123 Washington Street Columbus, Indiana 47201 Phone: (812) 376-2550 Fax: (812) 376-2643





BARTHOLOMEW COUNTY BOARD OF ZONING APPEALS (March 25, 2013 Meeting)

STAFF REPORT

Docket No. / Project Title: B/DS-13-01 (Carver Toyota)

Staff: Allie Keen

Applicant: Carver Toyota of Columbus

Property Size: 11.24 Acres

Current Zoning: CR (Commercial: Regional)

10255 N. US 31, in German Township Location:

Background Summary:

The applicant has indicated that the proposed variance from Zoning Ordinance Section 10(Table 10.1) is for the purpose of installing Toyota flag signs on 15 of their light poles. These flags will replace the current American flags, which is exempt from regulations of the Zoning Ordinance. The Zoning Ordinance only permits 1 flag sign with a commercial message per use in the CR (Commercial: Regional) zoning district.

Preliminary Staff Recommendation:

Denial, Criteria 2 and 3 have not been met. All businesses in Bartholomew County, including car dealerships, are regulated by the same, uniform set of requirements that limit the type, size, and amount of signage. This variance request is not reflective of a difficulty in the use of the property.

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. In the jurisdiction of Bartholomew County this district is intended for use only in coordination with concentrations of other comparatively high density development where services can efficiently be provided.

Development Standards:

- 1. Section 10(H)17: Flag Sign: Flag signs bearing commercial messages shall be as specified by the Permitted Signs Table. Flags of any country, state, unit of local government, or public institution of higher learning shall be exempt from these requirements, provided that the flag and pole shall not exceed the height requirements of the zoning district.
- 2. Section 10(Table 10.1): The CR (Commercial: Regional) zoning district permits properties 1 flag sign per use, with a maximum square footage of 32 square feet.

Current Property Information:	
Land Use:	Commercial (Car Dealership)

Site Features:	Two buildings with surrounding parking and a water detention pond.	
Flood Hazards:	No flood hazards exist.	
Vehicle Access:	The property is accessed from US 31 (Arterial), Bear Lane (Local), and Branton Drive (Local).	

Surrounding Zoning and Land Use:					
	Zoning: Land Use:				
North:	CR (Commercial: Regional) RM (Residential: Multi-Family)				
South:	CR (Commercial: Regional) RM (Residential: Multi-Family)	Commercial (First Financial Bank ATM) Multi-Family Residential			
East:	I2 (Industrial: General) RE (Residential: Established)	Agriculture Single-Family Residential			
West:	CR (Commercial: Regional)	Commercial (Waffle House; Shell Gas Station)			

Planning Consideration(s):

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

- 1. The applicant is requesting approval of 15 commercial-message flag signs. Each flag is 3 feet x 5 feet (15 square feet) and they will all be the same. The flag signs will be permanently attached to the light poles and replaced on a regular basis.
- 2. The proposed signage will replace the current American flags (which are the same size) on their light poles with Toyota manufacturer flags. The current American flags will remain in front of the north building (10265 N. US 31) and the manufacturer flags will only be displayed in front of the south building (10255 N. US 31). Because the flags bear commercial messages they are regulated by the Zoning Ordinance, whereas American flags are exempt from the Ordinance, per Section 10(H)(17).
- 3. Section 10(Table 10.1) of the Zoning Ordinance permits properties located in the CR (Commercial: Regional) zoning district only one flag sign that bears commercial messages. The maximum area of the sign can be 32 square feet. Although the current flags will be replaced and there will be the same amount of flags on the property, the manufacturer signs will be additional commercial signage for the property that is otherwise limited for other businesses located in the CR (Commercial: Regional) zoning district.
- 4. Per Section 10 (Table 10.1) of the Zoning Ordinance, this property can have a total of 9 wall signs with a maximum of 350 square feet and 3 freestanding signs. The permitted amount of signage is for both buildings located on this property. Currently, there is the following signage located on the south building:
 - o Wall Signs:
 - Toyota Logo & Letters 81.8 square feet
 - Toyota Logo 12.4 square feet
 - "Carver" Sign 13.76 square feet
 - Freestanding Signs:
 - Toyota Freestanding Sign 32.74 square feet with overall height of 14.5 feet

- o Interior Signs (Exempt from the Zoning Ordinance):
 - "Service" Sign
 - "Express Lube" Sign
- Directional Signs:
 - 2 Directional Signs located off Branton Drive
 - 1 Freestanding Directional Sign located off of US 31.

The applicant has indicated that they are waiting on the north building to get leased before applying for any permanent signage on this building. Currently, there is only a "used car" painted window sign located on the front of the north building. This sign will be removed once the building has been leased. Although the property has less signage than what is permitted, the applicant is requesting 15 additional signs intended for only the Toyota building. Once the north building is leased there will be additional signage for this property.

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 additional proposed flag signs at this property will not cause harm or be injurious to the general welfare of the community. The proposed flag signs are located on light poles in the same spot as the current American flags and will not interfere with vehicular visibility. *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: With the installation of the proposed flag signs, the use of the adjacent properties will not be disrupted. However, the applicant is requested significantly more signage than is permitted by the Zoning Ordinance and all of the surrounding properties all have limitations on signage as well. A proliferation of signage may negatively affect the value of the surrounding properties. *This criterion has not 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 current use of the property can continue without difficulty devoid the additional signage. The regulations of the Zoning Ordinance do not prevent the business from advertising, as Carver Toyota has several previously approved signs, including freestanding, directional, and wall signs. All businesses within the CR (Commercial: Regional) zoning district must follow the same signage regulations set in the Ordinance. This criterion <u>has not</u> been met.

Board of Zoning Appeals Options:

In reviewing a request for <u>development standards variance</u> 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

		RECEN	/EPA
Planning Department Use Only:			
Jurisdiction: Columbus Bartholomew County		FEB 19 20	013
Zoning: CP Docket No.: BDS-13-01			
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Hearing Procedure: Hearing Officer Board of Zoning A	ppeals	112	The state of the s
Development Standards Variance Application:	:		
Applicant Information:			
Name: Carver Toyota of Columbus			
Address: 10255 N US Hwv 31 PO Box 710	Taylorsville	IN	47280
Address: 10255 N US Hwy 31 PO Box 710 (street)	(city)	(state)	(zip)
Phone No.: <u>(812) 526-7700</u> Fax No.: <u>(812) 526</u>			toyota.com
Property Owner Information (the "owner" does not inclu	ide tenants or contract buyers	s):	
Name: Carver Land LLC (Contact:	Bryce Henderson)		
Address: 201 N Harrison Suite 402 (street)	Davenport	IA	52801
(number) (street)	(city)	(state)	(zip)
Phone No.: (563) 324-9898 Fax No.: (563) 327	7-0359 E-mail Address:	brycethenders	on@yahoo.com
Notification Information (list the person to whom all corre	espondence regarding this ap	plication should be dir	ected):
Name: Anige Ogle			
Address: 10255 N.U.S. Hww 31 PO Box 710	Taylorsville	INI	47280
Address: 10255 N US Hwy 31 PO Box 710 (street)	(city)	(state)	(zip)
Phone No.: (812) 526-7700 Fax No.: (812) 526	-8696 E-mail Address:	aogle@carverte	ovota com
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How would you prefer to receive information (please che	eck one): <u>X</u> E-mail	_ Phone Fax	Wall
Description of the second of t			
Property Information:			
Address:10255 N US Hwy 31	Taylorsville		47280
(number) (street)	(city)	(state)	(zip)
$\underline{\textit{or}}$ General Location (if no address has been assigned provide a s	street corner, subdivision lot nun	nber, or attach a legal de	escription):

Variance Requested:
I am requesting a variance from Section of the Zoning Ordinance to allow the following:
The owners of Carver Toyota would like to fly Toyota flags from the lot light poles of the
dealership. The flags are 3'x5', red with the Toyota name at the top of the flag and the Toyota
logo in the middle of the flag. These flags would replace the 3'x5' American flags that are
currently being flown.
Variance Request Justification:
The Indiana Code and the Columbus & Bartholomew County Zoning Ordinance establish specific criteria that 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.
If approved this variance will follow the county criteria for public safety morals and general welfare.
The flags are simply in design and would not cause a distraction to drivers. They will be permanently
attached to the light poles and replaced on a regular basis.
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 use of the flags we are proposing to use will not have an adverse effect on the value of the proper
included in this variance or the property adjacent to this property. We would simply be replacing the
current American flags with manufacturer flags.
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 changes that are being proposed will not effect the use of the property. The changes will be a
uniform display of the manufacturer of the vehicles sold at the dealership.
Applicant's Cignoture
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) 02/19/2013 (Date)

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