



**BOARD OF ZONING APPEALS DIVISION II**

**November 12, 2024**

**Case Number:** 2024-UV2-013

**Property Address:** 5455 W 56<sup>th</sup> Street (approximate address)

**Location:** Pike Township, Council District #6

**Petitioner:** Metropolitan School District of Pike Township, by Joseph D. Calderon

**Current Zoning:** SU-2 / SU-38

**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a pylon sign with digital display within 70 feet of a protected district (digital display not permitted within zoning, 600' digital display separation required).

**Current Land Use:** Special Use (School)

**Staff Recommendations:** Staff recommends **denial** of this petition.

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

**October 8<sup>th</sup> 2024:** The petitioner will make a for-cause continuance request to move this hearing to the November 12<sup>th</sup> date in order for additional time to discuss with school board members and others within the community. A full staff report will be made available in advance of that hearing date.

**September 10<sup>th</sup> 2024:** This petition was continued from the September 10<sup>th</sup> hearing date to the October 8<sup>th</sup> hearing to allow for the petition to be heard concurrently with other variance requests related to digital signage for Pike Township schools. A favorable recommendation was given to the petition by the PTRAs on the condition of various limiting commitments. Staff's recommendation is unchanged, but the commitments do reduce some of the negative externalities mentioned within the body of the report.

**August 13<sup>th</sup> 2024:** A timely automatic continuance was filed in advance of the August 13<sup>th</sup>, 2024 hearing date and this petition was subsequently continued to today's hearing (September 10<sup>th</sup>).

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

## PETITION OVERVIEW

- The subject site currently houses Snacks Crossing Elementary School and is surrounded by residential and religious uses to the north, west and east. The property to the south is zoned SU-38 for use as a YMCA facility. The 56<sup>th</sup> Street frontage contains a second monument sign that is about 870 feet away from the subject sign at the corner of 56<sup>th</sup> and Moller.
- The variance petition 2014DV3059 was approved in 2014 to allow for the currently existing sign with a height of 7.33 feet and proximity of 70 feet to a dwelling district (600 feet typically required for the sign type). Although approval of that variance was conditioned upon elevations submitted at that time, refacing of the existing sign area would not constitute a change in the sign elevation.
- Grant of this variance would allow for placement of a EVMS digital message board onto the existing sign. This is both disallowed within SU-2 zoning and disallowed within 600 feet of protected districts (the sign is around 70 feet from residences to the north).
- The property is primarily zoned SU-2 which is a special use designation for schools and educational uses (a small portion of the site is zoned SU-38 to the south). The Comprehensive Plan also recommends it to the Village Mixed Use typology for neighborhood gathering places with a wide range of small businesses, housing types and public facilities.
- The documentation submitted by the applicant indicates that the sign would have adequate separation from protected districts and facilities such as schools have a variety of events which would require flexibility in advertising. Staff disagrees that adequate buffering is provided given that the sign is 8 times as close to a protected district as the minimum separation required by ordinance without any indication of added screening, and there are various alternate methods by which events could be advertised (online, through the existing changeable copy sign, etc.).
- The zoning ordinance establishes wide buffers from residential areas as a requirement for placement of digital signage to reduce light pollution and reduce the risk of their brightness, scrolling displays, and potential usage during nighttime hours being a distraction for motorists (the risk is compounded for this given its proximity to an intersection). Additionally, SU-2 zoning is designed for a lower level of intensity for integration into neighborhood contexts and disallows digital displays entirely. The most recent amendments made to the city's sign regulations in 2018 included public feedback sessions, during digital sign proximity to residential areas was a frequently cited concern. Given these concerns as well as a lack of site-specific practical difficulty necessitating placement of the sign, staff would recommend denial of the variance.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	SU-2 / SU-38	
<b>Existing Land Use</b>	Special Use (school)	
<b>Comprehensive Plan</b>	Village Mixed-Use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: D-A/D-4	North: Residential
	South: SU-38	South: Community Center
	East: SU-1/D-A	East: Church/Residential
	West: D-2/SU-1	West: Residential/Church
<b>Thoroughfare Plan</b>		
56 <sup>th</sup> Street	Primary Arterial	115-foot right-of-way existing and 102-foot right of-way proposed
Moller Road	Local Street	95-foot right-of-way existing and 50-foot right of-way proposed
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	06/04/2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	07/22/2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	06/04/2024	
<b>Findings of Fact (Amended)</b>	Requested but not received by time of publication	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book recommends this site to the Village Mixed-Use typology to allow for neighborhood gathering places with a wide range of small businesses, housing types and public facilities. Pedestrian-scale amenities should contribute to a walkable environment, and schools are contemplated land use types. The Plan offers no specific guidance for signage.

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

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- 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

**2014DV3059**, Variance of development standards of the Sign Regulations to provide for a 7.33-foot tall, 52-square foot freestanding sign within approximately 70 feet of the nearest dwelling district (maximum four-foot tall sign permitted within 600 feet of a dwelling district), **approved**.

**97-Z-210**, rezoning of 41.8 acres to the SU-2 classification, **approved**.

### ZONING HISTORY – VICINITY

**2020ZON047 ; 5429 Lafayette Road (southwest of site)**, Rezoning of 5.43 acres from the D-A and D-2 districts to the SU-1 district to provide for religious uses, **approved**.

**2013ZON025 ; 5355 Lafayette Road (southwest of site)**, Rezoning of 1.33 acres, from the SU-9 District, to the SU-1 classification to provide for religious uses, **approved**.

**2010SE2002 ; 5429 Lafayette Road (southwest of site)**, Special Exception and variance of development standards of the Dwelling Districts Zoning Ordinance to provide for religious uses, including a 23.417-foot tall, 5,500-square foot sanctuary, and an off-street parking lot (religious uses permitted by special exception), (a) with a parking lot with a four-foot setback from the proposed right-of-way of Lafayette Road (40-foot setback from the proposed right-of-way required) and (b) with a 4.2-foot tall freestanding sign (maximum four-foot tall sign permitted), with a fifteen-foot setback from the existing right-of-way of Lafayette Road, **approved**.

**2009ZON808 ; 5315 Lafayette Road (south of site)**, rezoning of 14.392 acres to the SU-38 classification to provide for a YMCA facility, **approved**.

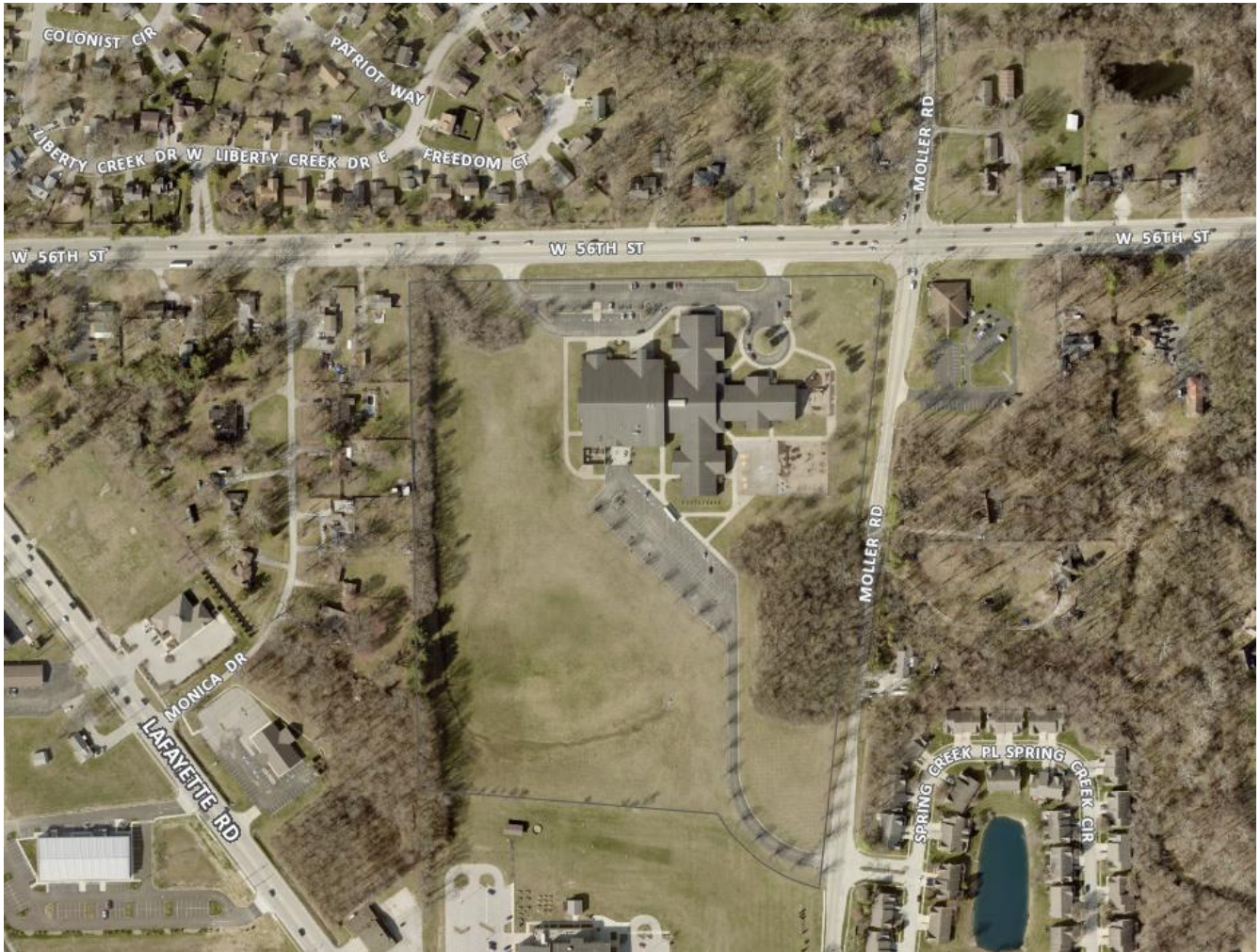
**2009VAR808 ; 5315 Lafayette Road (south of site)**, variance of development standards of the sign regulations to provide for (a) a 25-foot tall, 160-square foot pole sign, with a 37.5-square foot electronic variable message sign (EVMS) component, located approximately 110 feet from a dwelling district (maximum four-foot tall sign permitted within 600 feet of a dwelling district; EVMS components not permitted in the SU-38 district; EVMS components not permitted within 600 feet of a protected district), and (b) a six-foot tall, 32 square foot pylon sign, located 40 feet from a dwelling district (maximum four-foot tall sign permitted within 600 feet of a dwelling district), **approved**.

**85-UV1-119 ; 5412 W 56<sup>th</sup> Street (north of site)**, variance of use of the Marion County Master Plan Permanent Zoning Ordinance to provide for a dentist's office in a single-family residence, **approved**.

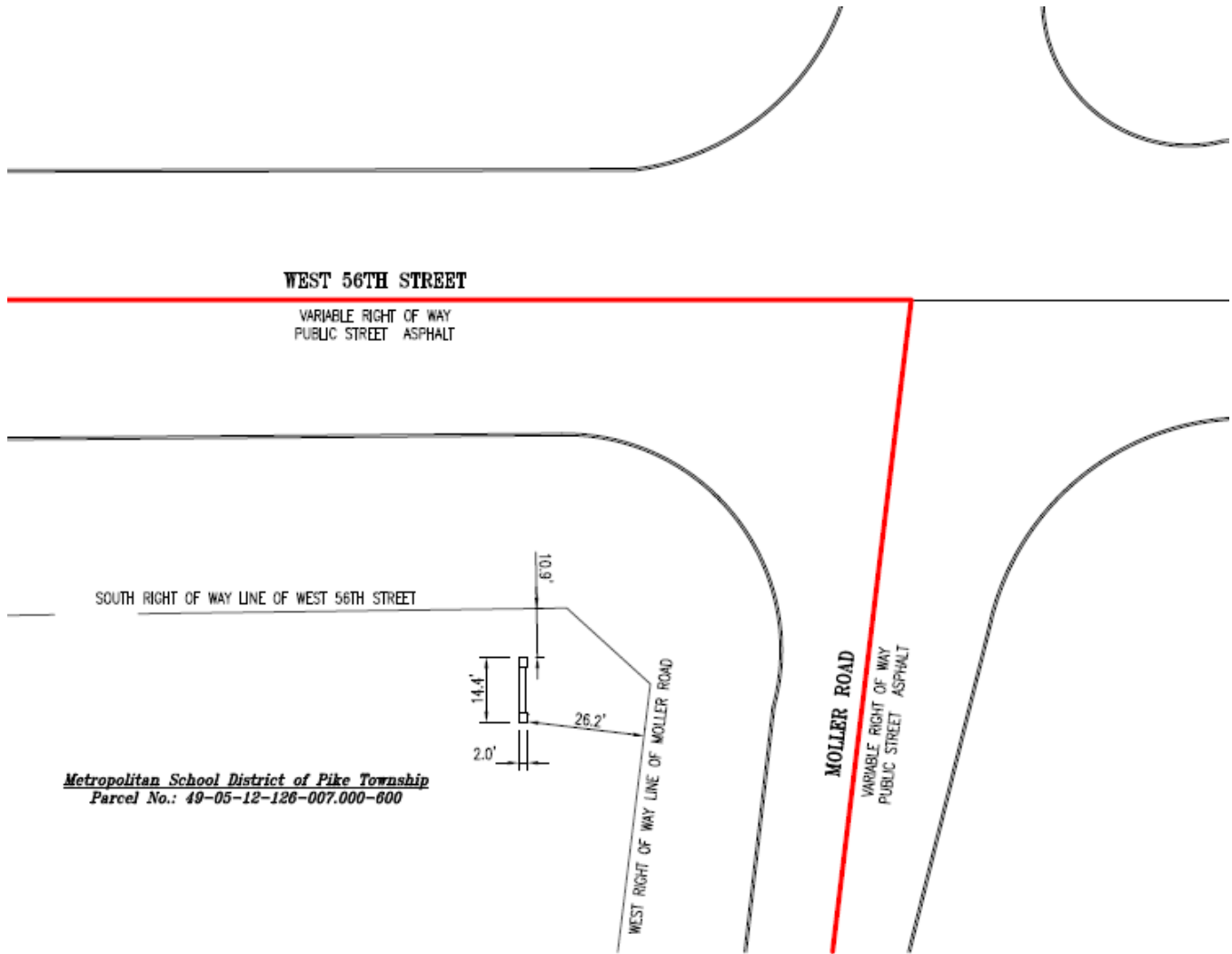


**EXHIBITS**

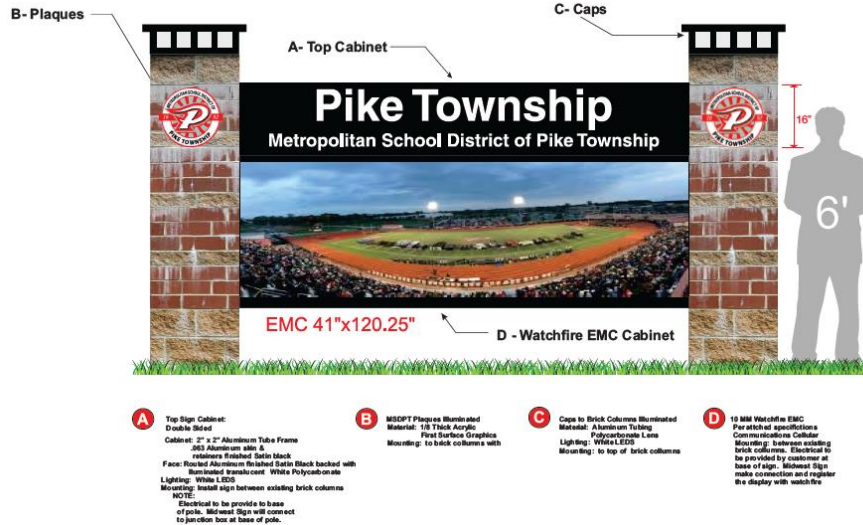
**2024UV2013 ; Aerial Map**



**2024UV2013 ; Site Plan (NE Corner of Site)**



**2024UV2013 ; Elevation**



**2024UV2013 ; Findings of Fact (Use)**

- 1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE**  
the sign will be operated responsibly in accordance with commitments so as to not create any nuisance effects. Additionally, the proposed sign will allow the school district to display messages in a timely manner to the community, which will benefit the public health, safety and general welfare.
- 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 sign will have adequate separation from adjoining properties, and will be operated in accordance with commitments which will protect the use and value of adjoining properties.
- 3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE**  
the subject property is large and is home to many different activities related to school use, and the permitted sign types are not adequate to convey messages appropriate for such a large property.
- 4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE**  
the limitations on digital display signs for school districts impose an undue burden in terms of being able to timely communicate important information to students, parents, and the community, especially considering the number of activities taking place on a school campus, as well as the size of the campus.
- 5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE**  
the proposed variance will allow a sign to more effectively convey messages related to school / school district activities, which supports school use contemplated or supported by the comprehensive plan.



**2024UV2013 ; Photographs**



Photo 1: Existing Sign Viewed from Southwest



Photo 2: Existing Sign Viewed from Southeast



**2024UV2013 ; Photographs (continued)**



Photo 3: Adjacent Property to the East



Photo 4: Adjacent Property to the North



**2024UV2013 ; Photographs (continued)**



Photo 5: Adjacent Property to the Northeast



Photo 6: Second Monument Sign Along Frontage (~875' to West)