

**CITY OF FISHERS
BOARD OF ZONING APPEALS
MINUTES
LAUNCH FISHERS AUDITORIUM
January 24, 2024**

APPROVED

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

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

Others present: Ross Hilleary, Rodney Retzner, Kay Prange, Tracy Gaynor, Christy Cashin, David Turk, Chris Cunningham, Sue Anthony Follmer, Tim O'Connor, Tsvangirai Hege, Jack Follmer.

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

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

a. Election of Officers, Appointments, and Designations:

- a. Election of Chairperson - Mr. Ferrucci asked for a nomination for President/Chairperson of the BZA. Mr. Grinslade nominated Mr. Ferrucci, seconded by Mr. Silvey. The nomination was approved, 4-0.**
- b. Election of Vice-Chairperson – Mr. Ferrucci made a nomination for Mr. Stevenson to be Vice-President/Vice Chairperson of the BZA, seconded by Mr. Silvey. The nomination was approved, 4-0.**
- a. Appointment of Secretaries (Ross Hilleary, Gabrielle Herin, Christy Cashin, Kevin Martín)- approved, 4-0.**
- c. Appointment of Recording Secretary (Kay Prange and Kelly Lewark)- approved, 4-0.**
- d. Designation of Plan Commission Legal Counsel (Krieg DeVault)- approved, 4-0.**
- e. Designation of Commission Legal Publications (Noblesville Times, The Current, Hamilton County Reporter)- approved, 4-0.**

b. Public Hearings:

a. 8958 E 96th Street Drive-Thru Variance

Parcel: 15-15-07-00-00-016.015

Address: 8958 E 96th Street

Case: VA-23-34

Request: Consideration of a Development Standard Variance. One from Section 2.C.2.a Preliminary Development Plan of the Lantern Pines Ordinance #090391A to allow a restaurant drive through within the Health Science Centre area of the PUD and a Land Use Variance from Section 5.4.8.D.2.b. Use Regulations of the City's Unified Development Ordinance (UDO) to allow drive-up window, exterior menu board, and speakers, associated with a restaurant or coffee house, within 400 feet of any building zoned or used for residential purposes.

Petitioner: Matthew Land (matt@wtb-lawyers.com)

Chris Cunningham (Petitioner) presented the Variance request. The building is on 96th St., in the Lantern Pines PUD. The tenant at the southmost end of the building was formerly a Starbucks that moved its operation in order to gain a drive-thru lane. The request is to allow the drive-thru, menu board, and speakers.

Christy Cashin presented the Staff Report. The parking on the South parking lot by 96th St. would be removed, still leaving the correct amount of parking spaces for the other tenants in the building. Stacking would take place on the south and east sides of the building. The east side runs along the back of the building. Engineering and Fire are OK with the proposal. The lane is narrow. Two emails have been received from residents of Covington Estates - lights and noise are the concerns. There were questions about what the new business would be. Unknown at this point. Staff has no recommendation for the Board.

Mr. Ferrucci opened the Public Hearing.

Tim O'Connor (9724 Covington Blvd.) - he is the Attorney for the Covington Estates HOA. Concerns are noise pollution and light pollution. Asked for Hardscape to block both at the Southeast corner. Space is right.

Mr. Ferrucci closed the Public Hearing.

In Board discussion, the members discussed the land on the east side. Would deliveries conflict with the stacking? Mr. Cunningham stated that all deliveries to existing tenants go through the front doors. Have they considered widening that lane? That would require another variance. Mailbox would be relocated. Mr. Ferrucci asked if the Petitioner will commit to the hardscape, and Mr. Cunningham agreed to that commitment. Mr. Silvey asked if they had consulted with a professional about the back doors, possible railings to protect people exiting the back doors, and the traffic. The Petitioner has not.

Mr. Ferrucci asked for a Motion. Mr. Grinslade made a Motion to approve with the inclusion of the approval letter and the additional landscape and hardscape to protect the homes in Covington Estates, seconded by Mr. Lannan. The Motion was approved, 3-1.

New Business- Ross Hilleary presented the update to the 2024 Rules and Procedures. It is currently in review at Krieg DeVault. Asking all Board members to review for a vote next month.

Adjournment As there was no other business, the meeting was adjourned at 6:25 p.m.

Respectfully Submitted by:


Kay Prange, Recording Secretary