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

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

Members absent: Chuck Gillespie
Others present were: Rodney Retzner, Kevin Stotts, Jessie Boshell, Megan Schaefer, Andrew Magee, Kay Prange, Barbara Maurath, Tom Maurath, Keith Wiggins, Troy Terew, Imram Ashiq, John Cross, Jeff Heinzmann, Nathan Althouse, Bruce Austin, Paula Austin.

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

Mr. Harling asked for a Motion to approve the Minutes from the March 27, 2019 meeting. Mr. Stevenson made a Motion to approve the Minutes, which was seconded by Mr. Fain. Mr. Ferrucci abstained from the vote. The Minutes were approved, 3-0-1.

Public Hearings:

a. Case # VA-19-5 Geist Point

Request to consider a Development Standards Variance from UDO Sec. 3.2.3.B. R2 Residential Development Standards to allow for a front setback of forty (40) feet off of Fall Creek Road and rear setback of ten (10) feet for Lot 2B and a front setback of ten (10) feet for Lot 2A

John Cross, representing the remonstrators requested a continuance. Jeff Heinzmann, representing the Petitioners stated that they are prepared to move forward. Mr. Retzner stated that there are two options, either proceed or continue and the Board has discretion to do either.

Mr. Ferrucci confirmed that the petitioner didn’t know that the remonstrators would ask for a continuance until this meeting.

Mr. Harling called a recess from 6:17 to 6:25 for the two parties to discuss. The meeting was reconvened by Mr. Harling at 6:28, at which time the Petitioner’s representative stated that the counsel for the remonstrators will file an injunction for two reasons:

a. There is a dispute over the boundaries of the property.

b. In addition to the UDO requirements, there are also Plat restrictions that need to be resolved.

A continuance until May was requested with the possibility that a 2nd continuance may be asked for in June.

Mr. Harling made a Motion to continue VA-19-5, which was seconded by Mr. Ferrucci. The Motion was approved, 4-0.

Request to consider a Variance of Use to allow residential, single-family use and a Variance of Development Standards to apply Section 3.2.1.B. Estate-Rural Residential District (ER) Development Standards with an allowed eight-foot (8') side setback, 45% Maximum Impervious Surface Coverage, and 2,400 square-feet accessory structure as shown on Exhibit A – Site Plan.

Mr. Ashiq presented his request for the Use Variance and the Development Standards variance.

Mr. Harling opened the meeting to Public Comment. Sherry Coleridge (10688 Adam Ct.), asked to confirm that the side setback is 8 feet. Megan Schaefer confirmed that typical is 10 feet. Mr. Harling closed the Public Comment portion of the meeting.

Megan Schaefer, Planner II, presented the Staff Report on the Use Variance for a single-family home since the PUD is commercial. The Development Standards variance would apply estate residential standards to the property. Staff recommends approval.

The property has been a residence since in 1940's/50's. In the 1980's this area was rezoned to PUD (Exit 5 Sunbeam) and changed the allowable uses to commercial/retail. This made the residence a legal-nonconforming use.

The property was recently purchased by Imran Ashiq who would like to use the property as his family's permanent residence. Before moving in he is proposing to remodel and add-on to the existing home. These improvements exceed what is permitted under a legal non-conforming use, so the homeowner is requesting a Variance of Use to allow single-family residential use, which will allow him to complete the remodel and continue using the property as residential.

Additionally, in 1997 when the church was developed to the west, there was a deed restriction placed on the property which limits the use to single-family residential. The approval of the Variance of Use would align the permitted use of the property with the deed restriction.

Mr. Harling opened the meeting to Committee discussion. Mr. Stevenson recused himself as a member of the church adjacent to the property. Mr. Harling noted that all 3 remaining members would have to agree to move a motion forward.

Mr. Harling asked for Motions on the two Variances. Mr. Ferrucci made a motion to approve VA-19-9, Use Variance, as presented with the letter recorded on the property, which was seconded by Mr. Fain. The Motion was approved, 3-0-1. Mr. Ferrucci made a Motion to approve VA-19-8, the development Standards Variance, subject to plans presented, with the letter recorded on the property, which was seconded by Mr. Fain. The Motion was approved, 3-0-1.

c. Case # VA-19-12-10569 Geist View Drive

Request to consider a Development Standards Variance from section(s) Section 3.2.3.B.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-five (45) percent. Property is approximately .34 Acres and is located in the Springs of Cambridge Development.

The Variance request was presented by Troy Terew of True North Surveying on behalf of the Halls. The request is for a Springs of Cambridge property, adding a new pool and increasing the impervious surface from 35% to 45%.

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

Jessie Boshell, Planner II, noted that this is a typical Springs of Cambridge request with smaller lots. The difference with this request is that this property is not adjacent to Geist. Staff recommends approval.

There was no Committee Discussion. Mr. Harling asked for a Motion. Mr. Stevenson made a Motion to approve the request, 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 6:28 p.m.

Respectfully Submitted by:

[Signature]

Kay Prange, Recording Secretary