

BOARD OF ZONING APPEALS DIVISION III

August 18th, 2026

Case Number: 2026-UV3-015
Property Address: 3305 Pinetop Drive (approximate address)
Location: Perry Township, Council District #24
Petitioner: Min Sung Zi and Mang Hluan
Current Zoning: D-3

Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit more than 12 chickens as personal livestock (maximum 12 permitted); to permit an accessory chicken coop with a 16-foot front-yard setback (25-foot minimum) in a front yard (not permitted); a 6-foot-tall fence within a front yard (maximum 3.5-feet permitted) and reduced side-yard setbacks (6-feet required) for all existing accessory structures.

Current Land Use: Single-Family Dwelling
Staff Recommendations: Staff recommends denial of this petition
Staff Reviewer: Adam Skrzyszewski, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition

STAFF RECOMMENDATION

Staff recommends **denial** of this petition

PETITION OVERVIEW

- The petitioner is requesting to permit these existing non-conformities on-site:
 - The keeping of more than 12 chickens, exact number unknown.
 - A deficient front-yard setback of 16-feet, 25-feet required, from the constructed chicken coop to the front-yard lot-line on Maple Ridge Drive.
 - The accessory chicken coop within the front yard.
 - A 6-foot-tall fence within a front yard, 3.5-foot maximum fence height permitted within front yards.
 - All accessory structures with deficient side-yard setbacks to the southern side fence.
 - This petition is to permit all non-conformities still existing on-site after an inspection revealed all violations on March 25th, 2026. Inspection was carried out by the Department of Business and Neighborhood Services, violation case VIO-002449.

- The petitioner has indicated that the chickens are not for commercial use, and the livestock is contained within the petitioner's fenced portion of the yard. Staff is concerned that the accessory agricultural use of the property will continue to create an adverse effect.
- The petitioner's fence and all accessory structures were erected in non-conforming locations, with the accessory structures not receiving the necessary Improvement Location Permits from the Department of Business and Neighborhood Services before construction. The fence could have been placed in-line or behind the front façade of the building to comply, and the accessory structures still could have met all setbacks with a compliant fence. Therefore, the non-conformities on-site were placed and created not from practical difficulty on-site, but from personal choice.
- In the Findings of Fact, the petitioner states that the use of the property already has infrastructure for adequate animal keeping. This does not permit nor necessitate the need for further chickens beyond the maximum of 12 permitted. There is no fact presented by the petitioner in the Findings of Fact to create a hardship that necessitates the need for more than 12 chickens.
- The amount of accessory structures and quantity of livestock on-site is out of context with the surrounding suburban neighborhood. No similar petition has been submitted nor approved for the neighborhood.
- The petitioner is asking to permit a use-intensity that would be more appropriate in the D-A zoning district. The D-A zoning district permits the keeping of more than 12 chickens only on lots 3 acres in size or more, similar to farmland.
- A potential compromise was proposed by staff to permit all non-conforming structures, including the fence; but lower the number of chickens on-site to 12 to potentially mitigate the effect of having to move and tear down the non-conforming structures. The fence provides necessary cover for the chicken coop, and agricultural uses, and moving or demolishing the structures that have been long-standing, creates extreme difficulty for the petitioner and their family. Staff proposed this compromise with the neighborhood and the effect of the petitioner in mind. The petitioner has not agreed to this compromise.
- It is true that if this petition is approved, that impact from the chickens and the accessory structures will not increase, but the same adverse effects will continue to persist. There is adequate space on-site to meet all relevant standards for setbacks, fence height, position, and chicken quantity. The petitioner is choosing to be non-compliant and is presenting self-inflicted hardships; Therefore, staff, after full review of case 2026-UV3-015, recommends denial.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-3	North: Single-Family Dwelling
	South: D-3	South: Single-Family Dwelling
	East: D-3	East: Single-Family Dwelling
	West: D-3	West: Single-Family Dwelling
Thoroughfare Plan		
Enter Street(s)	Enter Thoroughfare	50-foot existing right-of-ways
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	June 9 th , 2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	April 4 th , 2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Suburban Neighborhood.

Pattern Book / Land Use Plan

- Not Applicable to the 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

- The Infill Housing Guidelines state that additions to homes and improvements to homes should meet the Comprehensive Plan and surrounding impact should be mitigated. The additions of the chicken coop and two accessory sheds/mini-barns were erected without the necessary ILP's or any consideration for surrounding residences: Therefore, resulting in adverse effects to the surrounding properties, from an agricultural use of higher intensity than what is permitted.
- The Infill Housing Guidelines state that fences within front yards should be built thoughtfully in an ornamental style, not intended for privacy. The existing 6-foot-tall fence in the front yard of the home, fronting Maple Ridge Drive, is not ornamental in style, and is intended to ensure privacy for the petitioner's yard; thus, harming the character and consistency of design recommended for a Suburban Neighborhood per the Infill Housing Guidelines.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

99-V3-86 ; 7315 McFarland Road (West of petitioned site), Variance of Development Standards of the Dwelling District Zoning Ordinance to provide for construction of a 15 by 22.25-foot addition to an existing single-family residence, which extends 6-feet into a drainage easement.

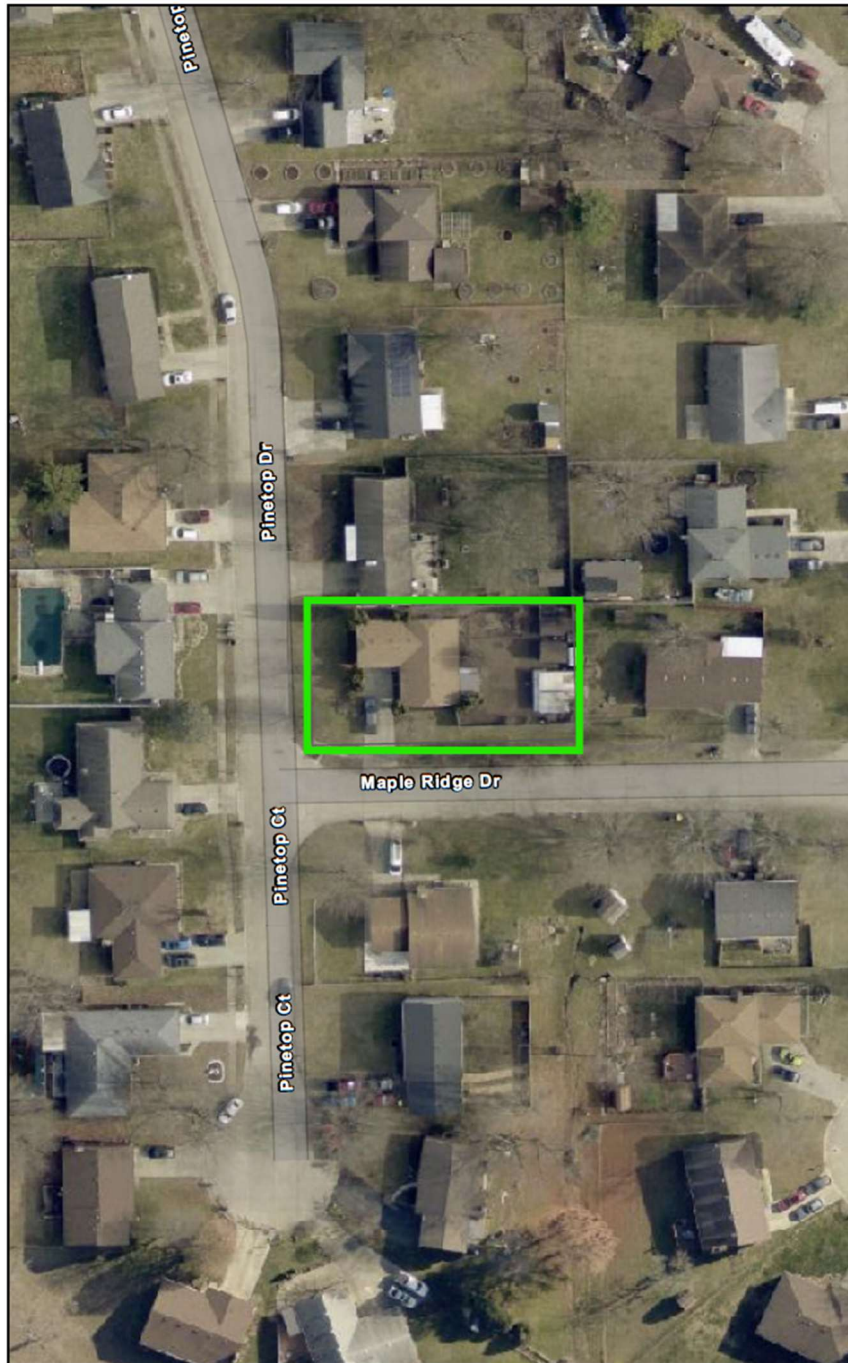
Approved

99-V2-116 ; 7525 McFarland Road (Southwest of petitioned site), Variance of Development Standards of the Dwelling District Zoning Ordinance to provide for construction of a detached garage, creating 1,104 square feet of detached accessory uses, or 118% of the size of the main floor area of the primary residence, with total accessory uses being 1,104 square feet, or 118% of the size of the total floor area of the primary residence, and to provide for the detached garage being 22 feet in height, with the primary structure being 19.5 feet in height. **Approved**

2016-DV3-013 ; 3420 Gravelie Drive (Northeast of petitioned site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance, to provide for a 1,728-square foot pole barn (any one accessory building or minor residential structure cannot have a footprint larger than the primary building). **Approved**

EXHIBITS

3305 Pinetop Drive Aerial 2026

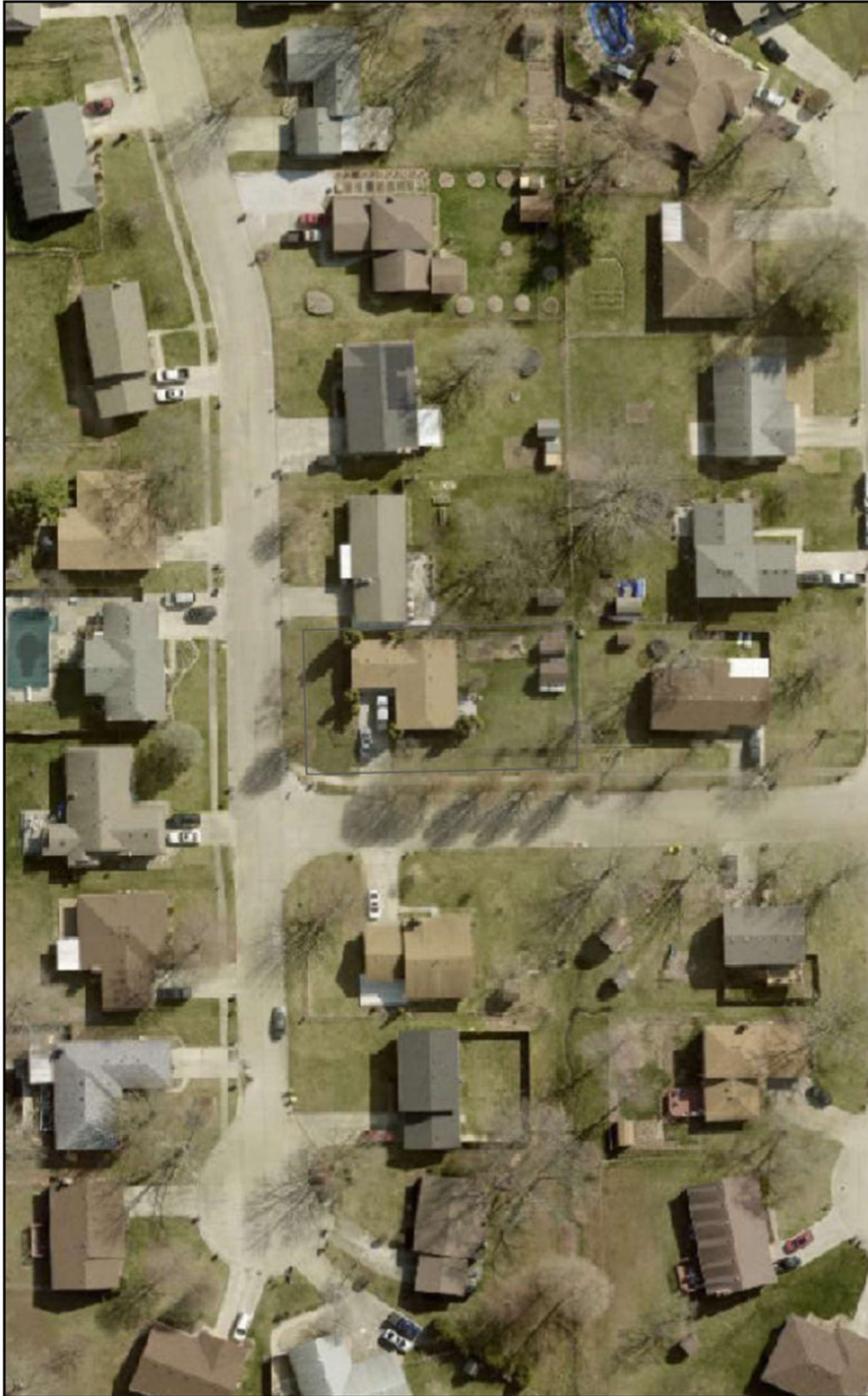


1:1,128
0 0.01 0.01 0.02 mi
0 0.01 0.02 0.04 km
IGIO, Microsoft, Vantor, Esri Community Maps Contributors, City of Indianapolis Maroon Co. © OpenStreetMap, Microsoft, Esri, TomTom, Garmin.

7/30/2026

Figure 1 - current aerial

3305 Pinetop Drive Aerial 2024

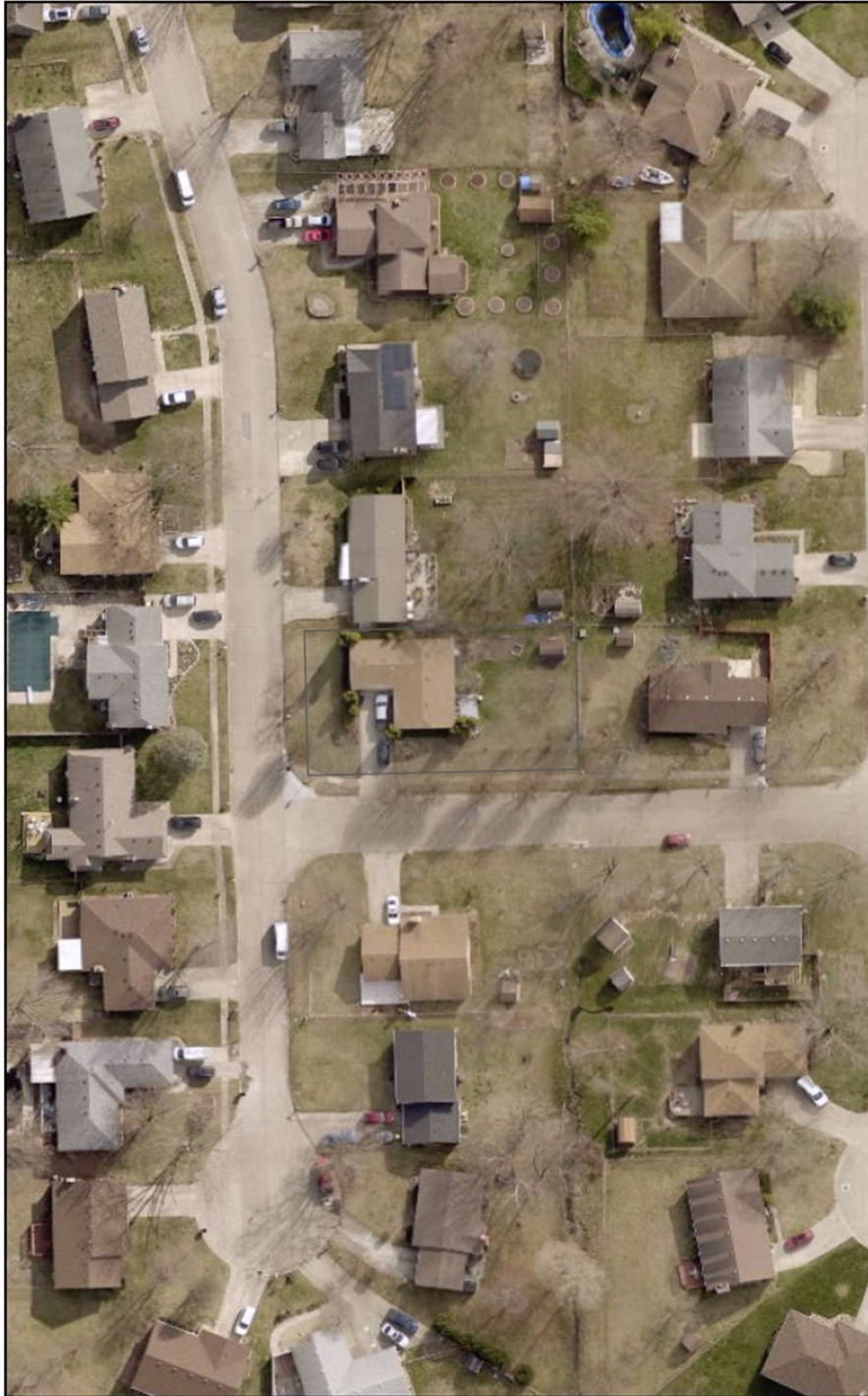


1:1,128
0 0.01 0.01 0.02 0.02 0.04
mi
km
IGIO, Microsoft, Vantor

7/30/2026

Figure 2 - before chicken coop erected

3305 Pinetop Drive Aerial 2023 Spring



1:1,128
0 0.01 0.01 0.02 0.02 mi
0 0.01 0.01 0.02 0.04 km
IGIO, Microsoft, Vantor, City of Indianapolis & Marion County, IN

7/30/2026

Figure 3 - before second shed erected

Site Visit July 27th, 2026



*Figure 4 - Looking **South** at site*



Figure 5 - Looking **North** from site



Figure 6 - looking **South** at site



Figure 7 - look **South** at fence

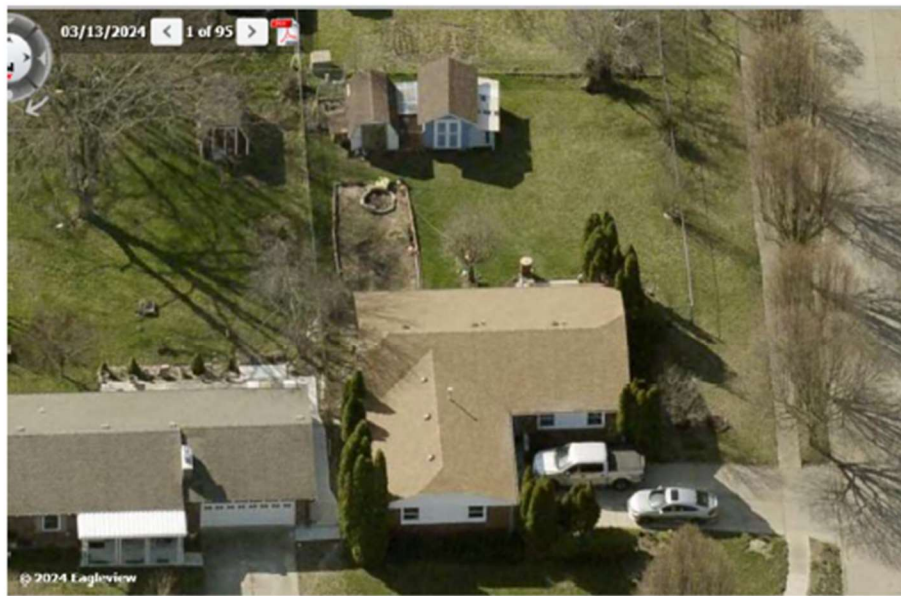
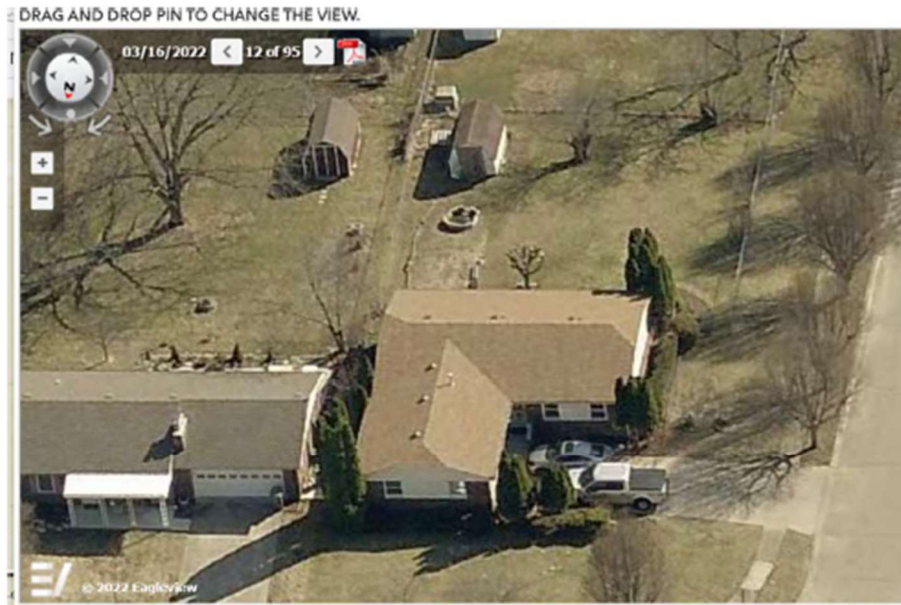


Figure 8 - looking **North** at fence



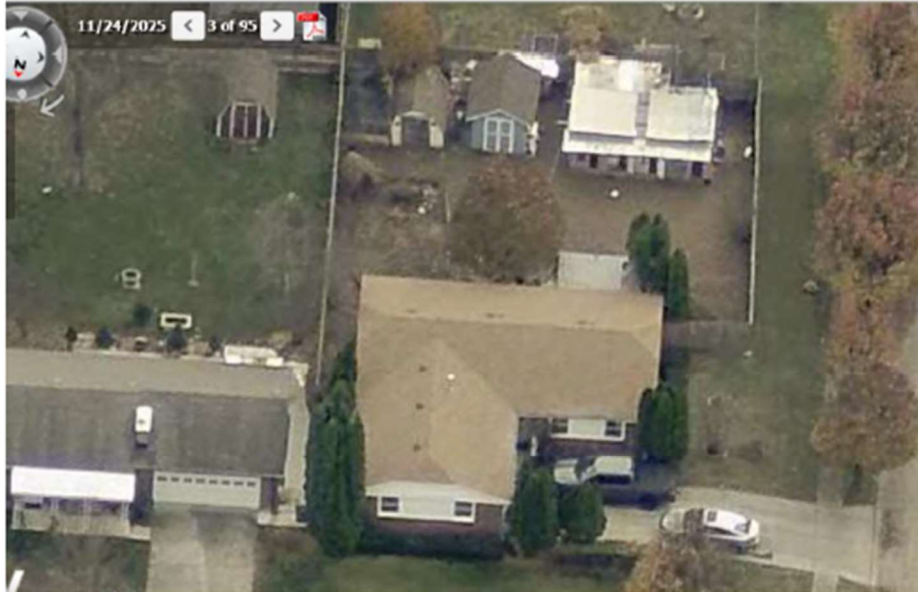
Figure 9 - through fence

VIO26-002449, 3305 PINETOP DR, 3/25/2026 @ 2:45 PM –BD



VIO26-002449, 3305 PINETOP DR, 3/25/2026 @ 2:45 PM –BD

AND DROP PIN TO CHANGE THE VIEW.



VIO26-002449, 3305 PINETOP DR, 6/30/2026 @ 1:20 PM –BD



Violation on-site March 26th, 2026



March 26, 2026

Case #: VIO26-002449

HLUAN, MANG
3305 PINETOP DR
INDIANAPOLIS, IN 46227

RE: 3305 PINETOP DR

Dear HLUAN, MANG:

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.2. Civil Zoning Violation

Specific Violation: The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of the Zoning Ordinance; (740-801.A.2. - Failure to obtain an Improvement Location Permit (ILP) for mini-barns or sheds exceeding 200sq. feet).

Section 740 -1005.A.3. Civil Zoning Violation

Specific Violation: The outdoor storage of junk, trash, or debris in any zoning district, the provisions of which do not specifically permit such a use; (Scrap wood, plywood, and other miscellaneous items throughout the property).

Section 740 -1005.A.7. Civil Zoning Violation

Specific Violation: The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - An agricultural enterprise is not a permitted use in a D-3 zoning district).

Section 740 -1005.A.7. Civil Zoning Violation

Specific Violation: The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Outdoor storage and operations is not a permitted accessory use in a D-3 zoning district...lumber, chicken wire, shelving, buckets, construction materials).

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-3 district; (743-306.A.4.b - Detached accessory structures shall not be located closer to any front lot line than the established front yard setback....chicken coop).

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-3 district; (Table 743-306-3 - No more than 12 chickens are permitted per lot).

Section 740 -1005.A.8. Civil Zoning Violation

VIO26-002449
03/26/2026

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-3 district; (Table 744-201-1: - Mini-barn/shed located in the 6 ft. side yard setback).

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-3 district; (Table 744-510-2: - Fence height exceeding 42 inches in the front yard with more than 30% opacity...privacy fence).

The City of Indianapolis requests your cooperation in correcting the violation(s). If the violation(s) have not been abated before April 27, 2026, this will result in further enforcement action, which could include:

- 1.) Issuance of a citation for each violation (Section 103-3) and / or
- 2.) Assessment of an administrative fee in the amount of two hundred fifteen dollars (\$215.00) for each scheduled visit to the property and the violation is not abated (Section 536-609) and / or
- 3.) Lawsuit with fines up to \$2,500 for each violation plus court costs (Section 103-3)

*** If you are the property owner and have leased / rented the property noted above, please notify the undersigned immediately with tenant information.**

To further research the Marion County code section mentioned above, please visit www.municode.com.

If you have any questions, please contact me at the number listed below.

Sincerely,



Basil Doll
Zoning & Licensing Inspector
463-217-1413
Basil.Doll@indy.gov



**Department of Metropolitan Development
Division of Planning
Current Planning**

INV26-03196 correspondence March 17th, 2026

Description: Resident called to report numerous (unsure exactly how many) chickens and numerous coops along with commercial set up in the back of the property at this address. Resident stated that they are unsure if they are selling the chickens or what type of business is being ran, but it is beginning to look very much like a commercial set up. Please inspect.

Question: What is the nature of your request?

Answer: I would like to report unzoned business activity

Question: When is business operating?

Answer: All Day

Question: What type of business?

Answer: Other - provide details

Question: Please provide details here

Answer: chicken breeding or other (unsure what kind of business but it is starting to look very commercial)

Question: Is the business operating in a residential area?

Answer: Yes

Findings of Fact

Petition Number _____

**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 chickens will be maintained in a secure, enclosed, and well-managed coop and fenced run.
The property will be kept in a sanitary condition with routine cleaning, proper waste management, and secure feed storage to prevent odors, pests, or other nuisances.
The proposed use will remain a small-scale residential backyard flock with no commercial component.

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 chickens will remain fully contained within the property at all times.
The existing 6-foot fence, which replaced a prior 4-foot fence, has been in place for more than two years and provides enhanced screening and separation from neighboring properties.
The increased fence height improves containment and reduces visibility and potential impacts to adjacent properties.
The proposed variance will not alter the residential character of the neighborhood or create additional adverse effects.

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

The property has existing site improvements, including a long-standing 6-foot fence and a designated enclosed area, which already support responsible chickens keeping.
These established conditions make the property uniquely suited to safely accommodate a small increase beyond the permitted number of chickens while maintaining proper containment and separation.

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

it limits reasonable residential use of a property that already contains established infrastructure for animal keeping,
including a secure 6-foot fence that exceeds the standard 4-foot height restriction and has been in place for over two years.
Requiring strict compliance would force removal or reduction of existing improvements and prevent reasonable use of the property for a small backyard chickens,
despite the property's ability to safely and responsibly support the requested use without increasing impacts to neighboring properties.

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

the proposed use remains consistent with low-density residential development and does not introduce commercial activity or increased intensity of land use.
The property will continue to function as a residential use, and both the existing fencing and proposed backyard flock are compatible with surrounding residential properties and neighborhood character.