

**BOARD OF ZONING APPEALS DIVISION III**

February 20, 2024

**Case Number:** 2024-DV3-003

**Property Address:** 3308 North Mitthoefer Road (approximate address)

**Location:** Warren Township, Council District #15

**Petitioner:** The Finish Line Inc., by Joseph D. Calderon

**Current Zoning:** I-3 / I-4

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of two incidental signs, each encroaching 4.5-feet into the right-of-way of Mitthoefer Road (prohibited), with the north sign located 70-feet from a dwelling district (100-foot transitional yard required).

**Current Land Use:** Industrial

**Staff Recommendations:** Staff **recommends denial** of the request

**Staff Reviewer:** Noah Stern, Associate Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends denial** of the request.

**PETITION OVERVIEW**

- This petition would provide for the location of two incidental signs, each encroaching 4.5-feet into the right-of-way of Mitthoefer Road (prohibited), with the north sign located 70-feet from a dwelling district (100-foot transitional yard required).
- The business operating at the subject property frequently has semi-trucks entering and exiting for shipments and pick-ups. The site contains two access drives for vehicular entry and exit, leading to the need for adequate signage to communicate to truck drivers the correct access drive to use.
- On-premise signs are required to be placed within the lot lines of private property to ensure that businesses do not obstruct visibility and access to public rights-of-way. The right-of-way at this property measures at approximately 70 feet from the centerline, and 134 feet in total. Additionally, pole signs in industrial districts have a front setback requirement of 5 feet.

- Current Planning Staff, as well as members of DPW are concerned with the proposed placement of the two signs being within the public right-of-way, potentially blocking visibility of both vehicles and pedestrians along North Mitthoefer Road. Despite the right-of-way along this portion of North Mitthoefer Road being wider than usual (approximately 70 feet from the centerline), Staff does not view this as a practical difficulty, as a significant portion of the subject property remains visible from the road at various points of view.
- Additionally, Staff finds that any claimed hardship created by the chain-link fence to be self-imposed, and that the site itself possesses no practical difficulty in nature. Moreover, Staff sees the desire to have the signs placed within the right-of-way to be unnecessary and that the fence does not truly constitute hardship, as alternative solutions exist that allow for adequate wayfinding to truck drivers that do not result in signs being placed within the right-of-way. The petitioner has the ability to alter the fencing to accommodate new signs, the signs could be mounted or bracketed atop the fence, or the signs could be placed just inside the property line at a height that stands above the height of the fence (pole signs are permitted to have a height of up to 20 feet in industrial districts). These options would be both visible to truck drivers from North Mitthoefer Road and located outside public right-of-way. Staff would note that these solutions would likely still require variances for the 100-foot transitional yard and the 5-foot front setback, which Staff would be willing to support, as the main concern remains the placement of signs in the right-of-way.
- To summarize, Staff does not wish to see any signs placed within the right-of-way, the site itself does not create any practical difficulty upon the petitioner, and the petitioner has alternative location options within the subject property lines. For these reasons, Staff recommends denial of the request for the proposed on-premise signs located in the right-of-way.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	I-3 / I-4	
<b>Existing Land Use</b>	Industrial	
<b>Comprehensive Plan</b>	Heavy Industrial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	I-3	North: Industrial
South:	I-3	South: Industrial
East:	D-4	East: Residential
West:	I-4	West: Industrial
<b>Thoroughfare Plan</b>		
N Mitthoefer Road	Secondary Arterial Existing ROW: 134 feet Proposed ROW: 80 feet	
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	

<b>Wellfield Protection Area</b>	No
<b>Site Plan</b>	1/17/24
<b>Site Plan (Amended)</b>	N/A
<b>Elevations</b>	N/A
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	1/17/24
<b>Findings of Fact (Amended)</b>	N/A

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book
- Greenways Master Plan

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book recommends the Heavy Industrial working typology for this site.

**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 Grassy Creek Regional Park Trail is to connect Grassy Creek Regional Park with the eastern side of North Mitthoefer Road directly across from the subject site.

## ZONING HISTORY

### ZONING HISTORY – SITE

**94-HOV-25**, variance of development standards of the Industrial Zoning Ordinance to provide for the construction of a parking area that is 75 feet from Mitthoefer Road (minimum 150 feet required) and that exceeds 10% of the total area of the required front yard (maximum 10% permitted), **approved**.

**90-V2-116**, variance of development standards of the Industrial Zoning Ordinance to permit the construction of a building without the required 75 feet of public street frontage and to allow off-street parking within the front yard in excess of 10%, **approved**.

### ZONING HISTORY – VICINITY

**2021ZON041; 3601 N Mitthoefer Road (north of site)**, Rezoning of 4.81 acres from the D-6II district to the MU-2 district, **approved**.

**2020DV1065; 9635 Park Davis Drive (north of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an industrial development with a 14-foot front setback, a five-foot west side setback and a four-foot south rear setback with deficient landscaped yards, and with parking being within 45% of the front yard (60-foot front setback from proposed right-of-way, 30-foot rear and side setbacks with 10-foot landscape yards required, 10% of front setback may be used for parking required), **withdrawn**.

**97-Z-61; 9503 E 33<sup>rd</sup> Street (west of site)**, rezoning of 10.993 acres, being in the I-3-S district, to the I-4-S classification to provide for heavy industrial development including a truck terminal over 10 acres in size, **approved**.

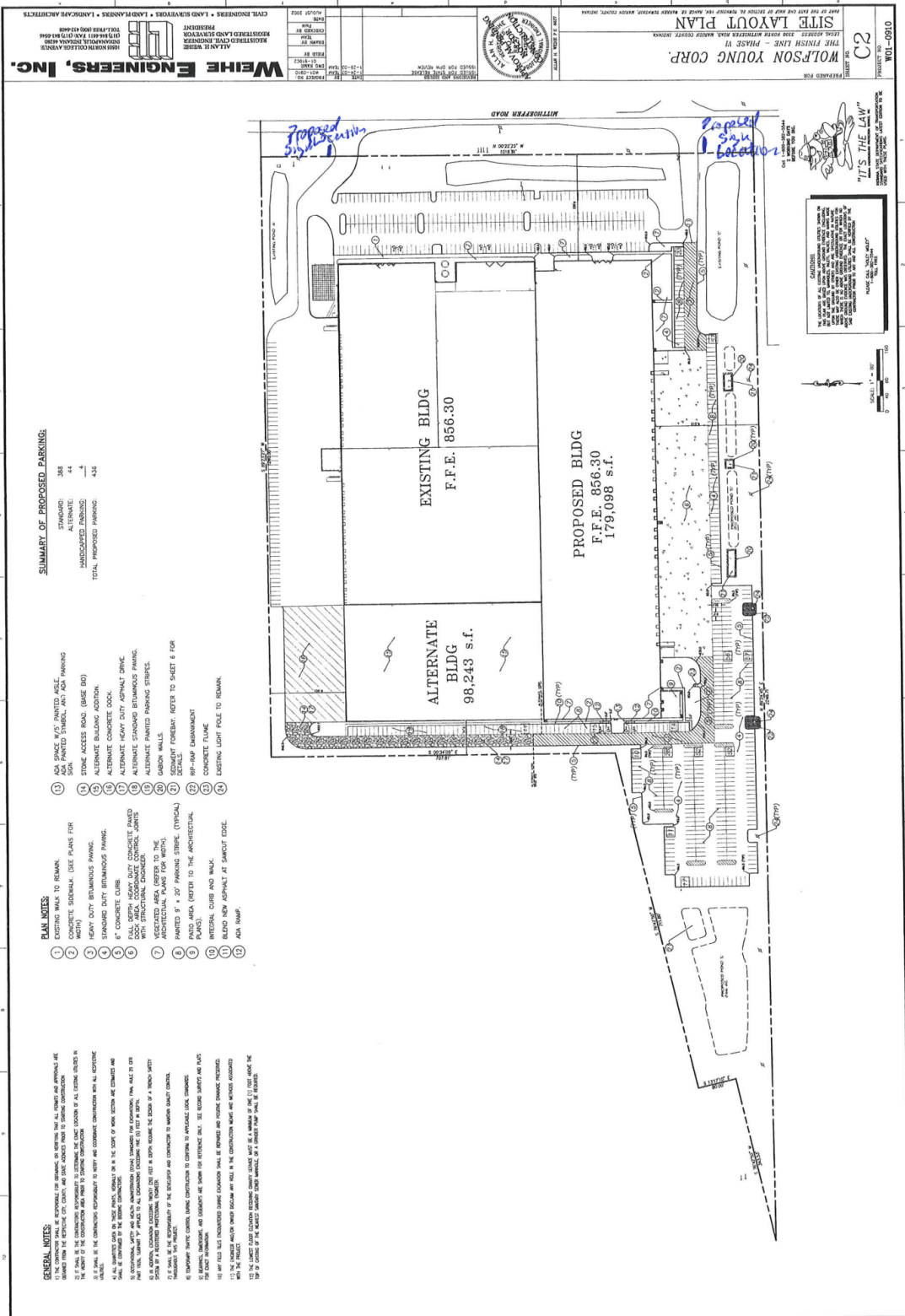
**91-Z-15B; 3620 Mitthoefer Road (north of site)**, requested the rezoning of 46.0 acres from the D-6II district to the I-3-S district, **approved**.

EXHIBITS









JD/FINISH LINE • INDIANAPOLIS, IN

RENDERING #: 1122-0055B

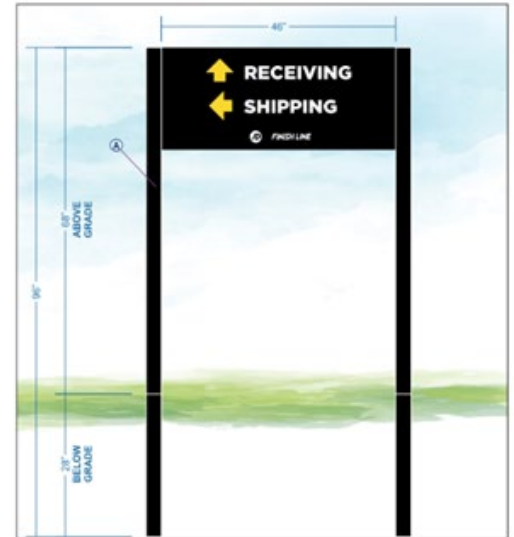


PHOTO SCALE: 3/4" = 1'-0"

**FABRICATE AND INSTALL QTY 2 D/F POST AND PANEL SIGNS (SIGNCOMP)**

**SIGN KIT** - SERIES 3 3" POST AND PANEL SYSTEM WITH SLIDE BODY PART #K1260

**REVEAL POSITION** - QTY 2- 3/8" REVEALS

**PANEL ADAPTOR** - 1/8" PANEL ADAPTOR

**PANELS** - SERIES 3 ALUMINUM PANELS PAINTED TO MATCH SPECS

**POSTS** - 3" EXTRUDED SQUARE ALUMINUM POSTS PAINTED TO MATCH SPECS

**VINYL** - MATCH SPECS

**INSTALLATION** - PANELS SLID INTO POSTS, POSTS BURIED IN GRADE

(68" ABOVE GRADE, 28" BELOW GRADE)

		<b>COLOR SPECIFICATIONS:</b> ① M2 BLACK ② SIGNAL SIGN-TO-WHITE REFLECTIVE ③ SIGNAL SIGN-TO-BLUE REFLECTIVE ④ SIGNAL SIGN-TO-RED REFLECTIVE ⑤ SIGNAL SIGN-TO-YELLOW REFLECTIVE	<b>NOTE:</b> THERE WILL BE COLOR VARIATIONS FROM THIS PRINTED DRAWING TO THE FINAL PRODUCT. COLORS SPECIFIED WILL ALWAYS BE MATCHED AS CLOSELY AS POSSIBLE. RENDERING IS BASED ON ESTIMATED OVERSIGHT. A FINAL SURVEY MAY ALTER ELEVATIONS, SPECIFICATIONS AND PLACEMENT.  <b>IF ILLUMINATED:</b> SHALL BE WIRED TO 120VOLT (A/C) OTHERWISE SPECIFIED. THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.	<b>SD REP:</b> SAC	<b>DESIGNER:</b> JR	<b>PERMIT INFORMATION:</b> N/A
		<b>DATE:</b> 11/14/2022		<b>REVISION DATE:</b> 05/23/2023	<b>FINAL DATE &amp; BY:</b> 	<b>SHEET #:</b> 1/2





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

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 signs need to be placed as proposed in order to properly direct traffic to the appropriate location within the facility, which actually will improve public safety.

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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 properties to the north, south, and west are industrial properties, and the proposed signs will not interfere with access to or visibility of said properties, and the properties across Milthoeffer Road will likewise not be adversely impacted because there will be no interference with the access to or visibility to or from those properties either.

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

the requirement that an incidental sign meet a 100 foot setback requirement will result in the sign not being able to meet its purpose, which in this case is providing important directional information.

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**DECISION**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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