



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: 10/25/2023, 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. 9-27-23

4. Public Hearings

- a. **Cambridge Lot 484 Impervious Surface Second Variance**

Parcel: 13-15-02-00-25-043.000

Address: 13499 Haven Cove Ln

Case: VA-23-26

Request: Consideration of a Development Standards Variance from Section 3.2.3 R2 Residential District Standards of the city's Unified Development Ordinance (UDO) to allow the lot's impervious surface coverage to be 59%.

Petitioner: Joe Logan (jlogan2086@aol.com)

Planner: Bre King, Senior Planner (kingb@fishers.in.us)

b. Woods at Thorpe Creek Section 6 Height Variance

Address: 12098 Shady Knoll Drive, Fishers, IN 46037

Case: VA-23-29

Request: Consideration of a Development Standards Variance from the Cove at Thorpe Creek PUD Ordinance #071921A to increase the maximum permitted height from 35 feet to 40 feet for 15 lots in the Grand Estates portion (northwest of Thorpe Creek).

Petitioner: Nick Weber (nicholas.weber@faegredrinker.com)

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

c. Biggby Coffee and Other Retail Lot Size Variance

Parcel: 13-15-12-00-00-029.001

Address: 10404 Olio Rd Case: VA-23-30

Request: Consideration of a Development Standards Variance from Section 3.3.2.B of the City's Unified Development Ordinance (UDO) to reduce the minimum required lot area from 1 acre to 0.70 acres for a lot split for the development of a new Biggby Coffee location.

Petitioner: Logan Stevens (stevens@carsonllp.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
CITY HALL AUDITORIUM
MINUTES
September 27, 2023**

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

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

Others present: Ross Hilleary, Rodney Retzner, Kay Prange, Tracy Gaynor, Christian Rector, Adam Gilliate, Jack and Sue Follmar, Linda Miller, Mike Mathius.

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

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

Public Hearings:

a. Cook Accessory Structure Variance

Address: 13595 E 114th Street Fishers, IN 46037

Case: VA-23-24

Request: Consideration of a Development Standards Variance from Section 6.2.2.A. Residential Accessory Structure Maximum Floor Area of the City Unified Development Ordinance to allow for a maximum accessory size of 3720 square feet.

Petitioner: Adam Gilliatte (agilliatte@gilliatte.com)

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

Adam Gilliatte presented the variance request and elevations for the Cook residence. He also presented a Letter of Support from the Residents and the HOA.

Ross Hilleary, Director of Planning and Zoning, presented the Site Plan. Staff has no concerns and has no recommendation for the Board.

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

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

b. Impervious Surface Variance

Address: 13643 Haven Cove Lane, Fishers, IN 46055

Case: VA-23-25

Request: Consideration of a Development Standards Variance from Section 3.2.3 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 55% to allow a side load garage, pool, and pool deck.

Petitioner: Christian Rector, property owner (rector.christian@gmail.com)

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

Mr. Rector presented the Variance request and a preliminary plot plan.

Gabrielle Herin, Senior Planner, presented the site plan and the request to increase the impervious surface to 55% from 35%. The request is typical of a home on Geist Reservoir with a smaller lot. Staff has no recommendation for the Board.

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

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

Adjournment As there was no other business, the meeting was adjourned at 6:15 p.m.

Respectfully Submitted by:

Kay Prange, Recording Secretary

DRAFT



Board of Zoning Appeals Staff Report

Meeting Date: October 25, 2023

DEPARTMENT CONTACT: Bre King (kingb@fishers.in.us)	CASE NUMBER: VA-23-26
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PETITIONER: Joe Logan (jlogan2086@aol.com)	PROPERTY ADDRESS/LOCATION: 13499 Haven Cove Ln
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REQUEST: Consideration of a Development Standards Variance from Section 3.2.3 R2 Residential District Standards of the City's Unified Development Ordinance (UDO) to allow the lot's impervious surface coverage to be increased to 59%.

APPLICABLE REGULATIONS: Marina PUD (Ord. No. 041210)	EXISTING ZONING: PUDM – Marina PUD	FISHERS 2040: Suburban Residential
--	--	--

LOT SIZE: 0.4 Acres

LOCATION MAP



STAFF RECOMMENDATION

☐ Approve
 ☐ Continue
 ☐ Deny
 ☒ No Recommendation

ZONING HISTORY:

Joe Logan, on behalf of Brian Webster, the lot owner, is requesting a Development Standards Variance to allow a maximum impervious surface coverage of 59% instead of 35% to accommodate a new single-family home. This is the third variance to be applied for on the property. The previous variances have been detailed below.

VA-22-28 – November 16, 2022 - Approved - Variance of Development Standards (UDO Section 3.2.3.B.5b) to allow maximum impervious surface coverage to be 50% instead of 35%

VA-22-31 – December 14, 2022 – Approved - Variance of Development Standards (UDO Section 6.3.4.B.3.d) to allow a roof pitch of 4/12 instead of 5/12

The new request for 59% impervious coverage allows for an extended driveway and paved area in the rear of the home.

The Marina PUD was established on September 7, 2010. The Marina PUD defaults to the R2 Development Standard from the Unified Development Ordinance (UDO) for impervious coverage, which is a maximum of 35%. Therefore, a Variance of R2 Development Standards (UDO Section 3.2.3.B.5b) is being requested to allow maximum impervious surface coverage to be 59% instead of 35%.

SURROUNDING ZONING & LAND USE:

North: Land Owned by Utility Company for Reservoir

East: PUD-M- Mariana PUD, Single Family Home

South: Geist Reservoir, Water activities

West: PUD-M- Mariana PUD, Single Family Home



SUMMARY OF PUBLIC COMMENTS:

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

PETITION OVERVIEW:

Summary of Request

Joe Logan contacted Megan Vukusich, previous Planning and Zoning Director, in August 2023, with a request to apply for a third variance for 13499 Have Cove Lane. This variance request is to allow 59% impervious surface coverage on the property that is only allowed 50% impervious coverage from a variance granted in November 2022.

The new request features a larger driveway and patio additions. Per the applicant's calculations, the total impervious area of the lot with the new proposal would be 57%.

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. However, if the variance were to be approved, Staff recommends that the maximum impervious area be approved at 57% per the petitioner's calculations.

STAFF RECOMMENDATION

☐ Approve ☐ Continue ☐ Deny ☒ No Recommendation



Board of Zoning Appeals Staff Report

Meeting Date: October 25, 2023

DEPARTMENT CONTACT:

Gabrielle Herin (hering@fishers.in.us)

CASE NUMBER:

VA-23-29

PETITIONER:

Nick Weber, Faegre Drinker Representative for
Fischer Homes

(nicholas.weber@faegredrinker.com)

PROPERTY ADDRESS/LOCATION:

Woods at Thorpe Creek Section 6, generally
located northwest of Thorpe Creek and west of
Florida Road

REQUEST: Consideration of a Development Standards Variance from the Cove at Thorpe Creek PUD Ordinance #071921A to increase the maximum permitted height from 35 feet to 40 feet for 15 lots in the Grand Estates portion (northwest of Thorpe Creek).

APPLICABLE REGULATIONS:

Section C of Ordinance
#071921A

EXISTING ZONING:

Cove at Thorpe Creek (Ord.
No. 071921A)

FISHERS 2040:

Future Use: Estate Residential
Open Space Overlay

LOT SIZE: Approx. 8.0 acres

LOCATION MAP

STAFF RECOMMENDATION

☐ Approve

☐ Continue

☐ Deny

☒ No Recommendation

Meeting Date: October 25, 2023

Case Number: VA-23-29

ZONING HISTORY:

The Woods at Thorpe Creek Section 6 was rezoned to PUD-R in 2021 as part of the Cove at Thorpe Creek PUD. The 15 parcels in this section are located northwest of Thorpe Creek (Ord. No. 071921A).

SURROUNDING LAND USE & ZONING:

North: PUD-R Woods at Thorpe Creek PUD (Traditional Single Family)

East: PUD-R Cove at Thorpe Creek PUD (Traditional Single Family)

South: PUD-R Open Space

West: PUD-R Knoll at Thorpe Creek PUD (Traditional Single Family)

Zoning Map



Meeting Date: October 25, 2023

Case Number: VA-23-29

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 to the West



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 applied for several residential building permits within the Woods at Thorpe Creek Section 6 as part of the overall Cove at Thorpe Creek residential development. There are 15 lots total in this section, but only five active permits. Four of those permits (Lots 442, 443, 446 and 451) include an elevation that exceeds the maximum height requirement of 35 feet per the Cove at Thorpe Creek PUD. Eight elevations of the Fischer Homes' Grand Estates collection

Meeting Date: October 25, 2023

Case Number: VA-23-29

will be provided to home buyers. Of those elevations, six will have exteriors that exceed the maximum building height requirement of the Cove at Thorpe Creek PUD: Jameson, Crestview, Allerton, Wheatland, Nottoway, and Inglenook.

The variance request is to increase the maximum permitted height from 35 feet to 40 feet of the following 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

In addition to the variance, Fischer Homes is applying for a text amendment for the Cove at Thorpe Creek PUD to amend the height issue. Along with that change will be some minor updates to the concept plan and approved elevations. This variance will expire if the Text Amendment is in place.

Fishers 2040

The Fishers 2040 Plan identifies this area as Estate Residential with the Open Space Overlay covering some of the parcels. The variance request aligns with this vision.



Meeting Date: October 25, 2023

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STAFF RECOMMENDATION:

Staff has no recommendation for this request.

STAFF RECOMMENDATION

☐ Approve

☐ Continue

☐ Deny

☒ No Recommendation

The Cove at Thorpe Creek

Variance Request



PRESENTED BY
MINDY WESTRICK, ESQ.



Board of Zoning Appeals | October 25, 2023

Mindy Westrick
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Indianapolis, Indiana 46204
+1 317 237 0300 main
+1 317 237 1000 fax

October 18, 2023

Board of Zoning Appeals - Fishers
1 Municipal Drive
Fishers, IN 46038

Re: Development Standards Variance Request for The Cove at Thorpe Creek

Dear Board of Zoning Appeals Members:

Grand Communities, LLC and Fischer Single Family Homes II, L.L.C. (together "Fischer Homes") are requesting a modest variance to The Cove at Thorpe Creek Planned Unit Development (PUD) established by the City of Fishers in 2021 (Ordinance No. 071921A).

Fischer Homes is working with City Staff and has filed a Text Amendment to the PUD to adopt the required variance change into the PUD. Therefore, the variance we seek will be time-limited and will expire and be replaced once the Text Amendment is adopted.

The Cove at Thorpe Creek, a 107 +/- acre residential neighborhood located south of Southeastern Parkway on both sides of Florida Road and adjacent to the existing Thorpe Creek and Whelchel Springs neighborhoods.

Fischer Homes respectfully requests the following variance from The Cove PUD standards:

1. Building height: 40-foot structure height in the Grand Estates District (PUD limits heights to 35 feet).

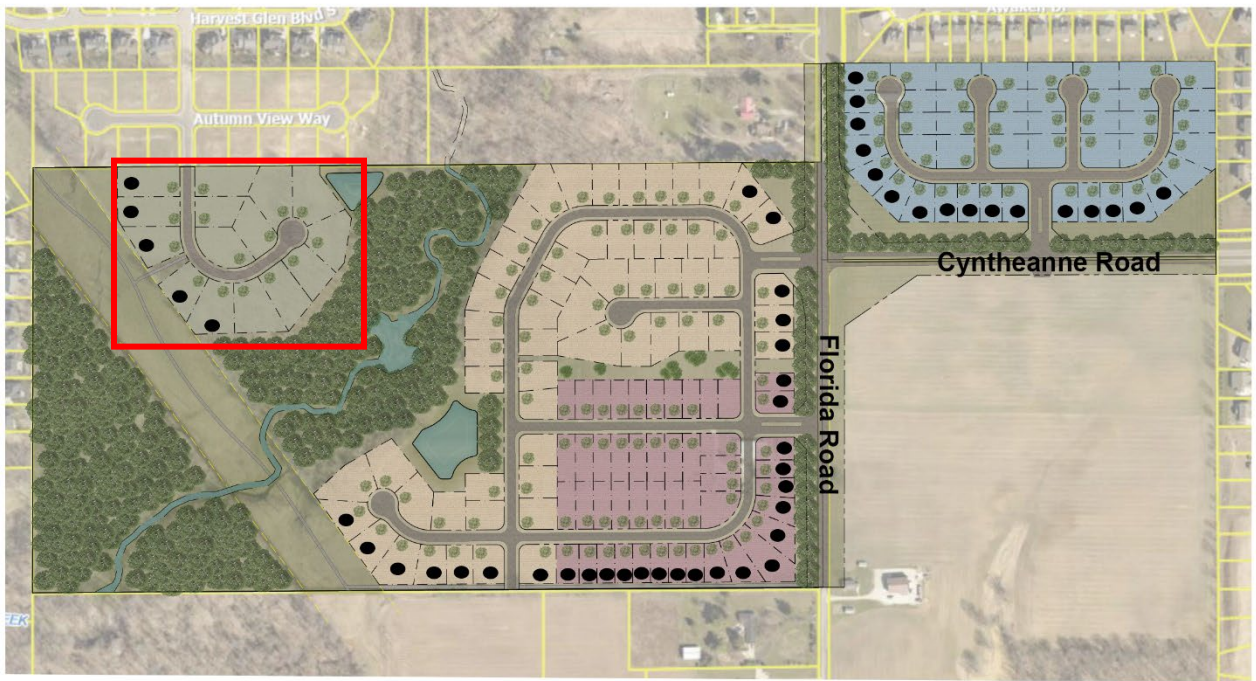
We are seeking a variance to expedite the release of building permits due to the length of time necessary for the text amendment. If approved, a number of homes that have been purchased will move forward in the process. Construction is expected to begin once all site permitting is complete, weather allowing.

Thank you for your consideration.

Sincerely,



Mindy Westrick



● Additional Architecture

■ Grand Estates

■ Masterpiece or Designer

■ Designer

■ Patio



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

Our Plans Include You

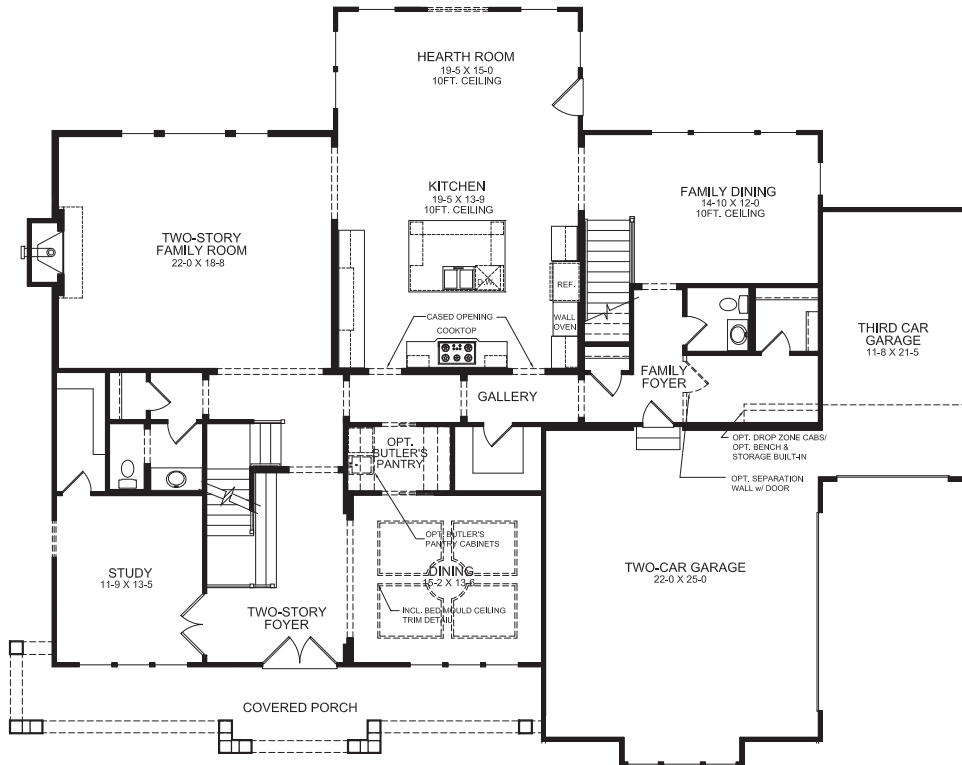


JAMESON

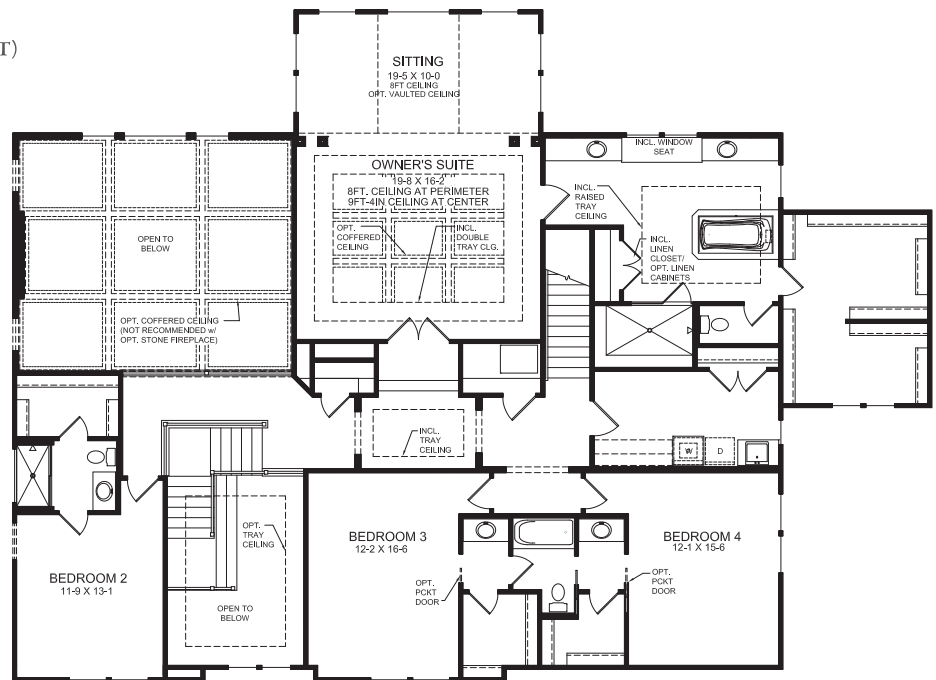
Grand Estates Collection

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)



Images & Options Available at fischerhomes.com

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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

designed by: *FH*

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Our Plans Include You

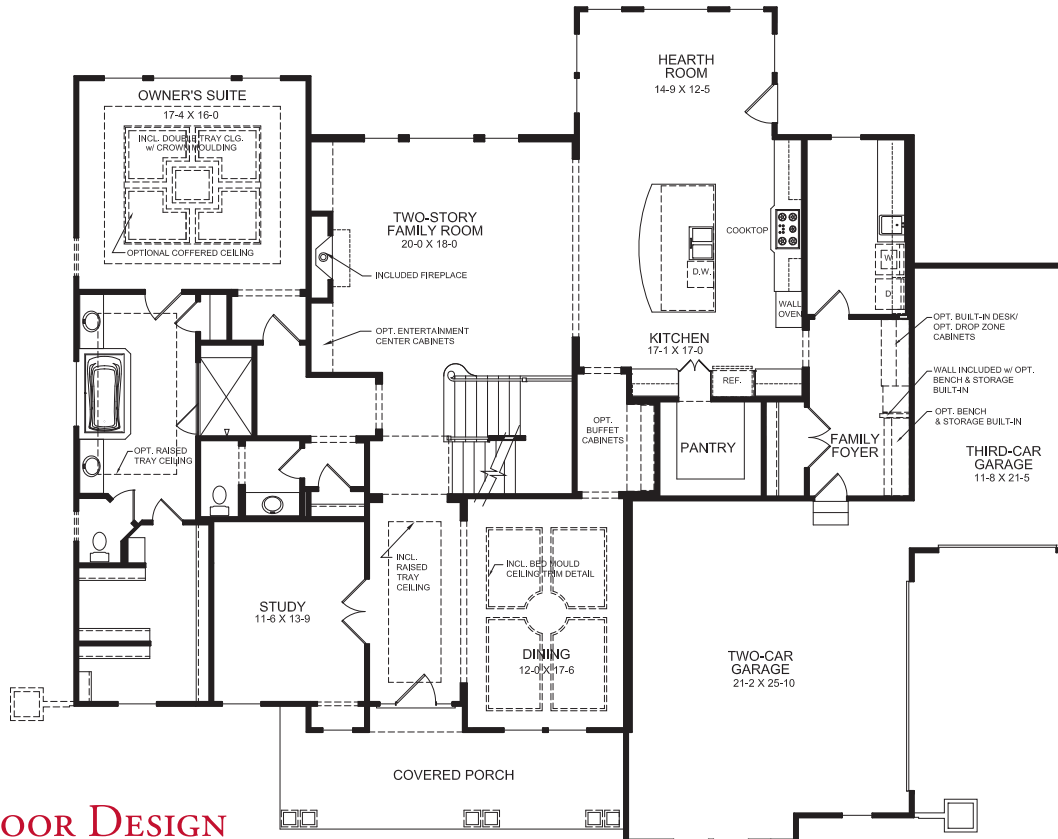


CRESTVIEW

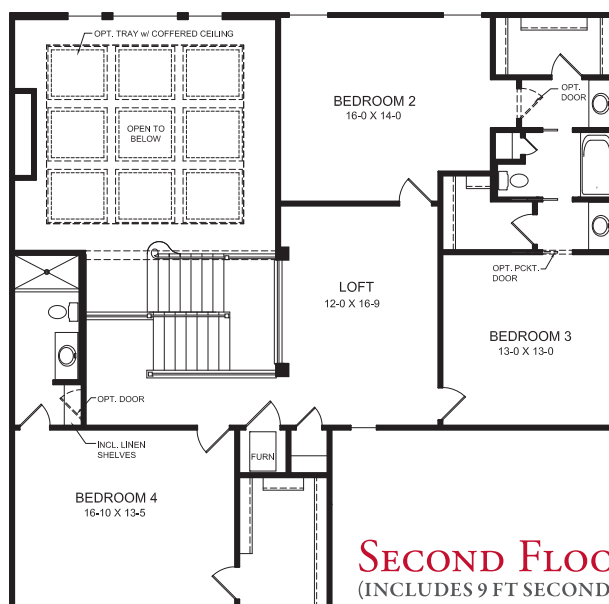
Grand Estates Collection

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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RVSD. 10/20
IM 10/20

Our Plans Include You



ALLERTON

Grand Estates Collection

welcome home.

Approximately 3879 sq ft and Up



COASTAL ACADIAN

designed by: *FH*



AMERICAN HERITAGE

designed by: *FH*



EUROPEAN ROMANTIC

designed by: *FH*

Images & Options Available at fischerhomes.com

Our Plans Include You

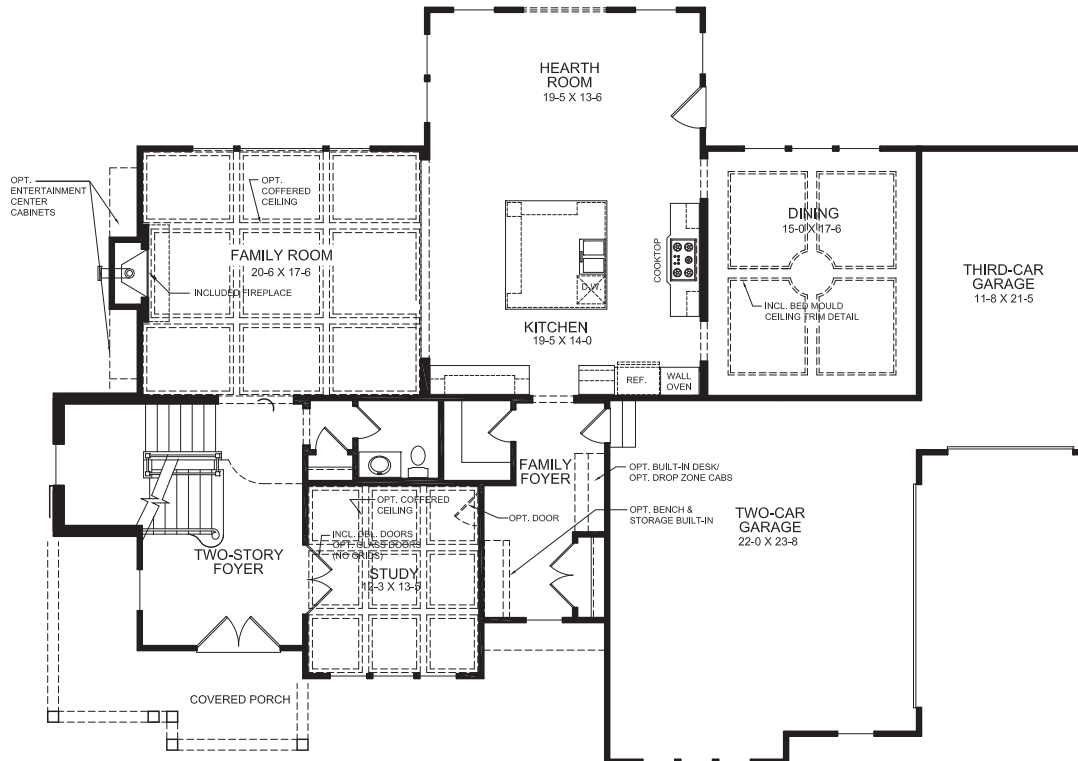


ALLERTON

Grand Estates Collection

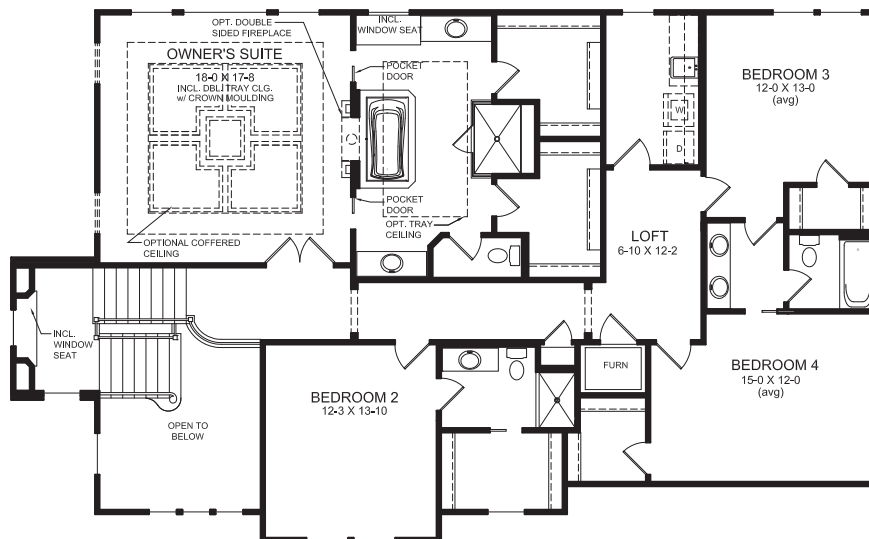
welcome home.

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)



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

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RVSD. 10/20
IM 10/20

Our Plans Include You



WHEATLAND

Grand Estates Collection

welcome home.

Approximately 4628 sq ft and Up



FRENCH NOUVEAU

designed by: *FH*



AMERICAN HERITAGE

designed by: *FH*



COASTAL ACADIAN

designed by: *FH*



EUROPEAN ROMANTIC

designed by: *FH*

Images & Options Available at fischerhomes.com

Our Plans Include You

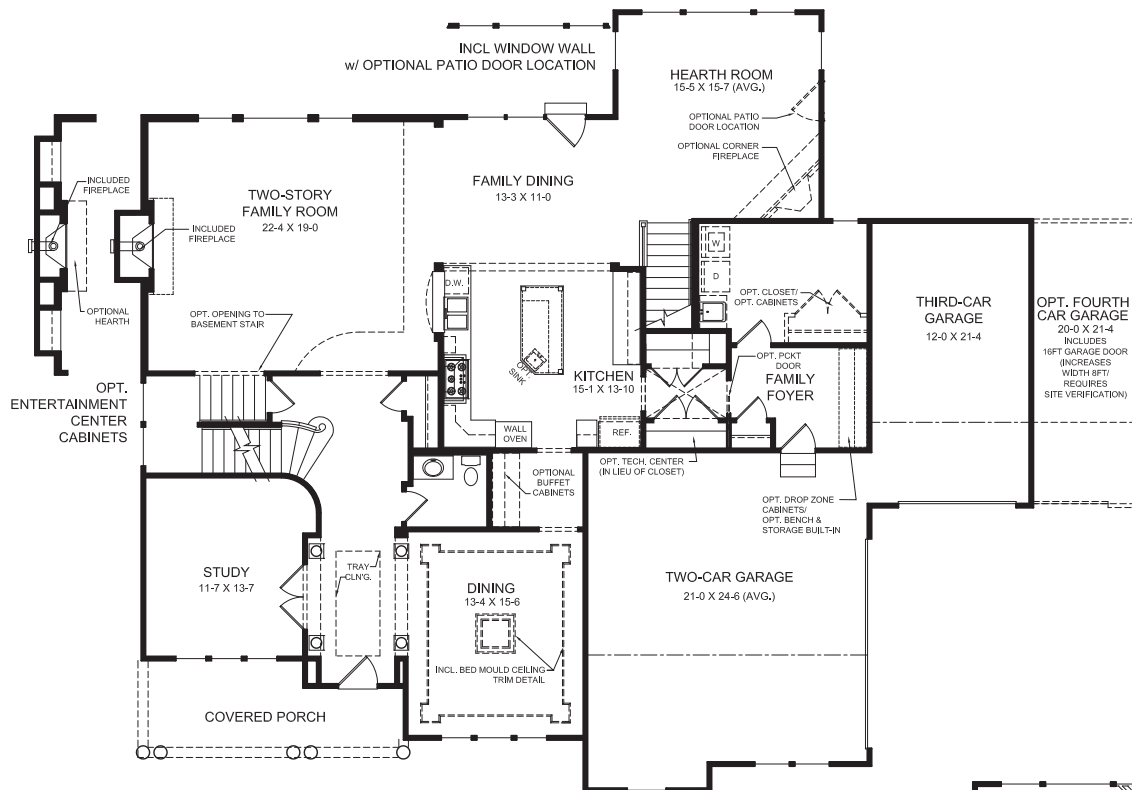


WHEATLAND

Grand Estates Collection

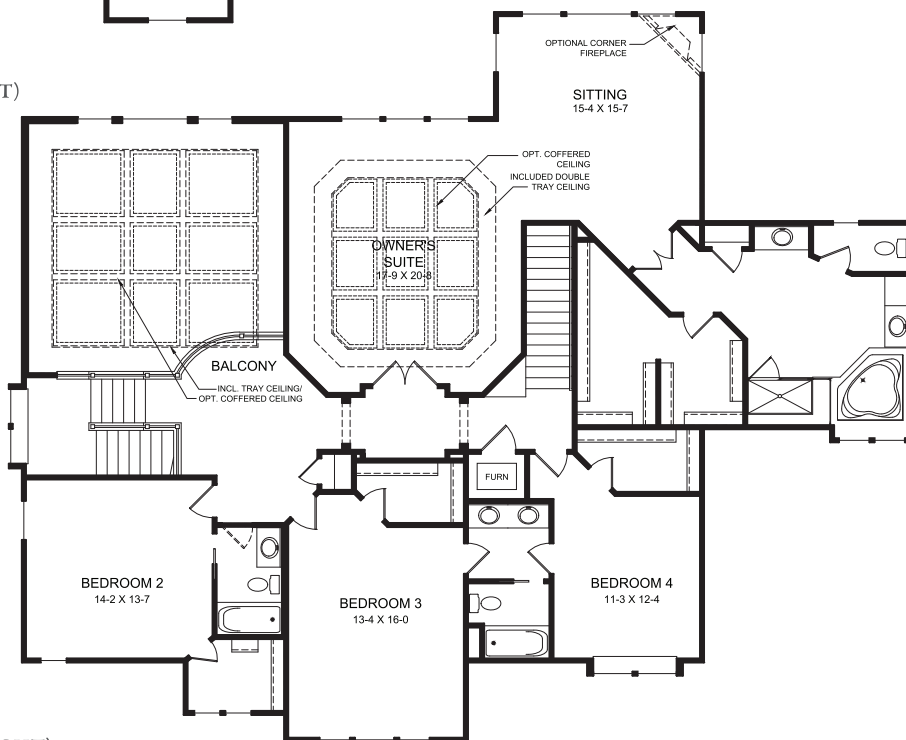
welcome home.

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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RVSD. 10/20
IM 10/20

Our Plans Include You



NOTTOWAY

Grand Estates Collection

welcome home.

Approximately 4414 sq ft and Up



AMERICAN HERITAGE

designed by: *FH*



EUROPEAN ROMANTIC

designed by: *FH*

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Our Plans Include You

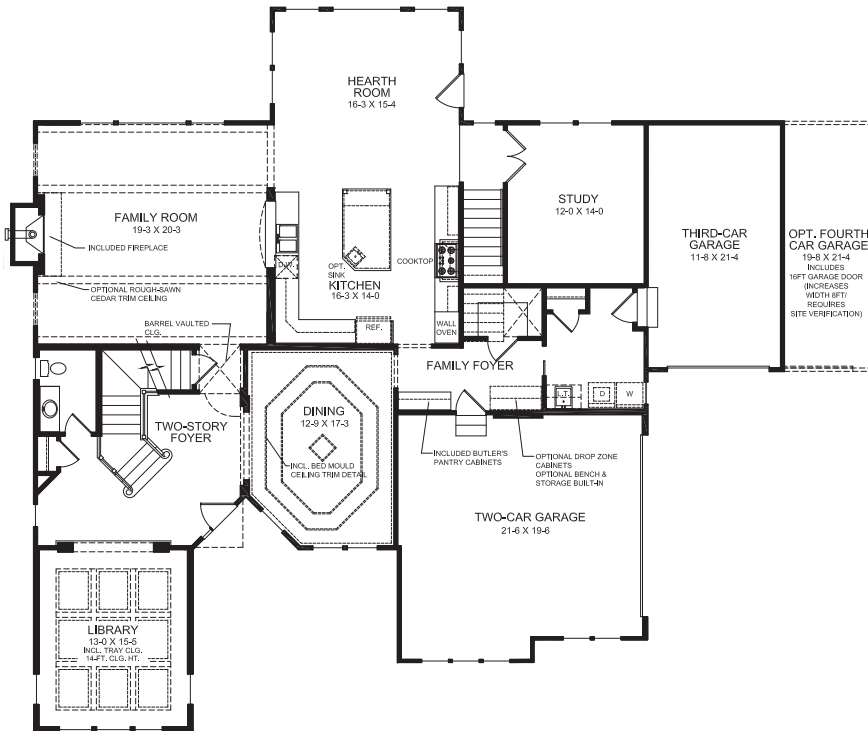


NOTTOWAY

Grand Estates Collection

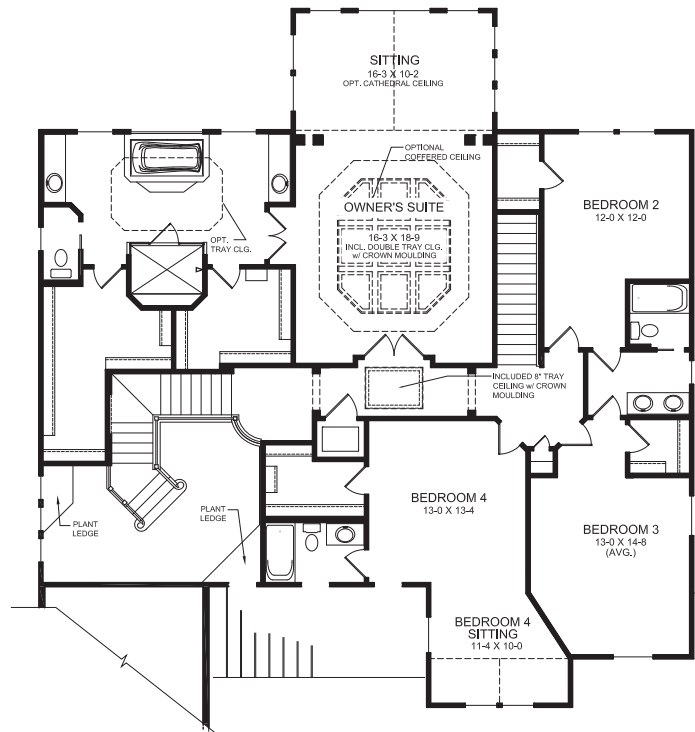
welcome home.

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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RVSD. 10/21
IM 10/21

Our Plans Include You



INGLENOOK

Grand Estates Collection

welcome home.

Approximately 4159 sq ft and Up



COASTAL ACADIAN

designed by: *FH*



AMERICAN HERITAGE

designed by: *FH*



BUCKS COUNTY MANOR

designed by: *FH*



FRENCH NOUVEAU

designed by: *FH*

Images & Options Available at fischerhomes.com

Our Plans Include You

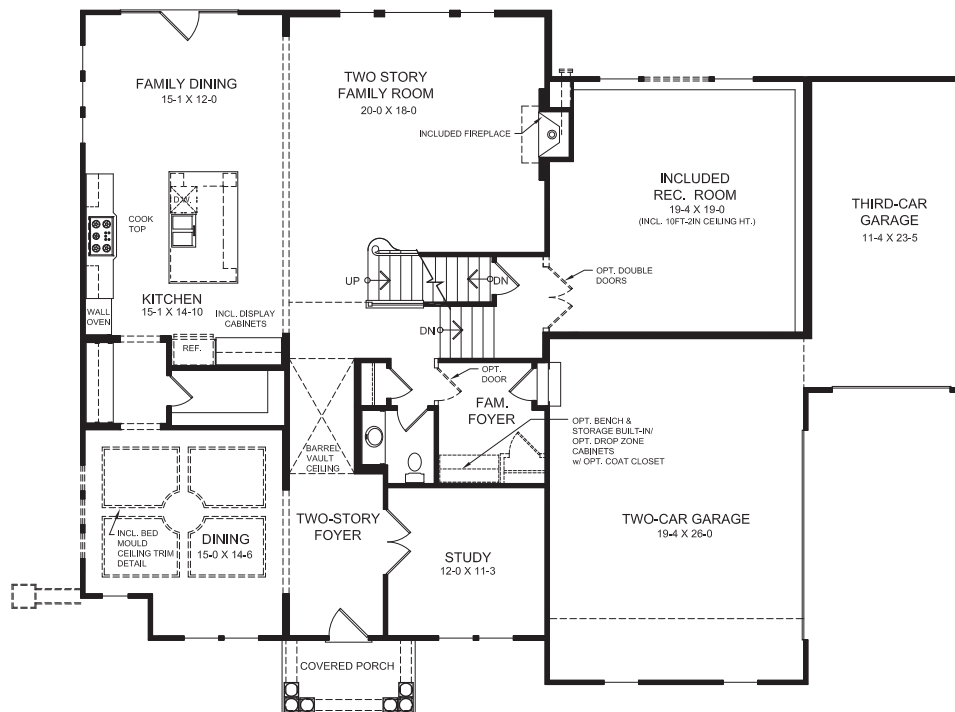


INGLENOOK

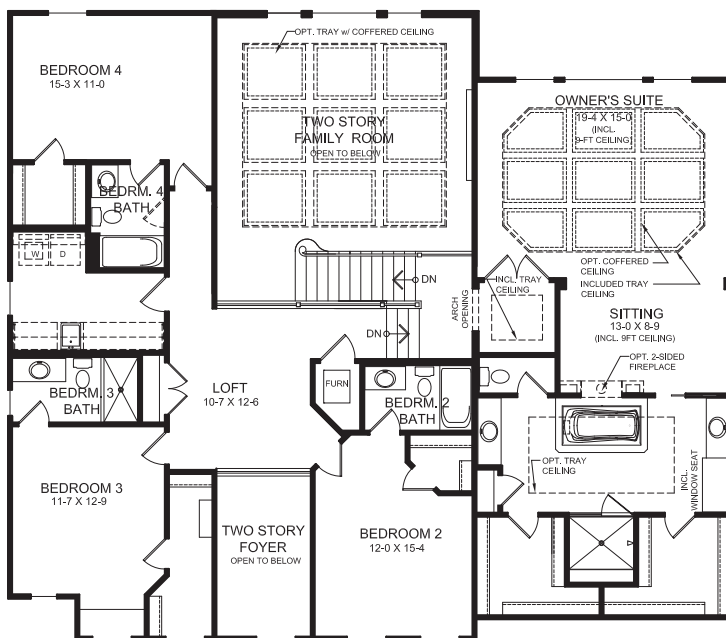
Grand Estates Collection

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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RVSD. 04/21
IM 05/21

Our Plans Include You

12, T17N, R5E

LOT 2
32,348 sqft
0.75 ACRES

AGREEMENT
#14020019

POB

N85°41'03"E

255.95'

EXIT ONLY

ENTRY

EXIT

50' WATER LINE EASEMENT
(INSTRUMENT # 980881213)

ACCESS EASEMENT AGREEMENT
(INSTRUMENT # 2014020019)

ONE WAY

18.2'

10'

5' SIGN SETBACK

SHARED
DUMPSTER
ENCL

400'R

SUITE A
20 X 53.5
1070 GSF

SUITE B
20 X 43
860 GSF

SUITE C
20 X 32.8
656 GSF

20' BUILDING & LANDSCAPE SETBACK

237.90'

S57°37'03"W

104th STREET

PARKING:

COFFEE SHOP (RESTAURANT USE)

1,215 GSF @ 8 CARS/1000 SF = 10 SPACES

RETAIL SUITE A - (RETAIL USE)

1070 GSF @ 1 CAR PER 250 SF = 4 SPACES

RETAIL SUITE B - (RETAIL USE)

860 GSF @ 1 CAR PER 250 SF = 3 SPACES

RETAIL SUITE C - (RETAIL USE)

656 GSF @ 1 CAR PER 250 = 3 SPACES

1 BARRIER FREE VAN ACCESSIBLE = 1 SPACE

21 SPACES REQUIRED 22 PROVIDED

BIGGBY DRIVE-THROUGH
BUILDING W/14 INDOOR SEATS
20 X 58 = 1,215 GSF

(11) CAR STACK

7.5' WIDE SIDEWALK

9' X 16' DEEP PARKING STALL
W/ 2' OVERHANG

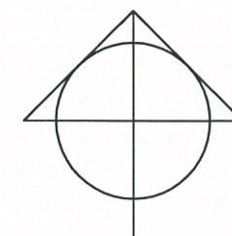
BIGGBY FISHERS INDIANA

1" = 30'-0"

WINKELMANN ARCHITECTURE, LLC

Brian R Winkelmann, Architect, Indiana License #AR00910163

616.570.2899 brianw@dtswink.com





CONSULTANTS

2023 4 12 MICHIGAN PROJECT

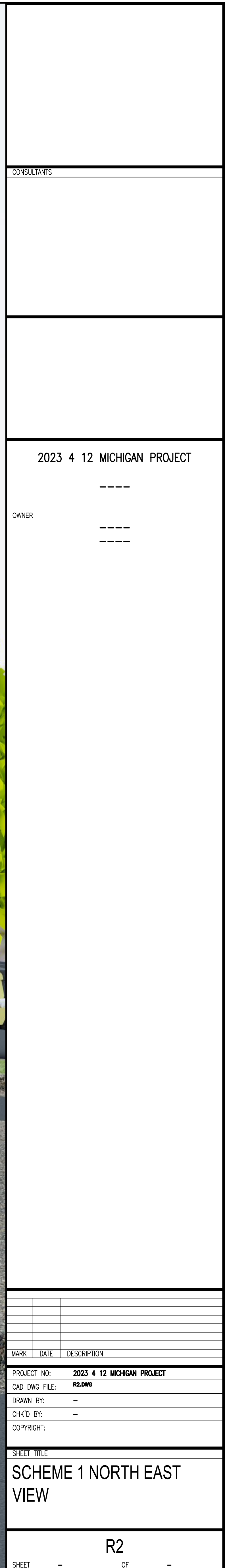
OWNER

MARK	DATE	DESCRIPTION

PROJECT NO: 2023 4 12 MICHIGAN PROJECT
CAD DWG FILE: R1.DWG
DRAWN BY: --
CHK'D BY: --
COPYRIGHT:

SHEET TITLE
SCHEME 1 NORTH WEST
VIEW

SHEET -- OF -- R1





Board of Zoning Appeals Staff Report

Meeting Date: October 25, 2023

DEPARTMENT CONTACT:

Gabrielle Herin (hering@fishers.in.us)

CASE NUMBER:

VA-23-30

PETITIONER:

Logan Stevens, Carson LLP representative for Aet Saengkeo

(stevens@carsonllp.com)

PROPERTY ADDRESS/LOCATION:

10404 Olio Road, generally located at the northeast intersection of Olio Road and 104th St.

REQUEST: Consideration of a Development Standards Variance from Section 3.3.2.B of the City's Unified Development Ordinance (UDO) to reduce the minimum required lot area from 1 acre to 0.70 acres for a lot split for the development of a new Biggby Coffee location.

APPLICABLE REGULATIONS:

UDO Sec. 3.3.2 "Development Standards"

EXISTING ZONING:

C-2 (Commercial)

FISHERS 2040:

Neighborhood Service Center

LOT SIZE OF PARENT LOT: Approx. 2.17 acres

LOCATION MAP

STAFF RECOMMENDATION

☐ Approve

☐ Continue

☐ Deny

☒ No Recommendation

Meeting Date: October 25, 2023

Case Number: VA-23-30

ZONING HISTORY:

The property was rezoned to C-2 in 2010 when the 104th Street and Olio Road intersection was reconstructed, realigning 104th Street with the Springs of Cambridge subdivision entrance. Additionally, in 2017, a variance (VAC-1701-16) was approved to reduce the front setback off Olio Road from 30 feet to 20 feet and the north parking lot setback from 10 feet to 5 feet. Then, in 2019, the Fishers Board of Zoning Appeals approved a variance (VA-19-1) to reduce the front setback off 104th Street from 50 feet to 20 feet.

SURROUNDING LAND USE & ZONING:

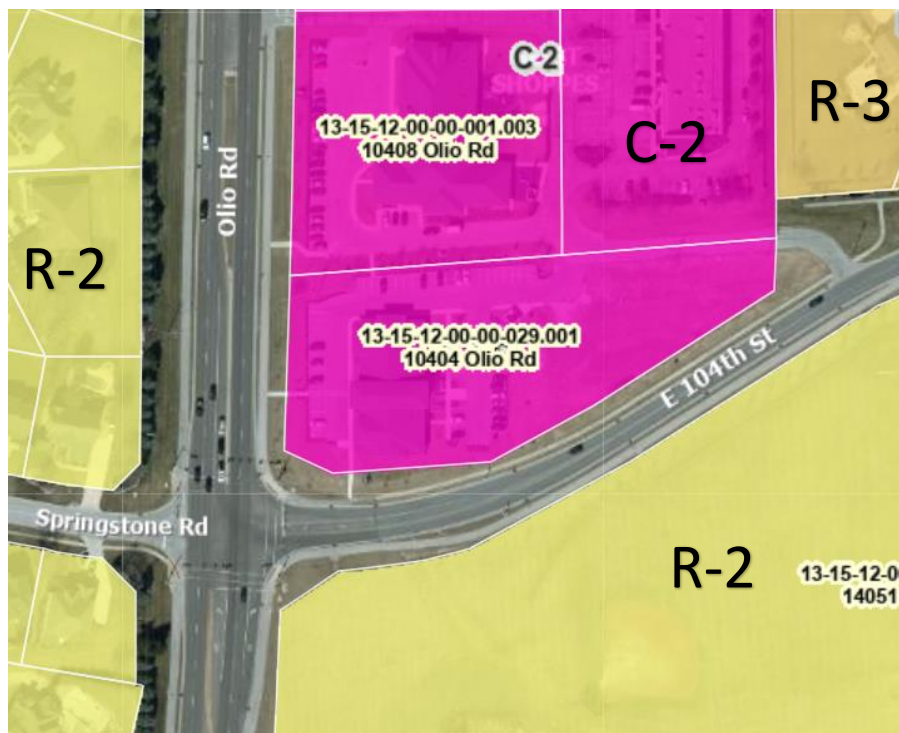
North: C-2 Neighborhood Business District (Daycare and Retail)

East: R2 Residential, R3 Residential (Traditional Single Family)

South: R2 Residential (Elementary School)

West: R2 Residential (Traditional Single Family)

Zoning Map



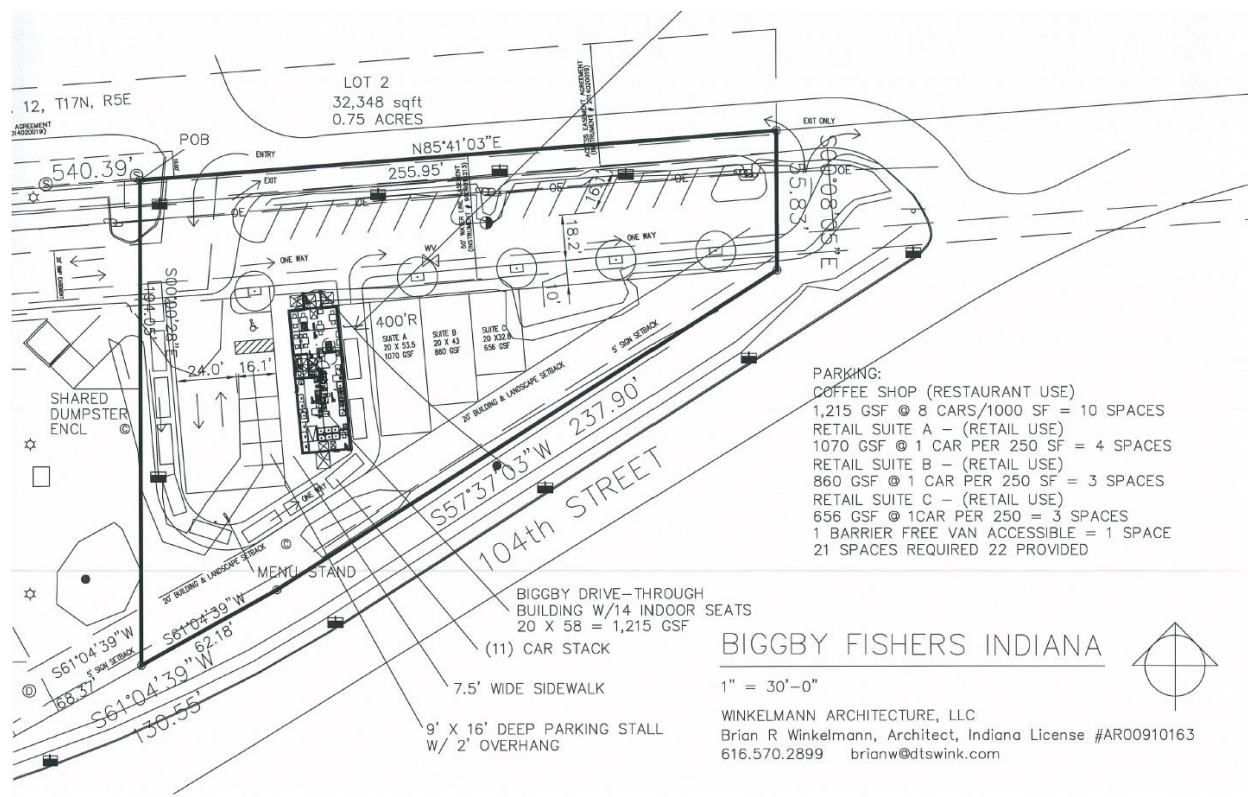
SUMMARY OF PUBLIC COMMENTS:

At the time of writing this staff report, there was a phone call. Rosalind Tepner from the Weatherstone HOA reached out to the planner inquiring about the project on October 18, 2023. She expressed concerns about traffic and the number of buildings proposed on the new parcel.

PETITION OVERVIEW:

Summary of Request

The applicant requested a variance to split off 0.70 acres from the approximately 2.17-acre existing lot. Per the UDO, the minimum required lot size of C-2 lots is 1 acre. The proposed new lot will be used for a 1,215 square coffee shop in one building, and three retail shops totaling 2,586 square feet.



Meeting Date: October 25, 2023

Case Number: VA-23-30

Fishers 2040

The Fishers 2040 Plan identifies this area as a Neighborhood Service Center. The variance request aligns with this vision.



STAFF RECOMMENDATION:

Staff has no recommendation for this request.

STAFF RECOMMENDATION

☐ Approve ☐ Continue ☐ Deny ☒ No Recommendation