



Board of Zoning Appeals Division II (October 10, 2023) Meeting Agenda

Meeting Details

Notice is hereby given that the Metropolitan Board of Zoning Appeals will hold public hearings on:

Date: Tuesday, October 10, 2023

Time: 1:00 PM

Location: Public Assembly Room, 2nd Floor, City-County Building, 200 E. Washington Street

Business:

Adoption of Meeting Minutes

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

1. **2023-DV2-022 | 5000 Nowland Avenue**

Center Township, Council District #12, Zoned SU-2 / D-5
Roman Catholic Archdiocese of Indpls. Properties Inc., by Leslie Steinert

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of an existing parking lot resulting in 220 total parking spaces (maximum of 197 parking spaces permitted).

2. **2023-DV2-024 | 2507 Willowbrook Parkway**

Washington Township, Council District #9, Zoned C-3 (W-1) (FF)
DAST 2 LLC, by Joseph Lese

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a 10-foot tall decorative perimeter fence (maximum fence height of 3.5-feet within front yards, and six-feet within side and rear yards).

3. **2023-DV2-028 | 8635 West 96th Street**

Pike Township, Council District #1, Zoned D-S
William & Rebecca Stafford, by Vince Braun

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a 5.5-foot west side yard setback resulting in a 30-foot aggregate side yard setback (15-foot side yard setback, 35-foot aggregate side yard setback required).

4. **2023-UV2-011 | 818 and 822 Union Street**

Center Township, Council District #16, Zoned CBD-2 (RC)
The Redevelopment Group, by Russell L. Brown

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a single-family dwelling on each lot and allow for building additions with a 2.5-foot south side yard setback at

818 Union Street and 1.3-foot north side yard setback at 822 Union Street (zero or 10-foot side yard setbacks required).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

5. 2023-DV2-021 | 5000 Nowland Avenue

Center Township, Council District #12, Zoned SU-2 / D-5
Roman Catholic Archdiocese of Indpls. Properties Inc., by Chris Hyink

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of an 8.08-foot tall monument sign with digital display (maximum five-foot monument sign permitted, digital display not permitted).

PETITIONS FOR PUBLIC HEARING (New Petitions):

Additional Business:

**The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at dmdpubliccomments@indy.gov, before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-5654, at least 48 hours prior to the meeting. - Department of Metropolitan Development - Current Planning Division.

STAFF REPORT

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

Case Number: 2023-DV2-022
Address: 5000 Nowland Avenue (approximate address)
Location: Center Township, Council District #12
Zoning: SU-2 / D-5
Petitioner: Roman Catholic Archdiocese of Indpl Properties Inc., by Leslie Steinert
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of an existing parking lot resulting in 220 total parking spaces (maximum of 197 parking spaces permitted).

October 10, 2023

This petition was continued, for cause, by the petition from the September 12, 2023 hearing to the October 10, 2023 hearing of Division II, in order to address Staff concerns. On September 29th, 2023, a landscape plan was submitted to Staff and clarity regarding the intent of the proposed parking area provided. The provided landscape would provide landscaping in excess of Ordinance requirements along this subject sites frontages, as well as the immediate area of the proposed parking expansion. Given that the subject site functions as a small campus, and the proposed parking area is largely shielded from view of Elliot Avenue by the school itself, Staff believes the request to be a reasonable deviation and subsequently **recommends approval** of the request.

SEPTEMBER 12, 2023

RECOMMENDATIONS

Staff **recommends denial** of this request.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

SU-2 and D-5 High School educational facility and associated recreational and competitive athletic fields

SURROUNDING ZONING AND LAND USE

North - D-5 Single-Family Dwellings
South - D-5 Single-Family Dwellings
East - D-5 Single-Family Dwellings
West - D-5 Single-Family Dwellings

COMPREHENSIVE PLAN

The Comprehensive Plan recommends regional special uses for the site.

(Continued)

- ◇ The site is primarily zoned SU-2 which permits educational uses, and recreational and competitive fields as accessory uses. A small portion in the southwest corner of the site is zoned D-5.

VARIANCE OF USE & DEVELOPMENT STANDARDS

- ◇ The request would allow for 220 parking spaces to be provided on site, an 11.67 percent increase of the maximum 197 permitted by-right.
- ◇ Parking maximums were implemented as part of the adoption of Indy Rezone in order to limit the amount of hardscaping on site to reduce the urban heat island effect and the potential for water runoff on adjacent properties.
- ◇ The application indicates that the requested increase is to allow for the current construction on site to be completed and in anticipation of potential future expansions that may result in the removal of parking near the main building. It is Staff’s position that this reasoning is insufficient, and that any parking expansion be done in accordance with future construction activity. Furthermore, Staff is unsure how the denial of this request would result in the inability of the current expansion project to be completed. Therefore, Staff does not believe there to be sufficient practical difficulty warranting a favorable recommendation.

GENERAL INFORMATION

THOROUGHFARE PLAN	This portion of Nowland Avenue is indicated as a local street on the Official Thoroughfare Plan, with a 48-foot existing and proposed right-of-way. This portion of Dequincy Street is indicated as a local street on the Official Thoroughfare Plan, with a 48-foot existing and proposed right-of-way. This portion of Elliott Avenue is indicated as a local street on the Official Thoroughfare Plan, with a 45-foot existing right-of-way and a 48-foot proposed right-of-way.
SITE PLAN	File-dated July 21, 2023
ELEVATIONS	File-dated July 21, 2023
FINDINGS OF FACT	File-dated July 21, 2023

(Continued)

ZONING HISTORY

Subject Site:

2022-DV2-038; 5000 Nowland Avenue; requests variances of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for six-foot chain link and decorative fencing within the front yards and clear sight triangles of the intersections of Elliot Avenue, Dequincy Street and Nowland Avenue and the clear sight triangle of the driveway off of Nowland Avenue (chain link fencing not permitted in front yards, maximum height of 3.5 feet permitted, encroachment of the clear sight triangles not permitted); **granted.**

Vicinity:

2015-UV1-015; 5015 East 16th Street; requests requested a variance of use of the Wireless Communications Zoning Ordinance to provide for a wireless communications facility, with a 150-foot tall monopole tower, with a 10-foot antenna, and accessory equipment cabinets; **denied.**

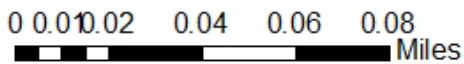
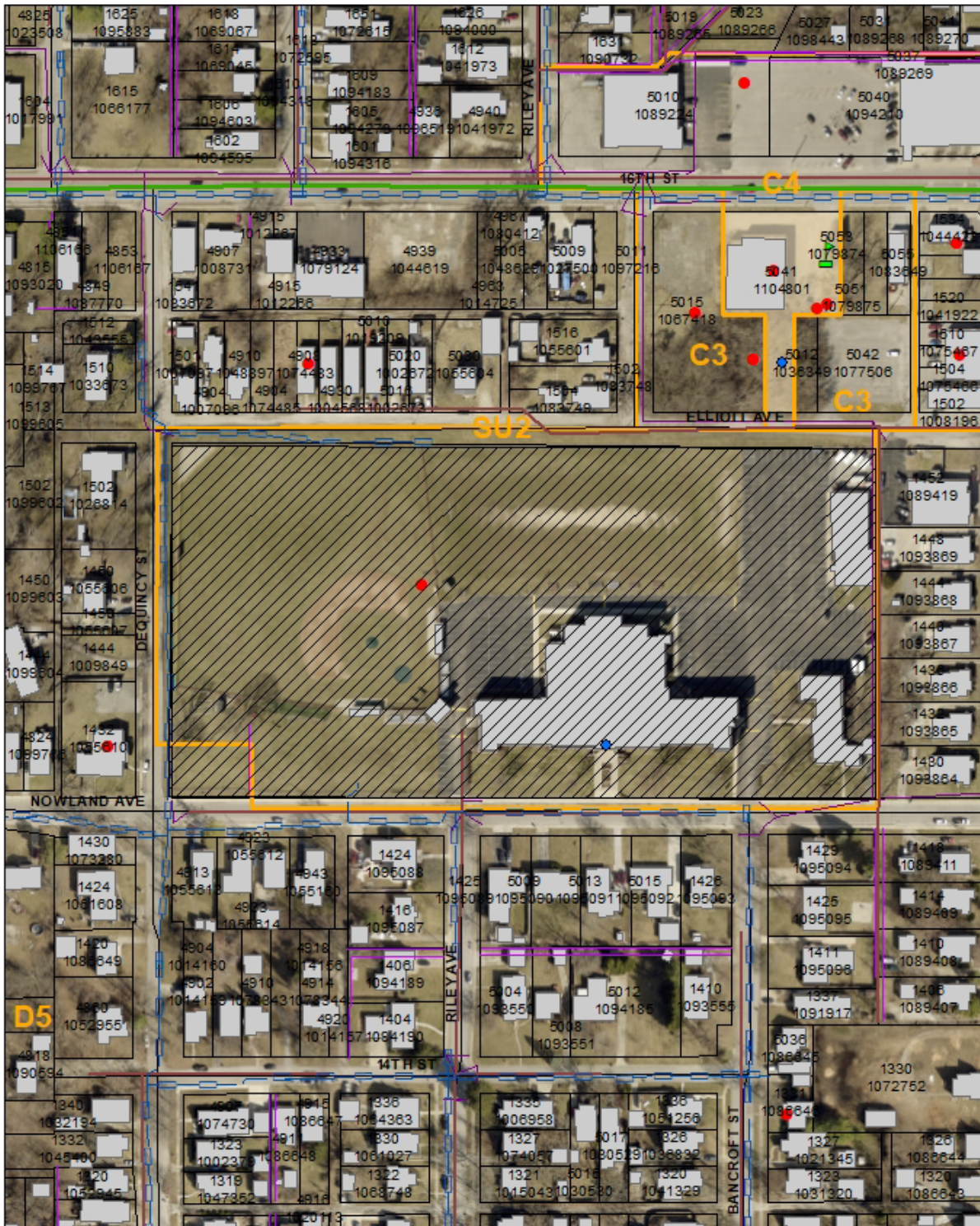
2012-UV1-026; 1432 Dequincy Street; requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a transitional living program for up to eight people; **granted.**

2003-UV3-010; 5041 East 16th Street; requested a variance of use of the Commercial Zoning Ordinance to provide for religious uses; **granted.**

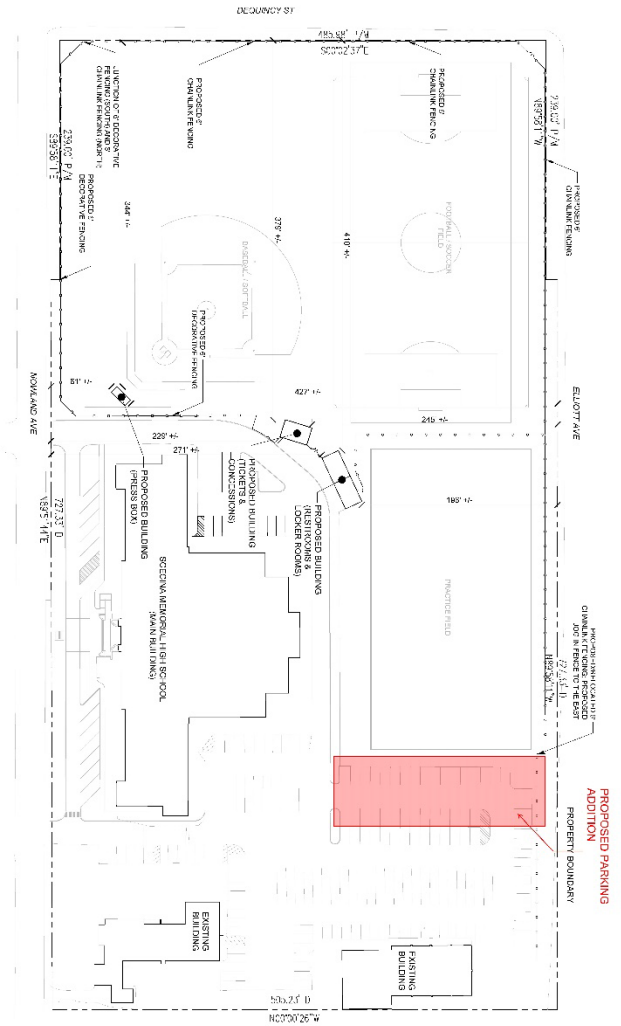
99-UV2-122; 5041 East 16th Street; requests a variance of use of the Commercial Zoning Ordinance to provide for a rental, leasing and repair facility, for automobiles and light trucks; **granted.**

EDH

2023-DV2-022: Location Map



① SITE PLAN



2022.002 SP1 Site Plan	Secina Memorial High School Athletic Fields 5000 Nowland Ave Indianapolis, IN 46201	Program: 202402 File/Date: Aug-18-2021 Project: 232 Project Date: 000/Fri, 15/06/2023	
		LEAD ARCHITECT: JAMES HENNING 532.465.9181 / 465.81430 JHENNING@ENTHEOSARCHITECTS.COM 232/022-002-DV2-022-001 232/022-002-DV2-022-002	



Photo One: Looking West Along Nowland Avenue



Photo Two: Facing East Along Nowland Avenue.



Photo Three: Façade of Building on Subject Site.



BOARD OF ZONING APPEALS DIVISION II **October 10, 2023**

Case Number: 2023-DV2-024

Property Address: 2507 Willowbrook Parkway (approximate address)

Location: Washington Township, Council District #9

Petitioner: DAST 2 LLC, by Joseph Lese

Current Zoning: C-3 (W-1) (FF)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a 10-foot tall decorative perimeter fence (maximum fence height of 3.5-feet within front yards, and six-feet within side and rear yards).

Current Land Use: Commercial

Staff Recommendations: Staff recommends approval of this request

Recommended Motion: Motion to approve petition 2023-DV2-024

Staff Reviewer: Noah Stern, Associate Planner

PETITION HISTORY

ADDENDUM FOR OCTOBER 10, 2023

This petition was continued from the September 12, 2023 BZA II hearing at the request of the petitioner.

STAFF RECOMMENDATION

Staff recommends approval of this request.

- Staff requests that the petition be granted approval subject to the site plan and elevations submitted.

PETITION OVERVIEW

- This request would provide for the erection of a perimeter fence ranging from 6-8 feet in height (maximum fence height of 3.5-feet within front yards, and six-feet within side and rear yards).
- The site consists of a newly constructed water drainage basin, a parking lot, an access drive, and an undeveloped area where a future building and parking lot have been proposed. The total area of the site is 4.20 acres.



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

- The fence design (depicted below) would consist of a 6-foot-tall, semi-private fence around the northern portion of the site (demarcated on the site plan as just to the north of the access drive) with partially transparent panels, while the northern portion of the would consist of an 8-foot-tall privacy fence in alignment with an existing chain link fence along the southern property line of the subject site. The access drive is to have an automatic sliding gate system, restricting access from the Pennwood Drive right-of-way.
- The subject site is part of a larger lot that has four different frontages, being 46th Street, Pennwood Drive, Forum Circle, and Willowbrook Parkway. Therefore, with much of the lot considered front yard, the petitioner’s ability to erect the side and rear yard maximum fence height of 6-feet is significantly impeded.
- The portion of the site abutting Forum Circle is located within the Floodway Fringe (FF). While development within the Floodway Fringe is permitted, this portion of the site will be improved with a stormwater detention basin to mitigate any potential future storm overflow. This basin, as proposed, will be fenced in with a decorative six-foot metal slotted panel fence. Having the retention basin instead of a primary building would disallow the erection of a fence beyond 3.5-foot tall along Willowbrook Parkway and Forum Circle. However, Staff believes it would be in the interest of public safety to allow a fence of this height to ensure this basin does not become littered or inappropriately accessed by the public after severe weather storms.
- The overall fence installation is intended to provide adequate security to personnel and vehicles on site. While Staff is generally hesitant to support variances regarding fence height, Staff believes that there is substantial practical difficulty associated with the site. Therefore, Staff is not opposed to the variance request for increased fence height around the subject property.

GENERAL INFORMATION

Existing Zoning	C-3 (W-1) (FF)	
Existing Land Use	Commercial	
Comprehensive Plan	Office Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	C-3	North: Commercial
South:	C-3	South: Commercial
East:	C-3	East: Commercial
West:	C-3	West: Commercial
Thoroughfare Plan		
Willowbrook Parkway	Local Street Existing ROW: 80 feet Proposed ROW: 48 feet	
Context Area	Compact	
Floodway / Floodway Fringe	Yes	
Overlay	No	



Wellfield Protection Area	Yes
Site Plan	8/15/23
Site Plan (Amended)	N/A
Elevations	8/4/23
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	8/4/23
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan recommends Office Commercial for this site.
- The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.

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

84-Z-88; 4601 North Keystone Avenue (south of site), requests rezoning of 0.88 acres, being in the D-5 district, to the C-5 classification, to provide for the operation of an automobile sales lot, **approved**.

86-UV3-18; 4755 Kingsway Drive (north of site), variance of use of the Commercial Zoning Ordinance to provide for a day nursery in an existing office building, **approved**.

89-Z-16; 2424 E 46th Street (south of site), requests the rezoning of 0.80 acres, being in the D-5 district, to the C-2 classification to conform with the Keystone Avenue Corridor Plan adopted August 1986, **approved**.

91-Z-100; 4610 N Keystone Avenue (west of site), rezoning of 0.8 acres, being in the C-1 District, to the C-3 for classification for commercial development, **approved**.

93-Z-177; 2502 E 46th Street (south of site), requests the rezoning of 1.38 acres, being in the D-5 district, to the C-2 classification to provide for commercial office uses, **approved**.

95-UV2-46; 4599 Allisonville Road (east of site), requests a variance of use of the Commercial Zoning Ordinance to provide for an outdoor automobile sales/display and indoor automobile repair operation (not permitted), **approved**.

2000ZON868; 2902 E 46th Street (east of site), rezoning of 8.59 acres from C-4, to C-S to provide for neighborhood retail uses and warehousing, **approved**.

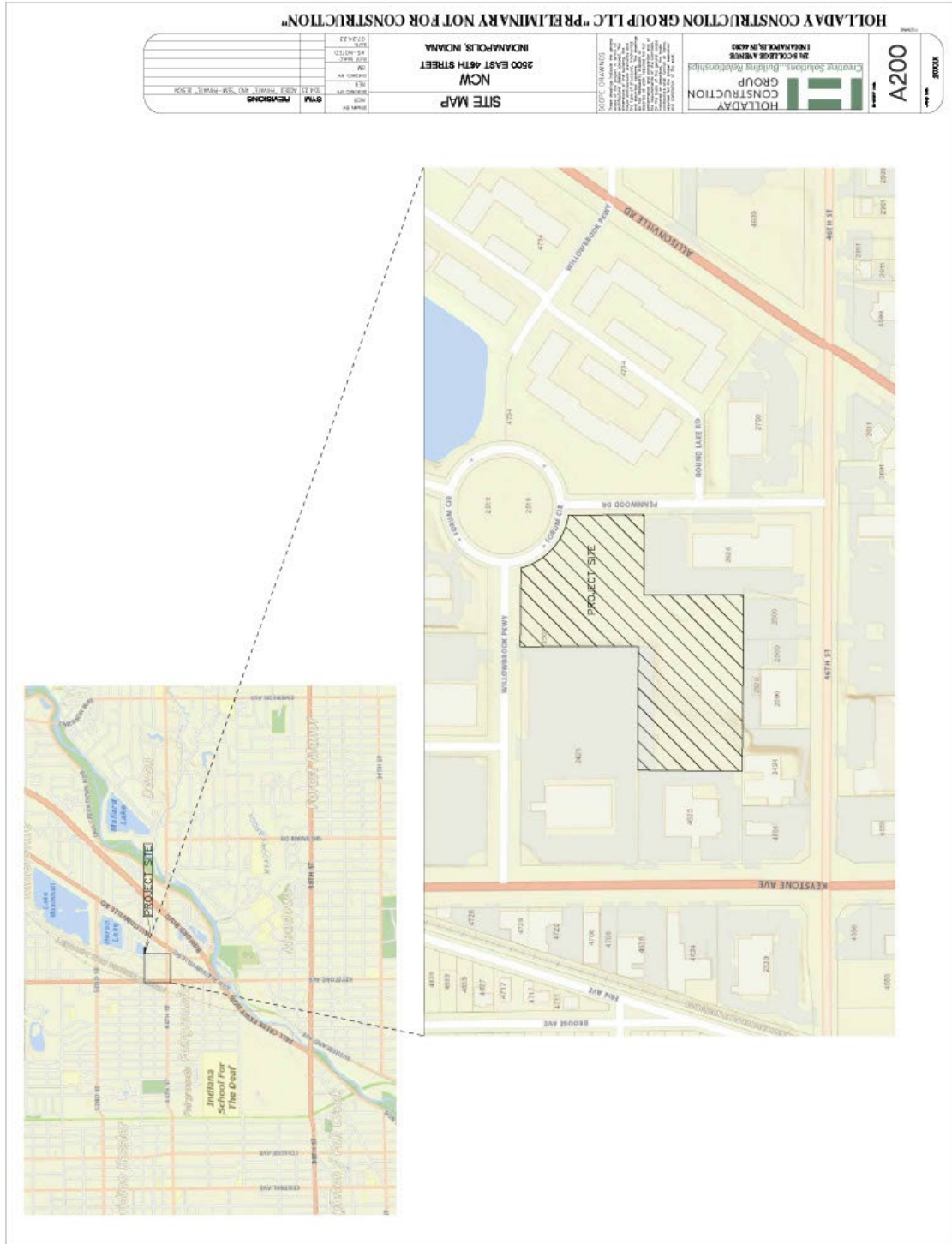
2002UV3025; 2508 Willowbrook Parkway (west of site), variance of use of the Commercial Zoning Ordinance to provide for a homeless terminal care facility (not permitted), **approved**.

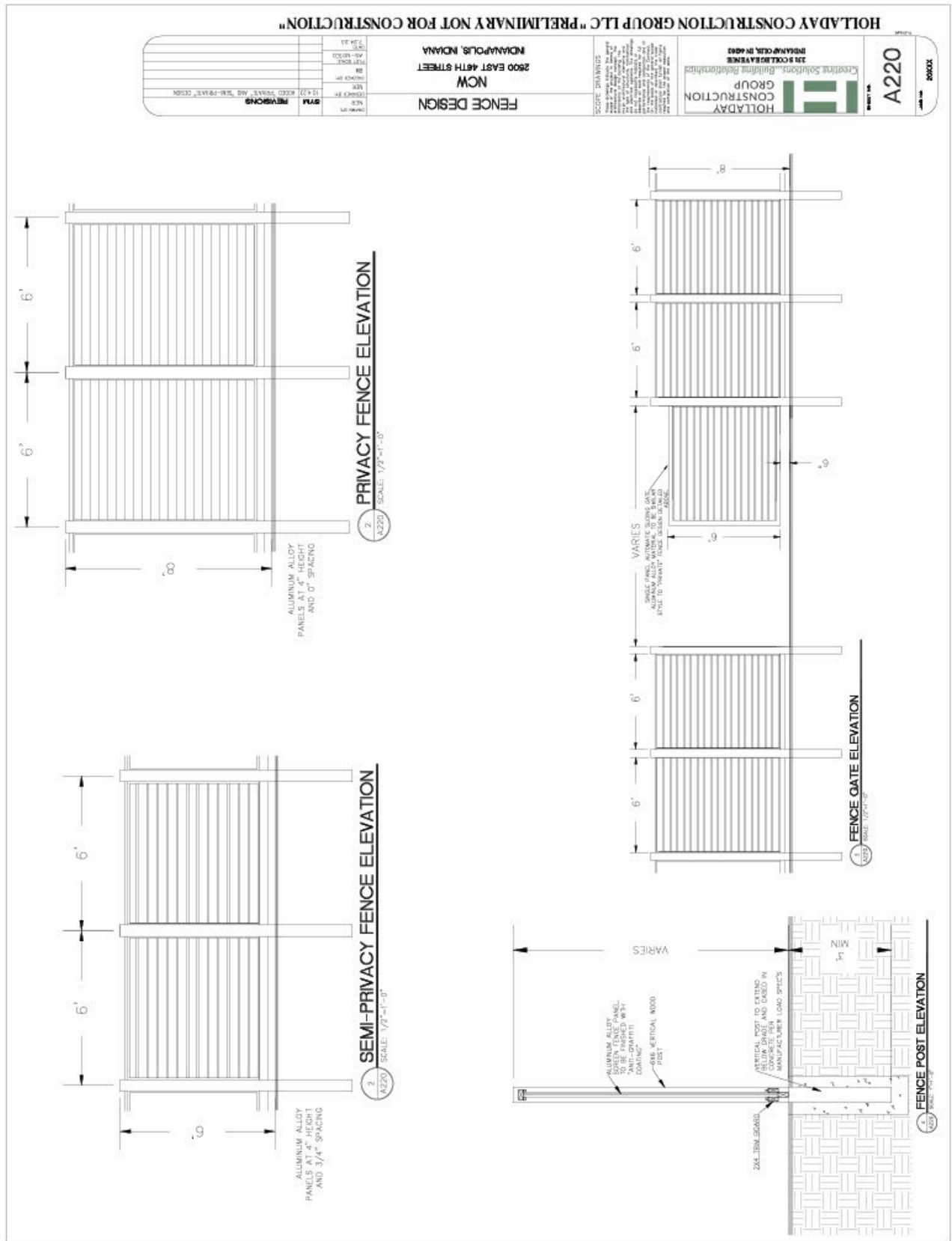
2004ZON015; 2325 and 2327 E 46th Street (south of site), Rezoning of 1.4 acres, being in the I-1-s (W-1) District, to the C-5 (W-1) classification to provide for a retail store, **approved**.

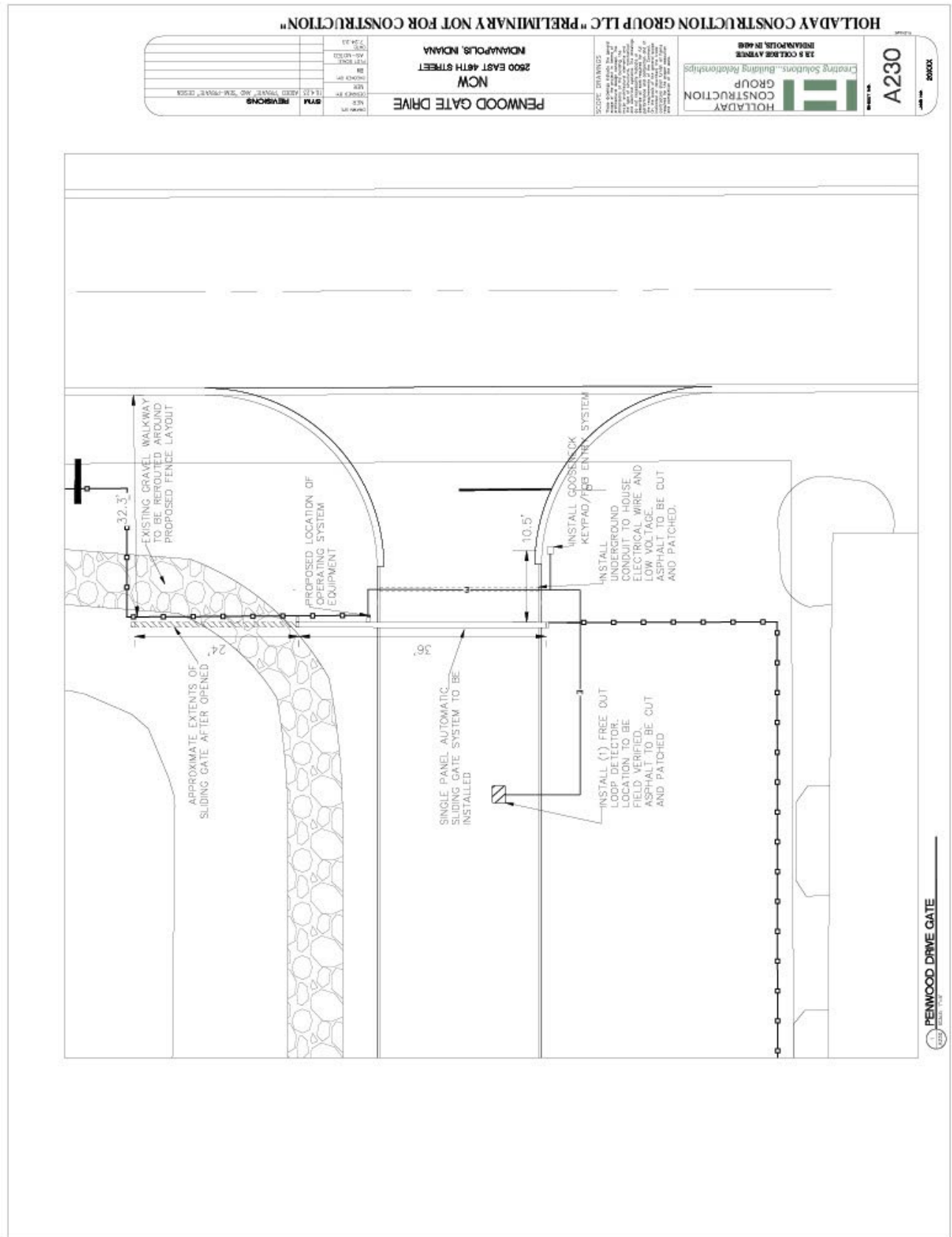
2008ZON052; 4760 Pennwood Drive (north of site), rezoning of 4 acres, from the C-3 (W-1) (W-5) District, to the D-6II (W-1) (W-5) classification to provide for multi-family residential uses, **approved**.

2018ZON133; 2511 E 46th Street (south of site), Rezoning of 8.5 acres from the C-3 (W-1) and C-5 (W-1) districts to the D-7 (W-1) classification to provide for approximately 135 multi-family units within existing and new building, **approved**.

EXHIBITS









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 site location provides a protected campus for the land owner and is in an area of low impact with respect to surrounding commercial properties, as well as a flood zone which will not be altered as part of the project. Public health is not impacted by the fence, safety is improved, and the morals and general welfare are not affected by the public due to its location.

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 property improvements will bring welcome improvements to an underdeveloped and neglected commercial campus. The adjacent property areas will not be negatively impacted by the addition of the fence but rather improved with additional construction activity. The use of the adjacent properties will not be affected by the addition of this fence.

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

The nature of the business operation requires campus security and protection from crime, and if the owners were limited to what is dictated by the ordinance, the security would be defeated quickly. Also, it prevents the property owner from property damage either by people or vehicles. Also, it protects the property owner and its employees from damage which could otherwise be caused to equipment, belongings, and property development by the general public via foot and/or vehicular traffic.

DECISION

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

Adopted this _____ day of _____, 20 ____















BOARD OF ZONING APPEALS DIVISION II

October 10, 2023

Case Number: 2023-DV2-028
Property Address: 8635 W 96th Street (approximate address)
Location: Pike Township, Council District #1
Petitioner: William & Rebecca Stafford, by Vince Braun
Current Zoning: D-S

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a 5.5-foot west side yard setback resulting in a 30-foot aggregate side yard setback (15-foot side yard setback, 35-foot aggregate side yard setback required).

Current Land Use: Residential

Staff Recommendations: Staff recommends approval of this petition

Recommended Motion: Motion to approve petition 2023DV2028

Staff Reviewer: Noah Stern, Associate 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 construction of a detached garage with a 5.5-foot west side yard setback resulting in a 30-foot aggregate side yard setback (15-foot side yard setback, 35-foot aggregate side yard setback required).
- The proposal calls for the construction of a detached garage dimensions of 24 feet x 30 feet and an extension of the existing driveway to the location of the proposed garage. Detached garages are a common occurrence in the surrounding area. With the petitioner wishing to preserve as much landscaping as possible, the location of a large tree (see site plan below) limits the number of potential locations for new construction and represents a reasonable practical difficulty for needing a variance of a reduced setback. Further, the proposal will be adhering to the Infill Housing Guidelines recommendations of placing the detached garage behind the primary residence and by not



Department of Metropolitan Development
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overshadowing the primary structure. Therefore, Staff is not opposed to the request for a variance of development standards for reduced side yard setbacks for the construction of a detached garage.

GENERAL INFORMATION

Existing Zoning	D-S	
Existing Land Use	Residential	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	N/A	North: N/A
South:	D-P	South: Single-Family Residential
East:	D-S	East: Single-Family Residential
West:	D-A	West: Single-Family Residential
Thoroughfare Plan		
96 th Street	Secondary Arterial Existing ROW: 25 feet Proposed ROW: 126 feet	
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	8/15/23	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	8/15/23	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS
 Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Rural or Estate Neighborhood living typology for this site



Department of Metropolitan Development
Division of Planning
Current Planning

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

- Infill Housing Guidelines (IHG) document is used to promote good practice with regards to form, massing, aesthetics, landscaping, etc. of new infill housing projects of all scales and types.
- With regards to detached garages, the Infill Housing Guidelines document recommends:
 - Locate accessory structures behind primary building
 - Access accessory buildings from alleys, when possible
 - With the site not containing alley access, the detached garage will be access from the driveway on the west side of the primary structure
 - Don't overshadow primary building
- The proposal is in accordance with these recommendations.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site



ZONING HISTORY

ZONING HISTORY – SITE

92-Z-109A, rezoning to “downzone” certain Pike Township parcels to conform the zoning to the actual lot sizes and existing developments, **approved**.

ZONING HISTORY – VICINITY

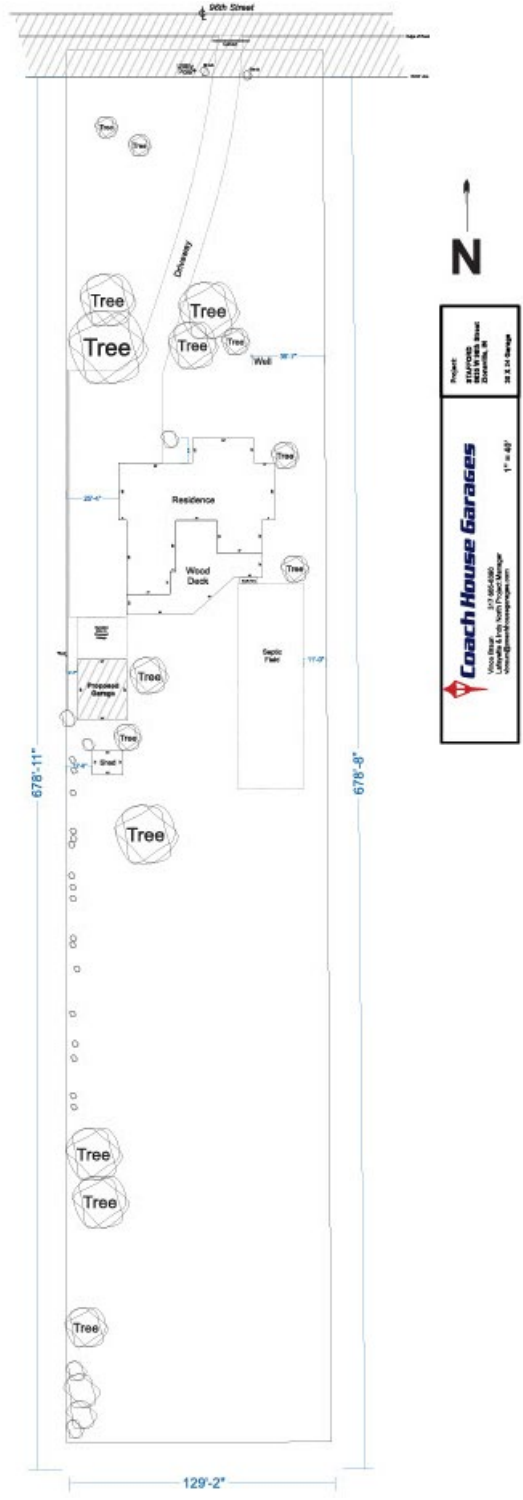
83-UV1-122; 8639 W 96th Street (west of site), variance of use to use an existing single-family residence as a group home for teenage girls, **denied**.

90-Z-68; 8727 W 96th Street (west of site), rezoning from the D-A district to the D-1 classification, **approved**.

2003ZON115; 8599 W 96th Street (south of site), requests a rezoning of 20.11 acres, being in the D-A, D-S, and D-1 districts, to the D-P classification to provide for single-family residential development, resulting in 1.89 units per acre, **approved**.

2006ZON803; 9510 & 9520 Woodslake Drive, (east of site), rezoning of 0.7068 acres, being in the D-S district, to the D-2 classification to provide for a single-family residential development, **approved**.

EXHIBITS









STAFF REPORT

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

Case Number: 2023-UV2-011
Address: 818 and 822 Union Street (*Approximate Address*)
Location: Center Township, Council District #16
Petitioner: The Redevelopment Group, by Russell L. Brown
Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a single-family dwelling on each lot and allow for building additions with a 2.5-foot south side yard setback at 818 Union Street and 1.3-foot north side yard setback at 822 Union Street (zero or 10-foot side yard setbacks required).

RECOMMENDATIONS

Staff **recommends approval** of the variance request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING, CONTEXT AREA AND LAND USE

CBD-2 (RC) Compact Two single-family dwellings

SURROUNDING ZONING AND LAND USE

North -	C-5 (RC)	Residential / office
South -	CBD-2 (RC)	Undeveloped
East -	I-4 (RC)	Interstate on- and off-ramps
West -	C-5 (RC)	Office / commercial

COMPREHENSIVE PLAN

The Comprehensive Plan recommends the site for Urban Mixed-uses.

HISTORY

- ◇ These two sites are improved with a single-family dwelling on each lot, with each dwelling dating to at least 1898, with 818 Union Street used as a two-family dwelling for a time. The parcels are zoned CBD-2 (RC) and the two structures pre-date the establishment of zoning in the city.

(Continued)

REGIONAL CENTER APPROVAL

- ◇ Along with this petition, a Regional Center Approval petition was filed for the proposed building additions, plus exterior renovations for two existing single-family dwellings. This petition, 2023-REG-071, would be subject to the approval of the subject variance petition.

VARIANCE REQUEST

- ◇ This petition seeks to provide for an expansion and exterior renovations to both structures. Single-family dwellings are not permitted in CBD-2 (RC). While the existing dwellings are legally established, any addition to the existing structures for use as a single-family dwelling, would require a rezoning or a variance of use.
- ◇ The work proposed for 818 Union Street includes a proposed two-story addition to the rear, with exterior renovation including new windows, replacement windows, and infill brick to reduce size of window openings, The work proposed for 822 Union Street includes a proposed attached garage, with renovations including replacement windows.
- ◇ In CBD-2 (RC), there are no required setbacks, however, if the lots do not abut alleys, then a side yard setback of zero feet or 10 feet are required. This is to allow for room between structures if the buildings do not connect to each other.
- ◇ The site is recommended for Urban Mixed-Uses, according to the Land Use Plan. Urban Mixed-Uses would include dense, pedestrian-oriented development with a wide range of businesses, services, and institutions that serve both adjacent neighborhoods and the broader City. Typically, buildings in urban mixed-use areas are four- to eight-stories in height with large entrances facing the street. This site is nearly two blocks from a major thoroughfare and would typically be included in a proposed larger development. A practical difficulty exists in that the existing dwellings could not obtain permits for small additions or a garage, without the need for a variance. Additionally, the adjacent neighborhood would not be materially affected in a negative manner if this variance request would be granted.

GENERAL INFORMATION

THOROUGHFARE PLAN	The Official Thoroughfare Plan for Marion County indicates that Sycamore Street and Charles Street are local streets, with 48-foot rights-of-way existing and proposed
URBAN DESIGN GUIDELINES DISTRICT TYPOLOGY	The site is within Village Mixed-Use District typology of the Regional Center Urban Design Guidelines
TRANSIT-ORIENTED DEVELOPMENT	The site is not located within a transit-oriented development area.
SITE PLAN	File-dated, September 5, 2023
FINDINGS OF FACT	File-dated, September 5, 2023

(Continued)

ZONING HISTORY - SITE

2023-CZN-806 / 2023-CPL-806 / 2023-CVC-806; 818, 822, 826, 830, 834 and 838 Union Street, 831, 835 and 837 Charles Street, and 23, 27 and 31 Sycamore Street, requested a rezoning of 0.18-acre from D-8 (RC) to the CBD-2 (RC), approval of a subdivision plat to be known as Meridian Enclave, dividing 0.99-acre into eighteen lots and one common area, and a vacation of the first and second alleys south of Sycamore Street, from Union street to the Charles Street, with a waiver of the assessment of benefits.

2023-REG-071; 818 and 822 Union Street, requested a Regional Center Approval petition to provide for building additions to existing structures and exterior renovations, for residential use, **pending.**

ZONING HISTORY – VICINITY

2022-REG-024; 815 South Meridian Street and 25 East McCarty Street, requested Regional Center Approval to provide for updated plans for a proposed seven-story hotel (previously approved for a six-story hotel, through 2019-REG-107 and 2021-REG-063), with apartments and amenities, including a restaurant, courtyard, and roof-top lounge, **approved.**

2022-ZON-048; 25 East McCarty Street, requested a rezoning of 0.26-acre, from the C-5 (RC) district to the CBD-2 (RC) district, **approved.**

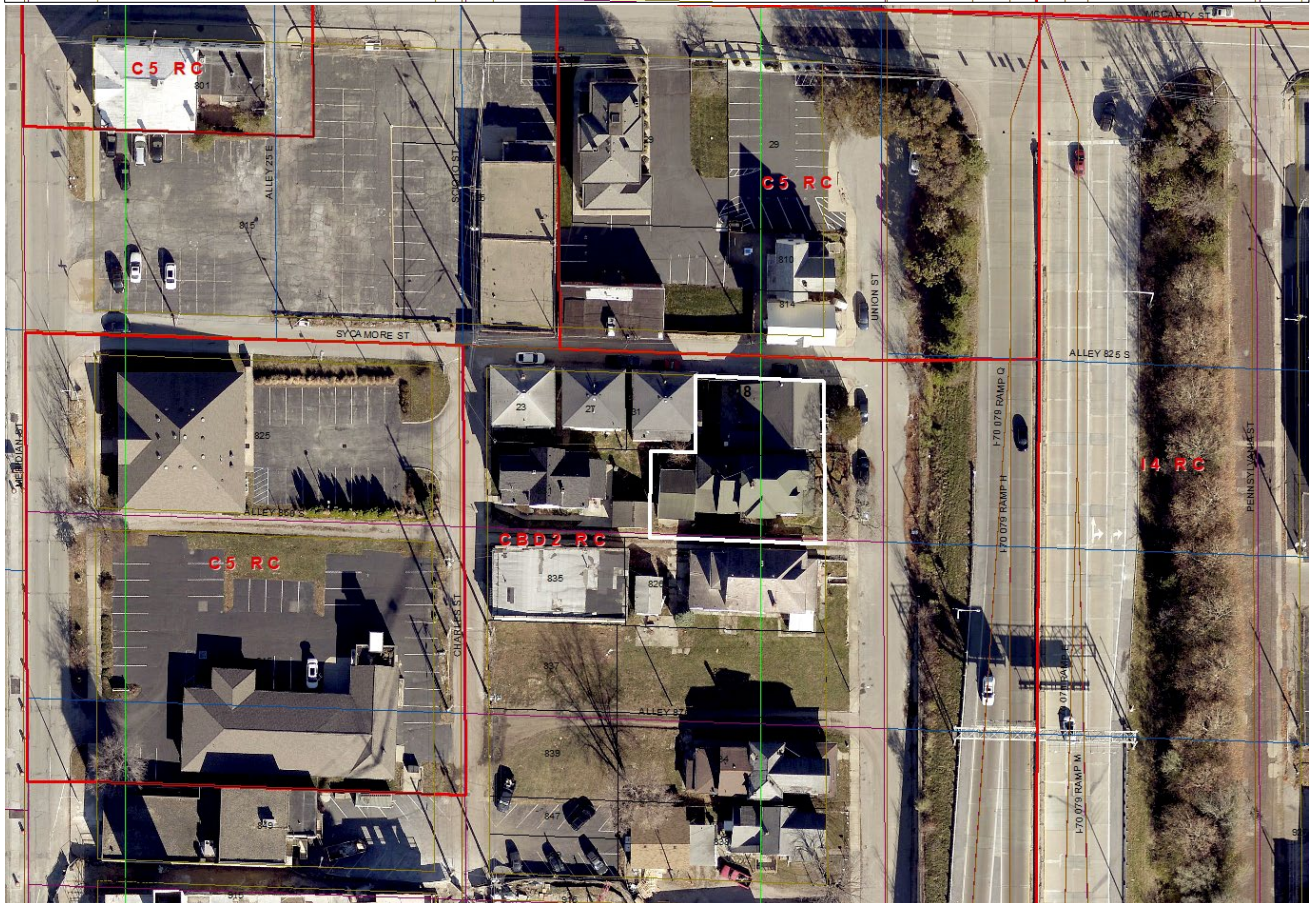
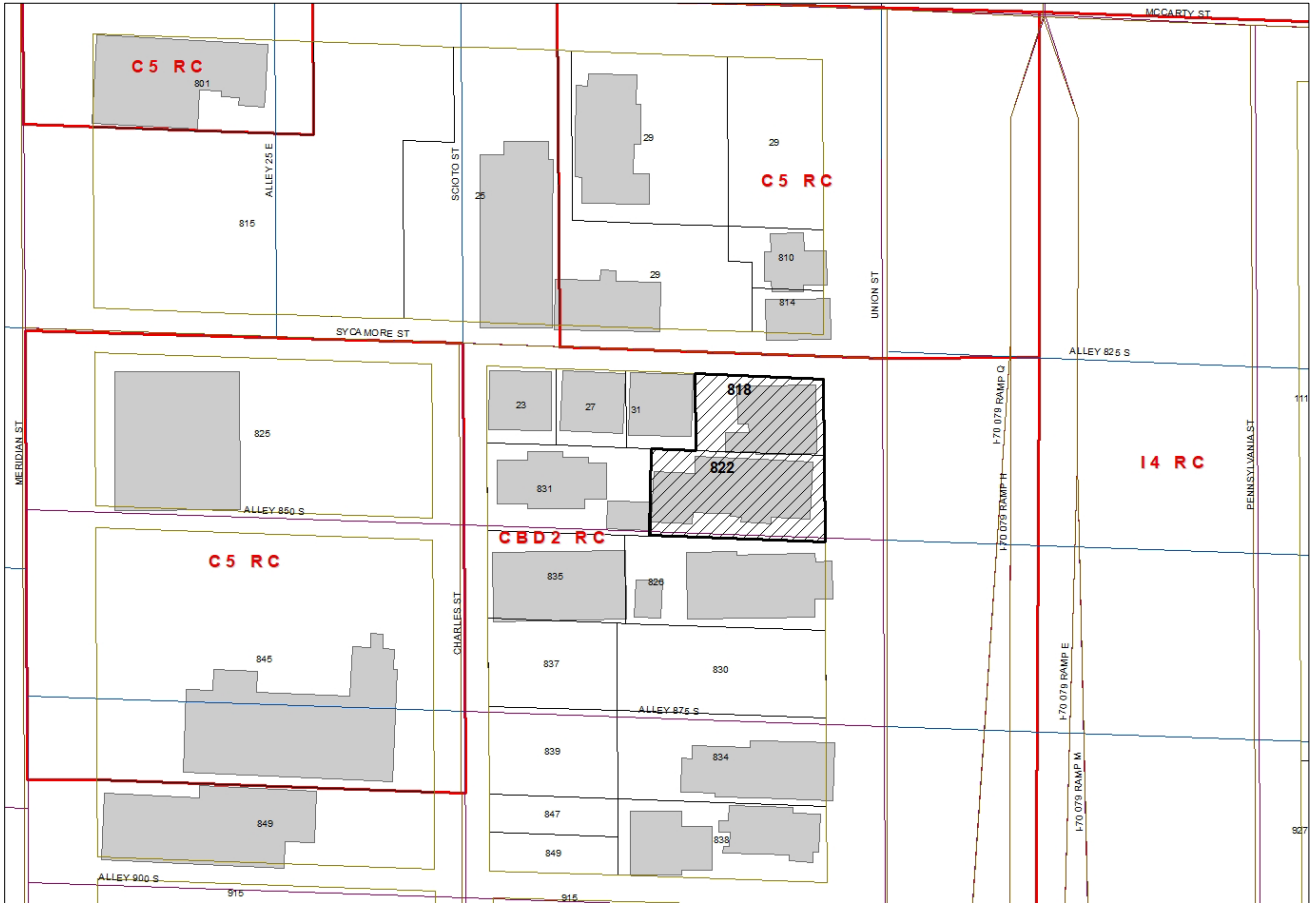
2022-DV3-007; 815 South Meridian Street and 25 East McCarty Street, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a seven-story hotel structure, with encroachments into the sky exposure Plane Two and to provide for a nine-foot-tall courtyard wall, **granted.**

2021-REG-063; 19 and 25 East McCarty Street, requested Regional Center Approval to provide for demolition of an existing one-story commercial structure and for updated plans of a six-story hotel, previously approved through 2019-REG-107, **approved.**

2019-REG-107; 19 East McCarty Street, requested Regional Center Approval to provide for the construction of a six-story hotel, with 119 rooms, **approved.**

2019-REG-061; 850 South Meridian Street, requested Regional Center Approval for demolition of a one-story office building and construction of a five-story hotel, with 146 units, conference facilities and a restaurant, **approved.**

JY



Petition Number _____

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 structures have been utilized residentially for many years. The variance will allow for the buildings to be modernized with garages and other upgrades in lieu of the previous ad hoc renovations. The proposed renovated uses will fit in with the character of the proposed nearby development while allowing for the modernization of these relevant structures.

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 proposed variance will allow for modernization and improvements of two single family homes long utilized for that purpose. The variance will allow for improvements to be made to the structures, including the addition of a garage and various upgrades to make the structures functional and marketable in a modern marketplace.

3. The need for the variance arises from some condition peculiar to the property involved and the condition is not due to the general condition of the neighborhood because:

The location had historically been improved with single family homes, some of which had either fallen into disrepair, or were structurally unsound. These two parcels contained relevant structures which were sound enough to renovate and repair, but because they are located in a zoning classification which does not allow single family homes the variance is needed to conduct the repairs and modernization.

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 two structures are viable as single family homes, but have limited reuse ability for uses permitted by right on sight. The structures as non-conforming uses are not viable because they lack amenities (including but not limited to a garage) which are necessary in the current marketplace. Without a variance, the structures would have limited reuse capacity.

5. The grant does not interfere substantially with the Comprehensive Plan because:

The Comprehensive Plan contemplates Urban Mixed Use. The reuse of thee homes for single family homes with newly constructed alley fed garages will allow for a marketable use on a block which will have newly constructed attached housing and multi-floor multi-family housing completed in the near future. This variance will allow for yet another viable housing type in this walkable, redeveloping neighborhood.

DECISION

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

Adopted this _____ day of _____, 20 ____



View of 822 Union Street



View of 822 Union Street



View of 818 Union Street



Views of 818 Union Street and 818 and 822 Union Street



View of 818 and 822 Union Street

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-DV2-021
Address: 5000 Nowland Avenue (approximate address)
Location: Center Township, Council District #12
Zoning: SU-2 / D-5
Petitioner: Roman Catholic Archdiocese of Indpl Properties Inc., by Chris Hyink
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of an 8.08-foot tall monument sign with digital display (maximum five-foot monument sign permitted, digital display not permitted).

October 10, 2023

On September 12, 2023, this petition was continued for-cause, at the request of the petitioner, to the October 10, 2023, hearing of Division II in order to address Staff concerns. No new information was provided; therefore, Staff continues to **recommend denial**.

SEPTEMBER 12, 2023

RECOMMENDATIONS

Staff **recommends denial** of this request.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

SU-2 and High School educational facility and associated recreational and
D-5 competitive athletic fields

SURROUNDING ZONING AND LAND USE

North - D-5 Single-Family Dwellings
South - D-5 Single-Family Dwellings
East - D-5 Single-Family Dwellings
West - D-5 Single-Family Dwellings

COMPREHENSIVE PLAN

The Comprehensive Plan recommends regional special uses for the site.

- ◇ The site is primarily zoned SU-2 which permits educational uses, and recreational and competitive fields as accessory uses. A small portion in the southwest corner of the site is zoned D-5.
- ◇ The proposal would allow for a taller than permitted monument sign that incorporates a prohibited digital display panel.

(Continued)

VARIANCE OF USE & DEVELOPMENT STANDARDS

- ◇ This proposal would allow for the erection of an 8.08-foot tall, monument sign, with digital display within 80 feet of a protected district. The digital display (EVMS) is not permitted in an SU district, and when allowed, it is not permitted within 400 feet of a protected district. The Ordinance has been constructed to limit these signs near protected districts, because of their scrolling displays, brightness and aesthetic impact on protected districts. The proposed sign would be within about 75 of a protected district located unobstructed to the south.
- ◇ 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.
- ◇ There are no buildings or landscaping that would obscure the proposed EVMS from the impacted dwelling districts. This sign, therefore, would clearly impact the dwellings to the south because of its brightness and aesthetic impact.
- ◇ The Ordinance was developed to limit the incidence of these signs near protected districts because of their scrolling displays, brightness, and negative aesthetic impact for 24 hours a day, 365 days a year.
- ◇ No practical difficulty in the use of this property would result from denial of this variance request., as the currently permitted sign could continue to be used. The petitioner’s proposed findings indicate that the sign is intended to promote enhanced aesthetics. However, in developing the Sign Regulations, it was determined that the impact of EVMS signs on protected districts outweighed the positive aspects of such signs. The proposed sign has no physical barriers that prevent the community from visually seeing the sign. There is no reason that a manual reader board, although not typically essential to the operation of a high school, could be used, along with social media and other alternative communication methods.
- ◇ Any practical difficulty is self-imposed by the petitioner’s desire to choose to not follow the ordinance for their purposes of providing consistent, aesthetically pleasing signage, by proposing a sign taller than the Ordinance allows and within the protected district separation which is not allowed.

(Continued)

GENERAL INFORMATION

THOROUGHFARE PLAN This portion of Nowland Avenue is indicated as a local street on the Official Thoroughfare Plan, with a 48-foot existing and proposed right-of-way.

This portion of Dequincy Street is indicated as a local street on the Official Thoroughfare Plan, with a 48-foot existing and proposed right-of-way.

This portion of Elliott Avenue is indicated as a local street on the Official Thoroughfare Plan, with a 45-foot existing right-of-way and a 48-foot proposed right-of-way.

SITE PLAN File-dated July 21, 2023

ELEVATIONS File-dated July 21, 2023

FINDINGS OF FACT File-dated July 21, 2023

ZONING HISTORY

Subject Site:

2022-DV2-038; 5000 Nowland Avenue; requests variances of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for six-foot chain link and decorative fencing within the front yards and clear sight triangles of the intersections of Elliot Avenue, Dequincy Street and Nowland Avenue and the clear sight triangle of the driveway off of Nowland Avenue (chain link fencing not permitted in front yards, maximum height of 3.5 feet permitted, encroachment of the clear sight triangles not permitted); **granted.**

Vicinity:

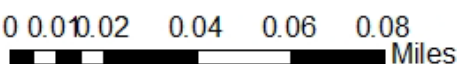
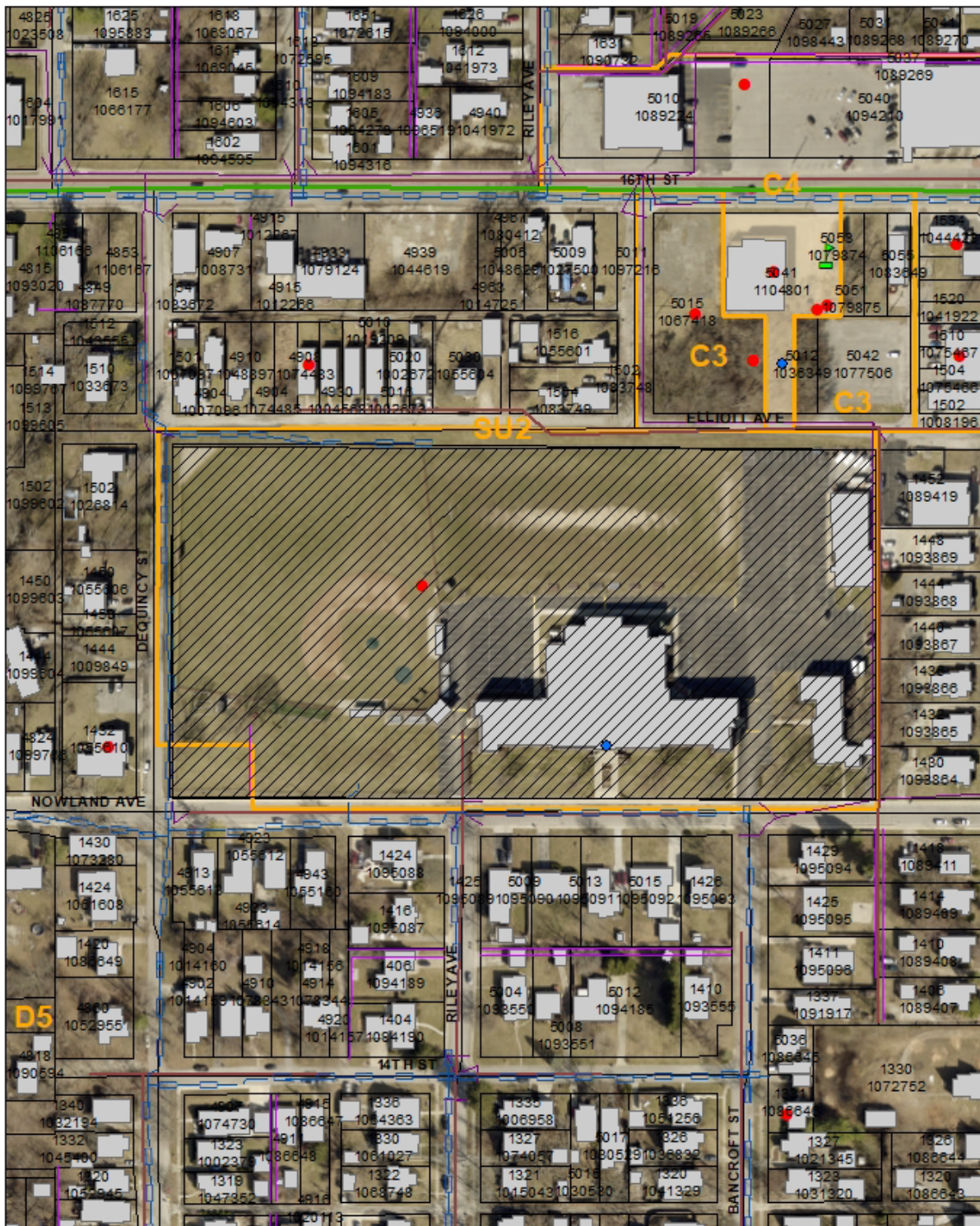
2015-UV1-015; 5015 East 16th Street; requests requested a variance of use of the Wireless Communications Zoning Ordinance to provide for a wireless communications facility, with a 150-foot tall monopole tower, with a 10-foot antenna, and accessory equipment cabinets; **denied.**

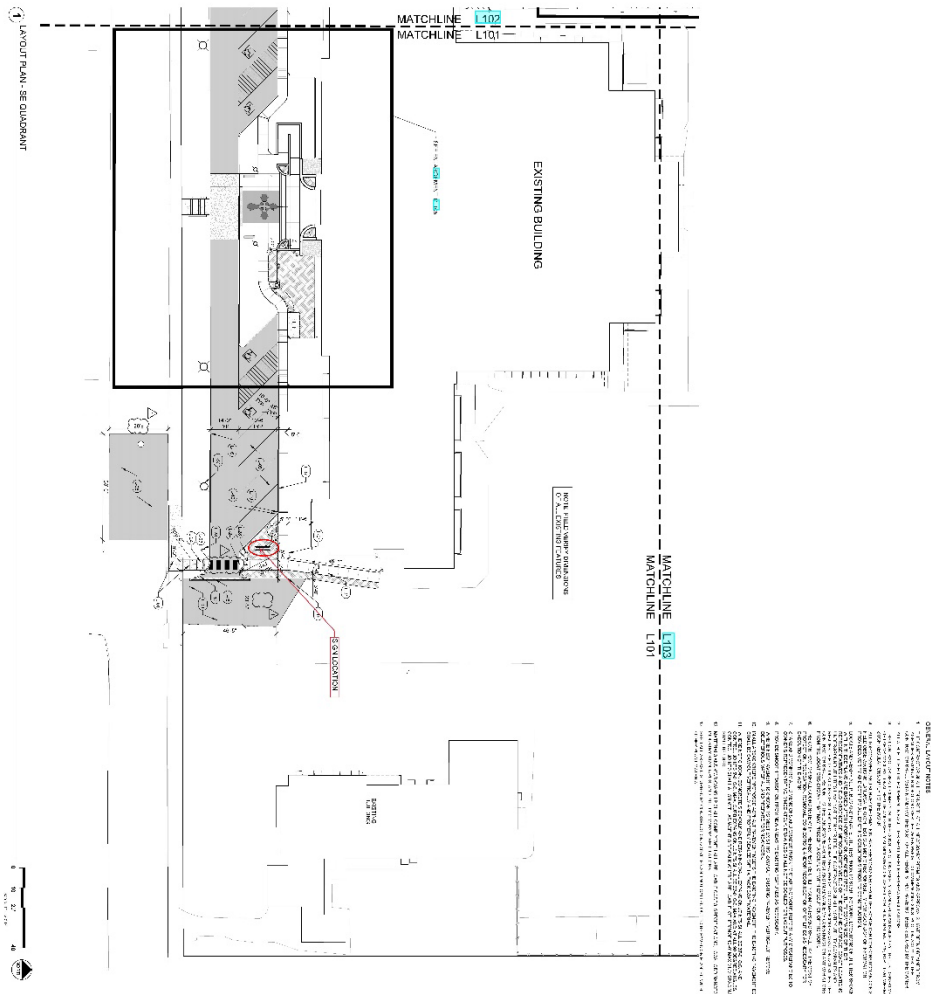
2012-UV1-026; 1432 Dequincy Street; requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a transitional living program for up to eight people; **granted.**

2003-UV3-010; 5041 East 16th Street; requested a variance of use of the Commercial Zoning Ordinance to provide for religious uses; **granted.**

99-UV2-122; 5041 East 16th Street; requests a variance of use of the Commercial Zoning Ordinance to provide for a rental, leasing and repair facility, for automobiles and light trucks; **granted.**

EDH





GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL PLUMBING CODE (IPC).
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
3. ALL UTILITIES SHALL BE LOCATED AND DEPTH MARKED PRIOR TO CONSTRUCTION.
4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
5. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL AUTHORITIES.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
7. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
8. THE CONTRACTOR SHALL MAINTAIN A NEAT AND SAFE WORK SITE AT ALL TIMES.
9. ALL WASTE MATERIALS SHALL BE PROPERLY DISPOSED OF AT THE END OF EACH WORK DAY.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.
11. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LOCAL ZONING ORDINANCES.
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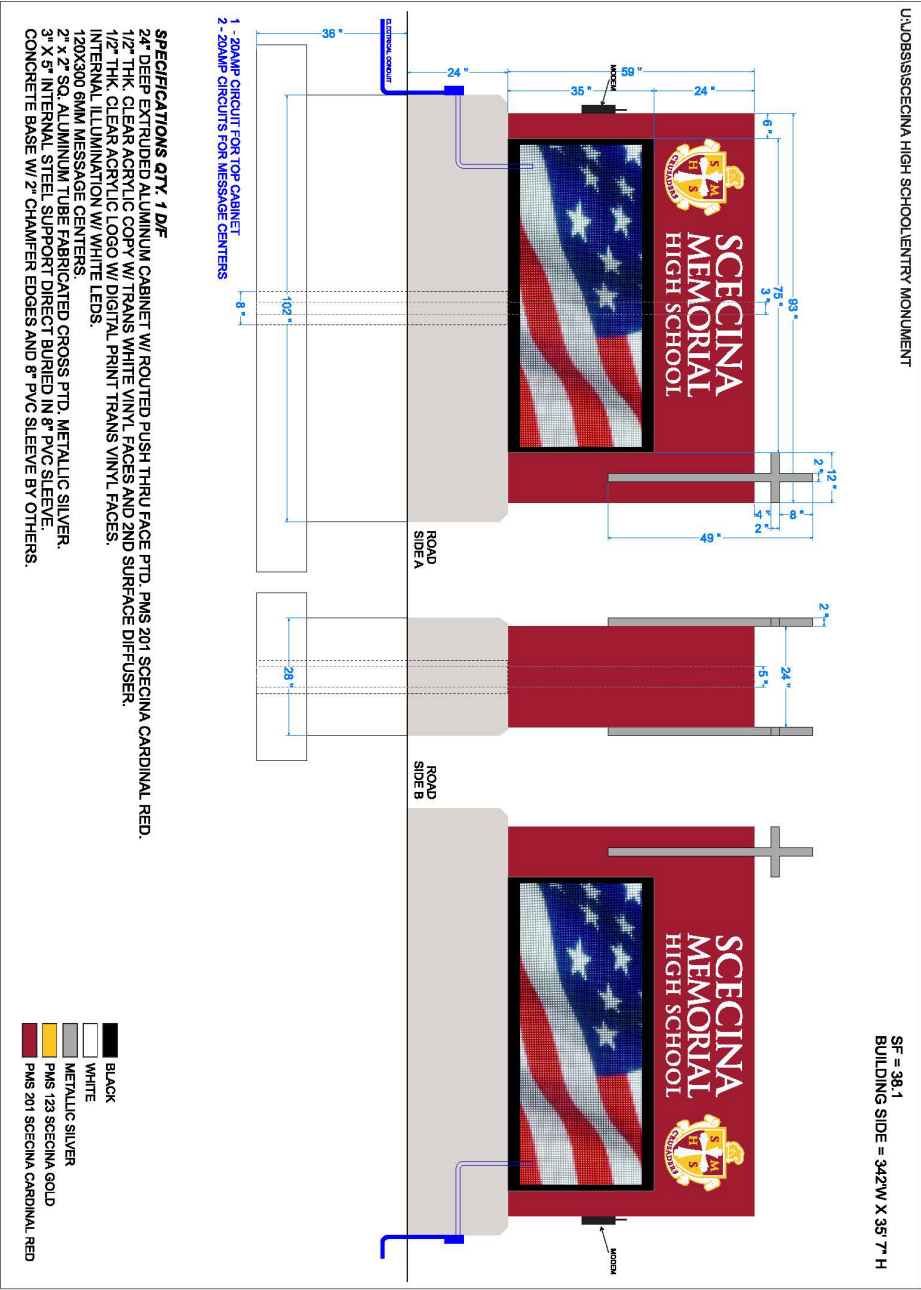
2022.002 **Seccena Memorial High School Athletic Fields**
 5000 Nowland Ave
 Indianapolis, IN 46201

entress ARCHITECTS
 LEAD ARCHITECT: MARISSA BROWN
 6811 E. 83rd Ave, Suite 200
 Indianapolis, IN 46226
 Phone: (317) 552-1111
 entressarchitects.com

mader design
 LEAD DESIGNER: JEFFREY MADER
 1111 E. 83rd Ave, Suite 200
 Indianapolis, IN 46226
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 maderdesign.com

PROJECT NO: 2022.002
 DATE: 08/2023
 PROJECT: SECCENA MEMORIAL HIGH SCHOOL ATHLETIC FIELDS
 DRAWING: SITE LAYOUT PLAN - SE QUADRANT

2023-DV2-021: Sign Elevation



Project: _____
 Location: _____
 Date: 4.18.23 J
 Revision: A.4.21.23 J
 B.5.18.23 E
 C.5.30.23 J
 D _____
 E _____
 F _____
 G _____
 H _____

Sales Approval: _____
 Sign On: _____
 State: NZ
 USLI Logo: YES NO
 Mounting To: BRICK/CONCRETE
 WOOD/METAL
 Primary Wind: _____
 Secondary Wind: _____

Client Approval: APPROVED DRAWING
 APPROVED WITH CORRECTIONS NOTED
 REVERSE & RESUBMIT
 Authorised Signature: _____
 Date: _____

This drawing represents USL's design intent and serves as a foundation for the client's final design. USL is not responsible for the final design or construction. Details and scope of work are subject to change without notice. USL is not responsible for the final design or construction. Please review thoroughly as indicated for dimensions. Approval of this drawing is required for commencement of production.

UNIVERSAL SIGN SYSTEMS
 3001 Tenthon Road, Suite 100, Dallas, TX 75243
 Ph: 972.524.9999 Fr: 817.524.9922



Photo One: Looking West Along Nowland Avenue.



Photo Two: Facing East Along Nowland Avenue.



Photo Three: Front Façade of Subject Site.



Photo Four: Location of Proposed Sign.



Photo Five: Residential Neighborhood to the South, Across Nowland Avenue.