

BOARD OF ZONING APPEALS DIVISION II

February 11, 2025

Case Number: 2024-DV2-047
Property Address: 5088 Bonnie Brae Street (approximate address)
Location: Washington Township, Council District #6
Petitioner: Samuel & Danielle Day
Current Zoning: D-2
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot tall fence within the front yard of 51st Street (maximum height of 3.5-feet permitted).
Current Land Use: Residential
Staff Recommendations: Denial
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

ADDENDUM FOR FEBRUARY 11, 2025 BZA DIVISION II HEARING

- This petition was continued to the February 11, 2025 BZA Division II hearing due to insufficient notice on Staff's part.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

- This petition would provide for the location of a six-foot tall fence within the front yard of 51st Street (maximum height of 3.5-feet permitted).
- Fence heights in the front yards of residentially zoned properties is limited to 3.5 feet in height to maintain residential characteristics and to preserve open space and visibility. Staff finds that privacy fences of 6 feet or more in height represent a deviation of residential aesthetics and instead are characteristic of heavy commercial or industrial properties. Staff finds that the development represents a considerable change to the streetscape along West 51st Street.
- Additionally, Staff believes recommending approval of 6-foot privacy fences in front yards of residential properties to be an undesired precedent for the City's neighborhoods. Further, Staff would note that the Ordinance does not contemplate an exception to this standard for residential properties

that contain more than one front lot line/front yard. Therefore, Staff does not find there to be sufficient practical difficulty for needing the requested variance and, for these reasons recommends denial of the request.

GENERAL INFORMATION

Existing Zoning	D-2	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-2	North: Single-family residential
South:	D-2	South: Single-family residential
East:	D-2	East: Single-family residential
West:	D-2	West: Single-family residential
Thoroughfare Plan		
Bonnie Brae Street	Local Street	60 feet of right-of-way existing and 50 feet proposed
West 51 st Street	Primary Collector	40 feet of right-of-way existing and 80 feet proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	12/12/24	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	12/12/24	
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

- The Marion County Land Use Plan pattern Book recommends the Suburban Neighborhood living typology for this site.

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

- Regarding fences, the Infill Housing Guidelines recommends:
 - Do not build privacy fences in the front yard
 - Fences should fit the context of the block and neighborhood

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

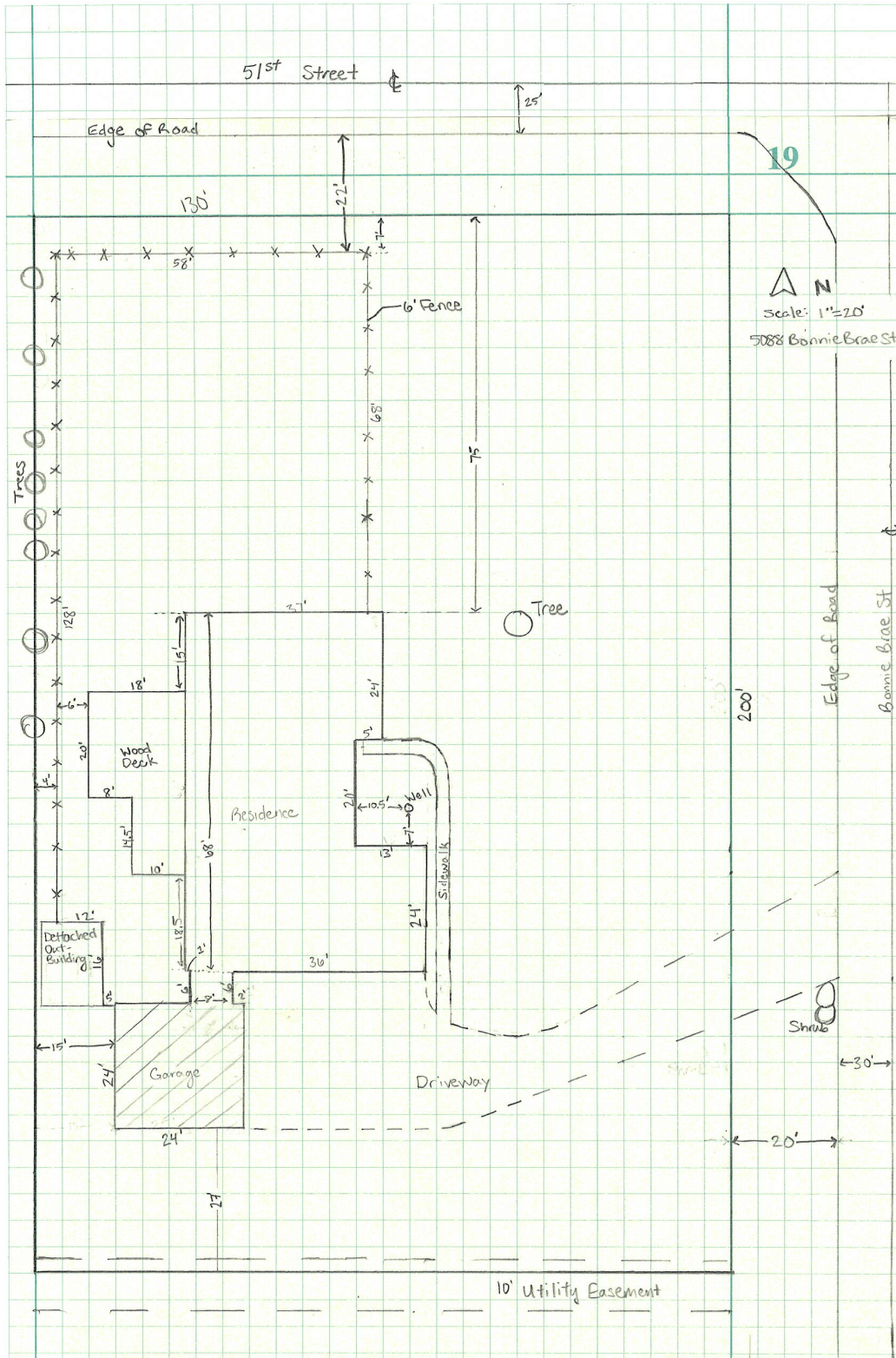
N/A

ZONING HISTORY – VICINITY

2023ZON109; 5136 Michigan Road (north of site), Rezoning of 10.13 acres from the SU-1 district to the SU-2 district to provide for educational uses, **approved**.

EXHIBITS







Petition Number _____

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 fence complies with all safety related regulations (e.g., setbacks, easements). Further, the fence is entirely on the property and does not touch neighboring lots.
In fact, the six-foot shadowbox fence ensures drivers along 51st Street and Bonnie Brae Street are not visually distracted or otherwise impacted by activity in the outdoor space at this property.

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 fence increases the value of the adjacent area by improving the property value of the property at 5088 Bonnie Brae Street.
Further, the fence maintains or improves the use of adjacent properties and roads by decreasing the risk of passersby (e.g., walkers, bikers, drivers) being visually distracted or otherwise impacted by activity in the outdoor space at this address.

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

the fence complies with applicable regulations (e.g., setback, easement) other than the height and opacity requirements for a fence located in the front yard of a lot in a D-2 district per Table 744-510-2 due to the unique classification of the majority of the property's yard as front yard.
The fence, as proposed, provides sound protection for current and future residents of the property. In addition to the safety benefits described above for passersby (e.g., walkers, bikers, drivers) on the road, the fence increases safety for current and future residents of the property by providing an enclosed outdoor space to engage in outdoor activities without the risk of engaging with passersby (e.g., walkers, bikers, drivers).
The strict application of the ordinance will result in less usable outdoor space due to the amount of the lot classified as front yard.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____









