



**Fishers Board of Zoning Appeals – Fishers
Minutes
12/20/2023**

BOARD/COMMISSION: Board of Zoning Appeals – Fishers Meeting

DATE: 12/20/2023

DIRECTIONS: Fishers Municipal Center, Nickel Plate Conference Room, Fishers IN 46038

1. Call to order / Pledge of Allegiance

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

2. Roll Call

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

Others present: Ross Hilleary, Rodney Retzner, Kay Prange, Tracy Gaynor, Gabrielle Herin, Christy Cashin, John Schneider, Mike McGuigan, Joe Logan, Logan Stevens, Robert Warstler. Mr. Ferrucci confirmed quorum and called the meeting to order. He noted that only 3 members were present. In that case, all decisions would have to be unanimous. Petitioners were given the option to continue and come back when all 5 members were present.

3. Approval of Previous Minutes

- a. 10-25-23

Mr. Ferrucci asked for a Motion for the approval of the previous minutes. Mr. Stevenson made a Motion to approve, seconded by Mr. Silvey. The Minutes were approved, 3-0.

4. Public Hearings

- a. **Biggby Coffee and Other Retail Lot Size Variance – THIS ITEM IS CONTINUED FROM OCTOBER**

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)

Logan Stevens, representing the Petitioner, presented the following:

The intent is to subdivide the property to the owner of Biggby Coffee.

- The Traffic Study shows no concerns . At the October hearing, there were lots of concerns about traffic.
- 30% of parcels zoned C2 are smaller than 1 acre
- He tried to schedule a meeting with Weatherstone residents. Received no response.
- The building is 3800 sq. ft.
- Stacking for the drive-thru is 11-12.
- The corridor plan for the ROW does not apply. Setback concerns- all requirements are met.
- Parking concerns are not applicable.

Gabrielle Herin presented the Staff Report. The alternative is a larger building. Biggby is 1200 sq. ft. and the other is 2500 sq. ft. Staff is sending No Recommendation. Mr. Ferrucci asked Mr. Stevens if widening is recommended by A& F.

Mr. Ferrucci opened the Public Hearing.

Rosalinda Tepner (10541 Stonegate)- She is representing the Weatherstone HOA. There is not a safe way to walk there. She is opposed to density, and it is inconsistent with the 2040 Plan. The front of the building is actually on 104th St. The original study reinforces Geist Shoppe's claim that parking isn't adequate. Don't approve as presented.

Robert Warstler -(the original developer of this project in 2010) said that it is not factual that parking at FC Tucker is prohibited.

Mr. Ferrucci closed the Public Hearing.

Mr. Ferrucci confirmed with Ross Hilleary that the parking plan meets our requirements. The additional 12" to widen

the access road will come from the drive aisle off 104th A sidewalk would then go to the front of the building.

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VOTE#1:

Mr. Ferrucci asked for a Motion. Mr. Ferrucci made a Motion to approve, with the voluntary commitment to expand

the drive aisle from 24' to 36' and to record the variance on the property. NO SECOND was made on the Motion. The

Motion fails.

VOTE# 2:

Mr. Ferrucci asked for a Motion to deny. Mr. Stevenson made a Motion to DENY, seconded by Mr. Silvey. The

Motion did not pass, 2-1. The Motion was not approved as the vote was not unanimous. The variance failed.

Next steps from Rodney Retzner: Since there was "no action" on the Variance, the Petitioner can withdraw the Petition and then repeat if he wants. He can

b. Claudio Residence Setback Variance

Parcel: 13-16-07-00-05-007.000

Address: 15584 Provincial Ln

Case: VA-23-31

Request: Consideration of a Development Standards Variance from Section 2:Development Standards, The Grandsubsection of The Boulders PUD to allow a side yard setback of 5 feet from 10 feet, and an aggregate setback of 36 feet from 40 feet.

Petitioner: Delaney McNichols (Delaney@nicholasdesignbuild.com)

Planner: Christy Cashin (cashinc@fishers.in.us)

Mike McGuigan of Nicholas Design Build presented the request for a year-round basketball facility in the home to look like a boat garage or additional vehicle garage. The request is to reduce the setbacks.

Christy Cashin presented the Staff Report. There are letters of support from neighbors and the HOA. Staff has no recommendation for the Board.

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

Mr. Stevenson confirmed that the Petitioner is agreeable to direction from Staff.

Mr. Ferrucci asked for a Motion. Mr. Silvey made a Motion to approve the recording of the variance on the property. The Motion was approved, 3-0.

c. Ratliff Residence Development Standards Variance

Parcel: 13-15-02-00-25-046.000Address: 13553 Haven Cove Ln

Case: VA-23-32

Request: Consideration of three Development Standards Variances from Section 3.2.3 R2 Development Standards of the city's Unified Development Ordinance (UDO) to allow lot impervious coverage of 52% from 35%, and a variance from Architectural Design Standards, Section 6.3.4B.3.d. to allow a roof pitch 4/12 from 5/12, and a variance from Architectural Design Standards, Section 6.3.4.B.4.a to allow a front load garage to be set 4' in front of the front facade plane instead of setting back 4' from the front facade plane.

Petitioner: Joe Logan (joelogan2086@gmail.com)

Planner: Christy Cashin (cashinc@fishers.in.us)

Joe Logan presented the variance requests. Located in Cambridge on Geist in the Marina PUD. HOA has approved and there are 4 letters of support from neighbors.

1. Impervious surface at 52% rather than 35%.
2. Roof pitch
3. Front-load garage

Christy Cashin presented the Staff Report. Staff has no recommendation for the Board.

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 for the Impervious surface variance. Mr. Stevenson made a Motion to approve, seconded by Mr. Silvey. The Motion was approved, 3-0.

Mr. Ferrucci asked for a Motion for the roof pitch variance. Mr. Stevenson made a Motion to approve, seconded by Mr. Silvey. The Motion was approved, 3-0.

Mr. Ferrucci asked for a Motion for the front-load garage variance. Mr. Stevenson made a Motion to approve, seconded by Mr. Silvey. The Motion was approved, 3-0.

d. Brooks Park Impervious Surface Variance

Address: 9817 Backstretch Row, Fishers, IN 46040

Case: VA-23-33

Request: Consideration of a Development Standards Variance from the Southeast Fishers Planned Development Ordinance #100305E, as amended to increase the maximum permitted lot coverage from 35% to 45% for 13 proposed single family homes of the Brooks Park Subdivision located at 9698 Winning Ticket Court, 9697 Winning Ticket Court, 9863 Win Star Way, 9876 Backstretch Row, 9856 Backstretch Row, 9836 Backstretch Row, 9798 Backstretch Row, 9758 Backstretch Row, 9777 Backstretch Row, 9817 Backstretch Row, 9857 Backstretch Row, 9877 Backstretch Row and 9917 Backstretch Row.

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

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

Amanda Deardorff presented the variance request for lot coverage from 35% to 45%. They are looking for direction on how to manage the 13 lots going forward.

Gabrielle Herin presented the Staff Report. There are 2 active permits. Two remonstrances have been received stating that the homes are disproportionate in size, the homes are too close. Staff has 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. Silvey made a Motion to approve, seconded by Mr. Stevenson. The Motion was approved, 3-0.

5. New Business

6. Staff Communication

7. Board Signatures – Findings of Fact

8. Adjournment

As there was no other business, the meeting was adjourned at 7:10 p.m.

Respectfully submitted,



Kay Prange, Recording Secretary

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