

CITY OF FISHERS
BOARD OF ZONING APPEALS
CITY HALL AUDITORIUM
MINUTES
March 23, 2022

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

A roll call was taken. Members present: Steve Ferrucci, Howard Stevenson, Tom Grinslade, Pete Peterson.

Others present: Rodney Retzner, Megan Vukusich, Bre King, Tyler Folk, Kay Prange, Tracy Gaynor, Josh Huser, Jessi Downey, Tricia and Eric Daugherty, Sarah Poer, Shawn Moore, Jerry Ackerman, Miranda Steele, Gurpreet Malhi, Kamaldeep Singh.

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

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

Public Hearings:

a. VA-22-2: Cannon Impervious Coverage Variance

Samantha Schutt with PJE Lawn Care, on behalf of James and Gretchen Cannon, the homeowners, is requesting a Variance of Development Standards to allow for an increase in impervious lot coverage up to 50% to accommodate a planned pool and patio space, as opposed to the maximum 35% impervious lot coverage permitted by the Fishers Unified Development Ordinance. The site is zoned R2 and is located at 13512 Lake Ridge Lane, generally located on the southeast side of Geist Reservoir and west of Olio Road, in the Springs of Cambridge neighborhood.

Phil Ennis from PJE Lawn Care presented the request for an increase in impervious surface from 35% to 50% for a pool and patio.

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

Tyler Folk, Planner I, presented the Staff Report. The lot is in the Springs of Cambridge neighborhood. This is a common variance request for this subdivision. The lot runoff flows into Geist and a storm structure that empties into Geist. The lot is already at 37 ½% impervious surface. No Public Comments have been received. Staff recommends approval.

In Committee Discussion, Mr. Peterson asked if standards can be changed so there are not so many variance requests for this area. Rodney and Megan confirmed that it has been looked at. Mr. Peterson suggested an Overlay Zone.

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

b. VA-22-3: Gurdwara Use Variance

Miranda Steele with Foley & Abbott, LLC, on behalf of Gurdwara Guru Nanak Darbar Ltd. (a.k.a Gurdwara) is requesting a use variance to legalize an institutional use exempt from paying Indiana property taxes and associated accessory structures. This use is not currently permitted in the I69 overlay district. The site is zoned C3C / I69 Overlay and is located at 12134 E 131st St.

Miranda Steele presented the variance request for the second parcel so property taxes would not be assessed.

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

Bre King, Planner II, presented the Staff Report. An aerial view of the site was presented showing the 2 parcels in relation to I-69. Staff has no recommendation for the Board.

Mr. Ferrucci asked why not combine parcels? Staff would want it re-zoned during platting.

Rodney Retzner stated that the variance approval would allow tax-exempt use of the smaller parcel. Megan Vukusich confirmed that the first parcel was voluntarily annexed. It's not clear if you can expand an existing use. The bigger parcel is already exempt. The question is: How to prevent this for the entire corridor? Mr. Peterson said that granting an exception is the wrong process. A better process would be going to Plan Commission/Council. He wants to protect the overlay zone. Chris Greisl should get involved.

Mr. Ferrucci asked for a Motion.

First Motion: Mr. Peterson made a Motion to deny. The Motion was not approved, the vote was 2-2.

A second Motion was made to grant the variance but limit the use to the current owners. The Motion was not approved, the vote was 2-2.

A third Motion was made to allow the tax-exempt status of the property as determined by the County Assessor to remain. The vote was 4-0. The third Motion was approved.

c. Special Exception# 84343: Mission Christian Academy

Jerry Ackerman on behalf of Mission Christian Academy is asking for the approval of a Special Exception to allow for a school use at 13095 Publishers Drive. Schools are allowed in every zoning district with the approval of a Special Exception and any conditions imposed by the Board. The site is zoned PUD (Parkside) and is located at 13095 Publishers Dr.

Jerry Ackerman and Shawn Moore presented the variance request. The building is currently vacant and would be used for the Mission Christian Academy. There are no plans to expand the facility. The site plan aerial view was presented showing the plan for stacking cars within the parking lot.

Mr. Ferrucci opened the Public Hearing.

Jessie Downey (10949 Loyola Ct.) – the 3-day a week hybrid plan (Tuesday-Wednesday-Thursday) meets unique needs. Tricia Daugherty (9224 Southwind Ct.) – the school is an affordable option and on Monday and Friday, they can collaborate with surrounding businesses with options for the students.

Seeing no one else present to speak, Mr. Ferrucci closed the Public Hearing.

Bre King, Planner II, presented the Staff Report. The Parkside PUD allows this use. A playground may be proposed in the future. It meets requirements for change-of-use in a large tenant space. If approved, this will go before City Council. There have been no Public Comments. Staff has no recommendation.

In Committee Discussion, Mr. Stevenson asked about the hybrid plan. Mr. Peterson asked why this was a special exception. The special exception is due to the school going into an existing building.

Mr. Ferrucci asked if they will follow the traffic recommendations from A&F. They agreed that they would.

Mr. Stevenson asked for a Motion for the Special Exception. Mr. Peterson made a Motion to approve, with the following conditions:

The Petitioner will have the Special Exception approval letter recorded on the property, the Special Exception is limited to the uses and facilities as presented and is limited to the use by Petitioner, and the uses of the property will be limited such that there will be no outdoor activities other than site traffic and the proposed playground facility.

The Motion was seconded by Mr. Grinslade . The Motion was approved, 4-0.

Old Business None

New Business None

Staff Communication None

Board Signatures- Findings of Fact

Adjournment As there was no other business, the meeting was adjourned at 6:54 p.m.

Respectfully Submitted by:

Kay Prange

Kay Prange, Recording Secretary