



**BOARD OF ZONING APPEALS DIVISION I**

**April 7, 2026**

**Case Number:** 2026-DV1-007  
**Address:** 4137 North Sherman Drive (approximate address)  
**Location:** Washington Township, Council District #8  
**Zoning:** D-2  
**Petitioner:** DeAndre Smith  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a 6-foot fence within the front yard (maximum 3.5-foot tall fence permitted within front yards).

**Current Land Use:** Single-Family Dwelling

**Staff Recommendation:** Staff recommends denial of this petition.

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This is the first hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance permits a maximum fence height of 42 inches within the front yard, and six (6) feet in the rear yard. The purpose of the height limitation is to create an open appearance along public rights-of-way, prevent blocking views at intersections, limit the negative visual impacts on adjacent properties, and prevent a canyonized effect of the streetscape.
- ◇ The height requirements are in place to limit bulk, create a consistent density and intensity, and keep the environment at a human-scale. This regulation limits the number of “walls” or abnormally tall structures that can be built to ensure neighborhood compatibility and to prevent unreasonable blockage of sunlight.
- ◇ The fence could be built as proposed in the front yard with a height of 3.5 feet, and then increasing to six (6) feet behind the adjacent dwelling. In addition, supplemental plantings could be added to increase any needed barrier or security.



**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-2	
<b>Existing Land Use</b>	Single-Family Dwelling	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	D-2 Single-Family dwelling
	South:	D-2 Single-Family dwelling
	East:	D-2 Single-Family dwelling
	West:	D-2 Single-Family dwelling
<b>Thoroughfare Plan</b>		
Sherman Drive	Primary Arterial	90-foot existing and proposed right-of-way.
<b>Context Area</b>	Compact area	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	N/A	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	January 16, 2026	
<b>Elevations</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	January 16, 2026	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends Suburban Neighborhood typology for the site.

**Pattern Book / Land Use Plan**

- The Pattern Book recommends the Suburban Neighborhood typology which 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 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

**2007-DV3-045; 3831 East 42<sup>nd</sup> Street (north of site)**, requested a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 613.8-square foot attached garage addition with a zero-foot west side setback, resulting in an accessory use area of 3,905.4 square feet or 145.4 percent of the total living area of the primary structure, granted.

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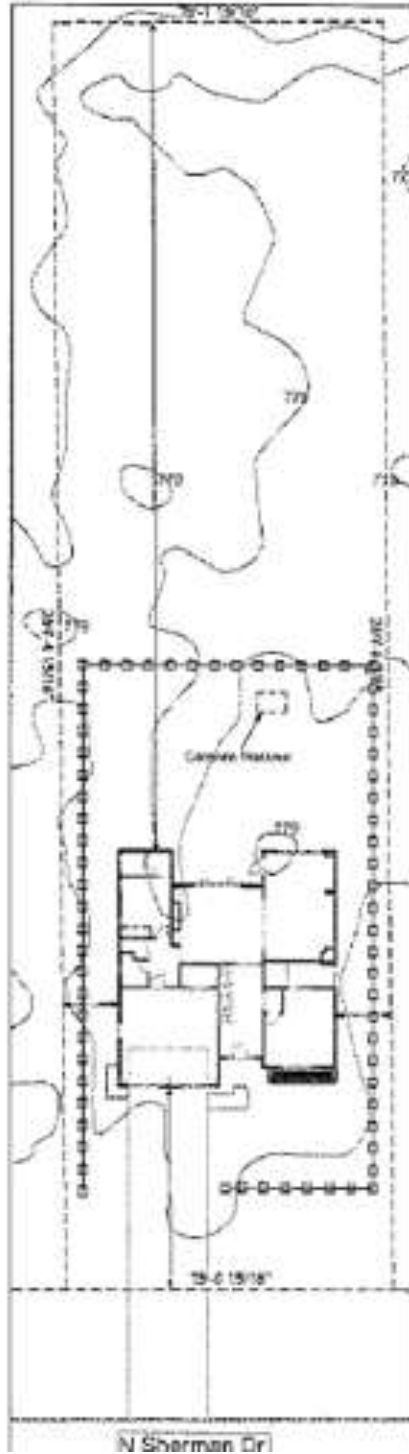
**EXHIBITS**

Location Map



Submitted Site Plan

Terrain Plan View  
1/16 in = 1 ft





**Findings of Fact**

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 height of the fence has never been altered from when the home was oppurchased.  
The builder built the home next door with the same fence height several years ago.  
The final inspection by the petitioner before closing a year ago was never aware of any code violations.

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 does not obstruct any view of the home.

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

The removal of the fence would cause a financial hardship for the petitioner.

**Photographs**



Subject property looking northeast.



Subject property looking southeast.



Adjacent Single Family Dwelling to the south of subject site, looking east.



Adjacent Single Family Dwelling to the west of subject site.