



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Board of Zoning Appeals Agenda September 19th, 2024 7:00 p.m.

Roll Call of Members

Present:

- ☐ Scott Bockoski - Chairman
- ☐ Mike Berry
- ☐ Harrison Massone
- ☐ Mark Thomas
- ☐ Steve Zell
- ☐ Aaron Culp - Legal Counsel
- ☐ Frank Zawadzki - Cicero Jackson Township Planning Director
- ☐ Terri Strong - Recorder

1. **Declaration of Quorum**

2. **Approval of Minutes**

June 20th, 2024

July 18th, 2024

August 8th, 2024

3. **Old Business:**

Nomination of BZA Secretary.

4. **New Business:**

Petitioner: Gary Watson/Second Base Properties LLC

Property Address: 1300 Bayswater Lane, Cicero, IN 46034

Docket#: BZA-0924-42-R3

A Development Standards Variance application has been submitted regarding the property located at 1300 Bayswater Lane, Cicero IN, 46034 seeking relief from Article 3.8 "R3" District Standards which states that impervious surface cannot exceed 45% of the Lot Area.

1. **Plan Director's Report:** See packet.

2. **Chairperson's Report:**

3. **Legal Counsel's Report:**

4. **Board Member Comments:**

5. **Next Planned Board of Zoning Appeals Meeting:**

October 17th, 2024

6. **Adjournment:**

Location:

Cicero Town Hall
70 N Byron Street
Cicero, IN 46034



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Jai & Robyn Cook – BZA-0624-17,18-AG

Ace Paving – BZA-0624-19-C4

McClure Corporation – BZA-0624-20,21,22,23,24,25,26,27,28,29,30,31-C1

Evan Brower – BZA-0624-32-NC

Board of Zoning Appeals Meeting Minutes

June 20th, 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 motion to approve minutes as submitted for May 9th, 2024, meeting and abstained from voting due to attendance. Mr. Schrumpf second. All present in favor.

3. Old Business:

Petitioner: Jai & Robyn Cook

Property Address: 8989 E 256th Street, Arcadia, IN 46030

Docket#: BZA-0524-17-AG

A Development Standards Variance Application has been submitted regarding the property located at 8989 E 256th Street, 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 "AG" district.

Petitioner: Jai & Robyn Cook

Property Address: 8989 E 256th Street, Arcadia, IN 46030

Docket#: BZA-0524-18-AG

A Development Standards Variance Application has been submitted regarding the property located at 8989 E 256th Street, Cicero, IN 46034 to: allow a side yard setback of (7) seven feet, Whereas



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Article 3.2 of the Cicero/Jackson Township Zoning Ordinance states that the minimum side yard setbacks shall be (35) thirty-five feet in the “AG” District.

Prior to continuing Chairman Bockoski informed the audience that the BZA is a quasi-judicial form of the local government. The Board 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 will vote.

Mr. Schrumpf made motion to untable Dockets BZA-0524-17-AG and 0524-18-AG for review. Mr. Berry second. All present in favor.

Chairman Bockoski invited petitioner to the podium to share plans.

Jai Cook 8989 E. 256th Street, Arcadia. Robyn Cook 8989 E. 256th Street, Arcadia. Chairman Bockoski stated (and encouraged the other members to add) the question we had previously, what is the reasoning of the placement of the structure as opposed to other areas of the property. Mr. Cook shared that the other suggestions were reviewed since last meeting, issues would be eliminating line of 20-foot trees, access to the well if it would be needed for maintenance. South side of property is lower than the area around, rain causing swampy and could cause issues with foundation. Utility poles are also in the way and would have to be relocated. Chairman Bockoski questioned if utilities are in the way at the proposed location. Mr. Cook stated no, no trees would have to be removed either.

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

Phil Moore 201 N Church Street representing Father Russell Moore 9015 E. 256th Arcadia which is property to the east adjacent to their property. Sharing photos of the view that Father has from front porch or front windows for 47 years. Parklike setting and the impact of the proposed building would have. Mr. Moore shared opinion that property value would be affected. His proposal is to move it 40-foot south, and yes trees would need to come out but would still block view between houses and open view for father's home. Monitor was used to show proposed placement with minimal impact to neighboring property.

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

Chairman Bockoski asked for petitioner to return to the podium.

Jai Cook 8989 E. 256th Street. Robyn Cook same address. Chairman Bockoski questioned if had a chance to look into the relocation of 40 feet. Costs associated with removing trees. Mr. Cook stated \$2000 per tree average and approximately 8 of them. Mr. Cook indicated the neighbor's back area is beautifully landscaped with large deer. Well and septic placement was indicated.

Chairman Bockoski questioned if any other Board members comments.



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Mr. Zell made motion to approve BZA-0524-17-AG as presented. Mr. Massonne second.

Mr. Bockoski-approve, Mr. Berry-no, Mr. Schrumpf-approve, Mr. Massonne-approve, Mr. Zell-approve 4-1

Mr. Zell made motion to approve BZA-0524-18-AG as presented. Mr. Massonne second.

Mr. Zell-approve, Mr. Massonne-approve, Mr. Schrumpf-approve, Mr. Berry-no, Mr. Bockoski-approve 4-1

4. New Business:

Petitioner: Ace Paving

Property Address: 2826 E 226th Street, Cicero, IN 46034

Docket#: BZA-0624-19-C4

A Land Use Variance application has been submitted regarding the property located at 2826 East 226th Street, Cicero IN, 46034 to allow a recycling and waste transfer station to be located in the C4 district. Whereas Article 4.9 of the Cicero/Jackson Township Zoning Ordinance does not list recycling and waste transfer stations as a permitted use or a special exception use in the C4 District.

Brian Moench 4000 Clarks Creek Road, Plainfield IN representing Ace Paving 2826 E. 226th Street. A new Land Use to operate a recycle and waste transfer station. Mr. Zawadzki used monitor to show location. Aerial of the corner of 226th and 31. Transfer station would be to the south. Main entrance is off 226th street. Mr. Moench discussed the traffic flow of the property, indicating that traffic would enter from the south, going over the scale, IDEM dictates everything must be by weight, would use existing scale and as business dictates would add an additional scale. All different types of trucks would be able to bring items back to the station. Examples given such as roll out box for construction, sorting and minimal going to landfill. Inspections anticipated by IDEM shared. If successful with approvals tonight, next step would be full construction plans, operation plans to IDEM to show what we would be able to do. Transfer station explained, details on plans further explained as in the flow of delivery. The reason for the north/south is due to the weight in process. Importance of the intersection, consideration to screening and landscaping for the whole property has been considered. Doors would be facing to the east on the building. Elevations shown on monitor. Public view was shared in the presentation. Mr. Moench stated great care for how situated on the property for public view. Added overlay of what the intersection will look like when access to 31 is closed. Access would be from 236th street and building is to be placed to the rear of the property.

Mr. Zell expressed that he was glad that there is a plan to improve the messiness and to address the visibility of whatever is there. It is definitely needed, looks bad from 31. Mr. Zell questioned the titles of the petitioners and questioned when the change in ownership. Answer was in the last 30 days. Name of business is Ace Transfer station. Mr. Massonne questioned regarding "public health and safety," in the new layout, concern for traffic. Adding a second scale especially has potential for traffic concerns especially exiting to the left on 236th. Mr. Massonne questioned if traffic studies have been done and results available. Mr. Moench stated have not done studies. Timing of growth has not been set. Mr. Moench stated getting to 31 access is crucial and would be necessary from day one. Mr. Massonne shared concern for the number of accidents currently happening, patrolling daily and potential of increased traffic, all of which are upmost importance day



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one of operation for public safety. Mr. Massonne stated other concern outside of traffic, how close is the nearest house. Mr. Moench stated he did not know, property that has the pond is in our control as well. Mr. Massonne stated the plan does look great, do not currently see a lot of traffic but could anticipate increase. Mr. Moench stated will appeal to the fact that there is a more direct access to a major highway. Mr. Berry questioned how much traffic, how many trucks. Mr. Moench stated permit is good for five years, after that have to renew it accordingly. Permit that will be submitted is 150 tons per day, seven tractor trailers. Not from day one obviously but will want to grow business. Mr. Berry questioned if deliveries will be made by one source/one company. Mr. Moench stated multiple sources, not only commercial but smaller mom/pop operations. Operations are strictly monitored. Mr. Zell questioned drainage issues in the area. Mr. Moench stated it has not been before the drainage board or surveyors' office, tonight was step one. Not aware that there will be any issues with drainage, there is a pond that will be utilized. Will be back with site approval as well if permission for uses. Mr. Zawadzki sequence of events is permission in order to proceed. Mr. Culp added part of the reason is the next set of plans could be very expensive, so it is normal to see if the Board is receptive to this idea before going further. Mr. Massonne questioned the 150 tons per day, why is that the approval and is that a normal number for permit. Mr. Moench stated it is an average of 30 days of operations, anticipating growing into that level. Mr. Massonne asked what is the max amount that could be transferred with this set up. Mr. Moench stated it is very hard to answer due to density of materials. Mr. Massonne stated he asked because if approved, he didn't see this coming before the board in the future, they would just go, go, go, and grow. Mr. Massonne stated he doesn't live by the area; how much noise is currently and how much is created with these changes. Mr. Moench stated some equipment noise, but with mounding and vegetation it will improve. Mr. Massonne questioned smell associated with a transfer station. Mr. Moench stated truck backs into and empties into the enclosure, it is not out in the open. Mr. Massonne questioned if any way to totally enclose it. Mr. Moench stated there is not, the design on this property is designed to help minimize, with open doors being from the east. Mr. Zell questioned if currently operating as a recycling center. Mr. Moench is currently operating as an aggregate recycling business. Mr. Zell questioned the previous owners have operated how long. Answer was giving 1990. Mr. Zell questioned the cleanup of the property, what is the timeline. Mr. Moench stated as aggressive as possible, don't want to put cart before the horse, have to go step by step. No guarantee given. Mr. Massonne asked how to get around understanding the traffic, now and in the future, what can we do? Is there a traffic study that could give answers? Mr. Culp stated could ask for that information, table tonight and ask for that information. We know it will change and until it does, it is hard to determine. Mr. Moench stated with INDOT in such a flux with 31 projects, our patterns can change. Mr. Massonne stated he understands but concern for roads and traffic. Mr. Zell stated traffic concerns are valid.

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

Todd Forwick (name not clear) 2133 E. 226th Street. Concern for traffic at deadly intersection especially. How they move on 226th as an egress road. Concern for employees as a small business. Pond referenced to the northeast, questioned where it is at. Concern about negative impact to neighboring properties if a sanitation facility. Have not been to many recycling facilities that do not smell. Traffic is largest concern. Know we have to have facilities but concern about safety.



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Doug Orahood 1820 East 226th. Lived 42 years at this location that is by this property. Not here to shut anything down but will raise concerns. EPA manuals are suggestions and recommendations. Would like for the Board to set rules. Smell is a concern, we live to the east, odor is there now with blacktop, horses, and will be an issue for us. Concern for water, when rains and overflows the pond, overflows the road, there is no ditch on that side. Raising the concern for the county road 226th condition and what it will look like when overpass is done. Is this going to be a 24/7 operation? We are awakened by trucks going over our road currently. Concern for property value going down. Who oversees 1-2 years to say floors aren't done, doors aren't down? Looking toward the long run. Noise level, trees are not going to block the noise. Asked the Board to find out who is going to oversee compliance so that it stays on track.

Kelei Baker Leak 2398 E. 236th Street. Intimately involved in this area as we farm ground all around this area, involved with the county. Concern for the future. This has been an eyesore and now faced with a transfer station. This is the 31 corridor that comes into Cicero and Sheridan. Concern for future, and impact and who is going to monitor because if approved, we will remember. Live on 236th know the traffic, noise. Transfer station you need to understand what has been presented. How long they are open? How much more will IDEM send their way? Imploring the Board to take time to understand what is presented. Beautiful jewel and busy protecting but need to understand what the items are impacting and what it will bring. This might impact what is coming in. IDEM can't watch all the time. Waste processing plant on one side and now this. Kill development and attract full landfill? Understand the overlay district, can't fight growth but attract the right growth.

Kimberly Chance 3161 E. 246th Street, many things brought up and don't want to repeat. One is the drainage, when researching to understand drainage for Lennar, learned how drainage is paid for. A business can pay for the drainage tile, survey work, everything that is involved in drainage for their property. But outside of their property it is divided up among the other properties in the area. Example given: 48 people in area, survey work for Lennar project was approved at a cost of \$120,000 to be divided and the 48 of us are to be responsible for. This is an issue that should be investigated as looking at different projects in the corridor and the impact to those in the area. So, the financial burden doesn't impact even though it is a state law. Respectively ask that this be delayed so some of the issues and concerns can be addressed.

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

Chairman Bockoski asked if the petitioner wanted to step to the podium and address any items mentioned. Mr. Moench stated some of the concerns are a bit of putting the cart before the horse but will give general response. Concern for who is responsible, who is going to control. As mentioned this is an IDEM responsibility to ensure that it is operated in safe and proper matter. IDEM will approve plans, will understand what the building is to be used for. And will do inspections on a monthly basis. EPA was mentioned as suggestions, this is an IDEM regulated which has rules for what can and can not be done. Also, speculation what the road may be and the traffic flow. This is an industrial piece of property and operating currently as industrial, they would know what/how the road is used and act accordingly. We have full expectations that the frontage road when it goes in will be planned for the type of traffic that it will have. We are an industrial area, classified as such



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and looking for an exemption because the ordinance doesn't specifically address what our intended use is. Some nuances about noise. There are regulations for the state of Indiana, hearing what is typically "not in my backyard," again they will be responsible for ensuring regulations are followed regarding noise, pollution etc. While could be located elsewhere in this jurisdiction, this property is already zoned for heavy industrial use. As we do these presentations across the state, we all generate waste, materials that are going to be coming to the facility. Unless we stop generating waste, these facilities are needed to minimize what is going to a landfill. Some discussion of drainage and make sure in line. We know that there are steps, and this is the first one to the project. Mr. Moench continued by stating, in a unique situation, that there are other communities in Hamilton Co. that are dying for a transfer station, communities such as Westfield, Noblesville. Feel good location with the improvements to the roads and the industrial classification. See as items needed in the communities. We will address the concerns.

Mr. Culp asked the petitioner has stated and application says Special Exception. But agenda and findings of fact state Land Use variance. Mr. Zawadzki stated this is a Land Use Variance. Mr. Moench stated want to operate a transfer station on this location. Mr. Culp stated wanted to make sure as they are different standards. Mr. Moench stated he misspoke.

Mr. Massonne questioned the hours of operations. Mr. Moench stated will not operate 24/7 however the specific hours of operations have not been set. Anticipate early am 6-7 a.m. to 4-6 p.m. There will be defined hours. Typical construction hours. Mr. Culp asked five days a week. Mr. Moench stated Monday-Friday with reduced hours on Saturday available. Mr. Culp questioned if any objections if approval was tied to current rates of removal (150 tons) and if upgrading at the five-year mark to say (300 tons) had to return to the board. Mr. Moench stated he was not a lawyer, but initial reaction is that could cause restraints in the growth of the business. Causing issues potentially with competition. Mr. Culp express his concern for the traffic comments raised. Mr. Moench offered to discussions to the Board when going for renewal or increase permit and how to handle traffic but opposed to restrictions to the initial approval.

Mr. Massonne questioned if there is a current variance on the property and what it is. Mr. Zawadzki there is currently several on that parcel and would have to dig into it.

Chairman Bockoski led discussion on any conditions, time limit on approval, hours of operations. Mr. Zell questioned if ready for this but have many concerns and questions. Mr. Massonne stated tonight he would vote no based on not having enough information to approve.

Mr. Moench if there are concerns from the Board if they could be addressed to Frank and opportunity to answer in next 30 days. And suggest if coming back in 30 days conversation pertaining to Frank to be discussed and not another public hearing. Mr. Culp instructed to the Board, are only required to have one public hearing, however it has always been our practice if new information is presented we have another public hearing. Mr. Moench stated we would limit our presentation to answering concerns raised to Frank. Mr. Culp stated that communication can only be with Frank and not the individual Board members. A packet would be put together and go out to the Board from Frank.

Mrs. Chance asked if they would have opportunity to address items. Mr. Culp stated that would be up to the Board to reopen if new information.



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Chairman Bockoski stated there is the suggestion to table this item for 30-day continuance. Question to the Board, what questions do we have that are looking for answers in order to table tonight. Mr. Massonne shared his list: traffic study potential, clarifying burn life, elevations of three feet. Not an expert on transfer stations, some information on smell and noise from experts of transfer stations. Mr. Zell nail operating hours, days, clarity on 150 tons and five years, need nailed down, drainage comes later but it is a concern. Traffic study was mentioned. Mr. Massonne expressed concern for the county knowledge, not knowing how it works with them and plans for the road. Mr. Zell asked how we can get assurance that the access road can handle the traffic that appears to be going on it. Chairman Bockoski questioned Mr. Zawadzki, is information obtainable and who would be responsible to get a traffic study and present to us and is it possible. Mr. Zawadzki stated it is the petitioner's responsibility but regarding the road standards, INDOT project so that could be dug up from them. Mr. Culp added we are asking the petitioner to provide additional information. Chairman Bockoski stated traffic study, dates and what the INDOT project looks like, presented tonight can see that road goes to 236th, can not see to 216th street, we do not have that information. Until dates are hit, we are looking at 53-foot trailers entering and exiting off this location because roads are not set up. Chairman Bockoski questioned petitioner if willing to provide the answers to these questions in 30 days. Mr. Moench answered we are, will do due diligence to provide a traffic analysis but would not have time for a traffic study. Will commit to a traffic analysis or expert to present. Chairman Bockoski stated looking for what is the impact of your business on the area, and the thickness of the road going to. Mr. Berry clarified to Mr. Zawadzki the property currently has variances. Mr. Zawadzki stated yes. Mr. Berry to Mr. Culp, then if this project goes through does that dissolve the variances or how does that work? Mr. Culp stated it would depend upon how worded and the terms, some if cease being used it would expire. A way to include is that if approved prior would become null and void. Mr. Zawadzki stated he could handle that. Mr. Massonne suggested that be shared. Mr. Culp stated let's have Frank do that.

Mr. Zell made motion to table BZA-0624-19-C4 until next meeting in July. Mr. Massonne second. All present in favor.

Mr. Moench asked for the no public hearing to be added. Mr. Zell stated the public will be invited back.

Mr. Culp stated this will be back on the agenda on July 18, 2024, at 7:00 p.m.

Doug Orahoad asked for board to visit the area at 9:00 a.m., 8:00 a.m., 4 & 5:00 p.m. see the traffic.

Chairman Bockoski stated you certainly are invited back next month to share your thoughts. Mr. Culp stated anyone from the public can give testimony to any evidence that is relevant.

Chairman Bockoski stated the next petitioner has several dockets and will be discussed together and voted separately.

Petitioner: McClure Corporation

Property Address: 0 E 236th Street, Cicero, IN 46034

Docket#: BZA-0624-20-C1



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A Land Use Variance application has been submitted regarding the property located at 0 E 236th Street, Cicero IN, 46034 to allow a convenience store with fuel pumps and a restaurant with outdoor seating in the C1 district. Whereas Article 4.9 of the Cicero/Jackson Township Zoning Ordinance does not list a convenience store with fuel pumps and a restaurant with outdoor seating business as a permitted use or a special exception use in the C1 District.

Petitioner: McClure Corporation

Property Address: 0 E 236th Street, Cicero, IN 46034

Docket#: BZA-0624-21-C1

A Development Standards Variance application has been submitted regarding the property located at 0 E 236th Street, Cicero IN to: allow 2 accessory structures to be eighteen (18) feet tall, Whereas Article 4.10 of the Cicero/Jackson Township Zoning Ordinance states that an accessory structure shall be fifteen (15) feet tall.

Petitioner: McClure Corporation

Property Address: 0 E 236th Street, Cicero, IN 46034

Docket#: BZA-0624-22-C1

A Development Standards Variance application has been submitted regarding the property located at 0 E 236th Street, Cicero IN to: allow three (3) drives to exceed twenty-six (26) feet in width when from a local street, Whereas Article 7.15 of the Cicero/Jackson Township Zoning Ordinance states that a drive shall not exceed twenty-six (26) feet in width when from a local street.

Petitioner: McClure Corporation

Property Address: 0 E 236th Street, Cicero, IN 46034

Docket#: BZA-0624-23-C1

A Development Standards Variance application has been submitted regarding the property located at 0 E 236th Street, Cicero IN to: allow two (2) accessory structures in front of the primary structure: Whereas Article 7.5 of the Cicero/Jackson Township Zoning Ordinance states that accessory structures shall be located to the rear or side of the primary structure.

Petitioner: McClure Corporation

Property Address: 0 E 236th Street, Cicero, IN 46034

Docket#: BZA-0624-24-C1

A Development Standards Variance application has been submitted regarding the property located at 0 E 236th Street, Cicero IN to: allow two (2) directional signs to be six (6) feet tall: Whereas Article 10.1 of the Cicero/Jackson Township Zoning Ordinance states that a directional sign shall not exceed forty-two (42) inches in height.

Petitioner: McClure Corporation

Property Address: 0 E 236th Street, Cicero, IN 46034

Docket#: BZA-0624-25-C1



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A Development Standards Variance application has been submitted regarding the property located at 0 E 236th Street, Cicero IN to: allow four (4) awning signs to exceed nine (9) feet in height: Whereas Article 10.7 of the Cicero/Jackson Township Zoning Ordinance states that no part an awning sign shall exceed nine (9) feet in height above the ground.

Petitioner: McClure Corporation

Property Address: 0 E 236th Street, Cicero, IN 46034

Docket#: BZA-0624-26-C1

A Development Standards Variance application has been submitted regarding the property located at 0 E 236th Street, Cicero IN to: allow the cumulative area of signs to be one thousand twenty-three (1023.8) feet: Whereas Article 10.7 of the Cicero/Jackson Township Zoning Ordinance states that the cumulative area of signs on site shall not exceed two hundred (200) feet for a SINGLE-TENANT-STRUCTURE.

Petitioner: McClure Corporation

Property Address: 0 E 236th Street, Cicero, IN 46034

Docket#: BZA-0624-27-C1

A Development Standards Variance application has been submitted regarding the property located at 0 E 236th Street, Cicero IN to: allow two (2) electronic pole signs at thirty-two (32) feet tall and sixty (60) feet tall: Whereas Article 10.7 of the Cicero/Jackson Township Zoning Ordinance states that pole signs and electronic signs are prohibited.

Petitioner: McClure Corporation

Property Address: 0 E 236th Street, Cicero, IN 46034

Docket#: BZA-0624-28-C1

A Development Standards Variance application has been submitted regarding the property located at 0 E 236th Street, Cicero IN to: allow forty-four (44) parking spaces: Whereas Article 7.13 of the Cicero/Jackson Township Zoning Ordinance states that sixty (60) parking spaces would be required.

Petitioner: McClure Corporation

Property Address: 0 E 236th Street, Cicero, IN 46034

Docket#: BZA-0624-29-C1

A Development Standards Variance application has been submitted regarding the property located at 0 E 236th Street, Cicero IN to: allow more than thirty (30) percent of parking to be in front of the primary structure: Whereas Article 7.13 of the Cicero/Jackson Township Zoning Ordinance states that there shall be no more than thirty (30) percent of parking in front of the primary structure.

Petitioner: McClure Corporation

Property Address: 0 E 236th Street, Cicero, IN 46034

Docket#: BZA-0624-30-C1



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A Development Standards Variance application has been submitted regarding the property located at 0 E 236th Street, Cicero IN to: allow the parking lot to eliminate the 6 trees required in the interior of a parking lot: Whereas Article 7.13 of the Cicero/Jackson Township Zoning Ordinance states that there shall be one (1) deciduous shade tree required for every ten (10) parking spaces.

Mr. Massonne stated that he needed to reclude himself from this set of dockets.

Roger Disher 1212 W. 500 South Marion, IN. Chairman Bockoski informed petitioner since Mr. Massonne recluded himself, there will only be four voting, you will need three favorable votes to move forward. If you wish to wait for a full board, we will bring in an alternate to have five members. Mr. Disher stated we will move forward.

Mr. Disher stated we have a lot of requests obviously; would like to address who we are and what we want to do and hopefully requests will then make sense. McClure Oil is a completely Indiana business, since 1901, fourth generation and female owned business. Currently operating a location on 216th and 31, and INDOT is changing US 31 to limited access highway, and we are losing that location. This location would be a replacement location, similar operations just newer, better and bit bigger. What we are proposing is a fuel center that has a canopy on the front of the building which is close to 236th, and a diesel canopy on the rear of the building opposite of 236th street. We are planning the size of store to be 5320 square feet, will not have a sit-down restaurant, we will have a Noble Roman's. We are the franchisee; we make pizzas in the location. Have few tables inside that can be used, offer standard convenience store food as well. We are showing showers at this location, and very large men's and women's restrooms. Pictures of latest location in Logansport shared. Details discussed. Proposing for this location is to separate gasoline traffic from the truck traffic by having greenery to separate. Retention pond with drainage approval proposed to help separately. Entrances larger for safety concerns. We are showing more grassy areas, and trees around the retention pond. Mr. Disher stated will adhere to the all the landscaping requirements. The canopies are designed at 16 feet high, experience shows that the clearance is needed. Canopy is 19 ½ feet, 16 feet clearance, fascia 24 inch. Signage used to direct trucks for proper entrance, positioning of price sign shown on 236th street. Highrise sign would face north/south visible to 31, a necessity of visibility for trucks to see to safely approach exit. The closing of 226th location causes a fuel desert, next closest is Love's at 28 and 31. Directional signs are for truck and car traffic. The other signs are for our logos on the awnings or canopies-not raised sign but decal. Monitor used to show. Also building signs are the other signs, on the front and back. The "M." Parking spaces we don't have people park and stay but have space but feel waste and would eliminate some of the green space. Building height is 23 feet to peak of the roof. All brick, a lot of glass, items on the roof are hidden. Mr. Disher stated plan on employing 20 people at this location. Purchased 18 acres plan to use 7.5 for truck stop and the rest hopefully for future development but no plans for that now. Here tonight for the relocation of the fuel stop. Regarding the outdoor seating, looking at four tables- concrete picnic tables. Average customer count 300-350 customers per day. Will be open 24/7. Expect 30-50- trucks per day based on other location spread over 24 hours. Most generated from our other location and replacing the Speedway that was previously at this exit. INDOT designed this interchange so know the ingress and egress is safe and



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designed 236th. Safety was discussed. Electronically monitored as well as security cameras. We build a nice safe facility.

Chairman Bockoski asked are you planning to have additional signage up and down US 31, McClure's is coming up and price is.... Mr. Disher stated no the only signage would be the high-rise signage which could be seen from ¾-1 mile depending upon the terrain. Chairman Bockoski stated above the overpass and do not want too high. Mr. Disher stated 60 feet in Logansport, and it is very similar terrain. Do not have issues going higher but chose 60 based on last build and needs. Chairman Bockoski discussed trees and parking spaces are you going to have enough. Mr. Disher said we would meet the trees but around the patio area versus around the building due to sidewalks per requirements. Mr. Zawadzki stated the standard is that there is one tree per 10 parking spaces, so there should be one tree in the middle of the parking lot to meet the standard. And they would like to not meet that standard. Chairman Bockoski stated wouldn't presume to run your business, what he is guarded against, is the semi's parking on areas not on the lot because parking lot is full. Chairman Bockoski stated he lives close and does see the current lot very full, fuller than this lot would allow. Mr. Disher stated they do not allow overnight parking but do allow parking for coming in to take a shower, park for 3-4 hours for mapping. There will be signs for overnight parking. Stated there may be an agreement with a few to allow overnight parking but all new facilities do not allow the "storage" type of parking. Chairman Bockoski questioned the type of lighting. Document shared and will adhere to ordinance rules. They are all LED lighting directed downward, the perimeter is spread lighting for safety and security reasons. Chairman Bockoski stated the canopies are what is being called the accessory structures. Mr. Disher agreed. Mr. Disher stated this facility would be the catalyst for growth out in the area since INDOT has forced out many businesses.

Mr. Zell made motion to open public hearing on all eleven petitions for this petitioner. Mr. Berry second. All present in favor.

Kimberely Chance 3161 E. 246th Street- Comments are related to growth in the area. The first is tax dollars, with a TIF districts those dollars go to the County, with only permit fees being local. Related to growth there are a lot of people being impacted directly with all the changes. Respectfully ask the board to table for another month so the public can be informed and have input because it does impact them. In a different way than just having wide open spaces, the lighting, and noise and traffic to name. People would like to have a voice and want to be heard.

Gerald Dunmire 2840 E. 236th St. Cicero live east of this acreage. Thank you for opportunity to be heard. Would also ask to table so people can have chance to absorb the changes and get familiar with the project. And for all of you to do work to get answers. Appreciate due diligence.

Kelei Baker-Leak the last Baker at Bakers Corners. 2398 E. 236th Street. Live diagonal from the gas station. Is there going to be a stop light at the road to facilitate getting on 236th? Due to trucks and traffic. Light shade is a concern since the trees have been removed. Working to manage light pollution is concern. Glad to hear there is no overnight parking, but there could be if you know them, so this is concerning. Concern for the transient stop opportunities coming to the area. Glad to know it is a good company. With traffic currently,



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have almost been hit three times getting into my drive. Have asked the county to ratchet the speed limit down until you get to Anthony due to the traffic and turning into Englewood drive.

Mr. Zell made motion to close the public hearing for these dockets. Mr. Schrumpf second. All present in favor.

Chairman Bockoski invited petitioner to address any public comments.

Roger Disher 1212 W. 500 South Marion, IN. Regarding the public notices, they were sent out early on this one. A stoplight at this Englewood Road is too close to the on ramp to allow a stoplight and would be an INDOT decision. We will not have overnight parking. The comment regarding the other facility is because it is closing. Light pollution we operate 37 other locations and have neighbors and are concerned. The standards that Cicero/Jackson Township have in place are strict and we have not asked for any variances for lighting. We will adhere to them, just want our parking lot to be safe. As far as speed limits are concerned, we can't control but will say that as trucks are exiting, to make the turn they are going very slow to get onto Englewood. When exiting, it is hard to get moving likely 20-25 mph as far as trucks are concerned.

Mr. Zell appreciate public comments about tabling, but the notices were sent out, why wait another month? Chairman Bockoski asked what the radius required for notice. Mr. Zawadzki stated 600 feet radius or two properties. Mr. Culp stated the address was sent to the county mapping office and they generate the list for the petitioner. And certified letters are sent, and copies given to us. Requirement of 10 days of this meeting. Also published in newspaper and sign on the property. Chairman Bockoski stated will always table if feel we do not have enough information on a presentation/docket. Always up for consideration.

Mr. Zell added that he felt the presentation materials were well done and detailed.

Chairman Bockoski added he had two stipulations he wanted to discuss with board members, item 28, and parking spaces. They won't have the required amount. Feel when discuss need to add no overnight parking. The other is the trees, number 30, the petitioner stated will have amount of trees on the property but not in the middle of the parking lot. Stipulation I would add is that the amount of trees are on the property. Discussion point-we don't control the traffic from Englewood but feel the county would step in to control. Mr. Zell stated it is a concern but not in our realm of power.

Mr. Zell made motion to approve Docket BZA-0624-20-C1 as presented. Mr. Berry second.

Mr. Bockoski-approve, Mr. Berry-approve, Mr. Schrumpf-approve, Mr. Zell-approve. 4-0

Mr. Zell made motion to approve Docket BZA-0624-21-C1 as presented. Mr. Schrumpf second.

Mr. Zell-approve, Mr. Schrumpf-approve, Mr. Berry-approve, Mr. Bockoski-approve. 4-0

Mr. Zell made motion to approve Docket BZA-0624-22-C1 as presented. Mr. Schrumpf second.

Mr. Zell-approve, Mr. Schrumpf-approve, Mr. Berry-approve, Mr. Bockoski-approve. 4-0

Mr. Zell made motion to approve Docket BZA-0624-23-C1 as presented. Mr. Berry second.

Mr. Schrumpf-approve, Mr. Zell-approve, Mr. Berry-approve, Mr. Bockoski-approve. 4-0



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Mr. Zell made motion to approve Docket BZA-0624-24-C1 as presented. Mr. Berry second.
Mr. Bockoski-approve, Mr. Berry-approve, Mr. Schrumpf-approve, Mr. Zell-approve. 4-0

Mr. Zell made motion to approve Docket BZA-0624-25-C1 as presented. Mr. Berry second.
Mr. Schrumpf-approve, Mr. Zell-approve, Mr. Berry-approve, Mr. Bockoski-approve. 4-0

Mr. Zell made motion to approve Docket BZA-0624-26-C1 as presented. Mr. Schrumpf second.
Mr. Bockoski-approve, Mr. Schrumpf-approve, Mr. Berry-approve, Mr. Zell-approve. 4-0

Mr. Zell made motion to approve Docket BZA-0624-27-C1 as presented. Mr. Berry second.
Mr. Bockoski-approve, Mr. Berry-approve, Mr. Schrumpf-approve, Mr. Zell-approve. 4-0

Mr. Zell made motion to approve Docket BZA-0624-28-C1 with the added condition that absolutely no
overnight parking will be allowed. Mr. Schrumpf second.
Mr. Bockoski-approve, Mr. Berry-approve, Mr. Schrumpf-approve, Mr. Zell-approve. 4-0

Mr. Zell made motion to approve Docket BZA-0624-29-C1 as presented. Mr. Berry second.
Mr. Berry-approve, Mr. Schrumpf-approve, Mr. Zell-approve, Mr. Bockoski-approve. 4-0

Mr. Zell made motion to approve Docket BZA-0624-30-C1 with condition that the required trees will be on
property. Mr. Schrumpf second. 4-0
Mr. Berry-approve, Mr. Schrumpf-approve, Mr. Zell-approve, Mr. Bockoski-approve.

Petitioner: Evan Brower

Property Address: 70 N Peru Street, Cicero, IN 46034

Docket#: BZA-0624-32-NC

A Land Use Variance application has been submitted regarding the property located at 70 North Peru Street, Cicero IN, 46034 for an Auto and Motorcycle restoration and customization shop with accessory use of video and upload of videos for profit and art studio/ art gallery with retail sales, to be located in the NC district. Whereas Article 4.1 of the Cicero/Jackson Township Zoning Ordinance does not list an auto and motorcycle restoration and customization shop with an accessory use of video and upload of videos for profit and art studio/ art gallery with retail sales as a permitted use or a special exception use in the NC District.

Petitioner: Evan Brower

Property Address: 70 N Peru Street, Cicero, IN 46034

Docket#: BZA-0624-33-NC



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A Development Standards Variance application has been submitted regarding the property located at 70 North Peru Street, Cicero IN, 46034 seeking relief from Article 7.13 which states that there shall be 1 parking space for each employee and 1 parking space for each 500 feet of gross floor area.

Petitioner: Evan Brower

Property Address: 70 N Peru Street, Cicero, IN 46034

Docket#: BZA-0624-34-NC

A Development Standards Variance application has been submitted regarding the property located at 70 North Peru Street, Cicero IN, 46034 seeking relief from Article 7.5 AS-04 which states that all dumpsters shall be enclosed on all 4 sides.

Chairman Bockoski stated all dockets will be discussed together and voted separately.

Daniel Evan Brower 10401 E. 211th Street Noblesville. Starting backwards with requests there is no parking other than two on the street and the building is 6000 square feet. With what we do, expect to be less than when it was a machine shop. So parking is not an issue for us. Currently have a plastic rolling dumpster and currently flush against the building on the back. Could roll into the building but have a slope could be heavy. Chairman Bockoski stated we are aware of this property and appreciate you doing your due diligence. The exception use though, telling us about your business. Mr. Brower stated the listing is a mouthful, but they are similar disciplines. Build things like dogs made out of shafts, example made of scrapes. Building is a strange building, not great as a machine shop but works well for my business. Don't work with hazardous materials. Due to the compartments in the building, it works well with the different steps.

Chairman Bockoski summarized as: you will have a YouTube channel, building artwork, working on cars or motorcycles, filming that and in turn would have some items for sale inside.

Mr. Berry asked if you would have a showroom. Mr. Brower stated yes, it was an auto parts store and will have displays in front, with regular hours. While not open in the back would be open in future to guided tours. Mr. Berry questioned the type of materials available. Mr. Massonne stated school would be interested in the welding. And asked how many employees. Mr. Brower stated 4-5. Chairman Bockoski asked about restrooms and ADA compliant. Mr. Brower stated no ramp in front, restrooms are in the shop. Mr. Brower added he doesn't work with alternate fuels. Mr. Massonne stated variance with property owner would be a recommendation.

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

Steve Smith 18855 Bonners Springs Drive Noblesville represent Cicero Fire Department. Building is going from Class B to S 1 under fire code, asking for stipulation from BZA. As we change occupancy from business-to-business questions arise about what next person could do. Have asked Mr. Brower to not have anything more than lighter than air type gases. He has assured me that he will be compliant. However asked BZA to add stipulation. With the area and the other businesses in the area would need to have a disaster plan if he did use other materials. Second thing is the need for separators for floor drains. Have brought this to the attention of Mr. Zawadzki and Mr. Brower. Potential for fluids to be used that require.



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Mr. Zawadzki stated he had conversations with Mr. Brower after doing a dye test. The east drains go to the storm drain and discussed a separator and request a reasonable amount of time to get accomplished. Two years would be reasonable.

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

Evan Brower 10401 E. 211th Street, Noblesville. The fuels are a non-discussion at this point not interested in using. The floor drains agree, but explained his process and the shop layout for how extensive it would be. Chairman Bockoski asked if costs were known. Mr. Zawadzki shared that internet search, buy for about \$1500 on the labor side it is extensive. Mr. Massonne questioned the storm line in the building. Discussion ensued. Discussion on conditions.

Mr. Massonne made motion to approve BZA-0624-32-NC with the following conditions: An oil/water separator be installed in coordination with Frank within two years, any gases that are lighter than air to be used, and this approval is to stay with the current owner. Mr. Schrumpf second.

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

Mr. Massonne made motion to approve BZA-0624-33-NC as presented. Mr. Berry second.

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

Mr. Massonne made motion to approve BZA-0624-34-NC with condition that it stays with the current business owner. Mr. Zell second.

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

5. Plan Director's Report: Mr. Zawadzki reported that May 2024 permit revenue was \$5086 with YTD of \$19238. 2023 revenue was \$9570/42312, this resulted in a decrease of \$4484 and \$22574 for the year. Permits issued were 24 with 16 being in Cicero limits and 8 in Township, none of which were new homes. Certification complete and now compliant. June 1 was first Comp Plan public outreach, modest success with survey, QR codes are around town and have received 460 responses so far. Next steering committee meeting is next Monday. Plan commission meeting cancelled for June due to lack of business.
6. Chairman's Report: Chairman Bockoski thanked the board for wanting to due their due diligence on the item earlier. Concerned for setting a precedence for tabling, we do put out signage, and proper notice and when we don't we do table.
7. Legal Counsel's Report: Mr. Culp gave update on water, first two test wells are generating decent results. Until we get the next two we cannot do the big test for drawdown with the aquifer. Close to an agreement, hopefully in next 30 days. As far as sewer project, hopeful that in next couple of weeks we will get final approval from IDEM. Expecting sign off soon and start of construction thereafter. On



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Tuesday, the Sheridan and Adams township voted to move forward with reorg, will be on November ballot. One of the changes that would occur if passed, is that they would control the zoning on that side of 31. Similar to the way Cicero/Jackson Township does.

8. Board Member Comments: Mr. Berry expressed thoughts on the McClure project versus the Speedway/Burger King years ago. Mr. Zell agreed that it could spur some development, and his presentation was good. Mr. Berry stated growth is inevitable in that area. Mr. Zell pointed out Indiana company and the owner Mrs. McClure was present as well. Mr. Schrupf in looking at plans and the way they do business, should be a better station than what is on 216th. Mr. Culp added tonight had examples of both extremes, one where there were questions not explained, and the other with a solid package with minimal questions. Mr. Zell pointed out that no letters or calls were received concerning McClure.

Chairman Bockoski asked Mr. Culp to clarify rules regarding quorum for discussion outside this meeting among board members, on items that are tabled for example. Mr. Culp answered Board members cannot discuss business, anything that is before the board, outside of a public meeting. One member cannot talk to another member or the public. Only people that you can talk to about an item on the agenda is the attorney or Frank as director. Like the court system, idea is that they want the public to hear what is said as you do. Therefore, you are not a witness, you are hearing as they are. Unlike the Town Council, they can have two of a five-member board, but cannot make a decision. But as a judge you cannot have any discussion.

9. Next Planned Board of Zoning Appeals Meeting:
July 18th, 2024

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

Chairman: _____

Secretary: _____

Date: _____

Location:

Cicero Town Hall
70 N Byron Street
Cicero, IN 46034



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Board of Zoning Appeals Minutes

July 18th, 2024

7:00 p.m.

[BZA-0624-19-C4 Ace Paving](#)
[BZA-0724-35-AG Bedford](#)
[BZA-0724-36-AG Olson-tabled](#)

Roll Call of Members

Present:

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

Absent:

Dennis Schrumpf

Mr. Culp advised that a motion was needed to relocate to Red Bridge Park.

Mr. Zell made motion to adjourn at Town Hall for a brief recess and continue at Red Bridge Park Community Building at 7:20 p.m. to continue business for this evening. Mr. Berry second. All present in favor.

Chairman Bockoski reconvened the meeting at 7:20 p.m. at Red Bridge Park Community Building with another roll call of members.

Present:

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

Absent:

Dennis Schrumpf

1. **Declaration of Quorum-** Chairman Bockoski declared a quorum with 4/5 members present. Chairman Bockoski explained to all petitioners that business can be conducted, however, with only 4 members they have the right to ask to be tabled until all 5 members are present. The situation is that each vote requires minimum of three positive votes in favor of passing, and without the fifth member they may be in danger of not passing. The rules still apply requiring three passing votes.

2. **Approval of Minutes**

Mr. Zell made motion to approve the minutes from June 20th, 2024, as presented. Mr. Massonne second. All present in favor.

Chairman Bockoski entertained a motion to rearrange the dockets on the agenda for this meeting.

Mr. Massonne made motion to move new business before old business. Mr. Zell second. All present in favor.



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Mr. Zawadzki asked that BZA-0724-36-AG be tabled until next meeting. Notifications for meeting were not met. Mr. Culp added that next meeting date should be added. Chairman Bockoski stated next meeting would be August 8, 2024.

3. **New Business:**

Petitioner: James Olson

Property Address: 9410 E 256th Street, Cicero, IN 46034

Docket#: BZA-0724-36-AG

A Development Standards Variance Application has been submitted regarding the property located at 9410 E 256th Street, Cicero 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 to the rear or side of the primary structure in the "AG" district.

Mr. Zell made a motion to table BZA-0724-36-AG until August 8th, 2024, meeting. Mr. Berry second. All present in favor.

New Business:

Petitioner: Eric & Heather Bedford

Property Address: 6835 E 236th Street, Cicero, IN 46034

Docket#: BZA-0724-35-AG

A Development Standards Variance Application has been submitted regarding the property located at 6835 E 236th Street, Cicero IN 46034, to allow a fence taller than three (3) feet in the front yard; Whereas Article 7.21 FN-01 of the Cicero/Jackson Township Zoning Ordinance states that a fence shall not be taller than three (3) feet in the in the front yard in the "AG" district.

Eric Bedford, 6835 E. 236th Street, Cicero looking to put new fence in front of property, would like to do four feet instead of three for aesthetics and to keep autistic son safe from road. Chairman Bockoski asked if any questions to the Board. Mr. Massonne stated this is very common in Cicero for those dealing with animals and restrictions, this reasoning makes sense. Chairman Bockoski stated going over the plan, it is a four-board horizontal fence and stained in cedar. Mr. Bedford stated yes. Chairman Bockoski questioned Mr. Zawadzki on the placement of two feet beyond the trail. Mr. Zawadzki stated yes that is the closest to the right-away that it can be. Chairman Bockoski thanked the petitioner for the detail information in the packet.

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

No public comment.

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

No further board member discussion.

Mr. Massonne made a motion to approve BZA-0724-35-AG as presented. Mr. Zell second.

Mr. Bockoski approve, Mr. Berry approve, Mr. Massonne approve, Mr. Zell approve 4-0

Chairman Bockoski stated to the room a few things to cover, the BZA is a quasi-judicial arm of the local government. The Board will be discussing issues or stipulations to consider for each item on the docket. All comments and questions must be directed to the Board, not each other, no banter back and forth. Anyone that wishes to speak tonight must sign in at the door, so we have a good record of those wishing to speak. Each item on the docket has portion for public comment that we will get to. If each person that wishes to speak agrees with comments previously stated, it is not necessary to totally restate the comment, only necessary to agree and move on in the interest of time. Tonight, we will be listening to the comments, not responding to each person, we will instate a limit of two minutes for each speaker. Each person will only be allowed to the podium one time this evening. The Board will take all comments into consideration and reiterate those to the petitioner at the end of public comment.

Chairman Bockoski stated the next item is to allow a transfer station in the C4 district.



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Petitioner: Ace Paving

Property Address: 2826 E 226th Street, Cicero, IN 46034

Docket#: BZA-0624-19-C4

A Land Use Variance application has been submitted regarding the property located at 2826 East 226th Street, Cicero IN, 46034 to allow a recycling and waste transfer station to be located in the C4 district. Whereas Article 4.9 of the Cicero/Jackson Township Zoning Ordinance does not list recycling and waste transfer stations as a permitted use or a special exception use in the C4 District.

Mr. Zell made a motion to untable BZA-0624-19-C4 from June meeting. Mr. Berry second. All present in favor.

Brian Moench 4000 Clarks Creek Road, Plainfield, IN representative for Ace Paving located at 2826 E. 226th Street, Cicero. Presentation to share, booklets passed out to members. Continuation of the presentation in June, presenting a plan for a waste transfer station. Mr. Moench stated a lot of discussion on social media of a dump, start by giving the definition of a landfill by IDEM. Asked for to be in record: A landfill or dump is an area built up by landfill; a system of trash and garbage disposal where waste is built up between layers of earth to build up low lying land. The IDEM definition of landfill is: system disposal of waste below the ground. The proposal tonight is a waste transfer station. Definitions by Merriam Webster: A site where recyclables and refuse are collected and sorted for processing for landfill disposal. IDEM definition: A facility where solid waste is transferred from a vehicle or container to another vehicle or container for transportation. Mr. Moench asked as we speak want to focus on this is a waste transfer station, items will be unloaded and moved off property within 24 hours to a disposal site.

Video shown of new station designed by Mr. Moench's company off 231 in Green County. Process explained while video is running of this design. Trucks are weighed, unloaded and weighed again. Cleanliness of area was emphasized, IDEM rules of weight management discussed. This facility is a similar size being proposed on 226th street. No trash is brought outside of the building itself. This station has refueled capabilities. A year-round facility with no trash or debris outside of the building. Concrete walls and floors.

Mr. Moench continued presentation with map of area. Pointing out this area prior to purchase by Dan Ealy was used as a junk yard by GW Pierce and has been operated as such since 1969. This property has been used for industrial land use. Mr. Moench shared information concerning Dan Ealy and family, currently operate several businesses at this area location. Ace Paving, LLC, metal recycling, aggregate recycling and used auto parts sales. Purchased property five years ago and has since worked to clean up past nuances. Property taxes of \$60,000 to county and township and if moving forward, over \$1m investment in property. Employs 25 currently and would go up. Community involvement shared, active and caring about the community.

Details of property shared, positioning and buffering of land with landscaping. 7500 square feet building. Operations are all within the building. Facility would have internal pumping system to containment system. Sealed to prevent any runoff. Transport would rely on US 31 access. General public would not be able to see inside due to placement of east entrance. Benefits of this facility: screening of property along 31 and 226th. Big benefit is the management of trash. Recyclables such as wood and concrete blocks would be removed and reduce waste to the landfill. Increases the lifespan of an actual landfill. Could be used by residents as well to bring materials. Reduction in traffic due to convenience of facility to regular routes. Diesel savings and emissions. Another benefit is the increase in tax revenue.

IDEM has strict policies on these facilities. IDEM reviews all facilities design and operations. Preliminary operations plan passed out to the Board for this facilities. Page 2: has 17 sections to be approved by IDEM, type of materials, how handled, no hazardous waste, no bio-hazardous waste, also identifies final disposal sites. This is the type of operations plan we will be governed by, having to adhere to. IDEM will have unannounced inspections to ensure that we are complying. Operations plan addresses concerns that if the facility can no longer be operated that IDEM will come in and close properly. Documents are inclusive to operating and maintaining facility. Inspections become public via the IDEM virtual file cabinet.

Mr. Moench addressed comments made last meeting regarding the thoroughfare plan. Highlighted the Hamilton County Thoroughfare Plan. Proposed frontage road information has been received and discussed with Hamilton County Highway department and INDOT and feel that road has shortcomings in the design in our opinion. Timing of the activity of the roads, the road would be let, bids fourth quarter of 2024. Feel substandard not only to our traffic but to traffic in general to the area.



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The approval of the proposed transfer station is critical for the community to benefit and gain. Transfer stations are an integral part of waste management. Support community development and growth, allowing to support community and provide a service as well as increases site improvements for the property. Mr. Ealy and family part of the community and want to continue to be a part of the community. Looking for a favorable vote tonight.

Chairman Bockoski asked for Board member questions. Mr. Zell asked question, to make it clear there is no dump plan. Mr. Moench stated as we started presentation, this is not a dump. This is a facility that receives materials, sorts and moves material within 24 hours to a final disposal site. Mr. Berry asked what the radius is of the materials coming to this site, how far away, how many miles will it come from. Mr. Moench stated as part of the operations plan we commit to an area this facility will service. In our proposal we commit to Hamilton county and Tipton to our north. No out of state waste, no waste from up north, no waste from Indianapolis, this is a community handling facility. Chairman Bockoski questioned, in the video the trucks were moving on a hard service, what was the surface they were on, driving in, to the scale, to the building, and back out. Mr. Moench stated in that video it was a packed limestone surface, obviously with Dan's involvement with Ace Paving, our surface would be a combination of asphalt and concrete. Mr. Zell asked about the collection tank, if liquids would spill out, point is there will not be any runoff, concern for impact to wells. Mr. Moench discussed surface and sealing, solid sealed surface required by IDEM, and also a floor drain system if there is any residual moisture that would take it to a tank. With a sump pump that a pump hauler would pick up and take to a wastewater treatment plant for processing. Mr. Zell also asked about odors that may be an issue, how do you control? Mr. Moench stated while we have all had trash at home and odor an indication of time to change, the prevention is to move the materials. Our materials are out within 24 hours. Biggest way to prevent. Have built 20 facilities in the state and encourage people to visit, tour, odors are not noticed until inside the facility itself with materials present. Operations manual also has routine cleaning procedures that are required. Mr. Zell asked if any air handling that is necessary. Mr. Moench stated no fans or machines would gather odors and emit into the outside air. Also pointed out there are overhead doors that would be closed when nonoperational hours or if no customers. Mr. Zell questioned noise, how much noise will residents have. Mr. Moench stated this has been heavy industrial business since 1969, the noise has been present, this facility will house equipment inside concrete building that would dampen the level. It will not be quiet; OSHA requires items such as alarms for trucks backing up. Vegetation would help muffle the noise. The mobile equipment would be dampened based on the fact that it would be used inside the building. Mr. Berry questioned in terms of traffic, would there be increased traffic through downtown Cicero, what would you see that. Mr. Moench stated short answer is no increase. The traffic you see from the trash trucks for the town of Cicero isn't increasing, the traffic from outside would use the routes discussed earlier. As Cicero grows, more trucks would be needed for collection, and increase would be seen then. Everyday traffic would be directed to US 31 via the indicated roads. Mr. Berry questioned if residential trash pickup is done. Mr. Moench stated currently ACE does not do any residential trash pickup. This is an opportunity for the family, if they so desire, to grow into that market with their own vehicles. One thing we run into is the local trash service selling out to the national firms, and service not remaining the same level. This may be an opportunity to expand for Dan's family to provide that local quality service if they so desire for Hamilton County. Mr. Berry asked if the residential pick up that might be in the future, such as Republic. Mr. Moench stated if they so desired to grow into, these are city contracts and could bid to keep local. Mr. Zell hours of operations, regarding traffic flow and new road substandard in your opinion, citizens concerned for more trucks due to noise. Mr. Moench stated operations manual has a "worse case" hours of operations, described as primary user and secondary or (individual). Primary user which would be Dan Ealy family businesses, 4am-7pm Monday – Friday, 4am-2pm Saturday, no Sunday hours. Secondary users' hours would be 7am-6pm M-F, 7am-2pm Saturday, no Sunday hours and no holiday hours. Focused on the transfer station itself, this is worse case, as permitted by IDEM, the family could reduce hours if they so desired. Important to have morning hours for the commercial route pickup trucks, to not interfere with their regular businesses. Mr. Massonne have covered items on list from public but other to follow up on are: the traffic study, do not feel comfortable using Anthony. There are still concerns with the future roads. Housekeeping concerns, the hours don't match up from the first meeting. Mound elevations 3-5 is small comparable. What is capacity of 7500 square feet: read report saying 81000 cubic feet of storage on the tipping floor, which allows for 500 tons. Maximum allowable storage is 250 tons in a 24-hour storage. So, is this saying it can hold 500 tons but only is allowed 250 tons per day? Mr. Moench stated that is correct. Mr. Massonne stated 200 tons, indicated 10 tons per truck, so that is 20 trucks per day. Question is how many on a 53 feet truck? Mr. Moench answered typically 20-25 tons on a 53 feet truck. That is tonnage but that is not day one, we are looking for the five-year permit level. Mr. Massonne this is housekeeping and don't want to get into at this time, but control if at five years Ace wants to up their capacity, we may not be happy if this is approved. Mr. Massonne asked Mr. Zawadzki what variances that property has right now. Mr. Zawadzki stated there is no current Land Use Variance or Special Exception

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Variances attached to that parcel. There are a couple of Developmental Standards Variances attached, mostly regarding signage and screening. That is all regarding this parcel. Mr. Massonne stated he asked because this is currently zoned C-4 and being used as metal scrap yard. Where else in Jackson Township or Cicero could you go, nowhere, without this same process. Mr. Moench stated exactly, this is heavy industrial currently and there are truck movements in and out and even without tonight that will continue and hopefully grow. With the exception, it would allow us to do the transfer station in this area, keeping all the industrial on this property and consolidated. Hate to see heavy industrial here and two miles away build a transfer station which then becomes sprawl of the uses. Mr. Massonne since moving here notice the current property and noticing the condition as it is today, not satisfied with the way it looks. Hate to see if approved, would not want to go down same path, the fence falling, etc. Mr. Moench stated we take the condition seriously and why we are talking about the entire site and not just the transfer station for screening purposes. Questioned if approved tonight the past variances would become null and the conditions would become more enforceable. Mr. Zawadzki stated that is correct. Mr. Culp clarified one thing, you said Special Exception but this is a Land Use. This is important because the Findings of Fact are different, including hardship of the Land Use Variance. Mr. Moench stated he misspoke. Chairman Bockoski thanked Mr. Moench for the video that was shared and asked for the address of that location. Mr. Moench answered Harvest Church Road and US 231 in Green County but do not have address memorized. That facility was permitted two years ago and operating currently. Chairman Bockoski questioned if 226th street location would have refueling station. Mr. Moench stated currently not showing on plans, refueling would be handled offsite. Chairman Bockoski asked if Jackson Township Fire would be who would handle emergency on the property. Mr. Moench stated yes. Chairman Bockoski asked if mentioned traffic points with the County that were being worked on, and if so could you be more specific on what those concerns are. Mr. Moench stated the preliminary plans observed show the frontage road to be a wider width as well as heavy duty asphalt. The set reviewed between last presentation and today, shows asphalt width to be limited to 24 feet, and the road section is five inches of stone on 3.5 inches of asphalt with 1.5 inches of surface. Which makes it extremely light duty, even one step above residential driveway (in his opinion). So not only for the benefit of our business but the community in general we see that this should be wider and more robust in the asphalt level. Not only for comprehensive plan for the future but for the current industry using that access. So, we have raised the point with County Highway. Chairman Bockoski asked if the date of the 226th street overpass over 31 is known. Mr. Moench stated in talking to the INDOT project manager, they are anticipating mid-to late 2026 completion. Chairman Bockoski stated so in the meantime you would be using 226th to 31. Mr. Moench stated yes we would make that commitment and make the commitment that any collection trucks outside of Cicero would use the 226/31 access. Mr. Berry asked in benefits you state additional screening for the entire property. Will that happen regardless of how the vote goes tonight? Mr. Moench stated that cannot answer that question, it is part of our presentation with approval. To be honest, there is no encouragement to do that part of additional screening without approvals. Request for a transfer station we feel we should do our part and we offer up the additional screening for the entire property.

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

Chairman Bockoski stated this portion is open to the public and we will begin by reading into the record any emails or letters that were sent to the Plan Director at this time.

All letters and public comments will be summarized by the recorder. All letters/emails will become part of the docket file. The recorder will use the following format: name of person(s), address, for or opposed the petition, brief summary of reason for support/opposition. Example: John Doe, 1234 Main Street, Cicero, OPPOSED: noise, health concerns.

Mr. Zawadzki stated there are several letters to be read into minutes, proceeded to read the following as summarized by the recorder.

Kyra Ashely Waltz 4060 Orchard Valley Blvd, Indianapolis, IN 46235 owns land in Jackson Township and Adams Township extremely close to proposed waste transfer station. OPPOSED: traffic, noise, odors, health concerns, stormwater quality, vermin, land values.

Jennifer Brown, resident and taxpayer in Cicero, IN. OPPOSED: bad for town



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Jeffrey Lyon 420 West Jackson Street, Suite 33, Cicero, IN OPPOSED: Road/traffic concerns, inaccurate weigh-in, traffic concerns in town, noise and smell concerns.

Robert Habig, resident of Hamilton County, Westfield Washington Township, Sheridan address for 40 years. Country home on 38. OPPOSED: visual pollution, smell, noise, truck traffic, rodents, insects.

Frank (Chip) Habig, 115 W. 246th Steet, own 50 acres of farmland, OPPOSED: specific reasons not listed.

Kenny and Jordan Blickenstaff, home on 236th Street, Cicero, IN OPPOSED: rural charm lost, do not want a dump, concern for legal threshold for notification of this and McClure station, awareness to community.

Andy Freiburger 3425 E. 236th, Cicero, IN OPPOSED: environmental, land values, odor, commercial truck traffic, concern as business owner increased traffic from US 37 or St Road 19.

Kenton Waltz owns land in Jackson and Adams Township close to proposed station. OPPOSED: Traffic, hours, noise, odors, health concerns, storm water quality (Hinkle and Morse), vermin, land values, road wear and tear.

Joe and Cecilia Keller, no address, OPPOSED: no reason given

Maryn Bohland, no address, OPPOSED: impact to Swinging M environment for people and animals, chemicals, noise, impact on horses.

Nancy Collier, no address, OPPOSED: interruption of peacefulness at Swinging M Stables

Kimberely Armstrong, Anthony Road, Cicero, OPPOSED: Heavy truck traffic, noise, congestion, unsafe driving conditions, pollution, smell, impact to aquifer and wells, horses' well-being.

Beth Easters, Noblesville resident, boards at Swinging M Stables, OPPOSED: noise, odors, rodents, interruption to peaceful, stress relieving place.

Caroline Johnson, 205 Glasgow Court, boards at Swinging M Stables at 21911 Flippins Road, Cicero. OPPOSED: impact to environment, people and animals at this facility and others in the area. Loss of rural, open spaces.

Rita Zaichek, resident of Westfield near schools, OPPOSED: gross, smell, traffic, noise, property values.

Megan Stoneking, Noblesville, board near 216th and 31 at Swinging M Stables, OPPOSED: air quality/environmental.

James and Jeri Bostwick 3526 E. 226th, Cicero, OPPOSED: impact to environment, impossibility of being a good neighbor, smell, liquids leaking from trucks, does not fit with any vision of future planning.

David Demas, 216th Westfield, OPPOSED: zoning at C-4 most lenient of zoning and request for exception, cost benefit to ACE versus property values in area, tax revenues from singular exception vs lost growth, traffic, environmental infractions from current property from IDEM.

Rachel Valliere, boards at Swinging M Stables, OPPOSED: noise and impact to horses/riders, smell, financial impact of one business to another (swinging M).

Elaine Habig, no address, Westfield Premier Physicians, OPPOSED: concern for foresight to develop natural resources into wineries, parks, recreational facilities, event centers.

Back side of letter included specifics:

Impact to Swinging M Stables animals, noise pollution, air pollution, water contamination, vermin, traffic concerns.

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Andrew Snider 4111 E. 236th Cicero, OPPOSED: smell, traffic concerns, attitude of gentlemen towards process, doesn't own property yet.

JoDee Marie Waltz, 10778 Central Avenue, Carmel, IN Property owner in Jackson and Adams Townships. OPPOSED: Traffic, noise, odors, Health concerns, storm water quality, vermin, land value impact.

J.R. and Connie Freiburger, 4020 E. 226th Street, Cicero. OPPOSED: concern for Hinkle Creek basin, environmental and health concerns, odor, water contamination, roadway impact.

Angela Gascho, landowner in Noblesville, Boards at Swinging M Stables, OPPOSED: contaminations, runoff, pest/rodent problems, traffic, noise, smell. Well water concerns at home.

Betsy Humrichouser, Marion County resident, boarder at Swinging M Stables. OPPOSED: impact to calmness of area with unnecessary noise and pollution.

Meredith Zaichuk sent letter from daughter Hailey, no address. OPPOSED: loss of peacefulness of area, noise of trucks, bugs, trash.

Penny Siml, no address, OPPOSED: impact to well-being of self and horses, precedent of approving unwanted developments from other larger towns, health risks, environmental, impact on wildlife, quality of life, community integrity, property values.

Andrew Snider, 4111 E. 236th resident of Jackson Township, OPPOSED: pollution concerns, record with IDEM violations, traffic concerns, property values and smell, no value to community. (second letter)

Joseph Leak, 2398 E. 236th Street, Cicero, IN OPPOSED: traffic, noise, odors, health concerns, stormwater quality, vermin, land values, does not fit comprehensive plan

Amber Tilton, 45 Mandon Court, Cicero, IN OPPOSED: toxins, smells, ugliness that would impact citizens and places of business.

Brad and Sue Baker, 831 S. Lanyard Dr. Cicero, OPPOSED: findings of fact would not be met, can be used as zoned, no hardship, noise, vermin, odor, trash, fire potential and impact to services, traffic.

Candy and Norman Ganzel, 22711 Dunbar Road, Cicero, IN OPPOSED: Property value impact of 12.9%, economic hardship to families in area, smell, water contamination, noise, citations at other facilities without action.

Betty Cody, no address, OPPOSED: Health hazards and property value decreasing.

Rachael Scherer, 137 Ardglass St. , Cicero, IN OPPOSED: IDEM compliance, safety of community, environmental impact, road safety with golf carts, ability to enforce compliance, economic impact to neighbors, tax revenue for county, comprehensive plan alignment. Concern for notice to community and check/balances for the BZA

Kelei Baker Leak, 2398 E. 236th Street, Cicero, OPPOSED: Traffic, noise, odors, health concerns, storm water quality, vermin, land values. Questions at end regarding the following: analysis of consequences of this facility, notice to community, contradicts comprehensive plan.

Sylvia Rodriquez, no address Flippins RD, Cicero, OPPOSED: Health issues, rodents/diseases, land values and benefit to Westfield and Carmel, smell and mess, traffic, toxins.

Tom Moore, 1257 Marshall Road, Shakopee, MN owns property ¼ mile from site, OPPOSED: Air quality, noise/traffic, water quality, vermin and insects, land values.



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Elizabeth Speckman, no address, OPPOSED: no reasons given.

Sarah Gheen, 1 mile in Jackson Township, OPPOSED: Risk to peaceful environment, noise, smell, pests.

John Demaree, property owner NW corner of 31/38. OPPOSED: not good for area and promoting economic development, negative impact to recruitment and landing high profile projects. Developer and owner of heavy industrial property with transfer stations adjacent.

Doug Sanquetti, 3250 E. 236th St, Cicero, IN OPPOSED: Harmful to community and no economic benefit, contradiction to comprehensive plan, traffic patterns, hours of operations, pollution, fire protection, air quality. Concern for compliance with IDEM by owner.

Christy and Rob Wilson, Cicero, IN OPPOSED: current violations of the petitioner, environmental factors, heavy traffic.

Kelley Roberts, 315 Morse Landing Dr, Cicero, IN OPPOSED: Public health and safety, smells, toxins to water, road conditions, value of properties, McGregor Park impact, comprehensive plan compliance. Future landfill would be next.

Zach Vaughan 23030 Anthony Rd. Cicero, IN OPPOSED: Smell, impact from one resident to profit/impact others, property values.

Cory Thielen, 236th Street, Cicero, IN OPPOSED: moved from Waterman Farms near transfer site, noise, smells, damage to environment.

A Boothe, no address, OPPOSED: negative impact to home value.

Cheryl and Jeff Titus, 4160 E. 231st Cicero, OPPOSED: no benefit to town or homeowners, country setting impact by noise, smell, home value.

Carol Sanquetti, 3250 E. 236th St. Cicero, IN OPPOSED: Traffic/noise/vibrations, health concerns, first findings of fact impact, land values, second findings of fact impact, comprehensive plan vision compliance, fourth findings of fact impact.

Blair Frye, no address, OPPOSED: no reason given, just slow the rapid development.

John Moon 86 Verdant Cicero, IN OPPOSED: negative impact to real estate values, air quality, traffic.

No name or address, OPPOSED: no reason, just no.

Chairman Bockoski asked for pause for 10-minute recess.

Chairman Bockoski reconvened meeting stating after comments from public, reading of the letters will be paused but will get read tonight and will now allow public to address in person. Thank you to those that wrote letters, determined to do due diligence in hearing them. That is the reasoning in hearing them. If your letter was read, know we have received it and read them. If you come to the podium there will be a two-minute limit. There will be a sound and need to wrap up within 10 seconds. There is only one visit per person to the podium in essence of time. All comments should be addressed to the board members tonight. We are the ones deliberating, do want to hear your thoughts, there will not be dialogue tonight, we are listening and do want to hear your questions and thoughts.

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Andrea Townend, Esq. 1346 N. Delaware Street, Indianapolis, IN Environmental attorney, resident of Hamilton County. Stated this property is in violation, zoned C-4 which doesn't allow recycling, currently metal recycling is being done. Numerous violations for open burning and leaks at this property per IDEM. Concern for facts stating capacity, in June 150 tons, today 400 tons, capacity 20 tractor, a trailer-4-10 dump trucks which would equal 80-200 dump trucks coming daily. Concern for commitments, this is out of order, petitioner has put commitments in place prior to presentations, no studies done for traffic, only descriptions of routes. Noise violations with back up alarms @200 trucks per day.

Patrick Wolfe 1955 E. 226th Cicero, IN Horse farm to the east of the property, OPPOSED: odors, burden of proof of five findings, 15% property value decrease, impact to business with loss of boarders, criteria number 2 would be violated.

Kerri Shook, 4876 Autumn Grove Court, Noblesville, read letter from Grace Christianson 12 years old, OPPOSED: Horse at Swing M Stables, noise, smells. Ms. Shook: OPPOSED: safety of horses due to noise, endangerment of riders.

Shelby Wills, 24011 Twilight Hills, Cicero, IN OPPOSED: conducted survey 651 responses to four questions asked. 79% not aware of project, 94.3% not in favor of project, 94.2% concerned about economic impact, 94.5% feel BZA should seek public opinion before approval. Feels Board let residents down by approval of truck stop, safety.

Betty Jo Wills, 24011 Twilight Hills, Cicero, IN OPPOSED: comprehensive plan compliance, corridor impression (page 2), tourism impact (page 32), Light industrial growth (page 32, Heavy commercial strategies (page 82). EPA guidelines not adhered to before meeting. Question asked if anyone of Board had conversation with Hamilton County concerning this project. *Letter added to file*

Marilee Andrews 4302 E. 246th Cicero, read note from Jane Chouding Shields, 650 Moonlight Bay, asked Dan Ealy where the dump will be, he said close to site for transportation. Question is will the landfill be proposed next? OPPOSED Marilee asked Board, public information prior to understand the project lacking and could have saved time and questions.

Candy Ganzel 22711 Dunbar Road, OPPOSED: asked questions from EPA manual, read guidelines, cap on limits, operator is a habitual violator of IDEM. Routes been analysis, penalty mechanisms for route deviation, cleanup plan. Economic harm to residents, noise concerns.

Questions given to Board and for file.

Norman Ganzel 22711 Dunbar Road, OPPOSED: property values, two studies state decrease values by 12.9%, savings for residents for use of the facility negotiated.

Questions given to Board and for file.

Gerald Dunmire 2840 E. 236th Street, Cicero OPPOSED: Comprehensive plan compliance, water run off impact and water quality of watershed, Hinkle Creek impact, noise, traffic, fire impact, IDEM violations indicate operations concerns. Agree with other concerns listed.

Steven Chance 3161 E. 246th Street, Cicero OPPOSED: Potential of cluster zoning, compliance of EPA guidelines, restrictions of growth, lack of control of growth once approved. Route control is not possible, unknown items being picked up.

Betty White, 530 N. Peru Street, Cicero OPPOSED: Comprehensive plan compliance, (section read related to walking and biking), air quality concerns, health concerns.

Doug Moore 210 Edgewater Drive Noblesville, Applauded community involvement in this matter. Petitioner gave two reasons for denying: why bear the weight of all trash in Hamilton county, the financial model does not make sense. OPPOSED: potential loss of development and income with desirable growth. Challenged the Board with vision of Cicero, bright and shiny what is possible. Positive momentum of town and businesses will attract meaningful investment.



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Landi Strand 21911 Flippins Rd. OPPOSED: agree with all the previous reasons. EPA document referenced, balance of engaging community with the needs of waste removal. Collection devices for water runoff and impact. IDEM violations to Dan Ealy and GW Pierce and 46 acres of land owned by GW Pierce associates, statements indicate landfill nearby, is that next.

Kerri Young 3211 E. 236th Cicero. OPPOSED: notice limits, health concerns, no gain to the community.

George Ohmer 22515 Flippins Rd. Cicero, IN OPPOSED: Noise, impact to nature, country life. Recording of garbage transfer station played.

Jackie Loeffler 159 Red Oak Ln, Carmel, IN OPPOSED: Boarding of horses at Swinging M Stables, impact to peacefulness, nature preserve environment. Smells and noise.

Todd Forth 2133 E. 226th Street, Across street from proposed station, own construction company with landscaped manicured property, concerned after first meeting, pleased at turnout, trust that the appointed community representatives will do the right thing. OPPOSED

Mitch Rockwell 17097 Linda Way, Noblesville OPPOSED: Zoning regulations noted, environmental concerns read and emphasized, how enforcement will happen.

Lacey Kottkamp 2580 E. 226th Cicero, OPPOSED: agree with all of the opposition mentioned above, in direct route of traffic adding to concerns, hours of operations and school bus routes.

Tracey Bowden 743 W. 236th Sheridan, OPPOSED: impact to Cicero and Sheridan and traffic routes impacting Six Points Road, property values, impact of other businesses potential, smell, problems, crime due to poverty area.

Jerry Johnson 23203 Anthony Road, OPPOSED: Fire risks, EPA safety concerns regarding fire, fire water runoff, air quality, impact to wildlife, comprehensive plan compliance relating to air/water.

Denise Johnson 23203 Anthony Road, OPPOSED: Noise, smells, traffic on Anthony and impact to bike and walkability, safety, heavy truck traffic on alternate routes. Petitioner stated will not be quiet, if you put enough 0's behind it, and it is dilapidated, all comments that are concerning.

David Thomas 23 Anthony Road, OPPOSED: agree with what has been said, don't understand how can be considered, one man versus 200 against. Professional presentation yet can't control noise, traffic, etc. what consequences are there? Concern shared at current condition of the property.

Jeff Menchhofer 3120 E. 216th and Anthony Road, OPPOSED: health concerns/impact, story shared of rolled off containers and water impact, lack of watertightness, odor issues.

Cindy Kever 1089 St. Road 38th Sheridan. Appreciate Board for consideration of surrounding townships. OPPOSED: No route plan in presentation, lack of merits to a yes vote.

Dan Kokinda 24350 Dunbar Road, OPPOSED: Concerns for liquid leaks and impact, contaminated runoff of proposed surface, 24-hour movement but always 24-hour trash, definition of dump and transfer station vs perception.

Kevin Sullivan 1318 E. 236th commercial general contractor. OPPOSED: agree with many facts presented, presentation comparing Jackson Township to Green County is apples to oranges. Very rural area, population density is vastly different. Other stations in Indianapolis and Whitetown would not paint such pretty pictures. Fires are a concern, 266th are first responders. Appreciate Board listening.

Sarah Gleen 23210 Anthony Road, Cicero OPPOSED: truck routes on Anthony Road permanent versus temporary, scared for family and traffic, impact to countryside



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Kimberly Chance 3161 E. 241st Cicero OPPOSED: Population versus perception of area, concern for growth of business and no control by Board for the future, findings of fact for McClure's, where can find standards being used and findings of fact. Will same standards be used if strip club comes asking for a variance when it is not listed in the town ordinance?

Mike Scherer 137 Ardglass, Cicero. OPPOSED: Everything presented by petitioner is misquoted, fabricated. Examples: waste from 5-10 miles and said all of Hamilton County and Tipton County, operational manual is not an agreement with community, IDEM violations. Do we want a partner of community that is habitual offender. Stated not going to fix fence that is a known eyesore unless approve project.

Lorna Thomas 23093 Anthony Road, Cicero OPPOSED: noise, truck traffic, environmental concerns, property values. Story told of impression coming from Indy versus edge of Cicero with a waste station.

James Mann Jr. 2601 E. 216th, Cicero OPPOSED: Job requires approaching BZA members, never have this turn out. Drainage concerns headed to McGregor Park, nature and wildlife concerns, property maintenance concerns. Respect job to be done by the BZA.

Dawniele Alden 1010 Eagles Ridge Dr, Cicero OPPOSED: traffic concerns, road conditions, tax dollars to county not Cicero, property values, future maintenance of property.

Billie Hittle 2049 E. 216th Street, Cicero OPPOSED: concern for property values, retirement, concern for horse farms in the area and impact, water impact to area water drains to farms, impact to 4-H in Jackson Township.

Lady spoke to Board and handed Letters/citations to Board, discussed recycling and process, save the community, land values, what is the future plan, asking for Board to listen to families, history of the area. OPPOSED

Kelli Baker Leake 2398 E. 236th Street, Cicero

Jodi Waltz, 1778 Central Avenue, Carmel resident, farm ground owners. OPPOSED: impact to legacy of the town.

Chairman Bockoski asked for other public comments and entertain a motion to close. Corrected that rest of letters need to be read into record.

Mr. Zawadzki continued reading letters into the record.

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Jeff Mann, no address, OPPOSED: no reason

Jim Fulton, 22029 Hinkle Road, Cicero OPPOSED: insufficient time to study impact, environmental, safety, fire coverage, property values.

Ashley Austgen and family, Jackson Township resident, OPPOSED: truck traffic, environmental impacts, history of violations with IDEM with petitioner.

Brenda Alden, no address, OPPOSED: health, traffic, noise, odors, storm water, vermin, bugs, impact for generations.

Donna Shipley, Morse Landing Drive, Cicero OPPOSED: no reason given

Kari Schunk, Boarder of horses at Swinging M Stables 21911 Flippins Road, Cicero OPPOSED: loud noises, toxic fumes, rodents, truck noise, impact to adults, children and animals at Stables, safety due to reaction to loud noises by animals.



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William Shipley, Cicero, OPPOSED: keep Cicero safe and healthy

Carol Leinhos, 23390 Dunbar Rd, Sheridan, IN OPPOSED: health, traffic, noise, odors, storm water, vermin, insects, travel through area impacted by smell, impact to generations.

Emma Branch, Noblesville resident, OPPOSED: impact to Swinging M Stables with noise, traffic, odors, disruptive to sanctuary.

Diana Dent, 216th & 31. OPPOSED: property values, impediment to future building, negatively impact to tax potential, aesthetics, health hazards, vermin, noise, traffic, run off to Hinkle Creek and Morse. Incompatible with area.

David Speckman, no address, Cicero OPPOSED: Concern for loss of charm with proposals, notice to community.

Maggie Figge, 1055 Coral Springs Dr, Cicero OPPOSED: Criteria of findings of fact, road crowding, traffic on Jackson, notification to the community, generational impact.

Leslie Holding, no address, Serendipity Surf Shop OPPOSED: impact to charm of Hallmark town.

Justin Sisson, no address, Cicero OPPOSED: contamination of waterways, odor, pests, traffic and strain on roadways.

Jerry Johnson, 23203 Anthony Road, Cicero OPPOSED: location due to heavy truck traffic, impact on roads, noise, litter, odors, emissions, fire risk, contradictory to comprehensive plan. Suggest EPA document knowledge prior to any vote.

Joe and Bonnie Cook, 22980 Anthony Road, Cicero, IN OPPOSED: Traffic and safety on Anthony, property values, storm water quality, vermin, odors, health concerns.

Derek Strainer, no address, OPPOSED: Cicero is a positive place/trash is a negative thing.

Landon Whetsel, 1130 Bear Cub Dr, Cicero, IN OPPOSED: Negative impact to health, traffic, noise, odors, storm water and creeks. Bugs/insects, vermin, home values, smell traveling to and from Cicero.

Richard and Kim Davis, 98 Hovden Dr., Cicero, IN OPPOSED: Negative impact to land and water resources, air quality, traffic, noise, vermin and insects, impact to home/land values, smell.

Mitchell Rockwell, 17097 Linda Way, 46062. OPPOSED: general welfare of community, air pollution, noise, odors, traffic, claim of value-added, consequences to future development.

Hannah Osborne, 12788 Double Eagle Dr, Carmel, IN OPPOSED: Width and quality of roads in area, concern for horse boarding barn, traffic/size of trucks, noise, rodents, impact to business.

Kelli Roberts 315 Morse Landing Drive, Cicero OPPOSED: health concerns, traffic, toxins in ground and impact to animals and water, vermin, insects and diseases, road quality, traffic, property values, event center impact, McGregor Park impact. Concern for other towns pushing into Jackson Township, comprehensive plan compliance. Negative environmental impact, landfill potential.

Mr. Zawadski concluded reading of all letters.

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

Chairman Bockoski asked representative from Ace Paving to return to the podium and asked if he wanted to offer rebuttal to anything heard tonight.



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Mr. Moench testimony earlier encompassed many things heard. Specifically, to address, if we didn't have trash we would not need the transfer station to manage waste stream. This is a recycling center, no one addressed what we are trying to do. I have a lot of comments around health concerns and would IDEM allow waste transfer stations if they were hazardous to animals and people and as far as 10-12 miles away. A lot of misgivings around health are handled by IDEM. If it was unsafe we would not have them in the state of Indiana. Credibility of Mr. Ealy regarding IDEM violations, purchased five years ago from GW Pierce, those violations presented were inherited when purchasing the property. Dan has been working to satisfy those issues and get corrected. Concern for water, clean water act of 1980 requires testing and reporting to IDEM, comments regarding contamination are misnomers, we are required to make sure water is clean before leaving property. Comments about thoughtful development, agree, industrial property on US 31 currently, can not think of better place to keep industrial business in area already zoned for it. Regarding employee training, they must be trained to recognize acceptable waste, otherwise sent back to the source. Traffic flow concerns: Hamilton County thoroughfare plan is what is being used. Route we have identified are secondary artillery streets. By definition: Artillery Street: a street or highway that provides for rapid and efficient movement of large volumes of through traffic between the sections of the county and ? the area, land access service. The routes highlighted are intended to handle large volumes of traffic, and as testified earlier we have issues with the frontage road. The avenue to address issues is the County Commissioners, if the general public has concerns reach out to the commissioners about the frontage road. Also expressed concern about the visibility as people enter into Cicero, commitment on behalf of client to increase the mounding from the three to five feet in the presentation to 8-10 feet along US 31 to give additional screening over and above what is already there, and we have proposed. This would have fencing as well as vegetation. Land values: difficult conversation to have if the site was not previously used as a junk yard since 1969, over time has transferred to recycling and metal scrap yard. Industrial ground since 1969. Faced with findings of fact and as presented we feel are merited and forthright in bringing value to the community. This gives control over your stream. Pictures shown are national businesses not locally own. Answer any further questions the Board may have.

Chairman Bockoski asked if any questions from the Board members.

Mr. Massonne commented the tally of comments were 37 person and 71 letters, would be nice to have at more meetings and thanked the public for attending. If it comes to a vote tonight, it would be a no. Still have concerns, biggest one traffic, property values is concerning to me. Today reading thru the comp plan, which was done in 2015, the community has changed since then, they looked at the intent of commercial development along US 31. Not sure that is where the public wants to go now.

Mr. Zell appreciate the public being here, outstanding results for attendance. Findings of fact will look different, a lot of concerns, why isn't Mr. Ealy here (he is in attendance). To other Board members, if we take a vote tonight, it would be no.

Mr. Massonne added that he states so you know the way going, he doesn't want additional money spent by continuing the path if no opportunity.

Mr. Moench stated he appreciates that and are hopeful of recommendation of moving forward but have heard the outcry and realize Jackson Township may not be wanting this. If continue down this path, we would review options on how can proceed for this property.

Mr. Zell clarified that understand there is a need but comes down to not being a fit for the community.

Chairman Bockoski stated his concern is two main things. Do feel you will do everything in your power to screen the property, and you will do everything, try as hard as possible to mitigate the odor. But feel there are things that are going to leak out where you may not intend to. Main concern after reviewing the throughfare plan, thank you for providing that, but what is laid out doesn't match what we are asked to do tonight. The danger level at intersection of 226th and 31 is very high right now. Even with an overpass, which is not now it is the distant future. Those are main concerns, have others but that is main.

Appreciate due diligence and how presented tonight.

Mr. Berry added relating to the traffic, have seen a lot of gravel trucks driving, sometimes by the law other times not, the fact that you don't have a control or a detailed plan on route use. Major concern about how they would be driving.

Chairman Bockoski reminded everyone that all motions are made in the affirmative.

Mr. Massonne made motion to approve BZA-0624-19-C4 as presented. Mr. Zell second.

Mr. Zell-no, Mr. Massonne-no, Mr. Berry-no, Mr. Bockoski-no 0-4



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

1. Plan Director's Report: Included in packet, summarized by Mr. Zawadzki as follows: June 2024 permit revenue was \$5319, YTD \$25057. Compares to 2023 June \$10496 and YTD \$52808, that is a decrease of 5177 and decrease of 27751 for year to date. Permits issued in June 19, with 10 in corporate limits, 0 new homes, 9 in Township with 2 new homes. Estimated cost is \$1,464,020. Flood Insurance certification completed as required by 2025. Steering committee met for Comp Plan, survey is ongoing and QR codes are around town. Please fill out survey if you haven't.
2. Chairman's Report: Chairman Bockoski take a minute to reflect on tonight. First, thank the Board for going through the due diligence, appreciate your comments and thoughts. We heard a lot of derogatory /negative remarks towards the BZA and the government of the town. I don't think there is enough understanding of what is going on out there and here. This Board is here for no other reason, minus the pay, which is zero, no person on the BZA receives a dime to do what they do to try to protect the community, to ensure it grows in right direction and to do what is in the best interest of the community. Very disheartening to hear comments tonight. Worse is that I was acting in own best interest if I was considering something perceived as negative. Thank you to the Board. We can work toward better communication, we were allowing it to slide thru, we go thru the process properly. Even tonight we tabled an item on the docket due to insufficient notice. Definitely might be other channels to explore other than just the yard sign, notice in the paper, and the mailings to the surrounding property owners. Understand from Mr. Culp we are looking at what other options for notifying the public about what we do. We are here to serve and selfishly.
3. Legal Counsel's Report: Mr. Culp stated he feels there is confusion of the purpose of the BZA, several comments around how can we consider this. Under law any property owner has a right to petition for Land Use Variance or Standards Variance. So anytime they feel they are adversely affected by a restriction in the zoning code, they have a right to petition. So we as a governmental entity have to provide them due process, which is the opportunity to be heard. We don't choose what petitions come to us, the petitions are submitted by property owners who are exercising their rights, then we go through a process of evaluating the petition. As Mr. Bockoski stated, we do not want anything we do to be hidden, so that people are surprised. We are aware that not everyone is getting notices in advance. One thing we are looking at is a list service that anyone that wants to receive agendas, they can sign up with email. Petition could be reviewed on the website in the future. Notice of circumference is consistent, and consistent with what others do. The requirement is 600 feet or two parcels deep by letter. State statue doesn't require the sign, this is a local step we take to help get the notice out. We have looked at size of sign, which is common to what others are using as well. The BZA is not a policy making body, don't set policy, and does not adopt laws or ordinances. The BZA is strictly here to conduct hearings for instances like tonight. Someone feels the ordinance has an adverse effect on them, they should receive a variance against the ordinance. We then have a hearing. One hearing does not set precedence for the next, each parcel is unique. This is a special process. Zoning is done by the Plan Commission and the Town Council; this is simply an opportunity to recognize that a zoning ordinance may have unintended consequences. Passing an ordinance for large swaths of land, some parcels may be different. Anyone that owns property can ask for a variance and we are required to give them a hearing. To piggyback to what Scott said, this Board I have worked with for years, not here because of pay, because they are not getting paid, not an easy job, they care about this community. Many commented who is representing Jackson Township, the Board president lives in the Township, not a citizen of Cicero. The Board is not allowed to have ex parte conversations, expressly forbidden by state law. They cannot have conversations with each other, remonstrators, petitioners outside of this meeting. It is designed that way, so you are hearing what they are hearing, and you are a part of the process. Wanted to put this information out there to share. We are in process of updating the Comprehensive Plan, hope to have complete by end of this year, does require a robust public hearing process to get feedback. Once adopted we will be overhauling our zoning ordinances to make large scale changes. Reality is that we now live with a utility district to the west of us. And county has a TIF district which impacts us. The under Indiana law the idea is Comp plan drives the zoning ordinance. It starts with the process of getting info from the people on what they want to see the future being. Then drafting zoning ordinances that is built around implementing. So, we are following that process. We are looking at short term things, conversations about ways we



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

have more structure on this and more input. Mr. Culp added that while the Board can't talk to you, Frank or I can talk to you. We welcome it if anyone reaches out with a concern, an idea, and is

always looking to help the process. Thank you and appreciate everyone staying tonight, happy to know the record is actually 1:05 a.m. set about 15 years ago on a project. Thank you very much.

4. Board Member Comments: No additional comments.

5. Next Planned Board of Zoning Appeals Meeting:
August 8th, 2024

6. Adjournment:

Mr. Massonne made a motion to adjourn the meeting. Mr. Zell second. All present in favor.

Chairman: _____

Secretary: _____

Date: _____

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

Note: Recorder had 73 letters submitted via email/mail, 4 handed to board, 36 remonstrators during public comment.



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Board of Zoning Appeals Minutes

August 8th, 2024

7:00 p.m.

Roll Call of Members

Present:

- ☐ Scott Bockoski - Chairman
- ☐ Mike Berry
- ☐ Harrison Massone
- ☐ Steve Zell
- ☐ Dan Strong filling in for Aaron Culp/Frank Zawadzki Plan Director
- ☐ Terri Strong – Recorder

Absent:

Frank Zawadzki
Aaron Culp

1. Declaration of Quorum- Chairman Bockoski declared a quorum with 4/5 members present. Chairman Bockoski explained rules regarding three positive votes needed for approval, explained rights of the petitioners regarding the number of Board members. Next meeting should have a full quorum if anyone wishes to wait until next meeting.

Chairman Bockoski explained to the public, the BZA is a quasi-judicial branch of the local government. The Board will be discussing items on the dockets, the issues and stipulations relating to the docket. All comments and questions should be addressed to the Board as opposed to the audience or petitioners. Attendants must sign in if wanting to speak, sign in is at the door, name and address required for the record. Each attendant must state their name and address for the record each time they are at the podium. Each docket typically includes public comment portion, for public comment. If each person that wishes to speak has comments previously mentioned, it is not necessary to restate each comment, simply agree and move on for interest of time. All motions are made in the affirmative but does not mean that is the way we will vote.

2. Approval of Minutes
Mr. Zell made the motion to approve BZA Minutes from meeting on July 17th, 2024, as presented. Mr. Berry second. All present in favor.

3. Old Business:

Findings of Facts Approval
BZA-0724-35-AG - Fence
BZA-0624-19-C4 – Waste Transfer Station

Mr. Strong addressed the Board. Not all Findings of Facts were received prior to this meeting, and after discussion with Mr. Zawadzki and Mr. Culp we would ask that you not move forward on approvals tonight.. There are some sheets for consideration on the approval process for the future regarding Findings of Fact form. The Findings of Facts would be filled out today as normal, a summary would be done and the summary would be the document to approve at the next meeting. Chairman Bockoski questioned the process each Findings of Fact vs a summary. Mr. Strong explained that the five criteria used would have a summary of all individual members Findings of Fact. Then the Board would approve the summary. This process is done in other areas. Chairman Bockoski questioned if would be read or handled like the minutes. Mr. Strong stated just like the minutes. This should assist with some of the comments and concerns we have been shared recently from the public. And is one step in improving our communications. Mr. Zell asked regarding tonight's meeting, we fill out the forms as we have previously. Mr. Strong stated that was correct for each docket, and then they would be put together into a summary and would be part of our packet to approve at the next meeting.

Chairman Bockoski asked for motion to untable the next item of business.

Mr. Zell made motion to untable BZA-0724-36-AG from last meeting. Mr. Massonne second. All present in favor.

Petitioner: James Olson

Property Address: 9410 E 256th Street, Cicero, IN

Docket#: BZA-0724-36-AG

A Development Standards Variance Application has been submitted regarding the property located at 9410 E 256th Street, Cicero 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 to the rear or side of the primary structure in the "AG" district.

James Olson 9410 E. 256th Street. Plan is to put a 36 x 50 pole barn on the property. Can not put behind the house because 13 feet behind the house is a bank down to the creek. Only other option is in front/side of the house.

Karen Olson 9410 E. 256th Street. The place is most logical placement. Six acres but if by the trees, trees would have to be removed. Mr. Olson stated anything further is flood plan. Mrs. Olson commented there is only one neighbor that lives close. To the right of our home, doesn't object to our plan, will not see the barn when sitting on her porch. Sent letters to 13 people and have not heard anyone was against. Appreciate the support from the neighbors that are here.

Chairman Bockoski stated in looking at different photo than showing, showing an additional building, sharing a drive with the neighbor. Mrs. Olson stated that is the neighbors' buildings. Mrs. Olson discussed the flooding when there are issues.

Chairman Bockoski used the map/monitor to clarify items with the Olson's. House, barn location, garden, area where floods.

Chairman Bockoski stated we (the BZA) deal with this often due to the lake in the community. Several questions we always ask. Is there going to be electricity and plumbing in the barn? Mr. Olson stated only electricity for shop/welding no plumbing. Chairman Bockoski asked if residence, apartment, living quarters. Mr. Olson stated no. Chairman Bockoski asked if plans for a business being run from the structure. Mr. Olson stated no. Mr. Berry asked how big the structure is. Mr. Olson stated 36 x 52, storage for tractor and RV. Mr. Berry asked if structure would match house in siding and color. Mr. Olson responded with a tan color as yellow not available, brown roof. Mr. Berry asked if materials are the same. Mr. Olson stated metal siding, overhead doors. Mr. Massonne stated being AG no further questions.

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

No public comment.

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

Chairman Bockoski asked the Board if further questions or concerns.

Mr. Massonne made motion to approve BZA-0724-36-AG as presented without conditions.

Mr. Berry-approve, Mr. Massonne-approve, Mr. Zell-approve, Mr. Bockoski-approve. 4-0

Chairman Bockoski and Mr. Strong indicated they should call Mr. Zawadzki for next steps before moving forward.

4. New Business:

Petitioner: Entrust Group/Paul Vondersaar

Property Address: 740 S Peru Street, Cicero, IN 46034

Docket#: BZA-0824-37-NC

A Development Standards Variance application has been submitted seeking relief from Article 7.8 Buffer Yard Standards (BY-01) of the Cicero/Jackson Township Zoning Ordinance which states that an additional five (5) feet of setback shall be required in addition to the normal setback in the "NC" district.

Petitioner: Entrust Group/Paul Vondersaar

Property Address: 740 S Peru Street, Cicero, IN 46034

Docket#: BZA-0824-38-NC



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

A Development Standards Variance application has been submitted seeking relief from Article 5.9 of the Cicero/Jackson Township Zoning Ordinance which states; a roof shall be a gable design with slopes between fifteen (15) and forty-five (45) degrees.

Petitioner: Entrust Group/Paul Vondersaar

Property Address: 740 S Peru Street, Cicero, IN 46034

Docket#: BZA-0824-39-NC

A Development Standards Variance application has been submitted concerning Article 7.13 Parking Standards (PK-04) of the Cicero/Jackson Township Zoning Ordinance to allow (5) five parking spaces. Whereas Article 7.13 states that fourteen (14) parking spaces for general or professional office use are required in the "NC" District.

Petitioner: Entrust Group/Paul Vondersaar

Property Address: 740 S Peru Street, Cicero, IN 46034

Docket#: BZA-0824-40-NC

A Development Standards Variance application has been submitted seeking relief from Article 7.13 Parking Standards (PK-03) of the Cicero/Jackson Township Zoning Ordinance which states: The interior of all parking lots shall be landscaped with one (1) deciduous shade tree per any part of ten (10) parking spaces.

Chairman Bockoski all dockets were read into record and will be discussed together with voting to be for each docket separately.

Paul Vondersaar 1105 Bear Cub Drive. Looking to build new office building for Edward Jones. Monitor used throughout presentation. The five yard buffer, we are staying in the original 12-yard setbacks on the side. A lot of ordinances are impossible along 19. This is a double wide lot, and we are struggling to get a 46- or 44-foot building on the lot. This is a single office, with a meeting area, and a receptionist. There will be two people in the building full-time. Average client is 1-2 people at a time showing up if not done online. As far as the gable, single pitch, this is the new design that has become more popular in Hamilton county and Indiana. Trees that are there, one to front and one to back that are planned to stay but they will not be in the parking lot. Chairman Bockoski asked if the trees had to go, would they be replaced. Mr. Vondersaar answered we would plant other trees, but they would not be in the parking lot. There is a landscape plan in the packet. Building mostly brick and stone, and some masonry and metal trim. There are a couple parking spots on 19. Chairman Bockoski stated over different projects we understand the parking concerns. The tree piece understand. The buffer and side yard setbacks questioned the double lot comments. Mr. Vondersaar stated it is double wide, and originally two lots but converted to one parcel. There is a trailer on one side now. Discussion on other parcels in the area and side yard. Front will be facing HWY 19.

Mr. Zell made motion to open public hearing for all dockets for this petitioner. Mr. Berry second. All present in favor.

Jackie Pugh 50 Wilson St. Cicero, IN My property is behind this property across the alley. Concerns for construction time, effects of our property during the time of construction, the parking lot and positioning of the building. The parking concerns are from the other businesses across from us and seems to be overcrowded, parking in alley and in our drives. Concern as a resident for the parking concerns. Access gate to our property becomes limited.

Chairman Bockoski questioned where property is located using monitor. The business that has hair cutting and other businesses is overcrowding the parking lot is what you are saying. Ms. Pugh explained where the overflow goes. Chairman Bockoski addressed hours of construction, what is expectation. Ms. Pugh stated concern is delivery, big trucks.

Mr. Strong stated there was a letter sent via email to be added.

Sandy Hayes 79 Armitage Street. Resident for 30 years, neighborhood has not changed, we do not want it to change with another business being added. Not an issue with Rugged as the building has been a business prior to buying the house. Opposed to adding another business in a neighborhood setting. Traffic in alley is a concern. Concern for eyesore and town involvement as well as no improvements in year that Mr. Vondersaar has owned the property. Prefer a house to be built.

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



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Chairman Bockoski asked petitioner to return and offered opportunity to address any concerns. Mr. Vondersaar stated he knew the public didn't know what business would be going in and that it is not a high traffic business. Secondly, do not know what happens with parking and other business, and not concern but have plan for our traffic and do not see it as a concern. The construction time/plan/traffic do not know if town would allow access from HWY 19 to the property and replace the sidewalk. Would be easier and less concern. That would be up to the Town, we would access thru the alley if needed. Chairman Bockoski asked what the route is if alley is used. Mr. Vondersaar answered the alley, it cannot be blocked. Parking would be staging area. Not saying it would be parked/blocked but maybe a few minutes. Chairman Bockoski questioned the positioning of the building compared to the trailer. The new building would be considerably closer to the sidewalk with the parking behind. Mr. Massonne appreciated the color relationship to the Oak building. Discussion ensued on positioning. Mr. Massonne stated this is zoned neighborhood commercial, and there are homes but also small businesses in the area. Mr. Zell echoed that it is NC zoned, and businesses are there, Mr. Vondersaar built the barber shop. It is a nice building, well done, good track record, and this is a part of town that needs revitalization efforts. Not a high-volume business, with constant deliveries and 15 customers at once. Mr. Vondersaar stated he failed to add that Corey's office is downtown, Amanda is moving from Elwood, they do not want to be in the same building. We are gaining a new business. Mr. Vondersaar stated have cut down a couple dead trees and the trailer would be moved as soon as project starts. Mr. Zell asked for the timeline. Mr. Vondersaar stated we would start with permits, already have state release, they would handle a couple financial items, and with permits we would be ready move. Thirty days to start, four-five months project. Mr. Strong added that Aesthetic Review is next week. Chairman Bockoski questioned colors/lights not up for review at this meeting. Mr. Strong stated correct only the four variances before the Board. The lighting and plans are before the Plan Commission. Mr. Massonne added concern for the tree replacement. Chairman Bockoski stated would ask that if the trees came down they would be replaced by two trees. Mr. Vondersaar stated goal is to keep the two large trees, will commit to two mature trees if they come down. Mr. Strong questioned if trees came down during construction or if died within two years, what is the replacement time. Chairman Bockoski asked what is normal with the plan director. Mr. Strong stated timeline would be important. Mr. Zell stated we are talking about the construction variances and after that would be the plan commission. Mr. Vondersaar stated committed to one in front and one in back. Brief discussion commenced.

Mr. Massonne made a motion to approve BZA-0824-37-NC as presented with the condition that two existing trees remain or are replaced if die or are removed during construction phase. Mr. Zell second.

Mr. Bockoski approve, Mr. Massonne approve, Mr. Berry approve, Mr. Zell approve 4-0

Mr. Massonne made a motion to approve BZA-0824-38-NC as presented with the condition that two existing trees remain or are replaced if die or are removed during construction phase. Mr. Zell second.

Mr. Zell approve, Mr. Bockoski approve, Mr. Massonne approve, Mr. Berry approve 4-0

Mr. Massonne made a motion to approve BZA-0824-39-NC as presented with the condition that two existing trees remain or are replaced if die or are removed during the construction phase. Mr. Zell second.

Mr. Massonne approve, Mr. Zell approve, Mr. Berry approve, Mr. Bockoski approve 4-0

Mr. Massonne made a motion to approve BZA-0824-40-NC as presented with the condition that the two existing trees remain or are replaced if die or are removed during the construction phase. Mr. Zell second.

Mr. Berry approve, Mr. Bockoski approve, Mr. Massonne approve, Mr. Zell approve 4-0

Petitioner: Beck's Superior Hybrids INC.

Property Address: 6767 E 276th Street, Atlanta, AIN 46031

Docket#: BZA-0824-41-AG

A Land Use Variance application has been submitted concerning Article 10.2 of the Cicero/Jackson Township Zoning Ordinance regarding the property located at the Southeast corner of 266th Street and US 31 and is addressed as 0 US 31, Arcadia Indiana, 46030 in order to: Allow a billboard sign in the "AG" district, whereas a billboard sign is not permitted in any Zoning district.



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Mark Thomas here for Beck's Hybrids, 6767 E. 276th, and live at 6775 E. 241st. Here prior asking for a temporary sign at 266th and US 31 south/southeast corner. The construction of interchange is complete at 276th Street and we would like to make the present billboard sign that is there, a 12x24 sign permanent. There is actually a house that will disappear, there will be an overpass at 266th not an interchange. For safety reasons and traffic patterns to be ready to turn at 276th would like to keep in the area. The sign cannot stay in exact spot, due to the utility district. Due to the 30 ft easement the sign would need to move an additional 30 feet to the east. If possible once the house is gone and the overpass is complete, move the sign within 100 feet of where it is currently. Either to the south or north for the best visibility. Sign has been there for approximately a year, and we have had no comments made negatively. Mr. Zell asked about verbiage changes. Mr. Thomas stated the exit number would be adjusted but same layout. Would be for only Beck's use.

Chairman Bockoski stated the question he had, would it be only for Beck's, and you answered it. Mr. Thomas stated he could say 150% it would only be for Beck's use. Been around since 1937, third largest brand in US, has grown to 15 states and have close to 1000 employees, 350 approximately that work daily at Beck's in Arcadia. Chairman Bockoski stated he would like to see the stipulation in the motion that it stay with Beck's and if something happened, it would not be allowed to go to someone else without coming before the Board.

**Mr. Massonne made the motion to open the public hearing. Mr. Zell second. All present in favor.
No public comment.**

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

Chairman Bockoski asked if further question or discussion by Board members. Mr. Berry asked about conditions. Brief discussion ensued.

Mr. Massonne made the motion to approve BZA-0824-41-AG with the condition that the sign stays with the owner, Beck's Hybrids for their exclusive use. Mr. Zell seconded the motion.

Mr. Zell-approve, Mr. Massonne-approve, Mr. Berry-approve, Mr. Bockoski-approve. 4-0.

Mr. Strong informed Mr. Thomas that the department would have a letter of commitment for someone to sign in the near future.

5. Plan Director's Report: Mr. Strong gave a summary of the Plan Director's report as follows: July 2024 permit revenue was \$7331 with YTD at \$32388 compared to July 2023 of \$8965/61765 creating a difference of -1634 for the month and -29377 for the year. Issued 27 permits with 17 being in town limits and no new homes, 10 in township with 1 new home. Estimated costs of projects to be \$1,790,211. Continued education by Mr. Zawadzki by attending the Stormwater Drain conference at Purdue University this month. Survey for Comprehensive Plan is available and QR codes are around town, please fill out the survey if you haven't already. Met with another engineering firm concerning the traffic study, very productive and felt concerns were heard.

Mr. Strong gave a brief update on a notification process that has been approved to move forward with by the Town Council. You are aware that when the packets come out, the agendas are posted online. Moving forward we will set up a list serve email system for anyone that is wanting to be added to the email system. When agendas are posted there will be a link to go to the Plan Department website to be able to see all the dockets and information that would be discussed. Members of the Boards felt this was great. Mr. Berry asked how they would get on the list. Mr. Strong answered will be on Plan Department website, town website, and utility department Facebook page. Expect word to get out and list to grow from initial postings. Mr. Berry asked if anyone could get on the list or just Cicero/Jackson Township. Mr. Strong stated anyone. Chairman Bockoski questioned the items included. Mr. Strong stated the entire packet, unless Mr. Culp states something cannot go out, but once items are given to the Board, they are considered open to the public so using the link will include everything. Chairman Bockoski expressed concern for impression that items were not public record until presented, also concern that once out more public may contact members for comment or discussion and the Board would have to decline to speak of the items. Very thrilled to be a part of this update to the process. Mr. Strong stated in the past anyone could come to the Plan Department and see anything that

was in a packet, this is just a step up from that. This is a starting point and will have to make adjustments, but this is our best shot to getting up and running quickly. Chairman Bockoski expressed appreciation for the Town Council looking forward and responding to public concern. Mr. Zell echoed sentiments of appreciation and listening to the public comments in recent meetings and thanked the PC and Town Council. Mr. Strong stated intent is to start in September barring any glitches. Appreciate any feedback to the process.

6. Chairman's Report: Chairman Bockoski thanked the members, looking forward to additional member next month as well as elections to fill the secretary spot.

7. Legal Counsel's Report: No report.

8. Board Member Comments: Mr. Massonne campaigning for Secretary position and announced his upcoming marriage on the 31st. Congratulations issued by all.

Mr. Berry expressed thoughts that at the end of the last meeting, Mr. Culp had done an excellent job explaining the role of the BZA. However, the people that needed to hear it were not present due to the latest. Also, the forms, how much detail is needed and how much time do we have. Mr. Strong stated the intent is your reasoning on the findings of fact for each category but would think a week maximum. This way summary can get done and out in time. Mr. Strong suggested it be asked of Mr. Culp at the next meeting.

Mr. Zell expressed concern for the Millersburg property with trucks/weeds etc. The efforts made by Mr. Taylor created improvement but certainly not done. Mr. Strong stated he knows Mr. Zawadzki has had communication with the property owner but not recently. Will pass along to Mr. Zawadzki the comments.

Mr. Zell expressed concern for the continued project on State Road 19 and an end date. Is there any recourse? Or any project where we haven't put an end date on the approvals. Another example is the open foundation on the west side of 19 to the north. Mr. Strong stated he will have conversation with Mr. Culp to see if there have been any changes to assist with this type of item. Discussion on part of the motion versus commitment by petitioner. Mr. Massonne questioned if can be added to the permit process. Mr. Strong stated there is another document being reviewed and coming to you for consideration. Mr. Massonne shared Marion county verbiage. Mr. Strong shared current ordinance guidelines and understand the concern is if they don't come back for additional permit but don't finish the project.

Discussion resumed on the timing of the Findings of Fact. Mr. Strong will communicate concerns to Mr. Culp.

9. Next Planned Board of Zoning Appeals Meeting: September 19th, 2024

10. Adjournment: **Mr. Massonne made a motion to adjourn the meeting. Mr. Zell second. All present in favor.**

Chairman: _____

Secretary: _____

Date: _____

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

AUG 20 REC'D

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TOWNSHIP
PLAN COMMISSIONCICERO / JACKSON TOWNSHIP
(BOARD OF ZONING AND APPEALS)

VARIANCE APPLICATION

OFFICE USE ONLY			
Variance Category		Docket #: BZA-0924-42-R3	
<input checked="" type="checkbox"/> Development Standards	<input type="checkbox"/> Special Exception	Date of Application: 8/20/24	
<input type="checkbox"/> Land Use	<input type="checkbox"/> Other	Date of Expiration:	
Variance Check List		Variance Fee: \$320.00	
<input type="checkbox"/> Adjoiner List	<input type="checkbox"/> Legal Notice Copy	Date of Hearing:	
<input type="checkbox"/> Certified Mail Receipts	<input type="checkbox"/> Property Sign	Date of Decision:	
<input type="checkbox"/> Additional Applications for Variances		<input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved
APPLICANT MUST COMPLETE THE FOLLOWING			
Property Owner: GARY S WATSON - SECOND BASE PROPERTIES LLC			
Property Address: 1300 BAYSWATER LN			
City: CICERO		State: IN	ZIP Code: 46034
Telephone: 765-749-7746		E-mail: GWATSON18@HOTMAIL.COM	
Fax:			
Project Address: 1300 BAYSWATER LN.		State: IN	ZIP Code: 46034
City: CICERO		Subdivision:	
Parcel: 279		Telephone:	
General Contractor: PICKETT HOMES & REMODEL LLC		Fax:	
Address:		Cell Phone: 317-557-7682	
City: ARCADIA	State: IN	ZIP Code: 46030	Email: ZEB.PICKETT@GMAIL.COM
Variance Request:			
Commitments/ Conditions Offered:			
Code Section Appealed:			

Cicero / Jackson Township
(Board of Zoning and Appeals)

Petitioners List of Findings

Scope of Project:

- Add additional living space to existing home for the purpose of making the great room / kitchen larger (additional 240 square feet)
- Add entry foyer for front entrance, with access on the front of the house - will face Bayswater. Main entrance currently faces East toward common area lot (additional 156 square feet)
- Add deck on the North side of the addition with steps to back yard and lake

Features of Project:

- Improve aesthetics of house from the street view
- Improve facia - to include updated stone siding
- Increase home value to enhance neighborhood value

Request to BZA Board:

Relief from impervious land ordinance to allow construction of project.

Submitted: Gary S Watson – Second Base Properties, LLC

August 17, 2024









VIEW FROM SOUTH EAST



VIEW FROM SOUTH



VIEW FROM EAST



FRONT PORCH
ENTRANCE
(FROM SOUTH)

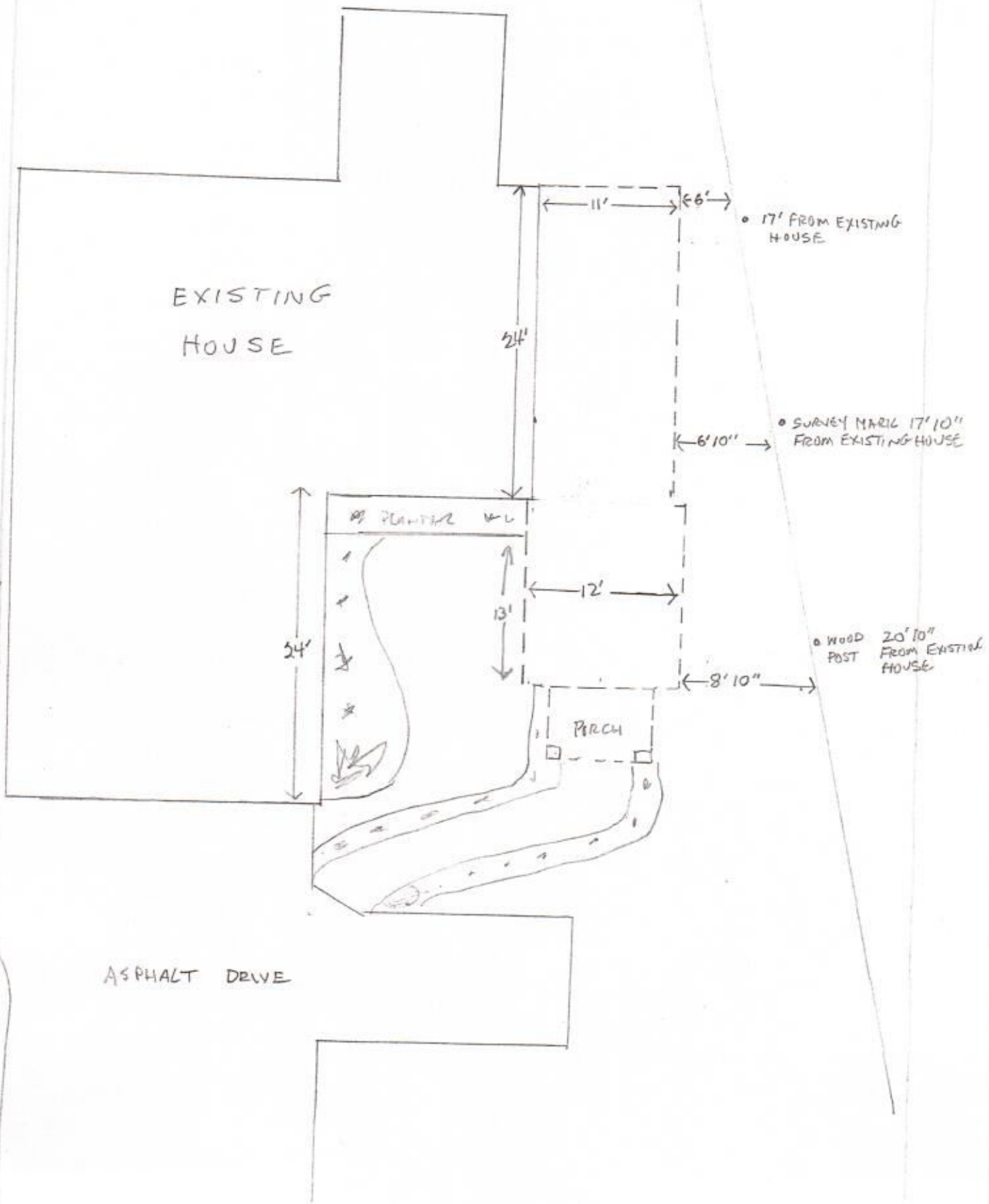
Three Rivers Gold Ledger Panel 6 in. x 24 in. Natural Slate Wall Tile (4 sq. ft. /case)



(56) Questions & Answers (45)



FACIA STONE SIDING - BAYSWATER ADDITION PROJECT



Docket #: BZA-0924-42-R3

Petitioner: Gary Watson

Cicero/Jackson Township Plan Director Staff Report

Docket No. BZA-0924-42-R3

Staff: Frank Zawadzki

Applicant: Gary Watson/Second Base Properties LLC

Property Size: .27 Acre

Current Zoning: R3

Location: Cicero

Background Summary: Petitioner has submitted a Development Standards Variance request to allow approximately 55% impervious surface area whereas Ordinance states that the maximum allowable is 45%. Petitioner would like to add a room to the home which will exceed the max allowable impervious surface.

Preliminary Staff Recommendations: Staff would not oppose approval.

Zoning Ordinance Considerations: The BZA should strive to protect this district from “spot zoning”, conflicting land uses that may inflict significant environmental impacts.

This is consistent with what has been done in the neighborhood previously.

District Intent: Residential, medium sized lots and homes.

Current Property Information:

Land Use: residential

Site Features: Lakefront parcel listed as .27 acres.

Vehicle Access: Yes

Planning Considerations:

The following general site considerations, planning concepts, and other facts should be considered in the BZA decision making process:

I don't see this as a significant impact on drainage to the area. No easements affected.

Findings of Facts/Decision Criteria:

The Board of Zoning Appeals may approve or deny variances from the land use standards of the Cicero/Jackson Township Zoning Ordinance. The Board may impose written commitments and/or conditions as part of an approval.

The proposal is an upgrade to the area, I don't see any immediate concerns regarding value of neighboring properties or injurious to the community.



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Director's Report

August 2024

Permit Revenue: August 2024 = \$8,394, YTD: \$40,782

August 2023 = \$5,135 YTD: \$66,900

Difference: Month = +\$3,259 YTD: -\$26,118

We have issued a total of 22 building permits for August of 2024.

16 have been within the corporate limits (of which 4 have been new homes).

We have issued 6 in Jackson Township (of which, 0 has been for a new home).

Estimated Cost of projects permitted \$2,152,535.

Please feel free to email, call or stop by the office anytime.

At your service!

Frank Zawadzki