



Avon Board of Zoning Appeals Meeting Minutes for **April 18, 2023** at **6:30 p.m.** at Avon Town Hall

4/18/2023 - Minutes

1. Start Of Meeting

The meeting was called to order by Turner at 18:30.

Present board members are as follows:

Marcus Turner, Chair

Anne Inman, Vice Chair

Marci Taschler

Kathryn Ransburg

Ian Loera, Staff/Secretary

Bill Peeples, Planning Director

Mitchell Ray, Legal Counsel

Anna Cron, Legal Counsel

2. Approval Of Minutes

2.1. March 21st, 2023 Board Of Zoning Appeals Regular Meeting Minutes

Minutes were presented for the March 21, 2023 meeting date. Ransburg asked if the Board was behind two months on minutes. Loera indicated that the February minutes were not complete. Peeples indicated he was responsible for the February minutes and did not get them completed in a timely manner. March minutes were approved as presented.

3. Request For Continuances Or Agenda Modifications

None.

4. Public Comment

No public comment was presented.

5. Old Business

5.1. VAR 23-03 Lamar Billboard Illumination

Loera indicated that the use variance [VAR (U) 23-04] and the development standards variance (VAR 23-03) would be presented at the same time. Loera presented the staff report to the Board. Staff recommended denial of both VAR (U) 23-04 and VAR 23-03.

The Board asked the staff questions concerning interpretation of the Ordinance and the land use. Staff indicated, after research, that the billboard was a primary use and that the Ordinance allows for more than one primary use of the property in commercial and industrial zones.

The representative to the petitioner, Allen Townsend, 111 Monument Circle, Indianapolis, Indiana, further detailed the request for the Board. Jason Graham with Lamar Advertising, 5711 West Minnesota Street, Indianapolis, Indiana, provided additional information to the board concerning technical aspects of the proposal.

Turner opened the floor for public comment on both petitions at 7:14pm. Hearing none, Turner closed the floor for public comment at 7:15 pm.

The Board posed a number of questions to the petitioner and discussed the nature of the practical difficulty for the development standards request and the hardship for the use variance request. The Board also asked questions about digital billboards in other jurisdictions and whether they were located along Interstate highways or local streets.

Guckenberger made a motion to deny VAR(U) 23-04. Seconded by Inman. Motion passed 5-0

Guckenberger made a motion to deny VAR 23-03. Seconded by Ransburg. Motion passed 5-0

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

See discussion associated with VAR 23-03

6. New Business (Public Hearings)

6.1. VAR 23-08(A) Ray Skillman Hyundai South Parking Lot Fence

Turner asked if both VAR 23-08(A) and VAR 23-08(B) would be heard at the same time. The Staff indicated that they did intend do present them in that way. There was a momentary delay while draft motions were prepared. Loera presented the Staff report to the Board.

Staff recommended approval of VAR 23-08(A) subject to the following conditions:

1. The fence shall be a 6' tall black aluminum decorative fence.
2. Any deviation from the provided plan shall be subject to review and approval by the Zoning Administrator.
3. A fence permit shall be obtained prior to the erection of a fence on this lot.

Staff recommended approval of VAR 23-08(B)

The Board asked questions of staff.

The representative for the petitioner, Brady Vaughn, CrossRoad Engineers, PC, 115 N 17th Avenue, Beech Grove, Indiana further detailed the the request to the Board.

Turner opened the floor for public comment at 8:06pm. Hearing none, Turner closed the public hearing for public comment at 8:07pm.

The Board commented on the practical difficulty and the nature of the fence.

Ransburg made a motion to approve VAR 23-08(A) subject to the following conditions:

1. The fence shall be a 6' tall black aluminum decorative fence.
2. Any deviation from the provided plan shall be subject to review and approval by the Zoning Administrator.
3. A fence permit shall be obtained prior to the erection of a fence on this lot.

Guckenberger seconded the motion. The motion passed 5-0

Inman made a motion to approve VAR 23-08(B), Seconded by Taschler. The motion passed 5-0.

6.2. VAR 23-08(B) Ray Skillman Hyundai South Parking Lot Sidewalk

See notes on VAR 23-08(B)

7. Other Business

Guckenburg wanted to ensure that two primary uses were permitted on a lot in a commercial and industrial district and asked about how previous variances under the older zoning ordinance would be affected by the change. Peeples indicated that the conditions should still be enforceable. Guckenberger also preferred that exhibits to be reviewed by the Board at the meeting be submitted well ahead of the meeting so that there is time to adequately review them.

8. Adjournment

Turner adjourned the meeting at 8:14.

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.

"Avon is a safe, vibrant community for active families and thriving businesses."

Avon Town Hall | 6570 East US Highway 36 | Avon, IN 46123 | 317-272-0948 | avongov.org | Next

Meeting: **05/16/2023**