



APPLICATION FOR PRIOR APPROVAL OF A VARIANCE

Send completed application and check to: Meridian Street Preservation Commission 200 E. Washington Street, Suite 1821 Indianapolis, IN 46204

MSPC Case No.: V- MSPC 14-04

Address of the Property where work is to be done: 4838 N. Pennsylvania Street (Approximate Address)

Applicant's Name: Sullivan Hardware & Garden, Inc. by Gregory S. Fehribach, Attorney Phone No: (317) 638-2400 Address: 50 S. Meridian Street, Suite 700 Indianapolis, IN FAX No: (317) 633-6618 E-Mail address: gfehribach@thefehribachgroup.com Zip Code: 46204

Name of Owner(s): Sullivan Enterprises LLC/Sullivan Hardware, Inc. Phone No: Address of Owner: 6955 N. Keystone Ave Indianapolis, IN FAX No: E-Mail address: Zip Code: 46220

Is the applicant the owner of one hundred percent (100%) of the property involved in the petition? [ ] Yes [X] No

Legal Description (check one):

- [X] Complete Metes and Bounds legal description attached. [ ] Platted site within a recorded subdivision, copy of plat map attached. Lot No(s) Section No(s) in Subdivision Recorded in Plat Book page(s) in the Marion County Recorder's Office, Or recorded as Instrument No. in the Marion County Recorder's Office.

Is this property the subject of any code enforcement action? [X] Yes [ ] No

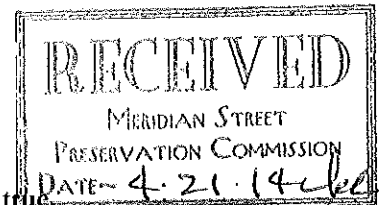
Was this property the subject of any previous petition(s)? [X] Yes [ ] No If yes, list the original case number(s) V-MSPC-09-10; 94-HOV-93; 2009-DV1-040

The present Use of the property is: Hardware store The current Zoning Classification of the property is: C3 List of the Existing Improvements on the property are: Retail Building/Garden Center

Approval is for a Variance of (check one): [ ] Use [X] Development Standards [ ] Use and Development Standards

Provide a detailed description of the proposal; state the specific ordinance(s), standard(s), and/or regulation(s) sought to be modified; state the specific reason approval should be granted. Attach additional pages, if necessary.

See attached Proposal Description



I (we) affirm, under the penalties for perjury, that the foregoing representations are true

Signatures of Owner and Applicant (if different than Owner) with handwritten names (Attorney) and (Attorney)

Date 4/16/14 and Date 4/16/14

## Proposal Description

**Address: 4838 N. Pennsylvania Street**

A variance obtained in 1994, Case No. 94-HOV-93, allowed for a hardware store to be constructed on the site along with the outdoor storage and display of seasonal items. In 2009, a second variance was granted for the site, Case No. 2009-DV1-040, which allowed for a greenhouse and wood deck to be constructed on the north side of the existing store, in place of a pergola which had covered the outdoor storage area allowed by the 1994 Variance.

Petitioner seeks to request additional variances of development standards and to modify the 1994 and 2009 variances and conditions in order to operate the site in accordance with the site plan filed herewith.

Petitioner respectfully requests the following:

1. Variance of Section 732-211(k) to reduce the number of parking spaces on site to fourteen (14) spaces, instead of the 19 parking spaces as permitted by 94-HOV-93 and 2009-DV1040;
2. Variance of Section 732-203(b)(1) to allow for the seasonal outdoor storage of bagged goods, flowers, Christmas trees and related items to be located in the areas depicted on the proposed site plan filed herewith, in addition to the storage contained within the greenhouse allowed by 2009-DV1-040;
3. Variance of Section 732-203(b)(1) to allow for an unscreened trash container greater than six cubic feet be located in the southwest corner of the parking lot as depicted on the proposed site plan herewith;
4. Variance of Section 732-214(c)(4) to waive the requirement that a sidewalk be installed along 49th Street, which was also a condition of 2009-DV1-040. In lieu of the sidewalk, in keeping with the tradition and beautification of the neighborhood, petitioner proposes to maintain landscaping along the northern border of the site.

LEGAL DESCRIPTION

PARCEL I

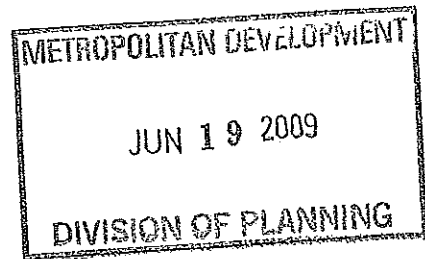
Part of the Southwest Quarter of the Southwest Quarter of Section 12, Township 16 North, Range 3 East of the Second Principal Meridian in the City of Indianapolis, more particularly described as follows, to-wit:

Beginning at a point Seventy Five (75) feet West of the Southwest corner of 49th Street and Pennsylvania Street, in the City of Indianapolis, thence West along the south line of 49th Street, One Hundred Twenty Five (125) feet; thence South One Hundred Twenty Seven and Four Tenths (127.4) feet; thence East parallel with the South line of 49th Street, One Hundred Twenty Five (125) feet; thence North One Hundred Twenty Seven and Four Tenths (127.4) feet to the place of beginning.

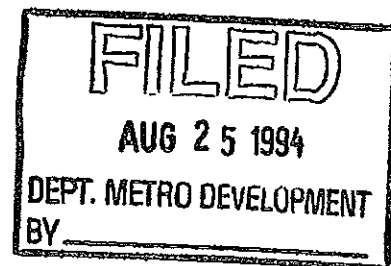
PARCEL II

That part of the Southwest Quarter of Section 12, Township 16 North, Range 3 East, described as:

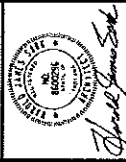
Commencing at the Southwest corner of 49th Street and Pennsylvania Streets, in the City of Indianapolis; thence South along the West line of Pennsylvania Street. One Hundred Twenty Seven and Forty four Hundredths (127.44) feet; thence West parallel with the South line of said 49th Street, Seventy Five (75) feet; thence North parallel with the West line of said Pennsylvania Street, One Hundred Twenty Seven and Forty Four Hundredths (127.44) feet; thence East along the south line of said 49th Street Seventy Five (75) feet to the point of beginning.



94-HOV-93



SULLIVAN DO-IT-BEST HARDWARE  
 Site Plan for:  
 4838 N. PENNSYLVANIA AVE.  
 Indianapolis, IN 46204



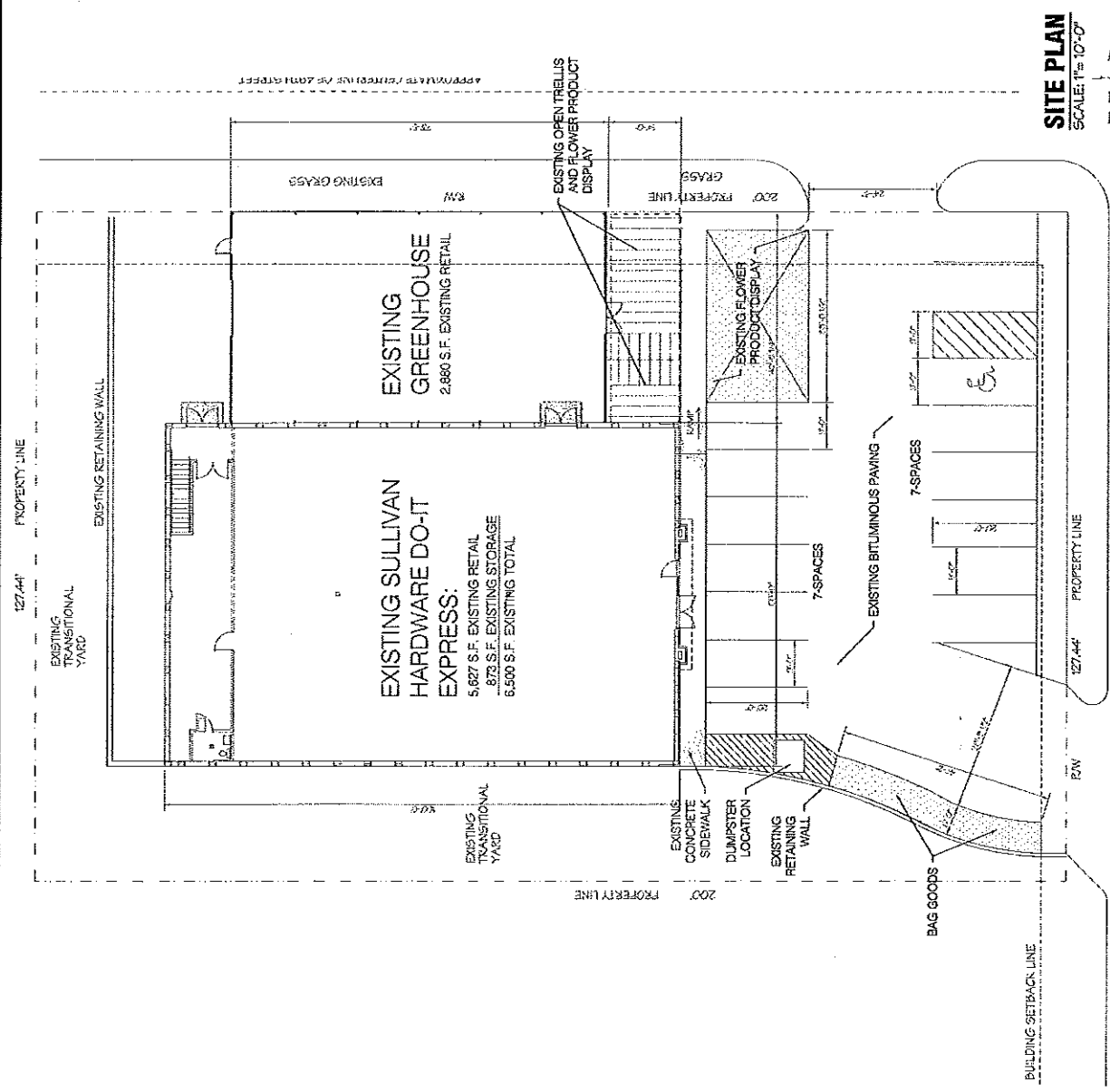
**SARK+**  
 2500 Pershing Drive  
 Indianapolis, IN 46220  
 317.251.4325  
 sarkplus.com

Sheet Title  
**SITE PLAN**

Project No 081008  
 Date 10-30-09

**REVISIONS**  
 10-30-09 10-30-09  
 10-30-09 10-30-09  
 10-30-09 10-30-09  
 10-30-09 10-30-09  
 10-30-09 10-30-09  
 10-30-09 10-30-09

Sheet No.  
**C-1**



**SITE PLAN**  
 SCALE: 1" = 10'-0"

