

<b>COA #</b> <b>2010-COA-270 (IRV)</b> <b>2010-COA 294 (IRV)</b> <b>2010-VHP-010</b>	<b>INDIANAPOLIS HISTORIC PRESERVATION COMMISSION</b> <b>STAFF REPORT</b>	<b>Hearing Date</b> <b>AUG. 4, 2010</b>
<b>5505 E. WASHINGTON ST. (includes 2 parcels)</b> <b>IRVINGTON</b>		New Case
<b>Applicant: Irving Theater Building LLC by Dale Harkins</b> mailing address: 5505 E. Washington St. Indianapolis, IN 46219		
<b>Owner: Same as Above</b>		Warren Twp. Council District 21 Benjamin Hunter
<b>COMBINED CASE</b>		
<b>IHPC COA: 2010-COA-270 &amp; 294 (IRV)</b> Remove a tree in the rear yard, erect fencing to create dumpster screening and Variances of Development Standards.		
<b>VARIANCES: 2010-VHP-010</b> <p style="text-align: right;">Variance of Development Standards to allow:</p> <ul style="list-style-type: none"> <li>• Reduced parking (8 spaces when 40+ are required)</li> <li>• Reduced dumpster screening (1 side when 3 sides are required)</li> <li>• Location of dumpster in rear transitional yard (not permitted).</li> </ul>		
<b>STAFF RECOMMENDATION: Approval</b>		

**STAFF COMMENTS**

**Background of the Property**

The subject property is commonly known as The Irving Theater and is zoned C-4. The building was constructed 1913/1914 with a 2<sup>nd</sup> story addition c. 1926. Historically, the building served as a 525-seat motion picture theater with commercial uses at the street level fronting Johnson Avenue. Today, the building continues to function as an integrated center with a rental hall and three residential dwelling units on the upper level and five (5) individual retail/service tenant spaces on the lower level fronting Johnson Avenue and Washington Street. The fixed seating has been removed from the historic theater and that space now serves as the rental hall that can be set up to accommodate various needs, but the plan nor room capacity for the space has increased from what it was historically.

At the rear of the building there is a shared dumpster and an 8-space asphalt parking lot accessed via a curb cut off of Johnson Avenue.

**Background of the Case**

This application is the result of a violation the building owner received from the Department of Code Enforcement in July 2008 following multiple citizen complaints regarding parking in the area. In April 2010, the violation was forwarded to the City Prosecutor for resolution. The applicant indicates he has considered several options for addressing these violations, but has settled on the variance request as the best solution to the current situation.

## Variance of Development Standards

### Reduced Parking

The C-4 parking standard is a formula based on a combination of square footage and type of use (see table below). Based on the current usages and the square footage of the building, staff believes if the building were constructed today, 147 spaces would be required.

<b>USE</b>	<b>C-4 PARKING STANDARD FORMULA</b>	<b>SPACES REQUIRED</b>
Commercial Space	2720 sf /1000 * 4	11
Apartments	3 units x 1.5	5
Former Theater – Rental Hall	525 seat capacity / 4	131
<b>TOTAL</b>		<b>147</b>

However, like many historic commercial buildings, this one occupies nearly 100% of its site and has limited space for parking with 8 spaces provided at the rear of the lot. Therefore, the applicant is requesting a variance in order to provide eight (8) off-street parking when 40+ spaces are required. *(It is important to note that the applicant's parking lot is contiguous to his neighbor's parking lot immediately to the west. The neighbor's lot contains approximately 36 spaces, but there is no parking agreement between the two neighbors to share the parking between their businesses. In reality, customers likely do utilize both lots to visit the businesses in the neighboring buildings as there is no signage or other physical obstacle indicating this is not allowed by the owners.)*

### Reasons For Approval of Variance of Development Standards – Reduced Parking

- Limited off-street parking is available because the building occupies nearly 100% of the site. Staff typically supports such requests where the situation existed historically and a variance is necessary to support the continued use of a historic building.
- While the permanent seating in the theater has been removed, the floor plan and capacity of the space has not changed from what it was historically, so there is no increased intensity at this site.
- The density of this area is similar to that found downtown and in central business district zones around the city, including Fountain Square, Mass Ave, Broad Ripple, etc. Parking is limited, but available, and there is no expectation parking will be provided on-site.
- There is street parking available along Washington Street and Johnson Avenue immediately in front of the retail spaces and of course, throughout the nearby neighborhood.
- The Commission has granted similar variances for reduced parking in other historic mixed use commercial areas including Fountain Square. For example at 1101-1113 E. Prospect (*Fountain Square Theater Building - 414 spaces required; 0 provided*), 1102 E. Prospect (*Office Use - 11 required spaces; 0 provided*), 1024-30 E. Shelby (*47 spaces required; 0 provided*), and 1116 E. Prospect (*Cabaret Use – 54 required; 7 provided*).

### Dumpster in Rear Transitional Yard w/Reduced Screening

The applicant proposes maintaining the 8-yard dumpster in its current location at the rear of the lot. The applicant indicates the dumpster has occupied this location since at least 2003. This is within the required 20 foot rear transitional yard. Transitional yards are required when a side or rear lot line abuts a protected district and the rear of this lot abuts the beginning of the D-5 residential area located south of Washington Street. *(Presently, the applicant is also the owner of the D-5 lot and single family residence that is immediately adjacent to the rear parking area.)*

Staff inquired about locating the dumpster in the green space behind the building or on the interior of the building. The applicant does not wish to pursue these options because of the difficulty of maneuvering such a large dumpster around vehicles in the parking lot on a regular basis and/or blocking a parking space to allow the dumpster to be maneuvered. Also, this would cause the

dumpster to be in much closer proximity to the outdoor dining area at the south end of the building, potentially creating odor issues for the café.

Additionally, the applicant requests to screen the dumpster on just one side, the east side, when the ordinance requires a minimum of 3 sides be screened. The screening will consist of a 6 ft. solid wood privacy style fence that runs approximately 12 ft. along the lot line between the C-4 and D-5 district. It will require the removal of a tree in order to ensure the dumpster and screen is located entirely on the applicant's property. The applicant did consider ways to screen the dumpster on at least 3 sides but doing so would cause him to lose 1 parking space, front the open side toward the church building to the south, or obtain an easement from his neighbor to the west to locate the dumpster partially on their property. The applicant does not wish to pursue any of these options.

**Reasons For Approval of Variance of Development Standards – Dumpster in Rear Transitional Yard and Reduced Screening**

- Limited space for the necessary accessory uses is available because the building and outdoor cafe occupies nearly 100% of the site. Staff typically supports such requests where the situation existed historically and a variance is necessary to support the continued use of a historic building.
- Because of existing vegetation and the dumpster's location nearer the center of the site it is not immediately visible from either Johnson Avenue or Ritter Avenue.
- The existing vegetation and new privacy screen will adequately conceal the dumpster from the adjacent D-5 zoned protected district, which is the primary reasoning for the existence of these two development standards.

**STAFF RECOMMENDED MOTION**

**COA #2010-COA-270 (IRV):**

**To approve a Certificate of Appropriateness for variances of development standards all per submitted documentation.**

**COA #2010-COA-294 (IRV):**

**To approve a Certificate of Appropriateness to remove one tree located at the south end of the property and to construct a 6 ft. solid wood privacy fence (approximately 12 ft. in length) all per submitted documentation and subject to the following stipulations:**

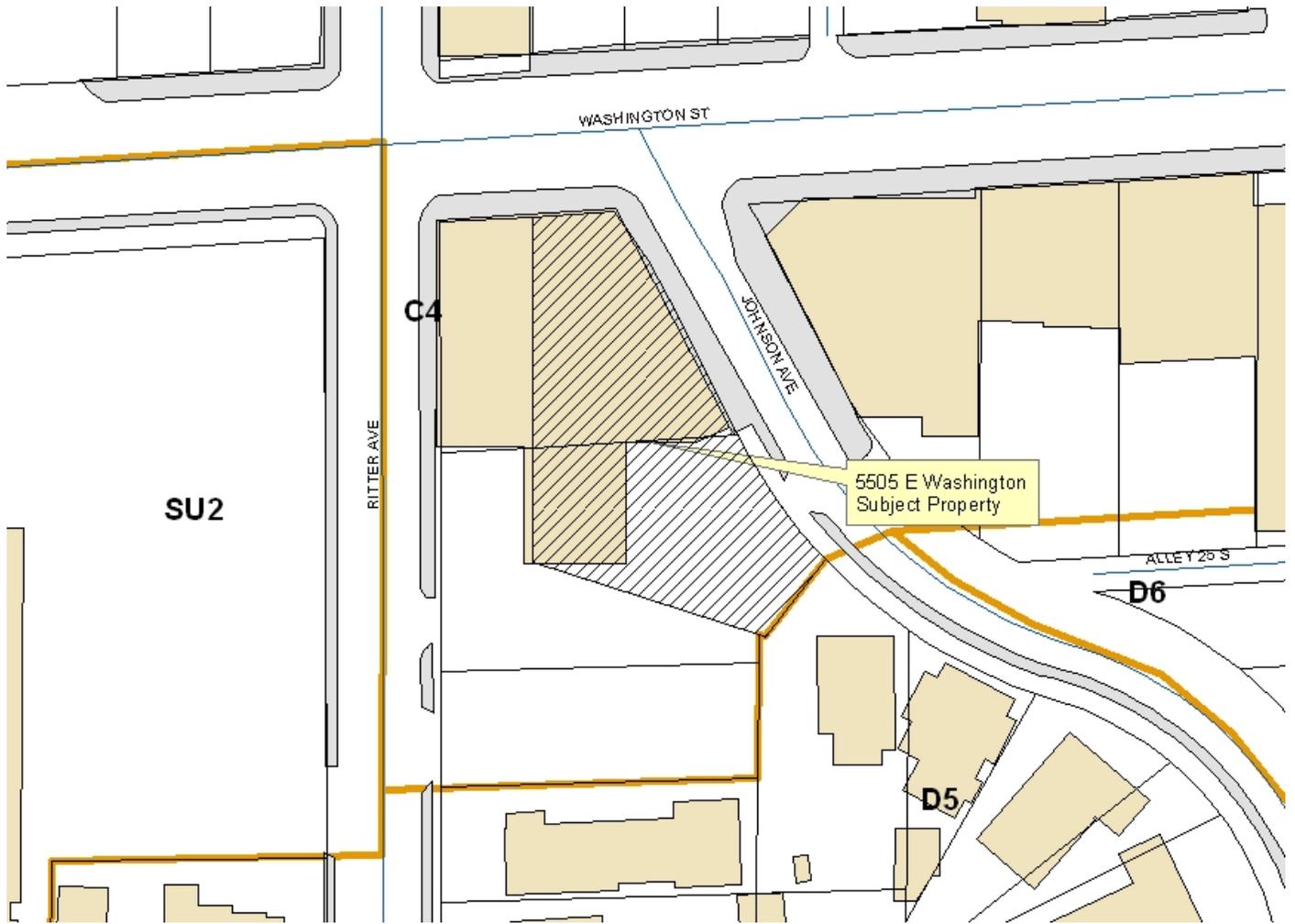
1. **Maximum allowed height of new wood privacy fence is 6 feet. If the fence exceeds this height, a variance will be required.**
2. **Fence shall be confined to owner's property. Fencing placed in or near the public right-of-way may need further approval. Contact the City Controllers office at (317)327-4312 to verify.**
3. **The stump of the tree shall be ground to grade or below grade.**
4. **The stump site shall be backfilled and graded to match existing grades.**
5. **Parking lot shall be striped per the site plan provided.**
6. **No changes to the design or project scope are permitted without prior consultation with IHPC staff. Contact IHPC staff prior to performing any unexpected repairs.**

**VARIANCE #2010-VHP-010:**

**For Variances of Development Standards to allow Variances of the C-4 Development Standards for:**

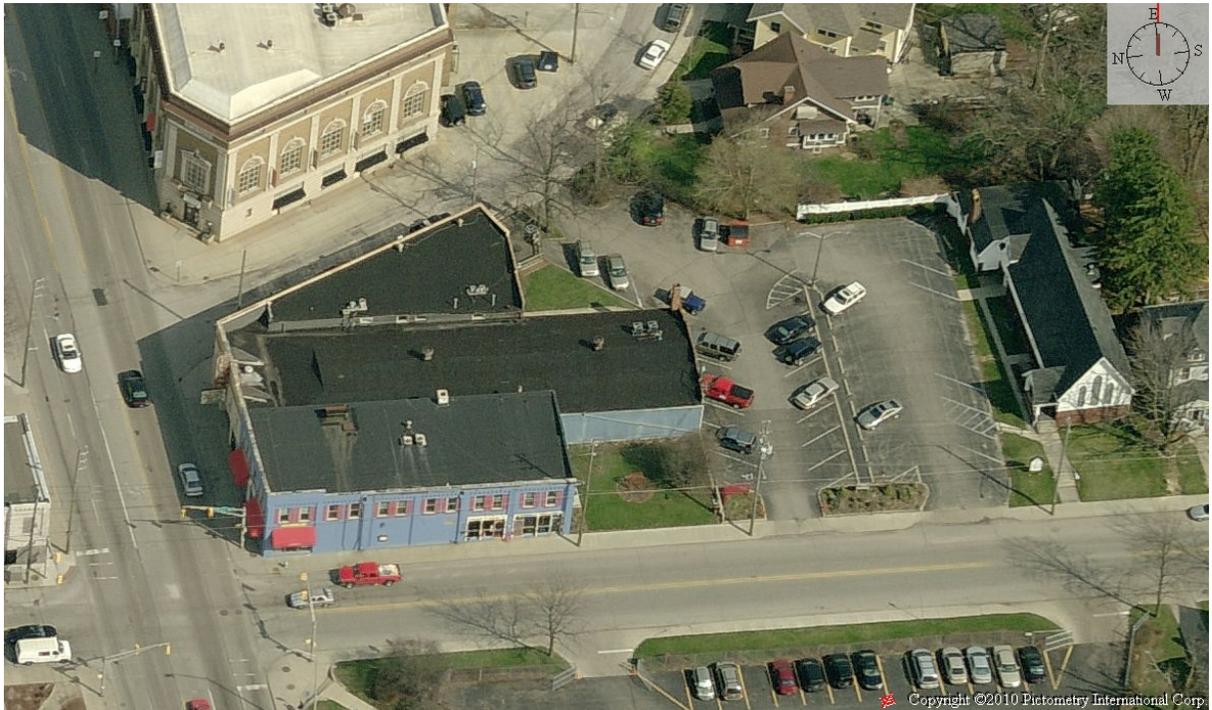
1. **Reduced parking than required (8 spaces when 40+ are required);**
2. **Location of a dumpster within the rear transitional yard;**
3. **Reduced screening of the dumpster (one side when three sides are required).**

**Staff Reviewer: Amy L. Bear**

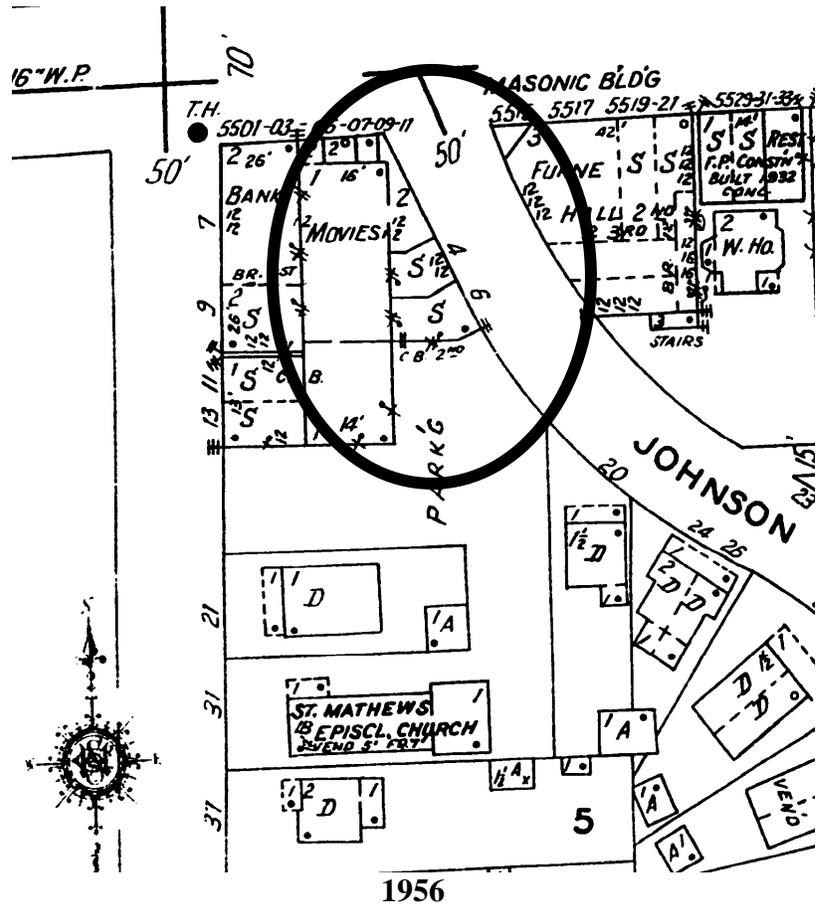
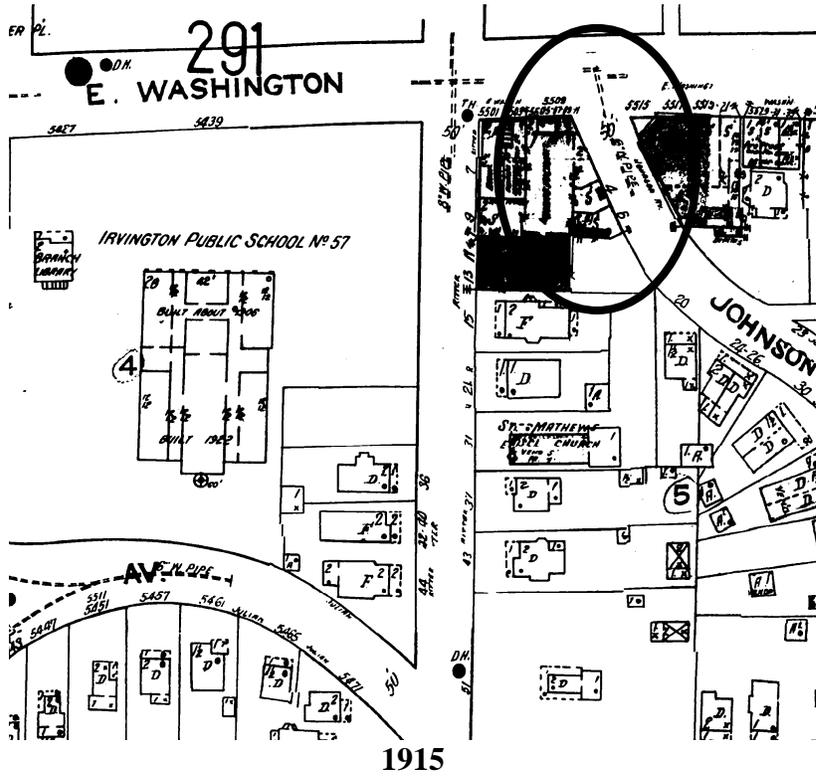


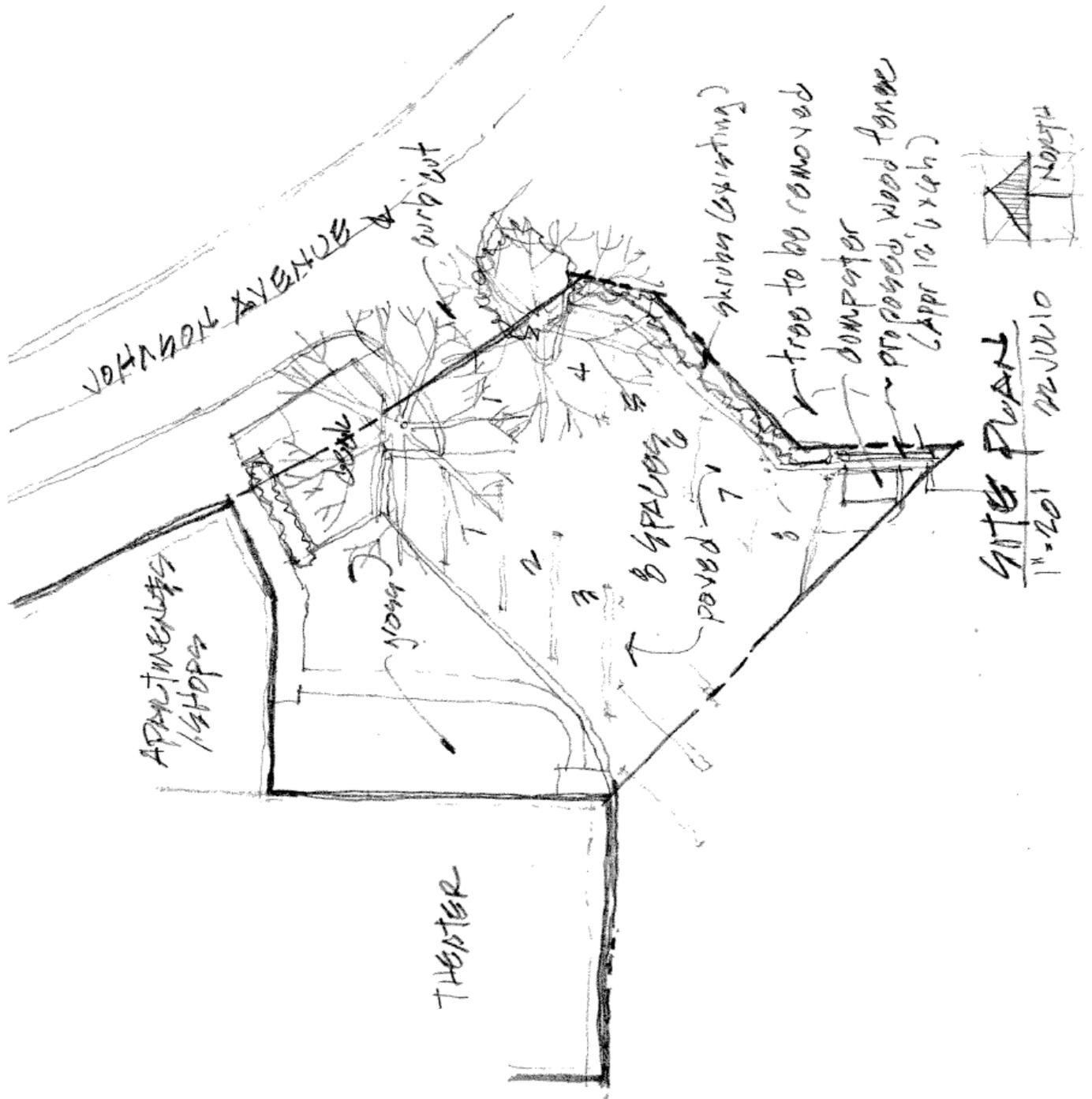


**Looking North**



**Looking East**





Site Plan – Illustrating 8 parking spaces (existing) and proposed location for dumpster and screening.



**Front – North Elevation – Showing 5505 E Washington & 5501 to the West.**



**Johnson Avenue Elevation looking northwest.**



**Rear parking area behind 5505 E Washington Street**



**Existing Dumpster behind 5505 E Washington Street**