

BOARD OF ZONING APPEALS DIVISION III

December 17th, 2024

Case Number: 2024-DV3-038

Property Address: 1502 Pleasant Street

Location: Center Township, Council District #18

Petitioner: Anthony Walters

Current Zoning: D-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a four-foot tall fence within the front yards of Spruce and Pleasant Streets, also encroaching within the clear sight triangle of the intersection (3.5-foot tall fence permitted, encroachment prohibited).

Current Land Use: Residential

Staff

Recommendations: Staff recommends **denial** of this variance petition.

Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first public hearing for this variance petition.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

- This variance petition is requesting two items; the first is to allow the existing wooden fence in the front yards of a corner lot property to be four (4) feet in height, while the maximum permitted height of a fence in the front yard is 3.5 feet. The second is to allow the fence to encroach into the clear-sight triangle of the intersection.
- The property sits at the corner of Spruce Street and Pleasant Street. Spruce Street is a two-lane street with cars going in both north and south directions of traffic. Pleasant Street is a one-way eastbound street where residents use both sides of the road for parking.
- Since this property is a corner lot, there are two front yards, one along Spruce Street and the second along Pleasant Street. The Ordinance only permits fences in the front yard to be 3.5 feet in height, while in this case, the fence was constructed to be 4 (four) feet in height.
- Though these fences are not privacy fences, they obscure the view of the house itself, which does not follow the Infill Housing Guidelines.

- This fence is within the public right-of-way, and when a utility service needs access to the land, the fence can be removed.
- The fence is within the clear sight triangle, so the public driving south down Spruce Street can have their sight obscured when turning left onto Pleasant Street.
- Staff recommends **denial** of this variance petition due to the type of fence, the fence's height, and its location, which could be a potential hazard for the public around this location. The petitioner states that this fence is needed to enclose their dog within the yard. Staff would note that there are alternatives to keep animals safe and contained outside of fencing. Staff would also note that the petitioner could reduce the height by six (6) inches and be compliant.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	North: Traditional Neighborhood
South:	C-4	South: Village Mixed-Use
East:	D-5	East: Traditional Neighborhood
West:	C-5	West: Village Mixed-Use
Thoroughfare Plan		
Pleasant Street	Local Street	60 feet of right-of-way existing and 48 feet of right-of-way proposed.
Spruce 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	11/21/2024	
Site Plan (Amended)	N/A	
Elevations	11/21/2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	11/21/2024	
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

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 17-18).

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

- Design ornamental elements, such as fences and retaining walls, to be simple, fit the context of the block and neighborhood, do not obstruct views of the front of the house, and do not obstruct public sidewalks (pg 17).
- Fencing around dwellings should be carefully placed. See-through fencing is the safest. In the front, fences should be ornamental in style. Do not install privacy fences in front yard (pg 18).

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

- 2010-DV3-016: 739 South State Avenue
 - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a ten-foot front setback along Hoyt Avenue and five-foot front setbacks from State Avenue (25 and 30-foot front setbacks required, respectively) and to provide for zero off-street parking spaces at 739 South State Avenue (two off-street parking spaces required), and to provide for an open space ratio of 58.8% for 1701 Hoyt Avenue and 60.4% for 739 South State Avenue (minimum 65% open space required).
 - Approved
- 2010-ZON-013: 739 South State Avenue
 - Rezoning of 0.15 acre, from the C-1 District, to the D-5 classification to provide for residential uses.
 - Approved
- 2010-ZON-090: 1706 Lexington Avenue
 - Rezoning of 0.20 acre, from the C-3 District, to the D-5 classification to provide for residential use.
 - Approved
- 2013-CZN-824: 1334 Hoyt Avenue
 - Rezoning of 0.25 acre from the C-1 district to the D-5 classification to provide for single-family residential development.
 - Approved
- 2014-CVR-833: 1450 Pleasant Street
 - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for an attached garage addition, with a 2.2-foot front setback from Spruce Street and creating an open space of 36% (65% required).
 - Approved
- 2014-HOV-036: 740 Laurel Street
 - Variance of Use of the Commercial Zoning Ordinance to legally establish a single-family dwelling (not permitted).
 - Approved
- 2014-HOV-053: 1440 Lexington Avenue
 - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling and detached garage, creating a fifteen-foot front setback, two-foot side setbacks, a four-foot aggregate side setback and open space of approximately 42% (minimum 25-foot front setback or average required, four-foot side setback and 10-foot aggregate side setback, 65% open space required).
 - Approved

- 2014-ZON-031: 1702 Prospect Street
 - Rezoning of a property, being in the C-4 District, to the C-3C classification.
 - Approved
- 2015-DV1-010: 819 Spruce Street
 - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a two-story single-family dwelling, at 819 Spruce Street, with a four-foot front setback, a two-foot south side setback, a five-foot aggregate side setback and a two-foot rear setback, with 25% open space and a two-story single-family dwelling at 823 Spruce Street, with a six-foot front setback, a two-foot north side setback, a four-foot aggregate side setback, and a two-foot rear setback, with 28% open space (minimum 25-foot front setback, four-foot side setback, 10-foot aggregate side setback, 20-foot rear setback and 65% open space required).
 - Approved
- 2015-HOV-022: 1436 Lexington Avenue
 - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 528-square foot detached garage with an eight-foot aggregate side yard setback and an open space of 39% (10-foot aggregate side yard and 65% open space required).
 - Approved
- 2015-HOV-036: 1329 Fletcher Avenue
 - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 480-square foot detached garage, creating an open space of 55% (minimum 65% open space required).
 - Approved
- 2016-DV1-047: 1501 Spann Avenue
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling, with eight feet between primary buildings (10 feet required), and with an open space of 49% (minimum 60% required).
 - Approved
- 2016-DV1-056: 1638 Pleasant Street
 - AMENDED - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for: a) at 1638 Pleasant Street, an attached garage, with a 2.8-foot front setback along State Avenue and a 2.6-foot side setback, creating 33% open space, and to legally establish the existing nine-foot front setback (18-foot front setback, three-foot side setback and 60% open space required), b) to provide for, at 830 State Avenue, a detached garage, with a 3.3-foot rear setback, and creating 55% open space (minimum 60% open space required), and to legally establish a single-family dwelling, with a 3.3-foot rear setback, a zero-foot setback along State Avenue and a deck with a three-foot front setback (18-foot front setback, five-foot rear setback (garage), 20-foot rear setback (dwelling), c) and to provide for and legally establish structures within the clear sight triangles at 1638 Pleasant Street (not permitted).
 - Approved
- 2016-DV3-043: 1219 Spann Avenue

- Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for: a) a single-family dwelling (1213), with a 2.5-foot west side setback and 4.5 feet between primary buildings, and creating 56% open space (minimum three-foot side setback, 10 feet between buildings and 60% open space required), and b) a single-family dwelling (1219), with five feet between primary buildings (10-foot separation required).
 - Approved
- 2016-HOV-031: 1827 Fletcher Avenue
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance, to provide for the construction of a detached garage, creating a 55% open space (60% open space required).
 - Approved
- 2016-ZON-045: 1714 Prospect Street
 - Rezoning of 0.13 acre from the C-4 district to the D-8 classification.
 - Approved
- 2017-DV1-003: 1537 Hoyt Avenue
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide the construction of detached garage, creating 51% open space (60% open space required), and to legally establish an existing single-family dwelling, with a two-foot west side setback, five feet between buildings and an eight-foot front setback (three-foot side setback, 10 feet between buildings and an 18-foot front setback required).
 - Approved
- 2017-DV1-026: 1201 Spann Avenue
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for two single-family dwellings and garages, with five and six feet between buildings (10 feet between buildings required), a 12-foot front yard (18-foot front setback required), and 45% open space (60% required).
 - Approved
- 2017-HOV-004: 1533 Hoyt Avenue
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage, with a 1.5-foot west side setback, creating 50% open space (minimum 60% open space required), and to legally establish a single-family dwelling, with 7.5 feet between primary dwellings (10-foot separation required).
 - Approved
- 2017-HOV-053: 1306 Fletcher Avenue
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with a ten-foot front setback and with three feet between primary dwellings (18-foot front setback and 10 feet between primary dwellings required), and a detached garage, creating 45% open space (minimum 60% required).
 - Approved
- 2017-UV1-015: 822 South State Avenue
 - Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory residential uses, including a single-family

dwelling and attached garage (not permitted), with a three-foot south side transitional setback (eight-foot side transitional setback required).

- Approved
- 2017-UV3-010: 1651 Fletcher Avenue
 - Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a roof line modification to the existing building, with a residential use on the second floor (not permitted), and to legally establish and provide for a building and parking area, with zero-foot front setbacks (overhang within the right-of-way), without landscaping, along State and Fletcher Avenues (10-foot front setbacks, with landscaping, required, overhang not permitted within the right-of-way), with a deficient number of parking spaces, with deficient width, area and depth (five parking spaces, minimum nine-foot width, 20-foot depth and 180-square feet required), with an awning and bike parking within the right-of-way of Fletcher Avenue (not permitted), and with the existing building and proposed parking within the clear sight triangle of the abutting streets and alleys (not permitted).
 - Approved
- 2017-UV3-020: 1306 Woodlawn Avenue
 - Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an eight-unit multi-family building (not permitted), with deficient parking and maneuvering (eight, nine by 20-foot parking spaces, with a 23-foot aisle required), with zero-foot side setbacks and with a six-foot tall fence within the clear sight triangle of the driveway and abutting alley (three-foot side setbacks required, clear sight triangle encroachment not permitted).
 - Approved
- 2017-ZON-005: 1401 Hoyt Avenue
 - Rezoning of 0.09 acre, from the C-1 district to the D-5 classification.
 - Approved
- 2017-ZON-048: 1407 Hoyt Avenue
 - Rezoning of 0.09 acre from the C-1 district to the D-5 classification.
 - Approved
- 2017-ZON-052: 1308 Prospect Street
 - Rezoning of 0.52 acre from the C-4 district to the SU-9 classification to provide for a fire station.
 - Approved
- 2017-ZON-092: 1618 Prospect Street
 - Rezoning of 0.18 acre from the C-4 district to the D-5 classification.
 - Approved
- 2017-ZON-094: 1218 Prospect Street
 - Rezoning of 1.37 acres from the C-4 district to the D-P classification to provide for a mixed-use development, up to four stories in height, with 116 residential units, with a maximum density of 90 units per acre and C-3 commercial uses, with non-residential uses at a maximum of five percent of the project.
 - Approved
- 2018-CVR-852: 1536 Pleasant Street

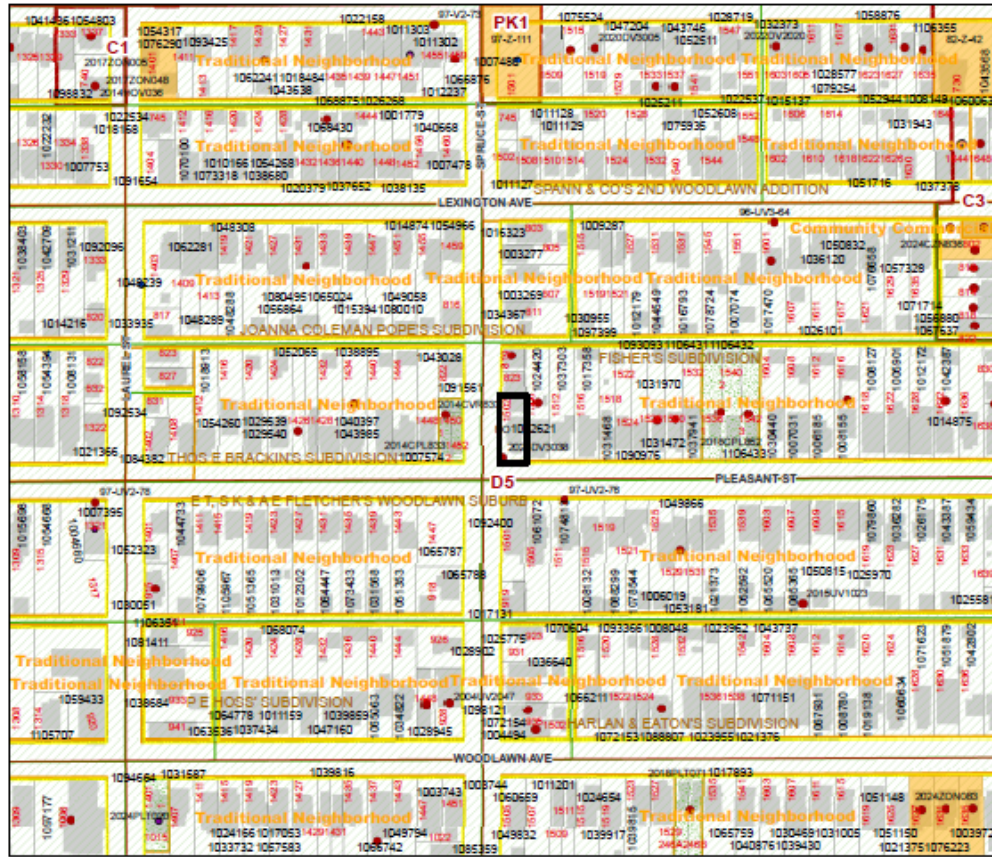
- Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for three lots with 31.33 feet of lot width (50 feet required).
 - Approved
- 2018-DV2-013: 907 South State Avenue
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a two-family dwelling on a 40-foot wide, 5,200-square foot lot (minimum 70-foot width and 7,200-square foot lot area required), with a detached garage with a one-foot rear setback (five-foot rear setback required), and an open space of 51% (60% open space required).
 - Withdrawn
- 2018-HOV-035: 1544 Fletcher Avenue
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of two single-family dwellings, with eight-foot front setbacks, 6.5 feet to 7.5 feet separation between dwellings, and 55% open space (18-foot front setback, 10 feet between buildings and 60% open space required), and with detached garages.
 - Approved
- 2018-HOV-045: 1305 Fletcher Avenue
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with a seven-foot front setback, four feet between dwellings and 52% open space (18-foot front setback, 10 feet between dwellings and 60% open space required), with a detached garage and secondary dwelling.
 - Approved
- 2018-HOV-053: 1724 Prospect Street
 - Variance of Use and Development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish and provide for primary and accessory single-family residential uses (not permitted), including, but not limited to a single-family dwelling with a zero-foot west side transitional yard and a detached garage with an eight-foot west side transitional yard and a two-foot north rear transitional yard, (10-foot side transitional yard and eight-foot north rear transitional yard required).
 - Approved
- 2018-UV2-014: 1643 Lexington Avenue
 - Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and garage (not permitted), with a zero-foot front setback (10-foot front and 10-foot front transitional yard required) and a four-foot transitional yard (eight-foot side transitional yard required).
 - Approved
- 2018-UV3-005: 930 Spruce Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a four-unit multi-family dwelling (not permitted).
 - Withdrawn
- 2018-ZON-136: 1622 Prospect Street
 - Rezoning of 0.16 acre from the C-4 district to the D-5 classification.
 - Approved

- 2019-DV1-041: 1230 Pleasant Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing single-family dwelling with nine feet between dwellings and a 28-foot tall, 850-square foot detached garage containing a secondary dwelling with its entrance at the southeast corner of the building (ten feet between dwellings required, garage cannot be taller than the dwelling and secondary dwelling cannot exceed 720 square feet, access to secondary dwelling must be visible from a public street).
 - Approved
- 2019-DV2-001: 1605 Fletcher Avenue
 - (AMENDED) Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and detached garage, with a 10.5-foot front setback, and five and seven feet between primary dwellings (18-foot front setback and 10 feet between primary dwellings).
 - Approved
- 2019-DV3-012: 915 Dawson Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for additions to an existing single-family dwelling, with an eight-foot front setback, a two-foot south side setback and to legally establish an existing garage with a zero-foot rear setback within the clear sight triangle of the abutting alleys and to provide for 50% open space (18-foot front setback or average, three-foot side setback, five-foot rear setback, structures not permitted within clear sight triangle and 60% open space required).
 - Approved
- 2020-DV1-041: 1549 Fletcher Avenue
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage accessory to a single-family dwelling, with 46% open space (60% open space required).
 - Approved
- 2020-DV2-040: 933 Olive Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for additions to a single-family dwelling with seven feet between buildings, a 17-foot rear setback and 52% open space (10-foot separation between buildings, 20-foot rear setback and 60% open space required).
 - Approved
- 2020-DV2-055: 1234 Fletcher Avenue
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a garage addition to an existing single-family dwelling, with an existing six-foot front setback, one-foot east side setback, 3.5 feet and 6.5 feet between dwellings and resulting in 37% open space (18-foot front setback or average, three-foot side setback, 10 feet between buildings and 60% open space required).
 - Approved
- 2020-DV3-002: 1431 Lexington Avenue

- Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 936-square foot secondary dwelling (maximum 720-square foot permitted).
 - Approved
- 2020-DV3-005: 1519 Hoyt Avenue
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and detached garage with 50% open space (60% required).
 - Approved
- 2021-DV1-001: 1515 Hoyt Avenue
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with a 5.5-foot front setback, nine feet between dwellings, and a detached garage, resulting in 50% open space (18-foot front setback or average, 10 feet between dwellings and 60% open space required).
 - Approved
- 2021-DV1-016: 1622 Prospect Street
 - (AMENDED) Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of detached garage accessory to a single-family dwelling with an open space of 57% (60% required).
 - Approved
- 2021-DV2-060: 1426 Pleasant Street
 - Variance Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish 3,740-square-foot lot with 20 feet of street frontage (25 feet of street frontage required) and to provide for a 1,116-square-foot dwelling with two-foot east and west side setbacks (three-foot setback, six-foot aggregate side setback required), a 6.5-foot separation between primary dwellings (ten-foot separation required) and to provide for a 352-square-foot detached garage with two-foot side setbacks (three-foot side setbacks required).
 - Approved
- 2021-PLT-055: 1406 Fletcher Avenue
 - Approval of a Subdivision Plat, to be known as Fletcher Avenue Townhomes #1, dividing 0.17 acre into two lots.
 - Approved
- 2022-DV1-015: 1701 Hoyt Avenue
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and detached garage/carriage house with a five-foot corner side setback (eight feet required), a two-foot rear setback (five feet required) and structure within the clear sight triangle of the abutting streets (structures not permitted within the clear sight triangle).
 - Approved
- 2022-DV2-013: 1609 Fletcher Avenue
 - (Amended) Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with four-foot side setbacks (minimum five-foot side setbacks required).

- Approved
- 2023-DV1-031: 1409 Fletcher Avenue
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with three-foot side yard setbacks (five-foot side yard setbacks).
 - Approved
- 2023-DV3-032: 1441 Fletcher Avenue
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached accessory garage with three-foot side yard setbacks and legally establish the dwelling's zero-foot west side yard setback (five-foot side yard setbacks required).
 - Approved
- 2023-ZON-080: 1651 Spann Avenue
 - Rezoning of 0.086-acre from the C-1 District to the D-5II District to provide for a detached single-family dwelling.
 - Approved
- 2024-CZN-836: 802 South State Avenue
 - Rezoning of 0.13-acre from the C-3 District to the D-8 District to provide for a triplex residential development.
 - Approved
- 2024-ZON-083: 1627 Woodlawn Avenue
 - Rezoning of 0.51 acre from the D-3 (TOD) district to the D-8 (TOD) district to allow for a multi-family structure.
 - Hearing Examiner, Scheduled for Continuance

EXHIBITS



Legend

- ZoningApprovals
- ZoningLncu
- ZoningVariances
- Rezoning
- ZoningVacations
- ZoningPlats
- CCGIS.ThoroughfarePlan
- CCGIS.EASEMENT
- CCGIS.RIGHTOFWAY
- CCGIS.STREETS
- Built/Platted
- OPER_STATUS**
- REMOVED
- VACATED
- VACATED/BUILT
- VACATED/LOCATOR
- CCGIS.DMDLandUsePlanBase
- CCGIS.lhpc
- CCGIS.ZONING
- PARCELSTATEPIN
- PARCELS
- PLATTEDSUBDIVISION
- CCGIS.Buildings



Exhibit 1: Surrounding area of 1502 Pleasant Avenue.



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 purpose of the Code's restriction on fence construction is to promote safety by ensuring adequate visibility for pedestrian and vehicular traffic at intersections, as well as to promote a consistent and pleasant aesthetic in the neighborhood. Petitioner's proposed fence does not obstruct visibility for pedestrians or vehicular traffic at the intersection of Pleasant Street and Spruce Street. In fact, the fence will increase safety in the community because Petitioner owns a dog, who, without the fence, might wander into the street or frighten pedestrians walking near Petitioner's house. Moreover, Petitioner received verbal approval of the fence from an inspector and relied on that approval in building Petitioner's fence.

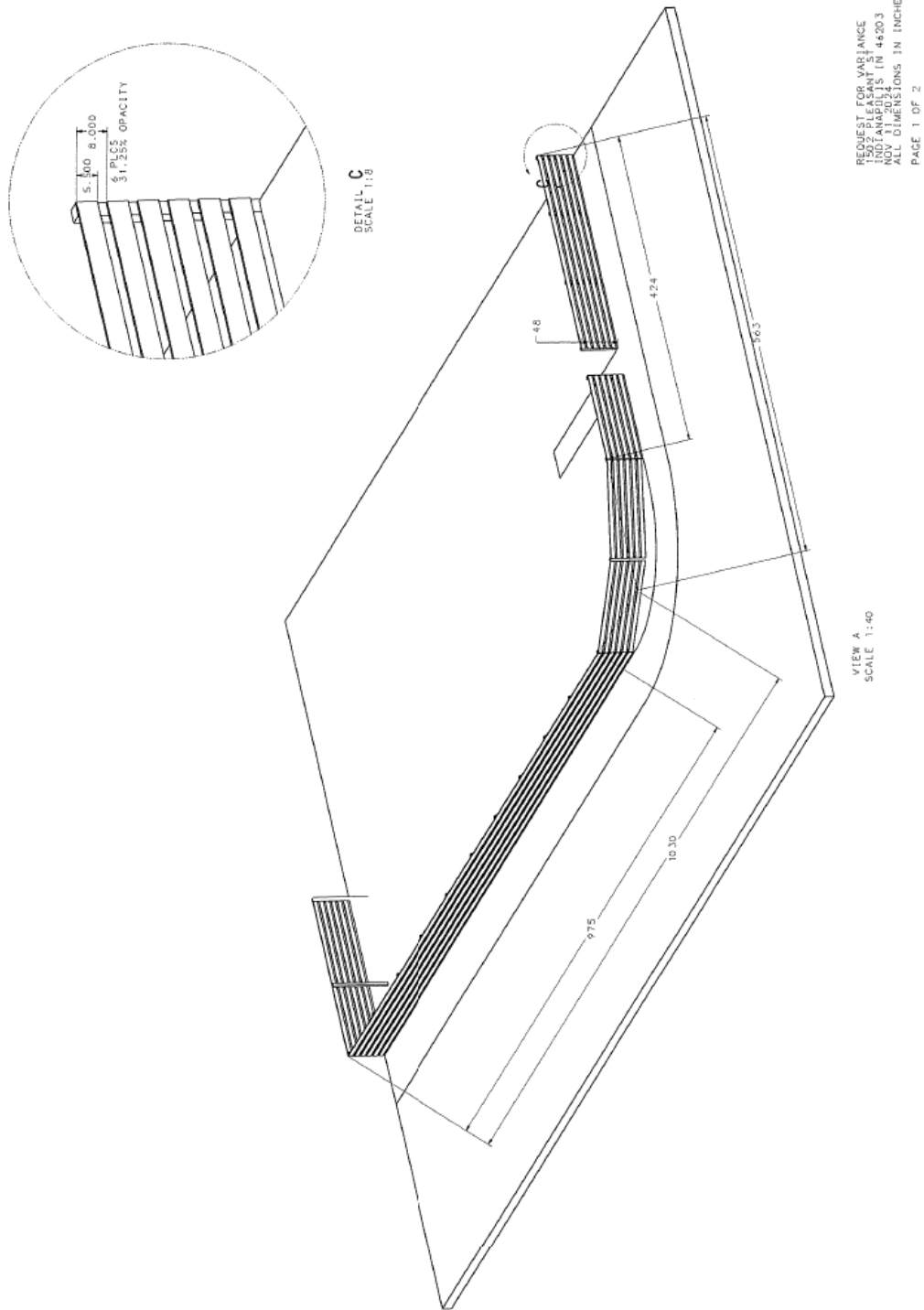
2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

No other property is affected by Petitioner's fence. Additionally, Petitioner's fence is well constructed, using high quality materials and has designed and maintained in a way that is aesthetically pleasing. Additionally, as stated above, because Petitioner owns a dog, a fence is required around the boundary of Petitioner's property. Petitioner's finely constructed wooden fence is far more aesthetically pleasing than than a chainlink fence would be.

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

As stated above, during construction Petitioner was approached by an employee at the Department of Business and Neighborhood Services (BNS) an inspector for INV23-24922 named Yvette Lewis. Ms. Lewis visually observed Petitioner while Petitioner was constructing the fence in question. After a short discussion, Ms. Lewis concluded that since Pleasant Street is a one-way street traveling from West to East, the subject fence does not impede visibility for either pedestrians or vehicular traffic at the intersection of Pleasant Street and Spruce Street, and thus, it does not violate the "right-hand rule." Since Petitioner relied on Ms. Lewis's representations made on behalf of the City of Indianapolis, Petitioner would endure a great financial hardship if Petitioner is required to remove the fence and rebuild a new, less aesthetically appealing fence.

Exhibit 2: Findings of Fact submitted by the petitioner.



REQUEST FOR VARIANCE
 1700 ANAPOLIS LN #4203
 ANDY DIMITROV
 ALL DIMENSIONS IN INCHES
 PAGE 1 OF 2

Exhibit 3: Existing fence.

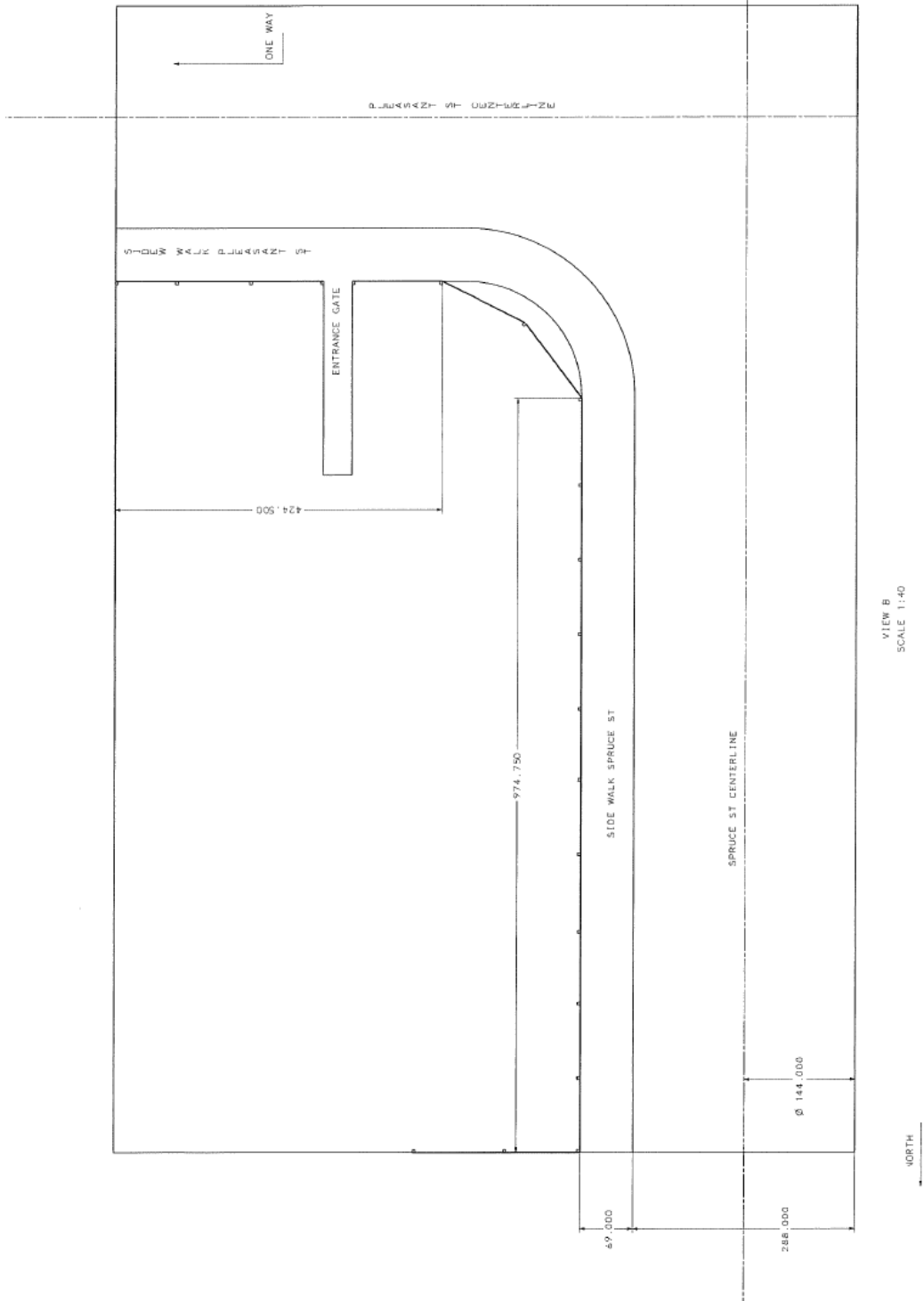


Exhibit 4: Measurements for the existing fence.



Exhibit 5: 1502 Pleasant Street and the existing fence that is needing the variance.



Exhibit 6: 1502 Pleasant Street looking at the home and fence from across Spruce Street.



Exhibit 7: The wooden fence connection to the neighboring chain link fence.



Exhibit 8: Looking south down Spruce Street, where you can see the fence within the right of way and clear sight triangle for those traveling.