

BOARD OF ZONING APPEALS DIVISION III

July 21, 2026

Case Number: 2026-DV3-015
Property Address: 4305 Dudley NDR (approximate address)
Location: Perry Township, Council District #24
Petitioner: Mark & Amanda Daniel, by John Cross
Current Zoning: D-3
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot-tall fence within front yard areas (maximum 3.5-foot height permitted).
Current Land Use: Residential
Staff Recommendations: Staff recommends **denial** of the requested variance.
Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

5/26/26: The petitioner had a conflict on this hearing date as well as the June 16th hearing date of Division III. Staff requested a continuance to the July 21, 2026 hearing date on their behalf.

STAFF RECOMMENDATION

Staff recommends **denial** of the requested variance.

PETITION OVERVIEW

4305 Dudley North Drive is a 0.43-acre residential parcel at the southeast corner of the intersection of Dudley NDR and Gladstone Avenue (which curves instead of forming a 90-degree angle). The property is currently developed with a single-family home with attached garage built in 1991 and accessed from the west. Play equipment exists in the eastern side yard, and surrounding land use is also residential in nature. The site is near another intersection (East Dudley and Gladstone) to the southwest.

Per street-level photography, there has previously been visual buffering of the eastern side yard from the north via both planting of trees parallel to the front building line (see photo 5 from 2012 within Exhibits) as well as a chain-link fence parallel to the front building line (photo 4 from 2019). Between 2019 and 2024, that fence was removed and replaced with a taller chain-link fence that has a height of 6 feet and extends 37 feet into the front yard of Dudley NDR per the provided site plan and inspection of the property.

In 2024, several anonymous complaints were made to the Mayor's Action Center in relation to this property, including but not limited to the height of this fence not complying with requirements. As a result, the violation case VIO24-006562 was opened in August of 2024 related to the fence as well as to vehicles parked on grass in the front yard. Petition approval would not allow for that parking to continue unabated.

Per staff analysis, the existing fence would not fall within the required clear-sight triangular area created by the intersection of Dudley and Gladstone to the northwest. However, since the property is within the Metro context area, it would have two front yards and would therefore require a Variance of Development Standards to allow for a 6-foot height in the front yard (per Table 744-510-2 of the Ordinance).

The property is zoned D-3 to allow for low or medium intensity residential development with flat topography, good thoroughfare access, and pedestrian linkages to community and neighborhood services. Similarly, the Pattern Book recommends the site to the Suburban Neighborhood typology (see Comprehensive Plan Analysis section below). Additionally, the Infill Housing Guidelines indicate that front-yard fences for residential areas should be ornamental in nature, with privacy fences discouraged.

Findings of Fact provided by the applicant assert that the orientation of the building on a corner lot would prevent placement of any fence that would allow for privacy and for containing children and animals that also occupy the residence. Staff would not concur with this assessment that the existence of two front yards would constitute a site-specific practical difficulty. Staff would also note that surrounding properties, several of which are also placed on corner lots, either are developed without front-yard fences at all (see photos 7-9 within the Exhibits) or with fences that appear to have a compliant height (photos 10-12). These properties show the feasibility of compliance with Ordinance and Pattern Book standards.

Additionally, staff would note that alternate options would exist to allow for placement of a visual buffer that would still allow for privacy without the need for variance relief: **(a)** the fence could remain in its current location but with the height reduced to 4 feet instead of 6 feet; **(b)** landscaping could be placed to provide additional privacy similar to the 2012 photograph; or **(c)** the fence could be moved to run parallel with the northern front building line similar to the 2019 photograph, but with a height of 6 feet. This third option would still allow for the side-yard play area to be screened and would result in a fenced area of around 6,225 square feet while only removing 2,590 square feet of currently fenced area in the front yard (see Front Yard Areas of Property diagram within Exhibits).

Given the lack of site-specific practical difficulty justifying grant of the petition, incongruence with the Pattern Book and surrounding properties, and feasible alternate options to allow for site buffering and privacy, staff recommends **denial** of the requested variance related to front-yard fence height.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-3	North: Single-Family Residential
South:	D-3	South: Single-Family Residential
East:	D-3	East: Single-Family Residential
West:	D-3	West: Single-Family Residential
Thoroughfare Plan		
Dudley NDR	Local Street	50-foot existing right-of-way and 50-foot proposed right-of-way
Gladstone Avenue	Local Street	51-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	03/18/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	03/18/2026	
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 Suburban Neighborhood typology is predominantly made up of single family housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

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

- Fences around dwellings should be carefully placed. See-through fencing is safest. In the front, fences should be ornamental in style. Do not install privacy fences in front yards.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

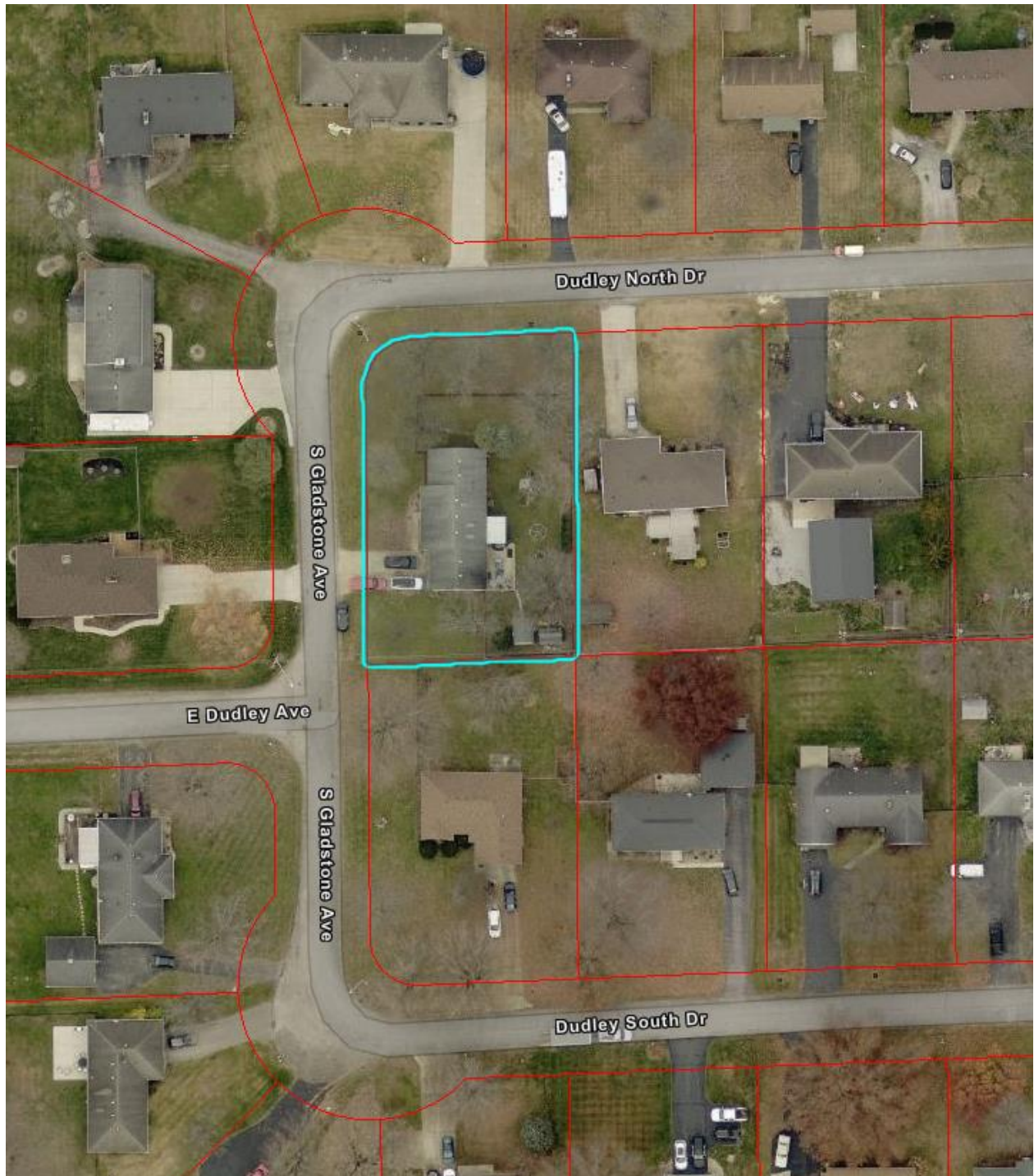
N/A

ZONING HISTORY – VICINITY

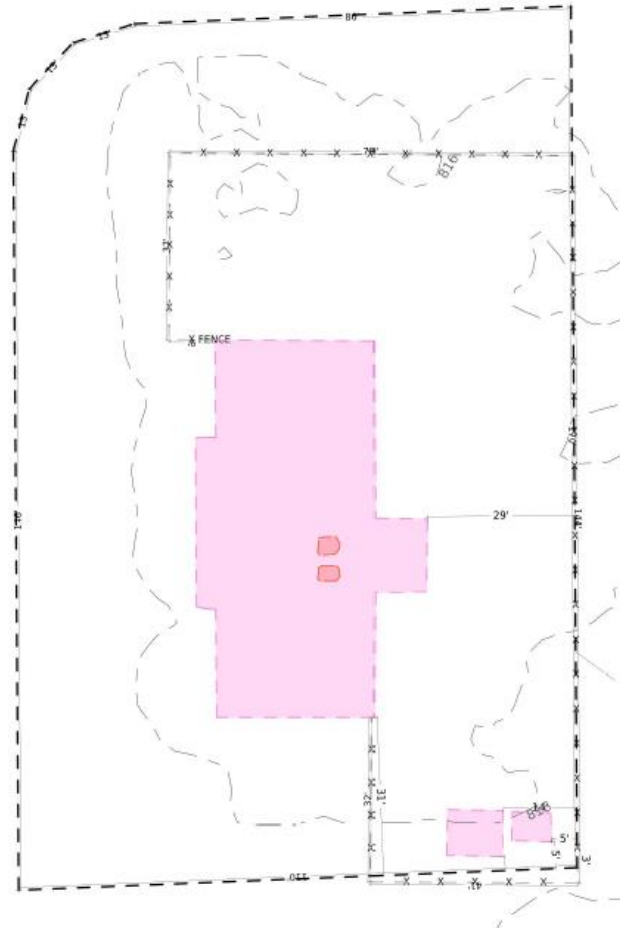
N/A

EXHIBITS

2026DV3015 ; Aerial Map



2026DV3015 ; Site Plan



2026DV3015 ; Front Yard Areas of Property





Department of Metropolitan Development
Division of Planning
Current Planning

2026DV3015 ; Notice of Violation (VIO24-006562)

RE: 4305 DUDLEY NDR

Dear DANIEL, MARK W III & AMANDA D:

A recent inspection of the above referenced property indicated violation(s) of the Revised Code of Indianapolis and Marion County as follows:

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-3 district; (744-404.D.6.a. - Parking areas in front yards shall be paved with bricks, concrete, asphalt, permeable pavers or pavement, or a gravel surface with a distinct edge boundary to retain the gravel; the parking of vehicles on grass in the front yard is prohibited...two front yards on D-3 Metro corner lot, along both frontages of Dudley NDR and Gladstone Ave).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-3 district; (Table 744-510-2: - Fence height exceeding 48 inches in the front yard...two front yards on D-3 Metro corner lot, along both frontages of Dudley NDR and Gladstone Ave).

2026DV3015 ; Findings of Fact

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

The extended area of the fence is under the required opacity limits for a front yard and does not negatively impact public health. Further, it provides a barrier to keep the public from becoming injured on play equipment installed on the property. The fence is well-built, maintained, and matches fence heights in materials in use 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:

All adjacent property owners have approved the extended size and height of the fence. It does not infringe on property views and has no impact on property values. There is no impact on adjacent property access or other use.

The grant will also be expected to be temporary and only extend until the current owner vacates the property. At that time the current owner responsible for removing the fence before selling the property.

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

The peculiar orientation of the buildings on the property and the corner lot limit the area defined as a 'back yard'. This limits the use of the property to house domestic animals and provide reasonable space for children to play safely. Further the height of the previous fence (32 inches) limited the use of the property to safely house domestic animals and to reasonably protect the public from accidents related to play equipment. Strict application of the Zoning Ordinance would require the removal of play equipment and restrict the ability to install new play equipment. There would also be a requirement for the current owner to remove domestic animals that have not been able to be properly restrained with the previous fence requirements.

2026DV3015 ; Photographs



Photo 1: Fence Viewed from Northwest



Photo 2: Fence Along Eastern Property Line Viewed from North

2026DV3015 ; Photographs (continued)



Photo 3: Subject Property Viewed from North

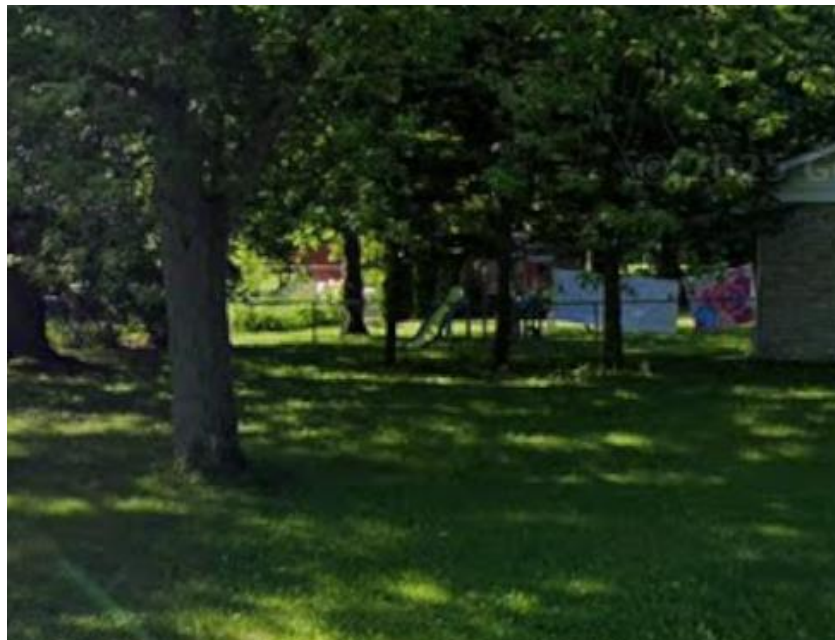


Photo 4: Subject Site Viewed from North (May 2019)

2026DV3015 ; Photographs (continued)



Photo 5: Subject Site Viewed from North (March 2012)



Photo 6: Subject Site Viewed from Northwest (March 2012)

2026DV3015 ; Photographs (continued)



Photo 7: Adjacent Property to East



Photo 8: Adjacent Property to North

2026DV3015 ; Photographs (continued)



Photo 9: Adjacent Property to Northwest



Photo 10: Adjacent Property to West

2026DV3015 ; Photographs (continued)



Photo 11: Adjacent Property to Southwest



Photo 12: Adjacent Property to South