



Address: 10143 Pendleton Pike ~ AKA 10309 E 56th St
Parcel: 4000319
Docket #: 25 LSV 03
Hearing Date: March 18, 2025
Council District #: 4 ~ Carlos Jennings

Petitioner: Reagan Outdoor Advertising
Michelle Noppenberger
511 Madison Ave
Indianapolis, IN 46225
Michelle.noppenberger@reaganusa.com
317-860-2250

Owner: Cohron's Investments, LLC
Jacob Cohron
9622 Pendleton Pike
Lawrence, IN 46236
jhcohron@gmail.com
317-897-1043

Application:

Variance of Development Standards:

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.



Analysis:

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 56th 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.



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 8-23-20.5-3 Special 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.
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Opinion:

It is the opinion of this review that the Petition for Variance of Development Standards meets the requirements of the Findings of Fact

Recommendation:

It is our recommendation that this variance be approved by the Board of Zoning Appeals.

Summary of the Subject Property Zoning Standards

Current Zoning Designation:	CS
Surrounding Property Zoning	
North:	I3
South:	I3
East:	CS
West:	D11
Comprehensive Plan Land Use Designation:	Community Commercial
Current Land Use:	Commercial
Compact Context Area:	Metro
Relevant Code Sections:	744-510-2



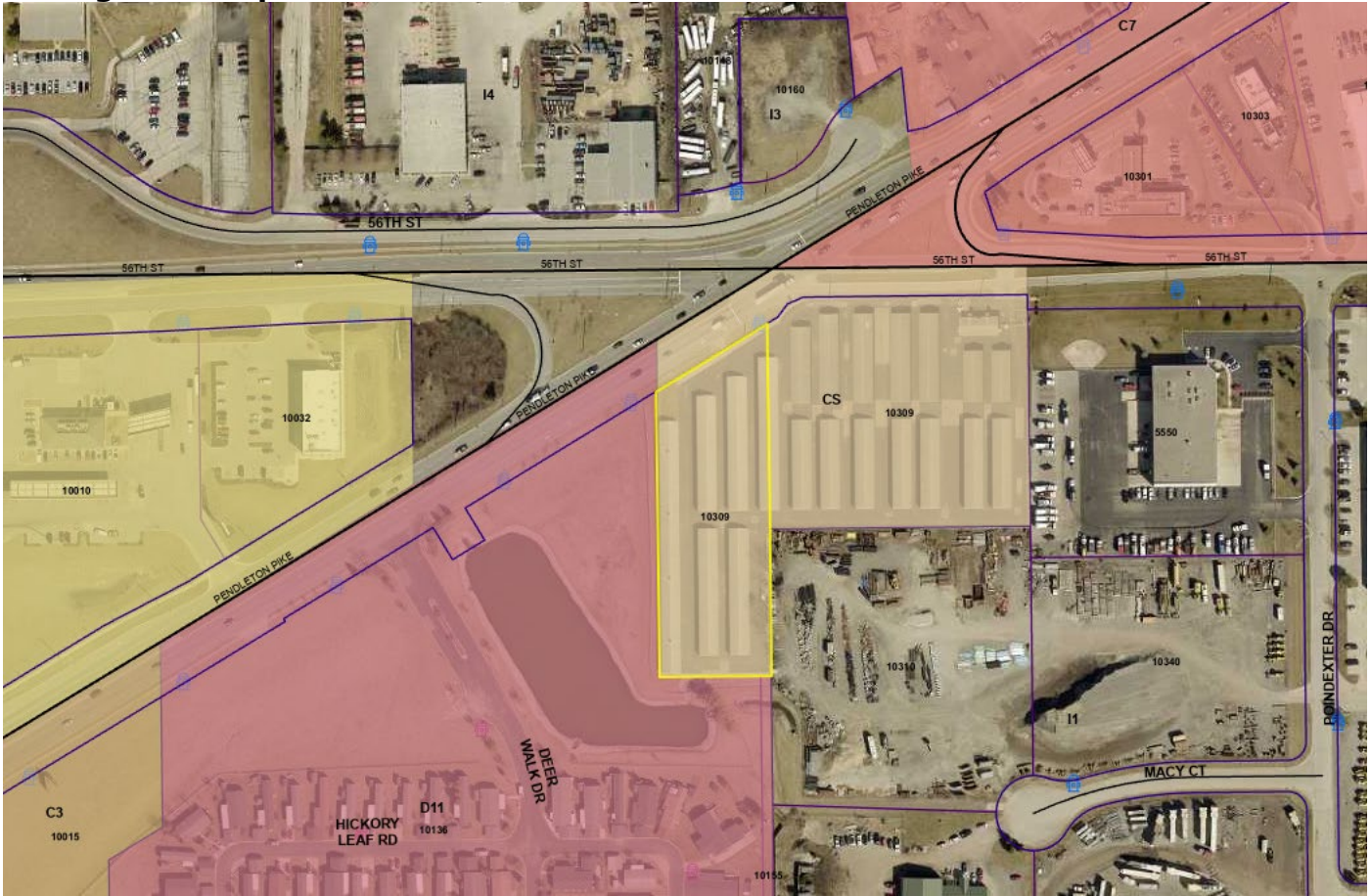
City of
Lawrence
Indiana

Aerial:





Zoning Base Map:





Site Plan:

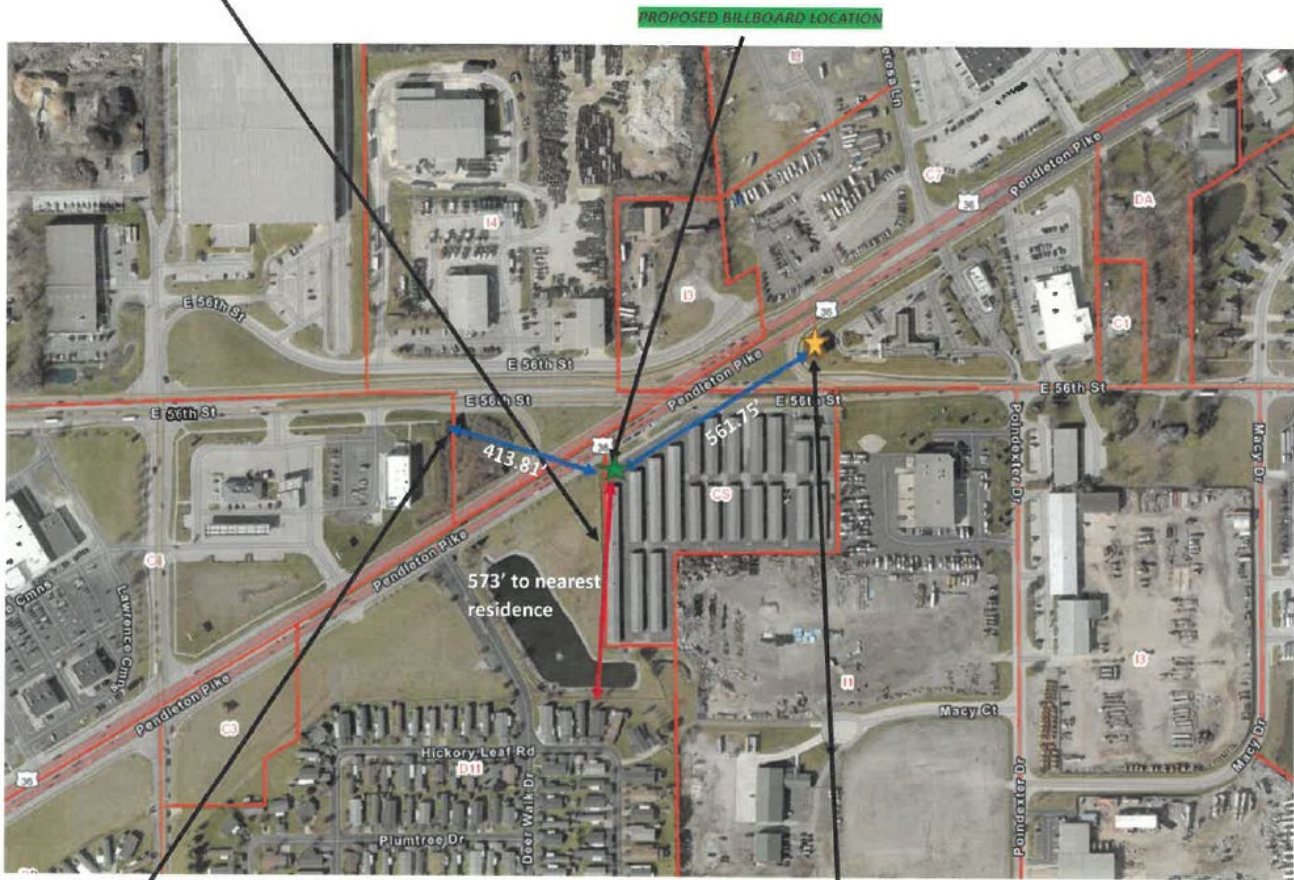




AREA PLAN

10143 Pendleton Pike, Indianapolis, Marion County, Indiana

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



approx. 413.81 ft. to existing billboard

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

0 300 ft



City of
Lawrence
Indiana

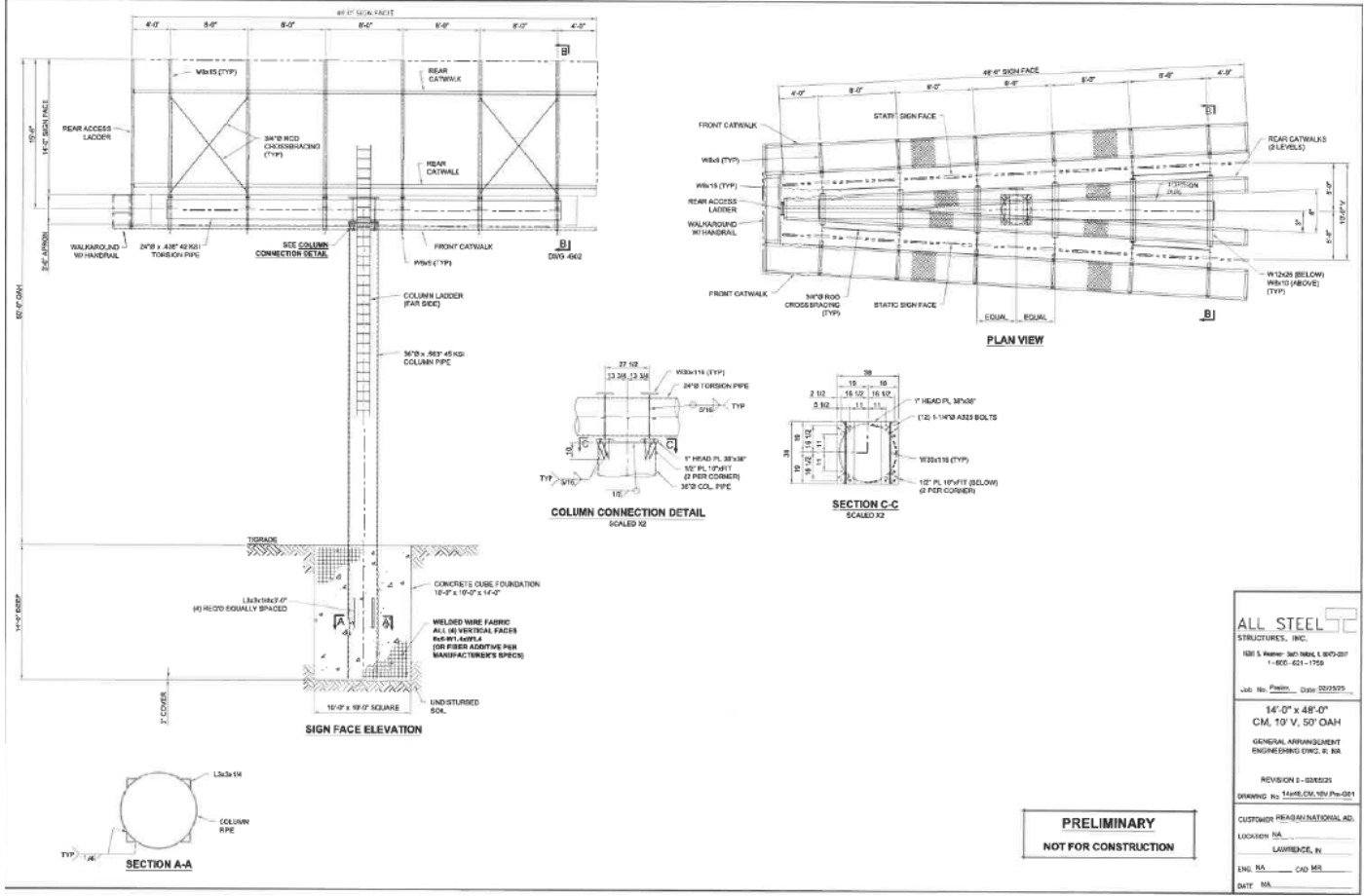
AREA PLAN – nearest sign measured linearly

10143 PENDLETON PIKE, Indianapolis, Marion County, Indiana





Elevation:



ALL STEEL STRUCTURES, INC.
 1801 S. Weber • 340 W. 10th E. • LAWRENCE, IN 46203-2017
 1-800-621-1750

Job No. _____ Date 02/25/05

14'-0" x 48'-0"
 CM, 10' V, 50' OAH
 GENERAL ARRANGEMENT
 ENGINEERING DWG. 8: BA

REVISION 1 - 02/25/05
 DRAWING No. 144616M.10V.P01-001

CUSTOMER: PEARSON NATIONAL AD.
 LOCATION: BA _____
 LAWRENCE, IN _____
 ENGR: BA _____ CAD: MEL _____
 DATE: BA _____

PRELIMINARY
 NOT FOR CONSTRUCTION



Findings of Fact (as provided by applicant):

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.