



## CITY OF FISHERS AGENDA

**BOARD/COMMISSION: Board of Zoning Appeals – Fishers**

**DATE: 6/30/2025 at 6:00 PM**

**DIRECTIONS: Fishers Municipal Center Theater,  
1 Municipal Drive, Fishers, IN 46038**

### **BOARD MEMBERS:**

Steve Ferrucci	Mayoral appointment, 4-year term, Jan. 2025 – Dec. 2028
Howard Stevenson	Plan Commission appointment, 4-year term, Jan. 2023 – Dec. 2026
Greg Lannan	Mayoral appointment, 2-year term, Jan. 2025 – Dec. 2026
Tom Grinslade	Council appointment, 3-year term, Jan. 2025 – Dec. 2027
Jeffrey Silvey	Delaware Township appointment, 4-year term, Jan. 2023 – Dec. 2026

### **1. Call to order / Pledge of Allegiance**

### **2. Roll Call**

### **3. Approval of Previous Minutes**

- a. BZA Minutes 5-28-25

### **4. Public Hearings**

#### **a. Wilson Garage**

**Parcel:** 13-16-08-00-03-001.002

**Address:** 16465 E. 101<sup>st</sup> St

**Case:** VA-25-9

**Request:** Consideration of a Development Standards Variance from Section 2.3.4 and 3.2.3 of the City's Unified Development Ordinance (UDO) to allow an increase in the size of a legal non-conforming structure from 240 square feet to 576 square feet which is a 140% increase in the size of the structure, a decrease in the minimum size of the

lot from 15,000 square feet to 4,950 square feet, and a decrease in the front setback from 40 feet to 7 feet.

**Petitioner:** Amandia Jeschke ([amandia@amandiadesigns.com](mailto:amandia@amandiadesigns.com))

**Planner:** Gabrielle Herin ([hering@fishers.in.us](mailto:hering@fishers.in.us))

b. **King Jugg Outdoor Seating**

**Parcel:** 15-14-01-02-04-008.000

**Address:** 11110 Lantern Road

**Case:** VA-25-10

**Request:** Consideration of a Development Standard Variance from Section 1; Figure 1.3. Development Standards of the Nickel Plate District Code (NPDC) to allow for outdoor dining.

**Petitioner:** Mike Finnegan ([cheers@kingjuggbrewing.com](mailto:cheers@kingjuggbrewing.com))

**Planner:** Kevin Martin ([martinke@fishers.in.us](mailto:martinke@fishers.in.us))

5. **Old Business**

6. **New Business**

7. **Staff Communication**

8. **Board Signatures – Findings of Fact**

9. **Adjournment**

**CITY OF FISHERS  
BOARD OF ZONING APPEALS  
MINUTES  
FISHERS Municipal Center Theater  
May 28, 2025**

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

In attendance: Steve Ferrucci, Tom Grinslade, Howard Stevenson, Greg Lannan, Jeffrey Silvey. Others in attendance: Rodney Retzner, Ross Hilleary, Grace Wiley, Gabrielle Herin, Larry Lannan, Sue and Jack Follmar, John Cross, Sarah Belyew, Joel Belyew, Kyle Ash, Brian Brown, Nick Gallagher.

**Mr. Stevenson made a Motion to approve the Minutes from the 4-23-25 meeting, seconded by all members. The Motion was approved, 5-0.**

**Public Hearings:**

**Rivian Land Use Variance**

**Parcels:** 15-14-11-00-00-017.201

**Address:** 9700 Masters Rd

**Case:** VA-25-7

**Request:** Consideration of a Land Use Variance from Section 5.1.5 of the City's Unified Development Ordinance (UDO) to allow an experience center and facility for the sale, service, maintenance, charging, repair and storage of new and pre-owned electric vehicles and related parts and accessories, for general office purposes and for any related uses.

**Petitioner:** Dillon Reynolds ([dreynolds@spacecoinc.com](mailto:dreynolds@spacecoinc.com))

**Planner:** Grace Wiley ([wileyg@fishers.in.us](mailto:wileyg@fishers.in.us))

Mr. Greenwood (?), representing Rivian, presented the Variance request. This is not a traditional auto dealership, it is more of a customer service facility. 6-10 vehicles would be serviced per day and the facility would employ approx. 25. There is no outside storage.

Grace Wiley presented the Staff Report and Renderings for the project. The property is in Municipal Airport zoning and is being annexed. Staff recommends approval.

**Mr. Ferrucci opened the Public Hearing. Seeing no one from the public to speak, he closed the Public Hearing.**

**Mr. Stevenson made a Motion to approve with the conditions that the parking shall not be used for vehicle storage and the Variance be tied to Rivian, and recorded with the County, seconded by Mr. Grinslade. The Motion was approved, 5-0.**

**VA-25-8 13409 Haven Cove Lane Belyew Variances**

**Parcels:** 13-15-02-00-25-038.000

**Address:** 13409 Haven Cove Ln

**Case:** VA-25-8

**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 59% and to increase the maximum permitted height from 35 feet to 42 feet for a new single family home.

**Petitioner:** John Cross ([john@wootonhoylaw.com](mailto:john@wootonhoylaw.com))

**Planner:** Gabrielle Herin ([hering@fishers.in.us](mailto:hering@fishers.in.us))

John Cross, Attorney for the Petitioner, presented the Variance Request. A private underground retention is proposed, which is an engineered solution to be consistent with the other homes on the street. The impervious surface would increase to **57%**. Nick Gallagher from Carrington Homes was also present, in addition to Brian Brown from Stoepelwerth. Mr. Ferrucci asked for clarification of the retention. It is a gravity-fed catch basin of 1000 cubic feet, holding 60,000 gallons potentially. Jason Armour from Fishers Stormwater has approved.

Gabrielle Herin presented the Staff Report with site plan and elevations. The recent UDO update increased impervious allowed to 50%. There have been no Public Comments. Staff gives no recommendation to the Board. The application was submitted prior to the UDO update. The Petitioner's representatives agreed that the useful life of the basin is 50 years.

**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 City is not responsible for any maintenance, and that the approval letter be recorded with the County. Mr. Stevenson seconded. The Motion was approved, 3-1-1. Mr. Lannan abstained.**

**Adjournment** As there was no other business, the meeting was adjourned at 6:30 p.m.

Respectfully Submitted by:

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Kay Prange, Recording Secretary



# Board of Zoning Appeals Staff Report

Meeting Date: June 30, 2025

**DEPARTMENT CONTACT:**  
Gabrielle Herin ([hering@fishers.in.us](mailto:hering@fishers.in.us))

**CASE NUMBER:**  
VA-25-9

**PETITIONER:**  
Amandia Jeschke,  
([amandia@amandiadesigns.com](mailto:amandia@amandiadesigns.com))

**PROPERTY ADDRESS/LOCATION:**  
16465 E. 101<sup>st</sup> St

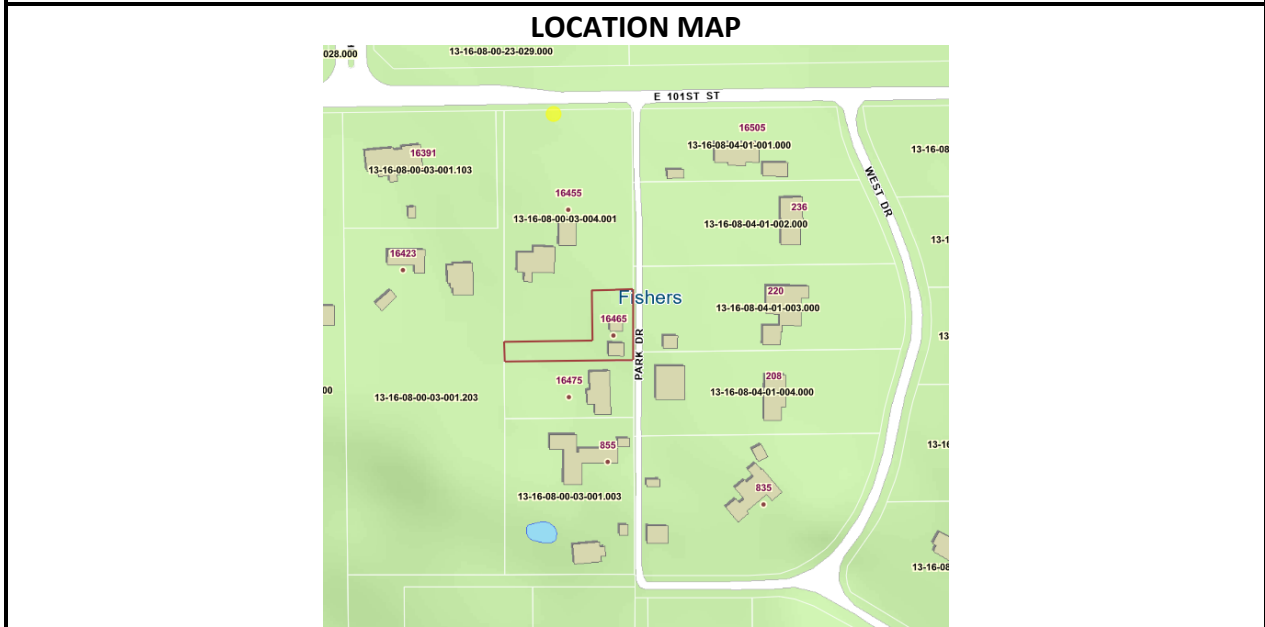
**REQUEST:** Consideration of a Development Standards Variance from Section 2.3.4 and 3.2.3 of the City's Unified Development Ordinance (UDO) to allow an increase in the size of a legal non-conforming structure from 240 square feet to 576 square feet which is a 140% increase in the size of the structure, a decrease in the minimum size of the lot from 15,000 square feet to 4,950 square feet, and a decrease in the front setback from 40 feet to 7 feet.

**APPLICABLE REGULATIONS:**  
UDO Sections 2.3.4 & 3.2.3

**EXISTING ZONING:**  
R-2, Unified Development Ordinance (Ord. #071618F, 022425F, 031725C)

**FISHERS 2040:**  
Estate Residential

**LOT SIZE:** Approx. 0.26 acres



### STAFF RECOMMENDATION

Approve     
  Continue     
  Deny     
  No Recommendation

## ZONING HISTORY:

The zoning is based on the Unified Development Ordinance (UDO), which was approved in 2018 (Ordinance #: 071618F). In the last year, the UDO was recently amended through Ordinance #s 022425F and 031725C. The new updates are applicable because the front setback was just reduced from 40 feet to 25 feet off local streets in the R2 zoning district.

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## SURROUNDING LAND USE & ZONING:

North: PUD-R, R2 (Traditional Single Family)

East: R2 (Traditional Single Family)

South: R2 (Traditional Single Family)

West: R2 (Traditional Single Family)



Zoning Map

## SUMMARY OF PUBLIC COMMENTS:

Staff received two emails inquiring about more information:

Danielle and Matt Clark, 16455 E. 101<sup>st</sup> St

- Asked whether there would be changes made to their property

Cynthia Hogwood, 16391 E. 101<sup>st</sup> St

- Asked for details on the request and the day and time of the meeting

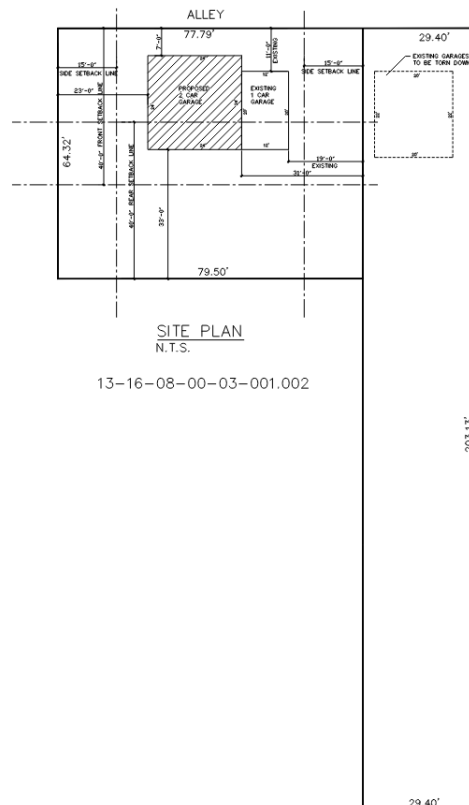
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## PETITION OVERVIEW:

### Summary of Request

Amandia Jeschke, on behalf of Mr. Wilson, is requesting several Development Standards Variances for a legal non-conforming accessory structure and lot:

- To allow an increase in the size of a legal non-conforming structure from 240 square feet to 576 square feet which is a 140% increase in the size of the structure
- To decrease the minimum size of the lot from 15,000 square feet to 4,950 square feet
- To decrease the front setback from 11 feet to 7 feet



### *Site Plan*

The site plan shows the rectangular portion of the lot that will be split off and the location of the proposed addition in relation to the existing accessory structure.

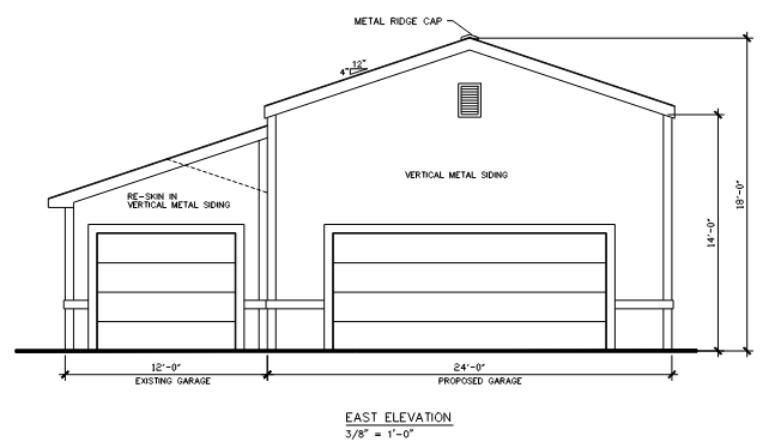
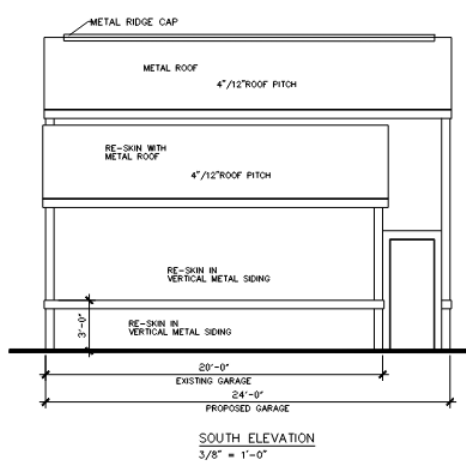
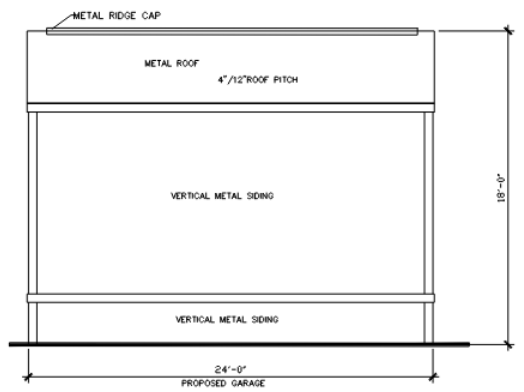
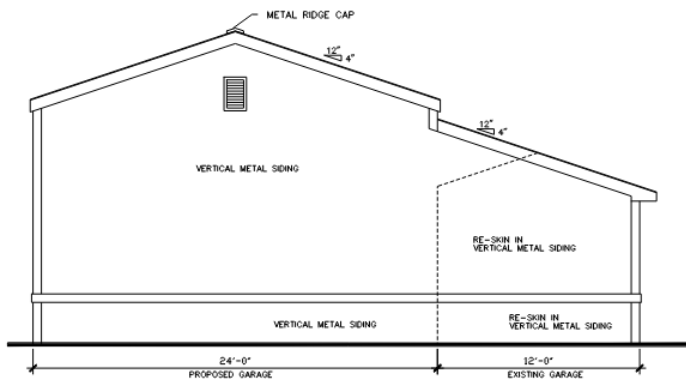
The existing accessory structures and lot are legal non-conforming because they were established prior to the effective date of the Unified Development Ordinance in 2018. What that means is both accessory structures are permitted in their current location and can be located on a smaller lot without an associated house.

The purpose of the variance requests is to split off a portion of the existing lot to add a second drive to 16423 E. 101<sup>st</sup> St and expand the existing legal non-conforming accessory structure in the purple shaded region. The accessory structure in the blue region will be demolished once the area is split off and combined with 16423 E. 101<sup>st</sup> St. See the picture below.



*Aerial Map*

The accessory structure in the purple shaded region will continue to be used as storage for a vehicle and miscellaneous personal items.



*Elevations. Front, side and rear elevations of the proposed accessory structure addition.*

## Fishers 2040

The Fishers 2040 Plan identifies this area as Estate Residential. The variance requests do not align with the vision because the lot and structure are legal non-conforming.



Fishers 2040 Map

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### STAFF RECOMMENDATION:

Staff has no recommendation for this request.

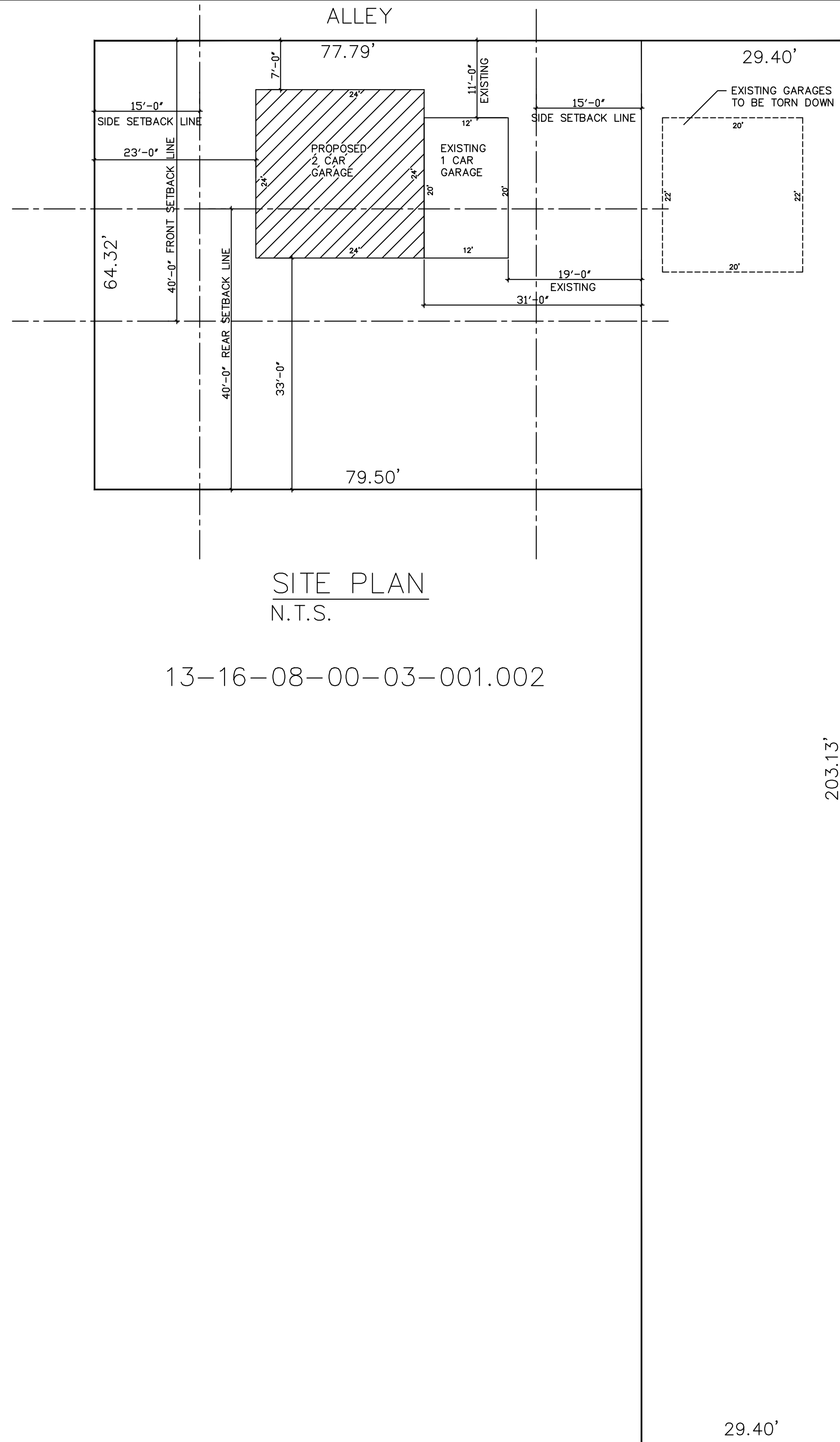
If the Board approves this Variance Staff requests the following conditions, and any others sought by the Board:

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

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### STAFF RECOMMENDATION

Approve       Continue       Deny       No Recommendation



SITE PLAN  
N.T.S.

13-16-08-00-03-001.002

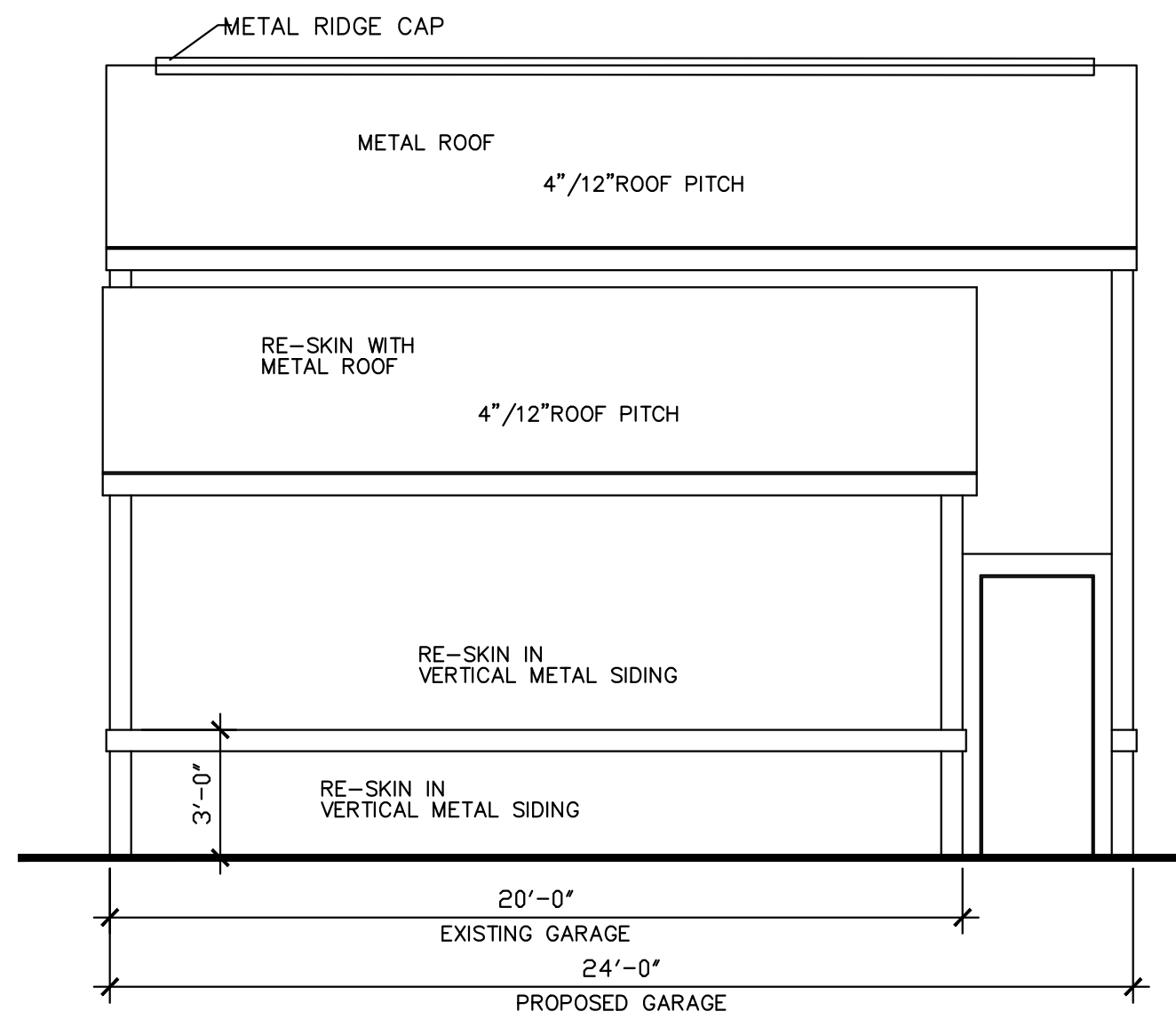
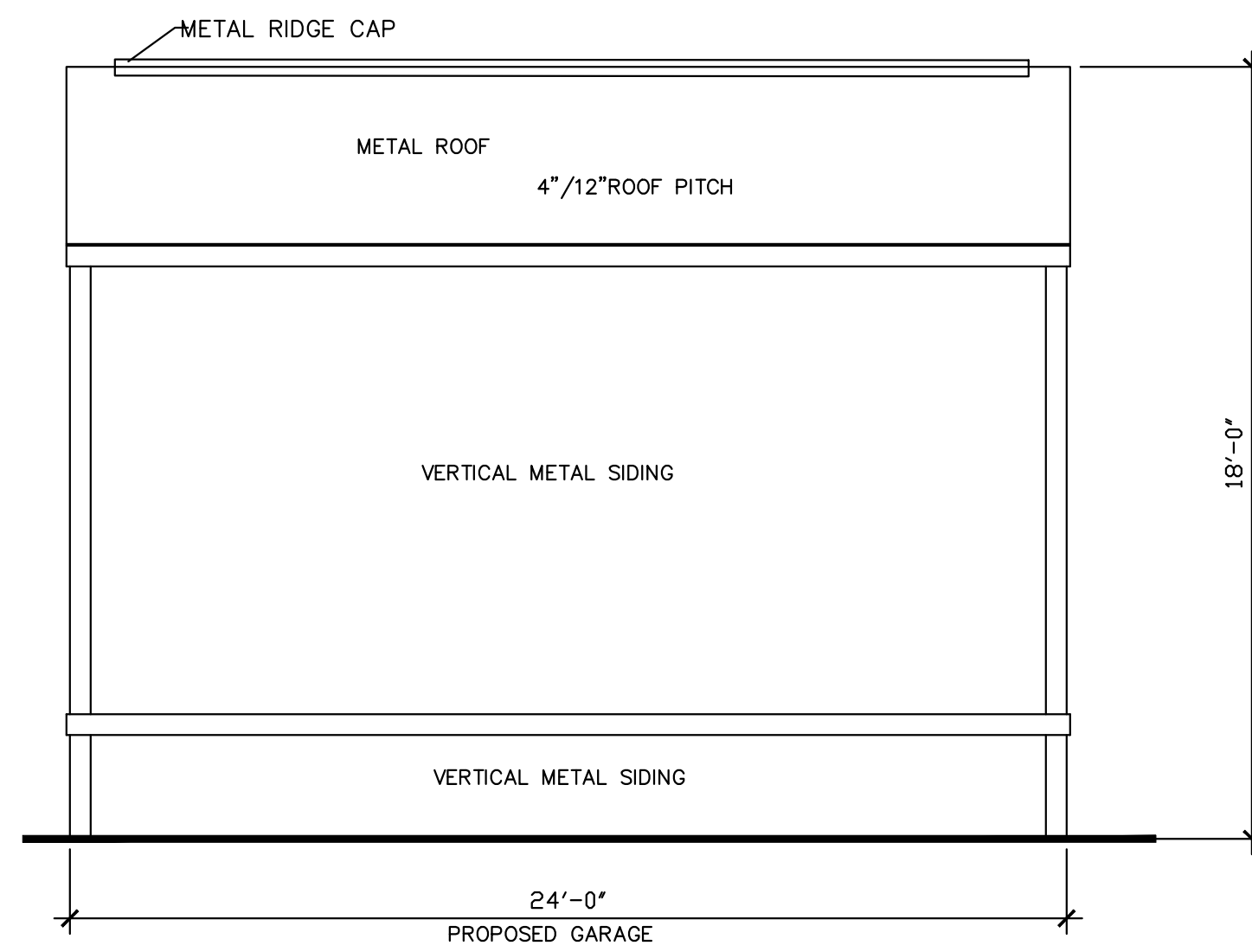
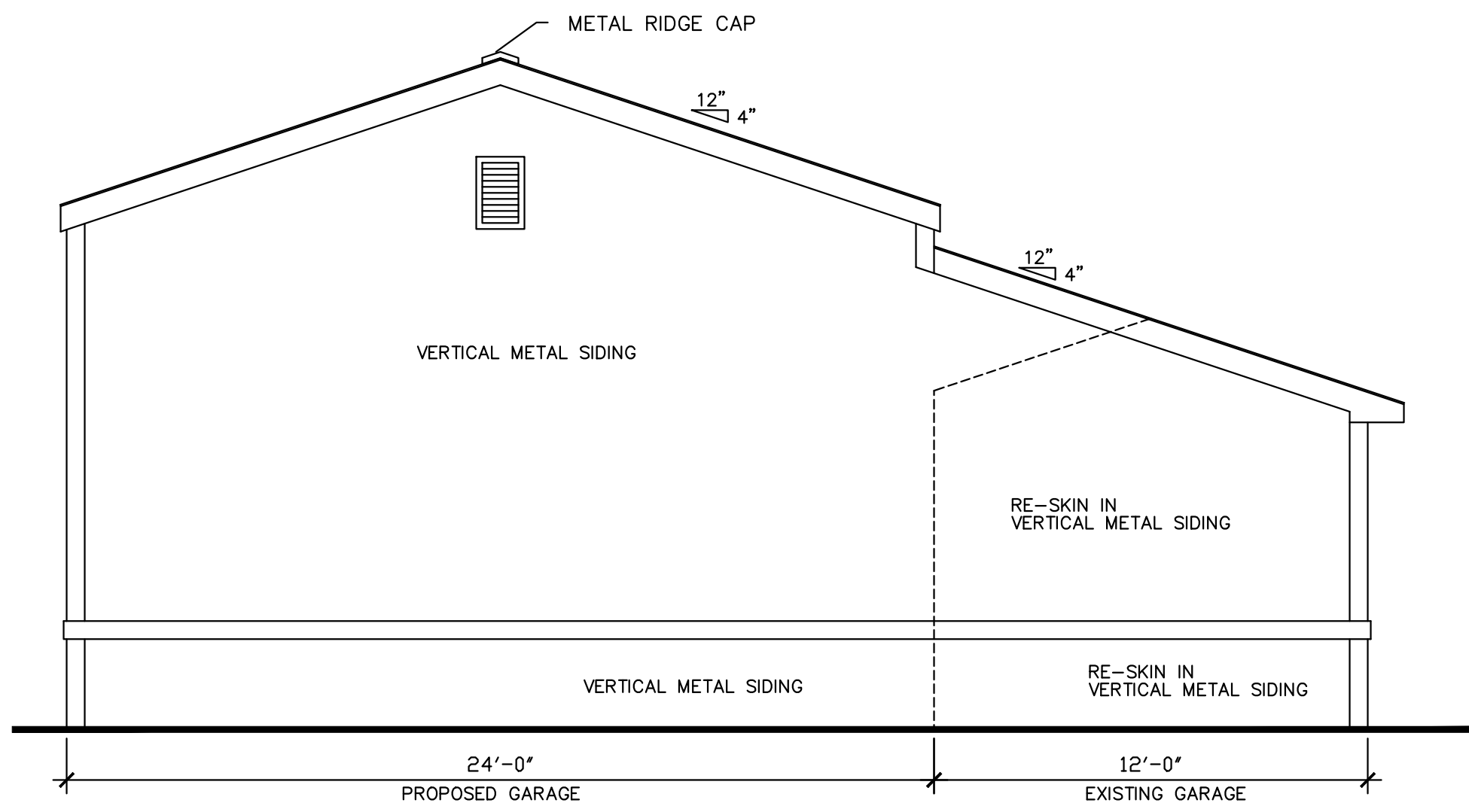
203.13'

AMANDIA JESCHKE  
ARCHITECTURAL DESIGNS  
765-621-622

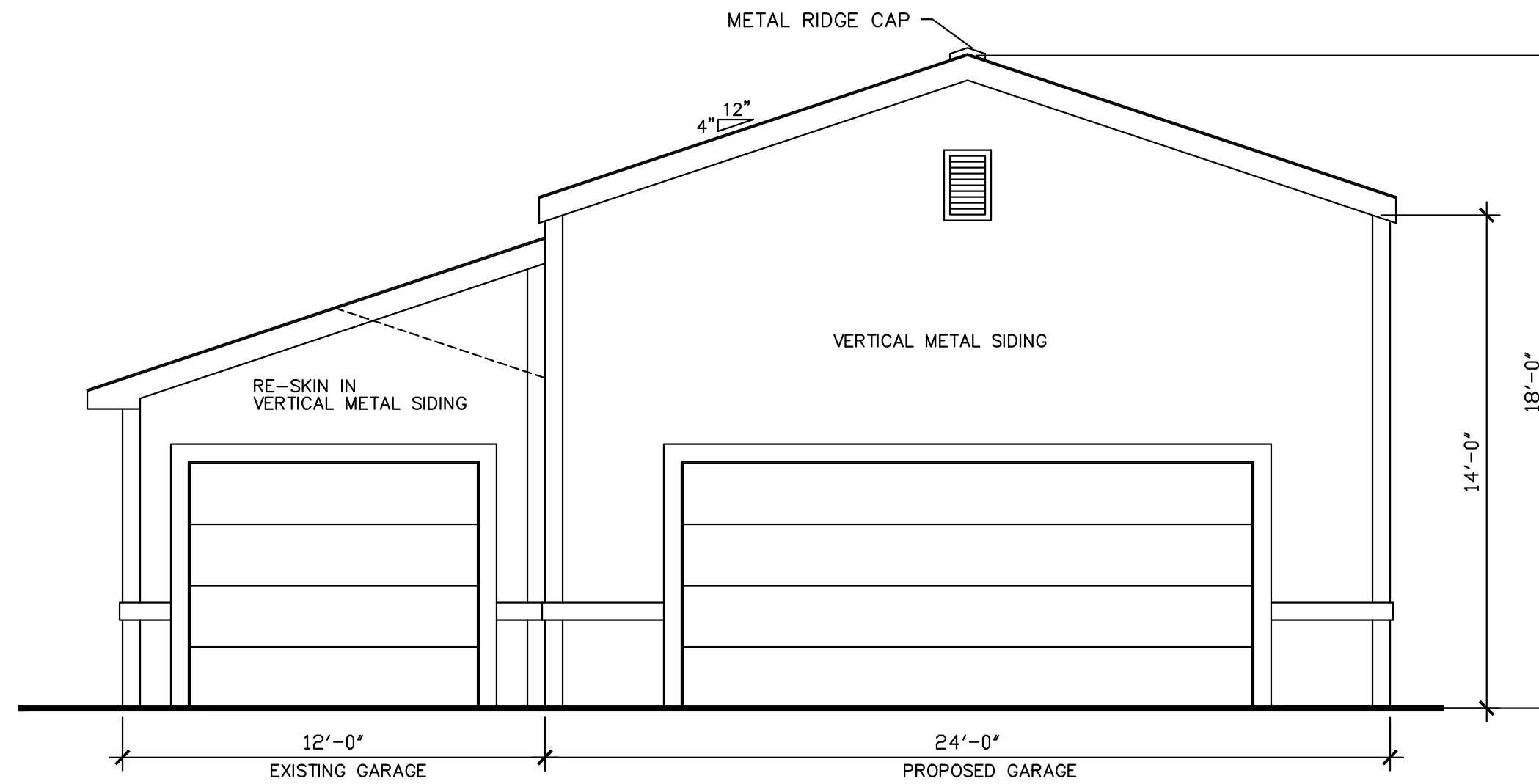
Site Plan

WILSON GARAGE  
16465 E 101st Street  
FORTVILLE, IN 46040

4-25-2025



SOUTH ELEVATION  
3/8" = 1'-0"



EAST ELEVATION  
3/8" = 1'-0"

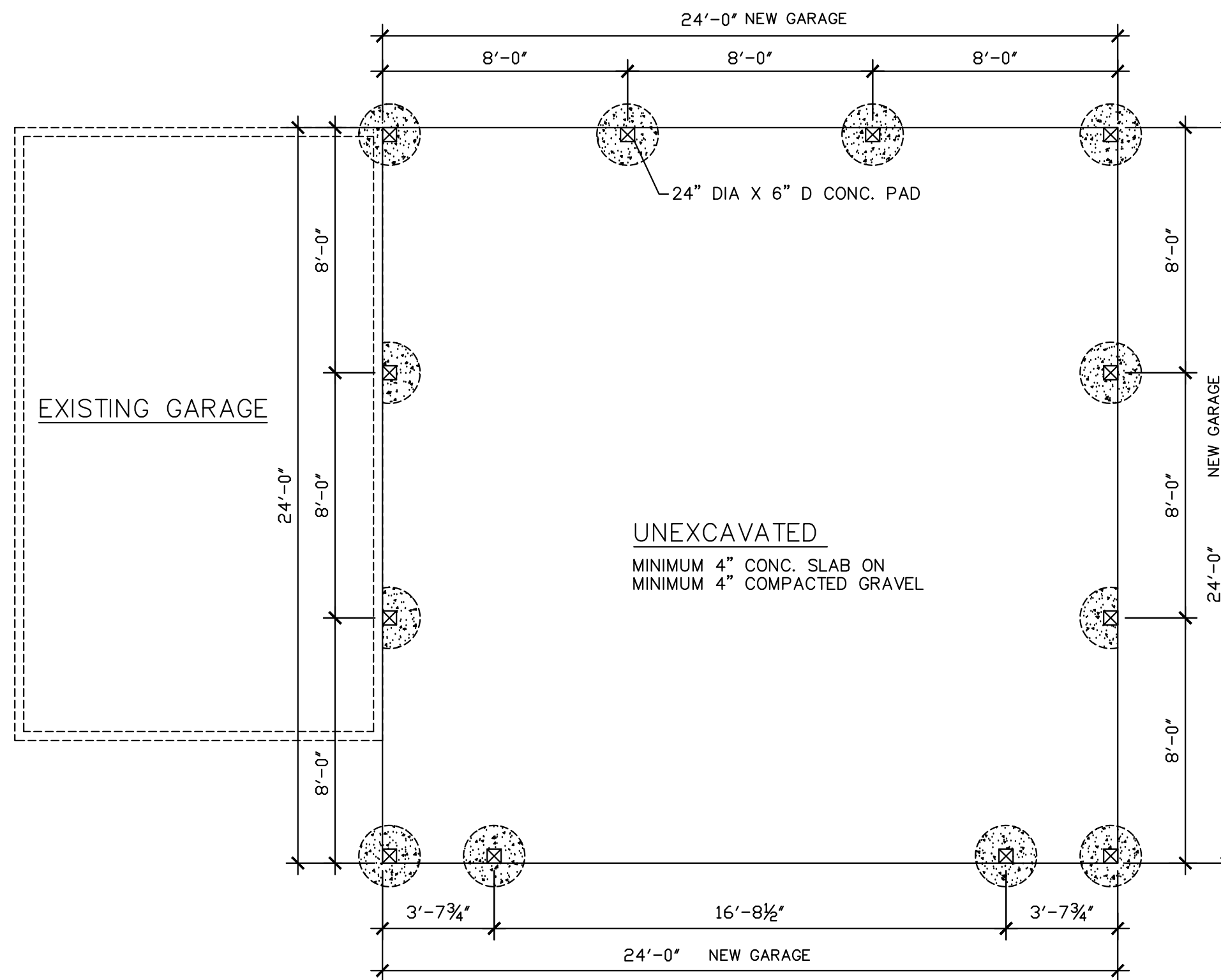
AMANDIA JESCHKE  
ARCHITECTURAL DESIGNS  
765-621-622

ELEVATIONS

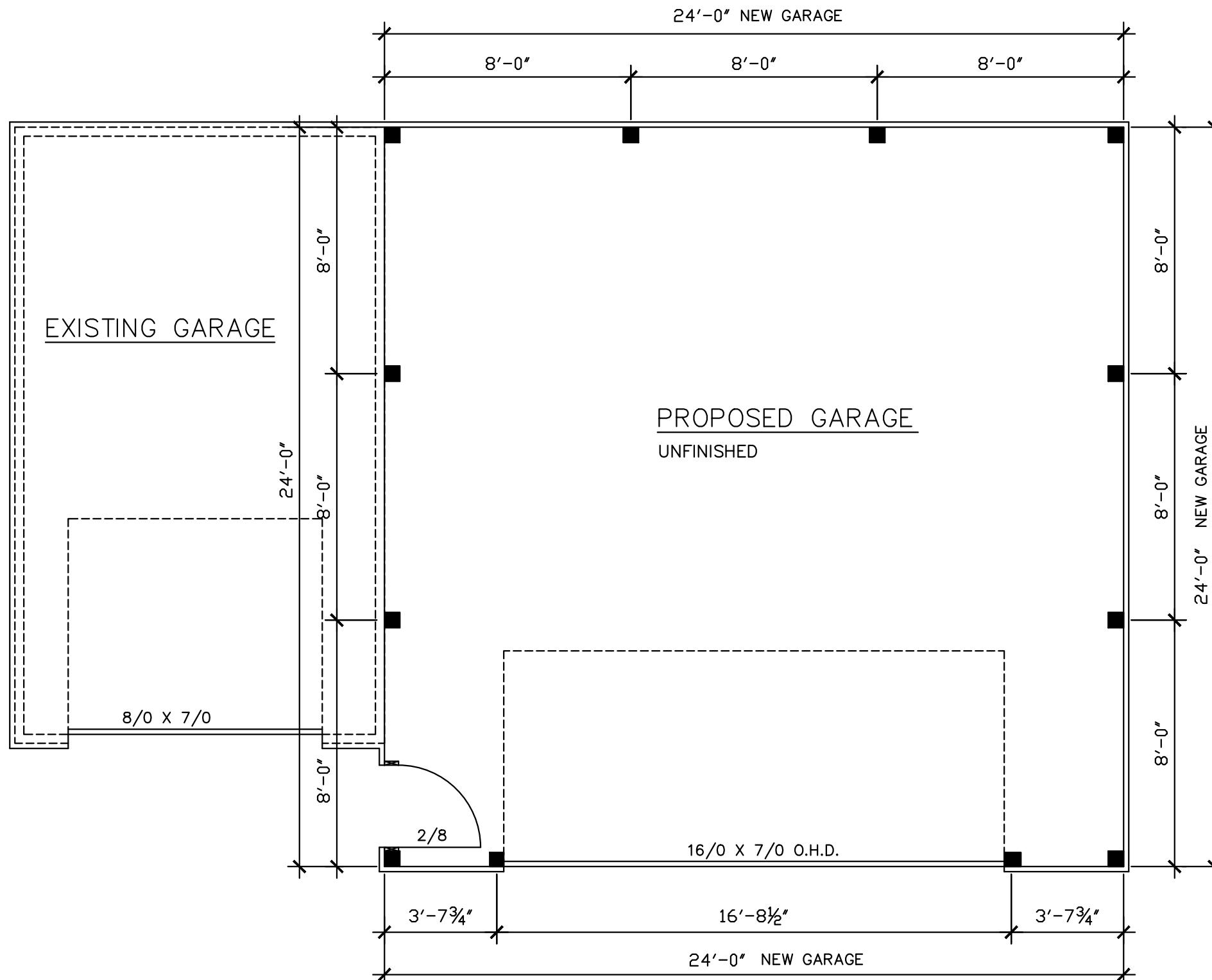
WILSON GARAGE  
16465 E 101st Street  
FORTVILLE, IN 46040



4-25-2025



FOUNDATION PLAN  
1/4" = 1'-0"



FLOOR PLAN 576 S.F.  
1/4" = 1'-0"

AMANDIA JESCHKE  
ARCHITECTURAL DESIGNS  
765-621-622

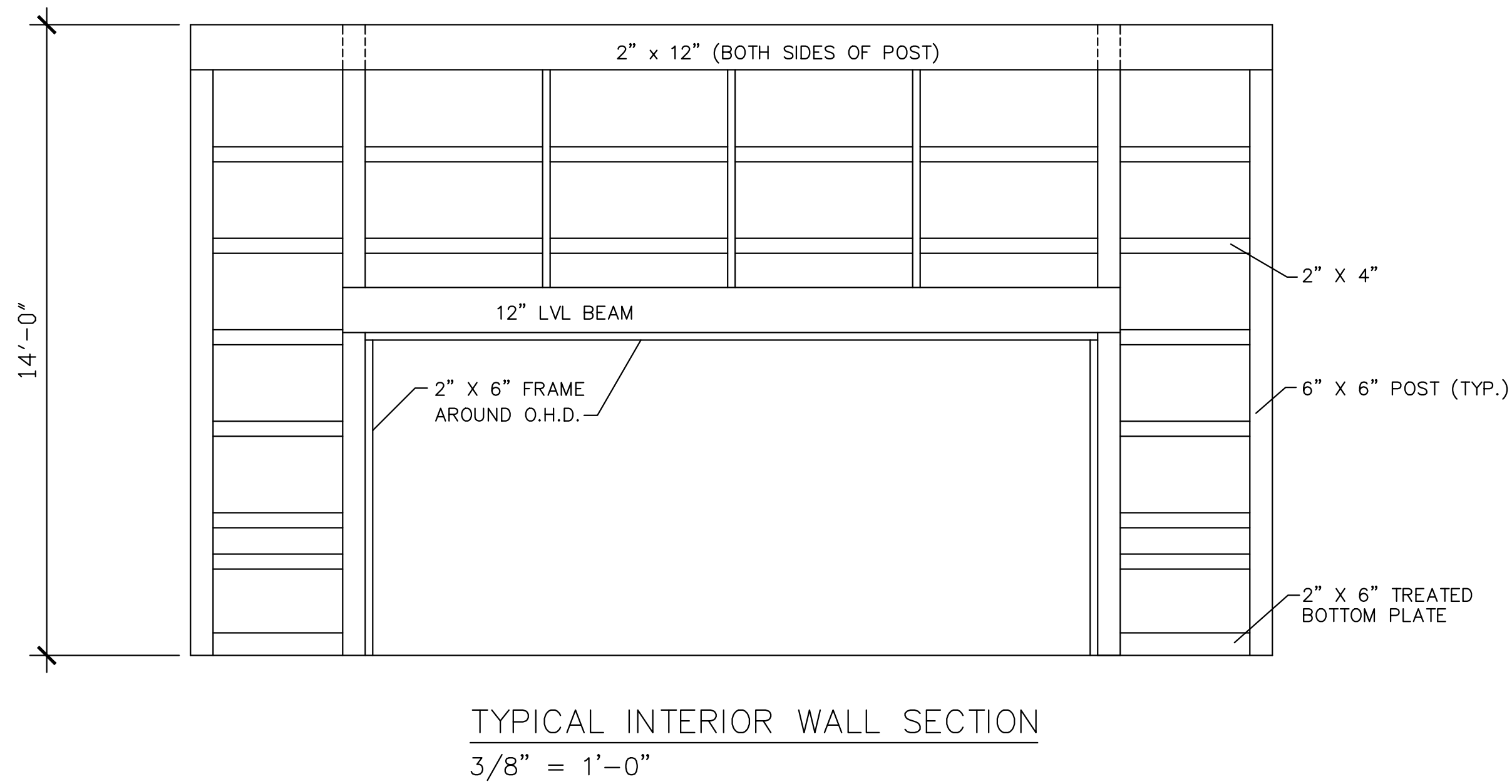
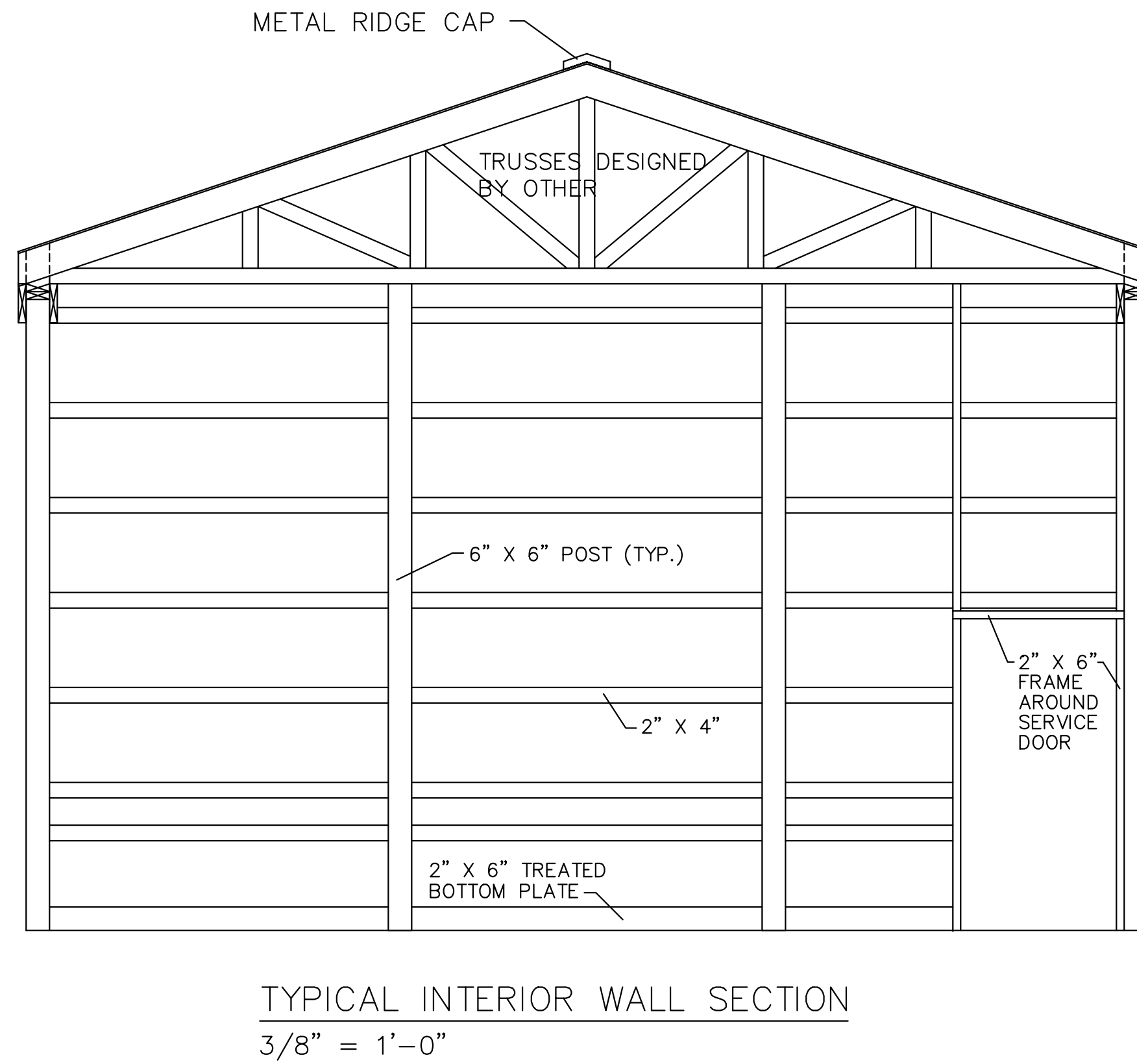
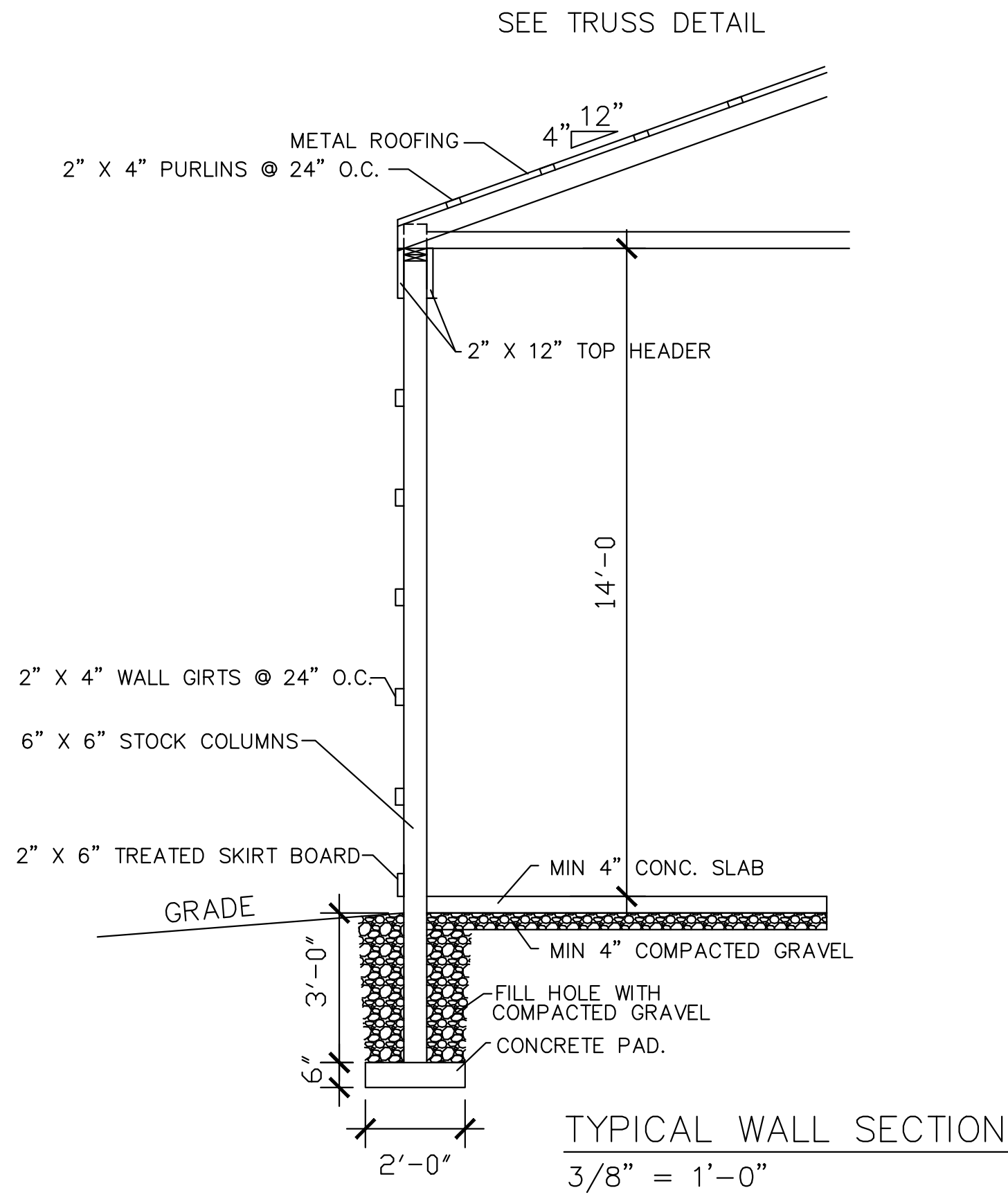
FOUNDATION and FLOOR PLAN

WILSON GARAGE

16465 E 101st Street  
FORTVILLE, IN 46040

2

4-25-2025



AMANDIA JESCHKE  
ARCHITECTURAL DESIGNS  
765-621-622

INTERIOR ELEVATIONS and WALL SECTION

WILSON GARAGE  
16465 E 101st Street  
FORTVILLE, IN 46040

3

4-25-2025

# Board of Zoning Appeals Staff Report

Meeting Date: June 30, 2025

**DEPARTMENT CONTACT:**  
Kevin Martín ([martinke@fishers.in.us](mailto:martinke@fishers.in.us))

**CASE NUMBER:**  
VA-25-10

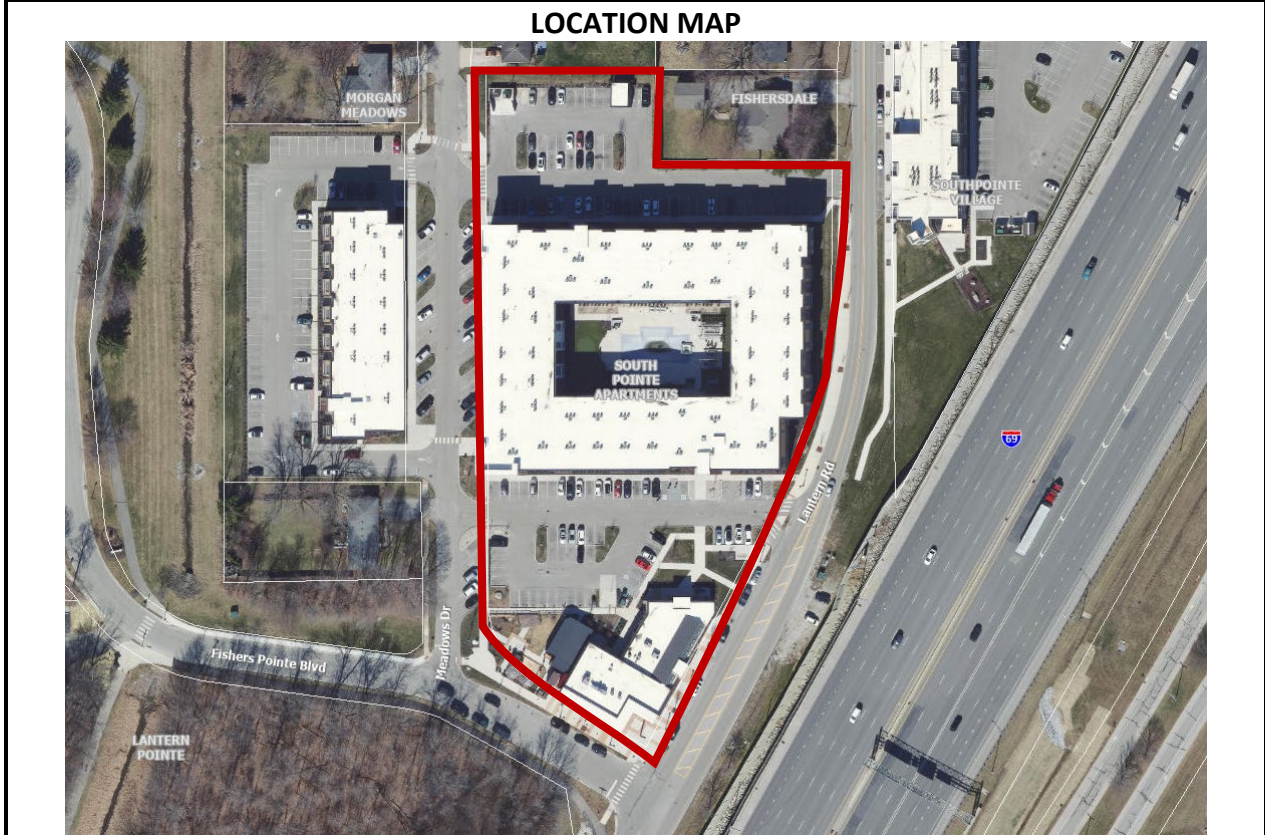
**PETITIONER:**  
Mike Finnegan ([cheers@kingjuggbrewing.com](mailto:cheers@kingjuggbrewing.com))

**PRO-PROPERTY ADDRESS/LOCATION:**  
11110 LANTERN ROAD, FISHERS, IN 46038

**REQUEST:** Consideration of a Development Standard Variance from Section 1; Figure 1.3. Development Standards of the Nickel Plate District Code (NPDC) to allow for outdoor dining.

<b>APPLICABLE REGULATIONS:</b> Nickel Plate District Code Unified Development Code	<b>EXISTING ZONING:</b> NPDC – Village Center	<b>FISHERS 2040:</b> Neighborhood Mixed Use
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**LOT SIZE:** 3.69 acres



### STAFF RECOMMENDATION

- Approve, with conditions     
  Continue     
  Deny     
  No Recommendation

**Meeting Date: June 30, 2025**

**Case Number: VA-25-10**

**PETITION OVERVIEW:**

Summary of Request

The petitioner, Mike Finnegan on behalf of King Jugg Brewing Company, is requesting a Variance of Development Standard from Section 1; Figure 1.3 - Development Standards of the Nickel Plate District Code (NPDC) to allow for outdoor dining. The establishment previously requested a variance to allow for outdoor dining in March 2023, known as V-23-11. The original request was approved and granted by the Fishers Board of Zoning Appeals on March 22, 2023.

As the space and configuration of the outdoor seating has been altered since the approval of V-23-11, the applicant is required to seek approval of a new variance to permit the new configuration of the outdoor dining area.

Outdoor Dining is not allowed by-right in the Village Center as the district focuses on residential uses and therefore requires BZA consideration of any specific site that may propose outdoor seating. The Village Center allows numerous uses including Mixed-Use, Live/Work, Small Office, Multi-Family, Townhomes, Single-Family, Civic and Residential Conversion.

New Area Layout



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Occupancy Limits

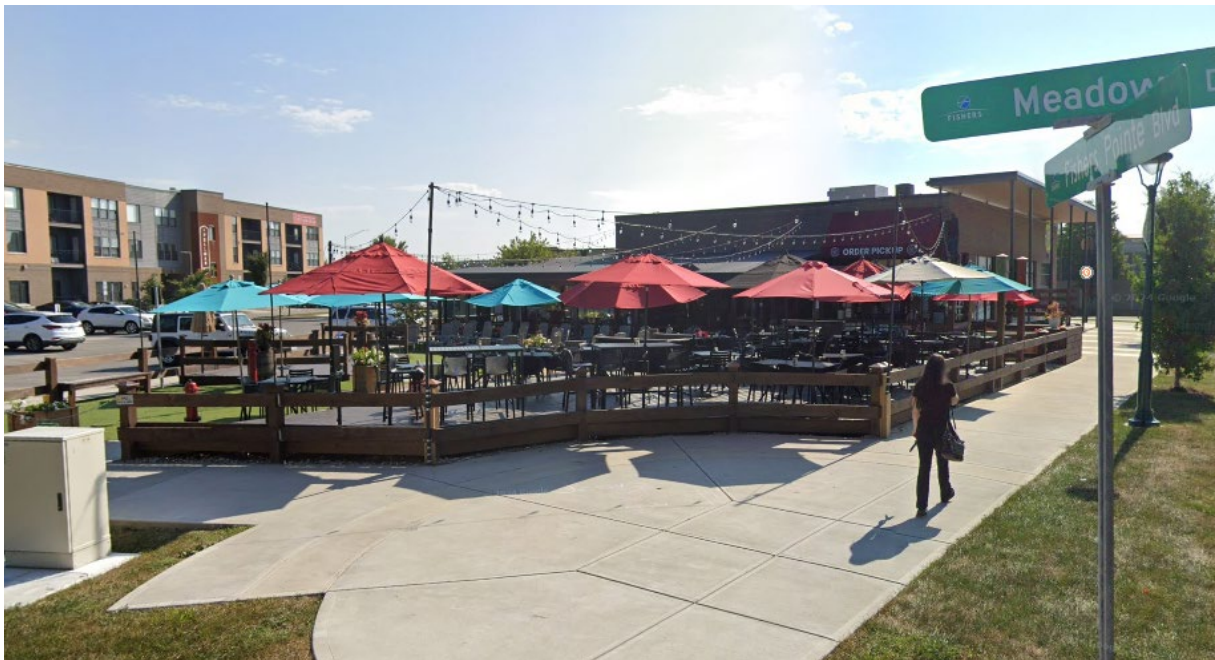
As shown within the diagram, the outdoor area is separated into three different subareas. Each area has an occupancy limit as imposed by the Fishers Fire Marshal and Fishers Building Commissioner.

Covered Patio: maximum of 84 occupants

Standing Area: maximum of 265 occupants

Seated Area: maximum of 126 occupants

The two uncovered areas (referred as Standing Area and Seated Area) may also be reconfigured for standing only with a maximum occupancy of 320 occupants.



*Outdoor Patio Improvements.*

**ZONING HISTORY:**

This property was rezoned to VC – Village Center in April 2016 with Ord. No. 041816F, an amendment to the Nickel Plate District Code. The Nickel Plate District Code was developed to create the downtown envisioned by the Downtown 2030 Master Plan. The Code is form-based, which means that the design of the structure and the relations of the structure to the street and the pedestrian environment is as important as the use contained within the structure.

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The NPDC designates the Village Center Zone as “... the population center to support downtown. Connectivity to the Downtown Core is critical for pedestrians, cyclists and vehicles. This connectivity is to be achieved through pedestrian activity on a network of trails and sidewalks. Civic functions such as schools, community centers, and churches are possible uses to help enrich the overall character and experience.”

The zoning code describes the intent of the Village Center Zone as “To maximize the resident population surrounding downtown, the Village Center will consist of residential building types including multifamily developments, townhouses, and single-family dwellings. These building types provide a character of a tightly knit community that is ‘in town’, with buildings pulled close to primary streets while creating frontages that promote interaction of neighbors.”

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**SURROUNDING LAND USE:**

North: Pullman Pointe Apartments, three-story multi-unit residential structure

East: SouthPointe Village Apartments, four-story multi-unit residential structure  
Interstate 69 (I-69)

South: Cheeney Creek Natural Area, public recreational area with trails and open space  
Interstate 69 (I-69)

West: Single-family detached residential  
Pullman Pointe Apartments, three-story multi-unit residential structure

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**SURROUNDING ZONING:**

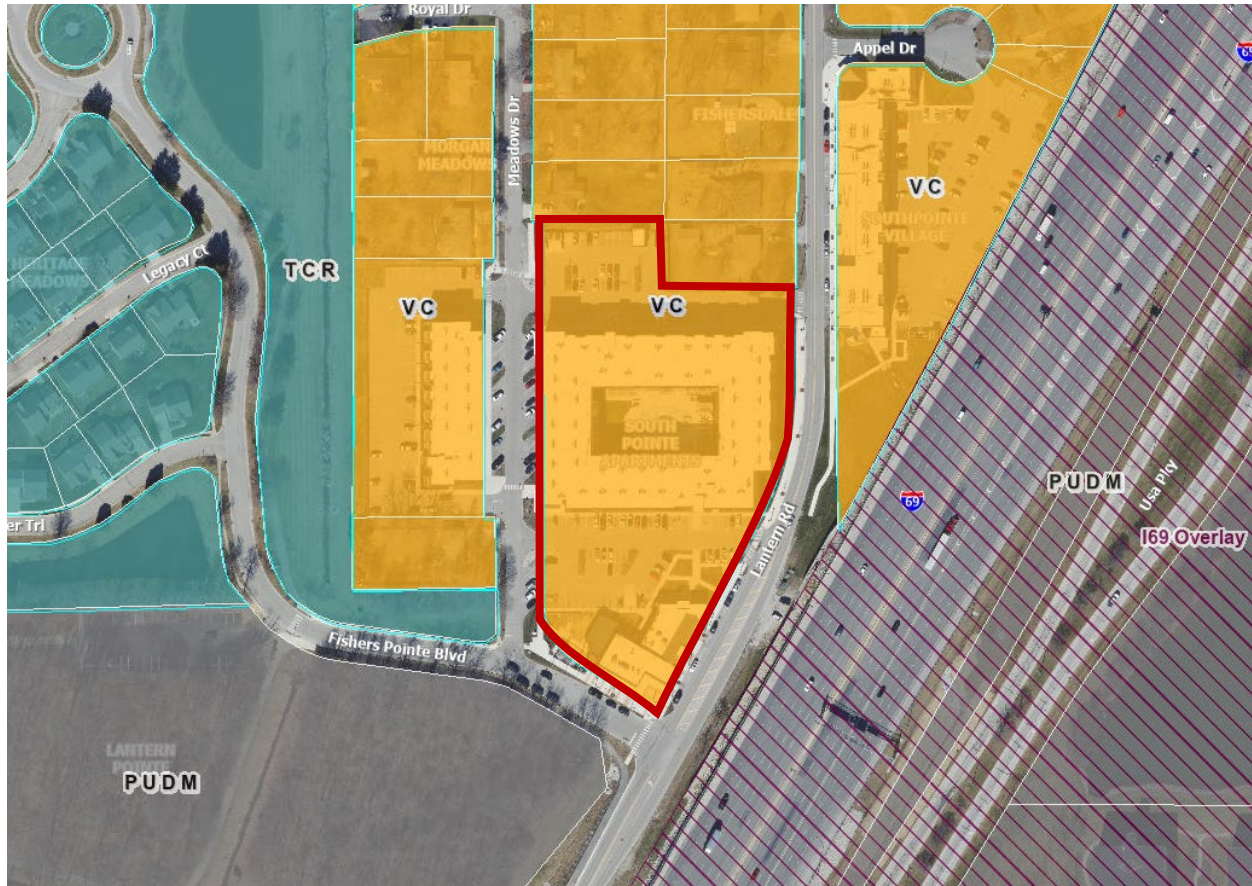
North: VC – Village Center

East: VC – Village Center  
PUDM – Planned Unit Development, *Exit 5/Sunbeam PUD* across I-69

South: PUDM – Planned Unit Development, *Lantern Pointe PUD*

West: VC – Village Center  
TCR – Town Center Residential

*See Zoning Map on the next page.*



Zoning Map

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### FISHERS 2040 COMPREHENSIVE PLAN:

The subject site is designated as **Neighborhood Mixed Use**. The Fishers2040 plan describes the land use category as:

*Mixed use district that provides 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. This designation is intended to be of smaller scale and lower density than the regional mixed-use category and have standards that are sensitive to the scale and character of surrounding neighborhoods.*

#### **Land Uses**

- Low intensity commercial retail
- Office
- Low intensity employment center
- Community center, open space

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- *Upper floor residential*

**Density/Intensity**

*May vary depending on proximity to single-family residential areas. The UDO may include additional standards and utilize more than one zoning district to regulate this category.*

**Development Features**

- *Development shall protect and enhance natural environment.*
- *Internal and external pedestrian and vehicular connectivity is required.*
- *A mix of architectural styles with minimal front setbacks and parking on street or in rear.*
- *Pedestrian accessible site and building design.*

The variance request aligns with the Fishers 2040 vision.



*Fishers 2040 Future Land Use Map*

**SUMMARY OF PUBLIC COMMENTS:**

One Public Comment has been submitted at the time of writing this Staff Report. A resident within the neighborhood requested additional information on the occupancy limits and parking provided.

**Meeting Date:** June 30, 2025

**Case Number:** VA-25-10

**STAFF RECOMMENDATION:**

Staff recommends approval with the following conditions:

1. The Approval Letter and relative documentation be recorded on the property with the Hamilton County Recorder’s Office.
  
2. Acoustic music only: Acoustic music will not include drum-lots or sets or percussion. Bass guitars, electronic keyboards, and/or play-over tracks cannot be plugged into an amplifier or PA system. No more than 3 instruments can be used at the same time. All other instruments, microphones, or other sounds will remain at or below the decibel level as allowed in City code.
  
3. Occupancy Limits on Outdoor Areas: As determined by the Fishers Fire Marshal and Building Commissioner, of the entirety of outdoor area being utilized by King Jugg and in compliance with municipal and state code, the following capacity limits must be adhered to:
  - a. **Standing Room Only:** 332 occupancy maximum
  - b. **Standing and Seated:** 265 standing and 126 seated occupancy maximums
  - c. **Covered Patio Area:** 84 occupancy maximum
  - d. **Clear Walkway:** this area shall remain free of furniture, equipment, and other obstructions.
  
4. Applicant shall work with the Fishers Engineering Department and Corporation Counsel to define the improvements made within the public right-of-way and shall enter into an Encroachment Agreement.

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**STAFF RECOMMENDATION**

- Approve, with Conditions       Continue       Deny       No Recommendation
-