



**BARTHOLOMEW COUNTY  
BOARD OF ZONING APPEALS  
(July 25, 2016 Meeting)**

**STAFF REPORT**

**Docket No. / Project Title:** B/DS-16-09 (Rebecca Douglas)  
**Staff:** Allie Keen  
**Applicant:** Rebecca Douglas  
**Property Size:** 14,369 Square Feet  
**Current Zoning:** RE (Residential: Established)  
**Location:** 1360 Tannehill Road, in German Township

**Background Summary:**

The applicant is requesting the following two development standards variances:

1. A variance from Zoning Ordinance Section 9.3(C)(1) to allow a chain link fence within the front yard of a residential property
2. A variance from Zoning Ordinance Section 9.3(C)(2) to allow a 60 inch (5 feet) tall fence in the front yard, 18 inches taller than the maximum 42 inches (3.5 feet) in height.

The subject property is a corner lot with 2 street frontages. The fence will be within the East Street front yard. The applicant proposes that only a portion of the fence will be black coated chain link in the front yard, with a majority of the fence being constructed of black aluminum.

**Preliminary Staff Recommendation:**

Variance #1: Fence Material: Denial, criteria #3 has not been met.

Variance #2: Fence Height: Approval, all criteria have been met.

**Zoning Ordinance Considerations:**

**District Intent:** The intent of the RE (Residential: Established) zoning district is as follows: To ensure the continued viability of neighborhoods and developments in existence on the effective date of the Zoning Ordinance. This district should be used to maintain traditional, contextually appropriate setbacks, uses, and other standards in a manner consistent with the Comprehensive Plan. This district should not be applied to any new development.

**Development Standards:**

1. Section 9.3(C)(1): Prohibited Fence Types: Chain link and similar woven metal fences shall not be permitted in the front yard of any residential use.
2. Section 9.3(C)(2): Height Limits: No fence or wall shall exceed a height of 8 feet in any side or rear yard or 42 inches in any front yard. When applying this subsection to through lots (which technically have 2 front yards), the front yard on to which the primary structure faces shall be considered the front yard, and the other front yard shall be considered a rear yard. Corner lots shall be considered as having 2 front yards, consistent with the other provisions of the Zoning Ordinance.

<b>Current Property Information:</b>	
<b>Land Use:</b>	Single-Family Residential
<b>Site Features:</b>	Home, detached garage, accessory structure, a driveway, and landscaping.
<b>Flood Hazards:</b>	This property is partially located within the 500-year floodway fringe.
<b>Vehicle Access:</b>	This property gains access from Tannehill Road (Collector) and East Street (Local).

<b>Surrounding Zoning and Land Use:</b>		
	<b>Zoning:</b>	<b>Land Use:</b>
<b>North:</b>	RE (Residential: Established)	Single-Family Residential
<b>South:</b>	RE (Residential: Established)	Methodist Episcopal Church of Taylorsville
<b>East:</b>	RE (Residential: Established)	Single-Family Residential
<b>West:</b>	CC (Commercial: Community)	Single-Family Residential

### **Planning Consideration(s):**

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The subject property is located at the corner of East Street and Tannehill Road, in Taylorsville. This property is a corner lot with two front yards. The main access to the property is off of Tannehill Road, with the driveway and front door facing this front yard. With the design of the home and layout of the lot, East Street acts more like a side/back yard. The applicant is proposing to install a fence within the East Street front yard.
2. Per Zoning Ordinance Section 9.3(C)(2), fences in the front yard of a residential property are limited to 42 inches (3.5 feet) in height. The proposed fence is to be 60 inches (5 feet) in height. The applicant has indicated that the fence is for the purpose of keeping unleashed dogs from entering their yard. The proposed location of the fence will not be within any sight visibility triangle.
3. The applicant is proposing the fence to be partially constructed of a black aluminum material and partially with black coated chain link material. The aluminum fencing will face Tannehill Road and a majority of the East Street frontage. The chain link will be located along the northeast corner and northern property line. Section 9.3(C)(1) prohibits chain link fencing within the front yard of a residential property. The intent of this provision is to protect the aesthetics of the neighborhood. There are some existing mature trees along the northeast and northern property lines that would provide some screening of the chain link fence, but it would still likely be visible from East Street.
4. The subject property is approximately 14,369 square feet in size with the back yard only 2,609 square feet. The average lot size of the surrounding properties is slightly smaller at 11,331 square feet; however, the average back yard of the surrounding properties is significantly larger at 7,252 square feet. The proposed fence would enclose a 5,260 square foot area, which is still less than the average back yard area in the neighborhood.
5. The applicant has indicated that there is a door from the residence that would allow access to the yard within the proposed fenced in area.

6. There is an existing chain link fence within the front yard of the property located at the northeast corner of Tannehill Road and Walnut Street, which is approximately 395 feet east of the subject property. The other fences in the immediate area are not located within the front yard.
7. The proposed location of the fence will not create a sight visibility issue with the neighboring property's driveway to the north, according to the standards in Zoning Ordinance Section 7.3(Table 7.7). Typically, motorists back out of a driveway so vegetation, structures, or fences outside of the visibility triangle could potentially cause an issue. However, there is already existing vegetation adjacent to this driveway on the subject property and the proposed fence will not be 100% opaque, which will allow for visibility through the fence.

**Provisional Findings of Fact/Decision Criteria (Variance #1 – Fence Material):**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Bartholomew County Zoning Ordinance. The Board may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

1. **The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

*Provisional Findings:* The proposed chain link fence will not be injurious to the public health and safety. The chain link will allow for visibility through the fence and it will not create any sight visibility issues for traffic on East Street or from the neighboring driveway. *This criterion has been met.*

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.**

*Provisional Findings:* There are other chain link fences in the area similar to what is being proposed. The existing vegetation on site will also partially obstruct the view of the chain link material. The overall use and value of the surrounding area will not be negatively impacted. *This criterion has been met.*

3. **The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.**

*Provisional Findings:* Although the area where the chain link material is proposed is treated like the back yard of the property, there is no difficulty in the use of the property that would require a chain link fence over a permitted fence material, such as wood, metal, or composite materials in this area. *This criterion **has not** been met.*

**Provisional Findings of Fact/Decision Criteria (Variance #2 – Fence Height):**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Bartholomew County Zoning Ordinance. The Board may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

1. **The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

*Provisional Findings:* The proposed fence height will not create a sight visibility issue at the corner of Tannehill Road and East Street. The proposed fence will extend to the property line, however, it will not create any visibility issues for the neighboring driveway. The fence is proposed to be constructed of materials that are not 100% opaque which allows for visibility through the fence. Approval of this request will not be injurious to the public health and safety.

*This criterion has been met.*

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.**

*Provisional Findings:* There is existing vegetation along the west and north property line that creates a separation between the subject property and neighboring properties. The presence of chain link fence along the vegetated area will have little to no effect on the surrounding properties. *This criterion has been met.*

3. **The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.**

*Provisional Findings:* The subject property is slightly larger than some of the surrounding properties, however, due to being a corner lot and the layout of the property, the “backyard” allowed area to be fenced in by the Zoning Ordinance is significantly less than the other properties. The proposed fence also allows access from the residence to the back yard. Because of the property layout there is a practical difficulty in the use of the property. *This criterion has been met.*

#### **Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.

**Columbus – Bartholomew County Planning Department  
Development Standards Variance Application**

**Planning Department Use Only:**

Jurisdiction:  Columbus  Bartholomew County

Zoning: \_\_\_\_\_

Docket No.: B/D5-16-09

Hearing Procedure:  Board of Zoning Appeals  Hearing Officer

---

**Development Standards Variance Application:**

---

**Note: It is recommended that all variance applications are reviewed in a meeting with a Planning Department staff member prior to being filed. Please contact the Planning Department at 812.376.2550 to schedule that review meeting.**

**Applicant Information (the person or entity that will own and/or execute what is proposed):**

Name: Rebecca Douglas

Address 1360 Tannehill Road, Taylorsville, Indiana 47280  
(number) (street) (city) (state) (zip)

Phone No.: 812-343-0504 Fax No.: \_\_\_\_\_ E-mail Address: tebadouglas@gmail.com

**Property Owner Information (the "owner" does not include tenants or contract buyers):**

Name: Timothy & Rebecca Douglas

Address 1360 Tannehill Road, Taylorsville, IN 47280  
(number) (street) (city) (state) (zip)

Phone No.: 812-343-0504 Fax No.: \_\_\_\_\_ E-mail Address: tebadouglas@gmail.com

**Notification Information (list the person to whom all correspondence regarding this application should be directed):**

Name: Becky Douglas

Address 1360 Tannehill Road, Taylorsville, IN 47280  
(number) (street) (city) (state) (zip)

Phone No.: 812-343-0504 Fax No.: \_\_\_\_\_ E-mail Address: tebadouglas@gmail.com

**How would you prefer to receive official documentation regarding this request (please check one)? If no or multiple selections are made e-mail will be used.**

Email  Fax  Mail

**Property Information:**

Address 1360 Tannehill Road, Taylorsville, IN 47280  
(number) (street) (city) (state) (zip)

or General Location (if no address has been assigned provide a street corner, subdivision lot number, or attach a legal description):

Corner of Tannehill Road and East Street, Taylorsville, IN 47280

**Variance Requested:**

I am requesting a variance from Section 9.3(c)(1) of the Zoning Ordinance to allow the following:

Installation of a 60" chain-link fence in the front yard of our residence to exclude wildlife, cats and dogs from entering our yard. The fence will be black aluminum ornamental fencing for 75 feet and black coated chain-link fencing for 75 feet.

**Variance Request Justification:**

The Indiana Code and the Columbus & Bartholomew County Zoning Ordinance establish specific criteria that must be met in order for a development standards variance to be approved. Describe how the variance request meets each of the following criteria.

- 1. **The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

Our residence is at the intersection of a collector and a local street. The fence will be 14 feet off the pavement on the East Street side and 40 feet on the Tannehill Road side of the house. This fence will not be in the sight visibility triangle. There is mature vegetation where the chain-link fencing will be installed so it will not be visible. There is a portion of 48" silver chain link fence already there that will be removed as part of this project.

- 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.**

This fence will not affect our neighbors in an adverse manner. There is only one property line shared where the fence is being built. The neighbor to our north already has a 6' privacy fence that our fence will join. They are in agreement with our chosen location and the material of the fence.

- 3. **The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed; nor be based on a perceived reduction of, or restriction on, economic gain.**

The orientation of our house on our double-frontage lot leaves us a very small back yard. Our lot is too large to install ornamental fencing on the entire lot due to the expense.

**Variance Requested:**

I am requesting a variance from Section 9.3(c)(2) of the Zoning Ordinance to allow the following:

Installation of a 60" fence in the front yard of our residence to exclude wildlife, cats and dogs. The fence will be black aluminum ornamental fencing for 75 feet and black coated chain-link fencing for 75 feet. We have a flock of chickens inside a 48" enclosure and a neighborhood dog running loose jumped the fence and killed our flock. We hope a 60" tall fence will keep unwanted animals out.

**Variance Request Justification:**

The Indiana Code and the Columbus & Bartholomew County Zoning Ordinance establish specific criteria that must be met in order for a development standards variance to be approved. Describe how the variance request meets each of the following criteria.

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

Our residence is at the intersection of a collector and a local street. The fence will be 14 feet off the pavement on the East Street side and 40 feet on the Tannehill Road side of the house. This fence will not be in the sight visibility triangle. There is mature vegetation where the chain-link fencing will be installed so it will not be visible. There is a portion of 48" silver chain link fence already there that will be removed as part of this project.

- 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.**

This fence will not affect our neighbors in an adverse manner because there is only one property line shared where the fence is being built. The neighbor to our north already has a 6' privacy fence that our fence will join. Part of the fence has existing mature vegetation and the rest will be landscaped.

- 3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed; nor be based on a perceived reduction of, or restriction on, economic gain.**

The orientation of our house on our double-frontage lot leaves us a very small back yard. A 42" fence would be allowed in the front yard without a variance. The proportion of our house, the orientation of our house on our lot, keeping dogs, cats and wildlife out of our yard, and enlarging the living area of our backyard makes a 60" fence a better choice. We have a back door that faces East Street and we would like that back door to open inside the fence.

**Application Fee Refund Information:**

The adopted Planning Department Schedule of Application Fees provides for the refunding of application fees for this request if it is approved by the Board of Zoning Appeals. The refund will be provided by mail in the form of a check. It may take several weeks after the Board of Zoning Appeals approval to process the refund and issue the check. Please indicate to whom the refund should be provided:

Name: Rebecca Douglas

Address PO Box 243, Taylorsville, IN 47280  
(number) (street) (city) (state) (zip)

**Applicant's Signature:**

The information included in and with this application is completely true and correct to the best of my knowledge and belief.

Rebecca Douglas  
(Applicant's Signature)

6-17-2016  
(Date)

**Owner's Signature** (the "owner" does not include tenants or contract buyers):

I authorize the filing of this application and will allow the Planning Department staff to enter this property for the purpose of analyzing this request. Further, I will allow a public notice sign to be placed and remain on the property until the processing of the request is complete.

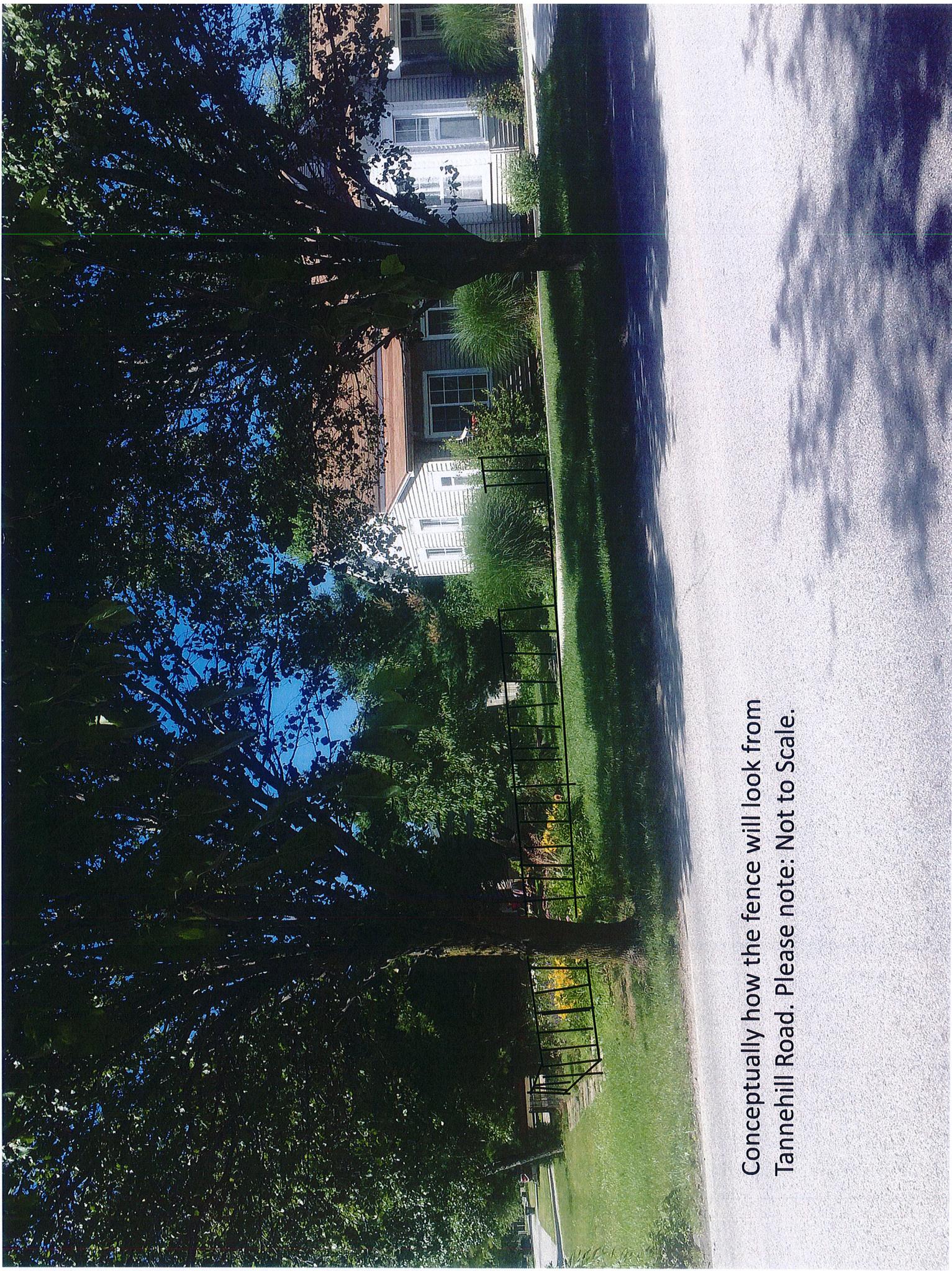
Rebecca Douglas  
(Owner's Signature)

6-17-2016  
(Date)

Rebecca Douglas  
(Owner's Printed Name)

If the person signing as the "owner" is not specifically listed as such in the records of Bartholomew County please indicate their relationship to that officially listed person, corporation or other entity.





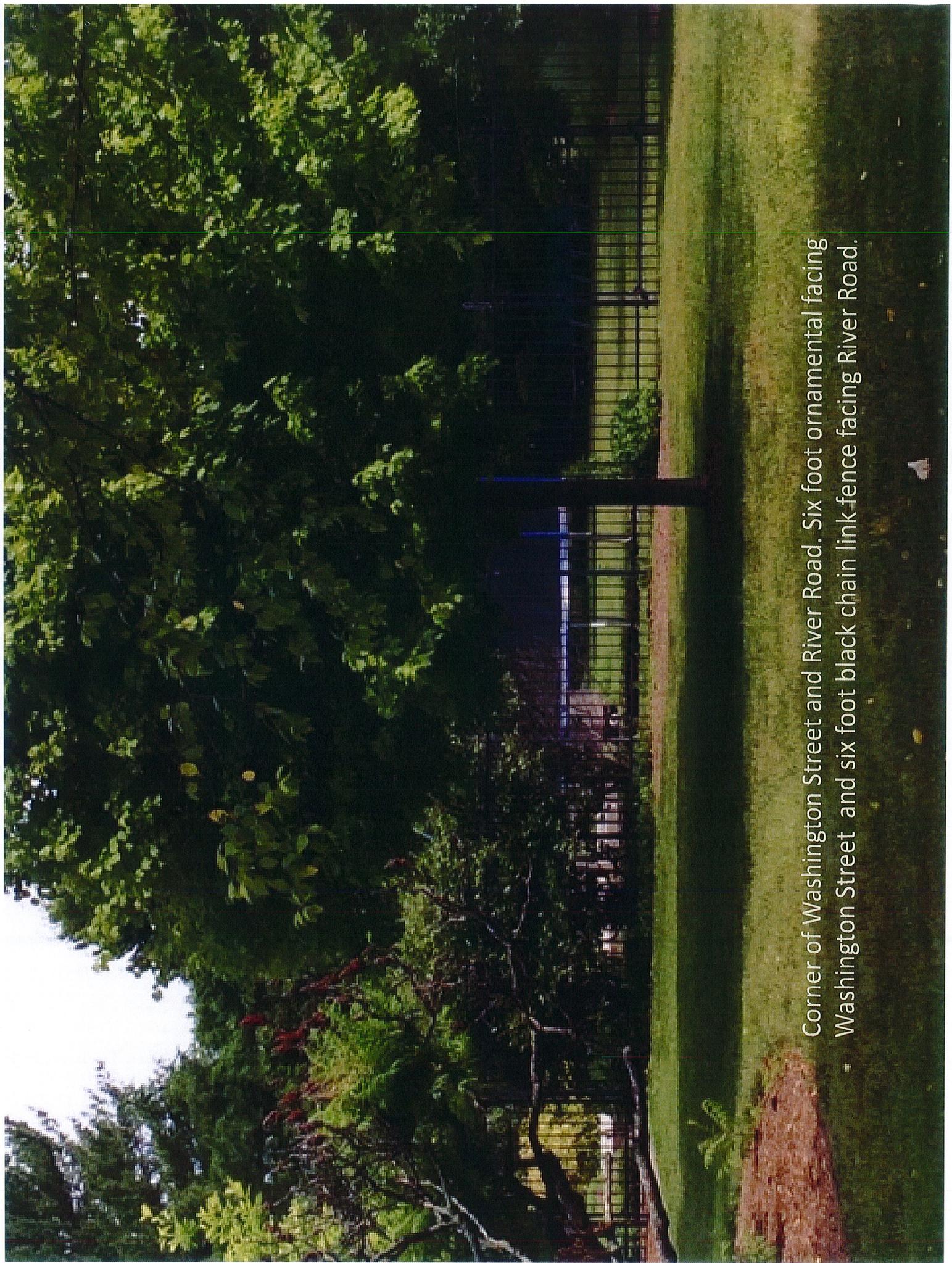
Conceptually how the fence will look from Tannehill Road. Please note: Not to Scale.



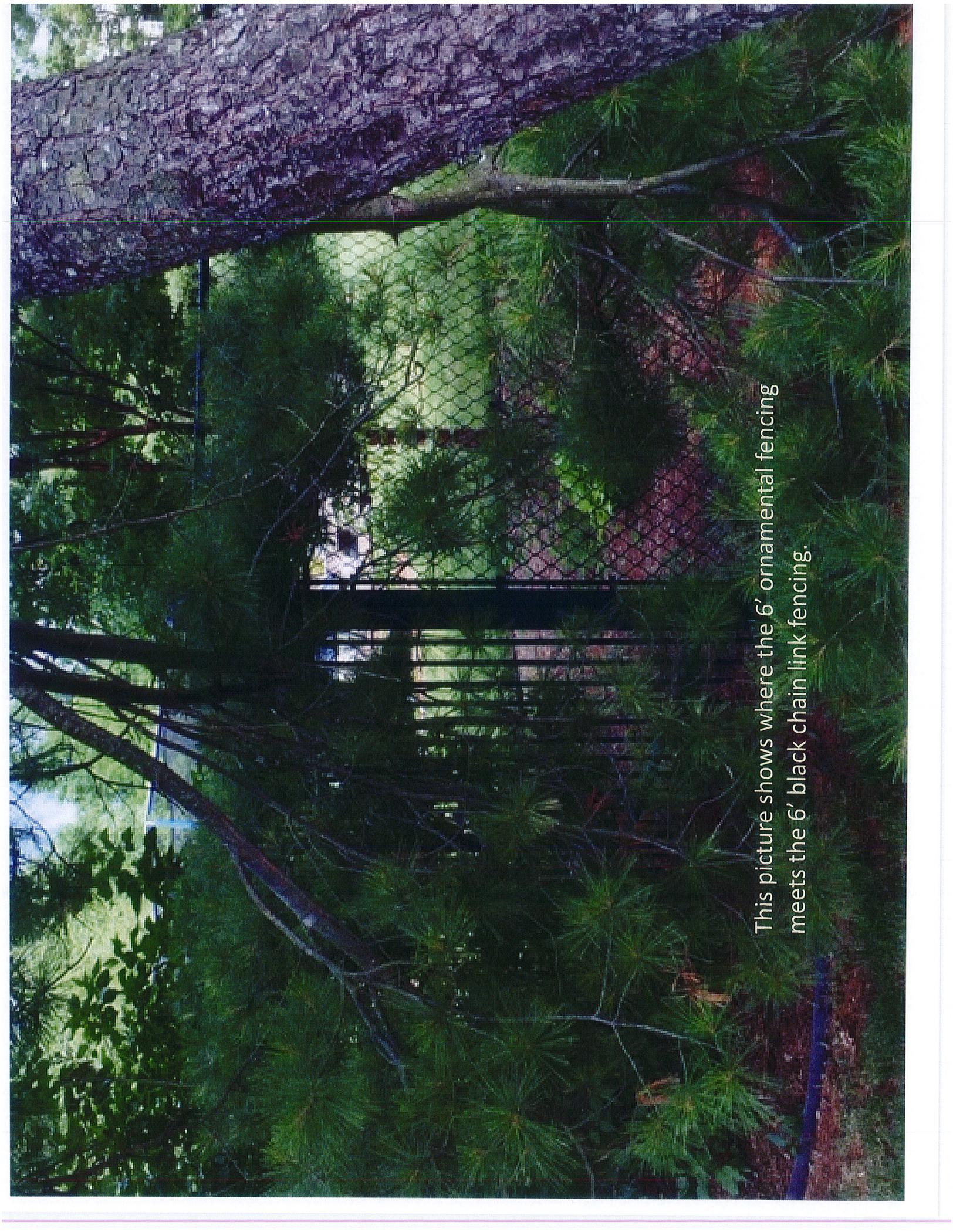
Conceptually how the fence will look from East Street. Not pictured are the gates. Please note: Not to Scale.



Example of a similar ornamental fence hooked to a chain-link fence



Corner of Washington Street and River Road. Six foot ornamental facing Washington Street and six foot black chain link fence facing River Road.



This picture shows where the 6' ornamental fencing meets the 6' black chain link fencing.