



**CITY OF COLUMBUS  
BOARD OF ZONING APPEALS  
HEARING OFFICER  
(October 8, 2013 Meeting)**

**STAFF REPORT**

**Docket No. / Project Title:** C/DS-13-29 (Shane & Trish Meier)  
**Staff:** Melissa Begley  
**Hearing Officer:** Melissa Begley  
  
**Applicant:** Shane & Trish Meier  
**Property Size:** 1.21 Acres  
**Current Zoning:** CC (Commercial: Community)  
**Location:** 4181 N. 150 W., in the City of Columbus

**Background Summary:**

The applicant has indicated that the proposed variance from Zoning Ordinance Section 10(D)(7) is for the purpose of allowing businesses located on the property to the south of the subject property to place tenant panels on the existing freestanding sign on the subject property and have that sign be treated as a multiple use lot freestanding sign.

**Preliminary Hearing Officer Decision:**

Approval, with the following conditions:

1. No other freestanding signs shall be permitted along the US 31 frontage of the lots located at 4181 and 4161 N. 150 W.
2. A maximum of 1 freestanding sign shall be allowed along the County Road 150 West frontage of the lots located at 4161 and 4181 N. 150 W.
3. The applicant obtaining the property owner's signature on the application. The signature must be obtained prior to the installation of any sign or any other execution of this variance approval.
4. The applicant shall remove the illegal signs in the right-of-way of County Road 150 West prior to the installation of any sign or any other execution of this variance approval.

**Zoning Ordinance Considerations:**

**District Intent:** The intent of the CC (Commercial: Community) zoning district is as follows: to establish appropriate locations for a variety of businesses providing a variety of goods and services to (1) community-wide consumers and (2) those who travel through or visit the area. This zoning district is not intended for use along traffic corridors, but should instead be applied at significant intersections along major transportation routes. This zoning district should be applied only to areas with adequate infrastructure and road access to accommodate moderately high traffic volumes.

**Development Standards:** Section 10(D)(7): Off-premises Signs and Billboards: Signs that relate to or advertise an establishment, product, merchandise, service or entertainment which is not located, offered, produced, manufactured or furnished at the property on which the sign is located.

<b>Current Property Information:</b>	
<b>Land Use:</b>	Victoria's Glitz Glamour & More
<b>Site Features:</b>	Two story office building, parking lot
<b>Flood Hazards:</b>	The 100-year floodway fringe covers much of the subject property.
<b>Vehicle Access:</b>	150 West (Local, Commercial, Suburban)

<b>Surrounding Zoning and Land Use:</b>		
	<b>Zoning:</b>	<b>Land Use:</b>
<b>North:</b>	NA	State right-of-way (US 31)
<b>South:</b>	CC (Commercial: Community)	Victory Gymnastics, Summers Heating & Cooling, Leap Frogs
<b>East:</b>	I-2 (Industrial: General) I-3 (Industrial: Heavy)	Vacant Industrial Property, Self Storage Industrial Use Buildings
<b>West:</b>	RM (Residential: Multi-Family) RS2 (Residential: Single Family 2)	The Arbors at Waters Edge (Apartments) Lakeview Church of Christ

<b>Interdepartmental Review:</b>	
<b>INDOT</b>	This particular sign will not need a permit from INDOT.

**Planning Consideration(s):**

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The applicants have a signed purchase agreement for the subject property and the property to the south (4161 N 150 W). They have indicated that they would like to create an integrated center with both lots and call the area "Victory Circle". As part of the integrated center concept, they have requested to allow the businesses on the south lot to be able to utilize the large freestanding sign on the north lot.
2. The Zoning Ordinance permits Multiple Use Lot Signs. Multiple Use Lot Signs allow multiple use properties to make use of a single freestanding sign. These signs are typically utilized for properties with multiple uses located on a single lot. This variance request application would allow the businesses on the south property (off-site) to place tenant panels on the existing freestanding sign, similar to a multiple use lot sign on one property.
3. The Multiple Use Lot signs are made up of primary and secondary elements. The primary element for a freestanding sign for lots that include a structure or center housing multiple uses shall only describe the facility as a whole. This may include the name of the multiple-use facility, the name of the primary user of the facility, or similar description. Secondary elements, if provided, may describe any other uses or activities within the facility other than those noted in the primary elements.

4. In the CC (Commercial: Community) zoning district a multiple use lot sign allows 1 primary element and 3 secondary elements. The maximum size for the primary element is 100 square feet and the secondary elements are allowed a maximum size of 25 square feet each. The maximum height permitted is 20 feet.
5. If the lots were treated separately, each lot would be permitted 2 freestanding signs (each lot has 2 road frontages). Each sign could be a maximum of 100 square feet and be a maximum of 20 feet in height.
6. The existing freestanding sign is 15 feet in height and 100 square feet in size. It also has a changeable copy element on the sign. At this time, the applicants are not proposing any structural alterations to the sign but in the future would like to alter the changeable copy portion of the sign to digital changeable copy.
7. The property to the south contains two commercial buildings with a total of 4 businesses. The subject property contains one business.

### **Provisional Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals Hearing Officer may approve or deny variances from the development standards of the City of Columbus Zoning Ordinance. The Hearing Officer may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved 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.**

*Provisional Findings:* The existing sign does not create any sight visibility issues. It does not contain any objectionable material and therefore does not injure the public health, safety, or morals of the community. *This criterion has been met.*

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.**

*Provisional Findings:* The multiple use lot sign will consolidate 4 potential freestanding signs into 1 (possibly 2) freestanding sign and will be more harmonious and visually appealing to the adjacent properties. *This criterion has been met.*

3. **The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.**

*Provisional Findings:* The strict application of the ordinance allows lots with multiple tenants to utilize primary and secondary sign elements for on-site tenants. Because the subject properties are on two separate lots they are not permitted to have a multiple use lot sign. This creates a practical difficulty on the site by not permitting the adjoining property to utilize the existing freestanding sign and requiring them to build separate freestanding signs, when fewer freestanding sign is more desirable. *This criterion has been met.*

### **Hearing Officer Options:**

In reviewing a request for development standards variance the Hearing Officer may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Hearing Officer, (4) deny the petition (with or without prejudice), or (5) forward the petition to the full Board of Zoning Appeals.



make 15 COPIES

\$250

SHARED SIGN  
→ include pictures

Sept 17<sup>th</sup>

### Columbus – Bartholomew County Planning Department Development Standards Variance Application



**Planning Department Use Only:**

Jurisdiction:  Columbus  Bartholomew County

Zoning: \_\_\_\_\_  
Docket No.: \_\_\_\_\_

Hearing Procedure:  Hearing Officer  Board of Zoning Appeals

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**Development Standards Variance Application:**

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**Applicant Information** (the person or entity that will own and/or execute what is proposed):

Name: Shane + Trish Meier  
Address: 4181 N 150 W Columbus IN 47208  
(number) (street) (city) (state) (zip)  
Phone No.: 812-343-0873 Fax No.: \_\_\_\_\_ E-mail Address: trishmeier0329@yahoo.com

**Property Owner Information** (the "owner" does not include tenants or contract buyers):

Name: Shane + Trish Meier  
Address: 1503 N Meadows Ct Columbus IN 47203  
(number) (street) (city) (state) (zip)  
Phone No.: 812-343-0873 Fax No.: \_\_\_\_\_ E-mail Address: trishmeier0329@yahoo.com

**Notification Information** (list the person to whom all correspondence regarding this application should be directed):

Name: Trish Meier  
Address: 1503 N Meadows Ct Columbus IN 47203  
(number) (street) (city) (state) (zip)  
Phone No.: 812-343-0873 Fax No.: \_\_\_\_\_ E-mail Address: trishmeier0329@yahoo.com

How would you prefer to receive information (please check one):  E-mail  Phone  Fax  Mail

**Property Information:**

Address: 4161, 4171, 4181 N 150 W Columbus IN 47208  
(number) (street) (city) (state) (zip)

or General Location (if no address has been assigned provide a street corner, subdivision lot number, or attach a legal description):  
\_\_\_\_\_

**Variance Requested:**

I am requesting a variance from Section 10(D)(7) of the Zoning Ordinance to allow the following:

OFF PREMISE SIGN

**Variance Request Justification:**

The Indiana Code and the Columbus & Bartholomew County Zoning Ordinance establish specific criteria that each must be met in order for a development standards variance to be approved. Describe how the variance request meets each of the following criteria.

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

No - Shane & Traci own Leap frog gymnastics which is located in 4461, Victory Gymnastics which is located in 471 and Victoria's Gilty Glamour & More which is in 4181

**The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

No - Just looking to have the ability to mention all business on the One sign.

**The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed; nor be based on a perceived reduction of, or restriction on, economic gain.**

No

**Application Fee Refund Information:**

The adopted Planning Department Schedule of Application Fees provides for the refunding of application fees for this request if it is approved by the Board of Zoning Appeals. The refund will be provided by mail in the form of a check. It may take several weeks after the Board of Zoning Appeals approval to process the refund and issue the check. Please indicate to whom the refund should be provided:

Name: Trish Meier  
Address: 1503 N Meadows Ct. Columbus IN 47203  
(number) (street) (city) (state) (zip)

**Applicant's Signature:**

The information included in and with this application is completely true and correct to the best of my knowledge and belief.

Trish Meier 9-17-13  
(Applicant's Signature) (Date)

**Property Owner's Signature (the "owner" does not include tenants or contract buyers):**

I authorize the filing of this application and will allow the Planning Department staff to enter this property for the purpose of analyzing this request. Further, I will allow a public notice sign to be placed and remain on the property until the processing of the request is complete.

Trish Meier 9-17-13  
(Owner's Signature) (Date)  
Shane Meier 9-17-13  
(Owner's Signature) (Date)