

**BOARD OF ZONING APPEALS DIVISION I**

**May 12, 2026**

**Case Number:** 2026-DV1-010  
**Property Address:** 2606 Northview Avenue (approximate address)  
**Location:** Washington Township, Council District #3  
**Petitioner:** David & Sandra Palombi and Michael Palombi, by Matt Barr  
**Current Zoning:** D-5  
**Request:** Variance of Development Standards of the Consolidated Subdivision and Zoning Ordinance to provide for a 4-foot fence with greater than 30% opacity (maximum of 30% opacity permitted).  
**Current Land Use:** Residential  
**Staff Recommendations:** Staff recommends **denial** of the variance.  
**Staff Reviewer:** Josh Levesque, Senior Planner

**PETITION HISTORY**

This petition was continued from the April 7<sup>th</sup>, 2026, BZA I hearing to allow petitioners to remedy defective consent forms.

**STAFF RECOMMENDATION**

Staff recommends **denial** of the variance.

**PETITION OVERVIEW**

**General Property Overview**

2606 Northview Avenue is a residentially zoned property that is currently developed with a single-family home. According to property record cards, a home has existed on this lot since at least the late 1950s. The property is zoned D-5. This district “is intended for medium and large-lot housing formats, primarily detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban areas or for infill situation in established urban areas, including both low density and medium density residential” options. Similarly, the Comprehensive Plan assigns this property the “Suburban Neighborhood” living typology. This typology “is predominantly made up of single-family housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors [sic] and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-



connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”

**Variance of Development Standards Request**

On July 23, 2024, the property was issued a violation (VIO24-003009) for the fence height and opacity as well as for obstructing the clear sight triangle. This case has subsequently been forwarded to the Office of Corporation Council for further legal action.

The maximum height permitted for a front yard fence in a dwelling district is 3.5 feet or 42 inches. This can be extended to 4 feet or 48 inches if the fence has an opacity of 30% or less. A photo from the inspector shows the fence reaching nearly 53 inches (Photo 2). Site plans submitted by the petitioner indicate the fence has an opacity of 50% (see Site Plan Photo).

Approximations using GIS also show the fence to be obstructing the clear sight triangles of both the subject property and the property to the west (Photos 3 and 4). Obstructing clear sight triangles interrupts street connectivity and increases the risk of vehicular-pedestrian conflicts.

A site-specific practical difficulty is when the land itself causes a hardship that can only be remedied through a variance; staff's analysis shows no practical difficulty as a fence can be built, meeting appropriate development standards. Given the aforementioned analysis, staff recommends denial of this variance.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-5	North: Residential
South:	D-5	South: Residential
East:	D-5	East: Residential
West:	D-5	West: Residential
<b>Thoroughfare Plan</b>		
Northview Avenue	Local Street	48-foot existing right-of-way and 48-foot proposed right-of-way
<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>	02/12/2026	

Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	02/12/2026
Findings of Fact (Amended)	N/A

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book assigns this property the “Suburban Neighborhood” living typology. This typology “is predominantly made up of single-family housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors [sic] and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”

**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**

- Not Applicable to the Site.

**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

**84-UV3-38; 5602 North Rural Street (southeast of site)**, Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the construction of one seven-unit and one three-unit apartment buildings, **withdrawn**.

**90-HOV-86; 2717 East 56<sup>th</sup> Street (southeast of site)**, Variance of Development Standards of the Dwelling Districts Zoning Ordinance to permit an addition to an existing garage resulting in an aggregate side yard setback of 12 feet, **approved**.

**2019-CZN-824 / 2019-CVR-824 (southwest of site)**, Rezoning of 1.81 acres from the D-5 (W-5), I-1 (W-5) and I-2 (W-5) districts to the C-S (W-5) district to provide for restoration, service, storage and sales by internet or appointment only of classic autos on the south property; C-1 uses, MU-1 uses and event center and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition with a six-foot west side setback to an legally establish the zero-foot west side setback and three-foot front setback for the on-site parking lot, and to provide for a three-story mixed-use building taller than permitted along the north transitional yard and within the clear sight triangle of abutting streets, **approved**.

**EXHIBITS**  
**2026DV1010; Aerial Map (Present)**



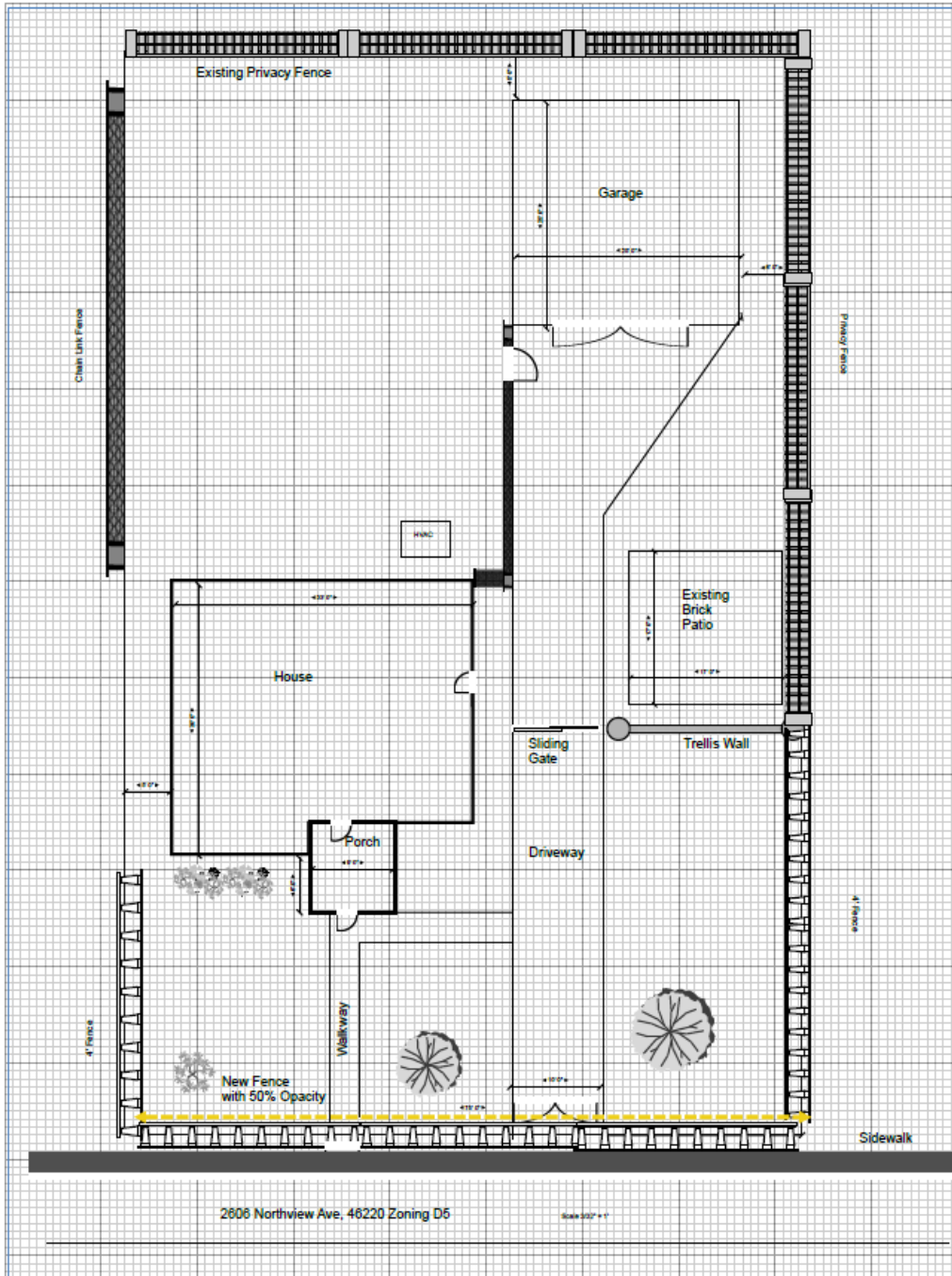
IGIO, Microsoft, Vantor | Esri Community Maps Contributors, City of Indianapolis Marion Co, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, M... Powered by Esri



Stormwater Impervious Area

Mapping Application for Public Safety

**2026DV1010; Site Plan**





2026DV1010; Findings of Fact

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

The requested variance is consistent with the intent of the D5 Walkable Neighborhood Dwelling District. The minor six-inch increase in fence height preserves walkability, street connectivity and access to parks, transit and neighborhood services, while maintaining the functions of sidewalks, streets and public spaces. The fence complements the neighborhood Character, maintains an attractive streetscape, and provides a safe, comfortable pedestrian environment while allowing reasonable use of the property.

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

The fence is a modest improvement that introduces minimal environmental impact and may support property values by providing safety and privacy. It aligns with the Livability Principles in the City Of Indianapolis Consolidated Zoning/Subdivision Ordinance (effective January 8, 2025) and the goals of the Walkable Dwelling Neighborhood goals by maintaining a safe, attractive, and pedestrian-friendly streetscape.

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

Recurrent boundary intrusions from the adjoining property have created ongoing safety concerns for the occupants and animals on this site. The additional fence height is a necessary preventative measure to deter trespass, improve safety, and protect the occupants and animals—a condition not experienced by other properties in the area.

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 standard maximum fence height does not adequately address site-specific safety concerns. The requested modest increase represents the minimum relief necessary to allow safe and reasonable use of the property.

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

The requested variance is limited in scope and relates only to a minor accessory improvement that does not change the use or development pattern of the property.

**2026DV1010; Photographs**

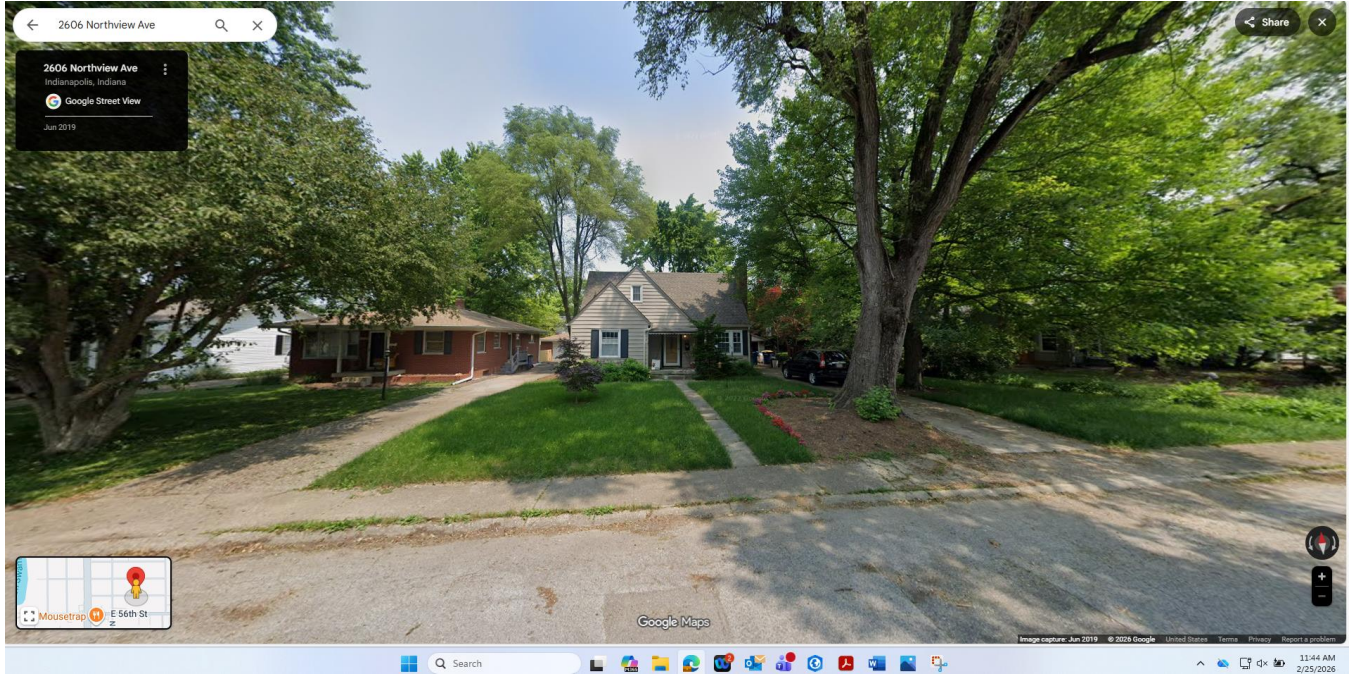


Photo 1: Google Street View Image (June 2019)

2026DV1010; Photographs (continued)



Photo 2: DBNS inspector's measurement of fence height

**2026DV1010; Photographs (continued)**

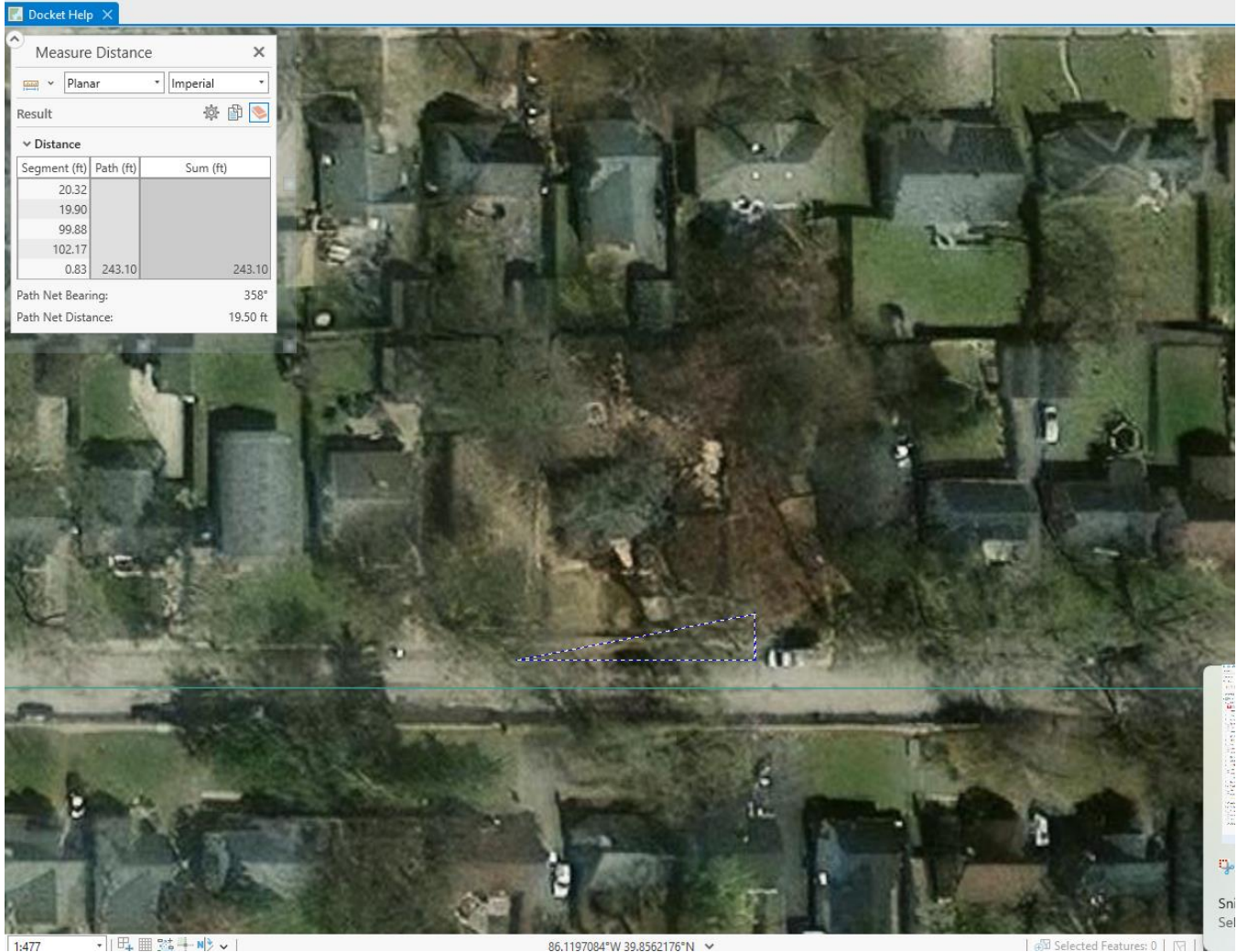


Photo 3: Diagram showing clear sight obstruction from subject property driveway.

**2026DV1010; Photographs (continued)**



**Measure Distance**

Planar Imperial

Result

Distance		
Segment (ft)	Path (ft)	Sum (ft)
102.17		
0.83	243.10	
20.31		
20.73		
100.29		
102.50		
2.11	245.94	489.04

Path Net Bearing: 5°  
 Path Net Distance: 19.14 ft

**Street Centerlines (1)**

Street Centerlines -	
L_TRACT	321400
R_TRACT	321400
COUNTY_LEFT	MARION
COUNTY_RIGHT	MARION
CITY_LEFT	INDIANAPOLIS
CITY_RIGHT	INDIANAPOLIS
TWP_LEFT	WASHINGTON
TWP_RIGHT	WASHINGTON
OPER_STATUS	BUILT
MAINT_JURIS	DPW
OLD_NAME	
NO_ADDR	
ADDRPROB	99N
REMARKS	
DATE_CREATED	<Null>
DATE_MOVED	2/23/2000
DATE_CHANGED	<Null>
COORDINATE	5650
COORDDIR	N
TFARE	LOCAL STREET
STRCLASS	D
STRLEVEL	0
STRSUBTYPE	7
SPD_LIM	30
SECONDS	21
SPD_LIM_ORD	
ONE_WAY	
ONE_WAY_DIR	

1:477 | 86.1194539°W 39.8561298°N | Selected Features: 0 | Catalog Symbology Geoprocessing Locate Pop-up

Photo 4: Diagram depicting clear sight obstruction of neighboring driveway.

**2026DV1010; Photographs (continued)**



Photo 5: Subject fence from neighboring property looking west

**2026DV1010; Photographs (continued)**



Photo 6: Subject property from across the street

**2026DV1010; Photographs (continued)**



Photo 7: Subject fence looking east from neighboring property

**2026DV1010; Photographs (continued)**



Photo 8: Neighboring property across the street; fence is parallel to house & can follow height requirements for side yard fence

**2026DV1010; Photographs (continued)**



Photo 9: Property southwest of subject property at corner of Tacoma and Northview; notice lower fence and setback

**2026DV1010; Photographs (continued)**



Photo 10: Property across the street with shorter fence by front walkway