

BOARD OF ZONING APPEALS DIVISION III

October 15, 2024

Case Number: 2024UV3014
Property Address: 454 East Stop 11 Road (*approximate address*)
Location: Perry Township, Council District #23
Petitioner: Perry Township Multischool Building Corporation of 1996, by Lisa Rains
Current Zoning: SU-2

Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a monument sign with digital display (prohibited), located zero-feet from a protected district (600-foot separation required), and a zero-foot front yard setback, encroaching within the right-of-way of Stop 11 Road (five-foot setback required, encroachment within right-of-way not permitted).

Current Land Use: Special Use (Educational)

Staff

Recommendations: Staff recommends **denial** of this petition.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- The subject site currently houses Douglas MacArthur Elementary School and is surrounded by a church to the southwest and single-family residential uses in all other directions. In the early 1990s, an externally illuminated monument sign utilizing changeable copy was installed near the Stop 11 Road intersection at the school's southern boundary. The road to the west of the sign location was also expanded around this point in time. Staff was unable to locate the permit or variance by which the current sign was legalized in this location.
- The current sign is not located within the clear-sight triangle, and the furthest edge of the sign is approximately 30 feet from the property line, 52 feet from the closest street to the south, and 42 feet from the closest street to the west. City records don't indicate that an encroachment license was issued for this signage in the past either (required for development within public ROW).

- Approval of this variance petition would allow for installation of a new sign in the same location as the currently existing sign (pending issuance of an encroachment license from the Department of Business and Neighborhood Services). It would also allow for the new sign to incorporate a digital display area that would comprise around 63% of the sign face area. Digital displays are prohibited within SU-2 zoning and are within 600 feet of protected districts.
- This property is zoned SU-2 which is a special use designation for schools and educational facilities. The Comprehensive Plan recommends it to the Traditional Neighborhood living typology which allow for predominantly single housing interspersed with attached and multifamily housing as well as a variety of neighborhood-serving businesses, institutions, and amenities. Neither the zoning district nor the plan recommendation contemplate placement of digital signage (typically only allowed in commercial or industrial areas with adequate separation from homes).
- The documentation provided by the applicant indicates that this sign wouldn't serve as an impediment to traffic, would be of reasonable size, and that the currently existing changeable copy sign is difficult to change in bad weather and offers a limited scope of information on school events. Staff would contend that placement of a digital sign about 12 times closer to residences than envisioned by typical ordinance standards could easily result in distractions for motorists at a busy intersection even if auto-dimming technology was implemented. Additionally, there are multiple alternate methods by which school events could be advertised without the need for a variance, and the size of the digital display area is also greater than what the ordinance contemplates (40% is the maximum allowed in commercial areas; special-use areas allow 0%).
- Placement of signage and other private encroachments within public rights-of-way is prohibited by ordinance to avoid the creation of visual obstructions or impediments for motorists or pedestrians as well as to allow for any potential future expansion of roadway. The area to the north of the current school sign is large and unobstructed; it is unclear why none of that space outside of the right-of-way could be utilized for placement of compliant signage.
- Additionally, the broader zoning context would not be appropriate for installation of a sign with digital display: a variance application for EVMS signage for the church to the west was denied in 2016, and public feedback sessions preceding the most recent amendments to the sign ordinance in 2018 saw proximity of digitally illuminated signs to residential areas as a frequently cited concern. Additionally, since SU-2 zoning is designed for a lower level of intensity to allow for integration into neighborhood contexts, a digital sign illuminated 24 hours a day would not be contextually appropriate for surroundings.
- There is no practical difficulty at this site requiring installation of signage with intense digital elements placed near homes with limited screening or landscape buffering, and placement of a sign within ROW as well as with digital display so close to homes runs directly counter to both ordinance guidance and recent public feedback related to sign regulations. Staff would recommend denial of these variance requests.

GENERAL INFORMATION

| | | | |
|--|---------------------------|---|---------------------------------|
| Existing Zoning | SU-2 | | |
| Existing Land Use | Special Use (Educational) | | |
| Comprehensive Plan | Suburban Neighborhood | | |
| Surrounding Context | Zoning | Surrounding Context | |
| | North: | D-3 | North: Residential |
| | South: | SU-1 | South: Religious Use |
| | East: | D-2 | East: Residential |
| | West: | D-A / SU-1 | West: Residential/Religious Use |
| Thoroughfare Plan | | | |
| Meridian School Road / Stop 11 Road | Secondary Arterial | 80-foot existing right-of-way and 90-foot proposed right-of-way | |
| East Street / Stop 11 Road | Local Street | 50-foot existing right-of-way and 118-foot proposed right-of-way | |
| Context Area | Compact or Metro | | |
| Floodway / Floodway Fringe | No | | |
| Overlay | No | | |
| Wellfield Protection Area | No | | |
| Site Plan | 09/11/2024 | | |
| Site Plan (Amended) | N/A | | |
| Elevations | 09/24/2024 | | |
| Elevations (Amended) | N/A | | |
| Landscape Plan | N/A | | |
| Findings of Fact | 09/05/2024 | | |
| Findings of Fact (Amended) | 09/26/2024 | | |

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 Suburban Neighborhood living typology to allow for predominantly single housing interspersed with attached and multifamily housing as well as a variety of neighborhood-serving businesses, institutions, and amenities where appropriate. Large-scale schools are a contemplated land use for this typology and should be in harmony with surrounding neighborhoods (parking, service and emergency vehicle areas should be screened from surrounding residential uses).

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

N/A

ZONING HISTORY – VICINITY

2020DV1052 & 2020DV1053 ; 331 Valley View Drive (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 47-foot tall wood and metal poles for small cell wireless communications facilities at multiple approximate addresses, with associated equipment and antennas within the right-of-way (underground utilities only permitted after January 1, 1973), **withdrawn**.

2016DV3009 ; 445 E Stop 11 Road (west of site), Variance of development standards of the Sign Regulations to provide for a 17.46-square foot electronic variable message sign (not permitted), being 74.7% of the total sign area of a 5.833-foot tall, 23.4-square foot pylon sign within 45 feet of the nearest protected district (maximum 40% of sign area permitted, maximum four-foot tall ground sign permitted within 300 feet of a protected district), and with a six-foot front setback (15-foot front setback required), **denied**.

2013HOV010 ; 445 E Stop 11 Road (west of site), Variance of development standards of the Sign Regulations to provide for a four-foot tall, approximately 40-square foot freestanding sign, with a 12.5-foot front setback (15-foot front setback required), **approved**.

87-V3-62 ; 8006 S East Street (south of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a garage that results in accessory space exceeding the area of the primary space and for the subject building to be 22.4 feet tall, **approved**.

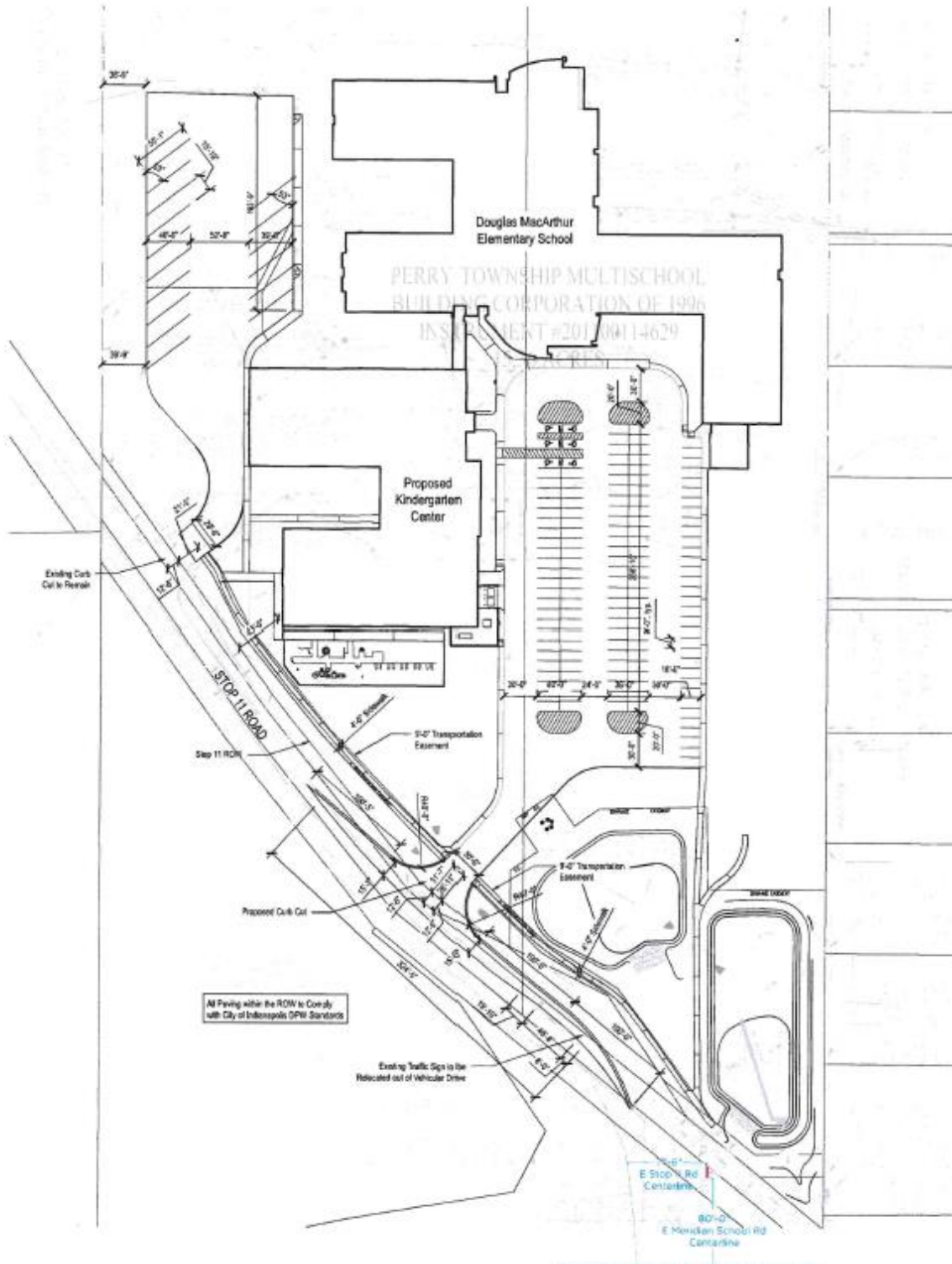
EXHIBITS

2024UV3014 ; Aerial Map



(note: current sign location marked by red rectangle. Proposed sign would utilize this approximate location and orientation)

2024UV3014 ; Site Plan



2024UV3014 ; Elevation

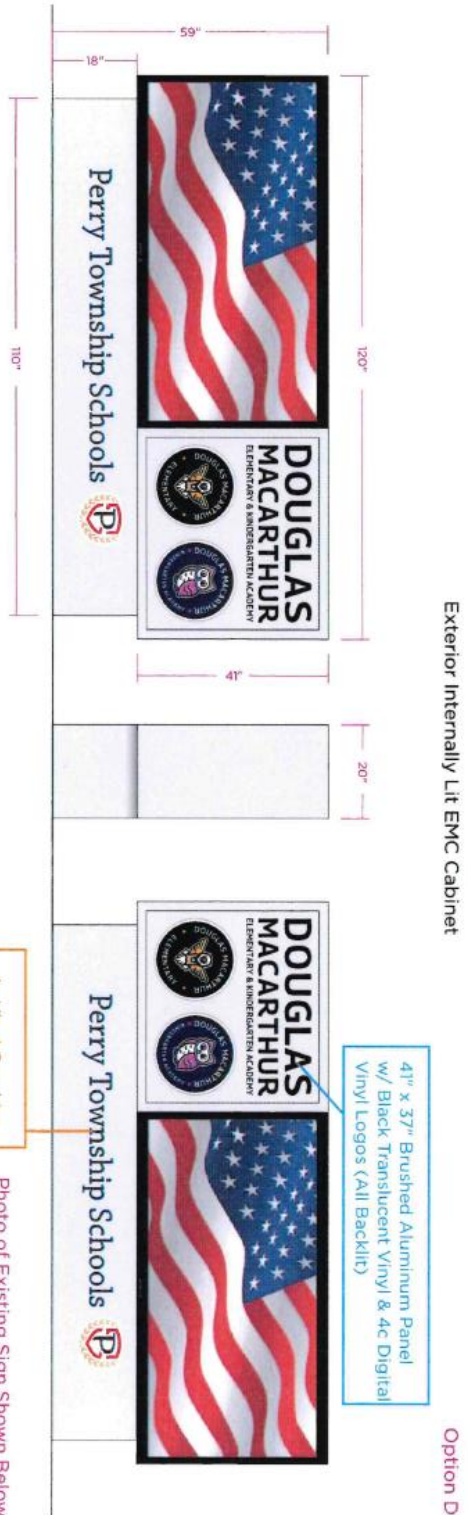
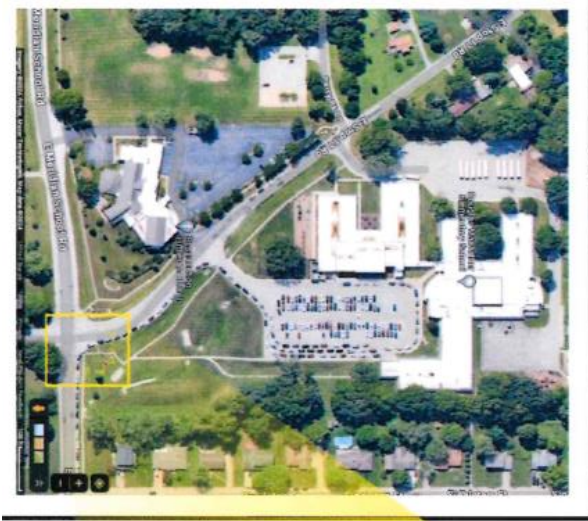


Photo of Existing Sign Shown Below

Materials: Internally Lit Aluminum Cabinet w/ Day/Night Vinyl & 4c Digital Vinyl Graphics, 6' x 3' EMC
 Colors: Brushed Aluminum Cabinet, 4 Color Digital Graphics
 Typestyle: Logo Unknown, Tagline Franklin Gothic Heavy
 Mounting: TBD
 Quantity: 1 (Double Faced)



2024UV3014 ; 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 monument sign is replacing an outdated sign that has been in place for more than 10 years. It will not block traffic views.

The digital display has an auto-dim feature that minimizes brightness during dark hours. The digital display can also be preprogrammed to turn off when necessary.

Petitioner intends to use the digital display to communicate important messages to the community regarding school activities.

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 monument sign should increase value because a new, more modern and functional sign will better serve the community.

Other properties or businesses in the area, including Perry Meridian High School, have digital displays and have not seen any adverse effects to adjacent properties.

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

Manual changeable signs are outdated and difficult to use. School schedules have become increasingly complex which requires several items to be displayed in a single day. A school serves the entire community and is unique in that way.

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

Outdated manual changeable message signs are physically difficult to update for school staff, especially in bad weather and simply do not attract attention the way modern digital displays do. Given the size restraints, manual changeable message signs are also limited to the amount of information that can be displayed at any one time.

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

It's only effect is to increase the effectiveness of communications between the school and the surrounding community.

2024UV3014 ; Photographs



Photo 1: Current Sign Face



Photo 2: Sign Viewed from Northeast + Existing Intersection

2024UV3014 ; Photographs (continued)



Photo 3: Sign Viewed from North + Adjacent Properties to South



Photo 4: Adjacent Property to West

2024UV3014 ; Photographs (continued)



Photo 5: Subject School Viewed from South



Photo 6: Adjacent Property to East