

BOARD OF ZONING APPEALS DIVISION III

July 15, 2025

Case Number: 2025-DV3-023
Address: 3640 North Post Road (approximate address)
Location: Warren Township, Council District #9
Zoning: C-4 (TOD)
Petitioner: Post Holdings LLC, by Patrick Rooney
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a fifth freestanding sign along Post Road, within five and 100 feet of other freestanding signs (maximum of two freestanding signs per frontage, 300-foot separation required).

Current Land Use: Integrated Commercial Center under development

Staff Recommendation: Staff recommends Denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ Standards of the Sign Regulations are intended to promote quality sign displays that are integrated with developments and reduce potential hazards to pedestrians and motorists. These standards include the number of signs and separation requirements.
- ◇ The Sign Regulations allow two (2) freestanding signs for an integrated center. In addition, a separation distance of 300 feet is required between individual signs. These requirements are designed to mitigate the proliferation of freestanding signs and the visual conflicts and negative aesthetics associated with multiple signs in close proximity to one another.
- ◇ This request would provide for the erection of a fifth freestanding sign along this portion of North Post Road, where a maximum of two (2) freestanding signs are permitted as part of an integrated center development.
- ◇ This request would also allow for the freestanding sign to be located within five (5) feet and 100 feet of other freestanding signs where a 300-foot separation between signs is required for legally permitted signs.

- ◇ The requested 5-foot and 100-foot sign separation is a result of the petitioner’s desire to locate the sign at the main entrance to the integrated center. The sign could be located in the middle of the parcel, providing for a 300-foot separation from one sign, and 150-foot separation from the second sign. Although the 150-foot separation would still require a variance, this distance is farther than the proposed separation and would provide for less confusion and distraction from the other signage.
- ◇ Therefore, the practical difficulty in locating the sign with less than a 300-foot separation from two (2) signs is self-imposed.
- ◇ The practical difficulty noted in the Findings of Fact for the requested fifth freestanding sign is that the business will suffer greatly without being able to advertise their business. Any potential financial gain and/or losses associated with the petitioner’s investment were self-created and are not considered in the statutory criteria for Development Standards Variances. The BZA does not consider these issues when entering into a decision.
- ◇ Appropriate building or façade signs can provide the needed advertising and location identification without the need for a freestanding sign. With the newly constructed building being on an out lot, there is no obstructive buildings or structures in front of the proposed building that would restrict any building or façade signage from passing motorists. The use of building or façade signage would also reduce the potential hazard of additional freestanding signs and allow for the location of the business to be found safely.
- ◇ A basic tenet of the 2019 Sign Code revision was to allow the use of a variety of sign types in Commercial districts, lessening the need and reliance on free-standing signage. Staff believes that a sign plan that promotes a variety of sign types is particularly helpful in reducing sign proliferation along the right-of-way.
- ◇ Since the site is under development, the requested variance is a result of the specific design and development and not a result of the site. The site has no limiting factors, therefore, the site can be designed to meet the requirements of the Ordinance without the need of the requested variance and provide orderly development as other adjacent developments have been able to do so. Therefore, Staff does recommend denial of the requested variances due to no practical difficulty being imposed by the site.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial Gas Station under development	
Comprehensive Plan	Community Commercial uses	
Surrounding Context	Zoning	Surrounding Context
North:	C-4	Commercial Retail uses
South:	D-4	Single-Family dwellings
East:	D-4	Single-Family Dwellings
West:	D-4 / C-4	Single-Family Dwellings / Commercial Retail

Thoroughfare Plan		
North Post Road	Primary Arterial	100-foot existing right-of-way and 112-foot proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	Transit Oriented Overlay – Partial Site	
Wellfield Protection Area	No	
Site Plan	June 6, 2025	
Sign Elevations	June 6, 2025	
Landscape Plan	N/A	
Findings of Fact	June 6, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Community Commercial uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Community Commercial typology which provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

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

2007-DV2-002; 3745 North Post Road (north of site) requested a Variance of development standards of the Commercial Zoning Ordinance to legally establish a drive-through by-pass lane with a 1.8-foot front setback from the proposed (existing) right-of-way of East 38th Street, **granted**.

2006-DV2-026, 9050 East 38th Street and 3829 North Post Road (north of the site), requested a variance of development standards of the Sign Regulations to provide for replacement of a manual reader-boards on two existing signs with 40-square foot electronic variable message sign components with one sign being within 130 of another freestanding sign along 38th Street with an approximate street frontage of 560 feet and within 325 feet of a protected district (minimum 300-foot separation required between freestanding signs, minimum 600 feet of frontage required, minimum 600-foot separation from a protected district required), and one sign being within 145 feet from another freestanding and within 260 feet of a protected district (minimum 300-foot separation required between freestanding signs, minimum 600-foot separation from a protected district required), with an eleven-foot front setback from Post Road (minimum fifteen-foot front setback required), **withdrawn**.

2002-DV1-021; 3863 North Post Road (north of the site), requested a variance of development standards of the Commercial Zoning Ordinance to provide for a drive-through service unit located zero feet from a protected district (minimum 100-foot separation from a protected district required), without the required screening and landscaping and to provide for a stacking spaces located within the maneuvering area of a parking lot (stacking spaces not permitted with parking or maneuvering areas), **granted**.

2001-DV3-041; 8939 East 38th Street (north of site), requested a variance of development standards to provide for a sign copy area of 31.7 percent of the canopy elevation (maximum 25 percent) on the south façade of an existing gasoline service station, **denied**.

2000-DV2-030; 9021 East 38th Street (north of the site), requested a variance of development standards of the Sign Regulations to provide for an 8 by 12.5-foot, 40-foot tall pole sign, located 30-feet from an existing pole sign front on 38th Street, within an integrated center (minimum 300-foot separation between signs fronting on the same street, within an integrated center, required), **withdrawn**.

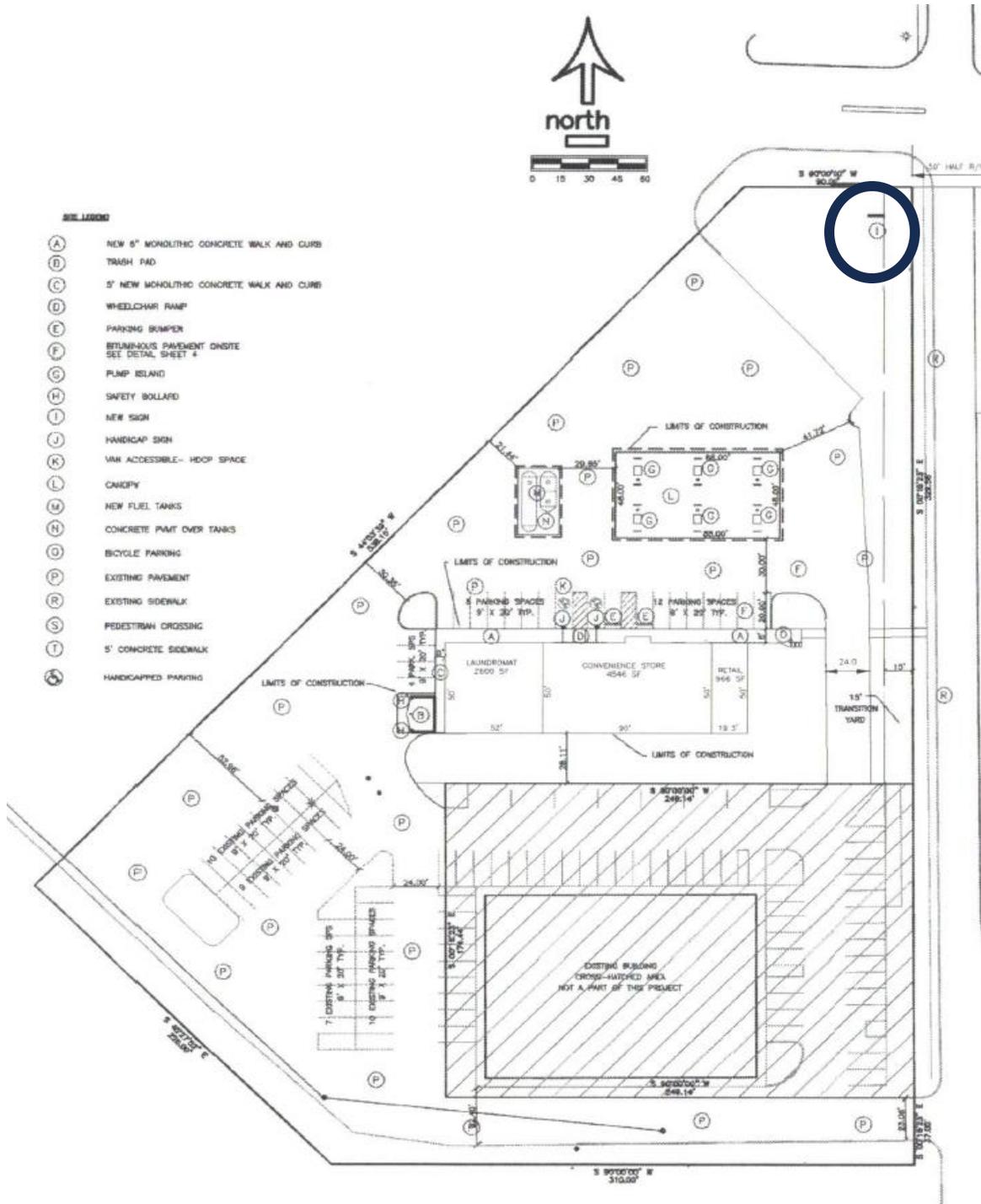
95-UV1-132; 3721 North Post Road (north of the site), requested a variance of use of the Commercial Zoning Ordinance to provide for a child and adult day care center and school (not permitted), **granted**.

EXHIBITS

Location Map

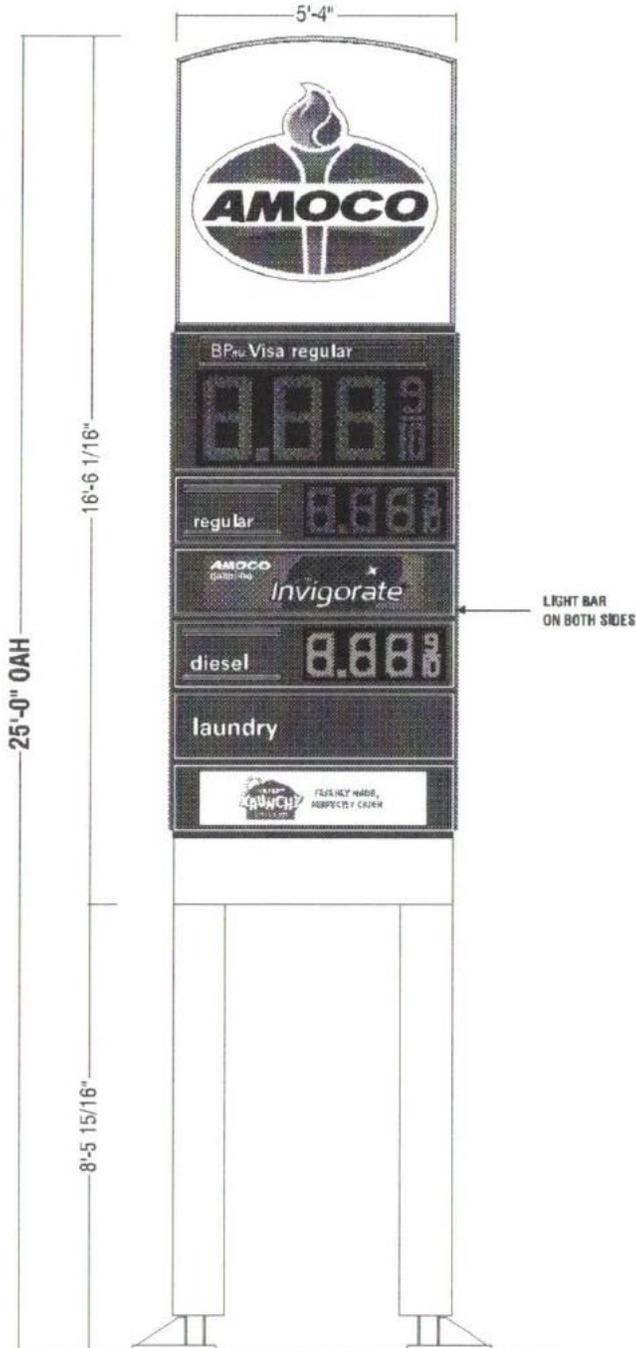


Overall Site Plan



(Sign location inside circle)

Sign Elevation



PROPOSED SIGNAGE



Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:
the variance will only be used to allow for a pylon sign on the property. This sign will allow potential customers to be able to conveniently see the gas prices being offered at the station, as well as the services being offered by the two other entities occupying the Subject Property. Without this sign, customers will not be able to see the prices of gas being offered and other services being provided, which would be a harm to the general welfare and economic participation of the community so that allowing the sign will be a benefit the the general welfare of the community.

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 addition of a pylon sign is a very minor, yet important, addition to the Subject Property. The sign will only take up about five feet of ground space. The pylon sign will serve to attract customers to the Subject Property as well as the adjacent shopping centers/retail locations, allowing for greater economic growth in the area, benefitting the Petitioners, adjacent owners, tenants, and the community 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:
if the Petitioner's variance is not granted, then gas station business will suffer greatly. Petitioner needs a pylon sign so that they may advertise their business, tenant's businesses, and gas pricing. The adjacent properties which comprise the shopping center are wholly separate from the Petitioner and there is not room on the existing signage for the necessary signage for the Petitioner and its tenants.

Photographs



Subject site commercial gas station under construction, looking south.



Approximate proposed sign location, five feet in front of existing center sign, looking northeast.



Existing frontage signs, with 100 feet and ten feet of separation from proposed sign, looking south



Existing outlet development to the north with one freestanding sign



Adjacent integrated commercial development, looking west.



Existing outlet development to the south with one freestanding sign, looking west.