#### STAFF REPORT

# Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number: 2023-DV3-021** 

Address: 1690 South Spencer Avenue (approximate address)

Location: Warren Township, Council District #18

Zoning: D-5 (FF)
Petitioner: Lacia Coons

Request: Variance of Development Standards of the Consolidated Zoning and

Subdivision Ordinance to provide for the erection of a fence ranging in

height between five-foot and six-foot tall within the front yards, encroaching into the clear sight triangle of Spencer Avenue and

Minnesota Street (maximum 3.5-foot-tall fence permitted,

encroachment into the clear sight triangles not permitted), and

encroaching into the right-of-way on Minnesota Street (encroachment

into the right-of-way not permitted).

#### **RECOMMENDATIONS**

Staff **recommends approval** of the six-foot fence on Minnesota Street, encroaching into the clear sight triangle, and encroaching into the right-of-way on Minnesota Street.

Staff **recommends denial** of the request for a fence ranging from five to six feet tall in the front yard of Spencer Avenue.

#### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

EXISTING ZONING AND LAND USE

D-5 Compact Single-Family residential

SURROUNDING ZONING AND LAND USE

North D-5 Single-Family residential

South D-3 Undeveloped

East D-5 Single-Family residential West D-5 Single-Family residential

COMPREHENSIVE PLAN The Comprehensive Plan recommends Suburban Neighborhood

development

♦ The subject site consists of two parcels with a combined area of approximately 12,840 square feet. The site is developed with a single-family dwelling and two detached accessory structures.

(Continued)

#### STAFF REPORT 2023-DV3-021 (Continued)

#### VARIANCE OF DEVELOPMENT STANDARDS

- This request would provide for the erection of a fence ranging in height between five-foot and six-foot tall within the front yards, encroaching into the clear sight triangle of Spencer Avenue and Minnesota Street, and encroaching into the right-of-way on Minnesota Street.
- Minnesota Street is elevated several feet above the subject site's lot boundaries at grade. Spencer Avenue slopes to meet Minnesota Street at the intersection. Therefore, staff would suggest that the increased height along Minnesota Street and encroachment into the clear sight triangle do not affect traffic visibility and are not opposed to this portion of the request.
- The portion of the fence along Minnesota Street appears to encroach in the right-of-way, however, the fence is downhill from the street and is not located in the established drainage area. Staff is not opposed to a fence that slightly encroaches into the right-of-way. Whether an encroachment license is required is to be determined by the Department of Business and Neighborhood Services.
- The fence in the front yard on Spencer Avenue is generally at grade. The ordinance permits a fence height of 3.5 feet in a front yard, or four feet if 40% or more opaque. Staff believes that the fence in the front yard on Spencer Avenue does not have a practical difficulty as it does along Minnesota Street. Staff would recommend denial of this portion of the request.

#### **GENERAL INFORMATION**

THOROUGHFARE PLAN Spen

Spencer Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing and proposed right-of-way.

Minnesota Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary collector, with a -foot existing right-of-way and a -foot proposed right-ofway.

SITE PLAN File-dated May 19, 2023

FINDINGS OF FACT File-dated May 19, 2023

### **ZONING HISTORY –SITE**

None

#### **ZONING HISTORY – VICINITY**

**2023-UV3-005, 5220 Minnesota Street,** variance to provide for the storage of a commercial vehicle and a permanent portable storage container, **denied**.

**83-SE2-1, 5114 Minnesota Street,** a special exception to provide for a manufactured home, **approved**.

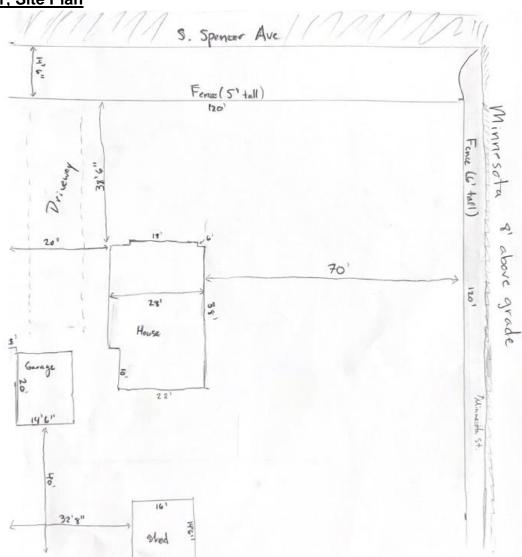
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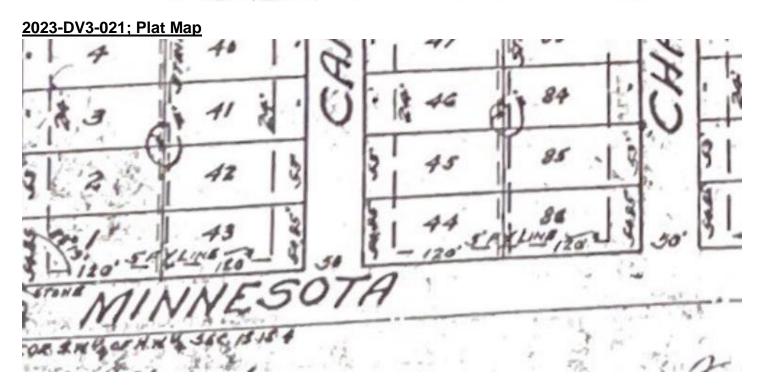
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## 2023-DV3-021; Aerial Map



## 2023-DV3-021; Site Plan





## 2023-DV3-021; Petitioner Exhibits





## 2023-DV3-021; Photographs



Subject site viewed from Minnesota Street, looking east



Subject site viewed from the intersection of Minnesota Street and Spencer Avenue, looking north



Subject site viewed from Minnesota Street, looking north



Fence viewed from vehicle at the intersection, looking southwest



Grade change from street to fence viewed from the intersection, looking west





Fence in the front yard on Spencer Avenue, looking south