

BOARD OF ZONING APPEALS DIVISION III

June 18, 2024

Case Number: 2024-UV1-008
Property Address: 5120 Senour Road
Location: Franklin Township, Council District #25
Petitioner: Franklin Township Multi School Building Corporation, by Craig Flandermeyer
Current Zoning: SU-2 / D-4
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 7.583-foot tall monument sign (five-foot sign permitted) with a 36.432 square foot digital display (not permitted).

Current Land Use: School, Under Construction
Staff Recommendations: Staff recommends denial
Staff Reviewer: Eddie Honea, Principal Planner II

PETITION HISTORY

This case was initially scheduled for hearing on June 4, 2024. However, due to a publication error, this petition was continued and transferred to the June 18, 2024 hearing of Division II, in order to allow for sufficient notice.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

PETITION OVERVIEW

- The subject site is zoned SU-2, which permits educational uses and customarily associated accessory uses such as playgrounds and competitive fields and game courts. A small portion of the southwest corner of the site is zoned D-4.
- The proposal would allow for a taller than permitted monument sign that incorporates a prohibited digital display.
- Specifically, the request would allow for the erection of a 7.583 foot tall monument, with digital display within 80 feet of a protected district. The digital display (EVMS) is not permitted within an SU District. In Districts that permit digital display, 600 feet of separation is required. There is an

exception that allows for a minimum separation of 400 feet, provided the digital display is visibly obstructed from the protected district. Staff would note that the proposed display would not be visibly obstructed.

- The Ordinance has been purposefully written to limit these signs near protected districts, due to the impacts of their scrolling display, brightness and aesthetic impact on protected districts. Staff would note that these signs tend to be in use 24 hours per day.
- The Sign Regulations “facilitate an easy and agreeable communication between people...and serve an important function.” The purpose of the Sign Regulations is to “eliminate potential hazards to motorists, and pedestrians; to encourage signs which, by their good design, are integrated with and harmonious to the buildings and site which they occupy; and which eliminate excessive and confusing sign displays.” Proliferation of signs causes those signs that are permitted and legal to become less effective and reduces their value. Additionally, the Sign Regulations preserve and improve the appearance of the City as a place in which to live and work.
- As indicated above, there are no buildings or landscaping that would obscure the proposed digital display from impacted dwelling districts. This sign, therefore, would clearly impact the dwellings to the east.
- Staff would note that the current Sign Regulations were adopted with the input from rigorous Sign Committee Taskforce meetings, held between 2018 and 2019. Protecting against sign proliferation and the location of digital displays near residential areas were two of the most frequent concerns cited by participants. Absent the presence of a practical difficulty, Staff strongly recommends that all development comply with the Zoning Ordinance.
- The findings of fact propose the following practical difficulty:

“The allowable height of a monument sign (5’) with the proposed variable electronic message center provides for minimal ground clearance hindering visibility and allowing for potential damage from mowing. The variable electronic message center will allow for multiple messages to be displayed and provides for efficient use of manpower versus attempting this level of communication with a manually changed static message board”

- Staff does not find this to represent a practical difficulty. Filed elevations indicate that the bottom of the messaging center is one foot and four inches above grade, which is well above the average mowing deck of a lawn mower. In addition, Staff would state that other forms of lawn care equipment could be used around the area of sensitive structures to prevent damage, such as a string trimmer. The remainder of the indicated practical difficulty appear to be a general disagreement with the standard itself.

- In addition, Staff would note that the proposed sign would be located 203 feet from the nearest residential lot line, and about 235 feet from the nearest dwelling. Therefore, even in districts which permit digital display, the proposed sign would fall well short of the intent of the separation standard. Staff believes this to be a substantial deviation from the Ordinance, and strongly recommends denial of the request.

GENERAL INFORMATION

Existing Zoning	SU-2 / D-4	
Existing Land Use	School is currently under construction	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-A / D-P	North: Single-family dwellings
South:	D-4	South: Single-family dwellings
East:	D-P	East: Single-family dwellings
West:	D-4	West: Undeveloped
Thoroughfare Plan		
	Senour Road	Primary Arterial, Proposed 80-foot right-of-way, with an existing 130-foot right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	May 16, 2024	
Site Plan (Amended)	N/A	
Elevations	May 16, 2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	May 16, 2024	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Land Use Pattern Book

Pattern Book / Land Use Plan

- The Comprehensive Plan recommendation for the subject site is Rural or Estate Neighborhood. This classification is intended for application in areas characterized by rural or agricultural areas and historic, urban areas with estate-style home on large lots.
- This typology prioritizes the preservation of exceptional natural features such as rolling hills, high quality woodlands and wetlands. Proposed development should refrain from substantial alteration of existing topography as much as possible.
- This typology typically has a residential density of less than one dwelling unit per acre.
- Schools and other institutions are typically classified within the Comprehensive Plan based on existence at the time of the plan's adoption. Schools are seen as generally compatible with residential development, however, the subject site is already zoned SU-2, which permits schools by-right.

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)

- The Marion County Thoroughfare Plan recommends an 80-foot right-of-way for Senour Road. Currently there is a 130-foot right-of-way along this portion of Senour Road.

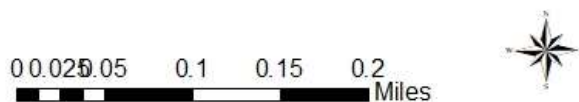


Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

91-Z-63; 10551 East Thompson Road; requests the rezoning of 30 acres, being in the D-A District, to the SU-2 classification to provide for the construction of an elementary school; **approved.** |

Exhibit A: Location Area Map



[illegible]

Exhibit C: Elevation

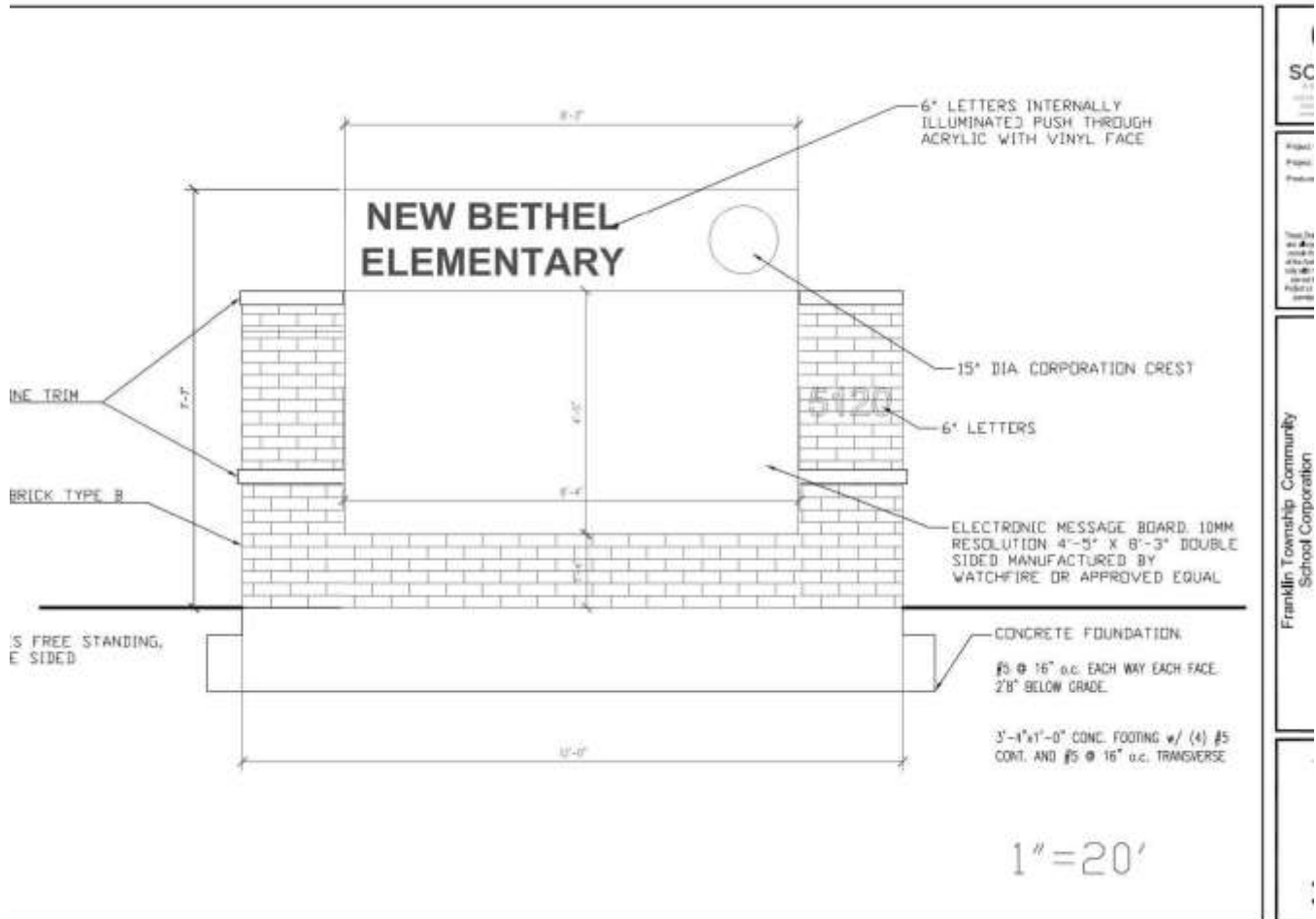


Exhibit D: Findings of Fact

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

The proposed sign location does not interfere with sight triangles nor is adjacent to a signalized intersection.

The variable electronic message center will allow for multiple messages to be conveyed to the public, staff, students, and parents limiting the need for static signs at this property.

The petitioner has proposed commitments for the operational aspects of the variable electronic message center.

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 closest residential property line is approximately 200' away, east of Senour Road a primary arterial street.

The front of the closest residential property and all surrounding residential properties do not face the proposed sign location.

The petitioner has proposed commitments for the operational aspects of the variable electronic message center.

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

The allowable height of a monument sign (8') with the proposed variable electronic message center provides for minimal ground clearance hindering visibility and allowing for potential damage from mowing.

The variable electronic message center will allow for multiple messages to be displayed and provides for efficient use of manpower versus attempting this level of communication with a manually changed static message board.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20____

_____	_____
_____	_____
_____	_____

Exhibit E: Photographs



Photo One: Building under construction on subject site, facing West



Photo Two: Looking North along Senour Road



**Department of Metropolitan Development
Division of Planning
Current Planning**



Photo Three: Looking South along Senour Road. General area of proposed sign



Photo Four: Unobstructed dwellings East of subject site



Photo Five: Unobstructed dwellings east of subject site



Photo Six: Unobstructed dwelling southeast of subject site