

**AVON BOARD OF ZONING APPEALS**  
**MEETING AGENDA**

**MEETING DATE:** July 20, 2017

**TIME:** 7:00 PM

**PLACE:** AVON TOWN HALL COUNCIL CHAMBERS

1. Call to order/Pledge of Allegiance
2. Roll Call/ Determination of Quorum
3. Approval of Minutes: June 19, 2017
4. Request for Continuances or Agenda Modifications: None
5. Public Comments: (Public may comment on items NOT on the Agenda)
6. Old Business: None

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7. New Business / Public Hearings:

**DOCKET # SE 17-02– BAPS Indianapolis – 350 N CR 900 E**

**Special Exception**

A request for approval of a special exception to allow a place of worship in a residential zoning district. The property is approximately 8.3 acres located at 350 N CR 900 E and is zoned R-2 (single family residential).

**PETITIONER:** BAPS Indianapolis

**Other Business:** Rules of Procedure  
Signatures

**Adjournment:**

**Next Meeting: August 17, 2017**

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of *Town of Avon*, should contact the *Town Administrative Offices* as soon as possible but no later than 48 hours before the scheduled event

**MINUTES  
FOR THE APRIL 20, 2017  
AVON BOARD OF ZONING APPEALS  
REGULAR MEETING**

- I. **Call to Order/Pledge of Allegiance – 7:03pm**
- II. **Roll Call/Determination of a Quorum** – In attendance were: Corey Herbert, Jeremy Eglen, Tara Shaver, Grant Niemeyer, and Paul Guckenberger as were Town Planner Jodi Dickey and Town Attorney Kent Minette.
- III. **Consideration of the minutes** – The March 16, 2017 regular meeting minutes were approved as presented.
- IV. **Requests for Continuances and Other Agenda Modifications – None**
- V. **Public Comments – None**
- VI. **Old Business – None**
- VII. **New Business:**

**VAR (U) 17-07 LifeWay Apostolic Church – Use Variance**

Jodi Dickey briefly presented the request and explained the history of the site and the previous use variance for a different church. She noted staff's recommendation is for approval.

Mr. Tim Bryan, pastor for LifeWay Apostolic, presented the request. He explained the church's history in the community and noted they need a temporary space until they can build their own worship facility. This space would fit their needs and they expect to occupy it for about two years. Pastor Bryan stated they would keep the modifications for building safety made by the previous occupant in place. The average weekly attendance is 51; the space accommodates 70. Pastor Bryan also presented letters from adjacent businesses willing to allow any overflow parking onto their lots.

Mr. Eglen asked if any of the adjacent businesses stated their opposition to LifeWay occupying the office building. Pastor Bryan answered in the negative.

The public hearing was opened at 7:15 PM. No one was present to speak on the appeal and the hearing was closed.

Mr. Guckenberger stated his opinion that there is a practical difficulty in improving the property and noted his appreciation that parking agreements were already in place.

Mr. Guckenberger made a motion to approve VAR(U) 17-07 as presented and with the following conditions:

- That the fire marshal inspects the space and LifeWay files a report to the Town prior to occupancy; and,
- The approval for the use variance expires within 24 months from the date of first occupancy

Mr. Niemeyer seconded and the motion passed unanimously.

**VIII. Other Business – None**

**IX. Adjournment – 7:22PM.**

**NEXT BOARD OF ZONING APPEALS MEETING  
Thursday May 18, 2017**

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**Corey Herbert– President**

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**Jodi Dickey - Secretary**

**SE 17-02 BAPS Indianapolis addition – 350 N CR 900E**

Planning & Building Department Staff Report

July 20, 2017 2017

Board of Zoning Appeals, Public Hearing

Jodi Dickey

- A. Petition Number: SE 17-02 BAPS Indianapolis addition
- B. Applicant: BAPS Indianapolis, LLC
- C. Location: The subject property is located at 350 N CR 900 E
- D. Parcel Size: The subject parcel is approximately 8.34 acres.
- E. Land Use and Zoning: The parcel is zoned R-2 (single family residential) and is the site of an existing worship facility. The existing structure was built in 2000, prior to annexation by the town.
- To the south property is zoned R-2 and is currently vacant (agricultural). To the west property is zoned HRH/YMCA PUD and contains medical and (upcoming) residential uses (Satori Flats). To the north properties are zoned RB (Hendricks County Prairie Manor subdivision) and contain single family residential uses. To the east property is zoned RB (Hendricks County) and contains unplatted single family residential uses.
- F. Action Requested: Grant a Special Exception to allow expansion of an existing worship facility. Places of Worship are listed as a Special Exception within the R-2 zoning district.
- Special Exceptions are those uses that, due to unique characteristics and/or potential adverse impacts to the immediate area or town as a whole, require a greater amount of scrutiny. That is the reason for this request.
- Staff recommends approval based on the findings of fact.
- G. History: The subject property was annexed in 2002 (Ord. 2002-04) and given an R-2 zoning designation at that time. When annexed, a worship facility was in place.
- H. Staff Comments: The specific proposal is construction of a 17,023 square feet addition to an existing 10,800 square feet facility. This addition is to accommodate the growth in membership the Temple has seen since first being established. The addition will wrap around the west and south sides of the current building.

The existing developed area (building, parking, drainage) comprises about ½ of the existing lot and is sited at the east end of the property (closer to CR 900 E). The proposed expansion will impact mainly the lawn area surrounding the current structure and some of the existing parking lot. The lot will be expanded to accommodate the additional parking needs. The appellant also indicates parking lot lighting will be added during these improvements. An existing playground will also be relocated to the east side of the building.

The current structure is a metal building with a stone water table and metal roof. As architectural drawings are still in production, a rendering of the finished building was not submitted with this application. Architecture is an element reviewed during the development plan review process. In the R-2 zoning district, architectural building materials are geared for residential buildings only; institutional uses do not have required materials. Chapter 4 (Development Plan Review) contains building material and design standards in certain areas only; this property lies outside of those areas.

The appellant's proposal indicates the existing detention pond is adequate to serve future drainage. This technical issue will be reviewed during the development plan review process.

The site has existing access from CR 900 E which should suffice for the anticipated increase in traffic.

I. Statutory Findings for a Special Exception:

The Board of Zoning Appeals shall approve, conditionally approve or deny Special Exceptions. A Special Exception may be approved under IC 36-7-4-918.2 only upon a determination in writing that:

***Note: the first 6 criteria must be met; the last 3 are additional items the Board may consider***

**Criterion 1: The requested Special Exception is listed as a Special Exception for the specific zoning district involved**

Places of Worship are listed as Special Exceptions in the R-2 zoning district.

Staff believes this criterion has been met.

**Criterion 2: Will the proposed use be detrimental to or endanger the public's health, safety, or general welfare:**

The proposed use will not be detrimental to the public's health, safety or general welfare. A place of worship has been on the subject property since 1999, with no known

adverse impacts or issues associated with the property or the use.

Staff believes this criterion has been met.

**Criterion 3: Will the proposed use be injurious to the use and enjoyment of other properties in the immediate vicinity or substantially diminish or impair property values within the specific zoning district?**

The proposed use will not be injurious to the use and enjoyment of other properties in the immediate vicinity or substantially diminish or impair property values within the specific zoning district. The existing use has been in place since 2010 without incident and the proposed expansion is a naturally anticipated result of increased membership. Staff believes this criterion has been met.

**Criterion 4: Will the proposed use be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer, and schools?**

The proposed use is currently adequately served with essential public services. The existing road network and site access should handle the expected number of visitors without additional improvements. The appellant indicates in his Letter of Intent that a fire suppression system will be installed with this remodel. Parking and drainage will be reviewed for compliance through the development plan approval process.

Staff believes this criterion has been met.

**Criterion 5: Will the proposed use create excessive additional requirements at public expense for public facilities and services, or be detrimental to the economic welfare of the community or result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance?**

The proposed use of the site will not require excessive additional services nor will it negatively impact any natural, scenic, or historic feature.

Staff believes this criterion has been met.

**Criterion 6: Have there been previous appeals to the BZA for this property within the last year? If so, how is this proposal substantially different?**

There have been no previous appeals to the BZA within the last year for this site.

Staff believes this criterion has been met.

***In addition to the above criteria, the Board may consider the following:***

**Criterion 7: Does the proposed Special Exception meet the requirements and standards of this ordinance and its relationship and compatibility to adjacent properties and neighborhoods?**

Although development plans have not been submitted as part of this appeal, it is important to note that a Special Exception is dealing with a use (that is permitted in the zoning district) and not a specific site plan. There are no particular bulk standards for non-residential uses within residential zoning districts, but the site meets lot size, setback, and lot coverage requirements.

As this proposal would simply expand an existing use, staff does not perceive the proximity to existing residential uses to be an issue.

The appellant does indicate that parking lot lighting will be added as part of the development proposal. Parking lot lighting is regulated as far as fixture type (full cut-off) and light trespass (0.10 footcandles onto adjoining residential properties) and will be reviewed through the development plan approval process. Because there are some existing homes directly adjacent to the north, board members may wish to discuss a condition of approval limiting hours the lot may be illuminated to help ensure the neighboring properties aren't unduly impacted.

**Criterion 8: Does the proposed Special Exception make adequate provision for public services, provide adequate control over vehicular traffic, provide for and protect designated common open space and further the amenities of light and air, recreation and visual enjoyment?**

The proposed use of the site should be adequately served through existing public services. Existing vehicular access to the site should be adequate to serve the proposed expansion, but necessary improvements will be required through the development plan approval process.

**Criterion 9: Is the proposed Special Exception in accordance with the general objectives of the Comprehensive Plan?**

The proposed Special Exception is in accordance with the general objectives of the Comprehensive Plan. The Future Land Use Map (Map) contemplates commercial uses in this area. It should be noted that the Map highlights future desirable uses and does not rezone property. Places of Worship, however, are permitted in both residential and commercial zoning districts

**CONDITIONS**

Per IC 36-7-4-918.5, the Board may impose reasonable conditions as a part of the Board's approval.

J. Recommendation:

Staff recommends approval of SE17-02.





SE17-02 BAPS Indianapolis – 350 N. CR 900 E  
Location Map

## Sample BZA Motion

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AVON BOARD OF ZONING APPEALS

Approval of a Special Exception

**Case Number: SE 17-02, BAPS Indianapolis – 350 N. CR 900 E**

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I move that we **approve** SE 17-02, a Special Exception to allow a place of worship in an R-2 District as **having** satisfied the requirements for Special Exceptions under state law and subject to the approved Findings of Fact.

**FINDINGS OF FACT  
SPECIAL EXCEPTION  
BOARD OF ZONING APPEALS  
AVON, INDIANA**



Project Name: PROPOSED ADDITION BAPS INDIANAPOLIS

Requested Variance: CONSTRUCT AN ADDITION TO AN EXISTING CHURCH IN R-2 ZONE

The petitioner seeking a variance from the development standards before the Avon Board of Zoning Appeals must answer the following nine (9) questions and provide any documentation that may support the findings. (These may serve as the basis for the written Findings of Fact for this petition)

- 1. Is the requested use listed as a special exception for the specific zoning district involved as specified?  
YES
- 2. Will the proposed use be detrimental to or endanger the public's health, safety, or general welfare?  
NO
- 3. Will the proposed use be injurious to the use and enjoyment of other properties in the immediate vicinity or substantially diminish or impair property values within the specific zoning district?  
NO
- 4. Will the proposed use be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools?  
YES
- 5. Will the proposed use create excessive additional requirements at public expense for public facilities and services, or be detrimental to the economic welfare of the community or result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance?  
NO
- 6. Have there been previous appeals to the BZA for this property within the last year? NO If yes, please specify case number and date. If yes, state how the proposed use is substantially different from the prior requested use.
- 7. Does the proposed special exception meet the requirements and standards of this ordinance and its relationship and compatibility to adjacent properties and neighborhoods?  
YES
- 8. Does the proposed special exception make adequate provision for public services, provide adequate control over vehicular traffic, provide for and protect designated common open space and furthers the amenities of light and air, recreation and visual enjoyment?  
YES
- 9. Is the proposed special exception in accordance with the general objectives of the comprehensive plan?  
YES

**Person Completing This Form:**

Printed Name: RICHARD L. BATTERSUELL Signature: Richard L. Battersuell  
Title: PROJECT ARCHITECT Telephone Number: 1-317-745-6995

**LETTER OF INTENT**  
**BAPS Indianapolis**  
**Shri Swaminarayan Mandir**  
**Building Addition**

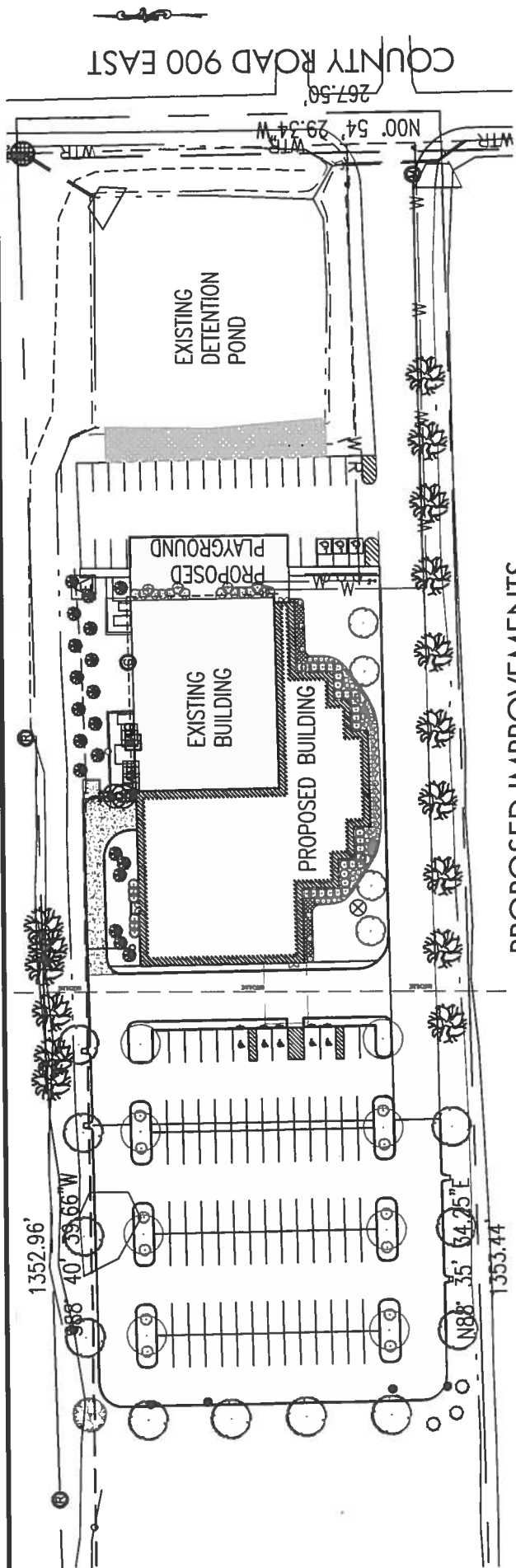
BAPS Indianapolis Shri Swaminarayan Mandir (BAPS Indianapolis) is an existing Temple situated on an 8.4 acre site located at 350 North County Road 900 East in Avon, Indiana. The development is a special exception within an R-2 single-family residential district. The congregation has grown over the years and now wishes to expand to accommodate their current and foreseeable future needs. The site is south and adjacent to the existing Prairie Manor residential subdivision on the west side of CR 900 East, between U.S. 36 and CR 100 North. The closest intersection is 0.3 miles to the south at CR 900 East and U.S. 36. The existing facility was approved and constructed in 1999 as "Living Hope Christian Fellowship". The site is partially developed with an existing 10,800 square-foot temple and associated 69,880 square-feet of parking lot and associated play area.

The proposed BAPS Indianapolis site improvements consist of the construction of a 17,023 square foot expansion to the existing 10,800 square foot Temple, along with associated additional required parking. The parking lot is currently not illuminated; however, parking lot lighting will be installed with the proposed improvements. The proposed addition will be protected by a fire suppression sprinkler system and the existing building will be remodeled with the installation of a sprinkler system as well. The proposed improvements will not affect the drainage flow paths, or amount of runoff from the site. The runoff from the additional parking and building area will continue to be routed into the existing north and south swales, then flowing east into the retention pond per original approved master plan.

The proposed improvements will not be detrimental to, or endanger the public's health and safety, or be injurious to the use and enjoyment of other properties in the vicinity. The site is adequately served by County Road 900 East and U.S. 36, and by the existing electric water and sewer utilities adjacent to the site. It is my opinion that this development under its current use, meets the requirements for a special exception within the current R-2 district.

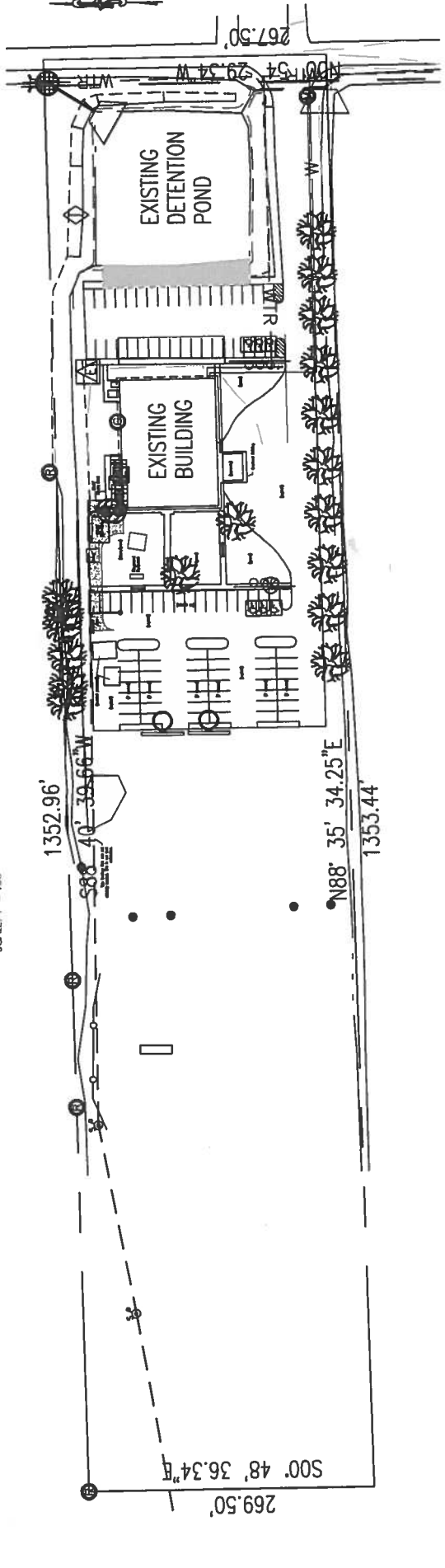
Respectfully,

Richard L. Battershell



**PROPOSED IMPROVEMENTS**

SCALE: 1" = 150'



**EXISTING CONDITIONS**

SCALE: 1" = 150'

DATE: 6-19-2017  
SCALE: AS NOTED

PROPOSED ADDITION  
BAPS INDIANAPOLIS  
SHRI SWAMINARAYAN MANDIR  
350 N.C.R. 900 E, AVON, INDIANA 46123

**CURRY & ASSOCIATES, INC.**  
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