

McCordsville

ESTD  1988

INDIANA

Board of Zoning Appeals Staff Report

Meeting Date: September 4, 2024

PETITIONER: The Bobber Shop

PETITION: BZA-24-009

REQUEST: Petitioner requests approval of a Development Standard Variance to allow additional window sign coverage.

LOCATION: The property is located at 6346 W Broadway.

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

<u>Zoning</u>	<u>Land Use</u>
North: CN	Brewery & restaurant
South: OT	Office & retail
East: CN	Office
West: CN	Single Family Residential

STAFF REVIEW: The petitioner was before the BZA in August seeking a total of two (2) variances. The first variance, for ground signage, was approved by the BZA, with specific conditions of approval. The second variance request was continued. Staff has edited this report to simply state the main points of discussion, and updates from last month.

- The window signage does not require a permit, but is limited by Ordinance to no more than 10% window coverage and any individual letters to no more than 3" in height. The petitioner's window signage exceeds the 10%.
- The petitioner has added to the signage on the property since the last BZA meeting. A large "lure" has been suspended from the gutter of the building and is meant to appear as bait for the large fish (which is now considered an approved ground sign). However, the BZA's approval last month did include conditions which clearly stated No other wall signs, ground signs, or other statutes shall be permitted on-site. The addition of this lure is a violation of that commitment.
- Exhibit A, attached hereto, is the same exhibit as last month. Exhibit B, attached hereto, shows the new "lure" sign.

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 154.142(F). The Town's window sign regulations have been well-thought out and have applied throughout the Town since the Zoning Ordinance was adopted in 2011. The Ordinance allows signage to cover up to 10% of the window, so the petitioner, by Ordinance, is allowed window signage. Staff sees no substantive reason to support a request for additional coverage.

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

Variance from Section 154.142(F)

Approval: If the Board is inclined to approve the variance from Section 154.146(B), then the Department recommends approving the variances, 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 variances, 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. However, the allowance of additional coverage increases the overall sign allowance for this site and will likely be sought by other businesses. This could disrupt the delicate balance of signage necessary to facilitate healthy business operations and unnecessary sign clutter. This could have long lasting implications on the streetscape and aesthetics of the W Broadway corridor as well as other commercial areas in Town.*

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. Window signage is allowed by the code, so this is not an outright prohibition. The business has a number of other sign options available to boost it's*

visibility. 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 not find there is a practical difficulty.



Parcel ID	30-01-26-101-002.000-018	Alternate ID	30-01-26-101-002.000-018	Owner Address	GT Real Estate LLC
Sec/Twp/Rng	n/a	Class	429 - Other Retail Structures		6314 W Broadway
Property Address	6346 W Broadway	Acreage	n/a		McCordsville, IN 46055
	McCordsville				
District	MCCORDSVILLE TOWN				
Brief Tax Description	HIDAY MC CORD L1, 2, 3, & 4 & VAC ALLEY				
	(Note: Not to be used on legal documents)				

Date created: 8/2/2024
Last Data Uploaded: 8/2/2024 6:06:50 AM

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Exhibit A





Exhibit B

