



Petition Number: 1603-VS-04

Subject Site Address: 2714 E. 146th Street (the “Property”)

Petitioner: The National Bank of Indianapolis by Faegre Baker Daniels, LLP (the “Petitioner”)

Request: The petitioner is requesting a Variance of Development Standard to allow a Monument Sign to be permitted for an Outlot (Article 6.17(J)(8)(b)).

Current Zoning: SB-PD: Special Business/Planned Development

Current Land Use: Commercial, Bank

Approximate Acreage: 1.05 acres

Exhibits:

1. Staff Report
2. Location Map
3. Proposed Sign Elevations
4. Proposed Sign Location

Staff Reviewer: Pam Howard, Associate Planner

Petition History

This petition will receive a public hearing at the March 8, 2016, Board of Zoning Appeals meeting.

Analysis

Location: The subject property is 1.05 acres +/- in size and located at 2714 E. 146th Street (see [Exhibit 2](#)) within the Cool Creek Village commercial center. The Property is zoned the SB-PD: Special Business/Planned Development District. The surrounding properties on the north side of 146th Street are also zoned SB-PD. The properties located on the south side of 146th Street are residential.

Variance Request: The Petitioner is requesting this variance to allow a Monument Sign¹ to be permitted for an Outlot², as generally illustrated on the Proposed Sign Elevation (see [Exhibit 3](#)) and Proposed Sign Location (see [Exhibit 4](#)). This sign would be utilized by both the bank and the adjacent Outlot which formerly housed Bagger Dave’s restaurant.

¹ The UDO defines “Sign, Monument (or Ground)” as “[a] Sign which is permanently fixed to the ground.”

² The UDO defines “Outlot” as “[a] Lot within a Nonresidential Center that typically abuts a Street on one Lot Line and either a Street or other vehicular access (i.e. Private Street) shared with other Lots within the Nonresidential Center on another Lot Line.”



Article 6.17(J)(8)(b) Sign Standards; Nonresidential Center Signs; Outlot Signage; Sign Type: The total permitted sign area allocation may be divided between Wall, Awning, and Under Canopy Signs; however, all Sign Area shall be deducted from the total sign allocation for the Outlot. Outlots within a nonresidential center shall not be permitted Monument Signs.

Comprehensive Plan: The Westfield-Washington Township Comprehensive Plan identifies this Property within the “Suburban Residential” land use classification.

Procedural

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the March 8, 2016, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

Conditions: The UDO³ and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO⁴ requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

Variances of Development Standard: 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:

³ Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

⁴ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



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.

Department Comments

The department has requested that the Petitioner enter into a written commitment with the city and the owner of the adjacent Outlot that outlines the use, costs, and maintenance of the sign. The Petitioner has indicated that they are in the process of working with all parties involved and it is their intention to have this in place prior to the Public Hearing. An update on this item will be provided during the Hearing.

If the Board is inclined to approve the variance, then the Department recommends the following conditions and findings:

Recommended Condition:

1. A written commitment with the city and the owner of the adjacent Outlot that outlines the use, costs, and maintenance of the sign as approved by the Director be in place prior to the issuance of a Sign Permit.

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. The proposed sign will be placed at a location that increase visibility to motorists attempting to locate the Property.

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 use of the property will not change, nor the scope of the business.

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 zoning ordinance's sign standards do not take into account the unique layout of this Nonresidential Center. The position of the In-line Tenant building along the road instead of behind the Outlots, decreases the advantage that many other Outlots have. Additionally, the existing Monument Sign for the Center does not currently have any spaces available for the Outlots to utilize.

If the Board is inclined to deny the variance, then the Department recommends the following findings:

Recommended Findings for Denial:

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

Finding: The zoning ordinance currently establishes a reasonable standard for sign area. The requested variance to permit Monument Sign is inconsistent with other permitted signage in the community and thus would likely create an unsafe distraction for motorists.

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 use of the property will not change, nor the scope of the business.

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 zoning ordinance currently establishes a reasonable standard for permitted signs, including flexibility in the placement of permitted signs. Additionally, the existing Monument Sign for the Center is not at the maximum size permitted by the ordinance and could be enlarged to accommodate the remaining Outlots. Strict application of the ordinance would not inhibit the use of the property and thus would not be a practical difficulty.