

BOARD OF ZONING APPEALS DIVISION III

June 17, 2025

Case Number: 2025-DV3-019

Property Address: 8733 US 31 (approximate address)

Location: Perry Township, Council District #23

Petitioner: Kasada LLC, by Sign Solutions Inc.

Current Zoning: C-4

Request: 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).

Current Land Use: Vacant Commercial

Staff Recommendations: Staff **recommends approval** of the third drive through sign
Staff **recommends denial** of the freestanding sign

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff **recommends approval** of the third drive through sign
- Staff **recommends denial** of the freestanding sign

PETITION OVERVIEW

- This petition would allow 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 (2) drive through signs permitted).
- The subject site is an out lot of an integrated center, formerly housed a bank branch and is currently vacant and in the process of being redeveloped. Presently, a freestanding sign exists approximately 269 feet to the north along the same frontage of U.S. 31 as the proposed sign.
- Staff believes the proposal goes against the intent and goals of the separation standard, being to promote orderly development, to limit the number of distractions to oncoming motorists, and to maintain visibility of the surrounding area by reducing physical obstructions. Additionally, Staff does not find there to be any practical difficulty associated with the request as freestanding signs are not a

requirement of development and, likewise, finds the reasons for the variance to be self-imposed. Further, Staff would note that alternative signage options are permitted by the Ordinance, such as building signs.

- Staff would also note that this portion of U.S. 31 is an area that currently contains a substantial number of freestanding signs. Staff believes that these standards and limits set for the by the Ordinance to be important and necessary constraints on future development and that such development should conform with the modern sign regulations. Finally, Staff fears that the granting of a request of this nature could set an undesired precedent that could lead to further requests for additional freestanding signs with reduced separation. Therefore, for these reasons, Staff is opposed to and recommends denial of the request.
- With regards to the third drive through sign (maximum one allowed per drive through lane), the Ordinance limits drive through signs to one per drive lane to limit visual clutter and to promote orderly development. The proposed size of the sign area is eight (8) square feet (which would be substantially smaller than the maximum size of 40 square feet allowed for drive-thru signs), and would exclusively serve to provide information to maximize the efficiency of the drive through. Since the proposed sign would provide minimal disruption for surrounding properties, and is relatively small for a drive through sign, staff is unopposed to this minor deviation.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Vacant Commercial	
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:	C-4	West Commercial
Thoroughfare Plan		
U.S. 31	Primary Arterial	142 feet of right-of-way existing and 124 feet proposed
Stop 13 Road	Local Street	70 feet of right-of-way existing and 50 feet proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	5/21/25	
Site Plan (Amended)	N/A	
Elevations	5/21/25	
Elevations (Amended)	N/A	

Landscape Plan	N/A
Findings of Fact	6/6/25
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 pattern Book recommends the Regional Commercial typology for this site.

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

73-Z-77; 2102 East South County Line Road, requests rezoning of 36.60 acres, being in the A-2 District, to the C-4 classification to permit construction of a community-shopping center and related retail facilities, **approved**.

ZONING HISTORY – VICINITY

2017DV3008; 1901 Stop 13 Road (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the drive-through unit and stacking spaces in the front yard of a public right-of-way wider than 30 feet (not permitted), **granted**.

2013DV3017; 8820 US 31 (south of site), requests variance of development standards of the Sign Regulations to provide for a freestanding sign, with a two-foot front setback, being within approximately 155 feet of a freestanding sign to the north and approximately 170 feet of a freestanding sign to the south, being the fifth sign on a frontage of less than 1,400 linear feet; **granted**.

2011-DV1-005; 8928 US 31 (south of site), requests variance of development standards of the Sign Regulations to provide for a pylon sign with a seven-foot front setback and within the clear sight triangle; **granted**.

2011-DV1-003; 8950 US 31 (south of site); requests variance of development standards of the Commercial Zoning Ordinance to provide for a surface parking lot with 38 parking spaces, located within the required front yard along US 31, and to provide for an interior access drive in the required front yard along County Line Road, and a variance of development standards of the Sign Regulations to provide for a pole sign within 94 feet of an existing free-standing sign; **granted**.

2009-UV1-002; 8707 Hardegan Street (south of site); requests variance of use of the Commercial Zoning Ordinance to provide for a restaurant and amusement arcade, within 500 feet of a protected district, without the grant of a special exception; **granted**.

2008-DV2-059; 8800 US 31 (south of site); requests 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 component, within 27 feet of a signalized traffic intersection and within 400 feet of a protected district; **granted**.

2008-HOV-005; 8711 US 31 (northth of site); requests 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 350foot tall, 560square foot pylon sign within 200 feet of a protected district; **granted**.

2007-DV2-015; 2004 East County Line Road (south of site); requests variance of development standards of the Sign Regulations to provide for the construction of 30-foot tall, 240-square foot pole sign,



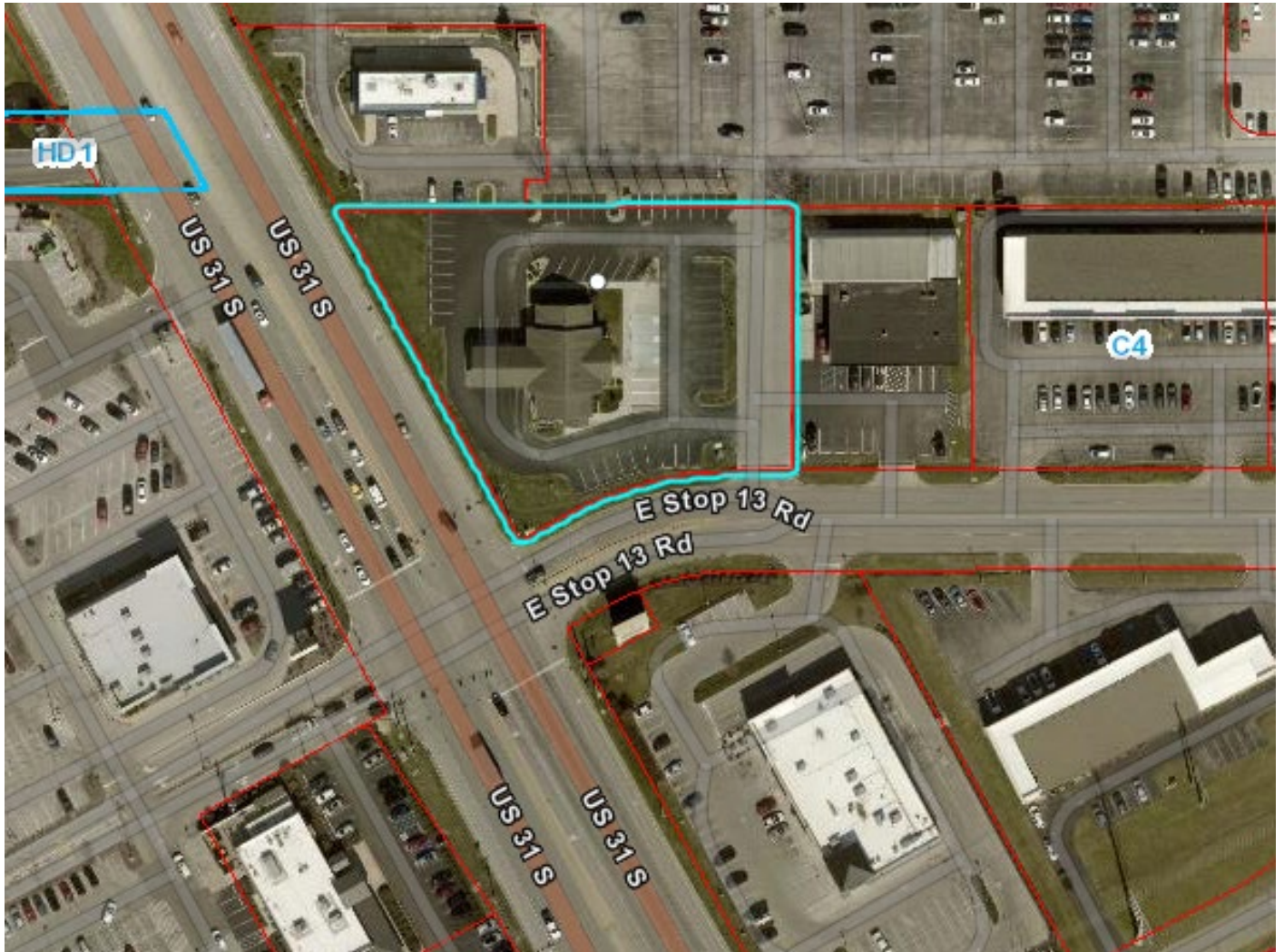
**Department of Metropolitan Development
Division of Planning
Current Planning**

with a 5.25-foot front setback from the intersection of County Line Road and US 31, two 46.5 square foot canopy signs on the northern and southern canopy faces being 40.70 percent of the total area of the canopy facades; **granted.**

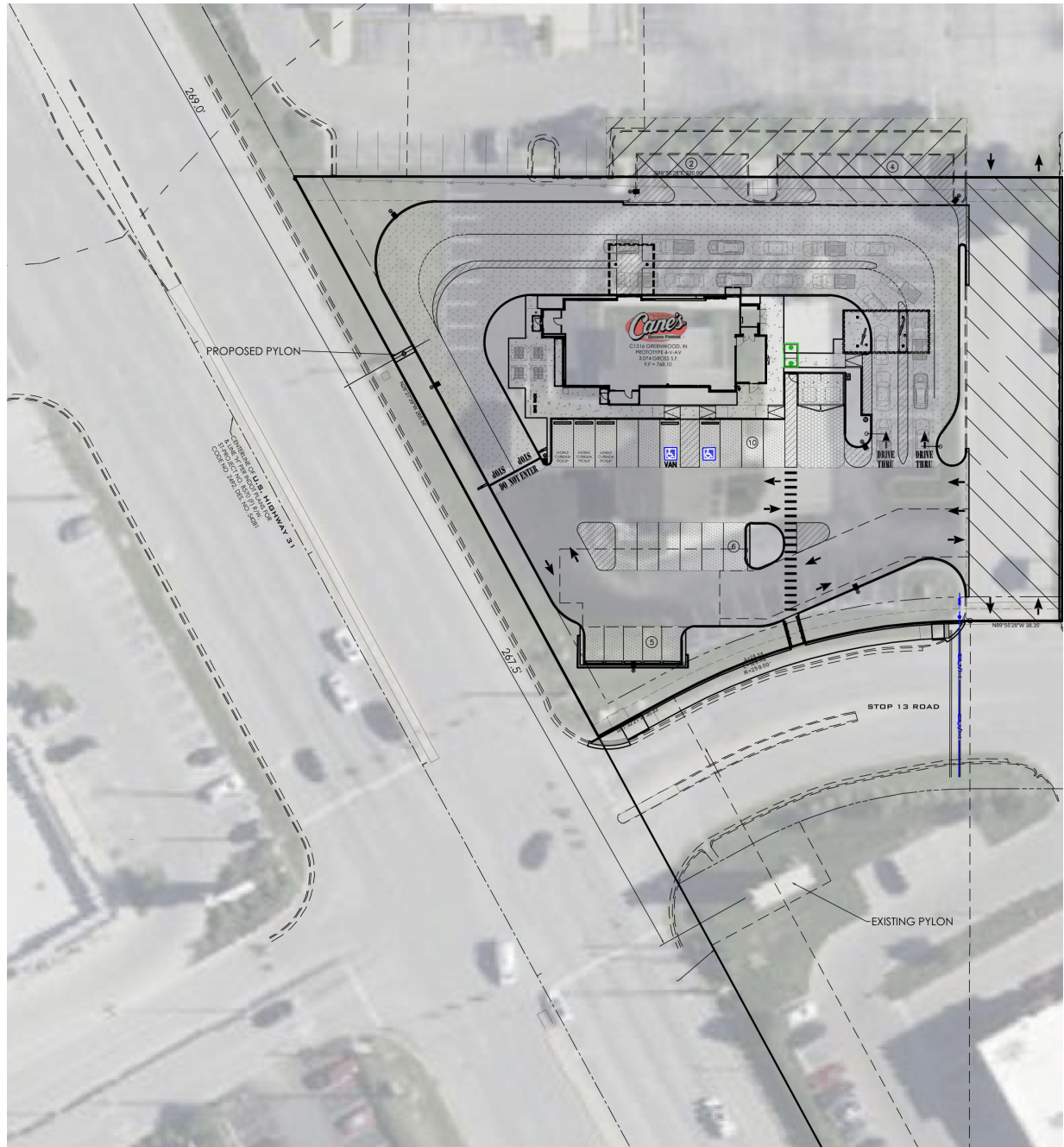
2003-DV1-034; 8711 US 31 (north of site); requests variance of development standards of the Sign Regulations to provide for a 44-square foot sign, with a 62-square foot electronic variable message sign panel on an existing thirty-five-foot-tall freestanding sign located within 200 feet of a protected district; **granted.**

2003-DV12-011; 8950 US 31 (south of site); requests variance of development standards of the Sign Regulations to provide for one 29.9-foot tall, 107.4-square foot pole sign with a 2.5-foot setback from the existing right-of-way of US 31 and County Line Road, within the required clear sight triangle; **granted.**

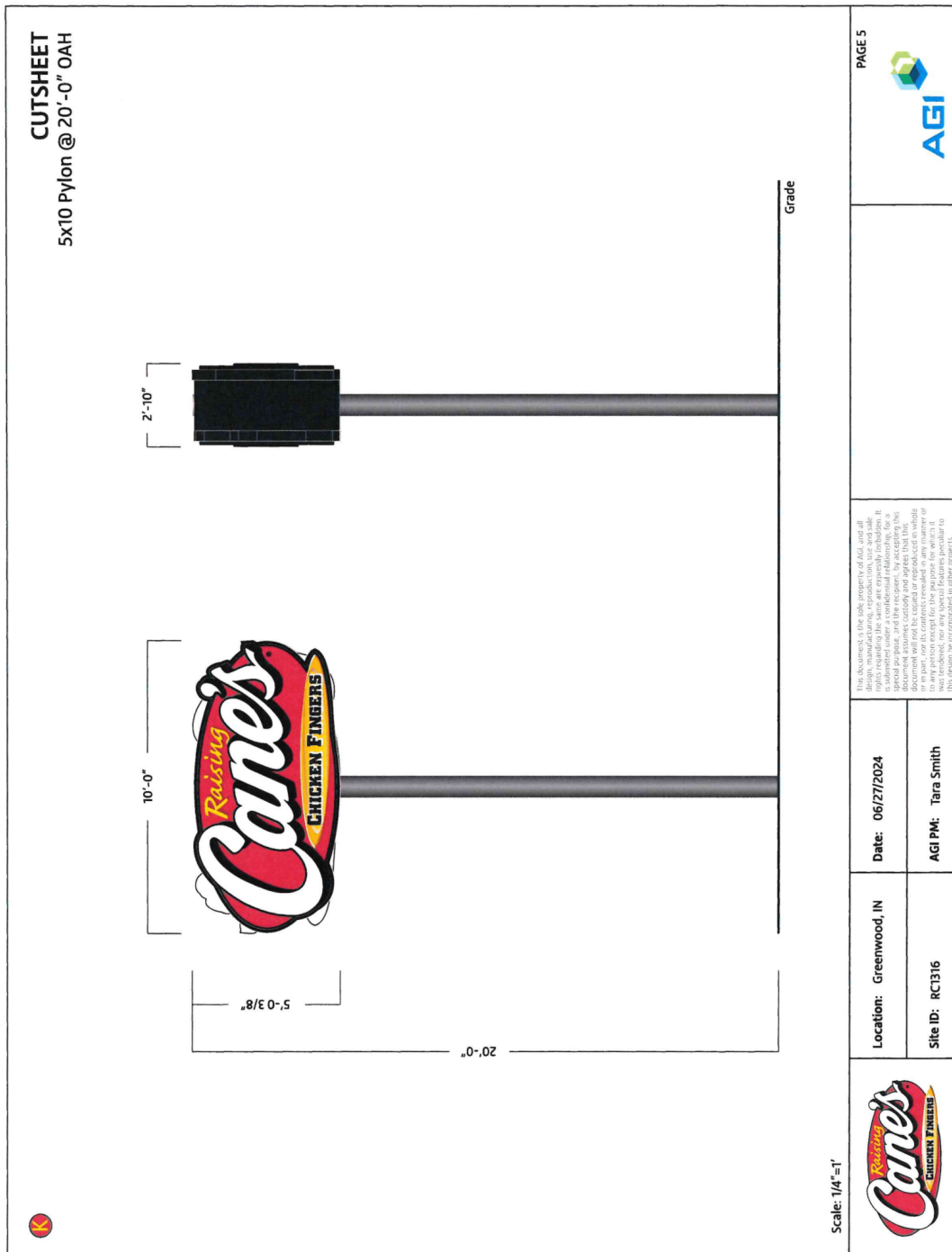
EXHIBITS



Aerial

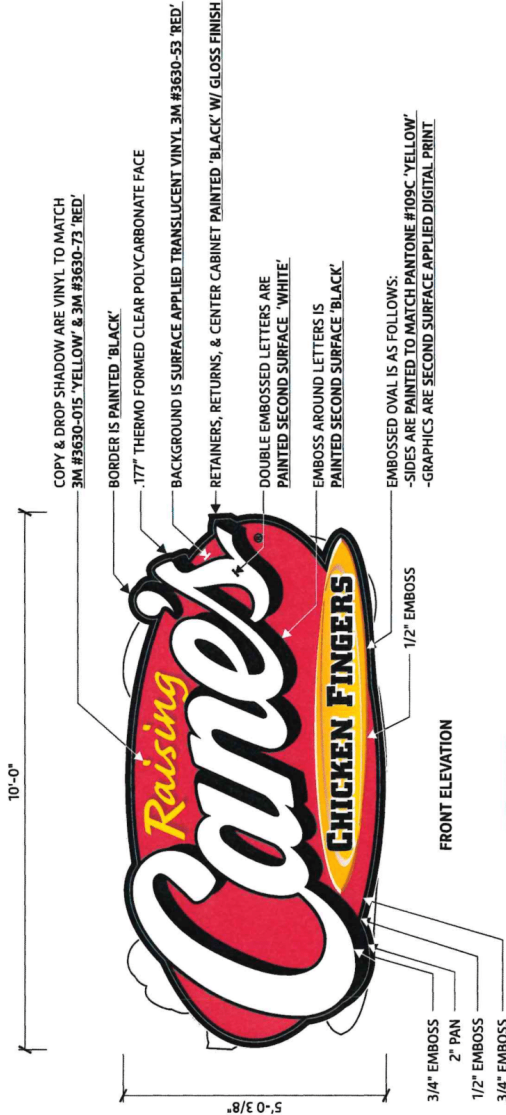






Proposed freestanding sign

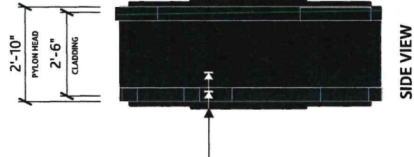
CUTSHEET
 PH-0510



50.83
 Square Footage

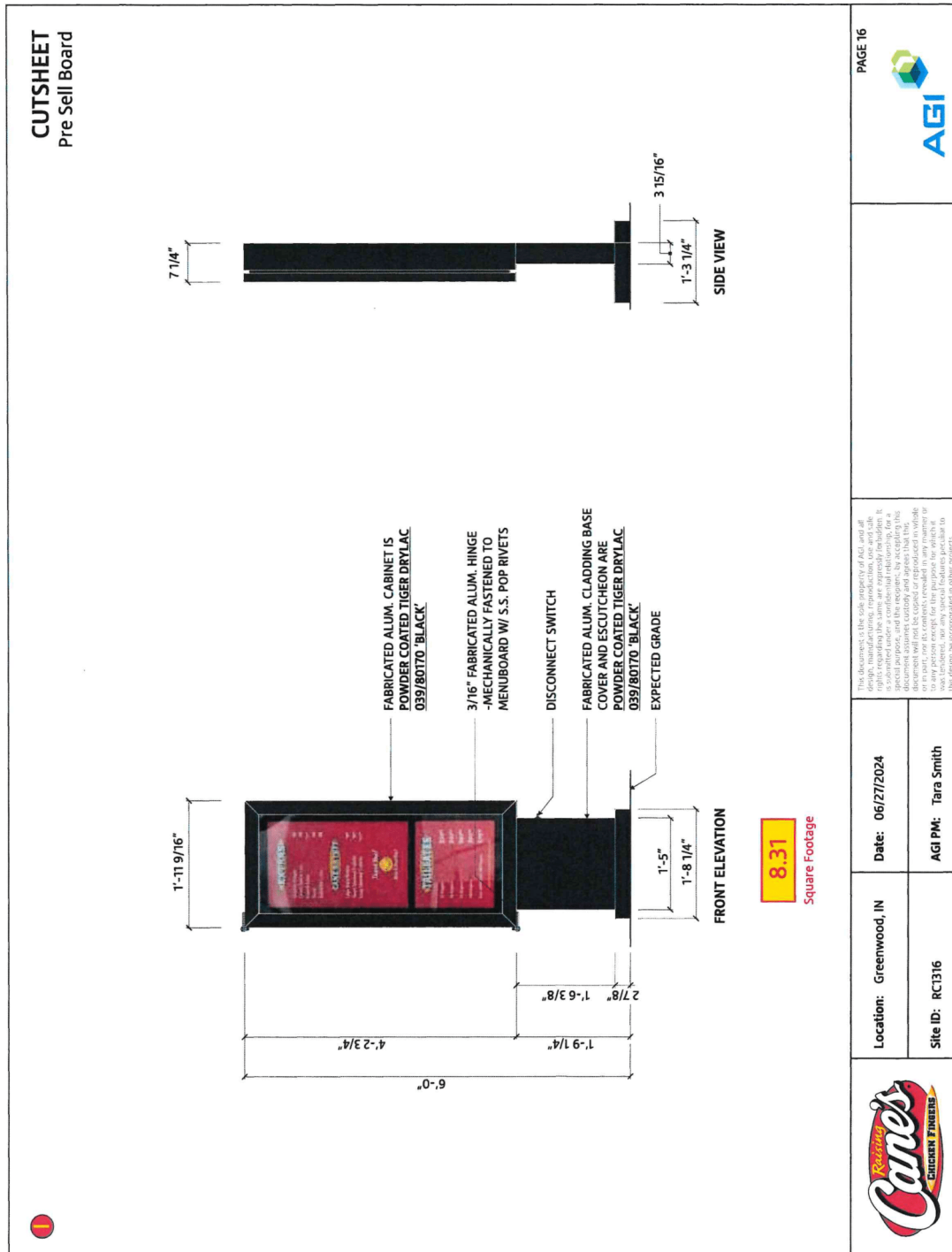
ELECTRICAL DATA	
VOLTAGE	208
AMPERAGE	1.56

COLOR CHART	
3M #3630-15 'YELLOW'	
3M #3630-73 'RED'	
3M #3630-53 'CARDINAL RED'	



	Location: Greenwood, IN	Date: 06/27/2024		PAGE 6
	Site ID: RC1316	AGI PM: Tara Smith		

Proposed freestanding sign elevation



Proposed drive through sign elevation



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 Pylon sign would be situated equidistant from both adjacent Multi-Tenant Pylons, providing ample space for the neighboring businesses to Advertise while also giving Raising Cane's an opportunity to advertise Being unrelated to the neighboring development.

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 Pylon sign requested will be the only advertising ground sign from its proposed location to the edge of the East Stop 13 Rd., and still 260' from the adjacent Multi-Tenant sign for the unrelated development

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

The need to meet 300' is not possible along the property line, however reducing the requirement to 260' would give Raising Cane's space to install a Pylon. Not having a Pylon would impact our visibility for customers traveling along US 31

DECISION

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

Adopted this _____ day of _____, 20 _____



Looking west along Stop 13 Road



Looking north from Stop 13 Road



Looking north with the existing freestanding sign in the background



Looking north along US 31 with the existing freestanding sign shown