

BOARD OF ZONING APPEALS DIVISION III

November 25, 2025

Case Number: 2025-UV3-032

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

Location: Center Township, Council District # 18

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) with temporary stage, shipping containers, and other improvements encroaching within an alley right-of-way (encroachments not permitted).

Current Land Use: Commercial

Staff

Recommendations: Staff recommends **denial** of the variances.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of these variances.

PETITION OVERVIEW

- 1044 St. Patrick Street is currently improved with the Hi-Fi Annex, an outdoor concert viewing area comprised of a temporary stage 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 addition to 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. The variance petition 2025-UV3-003 was approved in February 2025 to allow for the completion of the 2025 concert as the final season of outdoor operation for the concert use, per the filed plan of operation.

- The current variance is being sought to allow for operation of the concert use for the 2026 season as well. The applicant had originally planned to have Hi-Fi Annex operations moved into the former Granada Theater site within the G.C. Murphy Building to the north of the property, but they have indicated that financial and logistical difficulties have impacted this timeline and that the space would not be available at the start of the 2026 concert season. If this variance is approved, the 2026 concert season would be the last for the outdoor component of the Hi-Fi Annex.
- 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 no site improvements appear to be attached to the building within the IHPC district, no Certificate of Appropriateness or other IHPC approvals would be required. The site is also not located within the Regional Center, although an update to RC boundaries may 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 had been filed with the City of Indianapolis in relation to the outdoor concert venue prior to approval of the 2025 Use Variance. Additionally, it appears that the applicant has received construction releases and approvals from the Indiana Department of Homeland Security in relation to the placement of the shipping containers.
- 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). This improvement has since been removed from the site to bring the site into zoning compliance, but an ILP review brought to the attention of both the City and the applicant that a Use Variance would be required for the use of Outdoor Recreation and Entertainment, General within the C-4 zoning district (this had not been previously noted due to the confusion of the COVID-19 pandemic).
- Approval of this variance petition would allow for the outdoor entertainment venue to continue for the 2026 season beyond the approval previously granted for the 2025 season, but would not grant an extended approval for outdoor entertainment at the site for the 2027 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 both within the front yard of the property (western St. Patrick frontage) and within public alleyways.

- Site photography and the site plan provided for ILP review indicate that multiple shipping containers 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 (in addition to approval of this variance).
- Staff would not be supportive of the continued blocking of these alleyways given the lack of vacation petition and potential inconvenience for co-tenants within the Murphy Arts building, and the previous approval recommendation had been operating under the assumption that all temporary structures would be removed by December of 2025. It is unclear what practical difficulty exists that would prevent associated structures from remaining within property lines if the concert use were to extend beyond the previous temporary approval granted.
- 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. Relevant comprehensive plans are supportive of entertainment uses such as concerts, but staff would note that the *outdoor nature* of this use would make it more intense than what is contemplated for the C-4 district (C-5, C-7 and CBD-2 zoning would allow the use by-right).
- 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 16 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. All improvements would be removed by November 31st, 2026, and the full operation plan can be found within Exhibits.
- Staff had recommended approval of the previous temporary variance at this site to allow for the completion of the 2025 concert season. The below excerpt from the staff report for 2025-UV3-003 provides more context about the basis for this approval:
 - *“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.”*

- Staff would note that the specific context from that approval recommendation has changed between February and the present. The applicant had not previously been aware of zoning requirements for the use, but the Plan of Operation filed and previous report from 2025-UV3-003 left little ambiguity about the zoning requirements and expected expiration date of the use. Additionally, it appears that (as of November 10th) at least two concerts utilizing the outdoor space during the spring and summer of 2026 have already been scheduled prior to the resolution of this variance. The grant of repeated, temporary variances would not constitute a land-use best practice, and staff feels that approval of this variance would increase the chance of a third temporary request being made for the 2027 season and beyond.
- Findings of Fact provided by the applicant do not identify a specific undue hardship that would prevent alternate use at the site, or that would preclude them from scheduling either additional indoor shows within either the Murphy building (or other alternate spaces) or outdoor shows in areas where the zoning would be compliant. Staff also does not feel that allowing for longer-term noise externalities, encroachments into public alleyways, or reductions in parking in the congested Fountain Square neighborhood would be appropriate for the area. Staff recommends denial of the requested variances.

GENERAL INFORMATION

Existing Zoning	C-4 (TOD)	
Existing Land Use	Commercial	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	<u>Zoning</u>	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	10/22/2025	
Site Plan (Amended)	11/06/2025	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	10/22/2025	
Findings of Fact (Amended)	11/06/2025	

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

2025UV3003, 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), **approved**.

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 C-5 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**.

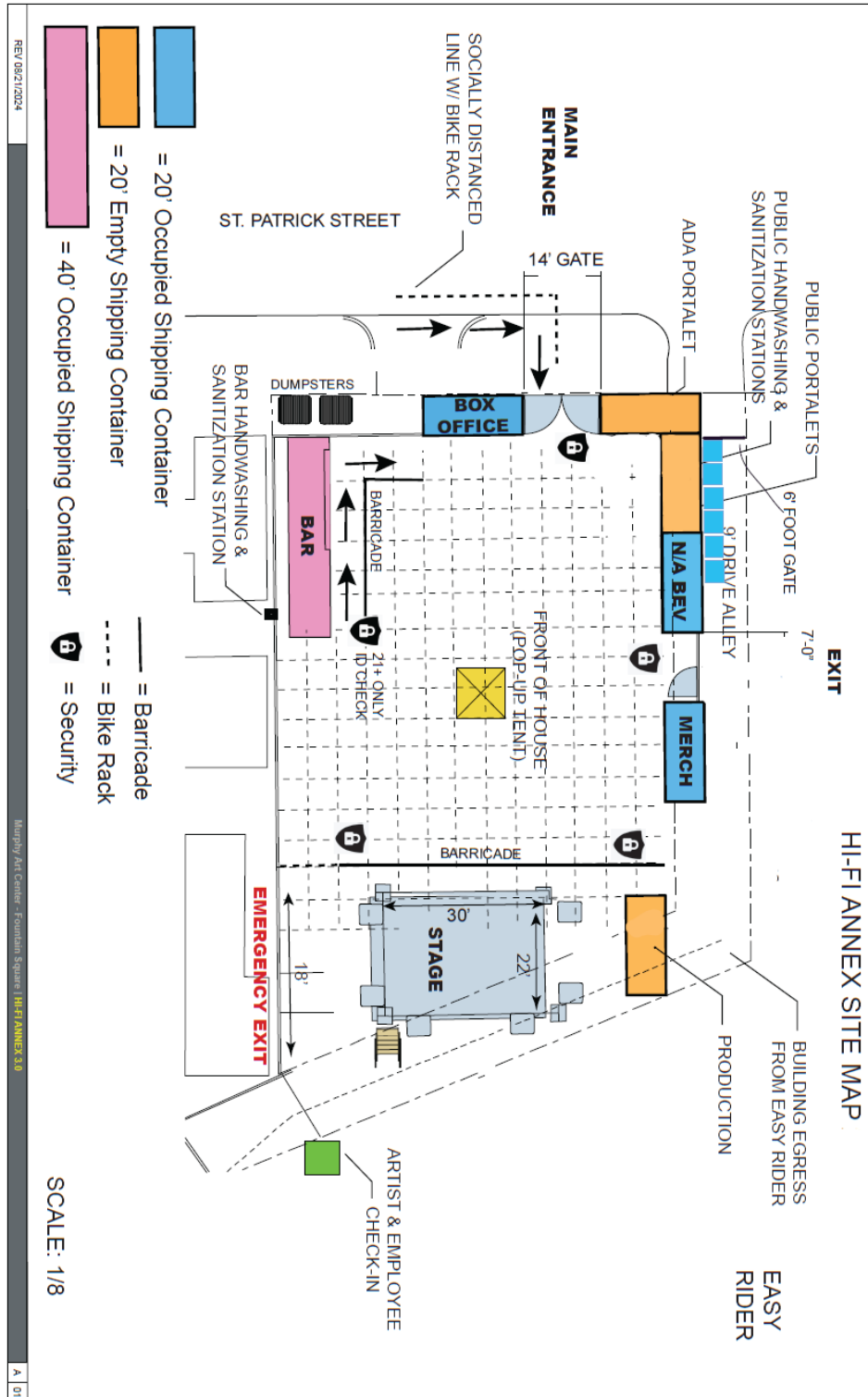
2010VHP019 ; 1110 Shelby Street (southeast of site), variance of development standards of the C-4 zoning ordinance to: (1) reduce required off-street parking from 145 to 36 spaces; and (2) reduce the front yard setback to 0 feet (15 feet required), **approved**.

EXHIBITS

2025UV3032 ; Aerial Map



2025UV3032 ; Site Plan



2025UV3032 ; Plan of Operation (pg. 1 of 5)



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 five 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 October 31, 2026 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 five 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 2026, 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 mid 2026. The venue will relocate indoors upon completion of the new venue.
- 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).

2025UV3032 ; Plan of Operation (pg. 2 of 5)

- The other half are event-specific, working evenings during shows, typically hosted Thursday through Sunday.
- **Parking for Staff:**
 - 16 dedicated parking spaces leased from LAZ in an adjacent lot accommodate staff, tour buses, and production vehicles. Venue has an agreement with LAZ Parking to manage parking sales for customers of the venue, which allows us to purchase additional spaces for staff or production in the event we have busy days or large tours that require more space.
 - 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.
 - Agreement with LAZ to offer dedicated paid parking in the adjacent parking lot. This has been happening for the duration of the 2025 season and will continue in 2026 and accounts for a total of 40 spaces.
 - Arrangements with nearby businesses and property owners 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 2027 will free up the existing Murphy parking lot, reclaiming 40 parking spaces.
- **Proactive Measures:**
 - Responsibility messaging is shared with guests to discourage drinking and driving, further reducing parking-related challenges.

2025UV3032 ; Plan of Operation (pg. 3 of 5)

- 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.
 - 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.
 - Security personnel shall be stationed along St. Patrick's St. during, and until all guests have departed, all events.

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

2025UV3032 ; Plan of Operation (pg. 4 of 5)

- 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
 - Rock For Riley, Visit Indy, Girls Rock Indy, Habitat Sartorial and other community-driven events
- **Hosting Profile National Events:**
 - The venues host high-profile events through supplemental event spaces for some of Indy's biggest events
 - 2024 NBA All Star Weekend - PlayersTV, Bleacher Report, American Express
 - 2025 NIVA National Live Policy Summit. NIVA has renewed and will host their the Policy Summit here for 2026
- **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:**

2025UV3032 ; Plan of Operation (pg. 5 of 5)

- 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 original variance was set with intention to conclude outdoor operations to relocate to the new indoor venue at the Murphy Arts Center for the summer 2026 season. Due to a number of factors beyond our control, our partnership deal to develop the space collapsed at the final stages. We have already invested a significant amount of time, professional fees, designs, and project planning into the project. Since the initial development deal, new development partners have been engaged and are committed to completing the indoor venue transition. As a result of our original deal, we already have plans and blueprints ready to proceed. With that said, it has taken the better part of 2025 to finalize plans with our new partners and has delayed the project by nearly a year. Economic conditions have also played a substantial role in financing delays for this project. As a result, even under an accelerated schedule, the new indoor venue will not be operational until mid-to-late 2026. We are committed to complete the indoor transition as quickly as possible, so the term of this variance is only limited to accommodate the 2026 season. DHS has already approved our variance for 2026. Additionally, we have received letters of support for this proposed variance extension from both the Fountain Fletcher District Association and from Deylen, our landlord for both the current Annex location and our future indoor facility.

No changes have been made since this variance request was approved in 2025.

All improvements related to the HI-FI Annex, including shipping containers, shall be removed by November 31, 2026 at the latest. If the new indoor venue becomes operational during the 2026 season, the transition to indoors will begin mid-season. No further extensions of the variance will be requested.

2025UV3032 ; 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.

2025UV3032 ; 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.

2025UV3032 ; 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.

2025UV3032 ; Findings of Fact (Encroachment into ROW)

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

the alley right-of-way where the encroachments are located do not generally benefit the public and/or there are alternative means of access. Moreover, the encroachments are temporary.

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 alley right-of-way where the encroachments are located are contained within the subject parcel and the encroachments do not impact adjacent properties. Moreover, the encroachments are temporary.

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

due to the temporary nature of the improvements and the manner in which the existing improvements establish a natural courtyard and restrict use of the alley right-of-way even without the encroachments, and the temporary nature of the improvements some deviation from the ordinance is required for the productive use of the property on a temporary basis.

2025UV3032 ; Photographs



Photo 1: Subject Site Viewed from West



Photo 2: Stage Area Viewed from West

2025UV3032 ; Photographs (continued)



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



Photo 4: Dumpsters at Southwest Section of Site (February 2025)

2025UV3032 ; Photographs (continued)



Photo 5: Bicycle Parking Area & St. Patrick Right-Of-Way (February 2025)

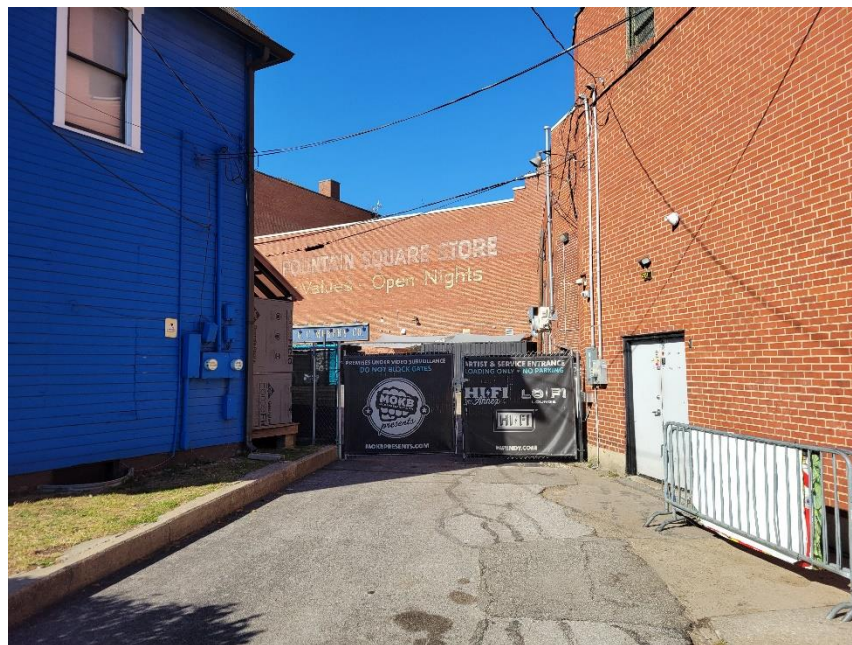


Photo 6: Subject Site Viewed from Southeast

2025UV3032 ; Photographs (continued)



Photo 7: Parking Area South of Subject Site & Prospect Street (February 2025)



Photo 8: Adjacent Property to South of Subject Site (February 2025)

2025UV3032 ; Photographs (continued)



Photo 9: Adjacent Property to Southwest (February 2025)



Photo 10: Adjacent Property to South (February 2025)

2025UV3032 ; Photographs (continued)



Photo 11: Murphy Arts Building/Hi-Fi Indoor Entrance East of Site (February 2025)



Photo 12: Future Annex Location/Former Granada Theater North of Site (February 2025)

2025UV3032 ; Photographs (continued)

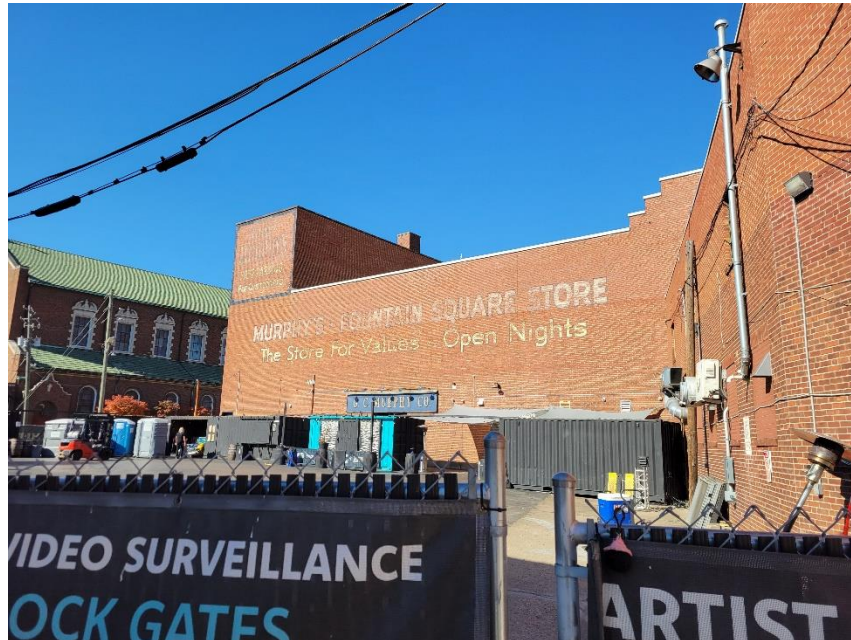


Photo 13: Improvements Encroaching Into Alley Viewed from Southeast



Photo 14: Space Between Property and Adjacent Buildings to South (February 2025)