



Indianapolis Historic Preservation Commission (IHPC) **HEARING MINUTES**

Wednesday, November 6, 2024, 5:30 P.M.
2nd Floor, Public Assembly Room, City-County Building
200 E. Washington St., Indianapolis, Indiana

Commissioners Present: Vice President David Baker (DB), Michael Bivens (MB), Anjanette Sivilich (AS), Anson Keller (AK), Susan Willams (SW), Disa Watson (DW)

Commissioners Absent: President Bill Browne (WB), Krystin Wiggs (KW) and Annie Lear (AL)

Staff Present: Meg Busch – Administrator, (Meg), Chris Steinmetz (CS), Emily Jarzen, Principal Architectural Reviewer (EJ) Shelbi Long - Senior Architectural Reviewer (SL), Morgan Marmolejo - Architectural Reviewer (MM), Grace Goedeker - Preservation Planner and Recorder (GG)

BUSINESS

I. CALL TO ORDER **5:30**

II. APPROVAL OF MINUTES
OCTOBER 2, 2024 IHPC HEARING MINUTES

Motion: SW

Second: AS

Minutes Approved Unanimously: DB, SW, MB, AS, AK, DW

III. OLD BUSINESS – NO PUBLIC HEARING

2024-COA-188A (WP) 958 WOODRUFF PLACE MIDDLE DRIVE

ALI KHAN

Violation correction check-in

DB: Reads Case Number and Address

Ali Kahn:

I submitted specifications for windows and siding.

Staff has given additional recommendations and I am getting that together. Once everything is approved we will start work.

DB:

Does staff have anything to add? (no comments). Thank you Mr.

Kahn.

IV. NEW BUSINESS – NO PUBLIC HEARING

PUBLIC HEARING

Introduced commissioners who were present and staff.

V. REQUEST TO WITHDRAW OR CONTINUE APPLICATIONS **5:37**

**2024-COA-353 (FS) &
2024-VHP-010**

1126 PROSPECT STREET

continued to December 4, 2024

ALEX OSTROVSKY

Variance of Development Standards to allow less front window transparency than required.

Meg: Reads Case

Motion to continue to December hearing: DW
Second: SW
Approved Unanimously: DB, SW, MB, AS, AK, DW

VI. EXPEDITED CASES

2024-COA-290 **1717 NORTH ALABAMA STREET**
AMENDED (HMP) **MICAH HILL**
Amend approved plans to include the construction of living unit in the garage

2024-COA-341 (HMP) & **1727 NORTH ALABAMA STREET**
2024-VHP-009 **MICAH HILL**
Construct garage and for a Variance of Development Standards to allow construction within the required clear-sight triangle

Meg: Reads Cases and Addresses
DB: Is there anyone in the public, on the commission or on staff wanted to speak to either application
Motion to approve the COA for both of these cases

Motion to approve the COAs: AK
Second: MB
Unanimously passes: DB, SW, MB, AS, AK, DW

Motion to approve the VHP: SW
Second: AS
Unanimously passes: DB, SW, MB, AS, AK, DW

VII. APPLICATIONS TO BE HEARD (CONTINUED)

NONE

VIII. APPLICATIONS TO BE HEARD (NEW)

NONE

IX. PRELIMINARY REVIEW

NONE

X. APPLICATIONS TO BE HEARD – WORK STARTED WITHOUT APPROVAL

2021-COA-613 **244 EAST 10TH STREET**
AMENDED (SJ) **JOHN EATON (JE)**
Legalize setbacks as constructed

DB:
Reads Case and Address
Is the applicant present? Please state your name and address for us.

JE:
John Eaton, owner of Eaton Custom homes presents the case.

Ben Langebartels (240 E 10th St) remonstrated against the request stating:

- it's a fire safety issue
- it's a life enjoyment issue
- I'm immediately to the West of this property and it's monolithic
- it shadows my little house over there which is fine I understand living in the city

- I'd like the guidelines that are set forth to be abided so I would ask you to enforce the law and order

Thomas Wysocki (1008 N New Jersey St): remonstrated stating: I have been in the neighborhood a long time and have also had encroachment issues. I think holding individuals accountable to encroachment is imperative

EJ: Gives staff report.

SW

We don't have a streetscape so we don't know the answer to this question but did the front porch align with all the other front porches as requested? Staff confirmed it did

I guess my bigger question is are our addresses flagged and shouldn't there have been some communication between the two offices before we get ourselves to here? how did that happen?

EJ:

We really don't have an answer for that.

Drainage and ILP are separate things. From what we can tell those were different and we do not know why that is.

Staff does not know where the discrepancies came in

SW:

Have you had conversation with other city staff about where those discrepancies came in?

EJ: We have had some.

SW:

This is very difficult. We have discussed the possibility of fines in the past. This is just confounding.

AK:

I have seen a lot of plans get changed. It can be a purposeful thing. I will assume it's not. Why would you not submit the plan that was approved here to BNS?

JE:

We didn't know Gibson made a change.

AK:

So your surveyor made the change?

JE:

Correct. We got involved because the process took six weeks trying to get approved with plot plans after everything was approved by the IHPC. That's when the Dean actually called and said that they had the right to override what the city wanted. No one knew that Gibson had not followed the plot plan.

AK:

What was the original eastern setback?

JE:

Four ft, sorry the east or the west

AK:

The east, because this was moved due to the east setback correct?

Swears in new person

Keith B:

The original one was done by the architect so there is no noted setback on the eastern side

There is not usually a true marker going of the corner of the sidewalk I have communication from the reviewer that he was in conversation with Dean Kessler

AK:

Let me ask the remonstrators, it does seem unreasonable to make them demolish what's been built and move it. Is there something they can do to help remedy the situation?

BL:

I would like to see it moved. I contacted Keith when they were setting the forms for the foundation.

The foundation wasn't poured that day, you would think they would go out and measure and make sure it was done right so it seems intentional. I do not know what can be done

AK: Is there a fence or landscaping that could be done to help with the situation?

BL:

Assigning an easement to my property would be a possible compromise.

AK:

I sympathize. This is a very difficult issue. They tried to follow the process.

BL:

I guess a signed easement would be easier than moving the building. The right thing to do is to move the wall.

AK:

I don't necessarily disagree with you. We should try and figure out some middle ground I I just don't think that tearing this down and moving this 18-inches is the solution.

JE: Provided final comments.

Meg:

- I want to clarify there is a drainage site plan and the site plan that the Commission approved, then what he built.
- I just want to make sure everybody understands that the West does not match the IHPC site plan nor does it match the drainage site plan which is why they get sited in the first place
- it's sounding like the understanding is that they built it for the drainage plan if that's not correct so I just want to make sure everyone understood

Melissa and Keith Gregor (owner) provided some final comments.

DB

Am I correct that there has been no change to the size of the house?

CS:

The rules of procedure it takes five members to approve the COA so with only six members here it might be appropriate to entertain a continuance so that we have a more complete the decision that's just a suggestion

MG:

I'm wondering what that's exactly for. I'm not quite sure what we would be waiting for. There are six people here and five may agree, there are three parties with the responsibility here.

AK:

That is not accurate. The builder is required to make sure the permits are in order.

MG:

Then getting permits from the city means what? They don't have any copiability if they make a mistake?

EJ:

The approved survey does not match what was constructed. It does not match IHPC plans or the drainage plans.

AK:

I would probably say you're starting to lose a few of these commissioners up here so you might want to change your tone.

MG:

I'm just trying to understand why we have a continuance, that's all, because we have all the information we're going to get right now.

SW

I want to ensure this would not stop construction so there's no hardship on the owner or the builder.

It concerns me that we have been focused on the one side and have forgotten the other side is in the wrong place, too.

Meg:

They signed an early conditional release for that just the drainage permit.

SW:

Is it stopped still or is it moving forward?

JE: They released it on Friday

DB: So there is no particular harm in having a continuance

Meg:

With the idea of an easement it would be more of a civil matter but with a fence or landscaping it would be a matter for you.

JE:
We are fine with no fence or more landscaping

BL:
the best solution is moving that wall to where it should be
I would I'd be fine with assigning that easement to me but again
we've got it seems like we have three sets of plans here
there's two sets of plans that were submitted and one that was built
I don't know how that happens
I'm not particularly interested in slender trees or anything like that
over there
I wanted to see bigger space and I think that'll take up the space
I'd like that easement assigned to me

AK:
There is nothing that we can do for that.
We can only stipulate something like landscaping.

Meg:
My recommendation is to continue. It is a big ask to make that
decision right now.

DB: Asks for a motion to continue.

Motion: AK

Second: AS

Commissioners In Favor: DB, MB, AS, AK, DW

Commissioners Opposed: SW

Motion passes

DB: Hopefully you can work with staff and come up with something
Meg: For the record that is December 4th.

2023-COA-467 (CMB)

120 SOUTH WAYBURN STREET

DARRYL COOLEY (DC)

Retain fencing

DC:
Introduces himself and states address
Mr. Cooley explains the work he did and that he didn't know he was
in a historic district until he received a letter that he was in violation.
He stated he has support letters from neighbors saying that they can
see through to the alley now
I got ahold of AES who sent a surveyor out to clear up the issue of
the right of way. They told me it was nine feet out from my house
I have the letter from the surveyor

DB: Asks for support or remonstrance

EJ: Presents staff's recommendation.

DB:
It sounds like staff is not looking for us to approve or deny something
you only want our opinion

EJ:

That is correct, because most of the options would still require a variance.

DB:

I went by and looked at it. Our issue is the style of the fence. The location has kicked in the need for variances.

It seems like the obvious fix is if we felt the higher fence on the side was okay, the style of the fence, which I have not seen in any of our districts, could be modified without having to take the whole thing down. Tonight there is a lot of other testimony that we cannot go through tonight. I wonder if there is a basis for a certificate of authorization. Did the staff report say this came about because of a complaint?

EJ: Yes, someone reported it to the mayor action center.

AK

My thought is if they had asked to rebuild the fence that they had we would have considered a certificate of authorization.

It's a tough lot. I just do not feel like it is a gross violation.

DB:

According to the zoning ordinance it is a side yard not a back yard, even if it functions as a backyard.

AS:

I would be in support of a certificate of authorization.

The style may not necessarily meet the guidelines but a privacy fence would really limit the views on the alley.

SW:

I am concerned about the delay in response to the application. I think with waste management across the street the fence is needed for their quality of life. I do worry about precedent setting, but as we always tell people it's a unique situation.

This is a conservation district, so that lets us be a little more lenient. This is a fence we never would have approved if you first brought it to us. I have a hard time doing anything with this other than giving it an authorization and moving on.

DB:

I have heard all this new stuff tonight. They are things are reasonable to take into account for an authorization.

MB:

I think there are a number of things going on here. For one, it looks like the fence is built on the city's property. In a perfect world you would get a survey and build on the property line.

Here, I don't know that I would be agreeable to building outside the property line. You probably need to find out where the property line is.

As for the style, I agree I do not think I would typically approve of the style, but because of other neighbors I could be okay with it.

I think it is interesting no one has come to remonstrate.

GC:

We spoke to every one of our neighbors which is why we brought letters for you to read.

MB:

Typically, those would have been submitted already and be in our packets for us to review.

Continuing the case would allow any remonstrator time and would give time for the commission to review the letters

The surveyor was an employee of AES, the power company

DC:

AES's engineer sent their surveyor out who confirmed the property line was nine feet out, which is in line with the fence.

MB:

Your property line may not align with the right of way, because he is not working for you I have a hard time relying on his word.

DC:

I talked to the engineer and he said they have some good surveyors there because he wanted to know as well where the property line is and where the fence aligns so they could do their job

I know I am in the easement so I would expect to have to file for encroachment. I am willing to chance that

MB:

I think the issue here is whether the city is giving you permission to encroach on what may be their property.

I am not comfortable voting on anything tonight. I would like the opportunity to read the letters. I have a question for staff, was the correspondence from the applicant received?

EJ:

Unfortunately, we do have people who submit an application and for whatever reason it is missed or they missed an email. The original application from 2020 or 2021 I was not the reviewer and that reviewer is no longer here.

I can tell you after I got their application, I went out in December, followed up in February or March. I needed to do some research to help avoid the Cooley's from getting a variance. I was talking to several city departments.

That was what the delay was. I was trying to work out timing and wanted to ensure I came back with him for full information.

AK:

I think all we were asked of tonight was if we would be open to the style. I think what we have heard, that given the circumstances we would be open to an authorization.

Next time we would consider the variances.

EJ:

Staff was looking for feedback so the owners can make an informed decision about the variances. I can say all of my questions have been answered. I will also say December is a big docket and I do not know if you want to add anything to it.

Since it was not looking for approval or denial, I have the information I need to talk to the applicant about possible next steps.

DW:

They were explaining they did this fence themselves because of cost. Giving the style that it is and what is acceptable. It my understanding if they reduce the height the need for a variance would go way.

EJ:

One of the variances would go away, but unfortunately they would still need two variances.

DB:

I sense the commissioners here tonight are probably willing to consider the retention of the fence under a certificate of authorization. I would like to see the reasons spelled out when it comes back. The letters could be copied or summarized or something.

I think this group is willing to look at those things and take them into account and view this as an exception.

Confirms no vote is needed.

Cooley's you need to be working with Emily to shape this into something we can understand and to be able to hang our hat on the reasons.

Alright, that's it.

NO VOTE NEEDED

XI. OLD BUSINESS – TO BE HEARD

NONE

XII. CLOSING BUSINESS

NONE

Adjourned: 7:23