

**BOARD OF ZONING APPEALS DIVISION III**

**March 19, 2024**

**Case Number:** 2024DV3001

**Property Address:** 6027 Castlebar Circle (approximate address)

**Location:** Lawrence Township, Council District #3

**Petitioner:** Audrey Dressel, by Russell Brown

**Current Zoning:** D-2

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot tall fence within the front yard of Circlewood Road (maximum 3.5-foot tall fence permitted) and an 88-foot wide parking area within the front yard of Castlebar Circle (maximum 30-foot wide parking area permitted).

**Current Land Use:** Residential

**Staff Recommendations:** Staff recommends **denial** of this request.

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

Due to a lack of quorum at the February 20, 2024 hearing, this petition was continued by the petitioner to the March 19, 2024 hearing of Division III.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this request.

**PETITION OVERVIEW**

- This site currently contains a residential property on a corner lot along with an existing 6-foot fence within the front yard to the west fronting Cricklewood Drive. The front-yard fence had a compliant height of 3.5 feet before being recently replaced. There are also two curb cuts along the north side of the property that share a driveway access to Castlebar Circle and create a driveway with a width of approximately 88 feet. This existing 'half-moon' driveway layout has existed for decades but was recently repaved from blacktop to concrete around the same time of installation of the 6-foot-tall fence.
- The enforcement action VIO23-008065 was opened for this property in November 2023 which cited the fence height exceeding 42 inches in the front yard and the parking area in a front yard

exceeding 30 feet in width. The grant of this petition would legalize both of those recent site improvements.

- Parking area is defined within the Indianapolis Zoning Ordinance as being “an area of paving other than an open exhibition or display area, not inclusive of interior access drives, and driveways intended for the temporary storage of automotive vehicles includes parking spaces and the area of access for the parking spaces and the area of access for the egress/ingress of automotive vehicles to and from the actual parking space”. Both staff and the inspector who wrote the violation feel that the existing half-moon driveway would be included under this definition.
- The site is currently zoned D-2 to allow for low-density suburban development with ample yards, trees, and passive open spaces. It is also within the Suburban Neighborhood living typology of the Comprehensive Plan Pattern Book which is predominantly made up of single-family housing along curvilinear streets and supported by a variety of neighborhood-servicing amenities.
- The Infill Housing Guidelines indicate that within the front yards of residential areas, fences should be ornamental in nature and that privacy fences should not be installed. Additionally, the guidelines indicate that see-through fencing is more appropriate for these areas than fences that lack opacity or visibility.
- The Indianapolis Zoning Ordinance prescribes height limitations for fences to maintain visibility, orderly development and the appearance of open space while also allowing for reasonable privacy. This variance would seek to retroactively legalize a 6-foot fence in an area that previously had a fence 3.5 feet tall and is slightly uphill from the grade of the street which gives the appearance of the fence being even taller.
- The recently installed 6-foot fence is almost double the required ordinance standard of 3.5 feet. Additionally, adjacent properties on both standard and corner lots don't have fences of any kind in the front yard; the Devonshire V Civic Association described the fence as being “totally out of place” within the neighborhood context. Since this fence runs counter to ordinance rules and Infill Housing Guidelines, doesn't relate to any practical difficulty at the site, and is out of character with existing development patterns in the area, staff would recommend denial of the variance for a 6-foot-tall fence.
- The zoning ordinance also places limitations on parking between the fronts of buildings and street rights-of-way to allow for attractive front yards and avoid the appearance of vast impervious spaces filled with cars between roadways and residential or commercial properties. This variance would seek to legalize the ‘half-moon’ parking layout within the northern yard that has existed previously but was recently repaved. The ordinance has historically disallowed additional paving within front yards beyond what was sufficient for reasonable parking access. Staff does not wish to create a precedent of legalizing overly wide driveways within residential areas and feels that residential front yards should be predominantly reserved for landscaping. Staff would recommend denial of the variance for the 88-foot-wide parking area.



**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-2	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	North: Suburban Neighborhood
	South:	South: Suburban Neighborhood
	East:	East: Suburban Neighborhood
	West:	West: Suburban Neighborhood
<b>Thoroughfare Plan</b>		
Castlebar Circle	Local Street	Existing ROW: 50' Prop ROW: 50'
Cricklewood Road	Local Street	Existing ROW: 50' Prop ROW: 50'
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	12/20/2023	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	12/20/2023	
<b>Findings of Fact (Amended)</b>	01/24/2024	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

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

**Pattern Book / Land Use Plan**

- The Marion County Comprehensive Plan Land Use Pattern Book recommends the Suburban Neighborhood living typology for this property.



**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 IHG indicate that fencing around dwellings should be carefully placed, and that see-through fencing is the safest. In the front, fences should be ornamental in style and privacy fences should not be installed.

**Indy Moves**

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

- Not Applicable to the Site



## ZONING HISTORY

### ZONING HISTORY – SITE

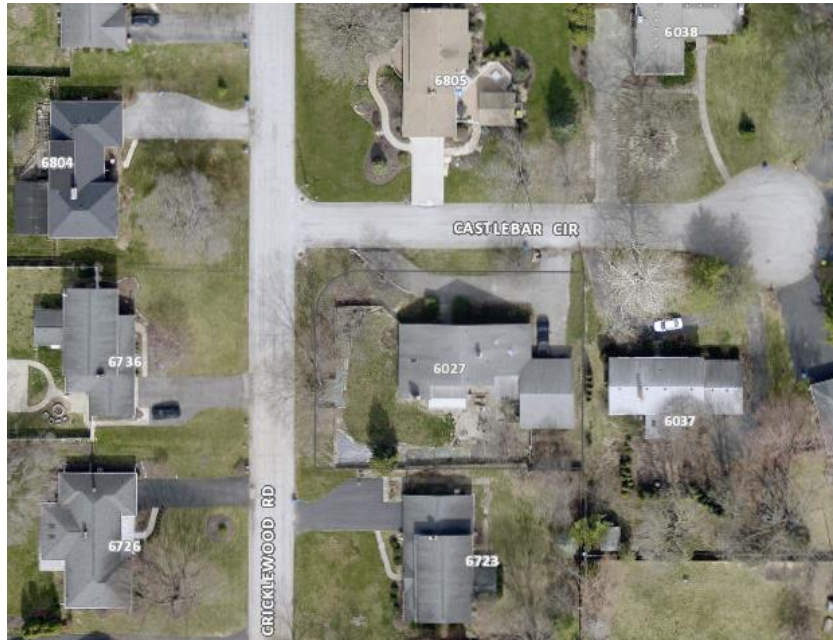
N/A

### ZONING HISTORY – VICINITY

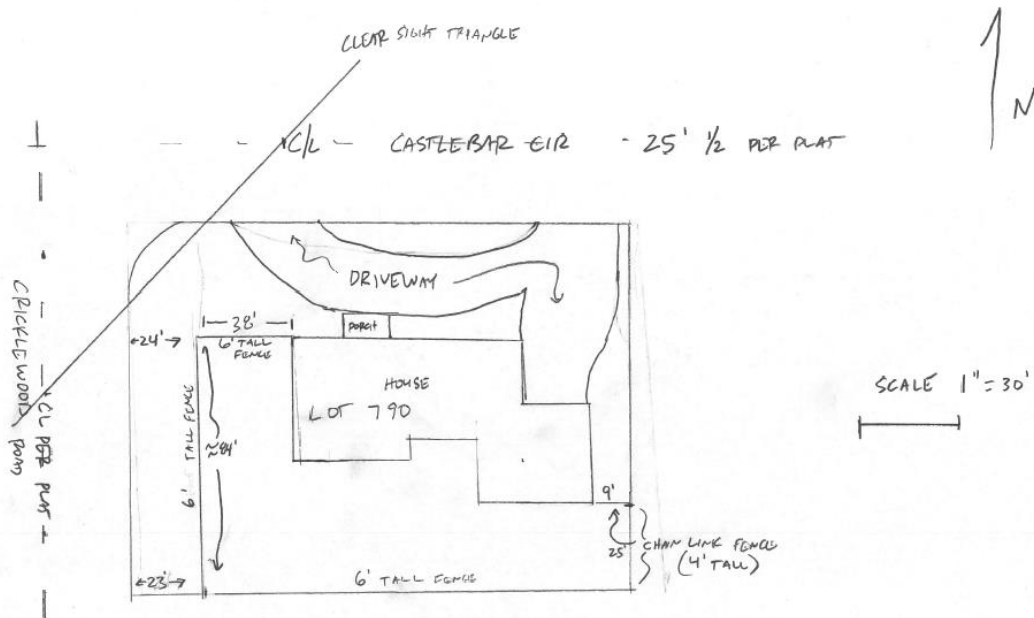
N/A

**EXHIBITS**

**2024DV3001 ; Aerial Map**



**2024DV3001 ; Site Plan**



### **2024DV3001 ; Findings of Fact (Fence)**

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

The requested variance does not impact the public at large. The location of the fences are outside of any clear site triangle and are adequately setback from the edge of pavement to allow for drainage and safe passage by pedestrians. The fence height and construction type is desired by the petitioner to provide privacy in areas of the home which would normally be visible only as a side or rear yard, but are a front yard in this location by virtue of having two street frontages.

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 fence is of a high-quality design and construction. The fence location is similar to the historical location of previous fences present on the property (which were lower in height), but have been modified to allow for a large mature tree to be outside the fence. The fence provides privacy for the petitioner and shields back yard activities (like gardening, use by domestic animals) from view from the Cricklewood Road right of way, without blocking the clear site triangle.

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

The property's location on a corner lot with the largest portion of what would otherwise be a sideyard, located near Cricklewood Road, provides a large area which, if located NOT on a corner lot, would be able to be fenced as proposed. The area located near Cricklewood Road has been treated by Petitioner (and her parents who lived in the house before her) as their side yard and the home has features largely present in a side yard (windows into living area) in this area. The proposed variance would allow this high quality fence to be retained in its current location, providing privacy for the petitioner, without negatively impacting other property owners.

### **2024DV3001 ; Findings of Fact (Parking)**

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

The requested variance does not impact the public at large. The driveway has traditionally be installed as half-moon circular drive, which was redone as part of renovations on the property. The location of the entry and exit from the half-moon drive do not negatively impact traffic flow on the small cul de sac upon which it fronts and does not impact the clear site triangle.

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 has approximately 150' feet of frontage on the cul de sac right of way and the layout of the driveway has been in place for a number of years. The layout allows for landscaping to be maintained and for easy in and out from the driveway, thus having no impact on adjacent property owners.

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

The property has been improved with the half-moon circular drive for a number of years. The half moon drive allows for ease of access to the front door and also allows for use of the attached garage. The existing conditions do not occupy more than 50% of the frontage of the property with direct access to the right of way, which appears to be in line with the requirements of the ordinance, but the two accesses required for a half-moon cannot be obtained within the restrictions of the ordinance.

**2024DV3001 ; Pictures**



Photo 1: Fence from Front Yard (West)



Photo 2: Previous Fence in Front Yard (taken September 2016)



**2024DV3001 ; Pictures (continued)**



Photo 3: Fence from Southwest



Photo 4: Fence and Property from Front Yard (North)

**2024DV3001 ; Pictures (continued)**



Photo 5: Existing Driveway/Parking Area in Front Yard (North)



Photo 6: Driveway/Parking Area in Front Yard (taken September 2007)