



Board of Zoning Appeals Board of Zoning Appeals Division II (August 11, 2026) Meeting Agenda

Meeting Details

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

Date: Tuesday, August 11, 2026

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. 2026-DV2-022 (Amended) | 200 and 206 North Rural Avenue

Center Township, Council District #13, zoned D-9 (TOD)
Englewood Community Development Corporation

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a medium apartment building development with a minimum lot area of 9,422 square feet (minimum lot area 12,000 square feet required), with a minimum lot width of 75 feet (minimum lot width 100 feet required), with five off-site parking spaces provided (19 off-street parking spaces required), and to provide for minimum livability space ratio of 0.34 (minimum 0.75 required), and for a floor area ratio of 1.08 (maximum 0.50 permitted).

****Petitioner has requested continuance to September 8, 2026 hearing.**

2. 2026-UV2-011 | 8450 Georgetown Road

Pike Township, Council District #15, zoned I-2
Kyle Davis, J.B. Hunt

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a maintenance shop with associated office space and secure parking, supporting internal company operations with truck and trailing equipment (not permitted).

****This petition will be continued for cause to September 8, 2026.**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

3. 2026-DV2-023 | 355 Indiana Avenue

Center Township, Council District #12, zoned CBD-2 (RC)
Grace Residential LLC/Powers and Sons Construction, by Faith Haberlin

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to permit a Skyline sign in a CBD-2 zoning district on a 34.6' structure (only permitted on a building over 50 ft in height).

- 4. 2026-DV2-024 | 721 Parkway Avenue**
Center Township, Council District #18, zoned D5
Adam DeHart

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to build a single-family home on 1 parcel in a compact area with a 10 feet rear yard setback (required 15 feet rear setback).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

- 5. 2026-DV1-025 (Rescheduled) | 7279 North Keystone Avenue**
Washington Township, Council District #3, zoned C-4 (FF)
Midland Realty LLC, by Greg Dempsey

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile fueling station and convenience store with deficient north side building facade transparency (40 percent required), per plans submitted.

- 6. 2026-DV2-021 | 534 and 546 East 38th Street**
Washington Township, Council District #7, zoned D-9 (TOD)
Barry Pachciarz

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a 60" tall fence in the front yard (maximum height of 48" permitted).

PETITIONS FOR PUBLIC HEARING (New Petitions):

Additional Business:

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

This meeting can be viewed live at <https://www.indy.gov/activity/channel-16-live-web-stream>. The recording of this meeting will also be archived (along with recordings of other City/County entities) at <https://www.indy.gov/activity/watch-previously-recorded-programs>.

Member	Appointed By	Term
Craig Von Deylen, Chair	City-County Council	January 1, 2025 – December 21, 2025
James Duke, Vice-Chair	Mayor's Office	January 1, 2025 – December 21, 2025
Patrice Duckett-Brown, Secretary	City-County Council	January 1, 2025 – December 21, 2025

Beth Brandon	Mayor's Office	January 1, 2025 – December 21, 2025
Tom Barnes	Metropolitan Development Commission	January 1, 2025 – December 21, 2025



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

August 11, 2026

Case Number: 2026-DV2-022 (Amended)
Address: 200 and 206 North Rural Avenue (approximate address)
Location: Center Township, Council District #13
Zoning: D-9 (TOD)
Petitioner: Englewood Community Development Corporation
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a medium apartment building development with a minimum lot area of 9,422 square feet (minimum lot area 12,000 square feet required), with a minimum lot width of 75 feet (minimum lot width 100 feet required), with five off-street parking spaces provided (19 off-street parking spaces required), and to provide for minimum livability space ratio of 0.34 (minimum 0.75 required), and for a floor area ratio of 1.08 (maximum 0.50 permitted).
Current Land Use: Vacant lot
Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

The petitioner has requested that this petition be continued for cause from the August 11, 2026, hearing, to the September 8, 2026, hearing to allow time to amend the petition and provide new notice.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

August 11, 2026

Case Number: 2026UV2011

Property Address: 8450 Georgetown Rd.

Location: Pike Township, Council District #1

Petitioner: Kyle Davis, J.B. Hunt

Current Zoning: I2

Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a maintenance shop with associated office space and secure parking, supporting internal company operations (not permitted).

Current Land Use: Industrial

Staff Recommendations: Staff recommends approval of this petition

Staff Reviewer: Jasmine Dillard Nikolich, Senior Planner

PETITION OVERVIEW

Staff requests continuation from the August 11th, 2026, BZA II hearing to the September 8th, 2026, BZA II hearing to allow the petitioner adequate time for mailing and posting of the required legal notice.



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BOARD OF ZONING APPEALS DIVISION II

August 11, 2026

Case Number: 2026-DV2-023

Property Address: 355 Indiana Avenue (approximate address)

Location: Center Township, Council District #12

Petitioner: Grace Residential LLC / Powers and Sons Construction, by Faith Haberlin

Current Zoning: CBD-2, RC, TOD

Request: A Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit a Skyline sign in a CBD-2, RC, and TOD zoning district on a 34.6' structure (only permitted on a building over 50 ft in height).

Current Land Use: Commercial

Staff Recommendations: Staff recommends **approval**

Staff Reviewer: Adrienne Baker, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff are recommending **approval** of the variance

PETITION OVERVIEW

- The petitioner seeks a variance to allow installation of a Skyline sign on a structure measuring 34.6 feet in height, which is below the 50-foot minimum typically required for this type of signage. The site is located within the CBD-2 district and is subject to the Regional Center. These designations support dense, mixed-use, pedestrian-focused development and anticipate a high level of architectural visibility, including the use of prominent building-mounted signage as part of an active urban environment.
- The subject property, along with several surrounding buildings within the immediate block, has a documented history of approvals for prominent and illuminated signage, including upper-level wall signs, multiple Skyline signs, tenant identification signs, and other façade-mounted elements. This broader pattern of approvals within the area demonstrates longstanding support for highly visible signage as part of the established urban character. The proposed Skyline sign is consistent with these precedents, and staff therefore finds the requested variance appropriate and in alignment with prior decisions affecting both the site and its surroundings.



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GENERAL INFORMATION

Existing Zoning	CBD-2, RC	
Existing Land Use	Commercial	
Comprehensive Plan	Urban Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
North:	D-5, C-3, and D-8	North: Planned Development
South:	D-8 and I-2	South: Planned Development
East:	C-3 and D-5	East: Planned Development
West:	D-8	West: Planned Development
Thoroughfare Plan		
Indiana Ave	Primary Collector	56-foot existing right-of-way and 56-foot proposed right-of-way
N Capital Ave W Vermont St)	Primary Collector	56-foot existing right-of-way and 56-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Regional Center, TOD	
Wellfield Protection Area	No	
Site Plan	June 30, 2026	
Site Plan (Amended)	NA	
Elevations	June 30, 2026	
Elevations (Amended)	NA	
Landscape Plan	NA	
Findings of Fact	June 30, 2026	
Findings of Fact (Amended)	NA	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The CBD-2 district is for the general downtown area of Indianapolis, surrounding the CBD-1 and CBD-3 districts. The district represents the typical urban core of Indianapolis to be developed at very high density. It is a pedestrian-oriented environment that is also the focus of the City's transit system providing excellent accessibility. The grid pattern of streets are mostly high-volume arterials which function efficiently due to the service areas being accessed by a thorough network of alleys. The CBD-2 district accommodates a diverse mixture of uses including residential, retail, restaurants, entertainment, major public facilities, major convention facilities, sports venues, hotels, and memorials.



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- Sky Exposure Plane One shall be applied to all lots within the CBD-2 District abutting the west side of Capitol Avenue between New York Street and Maryland Street.
 - No part of any building or other structure on any lot shall penetrate the applicable sky exposure plane, except the following: A building or other structure may penetrate the Sky Exposure Plane One or Two provided that the area of all architectural elevation facing the street, of all buildings and other structures on the lot (including those portions thereof violating the sky exposure plane), when projected back to the base of the sky exposure plane establishes an area at the lot line not in excess of the total area of the lot frontage plane (an imaginary vertical plane, having a base coextensive with the front lot line and extending vertically to its termination at the intersection of the applicable sky exposure plane).
 - Sky Exposure Plane One must have a base that coincides with the centerline of the street. The elevation of that base is the average elevation of the street centerline from one street intersection to the next. The plane is inclined at an angle of 78 degrees measured from the horizontal and extends from the base to a height of 300 feet above the base. Beyond that height, it continues vertically upward at an angle of 90 degrees from the horizontal to infinity.
 - One Skyline sign per elevation with a maximum of 4 per building. Maximum sign width permitted 80% of the width of the building elevation. Projection from the wall to the outer edge of the sign 18 inches maximum.

Pattern Book / Land Use Plan

- The Urban Mixed-Use typology provides dense, pedestrian-oriented development with a wide range of businesses, services, and institutions that serve both adjacent neighborhoods and the broader Indianapolis community. Buildings are four to eight stories in height with entrances and large windows facing the street. Where possible, sidewalks and other pedestrian spaces should be activated as places to gather or otherwise spend time, such as sidewalk cafes and plazas. Public spaces may also be programmable for community events. Off-street parking should be behind buildings or in garages. Where block lengths are longer than 500 feet, public pedestrian paths should be provided as cut throughs. This typology has a residential density of at least 25 to 75 units per acre.
- The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a rapid transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site



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Neighborhood / Area Specific Plan

- According to the Regional Center Guidelines, the city's highest-density development is located in the Urban Core. This area is pedestrian-oriented and serves as a central focus of the city's transit system. Most Urban Core streets function as high-volume arterials. The Urban Core contains a concentration of employment and a mix of uses, including major convention facilities, sports venues, hotels, and memorials, with offices as the predominant land use. Its visibility and central location make it a frequent setting for festivals and other public events. The Urban Core plays a key role in shaping Indianapolis's identity. The Mile Square in downtown Indianapolis is a primary example of Urban Core development.
- Buildings shall be designed so that building and business signs are integrated into the overall façade design. Signs must be compatible with the building's architectural pattern, style, and fenestration. Signs should use "architectural-type" lettering, which may be illuminated, backlit, or constructed as neon letters. Backlit panel or "box-type" signs are generally discouraged. If such signs are used, the background must be nonreflective, opaque, and dark in color, with light-colored lettering. All signs shall maintain an 80-percent contrast ratio to support legibility for individuals with visual impairments.

Infill Housing Guidelines

- Not Applicable to the Site

Indy Moves

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

- Not Applicable to the Site



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ZONING HISTORY

ZONING HISTORY – SITE

2026REG036; ; 355 Indiana Ave; Regional Center Approval to provide for the installation of two skyline signs: one on the east elevation, and one facing Indiana Avenue on the southwest elevation; **approved** subject to the following condition: the subject site shall be developed in accordance with the site plan and development statement, stamped approved June 3, 2026.

2023REG082; 355 Indiana Ave; Regional Center Approval to provide for building tenant signage, **approved** subject to the following condition: the subject site shall be developed in accordance with the site plans, details, and sign elevations, stamped approved on October 17, 2023.

2015REG095; 355 Indiana Ave; Regional Center Approval to provide for an individually lettered illuminated upper-level wall sign on the north elevation of an existing building. the installation of two skyline signs: one on the east elevation, and one facing Indiana Avenue on the southwest elevation; **approved** subject to the following condition: the subject site shall be developed in accordance with the site plan and elevations, file-dated August 26, 2015, and stamped approved September 9, 2015.

2013REG093; 355 Indiana Ave; to provide for a lower-level wall sign on the southwest elevation of an existing building; **approved** subject to the following condition: the subject site shall be developed in accordance with the site plans and sign elevations plans.

2011REG015; 355 Indiana Ave; to provide for a two-story mixed-use building with commercial retail and/or office use on the first floor and office use on the second floor; **approved**.

ZONING HISTORY – VICINITY

2018REG091; 361 Indiana Ave; to provide for seven signs, including four window signs and three wall signs; **approved** subject to the following condition: the site shall be developed in accordance with the site plan and elevations.

2011APP150; 320 N Senate Ave; to provide for a hotel restaurant with liquor sales; **approved**.

2011REG101; 334 N Senate Ave; to provide for additional rooftop Wireless Communication antennas and related equipment; **approved**.

2011REG127; 332 N Capitol Ave; to provide for one new mural on the south façade of an existing building; **approved**.

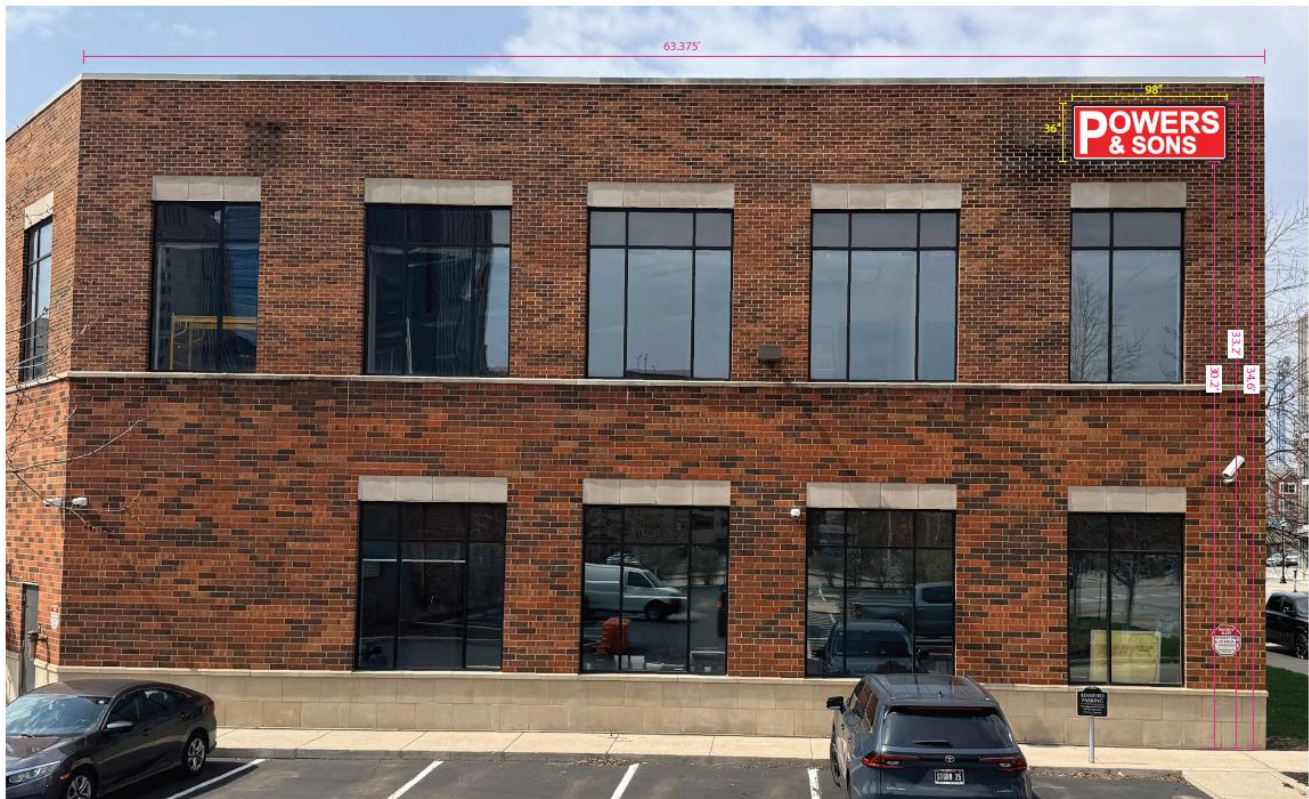
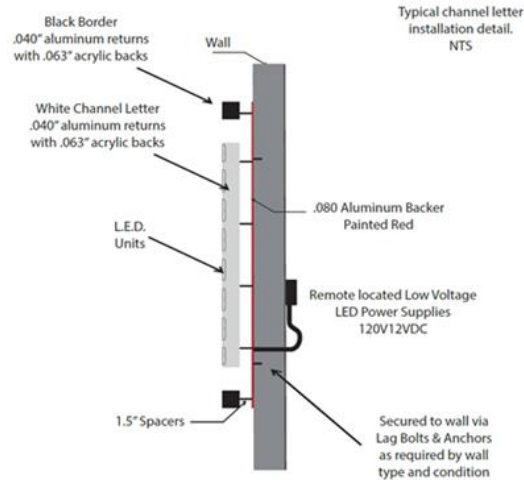
2007APP195; 340 N Capital Ave; to provide for a new structure for use as a 3,800 square foot bank on the first floor (with drive-through service within the structure) and five condominiums units on the second floor; **approved** subject to conditions.

A detailed map of downtown Indianapolis, Indiana. The map shows a grid of streets including N California St, N Vermont St, N New York St, W Ohio St, W Michigan St, W Allegany St, Tippecanoe St, E North St, E Michigan St, E Vermont St, and E New York St. Key landmarks include the Indianapolis Eye Care Center, Charles Kuhn House, Cosmopolitan, Cadillac Building, Lux On Capitol, ICTC Building (IUPUI University), McKinney School of Law, Peace Park, Indiana World War Memorial, Birch Bayh Federal Building And U.S. Courthouse, Capital Center, Oneamerica Tower, and the Downtown Canal Walk. Designated areas are highlighted in blue and labeled: CBD1 (near the courthouse), CBD2 (central area around Peace Park), CBD3 (northeast area), PK1 (southwest area near Military Park), and PK2 (far southwest corner). A scale bar indicates distances up to 715 ft. The map also shows the locations of various schools and parks.

[illegible]



2026DV2023 : Elevations

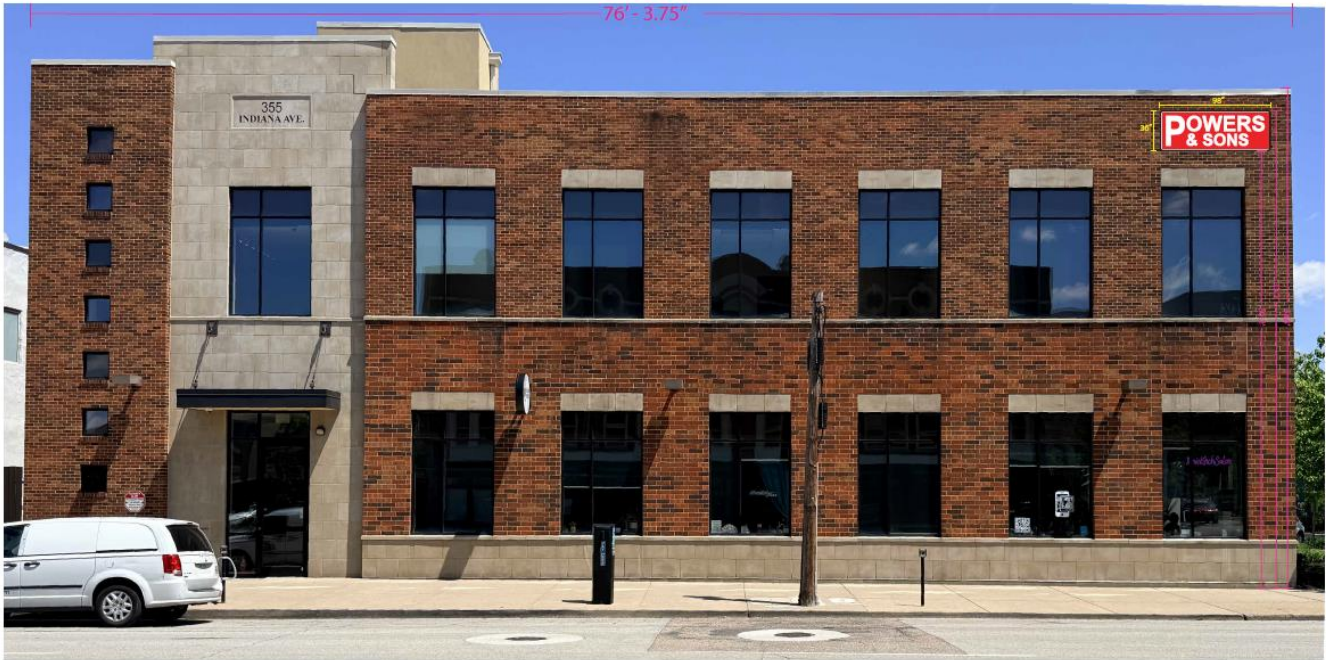


Description: "POWERS & SONS" with black raised border - 2" deep halo lit channel letters, with white and red LEDs
stud mounted (with 1.5" spacers) to a 36" x 98" x 3" fabricated backer/raceway painted white and red, with self contained power supplies
Colors: Red, White, Black
Typestyle: Custom
Mounting: Stud Mounted with Spacers
Quantity: 1

Scale: 1/8" = 10"
SIGNSOLUTIONS
800-705-8258

Client: Powers and Sons Construction Company
Contact: Faith Haberlin
Drawing Date: 3/31/2026

This design belongs to SIGNSOLUTIONS, INC. and becomes
property of the customer upon completion of an order,
and is otherwise not to be used without written
permission of SIGNSOLUTIONS, INC.
805 Commerce Plaza West Dr.
Greenwood, IN 46143-1317 817-581-1818



Description: "POWERS & SONS" with black raised border - 2" deep halo lit channel letters, with white and red LEDs
stud mounted (with 1.5" spacers) to a 36" x 98" x 3" fabricated backer/raceway painted white and red, with self contained power supplies
Colors: Red, White, Black
Typestyle: Custom
Mounting: Stud Mounted with Spacers
Quantity: 1

Scale: 1/8" = 14"
SIGNSOLUTIONS
800-705-8258

Client: Powers and Sons Construction Company
Contact: Faith Haberlin
Drawing Date: 3/31/2026

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2026DV1029 : 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 sign is professionally designed and engineered, utilizes modern LED halo illumination, and will be securely mounted to the existing building facade. The sign is intended solely for business identification and does not create a traffic hazard or obstruct visibility for motorists or pedestrians. The scale, lighting, and placement are compatible with the surrounding commercial development and will enhance the appearance of the property while maintaining the character of the downtown environment

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

The proposed sign is consistent with the commercial nature of the surrounding Central Business District and is designed to complement the architecture of the building. The sign does not encroach onto neighboring properties, interfere with adjacent businesses, or negatively impact nearby property values. Rather, it provides appropriate identification for the tenant while contributing to an attractive streetscape.

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

Strict application of the Skyline Ordinance would prevent the applicant from utilizing an existing sign location that already has electrical infrastructure in place. One of the proposed sign locations already contains an existing sign with electrical infrastructure. Relocating the sign to a code-compliant location would require costly rerouting of electrical service and unnecessary modifications to the building. Additionally, the applicant seeks to maintain consistent sign placement on both the west and south elevations to preserve a cohesive architectural appearance. The requested variance allows for reasonable business identification while maintaining the the intent of the ordinance and without adversely affecting the surrounding area.



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2026DV1029 : Site Photos









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BOARD OF ZONING APPEALS DIVISION II

August 11, 2026

Case Number:	2026-DV2-024
Property Address:	721 Parkway Ave
Location:	Center Township, Council District #18
Petitioner:	Adam DeHart, by Keeler Webb Associates
Current Zoning:	D-5
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to build a single-family home on 1 parcel in a compact area with a 10 feet rear yard setback (required 15 feet rear setback)
Current Land Use:	Undeveloped
Staff Recommendations:	Staff recommends approval of this petition.
Staff Reviewer:	Jasmine Dillard Nikolich, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition, subject to the commitments that:

1. Variance of Development for the single-family residence shall substantially comply with the site plan filed-dated 7/6/2026

PETITION OVERVIEW

721 Parkway Ave is a vacant residential parcel in the South Park Subdivision on Parkway Ave between Wright Street and Elmwood Avenue. This site is within the Compact context area. Aerial images indicate that this parcel has been vacant since mid-2025.

The parcel is zoned D-5 (Dwelling District Five) and is approximately 3,171 square feet with an approximate lot width of 35 feet. Per zoning standards, the minimum lot size for a single-family detached home in a compact area is 2,500 square feet with a minimum lot width of 25 feet. Therefore, the parcel meets minimum lot and width zoning requirements.

Approval of this petition would allow for construction of a single-family residence on the subject property with a rear yard setback of 10 foot (15 feet required). All other setback requirements (front-20 to 50 feet and side-3 feet setbacks) shall meet zoning standards. Infill housing guidelines recommend that new construction “reflect and reinforce the character of spacing found in its block” to establish “a rhythm and



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pattern along a street.” Many lots along this street appear narrow with rear setbacks of a few feet. Estimated measurements of aerial imagery show that multiple homes on this block do not meet the required 15-foot rear setback. Some seem to have as little as 3-foot rear setbacks (714 E. Terrace Avenue, 626 E. Terrace Avenue, 514 E. Terrace Avenue). Staff would note that a 10-foot side setback would not be out of context with the neighborhood and would still provide enough spacing for egress.

The Zoning Ordinance requires a D-5 lot to have a minimum lot open space of 20%. Per site plan, the proposed home is projected to have 28.5% open space. Therefore, most dimensional standards would be met. Staff would note that the petitioner has not determined the height of the proposed home. As required by the zoning ordinance, the proposed home shall not exceed 35 feet.

Per Zoning Ordinance and Infill housing guidelines, entries such as driveways are to be in the direction of where alleys are available. Additionally, front driveways are to be avoided whenever there is alley access. Per site plan, a proposed 21-foot-wide concrete driveway shall connect to the existing alley from the rear yard to meet parking requirements.

The Findings of Fact submitted by the applicant indicate that the proposed development would not be injurious to the public health, safety, morals, and general welfare of the community as the proposed residential structure is consistent with the zoning and use of the adjacent real estate. The Findings of Fact further explains that the vacant parcel will not be affected in any adverse manner as the owner is investing substantial funding for construction, utility, site improvements, parking, and green space. The complete Findings of Fact are provided in the Exhibits below.

Approval of this variance would allow the petitioner to build a single-family home on an otherwise vacant lot that follows the character of the neighborhood and achieves infill housing guidelines. The height of the building shall not exceed the maximum zoning requirement of 35 feet. Further additions and/or expansions shall be subjected to further petitions and public hearings. Staff recommends **approval** of this petition.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Undeveloped; Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-5	North: Residential
South:	D-5	South: Residential
East:	D-5	East: Residential
West:	D-5	West: Residential
Thoroughfare Plan		
Parkway Avenue	Local Street	48-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	



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Wellfield Protection Area	No
Site Plan	7/6/2026
Site Plan (Amended)	N/A
Elevations	7/6/2026
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	7/6/2026
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- 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. 33).

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

- Infill guidelines on building spacing recommend reinforcing spacing on the existing block with new construction reflecting and reinforcing the character of spacing found on its block (pg. 12).



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- Infill guidelines on driveways recommend avoiding front-loading garages and driveways where alleys are available. The Zoning Ordinance requires that entries should be clear and defined (page. 27).

Indy Moves

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

- “Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2020DV1038; 714 E. Terrace Avenue (south of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a garage and the extension of a second-floor deck with an open space of 44% and a rear setback of five feet (60% open space and 20-foot setback required), **approved**.

2018HOV039; 1331 S. East Street (northwest of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory single-family residential uses (not permitted), including a single-family dwelling, with an eight-foot front setback (10-foot setback required) and the construction of a detached garage, with a three-foot side transitional yard (eight-foot side transitional yard along alley required), **approved**.

2017DV3040; 626 E. Terrace Avenue (southwest of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and an attached garage, creating 47% open space, with a six-foot front setback, six feet between primary buildings and a 10-foot rear setback (60% open space, 18-foot front setback or average, 10 feet between buildings, 20-foot rear setback required), **void**.

2017HOV091; 626 E. Terrace Avenue (southwest of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and an attached garage, creating 47% open space, with a six-foot front setback, six feet between primary buildings and a 10-foot rear setback (60% open space, 18-foot front setback or average, 10 feet between buildings, 20-foot rear setback required), **approved**.

2017DV3038; 514 E. Terrace Avenue (southwest of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with a breezeway and garage, with an eight-foot front setback, three feet between primary buildings, a three-foot rear setback and 49% open space (18-foot front setback, 10 feet between primary buildings, 20-foot rear setback and 60% open space required), **approved**.

/s=view_13



2026-DV2-024; Aerial Map of Surrounding Homes that do not Meet Rear Setbacks

Aerial Map 1: 714 E. Terrance Avenue



Aerial Map 2: 626 E. Terrance Avenue



Aerial Map 3: 514 E. Terrace Avenue



2026-DV2-024; Site Plan





Department of Metropolitan Development Division of Planning Current Planning

2026-DV2-024; Development Statement

KEELER-WEBB ASSOCIATES

Consulting Engineers · Planners · Surveyors
TELEPHONE (317) 574-0140 www.keelerwebb.com
486 Grady Drive
Carmel, Indiana 46032

June 30, 2026

Attn: Plan Reviewer
City of Indianapolis Department of Metropolitan Development
200 E. Washington St.
Indianapolis, IN 46204

Re.: Kyle Culmann & Deanna Sapp
721 Parkway Ave., Indianapolis, Indiana
KWA Project No. 2509-028

LETTER OF INTENT

Keeler-Webb Associates is acting as agent surveyor/engineer for Kyle Culmann and Deanna Sapp the owners of the subject parcel. We are proposing to build a single-family home on the vacant property. The existing vacant site has all necessary utilities available to the site and will be accessed from the rear alley.

The owners are proposing to build a 2-story 1,761 sq.ft. footprint home on the 0.076 Ac. parcel. The size and dimensions of the home is impacted by the compact lot.

The UDO complicates and unnecessarily encumbers the property per the following section:

The Zoning Ordinance – Indianapolis-Marion County – Effective March 2, 2026

TABLE 742.103.03 – RESIDENTIAL BUILDING TYPE STANDARDS													
NAME/TYPE	LOT (MIN.) [1]		SETBACKS (MIN.)				BUILDING		Zoning Districts				
	AREA (S.F.)	WIDTH	FRONT	SIDE	CORNER SIZE	REAR	HEIGHT (MAX.) (ft)	OPEN SPACE [2]	DS	DSM	DR	DRS	DND
Detached House – Medium Lot	≥ 7.2K	60'		7'	10'	20'	35' / 2.5 story	60%	■	■			
Detached House – Small	≥ 5K	40'		5'	8'	20'	35' / 2.5 story	40%	■	■	■		
Detached House – Compact Lot	≥ 2.5K	25'		3'	8'	15'	35' / 2.5 story	20%	■	■	■	■	
Duplex (2 units)	≥ 7.2K	60'		5'	8'	20'	35' / 2.5 story	60%	■	■	■		
Multi-Unit House (2-4 units) – Small Lot	≥ 5K	40'		5'	8'	20'	35' / 2.5 story	40%	■	■	■		
Multi-Unit House – Compact Lot (2-4 units)	≥ 3.5K	35'		3'	8'	10'	35' / 2.5 story	20%	■	■	■	■	
Row House – Large Lot (2 – 8 units / building)	≥ 2K	20'		5' / 0' if party wall	8'	15'	40' / 3 story	15%		■	■	■	■
Row House – Small Lot (2-12 units / building)	≥ 1.2K	16'		5' / 0' if party wall	8'	15'	40' / 3 story	10%			■	■	■
Small Apartment (3 – 12 units)	4K – 12K	40' – 100'		5'	10'	10'	50' / 2-4 story	100 s.f. / unit			■	■	■
Medium Apartment (13-50 units)	12K – 1ac	100' – 200'		5'	10'	10'	75' / 3-4 story	75 s.f. / unit				■	■
Large Apartment (51+ units)	≥ 1 ac	150' min.		5'	10'	10'	150' / 3-12 story	60 s.f. / unit					■

1

Table 742.103.03 – Residential Building Type Standards

Detached House – Compact House Rear yard 15'

Strict application of this section of the UDO prevents the owners from building the proposed single-family residence. There will be minimal disturbance of land as the structure is being constructed on the compact lot.

Storm water from the proposed structure will be collected via gutters and downspouts which will drain into downspout underdrains to the existing storm sewers in Parkway Avenue. The total disturbance of land is less than 0.073 Acre (2,503 sq.ft.).

Construction is planned to begin immediately upon approval of this development standard variance followed by submitting permit review and approval by all appropriate agencies with the intention of pulling permits as soon as possible.

There is sufficient capacity of all the utilities available to this site or in the road. This project also will not change the level of service on any adjacent roads. This project is being submitted for your review and comment prior to issuing plans for permits. If there are any questions or concerns, please do not hesitate to contact us at any time.

Respectfully,
KEELER-WEBB ASSOCIATES

Adam DeHart, PS, EMT-P, CPESC, CESSWI
Project Manager



Department of Metropolitan Development
Division of Planning
Current Planning

2026-DV2-024; Findings of Fact

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

it is unlikely that the variance request would be injurious to the public health, safety, morals and general welfare of the community as the proposed residential structure is consistent with the zoning and use of the adjacent real estate.

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:

it is unlikely that the use and value of the adjacent undeveloped property will be affected in an adverse manner. The owner is investing substantial money including constructing the structure, utility, site improvements, parking, and green space.

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

Strict application of the UDO would result in the inability to construct the structure on the real estate.

2026-DV2-024; Photographs

Photo 1: Subject Site View to the North (Front)



Photo 2: Subject Site View to the East



Photo 3: Subject Site View to the South (Rear)



Photo 4: Subject Site View to the West

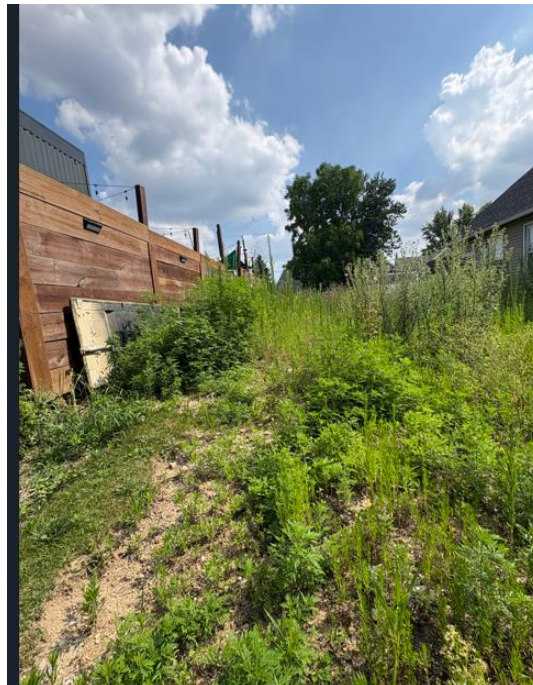


Photo 5: Subject Site View of Rear Alley Access





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BOARD OF ZONING APPEALS DIVISION III

August 11, 2026

Case Number: 2026-DV1-025 (Rehearing)
Address: 7279 North Keystone Avenue (approximate address)
Location: Washington Township, Council District #3
Zoning: C-4 (FF)
Petitioner: Midland Realty LLC, by Greg Dempsey
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile fueling station and convenience store with deficient north side building facade transparency (40 percent required), per plans submitted.

Current Land Use: Vacant Commercial Restaurant Building
Staff Recommendations: Staff recommends **approval** of this petition subject to plans submitted.
Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was originally scheduled for July 7, 2026, Board of Zoning Appeals I hearing. After an automatic continuance was filed and accepted by Staff, the petition was mistakenly listed on the July 7, 2026, docket. Since the automatic continuance had been accepted prior to the docketing, the petition was rescheduled with new notice to the August 11, 2026, hearing.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition subject to plans submitted.

PETITION OVERVIEW

- The currently proposed development would allow for placement of a fueling station and convenience store at this site which would include both 12 accessory fuel pumps under a fuel pump canopy.
- This property is zoned C-4 (Community-Regional District) to allow for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. Typical uses might include home improvement stores, department stores, and theaters. Similarly, the Comprehensive Plan Pattern Book recommends this site to the Community Commercial working typology to allow for low intensity commercial and office uses that serve nearby neighborhoods.



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- Regulations on building transparency within the Ordinance exist to ensure both public safety and visibility for emergency responders as well as to allow for activation of facades that contain public pedestrian entrances. While the proposed front façade to the south would meet the 40% standard required for C-4 zoning, the rear entrance along the northern façade wouldn't contain any transparency at all (other than the doorway itself which would not count toward the required 40%).
- While Staff is hesitant to recommend approval of such variations, Staff would note that a majority of the area adjacent to the northern façade is associated with bathrooms, limiting the amount of public window transparency. The primary and public retail area is adjacent to the southern façade and has ample windows, therefore, Staff believes that the convenience markets design meets the intent of the Ordinance.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Vacant Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	C-4	Commercial
South:	C-4	Commercial
East:	C-4	Commercial
West:	C-4	Commercial
Thoroughfare Plan		
North Keystone Avenue	Primary Arterial	135-foot existing and proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	500-year	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	05/12/2026	
Elevations	05/12/2026	
Landscape Plan	N/A	
Findings of Fact	05/12/2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book



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Current Planning**

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Community Commercial working typology provides for low intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

2000-DV1-067; 7279 North Keystone Avenue (subject site), requested a variance of development standards of the Commercial Zoning Ordinance to provide for the construction of a 2,000 square foot building, with 14 off-street parking spaces located within the proposed right-of-way of Keystone Avenue with a six-foot wide landscape buffer along the existing right-of-way of Keystone Avenue, and without the required decorative fence along the perimeter of the outdoor seating area, **withdrawn**.

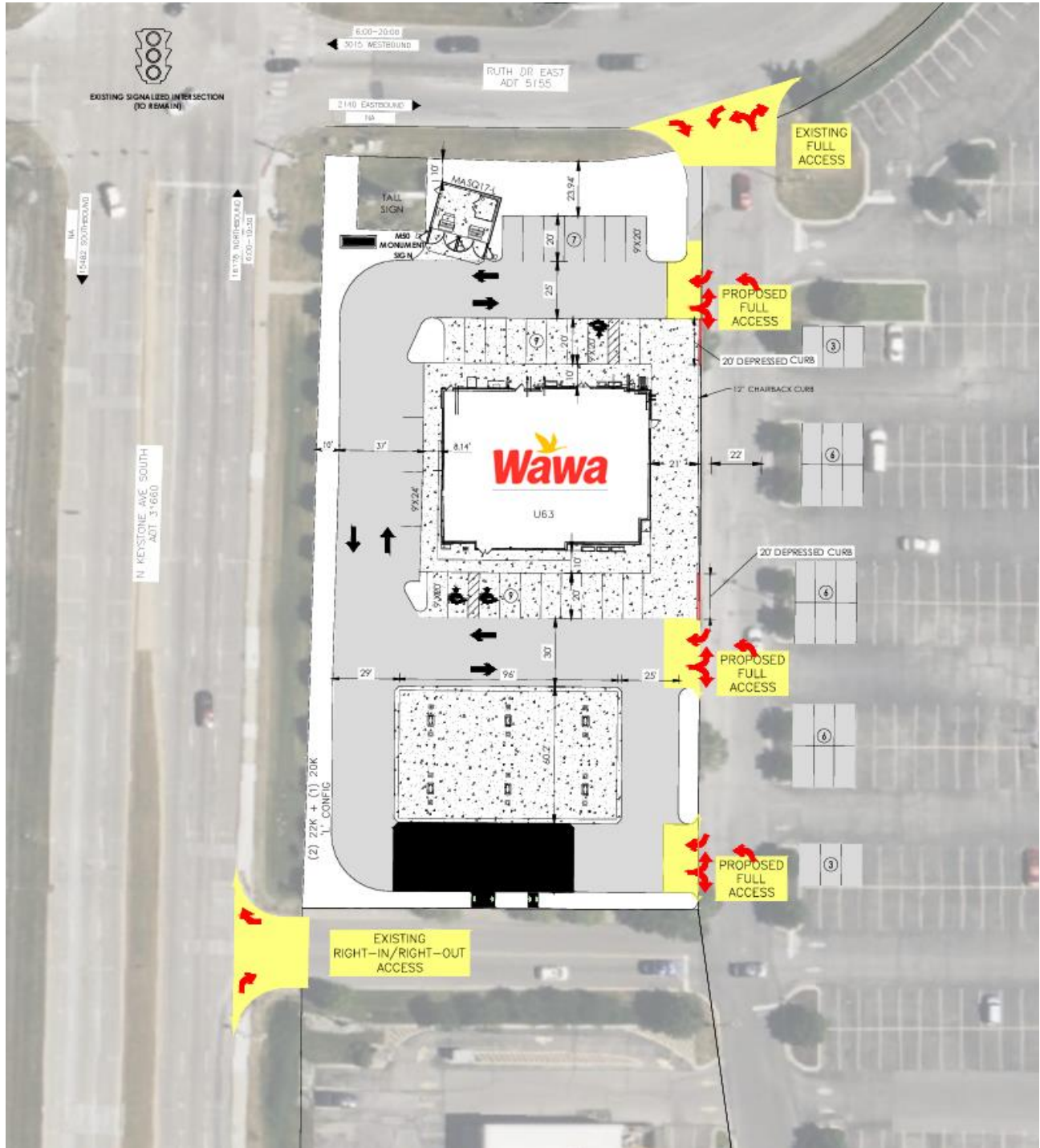
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EXHIBITS

Aerial Map



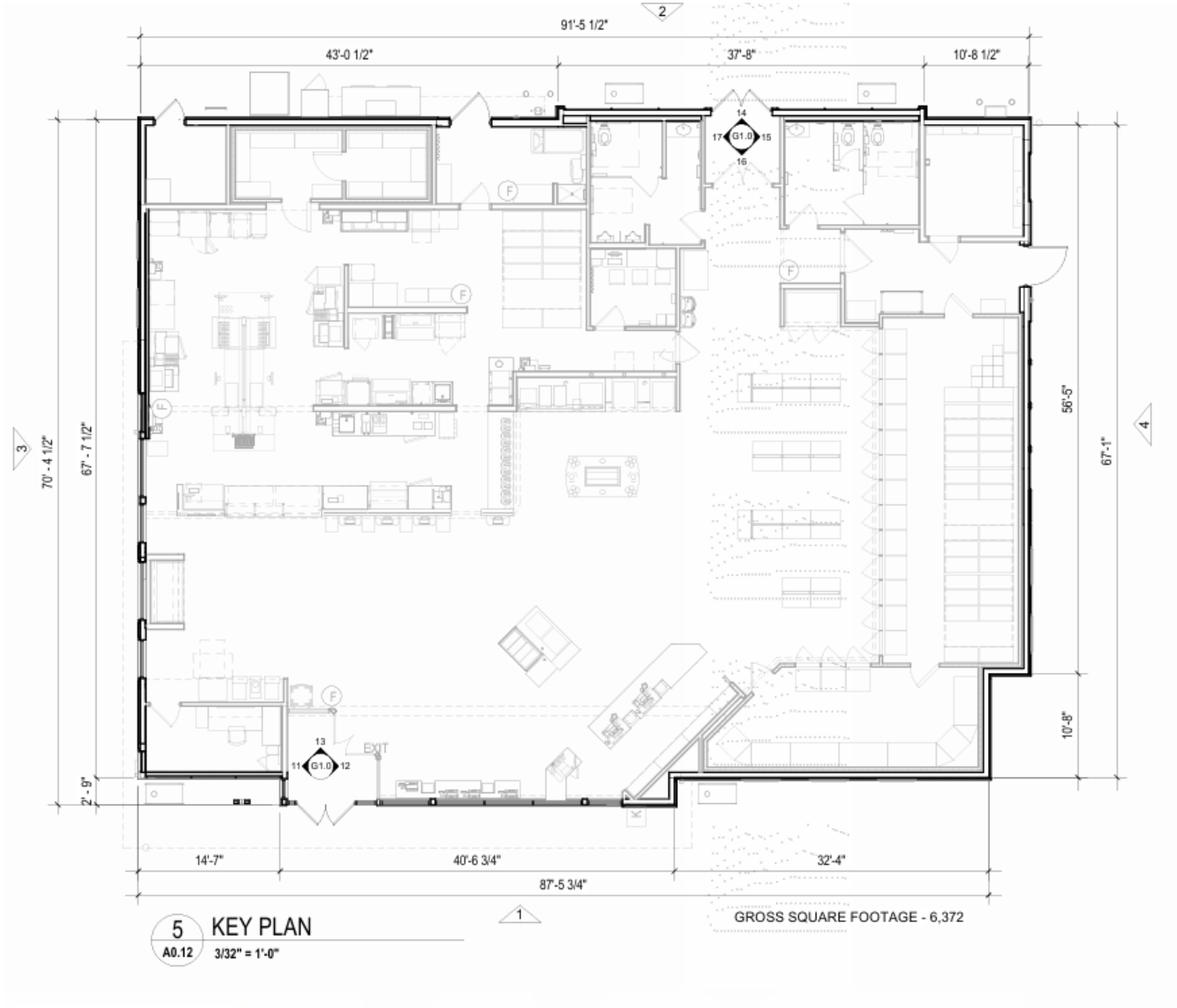
Site Plan



Elevation Plans



Floorplan





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

Findings of Fact

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The intent of the variance is to prevent the pedestrians and customers from being able to see into sensitive areas of the building such as, restrooms, kitchen, storage areas, and mechanical rooms. Opaque spandrel glass is being proposed in lieu of full transparent windows to prevent viewing of sensitive areas of the building that would otherwise be injurious to the public health, safety, morals and general welfare of the community

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 intent of the ordinance is being met. Granting the variance will not result in a visibly obvious from the outside of the building. The sum total of the translucent and opaque spandrel glass will meet the requirements of the ordinance, the adjacent areas will not be adversely affected.

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

Strict adherence to the transparency requirements on the rear, north, facade will result in creating both privacy and security issues by allowing visibility into sensitive areas such as restrooms, storage areas, kitchen and mechanical room. Customers will still have access into the store through the front, south, entrance as well as a secondary public entrance on the rear, north, side of the building.

Photographs



Subject site, existing building to be demolished, looking northeast.



Subject site, existing building to be demolished, looking southwest.



Adjacent commercial to the west of subject site.



Adjacent commercial to the east of subject site.



Adjacent commercial to the north of subject site.



Adjacent commercial to the south of subject site.



BOARD OF ZONING APPEALS DIVISION II

August 11, 2026

Case Number: 2026-DV2-021
Address: 534 and 546 East 38th Street (approximate address)
Location: Washington Township, Council District #7
Zoning: D-9 (TOD)
Petitioner: Barry Pachciarz
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a 60" tall fence in the front yard (maximum height of 48" permitted).
Current Land Use: Multi-Family Apartment building
Staff Recommendation: Staff recommends denial of this petition.
Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously continued from the July 14, 2026, hearing, to the August 11 hearing, to allow time to provide the required legal notice.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ As proposed, the requested 60" tall fence would be at grade on top of an elevated three-foot tall solid retaining wall.
- ◇ This would provide for an eight-foot tall security barrier from the sidewalk. The request for the 60-inch tall fence as proposed would not be supportable, as the use or value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner
- ◇ The site plan file-dated May 22, 2026, shows the proposed fence being located directly next to the sidewalk along the 38th Street frontage. There is an approximately three-foot change in elevation from the sidewalk to the area where the fence would be located, making an eight-foot tall barrier and creating an unwelcoming canyon affect for sidewalk pedestrians to walk next to.
- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance permits a maximum height of 48 inches within the front yard for fences with an opacity of 30% or less, and six (6) feet in the rear yard.



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Division of Planning
Current Planning**

- ◇ The purpose of the height limitation is to create an open appearance along public rights-of-way, prevent blocking views at intersections, limit the negative visual impacts on adjacent properties, and prevent a canyonized effect of the streetscape when multiple properties install overly tall fences adjacent or near the front public right of way.
- ◇ The height requirements are in place to limit bulk and keep the environment at a human-scale. This regulation limits the number of “walls” or abnormally tall structures that can be built to ensure neighborhood compatibility and to prevent unreasonable blockage of sunlight.
- ◇ There is no practical difficulty with the site, as the fence could be built in the front yard where proposed with a height of 48 inches, without the need for a Variance. No other residential properties have requested Variances for an increase in front yard fence heights along this portion of 38th street, and are able to comply with the Ordinance, as this property can.

GENERAL INFORMATION

Existing Zoning	D-9	
Existing Land Use	Multi-Family Dwelling	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	Single-Family Dwelling / Accessory Parking Lot
South:	C-1 / D-8	Commercial Office / Multi-Family Dwellings
East:	MU-1	Multi-Family dwellings
West:	C-3	Commercial retail
Thoroughfare Plan		
East 38 th Street	Primary Arterial	104-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	Transit Oriented Development	
Wellfield Protection Area	No	
Elevations	N/A	
Landscape Plan	N/A	
Site Plan	May 22, 2026	
Findings of Fact	May 22, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Village Mixed Uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Village Mixed Use typology that creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers.



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Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contribute to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

2008-DV2-009; 604 East 38th Street (east of site), requests a Variance of Development Standards to provide for an eight-foot tall, solid wall within the required ten-foot front yard along Park Avenue and Broadway Street, **granted**.

97-Z-135/97-CV-13; 502 East 38th Street (west of site), requests the rezone 0.5909 acre from D-5 and D-9 to the D-10 classification to provide for attached multi-family residential uses which may include 19 townhomes, **approved**. Requested a Variance of Development Standards to provide for the construction of three attached multi-family residential buildings with a front setback of 15 feet from Central Avenue (minimum 40 feet setback required), a side setback of 10 feet along the north property line (minimum 20 feet required), a distance between buildings as close as 16 feet (minimum 20 feet required), resulting in the distance between buildings to be less than the sum of the required minimum depths of adjoining yards (not permitted), parking along, and zero feet from, an alley along the east property line (parking not permitted in the required perimeter yard), parking along, and five feet from, the north property line (parking not permitted in the required perimeter yard), a livability space ratio of 0.6541 (minimum 0.660 required) and, a major livability space ratio of 0.00 (minimum 0.110 required), **granted**.



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Division of Planning
Current Planning

95-UV3-80; 519 East 38th Street (west of site), requests a variance of use and development standards of the Commercial Zoning Ordinance, to provide for a record store in an existing building, **granted**.

95-SE2-14; 525 East 38th Street and 3757 North Ruckle Street (west of site), requests a Special Exception of the Dwelling Districts Zoning Ordinance to provide for a religious use, **granted**.

90-UV1-117; 519 East 38th Street (west of site), requests a variance of use to permit a convenience store with carry out food items in an existing building, **granted**.

86-UV3-114; 502 East 38th Street (west of site), requests a variance of use of the Dwelling Districts Zoning Ordinance and the Sign Regulations, to provide the use of a portion of the existing apartment building for office and retail use, with wall signs and additional parking, **granted**.

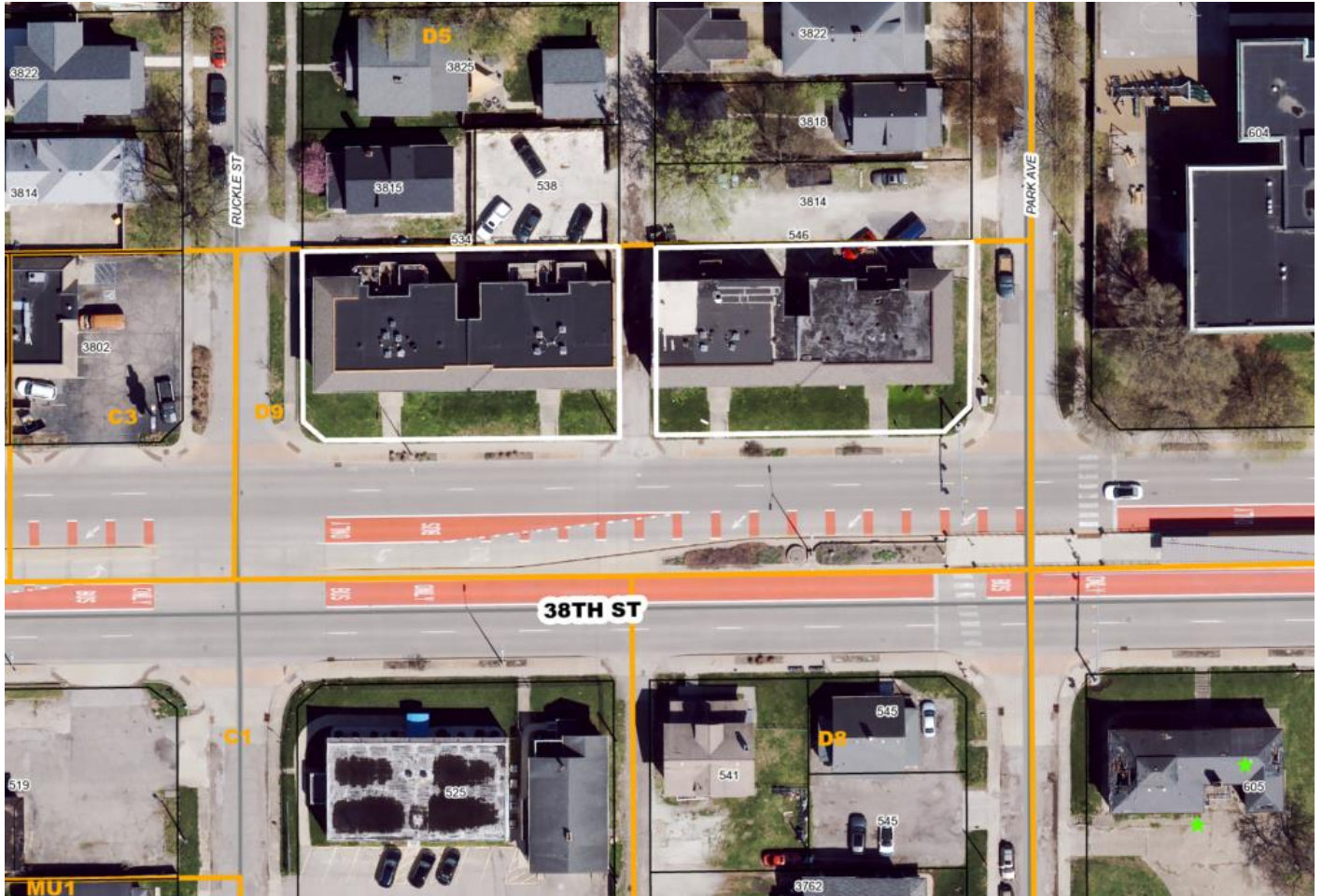
84-UV2-65; 501 East 38th Street, requests a variance of use to permit a carry out pizza restaurant within 100 feet of a dwelling district, **granted**.

84-UV2-31; 501 East 38th Street, requests a variance of use to provide for the conversion of a vacant service station to a convenience store with car wash and gasoline pumps, **dismissed**.

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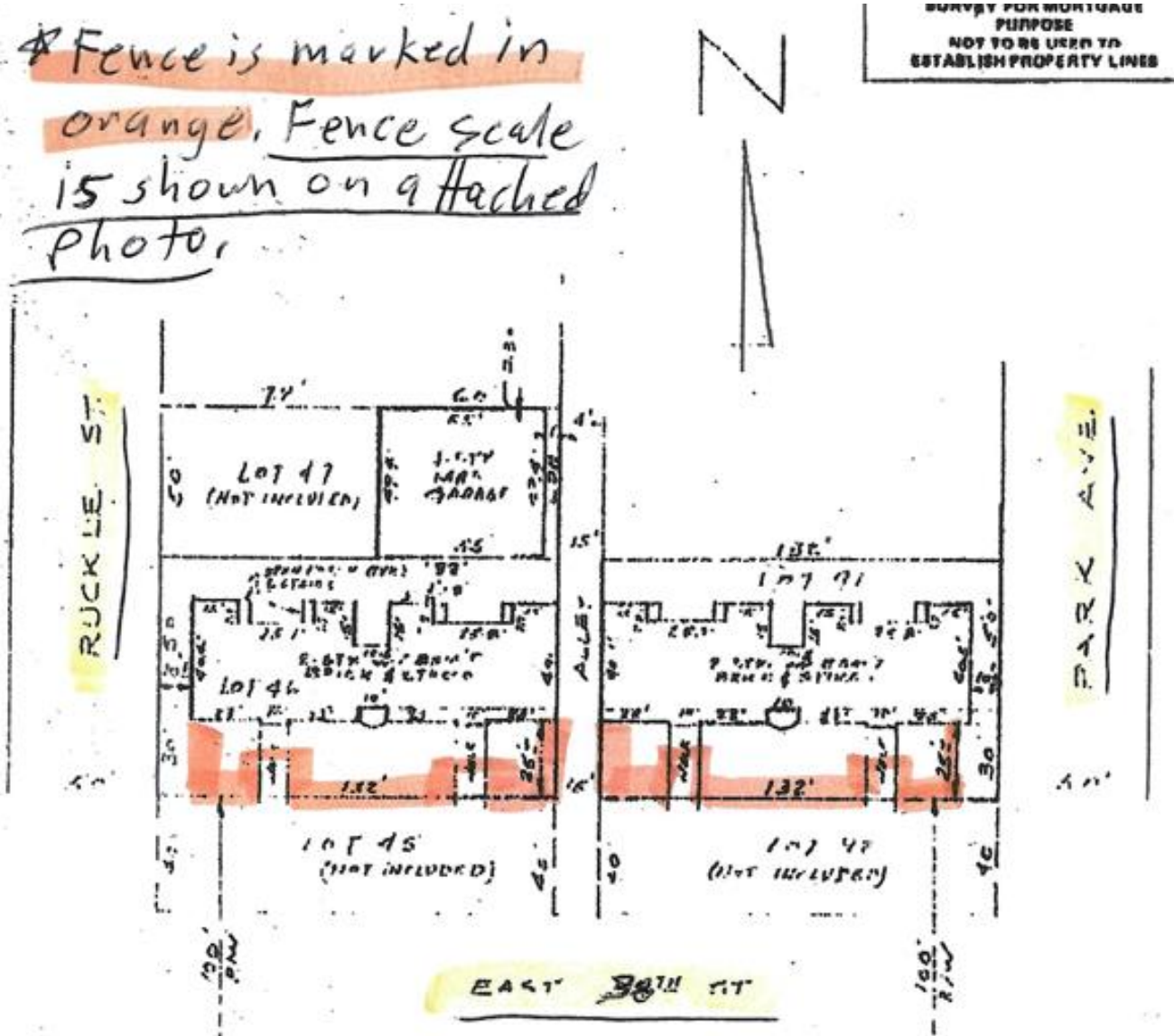
EXHIBITS

Location Map



Site Plan

* Fence is marked in orange.
Fence scale
is shown on attached
photo.





Department of Metropolitan Development
Division of Planning
Current Planning

Findings of Fact

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

Since the subject property is located along 38th Street across from a red and purple line bus stop, it has a high rate of vehicular traffic and pedestrians walking along this major corridor. The retaining wall and gated fencing area around the front of the buildings, will serve as a foundational piece of the security plan for our residents. It is a metal, picket style fence that does not impact visibility, but provides for a deterrent for those not residing the property to keep them out of the front yard preventing access to the front doors of the property. A taller fence in the front yard is imperative for people who would live on a busy thoroughfare like 38th Street in our community.

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

There are several properties located along 38th Street and other high traffic streets in the Meridian Kessler area that already have similar fences greater than 48" in height, installed for the same reasons outlined above. Neighbors are not affected, and in fact, we have support of members of the neighborhood association for not only the proposed fencing option, but for the overall renovation/remodel project as it was was a burn damaged property and previously owned by a slum lord. We have made significant improvements, which helps property values of all of our neighbors. Additionally, we are partnering with Coburn Place, our neighbor directly to the east on 38th, and are in the process of placing two of their clients in our building.

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

Per the attached photos, the current fencing is 48" above the finished grade of the retaining wall. Reducing the height in any way would be a detriment to the security we have committed to our residents, and would be an obstacle to anyone who would consider living in the community in the future. We already made a considerable investment in the current fencing option, and it would be a significant, non-budgeted cost to reduce the height of the fence, as proposed by the strict application of the zoning ordinance. We have already purchased the same size fence sections for the adjoining property we would like to install the same option there as well, for the aforementioned reasons.

Photographs



Subject site, 546 East 38th Street with existing non-compliant fencing. Looking northwest.



Subject site, 534 East 38th Street, proposed fencing. Looking northeast.



Subject site, 546 East 38th Street, close-up of existing proposed fence height on top of retaining wall, looking east.



Subject site, 546 East 38th Street with existing proposed fence height on top of retaining wall, looking east.