

AGENDA

**BOARD OF ZONING APPEALS
Ellettsville Town Hall
1150 W. Guy McCown Drive, Ellettsville, Indiana
Wednesday, September 11, 2024 - Meeting Starts at 6:00 P.M.**

Pledge of Allegiance

Roll Call

Approval of Minutes – May 8, 2024

Monthly Conflict of Interest Statement

Old Business

New Business

Request for Two (2) Variances from Development Standards to Allow for Signage that Exceeds the Maximum Allowable Square Footage with Interior Lighting when only External is allowed in a Residential 1 Zoning District at the Ellettsville First United Methodist Church located at 815 W. Temperance Street; Petitioner: Ellettsville First United Methodist Church, Case No. BZA 24-02

Planning Department Comments

Board of Zoning Appeals Comments

Adjournment



Town of Ellettsville

Department of Planning & Development

BZA 24-02 - Variance from Development Standards Staff Report

Petition

Case - BZA 24-02. A request by Petitioner, Ellettsville First United Methodist Church “Church”), for two (2) variances from development standards to allow for signage that exceeds the maximum allowed and interior lighting when only external is allowed in a Residential 1 zoning district. The subject parcel is located at 815 W. Temperance Street.



Surrounding Zoning Districts & Uses

Zoning District	Property Use
North: R-1; Single Family Residential	Single Family Residential
South: R-1; Single Family Residential	Single Family Residential
East: R-1; Single Family Residential	Single Family Residential
West: R-1; Single Family Residential	Single Family Residential

Considerations

1. The Petitioner is requesting two (2) development standard variances to allow for signage that exceeds the maximum sign area and internal lighting when only external lighting is permitted in a Residential 1 zoning district. Churches are permitted by right in a Residential 1 zoning district.
2. Petitioner is replacing an existing sign.
3. Variance No. 1: Ellettsville Municipal Code of Ordinances, Section 152.263(D), *et. seq.* states:
 - (D) *Only signs permitted by § 152.263(A) may be lighted.*
 - (1) *Sign lighting may be external only;*
 - (2) *External lighting shall be shielded in a way to direct light onto the sign only and minimize light trespass onto adjacent properties; and*
 - (3) *External lighting shall not be permitted to be directed toward roads in a manner that could interfere with the vision of drivers.*
4. Variance No. 2: In Residential 1 zoning, the maximum sign area is 24 square feet (§152.263(A)(2)). Petitioner is seeking to install a sign that is 48 ft².
5. The Petitioner's request of two (2) development standard variances are the only items to be considered by this Board of Zoning Appeals.
6. Indiana Code (IC 36-7-4-918.5) requires the following criteria be met in order to approve a variance of development standards request:
 - a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
 - c. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.
7. Additionally, Town Code requires the following criteria to be satisfied:
 - a. The approval does not interfere substantially with the comprehensive plan.
 - b. The approval is not based solely upon financial hardship or mere convenience; and
 - c. The approval is in conformance with all other Town Ordinances.
8. In order to be considered a practical difficulty, the following criteria should be met:
 - a. The need for a variance arises from unique conditions on the property and is not shared by neighboring properties in the same zone;
 - b. Strict compliance with the standard would unreasonably prevent the landowner from using the property for a permitted use, or would render conformity necessarily burdensome;

- c. The particular request, or a lesser relaxation of ordinance standard, would provide substantial justice to the landowner and neighbors; and
 - d. The need for a variance is not the result of a self-created action by the current or any former property owner.
9. A variance, once granted, runs with the property no matter who owns the property.

Criteria For Decisions – Variance from Development Standards

In taking action on all variance requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of Indiana Code. The Board may grant a variance of development standards from this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.5) that:

DECISION CRITERIA

General Welfare: The approval (will or **will not**) be injurious to the public health, safety, morals, and general welfare of the community.

Staff Finding:

Approval of the variance requests to exceed the allowed signage area will not cause problems in relation to public health and safety. If internal lighting is installed pursuant to §152.263(D), *et. seq.*, it will not cause problems in relation to public health and safety.

1. Adjacent Property: The use or value of the area adjacent to the property included in the variance (will or **will not**) be affected in a substantially adverse manner.

Staff Finding:

The variance requests are related to the size and lighting of the signage and will not affect the use or value of adjacent properties.

2. Practical Difficulty: The strict application of the terms of the zoning ordinance (will or **will not**) result in practical difficulties in the use of the property.

Staff Finding:

The Petitioner is requesting variances to allow for a sign that exceeds the permitted size and internal lighting which is not permitted in the Ellettsville Municipal Code of Ordinances. Therefore, the strict application of the Town’s zoning ordinance does not result in practical difficulty in the use of the property.

3. Compliance with Comprehensive Plan: The variance request (**is** or is not) substantially in compliance with the existing comprehensive plan.

Staff Finding:

The proposed signage is in compliance with the Comprehensive Plan.

4. Financial Hardship: The need for the variance (does or **does not**) arise from some condition peculiar to the property involved.

Staff Finding:

The requested variances are about the size of the signage and type of lighting which are not peculiar to the property.

5. Compliance with other Town Codes: The variance request (or **is not**) substantially in compliance with other Town Codes.

Staff Finding:

The property is currently in compliance with all other Town Codes.

Board of Zoning Appeals Action

The Board of Zoning Appeals action shall be in the form of *approval, approval with conditions, denial, or a continuance*. The Board of Zoning Appeals takes final action on all variance petitions.

Staff Recommendation

The purpose of a variance is to provide relief in situations where the land or other condition offers resistance to meeting a particular zoning regulation through no fault of the occupant of the land.

Therefore, based on the above analysis, Staff opinion is as follows:

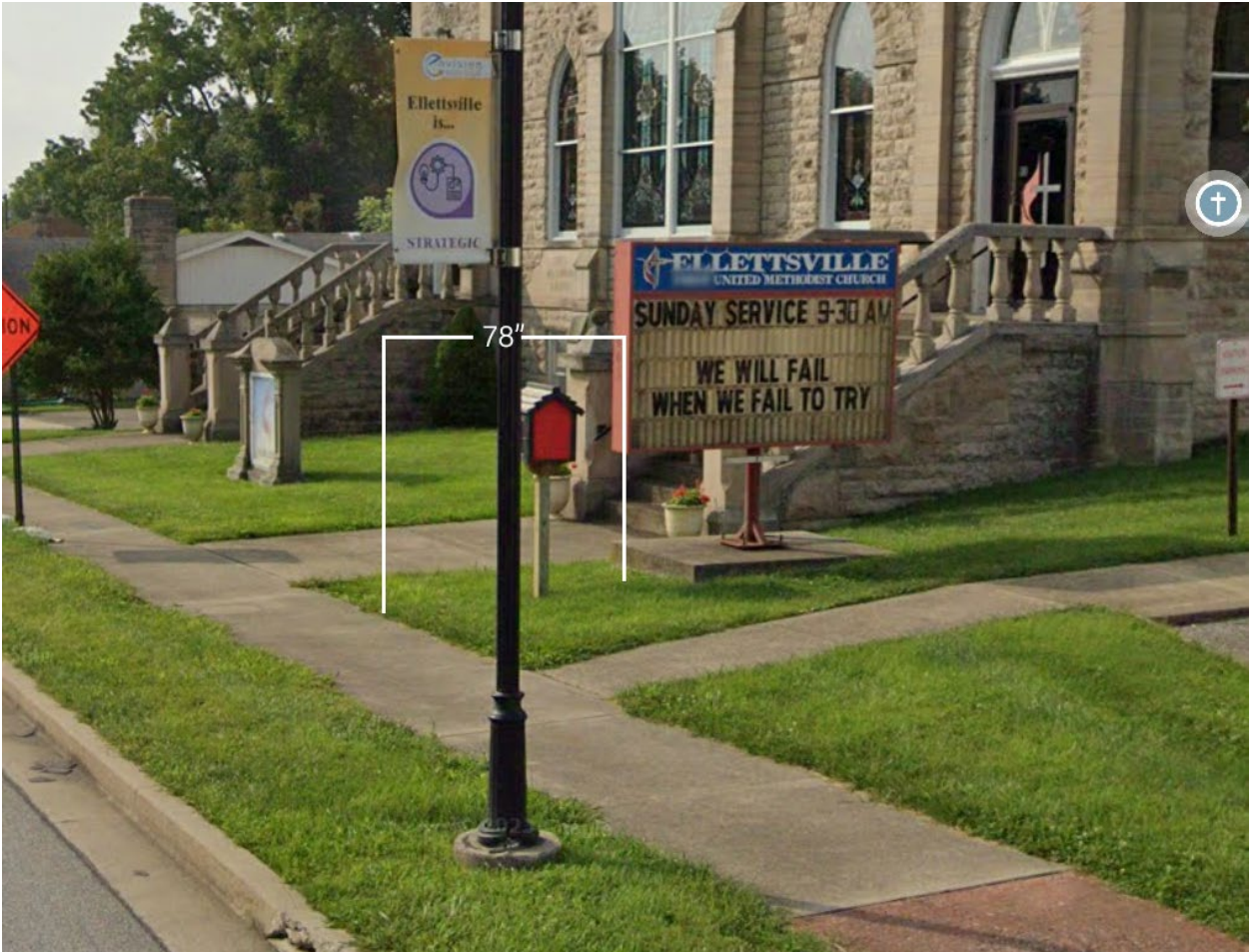
1. Variance No. 1: Churches are permitted by right in R-1. It is staff opinion that allowing internal lighting for the sign should be granted with the condition Petitioner provide the level of ambient lighting prior to issuance of the sign permit. The sign will be located in close proximity to W. Temperance Street and the Town of Ellettsville does not want drivers distracted by the lighting.
2. Variance No. 2: Staff recommends approval of the 48 ft² sign.

The Board may approve the variances if, after testimony and discussion, it finds that the request does meet all six (6) of the stated requirements. If the Board denies the variance, it shall state which requirement(s) have not been met.

Submitted by Denise Line
Director of Planning, Town of Ellettsville
September 11, 2024

Staff Photos:

Existing Signage:



Proposed Signage:



Aerial Photo:

