



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

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. Schruppf-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. Schruppf-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 Orahood 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 reclus himself from this set of dockets.

Roger Disher 1212 W. 500 South Marion, IN. Chairman Bockoski informed petitioner since Mr. Massonne reclused 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