

## 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**

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-of-way.

#### **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**.

AR

\*\*\*\*\*

**2023-DV3-021; Aerial Map**



A hand-drawn site plan of a property. The plan shows a rectangular lot with a driveway on the left side. A house is located in the center-right, with a garage to its left and a shed at the bottom. A fence runs along the top and right sides of the property. The lot is bordered by S. Spencer Ave. to the north and Minnesota St. to the east. The Minnesota St. is labeled as being 8' above grade. Dimensions are provided for various parts of the property and structures.

**Property Dimensions:**

- Top boundary: Fence (5' tall), 120'
- Right boundary: Fence (6' tall), 120'
- Left boundary: Driveway, 20'
- Bottom boundary: 70' (from house to right fence), 32' 8" (from shed to driveway)

**Structures and Dimensions:**

- House:** 28' wide, 38' 6" deep, 22' wide at the bottom, 10' wide at the bottom right, 19' wide at the top left, 6' wide at the top right.
- Garage:** 20' wide, 14' 6" deep, 3' high.
- Shed:** 16' wide, 14' 6" deep.

**Other Labels:**

- S. Spencer Ave.
- Minnesota St. (8' above grade)
- Driveway
- House
- Garage
- Shed

40  
41  
42  
43  
44  
45  
46  
47  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
890  
891  
892  
893  
894  
895  
896  
897  
898  
899



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 west



Fence in the front yard on Spencer Avenue, looking south