

BOARD OF ZONING APPEALS DIVISION II

November 13, 2024

Case Number: 2024-UV2-022A
Address: 6701 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 85 feet of a protected district (600-foot separation required).

Current Land Use: Public High 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 a portion of Pike High School and is adjacent to residential uses to the west. The property to the south is zoned SU-37 for use as a Marion County Library. The Zionsville Road frontage contains a second monument sign that is about 425 feet to the north of the subject sign.
- ◇ The variance petition 2010DV1052 was approved in 2010 to allow for the currently existing sign with a height of six feet and proximity of 50 feet to a dwelling district (600 feet required separation for the sign type).
- ◇ Grant of this variance would allow for the replacement of the existing sign with a 6.33-foot tall sign, including an approximate 27.4 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 85 feet from a protected district to the west containing multiple 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 only meets 8% of the required separation from the 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.
- ◇ 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 High School	
Comprehensive Plan	Recommends Regional Special Use	
Surrounding Context	Zoning	Surrounding Context
North:	SU-2	Public High School
South:	SU-37	County Library
East:	SU-2	Public High School
West:	D-3	Single-Family Dwellings

Thoroughfare Plan

Zionsville Road	Primary Collector	90-foot existing right-of-way and an 112-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 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

2011-DV1-025; 5353 & 5401 West 71st Street and 6701 & 6901 Zionsville Road (includes subject site and other locations), requested a variance of development standards of the Sign Regulations to provide for three, six-foot tall, 27-square foot, free-standing directional signs; one, six-foot tall, 89-square foot, three-sided, free-standing directional sign; four, three-foot tall, nine-square foot, free-standing directional signs; and two, 3.5-foot tall, 12-square foot, free-standing directional signs, **granted**.

2010-DV1-052; 7601 & 6901 Zionsville Road and 5353 and 5401 West 71st Street (includes subject site and other locations), requests variance of development standards of the Sign Regulations to provide for four, six-foot tall free-standing signs, three along Zionsville Road and one along 71st Street, within approximately 50 feet of D-A and D-3 protected districts, and to provide for a six-foot tall sign and a 3.5-foot tall sign along Zionsville Road, with a separation of 160 feet, **granted**.

1997-V2-74A; 5555 West 71st Street (north of site), requests variance of development standards of the Sign Regulations to provide for Sign A, being a pylon sign, 9.16' by 14.5' and 15.9' in height, located at the intersection of 71st Street and Zionsville, within 325 feet of a Dwelling District; and with 67% of the sign face devoted to an electronic variable message center; as amended at the hearing, with the sign located 78 feet from the right-of-way of West 71st Street; 215 feet from the right-of-way of Zionsville Road; and 240 feet from the intersection of Zionsville Road and 71st Street, **granted**.

1997-V2-74B; 5555 West 71st Street (north of site), requests variance of development standards of the Sign Regulations to provide for Sign B, being a pylon sign, 8' by 10' and 10' in height, located along Zionsville Road, being located within 52 feet of a Dwelling District, and having a front setback of 2 feet from Zionsville Road, **granted**.

1985-HOV-135; 6525 Zionsville Road (south of site), requested a variance of development standards to provide for a double-faced ground sign to identify the Pike Library, **granted**.

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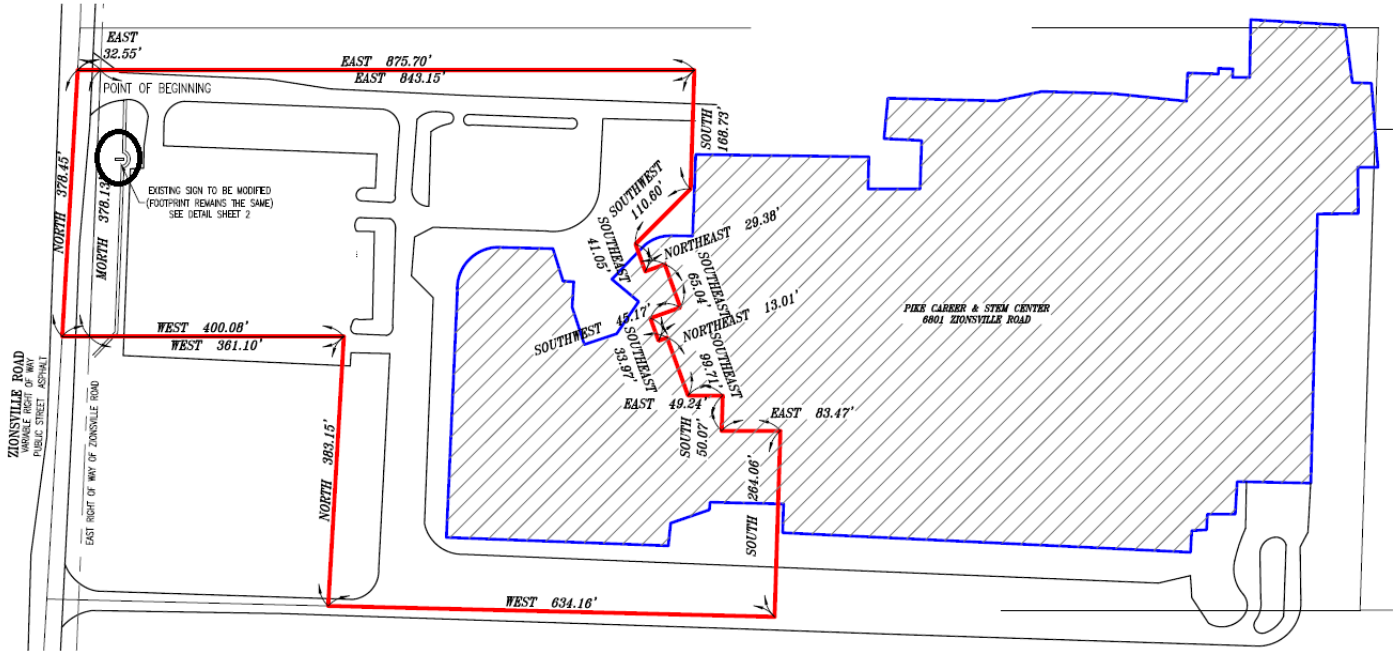
EXHIBITS

Location Map

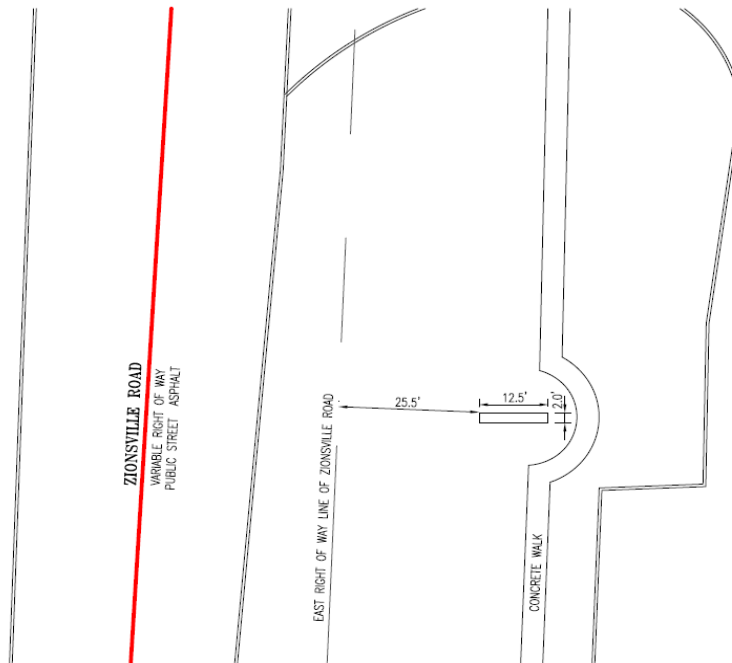


Site Plan

(Sign location in circle)



(Sign location close up)



Sign Elevation





Findings of Fact

Petition Number 2024-UV2-22A

**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 north.



Subject site public high school, looking east.



Existing protected district approximately 85 feet from proposed EVMS location, looking northwest



Existing protected district approximately 85 feet from proposed EVMS location, looking southwest.



Existing Marion County Public Library to the south of proposed sign.



Subject site public high school parking lot, looking north.