

COA # 2011-COA- 201(IRV) 2011-VHP-010 PART B	INDIANAPOLIS HISTORIC PRESERVATION COMMISSION STAFF REPORT	Hearing Date AUG. 3, 2011
5614 E. WASHINGTON ST. IRVINGTON		Continued from: July 6, 2011 Warren Twp. Council District 21 Benjamin Hunter
Applicant: IRV, LLC mailing address: 5614 E. Washington St. Indianapolis, IN 46219		
Owner: Same as Above		
COMBINED CASE		
IHPC COA: 2011-COA-201 (IRV) Part B	Approval of a Certificate of Appropriateness for: <ul style="list-style-type: none"> • Variances 	
VARIANCES: 2011-VHP-010 Part B	Variances of Development Standards to allow: <ul style="list-style-type: none"> • Location of two dumpsters in rear transitional yard (not permitted). • No dumpster enclosure when required 	
STAFF RECOMMENDATION: Approval		

STAFF COMMENTS

Background

The property is a historic strip mall structure that contains several businesses and a parking lot at the rear of the site. This application was part of a larger application that was split at the July hearing. The current request is for variances of developments standards to allow two dumpsters within the required rear transitional yard and to allow no enclosure when one is required. The two dumpsters serve all of the businesses within the strip mall.

Variance of Development Standards

Dumpsters in Rear Transitional Yard

The applicant proposes maintaining the two dumpsters (one for trash, one for cardboard) in their current locations at the rear of the lot. 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 just north of the site.

Reasons For Approval of Variance of Development Standards – Dumpsters in Rear Transitional Yard

- Limited space exists to locate the dumpsters in such a way that the number of parking spaces and access to the dumpsters isn't compromised. The applicant has had the dumpsters located against the wall of the building in the past, but this location has proven to be problematic for both cars parking and garbage trucks maneuvering. Also, there is dining space at the rear of the building potentially creating odor issues.
- The 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 this development standard. The adjacent property most affected by the dumpster is owned by a church that uses the space as a playground

area. Staff believes if a residence were immediately adjacent, other measures would need to be taken to lessen the effect the dumpsters might have.

No Enclosure

The applicant was cited by the zoning inspector for not having a dumpster enclosure around the two dumpsters at the rear of the site. The reasons for no enclosure and reasons for the request for the variance to permit the dumpsters with no enclosure are as follows:

1. Garbage trucks have limited space to access the dumpsters. An enclosure would further limit the trucks ability to pick up the dumpsters since precise positioning of the truck is required to accurately insert the forklifts on the truck into the dumpsters for pick up. This cannot be done easily if an enclosure further limits the space available to do this.
2. The addition of an enclosure will further reduce the number of parking space on site (4 total spaces would be eliminated) which already received a variance for reduced parking last month.
3. Due to the tight constraints, an enclosure would likely be hit by cars periodically when pulling out of the existing parking spaces within close proximity.

Staff believes that having an enclosure could have more negative effects on the area than if there was an enclosure in this case. Also, since the dumpsters have lids on both the front and back, debris is less likely to occur than if the dumpsters were without lids.

Irvington Historic Preservation Plan

The plan does not speak directly to this request. However, many commercial properties along the Washington Street corridor have limitations when it comes to meeting development standards and concessions often have to be made to allow these spaces to be functional. In this case, it seems reasonable to allow no enclosure and setback variances since it will allow for the maximum amount of parking available on this site which serves multiple businesses in the area.

STAFF RECOMMENDED MOTION

COA #2011-COA-201(IRV) Part B:

To approve a Certificate of Appropriateness for variances of development standards of the C-4 Zoning Ordinance.

VARIANCE #2011-VHP-010 Part B:

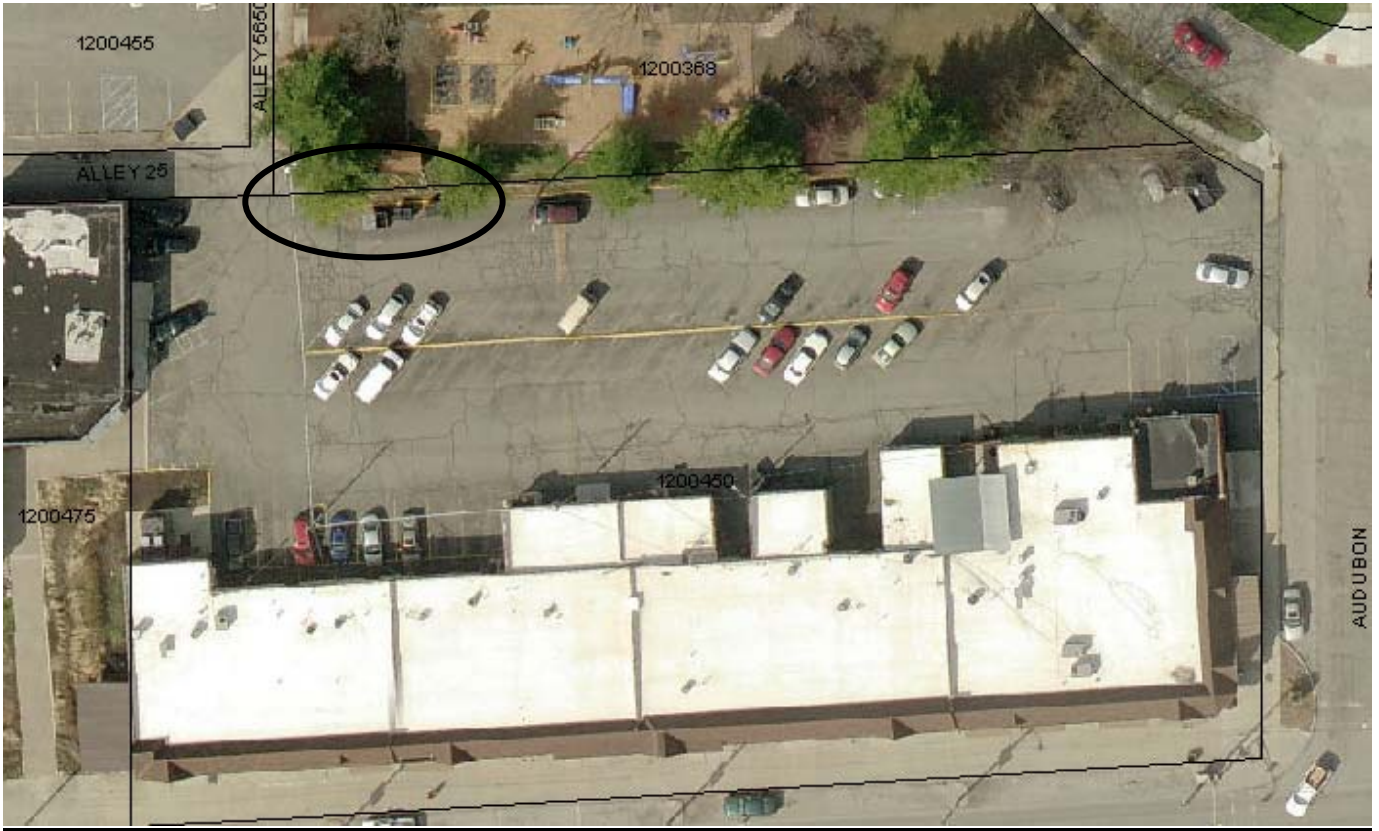
For Variances of Development Standards of the C-4 zoning ordinance to allow:

1. Location of dumpster in rear transitional yard (not permitted).
2. No enclosure around the two existing dumpsters at the rear of the site.

And subject to the following condition:

1. Owner of the property is responsible for complying with all Marion County Health Department codes including those pertaining to trash and debris.

Staff Reviewer: Meg Purnsley



Below: View of dumpster location (only one dumpster seen here)



FINDINGS OF FACT FOR MICROBREWERY USE

Petition Number 2011-VHP-010 Part B

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division 1440
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 dumpsters have traditionally not had an enclosure around them. Not having an enclosure will not negatively impact the surrounding owners or customers that visit the parking area.

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 trash dumpsters have been in the same location and do not prevent or discourage the northern property owner to utilize the area because the placement of the dumpsters is further west of the main congregating area.

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

Adding a three sided enclosure, per the current ordinance would make it difficult for the trash dump truck to pick up trash due to the parking median. Further, an enclosure would not allow parked vehicles adequate clearance to pull out of the parking spaces, adding a likelihood of the enclosure needing to be replaced sooner than the life of the enclosure.

DECISION

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

Adopted this 3rd day of August, 2011

RECEIVED

JUL 08 2011

INDIANAPOLIS HISTORIC
PRESERVATION COMMISSION