

## Agenda Item #2

<b>Case Number</b>	BZNA-0091-2020 / BZNA-0093-2020	<b>Property Size</b>	2.6 acres
<b>Address</b>	1008 S 13 <sup>th</sup> Street	<b>Zoning</b>	I-2 (Heavy Industrial)
<b>Owner</b>	Deborah & Andrew Eynon	<b>Reviewer</b>	Rina Neeley
<b>Applicant</b>	Deborah Eynon	<b>BZA Meeting</b>	August 4, 2020

**Requested Action:**

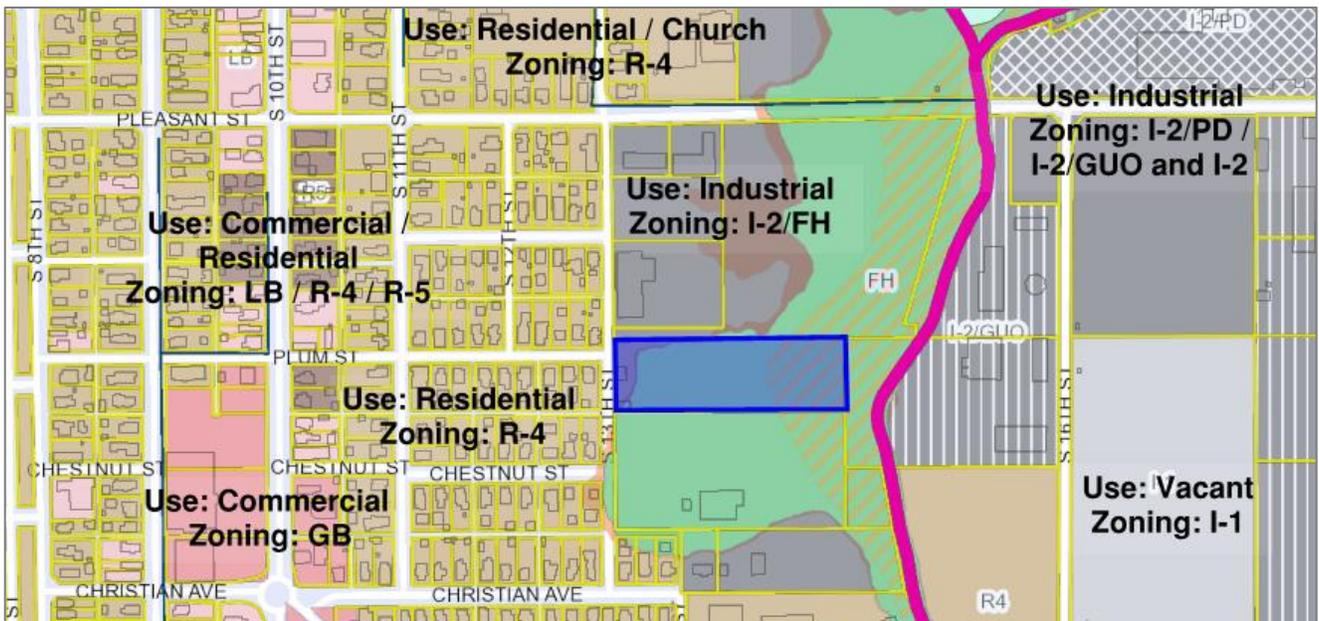
- UDO § Table 8.D. Variance of Development Standards to allow the reduction of a side yard setback in the I-2 (Heavy Industrial) zoning district (20 feet required; 2 feet requested).
- UDO § 8.D.2.B. and Schedule C Variance of Land Use to permit an existing single family residential use in the I-2 (Heavy Industrial) zoning district.

**Recommendation:**

Approve. See Findings of Facts for Approval on page 6 and Conditions of Approval on page 7.

**Table of Contents:**

1. Staff Report
2. Parcel Map
3. Aerial Photo
4. Standard Property Record Card
5. Variance Application
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## ANALYSIS

The subject site is located on the east side of South 13th Street, approximately 600 feet south of Pleasant Street, where Plum Street and the alley south of Plum Street end at 13th Street. The property is located in an older established neighborhood where the properties west of 13th Street are zoned R-4, with a mix of single-family and two-family residential uses, and the properties on the east side of 13th Street are zoned I-2 or Heavy Industrial. These surrounding industrial properties include a towing or salvage yard, an outdoor storage yard for the Noblesville Street Department (see Exhibits 2 and 3) and vacant property that was the former location of the Bridgestone Firestone Plant. According to the Hamilton County Standard Property Record Card (Exhibit 4), the petitioner's property contains a single family residence built in 1965 and a detached accessory structure was added between 1968 and 1970. There is no record of the subject site being used for industrial or commercial purposes.

The subject site was developed with a single-family residential house in 1965 and a detached garage and car shed a few years later. At the time, Noblesville had pyramidal zoning which allowed residential development in all zoning districts. While the property is surrounded by the I-2 zoning district and heavy industrial uses to the north, south and east, it abuts a mixed residential neighborhood zoned R-4 (Moderate to High Density One and Two-Family Residential). A portion of the property is also within the FH (Flood Hazard) zoning district, as the eastern, undeveloped portion of the property is located within the flood plain. The existing house and garage are located on higher, more level portion of the property to the west along 13<sup>th</sup> Street.

The petitioner is requesting the following:

- Variance of Development Standards to allow the reduction of a side yard setback in the I-2 (Heavy Industrial) zoning district (20 feet required; 2 feet requested); and
- Variance of Land Use to permit an existing single family residential use in the I-2 (Heavy Industrial) zoning district.

There is an existing accessory structure on the property that requires extensive repairs and the replacement of the roof. After several assessments by building consultants, the property owners and contractor determined that the garage would need to be replaced. The approval of the use variance would allow the reconstruction of the detached garage, while the variance for the reduction of the side yard setback would allow the structure to be in the same location as the previous garage, while utilizing the existing concrete pad.

### **Residential Use in the I-2 Heavy Industrial Zoning District**

When the property was developed in 1965, single family residential uses were allowed in all zoning districts. The existing residential use has been maintained on the property since it was developed as there was no permit history of commercial or industrial uses on the property to prove otherwise. Single family residential is not an allowed use in the I-2 zoning district per the current Unified Development Ordinance (UDO), it would be considered an existing non-conforming use. The UDO allows nonconforming uses to continue but it restricts the increase, expansion or enlargement of a non-conforming use or structure other than ordinary repair and maintenance.

The existing detached garage and car shed are in a poor condition and may not be structurally safe (see Exhibit 7). This state of disrepair requires the structure to be demolished and rebuilt. The petitioner’s building contractor filed a building permit application in May 2020 to construct a new detached garage on an existing concrete slab. The applicant and property owners were notified that:

- the subject site had an existing non-conforming residential use;
- the detached structure was non-conforming since it did not meet the required side yard setback; and
- if the structure was demolished it could not be re-built without the approval of the requested variances.

The petitioner is seeking a use variance to permit the existing residential use to continue and allow the construction of a new detached garage to replace the existing structure. The proposed garage will have garage doors on the north side of the structure, instead of the west elevation. This will allow the property owners to back out of the garage into their private driveway instead of 13<sup>th</sup> Street. The car shed will not be rebuilt.

**Side Yard Setback**

A variance of development standards is required to proceed with the construction of the proposed detached garage because the location of the accessory building does not meet the minimum 20-foot side yard setback in the I-2 zoning district for properties abutting another zoning district or use. As previously discussed, the subject site abuts the R-4 zoning district to the west. In addition, if the Use Variance to permit the existing single family residential use in the I-2 zone is approved, the residential use on the subject site would be a use other than the typical heavy industrial uses allowed by right on the properties to the north, south and east. The petitioner has proposed the construction of the new detached garage in the same location as the existing structure that will be demolished. The proposed accessory structure will be built on the existing concrete pad or foundation used for the previous building.

**Table A – Comparison of Variance Request to Requirements**

Description	Variance Request	UDO §9.B.2.C.2 Requirement	Min or Max Requirement	UDO Reference
Side Yard Setback	2 FT	20 FT	20 FT	UDO §Table 8.D – I-2 Zone

Although the property requires variances to proceed with the construction of the proposed detached garage, the existing residential use and proposed location of the garage on the existing concrete pad are consistent with the mixed residential development on the west side of 13<sup>th</sup> Street. The Comprehensive Plan identifies the area as downtown/central hub which has a high concentration of residential, infill residential and mixed residential with some employment and institutional uses. The Comprehensive Plan also identifies the floodplain area on the subject site as an opportunity corridor where “tradeoffs between floodplain impacts and development opportunities should be balanced.” The subject site has native trees and dense vegetation within the floodplain on the east side of the property and along the north and south property lines that screen the neighboring industrial uses from the property. The variance requests to allow the existing residential use and permit the proposed reconstruction of a detached garage are consistent with the character of the surrounding neighborhood and the Comprehensive Plan.

## AGENDA ITEM #2:

### VARIANCE OF USE FINDINGS

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. The existing detached garage and car shed on the subject site are in a poor condition and may not be structurally safe. The approval of this variance would allow the petitioner to demolish the existing structure and replace it with a new detached garage. The garage doors will be relocated from the west elevation along 13<sup>th</sup> Street to the north elevation. This revision would allow the petitioner vehicular access to the garage from the private driveway and eliminate backing maneuvers directly onto 13<sup>th</sup> 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. The approval of the variance would allow the property owners to repair, maintain, add, expand, improve or replace the existing residence and any associated accessory structures which would improve the appearance of the property. There is an existing accessory structure that may be considered unsightly by neighboring property owners since it is in need of major repairs. The petitioner requested this variance so that the existing structure could be demolished and replaced by a new detached garage. The new structure would allow the petitioner to store items indoors and out of view from neighboring 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. The 2.6 acre property was originally developed with a single-family residential as allowed in 1965 under pyramidal zoning. Other than the developed portion of the lot adjacent to 13<sup>th</sup> Street (including the house, accessory structure and private driveway), the remainder of the property is located within the Flood Hazard zone. The development of property within the Flood Hazard zone is extremely limited to minimize public and private losses due to flood conditions in the area. The future development of the subject site for an industrial use is highly unlikely unless it is combined with the surrounding industrial properties due to the large portion of the property located within the floodplain.

5. 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 while the existing nonconforming land use is allowed to continue on the property, the petitioner and other future property owners will not be able to add to the existing house or construct any accessory structures. They will also be limited in the amount of repair and maintenance of the residence and associated accessory structures if the residential use remains an existing nonconforming use. In addition, the property owner may experience financial hardship when they refinance or sell the property since financial institutions are hesitant to originate loans on property that may not be rebuilt if substantially destroyed.

6. 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 identifies the subject site as downtown/central hub which has a high concentration of residential, infill residential and mixed residential with some employment and institutional uses. The Comprehensive Plan also identifies the floodplain area on the subject site as an opportunity corridor where "tradeoffs between floodplain impacts and development opportunities should be balanced." It is anticipated that the existing single-family residential use on a 2.6 acre property with a floodplain would have less impact on the floodplain than the potential future development of the subject site for heavy industrial uses that may include but are not limited to an automobile impound lot, a contractor's office with outdoor storage, a laboratory, machinery and equipment repair, or general manufacturing.

## VARIANCE OF DEVELOPMENT STANDARDS FINDINGS

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 property owners are looking to replace an existing detached garage and car shed that may have issues with structural integrity and may be unsafe. The roof is in bad repair and needs to be rebuilt. The structure was built prior to 1970 and it does not appear that it was regularly maintained or repaired, so the existing structure may not be able to hold a new roof. The proposed construction of a detached garage will be used for the storage of personal items associated with the single family residence. The proposed accessory structure will replace the existing garage and car shed that are in disrepair. The construction of a new accessory structure will allow items to be stored indoors and out of sight from neighboring properties. It will also replace a building in poor condition that neighbors may consider unsightly.

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. Most of the residential properties in the adjacent neighborhood to the west have detached garages or other accessory structures.

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 the property owners are looking to replace an existing detached garage and car shed that may have issues with structural integrity and may be unsafe. The reduction of the side yard setback will allow the accessory structure to be constructed on the existing concrete pad for the previous garage structure. The replacement of the existing garage would be an improvement from the existing structure in poor condition. Items associated with the existing residential use can be stored indoors and out of sight from neighboring properties.

## AGENDA ITEM #2:

### RECOMMENDATIONS

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.

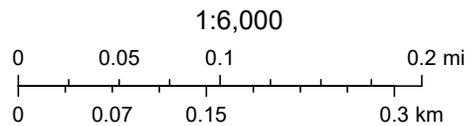
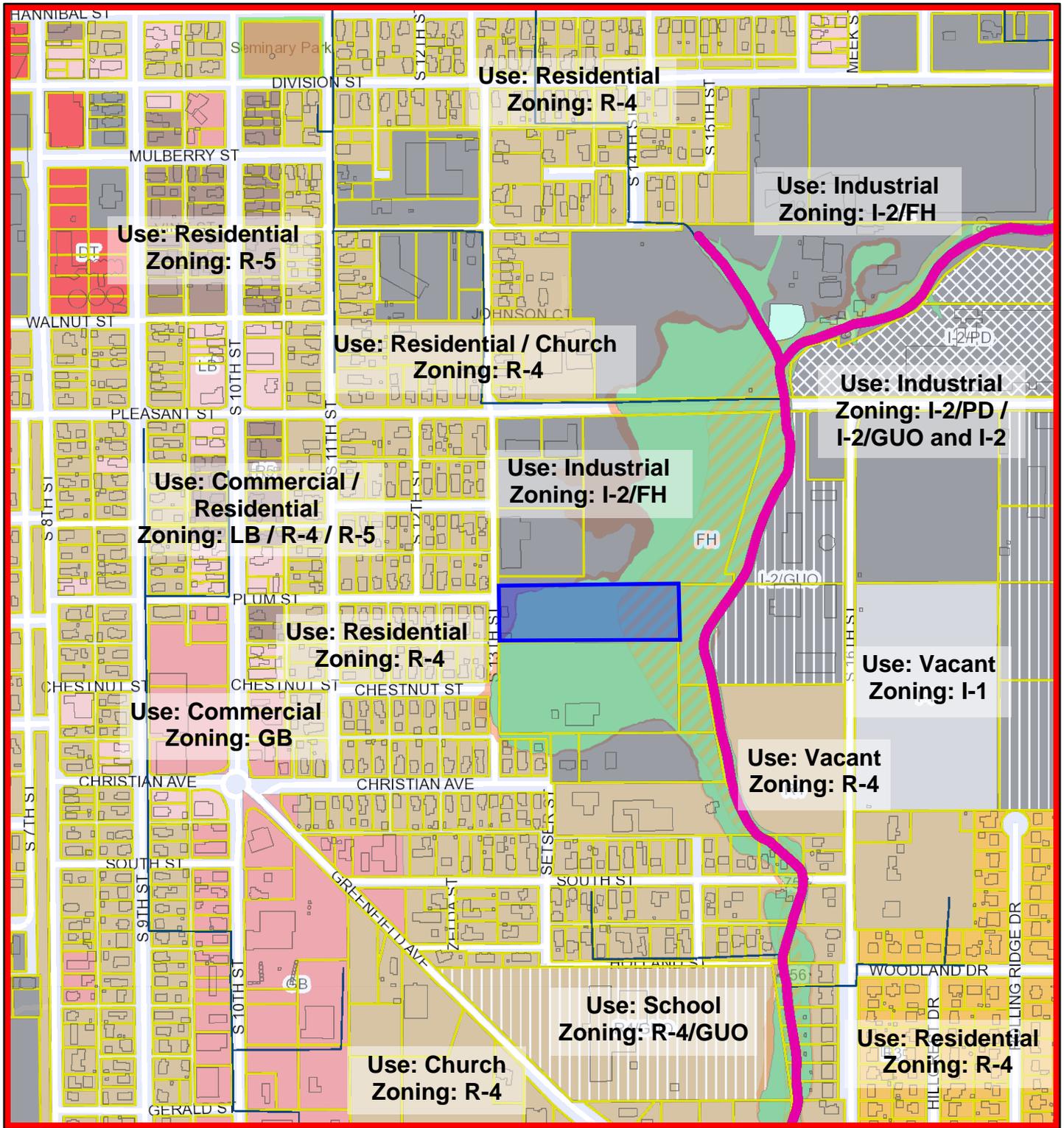
APPROVE the requested Variance of Development Standards based upon the following findings of fact:

- 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.

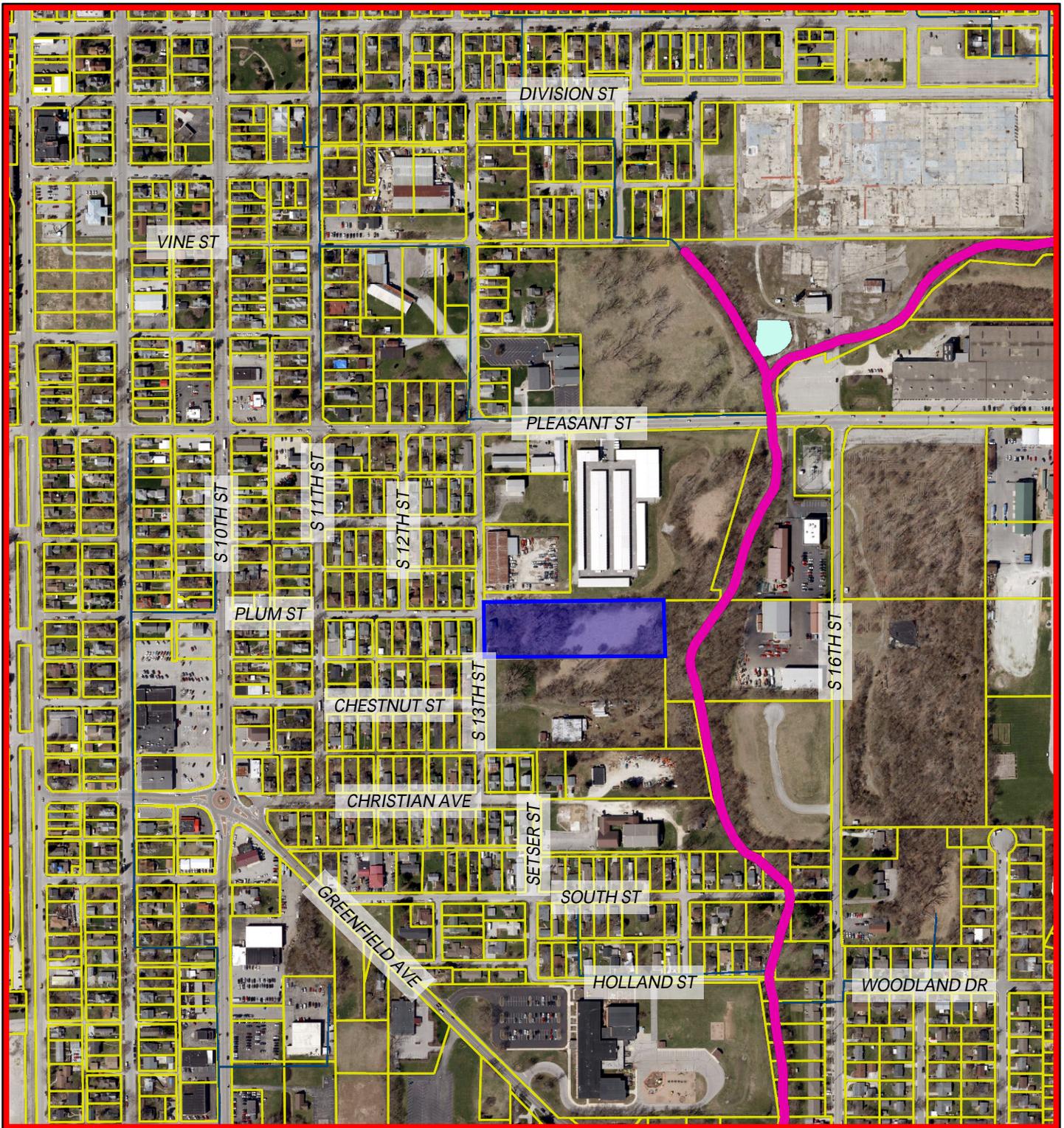
**With the following specific conditions:**

1. Submit the completed Residential Affidavit prior to the issue of the building permit.
2. Provide a revised Site Plan prepared by a licensed land surveyor showing the limits of the floodplain as well as the elevations for all four corners of the foundation.
3. 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.
4. 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

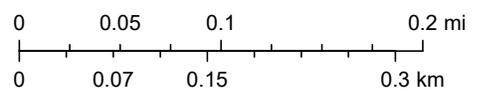


# Exhibit 3 - Aerial Photo



July 14, 2020

1:6,000



ADMINISTRATIVE INFORMATION

OWNERSHIP

Tax ID 1111060308001000

Printed 04/11/2020 Card No. 1 of 1

TRANSFER OF OWNERSHIP

PARCEL NUMBER
29-11-06-308-001.000-013
Parent Parcel Number

Eynon, Andrew J & Deborah C
1008 13th St S
Noblesville, IN 46060
Acreage 2.50, Section 6, Township 18, Range 5

Date
01/23/1997 MURRAY, ELMER R
Bk/Pg: 970, \$0

Property Address
1008 13th St
Neighborhood
602300 J R CHRISTIAN/COMBINED NBHDS
Property Class
510 Res 1 fam dwelling platted lot

Exhibit 4 - Standard Property Record Card

RESIDENTIAL

TAXING DISTRICT INFORMATION

Jurisdiction 29
Area 010 Noblesville
Corporation N
District 013 Noblesville

VALUATION RECORD

Table with columns: Assessment Year, Reason for Change, Trend, REVAL, and values for years 2014-2020.

Site Description

Topography: Level, Swampy
Public Utilities: All
Street or Road: Paved
Neighborhood: Static
Zoning: 3 FRONT LOT
Legal Acres: 2.5000
Admin Legal: 2.5000

LAND DATA AND CALCULATIONS

Table with columns: Land Type, Rating, Measured Acreage, Table, Prod. Factor, Base Rate, Adjusted Rate, Extended Value, Influence Factor, Value.

LO20: BASE RATE CHANGE/CORRECTED FROM ACREAGE TO FF 1-1-20 DMS
RV17: 01/01/2017 RW
RVAL: 2012: CORRECTED SKETCH ADG

Supplemental Cards

TRUE TAX VALUE 39810

FARMLAND COMPUTATIONS

Parcel Acreage 2.5000
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
Average True Tax Value/Acre
TRUE TAX VALUE FARMLAND
Classified Land Total
Homesite(s) Value (+)
Excess Acreage Value (+)

Supplemental Cards
TOTAL LAND VALUE

39800

**IMPROVEMENT DATA**

**PHYSICAL CHARACTERISTICS**

Style: 51 Newer conventional 1+ story  
 Occupancy: Single family  
 Story Height: 1.0  
 Finished Area: 1824  
 Attic: Finished  
 Basement: Full

**ROOFING**  
 Material: Asphalt shingles

**FLOORING**  
 Slab B, 1.0  
 Sub and joists A  
 Vinyl tile 1.0  
 Carpet 1.0  
 Unfinished B

**EXTERIOR COVER**  
 Conc block B  
 Wood siding 1.0

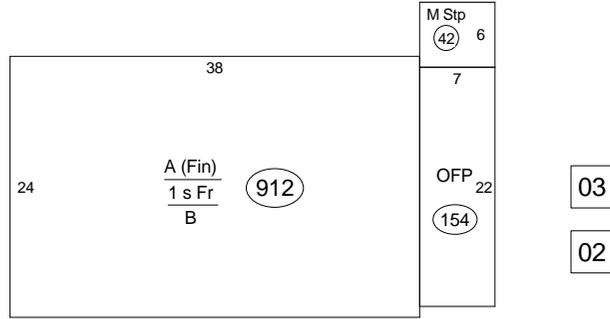
**INTERIOR FINISH**  
 Drywall 1.0, A  
 Unfinished B

**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

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

**REMODELING AND MODERNIZATION**  
 Amount Date



Construction	Base Area	Floor Area	Finished Area	Sq Ft	Value
1 WOOD FRAME	912	1.0	912		68850
		912 Attic	912		6040
		912 Bsmt	0		22870
		0 Crawl	----		0

TOTAL BASE				97760
Row Type	Adjustment			1.00%
SUB-TOTAL				97760

0 Interior Finish	8920
0 Ext Lvg Units	0
0 Basement Finish	0
Fireplace(s)	0
Heating	0
Air Condition	0
Frame/Siding/Roof	0
Plumbing Fixt: 8	2400

SUB-TOTAL ONE UNIT		109080
SUB-TOTAL 0 UNITS		109080
Exterior Features	Value	
Description	Value	
Garages		
0 Integral	0	
0 Att Garage	0	
0 Att Carports	0	
0 Bsmt Garage	0	
Ext Features	7310	

SUB-TOTAL		116390
Quality Class/Grade	C-1	
GRADE ADJUSTED VALUE		110570

(LCM: 100.00)

**SPECIAL FEATURES**

**SUMMARY OF IMPROVEMENTS**

Description	Value	ID	Use	Stry Hgt	Const Type	Year Const	Eff Year	Cond	Base Rate	Feat- ures	Adj Rate	Size or Area	Computed Value	Phys Depr	Obsol Depr	Market Adj	% Comp	Value
D DWELL	0.00				C-1	1965	1965	A	0.00	N	0.00	2736	110570	40	0	107	100	71000
02 DETGAR	8.00	1			C	1968	1968	A	28.10	N	28.10	24x 24	16190	40	0	100	100	9700
03 CARSHEDD	8.00	1			D	1970	1970	P	27.21	N	21.77	10x 24	5220	80	0	100	100	1000

Data Collector/Date: JP 09/29/2016  
 Appraiser/Date: 01/01/1900  
 Neighborhood: Neigh 602300 F  
 Supplemental Cards: TOTAL IMPROVEMENT VALUE  
 81700



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

**BZNA-0091-2020**

Application Number: \_\_\_\_\_

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: Eynon Garage Rebuild  
Common Address: 1008 S. 13<sup>th</sup> St. Noblesville, IN 46060

Applicant Name: Deborah Eynon  
Applicant Address: 1008 S. 13<sup>th</sup> St

Applicant City/State/Zip: Noblesville, IN 46060 E-mail: Debby\_Eynon@yahoo.com  
Applicant Phone #1: (317) 457-5095 Phone #2: (317) 650-4165 Fax: \_\_\_\_\_

Owner Name: Deborah + Andrew Eynon  
Owner Address: 1008 S 13<sup>th</sup> Street

Owner City/State/Zip: Noblesville, IN 46060 E-mail: Debby\_Eynon@yahoo.com  
Owner Phone #1: (317) 457-5095 Phone #2: (317) 650-4165 Fax: \_\_\_\_\_

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

Subdivision Name: \_\_\_\_\_

Subdivision Section: \_\_\_\_\_ Lot Number: \_\_\_\_\_ Last Deed of Record Number: \_\_\_\_\_

Existing Land Use: Residential

Common Description of Request: Rebuilding the garage for residential use

Zoning District of Property: R-2/FH Code Section(s) Appealed: UDO § 8.D

Date: 6/27/2020

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:

The garage will just be replaced and <sup>NOT</sup> used for any new uses, just home owner use. We will have some side yard set back for construction of a detached garage in the same location as the previous garage so we can use the existing concrete pad.

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:

The garage is just being replaced so there will be no change that will impact neighbors. We will be allowing some set back of the existing site so we can use the existing concrete pad.

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:

The garage is in poor shape and all we are wanting to do is replace it - like for like. There is no variance for use. The garage will be slightly set back so we can use the existing concrete pad.



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

Application Number: BZNA-0093-2020

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: Eynon Garage Rebuild  
Common Address: 1008 S. 13<sup>th</sup> St. Noblesville, IN 46060

Applicant Name: Deborah Eynon

Applicant Address: 1008 S. 13<sup>th</sup> St.

Applicant City/State/Zip: Noblesville, IN 46060 E-mail: Debby-Eynon@yahoo.com

Applicant Phone #1: (317) 457-5095 Phone #2: (317) 650-4165 Fax: \_\_\_\_\_

Owner Name: Deborah & Andrew Eynon

Owner Address: 1008 S. 13<sup>th</sup> St.

Owner City/State/Zip: Noblesville, IN 46060 E-mail: Debby-Eynon@yahoo.com

Owner Phone #1: (317) 457-5095 Phone #2: (317) 650-4165 Fax: \_\_\_\_\_

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

Subdivision Name: \_\_\_\_\_

Subdivision Section: \_\_\_\_\_ Lot Number: \_\_\_\_\_ Last Deed of Record Number: \_\_\_\_\_

Existing Land Use: Residential

Common Description of Request: Rebuild garage on existing platform *for residential use*

Zoning District of Property: R-2/FH Code Section(s) Appealed: UDO § 8.D.2.B, appendix C

Date: 6/27/2020 Applicant's Signature: [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:

The garage will just be replaced and not used for any new uses, just homeowners use. This is a residential home and will benefit the use of the residence

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:

The garage is just being replaced so there will be no change that will impact neighbors. This will be used for residential use and will improve property value of neighborhood.

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:

The existing will be torn down and rebuilt. Due to the property being zoned for both industrial and residential use, we want to further increase the use for residential only.

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:

The current garage is in bad shape and disrepair. After several assessments, the need to replace is necessary. This will further improve the neighborhood property value, increase the residential usage, and improve the overall property.

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:

It is replacing the existing structure of a residential garage. This will continue the residential look of our neighborhood

13.00  
② **Personal Representative's Deed** Instrument 9709701006

THIS INDENTURE WITNESSETH, That Patricia Malone, as Personal Representative of the Unsupervised Estate of Martha Anilene Murray, now pending in the Hamilton Superior Court No. 2 under cause number 29D02-9604-EU-37, by virtue of his power and authority granted under the Indiana Code, for good and sufficient consideration does hereby convey to Andrew J. Eynon and Deborah C. Eynon, Husband and Wife, of Hamilton County, Indiana, the following described real estate in Hamilton County, Indiana:

9709701006  
Filed for Record in  
HAMILTON COUNTY, INDIANA  
MARY L CLARK  
On 01-09-1997 At 03:29 PM.  
PER REP D 13.00

See attached "Exhibit A"

Subject to all liens, easements, assessments, and encumbrances of record.

IN WITNESS WHEREOF, the undersigned has executed this Personal Representative's Deed this 17th day of December, 1996.

*Patricia Malone, Personal Representative*  
Patricia Malone, Personal Representative

DULY ENTERED FOR TAXATION  
subject to final acceptance for transfer  
17 day of Dec 1996  
5  
*J. M. Ogle*  
Auditor  
Hamilton County

Before me, a Notary Public in and for said County and State, personally appeared Patricia Malone as Personal Representative of the Estate of Martha Anilene Murray, who acknowledged execution of the foregoing Personal Representative's Deed, and who, having been duly sworn, stated that all representations contained therein are true.

Witness my hand and Notarial Seal this 17th day of December, 1996.



My Commission Expires: 04/13/00

*Debbie M. Morris*  
Debbie M. Morris, Notary Public  
Resident of Hamilton County, Indiana

**EXHIBIT A**

A part of the Southwest Quarter of Section Six (6), Township Eighteen (18) North, Range Five (5) East, bounded as follows:

Commence at a point on the North line of said Quarter Section where it is crossed by the East line of Thirteenth Street, formerly Harold Street, in the City of Noblesville, said point being 40 feet East and 40 feet North of the Northeast corner of Lot Nine (9) in James R. Christian's Second Addition to said City of Noblesville; run thence East on the North line of said Quarter Section 40 rods to a point 587.15 feet West of the Northeast corner of said Quarter Section; thence South 10 rods 7 feet, thence West 40 rods to the East line of Thirteenth Street, formerly called Harold Street, in said City; thence North 10 rods 7 feet to the place of beginning, in Hamilton County, Indiana.

---

HAMILTON COUNTY  
REAL PROPERTY DEPARTMENT

FILED

JUN 30 2020

ADJOINER

• notification list •

Robin M. Mills  
AUDITOR HAMILTON COUNTY

**NOTE:** DUE TO THE VOLUME AND TURNAROUND, **ORDERS TAKE 3-5 BUSINESS DAYS** FOR PROCESSING. THE GIS TEAM WILL APPROPRIATELY NOTIFY THE CONTACT WHEN THEIR ORDER IS READY TO BE RETRIEVED.

DATE TAKEN: 6/30/2020 TIME TAKEN: 11:59am

NAME OF PROPERTY OWNER: Eynon, Andrew J & Deborah C

NAME OF PETITIONER: Deborah Eynon

LEGAL DESCRIPTION or PARCEL NUMBER OF PROPERTY:  
11-11-06-03-08-001.000

ZONING AUTHORITY APPLYING TO

- |  |  |
|--|--|
| <input type="checkbox"/> ARCADIA                 | <input type="checkbox"/> HAMILTON COUNTY PLANNING              |
| <input type="checkbox"/> ATLANTA                 | <input type="checkbox"/> NOBLESVILLE BZA                       |
| <input type="checkbox"/> CARMEL BZA              | <input type="checkbox"/> NOBLESVILLE HOME OCCUPATION           |
| <input type="checkbox"/> CARMEL PLANNING         | <input type="checkbox"/> NOBLESVILLE PLAN COMMISSION           |
| <input type="checkbox"/> CICERO                  | <input checked="" type="checkbox"/> NOBLESVILLE PUBLIC HEARING |
| <input type="checkbox"/> FISHERS & FALL BZA      | <input type="checkbox"/> SHERIDAN                              |
| <input type="checkbox"/> FISHERS PLAN COMMISSION | <input type="checkbox"/> WESTFIELD                             |

PERSON TO CONTACT: Deborah Eynon

PHONE: (317) 457-5095 EMAIL: Debby.Eynon@wholefoods.com

FOR STAFF USE ONLY

EMPLOYEE INITIALS: CRH PAYMENT RECEIVED:  RECEIPT NUMBER: 2020-1278

33 N. NINTH ST.  
NOBLESVILLE, IN 46060



VOICE: 317-776-9624  
PLATS@HAMILTONCOUNTY.IN.GOV

**HAMILTON COUNTY AUDITOR**

I, ROBIN M. MILLS, AUDITOR OF HAMILTON COUNTY, INDIANA, CERTIFY MY OFFICE HAS SEARCHED OUR RECORDS AND BASED ON THAT SEARCH, IT APPEARS THAT THE PROPERTY OWNERS MARKED AS NEIGHBORS ARE THE PROPERTY OWNERS THAT ARE TWO PROPERTIES OR 660' FEET FROM THE REAL ESTATE MARKED AS SUBJECT PROPERTY.

THIS DOCUMENT DOES NOT CERTIFY THAT THE ATTACHED LIST OF PROPERTY OWNERS IS ACCURATE OR INCLUDES ALL PROPERTY OWNERS ENTITLED TO NOTICE PURSUANT TO LOCAL ORDINANCE. ANY PERSON SEEKING A MORE ACCURATE SEARCH OF THE REAL ESTATE RECORDS OF THE COUNTY SHOULD SEEK THE OPINION OF A TITLE INSURANCE COMPANY.

ROBIN M. MILLS, HAMILTON COUNTY AUDITOR

DATED: *Olivia Jesse* 07/06/2020

**SUBJECT PROPERTY:**

---

11-11-06-03-08-001.000	Subject
Eynon, Andrew J & Deborah C	
1008 13th St S	
Noblesville	IN 46060

---

<p>Pursuant to the provisions of Indiana Code 5-14-3-3-(e), no person other than those authorized by the County may reproduce, grant access, deliver, or sell any information obtained from any department or office of the County to any other person, partnership, or corporation. In addition any person who receives information from the County shall not be permitted to use any mailing list, addresses, or databases for the purpose of selling, advertising, or soliciting the purchase of merchandise, goods, services, or to sell, loan, give away, or otherwise deliver the information obtained by the request to any other person.</p>
--

# **HAMILTON COUNTY NOTIFICATION LIST**

PLEASE NOTIFY THE FOLLOWING PERSONS

---

**11-11-06-00-00-001.000** **Neighbor**

Bridgestone Americas Tire Operations LLC

200 4th Ave S Ste 100

Nashville TN 37201

---

**11-11-06-00-00-012.000** **Neighbor**

Firestone Tire & Rubber Co The

200 4th Ave S Ste 100

Nashville TN 37201

---

**11-11-06-00-00-022.000** **Neighbor**

1255 South 16th LLC

1401 Pleasant St

Noblesville IN 46060

---

**11-11-06-00-00-023.000** **Neighbor**

Janitz, Thomas B

7605 Belmont Ave

Indianapolis IN 46217

---

**11-11-06-00-00-024.000** **Neighbor**

Noblesville Building Corporation

16 S 10TH ST

Noblesville IN 46060

---

**11-11-06-00-00-025.000** **Neighbor**

Noblesville Building Corporation

16 S 10TH ST

Noblesville IN 46060

---

**11-11-06-00-00-026.000** **Neighbor**

Amerco Real Estate Company

2727 N Central Ave #500

Phoenix AZ 85004

---

**11-11-06-00-00-026.001** **Neighbor**

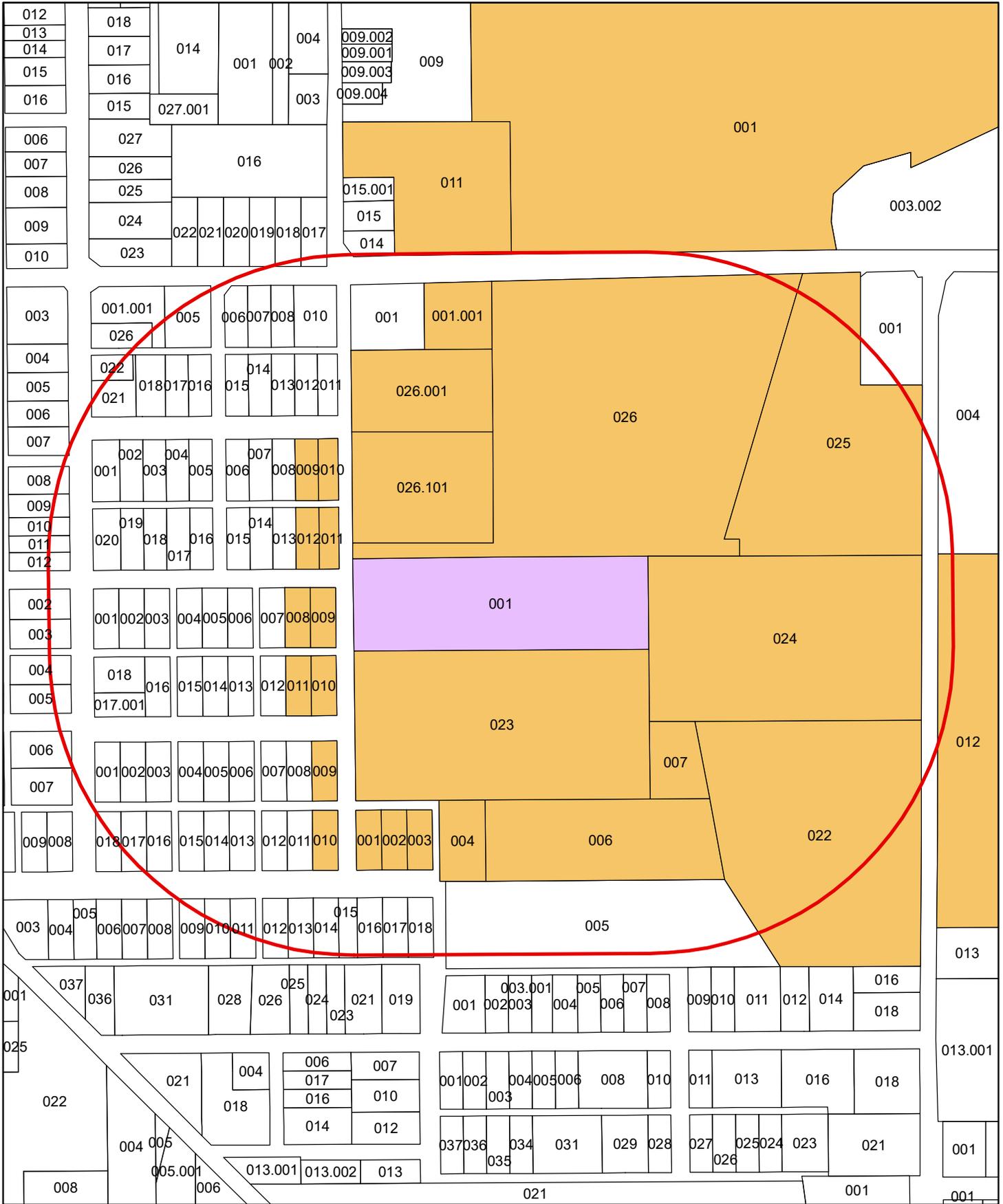
Albright, Stanley K

898 13th St S		
Noblesville	IN	46060
<b>11-11-06-00-00-026.101</b>		<b>Neighbor</b>
Dodson Family Limited Liability Company		
PO Box 6150		
Fishers	IN	46038
<b>11-11-06-01-05-011.000</b>		<b>Neighbor</b>
Noblesville Baptist Temple Of Hamilton County		
1338 Pleasant St E		
Noblesville	IN	46060
<b>11-11-06-01-07-001.001</b>		<b>Neighbor</b>
Dahlke & Hiday Automotive Specialists Inc		
1337 Pleasant St		
Noblesville	IN	46060
<b>11-11-06-01-09-009.000</b>		<b>Neighbor</b>
Johnson, Apelles & Oksana Polhuy jtrs		
1271 Washington St		
Noblesville	IN	46060
<b>11-11-06-01-09-010.000</b>		<b>Neighbor</b>
Capps, William B Jr		
909 S 13th St		
Noblesville	IN	46060
<b>11-11-06-01-09-011.000</b>		<b>Neighbor</b>
Heery, Christopher A & Jennifer A Lacey mc		
1298 Plum St		
Noblesville	IN	46060
<b>11-11-06-01-09-012.000</b>		<b>Neighbor</b>
Myers, Bobby J		
1272 Plum St		
Noblesville	IN	46060
<b>11-11-06-03-04-008.000</b>		<b>Neighbor</b>
Baker, Vincent A & Traci L		
1265 PLUM ST		

Noblesville	IN	46060
<hr/>		
<b>11-11-06-03-04-009.000</b>		<b>Neighbor</b>
Likins, Patricia E		
18013 Rolling Rock Dr		
Noblesville	IN	46062
<hr/>		
<b>11-11-06-03-04-010.000</b>		<b>Neighbor</b>
Halford, Jo Ellen		
1286 CHESTNUT ST		
Noblesville	IN	46060
<hr/>		
<b>11-11-06-03-04-011.000</b>		<b>Neighbor</b>
Cushen, Stephen & Brittany Taylor jtrs		
1284 Chestnut St		
Noblesville	IN	46060 3527
<hr/>		
<b>11-11-06-03-05-009.000</b>		<b>Neighbor</b>
Hendrickson, Nathan		
1149 S 13th St		
Noblesville	IN	46060
<hr/>		
<b>11-11-06-03-05-010.000</b>		<b>Neighbor</b>
Tatyana Gures LLC		
6864 Carters Grove Dr		
Noblesville	IN	46062
<hr/>		
<b>11-11-06-03-09-001.000</b>		<b>Neighbor</b>
Nesbitt, Deborah		
507 Country Wood Dr		
Noblesville	IN	46060
<hr/>		
<b>11-11-06-03-09-002.000</b>		<b>Neighbor</b>
Etchison, Tamara L		
1334 Christian Ave		
Noblesville	IN	46060
<hr/>		
<b>11-11-06-03-09-003.000</b>		<b>Neighbor</b>
Baker, Larry W & Helen J		
1352 Christian Ave		

Noblesville	IN	46060
<b>11-11-06-03-09-004.000</b>		<b>Neighbor</b>
Solomon Land Company LLC		
1400 Christian Ave		
Noblesville	IN	46060
<b>11-11-06-03-09-006.000</b>		<b>Neighbor</b>
Solomon Land Company LLC		
1400 Christian Ave		
Noblesville	IN	46060
<b>11-11-06-03-09-007.000</b>		<b>Neighbor</b>
Janitz, Thomas B		
7605 BELMONT AVE		
Indianapolis	IN	46217

# Adjoiner Notification Map



**Legend**

- Buffer
- Notify
- Subject

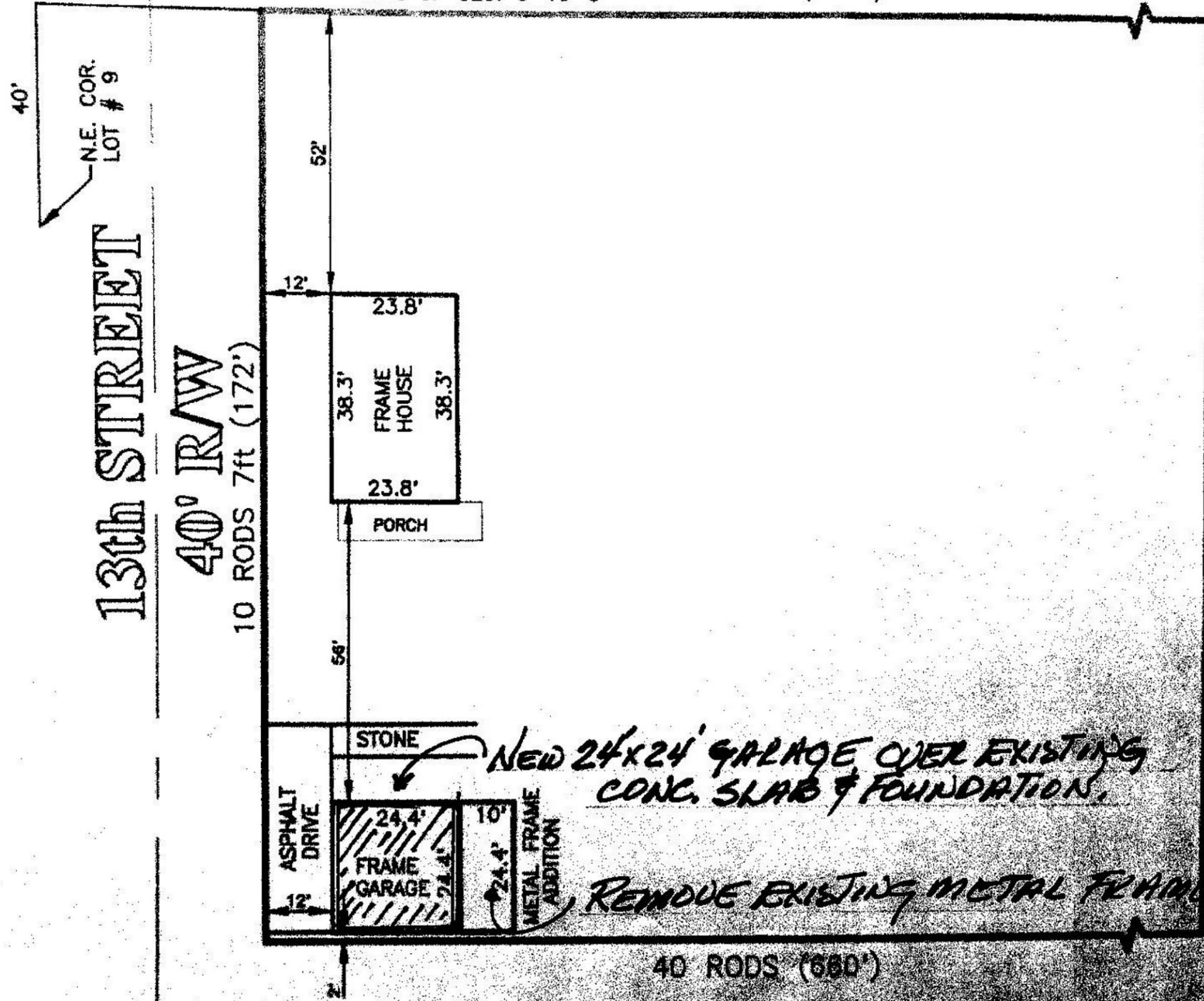


PT. S.W. 1/4, SEC. 6-18-5

Exhibit 6 - Site Plan & Building Plan

1/2

40' NORTH LINE OF SEC. 6-19-5 40 RODS (660')



*NEW 24x24 GARAGE OVER EXISTING CONC. SLAB & FOUNDATION.*

*REMOVE EXISTING METAL FRAME*



0 15 30 60  
 SCALE: 1" = 30'  
 F.B. 435 PG. 75  
 JOB NO. M11902

1008 S. 13th STREET

MILLER SURVEYING 948 CONNER ST. NOBLESVILLE, IN. PH. 773-2644

Mail - Mike Foerster - Outlook

4/29/2020

https://outlook.office.com/mail/inbox/id/AAQkADE5YZiNj3LTc4MmMINGU3My1hZTU5LIQ2YziNmY1ZGVVYgAQANAs2OMmQAjFoJDCy0dG...



NORTH ELEVATION  
 SOUTH ELEVATION  
 WEST ELEVATION  
 EAST ELEVATION  
 MAIN FLOOR PLAN  
 SECTION DWG

24' x 24' Garage Replacement

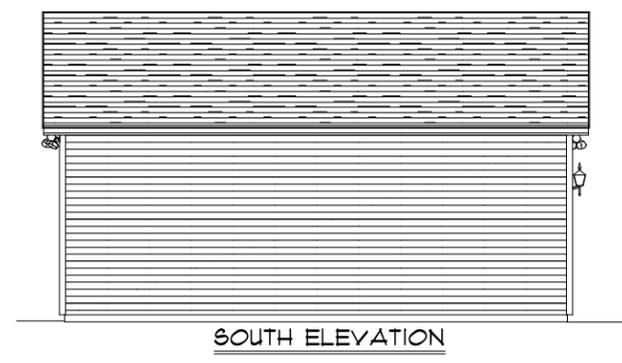
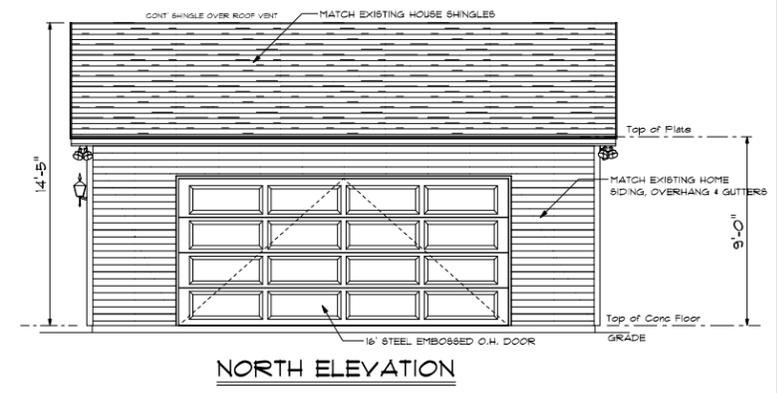
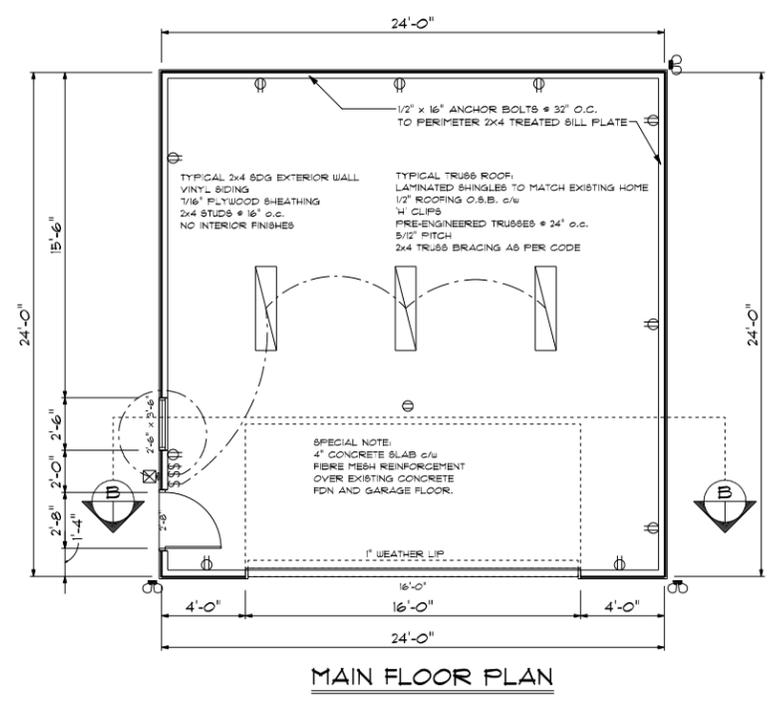
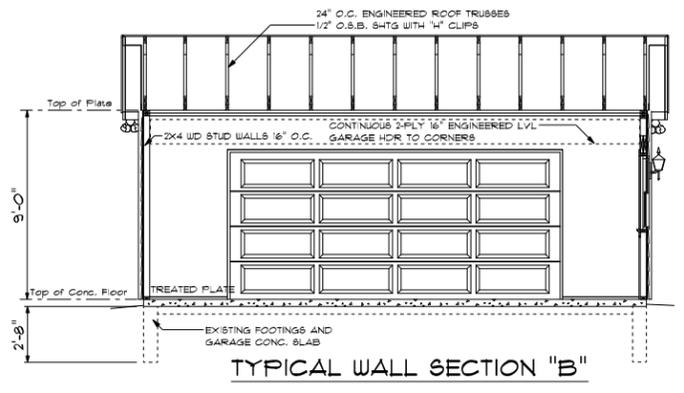
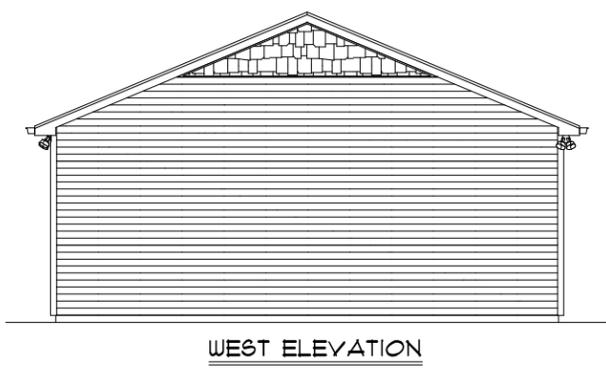
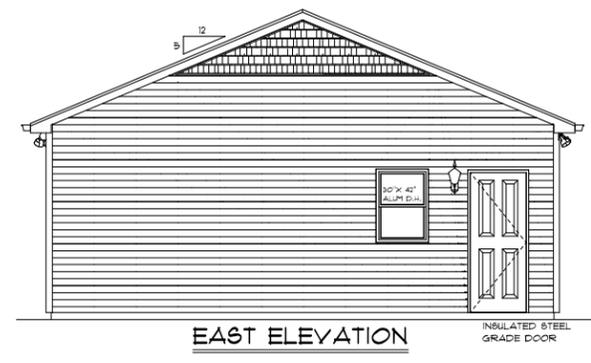
**Andy & Debby Eynon**  
 1008 So. 13th Street  
 Noblesville, Indiana 46060

DATE: April 30, 2020  
 DRAWN BY: M. Foerster  
 SCALE: 1/4" = 1'-0" Unless Noted

REVISIONS:

SHEET

1 OF 1



## Exhibit 7 - Site and Neighborhood Photos



1) View southeast to subject property from the corner 13<sup>th</sup> Street & Plum Street



2) View northeast to the subject property from the corner of 13<sup>th</sup> Street & the alley south of Plum Street



3) West elevation (along 13<sup>th</sup> Street) of the existing house with garage in background



4) South elevation of existing house and view of property from the gravel driveway. The site slopes down towards the floodplain along the east property line



5) View of garage and drive from southwest corner of house



6) Gravel and asphalt driveway



7) North elevation of the existing garage and car shed



8) Close up of car shed



9) West elevation of existing garage



10) Asphalt driveway to existing garage



11) Close up of roof damage at SE corner



12) South elevation of existing garage



12) South on 13<sup>th</sup> Street from neighboring property to north (990 S 13<sup>th</sup> Street)



13) Fisher's Towing Service at 990 S 13<sup>th</sup> Street



14) North on 13<sup>th</sup> Street from Plum Street



15) West on Plum Street from 13<sup>th</sup> Street



16) South on 13<sup>th</sup> Street from Plum Street



17) East to vacant industrial land south of subject site



18) South on 13<sup>th</sup> Street from Chestnut

# Exhibit 8 - Residential Affidavit



## RESIDENTIAL AFFIDAVIT

CITY OF NOBLESVILLE  
16 South 10<sup>th</sup> Street, Suite B-140  
Noblesville, IN 46060  
(317) 776-6325

DATE: August 3, 2020

CONTROL OR CONFIRMATION #RESI-000589-2020

FROM: Caleb Gutshall, Assistant Director

PROPERTY ADDRESS: 1008 S 13<sup>th</sup> Street

TAX ID #11-11-06-03-08-001.000

DOCUMENT CROSS REFERENCE Instrument #9709701006

This is to certify that the footings and foundation inspection(s) at 1008 S 13<sup>th</sup> Street (permit number RESI-000589-2020) has been completed according to all applicable parts of the International Residential Code, as adopted, the National Electric Code, as adopted, and as amended by the State of Indiana. I certify that I am executing this document for myself or that I have the authority of the entity I represent to sign it, and that this document shall bind that entity and all further reference to "I" herein shall be considered to refer to such entity.

I further certify that I have executed this document in order that I may complete this project without further delay due to the City of Noblesville's inability to inspect the project at this time. In further consideration of the City accepting this document *in lieu of inspection*, I agree to assume and accept any and all liability for said project and will hold the City of Noblesville, its employees and agents, the Planning Department and the building inspector harmless from any and all liability to any person or entity for the failure to make such inspection, and I further agree that I will pay the City for any and all expense, including attorney fees, resulting in any way from the lack of said inspection or items not inspected.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

STATE OF INDIANA            )  
  ) SS:  
COUNTY OF HAMILTON        )

SUBSCRIBED AND SWORN to before me this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

NOTARY PUBLIC, a resident of \_\_\_\_\_ County, Indiana

My Commission Expires: \_\_\_\_\_

Prepared by: Rina M. Neeley, Associate Planner  
City of Noblesville, 16 South 10<sup>th</sup> Street, Suite B-140, Noblesville, IN 46060 (317)776-6325.

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. Rina M. Neeley