

COA # 2010-COA-243 (LS) 2010-VHP-009	INDIANAPOLIS HISTORIC PRESERVATION COMMISSION STAFF REPORT	Hearing Date AUG 4, 2010
543 Lockerbie St LOCKERBIE SQUARE		Continued from: July 7, 2010
Applicant: The ReDevelopment Group, Inc. mailing address: 1017 E. Michigan Street Indianapolis, IN 46202 Sean Chance and Sarah Hertz		Center Twp. Council District 15 Doris Minton-McNeill
Owner: 711 N. Park Ave Indianapolis, IN 46202		
COMBINED CASE		
IHPC COA: 2010-COA-243 (LS) Construct new single-family house with 2 -car attached garage. Variances of Development Standards.		
VARIANCES: 2010-VHP-009 Variance of Development Standards to allow the front setbacks from Lockerbie Street and Park Avenue to be less than 10 feet, the minimum permitted in an HP-1 Zoning District.		
STAFF RECOMMENDATION: Approval of a Certificate of Authorization with stipulations		

STAFF COMMENTS

Background of the Property

The site was originally the location of a two-story frame house that was demolished in 1965 (see photo). The house did not have a garage or any other type of accessory structure. The house was demolished two years before Lockerbie Square became designated by the IHPC. Since then, the site has remained vacant, but was periodically used for neighborhood events with the consent of the previous owner. After the death of the previous owner, the estate sold the property to the present owners.



1965 photo of house previously on this site (demolished 1965).



Same view today.

The Site

This site presents three significant development constraints.

1. The lot is small, 40 ft. x 62 ft. with a small “leg” extension of land on the west. In comparison, the lot to the south is 95 ft. deep.
2. There is no alley access.
3. The corner lot creates two front facades for the proposed structure.

New House and Site Plan

The house is to be sided with cement-board clapboards. Windows will be aluminum clad with exterior, permanent muntins. It was designed with the previous historic house for inspiration, but without designing an exact copy. The front porch was added to help anchor the design while creating a similar feature found on other houses in the area. The front gable design is also consistent with other houses in the area as well as the multi-paned windows. The design is a stylistic bridge between the Federal style house at the south end of Park Ave and the Victorian cottage next door at 324 N. Park Ave.

Because the site is landlocked and not deep, the garage must be integrated into the house. The garage will face Park Ave. and will require a curb cut. Staff has worked with the builder and architect to reduce the visual impact of an attached garage. This has been done by setting the garage back so it is not flush with the front of the house, by integrating a trellis system into the front of the garage to decrease the visual impact, and by using carriage-house style doors rather than standard, paneled overhead doors. The applicant is also planning on using a brick driveway to blend into the streetscape and sidewalk.

This request has been widely discussed within the neighborhood and feelings are mixed. People on both sides of this issue have sought out staff to discuss support and opposition. Therefore, in this report staff will address the design guidelines in more detail that is typically done.

Setbacks.

The Lockerbie Square Plan.

- *A new building's setback should relate to the setback pattern established by the existing block context rather than the setbacks of building footprints that no longer exist.*
- *If the development standards... do not allow appropriate setbacks, a variance may be needed.*
- *If setbacks are uniform, new construction must conform.*
- *On corner sites, the setbacks from both streets must reflect the context.*

The alignment of this house conforms almost word for word with the Lockerbie Square Plan's design guidelines for new construction setbacks. The house will line up with the uniform setbacks of the three houses to its south, along Park Ave. It will line up visually with the house to the west, along Lockerbie St., although it will actually be a foot behind the property line (the house next door is slightly over the property line. NOTE: See Option under Spacing below). In order to line up with its neighbors, a variance of the HP-1 development standards is needed.

Spacing

The Lockerbie Square Plan.

New construction should reflect and reinforce the character of spacing found in the block. [It] should maintain the perceived regularity or lack of regularity of spacing on the block. The guideline then cautions against spacing that is too wide, but does not specifically address narrow spacing.

The garage will be 2 ft. from the south lot line and will be 2'-5" to 2'-10" to the wall of the house to the south (the adjacent house is slightly angled on the site.) Staff believes the proposed spacing is not inconsistent with the guidelines. One of the visual characteristics of Lockerbie Square is the generally close spacing of houses. In this case, there will be only about 2 ½ ft. between this new house and its neighbor to the south on Park Ave., the owner of which has raised concerns. A quick survey of Lockerbie Square reveals that spacing of about 3 ½ ft. is most common amongst the closest properties (a quick survey revealed 5 such instances), which is wider than proposed, but not by much, particularly from a visual aspect.

Staff has not rushed to embrace this spacing, but does not find it to vary from the guidelines in a way that suggests denial of the entire project. In coming to that conclusion, staff considered the following:

1. The house to the south is only about five inches from the property line and its eave may actually cross the line. This creates a serious development constraint on the subject lot.
2. Given the above fact, it is likely that any new house on this lot would result in cramped spacing. It may be just a matter of how cramped.
3. It is not at all unusual for the side windows of houses in Lockerbie Square to look directly at the close-by neighboring sidewall.
4. The close situation will only exist along half the length of the neighbor's house.

OPTION: If the Commission determines that a wider space between houses is more appropriate, there is a 1-foot setback along Lockerbie Street that could be reduced to zero, allowing the entire house to move one foot further away from the adjacent house. The houses would then be approximately 3 ½ feet apart, like those houses surveyed by staff in the area.

Building Heights

The Lockerbie Square Plan.

- *“Generally, the height of a new building should fall within the range set by the highest and lowest contiguous buildings if the block has uniform heights.*
- *Uncharacteristically high or low buildings should not be considered when determining the appropriate range.*
- *If the pattern of the block is characterized by a variety of heights, then the height of the new construction can vary from lowest to highest on the block.”*

Again, the height of this house conforms closely to the Plan, which states that Lockerbie Square is characterized by a mix of large, tall houses right next to small cottages. This can be seen along Park Ave. and in the immediate surrounding area. At 27 feet high, this house will be a few feet higher than its two immediate neighbors. However, the architect designed it to have a similar roof height to 314 N. Park Ave. (28 ft. high), which is the third house south on Park Ave. The two houses between 314 Park Ave. and the proposed house are both 24 feet tall, which is only 3 ft shorter than the proposed house. From this site, there are clearly visible houses taller and more massive than this one.

Mass

The Lockerbie Square Plan.

- *The total mass... should be compatible with surrounding buildings.*
- *The massing of various parts of a new building should characteristic of surrounding buildings.*
- *Avoid near total coverage of a site unless doing so is compatible with the surrounding context.*

Opinions about the mass of a building tend to be more subjective than other characteristics. Some Lockerbie Square residents have expressed to staff the opinion that the mass and scale of this house is similar to others and appropriate, while other Lockerbie residents have stated to us that they find the house completely out of scale and its mass overpowering.

Staff finds nothing radically different in the mass, scale and outline of this proposed house, when compared with others in the area.

Other Design Characteristics

Staff finds nothing out of sync with other characteristics such as fenestration, foundation, sense of entry, and orientation.

Use of the lot for Residential

There are some who have argued that no house should be allowed on this lot and it should be retained as a park/open space. However, the lot historically had a house on it even though it is very small and may require some exceptions to develop. In addition, the recommended land use map in the Lockerbie Square Plan depicts the future use of the lot for residential. Staff finds no basis for denying the use of the lot for residential.

Parking

The Lockerbie Square Plan. When the Plan was revised in 1987, one of the residents' highest priorities was to require adequate off-street parking for all new development. The IHPC was urged to strengthen the language for the historic core. The Plan states: "*All housing development in the Historic Core should provide two (2) parking spaces per dwelling unit.*" This proposed development complies with this recommendation. The HP-1 zoning ordinance also requires this.

Justification for Certificate of Authorization

In many ways, this is a house the design guidelines built. So many of its physical characteristics, like scale, mass, style, height, setbacks, etc. are textbook examples of designing to the guidelines. Its only failings – the attached garage and spacing with one neighbor – are the result of trying to meet a parking standard that since 1987 has been considered by IHPC and the neighborhood as almost "sacred," and one that cannot be met on this small, landlocked site without making exceptions somewhere. For these reasons, staff believes this request justifies a certificate of authorization based on the unique hardship placed on this site by all of the following circumstances combined:

1. The lot's unusually small size,
2. Its corner location, and on two main streets (neither is considered a 'side street.')
3. The unusually close proximity of the neighboring house on Park Ave.
4. The language in the Plan/ordinance that 2 off-street parking spaces be provided and the long-time practice of upholding 2 off-street parking spaces for a single-family residence.
5. The impracticality of developing a new, high quality, architect-designed house without a garage or on-site parking.

Variance of Development Standards

The applicant is requesting a Variance of Development Standards to allow the front setbacks of the proposed house at Lockerbie Street and Park Avenue to align with the existing houses on the immediately adjacent properties when a minimum of 10 feet is required. Staff does not believe this variance will create a negative effect for the following reasons:

1. The variance allows the proposed front porch to line up with its neighbors.
2. The variance allows the setback from the north property line to be in keeping with the setback of the house to the west.
3. The IHPC has approved a Variance of Development Standards for no front setback on Park Avenue in Lockerbie Square previously for the same purpose of enabling new construction to have a similar setback to the surrounding houses.

Lockerbie Square Preservation Plan/HP-1 Zoning Ordinance

The Lockerbie Square Preservation Plan and the HP-1 Zoning Ordinance are to be used together in reviewing new construction in the core of Lockerbie Square. Unlike the zoning ordinance which is mandated by code, the Lockerbie Square Preservation Plan guidelines are to be used as a tool in determining what is appropriate and what is not. The plan stresses the importance of not misinterpreting the "guidelines" as rules: Page D1 "The contents of this chapter (Recommendations) are guidelines and should not be read as absolute rules. Every project will have its own differing set of goals, differing constraints, problems and impacts, all of which may suggest somewhat differing utilization of the standards".

Some of the recommendations in the plan are as follows:

1. Setbacks for New Construction: “A new building’s setback should relate to the setback pattern established by the existing block context rather than the setback of building footprints which no longer exist. If the development standards for the particular zoning district do not allow appropriate setbacks, a variance may be needed.” The applicant’s variance request, if granted, is what would allow the house to have the most similar setbacks to its immediate neighbors.
2. “If setbacks are varied, new construction can be located within a setback which falls within an “envelope” formed by the greatest and least setback distances.” The proposed front setback along Park Avenue is consistent with the setbacks of the other houses in the 300 block of Park Ave and along the south side of the 500 block of Lockerbie Street. Both streets have varying setbacks, but the setbacks, as proposed, fall within the established “envelope” of both streets.
3. Spacing: The distance between contiguous buildings along a blockface. “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.” Staff believes that the spacing of the proposed house is in keeping with the perceived irregularity of spacing of houses within the 300 block of Park Avenue. There is not a regular pattern of spacing of houses amongst the three Park Ave houses facing Park Avenue, which in turn, suggests that the proposed spacing of the proposed house is in keeping with the irregular spacing of the block. This applies to the irregular spacing of houses along Lockerbie Street as well.
4. “Generally, the height of a new building should fall with a range set by the highest and lowest contiguous buildings if the block has uniform heights. Uncharacteristically high or low buildings should not be considered when determining the appropriate range. If the pattern of the block is characterized by a variety of heights, then the height of the new construction can vary from the lowest to highest on the block.” Staff believes that the height proposed (27 ft) is within the range of the height of houses within both blocks. The tallest house in the 300 block of Park Avenue (west side) appears to be 28 ft (314 Park). The tallest on Lockerbie, 527 Lockerbie, is 36 feet according to architectural plans in the building file. Park Avenue has some uniformity in building heights (24-28 feet), whereas, Lockerbie Street has a variety (20-36 ft). Therefore, staff believes that the 27 ft height of the proposed house falls within the appropriate range of both streets.

STAFF RECOMMENDED MOTION

COA #2010-COA-243 (LS):

To approve a Certificate of Authorization to construct a new single-family residence with an attached 2-car garage and for variances all per submitted documentation and subject to the following stipulations:

- 1) **Construction must not commence prior to approval by IHPC staff of final construction drawings. *Approved:*_____ *Date:*_____**
- 2) **A pre-construction meeting between IHPC staff, the designer, the owner, and the contractor/construction manager must be held prior to commencement of construction. *Approved:*_____ *Date:*_____**
- 3) **The construction site must be field-staked with no offsets and reviewed by IHPC staff prior to commencement of construction. *Approved:*_____ *Date:*_____**
- 4) **Siding and trim materials must be comprised of wood or cement fiber and must have a smooth texture free of major imperfections. No rough-sawn or embossed wood grain finishes are permitted. Siding reveal shall be an average of the siding reveals of the adjacent house to the south and the adjacent house to the west. Field Verified_____ Date_____**

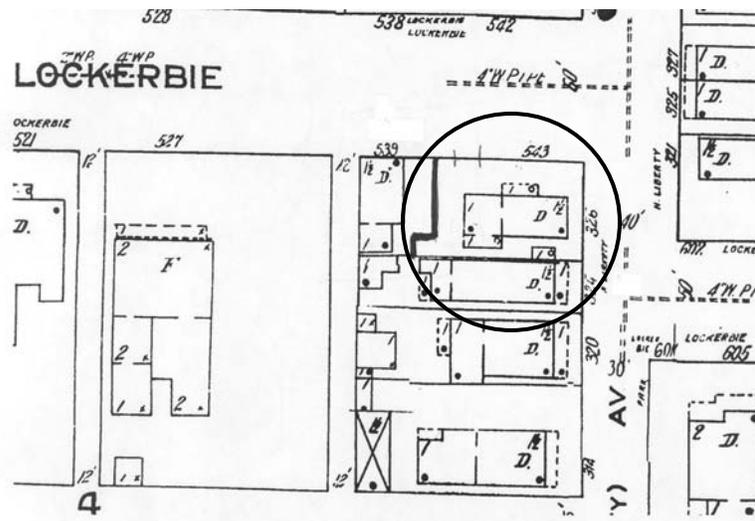
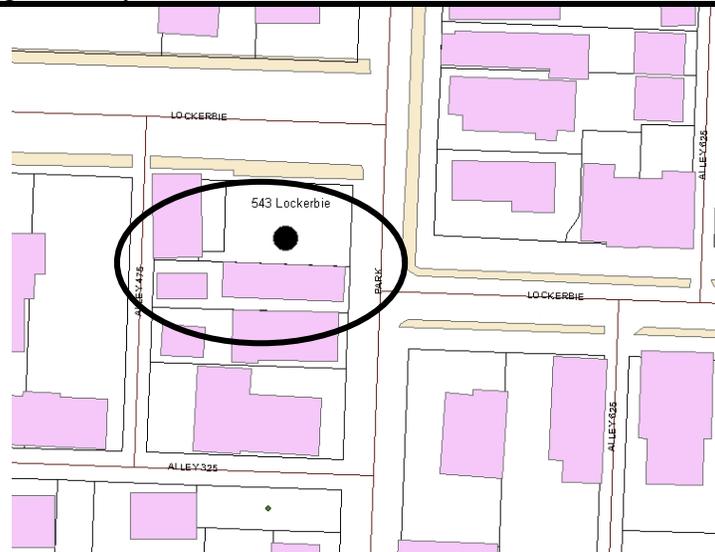
- 5) A durable marker indicating the date of construction must be incorporated into the front foundation of the building and approved by IHPC staff prior to installation.
- 6) All utility wires and cables must be relocated underground. No installation of utilities or meter and mechanical placement shall commence prior to IHPC staff approval.
- 7) Work on exterior details must not commence prior to the approval by IHPC staff of each element. These may include, but are not limited to all finish material: doors, windows, foundations, exterior light fixtures, paint colors, roof shingles, landscape materials, etc.
- 8) Any changes to the approved design must be approved by IHPC staff prior to starting work.

Note: Stipulations 1, 2, and 3 must be completed prior to the issuance of any building permits.

VARIANCE #2010-VHP-009:

For Variances of Development Standards to allow the front setback along Lockerbie Street to be one foot and along Park Ave. to align with the house at 324 Park Ave., when a minimum of 10 ft. setbacks are required in the HP-1 Zoning District.

Staff Reviewer: Meg Purnsley



1915 Sanborn Map

Petition Number 2010-COA-009(LS)

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division 1/HPC
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 reduced setback closely aligns with the surrounding and adjacent properties. Further, the reduced setbacks do not encroach into the "clear site triangle".

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

The proposed (reduced) setbacks are in keeping with the adjacent properties and are similar to the housing stock in the surrounding 2-3 block area.

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

The required setbacks would result in the new structure being located in a fashion that would be incongruous with the adjacent properties and character of the neighborhood. Further, the Lockerbie Neighborhood Plan specifically notes that new structures should be placed with setbacks similar to adjacent properties. Strict enforcement of the zoning would ensure a result directly against the guidance provided by that document.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____

Adjacent house to south of site



Federal-style house at south end of Park Avenue



House three doors south of subject site (28 feet tall)



Adjacent house to the west





Above: Original House on the lot
Below: Same view of site showing a rendering of the proposed house having similar proportions



LOCKERBIE SQUARE PEOPLE'S CLUB

July 21, 2010

Board of Directors
Lockerbie Square People's Club
P O Box 44410
Indianapolis, IN 46244

RECEIVED
JUL 26 2010
INDIANAPOLIS HISTORIC
PRESERVATION COMMISSION

Commissioners
Indianapolis Historic Preservation Commission
200 E. Washington Street - City County Building
Indianapolis, IN 46204

RE: 2010-COA-243 (LS), 2010-VHP-009: 543 East Lockerbie Street

Dear Commissioners,

As the Board of Directors of the Lockerbie Square People's Club, we are asking you to recognize the support of the neighborhood and approve this COA and request for variance. The 25 to 14 vote in the Lockerbie Square People's Club was made by members who actually attended the presentation by the architect, reviewed the plans and listened to the arguments and questions. We are aware that some of the people who petitioned against this project did not see the plans before they signed the petition and/or sent a letter. It is important to this board that the voice that is heard is informed and represents the outcome of the process clearly defined in our By-Laws. That process resulted in a nearly two to one affirmation of this project and represents the entire neighborhood including some who live directly across the street from this property.

At our neighborhood meeting, it was stated that the design of this house looked like it was driven by our guidelines. However, few of the neighbors are as well versed on the guidelines as your professional staff. They indicated that it was "the house that the guidelines built". The majority of residents like the design including where it is sited, how it looks, and its size and believe that it will be a real asset to the neighborhood.

The garage seems to cause the greatest angst. It is very difficult to design a garage for this small, landlocked lot. However, the owners not only require parking for two, but our historic plan says they must have it. It is important to note that if ever there was a place in Lockerbie that a garage was needed it would be at this location. There are several historic houses in the immediate area that grandfathered in with no off-street parking. Therefore, those residents must park on the street. Two of the neighbors have professional practices in their homes with clients that add to the parking in that location. Additionally, the Riley Home has "no parking" on the better part of the block on Lockerbie and there is no parking allowed on most of this block of Park Avenue due

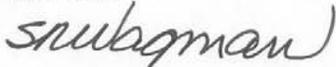
to traffic flow issues. So in a location where on-street parking is severely limited, the demand is the greatest and not easily accommodated even with Resident Only parking.

Additionally, this board is responsible to all its members. Therefore, we ask that you stay consistent to the precedent. This commission not only has approved similar attached two car garages in Lockerbie, but it has also denied applications when the required off-street parking could not be accommodated. As a board, it would be difficult to explain to our membership why one neighbor would be denied off-street parking and another denied a carriage house apartment, for example, because they could not provide the parking. The majority of the Lockerbie Square People's Club voted to approve both the house and garage.

We also support the variance of the zoning standard that would be sited more consistently with our historic guidelines.. If the house had to be pushed back, it not only would be difficult to fit both the house and garage onto the property, but it would not align with the other houses in the way that would visually feel to be the best fit. This commission seems to grant variances to this zoning standard rather routinely to allow the siting to better align with its context. If the variance is not granted, it becomes a hardship to the property, because it would be very difficult to build both the house and garage. That then leads this board to question whether that is a "taking" of the property and will Lockerbie become mired in legalities.

It is never easy when neighbors disagree. The Board has tried to listen to all concerns, but must stand behind the official vote of the members. Therefore, again, we request that you support this application and request for variance.

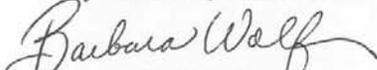
Thank You.



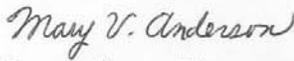
Stephen R. Wagman, President



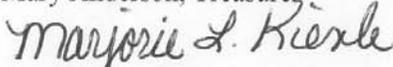
Tony Morreale, Vice President and Liaison to IHPC



Barbara Wolf, Secretary



Mary Anderson, Treasurer



Marjorie Kienle, Vice President



Rolando Quintana, Vice President



Joe Shierling, Vice President

RECEIVED

JUL 26 2010

INDIANAPOLIS HISTORIC
PRESERVATION COMMISSION

Tony Morreale

From: "Tony Morreale" <amorreale@indy.rr.com>
To: "Purnsley, Meg T" <MPURNSLE@indygov.org>
Cc: "MARJORIE KIENLE" <mlkienle@indy.rr.com>; "STEVE WAGMAN" <swagman@ksmcpa.com>
Sent: Tuesday, June 15, 2010 1:42 PM
Subject: 543 Lockerbie St. (2010-COA-243(LS))

Meg,

On June 1, 2010 the board of the Lockerbie Square Peoples Club voted to approve the 543 Lockerbie St. project. At the general membership meeting on June 8, 2010, the organization heard a presentation from Demerly Architects on the future construction of the home at 543 Lockerbie St. (2010-COA-243(LS)).

After presentation and discussion a vote of the membership was taken. The vote was 25 in favor and 14 opposed the project as presented.

Please present the results of the vote at the Commission meeting of July 7, 2010.

Tony Morreale, VP
Lockerbie Square Peoples Club

RECEIVED
JUL 26 2010
INDIANAPOLIS HISTORIC
PRESERVATION COMMISSION

July 28, 2010
Mr. David Baker
Historic Preservation Commission of Indianapolis

Dear David,

I am writing in support of the new house that Shawn and Sara Chance are planning to build across the street from my home at 542 Lockerbie Street. My husband joins me in supporting their plans.

Bob and I have lived at the corner of Park and Lockerbie since November of 1971, when the state of the neighborhood was at its low ebb. We bought our property from the Indianapolis Day Nursery with the DeBruler's and Stroud's. DeBruler's built a new house on the vacant lot on Vermont St. and Stroud's renovated their home next door to ours before moving in, so Bob and I were the first of the new wave to move in and try to establish a livable urban neighborhood. The corner in question was vacant when we moved in.

In those early years, we worked with City leaders to help the Historic Preservation Commission become active, so that we and those following us would have the protection of this body as the neighborhood developed. After the Commission was able to hire a staff, we worked closely with Jim Glass and others to articulate the Master Plan for Lockerbie, which has been our guidepost through the years. I was fortunate enough to serve as a Commissioner in the late '70's under Bill Hudnut.

Although the lot in question has been vacant since before 1971, I have always hoped that someone would be able to purchase it and develop it. The vacant lot has always been a little sad to me. I know that the neighborhood has discussed the possibility of buying the lot and creating an urban "park." While I would not be opposed to that idea, I think a house is more fitting with the rhythm of the street and is in keeping with the Master Plan.

The proposed design that the Chances have presented to the neighborhood on two separate occasions is, I think, perfect for the situation. Orienting the house to Lockerbie St. gives the front entrance façade the opportunity to pick up design elements of the small house to the west. And the parade of porches that march up the west side of Park Street is unbroken, as well, as the Chance's "side porch" continues that important historic design statement.

I know that some of my neighbors are very opposed to the Chance's plan, in particular with respect to the two-car garage design. I believe that it is important for as many cars to be off the street as possible, as the Master Plan recommends. Unfortunately, several houses in Lockerbie were built on partial lots and some without alley access, forcing those neighbors to park on the street. I would like to point out that on the very corner in question are two homes from which the owners operate low volume visitation businesses, whose clients park on Park St. and Lockerbie Street. Even at a low volume, those clients at times burden the parking situation. I think it is imperative for the Chance's to be able to park off the street in their own garage.

It should also be noted that Indiana Landmarks was contacted regarding the project, since it has covenants on two homes in the immediate vicinity, 324 N. Park Avenue immediately south of the proposed Chance house, and 327 N. Park Avenue across the street, and therefore might be expected to hold more than a passing interest in development that occurs nearby. Indiana Landmarks carefully reviewed the proposed development and elected not to take a position.

Given the fact that some neighbors have written the Commission to oppose this new home, I thought it was important to speak up and let you and the commissioners know how Bob and I feel. We voted with the majority of those attending the Lockerbie Square People's Club in support of this new development.

Sincerely,
Helen Small