

**BOARD OF ZONING APPEALS DIVISION II**

**November 13, 2024**

**Case Number:** 2024-UV2-022B  
**Address:** 7001 Zionsville Road (approximate address)  
**Location:** Pike Township, Council District #6  
**Zoning:** SU-2  
**Petitioner:** Metropolitan School District of Pike Township, by Joseph D. Calderon  
**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 (digital display not permitted) within 288 feet of a protected district (600-foot separation required).

**Current Land Use:** Public Elementary School

**Staff Recommendation:** Staff recommends denial.

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This petition was automatically continued at the request of a registered neighborhood organization, from the August 13, 2024, hearing, to the September 10, 2024, hearing, and continued for cause at the request of Staff from the September 10, 2024, hearing, to the October 8, 2024, hearing. The petitioner continued this petition for cause from the October 8, 2024, hearing, to the November 12, 2024, hearing.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

- ◇ The subject site currently houses the Central Elementary School and is adjacent to residential uses to the west. The Zionsville Road frontage contains a second monument sign that is about 720 feet to the southwest of the subject sign.
- ◇ The variance petition 97-V2-74A was approved in 1997 to allow for the current existing freestanding pylon sign with a height of 9.16 feet, and 67% of the sign face devoted to an electronic variable message sign, within approximately 325 feet of the nearest dwelling district, where a maximum four-foot tall sign is permitted, and within the required 600 feet separation from a dwelling district.
- ◇ Grant of this variance would allow for the replacement of the existing sign with a 7.83-foot tall sign, including an approximate 50 square foot EVMS digital message board onto the sign. This is both disallowed within SU-2 zoning and disallowed within 600 feet of protected districts (the sign is approximately 288 feet from an adjacent protected district to the west containing multiple single-family dwellings).

- ◇ The property is primarily zoned SU-2 which is a special use designation for schools and educational uses. The Comprehensive Plan also recommends it to the Regional Special Use typology for public, semi-public and private land uses that serve a specific institutional purpose for a significant portion of the county.
- ◇ 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 will be within 288 feet of a protected district to the west, without the minimum separation required by ordinance and 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.
- ◇ Any deviation from the minimum standards should be related to the property, and not to the property owner’s preference or needs. There is no inherent practical difficulty caused by the terms of the Ordinance upon the subject site, as the existing sign can continue to be used to convey school messaging, or a conventional reader sign can be used instead.
- ◇ 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	
<b>Existing Land Use</b>	Public Grade School	
<b>Comprehensive Plan</b>	Recommends Regional Special Use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	C-S	Office Commercial
South:	SU-2	Public High School
East:	SU-2	Public High School
West:	D-3 / C-1	Single-Family Dwellings / Office Commercial

Thoroughfare Plan		
Zionsville Road	Primary Collector	90-foot existing right-of-way and a 112-foot proposed right-of-way.
West 71 <sup>st</sup> Street	Primary Arterial	142-foot existing and proposed right-of-way
<b>Context Area</b>	Metro area	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	June 19, 2024	
<b>Elevations</b>	August 7, 2024	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact - revised</b>	September 5, 2024	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends Regional Special Use for the site.

**Pattern Book / Land Use Plan**

- The Comprehensive Land Use Plan recommends the Regional Special Use typology, which provides for public, semi-public and private land uses that serve a specific institutional purpose for a significant portion of the county. Examples are large-scale, generally stable institutional uses such as cemeteries, hospitals, universities, high schools, government complexes, large museums, the Indiana State Fairgrounds, and the Indianapolis Motor Speedway.

**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

**97-V2-74A; 5555 West 71<sup>st</sup> Street (subject site)**, requested a variance of use and development standards to provide for Sign A, being a pylon sign, 9.16' by 14.5' and 15.9' in height, located at the intersection of 71<sup>st</sup> Street and Zionsville Road, within 325 feet of a Dwelling District, and with 67% of the sign face devoted to an electronic variable message center, **granted**.

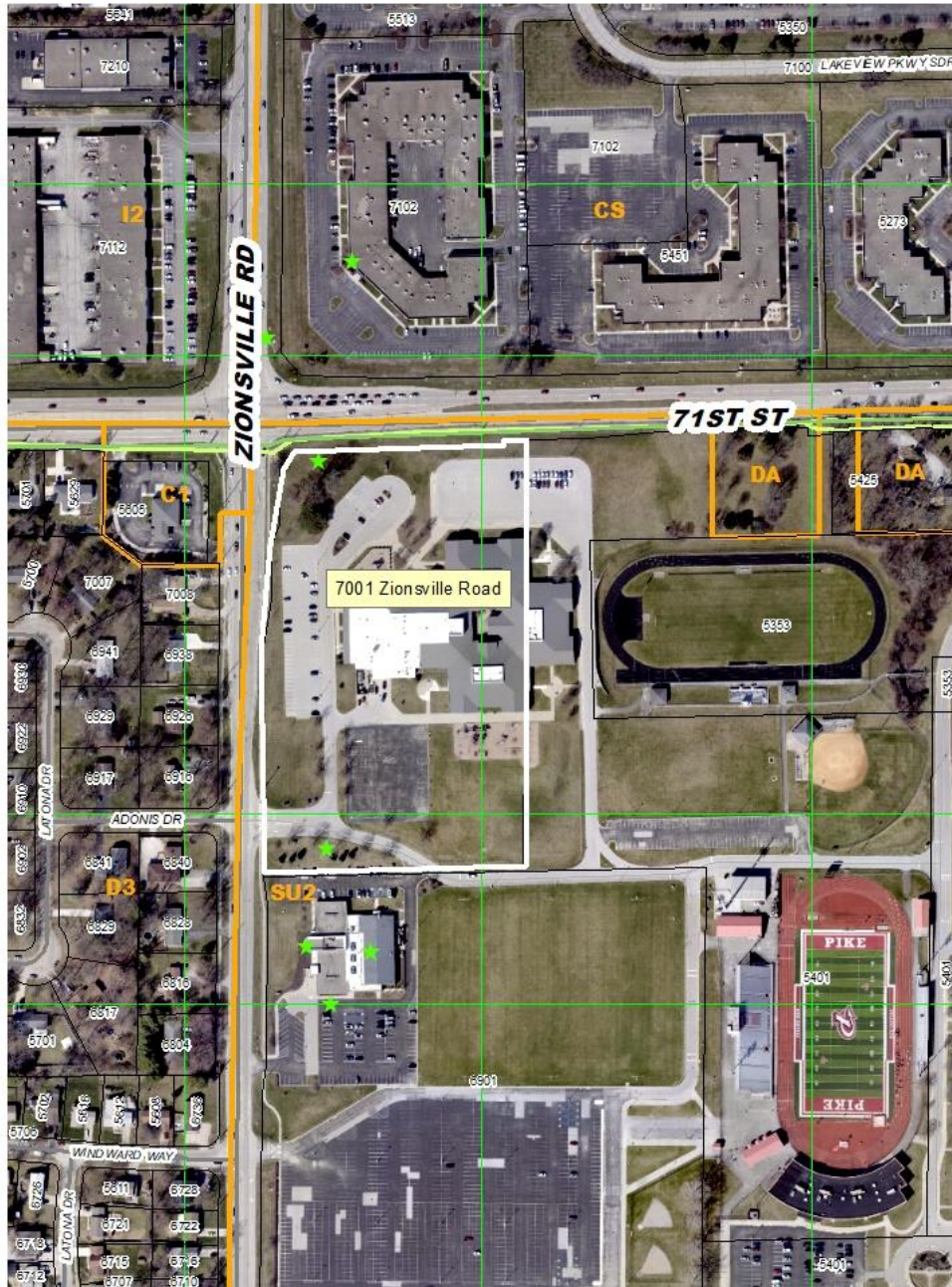
**97-V2-74B; 5555 West 71<sup>st</sup> Street (subject site)**, requested a variance of use and development standards to provide for Sign B, being a pylon sign, 5.16' by 11.66' and 5.16' in height, located alongside Zionsville Road, within 52 feet of a Dwelling District, and with a front setback of two feet from Zionsville Road, **granted**.

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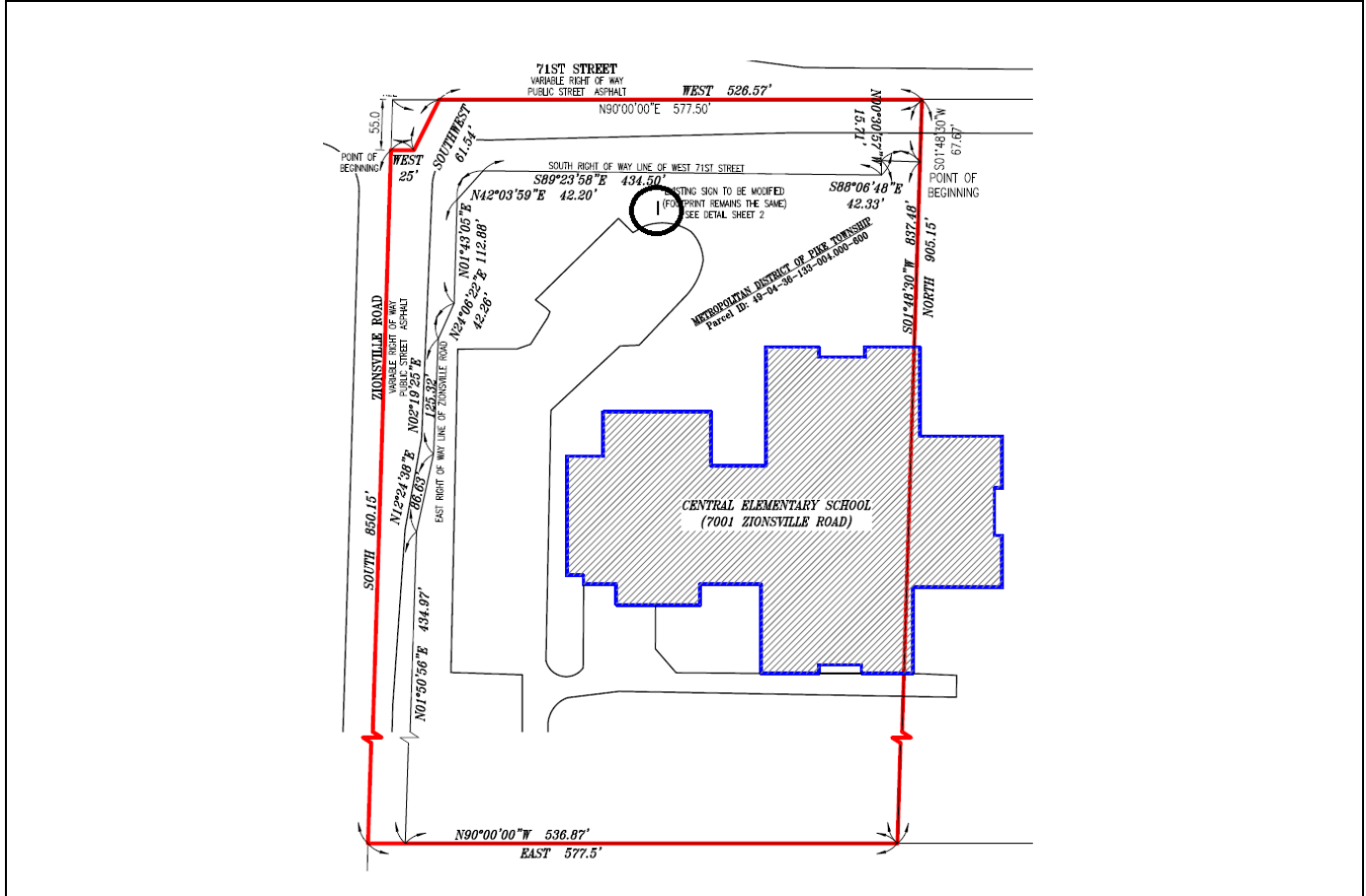
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**EXHIBITS**

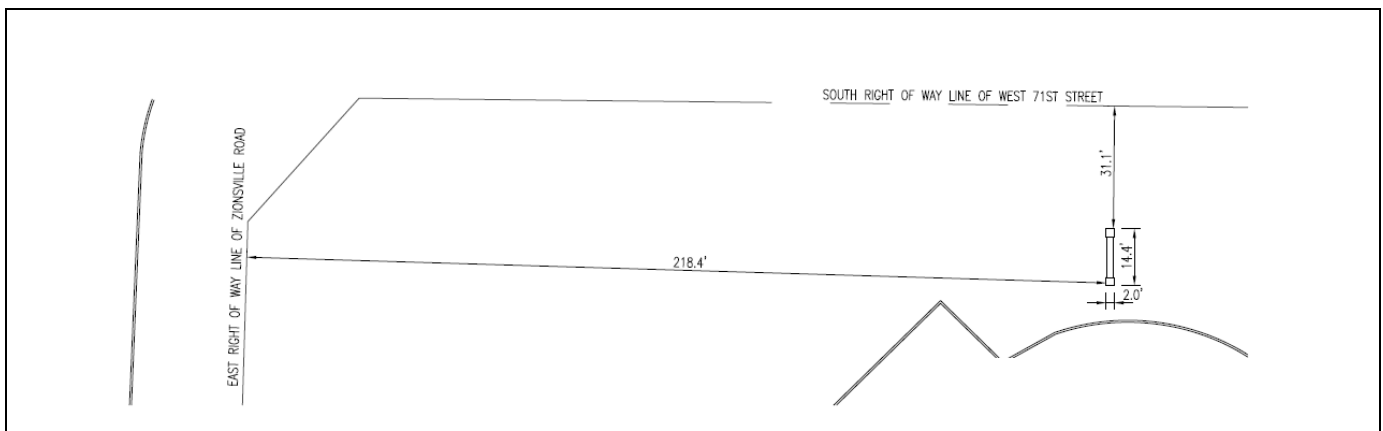
Location Map



**Site Plan**

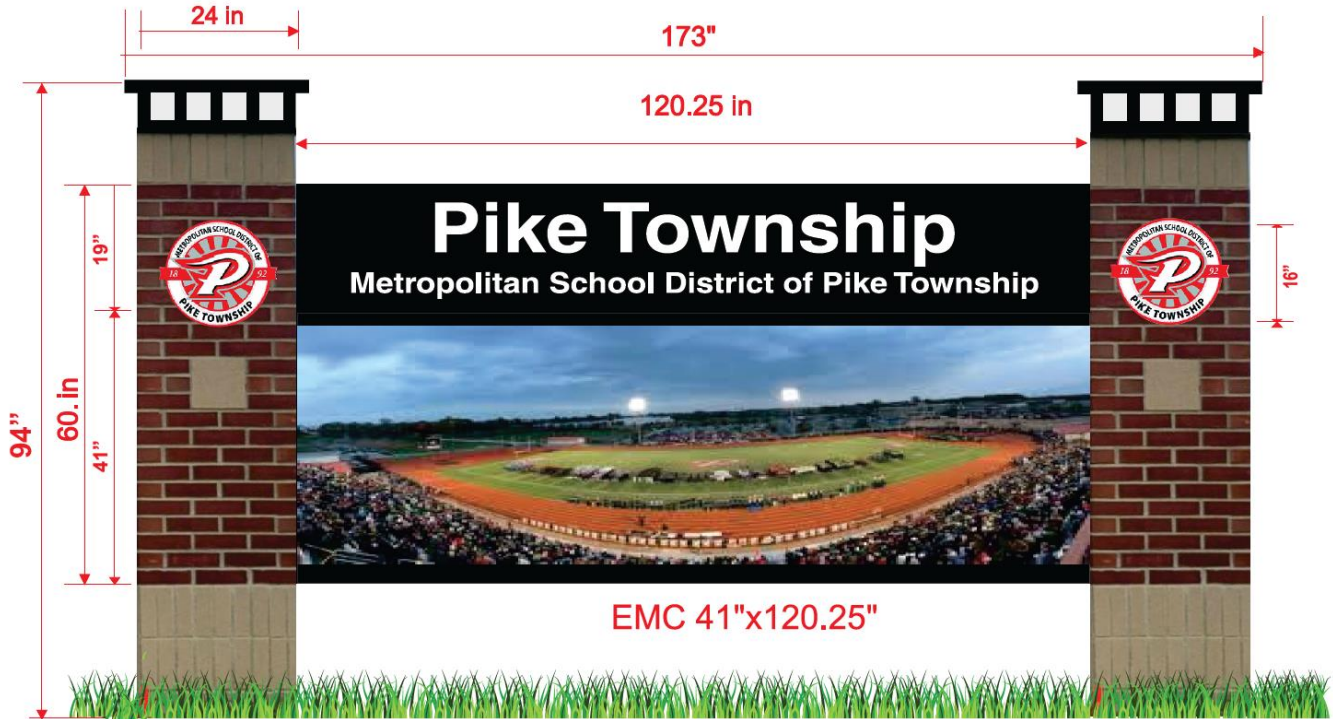


(Sign location in circle)



(Sign location close up)

**Sign Elevation**



 <b>Midwest Signs</b> 8560 E. 30th St. Indianapolis, IN 46219	7001 Zionsville Road			CLIENT APPROVAL			<small>Copyright Notice:</small> This drawing and all reproductions thereof are the property of Midwest Signs and may not be reproduced, published, changed, or used in any way without written consent. <small>Note:</small> Please proof for spelling, grammar layout, and placement.
	Metropolitan School District of Pike Township			NAME	SIGNATURE	DATE	
AP	08/23/2023	N/A Scale					



**Findings of Fact**

Petition Number 2024-UV2-22B

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division \_\_\_\_\_  
OF MARION COUNTY, INDIANA**

**PETITION FOR VARIANCE OF USE**

**FINDINGS OF FACT**

**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.



Photographs



Existing subject site sign with electronic variable message center, looking east.



Subject site public grade school, looking south.



Adjacent protected district approximately 280 feet from proposed EVMS location, looking southwest



View of existing EVMS sign location, from adjacent protected district, looking northeast.