

BOARD OF ZONING APPEALS DIVISION I

March 3, 2026

Case Number: 2025-DV1-063 (Amended)
Property Address: 6690 Jackson Street (approximate address)
Location: Wayne Township, Council District #16
Petitioner: Ramon Ibanez
Current Zoning: D-2
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot tall fence with posts exceeding the height of the fence by more than a foot, within the front yard of Bauman Street, and encroaching within right-of-way, the clear-sight triangle of a driveway, and an easement (maximum 3.5-foot tall fence permitted, posts maximum one foot taller than fence, encroachment of rights-of-way, clear-sight triangles and easements prohibited).
Current Land Use: Residential
Staff Recommendations: Staff recommends **denial** of this petition.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

2/3/26: A timely automatic continuance request was filed by a registered neighborhood organization, continuing this petition to the March 3rd, 2026 hearing date.

1/6/26: This petition was continued to allow for amended notice to be mailed reflecting the need for a variance related to placement of the fence within a drainage and electrical easement.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 6690 Jackson Street is a residential parcel at the northeast corner of Jackson Street and Bauman Street that is currently developed with a single-family home. Surrounding land uses are also residential in nature, and driveway access is provided from both Jackson Street to the south and from Bauman Street to the west (although it is unclear if that access comes from a legal curb cut).
- Aerial photography indicates installation of a fence and gate to the north of the subject property at some point between 1986 and 1990. No site plan was provided for staff review, but per aerial photography the fence is located within the front yard of Bauman Avenue, encroaches

approximately 12 feet into public right-of-way, narrowly falls within the required clear-sight triangular area for the existing driveway from Bauman (see diagram within Exhibits), and is within a drainage and electrical easement that comprises the northern eight (8) feet of the property.

- Two complaints were filed with the Mayor's Action Center in relation to this property in 2024 and 2025; both complaints mentioned the height of the fence within the front-yard area as well as the parking of inoperable vehicles at the property. In response to those complaints, the violation case VIO25-001049 was opened in February of 2025 and cited the property for eight (8) different zoning violations. The full text of that violation is within the Exhibits below and mentions several items unrelated to the existing fence. The applicant has indicated that violations related to **(a)** the commercial uses of vehicle repair, sales, and accessory storage; **(b)** the parking of vehicles in front yard areas without paving or distinct gravel edges; and **(c)** placement of inoperable vehicles and other miscellaneous debris would be addressed outside of the scope of this variance request. Approval of this variance would not allow for commercial automobile operations at the site.
- Approval of this variance would be limited to preservation of the existing front-yard fence, which would require five (5) separate Variances of Development Standards to remain: **(a)** encroachment of the fence into public right-of-way; **(b)** the 6-foot height of the fence within the property's front yard (max height 3.5 feet permitted); **(c)** small portions of the fence placed within the clear-sight triangle required for the intersection of driveways and local streets; **(d)** the placement of the fence within the existing easement; and **(e)** the height of two of the fence posts for the section of fence bounding the driveway being over a foot taller than the height of the fence itself (max post height one foot taller than fence). Approval of this petition would also not replace the need for an Encroachment License from the Department of Business and Neighborhood Services to allow for improvements within public ROW or any approvals from AES Indiana related to the easement.
- The subject site is zoned D-2 to allow for suburban development with ample yards, trees, and passive open spaces to serve each individual lot. Similarly, the Comprehensive Plan Pattern Book recommends the site to Suburban Neighborhood uses (such as single-family homes). Infill Housing Guidelines also recommend that see-through fencing is safest, and that within residential front yards fences should be ornamental in nature as opposed to privacy fences such as the one installed at the subject site.
- Findings of Fact provided by the applicant claim that grant of the variance would be justified since the site is a corner lot adjacent to roadways which result in noise and a lack of privacy. Staff does not feel that the placement of the fence by a previous property owner or the fact that the site is a corner lot constitutes a site-specific practical difficulty that would prevent compliance with Ordinance standards. A fence is allowed, just not at the dimensions desired by the applicant.
- Continued placement of this fence that encroaches extensively into public right-of-way and an easement (and partially within required clear-sight triangle) creates a safety risk of cars entering and exiting the fenced area via the gate to the west of the subject site. Additionally, current fence regulations are designed to balance privacy concerns with placement of vibrant and pedestrian-friendly streetscapes. The rules as constituted would allow for both a shorter fence with compliant



height (up to 4 feet if chain link and moved out of public ROW/easement) or placement of a 6-foot fence parallel to the western front building line (which would still allow for about 7700 square feet of fenced yard space north of the existing residence). For these reasons, staff recommends denial of the requested variance to preserve the fence requiring five (5) separate variances.

GENERAL INFORMATION

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|-----------------------------------|----------------------------|---|
| Existing Zoning | D-2 | |
| Existing Land Use | Residential | |
| Comprehensive Plan | Suburban Neighborhood | |
| Surrounding Context | Zoning | Surrounding Context |
| | North: | North: Residential |
| | South: | South: Residential |
| | East: | East: Residential |
| | West: | West: Residential |
| Thoroughfare Plan | | |
| Jackson Street | Local Street | 50-foot existing right-of-way and 50-foot proposed right-of-way |
| Bauman Street | Local Street | 50-foot existing right-of-way and x-foot proposed right-of-way |
| Context Area | Metro | |
| Floodway / Floodway Fringe | No | |
| Overlay | No | |
| Wellfield Protection Area | No | |
| Site Plan | Requested but not provided | |
| Site Plan (Amended) | N/A | |
| Elevations | N/A | |
| Elevations (Amended) | N/A | |
| Landscape Plan | N/A | |
| Findings of Fact | 09/25/2025 | |
| Findings of Fact (Amended) | 12/16/2025 | |

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- The Pattern Book recommends this site to the Suburban Neighborhood typology for predominantly single-family housing interspersed with attached and multifamily housing where appropriate. The property is also partially located within an Environmentally Sensitive overlay intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected.

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

- Infill Housing Guidelines indicate that fencing around dwellings should be carefully placed, that see-through fencing is safest, and that in front yards fences should be ornamental in style instead of privacy fences.

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

2020DV3046 ; 6419 Jackson Street (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 47-foot tall wood and metal poles for small cell wireless communications facilities, with associated equipment and antennas within the right-of-way (underground utilities only permitted after January 1, 1973), **withdrawn**.

2005DV2064 ; 6706 Jackson Street (west of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to the legally establish the storage of a commercial box truck vehicle (not permitted), **approved**.

2002VAR828 ; 6575 Walton Street (north of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 914 square foot addition located 23 feet from the right-of-way of Bauman Street (minimum 25-foot front setback required), **approved**.

98-SE1-13 ; 6704 Jackson Street (west of site), special exception of the Dwelling Districts Zoning Ordinance to provide for the placement of a manufactured dwelling with the dimensions of 28 by 76 feet, **approved**.

EXHIBITS

2025DV1063 ; Aerial Map



2025DV1063 ; Findings of Fact

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

The petitioner is requesting the existing privacy fence in the rear yard along Bowman Street to remain as is. The fence was installed on the property before petitioner purchased property in 2008. The increased height will not block sight lines for traffic or pedestrians and will not create a safety hazard.

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 proposed variance to keep the existing solid fence in the rear yard setback, where 4 feet is permitted by Section 744-510.C.3, will not affect the use and value of the area adjacent to the property in a substantially adverse manner. The property is a corner lot situated on Bowman Street and Jackson Street. The existing fence will create a necessary noise buffer and provide a reasonable level of privacy for both the petitioner’s property and the adjacent residential property, improving the quality of life for both households. The surrounding neighborhood includes a mix of fence heights due to various lot characteristics. The proposed fence is similar in material and style to other fences in the vicinity and is well-maintained, thus it will not alter the essential character of the locality.

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

This property is uniquely situated as a corner lot that directly abuts a high-traffic road. This specific physical condition creates an exceptional amount of noise and a lack of privacy compared to interior residential lots in the neighborhood. The current zoning ordinance (Section 744-510.C.3) restricts the yard fence to 4 feet in height. This height is insufficient to provide a reasonable sound buffer or privacy barrier from the adjacent traffic noise. The 4-foot height effectively prevents the reasonable enjoyment and use of the rear yard areas for typical residential activities. A variance allowing a 6-foot fence is necessary to mitigate this unique difficulty, enabling the property owner to use their yard space reasonable without diminishing the property’s essential residential use.

2025DV1063 ; Clear-Sight Triangular Area (estimated)



2025DV1063 ; Notice of Violation (VIO25-001049)

Section 740 -1005.A.3. Civil Zoning Violation

Specific Violation: The outdoor storage of junk, trash, or debris in any zoning district, the provisions of which do not specifically permit such a use; (Tree logs & debris, and other miscellaneous items throughout the property).

Section 740 -1005.A.4. Civil Zoning Violation

Specific Violation: The outdoor storage of inoperable vehicles in any zoning district, the provisions of which do not specifically permit such a use; (Any motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle, that cannot be driven, towed or hauled on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate, or flat tires; or that is otherwise partially dismantled or mechanically inoperable...multiple vehicles).

Section 740 -1005.A.7. Civil Zoning Violation

Specific Violation: The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Outdoor storage and operations is not a permitted accessory use in a D-2 zoning district...floor jacks).

Section 740 -1005.A.7. Civil Zoning Violation

Specific Violation: The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Vehicle repair is not a permitted use in a D-2 zoning district).

Section 740 -1005.A.7. Civil Zoning Violation

Specific Violation: The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Vehicle sales is not a permitted use in a D-2 zoning district).

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-2 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).

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-2 district; (744-510.C.3. - Fence post height exceeding 1ft. above the permitted height of the fence).

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-2 district; (Table 744-510-2: - Fence height exceeding 42 inches in the front yard with more than 30% opacity...privacy fence).

2025DV1063 ; Photographs



Photo 1: Subject Property and Fence Viewed from South (October 2025)



Photo 2: Subject Property Viewed from West

2025DV1063 ; Photographs (continued)



Photo 3: Subject Site Viewed from Northwest



Photo 4: Space Between Fence and Bauman Drive

2025DV1063 ; Photographs (continued)



Photo 5: Area Inside of Existing Fence (October 2025)



Photo 6: Adjacent Property and Fence to West