

BOARD OF ZONING APPEALS DIVISION II

March 12, 2024

Case Number: 2024-DV2-006
Property Address: 1212 East 25th Street (approximate address)
Location: Center Township, Council District #8
Petitioner: Omnisource Corporation, by Kerry Johnson
Current Zoning: I-2
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 20-foot-tall internally illuminated pole sign (not permitted).
Current Land Use: Industrial
Staff Recommendations: Staff recommends **denial** of this petition.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- This site currently houses a scrap metal operation that includes outdoor storage of metal materials screened by a 10-foot-tall metal fence and with a single building for warehousing and office functions. The property is bordered by residential properties on the east and other industrial uses on other sides.
- The business is advertised by a non-illuminated pole sign that was permitted in 2011. In 2023, the current occupants applied for a sign permit that would install a new cabinet onto the existing pole. Per 744-903.B of the Indianapolis Zoning Ordinance, this work would be considered as the placement of a new sign and would require compliance with current dimensional standards.
- Grant of this variance would legalize placement of a pole sign onto the existing pole within I-2 zoning and with internal illumination. Pole signs and internal illumination of primary freestanding signage are both disallowed within this zoning district.

- The I-2 zoning district (Light Industrial) is designed for industrial uses that present minimal risk and typically don't create objectionable characteristics such as dirt, noise, glare, hear, or odor. The use of scrap metal operation would typically be disallowed within this zoning district but is legally established per the grant of an LNU certificate under case number 2005LNU015.
- The Comprehensive Plan recommends this area for the Village Mixed-Use typology for walkable neighborhood gathering places with a range of small business, housing types and public facilities servicing smaller existing town center and promote new ones. This typology encourages pedestrian-scale amenities and does not list industrial uses as a recommend land use.
- Dimensional regulations for signage exist to reduce visual clutter and distraction for motorists and pedestrians as well as to promote orderly and attractive development practices. Regulations on types of primary freestanding signage and allowable illumination types serve these goals.
- The research done by staff and findings of fact provided by the applicant do not indicate any site-specific difficulties. The use of a scrap metal operation would be unlikely to be utilized during nighttime hours, and installation of an ordinance-compliant pylon sign would allow for similar or greater visibility. Staff recommends denial of both variance requests associated with this petition.

GENERAL INFORMATION

Existing Zoning	I-3	
Existing Land Use	Industrial	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
North:	I-2	North: Village Mixed-Use
South:	I-2	South: Traditional Neighborhood
East:	D-5	East: Traditional Neighborhood
West:	I-2	West: Village Mixed-Use
Thoroughfare Plan		
25 th Street	Secondary Arterial	Existing ROW: 58' Prop ROW: 56'
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	01/24/24	
Site Plan (Amended)	N/A	
Elevations	01/24/24	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	01/24/24	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Comprehensive Plan assigns this property the Village Mixed-Use typology to allow neighborhood gathering places with a wide range of business, housing types, and public facilities servicing the immediate walkable area. Industrial uses are not recommended for this typology.

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

ZONING HISTORY – SITE

2005LNU015, allowed for the legal non-conforming use of scrap metal operation, including outdoor storage, warehouse, and office space in an I-2-U zoning district, **approved**.

96-UV1-57, allowed for a 40 by 90 foot building addition with outside operations within 5 feet of a dwelling district (minimum 300 foot separation required); outside operations enclosed by a 10 foot tall metal fence (maximum 8 feet permitted) without a landscaping screen (landscaping required); outside operations of 918.865 feet or 2.11 acres comprising 114 times the square footage of the buildings (maximum 25% permitted or 2,011 square feet permitted); zero foot side yard setback along the east property line (minimum 30 feet required); without landscaping in the side transitional yard along the east property line (landscaping required); 25 foot front yard setbacks from 25th Street centerline (minimum 95 foot setbacks required); and, loading areas consisting of gravel (hardsurfacing required), **approved**.

90-UV1-7, Variance of use and development standards of the Industrial Zoning Ordinance to permit an addition to an existing building for storage materials for a metal processing business, **approved**.

86-UV1-97, Variance of use of the Industrial Zoning Ordinance to provide for the use of an existing building as accessory office for a metals processing business without the required landscaping and setbacks, **approved**.

86-Z-14, rezoning from I-2-U to I-5-U to allow the continued use of a scrap salvage yard and to relocate the office use to an existing building at north end of property, **withdrawn**.

74-VAC-47, vacation located at Yandes Street between 25th and 27th Streets, **approved**.

ZONING HISTORY – VICINITY

2006ZON010; 1311 E 25th St (southeast of site), rezoning 0.28 acres from C-3 to SU-1, **approved**.

2004DV2010; 1131 E 25th St (southwest of site), variance of development standards of the Industrial Zoning Ordinance to provide for a 10,000-square foot office and warehouse with a ten-foot setback front yard setback from the existing right-of-way of Yandes Street (minimum 20-foot front yard setback from the existing right-of-way required) and a ten-foot front yard setback from the existing right-of-way of East 25th Street (minimum 20-foot front setback from the existing right-of-way required), **approved**.

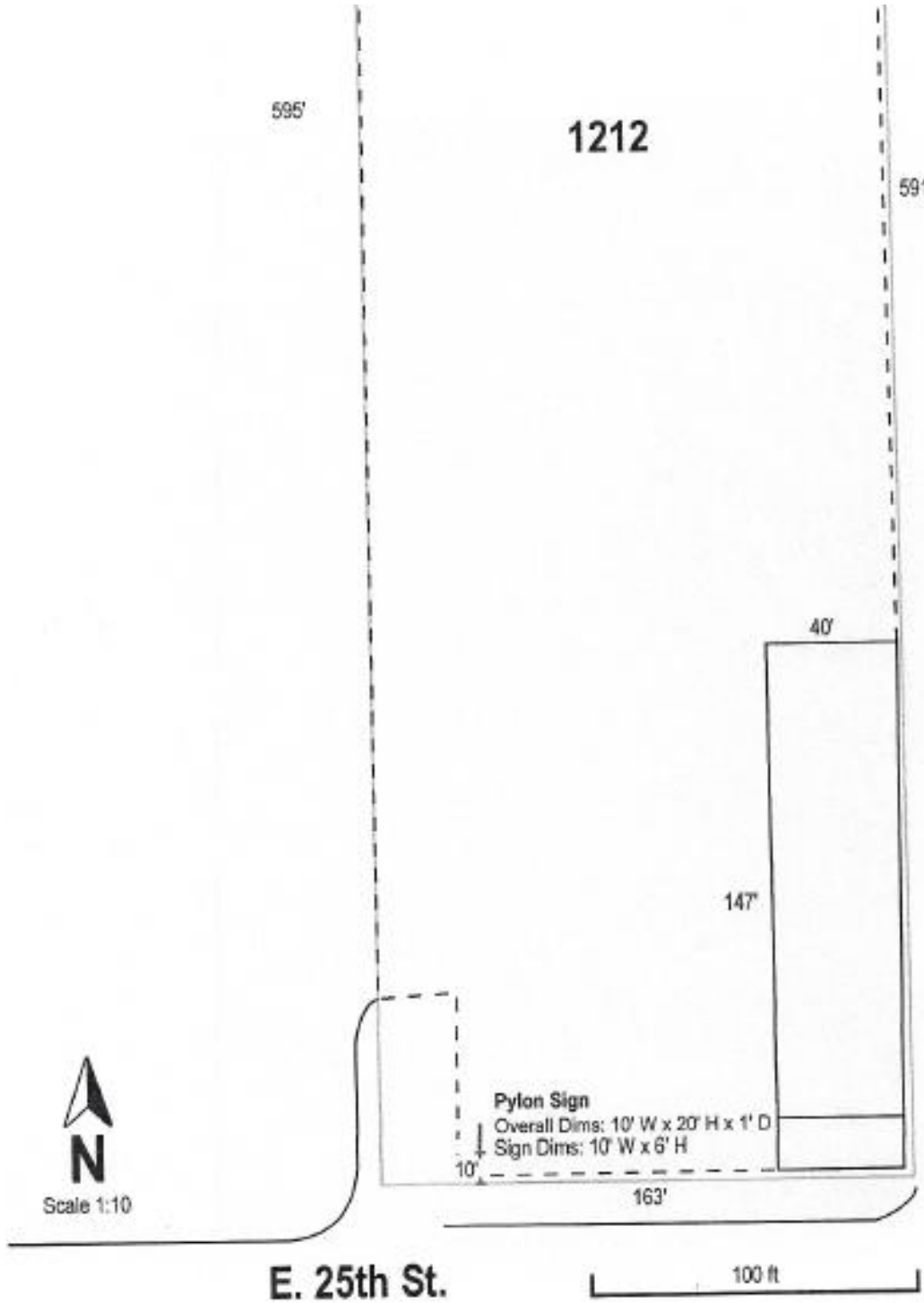
2001DV1052, 1322 E 25th St (east of site), variance of development standards of the Commercial Zoning Ordinance to provide for the outdoor storage and sales (not permitted) of clothing in an 80 square foot tent located to the west of an existing commercial building, with the tent having a four-foot rear yard setback (minimum ten-foot rear yard setback required), **approved**.

EXHIBITS

2024DV1005 ; Aerial Map



2024DV1005 ; Site Plan



2024DV1005 ; Proposed Sign Elevation





2024DV1005 ; Findings of Fact

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

The current Omnisource pylon sign is situated behind the fence on the company property. It is set back from the road and poses no threat to public safety.

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 property has commercial and residential properties in the adjacent area. This company has been operating this facility for the same purpose for many years with no issues. The new sign cabinet will not make a change to the area and will only improve the appearance of the property.

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

The identification of the property will not match the company standards and may confuse individuals visiting the property and utilizing their valuable services to the community

2024DV1005 ; Pictures



Photo 1: Existing Sign Viewed from West



Photo 2: Existing Sign Viewed from South

2024DV1005 ; Pictures (continued)



Photo 3: Property Viewed from South



Photo 4: Property Viewed from East