



CITY OF FISHERS AGENDA

BOARD/COMMISSION: Board of Zoning Appeals – Fishers

DATE: 9/25/2024 at 6:00 PM

**DIRECTIONS: FMC Nickel Plate Conference Room ,
1 Municipal Drive, Fishers, IN 46038**

In accordance with the Americans with Disabilities Act (ADA), the City of Fishers will, upon request, provide appropriate aid (i.e. interpreters) and/or assistance leading to effective participation for people with disabilities. Anyone who requires such assistance should [email Kelly Lewark](#), Office Manager, no later than 48 hours before the scheduled event or call at (317) 595-3487.

1. Call to order / Pledge of Allegiance

2. Roll Call

3. Approval of Previous Minutes

- a. 6-26-24
7-24-24
8-28-24

4. Public Hearings

a. **24/7 Dink Sign Variance**

Parcel: 19-11-34-00-21-004.000

Address: 12520 E 116th St

Case: VA-24-18

Request: Consideration of a Development Standard Variance from Section 6.17.7 Building Signs of the City's Unified Development Ordinance (UDO) to allow 396 sq. ft. of wall signage, from the allowed 300 sq. ft.

Petitioner: Derek Naber (dnaber@ambrosepg.com)

Planner: Christy Cashin (cashinc@fishers.in.us)

b. 9648 Nautilus Cir Smith Pool Project

Parcel: 13-15-09-00-01-006.000

Address: 9648 Nautilus Cir

Case: VA-24-19

Request: Consideration of a Development Standards Variance from the Unified Development Ordinance Section 3.2.3 to increase the maximum allowed impervious surface percentage from 35% to 42% for a proposed pool deck.

Petitioner: Virgil Turpin (virgil@permapools.com)

Planner: Gabrielle Herin (hering@fishers.in.us)

c. 13982 Avalon Blvd Short Term Rental

Parcel: 13-11-25-00-03-038.000

Address: 13982 Avalon Blvd

Case: 119553

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 (PUD-R) under the Avalon PUD Ordinance # 121503E.

Petitioner: Cody Howell (codyhowell4@gmail.com)

Planner: Gabrielle Herin (hering@fishers.in.us)

5. New Business

6. Staff Communication

7. Board Signatures – Findings of Fact

8. Adjournment

**CITY OF FISHERS
BOARD OF ZONING APPEALS
MINUTES
LAUNCH FISHERS AUDITORIUM
June 26, 2024**

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

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

Others present: Ross Hilleary, Kay Prange, Rob McMurray, Christy Cashin, Gabrielle Herin, Kevin Bucheit, Jack Follmer, E. Davis Coots, Ravi Patel, Paul Carroll, Andy Wert, Kari and Luke Musa, Eric Douthit, Joe Logan, Troy Terew.

Mr. Ferrucci confirmed quorum and called the meeting to order. Mr. Ferrucci explained to the Petitioners that since there were only 3 members present, that we had a quorum for the meeting, but decisions would have to be unanimous. All Petitioners agreed to proceed.

Mr. Ferrucci asked for a Motion for the approval of the previous minutes. Mr. Stevenson made a Motion to approve, seconded by Mr. Grinslade. The Minutes were approved, 3-0.

Public Hearings:

a. 14047 Northcoat Place Short Term Rental Special Exception

Parcel: 13-11-22-00-09-021.000

Address: 14047 Northcoat Place Fishers, IN 46038

Case: 117623

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 R5 – Residential.

Petitioner: Andrew Wert (awert@cchalaw.com) on behalf of the property owners

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

Andrew West representing the property owners, Amish & Neha Patel, has requested a special exception from the Unified Development Ordinance to allow for a short-term rental, (E.g., Airbnb, VRBO). The State of Indiana does not allow municipalities to limit short-term rentals when it relates to home-occupation, meaning the property owner must live at the residence. They have met with neighbors and are proposing a 3-month trial period and to come back to the board in October 2024 for an extension. They presented a document outlining conditions to the Board which had not been seen prior to the meeting by Planning and Zoning. Ross Hilleary stated that the City attorney would need to review. He presented the Staff Report. No other Public Comments have been received. Staff has no recommendation for the Board.

Mr. Ferrucci opened the Public Hearing.

Kari Musa (14059 Northcoat)- The Musa family are the next door neighbors with a 2-year old. Concerns are safety, different neighbors every weekend, lawn care is minimal, trash concerns, cars parked on cul-de-sac, noise property value decreased.

Seeing no one else in the audience to speak, Mr. Ferrucci closed the Public Hearing.

Mr. Ferrucci asked for a Motion. Mr. Grinslade made a Motion to deny the variance, which was seconded by Mr. Lannan. The variance was denied, by a vote of 3-0.

b. 14398 Worthington Blvd Variance

Parcel: 19-11-20-01-05-034.000

Address: 14398 Worthington Blvd

Case: VA-24-11

Request: Consideration of a Development Standards Variance from Section 6.3.4.B.4.a. Residential Design of the City's Unified Development Ordinance (UDO) to allow a front loaded garage 10 feet in front of the front façade, from the 4 foot behind the front façade setback requirement.

Petitioner: John Cross (john@wootonhoylaw.com)

Planner: Christy Cashin (cashinc@fishers.in.us)

Paul Carroll, representing Davis Homes, presented the Variance request for the garage. Christy Cashin presented the Staff Report. The home was lost to fire in 2022. No public comments have been received. 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 recording of the Approval Letter on the property, seconded by Mr. Lannan. The Motion was approved, 3-0.

c. Holiday Inn Express at 106th & Kincaid Variance

Parcel: 15-14-12-00-21-001.000

Address: 10570 Kincaid Dr

Case: VA-24-13

Request: Consideration of Development Standards Variance from Section 6.11.3.B.3. Parking & Loading Standards of the City's Unified Development Ordinance (UDO) to allow 5 foot setback on the south and an 4 foot setback on the west side of the property, from the 10 foot setback requirement. Also, the consideration of Development Standards Variance from Section 6.11.8. Off Street Parking Schedule of the UDO to allow a reduction in parking from 103 required to 89 proposed.

Petitioner: E. Davis Coots (dcoots@chwlaw.com)

Planner: Christy Cashin (cashinc@fishers.in.us)

Dave Coots, representing the Petitioners, presented the Variance Requests for the setbacks and the Parking reduction. The parking would be reduced to 90 spots.

Christy Cashin presented the Staff Report. The site is in the Delaware Park PUD and I-69 overlay. The PUD committee has not yet approved the images presented. Staff has no recommendation for the Board.

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 recording of the Approval Letter on the property, seconded by Mr. Lannan. The Motion was approved, 3-0.

d. 13302 Haven Cove Ln – Yepes Family Variances

Parcel: 13-15-02-00-25-012.000

Address: 13302 Haven Cove Ln

Case: VA-24-12

Request: Consideration of Development Standard Variances from Sections 3.2.3 and 6.3.4.B.3.d of the City's Unified Development Ordinance (UDO) and the Marina PUD Ordinance #: 041210 to increase the maximum permitted impervious surface area from 35% to 45%, and to permit small sections of 4.5/12 roof pitch instead of the minimum 5/12 roof pitch required for a new single family home and pool deck.

Petitioner: Joe Logan (joelogan2086@gmail.com)

Planner: Gabrielle Herin (hering@fishers.in.us)

Joe Logan presented the request for a 45% impervious surface variance and a 5/12 roof pitch in the dormers. Ross Hilleary presented the Staff Report. This property is located in the Marina PUD. There are no stormwater concerns and no Public Comments have been received. Staff has no recommendations for the Board.

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 recording of the Approval Letter on the property, seconded by Mr. Lannan. The Motion was approved, 3-0.

e. 13662 Kingston Dr – Martin Pool Party Variance

Parcel: 13-15-11-00-17-039.000

Address: 13662 Kingston Drive

Case: VA-24-14

Request: Consideration of a Development Standards Variance from UDO Section 3.2.3 to increase the maximum allowed impervious surface percentage from 35% to 45% for a proposed pool.

Petitioner: Troy Terew (troy@truenorthindy.com)

Planner: Gabrielle Herin (hering@fishers.in.us)

Troy Terew presented the variance request for 45% impervious surface for a pool and deck in a property located in Springs of Cambridge. Ross Hilleary presented the Staff Report. This property is located on Geist. There are no stormwater concerns and no Public Comments have been received. Staff has no recommendations for the Board.

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, seconded by Mr. Lannan. The Motion was approved, 3-0.

New Business- none

Adjournment As there was no other business, the meeting was adjourned at 6:40 p.m.

Respectfully Submitted by:

Kay Prange, Recording Secretary

**CITY OF FISHERS
BOARD OF ZONING APPEALS
MINUTES
Fishers Municipal Center - Nickel Plate Conference Room
July 24, 2024**

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

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

Others present: Ross Hilleary, Kay Prange, Rob McMurray, Gabrielle Herin, Rodney Retzner, Larry Lannan, John and Angie Ausec, Shelly Hoffman, Shane Shervin, Hatem Mekky, Sue and Jack Follmer.

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

Mr. Ferrucci asked to hold over approval of the June 26 minutes till the August BZA meeting so the correct members would be present.

Public Hearings:

a. 15636 Malta Way Deck

Parcels: 13-12-30-00-17-009.000

Address: 15636 Malta Way

Case: VA-24-15

Request: Consideration of a Development Standards Variance from Section 1.04.B.vi of the Legacy at Hunter's Run PUD and Section 3.2.6.B of the City's Unified Development Ordinance (UDO) to increase the maximum permitted impervious surface area from 50% to 53% and to reduce the rear setback from 25 feet to 6 feet for a proposed deck and to add more concrete to the driveway.

Petitioner: John Ausec (johnausec21@gmail.com)

Planner: Gabrielle Herin (hering@fishers.in.us)

John Ausec, the homeowner, presented the new deck which would increase the impervious surface to 53%. Gabrielle Herin added that Fishers Stormwater approves, there have been no public comments or HOA concerns. Staff has no recommendation for the Board. Mr. Ferrucci opened the Public Hearing. Seeing no one to speak about the case, he closed the Public Hearing.

Mr. Ferrucci asked for a Motion. Mr. Grinslade made a Motion to approve, seconded by Mr. Silvey. The Motion was approved, 4-0, with the filing of the approval letter with the County.

b. Macs Convenience Stores LLC Variance

Parcels: 15-10-35-00-00-017.001

Address: 11601 Allisonville Road

Case: VA-24-16

Request: Consideration of a Development Standards Variance from Section 6.17.6. E. Ground Signs Located on Lots with Non-Residential Uses. to allow digital changeable copy on two (2) monument signs and Section 6.17.7.E. Awning & Canopy Signs. to allow digital changeable copy on the fuel station canopy.

Petitioner: Karen Dodge (karen.dodge@municipalresolutions.com)

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

Ross Hilleary presented the Staff request to Continue to August. The ROW needs to be finalized. Mr. Ferrucci opened the Public Hearing. Seeing no one from the Public to speak, he closed the Public Hearing. There was no vote.

New Business - none

Adjournment As there was no other business, the meeting was adjourned at 6:20 p.m.

Respectfully Submitted by:

Kay Prange, Recording Secretary

DRAFT

**CITY OF FISHERS
BOARD OF ZONING APPEALS
MINUTES**

**Fishers Municipal Center - Nickel Plate Conference Room
August 28, 2024**

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

A roll call was taken. Members present: Steve Ferrucci, Tom Grinslade, Howard Stevenson and Greg Lannan. Jeffrey Silvey was also present via Teams call.

Others present: Ross Hilleary, Lindsey Bennett, Kay Prange, Rob McMurray, Christy Cashin, Rodney Retzner
Mr. Ferrucci confirmed quorum and called the meeting to order.

Mr. Ferrucci noted that the 6/26/24 Minutes were mislabeled with the 7/24/24 date. These will be corrected and approved at the September meeting.

Public Hearings:

a. Macs Convenience Stores LLC Variance

Parcels: 15-10-35-00-00-017.001

Address: 11601 Allisonville Road

Case: VA-24-16

Request: Consideration of a Development Standards Variance from Section 6.17.6. E. Ground Signs Located on Lots with Non-Residential Uses. to allow digital changeable copy on two (2) monument signs and Section 6.17.7.E. Awning & Canopy Signs to allow digital changeable copy on the fuel station canopy.

Petitioner: Karen Dodge (karen.dodge@municipalresolutions.com)

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

Lindsey Bennett, Corporate Counsel, requested a 2-month Continuance. This is the second continuance.

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

b. 24/7 Dink Sign Variance

Parcel: 19-11-34-00-21-004.000

Address: 12520 E 116th St

Case: VA-24-18

Request: Consideration of a Development Standard Variance from Section 6.17.7 Building Signs of the City's Unified Development Ordinance (UDO) to allow 814 sq. ft. of wall signage, from the allowed 300 sq. ft.

Petitioner: Derek Naber (dnaber@ambrosepg.com)

Planner: Christy Cashin (cashinc@fishers.in.us)

New Business- none

Adjournment As there was no other business, the meeting was adjourned at 6:20 p.m.

Respectfully Submitted by:

Kay Prange, Recording Secretary



Board of Zoning Appeals
Staff Report

Meeting Date: September 25, 2024

DEPARTMENT CONTACT:

Christy Cashin (cashinc@fishers.in.us)

CASE NUMBER:

VA-24-18

PETITIONER:

Derek Naber (dnaber@ambrosepg.com)

PROPERTY ADDRESS/LOCATION:

12520 E 116th St

REQUEST: Consideration of a Development Standard Variance from Section 6.17.7 Building Signs of the City's Unified Development Ordinance (UDO) to allow 396 sq. ft. of wall signage, from the allowed 300 sq. ft.

APPLICABLE REGULATIONS:

City of Fishers UDO

EXISTING ZONING:

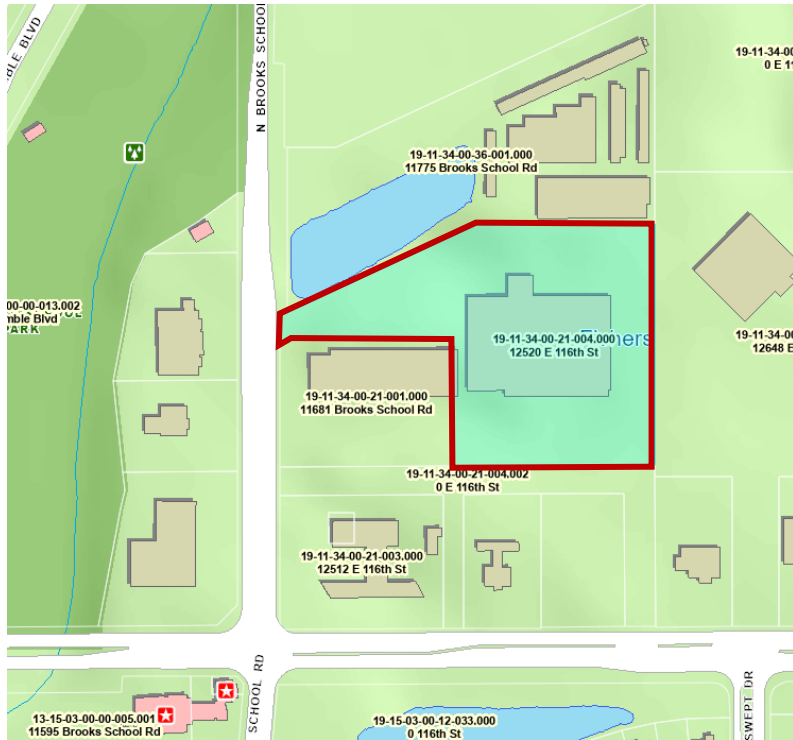
C-3 Commercial

FISHERS 2040:

Neighborhood Mixed Use

LOT SIZE: 5.28 Acres

LOCATION MAP



STAFF RECOMMENDATION

☒ Approve

☐ Continue

☐ Deny

☐ No Recommendation

ZONING HISTORY:

This property is zoned C-3 Commercial and regulated by the City's Unified Development Ordinance (UDO).

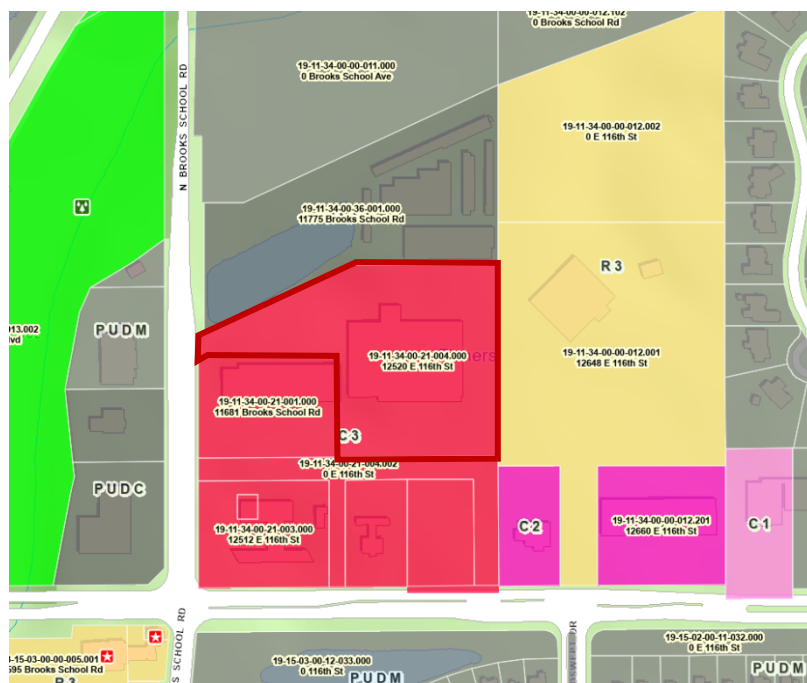
SURROUNDING ZONING & LAND USE:

North: PUD-C Shamrock Landing PUD (commercial)

East: PUD-C 116th Street and Brooks School Road PUD (commercial)

South: C-3 Commercial

West: R-3 Residential (place of worship)



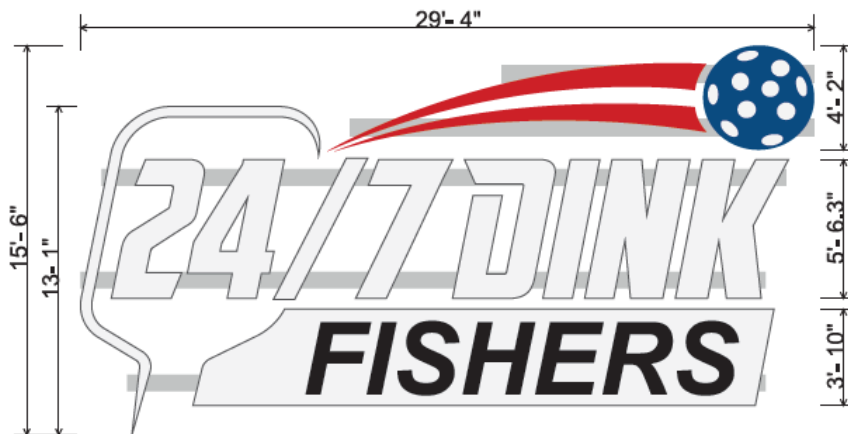
SUMMARY OF PUBLIC COMMENTS:

At the time of writing this staff report, no public comments were received.

PETITION OVERVIEW:

Summary of Request

The petitioner is requesting a development standard variance to allow 396 sq. ft. of wall signage, from the allowed 300 sq. ft. per the City's Unified Development Ordinance (UDO). The 24/7 Dink sign will be illuminated with LED channel letters on a raceway and is 396 sq. ft. ***They are no longer planning to install the large pickleball sign on the western side of the front façade.***



Fishers 2040 Comprehensive Plan

The Fishers 2040 Plan identifies this area as Neighborhood Mixed Use. The variance request aligns with this vision.



STAFF RECOMMENDATION:

A variance from Chapter 6.17 Signage Standards may be approved by the Board upon the determination that the Findings demonstrate the following:

1. That the location and placement of the sign will not endanger or distract motorists or pedestrians; and,
2. That the sign will not cover or blanket any prominent view of a structure or facade of historical or architectural significance; and,
3. That the sign will not obstruct views of users of adjacent buildings; and,
4. That the sign will not interfere with the visual quality of public open space ; and,
5. That the sign is compatible with building heights of the existing skyline; and
6. That the sign does not impose a foreign element to an existing skyline; and,
7. That the sign's illumination, lighting or digital character will not distract motorists or pedestrians nor contribute to hazardous or unsafe driving conditions for motorists; and,
8. That the sign size (e.g. height, width, distance between grade and sign, copy size), composition (e.g. materials, posts, poles), lighting or location conditions are consistent with the time, place and manner conditions imposed by the Unified Development Ordinance.

Staff recommends APPROVAL of the variance request as proposed.

If the Board approves this variance staff requests the following condition:

1. The Approval Letter and related documentation be recorded on the property with the Hamilton County Recorder's Office.

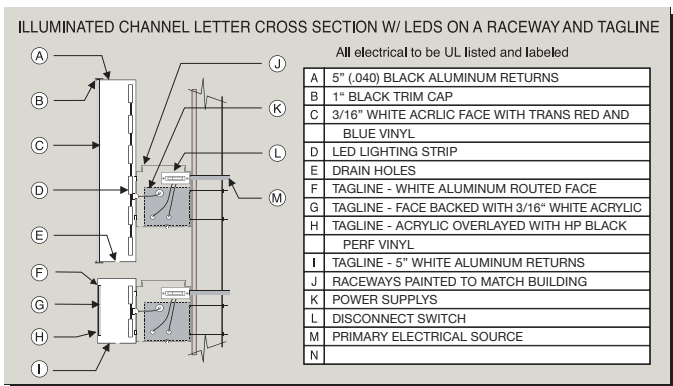
STAFF RECOMMENDATION

☒ Approve

☐ Continue

☐ Deny

☐ No Recommendation



A SIGN BY DESIGN IS NOT RESPONSIBLE FOR RUNNING THE MAIN ELECTRICAL LINE TO THE SIGN.
A SIGN BY DESIGN WILL CONNECT TO ELECTRICAL IF IT IS LOCATED WITHIN 5' OF THE INSTALLED SIGNAGE.

A SIGN BY DESIGN, INC.

Signs By Design

"A Quality Sign Says It All"

THE BLUE CHIP
BUSINESS AWARD WINNER

501 W. Noble St. Lebanon, IN 46052

PHONE: 317-876-7900

FAX: 317-802-5670

www.asignbydesign.com

EMAIL: sbd@asignbydesign.com

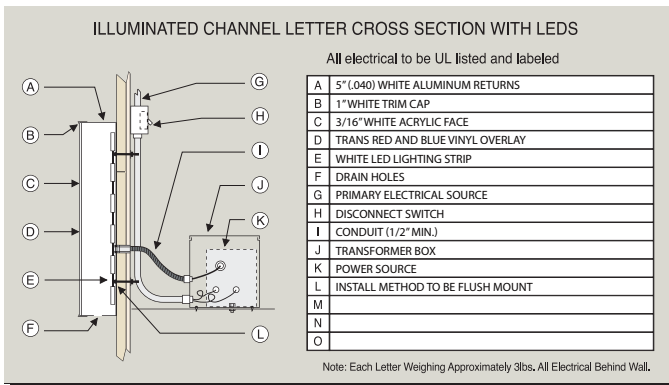
CLIENT NAME 24/7 DINK - PICKLEBALL		ACCNT. REP MACHAELA
FILE NAME 247 PICKLEBALL LET1A.PDF		DRAWN BY AA
DATE 5/02/2024	PRODUCTION FILE 247 PICKLEBALL LET1.FS	FILE LOCATION FEB-2024
LOCATION FISHERS, IN.	ART ✓	



X _____ DATE _____

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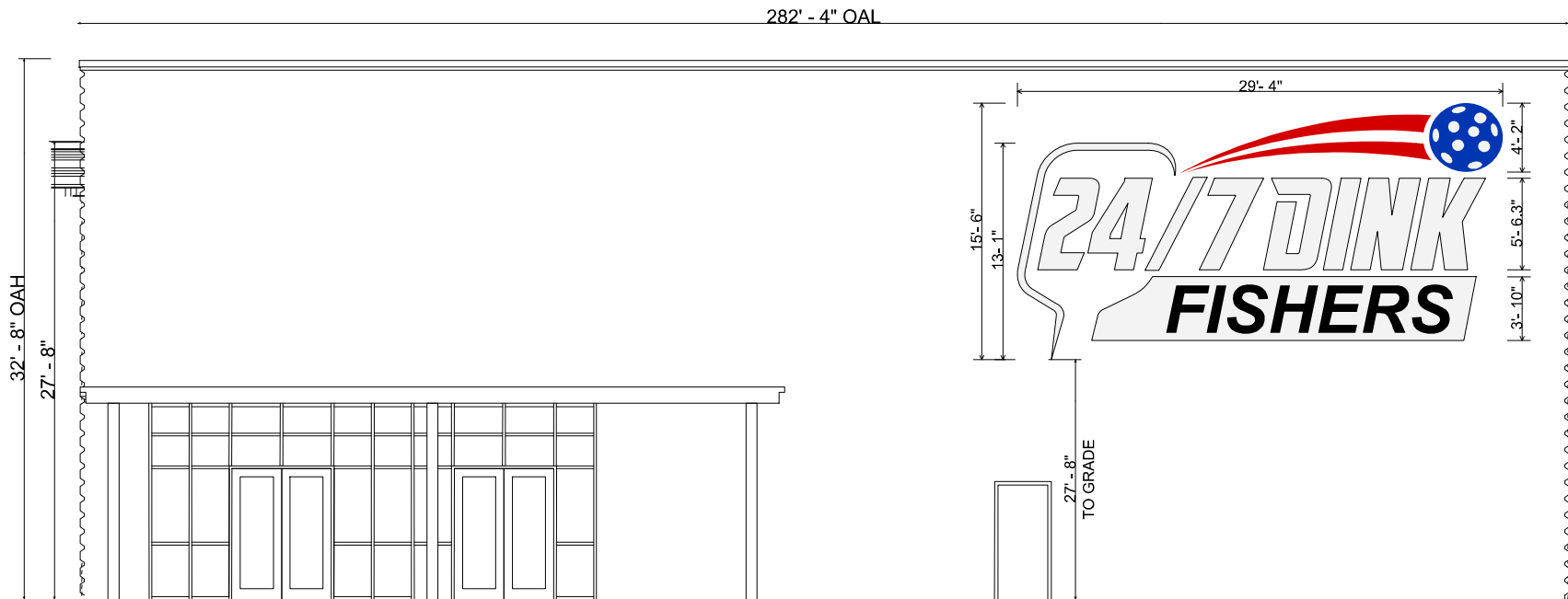
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FILE NAME 247 PICKLEBALL LET1B.PDF		DRAWN BY AA
DATE 5/02/2024	PRODUCTION FILE 247 PICKLEBALL LET1.FS	FILE LOCATION FEB-2024
LOCATION FISHERS, IN.	ART ✓	



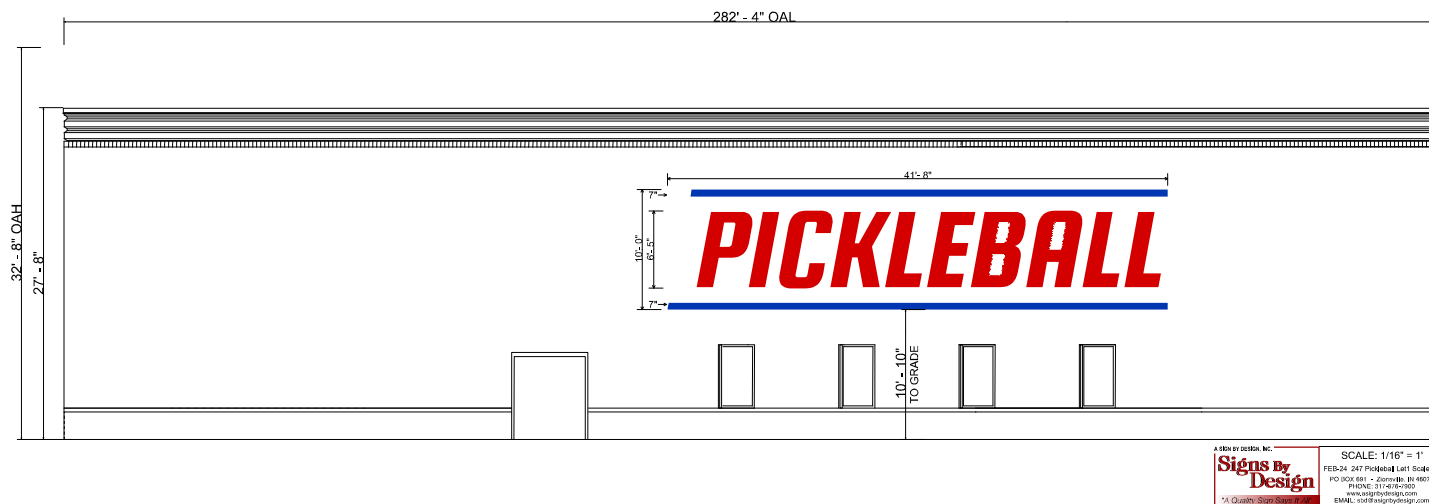
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A SIGN BY DESIGN, INC. Signs By Design *A Quality Sign Says It All*	SCALE: 3/32" = 1' FEB-24 247 Pickleball Let1 Scale2.fs PO BOX 691 - Zionville, IN 46077 PHONE: 317-876-7900 www.asignbydesign.com EMAIL: sbo@asignbydesign.com



A Sign by Design
501 West Noble Street
Lebanon, IN 46052

RE: 247 Dink Pickleball

Address: 12520 E 116th Street, Fishers, IN

To whom it may concern,

I have reviewed proposed work for the stated location and approve of proposed signage.

Please accept this letter of approval allowing A Sign by Design or their representative, to obtain required sign permits and complete scope of work for sign installation.

Sincerely,

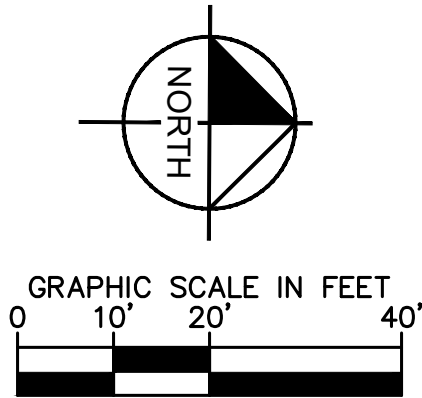
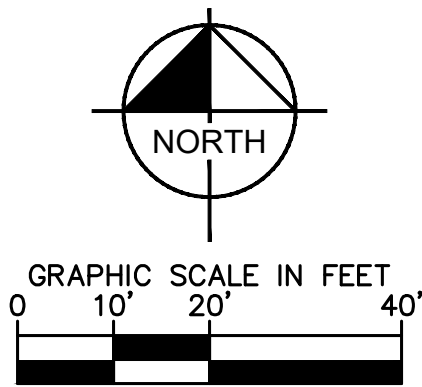
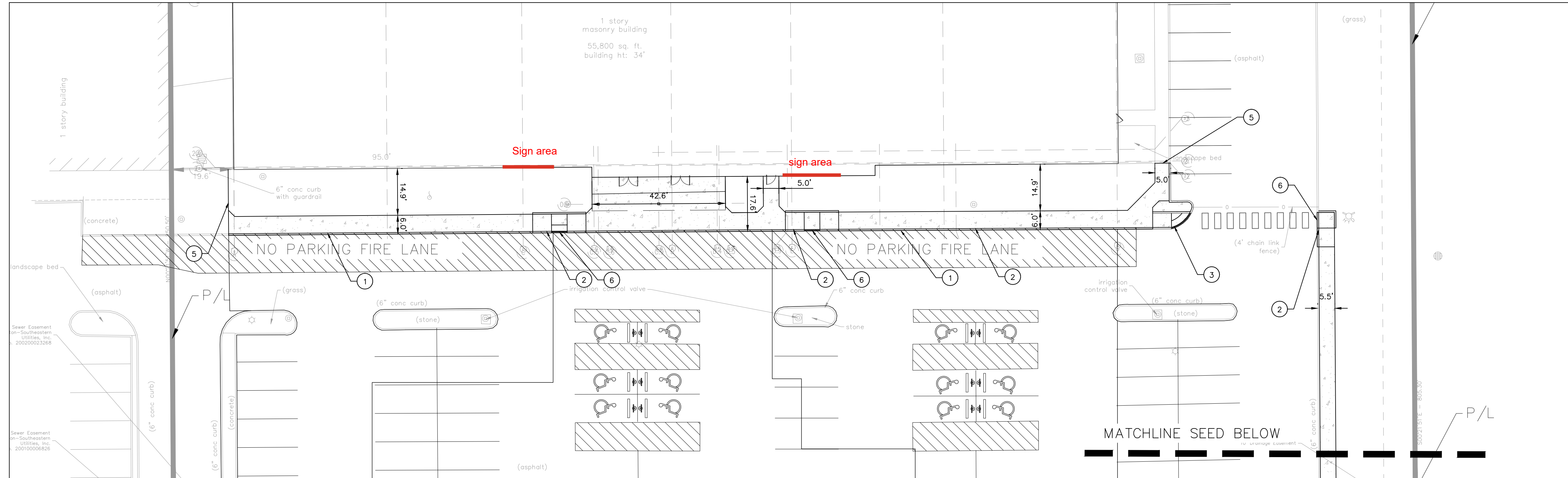
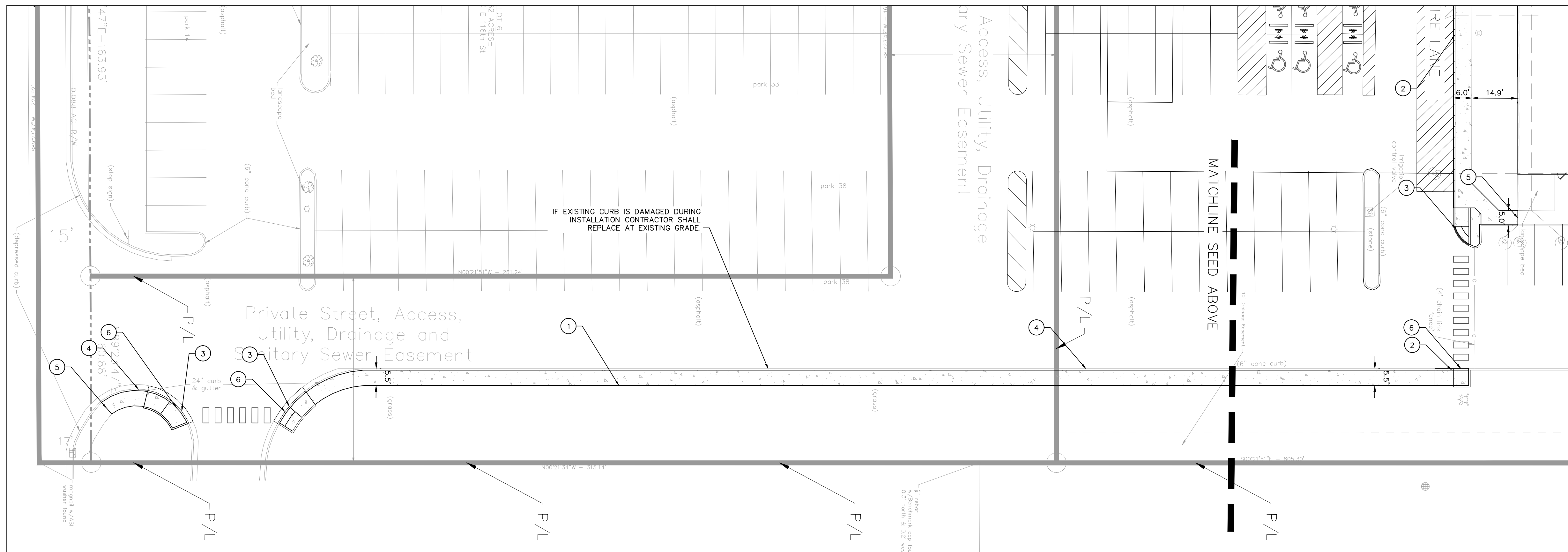
A handwritten signature in dark ink, appearing to read 'Isaac Bamgbose', with a stylized flourish extending to the right.

Isaac Bamgbose

Exhibit A
Legal Description of Real Estate

Lot 5 in Marsh Brooks School Subdivision. Lots 1, 2, 4 and 5, Secondary Plat. A subdivision in Hamilton County, Indiana as per plat thereof recorded August 7, 2002 in Pat Cabinet 3, Slide 23 as Instrument No. 2002000056054 and corrected by Scrivener's Error recorded December 6, 2002 as Instrument No. 200200094671, and by Affidavit of Plat Correction recorded December 5, 2024 as Instrument No. 2014054813 in the Office of the Recorder of Hamilton County, Indiana.

12520 E 116th Street Fishers, IN 46037
119-11-34-00-21-004.000



Indiana Utilities Protection Service



GRADING LEGEND

	FINISHED GRADE SPOT ELEVATION
	TOP OF CURB / BOTTOM OF CURB SPOT ELEVATION
	FLOW LINE SPOT ELEVATION
	MATCH EXISTING SPOT ELEVATION
	FINISHED FLOOR SPOT ELEVATION

GRADING NOTES

1. CONTRACTOR TO VERIFY ALL EXISTING TOPOGRAPHY AND STRUCTURES ON THE SITE AND IMMEDIATELY NOTIFY THE ENGINEER OF ANY DISCREPANCIES PRIOR TO STARTING WORK.
2. ALL PAVEMENT SLOPE GRADE ELEVATIONS AND RIM ELEVATIONS WITHIN 10' OF ALONG CURB AND CENTER REFERENCE TO EDGE OF PAVEMENT ELEVATIONS UNLESS OTHERWISE NOTED.
3. ALL ELEVATIONS SHOWN DEPICT FINISHED GRADE OR EDGE OF PAVEMENT UNLESS OTHERWISE NOTED. GENERAL CONTRACTOR TO COORDINATE WITH EXCAVATION, LANDSCAPE AND PAVING SUBCONTRACTORS REGARDING TOPSOIL THICKNESS FOR LANDSCAPE AREAS AND PAVEMENT SECTION THICKNESS FOR PAVED AREAS TO PROPERLY ENSURE ADEQUATE CUT TO ESTABLISH SUBGRADE ELEVATIONS.
4. NO EARTHEN SLOPE SHALL BE GREATER THAN 3:1, UNLESS OTHERWISE NOTED.
5. MAXIMUM SLOPE IN ACCESSIBLE PARKING SPACES AND LOADING ZONES SHALL NOT EXCEED 2.0% IN ALL DIRECTIONS.
6. MAXIMUM RUNNING SLOPE SHALL NOT EXCEED 5% AND CROSS SLOPE SHALL NOT EXCEED 2% ON ALL SIDEWALKS AND ACCESSIBLE ROUTES UNLESS OTHERWISE NOTED.
7. WHEN NATURAL FLOW OF DRAINAGE IS AWAY FROM CURB, CONTRACTOR TO INSTALL REVERSE GUTTER PITCH.
8. MATCH EXISTING ELEVATIONS AT THE PROPERTY LIMITS AND SAWCUT LINES.
9. ALL STOOPS OR PEDESTRIAN EGRESS POINTS FROM THE BUILDING(S) SHALL BE NO GREATER THAN 2% FOR THE FIRST 5'.

KEY NOTES

1. CONCRETE CURB AND WALK (SEED)
2. PARALLEL CURB RAMP (SEE DETAILS)
3. ADA CURB RAMP (SEE DETAILS)
4. CONCRETE SIDEWALK (SEE DETAILS)
5. MATCH EXISTING GRADES
6. DEPRESSED CURB

SITE NOTES

1. ALL DIMENSIONS REFER TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
2. BUILDING DIMENSIONS ARE TO THE OUTSIDE FACE OF BUILDING UNLESS OTHERWISE NOTED.
3. REFER TO ARCHITECTURAL AND STRUCTURAL PLANS TO VERIFY ALL BUILDING DIMENSIONS, DOOR LOCATIONS, PRIOR TO ORDERING MATERIALS.
4. ALL PROPOSED ON-SITE STRIPING SHALL BE PAINTED UNLESS OTHERWISE NOTED.
5. ALL GRADES IN MILL AND OVERLAY AND FULL DEPTH ASPHALT PAVEMENT REPLACEMENT SHALL MATCH EXISTING GRADES TO MAINTAIN DRAINAGE FLOW PATHS.

GENERAL PLAN NOTES

REFER TO GENERAL NOTES SHEET FOR MORE INFORMATION INCLUDING THE FOLLOWING: (EXISTING LEGEND, BENCHMARK INFORMATION, AND SPECIFIC GENERAL PLAN NOTES.)

SITE IMPROVEMENT PLAN

MARSH REDEVELOPMENT

ORIGINAL ISSUE: 37 (3) (2005)

KHA PROJECT NO
170502002

SHEET NUMBER

C5.0



Board of Zoning Appeals Staff Report

Meeting Date: September 25, 2024

DEPARTMENT CONTACT:

Gabrielle Herin, Senior Planner

hering@fishers.in.us

CASE NUMBER:

VA-24-19

PETITIONER:

Virgil Turpin, virgil@permapools.com

PROPERTY ADDRESS/LOCATION:

9648 Nautilus Circle, Fishers, IN 46037

REQUEST: Consideration of a Development Standards Variance from the Unified Development Ordinance Section 3.2.3 to increase the maximum allowed impervious surface percentage from 35% to 42% for a proposed pool deck.

APPLICABLE REGULATIONS:

Unified Development
Ordinance

EXISTING ZONING:

R-2, Unified Development
Ordinance (Ord.
#071618F)

FISHERS 2040:

Suburban Residential

LOT SIZE: 0.40 acres

**STAFF RECOMMENDATION**

☐ Approve

☐ Continue

☐ Deny

☒ No Recommendation

ZONING HISTORY:

The parcel is under the Unified Development Ordinance (Ord. #071618F).

SURROUNDING LAND USE & ZONING:

North: R2 (Traditional Single Family)

South: OS (Geist Reservoir)

East: R2, OS (Traditional Single Family, Geist Reservoir)

West: R2 (Traditional Single Family, Geist Reservoir)

Zoning Map



SUMMARY OF PUBLIC COMMENTS:

No public comments regarding this variance were received.

PETITION OVERVIEW:

Summary of Request

Virgil Turpin, on behalf of the property owners, Michael and Sharon Smith, is requesting a Development Standards Variance to increase the lot's maximum impervious surface area from 35% to 42% for hardscaping associated with a pool. Staff confirmed they would need to increase their impervious surface coverage to 42% and that the increase would not cause any concern from the Stormwater department.

Fishers 2040

Fishers 2040 identifies the future land use of this lot to be suburban residential.

Fishers 2040 Future Land Use Map



STAFF RECOMMENDATION:

Staff has no recommendation for this request.

If the Board approves this Variance Staff requests the following conditions, and any others sought by the Board:

1. The Approval Letter and relative documentation be recorded on the property with the Hamilton County Recorder's Office.

STAFF RECOMMENDATION

☐ Approve ☐ Continue ☐ Deny ☒ No Recommendation

১৯৭১ সালের ১১ মার্চ রাত
 ১১ মার্চ ১৯৭১
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SJM

DATE July 20, 1987

CR NO. 4507

CLIENT Lucie & Ted

SCALE # 40

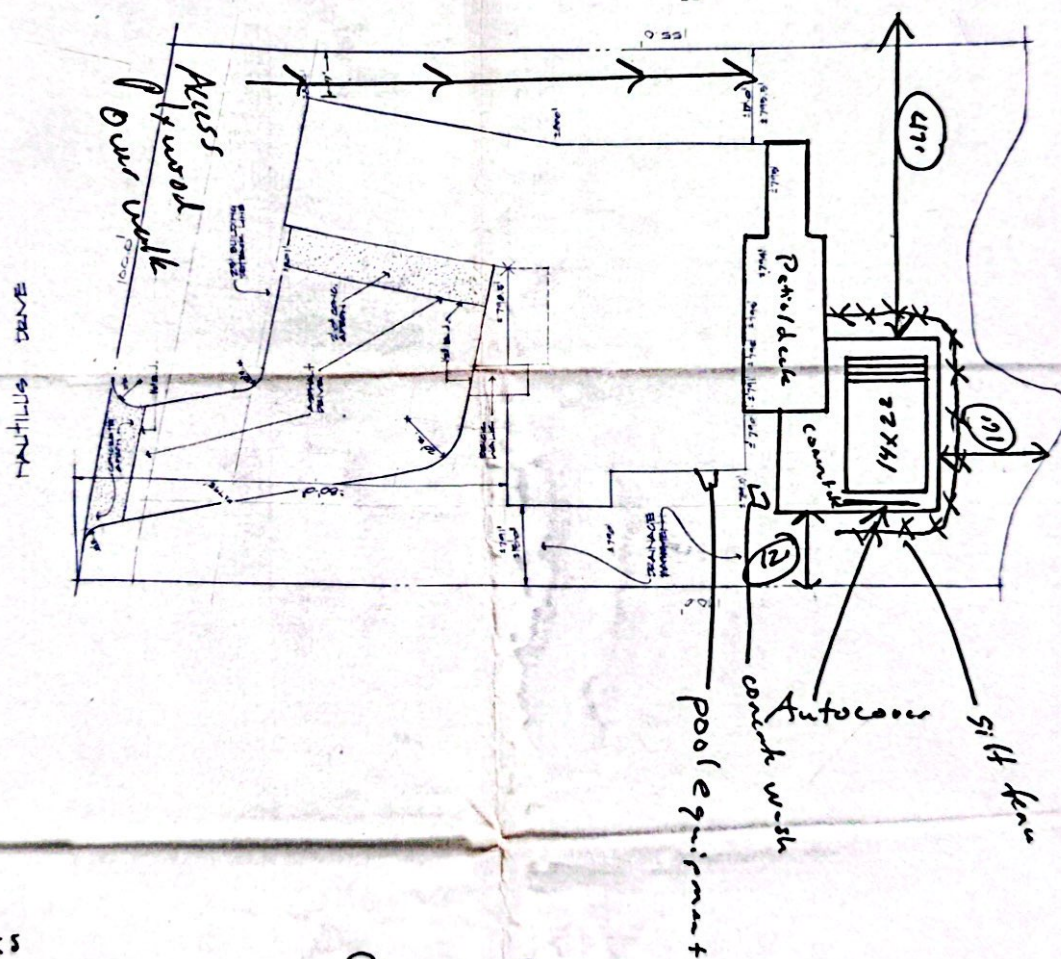
VERSION

20048 Nauplius SDr.

APPROVED
Geist
Harbours
Dev.
Control
Committee

Don't forget to
check the
date and
time of the
meeting.

13/12/20



Pool Specs

14x22 vinyl pool

1.5 HP vs pump

Autocover

200 sq cartridge filter

Low voltage lights

Pool Builder

Perma Pools

5245 Elmwood Ave

Indianapolis IN 46203

317-363-4198

daniel@permapools.com



Board of Zoning Appeals Staff Report

Meeting Date: September 25, 2024

DEPARTMENT CONTACT:

Gabrielle Herin (hering@fishers.in.us)

CASE NUMBER:

Special Exception 119553

PETITIONER:

Cody Howell (codyhowell4@gmail.com)

PROPERTY ADDRESS/LOCATION:

13982 Avalon Blvd, Fishers, IN 46037

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 (PUD-R) under the Avalon PUD Ordinance # 121503E.

APPLICABLE REGULATIONS:

Avalon PUD Ordinance
#121503E, Unified
Development Ordinance (UDO)

EXISTING ZONING:

PUDR - Residential

FISHERS 2040:

Suburban Residential

LOT SIZE: .16 Acres

LOCATION MAP**STAFF RECOMMENDATION**

☐ Approve

☐ Continue

☐ Deny

☒ No Recommendation

Meeting Date: September 25, 2024
Case Number: Special Exception 119553

ZONING HISTORY:

The area known as the Avalon PUD (or Avalon of Fishers subdivision) was initially rezoned to PUD-M in 2002. Then in 2003, the area was rezoned to PUD-R. The zoning was not changed under the last and most recent amendment in 2004 (Ordinance #: 121503E). The Avalon PUD refers to the Unified Development Ordinance (UDO) when addressing short term rentals. The property is .15 acres. The adjacent lots are zoned PUD-R as well.

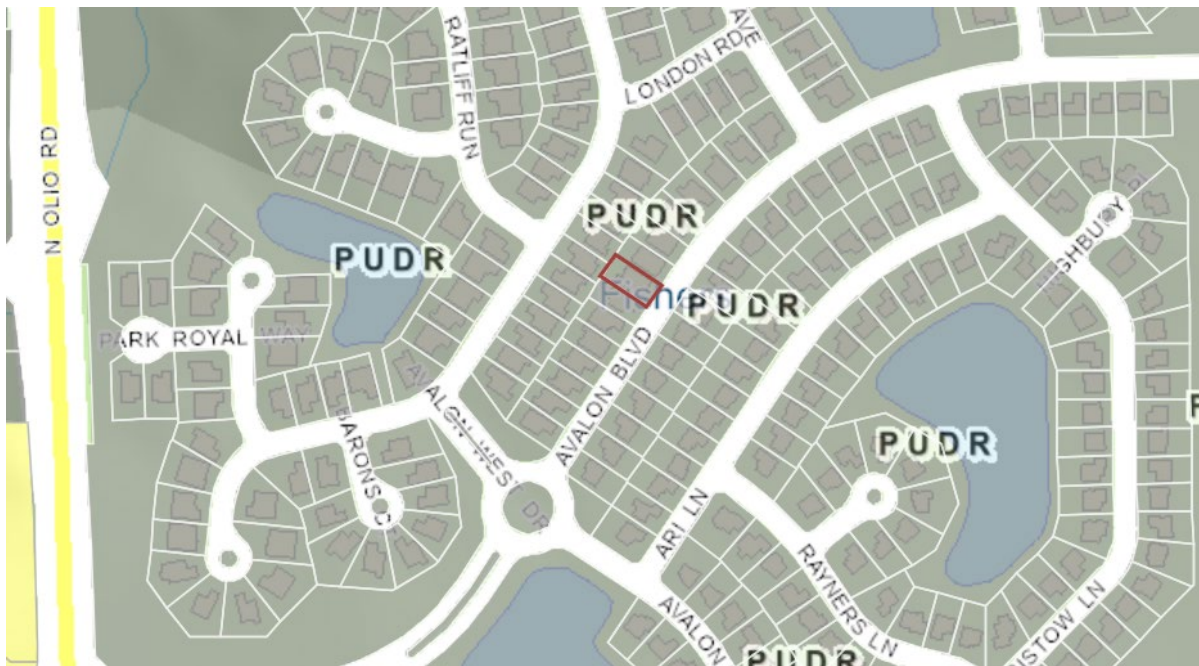
SURROUNDING LAND USE & ZONING:

North: PUD-R (Traditional Single Family)

East: PUD-R (Traditional Single Family)

South: PUD-R (Traditional Single Family)

West: PUD-R (Traditional Single Family)



Zoning Map

SUMMARY OF PUBLIC COMMENTS:

At the time of the writing of this staff report, Staff received 15 public comments by the public comment portal, email and mail. See Exhibit A for counts of how many times a concern was mentioned.

Meeting Date: September 25, 2024
Case Number: Special Exception 119553

PETITION OVERVIEW:

Cody Howell, the property owner, has requested a special exception from the Unified Development Ordinance to allow for a short-term rental, (E.g., Airbnb, Vrbo). The State of Indiana does not allow municipalities to limit short-term rentals when it relates to home-occupation, meaning the property owner must live at the residence.

This does not meet our home-occupation standards, and therefore requires this special exception to allow short-term rentals.

The property owner lives in Mesa, Arizona.



STAFF RECOMMENDATION:

Per County Records, Cody & Renata Howell have owned this property since November 2021. There is an open code enforcement case on record. A neighbor called to report that this property was being used as an AirBnB. He or she explained that typically there are 5-6 cars in front of the house and as a result, they block mailboxes and driveways.

Meeting Date: September 25, 2024
Case Number: Special Exception 119553

The property is currently listed on Airbnb as an entire home rental (6 guests, 3 bedrooms, 4 beds and 2 baths) with 3 reviews (4.67 average star rating) as of September 17, 2024. The listing can be found at: https://www.airbnb.com/rooms/1189807791767116179?viralityEntryPoint=1&s=76&source_impression_id=p3_1726584097_P3hyM_HiaqBzOqdy

The petitioner provided pictures of the outside and inside of their home. They also submitted a plot plan and aerial map showing the location of the property.

Staff has NO RECOMMENDATION.

If the Board approves this Special Exception for short-term rental staff request the follow the following conditions, and any others sought by the Board:

1. The special exception is tied to the user and specific use. If the current property owner was to sell or vacate the property, the special exception would be void.
2. The Approval Letter and relative documentation be recorded on the property with the Hamilton County Recorder's Office.

STAFF RECOMMENDATION

☐ Approve ☐ Continue ☐ Deny ☒ No Recommendation

EXHIBIT A

- Does not fit character of neighborhood/affects quality of life 8
- Enclave Neighborhood HOA is in the voting process of amending their Short Term Rental policy 6
- Cars block the sidewalk and homes 6
- Parking issues 6
- Increased traffic 5
- Increased noise 3
- Unfamiliar people 3
- Enclave neighborhood HOA covenant amendment to prevent short term rentals has the support of 90% of homeowners 2
- Local rules disregarded by tenants 2
- Additional parking will be a hazard 2
- Main blvd already has heavy traffic 2
- Objects to any stay of less than 30 days 2
- Mail truck can't deliver 2
- Concerned about the potential problems a less than 30-day stay will incur 2
- Several young children live nearby 2
- Every rental has had more than 3 cars 1
- Close to the school bus stop 1
- Safety issues because of unknown parties 1
- Property values will be affected 1
- The Enclave Neighborhood HOA at Avalon of Fishers is updating their documents regarding rentals. Short term rentals will be prohibited once the 60 day short term rental of the subject property is up. A Noblesville family is living there until their home is repaired. Their lease expires October 20. 1
- Additional information regarding the pending Enclave HOA Covenant amendment. Will include "rental limitations within the community (e.g. bans on short term rentals within the community). Vote will occur November 2. More than likely it will pass and be filed at the Recorder's Office. 1
- Absentee owners are not invested in the community and do not know whether their tenants follow the Enclave neighborhood rules 1
- Security concern 1
- Concerned it will house drug users like home in City of Carmel that was vacated by police in mid summer 1
- Overcrowded streets 1

Meeting Date: September 25, 2024

Case Number: Special Exception 119553

- Approximately 20 hotels are located within 10 miles of the community, providing accommodation to visitors 1
- Not fair to people who live in Enclave permanently 1
- Litter 1
- Concerned if this one is approved, more short term rentals will be approved 1
- Will be frequent complaints to the Fishers Police Department during concert season due to parties 1
- Potential for Incidences 1
- Several cars are typically associated with short term rentals 1
- Below is a picture of 4 cars in the subject property's driveway. The driveway is blocked requiring pedestrians to walk in the street 1



Welcome to Your Getaway at Fisher's Airbnb!

14047 Northcoat Place
Fishers, IN 46038

Dear Guest,

We are excited to welcome you to your getaway at our Fisher's Airbnb! I'm Amish Patel, at your service, and committed to ensuring your stay is comfortable and enjoyable. We're thrilled you've chosen to stay with us, and we aim to provide peace and happiness during your time here.

Check-In and Check-Out Details

- Check-in is available after 3 PM
- Check-out time: 11 AM

Access Instructions

For access, the smart lock code is [REDACTED]. Simply push the brand on top of the keypad to lock the door. Please keep this code confidential and limit its use to the registered Airbnb guests.

Wi-Fi Connectivity

Enjoy our high-speed Wi-Fi for all your internet needs. Connect to "ATT Wifi" using the password [REDACTED].

Parking Options

You are welcome to park in the garage, driveway, or along the street in front of the property.

Highlights of Your Stay

Don't miss out on our special amenities:

- Provided Refreshments: We've arranged some light refreshments in the kitchen. Feel free to indulge! Settle in and feel right at home.
- Executive Office, fully stocked for all your work needs
- Bar area featuring some delightful surprises
- A serene outdoor resting area for relaxation

Important House Rules

For everyone's comfort, please adhere to the following house rules:

- Please observe quiet hours from 10 PM to 6 AM.
- No smoking inside the property. Smoking is permitted in designated outdoor areas only.
- Pets are not allowed unless specifically approved in advance.
- No parties or events. Small gatherings may be considered with prior approval.
- Please dispose of garbage properly in the designated bins.
- Conserve energy by turning off lights and electronics when not in use.
- Use appliances for their intended purposes and handle all property amenities with care.

We're here to make your stay as memorable and comfortable as possible. Should you need anything, please don't hesitate to reach out. Feedback received through reviews is invaluable in the Airbnb community. We'd deeply appreciate your thoughts after your stay, and we hope to see you again soon!

Warm regards,

Amish Patel