

Agenda Item #3

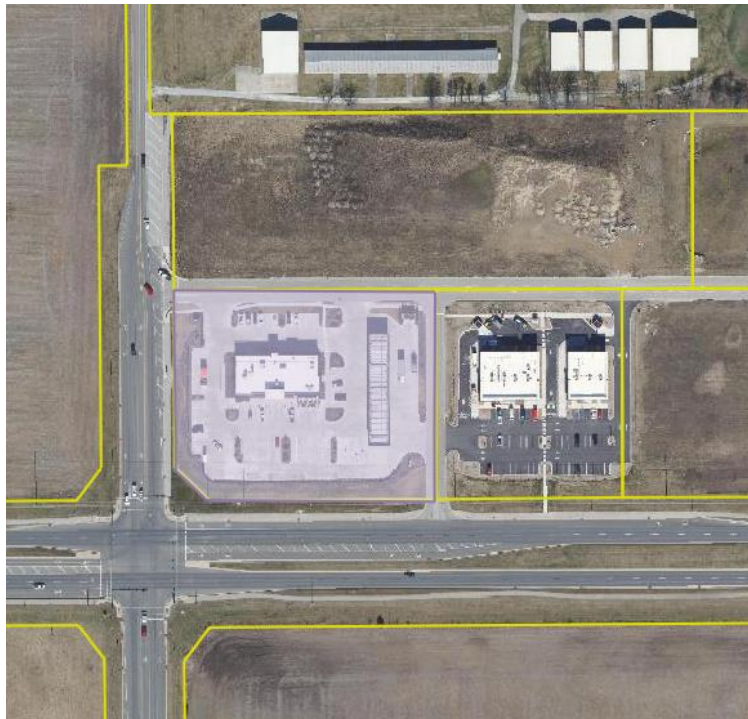
Case Number	BZNA-000222-2024	Property Size	2.87 acres
Address	11090 East 146 th Street	Zoning	Corporate Campus Planned Development
Owners	Pride Convenience Stores REH, LLC	Reviewer	Amy Steffens, AICP
Applicants	Jason Hanners, First Merchants Bank	BZA Meeting	January 6, 2025

Requested Action: Variance of Development Standards application pursuant to UDO §11.C.3.A.4. to allow for lettering on an automatic teller machine canopy to exceed three inches in height.

Recommendation:
Approve

Table of Contents:

- A. Application
- B. Aerial Photo
- C. Applicant's findings of fact
- D. Site Plan
- E. Sign plan



ANALYSIS

The subject site is a 2.87-acre lot at the north east corner of 146th Street and Promise Road. The site is improved with Leo's Market and Eatery, a gas station and convenience store. Site is zoned in the Corporate Campus Planned Development. Adjacent uses include a multi-tenant retail center to the east, and agricultural uses to the north, west, and south.

If approved, the variance request would allow for installation of signage on an existing ATM canopy located in the south west corner of the site. Section 11.C.3.A.4. specifies that *Matter appearing on automatic teller machines (ATM), including credit card information, bank network information, business name, business logo, and/or other similar mater is permitted if less than three (3) inches in height. All advertisement posters and paraphernalia are prohibited. All free standing ATMs shall follow the permanent sign regulations application to the location of the machine.*

The canopy is setback from the Promise Road right-of-way by approximately 60 feet and from 146th Street by approximately 90 feet. The applicant's proposed signage would exceed the three-inch height maximum. The text would be approximately five inches in height and the bank logo would be approximately nine inches in height. Signage would be installed on three of four canopy sides.

VARIANCE OF DEVELOPMENT STANDARDS FINDINGS

AGENDA ITEM #3.:

If the Board should decide to APPROVE the requested variances, please use the following findings of fact:

The Noblesville Board of Zoning Appeals is authorized to approve or deny variances of use from the terms of the zoning ordinance. **The BZA may impose reasonable conditions as part of its approval. A Variance of Development Standards may be approved only upon a determination in writing that the following three (3) conditions are met (see Indiana Code § 36-7-4-918.5):**

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

It is likely that this variance will NOT be injurious to the public health, safety, morals, and general welfare of the community. Given the ATM canopy setback from the rights-of-way and property boundaries, the taller letters are not likely to be intrusive to vehicles or from off-site properties.

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:

It is likely that the use and value of real estate adjacent to the subject site will not be affected in a substantially adverse manner. The requested variance is a minor deviation from the UDO and will not impede the uses of the adjacent properties.

Nearby property owners may remonstrate against this petition if they believe this request will have significant adverse effects on adjacent properties. Should nothing contrary be brought to light by adjacent owners at the public hearing, it is presumed that the approval of this variance request will not

have a substantially adverse effect on the use and value of adjacent properties. Staff has not received any correspondence on this variance request.

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

The strict application of the terms of the zoning ordinance will not result impractical difficult difficulties in the use of the property because the ATM canopy currently has compliant signage. However, the requested variance could be considered an appropriate and minor deviation from the ATM canopy signage height requirement given the setback of the ATM canopy from the traveled roadways.

RECOMMENDATIONS

AGENDA ITEM #3.:

If the Board should choose to approve the requested variance, staff asks that the Board include the following specific conditions:

1. The Applicant shall sign the Acknowledgement of Variance document prepared by the Planning and Development Department Staff within 60 days of this approval. Staff will then record this document against the property and a file stamped copy of such recorded document shall be available in the Department of Planning and Development.
2. Any alterations to the approved building plan or site plan, other than those required by the Board of Zoning Appeals (BZA), shall be submitted to the Planning and Development Department prior to the alterations being made, and if necessary, a BZA hearing shall be held to review such changes.



EXHIBIT A

PLAN DETAILED REPORT BZNA-000222-2024 FOR CITY OF NOBLESVILLE

Plan Type: Board of Zoning Appeals	Project:	App Date: 10/28/2024
Work Class: Variance	District: City of Noblesville	Exp Date: NOT AVAILABLE
Status: Applied Online	Square Feet: 15.00	Completed: NOT COMPLETED
Valuation: \$0.00	Assigned To:	Approval Expire Date:

Description: First Merchants Bank requests a signage variance increase from 20% to 60-85% based off proposed elevation details.

Parcel: 10-11-16-00-00-023.103 Main	Address: 11090 E 146Th St Main Nob, IN 46060	Zone: CCPD(Corporate Campus Planned Devel
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Responsible for Costs Associated with Application First Merchants Bank Jason R Hanners 200 East Jackson Street Muncie, IN 47305 Business: 7653788289 Mobile: 3178407120	Applicant First Merchants Bank Jason R Hanners 200 East Jackson Street Muncie, IN 47305 Business: 7653788289 Mobile: 3178407120	Property Owner Pride Convenience Stores REH, LLC 2700 W Main ST Greenfield, IN 46140 Business: 3174682525 Mobile: 3177166842
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Activity Type	Activity Number	Name	User	Created On
Application Check - BZA	PLACT-000226-10-2024		Amy Ely	10/28/2024

Invoice No.	Fee	Fee Amount	Amount Paid
00039532	Variances - All Others - \$600	\$600.00	\$0.00
Total for Invoice 00039532		\$600.00	\$0.00
Grand Total for Plan		\$600.00	\$0.00

EXHIBIT B



12/27/2024, 2:20:09 PM

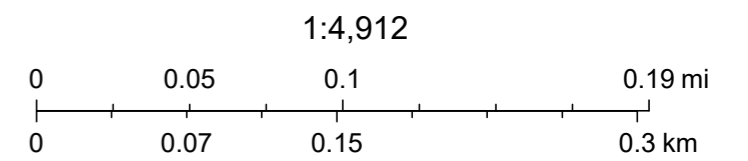


EXHIBIT C

The Noblesville Board of Zoning Appeals (BZA) is authorized to approve or deny Variances of Development Standards from the terms of the Unified Development Ordinance. The BZA may impose reasonable conditions as part of its approval. A Variance of Development Standards may be approved only upon a determination in writing that the following three (3) statements are true (see Indiana Code § 36-7-4-918.5):

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:

Variance request to increase and modify the size of signage on ATM Canopy

No materials will harm public health and safety. Will use approved panel material.

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 by the approval of this variance request. Explain why this statement is true in this case:

No adverse value to adjacent property to be affected, signage variance increase in size will not harm properties near structure.

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

No difficulties to result from use of property. Canopy awning is existing, request to remove existing signage panel and replace with larger signage panel.

EXHIBIT D

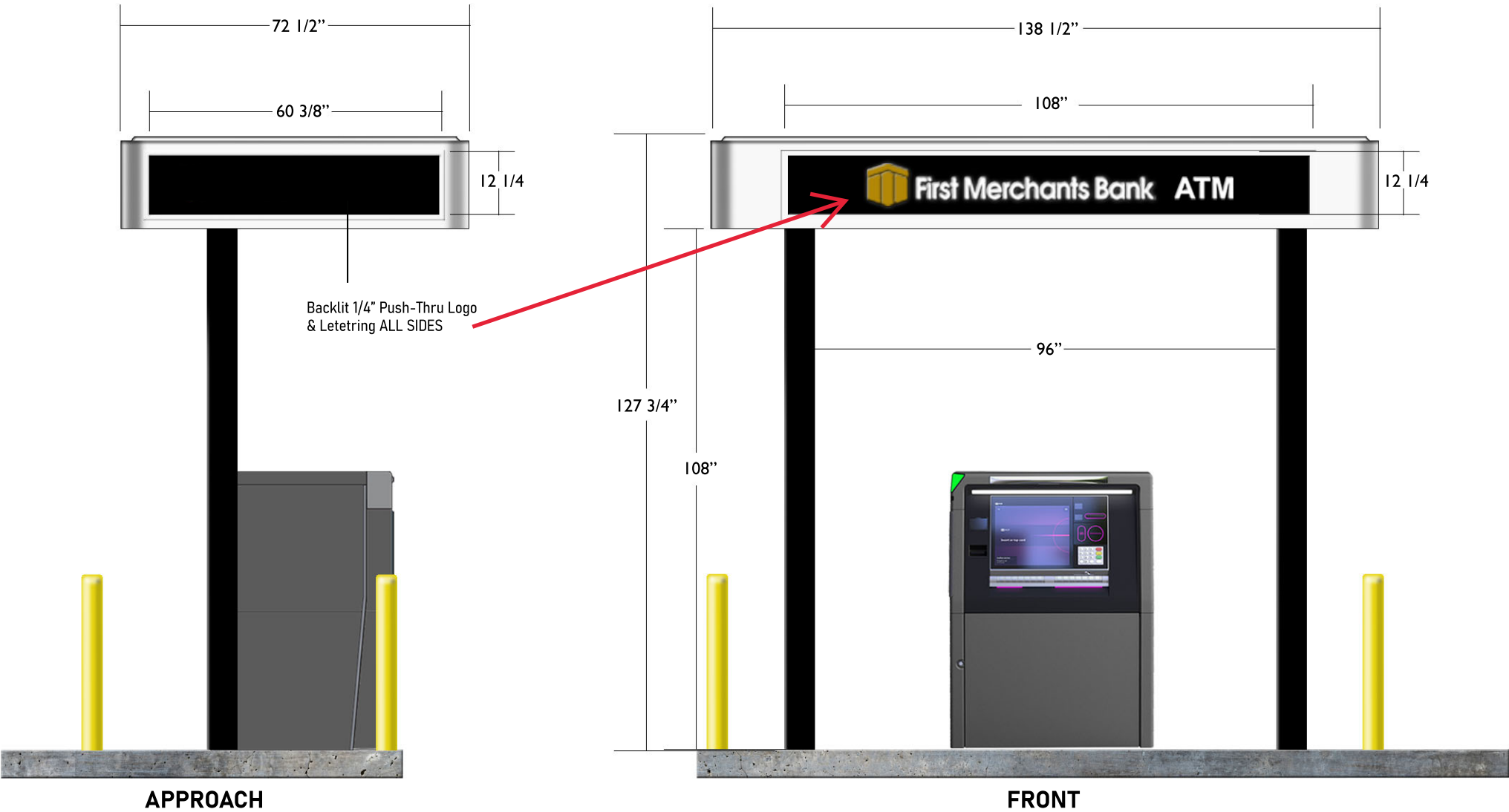


FIRST MERCHANTS ATM
146th ST. & PROMISE RD.
NOBLESVILLE, IN



PRELIMINARY SITE CONCEPT
03-23-23
1"=50'-0"

EXHIBIT E



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U.S. Patent # 6,457,277 B1

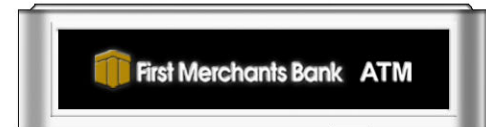
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- 062-STNDWHITE

MODEL 5576 CANOPY
Shown W/ 6688 ATM
SEPTEMBER 25, 2023
F/FirstMerchantsBank/
5576_6688_FirstMerchants-60%

COLORS: Specified /
ARTWORK: Vector /
NETWORK GRID / DECAL: NA
GRAPHIC PANEL: NA
RENDERED BY: JBB
APPROVED BY: _____
NOTES:



BACK



DEPARTURE

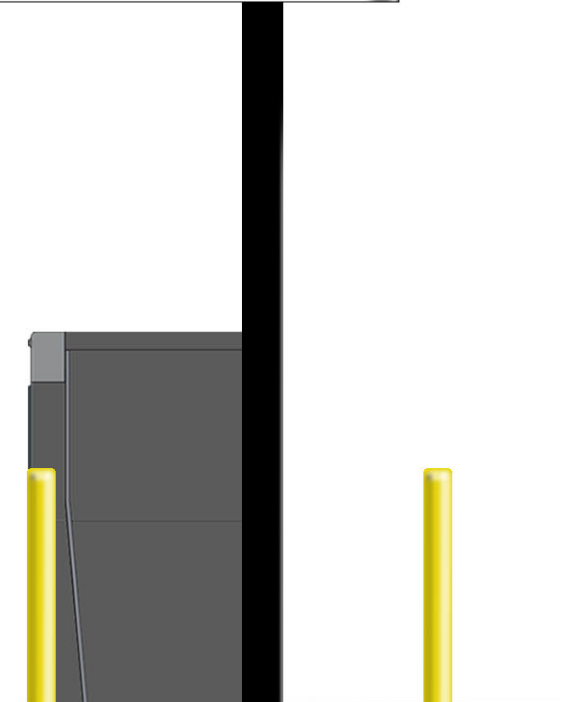
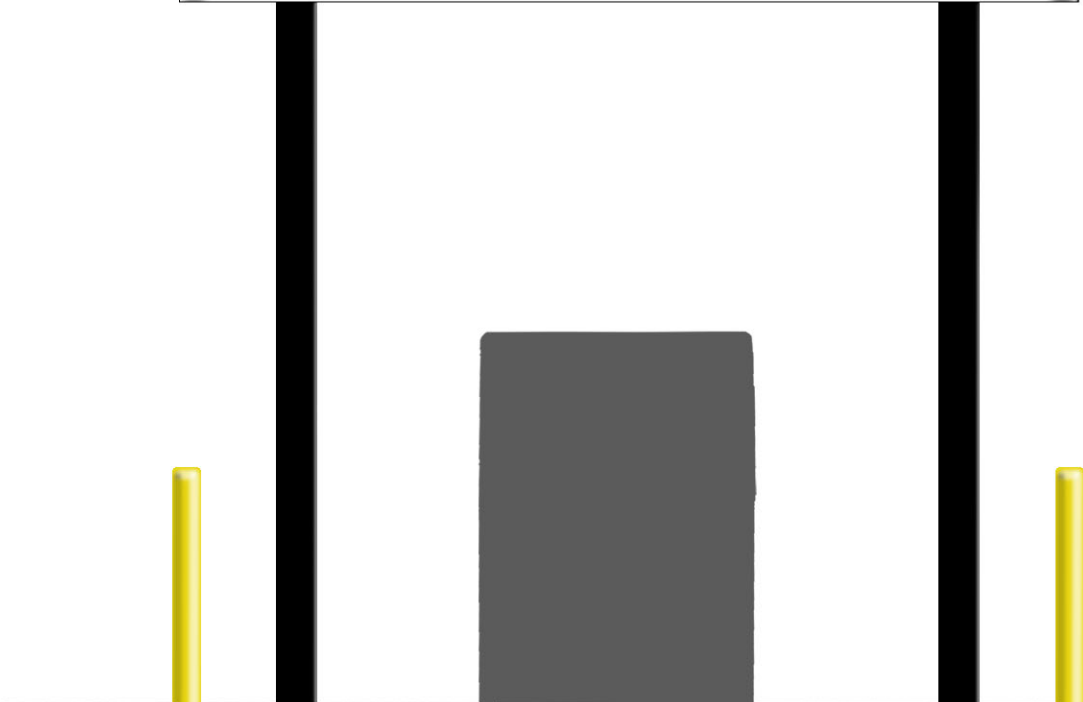
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MODEL 5576 CANOPY
Shown W/ 6688 ATM
SEPTEMBER, 2023
F/FirstMerchantsBank/
5576_6688_FirstMerchants_back-60%

COLORS: Specified /
ARTWORK: Vector /
NETWORK GRID / DECAL: NA
GRAPHIC PANEL: NA
RENDERED BY: JBB
APPROVED BY: _____
NOTES:



BACK

DEPARTURE

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MODEL 5576 CANOPY
Shown W/ 6688 ATM
SEPTEMBER, 2023
F/FirstMerchantsBank/
5576_6688_FirstMerchants_back-75%

COLORS: Specified /
ARTWORK: Vector /
NETWORK GRID / DECAL: NA
GRAPHIC PANEL: NA
RENDERED BY: JBB
APPROVED BY: _____
NOTES: