

BOARD OF ZONING APPEALS DIVISION I

February 3, 2026

Case Number: 2025-DV1-062
Property Address: 9110 Kenwood Drive (*approximate address*)
Location: Washington Township, Council District #2
Petitioner: Joseph Pinnell
Current Zoning: D-2
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a 6-foot-tall fence within a front yard (maximum 3.5-foot height permitted).
Current Land Use: Residential
Staff Recommendations: Staff recommends **denial** of this petition.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

1/6/26: This petition was automatically continued by a registered neighborhood organization.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 9110 Kenwood Drive is a residential parcel at the northwest corner of 91st Street to the south and Kenwood Drive to the east. The property is developed with a single-family home that has access from both a half-moon driveway from Kenwood and a driveway onto 91st. Surrounding properties are also residential in nature and both frontages of the site would be considered front yards.
- The western portion of the property appears to have been improved with a fence in the approximate location of the currently existing fence (partially within side yard and partially past the home's front building line) for at least the past 40 years, and the oldest available street level photography from 2007 appears to indicate the height of the fence was around 6 feet and that the fence was largely opaque and made from wood. Per documentation and photographs submitted by the applicant, the fence at this site was fully replaced with the same height and location (but new materials) after a portion of the fence sustained damage from a storm in February of 2025. A portion of that newly placed fence was also replaced after additional damage in September of 2025 (see photos 5-6 in Exhibits).

- In July of 2025, the violation case VIO25-006271 was opened based on an anonymous complaint filed with the Mayor's Action Center. This violation cited the property for placement of a fence with a height exceeding 42 inches within the front yard (full text within Exhibits below). The property owner is seeking permission for the illegal fence installed in February of 2025 to remain in place by grant of this Variance of Development Standards.
- The subject site is zoned D-2 to allow for suburban development with ample yards, trees, and passive open spaces to serve each individual lot. Similarly, the Comprehensive Plan Pattern Book recommends the site to Suburban Neighborhood uses (such as single-family homes). Infill Housing Guidelines also recommend that see-through fencing is safest, and that within residential front yards fences should be ornamental in nature as opposed to privacy fences such as the one recently installed at this site to replace the previous privacy fence.
- Although unfortunate that the property owner took the step of removing the entirety of fence and reinstalling it at a disallowed height due to storm damage for a portion of the fence, staff does not feel that this would rise to the level of a site-specific practical difficulty preventing placement of a compliant fence. Any non-conforming status of the previous fence would have been lost when the full fence was removed by the property owner, making the difficulty related to the fence having already been built a self-imposed one.
- Additionally, multiple options would exist to allow for either a front-yard fence with compliant height (up to 4 feet if constructed from chain-link) or for a fence with a 6-foot height parallel to the southern front building line and within the property's western side yard (which would still allow for a fenced yard with an area of approximately 4,375 square feet). For these reasons, staff recommends denial of the requested variance.

GENERAL INFORMATION

Existing Zoning	D-2	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-2	North: Residential
South:	D-2	South: Residential
East:	D-2	East: Residential
West:	D-2	West: Residential
Thoroughfare Plan		
91 st Street	Primary Collector	64-foot existing right-of-way and 80-foot proposed right-of-way
Kenwood Drive	Local Street	50-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	

Overlay	Yes
Wellfield Protection Area	No
Site Plan	10/29/2025
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	10/29/2025
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 Pattern Book recommends this site to the Suburban Neighborhood typology for predominantly single-family housing interspersed with attached and multifamily housing where appropriate. The property is also partially located within an Environmentally Sensitive overlay intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected.

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

- Infill Housing Guidelines indicate that fencing around dwellings should be carefully placed, that see-through fencing is safest, and that in front yards fences should be ornamental in style instead of privacy fences.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2015DV3035 ; 457 West 92nd Street (northwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish an enclosed trailer (commercial vehicles not permitted) and a mini-barn, both with a seven-foot east side setback (15-foot side setback required), creating a 34.91 aggregate side setback (35-foot aggregate side setback required), **approved.**

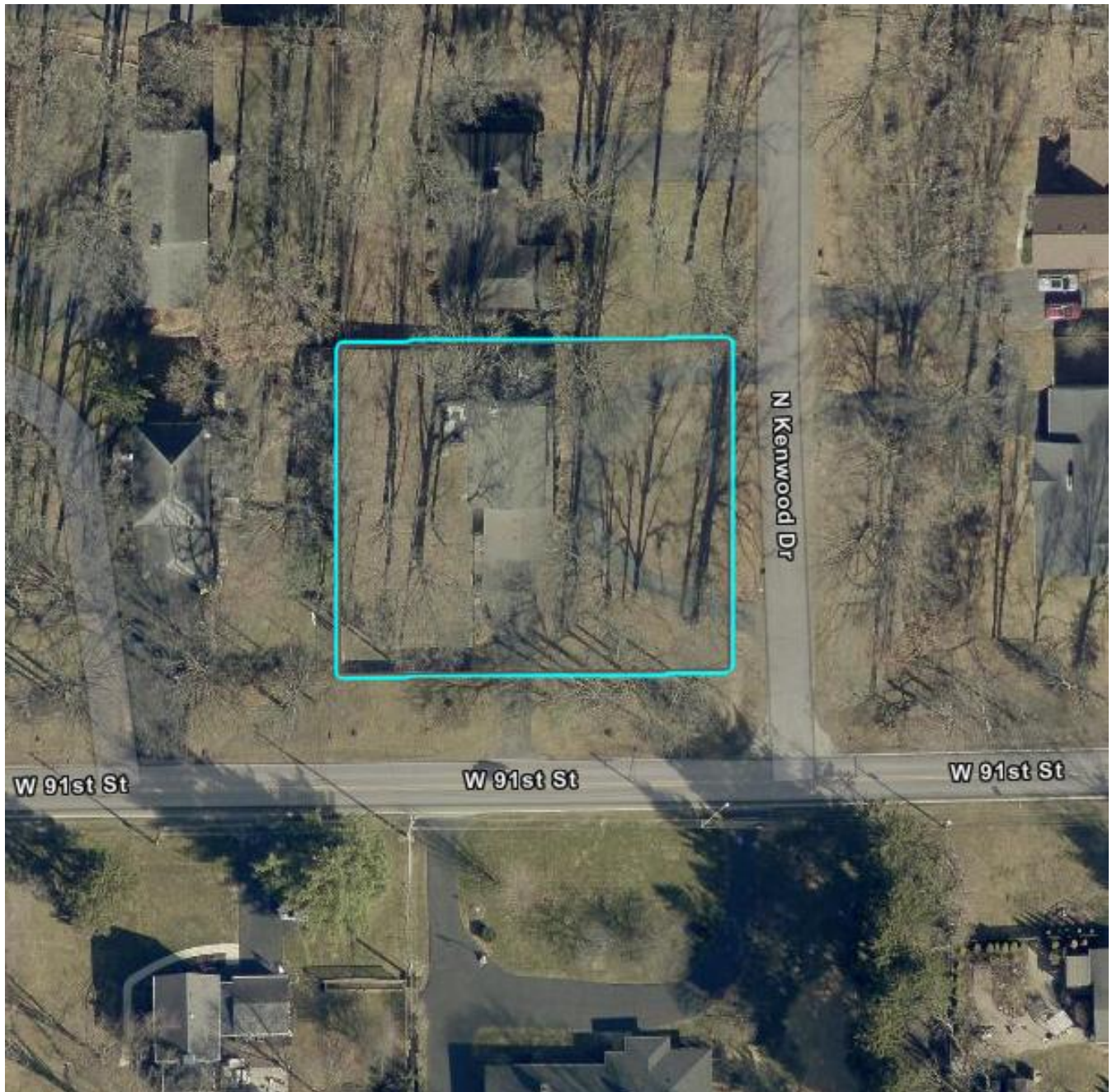
2008DV2034 ; 316 Willowgate Drive (east of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for each lot to have a minimum open space ratio of 60 percent (minimum lot open space ratio of 75 percent required), **approved.**

2006HOV042 ; 211 Willowrun Place (northeast of site), Variance of Development Standards of the Dwelling District Zoning Ordinance to provide for the construction of a 4,095 square foot single family dwelling with a 585-square foot attached garage, resulting in a lot open space of 71.8 percent (minimum lot open space of 75 percent required), **approved.**

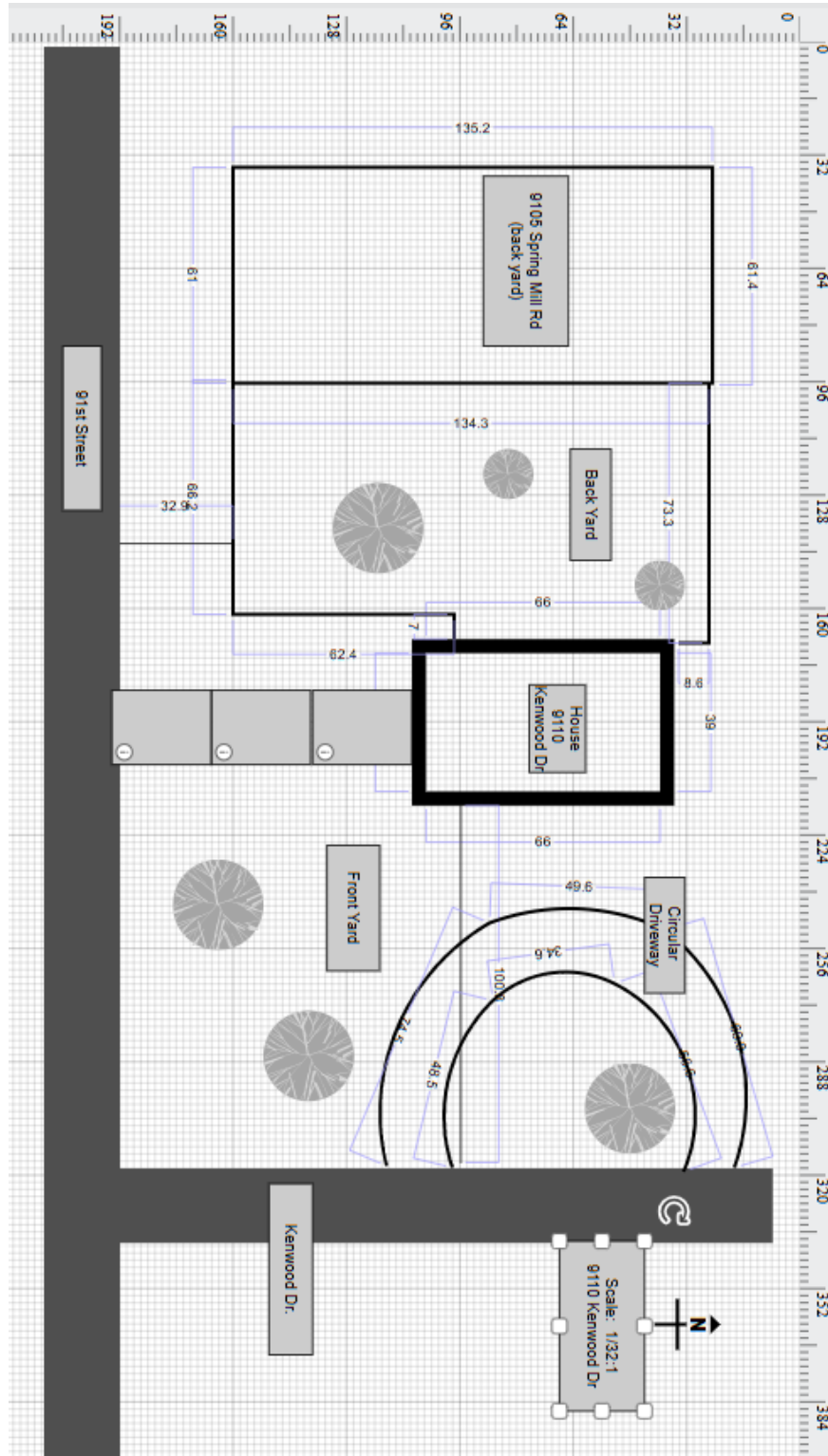
2000DV1059 ; 433 West 92nd Street (northwest of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 28 by 32-foot detached garage, with a one-foot side yard setback (minimum 15-foot side yard setback required), **approved.**

EXHIBITS

2025DV1062 ; Aerial Map



2025DV1062 ; Site Plan



2025DV1062 ; 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 WAS PREEXISTING PRIOR TO US MOVING IN 3 YEARS AGO. THERE WAS NO VIOLATION UNTIL A REPAIR WAS MADE AND OFFICIALS THOUGHT IT WAS A NEW FENCE.

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:

SINCE THE FENCE IS REPAIRED, THE VALUE WOULD INCREASE. IT WAS REPAIRED TO THE EXACT STANDARDS AS THE PREVIOUS FENCE.

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

IT WILL DECREASE THE FENCED IN SPACE OF THE YARD WHICH WAS A SELLING POINT OF THE HOUSE. SINCE THE FENCE LINES UP WITH THE NEIGHBORS YARD, THE LOOK AND AESTHETICS WILL BE AFFECTED.

2025DV1062 ; Notice of Violation (VIO25-006271)

RE: 9110 KENWOOD DR

Dear PINNELL, JOSEPH & AMANDA:

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

2025DV1062 ; Photographs



Photo 1: Subject Site Viewed from East



Photo 2: Subject Site Viewed from Southeast

2025DV1062 ; Photographs (continued)



Photo 3: Subject Site Viewed from South



Photo 4: Subject Fence + Adjacent Property to West

2025DV1062 ; Photographs (continued)



Photo 5: Damage to Fence, February 2025 (provided by applicant)



Photo 6: Damage to Fence, September 2025 (provided by applicant)

2025DV1062 ; Photographs (continued)



Photo 7: Adjacent Property to North



Photo 8: Adjacent Property to Northeast