

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-DV2-012  
**Address:** 3777 North Meridian Street (approximate address)  
**Location:** Center Township, Council District #9  
**Zoning:** D-9 (TOD)  
**Petitioner:** The Enclave At Meridian LP, by Joseph D. Calderon  
**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a perimeter fence, with a height ranging from six to eight feet (fence height limited to four-foot tall within the front yard and six feet in height within the side and rear yards).

### RECOMMENDATIONS

Staff **recommends denial** of this request.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### LAND USE

##### EXISTING ZONING AND LAND USE

D-9	Compact	Residential (Multi-family dwellings)
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##### SURROUNDING ZONING AND LAND USE

North	C-3	Commercial
South	D-9	Residential (Multi-family dwellings)
East	D-9	Residential (Multi-family dwellings)
West	C-3/C-1/D-9	Commercial / Residential (Multi-family dwellings)

**NEIGHBORHOOD PLAN** The Mapleton-Fall Creek Neighborhood Plan (2013) recommends village-mixed use development.

- ◇ The 1.08-acre subject site is developed with two multi-family buildings with associated parking areas. It is surrounded by a mix of commercial and multifamily dwellings and is immediately

### VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of the request would allow a perimeter fence with a range of six feet to eight feet tall.
- ◇ Table 744-510-2 of the Ordinance notes that all dwelling districts are permitted a maximum 3.5-foot fence in the front yard unless 30% opacity or less is proposed in which a four-foot-tall fence could be installed. Fences are limited to six feet along the side and rear yards.

(Continued)

## **STAFF REPORT 2023-DV2-012 (Continued)**

- ◇ Height limitations for fences and walls are in place to limit bulk, maintain openness, create a consistent density and intensity, keep structures at a human-scale, eliminate blocked sight lines from adjacent properties, and prevent a canyon-like effect of the streetscape.
- ◇ The subject site is in Critical Area #4 of the Mapleton Fall Creek Neighborhood Plan (2013), which is part of the historic designated district: the North Meridian Street Apartments Historic District. A recommendation for the area notes that “the public realm between the building setback and the lawn should be enhanced with lighting, landscaping, wide sidewalks, and tree lawns”.
- ◇ The site plan notes that a proposed six-foot and eight-foot-tall fence would be in the front yard of the property and would take up most of the front yard that should have otherwise been left as an open enhanced lawn according to the neighborhood plan. The side and rear yards would have an eight-foot fence proposed that would replace sections where a six-foot tall fence currently exists.
- ◇ The Findings of Fact note that the strict application of the terms of the Zoning Ordinance would result in the practical difficulty in the use of the site because “the fence heights permitted by the zoning ordinance do not allow for a fence to provide adequate security for multi-family properties in high density urban areas”. However, the southern building is already appropriately fenced and protected with a six-foot tall wrought-iron fence and gate system. The northern building should be the only building to be fenced in at the rear and parallel to the front building line if desired. Security could be provided with the installation of security cameras or with security guard presence on site.
- ◇ Two properties west of the site that have illegally installed six-foot tall fences in the front yard, which negatively impact the character of the neighborhood and are unwelcoming to pedestrians that frequently travel along this street corridor to utilize the Bus Rapid Transit System.
- ◇ In staff's opinion, there is not a practical difficulty associated with the use of this site since the Ordinance offers fence options that could be proposed without the need for variances.

## **GENERAL INFORMATION**

THOROUGHFARE PLAN	Meridian Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 72-foot existing right-of-way and a 78-foot proposed right-of-way.
SITE PLAN	File-dated June 8, 2023.
AMENDED SITE PLAN	File-dated July 5, 2023.
FINDINGS OF FACT	File-dated June 8, 2023.

## **ZONING HISTORY – SITE**

### **EXISTING VIOLATIONS**

None.

(Continued)

## **STAFF REPORT 2023-DV2-012 (Continued)**

### **PREVIOUS CASES**

**2011-DV3-025; 3755, 3761, and 3777 North Meridian Street** (subject site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish and provide for a multi-family development with perimeter side and rear setback ranging from zero to twelve feet without landscaping (minimum 20-foot perimeter side and rear yard setback required, landscaping required), 25 feet of yard space between buildings (minimum 60-foot of yard space between buildings required), with 37 parking spaces (minimum parking ratio of 1.2 and 1.0, or 84 parking spaces required), and parking spaces without proper parking space size or maneuvering aisle width (minimum 150 square feet of usable parking space, minimum 20-foot drive aisle required), **granted**.

### **ZONING HISTORY – VICINITY**

**2010-DV2-004; 21 West 38<sup>th</sup> Street** (northwest of site), Variance of development standards of the Sign Regulations to provide for a four-foot tall, 24.7-square foot free-standing sign (not permitted), with a four-foot front setback from 38<sup>th</sup> Street (15-foot front setback required), and to provide for a 46.22-square foot wall sign on the east elevation (one wall sign permitted per structure), **granted**.

**2009-UV3-038; 30 East 37<sup>th</sup> Street** (south of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish a single-family dwelling (not permitted), with an 18-foot front setback, a six-foot east side setback and an eight-foot west side setback (20-foot perimeter yards required) and to provide for the construction of a detached accessory structure (not permitted), with an seven-foot east side setback and a six-foot rear setback (20-foot perimeter yards required), **granted**.

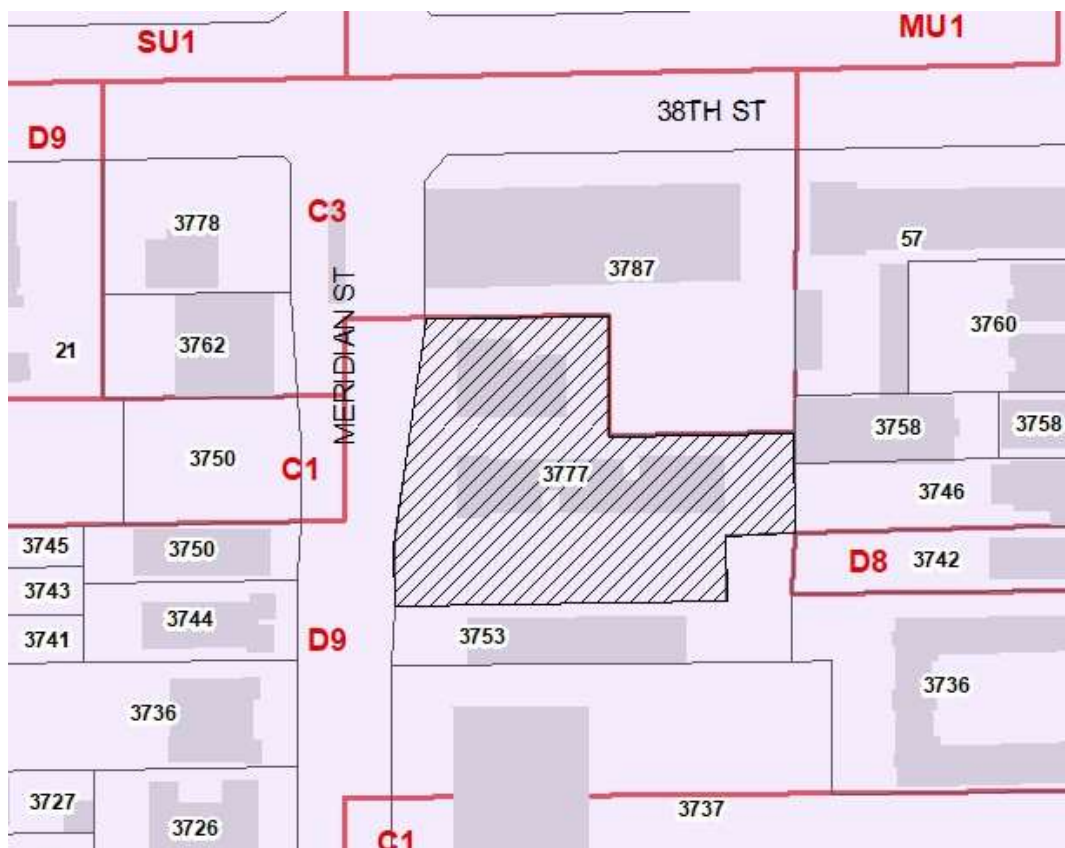
**2006-UV3-034; 3710 North Meridian Street and 3714 North Salem Street** (southwest of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish surface parking as a primary use in the D-8 district (not permitted), and to legally establish the configuration of the parking lot's 125 useable parking spaces resulting in a Total Car Ratio of 0.6410 (minimum Total Car Ratio of 1.00 required), to legally establish one parking space partially in the right-of-way of North Salem Street (not permitted), to legally establish parking in the required 25-foot front yard along Salem Street (not permitted), to legally establish parking in the required 15-foot north and south side yards (not permitted), **granted**.

**2002-HOV-020; 3710 North Pennsylvania Street** (southeast of site), Variance of use of the Dwelling Districts Zoning Ordinance to legally establish a 34 by 38-foot, 2.5 story single family dwelling (not permitted) and to provide for the construction of a 24 by 30-foot detached garage (not permitted), **granted**.

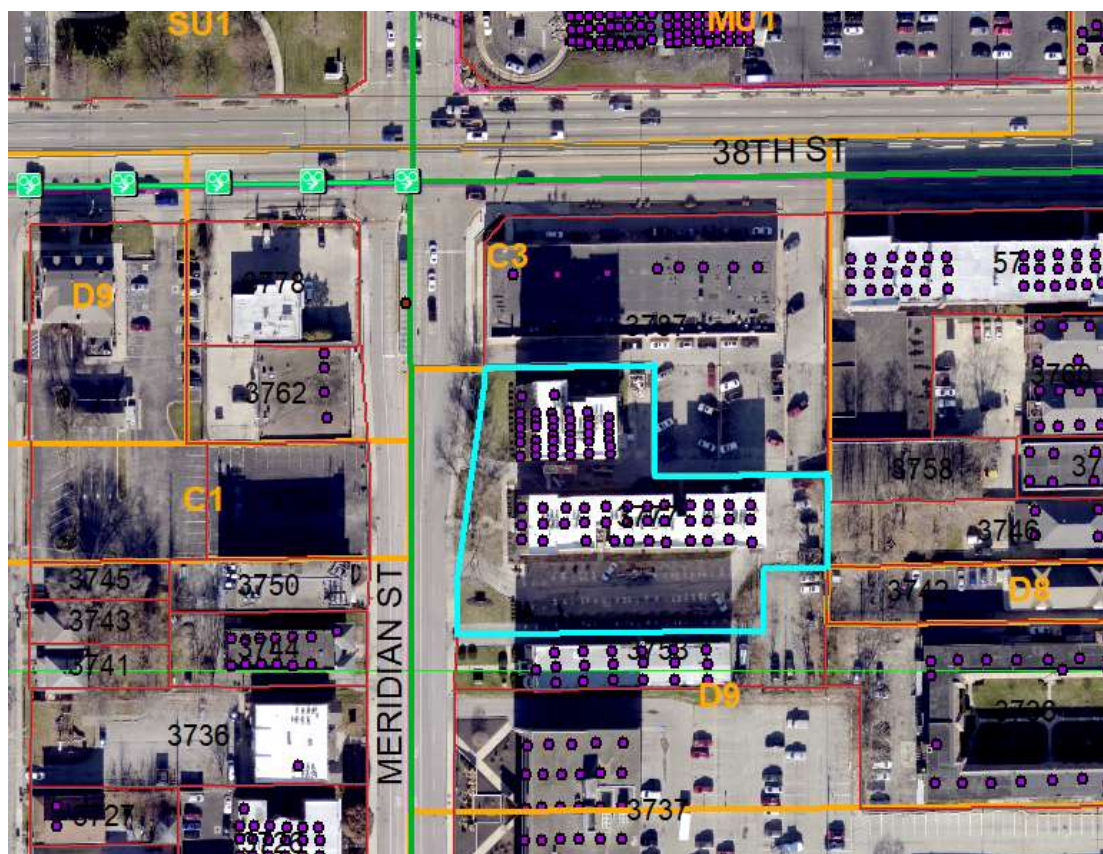
**2001-HOV-033; 3778 North Meridian Street** (northwest of site), Variance of development standards of the Sign Regulations to provide for a 20-foot tall pole sign, with a 13-foot front setback from the right-of-way of 38<sup>th</sup> Street, and a Variance of Development Standards of the Commercial Zoning Ordinance to provide for 327.5-square feet of outdoor seating area adjacent to a proposed coffee house, and 162-square feet of usable parking space per parking space along 38<sup>th</sup> Street, with a 13 by 18-foot physically handicapped persons parking space, **granted**.

**86-UV1-74; 21 West 38<sup>th</sup> Street** (northwest of site), Variance of Use and Development Standards of the Sign Regulations to provide for a 36-square foot ground sign with a two-foot front setback from the right-of-way, **granted**.

## 2023-DV2-012; Location Map

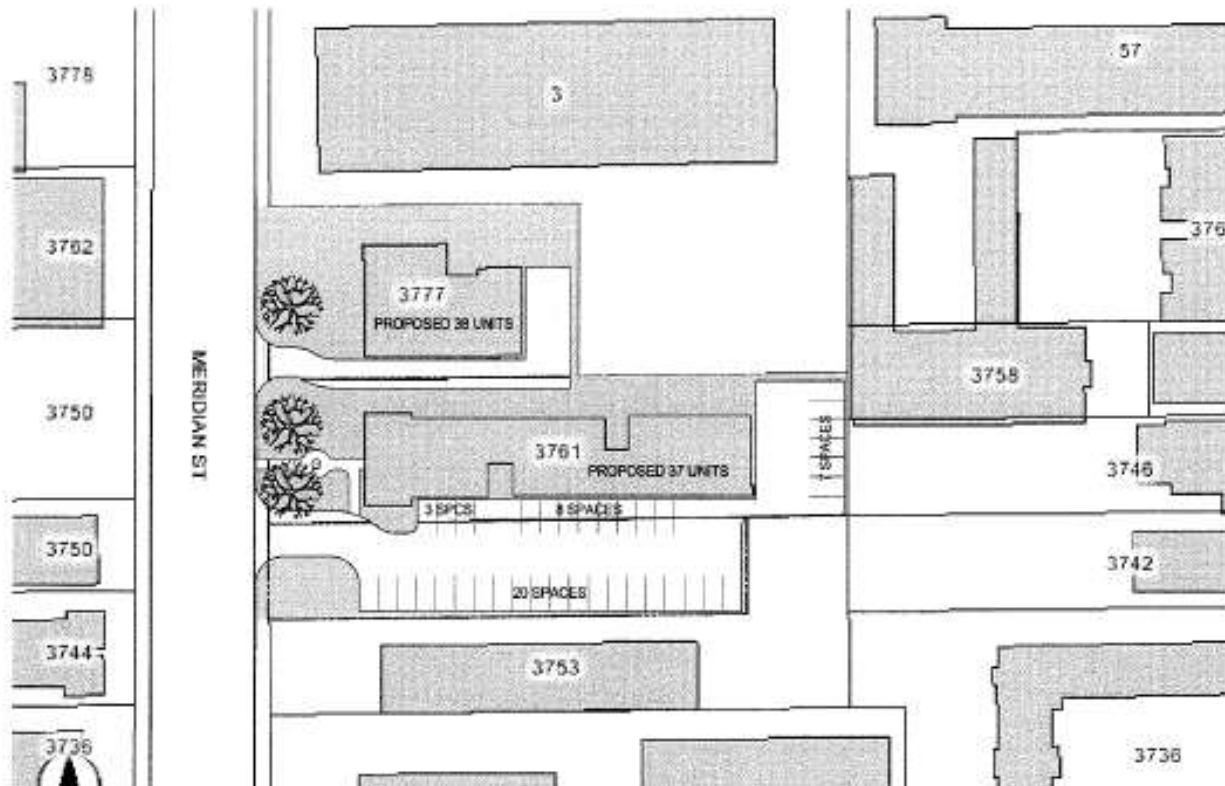


## 2023-DV2-012; Aerial Map

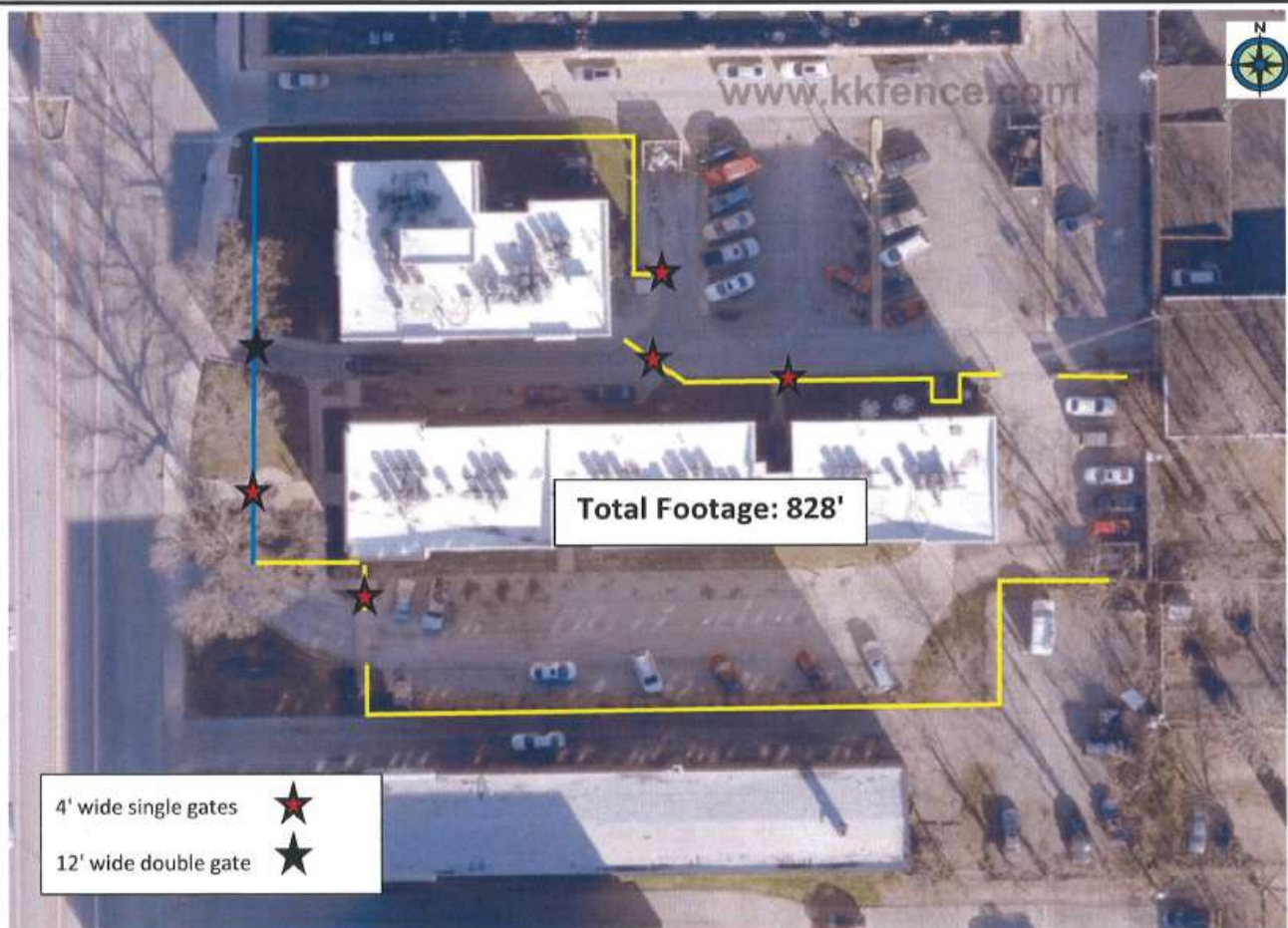




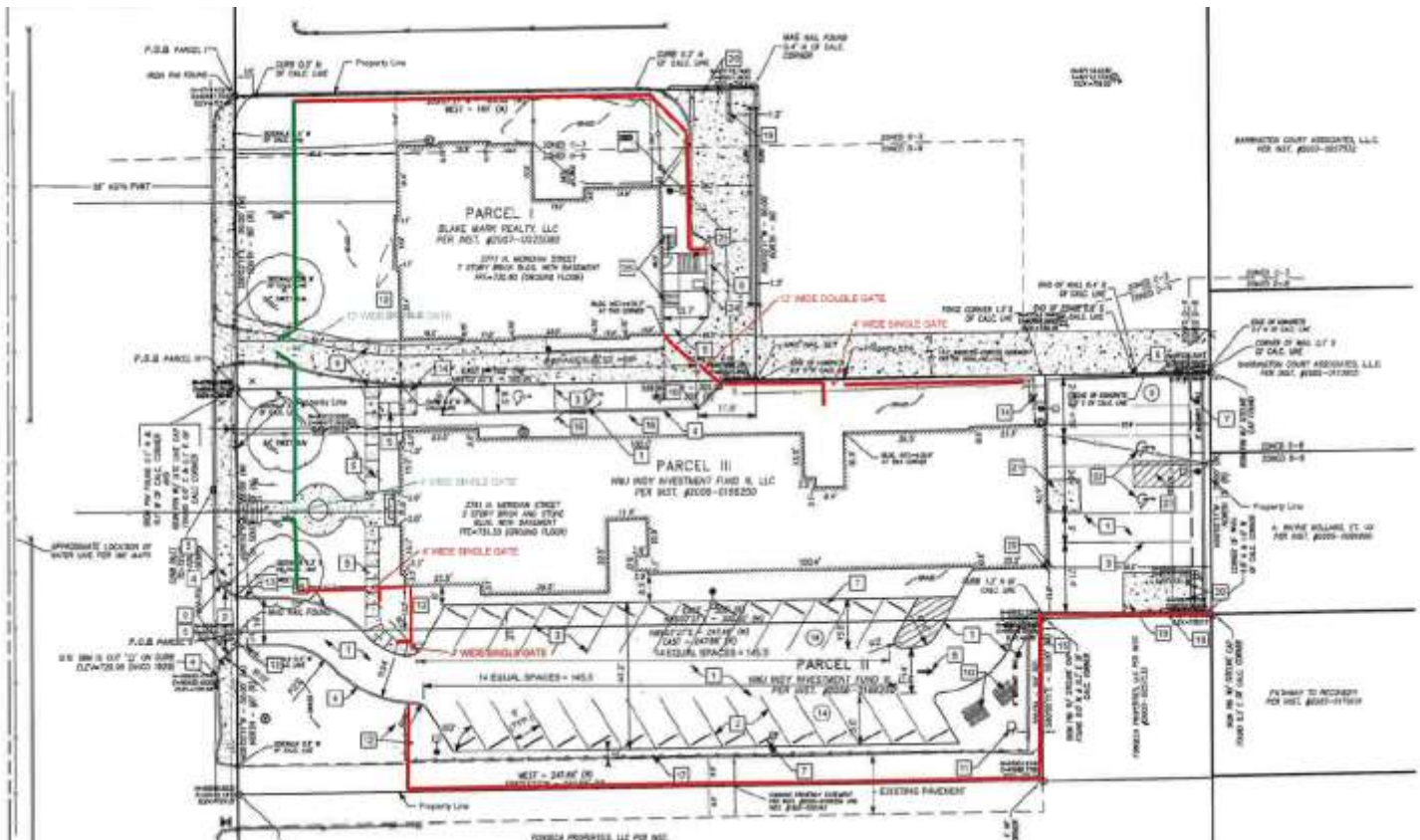
## 2023-DV2-012; Site Plan



Proposed Layout is Approximate and Not to Scale



## 2023-DV2-012; Amended Site Plan



Green: six-foot tall fence proposed

Red: eight-foot-tall fence proposed

### Height Selection Box

7' Tall
8' Tall

### Depth Selection

Plated Post
35"

### Post Selection Box

2" $\varnothing$ x 16 Ga. Post
2" $\varnothing$ x 14 Ga. Post
2-1/2" $\varnothing$ x 14 Ga. Post
2-1/2" $\varnothing$ x 12 Ga. Post
3" $\varnothing$ x 12 Ga. Post
4" $\varnothing$ x 11 Ga. Post
6" $\varnothing$ x 3/16" Wall. Post

### Notes

- 6' Panels will be identical to this drawing, except there will be 15 pickets and post spacing shown in post setting chart. ☒
- Rings are optional.
- Plated post optional. All post will be mounted to center of plate unless offset is needed for installation

### Post Setting Chart

POST SIZE	3" POSTS		2-1/2" POSTS		3" POSTS		4" POSTS		6" POSTS	
PANEL WIDTH	6'	8'	6'	8'	6'	8'	6'	8'	6'	8'
POST SETTINGS = 1/2" O.C.	76-1/4"	95"	76-3/4"	95-1/2"	77-1/4"	96"	78-1/4"	92"	80-1/4"	99"

### Ornament Options

### Plate Selection for Plated Post

Size	Thickness
4x4	
6x6	
8x8	
12x12	

### Concrete Anchor Bolt

Project: SPS Centurion 2 Panel : Enforcer 3-Rail

Approved By: Robert Curry

Drawn NO: C2-P-ENF-3R-FB



**2023-DV2-012; Photographs**



Photo of the Subject Property: 3777 North Meridian Street



Photo of the Subject Property: 3777 North Meridian Street





Photo of the front yard of the subject site.



Photo of an existing compliant fence and gate.





Photo of the southern property boundary with what appears to be a six-foot tall fence.



Photo of the eastern property boundary with what appears to be a six-foot tall fence.





Photo of the northern property boundary



Photo of eastern property boundary of the subject site.





Photo of the northern property boundary of the subject site.



Photo of a neighboring non-complain fenced in property west of the site.



Photo of a neighboring non-complain fenced in property west of the site.