

BOARD OF ZONING APPEALS DIVISION III

April 21, 2026

Case Number: 2025-SE3-003 (Amended)
Property Address: 4555 South Harding Street (approximate address)
Location: Perry Township, Council District #22
Petitioner: Deleitosa Properties LLC, by Marianne McCalip
Current Zoning: I-4 (FF)
Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of a legally established Outdoor Advertising Sign due to a highway widening and improvement of I-69 and I-465 by a state agency.

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of an existing 14-foot by 48-foot off-premises advertising sign, of which the relocated off-premises sign will have a height of 60 feet and be located within 400 feet of another outdoor advertising sign (1,000-foot radial spacing required).

Current Land Use: Undeveloped / Industrial

Staff Recommendations: Staff recommends **approval** of the special exception and the variance requests.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

3/17/26: Staff requested a final continuance to secure renderings of how the sign would appear at different heights to motorists approaching from the east and west. Those renderings were provided and are within staff's report. Additionally, the request was amended from a height of 70 feet to 60 feet and information on the road deck height was provided from the petitioner per contact with INDOT.

2/17/26: The petition was continued by staff to allow the petitioner additional time to either submit (a) information about road deck height changes from INDOT or (b) renderings of how the sign might appear from different heights for motorists. This updated documentation was not provided prior to the publication of this report.

1/20/26: This petition was continued by the applicant to allow adequate time for mailing/posting of notice.

STAFF RECOMMENDATION

Staff recommends **approval** of the special exception and the variance requests.

PETITION OVERVIEW

- 4555 South Harding Street is a 29.42-acre parcel that has extensive frontage along I-465/I-74 to the south. The western portion of the site is near industrial and commercial development, and the eastern portion is undeveloped. The property is abutted by industrial use to the north and west, the I-465/I-74 expressway to the south, and a railroad line to the east which passes underneath the interstate. A previous off-premises advertising sign (not affiliated with the current applicant) was installed at the site with a height of 60 feet per grant of the variance 83-HOV-110 in 1983; that billboard was removed between 2021 and 2022 as part of a highway expansion project undertaken by the Indiana Department of Transportation.
- The subject parcel is currently improved with an off-premises billboard sign that was relocated per approval of the petition 2022UV3030. That sign is approximately 1600 feet to the west of the location of the previous billboard that had been removed from the site.
- As a part of the I-69 Finish Line project, a separate billboard at 4202 South Harding Street affiliated with the current applicant was also removed by eminent domain from its location approximately 1.5 miles from the location of the sign removed from this site. The locations of both signs are shown within Exhibits below. That sign was established with a height of 52 feet per grant of the petition 97-V1-49 in 1997. Approval of this petition would allow for both the relocation of that sign from 4202 South Harding Street to the location shown in plans below, as well as an increase in height of the sign from 52 feet to 60 feet.
- In 2017, the Indiana State Legislature adopted I.C. 8-23-20-25.6. This statute imposes new obligations on local municipalities with respect to state highway projects that result in the required removal or relocation of outdoor advertising signs. In cases when an existing outdoor advertising sign must be moved or removed as part of a highway improvement project, the owner of the sign must be allowed to *either* elevate *or* relocate the sign either by-right or by special exception.
- Ordinance amendments adopted by the City of Indianapolis in 2023 (744.904.C) would require the filing of a special exception for circumstances when legally established off-premises signs are required to be relocated from highway widening. Although the elevation or relocation of the sign would need to comply with other applicable developmental standards of the zoning ordinance (regardless of if those standards were enforceable at the initial time of construction), this circumstance matches the context described by the above-referenced statute and ordinance.
- Per staff review of plans and filing documents, two additional variances of development standards would be required in addition to the Special Exception petition: **(a)** the location of the new sign would be within 400 linear feet of another outdoor advertising sign to the southeast on the other side of the expressway (1000 feet of radial scaping is required); and **(b)** the proposed height of 60 feet would exceed the previously established height of 52 feet for the 4202 S Harding sign.

- Additional variances would *not* be required for the distance between this sign and other signs along the same expressway frontage (there is separation of 3000 feet from the nearest sign to the east and 1600 feet from the nearest sign to the west), for proximity to a protected district (the nearest D-A zoning is approximately 400 feet to the northeast), for proximity to an exit ramp (the sign would be approximately 727 feet away from the beginning of the lane divide), or for the sign setback (it would be over 50 feet from the highway pavement).
- This site is zoned I-4 (Heavy Industrial District) to allow for heavy industrial uses which present an elevated risk to the public and are typically characterized by factors that would be exceedingly difficult, expensive, or impossible to eliminate. A large portion of the site also falls within the Floodway Fringe (though not the proposed location of this sign). The Comprehensive Plan recommends the area where this sign would be placed to the Heavy Commercial typology as well as the Environmentally Sensitive overlay (see Comprehensive Plan Analysis below).
- Findings of Fact provided by the applicant in support of the Special Exception mention the expressway expansion project as well as the proposed proximity of their sign's new location to the previous sign at the property owned by a different company. Staff would note this State-imposed difficulty as well as the compliance with most other applicable dimensional standards. Additionally, the 400-foot separation from another billboard would be buffered by the existing Interstate, and those two signs wouldn't be oriented towards traffic moving in the same direction. For these reasons, staff would recommend **approval** of the Special Exception as well as of the variance related to the proximity to another outdoor advertising sign.
- A variance was also requested by the petition to allow for an increase in height of the billboard sign to 60 feet (amended from 70 feet) as opposed to the 52-foot height of the previous sign at 4202 South Harding. Findings of Fact and correspondence provided by the applicant indicated their need for the increased height would arise from both a raising of the road deck at and around the subject site that would impact sign visibility as well as the fact that the previous sign a mile and a half to the east had been placed on an elevated berm (which would not be the case for the current sign's location).
- Requests were made by staff for documentation indicating either the extent of any changes to the road deck height made by INDOT or for elevation renderings showing the visibility of the proposed sign from the highway at heights of 52 feet, 60 feet, or 72 feet. Documentation in the latter regard was provided in late March and is within the Exhibits below. These renderings appear to show that although the proposed sign would be fully visible for vehicle traffic approaching from the east at the allowed height of 52 feet, the sign with a 52-foot height would be largely obstructed from view for traffic approaching from the west given the increase in road deck height for the bridge leading over the existing railroad line. The height from grade to the road deck itself would be 36 feet per communication between the applicant and INDOT.
- Available street-level photography viewable by staff is unclear if the road deck height would have *increased* because of the Clear Path project. However, the scaled renderings provided the applicant appear to correspond with available photography taken over the past few years

depicting the height of the previous sign with a height of 60 feet (see photos 1-4 of Exhibits). Photo 4 shows the visibility of a 60-foot sign from a similar location when approaching from the west in a manner consistent with the provided rendering. It appears that a sign in this location would be primarily obstructed with a height of 52 feet for eastbound traffic.

- Since the height of the previous sign at 4202 South Harding was established at 52 feet (a legally established, legally non-conforming sign), the grant of the Special Exception would only allow for placement of a new sign with that same height; any increase in height would require approval of a variance. This is why a variance of development standards would be required, and for such a variance to be approved, a practical difficulty would need to be established. Staff feels that the provided renderings and existing street photography indicate that such a difficulty would exist and would recommend **approval** of the requested height variance for a height of 60 feet. However, this should not be construed as precedent for support of *any* variance related to an increase in height for signs relocated via special exception; the recommendation is specifically based on the minimal relief required for this sign and roadway configuration.

GENERAL INFORMATION

Existing Zoning	I-4 (FF)	
Existing Land Use	Undeveloped / Industrial	
Comprehensive Plan	Heavy Commercial / Community Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	I-3	North: Residential
South:	I-3 / C-7	South: Interstate
East:	C-7	East: Undeveloped / Railroad
West:	C-7	West: Industrial / Commercial
Thoroughfare Plan		
Harding Street	Primary Arterial	212-foot existing right-of-way and 102-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	12/11/2025	
Site Plan (Amended)	N/A	
Elevations	03/24/2026	
Elevations (Amended)	03/25/2026	
Landscape Plan	N/A	
Findings of Fact	12/11/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The location of the proposed sign is recommended to the Heavy Commercial Typology to allow for consumer-oriented general commercial and offices 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 good. Examples include vehicle sales and commercial lumber yards.
- The site is also located within an Environmentally Sensitive Areas (ES) Overlay intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset.
- The Pattern Book does not offer explicit guidance related to the placement of signage.

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

2022UV3030, Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of a 60-foot tall, 14-foot by 48-foot off premise advertising sign (height limited to 40 feet) with a 20-foot front setback from I-465 and 20-foot western side yard setback (60-foot front setback required along freeways, 30-foot side setback required) within 460 feet of another off-premise advertising sign (1,000-foot radial separation required), and within 460 feet, 880 feet and 1,100 feet of other off-premises signs along I-465, and within 20 feet along the centerline of an interstate exit roadway (1,500-foot separation required along I-465, 500-foot separation required from interstate ramp entries), **approved**.

2012CVR813, Variance of use and development standards of the Industrial Zoning Ordinance to provide for truck and truck-related sales (not permitted) and to provide for a 15-foot north side lot line, a zero-foot front yard, without landscaping, zero-foot side yards lines abutting the parcel shown as an exception (addressed as 4585 (Parcel 5028528) 4603 and 4605 South Harding Street), on the site plan submitted to the file, and a zero-foot south side lot line (30-foot setback from the proposed right-of-way or 100 feet from the centerline, whichever is greater required, 30-foot side setback required), **approved**.

2012CZN813, Rezoning of 37.11 acres from the C-2, C-3, C-5, C-7 and I-3-S Districts to the I-4-S classification to provide for a motor truck terminal, **approved**.

97-V1-49 (4202 Harding Street; original sign location to west), variance of development standards of the Sign Regulations to provide for the placement of an off-premise advertising sign being a) 14 by 48 feet in size (maximum 6 by 12 feet permitted); b) sign height of 52 feet (maximum 40 feet in height permitted); c) resulting in the total number of signs per mile being 6 (maximum 2 signs per mile permitted); and d) located approximately 450 feet away from an existing dwelling unit (minimum separation of 1000 feet required), **approved**.

83-HOV-110, variance of size, setbacks, and spacing development standards of the Sign Regulations to allow the erection of a 14 by 48 foot advertising pole sign at 60 feet from interstate right-of-way and 15 feet from a side property line, **approved**.

ZONING HISTORY – VICINITY

2021DV3045 ; 4640 South Harding Street (west of site), 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**.

2002DV2024 ; 2200 West Thompson Road (west of site), variance of development standards of the Sign Regulations to provide for an advertising sign (a) being the eighth sign in a one mile portion of I-465 (maximum two signs per mile permitted); (b) with 375 feet of linear separation from an existing advertising



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sign (minimum 1,000 feet of linear separation required); (c) a 40-foot front setback from I-465 (minimum 60-foot front setback from an expressway required); (d) a 20-foot setback from Thompson Road (minimum 50 feet required); (e) being 14 by 48 feet in size (maximum 12 by 25 feet permitted), **denied**.

2001DV1077 ; 4402 Bluff Road (east of site), variance of development standards of the Sign Regulations to provide for the placement of a 14 by 48-foot advertising sign (maximum 12 by 25 foot permitted), located 500 feet from an existing advertising sign (minimum 1,000-foot linear separation required), located 30 feet from I-465 (minimum 60 feet required), being the seventh advertising sign within a one mile portion of I-465 (maximum two advertising signs per mile permitted), **denied**.

2001DV2004 ; 4909 Knights Way (southwest of site), variance of development standards of the Sign Regulations to provide for an advertising sign being the eighth sign in a one mile portion of I-465 (maximum of two signs per mile permitted), with 50 feet of linear of linear separation from an existing advertising sign (minimum 1,000 feet of linear separation required), a 55-foot front setback from I-465 (minimum 60-foot front setback from an expressway required), located adjacent to an exit roadway (advertising signs not permitted in protected areas adjacent to existing roadways), and being 14 by 48 feet in size (maximum 12 by 25 feet permitted), **withdrawn**.

99-V1-161 ; 1415 Harding Court (south of site), variance of development standards of the Sign Regulations to provide for an advertising sign, being 600 and 700 feet from existing advertising signs (minimum separation of 1,000 feet required), the 8th advertising sign within a one-mile portion of I-465 (maximum of 2 advertising signs per mile permitted), adjacent to an entrance and exit roadway (minimum 1,500-foot separation from an exit roadway and 1,000 feet from an entrance roadway required), and 14 by 48 feet in size (maximum 12 by 25 feet permitted), **approved**.

98-V3-66 ; 1415 Harding Court (south of site), variance of development standards of the Sign Regulations to provide for an advertising sign (a) being the 8th such sign within a one mile portion of I-465 (maximum of 2 signs within any one mile distance permitted); (b) adjacent to an entrance and exit roadway (minimum of 1,500 foot separation from an entrance and/or exit roadway required); and (c) being 14 by 48 feet in size (maximum of 12 by 25 feet permitted), **denied**.

98-V2-50 ; 4460 South Harding Street (west of site), variance of development standards of the Sign Regulations to provide for an advertising sign, being (a) 14 by 48 feet in size (maximum of 12 by 25 feet permitted); (b) 800 feet from an entrance/exit roadway (minimum of 1,500 feet from an entrance/exit roadway required); (c) 500 feet from another advertising sign (minimum of 1,000 feet separation required); and (d) resulting in 7 advertising signs within a one mile portion of Interstate 465 (maximum of two advertising signs per mile permitted), **denied**.

98-V2-14 ; 4585 South Harding Street (west of site), variance of development standards of the Sign Reulgations to provide for the placement of an advertising sign (a) being 450 feet from the intersection of the main-traveled way of a Freeway and an exit roadway (minimum 1,500 feet required; (b) being 300 feet from another advertising sign (1,000 foot separation required); (c) with a size of 14x48 feet (maximum 12x25 feet permitted); and (d) being the fifth sign within a one mile distance along Interstate 465 (maximum 2 signs per mile permitted), **approved**.



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96-V3-111 ; 1730 West Thompson Road (west of site), variance of development standards of the Sign Regulations to provide for the placement of an advertising sign, being (a) 12 by 48 feet in size (maximum sign dimensions of 12 by 25 feet permitted); (b) approximately 500 feet from the next advertising sign along I-465 (minimum 1,000 foot spacing between signs required); (c) the third advertising sign located within one mile (maximum two advertising signs per mile permitted); and (d) approximately 1,200 feet from an exit ramp (minimum 1,5000 feet distance from an Interstate entrance or exit ramp required), **approved.**

84-HOV-32 ; 2202 West Thompson Road (west of site), variance of size and spacing development standards of the Sign Regulations and of the transitional yard requirements of the Industrial Zoning Ordinance to allow the erection of a 14' x 48' advertising pole sign at 60 feet from the interstate right-of-way, **approved.**

83-HOV-140 ; 1730 West Thompson Road (west of site), variance of the size, spacing, and setback development standards of the Sign Regulations to allow the erection of a 14 by 48 foot, advertising pole sign within 1500 feet of an exit roadway at 60 feet from interstate right-of-way, **approved.**

83-HOV-139 ; 1930 West Thompson Road (west of site), variance of the size, setback, and spacing development standards of the Sign Regulations to allow the erection of a 14 by 48 foot, advertising pole sign within 1500 feet of an exit roadway at 60 feet from interstate right-of-way, **approved.**

83-V1-40 ; 2902 West Thompson Road (west of site), Variance of the Sign Regulations to permit a double face advertising pole sign to be erected on the premises adjacent to I-465, **withdrawn.**

83-V1-37 ; 3002 West Thompson Road (west of site), variance of the Sign Regulations to permit a double face advertising pole sign to be created on the premises adjacent to I-465, **approved.**

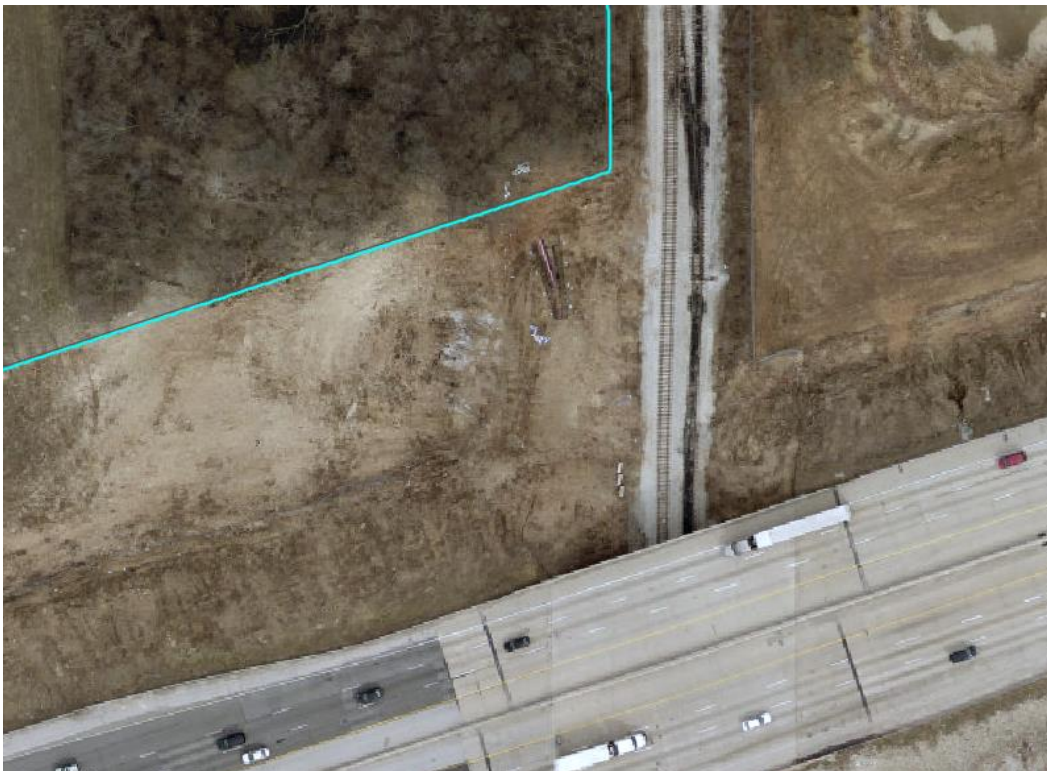
83-V1-19 ; 4712 South Harding Street (west of site), variance of the Sign Regulations to permit a double face advertising pole sign to be erected on the premises adjacent to I-465, **approved.**

EXHIBITS

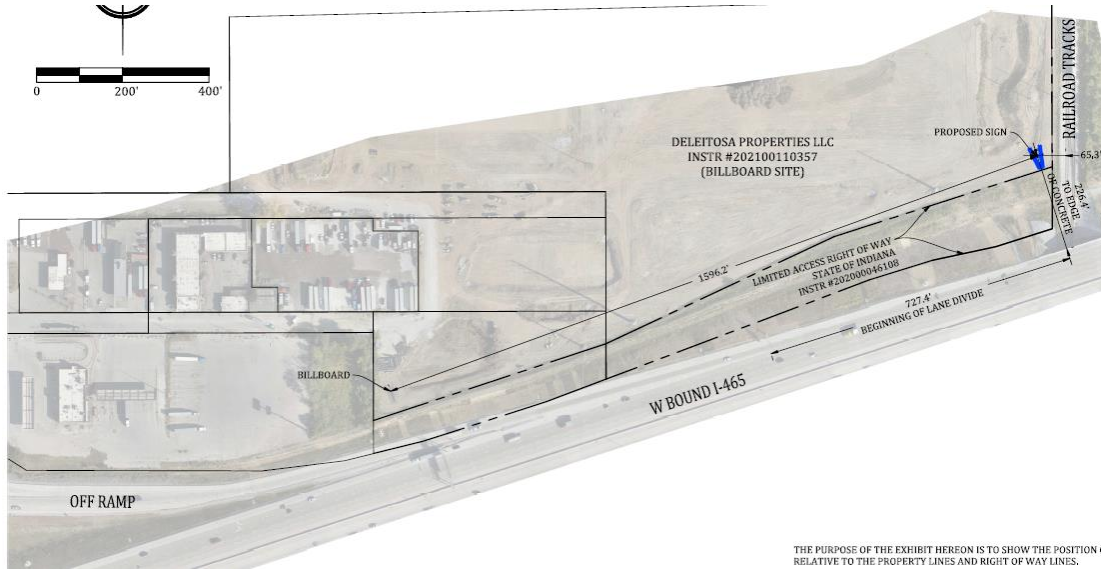
2025SE3003 ; Aerial Map



2025SE3003 ; Aerial Map (2021, zoomed)

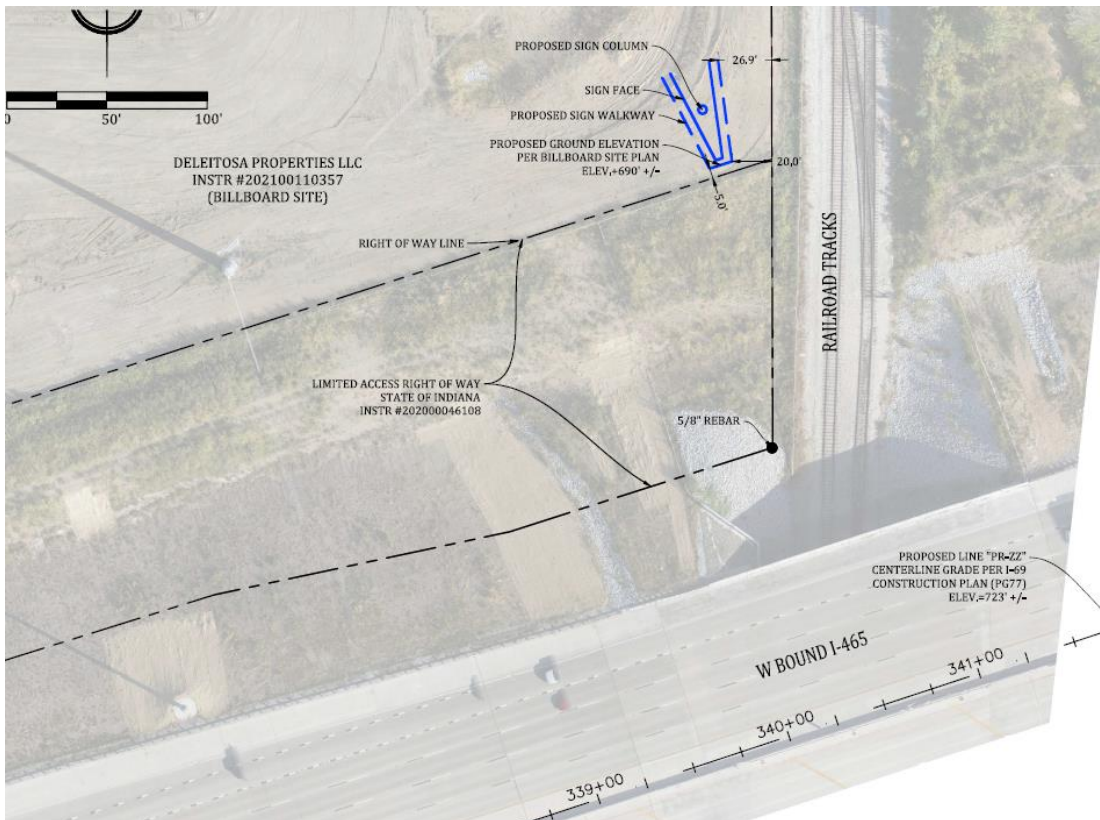


2025SE3003 ; Site Plan

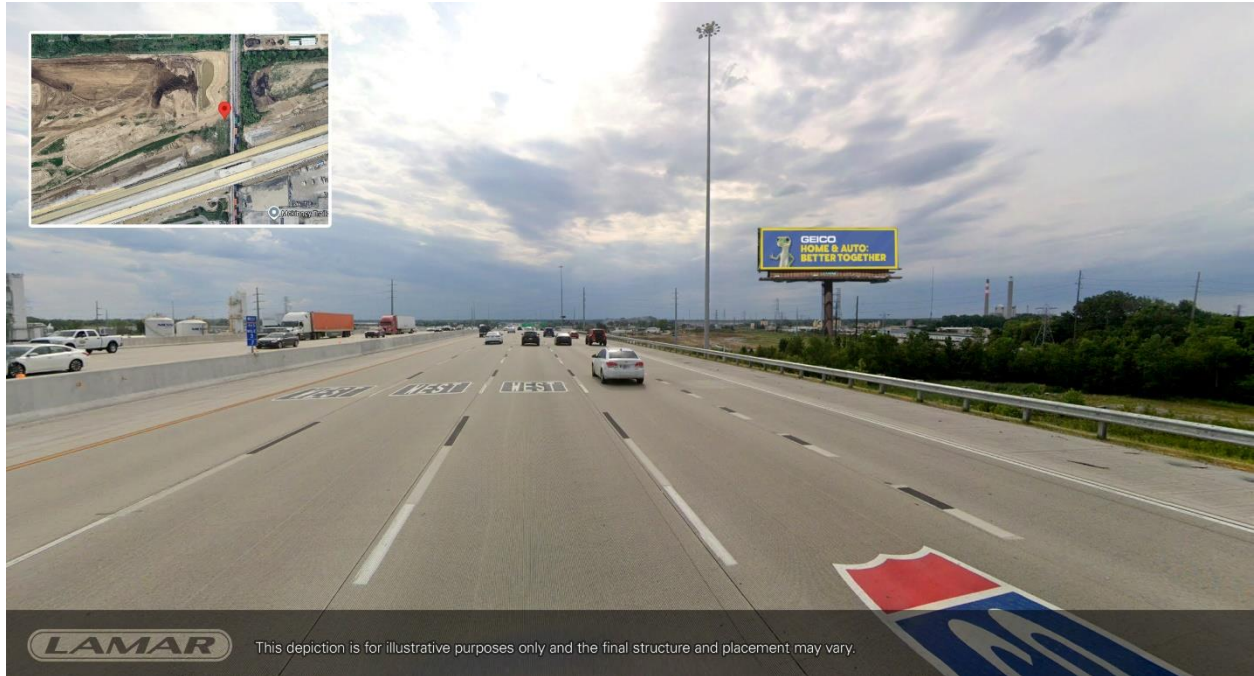


THE PURPOSE OF THE EXHIBIT HEREON IS TO SHOW THE POSITION OF THE PROPOSED SIGN RELATIVE TO THE PROPERTY LINES AND RIGHT OF WAY LINES.

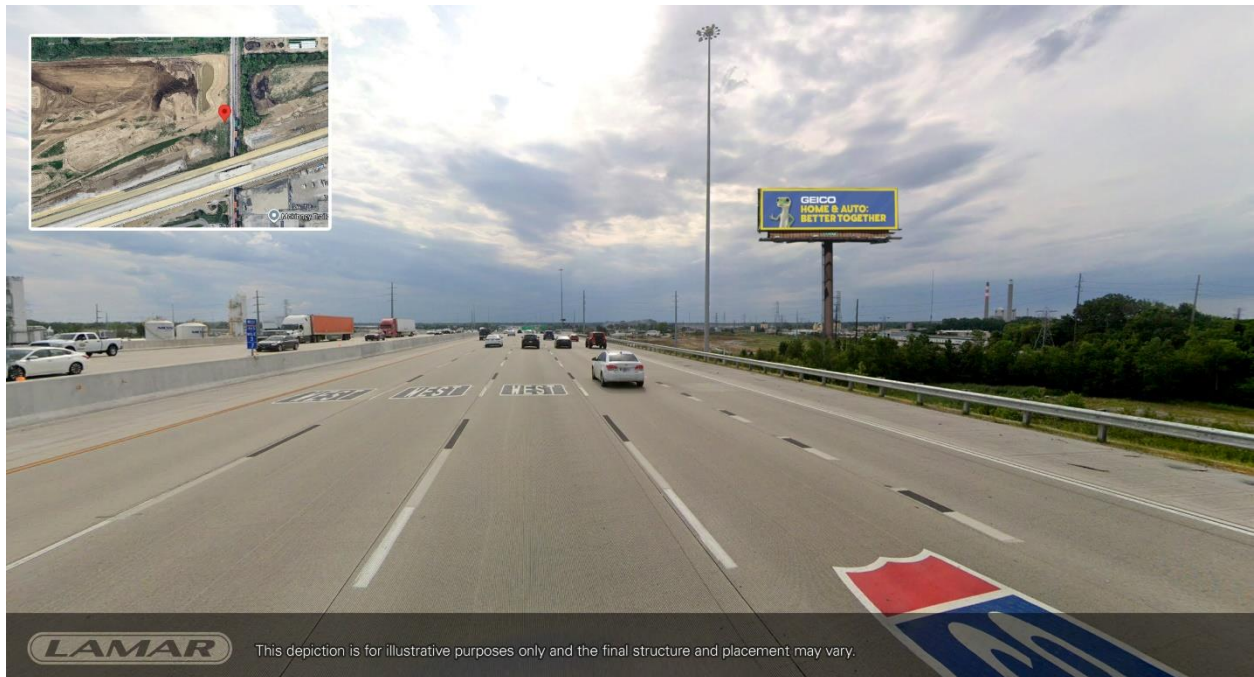
2025SE3003 ; Site Plan (detail)



2025SE3003 ; Height Renderings for Westbound Traffic (provided by applicant)

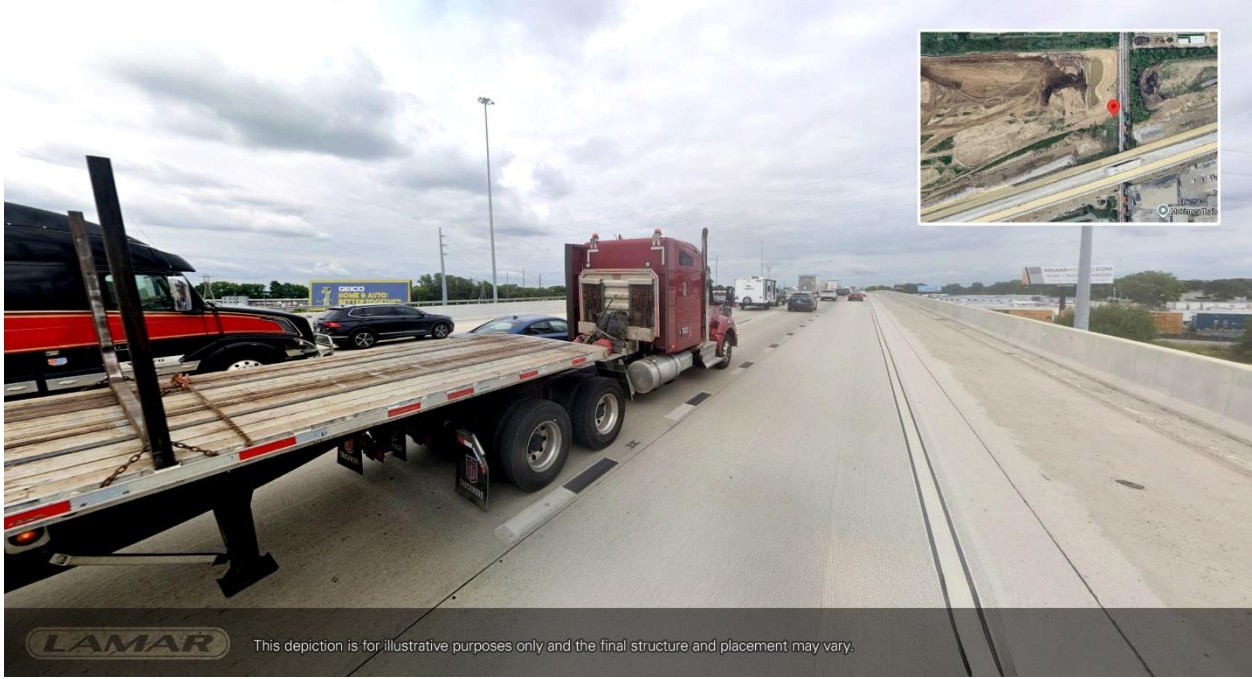


Height of 52 feet

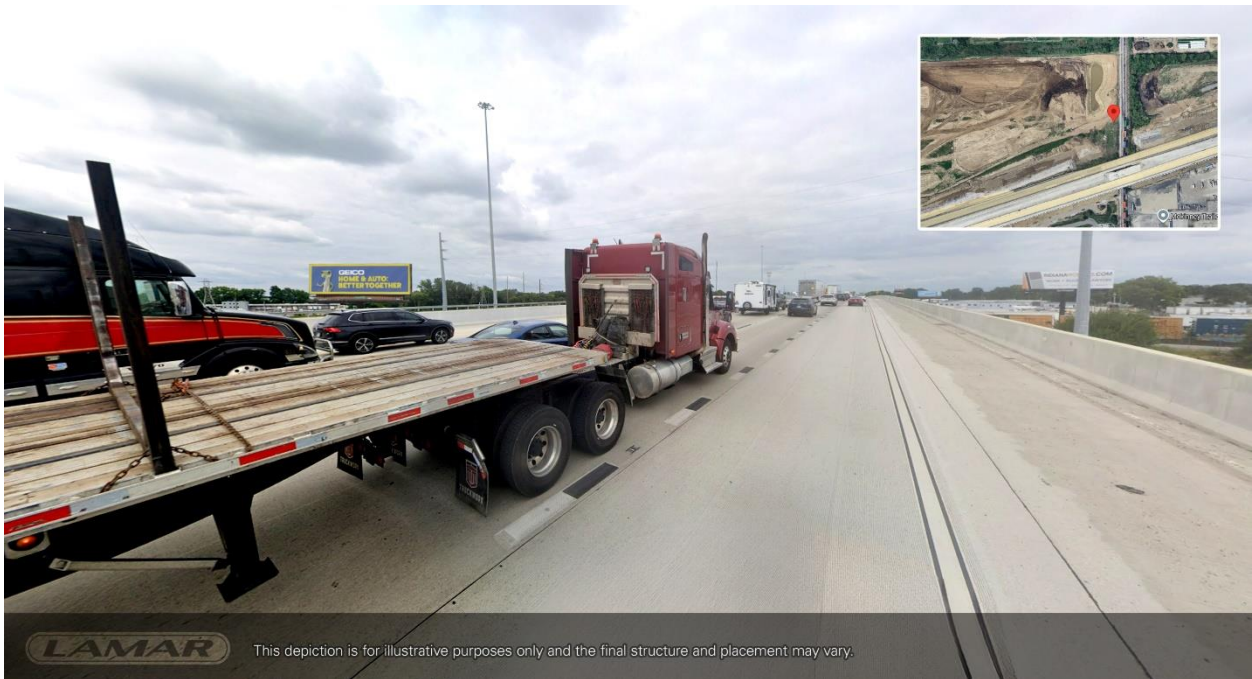


Height of 60 feet

2025SE3003 ; Height Renderings for Eastbound Traffic (provided by applicant)



Height of 52 feet



Height of 60 feet

2025SE3003 ; Previous & Proposed Sign Locations



Note: previous sign in green, proposed location in blue. Approximate placements

2025SE3003 ; INDOT Letter (partial)

Dear Lamar Advantage GP Company, LLC:

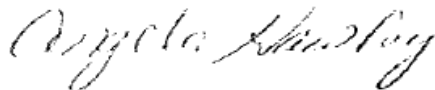
We would like to inform you that, on April 6, 2021, the State of Indiana, on behalf of the Indiana Department of Transportation, deposited money with the Marion County Clerk for the above referenced case.

According to IC 32-24-1-10(a), We are permitted to enter upon and take possession of the real estate being acquired in this case, including a base foundation for billboard sign. We have now deemed this property ready for construction.

We appreciate your cooperation during this process. Thank you for allowing us to stay true to our mission of planning, building, maintaining, and operating a superior transportation system.

If you have any question or concerns, please contact Angie Hawley, Property Management Specialist at (317) 234-5612 or ahawley1@indot.IN.gov.

Sincerely,



Angela Hawley
Property Management
Real Estate Division

Office of the Indiana Attorney General
Records

2025SE3003 ; Plan of Operation

Lamar Advertising is requesting to relocate a legally established off-premise billboard that was taken via eminent domain due to the I-69 Finish Line Project (49D05-2101-PL-001883).

The proposed sign is a 14'x48', 70' steel structure that will have back-to-back static faces.

The height is necessary as the railroad overpass to the east has been raised due to recent I-69 Finish Line construction.

The proposed location for the billboard is on property owned by Deleitosa Properties, LLC. If granted, we will apply for an Improvement Location Permit and will order the structure. The sign should be in the ground and operating by the third quarter of 2026, so long as there are no delays in ordering materials or with our contractors/labor.

2025SE3003 ; Findings of Fact (Special Exception)

1. The proposed use meets the definition of that use in Chapter 740, Article II because the sign being relocated pursuant to this special exception has been in place for many years. The new location is zoned I4, and the area is heavy commercial, which is appropriate for both on and off-premise signage.
2. The proposed use will not injure or adversely affect the adjacent area or property values in that area because the sign that is being relocated has been in place since 2003, without adversely affecting the adjacent properties. The new location is appropriate for for off-premise signs. Pursuant to this special exception, the outdoor advertising sign had to be relocated due to an INDOT road improvement project commonly known as I-69 Finish Line.
3. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property because From 2005 to 2022, the proposed location had a billboard in very near proximity on it to the new location. The new location is appropriate for outdoor advertising and will not adversely affect adjacent properties. Railroad tracks are to the east, Light Industrial is to the north, I-465 is to the south, and to the west is Community Commercial. The sign is located on the edge of the east side of the property, so as to not interfere with development.
4. The proposed use will be compatible with the character of the district, land use authorized therein and the Comprehensive Plan for Marion County because the location is in an area of the City (oriented to I-465) that is appropriate for outdoor advertising signs. This area is zoned I-4, and is a heavy commercial and industrial corridor.
5. The proposed use conforms to the development standards in Chapter 744 applicable to the zoning district in which it is located because The sign will continue to be oriented to I-465 in an area appropriate for outdoor advertising.
6. The proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located because the proposed location is is appropriate for outdoor advertising. It will continue to be oriented to I-465. It will continue to have 14'x48' faces, and steel construction.
7. The proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for that use because the outdoor advertising sign is being relocated to a site appropriate for outdoor advertising signs, in a highly developed commercial and industrial area.

2025SE3003 ; Findings of Fact (Variance of Development Standards)

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

the existing outdoor advertising sign that is being relocated pursuant to this grant of variance has been in place for many years without causing any injury to the public health, safety, morals, and general welfare of the community.

There is no evidence that the outdoor advertising sign has caused any injury, in any manner, to the public health, safety, morals, and general welfare of the community.

- 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 because:**

the existing outdoor advertising sign that is being relocated pursuant to this grant of variance has already been in place for many years (2003) without affecting the neighboring properties in a substantially adverse manner. The spot to which this board is moving had a previous billboard located on it for approximately 20 years before it was taken down.

Pursuant to this grant of variance, the outdoor advertising will be relocated due to a road improvement project by the Indiana Department of Transportation (“INDOT”), known as the Finish Line Project.

- 3. The need for the variance arises from some condition peculiar to the property involved because:**

The advertising sign that is being relocated pursuant to this grant of variance has been in place for many years without generating any adverse impact. The location of the outdoor advertising sign is in an area of the City of Indianapolis (reading to I-465) that is appropriate for outdoor advertising. Without this variance, the strict application of the ordinance would generate an unfair result as Lamar Advertising would lose an existing outdoor advertising sign through no fault of its own. Indiana law contemplates relocation of outdoor advertising signs in these circumstances.

2025SE3003 ; Photographs



Photo 1: Proposed Billboard Location on Eastern Portion of Subject Site (August 2025)

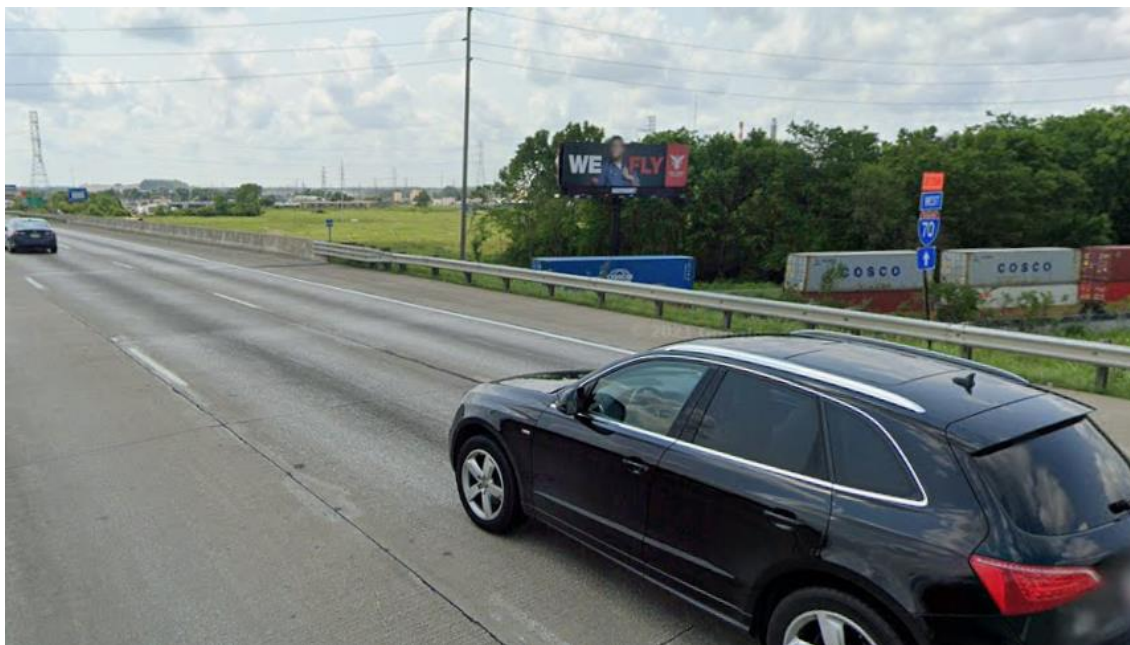


Photo 2: Previous Billboard on Eastern Portion of Subject Site Viewed from East (July 2021)

2025SE3003 ; Photographs



Photo 3: Proposed Billboard Location on Eastern Portion of Subject Site (September 2024)



Photo 4: Previous Billboard on Eastern Portion of Subject Site Viewed from West (December 2021)

2025SE3003 ; Photographs (continued)



Photo 5: Existing Billboard on Western Portion of Subject Site (August 2025)



Photo 6: Existing Billboard on Opposite Side of Interstate (August 2025)

2025SE3003 ; Photographs (continued)



Photo 7: Previous Billboard at 4202 Harding to be Relocated (July 2021)



Photo 8: Same Location as Photo 5 but from August 2025 instead of July 2021