

AVON BOARD OF ZONING APPEALS
MEETING AGENDA

MEETING DATE: March 19, 2020
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: November 21, 2019, January 16, 2020 annual training
 4. Request for Continuances or Agenda Modifications: **Flora Brothers continuance request**
 5. Old Business: None
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6. New Business / Public Hearings:

DOCKET # VAR 20-01 – Avon Schools – 7203 E US Highway 36
Development Standards Variance

A request for approval of a development standards variance to allow more than one principle building on a single lot. The property is approximately 26.96 acres located at 7203 E US Highway 36. The property is zoned R-1 and is within Tier 2 of the US Highway 36 Overlay District.

PETITIONER: Veridus Group/Avon Schools

DOCKET # VAR 20-03 – WS Gibbs Memorial Park – 4481 Gibbs Road
Development Standards Variance

A request for approval of a development standards variance to allow parking without concrete curbing. The property is approximately 140.21 acres located at 4481 Gibbs Road. The property is zoned AG.

PETITIONER: Hendricks County Park and Recreation Department

The appellant has requested a continuance of the following 7 cases to the April 16th regular meeting.

DOCKET # VAR 20-02 – Flora Brothers Painting – 1834 S CR 1050 E
Development Standards Variance

A request for approval of a development standards variance to allow more than one principle building on a single lot. The property is approximately 1.83 acres located at 1834 S CR 1050 E. The property is zoned I-1 and lies within the Ronald Reagan Corridor Overlay District.

PETITIONER: Flora Brothers Painting

DOCKET # VAR 20-04 – Flora Brothers Painting – 1834 S CR 1050 E
Development Standards Variance

A request for approval of a development standards variance to allow an accessory structure larger than primary. The property is approximately 1.83 acres located at 1834 S CR 1050 E. The property is zoned I-1 and lies within the Ronald Reagan Corridor Overlay District.

PETITIONER: Flora Brothers Painting

DOCKET # VAR 20-05 – Flora Brothers Painting – 1834 S CR 1050 E

Development Standards Variance

A request for approval of a development standards variance to allow parking in excess of maximum amount. The property is approximately 1.83 acres located at 1834 S CR 1050 E. The property is zoned I-1 and lies within the Ronald Reagan Corridor Overlay District.

PETITIONER: Flora Brothers Painting

DOCKET # VAR 20-06 – Flora Brothers Painting – 1834 S CR 1050 E

Development Standards Variance

A request for approval of a development standards variance to allow a reduction in landscape buffer. The property is approximately 1.83 acres located at 1834 S CR 1050 E. The property is zoned I-1 and lies within the Ronald Reagan Corridor Overlay District.

PETITIONER: Flora Brothers Painting

DOCKET # VAR 20-07 – Flora Brothers Painting – 1834 S CR 1050 E

Development Standards Variance

A request for approval of a development standards variance to allow alternative building materials and architecture. The property is approximately 1.83 acres located at 1834 S CR 1050 E. The property is zoned I-1 and lies within the Ronald Reagan Corridor Overlay District.

PETITIONER: Flora Brothers Painting

DOCKET # VAR 20-08 – Flora Brothers Painting – 1834 S CR 1050 E

Development Standards Variance

A request for approval of a development standards variance to allow a structure to exceed the required build-to line. The property is approximately 1.83 acres located at 1834 S CR 1050 E. The property is zoned I-1 and lies within the Ronald Reagan Corridor Overlay District.

PETITIONER: Flora Brothers Painting

DOCKET # VAR 20-09 – Flora Brothers Painting – 1834 S CR 1050 E

Development Standards Variance

A request for approval of a development standards variance to allow the use of gravel for a parking area. The property is approximately 1.83 acres located at 1834 S CR 1050 E. The property is zoned I-1 and lies within the Ronald Reagan Corridor Overlay District.

PETITIONER: Flora Brothers Painting

Other Business: Signatures

Public Comments: (Public may comment on items NOT part of a public hearing)

Adjournment

Next Meeting: April 16, 2020

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

VAR 20-01 White Oak and Maple Elementary school campus

Planning & Building Department Staff Report

March 19, 2020

Board of Zoning Appeals, Public Hearing

Jodi Dickey

- A. Petition Number: VAR 20-01, White Oak and Maple elementary school campus
- B. Applicant: Veridus Group
- C. Location: The property is located south of US 36 and just north of the CSX rail yard and is addressed as 7237 E. US 36.
- D. Parcel Size: The subject parcel is 26.96 acres
- E. Land Use and Zoning: The parcel is zoned R-1, lies within Tier 2 of the US Highway 36 Overlay District, and contains two elementary school buildings and associated accessory structures. Properties surrounding the site to the north are zoned C-2 and contain commercial uses. To the east and south, property is zoned I-2 and contains industrial uses (Harlan Bakeries and CSX). To the west, property is zoned R-1 and contains the school's bus transportation facility.
- F. Action Requested: Grant a Variance of Development Standards from the number of buildings on a lot (Chapter 13, Section 13-1, 1). This section states,
"except in the case of a unified development located in a C-4 Office District, I-4 Industrial Park District, or SC Shopping Center District, no more than one principal use and no more than one principal building may be located on a single lot of record or a single zoning lot."

The appellant wishes to remodel and expand the existing school buildings, which are located on a single lot which is zoned R-1. Doing so will nullify the existing "grandfather" status that currently allows these buildings on the subject lot.
That is the reason for this request.
- G. History: This is the first request for this property before the BZA.
- H. Staff Comments: The subject property is a single parcel of approximately 27 acres.

There are currently two elementary school buildings and accessory structures on site. The appellant proposes to redevelop part of the property, adding on to Maple elementary school and reconfiguring parking and vehicular access.

Access to the site is currently via US 36 and Avon Avenue. Part of reconfiguring the vehicular access is separating automobiles from school buses.

The subject property is considered to be legal non-conforming. The development was initially approved through Hendricks County and was annexed into Avon with the existing structures already built. A legal, non-conforming use or structure may continue but may not be altered or enlarged so as to increase the nonconformity. Because the appellant is proposing to enlarge one of the existing structures, the property will lose its legal non-conforming status (per Chapter 6, Section 6-5, 2).

Staff recommends approval of this variance request.

I. Statutory Findings for Variance of Development Standard:

The Board of Zoning Appeals shall approve, conditionally approve or deny variances from the development standards (such as height, bulk, or area) of the Avon Zoning Ordinance. A variance may be approved under IC 36-7-4-918.5 only upon a determination in writing that:

Criterion 1: The approval will not be injurious to the public health, safety, morals, and general welfare of the community

Granting a variance to allow the site to function much as it does today should not be injurious to the health, safety, and welfare of the community. In fact, with the proposed redevelopment, staff believes the site will function more efficiently (in terms of vehicular circulation) than before. Staff considers this criterion to be met.

Criterion 2: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner

Granting this variance should not adversely affect adjacent property uses or values. This site has been home to the two schools and their operations for several years and adjacent neighbors are well acclimated to those uses. Staff considers this criterion to be met.

Criterion 3: The strict application of the terms of the Avon Zoning Ordinance will result in practical difficulties in the use of the property

The property and structures were approved under Hendricks County and are legal non-conforming under Avon's regulations. If the ordinance were strictly applied to the site, it is unlikely needed improvements could be made without requiring rezoning, platting, or additional variances. Staff considers this criterion to be met.

Criterion 4: The variance requested is the minimum necessary

The variance requested is the minimum necessary (allow two buildings on one site) for site redevelopment. The appellant is not requesting to allow additional new buildings, simply to add on to an existing structure. Staff considers this criterion to be met.

Criterion 5: The need for the variance is not caused by the owner, previous or present

The need arises from the legal non-conforming status of the site and structures. Were this not a non-conforming site, the appellant would have the ability to expand or redevelop the site. Staff considers this criterion to be met.

CONDITIONS

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

J. Recommendation:

Because the appellant has met the findings of fact for all five criteria, Staff recommends approval of VAR 20-01, request for a variance from the number of buildings on a lot (Chapter 13, Section 13-1, 1).

VAR 20-01 White Oak/Maple school campus
7237 E. US Highway 36
Location Map



Sample BZA Motion

AVON BOARD OF ZONING APPEALS

Approval of a Variance of Developmental Standard

Case Number: VAR 20-01 White Oak and Maple Elementary campus

I move that we **approve** VAR 20-01, a variance of development standard to allow more than one building on a single lot as **having** satisfied all the requirements for variances under state law and subject to the approved Findings of Fact.

VAR 20-03 W.S. Gibbs Memorial Park
Planning & Building Department Staff Report
March 19, 2020
Board of Zoning Appeals, Public Hearing
Jodi Dickey

- A. Petition Number: VAR 20-03, Gibbs Park
- B. Applicant: Hendricks County Parks and Recreation
- C. Location: The property is located at the intersection of Gibbs Road and Liberty Trail and is addressed as 4521 Gibbs Road.
- D. Parcel Size: The subject parcel is approximately 140 acres
- E. Land Use and Zoning: The parcel is zoned AG (agricultural), and is being developed as a park. Properties surrounding the site on the north and east are also zoned AG and contain farm land and large lot single-family uses. To the west and south, property is within Hendricks County jurisdiction and is zoned AGR.
- F. Action Requested: Grant a Variance of Development Standards from the requirement that parking lots have perimeter curbs (Chapter 15, Section 15-4, A). This section states, "off street parking lots or areas shall provide concrete curbing along perimeter of the parking area and along any interior island. Where drives cross the perimeter of a parking lot, curbing shall be one (1) inch in height (see Town of Avon standards)."
- The appellant is seeking approval to construct a new county park in the southwest area of Avon. Phase I includes five parking lots, all proposed to have no curbs. That is the reason for this request.
- G. History: This is the first request for this property before the BZA.
- H. Staff Comments: The subject property is a single parcel of approximately 140 acres.
- Hendricks County Parks and Recreation department is proposing to construct a nature-oriented park on the subject property. Currently the land is a mix of agricultural fields and wooded areas. The park is being developed in phases, with Phase 1 containing mostly infrastructure improvements

– roads, retention ponds, parking, and trails. The parks department would like to eliminate concrete curbing as it is an unnecessary expense and is not needed. Concrete wheel stops will be installed to prevent cars from inadvertently driving on grassed areas.

Staff recommends approval of this variance request.

I. Statutory Findings for Variance of Development Standard:

The Board of Zoning Appeals shall approve, conditionally approve or deny variances from the development standards (such as height, bulk, or area) of the Avon Zoning Ordinance. A variance may be approved under IC 36-7-4-918.5 only upon a determination in writing that:

Criterion 1: The approval will not be injurious to the public health, safety, morals, and general welfare of the community

Granting a variance to remove the parking lot curbing requirement would not be injurious to the general health, safety, and welfare of the community. The parks department will be installing wheel stops so there should be no specific safety concerns.

Staff considers this criterion to be met.

Criterion 2: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner

Granting this variance should not adversely affect adjacent property uses or values. The parking lots are all internal to the park site and will be used by park visitors only. Staff considers this criterion to be met.

Criterion 3: The strict application of the terms of the Avon Zoning Ordinance will result in practical difficulties in the use of the property

The appellant indicates the required curbing would interfere with the desired natural setting of the park and would add unnecessary costs to develop the site. Staff concurs and considers this criterion to be met.

Criterion 4: The variance requested is the minimum necessary

The variance requested is the minimum necessary for site redevelopment. The parks department is not seeking relief from any other design and development standard. Staff considers this criterion to be met.

Criterion 5: The need for the variance is not caused by the owner, previous or present

The appellant states the need arises from a unique situation regarding the expense of installing unnecessary curbing. There is no physical reason why curbing should be required in this particular situation. Staff considers this criterion to be met.

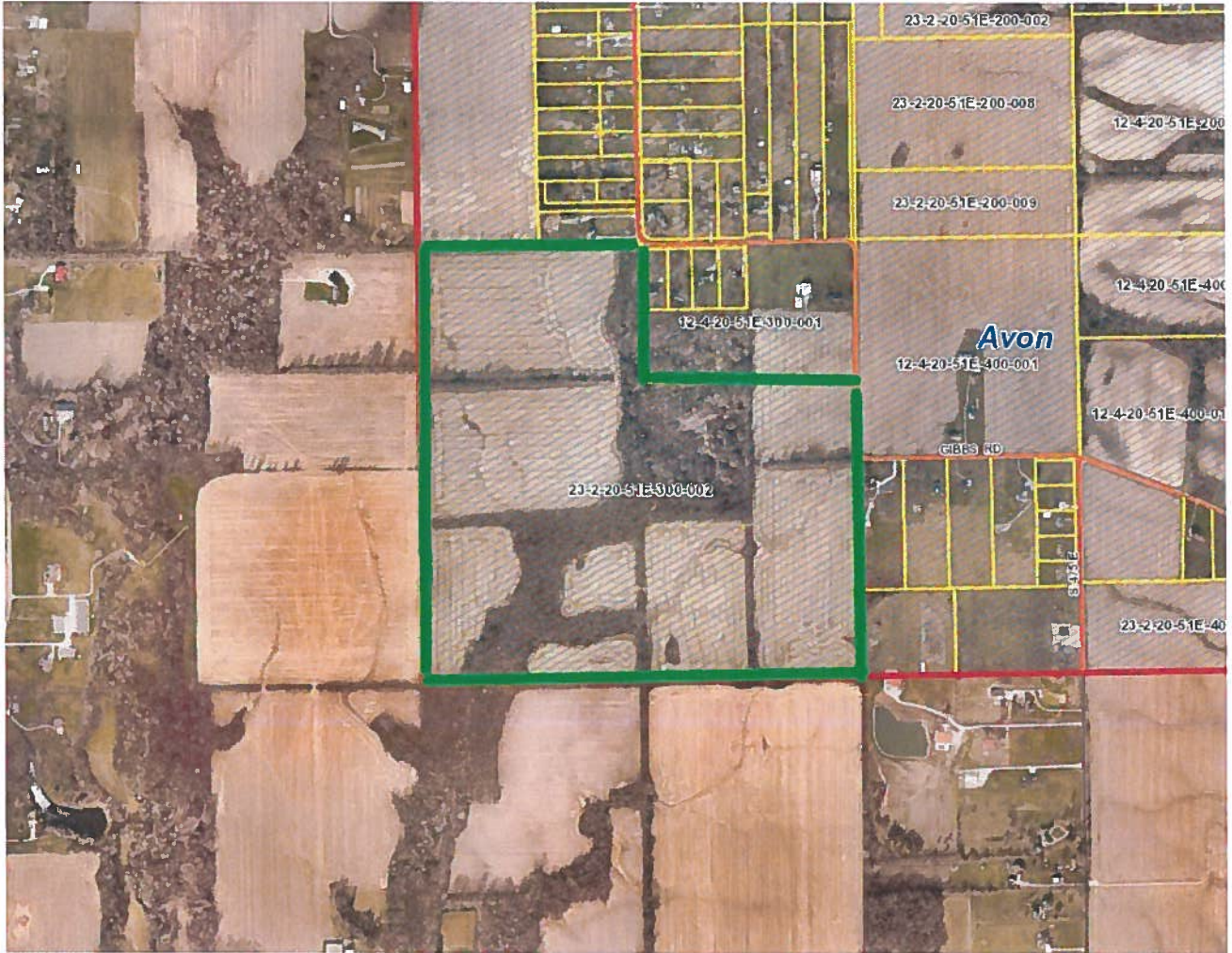
CONDITIONS

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

J. Recommendation:

Because the appellant has met the findings of fact for all five criteria, Staff recommends approval of VAR 20-03, request for a variance from the number of buildings on a lot (Chapter 15, Section 15-4, A).

VAR 20-03 Gibbs Park
4521 Gibbs Road
Location Map



Sample BZA Motion

AVON BOARD OF ZONING APPEALS

Approval of a Variance of Developmental Standard

Case Number: VAR 20-03 Gibbs Park

I move that we **approve** VAR 20-03, a variance of development standard to allow parking lots without curbs as **having** satisfied all the requirements for variances under state law and subject to the approved Findings of Fact.