

CITY OF FISHERS
BOARD OF ZONING APPEALS
CITY HALL AUDITORIUM
MINUTES
May 26, 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 Rick Fain. Member not present: Tom Grinslade. Others present: Rodney Retzner, Megan Schaefer, Andrew Magee, Jonah Butler, Kay Prange, Tracy Gaynor, Brian Ullmer, The Mattinglys, and Lillian Mollel.

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

Mr. Ferrucci asked for a Motion for the approval of the previous minutes. Mr. Fain made a Motion to approve, seconded by Mr. Stevenson. The Minutes were approved 3-0.

Rodney Retzner clarified that the three members present make quorum but that in this meeting, all 3 members would need to vote in favor to approve an item.

Public Hearings:

a. Case #VA-21-16 Mattingly Flower Market (Continued from April)

Consideration of a Variance of Use and Development Standards from the City's Unified Development Ordinance (UDO) to allow for a seasonal flower market and associated site improvements at 13573 E 116th St, generally located on the south side of 116th St, west of Olio Rd.

Jane Mattingly, the homeowner, presented the Seasonal flower market at their home in order to raise money for charity. The seasonal months would be July through September. The daily number of customers would be capped at 25-30 and the advertising is word of mouth. Neighbors are supportive.

Mr. Ferrucci opened the meeting to Public Comment. Seeing none, he closed the Public Comment portion of the meeting.

Megan Schaefer presented the Staff Report. The variance is for the additional number of cars. There are 3 areas for parking on their property. A traffic study was done and is supportive. The hours are 8-11 am on Saturday. A removable no left turn sign will be added at the end of the driveway. Staff recommends approval.

Mr. Ferrucci asked for a Motion for VA-21-16. Mr. Stevenson made a Motion to approve with the conditions of 8-11 am hours, no Left turn on 116th St., low impact use, the recording of the approval letter on the property, and that the variance run with the current owners, seconded by Mr. Fain. The Motion was approved, 3-0.

b. Case #VA-21-18 10036 Wild Turkey Row

Consideration of a Development Standards Variance from Section 3.2.4.B.5b of the R3-Residential Development Standards to exceed the maximum impervious surface area of 40% for site improvements.

Property owner Brian Ulmer and Dan from Perma Pools presented the Variance request for a pool and an all-paver decking. The impervious surface would be 50%.

Mr. Ferrucci opened the meeting to Public Comment. Seeing none, he closed the Public Comment portion of the meeting.

Andrew Magee presented the Staff Report. The home is located at Fox Hollow at Geist. The drainage would go into a retention pond, creek, and then into Geist. Staff recommends approval.

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There was no Committee discussion. Mr. Ferrucci asked for a Motion. Mr. Fain made a Motion to approve with the recording of the approval letter on the property, seconded by Mr. Stevenson. The Motion was approved, 3-0.

c. **Case # VA-21-20 - Mollel Perimeter Fence (10615 Aspen Drive)**

Consideration of a Variance of Development Standards (UDO Sec 6.18.2-B "Walls & Fences") to allow for an 8' perimeter fence in her rear yard.

Lillian Mollel presented the request for a variance to build an 8-ft. fence in her back yard to replace an existing 6-ft. fence. Mrs. Mollel has a special needs son who is non verbal and has run away before by climbing the fence. Ms. Mollel presented letters of support from neighbors and incident reports detailing the safety concerns for her son. Staff recommends approval.

In Committee discussion, Mr. Fain asked if her neighborhood HOA has approved. That approval is pending. Mr. Ferrucci noted that the HOA still has to approve the fence in addition to approval from the City.

Mr. Ferrucci asked for a Motion for VA-21-20. Mr. Stevenson made a Motion to approve with the recording of the BZA letter on the property, seconded by Mr. Fain. The Motion was approved, 3-0.

As there was no other business, the meeting was adjourned at 6:30 p.m.

Respectfully Submitted by:

Kay Prange, Recording Secretary