



**BARTHOLOMEW COUNTY
 BOARD OF ZONING APPEALS
 (May 23, 2016 Meeting)**

STAFF REPORT

Docket No. / Project Title: B/DS-16-06 (Best Western)
Staff: Allie Keen
Applicant: AJ Lodging Corp. (Best Western)
Property Size: 2.03 Acres
Current Zoning: CR (Commercial: Regional)
Location: 11780 North US 31, in German Township

Background Summary:

The applicant has indicated that the proposed variance from Zoning Ordinance Section 10(Table 10.1) is for the purpose of allowing a freestanding sign that is 43 feet in height, 18 feet taller than the 25 foot maximum height in the CR (Commercial: Regional). The applicants are proposing to replace the existing cabinet on an existing 43 foot tall freestanding sign. The existing sign is considered to be legally non-conforming with the existing sign exceeding the maximum height allowed in the CR zoning district. Removing the existing cabinet and replacing it with a new one triggers the sign to come into compliance with the current Zoning Ordinance. The applicants would like to use the existing pole and have the new sign be the same overall height as it currently has, which requires this variance request.

Preliminary Staff Recommendation:

Denial, criteria #3 has not been met.

Zoning Ordinance Considerations:

District Intent: The intent of the CR (Commercial: Regional) zoning district is as follows: To establish appropriate locations for a variety of businesses that either (1) serve a regional market or (2) require convenient access to high-volume transportation routes. This district should be limited to locations with access and infrastructure which is compatible with the needs of regional-serving businesses and facilities. This district should be focused at key intersections, rather than extended along corridors.

Development Standards: Section 10 (Table 10.1) *Sign Height:* Freestanding signs can have a maximum height of 25 feet in the CR (Commercial: Regional) zoning district.

Current Property Information:	
Land Use:	Hotel
Site Features:	2-story Hotel Building, Parking Lot, and Landscaping
Flood Hazards:	There are no flood hazards at this location.

Vehicle Access:	This property gains access from Hartman Drive (Subdivision Street) and US 31 via a frontage road.
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Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	CR (Commercial: Regional)	Commercial (Applebee's)
South:	CR (Commercial: Regional)	Undeveloped / Vacant Commercial (Marathon Gas Station)
East:	CR (Commercial: Regional) Edinburgh/Bartholomew/Columbus Joint Planning District	Commercial (Taco Bell) Commercial (Edinburgh Outlet Mall)
West:	I1 (Industrial: Light)	Industrial (Storage Express Self-Storage Facility)

Interdepartmental Review:	
Code Enforcement:	No comments.

Planning Consideration(s):

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

1. Best Western is seeking to update their signage on the subject property. On site there is currently a 13.75 foot tall freestanding sign (located on the frontage road along US 31), a 43 foot tall freestanding sign (located in front of the Best Western Building), and a 55 square foot wall sign (located on the east facing wall of the building). The applicants are proposing to replace the existing cabinet of the taller freestanding sign with a new one onto the existing pole. The overall height of the sign will remain at 43 feet tall.
2. In 1995, the subject property received development standards variance approval (B/DS-95-1 & B/DS-95-5) to allow the existing freestanding sign to exceed the maximum height allowed. Under the Zoning Ordinance that was in effect at the time of this approval, the subject property would have been permitted a sign with a maximum height of only 15 feet.
3. Per Zoning Ordinance Section 10 (Table 10.1), properties located in the CR (Commercial: Regional) zoning district are permitted 1 freestanding sign per public street frontage, a maximum area of 150 square feet and height of 25 feet per sign. The proposed 43' tall sign does meet all of these standards except for the height of the sign.
4. The existing 43 foot tall sign, which was installed prior to the current Zoning Ordinance going into effect, is considered to be legally nonconforming because the current height exceeds the maximum 25 feet permitted in the CR (Commercial: Regional) zoning district. According to Zoning Ordinance Section 11.6(C)(2), any legal nonconforming sign that is intentionally altered or replaced shall conform to the current Zoning Ordinance regulations. By removing the existing cabinet and replacing it with a new one, the sign is required by the Zoning Ordinance to come into compliance.
5. In August of 1996, the subject property was subdivided creating a second lot that sits in front of the Best Western property. The lot that was created was later developed as Taco Bell. Due to the

configuration of these two lots, visibility of the Best Western property is limited because it sits behind Taco Bell; however, the subject property (previously Ramada Inn) was developed before the Taco Bell lot was created. The taller freestanding sign does potentially help navigate hotel guests to the Best Western.

6. The subject property is located in a commercial area. Several of the surrounding businesses also have taller freestanding signs. The adjacent property to the south, Marathon, has a 40 foot tall freestanding sign and Hardy's, which is approximately 565 feet north of the subject site, has a 40 foot tall sign. Taco Bell, Ricker's and Applebee's received sign approval for their freestanding signs after the current Zoning Ordinance went into effect and Applebee's and Taco Bell each have a 25 foot tall sign and Ricker's has a 23 foot tall sign.
7. If this variance request is not granted, the applicants would be able to keep the existing sign as it is and just change the face within the existing cabinet area or they could reduce the overall height of the sign to 25 feet tall and comply with the Zoning Ordinance.

Provisional Findings of Fact/Decision Criteria:

The Board of Zoning Appeals may approve or deny variances from the development standards of the Bartholomew County Zoning Ordinance. The Board 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 proposed 43 foot tall sign provides better navigation to the subject property due to the visibility issues of the subject property. Additionally, the increased height will not create any sight visibility issues with the traffic along the frontage road and Hartman Drive. *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 subject property is located in a commercial area where several of the surrounding businesses have free standing signs that are 40 feet in height. The proposed sign at 43 feet in height will not visually appear to be significantly taller. The proposed sign will also not exceed the height of the existing sign on site. *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: Although there are visibility issues with the Best Western property being located behind Taco Bell, this situation was self-imposed because the Taco Bell lot was created from the subject property after the hotel was already built. *This criterion **has not** been met.*

Board of Zoning Appeals Options:

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.

Columbus – Bartholomew County Planning Department
Development Standards Variance Application

RECEIVED
APR 19 2016
BY: ASK

Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County
Zoning: CR
Docket No.: BIDS-16-06
Hearing Procedure: Board of Zoning Appeals Hearing Officer

Development Standards Variance Application:

Note: It is recommended that all variance applications are reviewed in a meeting with a Planning Department staff member prior to being filed. Please contact the Planning Department at 812.376.2550 to schedule that review meeting.

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

Name: AJ Lodging Corp (Best Western ASK 4/19/16)
Address: 11780 N US HIGHWAY 31 Edinburgh In 46124
(number) (street) (city) (state) (zip)
812-526-9883
Phone No.: _____ Fax No.: _____ E-mail Address: Da.bwhi@comcast.net

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

Name: Same as above
Address: _____
(number) (street) (city) (state) (zip)
Phone No.: _____ Fax No.: _____ E-mail Address: _____

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

Name: Universal Lighting and Electric + Marcus Crouch
Address: 8905 Rawles Ave Indianapolis IN 46219
(number) (street) (city) (state) (zip)
Phone No.: 317.591.0119 Fax No.: 317.757.6492 E-mail Address: ralsip@universalightingandelectric.com

How would you prefer to receive official documentation regarding this request (please check one)? If no or multiple selections are made e-mail will be used. E-mail Fax Mail
*email with questions and meeting reminders -> Marcus @ AJ Expeditors.COM

Property Information:

Address: 11780 N US highway 31 Edinburgh In 46124
(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(H)(7) of the Zoning Ordinance to allow the following:

To allow an interstate oriented sign.
(Pole Sign EX. C)

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.

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

This is an existing structure that is located away from the main
highway. The sign is being updated and all welds are being
inspected to ensure the quality.

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.**

The sign is located on premise, set back from the highway and nearby
businesses. The structure will not block or negatively affect any of
the adjacent properties.

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.**

The pylon structure allows motorists to have a visual of the property
prior to the entrance. This allows the driver to recognize the location
and to safely execute the decision to turn.

Application Fee Refund Information:

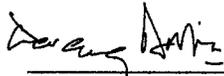
The adopted Planning Department Schedule of Application Fees provides for the refunding of application fees for this request if it is approved by the Board of Zoning Appeals. The refund will be provided by mail in the form of a check. It may take several weeks after the Board of Zoning Appeals approval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

Name: Same as applicant

Address: _____
(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.

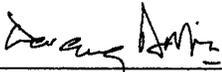


(Applicant's Signature)

(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.



(Owner's Signature)

(Date)

Devang Amin, President, AJ Lodging

(Owner's Printed Name)

If the person signing as the "owner" is not specifically listed as such in the records of Bartholomew County please indicate their relationship to that officially listed person, corporation or other entity.



EXISTING:
10'7 3/4" TALL X 11'6 13/16" WIDE PYLON

PROPOSED

C



$$13.83' \times 9' = 124.47 \text{ sq ft}$$

GRAPHIC DETAIL
SCALE: 3/16" = 1'-0"

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer: BEST WESTERN	Date: 3/9/16	Prepared By: CM	<small>Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.</small>	 persona SIGNS LIGHTING IMAGE	DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1.800.843.9888 • www.personasigns.com
Location: EDINBURGH, IN	File Name: 145320 - EDINBURGH, IN	Eng: -			



Wall Sign

Pylon

Moment