



BOARD OF ZONING APPEALS STAFF REPORT

To: Members of the Board of Zoning Appeals

From: Tom Vander Woude, Planning Director

Meeting Date: September 14, 2021

Agenda Item: BZA Docket No. 21-009

Hearing: **CONTINUED PUBLIC HEARING**

Summary: Legacy Sign Group on behalf of MARVL LLC requesting approval of multiple variances from TABLE 26-6.701.B MONUMENT SIGN SPECIFIC STANDARDS and SECTION 26-6.701.B.5.t for a monument sign at 1750 45th Street.

Applicant: Legacy Sign Group on behalf of MARVL LLC

Property Address: 1750 45th Street

Current Zoning: CD-4.A General Urban A Character District

Adjacent Zoning: North: CD-4.A
South: CD-4.A
East: CD-4.A
West: CD-4.A

Action Requested: Approval of Variances

Additional Actions Required: Findings of Fact

Staff Recommendation: **Denial of Variances**

Attachments: Original Variance Application
Revised Proposed Citgo sign prepared by Legacy Sign Group dated 08.23.2021
Applicant provided photos of existing sign

BACKGROUND

Legacy Sign Group of Westville, Indiana had submitted a sign permit application to install a new 37.5 square foot monument sign at the Citgo gas station at the corner of Fran-Lin Parkway and 45th Street. The sign is planned as a replacement to an existing pole sign at the same location. The proposed sign is a painted aluminum cabinet with push through acrylic letters and an LED price changer, installed on a brick base.

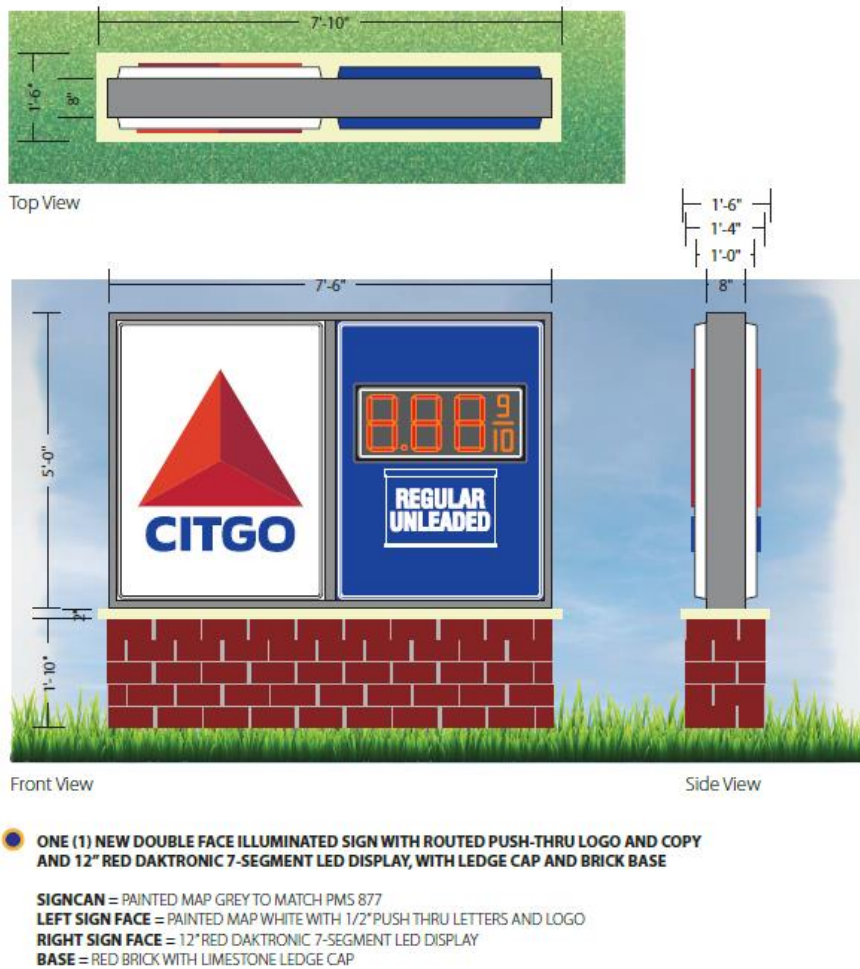


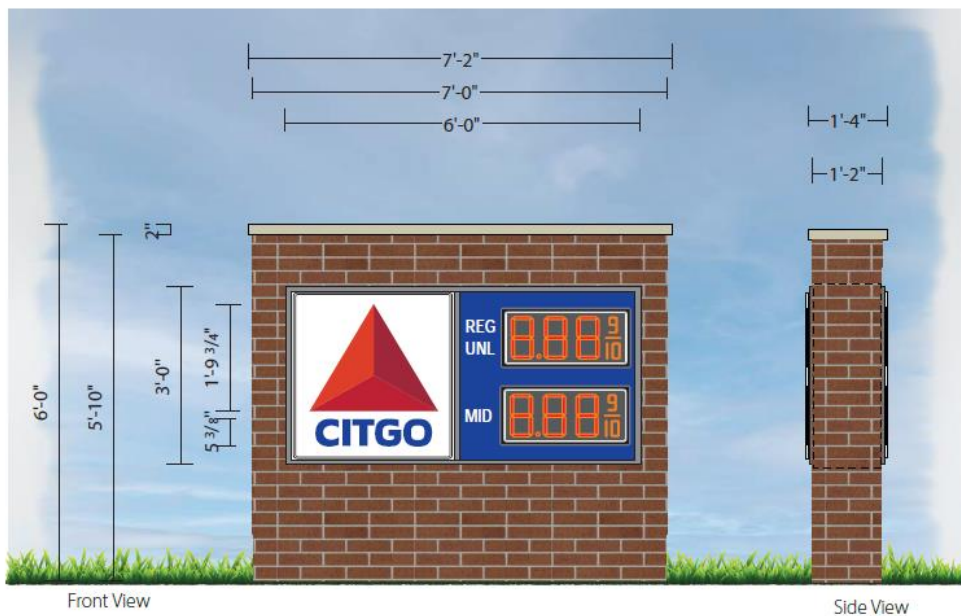
Figure 1: **Original** sign submitted for variances

The original variances being requested were as follows:

Code Section	Standard	Permitted	Proposed
TABLE 26-6.701.B	MONUMENT SIGN SPECIFIC STANDARDS - AREA	18 square feet maximum	37.5 square feet

TABLE 26-6.701.B	MONUMENT SIGN SPECIFIC STANDARDS – HEIGHT	6 feet maximum	7 feet
TABLE 26-6.701.B	MONUMENT SIGN SPECIFIC STANDARDS- Additional Standards a.	Shall be located within the 1st Lot Layer and shall be set back at least 10 feet from the public right-of way;	5-foot setback from the public right-of-way
SECTION 26- 6.701.B.5.t	General Sign Provisions.	Except as may be expressly permitted in this Article, Neon Signs, Cabinet Signs, and Projection Signs are not permitted.	Cabinet-style monument sign

After the application was tabled by the Board of Zoning Appeals at their August 10, 2021 public hearing, the applicants revised the sign, reducing the height, decreasing the overall sign area, and increasing the amount of brick.



- ONE (1) NEW DOUBLE FACE ILLUMINATED MONUMENT SIGN WITH INSET CABINET W/ LEXAN PAN FACES WITH TRANSLUCENT VINYL LOGO AND COPY AND 10" RED DAKTRONIC 7-SEGMENT LED DISPLAY, WITH LEDGE CAP AND ENCLOSED BRICK BASE

SIGNCAN = PAINTED MAP GREY TO MATCH PMS 877

LEFT SIGN FACE = WHITE PAN FORMED FACE WITH TRANSLUCENT VINYL LETTERS AND LOGO

RIGHT SIGN FACE = 10" RED DAKTRONIC 7-SEGMENT LED DISPLAY

BASE = RED BRICK WITH LIMESTONE LEDGE CAP

Figure 2 Revised sign submitted for variances

The revision to the plans leaves the following variances:

Code Section	Standard	Permitted	Proposed
TABLE 26-6.701.B	MONUMENT SIGN SPECIFIC STANDARDS- Additional Standards a.	Shall be located within the 1st Lot Layer and shall be set back at least 10 feet from the public right-of way;	5-foot setback from the public right-of-way
SECTION 26-6.701.B.5.t	General Sign Provisions.	Except as may be expressly permitted in this Article, Neon Signs, Cabinet Signs, and Projection Signs are not permitted.	Cabinet-style monument sign
TABLE 26-6.701.B	MONUMENT SIGN SPECIFIC STANDARDS- Additional Standards a.	Sign face made of authentic brick, stone, or solid metal or wood, with lettering, logo or branding made of solid metal or channel lettering;	Plastic faced cabinet
TABLE 26-6.701.B	MONUMENT SIGN SPECIFIC STANDARDS- Additional Standards	Letters and symbols no greater than 12 inches in height	1'-9 3/4" Citgo logo

In addition to the zoning restrictions, Munster Municipal Code section 54-13 requires a clear visibility triangle at street intersections.

- a) *Prohibited.* On property at any corner formed by intersecting streets, it shall be unlawful to install, set out or maintain or to allow the installation, setting out or maintenance of any sign, hedge, shrubbery, natural growth or other obstruction to view higher than three feet six inches above the level of the center of the adjacent intersection, within that triangular area between the property lines and a diagonal line joining points on the property lines 25 feet from the point of their intersection, or, in the case of rounded corners, the triangular area between the tangents to the curve and a diagonal line joining points on the tangent 25 feet from the point of their intersection. The tangents referred to are those at the beginning and at the end of the curve at the corner.

The figure below shows the approximate area in which a monument sign is not permitted. This restriction is not able to be waived by the Munster Board of Zoning Appeals.



Figure 3 Required visibility triangle (approximate)

VARIANCE STANDARDS

The variance process is established to provide relief to a property owner when, due to unique circumstances, compliance with the zoning code imposes a hardship or practical difficulty on a property owner. The BZA is under no obligation to grant a variance. It is the petitioner's responsibility to prove a hardship or practical difficulty. The BZA should ask the petition to address the criteria listed below.

Sec. 26-6.804.I of the Munster Zoning Code states that the basis for a variance is as follows:

g. General Standards.

A Variance may be granted only if the Decision-Making Authority has made the following determinations for such Variance:

- i. the practical difficulties or unnecessary hardships that would be incurred by strict application of the Use or Development standard, as applicable, are unique and not shared by all properties in the vicinity and are not self-imposed;
- ii. such Variance is the minimum Variance that will relieve such practical difficulties or unnecessary hardships, as applicable;
- iii. such Variance is in the spirit of the general purposes and intent of this Article as stated in Division 1; and

- iv. such Variance is so designed as to provide reasonable consideration to, among other things, the character of the neighborhood, District, or Civic Zone, the conservation of property values in the vicinity, and the guidance of Development in accordance with the Comprehensive Plan.

h. Specific to Development standards Variances:

A Variance from Development Standards may be approved or approved with conditions only if:

- i. it will not be injurious to the public health, safety, morals, and general welfare of the community;
- ii. 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
- iii. the strict application of the Development standards will result in practical difficulties in the use of the property.

The applicant has addressed these criteria in the attached application.

RECOMMENDATION

The Board of Zoning Appeals may wish to consider the following motion:

Motion to deny request in BZA Docket No. 21-009 for multiple variances from TABLE 26-6.701.B MONUMENT SIGN SPECIFIC STANDARDS and SECTION 26-6.701.B.5.t for a monument sign at 1750 45th Street.



Inv. 00063249

Preliminary
Hwy 7/13

PB2A
Petition BZA 21-009
Date: 7/1
Application Fee: \$450.00
Sign Fee: \$

Town of Munster Board of Zoning Appeals Petition Application

OWNER INFORMATION:

MARVL, LLC

Name of Owner

Phone Number

1750 45th Street, Munster, IN 46321

Street address, City, ST, ZIP Code

Email address

APPLICANT OR PETITIONER INFORMATION (if different than above):

Legacy Sign Group

(219)728-5102

Name of Applicant/Petitioner

Phone Number

7933 W Hwy 6, Westville, IN 49391

Street address, City, ST, ZIP Code

shaune@legacysigngroup.com

Email address

PROPERTY INFORMATION:

Citgo

Business or Development Name (if applicable)

1750 45th Street, Munster, IN 46321

Address of Property or Legal Description

CD-4.A

Current Zoning

APPLICATION INFORMATION:

Please select what this Application is for:

- ☒ **Variance** If yes, select one of the following: ☐ **Use** ☒ **Developmental Standards**
- ☐ **Conditional Use**
- ☐ **Administrative Appeal**

Brief Description of Project and List of Variances or Conditional Uses Being Requested (if applicable):

Replace (1) existing pylon sign with (1) new monument sign as per attached design plans.

MMC 26-6.701 (B)(5)(t)

MMC Table 26-6.701.B Monument Sign Specific Standards

A variance to allow (1) cabinet where no cabinets are allowed. A variance to allow (1) monument sign at a height of 7 ft. where only 6 ft. is allowed. A variance to allow (1) monument sign that is 37.5 sq. ft. where only 18 sq. ft. is allowed. A variance to allow (1) monument sign with a side yard setback of 5 ft. where 10 ft. is required.

N/A
Name of Registered Engineer, Architect or Land Surveyor

Phone Number

Street address, City, ST, ZIP Code

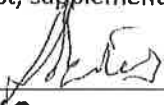
Email address




Petition BZA _____ - _____

Town of Munster Board of Zoning Appeals Application Signature Page

I hereby authorize Legacy Sign Group to act on my behalf as my agent in this petition and to furnish, upon request, supplemental information in support of this petition application.



Signature of Owner **Date** 6.10.21



Signature of Applicant **Date** 06.24.21

REQUIRED ATTACHMENTS

Required Attachments for Board of Zoning Appeals Applications

To ensure that adequate information is provided to the BZA, please check off each of these items and provide documentation to the Community Development Department at the time of submittal of the application.

ALL APPLICATIONS	Included	N/A
Narrative statement describing project	✓	
Property owner consent (Signature page)	✓	
Proof of Ownership (e.g. copy of tax bill)	✓	
Plat of Survey depicting current conditions		✓
Site Plan containing the following:	✓	
Boundary identification		
Fire hydrant locations		
Accessory structures		
Parking lot design		
Utility location		
Building footprints		
Proposed curb cuts		
Drainage/detention plans		
Traffic circulation		
Ingress/egress locations		
Major topographic information		
Infrastructure improvements		
Conditions of Approval Form (Note: complete the form specific to your petition)*	✓	
Any other information that the BZA may find useful in determining whether the application is merited.		

* Unique conditions have been established for special use permits for public garages, gas filling stations, used car lots, garden centers, massage parlors, adult bookstores, tattoo parlors, adult cabarets, and outdoor dining areas. Community Development staff will advise potential applicants of these at the pre-application meeting.

NOTE: If you checked any exhibits "N/A", please explain:

Plat of survey consists of aerial/GIS map with necessary details.

DEVELOPMENTAL VARIANCE CONDITIONS OF APPROVAL

The Munster Board of Zoning Appeals is authorized to hear petitions for developmental standards variances and to approve or deny. The Board of Zoning Appeals may also impose reasonable conditions and restrictions. Indiana Code 36-7-4-918.5 lists the legal criteria for a developmental standards variance:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Explain why this statement is true in this case:

The proposed signage will be fabricated and installed by skilled craftsmen.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Explain why this statement is true in this case:

The proposed signage will be more cohesive with current zoning standards and in line with signage at similar establishments. The proposed signage will bring in newer materials and may enhance the area.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Explain why this statement is true in this case:

Due to the strict zoning ordinance, our client is unable to update their existing sign and price changers. The client's branding/logos are standardized and the proposed signage is based on standard stock sign sizes and can't easily be adapted to custom sizes. The monument sign structures and electrical components must be housed within a cabinet configuration. The proposed sign location is attempting to re-use existing support and electrical to avoid disturbing parking lot/new soils and location.

Attach additional pages if necessary

Town of Munster
Legal Notice
BOARD OF ZONING APPEALS PETITION NO. _____ - _____

Notice is hereby given that the Town of Munster, Lake County, Indiana, will hold a public hearing in the Munster Town Hall, 1005 Ridge Road, at 6:45 p.m. on July 13, 2021, to consider the following petition, in accordance with the Munster Zoning Ordinance:

MMC 26-6.701 (B)(5)(t) and MMC Table 26-6.701.B Monument Sign Specific Standards

A variance to allow (1) cabinet where no cabinets are allowed. A variance to allow (1) monument sign at a height of 7 ft. where only 6 ft. is allowed. A variance to allow (1) monument sign that is 37.5 sq. ft. where only 18 sq. ft. is allowed. A variance to allow (1) monument sign with a side yard setback of 5 ft. where 10 ft. is required.

Common Address and/or Description:

1750 45th Street, Munster, IN 46321

Legal Description:

The West 157.07 feet of the East 170 feet of the North 200 feet of Lot 1 in Raymond Monaldi's
45th Avenue Subdivision to the Town of Munster, as per plat thereof, recorded at Plat Book 40
page 89, in the Office of the Recorder of Lake County, Indiana.

Anyone interested in the Petition may appear in person or by agent at the public hearing. Written objections filed with the Board of Zoning Appeals Executive Secretary, Thomas Vander Woude, before the hearing will be considered. The hearing may be continued from time to time as may be found necessary. All information concerning such petition is on file in the Community Development Office, 1005 Ridge Road, Munster, Indiana, 46321, for public examination.

Thomas Vander Woude, Executive Secretary

Town of Munster

Notice to Owners of Affected Property

BOARD OF ZONING APPEALS PETITION NO. _____ - _____

Legacy Sign Group

Name of Petitioner

1750 45th Street, Munster, IN 46322

Address

Notice is hereby given that at the regularly scheduled meeting of July 13, 2021, at 6:45 p.m., at the Munster Town Hall, 1005 Ridge Road, Munster, Indiana, the Board of Zoning Appeals will conduct a public hearing on the following petition:

A variance to allow (1) cabinet where no cabinets are allowed. A variance to allow (1) monument sign at a height of 7 ft. where only 6 ft. is allowed. A

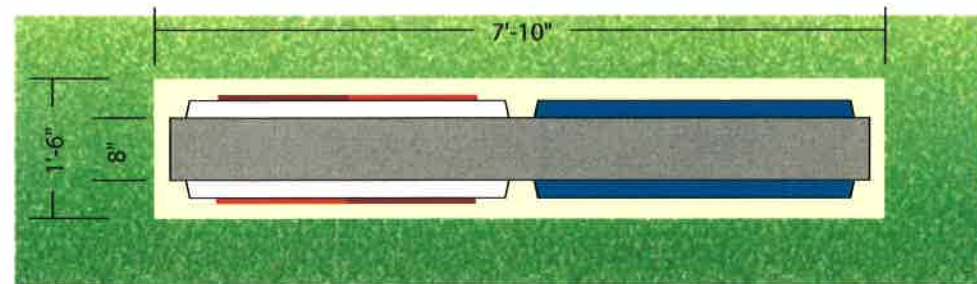
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of 5 ft. where 10 ft. is required.

Anyone interested in the petition may appear in person or by agent. Written objections, filed with the Board of Zoning Appeals Secretary before the hearing, will be considered. The hearing may be continued from time to time as may be found necessary. All information concerning the petition is on file in the Community Development Office, 1005 Ridge Road, Munster, Indiana, 46321, for public examination.

Signature of Petitioner

Date





Top View



Front View

Side View

- **ONE (1) NEW DOUBLE FACE ILLUMINATED SIGN WITH ROUTED PUSH-THRU LOGO AND COPY AND 12" RED DAKTRONIC 7-SEGMENT LED DISPLAY, WITH LEDGE CAP AND BRICK BASE**

SIGNCAN = PAINTED MAP GREY TO MATCH PMS 877

LEFT SIGN FACE = PAINTED MAP WHITE WITH 1/2" PUSH THRU LETTERS AND LOGO

RIGHT SIGN FACE = 12" RED DAKTRONIC 7-SEGMENT LED DISPLAY

BASE = RED BRICK WITH LIMESTONE LEDGE CAP



Existing



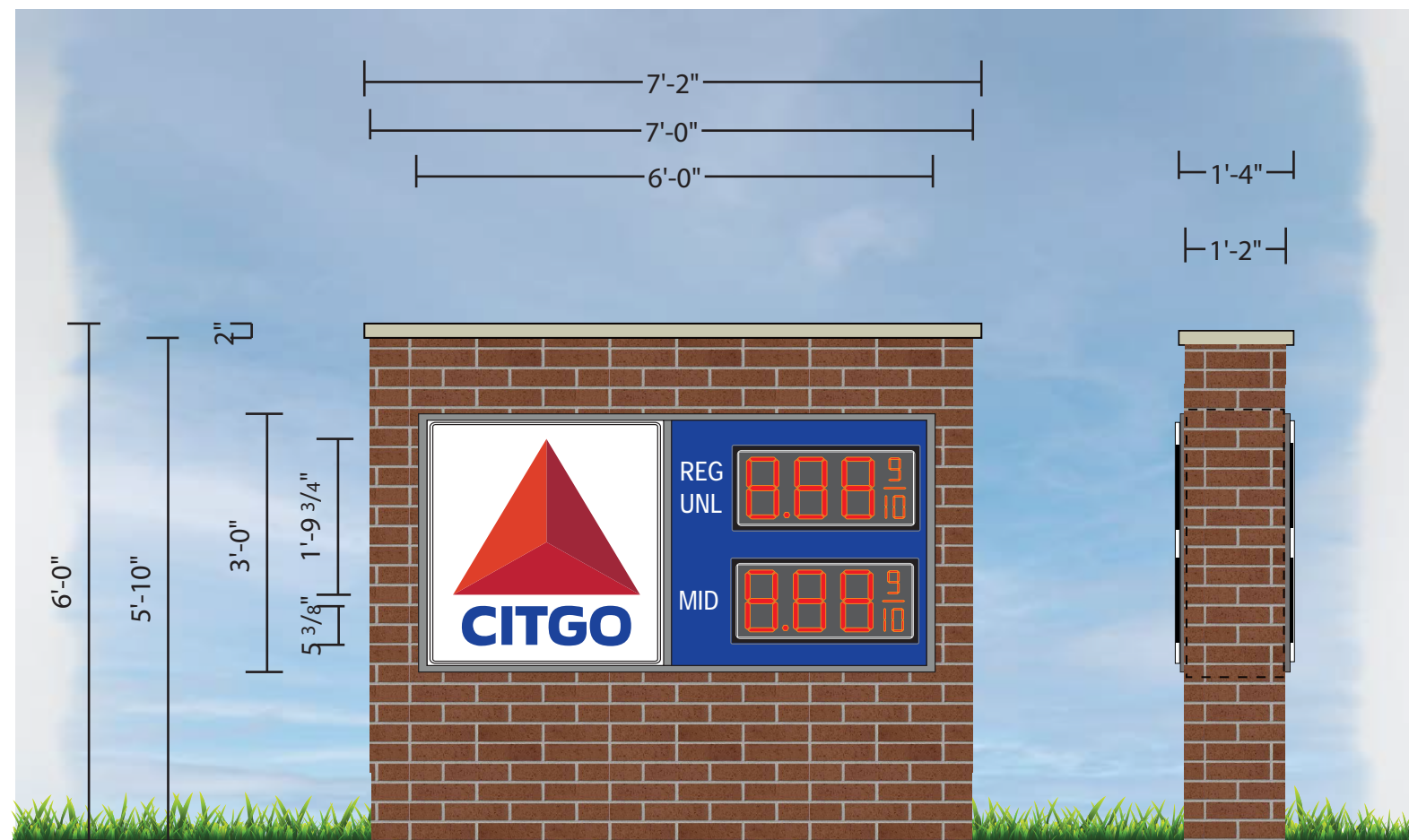
Proposed

SCALE: 1/2" = 1'



Parcel Number: 45-07-32-103-005.000-027
Owner1: MARVL LLC
Mailing Address: 1750 45th ST Munster IN 46321
Site Address: 1750 45TH ST MUNSTER IN 46321
Tax Code: 027
Tax Description: Munster
Legal Description: RAYMOND MONALDI'S 45 AVE SUB
N200FT OF W157.07FT OF E170FT OF LOT 1
Net Acreage: 0
Property Class: Convenience mkt. with gas
Zoning Code: 0
Use Code: 0
TIF: 027 Ridge Road/Calumet Avenue

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



Front View

Side View

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Existing



Proposed

SCALE: 1/2" = 1'



7933 W Hwy 6, Westville, IN 46391

PROJECT: Citgo
1750 W 45th Street
Munster, IN

REP: Shaun Ensign 219-299-1998

DATE: 8-23-2021

DRAWING #: SE-0126-1

DESIGNER: *James Bowling*

REVISIONS:
1.

CLIENT APPROVAL: _____

By signing this print, I understand that I am accepting all aspects of this drawing. This includes artwork, specifications, dimensions, spelling and all other representations herein. I also understand that color representations on this print are approximate, and may not match actual colors produced.



