

AVON BOARD OF ZONING APPEALS
MEETING AGENDA

MEETING DATE: April 16, 2020

TIME: 7:00 PM

PLACE: REMOTEELY and AVON TOWN HALL COUNCIL CHAMBERS

1. Call to order
2. Roll Call/ Determination of Quorum
3. Approval of Minutes: November 21, 2019, January 16, 2020 annual training, No March mtg.
4. Request for Continuances or Agenda Modifications: Flora Brothers requests
5. Old Business: None

6. New Business and/or Public Hearings

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 until June 18th for the following items:

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.
PETTONER: 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.
PETTONER: 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.
PETTONER: Flora Brothers Painting

Other Business: Signatures

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

Adjournment

Next Meeting: May 21, 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

**MINUTES
FOR THE NOVEMBER 21, 2019
AVON BOARD OF ZONING APPEALS
REGULAR MEETING**

- I. Call to Order/Pledge of Allegiance – 7:00 PM**
- II. Roll Call/Determination of a Quorum** – In attendance were: Charles Bischoff, Corey Herbert, Grant Niemeyer, and Jeremy Eglen as were Town Planner Jodi Dickey and Town Attorney Mitchell Ray.
- III. Consideration of the minutes** – Minutes from the August 15 and October 17, 2019 meetings 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 19-16 O'Reilly Automotive – Development Standards Variance

Jodi Dickey briefly presented the request for staff. She noted there are actually two requests for this one case. The first is to allow a smaller side yard setback and to allow a loading space to face a front yard (Cobblesprings road). She discussed the relevant criteria and noted staff's recommendation for approval of both requests because criteria for all findings have been met.

Robert Dietz, representing O'Reilly, spoke briefly regarding the proposal. He explained the reduction in setback is due to the requirement to add brick to the building, which increased the size just enough to cause it to encroach into the northern side yard setback. The business receives product by truck, which makes deliveries between 6 and 10 PM and to have enough maneuvering room, the loading area needs to face Cobblesprings Road.

Mr. Bischoff asked if there is a concern about vehicles accidentally driving onto the subject property from the north, as the two parking lots are now very close together. Mr. Dietz responded in the negative.

The public hearing was opened at 7:11 PM. No one was present to speak regarding the appeal and the hearing was closed.

Mr. Eglen discussed the required findings and stated his agreement that both requests meet all five criteria for approval.

Mr. Eglen made a motion to approve VAR 19-16 as presented. Mr. Niemeyer seconded and the motion passed 4-0.

VIII. Other Business – Signatures

IX. Adjournment – 7:19 PM.

NEXT BOARD OF ZONING APPEALS MEETING
Thursday December 19, 2019

Corey Herbert– Chair

Jodi Dickey - Secretary

**MINUTES
FOR THE JANUARY 16, 2020
AVON BOARD OF ZONING APPEALS
REGULAR MEETING**

- I. **Call to Order/Pledge of Allegiance – 7:00 PM**
- II. **Roll Call/Determination of a Quorum** – In attendance were: Charles Bischoff, Corey Herbert, Grant Niemeyer, and Anne Englehart as were Town Planners Jodi Dickey and Desire Irakoze, as well as Town Attorney Tyler Nichols.
- III. **Consideration of the minutes** – None
- IV. **Requests for Continuances and Other Agenda Modifications** – None
- V. **Public Comments** – None
- VI. **Old Business** – None
- VII. **New Business**

Annual training was conducted. Types of cases were discussed as was how to establish appropriate conditions that rationally relate to the case at hand.

Members asked about potential rule changes:
 - 1. Allowing voice vote for all cases as opposed to calling role;
 - 2. Removing the last three findings from special exception cases;
 - 3. Removing the last two findings from development standard variances; and,
 - 4. Moving public comment to the end of the agendaStaff was directed to bring proposed modifications to a future meeting for discussion.

- VIII. **Other Business** – none
- IX. **Adjournment** – 8:15 PM.

NEXT BOARD OF ZONING APPEALS MEETING
Thursday February 20, 2020

Corey Herbert– Chair

Jodi Dickey - Secretary

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)."
G. History	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.
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.

1. 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.

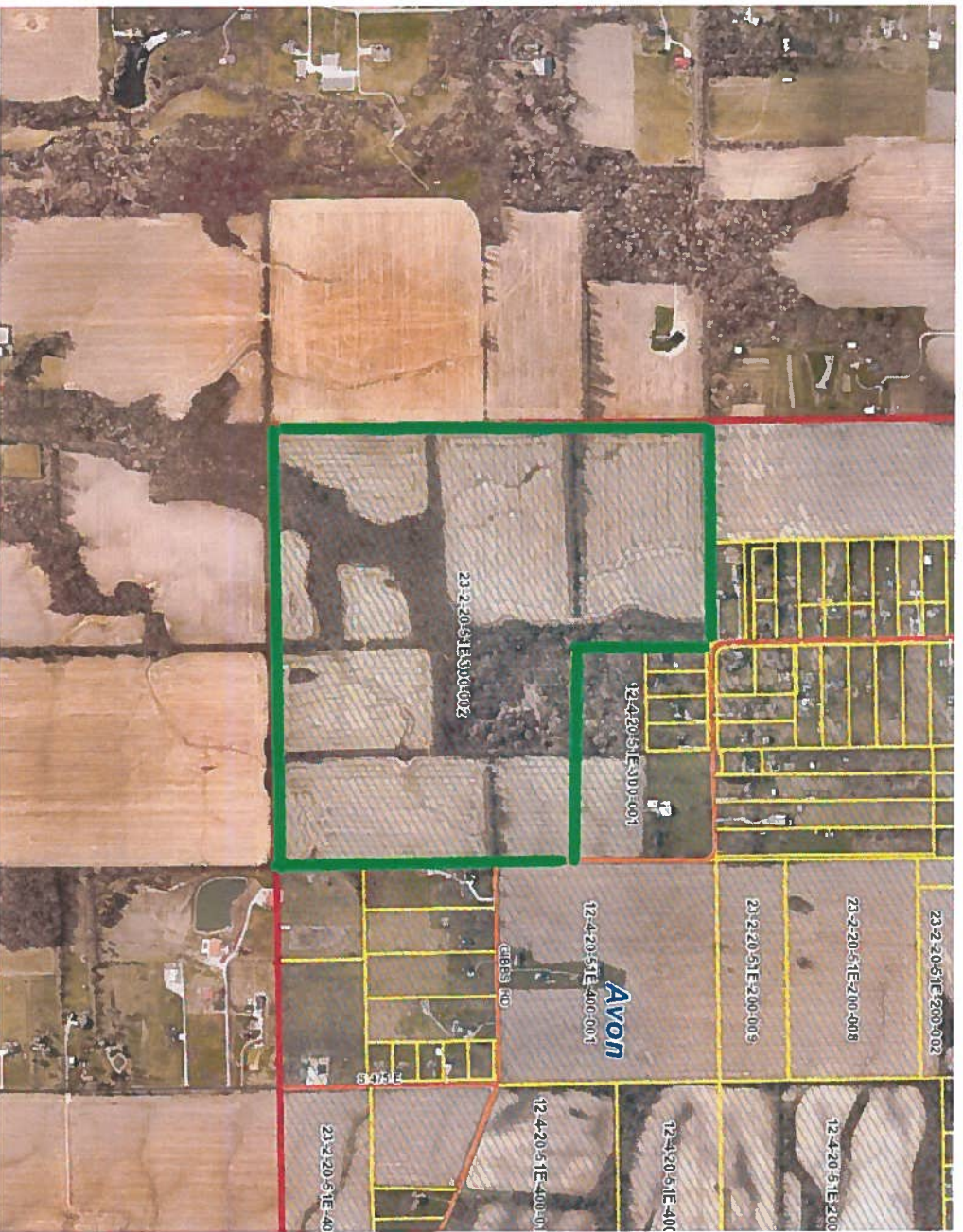
CONDITIONS

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



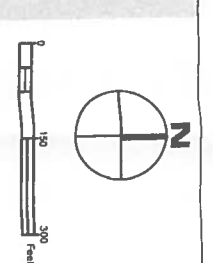
Sample BZA Motion

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.



LEGEND

- (K) HMA PAVEMENT:
1.5\" HMA SURFACE, TYPE B ON
2.5\" HMA INTERMEDIATE, TYPE B ON
8\" COMPACTED AGGREGATE, NO. 57 (2 LIFTS) ON
COMPACTED SUBGRADE
- Ⓢ SYMBOL, PAINT, BLUE
INTERNATIONAL SYMBOL OF ACCESSIBILITY
- (#) NUMBER OF PROPOSED PARKING SPACES
- B.S.L. BUILDING SETBACK LINE
- FUTURE TRAIL

NOTES

- 1 ALL PARKING SPACES ARE 10' X 20' AND ALL PARKING AISLES ARE MINIMUM 24' TWO-WAY, UNLESS NOTED OTHERWISE
- 2 WHEEL STOPS REQUIRED FOR ALL PARKING SPACES - SEE DETAIL ON SHEET C 902
- 3 SEE SHEET C002 FOR PARKING SUMMARY AND REQUIREMENTS
- 4 SEE SHEETS C102 AND C103 FOR DETAILED SITE PLAN

CECON
Civil Engineering Consultants, Inc.
1285 S Jackson Street, Suite B
Greenfield, Indiana 47120
Phone: 317.833.1111



DATE	BY	REVISION
		REVISED

W.S. Gibbs Memorial Park
Hendricks County Parks & Recreation
4541 Gibbs Road, Avon, IN

BOARD NUMBER
C101