

CITY OF FISHERS
BOARD OF ZONING APPEALS
CITY HALL AUDITORIUM
MINUTES
October 26, 2022

APPROVED

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

A roll call was taken. Members present: Steve Ferrucci, Tom Grinslade, Jeffrey Silvey, Howard Stevenson, Greg Lannan

Others present: Megan Vukusich, Rodney Retzner, Ross Hilleary, Sydney Granlund, Kay Prange, Tracy Gaynor, Paul Mc Narney, Mark Schuitema, Glenn Hess, Kim Gray, Mary Townsend, Mike Howard, Tim Knapp, Dan Stone, Brian Emmons, Kelly Cheslyn, Steven Crowley.

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

Mr. Ferrucci asked for a Motion for the approval of the previous minutes. Mr. Silvey made a Motion to approve, seconded by Mr. Grinslade. The Minutes were approved 5-0.

Public Hearings:

a. VA-22-15 Stone Deck Impervious Coverage and Rear Setback Variance

Dan Stone, the homeowner, is requesting two Variances of Development Standards from the Unified Development Ordinance (UDO) to allow a rear setback of 14 feet instead of 20 feet and to allow impervious coverage to be 50% instead of 35% to accommodate a deck improvement project. The site is located at 13637 Golden Ridge Lane and is currently zoned R2. It is generally located in the Springs of Cambridge neighborhood that is on the south side of Geist Reservoir and west of Olio Road.

Dan Stone, homeowner, passed out the Plans that were approved by his HOA. He had built the extended deck to 43% impervious surface prior to applying for a Variance. The R-2 standards are 35% so it was already non-conforming. 5 trees were a nuisance - they were removed and replaced with 28 trees and shrubs. Public comments include concerns about the drainage swail but his is now consistent with the neighbor to the West. They are not setting a precedent- Adjacent neighbors are at 53%.

Sydney Granlund presented the Staff Report. She presented the site and the deck. Public Comments include concern about tree removal, property line disputes, runoff, and setback. Staff is sending the Board no recommendation.

Mr. Ferrucci opened the Public Hearing.

Mary Thompson (10263 Spring Stone Rd.) -Against this project. Project is not in the best interest of her property and is an invasion of privacy. The project was started and completed in March 2022 prior to the variance request. She presented pictures of the easement and ditch. Impervious surface to 50% is egregious.

Kim Gray (13004 Shoreline Blvd.) - Also against the project. How could it be built before getting approved.

Mr. Ferrucci closed the Public Hearing.

In Committee discussion, Mr. Ferrucci asked about the extent of the property line dispute. Mr. Stone was not aware of it.

Mr. Ferrucci asked for a Motion. Mr. Lannan made a Motion to approve, seconded by Mr. Grinslade. The Motion was approved, 3-2.

b. VA-22-21 Pennington Park Church Temporary Classrooms Variance

Consideration of a Land Use Variance from Section 5.8.1.H of the City's Unified Development Ordinance (UDO) to allow two (2) temporary classrooms for a maximum of three (3) years

Mark Schuitema, on behalf of Pennington Park Church presented their Variance request to construct two temporary classrooms and use up to 36 months until a Phase II building process is complete. They will renovate 2 existing modular buildings. They are committed to:

- Maintaining the tree line
- Upkeep on white fence
- Update the exteriors to blend with existing building
- Install raised landscape beds
- Stay involved with the community and greenspace

Ross Hilleary presented the Staff Report. This is an application for a Land Use Variance. The UDO allows for 120 days. Staff is sending the Board no recommendation. There was no Committee discussion.

Mr. Ferrucci asked for a Motion. Mr. Stevenson made a motion to approve for 3 years, with the Approval letter to be recorded on the property, seconded by Mr. Grinslade. The Motion was approved, 5-0.

c. VA-22-24 Emmons Flooring Sign Variance

Consideration of a Signage Variance from Section 6.17.7.C. of the City's Unified Development Ordinance (UDO) to allow for a wall sign on a secondary frontage facing 106th Street that exceeds the allowable size.

Petitioner: Kelly Cheslyn, Architectural Brick & Tile

Planner: Megan Vukusich

Kelly Cheslyn and Brian Emmons presented the Variance request for adding signage on the Architectural Brick and Tile building at 106th and Lantern Rd. The Sign would be for Emmons Flooring in the Southwest corner of their building. The sign would be 39 square feet. The exits and roundabout at that location swallows up the building and purpose. Signage affects his business.

Megan Vukusich presented the Staff Report. They want to keep existing signage and add this one since there is a secondary frontage on the building and there are secondary frontage sign standards. Staff is sending the Board no recommendation.

Mr. Ferrucci opened the Public Hearing.

There was no one from the Public available to speak. He closed the Public Hearing.

In Committee discussion, Mr. Ferrucci confirmed that the sign would not be illuminated.

Mr. Ferrucci asked for a Motion. Mr. Grinslade made a Motion to approve with the commitment that there would be no additional signage beyond this, and that the Approval letter be recorded on the property, seconded by Mr. Silvey. The Motion was approved, 5-0.

d. VA-22-25 Northridge Gracious Retirement Living Variance

Consideration of a Development Standards Variance from The Residences at the Crossing PUD Ordinance #100311 and the City's Unified Development Ordinance (UDO), where applicable, to allow for a reduced number of parking spaces, building setback, landscaping requirements, and to allow a temporary sign, due to the increased right-of-way on the southwest corner of 146th and Allisonville Road.

Petitioner: Hamilton County on behalf of Northridge Gracious Retirement Living

Planner: Megan Vukusich

Mike Howard of the Hamilton County Attorney's office presented the Variance request. This is a result of substantial improvements at 146th and Allisonville. The ROW was acquired by eminent domain and as a result, the Northridge Gardens organization consented to having the County represent them in the hearings resulting from the road improvements.

Megan Vukusich presented the Staff Report. This is Noblesville's ROW project but it is related to a Fishers PUD ordinance. Even though the County has attempted to minimize issues at the site, this is a hardship for Northridge. Staff recommends approval.

Mr. Ferrucci opened the Public Hearing.

There was no one from the Public available to speak. He closed the Public Hearing.

There was no Committee discussion.

Mr. Ferrucci asked for a Motion. Mr. Grinslade made a Motion to approve, with the recording of the approval letter on the property, seconded by Mr. Silvey. Mr. Lannan abstained from the vote. The Motion was approved, 4-0.

e. VA-22-26 The Mower Shop Parking Variance

Consideration of a Development Standards Variance from Section 6.11.3.A. Parking Lot Design of the City's Unified Development Ordinance (UDO) to allow parking of motor vehicles on grass.

Petitioner: Paul McNarney, The Mower Shop

Planner: Megan Vukusich

Paul McNarney wants to park U-Haul vehicles on grass inside a fenced-in area at his business. The number of vehicles can vary between 9-17 and varies by day of the week and time of the year. He does not want to pay for paving this area and if he used the other paved area, it would block delivery trucks and customers from getting in and parking.

Megan Vukusich presented the Staff Report. The City received a code enforcement complaint. Staff recommends denial of the Variance request as it is not a hardship.

Mr. Ferrucci opened the Public Hearing.

There was no one from the Public available to speak. He closed the Public Hearing.

Mr. Ferrucci asked for a Motion. Mr. Lannan made a Motion to approve, seconded by Mr. Grinslade. The Motion was approved 3-2.

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

Respectfully Submitted by:


Kay Prange, Recording Secretary