

BOARD OF ZONING APPEALS DIVISION III

January 21, 2025

Case Number: 2025-DV3-001
Address: 8420 US 31 (approximate address)
Location: Perry Township, Council District #23
Zoning: C-5 (FW)
Petitioner: Skillman Realty LLC, by Joseph D. Calderon
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a pylon sign, being the third freestanding sign along US 31 (maximum two freestanding signs permitted).

Current Land Use: Automotive Dealership Integrated Center

Staff Recommendation: Staff recommends Denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

A **six-day waiver of notice will be required** due to Staff providing the legal notice late to the petitioner.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ This 7.14-acre site is part of a larger 14.84-acre integrated center improved with two automobile dealerships under the same ownership, with frontage along US 31 and Stop 12 Road, and vehicular access from both streets.
- ◇ The purpose of the Sign Regulations is to eliminate potential hazards to motorists and pedestrians and encourage well-designed signs that are compatible with the surroundings, while eliminating excessive and confusing sign displays. Proliferation of signs causes those signs that are permitted and legal to become less effective and reduces their value. Additionally, the Sign Regulations preserve and improve the appearance of the City as a place in which to live and work.
- ◇ The Sign Regulations allow one sign for any commercial development with less than 300 feet of public street frontage. For sites with at least 600 feet of frontage, two freestanding signs are permitted. Sites with at least 900 feet of frontage may utilize three freestanding signs.

- ◇ This site has a 796-foot frontage and is developed with two automobile sales dealerships. Therefore, one or two signs along the US 31 frontage would adequately identify the site and comply with the provisions of the Sign Regulations. The denial of this request would not create a practical difficulty in the use of the property, as two signs would be allowed to be placed on the site by Ordinance.
- ◇ This request would provide for the relocation of an existing third sign along this site's 796 feet of frontage along US 31. The US 31 corridor is heavily developed with retail commercial uses. As the area developed more recently than other commercial corridors in the county, the majority of these commercial developments have been in the form of integrated retail centers, rather than single site uses. This development pattern has limited the proliferation of free-standing signage in the corridor.
- ◇ The Sign Regulations also allow two freestanding signs for an integrated center. This requirement is designed to mitigate the proliferation of freestanding signs and the visual conflicts and negative aesthetics associated with multiple signs in close proximity to one another.
- ◇ Sign permits have been issued to provide for many different iterations of free-standing signage at this site. While the accompanying documents in the permit files are difficult to read, it is staff's opinion that several of these permits should not have been issued without statements or conditions requiring the removal of previously permitted signage.
- ◇ In 2010, a variance to allow for an existing sign at this location was denied, yet the sign remained. Aerial photos indicate the sign arrived on site sometime between 1990 and 1995, which would not allow for it to be considered legally non-conforming as the Ordinance requires for it to have been on site since 1969. The sign ordinance at that time would also have required the 300-foot separation from the existing sign approximately 80 feet to the south, although there is no variance on record for that lack of separation. Therefore, the basis for approving the sign cannot be because it is a legal non-conforming use. Staff has based its recommendation on the current Ordinance requirements.
- ◇ Staff also determined that the existing signage on the site does not conform with the drawings and applications filed with prior permits. For example, the southernmost sign on the site is located near the intersection and contains an electric variable message component (EVMS) less than 125 feet from a signalized intersection and less than 600 feet from a protected district. The sign permit for that sign indicated it would be placed at the US 31 entrance to the site, approximately 400 feet to the north of the actual sign location, with another sign to be located at this site. No granted variance could be found for the EVMS sign's proximity to the signalized intersection or the protected district to the south. The approval of this variance would not address these non-conformities.

- ◇ The practical difficulty noted in the findings of fact for the requested third freestanding sign is that the dealership would be out of compliance with the franchise requirement for signs. Therefore, the variance request if granted, is to allow for the dealership to be out of compliance with the Zoning Ordinance, instead of out of compliance with the franchise requirement, which is a private contractual agreement, and could also be easily remedied by the relocation of the southernmost sign to the Stop 12 Road frontage.

GENERAL INFORMATION

Existing Zoning	C-5	
Existing Land Use	Automobile Dealership	
Comprehensive Plan	Heavy Commercial uses	
Surrounding Context	Zoning	Surrounding Context
	North: C-5	Car Wash / Automobile Dealerships
	South: D-P/SU-1	Multi-Family dwellings / Religious Use
	East: C-5	Automobile Dealerships
	West: C-5	Automobile repair / bodywork

Thoroughfare Plan			
US 31 South	Primary Arterial	153-foot existing and proposed right-of-way.	
East Stop 12 Road	Local Street	55-foot existing and proposed right-of-way	
Context Area	Metro area		
Floodway / Floodway Fringe	Yes		
Overlay	N/A		
Wellfield Protection Area	No		
Site Plan	November 4, 2024		
Sign Elevations	November 4, 2024		
Landscape Plan	N/A		
Findings of Fact	November 4, 2024		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Heavy Commercial uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Heavy Commercial typology which provides for consumer oriented general commercial, and office uses that tend to exhibit characteristics that are not compatible with less intensive land uses. They are often dominated by exterior operations, sales, and display of goods. Examples include vehicle sales and commercial lumber yards.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

ZONING HISTORY

2024-UV3-003A; 8540 US 31 (south of site), requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing pole sign (not permitted), and include a 37.28-square-foot digital display component (prohibited), **granted**.

2024-UV3-003B; 8540 US 31 (south of site), requested a variance of use to legally establish an existing pole and monument sign, **withdrawn**.

2019-DV1-026; 8320 US 31 South (north of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an electronic variable message sign within 250 feet of the nearest protected district, **granted, subject to commitments**.

2014-DV3-017; 8455 US 31 South (southeast of site), requested a variance of development standards of the Sign Regulations to provide for a 30-foot tall, 100-square foot freestanding sign, being approximately 200 feet from a freestanding sign to the north and being the fifth sign within an integrated center, along the approximately 1,300-foot frontage of US 31 South and to legally establish an approximately five-foot tall, 11-square foot directional sign, interior to the site, facing US 31 South, **granted**.



2014-DV2-004A; 8202 US 31 South (north of site), requested a variance of development standards of the Sign Regulations to provide for two additional non-illuminated freestanding signs, for a total of three signs along the frontage of Shelby Street; with a 6.33-foot tall, 42-square foot freestanding sign and a five-foot tall, 18-square foot freestanding sign being located approximately 100 feet and 190 feet south of the existing freestanding sign; with the 6.33-foot tall, 42-square foot freestanding sign encroaching approximately 18 feet into the existing right-of-way of Shelby Street; and with the five-foot tall 18-square foot freestanding sign encroaching approximately two feet into the right-of-way of Shelby Street, **denied**.

2014-DV2-004B; 8202 US 31 South (north of site), requested a variance of development standards of the Sign Regulations to provide for an approximately four-foot tall, 18-square foot non-illuminated directional entrance sign, **granted**.

2012-DV2-005; 8202 US 31 South (north of site), requested a variance of development standards of the Sign Regulations to provide for an approximately 72-square foot electronic variable message wall sign on the north façade of a building within an integrated center and within 175 feet of a protected district, **granted**.

2010-DV1-017; 8420 US 31 (subject site); requested a variance of development standards of the Sign Regulations to provide for a 25-foot tall, 93-square foot freestanding sign within 76 feet of an existing sign, being the third sign along an approximately 705-foot frontage, **denied**.

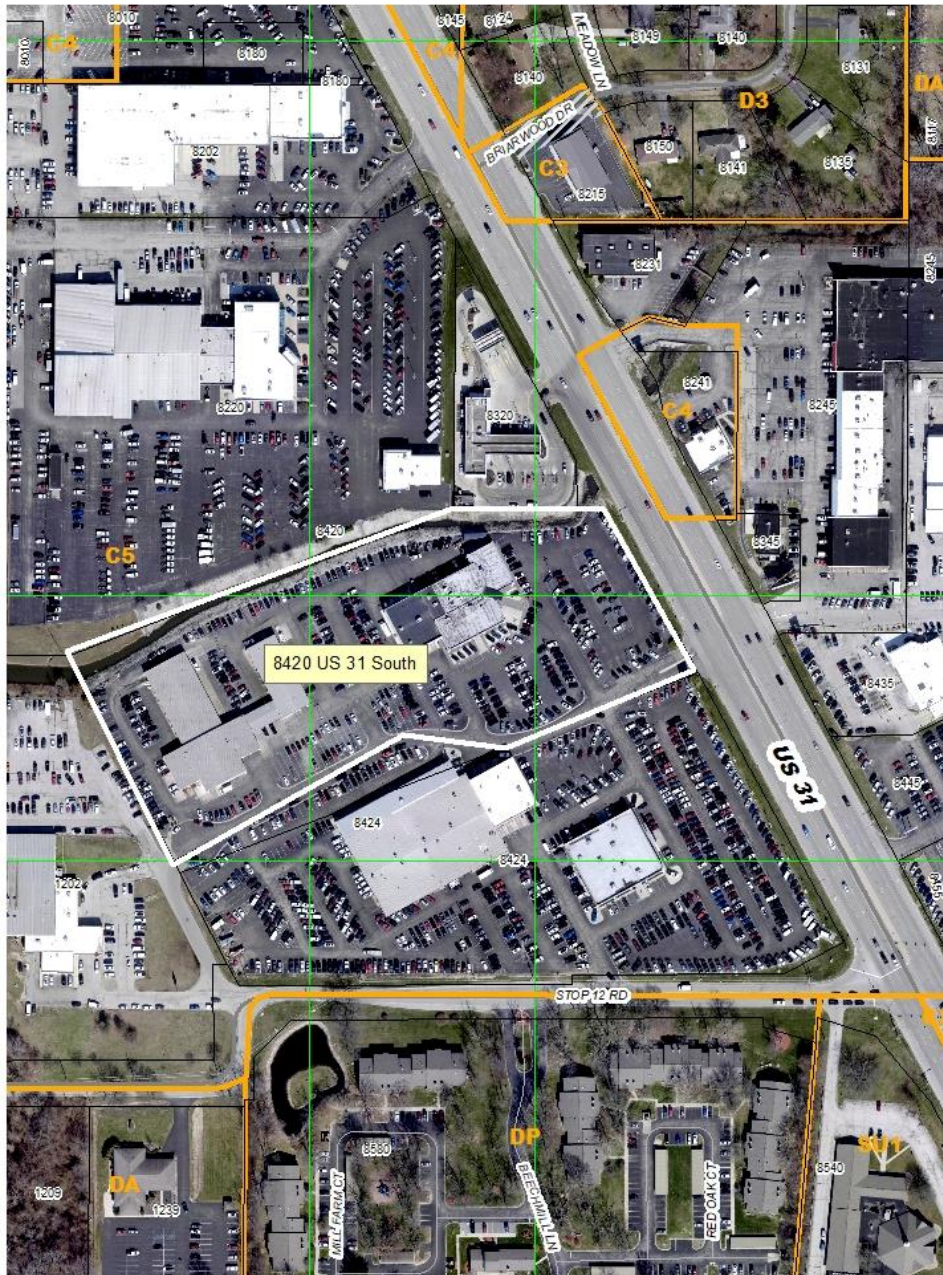
2010-DV1-017; 8420 US 31 South (subject site), requested a variance of development standards of the Sign Regulations to provide for a 25-foot tall, 93-square foot freestanding sign within 76 feet of an existing sign, being the third sign along an approximately 705-foot frontage, **denied**.

2008-DV1-051; 8215 US 31 South (north of site), requested a variance of development standards of the Sign Regulations, to provide for 5.833-foot tall, nine-square foot freestanding sign with a five-foot front setback from US 31 South, **granted**.

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EXHIBITS

Location Map Subject Site

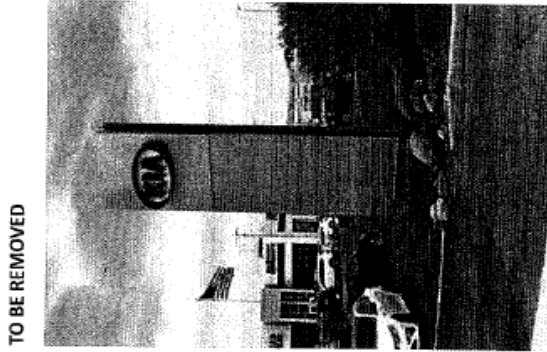
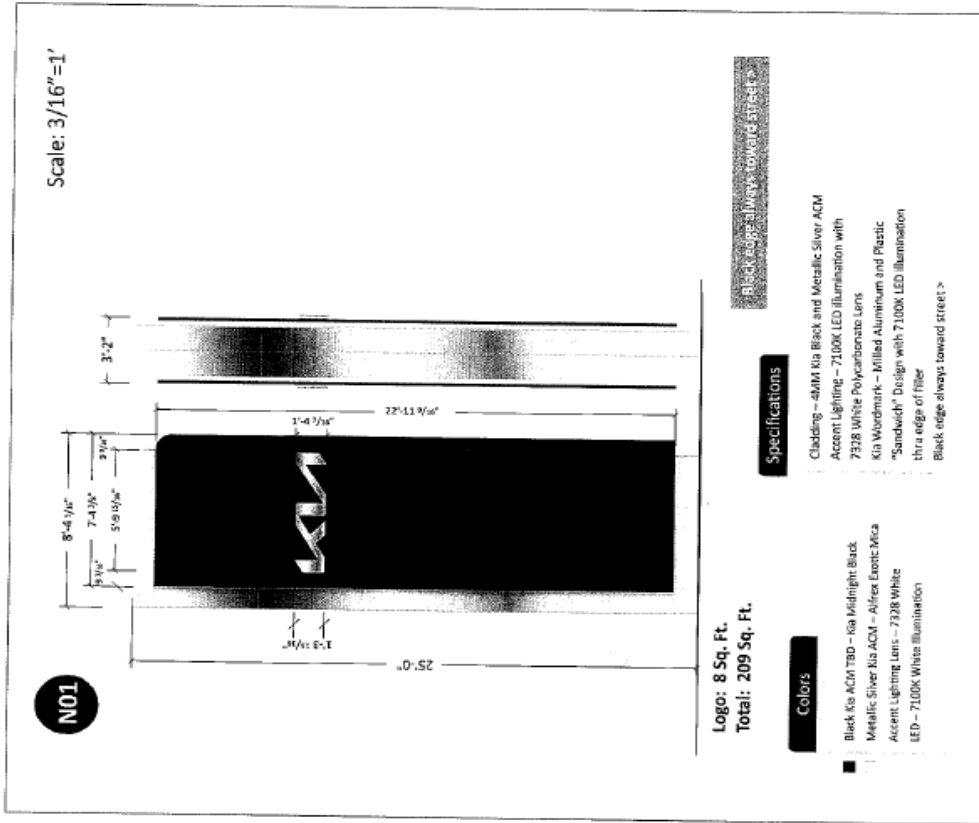


Site Plan



Sign Elevation

KIA NEW LOGO MONOLITH KUSPS25



NOTE: Pattison ID to remove & scrap Kia emblems only. Dealer to remove & scrap existing non-program pylon.

NOTE: Will not reuse existing foundation, a new foundation will be required. Dealer to provide electrical prior to installation.



Findings of Fact

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the sign will properly identify the dealership on the Subject Property without interfering with vehicular or pedestrian traffic.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

the adjoining properties are commercial properties with freestanding signs identifying their respective businesses.

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

there are two separate parcels with almost 800 feet of frontage and to deny the variance would put the dealership on the Subject Property out of compliance with its franchise requirement for signs.

Photographs



Subject site frontage showing all three existing signs, looking northwest.



Subject site frontage showing the KIA sign to be relocated further north, looking west.



Subject site frontage showing existing pole sign with EVMS component, not specific to any franchise brand.



Subject site integrated center frontage on Stop 12 Road without any signage.



Adjacent commercial use signage to the north.



Adjacent commercial use signage to the east, looking north.