



BOARD OF ZONING APPEALS STAFF REPORT

To: Members of the Board of Zoning Appeals

From: Tom Vander Woude, Planning Director

Meeting Date: January 12, 2021

Agenda Item: BZA Docket No. 20-015

Hearing: **PUBLIC HEARING**

Summary: Humane Indiana requesting approval of a variance to permit a window sign that exceeds the 25% maximum area of a window and exceeds the maximum number of window signs at 421 45th Street.

Applicant: Brian Fitzpatrick of Humane Indiana

Property Address: 421 45th Street

Current Zoning: SD-M Manufacturing Special District

Adjacent Zoning: North: SD-M
South: CD-4.B
East: SD-M
West: SD-PUD

Action Requested: Approve variances

Additional Actions Required: Findings of Fact

Staff Recommendation: **Approve variances**

Attachments: BZA 20-015 variance application

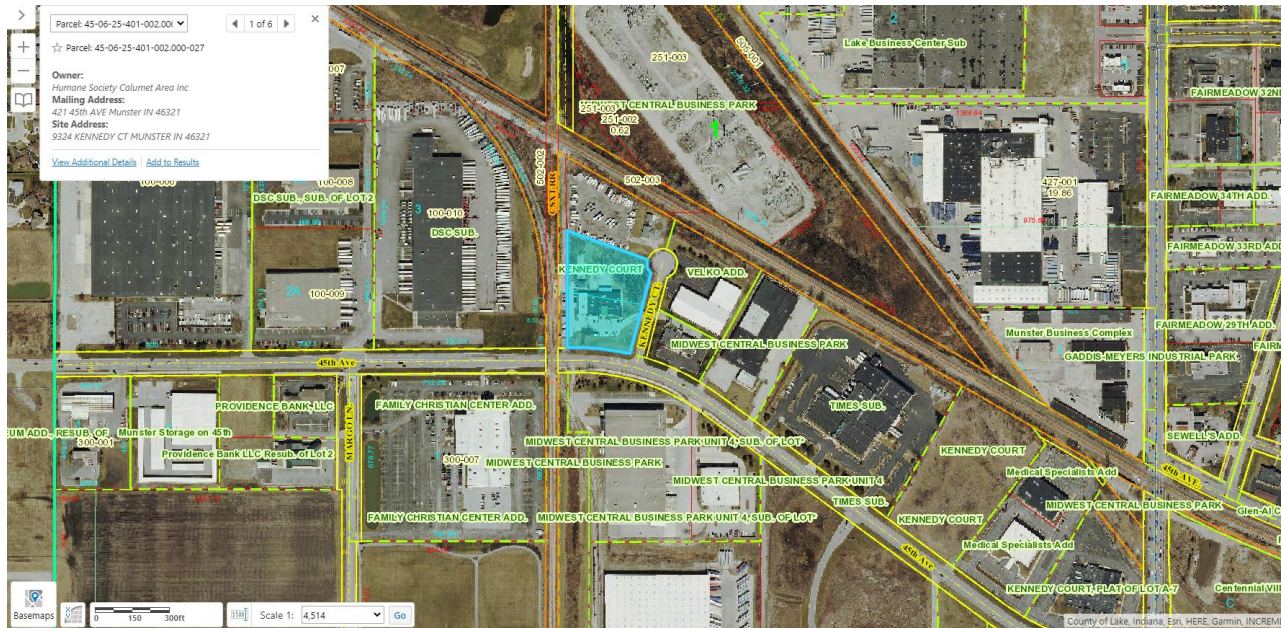


Figure 1: Subject property highlighted in blue.

BACKGROUND

Brian Fitzpatrick of Humane Indiana has applied for a variance to permit two 76" wide x 60" high (6.3' x 5') cut vinyl window decal signs to remain on the façade of the Humane Indiana building at 421 45th Street. As part of a remodel in early to mid-2020, a monument sign was removed from the property and the window signs. In August, Munster zoning enforcement staff noticed that the sign had been installed without a permit and notified the Humane Indiana to apply for a permit. The permit application was submitted on September 10, 2020 and was denied on the basis that the signs exceeded the maximum area for a window sign, which is 25% of the glass onto which it is applied, if made up of individual letters. Mr. Fitzpatrick is now seeking a variance to keep the signs as installed.

The Board of Zoning Appeals held a preliminary hearing on December 8, 2020. No new information has been submitted since then.



Figure 2: Photo of signs as installed.

DISCUSSION

Table 26-6.701.B Sign Types-Specific Standards-Window Signs permits a window sign in an SD-M district. In addition to other standards, the following is required:

Code Section	Standard	Permitted	Proposed
Table 26-6.701.B	Dimensions / Area	Max 25% of glass onto which it is applied, if made up of individual letters;	Exact percentage not provided. Photo demonstrates excess of 25%.
Table 26-6.701.B	Additional Standards	In addition to one (1) door sign, there shall be no more than one (1) Window Sign per Facade.	Two window signs

Staff notes the following:

- The standards for window signs are intended to ensure the transparency of storefronts and eliminate visual clutter on storefront windows.
- A wall sign would be permitted for this building but would require variances.

- The standards for a wall sign would permit signs with the overall area of these window signs, however, the maximum height of a wall sign is 3 feet.
- The standards for a wall sign require that a wall sign be centered over the main entry, which is not possible given that it is constructed entirely of glass and composed of multiple panes.



Figure 3: View of Humane Indiana from 45th Street before the monument sign was removed and window signs were installed.



Figure 4: View of Humane Indiana from 45th Street after the monument sign was removed and window signs were installed.

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 approve BZA Docket No. 20-015 granting a variance to permit a window sign that exceeds the 25% maximum area of a window and exceeds the maximum number of window signs at 421 45th Street.



Petition BZA 20-015
Date: 11-12-2020
Application Fee: \$ 300⁰⁰
Sign Fee: \$ 25⁰⁰

Town of Munster Board of Zoning Appeals Petition Application

OWNER INFORMATION:

BRIAN A. Fitzpatrick
Name of Owner

219-513-8911
Phone Number

421 45th AVE
Street address, City, ST, ZIP Code

Munster IN

46321

Bfitzpatrick@HumaneIndiana.org
Email address

APPLICANT OR PETITIONER INFORMATION (if different than above):

Name of Applicant/Petitioner

Phone Number

Street address, City, ST, ZIP Code

Email address

PROPERTY INFORMATION:

Business or Development Name (if applicable)

HUMANE INDIANA

Address of Property or Legal Description

421 45th AVE Munster IN 46321

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):

Humane Society Calumet Area changed their name to Humane Indiana in 2017. When we remodeled the shelter in 2020 we wanted to update the roadside sign but found the rules too costly, so we removed the roadside sign. We then applied decals to the front windows over the doors using Large's Graphic Solutions of Munster (see picture). The sign is above the door because of the unique design of the building being all glass at the entrance. Visibility into and out of the building are not impaired due to the type of sign and the height of the glass. We are seeking a variance to allow these decals to remain in place - BOTH decals are 76" W x 60" H

Name of Registered Engineer, Architect or Land Surveyor

Phone Number

Street address, City, ST, ZIP Code

Email address

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		
X Site Plan containing the following:		N/A
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)*		
X 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:

When we remodeled the animal shelter in 2020, we assumed we could refresh the existing roadside sign. Because we changed our name we were no longer "Grandmother's" and needed to comply with the current zoning regulations. The new roadside sign would be too costly so we removed it and placed our name on the glass over the doors at the shelter. The front entrance is a unique design and the sign application is high enough not to impair visibility.



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 decals on this uniquely designed building front will clearly denote the building as the animal shelter and clinic using a new modern logo and includes the removal of the lighted roadside message sign.

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:

We border the railroad tracks to the west, wetlands to the north and are on the corner of 45th st and Kennedy Ct. We are seeking an easily read sign for our business.

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:

We need a sign to clearly denote our business. The pre-existing roadside sign was an eyesore and not financially practical to replace under the new requirements. We are a non-profit business and find homes for 2000+ cats and dogs each year.

Attach additional pages if necessary



Humane Indiana Shelter and Adoption Center

421 45th

entry will be
CLOSED
hours of service

Emergency
Clinic

Adoption
Center

Adoption
Center

