

**CITY OF FISHERS  
BOARD OF ZONING APPEALS  
CITY HALL AUDITORIUM  
MINUTES  
March 24, 2021**

**APPROVED**

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

A roll call was taken. Members present: Steve Ferrucci, Howard Stevenson, and Tom Grinslade (in person). Rick Fain was present via Teams.

Others present: Rodney Retzner, Tony Bagato, Megan Schaefer, Ross Hilleary, Andrew Magee, Kay Prange, Tracy Gaynor, Dan Hubbard, Robin Campbell, Sabrina Knox, Steve Hardin, Mark Leach, Matt Kepler, and Tiffany and Dennis Schlueter.

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

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

**Public Hearings:**

a. **Case # VA-21-4: Lake Meadows Banners**

Consideration of a Development Standards Variance from Section 6.17 Signage Standards of the Fishers Unified Development Ordinance (UDO) to allow the display of light pole-mounted banners.

Dan Hubbard of Lake Meadows presented the request for a Variance for light pole-mounted banners. Andrew Magee, Planner I, presented the Staff Report. On the Lake Meadows property, there are 23 parking lot lights. As part of the Lake Meadows development process, banner brackets were added to these light poles and subsequently banners were hung last year. When Staff became aware, Lake Meadows was notified in January of this year that the banners were in violation of the Unified Development Ordinance (UDO); there is no allowance in Article 6.17 Signage Standards for light pole-mounted banners. These banners have since been removed. The petitioner is seeking this variance to have the ability to re-hang the banners. There has been no public comment this year and Staff is making no recommendation to the Board. A permit would be needed to rehang the banners.

**Mr. Ferrucci opened the Public Comment Portion of the meeting. Seeing none present to speak, he closed the Public Hearing.**

In Committee Discussion, it was noted that there are no other similar banners in the area. After further discussion and questions to Dan Hubbard of Lake Meadows, Mr. Ferrucci made a Motion to deny the variance request. The Motion was seconded by Mr. Grinslade. The Motion was denied, 4-0.

b. **Case # VA-21-6: 13358 Cambridge Cove Way**

Consideration of a Development Standards Variance from Section 3.2.3.B.5b of the R2-Residential Development Standards of the Fishers Unified Development Ordinance (UDO) to exceed the maximum impervious surface area of 35% to approximately 45% to allow the construction of a swimming pool and associated decking.

Robin Campbell presented the Variance to increase the impervious surface area. Andrew Magee presented the Staff Report. The home is a typical Variance request due to the smaller yards in Springs of Cambridge and the home is under construction. Staff recommends approval.

**Mr. Ferrucci opened the Public Comment Portion of the meeting. Seeing none present 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 the request, as presented and to be recorded on the property, seconded by Mr. Stevenson. The Motion was approved, 4-0.**

**c. Case # VA-21-7: 10610 Geist View Drive**

Consideration of a Development Standards Variance from Section 3.2.3.B.5b of the R2-Residential Development Standards of the Fishers Unified Development Ordinance (UDO) to exceed the maximum impervious surface area of 35% to approximately 48% to allow the construction of a swimming pool and associated decking.

Sabrina Knox presented the site plan and design images. Andrew Magee presented the Staff Report, noting that this is a typical Springs of Cambridge request. Staff recommends approval.

**Mr. Ferrucci opened the Public Comment Portion of the meeting. Seeing none present to speak, he closed the Public Hearing.**

There was no Committee discussion.

**Mr. Ferrucci asked for a Motion. Mr. Stevenson made a Motion to approve the request, as presented and to be recorded on the property, seconded by Mr. Grinslade. The Motion was approved, 4-0.**

**d. Case # VA-21-8 Scannell Properties Airport Project**

Faegre Drinker on behalf of Scannell Properties, LLC. is requesting consideration of a Development Standard Variance from the City of Fishers Unified Development Ordinance Chapter 3, Section 3.4.2. MA Municipal Airport District, B. Development Standards. 1a. Lot Area, 2. Building Setbacks, and 3. Impervious area of lot (max). The property is located northeast of the intersection of Masters Road and E 96<sup>th</sup> Street, 38 acres of Parcel ID: 15-14-11-00-00-017.000.

Steve Hardin and Mark Leach with Faegre Drinker presented the first project for airport land which is viable to redevelopment. The proposed use is for airport logistics/warehousing. A concept plan was presented. The variance is for the minimum lot area and setbacks. Two emails have been received regarding landscaping, drainage and lighting. Ross Hilleary, Planner III, presented the Staff Report. Tony Bagato, Director of Planning and Zoning, noted that the current zoning was established in 2017 and that there will be a Text Amendment to correct the property to a Zoning District. This area was always intended to be warehouse development. Staff recommends approval.

**Mr. Ferrucci opened the Public Comment portion of the Meeting.**

Bruce Oldham, (12305 Strawtown Ave), Noblesville, spoke on behalf of his mother. He spoke about concern with drainage and some flooding issues. Steve Hardin noted that a drainage analysis will be required with water retention on the property and slower discharge.

**Mr. Ferrucci asked for a Motion. Mr. Stevenson made a Motion to approve the request, for the BZA letter to be recorded on the property, seconded by Mr. Grinslade. The Motion was approved, 4-0.**

**e. Case # VA-21-9: 13654 Falcon Way**

Consideration of a Development Standards Variance from Section 3.2.4.B.5b of the R3-Residential Development Standards of the Fishers Unified Development Ordinance (UDO) to exceed the maximum impervious surface area of 40% to approximately 42% total to allow the construction of a swimming pool and associated decking & patio.

Matt Kepler presented the Variance request to increase impervious surface coverage from 40% to 42%. Andrew Magee Presented the Staff Report. He noted that this is a property near to Geist but would not drain directly into Geist. Aerial photos were shown. Staff recommends approval.

**Mr. Ferrucci opened the Public Comment Portion of the meeting. Seeing none present 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 the request, as presented and to be recorded on the property, seconded by Mr. Stevenson. The Motion was approved, 4-0.**

**f. Case # VA-21-11 Brusters Real Ice Cream**

Tiffany Schlueter on behalf of Brusters Real Ice Cream request consideration of a Land Use Standard Variance from Ordinance #101804C Section 3, Area C, C1 uses to allow for the use of an ice cream shop. The property is at the common address of 12350 Olio Road Unit 100, Fishers, IN 46037.

The Schlueters presented their use variance request. This is for a Bruster's Ice Ceram franchise. No drive through, it will be walk-up windows. Highest usage will be 4-10 PM during the 4 summer months.

Jessie Boshell, Planner II, presented the Staff Report, the current zoning is primarily for office uses. No drive through is allowed, and there are no perceived traffic issues or stacking. Low intensity retail use. Staff recommends approval.

**Mr. Ferrucci opened the Public Comment Portion of the meeting. Seeing none present to speak, he closed the Public Hearing.**

In Committee discussion, Mr. Grinslade asked if there would be outside seating since it is across the street from the High School. There will be benches and some tables. Parking was discussed, and no conflict was expected.

**Mr. Ferrucci asked for a Motion for VA-21-11. Mr. Stevenson made a Motion to approve, with no drive through, running with the current owner, seconded by Mr. Grinslade. The Motion was approved, 4-0.**

As there was no other business, the meeting was adjourned at 6:59 p.m.

Respectfully Submitted by:  
Kay Prange

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Kay Prange, Recording Secretary