

**NOVEMBER 1, 2023
SUBMITTALS**

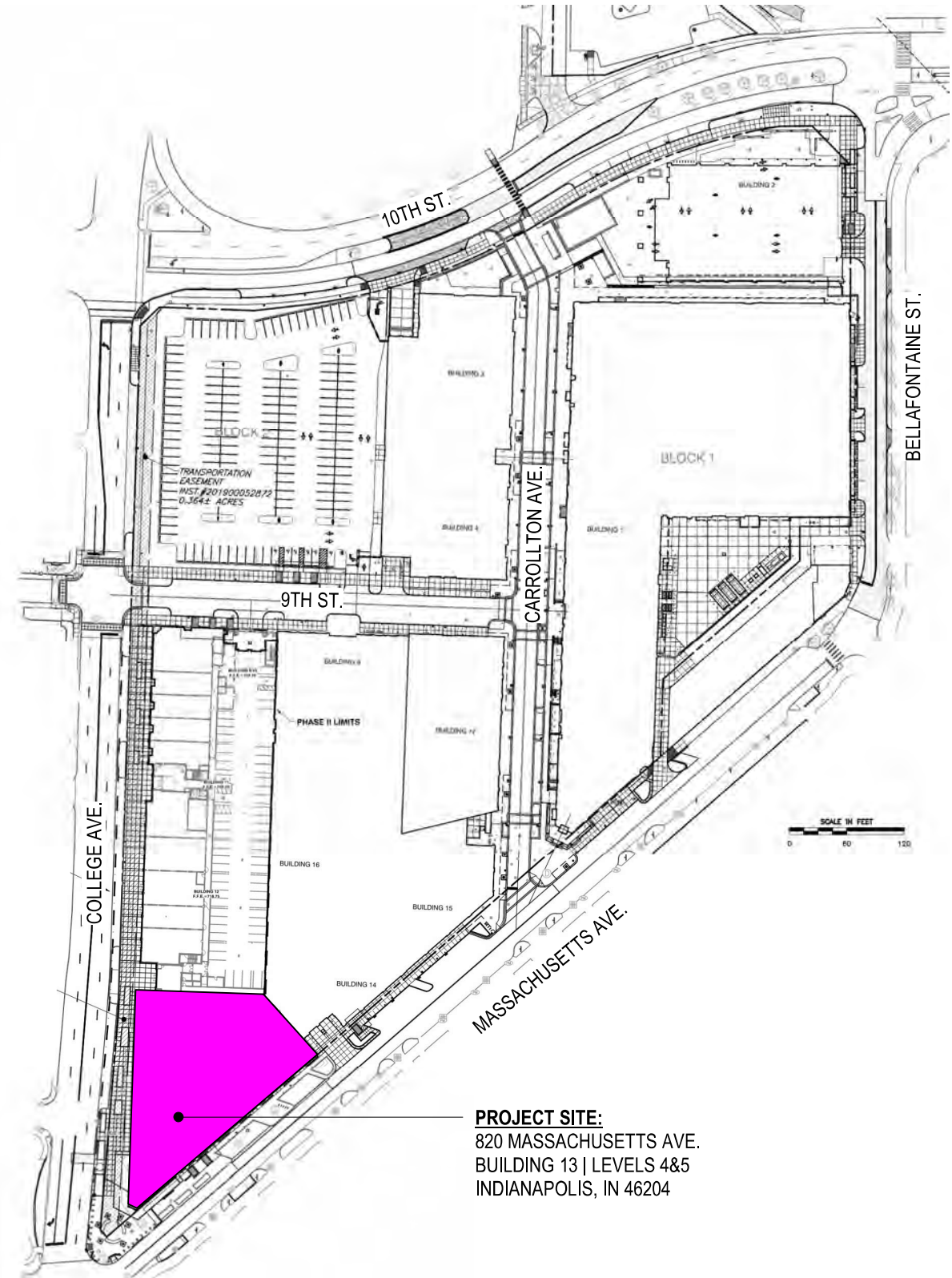
2017-COA-049

**AMENDMENTS (CAMA) 901
CARROLLTON AVE. (AKA
820 MASSACHUSETTS
AVE.**

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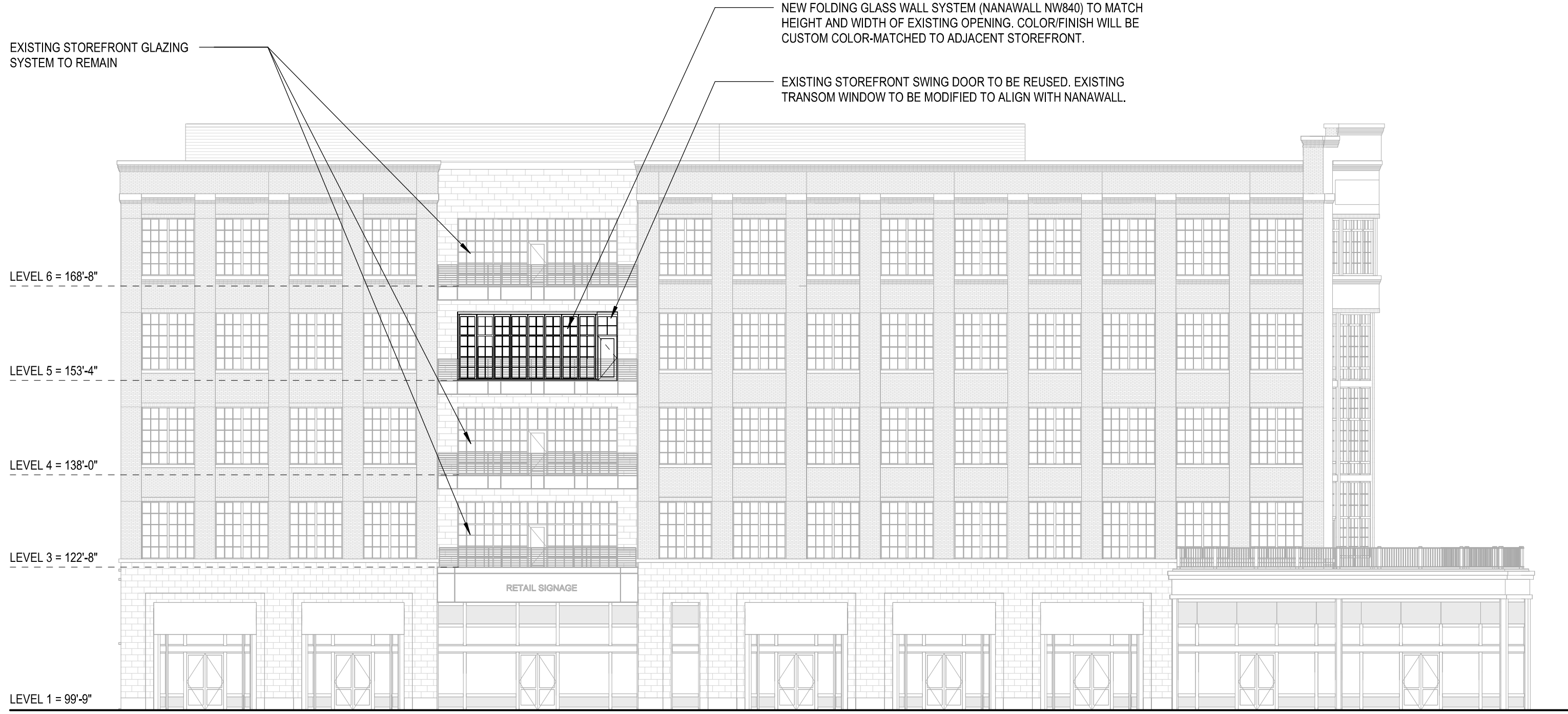
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PRESERVATION COMMISSION



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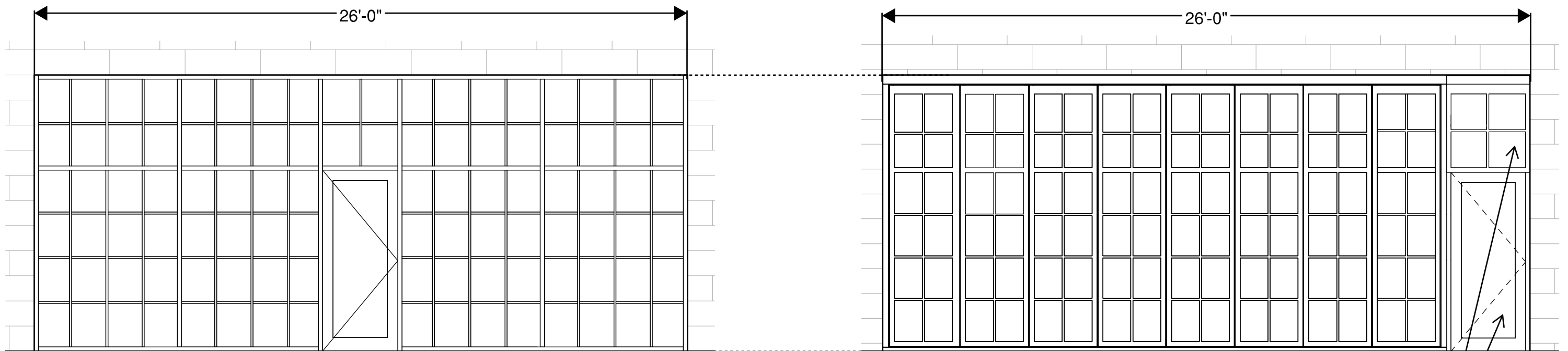


WEST BUILDING ELEVATION

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EXISTING STOREFRONT GLAZING

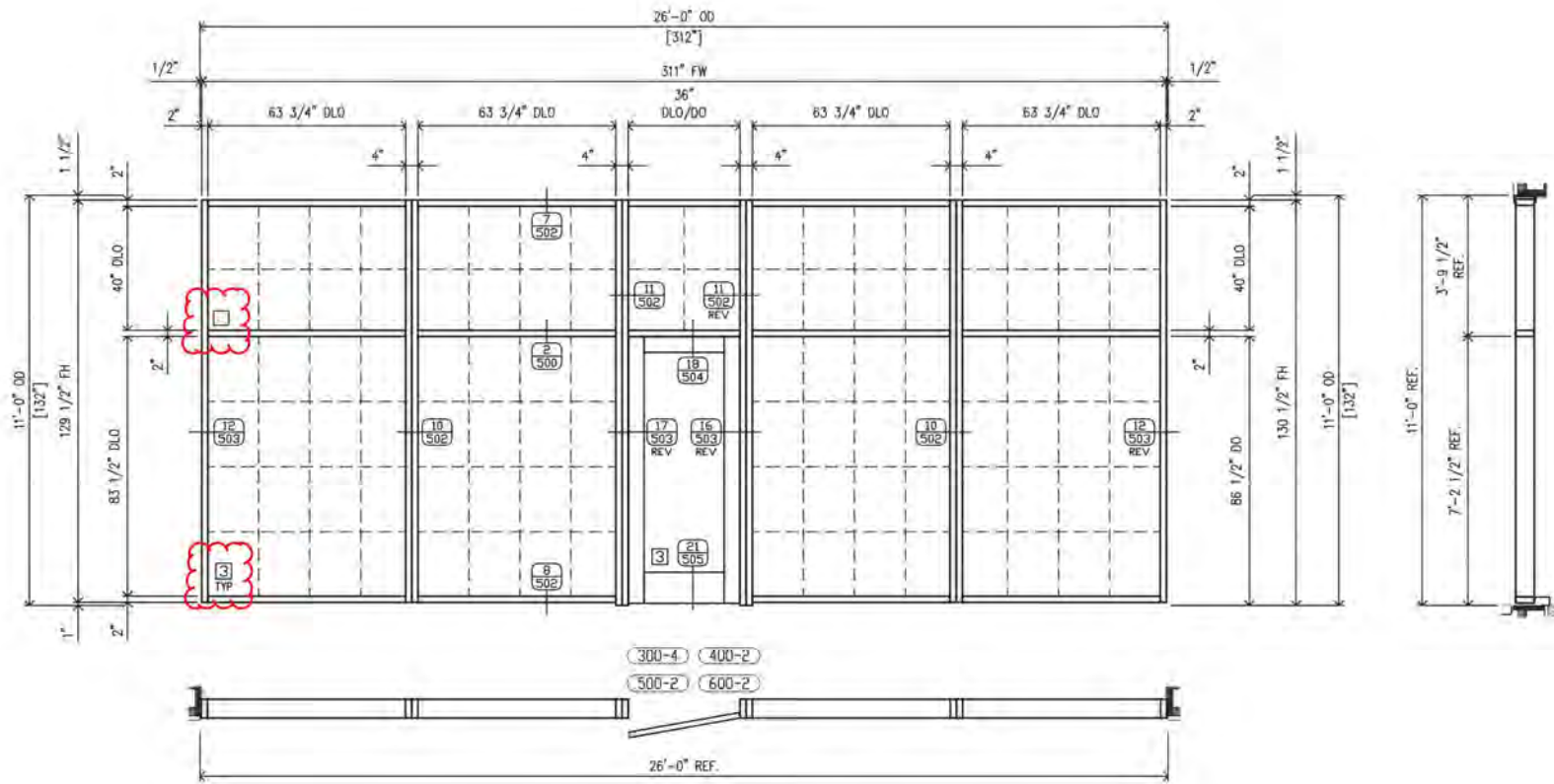
PROPOSED FOLDING GLASS WALL SYSTEM (NANAWALL)

EXISTING STOREFRONT SWING DOOR
TO BE REUSED. EXISTING TRANSOM
WINDOW TO BE MODIFIED TO ALIGN
WITH NANAWALL.

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PRODUCT INFORMATION

DOOR/FRAME TYPE	MANUFACTURER	FINISH
601T-CG STOREFRONT FRAME	KAWNEER COMPANY, INC.	PAINTED-BLACK
THERMAL WIDE STILE DOOR	KAWNEER COMPANY, INC.	PAINTED-BLACK

**ARCHITECT/G.C./
GLAZING CONTRACTOR NOTE:**

ALL GRIDS SHOWN ARE EQUALLY SPACED IN THE D.L.O. and ARE INTERNAL (BETWEEN GLASS LITES), and AN EXTERNAL APPLIED SYSTEM MANUFACTURED BY ZIPPY GRID (BOXER TYPE)

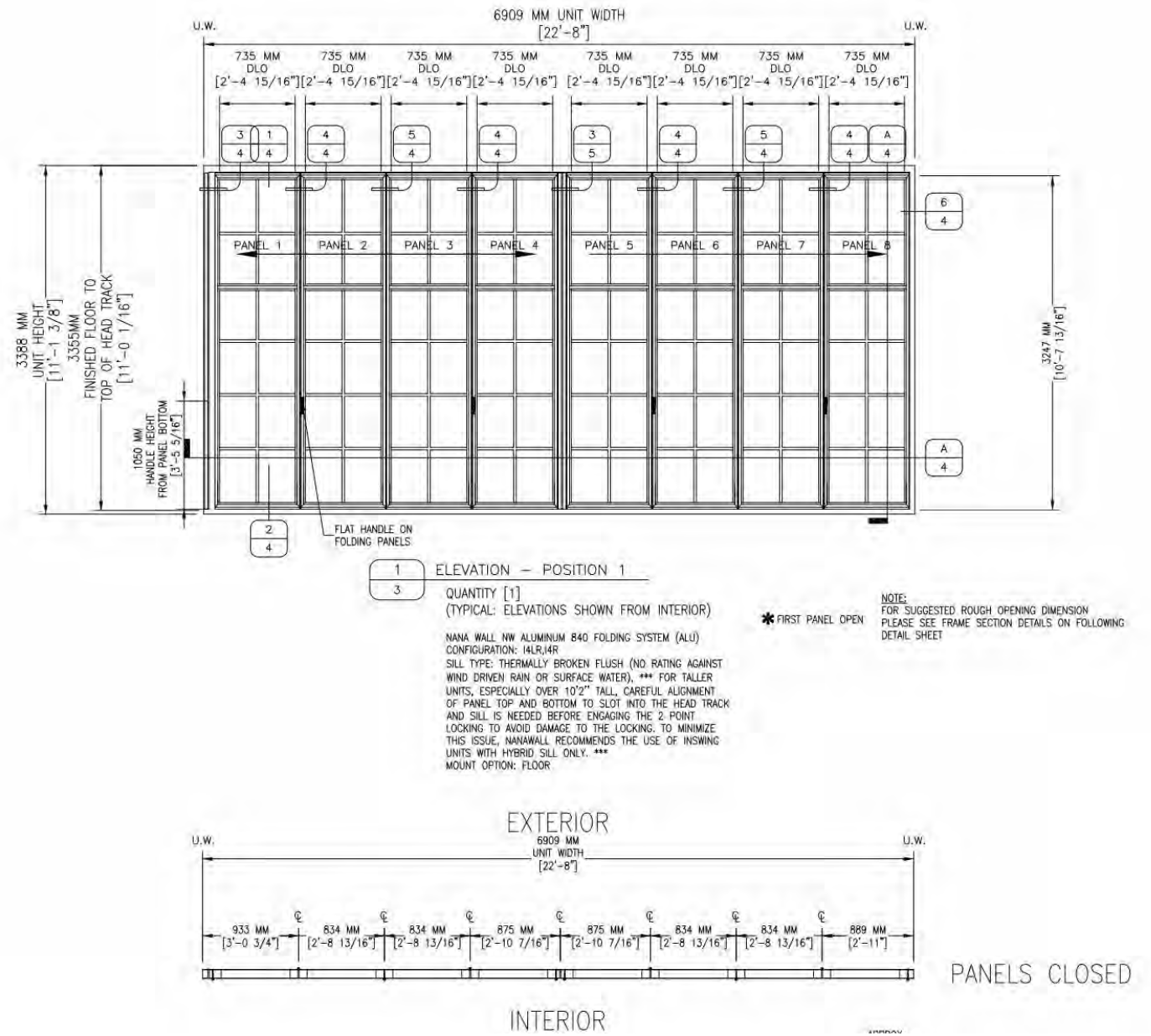
-- SEE PAGE 506 FOR TYPICAL DETAIL --

ELEVATION: 13-5A

ARCH. REF.: SF13-5/A210-13
 QUANTITY: FOUR (4) REQUIRED THUS
 DOOR TYPE: WIDE STILE THERMAL
 FRAME TYPE: 601T-CG STOREFRONT
 LOCATION: FLOORS 3-6
 WEST BALCONIES

EXISTING STOREFRONT GLAZING

COLOR/FINISH TO BE CUSTOMIZED
TO MATCH EXISTING STOREFRONT.

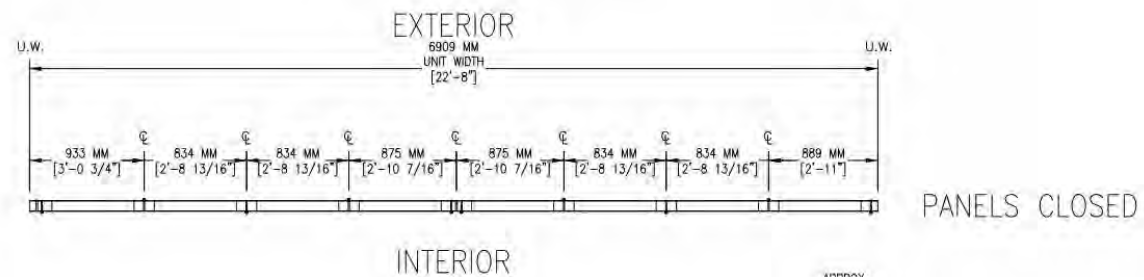


ELEVATION - POSITION 1

QUANTITY [1]
(TYPICAL: ELEVATIONS SHOWN FROM INTERIOR)

NANA WALL NW ALUMINUM 840 FOLDING SYSTEM (ALU)
 CONFIGURATION: 14LR,4R
 SILL TYPE: THERMALLY BROKEN FLUSH (NO RATING AGAINST WIND DRIVEN RAIN OR SURFACE WATER), *** FOR TALLER UNITS, ESPECIALLY OVER 10'2" TALL, CAREFUL ALIGNMENT OF PANEL TOP AND BOTTOM TO SLOT INTO THE HEAD TRACK AND SILL IS NEEDED BEFORE ENGAGING THE 2 POINT LOCKING TO AVOID DAMAGE TO THE LOCKING, TO MINIMIZE THIS ISSUE, NANAWALL RECOMMENDS THE USE OF INSWING UNITS WITH HYBRID SILL ONLY. ***
 MOUNT OPTION: FLOOR

NOTE:
FOR SUGGESTED ROUGH OPENING DIMENSION PLEASE SEE FRAME SECTION DETAILS ON FOLLOWING DETAIL SHEET

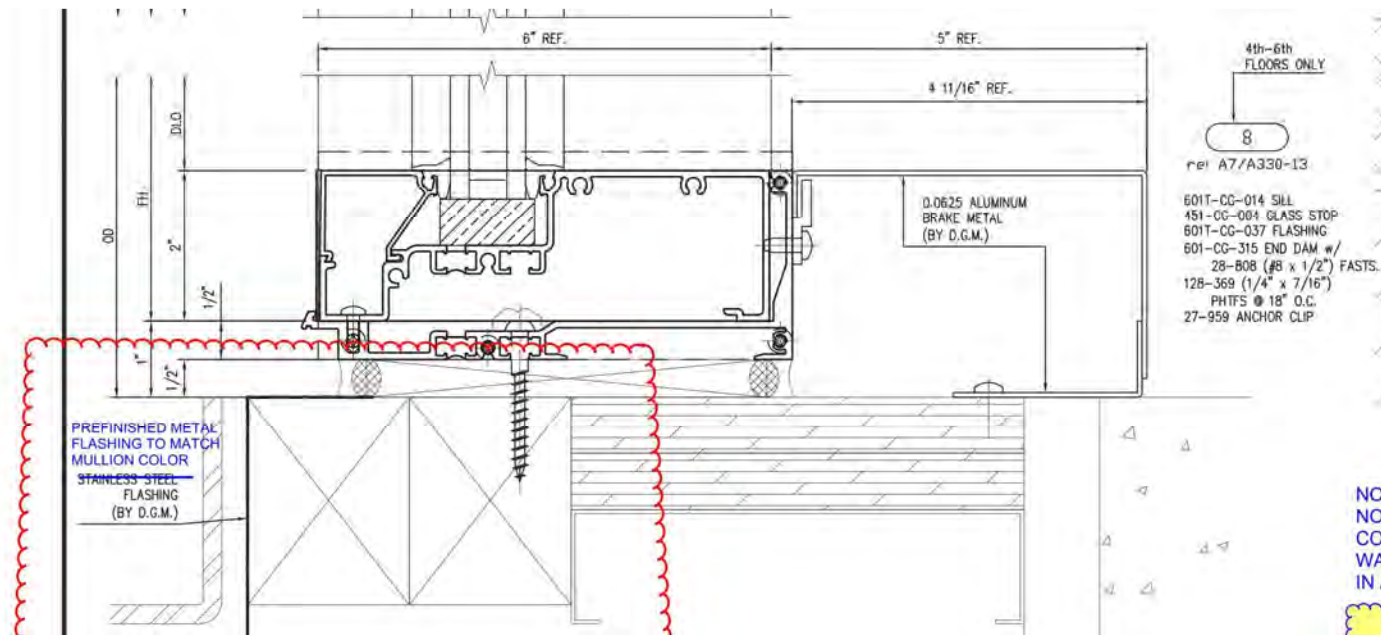


PROPOSED FOLDING GLASS WALL SYSTEM (NANAWALL)

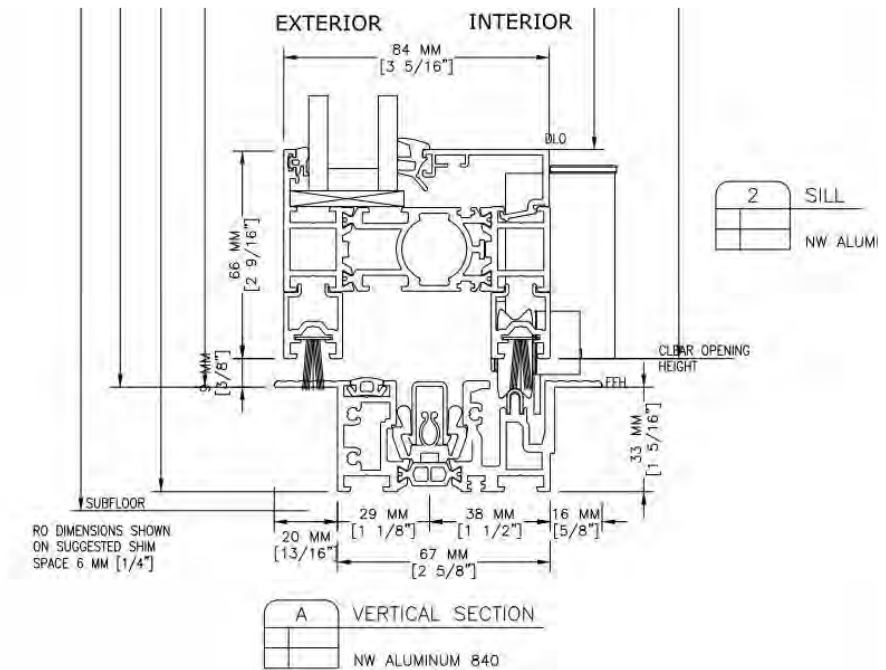
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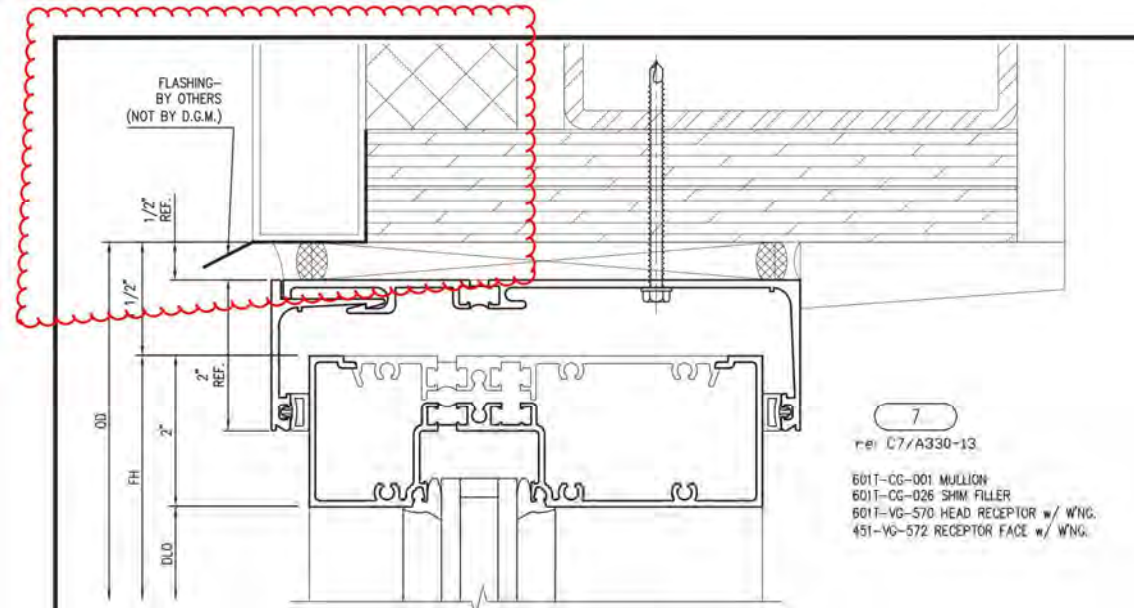
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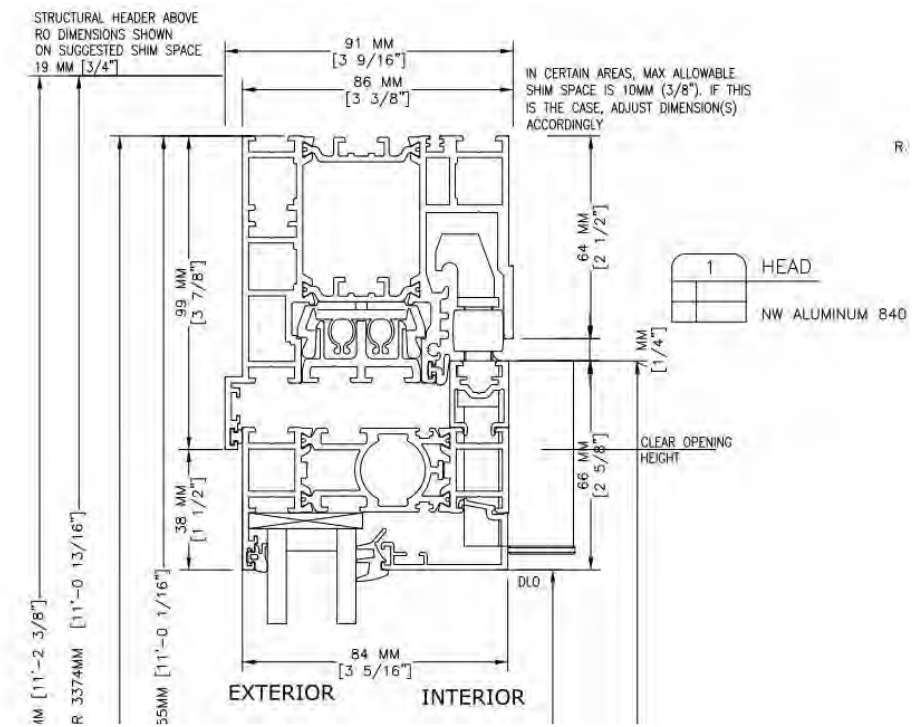
EXISTING STOREFRONT GLAZING



PROPOSED FOLDING GLASS WALL SYSTEM (NANAWALL)



EXISTING STOREFRONT GLAZING

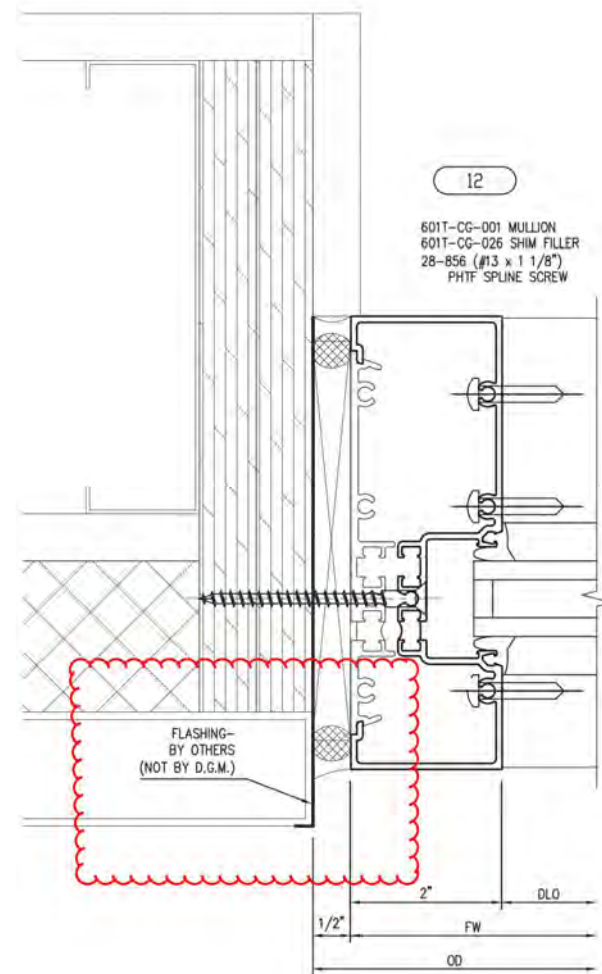


PROPOSED FOLDING GLASS WALL SYSTEM (NANAWALL)

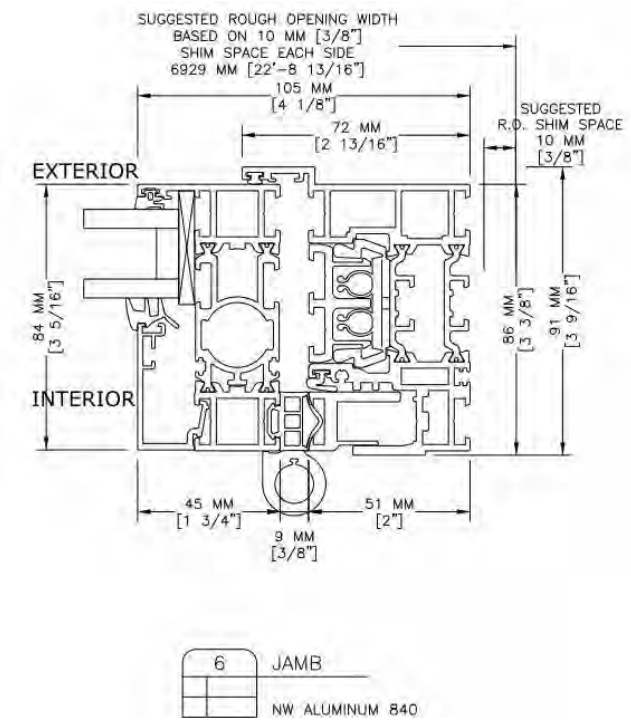
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EXISTING STOREFRONT GLAZING

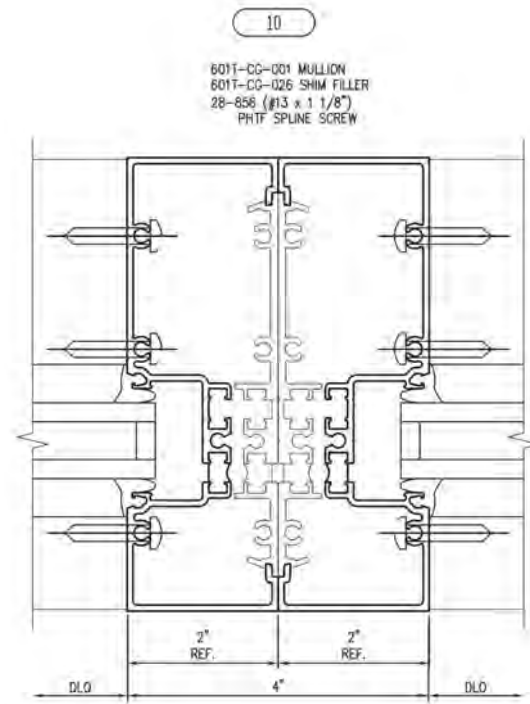


PROPOSED FOLDING GLASS WALL SYSTEM (NANAWALL)

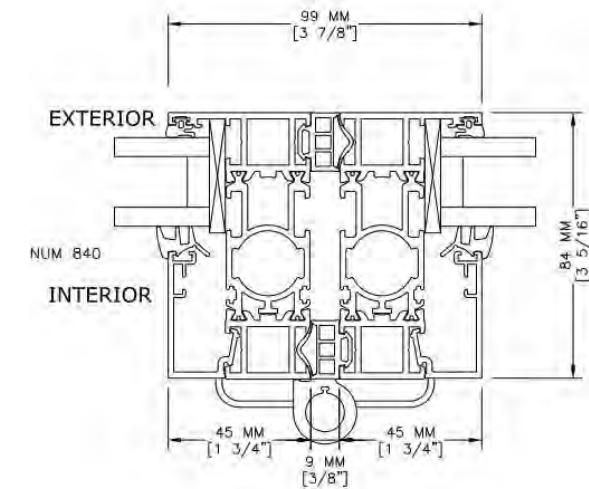
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EXISTING STOREFRONT GLAZING



5 FOLDING WITHOUT HANDLE
NW ALUMINUM 840

PROPOSED FOLDING GLASS WALL SYSTEM (NANAWALL)

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NW ALUMINUM 840

The innovative NW Aluminum 840 provides the slimmest and most thermally efficient aluminum framed system within the Generation 4 Folding Glass Wall by NanaWall product family. Comprised of a host of proprietary features, NW Aluminum 840 brands a new level of aesthetics featuring an extremely streamlined appearance with minimal exposed hardware.

GENERATION 4

Folding Glass Walls by NanaWall

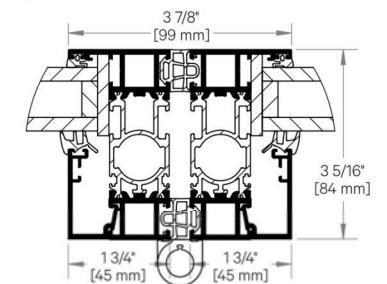
NW ALUMINUM 840 provides the slimmest aluminum frame of the NanaWall Folding Glass Wall product family. With a frame profile styled in a crisp, angular design, the intersection of two folding panels is a mere 3 7/8" (99 mm). Comprised of a host of proprietary and patented features, this floor supported system offers an extremely streamlined appearance with minimal exposed hardware, creating a new level of aesthetics.

MINIMAL SIGHTLINE FOR A MODERN AESTHETIC

Panel frames are slim and contemporary with a total 3 7/8" (99 mm) junction where the two adjacent folding vertical stiles meet. The panel profiles offer a crisp, angular design. Top and bottom rails are a minimal 2 5/8" (66 mm), providing slim-line aesthetics. Panel depth is 3 5/16" (84 mm). To coordinate with design programs, horizontal mullions are possible.

PATENTED MULTIFUNCTIONAL THERMAL BREAK PROFILE AFFORDS SLIM SIGHTLINE

The Bionic Turtle® is a patented (Patent No. US10550625B2) polyamide single piece insular design that serves many functions. Not only does it provide an outstanding insulating thermal break within the frame profiles for energy efficiency, it also serves as a concealed channel to house the system's locking rods. By being able to combine functions within one element, the Bionic Turtle design allows the slim profile appearance of NW Aluminum 840.



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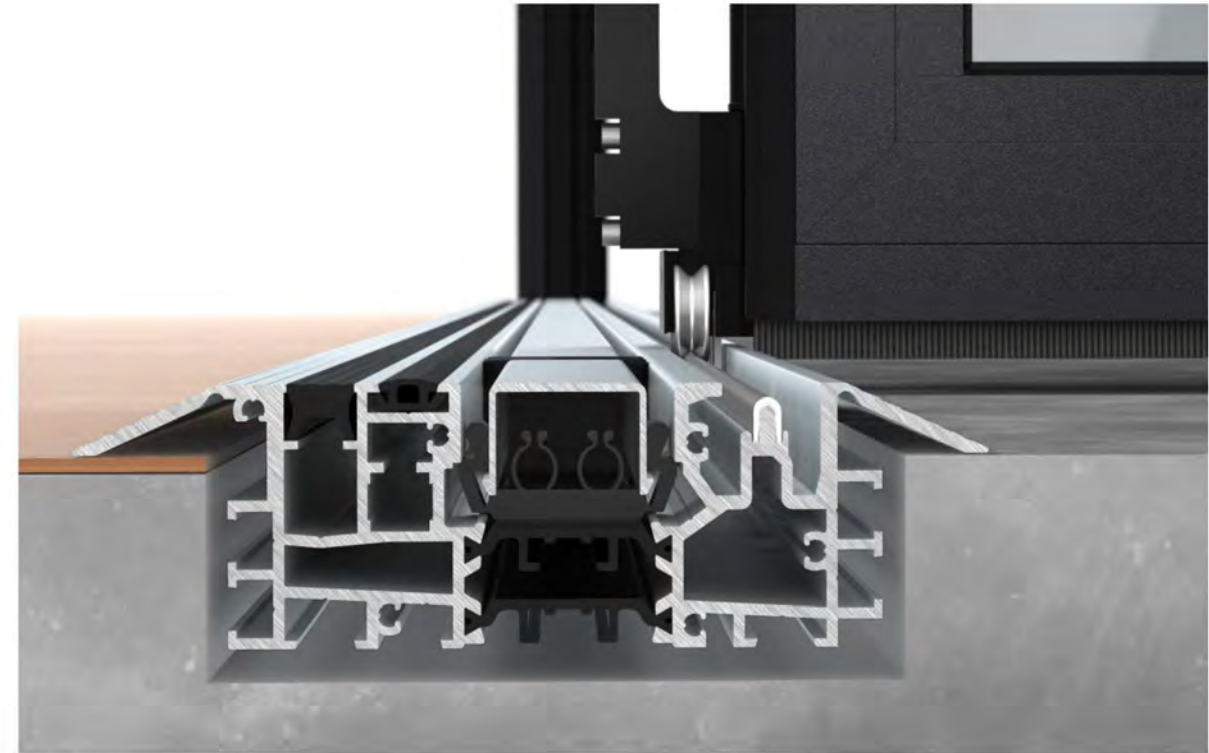


NW Aluminum 840 is capable of unit heights up to 11' 6" (3500 mm) and offers the possibility of wider openings with the integration of FourFold and SixFold Panel Sets that move and stack to either side of the opening, providing the ultimate in layout flexibility. As a custom-built architectural solution, this system is available in inswing or outswing configurations and can accommodate open corner designs.



CONCEALED PANEL ALIGNMENT MEANS LESS EXPOSED PANEL HINGES

The patented (Patent No. US10711510B2) TwinX mechanism aligns panels of over 7' (2150 mm) in height by adding a hidden spring-loaded structural reinforcement feature without the need for an additional exposed hinge in the middle of the system. TwinX interlocks the panels together when the system is closed providing a consistent seal between the panels, specifically engineered to meet higher wind loads.



FOUR SILL OPTIONS WITH HIGH HEEL RESISTANT FEATURE

NW Aluminum 840 has four sill options: Hybrid, Low Profile Saddle, Low Profile Saddle with UniverSILL®, and Flush. Standard to all sills is removable aluminum high heel resistant sill inserts. These inserts provide ADA compliance for the Low Profile Saddle and Flush sills and create a very barefoot-friendly transition. Furthermore, the inserts offer protection from dirt and debris collecting in the bottom track.



UNIQUE GOTHIC ARCH ROLLER PROVIDES FRICTIONLESS SMOOTH OPERATION

The running carriage rolls above the water table on two stainless steel wheels with a unique Gothic arch design supported by a double row of ball bearings. With a 2-point contact of each wheel to the floor track, the system glides quietly and smoothly with less friction by providing an equal distribution of weight on the stainless steel track.

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FLOATING LEFT/RIGHT FOURFOLD OR SIXFOLD PANEL SETS FOR WIDER OPENINGS AND FLEXIBLE STACKING PLACEMENT

NW Aluminum 840 is the only floor supported, thermally broken folding system available that allows for larger opening sizes and flexible space management with the integration of FourFold or SixFold Panel Sets. These panel sets are able to move and stack either to the right, left, or center within the same track allowing the panels to be stacked in the most convenient location as needed.

MULTIPURPOSE FRAME INSERT PROVIDES CONTINUOUS SURFACE AT SIDE JAMB AND HEAD TRACK



A black polyamide clip-on multipurpose frame insert conceals all visible frame to structure attachment points and screw heads creating a clean, even appearance. This frame cover piece creates a hollow space to run and guide concealed cabling for the NW Aluminum 840 to connect to a home security system by others. Lastly, in addition to the extra boost to thermal and acoustical performance, the multipurpose insert provides an extra cavity to attach a third weatherseal for environments that require even more extreme thermal protection

SYSTEM WIDTH ADJUSTMENT FEATURE FOR LONG-TERM TIGHT, CONSISTENT SEALING



System width adjusts with ease. To allow for construction tolerance, a patented (Patent No. US10683688B2) lateral adjustment feature of +/- 3/16" (5 mm) is available at the side jamb. This allows for consistent seal compression within the system and can be adjusted should the need arise.

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SWING DOORS FOR TRAFFIC MANAGEMENT

To accommodate traffic flow, swing panels can be added either to the end of a chain of panels for systems with an odd number of panels folding in one direction or hinged to the side jamb, depending on unit height and configuration. An up to 3' 3" (1000 mm) swing panel hinged to the side jamb is available. Swing panels have been tested and passed over 500,000 cycles and can be optionally outfitted with higher kickplates for ADA compliance. Panic hardware and top door closers by others are possible.

NANAWALL PERFORMANCE

As a NanaWall product, the NW Aluminum 840 has been put through rigorous performance testing for air, water, structural, operation, and forced entry. This Generation 4 system is designed from the ground up and, as a result, is our most thermally efficient aluminum framed folding glass wall.

THERMAL EFFICIENCY AND GLAZING OPTIONS

Depending on glass type selected, NW Aluminum 840 is up to 20% more thermally efficient than other NanaWall aluminum framed folding product making it an ideal choice for climates requiring superior thermal performance. The system comes standard with continuous seals along the face of each panel frame. Standard for each system are two levels of insulating thermal breaks for optimal defense from heat and cold. Glass pocket accommodates insulated glass from 7/8" (22 mm) to 2 7/16" (62 mm).

SYSTEM SIZES

Depending on the desired glazing of the unit, maximum panel sizes range. Units can reach heights of 11' 6" (3500 mm) with panel widths up to 3' 7" (1100 mm). Unlimited system widths are possible with the addition of unhinged FourFold or SixFold Panel Sets.



Scan code for more system options and details.



Explore our opening glass wall product families:



- NanaWall opening glass walls are sold factory direct through local architectural design representatives across North America. Our Certified Installation Network option ensures correct installation with speed and precision.
- From design to installation—we're here to help. Our Dedicated Design Team can answer your questions and assist with planning, ordering and optimizing your NanaWall options.

THE ONE AND ONLY NANAWALL

NanaWall has reinvented the category of opening glass wall systems. Throughout our 30-plus-year history, we have earned the trust of architects, builders, design professionals and homeowners. As a solutions provider, we reimagine the ways in which buildings, people and the elements interact.

Visit our showrooms and try a NanaWall for yourself.

NanaWall
Boundaries Unbound®

Nana Wall Systems, Inc.
100 Meadowcreek Drive #250
Corte Madera, CA 94925

800 873 5673
415 383 3148
Fax 415 383 0312

info@nanawall.com
NanaWall.com

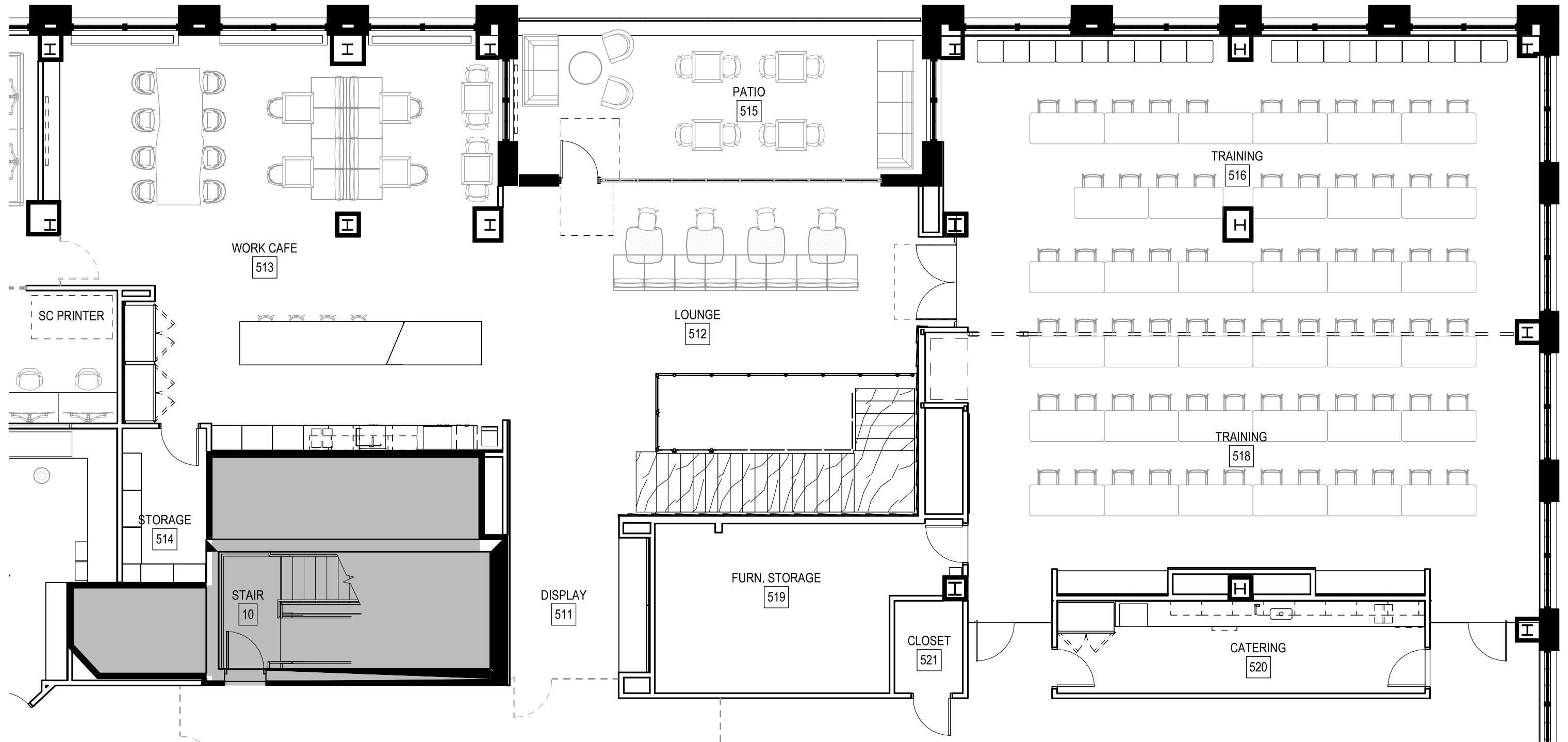
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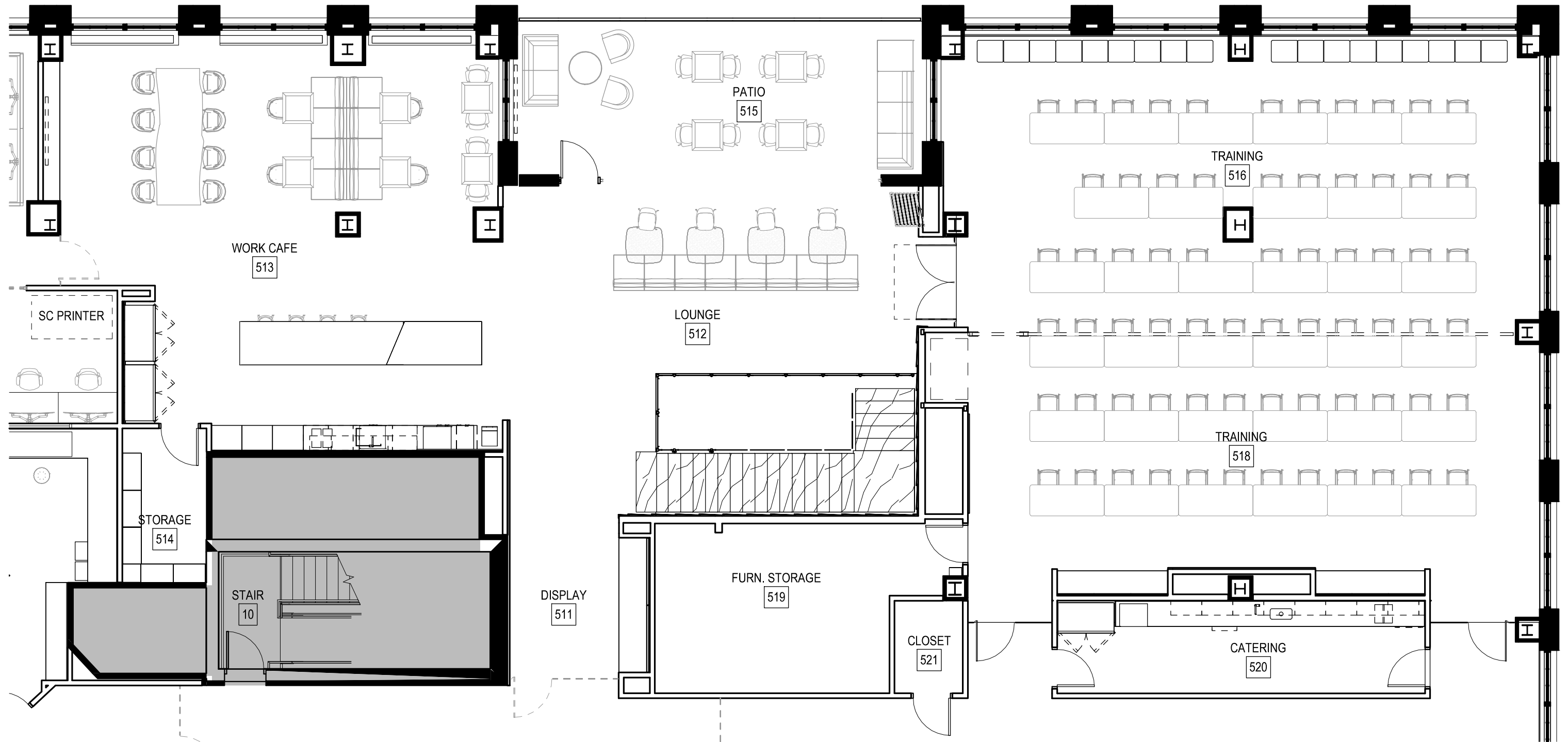
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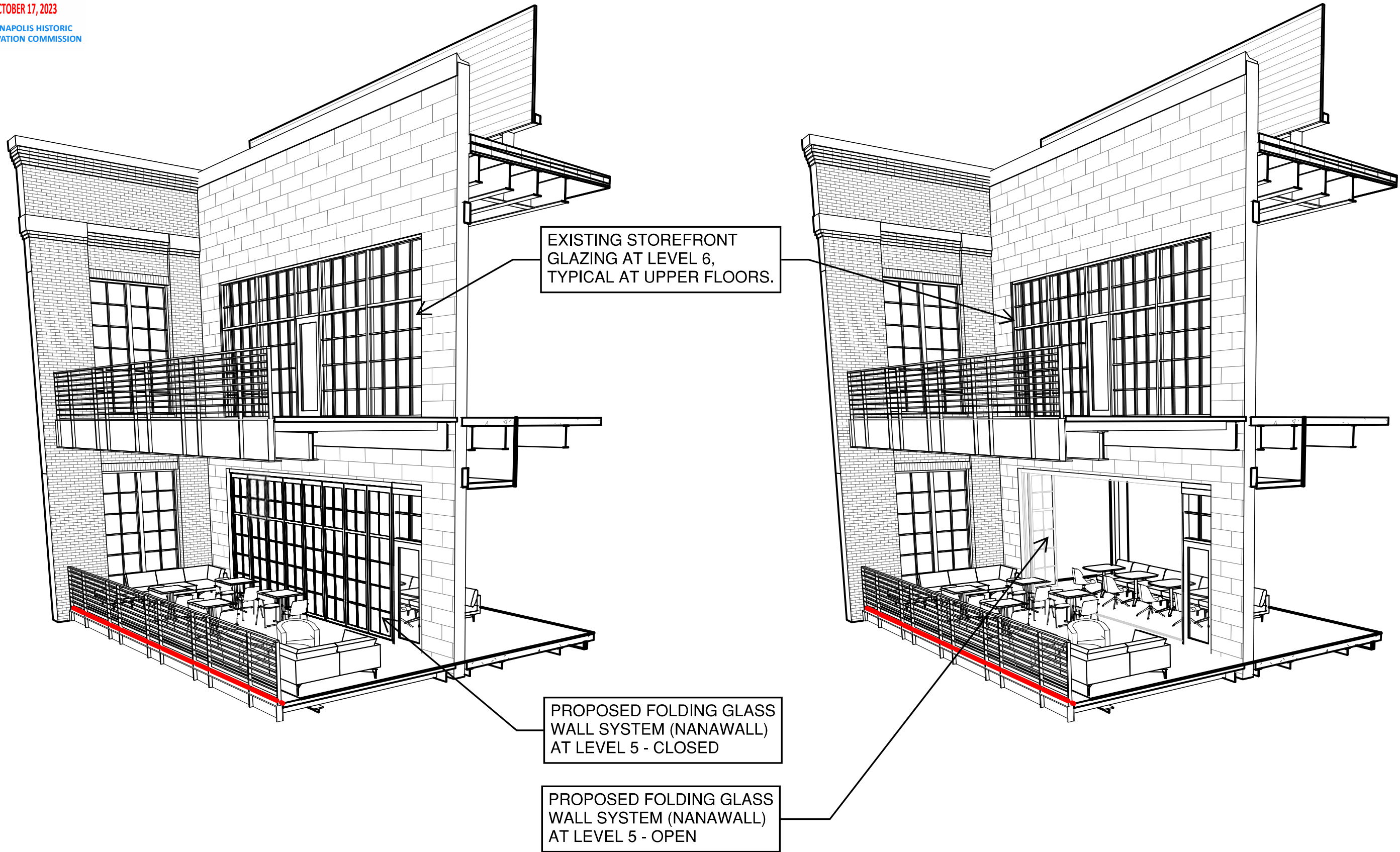


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EXISTING STOREFRONT
GLAZING AT LEVEL 6,
TYPICAL AT UPPER FLOORS.

PROPOSED FOLDING GLASS
WALL SYSTEM (NANAWALL)
AT LEVEL 5 - CLOSED

PROPOSED FOLDING GLASS
WALL SYSTEM (NANAWALL)
AT LEVEL 5 - OPEN

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EXISTING STOREFRONT GLAZING FROM INTERIOR



EXISTING STOREFRONT GLAZING FROM INTERIOR

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EXISTING STOREFRONT/BALCONIES IN CONSTRUCTION
FROM COLLEGE AVE. LOOKING EAST



EXISTING STOREFRONT/BALCONIES IN CONSTRUCTION
FROM COLLEGE AVE. LOOKING SOUTHEAST

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EXISTING DESIGN FROM COLLEGE AVE. LOOKING EAST



PROPOSED CHANGES FROM COLLEGE AVE. LOOKING EAST

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EXISTING DESIGN FROM COLLEGE AVE. LOOKING EAST



PROPOSED CHANGES FROM COLLEGE AVE. LOOKING EAST

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EXISTING DESIGN FROM COLLEGE AVE. LOOKING NORTHEAST



PROPOSED CHANGES FROM COLLEGE AVE. LOOKING NORTHEAST

2023-COA-401

OLD CITY HALL

202/222 N. ALABAMA ST.

222 N Alabama Street

Indianapolis, IN

Design Concept

October 24, 2023

SMALLWOOD

3495 Piedmont Road NE
Building 10, Suite 700
Atlanta, Georgia 30305

404.233.5453

 STUDIO AXIS

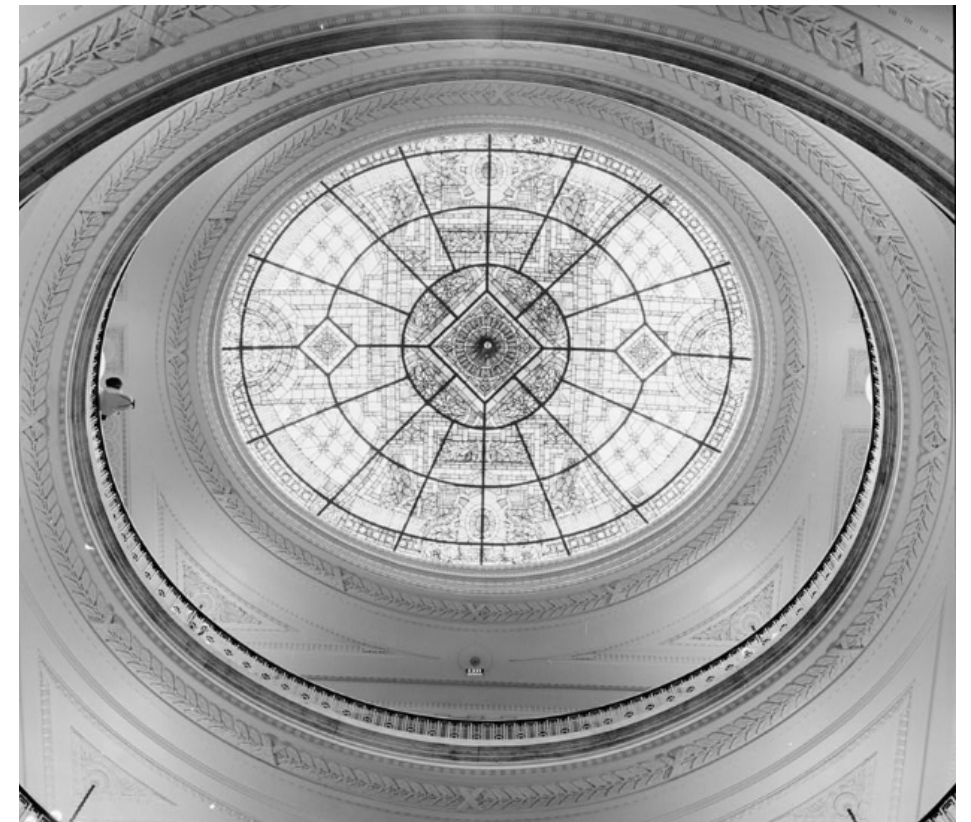


HISTORIC PHOTOGRAPHY

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EXISTING PHOTOGRAPHY

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SITE INFORMATION

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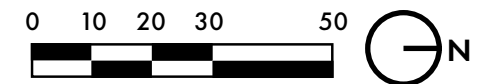
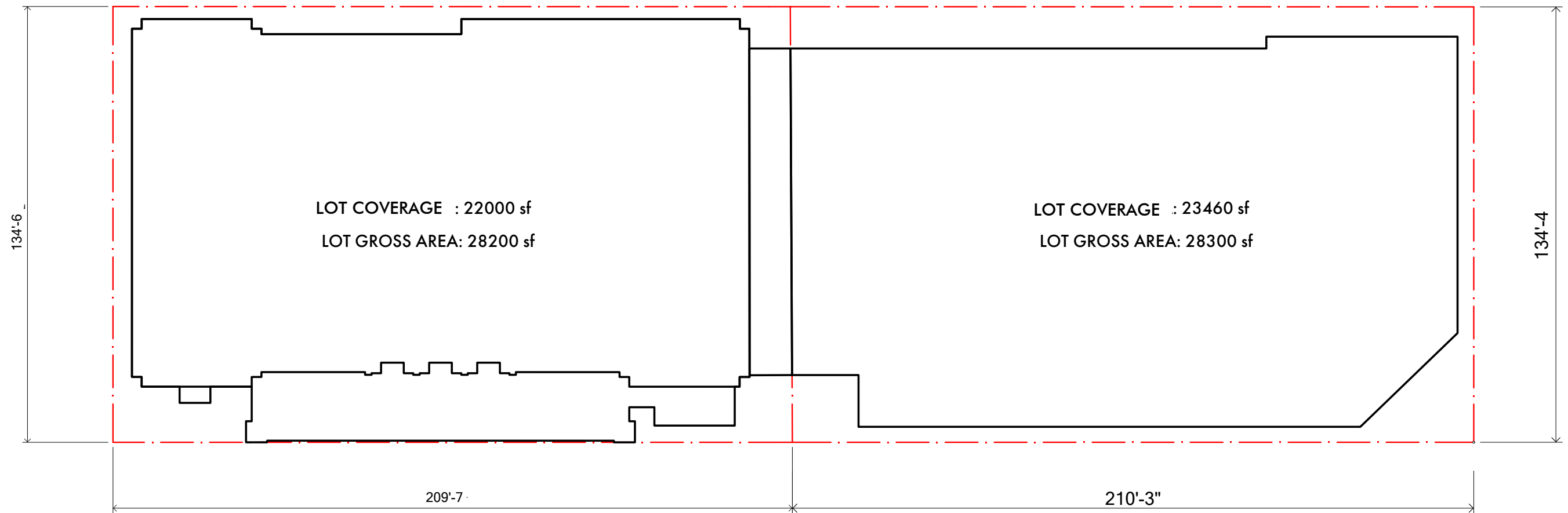
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Basement - 20,532 GSF
First - 18,880 GSF
Second - 17,645 GSF
Third - 17,645 GSF
Fourth - 18,575 GSF

TOTAL - 93,277 GSF

First - 23,460 GSF
Parking (2-5) - 95,690 GSF
Hotel (6-12) - 88,740 GSF
Residential (13-29) 259,168 GSF

TOTAL - 467,000 GSF

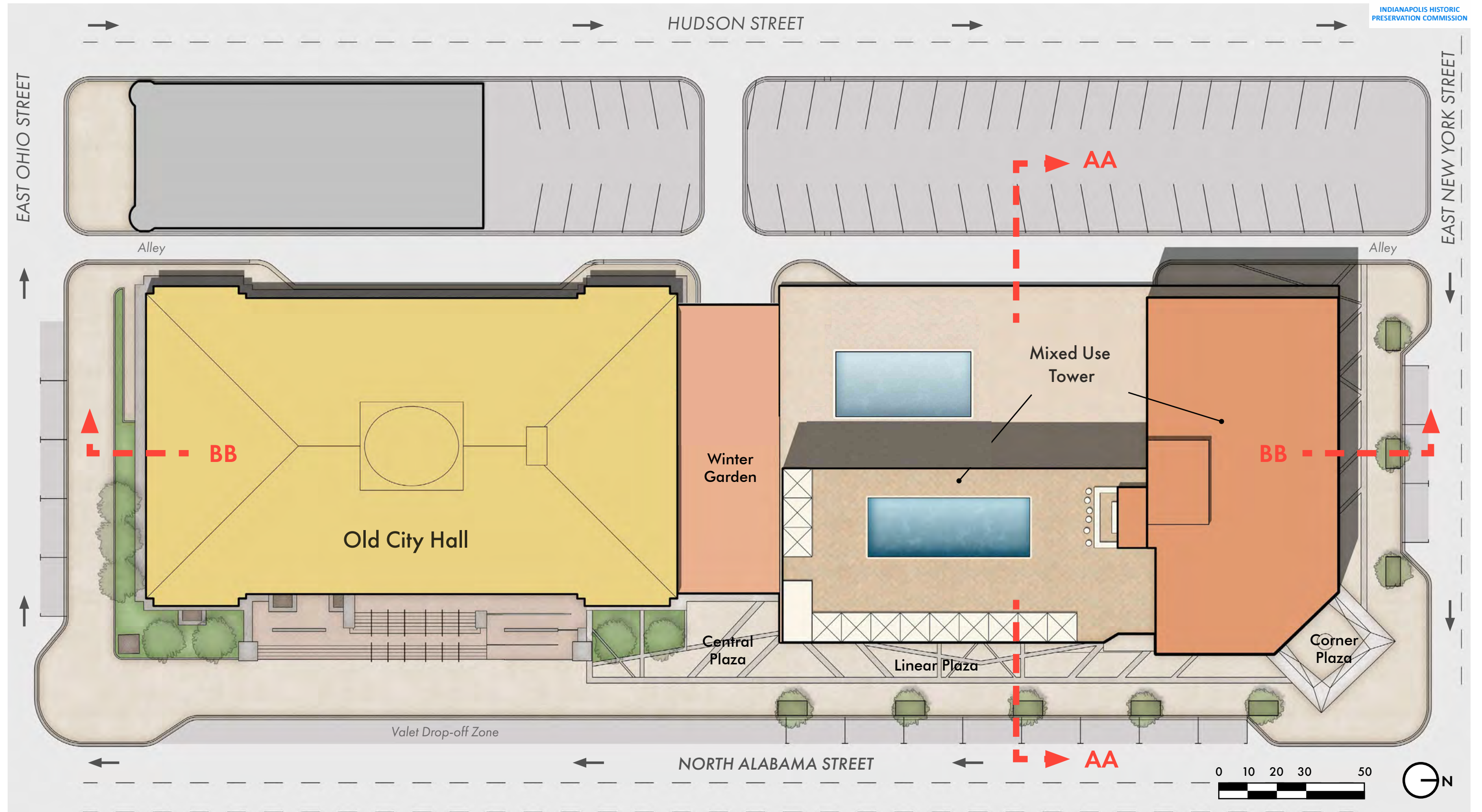


NEW SITE PLAN

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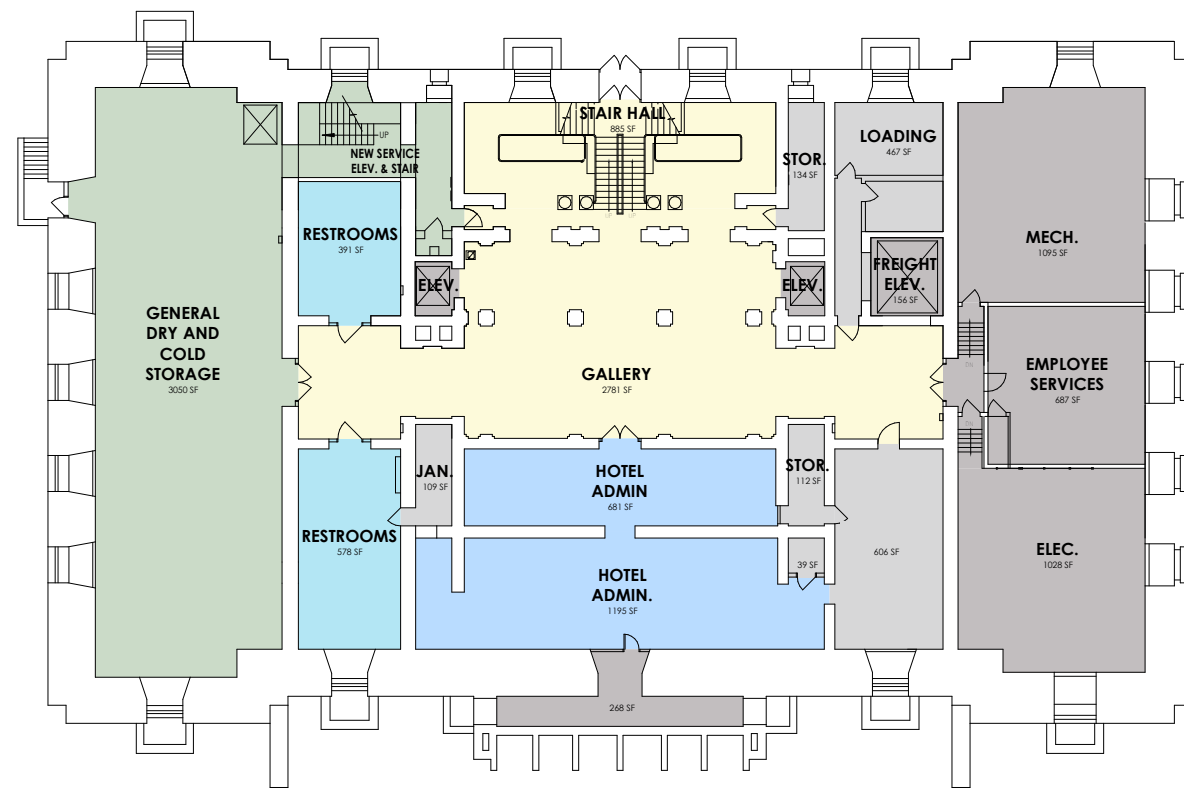


BASEMENT LEVEL

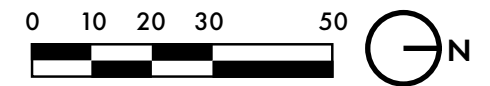
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NOTE:
ADDITIONAL MEANS OF EGRESS
IS YET TO BE ADDRESSED.

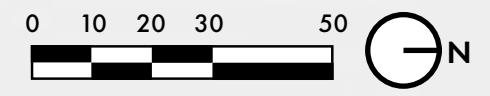
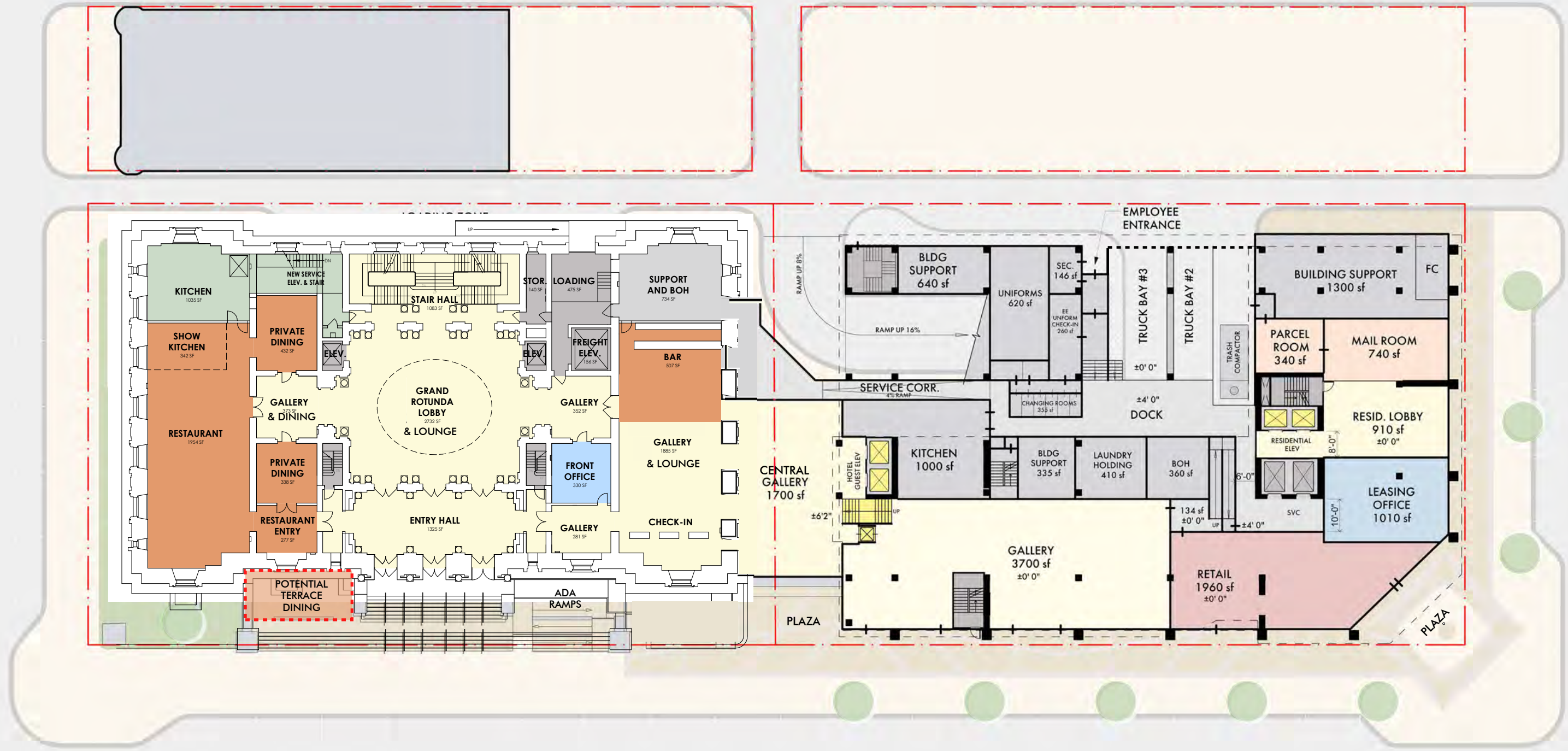


GROUND LEVEL

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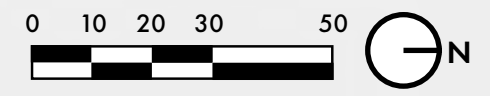
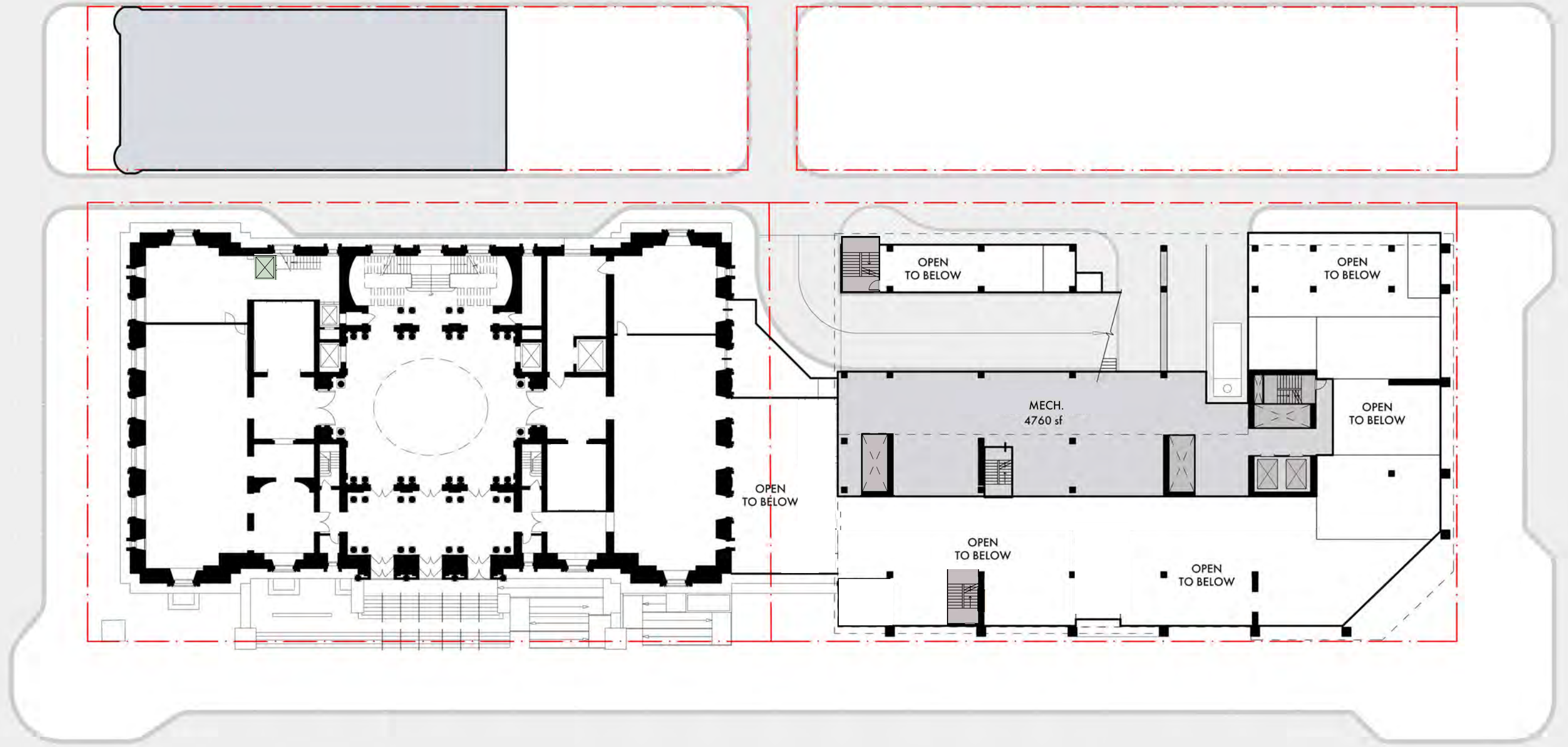


MEZZANINE

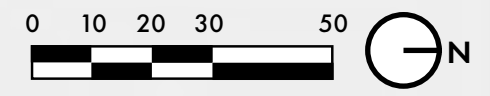
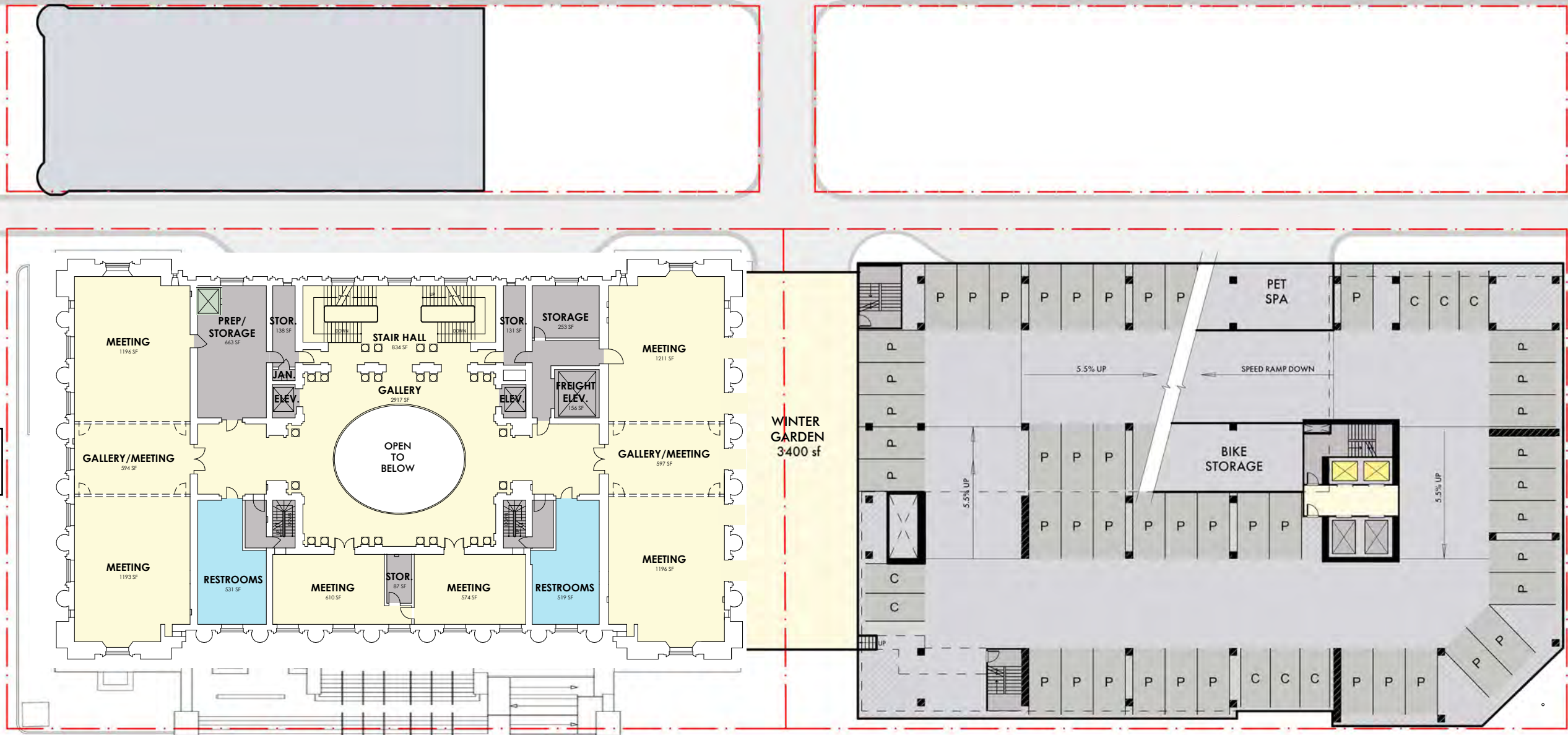
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NOTE:
ADDITIONAL MEANS OF EGRESS
FROM MEETING ROOMS ARE YET
TO BE ADDRESSED.

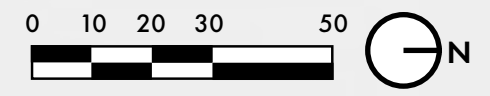


LEVEL 3 / TYPICAL PARKING

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HOTEL AMENITY LEVEL

OCH LEVEL 4

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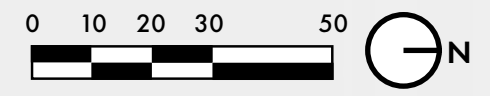


14690 GSF
9566 NSF
Pool deck: 9800 GSF

21 keys / 23.5 Modules

OPTIONAL LAYOUT

POTENTIAL BALCONIES

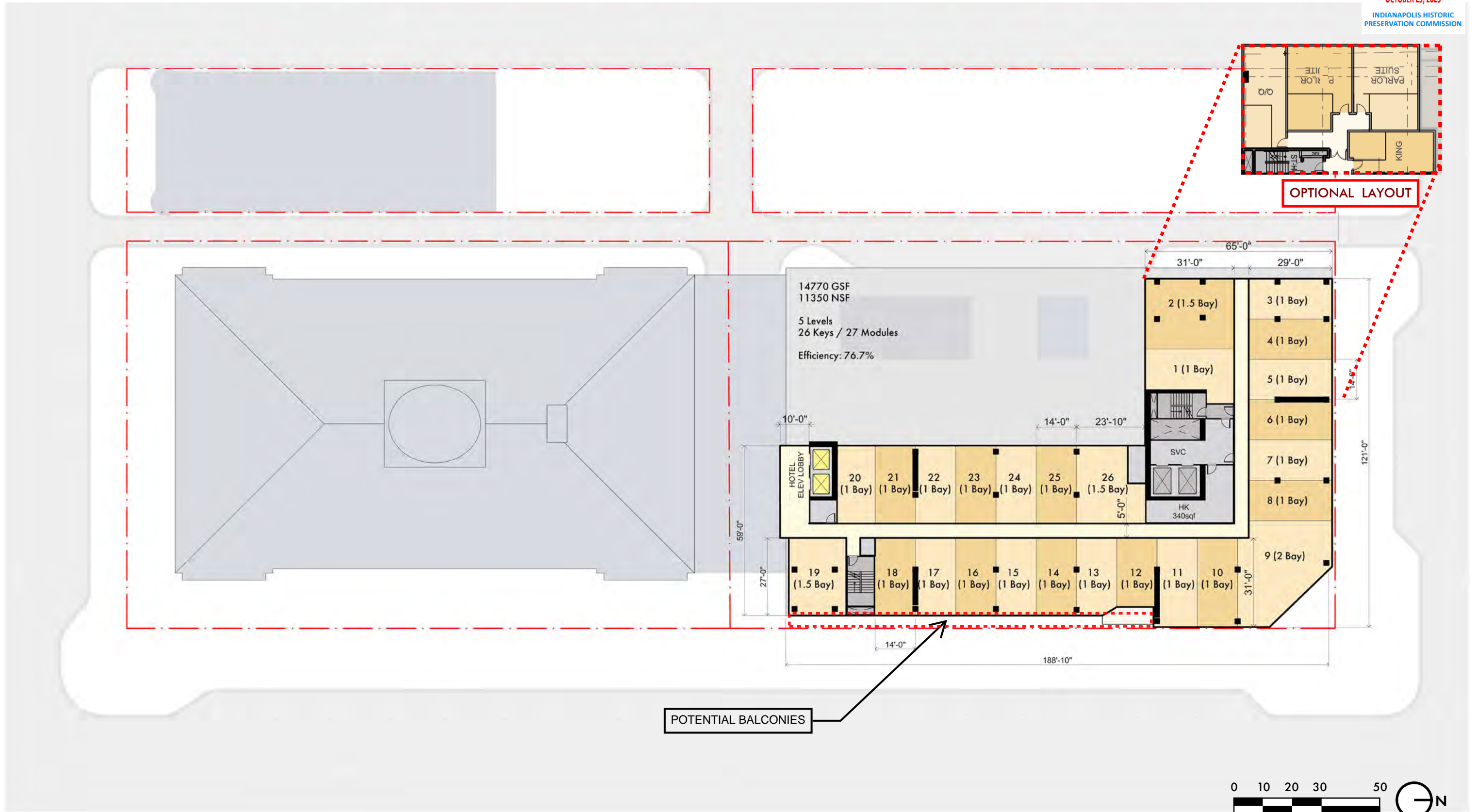


TYPICAL HOTEL LEVEL

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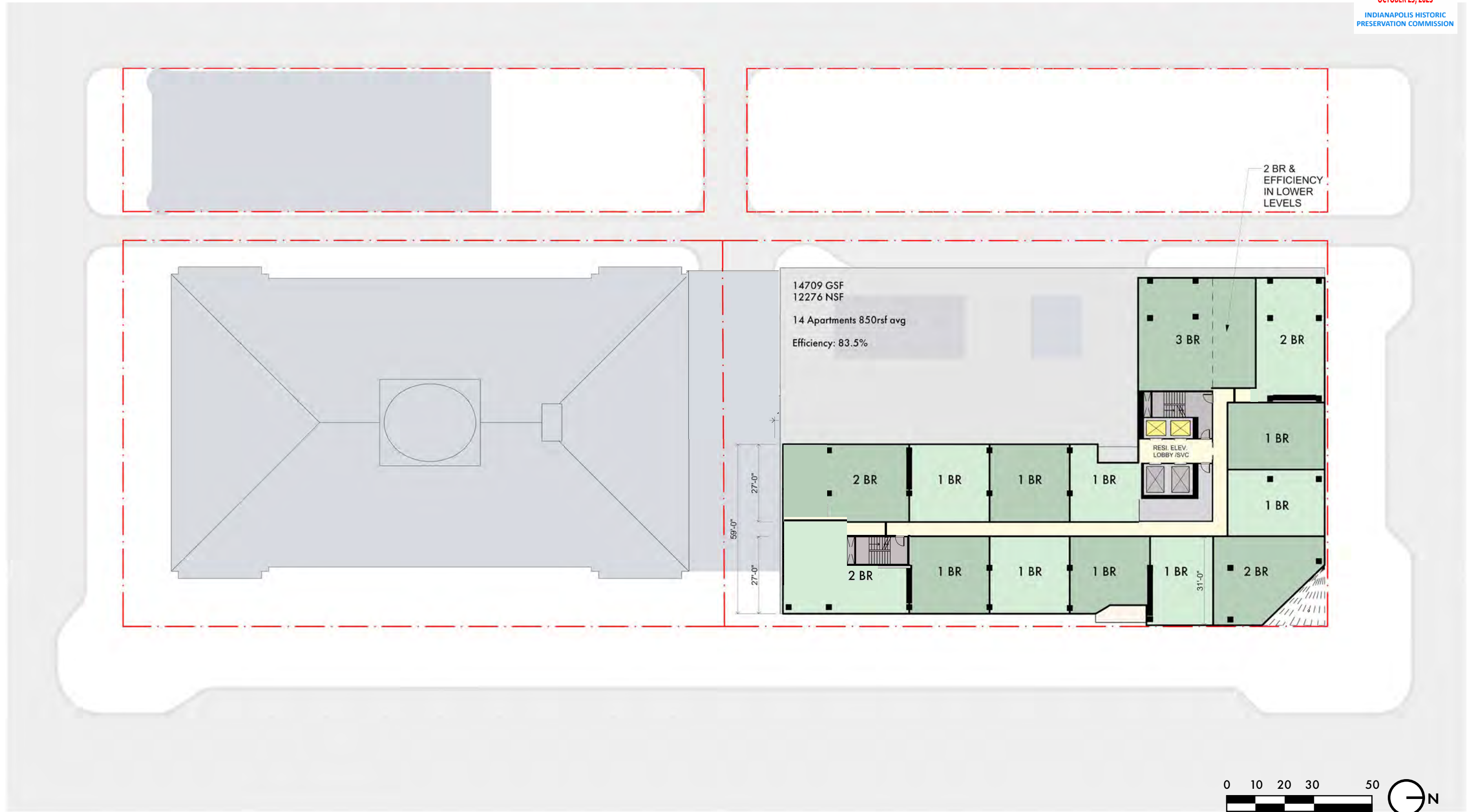


TYPICAL RESIDENTIAL LEVEL

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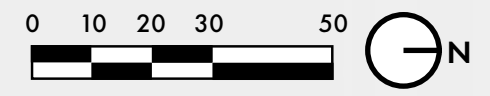
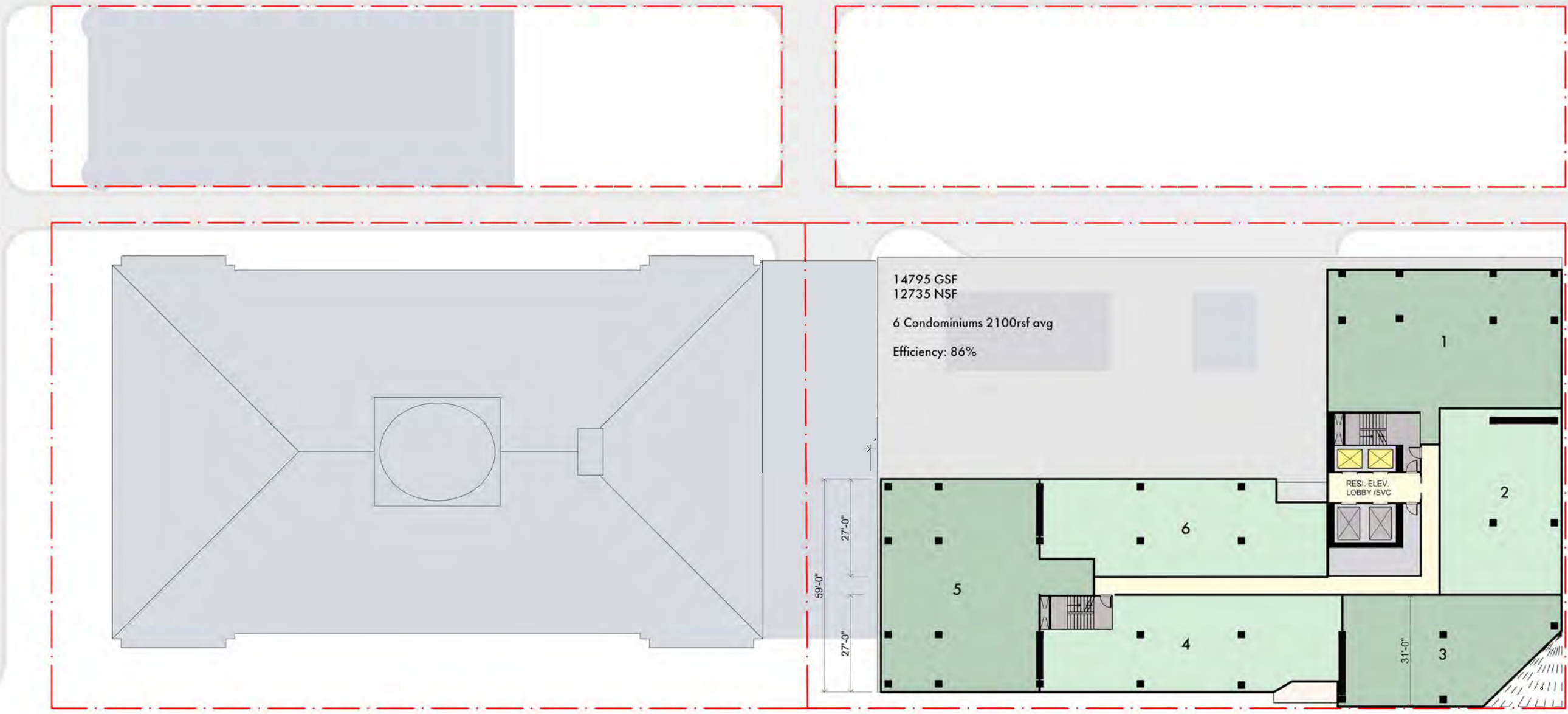


TYPICAL CONDOMINIUM LEVEL

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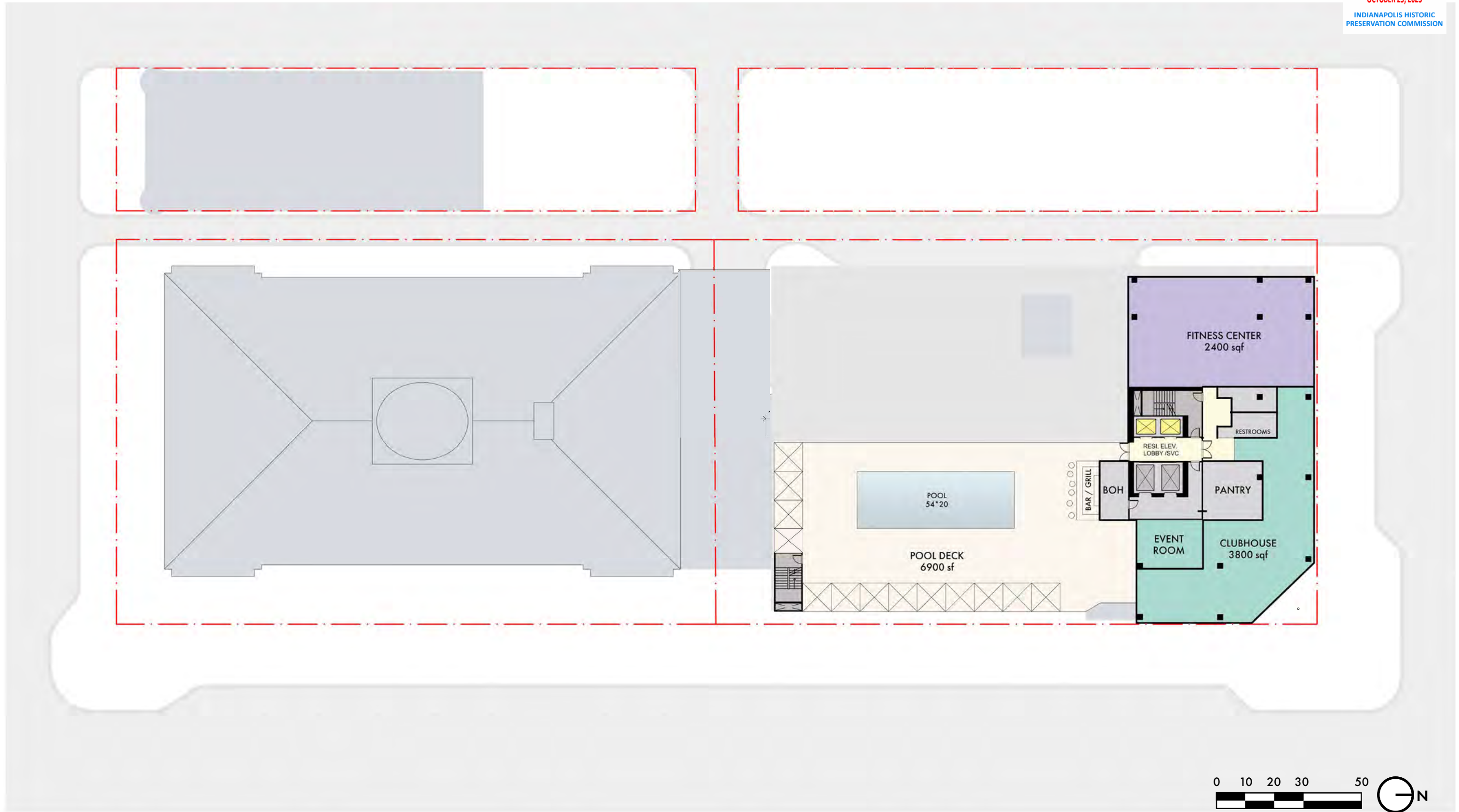


RESIDENTIAL AMENITY LEVEL

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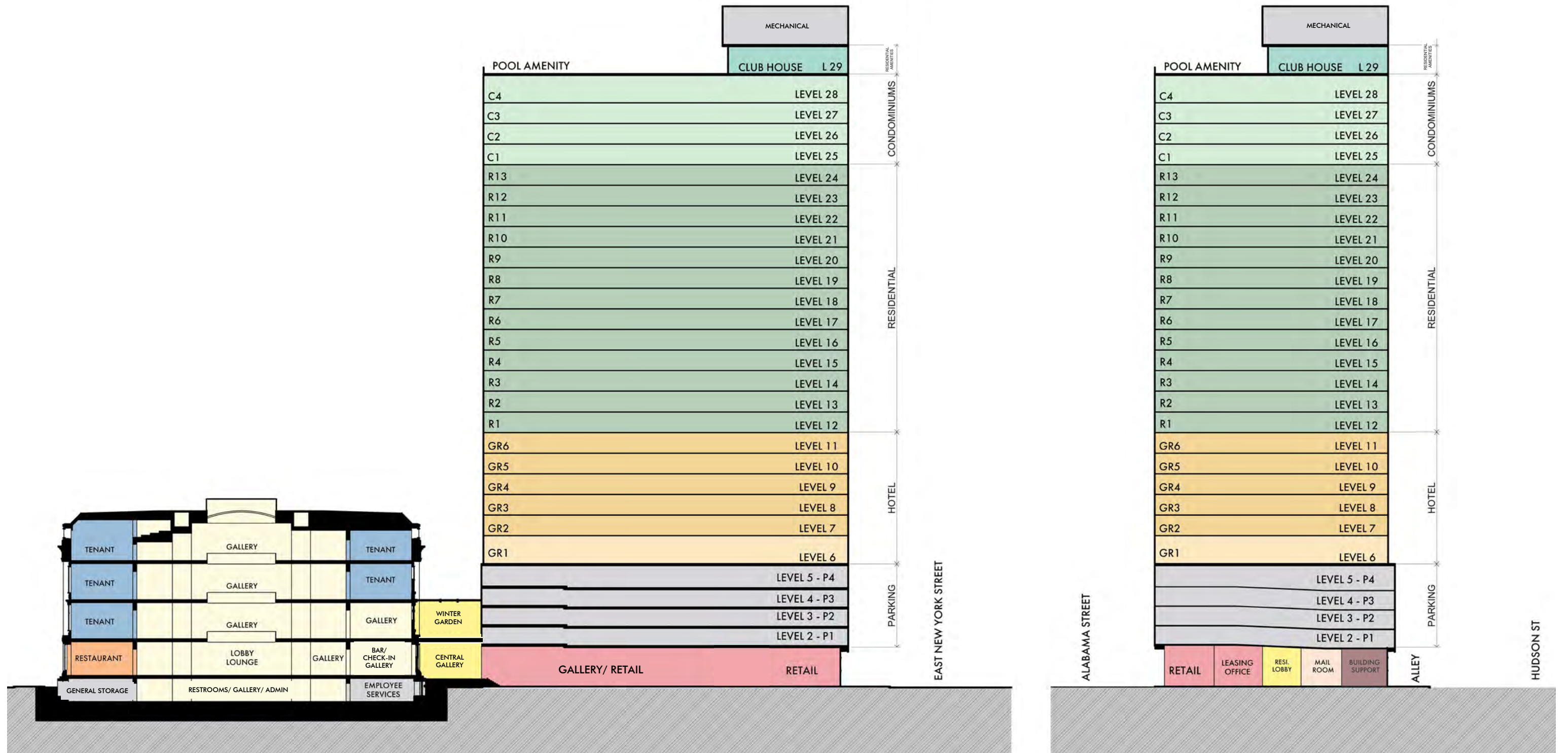


BUILDING SECTION

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SECTION BB

SECTION AA



NOTE: See enlarged Elevations for OCH details.

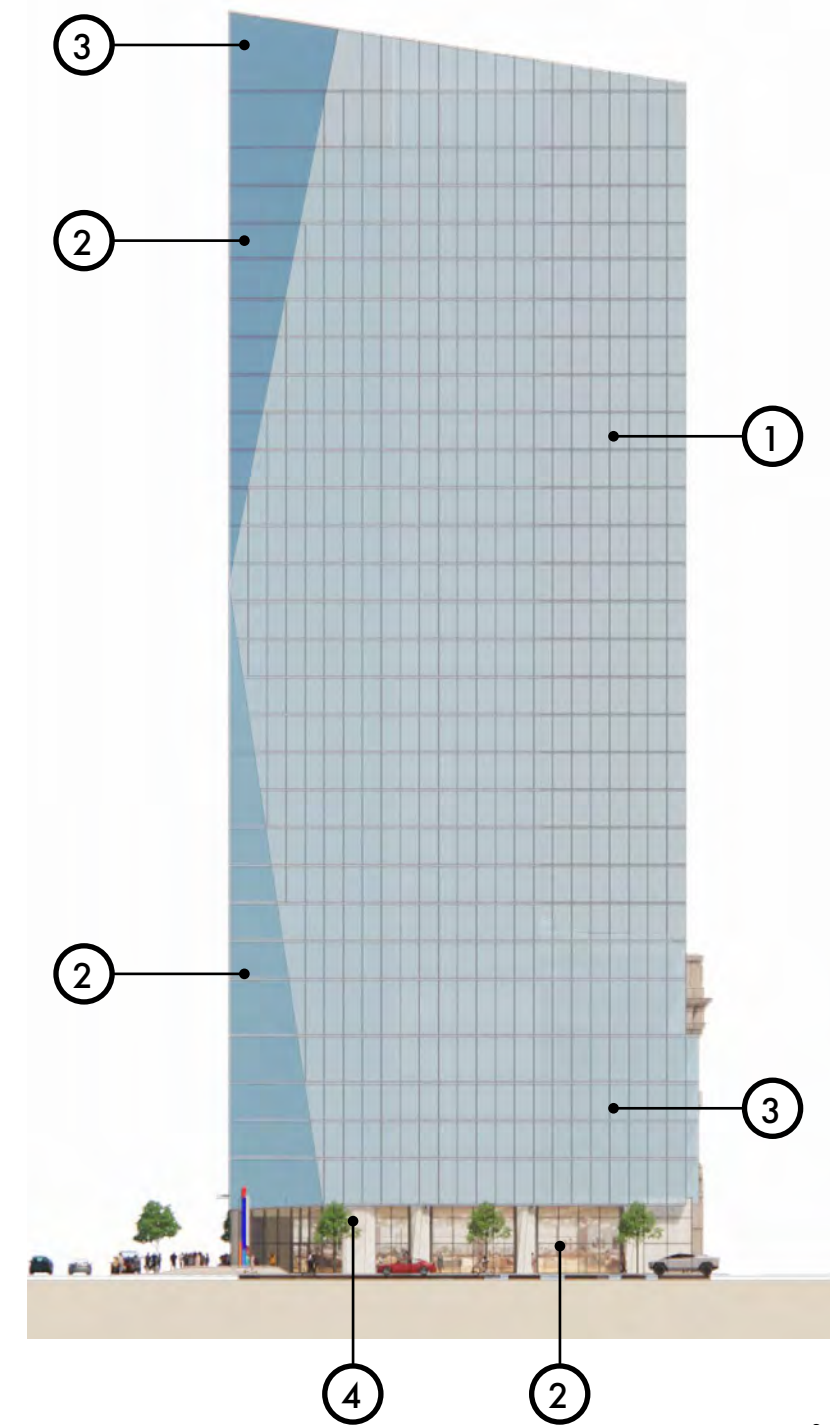
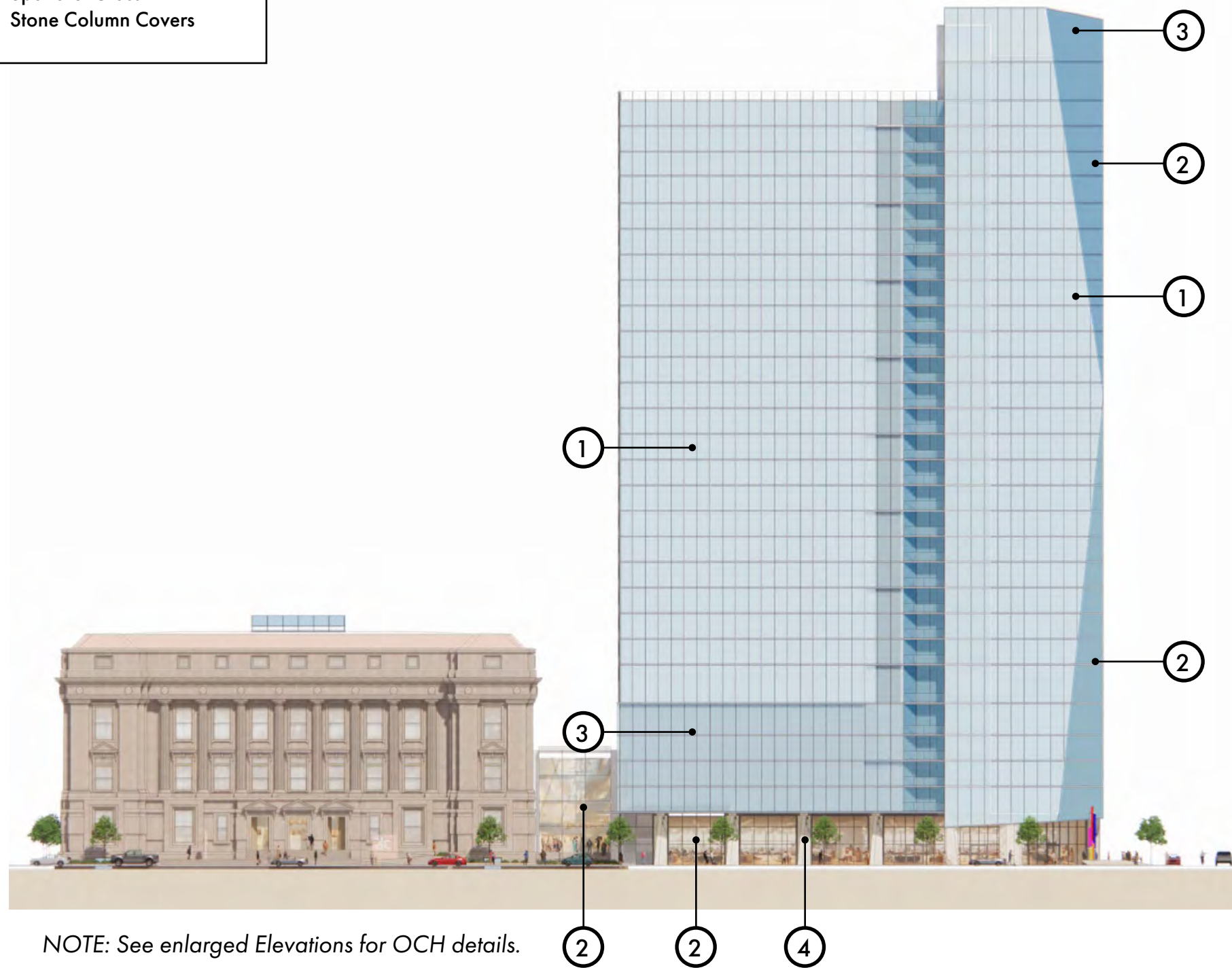
BUILDING ELEVATIONS

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- KEY
- 1. Window Wall
 - 2. Curtain Wall
 - 3. Spandrel Glass
 - 4. Stone Column Covers

East Elevation

North Elevation

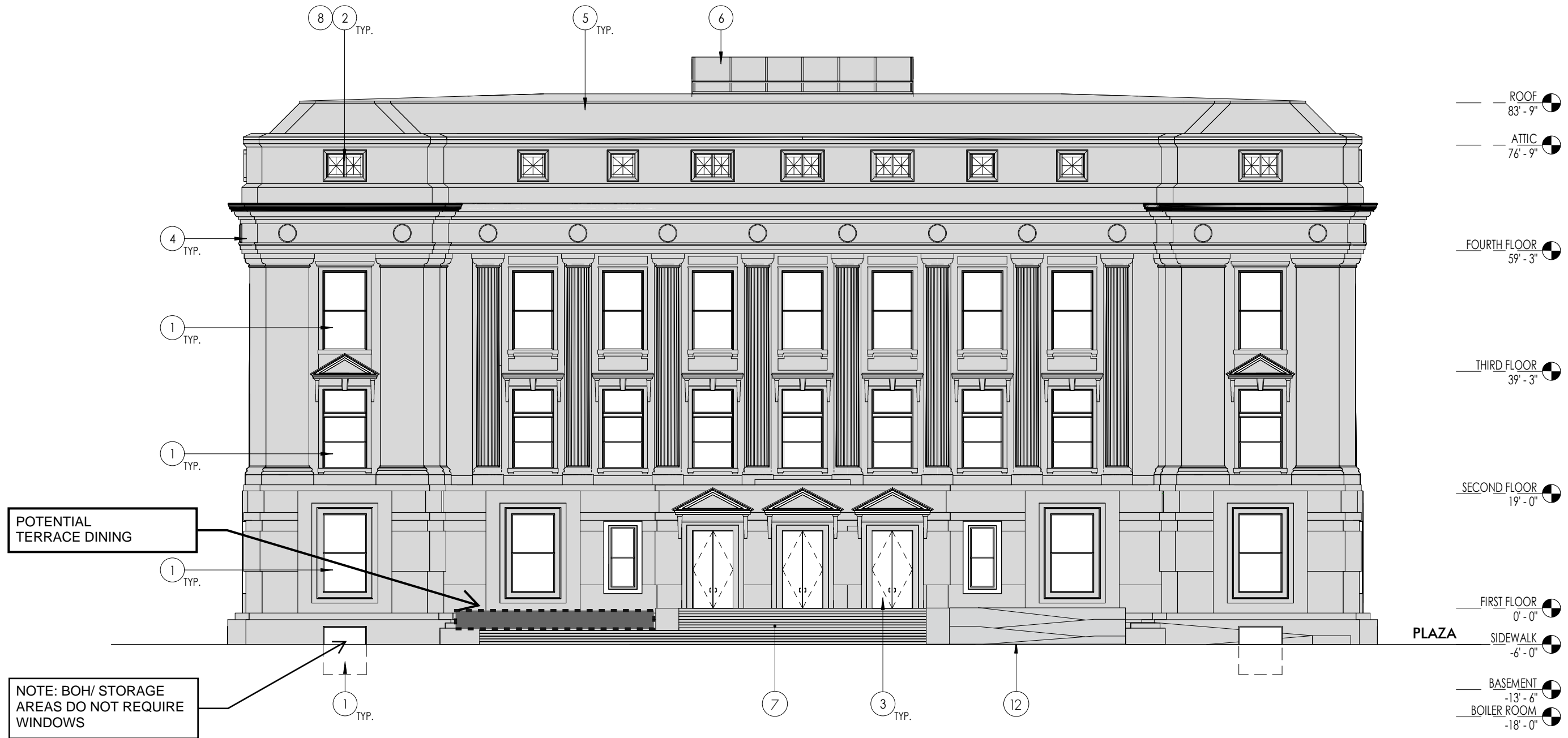


PROPOSED EAST ELEVATION

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OCTOBER 25, 2023

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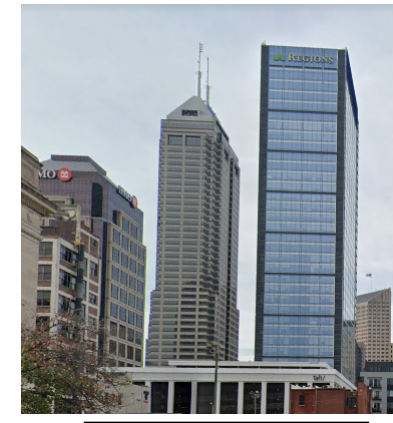
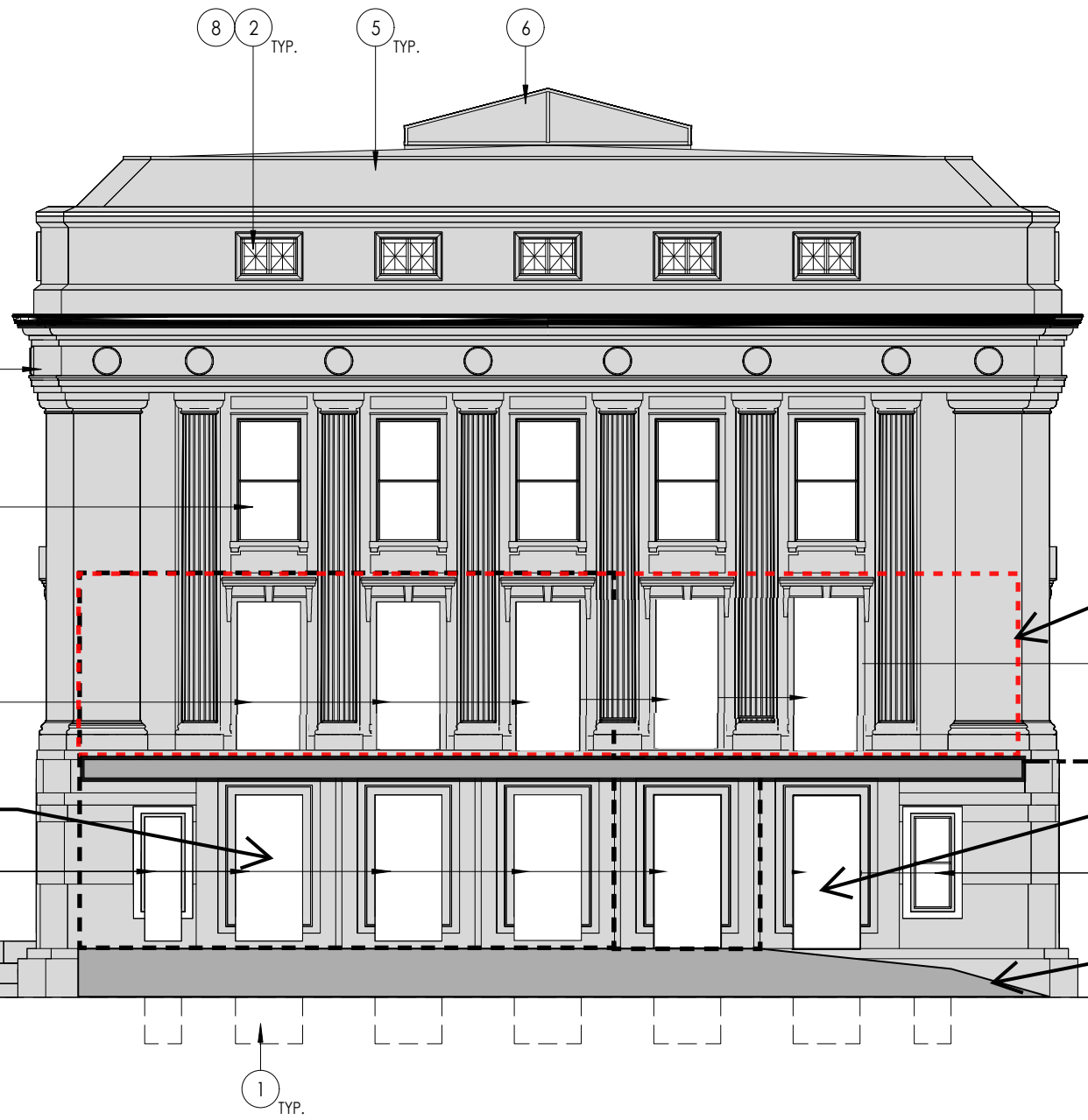
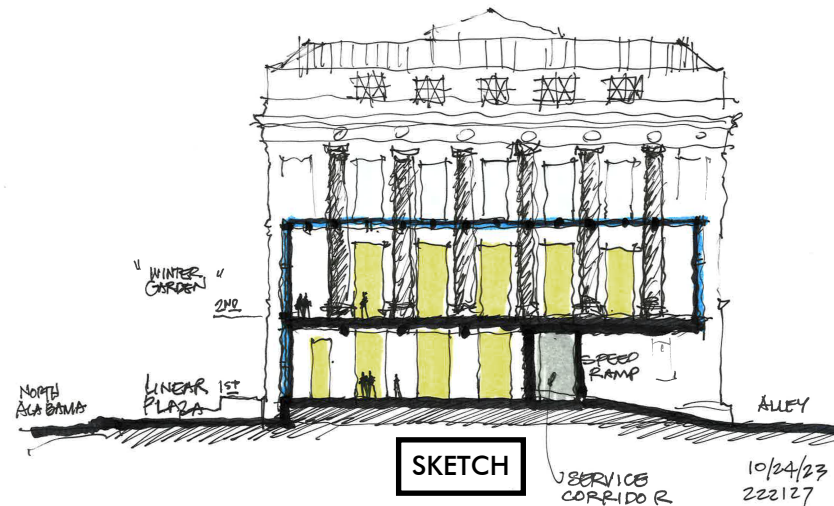
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|--|--|--|
| <ul style="list-style-type: none"> 1. New double hung window at original window location. 2. New fixed window at original window location. 3. Existing double doors to be restored. 4. Existing limestone cladding and ornamentation to be repaired. 5. Replacement of roof, drain, and drain leader. | <ul style="list-style-type: none"> 6. Existing central skylight to be restored or replaced. Additional (8) original skylights to be restored. 7. Existing steps to be repaired and waterproofed. 8. Restoration of metal grilles at fourth level windows. | <ul style="list-style-type: none"> 9. New first floor openings at locations of existing windows for connection to new adjacent structure. 10. Existing basement door to be restored. 11. Existing overhead door to be restored or replaced. 12. New ADA Ramp |
|--|--|--|

PROPOSED NORTH ELEVATION

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VIEW WEST FROM
WINTER GARDEN

- ROOF 83' - 9"
- ATTIC 76' - 9"
- FOURTH FLOOR 59' - 3"
- THIRD FLOOR 39' - 3"
- SECOND FLOOR 19' - 0"
- FIRST FLOOR 0' - 0"
- SIDEWALK -6' - 0"
- BASEMENT -13' - 6"
- BOILER ROOM -18' - 0"

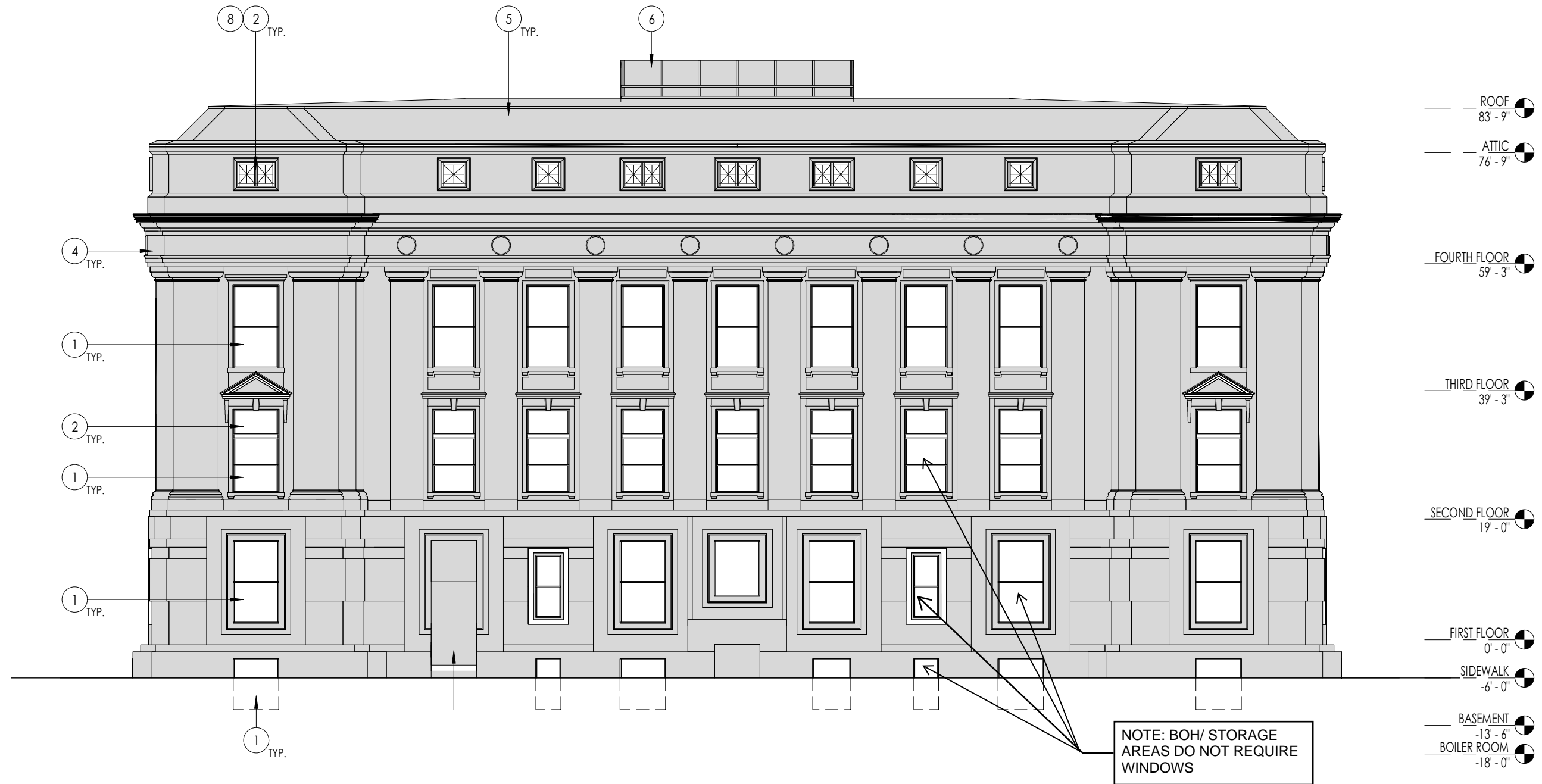
- | | | |
|--|--|---|
| <ul style="list-style-type: none"> 1. New double hung window at original window location. 2. New fixed window at original window location. 3. Existing double doors to be restored. 4. Existing limestone cladding and ornamentation to be repaired. 5. Replacement of roof, drain, and drain leader. | <ul style="list-style-type: none"> 6. Existing central skylight to be restored or replaced. Additional (8) original skylights to be restored. 7. Existing steps to be repaired and waterproofed. 8. Restoration of metal grilles at fourth level windows. | <ul style="list-style-type: none"> 9. New wall openings at locations of existing windows for connection to new adjacent structure. 10. Existing basement door to be restored. 11. Existing overhead door to be restored or replaced. |
|--|--|---|

PROPOSED WEST ELEVATION

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- 1. New double hung window at original window location.
- 2. New fixed window at original window location.
- 3. Existing double doors to be restored.
- 4. Existing limestone cladding and ornamentation to be repaired.
- 5. Replacement of roof, drain, and drain leader.

- 6. Existing central skylight to be restored or replaced. Additional (8) original skylights to be restored.
- 7. Existing steps to be repaired and waterproofed.
- 8. Restoration of metal grilles at fourth level windows.

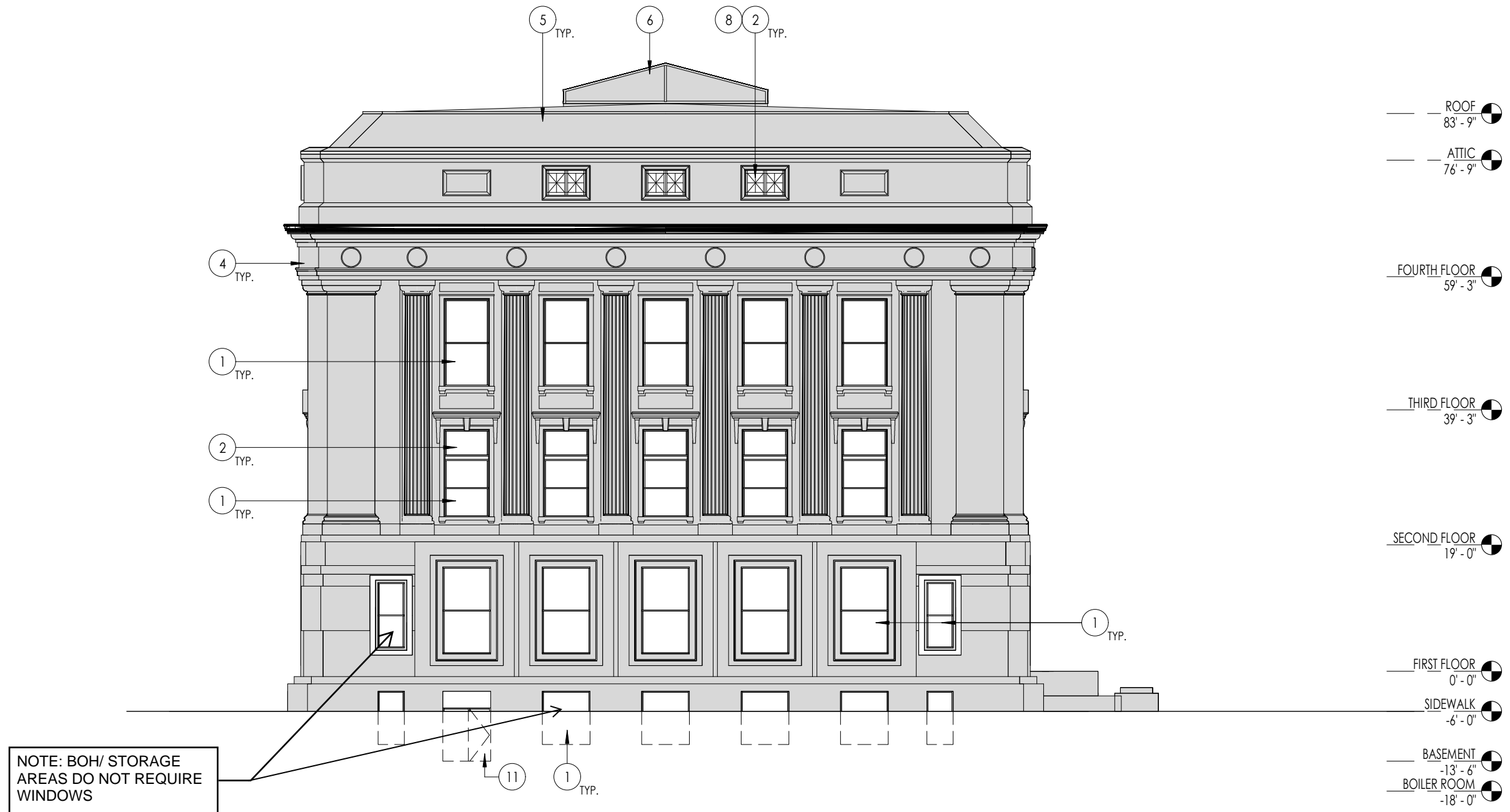
- 9. New first floor at locations of existing windows for connection to new adjacent structure.
- 10. Existing basement door to be restored.
- 11. Existing overhead door to be restored or replaced.

PROPOSED SOUTH ELEVATION

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- ROOF 83' - 9"
- ATTIC 76' - 9"
- FOURTH FLOOR 59' - 3"
- THIRD FLOOR 39' - 3"
- SECOND FLOOR 19' - 0"
- FIRST FLOOR 0' - 0"
- SIDEWALK -6' - 0"
- BASEMENT -13' - 6"
- BOILER ROOM -18' - 0"

NOTE: BOH/ STORAGE AREAS DO NOT REQUIRE WINDOWS

- | | | |
|--|--|---|
| <ul style="list-style-type: none"> 1. New double hung window at original window location. 2. New fixed window at original window location. 3. Existing double doors to be restored. 4. Existing limestone cladding and ornamentation to be repaired. 5. Replacement of roof, drain, and drain leader. | <ul style="list-style-type: none"> 6. Existing central skylight to be restored or replaced. Additional (8) original skylights to be restored. 7. Existing steps to be repaired and waterproofed. 8. Restoration of metal grilles at fourth level windows. | <ul style="list-style-type: none"> 9. New first floor at locations of existing windows for connection to new adjacent structure. 10. Existing basement door to be restored. 11. Existing overhead door to be restored or replaced. |
|--|--|---|

OVERALL RENDERING

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OCTOBER 25, 2023
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STREET LEVEL RENDERING

RECEIVED

OCTOBER 25, 2023

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Atlanta

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Atlanta, GA 30305 USA

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www.smallwood-us.com



2023-COA-251 (FP)
529 FLETCHER AVE.

ATTACH THIS FORM TO THE ELECTRONIC COPY OF YOUR SUBMITTED DRAWINGS

- Drawings must be 11 x 17 and in color.
- Please make sure to include to-scale site plans, to-scale elevations with (directions appropriately marked; north, south, east, west, etc.,) streetscapes, 3-D drawings and other documentation as required by your reviewer. **SEPTEMBER 18,**
- Drawings must be submitted by the documentation deadline of ~~August 21, 2023~~ **SEPTEMBER 21, 2023** (unless otherwise directed by IHPC staff) no later than **5 PM**.

If you have any questions, please contact your reviewer or the IHPC office manager at 317 327-4406 or by email at IHPC@indy.gov.

DATE RECEIVED CASE INFORMATION	
RECEIVED	2023-COA-251(FP) Appealed
September 18, 2023	COA NUMBER: 529 FLETCHER AVE
INDIANAPOLIS HISTORIC PRESERVATION COMMISSION	ADDRESS WHERE WORK IS TO BE DONE: DAVID KINGEN
	APPELLANT NAME: <u>October 4,</u> Sept. 06, 2023
	HEARING DATE:

PLEASE BE SURE TO SEND AN ELECTRONIC COPY OF THESE PLANS WITH THIS COVER SHEET ATTACHED TO THE TOP TO IHPC@INDY.GOV

September 18, 2023

INDIANAPOLIS HISTORIC
PRESERVATION COMMISSION

501 Fletcher Avenue Residents' Opposition to the 529 Fletcher Deck Expansion - 2023-COA-251

After providing an introduction and background information, this memo explains the negative impact granting this COA application will have on the 501 Fletcher Avenue residents and the Fletcher Place community; why granting the COA application is inconsistent with the Fletcher Place Historic Area Preservation Plan*, previous IHPC practice and zoning laws; and how the IHPC staff hearing violated Indiana law and the Indiana Constitution.

Introduction

Granting this COA application will negatively impact the quality of our residents' lives, our home values and the successful historic preservation efforts which were identified in the Plan and critical to the Fletcher Place community. Our homes at 501 Fletcher Avenue comprise four condominium units located in the former Fletcher Place United Methodist Church [Picture 1, cover page of the Plan], which was built between 1872 and 1880. Our property is at the intersection of Fletcher and Virginia Avenues in downtown Indianapolis and is described in the Plan as "the strongest visual landmark in Fletcher Place" (Plan, p. 13), and as the "visual and symbolic entrance to Fletcher Place from downtown." (Plan, p. 110).

The Plan recognized the Fletcher Place United Methodist Church was a historic structure which was losing its original function as a church and needed to be preserved and repurposed. (Plan, p. 103). The 501 Fletcher Avenue condominiums are consistent with the Plan's recommended adaptive use for this historic building – "Adaptative uses for these buildings [including 501 Fletcher Avenue] should be sought, and all private efforts to rehabilitate these building to productive uses should be encouraged by the City and the neighborhood."

The 501 Fletcher Avenue residents have collectively invested millions of dollars to purchase these condominiums and invest thousands of dollars each month in improvement and maintenance costs. Our four condominium units include seven residents, four of whom are women, and two of the four women are black. The residents have worked cooperatively together for years to maintain this beautiful, but expensive historic church building, and the repurposed residential condominiums have been a success for the Fletcher Place community and its historic preservation efforts.

*Fletcher Place Historic Area Preservation Plan, incorporated by reference and available at <https://citybase-cms-prod.s3.amazonaws.com/c1b43bac77924941a096e372b15e811b.pdf>; ("Plan")

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Indiana Landmarks recently inspected our property noting in a July 26, 2023, letter –

It is apparent that you have been most diligent in the stewardship of your property. Such constant monitoring and upkeep demand a great amount of energy, time and money. We at Indiana Landmarks want you to be aware how much we appreciate your effort to maintain an important part of our built environment. [Attachment A].

All residents at 501 Fletcher Avenue oppose granting the COA application and sincerely believe granting the COA will negatively impact our property values and the entrance to our Fletcher Place community. The property values will decrease considerably, the living conditions have already changed for the worse and residents will reluctantly sell their properties should this COA application be approved by the Commission (discussed in more detail below).

The Fletcher Place Neighborhood Association and Land Use Committee also expressed concerns with the IHPC’s hearing and their granting of the COA application, stating in an August 18, 2023 letter to the Indianapolis Historic Preservation Commission –

“Our position is we feel 2023-COA-251 should have followed a similar process to 04-431(FP) [which required a zoning variance] for allowing the residential deck modification on a c5 zoned property.” “[W]e feel the modifications to the residential deck to a C5 zoned property should not have been approved or at least extended a continuance [as requested by the Fletcher Place Neighborhood Association and Land Use Committee and 501 Fletcher Avenue residents] to further look into the matter with the concerned residents.” [Attachment B].

Background Information

Picture 2 shows the locations of the three properties associated with this COA application – the 501 Fletcher Avenue property (remonstrators’ condominium units), the 529 Fletcher Avenue property that extended their deck in June 2021 by nearly 100% without a permit and before filing a COA application, and the 430 Virginia Avenue property.

Picture 2 shows the location of the four condominium units within the 501 Fletcher Avenue building, with Fletcher Avenue being the street on the left of the picture and Virginia Avenue the street on the right side of the picture. The 529 Fletcher Avenue property is on the left side of the 501 Fletcher Avenue property along Fletcher Avenue, and the 430 Virginia property is behind 501 Fletcher Avenue and on the right side of the picture along Virginia Avenue.

The 529 Fletcher Avenue and the 430 Virginia Avenue properties are co-owned by the COA applicant, connect to each other behind the 501 Fletcher Avenue property, are zoned for commercial uses (C-5), are sporadically occupied, and have been the subject of a proposed commercial venture (winery and art gallery) which includes outdoor music and entertainment (discussed below).

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Picture 3 was taken from Fletcher Avenue and shows the front of the 529 Fletcher Avenue property and the side of the 501 Fletcher Avenue property (units A and C). The deck extension that is the subject of this hearing is directly behind the white fence. The windows on this side of the 501 Fletcher Avenue property are the only windows in units A (living room, kitchen, and bedroom) and C (living space).

Picture 4 shows the deck before the white fence was added to conceal the deck from Fletcher Avenue. The fence separating the 501 and 529 Fletcher Avenue properties is on the outer edge of the 529 Fletcher Avenue property and is 5-5 ½ feet tall. Importantly, the deck extension has no side yard setback to the 501 Fletcher Avenue side yard property line, is ten feet from the 501 Fletcher Avenue building and lower level windows, and the result is the new deck is now elevated above the fence and alongside the only windows in 501 Fletcher Avenue units A and C (the deck elevation increased from 0 inches at the south end of the original deck (built in 2007) to 21 inches toward the end of the new deck toward Fletcher Avenue).

Picture 5 shows the 529 Fletcher Avenue deck - repaired boards on the original deck, and the expansion of the deck along the 529 Fletcher Avenue property (lighter colored boards) and 501 Fletcher Avenue property lines toward Fletcher Avenue. The original deck is mostly behind the Fletcher Avenue condominium units, is closer to the 529 Fletcher Avenue building (further from the fence) and is barely elevated off the ground. The deck extension more than doubles the length of the deck (25 feet) along the 501 Fletcher Avenue condominium living areas and significantly increased the deck's elevation.

Picture 6 shows the new outdoor gathering space on the 529 Fletcher Avenue property is now located almost exclusively on the newly extended and elevated part of the deck (stained to match the old deck), along the 501 Fletcher Avenue property unit A and C living areas.

Pictures 7 (a) and (b, taken from unit A bedroom) show the visual impact (above the fence) of the deck's new location and increased elevation. The deck's increased elevation also results in significantly more noise.

Pictures 8 (a)-(d) show where and the ease with which the 529 Fletcher and the 430 Virginia Avenue properties, can be joined for a C-5 commercial venture. A concrete patio already exists behind the 430 Virginia Avenue property [Picture 8 (a and b)]. Although not confirmed, the concrete patio is also believed to have been constructed by the current 430 Virginia Avenue homeowner before obtaining an approved COA application. The newly constructed deck extends as far toward Fletcher Avenue and as wide as possible alongside the 529 Fletcher Avenue property line (Picture 8 (c)). The existing space between the 529 Fletcher Avenue and the 430 Virginia Avenue properties (Picture 8 (d)) can be paved (shed removed) to join the two co-owned properties for the proposed outdoor music and entertainment center.

The 501 Fletcher Avenue residents and members of the LUC are also concerned with the way in which this deck extension was handled – knowingly without a construction permit or applying in advance for a COA.

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When the deck was being constructed (June 17, 2021), the noise was particularly loud (video 1), Brian Barrett (501 Fletcher Avenue resident) asked the construction personnel what was being constructed and whether there was a permit for the construction, because no permit was displayed on the 529 Fletcher Avenue property. The construction foreman incorrectly stated there was a valid permit for the construction that had been stolen from the front door. The construction foreman then contacted Kim Cook who stated to Brian Barrett on the phone that the deck was not being extended – boards were merely being replaced. The IHPC staff and aerial photos confirmed the deck was extended and elevated above the ground without a valid permit and before filing a COA application.

The 430 Virginia Avenue concrete patio was also constructed by the same property owner. [Picture 8 (a and b)].

The Negative Impact of the Deck Expansion

The 501 Fletcher Avenue residents' concerns impacting the values and use of their homes are legitimate. Before the deck extension, the 529 Fletcher (wooden deck) and 430 Virginia (concrete patio) gathering areas were located mostly behind the 501 Fletcher Avenue living areas and were not significantly elevated above the ground, so most of the activity and noise were below the fence and behind and further from the living and sleeping areas in the 501 Fletcher Avenue condominium units A and C. The 529 Fletcher Avenue deck has been extended by nearly 100% (25 feet) and elevated, with no side yard setback to the 501 Fletcher Avenue side property line.

The newly extended deck results in considerable noise (every footstep and word are heard) and visibility of people above the fence line, completely changing the living conditions in 501 Fletcher Avenue units A and C. (Attachment C, declarations from Unit A and Unit C residents). Unit A must close blinds and turn on background noise, and unit C must close its windows, to block the new deck activity when people congregate on the deck. Even without a regular C-5 commercial use, this new deck negatively impacts the 501 Fletcher Avenue residents' quality of life and investments and threatens the Plan's successful repurposing of the Fletcher Place United Methodist Church into residential condominiums.

An additional concern is the 529 Fletcher Avenue and the 430 Virginia Avenue properties are zoned for commercial (C-5) uses. The Indianapolis zoning ordinance states (emphasis added) –

“General Commercial District (C-5) The C-5 District is designed to provide . . . *activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts* [e.g., historic preservation districts].

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The Indianapolis zoning ordinance expressly recognizes the potential disharmony when C-5 activities and operations are located near residential and historic preservation areas – let alone when a C-5 structure is allowed to be built and elevated zero lot-line to residential condominiums.

The 529 Fletcher Avenue and the 430 Virginia Avenue property owner and their attorney have already presented a commercial development plan to the Fletcher Place Neighborhood Association and Land Use Committee to develop these properties into a winery and art gallery, with outdoor music and entertainment, which would significantly increase noise and outdoor activities on these properties – presumably on the newly constructed and extended deck.

The 529 Fletcher Avenue and the 430 Virginia Avenue property owners own and operate a winery in McCordsville, Indiana that has reportedly presented nearby residents with similar concerns.

The Town of McCordsville and Daniel's Vineyard [co-owned and operated by Kim Cook a co-owner of the 529 Fletcher Avenue and the 430 Virginia Avenue properties] have had issues earlier this year when town officials fined Daniel's vineyard for violating its noise ordinance that prohibits sound, such as live music, to be heard within 20 feet of a neighbor's property line. The ordinance was drafted by the town when neighbors made complaints about hearing noise from the vineyard's live music events.

[Daniel's Vineyard closing to the public: Owners cite restrictions from town as primary reason for closing. <https://youarecurrent.com/2018/10/29/daniels-vineyard-announces-it-will-close-to-the-public/>]

Future commercial development of these properties will only exacerbate the existing noise and visibility concerns caused by the extended deck. This would make condominium units A and C nearly impossible to live in. If the deck is allowed to remain as constructed, this will lower the values of units A and C which runs the substantial risk of lowering the value of all four 501 Fletcher Avenue condominium units and ruining the successful repurposed residential use of this landmark building. In addition to the thousands of dollars of monthly maintenance costs, costly roof and structural repairs to the church building are currently needed. With only four units to cover these needed maintenance and repair costs, negatively impacting the value of even one unit will negatively impact the sustainability of the entire repurposed residential development at 501 Fletcher Avenue.

The 501 Fletcher Avenue residents understand that living downtown Indianapolis includes living in close proximity to neighbors and living at one of the busiest intersections in Indianapolis comes with a lot of noise (e.g., road, train, helicopter, sirens) and activity (garage break-in in 2021 and home invasion in 2022). However, what none of us expected and don't appreciate is having an elevated deck built along our residences without application for a permit on a commercially zoned property with no setback to our property line. This creates a regular disturbance that impacts the enjoyment and value of our properties.

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Compounding our concerns was an IHPC staff hearing where a decision to grant the COA application was made before the hearing even began (discussed below), IHPC staff's refusal to allow the Fletcher Place Land Use Committee an opportunity to formally review this matter with the residents to try to arrive at a reasonable solution consistent with the Plan, and any consideration to reasonable conditions that could have accompanied the COA application's approval. Residents were encouraged to contact the police should inevitable noise concerns arise, which is no way to approach successful land use matters with residents who have made multi-million dollar investments in their residences.

We believe many downtown Indianapolis residents share our concerns as was written in the most recent edition of the *Urban Times* (September 2023). According to Dakota Pawlicki [President, Fountain Square Neighborhood Association]:

"Residents of Indianapolis communities should have a voice in the development that comes to their communities. They should be the leading voice when prioritizing public and private investment. Despite this clear role, neighborhood associations are threatened. It is too easy for city and county agencies to ignore the voice of the community members when discussing issues of zoning and development."

These practices need to change, or many people will not feel confident investing in residential properties in Indianapolis.

The COA is Inconsistent with the Fletcher Place Historic Area Preservation Plan

Chapter 742, Article 1, Section 10 of the Marion County Zoning Ordinance, effective May 8, 2023, states "[t]he purpose of the historic preservation districts "is to ensure that all use and development of land in districts takes place in accordance with the principles set forth in the adopted Historic Preservation Plan." A (1).

In addition, in accordance with Section 10 A.2 (b) of Chapter 742, Article 1, Section 10 of the Marion County Zoning Ordinance, in making decisions, the IHPC shall be guided by the "Recommendations" section and the "Design Standards" section in the applicable Historic Preservation Plan. Development standards determined in this manner include, but are not limited to: a. ***Setback lines and minimum yards: front, side and rear. . .***" (emphasis added).

IHPC's decision to approve the COA application is inconsistent with the Plan for several reasons.

1-The Plan states that a C5-General Commercial District is characterized by commercial uses with outdoor operation that should be grouped by heavy commercial throughfares and ***should never be located adjacent to residential districts***. The Plan recommends C-5 properties retain a "20-foot setback (side or rear) where adjacent to a residential district." (Plan, p. 86).

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The Plan's setback requirements are consistent with the relevant Marion County Zoning Ordinance - General Commercial District (C-5). ***The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.*** The minimum side yard setbacks for this type of commercial property are 10-20 feet. See Marion County Zoning Ordinance, pages 228-229.

The Plan is clear in its recommendation to retain these building setbacks, and the importance of avoiding introducing new construction incompatible with the character of the neighborhood. Plan, p. 115. "The Applicant [for a COA] must have an improvement location permit (ILP) if the work on the structure changes the height, size, or lateral bulk of the structure that is being rehabilitated. If an applicant is erecting any new structure or removing one, an ILP must be obtained." (emphasis in original). (Plan, p. 142).

2-The Plan states – "The principal reason for adopting the Fletcher Place Historic Area Preservation Plan is to provide protection for the architectural and historical character currently threatened by improper zoning and expanding industry. Equally important, however, is the protection of *existing residents and their investments*." P. 103. The Foreword also states – "[o]ne purpose of the preservation plan is to provide a *protective umbrella for the present and future residents* of the neighborhood so that they may invest financially and physically in the area with assurance that their efforts will be worthwhile." [Foreword, iii]. Clearly, the Plan intended to protect residents - like the 501 Fletcher Avenue residents - who have made millions of dollars in property investments – the Plan repeatedly expresses concerns with activities that could negatively impact residences and residential investments.

When concerns about the increased noise were raised with the IHPC staff, the staff stated – "If excessive noise from the use of a yard is a concern, regardless of whether a deck is present or not, it is a matter for the police to handle. . . ." Email from Dean Kessler, IHPC Hearing Officer, July 5, 2023. The IHPC staff's failure to consider the noise and visual impact on the residential use of the 501 Fletcher Avenue condominiums is not an approach that will preserve the historic preservation of Fletcher Place because as recognized in the Plan, protecting residents and their investments is equally important to protecting the historic character of Fletcher Place. (Plan, p.1).

3-The Plan "encourages the involvement of the neighborhood in all stages of the plan's implementation. Only through concerted effort towards cooperation can issues be resolved to the best possible effect." The Fletcher Place Neighborhood Association and Land Use Committee wrote a letter to the IHPC requesting a continuance of the IHPC's 07/18/2023 hearing to review and discuss this matter with all of the Fletcher Place residents. Unfortunately, the IHPC denied the LUC's request, which is inconsistent with the Plan.

Granting the COA without additional considerations will result in negative consequences for the 501 Fletcher Avenue residents, which is an important gateway to Fletcher Place. The IHPC COA decision is inconsistent with the Plan and should be vacated. This property should be rezoned

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as a residential property before considering whether to allow a zero lot-line structure to be built and elevated along the 501 Fletcher Place condominiums.

The COA is Inconsistent with Previous IHPC Practice and Zoning Requirements

- Because the property is zoned C5 the IHPC the constructed deck should not have been approved without the rezone to a dwelling district designation or a Variance of Use prior to the issuance of COA.
- The IHPC has the right by Indy rezone to waive the side yard setback in a property that is a dwelling and zoned in a category that starts with D such as D5, D6, D7, D8, d9 D10; but does not have the right to waive a side yard setback of a property that is zoned C1, C3, C4, C5, C6 or C7.
- The height above grade of the west side yard deck exceeds 18” in height and thus would require a rezone or a Variance of Use since the property is zoned C5.

The IHPC Hearing Violated Indiana Law and Article I, Section 23 of the Indiana Constitution and Must be Vacated

The Indiana Historical Preservation Commission Violated Indiana Code § 5-3-1

The IHPC, an Indiana agency, is required to hold a public hearing only after providing accurate public notice. The IHPC hearing notices for this COA application are inaccurate, misleading and violate IC § 5-3-1.

There are three differently worded hearing notices associated with this COA application.

The first IHPC hearing notice [7/3/2023] states (emphasis added) –

“WORK TO BE DONE: Expanding the deck to the north and west fence lines.” Picture 9 (a).

Although unclear, “Work To Be Done” may inaccurately refer to work ALREADY DONE because the deck extension associated with this COA application was completed in 2021. In addition, reference to the north fence line is misleading because prior to this new construction there was no fence on the north end of the 529 Fletcher Avenue property.

The next IHPC hearing notice, sent after the first IHPC hearing, states –

“Work started without approval retain deck enlargement and fencing along side of house. Appeal of 7/18/2023 IHPC Hearing Officer decision.” Picture 9 (b).

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It is unclear whether the work has only “started” on this property or whether this work has been completed. If the work is not complete, the notice is unclear regarding what further work will be done that could impact the 501 Fletcher Avenue residents or other interested members of the public. If the work is complete, reference to work being started is inaccurate and misleading.

Note that the Hearing Agenda for the September 6, 2023, IHPC Meeting stated - “2023-COA-251 (FP), 529 FLETCHER AVE. Retain deck extension and fence in side yard constructed without approval.” There is no reference to “**WORK TO BE DONE**” or “Work started,” and no reference to a north fence line. Picture 9 (c). The original COA application (Picture 9 (d)) also states – “retain deck enlargement along side of house (concealed by fencing).”

One Fletcher Place resident who read the notice contacted the IHPC staff suggesting the notice be reconsidered because he believes the notice was misleading – “I was very disappointed by the responses from the [IHPC] staff regarding what I feel was a misleading and inaccurate description of the work to be done...in particular, it didn't state that the work was in fact already completed.” [Attachment D, email from resident, Jeff Miller]

It is relevant whether this COA application is directed to - ***WORK TO BE DONE, Work Started (but not completed) or work that had been completed.*** Stating work is to be done in the future or is ongoing is inaccurate and misleading if work has been completed. IHPC’s public notices were inaccurate, misleading, and violated Indiana public notice requirements. This matter should be returned to the IHPC staff with instructions to provide proper public notice before any future hearings.

IHPC’s Decision Violates Indiana Code § 36-7-11-5

The IHPC Hearing Officer recognized that the IHPC does not even have jurisdiction over this deck extension and that IHPC lacks the legal authority to review and (dis)approve this COA application (deck extension). The 529 Fletcher Avenue deck was originally visible from Fletcher Avenue, which made it within IHPC’s jurisdiction. [Picture 4]. However, for some reason, after the deck was constructed, the original front fencing, which allowed for visibility of the deck from Fletcher Avenue, was replaced with a solid white fence to conceal the deck from the street. [Picture 3]. The Hearing Officer apparently recognized that the filing of a COA application for a deck concealed from public view did not present any visual historic aspects within IHPC’s jurisdiction.

The IHPC Hearing Officer stated in regard to this COA application - “The IHPC can only review the project on the merits of the design and whether or not it negatively effects [sic] the historic

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architecture. Those are the only aspects of the deck that the IHPC has the jurisdiction to review.” [Email from Dean Kessler, IHPC Hearing Officer, July 5, 2023].

The IHPC staff was likely referring to limits on IHPC’s authority in Indiana Code § 36-7-11-5 – “the commission may . . . consider details of design, interior arrangements, or building features if those details, arrangements, or features are not subject to public view. . . .” (emphasis added).

The IHPC staff approval of the deck extension and IHPC review of this approval are beyond the statutory authority granted to IHPC to review and (dis)approve the deck extension, which is not subject to public view. Therefore, the IHPC decision should be vacated.

IHPC’s Implementing Rules Violate Indiana Code § 4-22-2

We also note for the record that the IHPC is operating under rules that violate IC § 4-22-2. Indiana’s Administrative Rulemaking Process is governed by IC § 4-22-2. In response from IHPC to a request for applicable laws and regulations governing IHPC’s authority, responsibilities, and regulations, the IHPC provided links to the applicable statute and various implementing policies and procedure documents. These documents have been promulgated and amended repeatedly in a manner that appears to be inconsistent with IC § 4-22-2. This impacted many aspects of preparing for the hearing and understanding of our rights. For example, the Fletcher Place Land Use Committee (LUC) requested that IHPC continue this hearing for a later date to allow them to study the matter, in particular because of being contacted by residents, but IHPC replied that the LUC would need to attend the hearing to make this request. There are other prejudices caused by improper rulemaking, including the timing for filing this brief prior to the hearing. IHPC must provide meaningful public input in its rules that bind the public. See IC § 4-22-2.

The IHPC Hearing Violated Article I, Section 23 of the Indiana Constitution

Indiana law requires IHPC hearings to be conducted with due process, which mandates an opportunity to be heard before a neutral and unbiased fact finder and that agency decisions are not reached on the basis of preconceived bias or prejudice. *City of Hobart Common Council v. Behavioral Inst. Of Ind., LLC*. (Ind. Ct. App. 2003), citing *LLC. Citing Perry-Worth Concerned Citizens v. Bd. Of Comm’rs of Boone County*, 723 N.E.2d 457, 460 (Ind. Ct App. 2000); *Rynerson v. City of Franklin*, 669 N.E.2d 964, 967 (Ind. 1996); *Couch v. Hamilton County Bd. of Zoning Appeals*, 609 N.E.2d 39, 42 (Ind. Ct. App. 1993); and *New Trend Beauty Sch. v. Bd. of Beauty Cutters Exam’rs*, 518 N.E.2d 1101, 1104-05 (Ind. Ct. App. 1988)).

The IHPC hearing officer stated to the remonstrator’s representative, David Kingen, on 7/13/23, before the hearing, that the COA application would be approved and issued at the 7/18/23 IHPC hearing. The IHPC hearing officer also admitted during the IHPC hearing directed to this

September 18, 2023INDIANAPOLIS HISTORIC
PRESERVATION COMMISSION

COA application, on the record, that he had been “instructed” to approve the COA and was going to do so. [Attachment E, remonstrators’ declaration]. This instruction had to have come prior to the IHPC hearing by someone who didn’t attend the public hearing on IHPC’s behalf because the only other IHPC employee who attended the hearing was IHPC’s legal counsel who stated on the record he had not reviewed the file and was present merely to support the hearing officer. The IHPC attorney made no such instruction to the hearing officer during the hearing. Remonstrators requested that the IHPC official who instructed the hearing officer to issue the COA appear at the hearing and be identified, but this IHPC official was not identified and did not appear. Mr. Joel Aguilar, member of the Fletcher Place Land Use Committee, expressed concerns with the way this COA application was handled by the IHPC staff. However, Meg Busch, IHPC Administrator, explained to Mr. Aguilar that IHPC often makes administrative decisions whether to grant COA applications before conducting an administrative hearing.

In addition to wasting the parties’ time and resources (participating in hearings and hiring representatives), there is no clearer violation of due process rights than a decision made by an administrative agency before a hearing even takes place. IHPC personnel making administrative decisions that provide remonstrators hearings, must attend those hearings, listen to the facts and make a decision based on all the facts and evidence properly presented and provided in association with the matter. Therefore, the Indiana Constitution’s due process requirements mandate the IHPC decision to grant the COA be vacated. Preferably, the new IHPC hearing will be conducted by the full Commission without reports or other input from staff who participated in the Constitutional violations.

Conclusion

For the reasons stated herein, the Commission should deny the COA application and the deck extension should be removed. Alternatively, the IHPC staff’s decision to grant the COA application should be vacated based on the legal violations identified herein.

In summary -

- The work extending and elevating the deck was done without permission.
- The construction workers and homeowner were misleading about having permission to build the deck and the type of work being done.
- Had a COA petition been sent out in advance of the work, it would have allowed a discussion between all interested parties, and perhaps even an acceptable solution.
- When a COA was finally sent out, it was misleading and implied the work had not yet been done when in fact it had already been done.
- A decision was made by the IHPC staff to approve the work and reward a petitioner who did not follow the rules, even though nearby neighbors were not in support of the work that had been done.

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- The IHPC should take a firm stand that not following the rules, and in the process infringing on the quality of life of neighbors, should not be allowed.

501 Fletcher Avenue Residents' Opposition to the 529 Fletcher Deck Expansion - 2023-COA-251**Introduction**

The 501 Fletcher Avenue residential condominium units are located in the former Fletcher Place United Methodist Church, which is an important landmark in Fletcher Place.

The 529 deck was knowingly elevated above the ground (21") and expanded (25') without a COA or permit along the 501 Fletcher Avenue property - zero lot-line to the living areas and bedrooms.

During construction, construction personnel erroneously stated an improvement location permit had been obtained and the homeowner erroneously stated the deck was being repaired and not extended.

The Negative Impact of the Deck Expansion and Elevation

The deck elevation/expansion is opposed by all 501 Fletcher Avenue residents because of its negative impact on residents (quality of life and home values) and the successful repurposing of the former Fletcher Place United Methodist Church into residential condominium units.

- The 501 Fletcher Avenue residents have invested millions of dollars to purchase these condominiums, invest thousands of dollars each month in improvement and maintenance costs, and the historic building is very costly for four homeowners to maintain.
- The new deck results in considerable noise and visibility concerns, completely changing the living conditions in 501 Fletcher Avenue units A and C.
- The 529 Fletcher Avenue property is zoned for commercial use (C-5), and future commercial development of this property, which has been proposed, will increase concerns.

Approving the COA is Inconsistent with the Fletcher Place Plan

The Plan is clear in its recommendation to retain building setbacks between commercial properties and residences. Plan, p. 115. The 529 deck is zero lot-line to the 501 Fletcher Avenue Property.

No ILP was obtained - "The Applicant [for a COA] must have an improvement location permit (ILP) if the work on the structure changes the height, size, or lateral bulk of the structure that is being rehabilitated. If an applicant is erecting any new structure or removing one, an ILP must be obtained." (emphasis in original). (Plan, p. 142).

The COA is Inconsistent with Previous IHPC Practice and Zoning Requirements

- Because the property is zoned C5 the IHPC the constructed deck should not have been approved without the rezone to a dwelling district designation or a Variance of Use prior to the issuance of COA.
- The IHPC has the right by Indy rezone to waive the side yard setback in a property that is a dwelling and zoned in a category that starts with D such as D5, D6, D7, D8, d9 D10; but

501 Fletcher Avenue Residents' Opposition to the 529 Fletcher Deck Expansion - 2023-COA-251

does not have the right to waive a side yard setback of a property that is zoned C1, C3, C4, C5, C6 or C7.

- The height above grade of the west side yard deck exceeds 18" in height and thus would require a rezone or a Variance of Use since the property is zoned C5.

The IHPC Staff Hearing and Practices Violated Indiana Law

The IHPC staff's hearing notice violated Indiana Code (IC) § 5-3-1, IC § 36-7-11-5 and Article I, Section 23 of the Indiana Constitution; IHPC's rules violate Indiana Code § 4-22-2.

Conclusion

The Commission should deny the COA application and the deck extension should be removed. Alternatively, the IHPC staff's decision to grant the COA application should be vacated based on the legal violations identified herein.

In summary -

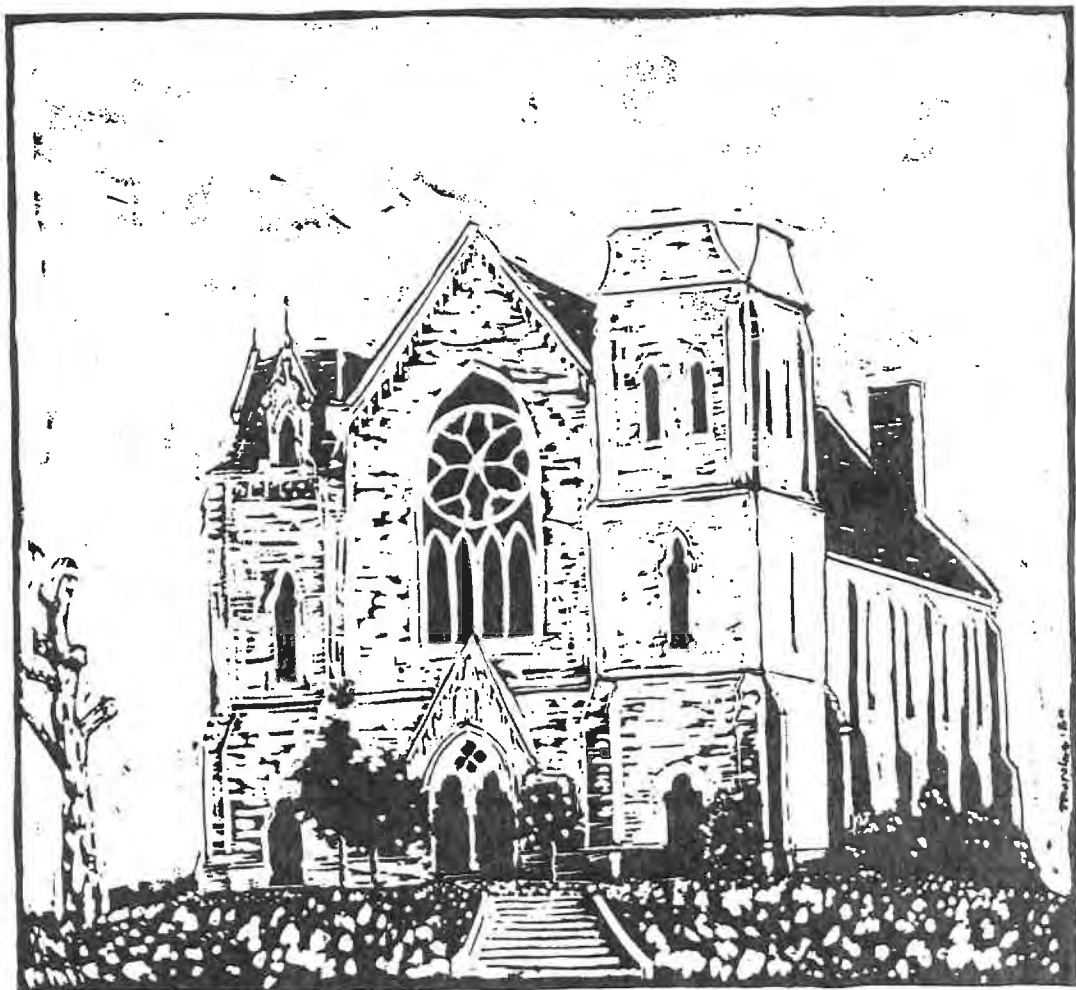
- The work extending and elevating the deck was done without permission.
- The construction workers and homeowner were misleading about having permission to build the deck and the type of work being done.
- Had a COA petition been sent out in advance of the work, it would have allowed a discussion between all interested parties, and perhaps even an acceptable solution.
- When a COA was finally sent out, it was misleading and implied the work had not yet been done when in fact it had already been done.
- A decision was made by the IHPC staff to approve the work and reward a petitioner who did not follow the rules, even though nearby neighbors were not in support of the work that had been done.
- The IHPC should take a firm stand that not following the rules, and in the process infringing on the quality of life of neighbors, should not be allowed.

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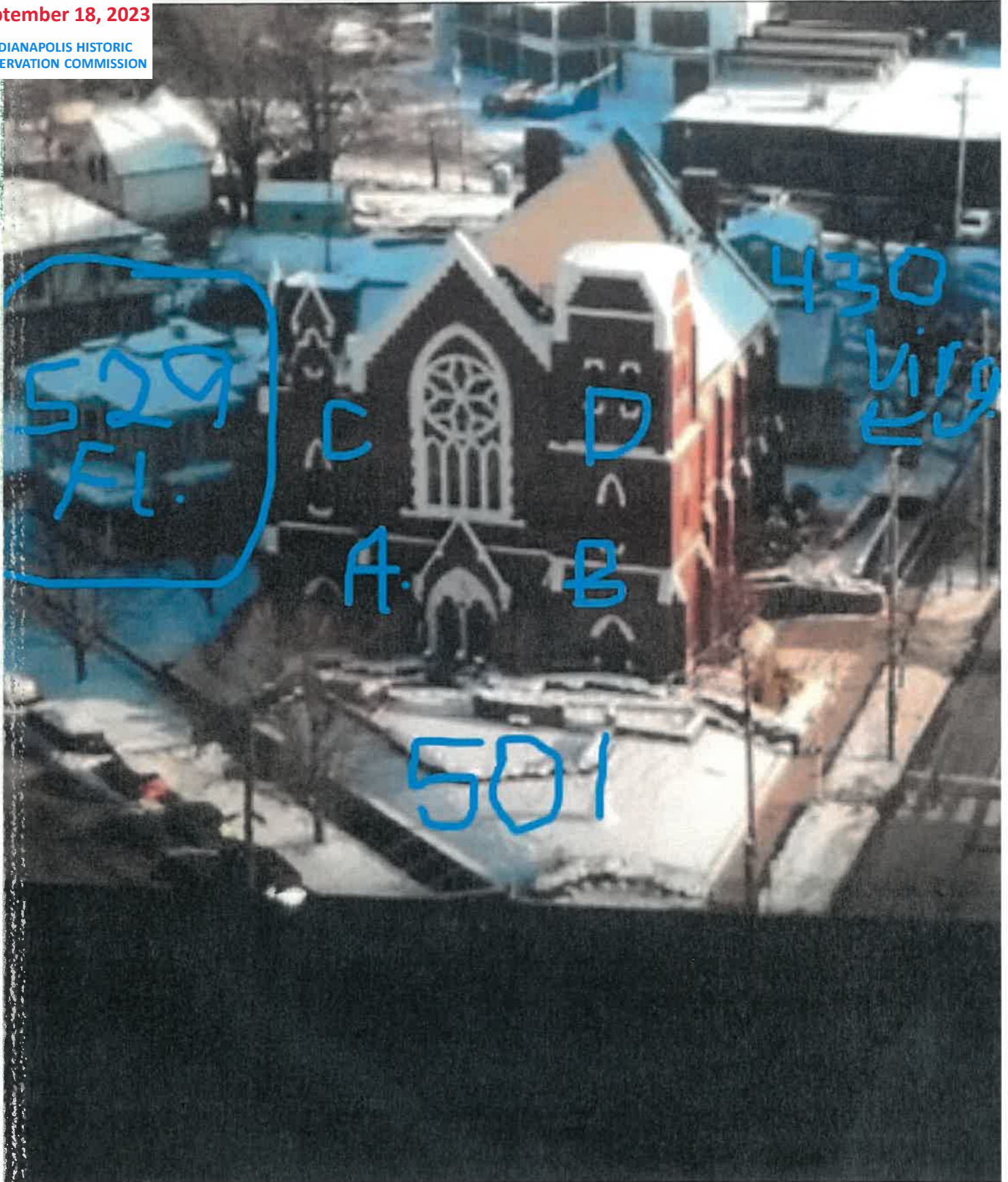
FLETCHER PLACE HISTORIC AREA PRESERVATION PLAN



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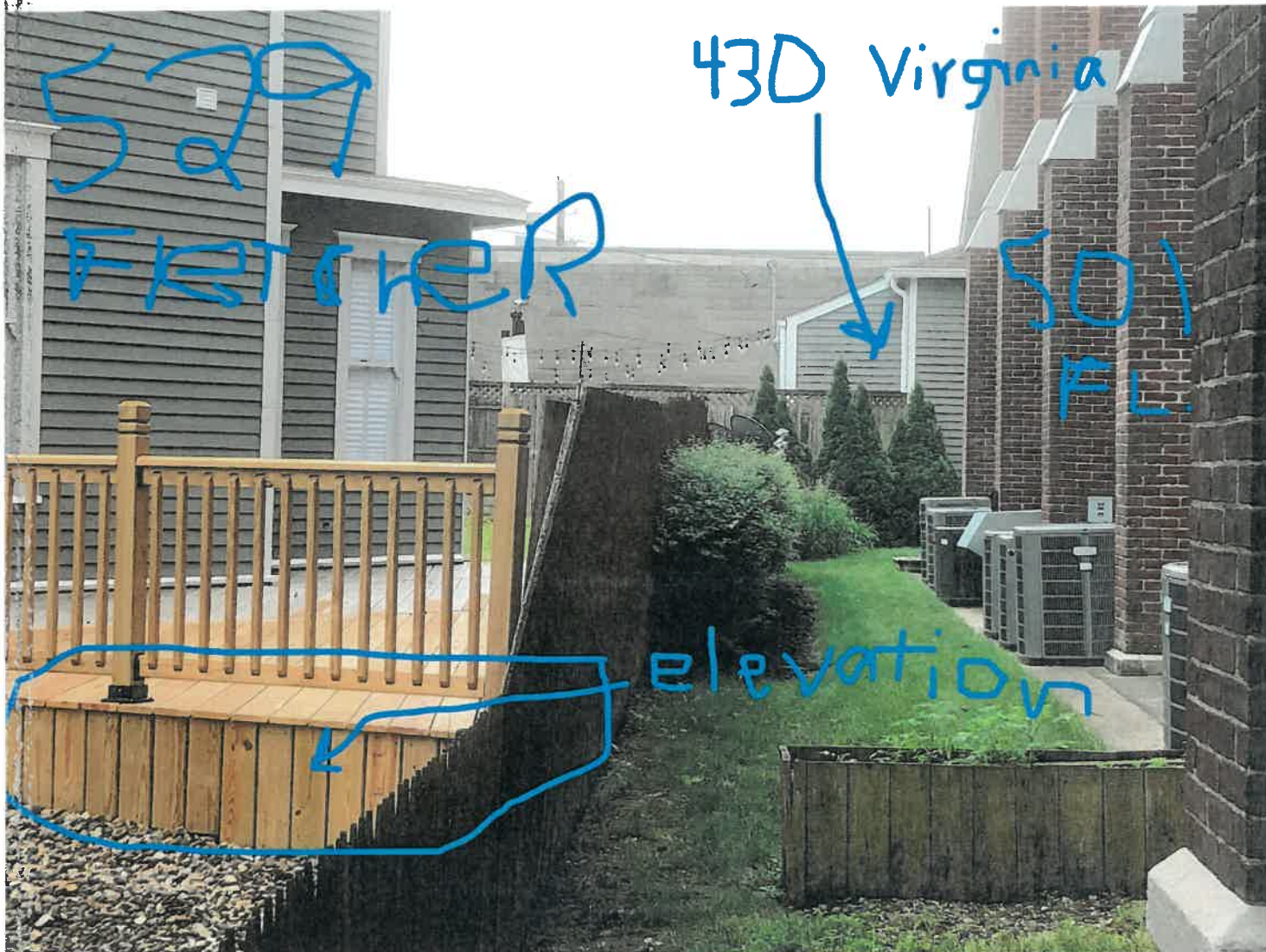




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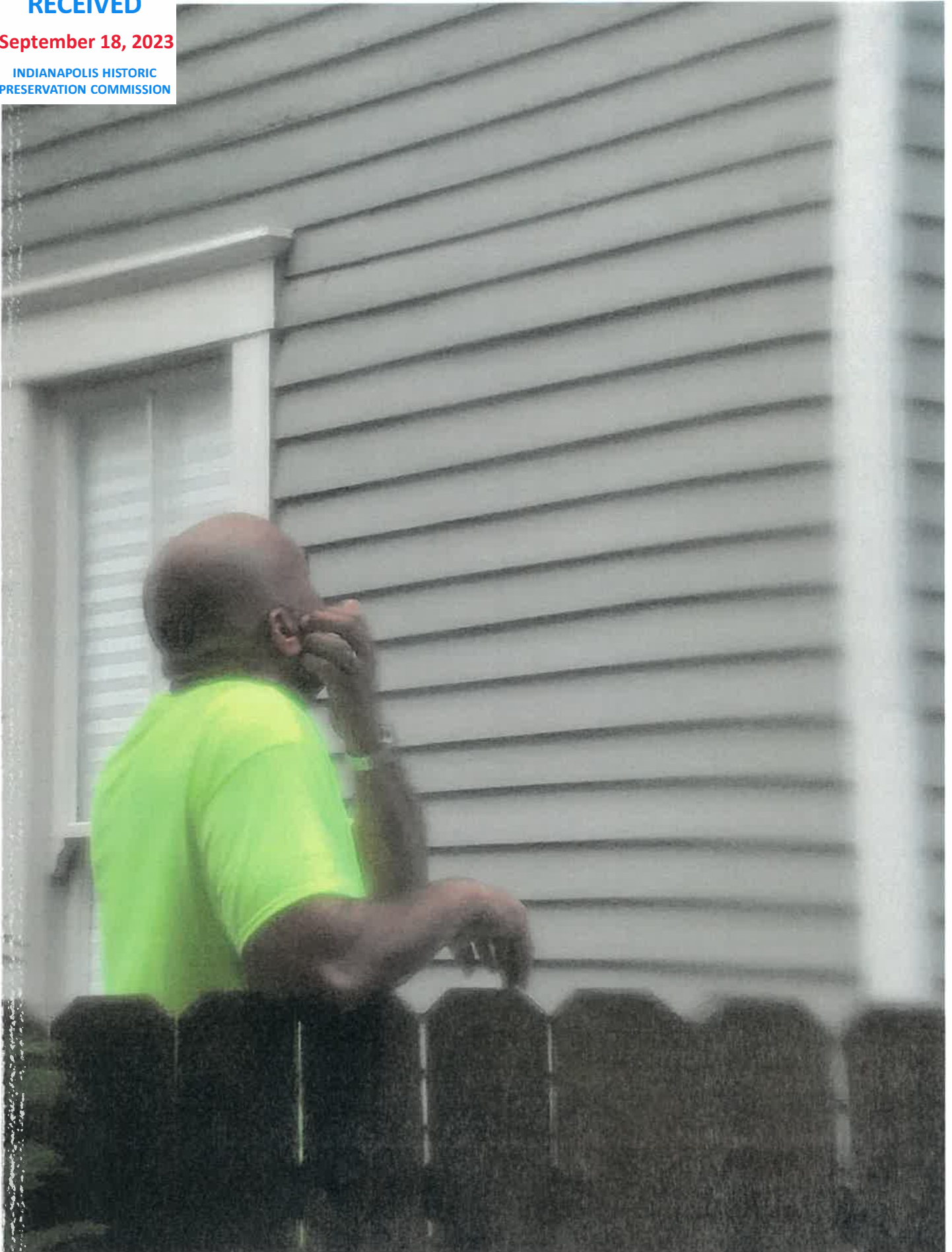
September 18, 2023

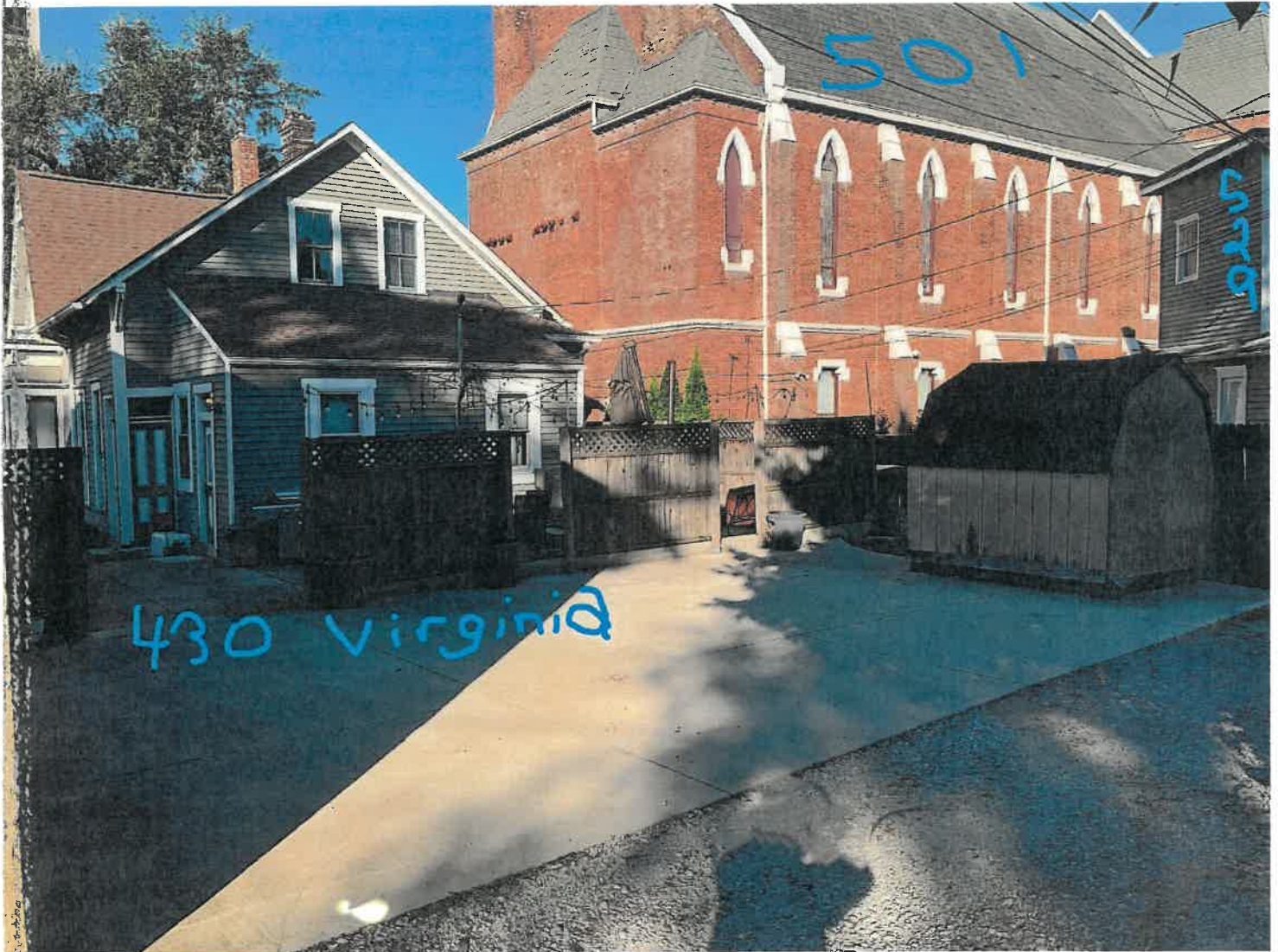
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INDIANAPOLIS HISTORIC PRESERVATION COMMISSION

7/3/23

(Date)

TO WHOM IT MAY CONCERN:

The regular meeting of the ADMINISTRATIVE HEARING of the INDIANAPOLIS HISTORIC PRESERVATION COMMISSION will be held on JULY 18, 2023 at 12:00 P.M.

LOCATION: City-County Building
Room 1842
200 E. Washington St.
Marion County, Indianapolis, Indiana 46204

The following application will be heard:

FILE #: 2023-COA-251 (FP)

APPLICANT: KIM COOK

HISTORIC AREA ADDRESS: 529 FLETCHER AVENUE

WORK TO BE DONE: Expanding the deck to the north and west fence lines.

Applicant Contact Information:

Signature: [Handwritten Signature]

Printed Name: Kim Cook

Street Address: 529 Fletcher Avenue

City, State, Zip: Indianapolis, IN 46203

Phone Number: 317-590-3349 Fax Number:

E-mail: kimlcook@msn.com

Details of the proposal are on file in the offices of the Indianapolis Historic Preservation Commission, Suite 1842, City-County Building. All information may be reviewed between the hours of 8:00 a.m. and 4:45 p.m., Monday through Friday, excluding legal holidays.

Picture: 9A

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INDIANAPOLIS HISTORIC
PRESERVATION COMMISSION



Indianapolis Historic Preservation Commission (IHPC)
HEARING AGENDA

Wednesday, September 6, 2023, 5:30 P.M.
2nd Floor, Public Assembly Room, City-County Building
200 E. Washington St., Indianapolis, Indiana

BUSINESS

I. CALL TO ORDER

**II. APPROVAL OF MINUTES
AUGUST 2023 MINUTES**

III. OLD BUSINESS – NO PUBLIC HEARING
2023-COA-498B (IRV) 5406 UNIVERSITY AVE.
MICHAEL HORTON
Violation check-in.

IV. NEW BUSINESS – NO PUBLIC HEARING
NONE

PUBLIC HEARING

V. REQUEST TO WITHDRAW OR CONTINUE APPLICATIONS

2021-COA-583B 863 MASSACHUSETTS AVE. *continue to December 6, 2023*
(CAMA) ANNE SCHENEIDER
Construct a rooftop addition with deck.

2022-COA-112B 5270 E. WASHINGTON *continue to October 4, 2023*
(IRV) SYLVIA GARCIA
Replace historic tile roof with alternate roofing material.

2023-COA-159 (HMP) 2030 N. ALABAMA ST. *Withdrawn*
JASON WOLFE
Demolish historic porte-cochere, enclosed rear porch, uncovered patio,
non-historic sheds, driveway and curb cut.

2023-COA-251 (FP) 529 FLETCHER AVE. *continue to October 4, 2023*
Retain deck extension and fence in side yard constructed without
approval.

2023-COA-252 (HMP) 2133 N. TALBOTT *continue to October 4, 2023*
MARK CROUCH
Construct new 2.5 story, single family residence with detached 2 story 3-
car carriage house.

VI. EXPEDITED CASES

2023-COA-309 (IRV) 5925 DEWEY AVE.
TAMMY RICE
Demolish historic garage & construct new detached garage.

Picture: 9c

2023-COA-316 (LS) **414 N. COLLEGE AVE**
MARIELENA (LENA) BURT (ANGLED FAÇADE LLC)
Change of use in Lockerbie Square HP-1 district from office to retail;
alter storefront; install 6 signs; install ADA ramps and bike rack; and
modify existing patio.

VII. APPLICATIONS TO BE HEARD (CONTINUED)

NONE

VIII. APPLICATIONS TO BE HEARD (NEW)

2023-COA-306 (LS) **337 N. PARK AVE**
MARK DEMERLY
Construct house with attached garage.

VIII. PRELIMINARY REVIEW

NONE

X. APPLICATIONS TO BE HEARD – WORK STARTED WITHOUT APPROVAL

NONE

XI. CLOSING BUSINESS

NONE

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**INDIANAPOLIS HISTORIC
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529 Fletcher Avenue

ADDRESS _____

COA# **2023-COA-251 (FP)**

NAME **Kim Cook**

PHONE **(317) 590-3349**

EMAIL **Kimlcook@msn.com**



REVIEW REQUIRED: STAFF **Emily**

ADMIN _____

COMMISSION _____

FEES: NO FEE

ASSESS FEE(S) OF \$ **50** FOR **Late fee**

\$ _____ FOR _____

\$ _____ FOR _____

\$ **25** FOR SPO

NOTES: notes for applications.

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Pieces: 9D



City of Indianapolis

Apply for a Certificate of Appropriateness - Apply for a Certificate of Appropriateness

View on Screendoor at <https://screendoor.dobt.co/indy/apply-for-a-certificate-of-appropriateness/admin/responses/553>

Name

No response

Email

No response

Is this property in an IHPC district?

Yes

No

Property Address

529 Fletcher ave
Indianapolis, Indiana 46203
US

Parcel Number of Property

1100088

Have you spoken to an IHPC staffer regarding this project?

Yes

No

Please select the IHPC staffer to whom you spoke.

Sean Kessler

Emily Jarzen

Shelbi Long

Grace Goedecker

Meg Busch

Melony Evans

Not Sure

Does this project include new construction?

Yes

No

Are you the property owner?

Yes

No

Applicant First Name

Kim

Applicant Last Name

Cook

Applicant email address

Kimcook@msn.com

Confirm applicant email address

Kimcook@msn.com

Applicant Primary Phone Number

(317) 590-3349

Applicant Secondary Phone Number

No response

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Is applicant mailing address the same as the property address?

- Yes
- No

Applicant Mailing Address

11455 Fairport
Indianapolis , Indiana 46236
US

Is a contractor performing the work?

- Yes
- To be determined
- No

Check all minor work that applies.

- Residential fencing
- Lighting/Mailbox
- Temporary Ramps
- Mechanical Equipment
- Small Vents
- Painting
- Plant Materials
- Not applicable
- Other

Check all types of restoration, renovation, or rehab work, that applies.

- Awning/Canopies
- Masonry
- Openings (Windows, Doors)
- Porches/Railings
- Roofing/Gutters/Walls
- Siding/Stucco/Trim
- Not Applicable

Please provide details about the restoration, renovation, or rehab work.

Added approx 3-10ft of deck to meet fence

Check all types of new construction work that apply.

- Accessory building (Garage, Shed, Pool house)
- Accessory building (living quarters)
- Addition
- Commercial building
- Single-Family house
- Double house
- Multi-family house
- Not applicable
- Other

Check all types of demo work that apply.

- Primary structure (historic)
- Primary structure (non-historic)
- Accessory structure (historic)
- Accessory structure (non-historic)
- Not Applicable
- Other



Select the building to be moved.

- Accessory building
- Accessory building with dwelling
- Commercial building
- Single family house
- Double house
- Multi-family house

Not Applicable

Check all types of site improvement that apply.

- Deck and patio
- Driveway walks
- Non-residential fencing
- Fences/gazebos
- Parking
- Pools and Hot tubs
- Permanent Ramps
- Sidewalk rails
- Walls (masonry)
- Not Applicable
- Other

Please provide details about the site improvements.

Add deck to the fence

Check all types of land use petitions that apply.

- Rezone
- Variance of Use
- Variance of Development Standards

Not Applicable

My project involves signage.

Yes

No

Please select the type of supporting documents you will be uploading. You can upload multiple types and multiple files.

No response

Please upload your supporting documentation. (250MB individual file limit)

No response

Estimated Cost of Exterior Work

\$800.00

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INDIANA LANDMARKS

Central Regional Office

1201 Central Avenue, Indianapolis, IN 46202

317 639 4534 / 800 450 4534 / www.indianalandmarks.org

Date 7/26/2023

Brian P. & Michelle J. Barrett
501 Fletcher Ave, Apt A
Indianapolis, IN 46203-117

Dear Brian P. & Michelle J. Barrett,

Indiana Landmarks has recently completed an inspection of your property at 501 Fletcher Ave, Apt A, as it is protected by a/an covenant that our organization holds on your property. The specific findings of this inspection as it relates to your property indicate that it is being maintained in full accordance with the standards set forth in the covenant.

It is apparent that you have been most diligent in the stewardship of your property. Such constant monitoring and upkeep demand a great amount of energy, time and money. We at Indiana Landmarks want you to be aware of how much we appreciate your effort to maintain an important part of our built environment. If we can be of any assistance to you in any future matter concerning your property, please feel free to contact me by phone at (317) 639-4534 or by e-mail at clethig@indianalandmarks.org.

Thank you for your successful upkeep of your property.

Sincerely,

Mark Dollase,
Vice President of Preservation Services, Indiana Landmarks

ATTACHMEN: A1

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INDIANAPOLIS HISTORIC
PRESERVATION COMMISSION



INDIANA LANDMARKS

Central Regional Office

1201 Central Avenue, Indianapolis, IN 46202

317 639 4534 / 800 450 4534 / www.indianalandmarks.org

Date 7/26/2023

Ryan McCarty
501 Fletcher Ave, Unit B
Indianapolis, IN 46203-1055

Dear Ryan McCarty,

Indiana Landmarks has recently completed an inspection of your property at 501 Fletcher Ave, Apt B, as it is protected by a/an covenant that our organization holds on your property. The specific findings of this inspection as it relates to your property indicate that it is being maintained in full accordance with the standards set forth in the covenant.

It is apparent that you have been most diligent in the stewardship of your property. Such constant monitoring and upkeep demand a great amount of energy, time and money. We at Indiana Landmarks want you to be aware of how much we appreciate your effort to maintain an important part of our built environment. If we can be of any assistance to you in any future matter concerning your property, please feel free to contact me by phone at (317) 639-4534 or by e-mail at clethig@indianalandmarks.org.

Thank you for your successful upkeep of your property.

Sincerely,

A handwritten signature in black ink that reads "Mark Dollase".

Mark Dollase,
Vice President of Preservation Services, Indiana Landmarks

ATTACHMENT: AZ



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INDIANAPOLIS HISTORIC
PRESERVATION COMMISSION

August 18, 2023

Indianapolis Historic Preservation Commission
City-County Building
200 East Washington Street
Indianapolis, IN 46204

Re: 2023-COA-251 (FP)

Dear Administrator Purnsley:

On behalf of the Fletcher Place Neighborhood Association and Land Use Committee, I am writing this letter specifically regarding 2023-COA-251 (FP). We are aware of the approved deck modifications at 529 Fletcher Ave., and wanted to provide you our perspective and opinion.

A continuance was requested at the hearing on 07/18/2023 regarding concerned residents at 501 Fletcher Ave (Fletcher Pointe Condos next door) however the petition was still approved without giving the Land Use Committee or concerned residents ample time to look further into their concerns.

In a previous example provided to us (04-431 (FP)), a use variance was required to allow expansion of a non-conforming use. Our position is that we feel 2023-COA-251 should have followed a similar process for allowing the residential deck modification on a c5 zoned property.

In light of this information and based on previous examples, we feel that the modifications to the residential deck to a C5 zoned property should not have been approved or at least extended a continuance to further look into the matter with the concerned residents.

Sincerely,

Allissa Impink 2023-08-18

Allissa Impink, President
Fletcher Place Neighborhood Association

Joel Aguilar 2023-08-18

Joel Aguilar, LUC Chair

ATTACHMENT B



Signature Certificate

Reference number: JK7T6-CURYU-PE5QU-HLD9R

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Signer	Timestamp	Signature
Joel Aguilar Email: liveindy317@gmail.com Sent: 18 Aug 2023 20:04:33 UTC Viewed: 18 Aug 2023 20:04:40 UTC Signed: 18 Aug 2023 20:05:09 UTC		 IP address: 104.55.139.246 Location: Indianapolis, United States
Allissa Impink Email: allissamo@gmail.com Sent: 18 Aug 2023 20:04:33 UTC Viewed: 18 Aug 2023 20:15:03 UTC Signed: 18 Aug 2023 20:15:30 UTC		 IP address: 71.129.152.27 Location: Indianapolis, United States
Recipient Verification: ✓ Email verified	18 Aug 2023 20:15:03 UTC	

Document completed by all parties on:
18 Aug 2023 20:15:30 UTC

Page 1 of 1



Signed with PandaDoc

PandaDoc is a document workflow and certified eSignature solution trusted by 40,000+ companies worldwide.



**DECLARATION OF: KATARA MCCARTY, PRESIDENT, 501
FLETCHER AVENUE HOMEOWNERS' ASSOCIATION**

I the undersigned, KATARA MCCARTY, am the president of the 501 Fletcher Avenue Homeowners' Association. I have observed the deck constructed on the 529 Fletcher Avenue property and believe it creates a serious concern for the residents in our 501 Fletcher Avenue units A and C and the viability of our successful residences. This has the real potential to negatively impact the ability to maintain the funding required to preserve our residences to the standards we believe to be important to the Fletcher Place community.

Signed at Indianapolis, Indiana on this September 17, 2023.


KATARA MCCARTY

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DECLARATION OF: SHANNON RUSH, TREASURER, 501 FLETCHER AVENUE HOMEOWNERS' ASSOCIATION

I the undersigned, SHANNON RUSH, am the treasurer of the 501 Fletcher Avenue Homeowners' Association. I have observed the deck constructed on the 529 Fletcher Avenue property and believe it creates a serious concern for the residents in our 501 Fletcher Avenue units A and C and the viability of our successful residences. This has the real potential to negatively impact the ability to maintain the funding required to preserve our residences to the standards we believe to be important to the Fletcher Place community.

Signed at Indianapolis, Indiana on this September 17, 2023.


SHANNON RUSH

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PRESERVATION COMMISSION

DECLARATION OF: KAREN NATOLI AND ROMAN NATOLI

We the undersigned, KAREN AND ROMAN NATOLI declare under penalty of perjury that we each reside at 501 Fletcher Place (unit C) in Indianapolis Indiana and that we are both medical doctors and surgeons employed in Indianapolis, IN. The noise generated from the addition to the deck to the 529 Fletcher Avenue property negatively impacts our living and sleeping in our residents. The proximity of the deck and its elevation results in hearing every word spoken on the deck and every step taken. Our ability to continue to live and sleep in our residence and enjoy our home will depend upon the Commission's decision on the pending COA application.

Signed at Indianapolis, Indiana on this September 17, 2023.

KAREN NATOLI



ROMAN NATOLI

Roman M. Natoli

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DECLARATION OF: BRIAN BARRETT AND MICHELLE BARRETT

We the undersigned, BRIAN P. BARRETT AND MICHELLE J. BARRETT declare under penalty of perjury that we each reside at 501 Fletcher Place (unit A) in Indianapolis Indiana and that Brian is employed as an attorney with the United States Government and Michelle is employed by Eli Lilly and Company. The noise generated from the addition to the deck to the 529 Fletcher Avenue property negatively impacts our living and sleeping in our residents. The proximity of the deck and its elevation results in hearing every word spoken on the deck and every step taken. Our ability to continue to live and sleep in our residence and enjoy our home will depend upon the Commission's decision on the pending COA application.

Signed at Indianapolis, Indiana on this September 17, 2023.

Brian P. Barrett
BRIAN P. BARRETT
Michelle J. Barrett
MICHELLE J. BARRETT

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- Compose
- Mail **596**
- Inbox
- Starred
- Snoozed
- Sent
- Drafts **77**
- More

Labels

[Gmail]All Mail 1



Jeff Miller
to David, me

8:59 AM (1 hour ago)

I am fine if you include this email exchange in the record. I was very disappointed by the responses from the staff regarding what I feel was a misleading and inaccurate description of the work to be done...in particular, it didn't state that the work was in fact already completed.

----- Forwarded message -----

From: Jeff Miller <jeff4indy@gmail.com>
Date: Thu, Jul 6, 2023 at 7:33 PM
Subject: 2023-COA-251 (FP)
To: <Dean.Kessler@indy.gov>
Cc: Joel Aguilar <landuse@fletcherplace.org>

Dean, I received the notice about 529 Fletcher Ave expanding the deck to the north and west fence lines, but I thought this work had already been done. Was this work completed without a COA? If so, should the petition 2023-COA-251 (FP) state that the work was done w/o a COA? That information is important for the neighborhood to decide what position to take, so it seems it should have been on the public notice that was sent out. Should the petitioner be required to send out a new notice making it clear the work was done without a COA?

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ATTACHMENT: D

**DECLARATION OF: BRIAN P. BARRETT, MICHELLE J. BARRETT,
KATARA MCCARTY AND RYAN MCCARTY**

We the undersigned, BRIAN P. BARRETT, MICHELLE J. BARRETT, KATARA MCCARTY AND RYAN MCCARTY declare under penalty of perjury that we each reside at 501 Fletcher Place in Indianapolis Indiana and that on July 18, 2023, we attended the Indianapolis Historic Preservation Commission (IHPC) hearing directed to 2023-COA-251 (FP) to contest approval of this referenced COA. We further declare that the IHPC hearing officer, Dean Kessler, expressly stated during the hearing that he had been previously instructed to approve the COA and that he was going to follow these instructions. The hearing officer did not provide the name of the person or persons proving him such instructions prior to the meeting, and the only other IHPC personnel who attended this hearing was IHPC legal counsel who expressly stated he had not read the file and could not provide an opinion on the merits of the COA.

Signed at Indianapolis, Indiana on this September 17, 2023.

Brian P Barrett

BRIAN P. BARRETT
Michelle J Barrett

MICHELLE J. BARRETT
Katara McCarty

KATARA MCCARTY
Ryan McCarty

RYAN MCCARTY

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Permitted C-5 Uses

- Emergency Shelter, Daily
- Business, Art or Other Post-Secondary Proprietary School
- Club or Lodge
- Community Center
- Greenway
- Museum, Library or Art Gallery
- Public Safety Facility or Post Office
- Religious Uses
- **Vocational, technical or industrial school or training facility**
- Hospital
- Medical or Dental Office, Centers or Clinics
- Medical or Dental Laboratories
- Plasma (Blood) Center (Special Exception required)
- **Substance abuse treatment facility**
- Animal Care, Boarding, Veterinarian Services
- Artisan Food and Beverage
- Farmers Market
- Check Cashing or Validation Service
- Consumer Services or Repair of Consumer Goods
- Financial and Insurance Services
- Hair and Body Care Salon or Service
- Laundromats
- Mortuary, Funeral Home
- Outdoor Advertising Off-Premise Sign
- Printing Services
- Tattoo Parlor (Special Exception required)
- Bar or Tavern
- Eating Establishment or Food Preparation
- **Indoor Recreation and Entertainment**
- **Indoor spectator Venue**
- **Hotel, Motel, or Hostel**

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- Office: Business, Professional or Government
- **Outdoor Recreation and Entertainment**
- **Agricultural Sciences R&D**
- **Clean Energy R&D**
- Information Technology R&D
- **Life Sciences R&D**
- Logistics R&D
- Department Store
- **Firearm Sales**
- **Fireworks Sales, on-going**
- Grocery Store
- **Liquor Store**
- Pawn Shop
- Retail, Light General
- **Automobile and Light Vehicle Wash**
- **Automobile Fueling Station**
- **Automobile Motorcycle and Light Vehicle Sales or Rental**
- **Automobile, Motorcycle and Light Vehicle Service or Repair**
- **Recycling station**

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Enlarged Deck



Illustration :
#3

03/08/2021

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**CERTIFICATE
OF
APPROPRIATENESS**

2023
INDIANAPOLIS HISTORIC PRESERVATION

FILE NUMBER: 07-328 (FP) DATE ISSUED: June 21, 2007 HISTORIC AREA: Fletcher Place

FOR WORK TO BE DONE AT: 529 Fletcher Ave

APPLICANT: Nick Viliyi

ADDRESS: same CITY/STATE: Indianapolis, IN ZIP CODE: 46202

TYPE OF WORK APPROVED UNDER THIS CERTIFICATE:

Approval of a Certificate of Appropriateness to construct a wood deck as per submitted site plan and subject to the following stipulations:

1. Deck shall be sized and located as indicated on the site plan.
2. No railing on the deck is approved under this certificate.
3. The deck shall be wood and shall not project beyond the side elevation on the house.
4. The deck shall be completely surrounded by landscape screening, including evergreens to cover the visibility of the deck.
5. The deck shall be no taller than the foundation or threshold of the door on the house that leads out to the deck.
6. Any changes in the above scope of work must be approved by IHPC staff prior to commencement of work.

NOTE: The above property is also a Covenant Property with Historic Landmarks Foundation of Indiana. Please contact their office at 639-4534 for further information.

BY: 
Meg Purnsley, Senior Architectural Reviewer

IHPC HEARING ADMINISTRATIVE HEARING STAFF APPROVAL

NOTICE: THIS CERTIFICATE WILL BECOME VOID AFTER: June 21, 2008
CONTACT THE IHPC OFFICE IF AN EXTENSION OF THE EXPIRATION DATE IS NEEDED.

THIS CERTIFICATE IS A PREREQUISITE TO THE ISSUANCE OF ANY BUILDING OR DEMOLITION PERMITS, IMPROVEMENT LOCATION PERMITS, WHEN REQUIRED, AND TO THE GRANTING OF ANY USE VARIANCES OR REZONINGS IN ALL DESIGNATED HISTORIC AREAS OF MARION COUNTY, INDIANA.

INDIANA CODE 36-7 CHAPTER 11.1

THIS CERTIFICATE IS NOT IN AND OF ITSELF PROOF THAT THE MATERIALS AND DOCUMENTS PRESENTED TO OBTAIN A BUILDING, DEMOLITION, IMPROVEMENT LOCATION, OR OTHER PERMITS REFLECT THE SCOPE OF WORK APPROVED BY THE IHPC, UNLESS SAID MATERIALS OR DOCUMENTS BEAR AN APPROVAL STAMP AND DATE FROM THE INDIANAPOLIS HISTORIC PRESERVATION COMMISSION.

RECORDS BUILDING FILE APPLICANT

Illustration # 5

COA # 04-431(FP)	INDIANAPOLIS HISTORIC PRESERVATION COMMISSION STAFF REPORT		Hearing Date NOV. 3, 2004
			Continued From NEW CASE
529 Fletcher Avenue FLECTCHER PLACE			
Applicant & mailing address: NICK VALIYI 529 Fletcher Avenue Indianapolis, IN 46203			
Owner: Nick Valiyi			Center Twp. Council District 19 Dane Mahern
COMBINED CASES			
IHPC COA: 04-431 (FP)		Construction of a 1-½ car detached garage and for a variance.	
BZA Variances: 2004-VHP-036		Variance of Use to allow expansion of a non-conforming use.	

STAFF COMMENTS

Background

Alva May built this 2-story Italianate house in 1881-1882 and it remained a single-family residence for many years. From 1928 to the 1980s, it was the settlement house for the Fletcher Place United Methodist Church. Today, it is once again a single-family residence. An accessory building once existed behind the house.

New Construction

The proposed 1-½ car detached garage is oriented to face the alley. Lap siding, brackets and a frieze band pay tribute to the house. A parapet acts as a guardrail for the roof deck and adds visual mass. The resulting height is 13-ft. and 8-in. above grade. The garage will not be visible from the street.

Need for Variances

Although the house is being used for single-family residential, its lot is zoned commercial. By adding a garage, the non-conforming use would be expanded, thus requiring a variance.

Fletcher Place Preservation Plan

When the Fletcher Place preservation plan was crafted, this property was the settlement house for the church next door. The preservation plan proposes that the church and this property be zoned for Special Use (SU), a typical classification for religious worship. However, the plan proposes D-8 zoning for the lot next door. *"New construction must relate the elements of the new building to the characteristics of the historic district and its individual components.... Any new construction must reflect the traditional location and relationship of buildings on their sites."*

LAND USE AND ZONING TABLE		
	Existing Land Use	Existing Zoning
Subject Property: 529 Fletcher Ave.	Single-Family	D-8
Surrounding Property	North	Single-Family
	South	Single-Family
	East	Single-Family
	West	Conference Center

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STAFF RECOMMENDED MOTIONS

1. COA #04-431 (FP):

To approve a Certificate of Appropriateness for construction of a detached 1-½ car garage and for approval of a variance of use, all per the submitted documentation and subject to the following stipulations:

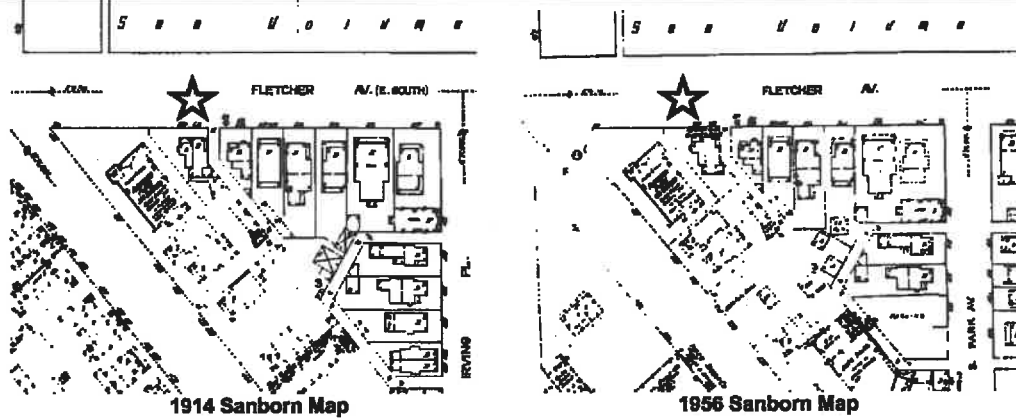
- 1) Construction must not commence prior to approval by the IHPC staff of final construction drawings. *Approved _____ Date _____*
- 2) A pre-construction meeting with IHPC staff, the designer, the owner, and the person responsible for construction must be held prior to the commencement of any construction. *Approved _____ Date _____*
- 3) The site shall be field staked (no offsets) and approved by IHPC staff prior to construction. *Approved _____ Date _____*
- 4) Paint colors, trim and siding materials shall match those on the house.
- 5) Any changes to the proposed design are to be approved by IHPC staff prior to commencement of work.
- 6) Siding may be wood or cement-fiber with a reveal matching the siding on the house. All siding and trim must have a smooth texture, be free of embossed grain patterns, large knotholes and other major imperfections. Rough-sawn finishes are **NOT** permitted.
- 7) Work on exterior details must not commence prior to the approval by the IHPC staff of each. These may include, but are not limited to all finish material for: doors, windows, foundations, exterior light fixtures, paint colors, roof shingles, landscape materials etc.

Note: Stipulations 1, 2 and 3 are to be completed before permits are issued.

2. VARIANCE PETITION #2004-VHP-031:

To approve a Variance of Use to allow an expansion of a non-conforming single-family residential use by permitting construction of a residential garage in a commercial district.

Staff Reviewer: Michael Bivens

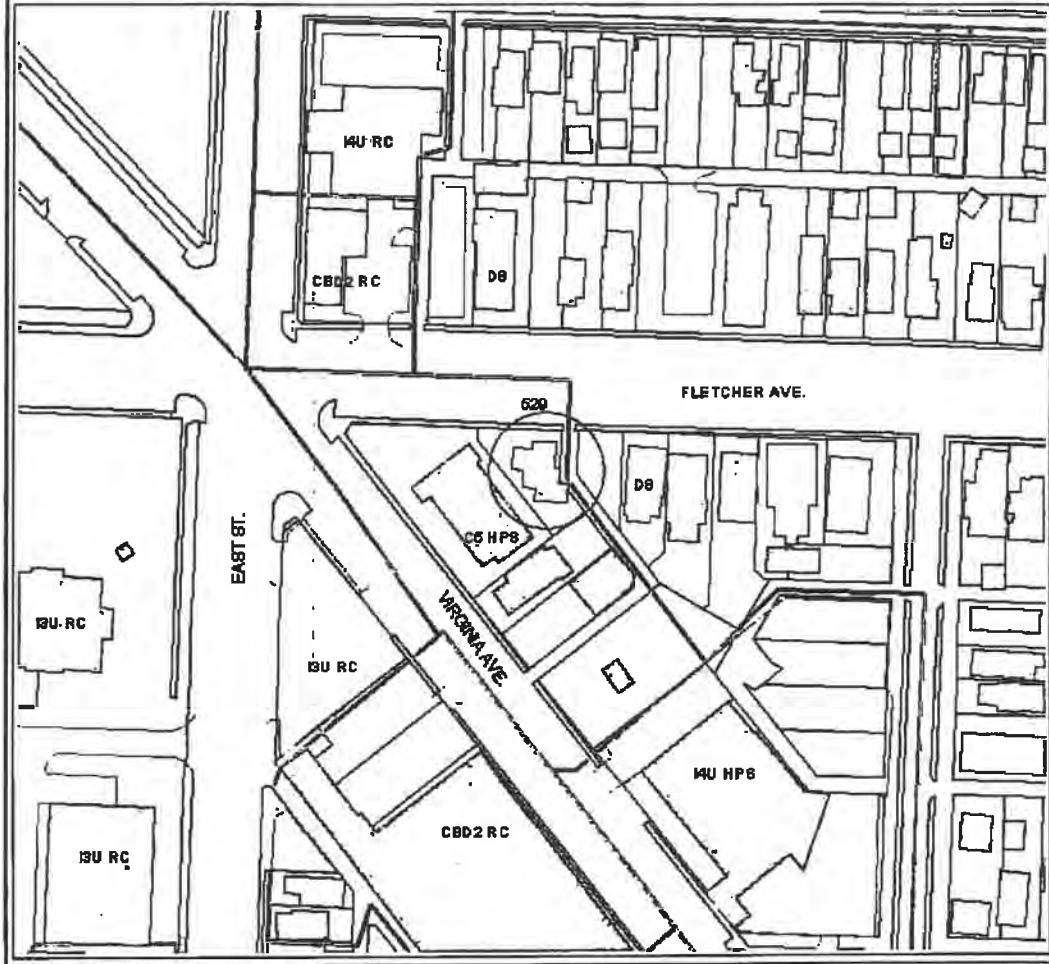


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529 FLETCHER AVENUE
04-431 (FP)



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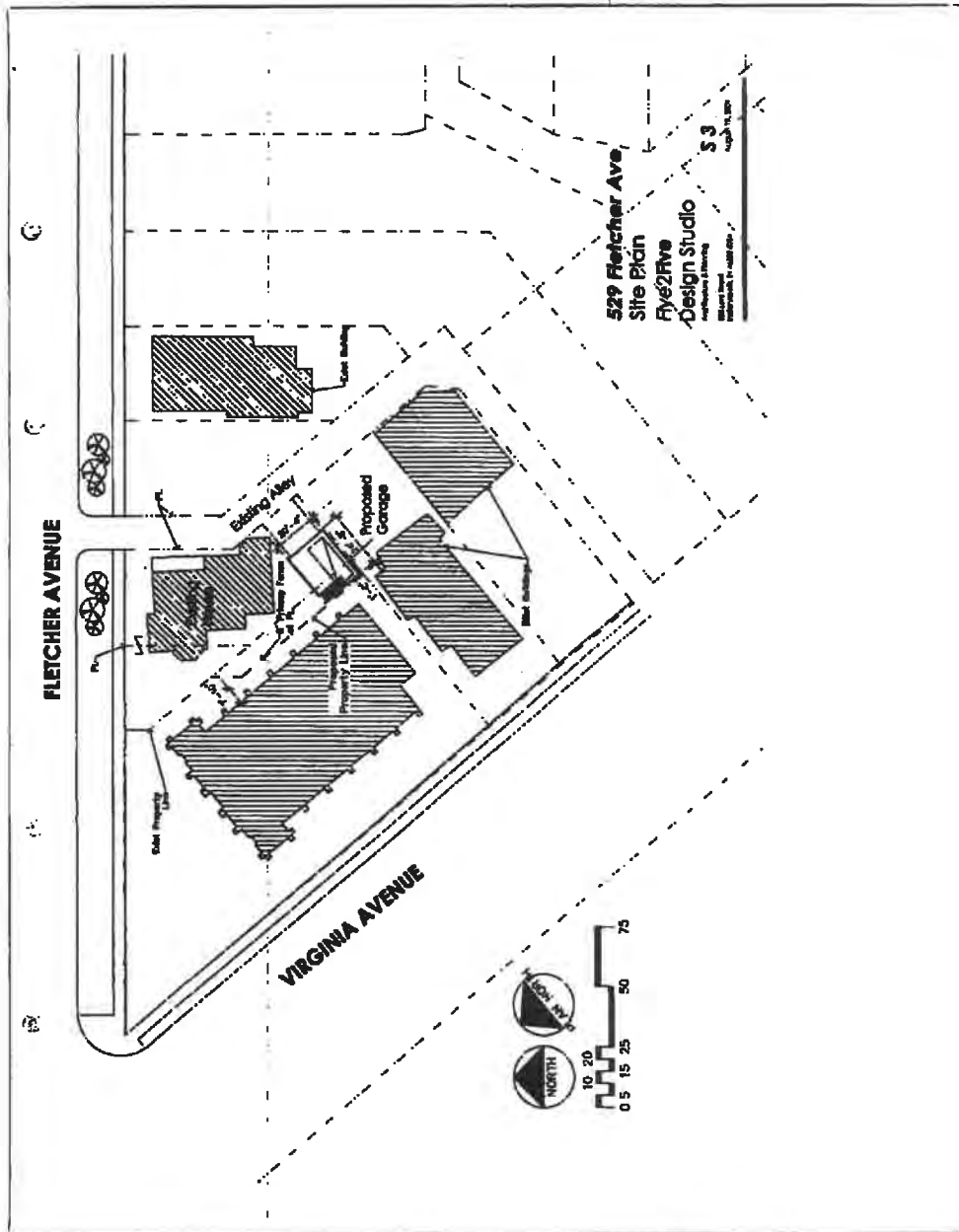


Figure 1 – Site Plan

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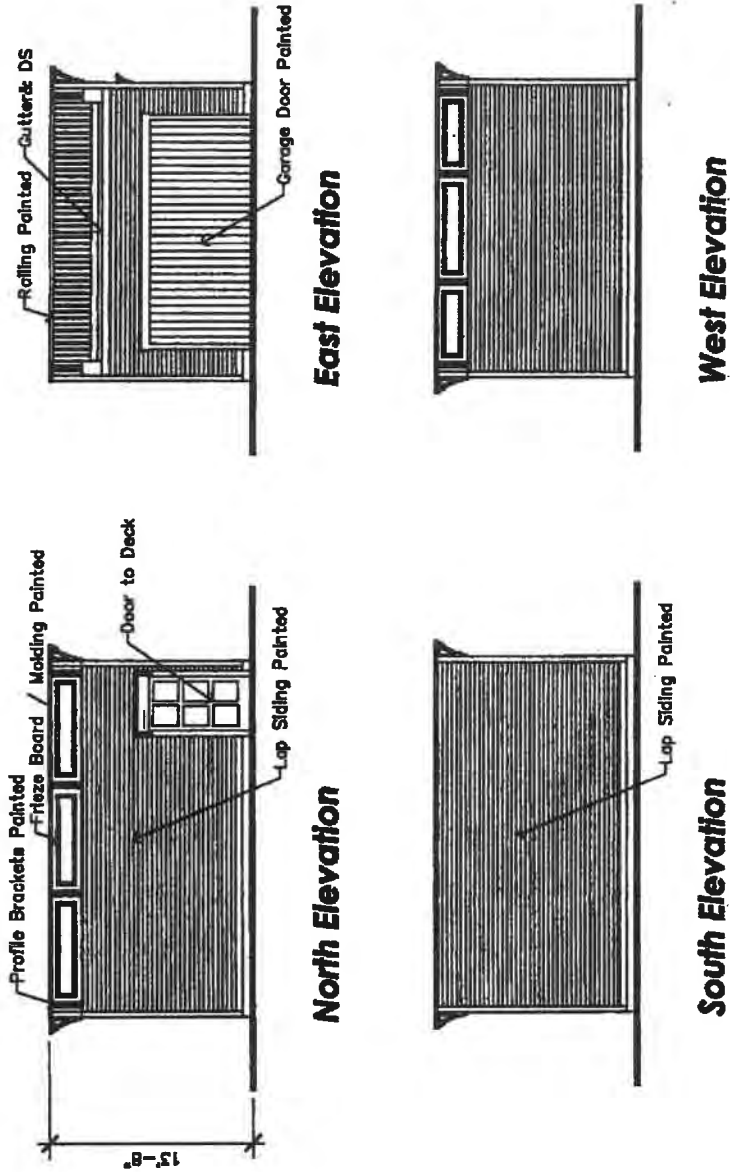


Figure 1 – Proposed Elevations

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Figure 1 – Front façade of house

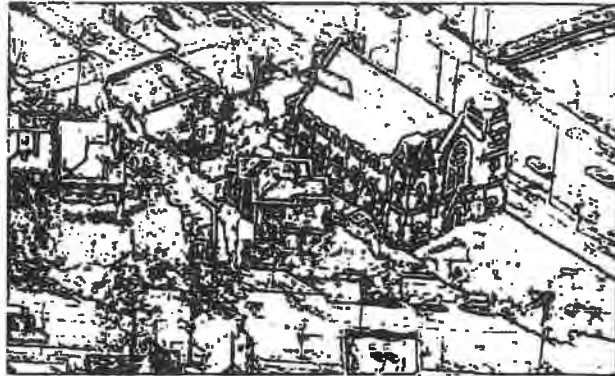


Figure 2 – Aerial view of 529 Fletcher Avenue showing alley entrance

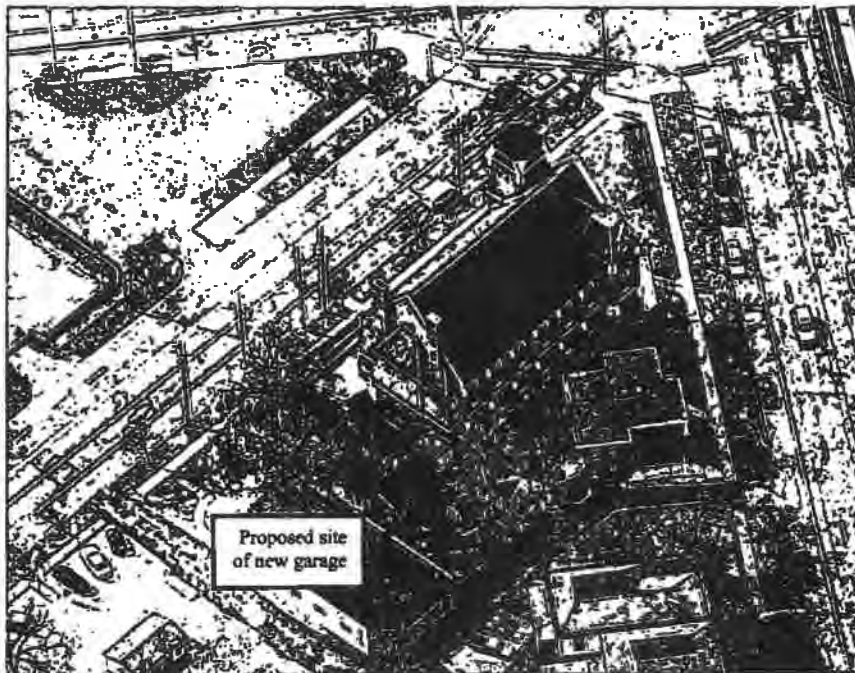


Figure 3 – Aerial view showing site

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