

McCordsville

ESTD  1988

INDIANA

Board of Zoning Appeals Staff Report

Meeting Date: May 1, 2024

PETITIONER: Dental Oasis

PETITION: BZA-24-006

REQUEST: Petitioner requests approval of a Development Standard Variance to allow a wall sign in excess of the permitted size.

LOCATION: The property is located at 7397 N 600W.

ZONING: The property is zoned Commercial Neighborhood (CN) Zoning District.

<u>Zoning</u>	<u>Land Use</u>
North: P	Cemetery
South: R1	School
East: R2	Single Family Residential
West: CN	Undeveloped/agricultural

STAFF REVIEW: The Zoning Ordinance allows 1.5 SF of sign area per 1 lineal foot of frontage. The petitioner's tenant space is 22' wide, thus creating an allowance for up to a 33 SF wall sign. The petitioner is requesting a 85 square foot wall sign.

Variance from Section 154.146(a)

The petitioner requests a variance to allow a maximum sign size of 85 SF, in excess of the 33 SF allowed by the Code, per the tenant's frontage width.

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.

The BZA can choose to Approve, Deny, or Continue the petition.

Approval: If the Board is inclined to approve the requested variances, then the Department recommends approving the variances, and then 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 finds adequate evidence that the requested variances do not meet the required criteria, then the Department recommends denying the variances, 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: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community.*

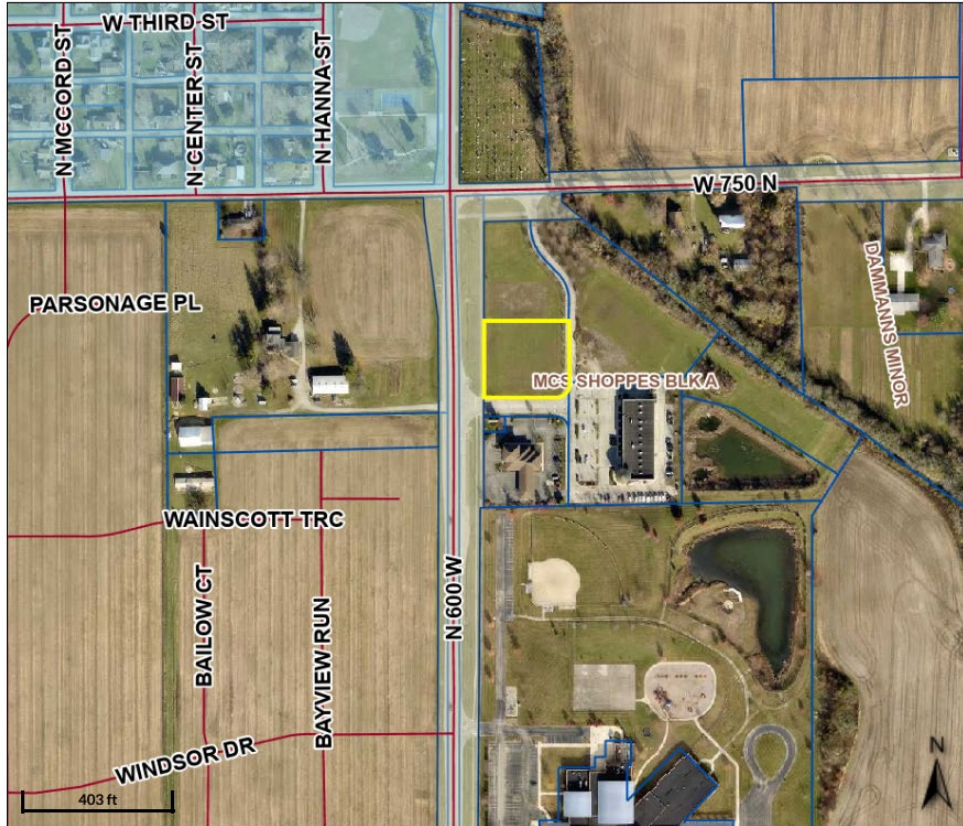
2) The use and value of the area adjacent to the Property included in the variance will not be affected in a substantially adverse manner: *Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because the use of the property will not change.*

3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject Property: *Finding: There is not a practical difficulty with meeting the terms of the zoning ordinance. This is a destination land use, which has been operating in the McCordsville market for many years. The signage allowed by the code is consistent with all other users/tenants, in the building, and those users/tenants are a mix of destination and pass-by users/tenants. Additionally, staff does not find that strict adherence to the Zoning Ordinance would deprive the petitioner of all reasonable economic use of the tenant space. Lastly, staff does not feel that practical difficulties that are self-imposed, or based on a perceived reduction of, or restriction on, economic gain meet the intent of the state's description of a practical difficulty. Therefore, staff does find there is a practical difficulty.*

STAFF RECOMMENDATION: Staff recommends denial of this variance request. The Town's wall sign regulations have been well-thought out and have applied throughout the Town since the Zoning Ordinance was adopted in 2011. While the Town has issued some wall signage variances in the past, those have been granted for unique situations. This request is almost 3 times the allowable size and all other tenants within this building meet the requirements of the Ordinance. See table below.

McCordsville Corner Shoppes Signage

Tenant	Tenant Frontage	Sign Area
AR Workshop	20	30
Barber	20	21
Bronze Bay	20	30
Dental Oasis	22	85
McCordsville Comm Church	50	75
USPS	60	DNF



Overview



Legend

- Commercial within PUDs
 -  Bay Creek Commercial
 -  Berkshire Commercial
 -  Gateway Crossing Commercial
 -  Old Town Commercial
 -  Villages at Brookside Commercial
-  Corporate Limits
- Roads
 -  I
 -  S
 -  U
 -  <all other values>
- Subdivisions
 -  AUSTIN TRACE SEC 1