

Agenda Item #1

Case Number	BZNA-0147-2019	Property Size	0.15 AC
Address	750 N. 14th Street	Zoning	R3 (Moderate to High Density Single Family Residential)
Owner	Christopher D. & Shelby L. Hanna	Reviewer	Rina Neeley
Applicant	Rise Builders LLC (contact person: Lance Cleland)	BZA Meeting	December 2, 2019

Requested Action:

UDO § 9.B.2.C.1.b Variance of Development Standards to allow a proposed detached garage to exceed the maximum height of an accessory structure on a lot less than 1 acre and to exceed the height of the existing primary house (14 feet required; 16 feet requested).

Recommendation:

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

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2. Parcel Map
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4. Application
5. Site Plan
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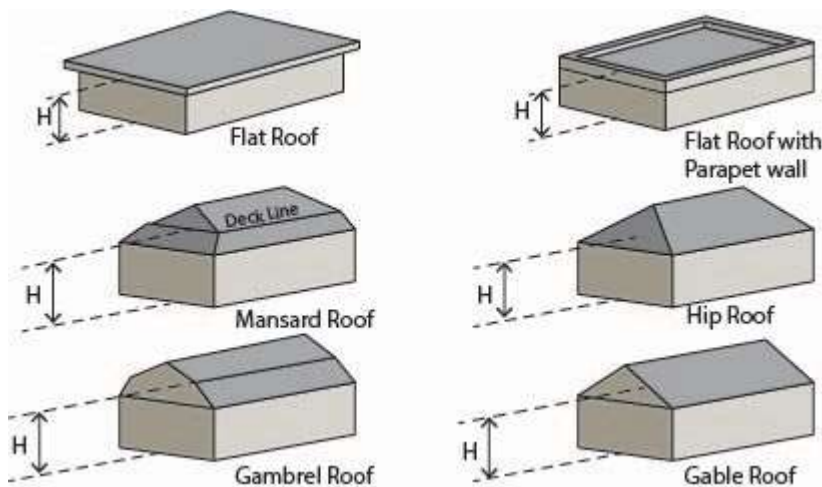


ANALYSIS

The subject site is located on the east side of 14th Street immediately north of the alley between Central Avenue and Grant Street. The property is surrounded by single family on all sides (see Exhibits 2 and 3). The subject site is developed with a one-story single family house built in 1930. While there is no garage on the property, there is an existing concrete pad in the approximate location of the proposed garage.

Building height is defined in the UDO as “the vertical distance measured from the average finished grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridges for gable, hip, and gambrel roofs” as shown in Illustration A. According to the application filed by the petitioner (Exhibit 4), the existing one-story single family house on the subject property is approximately 10½ feet tall. Most of the properties in the immediate vicinity of the subject site are developed with 2-story houses or one-story houses with a steeper roof pitch, which may allow them to build accessory structures up to the maximum 14 foot height.

Illustration A – Building Height



The petitioner is requesting a variance to allow the construction of a detached garage that exceeds:

- the maximum height of 14 feet for an accessory structure on a lot that is less than one acre; and
- the height of the existing house.

While the height of the proposed garage will be taller than the existing house and the maximum height allowed, it will not exceed 16 feet (see Exhibits 4, 5 and 6). This variance is requested so that the proposed garage can accommodate a taller, 9-foot garage door while complimenting the roof pitch of the existing house. The larger garage door may accommodate a taller vehicle, such as a lifted truck or a boat, to be stored inside the structure, protected from inclement weather, and out of public view.

Although the proposed garage exceeds the maximum height allowed for an accessory structure, it will meet the minimum 6 foot side yard setback required by the R3 zoning district and the minimum 5 foot rear yard setback required for a detached accessory structure. The petitioner was advised, and a condition was added, that the proposed garage cannot be attached to the existing house in any way without an additional variance approval for the reduction of the rear yard setback. Otherwise, the addition of a detached garage is consistent with the character of the surrounding neighborhood.

VARIANCE OF DEVELOPMENT STANDARDS FINDINGS

AGENDA ITEM #1:

If the Board should decide to APPROVE the requested variance, please use the following findings of fact:

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 this variance will NOT be injurious to the public health, safety, morals, and general welfare of the community. The proposed garage is meant for accessory uses to the existing single family residence. This includes the storage of personal items, such as vehicles, boats, lawn maintenance equipment, etc. The use of the garage to store large items will decrease the likelihood of these items to be stored outside in the yard or in public view. In addition, a 22-foot long driveway is proposed in association with the garage. This may increase the amount of available parking on the street.

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. 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.

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 result in practical difficulties in the use of the property because limiting the garage height would require the detached garage to be no taller than 10½ feet. Requiring the proposed garage to meet the height regulations may affect the roof pitch of the structure since the taller garage door is a feature that the property owners need to accommodate their larger vehicles and/or boat. Limiting the garage height would result in a garage that would store personal items instead of the property owners' vehicles or boat and may not increase the amount of parking available on the street.

RECOMMENDATIONS

AGENDA ITEM #1:

APPROVE the requested Variance of Development Standards 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 accessory structure shall be used for the storage of personal materials only and shall not be used for any commercial or separate residential purpose.
2. The accessory structure shall have on all sides the same architectural features as, or shall be architecturally compatible with the existing residential home.
3. The detached accessory structure shall not be attached to the existing home in any way. If the property owner (or future property owner) would like to attach the detached garage to the existing residence at a later date, they will need to obtain an approval of a Variance for the reduction of the rear yard setback.
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



November 8, 2019

1:2,400

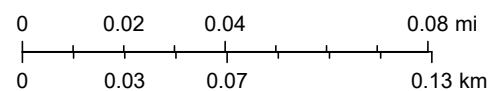
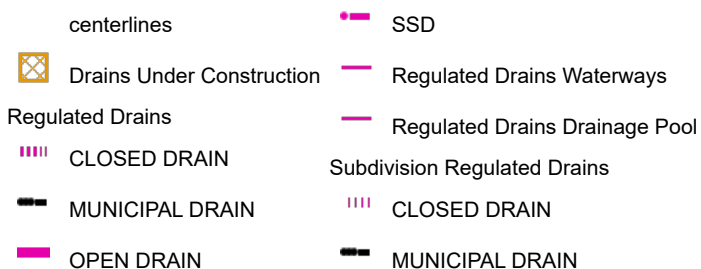
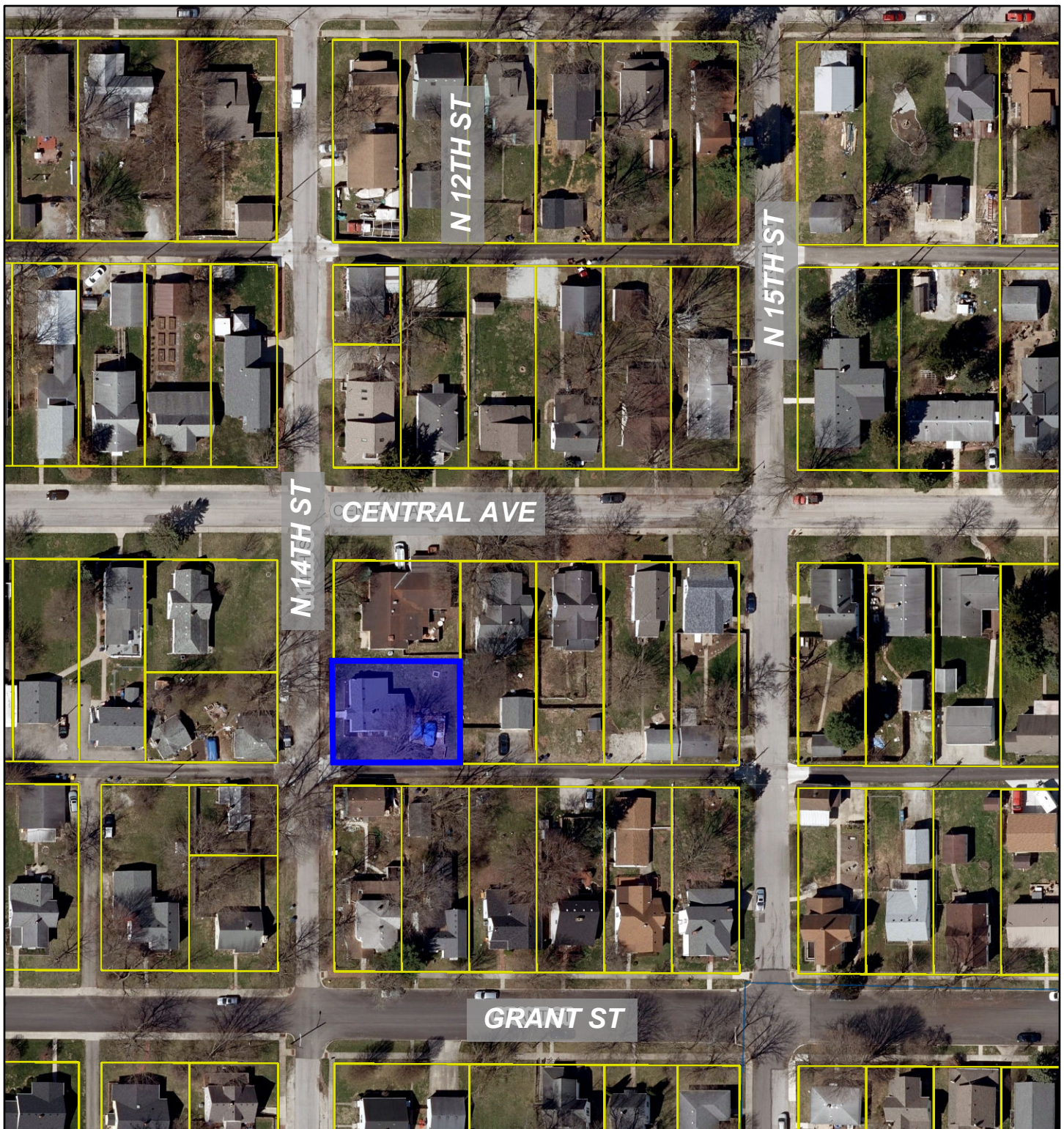


Exhibit 3 - Aerial Photo



November 8, 2019

1:1,200

- | | |
|---------------------------|--------------------------------|
| centerlines | SSD |
| Drains Under Construction | Regulated Drains Waterways |
| Regulated Drains | Regulated Drains Drainage Pool |
| CLOSED DRAIN | Subdivision Regulated Drains |
| MUNICIPAL DRAIN | CLOSED DRAIN |
| OPEN DRAIN | MUNICIPAL DRAIN |

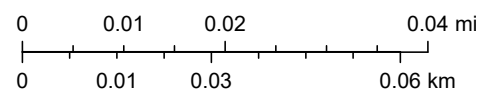


Exhibit 4 - Application



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

Application Number:

BZNA-0147-2019

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: Chris Hannah

Common Address: 750 North 14th St, Noblesville, IN

Applicant Name: Rise Builders LLC, Lance Cleland

Applicant Address: 5976 Crosscut Lane

Applicant City/State/Zip: Noblesville, IN 46062 E-mail: risebuildersllc@gmail.com

Applicant Phone #1: 317-790-5530 Phone #2: N/A Fax: N/A

Owner Name: Chris Hannah

Owner Address: 750 North 14th St. ~~Noblesville~~

Owner City/State/Zip: Noblesville, IN 46060 E-mail: mya.chris.hanna94@aol.com

Owner Phone #1: 317-374-5443 Phone #2: N/A Fax: N/A

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

Subdivision Name: Lincoln Park

Subdivision Section: N/A Lot Number: PT 151, PT 152 Last Deed of Record Number March 17th, 2016

Existing Land Use: Single Family Residential 2016-11780

Common Description of Request: A variance of the height requirement.

Zoning District of Property: R3 Code Section(s) Appealed: UDO § 9.B.2.C.1.6 for the height standard

Date: 10-22-19

Applicant's Signature:

Lance J. Cleland, Rise Builders.

The Noblesville Board of Zoning Appeals (BZA) is authorized to approve or deny Variances of Development Standard from the terms of the Unified Development Ordinance. The BZA may impose reasonable conditions as part of its approval. A Variance of Development Standard may be approved only upon a determination in writing that the following three (3) statements are true (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. Explain why this statement is true in this case:

By making the garage 6'1" high this does not hurt in anyway the health, safety, morals or general welfare it does not impede any electrical wires etc...

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 by the approval of this variance request. Explain why this statement is true in this case:

There are properties adjacent that are actually taller than the proposed garage and this garage will fit in nicely with adjoining properties. It will also allow owner to place a boat and vehicles inside garage and not outside since height will allow for this now.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property. Explain why this statement is true in this case:

If strict application is applied owner will not be able to store their taller vehicle and boat in the garage.

Tax ID Number(s):
11-07-31-10-03-019.000
11-07-31-10-03-017.000

29-07-31-003-019.000-013
29-07-31-003-017.000-013

WARRANTY DEED

THIS INDENTURE WITNESSETH THAT

Koontz Lake Rentals, LLC

CONVEY(S) AND WARRANT(S) TO

Christopher D. Hanna and Shelby L. Hanna, Husband and Wife, for Ten Dollars and other valuable consideration the receipt whereof is hereby acknowledged, the following described REAL ESTATE in Hamilton County, in the State of Indiana, to wit:

SEE ATTACHED EXHIBIT "A"

Subject to Real Estate taxes now due and payable and thereafter.

Subject to covenants, restrictions and easements of record.

The undersigned person(s) executing this deed on behalf of the Limited Liability Company represent and certify that they are a current member/manager of said Limited Liability Company and have been fully empowered by a proper meeting and vote of the Limited Liability Company members to execute and deliver this deed.

IN WITNESS WHEREOF, the Grantor has executed this deed this 24 day of Feb 2016.

Koontz Lake Rentals, LLC

 member

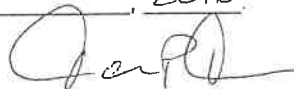
By: Tamara J. Osburn
Title: member

State of Florida, County of Volusia ss:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Tamara Osborn, Member of Koontz Lake Rentals, LLC who acknowledged the execution of the foregoing Deed and who, having been duly sworn, stated that the representations therein contained are true.

WITNESS, my hand and Seal this 26 day of Feb, 2016

My Commission Expires: 1/15/2019



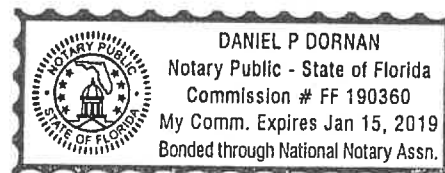
Signature of Notary Public

Daniel P Dornan

Printed Name of Notary Public

Volusia Florida

Notary Public County and State of Residence



This instrument was prepared by:

Andrew R. Drake, Attorney-at-Law
11711 N. Pennsylvania St., Suite 110, Carmel, IN 46032

Property Address:

750 North 14th Street
Noblesville, IN 46060

Grantee's Address and Mail Tax Statements To:

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. Andrew R. Drake

EXHIBIT A

The South half of Lots Numbered 151 and 152, except 6 feet off the East side of Lot Numbered 152, in Evans and Cooper's Lincoln Park Addition to the City of Noblesville, Hamilton County, Indiana, as per plat thereof recorded in Deed Record 54, page 29 in the Office of the Recorder of Hamilton County, Indiana.

ADMINISTRATIVE INFORMATION

PARCEL NUMBER
29-07-31-003-017.000-013

Parent Parcel Number

Property Address
750 N 14th St

Neighborhood
609200 LINCOLN PARK/COMBINED NBHDS

Property Class
510 Res 1 fam dwelling platted lot

TAXING DISTRICT INFORMATION

Jurisdiction 29

Area 010 Noblesville

Corporation N

District 013 Noblesville

OWNERSHIP

Hanna, Christopher D & Shelby L h&w
750 N 14th St
Noblesville, IN 46060

Acreage .15, Section 31, Township 19, Range 5, LINCOLN PARK, Lot Pt 151 & Pt 152

Tax ID 1107311003017000

TRANSFER OF OWNERSHIP

Date

02/26/2016 Koontz Lake Rentals LLC
Doc #: 2016-11780

03/02/2015 Federal National Mortgage Associatio
Doc #: 2015-12336

08/14/2014 Williams, Cody L & Candice J
Doc #: 2014-42223

\$102500

\$42500

\$80260

RESIDENTIAL

VALUATION RECORD

Assessment Year	03/01/2013	03/01/2014	03/01/2015	01/01/2016	01/01/2017	01/01/2018	01/01/2019
Reason for Change	Trend	Trend	Trend	Combine	REVAL	Trend	Trend
VALUATION	I	18700	18700	18700	26500	26500	26500
Appraised Value	E	39000	39000	39700	63500	62400	68400
	T	57700	57700	58400	90000	88900	94900
VALUATION	I	18700	18700	18700	26500	26500	26500
True Tax Value	E	39000	39000	39700	63500	62400	68400
	T	57700	57700	58400	90000	88900	94900

LAND DATA AND CALCULATIONS

Rating	Measured	Table	Prod. Factor	Base	Adjusted	Extended	Influence	
Soil ID	Acreage	Depth	-or- Depth Factor	Rate	Rate	Value	Factor	Value
-or- Actual Frontage	-or- Effective Frontage	132	-or- Effective Square Feet	90.0	455.00	27850.3	-5%	26460
Land Type								
1 FRONT LOT								

Site Description

Topography:
Level

Public Utilities:
All

Street or Road:
Paved, Alley

Neighborhood:
Static

Zoning:

Legal Acres:
0.1500

Admin Legal
0.1500

DISC: MULTI PARCEL SALE (\$80,260) INCLUDES 11-07-31-10-03-019.000 RW

MULTI PARCEL SALE (\$42,500) INCLUDES 11-07-31-10-03-019.000 RW

MEMO: SEE ALSO RTNG 36

NC16: BP#RESI-001779-2015 REMODEL 100% COMPLETE 1-1-16 DB

NC16: FINAL - 8-18-15

NC16: COMBINED WITH 11-07-31-10-03-019.000 1-1-16 DMS

NC99: BP#98N080136 REMODEL 100% 3-1-99 DMS

NOTE: PER FLEX VIEWER 0.08 ACRES 3-1-15 DMS

RV17: GRADE 01-01-17 DB

FARMLAND COMPUTATIONS

Parcel Acreage

81 Legal Drain NV [-]

82 Public Roads NV [-]

83 UT Towers NV [-]

9 Homesite(s) [-]

91/92 Excess Acreage[-]

TOTAL ACRES FARMLAND

TRUE TAX VALUE

Measured Acreage

0.1500

TRUE TAX VALUE FARMLAND

Classified Land Total

Homesite(s) Value (+)

Excess Acreage Value (+)

Supplemental Cards

TRUE TAX VALUE

26460

Supplemental Cards

26500

TOTAL LAND VALUE

26500

PHYSICAL CHARACTERISTICS

Style: 11 Older convent'1 l 1 story
Occupancy: Single family

Story Height: 1.0
Finished Area: 1128
Attic: None
Basement: 1/4

ROOFING
Material: Asphalt shingles

FLOORING
Slab B, 1.0
Vinyl tile 1.0
Carpet 1.0
EXTERIOR COVER
Wood siding 1.0
INTERIOR FINISH
Drywall 1.0
ACCOMMODATIONS
Finished Rooms 6
Bedrooms 3
Formal Dining Rooms 1

HEATING AND AIR CONDITIONING
Primary Heat: Central Warm Air
Lower Full Part
/Bsmt 1 Upper Upper
Air Cond 0 1128 0 0

PLUMBING

3 Fixt.. Baths 2 6
Kit Sink 1 1
Water Heat 1 1
TOTAL 8

REMODELING AND MODERNIZATION
Amount Date

IMPROVEMENT DATA

	Construction	Base Area	Floor Area	Sq Ft	Finished	Value
1	WOOD FRAME	1128	1.0	1128		79160
4	CONCRETE BLOCK	360	Bsmt	0	14870	
		768	Crawl	----	4850	

TOTAL BASE						98880
Row	Type	Adjustment	SUB-TOTAL			1.00%
						98880
			0	Interior Finish		0
			0	Ext Lvg Units		0
			0	Basement Finish		0
			0	Fireplace(s)		0
			0	Heating		0
			2900	Air Condition		2900
			0	Frame/Siding/Roof		0
				Plumbing Fixt: 8		2400

SUB-TOTAL ONE UNIT						104180
SUB-TOTAL 0 UNITS						104180
Garages						
	CONCP	300	0	Integral		0
		1540	0	Att Garage		0
	OFF	2300	0	Att Carports		0
			0	Bsmt Garage		0
				Ext Features		4140
SUB-TOTAL						108320
Quality Class/Grade						D+2
GRADE ADJUSTED VALUE						97490

(LCM: 100.00)

SUMMARY OF IMPROVEMENTS

SPECIAL FEATURES

Description	Value	ID	Use	Stry Hgt	Const Year	Grade	Base Rate	Feat- ures	Adj Rate	Size or Area	Computed Value	PhysObsol	Market %	Depr	Adj Comp	Value
D	DWELL			0.00		D+2	0.00	N	0.00	1488	97490	35	0	110	100	69700

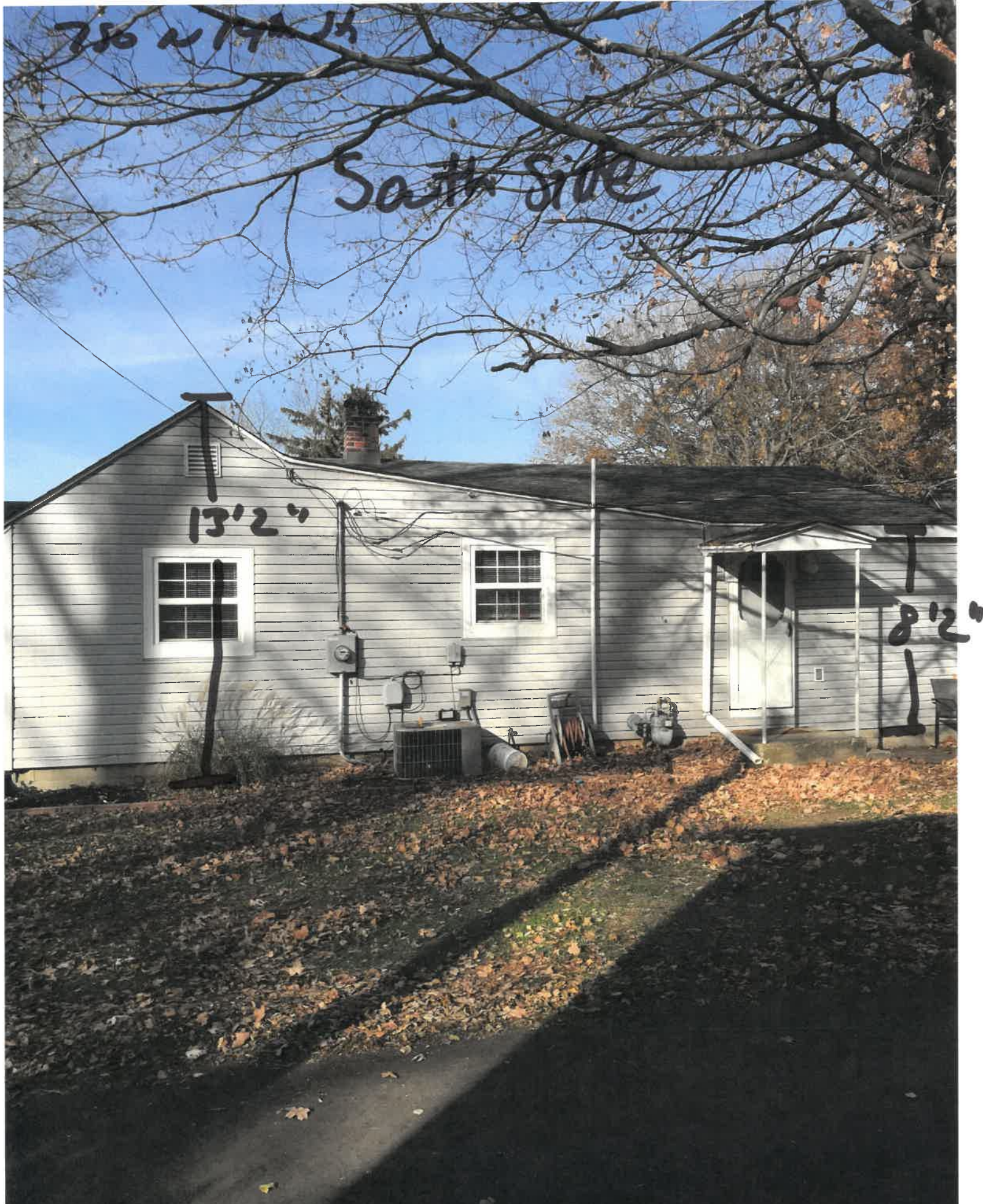
Data		Collector/Date		Appraiser/Date		Neighborhood		Supplemental Cards	
JP	05/12/2016	BLT	07/02/1999	Neigh	609200	AV		TOTAL IMPROVEMENT VALUE	69700

750 N. 14th St

North Side



Existing House North Elevation



Existing House South Elevation



Existing House East Elevation

750 ~ 14th St

WEST
SIDE



Existing House West Elevation

1422 Grant (1926)
Located right to
the South in same
alley as 750 N. 1st St.



**Example of Garage Exceeding Max Height
1422 Grant Street**

1387 Central
right across st
from 750 N 14th



**Example of Garage Exceeding Max Height
1387 Central Avenue**

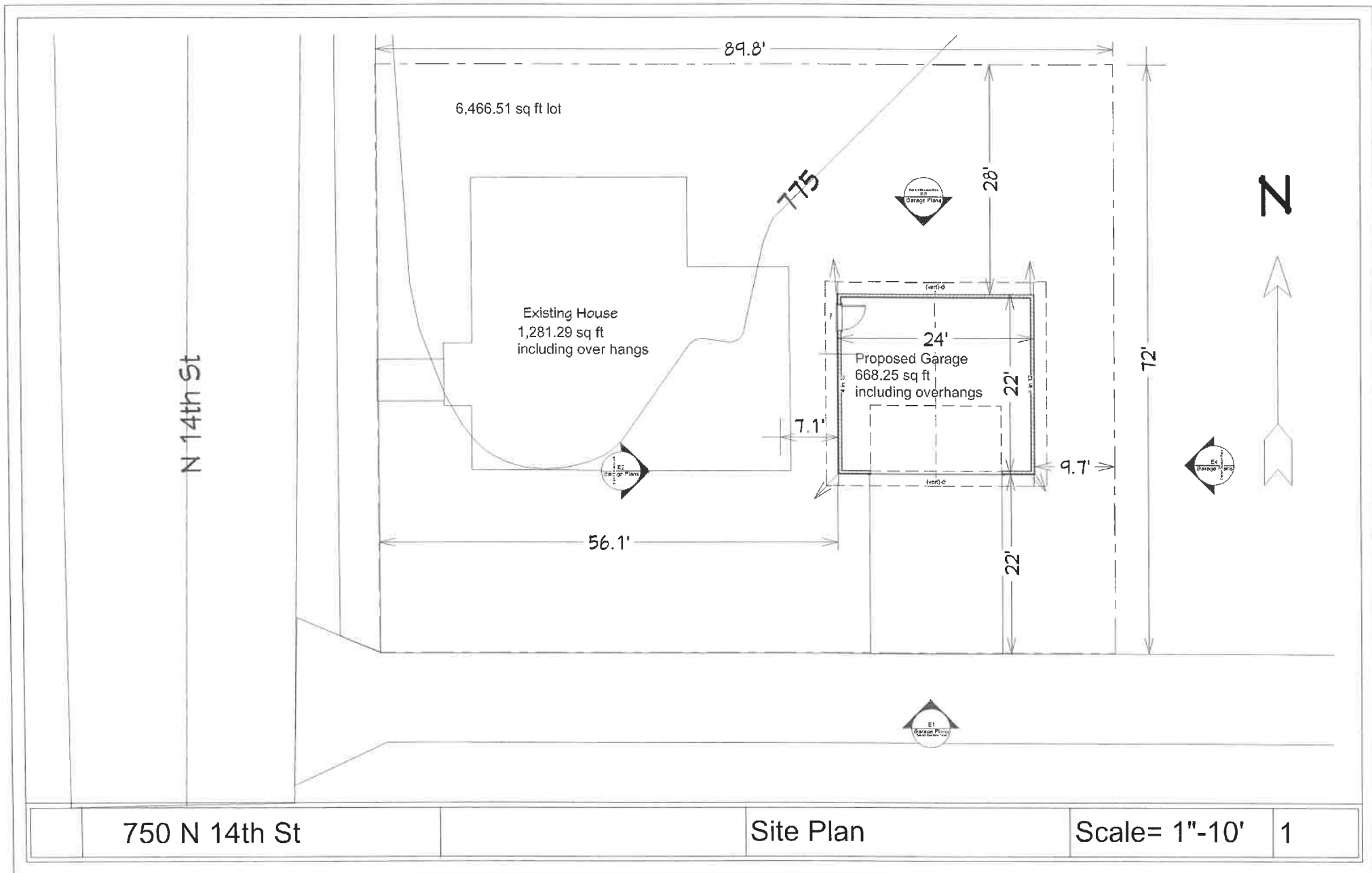


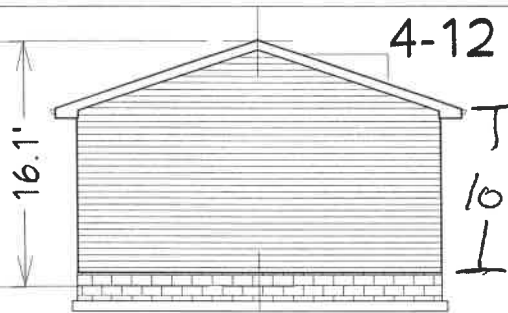
Exhibit 5 - Site Plan



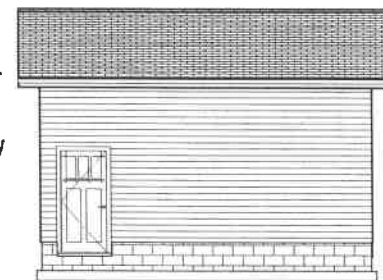
Exterior Elevation South



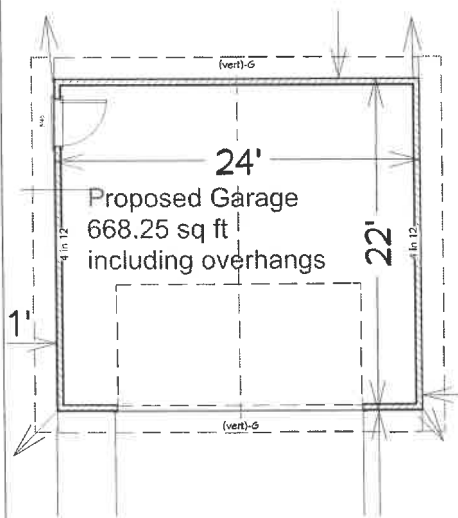
Exterior Elevation West



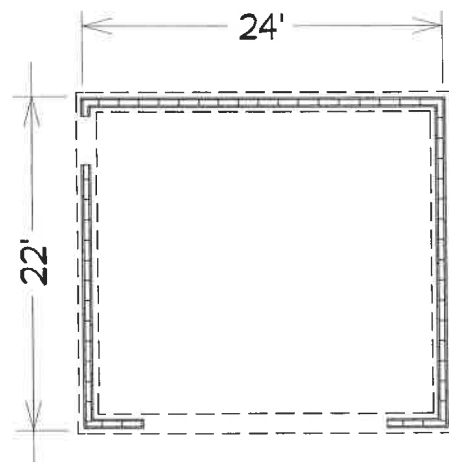
Exterior Elevation North



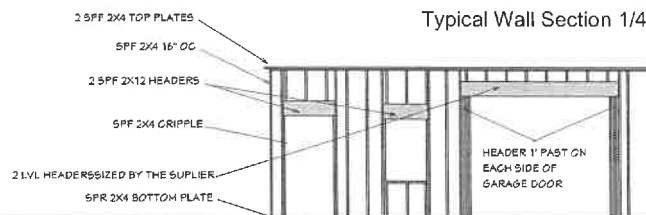
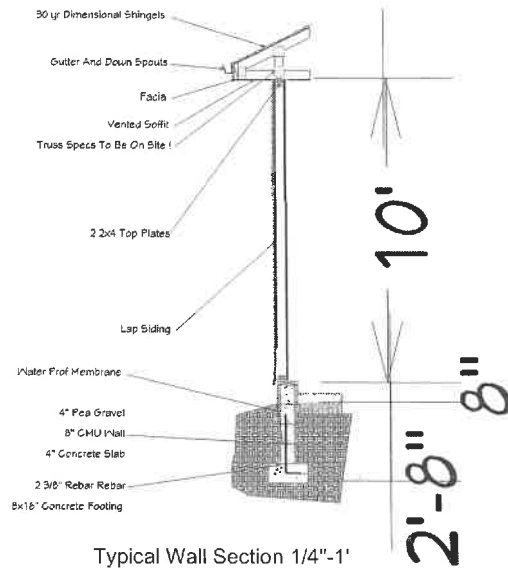
Exterior Elevation East



Working Plan View



Foundation Plan View



750 N 14th St

Garage Plans

Scale= 1/8"-1' 2

Exhibit 6 - Site and Neighborhood Photos

Proposed Garage at 750 N 14th Street



1) View from northwest corner of property



2) View from northeast corner of property

Proposed Garage at 750 N 14th Street



3) View from southeast corner of property



4) View from alley by the southeast corner of property

Proposed Garage at 750 N 14th Street



5) View of proposed garage area from rear yard and items that may be stored in garage.



6) View of proposed garage area from the alley and items that may be stored in garage.

Surrounding Neighborhood



7) Property with detached garage located across the alley from the subject site at 14th Street & Grant Street.



8) Property with detached garage located across the street from subject site at 14th Street & Central Avenue.

Surrounding Neighborhood



9) View of south side of alley (between Grant Street and Central Avenue) east of subject site.



10) Property with detached garage located at 15th Street & Central Avenue, east of the subject site.

Surrounding Neighborhood



11) View of the north side of Grant Street to the east from the corner of 14th Street & Grant Street.



12) View of north side of Grant Street to the west from the corner of 14th Street and Grant Street.

Surrounding Neighborhood



13) View of the south side of Grant Street to the east from the corner of 14th Street & Grant Street.



14) View of the south side of Grant Street to the west from the corner of 14th Street & Grant Street.

Surrounding Neighborhood



15) View of the north side of Grant Street to the west from the corner of 15th Street & Grant Street.



16) Property with detached garage at the northeast corner of 15th Street & Grant Street.

Surrounding Neighborhood



17) View of the south side of Central Avenue to the west from the corner of 15th Street & Central Avenue.



18) View of the south side of Central Avenue to the east from the corner of 14th Street & Central Avenue.

Surrounding Neighborhood



19) View of the south side of Central Avenue to the west from the corner of 14th Street & Central Avenue.



20) View of the north side of Central Avenue to the west from the corner of 14th Street & Central Avenue.