



PLAN COMMISSION STAFF REPORT

ITEM NO: 1

APPLICATION NO. RESI 001013-2023

MEETING DATE: August 21, 2023

SUBJECT: Certificate of Authorization

PETITIONER(S): Staff

SUMMARY: Application requesting to demolish 1540 Conner Street to install a parking lot. Property located within the Downtown Protection Boundary requiring approval of a Certificate of Authorization to allow the demolition of the structure.

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Planning Terms

Demolition – The act of doing away with a structure by destroying it to the ground.

Procedure

The demolition application was filed June 29, 2023. Review of the application showed that it was located within the Downtown Protection Boundary pursuant to UDO § 4.F.4 and the application was placed on the August 21, 2023, Plan Commission meeting agenda. Public notice of the application was published in the newspaper and notice of the application was sent to adjoining property owners. The demolition application is discussed at a Plan Commission meeting where a public hearing is held. The Plan Commission hears the Staff presentation and any individuals in the audience wishing to speak for or against the proposed demolition. The Plan Commission votes on whether or not to issue a Certificate of Authorization to allow the demolition of the structure. If rehabilitation or restoration are feasible and the structure is not an imminent threat to the public health or safety, a citizen or community organization may request the Plan Commission place a 90 day hold on the forwarding of a recommendation on a Certificate of Authorization to allow said person/group an opportunity to identify and evaluate alternatives to demolition. If at the end of the 90 day hold no alternatives to demolition have been established, the Plan Commission shall issue the Certificate of Authorization. The Certificate of Authorization is then forwarded to the Common Council for consideration at their next regularly scheduled meeting.

Correspondence

Exhibit 5 – Remonstrance Letters

Summary

The property the Applicant is requesting to demolish is within the Conner Street district and is located at 1540 Conner Street. The proposed new use for the property would be an expansion to the parking lot for the Farm – the old Boys and Girls Club – the user directly to the east of this property. This property had for a few decades been used as a dentist office, and the applicant acquired the property in December 2021. The property is catalogued within the application for the National Register of Historic Places for the Conner and Logan Street district as a Victorian style cottage that is a contributing structure with a contributing outbuilding.

In 2022 the regulations for demolition permits that needed to be presented to Council were changed. Prior to the change, applications for demolition from Clinton to Maple Street and from the alley between 10th/11th Streets to 6th Street had to be presented to Council, and that permit would not be issued for 30 days. There were no regulations for that presentation, and there were also no standards that would allow a demolition permit to not be issued. The change in 2022 accomplished two things, it increased the size of the district to include all the districts adjacent to the Courthouse Square that had been included on the National Register of Historic Places. The change also added criteria to be used by the Plan Commission to evaluate whether a demolition permit should be issued. It also included an alternative procedure that a property owner could use that would try to prevent unreasonable economic return on the property.

The Applicant has had a structural evaluation of the property completed (Exhibit 2) and is requesting approval of the Certificate of Authorization under the alternative procedure. The ordinance states the following regarding that procedure:

To prove the existence of a condition of unreasonable economic return, the applicant must establish, and the Plan Commission must find, one of the following in the affirmative:

- a. No economically viable use of the property exists.*
- b. The cost to repair the structure exceeds the fair market value of the property.*
- c. The property is not marketable or able to be sold when listed for sale or lease.*

The Applicant has submitted paperwork to try to get the Certificate of Authorization approved under the provision that the cost to repair the structure exceeds the fair market value of the property. In support of that request, the applicant has provided:

1. A copy of their statement of purchase price for the property. (Exhibit 1)
2. An evaluation of the property by a structure engineer noting deficiencies in the foundation, rotting floor joists and sill plate, chimney failures, problems with the floors and some interior walls from the foundation issues, and possible roof leaks. (Exhibit 2)
3. Two contractor's estimates of work to be completed. (Exhibit 3)

The information submitted shows that the Applicant paid \$200,000 for the property in December 2021. The two estimates provided show a proposed cost of \$218,760 and \$225,750. Staff does recommend that the Commission study the work proposed on each of the estimates provided as there are different items included in each of them.

Attachments

Exhibit 1 – Statement of Purchase Price

Exhibit 2 – Structural Evaluation of 1540 Conner Street

Exhibit 3 – Two Contractor's Estimates for work

Exhibit 4 – National Register of Historic Places listing

Exhibit 5 – Parking Lot Site Plan

Exhibit 6 – Remonstrance Letters

History

The requested Certificate of Authorization for this property at 1540 Conner Street is the first request under this new process since the adoption of the change to the Unified Development Ordinance.

Motions

The updated ordinance regarding this district states that Staff will present the item to the Plan Commission. Staff will not be making a recommendation on this item as it is up to the Plan

Commission to weigh all the evidence that is presented and make a finding on whether the Certificate of Authorization should be granted for the requested demolition.

1. Motion to grant the Certificate of Authorization to allow the demolition of the structure(s) at 1540 Conner Street. (support with reasons)
2. Motion to deny the Certification of Authorization to allow the demolition of the structure(s) at 1540 Conner Street. (support with reasons)
3. Motion to continue application RESI 001031-2023 until the (date) meeting.