



**Board of Zoning Appeals
Board of Zoning Appeals Division II
(January 14th, 2025)
Meeting Agenda**

Meeting Details

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

Date: Tuesday, January 14, 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. 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).

****Staff to request continuance to the February 13, 2025 hearing due to deficient notice delivering notice by Staff**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 2. 2024-DV1-048 | 5541 North Kenwood Avenue**
Washington Township, Council District #7, zoned D-5 (MSPC) (FF)
John Stuart Alexander & Warren Cangany, by LAurie Tinsley

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a 15-foot rear yard setback (20 feet required).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

- 3. 2024-DV2-046 | 5340 North New Jersey Street**
Center Township, Council District #12, zoned D-4
Katie & Nelson Spade, by Joshua Sangl

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a two-foot rear and north side yard setback (five-foot rear, four-foot side yard setbacks required).

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. Written objections to a proposal are encouraged to be filed via email at dmdpubliccomments@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) 327-5654, at least 48 hours prior to the meeting. - Department of Metropolitan Development - Current Planning Division.



BOARD OF ZONING APPEALS DIVISION II

January 14, 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 51st Street (maximum height of 3.5-feet permitted).

Current Land Use: Residential

Staff Recommendations: Staff has no recommendation for this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition is to be continued to the February 13, 2025 BZA Division II hearing due to insufficient notice on Staff's part.



BOARD OF ZONING APPEALS DIVISION II

January 14, 2025

Case Number: 2024-DV1-048

Property Address: 5541 North Kenwood Avenue (approximate address)

Location: Washington Township, Council District #7

Petitioner: John Stuart Alexander & Warren Cangany, by Laurie Tinsley

Current Zoning: D-5 (MSPC) (FF)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a 15-foot rear yard setback (20 feet required).

Current Land Use: Residential

Staff Recommendations: Staff recommends approval of this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

ADDENDUM FOR JANUARY 14, 2025 BZA DIVISION II HEARING

- This petition was continued due to deficient notice. In addition, the petitioner requested a transfer to the January 14, 2025 BZA Division II hearing, which was granted

STAFF RECOMMENDATION

- Staff recommends approval of this petition

PETITION OVERVIEW

- This petition would provide for the construction of an attached garage with a 15-foot rear yard setback (20 feet required).
- The subject site is improved with a single-family residence and an attached garage structure. The proposal calls for an addition to that attached garage structure on the rear of the residence. Setback standards are in place to maintain orderly development, provide sufficient spacing in between buildings when necessary and appropriate, and to allow for access to sides and rears of buildings for maintenance and upkeep work. The proposal calls for a 15-foot rear yard setback as opposed to the required 20 feet for D-5 lots of this size.
- In the surrounding area, reduced rear yard setbacks are a typical development pattern, usually for detached accessory structures being located along the rear property line. Therefore, Staff finds that the proposal to be in accordance with the Infill Housing Guidelines recommendations for buildings



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 Current Planning

setbacks and spacing. Likewise, Staff sees the request as minor in nature, that provides for more setbacks than many other residences in the immediate vicinity, and that will have minimal impact on surrounding properties and the overall character of the neighborhood. For these reasons, Staff is unopposed to the request.

- Staff would also note that this property is in the Meridian Street Preservation District (MSPC), and the MSPC voted to support the petition.

GENERAL INFORMATION

Existing Zoning	D-5 (MSPC) (FF)	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-5 (MSPC) (FF)	North: Single-family residential
South:	D-5 (MSPC) (FF)	South: Single-family residential
East:	D-5 (MSPC) (FF)	East: Single-family residential
West:	D-5 (MSPC) (FF)	West: Single-family residential
Thoroughfare Plan		
North Kenwood Avenue	Local Street	55 feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	Yes, 100-Year	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	12/30/24	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	12/6/24	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines



- Indy Moves

Pattern Book / Land Use Plan

- The Marion County Land Use Plan pattern Book recommends the Traditional 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

- With regards to building setbacks and spacing, the Infill Housing Guidelines recommends:
 - Reinforce spacing on existing block
 - Leave room for maintenance
 - Limit uncharacteristically large gaps in between buildings

Indy Moves

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

- The subject site is located approximately 270 feet from the Canal Towpath



ZONING HISTORY

ZONING HISTORY – SITE

N/A

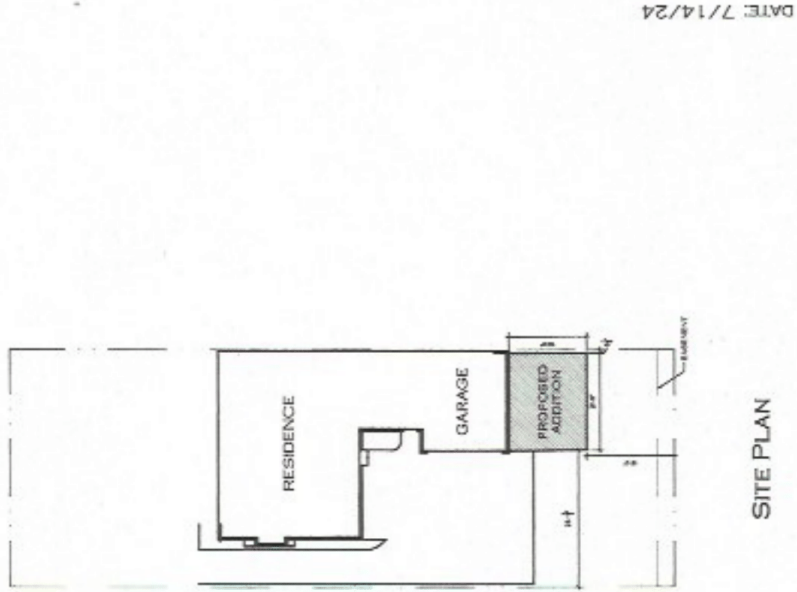
ZONING HISTORY – VICINITY

2103DV1036, 5560 North Illinois Street (north of site), Variance of development standards of the Commercial Zoning Ordinance to provide for a fast food restaurant, with carryout food service, within 75 feet of a D-5 zoned protected district (100-foot separation for fast food restaurants and carryout food service required) and with outdoor seating, with a zero-foot front setback from North Illinois Street, (outdoor seating not permitted, 10-foot front setback required), with five parking spaces (minimum 23 parking spaces required), **approved**.

91-UV3-86, 5550 North Illinois Street (north of site), variance of use and development standards of the Commercial Zoning Ordinance to legally establish the operation of a catering service and outdoor seating, utilizing a temporary deck without the required setback, all being incidental to an existing restaurant, **granted**.

EXHIBITS





DATE: 7/14/24

A1.0

HE CANGANY-ALEXANDER
 RESIDENCE

5541 N. KENWOOD AVE.
 INDIANAPOLIS, IN 46208

SITE PLAN



SCALE: 1:20

VER SHEET
 DESIGNED BY: ADAM GARVEY



**Department of Metropolitan Development
Division of Planning
Current Planning**



MERIDIAN STREET PRESERVATION COMMISSION

In the matter of an application filed by
John Alexander and Warren Cangany
for a Prior Approval of a Variance for the
property located at **5541 N. Kenwood Avenue**

**FINAL ORDER GRANTING PRIOR
APPROVAL OF A VARIANCE
#V-MSPC 24-08**

The Meridian Street Preservation Commission, at a meeting held at 4:00 p.m. on November 19, 2024 in the Fellowship Hall of the Meridian Street United Methodist Church at 5500 N. Meridian Street, and heard evidence and considered an application for a Prior Approval of a Variance filed by John Alexander and Warren Cangany for improvements to be made at the property located at 5541 N. Kenwood Avenue.

Being duly advised in the premises, the Commission, by a vote of 7-0 of its seven (7) members present and voting AYE: (Norman, Fujawa, Hess, Welling, Bennett, Roth, Vanderstel), NAY: (None), ABSTAIN: (None) finds that:

1. The Commission has jurisdiction of this matter under Indiana Code 36-7-11.2-61.
2. The Prior Approval of a Variance requested approval for:
 - Reduction of rear yard setback for an attached garage in a D1 district to accommodate construction of an outdoor living space (20 feet required, 15 feet provided).
3. Such improvements shall be per plans on file with the Commission, except as amended below.
4. Said improvement is appropriate to the preservation of the area comprised of Meridian Street and bordering properties and complies with the architectural and construction standards in said area.
5. The Certificate of Appropriateness requested by the applicant should be **GRANTED**, with the following commitment(s): None.

*It is, therefore, ORDERED AND DECREED by the Meridian Street Preservation Commission that the Prior Approval of a Variance for the aforesaid construction is hereby **GRANTED**, to be evidenced solely by this Final Order. This Final Order must be acted upon within 2 years of the hearing date of the Meridian Street Preservation Commission and all aspects must be completed in whole.*

Shannon Norman
Shannon Norman, Chair

November 20, 2024
Date









BOARD OF ZONING APPEALS DIVISION II **January 14th, 2025**

Case Number: 2024-DV2-046

Property Address: 5340 North New Jersey Street

Location: Center Township, Council District #12

Petitioner: Katie & Nelson Spade, by Joshua Sangl

Current Zoning: D-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a two-foot rear and north side yard setback (five-foot rear, four-foot side yard setbacks required).

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 for this variance petition.

The first public hearing for this case occurred on December 10th, 2024 where it was continued due to a lack of a findings of fact form.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

- This property is 0.19 acres and zoned D-4. There is one existing primary structure and one existing accessory garage.
- This petition requests that an accessory garage be built within the setbacks, replacing an already existing garage on the parcel.
- The existing garage was built in 1924 before the current standards for setbacks. There is record that an accessory structure has been at this location since 1915. According to the petitioner, the garage has reached a point of disrepair that it needs completely replaced including its foundation.
- In a D-4 zoning district, within a Compact Context area, the side yard setback is required to be 4 (four) feet on each side, and the rear setback for an accessory structure is required to be 5 (five) feet. If this petition is approved, the accessory garage will be 2 (two) feet from both the rear and the side property lines.



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- In this neighborhood there are multiple homes that have the same existing garages that are within the setbacks all of which are similar age to the one in this case. There have also been similar variances approving the garages within the setbacks which can be seen in the Zoning History.
- Staff recommends **denial** of this variance petition, there is no practical difficulty the property has enough space to move the location of the garage to fit all current setbacks.

GENERAL INFORMATION

Existing Zoning	D-4	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-2	North: Traditional Neighborhood
South:	D-4	South: Traditional Neighborhood
East:	D-5	East: Traditional Neighborhood
West:	D-2	West: Traditional Neighborhood
Thoroughfare Plan		
North New Jersey Street	Local Street	60 feet of right-of-way existing and 48 feet of right-of-way proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	11/19/2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	12/3/2024	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

Pattern Book / Land Use Plan



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Division of Planning
Current Planning**

- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 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

- New construction should reflect and reinforce the character of spacing found in its block. New construction should maintain the perceived regularity or lack of regularity of spacing on the block (pg 12)
- Minimum spacing can be crucial for proper maintenance of homes. For example, additional spacing between tall houses can be key to allowing for maintenance with basic tools, like ladders (pg 12).
- The massing of new construction and additions should be characteristic of surrounding buildings, particularly on local street (pg 20).

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

- 2000-HOV-028: 5347 Central Avenue
 - Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 515-square foot detached garage, with a zero-foot side yard setback.
 - AP
- 2002-HOV-043: 5411 Central Avenue
 - Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 484-square foot detached garage with a three-foot rear and side yard setback.
 - AP
- 2004-DV1-050: 5365 Washington Blvd
 - Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a 7.84-foot tall fence in the front yard of East 54th Street and to provide for a 7.84-foot tall, 34-foot extension to the fence in the front yard of East 54th Street.
 - AP
- 2004-HOV-027: 5353 N Delaware Street
 - Legally establish house and provide for accessory structure with reduced setbacks in D-2. All with reduced setbacks.
 - AP
- 2005-DV1-004: 5434 Central Avenue
 - Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 2,572.58-square foot addition to an existing 1,990-square foot single-family dwelling, with a 2.5-foot south side yard setback, resulting in a 7.5-foot aggregate side yard setback, and a 12.25-foot rear yard setback.
 - AP
- 2005-DV3-021: 5402 N College Avenue
 - Variance of Development Standards of the Commercial Zoning Ordinance to legally establish a café within a 1250.5-square foot tenant space of an existing commercial building, with zero off-street parking spaces.
 - AP
- 2005-VAR-811: 705 & 707 Bungalow Court, 720 E 54th Street, & 5401,5411,5417, & 5425 N College Avenue
 - Variance of Development Standards of the Commercial Zoning Ordinance to provide for the construction of a 22,400-square foot grocery store with a zero-foot front setback along College Avenue, a zero-foot front setback along East 54th Street, and a zero-foot front setback along Bungalow Court, with a two-foot east transitional yard setback without



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landscaping, within the clear sight triangle, with parking and dumpsters located within the required transitional yard, with 901 parking spaces, with parking spaces measuring nine feet in width, with four parking spaces for the disabled, with an unscreened off-street loading area with maneuvering in the right-of-way of Bungalow Court, and with a roof-mounted sign.

- AP
- 2005-ZON-811: 705 & 707 Bungalow Court, 720 E 54th Street, & 5401, 5411, 5417, & 5425 N. College Avenue
 - Rezone for a neighborhood commercial development
 - AP
- 2006-DV1-028: 5427 Central Avenue
 - Variance of Development standards of the Dwelling Districts Zoning Ordinance to legally establish a 1,884 square foot single-family dwelling with a four-foot south side yard setback and a 13-foot aggregate side setback, and to provide for a 2,586-square foot building addition, with a four-foot south side yard setback, and with an eleven-foot aggregate side yard setback.
 - AP
- 2006-UV1-002: 5420 N College Avenue
 - To provide for a hair salon use (not permitted).
 - AP
- 2006-VAR-851: 5411 N College Avenue
 - Variance of Development standards of the Commercial Zoning Ordinance to provide for: a) an overall building height of 35 feet without providing an additional one-foot setback for each foot in height over eighteen feet along the north and east transitional property lines (not permitted), b) an interior drive aisle and loading space with a zero-foot setback in the required two-foot east side transitional yard (not permitted, two-foot east side transitional yard permitted by petition 2005-VAR-811), c) an unenclosed loading space without the required screening or maneuvering area (screening required, proper maneuvering area required).
 - AP
- 2008-HOV-020: 5415 N College Avenue
 - Variance of Development Standards of the Commercial zoning ordinance to provide for the sale of alcohol within 36 feet of a protected district and 200 square feet of outdoor storage of produce.
 - AP
- 2011-DV2-028: 5402 N College Avenue
 - Variance of development standards of the Commercial Zoning Ordinance to provide for a sign canopies, measuring eight by 25 feet and eight by 39 feet, extending eight feet into the right-of-way of North College Avenue (not permitted) to cover two outdoor cafes (not permitted), measuring eight by 19 feet and eight by 13 feet, including 12 seats and eight seats, respectively, and both with 32-inch tall rails.
 - Approved
- 2013-HOV-055: 5332 N Delaware Street

- Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for an 840-square foot garage, with a 3.5-foot rear setback (five-foot rear setback required).
 - Approved
- 2013-HOV-064: 5337 Central Avenue
 - Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 487.2-square foot detached garage, with a two-foot north side setback (minimum five-foot side setback and 13-foot aggregate side setback required).
 - Approved
- 2014-DV3-047: 5332 N New Jersey Street
 - Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a dwelling addition connecting the primary dwelling to the detached garage, creating an approximately 6.5-foot rear setback for the primary dwelling (20-foot rear setback required).
 - Approved
- 2016-DV1-046: 5380 N College Avenue
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a pergola, with a zero-foot setback from 54th Street (minimum 10-foot setback required), and within the clear sight triangle of the lot's parking area driveway and abutting alley (not permitted).
 - Approved
- 2016-DV3-028: 5355 N Park Avenue
 - AMENDED, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a deck with zero-foot side and rear setbacks (minimum 4-foot side setback and 5-foot rear setback required), with 56% open space (65% open space required), and with the fence and deck being within the lot's clear sight triangles (not permitted).
 - Approved
- 2017-DV2-023: 5401 N New Jersey Street
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a six-foot tall opaque fence, located within the clear sight triangle of the abutting driveway and 54th Street (not permitted).
 - Approved
- 2018-DV1-046: 5325 N Delaware Street
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with 2.5-foot side and rear setbacks (four-foot side and five-foot rear setbacks required).
 - Approved
- 2020-DV1-018: 5332 Broadway Street
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a carport/roof-deck addition to a detached garage with a three-foot side setback (four-foot side setback required).
 - Approved
- 2020-DV1-064: 5450 Washington Blvd



**Department of Metropolitan Development
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- Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a one-foot rear setback (20-foot rear setback required).
 - Approved
- 2020-DV2-007: 5456 N New Jersey Street
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with three-foot side and rear setbacks (four-foot side and five-foot rear setbacks required).
 - Approved
- 2021-DV1-076: 5307 Broadway Street
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a five-foot rear setback and to legally establish a zero-foot north side setback (20-foot rear setback, five-foot side setback required).
 - Approved
- 2022-DV2-026: 5415 Central Avenue
 - (Amended) Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for detached garage with a three-foot north side setback (four feet required).
 - Approved
- 2023-DV1-042: 5354 N Delaware Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a one-foot west side yard setback (four-foot side yard setback required).
 - Approved
- 2024-DV1-002: 5449 N Pennsylvania Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for building additions resulting in a nine-foot rear yard setback (20-foot rear yard setback required).
 - Approved

EXHIBITS

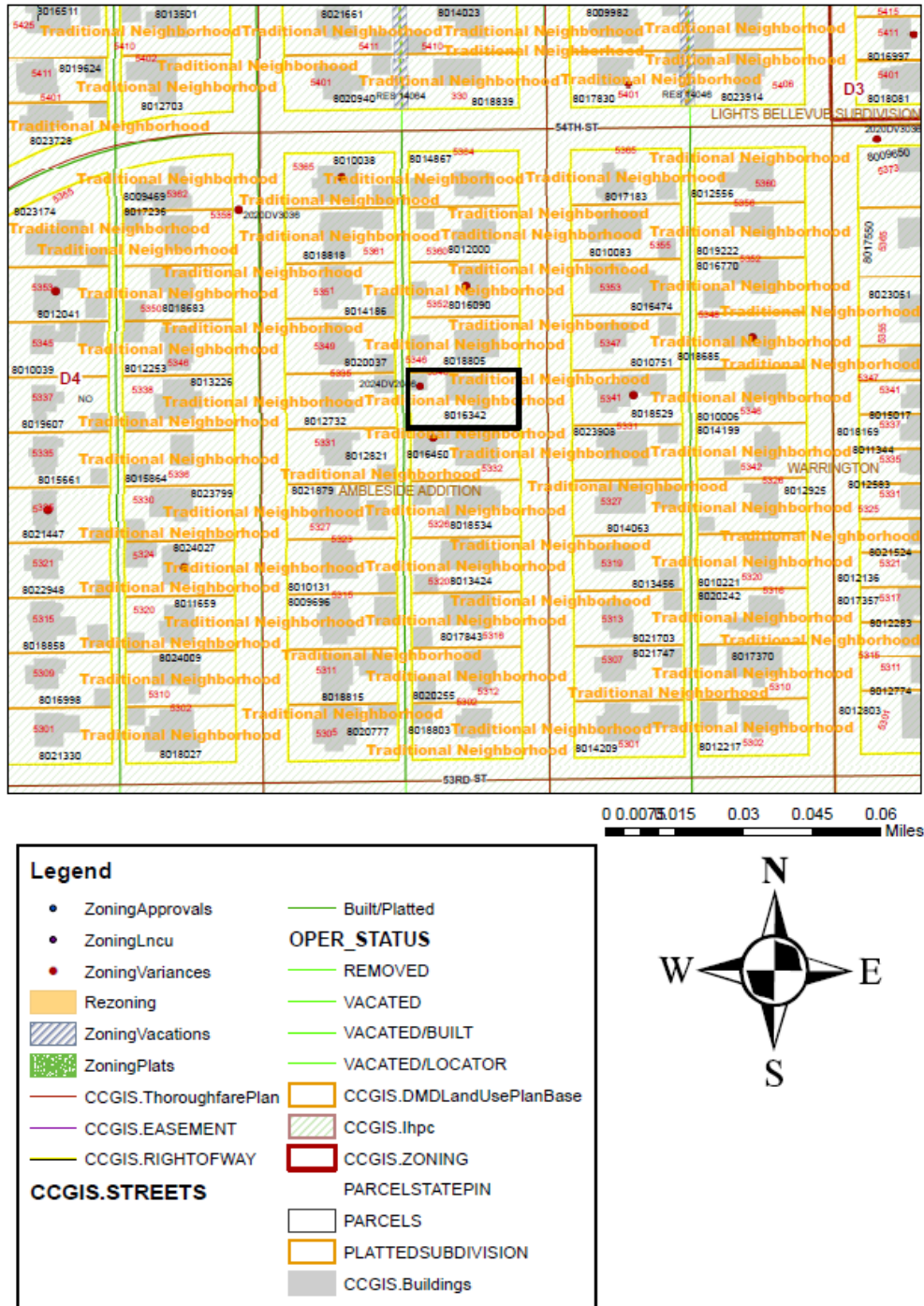


Exhibit 1: ArcGIS map of surrounding area around 5340 N New Jersey Street.

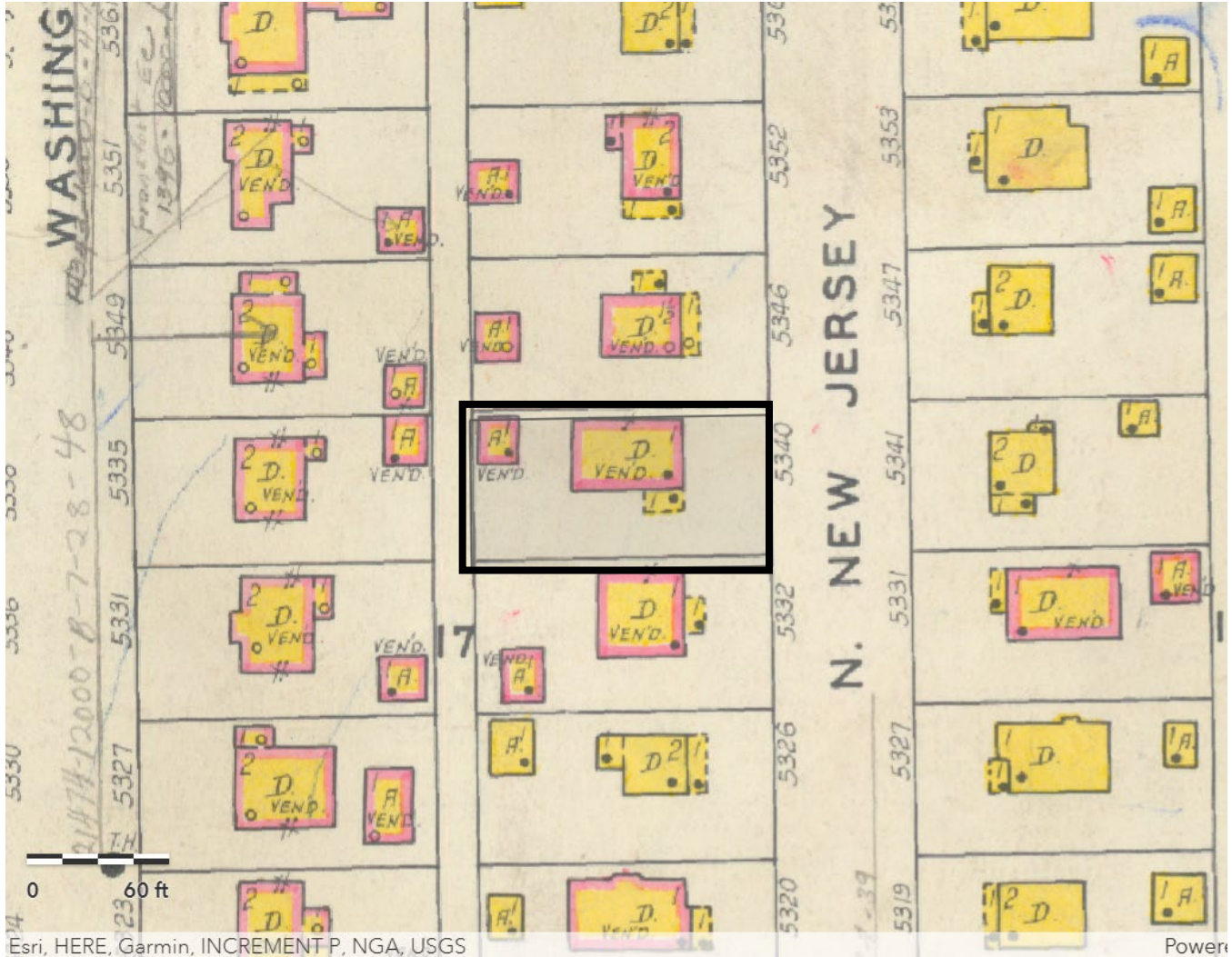


Exhibit 2: 1915 Sanborn Map featuring 5340 N New Jersey Street featuring the primary structure and accessory garage.



**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:

The proposed new garage will be rebuilt to the same side and rear setback as the existing garage. The existing garage is in need of repair and the petitioner wishes to upgrade the structure.

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 existing garage is in need of repair and the proposed rebuild will be built to modern standards and codes.

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

The existing foundation does not meet the current setback requirements. In order to rebuild the garage the petitioner must build in the location of the existing foundation due to lack of space to meet the revised setback requirements.

Exhibit 3: The submitted Findings of Fact.

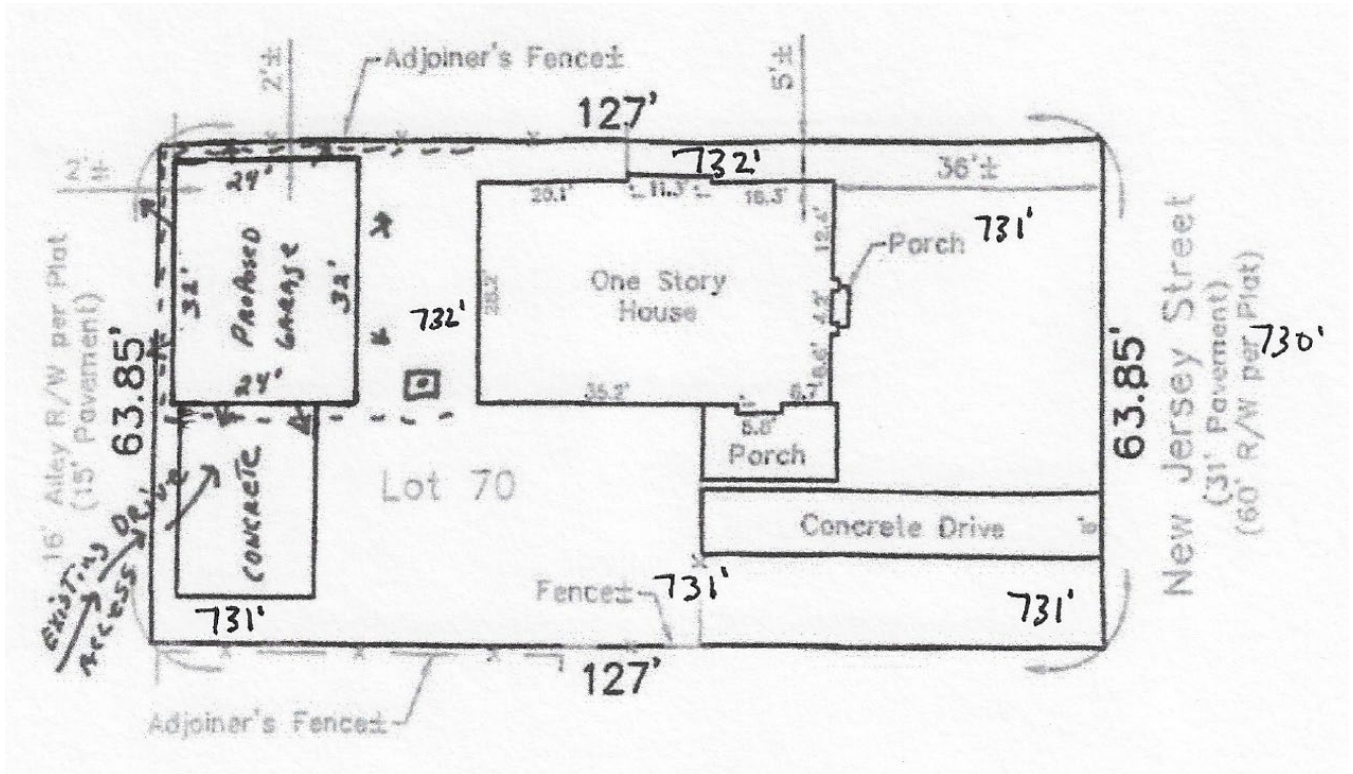


Exhibit 4: Site plan with the proposed garage.



Exhibit 5: The primary structure at 5340 N New Jersey Street.



Exhibit 6: The existing garage possibly built in 1924.



Exhibit 7: The existing garage besides the alleyway looking north.



Exhibit 8: Distance between the property line (fence) and the existing garage.



Exhibit 9: The area between the primary structure and the existing garage.



Exhibit 10: Alleyway looking south (the existing garage is on the left).