



## CICERO/JACKSON TOWNSHIP PLAN COMMISSION

### Board of Zoning Appeals Minutes

February 20<sup>th</sup>, 2025

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 with all members present.

Mr. Zell suggested this time to amend the agenda to include election of officers for 2025.

**Chairman Bockoski made motion to amend agenda to allow for election of officers for 2025. Mr. Massonne second. All present in favor.**

Mr. Zell indicated starting with Chairman the need for nominations.

**Mr. Berry nominated Mr. Bockoski for Chairman for 2025. Mr. Thomas second. All present in favor.**

Mr. Zell indicated the need for Vice-Chairman nominations.

**Mr. Zell nominated Mr. Berry for Vice-Chairman for 2025. Mr. Massonne second. All present in favor.**

**Mr. Zell nominated Mr. Massonne for Secretary for 2025. Mr. Thomas second. All present in favor.**

2. **Approval of Minutes**

Mr. Zell made motion to approve Minutes from December 19<sup>th</sup>, 2024, as presented. Mr. Berry seconded. All present in favor.

3. **Old Business**: No old business.

4. **New Business**:

**Docket No:** BZA-0225-04-DC

**Petitioner:** Stellhorn Cicero, LLC

**Property Address:** 109 W Jackson Street, Cicero, IN 46034

A Development Standards Variance Application has been submitted concerning Article 10 of the Cicero/Jackson Township Zoning Ordinance – Permanent Projecting Sign Standards in order to: allow a projecting sign taller than fifteen (15) feet; to allow two (2) projecting signs and to allow a projecting sign to protrude more than eighteen (18) inches from the wall it is attached. Whereas Article 10 states that a projecting sign shall not be taller than fifteen (15) feet; that the maximum quantity shall be one (1) per tenant and shall not protrude more than eighteen (18) inches from the wall it is attached.

J.R. Frieburger 109 W. Jackson is business, residence is 4020 E. 236<sup>th</sup> Cicero. Received variance first time and while the sign didn't work. This revision is where we landed. Raised it up, cosmetically, where we think it would work. Chairman Bockoski asked if any questions from the Board. Mr. Zell stated from what he sees he feels it fits the area and is tastefully done. Mr. Massonne stated he was not a fan of the one on Jackson St. this one is better. Chairman Bockoski added that





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this could be considered a corner lot, so do not see issue with the second sign on the other street. Mr. Freiburger front door will be on Byron St. Mr. Berry asked if it was illuminated. Mr. Freiburger stated yes, self-illuminated. Front has canned lights in canopy. Mr. Berry questioned when closed would the signs be off. Mr. Freiburger stated would go off after hours. Mr. Zell questioned Mr. Zawadzki if had been to Plan Commission. Mr. Zawadzki stated PC had approved the aesthetics of the sign. Mr. Thomas questioned the sign on the front door, is it affixed to the building. Mr. Freiburger stated yes would not swing back and forth.

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

Chairman Bockoski stated the BZA is a quasi-judicial branch of the local government. The Board will be discussing items listed on the docket and issues or stipulations to consider for each item on the docket. All comments or questions should be addressed to the Board and its members as opposed to others. Attendants must sign in to speak. Each attendant must state their name and address each time to the podium, each person is limited to three minutes. Each item on the docket typically has a portion set aside for the public hearing, if a person wishing to speak it is not necessary to restate those points in their entirety. Simply agree with the other person's comments and move on in the interest of time. Reminding everyone our motions are made in the affirmative, it doesn't mean the vote will be affirmative, but motion will be.

Chairman Bockoski asked if anyone here to speak for this particular docket to step forward.

No public comment.

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

No other board member comments. Chairman Bockoski noted that stipulations appeared to be covered by Plan Commission.

**Mr. Zell made motion to approve BZA-0225-04-DC as presented with condition of lighting being programmed for night brightness, to be monitored by Mr. Zawadzki. Mr. Massonne second.**

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

**Docket No: BZA-0225-05-AG**

**Petitioner:** Eric & Alicia Robinson

**Property Address:** 23320 Cammack Road, Cicero, IN 46034

A Development Standards Application has been submitted regarding the property located at 23320 Cammack Road, Cicero, IN 46034 to: allow a twenty-one (21) foot side yard setback. Whereas Article 3.2 of the Cicero/Jackson Township Zoning Ordinance requires a thirty-five (35) foot side yard setback for a secondary structure in the "AG" district.

**Docket No: BZA-0225-06-AG**

**Petitioner:** Eric & Alicia Robinson

**Property Address:** 23320 Cammack Road, Cicero, IN 46034

A Development Standards Application has been submitted regarding the property located at 23320 Cammack Road, Cicero, IN 46034 to: Allow an accessory structure to be twenty-four feet (24) eight (8) inches in height. Whereas Article 3.2 of the Cicero/Jackson Township Zoning Ordinance limits the height of an accessory structure to twenty-two (22) feet in the "AG" district.

Chairman Bockoski stated will discuss together but vote on separately.

Eric and Alicia Robinson 23320 Cammack Road, Cicero. I have applied for variance to allow to have a barn. This is to house camper and potentially a larger camper. Also helps to keep the yard tidy by having storage room, as well as cars for teen children. Mr. Robinson stated the height overage was 2 feet 8 inches. Chairman Bockoski verified that there is another accessory structure that would be removed. Mr. Robinson stated there is a small barn a woodshed that would be removed in the spring. This would not be attaching to that, it would be attaching to the current barn. To get the tie-in with the existing structure we have to do the side walls getting us to the height. Chairman Bockoski verified the drainage board has signed off.





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Mr. Robinson stated yes and was in your packet. Chairman Bockoski restated that this would be attached to the existing barn. Mr. Robinson stated yes, told we needed 20-foot-side walls, other designs did not work. Chairman Bockoski questioned why not on the other side, due to septic? Mr. Robinson stated no, backing into the existing structure requires a turn, a larger RV would have to go between the house and barn at a turn. Septic is in northeast corner of property. Mr. Berry questioned what utilities would be in structure. Mr. Robinson stated lighting possibly in future, cold storage, concrete slab, no insulation at this point. Chairman Bockoski verified no business out of structure. Mr. Robinson stated no.

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

No public comment.

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

Chairman Bockoski asked if any stipulations for this docket.

**Mr. Massonne made motion to approve BZA-0225-05-AG as presented. Mr. Zell second.**

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

**Mr. Thomas made motion to approve BZA-0225-06-AG as presented. Mr. Berry second.**

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

**Docket No: BZA-0225-07-R1**

**Petitioner:** Ben & Carrie VanAlstine

**Property Address:** 87 Cedar Lane, Cicero, IN 46034

A Development Standards Variance application has been submitted for 87 Cedar Lane, Cicero IN, 46034 regarding Article 7.5 of the Cicero Jackson Township Zoning Ordinance to: allow an accessory structure to extend in front of the primary structure. Whereas Article 7.5 Accessory Structures (AS-02) of the Cicero Jackson Township Zoning Ordinance states that an accessory structure shall only be to the side or rear of the primary structure.

Ian Heuer 121 Peru Street Cicero. Addressed site information using monitors. Working with VanAlstine to build a home, have powerlines going through property at 87 Cedar Lane. Not a ton of buildable area, after positioning house, realized the structure is on a part of the bank that is compromised. Asking for 15 feet to pull structure forward. Building will be consistent with existing structure.

Carrie VanAlstine 1060 Cape Coral Dr. Currently on north end of lake and wanting to move to the Forest Bay area. Nature of the land do not have a garage, need boat storage, tractor storage.

Chairman Bockoski questioned 10 feet in the front of house. Can not see from street. Chairman Bockoski verified able to comply to ordinance requirements for materials.

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

Mr. Zawadzki read letter of support Steven Hailey 4 Cedar Lane Cicero. *(letter added to file)*

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

No further Board questions.

**Mr. Massonne made motion to approve BZA-0225-07-R1 as presented. Mr. Zell second.**

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

**Docket No: BZA-0225-08-AG**

**Petitioner:** Christopher & Catherine Lammer

**Property Address:** 2860 E 266<sup>th</sup> Street/3124 E 266<sup>th</sup> Street, Arcadia, IN 46030

A Land Use Variance application has been submitted regarding the property located at 2860 and 3124 East 266<sup>th</sup> Street, Arcadia IN, 46034 to allow an Agritourism Ranch and Winery with retail sales and outdoor seating in the "AG" district. Whereas: Article 3.1 of the Cicero/Jackson Township Zoning Ordinance does not list Agritourism Ranch and Winery with retail sales and outdoor seating as a Permitted Use or a Special Exception Use in the "AG" district.





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Kevin Buchheit, Attorney 12800 N. Meridan St. Carmel, IN representing Chris and Cathy Lammer 16299 Seminole Road, Noblesville. Mr. Buchheit started with handouts, 118 different emails received in support of projects, and letters from Dr. Gabriel Small with Animal health and Speaker Huston. All items are in support. Mr. Buchheit went through the packet of information starting with a description of the property, 23.5 acres, indicating GIS location. Project includes educational perspective of wooly yaks as well as locally produced wines. Mr. Buchheit continued by explaining Agritourism is not listed as a special use in the ordinances therefore variances are required. Benefits to Agritourism were shared. Hamilton County supports Agritourism and closeness to 236<sup>th</sup> is benefit. Page six explains this is a working farm with Agritourism potential, very personal to the family. Farm type animals would be yaks, sheep and other small animals. Fibers from animals as well as trees that bear fruit would be produced. Potential of case studies for educational purposes. Workshops as well such as canvas and wine. Expect 6-8 employees, and opportunities for special needs individuals. Days of operations would be closed to public but available for tours, Wed-Thurs 8am-9pm, Fri-Saturday 9-10pm. Friday and Saturdays would offer music offerings, stage would be oriented away from existing residences and would abide by noise ordinances of Hamilton County. Sunday hours would be 9-9pm with acoustic music offerings. All the hours would be maximum hours. Tab 5-site and building graphs were shared, including area closed to wine. Building diagrams have not changed from last year's presentation with the tasting room. Emphasis on the hour's changes, music changes, lighting changes from last year's presentation. Findings of Fact and business plan shared. Emphasis on Agritourism, ag area, and the zoning doesn't allow an area for Agritourism currently in the district. Comparison to Comp Plan was highlighted. Anyone wanting to provide Agritourism opportunities would have to seek a Land Use variance.

Mr. Berry stated he had questions. Is the wine to be made on the property for the tastings? Mr. Buchheit stated eventually yes. Mr. Berry assume would follow state regulations for making and bottling wine. Mr. Buchheit stated yes. Mr. Berry asked what happens to the animals at night, where do they go.

Christopher Lammer 16299 Seminole Road, Noblesville. They are barns on site, due west of the pond, currently there they are at another site. Don't typically require to be in a building each night. Mr. Berry asked if there was a caretaker at night. Mr. Lammer stated yes there will be. Mr. Berry questioned 24/7. Mr. Lammer stated yes there will be. No one visits the property in Sheridan overnight. Mr. Berry questioned if an animal get ill what would be the plan, would they stay on site. Cathy Lammer 16299 Seminole Road, Noblesville, we utilize vet in Sheridan and would do what they advise. Mr. Berry stated he questioned due to chicken flu and is not familiar with yaks and what they are susceptible to. Mrs. Lammer stated it would be similar to cows.

Mr. Zell questioned how many yaks there are on this property. Mr. Lammer stated four for now. Mr. Zell questioned if he planned to grow that number. Mr. Lammer stated have a contact with animal science experts at Purdue, that our animal pasture on the east side, would be able to accommodate 10 yaks. Mrs. Lammer stated have area that could be fenced to grow. Mr. Lammer stated area fenced could grow to that and understand would need to come back if moved beyond that area. Mr. Zell asked for a summary of the major differences of what was presented now and the first time. Understand the music differences. Mr. Buchheit stated not much has changed but more detail in the presentation, such as the hours of operation and the music details.

Mr. Massonne questioned after skimming through emails, do you know how many are from this area. Mrs. Lammer stated about dozen. Mr. Massonne stated 5 with Cicero address and 3-5 with Arcadia/Atlanta out of 118. Mr. Zell stated a lot from Westfield. Mrs. Lammer stated but all from the county. Mr. Massonne emphasized that Cicero/Jackson Township Planning was separate from the County.

Mr. Zell questioned lighting since there were hours going into the nighttime, what major lighting has been planned. Mr. Lammer stated it would not be bright, security lighting, some that is dusk to dawn. Mr. Zell expressed concern for safety with a gravel lot, as well as light pollution to the neighbors. Mr. Berry stated about your hours, you indicated seasonally adjusted, will they be adjusted for any events. Specifically extended beyond stated hours. Mr. Lammer stated that they would not, the hours are maximum hours we would have. Mr. Thomas questioned amplification on Fri/Sat nights only. Mr. Lammer stated yes. Mr. Thomas questioned the one entrance/exit. Mr. Lammer stated yes. Mr. Thomas stated the future pasture you would remove the pecan grove. Mr. Lammer stated no, plan would be for a form of agroforestry where the property is utilized for dual purposes. For forestry and livestock. And no to goats when asked. Mr. Zell questioned the use of 266<sup>th</sup> for delivery purposes. Mr. Lammer stated don't believe there will be a lot, do not expect a lot of other sales





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beyond the wine, and it is limited to sales to Indiana rules. Expect deliveries twice a year. Mr. Zell stated you mentioned prepackaged food and beverages, promotional items which raised the question of traffic. Mr. Lammer stated he didn't feel there would be much sales outside of wine but hard to tell at this point. Mrs. Lammer stated local items from artisans such as honey which would not be coming in by truck.

Mr. Thomas stated the amount of hours make it seem like much higher volume than just a few trucks. Mrs. Lammer stated the wine is extremely expensive for shipping so would limit to two times a year. Also, limited on the amount of wine we can sell until we produce our own. Hours may be exaggerated because of being maximum. Mr. Lammer stated mostly farming hours. Hours discussed again as maximum and mainly summer.

Mr. Massonne questioned 266<sup>th</sup> and access. Mr. Thomas stated 266<sup>th</sup> is going to be an overpass and only access would be 236<sup>th</sup> and 276<sup>th</sup> from US31 to get location. Mr. Massonne stated in the application and the presentation has development in support of local planning efforts along the corridor. He didn't find where 266<sup>th</sup> was a development area. Mr. Buchheit indicated the thoroughfare plan. Mr. Culp answered talking about information from different sources of information. Mr. Zell felt the Board would have indication of development that was being planned and there is none. Mr. Massonne stated Comp Plan is very strategic and that would be a unique place for development.

Mr. Thomas asked on a typical Fri/Sat how many cars per day or evening for an event. Mr. Lammer stated parking lot would be about 50 cars. Mr. Zell asked if any statistics that would indicate in state of Indiana, what typical growth of that type of business (Agritourism) would have in 5-10 years. Mrs. Lammer the point of the property is not to be big exciting with toys for kids etc. but a place to relax and enjoy the countryside. Mr. Zell questioned as a business owner you might have some type of expectation for growth. Mrs. Lammer stated it is a for profit business, but not a get rich quick business. Do not plan on expanding the parking lot, want a serene environment. Mr. Lammer stated the orchards are a high priority and there is only so much space.

Mr. Massonne expressed that he was on the Board last time and while thinking a great idea, one of the things is the impact on the neighbors. Last time it was around the Eclipse and was detrimental to your petition. Want to hear from neighbors. Will you live on the land. Mrs. Lammer stated someone would reside there.

Chairman Bockoski asked for them to run through a special event, how would it go throughout the day. Mrs. Lammer stated she thought we would have an Easter Egg Hunt, one session for small kids, one for older kids for the community. Mr. Lammer state we also have one-one workshop. Approximately 20-25 people. Workshop and wine, arts and crafts etc.

Chairman Bockoski stated what about a music event. Mrs. Lammer stated live music on Fri/sat mostly, with exception of Mother's Day which would be acoustic. Music would stop half hour before closing. We will comply with ordinance.

Chairman Bockoski asked if bands would bring their own speakers. Mr. Lammer stated we would be looking to imitate what other area wineries do with music. Usually involves one or two individuals only with no amplification. We reworked to respect the concern for noise. Mr. Thomas questioned waiters and menus. Mrs. Lammer stated no.

Mr. Massonne stated we don't have this listed in our ordinances. Closest is the neighborhood commercial.

Discussion ensued on the Comp Plan (2015) page 44 and 47 both mentioned in discussion in trying to determine where the Plan would like to see tourism developed in Cicero. Page 80 discusses preserving Jackson Township. Mr. Massonne stated his opinion and interpretation of the is that a commercial business does not fit in the location based on the 2015 Comp Plan. Mrs. Lammer stated she feels this is an ag business not a tourist business in downtown Cicero, emphasis on if this business was placed downtown Cicero it would not be appropriate, but this location would. Mr. Buchheit stated this operation is a reflection of the agriculture history and culture of the township. This is a preservation of an agricultural operation that offers the opportunity for tourism, education and relaxation. Any one project is not going to hit all the marks of the Comprehensive Plan, but this hits most. Mr. Buchheit stated he appreciated the research that was done by Mr. Massonne.

Mr. Massonne questioned when the house was purchased. Mr. Lammer stated February 2024. Mrs. Lammer stated this concept is not new to us, it is done on our property in Sheridan. But it is just very expensive to build buildings on.

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

Chairman Bockoski stated anyone wanting to speak on this docket to step to the podium. Please state name and address for the record and limit to three minutes.





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Terri, Gordon and Jack Smith 1180 Coral Springs Cicero. Met Cathy and Chris through social group for support of children with disabilities. Difficult to find employment opportunities for family members especially in Northern Hamilton County. Hoping to take into consideration the employment opportunities and feel fits in the area, with the farm market and such.

Gordon Smith added Beck's has a museum, so this is not the first time you would have a business that is not related but designed to bring in tourists. This does fill a need that is not available in the area.

Dan Davis 2181 E 266<sup>th</sup> St. Three doors to the west of the property. Love the property here in support of the project. Mr. Davis addressed the light pollution but see Beck's lights every night, do not put animals in every night and don't see why they would need to do that either. It is still a farm. There are animals out in the area already, we all would help each other out. Would prefer to see this successful business than a Walmart, or dump in the industrial area behind me. Not concerned for the music.

Jim McKinna 3216 Elkhart W. Lafayette, IN In support. Knew the original owner of the property. Planted the trees on the property, professional tree leader. Private business now, helping people with the orchard. Pecan trees value is phenomenal. Utilized building without wine etc., for winter meeting/education.  
Xihynan Shi 424 E. Sullivan Ave, Indianapolis In support. Work for 501C3 in support of agroforestry in Midwest. This is a legitimate practice of agriculture. Example shared brought revenue to the community wanting to see the trees. Have had two other farmers contact using Woolly Yak as example of what they would want to do with trees.

Todd and Sherry Snow 872 River Bay Dr. Indianapolis also own business in Arcadia. Admire property as we drive along 266<sup>th</sup>. Share support of entrepreneurial spirit.  
Sherry Snow while we moved away from farm life however we enjoy going to the farm locations in the area that are available for learning opportunities. Fully support.

Kimberely Chance 3116 E. 246<sup>th</sup> about two miles south of project. While have met Chris and Cathy and toured the property, love the animals, love the property. However this Board needs to consider the community they serve, which is Jackson Township. Concern is not with the animals, trees, the biggest concern is the music. Deer Creek is an example of what the noise ordinance allows. Comprehensive Plan is scheduled for public hearing and have looked at agritourism and everyone's desires. Back to the hardship issue indicated with McClures just because not listed doesn't mean it should be approved.

Amanda Egler 5228 E 225<sup>th</sup> St. Noblesville, this is Jackson Township. Farm directly around this property. Pro agritourism, pro farming, NOT for live music every Friday and Saturday nights in the country. Need to look at looking closely at agritourism and the 2015 Comp Plan. Discourage spot zoning. Does not see anything changed from last April, no large concerns, variance was denied yet still building brand online. Get framework in place then come back once agritourism has been addressed.

Mr. Zawadzki stated if no others to speak have a stack of letters to read. *(Letters become part of file and recorder summarizes for minutes)*

Kent Philgens- In support of Woolly Yaks, orchards needed in IN.

Dr. Gabrielle Small-Greenfield, IN—In Support of project, economic and educational impact, unique tourism destination, addressed concerns for health of animals.

Erin Pinter-In support-economic driver, unique opportunity for tourism, educational opportunities, attraction of unique birds, location in relation to Grand Park marketing opportunities.

Sherry Snow-In support of rezoning for farm. Believe an attraction to Arcadia businesses.



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Randy Shamburg-Lebanon- Strong Support. Economic and cultural impact to township. Denying it could limit economic development.

Heather D'boa- Cicero-Clarify that residents are in favor of projects like this. Support of project. Lack of fees to attend for educational group such as Girl Scouts.

Catherine Hornpouts-Sheridan In support. Unique therapeutic opportunity, support local, learn about animals

Todd Huston-Indiana Speaker, Indiana House- In Support of project. Unique opportunity supporting agritourism. Concerns existed in April of noise, traffic, convinced Lammers are committed to finding mutual beneficial solutions to the concerns. Sustainable educational businesses are needed.

Kim Irving- Noblesville-In support of project. Lavendar in the spring

Carl (?) From New Mexico. In support of project. Visitors to area often and would like to see project in action

Don Lintz 26640 Anthony Road, Live next to it. Do not want alcohol in area, traffic, noise. Do not approve.

Cedar Road Westfield, In support of project. Tons of opportunities beyond yaks and wine.

Cortney Knoll- In support of project. Therapeutic opportunity.

Deidre Ray-In support of project. Visited last year, clean area, kid friendly, farm learning opportunity.

Carly Fulton-Plainfield-In support of project. Place to hang out with children

Emily Mraz- Cicero- In support. See many benefits, another source of produce, place to gather, opportunity for son with autism.

Amy Cooper-Cicero – In support. Opportunity to see working farm, yaks, purple martins

Shawn Duncan-Fishers-In support. Highlight of previous trip. Unique experience.

Brenda Jeffries-Westfield-In support. Would like to visit and will attend concerts similar to Blackhawk Winery.

Sofie Abel-worked the eclipse event last year. Confident that it was done with integrity. Unique addition to Hamilton County.

Christian Abrams-Jackson Township resident. In support of Wooly Yak. Small business with local people. Does not see an impact to traffic in area. Look forward to artisan market shopping.

Katie Rogers-Noblesville-In Support. Local farming and willingness to share learning opportunities with others.

Jay McKinney 266<sup>th</sup> Arcadia- Live within 1500 feet of farm. Opposed to Land Use Variance for project. Concerns for protection of farmland and spot zoning. Setting a precedence for future commercial businesses within township and spot zoning. Concerts venue is conflicting with zoning ordinance in the AG district. Production of farm crops and animals does not fit with the alcohol consumption. Concern for accidents at US31 and 236/266/276 with farm community.

Amelia Roberts- Arcadia Opposed to project. Integrity of the area compromised, events and with alcohol. Not a lot of public transportation and impact on residents.





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Mr. Culp questioned if these letters were received after the packets went out. Mr. Zawadzki stated correct, had not seen the other letters until presented tonight. Mr. Berry questioned recognizing one or more as part of the packet. Others agreed. Mr. Culp stated at the Boards discretion as you received the packet in time to study. Chairman Bockoski stated he had a chance to go thru them, feel like has been represented, did pay attention to addresses.

Chairman Bockoski questioned Mr. Culp if there is a precedence of asking the public for more thoughts. Has it been done or can we do tonight? There are a couple of individuals that were against and wanted to ask them questions. Mr. Culp answered the Board has the right to ask follow-up questions. Mr. Culp stated if you have a point of clarification, certainly. Chairman Bockoski stated the public has the right to not answer.

Chairman Bockoski asked to either of the members of the public that are against, are there any scenario that is acceptable around music? The music and safety around drinking seem to be the two major issues being heard. Don't have to answer but curious.

Amanda Egler 5228 E 225<sup>th</sup>-no amplified music changes dynamics of the farm. Band playing and 50 cars at once. Not been through the ordinance is the issue. Amplified music will impact neighbors, especially every Fri/Saturday is an issue. Chairman Bockoski questioned if the amplified is the hard no. Ms. Egler stated a guitar is not an issue, amplified it and it is.

Kimberly Chance-3161 E. 246<sup>th</sup>-Would agree with the amplification. In country in Jackson Township, we have no issue with a graduation party with music on occasion but if my neighbor had music every weekend I would object. Chairman Bockoski thanked the individuals, the Board appreciate the publics opinion and weighs heavy on us.

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

Chairman Bockoski asked the Board if they have any follow up questions for the petitioners.

Mr. Buchheit stated the Comprehensive Plan is an important document to the town and reviewing do we hit the majority of points in the plan. Think we are talking about two different situations. A concert/performance versus what you see at a winery-typically background music. Mostly for atmosphere. Limiting performance to two hours. Question that folks go to a winery to get drunk, they go to taste and buy a bottle they enjoyed. This is an agricultural versus a commercial event. It is not a spot zone; we are not rezoning the property just looking at additional Land Use for the area.

Mrs. Lammer addressed the concern for serving intoxicated people. Transportation concerns, there is UBER. Trees are buffer for decibel sounds; our evergreens will make a difference. Stage in the middle of the property to be able to use nature to lower the sound spread. No intention of concerts just to have music.

Mr. Buchheit stated he conferred with Mr. Lammer and if amplification is a real concern they are willing to ensure no amplification of music for your consideration.

Chairman Bockoski stated thank you that was going to be asked.

Mr. Zell speaking for myself, has a lot more positive support than we heard in April, emphasis on education was stronger this time, emphasis on employing those with disabilities is big for me, it is a rural type of business until you add the music. Appreciate taking out the amplified music from the equation. Do not see the wine as an issue.

Mr. Berry commented that relating to the stack of emails, more than 95% were not from Jackson or Cicero. Plainfield, New Mexico, Westfield, any place but from here. Understand people want to come visit, but again people that were supportive were not from here. We will come visit but would they want in your backyard. The other question for the Board. What happens in three/four years if this business doesn't make a go? Are they able to sell to someone else to make it a go?

What happens if it fails, what happens to the property then. Mr. Lammer stated if as a business the concept fails, it would remain a working farm. There are very valuable orchards on site that are producing or on the cusp of producing. Mr. Thomas asked if the agribusiness more than works out? Parking lot of 50 cars, interest from around, what is plan beyond. Mr. Buchheit answered would come back, there is minimal space to grow beyond. Wine tasting is 24, spaces are in place already. Mr. Thomas stated 50 cars and not growing beyond. Mr. Zell stated he learned tonight the value of the trees. Also made connections with the professional community, do not recall those resources at the previous presentation.

Mr. Buchheit asked for small amp/microphone would be acceptable, if not would step back from it. Mr. Berry added regarding sound, I live on the lake, and there are times when boats come down the lake and we have to stop talking until





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they pass. Been to meetings with law enforcement asking what can be done. The answer is hard to measure/enforce. Not a band one or two people, it can be loud. Can not be enforced, we have to take your word for it that it would not happen. Mr. Buchheit answered monitoring noise is a specialty, equipment/time. In consideration we will take it off the table. Mr. Massonne asked what the property is being used for currently. Mr. Buchheit agricultural, sheep, and trees are there as well. Mr. Massonne asked if considered removing the winery portion and concentrate on the agricultural education piece rather than the entertainment piece. Mr. Lammer stated has to be a margin to take care of the overhead. We have vineyards in Sheridan on a 20-acre farm.

Chairman Bockoski questioned if can revoke a variance. Mr. Culp stated you cannot just revoke out of the blue, you can if non-compliance issues. Violations of conditions, intentionally misrepresentation of presentation. Frank would start the process. Chairman Bockoski questioned if a revisit within a timeframe, say a year, if a stipulation that we revisit the petition is this possible. Mr. Culp stated he doesn't recall if we have. Mr. Zell stated he recalled doing a six month or year review. Chairman Bockoski stated if they are outgrowing such as Mr. Thomas questioned. Mr. Culp stated if they did without coming to us they would be in violations, would suggest a condition is restricted to current site plan. If they wanted to modify they would have to come back to us, present as a modification of conditions, legal notice and all procedures. Example if expanded parking would be a violation. Chairman Bockoski stated that was a concern, with 118 emails showing interest. Amplification should be considered heavily. Mr. Zell concurred that amplification was number one concern. Chairman Bockoski stated a concert venue is not what he is hearing from the petitioner. Mr. Culp added he does recall a violation that was a review. Discussion on process explained if complaints.

Mr. Zell stated he has three conditions to summarize: no amplification of music or any kind, restricted to current size 23 acres, petitioner would return in one year for review with plan director. Mr. Culp stated to be clear it is the site plan discussed/presented tonight. Mr. Buchheit questioned whether administration review or to the Board. Mr. Culp if passed, in front of the Board for administration review.

Chairman Bockoski stated he wanted to stress, we are in uncharted territory, you presented a great argument/petition tonight. There is a lot riding if this is approved tonight. It is important to us.

**Mr. Massonne made a motion to approve BZA-0225-08-AG with the following conditions: no amplification of noise, property is to remain per submitted site plan unless new variance is applied for, and twelve months review with the BZA, the variance goes with the owner not the property. Mr. Zell second.**

**Mr. Massonne-not approved, Mr. Thomas-not approved, Mr. Bockoski-approve, Mr. Zell-approve, Mr. Berry-approve 3-2**

Chairman Bockoski stated motion is approved and you will need to see us in 12 months. Mr. Buchheit stated his appreciation to the Board.

**5. Plan Director's Report:** Mr. Zawadzki stated report enclosed in your packets, giving highlights. January 2025 permit revenue was \$2997, compared to January 2024 of \$2401, difference of \$596. Permits issued were 14, Cicero 10/0 new homes, Township 4/0 new homes. Estimated cost of projects \$473,981.

Also looking for applicants for Qualified Individuals March 11 IDEM training if anyone knows of anyone, can get the information to them. Mr. Zawadzki explained that IDEM and Construction and General Storm Water Permit now requires trained individuals to be on site. The training is available to contractors, town officials, inspectors, developers. Chairman Bockoski asked for expansion on applicants for qualified individuals training. Mr. Zawadzki stated IDEM has expanded requirement to require on-site individual that would assess storm water barriers. Municipalities are also required to attend. Two of our local contractors already have the certification.

**6. Chairperson's Report:** Chairman Bockoski stated thank you again this evening. Encourage and appreciate your voting the way you feel.

**7. Legal Counsel's Report:** Mr. Culp no major news. As of January 1, Adams Township is operating under the jurisdiction of Town of Sheridan. They are starting with Hamilton County zoning ordinance until they make adjustments. Changes for us is only if we get calls direct them to Sheridan instead of County. The Town is moving forward on the sewer project. Do not believe they will be done until 2026, building new half, then will shift to the new





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and rebuild the old. When done it will double capacity getting us through 20 years. The water efforts continue and believe the Town has decided to exercise option on property. Eastside property, as well as looking at other sites. Looking to plan ahead so not in this situation in the future. The general assembly attempted to take away control from locals on solar/windmill, failed but going to bring back next year. Goal would be for the state to have the ok, too much money involved. Brief discussion on other assembly conversations and funding.

8. **Board Member Comments:** No Board Member comments.

9. **Next Planned Board of Zoning Appeals Meeting:**  
March 20<sup>th</sup>, 2025

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

**Chairman**

X [Signature]

**Secretary**

[Signature]

**Date**

4/9/2025

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