



**CITY OF COLUMBUS  
BOARD OF ZONING APPEALS  
(September 27, 2016 Meeting)**

**STAFF REPORT**

**Docket No. / Project Title:** C/DS-16-41 (ColumBike)  
**Staff:** Ashley Klingler  
**Applicant:** Columbus Parks Foundation  
**Property Size:** 5.39 Acres  
**Current Zoning:** CC (Commercial: Community)  
**Location:** 951 2<sup>nd</sup> Street, in the City of Columbus

**Background Summary:**

The applicant is requesting signage for their new ColumBike office and maintenance location. The applicant is requesting the following variances:

1. Wall Sign Area: Variance from Zoning Ordinance Section 10(Table 10.1) for the purpose of allowing two wall signs to total an area of 226.5 sq.ft., 103.3 sq.ft. larger than permitted.
2. Moving Wall Sign: Variance from Zoning Ordinance Section 10(D)(1) for the purpose of allowing a wall sign to flash, move, and rotate.
3. Window Sign Area: Variance from Zoning Ordinance Section 10(Table 10.1) for the purpose of allowing a window sign to be 167.4 sq.ft, 137.4 sq.ft. larger than permitted.

**Preliminary Staff Recommendation:**

Variance #1 (Wall Sign Area): Denial, criteria #2 and #3 have not been met.

Variance #2 (Moving Wall Sign): Denial, criteria #2 and #3 have not been met. If approved, the following condition should apply: There shall be a cap on the end of the light housing to prevent it from shining directly into motorist eyes.

Variance #3 (Window Sign Area): Denial, criteria #2 and #3 have not been met.

**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.

**Development Standards:**

1. Wall Sign Area: Area of wall signs cannot exceed 15% of the front wall, or 350 sq.ft., whichever is smaller. [Section 10(Table 10.1)]
2. Moving Wall Sign: Signs that flash, change copy or image more often than every 6 seconds, rotate by any means (except for barber poles), move or have the appearance of movement are prohibited. [Section 10(D)(1)]
3. Window Sign Area: Area of window signs cannot exceed 25% of the window area, or 30 sq.ft., whichever is smaller. [Section 10(Table 10.1)]

<b>Current Property Information:</b>	
<b>Land Use:</b>	Commercial building including flower shop, and offices
<b>Site Features:</b>	Multi-tenet commercial center
<b>Flood Hazards:</b>	The south-eastern portion of the property has FEMA Zone AE (Floodway), the building is in the Zone AE (100-year) floodway fringe and the Zone X (500-year) floodway fringe. The edges of the property are in the Haw Creek Flow Path, and the Haw Creek Inundation Area.
<b>Vehicle Access:</b>	2 <sup>nd</sup> Street (Principal Arterial, Commercial, Urban)

<b>Surrounding Zoning and Land Use:</b>		
	<b>Zoning:</b>	<b>Land Use:</b>
<b>North:</b>	CC (Commercial: Community)	Auto-Oriented Use (Percifield Auto Repair), Office Use (Prudential Realty)
<b>South:</b>	P (Public/Semi-Public Facilities) AP (Agriculture: Preferred)	City Utilities Sanitary Sewer Dump Station
<b>East:</b>	CC (Commercial: Community) I3 (Industrial: Heavy)	Worship Facility (Heritage Baptist Church, Formerly Country Mart), Industrial Use (Mariah Food Corp)
<b>West:</b>	CC (Commercial: Community)	Vacant Gas Station and Convenience Store

<b>Interdepartmental Review:</b>	
<b>City Engineering:</b>	We see no issue with the bike wheels rotating, but the lighting in the wheels concerns us. We would like to see a cap on the end of the light housing to prevent it from shining directly into motorist eyes.

**Planning Consideration(s):**

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

1. The Columbus Park Foundation is renting out a space in the building on the subject property. This site will be used as the Columbike headquarters. The applicant is requesting two wall signs, and a window sign. The proposed signage, however, does not comply with the Zoning Ordinance, so the applicant is requesting three variances.
2. The following charts compare the permitted and proposed wall signage. The proposed wall signage includes the "Columbus Park Foundation" logo (9.36 sq.ft), and the "Columbike" sign with bike wheels (217.13 sq.ft.). The total number of signs meets the Zoning Ordinance, but the total area of the proposed wall signage exceeds the square footage permitted.

Wall Signs	Permitted	Proposed	Status
Number	3	2	✓

Wall Signs	Permitted	Proposed	Status
Area	15% of Wall Area (123.2 sq.ft) OR 350 sq.ft. (whichever is smaller)	226.5 sq.ft (9.36 sq.ft. + 217.13 sq.ft.)	Over by 103.3 sq.ft.

- The applicant is also proposing that the bicycle wheel portion of the “columbike” sign move/rotate. The wheels will be attached to an internal stationary bike or motor. The wheels on the exterior of the building will turn as the internal stationary bike is being peddled. Each wheel will also have a light attached to the center. This light can be programed to be on, or only turn on as the wheel moves. Per the Zoning Ordinance, signage cannot move, rotate, or flash. The applicant is requesting a variance to allow the wheels to rotate, and the lights to flash.
- The following chart compares the permitted and proposed window signage. The proposed window sign is an image of bike riders. The proposed sign area exceeds the square footage permitted by the Zoning Ordinance.

Window Signs	Permitted	Proposed	Status
Area	25% of Window Area (46.7 sq.ft) OR 30 sq.ft. (whichever is smaller)	167.4 sq.ft	Over by 137.4 sq.ft.

- The intent of these sign regulations is to avoid a proliferation of signs; encourage design and placement of signs that are legible and effective for communication in the context of their location and surroundings; promote principles of quality design in community development; and enhance the city’s economic development and growth.
- The building on the subject property is located approximately 75 feet from the pavement of SR 46. For comparison the properties to the east and west of the subject property are setback 63 feet and 15 feet respectively. The buildings across the street are setback between 88 ft and 219 feet from the pavement. The building is not setback a particularly larger amount that would require larger signage.
- The subject property is near downtown. It is located on 2<sup>nd</sup> Street (eastbound SR 46). The property is 940 feet (approximately 3 blocks) from the nearest CD (Commercial: Downtown) zoning district.

**Provisional Findings of Fact/Decision Criteria (Variance #1- Wall Sign Area):**

The Board of Zoning Appeals may approve or deny variances from the development standards of the City of Columbus 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:

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

*Provisional Findings:* The intent of these sign regulations is to avoid a proliferation of signs. The proposed number of signs meets the permitted number of signs. Having a larger sign will not be injurious to the public health, safety, moral, or general welfare of the community. *This criterion has been met.*

- 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:* All the other businesses in the vicinity are required to meet the signage standard of having a sign area no more than 15% of their front wall area. Allowing these wall signs to exceed the maximum square footage is to the disadvantage of neighboring businesses and properties that have to install signs meeting the standards of the Zoning Ordinance. *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 building on the subject property is located approximately 75 feet from the pavement of SR 46. This is closer to the road than other businesses in the vicinity. There is nothing particular about the property that merits a larger sign than permitted. *This criterion **has not** been met.*

### **Provisional Findings of Fact/Decision Criteria (Variance #2-Moving Wall Sign):**

The Board of Zoning Appeals may approve or deny variances from the development standards of the City of Columbus 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 intent of these sign regulations is to avoid moving/flashing/rotating signage that would distract vehicular traffic. The proposed wheels that rotate and have flashing lights could be distracting to vehicular traffic along SR 46 or California Street. According to the City Engineering Department, the moving wheels will not likely distract drivers, but the flashing light may cause a concern. With the condition that the ends of the lights are capped, the moving/flashing sign will not be injurious to the public health, safety, moral, or general welfare 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:* All the other businesses in the vicinity are required to meet the signage standard of not having any moving or flashing signs. Allowing this sign to rotate and flash is to the disadvantage of neighboring businesses and properties that have to install signs meeting the standards of the Zoning Ordinance. *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 building on the subject property is located approximately 75 feet from the pavement of SR 46. This is closer to the road than other businesses in the vicinity. There is nothing particular about the property that merits a moving/flashing sign. *This criterion **has not** been met.*

### **Provisional Findings of Fact/Decision Criteria (Variance #3-Window Sign Area):**

The Board of Zoning Appeals may approve or deny variances from the development standards of the City of Columbus 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 intent of these sign regulations is to encourage design and placement of signs that are legible and effective for communication in the content of their location. Having a larger window sign will not be injurious to the public health, safety, moral, or general welfare 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:* All the other businesses in the vicinity are required to meet the signage standard of having a signage area no more than 25% of their window area. Allowing this window sign to exceed the maximum square footage is to the disadvantage of neighboring businesses and properties that have to install signs meeting the standards of the Zoning Ordinance. *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 building on the subject property is located approximately 75 feet from the pavement of SR 46. This is closer to the road than other businesses in the vicinity. There is nothing particular about the property that merits a larger sign than permitted. *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**

**Planning Department Use Only:**

Jurisdiction:  Columbus  Bartholomew County  
Zoning: \_\_\_\_\_  
Docket No.: \_\_\_\_\_  
Hearing Procedure:  Board of Zoning Appeals  Hearing Officer

**Zoning: CC  
Docket NO: C/DS-16-41  
Hearing Procedure: Board of Zoning Appeals**

**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: Green Sign Company  
Address: 1045 E Freeland Rd Greensburg IN 47240  
(number) (street) (city) (state) (zip)  
Phone No.: 812-1403-2550 Fax No.: 812-1403-6503 E-mail Address: melissa@greensignco.com

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

Name: Tom Wetherald  
Address: 1704 Central Ave Columbus IN 47201  
(number) (street) (city) (state) (zip)  
Phone No.: 812-375-1858 Fax No.: \_\_\_\_\_ E-mail Address: twetherald@sbcglobal.net

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

Name: Green Sign Company  
Address: 1045 E Freeland Rd Greensburg IN 47240  
(number) (street) (city) (state) (zip)  
Phone No.: 812-1403-2550 Fax No.: \_\_\_\_\_ E-mail Address: melissa@greensignco.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

**Property Information:**

Address: 951 2nd St Columbus IN 47201  
(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):

10 (Table 10.1)  
AEK 9.16.16

**Variance Requested:**

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

variance to allow size of wall sign. Since the painted wall behind the sign is included for sign size, we are asking for an exception to keep the aesthetics of signage in place.

**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.

Not in any way! Size of sign will not block any visibility or cause harm to the public.

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.

Absolutely not - Having this type of architectural signage will bring visual appeal and accent to the city and neighboring facilities.

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.

Without a variance, this sign will lose the aesthetic appeal. The City of Columbus has a lot of value and well known for its architectural design. Approving this variance will allow other areas of the city to follow in that direction.

10(D)(1)  
AEK 9.16.16

**Variance Requested:**

I am requesting a variance from Section 10(15)(6) of the Zoning Ordinance to allow the following:

To allow bike wheels to be moveable. The wheels will only turn when a person is on the stationary bike located inside.

**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.

NO - will not block visibility or endanger the public in any way.

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.

Absolutely not - Having this type of architectural signage will bring visual appeal and accent to the city along with increasing the value of the building area.

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.

Without a variance the signage will lose the aesthetic appeal. The city has a lot of value and architectural design in downtown area. Approving this variance will allow other areas of the city to follow in that direction.

10 (Table 10.1)  
AEK 9.16.16

**Variance Requested:**

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

Variance to approve size of window graphics to keep the aesthetics of the front signage. Asking for an exception to go over 30 sq ft.

**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.

NO - window graphics will not block visibility for drivers or cause harm to public.

- 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.

no - having this type of architectural signage will bring much needed visual appeal to the area. This will also accent the structure of downtown.

- 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.

Without a variance the sign will lose the aesthetic appeal. The City is well known for its architectural design, approving this variance will allow other areas besides downtown to follow in that direction.

**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: Green Sign Company  
Address: 1045 E Freeland Rd Greensburg IN 47240  
(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.

Melissa McKenney (Applicant's Signature) 8/23/16 (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)

\_\_\_\_\_  
(Owner's Printed Name)  
See attached letter.

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.

Date: 8/8/16

To Whom It May Concern:

I give my consent for Green Sign Company to apply for all permits pertaining to the business of Parks Building located at 951 2nd Street, Columbus, IN 47201



Property Owner Signature

8/8/16

Date

Tom's Commercials LLC

Property Owner Name

812-375-1858, trwetherald@sbcglobal.net, 1704 Central Avenue, Columbus, IN 47201

Property Owner contact information (phone, email, owners address)

"The Columbus Park Foundation" Identification, Aluminum Roundel Stud Mtd off Wall Surface w/ Aluminum Plate Letters Copy to be Surface Mtd.

Bicycle Rims (Client Provided), Powder Coated (TBD); Mtd. to Hub / Sprocket Assembly. Rims to be Ganged together via Chain Assembly to Rotate for Kinetic Movement by Stationary Bike Element on Interior of Space.

"columbike." Identification" Identification, Fabricated Aluminum Reverse Channel Letters, Ptd.(TBD) w/ Halo Illumination

Chain Assembly, Interconnected to Bike Rim Hub Sprockets



Rim / Chain Assembly Connects to Central Hub through Wall Behind Roundel to Internal Stationary Bike or Motor

Scale 1/4"=1'



Original Design By Sarah Saberskatoff  
Updated with dimensions by Robert Sims  
Approximate Measurements

Saved As: Columbus Parks & Rec - Columbus - Permit-Variance - Revised scaled layout 9-13-16.dwg