

BOARD OF ZONING APPEALS DIVISION III

December 17th, 2024

Case Number: 2024-DV3-036
Property Address: 1541 West Thompson Road
Location: Center Township, Council District #12
Petitioner: AMAN LLC, by Cindy Thrasher
Current Zoning: C-4
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a 25-foot-tall pole sign (maximum 20-foot height permitted).
Current Land Use: Commercial
Staff Recommendations: Staff recommends **denial** of this variance petition.
Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first public hearing for this variance petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this variance petition.

PETITION OVERVIEW

- This property is 1.47 acres in a C-4 zoning district at the corner of South Harding Street (State Route 37) and Thompson Road.
- This petition requests a 25-foot-tall sign in the same location as their current sign to be more visible to drivers at the intersection and surrounding roadways.
- The Ordinance permits a pole sign in a commercial district to be a maximum of 20 feet tall.
- The current sign at the site can be seen from Thompson Road and South Harding Street (State Route 37) going in any direction of travel.
- Staff recommends **denial** of this variance petition because there is no practical difficulty. The sign, at its current height, can be seen at the intersection where it is located, and there is nothing in the line of sight that obscures its view. The current sign can be replaced by a sign at the maximum permitted height of 20 feet without the need for a variance, and the sign would not have an issue of being seen or obscured at its location, indicating that a 25-foot-tall pole sign would be unnecessary. Staff would also note that C-4 is one of the most inclusive districts for sign types: heightened

visibility can also be achieved through using a combination of signs types, not just increasing the height.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Community Commercial
	South:	South: Community Commercial
	East:	East: Community Commercial
	West:	West: Community Commercial
Thoroughfare Plan		
State Route 37	Primary Arterial	184 feet of right of way existing and 102 feet right of way proposed.
Thompson Road	Primary Arterial	105 feet of right of way existing and 102 feet right of way proposed
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	11/21/2024	
Site Plan (Amended)	N/A	
Elevations	11/21/2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	11/21/2024	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan

Pattern Book / Land Use Plan

- The Community Commercial typology provides for low-intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated



centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

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

- N/A

ZONING HISTORY – SURROUNDING AREA

- 2005-ZON-060: 1720 West Thompson Road
 - Petitioner states that the original zoning request did not include truck sales as a part of the operation of the Travel Plaza. Petitioner requests a use be added to the existing C-S zone to allow a truck sales lot which may include a small sales office. The area to be paved will be approximately 1 acre.
 - AP
- 2006-DV1-004: 1325 West Thompson Road
 - To provide for the construction of a 49.5-foot tall, 301.7 square-foot pole sign (maximum 40-foot height permitted).
 - AP
- 2006-DV1-030: 5191 Harding Lane
 - Variance of Development Standards of the Sign Regulations to provide for the construction of a 60-foot tall, 348 square foot pole sign (maximum 40-foot height permitted, maximum 240 square foot sign permitted).
 - AP
- 2007-ZON-051: 5191 Harding Lane
 - 0.933 acre from I-2-S to C-7.
 - AP
- 2009-ZON-057: 5206 South Harding Street
 - Rezoning of 5.33 acres, from the C-S (W-5) District, to the C-S (W-5) classification to provide for wholesale and retail landscape supply operations and two single-family dwellings, or C-3 uses and/or a hotel. (Amended, originally requested rezoning to C-7).
 - Approved
- 2011-DV1-017: 1325 West Thompson Road
 - Variance of development standards of the Sign Regulations to provide for a 60-foot tall (maximum 40-foot-tall sign permitted), 506.56 square foot freestanding sign, creating 976.56 square feet of sign area (maximum 900 square feet of sign area permitted for an integrated center).
 - Approved
- 2011-ZON-030: 1350 West Thompson Road
 - Rezoning of 1.00 acre, from the SU-9 (FF) District to the C-ID (FF) classification to provide for heavy commercial uses.
 - Approved
- 2013-HOV-015: 1720 West Thompson Road
 - Variance of development standards of the Sign Regulations to provide for the addition of 8.3-square foot logos on the north and east canopy elevations and a 7.3-square foot logo

on the south canopy elevation, creating canopy sign areas of 33.14 square feet (33.6%), 31.14 square feet (31.5%) and 19.81 square feet (26.4%), respectively (maximum 25% permitted).

- Approved
- 2014-ZON-074: 1600 West Thompson Road
 - Rezoning of 3.22 acres from the I-3-S district to the C-4 district.
 - Approved
- 2018-UV3-024: 5201 South Harding Street
 - Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an office for transport company (not permitted), with the outdoor parking with deficient maneuvering area (not permitted), and storage of tractor trailers (not permitted), with zero-foot side and rear setbacks (15 and 30-foot side and rear setbacks required), and with a zero-foot south side transitional yard (50-foot side transitional yard required).
 - Approved
- 2020-ZON-024: 5320 South Belmont Avenue
 - Rezoning of 67.767 acres from the D-5 (FF) district to the I-3 (FF) district.
 - Approved
- 2021-DV1-042: 1720 West Thompson Road
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of a 60-foot tall, 605.4-square foot pole sign along Interstate 465 in addition to the existing freestanding signs along Thompson Road (only one freestanding identification sign shall be permitted per site within 660 feet of an interstate, pole signs not permitted in C-S, maximum 20-foot tall pole sign and maximum 300-square foot sign area permitted).
 - Approved
- 2021-DV20-16A: 1401 Harding Court
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 45-foot tall, 250-square foot pole sign, and a 45-foot tall 150-square foot pole sign separated from each other by 175 feet (maximum 25-foot tall pole sign permitted, 300-foot separation required).
 - Approved
- 2021-DV2-016B: 1401 Harding Court
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to allow for a 250-square foot digital component on a 45-foot tall pole sign (maximum 25-foot height permitted, 100 square feet permitted for digital signs).
 - Denied
- 2021-DV3-045: 4640 South Harding Street
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of an existing 54-foot tall, 282-square foot pole sign along Interstate 465 in addition to the existing freestanding sign along Harding Street (only one freestanding identification sign shall be permitted per site within 660 feet of an interstate, maximum 20-foot tall pole sign and maximum 300-square foot sign area permitted).

- Approved
- 2022-CVR-862: 5204 South Harding Street
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a dumpster enclosure in the front yard with a five-foot setback along SR 37 (not permitted in front yard, 10-foot setback required), with parking and drive aisles with a five-foot setback from SR 37 (ten-foot wide landscape area required), with a 90-foot tall, 391-square-foot pole sign (maximum 20-foot tall, 300 square feet permitted), and to provide for a 23-foot tall, 109-square-foot free-standing incidental sign (maximum eight-foot tall, 32 square feet permitted).
 - Denied
- 2022-CVR-869: 1631 West Thompson Road
 - (Amended) Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for four free-standing signs (maximum two permitted per frontage) along Thompson Road, with 184 feet and 187 feet of separation between signs (minimum 300 feet required), with two pole signs being 60 feet tall (maximum 20-foot tall pole signs permitted, maximum one pole sign permitted per street frontage).
 - Approved
- 2022-CZN-862: 5204 South Harding Street
 - Rezoning of 5.327 acres from the C-S district to C-7 classification to provide for a truck stop.
 - Denied
- 2022-CZN-869: 1631 West Thompson Road
 - Rezoning of 21.85 acres from the I-4 (FF) district to the C-7 (FF) district.
 - Approved
- 2022-UV3-019: 1245 Harding Court
 - Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 50-foot tall, 14-foot by 48-foot digital off-premise advertising sign (digital off-premise sign not permitted, maximum 40-foot height permitted), within 495 feet and 885 feet of other off-premise advertising signs (1,000 radial separation required).
 - Approved
- 2022-ZON-045: 1600 West Thompson Road
 - Rezoning of 3.22 acres from the C-4 (FF) district to the I-3 (FF) district to provide for semi-truck/trailer parking.
- 2023-ZON-061: 5201 South Harding Street
 - Rezoning of 0.75 acre from the I-2 and D-A districts to the C-7 district to provide for truck repair.
 - Withdrawn

EXHIBITS

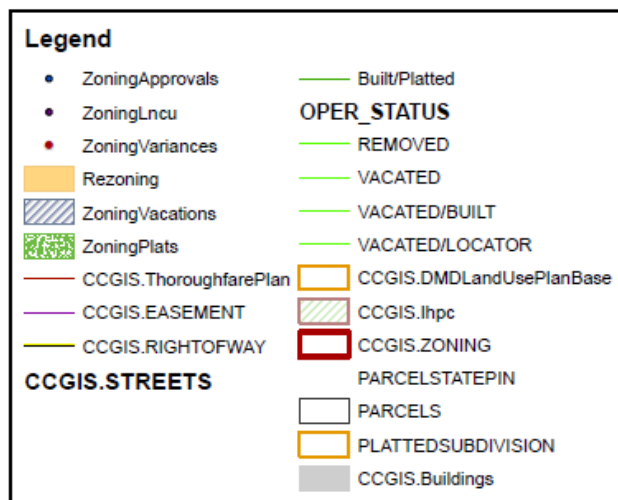
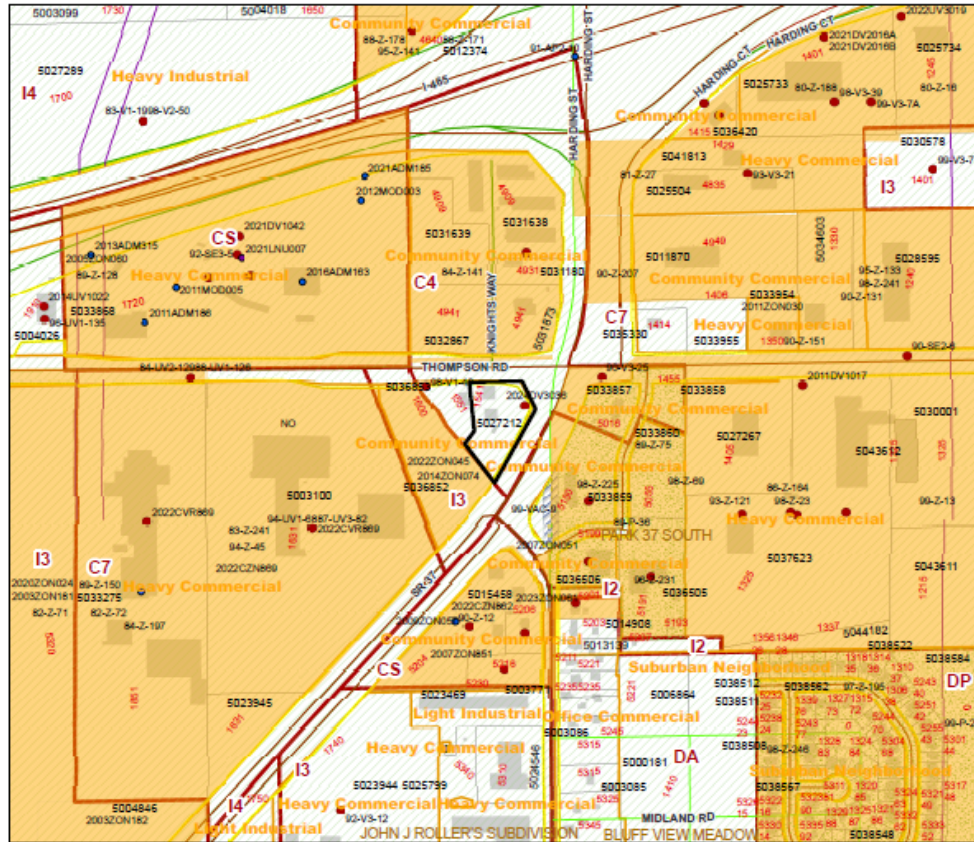


Exhibit 1: Area map around 1541 West Thompson Road.



METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division [redacted]
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 petitioner is requesting to install a 25' tall pole sign in the same location of the current sign. The sign will be 25' instead of the 20' allowed. The grant will not be injurious to the public and will help make the business visible to patrons providing guidance.

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 value of the adjacent properties will not be negatively affected because there is a sign already in that location. This one will replace the current pole sign improving the property aesthetics.

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

Due to the location of the new 69 South highway, the property is not as visible to the public. The speed and the redirection of traffic reduces the visibility of the signage. The increase of 5' in the height of the sign will help to resolve this with the approval of a variance.

Exhibit 2: Findings of Fact submitted by the petitioner.

NEW SHELL MVI 8M
TP SIGN @ 26' 3" OAH.
 SHELL ID. 2X REGULAR FR PLATINUM STATUS, 1X REGULAR, 1X V-POWER LOGO ABLE LEDS, GE TETRA ILLUM
 25' OAH

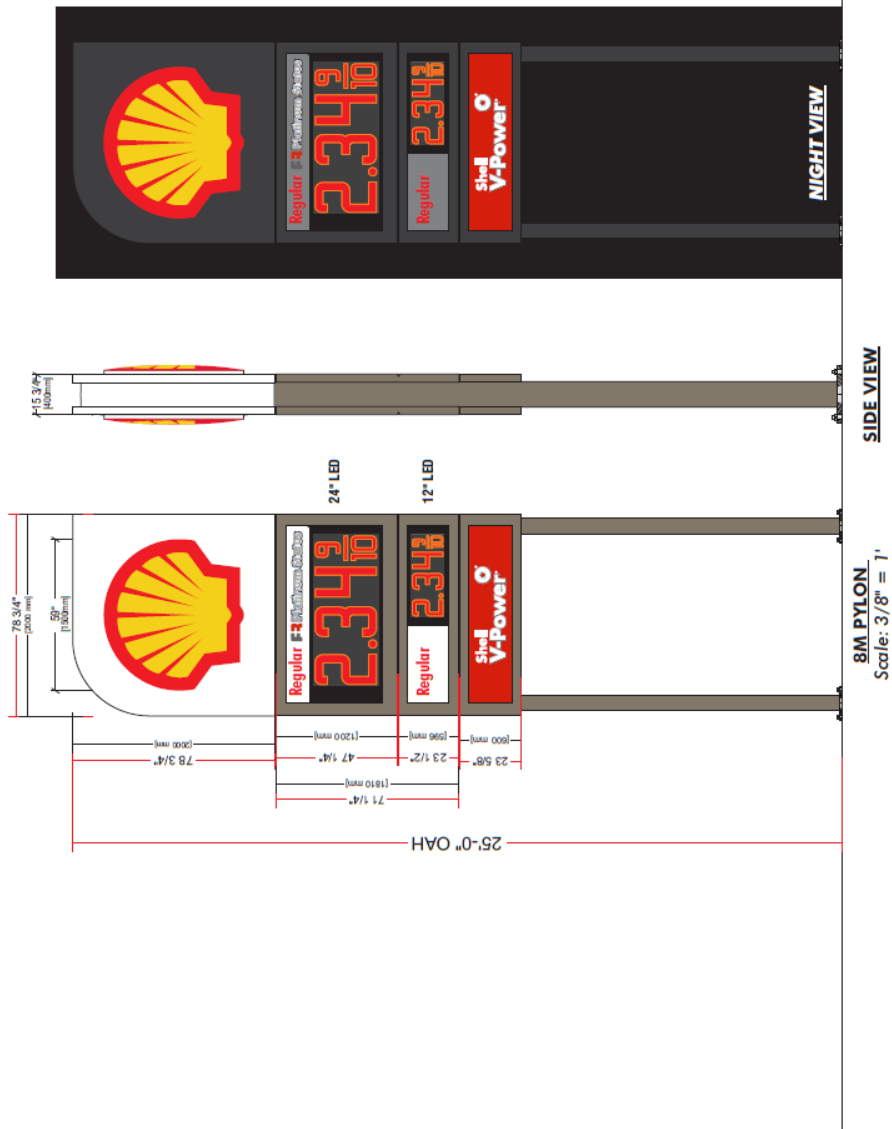


Exhibit 4: Proposed 25 foot tall sign.



Exhibit 5: Current sign at 1541 West Thompson Road.



Exhibit 6: Sign looking at the intersection of Thompson Road and State Route 37.