

**CITY OF FISHERS
BOARD OF ZONING APPEALS
MINUTES
September 25, 2024**

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

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

Others present: Ross Hilleary, Rodney Retzner, Tracy Gaynor, Christy Cashin, Gabrielle Herin, Barb Jenkins, Elaine Tharp, Ginny Reetz, Bob Reetz, Sharon Smith, Michael Smith, Derek Naber, Daniel Majestic, Neil Henry, Nancy Henry, Sue Follmar, Jack Follmar, Josh Huser, Cody Howell, Chris Smith, Pete McGinnis.

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

Mr. Ferrucci asked for a Motion for the approval of the previous minutes for 6/26/24, 7/24/24, and 8/28/28. (The June and July minutes were resubmitted for the record to correct a date error.) Mr. Grinslade made a Motion to approve, seconded by Mr. Stevenson. The Minutes were approved, 4-0.

Public Hearings:

a. 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)

Derek Naber presented the signage request for the previous Marsh building at 12520 E. 116th St. The façade is being reworked and will be a 24/7 pickleball facility.

Christy Cashin presented the Staff Report for 396 square feet from 300 feet in the UDO. Staff recommends approval with 8 conditions.

Mr. Ferrucci opened the Public Hearing portion of the meeting. Seeing no members of the Public to speak, he closed the Public Hearing.

In Committee Discussion, Mr. Ferrucci reiterated the 8 findings included in the Staff Report:

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.

Mr. Ferrucci asked for a Motion. Mr. Grinslade made a Motion to approve, with the recording of the variance with the county, and the 8 conditions listed above. Mr. Stevenson seconded and the Motion was approved, 4-0.

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)

Daniel Majestic with Perma Pools presented the request for 42% impervious surface coverage from the current 35% for the pool and deck at 9618 Nautilus Circle. He confirmed that it will not encroach into the setback.

Gabrielle Herin presented the Staff Report. The site plan for the pool and deck was shown. Fishers City Stormwater Engineering has OK'd it. Staff has no recommendation.

Mr. Ferrucci opened the Public Hearing portion of the meeting. Seeing no members of the Public to speak, he closed the Public Hearing.

Mr. Ferrucci asked for a Motion. Mr. Stevenson made a Motion to approve, with the recording of the variance with the County, which was seconded by Mr. Grinslade. The Motion was approved, 4-0.

c. 13982 Avalon Blvd Short Term Rental

Parcel: 13-11-25-00-03-8.000

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)

This Special Exception is at 13982 Avalon Blvd. Cody Howell, the owner wishes to rent out his home as an Airbnb or other short-term rental. It is listed on the Airbnb website. This does not meet our home occupation standards. There is currently an open code enforcement case related to parking 4-6 cars. The City has received 32 Public Comments, the top 10 are as follows:

- Does not fit character of neighborhood/affects quality of life 15
- Parking issues 9
- Enclave Neighborhood HOA is in the voting process of amending their Short Term Rental policy 7
- Cars block the sidewalk and homes 7
- Noise level will increase 6
- Increased traffic levels 5
- Unfamiliar people 5
- Several young children live nearby 5
- Safety issues 5
- Property values will be affected 5

Mr. Ferrucci opened the Public Hearing.

Chris Smith (12913 Oxbridge Place)- he lives directly behind the property. Not in favor.

Barb Jenkins (13057 Oxbridge Place) – the neighborhood has the ability to limit rentals. Not in favor.

Elaine Tharp (13988 Avalon Blvd.)- The Howells are great neighbors and Cody is a good person but this is scary. Not in favor.

Bob Reetz (13099 Oxbridge Place) – He is VP of the HOA , they are looking at limiting rentals.

Pete McGinnis- (13079 Pinner Ave.)- Supports the previous comment.

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

In Committee Discussion, Howard Stevenson summarized the comments that Cody is a good person but the surrounding neighbors are not in favor of this variance.

Mr. Ferrucci asked for a Motion. Mr. Grinslade made a Motion to Deny, which was seconded by Mr. Stevenson.

The Motion to Deny was approved, 4-0.

d. New Business

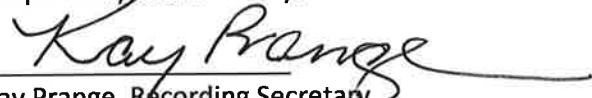
e. Staff Communication

f. Board Signatures – Findings of Fact

g. Adjournment

As there was no other business, the meeting was adjourned at 6:32 p.m.

Respectfully Submitted by:


Kay Prange, Recording Secretary