

BOARD OF ZONING APPEALS DIVISION II

August 08, 2023

Case Number: 2023-DV2-018
Property Address: 2050 Carrollton Ave
Location: Center Township, Council District #11
Petitioner: Breedy B LLC, In and Out Unlimited LLC
Current Zoning: D-8
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eight-foot-tall fence in the rear yard (maximum fence height of six-foot permitted).
Current Land Use: Residential
Staff Recommendations: Staff **recommends denial** of this petition
Recommended Motion: Motion to approve petition 2023-DV2-018 on the condition that this variance shall only apply to the rear fence and any new fences comply with the Ordinance
Staff Reviewer: Noah Stern, Associate Planner

PETITION HISTORY

This is the first public hearing for this petition

STAFF RECOMMENDATION

Staff **recommends denial** of this petition

- However, if the Board is to approve this petition, Staff would request for the approval to only apply to this rear fence, not permitting any future fences to be 8 feet in height.

PETITION OVERVIEW

- This request would allow for an 8-foot fence (6 feet in height permitted) on the 0.12-acre subject site.
- In dwelling districts, the maximum fence height permitted in rear and side yards is 6 feet. This height is to allow for a reasonable amount of privacy, if desired, without permitting unreasonably tall fences, which can present safety issues to the surrounding community. Additionally, fences beyond this height begin to resemble commercial and industrial developments in character. Deviating above this height is not recommended in residential areas.

- Fencing designed to allow for partial visibility helps limit safety concerns about unsolicited activities taking place on a fenced-in property.
- Per the Ordinance, “Fences combined with a wall shall be constructed of wood, stone, brick, decorative concrete block, wrought iron (or products created to resemble these materials)...”. The fencing relevant to this petition, which connects with the wall of the detached garage, complies with the Ordinance by utilizing wood construction.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-8	North: Single-family residential
	South: D-8	South: Single-family residential
	East: D-8	East: Single-family residential
	West: D-8	West: Single-family residential
Thoroughfare Plan		
Carrollton Avenue	Local Street Existing ROW: 50 ft Proposed ROW: 48 ft	
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	6/13/2023	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	6/13/2023	
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 Pattern Book recommends Traditional Neighborhood 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

- The Infill Housing Guidelines (IHG) document is used to promote good practice with regards to form, massing, aesthetics, landscaping, etc. of new infill housing projects for all scales and types.
- With regards to fencing, the Infill Housing Guidelines recommends:
 - **Build Thoughtful Fences:** fencing around dwellings should be carefully placed. See-through fencing is the safest. In the front, fences should be ornamental in style. Do not install privacy fences in front yard.
- The petition utilizes see-through fencing for the top portion of the fence and is not requesting the 8-foot fencing in the front-yard.

Indy Moves

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

- Not Applicable to the Site

ZONING HISTORY

ZONING HISTORY – SITE

EXISTING VIOLATIONS

N/A

PREVIOUS CASES

2020DV3001; Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an 895-square foot secondary dwelling (maximum 720-square foot dwelling permitted), **withdrawn**

ZONING HISTORY – VICINITY

2010DV2027; 2009 Bellefontaine Street (east of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a two-family dwelling with a 7.42-foot setback from the right-of-way of East 20th Street, and a parking pad with a 5.625-foot front yard setback, **approved**.

2017DV2039; 2001 Carrollton Avenue (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an eight-foot tall fence (maximum six-foot tall fence permitted), **denied**.

2018DV2028; 2029 N College Ave (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a multi-family building with a four-foot front setback from the proposed right-of-way, with a one-foot north side setback and 17 feet between multi-family buildings and to provide for a multi-family building with a five-foot front setback from the proposed right-of-way and a 20-foot south side setback (30 feet from proposed right-of-way required, 27-foot side setback required and 20 feet between buildings required), and to permit a 0.95 floor area ratio for the project (maximum 0.60 required), **approved**.

2020DV1040; 2040 Cornell Avenue (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a two-family dwelling with a five-foot front setback and a detached garage, both with three-foot side setbacks and 44% open space (18-foot front setback or average, four-foot side setbacks and 55% open space required), **approved**.

2021DV2021; 823 S 21st Street (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with a one-foot setback from the right-of-way of 21st Street, a five-foot rear setback and 48% open space (18-foot front setback or average, 15-foot rear setback and 55% open space required), **approved**.

97UV129; 701 E 21st Street 9 (west of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the operation of a counseling service within one of the dwelling units of an existing multi-family building (not permitted). The property is located at 701 e 21st Street, Center Township, in a D-8 zoning district, **approved**.



**Department of Metropolitan Development
Division of Planning
Current Planning**

2021ZON021; 2151 N College Avenue (north of site), Rezoning of 1.1 acres from D-8 and C-3 districts to the D-P classification to provide for 36 townhome units at a density of 25 units per acre, **approved**.

2022ZON073; 3415 N Sherman Drive (north of site), Rezoning of 0.16 acre from the C-4 district to the D-5 district to provide for residential uses, **approved**.



DRAWN BY

Tamar de la Paz

DATE _____

JUN. 06. 2021

REVISION #

△

2050 Carrollton Ave.
INDIANAPOLIS, INDIANA

Site Plan
SCALE: 1" = 32'



SITE PLAN KEYNOTES

- ① PROPOSED 2ND STORY ADDITION
- ② PROVIDE CONCRETE WASH OUT
- ③ PROVIDE SBT FENCE FOR EROSION CONTROL

GENERAL SITE NOTES

- [illegible]

SITE DATA

LOT AREA (D5) - COMPACT			
PINCLL SIZE (45'X129')	5,400 S.F.		
TOTAL BLDG AREA			
EXISTING FOOTPRINT AREA		1,832 SQ. FT.	
EXISTING GARAGE/HOUSE AREA		720 SQ. FT.	
EXISTING DRIVEWAY AREA		347.2 SQ. FT.	
EXISTING SIDEWALK AREA		51.2 SQ. FT.	
OCCUPY SPACE PERCENTAGE			68%

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 proposed fence is not made of any materials that are dangerous or hazardous to the environment.

 The property is kept well maintained and the above design of the fence allows some visual access

 which is not required however, was considered when the design was implemented.

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 property is surrounded by single family homes with very specific design esthetics, all that are

 cohesive and brings a certain character to the neighborhood.

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

 The proposed petition is in lieu of an already existing violation of this property, subsequently the petition

 is a formal request to establish compliance with the current zoning ordinance and development

 standards.

DECISION

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

Adopted this _____ day of _____, 20 ____







