

**BOARD OF ZONING APPEALS DIVISION III**

**September 16, 2025**

**Case Number:** 2025-DV3-027 (Amended)  
**Property Address:** 3303 South State Street (*approximate address*)  
**Location:** Perry Township, Council District #19  
**Petitioner:** GOPRO Investments LLC, by David E. Dearing  
**Current Zoning:** D-4  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 65-foot wide gravel parking area within the front yard for the parking of three recreational vehicles (parking areas limited to 30-foot width in front yards, maximum two recreational vehicles permitted, hard surfacing required), and a six-foot tall fence within the front yard (maximum 3.5-foot tall fence permitted in front yards).  
**Current Land Use:** Residential  
**Staff Recommendations:** Staff recommends **denial** of this petition.  
**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

This hearing was continued by petitioner request from August 19<sup>th</sup> to allow for mailing of amended notice.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

- 3303 South State Street is a residential parcel that is currently improved with a single-family residence and accessory garage within the front yard (both built in 1953). Surrounding land uses are residential, and the site is bordered by Interstate-65 to the southwest. Most of the property's front yard contains a gravel parking area screened by a 6-foot wooden fence placed in 2023 (not permitted). The gravel parking area was expanded in late 2023 (see Photos #5-6 in Exhibits).
- VIO25-001550 was opened in April of 2025 in response to a neighbor complaint and cited this property for (a) a fence within the front yard with a height exceeding 42 inches and (b) a parking area with a width of 65 feet within a residential front yard. Photographs associated with that violation show placement of three (3) recreational vehicles within the front yard.

- Approval of this petition would allow for the currently existing gravel vehicle area to park three (3) separate recreational vehicles at once behind the non-compliant 6-foot fence. Required variances would be for **(a)** the width of the parking area; **(b)** the height of the fence; **(c)** the expanded use of gravel as the parking surface (only allowed for single-family residences and with clearly enclosed edges); and **(d)** parking of three (3) RVs when the Ordinance allows for a maximum of two (2) RVs to be parked on any one residential lot. The application provided along with this petition mentioned a width of 40 feet for the parking area and a height of 4.5 feet for the front-yard fence, but staff is utilizing the measurements taken by inspectors in April for the wording of this request since no indication has been given that the existing height or width will be reduced.
- Provided application documents and documentation from the related zoning inspection did not indicate that the recreational vehicle parked on the property is occupied (owner's daughter indicated to an inspector that the trailers and RV are used for "removal of fallen tree limbs when necessary or transporting cosplay items"). Occupancy of a recreational vehicle for a period longer than 15 days twice a year would not be permitted, and approval of this variance would not serve to allow for deviation from that occupancy standard. Additionally, the inspector for the 2025 violation determined that the two (2) trailers and panel truck parked at the site during their visit would not meet the weight or function to be considered "commercial vehicles" (this is why the request references parking of three *recreational* vehicles).
- The fence as it currently exists encroaches within public right-of-way at the southwest corner of the property. Approval of this variance would not allow for the southwest corner of the fence to maintain its current location approximately 3.5 feet to the west of the property line. The petitioner indicated their intention to have the currently existing fence moved out of the public right-of-way area and that a new site plan would be submitted indicating the new position. That site plan was not provided prior to publication of this report, and the version shown within Exhibits approximates the current fence location based on measurements from aerial photography and the applicant.
- This property is zoned D-4 (Dwelling District Four) to allow for low or medium intensity single-family and two-family residential development where trees fulfill an important cooling and drainage role for individual lots and environmental and aesthetic considerations should be incorporated into development. Similarly, the Comprehensive Plan recommends this site to the Suburban Neighborhood typology for predominantly single-family uses. Finally, Infill Housing Guidelines indicate that front yard fences should be ornamental in style (as opposed to privacy fences).
- Findings of Fact provided by the applicant indicate that the proposed parking of recreational vehicles and front yard fence would be justifiable since the property is close to the interstate and the fence protect the property from theft/vandalism and confinement of the tenants' dog. Staff would note that legal options to buffer the property from traffic noise would exist (landscaping), and it is unclear how an unenclosed fence area of any height would prevent ingress or egress from the site. The Findings also don't provide any context about the need for three (3) recreational vehicles or for the use of gravel for the parking area, and it also unclear why the stated goals of storage and occasional yard work couldn't be accomplished with fewer recreational vehicles.

- Staff has concerns that the allowance for parking of the RV and trailers might serve to increase the likelihood of either (a) occupancy of the recreational vehicle (the third photo within Exhibits shows curtains drawn over the front windows of the RV) or (b) the parking of vehicles or trailers at the site whose weight and function would be classified as commercial vehicles. This property has been the subject of past enforcement actions related to commercial functions (VIO20-007481 for vehicle repair/tree service uses in 2020 and VIO23-003346 for a lawn service use in 2023), and approval of this petition for multiple trailers might serve to encourage similar commercial uses.
- The Zoning Ordinance places restrictions on the height of front yard fences and width of front yard parking areas in residential contexts to allow for vibrant and pedestrian-friendly streetscapes and to reduce any visual impairment by motorists or pedestrians (this is also why fences would be disallowed within public right-of-way). Regulations on the number of heavy vehicles in residential areas exist to ensure harmonious development with uses of differing intensity and varying road capacities separated, and limits on gravel parking exist to avoid negative externalities of dust, mud, or negative drainage impacts. Parking width and material regulations also are partially intended to allow for landscaping and green areas within residential front yards.
- Given the lack of site-specific practical difficulty to justify the deviation from multiple ordinance standards, the lack of information on the frequency that the recreational vehicles would enter or exit the property, and the risk that approval of this petition would facilitate either RV occupancy or additional commercial activity, staff recommend denial of the requests.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-4	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-4	North: Residential
South:	D-4	South: Residential
East:	D-4	East: Residential
West:	D-4	West: Residential
<b>Thoroughfare Plan</b>		
South State Avenue	Local Street	90-foot existing and 48-foot proposed
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	06/26/2025	
<b>Site Plan (Amended)</b>	08/04/2025	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	

<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	06/26/2025
<b>Findings of Fact (Amended)</b>	07/30/2025

## 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 recommend this site to the Suburban Neighborhood typology to allow for predominantly single-family housing interspersed with attached and multifamily housing where appropriate.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- Enter Recommendation by TOD Plans or "Not Applicable to the Site."

### Neighborhood / Area Specific Plan

- Enter Recommendation by Pattern Book or "Not Applicable to the Site."

### Infill Housing Guidelines

- The Infill Housing Guidelines indicate that in front yards, fences should be ornamental in style and that privacy fence should not be installed within front-yard contexts.

### Indy Moves

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

- Enter Recommendation by Indy Moves Plans or "Not Applicable to the Site."

## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

**2024UV3007 ; 3304 S Walcott Street (southeast of site)**, Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 4,800 square foot building to be used for storage of commercial vehicles, equipment, and supplies for a concrete contractor (not permitted), **withdrawn**.

**2005DV2021 ; 3026 S State Avenue (north of site)**, provide for a 2,763-sq.ft. addition to an existing 1,659-sq.ft. single-family dwelling resulting in an 18.38-foot front yard setback (min. 25-foot front yard setback req.), a 3-foot north side yard setback (min. 4-foot side yard setback req.), and a lot open space of 59.63 percent (min. open space of 65 percent req.) in D-5, **approved**.

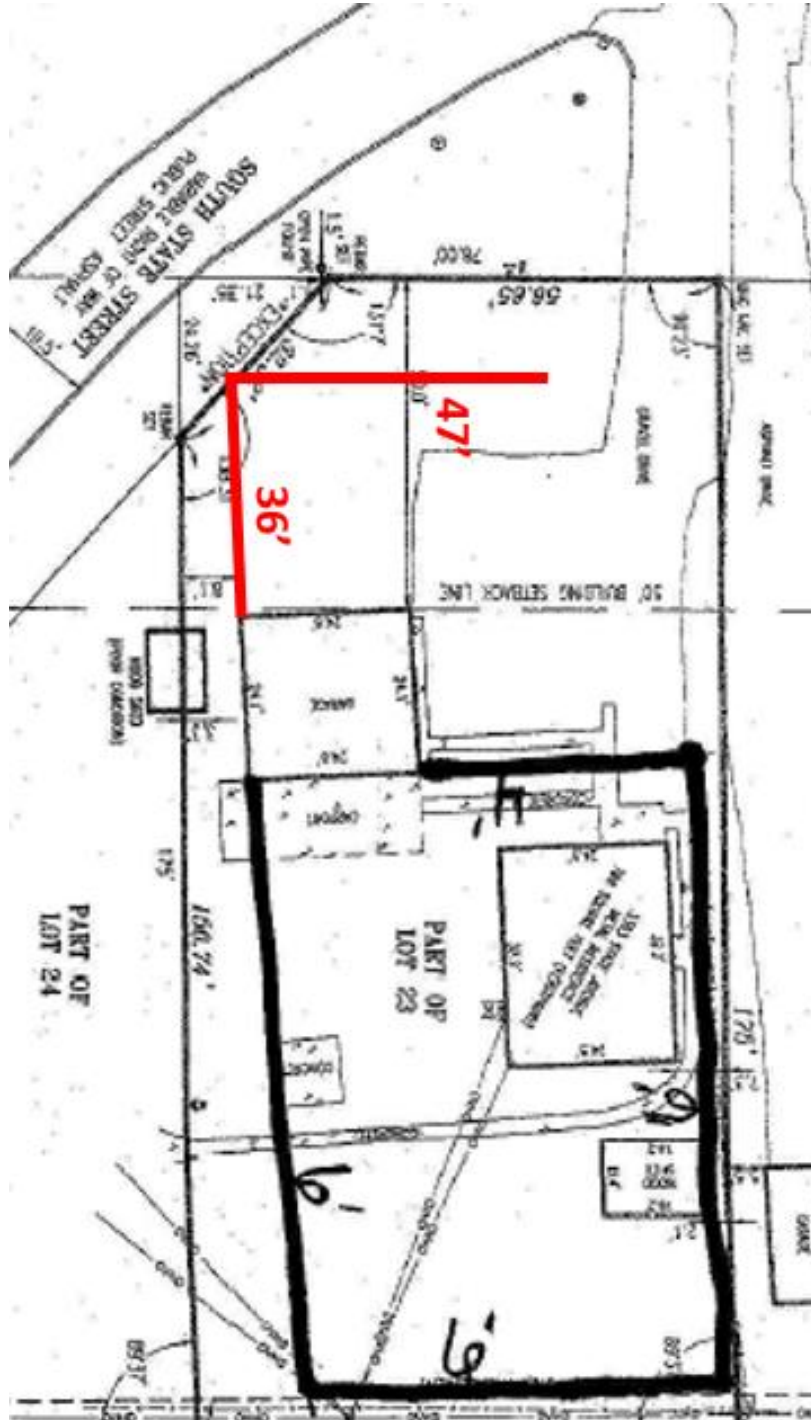
**87-HOV-122 ; 3227 S State Street (west of site)**, variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of an attached garage at 15 feet from the front property line and 12 feet from the the rear property line (25 and 20 feet required respectively), **approved**.

EXHIBITS

2025DV3027 ; Aerial Map



**2025DV3027 ; Site Plan**



*Indication of additional fenced area (fence height of 6 feet, partially within ROW) added by staff in red to above.  
 Site plan does not show additional gravel parking area added in late 2023/early 2024*

**2025DV3027 ; Notice of Violation (VIO25-001550)**



March 4, 2025

Case #: VIO25-001550

GOPRO INVESTMENTS LLC  
6638 CORDOVA DR  
INDIANAPOLIS, IN 46221

RE: 3303 S STATE AVE

Dear GOPRO INVESTMENTS LLC:

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-4 district; (Table 744-404-1 - The parking area in front yards shall not exceed 30 feet in width or 50% of the lot width, whichever is lesser).

**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-4 district; (Table 744-510-2: - Fence height exceeding 42 inches in the front yard with more than 30% opacity...privacy fence).

**2025DV3027 ; Plan of Operation**

The three vehicles consist of a Condor RV and two trailers. They would be parked where they are currently located, in front of the house.

There is no set schedule for the parking of the vehicles. They would be there any time that they are not in use.

**2025DV3027 ; Findings of Fact (vehicle parking)**

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

the presence of commercial vehicles does not have the capacity to affect the public health, morals or general welfare.

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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:

all of the subject activities will be confined to the Petitioners' property, which is screened.

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

Petitioners would be denied the use of their property to protect their vehicles from theft and vandalism which would occur if they were parked elsewhere

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**2025DV32027 ; Findings of Fact (fence)**

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

the fence is confined to the Petitioner's property, does not obstruct a clear sight triangle, and thus does not have the capacity to injure the public health, safety, morals or general welfare.

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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 is confined to the Petitioner's property and does not affect the adjacent property owners' ability to use their property.

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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 make it more difficult to screen the property from the tens of thousands of vehicles that pass by every day on I-465, to shield the property from traffic noise, and to confine the tenants' Bernese Mountain dog.

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**2025DV3027 ; Photographs**



Photo 1: Subject Site Viewed from West



Photo 2: Subject Site Viewed from Southwest (April 2025)

**2025DV3027 ; Photographs (continued)**



Photo 3: Gravel Parking Area and Vehicles (April 2025)



Photo 4: Subject Site Viewed from Interstate 65 (May 2025)

Photo 6: Aerial Photo prior to Gravel Parking Addition (Fall 2023)