

**CITY OF FISHERS
BOARD OF ZONING APPEALS
CITY HALL AUDITORIUM
MINUTES
October 27, 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.

Member not present: NONE Others present: Rodney Retzner, Ross Hilleary, Kay Prange, Tracy Gaynor, Bre King, Scott Kunkel, Sue Anthony, Jack Follmar.

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. Grinslade. Mr. Ferrucci abstained as he was not at the previous meeting. The Minutes were approved 3-0-1.

Public Hearings:

a. Case #VA-21-37 Kunkel Drive Through - 13588 Bent Grass Ln, Fishers, IN 46038

Scott Kunkel is requesting approval of a Development Standards Variance from UDO Section 5.4.8.D.2.c to allow a drive through service to be less than 400 feet from a residential use. The subject site is generally located on the northeast side of 135th Street and State Road 37.

Scott Kunkel, with JSM Development Services presented the variance request to mitigate the impact of the drive-through service window with a landscape barrier/buffer. Two residential buildings are within 400 feet of the window location. Bre King, Planner II, presented the Staff Report. The location is within the Fishers Marketplace PUD. Staff Recommends approval with the additional buffer. When asked if the location could be moved elsewhere on the property, Ross Hilleary, Assistant Director of Planning and Zoning, clarified that the southside of the property or along Hwy. 37 is not a preferred location on the property. Steve Ferrucci clarified that the buffer would be made up of arbor vitae. Mr. Kunkel noted that a double row plus wall would be acceptable.

Mr. Ferrucci opened the Public Hearing portion of the meeting. Sue Anthony, Regional VP with Regency Windsor Mgmt. Co, noted that the 400 ft. variance would be a detriment to the apartment residents. It will decrease property value and their residents are long-term. Noise and lights are already at a high level due to Hwy. 37 construction, referencing an INDOT study. **Mr. Ferrucci closed the Public Hearing portion of the meeting.**

In Board member discussion, Mr. Stevenson likes the additional mitigation proposed.

Mr. Ferrucci asked for a Motion for VA-21-37. Mr. Fain made a Motion to approve the Variance with a Friendly amendment for voluntary 8 ft. landscaping wall with arbor vitae on both sides, with the Variance to be recorded on the property.

Mr. Grinslade seconded. The Motion was approved, 4-0.

Old Business **None**

New Business **None**

Staff Communication **None**

Board Signatures- Findings of Fact

Adjournment As there was no other business, the meeting was adjourned at 6:19 p.m.

Respectfully Submitted by:


Kay Prange, Recording Secretary