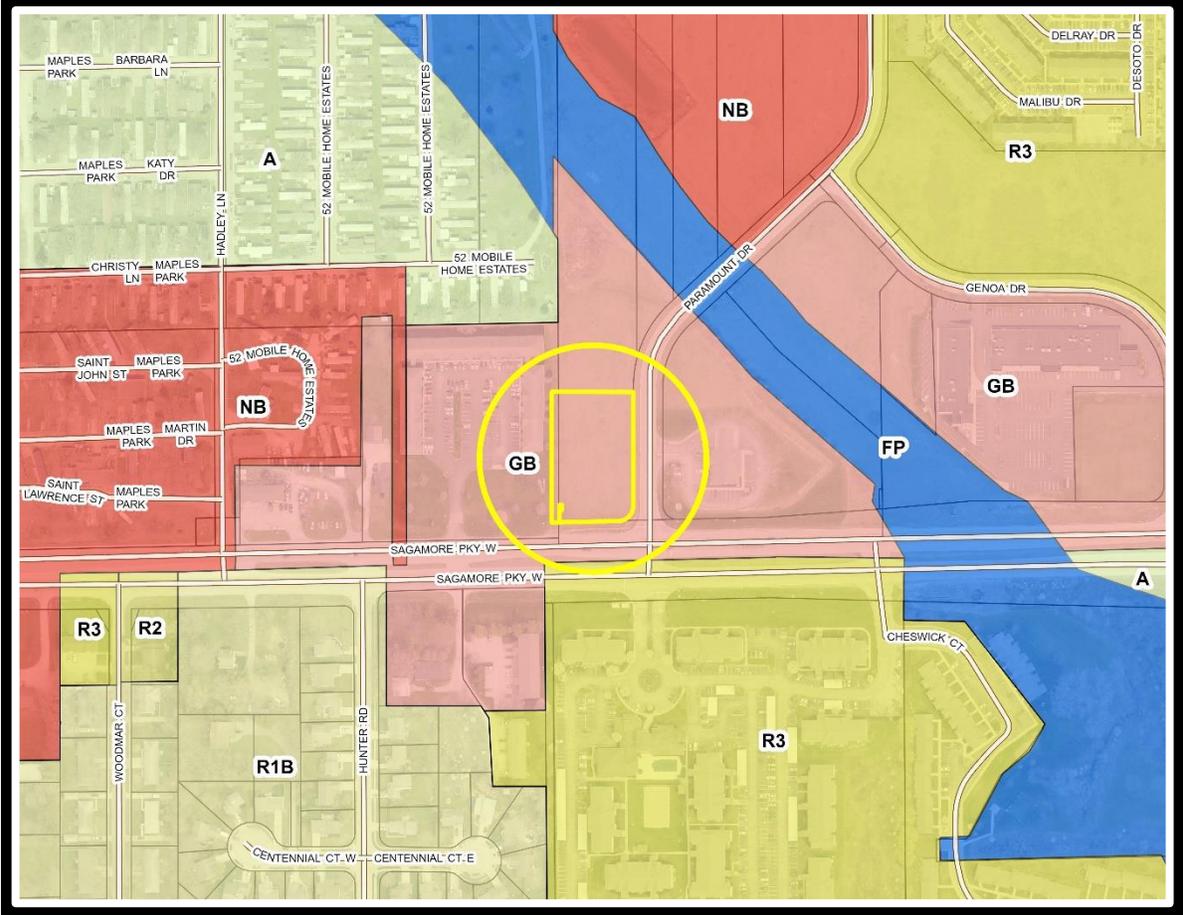

**BZA-2042
ZERN VESS
(variance)**

**STAFF REPORT
August 20, 2020**



**BZA-2042
ZERN NESS
Variance**

**Staff Report
August 20, 2020**

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, with consent of owner, is requesting a sign variance to allow 63.20 square feet of fascia signage instead of the maximum allowed 40 square feet for a new pizza restaurant. The restaurant would be one of three commercial tenants in a new integrated center located at the northwest corner of Sagamore Parkway West and Paramount Drive, also known as Lot 5 of Paramount-Lakeshore SD, Phase 1, Section 3 (S-4910). The property is commonly known as 3504 Paramount Drive, Wabash 2 (NE) 23-5.

AREA ZONING PATTERNS:

The subject property is zoned GB (General Business) and has been since it was rezoned in 2002 (Z-2026, NB to GB). Land surrounding to the west, north and east (across Paramount Drive) is also zoned GB. Land south across Sagamore Parkway West is zoned R3 with GB to the southwest. No variances or special exceptions have been granted for this land or any adjacent property.

AREA LAND USE PATTERNS:

The site in question is currently under development with the shell of the building nearing completion. A bank is located east across Paramount and an apartment complex is adjacent to the west. Adjacent to the north is undeveloped land. Farther north along Paramount are two apartment complexes; two additional complexes have recently been proposed for land north across the Cuppy McClure Ditch and land northeast of the subject site across Paramount. While some commercial uses can be found along Sagamore, the majority of properties in the area have apartment complexes.

TRAFFIC AND TRANSPORTATION:

The site is located at the northwest corner of Sagamore Parkway West (rural primary arterial) and Paramount Drive (urban local road). Access to the lot in question will be from Paramount. The intersection of Sagamore and Paramount is a fully signalized intersection.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Sewer and water serve the site. No bufferyard is required.

STAFF COMMENTS:

The land in this request was platted this past May and a building permit was issued in June for the commercial building Domino's pizza will occupy. The building will have 3

tenant spaces total, making this an Integrated Center (similar to a strip center). Signage for Integrated Centers is calculated for both the building signage and the free-standing sign. Building signage for each tenant is permitted at 5 square feet of signage per 1,000 square feet of gross floor area, with a minimum of 40 square feet guaranteed. (The tenant space for Domino's is only 1,800 square feet, which means they get the 40 square feet sign area minimum.) The freestanding sign size is based on the zoning, gross floor area and the speed limit along the public road. These calculations would allow a free-standing sign of 100 square feet with a maximum height of 24'. Petitioner plans on erecting a free-standing sign that is 98 square feet in size with a height of 24'.

Petitioner, who owns the land and is developing the site, will occupy the corner space closest to Sagamore Parkway. The submitted site plan shows 39.7 square feet of fascia signage oriented towards Paramount and 23.5 square feet of fascia sign oriented towards Sagamore Parkway to the south, thus exceeding the maximum allowed 40 square feet. Staff advised the petitioner that 20 square feet of signage could be placed on each side of the tenant's space without the need of a variance, but a larger sign package was chosen, and a variance was filed.

Regarding this case, the Area Plan Commission unanimously voted that the sign ordinance be strictly adhered to.

Regarding the ballot items:

1. The Area Plan Commission on August 19, 2020 determined that the variance requested **IS NOT** a use variance.

And it is staff's opinion that:

2. Granting this variance **WILL NOT** be injurious to the public health, safety, and general welfare of the community because increased building signage oriented towards Paramount Drive will have no adverse effect on the traveling public.
3. Use and value of the area adjacent to the property included in the variance request **WILL** be affected in a substantially adverse manner. Petitioner's proposal is larger than permitted and would put neighboring businesses – who have signage conforming with ordinance requirements- at a disadvantage. Allowing additional signage would encourage these and other businesses in the area to request variances for larger than necessary signs.
4. The terms of the zoning ordinance are being applied to a situation that **IS** common to other properties in the same zoning district. There is nothing unusual regarding this lot's shape, size or topography.
5. Strict application of the terms of the zoning ordinance **WILL NOT** result in an unusual or unnecessary hardship as defined in the zoning ordinance because it is only petitioner's desire to have more signage than allowed that is creating a "hardship". This newly created lot enjoys a location at a fully signalized intersection with excellent

visibility.

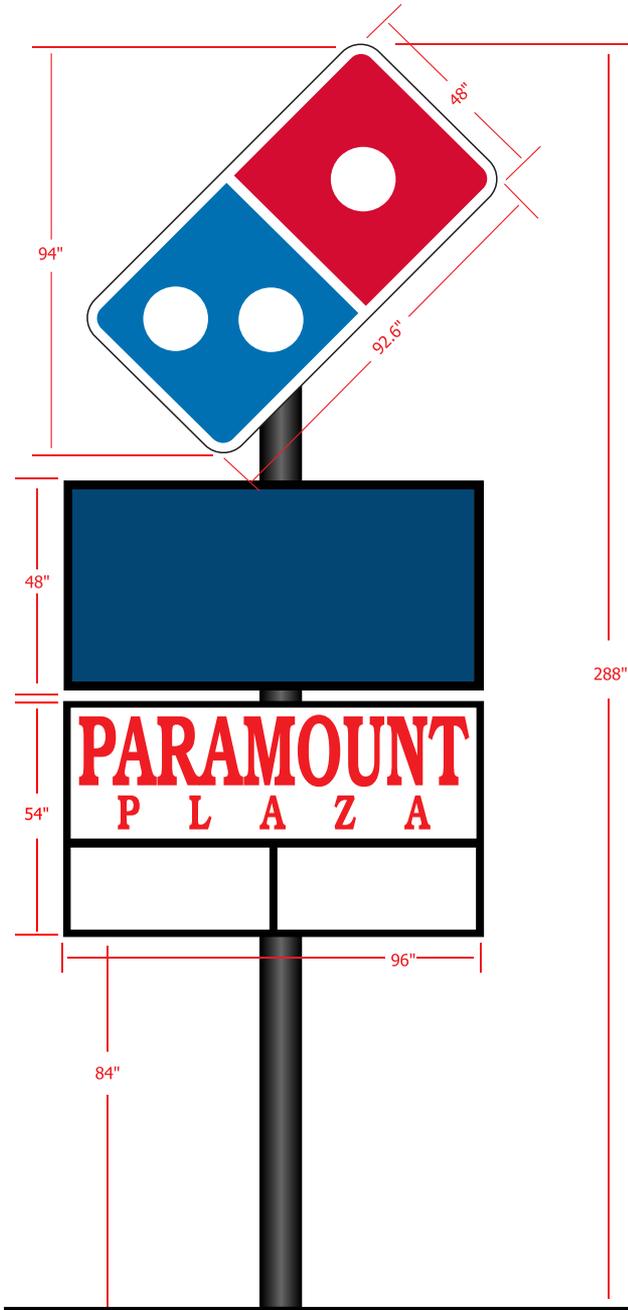
Note: Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

5a. Because there is no hardship involved, this request **IS** solely based on economic gain.

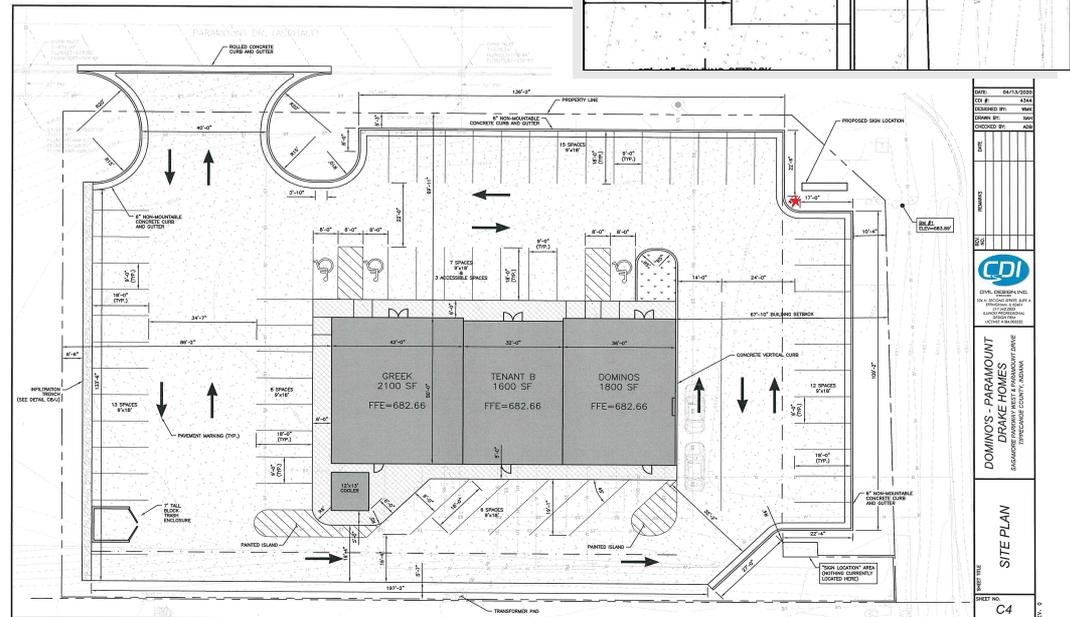
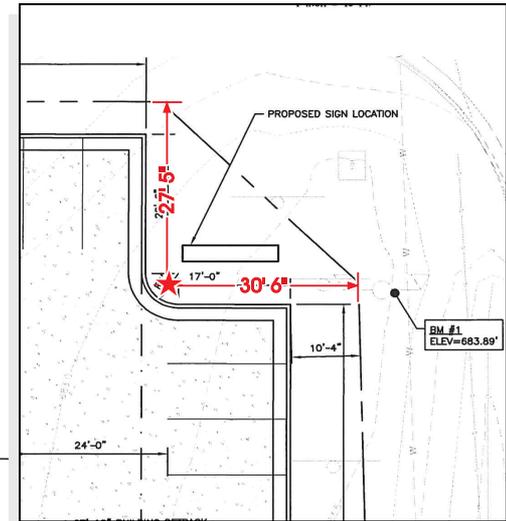
5b. The variance sought **DOES NOT** provide only the minimum relief needed to alleviate the hardship. There is no minimum relief because staff can find no ordinance-defined hardship in this request.

STAFF RECOMMENDATION:

Denial



★ PROPOSED SIGN LOCATION
Set back 27'5" Minimum from property line on both sides



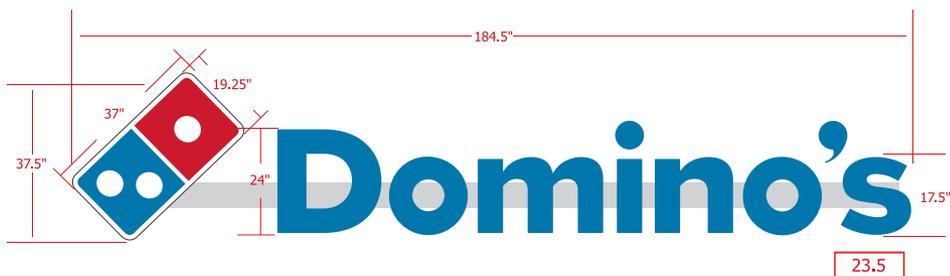
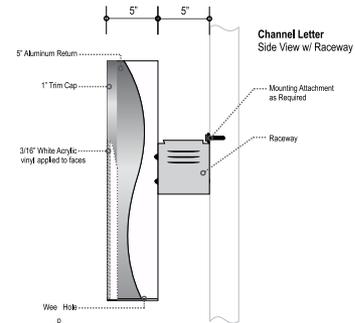
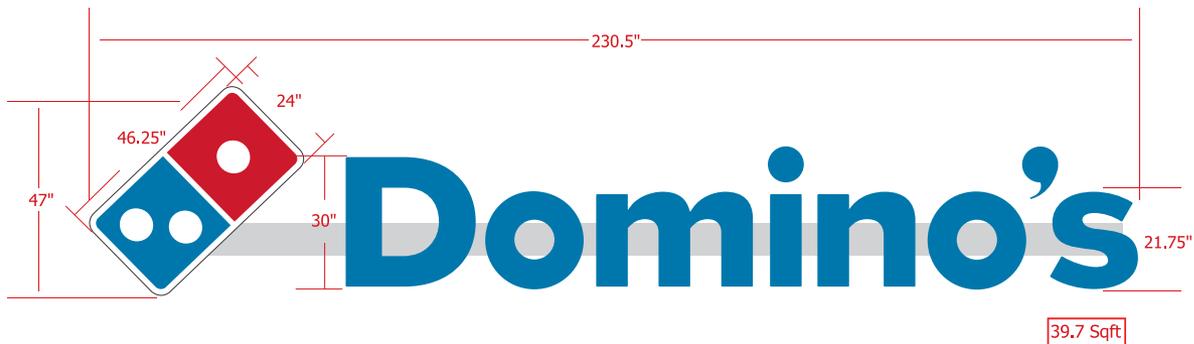
PROJECT NAME: Domino's
ADDRESS: 3502 Paramount,
CITY / STATE: West Lafayette, In
ZIP CODE: 47904

Designer: JDC
Proof Date: 7.7.20
Revision #: 1

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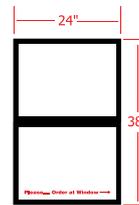
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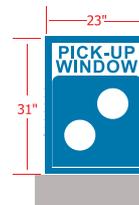
(A) Channel letters mounted on Raceway



(A)



Single sided illuminated Menu board



Double sided illuminated Directional

PROJECT NAME: Domino's
ADDRESS: 3502 Paramount,
CITY / STATE: West Lafayette, IN
ZIP CODE: 47904

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