

McCordsville

ESTD  1988

INDIANA

Board of Zoning Appeals Staff Report Meeting Date: August 6, 2025

PETITIONER: Hutchison Sign Company

PETITION: BZA-25-005

REQUEST: Petitioner requests approval of a Variance to allow two wall signs along the frontage of the business.

LOCATION: The property is located at 8880 N CR 600W, McCordsville, Vernon Township.

ZONING: The property is zoned Villages at Brookside PUD. It is also within the Highway Corridor Overlay District (HCO).

Zoning

North: Villages at Brookside PUD

South: Villages at Brookside PUD

East: Emerald Springs PUD

West: Villages at Brookside PUD

Land Use

Commercial

Single-family residential

Single-family residential

Attached residential

STAFF REVIEW: The petitioner seeks a variance to allow an additional wall sign on the tenant's frontage within the Shoppes at Brookside commercial plaza, part of the Villages at Brookside PUD. Per Section 154.146(B) of the Town's Zoning Ordinance, each tenant/business is permitted one (1) wall sign per frontage. Additionally, the Ordinance allows an aggregate sign area of 1.5 square feet per linear foot of tenant frontage on a public right-of-way or private street.

According to the submitted site plan, the Bureau of Motor Vehicles (BMV) tenant space has 124 linear feet of frontage, which permits a total wall sign area of 186 square feet. The existing 150-square-foot wall sign, located above the primary entrance, complies with this provision. However, the petitioner now seeks approval to retain a second wall sign, a 38.48-square-foot circular sign featuring the BMV Seal, which has been installed to the right of the entrance. This second sign violates the maximum number of wall signs permitted per frontage.

Staff notes that this variance request does not stem from a need to exceed allowable sign area, but rather from the installation of a second wall sign, which is expressly limited by ordinance and has been denied for other tenants within the same development.

On February 4, 2025, the petitioner submitted a sign permit application for BMV wall signage, which included:

- A 150-square-foot wall sign located above the entrance; and
- An approximately 38.48-square-foot circular sign featuring the BMV Seal, proposed to the right of the entrance.

On February 6, 2025, the Town approved Sign Permit #20250085 for the 150-square-foot wall sign. The permit explicitly stated that the Seal sign was not approved, with the following note:

“The sign noted as a seal to the right of the entrance is not approved. This is a second sign, and the code only allows one (1) sign per tenant.”

Despite this, a site inspection conducted on July 1, 2025, confirmed that the Seal sign had been installed without approval. A *Notice of Violation* was issued to the developer on the same day, instructing removal of the sign within fifteen (15) days. The *Notice* also included information on applying for a Variance. The petitioner submitted a variance application on July 8, 2025.

According to the petitioner’s application and the developer’s letter of intent, the BMV Commissioner specifically requested installation of the Seal. However, based on staff’s communication with the petitioner, it is unclear whether the Commissioner was aware the Town had denied the second sign as part of the original permit review.

A site plan showing the location of the additional signage is included as Exhibit A. A photo from the July 1 site inspection is included as Exhibit B.

REQUESTED VARIANCE:

Section 154.146(B) - Request to allow more than one (1) wall sign per tenant/business frontage.

BZA AUTHORITY: The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
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; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject Property.

STAFF RECOMMENDATION:

Staff recommends denial of the variance from Section 154.146(B) of the Town's Zoning Ordinance, which permits a maximum of one (1) wall sign per tenant/business frontage. The petitioner has not demonstrated a practical difficulty that would warrant relief from this standard, as the tenant has already been approved for a 150-square-foot wall sign, which is well within the allowed aggregate area based on its frontage. The need for a second wall sign appears to be based on branding preference rather than any unique physical constraint of the site.

Granting this variance would be inconsistent with prior enforcement of the ordinance, particularly as similar requests from other tenants in the same commercial development have been denied. Approval may also undermine the integrity of the sign standards, which are established to ensure fairness, minimize clutter, and protect the visual character of the corridor.

Therefore, staff finds that the request does not meet the criteria required for approval under Indiana Code § 36-7-4-918.5.

Approval: If the Board is inclined to approve the variance from Section 154.146(B), then the Department recommends approving the variance, and tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and adopting the findings below.

RECOMMENDED FINDINGS FOR DENIAL:

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

Finding: *Staff finds that the requested variance is not likely to be injurious to the public health, safety, morals, or general welfare of the community. The proposed wall sign does not pose a physical hazard and does not appear to conflict with established public safety standards. However, staff notes that this finding alone is not sufficient to justify approval, as the petition must satisfy all criteria outlined in Indiana Code § 36-7-4-918.5.*

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:

Finding: *Staff has concerns that approval of the requested variance could have a substantially adverse effect on the use and value of adjacent tenant spaces and properties within the Shoppes at Brookside commercial plaza. The Town has previously denied similar requests for additional signage from other tenants in this same development. Approving this variance may set a precedent for inconsistent enforcement of the signage standards, leading to an imbalance in visibility and perceived fairness among tenants.*

Such inconsistencies may invite additional variance requests and result in sign clutter, diminishing the overall aesthetic quality and commercial appeal of the center. Therefore, staff finds that this variance may adversely affect adjacent property use and value by undermining established standards and expectations.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject Property:

Finding: Staff finds that the petitioner has not demonstrated practical difficulties resulting from the strict application of the zoning ordinance. The BMV currently has an approved 150-square-foot wall sign located above its main entrance, which is consistent with the signage allowance provided to all tenants within the Shoppes at Brookside. The request for a second wall sign appears to be driven by branding preference or a desire for enhanced visibility, rather than any unique physical condition of the site or tenant space.

The ordinance's limit of one wall sign per tenant frontage is intended to ensure consistency, reduce visual clutter, and maintain the overall character of commercial developments. Granting relief in this case would depart from those principles without sufficient justification tied to the use or configuration of the property itself.

Furthermore, similar requests from other tenants within the same development have been denied, reinforcing that the ordinance's application does not impose an undue burden unique to this petitioner. Therefore, staff finds that the request fails to meet this standard.

A public hearing shall be held prior to any vote on this matter.

Neighborhood Aerial



Overview



Legend

- Corporate Limits
- Roads
 - I
 - S
 - U
 - <all other values>
- Rights of Way
- Parcels

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|-----------------------|---|--------------|--------------------------|---------------|----------------------|
| Parcel ID | 30-01-23-400-030.024-018 | Alternate ID | 30-01-23-400-030.024-018 | Owner Address | BDC Realty Group LLC |
| Sec/Twp/Rng | n/a | Class | 400 - Vacant Land | | 6274 Fox Chase |
| Property Address | 8880 N 600 W | Acreage | n/a | | Pendleton, IN 46064 |
| | McCordsville | | | | |
| District | MCCORDSVILLE TOWN | | | | |
| Brief Tax Description | Villages at Brookside Sec 16 Block A | | | | |
| | (Note: Not to be used on legal documents) | | | | |

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Developed by SCHNEIDER
GEOSPATIAL

Exhibit B – Code Enforcement Photo

