



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](#).

BOARD/COMMISSION: Board of Zoning Appeals – Fishers Meeting

DATE: 6/28/2023, at 6:00 PM

DIRECTIONS: Launch Fishers, 12175 Visionary Way, Fishers, Indiana 46038

1. Call to order / Pledge of Allegiance

2. Roll Call

3. Approval of Previous Minutes

- a. 5-24-23

4. Public Hearings

- a. Schulhof Variance (Setback)

Address: 9709 Gulfstream Drive E Fishers, IN 46037

Case: VA-23-20

Request: Consideration of a Development Standards Variance Section 3.2.3. R2 Residential District 2b. Side Setback and Aggregate Setback of the City's Unified Development Ordinance (UDO) to allow for a setback of 10 feet (east side) and 5 feet (west side) for an Aggregate of 15 feet.

Petitioner: Chris Schulhof (chris@indyplace.com)

Planner: Ross Hilleary (hillearyr@fishers.in.us)

- b. Burn Boot Camp Variance (Land Use)
)Address: 11100 USA Parkway Fishers, IN 46037
Case: VA-23-21
Request: Consideration of a Land Use Variance from the Exit 5 (Sunbeam) PUD Ordinance No. 081788 to allow for Indoor Recreation (Health Club) in the Link at Fishers District, fka the Navient Building, for Burn Boot Camp.
Petitioner: Maggie Brown (maggie@burnindy.com)
Planner: Ross Hilleary (hillearyr@fishers.in.us)
- c. Harris Variance (Accessory)
Address: 10664 E 97th Street Fishers, IN 46037
Case: VA-23-22
Request: Consideration of a Development Standard Variance from Section 6.2.2. A, 6.2.2.B, and 6.2.2.C.3. of the City's Unified Development (UDO) Accessory Structure Standards to allow for a maximum floor area of 2,688 square feet, a maximum height of 26 feet, and a setback of 15 feet.
Petitioner: Bryan Harris (harris.bryan1@gmail.com)
Planner: Ross Hilleary (hillearyr@fishers.in.us)
- d. Le Special Exception (Short Term Rental)
Address: 7825 Dawson Drive Fishers, IN 46038
Case: 104154
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 zoned R3 – Residential.
Petitioner: Hieu Le (hieuvle@outlook.com)
Planner: Ross Hilleary (hillearyr@fishers.in.us)

5. New Business

6. Staff Communication

7. Board Signatures – Findings of Fact

8. Adjournment

**CITY OF FISHERS
BOARD OF ZONING APPEALS
CITY HALL AUDITORIUM
MINUTES
May 24, 2023**

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

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

Others present: Megan Vukusich, Rodney Retzner, Kay Prange, Tracy Gaynor, Larry Lannan, Adam Schmidt, Erica Hessman, Gene Beiermann, Anne McBride, Sarah Reigle, David Arnett.

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

Mr. Ferrucci asked for a Motion for the approval of the previous minutes. Mr. Grinslade made a Motion to approve, seconded by Mr. Silvey. The Minutes were approved, 4-0.

Public Hearings:

a. Kroger at Fishers Station – Main Building

Address: 7450 FISHERS STATION DR, FISHERS, IN 46038

Case: VA-23-18 & VA-23-19

Request: Consideration of a Land Use and Development Standards Variance from various sections of the City's Unified Development Ordinance (UDO) to allow for: a freestanding ATM, landscaping, and associated signage for a new grocery store.

Petitioner: McBride Dale Clarion on behalf of Kroger

Planner: Megan Vukusich

Ann McBride, Kroger's Zoning Consultant, presented the overall background on the move of the Kroger facility from West of Allisonville to East of Allisonville and the variance requests for use and development standards. The expanded Marketplace store will include an ATM with no building for Star Bank, Starbucks, Pharmacy, Pick-up, and additional landscaping in different locations based on existing paving already in place.

Megan Vukusich presented the Staff Report. Staff recommends approval.

Mr. Ferrucci opened the Public Hearing for VA-23-18.

Seeing no member of the Public to speak, Mr. Ferrucci closed the Public Hearing.

David Arnett of Kroger stated that the size of this location will be similar to the 116th and Olio location. Steve Ferrucci asked who would handle any replacement leases once Kroger vacates the West side location. Ms. Vukusich stated that it would be Plan Commission and City Council.

Mr. Ferrucci asked for a Motion for VA-23-18. Mr. Grinslade made a Motion to approve, seconded by Mr. Stevenson. The Motion was approved, 4-0.

Ann McBride, Kroger's Zoning Consultant, discussed landscaping areas, signage on the building is 4% of the overall surface, and directional signage will be mounted at 6'6".

Megan Vukusich presented comments on landscaping and signage. Staff recommends approval.

Mr. Ferrucci opened the Public Hearing for VA-23-19.

Seeing no member of the Public to speak, Mr. Ferrucci closed the Public Hearing.

Mr. Grinslade confirmed that signage is consistent with other stores. Mr. Stevenson confirmed that the setback is 587 ft., consistent with other locations in Fishers.

Mr. Ferrucci asked for a Motion for VA-23-19. Mr. Grinslade made a Motion to approve, seconded by Mr. Stevenson. The Motion was approved, 4-0.

b. Kroger at Fishers Station - Fueling Center

Address: 11673 ALLISONVILLE RD

Case: VA-23-16 & VA-23-17

Request: Consideration of a Land Use and Development Standards Variance from various sections of the City's Unified Development Ordinance (UDO) to allow for: a fueling center use without an associated convenience store, to allow for a kiosk, and to allow for associated fueling center canopy, landscaping, and signage for a new grocery store fueling station.

Petitioner: McBride Dale Clarion on behalf of Kroger

Planner: Megan Vukusich

Ann McBride presented the Fuel Center. There will be a kiosk instead of a convenience store. Hours are 6 am – 11pm. Canopy lighting was discussed, and canopy height will be a max of 20 ft. tall.

Megan Vukusich presented the Staff Report. This is the first new fuel station since 2016 in Fishers. Staff recommends approval.

Mr. Ferrucci opened the Public Hearing for VA-23-16.

Seeing no member of the Public to speak, Mr. Ferrucci closed the Public Hearing.

Mr. Ferrucci asked for a Motion for VA-23-16. Mr. Grinslade made a Motion to approve, seconded by Mr. Silvey. The Motion was approved, 4-0.

For VA-23-17, it was discussed that the foundation plantings would be waived for the fuel kiosk. Canopy signs would be on all 4 sides with LED prices facing the store.

Megan Vukusich added that the signage is unique for their model. Staff recommends approval.

Mr. Ferrucci opened the Public Hearing for VA-23-17.

Seeing no member of the Public to speak, Mr. Ferrucci closed the Public Hearing.

Mr. Ferrucci asked for a Motion for VA-23-17. Mr. Grinslade made a Motion to approve, 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



Board of Zoning Appeals Staff Report

Meeting Date: June 28, 2023

DEPARTMENT CONTACT: Ross Hilleary (hillearyr@fishers.in.us)	CASE NUMBER: VA-23-20
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PETITIONER: Chris Schulhof (chris@indyplace.com)	PROPERTY ADDRESS/LOCATION: 9709 Gulfstream Drive E Fishers, IN 46038
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REQUEST: Consideration of a Development Standards Variance Section 3.2.3. R2 Residential District 2b. Side Setback and Aggregate Setback of the City's Unified Development Ordinance (UDO) to allow for a setback of 10 feet (east side) and 5 feet (west side) for an Aggregate of 15 feet.

APPLICABLE REGULATIONS: Unified Development Ordinance (UDO)	EXISTING ZONING: R2 – Residential	FISHERS 2040: Suburban Residential
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LOT SIZE: .50 Acres



STAFF RECOMMENDATION

☐ Approve
 ☐ Continue
 ☐ Deny
 ☒ No Recommendation

Meeting Date: June 28, 2023

Case Number: VA-23-20

ZONING HISTORY:

This property is within the Masthead subdivision and was development under Noblesville zoning. Until the time that the Town of Fishers Community Development took over zoning jurisdiction through an interlocal and joinder agreement (Resolution No. R20705C), having been zoned R2 – Residential under Noblesville and is now zoned R2 – Residential per the Unified Development Ordinance. The property was later annexed (Ordinance. No. 091707D) into the Town, now City, of Fishers in 2009.

SURROUNDING LAND USE & ZONING:

North: R2 – Residential

East: R2 – Residential

South: R2 – Residential

West: R2 – Residential



Meeting Date: June 28, 2023

Case Number: VA-23-20

SUMMARY OF PUBLIC COMMENTS:

No Public Comments have been submitted at the time of writing this Staff Report.

PETITION OVERVIEW:

Chris Schulhof, property owner, wishes to make improvements to the property that do not fit within the required setback of the property and has requested a Variances from: Section 3.2.3. R2 Residential District 2b. Side Setback and Aggregate Setback of the City's Unified Development Ordinance (UDO) to allow for:

- setback of 10 feet on the eastside and 5 feet on the westside, and a
- Total Aggregate of 15 feet

The setback is required to be:

- 15 feet on the eastside and 15 feet on the westside, and a
- Total Aggregate of 30 feet

The request is made to add a third bay to the garage (east side) and home addition (west side).

STAFF RECOMMENDATION:

Staff has NO RECOMMENDATION.

If the Board approves this Variance staff request the follow 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 ☐ Continue ☐ Deny ☒ No Recommendation

SURVEYOR LOCATION REPORT.

THIS REPORT IS BASED ON LIMITED ACCURACY DATA AND THEREFORE NO DATA HEREIN SHOULD BE USED FOR CONSTRUCTION OR ESTABLISHING BOUNDARY OR FENCE LINES.

PROPOSED OWNER: **DIAK, William and Darlene G.**

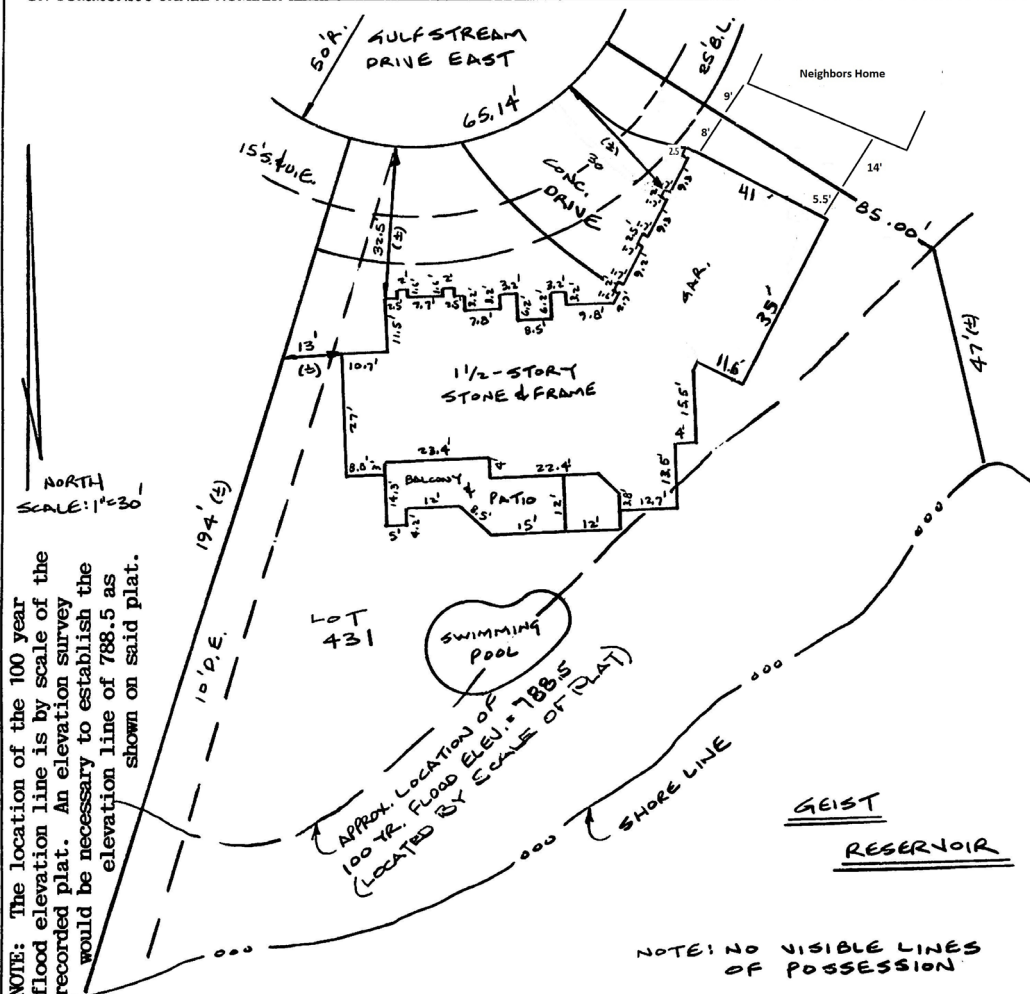
PROPERTY ADDRESS: **9709 Gulfstream Drive East, Carmel, Indiana**

PROPERTY DESCRIPTION: **Lot 431 in Masthead - Section Thirteen.**

as the same is recorded in **Plat Book 12, page 58**, in the office of the Recorder of **Hamilton** County, State of Indiana.

SUBJECT, HOWEVER, TO ALL EASEMENTS & RIGHTS OF WAYS OF RECORD.

SUBJECT STRUCTURE IS **(SEE NOTE)** IS NOT **LOCATED IN A SPECIAL FLOOD HAZARD ZONE A, AS SAID TRACT PLOTS BY SCALE ON COMMUNITY PANEL NUMBER 180082-0030E** OF THE FLOOD INSURANCE RATE MAPS.



DESIGNATED PARTIES

MORTGAGEE

OR ASSIGNEES:

TITLE CO.:

HAMILTON TITLE SECURITY, INC.

REFERENCE NO.

REFERENCE NO. **90T17660923E**

I, the undersigned, an Indiana Registered Land Surveyor, hereby certify that on the date shown, I supervised the inspection of the real estate described herein at the Address indicated. THIS LOCATION REPORT WAS PREPARED FOR USE BY THE DESIGNATED PARTIES ONLY AND FOR NO ONE ELSE. THE ACCURACY OF THE LOCATION DATA SHOWN IS LIMITED TO THAT REQUIRED BY THE INDIANA "SURVEYOR LOCATION REPORT" MINIMUM REQUIREMENTS UNLESS OTHERWISE SPECIFIED AND EXPLAINED ON THIS DOCUMENT. IF A MORE ACCURATE OR DETAILED LAND SURVEY IS DESIRED OR IF CORNER MONUMENTS ARE REQUIRED, AN INDIANA LAND TITLE SURVEY SHOULD BE ORDERED.

I further certify that to the best of my knowledge this Location Report conforms with the SURVEYOR LOCATION REPORT Minimum Requirements as adopted by the Indiana Society of Professional Land Surveyors, Inc., on January 29, 1981, and approved by the Title Underwriters of Indiana, Inc., on March 20, 1981.

CERTIFICATION DATE **October 18, 1990**

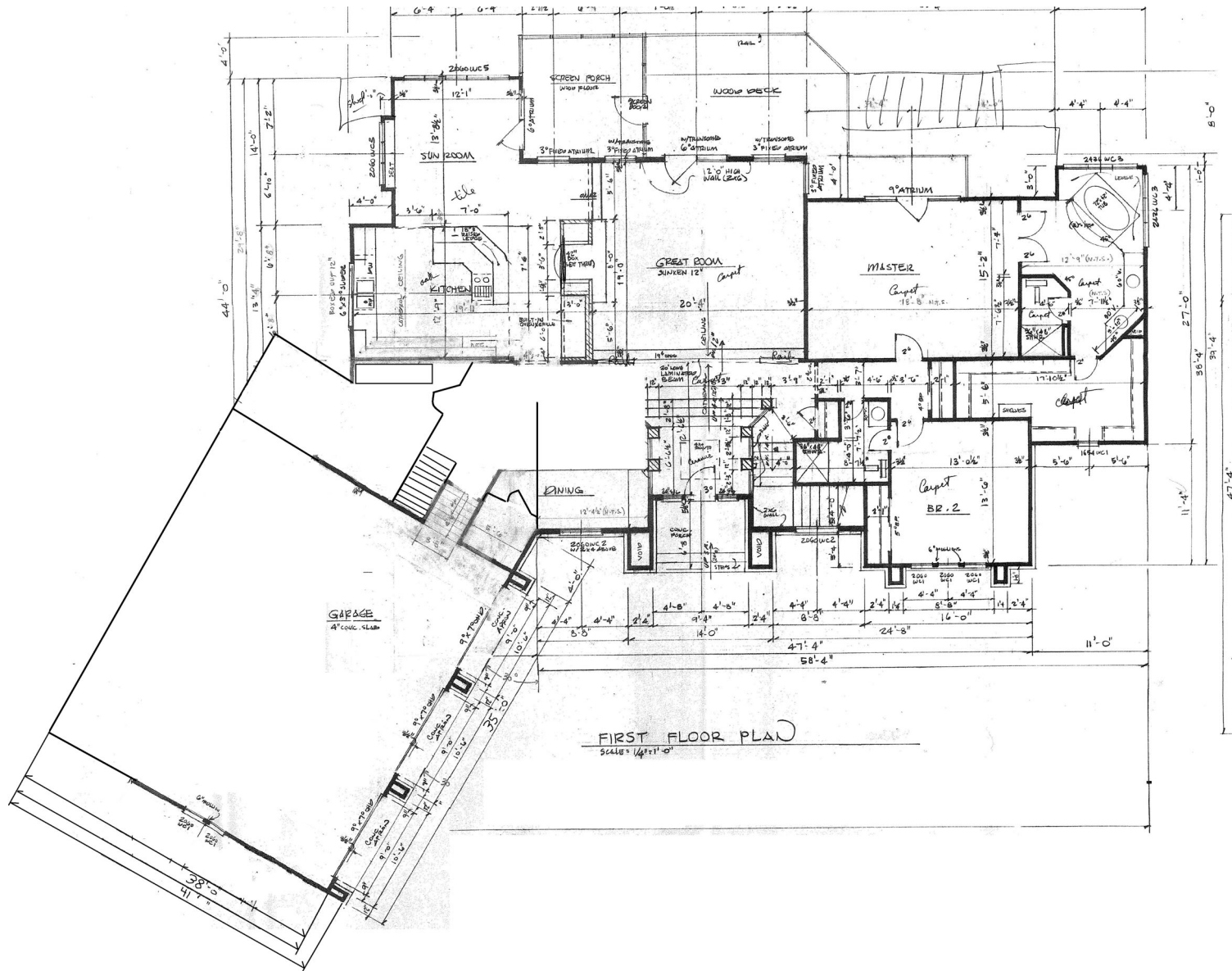
SURVEYORS SIGNATURE

KIRBY BROS. SURVEYING CO.
 Vasco J. Kirby L.S.
 5525 Georgetown Road, Suite D Indianapolis, Indiana 46254
 Office 298-7875 FAX 298-7885

SURVEYOR
 LOCATION
 REPORTS
 LOT SURVEYS











Board of Zoning Appeals Staff Report

Meeting Date: June 28, 2023

DEPARTMENT CONTACT: Ross Hilleary (hillearyr@fishers.in.us)	CASE NUMBER: VA-23-21
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PETITIONER: Maggie Browning (maggie@burnindy.com)	PROPERTY ADDRESS/LOCATION: 11100 USA Parkway Fishers, IN 46037
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REQUEST: Consideration of a Land Use Variance from the Exit 5 (Sunbeam) PUD Ordinance No. 081788 to allow for Indoor Recreation (Health Club) in the Link at Fishers District, fka the Navient Building, for Burn Boot Camp.

APPLICABLE REGULATIONS: Exit 5 (Sunbeam) PUD & Unified Development Ordinance (UDO)	EXISTING ZONING: Exit 5 (Sunbeam) PUD / I-69 Overlay	FISHERS 2040: Employment Node
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LOT SIZE: 30 Acres

LOCATION MAP



STAFF RECOMMENDATION

☒ Approve, with Conditions
 ☐ Continue
 ☐ Deny
 ☐ No Recommendation

Meeting Date: June 28, 2023

Case Number: VA-23-21

ZONING HISTORY:

This property zoned Exit 5 (Sunbeam) PUD. The original ordinance (Ord. No. 081888) was passed on August 17, 1988. Since that time it has had eleven (11) text amendments and updates in the 1990's, 2004 and lastly in 2012.

Currently a text amendment the Exit 5 (Sunbeam) PUD is going before City Council for sign package for the Link at Fishers District, formally known as the Navient Building (Ord. No. 061923A). It had first reading in June 2023 and will go before Plan Commission in July 2023 and anticipated final reading at City Council in August 2023.

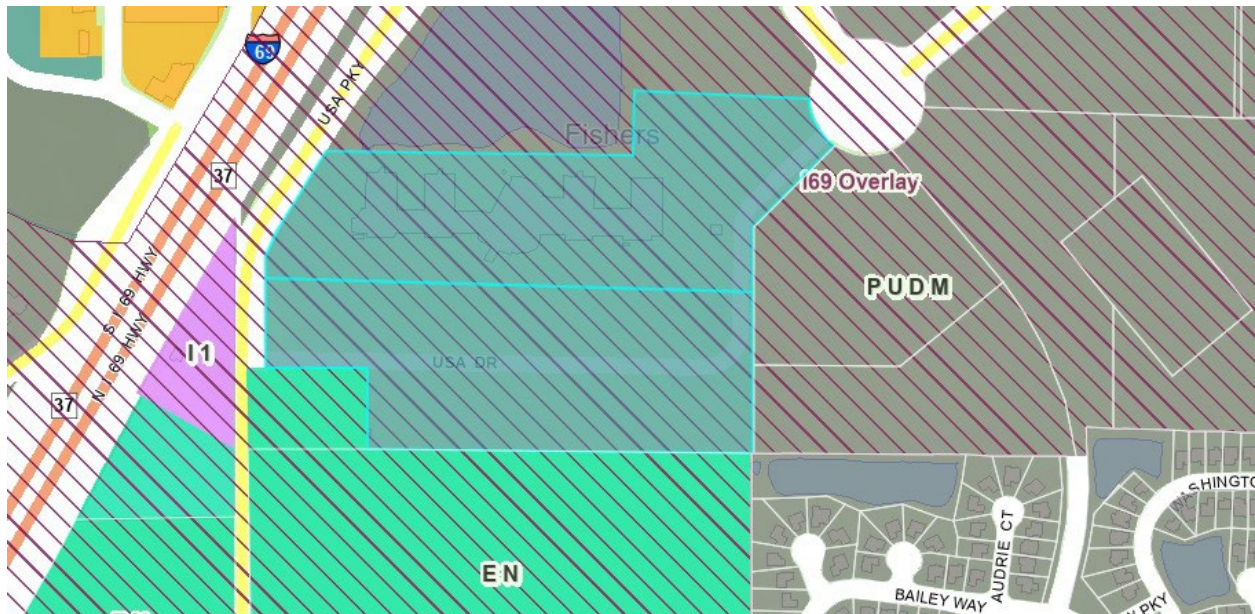
SURROUNDING LAND USE & ZONING:

North: Exit 5 (Sunbeam) PUD / I-69 Overlay (Dentation, Office)

East: The Yard Phase II PUD / I-69 Overlay (Mixed Use, Future Event Center)

South: Sunbeam PUD / I-69 Overlay (Vacant)

West: I1 – Industrial / I-69 Overlay (Vacant)



Employment Node to immediately south of the property is a map error.

Meeting Date: June 28, 2023

Case Number: VA-23-21

SUMMARY OF PUBLIC COMMENTS:

No Public Comments have been submitted at the time of writing this Staff Report.

PETITION OVERVIEW:

Burn Boot Camp needs to relocating from the health club's current location as the property has been purchased for redevelopment.

The Link at Fishers District, formally know as the Navient Building, was recently purchased as now a multi-tenant building which is allowed by the Planned Unit Development. The area that the building falls within is called our the PUD Office or Office Complex, which is then defined as to allow the following specific uses:

- Professional Offices
- Bank, Savings and Loa, Financial Services
- Real Estate, Insurance
- Clinic (Medical, Dental)
- Nursing & Convalescent Homes
- Meidal or Dental Laboratories
- Utility Business Office
- Business Offices Related to Local Services
- Mortuaries

When the PUD does not define a use, it defaults to the Unified Development Ordinance (UDO). The UDO defines a health club or gym as Indoor Recreation.

Based on this above list, staff determined that Burn Boot Camp was not an allowed use by right of the PUD.

Staff communicated this and Burn Boot Camp applied for a Land Use Variance on May 9, 2023.

STAFF RECOMMENDATION:

The Link at Fishers District, fka as the Navient Building is a 350,000 square foot office building with five separate wings, with a footprint of 30 acres in total. Current tenants of the building include Navient Financial Services and IU Health Medical Offices. With 1,800 parking spaces they have sufficient parking for multiple tenants.

Staff believes that the addition of a health club within the before mentioned building will not be injurious to the public health, safety, morals and general welfare of the community, the use and value of the area adjacent to the property will not be affected in a substantially adverse manner, and need for the variance arises for the strict office nature of the 1988 Ordinance.

Staff RECOMMENDS APPROVAL with Conditions.

If the Board approves this Variance staff request the following conditions, and any others sought by the Board:

1. The Land Use Variance is tied to the business and is nontransferable. If Burn Boot Camp would go out of business or relocate the Variance would be null and void.
2. 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



Board of Zoning Appeals Staff Report

Meeting Date: June 28, 2023

DEPARTMENT CONTACT:

Ross Hilleary (hillearyr@fishers.in.us)

CASE NUMBER:

VA-23-22

PETITIONER:

Bryan Harris (harris.bryan1@gmail.com)

PROPERTY ADDRESS/LOCATION:

10664 E 97th Street Fishers, IN 46037

REQUEST: Consideration of a Development Standard Variance from Section 6.2.2. A, 6.2.2.B, and 6.2.2.C.3. of the City's Unified Development (UDO) Accessory Structure Standards to allow for a maximum floor area of 2,688 square feet, a maximum height of 26 feet, and a setback of 15 feet.

APPLICABLE REGULATIONS:

Unified Development Ordinance (UDO)

EXISTING ZONING:

R2 – Residential

FISHERS 2040:

Core Residential

LOT SIZE: 1 Acre

LOCATION MAP



STAFF RECOMMENDATION

☐ Approve

☐ Continue

☒ Deny

☐ No Recommendation

Meeting Date: June 28, 2023

Case Number: VA-23-22

ZONING HISTORY:

This property is 1 acre in total and zoned R2 – Residential under the Unified Development Ordinance (UDO).

SURROUNDING LAND USE & ZONING:

North: R2 – Residential (Single-Family)

East: R2 – Residential (Single-Family)

South: R2 – Residential (Single-Family)

West: R2 – Residential (Single-Family)



Zoning Map

SUMMARY OF PUBLIC COMMENTS:

At the time of writing this Staff Report two remonstrations have been received and are attached.

- Jerry Faircloth, 10644 E 97th Street Fishers, IN 46037
- Michelle Miller, 10655 E 98th Street Fishers, IN 46037

Concerns include the size and height of the accessory structure, the size and square footage as compared to the existing home, and the garage being used for commercial uses.



PETITION OVERVIEW:

Bryan Harris, property owner of 10664 E 97th Street (County Records list 10664 Ninety Seven LLC as the deeded owner) wishes to construction an accessory structure on the one acre lot located at 10664 E 97th Street.

Meeting Date: June 28, 2023

Case Number: VA-23-22

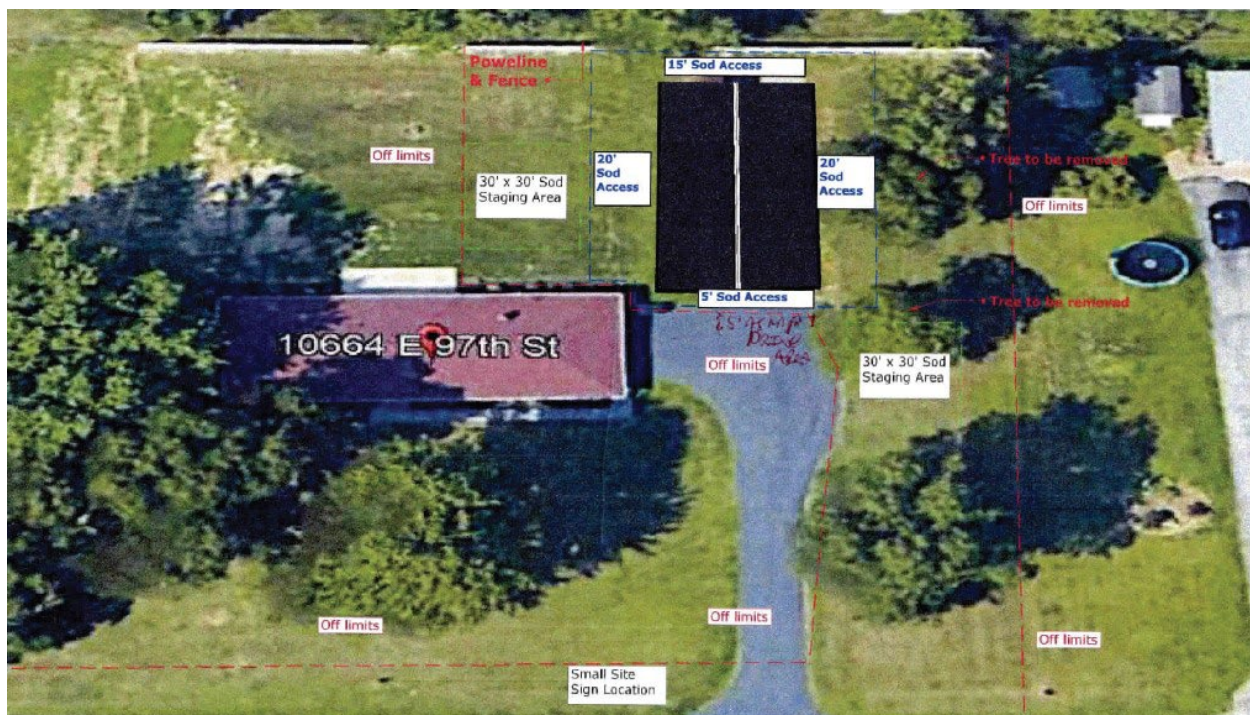
On May 8, 2023, Mr. Harris applied for accessory structure permit that exceeded the accessory structure standards and is seeking a variance from Section 6.2.2. A, 6.2.2.B, and 6.2.2.C.3. of the City's Unified Development (UDO) Accessory Structure Standards to allow for:

- a maximum floor area of 2,688 square feet
- a maximum height of 26 feet, and
- a setback of 15 feet

The standards are:

- a maximum floor area of 1,500 square feet
- a maximum height of 18 feet, and
- when a structure is over 600 square feet a setback that is equal distance as the height of the building

Mr. Harris applied for Variance request on May 10, 2023. Staff had a pre-file meeting with Mr. Harris on May 15, 2023 where he informed staff he plans to relocate to this property as his primary home. The garage would be used for his work equipment.



Provide Site Plan by Petitioner and the accessory structure builder, FBI Buildings, Inc.

Meeting Date: June 28, 2023

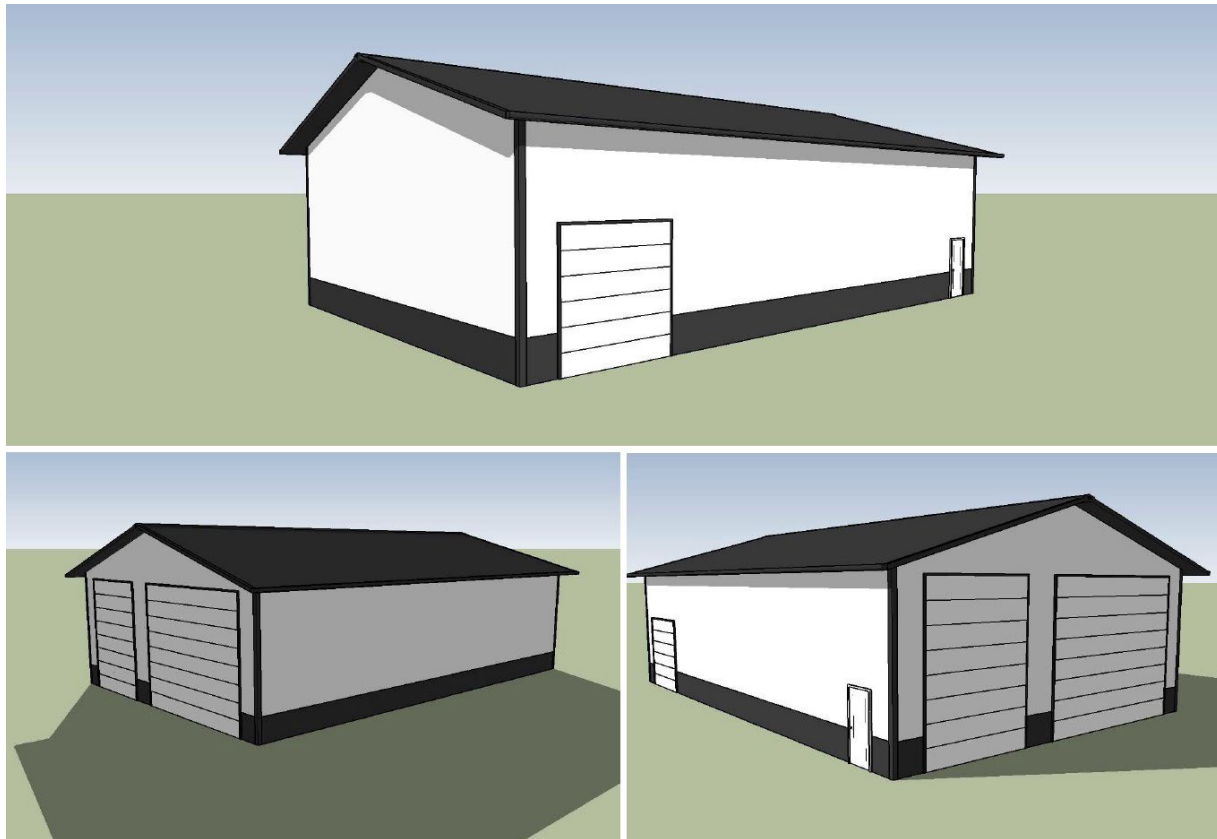
Case Number: VA-23-22



10664 E 97th Street in June 2023, the proposed accessory structure would be at the end of the driveway.



10664 E 97th Street in June 2023.



Proposed Elevation provided by the Petitioner and the accessory structure builder, FBI Buildings, Inc.

STAFF RECOMMENDATION:

The Unified Development Ordinance has an allowance for accessory structures that allow for typical needs of a residential property, including recreational and personal vehicles. For a property of 1 - 2 acres that allowance of up to 1,500 square feet and properties zoned R1 – R5, a maximum height 18 feet.

Per tax records the associated primary structure on the property is 1,269 square feet. This accessory structure as proposed would be 200% larger than the primary structure.

Staff believes that the construction of an accessory structure of this size may be injurious to the value of the adjacent properties and may affect them substantially in an adverse manner.

Staff recommends DENIAL.

If the Board does approve this Variance, staff request the follow the following conditions, and

Meeting Date: June 28, 2023

Case Number: VA-23-22

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.

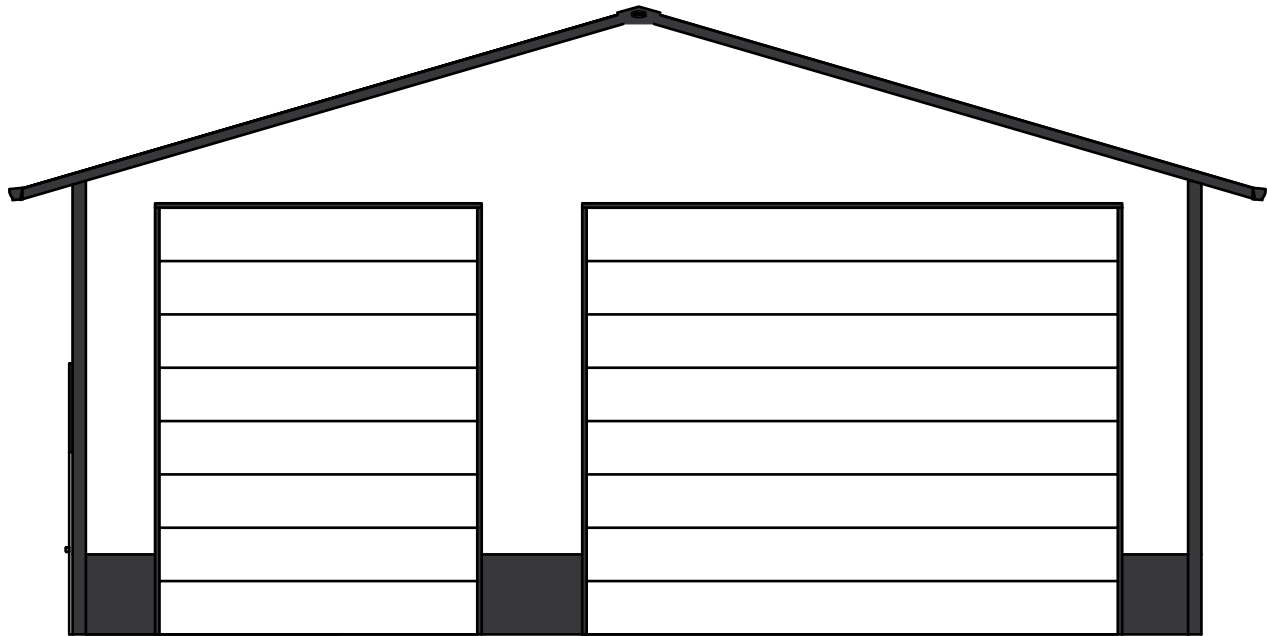
STAFF RECOMMENDATION

☐ Approve

☐ Continue

☒ Deny

☐ No Recommendation



SOUTH ELEVATION



WEST ELEVATION

Copyright:
FBi Buildings, Inc.

Building may not be shown to scale.
(Colors shown may not match actual colors.
Refer to color samples for actual colors.)

X:	Purchaser Approval	Date
X:	Seller Approval	Date
	Drawing #	

Bryan Harris	Elevation Plan
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FBi Buildings, Inc.

3823 W 1800 S

Remington, IN 47977

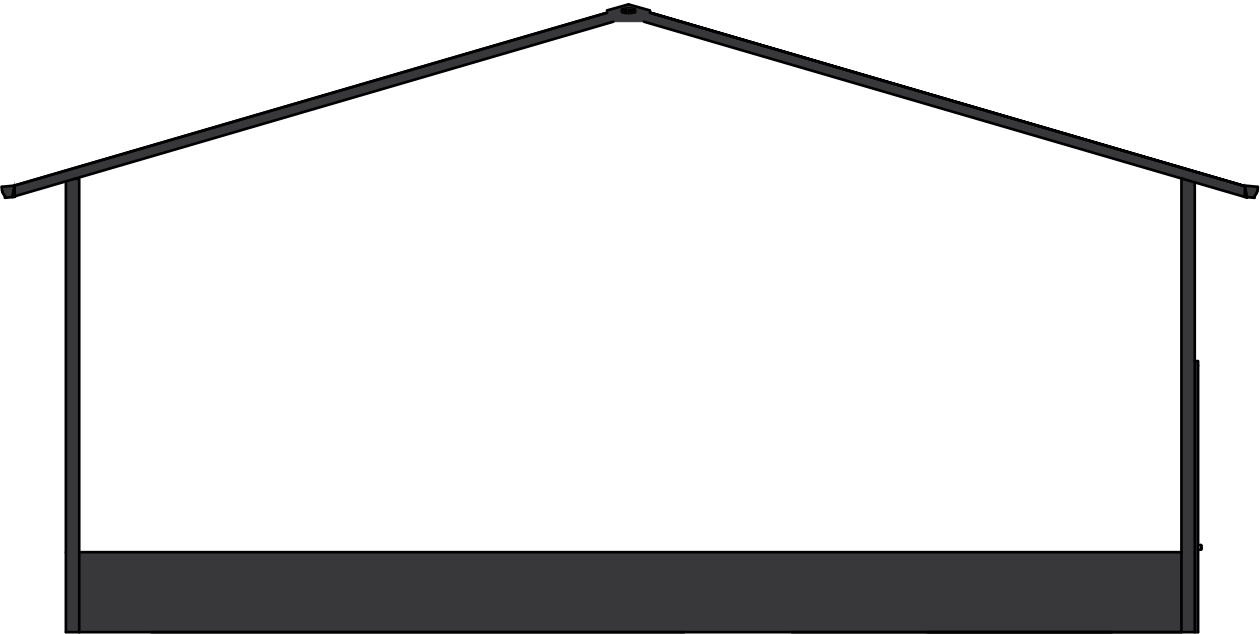
219-261-2157

www.fbibuildings.com

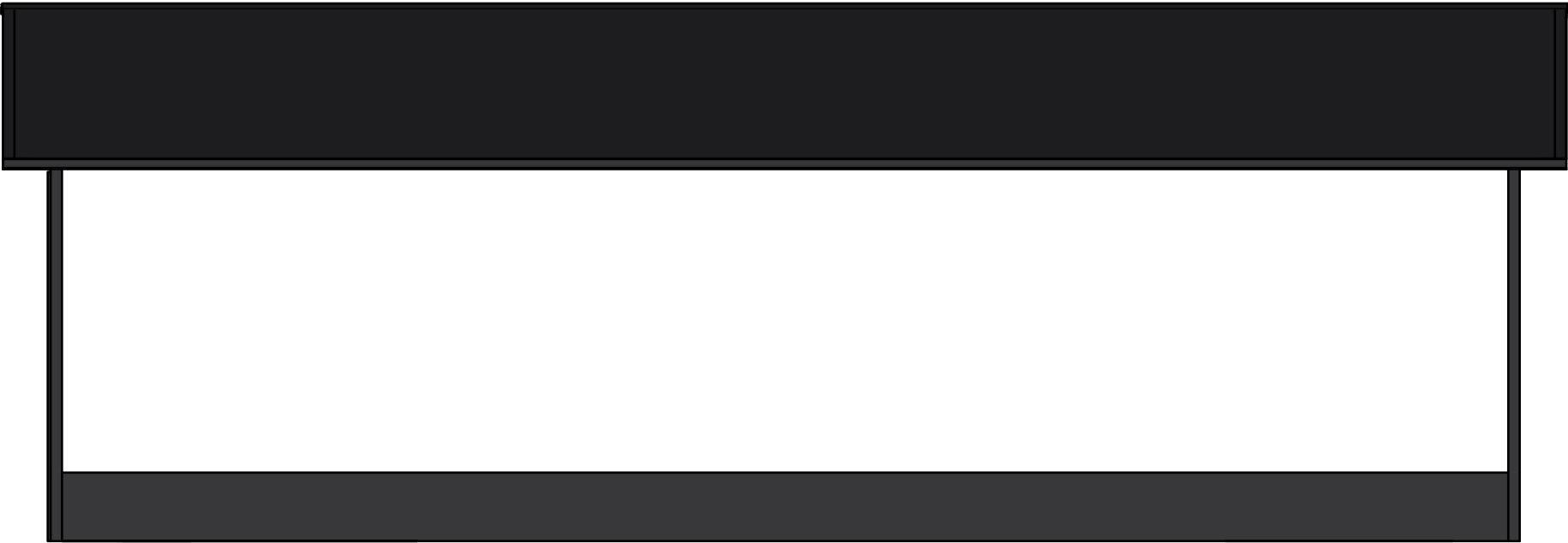
Date : 04/25/23
Name: SAC
Rev 0

PRELIMINARY
THESE DRAWINGS
ARE FOR
**REVIEW
ONLY**

These drawings are
not complete and
are not to be used
for construction.



NORTH ELEVATION



EAST ELEVATION

Copyright:
FBi Buildings, Inc.

Building may not be shown to scale.
(Colors shown may not match actual colors.
Refer to color samples for actual colors.)

X:	Purchaser Approval	Date
X:	Seller Approval	Date
	Drawing #	

Bryan Harris	Elevation Plan
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FBi Buildings, Inc.

3823 W 1800 S

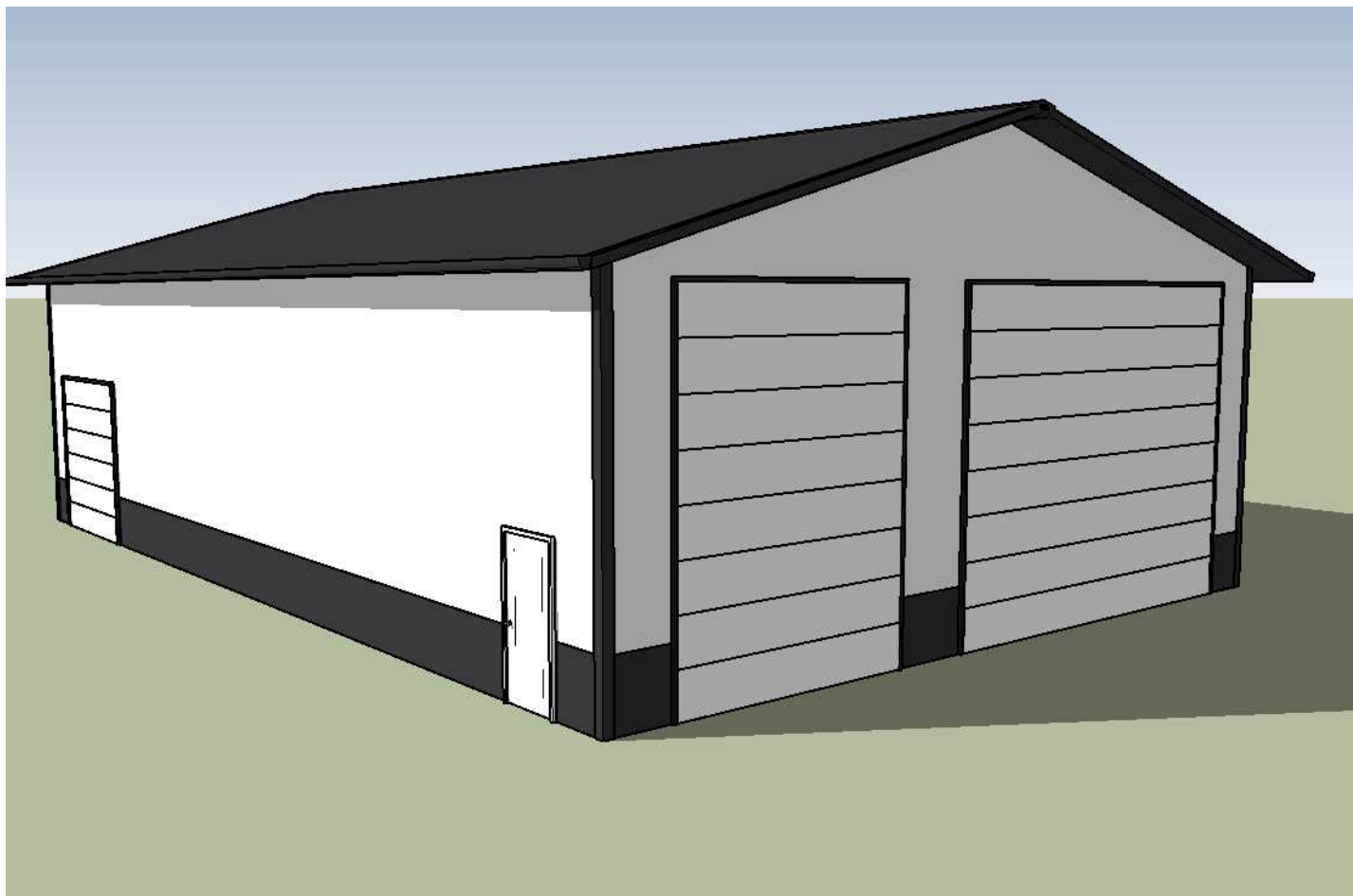
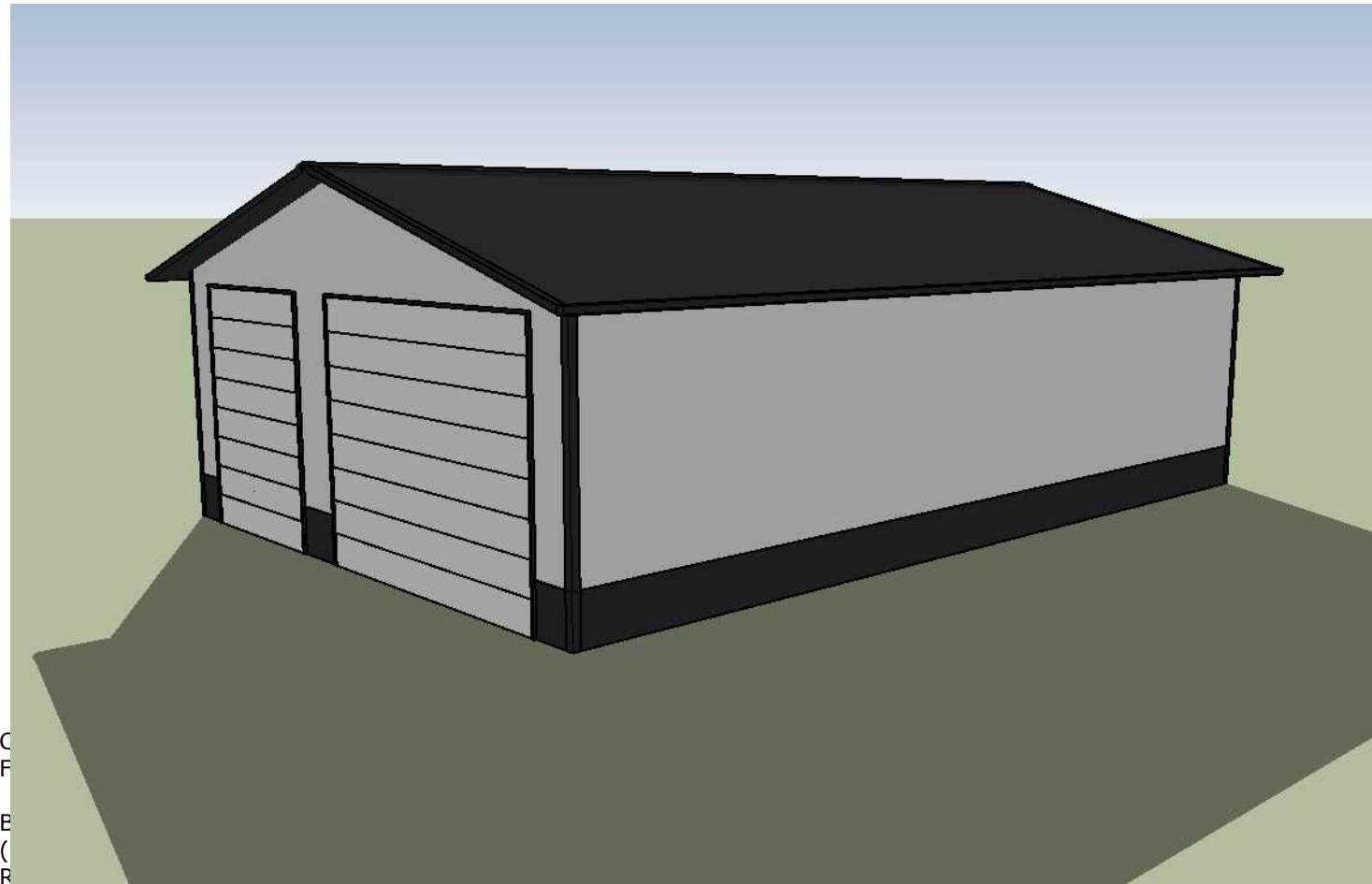
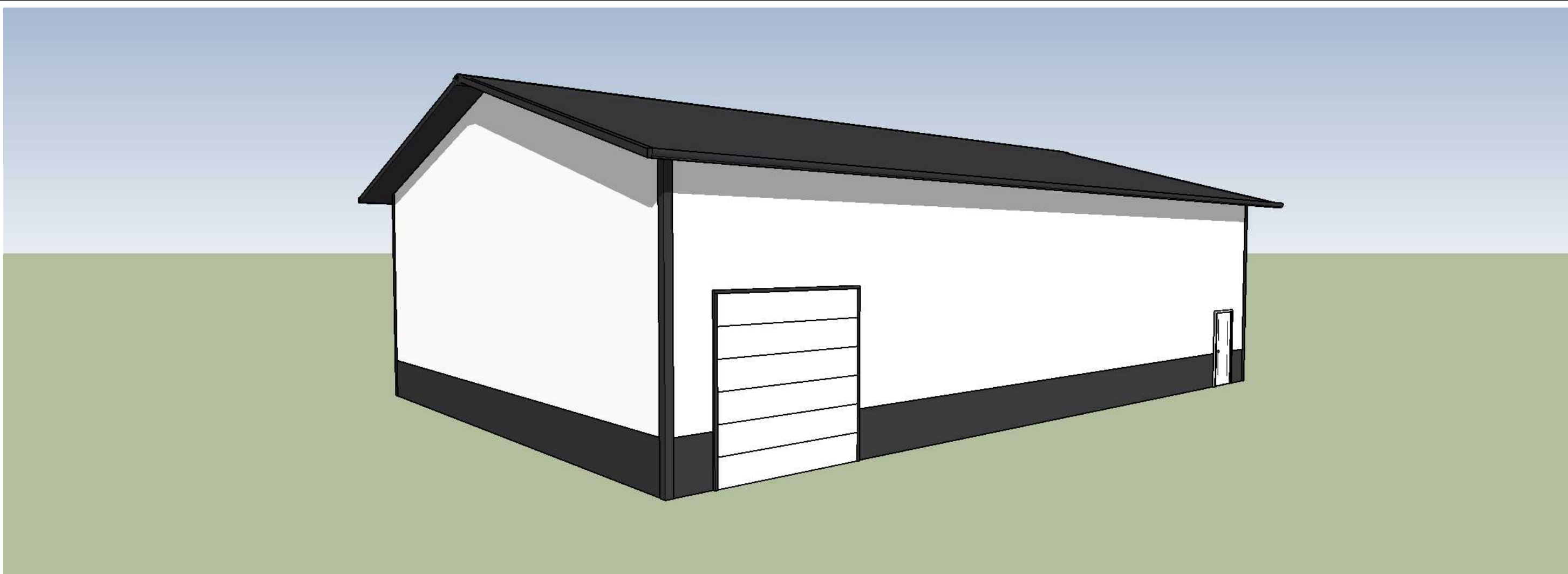
Remington, IN 47977

219-261-2157

www.fbibuildings.com

Date :	04/25/23
Name:	SAC
	Rev 0

PRELIMINARY
THESE DRAWINGS
ARE FOR
**REVIEW
ONLY**
These drawings are
not complete and
are not to be used
for construction.



C
F
B
C
R
Review for completeness and accuracy

X:	Purchaser Approval	Date
X:	Seller Approval	Date
	Drawing #	

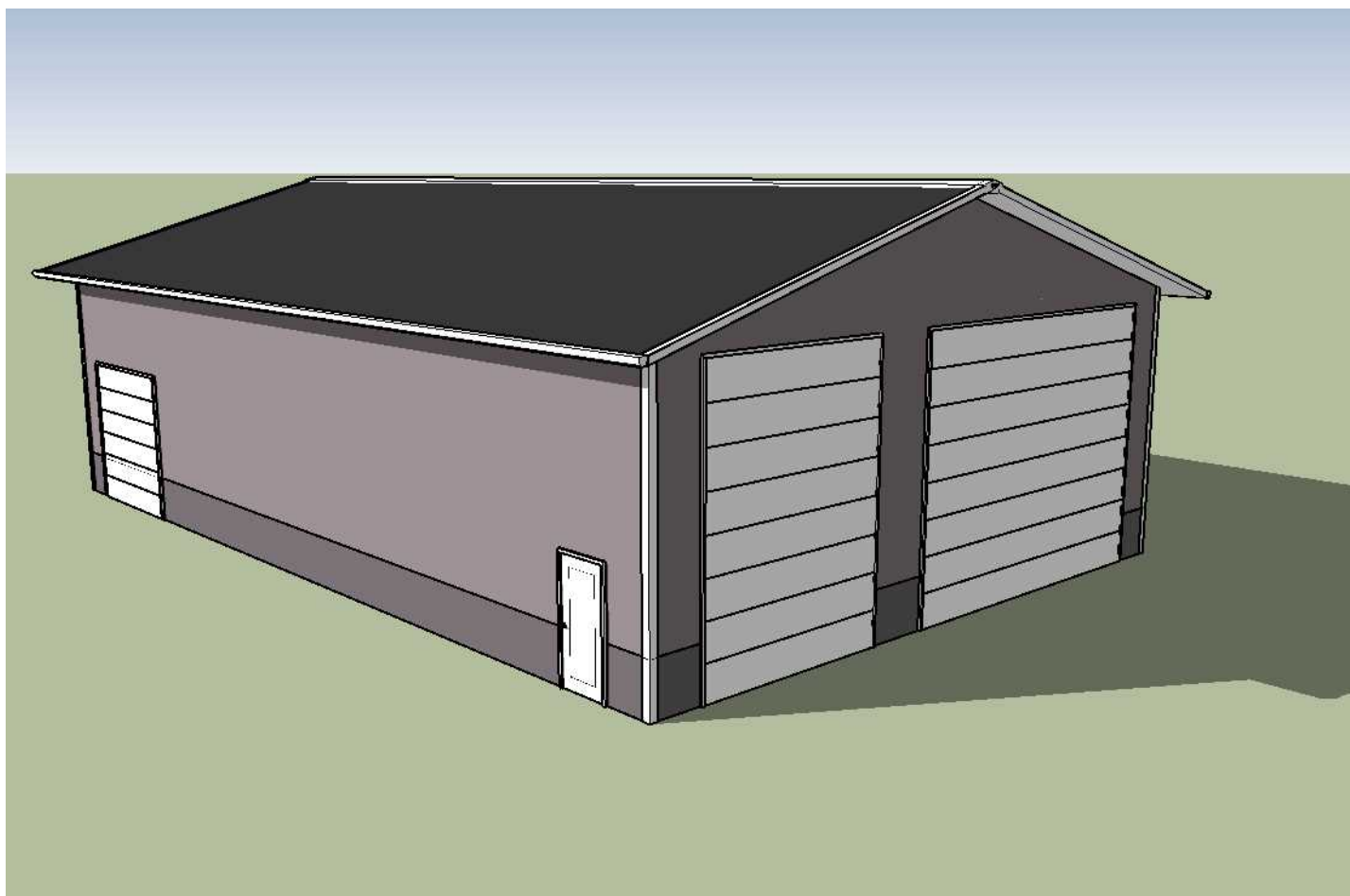
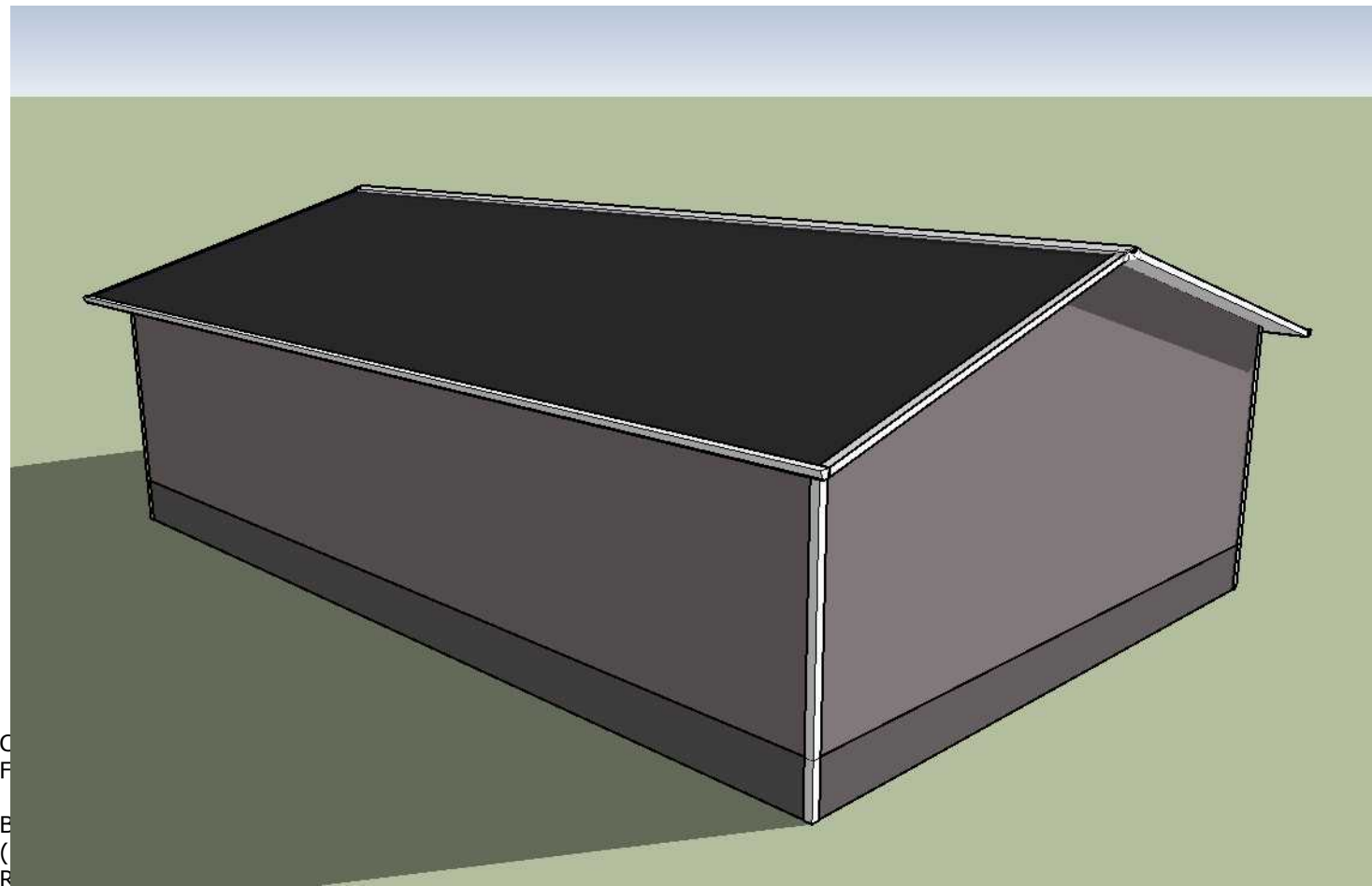
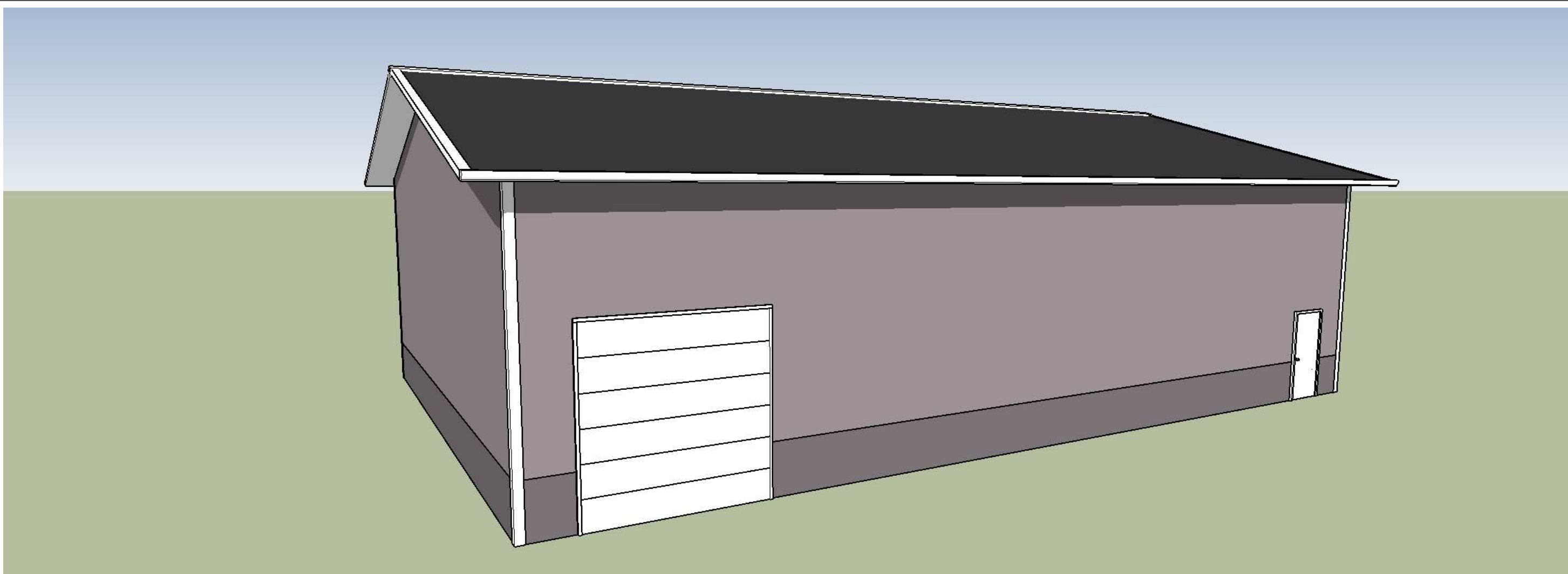
Bryan Harris	3D View
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FBI
FBI Buildings, Inc.
3823 W 1800 S
Remington, IN 47977
219-261-2157
www.fbibuildings.com

Date : 04/25/23
Name: SAC
Rev 0

PRELIMINARY
THESE DRAWINGS
ARE FOR
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ONLY

These drawings are
not complete and
are not to be used
for construction.



X:	Purchaser Approval	Date
X:	Seller Approval	Date
	Drawing #	

Harris Project	3D View
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FBI
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Remington, IN 47977
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www.fbibuildings.com

Date : 05/01/23
Name: SAC
Rev 0

PRELIMINARY
THESE DRAWINGS
ARE FOR
REVIEW
ONLY

These drawings are
not complete and
are not to be used
for construction.

Hilleary, Ross

From: JERRY FAIRCLOTH <almanaufan@yahoo.com>
Sent: Thursday, June 22, 2023 3:49 PM
To: Hilleary, Ross
Subject: Proposal case # VA-23-22, 10664 E. 97st ST, Fishers, IN 46037

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

Mr. Ross Hilleary,

My name is Jerry Faircloth. I live in the home at 10644 E. 97th St. Fishers, IN. and I am the homeowner. My home is the adjoining property west of the 10664 E. 97th St. property seeking this variance request. It is my understanding that the petitioner is a real estate investor.

I am against the variance request. This is a zoned single family residential neighborhood. A metal building this size would be out of place in the neighborhood. It would be an eyesore no matter how stylish it's built. It would dominate the skyline, blocking my view and the easterly breeze. It will very likely create a glare issue from the sun, that I would be the main recipient of. I know this from experience as the sun's rays reflect off everything that shines.

The petitioner's house is unoccupied and has been that way the majority of the time it has been owned by the petitioner. The majority of the time this property was occupied, a lawn and landscaping business was operated out of it. At times the backyard looked like a sales lot for landscaping equipment. A normal garage or outbuilding for a residential homeowner wouldn't need to be this large. I believe this variance request is under the guise of a future commercial business operating out of our residential neighborhood.

Thank You, Jerry Faircloth.

[Sent from Yahoo Mail for iPhone](#)

Hilleary, Ross

From: Michelle Miller <michelle@ferrispropertygroup.com>
Sent: Thursday, June 22, 2023 6:27 PM
To: Planning Dept
Subject: Case # VA-23-22 / 10664 E 97th St

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

Hi there!

I live and own the home at 10655 E 98th St and my property adjoins this property that is requesting a variance.

I please ask you to deny all aspects of this variance request. As a homeowner and real estate agent, I can safely say that allowing this type of variance in our neighborhood would affect not only our property values, but it would alter the character and enjoyment of the neighborhood. This proposed structure not only does not fit aesthetically with the small homes that are primarily ranch homes constructed of brick or stone, but its size dwarfs even my home which at about 2200sf is one of the larger in the neighborhood. It will certainly dwarf the existing home at 10664 in both height and square footage.

When I purchased this home in 2018, I was attracted to the neighborhood because of the large lots which give an open feel, the mature trees, and the quiet nature of this small neighborhood. Daily I see people who live in the surrounding neighborhoods walking their dogs, pushing strollers, and taking slow walks through our little two street neighborhood for those very reasons. Though my children are grown, I have seen many school aged children and younger playing in the yards and taking walks in the neighborhood.

One of the things that I love about my home is to be able to sit in the backyard and only see the trees and sky. It feels like it's "out in the country" but it's in a spectacular location in Fishers! More and more as a real estate agent, I come across people looking for this very thing.

Allowing this variance would alter the view I enjoy in my yard. The petitioner does not seem to be living in the home. It was purchased in 2021 and remodeled. There were renters there for a short time and then it went on the market but did not sell. There has not appeared to be anyone living there since then. Occasionally, there will be something appearing to be stored in the driveway but that is about it.

I have included a link with two pictures of the view of the property from my yard. Additionally, the same building company who is listed on this variance request (FBI Buildings, Inc,) has built another structure just south of 96th. Even having a great number of trees around it, this sticks out like a sore thumb in this primarily residential area. I assume it is larger in square footage, but guessing it will be equally as tall, ugly, and industrial looking. I can't imagine what the plans are for the petitioner's use of this structure. The tall doors and industrial look lead me to believe this will ultimately be used for business or commercial purposes. Please don't let this happen. Many of us have been putting a great deal of money and effort into improving our properties and it would be financially difficult to see that equity disappear,

https://photos.google.com/share/AF1QipM1hJw3NLNHdmVnd3Ag6iE_Ehm1ECCKHHUT1I_GWpZE5NHhU3T0k55RaFkrQrfQxw?key=NIBmdVBSNHIJNnhtLTISV3pUX3JFQ211a2RZeJZR

Thank you for hearing me out! I will see you on Wednesday the 28th at the meeting.
Have a great day!

--

Hilleary, Ross

From: JERRY FAIRCLOTH <almanaufan@yahoo.com>
Sent: Thursday, June 22, 2023 3:49 PM
To: Hilleary, Ross
Subject: Proposal case # VA-23-22, 10664 E. 97st ST, Fishers, IN 46037

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Thank you for hearing me out! I will see you on Wednesday the 28th at the meeting.
Have a great day!

--

Hilleary, Ross

From: D Ben <bennetindy@gmail.com>
Sent: Friday, June 23, 2023 6:45 PM
To: Hilleary, Ross
Subject: Opposition to Case # VA-23-22

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

Hello Director Hilleary:

I am writing in opposition to the construction of an "Accessory Structure" as presented in Case # VA-23-22. In addition to what appears to be a commercial structure associated with a commercial business, I am opposed to the operation of any commercial business in this residential zoned neighborhood.

I live directly across the street from the property where the structure is to be placed. The residence has not been lived in for approximately 2 to 3 years, is currently empty, and when people are seen at the location there appears no effort on their part to interact with the current residence in the neighborhood. The only activities seen are construction workers, lawn care personnel, loaded and unloaded trailers being dropped off and picked up, and what appeared to be delivery trucks coming by to unload and load furniture for residential staging for realtor open house activities.

I have only recently been given the documents indicating the petitioner's proposal. Specifically, documents dated 5-2-2023 consisting of overhead map view, and computer representation of the structure proposed. There is no indication what the building is going to be used for; specifically, residential, commercial, and/or storage of construction material and equipment etc.. My opposition is based primarily on the documents presented.

- 1. The map provided is not an accurate to scaled diagram of what they petitioner is proposing, and is grossly under estimating the size of the structure.**
 - a. The structure proposed is listed at "2688 square feet." The map shows two 20', one 15', and one 5' Sod access areas. It appears the blackout area showing the footprint is about half the size of the actual structure. The actual size based on the map provided would extend into the East tree line. The map indicates two "trees to be removed" which would indicate where the East side of the structure would be located.
 - b. The 2688 square feet is 3 to 4 times the allowable size currently allowed in a residential area. This is a huge structure for this or any residential area.
 - c. The East border of the property appears to be approximately 5' into the adjacent residence property.
 - d. The blackout area is indicating the structure to be built is half the size of the actual building proposed. The structure is 2688 square feet, with the house currently there only 1300 square feet. The structure appears to be twice that size of the home currently on the property.
 - e. It does not appear a staked survey of the property has been completed to see if such a structure is even feasible on the area indicated.
- 2. The indicated height of the building will be 26'.** This is currently 6 feet taller than a standard 2 story residence in the area, taller than the current power lines directly to the North of the proposed building site, and taller than currently allowed in a residential area.
- 3. It appears the petitioner is attempting to erect a structure for storage of large items which would be used in commercial construction.**
 - a. In the representation of the structure page, it shows two overhead garage doors, one standard garage door, and one pedestrian door. The two large overhead doors appear to be for large construction

machinery and/or larger items (boats, tractors, mowers, etc.) on trailers. It is unclear what the standard door on the Northwest corner of the structure would be for or even needed as it appears to open into the “Sod access” area on the overhead map.

b. The height of the building, 26’, indicates large items storage. I have viewed several large and small trailers loaded and unloaded that have been parked on the property and not moved for days or weeks at a time.

4. **Driveway designed for passenger vehicles not large machinery with or without trailers.**

a. Large vehicles with or without trailers cannot turn into the current driveway without driving into the yards directly to the South or to the East. Attached is a picture of a mowing crew that could not pull into the driveway and just parked on the street, blocking the street. If a mowing crew can’t enter the property, then large machinery on large trailers won’t either.



5. **It appears the petition is wanting to run a commercial business out of the residence.**

a. The map indicates on the South side of the property it shows “Small Site Sign Location.” This is the location of the current storm drains. It would be my contention the only reason to have a sign on property would only be if a business was going to be run out of the location.

b. This is a residential area not zoned for commercial use, and commercial business will adversely affect property values in the area.

Again, I am writing in opposition to the construction of an “Accessory Structure” as presented in Case # VA-23-22, and opposed to the operation of any commercial business in this residential zoned neighborhood.

Thank you for taking the time to read my concerns. Feel free to contact me at this email address or the phone number below.

Respectfully

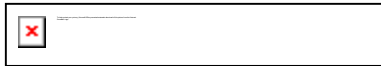
Daniel Bennett

(317) 439-2453

Hilleary, Ross

From: noreply@formstack.com
Sent: Tuesday, June 20, 2023 11:32 AM
To: Planning Dept; Prange, Kay; lewarkl@fishers.in.us; Vukusich, Megan; Hilleary, Ross; King, Breanna
Subject: Public Meeting Comment Form

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 06/20/23 11:32 AM

Name: William Mulholland

Address: 7856 Dawson Drive
Fishers, IN 46038

Email: bdmulholland@sbcglobal.net

Subdivision or business name: Sunblest Farms

Please select the meeting to which you would like to submit a public comment: Board of Zoning Appeals - Fishers

Meeting Date: Jun 28, 2023

Project Name/Resolution Number: Short Term Rental Permit Request - Address: 7825 Dawson Drive

Comment: As a long-term homeowner of 7856 Dawson Drive I would strongly recommend the denial of the short-term rental permit for 7825 Dawson Drive. My simple question to the zoning board\committee members who I assume currently live in a residential neighborhood in Fishers is this: Would you want to live directly next door to or down

the street from a short-term rental (Air BnB\vrbo) property in your neighborhood? If your answer is "No" then I want you to consider the same answer when reviewing this permit request. From my perspective as a long-term residence in this neighborhood a single-family home neighborhood needs to remain just that. From recent anecdotal evidence nationwide there seems to be a trend for these types of properties to become short-term party houses with all the negatives that come with that. These types of properties have no place in a family neighborhood and street like ours that has many young children playing up and down the street.

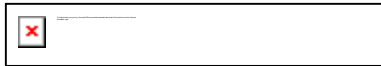
Would you like to receive email communications and updates from the City of Fishers?:

Yes

Hilleary, Ross

From: noreply@formstack.com
Sent: Sunday, June 25, 2023 2:20 PM
To: Planning Dept; Prange, Kay; lewarkl@fishers.in.us; Vukusich, Megan; Hilleary, Ross; King, Breanna
Subject: Public Meeting Comment Form

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 06/25/23 2:20 PM

Name: Deanna Mulholland

Address: 7856 Dawson Drive
Fishers, IN 46038

Email: dgcmulholland@gmail.com

Subdivision or business name: Sunblest Subdivision

Please select the meeting to which you would like to submit a public comment: Board of Zoning Appeals - Fishers

Meeting Date: Jun 28, 2023

Project Name/Resolution Number: 7825 Dawson Drive Airbnb Waiver

Comment: Please deny the waiver for an Airbnb on Dawson Drive (7825 Dawson Drive).

Several homes have been purchased by remote owners and corporations for rentals on our street. Now the request to allow

short-term rentals (i.e., an Airbnb) is just one more step away from the peaceful family-oriented neighborhood in which we once lived.

My neighbors and I are all concerned about the trash and garbage left behind by the renters and their general lack of care for the property. An Airbnb brings an even greater risk of noise, garbage and safety concerns on our street. These people are even less concerned about long term of our neighborhood and the property associated property values. Unfortunately, because of the investors buying homes in our neighborhood, young families are unable to purchase homes and contribute to the long-term growth of Fishers.

After the "party house and shooting" Airbnb disaster at 75th and Fall Creek which was in the news, we are especially concerned about having Airbnb/Vrbo short-term rentals on our street and in our neighborhood.

As Fishers adds hotels for visitors, I don't think it is in the city's best interest to allow short term rentals in our neighborhoods. Please deny the waiver request and keep our neighborhoods for residents of Fishers.

Thank you in advance for keeping our neighborhoods for families and home-owners.

Would you like to receive email communications and updates from the City of Fishers?:

Yes

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Formstack, 11671 Lantern Road, Suite 300, Fishers, IN 46038



Board of Zoning Appeals Staff Report

Meeting Date: June 28, 2023

DEPARTMENT CONTACT:

Ross Hilleary (hillearyr@fishers.in.us)

CASE NUMBER:

Special Exception 104154

PETITIONER:

Hieu Le (hieuule@outlook.com)

PROPERTY ADDRESS/LOCATION:

7825 Dawson Drive Fishers, IN 46038

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 zoned R3 – Residential.

APPLICABLE REGULATIONS:

Unified Development Ordinance (UDO)

EXISTING ZONING:

R3 – Residential

FISHERS 2040:

Suburban Residential

LOT SIZE: .25 Acres

LOCATION MAP



STAFF RECOMMENDATION

☐ Approve

☐ Continue

☒ Deny

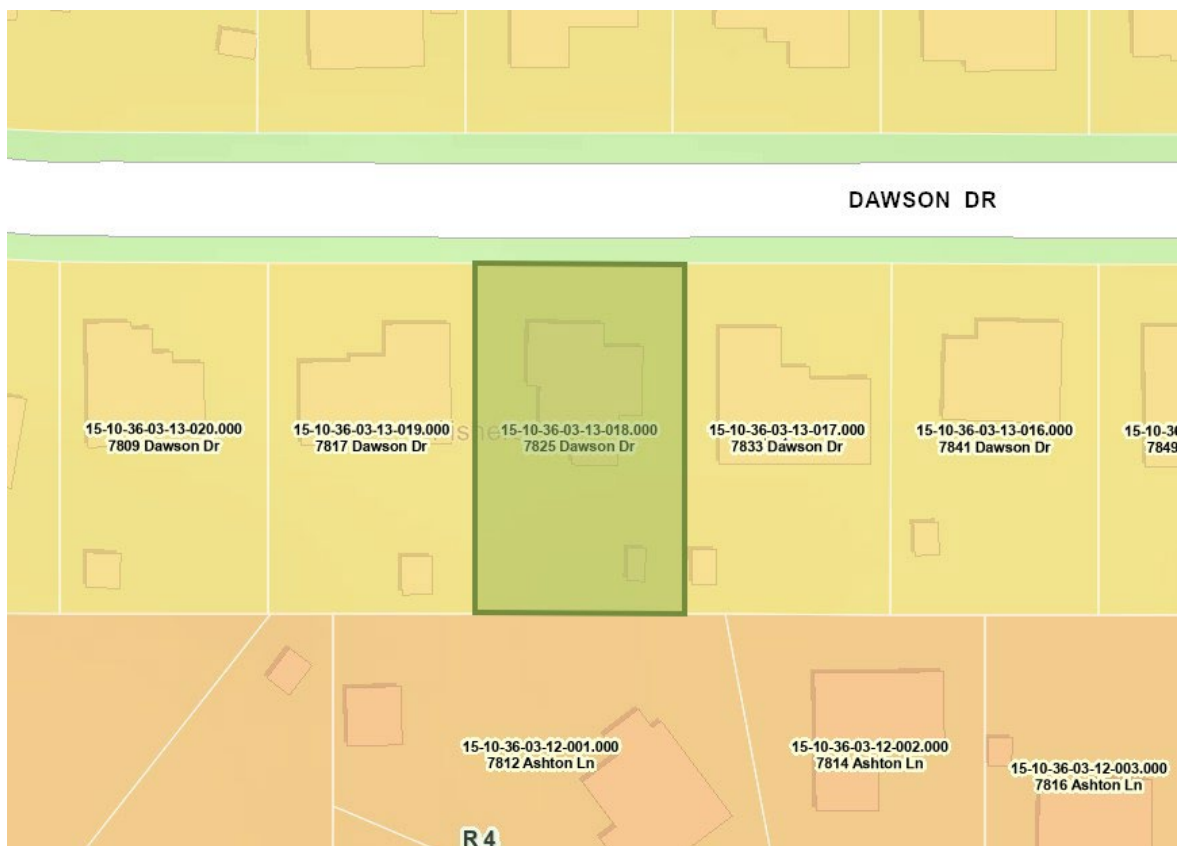
☐ No Recommendation

ZONING HISTORY:

This property is zoned R3 – Residential is part of the Sunblest Neighborhood and the Sunblest Farms Subdivision. The property is .25 acres in a single-family residential neighborhood. Property to the south is R4 – Residential, which is similar in nature to the R3 – Residential zoning district, but a smaller lot area, reduced setbacks, and an increase in impervious surface allowances.

SURROUNDING LAND USE & ZONING:

North: R3 – Residential (Single-Family)
East: R3 – Residential (Single-Family)
South: R4 – Residential (Single-Family)
West: R3 – Residential (Single-Family)



Meeting Date: June 28, 2023

Case Number: Special Exception 104154

SUMMARY OF PUBLIC COMMENTS:

At the time of writing this Staff Report one letter of remonstrance has been received and are attached.

- William S & Deanna G Mullholland, 7856 Dawson Drive Fishers, IN 46038

Concerns include allowing a short-term rental, like Airbnb or Vrbo) in a residential neighborhood that could turn into party houses and the negative effect it could have on the character of the neighborhood.



PETITION OVERVIEW:

Hieu Van Le, property owner of 7825 Dawson Drive, with a mailing address of 1264 Vista Sol Palm Springs, CA 95562 has requested a special exception from the Unified Development Ordinance to allow for a short-term rental, (E.g., Airbnb, Vrbo). The State of Indiana does not

Meeting Date: June 28, 2023

Case Number: Special Exception 104154

allow municipalities to limit short-term rentals when it relates to home-occupation, meaning the property owner must live at the residence.

This does not meet our home-occupation standards, and therefore requires this special exception to allow short-term rentals.



The property in question in June 2023.

STAFF RECOMMENDATION:

Per City Records this property the current property, Mr. Le, has owned this property since October 2021. Since October 2021 the City of Fishers has had two property reports:

102691 submitted in March 2023

103140 submitted in April 2023

Both reports claim loose trash, broken furniture that had been on the property for over a month. Letter was sent to property owner address. Property failed a reinspection. And was cleaned up by April.

Staff does not believe that the request for a special exception to allow for a short-term rental

Meeting Date: June 28, 2023

Case Number: Special Exception 104154

based on the information provided would be in the best interest of the neighborhood and the surrounding property owners. It is extremely difficult to maintain a short-term rental when the property owner is out of state.

Staff recommends DENIAL.

If the Board approves this Special Exception for short-term rental staff request the follow the following conditions, and any others sought by the Board:

1. The special exception is tied to the user and specific use. If the current property owner was to sell or vacate the property, the special exception would be void.
2. The Approval Letter and relative documentation be recorded on the property with the Hamilton County Recorder's Office.

STAFF RECOMMENDATION

☐ Approve

☐ Continue

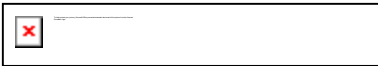
☒ Deny

☐ No Recommendation

Hilleary, Ross

From: noreply@formstack.com
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To: Planning Dept; Prange, Kay; lewarkl@fishers.in.us; Vukusich, Megan; Hilleary, Ross; King, Breanna
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