

**CITY OF FISHERS
BOARD OF ZONING APPEALS
MINUTES
June 28, 2023**

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

A roll call was taken. Members present: Steve Ferrucci, Jeffrey Silvey, Howard Stevenson, Tom Grinslade, Greg Lannan
Others present: Megan Vukusich, Ross Hilleary, Rodney Retzner, Kay Prange, Tracy Gaynor, Larry Lannan, and the attendees on the BZA 6-28-23 Sign-in list. (see below).



BZA 6-28-23
Attendees.pdf

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

Mr. Ferrucci asked for a Motion for the approval of the previous minutes. Mr. Grinslade made a Motion to approve, seconded by Mr. Silvey. The Minutes were approved, 5-0.

Public Hearings:

a. Schulhof Variance (Setback)

Address: 9709 Gulfstream Drive E Fishers, IN 46037

Case: VA-23-20

Request: Consideration of a Development Standards Variance Section 3.2.3. R2 Residential District 2b. Side Setback and Aggregate Setback of the City's Unified Development Ordinance (UDO) to allow for a setback of 10 feet (east side) and 5 feet (west side) for an Aggregate of 15 feet.

Petitioner: Chris Schulhof (chris@indyplace.com)

Planner: Ross Hilleary (hillearyr@fishers.in.us)

Chris Schulhof, 9709 Gulf Stream Drive, reviewed a presentation of his objectives, which are to update his home and add a 3-car garage. The UDO has changed since the home was built. The current building taking place in the pictures is permitted and has nothing to do with the variance request. Pictures of the property and the proposed footprint of the home were shown. An approval letter from his next-door neighbor was presented to the Board.

Ross Hilleary presented the Staff Report. The UDO has changed since Fishers/ Noblesville Joinder Agreement. The Aggregate setback is asking for 15', not 30'. No other public comments have been received. Staff is making No Recommendation.

Mr. Ferrucci opened the Public Hearing. Seeing no one from the Public to speak, he closed the Public Hearing.

Mr. Ferrucci asked for a Motion. Mr. Grinslade made a Motion to approve, with the variance recorded on the property, and seconded by Mr. Stevenson. The Motion was approved, 5-0.

b. Burn Boot Camp Variance (Land Use)

Address: 11100 USA Parkway Fishers, IN 46037

Case: VA-23-21

Request: Consideration of a Land Use Variance from the Exit 5 (Sunbeam) PUD Ordinance No. 081788 to allow for Indoor Recreation (Health Club) in the Link at Fishers District, fka the Navient Building, for Burn Boot Camp.

Petitioner: Maggie Brown (maggie@burnindy.com)

Planner: Ross Hilleary (hillearyr@fishers.in.us)

Maggie Browning, owner of Burn Boot Camp, which is currently at 8607 E. 116th St., and Chris DeForest, 11000 USA Parkway, presented the variance request to move Burn Boot Camp to the Link at Fishers District, formerly the Navient building. The Link is now a multi-tenant building, and the Burn Boot Camp current location is being re-developed. The concepts behind the business were presented.

Ross Hilleary presented the Staff Report. The Link is part of the Exit 5 Sunbeam PUD, which does not allow a health club. This 2018 PUD contains strict language about businesses in the property. No remonstrations have been received and Staff recommends approval.

Mr. Ferrucci opened the Public Hearing. Seeing no one from the Public to speak, he closed the Public Hearing. Mr. Ferrucci asked for a Motion. Mr. Grinslade made a Motion to approve, with the variance to run with the business, and seconded by Mr. Silvey. The Motion was approved, 5-0.

c. Harris Variance (Accessory)

Address: 10664 E 97th Street Fishers, IN 46037

Case: VA-23-22

Request: Consideration of a Development Standard Variance from Section 6.2.2. A, 6.2.2.B, and 6.2.2.C.3. of the City's Unified Development (UDO) Accessory Structure Standards to allow for a maximum floor area of 2,688 square feet, a maximum height of 26 feet, and a setback of 15 feet.

Petitioner: Bryan Harris (harris.bryan1@gmail.com)

Planner: Ross Hilleary (hillearyr@fishers.in.us)

Brian Harris, property owner, presented the variance request for an Accessory Structure at the end of the driveway. He does not live at the property full-time. The building would hold boats, trailers, jet skis, etc.

Ross Hilleary presented the Staff Report. The building proposed is 2688 sq. ft. and 26-feet high. The max allowed is 1500 sq. ft. The accessory structure is twice the size of the primary structure. Staff recommends denial.

Mr. Ferrucci opened the Public Hearing.

Jerry Faircloth (10644 E. 97th St.) - The metal building will be an eyesore. There will be rainwater runoff issues. The Property is mostly unoccupied. A monstrosity.

Dan Bennett (10663 E. 97th St.) - he agrees. Mr. Harris doesn't live there.

Michele Miller (10655 E. 98th St.) – That building, if built, would appeal to a commercial buyer and not sure if renderings are to scale.

Gary Powell (10640 E. 96th St.) – if built, this would have future commercial prospects. Last year his barn was denied due to size.

Mr. Ferrucci closed the Public Hearing.

Mr. Ferrucci asked for a Motion. Mr. Stevenson made a Motion to deny, seconded by Mr. Silvey. The Motion to deny was passed, 5-0.

d. Le Special Exception (Short Term Rental)

Address: 7825 Dawson Drive Fishers, IN 46038

Case: SE- 104154

Request: Consideration of a Special Exception to allow for a short-term rental use (E.g., Airbnb, Vrbo) on a property zoned for Single Family Residential zoned R3 – Residential.

Petitioner: Hieu Le (hieuule@outlook.com)

Planner: Ross Hilleary (hillearyr@fishers.in.us)

Brooke Harten, representing Mr. Le, presented the variance request for a short-term rental. There is history with this house and previous owner letting the property go. Mr. Le then purchased the house and rented it to a long-term tenant who also let it go and was evicted. Their view is that a short-term rental would keep more eyes on the house and cater to guests from Airbnb or Vrbo.

Guest policies:

No parties

8 guest max

Pet friendly

3-night minimum

No street parking

ID needed

Quiet hours.

Ross Hilleary presented the Staff Report. The State of Indiana doesn't regulate guests if the owner lives on the property. Mr. LE lives in California. Remonstrations have been received about it being a party house, general maintenance and security, and a commercial business in a neighborhood. The City has had two property reports in the last year. Staff recommends denial. Mr. Lannan asked how many times Mr. Le has been there? Unknown. Mr. Lannan said that this is not beneficial to the neighborhood whatsoever.

Mr. Ferrucci opened the Public Hearing.

Joe Yeoman (7832 Dawson Dr.)- works for the Indiana Attorney General. There is no demand for this- there are already 4 Airbnb's in Fishers, along with hotels. A neighborhood is not a hotel. There is a lack of management at the property and the raccoons are back.

Glenda Timmins (7817 Dawson) – she has rentals on both sides. There is no HOA in the neighborhood and they need the BZA to represent them. Raccoons are still a problem.

Dave Blankenship (7912 Dawson)- new resident. Opposed.

Sherry Striker (7872 Dawson)- refers to what is in the news for short term rentals.

Rita Hankley (7822 Ashton Ln) – there is no positive for this in a residential neighborhood.

Marsha Lettrel (7882 Dawson) – concerned about rentals

Sarah Lamberson (7824 Dawson) – trash problems, grass unkept. This is an irresponsible owner.

Mr. Ferrucci closed the Public Hearing.

Mr. Ferrucci asked for a Motion. Mr. Grinslade made a Motion to deny, seconded by Mr. Stevenson. The Motion to deny was passed, 5-0.

Adjournment As there was no other business, the meeting was adjourned at 7:20 p.m.

Respectfully Submitted by:

Kay Prange, Recording Secretary