

BOARD OF ZONING APPEALS DIVISION II

June 10, 2025

Case Number: 2025-DV2-015
Property Address: 5364 North New Jersey Street (*approximate address*)
Location: Washington Township, Council District #7
Petitioner: David & Courtney Reinkemeyer, by David and Justin Kingen
Current Zoning: D-4
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for location of a six-foot tall fence within the northern yard of 54th Street (maximum 3.5-foot tall fence permitted).
Current Land Use: Residential
Staff
Recommendations: Staff recommends **approval** subject to two commitments.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

Due to a lack of quorum, this petition was continued from the May 13th hearing date of Division II.

STAFF RECOMMENDATION

Staff recommends **approval** subject to commitments that landscaping/green area be installed along the northern edge of the fence closest to 54th Street, and that the fence height be reduced to six feet.

PETITION OVERVIEW

- 5364 North New Jersey is a residential parcel that is currently improved with a single-family residence and detached garage that both face 54th Street to the north. The property was historically improved with a fenced area that partially extended past the northern building line. Surrounding land uses are also residential.
- VIO24-004885 is a violation case that was opened in 2024 in relation to the placement of a new fence in the same location as the previous fence that was removed (any legally established status was lost when the fence was removed). Violation photography indicates that the newly installed fence is 6.17 feet in height. Although the initial variance application was solely made in relation to the area of fence with 32 feet in width to the west of the primary residence that encroaches out 23 feet past the northern property line, Staff noted that variances for a fence height exceeding 6 feet would also be required for portions of the fence within the side yard to the south of the home as well as fence within the rear yard to the south of the 54th Street building line.

- When informed of the fact that an amendment to the variance would be required to allow for the currently installed fence to remain at a height of 6.17, the petitioner's agent indicated to Staff that the property owner would slightly reduce the height of the existing fence to match the height of 6 feet indicated within the initial request. Approval of this variance petition would not allow for the currently installed fence to remain unaltered.
- The Zoning Ordinance requires a maximum height of 6 feet for fences within side and rear yards within residential zoning contexts. Although the northern yard nearest 54th Street is technically a corner side yard (not a front yard), the Ordinance also indicates that for fences located in any yard that (a) serves as the primary entrance for the dwelling unit or (b) faces the primary entrance of a dwelling unit across the street, the maximum height allowed would be 3.5 feet (more comparable to a front yard). Since the installed fence was field-verified to have a height over 6 feet, a variance would have been required for all of the fence if the owner had not indicated their willingness to reduce the current height. A 6-foot fence would only require a variance for the portions within the 54th Street yard. Additionally, staff confirmed that the reconstructed fence does *not* fall into the clear-sight triangular area created by the intersection of 54th Street and the alleyway to the west.
- This property is zoned D-4 to allow for low or medium intensity single-family and two-family residential development in areas with good thoroughfare and pedestrian access, relatively flat topography, and nearby community services. The Meridian Kessler Neighborhood Plan similarly recommends it to the Traditional Neighborhood typology to allow for a variety of housing and associated neighborhood-oriented uses. Although the Meridian Kessler Plan doesn't make specific reference to fences, Infill Housing Guidelines indicate that fences should be placed thoughtfully, and that front-yard fences should be ornamental in style instead of privacy fences.
- Six-foot fences are typically allowed by-right within a D-4 corner side yard, and this fence (if reduced to a six-foot height) would only require a variance due to the exception language about primary entrances within 744-510.C of the Ordinance. Given this context, staff feels that the requested variance is reasonable and would recommend approval subject to commitments that minor landscaping be installed along the northern edge of the fence similar to what had existed prior to placement of the new fence (see Photo 1 within Exhibits) and that the fence be reduced in height to six feet.

GENERAL INFORMATION

Existing Zoning	D-4	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-4	North: Residential
South:	D-4	South: Residential
East:	D-4	East: Residential
West:	D-4	West: Residential
Thoroughfare Plan		
N New Jersey Street	Local Street	60-foot existing right-of-way and 48-foot proposed right-of-way
54 th Street	Local Street	50-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	04/11/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	04/11/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Meridian Kessler Neighborhood Plan
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- See Neighborhood Plan below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The Meridian Kessler Neighborhood Plan recommends this site for Traditional Neighborhood uses to provide a variety of housing and associated neighborhood-oriented uses typically supportive of daily living needs. It includes a mix of housing and neighborhood-oriented commercial, recreation, and institutional uses. The Plan makes no specific reference to fences.

Infill Housing Guidelines

- Infill Housing Guidelines indicate that fences should be placed thoughtfully, and that front-yard fences should be ornamental in style (not 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

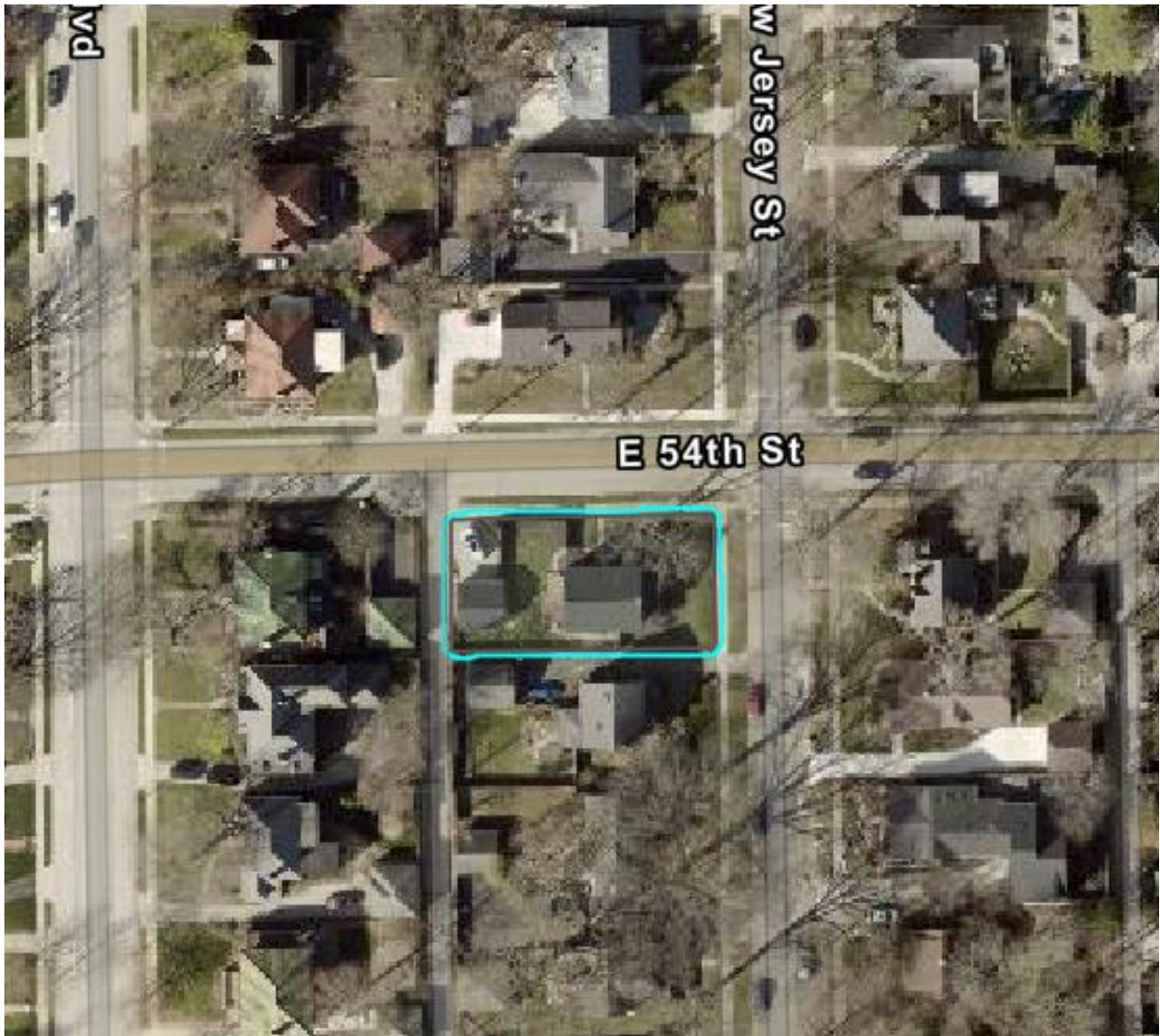
ZONING HISTORY – VICINITY

2017DV2023 ; 5401 N New Jersey Street (northeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a six-foot tall opaque fence, located within the clear sight triangle of the abutting driveway and 54th Street (not permitted), **approved**.

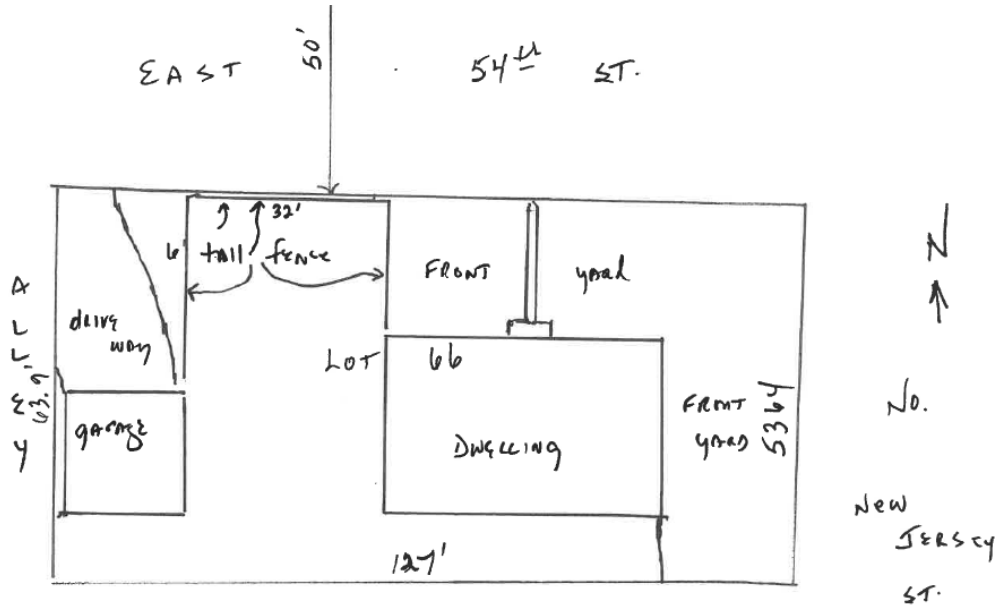
2004DV1050 ; 5365 Washington Boulevard (west of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a 7.84-foot tall fence in the front yard of East 54th Street and to provide for a 7.84-foot tall, 34-foot extension to the fence in the front yard of East 54th Street, **approved**.

EXHIBITS

2025DV2015 ; Aerial Map



2025DV2015 ; Site Plan



2025DV2015 ; Findings of Fact

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

The fence replaced a old fence in deterioration at the same location. The property is addressed off No New Jersey Street; although the front door is off of East 54th Street. The fence is only 32 feet in lenght along East 54th Street (along the frontage). The fence is used to enclose the used side/ rear yard). This type of privacy fence is characteristic along this portion of East 54th Street in the Meridian Kessler neighborhood,

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:

There are several residential properties that front on East 54th Street that have constructed six foot privacy fences in their front yards, all of them greater in length that the subject fence.

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 is longer east to west than north to south and thus if the replacement fence were removed from the frnt yard, there would remain a very small side/ rear yard to the west of the dwelling.

2025DV2015 ; Violation Notice & Photographs (VIO24-004885, photos taken 4/14)



July 29, 2024

Case #: VIO24-004885

REINKEMEYER, DAVID & COURTNEY REINKEMEYER
5364 N NEW JERSEY ST
INDIANAPOLIS, IN 46220

RE: 5364 N NEW JERSEY ST

Dear REINKEMEYER, DAVID & COURTNEY REINKEMEYER:

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



2025DV2015 ; Photographs



Photo 1: Subject Site Viewed from North (October 2023 vs. April 2025)



Photo 2: Fence Viewed from East (54th St Sidewalk)

2025DV2015 ; Photographs (continued)



Photo 3: Adjacent Property to North



Photo 4: Subject Site Viewed from West

2025DV2015 ; Photographs (continued)



Photo 5: Subject Site Viewed from East



Photo 6: Adjacent Property to East

2025DV2015 ; Photographs (continued)



Photo 7: Adjacent Property to Northeast



Photo 8: Adjacent Property to West