APPROVED

CITY OF FISHERS
BOARD OF ZONING APPEALS
DELAWARE TWP COMMUNITY CENTER
MINUTES
October 25, 2023

The Board of Zoning Appeals convened at 6:00 p.m.
A roll call was taken. Members present: Steve Ferrucci, Tom Grinslade, Jeffrey Silvey, and Howard Stevenson. Greg Lannan was present remotely.
Others present: Ross Hilleary, Rodney Retzner, Kay Prange, Tracy Gaynor, Bre King, Gabrielle Herin, Christy Cashin, Rosalinda Tepner, Mindy Westrick Brown, Logan Stevens, Mindy Tryon, Joe Logan

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, 5-0.

Public Hearings:

a. **Cambridge Lot 484 Impervious Surface Second Variance**
Parcel: 13-15-02-00-25-043.000
Address: 13499 Haven Cove Ln
Case: VA-23-26
Request: Consideration of a Development Standards Variance from Section 3.2.3 R2 Residential District Standards of the City's Unified Development Ordinance (UDO) to allow the lot's impervious surface coverage to be 59%.
Petitioner: Joe Logan (jlogan2086@aol.com)
Planner: Bre King, Senior Planner (kingb@fishers.in.us)

Joe Logan, representing the owner, Brian Webster, presented the request to increase the impervious surface coverage to 59% due to a new landscape architect on the project. Bre King presented the Staff Report and the history of the previously approved variances on this property. Staff recommends approval at 57%.
Mr. Ferrucci opened the Public Hearing. Seeing no one from the Public present to speak, he closed the Public Hearing.
Mr. Ferrucci reviewed the history of the variances with Mr. Logan. Mr. Logan assured the Board that he would not be back with any more Variance requests.
Mr. Ferrucci asked for a Motion.
Mr. Grinslade made a Motion to approve with a condition that it be recorded on the property and the impervious surface be capped at 55%. Mr. Silvey seconded. The Motion was approved, 4-1.

b. **Woods at Thorpe Creek Section 6 Height Variance**
Address: 12098 Shady Knoll Drive, Fishers, IN 46037
Case: VA-23-29
Request: Consideration of a Development Standards Variance from the Cove at Thorpe Creek PUD Ordinance #071921A to increase the maximum permitted height from 35 feet to 40 feet for 15 lots in the Grand Estates portion (northwest of Thorpe Creek).
Petitioner: Nick Weber (nicholas.weber@faegredrinker.com)
Planner: Gabrielle Herin, Senior Planner (hering@fishers.in.us)

Mindy Westrick Brown from Faegre Drinker, representing the petitioner, presented the request for a height variance for the Grand Estates portion of the Woods at Thorpe Creek. A Text Amendment is in progress and this variance approval will keep construction moving until the Text Amendment is approved.

Gabrielle Herin presented the Staff Report. The height increase is to 40 ft. for the 5 active permits in the neighborhood. Staff has no recommendation for the Board.
Mr. Ferrucci opened the Public Hearing. Seeing no one from the Public present to speak, he closed the Public Hearing.
In Board discussion, Mr. Ferrucci reviewed the anti-monotony rule and the variety of models. The proposed Text Amendment will go before Plan Commission on Nov. 1 and if approved, City Council on Nov. 20.

Mr. Ferrucci asked for a Motion. Mr. Grinslade made a Motion to approve, with the condition that it be recorded on the property and that the variance will be null and void when the Text Amendment is approved. The Motion was seconded by Mr. Stevenson. The Motion was approved, 4-0-1, and Mr. Lannan abstained.

c. **Biggby Coffee and Other Retail Lot Size Variance**
Parcel: 13-15-12-00-00-029.001
Address: 10404 Olio Rd
Case: VA-23-30
Request: Consideration of a Development Standards Variance from Section 3.3.2.B of the City's Unified Development Ordinance (UDO) to reduce the minimum required lot area from 1 acre to 0.70 acres for a lot split for the development of a new Biggby Coffee location.
Petitioner: Logan Stevens (stevens@carsonllp.com)
Planner: Gabrielle Herin, Senior Planner (hering@fishers.in.us)

Logan Stevens presented the request for a lot split. The site layout was reviewed. This is in a residential area and fits in the 2040 plan. Gabrielle Herin presented the Staff Report. This property is zoned C-2. There have been 2 remonstrance comments with concerns about density, traffic, buffering to the residential area. Staff has no recommendation to the Board.

Mr. Ferucci opened the Public Hearing.
Mindy Tryon (10449 Stonegate Dr.) – Traffic concerns, there is an elementary school close by. This would be a coffee shop and 3 more retail.
Rosalinda Tepner (10541 Stonegate Dr.) -
She is President of the Weatherstone HOA) All of their Board members oppose. Needs a traffic study. Also concern about school buses, Daycare center, backside elevations.
Mr. Ferrucci closed the Public Hearing.

In Board discussion, Mr. Stevenson is concerned about density. Mr. Ferrucci asked about a traffic study. Ross Hilleary suggested a continuance. Mr. Stevens agreed to a Continuance so a traffic study can be done.

Adjournment As there was no other business, the meeting was adjourned at 6:45 p.m.

Respectfully Submitted by:

Kay Prange

Kay Prange, Recording Secretary