

**BOARD OF ZONING APPEALS DIVISION I**

**December 2, 2025**

**Case Number:** 2025-DV1-057

**Property Address:** 10 South Mickley Avenue (approximate address)

**Location:** Wayne Township, Council District #16

**Petitioner:** Dave & Sons Properties LLC, by Mark Bastin

**Current Zoning:** C-4 / C-S

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a pylon sign, being the third freestanding sign along the Rockville Road frontage (maximum two freestanding signs per frontage).

**Current Land Use:** Commercial

**Staff Recommendations:** Staff recommends **approval** of the variance subject to a commitment.

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

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** subject to a commitment that the proposed pylon sign would be the only primary freestanding sign placed on the property related to the fueling station use.

**PETITION OVERVIEW**

- 10 South Mickley Avenue is a corner lot at the southwest corner of the intersection of Rockville Road and Mickley Avenue. The building was previously utilized as a multitenant office building per the commitments associated with the rezoning petition 90-Z-48, which restricted the site to uses allowed within C-1 zoning. The modification petition 2023-MOD-021 was approved to allow for a fueling station in 2023 (the canopy for this fueling station is currently under construction). The property is within an integrated center located to the east of I-74, and surrounding land uses include a hotel to the south, a funeral home to the north, and undeveloped land to the east.
- The northern shared frontage of the integrated center is currently improved with two (2) primary freestanding signs. One is a multitenant sign for the commercial center, and the other was placed by variance in 2013 for the hotel use at 5801 Rockville Road. A new primary freestanding sign along the Rockville frontage would be the third sign and would therefore require a variance.

- Three (3) separate permit applications for signage have been made at the subject site. One was for signs mounted on the pump island canopy, which has already been issued. The second was for a monument sign with digital price display along the private drive on the southern portion of the lot. The third sign would be the proposed pylon sign at the northeastern corner of the site, which would be the third primary freestanding sign along the Rockville Road frontage and is the subject of this variance request (see elevation within Exhibits below).
- Other than the variance required for the number of signs along the shared frontage, the subject sign would meet all applicable dimensional standards of the Zoning Ordinance. It appears to have a separation of 300 feet from the multitenant sign to the west and would comply with standards for height, setbacks, clear-sight triangle and the separation of internally illuminated sign elements from residential zoning districts. The proposed digital price displays would be considered as changeable copy with an LED component (permitted) rather than EVMS signs with digital screens.
- The subject property is zoned C-4 (Community-Regional District) to allow for the development of major business grouping and regional-size shopping centers. Similarly, the Comprehensive Plan Pattern Book recommends it to the Regional Commercial typology to allow for general commercial and office uses that serve a significant portion of the county rather than just the surrounding areas.
- Staff felt that the placement of both a pylon sign with digital price displays along the northern frontage and an additional sign with price displays along the southern frontage would be excessive, and confirmed that the petitioner would be open to a commitment removing that southern sign from the scope of work (permit application opened as SGN25-00678; rendering within Exhibits). Given this compromise and the proposed separation of 300 feet and 524 feet from other signs along the shared frontage, staff considers the requested deviation to be minor in nature and recommends approval of the variance.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-4 / C-S	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Regional Commercial	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b>Surrounding Context</b>
	North: C-3 / D-6	North: Commercial
	South: C-S	South: Commercial
	East: D-2	East: Undeveloped
	West: C-4	West: Commercial
<b>Thoroughfare Plan</b>		
Rockville Road	Primary Arterial	130-foot existing right-of-way and 112-foot proposed right-of-way
Mickley Avenue	Primary Collector	43.5-foot existing right-of-way and 50-foot proposed right-of-way
<b>Context Area</b>	Compact or Metro	

<b>Floodway / Floodway Fringe</b>	No
<b>Overlay</b>	No
<b>Wellfield Protection Area</b>	No
<b>Site Plan</b>	10/30/2025
<b>Site Plan (Amended)</b>	N/A
<b>Elevations</b>	10/30/2025
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	10/30/2025
<b>Findings of Fact (Amended)</b>	N/A

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book

### Pattern Book / Land Use Plan

- The Regional Commercial typology provides for general commercial and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Uses are typically in large freestanding building or integrated centers (i.e. shopping malls, strip centers, etc.).

### 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

**2023MOD021**, Modification of Commitments related to 90-Z-48 to terminate Commitment #2.C, which restricts the permitted uses of the subject site to C-1 uses, to provide for a gas station, **approved**.

**90-Z-48**, rezoning of 20.02 acres from the D-2 and D-7 districts to the C-4 district, **approved**.

### ZONING HISTORY – VICINITY

**2013DV3030 ; 5815 Rockville Road (west of site)**, Variance of development standards of the Sign Regulations to legally establish a freestanding sign within 224 feet of another freestanding sign (300-foot separation required), **approved**.

**99-Z-91 ; 5797 Rockville Road (south of site)**, Rezone 3.21 acres from the C-1 classification to the C-S classification to provide for development of a hotel, **approved**.

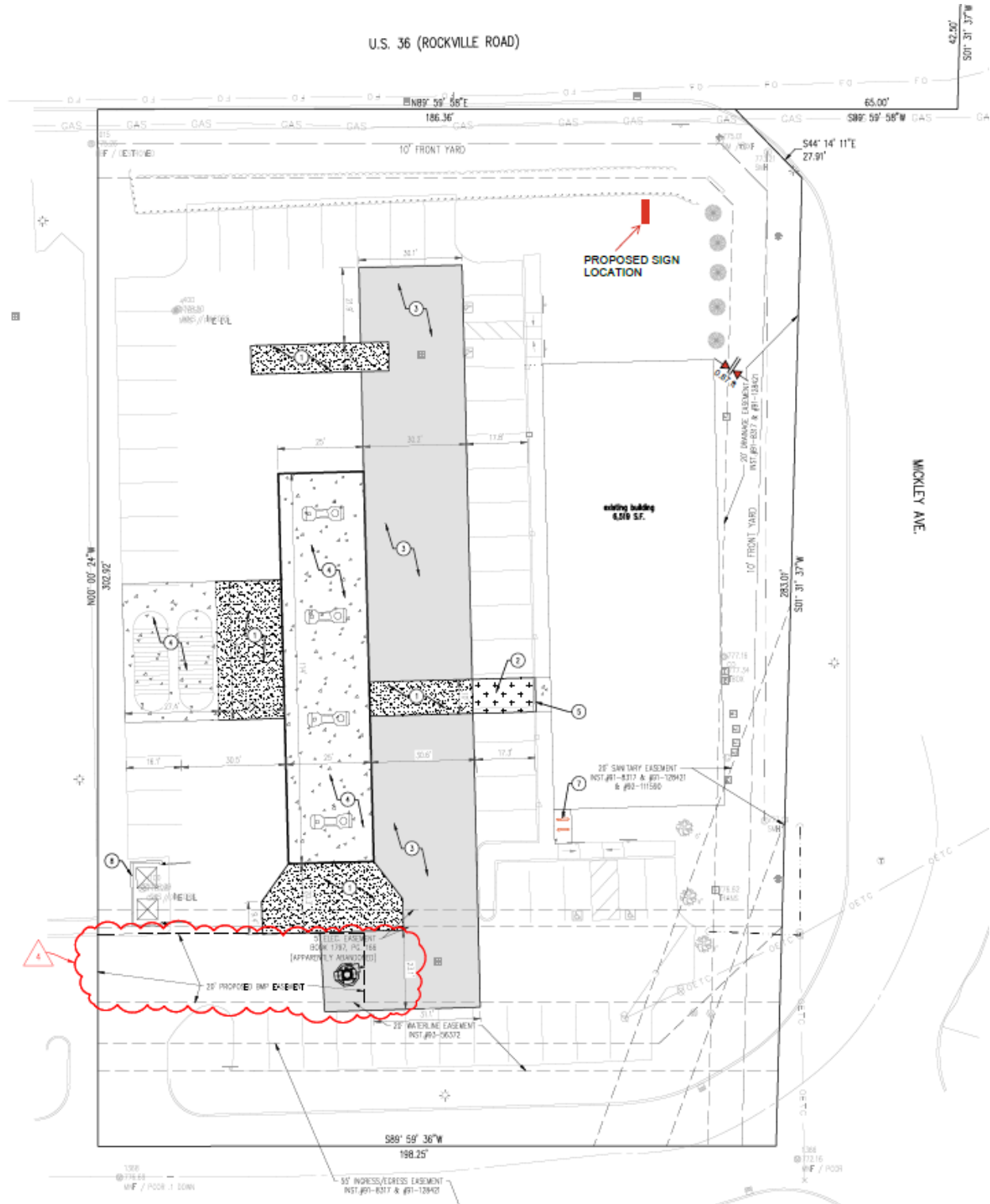
EXHIBITS

2025DV1057 ; Aerial Map

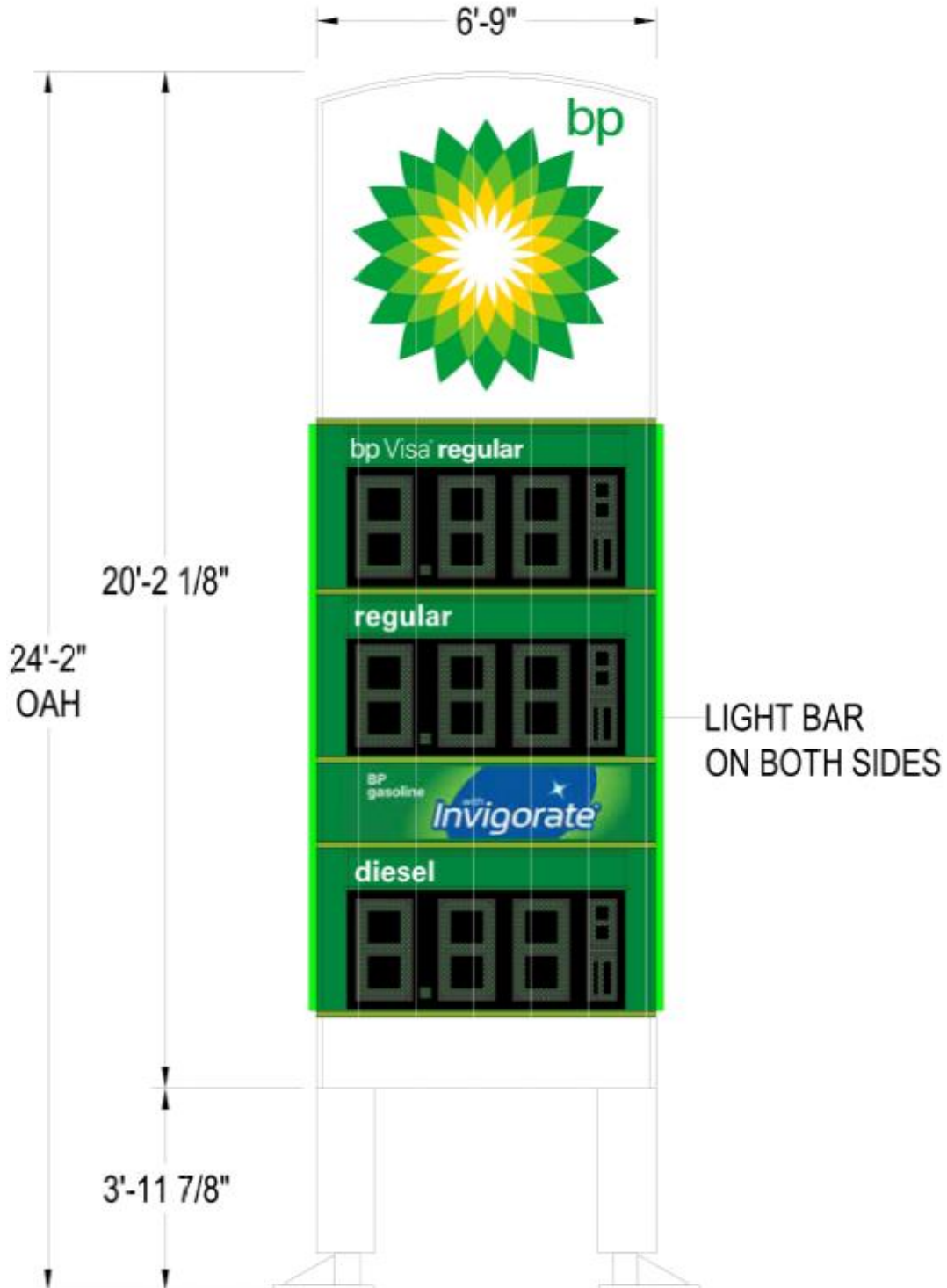




**2025DV1057 ; Site Plan**



2025DV1057 ; Pylon Elevation



## 2025DV1057 ; Findings of Fact

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

the community is accustomed to seeing signage similar to the proposed BP price sign at gas stations all across the city of Indianapolis.

The proposed BP price sign at this location, if approved, will be utilized to display the price of BP gasoline and the price of BP diesel fuel, serving a similar function to the price sign at the Marathon gas station located directly north of this BP location. The proposed BP sign will only display the BP logo, the price of BP gasoline at the Shell Fuel Rewards price, the price of BP gasoline, the BP gasoline with Invigorate message, and the price of BP diesel fuel.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

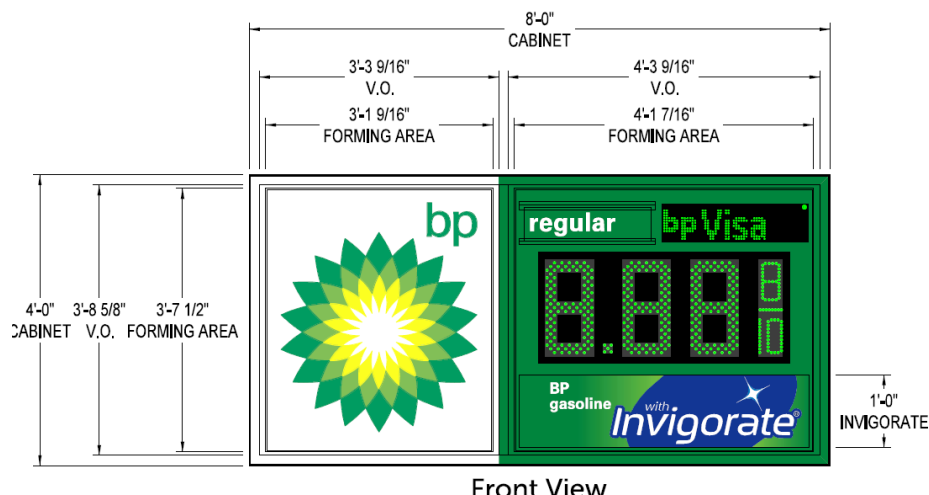
the proposed BP price sign is an integral part of the image of a BP gas station and provides a clean, modern look. The proposed BP price sign is designed to meet BP's Retail Visual Standards. These standards ensure that all branding and signage elements share a common design, which provides for an aesthetically-pleasing look. By approving this petition, the petitioner believes that the proposed BP price sign will not only enhance the appearance of the property located at 10 S Mickley but will enhance the appearance of the surrounding area as a whole.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

a price sign is an integral part of any gas station. If this location were not part of an integrated center, the proposed pylon sign would be approved/allowed given the current zoning of the location.

By denying the variance petition as presented, the members of the community will have a difficult time identifying the price of gasoline and diesel offered at this gas station in a safe manner without a standard BP price sign due to this gas station being located along a busy road such as Rockville Rd. By denying the variance petition as presented, the property will not be allowed a traditional, standard BP gas station price sign and will not be able to display the price of gasoline and diesel fuel in a clear, and concise manner. This would result in practical difficulties in the use of the property because the price of gasoline and diesel fuel is very important to the public in regards to their decision making process.

## 2025DV1057 ; Monument Sign (SGN25-00678; removed from scope by commitment)





**2025DV1057 ; Photographs**



Photo 1: Proposed Pylon Sign Location Viewed from West



Photo 2: Existing Primary Signage Along Integrated Frontage

**2025DV1057 ; Photographs (continued)**



Photo 3: Subject Site Viewed from Northwest



Photo 4: Subject Site Viewed from Southwest



**2025DV1057 ; Photographs (continued)**



Photo 5: Proposed Location of SGN25-00678 (removed from scope)



Photo 6: Adjacent Property to South

**2025DV1057 ; Photographs (continued)**



Photo 7: Adjacent Property to North

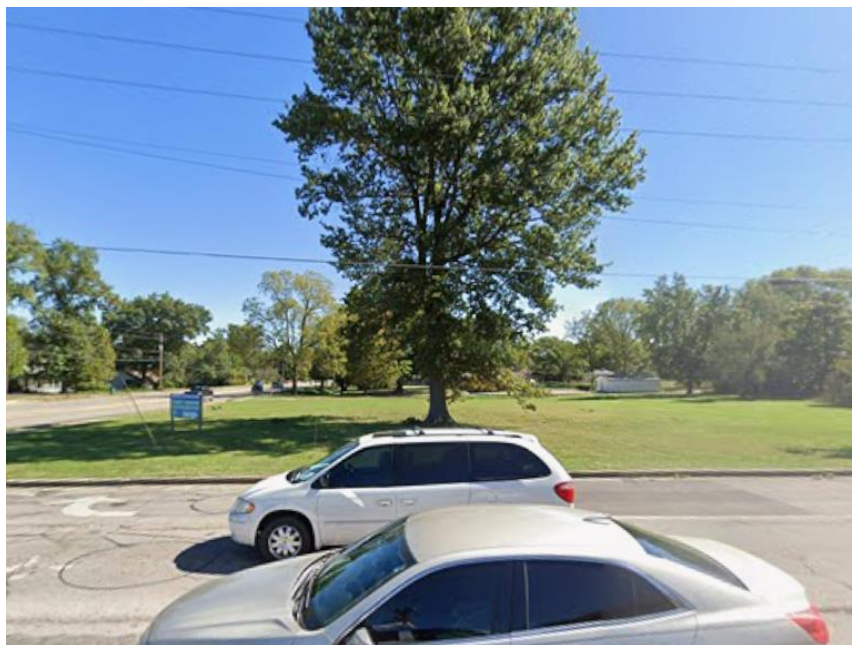


Photo 8: Adjacent Property to East (October 2024)