

AVON BOARD OF ZONING APPEALS
SPECIAL MEETING AGENDA

MEETING DATE: April 16, 2020
TIME: 6:00 PM
PLACE: Remotely and AVON TOWN HALL COUNCIL CHAMBERS

1. Call to order
 2. Roll Call/ Determination of Quorum
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3. New Business and/or Public Hearings:

Resolution 2020-01: A Resolution adopting a policy for remote participation. The resolution would amend the Rules of Procedure to allow the Board of Zoning Appeals to conduct business via remote meetings.

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 School

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

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.