

**BOARD OF ZONING APPEALS DIVISION II**

**September 10, 2024**

**Case Number:** 2024DV2029  
**Property Address:** 6008 North Keystone Avenue (approximate address)  
**Location:** Washington Township, Council District #7  
**Petitioner:** Rose Property Partners LLC, by Rebekah Phillips  
**Current Zoning:** C-1  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of an externally illuminated monument sign (illumination disallowed within 50 feet of a protected district) with a seven-foot north transitional yard setback (10-foot transitional yard required).  
**Current Land Use:** Commercial  
**Staff Recommendations:** Staff recommends **approval** of the variance request.  
**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of the variance request.

**PETITION OVERVIEW**

- The subject site currently operates as office space for a pest control contractor. Office uses were established at this location by a use variance in 1987 and a rezoning petition in 2023, and the fact that the property would just be utilized for clerical and administrative functions with no contractor vehicles or outdoor storage would mean that this property would not be considered a Commercial Contractor use (disallowed in C-1 zoning). The property is surrounded by commercial uses to the north and south, residences to the west, and a school across Keystone Avenue to the east.
- An application for a signage permit was made earlier this year (SGN24-00097) and the application was placed on hold due to a non-compliant illumination type. Approval of this variance would allow for placement of an externally illuminated sign as well as for the sign to have a northern transitional side setback of 7 feet (10 feet required). External illumination is typically allowed within C-1 zoning but no illumination is permitted within 50 feet of a protected district (sign would be 7 feet away).

- Although the sign would be within 300 feet of several other primary freestanding signs along the frontage, ordinance would allow for its placement within that proximity since the subject site is only integrated with its northern neighbor. Additionally, the front setback for this sign would only be 5 feet per 744-906-1.F of the zoning ordinance. The original request was for an internally illuminated sign (disallowed in C-1 zoning) but the request was amended prior to hearing.
- The property is currently zoned C-1 (Office-Buffer District) to allow for development of office uses and compatible office-type uses that serve as a buffer between retail or other heavier commercial uses and residential or institutional structures. Similarly, it is recommended to the Office Commercial typology by the Comprehensive Plan for single and multi-tenant office buildings.
- Ordinance requires a 10-foot separation between signage placed in commercial areas and the borders of areas zoned for residential use to allow for adequate separation between uses of differing intensity. However, staff would note that the property to north that is zoned D-3 contains a commercial office use and would be relatively unlikely to revert to residential uses. If the commercial site to the north were zoned for commercial use, a 0-foot setback would be required. This, coupled with the fact that the proposed transitional side setback of 7 feet would only be 3 feet away from the applicable ordinance standard, would lead staff to recommend approval of the transitional yard setback request.
- Staff would not have been supportive of internal illumination of the signage in this location given that such an intensity of lighting is disallowed within both C-1 and C-3 zoning and that the two nearest primary freestanding signs in the area are not internally illuminated. However, placement of an externally lit sign in this location would match existing development patterns and would not create negative externalities for residential properties since the D-3 area to the north contains commercial uses that are unlikely to revert to residences. Staff would also recommend approval of the external illumination request.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-1	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Office Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	North: Commercial
	South:	South: Commercial
	East:	East: School
	West:	West: Residential
<b>Thoroughfare Plan</b>		
Keystone Avenue	Primary Arterial	100-foot existing right-of-way and 104-foot proposed right-of-way
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	07/29/2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	07/29/2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	07/29/2024	
<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 Marion County Land Use Plan Pattern Book recommends this site to the Office Commercial working typology to allow for single and multi-tenant office buildings. It is often a buffer between higher and lower-intensity land uses, and examples of contemplated establishments include medical facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons. The plan provides no specific guidance related to signage.

**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

**2023-UV2-013**, variance to permit a seven-foot-tall, 32-square foot monument sign, **withdrawn**.

**2022-CVR-851**, variance to provide for two 64-foot-wide lots, **approved**.

**2022-CPL-851**, approval of a plat to be known as Replat of a Part of Lot 25 and Lot 26 in Kesslerwood, dividing 0.56-acre into two lots.

**2022-PLT-050**, Approval of a Subdivision Plat to be known as Replat of a Part of Lot 25 and of Lot 26 in Kesslerwood, dividing 0.56-acre into two lots, **withdrawn**.

**2009-SE1-002**, Special exception to provide for religious uses with a ground sign in the D-3 district, **approved**.

**87-UV2-46**, variance to provide for office uses with parking and signs, **approved**.

**87-Z-16, 5930 – 6048 North Keystone Avenue**, rezoning of 3.7 acres from the D-3 and C-1 district to the C-3 district, **denied**.

### ZONING HISTORY – VICINITY

**2018-ZON-011, 6038 North Keystone Avenue**, rezoning of 0.24 acre from the D-3 and C-1 districts to the C-1 district, **approved**.

**2011-UV1-026, 5944 North Keystone Avenue**, variance to provide for a salon and beauty spa, with massage and with accessory retail sales of beauty and hair care products, **approved**.

**2010-ZON-037, 5944 North Keystone Avenue**, rezoning of 0.29 acre from the D-3 district to the C-1 district, **approved**.

**2006-ZON-094, 5950 North Keystone Avenue**, rezoning of 0.2858 acre, from the D-3 District, to the C-1 district, **approved**.

**2003-UV1-024, 6028 North Keystone Avenue**, variance to legally establish a real estate and insurance office, a parking lot with a zero-foot south side yard setback and a 9.7-foot north side yard setback, and a three-foot by twelve-foot ground sign, **approved**.

**88-V2-118, 5950 North Keystone Avenue**, variance to provide for four-foot-tall shingle sign for a home occupation, **approved**.

**88-UV1-153, 6038 North Keystone Avenue**, variance to provide for an existing building to be used for a security office and travel agency office and one pole sign, **approved**.

**84-Z-74, 6048 North Keystone Avenue**, rezoning of 0.26 acre from the D-3 district to the C-1 district, **approved**.

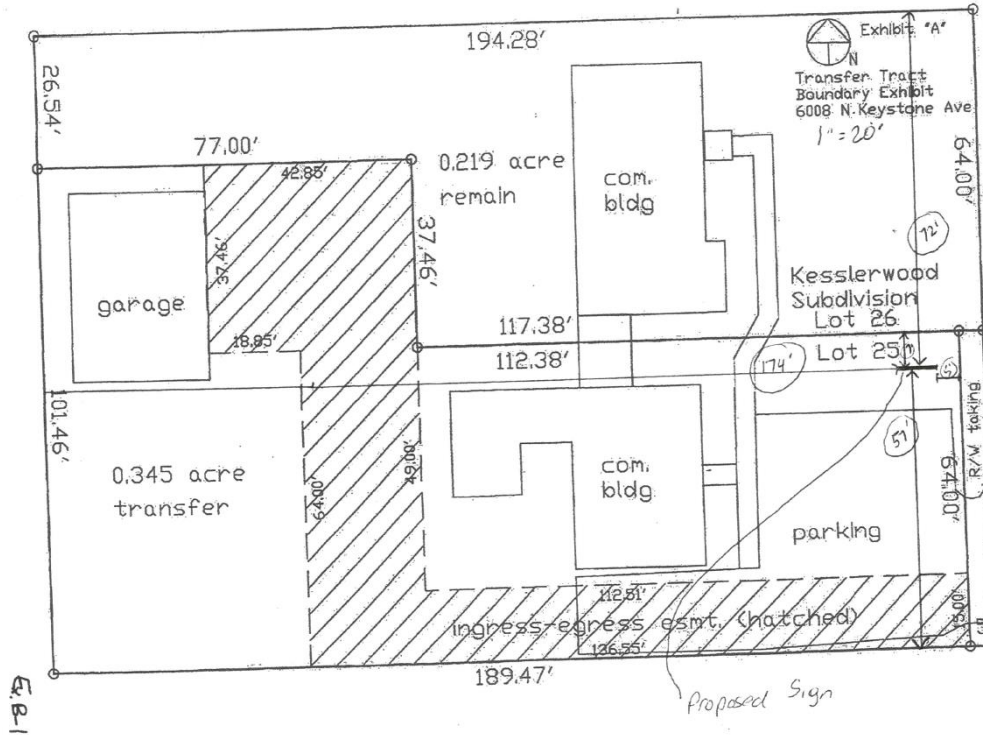
EXHIBITS

2024DV2029 ; Aerial Map





**2024DV2029 ; Site Plan**



**2024DV2029 ; Elevation**





## 2024DV2029 ; Findings of Fact

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

this property is located in a heavily commercial area. The proposed sign would be set back 7' from the northern property line, which is less than the required 10' side transitional yard setback. However, the property to the north of this property, 6018 N. Keystone Ave., although zoned D-3, is operated commercially as an office for a service process company. If 6018 N. Keystone Ave. had been zoned for a commercial use, no transitional side yard setback would be required. Further, the illuminated sign will improve the welfare and safety of the customers of Petitioner and others driving along Keystone Ave. so they can more easily find Petitioner's business while driving on Keystone Ave., and not hold up traffic while looking for the building. The sign is within the size requirements and would be simple, as shown in the site plan, so as not to be injurious to the public health, safety, morals, and 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:

all of the parcels along this stretch of Keystone Ave. are operated commercially and this sign would be consistent with other signs in the area. The property just 3 parcels south at 5936 N. Keystone Ave., has an internally illuminated pole sign. There are a variety of signs in the area, including pole signs and monument signs that are larger than what is proposed by Petitioner. There are also stoplights nearby, which bring light to the area already. Adding an illuminated monument sign will not cause excess light or otherwise substantially adversely affect the area. Further, the building operated at 6008 N. Keystone Ave. is connected to the building operated at 6018 N. Keystone Ave. Having the sign setback only 7' from this property line rather than 10' will not substantially affect that property because the buildings are already close and connected.

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

there is a small parking lot located on the property and the buildings located at 6008 and 6018 N. Keystone are touching, leaving little room to place a monument sign. Petitioner seeks a 7' transitional side yard setback for the sign in order to center the sign between the parking lot and the lot line, making it more aesthetically pleasing. Further, without the variance for internal illumination, the sign will be difficult to see when it is dark out, which would result in practical difficulties for Petitioner's business, particularly during the winter months when it is dark more often.



**2024DV2029 ; Photographs**



Photo 1: Location of Proposed Sign + Adjacent Property to N



Photo 2: Offices at Subject Site



**2024DV2029 ; Photographs (continued)**



Photo 3: Adjacent Property to South (same side Keystone)



Photo 4: Adjacent Property to Southeast (across Keystone)