



CITY OF FISHERS AGENDA

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.

The public may [stream the meeting online](#).

Members of the public may [submit comments online](#) before 12pm on Monday, January 1, 0001.

BOARD/COMMISSION: Board of Zoning Appeals - Fall Creek Meeting

DATE: 5/25/2023, at 6:00 PM

DIRECTIONS: Fishers Pavilion Conference Room, 10 Municipal Drive, Fishers, Indiana 46038

- 1. Call to order / Pledge of Allegiance**
- 2. Roll Call**
- 3. Election of Officers, Appointments, and Designations**
 - a. Election of Chairperson
 - b.
 - Election of Vice-Chairperson
 - Appointment of Secretaries (Megan Vukusich, Ross Hilleary)
 - c. Appointment of Recording Secretary (Kay Prange, Kelly Lewark)
 - d. Designation of BZA Legal Counsel (Krieg DeVault)

4. Designation of Commission Legal Publications (Noblesville Times and The Current)

5. Approval of Previous Minutes

- a. 10-27-22

6. Public Hearings

- a. Jai Hanuman Temple Special Exception

- **Parcel:** 13-12-31-00-00-024.001
- **Address:** 12323 Cyntheanne Rd.
- **Case:** Special Exception 103574
- **Request:** Consideration of a Special Exception to allow for a place of worship use on a property zoned R2.
- **Petitioner:** Andrew Wert (awert@cchalaw.com) for Keerthi Srinivasan

7. Staff Communication

8. Findings of Fact

9. Adjournment

CITY OF FISHERS
BOARD OF ZONING APPEALS - FALL CREEK DIVISION
CITY HALL AUDITORIUM
MINUTES
October 27, 2022

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

A roll call was taken. Members present: Steve Richards, Chris Huck, Rich Bassett, Joel Fenske. Others present: Rodney Retzner, Megan Vukusich, Tracy Gaynor, Kay Prange, Tyler Folk, Sydney Granlund, Troy Terew, Justin Hendrick, Gary Hendrick, Stephen Dalton, Lindsay Dalton, Adam Stone, Jack Conner, Christopher Cox.

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

Minutes from the May 26, 2022 meeting were approved, 4-0. Mr. Fenske made a Motion to approve, seconded by Mr. Richards.

Public Hearings:

a. VA-22-22: Stone Accessory Structure Setback Variance

Christopher Cox, on behalf of Adam and Emily Stone, the property owners, is seeking a Development Standards Variance from Section 6.2.2.C of the City's Unified Development Ordinance (UDO), to allow for an accessory structure larger than 600 square feet to be closer to the property line than its height. The subject property is zoned R2 and is located at 15924 E 126th Street, east of Cyntheanne Road and south of the Britton Falls neighborhood.

Planner: Tyler Folk (folkt@fishers.in.us)

Christopher Cox presented the request for the pole barn. The HOA in the neighborhood agreed to allow a build within 10 feet of the property line. Due to septic line, it can't be pushed further.

Mr. Richards opened the meeting to Public Comment. Seeing no one from the Public available to speak, he closed the Public Hearing.

Tyler Folk presented the Staff Report which includes public comment and photos of the property. Staff has no recommendation for the Board.

In Committee discussion, it was determined that the tree line is substantial.

Mr. Richards asked for a Motion. Mr. Bassett made a Motion to approve, with the recording of the variance on the property, and a waiver of remonstrations of annexation, seconded by Mr. Richards. The Motion was approved, 4-0.

b. VA-22-23: Dalton Impervious Coverage Variance

Troy Terew, on behalf of the homeowners, is requesting a Variance of Development Standards from the Vermillion PUD to allow impervious coverage to be 42% instead of 35% to accommodate a new pool and outdoor patio area. The site is located at 16324 Portage Trail Lane and is currently zoned Vermillion PUD. It is generally located in The Ridge at Flat Fork neighborhood, which is north of Connecticut Avenue and west of Southeastern Parkway.

Planner: Sydney Granlund (granlunds@fishers.in.us)

Troy Terew presented the request for the pool and outdoor area. Impervious surface would be increased to 42%. He noted opposition from the HOA although Mr. Terew says that 2 have already been approved in this neighborhood, and some without variances. One backs up to this property. There are beehive inlets so drainage won't be affected. Pervious pavers will be used for 25% less impact. 7% over the 35% allowable will be 1200 square feet on this project.

Mr. Richards opened the Public Comment portion of the meeting.

Alex Hamilton (16307 Spring Bay Ct.) – HOA power trip (did not sign in)

Jack Conner (16338 Portage Trail Ln.)- The HOA President does not represent the views of the property owners.

Jamie Brown (16297 Portage Trail Ln.)- Fully supportive (did not sign in)

Mr. Richards closed the Public Hearing.

In Committee discussion, Mr. Richards noted that beehive drains are powerful and Fishers Stormwater is OK with it.

Mr. Richards made a Motion to approve with the recording of the variance on the property, seconded by Mr. Fenske. The Motion was approved, 4-0.

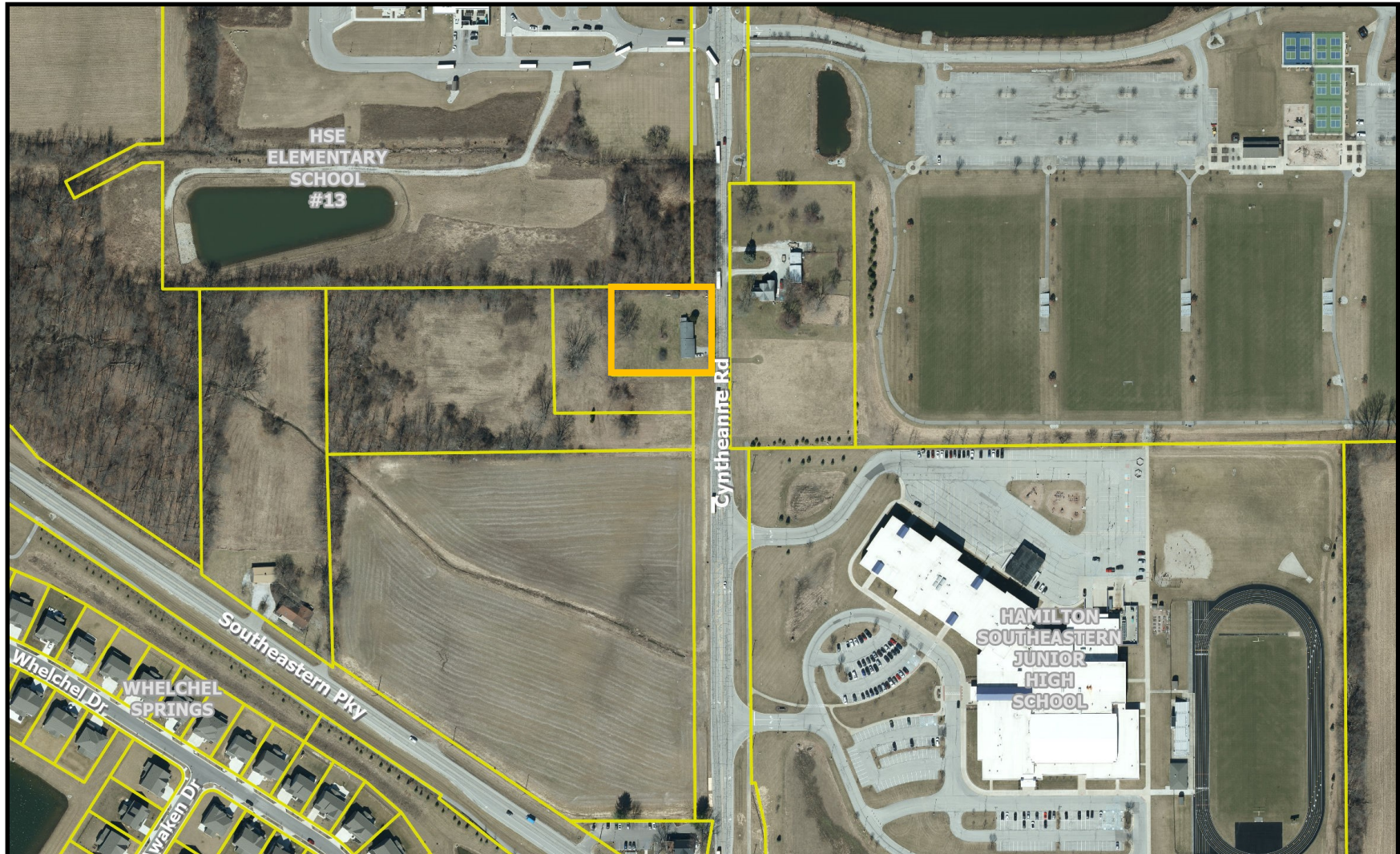
The November 17, 2022 FCBZA meeting is canceled.

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

Respectfully Submitted by:

Kay Prange, Recording Secretary

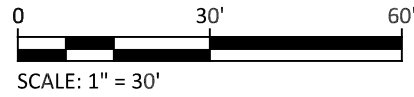
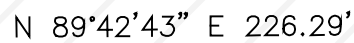
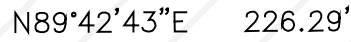
VICINITY MAP
12323 Cyntheanne Road



SITE PHOTOS – JAI HANUMAN TEMPLE

12323 Cyntheanne Road





BOUNDARY DRAWN BY ROUGH
DIMENSIONS ONLY. SURVEY
RECOMMENDED FOR ACCURACY.

SITE AREA: 1.00 ACRE

PARKING SPACES PROVIDED (9'X18'): 30

THIS DOCUMENT IS PRELIMINARY ONLY AND ALL INFORMATION HAS NOT BEEN VERIFIED OR APPROVED BY ANY PUBLIC AUTHORITY AND CANNOT BE RELIED UPON UNTIL THE FINAL PLAN HAS BEEN SUBMITTED AND DEEMED APPROVED BY THE GOVERNING AUTHORITIES.

CYNTHEANNE RD, FISHERS, IN 46037

PRELIMINARY CONCEPT LAYOUT

CHECK:
GRR

DRAWN:
DM

OF XX



TERRA
SITE DEVELOPMENT

16102 Spring Mill Road Westfield, Indiana 46074
P: 317.399.1216 F: 317.399.1216
www.TERRAsitedev.com

Narrative Statement

Jai Hanuman Temple, Special Exception petition

12323 Cyntheanne Road

Keerthisvasan Srinivasan is a Hindu priest who heads the Veda Vidya Foundation and Cultural Center based in Fishers. The foundation has purchased a one acre parcel of ground at 12323 Cyntheanne Road with plans to develop Hamilton County's first Hindu temple. The property is currently improved with a single family house. The foundation plans to convert the home into temporary quarters for the temple and cultural center.

Prior to the land use conversion, a number of steps are necessary. The property is zoned R2. The Fishers UDO classifies a Place of Worship as a Special Exception in the R2 district. Should the Board of Zoning Appeals approve the Special Exception, the property will be platted. This will involve dedication of right-of-way and contribution or "payment-in-lieu" for future sidewalk construction. A petition for annexation will be submitted followed by connection to the sanitary sewer system. Finally, a remodeling permit will be obtained to bring the house into compliance with applicable commercial building codes.

A concept plan is included with the Special Exception petition. It shows the existing structure and a proposed 30-space parking lot to accommodate worshippers. Research by the Foundation has determined that there are approximately 350 households within a two-mile radius that would benefit from a Hindu temple in this area. We respectfully seek approval of our Special Exception petition.

From: noreply@formstack.com
To: [Planning Dept](#); [Prange, Kay](#); lewarkl@fishers.in.us; [Yukusich, Megan](#); [Hilleary, Ross](#); [King, Breanna](#); [Butler, Jonah](#); [Folk, Tyler](#); [Granlund, Sydney](#)
Subject: Public Meeting Comment Form
Date: Thursday, May 18, 2023 10:30:08 AM

EXTERNAL SENDER: Please exercise increased caution. Do not open attachments or click links from unknown senders or unexpected email messages.



Formstack Submission For: **Public Meeting Comment Form**

Submitted at 05/18/23 10:29 AM

Name:	Mani Subramaniam
Address:	11905 Bengals Dr Fishers, IN 46037
Email:	mani_subramaniam@yahoo.com
Subdivision or business name:	Bristols
Please select the meeting to which you would like to submit a public comment:	Board of Zoning Appeals - Fall Creek
Meeting Date:	May 25, 2023
Project Name/Resolution Number:	Case 103574
Comment:	We would like to support the application for establishing a Hindu Spiritual center on 12323 Cyntheanne Drive. We need more such centers in our living area. There are a number of adherents of the world's largest religious community, the Hindus, in Fishers and Noblesville, and this place of congregation and meditation will serve a long-standing need.
Would you like to receive email communications and updates from the City of Fishers?:	Yes



Fall Creek Board of Zoning Appeals Staff Report

Meeting Date: May 25, 2023

DEPARTMENT CONTACT:

Megan Vukusich (vukusichm@fishers.in.us)

CASE NUMBER:

Special Exception #103574

PETITIONER:

CCHA by Andrew Wert for Keerthi Srinivasan

PROPERTY ADDRESS/LOCATION:

12323 CYNTHEANNE RD

REQUEST: Consideration of a Special Exception to allow for a place of worship use on a property zoned R2.

APPLICABLE REGULATIONS:

UDO Sec 5.1.5. Permitted
Use Table

EXISTING ZONING:

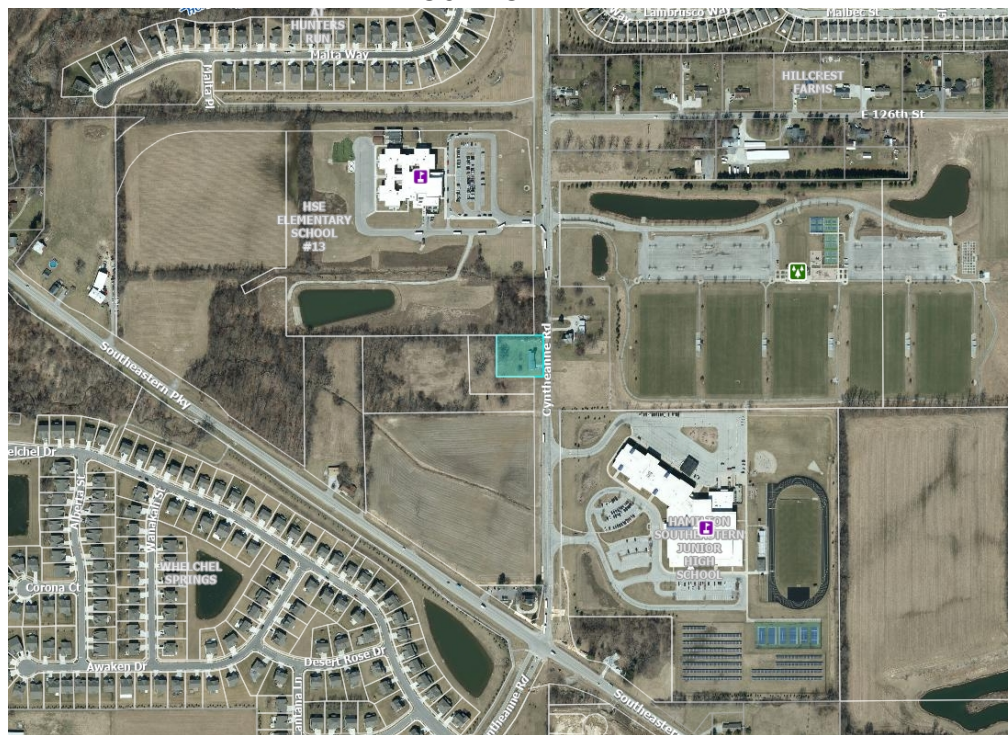
R2 Residential

FISHERS 2040:

Suburban Residential

LOT SIZE: 7 acres

LOCATION MAP



STAFF RECOMMENDATION

☐ Approve

☐ Continue

☒ Deny

☐ No Recommendation

Meeting Date: May 25, 2023

Case Number: 103574

ZONING HISTORY:

The property is currently zoned R2 Residential. A single-family home sits on the property today.

SURROUNDING LAND USE & ZONING:

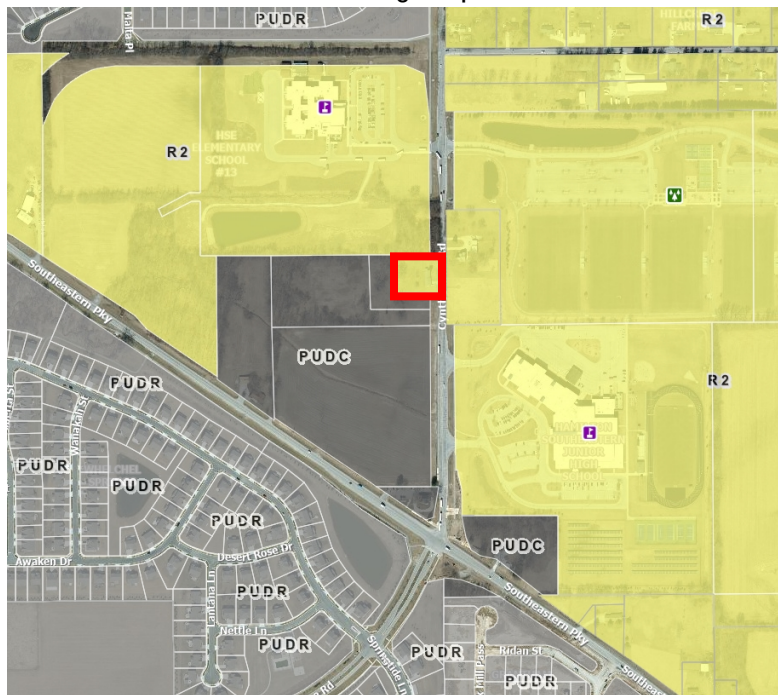
North: Southeastern Elementary School. R2 Residential

East: Single-family home. R2 Residential

South: Undeveloped. PUD-Commercial (Fall Creek Marketplace)

West: Undeveloped. PUD-Commercial (Fall Creek Marketplace)

Zoning Map



SUMMARY OF PUBLIC COMMENTS:

Two (2) public comments have been received at the time of writing this staff report:

Mani Subramaniam (11905 Bengals Dr) – Supports the proposed Special Exception. Believes we need more centers like this in the area and this proposal would serve a long-standing need.

Corby Thompson, Boomerang Development LLC – Supports the request but would like the petitioner to waive Indiana Code per I.C. 7.1-3-21-11 regarding proximity of places of worship

Meeting Date: May 25, 2023

Case Number: 103574

to liquor stores as to not impede future development in this area. The petitioner has agreed to this request.

PETITION OVERVIEW:

Summary of Request

Keerthisvasan Srinivasan is a Hindu priest who leads the Veda Vidya Foundation and Cultural Center based in Fishers. The foundation has purchased a one-acre parcel of ground at 12323 Cyntheanne Road with plans to develop Hamilton County's first Hindu temple. The property is currently improved with a single-family house. The foundation plans to convert the home into temporary quarters for the temple and cultural center.

The foundation has indicated a desire to expand in the next 3-5 years, however, fundraising for an expansion is not planned to begin until the temple is providing services to residents.

During phase 1, which will utilize the remodeled existing home, there will be a maximum of 15 people on site during the weekday and 25-30 on the weekends. The temple will be open by appointment only and will have the following hours:

Monday – Friday: 8:00 AM – 11:30 AM and 5PM to 8PM

Weekends: 8:00 AM – 1:00 PM and 3:00PM to 7:00PM

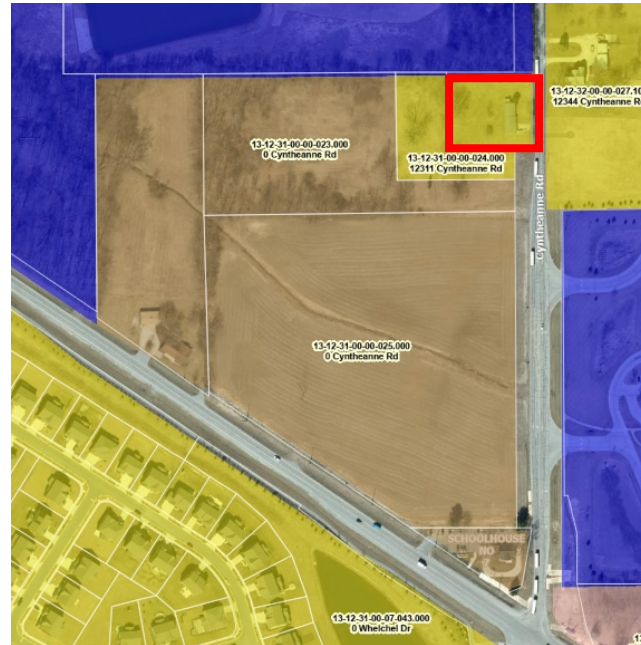
The Unified Development Ordinance allows places of worship within the R2 Residential District subject to a Special Exception. A Special Exception is a use which may be permitted in a district only if it meets special conditions, and upon application, is specifically authorized by the Board.

Fishers 2040

The Fishers 2040 Comprehensive Plan calls for the area surrounding the intersection of Southeastern Pkwy and Cyntheanne to develop as Neighborhood Mixed Use (Brown on the map below) and is to *“provide a neighborhood-sized node of services, amenities and gathering space in a pedestrian friendly environment. Uses may be mixed vertically and horizontally. This designation is intended to provide opportunities for smaller-scale mixed use developments that are compatible with surrounding neighborhoods.”* Example land uses include low intensity commercial retail, low intensity employment center and upper floor residential. This vision of the Comprehensive Plan is currently allowed by the PUD zoning district.

While the subject parcel itself is not included in this Neighborhood Mixed Use category, that is because at the time of creation the home was used as a single-family residence. Staff envisions this entire corner developing into a mixed-use area and believes the best use of the subject parcel would be to develop with the surrounding area.

Fishers 2040 Future Land Use Map



SUMMARY OF STAFF COMMENTS:

Per UDO, Sec. 10.2.19, a Special Exception may be approved by the Board only upon a determination in writing that the Special Exception at the proposed location meets the following. **Staff comments in red.**

1. The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals, or general welfare. **The proposed Special Exception would be detrimental to public health and safety by creating safety issues with the close proximity of the structure to the public right-of-way along a major thoroughfare. Converting this structure from a residential use to a non-residential use will increase the visitors to the property adding to this safety concern.**
2. The Special Exception will be designed, constructed, operated, and maintained to: (i) not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted; (ii) not substantially diminish and impair property value within the neighborhood; (iii) be harmonious and appropriate in appearance with the existing or intended character of the immediate vicinity; and (iv) not change the essential character of the area. **Staff envisions this entire corner developing into a commercial, mixed-use area and believes that if this property it to convert to a non-residential use it would be best to develop with the surrounding area and be incorporated into the future development. Approval of this Special Exception would change the essential vision for this area and would not be harmonious and appropriate in appearance with the intended character of the immediate vicinity.**

3. The establishment of the Special Exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the Zoning District. **The proposed development would impede the orderly development of the surrounding property. Any non-residential use should be integrated into the larger redevelopment vision for this area.**
4. Adequate public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools have been or are being provided and the Special Exception will not result in excessive additional requirements at public expense for such public facilities and services. **The future right-of-way needed along Cyntheanne Road, as identified in the Fishers 2040 Thoroughfare Plan, would encroach into the property where the home currently sits. Any non-residential use proposed on this property should be adequately designed to not create future issues within the public right-of-way. When future roadways improvements are made, the proposed Special Exception will result in additional, excessive requirements at the public expense.**
5. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion and have vehicular approaches are designed as not to create an interference with traffic on surrounding rights-of-way. **The future right-of-way will negatively impact vehicular approaches and traffic due to the proximity of the current structure to the new right-of-way.**
6. The Special Exception will be harmonious with and in accordance with the objectives of the Comprehensive Plan. **While the subject parcel itself is not included in this Neighborhood Mixed Use category, that is because at the time of creation the home was used as a single-family residence. Staff envisions this entire corner developing into a mixed-use area and believes the best use of the subject parcel would be to develop with the surrounding area.**
7. The Special Exception will be in a Zoning District where such use is permitted and that all other requirements of the Zoning District and this Ordinance, and as may be applicable to such use, will be met. **The Special Exception will not meet all other requirements of the Zoning District. Nonconformity with the front building setback, architectural requirements, and entrance and driveway standards will be created.**

STAFF RECOMMENDATION

☐ Approve ☐ Continue ☒ Deny ☐ No Recommendation