

McCordsville

ESTD  1988

INDIANA

Board of Zoning Appeals Staff Report

Meeting Date: November 6, 2024

PETITIONER: Cornerstone Companies

PETITION: BZA-24-013

REQUEST: Petitioner requests approval of two Development Standard Variances for wall signage.

LOCATION: The property is located at 5986 Main Street.

ZONING: The property is zoned McCord Square PUD.

<u>Zoning</u>	<u>Land Use</u>
North: CN	Retail
South: PUD	Office
East: PUD	Vacant
West: OT	Single-family & fuel station

STAFF REVIEW: The petitioner is primarily seeking approval of two Development Standard Variances for wall signage for the IU Health building at the northeast corner of CR 600W and Main Street. This building currently features both permanent and temporary signage.

Variance Request No. 1: Section 4(G)(5)(f) of the PUD Ord. No. 041123C

The McCord Square PUD requires all illuminated wall signage to feature reverse channel illumination. An internally lit cabinet is permitted if it doesn't exceed 20% of the total wall sign area and is also reverse channel. The petitioner does not wish to utilize reverse channel illumination on wall signage and is therefore requesting a variance.

Variance Request No. 2: Section 154.146(B)

The Zoning Ordinance limits wall signs to one (1) wall sign per frontage for single-tenant buildings and a maximum of two (2) signs total. The petitioner has one wall sign on the north façade and is seeking a second. The total number of wall signs proposed is four (4).

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 Variance No. 1 and approval of Variance No. 2, along with the suggested conditions of approval below.

1. Any approved variance(s) shall run with the existing tenant of the property, and not with the land or petitioner. If the tenant changes, the variance(s) shall be invalidated.
2. If the variance from Section 154.146(B) is approved, the proposed sign shall be limited the size shown in the petitioner's packet.
3. If the variance from Section 4(G)(5)(f) of the PUD Ord. No. 041123C is approved, all signs shall be limited to the sizes shown in the petitioner's packet.

Staff recommends denial of the variance from Section 4(G)(5)(f) of the PUD Ord. No. 041123C (McCord Square). This standard was crafted in consultation with the developer of McCord Square. The intent was to create a higher aesthetic standard for signage in McCord Square and for that to be applied consistently. The petitioner has pointed out that their "trident" cabinet style design does not lend itself to reverse channel illumination. That reasoning does not constitute a findings for approval of the variance. The petitioner could use individual channel letters, which would lend themselves well to reverse channel illumination, and meet the requirement of the PUD. Conversely the petitioner could seek to illuminate the signage externally.

Staff recommends approval of the variance from Section 154.146(B). The petitioner's first wall on the north elevation is within the vestibule of the building. This sign was submitted as a wall sign because it could not comply with the Town's window signage requirements. Since that administrative approval, the petitioner has identified the need for additional signage on the north façade. The tenant is a medical provider and historically their business model has reinforced the importance of signage for their clients. In this scenario staff finds sufficient evidence to support the request to ensure proper on-site identification for clients. This finding is supported by the proposed location of the sign which will not be easily viewable from perimeter roadways. It is located in a location that is primarily visible from those already on-site. In further support, the existing wall sign, being located within a vestibule has limited visibility from the perimeter and is primarily visible for those on-site.

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

Variance No. 1

Approval: If the Board is inclined to approve the variance from Section 4(G)(5)(f) of the PUD Ord. No. 041123C, then the Department recommends approving the variance and tabling the adoption of findings of fact until the Board's next meeting with direction to the Department to prepare findings pursuant to the public hearing evidence and Board discussion.

Denial: If the Board is inclined to deny the variance from Section 4(G)(5)(f) of the PUD Ord. No. 041123C, then the Department recommends adopting the staff's 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: Approval of a variance creates an inconsistent signage pattern within a master planned, mixed-use development, which was created to have consistent standards. The proposed variance could have a negative impact on surrounding properties which are complying with the adopted standard.*

3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject Property: *Finding: The strict application of this criteria does not result in a practical difficulty as the code allows for illuminated signage in the same regard to other properties within the applicable PUD. Lastly, staff does not feel that practical difficulties that are self-imposed meet the intent of the state's description of a practical difficulty. Therefore, staff does not find there is a practical difficulty.*

Variance No. 2

Approval: If the Board is inclined to approve the variance from Section 154.146(B), then the Department recommends approving the variances and conditions of approval, and adopting the finding below:

Denial: If the Board is inclined to deny the requested variances, then the Department recommends denying the variances, and tabling the adoption of findings of fact until the Board's next meeting with direction to the Department to prepare findings pursuant to the public hearing evidence and Board discussion.

Recommended Findings for Approval:

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, and in fact may assist other properties by reducing confusion over building identification.*

3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject Property: *Finding: Building identification is especially important within the business model of the current tenant due to their historical clientele base of customers.*

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