

APPROVED

**CITY OF FISHERS
BOARD OF ZONING APPEALS
MINUTES
FISHERS Municipal Center - Nickel Plate Conference Room
January 22, 2025**

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

In attendance: Steve Ferrucci, Tom Grinslade, Howard Stevenson, Greg Lannan. Jeffrey Silvey was not present. Others in attendance: Rodney Retzner, Ross Hilleary, Christy Cashin, Craig Crowe, Eric Carter, Rob Warstler, Brian Dyke, Sue and Jack Follmar, Mark Leach, Peg Westland, Chris Rawlins, Eric Gleissner, Mindy Brown, Yasmin Badawi, Mathew Branz, David Schel.

Mr. Stevenson made a Motion to approve the Minutes from the 12-18-24 meeting, seconded by Greg Lannan. The Motion was approved, 4-0.

Public Hearings:

Bent Grass Marketplace CONTINUED

Parcels: 15-11-19-00-67-001.000

Address: 13682 Bent Grass Ln

Case: VA-24-26

Request: Consideration of a Development Standard Variance from Section 5.4.8.D.2.b of the City's Unified Development Ordinance (UDO) to allow a 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.

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

Petitioner: Mark Leach (mark.leach@faegredrinker.com)

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

This Variance was continued from December 2024. Mindy Brown from Faegre Drinker, with Mark Leach from Faegre Drinker, Eric Gleissner from Civil Site Group, and Rob Warstler from Warstler Realty presented the re-worked elevations. The plan has been flipped 180 degrees. The restaurant building and menu board is now closest to SR37. They are confident that the speakers cannot be heard from the neighboring apartments, especially with SR37 road noise. Rob Warstler said that the speaker is shielded by the shopping center, which is most of the building. Christy Cashin presented the Staff Report and noted that the Variance was denied in December by a 2-1 vote of the BZA. Staff has No Recommendation for the Board.

Mr. Ferrucci opened the Public Hearing.

Sue Follmar (13857 Canopy Lane)- representing Regency Windsor, is pleased to see changes. No longer opposed. She asked for ownership of Bent Grass to be clarified. Mindy Brown will clarify road ownership and maintenance.

Matthew Branz (9446 Ashlake Lane)- agrees with the site changes and withdraws opposition.

Mr. Ferrucci closed the Public Hearing.

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

b. NJS Gas Station Sign Variance

Parcels: 15-11-31-00-15-003.000

Address: 12571 Reynolds Dr

Case: VA-24-22

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 one (1) ground sign.

Petitioner: Brian Dyke (brian.dyke@gianteagle.com)

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

Bryan Dyke with Ricker Oil Co. presented the drawings of the signs. The sign will go from manual to digital sign changing on both sides of one ground sign. This is preferred in the industry since prices change 2-3 times a day.

Christy Cashin presented the Staff Report. There have been no public comments- Staff has No Recommendation.

Staff report details *:

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 opened the Public Hearing. There was no one from the Public to speak and he closed the Public Hearing. Mr. Ferrucci asked for a Motion. Mr. Grinslade made a Motion to approve the variance based on the determinations above, and that the approval letter be recorded with the County. Mr. Stevenson seconded. The Motion was approved, 4-0.

c. Vermeer Gravel Lot Variance

Parcels: 15-11-30-00-00-001.008

Address: 13402 Britton Park Rd

Case: VA-24-27

Request: Consideration of a Development Standard Variance from Article 6.11.3.A.1 Parking Lot Design of the City's Unified Development Ordinance (UDO) to allow for a temporary gravel parking lot for equipment storage.

Petitioner: Eric Carter (cartere@weihe.net)

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

Eric Carter with Weihe and Craig Crowe with Vermeer presented the plan for a temporary gravel lot. There is a 5-year plan in which it will be paved. They are adding landscaping and detention.

Christy Cashin presented the Staff Report. The Fishers 2040 Plan allows flex industrial uses and this is for a storage lot with fence. The petitioner is requesting a development standard variance to allow a 45522 sq. ft. gravel parking lot for equipment storage. In the future, the petitioner plans to build a 9000 sq. ft. building. They also plan to add paved parking along Britton Park Rd eventually. The lot will be fenced with a wooden fence, much like that one currently installed onsite and will be landscaped along Britton Park Rd.

Staff has No Recommendation for the Board.

2 Public comments have been received:

Colin Sherman- overnight noise- vehicle beeping

Eric Puckett – noise and lighting

Petitioner states that the lot closes at 5:00.

Mr. Ferrucci opened the meeting to Public Comment. Seeing no one present to comment, he closed the Public Comment portion of the meeting.

In Board discussion, Mr. Stevenson asked about precedent- is a 5 year period reasonable? The petitioners have made a voluntary commitment to pave in 5 years.

Mr. Ferrucci asked for a Motion. Mr. Stevenson made a Motion to approve with expiration on or before 5 years and that the letter of approval be filed with the County. Mr. Grinslade seconded. The Motion was approved, 4-0.

d. Walmart Fuel Station Sign Variance

Parcels: 15-11-30-00-41-006.000

Address: 9354 Ambleside Dr

Case: VA-24-28

Request: Consideration of a Development Standards Variance from Section 6.17.7.C. Wall Signs of the City of Fishers Unified Development Ordinance to allow five (5) wall signs, where three (3) wall signs are allowed. Signs will be placed on the primary frontage of the building and on the fuel canopy.

Petitioner: Lisa Collins (lisa.collins@brrarch.com)

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

Yasmin Badawi with BRR Architecture presented 5 signs on the fuel canopy where only 3 are allowed. Christy Cashin presented the Staff Report and No Recommendation to the Board. The same Staff Report details * as Item b apply.

Mr. Ferrucci opened the Public Hearing. Seeing no one present to comment, he closed the Public Comment portion of the meeting.

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

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

Respectfully Submitted by:

Kay Prange, Recording Secretary