

CITY OF FISHERS  
BOARD OF ZONING APPEALS  
CITY HALL AUDITORIUM  
MINUTES  
August 25, 2021

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

A roll call was taken. Members present: Steve Ferrucci, Howard Stevenson, Tom Grinslade, and Rick Fain. Others present: Rodney Retzner, Megan Schaefer, Ross Hilleary, Bre King, Tyler Folk, Andrew Magee, Kay Prange, Steve Melton, Joe Nixon, Debbie Cook, Chris Schulhof, Mark Sadowski, Brendan Sadowski, Meagan Sadowski, Linda Fenimore, Amanda Sadowski, Eileen Dacanay, Seth Hartzell, Jeanne Albertson, Brooklyn Albertson, Nick Kell, Terence Ordone, Gordon Kritz, Kyle Chaudion, Matt Rollins, Toby Albertson, Joshua Rose, Donna Voss, Anderson Schoenrock, Amanda Cooper.

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 3-0. Mr. Fain abstained.

#### Public Hearings:

##### a. Case #VA-21-26 Twigs & Tea Outdoor Dining

Consideration of a Development Standards Variance from Figures 1.3. Supplemental Regulations Outdoor Dining of the Nickel Plate District Code to allow for outdoor dining for a boutique retail and tearoom.

Joe Nixon presented his disagreement with the Variance approval condition that the Impact Fee be paid. He noted that the disagreement over the fee be sorted out afterwards.

Mr. Ferrucci Opened the Public Hearing. Seeing no one present to speak, he closed the Public Hearing.

Ross Hilleary, Assistant Director of Planning and Zoning, presented the Staff Report. The three conditions of the Variance are:

1. **Applicable to the existing user (Twigs and Tea)**
2. **The Western part of the patio can be used with landscaping**
3. **The Impact Fees are to be paid**

In Committee discussion, Rodney Retzner noted that county court would be the next step.

Mr. Ferrucci asked for a Motion. Mr. Grinslade made a Motion to approve the Variance with all three (3) conditions. Mr. Stevenson seconded. The Motion was approved, 4-0.

##### b. Case #VA-21-27 – 11210 Fall Creek Rd Commercial Accessory Structure

Consideration of a Development Standards Variance from Article 6.2 Accessory Structure Standards of the City of Fishers Unified Development Ordinance (UDO) for the placement of an accessory structure.

Chris Schulhof, property owner, presented the Variance request for his commercial property. He noted that he has worked closely with the City in the past using his property as a temporary Fire Department structure while 116<sup>th</sup> and Brooks School Road Fire Station was being rebuilt. He stated that a member of Planning and Zoning told him he didn't need a permit for the storage structure. (Possibly Rick Brandau?) The building is almost done and is movable.

Mr. Ferrucci Opened the Public Hearing. Seeing no one present to speak, he closed the Public Hearing.

Andrew Magee, Planner I, presented the Staff Report. It was determined when the petitioner finally applied for a permit, it didn't meet the setback requirements. Photographs and dimensions were discussed. Staff has no recommendation for the Board.

**Mr. Ferrucci asked for a Motion. Mr. Fain made a Motion to approve the Variance with three (3) conditions:**

- 1. Limited to improvements already in place**
- 2. Recorded on the property**
- 3. Valid as long as it is not modified or relocated.**

**Mr. Stevenson seconded. The Motion was approved, 4-0.**

**c. Case #VA-21-28 – 12491 E 136<sup>th</sup> St Commercial Accessory Structure**

Consideration of a Development Standards Variance from Article 6.2 Accessory Structure Standards of the City of Fishers Unified Development Ordinance (UDO) for the placement of a commercial accessory structure.

Gordon Kritz of Stoeppelworth presented the Variance Request. The parking lots of the building were reviewed for other locations for the new trash structure and the one being presented is the only one that is workable. The Trash structure would be closer to the right of Way than the building itself.

**Mr. Ferrucci Opened the Public Hearing. Seeing no one present to speak, he closed the Public Hearing.**

Andrew Magee presented the Staff Report. The property has three frontages: 136th, Brooks School Road, and I-69. This makes the choice problematical but there is no other alternative. Staff Recommends approval.

**Mr. Ferrucci asked for a Motion. Mr. Grinslade made a Motion to approve the Variance with three (3) conditions.**

- 1. Limited to as presented**
- 2. Recorded on the property**
- 3. Valid as long as it is not modified or relocated.**

**Mr. Fain seconded. The Motion was approved, 4-0.**

**d. Case # VA-21-29 Schoenrock Pool & Patio**

Nick Kell with Family Leisure is requesting approval of a Development Standards Variance from UDO Sec. 3.2.3.B-5.a "Impervious Area of Lot (max)" to allow for an increase in maximum impervious surface coverage, thus permitting the construction of a new pool and subsequent site improvements. The subject site is located at 12170 Bridgewater Road, Fishers, IN 46265, south of Fall Creek and Brooks School Roads. The project manager is Nick Kell with Family Leisure.

Nick Kell of Family Leisure (11811 Pendleton Pike) presented the variance request for increasing the Impervious surface from 35% to 43% for a backyard pool and deck.

**Mr. Ferrucci Opened the Public Hearing. Seeing no one present to speak, he closed the Public Hearing.**

Ross Hilleary presented the Staff Report. The Maximum impervious surface is 35% per the UDO. Staff recommends approval.

**Mr. Ferrucci asked for a Motion. Mr. Stevenson made a Motion to approve the Variance with three (3) conditions.**

- 1. Limited to as presented**
- 2. Recorded on the property**

**Mr. Grinslade seconded the Motion. The Motion was approved 4-0.**

**e. Case #VA-21-30 Residential Chickens**

Consideration of a Use Variance from Sec 5.1.5 Permitted Use Table of the City of Fishers Unified Development Ordinance (UDO) for the husbandry of chickens on a lot zoned R3.

Amanda Sadowski (7778 Kylan Ct.) presented the request to Save our Chickens. She presented that allowing this is part of the Smart, Vibrant, and Entrepreneurial Fishers plan. She noted that concerns about disease will not be an issue with the sanitation plan that they use.

**Mr. Ferrucci Opened the Public Hearing.**

Jean Albertson (7769 Kylan)- She supports the Sadowskis. The chicken's areas are clean and there is no noise. She has lived there 21 years.

Meagan Sadowski (12578 Bentley Bd.)- She is supportive.

**Mr. Ferrucci Closed the Public Hearing.**

Bre King, Planner II, Presented the Staff report. The Variance request rose from an Anonymous complaint. 7 Neighbors are on record as supportive. Staff has no Recommendation for the Board. **If approved, the Conditions are as follows:**

- 1. 13 chickens limit (current population)**
- 2. No roosters**
- 3. Waste Removal**
- 4. Tied to current property owner**
- 5. Recorded on the property**

In Committee Discussion, Mr. Ferrucci asked about lot size. The property is in Sunblest Farms. Mr. Stevenson asked Mr. Sadowski if he agrees with the conditions. Mr. Sadowski agrees. Mr. Grinslade asked if it is a business in any way. Mr. Sadowski said no.

**Mr. Ferrucci asked for a Motion. Mr. Fain made a Motion to approve the Variance with all five (5) conditions. Mr. Stevenson seconded. The Motion was approved, 3-1.**

**f. Case #VA-21-31 Ordone Deck**

Terence Ordone is requesting approval of a Development Standards Variance from UDO Article 3.2., Sec. 3.2.3. R2 Residential District Standards, Line 5b. Impervious area of lot (max) to allow for an increase in maximum impervious surface coverage, thus permitting the expansion of an existing deck. The subject site is located at 13641 Lake Ridge Lane, Fishers, IN 46055, on the southeast side of Geist Reservoir, west of Olio Road. Parcel: 13-15-11-00-18-048.000

Mr. Terence Ordone presented his request for 4 additional feet of backyard deck space.

**Mr. Ferrucci Opened the Public Hearing. Seeing no one present to speak, he closed the Public Hearing.**

Tyler Folk, Planner 1, presented the Staff Report. The additional decking would raise the impervious surface to 44.5%. This is also replacing pre-existing decking. There have been no public comments. Staff Recommends approval.

**Mr. Ferrucci asked for a Motion for VA-21-31. Mr. Stevenson made a Motion to approve with the recording of the BZA letter on the property, seconded by Mr. Grinslade. The Motion was approved, 4-0.**

**New Business: none**

As there was no other business, the meeting was adjourned at 7:02 p.m.

Respectfully Submitted by:

  
Kay Prange, Recording Secretary