



BOARD OF ZONING APPEALS STAFF REPORT

To: Members of the Board of Zoning Appeals

From: Tom Vander Woude, Planning Director

Meeting Date: November 15, 2022

Agenda Item: BZA Docket No. 22-014

Hearing: **PUBLIC HEARING**

Summary: Legacy Sign Group on behalf of Luke Oil requesting approval of a variance from TABLE 26-6.701.B MONUMENT SIGN SPECIFIC STANDARDS to permit a 21-inch tall logo on a monument sign at 750 Broadmoor Avenue.

Applicant: Legacy Sign Group on behalf of Luke Oil

Property Address: 750 Broadmoor Avenue

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-3.R2

Action Requested: Approval of variance

Additional Actions Required: Findings of Fact

Staff Recommendation: **Denial of variance**

Attachments: BZA 21-009 variance application
Proposed CITGO sign prepared by Legacy Sign Group dated 08.12.2022
Compliant CITGO sign prepared by Legacy Sign Group dated 08.16.2022
Sign location exhibit undated



Figure 1 Subject property highlighted in blue

BACKGROUND

The existing GoLo gas station on the southwest corner of Calumet Avenue and Broadmoor Avenue is being rebranded as a CITGO station. Legacy Sign Group of Westville, Indiana submitted a sign permit application to reface the existing monument sign with the CITGO branding.

The existing sign was installed as a replacement of a pole sign in 2015 when the station rebranded from a Shell station to its current GoLo branding. Staff finds no record of a sign permit. The sign is non-conforming with respect to the following:

Existing Nonconformities

Height	Maximum 6'	Actual: 6'-5.25"
Sign Area	Maximum 18 sf	Actual: 22 sf
Location	10' setback from property line	Actual: approximately 0' setback
Landscaping	Minimum 3' of landscape on all sides	Actual: Less than 3' on north and east sides
Sign face material	Shall be authentic brick, stone, or solid metal or wood	Actual: aluminum cabinet

The Munster zoning ordinance permits alteration of an existing legal non-conforming sign provided that the change is in conformity with the relevant standards of this article. The granting of a variance for this sign would increase the nonconformities.

The applicant has provided two renderings: A conforming sign that includes 8" CITGO letters and an 11'-7/8" logo and a nonconforming sign that includes approximately 6" CITGO letters and a 21" logo, which exceeds the maximum permitted height of 12". The applicant is seeking a variance to include the 21" tall logo on the sign. All other changes conform to the relevant standards.



Figure 2 **PROPOSED SIGN**

Figure 3 CONFORMING SIGN – **NOT PROPOSED**

DISCUSSION

The variances being requested in connection with this project are as follows.

Code Section	Standard	Permitted	Proposed
TABLE 26-6.701.B	MONUMENT SIGN SPECIFIC STANDARDS – Letter Height	12 inches	21 inch tall logo

Staff has worked with other businesses to find solutions to the modification to legal non-conforming signs. As an example, in 2021, the BP gas station at 10444 Calumet Avenue (corner of Calumet Ave. and Main Street) refaced their existing monument signs in a way that compliance with the standards for letter and logo height. A photo of that sign is below.



Figure 4 BP gas station at 10444 Calumet Avenue

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

Staff recognizes that the CITGO branding standards do not fit within the constraints imposed by the existing structure and the development standards of the zoning ordinance, at the size desired by the applicant. Staff does not find that this difficulty is unique to the subject property but is shared by many commercial structures within the Town.

Therefore, staff suggests that Variance criterion g.i. is not met: *the practical difficulties or unnecessary hardships that would be incurred by strict application of the Use or Development standard, as applicable, are **NOT** unique and ~~not~~ **ARE** shared by all properties in the vicinity and are not self-imposed;*

Staff recommends denial of the variance request.

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

Motion to deny BZA Docket No. 22-014.



Petition BZA _____ - _____

Date: _____

Application Fee: \$ _____

Sign Fee: \$ _____

Town of Munster Board of Zoning Appeals Petition Application

OWNER INFORMATION:

Luke Oil	219-836-2625
Name of Owner	Phone Number
750 Broadmoor Ave, Munster, IN 46321	n/a
Street address, City, ST, ZIP Code	Email address

APPLICANT OR PETITIONER INFORMATION (if different than above):

Shaun Ensign	219-299-1998
Name of Applicant/Petitioner	Phone Number
7933 W Hwy 6, Westville, IN 46391	shaune@legacysigngroup.com
Street address, City, ST, ZIP Code	Email address

PROPERTY INFORMATION:

Citgo	
Business or Development Name (if applicable)	
750 Broadmoor Ave, Munster, IN 46321	CD-4A
Address of Property or Legal Description	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):

A request to allow a 21" logo in a sign face change where only 12" is allowed by the ordinance.

n/a	n/a
Name of Registered Engineer, Architect or Land Surveyor	Phone Number
n/a	n/a
Street address, City, ST, ZIP Code	Email address

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 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. The client's branding/logos are standardized and the proposed signage is based on standard logo treatments that Citgo requires for their stores. The proposed sign location is attempting to re-use existing sign cabinet, structure, and electrical to avoid disturbing parking lot/new soils and location.

Attach additional pages if necessary



- **TWO (2) PAIRS OF ROUTED FACE REPLACEMENTS FOR EXISTING MONUMENT SIGN. TOP SECTION TO HAVE PUSH-THRU LOGO & LETTERS AND BOTTOM SECTION BACK UP PLEX. REPAINT EXISTING SIGN**
- UPPER FACE** = ROUTED FACES WITH 1" PUSH-THRUS. DIGITALLY PRINTED LOGO "CITGO" COPY 3630-157 SULTAN BLUE VINYL
- LOWER FACE** = ROUTED FACES WITH BACK-UP PLEX. BACKGROUND PAINTED MAP TO MATCH 3630-157 SULTAN BLUE VINYL. COPY IS WHITE ACRYLIC
- REPAINT SIGN** = SATIN MAP WHITE



Existing



Proposed

SCALE: 3/4" = 1'



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Existing



Proposed

SCALE: 3/4" = 1'

Parcel: 45-06-24-229-010.000 ▾

◀ 1 of 6 ▶

☆ Parcel: 45-06-24-229-010.000-027

Owner:
Leigerber, Elizabeth Gale, Ernest Summers III, Edna Sue Moody & Edward Summers (each 25% interest as T/C)

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