

BOARD OF ZONING APPEALS DIVISION II

August 12, 2025

Case Number: 2025-UV2-010 (Amended)
Address: 802 Roache Street (approximate address)
Location: Center Township, Council District #12
Zoning: D-5
Petitioner: Loving Missionary Baptist Church, by Josh Meyers
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a freestanding monument sign, not for a residential community (not permitted), with a five-foot front yard setback from Franklin Place (10-foot setback required).

Current Land Use: Religious Use.

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued from the July 8, 2025, hearing, to the August 12, 2025, hearing, in order to amend the petition.

This petition was amended to remove the requests for a 5-foot setback from Roache Street, and for encroaching within the clear sight triangles and rights-of-way of Roache Street and Franklin Place. No new notice was required as the amended notice is less intense than the original notice.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

VARIANCE OF USE

- ◇ 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.
- ◇ The subject site is zoned D-5 and is currently improved with a religious use that was legally established with a Variance of Use in 1968 (68-V2-157).

- ◇ Staff feels this request would be consistent with the United Northwest Area Neighborhood Plan recommendation of 3.5 to 5.0 Dwelling units per acre, as that recommendation is similar to the current Pattern Book Traditional Neighborhood land use recommendation, that allows for Religious Uses to be located among residential uses.
- ◇ The granting of this request would not intensify the use of the site, as the proposed freestanding monumental sign would replace an existing sign and be oriented to the southeast corner of the site, placing it further away from residential dwellings to the west.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ Due to the placement of the parking lot and orientation of ADA parking spaces, the petitioner requests to locate the proposed sign with a 5-foot setback from Franklin Place. The sign will meet the required 10-foot setback from Roache Street.
- ◇ In Staff's opinion, the proposed sign location would place it adjacent to an office use for the U.S. Post Office, although that site is zoned D-5, and further away from residential uses located to the south and west, that were in proximity of the previous sign.
- ◇ Franklin Place is a local street with limited use, therefore the request for the reduced setback as proposed, would have minimal impact on surrounding properties, in Staff's opinion. The proposed location for the new monument sign would not be out of context with the existing surrounding area.

GENERAL INFORMATION

Existing Zoning	D-5		
Existing Land Use	Religious Use		
Comprehensive Plan	3.5-5.0 Dwellings per acre		
Surrounding Context	Zoning		Surrounding Context
	North:	D-5	Parking lot / Single-Family Dwellings
	South:	D-5	Single-Family Dwelling
	East:	D-5	US Post Office facility
	West:	D-5	Multi-Family Dwelling
Thoroughfare Plan			
	Roache Street	Primary Collector	60-foot existing and proposed right-of-way.
	Franklin Place	Local Street	60-foot existing and proposed right-of-way.
Context Area	Compact area		
Floodway / Floodway Fringe	No		
Overlay	N/A		
Wellfield Protection Area	No		
Site Plan - Amended	August 5, 2025		
Elevations	N/A		
Landscape Plan	N/A		
Findings of Fact - Amended	August 5, 2025		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The United Northwest Area Neighborhood Plan recommends 3.5 – 5.0 Dwelling units per acres for the site.

Pattern Book / Land Use Plan

- Not Applicable to the Site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The United Northwest Area Neighborhood Plan recommends 3.5 – 5.0 Dwelling units per acres for 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

2019-SE1-004; 813 and 819 West 27th Street (subject site adjacent parking lot), requested a Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a parking lot, with a ten-foot front setback from 27th Street and a zero-foot rear setback from the alley, for an existing religious use at 802 West Roache Street, **granted**.

2004-UV1-034; 838-842 Roache Street (west of site), requested a Variance of Use of the Dwelling Districts Zoning Ordinance to legally establish a church parking lot, **granted**.

2003-SE1-003; 838-842 and 839-857 Roache Street (south of site), requested a Special Exception of the Dwelling Districts Zoning Ordinance to legally establish religious uses and an off-site parking lot, **approved**.

2002-SE3-010; 853 Roache Street (south of site), requested a Special Exception of the Dwelling Districts Zoning Ordinance to legally establish religious uses, **approved**.

2001-ZON-074, 873 West 28th Street (west of site), requested the rezoning of 1.171 acres, from D-5 (W-5) District to the SU01 (W-5) classification to provide for religious uses, **approved**.

98-UV3-63; 902 West 27th Street (west of site), requested a Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance to legalize a youth center associated with a church located at 872 West 27th Street, with two dwelling units located on the 2nd floor, **granted**.

94-SE2-2; 802 Roache Street (south of site), requested a Special Exception to provide for the construction of a church, **granted**.

81-UV1-40; 853 Roache Avenue, requested a Variance of Use of the Dwelling Districts Zoning Ordinance to provide for construction of a church, **granted**.

71-UV2-57; 909 West 28th Street (north of site), requested a Variance of Use of the Dwelling Districts Zoning Ordinance to provide for an addition to a church, **granted**.

68-V2-157; 802 Roache Street (subject site), requested a Variance of Use of the Dwelling Districts Zoning Ordinance to provide for a church, **granted**.

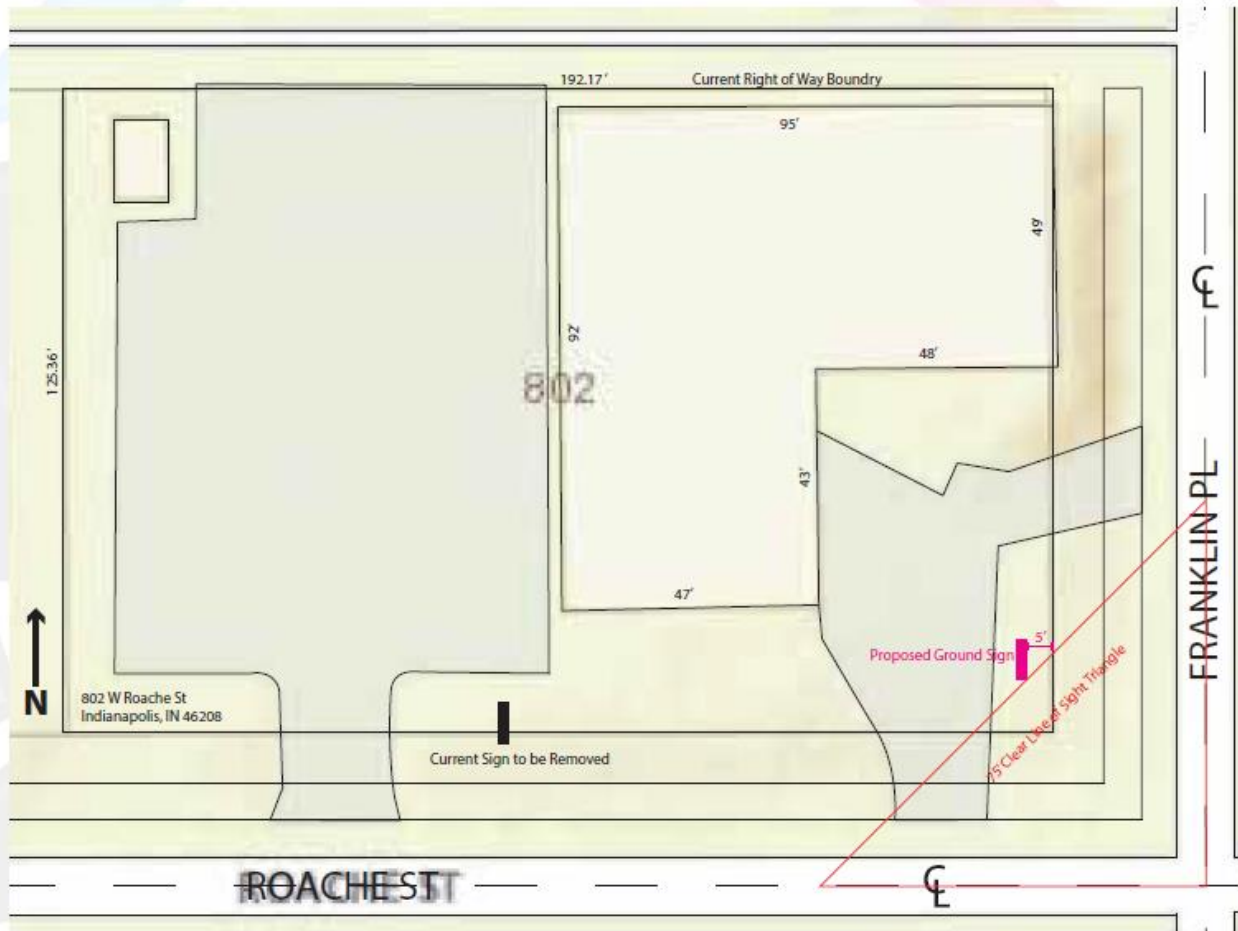
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EXHIBITS

Location Map



Site Plan - revised



Sign Elevation



Findings of Fact

Petition Number 2025-UV2-010

**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 property will be receiving a new monument sign, the area on the property for the sign will not affect the sidewalks nor the streets.

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 proposed location of the sign will still be in the land that is owned by the church. The sign will continue to be more than 15 feet from the road and sidewalk. The sign will not be illuminated and will produce no light or sound pollution.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

The variance arises as the church is still considered to be a neighborhood zone, this variance is needed as a new sign cannot be put into place going through the variance process.

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 locations available in terms of the zoning ordinance for the sign would be highly limited.

These locations would be in major walking paths on the property and inhibit access to the entrances and parking spaces for vehicles. This is especially detrimental to handicap accessible parking in the front of the property. If the sign is a full 10 ft from the ROW line then the sign would be pushed against handicap parking areas. This would increase the risk of accidents with the sign and the cars that would park in the handicap areas.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

The comprehensive plan dictates that this is a low density neighborhood and planned to be revitalized. This sign will not produce sound or light pollution. It is an improvement from the current sign that is on property that it will be replacing.

Petition Number 2025-UV2-010

**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 property will be receiving a new monument sign, the area on the property for the sign will not affect the sidewalks nor the streets.

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 area outlined in the variance for the sign is in the grass plot between the parking lot and the sidewalk.

This will not affect the area in an adverse manner as the area defined is out of the way for pedestrians and will not affect the parking lot nor vehicles driving through the area. This will not affect the surrounding neighbors as the sign is on illuminated, there will be no light pollution produced from this sign. The sign will be an upgrade from the existing sign.

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

The locations available in terms of the zoning ordinance for the sign would be highly limited.

These locations would be in major walking paths on the property and inhibit access to the entrances and parking spaces for vehicles. This is especially detrimental to handicap accessible parking in the front of the property. If the sign is a full 10 ft from the ROW line then the sign would be pushed against handicap parking areas. This would increase the risk of accidents with the sign and the cars that would park in the handicap areas.

Photographs



Subject site, existing building and sign, looking northeast.



Subject site, proposed sign location with temporary sign, looking northwest.



Post Office to the east of proposed sign location



Single Family Dwelling to the south of proposed sign location.