



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT › DEPARTMENT OF ENGINEERING
70 E. MONROE STREET › FRANKLIN, INDIANA 46131 › 877.736.3631 › FAX 317.736.5310 › www.franklin.in.gov/planning

BZA Staff Report

To: Board of Zoning Appeals Members

From: Kevin Tolloty, Associate Planner

Date: September 25, 2012

Re: Case ZB 2012-16 (V)

REQUEST:

Case ZB 2012-16 (V)...420 N. Morton Street. A request for a variance from the City of Franklin Zoning Ordinance Article 8, Chapter 3 to allow an electronic message board sign with multiple colors per frame and to allow a freestanding sign in excess of 80 square feet in the Mixed Use: Community Center (MXC) and Gateway Overlay (GW-OL) zoning districts. The property is located at 420 N. Morton Street.

PURPOSE OF STANDARD:

The “MXC”, Mixed Use: Community Center zoning district is intended to provide locations for a variety of small-to-midsized businesses and institutional facilities that serve the entire Franklin-area community. This district should be used alone and in combination with other zoning districts to create areas for community shopping, entertainment, services, and public gatherings.

The intent of the Gateway Overlay (GW-OL) district is to require development at the City’s entrances that is aesthetically consistent, responsive to development pressures, and proportional to the area’s traffic management issues.

CONSIDERATIONS:

1. The petitioner is requesting a variance to allow the use of an electronic message board type sign using multiple colors per frame and also to allow an 84 square foot freestanding sign.
2. Electronic message board signs were recently included as a permitted type of sign with the following restrictions:
 - a. Only one (1) color per frame;
 - b. Each frame must be static for a minimum of 8 seconds;
 - c. No flashing, scrolling or other animation is permitted.
3. Prior to the sign ordinance amendment adopted in June 2012, electronic message board type signs required a variance from the Board of Zoning Appeals.
4. The conditions for these types of signs are directly based on prior recommendations made by the Board of Zoning Appeals.
5. There have been ten (10) electronic message board type signs approved by the BZA since 2007, eight (8) of which required monochromatic signs, including all approvals for the past two (2) years.

6. Of the ten (10) approved, two (2) of those allowed two (2) colors to be used, the colors of which were specified in the conditions and were for non-profit organizations only (Johnson Memorial Hospital and Grace United Methodist Church).
7. Freestanding signs are permitted to be a maximum of 80 square feet, which is four (4) feet less than the size of the proposed sign.
8. The 2002 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Community Activity Center. "Community activity centers area intended as areas of mixed land uses that provide gathering places and goods and services for the entire community. Community activity centers may include churches, schools, community parks, grocery stores, gas stations, shopping centers, offices, banks and restaurants. Community activity centers may also include residences located on the upper floors of otherwise commercial buildings. Community activity centers are generally located along major streets and at prominent intersections where they are readily accessible by people from throughout the community."
9. The definition of a practical difficulty, according to the 2004 City of Franklin Zoning Ordinance is: A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Developmental Standards to improve his/her site in practical manner. For instance, a person may request a variance from a side yard setback due to a large tree that is blocking the only location that would meet the Development Standards for a new garage location.
10. According to Article 2.5: A special exception or variance ceases to be authorized and is expired if the obtaining of an Improvement Location Permit, or the execution of the approval has not been completed within 1 year of the date the variance or special exception is granted. The variance or special exception shall also expire if the approved construction has not been completed and approved by the Planning Director as being consistent with all written commitments or conditions, the requirements of this Ordinance, and all applicable permits within 2 years of the date the approval is granted.

The surrounding zoning and land uses are as follows:

Surrounding Zoning:

North: MXC, Mixed Use: Community Center/GW-OL
 South: MXC, Mixed Use: Community Center/GW-OL
 East: MXC, Mixed Use: Community Center/GW-OL
 West: PUD, Planned Unit Development

Surrounding Land Use:

North: Pizza Hut
 South: Hi-Way Lanes
 East: Mixed/Vacant Commercial
 West: Johnson County Fairgrounds

CRITERIA FOR DECISIONS:

(The petitioner will need to address the Criteria for Decisions in their presentation**)**

In taking action on all special exception and variance requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of the Indiana Code. The Board may grant a special exception and a variance from development standards and limitations of 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

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

Staff Finding:

The approval of the variance will be injurious to the public health, safety, morals, or general welfare of the community. The use of multiple colors may cause added distraction to motorists and could potentially be injurious to the public health. The petitioner should explain how approval of this variance will not be injurious to the public health, safety, morals, and general welfare of the community.

2. ***Adjacent Property: The use and 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 use and value of adjacent properties most likely will not be affected in an adverse manner as the property is surrounded by other commercial properties and the proposed variance would most likely have little, if any effect on surrounding properties.

3. ***Practical Difficulty: The strict application of the terms of the ordinance (will or will not) result in a practical difficulty 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.***

Staff Finding:

The strict application of the ordinance will not result in a practical difficulty as single color electronic signs are currently permitted and freestanding signs are permitted to be up to eighty (80) square feet in size. The petitioner should explain how approval of this variance will result in a practical difficulty in the use of the property.

Please Note: The City of Franklin Board of Zoning Appeals may impose reasonable conditions as part of its approval.

STAFF RECOMMENDATION

Based on the written findings above, staff recommends **denial** of this petition.

Site Photographs



Existing Sign

420 N. Morton Street



PRIVATE

NUS31

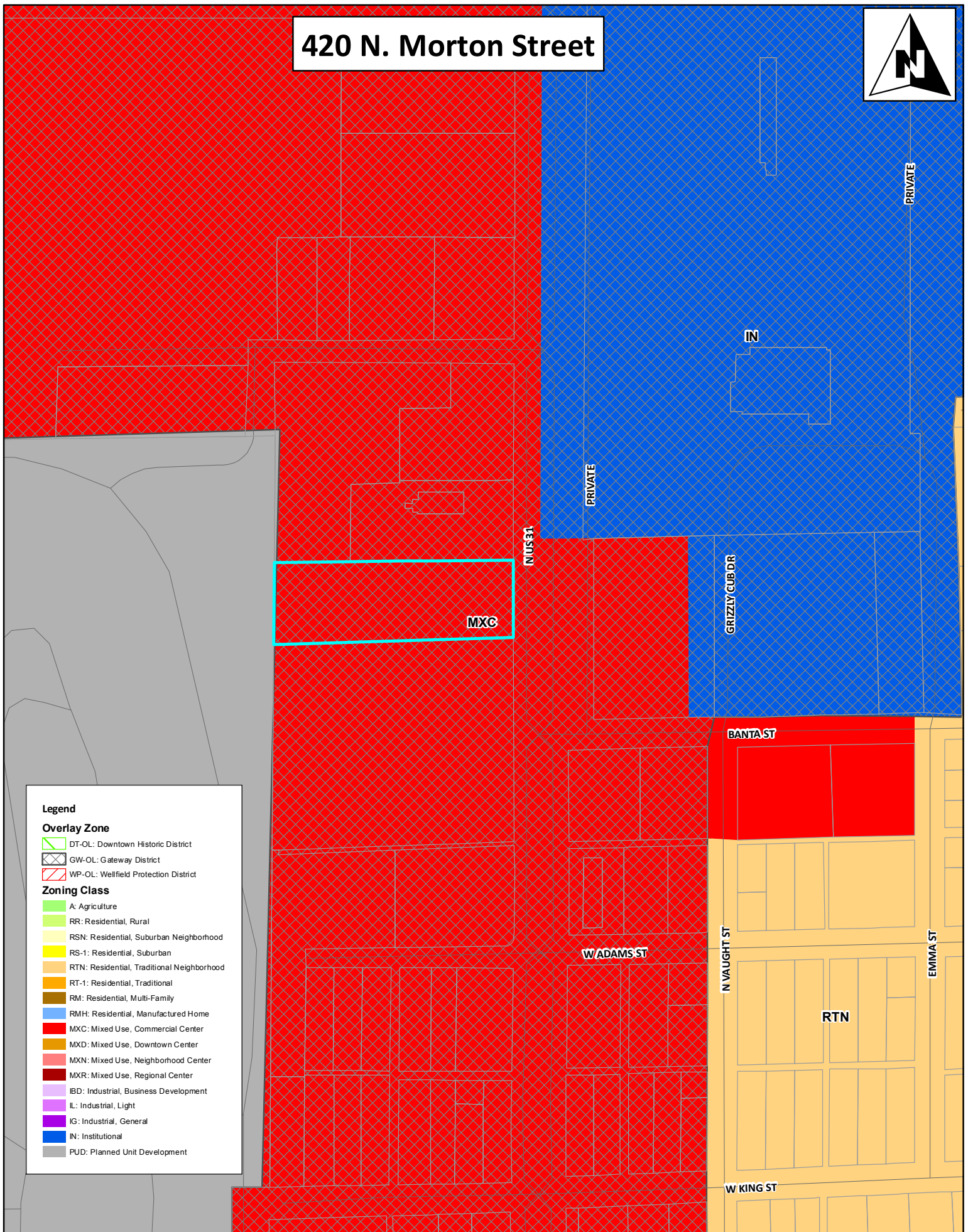
PRIVATE

BANTA ST

1 inch = 100 feet

Created: Franklin Planning Dept. - 9/12
K. Tolloty

420 N. Morton Street



1 inch = 200 feet

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06.08.12
DATE

HEARTLAND
COMMUNITY BANK
CLIENT NAME

420 N. MORTON ST.
FRANKLIN, IN
JOB LOCATION

JM 1/2" = 1'-0"
DRAWN BY SCALE

REVISIONS:

1.

Designed
for
110 Volts

Electrical Connection will be
Visible within 5 Ft. at time of
Installation;
Second Trip will be Charged
at Time & Material

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► RAISE EXISTING DOUBLE FACE SIGN / INSTALL TWO (2) SINGLE FACE FULL
COLOR LED ELECTRONIC DISPLAY UNITS/ NEW ALUMINUM POLE COVER

● POLE COVER = MAP BLACK

$8'9" \times 4'7" = 83.85 \text{ sq ft}$

LED Electronic Display Unit

Color: ● Full Color
Cabinet Ht: ● 4'-5"
Cabinet Length: ● 9'-7"
Pixel Pitch: ● 25mm
Matrix: ● 48 x 112
Viewing Area: ● 4'-0" x 9'-4"
Character Ht: ● 7"
XVS Option: ● NO



41-08-14-032-081.000-009

41-08-15-041-012.000-009

US 31/MORTON ST

SIGN

