

BOARD OF ZONING APPEALS DIVISION III

April 15th, 2025

Case Number: 2025-DV3-009

Property Address: 7151 East 35th Street (Approximate Address)

Location: Warren Township, Council District #9

Petitioner: Indianapolis Public Schools, by Russell McClure

Current Zoning: SU-2 / C-S

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a six-foot (limited to 3.5-foot tall) chain link fence within the front yard of 34th Street (not permitted).

Current Land Use: Elementary School

Staff Recommendations: Staff is recommending **approval** of this variance petition.

Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first public hearing of this variance petition.

STAFF RECOMMENDATION

Staff is recommending **approval** of this variance petition.

PETITION OVERVIEW

- This property is 13.38 acres in a primarily SU-2 zoning district.
- The petitioner is requesting a variance to allow six-foot (6) fence in one of the front yards on the property to protect the parking lot area at the IPS George H. Fisher Elementary School #93.
- A second fence will also be constructed closer to Kensington Drive, but this fence does not require a variance.
- In an SU-2 zoning district, the Ordinance requires that all fences in the front yard of the property be no more than three and a half feet (3.5 feet) in height.
- The rights of way are location on both the north and south sides of the property, so the subject site has two front yards (north and south) and two side yards (east and west).
- A second fence will also be constructed closer to Kensington Drive, but this fence does not require a variance.
- The petitioner states in the Findings of Fact that the fence is necessary to provide security and prevent the school's ongoing issue with vehicles being broken into or stolen.

- Due to a lack of funding, there is no permanent School Resource Officer at the subject site. One is sometimes borrowed from a high school but cannot always be at the elementary school.
- The chain-link fence will be installed 125 feet north of 34th Street.
- The fence gate is currently planned to be opened from 7-8 a.m. and 1-3 p.m. to provide for student drop-off and pick-up but closed at all other times. Staff will then always have access to the fenced area with a key card.
- The school has one (1) bus that loads and unloads off of 35th Street.
- Staff is recommending **approval** of this variance petition; the fence is far enough from the road that it does not obscure the view of drivers on 34th Street and could provide crime deterrence on the site.

GENERAL INFORMATION

Existing Zoning	SU-2 / C-S	
Existing Land Use	Elementary School	
Comprehensive Plan	Special Use	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-7	North: 8-15 Residential Units per Acre
South:	D-3	South: Suburban Neighborhoods
East:	D-5	East: 3.5 – 5 Residential Units per Acre
West:	C-S	West: Community Commercial Uses
Thoroughfare Plan		
35 th Street	Local Street	60 feet of right-of-way existing and 48 feet proposed.
Kensington Drive	Local Street	60 feet of right-of-way existing and 48 feet proposed.
34 th Street	Primary Collector	65 feet of right-of-way existing and 56 feet proposed.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	3/13/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	3/13/2025	

**Findings of Fact
(Amended)**

N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan: Pattern Book

Pattern Book / Land Use Plan

- LARGE-SCALE SCHOOLS, PLACES OF WORSHIP, AND OTHER PLACES OF ASSEMBLY
Schools, places of worship, and other places of assembly that are generally more than five acres in size. Particularly large centers of education such as township high schools and universities would not be included in this definition and are considered to be regional special uses.

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

- 88-Z-117: 7151 East 35th Street
 - Request the rezoning of 11.85 acres being in the A-q district, to the SU-2 classification to conform the zoning with the existing school.
 - AP

ZONING HISTORY - SURROUNDING AREA

- 2006-UV3-040: 3414 Shadeland Avenue
 - (Amended) Variance of Use and Development Standards of the Commercial Zoning Ordinance to provide for the rental of trucks (not permitted) in a 1,200 square foot tenant space, and to provide for outdoor operations (not permitted) within a 31,000-square foot area enclosed by a fence, which includes an 1,800-square foot wash bay and a 7,290-square foot parking area.
 - AP
- 2007-UV1-012: 3610 North Shadeland Avenue
 - Variance of Use and Development Standards of the Commercial Zoning Ordinance Zoning Ordinance to legally establish the sale of industrial conveyors and related equipment (not permitted), and an approximately 5,400-square foot outdoor storage and display area and an approximately 38,000-square foot outdoor storage area (maximum 200-square foot outdoor display area permitted).
 - AP
- 2007-UV3-005: 3524 N Shadeland Avenue
 - Variance of Use of the Commercial Zoning Ordinance to provide for a religious use (not permitted).
 - AP
- 2007-ZON-841: 3502 North Shadeland Avenue
 - Rezoning of 21.435 Acres from I-2-S to C-S to provide for mini-warehouses and repair of automobiles, trucks, and buses with gravel outdoor storage and parking of vehicles.
 - AP
- 2007-VAR-841: 3502 North Shadeland Avenue
 - Variance of Development Standards of the Commercial Zoning Ordinance to provide for a ten-foot east side transitional yard (minimum fifteen-foot side transitional yard required) along a 60-foot section of the east property line.
 - AP
- 2008-UV3-026: 2432 North Shadeland Avenue
 - Variance of Use of the Commercial Zoning Ordinance to provide for an automobile body shop with a paint booth (not permitted), within a 3,307.5-square foot tenant space in an existing building.
 - WD
- 2011-SE3-001: 3322 Englewood Drive

- Special Exception of the Dwelling Districts Zoning Ordinance to provide for a religious use, with up to 20 off-street parking spaces, a handicapped ramp and a freestanding ground sign.
 - Denied
- 2012-UV2-021: 3401 North Shadeland Avenue
 - Variance of Use of the Commercial Zoning Ordinance to provide for the sale of scooters, exceeding 50cc displacement (not permitted).
 - Withdrawn
- 2013-ZON-001: 3401 North Shadeland Avenue
 - Rezoning of 2.47 acres, from the C-S District, to the C-S classification to provide for the sale of scooters exceeding 50cc displacement.
 - Approved
- 2014UV3005: 3510 North Shadeland Avenue
 - Variance of Use of the Commercial Zoning Ordinance to provide for an automobile body and paint shop (not permitted).
 - Approved
- 2021-ZON-042: 3610 North Shadeland Avenue
 - Rezoning of 1.47 acres from the C-4 district to the C-5 district.
 - Approved
- 2022-UV3-006: 3402 North Shadeland Avenue
 - Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for vehicle sales and leasing (not permitted).
 - Approved
- 2023-CVR-866: 3502 North Shadeland Avenue
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 15,000-square foot building with a five-foot north side setback (minimum 10-foot setback required).
 - Approved

Exhibit 1: ArcGIS map of the subject site and surrounding area.



Exhibit 2: Aerial of the subject site and surrounding area.



Department of Metropolitan Development
Division of Planning
Current Planning

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 fence height will not have an adverse effect on the adjoining property owners since the variance is only for fence height, which will not affect neighboring land uses. This school has a problem with security including vehicles being broken into and a vehicle that was stolen during the day. The fence will also allow for a measure of security that is not possible with a fence height that would be compliant with the ordinance.

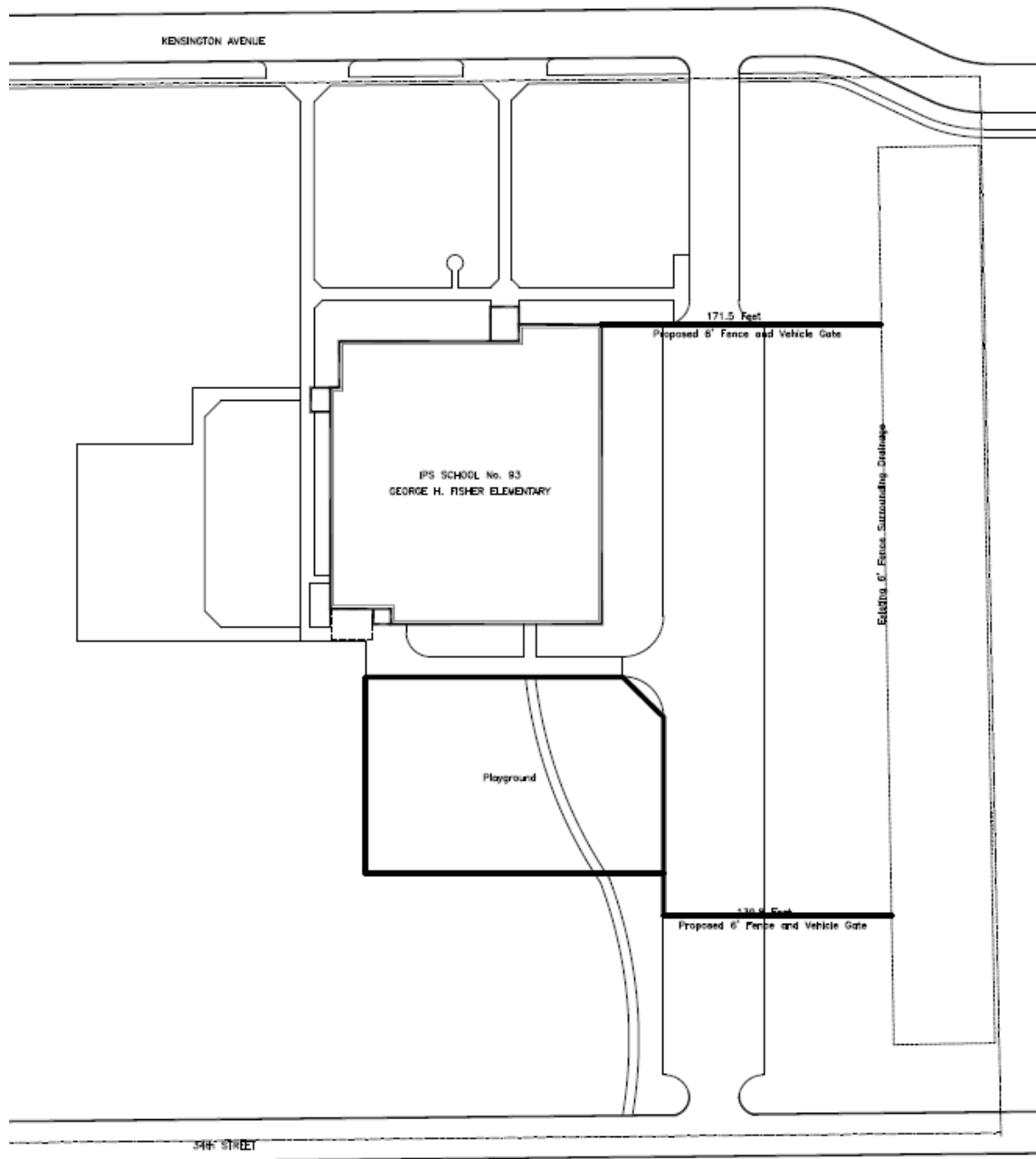
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

This fence will not interfere with any surrounding property uses or value. The fence will be installed 125 feet from the public right of way of 34th Street and still meet the security needs of the district. Also, the fence will be installed 188 feet from the properties along 34th Street.

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

The ordinance allows for a 3.5 foot tall fence, which is not sufficient for security of the site. The parking lot is used by building staff on this site where security is critical. This security is necessary for the security of IPS property but is also necessary for the protection of anyone who may wander onto the property. In addition, this building has two front yards, and if the fence was installed to comply with the ordinance, well over half of the needed parking would not be able to be secured.

Exhibit 3: Findings of Fact submitted by the petitioner.



SITE PLAN
 SCALE: 1" = 40'



Exhibit 4: Site plan.



Exhibit 5: IPS George H. Fisher Elementary School #93



Exhibit 6: Back of school with existing playground fence.



Exhibit 7: Another view of the back of the school with existing playground fence.



Exhibit 8: Parking area looking south in general area of the proposed north side of fence.



Exhibit 9: Parking area looking north in general area of the proposed south side of fence.



Exhibit 10: Homes to the south of the subject site off of 34th Street.



Exhibit 11: Apartments to the north of the subject site off of Kensington Drive/35th Street.