

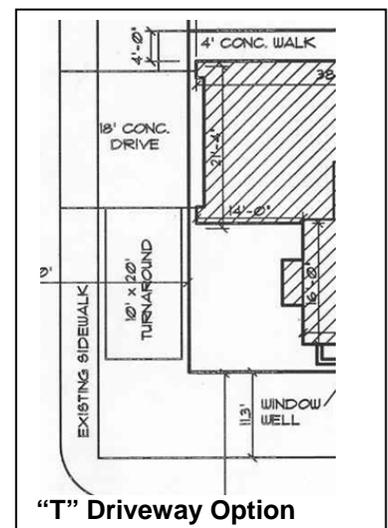
<b>COA #</b> <b>2013-COA-278 (CAMA)</b> <b>2013-VHP-017</b>	<b>INDIANAPOLIS HISTORIC PRESERVATION</b> <b>COMMISSION</b> <b>STAFF REPORT</b>	<b>Hearing Date</b> <b>SEPT. 4, 2013</b>
<b>611 E. North Street</b> <b>CHATHAM ARCH &amp; MASSACHUSETTS AVENUE</b>		Continued from:  August 7, 2013   Center Twp. Council District 9 Joseph Simpson
<b>Applicant</b> 611 E. North Street, LLC mailing address: <b>by Donald J. Smith Atty</b> 930 E. 66 <sup>th</sup> Street Indianapolis, IN 46220 <hr/> 611 E. North Street, LLC <b>Owner:</b> 1012 E. 75 <sup>th</sup> Street Indianapolis, IN 46240		
<b>COMBINED CASE</b>		
<b>IHPC COA:</b> 2013-COA-278 (CAMA)	<ul style="list-style-type: none"> <li>• Construction of a new single-family house</li> <li>• Variances of Use and Development Standards</li> </ul>	
<b>VARIANCES:</b> 2013-VHP-017	<ul style="list-style-type: none"> <li>• Variance of Use to allow three single family houses (single-family not permitted in D-10).</li> <li>• Variance of Development Standards to allow a zero foot setback from the south and east property lines and a one foot setback from the west property line.</li> <li>• Variance of development standards for 4 ft north perimeter yard when a 30 ft perimeter yard is required.</li> <li>• Variance of Development Standards to allow less project frontage than required (100 feet required 60ft, 60ft, and 70.46 feet to be provided on three lots).</li> <li>• Variance of Development Standards to allow a structure to be built closer than 24 ft. to an existing right-of-way of a local street.</li> <li>• Variance of Development Standards to allow for construction within the required clear sight triangle area at the southwest and southeast corners of the site.</li> </ul>	
<b>STAFF RECOMMENDATION: Approval</b>		

**STAFF COMMENTS**

SEPT. 4, 2013 UPDATE

At the August 7, 2013 IHPC hearing, the above case was continued to allow time for the applicant to provide clearer drawings as well as look into a few concerns the Commission had regarding the driveway entrance off Park Avenue. Specifically, there was concern that backing out into Park Ave would not be safe. Since the August hearing, the applicant and staff have done the following:

1. **“T” Driveway.** The applicant created a site plan showing a “T” in the proposed driveway that would allow the applicant to turn around and pull forward out of the driveway. However, this is not ideal, as it adds more concrete and less landscaping to the site. It also blocks visibility of the intersection at Park Ave. and North Streets.



2. Eliminate On-Street Parking. DPW has indicated the proposed driveway could potentially be approved during the permitting process. However, DPW would probably restrict parking on the east side of Park Ave. from the driveway south to the corner as well as north of the driveway for an as-yet-undetermined distance (possibly all the way north to Massachusetts Ave. since the street is too congested even without the new driveway.)

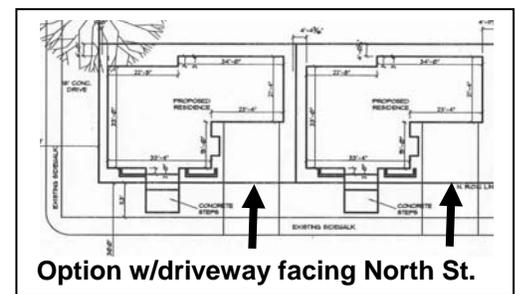
3. Real Silk Easement. The Real Silk Condominium Association has indicated to the applicant that it will not agree to an easement accessing the rear of the proposed houses. The reason for this is because each resident pays for a parking spot and an easement would result in the loss of some of those spaces.

4. Driveway off North Street. The applicant provided a third site plan option that shows a driveway off North Street. Although this site arrangement works, it is not preferred by the applicant. Staff also has reservations due to the effect on North St. Since the middle lot has no choice but to place its driveway along North St., staff would prefer to see it as an anomaly rather than creating a pattern. It should also be noted that a driveway on North St. will introduce much more pavement than on Park Ave. If this is felt to be the better option, perhaps the use of special pavers could soften the visual effect of the driveways.

5. Vacation of the public right-of-way. At the August hearing, it was suggested that the applicant explore the option of vacating a portion of the right-of-way along North St. to allow the house to move forward leaving room at the rear for a driveway accessing rear-facing garages. This is an unattractive alternative to the applicant for several reasons:

- The outcome is unsure, as it must be approved by the Plat committee and the Current Planning staff generally opposes the vacation of street right-of-way.
- This would result in adding about 11 feet to the rear, but would also result in loss of almost all the green space at the front.
- This option would probably require redesigning the house to provide functional maneuverability at the rear and to create a different front entryway into the house, which presently requires steps that preclude simply moving the structure forward.

6. Clearer drawings. After staff discussed the design with the applicant, he has decided to not make any changes to the design. Rather, he has submitted clearer drawings in order to better explain his design.



Conclusion

Staff believes that the applicant has addressed the concerns raised by the Commission. While no option is perfect, staff agrees that the applicant’s original site plan, with driveway off Park Ave., is the most practical and offers the best “fit” into the neighborhood, assuming some parking is removed from Park Ave. to increase visibility. Included in this report are the updated drawings and the three site plan layouts discussed above along with the drawings from last month. No changes have been made to the report below.

## **From the August 7, 2013 IHPC Staff Report**

### **Background of the Property**

The site is now one lot, but was historically five lots covered by three single-family houses, two doubles, and one brick commercial building. A number of accessory structures were also once on the site. All of these structures are now demolished. This is a corner property with its long frontage on North Street and short frontage Park Avenue. The east side of the property also has street frontage on Cincinnati Street. There is no longer any alley access to this site. There is a small utility easement at the southeast corner.

### **New Construction**

The applicant plans to divide the site into three lots and build a house on each. With this application, he is asking approval for one of the houses. However, he is also asking for all of the variances that will be needed for the future houses. This first house will be the applicant's own residence and will be located at the west end of the site. It is a two-story single-family house with an attached garage and curb cut off Park Ave. The attached garage and curb cut are not commonly found in the area on single-family homes. However, given the location and the tight constraints of the site and lack of alley access, this seems like a reasonable and appropriate solution for this project. The house is to be constructed of brick and fiber cement panels and has aluminum clad windows and several balconies.

Staff believes the design fits in well with the industrial buildings around it. The house is contemporary and scaled to be similar to one of the homes across the street which is a large limestone two-story home formerly used as the rectory for St. Joseph's Church on the corner of College Ave, and North St.

### **Variances of Use and Development Standards**

The following variances are needed to make this development possible given the obvious constraints from the shape and size of the project area. Staff does not believe that the variances will have a negative effect on the surrounding area.

- Variance of Use to allow three single family houses (single- family not permitted in D-10).
- Variance of Development Standards to allow a zero foot setback from the south and east property lines and a one foot setback from the west property line.
- Variance of Development Standards for a 4 ft north perimeter yard when a 30 ft perimeter yard is required.
- Variance of Development Standards to allow less project frontage than required (100 feet required--- 60ft, 60ft, and 70.46 feet to be provided on the proposed three lots).
- Variance of Development Standards to allow a structure to be built closer than 24 feet to an existing right of way of a local street.
- Variance of Development Standards to allow for construction within the required clear sight triangle area at the southwest and southeast corners of the site.

### **Chatham-Arch and Massachusetts Ave. Plan**

The Chatham Arch-Massachusetts Ave Historic Area Plan states new construction should reflect the design trends and concepts of the period in which it is created. New structures should be in harmony with the old, yet at the same time be distinguishable from the old, so the evolution of the historic area can be interpreted properly. Staff believes the above request meets these guidelines. This property is mapped as part of subarea C in the CAMA Plan, which is a recommended "Adaptive Reuse Area." This subarea is described in the following way: "Much of the land in this area contains industrial buildings, although there are a few commercial and residential structures scattered throughout the area. . . . Because high density residential development currently exists in several adapted industrial buildings and given the close proximity to the interstate expressways, mixed-uses and higher density development may be appropriate." The CAMA Plan recommends CBD-2 classification for this site.

**STAFF RECOMMENDED MOTION**

**2013-COA-278 (CAMA)**

**To approve a Certificate of Appropriateness for construction of a single-family house and for variances as per submitted documentation and subject to the following stipulations:**

- 1. Construction must not commence prior to approval by the IHPC staff of final construction drawings. *Approved \_\_\_\_\_ Date \_\_\_\_\_***
- 2. A pre-construction meeting with IHPC staff, the owner, and the contractor/construction manager must be held prior to the commencement of any construction. *Approved \_\_\_\_\_ Date \_\_\_\_\_***
- 3. The site shall be field staked with no offsets and approved by IHPC staff prior to construction. *Approved \_\_\_\_\_ Date \_\_\_\_\_***
- 4. Wood or fiber-cement trim and siding shall have a smooth texture and be free of major imperfections. Rough-sawn finishes are not permitted. Siding reveal must match approved drawings.**
- 5. All utility wires and cables must be located underground. No installation of utilities or meter and mechanical placement shall commence prior to IHPC staff approval.**
- 6. Work on exterior finishes and details must not commence prior to the approval by IHPC staff of each. These may include, but are not limited to: doors, windows, foundations, exterior light fixtures, railings, roof shingles, etc.**
- 7. Any changes to the proposed design must be approved by IHPC staff prior to commencement of work.**

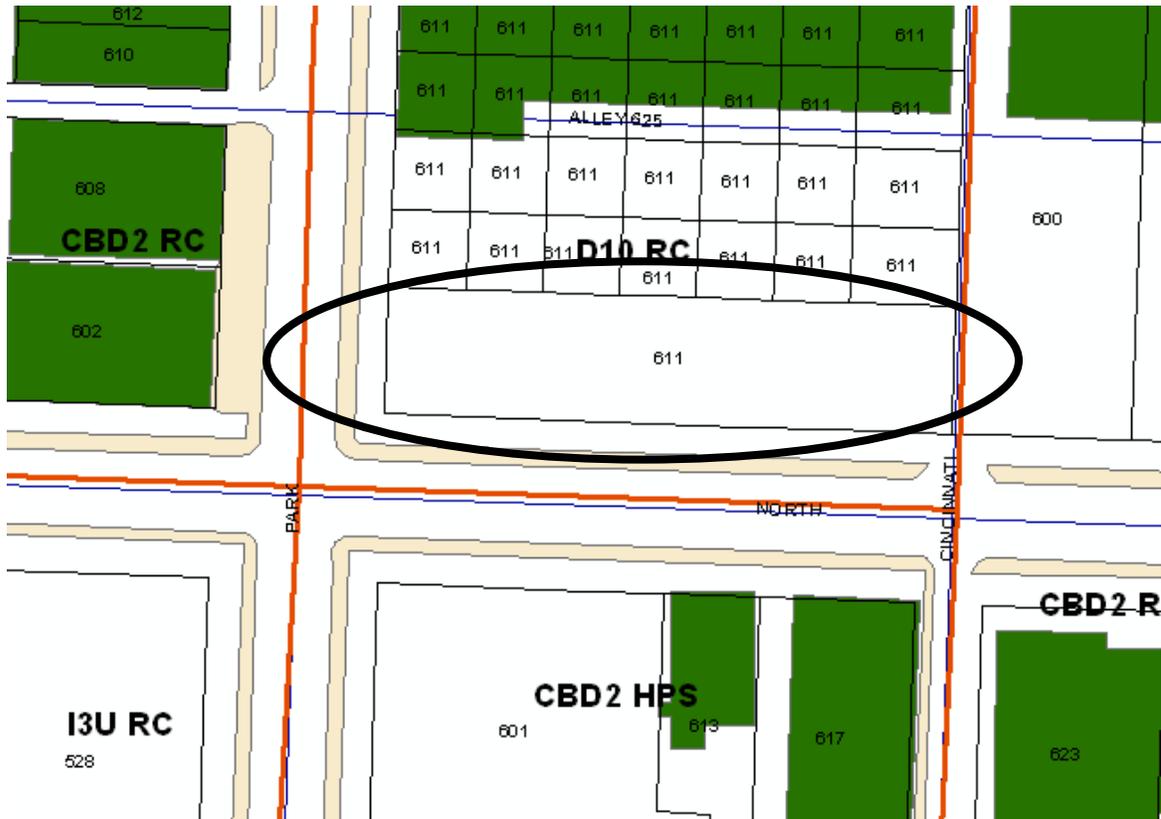
**Note: Stipulations number 1, 2, and 3 must be fulfilled prior to issuance of permits.**

**Variance Request 2013-VHP-017:**

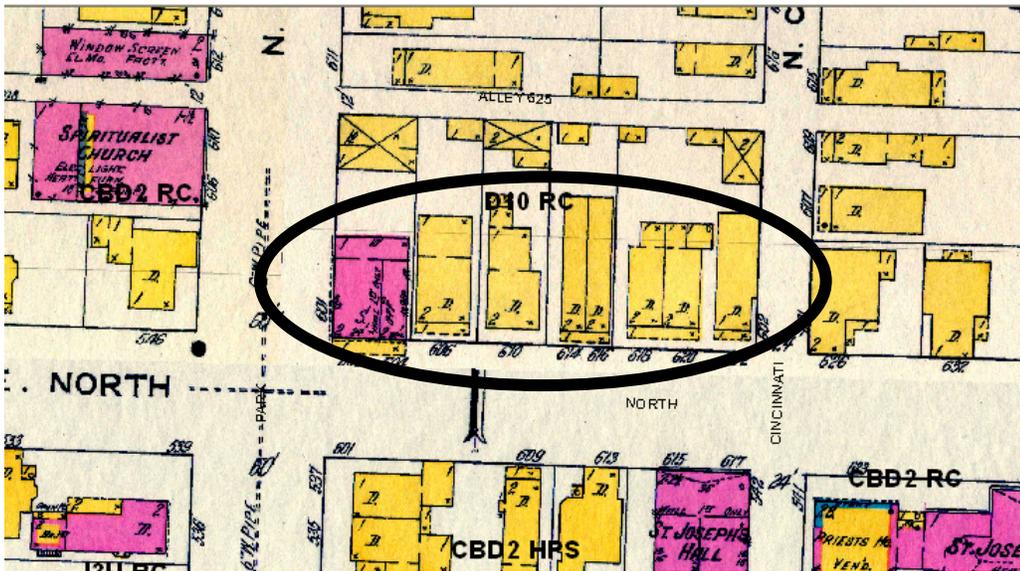
**To approve a Variance of Use to allow three single family houses (single-family not permitted in D-10) and Variances of Development Standards for:**

- 1. Variance of Development Standards to allow a zero foot setback from the south and east property lines and a one foot setback from the west property line.**
- 2. Variance of development standards for 4 ft north perimeter yard when a 30 ft perimeter yard is required.**
- 3. Variance of Development Standards to allow less project frontage than required (100 feet required 60ft, 60ft, and 70.46 feet to be provided on three lots).**
- 4. Variance of Development Standards to allow a structure to be built closer than 24 feet to an existing right of way of a local street.**
- 5. Variance of Development Standards to allow for construction within the required clear sight triangle area at the southwest and southeast corners of the site.**

**Staff Reviewer: Meg Purnsley**



Above: Map of site at it is today



1914 Sanborn Map



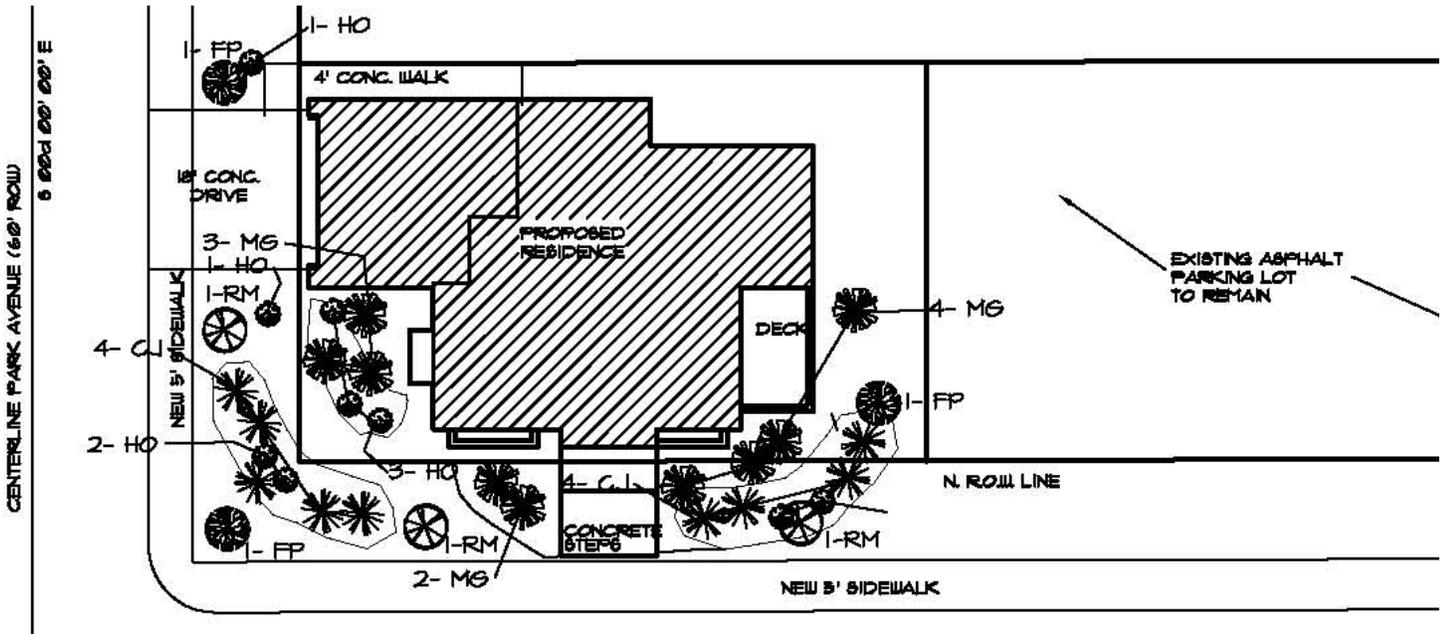
Parking to be removed for driveway (possibly further north)

# NEW PERSPECTIVE DRAWINGS



# NEW PERSPECTIVE DRAWINGS





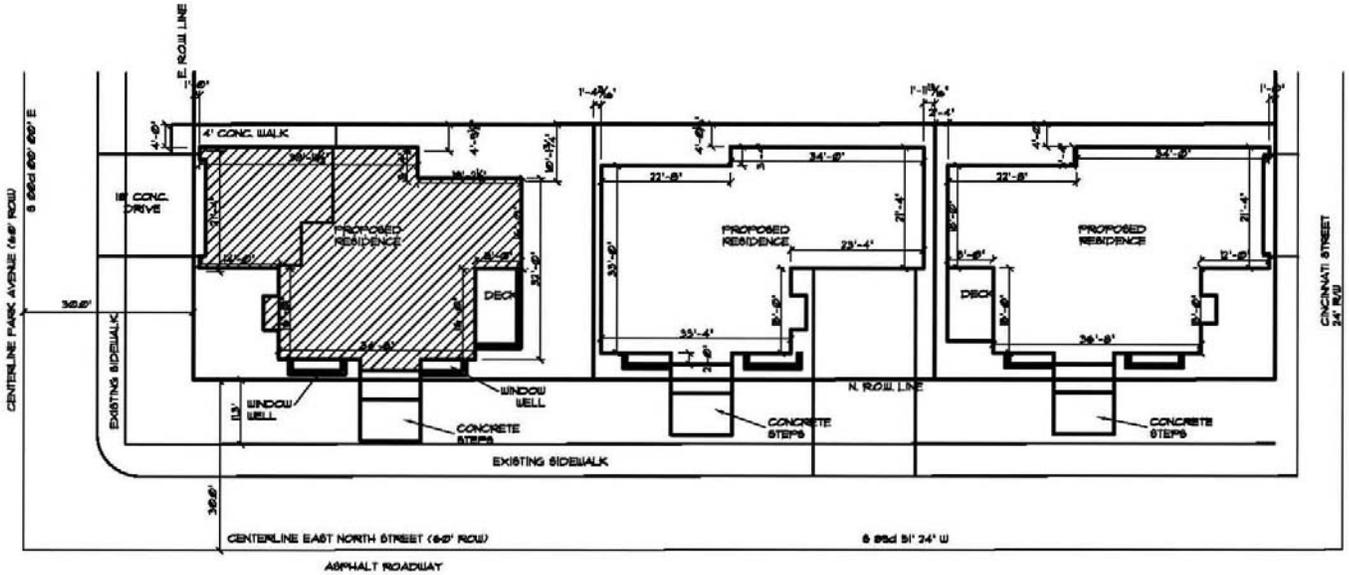
## PROPOSED LANDSCAPE PLAN

SCALE: 1" = 30'-0"

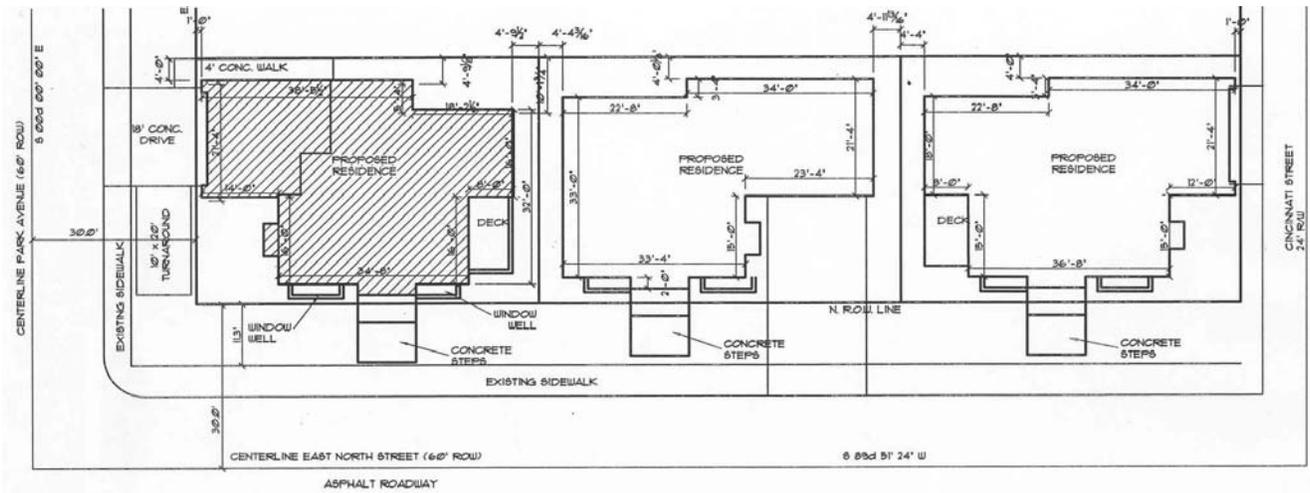
PLANT SCHEDULE				
KEY	QUAN.	SIZE	BOTANICAL NAME	COMMON NAME
RM	3	24"	ACER RUBRUM	RED MAPLE
MG	4	24"	JUNIPERUS CHINENSIS PFITZERIANA	COMPACT PFITZER JUNIPER
HO	9	24"	Fyrus calleryana 'Jack'	ORNAMENTAL FEAR
FP	6	N/A	HOSTA - 'BECKONING'	Hosta, Flowering Lily
CL	4	N/A	Miscanthus sinensis	ORNAMENTAL MAIDEN GRASS



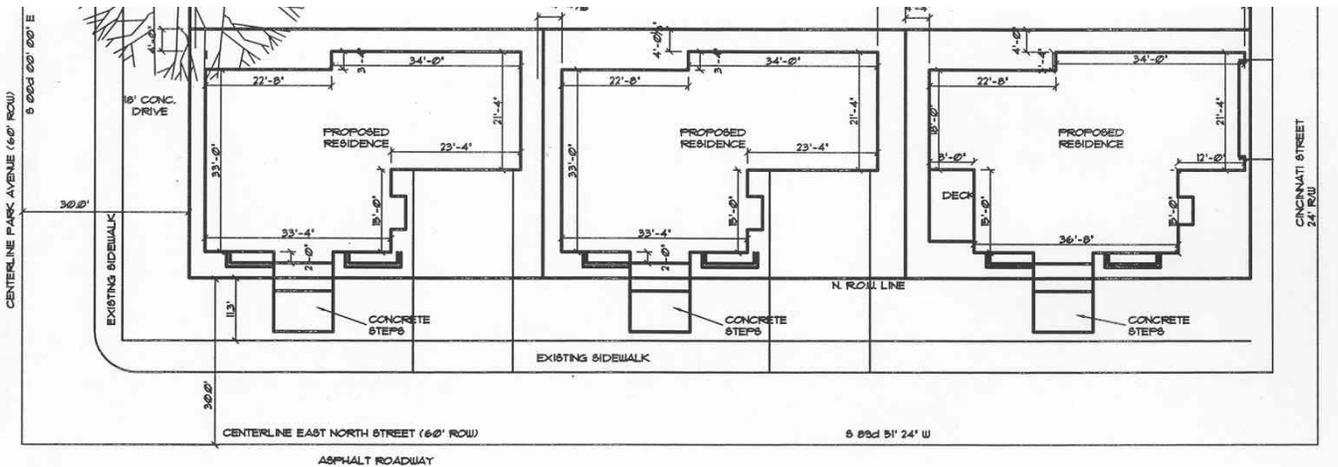
# DRIVEWAY OPTIONS EXPLORED



**OPTION 1 – ORIGINAL SITE PLAN (applicant's preference)**



**OPTION 2 – "T" DRIVEWAY**



**OPTION 3 – NORTH STREET DRIVEWAY**

# FRONT ELEVATION



**DRAWING FROM LAST MONTH**

## NEW DRAWING

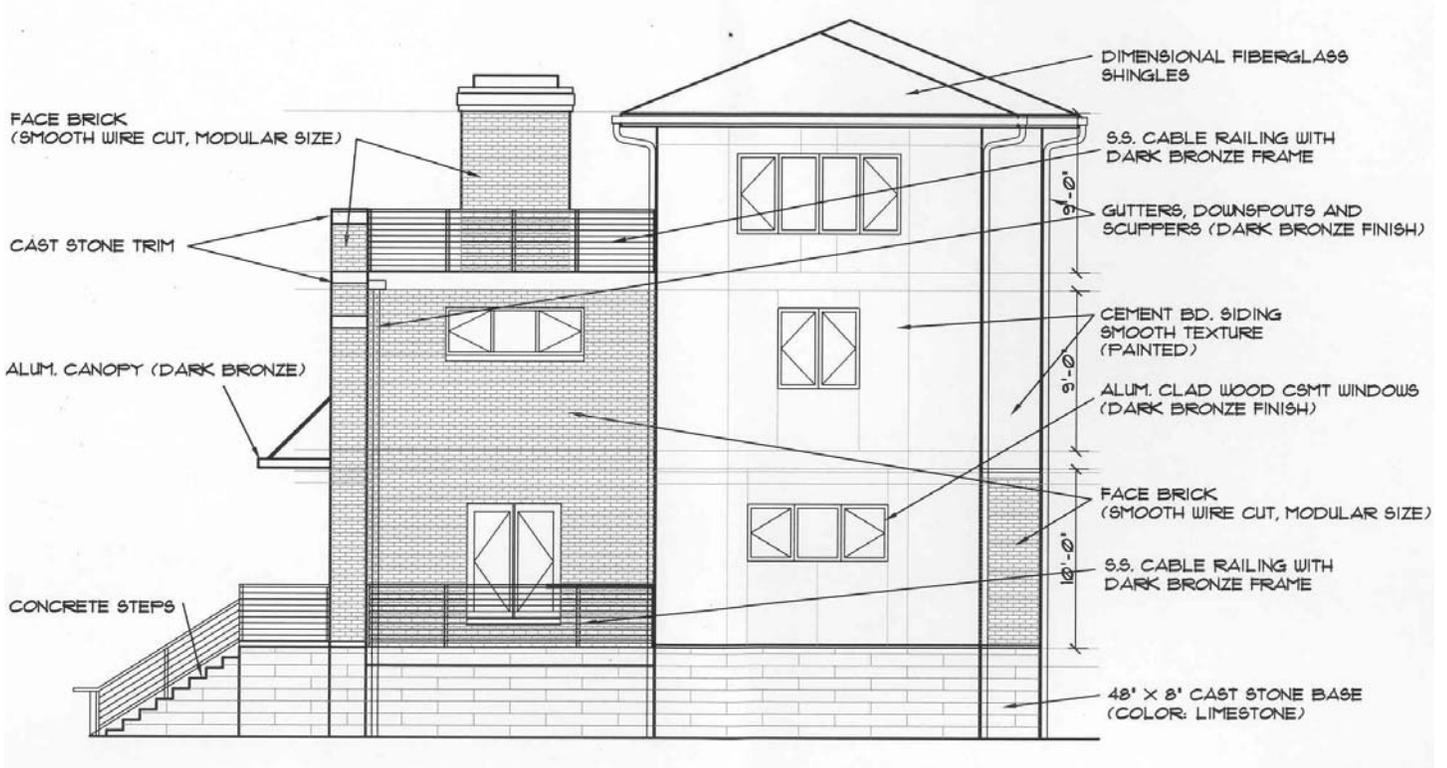


# EAST SIDE ELEVATION



**DRAWING FROM LAST MONTH**

## NEW DRAWING



# PARK AVENUE SIDE ELEVATION

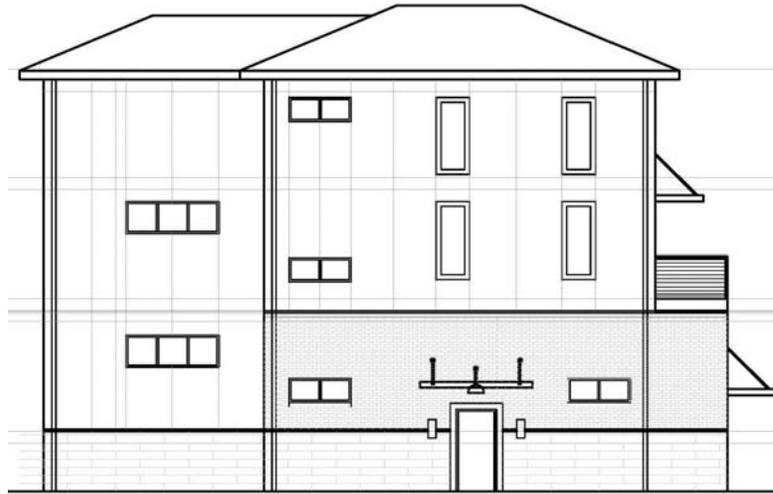


**DRAWING FROM LAST MONTH**

## **NEW DRAWING**

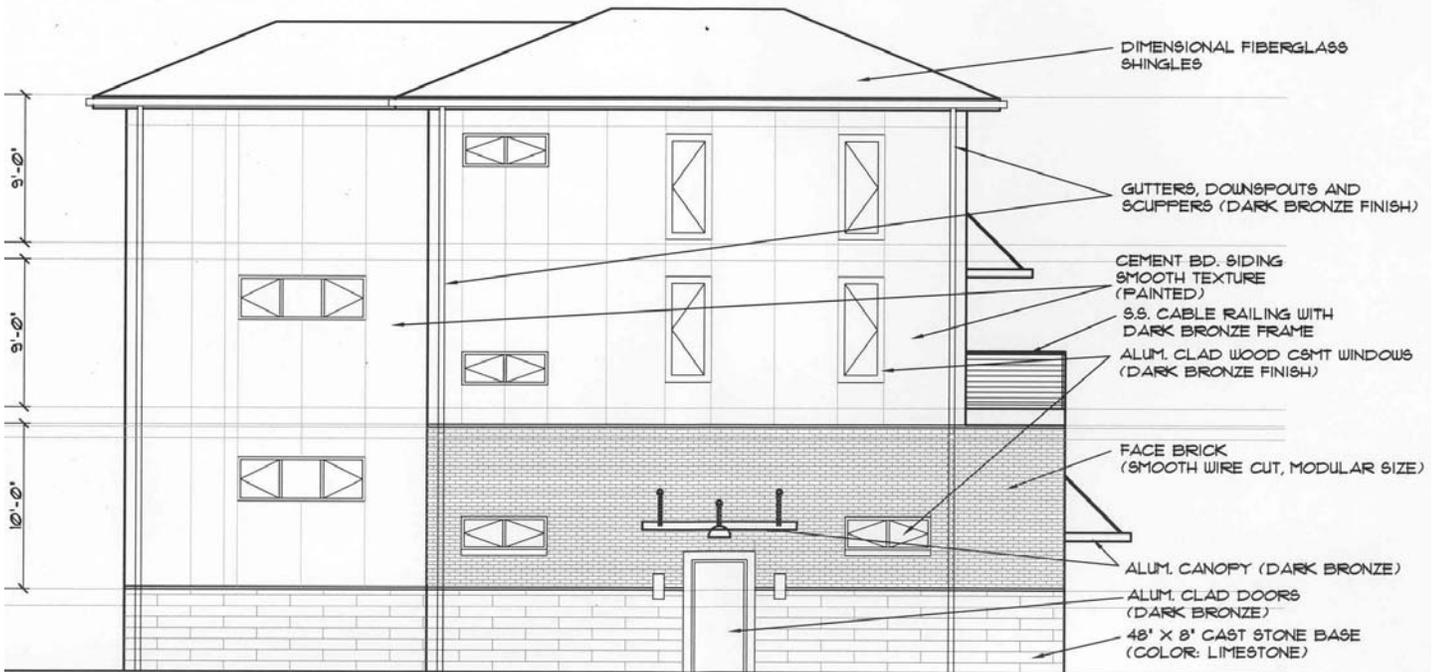


# REAR ELEVATION



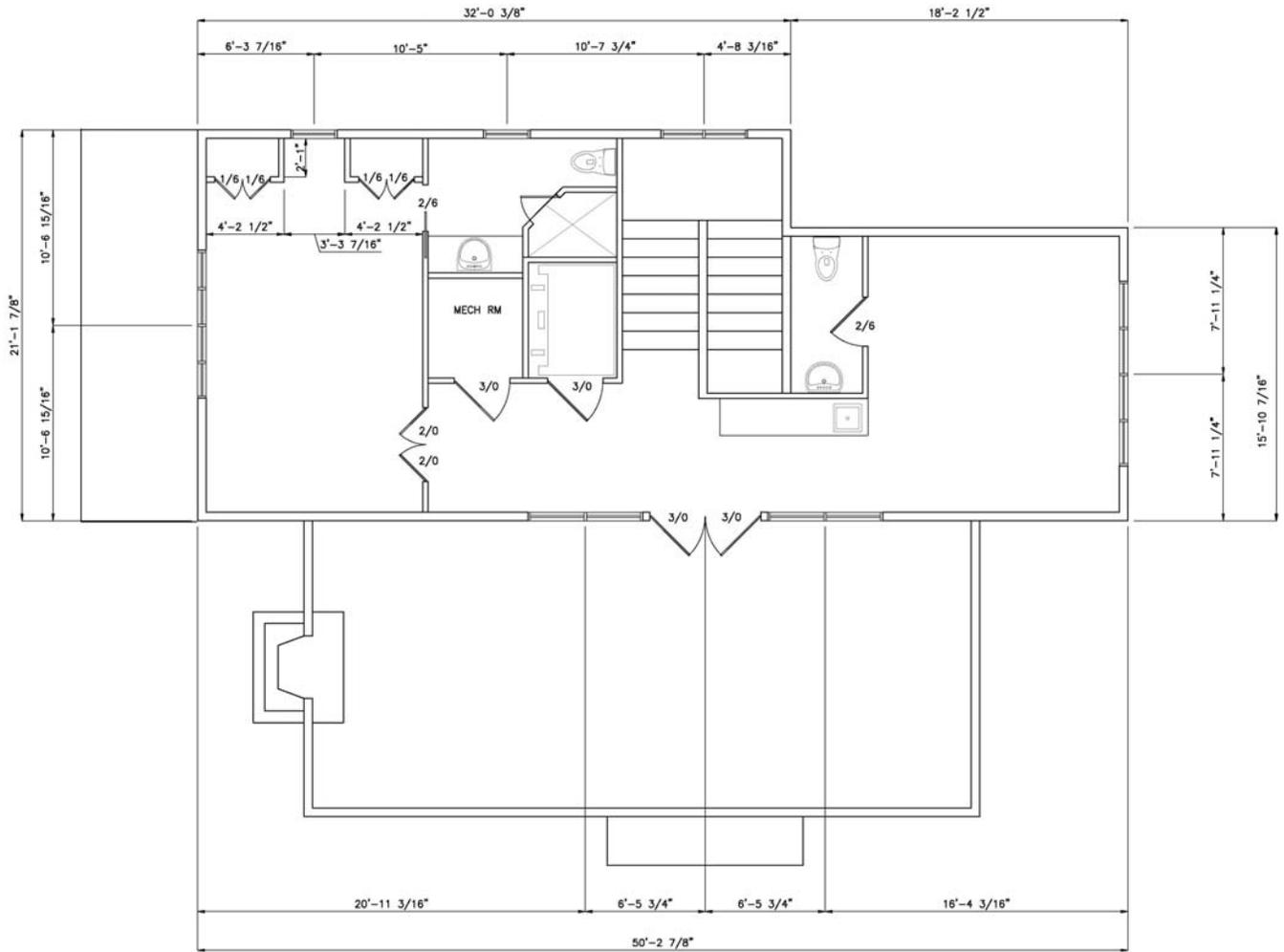
**DRAWING FROM LAST MONTH**

## NEW DRAWING

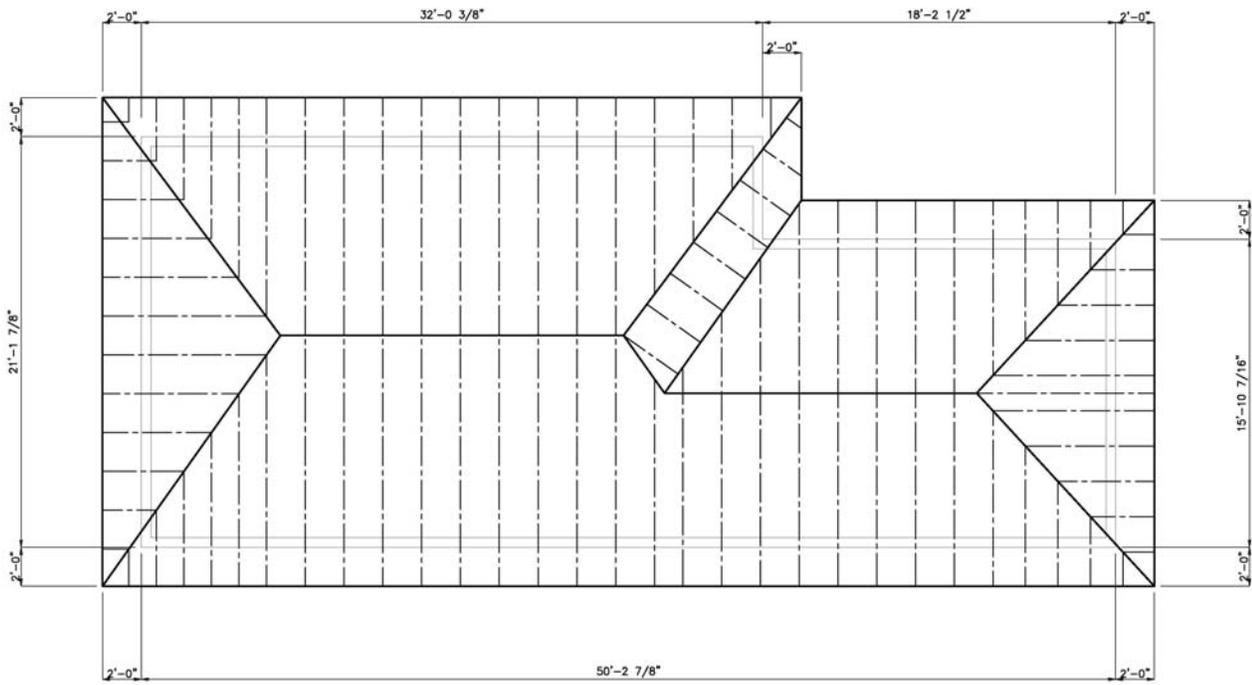








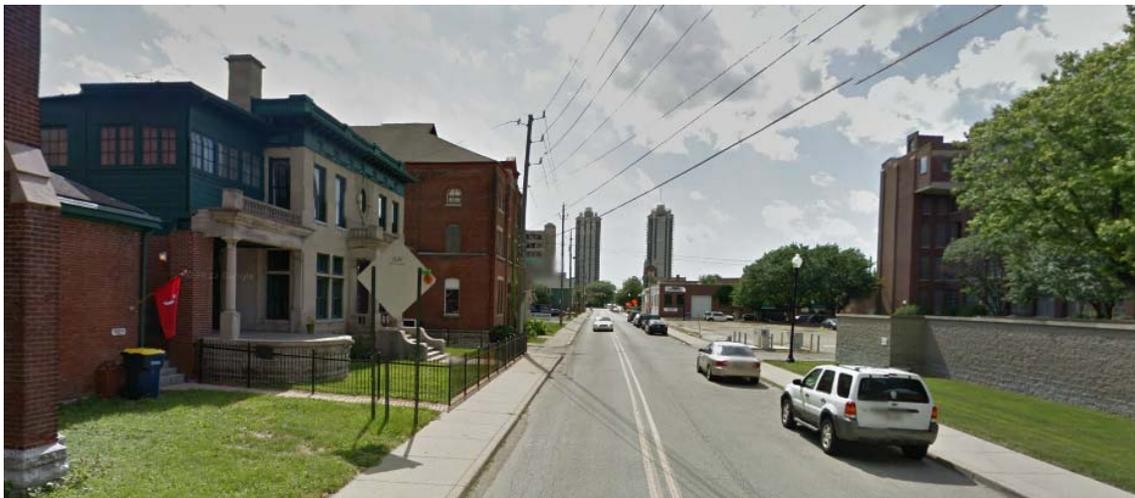
**Third Floor Plan**



**Truss Layout Plan**



**Above: Corner of North St. and Park Ave.**



**Above: View of North Street looking west**



**Above: View of Park Ave looking north**

## 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 proposed single-family use of the site is residential, which is similar to the surrounding properties. The current zoning of the site is D-10, which calls for multi-family use, which is not practical for this site due to the D-10 development standards. As written, development of this site in accordance with the D-10 standards will require additional variance requests with the D-10 development standards would require additional variances to be practical. Additionally, the proposed use will work to re-establish the intersection of North Street and Park Avenue, and re-establish the historical single-family and small lot use of the site.

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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 proposed single-family use is residential, similar to the surrounding properties, and the proposed development will have a positive effect on the surrounding properties in keeping with a residential use and re-establishing the site for its historical use.

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

1. Sec. 731-214(b)(2) - although the site as currently configured has more than 100' of frontage, the individual lots will not contain 100' of frontage.

2. Sec. 731-214(b)(3) and 731-221(a)(4)(a) call for building setbacks of 25' from a local street. Because of the current configuration of the site, strict application of the 25' building setbacks would render the site virtually unbuildable.

3. Sec. 731-214(b)(3)(b) calls for a rear perimeter yard of 20'. As currently configured (45' in depth), the site is unbuildable based on the existing development standards.

4. Sec. 731-221(c)(1)(a) calls for no buildings in the 25' clear sight triangular area on the southwest and southeast corners of the site. Based on the current configuration of the site, this is not practical based on the location of the right-of-way lines.

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**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 be less dense than the current zoning classification, resulting in less traffic. Additionally the use is in keeping with the structural type of building in the area and will add to the continuity of the existing development.

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**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**

Single-family use is residential, similar to most of the surrounding properties, and the proposed development will have a positive effect on the surrounding properties in keeping with that use.

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**3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE**

the subject site is small, and single-family is a better use of this site than multi-family based on the shape and size of the lot. Furthermore, due to the limited access points, as well as the size and shape of the subject site, it would be difficult to develop this site pursuant to its current zoning classification of D-10.

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**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**

Because of the size and shape of the subject site, the strict application of the zoning ordinance would make the development of this site virtually undevelopable for multi-family use. Multi-family development on this site would therefore be difficult and require additional variances.

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**5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE**

The comprehensive plan call for D-10, which allows for residential use, however, that use must be multi-family. Single-family is still residential and will create a transition from the more dense multi-family uses to the north of this site to the less dense, single-family uses to the south. While the proposed use will technically interfere with the comprehensive plan, the proposed use is essentially a D-8 use, which the comprehensive plan calls for on the adjacent parcels to the southwest. Finally, the subject site has traditionally been a single-family site, and the proposed use will essentially restore the site to its traditional configuration and use.

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To Whom it May Concern:

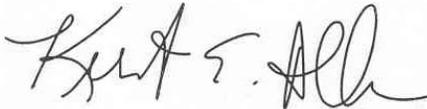
I am a resident of Chatham Arch, 706 Massachusetts Ave., U 201. As a resident and real estate agent, I'm invested in the area and its future development. Vitality and growth of the neighborhood is critical for it to succeed.

Dan Jacobs and I have had several meetings on the project under consideration, its design, scope and impact to the community. He has shared with me the drawings and building design. This project brings an attractive new development to the area.

My intent is to support your approval for this proposed project. Based upon the market demand and considering home sales and values, this project will not only enhance the area, but will bring further development to downtown.

Please feel free to contact me if you have any questions.

Regards,

A handwritten signature in black ink, appearing to read "Kurt E. Allen". The signature is fluid and cursive, with the first name "Kurt" being the most prominent.

Kurt E. Allen  
Associate Broker  
Century 21 Scheeta  
Neighbor

Dan Foreman  
611 North Park Avenue, #205  
Indianapolis, In 46204  
Re:2013-VHP-017 611 East North Street

To Whom It May Concern:

I own and live in the Real Silk Lofts condos which are adjacent to the property in this case. I am also a member of the subset of owners who will be most affected by this proposed development. I live on the south side of the building and I am on the second floor. The back wall of the proposed houses are only 70 feet from my condo unit windows. I only have south facing windows. I was very concerned when I received notice of the construction. I feared that I would have my natural light blocked by the approximately 34 feet of height of the houses.

I contacted Mr. Jacobs with my concerns and attended the meeting he had with the owners of the Real Silk Condos. This meeting revealed that the north wall of the houses which faced our windows were very plain. Owners voiced this concern to Mr. Jacobs.

I have found Mr. Jacobs to be very responsive to our concerns. He followed up in a few days with an engineering document which showed the sunlight positions at numerous times of the year. This document showed that the 70 feet between the buildings was sufficient that those of us who owned on the south side on the lower floors would continue to receive adequate natural light. Actually,

my reading was that it would not change from what it is now.

Mr. Jacobs also responded to the concerns of the blandness of the north side of the houses by enhancing their appearances.

Speaking for myself only as an owner of one of the most affected condo units, I am perfectly satisfied that these proposed houses are a positive for the neighborhood and Real Silk Loft condos. The willingness of Mr. Jacobs to listen and respond to concerns has convinced me that I fully support the needed approvals for this construction to proceed. I also look forward to having Mr. Jacobs and his family as my neighbors.

Thank You.