



BOARD OF ZONING APPEALS DIVISION I

May 14, 2024

Case Number: 2024-UV1-005
Address: 8215 and 8305 West Morris Street (approximate address)
Location: Wayne Township, Council District #17
Zoning: D-3 / I-3
Petitioner: Signal Rock Properties LLC, by Blair Carmosino
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a four-foot tall commercial, 14.59-square foot commercial monument sign (not permitted).

Current Land Use: Driveway and Mini-warehouse facility.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The request would provide for the location of a four-foot tall commercial, 14.59-square foot commercial monument sign.
- ◇ The primary use of the site, a mini-warehouse facility is located in an I-3 District. The driveway to the facility, is located in a D-3 District, and the sign would be located on this portion of the site, next to the driveway on the West Morris Street frontage.
- ◇ The Comprehensive Plan recommends Suburban Neighborhood for the driveway, and Office / Industrial Mixed-use for the remainder of the site. There is an adjacent D-3 District, but it does not have access to the driveway / approach road, and it is not likely to ever be developed for or needed for residential uses.
- ◇ In Staff's opinion, the request would be consistent with the adjacent industrial properties.



GENERAL INFORMATION

Existing Zoning	D-3 / I-3	
Existing Land Use	Mini-warehouse facility	
Comprehensive Plan	Suburban Neighborhood and Office / Industrial Mixed-use	
Overlay	No	
Surrounding Context	Zoning	Surrounding Context
	North: I-4	Undeveloped
	South: I-3	Undeveloped
	East: D-3 / I-3	Undeveloped
	West: D-3	Single-family dwellings
Thoroughfare Plan		
Morris Street	Primary Collector	40-foot existing right-of-way and 80-foot proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Wellfield Protection Area	No	
Site Plan	March 12, 2024	
Elevations	March 12, 2024	
Commitments	n/A	
Landscape Plan	N/A	
Findings of Fact	March 12, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Suburban Neighborhood and Office / Industrial Mixed-uses.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Suburban Neighborhood typology which is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.



- The Marion County Land Use Plan Pattern Book also recommends the Office/Industrial Mixed-Use (Business Park) typology which is intended to provide for light industrial, distribution, and office uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. The typology is characterized by groups of buildings within office/warehouse parks. Examples of typical uses include warehousing, wholesaling, research, and development facilities, testing and evaluation facilities, offices, education resource centers, assembly of high technology products, and conference centers. Industrial or truck traffic should be separated from local/residential traffic in this typology.

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

2015-ZON-077; 8305 West Morris Street (north), requested the rezoning of 1/.07 acres from the I-3-S district to the D-3 district to legally establish residential uses, **approved**.

2008-ZON-816; 2008-VAR-816/2008-VAR-816A, 8100 West Morris Street (east of site), requested the rezoning of 35.52 acres from the I-3-S (FF) District and SU-38 (FF) District to the I-4-S classification to provide for heavy industrial uses; a special exception to provide for automobile salvage; and a special exception to provide for retail sales of automobile parts related to the auto-salvage and wholesale operations on site, **denied**.

98-UV1-38; 8305 West Morris (east and north of site), requested a variance of use to provide for an automobile sales lot with outside operation of 8,400 square feet, **granted**.

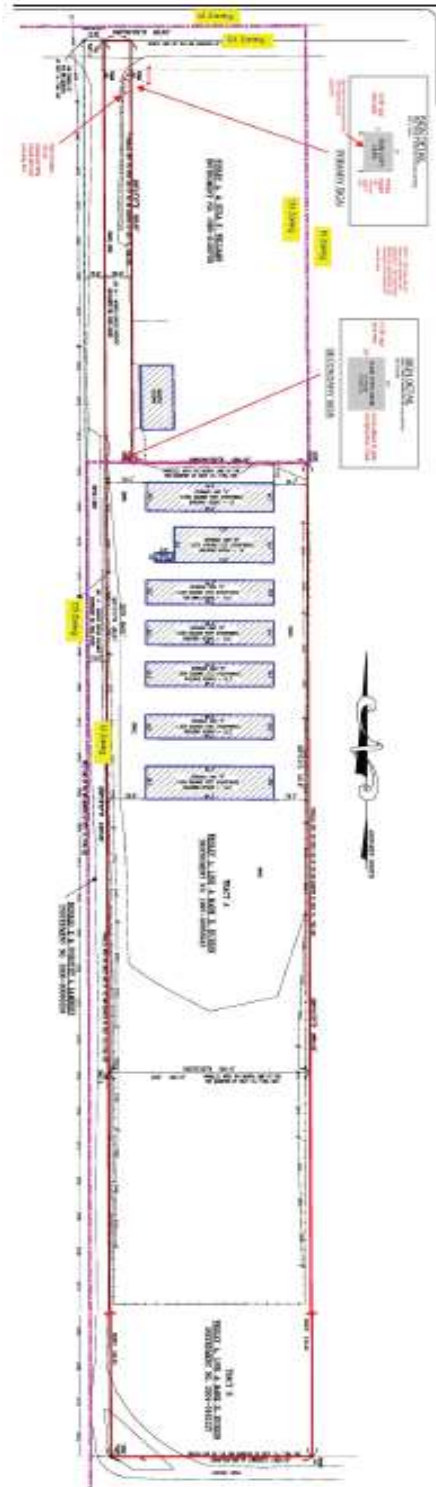
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EXHIBITS

Location Map



Site Plan



Sign Elevation.





Findings of Fact

Petition Number _____

**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 variance sought is due to the property having two zoning classes, D3 and I3. Signage is permitting in both districts, however, the primary use falls in the I3 zoned portion of the site, while the sign will be located in the D3 zoned portion of the property. The signs property will adhere to D3 Standards and maximum height of proposed sign is shorter than what is allowed by D3 standards. There, this sign proposal will not be injurious to the public health, safety, moral and general welfare of the community and will mimic signs allowed under a D3 zoning.

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

Adjacent areas will not be affected in any substantially adverse manner since the sign will meet or be well within code requirements for same sign that would otherwise be allowed in a D3 district. This petition only seeks a variance to allow a sign for a primary use that is on the same property but not associated with a residential use as required by the zoning of the property where the sign will be located.

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

The need for the variance arises from the unique condition of the property having two zoning classifications. D3 and I3, with the primary use being located on the I3 portion of the property.

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

Strict application of the terms of the zoning ordinance would essentially eliminate the possibility of having a sign for a business that is located on the this dual zoned property.

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

The grant would not interfere substantially with the comprehensive plans when considering that a sign, similar to what is proposed in the petition is allowed under a D3 zoning classification. It is solely the fact that the primary use for the sign is located at the rear of the property in the I3 zoned portion of the property.



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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 Development Standard variance sought is due to the property having two zoning class, D3 and I3. Signage is permitted in both districts however primary use falls in the I3 zoned portion of the site, while the sign is located on the D3 zoned portion.
The signs proposed will adhere to D3 standards and maximum height of proposed signs is shorter than what is allowed by D3 code to blend and match other signs in the area.
Therefore, this sign proposal will not be injurious to the public health, safety, morals and general welfare of the community because it will mimic a sign allowed under the D3 zone and was scaled down to match other existing signs in the area.

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:

Adjacent areas will not be affected in any substantially adverse manner since the sign will meet or be well within code requirements for same sign that would otherwise be allowed in D3 district.
This petition only seeks variance to allow a sign for a primary use that is not associated with a residential use.

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

Strict application of the terms of zoning ordinance would essentially eliminate the possibility of having a sign for business. The unique dual zonings spanning the property creates this situation.

Photographs



Subject site driveway from Morris Street, looking south



Subject site mini-warehouse storage facility, looking south



Proposed sign location, looking east



Adjacent single family dwellings to the west, looking south.