Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — November 10, 2026

Case Number:	2026-DV1-052
Property Address:	5410 East 82nd Street (approximate address)
Location:	Washington Township, Council District #3
Petitioner:	KRG Castleton Crossing LLC, by Chris Hinkle
Current Zoning:	C-4
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eating establishment and accessory drive-through including stacking spaces within the front yard of Allisonville Road (stacking spaces not permitted in front yards along a public right-of-way that exceeds 30 feet in width).
Current Land Use:	Commercial
Staff Recommendations:	Staff recommends **approval** of the requested variance, subject to commitments.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the requested variance, subject to the below commitments:

1. Additional landscaping shall be installed along the unscreened portion of the western Allisonville Road property line to the north of the existing access drive (approximately 100 feet), in accordance with transitional yard landscaping standards from 744-506.B, Option 1 of the Indianapolis Zoning Ordinance (resulting in installation of at least 4 trees and at least 12 shrubs).
2. Following consultation with the Indy Arts Council for assistance in planning and execution, an artistic mural with no commercial message shall be installed on a portion of the southern and/or western building façades at petitioner expense. Building elevation(s) showing the mural shall also be submitted for administrative approval prior to issuance of an Improvement Location Permit.

PETITION OVERVIEW

5410 East 82nd Street is a 22.14-acre lot comprising a portion of the Castleton Crossing commercial shopping center. The shopping center contains one large multitenant center and several freestanding commercial buildings, is surrounded by commercial use on each side, contains extensive parking facilities, and borders several streets (Allisonville Road to the west, 82nd Street to the south, Interstate 465 to the north).

This petition request is focused on the northwestern section of the existing lot, per the site plan within the Exhibits below. The majority of site access to the subject area would come from an internal private access drive to the south that curves to access Allisonville Road to the west (a signalized intersection). Although the subject site has not yet been individually replatted to create a new and distinct parcel, it could be subdivided for individual ownership and sale in the future.

Approval of this petition would allow for placement of a freestanding beverage sales building with a size of 915 square feet, accompanied by an accessory drive-through which would serve as the method by which customers would order and receive their beverages (no walk-up window is proposed). Stacking spaces associated with the drive-through would be placed to both the east, west, and south of the proposed structure, and cars would both enter and exit the site to the north of the building (see Stacking Diagram within Exhibits below). No changes to vehicle access points or internal drive configuration outside of the subject area are proposed.

One Variance of Development Standards would be required to allow for the proposed site and vehicle layout: per use-specific standards associated with accessory drive-throughs (743-306.I), stacking spaces are not permitted within the front yards of public rights-of-way that exceed 30 feet in width. In this instance, the site plan indicates placement of stacking spaces within the front yard of Allisonville Road to the west.

This property is zoned C-4 to provide 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 Pattern Book recommends it to the Regional Commercial typology to allow for general commercial and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Food and beverage service uses with accessory drive-throughs are contemplated for this zoning district and typology.

Findings of Fact and other application documents provided by the petitioner indicate that the fixed circulation pattern of the center would require placement of some stacking spaces within front yard areas regardless of chosen layout, and that absent reconfiguring parking and site access for the entire center it would not be feasible to reorient the building or stacking spaces to remove all front-yard stacking spaces. Staff notes that the subject area is long and narrow and that vehicle access would be required to come from either the north or the east. These site constraints would create some level of practical difficulty for installation of a fully compliant drive-through.

The rationale for Ordinance limitations on front-yard stacking spaces is to allow for vibrant and pedestrian-friendly storefronts and to limit negative visual impacts for surrounding properties. In order to more closely approximate the Ordinance intent for commercial front yards, staff requested two commitments from the petitioner: one was for the installation of additional buffer landscaping along the western property line to decrease stacking space visibility from Allisonville to the west, and the other relates to the installation of an artistic mural on the southwestern section of the building to provide public beautification visible for both customers of the commercial center and northbound traffic along Allisonville (see Mural Example within Exhibits below; specific size and design subject to coordination with the Indy Arts Council and administrative approval). The petitioner indicated their openness to both commitments. Given that agreement as well as the practical difficulty posed by the subject area's dimensions, staff recommends **approval** of the requested variance for front-yard stacking spaces.

Department of Metropolitan Development
Division of Planning
Current Planning

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial	
Comprehensive Plan	Regional Commercial	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	C-4	North: Commercial
South:	C-4	South: Commercial
East:	C-4	East: Commercial
West:	C-4	West: Commercial
Thoroughfare Plan		
Allisonville Road	Primary Arterial	250-foot existing right-of-way and 124-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	08/19/2026	
Site Plan (Amended)	N/A	
Elevations	10/20/2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	08/19/2026	
Findings of Fact (Amended)	N/A	

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.

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

N/A

ZONING HISTORY – VICINITY

2025DV2036 ; 5458 E 82nd Street (southeast of site), 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), **approved.**

2023DV2038 ; 8245 Allisonville Road (southeast of site), 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 (service units and stacking spaces not permitted along facades adjacent to public rights-of-way with a width greater than 30-feet or related front yards, minimum 10-foot setback required) and without the required screening and exclusive bypass aisle, **approved.**

2017DV2010 ; 5440 E 82nd Street (southeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for deficient transparency on the east and west elevations (minimum 40% transparency required between three and eight feet above grade and within 50 feet of façade with an entrance and on a façade within 50 feet of a local, collector or arterial street), **withdrawn.**

2002DV3049 ; 8245 Allisonville Road (east of site), Variance of Development Standards of the Commercial Zoning Ordinance and Sign Regulations to provide for a two foot front yard setback along Interstate 465 (minimum 20-foot setback required along Interstates), legally establish one loading space for tenant one (2 loading spaces required), provide for two loading spaces for tenant three (three loading spaces required), to legally establish a pylon sign 10 foot from the right-of-way of 82nd Street (minimum 15 foot setback required), reduce the number of required stacking spaces before each final component to 4 (minimum six stacking spaces before each final service component required), legally establish an existing pylon sign thirteen feet from the right-of=way of Interstate 465 (minimum 20-foot setback required) and twelve feet from the right-of-way of Allisonville Road (minimum 15-foot setback required), **approved.**

EXHIBITS

2026DV1052 ; Aerial Map



2026DV1052 ; Aerial Map (zoomed to subject area)

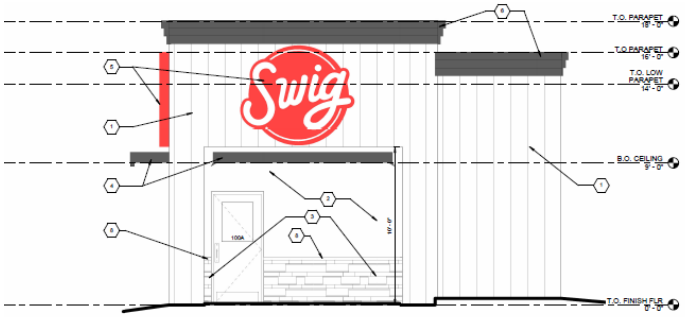


Department of Metropolitan Development
Division of Planning
Current Planning

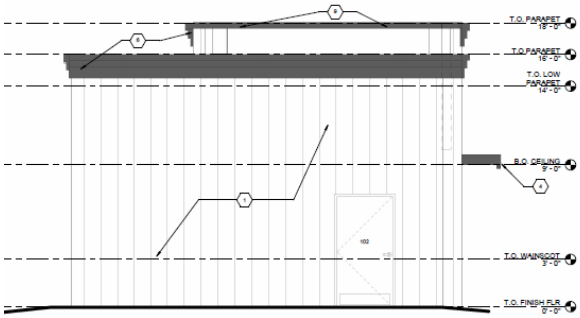
2026DV1052 ; Site Plan



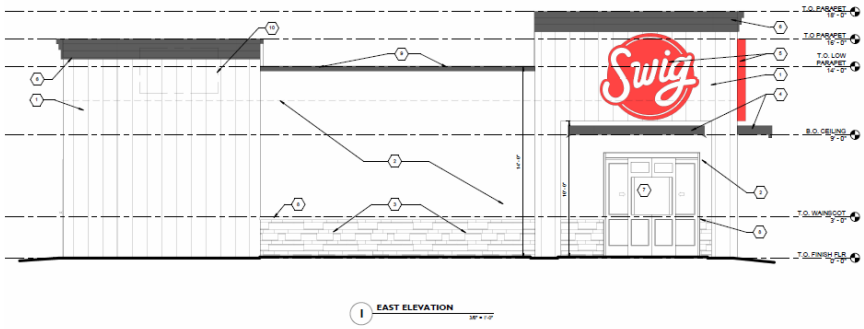
2026DV1052 ; Elevations



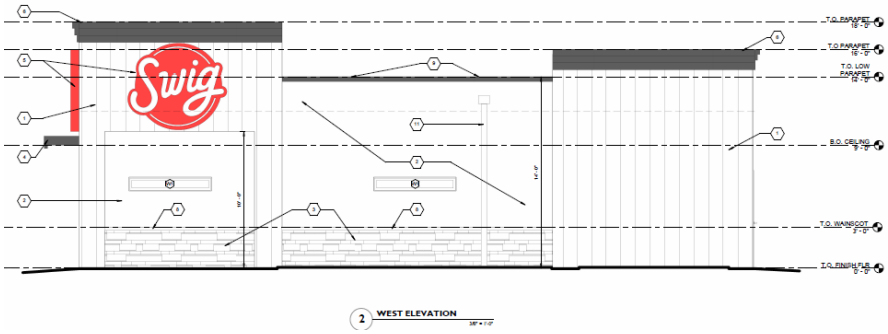
1 NORTH ELEVATION



2 SOUTH ELEVATION



1 EAST ELEVATION



2 WEST ELEVATION

2026DV1052 ; Findings of Fact

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

The proposed development of the drive-through facility will not affect the surrounding properties. There are multiple existing commercial buildings on the property including two with drive-through units. The proposed drive-through facility will fit in with the nature of the existing development as well as the surrounding commercial and retail buildings in the area.

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 proposed development will fit in with the nature of the existing development as well as the surrounding commercial and retail buildings. The comprehensive plan for the area is Regional Commercial. The proposed development complies with the description of Regional Commercial and fits with the Office Commercial and Community Commercial as noted in the Comprehensive Plan. The development of a previously underutilized parking lot will help to increase the interest in the area and therefore the surrounding businesses.

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

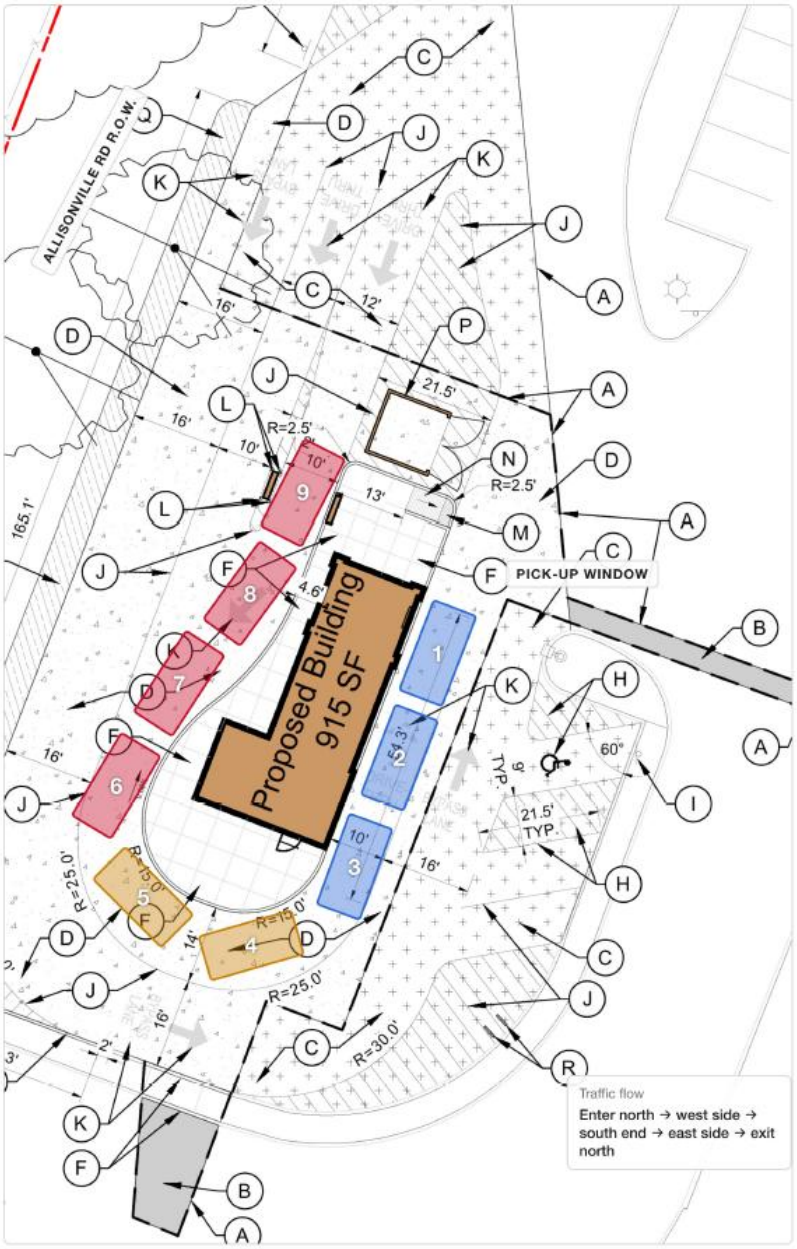
The property is a fully developed commercial center with established buildings, drive aisles, access points, and parking fields. The proposed proposed building is located on an existing, underutilized parking area that fronts the public right-of-way, and given the fixed circulation pattern of the center, any drive-through on this portion of the site would necessarily place stacking spaces within the front yard. Relocating the stacking outside of the front yard would require reconfiguring parking and circulation for the entire center, which is not practical given the existing improvements. All stacking is contained on-site within the existing lot and does not extend into or back onto the public right-of-way.

2026DV1052 ; Mural Example (8175 Allisonville Road to south)



Department of Metropolitan Development
Division of Planning
Current Planning

2026DV1052 ; Stacking Exhibit



ALLEN COMMERCIAL GROUP

Swig Castleton — where the cars actually stack

5410 E. 82nd Street, Indianapolis · Variance petition 2026DV1052 · Front-yard stacking, Allisonville Road

Cars 1–3 · screened by the building
The 54' east face of the building hides three stacking spaces from Allisonville Road. This is where the line normally sits.

Cars 4–6 · wrapping the south end
Only when the line is four or more deep does it turn the corner. These cars sit behind the entry-drive landscaping, not along the road frontage.

Cars 7–9 · in the Allisonville front yard
The front-yard condition only occurs at a seven-car line — a peak-hour event, not the everyday view from the road.

Base: Red Barn Engineering Company, Sheet C2 Site Development Plan, 04/08/2026. Stacking spaces 8.5' × 17.5' per plan, placed on the drive-thru lane centerline.

Conceptual overlay for discussion with DMD staff. Red Barn to confirm the front-yard line and stacking count on the record drawing.

2026DV1052 ; Photographs



Photo 1: Subject Area Viewed from Southwest



Photo 2: Subject Area Viewed from Southeast

2026DV1052 ; Photographs (continued)



Photo 3: Existing Landscape Screening Viewed from East



Photo 4: Subject Area Viewed from North

2026DV1052 ; Photographs (continued)



Photo 5: Adjacent Property to West



Photo 6: Adjacent Property to South

2026DV1052 ; Photographs (continued)



Photo 7: Adjacent Property to East



Photo 8: Adjacent Property to North