

BOARD OF ZONING APPEALS DIVISION III

February 18, 2025

Case Number: 2025UV3003

Property Address: 1044 St. Patrick Street (*approximate address*)

Location: Center Township, Enter Council District

Petitioner: Murphy Arts Center, LLC, by Misha Rabinowitch

Current Zoning: C-4 (TOD)

Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an outdoor entertainment venue, for one year, subject to the filed plan of operation (not permitted) with reductions in required parking (16 spaces required) and temporary placement of both unscreened service areas in a front yard and improvements with a 0-foot front yard setback (screening of service areas and 10-foot setback required).

Current Land Use: Commercial

Staff Recommendations: Staff recommends **approval** of these variances subject to the operation plan filed February 12, 2025.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of these variances subject to the operation plan filed February 12, 2025.

PETITION OVERVIEW

- 1044 St. Patrick Street is currently improved with the Hi-Fi Annex, an outdoor concert viewing area comprised of a temporary stage, viewing deck, and several anchored shipping containers that allow for food/drink and merchandise sales, restroom facilities, ticket sales, and buffering from surrounding properties. The Annex was opened because of the COVID-19 pandemic as an outdoor alternative for live music that minimized risk of infection and has remained in operation during warmer months in conjunction with indoor concerts hosted at the Hi-Fi (located within the G.C Murphy Building at 1043 Virginia Avenue to the northeast) that occur year-round. If this variance is approved, the 2025 concert season is scheduled to be the last for the outdoor component of the Hi-Fi Annex; beginning in 2026, additional indoor shows will be hosted within the G.C. Murphy Building at the former Granada Theater to the north of the current outdoor venue.

- Surrounding land uses include a church and St. Patrick Street to the west, commercial and nonprofit offices to the south, and a commercial multi-tenant building to the north and east accessed from Virginia Avenue and containing uses such as restaurants, bars, and an art studio. In addition to the primary C-4 zoning, this property is within the Transit-Oriented Development secondary zoning district given its proximity to IndyGo's BRT Red Line.
- The property falls just outside of the boundaries of the Fountain Square Historic District, and since the two-story deck isn't attached to the building within the IHPC district, no Certificate of Appropriateness or other IHPC approvals would be required. Currently the site is also not located within the Regional Center, although an update to RC boundaries will potentially place it there.
- Although temporary structural permits and the temporary structures license LDL-002663 appear to have been issued for placement of structures at this site with expirations in October of 2021, it does not appear that any zoning permits or petitions have been filed with the City of Indianapolis in relation to the outdoor concert venue. It also does not appear that any special event permits (which would typically require tear-down of the stage between concerts) were issued or temporary allowances under the Dine Out Indy program were granted in relation to the use. It does appear that the applicant has received construction releases and approvals from the Indiana Department of Homeland Security in relation to the placement of the shipping container structures.
- In 2024, a two-story viewing deck ("The Vista") was constructed on the site and was cited both for the lack of an Improvement Location Permit to allow its construction (per VIO24-004571) and its encroachment into the northern alley (per VIO24-008015). During the review process for that ILP, it was noted that the use of Outdoor Recreation and Entertainment, General is not permitted within C-4 zoning (C-5, C-7 and CBS-2 only) and that a use variance would be required for operation. It does not appear that the operator had been informed at any previous point during the previous operation of this venue that their use was not permitted within C-4 zoning (this is somewhat understandable given their genesis during the height of the COVID-19 pandemic).
- Approval of this variance petition would allow for the outdoor entertainment venue to continue for the 2025 season (per the filed plan of operation) but would not grant an extended approval for outdoor entertainment at the site for the 2026 season and beyond. Additionally, variances of development standards would be required to allow for the site to operate without required on-site vehicle parking spaces (16 spaces required based on site size and applicable reductions) and with storage containers and partially screened dumpsters placed within the front yard of the property (western St. Patrick frontage).
- Site photography and the site plan provided for ILP review indicate that multiple shipping containers, the Vista deck, and other improvements have been placed within public alleyways to the north and east of the subject site. Approval of either an encroachment license or a long-term right-of-way permit from the Department of Business and Neighborhood Services would be required to allow for those structures to remain within right-of-way (regardless of the disposition of this petition). Although staff would not be supportive of the long-term blocking of these alleyways absent a vacation petition, the operation plan indicates that all temporary structures

associated with this use (encroaching or otherwise) would be removed by December 2025, and it does not appear that co-tenants within the Murphy Arts building have been substantially inconvenienced by receiving shipments from the unobstructed portion of the alley to the southeast of the subject site. Staff would also note that the placement of any bicycle parking or crowd barricades within the St. Patrick right-of-way would similarly require issuance of encroachment approvals from BNS.

- The subject site is zoned C-4 to allow for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. The Comprehensive Plan recommends it to the Village Mixed-Use typology to allow for a variety of people-centric uses in a dense, walkable environment. Additionally, the proximity to the Fountain Square Red Line stop means that this site would be recommended to the District Center TOD typology, which allows for a mix of office, retail, entertainment, and residential uses and discourages uncovered off-street parking spaces. Although this site would likely not be appropriate for the majority of uses only allowed C-5 zoning or up, relevant comprehensive plans appear to be supportive of the proposed entertainment use that would serve to generate significant foot traffic and pedestrian engagement.
- The plan of operation filed by the applicant indicates that the business would include 30 full-time and 45 part-time employees during the Annex season of operation (a mixture of marketing or management and event-specific staff), and that there would be 22 dedicated parking spaces in an adjacent lot on the southern portion of Prospect Street to accommodate staff and other tour buses or production vehicles (see Photo 7 within Exhibits). Guests would arrive between 5 PM and 7 PM and events would end promptly at 10 PM, and the maximum capacity of the venue would be 950 guests. The outdoor concert season ends on October 31st, and all improvements would be removed by November 31st, 2025. Per staff request, the applicant added language to the operation plan explicitly listing the date of termination and limiting tour buses/other concert vehicles to the auxiliary southern parking area as well as detailing future plans for screening of the dumpsters within the western yard. The full operation plan can be found within Exhibits.
- Findings of Fact provided by the applicant indicate that the outdoor use would be well-buffered by surrounding buildings that create a “courtyard” setting requiring minor setback variances and that the property’s dense urban setting within an existing entertainment district matches the recommendations of the Village Mixed-Use typology and should allow for reductions in required parking. Staff agrees that the proposed use matches the goals of relevant comprehensive plans and would note that there appears to have been minimal noise complaints filed related to the unpermitted use during its previous years of operation (likely due to natural buffering provided by buildings on each side of the venue).
- Staff also notes that this site is near both a public parking lot at 1100 Woodlawn, a frequently serviced BRT station, and available bicycle parking along Virginia Avenue and Woodlawn Avenue. This context, in conjunction with the applicant’s provision of 22 employee parking spaces in the southern parking area would make the requested *temporary* reduction in required parking palatable.

- Staff support for this petition is narrowly related to the details of the specific use, specific neighboring context, and specific circumstances of how the unpermitted use began during the confusion of the COVID-19 pandemic. Although staff is typically reticent to retroactively allow unpermitted uses to avoid circumstances of “asking forgiveness not permission”, the temporary nature of this use as well as the effort undertaken by the owner to remain compliant with all requirements of which they were made aware is relevant context. Subject to the details and limitations outlined within the plan of operation, staff recommends support of this petition with the caveat that future outdoor entertainment use variances in this location (either temporary or permanent) would likely not be supportable.

GENERAL INFORMATION

Existing Zoning	C-4 (TOD)	
Existing Land Use	Commercial	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
North:	C-4	North: Commercial
South:	C-4	South: Commercial
East:	C-4	East: Commercial
West:	SU-1	West: Religious Use
Thoroughfare Plan		
St. Patrick Street	Local Street	60-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	01/16/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	01/16/2025	
Findings of Fact (Amended)	02/10/2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Red Line Transit-Oriented Development Strategic Plan

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Village Mixed-Use typology to allow for the creation of neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing town centers as well as to promote new neighborhood centers. This typology is compact and walkable with business that serve adjacent neighborhoods and parking at the rear of buildings. Public spaces in this typology are small and intimate, such as pocket parks or sidewalk cafés.
- This property is also located within the Transit-Oriented Development overlay intended for areas within walking distance of a rapid transit station. Pedestrian connectivity and a higher density than the surrounding area are encouraged.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Given its proximity to the Fountain Square stop of the Red Line, this plan recommends the site to the District Center TOD typology to allow for walkable areas of multiple city blocks serving as cultural and commercial hubs for multiple neighborhoods. A mix of office, retail, entertainment, and residential uses are contemplated with higher densities desired close to the BRT lines. Off-street parking is discouraged and should be limited to garages visually separate from the street.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2023VHP001 ; 1122 Shelby Street (southeast of site), Variance of Use to allow for a single residential unit in C4, which is not permitted, **approved**.

2022DV2017 ; 928 Woodlawn Avenue (northwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and detached accessory structure with a four-foot front yard setback (minimum ten feet required), and within the clear-sight triangles Woodlawn Avenue and adjacent alleys (not permitted), **approved**.

2017VHP021, 1031 Virginia Avenue (north of site), use variance for carry out alcohol/liquor sales within 100 feet of a protected district, **approved**.

2017DV3009 ; 928 Woodlawn Avenue (northwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a two-unit dwelling, with two-foot side setbacks and a 12.5-foot front setback (four-foot side setbacks and 18-foot front setback required), and with an open space of 40% (55% required), **approved**.

2016VHP044 ; 1025 Virginia Avenue (north of site), variance of development standards to allow tattoo parlor within 1000 ft of a protected district, **approved**.

2016VHP029 ; 1031 Virginia Avenue (north of site), Variance of Development Standards of the C5 Zoning Ordinance to allow less onsite parking than required, **approved**.

2015DV1071 ; 1053 St. Patrick Street (south of site), Variance of development standards of the Commercial Zoning Ordinance to legally establish an office building with a deck, ramp, patio and trash container having zero-foot front setbacks from Prospect Street (25 feet from the centerline) and St. Patrick Street (70-foot setback from the centerline of Prospect Street and 20-foot front transitional setback required), with said trash container being in front of the established building line of the primary dwelling (not permitted) and with zero on-site parking spaces (three parking spaces required), **approved**.

2015VHP031 ; 1110 Shelby Street (southeast of site), use variance to allow an outdoor storage container, **approved**.

2013UV1031 ; 1020 E Morris Street (south of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for an accessory dwelling unit on the upper floor of a detached garage, with deficient floor area and a 16-foot rear setback (two dwellings not permitted, minimum main floor area of 660 square feet and 900 sq. ft. total, 20-foot rear setback required), **approved**.

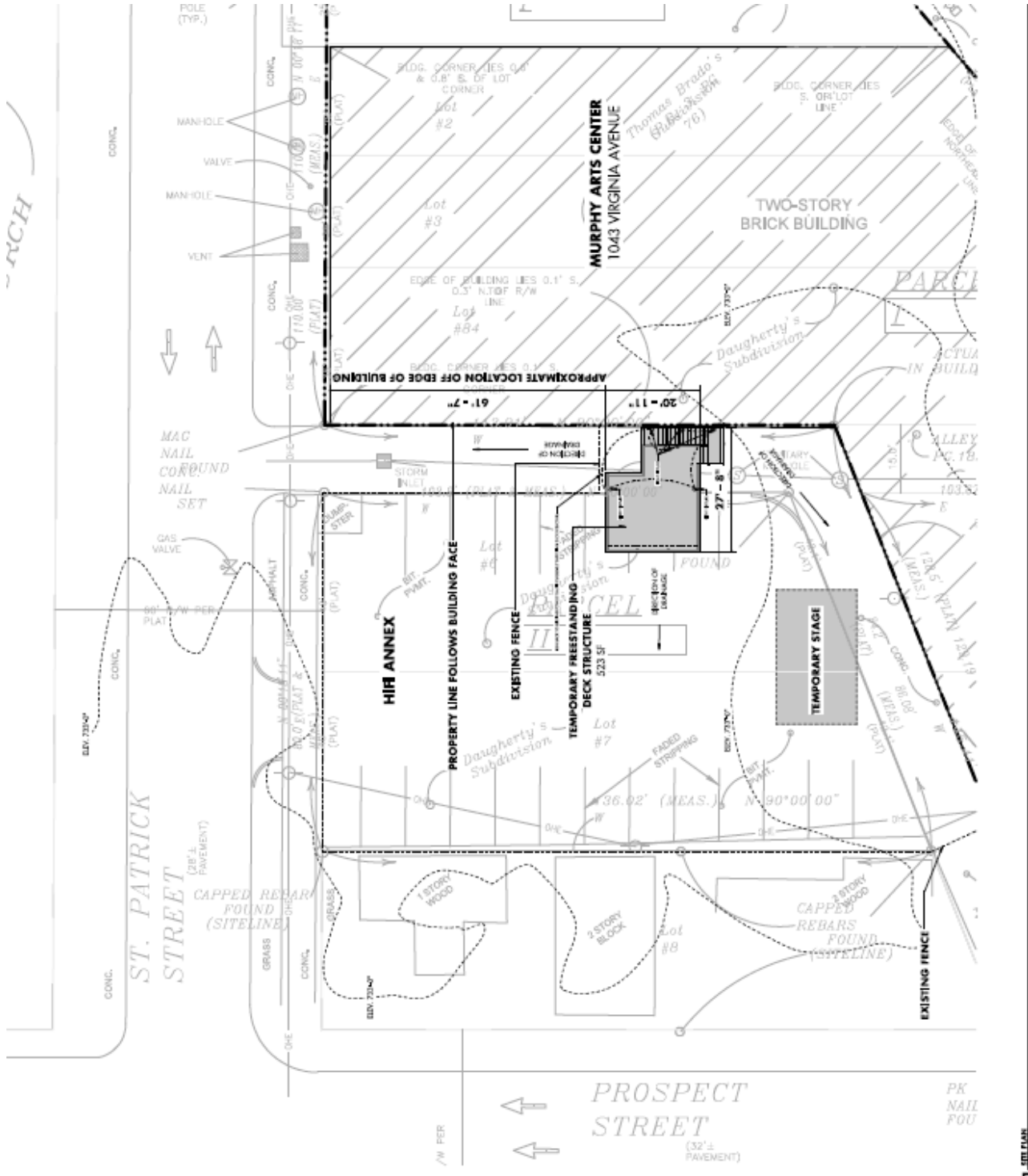
2010VHP019 ; 1110 Shelby Street (southeast of site), variance of development standards of the C-4 zoning ordinance to: (1) reduce required off-street parking from 145 to 36 spaces; and (2) reduce the front yard setback to 0 feet (15 feet required), **approved**.

EXHIBITS

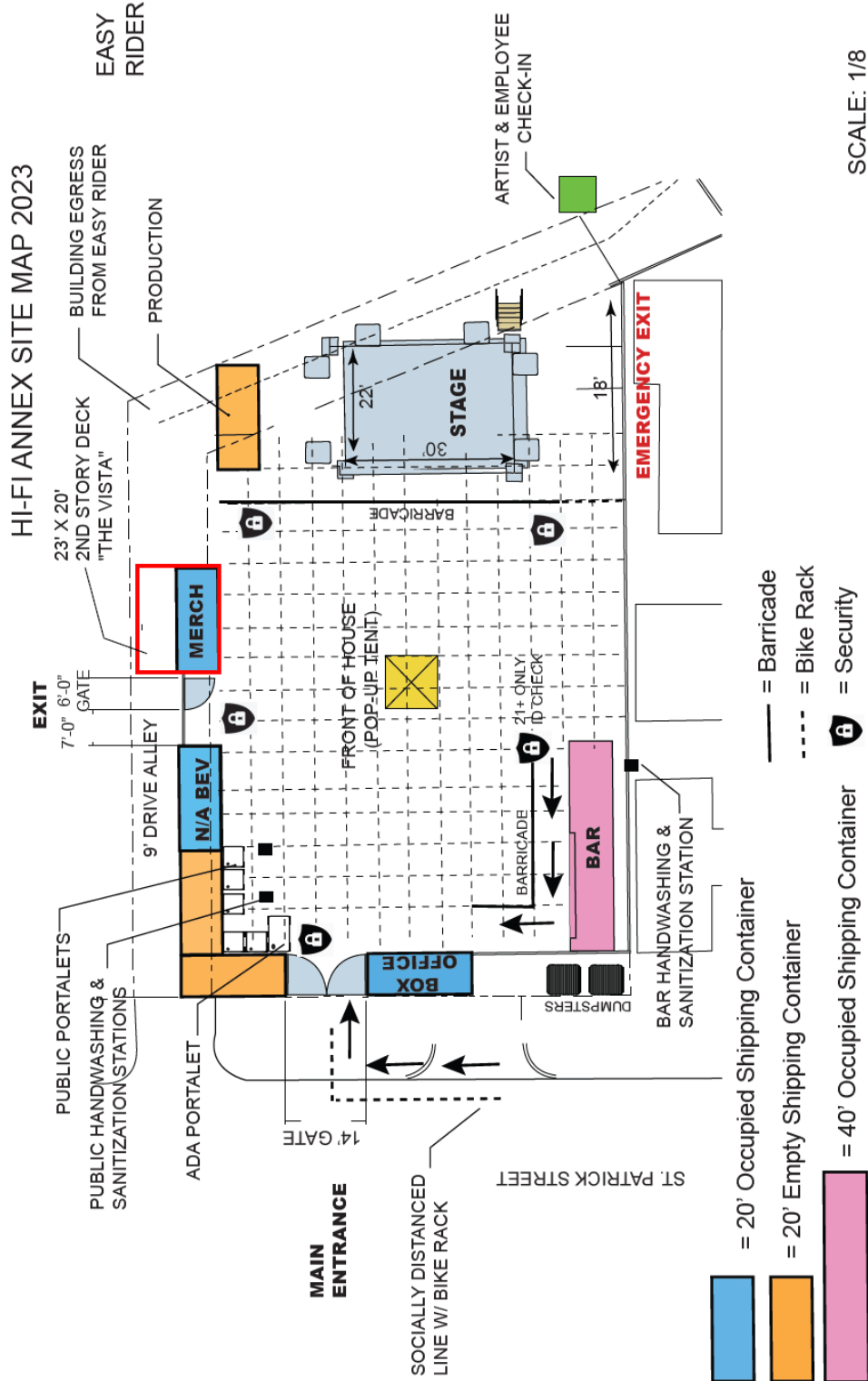
2025UV3003 ; Aerial Map



2025UV3003 ; Site Plan (Variance Submittal)



2025UV3003 ; Site Plan (ILP24-02511 Submittal)



SCALE: 1/8

2025UV3003 ; Plan of Operation (pg. 1 of 4)



Plan of Operation for HI-FI Annex: Zoning Variance Application

Overview

The HI-FI Annex is an outdoor music venue that has operated safely and successfully for four years, hosting live performances by national, regional, and local touring artists. Named #23 on Pollstar's Top 100 Music Venues in the World in 2022, the Annex has brought significant visibility to Indianapolis and its vibrant Fountain Square neighborhood. Additionally the venue has provided countless positive experiences for live music fans of all ages by focusing on concerts and a family friendly atmosphere. This document outlines operational details, sound mitigation efforts, community contributions, and plans for our final outdoor season as part of our zoning variance request.

- The outdoor venue has been operational for 4 years. Through routine filings for the final season the space was flagged for a potential zoning issue.
- The venue has already been granted a variance from the Department of Homeland Security through November 2025 for extended stage and container placement within the venue.
- Video showcasing the venue and a live show experience - [Watch Video](#)

Historical and Future Context

The HI-FI Annex was created during the COVID-19 pandemic to sustain our business and keep staff employed during a critical period for the live music industry. Over four years, the venue has proven a valuable community and cultural asset. As we prepare to transition to a new indoor venue within the Murphy Arts Center in 2025, this zoning variance will enable us to complete the final outdoor season successfully.

- A permanent indoor location for the HI-FI Annex has been secured within the Murphy Arts Center, with construction beginning in February 2025. The venue will relocate indoors for the 2026 season.
- Media coverage, press releases, and community-focused messaging are available on our dedicated [HI-FI Annex webpage](#).

Workforce

- **Staffing Levels:**
 - Regular Operations: 25 full-time and 20 part-time employees across HI-FI and HI-FI Annex.
 - HI-FI Annex Season (April 1 – October 31): staff increases to 30 full-time and 45 part-time employees.
- **Work Schedules:**
 - Half of the staff work standard business hours (e.g., programming, marketing, management).

2025UV3003 ; Plan of Operation (pg. 2 of 4)

- The other half are event-specific, working evenings during shows, typically hosted Thursday through Sunday.
- **Parking for Staff:**
 - 22 dedicated parking spaces in an adjacent lot accommodate staff, tour buses, and production vehicles.
 - Many staff members live in the neighborhood and walk, bike, or carpool.

Clients & Customers

- **Demographics:**
 - Audiences vary based on the artist, with ages ranging from 18 to 54.
 - Approximately 50% of attendees are local, 25% from elsewhere in Indiana, and 25% from out of state.
- **Attendance:**
 - Audiences vary based on the artist, with ages ranging from 18 to 54.
 - Venue capacity: 950.
 - Average attendance: 600 guests per event.
- **Event Timing:**
 - Shows typically run from 6:00 PM to 10:00 PM, in compliance with the Marion County Noise Ordinance.
 - Guests arrive between 5:00 PM and 7:00 PM and leave promptly by 10:00 PM.

Parking and Transportation

- **Customer Parking:**
 - Ample free street parking and paid parking options are available in the neighborhood.
 - Agreements with nearby businesses provide additional parking spaces.
 - Many guests use ride-share services (Uber, Lyft), public transportation, or walk to the venue, minimizing parking demand.
 - The transition to indoor location in 2026 will free up the existing parking lot, reclaiming 40 parking spaces.
- **Proactive Measures:**
 - Responsibility messaging is shared with guests to discourage drinking and driving, further reducing parking-related challenges.
 - All tour buses and other concert related vehicles shall be parking in the ~~auxiliary~~ parking lot located at 1003 Prospect Street.

Processes Conducted On-Site

- **Activities:**
 - Live music performances, food service, and community engagement events.

2025UV3003 ; Plan of Operation (pg. 3 of 4)

- Artist arrivals typically occur at 12:00 PM, with setup and soundchecks completed by 4:00 PM.
- Events end by 10:00 PM, with load-out completed by 11:30 PM.
- **Safety & Security:**
 - Managed by an in-house security team that ensures a safe environment for over 80,000 guests annually.
 - Security protocols include ID verification, metal detection wands, and restricted item policies communicated to guests prior to arrival.
 - Emergency Action Plans account for inclement weather, with detailed evacuation and safety protocols.

Sound Mitigation

- **Adherence to Noise Ordinances:**
 - All outdoor events end at 10:00 PM in compliance with Marion County Noise Ordinance.
 - Maintaining appropriate db levels with checks throughout the shows
- **Sound Engineering:**
 - Use of a state-of-the-art line array PA system for optimal sound containment within the venue.
 - Surrounding structures, including the Murphy Arts Center and nearby walls, naturally buffer sound.
 - The PA system is directed to minimize sound impact on nearby residences.
- **Community Feedback:**
 - Many neighbors express appreciation for the music and enjoy it from their homes or the parking lot across the street.

Community Contributions

- **Charitable Donations:**
 - HI-FI and HI-FI Annex actively support several local charities, including:
 - SEND - Southeast Neighborhood Development (Lady Spray Fountain Fund)
 - Southeast Community Services
 - Fletcher Place Food Pantry
 - Indy Reads, Indy Humane, Parks Alliance of Indianapolis and various other neighborhood-focused organizations
- **Hosting Charitable Events:**
 - The venues host high-profile events for local charities, such as:
 - Limitless Ability benefit concerts promoting all-inclusive events accessible to all
 - Tonic Ball (benefiting Second Helpings)
 - Mozel Sanders Charity Fundraiser

2025UV3003 ; Plan of Operation (pg. 4 of 4)

- Rock For Riley, Visit Indy, Girls Rock Indy, Habita Sartorial and other community-driven events
- **Local Economic Impact**
 - Hi-Fi Annex events significantly boost business for nearby retailers, restaurants, and hospitality providers on show days.
 - Significant source of state and local tax dollars.

Materials Used

- **Equipment:**
 - Professional-grade line array sound systems, stage lighting, and production gear.
 - Connex steel shipping containers
- **Safety:**
 - No hazardous materials are used during operations.

Waste Management

- **Waste Handling:**
 - Waste and recycling are managed by licensed providers.
 - No hazardous waste is generated.
 - For the 2025 concert season, dumpsters along St. Patrick St. shall be enclosed with fencing as currently exists. Upon termination of the requested variance, ordinance required dumpster enclosure shall be provided.

Regulatory Compliance

- **Agency Collaboration:**
 - Active compliance with state and local agencies, including Bureau of Neighborhood Services, Fountain Fletcher Merchants Association, Department of Homeland Security, Board of Health, and the Alcohol Tobacco and Fire Commission.
- **Zoning Context:**
 - The current zoning variance request aligns with our ongoing commitment to responsible operations and is a proactive measure to finalize our final outdoor season at the Annex.

Temporary Variance

The term of this variance is limited to accommodate the 2025 summer concert season. All improvements related to the Hi-Fi Annex, including shipping containers, shall be removed by November 31, 2025. No further extensions of the variance will be requested.



2025UV3003 ; Findings of Fact (Use)

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

The proposed outdoor entertainment area is shielded by adjacent buildings; is tightly regulated in terms of safety, security, hours of operation, and noise; and brings much needed tourism and economic development to the area.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

The proposed outdoor entertainment area is shielded by adjacent buildings; is tightly regulated in terms of safety, security, hours of operation, and noise; and brings much needed tourism and economic development to the area.

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

The property is located in a dense urban setting where outdoor entertainment space is extremely limited and due to the courtyard condition created by the existing historic buildings.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

The configuration of the property, including the courtyard condition created by the existing historic buildings, makes the property conducive to the outdoor entertainment use (a C-5 use), even though the property is zoned C-4.

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

The proposed outdoor entertainment use is consistent with the Comprehensive Plan recommendation of Village Mixed Use in this urban setting.



2025UV3003 ; Findings of Fact (Parking)

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The variance is temporary and appropriate on this urban setting located along the Cultural Trail where many area visitors walk or bike to the location. Also, parking is available on an adjacent lot through an exclusive parking agreement.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The variance is temporary and appropriate on this urban setting located along the Cultural Trail where many area visitors walk or bike to the location. Also, parking is available on an adjacent lot through an exclusive parking agreement.

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

The property is located in a dense urban setting along the Cultural Trail, which, in combination, even with standard transit oriented development discounts from the parking requirements, makes compliance with existing ordinance parking requirements impractical.

2025UV3003 ; Findings of Fact (Setbacks/Service Areas)

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The encroachments into the front yard are minor in that they do not impede pedestrian travel in any way. Also, such improvements are temporary and serve to screen adjacent properties from onsite activities.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The encroachments into the front yard are minor in that they do not impede pedestrian travel in any way. Also, such improvements are temporary and serve to screen adjacent properties from onsite activities.

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

The manner in which the existing historic buildings are configured, establishing a natural courtyard setting for the temporary outdoor venue, creates unnecessary restriction on productive use of the property without a minor deviation from the ordinance's front yard requirements.

2025UV3003 ; Photographs



Photo 1: Subject Site Viewed from West (St. Patrick)



Photo 2: Stage Area Viewed from West

2025UV3003 ; Photographs (continued)



Photo 3: Shipping Containers, Deck and Alley Viewed from Northwest



Photo 4: Dumpsters at Southwest Section of Site

2025UV3003 ; Photographs (continued)



Photo 5: Bicycle Parking Area & St. Patrick Right-Of-Way



Photo 6: Subject Site Viewed from Southeast (Prospect)

2025UV3003 ; Photographs (continued)



Photo 7: Parking Area South of Subject Site & Prospect Street



Photo 8: Adjacent Property to South of Subject Site

2025UV3003 ; Photographs (continued)



Photo 9: Adjacent Property to Southwest



Photo 10: Adjacent Property to South

2025UV3003 ; Photographs (continued)



Photo 11: Murphy Arts Building/Hi-Fi Indoor Entrance East of Site (Virginia)



Photo 12: Future Annex Location/Former Granada Theater North of Site

2025UV3003 ; Photographs (continued)

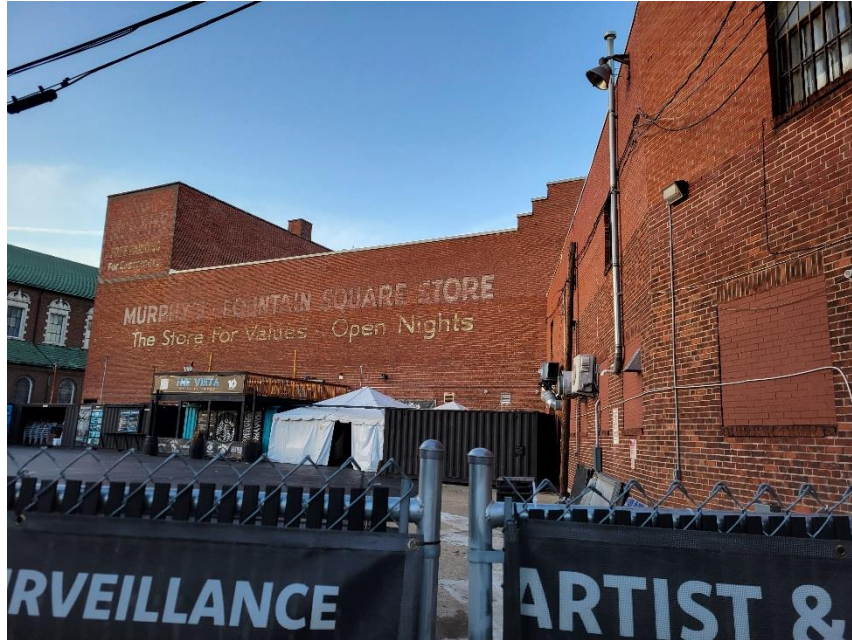


Photo 13: Improvements Encroaching Into Alley Viewed from Southeast



Photo 14: Space Between Property and Adjacent Buildings to South