



## CICERO/JACKSON TOWNSHIP PLAN COMMISSION

### Board of Zoning Appeals Minutes

Red Bridge Park

25 Red Bridge Park/697 W Jackson Street

Cicero, IN 46034

December 19<sup>th</sup>, 2024

**7:00 p.m.**

### **Roll Call of Members**

Present:

- ☐ Scott Bockoski - Chairman
- ☐ Mike Berry
- ☐ Harrison Massonne
- ☐ Mark Thomas
- ☐ 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.

2. Approval of Minutes

**Mr. Zell made motion to approve minutes from November 21<sup>st</sup>, 2024 meeting as submitted. Mr. Massonne second. All present in favor.**

3. Old Business:

Chairman Bockoski stated Old Business is the approval of Findings of Fact from November 21, 2024, meeting.

**Mr. Zell made motion to approve Findings of Facts from November meeting. Mr. Berry second. All present in favor.**

4. New Business:

Petitioner: McClures

Property Address: 23576 Englewood Drive, Cicero, IN 46034

Docket: BZA-1224-52-C1

A Development Standards Variance application has been submitted regarding the property located at 23576 Englewood Road, Cicero to: Allow an electronic pole sign 150 feet tall: Whereas Article 10.7 Commercial Sign Standards states that pole signs and electronic signs are prohibited.

Roger Ditslear 1212 West 500 So. Marion Indiana, representing McClure Oil. Previously approved for fuel station on this site as well as a 60-foot sign. Shared pictures for reference of what a 60-foot sign looks like from 300 feet away.

Thought we would be able to see the sign in time to make exit at 60-foot level. Pictures shown with blimp positioned at 150 feet. This determined at a 60-foot level, there would be no visibility of the sign, building would be blocking down 31. Asking for change to be able to give motoring public time to make a decision to safely exit. There is a fuel desert in this

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area, especially as the 221<sup>st</sup> location is closed. Video/pictures shown both going north and south on US31. Removing trees from adjacent property is the only other option to improve visibility. I do not want to remove trees. Did not ask for the higher sign in beginning because we typically do not need that high, as well as cost of sign is triple.

Mr. Zell stated we look at US31 as interstate or limited access highway and there are typically signs to indicate approaching exit with gas, restaurants, so there is not a total reliance upon the sign. Are there other signs that the motoring public would see? Mr. Ditslear stated the only other sign would be a highway sign, INDOT informational signs and that has not been proposed, do not know if we can get one. Mr. Zell stated shouldn't that be tried, that is a fallback. Mr. Ditslear stated yes we will but more signs the better. There are billboards for us to get as an example. That would be the only way to get motorists to know where we are. Mr. Zell stated the trees to the north, and questioned what you are saying it is too expensive to remove. Mr. Ditslear stated no, do not want to disturb the environment any more than necessary. Mr. Zell questioned the photos used in Logansport. Mr. Ditslear explained that the area is flatter and has no trees. Mr. Berry questioned the sign at the current location, has it been a problem. Mr. Ditslear stated that sign is right on US31, which this one would be quite a way off the road. Accidents have occurred with motorists making quick decisions to enter the facility. Mr. Berry questioned why this sign would not be closer to the highway. Mr. Ditslear stated it is not our property. Mr. Berry questioned how the balloon compares in size to the 200 square foot sign. Mr. Ditslear stated it was 9 foot tall and 12 feet long. Mr. Ditslear compared to the Mc Clure logo on the Logansport pictures. Mr. Thomas clarified that the location is the southern westernmost edge of the property. Mr. Ditslear explained that while they have 17 acres they are not planning on using 10 acres but leasing or selling in the future. Mr. Zell questioned if not approved tonight would you do the 60-foot sign. Mr. Ditslear stated yes we would have to, and plan b would be to approach the property owner to remove all the trees. We have approached the property owners but do not have a deal, and while would be cheaper would not like to ruffle feathers. Mr. Berry questioned size of signs and expenses. Mr. Ditslear explained differences of footers and steel diameters to be able to take the wind. Do have other signs in the company that are this size. Mr. Massonne questioned the blimp positioning. Mr. Ditslear explained he went down a mile down the road in either direction. The pictures show the first spot the ballon/blimp could be seen. Mr. Massonne questioned how long it took to slow down or stop a semi. Mr. Ditslear stated 300-600 feet to stop, if going the speed limit would have plenty of time at this point. Monitor was used to describe southbound as well. Concerns are trees and the distance where the sign can be placed. Mr. Massonne expressed his concerns, looking at semi planning exits for fuel, car experiences at the other locations, and concern for safety. Mr. Massonne expressed concern for property values if looking at a sign 150 feet in the air. Mr. Ditslear explained that the house across the street, if sitting on their porch, the 60-foot sign would be visible in their sightlines. At 150-foot height it would not be seen, unless looking for it. Mr. Massonne expressed concern for visibility from 246<sup>th</sup> and Anthony. Mr. Ditslear stated they would not see the sign.

Adding as far property values, we would be adding to property values extremely high. Desire for the other parcel is there. We are in a lot of communities; we do not have issues with our neighbors. Mr. Massonne expressed desire for neighbors and community to be respected. Chairman Bockoski expressed concerns in his travels not seeing this type of height in the signs other than McDonald's in Westfield/Carmel. Torn because there seems to be an alternative. We don't allow this type of sign, business doesn't strike you in that area, should McClure's doesn't make it we are left with a giant cement pad with no tenant because people didn't know you were there. These are things being weighed. Mr. Ditslear stated as far as not making it, we have 37 other locations, have 40 years of experience, never built that didn't succeed. Don't spend 8 million dollars a site, if you haven't done the research to know you will be a success. This piece of property has been researched for over two years, we know because of the location down the street, failure is less than 5%. We know the numbers, the traffic counts, know what is being done with the highway will only increase success of the fuel centers that are left because of the limitations. Chairman Bockoski questioned his thoughts on the highway (INDOT) signs. Do you think it is going to happen? Mr. Ditslear stated they want them; we hope and will ask for it. Chairman Bockoski asked Mr. Zawadski to put on monitor an overhead view. Mr. Ditslear stated it is not closer to the





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highway, there is a bit of a jog, but still a way from highway. Monitor used for discussion on this location and blimp pictures. Discussion ensued on the southwestern most corner of the entire property, and the southbound impact. Mr. Thomas asked out of the 37 other locations how many are a mile or two off the interstate and how do they advertise those locations. Mr. Ditslear stated we are either right off the interstate or we are in a community. Lebanon-sign is right on 65, Marion is right on 69, we are on the INDOT signs on those highways. Mr. Thomas asked if INDOT contact has said they would be doing the signs. Mr. Ditslear stated we do not know. Mr. Berry asked if the actual sign has changed. Mr. Ditslear stated it is the same square footage of the sign, 649. Lighting is the same, all internally lit, the same except for the height.

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

Chairman Bockoski invited public to address the Board, state name and address for the record.

Public asked for aerial layout to be put on the monitors.

Steven Chance 3161 E. 246<sup>th</sup>. Perspective is wrong, sitting in a car will see the trees, tractor driver will plan their route. Understand the four wheelers. DOT lights that are 100-110 feet high are visible. Asked the Board to take a minute and review the lights, take a drive to see how high this would be. Appreciate the Boards questions, the fact of no signage to 465 until you get to McClure's. First thing you will see will be a 150-foot sign northbound. Variance was given for 60 feet, also shared progress coming and trees will come down. Cell tower near area used a range finder, is 240 feet with angle, the light from it can be seen for 2-3 miles. This is a stretch for the community. Property values comment do not think a truck stop is going to raise property values. Comments around the environment have approved the truck stop, 60 parking spots, run the engines and the environmental impact on pollution possibly not considered. Concern for current lights at McClure station blinding drivers. Concern for where the next sign is, the next one, how saying no to them. Does Speedway/Burger King get a sign? Do not feel a safety issue as discussed.

Betty Jo Wills 24051 Twilight Hills, 241<sup>st</sup> area, see the light from the INDOT lights. See it through the trees at 109 feet, what will be seen at 150 feet with red, yellow, green. Express opposition to the sign. My understanding of the variances is when there is an undue hardship a variance is requested and considered. Indiana code states undue hardship. Signs at every exit telling me what will be coming up. There is no question there will be the blue signs at every exit. Not sure why stating can't get a billboard, driving 31, there are billboards all along 31. Asking what is the hardship? Asking what the undue hardship would be? Suggest taking a drive. Technology helps any driver, and there will be blue signs. Appreciate the questions from the Board, very well thought out.

Shelby Wills 24051 Twilight Hills, comment made upset me. He commented we have never failed. Just because you haven't doesn't mean you won't. Too many things are at risk. With technology, signs, billboards you won't be missed. If concerned, take a page from Buckee's marketing plan. Driving I'm looking at GPS not looking at large signs. Concern for backyard view-want to see stars and birds not a 150-foot sign doesn't fit that image.

Mr. Rockwell 17970 Way. Opposition is light pollution. Neighbors will be impacted, health concerns listed. There are other ways for people to know they are located there, technology everywhere. Are there any other businesses in Cicero/Jackson Township that have 150-foot-tall electronic signs? A variance was granted for 60-foot sign and 11 other variances in June, no other variances should be granted. Perspective given that father's property is five miles from Highway 28 and when you pull out of drive you can see the Love's truck stop sign. Information given to Board for the record.





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Sandy Strand 21911 Flippins Road, Cicero. Agree with comments about alternative ways for signage. Petitioner stated concerned about environment if removing trees, more concerned about light pollution. Not only from this sign but as pointed out others are interested in developing area. Will be hard to deny others if this variance is granted. Extended family has owned 190 farm a quarter of mile east of this location since 1962. Currently board horses for people that live in Carmel, Westfield, Fishers and Indy. There is not another area that can offer services like we do; appeal is the night sky. Also, by people that enjoy astronomy. Do not want to be another Carmel. Appreciate about concerns for protecting our community.

Kimberely Chance 3161 E. 246<sup>th</sup> St. Live approximately a mile from this location. Agree with many things already said. This community is unfortunate that we have had to deal with a lot of things coming toward us. Whether Lennar or the transfer station or McClure's. There is a sense of exhaustion from the residents. I appreciate the questions asked by the Board to the petitioner. I want to address that this petitioner has already been granted 12 variances. I know that the BZA attempts to be fair to the petitioners. Ask that the community that surrounds also receives some consideration. Husband asked about property values. Neighbor recently sold property. Values are quite high as people have what we have. Not in the middle of a construction zone, night sky visible, not a town. Know that area along 31 will be developed in time. Recognize that each decision has an impact on property values. We all believe it will have a negative impact. This sign will be on 24/7.

Mr. Zawadzki added letters to the record. *Will be added to the file. Letters summarized by recorder.*

Dan Conger 2842 E. 236<sup>th</sup> Cicero, Opposed. Eyesore, using the water tower as reference, will be visible from Cicero.

Jerry Dunbar 2840 E. 236<sup>th</sup> Cicero- Opposed. Concern for what the truck stop brings to area, potential for crime, adding height will only increase concern. Billboards will be more impactful to travelers. Already 11 variances granted. Thanked the Board for the job.

Carol Sanquetti 3250 E. 236<sup>th</sup> Opposed. Already granted 60-foot sign variance, there is no reason for the sign. Previously Speedway was at the intersection and did not have a high-rise sign and was always busy. Most moved to rural area because of the desire to not be in town or city, while development will impact, make decisions that will have a positive impact on the area. Rumors of other residential developments will they want 150-foot sign? Once there is one sign, then others will want them ruining the rural environment. Other fuel stations along US 31, none of which have 150-foot signs.

Michael Scherer Opposed for several reasons. Beneficial amenities do not locate near truck stops. No commitment from county to improve 236<sup>th</sup> for truck traffic. Concern for safety with increased traffic, concern for 236<sup>th</sup> becoming a primary truck route impacting downtown Cicero negatively. Expressed concern for previous BZA form completion and definition of hardship. Concern for overnight parking potential based on other location. Adverse effects of truck stop per article, such as noise and light pollution, property value impact. Impact of bad decision (previous approvals) will be highlighted with a 150-foot sign labeling as a truck stop. Recommended members take following actions prior to approvals: visit truck stops and see surrounding properties, analyze crime at these truck stops, review light pollution, where is the hardship. Does not fill any hardship based on current location, billboard signage available, online marketing options, no economic hardship for McClure's.

Mr. Zawadzki stated no more letters to submit for record.





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**Mr. Massonne made motion to close public comment for this docket. Mr. Thomas second. All present in favor.**

Chairman Bockoski stated he wanted to clarify a couple items. For a Development Standards we are not talking about hardship. We are discussing practical difficulty. That is the difficulty in regard to the ability to improve land stemming from regulations of this ordinance. A practical difficulty is where the situation is that the owner can comply with the ordinance but would like variance from the development standards to improve the practical manner. While similar they are not the same. Other item is billboards, clarification from Mr. Zawadzki needed. Do not believe billboards are allowed at all currently even along US31. Mr. Zawadzki stated that was correct. So, if McClure's wanted a billboard they would have to apply for a variance. Mr. Zawadzki stated that is correct. Mr. Zell it isn't that we haven't heard a variance on a billboard, but that they are reviewed on a case-by-case basis.

Chairman Bockoski asked for the Board to consider the vision for the future and the gateway to the community which as shifted to US 31. Mr. Massonne asked Mr. Culp a question, if this was approved tonight, and another variance was requested for another 150-foot sign would it have to be approved. Mr. Zawadzki stated he could answer that the Board is under no obligation to approve another sign, each variance is reviewed on a case-by-case basis. Chairman Bockoski if this would be denied tonight, they could come back in a year to reapply for the same or similar petition. Mr. Zawadzki stated per BZA rules and procedures, they have to wait one year to re-petition the board. Mr. Zell stated that while we don't know what the area will look like we do expect it to be developed, and lighting will be added as businesses are added. Mr. Zell stated the other thing that impacted him tonight is the emphasis on technology. Signage is old school in many cases, right kind could work like the IDOT signage. Mr. Zell expressed concern for light pollution, and expressed his opinion that did not see a positive impact to property values, does not see a negative one either. Variance is not common for this board's review. Feels this is overkill, there are other alternatives.

Chairman Bockoski asked if further questions from the Board. Mr. Ditslear asked to speak. Chairman Bockoski granted.

Roger Ditslear representing McClure Oil 1212 W. 500 South, Marion IN. Addressed comment regarding 60 parking spots, this location will have 16 and do not allow overnight parking at any of our locations. Follow the rules as far as lighting, adequate but not overdone. Light pollution-height of the light on the ramp at 110, our site is 20-feet below that. Will be close to the lights from INDOT, far exceeds light on the ground as this is designed to be seen but not adding light to the ground. Number of trees would be 30-40 trees on other properties. Billboard would have more light pollution as it would only be 30-40 feet in the air. Technology world but hope they are not paying more attention to GPS than the road. Gas stations on the highways and interstates have a high-rise sign. INDOT signs are very good, but we don't have one, it is not proposed so we don't know if we will have one. Chairman Bockoski questioned if a billboard was to be used would it be on the property. Mr. Ditslear stated no, it would be miles ahead, larger than our sign, and have more light pollution. On someone else's property we would have to buy or rent and petition to have one.

Chairman Bockoski addressed the Board for any stipulations for a motion. Mr. Massonne addressed variance with the property owner, or petitioner.

**Mr. Massonne made motion to approve BZA-1224-52-C1 with condition that approval stays with current petitioner. Mr. Zell second.**

**Mr. Bockoski-no, Mr. Berry-no, Mr. Massonne-no, Mr. Thomas-no, Mr. Zell-no Motion denied.**

Chairman Bockoski addressed petitioner that the request is denied, would listen in a year if determined sign wasn't needed or a different height. Thanked for going through the process.





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Mr. Culp addressed the public to explain that there is a difference in Indiana law between a Land Use Variance and a Development Standards Variance. Land Use requires a hardship, Development Standards but this is practical difficulty. In response to question, Mr. Culp shared the Indiana Codes referring to the variances: IC 36-7-4-918.4 and IC 36-7-4-918.5. Also explained the Findings of Fact indicated the Practical Difficulty category.

Petitioner: Jai & Robyn Cook

Property Address: 8989 E 256<sup>th</sup> Street, Arcadia, IN 46034

Docket: BZA-1224-53-AG

A Development Standards Variance application has been submitted regarding the property located at 8989 E 256<sup>th</sup> St, Arcadia IN to: Allow a fence to be 6 feet tall in the front yard: Whereas Article 7.21 Fence and Wall Standards (FN) states that a fence shall not be greater than three (3) feet in height in the front yard.

Jai Cook 8989 E 256<sup>th</sup> Street, Arcadia and Robyn Cook same address. I want to fence entire yard in black chain link fence. I would like to go six feet due to dogs. Bigger concern is coyotes in the area, other dogs in yard and recently delivery drivers using drive as a turnaround. Front yard is larger than back. Pictures used to indicate where fence would be. Fence planned for 15-20 feet behind the tree line at the road. Pine trees on the front and the west side. Mr. Berry asked for clarification using the monitor. Mr. Cook explained surrounding the entire property, 25-30 feet back. Gate to drive, solar powered. Black powder coat to help disguise. Biggest issue of concern is the coyotes. Mr. Berry asked if consideration was given to only a section of the yard for the dogs and not the whole yard. Mr. Cook answered yes, but the type of dogs need the activity, and other neighbors' dogs in the yard are a concern. Mrs. Cook added that they have a garden to protect as well. Mr. Berry expressed that the whole yard with black chain link is not aesthetically pleasing to him. Mr. Cook explained that the reason for the whole yard is the variety of reasons for a fence at all. Mr. Thomas commented on neighbors not being present. Mrs. Cook shared she had conversation with them, they said good luck.

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

No public to speak. Mr. Zawadzki has no items to read in.

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

Chairman Bockoski stated he is concerned like Mr. Berry for the entire yard to be that high. Yet there is no public opposition. Mr. Berry shared his situation with aluminum fencing versus looking like a compound. Mr. Zell questioned what is in the best interest of the animals. Mrs. Cook commented earlier on landscaping to soften. No plan presented. Mr. Thomas questioned if the trees to the west were staying. Mrs. Cook stated yes. Mr. Thomas suggested if shrubs were added to the east side of the drive a big chunk of the fence would be hidden. Mr. Thomas also added 256<sup>th</sup> dead ends after the property. Mr. Zell stated could add as a condition, to add landscaping. Discussion ensued on compliance. Mrs. Cook shared other pictures, adding hydrangea bushes to the area.

**Mr. Massonne made motion to approve BZA-1224-53-AG with the condition that a landscaping plan be presented to Mr. Zawadzki verification and for approval. Mr. Zell second.**

**Mr. Zell-approve, Mr. Thomas-approve, Mr. Berry-approve, Mr. Bockoski-approve, Mr. Zell-approve Passed 5-0**

5. Plan Director's Report: Mr. Zawadzki summarized report from packet as follows. Month of November 2024 permit revenue of \$5491 bringing YTD to \$58361. Compared to 2023 for month \$6614 and YTD 2023 \$91579. Difference of decrease \$1123 for month and decrease of \$33218 for year. Building permits issued for the month were 26, 14 in town limits, and 0 new homes. Additionally, 12 in Township with 0 new homes. Estimated cost of projects is \$960,013. Completed additional MS4 training this month.



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Board members recognized Mr. Zawadzki for continuing training and certifications.

6. Chairperson's Report: Chairman Bockoski thanked the Board for their due diligence this evening.
7. Legal Counsel's Report: Mr. Culp shared that can access the zoning ordinance if you go to the Town of Cicero page under the Cicero/Jackson Township Plan Commission. Can find the Practical difficulty definition on page 198, Hardship on page 192. If you go to page 167 it sets forth the requirements for a standards variance request.

Mr. Zell asked Mr. Culp water status. Mr. Culp stated the test well process continues. It takes a while for the information to be gathered. There are three sites and others being discussed. Sewer project is moving along and there are no issues. Also, Town of Sheridan and Adams Township will become one entity on January 1.

Initially they will go through the County during the transition while they write their own ordinances. Mr. Berry asked if someone wants to video this meeting do they need permission. Mr. Culp stated this is a public meeting so as long as they do not disrupt the meeting they can record. As of July 1, we will broadcast live, being set up to make this happen from Town Hall.

8. Board Member Comments: No further comments.
9. Next Planned Board of Zoning Appeals Meeting:  
January 9<sup>th</sup>, 2025

10. Adjournment:

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

**Chairman:**

*[Signature]*

**Secretary:**

*[Signature]*

**Date:**

*2/20/25*

Location:

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