

Agenda Item #2

Case Number	BZNA-0077-2020	Property Size	0.1 AC
Address	239 S 8 th Street	Zoning	R5
Owner	Robert Walls & Zachary Downs	Reviewer	Oksana Polhuy
Applicant	Robert Walls & Zachary Downs	BZA Meeting	July 6, 2020

Requested Action:

UDO § 8.B.6.B and Appendix C Variance of Use to permit office use in R5 zoning district.

UDO §Table 10.0.3.B. Variance of Development Standards to permit a reduction of the required parking spaces (minimum 6 spaces required, 2 provided).

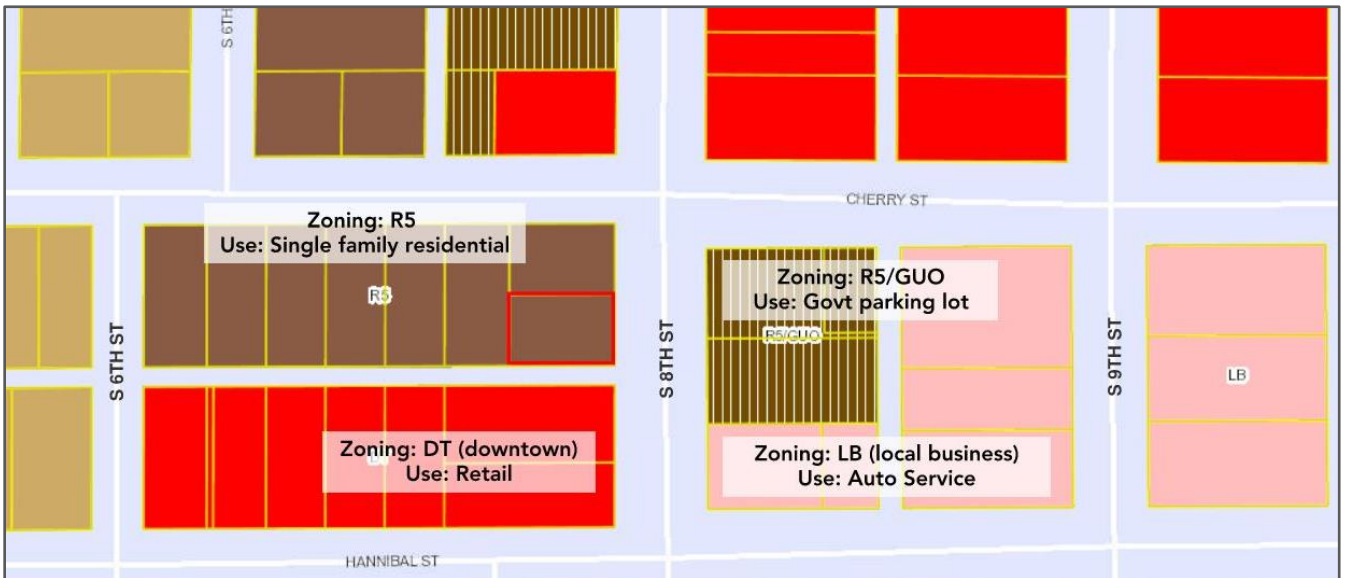
UDO §Table 12.0.7.E. Variance of Development Standards to permit a reduction of the required minimum landscape buffer adjacent to a residential use/zone (a minimum 15-ft-wide buffer required, 0 feet requested).

Recommendation:

Approve. See Findings of Facts for Approval on pages 3-6 and Conditions of Approval on page 6.

Table of Contents:

1. Staff Report
2. Parcel Map
3. Aerial Map
4. Application
5. Survey/Site Plan
6. Site Pictures
7. Neighborhood Pictures



ANALYSIS

The subject site is a single-family residential property located on the east side of South 8th Streets and 65 feet south of Cherry Street (Exhibits 2 and 3). It is located in the R5 (multifamily) residential district. It is surrounded by the properties in the same zoning district (used single family residential) on the north and west sides, by DT (downtown) commercial zoning district on the south (used commercial retail, Heavenly Sweets), and R5/Government (used as a parking lot) and LB (local business, used as auto service and repair shop) on the east. Per property card, the subject property currently has a 1,608-sf single-family house. It also has a 6-ft-tall fence enclosing a portion of the yard along the east, north and west property lines (Exhibits 5 and 6).

Use Variance (Office)

The applicant is interested in buying this property and leasing it as an office space, a use that is currently not permitted in R5 zoning district per UDO § 8.B.6.B and Appendix C. The applicant is requesting a variance of use to permit it. The applicant would like to lease the space out to the professional services like accounting, financial, legal services or small IT/media types of offices (Exhibit 4).

The newly adopted 2020 Noblesville Comprehensive Plan has changed how it advises to plan future land use. For the downtown area, it doesn't have a classical recommended future land use map that would mark areas as specific use groups (e.g., residential single-family, commercial, etc.). Instead, under the Built Form Map, it classifies it as the Central Hub activity center and proposes anticipated intensity of varying uses and how these uses should interact between each other. It recognizes that the downtown area is a mixture of residential, employment and entertainment areas, and that the future development pattern will be a mix of these uses. However, it also recognizes the need to protect existing neighborhoods from incompatible commercial uses. Office use for professional services is a compatible type of commercial use to be located at the subject site. Most properties along S 8th street are already either zoned commercial (DT, LB) or institutional (Exhibit 7). However, the subject site is part of a residential block, and the office use would be a good buffer commercial use between the residential and other commercial uses.

Parking Variance

The change in use of the property would require providing adequate parking. Per UDO §Table 10.0.3.B, the required number of parking spaces for this property would be six spaces (one space per 300 sf of the building's gross floor area). The property currently has two parking spaces. The applicant consulted with Miller Surveying to see if more parking spaces could be added to the property. Their analysis showed that there it is very difficult to add more parking spaces while being able to comply with the UDO parking design standards and parking landscaping standards. Due to that, the applicant requested a variance of development standards to permit a reduction of the off-street parking from six to two spaces.

The staff reached a similar conclusion that the subject lot cannot fit more than two parking spaces while meeting UDO parking lot design standards. At the same time, the UDO requires that every site provides adequate *off-street* parking for the use at the site. Looking at the available space inside of the building (Exhibit 6, p. 5-7), the staff can see a potential to have space for four "desk spaces". While some professional services might only have two people working (e.g., one financial adviser/attorney and his/her assistant), other services might employ more people, or the building could be leased to more than one company. Thus, there is a potential for the need for more than two parking spaces that would

be used long-term on a daily basis. Due to that, the staff sees a need to for at least two more parking spaces and suggests a condition to provide them off-street elsewhere and provide a parking sharing agreement showing the availability of two more parking spaces. The applicant has already reached out the Heavenly Sweets, a retail business located to the south of the subject site, which has a large parking lot (Exhibit 7) to see if they could potentially lease him a few parking spaces, and the owner of the business is willing to work on a parking agreement (Exhibit 4, p.7 and 21).

There is a need for parking for customers. There is on-street parking available along Cherry and Hannibal Streets. The staff doesn't see a problem with the customers using on-street parking because professional service type of offices have little customer traffic and would not interfere with the typical on-street parking demand in the surrounding neighborhood. In addition, a customer would most likely visit during the regular workday hours when people from the surrounding residential areas would be at work and not using the street parking.

Landscaping Buffer Variance

The change in use of the property would require providing a 15-ft-wide landscape buffer between the subject site and the residentially zoned and used properties to the north and west of the subject site per UDO §Table 12.0.7.E. The applicant is requesting a variance of development standards to permit them to not install a landscape buffer. A 15-ft-wide landscape buffer would require removal of the existing parking spaces, which is not recommended.

There is an existing 6-ft-tall fence between the subject site and the residential properties to the north and west (Exhibit 6). Typically, a fence could be used in combination with landscaping, but not as a replacement of vegetation. However, this fence serves some of the functions that the landscaping typically provides: screening in general and screening from light glare from the cars parked at the subject site. The staff would not recommend extending the fence or installing landscaping along the western property line where it's currently not provided to avoid blocking driver's vision when backing into the alley (Exhibit 6).

VARIANCE OF USE FINDINGS

AGENDA ITEM #2:

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 Use may be approved only upon a determination in writing that the following five (5) conditions are met (see Indiana Code § 36-7-4-918.4):**

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. Most uses around the subject site and along S 8th Street are commercial or institutional. At the same time, the proposed office use for professional use is one of the least intense commercial uses that is a good transitional use between the adjacent residential and commercial uses.

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.

3. The need for the variance arises from some condition peculiar to the property involved:

The need for the variance does arise from a condition peculiar to the property involved. Most properties to the north and south of the subject site along S 8th street are already zoned or used for commercial or institutional uses. At the same time, the intensity of traffic and use along S 8th street is making it less attractive for a single-family residential use. An office use is a good compromise at this property because it follows the pattern of low-intensity commercial uses in the nearby area while buffering the remaining residential uses.

4. 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. The subject property has been struggling to be used as a single-family house in the recent years. While its zoning permits multi-family use, its lot size doesn't permit adding more dwelling units beyond the existing one unit. Thus, the hardship is that the property is struggling or cannot be used for the uses permitted in its zoning district, but could accommodate a low-intensity compatible commercial use like an office.

5. The approval does not interfere substantially with the comprehensive plan adopted by the Noblesville Plan Commission and Council:

The approval does not interfere substantially with the comprehensive plan. The comprehensive plan acknowledges that the Noblesville downtown area includes a mixture of residential, commercial, entertainment and institutional uses, and such pattern is fine as long as the existing residential neighborhoods are protected from the incompatible commercial uses. An office use is a compatible use to be located between the residential and other commercial uses.

VARIANCES OF DEVELOPMENT STANDARDS FINDINGS

AGENDA ITEM #2:

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. To protect drivers' safety, it is best to avoid extending landscaping along the western property line on the subject site. Existing fence already functions as screening between the residential and proposed use. Addition of more parking spaces to the subject site cannot be done in a way that would meet the parking design requirements, and thus, cannot be done in a safe way.

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.

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. Enforcing a landscape buffer regulation would reduce available parking space, which is already lacking. Providing more parking spaces on the subject lot cannot be done while trying to meet the ordinance design standards due to the small size of the lot. However, the small amount of additional parking for the proposed use can be accommodated through other means (a combination of on-street parking and a shared parking agreement) that would utilize surrounding land resources in a practical way.

RECOMMENDATIONS

AGENDA ITEM #2:

APPROVE the requested Variance of Use 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 to the area adjacent to the property will not be affected in a substantially adverse manner;
- The need for the variance does arise from some condition peculiar to the property involved;
- The strict zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought;
- The approval does not interfere substantially with the comprehensive plan adopted by the Noblesville Plan Commission and Council.

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 variance approval shall be valid for only those uses of the building as provided in the staff report analysis. If any of the spaces within the building are converted to a use that has a higher parking demand than an office use of 1 space per 300 square feet, the Applicant must return to the Board of Zoning Appeals for approval.
2. The Applicant shall provide a copy of the recorded parking agreement and a parking layout demonstrating the availability of two off-street parking spaces at another site beyond the two existing parking spaces at the subject site. Minimum combined four off-street parking spaces shall be provided.
3. The existing fence shall remain and be kept in a good shape as the screening method between the office use and the surrounding residential uses.
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 10, 2020

-  Buildings
-  Parcels

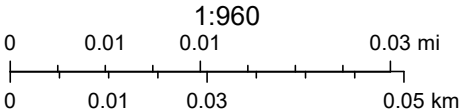
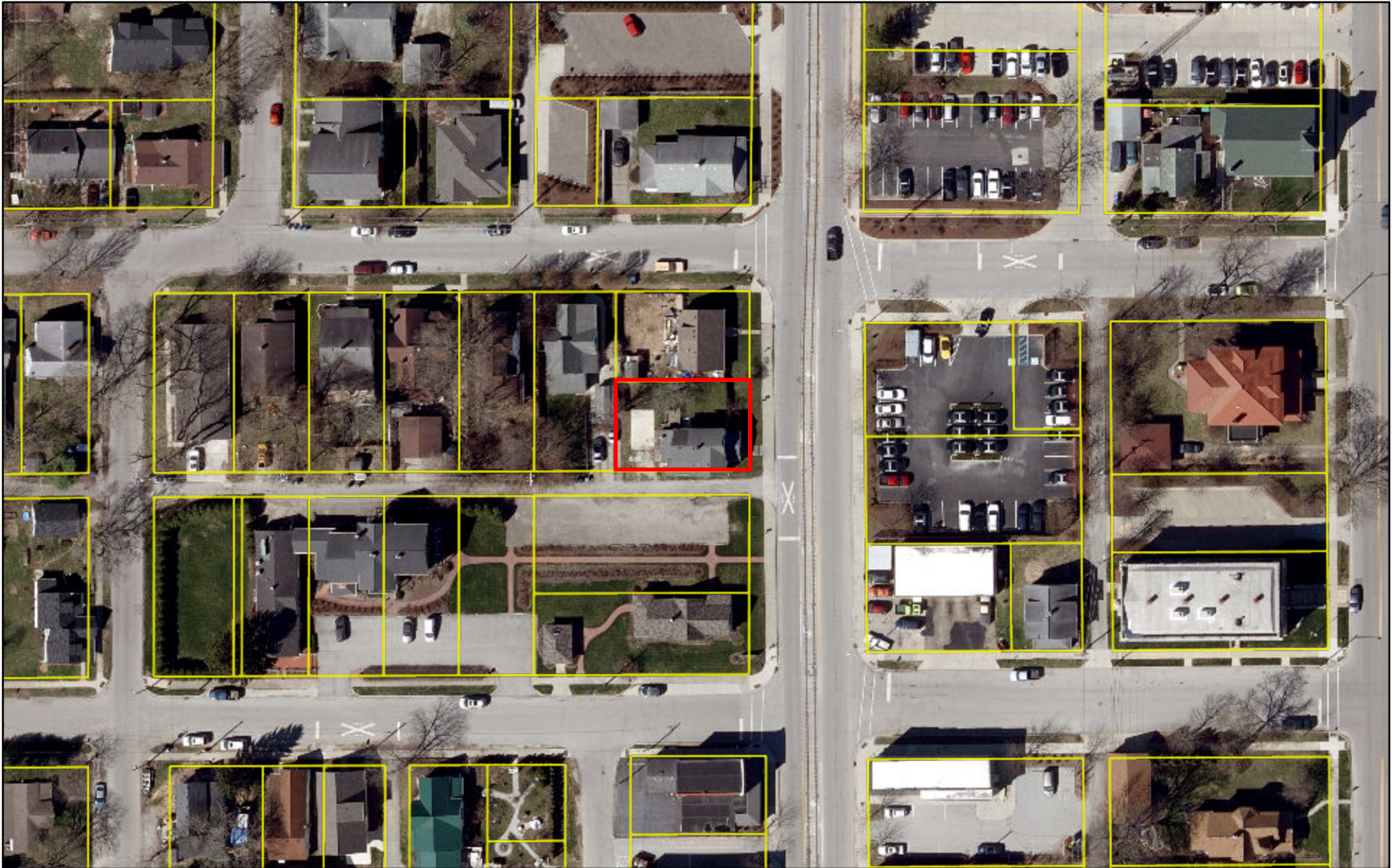


EXHIBIT 3. AERIAL MAP



June 10, 2020

 Parcels

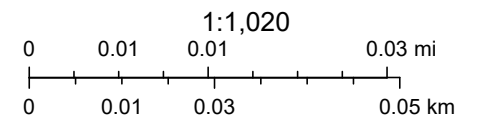


EXHIBIT 4. APPLICATION

CITY OF NOBLESVILLE ♦ VARIANCE OF LAND USE APPLICATION



CITY OF NOBLESVILLE BOARD OF ZONING APPEALS VARIANCE OF LAND USE APPLICATION

Application Number: BZNA-0077-2020

The undersigned requests a Variance of Land Use 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: Variance for 239 S 8th Street

Common Address: 239 S 8th Street

Applicant Name: Robert Walls & Zachary Downs

Applicant Address: 1236 Conner Street, Suite 200

Applicant City/State/Zip: Noblesville, IN 46060 E-mail: rocky@12starsmedia.com

Applicant Phone #1: 317-435-0000 Phone #2: 317-657-0346 Fax: _____

Owner Name: Derek Gutting

Owner Address: 11550 N. Meridian Street, Suite #450

Owner City/State/Zip: Carmel, IN 46032 E-mail: derek@guttinggroup.com

Owner Phone #1: 317-846-4888 Phone #2: _____ Fax: _____

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

Subdivision Name: R L Wilson

Subdivision Section: _____ Lot Number: 1 Last Deed of Record Number: 6/5/2017

Existing Land Use: Residential

Common Description of Request: Variance for office use

Zoning District of Property: R5 Code Section(s) Appealed: UDO § _____

Date: 5/27/2020 Applicant's Signature: 

The Noblesville Board of Zoning Appeals (BZA) is authorized to approve or deny Variances of Land Use from the terms of the Unified Development Ordinance. The BZA may impose reasonable conditions as part of its approval. A Variance of Land Use may be approved only upon a determination in writing that the following five (5) statements are true (see Indiana Code § 36-7-4-918.4):

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:

See attached.

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:

See attached.

3. The need for the proposed variance arises from some condition peculiar to the property involved. Explain why this statement is true in this case:

See attached.

4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which this variance is sought. Explain why this statement is true in this case:

See attached.

5. The approval of this variance does not interfere substantially with the provisions of the Comprehensive Master Plan for the City of Noblesville, Indiana. Explain why this statement is true in this case:

See attached.

1. Public health, safety, morals and general welfare of community.

The requested variance of "Office" will be limited to very low traffic or customer interaction. The subject property is located on the corner of 8th and Hannibal, which is an existing highly trafficked road with businesses all around the property currently with the exception of the property to the north. The variance of "Office" classification will be consistent with the surrounding area, which does not pose any public health or safety issues.

2. Use and value of the area adjacent will not be affected in a substantially adverse manner.

Currently, most of the neighboring properties along 8th Street are already zoned business or have a variance. The subject property is currently only a 2 bedroom, 1 bath residential home with little value as a residential property located on a high traffic road (8th St.). As the Rails to Trails program continues to progress and the expansion on Pleasant St, 8th St will become a more attractive business location. In addition, we intend to update the exterior to improve the appearance of the property, thus generating a higher value of neighboring properties.

3. Need for proposed variance.

The property is a 2 bedroom, 1 bath home situated on a highly trafficked road with majority of the properties in the surrounding areas being business. The highest and best use of the property is to be a business with an office type environment such as, CPA, Attorney, Insurance Company, Finance Company, etc.

4. Zoning ordinance will constitute an unnecessary hardship if applied to the property for which this variance is sought.

In keeping with the trend of more commercial and office use along 8th St., strict application of the residential zoning presents unnecessary hardship for the property's potential to add value to neighboring properties and compliment the City of Noblesville's vision for the downtown area.

5. Approval of this variance does not interfere substantially with the provisions of the Comprehensive Master Plan.

8th St. is becoming a more attractive business location in Noblesville. Beginning at Conner St. and heading south for several blocks, most of the properties are already business related. As the Rails and to Trails program continues to progress forward, the Nickel Plate Trail will expand north up from Fishers and along 8th St. to Pleasant, thus creating an even more attractive environment for businesses along 8th St. With the addition of the apartment and retail building, The Levinson, between 8th St. and 9th St., about a block north of the subject property, I feel that getting a variance on the subject property would not interfere with the Comprehensive Master Plan due to the area becoming more business focused.



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

Application Number: BZNA-0078-2020

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: Parking Lot Variance for 239 S 8th Street

Common Address: 239 S 8th Street

Applicant Name: Robert Walls & Zachary Downs

Applicant Address: 1236 Conner Street, Suite 200

Applicant City/State/Zip: Noblesville, IN 46060 E-mail: rocky@12starsmedia.com

Applicant Phone #1: 317-435-0000 Phone #2: 317-657-0346 Fax: _____

Owner Name: Derek Gutting

Owner Address: 11550 N. Meridian Street, Suite #450

Owner City/State/Zip: Carmel, IN 46032 E-mail: derek@guttinggroup.com

Owner Phone #1: 317-846-4888 Phone #2: _____ Fax: _____

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

Subdivision Name: R L Wilson

Subdivision Section: _____ Lot Number: 1 Last Deed of Record Number: 6/5/2017

Existing Land Use: Residential

Common Description of Request: Variance for fewer parking spaces

Zoning District of Property: R5 Code Section(s) Appealed: UDO § Table 10.0.3.B

Date: 5/27/2020

Applicant's Signature: 



The Noblesville Board of Zoning Appeals (BZA) is authorized to approve or deny Variances of Development Standards from the terms of the Unified Development 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) 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:

See attached.

- 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:

See attached.

- 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:

See attached.

1. Public health, safety, morals and general welfare of community.

The requested variance to reduce the number of required parking spaces for office use will unlikely increase the number of vehicles driving through the area vs. the current residential use of the property. We have no reason to believe the variance will have any effect on public health or safety.

2. Use and value of the area adjacent will not be affected in a substantially adverse manner.

Currently, most of the neighboring properties along 8th Street are already zoned business or have a variance. We don't expect this parking variance to have any significant affect to the surrounding area.

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

The property currently has a driveway with two parking spots, which in some cases may be ample for the intended use. While the driveway can physically fit four standard cars, the two vehicles furthest into the driveway would be blocked, making it an impractical solution. Per the City of Noblesville's new parking map (see following page), there is an abundance of street parking spaces surrounding the subject property, e.g. along Hannibal, Cherry, and 6th Streets.

We have consulted with Miller Survey and in order to best comply with the parking lot design specifications and leave room for parking lot landscaping, there is only room for two parking spaces on the subject property. It is our intention to inform any tenant and their employees to use free parking along nearby streets if the two parking spaces at the subject property are occupied, still providing a short walk to the building (see highlighted locations on parking map on the following page).

We have spoken with Tanya Marshall, the owner of Heavenly Sweets, which is a business located immediately south of the subject property, and she has stated she is willing to lease parking spaces located on her lot to us, if necessary.



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

Application Number: BZNA-0079-2020

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: Landscape Buffer Variance for 239 S 8th Street

Common Address: 239 S 8th Street

Applicant Name: Robert Walls & Zachary Downs

Applicant Address: 1236 Conner Street, Suite 200

Applicant City/State/Zip: Noblesville, IN 46060 E-mail: rocky@12starsmedia.com

Applicant Phone #1: 317-435-0000 Phone #2: 317-657-0346 Fax: _____

Owner Name: Derek Gutting

Owner Address: 11550 N. Meridian Street, Suite #450

Owner City/State/Zip: Carmel, IN 46032 E-mail: derek@guttinggroup.com

Owner Phone #1: 317-846-4888 Phone #2: _____ Fax: _____

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

Subdivision Name: R L Wilson

Subdivision Section: _____ Lot Number: 1 Last Deed of Record Number: 6/5/2017

Existing Land Use: Residential

Common Description of Request: Variance for a smaller landscape buffer

Zoning District of Property: R5 Code Section(s) Appealed: UDO § Table 12.0.7.E

Date: 5/27/2020

Applicant's Signature:

The Noblesville Board of Zoning Appeals (BZA) is authorized to approve or deny Variances of Development Standards from the terms of the Unified Development 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) 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:

See attached.

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:

See attached.

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:

See attached.

1. Public health, safety, morals and general welfare of community.

To the north of the property, there is currently a fence dividing the two properties. There are streets that meet the property to the east and south. The only property that does not have a buffer is to the west, which is where the driveways for the two properties meet. We have no reason to believe the variance will have any effect on public health or safety.

2. Use and value of the area adjacent will not be affected in a substantially adverse manner.

Currently, most of the neighboring properties along 8th Street are already zoned business or have a variance. We don't expect this landscape buffer variance to have any significant affect to the surrounding area.

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

There is very little space between the driveway for the subject property and the property to the west. The landscape buffer requirement isn't possible with the current driveway for the subject property.



NOBLESVILLE PLANNING DEPARTMENT

16 S. 10th Street, Suite B140 Noblesville, IN 46060
Phone: 317-776-6325 www.cityofnoblesville.org/planning

PROPERTY OWNER CONSENT FORM

Property Address: 239 S 8th Street, Noblesville, IN 46060

Contact: Robert Walls

Phone Number: 317-435-0000

Description of Request:

I, Robert Walls, request the consent from the current owner of the property located at 239 S 8th Street to apply for a Land Use variance, Parking Lot variance, and Landscape Buffer variance from the City of Noblesville.

Owner's Name: Derek Gutting

Address: 11550 N Meridian Street City: Carmel State: IN Zip: 46032

Phone: 317-846-4888 Fax: Email: derek@guttinggroup.com

As owner of the above property, I permit Robert Walls to apply for a Land Use variance, Parking Lot variance, and Landscape Buffer variance for my property located at 239 S 8th Street, Noblesville, IN 46060.

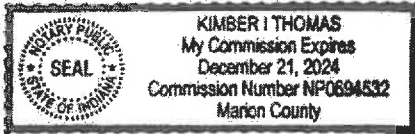
Handwritten signature of Derek Gutting, AG Properties LLC owner

SUBSCRIBED AND SWORN to me, a Notary Public in and for said County and State, this 29th day of May, 2020.

Handwritten signature of Kimber I. Thomas

My Commission Expires: 12-21-2024

Printed: Kimber I. THOMAS
NOTARY PUBLIC
A resident of Marion County, Indiana



The Applicants

We (Robert Walls and Zachary Downs) are business owners in Noblesville. We moved our company, 12 Stars Media, to Noblesville from Fishers in 2019 and we're very interested in supporting and being part of the smart economic growth in the city.

In 2018, we purchased the building located at 1236 Conner Street and made significant improvements, both functional and cosmetic, before moving our office to the second floor in 2019. We currently lease the first floor of our building to an accounting firm and a massage therapist.

239 S. 8th Street

For the property located at 239 S. 8th Street, we intend to purchase the building as a long-term investment and lease it to a small professional firm.

Request for Office Use Variance

We're requesting a variance to use the property located at 239 S. 8th Street for office use. The current use is residential.

PROPERTY LEGAL DESCRIPTION

ADDRESS: 239 South 8th Street, Noblesville, IN 46060

The South Half of Lot Number One (1) in Mrs. R.L. Wilson's Addition to the Town Now City of Noblesville, Indiana, except Fifty (50) feet off the entire west end thereof.

Recorded Document #: 2017025562

Tax ID Number(s):
11-10-01-02-02-015.000

29-10-01-202-015.000-013

WARRANTY DEED

THIS INDENTURE WITNESSETH THAT

Carolyn L. Thompson

CONVEY(S) AND WARRANT(S) TO

GG Properties LLC, 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 grantor warrants under oath that Larry M. Thompson, died March 18, 2012 in Hamilton County, Indiana.

IN WITNESS WHEREOF, the Grantor has executed this Deed this 31 day of May, 2017.

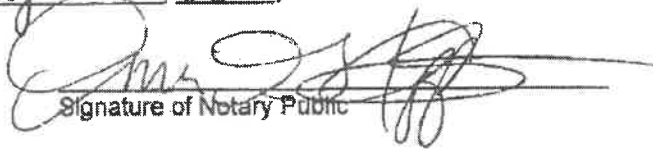
Carolyn L. Thompson
Carolyn L. Thompson

State of Indiana County of Hamilton ss:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named **Carolyn L. Thompson** 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 31 day of May 2017

My Commission Expires: 01/22/2023


Signature of Notary Public

Imri G. Kappes
Printed Name of Notary Public

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:
239 South 8th Street
Noblesville, IN 46060

Grantee's Address and Mail Tax Statements To:
15919 Hazel Dell Rd.
Noblesville, IN 46062

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 Lot Number One (1) in Mrs. R.L. Wilson's Addition to the Town now City of Noblesville, Indiana, except Fifty (50) feet off of the West end thereof.

SURVEYOR LOCATION REPORT

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED ON LIMITED ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THIS DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES. THIS REPORT IS NOT INTENDED TO REPRESENT A SURVEY, NOR IS IT INTENDED TO BE USED BY AND/OR BENEFIT THE BORROWER(S).



PROPERTY ADDRESS: 239 South 8th Street, Noblesville, IN 46060

PROPERTY DESCRIPTION: The South Half of Lot Number One (1) in Mrs. R.L. Wilson's Addition to the Town Now City of Noblesville, Indiana, except Fifty (50) feet off the entire west end thereof.

This is to certify that the subject property does not lie within that Special Flood Hazard Area Zone "A" or "AE". The accuracy is subject to map scale uncertainty and to any other uncertainty in location or elevation on Community Panel Number 18057C 0142H of the Flood Insurance Rate Maps, effective date October 18, 2019.

BORROWER(S): Derek Gutting



HAHN SURVEYING GROUP, INC.

Land Surveyors

8925 N. Meridian Street, Suite 120

Indianapolis, IN 46260

PHONE: (317) 846-0840 / (317) 846-4119

FAX: (317) 846-4298 / (317) 582-0662

EMAIL: orders@hahnsurveying.com

www.hahnsurveying.com

Job No: 2019111043
Sheet 1 of 2

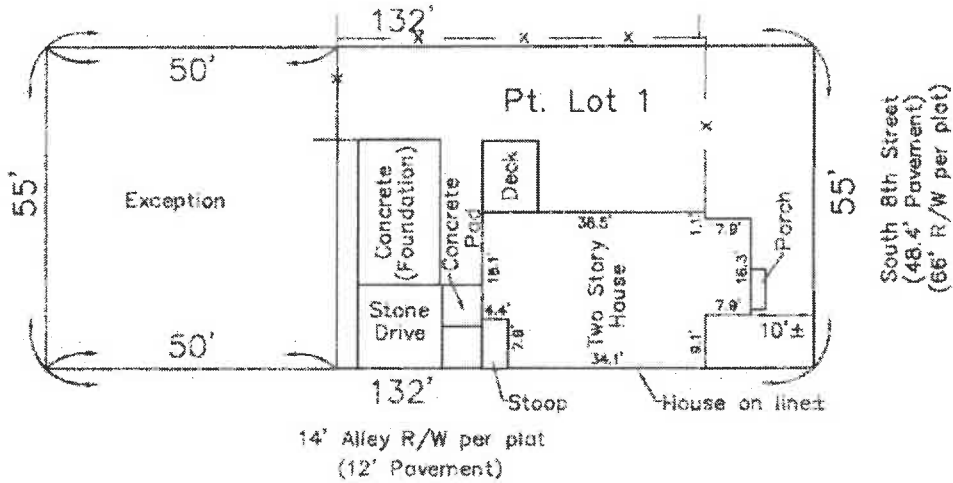
SURVEYOR LOCATION REPORT

I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 29 of 865 IAC 1-1-12 for a SURVEYOR LOCATION REPORT. Unless otherwise noted there is no visible evidence of possession lines found.

Legend	
R/W	Right-of-Way
x	Fence



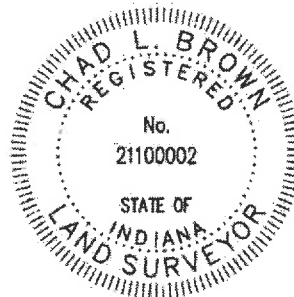
Scale: 1"=30'



Note: Fence 2'± past North line.
 Note: Fence locations shown are approximate.
 An accurate boundary survey is required to determine exact locations.
 Note: Due to the lack of qualified monumentation found, the accuracy of this report is limited to 3'±.



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CERTIFIED: 11/06/2019

Chad L. Brown
 Chad L. Brown
 Registered Land Surveyor,
 Indiana #21100002
 Drawn By: MAG
 Job No.: 2019111043
 Sheet 2 of 2

239 S 8th St
Parcel #: 11-10-01-02-02-015.000
State #: 39-10-01-02-02-015.000-013



Transfer History

for Parcel 11-10-01-02-02-015.000

This information is updated 3 times a week.

Transfer Date & Type	Transferred from	Transferred to	Instrument Type, Date & Number	Recorded Date & Book Type	Legal Description
6/5/2017 Ownership Transfer	Rompson, Larry M & Carolyn L. 11-10-01-02-02-015.000	GG Properties LLC	Warranty Deed 6/5/2017 2017-25562	6/8/2017 Warranty Deed	Acresage .00 Section 1, Township 18, Range 4 R1. W/1 SQ N. of Pt 1

Disclaimer: This program allows you to view and print certain public records. Each section reflects information as of a specific date, so the information provided in different sections or reports may not match. All information has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. It may not reflect the current information pertaining to the property of interest.



ON-STREET PARKING

FREE: 2-HR Only Weekdays (9A-5P)
 FREE (Unlimited): Weeknights/Weekends

Permit Parking Only
 Open: Weeknights/Weekends

No Parking

Always FREE

20 Minute Parking Spot

P LOT PARKING

Hourly \$; Weekdays (8A-5P)
 FREE: Weeknights/Weekends

RED LOT
 ORANGE LOT

ALWAYS FREE

CITY HALL EAST LOT
 TEAL LOT
 BROWN LOT
 GREEN LOT

Permit: Weekdays 8A-5P
 Open: Weeknights/Weekends

PURPLE LOT
 COUNTY PARKING LOT
 CITY EMPLOYEE LOT
 BLUE LOT

Visit NoblesvilleNOW.com
 for the most current version.

NOBLESVILLE NOW

----- Forwarded message -----
From: Heavenly Sweets, Inc. <Heavenly_sweets@msr.com>
Date: Fri, May 29, 2020 at 3:06 PM
Subject: Re: Parking - Rocky Walls
To: Rocky Walls <rocky@12starrsmeda.com>

Rocky: I would be happy to work out a contractual agreement pertaining to 2-3 parking spots on my property at 293 S. 8th Street. We can finalize the details at a later date.

Thank you for your business and business partnership,
Tanya Marshall, owner

Heavenly Sweets, Inc.
d/b/a The Historic R.L. Wilson House
293 S. 8th Street
Noblesville, IN 46060
317.770.9399 | heavenlysweetscakes.com | rlwilsonhouse.net

Google Maps 239 S 8th St



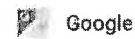
Imagery ©2019 Google, Map data ©2019 Google 20 ft

Google Maps 249 S 8th St



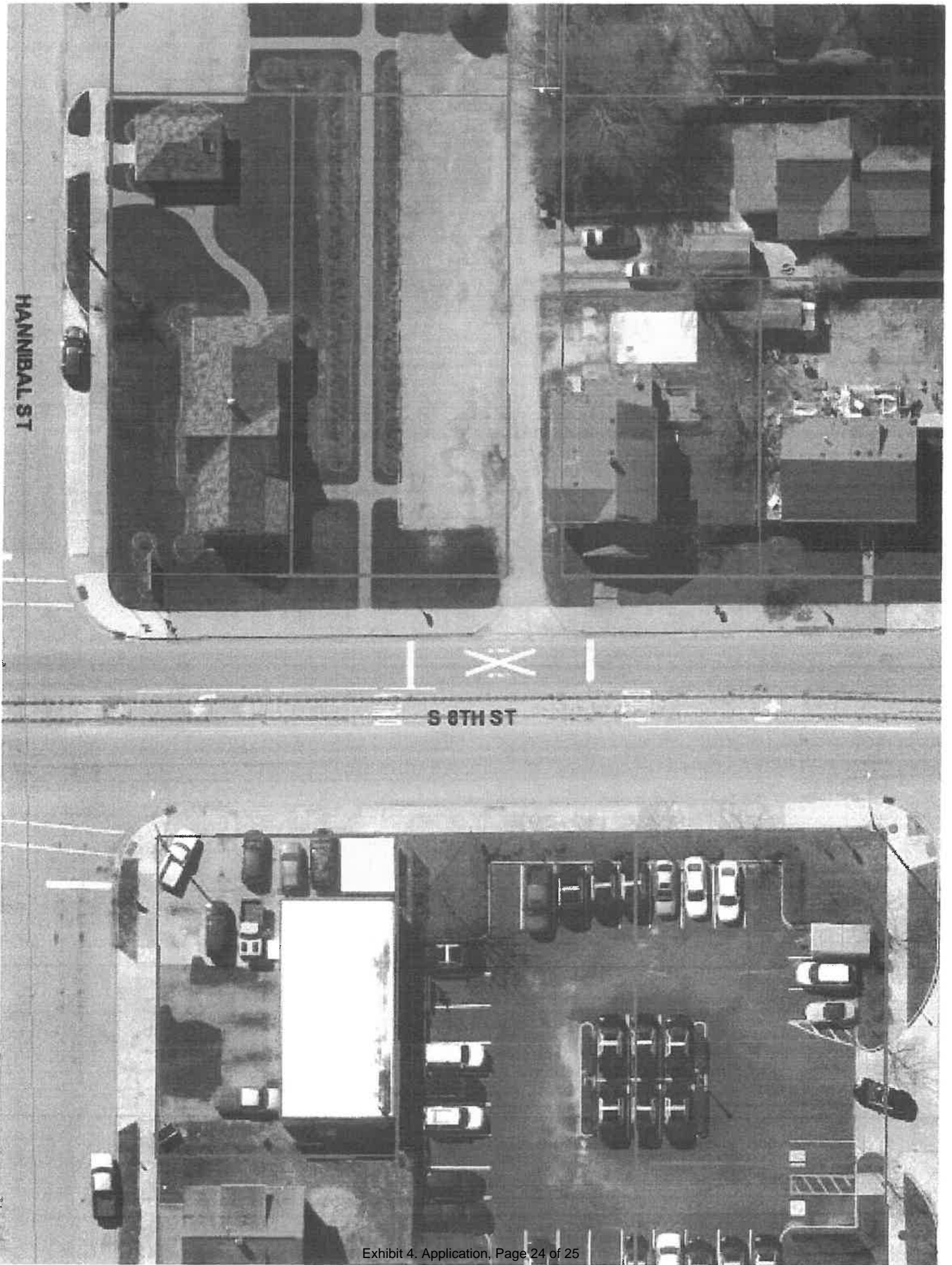
Image capture: Aug 2018 © 2019 Google

Noblesville, Indiana



Street View - Aug 2018





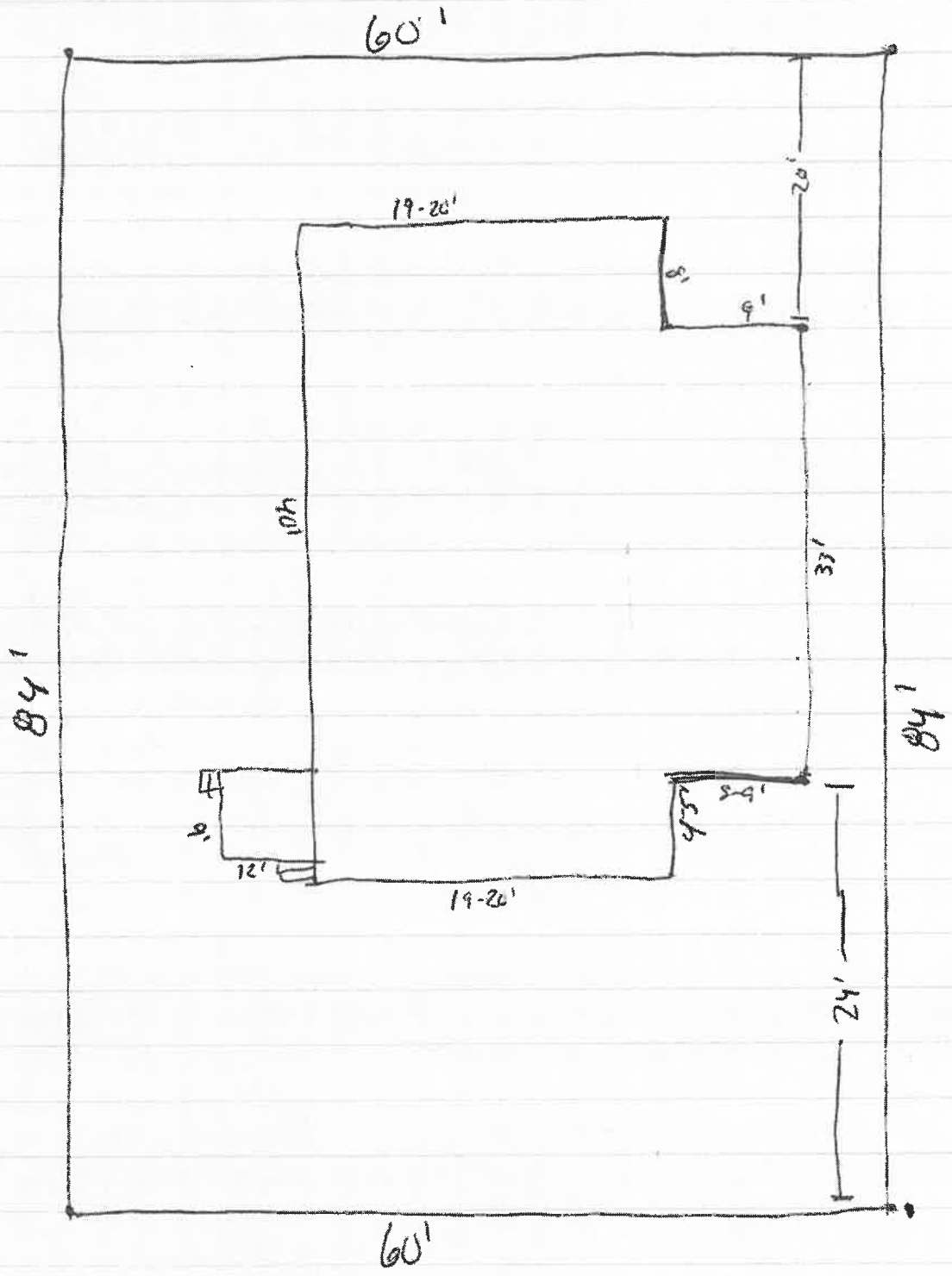


EXHIBIT 5. SITE PLAN

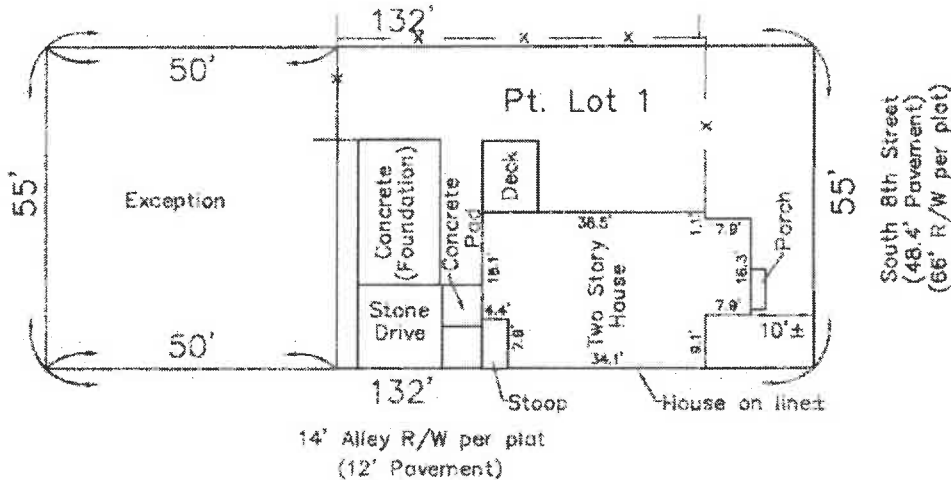
SURVEYOR LOCATION REPORT

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Legend	
R/W	Right-of-Way
x	Fence:



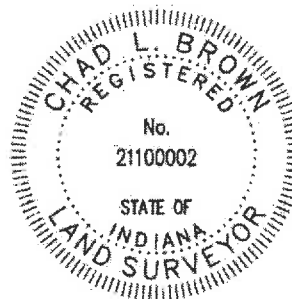
Scale: 1"=30'



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CERTIFIED: 11/06/2019

Chad L. Brown
 Chad L. Brown
 Registered Land Surveyor,
 Indiana #21100002
 Drawn By: MAG
 Job No.: 2019111043
 Sheet 2 of 2

EXHIBIT 6. SITE PICTURES



View on the front of the property (NE corner), looking south along S 8th Street



ALLEY

View on the front of the property (SE corner), looking north along S 8th Street

View on the south side of the property (SW corner)



NW corner of the subject site



North side of the property



1ST FLOOR: POTENTIAL SPACE AVAILABLE TO BE AN "OFFICE"

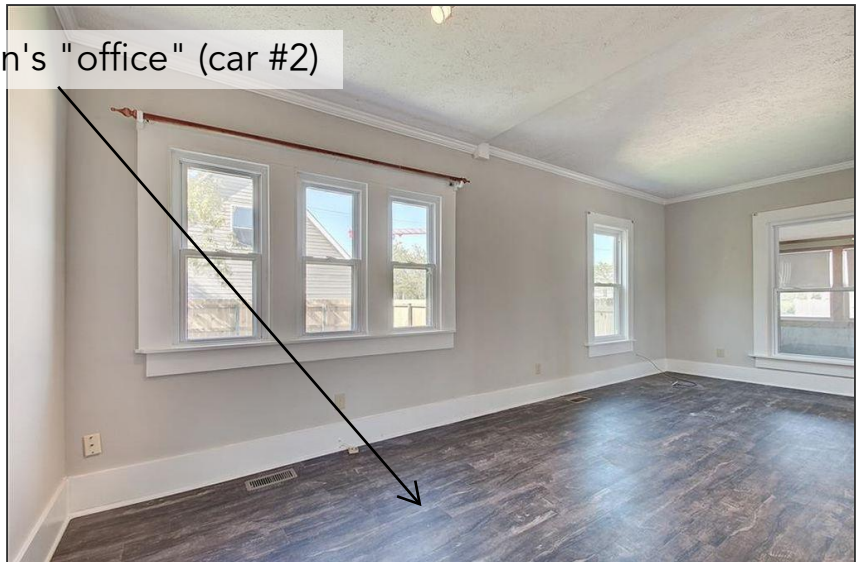
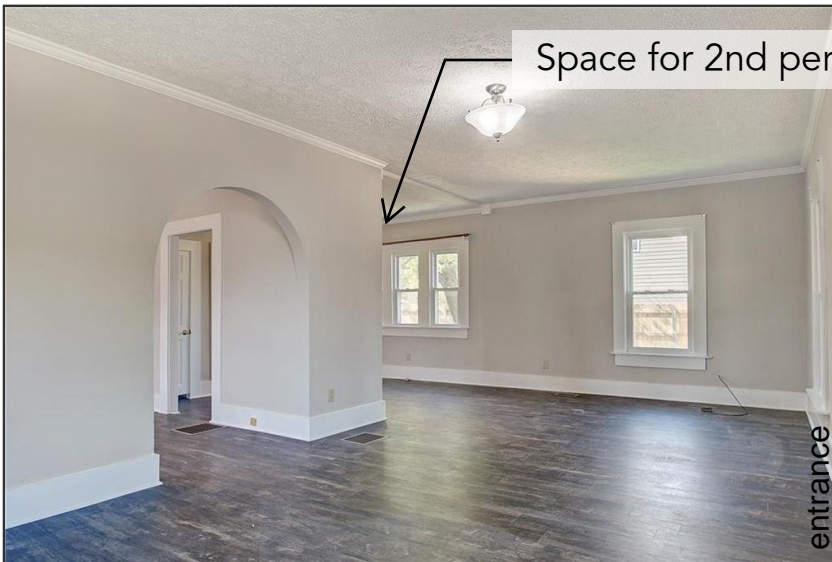


Image source: www.realtor.com

2ND FLOOR: POTENTIAL SPACE AVAILABLE TO BE AN "OFFICE"

Space for 3rd person's "office" (car #3)



Image source: www.realtor.com

2ND FLOOR: POTENTIAL SPACE AVAILABLE TO BE AN "OFFICE"



Image source: www.realtor.com

EXHIBIT 7. NEIGHBORHOOD PICTURES

View along S 8th Street, looking south.



Alexander's Auto & Radiator Repair



Government employee parking lot





Government employee parking lot

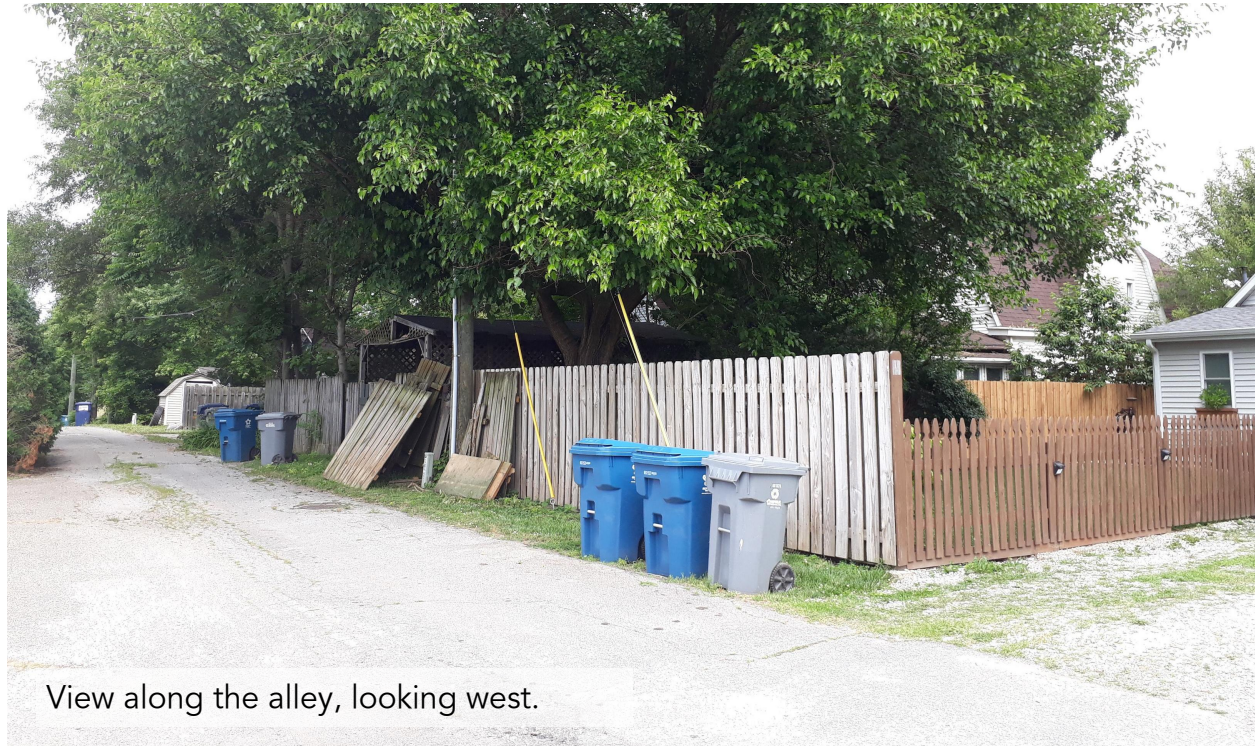


Kaleidoscope Crossing
(community events)

Residential property to the north of
the subject site



Residential block to the north of
the subject site



View along the alley, looking west.

