0424-08-R1

A Development Standards Variance Application has been submitted regarding the property located at 24 Point Lane, Arcadia IN, 46030 to: allow an accessory structure with a height of 24 feet, Whereas Article 3.4 of the Cicero/Jackson Township Zoning Ordinance states that an accessory structure shall not exceed 20 feet in height in the R1 district.

Docket#: BZA-0424-09-R1

A Development Standards Variance Application has been submitted regarding the property located at 24 Point Lane, Arcadia IN, 46030 to: allow an accessory structure with 100% siding on all facades. Whereas Article 7.22 of the Cicero/Jackson Township Zoning Ordinance states that an accessory structure shall have primarily brick or natural cut stone on all facades.

Chairman Bockoski read all Dockets for this petitioner into the record to discuss at once and will vote individually.

Petitioner: Jacob Clarkson 24 Point Lane, Arcadia. Looking to build an accessory structure to store boats, motors, various equipment to maintain property on the lake. This property is a bank foreclosure, has a couple of buildings using for storage but they are garbage and need to go. This would replace them and have one structure to not have clutter in yard, be able to work on equipment, store trailers and boats.

Chairman Bockoski asked for a map of the property, stating we deal with accessory in front of primary structure often. Want to see property and house placement. Mr. Clarkson used map to describe the placement of the proposed structure. Question was asked if placed 40 feet back instead of 25 feet where would it be located. Mr. Clarkson answered from the road it would block most of the primary structure if placed that far back from property line. At the 25 feet it does not block as much of the home.

The seven feet request is for the aesthetics, moving more to the side to assist with not blocking the primary structure. Mr. Massonne questioned the size of the barn. Mr. Clarkson answered 40x80. And on the peak 23.8 high. Chairman Bockoski asked if higher than primary structure. Mr. Clarkson stated no, the peak should be lower than the second story peak. (pictures used) Mr. Zell asked if plans to run a business out of there. Mr. Clarkson stated no, no time for that. Discussion on the existing buildings and their placement. Mr. Zell questioned the time of the project. Mr. Clarkson stated approximately the first of May. Chairman Bockoski asked if adding water and electricity both. Mr. Clarkson answered electricity, perhaps a few drains, on water and septic so not worth the hassle. Lighting was questioned, answered as shop lighting with exterior lights to light up four feet or so for safety. Mr. Massonne questioned all sides siding, single color. Mr. Clarkson stated siding to match the current siding on the house and when painted would match. Discussion on façade standards. Mr. Zawadzki stated that is why the variance because the plan does not meet the standards. Mr. Massonne questioned the window/doors placement. Mr. Clarkson stated the gable side to have the single window centered, Walkin and three 10-foot doors, middle would go all the way through. No porch, clean look, with glass in large doors.

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

Jim Williamson 38 Point Lane, neighbor across the road, no problem with project. Requests will look nice. There are other buildings on Point Lane that are as large.

Nathan Brown 25 Point Lane, neighbor closest to the building and have no objections to the project.



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Mr. Massonne made motion to close the public hearing. Mr. Zell seconded. All present in favor.

Chairman Bockoski asked for further questions from the Board, or any stipulations. Mr. Zell shared that have a history of ensuring no business and no additional lighting, no water/sewer, and tearing down the accessory structures. Mr. Schrumpf added the other buildings in the area were likely prior to current standards. Discussion of where to add stipulations.

Mr. Zell made motion to approve BZA-0424-05-R1 as presented with the following conditions: petitioner agrees to tear out and clean up existing accessory structures as pointed out in presentation, no business operated, no water/sewer in building, and no additional exterior lighting. Mr. Massonne second.

Mr. Zell-approve, Mr. Massonne-approve, Mr. Schrumpf-approve, Mr. Berry-approve, Mr. Bockoski-approve.

Mr. Massonne made motion to approve BZA-0424-06-R1 as presented with the previously mentioned conditions. Mr. Zell second.

Mr. Schrumpf-approve, Mr. Massonne-approve, Mr. Berry-approve, Mr. Zell-approve, Mr. Bockoski-approve.

Mr. Massonne made motion to approve BZA-0424-07-R1 as presented with the previously mentioned conditions. Mr. Zell second.

Mr. Massonne-approve, Mr. Schrumpf-approve, Mr. Berry-approve, Mr. Bockoski-approve, Mr. Zell-approve.

Mr. Massonne made motion to approve BZA-0424-08-R1 as presented with the previously mentioned conditions. Mr. Zell second.

Mr. Schrumpf-approve, Mr. Massonne-approve, Mr. Berry-approve, Mr. Zell-approve, Mr. Bockoski-approve.

Mr. Massonne made motion to approve BZA-0424-09-R1 as presented with the previously mentioned conditions. Mr. Zell second.

Mr. Berry-approve, Mr. Massonne-approve, Mr. Schrumpf-approve, Mr. Zell-approve, Mr. Bockoski-approve.

Petitioner: Adam & Nichole Knoll

Property Address: 23475 Cammack Road

Docket#: BZA-0424-10-R2

A Development Standards Variance Application has been submitted regarding the property located at 23475 Cammack Road, Cicero IN 46034 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 placed in the rear or side of the primary structure in the R2 district.

Docket#: BZA-0424-12-R2

A Development Standards Variance Application has been submitted regarding the property located at 23475 Cammack Road, Cicero IN 46034 to: allow an accessory structure to exceed 65% of the finished floor area of the primary structure, Whereas Article 7.5 of the Cicero/Jackson Township Zoning Ordinance states that an accessory structure shall not exceed 65% of the finished floor area of the primary structure in the R2 district.

Docket#: BZA-0424-11-R2

A Development Standards Variance Application has been submitted regarding the property located at 23475 Cammack Road, Cicero IN 46034 to: allow an accessory structure with a height of 25 feet, Whereas Article 3.6 of the Cicero/Jackson Township Zoning Ordinance states that an accessory structure shall not exceed 18 feet in height in the R2 district.

Docket#: BZA-0424-13-R2

A Development Standards Variance Application has been submitted regarding the property located at 23475 Cammack Road, Cicero IN 46034 to: allow an accessory structure with 100% siding on all facades.

Whereas Article 7.22 of the Cicero/Jackson Township Zoning Ordinance states that an accessory structure shall have primarily brick or natural cut stone on all facades.



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Chairman Bockoski read the docket numbers into the record. Understand petitioner is not present. Petitioner stated they are present. Mr. Zawadzki stated there was an issue with the notification process. Notifications did not hit the paper until after the deadline, ask for the Board to table until the next meeting. Which is May 9th, at 70 North Byron Street, Cicero @7:00. Mr. Culp stated by doing this way he doesn't have to spend money to readvertise.

Mr. Massonne made motion to table all dockets for Adam and Nichole Knoll. Mr. Berry second. All present in favor.

Petitioner: Christopher & Catharine Lammer

Property Address: 3124 E 266th Street/2860 E 266th Street, Arcadia, IN 46030

Docket#: BZA-0424-14-AG

A Land Use Variance application has been submitted regarding the property located at 2860 and 3124 East 266th street, Arcadia IN 46030 to allow an Agritourism Ranch and Winery with retail sales and outdoor seating in the AG district, whereas Article 3.1 of the Cicero/Jackson Township Zoning Ordinance does not list an Agritourism Ranch and Winery with retail sales and outdoor seating in the AG district as a Permitted Use or a Special Exception Use.

Docket#: BZA-0424-15-AG

A Development Standards Variance Application has been submitted regarding the property located at 2860 and 3124 East 266th street, Arcadia IN, 46030 to: allow 10 yaks in a fenced in pasture area of 7 acres, whereas Article 7.23 of the Cicero/Jackson Township Zoning Ordinance (MS-04) states that a large animal shall have 1.5 acres of fenced pasture per animal.

Chairman Bockoski read both dockets to discuss at once, voting individually.

Catherine Lammer 16299 Seminal Road Noblesville, IN and Christopher Lammer 16299 Seminal Road, Noblesville, IN.

Mrs. Lammer explained the plan is to have a business with guests who can have different experiences, such as storytime with animals, specifically selected animals that are environmentally friendly. Important to have business that is able to maintain the serene environment. Examples of sheep (eat weeds, etc.), pigs that don't root, and yaks they don't sweat, methane is 1/2 of a cow. Also selected yaks due to docile manner. Have numerous bird houses. Not doing a petting zoo. Wanting to guests to come out, use picnic tables to sip a glass of wine and observe the birds and animals. Mr. Lammer added it is about the ambience, with wine tasting and the outdoor experience. We do have animals and are a working ranch. Concept came from questions about the yaks, to couple agritourism activities with ranch information and what we do. Mrs. Lammer stated plan on offering some food items as typical with tasting rooms.

Mr. Zell stated had drove by, saw sign and parking lot and appears to be already in business, have you been operating for a while. Mrs. Lammer stated no, have had a conversation with HC Tourism Board, and got a permit for three days, had concerns for the parking. Didn't want cars damaging so we went on with the parking lot. Mr. Lammer stated signs and all were for the three day event for the Solar Eclipse. Wanted to have the parking due to drainage pipes etc. and have a solid surface for people to park on. Signage was a temporary permit- 15 days, and due to come down. Have not had any events since Eclipse.

Mr. Zell verified that the permit was through this office. Mr. Zawadzki stated yes it was. Sign appears to be permanent. Mr. Lammer stated has carpentry background and didn't want to do poorly. Mr. Zell questioned operation in Sheridan. Mr. Lammer stated do not have operation but do have 20 acres and do ranch activities. The yak bulls are located over there. Mr. Zell questioned the stage. Mr. Lammer stated that was for the Eclipse, map was provided to all the agencies for the Eclipse event and is a temporary stage. Mr. Zell asked if having regular music events and the impact to the neighbors. Mr. Lammer stated the intent was to keep the door open to doing that, keep it within the daylight hours. Most activities are in the center of the property. Music would be for special events like the eclipse, usually 4-6 pm. Mr. Massonne questioned the yurts. Mrs. Lammer stated those are used for special needs individuals that have sensory needs. They are not for reservations or for overnight guests. Do intend for the yurts to stay for future use including son. Mr. Zell commented on the extent of work for one event. Mr. Lammer there is bit of conflict with the Eclipse event, the Tourism wanted us to host 100's and we felt that might be too many, but wanted there to be value for those that attended. Mr. Massonne asked if the pole building would be open to the public. Mr. Lammer stated we do plan on having events, we hosted an artisan market inside during the eclipse weekend. Wouldn't say it would be open every day we are open, looking for a Wednesday to Sunday operating hours. Don't feel we would use each weekend. Mr. Zell asked if restrooms are available. Mr. Lammer stated not determined, would like a commercial septic if approved, currently using porta pots. Mr. Berry asked serving wine, glass and bottle, would this be able to be carried off the premises? Buy a bottle and take with you or all consumed on premises. Mrs. Lammer stated currently have a



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Federal TTD permits us to buy wholesale and sell retail. So, they would have to consume on premises. Do plan on getting permit to be able to sell bottles to take with them. Mr. Berry questioned petition states yaks for meat, would you be selling yak sandwiches, sheep sandwiches. Mrs. Lammer stated no but trying to leave door open for future options. No plans right now that yaks on the property would go to market. Discussion on size and classification of yaks. Mrs. Lammer stated can keep four per acre. Mrs. Lammer questioned the reason for the limit per ordinance, odor was discussed with minimal impact with yaks. Mr. Massonne stated his opinion since it was AG the expectation would be that there would potentially be animals in the district, more concerned with the business side. Mr. Zell questioned the purpose why central Indiana would want to see yaks. Mrs. Lammer stated not necessarily the yaks but sheep, the pond, the birds, people in neighborhoods would want to enjoy the environment. Mr. Lammer stated he felt a lot of people didn't have the options to see with rapid growth of Hamilton County. The yaks are not a schtick but a passion. Have received a lot of inquiries about the yaks and what we do. Planned attraction. Chairman Bockoski questioned why the yaks that they currently have. Mrs. Lammer stated sell the fibers from the yaks, another reason is they are people friendly. Mr. Lammer stated utility for the fibers, working on harvesting, meat production, compared to furry puppy dogs. Bulls are 1100-1200 lbs., females 6-800 lbs. Chairman Bockoski questioned if would look at them as a pet, as you have said you are not doing meat production and fiber is not being sold currently. Mr. Lammer stated have two males that would be slaughtered this year and plan on a fiber harvest this year. It is all three areas. Mrs. Lammer shared how they got started as pets but do not name them. Mr. Lammer stated the woolies have more fiber. Mr. Zell questioned diet; do they eat grass. Mr. Lammer stated yes, eat grass and graze around trees. Small pasture that was for the eclipse, want to fence more. Mrs. Lammer stated need less food than a cow. Mr. Massonne stated he heard about the event from a friend from northern Indiana. Mr. Lammer stated the beauty of the eclipse event was that they were able to gauge interest and appeal and got an overwhelmingly positive response. Mr. Massonne compared to Urban Vines in Westfield; however they have no parking and are not in the middle of a cornfield. Did see Facebook events even after the eclipse event was over, want to make sure it is the direction of the town, so Frank isn't getting calls that something is going on, neighbors complaining about things going on. Mrs. Lammer stated they were under the assumption they could do another special event with a special event permit. Mr. Lammer stated a temporary permit and misunderstanding on our part, we went on website and cancelled everything that was set up to go in lieu of decision tonight. Mr. Massonne stated reflects not only upon you but the township and town and the county. Mrs. Lammer thought it was ok as long as we had the temporary permit. Mr. Zell questioned what the federal permit allowed them to do. Mrs. Lammer answered it allows us to purchase wine wholesale and sell retail. Mr. Zell questioned if during the eclipse event wine was being sold. Mr. Lammer stated yes, had a permit for the event through Excise which allowed wine to be sold in a defined area. Mr. Lammer stated approved by Crawfordsville, which has jurisdiction of this area from Excise, then approval from sheriff department. Map of area provided, there is a process. Mr. Zell stated had not heard of approval like this from sheriff department. Mr. Lammer stated they had been questioned and were instructed to go to sheriff department for the special event approval. Mr. Berry questioned if only the two will be working or will have employees. Mr. Lammer stated plan for employees, Blackhawk Winery recently shut down and know some individuals that would be interested. Plan for 8-10 part-time employees to handle serving and grounds work. Mr. Berry stated sounds like aware of alcohol restrictions. The Lammer's agreed.

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

Keith Hunt 15612 Oak Road, Carmel, IN 46033, present with brother, own the property directly across the street from this property. Work the 72 acres, all agricultural. Observations of the events with special permit, there is a lot there. Concern for people migrating to our property with parking, there is a lot of traffic, concern for property values, and here to oppose the variance.

Amanda Egler 5228 E. 225th St Noblesville, also Jackson Township, own a farm that is directly around the corner. Concern is that have not updated zoning in Jackson Township to address agritourism. Easy to paint a broad brush and call it agritourism without definition. Without framework to address, variance hardship for what it is zoned for is questioned. Property transferred February 20th, in a hurry to April 8th to post events. Without going through the process, do not see any hardship. Do not see why approval for events for profit, music that can be heard at our farm. Traffic pattern, pro-ag but do not feel should be approved without the Township having guidelines set. Know have invested in property, have no issues with the yaks, sheep but do have issue with public events that affect other people around without going through the process prior to. Hope that Jackson Township will address the framework before approving agritourism projects.



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Dawn Lennis 26640 Anthony Road, Atlanta directly adjacent to the property. The land had previously been owned by father, used for goats, then in February was sold again to these people. Property is beautiful and peaceful. Would have liked to be informed of the event prior, music was very loud and if was every weekend would not approve. Not opposed to the animals, but for the noise and the public.

Doug Quear 4410 E 246th St. Cicero, Two miles north and ½ mile across from the property. Concern is with the meetings we have had concerning the overlaying and general area and that Cicero needs to take a look at where we are headed. This area is all farmlands. In the area we service, had to set back 50-70 feet due to dust and what we do because the trees that were planted. Do not want to see happen, opposed, decide traffic and land use and if wanting to be farming community or want to change zoning in what we do as an ag district.

Jenna Majors 6110 E. 229th Cicero, reviewed the business plan, it is a neat concept and pro-business ag, think it would be a draw to our community. As long as had the correct parameters to it. With Blackhawk Winery, hours were 1-8 p.m. all music events had to end by 8 pm. The others are correct that we do not have any parameters in our ordinances for this area. If approved as they have requested tonight, you are approving music can go on Wednesday to Saturday every weekend all day until 10 pm. While they stated it would be occasional, there is nothing to prevent. While Blackhawk had great business plan with many events and well attended it had parameters. Understand the financial impact for this for profit business. Concern expressed for considering distance from police station, and hours of operations.

Mr. Zawadzki stated had one letter from individual that spoke, it has been distributed. Another message summarized: Mr. Mark Thomas representing Beck's Hybrids in the message regarding agritourism winery and yaks. Beck's normal statement is that we have no opinion and are neutral. Neighbors can do what is legal and on their property, as Beck's can do what is legal and on ours.

Mr. Culp stated for the record, the email passed around was from Dawn Lennis that spoke earlier.

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

Chairman Bockoski stated heard a couple things to discuss, looks like 6-8 part-time employees, restrooms are not established but intended for the future, music times not listed but business hours of closed on Mon/Tues, Wed-Thurs 11-7, Fri 11-10, Saturday 9am – 10pm, Sunday 11-7. Those were listed as operating hours. Question for Mr. Zawadzki: if not approved for some reason, would they still have ability to apply for temporary permits. Mr. Zawadzki stated they would not, we have an ordinance stating that someone could not apply for temporary permit with the intent of applying for the variance for the exact same thing. Chairman Bockoski questioned once they applied for a variance then they could not apply for temporary. Mr. Culp explained intent of the ordinance is to prevent that scenario, to have a work around of the variance process.

Chairman Bockoski asked how many yaks would be permitted as the property stands now. Mr. Zell stated 1.5 acres per yak per ordinance for large animals. They have 7 acres. Mr. Massonne stated there is not three acres currently fenced for the yaks. Mr. Culp stated the table came from Purdue extension office at the time of the ordinance creation. Based upon the impact to the land, not only grazing but manure and all related. Did not address yaks specifically but we felt it fit the bovine category. Chairman Bockoski opened discussion for conditions, first being land use itself, second the amount of acreage per yak.

Mr. Zell stated concern for not a turnkey operation, this is first agritourism business for review, concern for acreage, good that these types of businesses grow, but concern for traffic and noise in that area. Mr. Massonne asked petitioner, one neighbor discussed noise on daily events, is the stage facing east. Mr. Lammer states yes it does. Discussion if stage could be moved. Mr. Lammer stated he felt the noise could be subdued in the future, this was the first venture and learning curve. Mr. Massonne added could be a condition added. Chairman Bockoski questioned the hours of operation for music, could they be similar to Blackhawk, could condition of sundown be accommodated. Mrs. Lammer stated no issue, as well as not planning on music during the week at all, if would be Friday, Saturday evening, or Sunday midafternoon. Mr. Lammer stated can address, smaller area for music, smaller bands, and don't want to go past twilight. The hours of operation in the morning are not the winery, they are for the farm animals. Mrs. Lammer shared information of studies with animals and without, the ones with are better cared for. Chairman Bockoski questioned restrooms and would be a condition, as well as ADA compliant. Mrs. Lammer stated the reason for turnkey now, the drive was expensive but have concern but to do more without approval would just be



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too expensive. Mr. Berry asked if would be hosting private events. Mrs. Lammer stated not part of our plan, we have been contacted for weddings etc. but not interested in that. Have been contacted by a coach with players as an example. Limit by fire marshal on number of people in the building. We would not close to the public for a private event such as the groups. Mr. Berry questioned if having private events on the non-operating days. Mrs. Lammer stated would like to have school trips on non-operating days. Mr. Berry questioned holiday's -would you have events that would be on the non-operating day. Mr. Lammer stated strictly a five-day operating week. Mrs. Lammer stated events not expected to be like the eclipse, they asked us to host 500 people and we said no. Mr. Lammer stated he felt that the eclipse gave an artificial impression of what normal operations would be like. Want to be successful but don't anticipate that level of participation. Mr. Berry asked what happens in wintertime. Mr. Lammer answered expect hours to become shorter as the days get shorter. Expect fall to be busy but after October 31, but hours to shorten after that. Mr. Lammer answered not expecting Christmas events such as sleigh rides etc. Mr. Massonne questioned if there is a zoning district that this applies to. Mr. Culp stated in theory, the wine could fall into some of our commercial districts, and all commercial is within the town limits. Can not have livestock in the town limits without variance that use would require a variance. US 31 corridor does not currently have an overlay district, it is topic for future discussion. Mr. Culp continued by adding that the Comprehensive Plan update process has been started and are anticipating changes with agri-business to be a topic and maybe changes along 31. As of now, all ag, maybe some commercial on the southern part of 31. Mr. Zawadzki added along 276th a couple businesses. Brief discussion on conditions. Motion was interrupted for discussion on hours.

Mr. Massonne made motion to approve BZA-0424-14-AG with the following conditions: Events/performance hours will be stopped at 8:00 p.m. on Friday/Saturdays, and no performances on weekdays or Sundays, restrooms will be added in accordance with Health department rules, also stage location to be reviewed to face north, no private events as discussed. Mr. Berry second.

Mr. Bockoski-no, Mr. Berry-no, Mr. Schrumpf-no, Mr. Massonne-no, Mr. Zell-no. Motion denied 0-5.

Mr. Massonne made motion to approve BZA-0424-15-AG as presented. Mr. Zell second.

Mr. Zell-no, Mr. Massonne-no, Mr. Schrumpf-no, Mr. Berry-no, Mr. Bockoski-no. Motion denied 0-5.

Chairman Bockoski stated both requests denied.

Petitioner: David & Kathy VanAlstine

Property Address: 2469 Lincoln Drive, Cicero, IN 46034

Docket#: BZA-0424-17-R3.

A Development Standards Variance Application has been submitted regarding the property located at 2469 Lincoln Dr, Cicero, IN, 46030 to: allow a side yard setback of 6.5' feet, Whereas Article 7.5 of the Cicero/Jackson Township Zoning Ordinance states that the minimum side yard setbacks shall be 15 feet in the R3 district.

Kathy VanAlstine 2469 Lincoln Drive, and David VanAlstine 2469 Lincoln Drive, Cicero. Mrs. VanAlstine would like to maintain and enhance quality of property. In order to place shed where it is permitted it is not aesthetically pleasing. Very close to house if placed there. Have spoken to neighbors (Heavers) and have no objections, but there should be a letter in packet from the neighbor. They were unable to attend tonight. Currently looks like it has just been plopped there and does not look aesthetically pleasing. The other neighbors supplied an email with their agreement. Pictures were referenced on placement. Mr. VanAlstine stated previously an 8x10 shed in that space, purchased a new shed, due to size needed a permit. Mr. Zawadzki spoke of setbacks, we were able to meet the standards but asking to turn and move to the 6.5 area. Proposing next to the neighbors' buildings. When moved most of the building would not be visible from the street. Mr. Zell questioned if there was any easement in the area. Mr. Zawadzki stated there is not.

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



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Mr. Zawadzki read letters into record (summarized as follows) letters part of file.

Dan Conley 2449 Lincoln Drive received legal notice on the request for side yard setback variance. No objections to request.

David and Andrea Heaver 2459 Lincoln Drive submitted letter stating no problem with request by the VanAlstine's and in support of the variance request.

Chairman Bockoski questioned the location of the homes above.

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

Mr. Zell made motion to approve BZA-0424-17-R3 as presented. Mr. Berry second.

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

Mr. VanAlstine thanked the board and expressed appreciation to Frank for his assistance in the process.

5. Plan Director's Report: See packet. March 2024 permit revenue \$4453/\$11,028 YTD, compares to March 2023 of \$13025/\$22,984 YTD, difference of negative \$8572/-/\$11,956. Building permits issued 22, 14 in corporate limits with 0 new homes, and 8 in township with 0 new homes. Estimated cost of permit projects to be \$46,465. IDEM stormwater requirements all turned in on time and in good standing.
6. Chairman's Report: No report
7. Legal Counsel's Report: Mr. Culp couple updates, inform that have reached agreement to move forward with Wastewater treatment plant. Expect further approval by end of June, if comes together anticipate construction starting in July. Equipment order has been placed as there is a long lead time for some items. Cicero is doing this through BOT (Build Operate Transfer), the contractor builds, operates, then transfers to the town. Process is explained for the bond and loan, do expect an increase in rates but unknown until complete due to interest rates. Location is where it is currently but double in size inside, increase capacity for treatment.

On the water front, we were supposed to do drill test wells three weeks ago, mother nature not cooperating. Expect to drill next week-two wells, if successful potential of two more. If not successful, go back to the drawing board. These are on the east side of town. If equipment is seen, that would be what is going on, Peerless Midwest test wells. Mr. Zell asked if anymore on the Hamilton County Water district, and annexation from Westfield is hot topic. Mr. Culp stated a lot going on, Town is investigating way to protect Jackson Township. Two options; if can find a way to annex a solid line of parcels, the other is a reorganization of Jackson Township. Town council would prefer agreement of annexing. Have to have consent of property owners. If happens, there would be 6-7 mile stretch that Cicero would become responsible for, roads, fire, etc. Township has been involved in process. Reorganization statues has only been successful in a few situations in Indiana. Outside council has been retained to assist with subject.
8. Board Member Comments: Mr. Berry expressed concern about the agritourism subject, not the first-time similar projects have been presented to the board and elements not defined currently. Mr. Culp stated Hamilton County just defined due to increase interest and suggest we do the same, setting parameters. Comp Plan would state need and where it would be allowed and then would create ordinances. Assuming we had an AG2, they could then request rezone instead of variance. With a variance they have to prove hardship. Chairman Bockoski asked what body would take this to the group that is doing the Comp Plan. Discussion on that process, Mr. Zawadzki is in discussions with Comp group. Brief discussion on elements that would be of concern took place, such as look, hours, noise, traffic.
9. Next Planned Board of Zoning Appeals Meeting:
May 9th, 2024



**CICERO/JACKSON
TOWNSHIP
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10. Adjournment: Mr. Massonne made motion to adjourn. Mr. Zell second. All present in favor.

Chairman: _____

Secretary: _____

Date: _____

Location:

Cicero Town Hall
70 N Byron Street
Cicero, IN 46034