

**BOARD OF ZONING APPEALS DIVISION I**

**July 1<sup>st</sup>, 2025**

**Case Number:** 2025-DV1-023

**Property Address:** 6714 Balmoral Road

**Location:** Wayne Township, Council District #17

**Petitioner:** Roberto & Hestia Campos

**Current Zoning:** D-3

**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 yards and clear sight triangle of Balmoral Road and Haymount Drive (3.5-foot tall fence permitted, encroachment of clear sight triangle prohibited).

**Current Land Use:** Residential

**Staff**

**Recommendations:** Staff is recommending **denial** of this variance petition.

**Staff Reviewer:** Kiya Mullins, Associate Planner

**PETITION HISTORY**

This is the second public hearing for this variance petition.

The first public hearing for this variance petition occurred on June 3<sup>rd</sup>, 2025 where the case was continued to July 1<sup>st</sup>, 2027 due to insufficient notice.

**STAFF RECOMMENDATION**

Staff is recommending **denial** of this variance petition.

**PETITION OVERVIEW**

- The petitioner of the variance is requesting to maintain an existing six (6) foot-tall fence that is in the front yard of the corner lot and encroaches into the clear sight triangle.
- The property is 0.34-acre in a D-3 zoning district.
- In the front yard of a parcel in a dwelling district, a fence is only permitted to be 3.5 feet in height.
- The Infill Housing Guidelines recommend against large fences that obscure the view of the street or homes.
- The Clear Sight Triangle is a measured distance between two (2) roads that intersect. The Ordinance does not permit encroachment into this area because the Clear Sight Triangle is necessary to allow drivers to see incoming pedestrian or vehicular traffic from the opposite road, allowing the driver to go forward or turn safely.

- This area has multiple sidewalks that provide for pedestrian walkability and has a nearby school.
- The addition of the 6 (six) foot wooden fence takes up a large section of the side of the road and prevents drivers heading west down Balmoral Road and turning onto Haymount Drive to see pedestrians or drivers unless completely pulled forward.
- Staff is recommending the **denial** of this variance petition. The fence takes up a large amount of the streetscape, obscuring the view of not only the home but encroaching into the Clear Sight Triangle.

## GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<b><u>Zoning</u></b>	<b>Surrounding Context</b>
	North: D-4	North: Suburban Neighborhood
	South: SU-2	South: Suburban Neighborhood
	East: D-3	East: Suburban Neighborhood
	West: D-3	West: Suburban Neighborhood
Thoroughfare Plan		
Balmoral Road	Local Street	50 feet of right-of-way existing and 50 feet proposed.
Haymount Drive	Local Street	50 feet of right-of-way existing and 50 feet proposed.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	4/2/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	3/31/2024	
Findings of Fact (Amended)	6/9/2025	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book

- Infill Housing Guidelines

#### **Pattern Book / Land Use Plan**

- The Suburban Neighborhood typology 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**

- Design ornamental elements, such as fences and retaining walls, to be simple, fit the context of the block and neighborhood, do not obstruct views of the front of the house, and do not obstruct public sidewalks.
- Fencing around dwellings should be carefully placed. See-through fencing is the safest. In the front, fences should be ornamental in style. Do not install privacy fences in front yard.

#### **Indy Moves**

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

- Not Applicable to the Site.

## **ZONING HISTORY**

### **ZONING HISTORY – SITE**

- 61-Z-180: 6522 West Morris Street
  - Rezoning of 65 acres being in A-2 district, to R-3 classification to provide minimum requirements for residential use by platting.
    - Approved
- 76-Z-80: 6709 Balmoral Road
  - Rezoning 3.18 acres being in A-2 district to D-3 classification.
    - Approved

### **ZONING HISTORY – SURROUNDING AREA**

- 2001-DV1-068: 1050 South High School Road
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the outside storage of a semi-tractor and trailer (commercial vehicles or trailers not permitted to be parked, stored, maintained or kept on any property in a Dwelling District unless the vehicle has a maximum load capacity of  $\frac{3}{4}$  of a ton or less and serves as the sole vehicular transportation of a resident of the property and is within a garage or carport which complies with all standards and regulations of the Dwelling District Zoning Ordinance).
    - Denial
- 2003-UV1-001: 1050 South High School Road
  - Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the storage of three commercial vehicles in a Dwelling District (not permitted), for up to a five-year period.
    - Denial
- 2003-UV1-042: 6820 West Morris Street
  - Variance of Use of the Dwelling Districts Zoning Ordinance to provide for a dog grooming facility in a detached garage.
    - Approved
- 2007-DV1-053: 6428 West Ray Street
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a seventeen-foot tall, 960-square foot detached garage (maximum fourteen-foot height, the height of the primary structure, permitted), resulting in an accessory building area of 1,040 square feet or 81.76 percent of the main floor area of the primary structure (maximum 954 square feet or 75 percent of the main floor area of the primary structure permitted), and an accessory use area of 1,354.5 square feet or 106.5 percent of the total living area of the primary structure (maximum 1,271 square feet or 99.99 percent of the total living area of the primary structure permitted).
    - Approved
- 2008-DV2-061: 6740 West Morris Street
  - Variance of Development Standards of the Sign Regulations to provide for a 6.083-foot tall, 33.33-square foot pylon sign (maximum four-foot tall ground sign permitted),



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

containing a 24-square foot electronic variable message sign component (not permitted) being 72 percent of the total sign area (maximum 13.3 square feet or 40 percent of the total sign area permitted), within 55 feet of a protected district (minimum 600-foot separation required).

- Approved

EXHIBITS

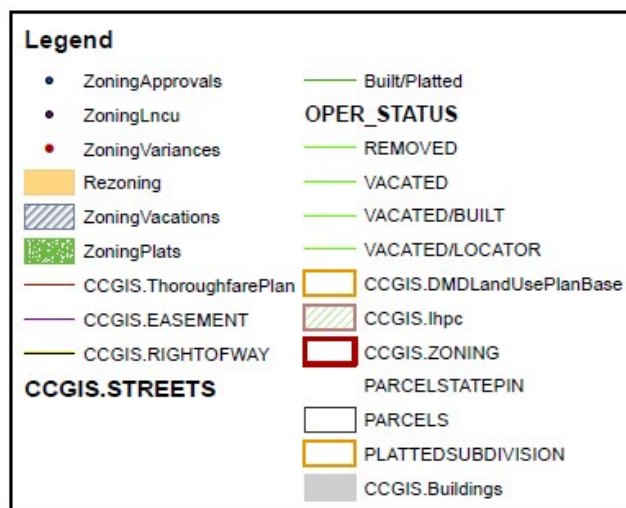
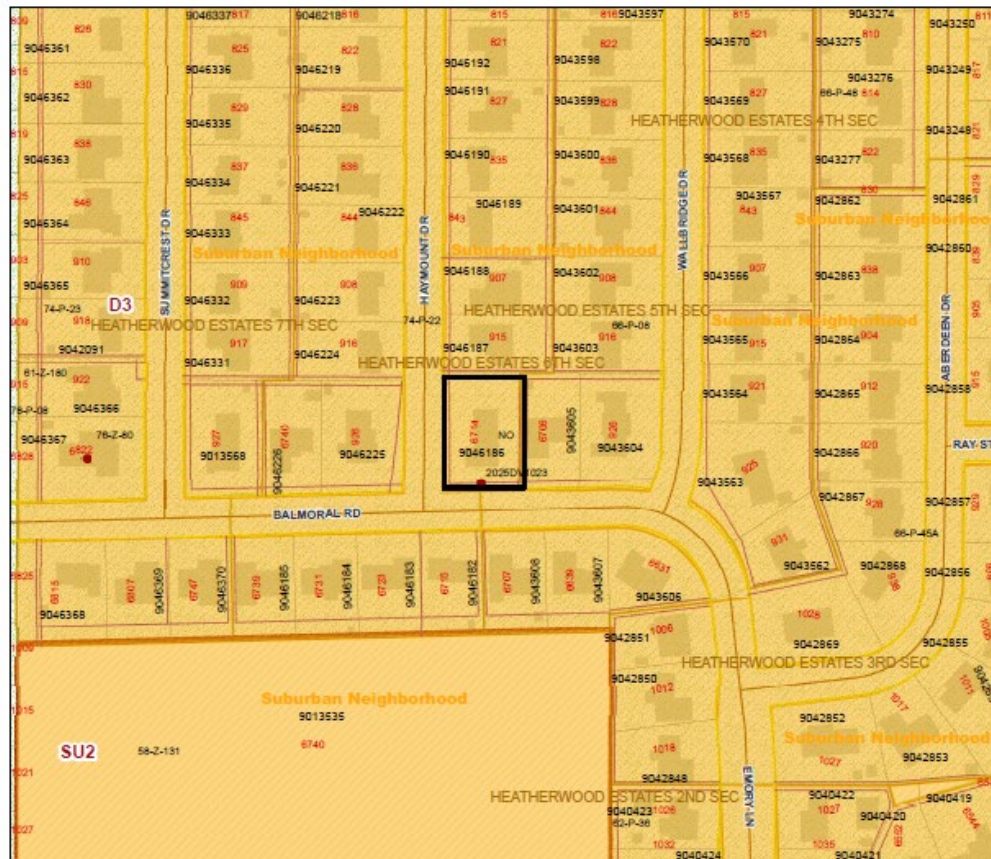


Exhibit 1: ArcGIS map of the subject site and surrounding area.





Exhibit 2: Aerial of the subject site and surrounding area.

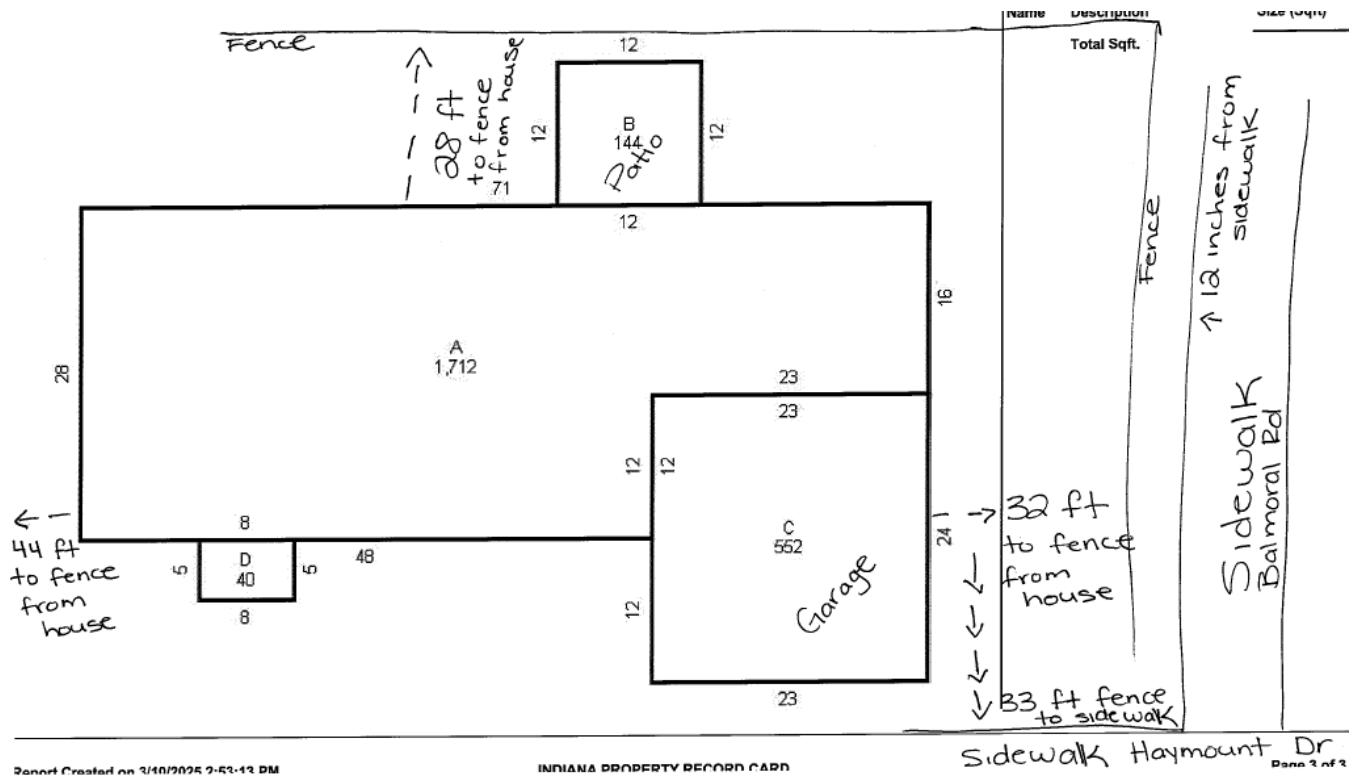


Exhibit 3: The submitted site plan.

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division Heatherwoods Estates  
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 fence is constructed in a way that ensures clear visibility for drivers and pedestrians, even at the stop sign near the corner lot. It does not create any sight obstructions or traffic hazards. In fact, it has improved safety, as cars are now more likely to stop.

Petitioners have experienced crimes on their property, including thefts and shooting to the petitioner's dog, there are police reports documenting the incidents, which demonstrate the need for added security.

Additionally, the fence enhances security, provides privacy, and contributes to the overall aesthetic and property values of the neighborhood. It is built with safe, durable materials and aligns with the character of the community.

Furthermore, neighbors have expressed support for the fence, recognizing its benefits to both our property and the surrounding area.

**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 fence is well-maintained and blends with the character of the community. It does not obstruct visibility or create safety hazards. Instead, it enhances security.

The fence helps deter crime, by reducing trespassing and increasing safety, the fence contributes positively to the neighborhood's overall appeal and property values.

On Emory Rd, next to the petitioner's street, there are two corner-lot houses with stop signs that also have fences. These fences have not contributed negatively to the neighborhood, demonstrating that similar structures are present and have not caused any issues.

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

We are a corner lot with a stop sign, which creates unique safety concerns. The property has been target of crimes, as documented in police reports IP23D025344 and IP240017076-001.

Being on a corner also means increased exposure to traffic and pedestrian activity, making privacy and security more challenging compared to other properties.

The petitioner's daughters wait for the school bus by themselves, and having the fence provides with a secure space inside the property rather than being exposed to potential dangers.

The fence helps address these specific concerns without obstructing visibility or creating any hazards, making it an essential feature for the property's safety and functionality.

**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**

Removing the fence would significantly compromise the petitioner's safety and security. The property is more exposed to traffic and pedestrian activity, increasing the risk of trespassing and crime.

Petitioners have already experienced incidents, including theft and the shooting of the petitioner's dog. The petitioner's daughters have a necessary layer of security, while waiting for the school bus, allowing them to wait safely within the property.

Furthermore, a significant investment in building the fence was made to enhance safety. Requiring the petitioner's to remove it would not only create security risks but also impose an unnecessary financial burden.

Enforcing the ordinance would create hardship by forcing to remove a structure that actively enhances safety to the family and community. Since the fence does not obstruct visibility, granting the variance would allow security.

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

The fence aligns with the overall goals of community safety, security, and maintaining neighborhood character. It does not obstruct visibility, create hazards or negatively impact surrounding properties.

Instead, it enhances security by deterring crime and protecting the family, which is in line with the broader objective of fostering a safe and livable environment for residents.

Additionally, the community does not have an HOA, meaning there are no neighborhood rules prohibiting fences like ours. The fence is well-maintained, visually appropriate and does not disrupt the community's aesthetic or planning goals.

Granting the variance would support the intent of the comprehensive plan by allowing a reasonable accommodation that ensures safety without compromising the integrity of the neighborhood.





Exhibit 5: The subject site.





Exhibit 6: Looking at the fence on the northern section of the front yard facing Haymount Drive.





Exhibit 7: Looking at the fence on the southern section of the fence in the front yards facing Haymount Drive and Balmoral Road.





Exhibit 8: Looking west down Balmoral Road, showing how the fence is within the clear sight triangle and obscuring view of the Haymount Drive.





Exhibit 9: Home across the street from the subject site with a fence that meets Ordinance parameters.