



Avon Board of Zoning Appeals Meeting Minutes for **February 21st, 2023** at **6:30 p.m.** at Avon Town Hall

2/21/2023 - Minutes

1. **Start Of Meeting**

The meeting began at 6:30 p.m.

Present members were as follows:

Marcus Turner, Chair
Paul Guckenberger, Board
Marci Taschler, Board
Kathryn Ransburg, Board
Ian Loera, Staff
Bill Peebles, Staff
Mitchell Ray, Legal

Absent was as follows:

Anne Inman, Vice Chair

2. **Election Of Officers**

Guckenberger nominated Turner as Chair. Turner was elected Chair with a vote of 4-0.

Taschler nominated Inman as Vice Chair. Inman was elected Vice Chair with a vote of 4-0.

Guckenberger nominated Loera as Secretary to the BZA. Loera was elected Secretary with a vote of 4-0.

3. **Approval Of Minutes**

3.1. **November 16, 2022 Board Of Zoning Appeals Regular Meeting Minutes**

Guckenberger made a motion to approve the minutes as presented. Seconded by Ransburg. Motion passed 4-0.

4. **Request For Continuances Or Agenda Modifications**

4.1. **VAR 23-03 Lamar Billboard Illumination**

Continued by right to the March 21st, 2023 BZA Meeting. Ransburg made a motion to continue as requested. Seconded by Guckenberger. Motion passed 4-0.

4.2. **VAR(U) 23-04 Lamar Digital Billboard Conversion**

Continued by right to the March 21st, 2023 BZA Meeting. Ransburg made a motion to continue as requested. Seconded by Guckenberger. Motion passed 4-0.

4.3. **VAR 23-05 7 Brew Ground Floor Area - 6883 E US Highway 36**

This Variance request was withdrawn by the appellant.

4.4. **VAR 23-06 7 Brew Ground Floor Area - 10690 E US Highway 36**

This Variance request was withdrawn by the appellant.

5. **Old Business**

6. **New Business (Public Hearings)**

6.1. **SE 23-01 Bank Of America Drive-Through**

Loera presented staff's report to the Board. Staff recommended approval of **SE 23-01 Bank of America Drive Through**.

The appellant, Brian Emrich, Allegro Engineering, 4322 N Lincoln Ave, STE A, Chicago, IL 60618 further detailed the request.

Turner opened the floor for public comment at 6:41 p.m. Hearing none, Turner closed the floor for public comment at 6:42 p.m.

The board discussed the criteria and stated that the request is consistent with the surrounding land uses. They were agreeable to the request before them.

Ransburg made a motion to approve **SE 23-01 Bank of America Drive Through** subject to no conditions. Seconded by Taschler. Motion passed 4-0.

6.2. **SE 23-02 7 Brew Drive-Through - 10690 E US Highway 36**

Loera presented staff's report to the Board. Staff recommended approval of **SE 23-02 7 Brew Drive Through - 10690 E US Highway 36** subject to no conditions.

The appellant, Joe Calderon, 11 S Meridian, Indianapolis, further detailed the request and made himself available to answer questions.

The Board inquired as to lot size and minimum access separation along US HWY 36.

Turner opened the floor for public hearing at 7:45 p.m.

Brian Burrows, 10705 Melissa Ann Dr., had questions regarding the proposed development and expressed concerns regarding light and noise pollution.

Kathy Burrows, 10705 Melissa Ann Dr., had concerns regarding the dumpster in the rear of the property as it relates to noise nuisance.

Marcus closed the floor for public hearing at 7:48 p.m.

Staff and the appellant addressed the concerns of the remonstrators and informed them of the notification process.

Ransburg made a motion to approve **SE 23-02 7 Brew Drive Through - 10690 E US Highway 36** subject to no conditions. Seconded by Guckenberger. Motion passed 4-0.

6.3. **SE 23-03 7 Brew Drive-Through - 6883 E US Highway 36**

Loera presented staff's report to the Board. Staff recommended approval of **SE 23-03 7 Brew Drive Through - 6883 E US Highway 36** subject to no conditions.

The appellant, Joe Calderon, 11 S Meridian, Indianapolis, further detailed the request and made himself available to answer questions.

Turner opened the floor for public comment at 7:57 p.m. Hearing none, Turner closed the floor for public comment.

The Board acknowledged the requests similarity to the previous Special Exception request and were in agreement with staff's report on the request.

Guckenberger made a motion to approve **SE 23-03 7 Brew Drive Through - 6883 E US Highway 36** subject to no conditions. Seconded by Taschler. Motion passed 4-0.

6.4. **VAR 23-01(A) Harvest Landing Lot 4 - Parking Rows**

Loera presented staff's report to the Board. Staff recommended approval of **VAR 23-01(A) Harvest Lot 4 - Parking Rows** subject to no conditions.

The appellant, Dillon Reynolds, SPACECO, 3850 Priority Way S Dr, STE 110, Indianapolis, further detailed the request and made himself available for questions.

Turner opened the floor for public comment at 6:52 p.m. Hearing none, Turner closed the floor for public comment at 6:53 p.m.

The Board agreed with the request as it relates to pedestrian and traffic safety and consistency with surrounding developments. Turner raised concerns regarding the practical difficulty as it relates to the intent of the Ordinance. The Board inquired as to the number and types of tenants.

Guckenberger made a motion to approve **VAR 23-01(A) Harvest Landing Lot 4 - Parking Rows** subject to no conditions. Seconded by Ransburg. Motion passed 4-0.

6.5. **VAR 23-01(B) Harvest Landing, Lot 4 - Front Setback**

Loera presented staff's report to the Commission. Staff recommended approval of **VAR 23-01(B) Harvest Lot 4 - Front Setback** subject to no conditions.

The appellant, Dillon Reynolds, SPACECO, 3850 Priority Way S Dr, STE 110, Indianapolis, further detailed the request and made himself available for questions.

Turner opened the floor for public comment at 6:52 p.m. Hearing none, Turner closed the floor for public comment at 6:53 p.m.

The Board agreed with the request as it relates to pedestrian and traffic safety and consistency with surrounding developments. Turner raised concerns regarding the practical difficulty as it relates to the intent of the Ordinance. The Board inquired as to the number and types of tenants.

Taschler made a motion to approve **VAR 23-01(B) Harvest Landing Lot 4 - Front Setback** subject to no conditions. Seconded by Guckenberger. Motion passed 4-0.

6.6. **VAR 23-02 Pana Donuts Drive-Through**

Loera presented staff's report to the Board. Staff recommended approval of **VAR 23-02 Pana Donuts Drive Through** subject to the following condition:

1. Any changes to the provided plan shall be subject to review and approval by the Zoning Administrator.

The Board raised concerns regarding the orientation of the drive through as it relates to pedestrian and traffic safety.

The appellant, David Gilman, 211 S Ritter Ave, STE H, Indianapolis, further detailed the layout and circulation plan for the request.

Turner opened the floor for public comment at 7:16 p.m. Hearing none, Turner closed the floor for public comment at 7:17 p.m.

The board discussed their safety and circulatory concerns. They discussed ingress and egress to and from the establishment and raised issue with the hatch-marked area within the drive through lane.

After hearing the Board's concerns, the appellant, Gilman, requested a continuance to the next Board of Zoning Appeals meeting to allow for a redesign of the proposed drive through.

Guckenberger made a motion to continue **VAR 23-02 Pana Donuts Drive Through** to the regularly scheduled March BZA meeting. Seconded by Taschler. Motion passed 4-0.

7. Other Business

Peeples made himself available to the staff for any feedback they wish to give to the Planning Director.

The Board discussed amending the Ordinance to omit the requirement for Drive Through Special Exceptions in the US Highway 36 Overlay Zoning District.

8. Public Comment

None.

9. Adjournment

Meeting Adjourned 8:09 p.m.

Marcus Turner, Chair _____

Anne Inman, Vice Chair _____

Marci Taschler _____

Paul Guckenberger _____

Kathryn Ransburg _____

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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Avon Town Hall | 6570 East US Highway 36 | Avon, IN 46123 | 317-272-0948 | avongov.org | Next
Meeting: **03/21/2023**