

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV3-033
Address: 5317 East 16th Street (approximate address)
Location: Warren Township, Council District #12
Zoning: HD-2
Petitioner: JPCHC Real Estate LLC, by Tammy L. Ortman
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an existing monument sign with a 0.5-foot setback from Downey Avenue and encroaching within the clear sight triangle of the intersection of East 16th Street and Downey Avenue (not permitted).

RECOMMENDATIONS

Staff makes **no recommendation** of the request.

SUMMARY OF ISSUES

LAND USE ISSUES

EXISTING ZONING AND LAND USE

Compact HD-2 Medical Office / Clinic

SURROUNDING ZONING AND LAND USE

North - D-5	Single-Family Dwellings
South - D-5	Single-Family Dwellings
East - HD-1	Hospital
West - HD-2	Child Care

COMPREHENSIVE PLAN The Comprehensive Plan recommends Institution Oriented mixed uses for the subject site.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The request would legally establish an existing monument sign, currently with a 0.5-foot setback from Downey Avenue and encroaching within the clear sight triangle of the intersection of East 16th Street and Downey Avenue.
- ◇ The Sign Regulations “facilitate an easy and agreeable communication between people...and serve an important function.” The purpose of the Sign Regulations is to “eliminate potential hazards to motorists, and pedestrians; to encourage signs which, by their good design, are integrated with and harmonious to the buildings and site which they occupy; and which eliminate excessive and confusing sign displays.” Proliferation of signs causes those signs that are permitted and legal to become less effective and reduces their value.

(Continued)

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- ◇ Setbacks are required to keep a minimum distance between property improvements and help provide the required space needed to construct and maintain structures on a property.
- ◇ The clear sight triangular area is formed by the right-of-way centerline of East 16th Street and Downey Avenue and the line connecting the two end points. The clear-sight triangle requirement is to provide for sight visibility for motorists at an intersection. Reduction in visibility at intersections would increase the possibility of motorists or pedestrian accidents.
- ◇ According to the petitioner, the sign has existed in its current location since 1965. The petitioner also indicates the monument sign was constructed, believed pursuant to Permit No's 65-IP-B2725 and/or 65-B3245. Although, the actual permits from 1965 were not located, available records indicate that 65-IP-B2725 and 65-IP-B-3245 were for pole signs, not monument signs. The City has no record of a permit for a monument sign at this location.
- ◇ While disputed by the petitioner, it is believed that the monument sign is currently located in the public right-of-way and has been in its current location since prior to 1969. The City has no record of issuing a permit for a monument sign on the property.
- ◇ Staff typically does not support requests for encroachments into the clear sight triangle as a matter of both traffic and pedestrian safety. In this instance, due to the presence of the sign, advertising the location of the applicant since 2014, Staff makes no recommendation as to the granting of a variance.

GENERAL INFORMATION

THOROUGHFARE PLAN

This portion of East 16th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with an 88-foot existing and proposed right-of-way.

This portion of North Downey Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 51-foot existing and proposed right-of-way.

SITE PLAN

File-dated August 22, 2023.

FINDINGS OF FACT

File-dated August 22, 2023.

ZONING HISTORY

2020-LNU-003; 5317 East 16th Street (subject site), requested a Certificate of Legally Established Non-Conforming Use (LNCU) to legally establish the existence of a commercial sign, **denied**.

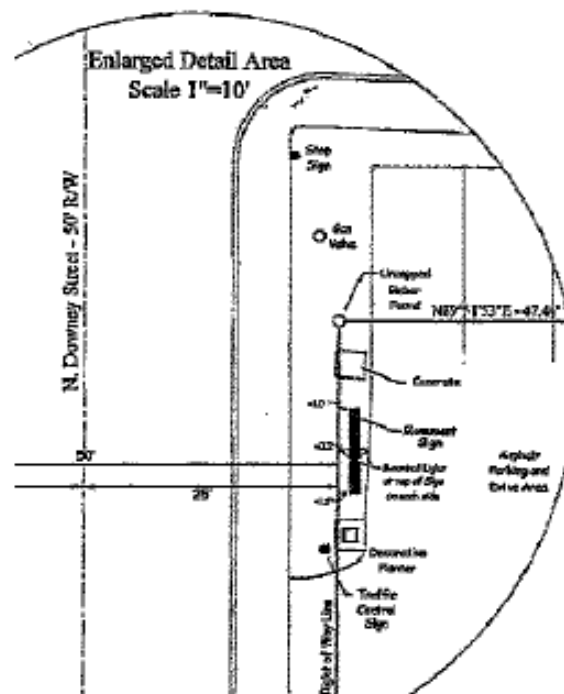
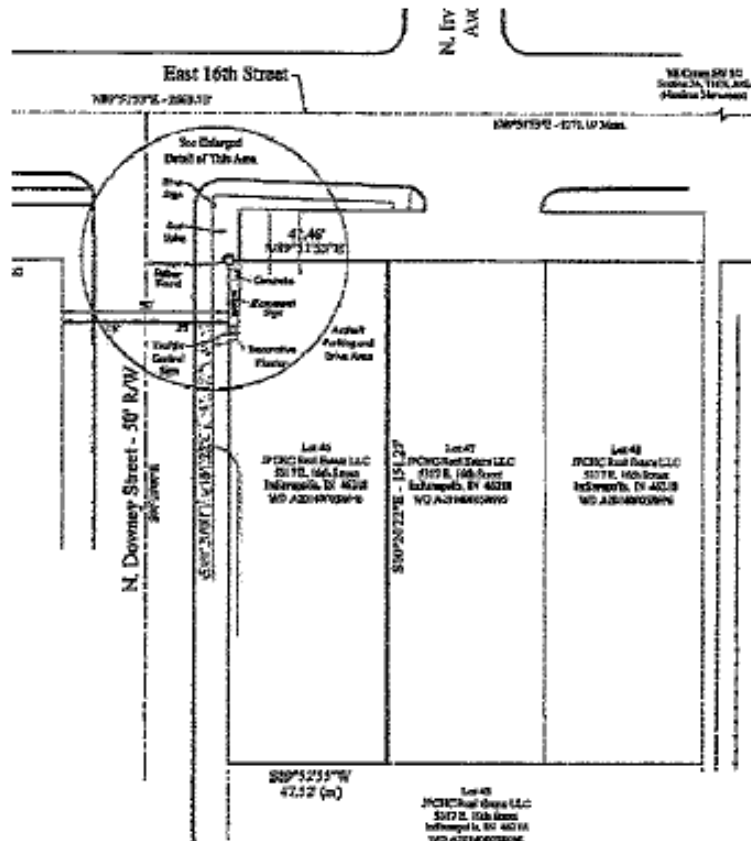
64-V-5; 5317 East 16th Street, requested a variance of use to permit sale of alcoholic beverages in the existing store building, with off street parking and loading spaces provided, **granted**.

61-V-362; 5317 East 16th Street, requested a variance of use and front building line requirements to permit erection of a pole sign located approximately four feet from the front lot line, **granted**.

2023-DV3-033; Location Map



2023-DV3-033; Site Plan



2023-DV3-033; Photographs



Subject site, looking south



Subject sign, looking east



Subject sign setback from Downey Street looking north.



Subject sign setback from Downey Street looking south.



Adjacent childcare use to the west.



Adjacent residential uses to the north.