

**CITY OF FISHERS
BOARD OF ZONING APPEALS
CITY HALL AUDITORIUM
MINUTES
March 22, 2023**

The Board of Zoning Appeals convened at 6:00 p.m.

A roll call was taken. Members present: Steve Ferrucci, Jeffrey Silvey, and Howard Stevenson, Greg Lannan. Tom Grinslade was not present.

Others present: Megan Vukusich, Ross Hilleary, Rodney Retzner, Kay Prange, Tyler Folk, Dan Elliott, Anvir Purewal, Terri Dunville, Michael and Greta Benz, Troy Terew, Chris Schulhof, Rafal Arondisic, Thomas Ryder, Aaron Pearlman, Charlotte Wilson.

Mr. Ferrucci confirmed quorum and called the meeting to order.

Mr. Ferrucci asked for a Motion for the approval of the previous minutes. Mr. Stevenson made a Motion to approve, seconded by Mr. Silvey. The Minutes were approved, 4-0.

Public Hearings:

a. **Ritchey Reserve (Trash Receptacle)**

Parcel: 14-14-12-00-00-001.002

Address: 7889 E 106th St, Fishers, IN 46038

Case: VA-23-1

Request: Consideration of a Development Standards Variance from Section 6.2.8.f and Section 6.18.2.B of the City's Unified Development Ordinance (UDO) to permit a trash receptacle facing a residential zone with an eight (8) foot fence and landscaping to screen from view of 106th Street. **Continued from the February BZA meeting with the addition of the 8' fence to help screen the enclosure gates.**

Anvir Purewal presented the request for the 30' x 8' foot fence for the existing trash receptacle. They are open to extending the fence. Megan Vukusich, Director of Planning & Zoning, presented the Staff Report. The gates face a residential zone and the orientation of the trash receptacle was approved previously in error. The key is keeping the gates closed and additional plantings. Staff recommends approval.

Mr. Ferrucci opened the Public Hearing.

Michael Benz (7585 Willow Ridge)-

There are dead trees- pictures were provided and added into the record.

A Treeline is not viable.

Controlling trash pickup and closing the fence is not possible.

The fence does little to mitigate the problem.

He referenced a potential loss in home value of 10% in a letter from a real estate agent.

In the UDO, he quoted that the gate shall not face residences.

Mr. Ferrucci closed the Public Hearing.

In Committee Discussion, Mr. Lannan asked to see the letter referencing the potential loss. Mr. Ferrucci confirmed that the dead trees will be replaced. He also asked why a fence extension isn't an option. Mr. Benz said that was due to the hill. Mr. Lannan noted that he drives by there often and watched for the enclosure and has seen no problems.

Mr. Ferrucci asked for a Motion. Mr. Lannan made a Motion to approve with the conditions that the variance letter be recorded, the fence be 30" x 8', and that additional landscaping will occur, seconded by Mr. Stevenson.

The Motion was approved, 3-1.

b. Napleton Kia (Signage)

Parcel: 15-11-30-00-01-004.000

Address: 13417 Britton Park Road Fishers, IN 46038

Case: VA-23-6

Request: Consideration of a Development Standards Variance from Section 6.17.6 of the City's Unified Development Ordinance (UDO) to allow for an increase in height maximum of a free-standing ground sign to twenty (20) feet from ten (10) feet.

Stefanie Day and Rick Brandstatter of Kia presented the request for a 20" sign. The 2019 ROW decision was settled in arbitration and the sign was moved. Due to the current SR 37 project, the 20 FT sign is needed because the SB access is not noticeable. There is an unnecessary hardship.

Megan Vukusich, Director of Planning & Zoning presented the Staff Report. Staff wants the sign built to today's Standards. The UDO today is 10'. There have been no public comments. Staff recommends denial.

Mr. Retzner read the Sign standards considered:

Location

Block view of historical buildings

Block view of adjacent buildings

Visual quality

Compatibility with surroundings

Foreign element

Unsafe to motorists

Comply with UDO

Mr. Ferrucci opened the Public Hearing.

Seeing no member of the Public to speak, Mr. Ferrucci closed the Public Hearing.

Mr. Ferrucci asked for a Motion. Mr. Lannan made a Motion to deny, seconded by Mr. Silvey. The Motion was DISAPPROVED, 4-0.

c. 10606 Brooks School Road Second Dwelling Unit

Parcel: 13-15-10-00-00-026.002

Address: 10606 Brooks School Road, Fishers, IN 46037

Case: VA-23-7 and VA-23-8

Request: Consideration of two Development Standards Variances from Section 6.2.2 of the City's Unified Development Ordinance (DUO) to allow an accessory structure's maximum height to be 31' instead of 18' and to allow a side setback of 14' instead of 30'7". Consideration of a Land Use Variance from Section 5.1.5 of the City's Unified Development Ordinance to allow a second dwelling unit detached from the primary structure on the lot.

Dan Elliott presented the request for the development and land use variances. This is for a 2nd dwelling unit detached from the main residence, above a 4-car garage.

Megan Vukusich presented the Staff Report. The height would be 31' instead of 18' and the request is to allow a side setback of 14' instead of 30'7". The Land Use Variance is from Section 5.1.5 of the City's Unified Development Ordinance to allow a second dwelling unit detached from the primary structure on the lot. There have been no Public Comments and Staff recommends approval.

Mr. Ferrucci opened the Public Hearing.

Tom Ryder (10660 Brooks School Road)- he confirmed 2 variances for one structure and asked if this applied to other property owners. He was told that each would need to get their own variance.

Mr. Ferrucci closed the Public Hearing.

Mr. Ferrucci asked for a Motion. Mr. Stevenson made a Motion to approve VA-23-7, with the condition that the variance is recorded on the property, seconded by Mr. Lannan. The Motion was approved, 4-0.

Mr. Silvey made a Motion to approve VA-23-8, with the condition that the variance is recorded on the property, seconded by Mr. Lannan. The Motion was approved, 4-0.

d. 13535 Haven Cove Lane Impervious Coverage

Parcel: 13-15-02-00-25-045.000

Address: 13535 Haven Cove Lane, Fishers, IN 46055

Case: VA-23-9

Request: Consideration of a Development Standards Variance from Section 3.2.3 of the City's Unified Development Ordinance (UDO) to allow the lot's maximum impervious surface coverage to be 50% instead of 35%.

Terri Dunville, on behalf of the property owners, presented the variance request for increasing the impervious surface to 50%. This is for a pool, deck, and outdoor living.

Tyler Folk presented the Staff Report. This is for a new home located on Geist. There have been no Public Comments. Staff has no recommendation to the Board.

Mr. Ferrucci opened the Public Hearing.

Seeing no member of the Public to speak, Mr. Ferrucci closed the Public Hearing.

Mr. Ferrucci asked for a Motion. Mr. Silvey made a Motion to approve, with the recording of the variance on the property, seconded by Mr. Stevenson. The Motion was approved, 4-0.

e. 10640 Geist View Drive Pool

Parcel: 13-15-02-00-25-059.000

Address: 10640 Geist View Drive, Fishers, IN 46055

Case: VA-23-10

Request: Consideration of a Development Standards Variance from Section 3.2.3 of the City's Unified Development Ordinance (UDO) to allow the lot's maximum impervious surface coverage to be 55% instead of 35%.

Troy Terew, on behalf of the property owners, presented the variance request. This is a common request in the Springs of Cambridge neighborhood with homes on the water at Geist and smaller lots.

Tyler Folk, Planner, presented the Staff Report and confirmed the water runoff into Geist Reservoir. There have been no Public Comments. Staff has no recommendation to the Board.

Mr. Ferrucci opened the Public Hearing.

Seeing no member of the Public to speak, Mr. Ferrucci closed the Public Hearing.

Mr. Ferrucci asked for a Motion. Mr. Stevenson made a Motion to approve, with the recording of the variance on the property, seconded by Mr. Silvey. The Motion was approved, 4-0.

f. Room Service on Wheels (Outdoor Dining)

Parcel: 15-14-01-02-04-008.000

Address: 11110 Lantern Road, Unit 110 Fishers, IN 46038

Case: VA-23-11

Request: Consideration of a Development Standards Variance from Figure 1.3 Supplemental Regulations of the Nickel Plate District Code (NPDC) to allow for outdoor dining in VC - Village Center.

Aaron Pearlman on behalf of Room Service on Wheels, presented the variance request for outdoor dining in the Village Center of the Nickel Plate district. The restaurant is merging with King Jugg.

Ross Hilleary, Assistant Director of Planning & Zoning, presented the Staff Report. The proposed patio is close to Meadows Dr. The Awning will be for 4 seasons, similar to McAllister's. There have been no public comments. The Nickel Plate Review committee has approved. Staff recommends approval.

Mr. Ferrucci opened the Public Hearing.

Seeing no member of the Public to speak, Mr. Ferrucci closed the Public Hearing.

Mr. Ferrucci asked for a Motion. Mr. Stevenson made a Motion to approve, with the recording of the variance on the property, and that it is specific to the current business, seconded by Mr. Lannan. The Motion was approved, 4-0.

g. 11210 Fall Creek Road (Trash Receptacle)

Parcel: 19-15-10-00-18-001.000

Address: 11210 Fall Creek Road Indianapolis, IN 46256

Case: VA-23-12

Request: Consideration of a Development Standards Variance from Section 6.2.8 Trash Receptacles of the City of Unified Development Ordinance (UDO) to allow for a dumpster enclosure four (4) feet from the rear yard setback.

Chris Schulhof, on behalf of the property owners, is proposing to construct a new trash receptacle enclosure next the northwest corner of the existing building. The request is for a 4-ft. rear yard setback and moving the trash enclosure to the NW corner of the Commercial building.

Ross Hilleary, Assistant Director of Planning & Zoning, presented the Staff Report. The abandoned location and new location were viewed. Staff has no recommendation for the Board.

Mr. Ferrucci opened the Public Hearing.

Seeing no member of the Public to speak, Mr. Ferrucci closed the Public Hearing.

Mr. Ferrucci asked for a Motion. Mr. Lannan made a Motion to approve, with the recording of the variance on the property, seconded by Mr. Stevenson. The Motion was approved, 4-0.

h. 11216 Fall Creek Road (Trash Receptacle)

Parcel: 19-15-10-00-00-008.000

Address: 11216 Fall Creek Road Indianapolis, IN 46256

Case: VA-23-13

Request: Consideration of a Development Standards Variance from Section 6.2.8 Trash Receptacles of the City of Unified Development Ordinance (UDO) to allow for a dumpster enclosure zero (0) feet from the side yard setback.

Chris Schulhof, on behalf of the property owners, is proposing to construct a new trash receptacle enclosure near the northeast corner of the building to replace the existing one which is deteriorating. The request is for a 2-ft. side yard setback from the east property line.

Ross Hilleary, Assistant Director of Planning & Zoning, presented the Staff Report. The location was viewed. Staff has no recommendation for the Board.

Mr. Ferrucci opened the Public Hearing.

Seeing no member of the Public to speak, Mr. Ferrucci closed the Public Hearing.

Mr. Ferrucci asked for a Motion. Mr. Lannan made a Motion to approve, with the recording of the variance on the property, seconded by Mr. Stevenson. The Motion was approved, 4-0.

Adjournment As there was no other business, the meeting was adjourned at 7:25 p.m.

Respectfully Submitted by:

Kay Prange, Recording Secretary