

Staff Report – Board of Zoning Appeals

Docket #:	BZA2025-016 Dev. Standard Variance	Hearing Date:	May 12, 2025
Applicant:	James Reagan & Marki Warrick, 142 Easton Point Way, Greenwood, IN 46142		
Owner:	James Reagan, 142 Easton Point Way, Greenwood, IN 46142		
Subject Property Address:	142 Easton Point Way, Greenwood, IN 46142		
Staff Contact:	Gabe Nelson, nelsong@greenwood.in.gov, 317-887-5230		

Request:

Petitioner is requesting relief from the following section of the Unified Development Ordinance:

1. Section 10-03-09 (C) Fence Height (3), to allow an eight foot tall fence in a residential zoning district.

The fence would be along the north and south portions of the property. There is an existing chain link fence along the west (rear) of the property that would not be changed.

Location:

The subject property is located approximately 500 feet west of the intersection of Easton Point Way and Severn Drive. Parcel ID # 41-03-36-014-126.000-043

Exhibit A – Aerial Map and Exhibit F – Legal Description

Existing & Surrounding Zones/Land Uses:

Existing: Residential Medium (RM), Single Family Residential (Glen Oak Commons)
 North: Residential Medium (RM), Single Family Residential (Glen Oak Commons)
 South: Residential Medium (RM), Single Family Residential (Glen Oak Commons)
 East: Residential Medium (RM), Single Family Residential (Glen Oak Commons)
 West: Residential Medium (RM), Single Family Residential (Westridge)

Exhibit B – Existing Zoning Map

Indiana Code Reference(s): Section 36-7-4-918.5 (Development Standards Variances)

Statutory Criteria:

- Indiana Code Section 36-7-4-918.5 Dimensional/Development Standard Variances may be approved only 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;
 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;
 3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.
- Indiana Code Section 8-21-10-3 No Hazard to Air Navigation: **Not applicable**

VARIANCE #1: To allow an eight foot tall fence in a residential zoning district.

Greenwood Code References: Unified Development Ordinance, Section 10-03-9 (C) Fence Height, (3) No fence shall exceed six (6) feet in height; provided, however within the IM and IL zones, fence heights may not exceed 10 feet.

Petitioner's Detailed Statements of Reasons and Staff Comments:

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

An eight (8) foot fence is not a public health issue. No one will be adversely affected by increasing the height of our current fence by two (2) feet. It will remain a privacy fence as it has always been.

Staff Comment: Staff agrees with the petitioner's statement.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

We already have an existing privacy fence in place. The neighbors on each of us are already used to a privacy fence being in place.

Staff Comment: Staff agrees with the petitioner's statement. The additional height should not substantially affect property values.

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

Our current privacy fence does not allow us the privacy that we would prefer at this time. While in our house, from our first floor, and while in our backyard, we are able to see our neighbors and they are able to see us as we are each going about our own business. We would like, for example, to sit outside in our pajamas and drink our morning coffee with privacy. Our current six (6) foot fence does not give us that option.

Staff Comment: Staff does not disagree with the petitioner's statement, but it is questionable as to whether this would be a practical difficulty. While privacy fences imply a certain amount of privacy, they are not designed to convey privacy from all surrounding elevations.

4. The structure is/is not regulated under Indiana Code 8-21-10-3 for hazard air navigation.

N/A

Recommendation and Proposed Conditions:

Staff is providing an unfavorable recommendation. The purpose of a privacy fence is to provide some privacy from others at ground level. However, with two plus story homes and differences in ground elevations, it would be impractical to allow fences to climb higher and higher. This would create an unfriendly appearing neighborhood where homeowners are effectively walled off from the outside world.

Therefore, Staff recommends **denial** of this variance.

Attachments:

Exhibit A – Aerial Vicinity Map

Exhibit B – Zoning Map

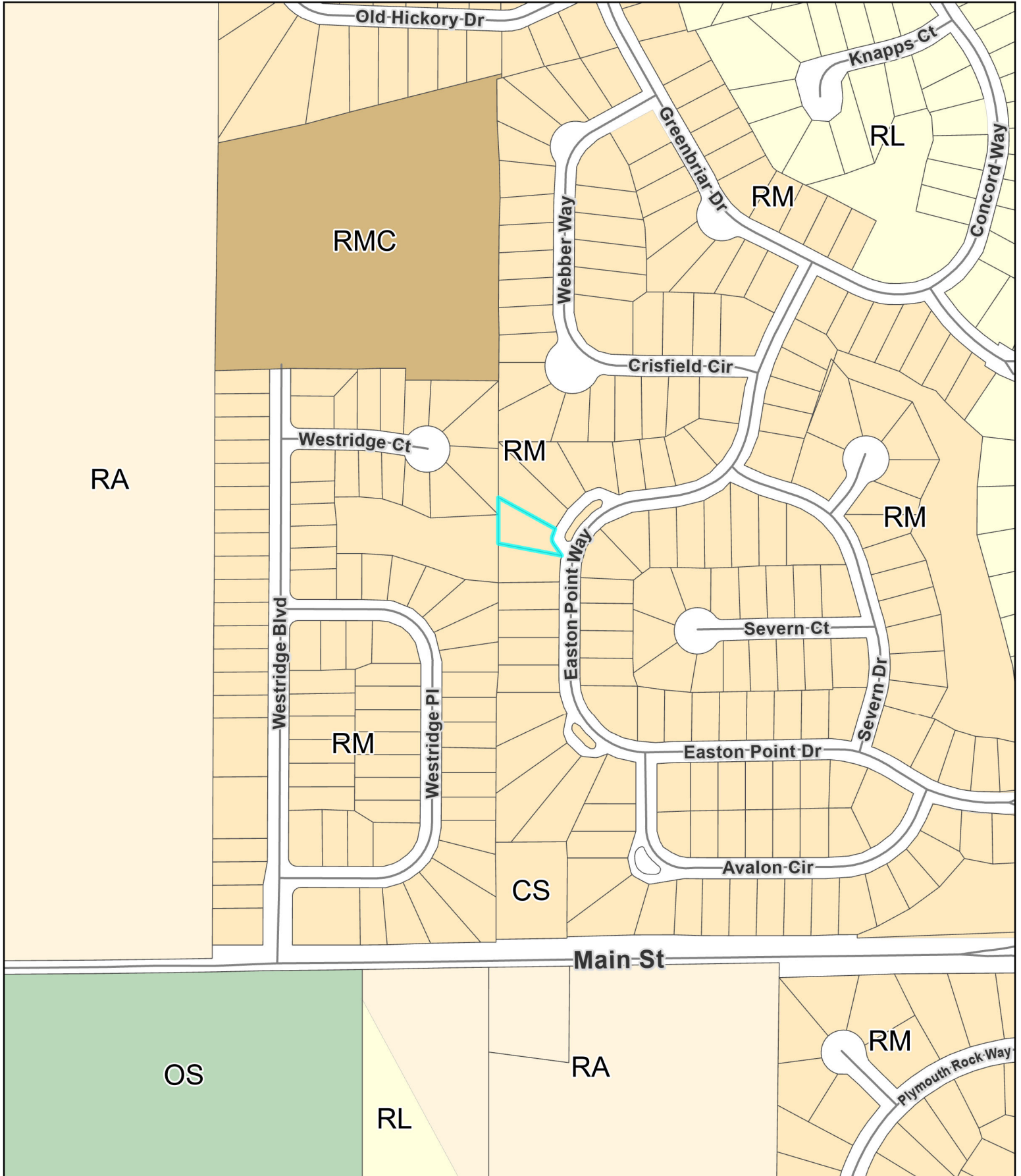
Exhibit C – Site Plan

Exhibit D – Legal Description



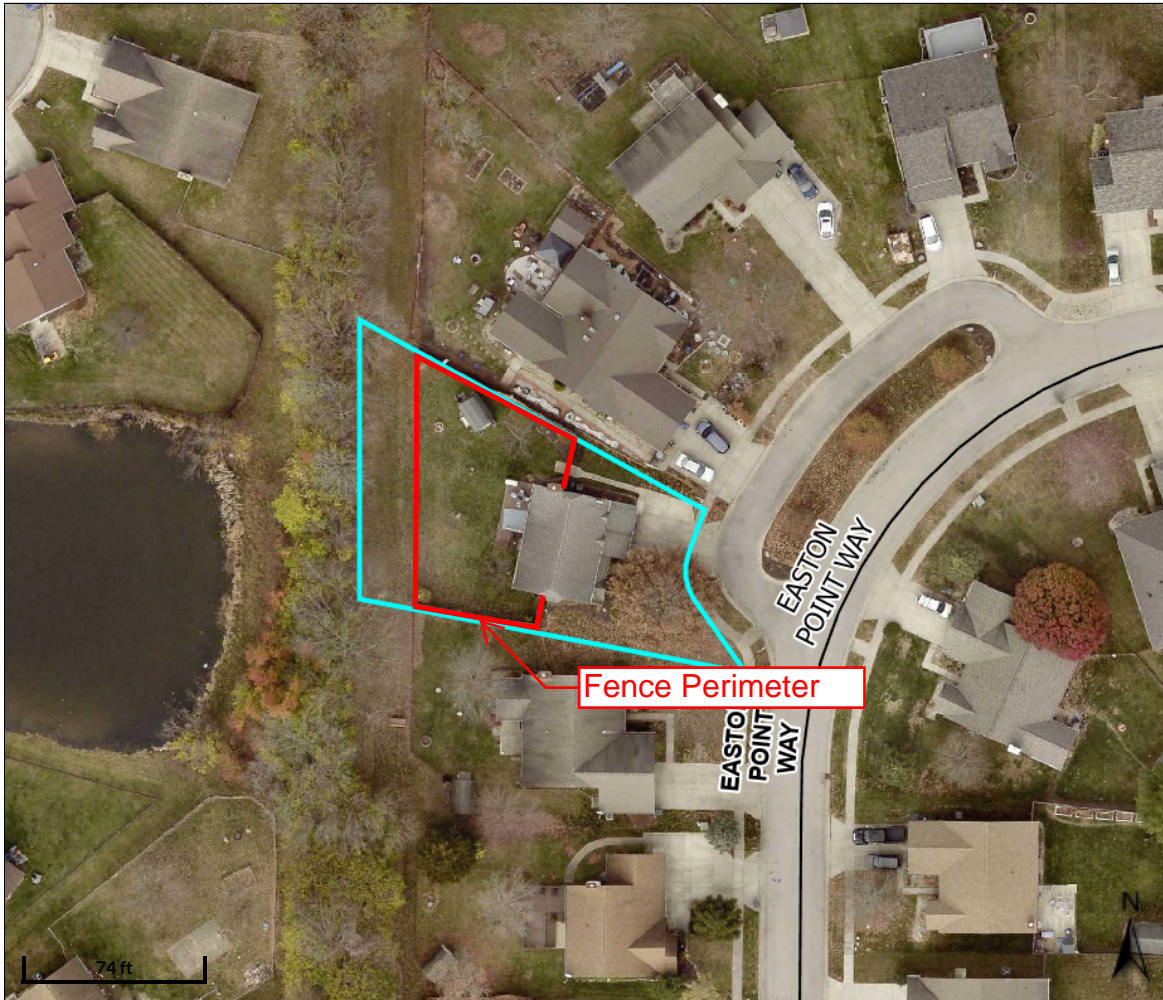
Existing Zoning Map

Exhibit B

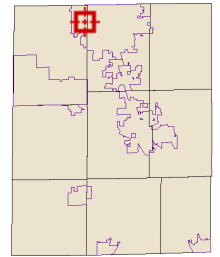


AC - Airport	IC - Interstate Commercial	OS - Open Space	RMC - Residential Multi-Unit Complex
AG - Agriculture	IL - Industrial Large	PUD - Planned Unit Development	RMH - Residential Mobile Home
CL - Commercial Large	IM - Industrial Medium	RL - Residential Large Lot	
CM - Commercial Medium	OT - Old Town	RM - Residential Medium Lot	
CS - Commercial Small	OTR - Old Town Residential	RA - Residential Attached Single-Family	





Overview



Legend

Roads

- ACCESS RAMP
- HIGHWAY
- INTERSTATE
- LOCAL
- MAJOR ARTERIAL
- MAJOR COLLECTOR
- MINOR ARTERIAL
- MINOR COLLECTOR
- PRIVATE ROAD

Parcel ID	41-03-36-014-126.000-043	Alternate ID	41-03-36-014-126.000-043	Owner Address	REAGAN JAMES M 142 EASTON POINT WAY GREENWOOD, IN 46142
Sec/Twp/Rng	n/a	Class	RESIDENTIAL - 1 Family Dwell - Platted		
Property Address	142 EASTON POINT WAY GREENWOOD	Lot			
District	GRNWD CITY-WR TWP-GRNWD SCH-CO	Acreage	0.27		
Brief Tax Description	GLEN OAK COMMONS SEC 4 LOT 124 (Note: Not to be used on legal documents)				

Date created: 4/16/2025
Last Data Uploaded: 4/16/2025 5:10:51 AM

Developed by  **SCHNEIDER**
GEOSPATIAL

Duly Entered For Taxation
Subject To Final Acceptance
For Transfer Jul 19 2018
Pamela J. Burton
AUDITOR JOHNSON COUNTY, IND.
9241768

2018-015738
RECORDED ON
07/19/2018
3:37:56 PM
JILL L JACKSON
JOHNSON COUNTY
RECORDER
REC FEE: 25.00
PAGES: 2

Exhibit D

File No.: 1806323

QUITCLAIM DEED

THIS INDENTURE WITNESSETH, That **James M. Reagan and Jill H. Reagan, husband and wife ("Grantor")**, of Johnson County, in the State of Indiana QUITCLAIM(S) to **James M. Reagan (Grantee)** of Johnson County, in the State of Indiana, for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Johnson County, in the State of Indiana (hereinafter called the "**Real Estate**"):

Lot Number 124 in Glen Oak Commons, Section Four, an Addition to the City of Greenwood, as per plat thereof, recorded Augsut 13, 1993 in Plat Book C, page(s) 584 A and B, and as Instrument Number 93017505, in the Office of the Recorder of Johnson County, Indiana.

The Address of such real estate is 142 Easton Point Way, Greenwood, IN 46142
commonly known as: Parcel No.: 41-03-36-014-126.000-043

Subject to all easements, restrictions and rights of ways of record.