



BOARD OF ZONING APPEALS DIVISION II

October 14, 2025

Case Number: 2025-DV2-036
Address: 5458 East 82nd Street (approximate address)
Location: Washington Township, Council District #3
Zoning: C-4
Petitioner: KRG Castleton Crossing LLC, by Lisa Rains
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a third drive through sign (one sign permitted per lane).

Current Land Use: Commercial Restaurant

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ 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 approximately eight (8) square feet. This would be substantially smaller than the maximum size of 40 square feet allowed for each of the other two drive-thru signs.
- ◇ The proposed sign would exclusively serve to provide information to maximize the efficiency of the drive through. The proposed sign would provide minimal disruption for surrounding properties and is relatively small for a drive through sign.
- ◇ Generally, Staff supports property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request, and additionally that no public safety or health risks would come from the grant of this variance.

GENERAL INFORMATION

Existing Zoning	C-4										
Existing Land Use	Commercial Restaurant										
Comprehensive Plan	Regional Commercial.										
Surrounding Context	<table> <tr> <th><u>Zoning</u></th><th><u>Surrounding Context</u></th></tr> <tr> <td>North: C-4</td><td>Regional Commercial Shopping Center</td></tr> <tr> <td>South: C-3</td><td>Community Commercial</td></tr> <tr> <td>East: C-4</td><td>Regional Commercial Shopping Center</td></tr> <tr> <td>West: C-4</td><td>Regional Commercial Shopping Center</td></tr> </table>	<u>Zoning</u>	<u>Surrounding Context</u>	North: C-4	Regional Commercial Shopping Center	South: C-3	Community Commercial	East: C-4	Regional Commercial Shopping Center	West: C-4	Regional Commercial Shopping Center
<u>Zoning</u>	<u>Surrounding Context</u>										
North: C-4	Regional Commercial Shopping Center										
South: C-3	Community Commercial										
East: C-4	Regional Commercial Shopping Center										
West: C-4	Regional Commercial Shopping Center										
Thoroughfare Plan											
East 82 nd Street	Primary Arterial 224-foot existing and proposed right-of-way.										
Context Area	Metro area										
Floodway / Floodway Fringe	No										
Overlay	N/A										
Wellfield Protection Area	No										
Site Plan	August 13, 2025										
Sign Elevations	August 13, 2025										
Landscape Plan	N/A										
Findings of Fact	August 13, 2025										

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Regional Commercial uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Regional Commercial typology that 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.

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

2023-DV2-038; 8245 Allisonville Road (subject site), requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eating establishment, with a drive through, including stacking and service units, within the front yard of East 82nd Street, with a 9.2 front yard setback and without the required screening and exclusive bypass aisle, **granted**

2022-UV1-012; 5531 East 82nd Street (south of site), requested a Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 42-foot tall, 672-square foot digital off-premise advertising sign, within 415 feet of a protected district, and to allow for digital messages to display for minimum of eight seconds, **denied**.

2017-DV2-010; 5440 East 82nd Street (west of site), requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for deficient transparency on the east elevation, **withdrawn**.

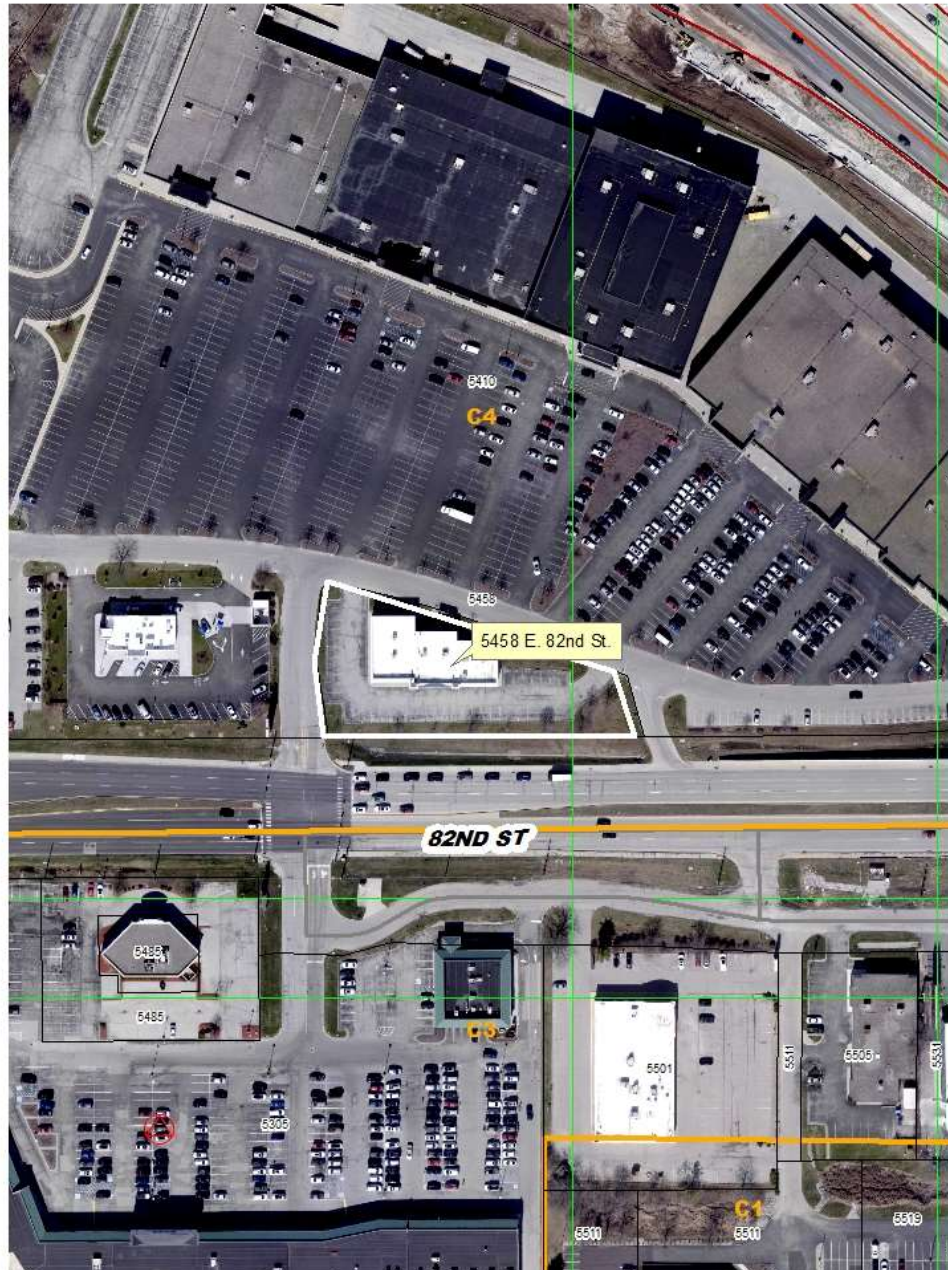
2016-AP1-001; 5505 East 82nd Street (south of site), requested an appeal of the Administrator's Decision of the Department of Business and Neighborhood Services, determining that the proposed use is an adult services establishment, requiring the grant of a variance of use, **denied**.

2007-UV1-018; 5501 East 82nd Street (south of site), requested a Variance of Use and Development Standards of the Commercial Zoning Ordinance to provide for a restaurant with 80 amusement machines (maximum four amusement machines permitted) with 11 parking spaces (minimum 127 parking spaces required), **granted**.

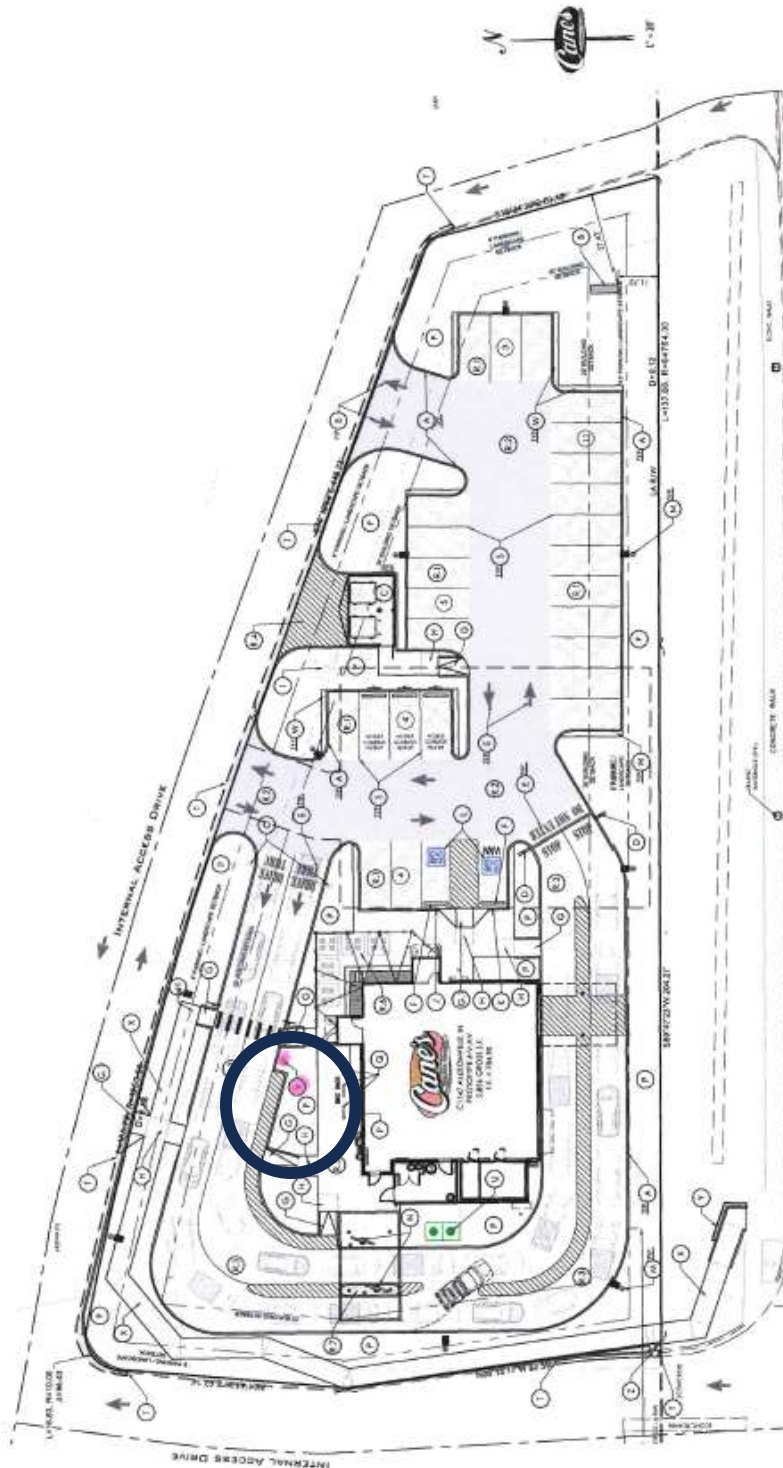
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EXHIBITS

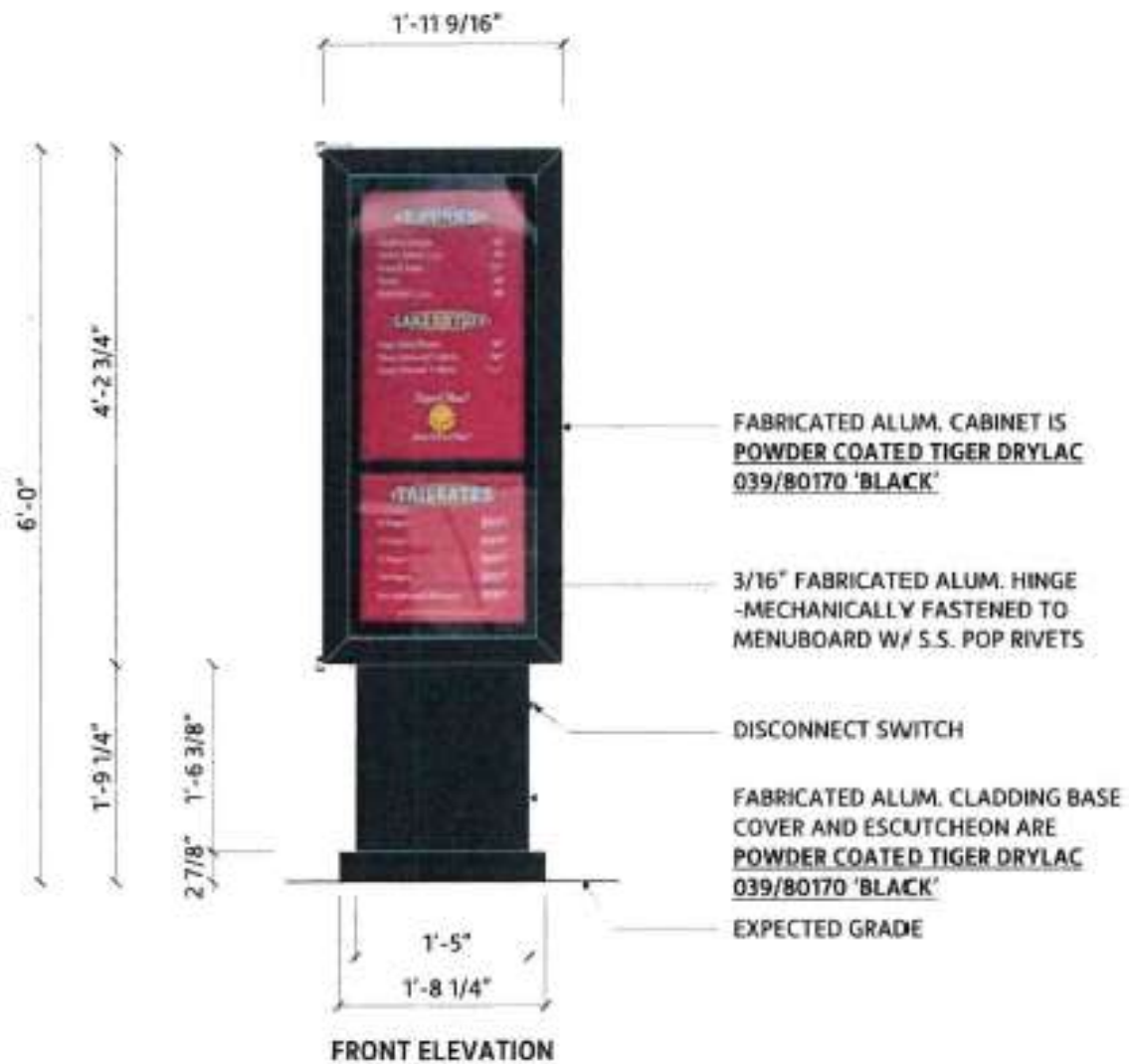
Location Map



Site Plan



Sign Elevation



8.31
 Square Footage



Findings of Fact

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 Presale Board, angled to face only customer's in the drive-thru, will not harm the general welfare as it creates no added visual impediment. It is only intended to be seen by guest joining the drive-thru lanes.

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 Presale Board, being roughly 4' x 2' is only intended to be seen by guest joining the Drive-Thru lane.

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

The Presale Menu Board is placed to allow customer's extra time to determine their order before reaching the speaker. This leads to shorter wait times and keeps fewer cars stacking the Drive-Thru

Photographs



Photo of subject site, looking west.



Photo of rear of subject site, looking east.



Photo of subject site, proposed third drive through sign, looking west.



Photo of first and second drive through signs, looking south.