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

A roll call was taken and those members present were: Warren Harling, Chuck Gillespie, Howard Stevenson, Rick Fain

Members absent: Steve Ferrucci
Others present were: Rodney Retzner, Kevin Stotts, Jessie Boswell, Kay Prange, Jerry Gibbs, Joe Hurt, Debbie Townsend, Jeff Townsend, Bill Lambert, Barbara Wood, Charlie Wood, Debbie and David Sweet.

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

Mr. Harling asked for a Motion to approve the Minutes from the February 27, 2019 meeting. Mr. Fain made a Motion to approve the Minutes, which was seconded by Mr. Gillespie. The Minutes were approved, 4-0.

Public Hearings:

a. CASE # APL-19-1  Appeal of Administrative Determination
   Appeal of a decision to grandfather ten (10) beehives on a property located at 10117 Lantern Road. The property is owned by Jon and Catherine Hunt.

Rodney Retzner clarified that the initial determination of the BZA in August 2018 was that the beehives would be allowed by Planning and Zoning.

Jeff Townsend, the Appellant, spoke. There should be 6 hive bodies, which he explained are different than separate hives. In 2005, the hives were not a problem, but the bees are now a problem for the Covington Estates residents. He spoke about the definition of non-conforming use of land and non-conforming structures. He sees the beehives as structures that should be limited, not expanded or moved. Beehives are not referenced as an example in the UDO.

Tony Bagato, Director of Planning and Zoning, provided background on the August decision. Originally, it was argued that Unincorporated land is not Fishers' jurisdiction. However, there is an agreement allowing Fishers to rule on Unincorporated properties. In the 90's, Noblesville allowed beekeeping and he agrees with Mr. Townsend to allow 6 hives. A structure in the UDO can be movable, such as a playground, or a trampoline. Mr. Bagato agrees that the number of beehives should be reduced to 6 from 10, and if the board agrees that the beehives are a structure, then the beehives would have to be moved back to the original location.

Mr. Harling opened the meeting to Public Comment.

Jerry Gibbs, representing the Hunt family, presented. In August 2018, it was determined in the Fishers Board of Zoning Appeals meeting that beekeeping in this location should be grandfathered. Mr. Hunt would be satisfied with only 6 hives for his agricultural use on his property. Beekeeping is allowed in Marion County.

In Rebuttal, Mr. Townsend noted that he sees a non-conforming use of a structure, whereas Mr. Gibbs sees a non-conforming use of the land.

Mr. Harling closed the public comment portion of the meeting and opened it to Committee Discussion.
Mr. Stevenson noted that he sees some consensus on this topic. Mr. Harling stated that the UDO says it doesn’t have to be affixed to the ground, giving an example of bees in a hive vs. cows in a barn. Mr. Gillespie asked if a dog house is allowed. Is this more like a dog house or a barn? Mr. Stevenson asked if bees are causing harm, to which Mr. Bagato noted it is a separate matter for the courts.

Further discussion took place about grandfathering a structure, and the location of the structure.

Mr. Harling made a Motion to approve APL-19-1, limiting the number of beehives to 6, determining that a beehive is a structure, and that the location be limited to the tree line on the Hunt property. Mr. Gillespie seconded, and the Motion was approved, 4-0.

b. CASE# VA-19-4 12908 Rocky Pointe Road

Ed Frushon with Perma Pools on behalf of James and Christina Lane, is requesting a Development Standards Variance from Section 3.2.3.8.5 of the City of Fishers Unified Development Ordinance to allow an increase of maximum impervious surface coverage from thirty-five (35) percent to forty-four (44) percent. The subject property is located within the Springs of Cambridge development, with the common address of 12908 Rocky Pointe Road. Property is approximately .44 acres.

Bill Lambert presented the request, representing the Lanes. The request would allow a pool, deck, and retaining wall. HOA approval and Citizen’s Energy approval has been received. The property is in Springs of Cambridge on Geist.

Mr. Harling opened the meeting to Public Comment. Seeing none, he noted no remonstration. There was no Committee Discussion.

Jessie Boshell, Planner II, presented the Staff Report, noting that it meets all standards and is typical for the Springs of Cambridge requests seen in past meeting.

Mr. Harling asked for a Motion for VA-19-4. Mr. Gillespie made a Motion to approve, which was seconded by Mr. Fain. The Motion was approved, 4-0.

New Business- none

As there was no other business, the meeting was adjourned at 7:00 p.m.

Respectfully Submitted by:

Kay Prange, Recording Secretary