



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
(November 29, 2016 Meeting)**

STAFF REPORT

Docket No. / Project Title: C/DS-16-50 (Larry West)
Staff: Ashley Klingler
Applicant: Larry West
Property Size: 1.18 Acres
Current Zoning: RS2 (Residential: Single-Family 2)
Location: 1502 South Drive, in the City of Columbus

Background Summary:

The applicant has indicated that the proposed variances from Zoning Ordinance Section 9.3(C)(1) and Section 9.3(C)(2) are for the purpose of allowing the installation of a new fence to enclose their property. This new fence is located in the front yard, and its material and height violate the Zoning Ordinance. This request includes the following four variances:

- Variance #1: chain link fence in Taylor Road front yard.
- Variance #2: 6 ft. tall fence in Taylor Road front yard.
- Variance #3: chain link fence in South Drive front yard.
- Variance #4: 6 ft. tall fence in South Drive front yard.

Preliminary Staff Recommendation:

- Variance #1: Denial. Criterion #2 and #3 have not been met.
- Variance #2: Denial. Criterion #2 and #3 have not been met.
- Variance #3: Denial. Criteria #3 has not been met.
- Variance #4: Denial. Criterion #2 and #3 have not been met.

Zoning Ordinance Considerations:

District Intent: The "RS2", Residential, Single-Family zoning district is intended to provide areas for moderate density single-family residences in areas with compatible infrastructure and services. Such development should also provide residents with convenient access to Collector and Arterial streets, parks and open space, employment, and convenience goods.

Development Standards:

- Variance #1 & 3: Prohibited Fence Types: Chain link and similar woven metal fences shall not be permitted in the front yard of any residential use. [Section 9.3(C)(1)]
- Variance #2 & 4: No fence or wall shall exceed 42 inches in any front yard. [Section 9.3(C)(2)]

Current Property Information:	
Land Use:	Single-Family Residential
Site Features:	Single-Family Residence, wooded area
Flood Hazards:	According to Flood Insurance Rate Map (FIRM) 18005C0134, the subject property is located in Flood Zone X (Shaded), more commonly called the 500-year floodway fringe.
Vehicle Access:	Taylor Road (Minor Arterial, Residential, Suburban) South Drive (Local, Residential, Suburban)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	RS2 (Residential: Single-Family 2)	Sandy Hook United Methodist Church
South:	CR (Commercial: Regional Center)	Clifty Crossing Shopping Center
East:	AP (Agriculture: Preferred)	Agriculture
West:	RS2 (Residential: Single-Family 2)	Single- Family Residential

Interdepartmental Review:	
Technical Code Enforcement:	No issues with this proposal.
City Engineering:	<ol style="list-style-type: none"> 1. The fence is not in the sight visibility triangle. 2. The traffic (number of cars and speed) along Taylor Road is consistent with other arterial streets in Columbus. 3. The proposed fence cannot encroach into the Drainage Easement. If the City needed to perform maintenance in the easement, the fence could block these efforts. In addition, the fence could become clogged with debris and prevent the flow of water to the basin.
City Fire:	Columbus Fire Department does not have any issues with this request.
Floodplain Administrator:	<p>According to Flood Insurance Rate Map (FIRM) 18005C0134, the subject property is located in Flood Zone X (Shaded), more commonly called the 500-year floodway fringe.</p> <p>With respect to the Flood Hazard Area standards in the Zoning Ordinance, the proposed variances have no implications. I have no issues with these requests.</p>

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 a corner lot, and has two front yards (along Taylor Road and South Drive). The applicant is requesting to enclose their property with a 6 foot tall fence. Part of this fence is made of vinyl (along the east side of the residence), and the other part of the fence is black-coated chain link (behind the house, in the area used as a backyard). The Zoning Ordinance does not permit chain link in the front yard or fences taller than 42 inches in the front yard.
2. The proposed location of the fence is in the Taylor Road front yard and the South Drive front yard. The fence in the Taylor Road front yard encloses the "backyard". The fence in the South Drive front yard is along a wooded area and ends at the front property line. The new 6 foot tall fence is 595 linear feet. 284 linear feet of this fence is located in the front yards. Of the area in the front yards, approximately 219 feet is chain link.
3. The intent behind restricting chain link fences from the front yard is to preserve the aesthetic appeal of the front of the residences.
4. This property is on Taylor Road which is an Arterial Street with higher levels of traffic and visibility. This property is also an entrance into the Sandy Hook neighborhood.
5. The intent behind restricting the height of fences in the front yard is to not create a large blank wall close to the road. This property is setback from the Taylor Road sidewalk by approximately 50 feet.
6. The applicant previously had a fence that enclosed the property and a back-yard pool from 2004 to 2011. In 2011 the fence on the south and west sides of the property was removed. Since 2014 the applicant has removed the fence along Taylor Road and filled in the pool. Since this fence was removed it is no longer legal non-conforming and replacing it requires a variance or compliance with the Zoning Ordinance.
7. The proposed fence layout, provided by the applicant, shows the south-west corner of the fence encroaching in a drainage easement. This area is not in the front yard, so it does not directly affect the variance request. However, the applicant will need to work with the City Engineering Department to address the fence location in relationship to the drainage easement.
8. The subject property is located in the Sandy Hook neighborhood between Sandy Hook United Methodist Church, and Clifty Crossing Shopping Center. This property is one of the largest lots of the Sandy Hook neighborhood at 1.18 acres. The average lot size in the immediate vicinity is 0.56 acres.
9. Of the 1.18 acre property, 0.51 acres are in the front yard. If a 6 ft. tall fence enclosed the useable backyard area, there would be an area of approximately 0.25 acres. The average usable backyard in the immediate vicinity is 0.05 acres.
10. The applicant provided an exhibit ("Exhibit 3") showing the other chain link and tall fences in the Sandy Hook neighborhood. Their exhibit shows 50 properties with chain link and 36 that were too tall. After reviewing this list, the Planning Department staff found that most of these fences are actually compliant, because they are located out of the front yard. Chain link is permitted in a side or rear yard, and a fence can be up to 8 feet tall in a side or rear yard. There are a few fences in the neighborhood that do not comply with the current Zoning Ordinance. There are 2 properties that have chain link fences in the front yard, 3 properties that have fences that are too tall in the front yard, and 1 property where the fence is both chain link and too tall in the front yard. Of these 6 properties, 5 are corner lots. Three of these fences are used to enclose a "backyard" space and extend to one of the front property lines. The other 3 fences are barely in the front yard - the corners of these fences technically encroach into the front yard because of the angle of the fence, the location of the home, and the angle of the front property line. In general, there are not many fences in the front yards of the Sandy Hook neighborhood.
11. Using the same area as "Exhibit 3", the Sandy Hook neighborhood has 24 other corner lots. Only, five of these properties have non-compliant fences. These corner lots have frontages on two Local Streets. The subject property, however, has Taylor Road as a frontage, which is an Arterial Street.

Provisional Findings of Fact/Decision Criteria (Variance #1: Taylor Rd. Fence Material):

The Board of Zoning Appeals may approve or deny variances from the development standards of the City of Columbus 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 is not located in the sight visibility triangle, and will not cause any visibility issues for those using Taylor Road or South Drive. The chain link fence does not cause any issues for 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: The chain link fence does not meet the intent of the Zoning Ordinance to preserve the aesthetic appeal of the front of the residences. This property is on Taylor Road which is an Arterial Street with higher levels of traffic and visibility. This property is also an entrance into the Sandy Hook neighborhood. With such a prominent location, this property should meet the Zoning Ordinance intent to preserve the residential aesthetic of the neighborhood. Also, there are very few chain link fences in the front yards of the Sandy Hook neighborhood. *This criterion **has not** 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 used by the applicant as 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. The subject property is located along Taylor Road which is an Arterial Street. Having an opaque fence, such as wood or vinyl, would actually allow more privacy for the applicant. The subject property is larger than most of the surrounding properties in Sandy Hood neighborhood. Even after reducing the area to just the usable backyard, the subject property has a larger backyard than most of the neighborhood. *This criterion **has not** been met.*

Provisional Findings of Fact/Decision Criteria (Variance #2: Taylor Rd. Fence Height):

The Board of Zoning Appeals may approve or deny variances from the development standards of the City of Columbus 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 Taylor Road and South Drive. The fence is not located in the sight visibility triangle. 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: The subject property is larger than most of the surrounding properties in

Sandy Hood neighborhood. Even after reducing the area to just the usable backyard, the subject property has a larger backyard than most properties in the neighborhood. There are very few tall fences in the front yards of the Sandy Hook neighborhood. *This criterion **has not** 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 located along Taylor Road which is an Arterial Street. Having a tall opaque fence, such as wood or vinyl, would actually allow more privacy for the applicant. However, the subject property is larger than most of the surrounding properties in Sandy Hood neighborhood. Even after reducing the area to just the usable backyard, the subject property has a larger backyard than most of the neighborhood. There is no difficulty in the use of the property that would require the fence to be in the Taylor Road front yard, instead of aligned with the house. *This criterion **has not** been met.*

Provisional Findings of Fact/Decision Criteria (Variance #3: South Dr. Fence Material):

The Board of Zoning Appeals may approve or deny variances from the development standards of the City of Columbus 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 fence will not create any sight visibility issues for traffic on South Drive 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: The proposed fence is located along the wooded area and ends at the front property line. The wooded area blocks the visibility of the fence from the neighboring property to the west. The chain link design blends in with the wooded area, making the fence less noticeable and aesthetically displeasing. *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: There is no difficulty in the use of the property that would require a chain link fence to be in the South Drive front yard. *This criterion **has not** been met.*

Provisional Findings of Fact/Decision Criteria (Variance #4: South Dr. Fence Height):

The Board of Zoning Appeals may approve or deny variances from the development standards of the City of Columbus 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 6 foot tall fence will not be injurious to the public health and

safety. The chain link fence will not create any sight visibility issues for traffic on South Drive 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: The proposed fence is located along the wooded area and ends at the front property line. The wooded area blocks the visibility of the fence from the neighboring property to the west. There are very few tall fences in the front yards of the Sandy Hook neighborhood, making this fence out of character. *This criterion **has not** been met.*

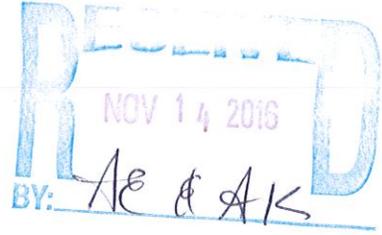
3. **The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.**

Provisional Findings: There is no difficulty in the use of the property that would require a 6 foot tall fence to be in the South Drive front yard. *This criterion **has not** 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: RS 2

Docket No.: C/PS-16-50

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: Larry E. West

Address 1502 South Drive Columbus, Indiana 47203
(number) (street) (city) (state) (zip)

Phone No.: (812) 350-6179 Fax No.: (812) 378-0279 E-mail Address: _____

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

Name: West Revocable Trust

Address 1502 South Drive Columbus, Indiana 47203
(number) (street) (city) (state) (zip)

Phone No.: (812) 350-6179 Fax No.: (812) 378-0279 E-mail Address: _____

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

Name: Chelsea M. Ringlespough (cringlespough@beckrocker.com) / Jeffrey C. Rocker (jrocker@beckrocker.com)

Address 320 Franklin Street Columbus, Indiana 47201
(number) (street) (city) (state) (zip)

Phone No.: (812) 372-8858 Fax No.: (812) 378-4732 E-mail Address: see Name

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 1502 South Drive Columbus, Indiana 47203
(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):

Variance Requested:

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

To allow a fence facing South Street to be made of chain link.

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.**

See attached.

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.**

See attached.

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.**

See attached.

Section 9.3(C)(1) of the Zoning Ordinance to allow a fence facing South Street to be made of chain link.

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

The variance provides no negative effect on public health, safety, morals, and general welfare of the community. The fence is not in the sight visibility triangle. The fence does not block any utility easements. The fence will not pose a safety hazard to any vehicles or pedestrians. The fence will not hinder or delay any emergency responders from accessing the property.

The purpose of the proposed variance is to improve a previously run down fence, in excess of 10 years old. The property currently has a chain link fence in the two side yards. The proposed fence will meet another fence at the corners of the lot, completely enclosing the property. The chain link fence is a continuation of those side yard fences. The currently proposed fence replaces an old fence, that would not have met the current Zoning Ordinance standards as applicable today. The proposed variance materials represent a significant improvement to the structural integrity of the fence.

The fence will act as a deterrent to theft. The property is the first lot in the entrance to the neighborhood. During the period between removing the old fence and replacing it with a new fence, the property was burglarized and subject to criminal mischief. See Exhibits 1 and 2.

Furthermore, the fence separates the property from a drain to the west of the house. The drain creates a six foot ditch, with the fence separating the two. The fence acts as a barrier to this potential hazard to children and the public. As there is a church directly across the street on South Street, this fence would act as a safety feature, rather than hazard, should any children from the church cross the street. The fence would signal the elevation change and deter any such children from approaching the ditch. Notably, the property in question is home to a grandchild with special needs and, as such, the fence operates to prevent the grandchild from accessing Taylor Road, the drainage ditch, or the detention pond located directly behind the house. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

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.

The fence does not obstruct any of the neighbors' driveways. There is no obstruction to any sidewalks that the privacy fence is near. There is no obstruction to any stop signs or crossing. The fence is aligned with the front of the house, as is consistent with the general fencing patterns within the neighborhood.

There is a church located directly across the street from the property on South Street, which also uses a chain link fence on their property. As such, the use of this material would not provide a substantial adverse effect as it conforms to their own fencing materials.

Furthermore, it is a common custom for the community in which this property is located to have a chain link fence in the front yard. Currently, a great number of the front yard fences in the neighborhood are made of chain link. See Exhibit 3. The areas adjacent to the property would

not be adversely affected as the two properties are separated by a drainage ditch easement and wooded area. The two property lines do not touch.

The proposed fence materials will either match or exceed the quality of materials used on the majority of the fencing in the neighborhood. Chain link fences last longer, are sturdy in adverse weather, and have a low maintenance ensuring that the fence will maintain its benefits long into the future. This is true even if new owners purchase the property. Further, the fence does not act as a visual barrier, because of the material. There currently exists chain link fencing to enclose areas behind the property surrounding a retention pond. The proposed fence will not deviate from, but conform to the current look and feel of the area.

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, restriction of, or restriction on, economic gain.

The property owners are the caretakers of a grandchild with special needs. The proposed variance will assist the owners in caring for the grandchild and ensuring the grandchild's safety. Chain link fencing is what is commonly used to keep children safely enclosed in school yards and thus is an ideal material to safely and adequately enclose the property under these circumstances. To further demonstrate, the church located directly across the street also selected the chain link material for its fence.

Raising a grandchild with special needs presents the owners with unique challenges and circumstances they are attempting to resolve with the proposed fencing. The proposed fence is the only barrier keeping the grandchild safe from harm. The property is unusual in that it is a corner lot with two 'front yards'. The fact that the property abuts both a busy street and the back of a commercial area makes the utilization of the property difficult. Permitting such a fence would allow the property owners to maximize the use of their property and therefore increase their own enjoyment, their grandchild's enjoyment and safety, and the value of the property.

The fence will completely enclose the area, allowing their grandchild to enjoy the property, free from danger, and deter theft. This will also allow them to let their dogs out into the yard, further deterring criminal activity. Criminals are less likely to burglarize homes with increased visibility. Permitting the fence to be chain link would enhance that visibility, while also creating a barrier. Both would act to deter crime. Criminals are likewise more likely to target corner lots as there are more avenues for escape.

There are elevation changes that limit the utility of the rear and side yards (those adjoining the detention pond and the drainage ditch). In addition, the right of way along Taylor Road further limits the "usable" area of the property. Preserving the level area is necessary for use of the property as a yard for the disabled resident.

Variance Requested:

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

To allow a fence facing South Street to be 6 feet tall, instead of the 42 inch maximum for front yards.

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.**

See attached.

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.**

See attached.

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.**

See attached.

Section 9.3(C)(2) of the Zoning Ordinance to allow a fence facing South Street to be 66 inches tall, instead of the 42 inch maximum requirement for front yards.

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

The property is located on a corner, with two 'front yards' per the Zoning Ordinance. There is a busy road, Taylor Road, running parallel to the east 'front yards' located on the right side of the house. The property across Taylor Road is farmland. Across the street there is a church, and behind the house is a commercially zoned area containing among other places, a PetCo, a Hobby Lobby, Best Buy, Verizon Wireless, Bed Bath & Beyond, and various commercial businesses increasing the number of people traveling to the area. Directly behind the house is located a retention pond surrounded by a chain link fence, serving the commercial use. To the west of the property, there is a drainage ditch. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Rather, the proposed variance will improve the health, public safety, morals, and general welfare of the community.

The purpose of the proposed variance is to improve a previously run down fence, in excess of 10 years old. The property currently has a 6-foot fence in the back and side yard. As the property is a corner lot, which normally would be considered a side yard is classified as a second 'front yard'. The proposed variance is a continuation of the current back and side yard fencing, thus completely enclosing the property. This variance provides continuity in the design and is therefore pleasing to the eye. The currently proposed fence replaces an old fence, that was six feet tall, the same height as the new fence.

The fence will act as a deterrent to theft. The property is the first lot in the entrance to the neighborhood. During the period between removing the old fence and replacing it with a new fence, the property was burglarized and subject to criminal mischief. See Exhibits 1 and 2. After the fence was replaced, there have been no further incidents.

As the lot at issue is exposed to the road and nearby commercial area, there exists a valid safety concern. The height of the fence is therefore necessary to discourage people from attempting to jump the fence. The height makes it more likely for a burglar to be seen climbing the fence, thus decreasing the likelihood and risk a burglar would target this home in advance or as a spontaneous decision. As a result of the high visibility of the home from the road, simple precautions such as the extra height on the fence not only make the lot less attractive to burglars, but it makes the neighborhood less attractive to burglars making a spontaneous decision.

Furthermore, the fence separates the property from the retention pond used for the commercial properties. Therefore, the fence provides a further barrier to this potential hazard to children and the public. Notably, the property in question is home to a grandchild with special needs and, as such, the fence operates to prevent the grandchild from accessing Taylor Road, the neighborhood, or the detention pond. Additionally, as the fence would provide the only barrier between the road and the property, the extra height provides additional strength to the barricade should any cars run off the road.

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.

The fence height does not obstruct any of the neighbors' driveways. There is no obstruction to any sidewalks that the privacy fence is near. There is no obstruction to any stop signs or crossing. The fence is aligned with the front of the house, as is consistent with the general fencing patterns within the neighborhood.

There is a church, rather than a residential home, located across the street from the property on South Street. As such, the height would not provide a substantial adverse effect to the residential neighbors. The height of the fence would only act to further block the view of the commercial area from the church's line of sight, thus benefiting the nearby property owners.

The areas adjacent to the property would not be adversely affected as the two properties are separated by a drainage ditch easement and wooded area. This separation acts as a barrier, blocking the fence the neighbor's view from within their house, thus reducing any negative effect it might have.

Furthermore, it is a common custom for the community in which this property is located to have a six foot fence in the front yard. Currently, a great number of the front yard fences in the neighborhood are taller than the 42 inch maximum. See Exhibit 3.

The proposed fence height is consistent with the majority of the fences in the surrounding area. Further, the additional height of the fence does not act as a visual barrier, because of the material. The proposed height is consistent with the side yard fence heights to which it would meet at the corners of the property. The proposed fence will not deviate from, but conform to the current look and feel of the area.

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, restriction of, or restriction on, economic gain.

The property owners are the caretakers of a grandchild with special needs. The proposed variance will assist the owners in caring for the grandchild and ensuring the grandchild's safety. Having the fence completely enclose the yard at a height that the grandchild cannot easily climb will allow the grandchild to spend quality time outdoors in a safe manner.

Raising a grandchild with special needs presents the owners with unique challenges and circumstances they are attempting to resolve with the proposed fencing. The height restrictions provide practical difficulties as it would prevent them from providing a safe enclosure for their grandchild to play. The height of the fence will deter the grandchild from attempting to climb the fence, and deter others in the neighborhood or from the nearby church from climbing the fence. As previously mentioned, the owners are concerned for the safety of the grandchild as their property is in such close proximity to an eight-foot-deep retention pond, a six-foot-deep drainage ditch, and two roads, one of which has high volume traffic, consistently throughout the day. The proposed fence is the only barrier keeping the grandchild safe from harm.

The property is unusual in that it is a corner lot with two 'front yards'. The fact that the property abuts both a busy street and the back of a commercial area makes the utilization of the property difficult. Permitting such a fence would allow the property owners to maximize the use of their property and therefore increase their own enjoyment, their grandchild's enjoyment and safety, and the value of the property.

As previously mentioned, the lot's unique location provides conditions that are enticing to burglars. Having a commercial neighbor both across the street and behind the property and an agricultural property to the east of Taylor road means this lot only has one residential neighbor. The lot is further secluded from this neighbor by a wooded area and drainage ditch. Criminals are much more likely to target homes with less neighbors for fear of getting caught. The result is equitable as the fence height would counteract the property's unique hazards, making the risk to this property on a similar scale to other properties in the neighborhood.

Variance Requested:

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

To allow a fence facing Taylor Road to be made of chain link.

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.**

See attached.

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.**

See attached.

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.**

See attached.

Section 9.3(C)(1) of the Zoning Ordinance to allow a fence facing Taylor Road to be made of chain link.

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

The variance provides no negative effect on public health, safety, morals, and general welfare of the community. The fence is not in the sight visibility triangle. The fence does not block any utility easements. The fence will not pose a safety hazard to any vehicles or pedestrians. The fence will not hinder or delay any emergency responders from accessing the property. The fence does not encroach on the Taylor Road right of way. As such it would not interfere with any of the city's future plans for that particular stretch of road.

The purpose of the proposed variance is to improve a previously run down fence, in excess of 10 years old. The property currently has a chain link fence in the two side yards. The proposed fence will meet another fence at the corners of the lot, completely enclosing the property. The chain link fence is a continuation of those side yard fences. The currently proposed fence replaces an old fence, that would not have met the current Zoning Ordinance standards as applicable today. The proposed variance materials represent a significant improvement to the structural integrity of the fence, providing a proper barrier between Taylor Road and the home. Each post is made of steel and cemented into the ground. Chain link fences are superior in absorbing the impact of a vehicle, which is why it is used as an effective safety barrier for parks and schools. Excluding the fence, there is one small tree located between the home and Taylor Road. Taylor Road experiences high levels of traffic, increasing this lot's vulnerability to vehicle accidents running off the road and onto the property. A chain link fence would provide more safety to both the occupants of the property and the driver and occupants of the vehicle by reducing its speed and momentum.

The fence will act as a deterrent to theft. The property is the first lot in the entrance to the neighborhood. During the period between removing the old fence and replacing it with a new fence, the property was burglarized and subject to criminal mischief. See Exhibits 1 and 2.

Furthermore, the fence separates the property from a detention pond directly behind the house and a drain to the west of the house. The drain creates a six-foot ditch, with the fence separating the two. The detention pond is part of a commercially zoned business park to which the property abuts. The detention pond has an eight foot drop in elevation. The proposed fence enclosing the property separates the level yard inside the fence, from the slope. Therefore, the fence provides a further barrier to this potential hazard to children and the public. As there is a church directly across the street on South Street, this fence would act as a safety feature, rather than hazard, should any children from the church cross the street. The fence would signal the elevation change and deter any such children from approaching the ditch and the detention pond. Notably, the property in question is home to a grandchild with special needs and, as such, the fence operates to prevent the child from accessing Taylor Road, the drainage ditch, or the detention pond located directly behind the house. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

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.

The fence does not obstruct any of the neighbors' driveways. There is no obstruction to any sidewalks that the privacy fence is near. There is no obstruction to any stop signs or crossing. The fence is aligned with the front of the house, as is consistent with the general fencing patterns within the neighborhood.

There is a church located directly across the street from the property on South Street, which also uses a chain link fence on their property. As such, the use of this material would not provide a substantial adverse effect as it conforms to their own fencing materials.

Furthermore, it is a common custom for the community in which this property is located to have a chain link fence in the front yard. Currently, a great number of the front yard fences in the neighborhood are made of chain link. See Exhibit 3. The areas adjacent to the property would not be adversely affected as the two properties are separated by a drainage ditch easement and wooded area. This separation acts as a barrier, blocking the chain link fence the neighbor's view from within their house.

The proposed fence materials will either match or exceed the quality of materials used on the majority of the fencing in the neighborhood. Chain link fences last longer, are sturdy in adverse weather, and have a low maintenance ensuring that the fence will maintain its benefits long into the future. This is true even if new owners purchase the property. Further, the fence does not act as a visual barrier preserving the openness of the neighborhood. There currently exists chain link fencing to enclose areas behind the property surrounding a detention pond. The proposed fence will not deviate from, but conform to the current look and feel of the area.

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, restriction of, or restriction on, economic gain.

The property owners are the caretakers of a grandchild with special needs. The proposed variance will assist the owners in caring for the grandchild and ensuring the grandchild's safety. Chain link fencing is what is commonly used to keep children safely enclosed in school yards and thus is an ideal material to safely and adequately enclose the property under these circumstances. To further demonstrate, the church located directly across the street also selected the chain link material for its fence.

Raising a grandchild with special needs presents the owners with unique challenges and circumstances they are attempting to resolve with the proposed fencing. As previously mentioned, the owners are concerned for the safety of the grandchild as their property is in such proximity to a detention pond, a drainage ditch, and two roads, one of which experiences high volume traffic. The proposed fence is the only barrier keeping the grandchild safe from harm. The structural integrity of a chain link fence is much greater than the previous wood material, creating a proper barrier between Taylor Road and the home. Each post is made of steel and cemented into the ground. Chain link fences are superior in absorbing the impact of a vehicle, which is why it is used

as an effective safety barrier for parks and schools. Excluding the fence, there is one small tree located between the home and Taylor Road. Taylor Road experiences high levels of traffic, increasing this specific lot's vulnerability to vehicle accidents running off the road and onto the property. A chain link fence would provide more safety to both the occupants of the property and the driver and occupants of the vehicle by reducing its speed and momentum.

The property is unusual in that it is a corner lot with two 'front yards'. The fact that the property abuts both a busy street and the back of a commercial area makes the utilization of the property difficult. Permitting such a fence would allow the property owners to maximize the use of their property and therefore increase their own enjoyment, their grandchild's enjoyment and safety, and the value of the property.

An enclosed fence also deters theft. The property owners can let their dog out into the yard, further deterring criminal activity. This lot is located in a highly visible area. Criminals are less likely to burglarize homes with increased visibility. Permitting the fence to be chain link would enhance that visibility, while also creating a barrier. Both would act to deter crime. Criminals are likewise more likely to target corner lots as there are more avenues to escape the home. This lot in particular is in close proximity to Taylor Road, the drain easement, and the detention pond directly abutting a frequently empty commercial business park provides several escape routes, making this lot more favorable to criminal activity than the others in the surrounding area.

Variance Requested:

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

To allow a fence facing Taylor Road to be 6 feet tall, instead of the 42 inch maximum for front yards.

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.**

See attached.

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.**

See attached.

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.**

See attached.

Section 9.3(C)(2) of the Zoning Ordinance to allow a fence facing Taylor Road to be 66 inches tall, instead of the 42 inch maximum requirement for front yards.

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

The property is located on a corner, with two 'front yards' per the Zoning Ordinance. There is a busy road, Taylor Road, running parallel to the east 'front yards' located on the right side of the house. The property across Taylor Road is farmland. Down the street there is a church, and behind the house is a commercially zoned area containing among other places, a PetCo, a Hobby Lobby, Best Buy, Verizon Wireless, Bed Bath & Beyond, and various commercial businesses increasing the number of people traveling to the area. Directly behind the house is located a detention pond surrounded by a chain link fence, serving the commercial use. To the west of the property, there is a drainage ditch. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Rather, the proposed variance will improve the health, public safety, morals, and general welfare of the community.

The purpose of the proposed variance is to improve a previously run down fence, in excess of 10 years old. The property currently has a 6-foot fence in the back and side yard. As the property is a corner lot, that which normally would be considered a side yard is classified as a second 'front yard'. The proposed variance is a continuation of the current back and side yard fencing, thus completely enclosing the property. This variance provides continuity in the design and is therefore pleasing to the eye. The currently proposed fence replaces an old fence, that was six feet tall, the same height as the new fence.

The height of the fence facing South Street provides a barrier from the inhabitants of the yard to the street and ongoing traffic. The fence acts as a deterrent to criminal activity and break-ins. During the period between removing the old fence and replacing it with a new fence, the property was burglarized and subject to criminal mischief. See Exhibits 1 and 2. After the fence was replaced, there have been no further incidents.

As the lot at issue is exposed to the road and nearby commercial area, there exists a valid safety concern. The height of the fence is therefore necessary to discourage people from attempting to jump the fence. The height makes it more likely for a burglar to be seen climbing the fence, thus decreasing the likelihood and risk a burglar would target this home in advance or as a spontaneous decision. As a result of the high visibility of the home from the road, simple precautions such as the extra height on the fence not only make the lot less attractive to burglars, but it makes the neighborhood less attractive to burglars making a spontaneous decision.

Furthermore, the fence separates the property from the detention pond used for the commercial properties. Therefore, the fence provides a further barrier to this potential hazard to children and the public. Notably, the property in question is home to a grandchild with special needs and, as such, the fence operates to prevent the grandchild from accessing Taylor Road, the neighborhood, or the detention pond. Additionally, as the fence would provide the only barrier between the road and the property, the extra height provides additional strength to the barricade should any cars run off the road.

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.

The fence height does not obstruct any of the neighbors' driveways. There is no obstruction to any sidewalks that the privacy fence is near. There is no obstruction to any stop signs or crossing. The fence is aligned with the front of the house, as is consistent with the general fencing patterns within the neighborhood.

There is a church, rather than a residential home, located across the street from the property on South Street. As such, the height would not provide a substantial adverse effect to the residential neighbors. The areas adjacent to the property would not be adversely affected as the two properties are separated by a drainage ditch easement and wooded area. The two property lines do not touch. This separation acts as a barrier, blocking the fence the neighbor's view from within their house, thus reducing any negative effect it might have.

Furthermore, it is a common custom for the community in which this property is located to have a six foot fence in the front yard. Currently, a great number of the front yard fences in the neighborhood are taller than the 42 inch maximum. See Exhibit 3.

The proposed fence height is consistent with the majority of the fences in the surrounding area. Further, the additional height of the fence does not act as a visual barrier, because of the material. The proposed height is consistent with the side yard fence heights to which it would meet at the corners of the property. The proposed fence will not deviate from, but conform to the current look and feel of the area.

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, restriction of, or restriction on, economic gain.

The property owners are the caretakers of a grandchild with special needs. The proposed variance will assist the owners in caring for the grandchild and ensuring the grandchild's safety. Having the fence completely enclose the yard at a height that the grandchild cannot easily climb will allow the grandchild to spend quality time outdoors in a safe manner.

Raising a grandchild with special needs presents the owners with unique challenges and circumstances they are attempting to resolve with the proposed fencing. The height restrictions provide practical difficulties as it would prevent them from providing a safe enclosure for their grandchild to play. The height of the fence will deter the grandchild from attempting to climb the fence, and deter others in the neighborhood or from the nearby church from climbing the fence. As previously mentioned, the owners are concerned for the safety of the grandchild as their property is in such close proximity to detention pond, a six-foot-deep drainage ditch, and two roads, one of which has high volume traffic, consistently throughout the day. The proposed fence is the only barrier keeping the grandchild safe from harm.

The property is unusual in that it is a corner lot with two 'front yards'. The fact that the property abuts both a busy street and the back of a commercial area makes the utilization of the property difficult. Permitting such a fence would allow the property owners to maximize the use

of their property and therefore increase their own enjoyment, their grandchild's enjoyment and safety, and the value of the property.

As previously mentioned, the lot's unique location provides conditions that are enticing to burglars. Having a commercial neighbor both across the street and behind the property and an agricultural property to the east of Taylor road means this lot only has one residential neighbor. The lot is further secluded from this neighbor by a wooded area and drainage ditch. Criminals are much more likely to target homes with less neighbors for fear of getting caught. The result is equitable as the fence height would counteract the property's unique hazards, making the risk to this property on a similar scale to other properties in the neighborhood.

Application Fee Refund Information:

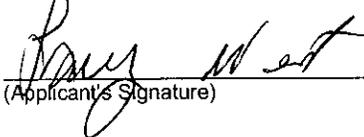
The adopted Planning Department Schedule of Application Fees provides for the refunding of application fees for this request if it is approved by the Board of Zoning Appeals. The refund will be provided by mail in the form of a check. It may take several weeks after the Board of Zoning Appeals approval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

Name: Larry E. West

Address 1502 South Drive Columbus, Indiana 47203
(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.


(Applicant's Signature)

11.14.16
(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.


(Owner's Signature)

11.14.16
(Date)

LARRY WEST
(Owner's Printed Name)

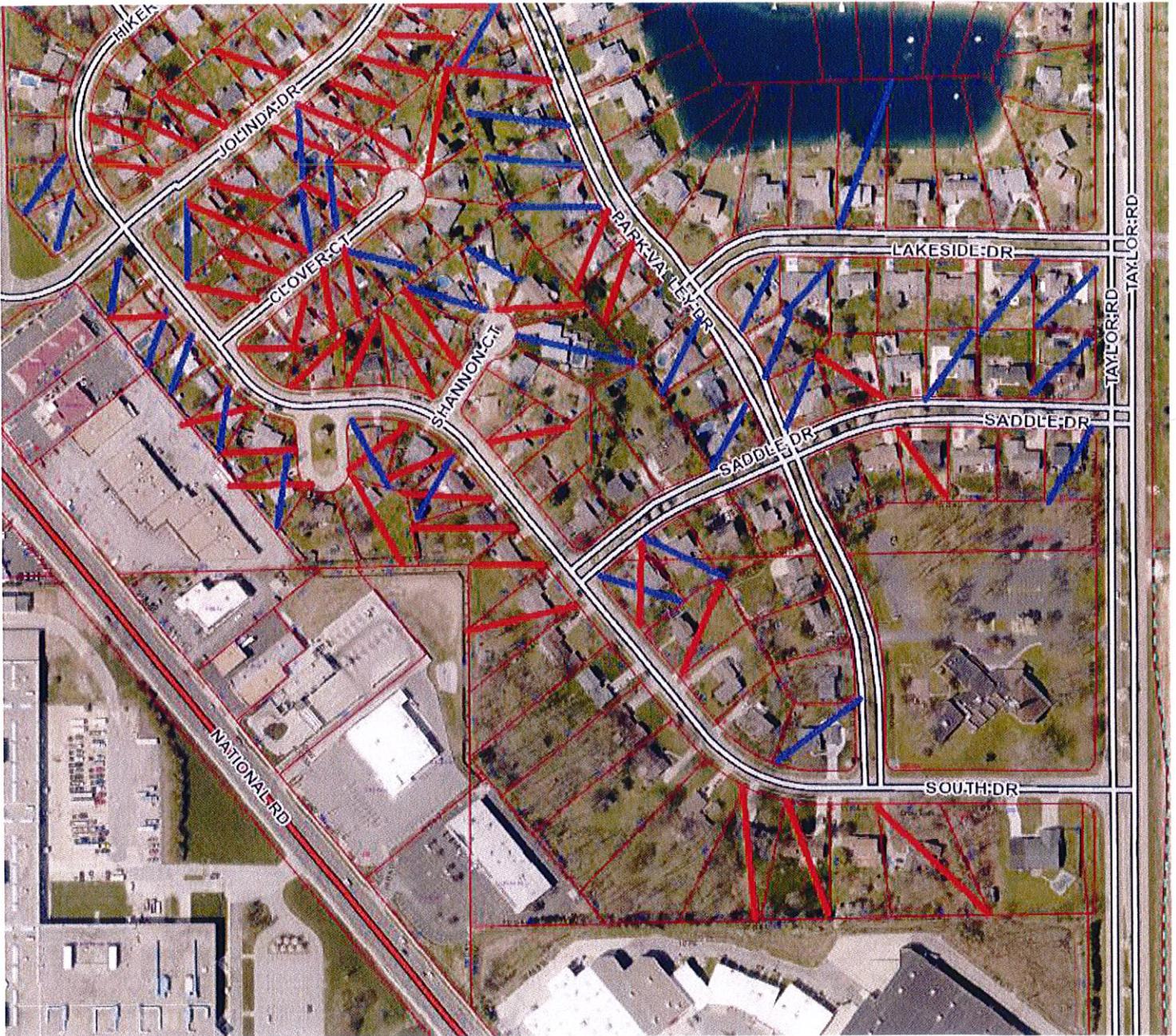
If the person signing as the "owner" is not specifically listed as such in the records of Bartholomew County please indicate their relationship to that officially listed person, corporation or other entity.

Event List with Report Numbers

Report #	Date	Time	Nature	Location	Prime Unit	Disp.	Close Time
	01/27/2012	11:31	911	1502 SOUTH DR	079	NR	01/27/2012 11:51:44
	01/27/2012	12:06	911	1502 SOUTH DR	095	NR	01/27/2012 12:21:51
	12/28/2012	00:41	PERSON INJURED	1502 SOUTH DR		HAND	12/28/2012 00:41:51
	03/27/2015	15:28	911	1502 SOUTH DR	230	NR	03/27/2015 15:43:19
1504592	06/23/2015	07:54	BURGLARY-	1502 SOUTH DR	166	OR	06/23/2015 08:19:37
	07/10/2015	09:34	TRAFFIC STOP	1502 SOUTH DR	079	WW	07/10/2015 09:41:39
	08/25/2015	01:25	911	1502 SOUTH DR	165	UTL	08/25/2015 01:41:24
	11/06/2015	07:40	911	1502 SOUTH DR	081	NR	11/06/2015 07:49:20
	11/06/2015	11:25	911	1502 SOUTH DR	198	NR	11/06/2015 11:36:49
	02/11/2016	11:09	TRAFFIC STOP	1502 SOUTH DR	186	WW	02/11/2016 11:12:18

Total Number of Events Listed: 10





Key:

Red lines indicate properties where the material of the fence(s) on that property do not comply with the existing ordinance.

Blue lines indicate properties where the height of the fence(s) on that property height exceeds the limits of the existing ordinance.

Properties with both **Red** and **Blue** lines (making an X) indicate properties with fence(s) do not comply with the material and height requirements of the existing ordinances.