

BOARD OF ZONING APPEALS DIVISION III

July 21, 2026

Case Number:	2026-DV3-025 (Amended)
Property Address:	8674 US 31 (approximate address)
Location:	Perry Township, Council District #22
Petitioner:	Fountain Creek LLC, by Crystal Whitehead
Current Zoning:	C-4
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the placement of a canopy sign with sign area exceeding 45% of the canopy plane (maximum 45% permitted) and for three secondary incidental signs (maximum 2 per acre permitted).
Current Land Use:	Commercial (Under Construction)
Staff Recommendations:	Staff recommends approval of this petition.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

8674 US 31 is a 0.8-acre commercial parcel on the southern side of Indianapolis. Along with several other parcels, it was rezoned to the C-4 classification in 2020 to allow for commercial development. The Improvement Location Permit ILP25-00396 was approved to allow for construction of a Mediterranean restaurant. Construction is currently underway for that building and accessory parking area.

A permit application for a sign permit was made via SGN26-00066, which is on hold pending the result of this petition. Specifically, two variances would be required to allow for the canopy and secondary incidental signage proposed by this permit to be installed as proposed. A site plan showing the sign locations and dimensional renderings of the signs and building elevations are within the Exhibits below.

1. One canopy sign are proposed along the southeastern façade above the proposed drive-thru service unit ("Pickup"). Ordinance would classify this as a canopy sign as opposed to a wall sign. The size of canopy sign message areas is limited to 45% of the canopy planes (which in this case would be the narrow wooden canopy running parallel to the building). Per review by the Department of Business and Neighborhood Services, the proposed sign would exceed the 45% requirement.

2. Secondary incidental signs are limited to two per acre. Provided plans show placement of 3 parking/pickup signs on an 0.8-acre lot (which would allow for a maximum of 2 signs). This would require grant of a second variance of development standards per review by the Department of Business and Neighborhood Services.

Originally, the variance filed sought permission for *four* canopy signs, with three additional building identification signs being placed along the narrow wooden canopy running parallel to the building. However, on July 14th the petitioner amended their filing to indicate placement of those other three signs on the building façade directly (allowing them to be classified as wall signs) and to solely seek permission for one canopy sign instead of four.

The property is zoned C-4 to allow for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. Similarly, the Comprehensive Plan recommends it for Regional Commercial uses to provide for general commercial and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Additional information is within the Comprehensive Plan Analysis section of the report below.

Ordinance standards for canopy signage were written with the intent to enforce the size of message areas on cloth canopies. Per staff analysis, the proposed building sign for this project would function in a manner more similar to wall signage than canopy signage; however, the Ordinance definition for wall signs explicitly indicates that they must be attached both parallel to and *within 18 inches of* the wall (the latter condition would not be met). No negative externality would be created by placement of the sign as proposed, which otherwise meet all applicable standards for signage. Staff recommends **approval** of the variance to allow for a canopy sign exceeding 45% of the area of the wooden canopy plane.

With regards to the secondary incidental sign variance requested, staff would note that **(a)** if the lot were slightly larger (over 1 acre in size as opposed to 0.8-acre) it would allow for four signs without the need for a petition; **(b)** these regulations are typically applied for much larger directional signage within either industrial parks or integrated commercial centers; and **(c)** the combined size of all three proposed secondary incidental signs (6 square feet) would constitute less than 20% of the maximum sign size allowed for this sign type within the Ordinance (32 square feet). For these reasons, staff feels that the requested deviation is minor in nature and would recommend **approval** of this variance as well.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial (Under Construction)	
Comprehensive Plan	Regional Commercial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	C-4	North: Commercial
South:	C-4	South: Commercial
East:	C-4	East: Commercial
West:	HD-1	West: Hospital Parking Lot
Thoroughfare Plan		

US 31	Primary Arterial	150-foot existing right-of-way and 124-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	05/28/2026	
Site Plan (Amended)	N/A	
Elevations	05/28/2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	05/28/2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Regional Commercial typology provides for general commercial and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Uses are usually in large freestanding buildings or integrated centers. Typical examples include shopping malls, strip shopping centers, department stores, and home improvement centers.
- The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.

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

2020ZON094, Rezoning of 6.2 acres from the SU-1 and D-A district to the C-4 district, **approved**.

ZONING HISTORY – VICINITY

2026DV3002 ; 8704 US 31 (south of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a commercial building and parking with a 10-foot side transitional yard (20 feet required), **approved**.

2025DV3019A ; 8733 US 31 (southeast of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a freestanding sign within 269 feet of another freestanding sign and a third drive through sign (300-foot separation required, two drive through signs permitted), **approved**.

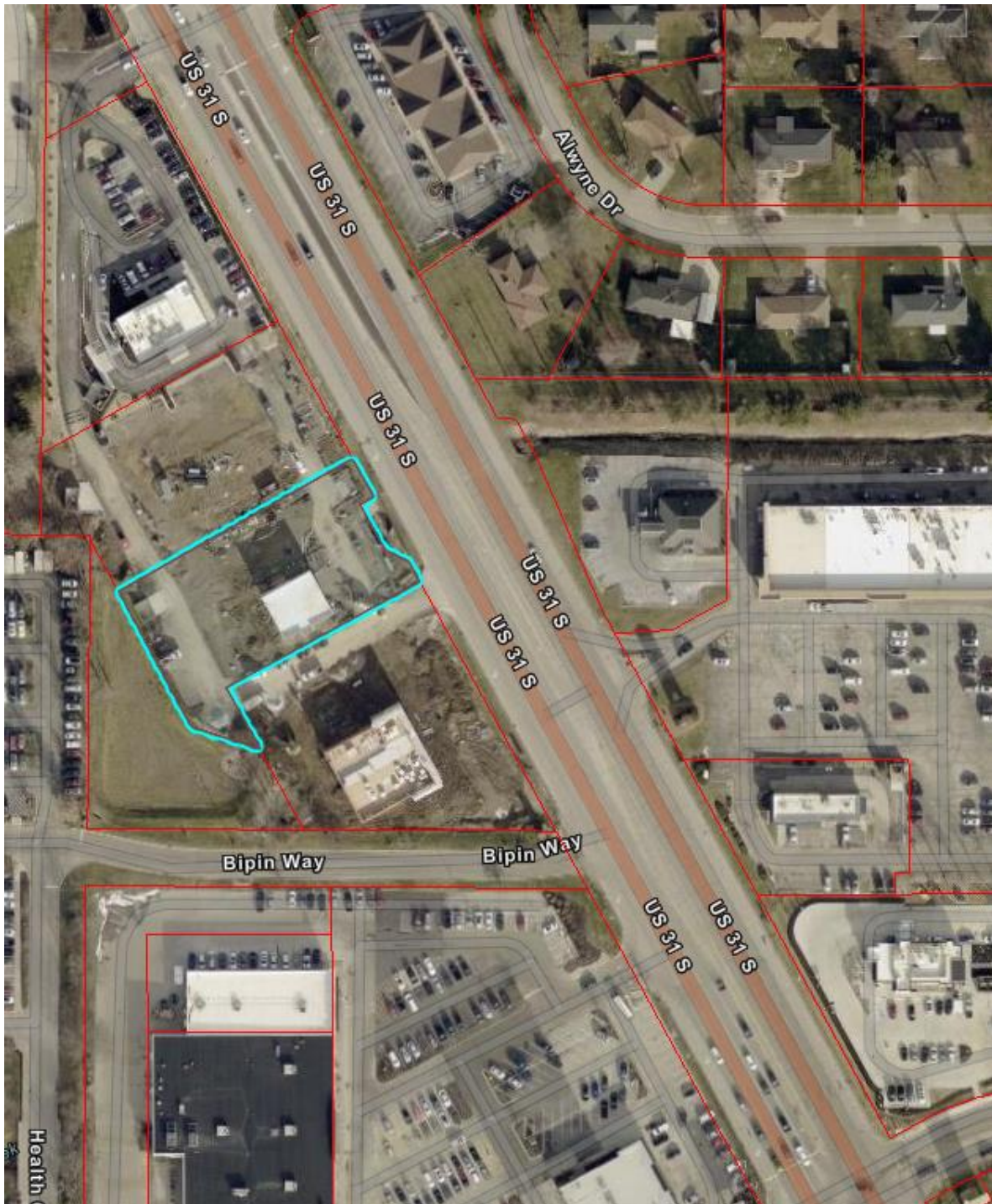
2013DV3017 ; 8820 US 31 (southeast of site), Variance of development standards of the Sign Regulations to provide for a freestanding sign, with a nine-foot front setback (15-foot front setback required), being within approximately 155 feet of a freestanding sign to the north and approximately 170 feet of a freestanding sign to the east, being the fifth sign on a frontage of less than 1,400 linear feet (maximum four freestanding signs permitted), **approved**.

2008DV2059 ; 8800 US 31 (southeast of site), Variance of Development Standards of the Sign Regulations to provide for a 437.5-square foot pole sign with a 140-square foot electronic variable message sign (EVMS) component, within 27 feet of a signalized traffic intersection (minimum 125-foot separation required) and within 400 feet of a protected district (minimum 600-foot separation required), **approved**.

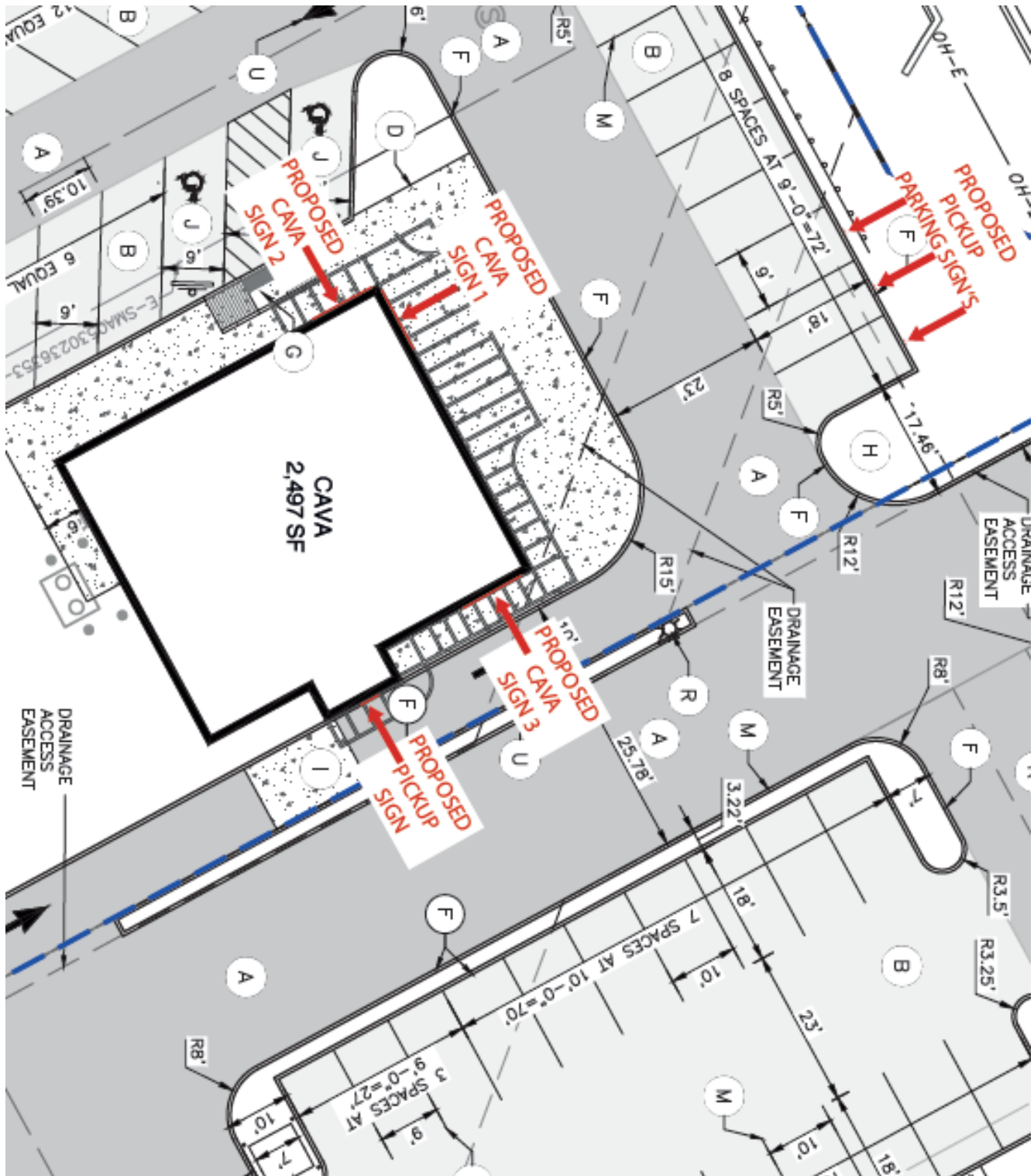
2008HOV005 ; 8711 US 31 (east of site), Variance of Development Standards of the Sign Regulations to provide for a 40-square foot electronic variable message sign component to be installed within the bottom tenant panel space of an existing 35-foot tall, 225.56-square foot pylon sign within 200 feet of a protected district (minimum 600-foot separation required), **approved**.

EXHIBITS

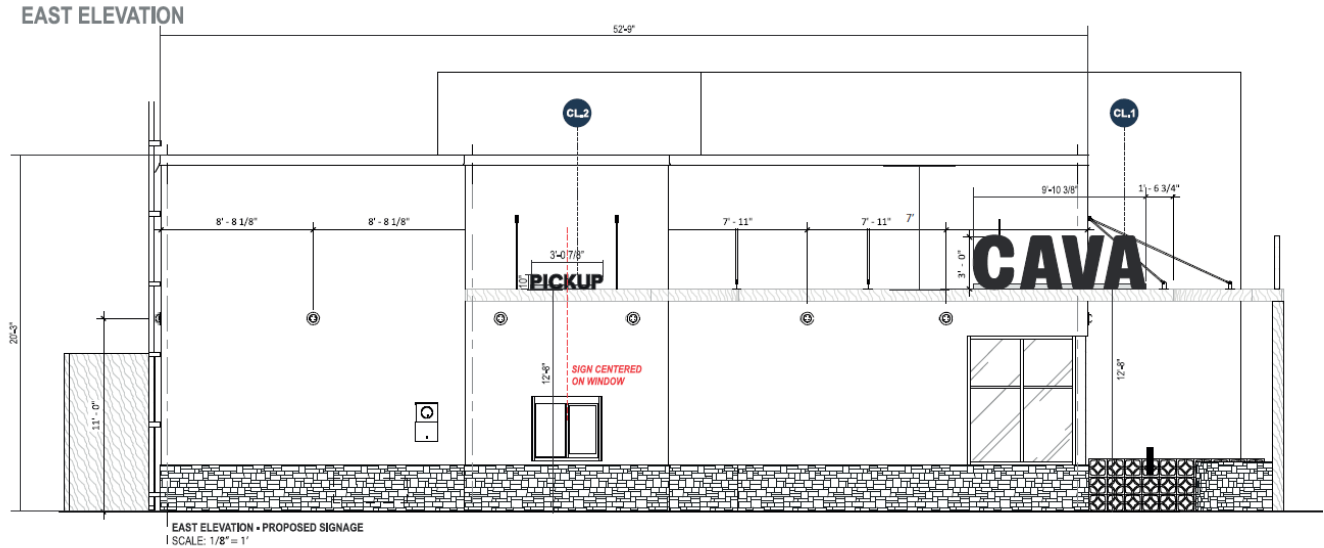
2026DV3025 ; Aerial Map



2026DV3025 ; Site Plan



2026DV3025 ; Elevation (East)



Note: amended plans indicate placement of the 'CAVA' sign mounted directly onto the wall as opposed to on the canopy as shown above. Variance approval would be limited to the 'Pickup' sign

2026DV3025 ; Sign Dimensions (Pickup)

CL.2 10" FACE LIT CHANNEL LETTERS - RACEWAY MOUNT - WHITE FACE W/PERF (Qty 1)

SQUARE FOOTAGE: 2.56



2026DV3025 ; Sign Dimensions (Secondary Incidental)

PN.1 PARKING SIGN (Qty 3)

SQUARE FOOTAGE: 2



2026DV3025 ; Findings of Fact

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

They will be designed, constructed, and maintained in a way as to be solid structures. They will not have materials, equipment, nor conditions that would be harmful to people nor property.

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:

They will be designed, constructed, and maintained in a manner to be harmonious and consistent with other signage in the vicinity.

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

Without proper identification a business could be missed and/or overlooked. Identification is critical to identify to potential customers and/or visitor's where the business is located. Signs are an essential component of a business's overall sustainability. Exterior signs draw attention to a place of business and help differentiate it from others on the street allowing for safe entry and exit of the property.

2026DV3025 ; Photographs



Photo 1: Subject Site Viewed from Northeast



Photo 2: Subject Site Viewed from Northwest

2026DV3025 ; Photographs (continued)



Photo 3: Subject Site Viewed from Southeast



Photo 4: Adjacent Property to Southeast

2026DV3025 ; Photographs (continued)



Photo 5: Adjacent Property to Northwest



Photo 6: Adjacent Property to East