

BOARD OF ZONING APPEALS DIVISION III

February 18, 2025

Case Number: 2025-DV3-002
Property Address: 6116 Breamore Road (approximate address)
Location: Lawrence Township, Council District #3
Petitioner: Matthew Schneider, by Drew Farrington
Current Zoning: D-2
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot tall fence within the front yards and clear sight triangles of the intersection of Breamore Road and 62nd Place (maximum height of 3.5 feet permitted, encroachment of clear sight triangle prohibited).
Current Land Use: Single-family residential
Staff Recommendations: Staff **recommends denial** of this petition
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

ADDENDUM FOR FEBRUARY 18, 2025

- This petition was continued from January 21, 2025 hearing to the February 18, 2025 hearing to allow for changes to be made to the submitted site plan, without additional notice.

STAFF RECOMMENDATION

- Staff **recommends denial** of this petition.

PETITION OVERVIEW

- This petition would provide for the location of a six-foot tall fence within the front yards of the subject site along Breamore Road and 62nd Place (maximum height of 3.5 feet permitted). The site plan was revised to reflect the relocation of the proposed fence outside of the clear sight triangle of Breamore Road and 62nd Place, which means that portion of the request is to be removed from the petition.
- Fence height in the front yards of residentially zoned properties is limited to 3.5 feet in height to maintain residential characteristics and to preserve open space and visibility. Staff finds that privacy fences of 6 feet or more in height represent a deviation of residential aesthetics and instead are characteristic of heavy commercial or industrial properties. Staff would also note that the subject site is located on a hill (see contour map) with portions of the property sitting as much as 10 feet above

the nearest public right-of-way, meaning that a 6-foot fence in the front yard would look and feel much taller than that amount from street-level.

- Additionally, Staff believes recommending approval of 6-foot privacy fences in front yards of residential properties to be an undesired precedent for the City’s neighborhoods. Further, Staff would note that the Ordinance does not contemplate an exception to this standard for residential properties that contain more than one front lot line/front yard (corner lots). Therefore, Staff does not find there to be any practical difficulty related to the property that results in the petitioner needing the requested variance and, for these reasons recommends denial of the request.

GENERAL INFORMATION

Existing Zoning	D-2	
Existing Land Use	Single-family residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Single-family residential
	South:	South: Single-family residential
	East:	East: Single-family residential
	West:	West: Single-family residential
Thoroughfare Plan		
Breamore Road	Local Street	50 feet of right-of-way existing and 50 feet proposed.
East 62 nd Place	Local Street	50 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	11/21/24	
Site Plan (Amended)	1/17/25	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	11/21/24	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- The Marion County Land Use Plan pattern Book recommends the Suburban Neighborhood living 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

- With regards to fencing, the Infill Housing Guidelines recommends:
 - Build thoughtful fences
 - Do not build privacy fences in the front yards

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.



ZONING HISTORY

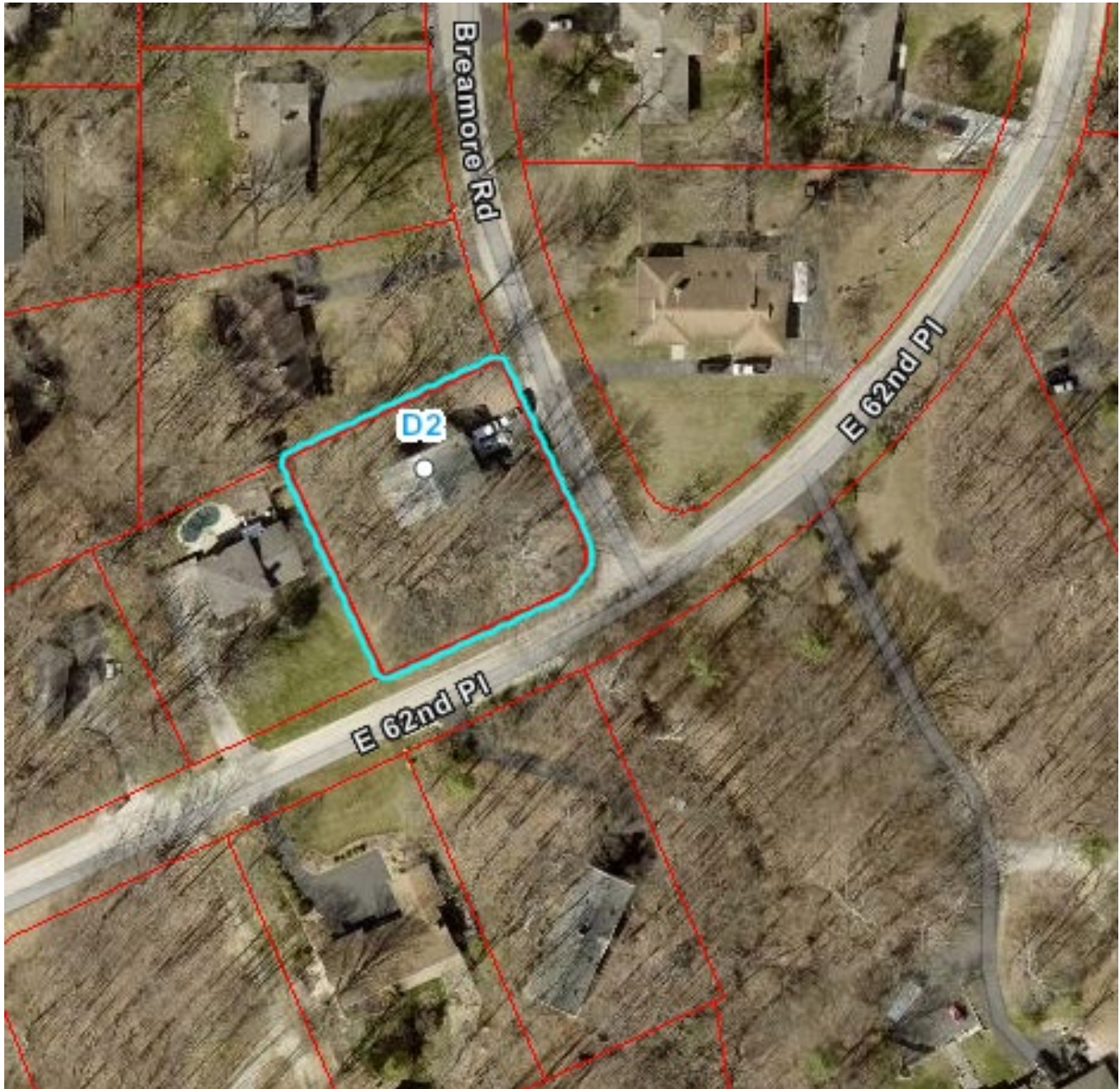
ZONING HISTORY – SITE

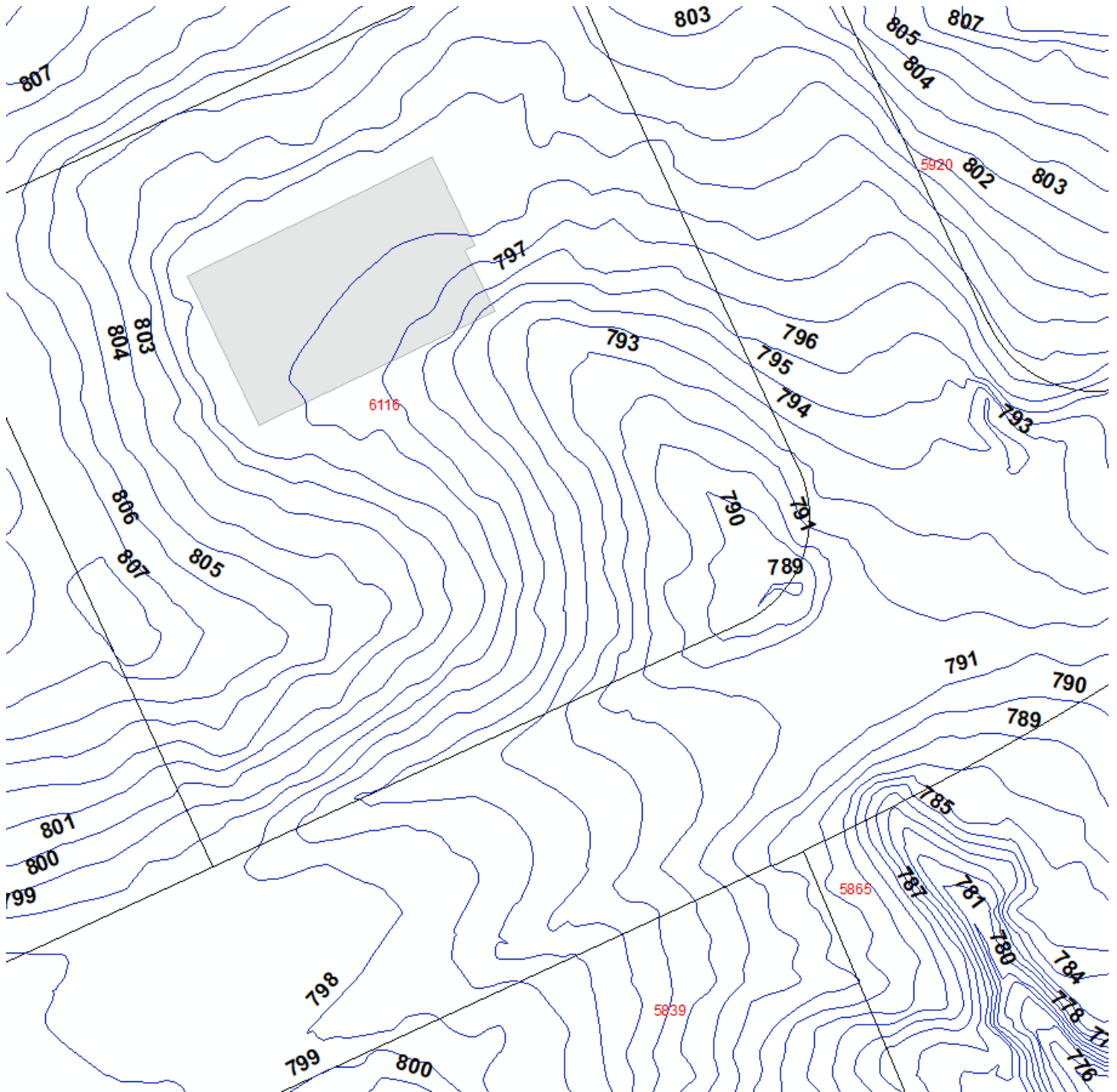
N/A

ZONING HISTORY – VICINITY

2012DV2037; 5534 Fall Creek Road (south of site); Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 5.83-foot tall, 33.64-square foot (maximum height of four feet), externally illuminated freestanding sign at 5534 Fall Creek Road, with an approximate 8.5-foot setback from the front property line (15-foot setback required) and a 10.67-foot tall, 17 square foot (maximum height of four feet), externally illuminated freestanding sign, with an approximate 2.5-foot setback from the front property line (15-foot setback required), **approved.**

EXHIBITS





Contour map detailing elevation change on site

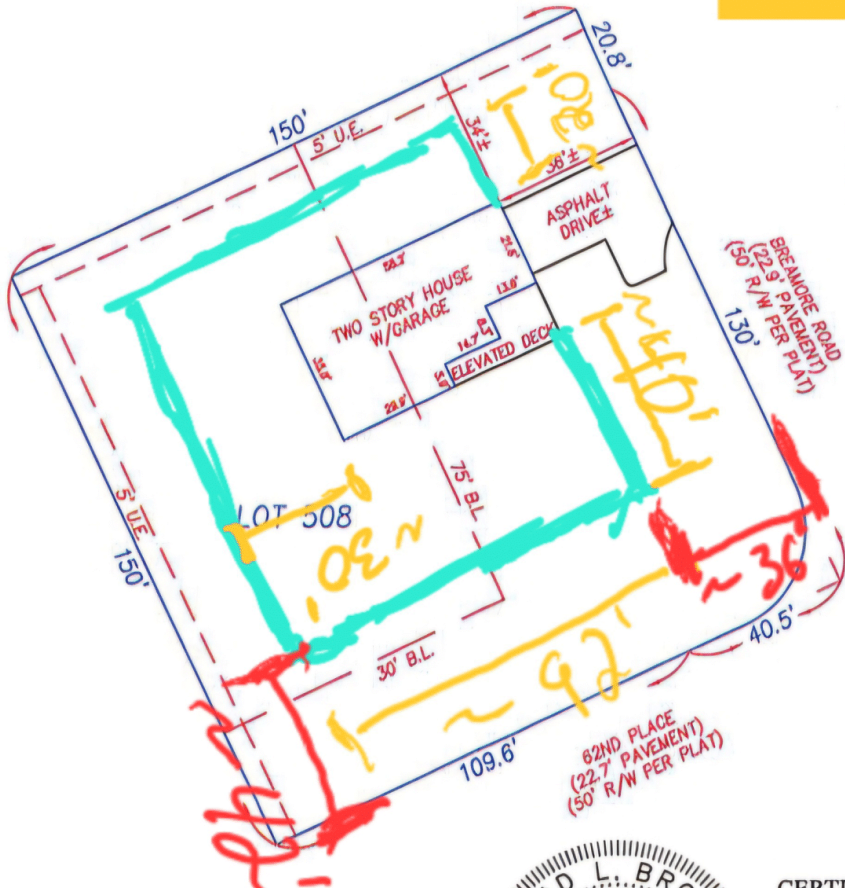
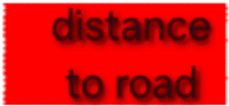
SURVEYOR LOCATION REPORT

I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 29 of 865 IAC 1-1-12 for a SURVEYOR LOCATION REPORT. Unless otherwise noted there is no visible evidence of possession lines found.

LEGEND

B.L.	BUILDING LINE
U.E.	UTILITY EASEMENT
R/W	RIGHT-OF-WAY

NOTE: DUE TO THE LACK OF QUALIFIED MONUMENTATION FOUND, THE ACCURACY OF THIS REPORT IS LIMITED TO 3'±.
NOTE: IMPROVEMENTS 39'± PAST BUILDING LINE.



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CERTIFIED: 01/08/2024
Chad L. Brown
Chad L. Brown
Registered Land Surveyor,
Indiana #21100002
Drawn By: JAR
Job No.: S24-21377
Sheet 2 of 2



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 spirit of Municipal Code 744-510 is maintained through the issuance of this variance because, while the subject property is a corner lot, and the maximum fence height for front yards is 3.5 feet, there is already a tree line greater than 6 feet which would largely hide the fence from street view. Property owner plans to maintain the tree line and, in some locations, update the tree line with additional trees. For reference, The view of the side yard alongside E 62nd Place is attached as Exhibit A. The view of the front yard alongside Breamore Road is attached as Exhibit B. The Western Property line can be seen in Exhibit C. The Northern Property line can be seen in Exhibit D. As shown within, a six foot fence placed behind the tree line will not substantially change the view from curb from how it appears currently.

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 placement of a 6 foot privacy fence behind the tree line will not affect any nearby property owners. Indeed, the fence will be the same height as the rear and side yards and will make the property appear more consistent overall. Further, the fence will be fully behind the existing tree line. Property Owner has had discussions with his neighbors to the West, North, and across the street to the East, and no neighbor takes issue with the proposed fence.

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

Strict application would result in the erection of a 3.5 foot fence on two sides of the property, even though the sides of the property parallel to E 62nd Place and Breamore Road are almost entirely blocked from street view as shown in Exhibit A and B. While the property is a corner lot, the yard along E 62nd Place is better characterized as a side-yard, and the provisions of 744-510 with respect to side-yards should apply. Further, the tree lines along the property line are already at a greater height than the 6 foot privacy fence proposed by Property Owner.

DECISION

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

Adopted this _____ day of _____, 20 ____











