



LAWRENCE BOARD OF ZONING APPEALS  
OF MARION COUNTY, INDIANA  
PETITION FOR VARIANCE

DOCKET #: \_\_\_\_\_

ADDRESS OF PREMISES AFFECTED: 10143 Pendleton Pike Indianapolis IN 46236  
STREET ADDRESS CITY STATE ZIP

NAME OF PETITIONER(S): Michelle Noppenberger for Reagan Outdoor Advertising PHONE: 317-860-2250

PETITIONER(S) E-MAIL: michelle.noppenberger@reaganusa.com

PETITIONER(S) ADDRESS: 511 Madison Avenue Indianapolis IN 46225  
STREET ADDRESS CITY STATE ZIP

AGENT: N/A PHONE: \_\_\_\_\_

AGENT E-MAIL: \_\_\_\_\_

AGENT ADDRESS: \_\_\_\_\_  
STREET ADDRESS CITY STATE ZIP

NAME OF OWNER(S): Cohron's Investments, LLC PHONE: 317-897-1043

IF DIFFERENT FROM PETITIONER(S)

OWNER(S) E-MAIL: Jacob Cohron: jhcohron@gmail.com

OWNER(S) ADDRESS: 9622 Pendeton Pike Indianapolis IN 46236  
STREET ADDRESS CITY STATE ZIP

IS/ARE THE PETITIONER(S) THE OWNER(S) OF ONE HUNDRED PERCENT (100%) OF THE ARE INVOLVED IN THE PETITION?

YES  NO

LEGAL DESCRIPTION (CHECK ONE):

COMPLETE METES & BOUNDS WITH LEGAL DESCRIPTION ATTACHED

PLATTED SITE WITHIN A RECORDED SUBDIVISION WITH COPY OF PLAT MAP ATTACHED

SUBDIVISION NAME: \_\_\_\_\_ SECTION: \_\_\_\_\_

LOT NUMBER(S): \_\_\_\_\_

IS THIS PROPERTY THE SUBJECT OF ANY CODE ENFORCEMENT ACTION? YES  NO

WAS THIS PROPERTY THE SUBJECT OF ANY PREVIOUS PETITION(S)? YES  NO

IF YES, LIST THE DOCKET NUMBER(S): Case # 98-Z-203, #2006ZON089, #2004UVL010

CURRENT ZONING: CS-Special Commercial District TOWNSHIP: Lawrence ACREAGE: 2.12

EXISTING USE OF THE SUBJECT PREMISES: Storage facility

THE VARIANCE REQUEST IS FOR A VARIANCE OF:

USE

USE AND DEVELOPMENT STANDARDS

ReZoning

DEVELOPMENT STANDARDS

SPECIAL EXCEPTION

PROVIDE A DETAILED DESCRIPTION OF THE PROPOSED USE: STATE THE SPECIFIC ORDINANCE(S), STANDARDS(S), AND/OR REGULATION(S) SOUGHT TO BE MODIFIED (ATTACH ADDITIONAL PAGES, IF NECESSARY).

See attached



THE ABOVE INFORMATION, TO MY KNOWLEDGE AND BELIEF, IS TRUE AND CORRECT.

*Michelle Noppenberger*  
SIGNATURE(S) OF PETITIONER(S) OR AGENT  
*Michelle Noppenberger*

\_\_\_\_\_  
SIGNATURE(S) OF OWNER(S) IF DIFFERENT THAN PETITIONER

STATE OF INDIANA, COUNTY OF MARION, SS:

SUBSCRIBED AND SWORN TO BEFORE ME THIS 29 DAY OF January, 2025

NOTARY PUBLIC Susan Mae Chapman PRINTED NAME Susan Mae Chapman

MY COMMISSION EXPIRES 2/1/2026 COUNTY OF RESIDENCE Hancock

SUSAN MAE CHAPMAN  
Notary Public - Seal  
Marion County - State of Indiana  
Commission Number 710052  
My Commission Expires Feb 1, 2026

## 10143 Pendleton Pike

**PREVIOUS PETITIONS:** 2004UVL010 / Rezoning Petitions: Case No. 98-Z-203 and 2006ZON089

**LAND USE CLASSIFICATION:** Commercial

**ZONING:** C-S (Special, creative, negotiated commercial district)

**DETAILED DESCRIPTION OF THE PROPOSAL:** There is an Off-Premises sign that exists at 10301 Pendleton Pike, Indianapolis, IN 46236. As a result of a State of Indiana Department of Transportation Road project at 56<sup>th</sup> Street and Pendleton Pike (US-36 Pendleton Pike Project #1900157), this necessitates the partial taking of the parcel where an Off-Premises sign owned by Reagan Outdoor advertising and the removal of our sign. Pursuant to INDOT Rules and Regulations, and in conformity with state statute, this Off-premises sign is eligible for relocation as it is permitted to be relocated within the same county of the current location per INDOT rules. The outdoor advertising sign is eligible for relocation pursuant to Indiana Code 8-23-20.

The structure will continue to be a v-type back-to-back structure with each facing being 14 feet by 48 feet in advertising sign space. The structure will also continue to be illuminated by lights affixed to each side of the structure. The ordinance allows for a 60' tall structure which the proposed structure will be 10' shorter at 50' overall height. The relocated sign would consist of the construction and operation of a 50' tall, V-shaped, 14'x48' back-to-back static off-premises sign (billboard or sign). Each face of the proposed sign will be oriented toward Pendleton Pike and hold static messages. The property and location are in a commercialized/industrialized area of the city that is bordered by a construction company and additional storage facilities to the east and south, a mobile home park zoned D-11 (Mobile Home Community) to the west and industrial and commercial businesses to the north. The neighboring mobile home community is owned by the same company as the proposed location site.

Section 911 of Chapter 744 has been amended to include Section 744-911(A)(3)(b): *Relocations for outdoor advertising signs outside I-465*. Legally established, non-conforming outdoor advertising signs may be relocated outside of I-465 provided that the outdoor advertising sign structure and/or face must not be expanded or enlarged unless in compliance with the standards of the Ordinance. The relocated outdoor advertising sign shall require an ILP. This subsection does not limit any relocation that is governed by Indiana Code 8-23-20-25.6 and 8-23-20.5-3.

### **SPECIFIC ORDINANCE(S), STANDARD(S), CONDITION(S), COMMITMENT(S), AND/OR REGULATION(S) SOUGHT TO BE MODIFIED:**

1. 744-903(G)(9): Prohibited Signs: Off-Premises signs are prohibited in any location not expressly permitted by Section 744.911. This limitation does not apply to the content of noncommercial messages. Allow an off-premises sign in accordance with the variances below in Section 744.911.
2. 744-906-1(A): Primary freestanding signs in Commercial and Industrial Districts. Current requirements for a pole sign are permitted in C-4, C-5 and C-7 Commercial districts. Allow a pole sign in the C-S Zoning District. C-S: Special, creative, negotiated commercial district
3. 744-911(A)(11)(a): Radial spacing between outdoor advertising signs. Allow radial spacing of approximately 413 feet to an outdoor advertising sign. The current distance requirement between outdoor advertising signs measured radially is 1,000 feet.
4. 744-911(A)(11)(b): Outdoor advertising signs adjacent to protected districts. Allow the Off-Premises sign to be no less than six (6) feet from a protected district. The current separation requirement being 300 feet.
5. 744-911(A)(14): Advertising sign on or appurtenant to buildings. Allow the Off-Premises advertising sign to be partially above a primary building. Advertising signs shall not be located on, above or below any portion of primary buildings.

6. 744-911(A)(15): Setbacks: Allow a setback of six (6) feet for the Off-premises sign. Current setback requirements require a setback for Off-Premises signs of 10 feet along a primary secondary street.
7. 744-911(A)(18) and Table 744-903-7 Districts permitted and allowable square footage. Allow the Off-premises sign to be in C-S zoning – Special, creative, negotiated commercial district with a maximum square footage of 672 feet.

**Relocation of the off-premise sign is per the Indiana Code shown below:**

**IC 8-23-20-25.6 Obstruction or removal of outdoor advertising sign; elevation or relocation of outdoor advertising sign; compensation; notice of project**

Sec. 25.6. (a) As used in this section, "market area" means a point within the same county as the prior location of an outdoor advertising sign.

(b) This section applies only to an outdoor advertising sign located along the interstate and primary system, as defined in 23 U.S.C. 131(t) on June 1, 1991, or any other highway where control of outdoor advertising signs is required under 23 U.S.C. 131.

(c) If an outdoor advertising sign is no longer visible or becomes obstructed, or must be moved or removed, due to a noise abatement or safety measure, grade changes, construction, directional sign, highway widening, or aesthetic improvement made by any agency of the state along the interstate and primary system or any other highway, the owner or operator of the outdoor advertising sign, to the extent allowed by federal or state law, may:

(1) elevate a conforming outdoor advertising sign; or

(2) relocate a conforming or nonconforming outdoor advertising sign to a point within the market area, if the new location of the outdoor advertising sign complies with the applicable spacing requirements and is located in land zoned for commercial or industrial purposes or unzoned areas used for commercial or industrial purposes.

(d) Except as provided in subsection (j), if within one (1) year of an action being filed under [IC 32-24](#), an owner can demonstrate that the owner has made good faith efforts to relocate a conforming or nonconforming outdoor advertising sign to a conforming location within the market area, but the owner has not obtained a new conforming location, the outdoor advertising sign will be treated as if it cannot be relocated within the market area. Notwithstanding subsection (e) and [IC 8-23-20.5](#), if an outdoor advertising sign cannot be elevated or relocated to a conforming location and elevation within the market area, the removal or relocation of the outdoor advertising sign constitutes a taking of a property interest and the owner must be compensated under section 27 of this chapter.

(e) The county or municipality, under [IC 36-7-4](#), may, if necessary, provide for the elevation or relocation by ordinance for a special exception to the zoning ordinance of the county or municipality.

(f) The elevated outdoor advertising sign or outdoor advertising sign to be relocated, to the extent allowed by federal or state law, may be modified:

(1) to elevate the sign to make the entire advertising content of the sign visible;

(2) to an angle to make the entire advertising content of the sign visible; and

(3) in size or material type, at the expense of:

(A) the owner, if the modification in size or material type of the outdoor advertising sign is by choice of the owner; or

(B) the department, if the modification in size or material type of the outdoor advertising sign is required for the outdoor advertising sign to comply with [IC 22-13](#).

(g) This section does not exempt an owner or operator of a sign from submitting to the department any application or fee required by law.

(h) At least twelve (12) months before the filing of an eminent domain action to acquire an outdoor advertising sign under [IC 32-24](#), the department must provide written notice to the representative of the sign owner identified on the outdoor advertising sign permit that is on file with the Indiana department of transportation that a project has been planned that may impact the outdoor advertising sign.

(i) If the agency fails to provide notice required by subsection (h) within twelve (12) months of an action being filed against an owner under [IC 32-24](#), the owner may receive reasonable compensation for losses associated with the failure to receive timely notice. However, failure to send notice required by subsection (h) is not a basis of an objection to a proceeding under [IC 32-24-1-8](#).

(j) Notwithstanding subsection (d), if an action that has been filed under [IC 32-24](#) is pending as of July 1, 2023, and:

(1) the parties have not entered into a final settlement agreement; or

(2) no final judgment has been entered by the trier of fact;

the owner may relocate the outdoor advertising sign under this section and [IC 8-23-20.5](#).

*As added by P.L.222-2017, SEC.2. Amended by P.L.97-2022, SEC.1; P.L.178-2022(ts), SEC.10; P.L.201-2023, SEC.115.*

**Variance / Compensation for the off-premise sign is per the Indiana Code shown below:**

**IC 8-23-20.5-3Special exception or variance; compensation by county or municipality; eminent domain action**

Sec. 3. (a) If a county or municipality either:

(1) subject to [IC 8-23-20-10](#), does not amend its zoning ordinance as necessary to provide for a special exception to the zoning ordinance for the relocation of an outdoor advertising sign; or

(2) does not approve a variance to the zoning ordinance filed by the outdoor advertising sign's owner that conforms to the filing requirements;

the county or municipality that did not approve the relocation of the outdoor advertising sign within the market area is responsible for the payment of full and just compensation for the outdoor advertising sign under [IC 8-23-20-27](#), including any costs and fees associated with a variance application, if applicable, to the outdoor advertising sign's owner.

(b) A county or municipality's consideration of a special exception or variance may not be a basis to delay the appointment of appraisers under [IC 32-24-1-9](#).

(c) If a county or municipality has not approved the relocation of an outdoor advertising sign located within its jurisdiction before the date an action under [IC 32-24](#) is filed, the county or municipality must be named as a party to the action.

*As added by P.L.97-2022, SEC.4. Amended by P.L.201-2023, SEC.116.*

**Section 744-904(C)(1)**

**C. Required relocations or elevations; Outdoor Advertising Signs.**

1. In accordance with I.C. 8-23-20-25.6 and 8-23-20.5-3, legally-established Outdoor Advertising Signs which are required to be elevated or relocated due to a noise abatement or safety measure, grade changes, construction, directional sign, highway widening, or aesthetic improvement made by any agency of the state along the interstate and primary system or any other highway may be elevated or relocated to the extent allowed by state or federal law and upon approval of a special exception from the Board of Zoning Appeals. The elevated or relocated sign shall comply with all applicable development standards of this ordinance. An improvement location permit shall be required for signs that are elevated or relocated pursuant to I.C. 8-23-20-25.6.

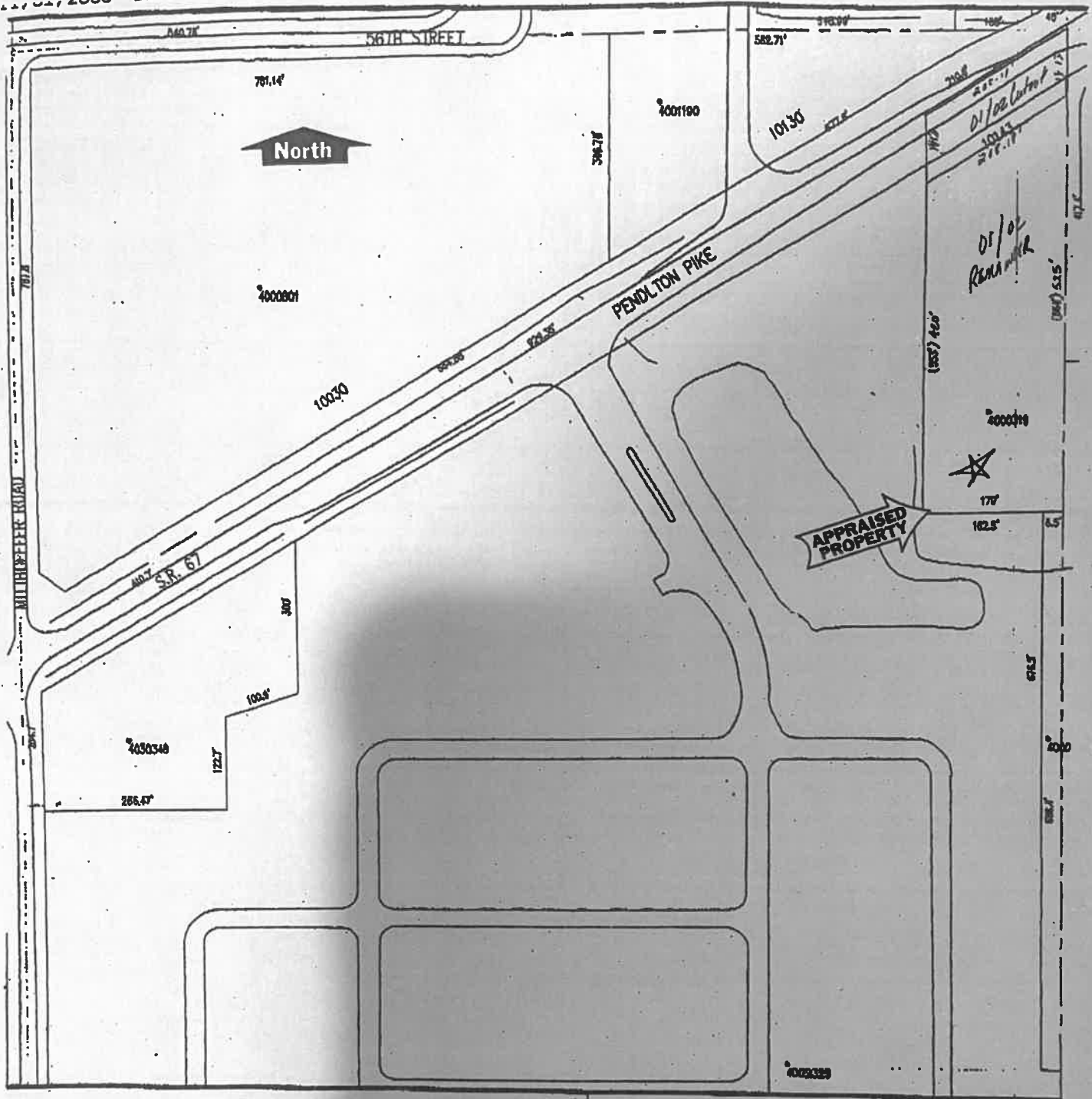
## LEGAL DESCRIPTON

Part of the West Half of the Northwest Quarter of Section 9, Township 16 North, Range 5 East of the Second Principal Meridian in Marion County, Indiana, more particularly described as follows, to-wit:

Beginning at the point of intersection of the North line of said Half Quarter Section and the Center line of the Indianapolis and Oaklandon Gravel Road, now known as State Road No. 67, said point being 80 rods east of the West line of said Half Quarter Section, thence south upon and along the East line of said Half Quarter Section 81 rods 4 feet, thence west parallel to the North line of said Half Quarter Section 1 rod, thence north parallel with the East line of said Half Quarter Section 41 rods, thence west parallel to the North line of said Half Quarter Section 9 rods and 14 feet, thence north parallel with the East line of said Half Quarter Section 33 rods 8 ½ feet to the Center line of said Indianapolis, and Oaklandon Free Gravel Road, thence east 30 degrees north upon and along the Center line of said road 12 rods and 12.6 feet to the place of beginning, containing 2 789/800 acres, more or less.

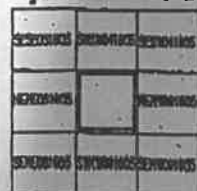
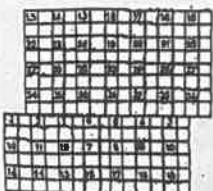
Subject to all covenants, restrictions, reservations, easements, conditions and rights of way appearing of record.

Commonly known as: 10143 Pendleton Pike, Indianapolis, IN 46236.



**F. Paul Ricketts**  
 Lawrence Township Assessor  
 4981 North Franklin Road  
 Lawrence, Indiana 46226  
 317-547-8625  
**Dan Spiker** Chief Deputy

**Legend**  
 NW-NW 09-16-05  
 Marion County, Indianapolis, Indian.



— P —	4023060	Parcel ID
— P_S —	8402	Address
— Q —	134	Lot Number
— IMAGIS	HELMSMAN	Street Name

Key Plan

Adjacent Maps

Scale: 1" = 120'

3:57 PM  
December 10, 1998

Page 641

# Plat Map



**LAWRENCE BOARD OF ZONING APPEALS  
OF MARION COUNTY, INDIANA**

**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 Off-Premises outdoor advertising sign that is being relocated pursuant to this grant of variance has been in place for over 36 years without causing any injury to the public health, safety, morals, and general welfare of the community. The Off-Premises outdoor advertising sign is being relocated in close proximity, 562' west from its previous location to facilitate a road improvement project being administered by the Indiana Department of Transportation ("INDOT") known as the US-36/Pendleton Pike Project #1900157.

There is no evidence that the Off-Premises outdoor advertising sign has caused any injury, in any manner, to the public health, safety, morals, and general welfare of the community in the last 36 years. The sign will conform to Federal, INDOT, and industry standards with regard to construction and safety. The general welfare of the community could be adversely impacted should the variances not be granted by requiring the City of Lawrence tax dollars to be diverted from other public programs to pay for the taking of the billboard.

**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:**

Currently, the zoning is C-S (Special, creative, negotiated commercial district), for this parcel, and serves as Never Enough Storage's business location. The property and location is in a commercial/industrial area of the city that is bordered by a construction company zoned I-1 (Restricted, Inside Only Industrial) to the east, a mobile home park zoned D-11 (Mobile Home Community) to the west which is owned by the same owners of the parcel where the proposed Off-Premises outdoor advertising sign's location, and industrial/commercial businesses to the north. The Off-Premises outdoor advertising sign that is being relocated to this grant of variance has been in place since 1989 without affecting the neighboring properties in a substantially adverse manner. The variance in question seeks to move the billboard approximately 562' west from its previous location. Moving the location in close proximity would not affect the value of adjacent properties since the billboard existed for 36 years. Pursuant to this grant of variance, the outdoor advertising sign will be relocated to facilitate a road improvement project being administered by the Indiana Department of Transportation ("INDOT") known as the US-36 Pendleton Pike Project #1900157.



**3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE**

Petitioner will suffer significant economic injury created by the Indiana Department of Transportation ("INDOT") US-36/Pendleton Pike road improvement project #1900157. Petitioner made a considerable economic investment in the legal construction of the existing sign that complies with the approval granted in 1989. Injury to the Petitioner is not self-created and results from the INDOT US-36/Pendleton Pike road improvement project. Due to special circumstances with the need to relocate the Off-Premises billboard sign there is a need for flexibility as the existing sign was not previously subject to. Strict application of the zoning ordinance places an unnecessary and unusual hardship on the application through no fault or action of applicant and does not further the intent of the zoning ordinance. The petitioner seeks to be made whole through the replacement of the billboard taken under eminent domain.



**DECISION**

**IT IS THEREFORE THE DECISION OF THIS BODY THAT THIS VARIANCE PETITION IS GRANTED, SUBJECT TO ANY CONDITIONS STATED IN THE MINUTES (WHICH CONDITIONS ARE INCORPORATED HEREIN BY REFERENCE AND MADE A PART OF THIS DECISION).**

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

\_\_\_\_\_  
Chairman

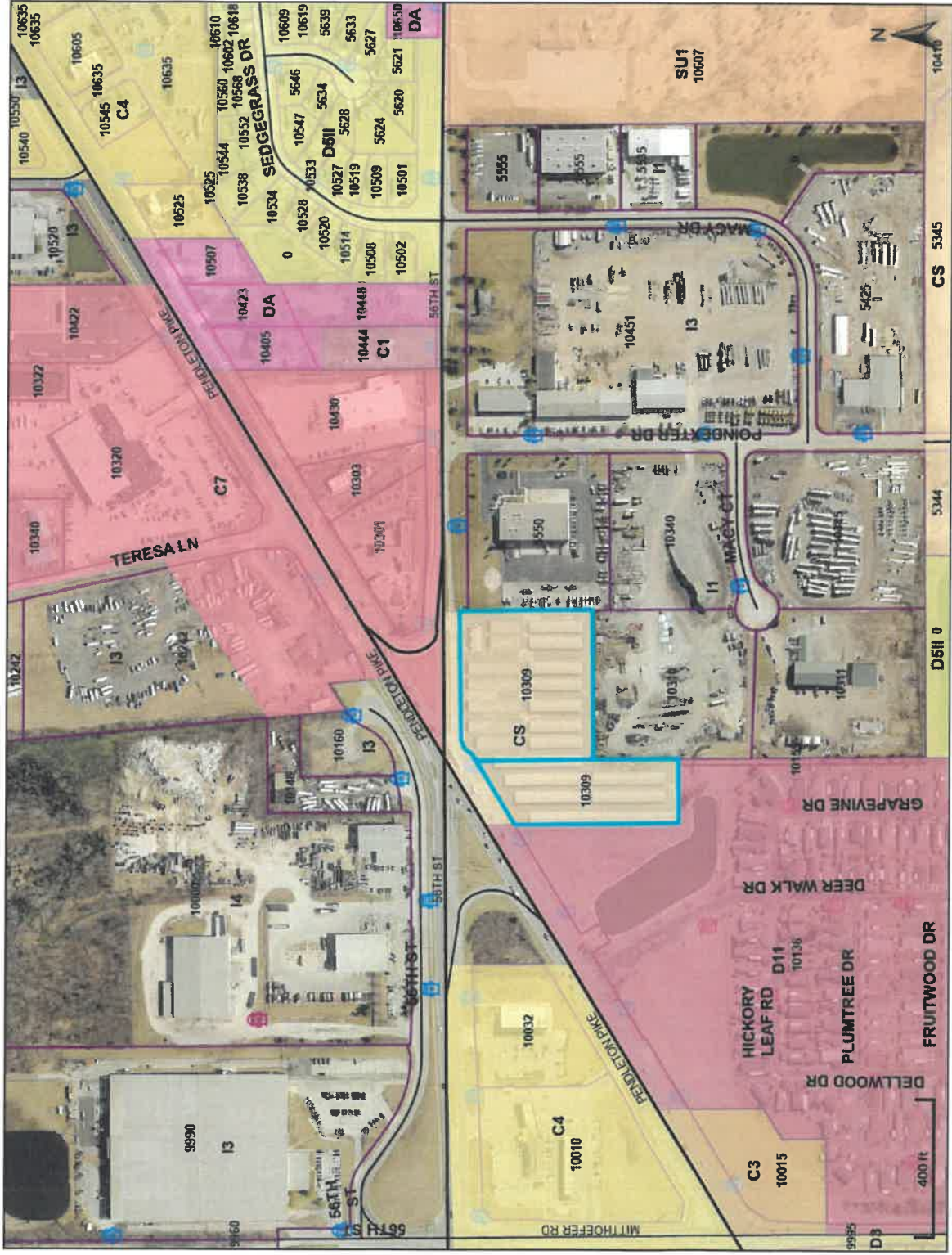
\_\_\_\_\_  
Vice-Chairman

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

# Base Map 10309 E 56th St



## Overview





City of  
**Lawrence**  
Indiana

PETITION NO.: \_\_\_\_\_

LAWRENCE BOARD OF ZONING APPEALS  
OF MARION COUNTY, INDIANA

CONSENT FORM

The undersigned, BRAD GIBSON, being the owner(s) of the property commonly known as 10309 E 56TH ST INDRPLS, IN 46235, hereby authorize(s) REAGAN OUTDOOR ADVERTISING to file land development petitions necessary for the aforementioned address.

This consent shall:

remain in effect until revoked by a written statement filed with the Lawrence Board of Zoning Appeals.

OR

remain in effect until \_\_\_\_\_, 20\_\_\_\_\_.

Brad Gibson

Property Owner

Property Owner

Date: 8/1/24

Date: \_\_\_\_\_

STATE OF INDIANA )  
COUNTY OF Marion ) SS:

Before me, a Notary Public in and for said County and State, appeared the Property Owner(s) herein, who acknowledged the execution of the foregoing as his/her/their voluntary act and deed for the uses and purposes expressed therein.

Witness my hand and notarial seal this 1 day of August, 2024.

My commission expires:

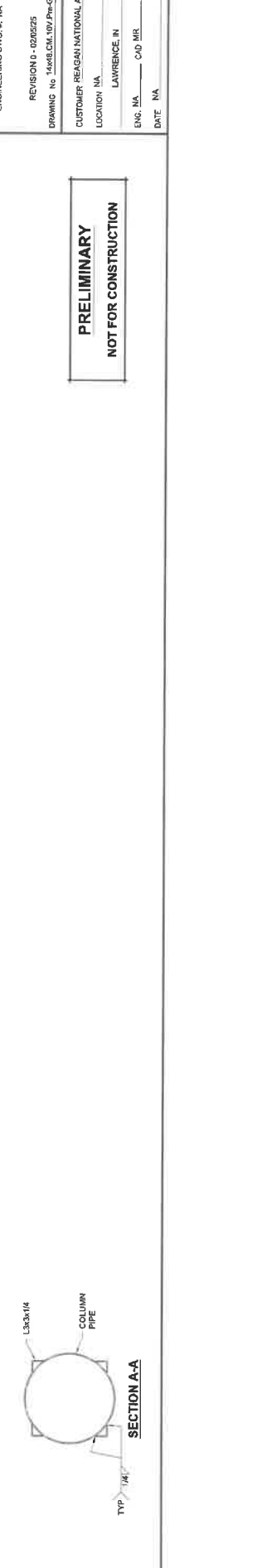
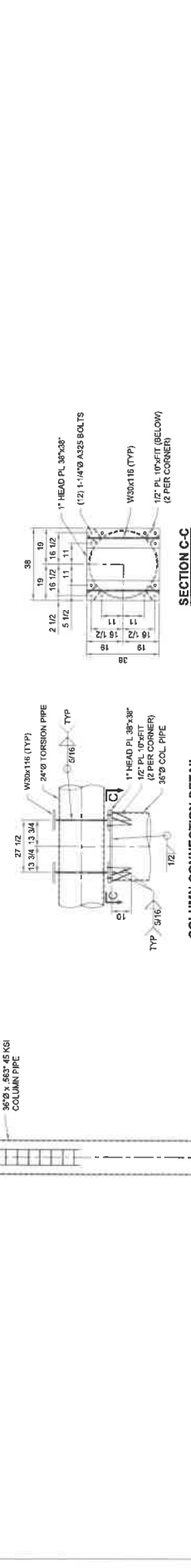
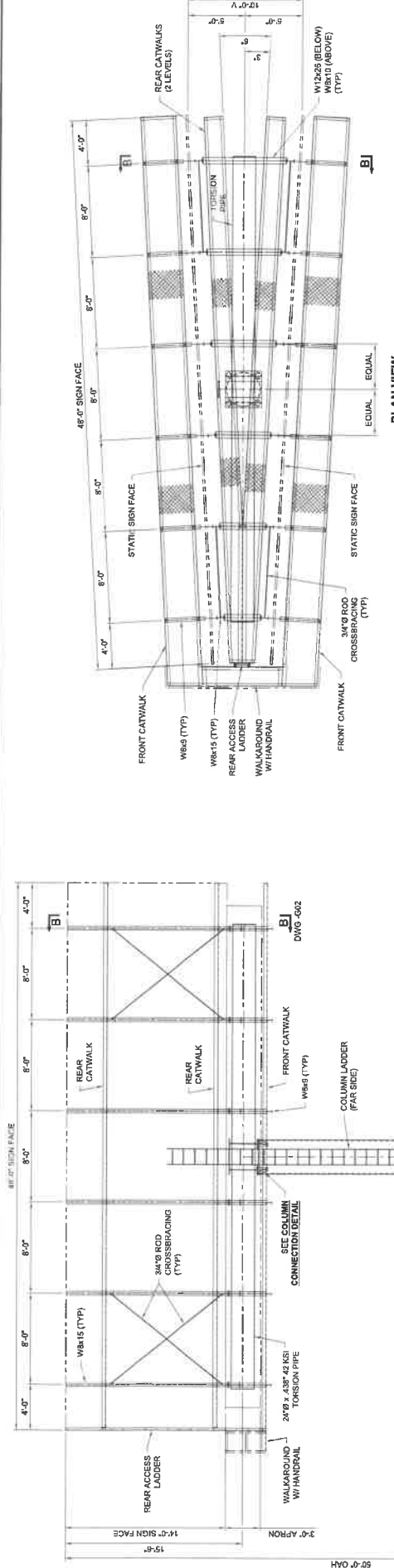
July 22, 2031

Elsa M Jacobs  
NOTARY PUBLIC

Madison  
County of Residence:

ELSA M JACOBS  
Printed Name





**ALL STEEL STRUCTURES, INC.**  
 1801 S. Weaver, South West, L 6040-207  
 1-800-421-1759

Job No. Prattm. Date: 02/05/25

14'-0" x 48'-0" CM, 10' V, 50' OAH  
 GENERAL ARRANGEMENT  
 ENGINEERING DWG. #. NA

REVISION: 0 - 02/05/25  
 DRAWING No. 14x48CM.10V.50P-001

CUSTOMER: REAGAN NATIONAL AD.  
 LOCATION: NA  
 LAWRENCE, IN  
 ENG. NA C/D MR  
 DATE NA

**PRELIMINARY  
 NOT FOR CONSTRUCTION**



10143 PENDLETON PIKE  
LAWRENCE PARCEL NUMBER  
4000319  
REAGAN #0000

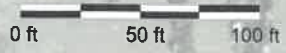
E 56TH ST

PENDLETON PIKE



- KEY**
- PROPERTY LINE
  - ▨ BILLBOARD
  - ▒ PAVEMENT
  - ░ STONE
  - ▒ GRASS
  - BUILDING

Scale 1"=50'

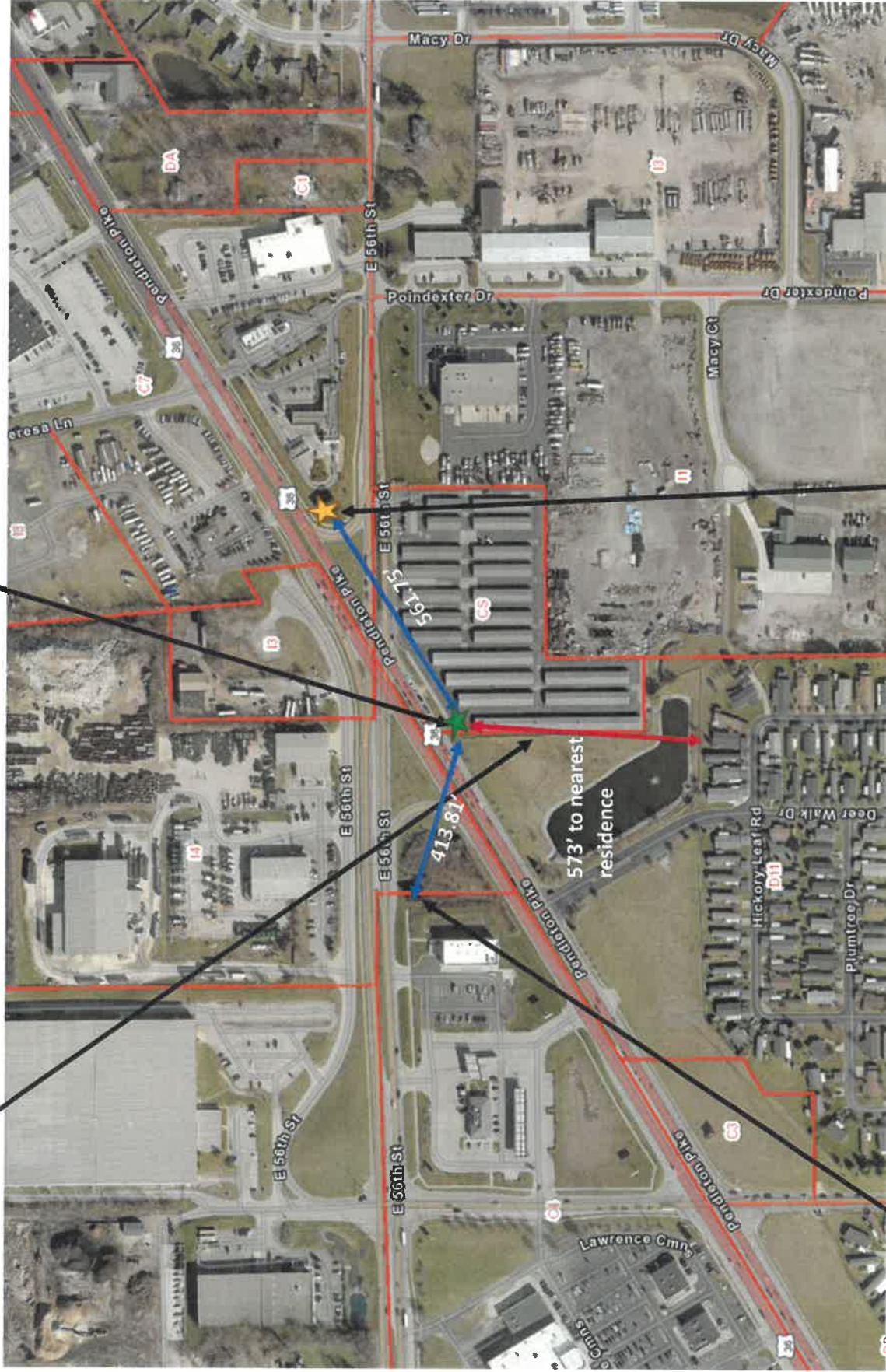


**AREA PLAN**

10143 Pendleton Pike, Indianapolis, Marion County, Indiana

Nearest Protected District D11 zoning distance approx. 6 ft. (573' to nearest residence)

**PROPOSED BILLBOARD LOCATION**



approx. 413.81 ft. to existing billboard

Billboard to be removed by eminent domain - approx. 561.75 ft. to proposed location



