

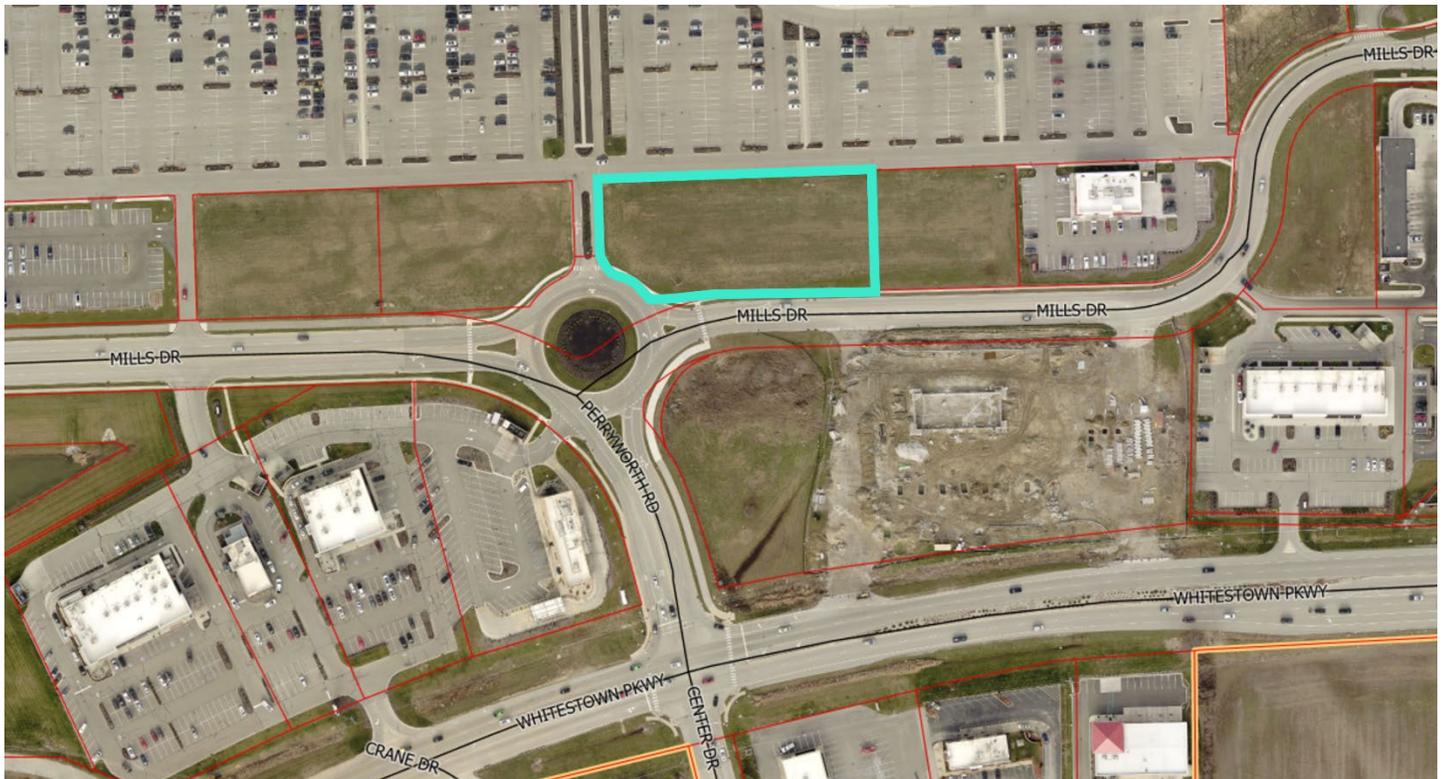


# Staff Report BZA22-008-VA

## Culvers Sign Variance

Meeting Date: August 4, 2022

**Docket BZA22-008-VA Culvers Sign Variance.** The applicant is requesting Variances from the signage requirements; (1) proposing to vary from the allowed heights and widths, and (2) to have an electronic messaging board. The site in question is approximately 1.27 acres and located at 6292 Mills Drive in Whitestown. The applicant is Green Sign Company on behalf of owner, K&J Investments XVI, LLC.



### Site Location

The site in question is located on the northeast side of the intersection of Mills Drive and Perry Worth Road. The site in question is a part of the Shoppes at Whitestown development north of Whitestown Parkway. The surrounding area is characterized by commercial uses.

### Zoning

The site in question is zoned Anson PUD and is part of the Business District. “The Business District shall be generally located as designated on the Land Use Districting Plan. The use Areas permitted within the Business District shall be limited to Two-Family Residential Areas, Multi-Family Residential Areas, Professional Office Areas, and Retail Areas.”

The site in question is also zoned I-65 Corridor Overlay Zone. The Overlay is “established to provide consistent and coordinated treatment of the properties bordering I-65 within Whitestown. The I-65 Corridor is a premier office and industrial business location and employment center whose vitality, quality, and character are important to adjacent residents, employees, business owners, taxing districts, and the community as a whole.”

## Anson PUD Ordinance and Sign Program

The Anson Planned Unit Development Ordinance includes a Sign Program for developments within the PUD zoning district to “(i) encourage the effective use of signs as a means of communication and identification within Anson ; (ii) to maintain and enhance the aesthetic environment and Anson’s ability to attract sources of economic development and growth; (iii) to minimize the possible adverse effect of signs on nearby public and private property; and (iv) to enable the fair and consistent enforcement of these sign regulations.”

**Anson Sign Program 8. Signs Prohibited Under This Sign Program.** “All signs not expressly permitted under this Sign Program, or exempt from regulation hereunder, are prohibited.”

In 2017, the Anson Architectural Approval committee approved a revised monument sign for the outlots located in the Shoppes at Whitestown development, including the site in question. The regulations for the allowed monument sign are shown in the graphic below.

REALTY LINK - WHITESTOWN

V1

ST. CLAIR  
SIGNS

1338 Miller Road, Greenville, SC 29607  
PHONE: 864-244-0040  
www.StClairSigns.com

CLIENT: Shoppes at Whitestown  
EMAIL:  
PHONE:  
SALESMAN: BOBBY  
DESIGNER: BRIANNA  
DATE: 5.2.17

\*PLEASE NOTE\*  
St. Clair Signs is happy to provide one complimentary sign layout and one complimentary sign layout revision. Any revisions thereafter are subject to graphic design fees at a rate of \$85.00 per hour.

\*\*Production will proceed upon receipt of your signed and dated agreement. It is your responsibility to verify materials, sizes, colors, spelling, and overall content contained in your layout. Any corrections made after production begins will be your responsibility and additional charges will apply.

NOTES:

102"  
96"  
90"

60"

2"

36"

8"

3" REVEAL

2" REVEAL

8" CONCRETE PAD.

DOUBLE SIDED INTERNALLY ILLUMINATED CABINET WITH PAINTED AND EMBOSSED PAN FORMED FACES. GRAPHICS TO BE DETERMINED. 2" RETAINERS, CABINET PAINTED TO MATCH SPECIFIED COLOR. (TBD)

STONE BASE TO MATCH PYLON - BY OTHERS.

2' x 4' FOOTER WITH 4" X 4" X 13' SQUARE POLE.

COLOR REFERENCE

COLOR TBD

PMS 1815C

CLIENT APPROVAL:

DATE:

By signing this approval, client is authorizing sign to be constructed according to drawings and has received all necessary information and materials and has been advised of all applicable regulations and restrictions. Signage will be constructed in accordance with the approved layout and specifications. Any corrections made after production begins will be your responsibility and additional charges will apply. This sign is the property of St. Clair Signs and may not be reproduced or copied without written permission.

## Proposed Development

The site went through the replat process through Boone County to expand the site eastward. Additionally, the Development Plan for the site in question was approved by Plan Commission (PC21-044-DP).

The applicant is requesting a Variance to vary from the approved PUD sign design and to allow electronic messaging on a ground monument sign. The ground monument sign is proposed to be placed at the southwest corner of the site

near the roundabout of Mills Drive and Perry Worth. Below is a breakdown of the sign variation requests.

	Permitted	Culvers Request	Percent Change
Overall Height (ground to top of sign)	9.08 ft	15 ft	+ 66.19%
Overall Width (top of sign including reveal)	8.5 ft	8.83 ft	+ 3.88%
Reveals Height	3 in and 2 in	5 in and 5 in	+ 66.66 and 150%
Concrete Base Pad	8 in by 108 in	Not Provided	N/A
Sign Face Area (includes entire display area)	40 ft sq	90.93 ft sq	+ 127.32%
Stone Base Height	3 ft	2.65 ft	- 11.66%
Stone Base Width	8 ft	8.58 ft	+ 7.25%

## Staff Recommendation

### Request #1:

**Request to vary from approved sign reqs.** Staff is providing an unfavorable recommendation for the Culvers Sign Variance docket BZA22-008-VA to vary from the Anson-approved sign widths, height, and overall appearance.

Staff's recommendation to the Board of Zoning Appeals finds the variance does not comply with the requirements in UDO Section 11.14 F. 2. and is not consistent with Indiana Code IC 36-7-4-918.5 and denial be based upon:

1. The approval will be injurious to the public health, safety, morals, and general welfare of the community because:  
***Approval of the variance will be injurious to the public health, safety, morals, and general welfare because the required signage requirements are appropriate for the surrounding area and the site in question. A sign of the proposed height, width, and uncharacteristic style to adjacent signs will be a distraction to those who travel past the site.***
2. The use or value of the area adjacent to the property included in the variances will be affected in a substantially adverse manner because:  
***The use or value of the surrounding area will be negatively affected if the variance is approved because the Anson area is developed under similar architectural and development characteristics throughout the PUD. A ground monument sign that does not meet the criteria of the Anson PUD will be out of place and not fit the character, size, scale, and scope of the surrounding properties.***
3. The strict application of the terms of the Ordinance will not result in practical difficulties as applied to the property for which the variance is sought because:  
***The strict application of the graphic and PUD Ordinance does not result in practical difficulties because they are still permitted to have a sign on the premises and enjoy use of the monument sign. The approved sign graphic for the site already permits larger dimensions as a grace to the outlots who did not have frontage along Whitestown Parkway. Other sites within the Shoppes at Anson are complying with the signage requirements.***

### Request #2:

**Request to permit an electronic messaging board.** Staff is providing a favorable recommendation for the Culvers Sign Variance docket BZA22-008-VA to permit the electronic messaging board within the overall sign display area.

Staff's recommendation to the Board of Zoning Appeals finds the variance complies with the following requirements in accordance with UDO Section 11.14 F. 2. and is consistent with Indiana Code IC 36-7-4-918.5 and approval be granted

upon:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because:  
***Approval of the variance will not be injurious to the public health, safety, morals, and general welfare because electronic messaging boards are safer than manual changeable copy letter signs for personnel to change.***
2. The use or value of the area adjacent to the property included in the variances will not be affected in a substantially adverse manner because:  
***The use or value of the surrounding area will not be negatively affected if the variance is approved because electronic messaging boards are permitted in other parts of the Town, including the gas station across the street.***
3. The strict application of the terms of the Ordinance will result in practical difficulties as applied to the property for which the variance is sought because:  
***The ordinance was approved in 2004 at a time when electronic messaging was not as popular or accessible as manual changeable copy letter signs. The age of the PUD limits the ability for property owners, including the site in question, to adapt and compete in the changing market.***

If the Board of Zoning Appeals approves the variance for electronic messaging, staff recommends adding the condition the digital messaging comply with standards in the UDO Section 8.8 as follows.

- “1. Display. An electronic changing message display may be in full color.*
- 2. Minimum Display Time. An electronic changing message display must not change more than once every 8 seconds.*
- 3. Transition Method. An electronic changing message display must change by an instant change method.*
- 4. Illumination Levels. An electronic changing message display must incorporate automatic dimming technology that adjusts to ambient light conditions. Displays must have a brightness level no greater than 0.3- foot candles above ambient light conditions.*
- 5. Maintenance. An electronic changing message display that ceases to operate in its normal programmed manner must be repaired or disconnected within 48 hours of the initial malfunction.”*

Staff is recommending that the ground monument sign comply and match the approved Anson sign detail in height, width, and overall appearance. Staff is agreeable to the electronic messaging board if the board and company logo fit together within the overall sign display area (labeled as 60” by 96”) on the approved Anson sign detail.

# Materials Submitted by the Applicant



S1

## Custom Illuminated Monument Sign with EMC Board

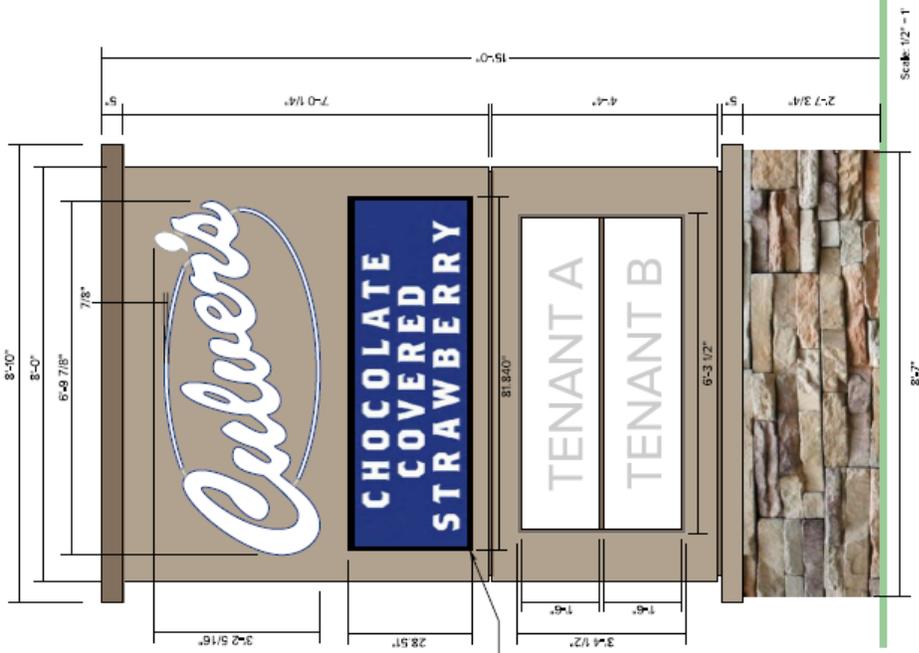
New double-faced monument to be installed.  
**REFER TO CONSTRUCTION DRAWINGS FOR EXACT MANUFACTURING & INSTALLATION DETAILS**

### Paint Specifications

-  SW 7038 Tony Taupe
-  SW 7509 Tiki Hut

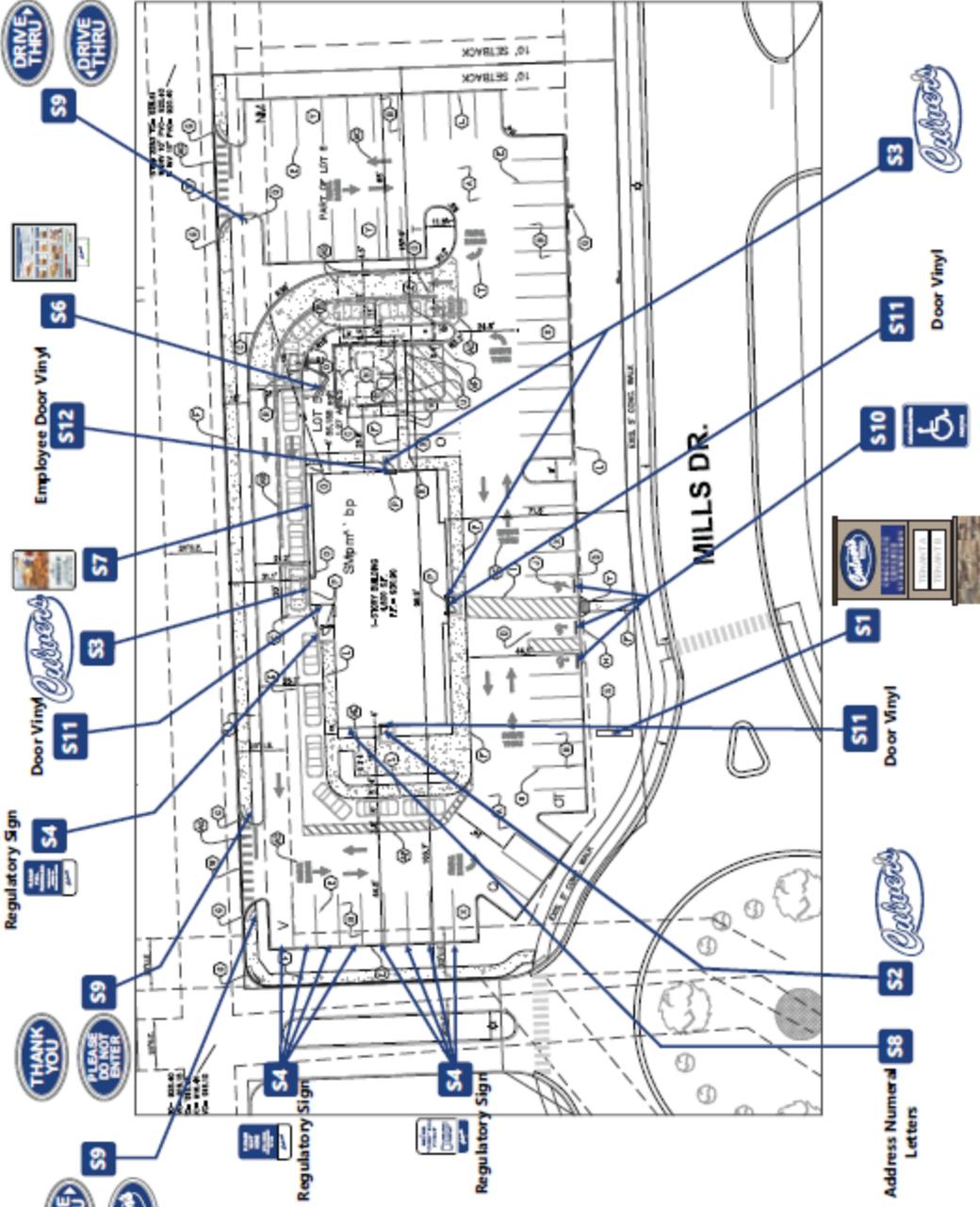


Cultured Stone by Boral  
 Style : Country Ledgestone / Color : Aspen



**File Location:**  AS  CR  EN  
**File Name:** Sign-01.rvt  
**Revision:** 1  
**Author:** J. B. B. / J. B. B.  
**Created Date:** 8/2/19  
**City/State:** MINDEN, IN  
**Address:** TBD  
**Project No.:** C63360 - 3  
**Drawing #:** 124998  
**Sheet #:** 124998

Site Plan



Regulatory Sign

Door Vinyl

Door Vinyl

Employee Door Vinyl

DRIVE THRU

DRIVE THRU

Address Numeral Letters

Cubicle

Door Vinyl

Door Vinyl

Door Vinyl

Cubicle



## Attachment D: Standards for Evaluating a Variance

Use the following form or attach a separate sheet(s) to explain the Variance request. The BZA's decision shall be based upon how each of the following statutory requirements is justified in the request.

### ***Petition Information***

Describe the proposed use of the property (type of use, hours of operation, access, necessary construction, employees, etc.):

The property in question is to be used for the operations of Culver's the restaurant.
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### ***Standards for Evaluation***

1. The variance will not be injurious to the public health, safety, morals, and general welfare of the community because... the increase in height shows no proven dangers as it will be far enough from the road to not impede the sight triangle of drivers. With the electronic message board will also not be injurious to the public health, safety, morals, and general welfare of the community because it's there to help convey information. Due to it's self-dimming controls via photocell, the electronic message board will not be distracting to pedestrians or motorists.
2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because... the adjacent properties are commercial properties as well with restaurant/business signage around their properties.
3. The strict application of the terms of the Ordinance will continue the unusual and unnecessary hardship as applied to the property for which the variance is sought because... the current ordinance doesn't allow for electronic message boards in the PUD zone. The current ordinance also doesn't permit monument signs above the height of 8ft.