Staff Report – Board of Zoning Appeals

DIMENSIONAL VARIANCE

<table>
<thead>
<tr>
<th>Docket #:</th>
<th>V2019-023</th>
<th>Hearing Date:</th>
<th>October 28, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant:</td>
<td>Speedway LLC, Steve Sortore, 500 Speedway Drive, Enon, Ohio 45323</td>
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<tr>
<td>Owner:</td>
<td>Ohio Properties LLC, Allen or Nick Kirkendall, 2537 East Main Street, Greenwood, IN 46143</td>
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Petition Request:

Petitioner is requesting a total of seven (7) dimensional variances for a proposed Speedway convenience store and gas station. Petitioner has also filed a related petition for a use variance to allow an additional three (3) fueling stations for trucks in excess of 16,000 lbs. to be part of the proposed development.

The seven (7) dimensional variances include:

1. Request wall signage on the canopy over the car fueling stations totaling approximately 56 square feet in area. Overlay ordinance limits wall signage to a maximum of 20% of the wall. The requested signage is approximately 42% of the canopy wall.

2. Request directional signs for the truck fueling stations that are approximately 3.5 feet in height. Overlay ordinance sets limits of 3 feet maximum height.

3. Request a second pole sign so that there will be one on each street frontage of Main Street and Graham Road. Both signs will be within the 100 square foot maximum size and the 35 feet maximum height. Ordinance allows only one pole or ground sign.

4. Request is for 8 auto fuel pumps and 3 truck diesel pumps. The Overlay ordinance sets a maximum quantity of 6 fuel pumps.

5. Petitioner is requesting one ice freezer and two propane gas units outside the building. Overlay ordinance limits outdoor display to one propane gas dispenser (24 tanks max.) and no ice freezer.

6. Request is for canopy structure over the car fueling stations to setback 85 feet from Main Street and 55 feet from Graham Road. Overlay ordinance establishes 90 foot minimum building setback along corridor streets. Both Main Street and Graham Road are corridor streets.
7. Request is for the second pole sign along Graham Road to have a setback distance of approximately 10 feet. Overlay ordinance requires a minimum 30-foot greenbelt along corridor streets within which no structures can be built. The pole sign along Main Street frontage has a proposed 31-foot setback.

**Location/Description:**

The subject property is located on the southwest corner of the intersection of East Main Street and Graham Road. The undeveloped property has not yet been assigned a postal address. The subject property is part of the Precedent South Business Center, a platted commercial subdivision. It is currently described as Block 1 of Section 1, which includes a total of 6.67 acres. The proposed legal description will be Lot 1 of Block 1 of Section 1 of the Precedent South Business Center if this project comes to fruition. The legal description for the entire Block 1 was used for the public notices for this petition.

The subject property is zoned C-2 Commercial and lies within the I-65 Corridor Overlay Zone.

See attached Exhibit A – Plot Plan
See attached Exhibit E – Vicinity Aerial Map

**Existing & Surrounding Land Use:**

North – C-2 Commercial & I-1 Industrial – distribution center under construction
South – I-1 Industrial – Precedent South Business Center – mixture of industrial uses
East – C-2 Commercial – Precedent South Business Center – undeveloped blocks
West – I-1 Industrial – Precedent South Business Center – mixture of industrial uses

See attached Exhibit E – Vicinity Aerial Map

**Ordinance References:**

Variance #1 – Overlay Ordinance, Section 10-101, subsection 6.17.21 Sign Standards, Item C. – wall signs in underlying commercial districts shall not exceed twenty (20%) percent of the wall area.

Variance #2 – Sign Code, Section 10-703, subsection 24.02.07 Private traffic directional signs – sets maximum height of three (3) feet and maximum size of six (6) square feet in commercial zones.

Variance #3 – Sign Code Section 10-712, subsection 24.11.04.01 A. 1. – Each free-standing building may have one ground sign or one pole sign (but not both).

Variance #4 – Overlay Zone, Section 10-101, subsection 6.17.28 F. Pump Stations. – Pump stations shall be limited to six (6).
Variance # 5 – Overlay Zone, Section 10-101, subsection 6.17.28 B. – Outside display or storage is prohibited except for one propane gas display for a maximum of 24 tanks.

Variance # 6 – Overlay Zone, Section 10-101, subsection 6.17.14 – Front building setback along Corridor Street is ninety (90) feet minimum.

Variance # 7 – Overlay Zone, Section 10-101, subsection 6.17.23 A. 1. – Minimum width of greenbelt along Corridor Streets shall be thirty (30) feet. Greenbelt shall be suitably landscaped and shall be otherwise unoccupied except for walks, steps, terraces, driveways, lighting standards.

Statutory Criteria:

According to Sec. 10-135, 9.08.06 (B) of the Greenwood Municipal Code and pursuant to I.C. 36-7-4-918.5 for granting Dimensional Variances, the Board shall find 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

4. 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, because

Comments and Findings:

PETITIONER’S PROPOSED DETAILED STATEMENT OF REASONS

NOTE : A separate set of Detailed Statements of Reasons are included in this report for each of the seven (7) dimensional variances requested by the petitioner.

1. THE APPROVAL WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, OR GENERAL WELFARE OF THE COMMUNITY BECAUSE :

Request #1 see Page 6
Request #2 see Page 8
Request #3 see Page 10
Request #4 see Page 12
Request #5 see Page 14
Request #6 see Page 16
Request #7 see Page 18
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:

Request #1 see Page 7
Request #2 see Page 9
Request #3 see Page 11
Request #4 see Page 13
Request #5 see Page 15
Request #6 see Page 17
Request #7 see Page 19

3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE:

Request #1 see Page 7
Request #2 see Page 9
Request #3 see Page 11
Request #4 see Page 13
Request #5 see Page 15
Request #6 see Page 17
Request #7 see Page 19

4. THE STRUCTURE IS OR IS NOT REGULATED UNDER INDIANA CODE 8-21-10-3 FOR HAZARD AIR NAVIGATION:

Request #1 see Page 7
Request #2 see Page 9
Request #3 see Page 11
Request #4 see Page 13
Request #5 see Page 15
Request #6 see Page 17
Request #7 see Page 19

Summary and Proposed Conditions:

Variance # 1 -- Staff has no objection to the petitioner's detailed statements of reasons.

Staff recommended condition: Signage and logos on canopy shall be in substantial compliance with the drawings submitted as part of this petition.
Variance # 2 -- Staff has no objection to the petitioner's detailed statements of reasons.

Staff recommended condition : None

Variance # 3 – Staff has no objection to the petitioner's detailed statements of reasons.

Staff recommended condition : Both pole signs shall comply with 100 square foot maximum size and 35 foot maximum height requirements.

Variance # 4 -- Staff has no objection to the petitioner's detailed statements of reasons.

Staff recommended condition : None

Variance # 5 -- Staff has no objection to the petitioner's detailed statements of reasons.

Staff recommended condition : The one outdoor ice freezer and two propane gas dispensers shall be screened from street view by a wall covered with same masonry materials as the main building. Screen wall shall be at least one (1) foot tall than the propane gas dispensers.

Variance # 6 -- Staff has no objections to the petitioner's detailed statements of reasons.

Staff recommended condition : Support beams for the proposed canopy shall be wrapped/enclosed with the same masonry materials as the exterior of the main building.

Variance # 7 --
NOTE : Petitioner has decided to move the second pole sign(if granted) to a setback distance of 51 feet from Graham Road in order to remove it from an existing utilities and drainage easement. It is proposed to be located in the grass area between the two truck driveways. The original request was to have it near the southeastern corner of the lot within the 30-foot greenbelt. By moving the sign farther back onto the site, variance request #7 is no longer necessary for the petitioner. This request can be withdrawn at the public hearing.
Attachments :

Exhibit A – Plot Plan
Exhibit B – Building elevations
Exhibit C – Signage
Exhibit D – Canopy Signage
Exhibit E – Vicinity Aerial Map
Greenwood Board of Zoning Appeals
Attachment A: Detailed Statement of Reasons for a Dimensional (Development Standards) Variance

Project: Speedway Store # 100080 Greenwood Docket: V2019-023

Petition Information – Complete separate Attachment A for each variance requested

What specific sections of the ordinance is it that you seek to vary? (Staff can assist)

<table>
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<th>Article</th>
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<td>10-101 I-65 Corridor Overlay Zone District, Ord. No. 15-47, 1, 8-17-15</td>
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<tr>
<td>6.17.21 Signage Standards: C</td>
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Describe your particular request:

Wall Signs shall not exceed 20% of wall area. Auto Canopy Speedway Channel Letter are 42.18% of wall (24.85sf over 22.4 allowed). CFL enter canopy is 3.87SF over. CFL exit canopy is 2.25 SF over. (56 SF required)

Statutory Criteria

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

The additional signage will not be injurious to the public health, safety, morals and general welfare as the signage is intended to safely bring in patrons. The signage works well with the scale of the site. It is internal and more than 16' off the ground out of public harm. Speedway has reduced it's signage standard by one sign to get this as close to code as safely possible on the CFL.
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

Our proposed development is in an area where the surrounding properties are industrial and commercial in nature. Due to this existing development and the close proximity to I-65, there is already a presence of commercial traffic. We are not a truck stop and do not offer many of the amenities that one does such as showers, full service restaurants, truck repair services, and parking. It is a modern and safe stop for both auto and commercial traffic. We have the site designed so there is minimal interaction between the auto and commercial vehicles. The requested Variance will increase the value and use of the surrounding properties because it will efficiently serve and coordinate well with the commercial and industrial businesses in the area, particularly those with a heavy use of trucks such as Amazon and FedEx.

The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property because

This additional signage is Speedway's standard and fits well with their modern canopy design. To try to get the signage as close to code as possible one Speedway badge was removed. It would be difficult to reduce it anymore to maintain visibility and their image. The Speedway channel letters on the auto canopy are directed towards the main traffic area and are set up to identify the Speedway site giving public advance notice.

The structure is/is not regulated under Indiana Code 8-21-10-3 (The Board of Zoning Appeals must have received a copy of the Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration or approval issued by the Indiana Department of Transportation and the Greenwood Board of Aviation Commissioners must be delivered notice in accordance with Indiana Code 8-21-10-3 not less than sixty days before the proposal is considered if the proposed improvement is regulated under Indiana Code 8-21-10-3)

Structure is under 73' (Item a.2.A)
Greenwood Board of Zoning Appeals

Attachment A: Detailed Statement of Reasons for a Dimensional (Development Standards) Variance

Project: Speedway Store # 100080 Greenwood  Docket: V2019-023

Petition Information – Complete separate Attachment A for each variance requested

What specific sections of the ordinance is it that you seek to vary? (Staff can assist)

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<td>Article 24 Sign Code. Sec 10-703 Authorized Signs. 24.02.07 Private traffic direction signs.</td>
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</table>

Directional signs shall be no greater than 3' in height or 6 sf in area.

Describe your particular request:
Speedway standard for CFL directional signage is 32 SF and 9' tall. For this site we are proposing their 5 SF option to meet code which is 3.5' tall (0.5' over the required).

Statutory Criteria

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

- Directional signs are intended to safely bring the trucks and cars into the site in the appropriate drives while making safe and timely decisions to enter the site. Speedway has reduced their standard from 32 SF to 5 SF for more safety in regards to site visibility as to not be injurious to the public.
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

Our proposed development is in an area where the surrounding properties are industrial and commercial in nature. Due to this existing development and the close proximity to I-65, there is already a presence of commercial traffic. We are not a truck stop and do not offer many of the amenities that one does such as showers, full service restaurants, truck repair services, and parking. It is a modern and safe stop for both auto and commercial traffic. We have the site designed so there is minimal interaction between the auto and commercial vehicles. The requested Variance will increase the value and use of the surrounding properties because it will efficiently serve and coordinate well with the commercial and industrial businesses in the area, particularly those with a heavy use of trucks such as Amazon and FedEx.

The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property because

Directional signs are intended to safely bring the trucks and cars into the site in the appropriate drives to make safe and timely decisions to enter the site. If these signs are not allowed then trucks and cars would not know which drive to enter thus causing public safety issue.

The structure is not regulated under Indiana Code 8-21-10-3 (The Board of Zoning Appeals must have received a copy of the Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration or approval issued by the Indiana Department of Transportation and the Greenwood Board of Aviation Commissioners must be delivered notice in accordance with Indiana Code 8-21-10-3 not less than sixty days before the proposal is considered if the proposed improvement is regulated under Indiana Code 8-21-10-3)

Structure is under 73' (item a.2.A)
Greenwood Board of Zoning Appeals
Attachment A: Detailed Statement of Reasons for a Dimensional (Development Standards) Variance

Project: Speedway Store #100080 Greenwood  Docket: V2019-023

Petition Information – Complete separate Attachment A for each variance requested

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<tbody>
<tr>
<td>Article 24 Sign Code. Sec 11-712 Specific Sign Regulations by Zoning District. 24.11.04.01 Number and Type of Signs Permitted. A.1.</td>
<td></td>
<td>Each freestanding building may have 1 ground or pole (not both) sign. The sign shall not exceed 100 sf.</td>
</tr>
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</table>

Describe your particular request:
Due to the size of the site and two street frontages we are requesting a second goalpost sign.
It is Speedway's standard to have a 165 SF goalpost but for this site we are utilizing a smaller sign to meet code. The second sign will be 99 SF.

Statutory Criteria

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

- Goal Post signs with gas pricers are intended to safely bring the trucks and cars into the site making safe and timely decisions to enter the site. Vehicles coming from the south would not be able to see the gas prices and would not be able to make an informed decision, specifically with the trucks to enter the site. They would have to circle back around which would not be safe for the public. Allowing another sign on the second street would allow for the public to make a safe decision and not be injurious to them.
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

Our proposed development is in an area where the surrounding properties are industrial and commercial in nature. Due to this existing development and the close proximity to I-65, there is already a presence of commercial traffic. We are not a truck stop and do not offer many of the amenities that one does such as showers, full service restaurants, truck repair services, and parking. It is a modern and safe stop for both auto and commercial traffic. We have the site designed so there is minimal interaction between the auto and commercial vehicles. The requested Variance will increase the value and use of the surrounding properties because it will efficiently serve and coordinate well with the commercial and industrial businesses in the area, particularly those with a heavy use of trucks such as Amazon and FedEx.

The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property because

Goal Post signs with gas pricers are intended to safely bring the trucks and cars into the site making safe and timely decisions to enter the site. Vehicles coming from the south would not be able to see the gas prices and would not be able to make an informed decision. This would result in practical difficulties in the use of the property as it would hinder access for potential patrons and would cause safety issues if they decide to go into the site after making the turn.

The structure is/is not regulated under Indiana Code 8-21-10-3 (The Board of Zoning Appeals must have received a copy of the Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration or approval issued by the Indiana Department of Transportation and the Greenwood Board of Aviation Commissioners must be delivered notice in accordance with Indiana Code 8-21-10-3 not less than sixty days before the proposal is considered if the proposed improvement is regulated under Indiana Code 8-21-10-3)

Structure is under 73’ (Item a.2.A)
Greenwood Board of Zoning Appeals
Attachment A: Detailed Statement of Reasons for a Dimensional (Development Standards) Variance

Project: Speedway Store # 100080 Greenwood
Docket: V2019-023

Petition Information – Complete separate Attachment A for each variance requested

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<td></td>
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<tr>
<td>6.17.28 Additional Standards for Gas Stations: F</td>
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Describe your particular request:

To meet demand for current and future traffic we are asking for 8 pumps for auto fueling as well as 3 CFL lanes. The commercial fueling lanes are being proposed to serve the surrounding businesses as well as the close proximity to the interstate offering another option for travelers.

Statutory Criteria

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

The 8 pumps are set up for current and future demand. It would be unsafe for a lower amount of pumps with cars backing up or stacked allowing unsafe ingress/egress around the site. This will help alleviate traffic on the west side of the interstate offering more options for the public.
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

Our proposed development is in an area where the surrounding properties are industrial and commercial in nature. Due to this existing development and the close proximity to I-65, there is already a presence of commercial traffic. We are not a truck stop and do not offer many of the amenities that one does such as showers, full service restaurants, truck repair services, and parking. It is a modern and safe stop for both auto and commercial traffic. We have the site designed so there is minimal interaction between the auto and commercial vehicles. The requested Variance will increase the value and use of the surrounding properties because it will efficiently serve and coordinate well with the commercial and industrial businesses in the area, particularly those with a heavy use of trucks such as Amazon and FedEx.

The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property because

The 8 pumps are set up for current and future demand. It would be unsafe for a lower amount of pumps with cars backing up or stacked allowing unsafe ingress/egress around the site. The use of the property is in an area that has demand for more than 6 pumps with the surrounding businesses and the location to interstate.

The structure is/is not regulated under Indiana Code 8-21-10-3 (The Board of Zoning Appeals must have received a copy of the Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration or approval issued by the Indiana Department of Transportation and the Greenwood Board of Aviation Commissioners must be delivered notice in accordance with Indiana Code 8-21-10-3 not less than sixty days before the proposal is considered if the proposed improvement is regulated under Indiana Code 8-21-10-3)

Structure is under 73' (Item a.2.A)
Greenwood Board of Zoning Appeals  
Attachment A: Detailed Statement of Reasons for a Dimensional (Development Standards) Variance

Project: Speedway Store # 100080 Greenwood
Docket: V2019-023

Petition Information – Complete separate Attachment A for each variance requested

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<td>6.17.28 Additional Standards for Gas Stations: B</td>
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Describe your particular request:

Outdoor sales displays are prohibited except for one propane fuel with 24 tanks. Speedway’s standard is 1 ice & 2 propane cages. They cannot put the ice inside. We are adding a screen wall to screen the ice and propane on the side of the building.

Statutory Criteria

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

The outdoor displays will not be injurious to the public as we are creating a separate space for them with screen wall to block the view of the public as well as contain the displays out of the main pedestrian traffic.
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

Our proposed development is in an area where the surrounding properties are industrial and commercial in nature. Due to this existing development and the close proximity to I-65, there is already a presence of commercial traffic. We are not a truck stop and do not offer many of the amenities that one does such as showers, full service restaurants, truck repair services, and parking. It is a modern and safe stop for both auto and commercial traffic. We have the site designed so there is minimal interaction between the auto and commercial vehicles. The requested Variance will increase the value and use of the surrounding properties because it will efficiently serve and coordinate well with the commercial and industrial businesses in the area, particularly those with a heavy use of trucks such as Amazon and FedEx.

The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property because

The outdoor displays of ice and propane are set up for safety and convenience for the customer. Their indoor sales area is not set up for ice merchandising. Speedway will add a screen wall to contain the area from public view.

The structure is/is not regulated under Indiana Code 8-21-10-3 (The Board of Zoning Appeals must have received a copy of the Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration or approval issued by the Indiana Department of Transportation and the Greenwood Board of Aviation Commissioners must be delivered notice in accordance with Indiana Code 8-21-10-3 not less than sixty days before the proposal is considered if the proposed improvement is regulated under Indiana Code 8-21-10-3)

Structure is under 73' (Item a.2.A)
Greenwood Board of Zoning Appeals
Attachment A: Detailed Statement of Reasons for a Dimensional (Development Standards) Variance

Project: Speedway Store # 100080 Greenwood  Docket V2019-023

Petition Information – Complete separate Attachment A for each variance requested

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<tr>
<td>6.17.14 Minimum Front Yard</td>
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Building setback is 90’ along Corridor Street and 50’ from a frontage or access street.

Describe your particular request:

The Auto canopy is 85’ from ROW of Main Street and 55’ from Graham Road. The canopy is positioned on the site the allow safe ingress and egress meeting speedway's standards for safety of their trucks and auto fueling as well as the parking in front of the store and parking at the canopy fueling. The truck CFL is situated to allow the trucks to fuel and stack in front of the canopy and behind it for allowing a quick stop in the store. No truck parking is proposed.

Statutory Criteria

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

The Canopy encroaches into the 90’ setback on both main and Graham. Being 55’ and 85’ from the ROW this will not be injurious to the public. Although this does not meet the overlay setback, the canopy is set up for safe ingress and egress through the site and in relation to the parking and circulation. The main building is setback outside of this 90’.
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

Our proposed development is in an area where the surrounding properties are industrial and commercial in nature. Due to this existing development and the close proximity to I-65, there is already a presence of commercial traffic. We are not a truck stop and do not offer many of the amenities that one does such as showers, full service restaurants, truck repair services, and parking. It is a modern and safe stop for both auto and commercial traffic. We have the site designed so there is minimal interaction between the auto and commercial vehicles. The requested Variance will increase the value and use of the surrounding properties because it will efficiently serve and coordinate well with the commercial and industrial businesses in the area, particularly those with a heavy use of trucks such as Amazon and FedEx.

The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property because

The Canopy encroaches into the 90’ setback on both main and Graham. In order to achieve the 90’ setback this site would not be developable for this use. The Canopy is setup with standard dimensions that allow safe ingress and egress throughout the site.

The structure is/is not regulated under Indiana Code 8-21-10-3 (The Board of Zoning Appeals must have received a copy of the Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration or approval issued by the Indiana Department of Transportation and the Greenwood Board of Aviation Commissioners must be delivered notice in accordance with Indiana Code 8-21-10-3 not less than sixty days before the proposal is considered if the proposed improvement is regulated under Indiana Code 8-21-10-3)

Structure is under 73’ (Item a.2.A)
Greenwood Board of Zoning Appeals

Attachment A: Detailed Statement of Reasons for a Dimensional (Development Standards) Variance

Project: Speedway Store # 100080 Greenwood Docket: V2019-023

Petition Information – Complete separate Attachment A for each variance requested

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<tr>
<td>5</td>
<td>10-80</td>
<td>Chapter 1 General Provisions. Table B-2 Minimum Residential &amp; Commercial Front Yard Setback requirements, Notes (2)</td>
</tr>
</tbody>
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Describe your particular request:
Goalpost Signs are 31' from Main Street and 51' from Graham. Directional signs are approximately 7' from Graham.

Statutory Criteria

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

- The structures (signage) will not be injurious as they are set up to safely navigate the public into and throughout the site.
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

Our proposed development is in an area where the surrounding properties are industrial and commercial in nature. Due to this existing development and the close proximity to I-65, there is already a presence of commercial traffic. We are not a truck stop and do not offer many of the amenities that one does such as showers, full service restaurants, truck repair services, and parking. It is a modern and safe stop for both auto and commercial traffic. We have the site designed so there is minimal interaction between the auto and commercial vehicles. The requested Variance will increase the value and use of the surrounding properties because it will efficiently serve and coordinate well with the commercial and industrial businesses in the area, particularly those with a heavy use of trucks such as Amazon and FedEx.

The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property because

Having the signs too far back into the site would not allow for safe ingress and egress of the public. Our signs have been reduced from standard to comply with code with square footage. The signs are set up for directing and informing the public on the road system, not internal to the site.

The structure is not regulated under Indiana Code 8-21-10-3 (The Board of Zoning Appeals must have received a copy of the Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration or approval issued by the Indiana Department of Transportation and the Greenwood Board of Aviation Commissioners must be delivered notice in accordance with Indiana Code 8-21-10-3 not less than sixty days before the proposal is considered if the proposed improvement is regulated under Indiana Code 8-21-10-3)

Structure is under 73’ (Item e.2.A)
Parcel ID 41-02-34-041-004-000-030
Sec/Twp/Rng n/a
Property Address 5 GRAHAM RD
GREENWOOD
District 030

Alternate ID 2900 34 01 042/00
Class Industrial Vacant Land
Acreage 6.666

Owner Address OHIO PROPERTIES LLC
PO BOX 829
GREENWOOD, IN 46142

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