



CITY OF FISHERS AGENDA

BOARD/COMMISSION: Board of Zoning Appeals – Fishers

DATE: 12/17/2025 at 6:00 PM

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

Members of the public are encouraged to [submit comments to the board via this form](#) before 12 p.m. on the day of the meeting. Members of the public may [stream the live meeting online](#).

See the list of board members at FishersIN.gov/BZA.

1. Call to order / Pledge of Allegiance

2. Roll Call

3. Approval of Previous Minutes

- a. BZA Minutes - November 19, 2025

4. Public Hearings

a. **Reidenbach Rear Setback**

Parcel: 13-12-29-00-23-076.000

Address: 13378 Merryvale St

Case: VA-25-21

Request: Consideration of a Development Standards Variance from the Britton Falls PUD (Ord. #041413) Area 2 setback standards to allow for a rear setback of 5 feet for the installation of an attached pergola.

Petitioner: Claudio Bertolini (claudio@thesmartpergola.com)

Planner: Lucas Smith (smithlu@fishersin.gov)

b. **Verizon Telecommunications Tower - Land Use - CONTINUED TO JANUARY**

Parcel: 14-14-03-00-00-025.000

Address: 11148 Eller Rd

Case: VA-25-23

Request: Consideration of a Land Use Variance from Section 5.1.5 of the City's Unified Development Ordinance (UDO) to allow a telecommunications tower in an R2 zoning district.

Petitioner: Dave Coots (dcoots@chwlaw.com)

Planner: Lucas Smith (smithlu@fishersin.gov)

c. **Verizon Telecommunications Tower – Development Standards - CONTINUED TO JANUARY**

Parcel: 14-14-03-00-00-025.000

Address: 11148 Eller Rd

Case: VA-25-24

Request: Consideration of two (2) Development Standards Variances from Section 5.3.3.C.1.a of the City's Unified Development Ordinance (UDO) to allow a telecommunications tower to be setback 63 feet from the west property line, which is less than the required 80% the height of the tower; and from Section 5.3.3.C.1.b of the City's UDO to allow a telecommunications tower to be setback 350 feet from the south property line, which is closer than the required 500 feet setback from a residence.

Petitioner: Dave Coots (dcoots@chwlaw.com)

Planner: Lucas Smith (smithlu@fishersin.gov)

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
November 19, 2025**

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

In attendance: Steve Ferrucci, Tom Grinslade, Howard Stevenson, Jeffrey Silvey, Greg Lannan. Others in attendance: Rodney Retzner, Ross Hilleary, Grace Wiley, Lucas Smith, Scot Barnes, Sue Follmar, Cale and Kaitlin Barnes, Greg Looney.

Mr. Ferrucci made a Motion to approve the Minutes from the 9-24-25 meeting, seconded by all. The Motion was approved, 5-0.

PUBLIC HEARINGS:

Looney Impervious Surface Coverage

Parcel: 19-15-09-00-13-037.000

Address: 10234 Windward Pass

Case: VA-25-17

Request: Consideration of a Development Standards Variance from Section 3.2.4.B.5b of the City's Unified Development Ordinance (UDO) to increase the maximum allowable impervious surface area from 40% to 54% for a garage addition and pool with surrounding pool deck in an R3 district.

Petitioner: Greg Looney (greg@inherentco.com)

Planner: Grace Wiley (wileyg@fishersin.gov)

This is a personal residence. Petitioner is asking for a garage addition and swimming pool. This is zoned R3. Images and elevations were presented. Staff recommends approval with the approval letter to be recorded.

Mr. Ferrucci opened and closed the Public Hearing.

Mr. Ferrucci asked for a Motion. Mr. Grinslade made a motion to approve, seconded by Mr. Stevenson. The Motion was approved, 5-0.

Barnes Accessory Dwelling Unit

Parcel: 13-16-05-00-00-020.002

Address: 10714 & 10712 Cyntheanne Rd

Case: VA-25-19

Request: Consideration of a Development Standards Variance from Section 6.2.2 of the City's Unified Development Ordinance to allow a secondary dwelling unit in an accessory structure on a residential property.

Petitioner: Scot Barnes (scotwbarnes@gmail.com)

Planner: Grace Wiley (wileyg@fishersin.gov)

Petitioner requesting an additional dwelling unit. The address has already been separated. Staff noted that this is zoned Estate Residential and aligns with the comp plan. Staff recommends approval with the letter recorded, no rentals allowed.

Mr. Ferrucci opened and closed the Public Hearing.

Mr. Ferrucci asked for a Motion. Mr. Grinslade made a motion to approve, seconded by Mr. Silvey. The Motion was approved, 5-0.

Hiday Impervious Surface Coverage - WITHDRAWN

Parcel: 13-15-02-00-24-003.000

Address: 10747 Geist Cove Way

Case: VA-25-20

Request: Consideration of a Development Standards Variance from Section 3.2.3.B.5b of the City's Unified Development Ordinance to allow impervious surface coverage of 59% for the installation of 1200 square feet of pavers around a pool.

Petitioner: Daniel Majestic (daniel@permapools.com)

Planner: Grace Wiley (wileyg@fishersin.gov)

Carroll Side Setback - WITHDRAWN

Parcel: 13-16-08-00-10-030.000

Address: 16162 Sedalia Dr

Case: VA-25-22

Request: Consideration of a Development Standards Variance from Section 3.2.6.B.2b of the City's Unified Development Ordinance (as laid out in Section 5 of Ordinance #030606A, Bridgers Pine PUD) to allow a side setback of 3 feet on a property with a base zoning of R5.

Petitioner: Dulce Carroll (dulcerubi@msn.com)

Planner: Grace Wiley (wileyg@fishersin.gov)

As there was no other business, the meeting was adjourned at 7:25 p.m.

Respectfully Submitted by:

Kay Prange, Recording Secretary



Public Hearing Fishers BZA – Nov. 17th, 2025

Variance Request: VA-25-21

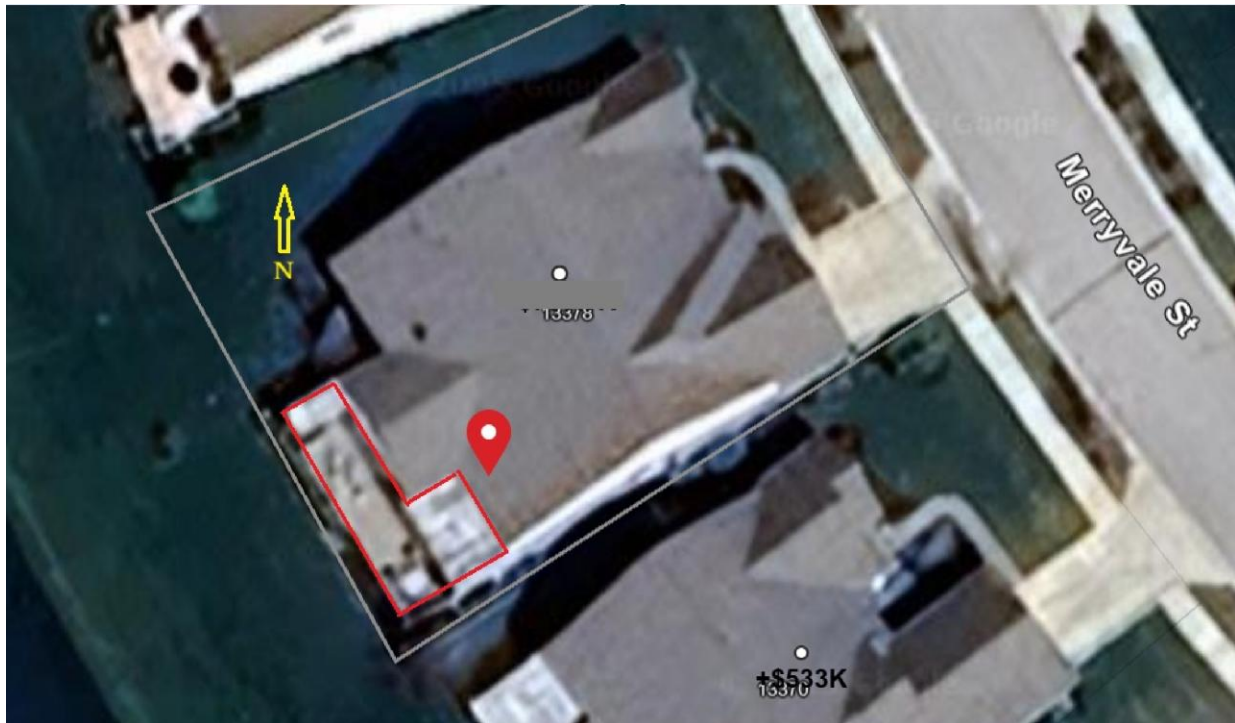
Petitioners: The Smart Pergola®

Project: Reidenbach Residence – Development Standards Variance

Request: Consideration of a Development Standards Variance from the Britton Falls PUD Area 2 setback standards to allow a 5-foot rear setback for the installation of The Smart Pergola® (Pergola with a louvered roof system)

Project Overview

The Reidenbachs are long-time Fishers residents who enjoy using their outdoor space. However, their existing patio faces northwest and southeast, which creates significant limitations due to direct sun exposure, heat, glare, and weather conditions. As a result, the space is difficult to use for much of the year.



To address this, the petitioners propose the installation of The Smart Pergola®, a motorized louvered pergola system that provides adjustable protection from sun and rain, allowing safe and comfortable year-round use of the patio.

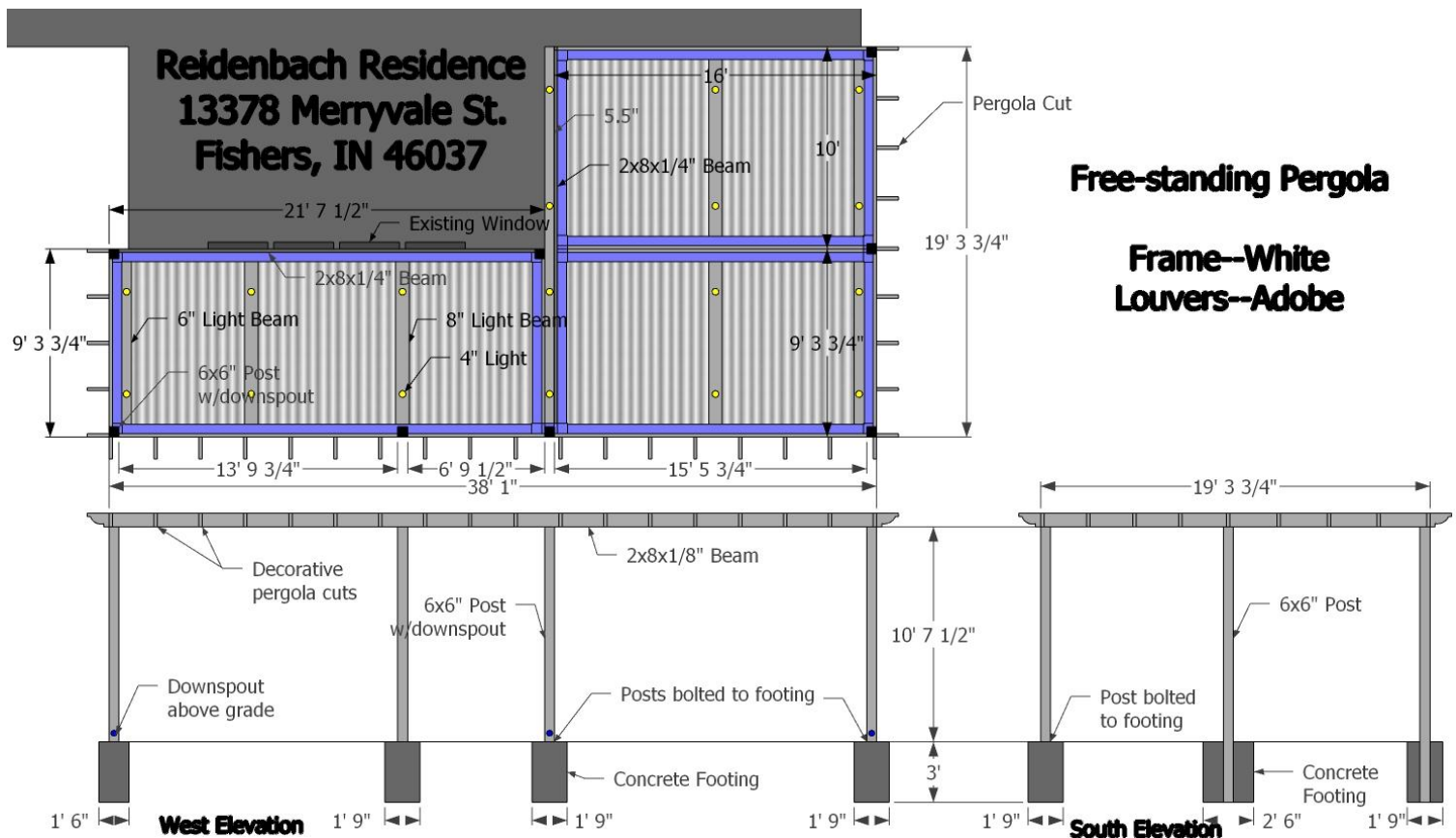
Description of the Structure

The project includes two connected sections measuring:

- 21'- 7 1/2" x 9'-3 3/4"
- 19' 3 3/4" x 15' 5 3/4"
- Overall height: Approximately 10'-8"

The structure is largely freestanding, supported by eight engineered posts in concrete footers, and attached to the home only at one corner.

The structure is constructed of powder-coated extruded aluminum, finished in **white with adobe louvers**. The louvers operate via **low-voltage linear actuators** that are fully concealed beneath the roof and protected from the elements.





Easement Considerations

A portion of the proposed pergola extends into an existing drainage easement. To address this, the petitioners obtained a **Drainage Easement Permit (DE-25-345, issued September 24, 2025)** from the City of Fishers, authorizing this encroachment and confirming there are no drainage or stormwater concerns.

For this reason, we are requesting a Development Standards Variance.

Justification for the Variance

We believe this variance meets all required criteria:

1. No adverse impact to public health, safety, or welfare.

The proposed structure is engineered, code-compliant, and securely anchored. It does not introduce any safety, lighting, noise, or drainage concerns.

2. No substantial adverse effect on neighboring properties.

The pergola is residential in scale, visually compatible, and will not create noise, visibility, or drainage issues. It enhances the property while maintaining harmony with the neighborhood. The Smart Pergola® has installed more than 30 similar structures within Britton Falls, all permitted by the City of Fishers and approved by the Britton Falls by Del Webb HOA.







3. Conditions unique to the property create the need for the variance

The NW/SE orientation of the patio causes severe sun and weather exposure. The home and lot configuration provide no alternative placement that would avoid the setback encroachment while maintaining safe and functional operation of the pergola.

4. Strict application of the zoning ordinance results in practical difficulty

Without this variance, the homeowners cannot reasonably improve their patio for safe and effective use. The request is minimal and necessary to accomplish the improvement.

5. The variance is consistent with the Fishers Comprehensive Plan

The project enhances residential livability, encourages outdoor use, and supports high-quality architectural additions that reflect the goals and standards of the community.

Conclusion

The proposed pergola is a modest, well-engineered residential improvement that enhances the usability, comfort, and aesthetic quality of the property. All easement and drainage requirements have been satisfied, and we respectfully believe that the project meets the criteria for approval of a Development Standards Variance.

The petitioners respectfully request approval of the variance to allow a 5-foot rear setback for installation of The Smart Pergola®.

Thank you for your consideration. We are available to answer any questions.

DEPARTMENT CONTACT:
Lucas Smith (smithlu@fishersin.gov)

CASE NUMBER:
VA-25-21

PETITIONER:
Claudio Bertolini (claudio@thesmartpergola.com)

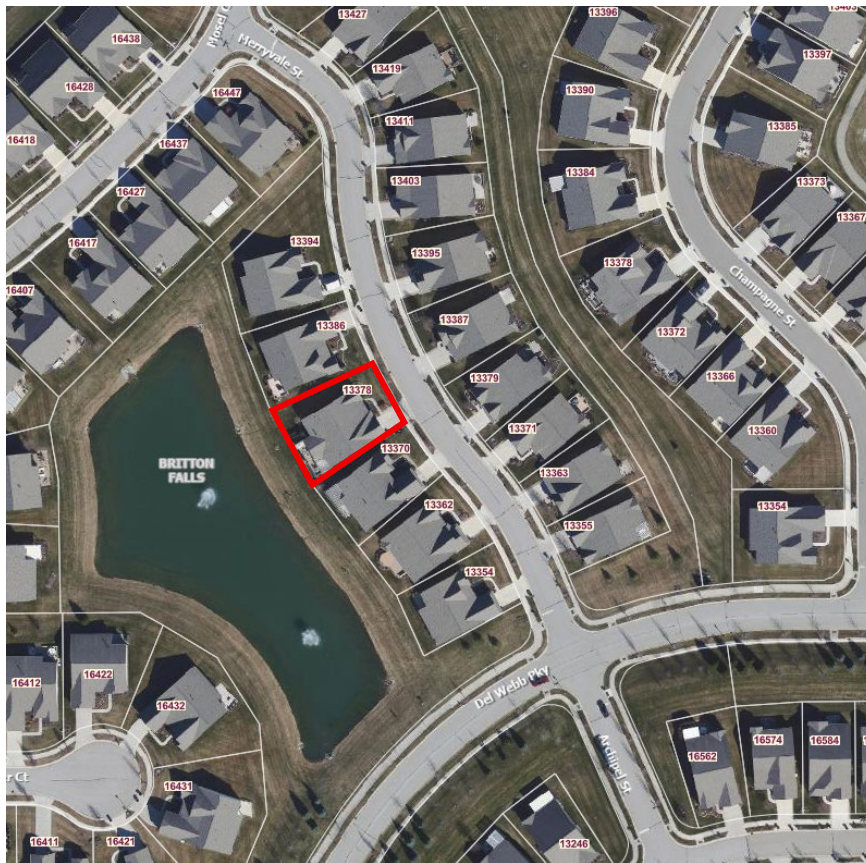
PROPERTY ADDRESS/LOCATION:
13378 Merryvale St

REQUEST: Consideration of a Development Standards Variance from the Britton Falls PUD (Ord. #041413) Area 2 setback standards to allow for a rear setback of 5 feet for the installation of an attached pergola.

APPLICABLE REGULATIONS: City's Unified Development Ordinance (UDO); Britton Falls PUD	EXISTING ZONING: PUDM – Mixed Use (Britton Falls PUD)	FISHERS 2040: Suburban Residential
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LOT SIZE: 0.19 Acres

LOCATION MAP



STAFF RECOMMENDATION

- Approve, with Condition
 Continue
 Deny
 No Recommendation

Meeting Date: December 17, 2025

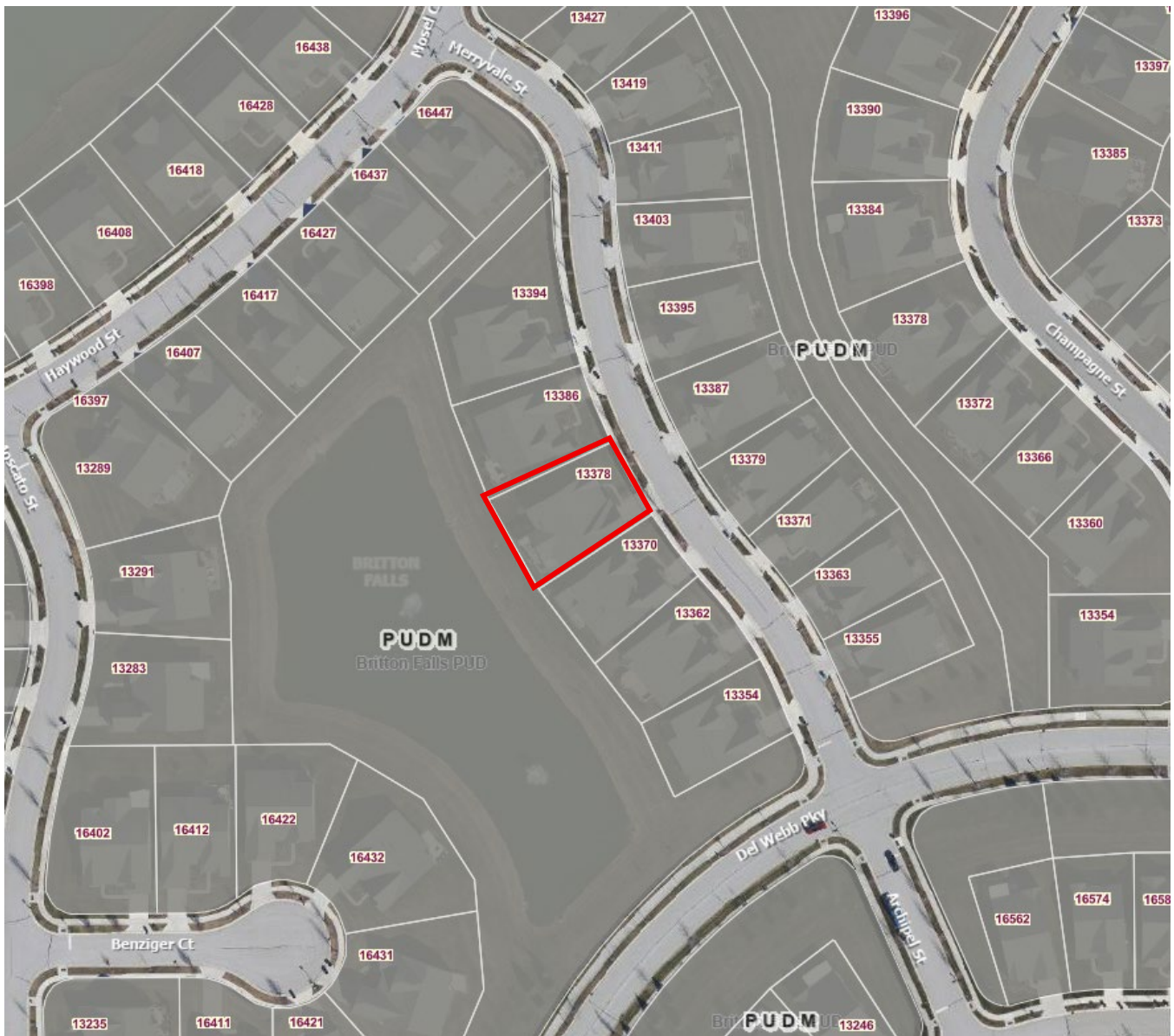
Case Number: VA-25-21

ZONING HISTORY:

This property is zoned PUDM under the Britton Falls PUD, regulated by the Second Amended Britton Falls PUD (Ord. #041513), passed August 2013. It is also regulated by the City of Fishers Unified Development Ordinance (Ord. #07618F), where applicable.

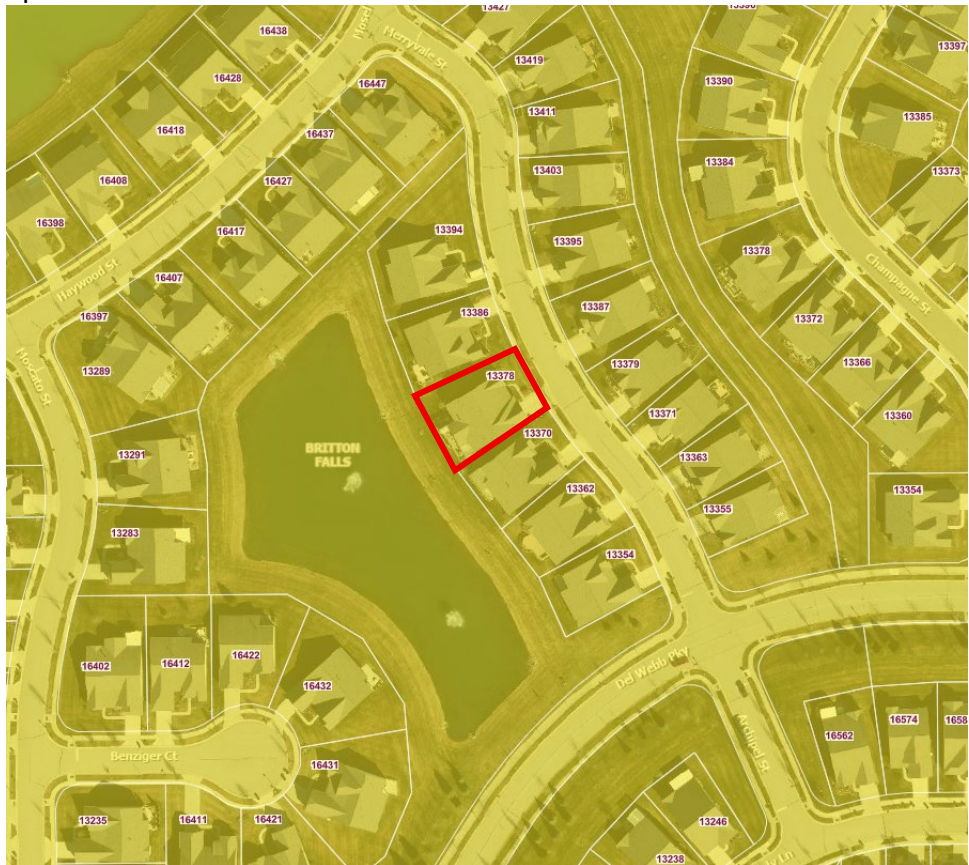
SURROUNDING LAND USE & ZONING:

- North: PUDM – Mixed Use (Britton Falls PUD)
- East: PUDM – Mixed Use (Britton Falls PUD)
- South: PUDM – Mixed Use (Britton Falls PUD)
- West: PUDM – Mixed Use (Britton Falls PUD)



FISHERS 2040 COMPREHENSIVE PLAN

The Fishers 2040 Plan identifies this area as Suburban Residential. This variance request aligns with the comprehensive plan.



Suburban Residential

PURPOSE

Single-family detached residential at low densities ranging from two to four dwelling units per acre. For larger development, a variety of densities within the permitted range is encouraged to allow for more diversity in housing type.

LAND USES

- > Single-family detached residential

DENSITY/INTENSITY

- > Residential development between two and four dwelling units per acre

DEVELOPMENT FEATURES

- > Development shall protect and enhance natural environment.
> Internal and external pedestrian and vehicular connectivity is required.
> A mix of housing types and architectural styles is desired.

- > Curvilinear street layout is permitted, however grid or modified grid street layout is also permitted to increase connectivity with surrounding neighborhoods. Vehicular and pedestrian connections to neighboring parcels is required.
> To provide opportunities for affordable, sustainable housing, smaller lots and smaller minimum home sizes may be appropriate depending on the location, quality, and character of the development plan and homes.

EXAMPLES: Sandstone, Silverton



This aerial photo of residential lots in the Sandstone neighborhood is an example of typical suburban residential densities.



This photo of a home in the Silverton neighborhood is typical of the architecture, size and front yard setbacks typical to suburban residential neighborhoods.

Meeting Date: December 17, 2025

Case Number: VA-25-21

SUMMARY OF PUBLIC COMMENTS:

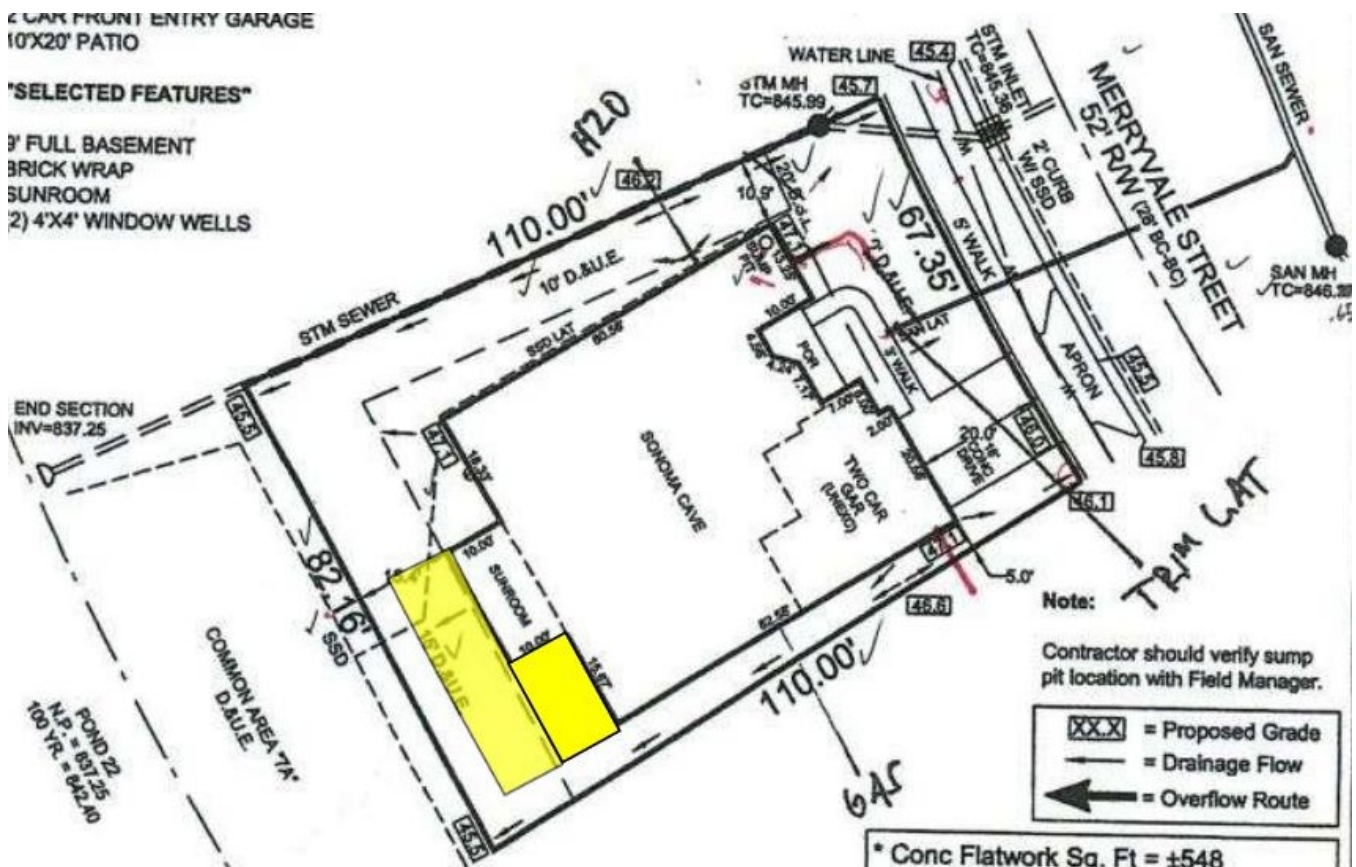
At the time of writing this Staff Report, no public comments have been received.

PETITION OVERVIEW:

The petitioner is requesting a Development Standards Variance from the Britton Falls PUD (Ord. #041413) Area 2 setback standards to allow for a rear setback of 5 feet for the installation of an attached pergola.

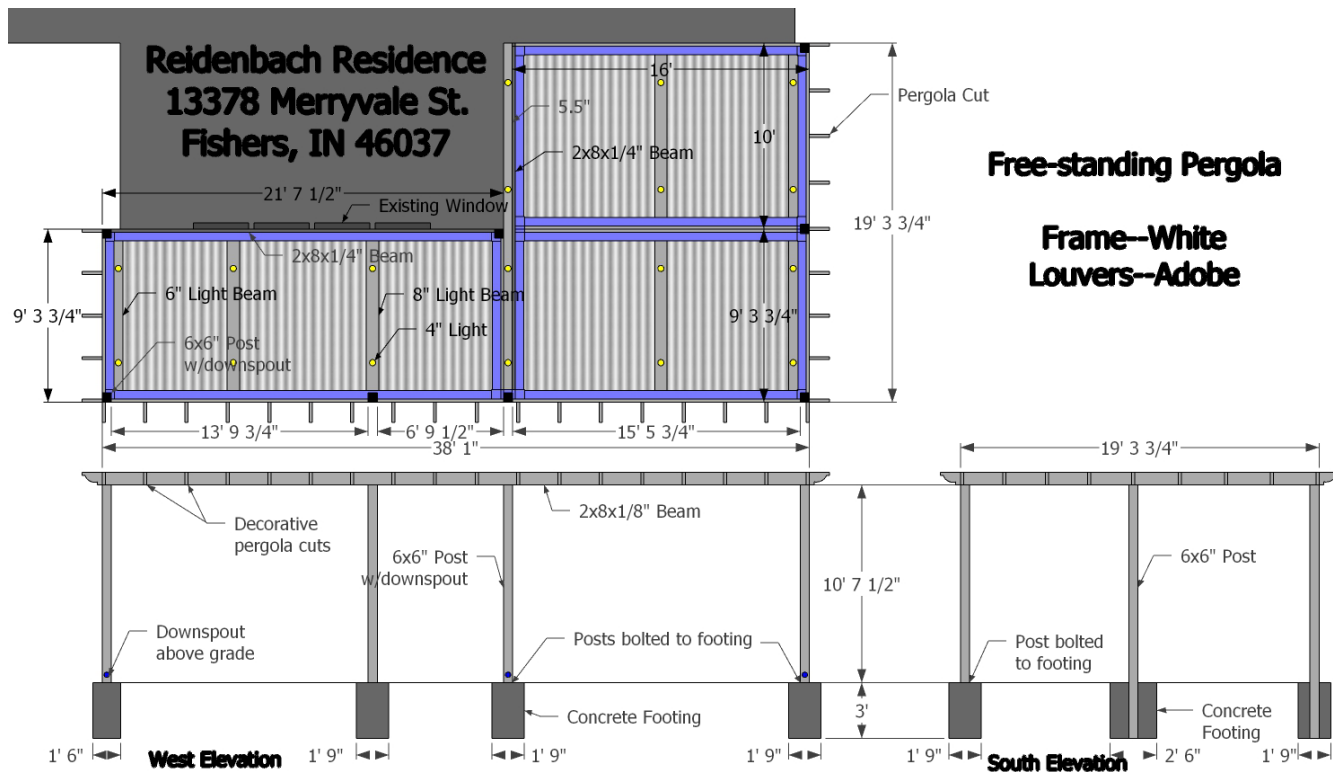
The subject site is located in Area 2 of the Britton Falls PUD, which requires a minimum rear setback of 15 feet.

A drainage easement permit has been obtained from the Department of Public Works, as the proposed pergola does extend into the rear drainage easement.



Meeting Date: December 17, 2025

Case Number: VA-25-21



Pergola construction details

STAFF RECOMMENDATION:

Staff has NO RECOMMENDATION to the BZA for this variance 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.

STAFF RECOMMENDATION

- Approve, with Conditions
 Continue
 Deny
 No Recommendation