

Case # 2011-COA-040 (ONS) 2011-VHP-004	INDIANAPOLIS HISTORIC PRESERVATION COMMISSION STAFF REPORT	Hearing Date MAY 4, 2011
1440 N. Hudson Street (aka 1441 N. Delaware) OLD NORTHSIDE		New Case
Applicant: MENTAL HEALTH ASSOC. OF INDIANA, INC. mailing address: BY JOSEPH CALDERON 111 Monument Circle, Suite 2700 Indianapolis, IN 46204 Owner: Betty Davis mailing address: 9489 Woodbridge Place Zionsville, IN 46077		Center Township Council District: 22 Jackie Nytes
COMBINED CASES		
IHPC: 2011-COA-040 (ONS) For a Variance of Use BZA Variance: 2011-VHP-004 Variance of Use of the D-8 Zoning Ordinance to allow for general office use (C-1 use) in the existing carriage house (not permitted).		
STAFF RECOMMENDATION: Approval		

STAFF COMMENTS

Background of Property

This property is made up of two historic accessory buildings joined together in the mid 1990s. One is a one-and-one-half story brick carriage house located behind the large Colonial Revival house (c. 1897-98) at 1441 N. Delaware St. The first floor of the carriage house was originally used as stables and later for the storage of autos. The carriage house was converted to a home and interior design shop at some point in the 1950's. The other building is a c. 1920s three-car garage behind the 1901 Queen Anne house at 1431 N. Delaware St.

Summary of Events Leading to this Request

- 1976 Dr. and Mrs. Larry M. Davis bought 1441 N. Delaware St. (house and carriage house) in 1976 for their residence. They also bought several adjoining properties, including 1431 N. Delaware St., which became known as the Davis Psychiatric Clinic.
- 1998 The historic garage behind 1431 N. Delaware was physically connected to the carriage house behind 1441 N. Delaware St. At that time, the Davis' moved into the carriage house.
- 2002 IHPC granted approval to use the house at 1441 N. Delaware St. as an inn and meeting/reception facility run by the Davis', provided 56 spaces are provided at other locations (no on-site parking was available.)
- 2004 The IHPC granted a variance for 1431 N. Delaware St. to permit 12 off-street parking spaces when 35 were required.
- 2009 Mrs. Davis sold the Colonial Revival house at 1441 N. Delaware St. to the Mental Health Association of Indiana (MHA), but retained the rear portion of the lot, with the carriage house.
- 2011 Earlier this year, Mrs. Davis sold the property at 1431 N. Delaware St., to the MHA. It appears she carved out a lot around the garage at the rear of the property. She is now selling this lot with the carriage house and garage to the MHA, which wishes to convert it from residential to office and meeting space.

Variance of Use Request

1441 N. Hudson St. spans two zoning districts. The garage portion is in C-1 commercial and will continue to be used for parking three cars. The carriage house portion is in D-8 residential. Because the MHA plans to reconfigure the interior of the carriage house to six offices and three meeting spaces, a variance of use is needed. No exterior modifications of the building are requested at this time. The applicant has provided a Plan of Operation (attached).

Many large houses along the 1300-1500 blocks of N. Delaware St. have been converted for commercial uses, most prior to historic designation. The Old Northside Plan recognizes that fact and treats Delaware St. differently than the rest of the neighborhood, suggesting:

“Variances should be granted for light office uses for existing buildings and should expire when the variance applicant ceases his use of the property.”

In addition, this is a situation where the carriage house was meant to be accessory to the house at 1441 N. Delaware St. Since the house has been converted to commercial/office use, it is appropriate that the carriage house be allowed to do so also. Because of the Plan recommendation, a stipulation is being recommended limiting the variance to the MHA’s ownership and/or occupancy of the property.

Reasons to Approve a Variance of Use

- The carriage house building behind 1441 N. Delaware was originally a part of that property. It is appropriate that it be subject to the same land use recommendation in the Old Northside Plan as applies to buildings along Delaware Street.
- The Delaware Street corridor in the Old Northside has several buildings occupied by commercial uses, which is supported by recommendations in the Old Northside Plan.
- Adequate parking appears to exist to support the addition of 6 small offices.
- Parking management should be easier to coordinate between the three buildings since they will now all be under the control of the Mental Health Association of Indiana.

Parking

There is no parking standard for office uses in a D-8 zone. Therefore, the IHPC, acting as the BZA, must decide whether or not adequate parking exists when granting the use variance.

Once the carriage house property is sold, the MHA will own a “campus” of three buildings, each controlled by a different zoning situation:

- The house (now offices) at 1431 N. Delaware St.: Zoned C-1 with a variance to provide 12 parking spaces in its parking lot.
- The house (now offices and reception facility) at 1441 N. Delaware St.: Zoned D-8 with a variance to permit office/reception use without any parking on-site, provided 56 parking spaces are provided at other off-street locations.
- The carriage house with attached garage at 1440 Hudson St.: Zoned D-8 and C-1. Five parking spaces are available. Three are in the garage and 2 are on a parking pad next to the garage (actually on the 1431 N. Delaware St. lot, but not included in the 12 required spaces for that site.)

The MHA estimates that 6-8 employees will be using this new space in the carriage house, although not at the same time. The plan of operation notes that those employees will have access to the 3 spaces in the garage, the 2 spaces on the adjacent parking pad, and the 12-car parking lot behind 1443 N. Delaware, which it claims is seldom full. In addition, parking is available for MHA use at nearby parking lots owned by the Propylaeum and the Knights of Columbus. In addition, on-street parking is available along Delaware Street.

Given the above information, staff does not believe the addition of 6 small offices in the carriage house will overburden the existing parking situation.

STAFF RECOMMENDED MOTIONS

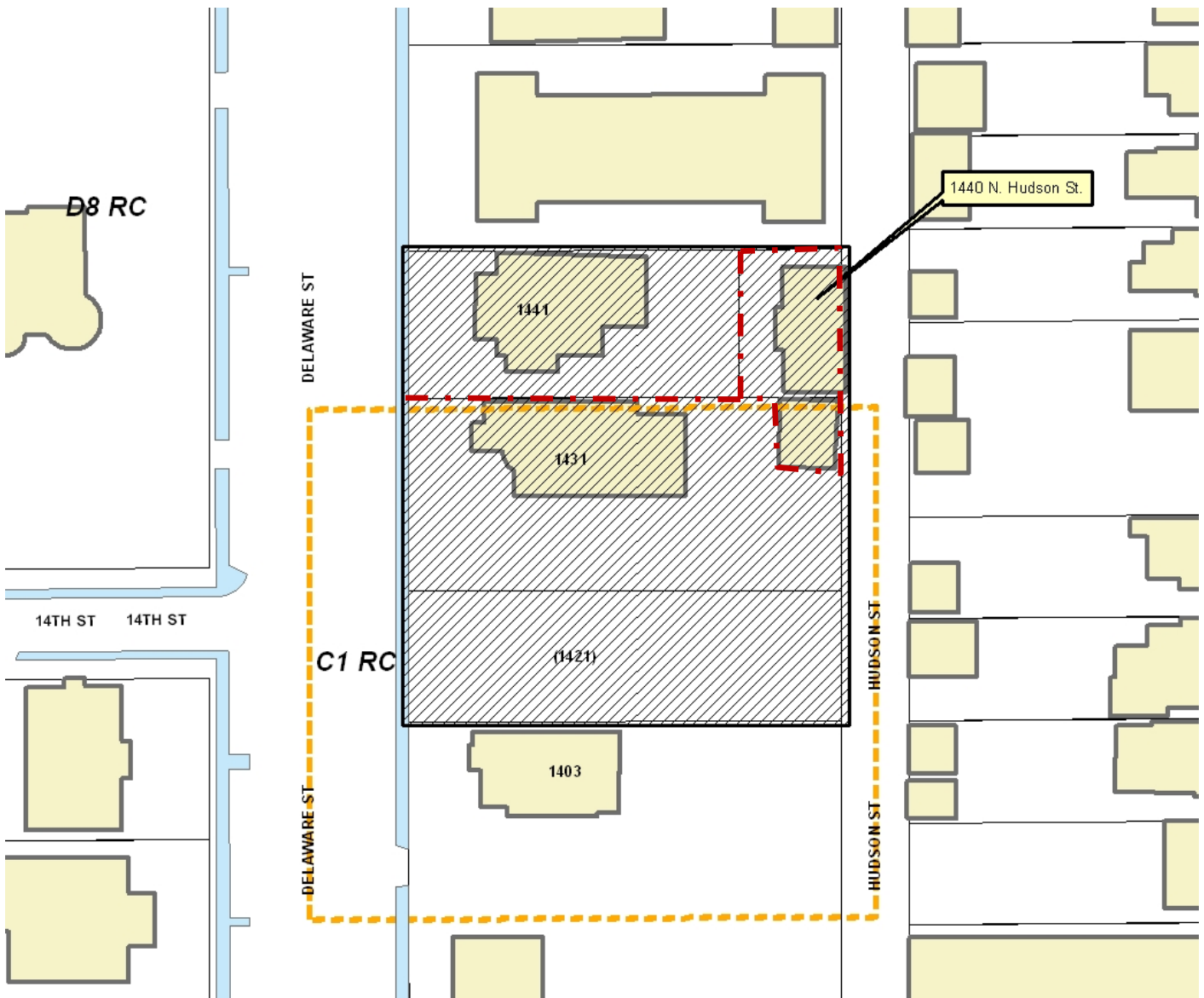
CASE #2011-COA-040 (ONS):

To approve a Certificate of Appropriateness for a Variance of Use per submitted documentation.

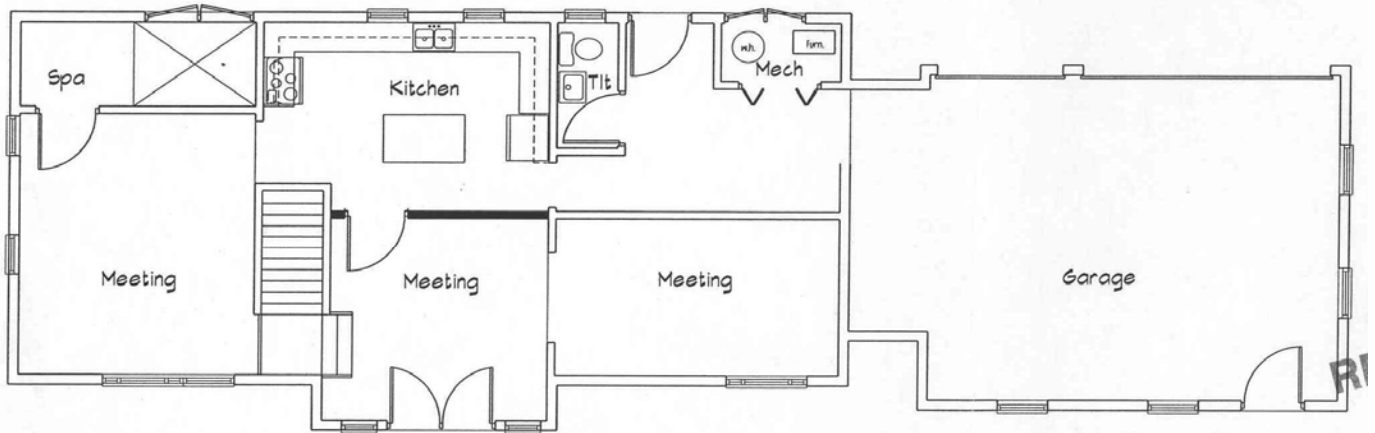
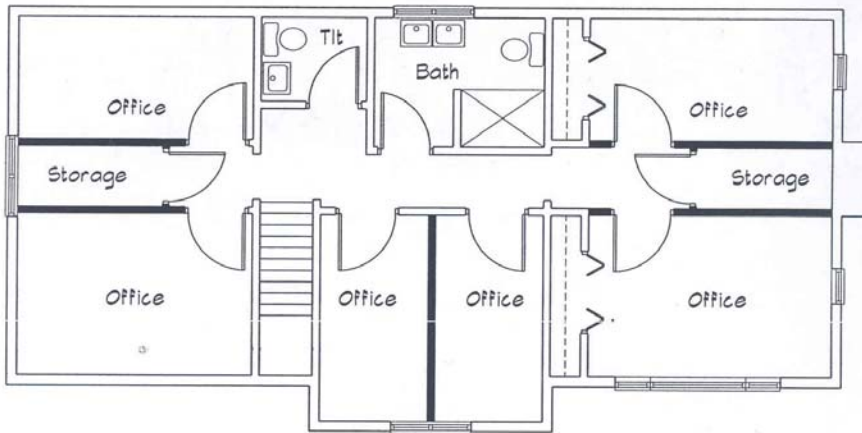
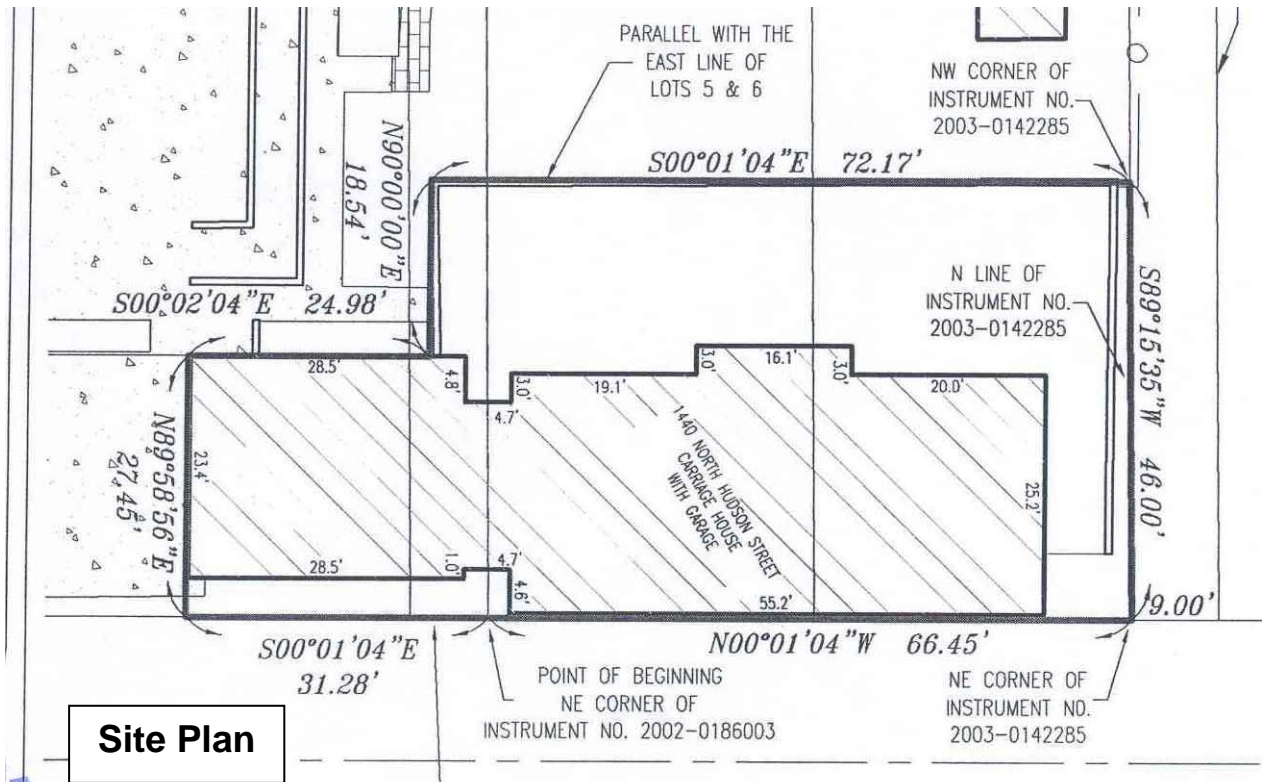
VARIANCE PETITION #2011-VHP-004:

To approve a Variance of Use of the D-8 Zoning Ordinance to allow for general office use (C-1 use) in the existing carriage house (not permitted) subject to the Plan of Operation submitted and stamped received 04/12/11. This Variance of Use will expire when the property is no longer owned and/or used by the Mental Health Association in Indiana, Inc.

Staff Reviewer: Ann Steadham



Map of Subject Property





**Carriage house with attached three-car garage.
Two additional surface spots are located on the side of the garage.**



Front of 1441 N. Delaware



Front of 1431 N. Delaware

**Plan of Operation – Mental Health Association in Indiana, Inc. (“MHA”)
1440 North Hudson (2011-VHP-004)**

Background: In 2009, MHA and Ms. Betty Davis applied for and received a variance to allow for MHA to use what was commonly known as the Yellow Rose Inn, located at 1441 North Delaware, as both office space and to host meetings and certain types of special events. There is an adjoining parcel to the rear of the Yellow Rose Inn property upon which a “Carriage House” is located. Ms. Davis retains ownership of the Carriage House, but has moved and MHA, as owner of the Yellow Rose Inn property would like to purchase the Carriage House and use it as professional office space for its staff and its clients. The Carriage House property is zoned D-8, and MHA has applied for a variance of use with the IHPC, seeking approval of its proposed use.

Proposed MHA Operations:

1. Office Space by MHA staff, including meetings with clients.
2. Business meetings and small group presentations

Hours of Operation:

1. The Carriage House will be used by MHA staff from no earlier than 8:00 a.m. to 9:00 p.m., Monday through Friday.

Management: MHA will manage the facility. Stephen C. McCaffrey, the CEO of MHA will be in charge on behalf of MHA.

Employees: MHA will have approximately 6-8 staff members using the facility on a daily basis, although they would not all be at the Carriage House at the same time.

Parking: MHA staff will have daily use of the existing parking pad (2 spaces) or the garage (3 spaces) at the Carriage House, or the existing off-street parking lot on MHA property located at 1431 North Delaware. That parking lot, as well as parking available on nearby properties owned by the Propylaeum and the Knights of Columbus will be available to clients, staff and visitors to the Carriage House. All guests of the MHA for activities taking place at the Carriage House will receive instructions as to the parking lots to use as well as instructions to not park on Hudson Street. MHA will post signs on the Carriage House property advising all guests and visitors to the Carriage House to not park on Hudson Street. On-street parking is also available on Delaware Street in front of or near the Yellow Rose.

Access: Access to the Carriage House by clients and other visitors shall be limited to the existing doors (or any future doors approved by IHPC) located on the west façade.

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**INDIANAPOLIS HISTORIC
PRESERVATION COMMISSION**

Plan of Operation submitted by Applicant

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

PETITION FOR VARIANCE OF USE

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 use will not create significantly increased traffic or on street parking issues as it is complementary to the operations on the west and south adjoining properties. The structure can comfortably handle the proposed office use, keeping everything internalized. Additionally, the Petitioner has the added advantage of having off-street parking on both the subject property and property adjacent to the subject property.

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 adjacent properties are all zoned to allow either multi-family or commercial uses and the proposed use will have predictable hours of operation, and will not have any nuisance characteristics associated with it.

3. The need for the variance arises from some condition peculiar to the property involved and the condition is not due to the general condition of the neighborhood because:

The structure is appropriately sized for office use and since the improvements on the subject property were originally designed to complement the use of 1441 North Delaware, the proposed use makes sense from a land use perspective, and to keep it separated from 1441 North Delaware is a peculiarity.

4. The strict application of the terms of the zoning ordinance constitutes an unusual and unnecessary hardship if applied to the property for which the variance is sought because:

The proposed use is the best alternative economically viable use of the property, given the use of the property located at 1441 North Delaware.

5. The grant does not interfere substantially with the Comprehensive Plan because:

The character of the proposed use is consistent with that of typical multi-family operations, with the proposed primary use having the added benefit of predictable hours of operation.

DECISION

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

Adopted this _____ day of _____, 20 _____

**INDIANAPOLIS HISTORIC
PRESERVATION COMMISSION**

Findings of Fact Submitted by Applicant