

BOARD OF ZONING APPEALS DIVISION II

November 13, 2024

Case Number: 2024-UV2-022C
Address: 2811 Barnard Street (approximate address)
Location: Pike Township, Council District #1
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 50 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 College Park Elementary School and is adjacent to residential uses to the north and south. The Barnard Street frontage contains a second monument sign that is about 247 feet to the west of the subject sign.
- ◇ The variance petition 2014-DV3-058 was approved in 2014 to allow for the current existing freestanding sign with a height of 8.67 feet, and 43-square feet, within approximately 30 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 6.91-foot tall sign, including an approximate 32 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 around 50 feet from an adjacent protected district to the north 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 recommends Suburban Neighborhood typology for single-family housing, interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities.
- ◇ 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 50 feet of and immediately adjacent to a protected district to the north, 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. 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.
- ◇ 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

Existing Zoning	SU-2	
Existing Land Use	Public Grade School	
Comprehensive Plan	Recommends Suburban Neighborhood uses	
Surrounding Context	Zoning	Surrounding Context
North:	D-P	Single-family dwellings
South:	D-P	Multi-family dwellings
East:	D-6	Multi-family dwellings
West:	D-P	Multi-family dwellings

Thoroughfare Plan		
Barnard Street	Primary Collector	68-foot existing right-of-way and an 80-foot proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	June 19, 2024	
Elevations	August 7, 2024	
Landscape Plan	N/A	
Findings of Fact - revised	September 5, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Suburban Neighborhood uses for the site.

Pattern Book / Land Use Plan

- The Comprehensive Land Use Plan recommends the Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

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

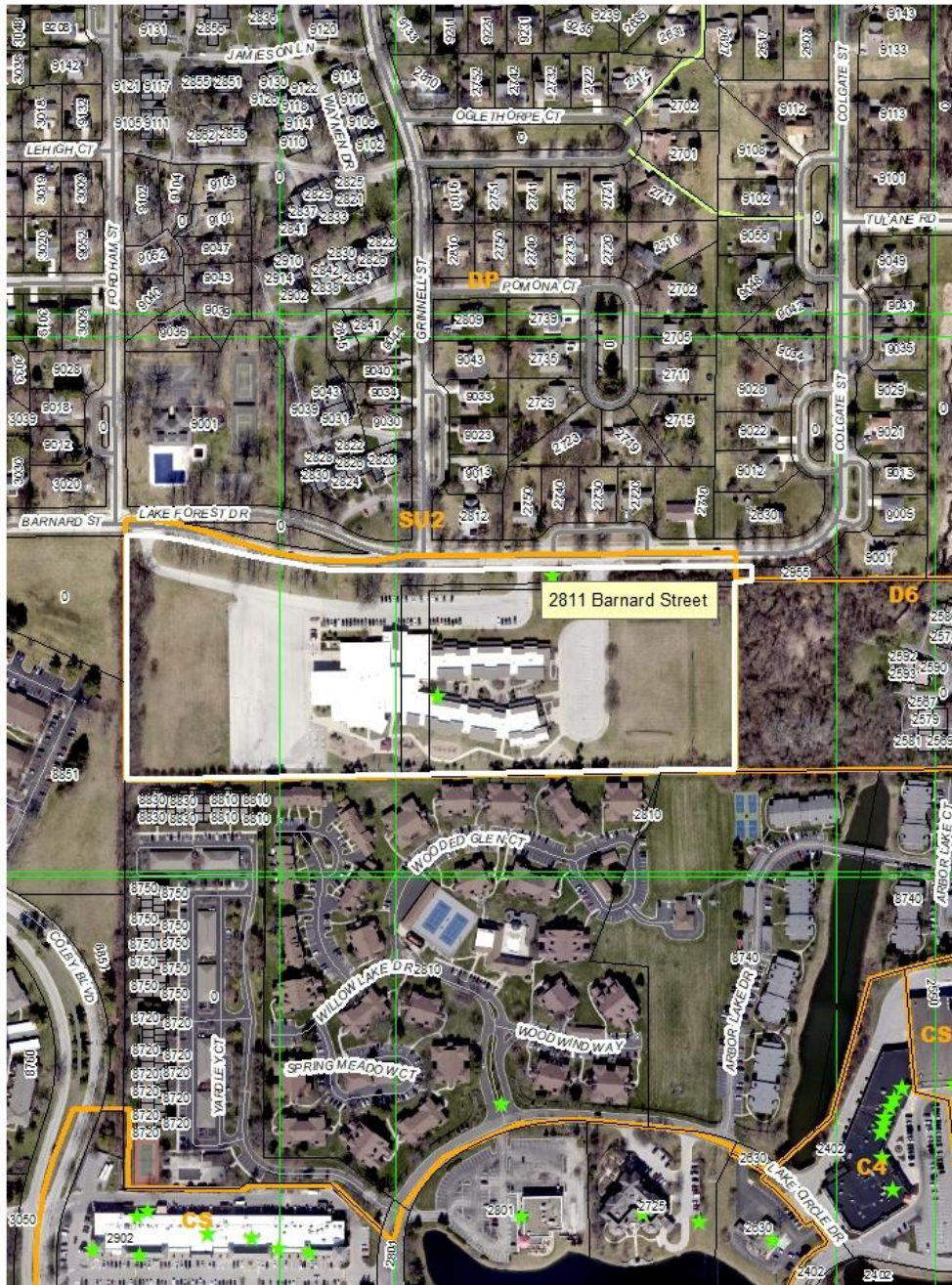
2014-DV3-058; 2811 Barnard Street (subject site), requested a variance of development standards to provide for an 8.67-foot tall, 43-square foot freestanding sign, within approximately 30 feet of the nearest dwelling district (maximum four-foot tall sign permitted within 600 feet of a dwelling district).

87-Z-105; 2811 Barnard Street (subject site), requested a rezoning of 16.78 acres, being in the D-P and A-2 districts, to the SU-2 classification to provide for the construction of an elementary school, **approved.**

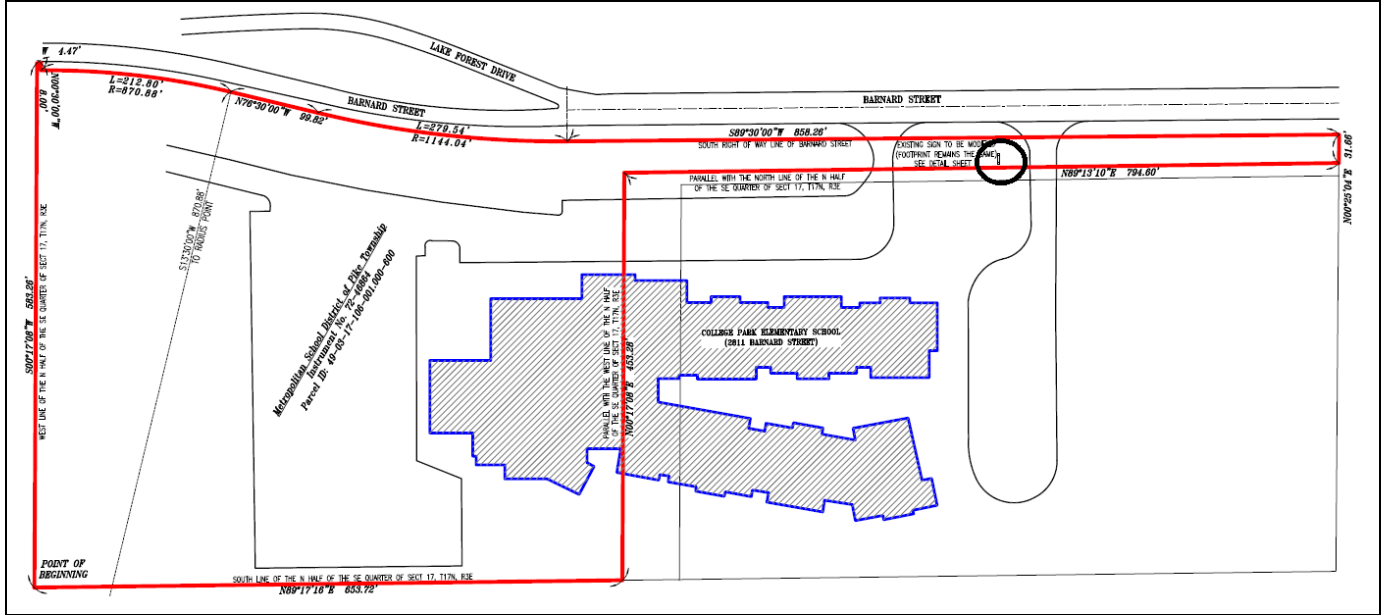
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EXHIBITS

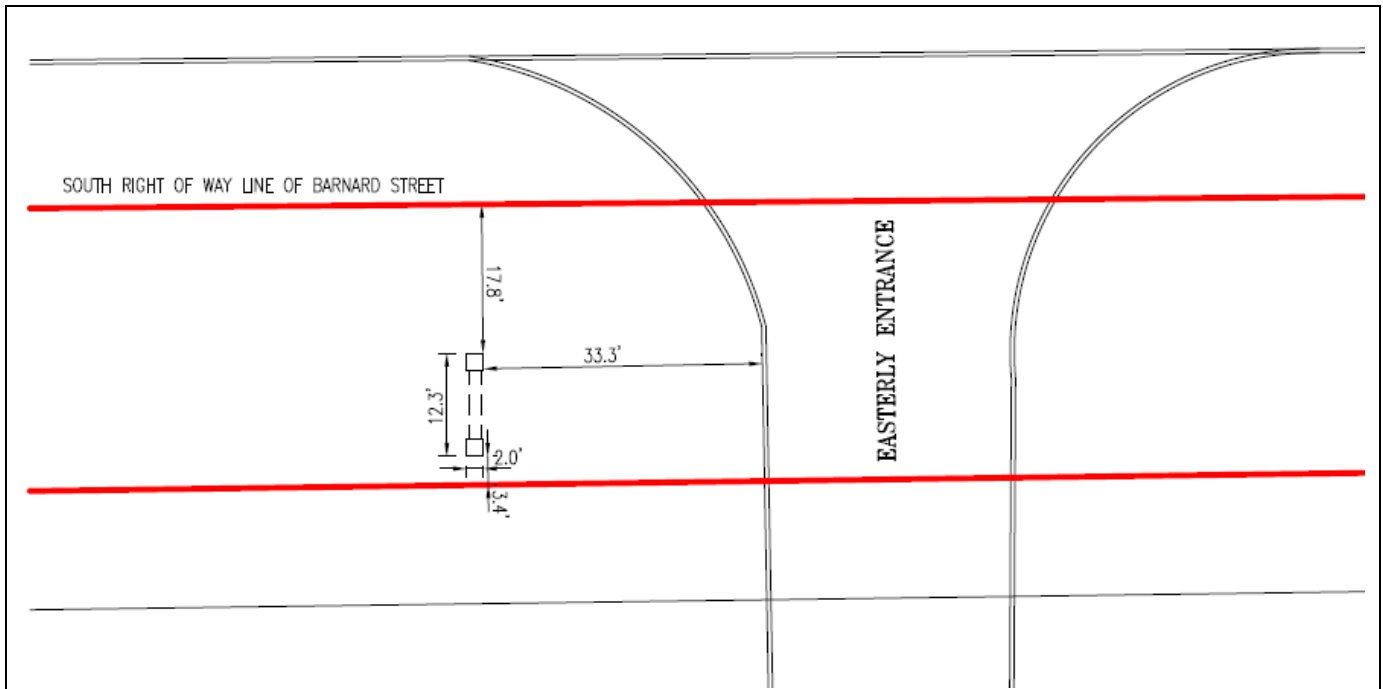
Location Map



Site Plan

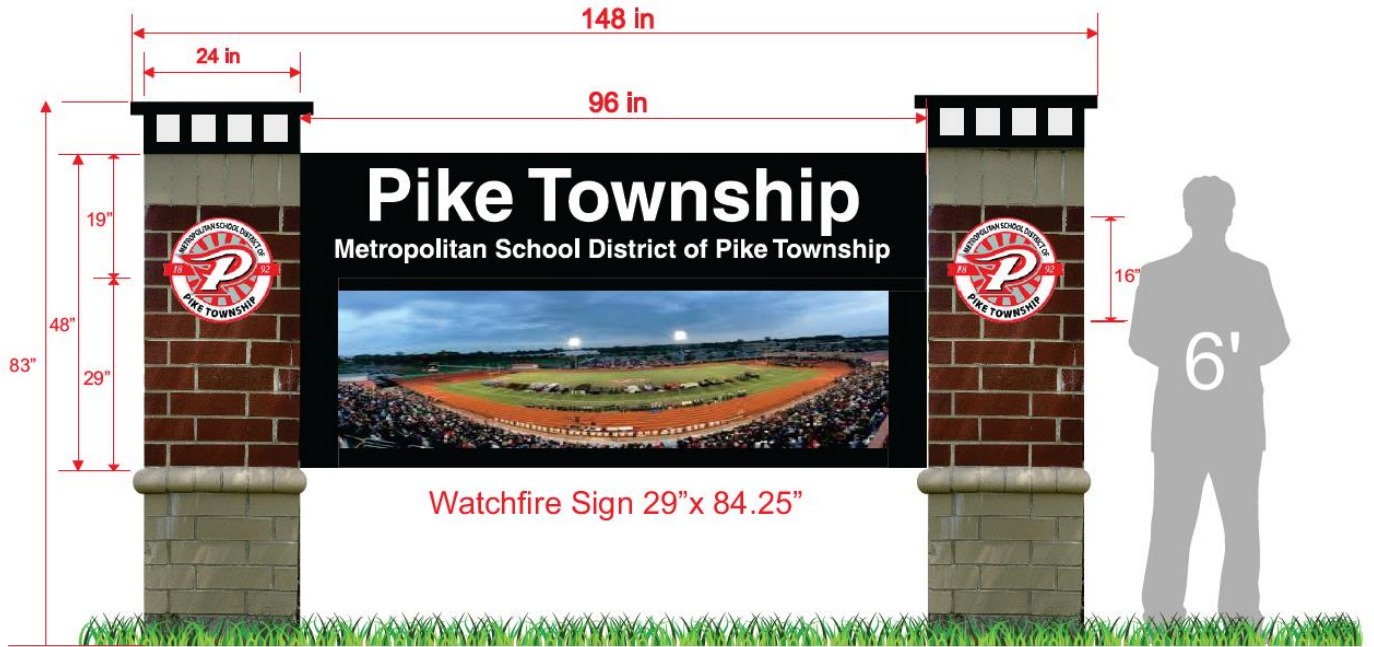


(Sign location in circle)



(Sign location close up)

Sign Elevation





Findings of Fact

Petition Number 2024-UV2-22C

**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 reader board sign, looking east.



Subject site public grade school, looking southwest.



Existing protected district approximately 50 feet from proposed EVMS location, looking northwest



Existing protected district approximately 50 feet from proposed EVMS location, looking northeast.