



# Board of Zoning Appeals Board of Zoning Appeals Division II (February 11, 2025) Meeting Agenda

## Meeting Details

Notice is hereby given that the Metropolitan Board of Zoning Appeals will hold public hearings on:

**Date:** Tuesday, February 11, 2025      **Time:** 1:00 PM

**Location:** Public Assembly Room, 2nd Floor, City-County Building, 200 E. Washington Street

## Business:

### Adoption of Meeting Minutes

### Special Requests

#### PETITIONS REQUESTING TO BE CONTINUED:

- 1. 2025-UV2-001 (Amended) | 2454 North Illinois Street**  
Center Township, Council District #12, zoned D-8 (TOD) (RC)  
Sheref Nessem, by Justin Kingen

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an HVAC commercial contractor (not permitted), the location of a six-foot tall fence within the front yards of and clear-sight triangle created by Fall Creek Parkway Drive S and Illinois Street (maximum 3.5-foot tall fence permitted, encroachment into clear-sight triangles not permitted), a parking area with a zero-foot side yard setback (four-feet required) and being greater than 30-foot wide within the front yards of Fall Creek Parkway Drive S and Illinois Street (not permitted), an unscreened commercial dumpster (not permitted), and a monument sign (not permitted).

**\*\*Petitioner to request a continuance to the March 11, 2025 hearing of Division II in order to allow for an amendment requiring notice**

## Petitions for Public Hearing

#### PETITIONS TO BE EXPEDITED:

- 2. 2025-DV2-001 | 7126 Spring Mill Road**  
Washington Township, Council District #2, zoned D-1  
7126 Spring Mill Road, by Brian J. Tuohy

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an eight-foot tall privacy fence within the side and rear yards (maximum six-foot tall fence permitted) and a ten-space 64-foot wide parking area within the front yard (maximum 30-foot wide parking area permitted).

#### PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

- 3. 2024-DV1-047 | 1919 Mansfield Street**  
Center Township, Council District #12, zoned D-5 (W-1)  
James & Mary Holman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a driveway accessing Mansfield Street (exclusive vehicular access of improved alleys required).

**4. 2025-DV1-001 | 4235 East 46th Street**

Washington Township, Council District #8, zoned D-1  
Tamara Brown Living Trust 8/13/24 by Krieg DeVault LLP & Kevin G. Buchheit

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a six-foot tall ornamental fence within the front yard of East 46th Street (maximum 3.5-foot tall fence permitted).

**5. 2025-DV1-002 | 8751 Michigan Road**

Pike Township, Council District #1, zoned C-4  
Drive-In of Evansville Inc., by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eating establishment with 43 parking spaces (maximum 23 spaces permitted) and a drive-through with a service unit facing Bethany Road, stacking spaces within the front yards of Bethany and Founders Road (not permitted) and without an exclusive bypass aisle (required).

**PETITIONS FOR PUBLIC HEARING (Continued Petitions):**

**6. 2024-DV2-047 | 5088 Bonnie Brae Street**

Washington Township, Council District #6, zoned D-2  
Samuel & Danielle Day

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 yard of 51st Street (maximum height of 3.5-feet permitted).

**PETITIONS FOR PUBLIC HEARING (New Petitions):**

**Additional Business:**

\*\*The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing [planneroncall@indy.gov](mailto:planneroncall@indy.gov). Written objections to a proposal are encouraged to be filed via email at [planneroncall@indy.gov](mailto:planneroncall@indy.gov), before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-7093, at least 48 hours prior to the meeting. - Department of Metropolitan Development - Current Planning Division.



**BOARD OF ZONING APPEALS DIVISION II** **February 11, 2025**

**Case Number:** 2025UV2001  
**Property Address:** 2454 North Illinois Street (*approximate address*)  
**Location:** Center Township, Council District #12  
**Petitioner:** Sheref Nessem, by Justin Kingen  
**Current Zoning:** D-8 (TOD) (RC)

**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an HVAC commercial contractor (not permitted), the location of a six-foot tall fence within the front yards of Fall Creek Parkway Drive S and Illinois Street (maximum 3.5-foot tall fence permitted), a parking area with a zero-foot side yard setback (four-feet required) and being greater than 30-foot wide within the front yards of Fall Creek Parkway Drive S and Illinois Street (not permitted), a commercial dumpster (not permitted), and a monument sign (not permitted).

**Current Land Use:** Commercial

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

The petitioner indicated that they will make a for-cause continuance request to the March 11, 2025 hearing date of Division II to allow sufficient time for legal notice to be sent and to continue discussions about the petition with staff. A full staff report will be made available in advance of that hearing date.



**BOARD OF ZONING APPEALS DIVISION II** **February 11, 2025**

**Case Number:** 2025DV2001

**Property Address:** 7126 Spring Mill Road (approximate address)

**Location:** Washington Township, Council District #2

**Petitioner:** 7126 Spring Mill LLC, by Brian J. Tuohy

**Current Zoning:** D-1

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an eight-foot tall privacy fence within the side and rear yards (maximum six-foot tall fence permitted) and a ten-space 64-foot wide parking area within the front yard (maximum 30-foot wide parking area permitted).

**Current Land Use:** Residential

**Staff Recommendations:** Staff recommends **approval** of the variances subject to commitments.

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of the variance requests, subject to commitments that (a) the variance grant would only be applicable for as long as the property is maintained as a group home use would become void should the property revert to non-group home residential uses and/or be rezoned in the future; and (b) additional landscaping to screen the parking area from Spring Mill shall be installed and maintained.

**PETITION OVERVIEW**

- 7126 Spring Mill Road is currently improved with a memory care group home residence (Story Cottage Living) and the related front-yard parking area permitted under ILP22-00944. There is also a privacy fence installed within the side and rear yards of the property; fences are exempt from the need for permitting. The property was previously developed with a single-family residence and is surrounded by single-family residential uses to the north, south, and west. The Meridian Hills Country Club and golf course is located to the east.
- The violation case VIO24-007773 was opened in 2024 in relation to both the height of the fence (maximum 6-foot height in side and rear yards allowed) and the width of the front-yard parking





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area (maximum 30 foot width of parking areas are allowed within residential zonings). Approval of this variance would allow for those improvements to remain at the site, while denial would require the fence height to be reduced and the parking area to be amended to meet the Ordinance standards.

- In addition to the fence and parking area width, the violation case cited this property for operation of a nursing home or assisted living use (not permitted within D-1 zoning). Information provided by the applicant about the use conducted at this property indicates that the scope of operation would be most accurately classified as a group home (permitted within D-1 zoning). Ordinance defines “group home” as “a residential facility for 2 or more individuals meeting the definition of a handicapped person under the Federal Fair Housing Act and court decisions interpreting that act” (inclusive of facilities for those with developmental disabilities, psychiatric disorders or addictions; not inclusive of those currently using or addicted to alcohol or controlled substances *not* in a recognized recovery program, halfway houses for those within the criminal justice system, or diversion centers). A Use Variance would not be required for continued operation of the group home; however, variances of development standards would be required for the other items cited by VIO24-007773.
- This property is zoned D-1 (Dwelling District One) to allow for suburban areas with estate-style development, generous front yards for trees, gently curving roadways, and a low density of residential uses. Additionally, the Marion County Land Use Pattern Book recommends this site to the Suburban Neighborhood typology which does make allowance for group homes that appropriately spaced from other group homes and are in harmony with the character of the surrounding neighborhood in terms of materials, building placement, entrance location, and vehicle and service areas.
- Findings of Fact provided by the applicant in support of this variance application cite changes in grade within the fenced area, the need for screening and security, and site-specific needs for parking as supporting arguments for variance approval. Staff notes that the fenced areas of the property along the western and southern property lines are noticeably lower in grade than the primary outdoor area; and that this use requires a higher amount of parking than surrounding residential uses (some of which appear to have parking areas with similar widths). Given this context and the petitioner’s openness to commitments limiting this approval to group home uses and to the placement of added landscaping to the east of the existing parking area to provide visual screening from traffic along Spring Mill Road, staff recommends approval of these variances.



**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-1	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	North: Residential
	South:	South: Residential
	East:	East: Golf Course
	West:	West: Residential
<b>Thoroughfare Plan</b>		
Spring Mill Road	Primary Collector	70-foot existing right-of-way and 80-foot proposed right-of-way
<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>	12/17/24	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	12/17/24	
<b>Findings of Fact (Amended)</b>	N/A	

**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 recommends this site to the Suburban Neighborhood typology for predominantly single-family housing interspersed with attached and multifamily housing where appropriate.
- Group homes should be in harmony with the character of the surrounding neighborhood in terms of materials, building placement, entrance location, and vehicle and service areas. Group homes should be located adjacent to residential uses and should not be located on the same block as another group home.



**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**

- Guidelines indicate that fencing around dwellings should be carefully placed, and that see-through fencing is safest. In the front, fences should be ornamental in style and privacy fences should be limited to side and rear yards per ordinance directives on height.

**Indy Moves**

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

- Not Applicable to the Site.



## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

**2014DV1036 ; 505 Fairway Drive (southwest of site)**, Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 1,750-square foot detached garage: (a) creating an open space of approximately 78%, and an accessory use area of 4,630 square feet or 138% of the total floor area of the primary dwelling (minimum 80% open space permitted, maximum accessory use area of 3,361 square feet or 99.9% of the total floor area of the primary dwelling), and (b) to legally establish existing patios, pool decks and pool patios, with approximately zero-foot east side setbacks (minimum eight-foot side setback required), **approved**.

**93-HOV-83 ; 7042 Spring Mill Road (south of site)**, variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a storage shed with a side yard setback of 4 feet (minimum 8 feet required), **approved**.

**EXHIBITS**

2025DV2001 ; Aerial Map



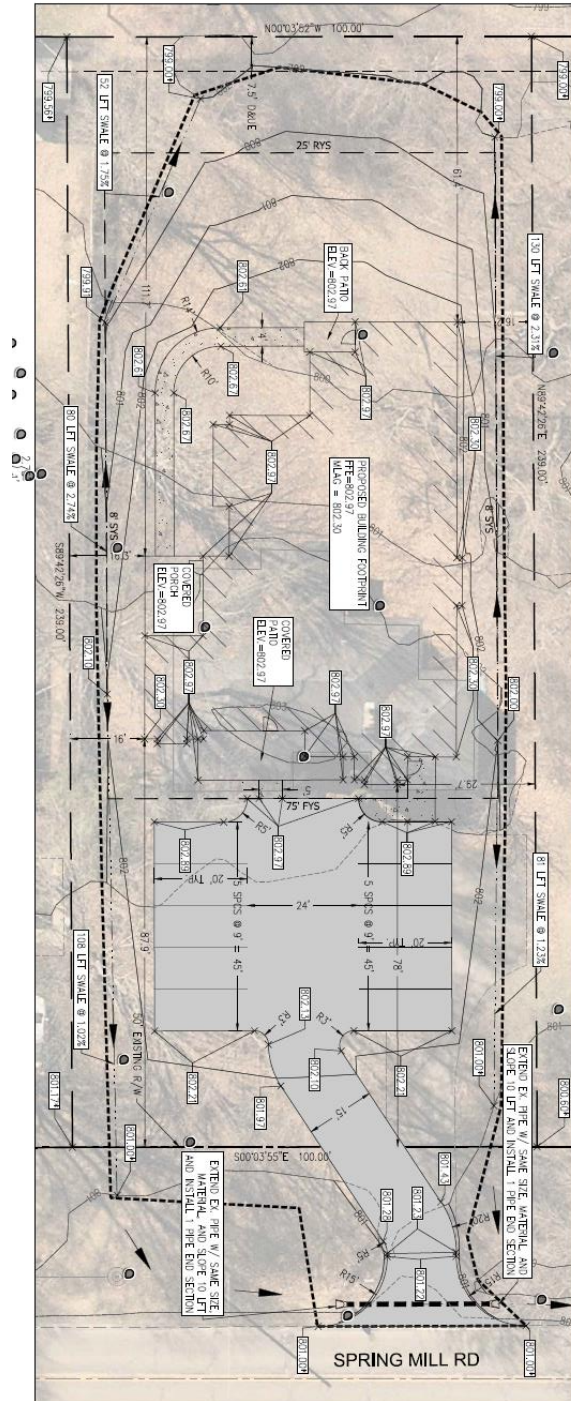




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**2025DV2001 ; Site Plan**

7126 SPRING MILL RD  
INDIANAPOLIS, INDIANA  
PREPARED FOR  
STORY CUSTOM DEVELOPMENT  
8446 KEYSTONE CROSSING @50  
INDIANAPOLIS, IN 46240



**PLOT PLAN**  
DRAWING NOT TO BE SCALED - DIMENSIONS PREVAIL  
SCALE: 1" = 20'





**2025DV2001 ; Findings of Fact (Fence)**

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

Chapter 744, Article V, Section 10, C.4. of the Marion County Zoning Ordinance ("Height Exception Section") provides in part "that a fence or a wall may exceed the maximum height by an amount equal to the accompanying drop in topography along the linear run of the fence for that portion of the fence up to a maximum of two (2) additional feet..." The rear yard of the site is approximately two feet (2') to four feet (4') lower than the front porch of the existing memory-impaired group home. The Petitioner has installed an attractive and secure fence along the side and rear yards of the site. Granting the variance will allow the residents of the memory care home to have a secure and private back yard. Because part of the site has a significant drop in elevation, a portion of the fence is allowed under the Height Exception Section. There will be no harm to the health, safety, morals, and general welfare of the community in allowing an increase in two feet (2') in height on a portion of the fence in the rear and side yards of the group home.

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 neighboring property owners to the west and south have indicated their support of the existing eight foot (8') tall fence and such support is evidence that the use or value of the area adjacent to the property will not be affected in a substantially adverse manner. Additionally, under the Height Exception Section of the zoning ordinance, a portion of the site is allowed to have an eight foot (8') tall fence due to the change in terrain from the front of the home to the rear of the site.

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

The site is developed as a group home ("Home") for up to eight (8) memory-impaired residents ("Residents"). The rear yard and part of the south side yard are approximately two feet (2') to four feet (4') lower than the front porch of the Home. In order to provide sufficient screening and security for the Residents, Petitioner installed an attractive, secure eight foot (8') tall fence around the entire rear yard of the site. Without the approval of the variance, the fence would be six feet (6') tall on part of the side yard and eight feet (8') tall on part of the same side yard and eight feet (8') tall at the rear yard, which eight foot (8') height is allowed under the Height Exception Section. The strict application of the zoning ordinance will result in the fence having a six foot (6') height on part of the south side yard and eight foot (8') height on another part of the south side yard and an eight foot (8') height along the entire west side of the rear yard. The existing uniform height of eight feet (8') provides for a secure and private rear yard for the Residents and is necessary due to the substantial drop in the elevation of the rear yard from the front porch.



**2025DV2001 ; Findings of Fact (Parking Area)**

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

The attractive existing residential structure on the site is used as a group home ("Group Home") for up to eight (8) memory-impaired adults. The care provided to the residents of the Group Home is beneficial to the health, safety, morals, and general welfare of the community. Granting the variance will allow for ten (10) parking spaces for families to visit residents of the Group Home and for caregivers and physicians who provide comfort and care to the memory-impaired residents. The parking spaces are set back more than sixty feet (60') from Spring Mill Road and are very well screened by landscaping and large, existing trees. The beneficial use of the site for memory-impaired adults along with the extensive setback and screening of the parking area support a finding that granting the requested variance will not cause injury to the health, safety, morals, and general welfare of the Indianapolis community. The grant of the variance will actually allow the efficient use of the site which provides a benefit to the general welfare of the community. Additionally, the Dept. of Business and Neighborhood Services ("BNS") approved the plan for the parking area in August 2022 and Petitioner installed the parking area.

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:

Because of the extensive setback of the small parking area and the screening provided from the roadway, and because of the setback and screening of the parking area from the two adjoining side yards, the use and value of the area adjacent to the property will not be affected in any adverse manner. Additionally, directly across the street from the site is a golf course driving range and the existence of the parking area has not had any affect whatsoever on the operation, use or value of the driving range. The homes immediately adjacent to the property to the south, west and north are adequately screened and separated from the parking area and because of such screening and separation, the use or value of the adjacent properties will not be affected in a substantially adverse manner.

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

The Group Home may have up to eight (8) memory-impaired adults in residence, along with up to 2-3 caregivers at any one time. Without the variance to allow up to ten (10) parking spaces, there will not be adequate parking spaces for visiting family members, caregivers and/or visiting physicians. If the parking area standards of the zoning ordinance are strictly applied, there is a practical difficulty in the use of the site as a permitted group home for up to eight (8) memory-impaired adults. Additionally, BNS approved the site plan in August 2022 for development of the site including the parking area.



**2025DV2001 ; Photographs**



Photo 1: Current Group Home & Parking Area

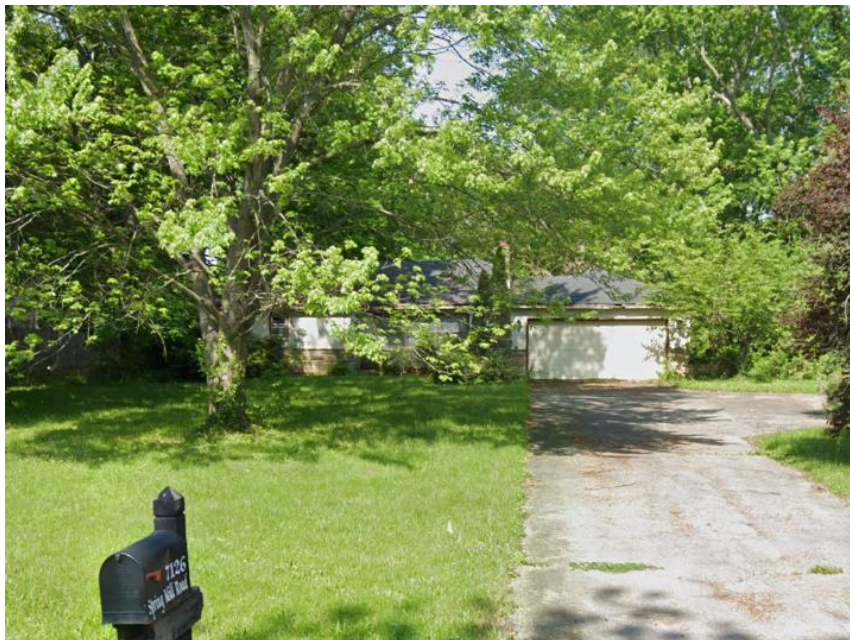


Photo 2: Previous Single-Family Residence at Site (taken May 2021)



**2025DV2001 ; Photographs (continued)**



Photo 3: Fence at Southern Side Yard



Photo 4: Fence at Northern Side Yard (taken October 2024)



**2025DV2001 ; Photographs (continued)**



Photo 5: Fence at Southern Side Property Line

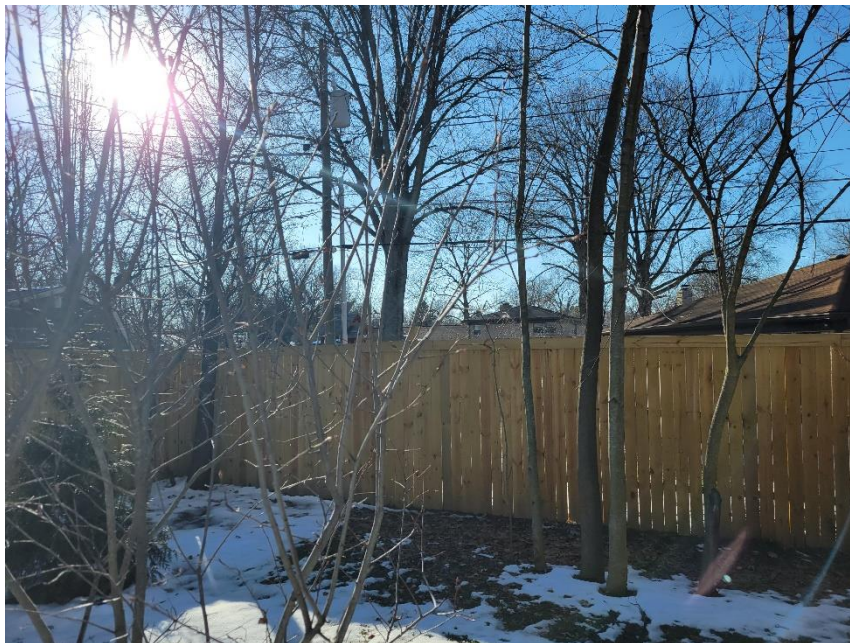


Photo 6: Fence at Western Rear Property Line



**BOARD OF ZONING APPEALS DIVISION I**

**February 11, 2025**

**Case Number:** 2024-DV1-047

**Property Address:** 1919 Mansfield Street (approximate address)

**Location:** Center Township, Council District #12

**Petitioner:** James & Mary Holman

**Current Zoning:** D-5 (W-1)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a driveway accessing Mansfield Street (exclusive vehicular access of improved alleys required).

**Current Land Use:** Residential

**Staff Recommendations:** Staff recommends denial of this petition

**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

**ADDENDUM FOR FEBRUARY 11, 2025 BZA DIVISION I HEARING**

- This petition was continued from the January 7, 2025 hearing to the February 4, 2025 hearing.
- The petition was continued and transferred from February 4, 2025 to February 11, 2025 BZA Division II due to lack of quorum.

**STAFF RECOMMENDATION**

- Staff recommends denial of this petition

**PETITION OVERVIEW**

- This petition would provide for a driveway accessing Mansfield Street (exclusive vehicular access of improved alleys required).
- The Ordinance was amended in April of 2016 to regulate access and connectivity for the zoning districts. This property is required to gain exclusive access from the existing improved alley for any new driveway, per Section 744-301 of the Ordinance. The “Access to accessory parking areas” provision states that “... if a lot abuts an improved alley and the street frontage is less than 200 feet, vehicle access to that lot shall be exclusively from that alley.” In addition, per Section 744-401 of the Ordinance, the “Access to and from parking lots and garages” provision states that “... no curb cut for street access to an accessory parking area in the Compact Context area, shall be approved if the property has an improved alley along the side or rear lot line.”



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- The Department of Business and Neighborhood Services has determined that the abutting alley to the east of the property is an “improved” alley, and therefore access from Mansfield Street to the parcel would not be allowed, per the Ordinance.
- The gravel driveway located on the subject site has existed since around 1994, according to aerial imagery. While this predates the Ordinance change in 2016, this driveway was not developed with a curb cut and did not receive permits for such. Therefore, in the City’s view, even though a place to park vehicles in the front yard is existing on the property, vehicular access from Mansfield Street to the private property was never legally established. In 2024, the owner applied for a curb cut of the existing sidewalk for vehicular access to the existing gravel driveway, thus triggering the need for variance approval.
- Vehicles utilizing alleys when available, instead of front-yard driveway access, is a significant help in maintaining walkability and the pedestrian experience, as this style of development results in far fewer conflict points between pedestrians and vehicles, and preserves flat, even sidewalks as opposed to slants and unevenness resulting from driveway curb cuts. Likewise, reducing the number of curb cuts for private vehicular access helps preserve valuable on-street parking spaces available for public use. Further, given that this site is located within the Compact Context Area, Staff finds importance in preserving urban-style development patterns and aesthetics. Typically, this includes neighborhoods with little to no vehicle parking located in front yards, and high-quality pedestrian experience. Contrastingly, high amounts of curb cuts, front-yard vehicle parking, and vehicular priority is more characteristic of suburban-style development which Staff finds to be inappropriate for this area.
- While Staff is aware that there are legally non-conforming driveways and curb cuts that exist in the area, Staffs sees additional curb cuts in areas such as that of the subject site as an undesired precedent that slowly dissolves the character and intentions of urban neighborhoods, and unnecessary when improved alleys are present. With the subject site having access to the improved alley to the rear of the lot, where a vehicular garage already exists (see site visit photos below), Staff does not believe grant of the requested variance to be necessary, and does not find there to be a practical difficulty for the variance and therefore, recommends denial of the request.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	3.5-5 units/acre	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-5	North: Single-family residential
South:	D-5	South: Single-family residential
East:	D-5	East: Single-family residential
West:	D-5	West: Single-family residential
<b>Thoroughfare Plan</b>		
Mansfield Street	Local Street	50 feet of right-of-way existing and 48 feet proposed



<b>Context Area</b>	Compact
<b>Floodway / Floodway Fringe</b>	No
<b>Overlay</b>	No
<b>Wellfield Protection Area</b>	Yes, One-Year
<b>Site Plan</b>	11/21/24
<b>Site Plan (Amended)</b>	N/A
<b>Elevations</b>	N/A
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	12/31/24
<b>Findings of Fact (Amended)</b>	N/A

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- United Northwest Neighborhood Plan (2008)
- Indy Moves

**Pattern Book / Land Use Plan**

- Not applicable to this site.

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

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- The United Northwest Neighborhood Plan recommends Residential Uses at 3.5-5 units/acre for this site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**  
 (Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)



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- The Riverside Promenade is located approximately 400 feet from subject site.
- The Central White River Trail is located under ½ mile from the subject site.

## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

**2024DV2040, 2010 Mansfield Street (north of site);** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a parking area without exclusive alley access and a zero-foot south side yard setback (alley access required, five-foot side yard setback required), **approved.**

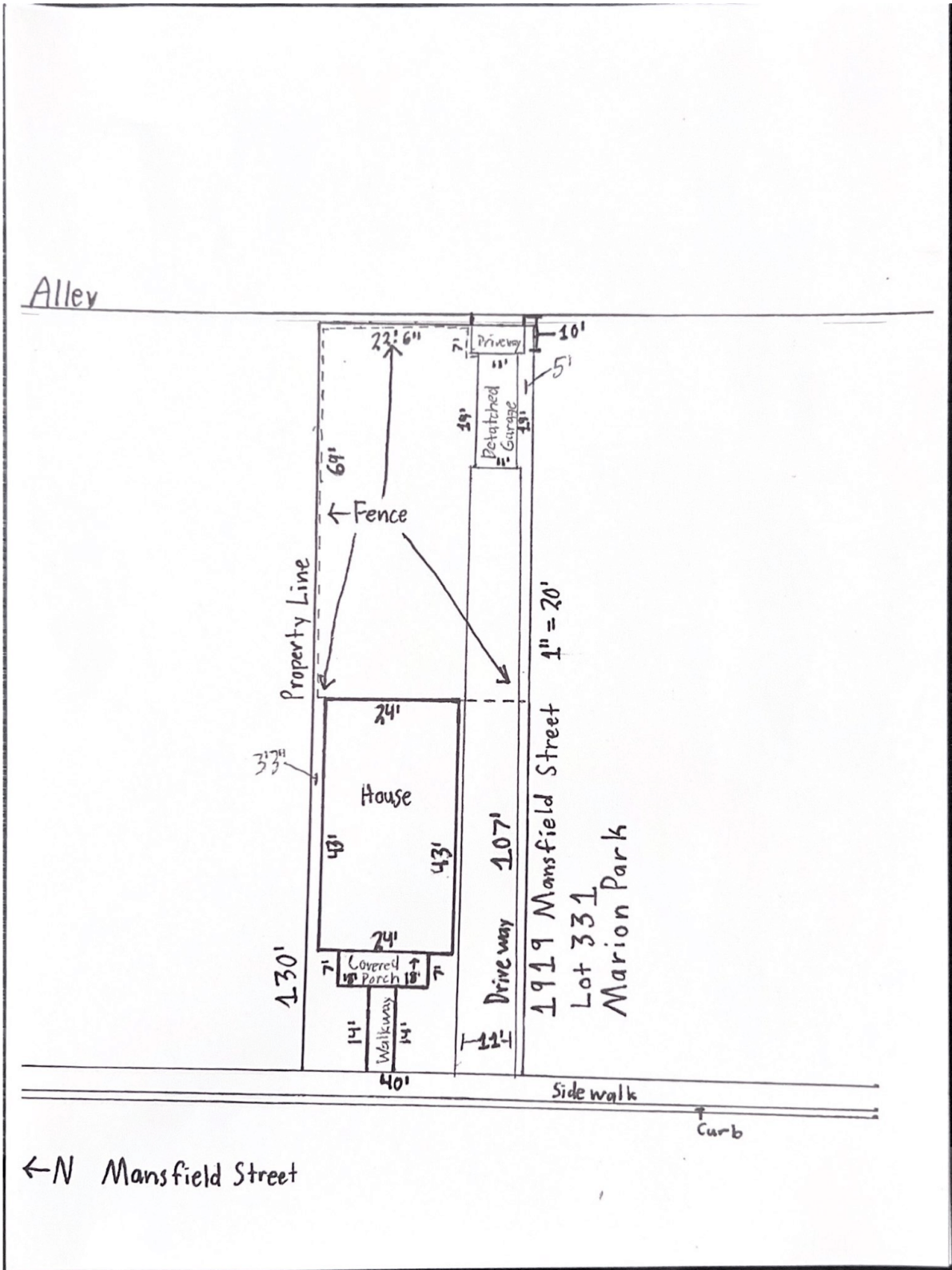
**88-Z-213, (east of site);** requested rezoning from the D-5 district, to the SU-1 classification, **denied.**



**EXHIBITS**























**BOARD OF ZONING APPEALS DIVISION I** **February 11<sup>th</sup>, 2025**

**Case Number:** 2025-DV1-001

**Property Address:** 4235 East 46<sup>th</sup> Street (Approximate Address)

**Location:** Washington Township, Council District #8

**Petitioner:** Tamara Brown Living Trust 8/13/2024 by Krieg DeVault LLP & Kevin G. Buchheit

**Current Zoning:** D-1

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a six-foot tall ornamental fence within the front yard of East 46<sup>th</sup> Street (maximum 3.5-foot tall fence permitted).

**Current Land Use:** Residential

**Staff Recommendations:** Staff recommends **denial** of this variance petition.

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

**PETITION HISTORY**

This is the second public hearing of this variance petition.

The first public hearing occurred on February 4<sup>th</sup>, 2025 where this variance petition was transferred to the Division II due to an insufficient number of board members needed to cast a vote.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this variance petition.

**PETITION OVERVIEW**

- This petitioner requests that a six-foot-tall decorative fence be allowed in the front yard of a property along East 46<sup>th</sup> Street.
- This property is two parcels totaling in 1.57 acres in a D-1 zoning district.
- The ornamental wrought iron style fence, which has already been constructed on the property, is intended to contain pets, to prevent the owners’ grandchildren from leaving the property, and to prevent the public from coming onto the property. This property has had issues with citizens using it as a location to turn vehicles around and get back onto 46<sup>th</sup> street.
- The City of Indianapolis Consolidated Zoning/Subdivision Ordinance only permits a fence in the front yard to be 3.5 feet in height.



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- Staff is recommending **denial** of this variance petition because there is no practical difficulty. The 6 (six) foot fence can be decreased in size to match the Ordinance standards.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-1	
<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-1 North: 0-1.75 Residential Units Per Acre
	South:	SU-34 South: Suburban Neighborhood
	East:	D-2 East: Suburban Neighborhood
	West:	D-2 West: Suburban Neighborhood
<b>Thoroughfare Plan</b>		
46 <sup>th</sup> Street	Primary Arterial	101 feet of right-of-way existing and 102 feet of right-of-way existing
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	Yes	
<b>Site Plan</b>	12/18/2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	12/18/2024	
<b>Findings of Fact (Amended)</b>	N/A	

**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 singlefamily housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be





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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 (pg 17).

**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 (pg 17).
- 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 (pg 18).

**Indy Moves**

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

- Not Applicable to the Site.



## ZONING HISTORY

### ZONING HISTORY – SITE

- N/A

### ZONING HISTORY – SURROUNDING AREA

- 2003-ZON-050: 5050 East 42<sup>nd</sup> Street
  - Rezone 10.49 acres from D-2 to SU-2 to provide for educational uses.
    - AP
- 2005-DV3-057: 3817 Devon Drive
  - Legally establish a 1,026-square foot paved off-street parking area located within the front yard and extending into the right-of-way (front yard only permitted to contain enough paving for access to/from the required off-street parking area; private improvements not permitted within the right-of-way), and to legally establish a 60-square foot shed with a zero-foot west side yard setback and a 96-square foot dog pen with a zero-foot east side yard setback (minimum seven-foot side yard and nineteen-foot aggregate side yard setbacks required) in D-2.
    - DIS
- 2008-SE3-004: 4602 North Emerson Avenue
  - Special Exception of the Wireless Communications Zoning Ordinance to provide for a 70-foot tall, wood pole wireless communications tower and associated ground equipment.
    - AP
- 2014-ZON-010: 4718 Fall Creek Parkway N Drive
  - Rezoning of 8.48 acres, from the D-4 (FF) (W-5) District, to the C-1 (FF) (W-5) classification to provide for a nursing home.
    - Approved
- 2019-ZON-073: 4227 East 46<sup>th</sup> Street
  - Rezoning of 2.9 acres from the SU-1 district to the D-1 district.
    - Approved
- 2021-DV2-018: 4102 East 42<sup>nd</sup> Street
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot tall privacy fence in the front yard of Forest Manor Avenue (maximum 3.5-foot tall fence permitted within the front yard).
    - Approved
- 2022-UV2-019: 4305 Glencairn Lane
  - Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a solar array within the front yard (not permitted).
    - Withdrawn
- 2023-CPL-859: 3838 East 46<sup>th</sup> Street
  - (Amended) Approval of a Subdivision Plat, to be known as Devon Creek, dividing 4.22-acres into ten single-family detached lots and one common area, including the vacation of an irregular portion of right-of-way at the northwest corner of the intersection of East 46<sup>th</sup>

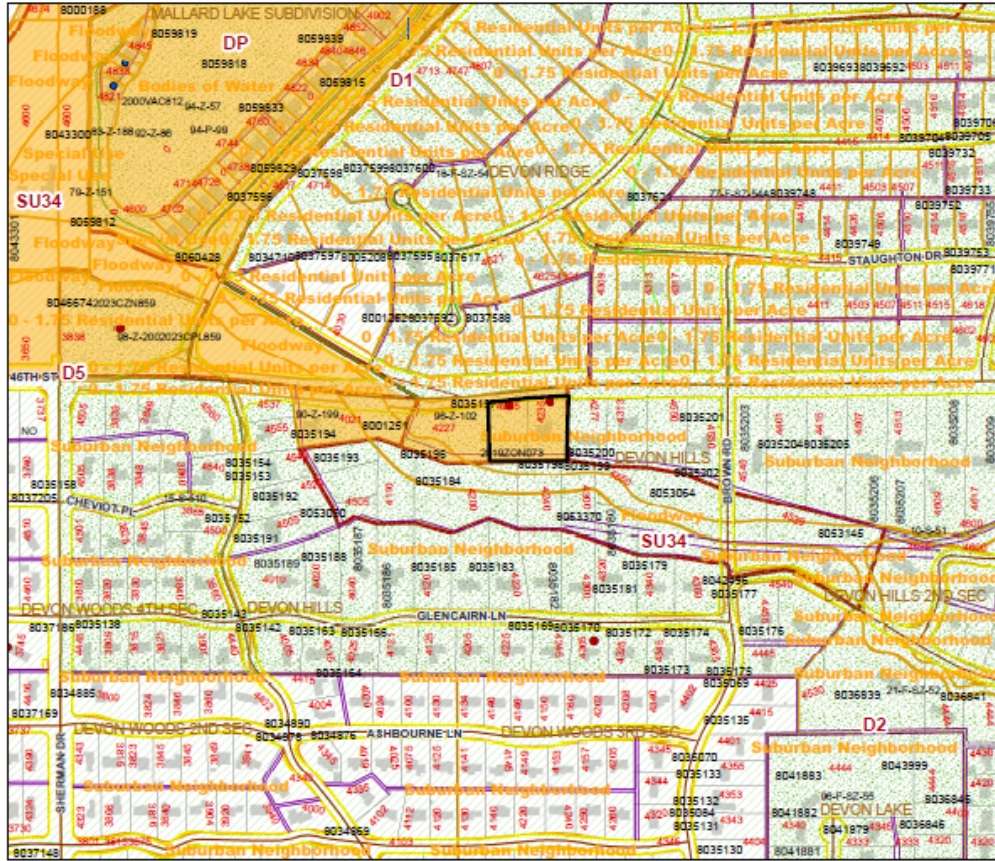


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Street and Millersville Road containing 2,307.8 square feet, with a waiver of the sidewalk requirement along a 65-foot segment of Millersville Road.

- Approved
- 2023-CVR-859: 3838 East 46<sup>th</sup> Street
  - Variance of Development Standards to provide for an access drive extending 34-feet into the Stream Protection Corridor of Devon Creek for a maximum length of 107 feet (100-foot Stream Protection Corridor Required) and a 68-foot front setback along 46th Street for property address 3860 East 46th Street (front building line range of 20 to 50 feet required).
    - Approved
- 2023-CZN-859: 3838 East 46<sup>th</sup> Street
  - Rezoning of 4.22 acres from the SU-1 (FW) (FF) to the D-5 (FW) (FF) district to provide for residential uses.
    - Approved

**EXHIBITS**



**Legend**

• ZoningApprovals	— Built/Platted
• ZoningLncu	<b>OPER_STATUS</b>
• ZoningVariances	— REMOVED
■ Rezoning	— VACATED
▨ ZoningVacations	— VACATED/BUILT
■ ZoningPlats	— VACATED/LOCATOR
— CCGIS.ThoroughfarePlan	■ CCGIS.DMDLandUsePlanBase
— CCGIS.EASEMENT	▨ CCGIS.lhpc
— CCGIS.RIGHTOFWAY	■ CCGIS.ZONING
<b>CCGIS.STREETS</b>	□ PARCELSTATEPIN
	□ PARCELS
	■ PLATTEDSUBDIVISION
	■ CCGIS.Buildings



Exhibit 1: ArcGIS map around 4235 East 46<sup>th</sup> Street.



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division [redacted]  
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:

There is no measurable injury to any community interest by the fence to either the subject property or to any surrounding property, the fence is an up-scale, attractive and ornate design that is a positive visual addition to the community, it does not provide any visual barrier (near-zero opacity), is in good scale and proportion to the 1.57-acre property, and is necessary to provide secure containment for pets and safety for children playing in the yard.

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:

There is no measurable adverse impact to any surrounding property by an up-scale attractive and ornate fence design with near-zero opacity that frames the residential property nicely and proportionally to the lot size and does not detract from the quality of the surrounding community.

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

The extra height of the fence is necessary to provide secure containment for pets and safety for children playing in the yard that a regulation-height fence cannot provide in a way that achieves the spirit and intent of the regulation to maintain an attractive street view and not exceed structural opacity.

Exhibit 2: Findings of Fact submitted by the petitioner.

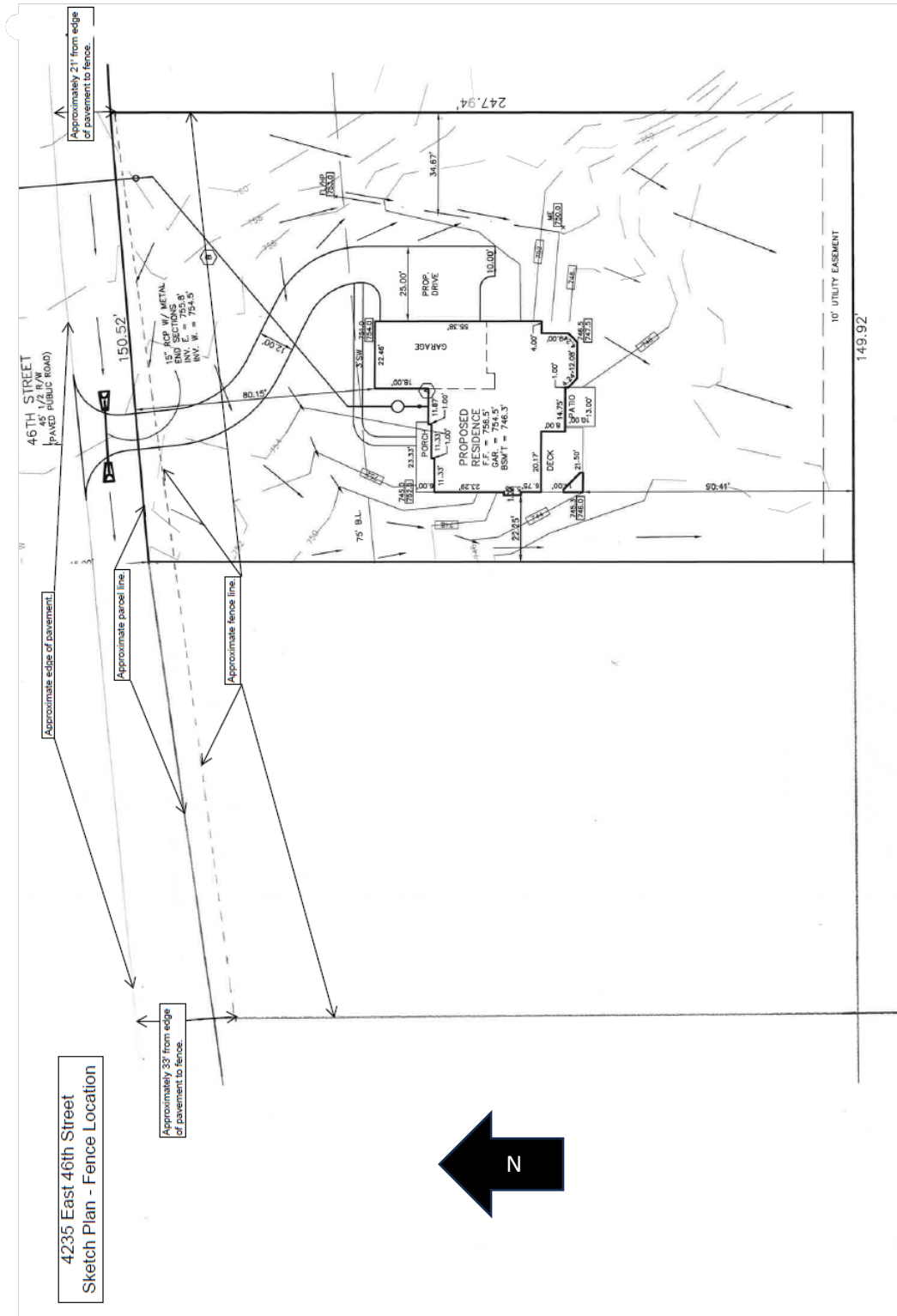


Exhibit 3: Site Plan of 4235 East 46th Street.



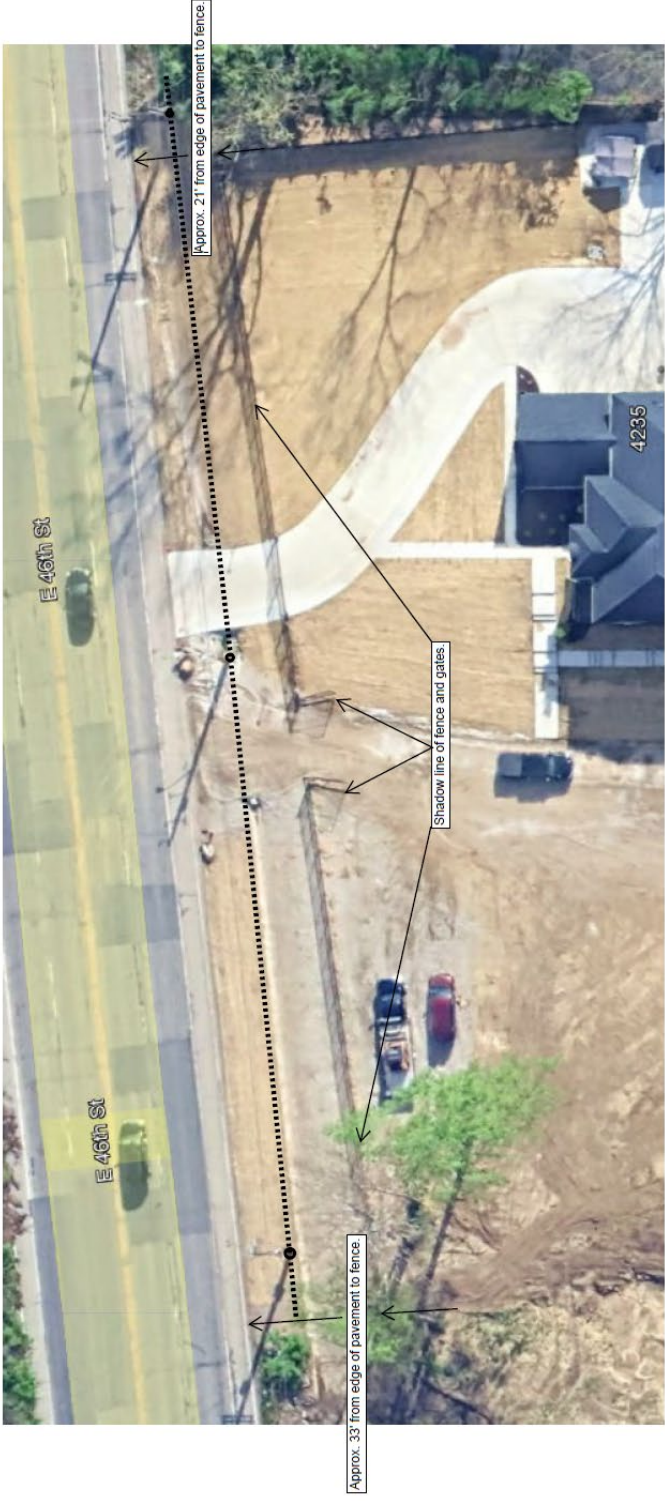


Exhibit 4: Aerial image with already constructed fence.



Exhibit 5: The primary structure at 4235 East 46<sup>th</sup> Street.





Exhibit 6: The fence.





Exhibit 7: The rest of the fence.





Exhibit 8: Looking down the length of the fence.





Exhibit 9: Looking east down 46<sup>th</sup> Street.





Exhibit 10: Looking west down 46<sup>th</sup> Street.





Exhibit 11: Neighbor across 46<sup>th</sup> Street from the subject property.



**BOARD OF ZONING APPEALS DIVISION I** **February 04, 2025**

**Case Number:** 2025-DV1-002

**Property Address:** 8751 Michigan Road (approximate address)

**Location:** Pike Township, Council District #1

**Petitioner:** C-4

**Current Zoning:** Drive-In of Evansville Inc., by Joseph D. Calderon

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eating establishment with 43 parking spaces (maximum 23 spaces permitted) and a drive-through with a service unit facing Bethany Road, stacking spaces within the front yards of Bethany and Founders Road (not permitted) and without an exclusive bypass aisle (required).

**Current Land Use:** Commercial

**Staff Recommendations:** Staff recommends approval of this petition.

**Staff Reviewer:** Desire Irakoze, Principal Planner II

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff is recommending **approval** of a drive-through with a service unit & stacking spaces within the front yard. Staff is recommending **denial** of the increase the maximum parking to 43 spaces. Staff is recommending **removal of the without an exclusive bypass's aisle.**

**PETITION OVERVIEW**

The subject property, located at 8751 Michigan Road, is a vacant lot that was previously occupied by Chase Bank. The site has existing drive-thru lanes, parking spaces, and access points. The proposed project is an infill development along Michigan Road, situated in an area with a mix of restaurant, office, and some residential uses. Notable businesses nearby include Stake 'N Shake, White Castle, and Panda Express across Michigan Road, as well as Zaxby's located across Bethany Road, all of which feature drive-thru facilities.





**Zoning and Development Standards:**

**Sec. 744-402.B (Table 744-402-1)- Maximum Parking Requirement.**

Table 744-402-1	Off-Street Vehicle Parking Spaces Required	
<b>LAND USE</b>	<b>Minimum</b>	<b>Maximum</b>
Eating Establishment or Food Preparation	1 per 150 sf	1 per 100 sf

The proposed site plan includes a 2,350-sf building. This would allow for a maximum of 23 parking spots (2350sf /100sf). The petitioner is requesting a variance allowing 43 spaces, an 87% increase in the maximum required parking. The petitioner is providing 22 parking spots in the carhop area alone.

It is anticipated that most customers will use either the Carhop area or the drive-thru, given the nature of the establishment (Sonic). With the peak employee count of 8 staff members, staff recommends **approval** of 31 parking spaces.

**Sec. 743-306. I.3 – Stacking & Front Yard Variance Request.**

“No service unit shall be located on a façade that is adjacent to or faces a public right-of-way that exceeds 30 feet in width. No off-street stacking space shall be located in a front yard that is along a public right-of-way that exceeds 30 feet in width.”

The subject property is a triple-frontage lot, a unique characteristic that poses challenges for strict adherence to certain zoning ordinance requirements (**Sec. 741-301. B.2**). However, the C-4 zoning district, which permits eating establishments and food preparation uses, allows for the development of drive-thru facilities. Staff recognizes that the hardship in this case arises from the unique site conditions and the constraints imposed by the zoning ordinance.

**Sec. 744-4-06. C.5**

“In the Metro Context area, sites with stacking spaces shall include an exclusive bypass aisle, driveway or other circulation area in the parking lot design to allow vehicles to bypass the stacking area.”

The petitioner has provided a site plan which shows an exclusive bypass lane. Therefore, this variance is no longer required.

**Project Description:**

The proposed development is an eating establishment with a drive-thru, which will facilitate the service of food and beverages directly to patrons in motor vehicles. The proposed use aligns



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with the definitions provided for "Restaurant, Drive-in or Drive-through" and "Eating Establishment or Food Preparation" as outlined in the zoning code.

The C-4 zoning district is designed to accommodate large-scale commercial and regional business uses, including drive-thru facilities, and the proposed development fits within the intended scope of the district.

In conclusion, this petition seeks approval for variances related to parking, stacking, and the location of service units, acknowledging the unique characteristics of the property and its conformance with the C-4 zoning district regulations. The applicant requests that the Board of Zoning Appeals approve the proposed plan and variance requests based on the existing site conditions and practical difficulties associated with strict application of the zoning ordinance.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-4	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: C-4	North: Residential
	South: D-P	South: Residential
	East: C-4	East: Golf Course
	West: C-4	West: Residential
<b>Thoroughfare Plan</b>		
Founders Road	Local Street	50-foot existing/proposed right-of-way
Bethany Road	Local Street	50-foot existing/proposed right-of-way
Michigan Road	Primary Arterial	134-foot existing/proposed right-of-way
<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>	04/09/2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	01/29/2025	
<b>Findings of Fact (Amended)</b>	N/A	



## 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 recommends this site to The Community Commercial typology provides for low-intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.
- The use of Sonic restaurant is in harmony should be in harmony with the character of the surrounding commercial properties in terms of materials, building placement, entrance location, and vehicle and service areas.

### 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

### ZONING HISTORY – SITE

**71-Z-223-B; 9301-9501 North Michigan Road**, Request rezoning of 61.493 acres of land being in C-2 and C-4 districts to a C-2 Classification to conform zoning boundaries to be platted. **Approved.**

### ZONING HISTORY – VICINITY

**83-Z-79; 3521 Founders Lane**, Request rezoning of 2.98 acres from the C-4 district to the C-6 classification to provide for commercial development. **Approved**

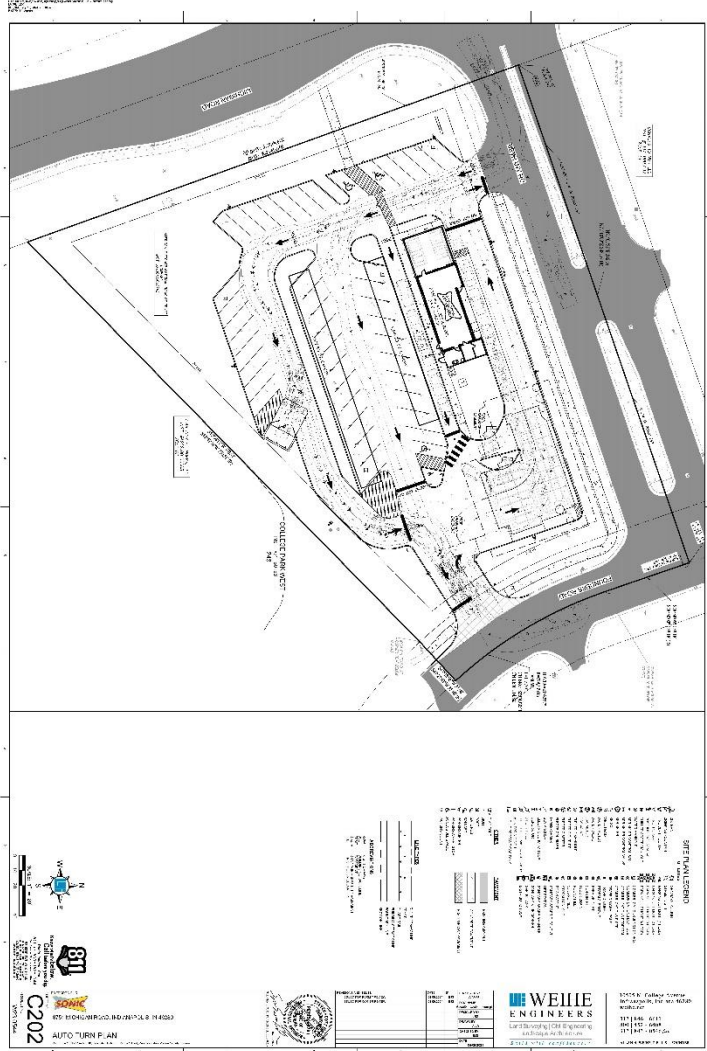
**2021ZON016; 3553 Founders Road**, Request the rezoning of 2.92 acres from the C-4 district to the D-P district to provide for 88 multifamily units at a density of 30 units per acre. **Approved.**

**EXHIBITS**

2025DV1002 ; Aerial Map



**2025DV1002; Site Plan**







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**2025DV1002; 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:

- i) the variance for a drive through service unit facing Bethany Road will not interfere with traffic or visibility to or from Bethany Road;
  - ii) the variance for stacking spaces fronting on Bethany and Founders Roads have no risk of stacking into the right-of-way; and
  - iii) the variance for exceeding the maximum number of parking spaces will not result in the reduction of required yards or setbacks.
- 
- 
- 
- 

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 proposed use and features triggering the variances will not result in any spill over from the subject property to adjoining properties, all setbacks will be met, and the previous use had a drive through operation as well.

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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:

the subject property has three front yards, which makes it impossible to meet all of the drive through requirements, and the proposed operation has a "drive-in" component, which counts towards off street parking spaces.

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**DECISION**

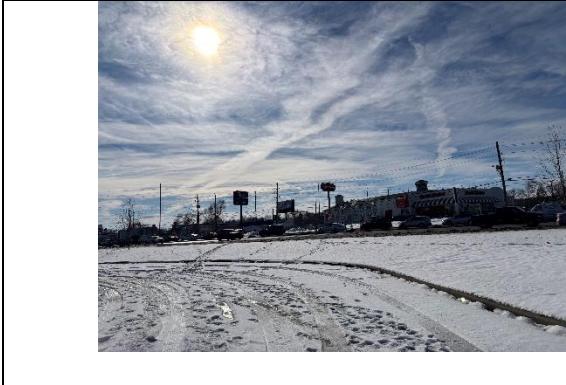
IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2025DV1002 ; Photographs**

	
<p>View looking at subject site</p>	<p>View on founders road look at surrounding commercial uses.</p>
	
<p>View south</p>	<p>View across Bethany Road to Zaxby's</p>



View across Michigan looking at Stake N Shake.





**BOARD OF ZONING APPEALS DIVISION II**

**February 11, 2025**

**Case Number:** 2024-DV2-047

**Property Address:** 5088 Bonnie Brae Street (approximate address)

**Location:** Washington Township, Council District #6

**Petitioner:** Samuel & Danielle Day

**Current Zoning:** D-2

**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 yard of 51<sup>st</sup> Street (maximum height of 3.5-feet permitted).

**Current Land Use:** Residential

**Staff Recommendations:** Denial

**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

**ADDENDUM FOR FEBRUARY 11, 2025 BZA DIVISION II HEARING**

- This petition was continued to the February 11, 2025 BZA Division II hearing due to insufficient notice on Staff's part.

**STAFF RECOMMENDATION**

- Staff **recommends denial** of this petition.

**PETITION OVERVIEW**

- This petition would provide for the location of a six-foot tall fence within the front yard of 51st Street (maximum height of 3.5-feet permitted).
- Fence heights in the front yards of residentially zoned properties is limited to 3.5 feet in height to maintain residential characteristics and to preserve open space and visibility. Staff finds that privacy fences of 6 feet or more in height represent a deviation of residential aesthetics and instead are characteristic of heavy commercial or industrial properties. Staff finds that the development represents a considerable change to the streetscape along West 51<sup>st</sup> Street.
- Additionally, Staff believes recommending approval of 6-foot privacy fences in front yards of residential properties to be an undesired precedent for the City's neighborhoods. Further, Staff would note that the Ordinance does not contemplate an exception to this standard for residential properties



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that contain more than one front lot line/front yard. Therefore, Staff does not find there to be sufficient practical difficulty for needing the requested variance and, for these reasons recommends denial of the request.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-2	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	North: Single-family residential
	South:	South: Single-family residential
	East:	East: Single-family residential
	West:	West: Single-family residential
<b>Thoroughfare Plan</b>		
Bonnie Brae Street	Local Street	60 feet of right-of-way existing and 50 feet proposed
West 51 <sup>st</sup> Street	Primary Collector	40 feet of right-of-way existing and 80 feet 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>	12/12/24	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	12/12/24	
<b>Findings of Fact (Amended)</b>	N/A	

**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 recommends the Suburban Neighborhood living typology for this 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**

- Regarding fences, the Infill Housing Guidelines recommends:
  - Do not build privacy fences in the front yard
  - Fences should fit the context of the block and neighborhood

**Indy Moves**

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

- Not Applicable to the Site.





## ZONING HISTORY

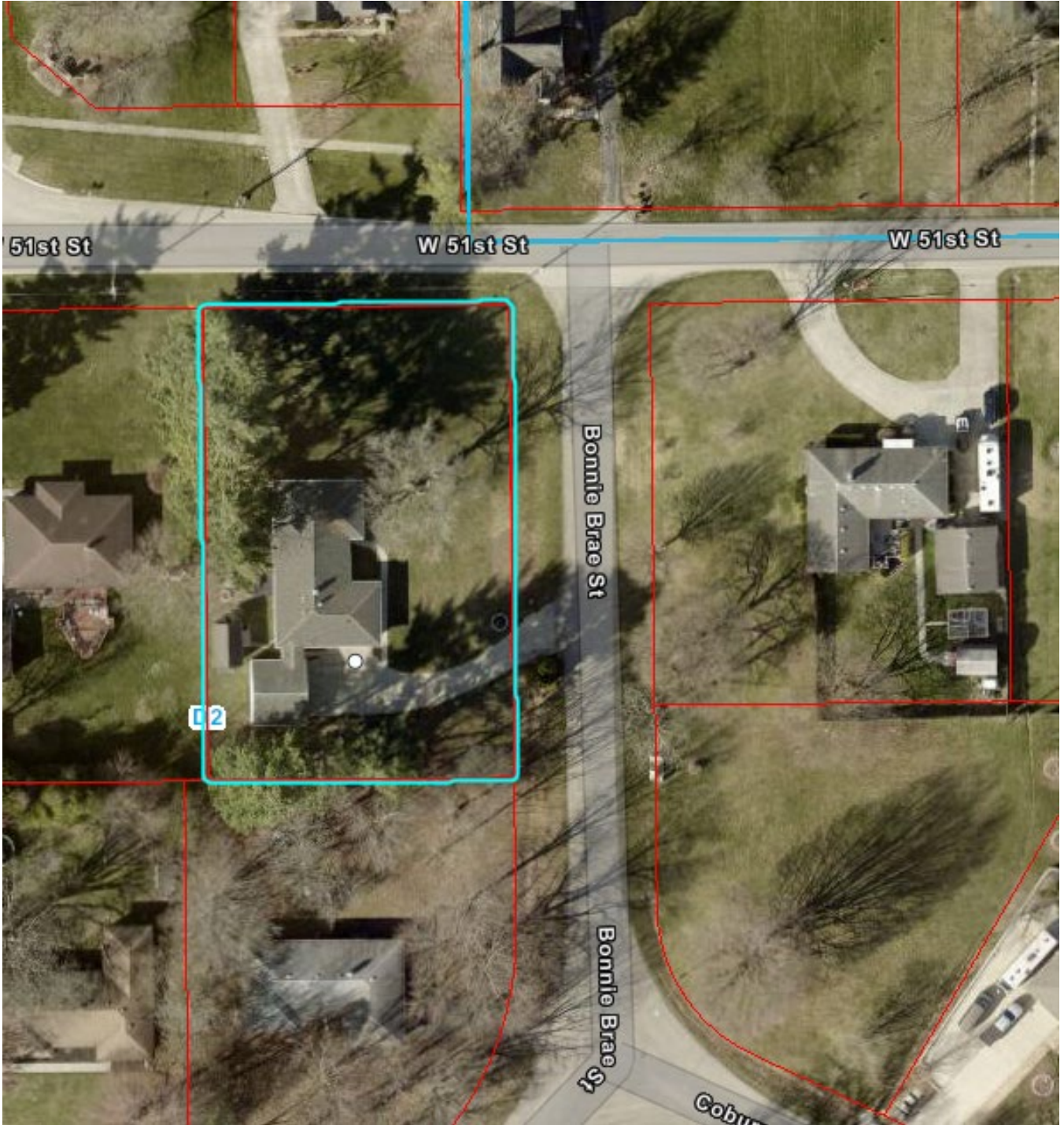
### ZONING HISTORY – SITE

N/A

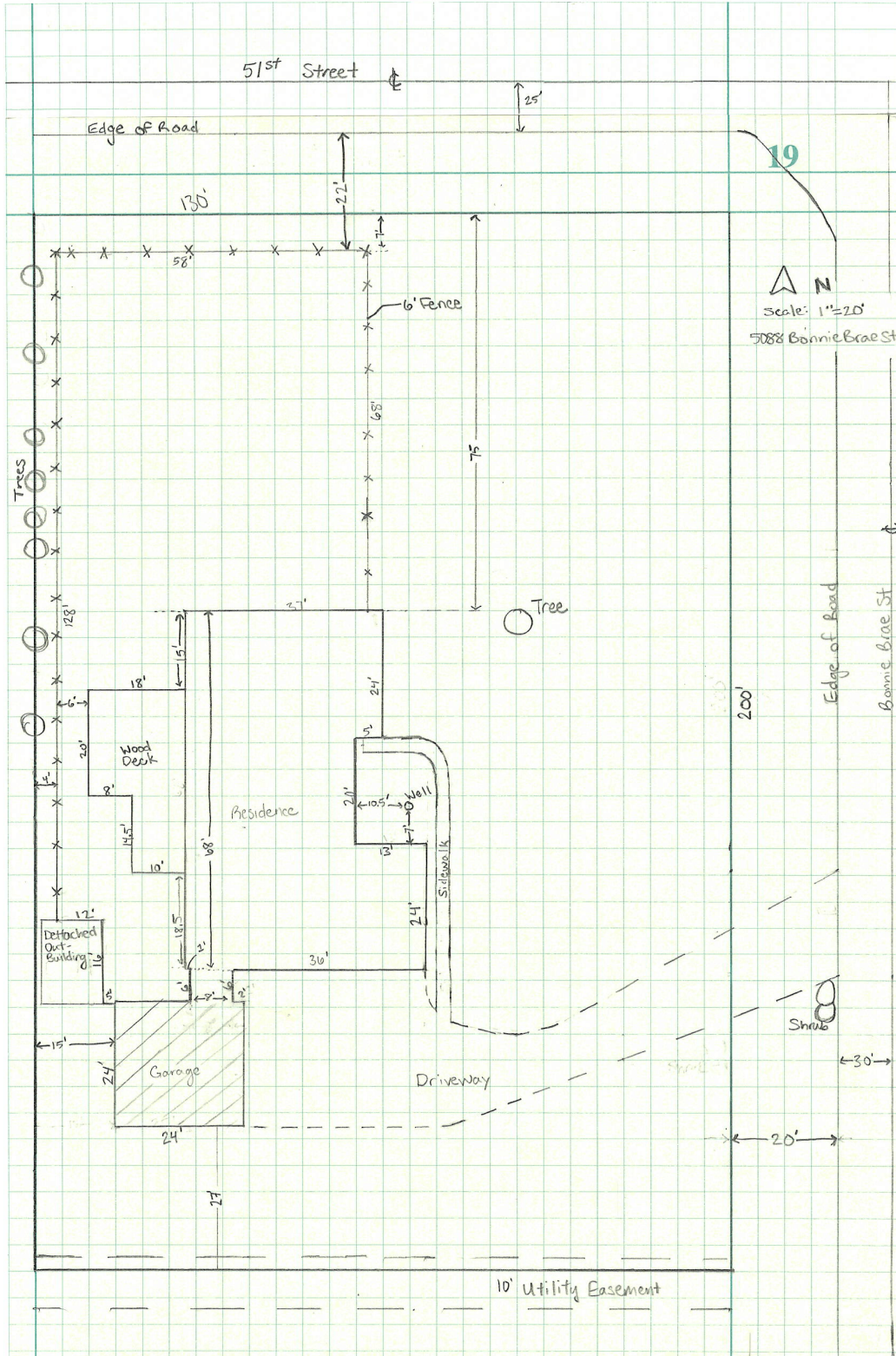
### ZONING HISTORY – VICINITY

**2023ZON109; 5136 Michigan Road (north of site),** Rezoning of 10.13 acres from the SU-1 district to the SU-2 district to provide for educational uses, **approved.**

**EXHIBITS**











Department of Metropolitan Development
Division of Planning
Current Planning

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 fence complies with all safety related regulations (e.g., setbacks, easements). Further, the fence is entirely on the property and does not touch neighboring lots.
In fact, the six-foot shadowbox fence ensures drivers along 51st Street and Bonnie Brae Street are not visually distracted or otherwise impacted by activity in the outdoor space at this property.

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 increases the value of the adjacent area by improving the property value of the property at 5088 Bonnie Brae Street.
Further, the fence maintains or improves the use of adjacent properties and roads by decreasing the risk of passersby (e.g., walkers, bikers, drivers) being visually distracted or otherwise impacted by activity in the outdoor space at this address.

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

the fence complies with applicable regulations (e.g., setback, easement) other than the height and opacity requirements for a fence located in the front yard of a lot in a D-2 district per Table 744-510-2 due to the unique classification of the majority of the property's yard as front yard.
The fence, as proposed, provides sound protection for current and future residents of the property. In addition to the safety benefits described above for passersby (e.g., walkers, bikers, drivers) on the road, the fence increases safety for current and future residents of the property by providing an enclosed outdoor space to engage in outdoor activities without the risk of engaging with passersby (e.g., walkers, bikers, drivers).
The strict application of the ordinance will result in less usable outdoor space due to the amount of the lot classified as front yard.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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\_\_\_\_\_  
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