



Minutes for the March 17, 2022 Town of Avon Board of Zoning Appeals Regular Meeting

I. **Call to Order– 7:00 PM**

II. **Roll Call/Determination of a Quorum –**

In attendance were board members:

Paul Guckenberger, Anne Inman, Kathryn Ransburg, Marci Taschler and Marcus Turner

Staff members in attendance included:

Ian Loera, Mitchell Ray, Jared Wade, and Daniel Lorentz

III. **Consideration of Minutes**

Kathryn Ransburg moved to approve minutes of the February 17th, 2022 meeting as submitted. Anne Inman seconded. The motion passed 5-0 by a voice vote.

IV. **Requests for Continuances and Other Agenda Modifications – None**

V. **Old Business – None**

VI. **New Business –**

SE 22-02 Love It Sew–

Mr. Loera presented his staff report. He explained where the site was located what it was zoned, the specifics of the property, and the surrounding properties land uses. He also explained that there was a DPR petition on file for the site. He explained that this is the property 891 N Avon Ave and that is located directly south and is located. He explained to the board that in the ordinances permitted use table, the land use classification “Retail Good Establishments under 5,000 square feet of floor area” are only permitted in the C-4 zoning district by special exception. Staff finds this proposal to be consistent and conducive to the surrounding land uses. The purpose statement of the C-4 zoning district explains that it is intended to serve as a transition between residential and more intense commercial development. Staff believes that the proposed development accomplishes the intent of the district exceptionally well. Staff recommends approval subject to the approval of a Development Plan Review petition.

Board had question about square footage. A discussion was had about retail uses in C-4 districts.

Board had questions about if multiple buildings could fit on the lot. Staff clarified that the size of the building would fit well in the site.

Staff clarified that it is not the square footage that necessitates the special exception rather the retail use.

There was a discussion about the specifics of parking, and the driveway.

The appellant Andy Cult of Comer Law office at 71 W Marion Street, Danville, Indiana was called up to speak. He explained why the board was here to approve this special exception. He said that in C-4, retail under 5000 square feet could be an appropriate use and it could be an inappropriate use. That's why it requires a special exception under the ordinance. He explained that there are some permitted uses in C-4 that he claimed would not be as favorable as this sewing business. Parcel has been undeveloped for 19 years of being in the town. He also claimed this is a good opportunity to develop this infill lot.

Public Comment was opened at 7:22

Ed Budd of 7068 Bridgemont Court, Avon, Indiana came forward to speak. He expressed concerns about property east of Hendricks County Bank. He wanted to know if he would get a letter if anything were to be developed there and if tonight's special exception effected that lot. Staff answered his questions and concerns.

Public Comment was closed at 7:27

Board asked Mr. Cult if he had received any complaints about the case. He said just the president of the Hendricks County Bank wanted to see the lot layout but that was the only communication he had received.

Board had questions about the site and its specifics.

Darlene Phillips of 802 Charing Cross answered some of the board's site-specific questions and about the interior design and specifics of the store.

Board said that the one concern was the ingress egress but after seeing the site map they thought it would be a good transitional use and fits well with the comprehensive plan.

Paul Guckenberger moved to approve the special exception subject to an approved Development Plan Review petition on the site. Kathryn Ransburg seconded. The motion passed 5-0 by roll call vote and the special exception was approved.

VII. **Other Business --**

Signatures

VIII. **Public Comment –**

Steve Eisenbarth of 7599 Foxtail Circle, Avon, Indiana came up to speak and said that he was pleased with the work that the board was doing.

IX. **Adjournment --**

Meeting was adjourned at 7:40 PM.

NEXT BOARD OF ZONING APPEALS MEETING

April 21, 2022

Marcus Turner – Chair

Ian Loera – Secretary

Ann Inman – Vice Chairman

Paul Guckenberger

Kathryn Ransburg

Marci Taschler