

Staff Report – Board of Zoning Appeals

Docket #:	BZA2023-012	Hearing Date:	April 10, 2023
Applicant:	Tim Overmyer, Vanadco Signs, 10625 SR 10, Argos, IN 46501		
Owner:	JCBank, 125 S Chestnut Street, Seymour, IN 47274		
Subject Property Address:	2871 S SR 135, Greenwood, IN 46143		
Staff Contact:	Gabe Nelson, nelsong@greenwood.in.gov, 317-887-5231		

Request:

The petitioner requests a variance from UDO Development Standards Section 10-03-08 L. 2. MONUMENT SIGN, CHANGEABLE COPY. Dimensions: Minimum sign face surround width: 2 ft. Petitioner requests to reduce the sign face surround from two (2) feet to zero (0) feet.

See attached Exhibit C: Site Plan

Location:

The subject property will be Lot B-1, Block B, in the Swartz Crossing commercial subdivision, addressed as 2871 S. State Road 135. The lot fronts along the east side of State Road 135 and is directly across the highway from the vacant building formerly occupied by Marsh Grocery Store.

See attached Exhibit A: Aerial Location Map and Exhibit E: Legal Description

Surrounding Land Uses:

The Site: CM (Commercial Medium), JCBank

• North: CM (Commercial Medium), Undeveloped Commercial

• East: CL (Commercial Large), Other portions of Swartz Crossing/Retention Pond

South: CL (Commercial Large), VisionQuest (future)

• West: C-3 (General Commercial, Bargersville), Mixed commercial

See Exhibit B: Zoning Map

Indiana Code Reference(s):

Section 36-7-4-918.5 (Dimensional Variances)

Statutory Criteria:

- Indiana Code Section 36-7-4-918.5 Dimensional/Development Standard Variances may be approved only upon a determination in writing that:
 - 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
 - 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.
 - 3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

- Indiana Code Section 8-21-10-3 No Hazard to Air Navigation (if applicable)
 - 1. The structure is regulated under Indiana Code 8-21-10-3 and the Board of Zoning Appeals has received a copy of the Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration and the Board of Aviation Commissioners has been delivered notice in accordance with Indiana Code 8-21-10-3 not less than sixty days before the proposal is considered.

Greenwood Code References:

Unified Development Ordinance, Sec. 10-03-08. L. 2. MONUMENT SIGN, CHANGEABLE COPY. Dimensions: Minimum sign face surround width: 2 ft

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because:

The proposed sign is located in a commercially zoned area and will meet the proper setbacks to insure vehicular visibility.

<u>Staff Comment</u>: The BZA previously approved the same variance for a different sign on this property (BZA2022-025).

Exhibit D: Sign Rendering

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 because:

The adjacent properties are zoned commercial and the proposed sign will meet side yard setbacks.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The bank would prefer this smaller sign to be a similar look to the main ID sign for aesthetic purposes.

4. The structure is/is not regulated under Indiana Code 8-21-10-3 for hazard air navigation.

Not Applicable

Comments and Findings:

Staff does not find issue with the applicant's statements of reason. Last year the BZA approved this exact same variance from sign surround materials for the same property, so it would seem prudent that a second monument sign on this property would be of the same style. In addition, the sign surround offers little more than extra weight and stress on the sign and little in the way of aesthetics.

Summary and Proposed Conditions:

Staff provides a positive recommendation for the variance with the following condition.

The sign shall substantially conform to the renderings depicted in Exhibit D

Attachments:

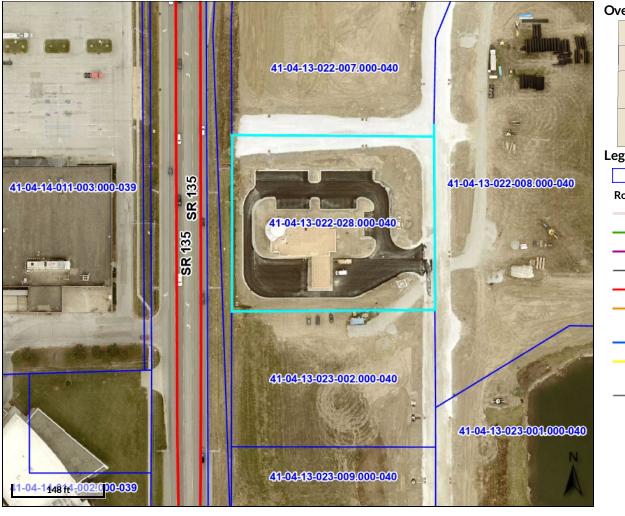
Exhibit A: Aerial Location Map

Exhibit B: Zoning Map Exhibit C: Site Plan

Exhibit D: Sign Rendering Exhibit E: Legal Description







Overview

Legend

Parcels

Roads

- **ACCESS RAMP**
- HIGHWAY
- **INTERSTATE**
- LOCAL
- **MAJOR ARTERIAL**
- **MAJOR COLLECTOR**
- MINOR ARTERIAL
- **MINOR COLLECTOR**

Owner Address JACKSON COUNTY BANK

125 CHESTNUT STREET

SEYMOUR, IN 47274

— PRIVATE ROAD

Parcel ID 41-04-13-022-028.000-040

Sec/Twp/Rng

Property Address S STATE RD 135

GREENWOOD

040 District

REPLAT OF SWARTZ CROSSING COMMERCIAL SUB BLOCK B **Brief Tax Description**

(Note: Not to be used on legal documents)

Class

Acreage

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Alternate ID 41-04-13-022-028.000-040

1.958

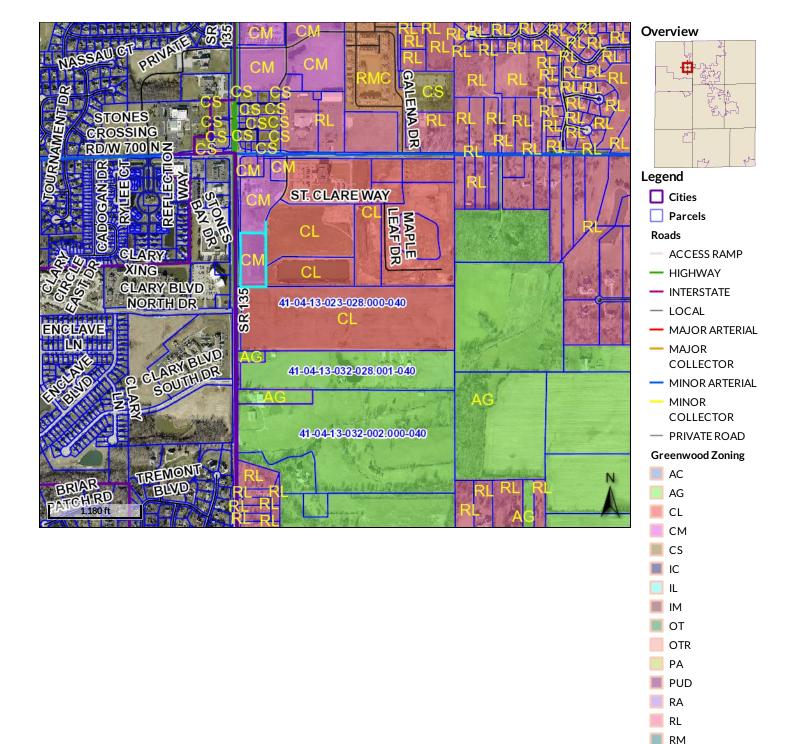
Com Full service banks

Date created: 4/5/2023 Last Data Uploaded: 4/5/2023 9:10:11 AM









Parcel ID 41-04-13-022-009.000-

040

Sec/Twp/Rng n/a

Property S STATE ROAD 135 Address **GREENWOOD**

Alternate

Class

Acreage

41-04-13-022-009.000-Agri Vacant land

4.808

Owner Address SWARTZ CROSSING DEVELOPMENT LLC 300 S MORTON ST FRANKLIN, IN 46131

RMC RMH UNKNOWN

EVERGREEN

GENERAL GRADING AND PLANTING NOTES

- BY SUBMITTING A PROPOSAL FOR THE LANDSCAPE PLANTING SCOPE OF WORK, THE CONTRACTOR CONFIRMS THAT HE HAS READ, AND WILL COMPLY WITH, THE ASSOCIATED
- CONTRACTOR CONFIRMS THAT HE HAS READ, AND WILL COMPLY WITH, THE ASSOCIATED NOTES, SPECIFICATIONS, AND DETAILS WITH THIS PROJECT.

 THE GENERAL CONTRACTOR IS RESPONSIBLE FOR REMOVING ALL EXISTING VEGETATION (EXCEPT WHERE NOTED TO REMAIN).

 IN THE CONTEXT OF THESE PLANS, NOTES, AND SPECIFICATIONS, "FINISH GRADE" REFERS TO THE FINAL ELEVATION OF THE SOIL SURFACE (NOT TOP OF MULCH) AS INDICATED ON THE GRADING PLANS.

 a. BEFORE STARTING WORK, THE LANDSCAPE CONTRACTOR SHALL VERIFY THAT THE
- BEFORE STARTING WORK, THE LANDSCAPE CONTRACTOR SHALL VERIFY THAT TH ROUGH GRADES OF ALL LANDSCAPE AREAS ARE WITHIN +/-0.1* OF FINISH GRADE. SEE SPECIFICATIONS FOR MORE DETAILED INSTRUCTION ON TURF AREA AND PLANTING BED PREPARATION. CONSTRUCT AND MAINTAIN FINISH GRADES AS SHOWN ON GRADING PLANS, AND CONSTRUCT AND MAINTAIN SLOPES AS RECOMMENDED BY THE GEOTECHNICAL REPORT. ALL LANDSCAPE AREAS SHALL HAVE POSITIVE DRAINAGE AWAY FROM STRUCTURES AT THE MINIMUM SLOPE SPECIFIED IN THE REPORT AND ON THE GRADING PLANS, AND AREAS OF POTENTIAL PONDING SHALL BE REGRADED TO BE AND INTELL THE MINIMUM TO SHADE SADES AND ELEMENT AND THE TENTER OF THE PROPERTY OF THE PLANT OF THE
- BLEND IN WITH THE SURROUNDING GRADES AND ELIMINATE PONDING POTENTIA THE LANDSCAPE CONTRACTOR SHALL DETERMINE WHETHER OR NOT THE EXPORT
- THE LANDSCAPE CONTRACTOR SHALL DETERMINE WHETHER OR NOT THE EXPORT OF ANY SOIL WILL BE NEEDED, TAKING INTO ACCOUNT THE ROUGH GRADE PROVIDED, THE AMOUNT OF SOIL AMENDMENTS TO BE ADDED (BASED ON A SOIL TEST, PER SPECIFICATIONS), AND THE FINISH GRADES TO BE ESTABLISHED. ENSURE THAT THE FINISH GRADE IN SHRUB AREAS IMMEDIATELY ADJACENT TO WALKS AND OTHER WALKING SURFACES, AFTER INSTALLING SOIL AMENDMENTS, IS 3° BELOW THE ADJACENT FINISH SURFACE, IN ORDER TO ALLOW FOR PROPER MULCH DEPTH. TAPER THE SOIL SURFACE TO MEET FINISH GRADE, AS SPECIFIED NATURE OF THE SOIL SURFACE TO MEET FINISH GRADE, AS SPECIFIED ON THE GRADING PLANS, AT APPROXIMATELY 18" AWAY FROM THE WALKS.
- ENSURE THAT THE FINISH GRADE IN TURF AREAS IMMEDIATELY ADJACENT TO ENSURE THAT THE FINISH GRADE IN TURK ARKAS IMMEDIATELY ADJACENT TO WALKS AND OTHER WALKING SURFACES, AFTER INSTALLING SOIL, AMENDMENTS, IS 1 BELOW THE FINISH SURFACE OF THE WALKS. TAPER THE SOIL SURFACE TO MEET FINISH GRADE, AS SPECIFIED ON THE GRADING PLANS, AT APPROXIMATELY 18" AWAY FROM THE WALKS.

 SHOULD ANY CONFLICTS AND/OR DISCREPANCIES ARISE BETWEEN THE GRADING PLANS, GROTECHMICAL REPORT, THESE NOTES AND PLANS, AND ACTUAL CONDITIONS, THE CONTRACTOR SHALL IMMEDIATELY BRING SUCH ITEMS TO THE
- ATTENTION OF THE LANDSCAPE ARCHITECT, GENERAL CONTRACTOR, AND OWNER
- ATTENTION OF THE LANDSCAPE ARCHITECT, GENERAL CONTRACTOR, AND OWNER. ALL PLANT LOCATIONS ARE DIAGRAMMATIC. ACTUAL LOCATIONS SHALL BE VERIFIED WITH THE LANDSCAPE ARCHITECT OR DESIGNER PRIOR TO PLANTING. THE LANDSCAPE CONTRACTOR SHALL ENSURE THAT ALL REQUIREMENTS OF THE PERMITTING AUTHORITY ARE MET (I.E., MINIMUM PLANT QUANTITIES, PLANTING METHODS, ETC.).

 3. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR DETERMINING PLANT QUANTITIES; PLANT QUANTITIES SHOWN ON LEGENDS AND CALLOUTS ARE FOR GENERAL INFORMATION ONLY. IN THE EVENT OF A DISCREPANCY BETWEEN THE PLAN AND THE PLANT LEGEND, THE PLANT QUANTITY AS SHOWN ON THE PLAN (FOR INDIVIDUAL SYMBOLS) OR CALLOUT (FOR GROUNDCOVER PATTERNS) SHALL TAKE PRECEDENCE. TAKE PRECEDENCE
- TAKE PRECEDENCE.

 MO SUBSTITUTIONS OF PLANT MATERIALS SHALL BE ALLOWED WITHOUT THE WRITTEN PERMISSION OF THE LANDSCAPE ARCHITECT. IF SOME OF THE PLANTS ARE NOT AVAILABLE, THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT IN WRITING (VIA PROPER CHANNELS)

 THE CONTRACTOR SHALL, AT A MINIMUM, PROVIDE REPRESENTATIVE PHOTOS OF ALL PLANTS PROPOSED FOR THE PROJECT. THE CONTRACTOR SHALL ALLOW THE ANDSCAPE APOLITECT AND THE CONTRACTOR SHALL ALLOW THE
- LANDSCAPE ARCHITECT AND THE OWNER/OWNER'S REPRESENTATIVE TO INSPECT AND APPROVE OR REJECT, ALL PLANTS DELIVERED TO THE JOBSITE. REFER TO
- AND APPROVE OR REJECT, ALL PLANTS DELIVERED TO THE JOBSITE. REFER TO
 SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS FOR SUBMITTALS.
 THE CONTRACTOR SHALL MAINTAIN THE LANDSCAPE IN A HEALTHY CONDITION FOR 90
 DAYS AFTER ACCEPTANCE BY THE OWNER. REFER TO SPECIFICATIONS FOR
 CONDITIONS OF ACCEPTANCE FOR THE START OF THE MAINTENANCE PERIOD, AND FOR
 FINAL ACCEPTANCE AT THE END OF THE MAINTENANCE PERIOD.
 SEE SPECIFICATIONS AND DETAILS FOR FURTHER REQUIREMENTS.

LANDSCAPE CALCULATIONS

PARKING PERIMETER LENGTH - STATE RD 135: TREES REQUIRED 8 TREES (1 TREE PER 35 LF) 8 TREES TREES PROVIDED 23 SHRUBS (3 SHRUBS PER 35 LF) 64 SHRUBS LENGTH - SWARTZ CROSSING DR. 9 TREES (1 TREE PER 35 LF) TREES REQUIRED: TREES PROVIDED: 9 TREES SHRUBS REQUIRED 27 SHRUBS (3 SHRUBS PER 35 LF) SHRUBS PROVIDED 271 LF 8 TREES (1 TREE PER 35 LF) 8 TREES LENGTH - SWARTZ CROSSING BLVD. TREES REQUIRED: TREES PROVIDED: SHRUBS REQUIRED: 27 SHRUBS (3 SHRUBS PER 35 LF) 36 SHRUBS SHRUBS PROVIDED LENGTH - SOUTHERN DRIVE AISLE: TREES REQUIRED 7 TREES (1 TREE PER 35 LF) TREES PROVIDED: SHRUBS REQUIRED SHRUBS PROVIDED

20 SHRUBS (3 SHRUBS PER 35 LF) 20 SHRUBS STREETSCAPE FRONTAGE LENGTH - STATE RD 135: 7 TREES (1 TREE PER 40 LF) TREES REQUIRED TREES PROVIDED 7 TREES FRONTAGE LENGTH - SWARTZ CROSSING DR TREES REQUIRED TREES (1 TREE PER 40 LF) | REES REQUIRED: | 8 | REES | 1 | REE PER 40 LF |
| REES PROVIDED: | 8 | RREES |
| FRONTAGE LENGTH - SWARTZ CROSSING BLVD: 271 LF |
| TREES REQUIRED: | 7 | TREES |
| TREES PROVIDED: | 7 | TREES |

BUFFER YARD NO BUFFER REQUIRED

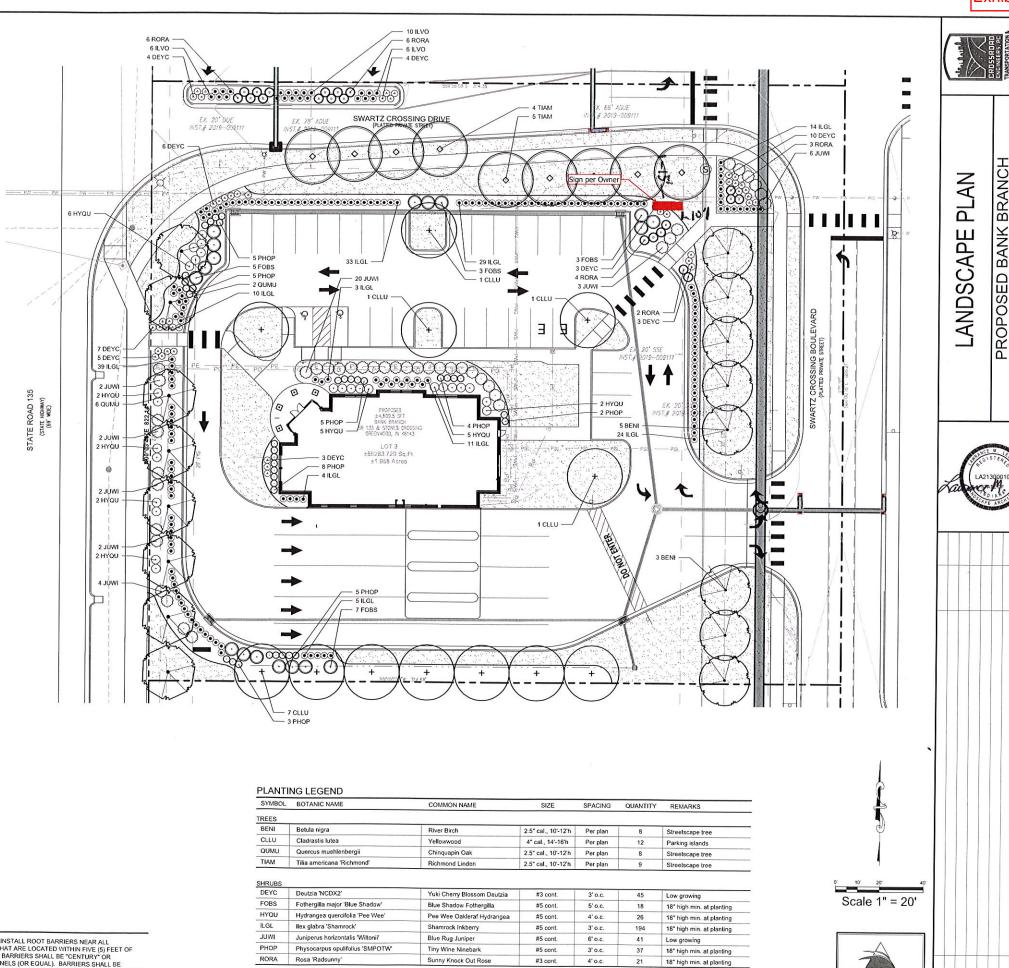
*** SMALL TREES USED DUE TO OVERHEAD UTILITIES.

MULCHES

AFTER ALL PLANTING IS COMPLETE, CONTRACTOR SHALL INSTALL 3" THICK LAYER OF 1-1/2" SHREDDED WOOD MULCH, NATURAL TAN/BROWN COLOR (UNDYED) IN ALL PLANTING AREAS (EXCEPT FOR TURF AND SEEDED AREAS). CONTRACTOR SHALL SUBMIT SAMPLES OF ALL MULCHES TO LANDSCAPE ARCHITECT AND OWNER FO APPROVAL PRIOR TO CONSTRUCTION. ABSOLUTELY NO EXPOSED GROUND SHALL BE LEFT SHOWING ANYWHERE ON THE PROJECT AFTER MULCH HAS BEEN INSTALLED (SUBJECT TO THE CONDITIONS AND REQUIREMENTS OF THE "GENERAL GRADING AND PLANTING NOTES" AND SPECIFICATIONS).

ROOT BARRIERS

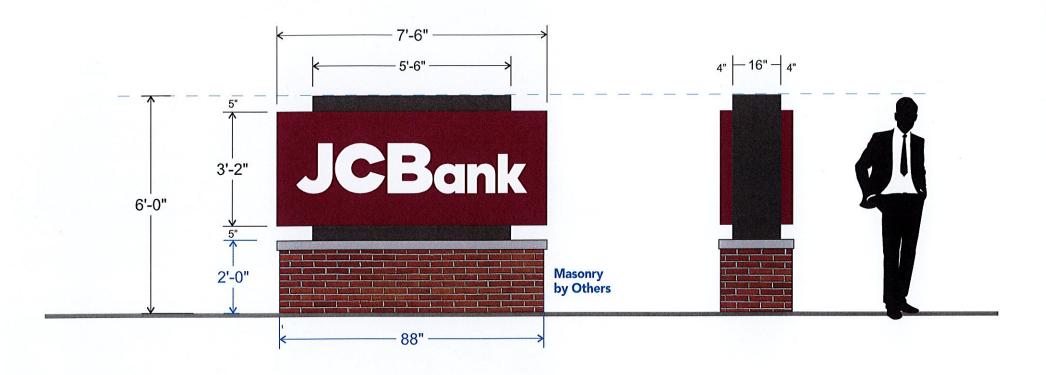
THE CONTRACTOR SHALL INSTALL ROOT BARRIERS NEAR ALL NEWLY-PLANTED TREES THAT ARE LOCATED WITHIN FIVE (6) FEET OF PAVING OR CURBS. ROOT BARRIERS SHALL BE "CENTURY" OR "DEEP-ROOT" 24" DEEP PANELS (OR EQUAL). BARRIERS SHALL BE LOCATED IMMEDIATELY ADJACENT TO HARDSCAPE. INSTALL PANELS PER MANUFACTURER'S RECOMMENDATIONS. UNDER NO CIRCUMSTANCES SHALL THE CONTRACTOR USE ROOT BARRIERS OF A TYPE THAT COMPLETELY ENCIRCLE THE ROOTBALL



Kentucky Bluegrass

Sod

Poa pratensis





Internally Illuminated Auxiliary Sign Routed Aluminum Faces with Push-Through Copy

SCALE: 3/8"=1'

DATE: 10-25-2022

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FILE: JCBank Greenwood Small ID A.cdr



Legal Description

Part of the Northwest Quarter of Section13, Township 13 North, Range 3 East, White River Township, Johnson County, Indiana, described as follows:

Block 8 of replat of Swartz Crossing Commercial Subdivision as recorded as instrument number 2019-009111 in Johann County recorder's office.

Containg 4.808 acres, more or less