

**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@wootonhoylelaw.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