

BOARD OF ZONING APPEALS DIVISION III

October 20th, 2026

Case Number: 2026-DV3-038
Property Address: 4033 Bowman Avenue (approximate Address)
Location: Perry Township, Council District #23
Petitioner: Brenden Perkins
Current Zoning: D-4 (TOD)
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a privacy fence encroaching within the clear sight triangle of the rear driveway and alley intersection (encroachment prohibited).
Current Land Use: Single-family home
Staff Recommendations: Staff recommends **approval** of this petition
Staff Reviewer: Adam Skrzyszewski, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition

STAFF RECOMMENDATION

Staff recommends **approval** of this petition

PETITION OVERVIEW

- There is an existing fence and gate in front of the petitioner's car port in the rear-yard of the petitioner's lot; therefore, the petitioner's fence and gate encroach into the Clear Site Triangle (CST) of the rear driveway and alley intersection. This variance petition is for the purpose of legally establishing the encroachment into the CST from the fence and gate.
- The petitioner has stated that the carport does not provide necessary coverage to fully enclose any vehicles. For privacy and increased crime concerns the petitioner chose to place the fence with a gate in front of the carport, on the driveway, instead of in-line with the front face of the carport. The fence is as close to the carport as possible without being flush with the carport and therefore offering minimal encroachment in the CST. This placement only affects the petitioner's own CST.
- Corner lots in the compact context area, have side yards and rear yards. As opposed to the metro context area, where corner lots have two front yards where the parcel fronts the public rights-of-way. The maximum height of a fence in the side and rear yards of a parcel, per the Ordinance, is

6-feet. Therefore, the petitioner is permitted to have a 6-foot tall fence on the side and rear yards of the property. The fence is permitted in terms of height and its placement in the rear and side yards of the property.

- The fence will not encroach into any other public CST's that would affect the public. The petitioner has cut back the fence on the intersection of the alley and the public right-of-way to the north to meet all other CST requirements. The petitioner blocking the CST of his own driveway creates no harm to the public or anyone within the neighborhood who uses the alley. The fence leaves adequate space for driving through the alley, and will not impede traffic in any way for users of the shared alley.
- Even though the fence blocks the CST of the intersection of the driveway and the alley, there will be no decrease in space for navigation through the alley if the fence stays in its current state and is legally established. The fence's gate will only be opened for ingress and egress to the petitioner's carport behind the fence and gate and will be closed at all other times of day and night.
- The fence is not out of character for the neighborhood and how the neighborhood interacts with the shared alley. Multiple neighbors of the petitioner have fences and garages that front the shared alley. The petitioner's fence is in line with the southern neighbor's garage that fronts the shared alley. The fence and gate do not encroach into the space allocated for the alley any more than fellow users of the alley. The fence and gate conform to the neighborhood and match its context. A gate in front of a car port is not common, but it currently has and will have no effect on the neighbors, the public rights-of-way, and any users of the alley.
- There is no way for the petitioner to have a fence that provides for its intended use of coverage and safety of the site without blocking the CST of the driveway and alley intersection. The petitioner by choosing to block his own CST creates no negative effect to the traffic and or any users of the shared alley, and it will have no adverse effect to the health, safety, and welfare of the community. Therefore, staff recommends **approval** of 2026-DV3-038.

GENERAL INFORMATION

Existing Zoning	D-4 (TOD)	
Existing Land Use	Single-family home	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-4	North: Single-family homes
South:	D-4	South: Single-family homes
East:	D-4	East: Single-family homes
West:	D-4	West: Single-family homes
Thoroughfare Plan		
Bowman Avenue	Local Street	48-foot existing and proposed ROW
Windermire Street	Local Street	48-foot existing and proposed ROW
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	TOD	
Wellfield Protection Area	No	
Site Plan	August 18 th	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	August 18 th	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Traditional Neighborhood. The proposed fence within the CST of the petitioner's rear driveway aligns with the Comprehensive Plan recommendation.

Pattern Book / Land Use Plan

- Not Applicable to the Site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The petitioner's home is within the TOD secondary layer of the Red Line. The petitioner's proposal aligns with the TOD Strategic Plan.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- The petitioner's proposed fence aligns with the Infill Housing Guidelines through the use of a fence within the rear and side yard of the parcel. The fence does encroach into the CST, but aligns with the Infill Housing Guidelines and placements and location of fencing within the parcel.

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

2017CVR838 ; 4018 Bowman Avenue (North of proposed site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the shared use by the Criminal Justice Education Lab of the University of Indianapolis and the Indianapolis-Marion County Forensic Services Agency to allow for combined training, simulation and testing purposes (non-university uses not permitted). **Approved**

2025UV3021 ; 4038 Otterbein Avenue (East of proposed site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 1,172 square foot second primary building with a 3.5-foot western side yard setback and a six-foot rear yard setback (one primary building permitted per lot, four-foot side, 20-foot rear yard setbacks required). **Approved**

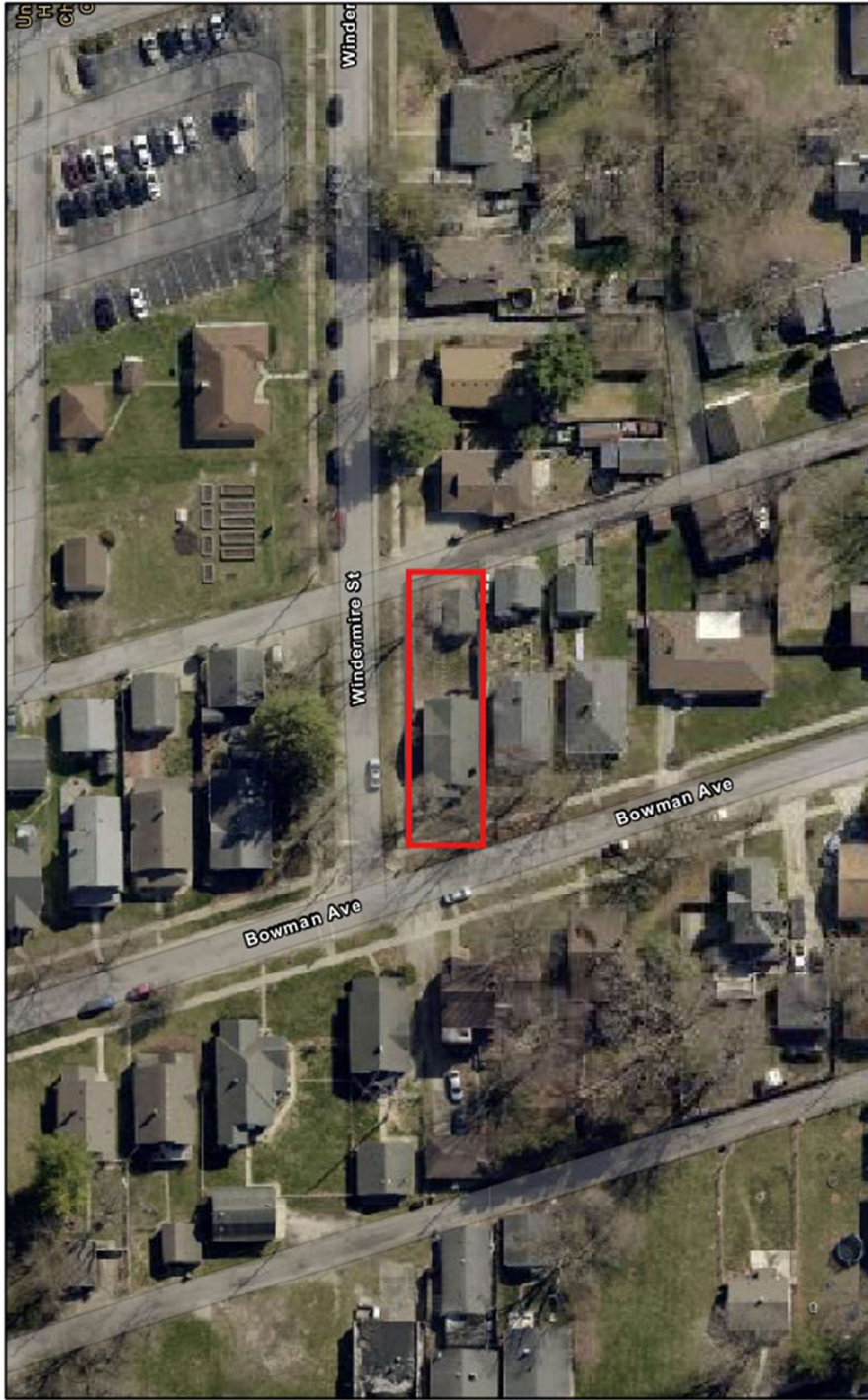
2026UV3014 ; 4038 Otterbein Avenue (East of proposed site), Variance of Use of the Consolidated Zoning and Subdivision Ordinance to allow for a secondary dwelling unit with a size of 727 square feet (maximum 720 feet permitted) and to allow for a primary and secondary dwelling unit without permanent occupancy by the owner (occupancy of either the primary or secondary dwelling unit by the owner required). **In progress**

2005DV3015 ; 4037 Weaver Avenue (West of proposed site), provide for a delicatessen located 3.5 feet from a protected district (min. 100 ft. req.), with four off-street parking spaces (min. 10 req.). **Denied**

89-HOV-21 ; 4125 South Bowman Road (South of proposed site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a room addition connecting a single-family residence to a detached garage, resulting in a 17-foot rear setback for the principal structure (20-feet required). **Approved**

EXHIBITS

current aerial of 4033 Bowman Ave



1:1,128 0.01 0.01 0.02 0.02 mi
 0 0.01 0.01 0.02 0.04 km
 IGO, Microsoft, Vector, Esri Community Maps Contributors, City of Indianapolis Marion Co, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin.

10/14/2026



July 28, 2026

Case #: VIO26-006033

PERKINS, BRENDEN & CAROLINE ROSE CROSS
4033 BOWMAN AVE
INDIANAPOLIS, IN 46227

RE: 4033 BOWMAN AVE

Dear PERKINS, BRENDEN & CAROLINE ROSE CROSS:

A recent inspection of the above referenced property indicated violation(s) of the Revised Code of Indianapolis and Marion County as follows:

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-4 district; (744-503.H -- No obstructions shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede visibility between the heights of 2.5ft. and 8ft. above grade level of the adjoining right-of-way within a Clear Sight Triangular Area...Privacy fence along alley).

The City of Indianapolis requests your cooperation in correcting the violation(s). If the violation(s) have not been abated before August 27, 2026, this will result in further enforcement action, which could include:

- 1.) Issuance of a citation for each violation (Section 103-3) and / or
- 2.) Assessment of an administrative fee in the amount of two hundred fifteen dollars (\$215.00) for each scheduled visit to the property and the violation is not abated (Section 536-609) and / or
- 3.) Lawsuit with fines up to \$2,500 for each violation plus court costs (Section 103-3)

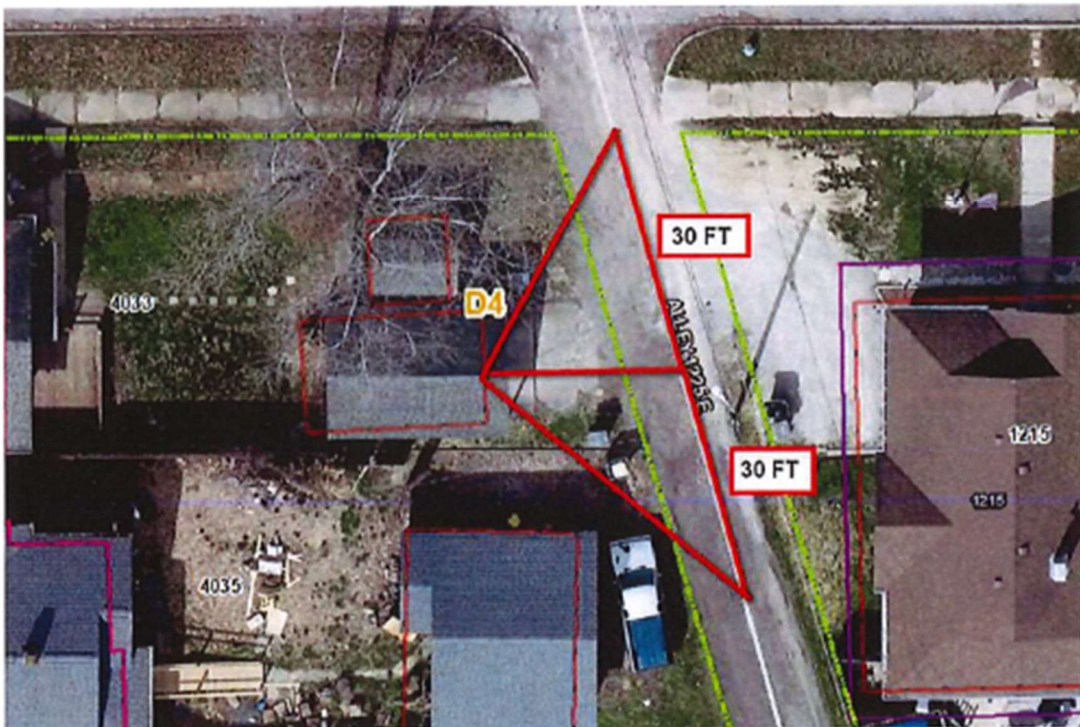
*** If you are the property owner and have leased / rented the property noted above, please notify the undersigned immediately with tenant information.**

To further research the Marion County code section mentioned above, please visit www.municode.com.

If you have any questions, please contact me at the number listed below.

Sincerely,

VIO26-006033, 4033 BOWMAN AVE, 7/27/2026 @ 3:00 PM –BD



Statement from the petitioner

Variance Petition 2026-DV3-038 — 4033 Bowman Avenue Hardship Statement

October 4, 2026

Metropolitan Board of Zoning Appeals
City of Indianapolis

Re: Variance Petition 2026-DV3-038 — 4033 Bowman Avenue

Dear Members of the Board:

I, Brenden Perkins, am the owner of the property at 4033 Bowman Avenue, Indianapolis. I am requesting a variance to allow my privacy fence, which sits within the clear sight triangle at the rear driveway/alley intersection, to remain as built.

I built this fence to make my property safer. My neighbor was broken into a couple of years ago, and my girlfriend's car was stolen. I spent all of my savings on this fence to secure my property and to keep my large dogs — who bark often — safely contained, which is better for my neighbors as well.

I have already complied once, at significant personal expense. After the original citation, I spent \$1,500 to cut back the corner of the fence and clear the line of sight. Before building, I could not find any code online addressing the sight triangle or the gate, so I built in good faith and corrected the issue as soon as the city raised it.

Moving the fence again would be a genuine hardship. The fence posts are set in large holes cut into the concrete driveway — relocating them would mean more demolition and rebuilding that I cannot afford, on top of what I have already spent.

Finally, the fence is consistent with the surrounding area. Neighboring properties have garages and fences that sit closer to the alley than mine does, and the fence creates no safety problem for anyone using the alley.

I respectfully ask the Board to grant this variance so the fence may remain in place.

Site Visit October 5th, 2026







**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 requested variance is limited to the existing residential privacy fence and alley-access gate at 4033 Bowman Ave. The applicant has already modified the fence angle at personal expense to improve visibility and address the City's line-of-sight concern. The fence and gate do not obstruct the alley, introduce a commercial use, or change the residential use of the property. The requested configuration therefore does not create a condition injurious to public health, safety, or general welfare.

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 existing fence and gate will not substantially adversely affect neighboring property. The surrounding area already contains garages, privacy fences, and gated access points along and near the alley, including a neighboring garage that is closer to the alley and opens directly onto it. The applicant has also changed the fence angle to improve visibility. The proposal remains consistent with the established residential character and conditions of the surrounding area.

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

Strict application of the zoning requirement would create practical difficulties because it could require the existing fence and gate to be moved farther from the alley even though the applicant has already modified the fence at personal expense to address the identified visibility concern. Mature trees, a shed, and a long-standing carport also affect existing sight lines. Moving the fence farther back would require additional alteration and expense while providing limited additional benefit. The requested relief is narrowly limited to allowing the existing fence and gate to remain in their modified location.