



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: 8/23/2023, 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. 6-28-23

4. Public Hearings

a. **Brooks Park Height Variance**

Address: 9857 Backstretch Row, Fishers, IN 46040

Case: VA-23-23

Request: Consideration of a Development Standards Variance from the Southeast Fishers Planned Development Ordinance #100305E, as amended, to increase the maximum permitted height from 35 feet to 40 feet for 23 proposed single family homes of the Brooks Park Subdivision.

Petitioner: Amanda Deardorff of Fischer Homes of Indiana
(adeardorff@fischerhomes.com)

Planner: Gabrielle Herin, Senior Planner (hering@fishers.in.us)

- 5. New Business**
- 6. Staff Communication**
- 7. Board Signatures – Findings of Fact**
- 8. Adjournment**

**CITY OF FISHERS
BOARD OF ZONING APPEALS
MINUTES
June 28, 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
Others present: Megan Vukusich, Ross Hilleary, Rodney Retzner, Kay Prange, Tracy Gaynor, Larry Lannan, and the attendees on the BZA 6-28-23 Sign-in list. (see below).



BZA 6-28-23
Attendees.pdf

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, 5-0.

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)

Chris Schulhof, 9709 Gulf Stream Drive, reviewed a presentation of his objectives, which are to update his home and add a 3-car garage. The UDO has changed since the home was built. The current building taking place in the pictures is permitted and has nothing to do with the variance request. Pictures of the property and the proposed footprint of the home were shown. An approval letter from his next-door neighbor was presented to the Board.

Ross Hilleary presented the Staff Report. The UDO has changed since Fishers/ Noblesville Joinder Agreement. The Aggregate setback is asking for 15', not 30'. No other public comments have been received. Staff is making No Recommendation.

Mr. Ferrucci opened the Public Hearing. Seeing no one from the Public to speak, he closed the Public Hearing. Mr. Ferrucci asked for a Motion. Mr. Grinslade made a Motion to approve, with the variance recorded on the property, and seconded by Mr. Stevenson. The Motion was approved, 5-0.

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)

Maggie Browning, owner of Burn Boot Camp, which is currently at 8607 E. 116th St., and Chris DeForest, 11000 USA Parkway, presented the variance request to move Burn Boot Camp to the Link at Fishers District, formerly the Navient building. The Link is now a multi-tenant building, and the Burn Boot Camp current location is being re-developed. The concepts behind the business were presented.

Ross Hilleary presented the Staff Report. The Link is part of the Exit 5 Sunbeam PUD, which does not allow a health club. This 2018 PUD contains strict language about businesses in the property. No remonstrations have been received and Staff recommends approval.

Mr. Ferrucci opened the Public Hearing. Seeing no one from the Public to speak, he closed the Public Hearing. Mr. Ferrucci asked for a Motion. Mr. Grinslade made a Motion to approve, with the variance to run with the business, and seconded by Mr. Silvey. The Motion was approved, 5-0.

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)

Brian Harris, property owner, presented the variance request for an Accessory Structure at the end of the driveway. He does not live at the property full-time. The building would hold boats, trailers, jet skis, etc.

Ross Hilleary presented the Staff Report. The building proposed is 2688 sq. ft. and 26-feet high. The max allowed is 1500 sq. ft. The accessory structure is twice the size of the primary structure. Staff recommends denial.

Mr. Ferrucci opened the Public Hearing.

Jerry Faircloth (10644 E. 97th St.) - The metal building will be an eyesore. There will be rainwater runoff issues. The Property is mostly unoccupied. A monstrosity.

Dan Bennett (10663 E. 97th St.) - he agrees. Mr. Harris doesn't live there.

Michele Miller (10655 E. 98th St.) - That building, if built, would appeal to a commercial buyer and not sure if renderings are to scale.

Gary Powell (10640 E. 96th St.) - if built, this would have future commercial prospects. Last year his barn was denied due to size.

Mr. Ferrucci closed the Public Hearing.

Mr. Ferrucci asked for a Motion. Mr. Stevenson made a Motion to deny, seconded by Mr. Silvey. The Motion to deny was passed, 5-0.

d. Le Special Exception (Short Term Rental)

Address: 7825 Dawson Drive Fishers, IN 46038

Case: SE- 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 (hieuville@outlook.com)

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

Brooke Harten, representing Mr. Le, presented the variance request for a short-term rental. There is history with this house and previous owner letting the property go. Mr. Le then purchased the house and rented it to a long-term tenant who also let it go and was evicted. Their view is that a short-term rental would keep more eyes on the house and cater to guests from Airbnb or Vrbo.

Guest policies:

No parties

8 guest max

Pet friendly

3-night minimum

No street parking

ID needed

Quiet hours.

Ross Hilleary presented the Staff Report. The State of Indiana doesn't regulate guests if the owner lives on the property. Mr. LE lives in California. Remonstrations have been received about it being a party house, general maintenance and security, and a commercial business in a neighborhood. The City has had two property reports in the last year. Staff recommends denial. Mr. Lannan asked how many times has Mr. Le been there? Unknown. Mr. Lannan said that this is not beneficial to the neighborhood whatsoever.

Mr. Ferrucci opened the Public Hearing.

Joe Yeoman (7832 Dawson Dr.)- works for the Indiana Attorney General. There is no demand for this- there are already 4 Airbnb's in Fishers, along with hotels. A neighborhood is not a hotel. There is a lack of management at the property and the raccoons are back.

Glenda Timmins (7817 Dawson) – she has rentals on both sides. There is no HOA in the neighborhood and they need the BZA to represent them. Raccoons are still a problem.

Dave Blankenship (7912 Dawson)- new resident. Opposed.

Sherry Striker (7872 Dawson)- refers to what is in the news for short term rentals.

Rita Hankley (7822 Ashton Ln) – there is no positive for this in a residential neighborhood.

Marsha Lettrel (7882 Dawson) – concerned about rentals

Sarah Lamberson (7824 Dawson) – trash problems, grass unkept. This is an irresponsible owner.

Mr. Ferrucci closed the Public Hearing.

Mr. Ferrucci asked for a Motion. Mr. Grinslade made a Motion to deny, seconded by Mr. Stevenson. The Motion to deny was passed, 5-0.

Adjournment As there was no other business, the meeting was adjourned at 7:20 p.m.

Respectfully Submitted by:

Kay Prange, Recording Secretary



Board of Zoning Appeals Staff Report

Meeting Date: August 23, 2023

DEPARTMENT CONTACT:

Gabrielle Herin (hering@fishers.in.us)

CASE NUMBER:

VA-23-23

PETITIONER:

Amanda Deardorff
(adeardorff@fischerhomes.com)

PROPERTY ADDRESS/LOCATION:

Brooks Park Subdivision, generally located
along Backstretch Row and Winning Ticket Ct

REQUEST: Approval of a Variance of Development Standards from the Southeast Fishers Planned Development Ordinance #100305E, as amended to increase the maximum permitted height from 35 feet to 40 feet for 23 proposed single family homes of the Brooks Park Subdivision.

APPLICABLE REGULATIONS:

Exhibit H of Ord. No.
100305E

EXISTING ZONING:

Southeast Fishers PUD
(Ord. No. 100305E)

FISHERS 2040:

Suburban Residential

LOT SIZE: Approx. 10.7 acres

LOCATION MAP**STAFF RECOMMENDATION**

☐ Approve

☐ Continue

☐ Deny

☒ No Recommendation

ZONING HISTORY:

This area of the Brooks Park Subdivision was rezoned to PUD-M in 1980 as part of the Southeast Fishers PUD. The 23 specific parcels are part of the area consisting of traditional single-family homes or Area B-1 (Ord. No. 100305E).

SURROUNDING LAND USE & ZONING:

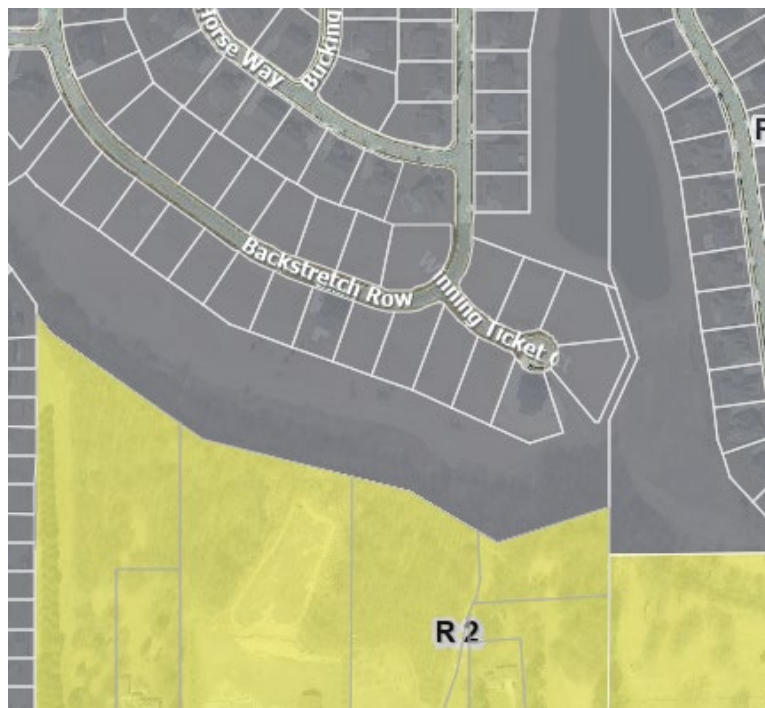
North: PUD-M- Traditional Single Family

East: PUD-M- Traditional Single Family

South: R-2-Place of Worship, Un-platted Single Family Residential, Woods.

West: PUD-M- Traditional Single Family

Zoning Map



EXISTING NEIGHBORHOOD CHARACTER:

The following pictures demonstrate that the existing homes surrounding the subject area are at least two story.

Existing Single Family to the North



Existing Single Family within Subject Area



Existing Single Family to the East



SUMMARY OF PUBLIC COMMENTS:

At the time of writing this staff report, no public comments have been received.

PETITION OVERVIEW:

Summary of Request

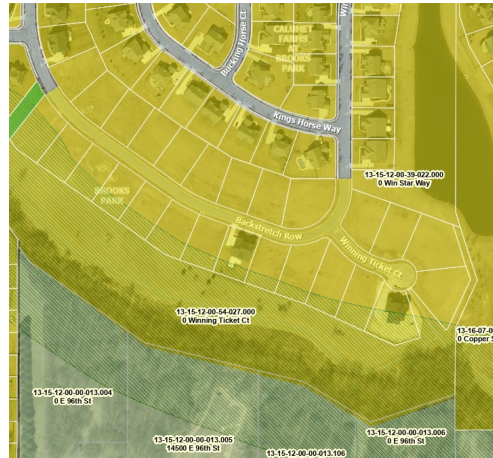
Fischer Homes purchased 23 lots of the Brooks Park Subdivision (within the Southeast Fishers PUD) from a custom home builder. The lot numbers within the subject area are: 171-175, 177, 179-187, 117-120 and 122-125. Nineteen elevations of the Fischer Homes' Grand Estates and Masterpiece collection will be provided to home buyers. Of those elevations, eight will have exteriors that exceed the maximum building height requirement of the Southeast Fishers PUD: Jameson, Crestview, Allerton, Wheatland, Nottoway, Inglenook, Pearson and Paxton. The variance request is to increase the maximum permitted height from 35 feet to 40 feet of those listed elevations' exteriors.

The following are the specific elevations and exteriors not meeting the PUD height maximum and their heights:

- Jameson: Up to 39 feet
- Crestview: French Nouveau and American Heritage exteriors are between 36 feet and 36 feet 4 inches
- Allerton: European Romantic exterior is 35 feet 6 inches
- Wheatland: Up to 36 feet
- Nottoway: Up to 36 feet 6 inches
- Inglenook: Up to 38 feet
- Pearson: All exteriors are 36 feet 8 inches
- Paxton: All exteriors are 35 feet 6 inches.

Fishers 2040

The Fishers 2040 Plan identifies this area as Suburban Residential. The variance request aligns with this vision.



STAFF RECOMMENDATION:

Staff has no recommendation for this request.

STAFF RECOMMENDATION

☐ Approve ☐ Continue ☐ Deny ☒ No Recommendation

PROPERTY

BROOKS PARK
FISHERS, INDIANA
HAMILTON COUNTY



FISCHER

PROPERTY

BROOKS PARK
FISHERS, INDIANA
HAMILTON COUNTY





JAMESON

Grand Estates Collection

welcome home. Approximately 5009 sq ft and Up



FRENCH NOUVEAU designed by: *FH*



COASTAL ACADIAN

designed by: *FH*



EUROPEAN ROMANTIC

designed by: *FH*

Images & Options Available at [fischerhomes.com](https://www.fischerhomes.com)

Our Plans Include You

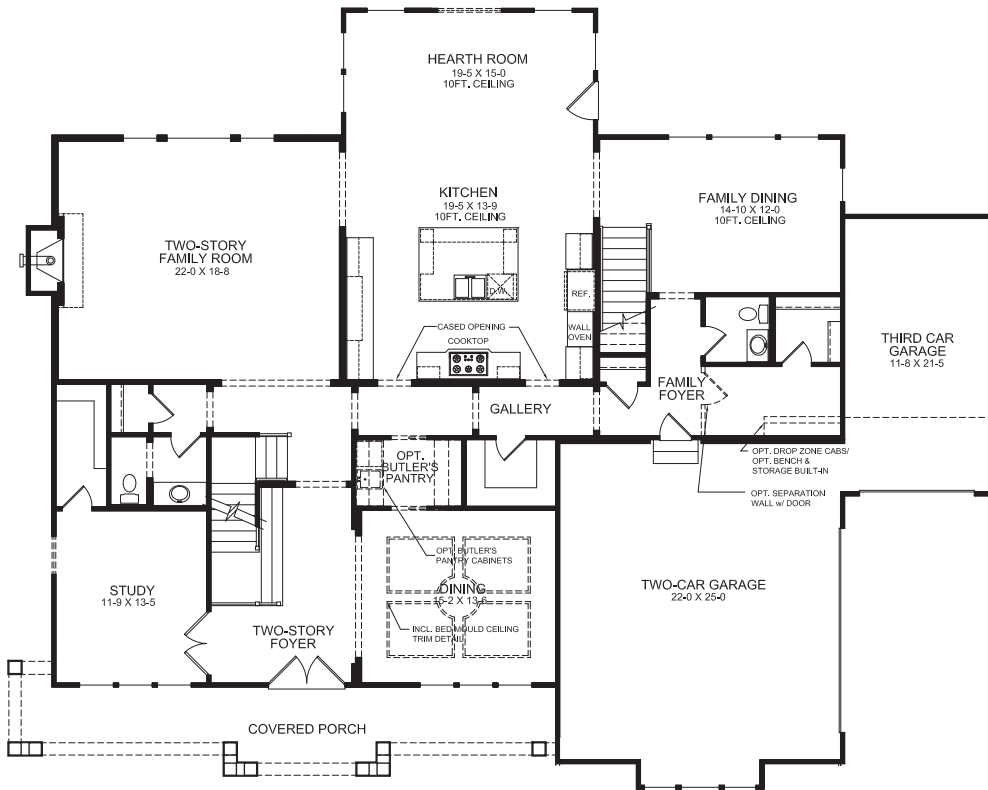


JAMESON

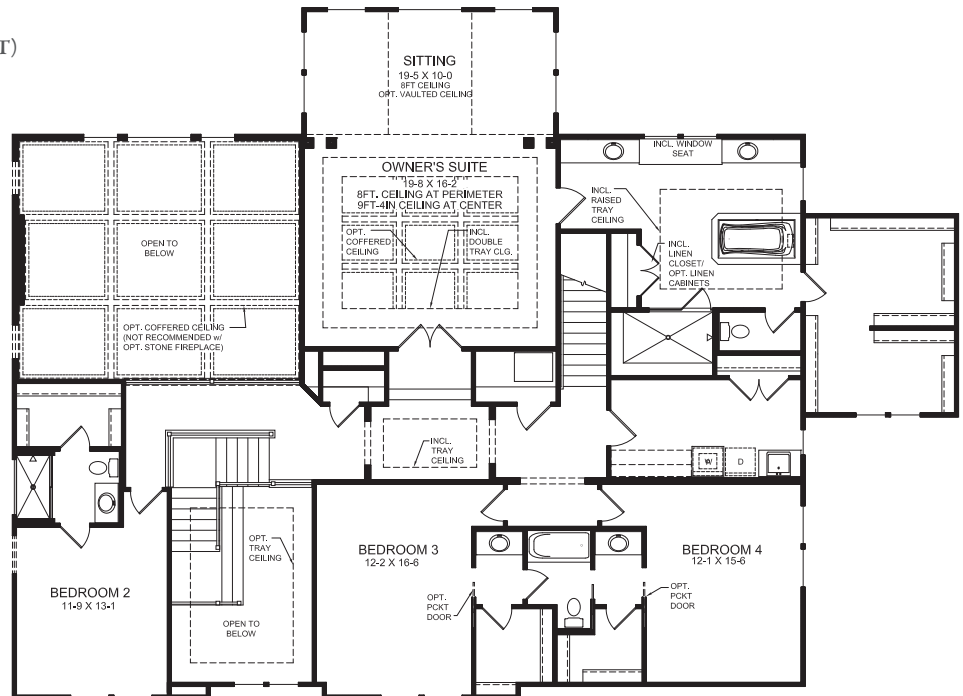
Grand Estates Collection

welcome home.

Approximately 5009 sq ft and Up



FIRST FLOOR DESIGN
(INCLUDES 9 FT FIRST FLOOR CEILING HEIGHT)



SECOND FLOOR DESIGN
(INCLUDES 9 FT SECOND FLOOR CEILING HEIGHT)



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RVSD. 10/20
IM 10/20

Our Plans Include You



CRESTVIEW

Grand Estates Collection

welcome home.

Approximately 4241 sq ft and Up



EUROPEAN ROMANTIC

designed by: *FH*



AMERICAN HERITAGE

designed by: *FH*



FRENCH NOUVEAU

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Our Plans Include You

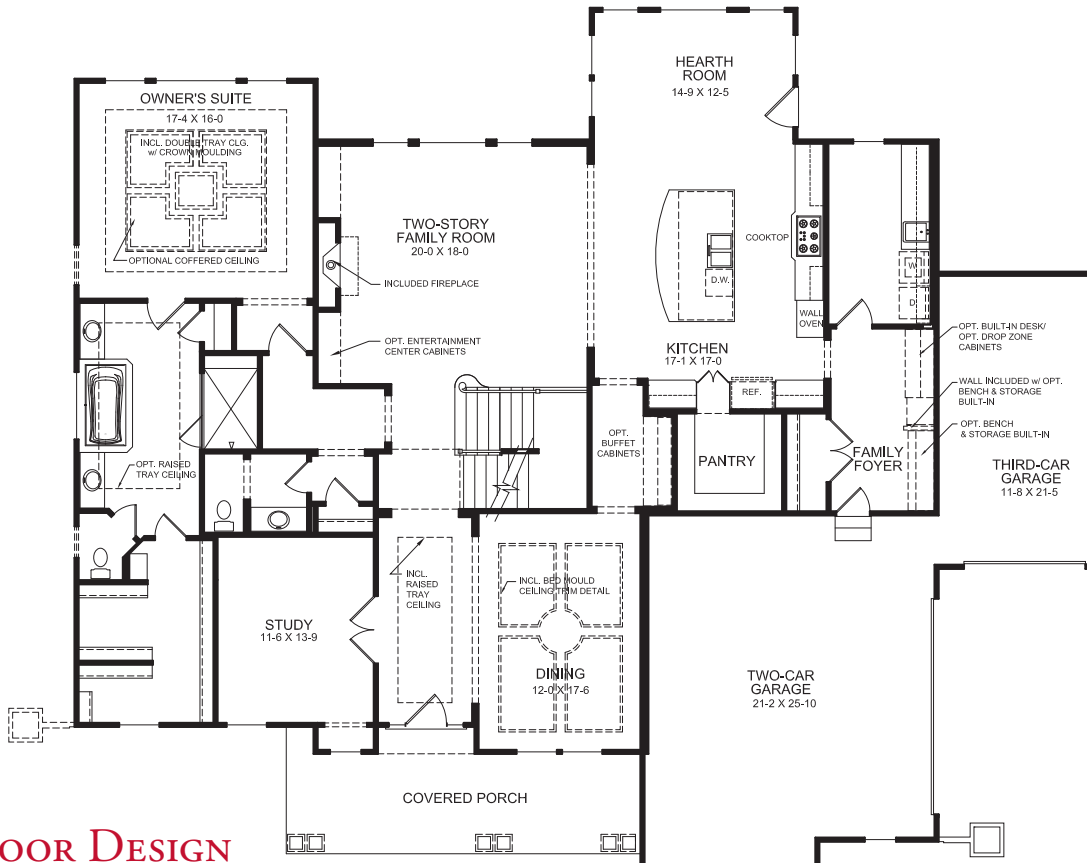


CRESTVIEW

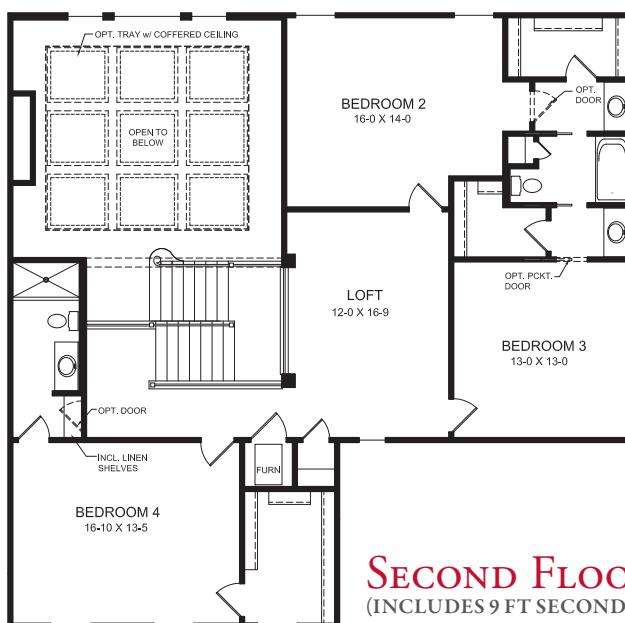
Grand Estates Collection

welcome home.

Approximately 4241 sq ft and Up



FIRST FLOOR DESIGN
(INCLUDES 9 FT FIRST FLOOR CEILING HEIGHT)



SECOND FLOOR DESIGN
(INCLUDES 9 FT SECOND FLOOR CEILING HEIGHT)



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ALLERTON

Grand Estates Collection

welcome home.

Approximately 3879 sq ft and Up



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designed by: *FH*



EUROPEAN ROMANTIC

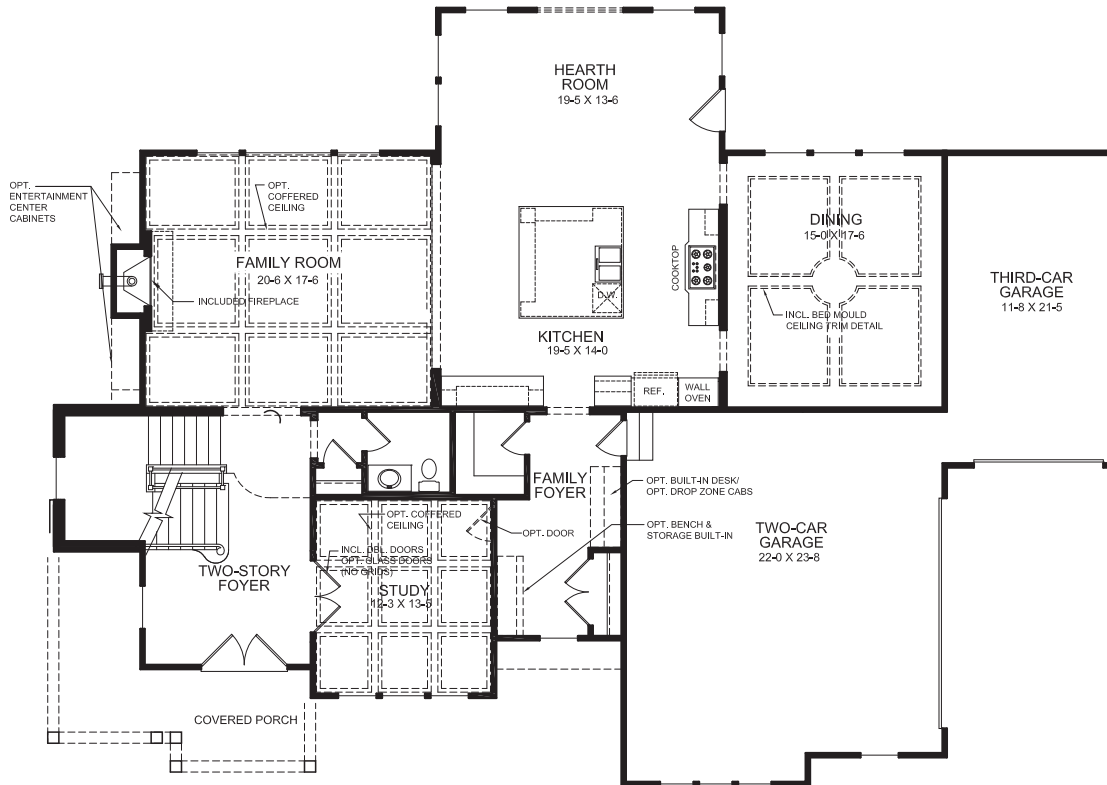
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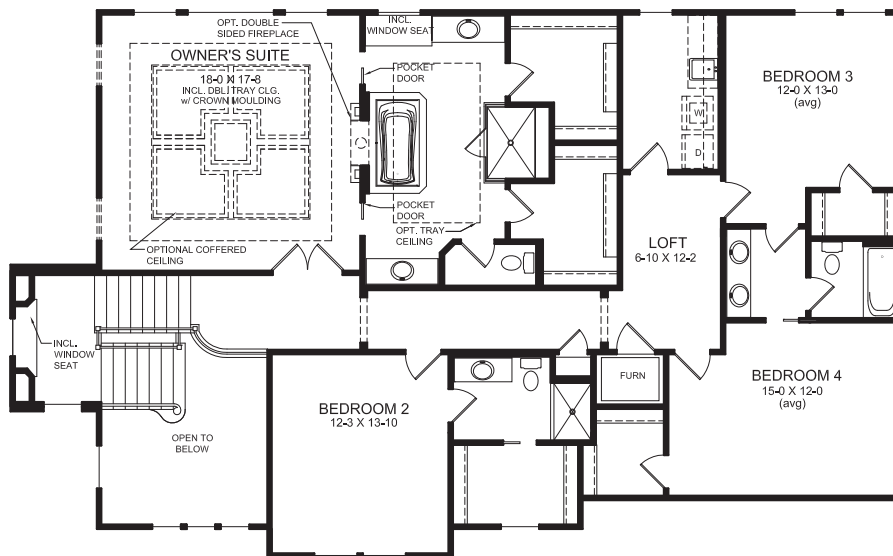
Our Plans Include You

welcome home.

Approximately 3879 sq ft and Up



FIRST FLOOR DESIGN
(INCLUDES 10 FT FIRST FLOOR CEILING HEIGHT)



SECOND FLOOR DESIGN
(INCLUDES 9 FT SECOND FLOOR CEILING HEIGHT)



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WHEATLAND

Grand Estates Collection

welcome home.

Approximately 4628 sq ft and Up



FRENCH NOUVEAU

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EUROPEAN ROMANTIC

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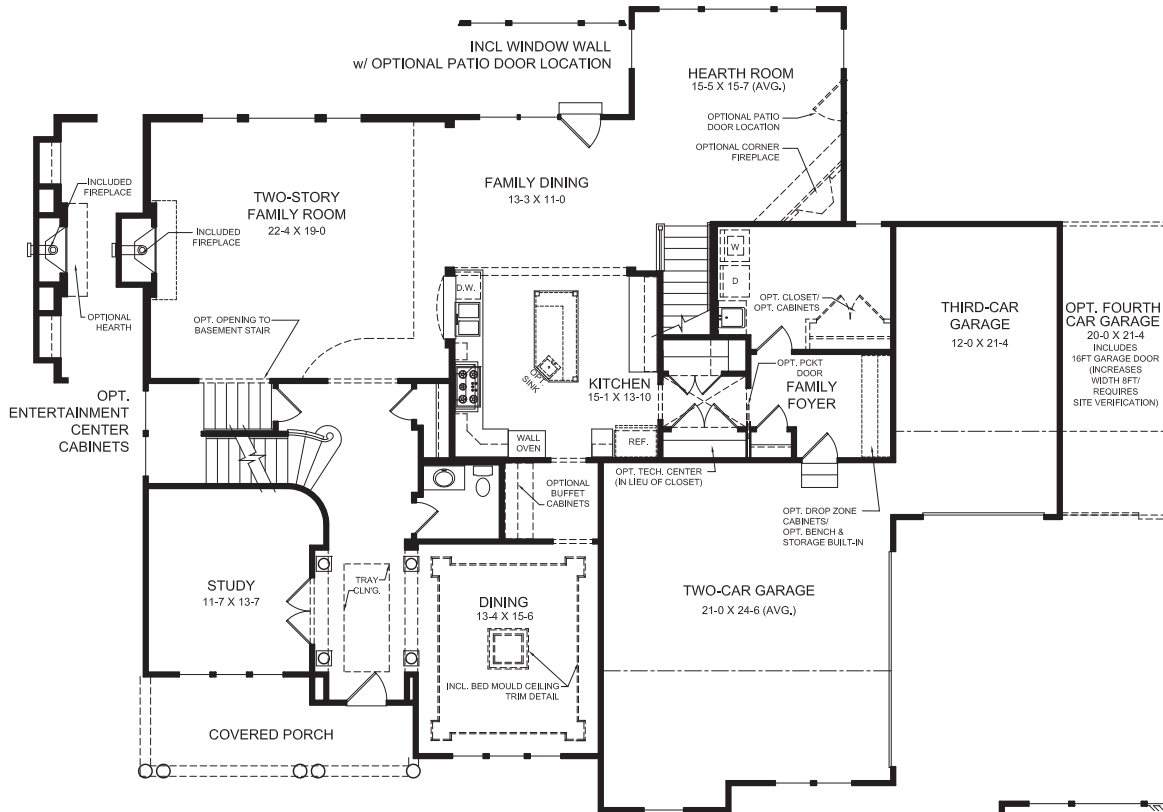


WHEATLAND

Grand Estates Collection

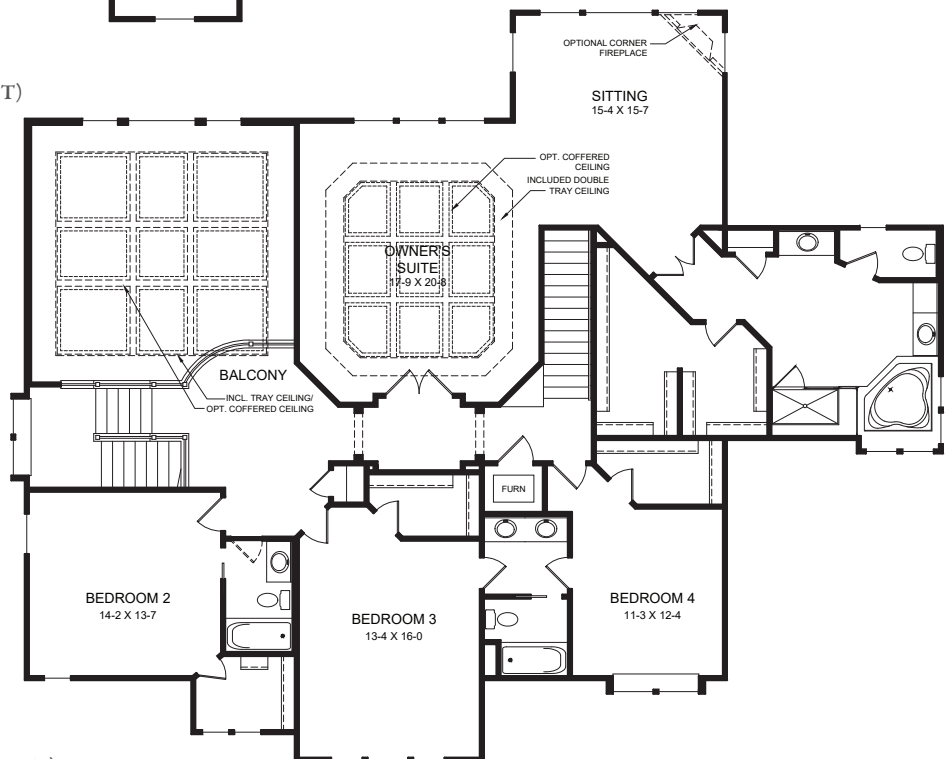
welcome home.

Approximately 4628 sq ft and Up



FIRST FLOOR DESIGN

(INCLUDES 9 FT FIRST FLOOR CEILING HEIGHT)



SECOND FLOOR DESIGN

(INCLUDES 9 FT SECOND FLOOR CEILING HEIGHT)



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Our Plans Include You



NOTTOWAY

Grand Estates Collection

welcome home.

Approximately 4414 sq ft and Up



AMERICAN HERITAGE

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EUROPEAN ROMANTIC

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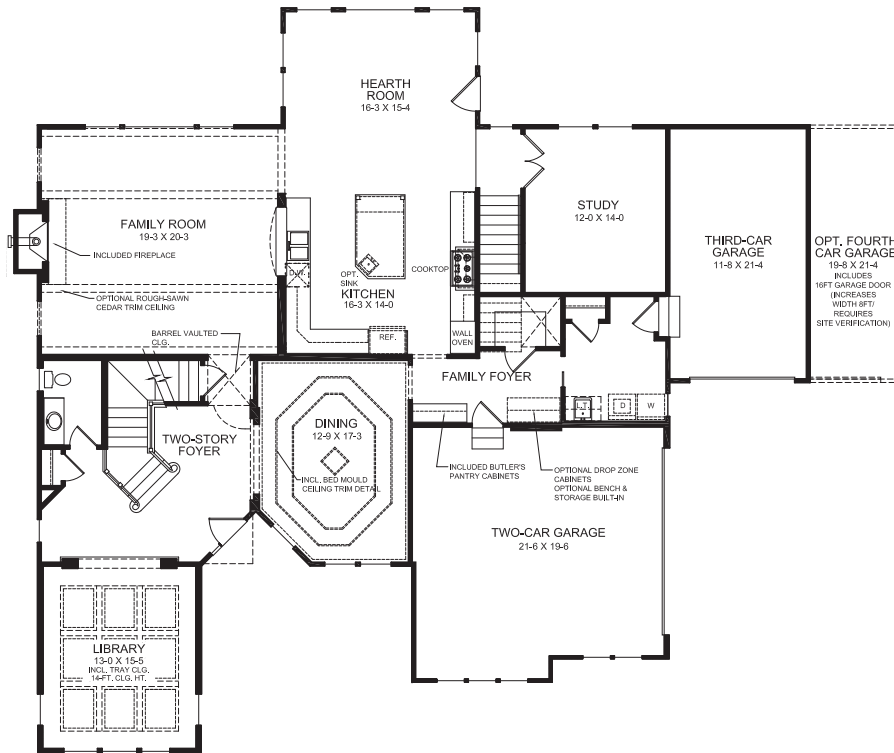


NOTTOWAY

Grand Estates Collection

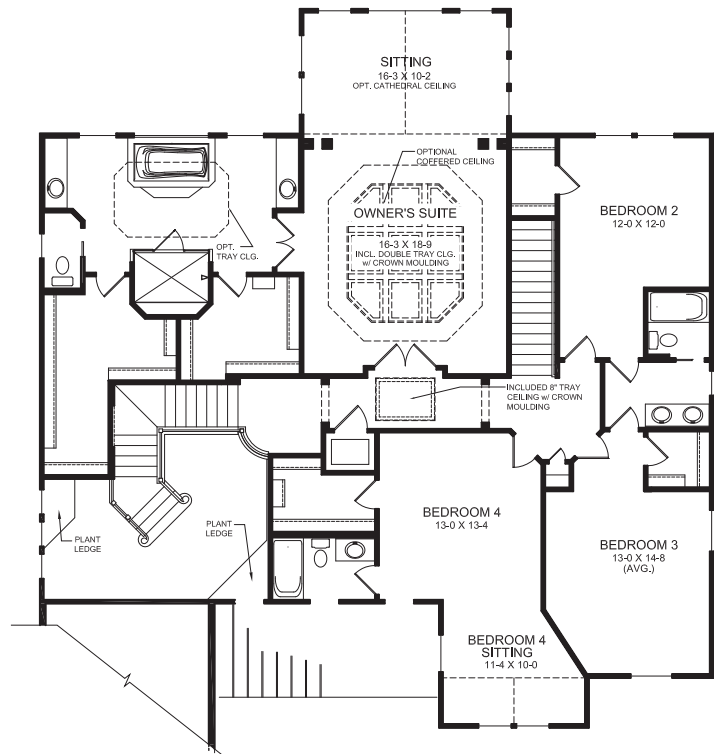
welcome home.

Approximately 4414 sq ft and Up



FIRST FLOOR DESIGN

(INCLUDES 10 FT FIRST FLOOR CEILING HEIGHT)



SECOND FLOOR DESIGN

(INCLUDES 9 FT SECOND FLOOR CEILING HEIGHT)



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Our Plans Include You



INGLENOOK

Grand Estates Collection

welcome home.

Approximately 4159 sq ft and Up



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BUCKS COUNTY MANOR

designed by: *FH*



FRENCH NOUVEAU

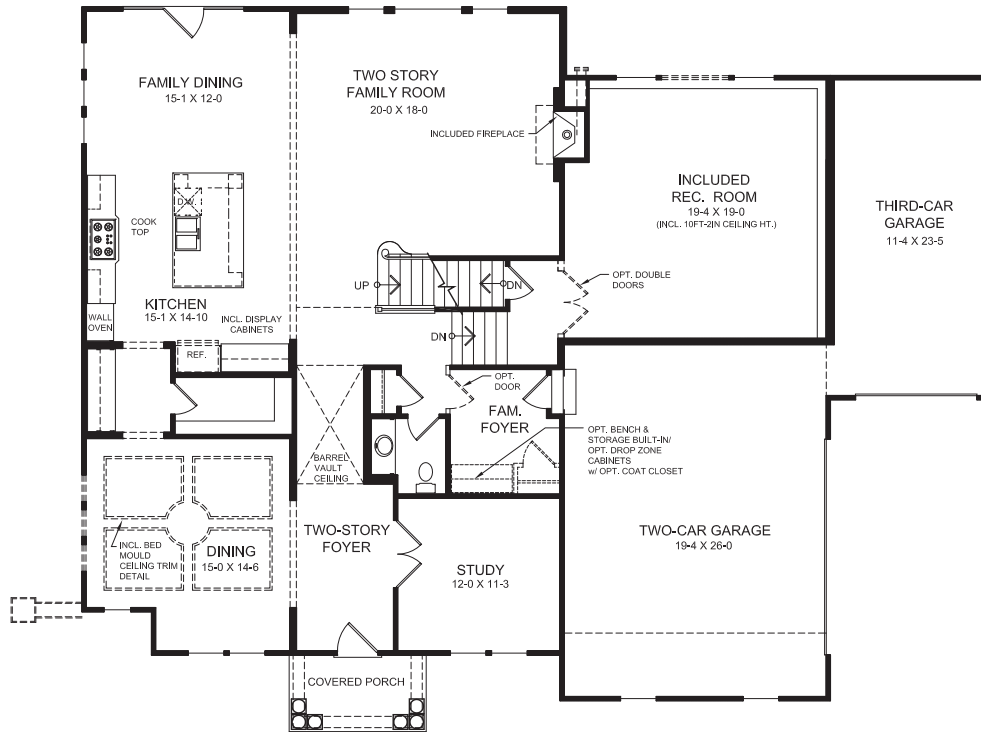
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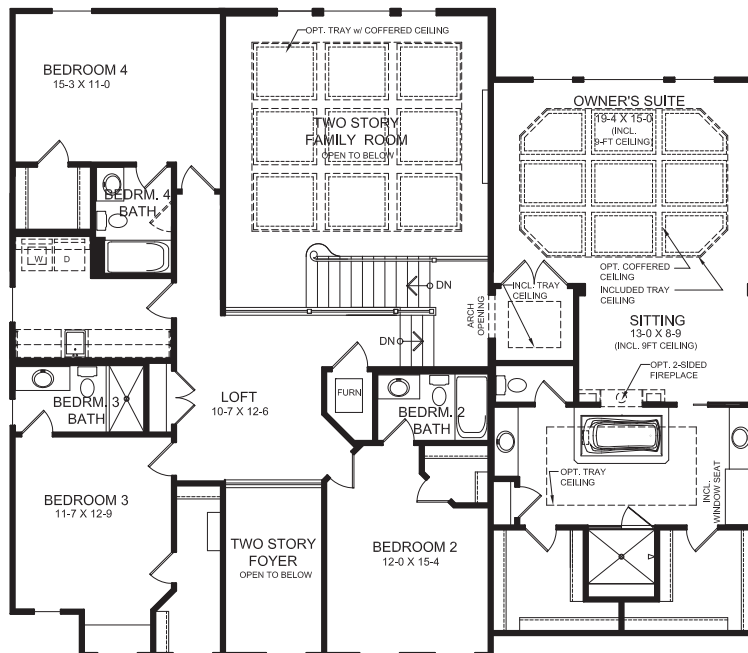
Our Plans Include You

welcome home.

Approximately 4159 sq ft and Up



MAIN LEVEL DESIGN
(INCLUDES 9 FT FIRST FLOOR CEILING HEIGHT)



UPPER LEVEL DESIGN
(INCLUDES 9 FT SECOND FLOOR CEILING HEIGHT)



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PAXTON

Masterpiece Collection

welcome home.

Approximately 4069 sq ft and Up



ENGLISH ELEGANCE

designed by: *FH*



AMERICAN CLASSIC
(WITH OPTIONAL PORCH)

designed by: *FH*



COASTAL CLASSIC

designed by: *FH*



FRENCH MANOR

designed by: *FH*

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Our Plans Include You

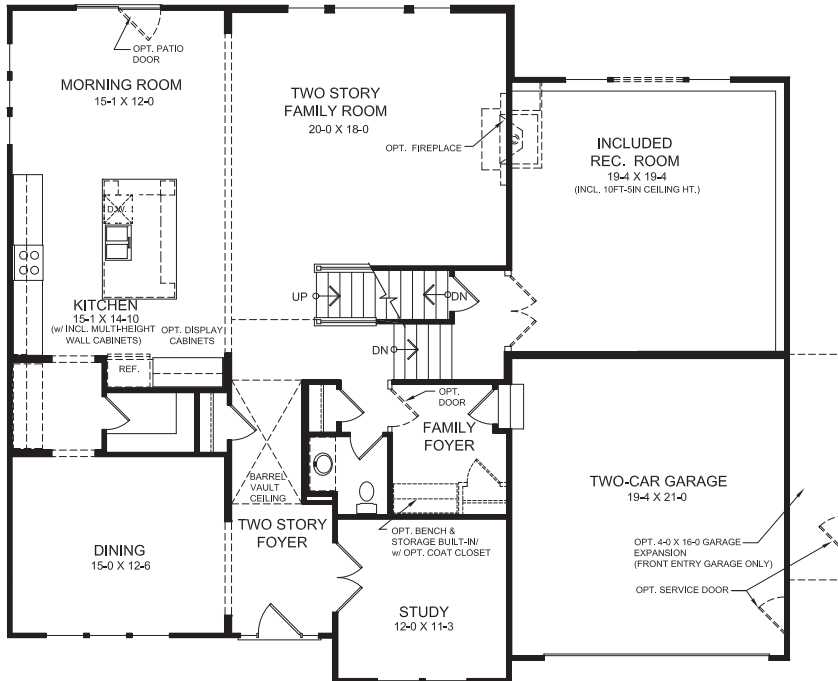


PAXTON

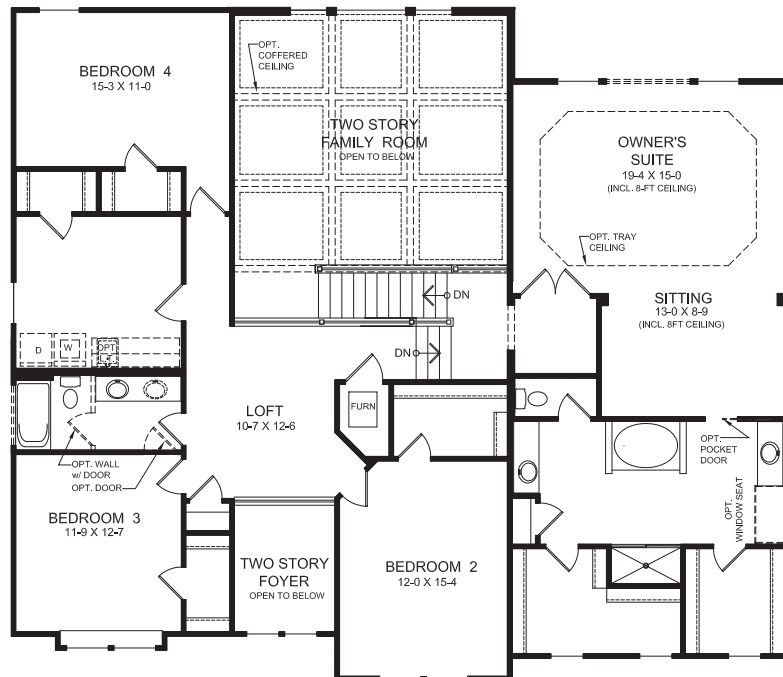
Masterpiece Collection

welcome home.

Approximately 4069 sq ft and Up



MAIN LEVEL DESIGN
(INCLUDES 9 FT FIRST FLOOR CEILING HEIGHT)



UPPER LEVEL DESIGN

MAIN LEVEL FEATURES

- Unique Five-Level Design
- Two Story Foyer and Family Room
- Large Open Kitchen Design with Walk-in Pantry
- Alternate Kitchen Design
- Optional 4 ft Expanded Morning Room
- Included Family Foyer
- Included Dining Room and Study
- Optional First Floor Laundry
- Included Recreation Room One Level Down from Family Room

OWNER'S LEVEL FEATURES

- Owner's Retreat Located on its Own Private Level with Included Sitting Room & Dual Walk-in Closets
- Optional Two-sided Fireplace
- Spacious Owner's Bath with Separate Shower and Tub
- Variety of Owner's Bath Options Including Platform Tub and Oversized Deluxe Shower
- Alternate Owner's Suite Design with Private Sitting Room.

UPPER LEVEL FEATURES

- Three Additional Bedrooms with Walk-in Closets
- Included Loft Overlooking Foyer and Family Room Below
- Spacious Laundry/Hobby Room with Walk-in Closet
- Included Fifth Bedroom with Optional First Floor Laundry
- Optional Divided Hall Bath
- Optional Third Bath



Images & Options Available at fischerhomes.com

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Our Plans Include You



THE PEARSON MASTERPIECE COLLECTION

3529+ SQFT

2 Story

4-5 Bedrooms

2.5-5.5 Baths



Photos, Options,
Virtual Tours
& More

Modern Farmhouse



American Classic



Coastal Cottage



English Elegance

VIEW FLOORPLANS ON FISCHERHOMES.COM



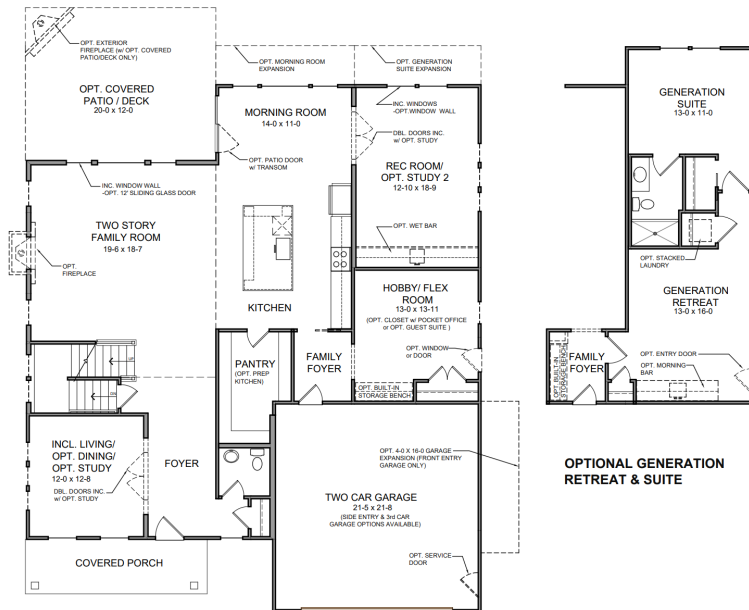
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03/23



THE PEARSON MASTERPIECE COLLECTION

Main Level



Main Level Features

- Included Two-Story Family Room with Window Wall
- Three First Floor Flex Spaces
- Open Kitchen Design with Large Island with Seating
- Over-sized Walk-in Pantry

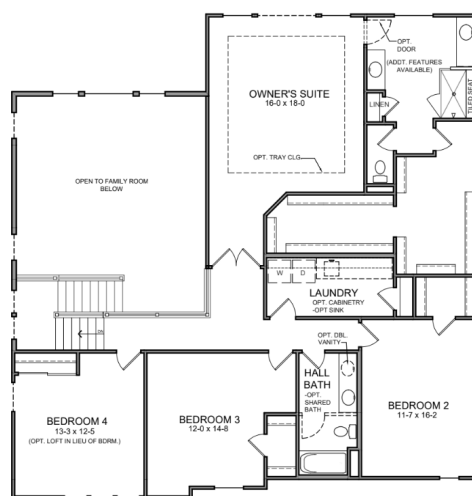
Upper Level Features

- Private Owner's Suite with Expansive Walk-in Closet
- Spacious Owner's Bath with Split Vanities & Expanded Shower and Free-standing Tub Options
- Convenient Second Floor Laundry w/ Optional Direct Access from Owner's Walk-in Closet
- Four Large Bedrooms

Optional Designs

- Two Study Locations
- Pocket Office
- First Floor Guest Suite with Private Bath
- Generation Retreat with Private Bedroom/Bath, Included Living Space, Morning Bar, Private Entry from Exterior
- Built-in Appliance Kitchen
- Prep Kitchen
- Morning Room Expansion
- Outdoor Living Space and Exterior Fireplace
- Divided Hall Bath
- Shared Bath
- Third Full Bath
- Bonus Room in lieu of Two-Story Family Room

Upper Level



VIEW FLOORPLANS ON FISCHERHOMES.COM



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