



## Avon Board of Zoning Appeals Meeting Minutes for April 21, 2022 at 7:00 PM at Avon Town Hall

4/21/2022 - Minutes

### 1. Start Of Meeting

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
  1. Board members present included Paul Guckenberger, Kathryn Ransburg and Marci Taschler.
4. Determination of a Quorum
5. Interim Chair
  1. Both the Chair and Vice Chair of the Board of Zoning Appeals were absent from this meeting. Secretary of the Board, Ian Loera, began the meeting and asked the board to elect an interim chair to preside over the meeting. Paul Guckenberger nominated Kathryn Ransburg to be Interim Chair. Marci Taschler seconded. Motion carries 3-0.
  2. Mitchell explained the logistics of only having 3 board members present. He recommended that the Board ask the appellants whether they would like to go forward with their hearings or if they would prefer to be continued.

### 2. Approval Of Minutes

#### 2.1. March 17, 2022 Regular Meeting Minutes

Paul Guckenberger moved to approve the minutes. Marci Taschler seconded. Motion carries 3-0 by voice vote.

### 3. Request For Continuances Or Agenda Modifications

### 4. Old Business

### 5. New Business (Public Hearings)

#### 5.1. VAR 22-02: Bubba's 33 Parking

Board asks the appellant if they would like to move forward with the appeal. The appellant agreed to be heard.

Senior Planner, Ian Loera provided information regarding the case, including its location zoning, surrounding properties and land uses, as well as the history of the area. He explained that the appellant has a development plan review petition on file to be heard by the plan commission. Mr. Loera explained the nature of the variance, and the ordinance that creates challenges for the appellant. Staff finds that the proposal is harmonious with surrounding properties. Adjacent property, Harvest Landing Lot 7

property was also granted the same variance to have 4 rows of parking in a front yard. Directly south of the development are several car dealerships with many more rows of parking. He showed the proposed site plan and compared it with Harvest Landing Lot 7. They both have 4 rows of parking facing 36 and will fit in together harmoniously. Staff argues that the standard in the ordinance does not take into account 2 frontages and makes it difficult for the development to fit in their parking. Staff recommends approval subject to the condition that no more than 4 rows of parking will be permitted in the front yard.

Brandon Goldberg of 21 S Evergreen Avenue, Arlington Heights, Illinois stated that he is here to answer any questions and is looking forward to development plan review comments. He answered board questions about the land use stating that it is a restaurant, a franchise of Texas Roadhouse that specializes in pizza, beer and burgers and there will be sports bar and outdoor patio. He claimed that they plan to use every parking stall and that this parking configuration is very standard for Bubba's.

Public comment opened at 7:15 PM, subsequently closed at 7:15 PM with no one coming forward to speak.

Board members discussed that it met the criteria for variances, and was continuous with the Harvest Landing Lot 7 development.

Marci Taschler moved to approve variance subject to the condition that no more than 4 rows of parking would be permitted. Paul Guckenberger seconded. Motion passes 3-0 and the variance is granted.

## 5.2. VAR 22-03: Ziggi's Coffee Illuminated Signage

The appellant said they wish to have their hearing.

Mr. Loera explained information regarding the site including location, zoning, surrounding properties and land uses, as well as the history of the area. He showed where the signs at the site are proposed to be located. He showed a zoning map showing that the site was zoned commercially but completely surrounded by residential zoning. He shared that there is a development plan review on file scheduled to be heard on 4/25/2022 by the plan commission. Staff explained the standard that the appellant is requesting a variance from, and the standard's intent. Staff made comments on about how adjacent land uses will be effected by the potential approval of this variance. Staff said he went on site and many of the neighborhoods are well screened by roundabout, perimeter, and natural landscaping. Staff asserts that the location constitutes a practical difficulty as it is completely surrounded residential districts. Staff is concerned with illuminated signage on the southwestern side. Staff recommends approval of the appeal subject to the condition that 1. The southwest façade wall sign shall not be permitted to be illuminated and 2. A lighting timer shall shut off all illuminated signage from 10:00 PM to 6:00 AM.

Board had concerns about Landscaping at Pine Tree Estates subdivision. They discussed the potential about tying in a condition about the landscaping trees at Pine Tree Estates.

Town attorney clarified some of the logistics about tying in conditions with another property.

Board discussed the potential of sign design. such as the coloring of the lettering and the backdrop portion of the sign

Board discussed specifics of the proposed signs on the site. So far there seems to be wall signs, a ground sign and a menu board proposed.

Kelli Singleton, the appellant of 557 Northfield Road Plainfield, Indiana came forward to speak. She stated that she appreciated the board for hearing the case. and that she is happy to comply with staff condition on the southwest side of the building. She expressed concern that sign would look burnt out if it wasn't permitted to be on so that will be a consideration for them in what kind of sign they will install. She is in favor of a timer for the sign. She also expressed not wanting to disturb the neighbors. Notices were sent to surrounding property owners and no response was received from surrounding property owners regarding the variance.

Board had questions about patio seating and the menu board.

A discussion was held about hours of operation and what hours the signage should be permitted to remain on.

There were questions about the sign's design specifics and about externally illuminated signage versus internally illuminated signage.

Public Comment was opened at 7:50 PM

William Golder of 1110 Brookside Court, Avon, Indiana came forward to speak. He claimed that the back of his home faces where Ziggi's plans on building the development. He stated that he is against the whole project and expressed concerns about traffic at the roundabout. He is concerned about warehouse tractor trailers, school buses, and people going for work will cause a lot of traffic. He said he would rather see a dog park there and that there are plenty of places to buy coffee already. He stated the area is primarily residential.

Dianne Golder also came forward to speak from 1110 Brookside Court, Avon, Indiana She said she has nothing against a coffee shop. She expressed concerns that the development is in a residential area and will bring an abundance of traffic, dust and dirt. She said they already hear a lot of noise from trucks, cars and emergency vehicles and that Dan Jones is expected to be expanded as well. She stated this is the wrong area for a coffee shop and there is not enough space.

Public comment was closed at 7:54 PM.

The board discussed that this variance is premature before the approval of a development plan review petition. They discussed that it would probably be best to continue the appeal until next month. Continuing would bring more clarity to the appeal.

The appellant Kelli Singleton requested to continue the appeal.

Paul Guckenberger moved to continue the variance. Marci Taschler seconded. Motion carries 3-0 and variance is continued to the next meeting.

**6. Other Business**

**7. Public Comment**

**8. Adjournment**

Meeting was adjourned at 7:58 PM

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**Marcus Turner – Chair**

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**Ian Loera – Secretary**

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**Ann Inman – Vice Chair**

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**Paul Guckenberger**

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**Kathryn Ransburg**

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**Marci Taschler**

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.

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Meeting: 05/19/2022