

BOARD OF ZONING APPEALS DIVISION I

March 4th, 2025

Case Number: 2024-DV1-046
Property Address: 8654 West 86th Street
Location: Pike Township, Council District #1
Petitioner: Gary A. & Mickey K. James
Current Zoning: D-2 / D-S (FF)
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a six-foot tall decorative fence within the front yard of 86th Street (maximum height of 3.5 feet permitted).
Current Land Use: Residential
Staff Recommendations: Staff recommends **denial** of this variance petition.
Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the third public hearing for this variance petition.

The second public hearing occurred on February 4th, 2025, where this variance petition was continued due to an insufficient number of board member needed to cast a vote.

The first public hearing for this case occurred on January 7th, 2024, where it was continued due to the Pike Township Residents Association Inc., a registered neighborhood organization, filing an automatic continuance.

STAFF RECOMMENDATION

Staff recommends **denial** of this variance petition.

PETITION OVERVIEW

- This variance requests that a six-foot-tall decorative fence be allowed in the front yard of a property along West 86th Street.
- This property is 5.98 acres within a D-2 zoning district.
- The proposed fence will be wrought iron/aluminum, with 10 (ten) stone/brick columns and 2 (two) stone/brick accent planter boxes.
- The City of Indianapolis Consolidated Zoning/Subdivision Ordinance only permits a fence in the front yard to be 3.5 feet in height.

- Across the street, at 8631 West 86th Street, the residence has a white wood decorative fence that complies with the 3.5-foot standard and aligns with the area's character.
- Staff recommends **denial** of this variance petition because there is no practical difficulty. The need for a structural barrier can be met by complying with the standard. The fence is purely decorative, and lowering the height will not aesthetically change the landscape of the front yard. Reducing the size of the proposed fence, while keeping the same design would make a variance unnecessary and allow the requested fence to be within compliance.

GENERAL INFORMATION

Existing Zoning	D-2 / D-S (FF)	
Existing Land Use	Residential	
Comprehensive Plan	Linear Park	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Rural or Estate Neighborhood
	South:	South: Rural or Estate Neighborhood
	East:	East: Suburban Neighborhood
	West:	West: Rural or Estate Neighborhood
Thoroughfare Plan		
86 th Street	Primary Collector	40 feet of right of way existing and 80 feet of right of way proposed.
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	11/04/2024	
Site Plan (Amended)	12/06/2024	
Elevations	11/04/2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	11/04/2024	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

Linear Parks: This land use category is intended for public or private property designated for active or passive recreation and is primarily used for the passage of people or wildlife. Examples are greenways, parkways, trails, off-street paths, and conservation areas (pg 16).

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

- Design ornamental elements, such as fences and retaining walls, to be simple, fit the context of the block and neighborhood, do not obstruct views of the front of the house, and do not obstruct public sidewalks (pg 17).
- Fencing around dwellings should be carefully placed. See-through fencing is the safest. In the front, fences should be ornamental in style. Do not install privacy fences in front yard (pg 18).

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 – SURROUNDING AREA

- 2002-UV1-008: 8420 Olin Road
 - 2ND SINGLE-FAMILY DWELLING ON ONE LOT
 - AP
- 2004-UV1-046: 8224 West 82nd Street
 - Legally establish real estate office in D-A.
 - D
- 2007-UV2-022: 8130 West 88th Street
 - Variance of Use of the Dwelling Districts Zoning Ordinance to legally establish the seasonal retail display and sale of produce not grown on the property (not permitted), utilizing two, 32-square foot, covered tables from May 1st to October 31st. Recorded commitment 2009-0014226.
 - AP
- 2008-UV3-005: 8620 West 82nd Street
 - Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the expansion of a landscaping contractor business permitted by petition 2004-UV1-039 (not permitted).
 - WD
- 2010-DV3-039: 8432 West 84th Street
 - Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a 1,480-square foot, 23-foot tall, two-story detached garage, being 159% of the main floor area of the primary dwelling and creating an accessory use area of 1,860 square feet, being 133.04% of the total floor area of the primary dwelling (maximum accessory building area can not exceed 75% of the main floor area of the primary dwelling, maximum accessory use area can not exceed 99.9% of the main floor area of the primary dwelling and maximum accessory building height can not exceed 20 feet and can not exceed the height of the primary dwelling).
 - Approved
- 2011-DV2-014: 8439 West 84th Street
 - Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 1,320-square foot accessory building, with a 15-foot front setback from Olin Road, in front of the established front building line of the primary dwelling (25-foot front setback required, accessory buildings not permitted in front of the established front building line).
 - Approved
- 2012-ZON-024: 8915 Copper Road
 - Rezoning of 0.5 acre, being in the D-S District, to the D-1 classification to provide for residential development.
 - Approved

- 2012-ZON-027: 8930 Lafayette Road
 - Rezoning of 0.86 acre from the D-S District to the SU-1 classification to provide for religious uses.
 - Withdrawn
- 2013-SE2-003: 8930 Lafayette Road
 - Special Exception of the Dwelling Districts Zoning Ordinance to provide for religious uses, with off-street parking.
 - Denied
- 2013-ZON-018: 8222 West 82nd Street
 - Rezoning of 1.03 acres, from the D-A district to the SU-1 classification to provide for the expansion of a parking lot for religious uses.
 - Approved
- 2014-UV1-016: 8654 West 86th Street
 - Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling on lot with a 26-foot tall, 22 by 27-foot detached garage (maximum 20-foot height permitted), containing a second floor dwelling (one single-family dwelling permitted per lot), and with an 18-foot tall, 1,820-square foot pole barn, creating an accessory building area of 3,158 square feet or 121.2% of the main floor area of the primary building and accessory use area of 5,632 square feet or 100.6% of the total floor area of the primary building (maximum 1,550 square feet of accessory building area or 75% of the main floor area of the primary dwelling, maximum 99.9% of the total floor area of the primary dwelling or 5,597 square feet).
 - Approved
- 2017-CVR-804: 7926 West 88th Street
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a lot with 96 feet of street frontage and lot width (minimum 250 lot width and 125 feet of street frontage required).
 - Approved
- 2017-HOV-081: 8927 Copper Road
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 22-foot-tall storage barn (accessory buildings cannot be taller than the primary dwelling).
 - Approved
- 2021-UV1-024: 8356 Lafayette Road
 - Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for automobiles sales (not permitted).
 - Approved
- 2021-UV3-015: 8440 West 82nd Street
 - Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an artisan winery with indoor/outdoor events and live entertainment.
 - Approved
- 2021-ZON-060: 8356 Lafayette Road
 - Rezoning of 0.57 acre from the D-2 and C-4 districts to the C-5 district.
 - Withdrawn



**Department of Metropolitan Development
Division of Planning
Current Planning**

- 2022-UV1-011: 8620 West 82nd Street
 - Fees were paid in 2022-CMP-815. Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 145-foot tall monopole wireless communication tower with a five-foot lightning rod (not permitted), with landscaping on two sides of the tower site (landscaping around entire tower site required).
 - Approved
- 2022-ZON-044: 8320 West 86th Street
 - Rezoning of 4.04 acres from the D-P district to the D-P district to add self storage as permitted use.
 - Withdrawn

EXHIBITS

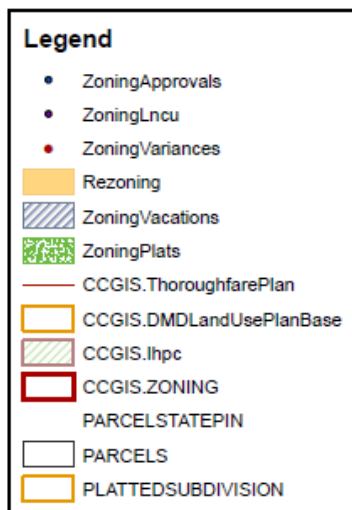
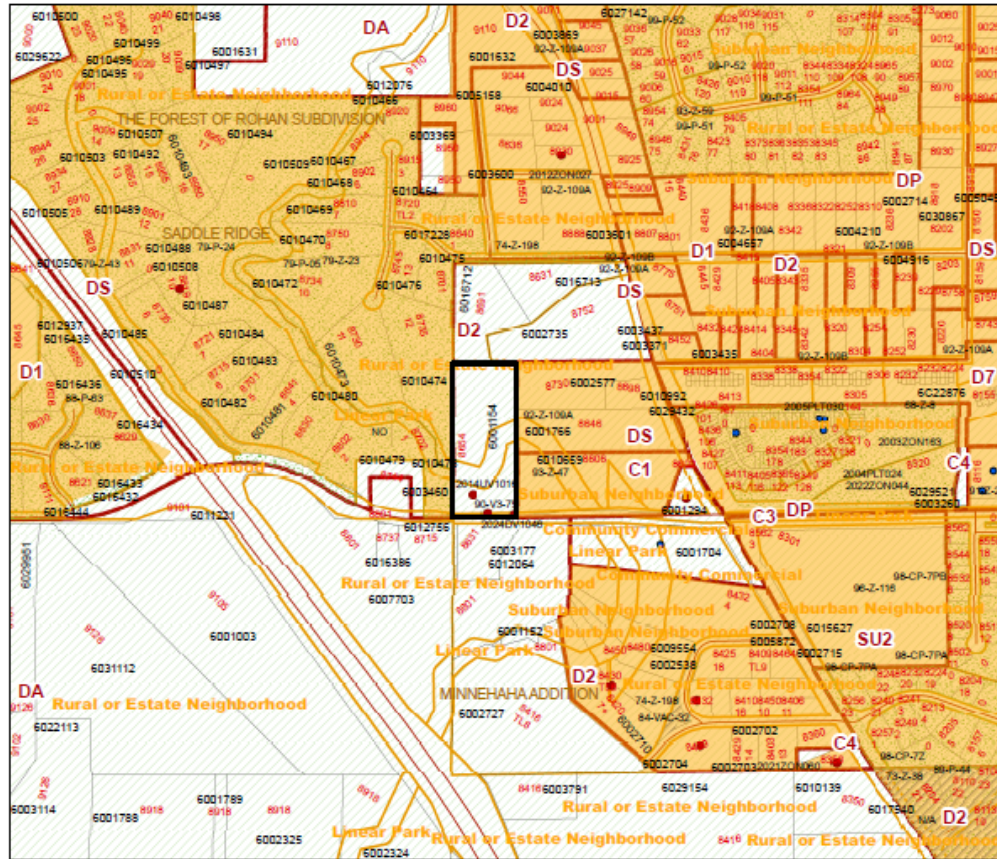


Exhibit 1: ArcGIS map of surrounding area around 8654 West 86th Street.



METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

PROPERTY BORDERS W86TH ST, 35 MPH SPEED LIMIT, 25 MPH SCHOOL ZONE WITH MATURE TREES SURROUNDING STREET. THE 6' HIGH DECORATIVE ESTATE METAL FENCE ALONG WITH ITS BRICK COLUMNS LOCATED EVERY 24' AND 11' FROM ROAD WITH LESS THAN 30% OPACITY WILL NOT BE ANYMORE INJURIOUS TO THE PUBLIC HEALTH SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY THAN A 4' HIGH FENCE THAT DOES NOT REQUIRE A VARIANCE.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

A DECORATIVE ESTATE FENCE IS THE MOST ATTRACTIVE FENCING A HOMEOWNER CAN ADD TO THEIR PROPERTY. PROPERTY OWNERS ALONG W86TH THAT BORDERS PETITIONER'S PROPERTY AND OWNER DIRECTLY ACROSS FROM PETITIONER AGREE THE 6' DECORATIVE ESTATE FENCE WILL ADD BEAUTY AND ELEGANCE TO THE AREA, INCREASE CURB APPEAL AND WILL INCREASE PROPERTY VALUES IN THE SURROUNDING AREA.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

PROPERTY HAS A TAX ACCESSED VALUE OF ~\$1.6 MILLION, AND ACCORDING TO THE LANDSCAPE ARCHITECT, FACTORS LIKE FENCE DISTANCE FROM HOME, COLOR, MATERIAL, LENGTH OF FENCE, HOME STYLE AND HOME SIZE MUST BE CONSIDERED TO PROPERLY FRAME THE PROPERTY. TO ACHIEVE THAT, LANDSCAPE ARCHITECT, FENCE COMPANY AND BRICK MASON THAT SPECIALIZES IN DECORATIVE ESTATE FENCES, ALL RECOMMEND A METAL ORNAMENTAL ESTATE 6' H FENCE WITH BRICK COLUMNS SPACED EVERY 24'.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

THE PETITIONER, PROPERTY OWNERS ALONG W86TH STREET, MARION COUNTY, PIKE TOWNSHIP AND TRADERS POINT WILL BE MISSING AN OPPORTUNITY TO ADD A TOUCH OF ELEGANCE AND BEAUTY TO THE TRADERS POINT WEST 86TH STREET AREA.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

INSTEAD OF AN UNATTRACTIVE 4' CHAIN LINK FENCE ALONG W86TH ST, IT WILL BE A 6' BLACK METAL DECORATIVE ESTATE FENCE W/BRICK COLUMNS EVERY 24' W/ACCENT SEASONAL FLOWER BOXES. METAL FENCING IS THE MOST ATTRACTIVE FENCING A PROPERTY OWNERS CAN ADD TO THEIR HOME THAT IMMEDIATELY ADDS A PRESTIGIOUS LOOK, INCREASES CURB APPEAL AND BRINGS A SENSE OF BEAUTY AND ELEGANCE TO THE AREA WHILE INCEASING SURROUNDING PROPERTY VALUES.

Exhibit 2: The submitted Findings of Fact.

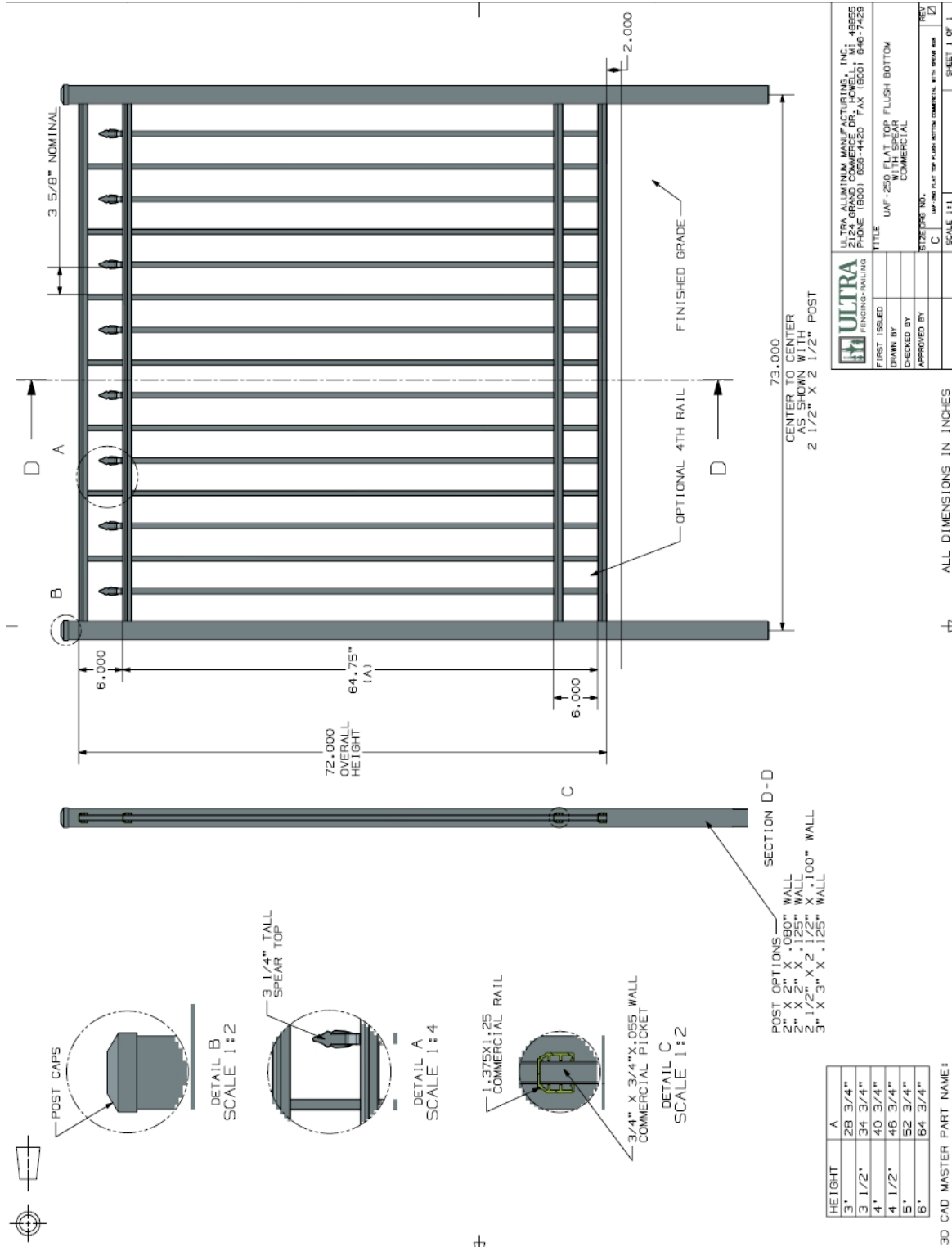


Exhibit 3: The proposed fence design.

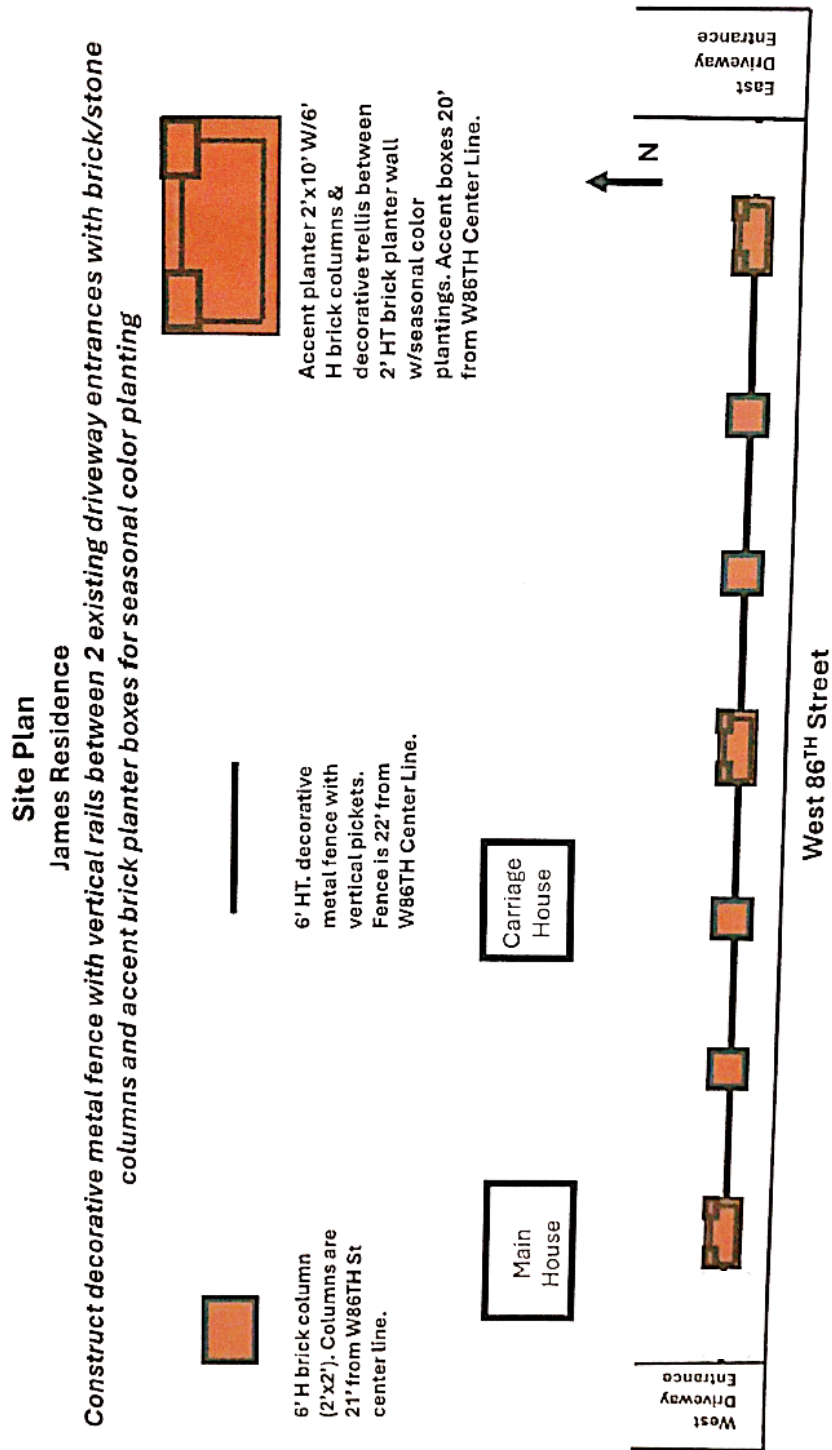


Exhibit 4: Proposed site plan for the decorative fence.

Addendum to Petition

Petitioner: Mickey James

Address of Subject Property: 8654 W86TH ST, Indianapolis IN 46278

Request: Variance of Development Standards.

Provide a Detailed Description of the Proposal: Petitioner's property contains two driveway entrances along W86TH Street. One entrance is at the far SE corner of the property and the second entrance is at the far SW corner of the property. Property owner wishes to construct an Decorative Wrought Iron/Aluminum fence between the two entrances with 10 Stone/Brick Columns and 3 Stone/Brick Accent Brick Planter Boxes for seasonal color planting.

Decorative Fence is Wrought Iron/Aluminium 6' High with Vertical Rails and will be constructed between the Stone/Brick Columns and step with existing elevation. Decorative fence will be 22' from the center line of W86TH ST. No fence will be constructed in the Accent Planter Box locations.

Stone/Brick Columns will use the same brick and stone used on the petitioner's main house. Columns are 2' Square and 6' High. Columns will be spaced every 24' and step with existing elevation. Six of the 10 brick columns will be used in the Accent Brick Planter Boxes. Columns will be 21' from the center line of W86TH ST.

Accent Planter Boxes for seasonal color planting are 2' HT x 10' L with two 6' H Brick Columns. A 6' H decorative metal trellis will be between the brick columns on the back of the Accent Planter Boxes. Accent boxes will be 20' from the center line of W86TH ST.

Exhibit 5: Detailed explanation of fence design, submitted by the petitioner.



Exhibit 6: The primary structure at 8654 West 86th Street.



Exhibit 7: West Driveway Entrance, the bricks of the fence will match the bricks of these columns.



Exhibit 8: East Driveway Entrance.



Exhibit 9: Looking east down West 86th Street, where the proposed fence is currently planned to be constructed.



Exhibit 10: Looking west down West 86th Street, where the proposed fence is currently planned to be constructed



Exhibit 11: Looking at 8654 West 86th Street from across the street.



Exhibit 12: The home across the street from 8654 West 86th Street with their existing within compliance fence.



Exhibit 13: Another image of the home across the street from 8654 West 86th Street with their existing within compliance fence.