

Board of Zoning Appeals  
City of Crawfordsville  
October 18, 2017

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The City of Crawfordsville Board of Zoning Appeals met on Wednesday, October 18, 2017 at 7:00 p.m. in the Common Council Chambers of the Municipal Building. Board members present were: Don Gould, Don Swearingen, Phil Wray and Phil Littell. Others in attendance were: Brandy Allen, Director of Planning & Community Development; and Darren Chadd, City Attorney of Taylor, Chadd, Minnette, Schneider & Clutter, as well as Megan Huckstep, Executive Assistant, Department of Planning & Community Development.

Commission President Don Gould called the meeting to order at 7:00 p.m. and the roll was called.

Meeting minutes from September 20, 2017 were presented. Phil Littell made a motion to approve the minutes as presented. Seconded by Phil Wray. Motion approved 4-0.

1804 Indianapolis Road

Roy Hurt

DSV 0076

Planning Director Brandy Allen presented a staff report for petition DSV 0076 submitted by Roy Hurt, requesting a development standard variance from the signage standards and regulations of the City Zoning Ordinance. Ms. Allen explained that Mr. Hurt was requesting a second freestanding sign at Indy Road Pub located in a B-3, business zoning district at 1804 Indianapolis Road. She reported that the property was surrounded by B-3, business on all sides. Ms. Allen noted that the property was located along Indianapolis Road where no issues were anticipated concerning traffic or transportation due to the additional sign. It was noted that there were no environmental issues. No fire, police or emergency issues were anticipated. Ms. Allen explained that the Pub had a signage theme. The proposed Texaco sign was purchased for decoration and coordination with the signage theme only. However, Ms. Allen explained that the ordinance did not allow two freestanding signs. She reported that the sign would not technically advertise a product sold on the property, however the variance was necessary because the ordinance stated there was only one freestanding sign permitted per property.

The findings of fact were considered as follows:

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

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

***The need for the variance was not self-created.***

The need for the variance could be considered self-created as the sign is not necessary to successfully operate the bar.

***The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.***

In 2005, the City intentionally amended the zoning ordinance to prohibit off-premise signage in order to “reduce traffic hazards caused by such unregulated signs which may distract and confuse motorists, ensure the effectiveness of public traffic signs and signals, protect property values by ensuring compatibility of property with that surrounding it, provide an attractive visual environment throughout the city, attract tourists to the city, protect the public investment in streets, highways, and other public improvements, and protect and improve the public health, safety, and general welfare”. While this sign is

not necessarily an "off-premise" sign since the purpose is not to advertise the product, the same concerns may apply.

*The strict application of the terms of this Chapter will result in practical difficulties in the use of the property.*

No, the strict application of the terms of this chapter would still allow the property to be used as a bar without the additional signage. The signage is not necessary to advertise the Indy Road Pub.

Based on the findings of fact, Ms. Allen stated that staff recommended denial of the variance. However, she stated that if the Board was inclined to approve the variance, she stated that the sign should meet all other requirements of the Ordinance.

Roy Hurt came forward to address the Board. Mr. Hurt stated that he agreed with the staff report Brandy Allen presented, except for the denial part. Mr. Hurt explained that the sign was from 1942 and was in mint condition. He stated that his intentions were to put the sign up for decoration and attention. He explained interested people would drive for miles to see it. Mr. Hurt reiterated that the sign was strictly for fun and looks.

With there being no questions or concerns from the Board, the meeting was opened to public comment. No one came forward in favor or opposition of the request. It was noted that no correspondence had been received.

Don Gould stated that he had spoken with Mr. Hurt. He explained that he too was a collector and knew of a place in Whiteland, Indiana that had several signs similar to the one Mr. Hurt was proposing to place on his site. Mr. Gould informed the Board that he had no issues with the sign that Mr. Hurt was proposing.

With no further discussion, Phil Littell made a motion to approve the variance. Don Swearingen seconded. Motion approved 4-0.

601 S Washington Street

Jim Stevenson

UV 0055

The second item of business was submitted by Jim Stevenson requesting a use variance to allow a wheel and tire retail store in a R-3, residential zoning district at 601 South Washington Street. Ms. Allen presented her staff report concerning the petition. She reported that the neighboring properties were zoned R-2 and R-3. She provided a brief history of the property noting that several variances had been granted since 2005 for a sign shop, construction office, graphic design business, computer repair office, tobacco shop, sign shop, motorcycle and car sales. Ms. Allen noted that the property was located at the corner of Washington Street or US Highway 231 and Franklin Street. She emphasized that US Highway 231 is a heavily traveled thoroughfare while Franklin Street is one way traveling east as it borders the site. She explained that the lot was small which limited traffic flow within the site and could potentially lead to safety issues. There were no known environmental issues. No fire, police or emergency issues were anticipated. Ms. Allen reported that the petitioner had already opened the business at the site, not knowing that a use variance was necessary. The findings of fact were considered as follows:

*Whether the approval will not be injurious to the public health, safety, morals, and general welfare of the community?*

In general, operating a business from this property will not be injurious to the public health, safety, morals, and general welfare of the community. So long as traffic can freely flow to and from this small site, no issues are anticipated.

*Whether the use and value of the area adjacent to the property included in the use variance will not be affected in a substantially adverse manner?*

In general, the use and value of the neighborhood should not be affected by a business operating at this location. A vacant, abandoned building would likely affect the values of the neighborhood more. Staff would recommend that the signage be sensitive to the neighboring residential properties.

*Whether the need for the use variance arises from some condition peculiar to the property involved?*

Yes. The building has been used for business activity for many years. Although the property is zoned residential, it could not be used for residential purposes in the current structure. The Board has previously approved businesses at this location, and Staff feels those requests will continue as the property is not suited for residential use at this time.

*Whether the need for the variance was not self-created?*

No. The need for the variance was not self-created. The site has operated as various businesses throughout the years.

*Whether the strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought?*

Yes. The property cannot be used for residential purposes, so restricting the use to residential will result in an unnecessary hardship.

*Whether the approval does not interfere substantially with the Comprehensive Plan?*

No, the site is located in a transitional area between residential and business uses. This area is located along the edge of the downtown corridor.

Based on the findings, Ms. Allen stated that staff recommended approval of the use variance; however staff recommended that the Board consider signage at the property.

With no questions or concerns among the Board, Jim Stevenson came forward to address the Board. He stated that the business would be cash and carry only. He informed the Board that he would not service tires or cars; therefore, there would not be any lifts or equipment installed in the building nor should there be any excessive noise. Mr. Stevenson stated that he had allowed someone to park their car on the lot for sale; however, the car had been gone for approximately one month. In addition, Mr. Stevenson reported that he has availability to have the tires mounted at another facility on US Highway 231 South, if needed. He indicated that no old tires would be coming in or stacking up on his property. He explained that no storage was needed except for what was inside the facility; therefore, there would be no outside storage needed.

With there being no questions for Mr. Stevenson, the Board opened the meeting to public input.

Terri Gadd, City Clerk-Treasurer, came forward on behalf of the City. Due to the upcoming Pocket Park and trail project she stated that she was concerned about outside storage, which Mr. Stevenson had addressed and stated that there would be none.

Ginny Miller, resident of Central Avenue, came forward. Ms. Miller address concerns regarding cars for sale on the lot. It was reiterated that Mr. Stevenson did not intend to sell cars. Ms. Miller also stated that she objected to the blinking lights at night, such as the closed or open sign.

Discussion arose among the Board. Mr. Stevenson stated that the open sign was left on by accident and/or to draw attention. He stated that it could be turned off or set on a timer possibly.

No one else came forward to speak in favor or opposition of the request. It was noted that nine letters were mailed certified and nine receipts had been returned. There was no written correspondence.

Phil Wray moved to approve the variance with the following conditions:

1. There should be no lighted signage outside at night
2. There should be no outside storage.
3. Only a 2' x 10' sign is allowed

Don Swearingen seconded. Motion approved 4-0.

With there being no further business, the meeting adjourned at 7:50 p.m.

Minutes Approved: 11/15/17

[Signature]  
President

[Signature]  
Member

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Member

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Member