

CITY OF FISHERS
BOARD OF ZONING APPEALS - FALL CREEK DIVISION
Fishers Pavilion
MINUTES
August 10, 2023

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

A roll call was taken. Members present: Steve Richards, Chris Huck, Rich Bassett, Joel Fenske. Others present: Rodney Retzner, Megan Vukusich, Ross Hilleary, Andrew Wert, Keerthi Srinivasan, Venkatesh Hemamalini, Ramesh Krishna, Mani Subramaniam, Sandrya Chevalz (sp?).

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

Minutes from the May 25, 2023 meeting were approved, 4-0. Mr. Richards made a Motion to approve, seconded by Mr. Bassett.

Public Hearings:

a. Jai Hanuman Temple Special Exception Continued from May 25, 2023

Parcel: 13-12-31-00-00-024.001

Address: 12323 Cyntheanne Rd.

Case: Special Exception 103574

Request: Consideration of a Special Exception to allow for a place of worship use on a property zoned R2.

Petitioner: Andrew Wert (awert@cchalaw.com) for Keerthi Srinivasan

Andrew Wert with CCHA, representing the Jai Hanuman Temple organization, presented the Special Exception on behalf of Keerthi Srinivasan for an unoccupied home, Zoned R2, to be used as a place of worship for the community. Considerable progress has been made and a new site plan vision developed. Phase 1 is for detention and parking in back. Phase 2 is for the home to be demolished and a new facility and additional parking to be added, plus a stub street to the west to link to future commercial development. Megan Vukusich presented the Staff Report. A house of worship is permitted in an R2 with special conditions. The main concern is the proposed ROW. The home sits on the existing ROW. Drawings were reviewed of Phase 1 and Phase 2 site plan and parking lots. Staff recommends denial. The house is still sitting on the ROW line. The property is next to the Fall Creek Marketplace PUD development. Corby Thompson has asked for the proximity requirements for a future liquor store to be waived. Petitioner is agreeable to this.

Mr. Richards opened the Public Hearing.

Seeing no one from the Public to speak on this topic, he closed the Public Hearing.

After Committee discussion about the 12/31/2027 EOY timeframe for completion of Phase 2, it is agreed that there are lots of variables and unknowns. Mr. Richards is leaning toward approval, although it is his opinion that this is not the best location. Mr. Bassett is concerned with single-directional parking. Mr. Fenske confirmed that impervious surface % for commercial space is OK?

Mr. Richards made a Motion to approve, seconded by Mr. Huck. The conditions are as follows and were reviewed verbally:

1. The Special Exception approval is for the current owner of the property and runs with the current property owner. The approval terminates upon transfer of the ownership to any, other individual or entity other than the original entity that will be operating the currently-proposed Place of Worship.
2. The Petitioner shall have the Special Exception approval letter recorded and shall provide staff with a copy of the recorded document.
3. A Hold Harmless Agreement shall be executed between the City of Fishers and the property owner, and recorded, for a structure that encroaches into the future right-of-way of Cyntheanne Road.
4. Phase 1 construction activities, specifically parking and detention pond, shall be completed prior to the facility being used as a religious facility/place of worship.
5. The Property shall be annexed into the City, the application for which shall be filed prior to the issuance of any Improvement Location Permit.
6. Approval for use of the existing structure as a religious facility/place of worship is for a maximum of four (4) years. This Special Exception approval shall expire on 12/31/2027 unless (1) the existing structure is demolished by that date, or (2) an extension is granted by the Board after proper request and approval prior to 12/31/2027.
7. All other requirements for new development activities shall apply, including but not limited to those in the UDO (including platting), other local jurisdictional regulations and local and state construction permits.
8. The Approval is subject to the plans and material presented to the Board and further subject to any conditions and/or stipulations hereinafter stated in the official meeting minutes of the Board meeting, which are incorporated herein by reference and made a part hereof.

The Motion was approved, 4-0.

As there was no other business, the meeting was adjourned at 6:40 p.m.

Respectfully Submitted by:

Kay Prange, Recording Secretary