

Agenda Item #2

Case Number	BZNA-0079-2019	Acreage	7.2 acres
Address	175 W Logan St	Zoning	FeHi/FH (Federal Hill Planned Development/Flood Hazard)
Owner	City of Noblesville	Reviewer	Sarah Reed
Applicant	City of Noblesville	BZA Meeting	July 1, 2019

Requested Action:

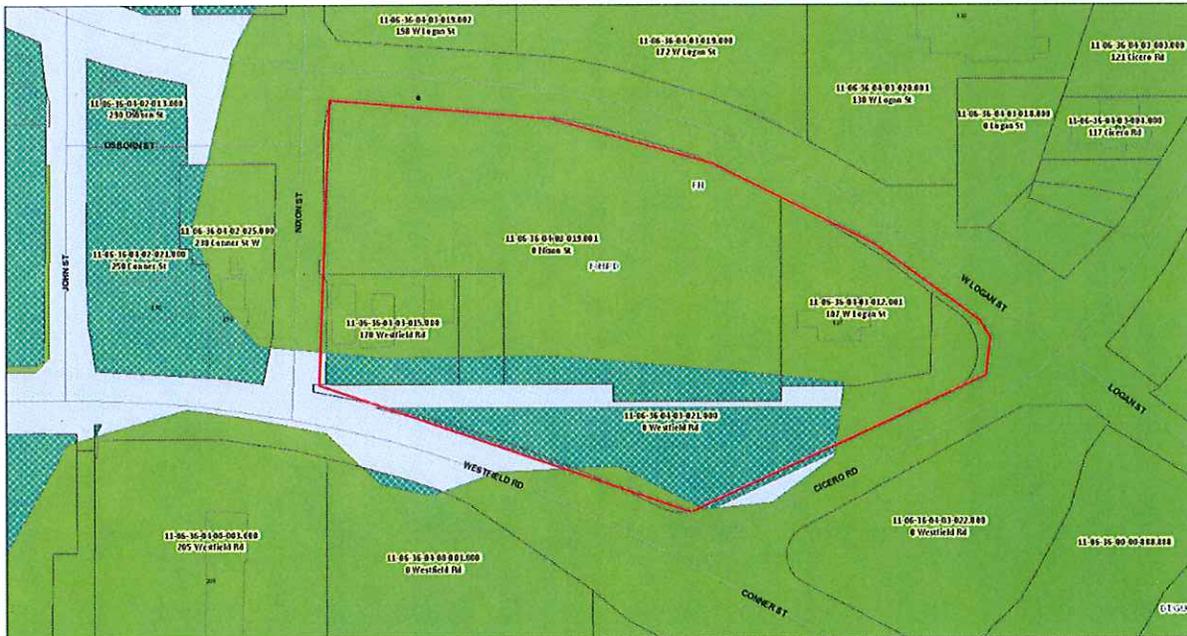
UDO §8.G.11.N.1, §8.G.11.N.4 – Variance of Development Standards application to permit the use of wet flood proofing for an accessory structure that exceeds 400 square feet.

Recommendation:

Approve. See Findings of Facts for Approval on page 3 and Conditions of Approval on page 4.

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ANALYSIS

The subject site is located between State Road 32 and Logan Street between State Road 19 and Nixon Street. Federal Hill Commons is located on the site, and includes off-street parking, a stage, playground, and a restroom structure. Permits for construction were issued in 2015, and the site was completed in late 2016. The restroom structure is approximately fifteen hundred (1500) square feet. The majority of the site is located within the Special Flood Hazard Area (SFHA).

The petitioner is requesting a variance to allow wet floodproofing on the restroom facility. Wet floodproofing in general means that the walls of the structures are reinforced and constructed with flood vents to allow the structure to flood. The structure is constructed of materials that are not generally damaged when submerged in water, and the utilities and facilities in the structure are elevated above the Flood Protection Grade (FPG) which is 2 feet above the flood elevation. Currently, the flood hazard zoning district regulations state that only accessory structures that are less than four hundred (400) square feet in size may be wet floodproofed. Any structures larger than 400 square feet, regardless of their use, would need to be either dry floodproofed or elevated to FPG. Dry floodproofing in general mean the walls of the structure are reinforced to withstand the hydrostatic pressure of water from the outside, and the penetrations are sealed to keep all water out of the structure. Elevation of the structure at this site would mean the elevation of the floor to at least 762.1 feet. The flood elevation on the portion of the site where the restroom is located is 760.1 feet. The ground elevation around the restroom is approximately 758 feet.

The building was constructed using wet floodproofing techniques. There is mortar reinforcement in the concrete block up to FPG, the electrical and other utilities are located above FPG, and there are flood vents to allow water to flow into the building and between the different portions. The building is used as a storage and restroom facility. There are no spaces in the building for either offices or living spaces.

The Unified Development Ordinance notes the following considerations when looking at variances for properties located within the floodplain.

The Board of Zoning Appeals shall, in weighing the appropriateness of a variance for Flood Hazard areas, consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, as well as the following:

- a. The danger to life and property due to flooding or erosion damage.*
- b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.*
- c. The importance of the services provided by the proposed facility to the community.*
- d. The necessity to the facility of a waterfront location, where applicable.*
- e. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.*
- f. The compatibility of the proposed use with existing and anticipated development.*
- g. Whether development of the subject lot would be in harmony with the general and specific purposes of this ordinance, the comprehensive plan, and the floodplain management program of that area.*
- h. The safety of access to the property in times of flood for ordinary and emergency vehicles.*
- i. The expected height, velocity, duration, rate of rise, and sediment of transport of floodwaters at the site.*
- j. Costs of providing governmental services during and after flood conditions, including*

maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

VARIANCE FINDINGS

AGENDA ITEM #2:

The Noblesville Board of Zoning Appeals is authorized to approve or deny variances of use from the terms of the zoning ordinance. **The BZA may impose reasonable conditions as part of its approval. A variance of development standards may be approved only upon a determination in writing that the following three (3) conditions are met (see Indiana Code § 36-7-4-918.5):**

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

It is likely that the proposed variance will not be injurious to public health, safety, and general welfare of the community. The structure is part of a local park system that is operated by the municipality. Its primary function is that of an accessory structure though it exceeds the 400 square foot size included in the accessory structure definition for the floodplain. The structure was designed with the intent to minimize as much as possible the damage that would be sustained if it flooded, and is constructed of materials that allow for relatively easy cleanup following an event. The City owns the facility and the entire facility would be subject to closure at the point that we know that flood waters are beginning to encroach. There is a major state road that runs along the south side of the property that will provide sufficient access to the property.

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:

It is likely that the use and value of real estate adjacent to the subject site will NOT be affected in a substantially adverse manner by allowing the requested variance. Nearby property owners may remonstrate against this petition if they believe this request will have significant adverse effects on adjacent properties. Should nothing contrary be brought to light by adjacent owners at the public hearing, it is presumed that the approval of this variance request will not have a substantially adverse effect on the use and value of adjacent properties. An analysis was completed with the construction of the park that showed that the changes on the property did not have a net effect on the flood levels.

3. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought:

The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought. The provision of public restrooms is necessary in a public park setting such as this, and the entirety of the original park boundary is located within the SFHA. The structure is located on the western side of the lot away from the flooding source on the eastern side of State Road 19, and there would be ample notice that a closure of the site needed to occur. The use of the structure is not intended as a habitable structure and serves a solely accessory role to the primary use as a park. The City has full control over the closure of the entire facility and it would not result in the undue harm

to any residents of the community. Its construction out of flood resistant materials and with elevated utilities will minimize the possible damage that could be caused by flooding, and is easily cleaned after any events.

RECOMMENDATIONS

AGENDA ITEM #2:

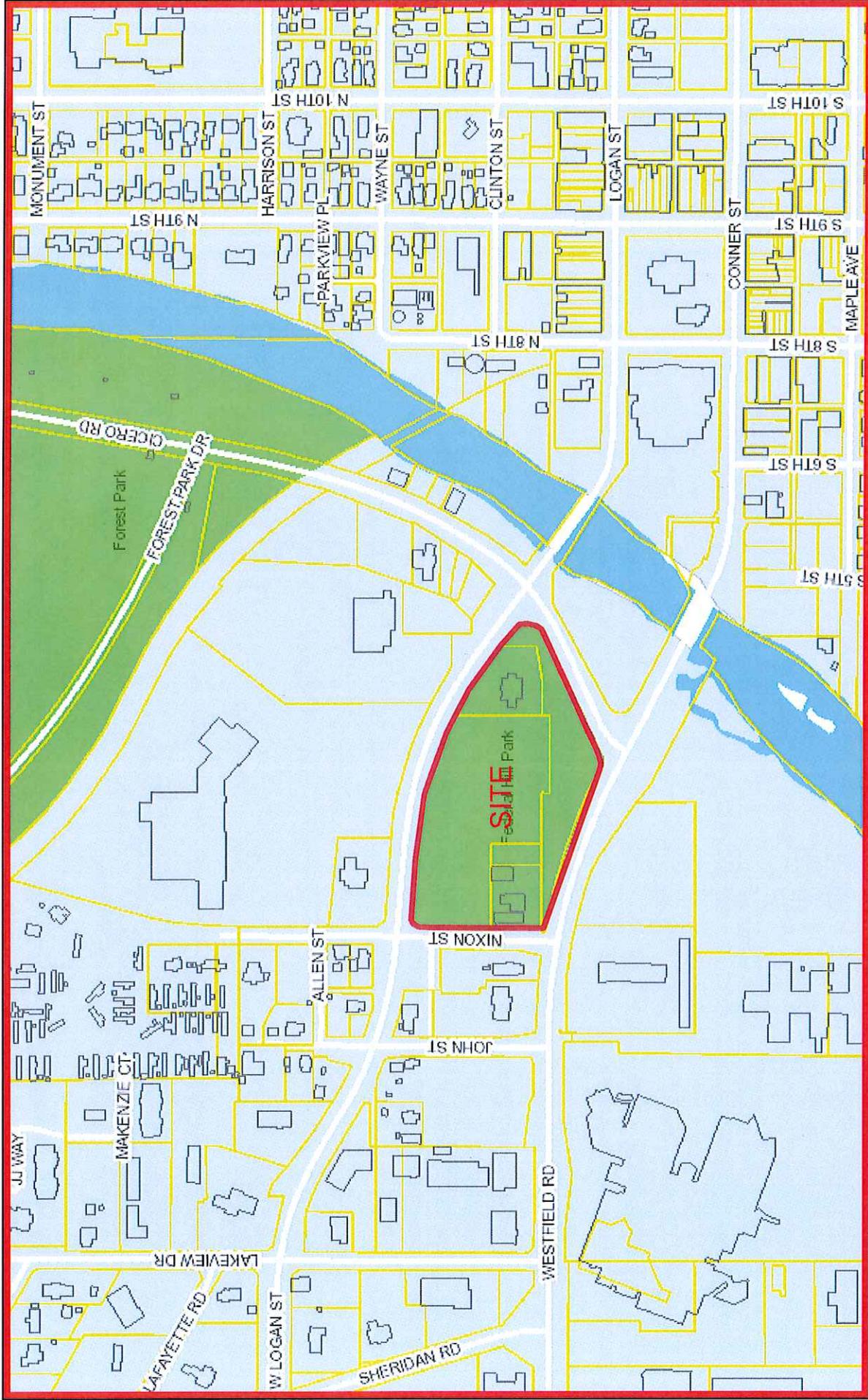
APPROVE the requested Conditional Use application based upon the following findings of fact:

- The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
- The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.

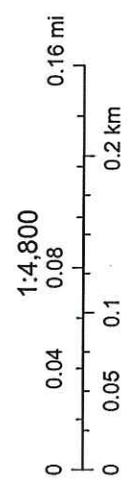
With the following specific conditions:

1. The size of the structure shall not be increased unless the building complies with all provisions of the FH (Flood Hazard) zoning district.
2. The use of the structure will remain that of an accessory structure and no occupancy of the structure shall occur. The building may be used for storage and restrooms only.
3. The Applicant shall be given written notice, which will then be recorded against the deed to the property in the office of the County Recorder, specifying the following:
 - a. The difference between the base flood elevation and the elevation to which the lowest floor is to be built
 - b. Stating that construction of a structure below the base flood elevation will result in increased premium rates for flood insurance. Such rate increase will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 - c. Such construction below the base flood elevation increases risks to life and property.
4. The Applicant shall sign the Acknowledgement of Variance document prepared by the Planning and Development Department Staff within 60 days of this approval. Staff will then record this document against the property and a file stamped copy of such recorded document shall be available in the Department of Planning and Development.
5. Any alterations to the approved building plan or site plan, other than those required by the Board of Zoning Appeals (BZA), shall be submitted to the Planning and Development Department prior to the alterations being made, and if necessary, a BZA hearing shall be held to review such changes.

Exhibit 2 Parcel Map

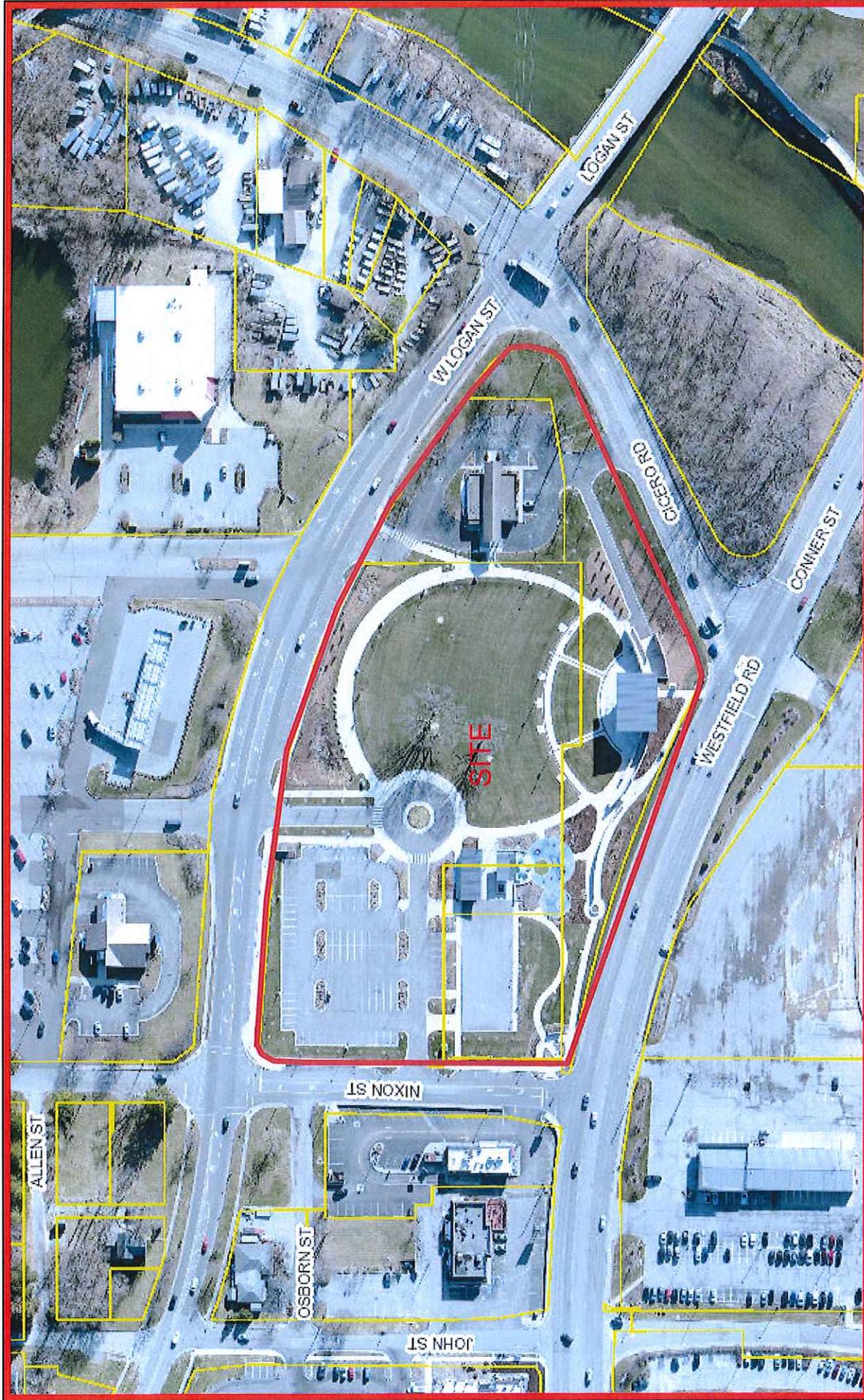


June 26, 2019



- centerlines
- Buildings
- Parcels

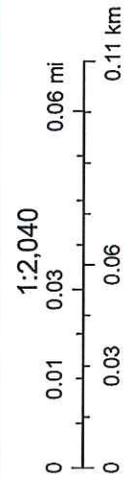
Exhibit 3 Aerial Photograph



June 26, 2019

centerlines

□ Parcels



CITY OF NOBLESVILLE ♦ VARIANCE OF DEVELOPMENT STANDARD APPLICATION



CITY OF NOBLESVILLE
BOARD OF ZONING APPEALS
VARIANCE OF DEVELOPMENT STANDARD APPLICATION

Application Number: BZNA-0079-2019

The undersigned requests a Variance of Development Standards as specified below. Should this variance request be approved, such approval shall only authorize the particular use described in this application and as further limited by reasonable conditions imposed upon such approval by the Board of Zoning Appeals.

Project Name or Occupant Name: Federal Hill Commons

Common Address 175 W. Logan Street

Applicant Name: City of Noblesville Park & Recreation Department

Applicant Address: 16 South Tenth Street

Applicant City/State/Zip: Noblesville, IN 46060 E-mail: bbennett@noblesville.in.us

Applicant Phone #1: 317 776 6350 Phone #2: _____ Fax: _____

Owner Name: Noblesville Redevelopment Authority

Owner Address: 16 S. Tenth Street

Owner City/State/Zip: Noblesville, IN 46060 E-mail: _____

Owner Phone #1: NA Phone #2: _____ Fax: _____

Property Location: Not located in a recorded subdivision, see legal description attached.

Subdivision Name: _____

Subdivision Section: _____ Lot Number: _____ Last Deed of Record Number 2014-07280

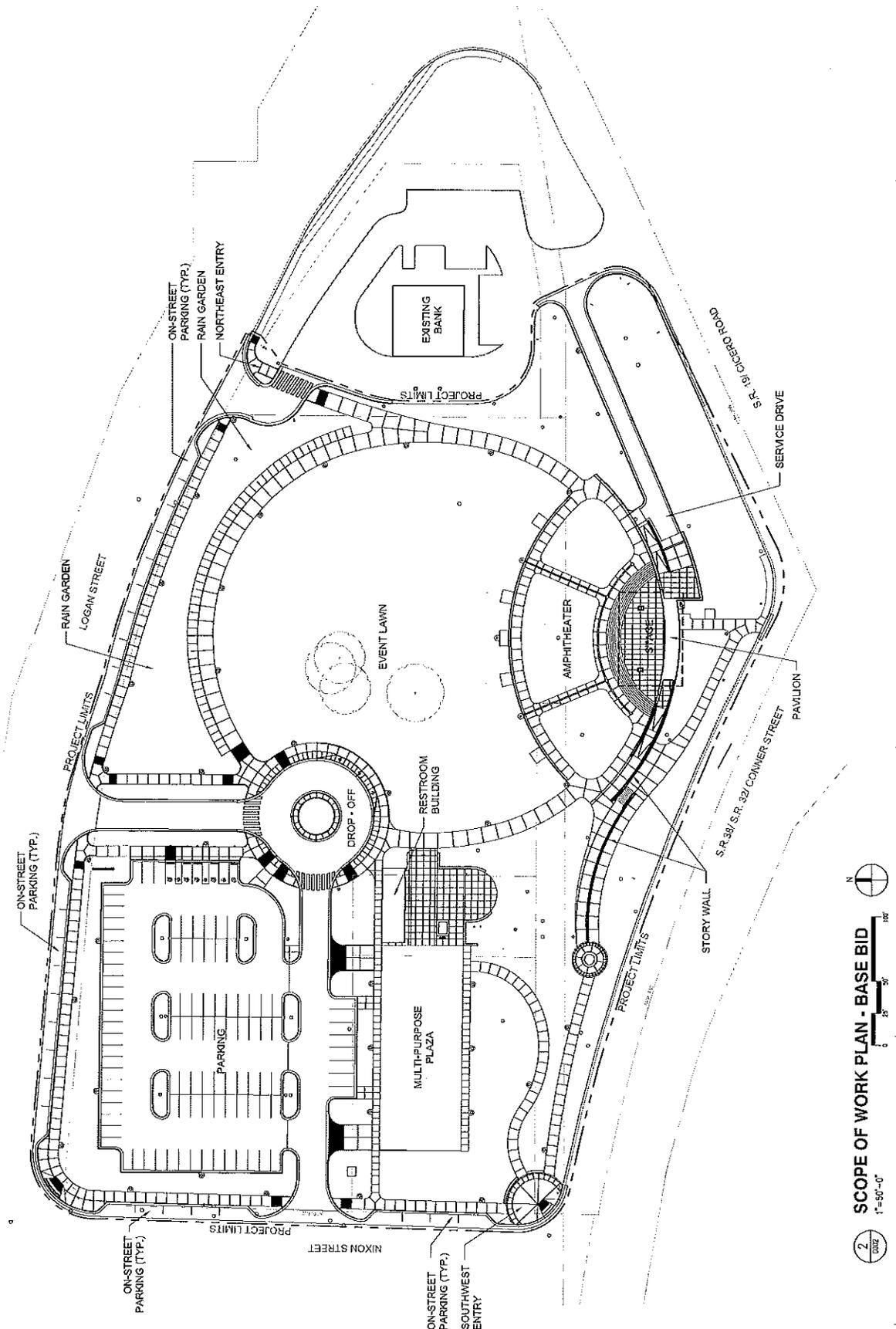
Existing Land Use: public park

Common Description of Request: Building construction not two feet above the base flood elevation

Zoning District of Property: FeHi/PD Code Section(s) Appealed: UDO § 8.G.11.N.4

Date: 05-29-2019 Applicant's Signature: [Handwritten Signature]

Exhibit 5



SCOPE OF WORK PLAN - BASE BID
1"=50'-0"



2
100'



