

Agenda Item #1

Case Number	BZNA-0233-2022 / BZNA-0234-2022 / BZNA-0235-2022	Property Size	0.34 acres
Address	1399 Division Street Noblesville, IN 46060	Zoning	R4 - Moderate to High Density One and Two-Family Residential District
Owner	Habitat for Humanity of Greater Indianapolis Inc.	Reviewer	Kevin Martin
Applicant	Habitat for Humanity of Greater Indianapolis Inc.	BZA Meeting	Tuesday, January 3, 2023 - 6:00 p.m.

Requested Action:

- a) UDO § 8.B.5.E. and Table 8.B. (Summary of Residential Bulk Standards): - Variance of Development Standards to reduce the required minimum lot area, from 4,000 square feet to 3,630 square feet;
- b) UDO § 8.B.5.E. and Table 8.B - Variance of Development Standards to reduce the required minimum lot width, from 60 feet to 27.5 feet; and
- c) UDO § 8.B.5.E. and Table 8.B - Variance of Development Standards to reduce the required minimum front yard setback to 5.5 feet (along 14th Street); in the R4 (Moderate to High Density One and Two-Family Residential District) zoning district.

Recommendation:

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

Exhibits:

- 1. Application
- 2. Aerial Photograph

- 3. Proposed Site Plan, Elevations, and Floorplans



ANALYSIS

Habitat for Humanity of Greater Indianapolis (applicant) is requesting approval of three (3) separate Variances of Development Standards to facilitate the construction of two two-family dwelling structures (four total units) in the R4 (Moderate to High Density One and Two-Family Residential District) zoning district.

The subject sites are located southwest of the intersection between Division Street and 14th Street (see Exhibit 2 – Aerial Photograph). The sites front Division Street along the north property line, 14th Street along the east, and alleyways along the west and south property boundaries. The properties are zoned R4 -Moderate to High Density One and Two-Family Residential District. Surrounding properties to the north, south, east, and west are all zoned R4 (as illustrated on the previous page).

The UDO states: “The purpose of the R-4 District is to permit moderate to high density one-and two-family residential dwellings on central sewer and water facilities.” The Comprehensive Plan designate the sites' future land use as Traditional Residential. The Traditional Residential designation is described as: “...the most established neighborhoods in Noblesville, the predominate land use within this typology is single-family residential with a diversity of design styles encompassing varying periods of city development. There is an established development pattern which includes a mixture of housing types set upon a highly walkable, gridded street network (Comp. Plan Page 92).”

The requested variances would allow the applicant to build two duplexes on two platted lots, for a total of four new residences. Each unit would be two-story, and each would have three bedrooms and two and a half bathrooms. Each existing lot (55 feet wide by 132 feet in length) would be re-platted and into two lots measuring 27.5 feet wide by 132 feet in length. Duplexes would be built with the shared wall along the new lot line, providing for fee simple ownership.

The proposed lot areas of 3,630 square feet will not meet the UDO minimum lot area requirement of 4,000 square feet, and the 27.5 feet width will not meet the 60 feet minimum lot width. Additionally, for the lot fronting along 14th street, the applicant is requesting a variance of development standards to reduce the required minimum front yard setback to 5.5 feet (along 14th Street).

Request BZNA-0233-2022 - Variance of Development Standards to reduce the required minimum lot area, from 4,000 square feet to 3,630 square feet; for two separate lots.

Request BZNA-0234-2022 - Variance of Development Standards to reduce the required minimum lot width, from 60 feet to 27.5 feet; for two separate lots.

Request BZNA-0235-2022 - Variance of Development Standards to reduce the required minimum front yard setback to 5.5 feet (along 14th Street); one lot only.

The applicant's narrative statement provides further details on the proposal:

Each duplex structure would be 44' W × 56'4" D (including roofed front porch) and the two buildings would be virtually the same floor plan with different façade/siding treatments and possibly a different roofline for each. We believe this is in keeping with the existing homes on the block face; the five homes directly to the west appear to be variations of the same basic design.

We believe that duplexes on smaller lots will fit in with the long-established character of the area. There are many nearby (grandfathered) substandard size lots with minimal setbacks; they help create a rich variety of housing types and prices. We expect that our homes will appraise in the same price range as other homes sold recently within 1/4 mile of the site, and so they will not cause appreciable increase or decrease in the general neighborhood property values.

VARIANCES OF DEVELOPMENT STANDARDS FINDINGS

AGENDA ITEM #1:

If the Board should decide to APPROVE the requested variances, please use the following findings of fact for all three requests:

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:

These variances will NOT be injurious to the public health, safety, morals, and general welfare of the community. The requested Lot Area and Lot Width variances will have a minimal visual effect, while maintaining the urban pattern established along the street. The reduced setback along 14th Street also replicates the established design of other corner properties within the neighborhood.

2. The use and value of the area adjacent to the property included in the variances 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 variances. 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 the variances requested 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 variances are sought:

The strict application of the terms of the zoning ordinance WILL result in practical difficulties in the use of the property. While the zoning district permits two-family dwellings, it does not provide specific regulations for duplexes on two separate lots. The strict application of the UDO requirements would result in functional constrains, while the Comprehensive Plan endorses the proposed land use and architectural characteristic.

RECOMMENDATIONS

AGENDA ITEM #1:

APPROVE the requested Variances 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 variances are sought.

With the following specific conditions:

1. This approval is valid for this applicant - Habitat for Humanity of Greater Indianapolis Inc. - and this use only.
2. Any future development shall be consistent with the submitted plans and elevations.
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 1 - Application



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

Application Number: BZNA-0033-2022

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: DIVISION STREET DUPLEXES

Common Address: 1399 DIVISION STREET, NOBLESVILLE

Applicant Name: GREATER INDY HABITAT FOR HUMANITY

Applicant Address: 3135 N. MERIDIAN ST.

Applicant City/State/Zip: INDIANAPOLIS, IN 46208 E-mail: cbarnett@indyhabitat.org

Applicant Phone #1: 317-925-4013 Phone #2: _____ Fax: _____

Owner Name: (SAME AS APPLICANT)

Owner Address: _____

Owner City/State/Zip: _____ E-mail: _____

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

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

Subdivision Name: J.R. GRAY'S ADDITION

Subdivision Section: _____ Lot Number: 7&8 Last Deed of Record Number: 2020094109

Existing Land Use: VACANT

Common Description of Request: VARIANCE OF LOT SIZE MINIMUM ; 3630 SQ. FT. PROVIDED, 4000 SQ. FT. REQUIRED

Zoning District of Property: R-4 Code Section(s) Appealed: UDO § ARTICLE 8, PART B, SECTION 5.A.

Date: NOVEMBER 16, 2022 Applicant's Signature: BY: cbarnett
FOR GREATER INDY HABITAT FOR HUMANITY

Proposed Findings of Fact:

Variance of Lot Size Minimum: 3,630 square feet provided; 4,000 square feet required

1. The approval will not be injurious to the public safety, health, morals, and general welfare of the community. Explain why this statement is true in this case:

1399 Division Street is located in a long-developed, small-lot part of Noblesville. Within 1,000 feet of the subject site, there are numerous "grandfathered" substandard-size lots (including two directly across 14th Street) that are below the zoning code minimum size. The long-term existence of substandard sized lots does not appear to have caused any injury to the safety, health, morals, or general welfare of the community.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner by the approval of this variance request. Explain why this statement is true in this case:

There have been 8 recent sales within 1000 feet of the site, priced between \$170,000 and \$297,000. We expect our duplex units to appraise in this same price range, so we can safely state that our new development will not cause a decline in neighborhood property values. With regard to use, these lots were formerly used for commercial purposes while most of the surrounding lots are used for residences. Our new development will strengthen the residential character of the immediate area, and this will not adversely affect nearby properties.

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 two planned duplexes could be built as of right on the larger (undivided) platted lots, but then it would not be possible to separately convey ownership of each unit of the duplexes with the land under it. The strict application of lot size standards will create a practical difficulty, in that it will eliminate the possibility of building duplex homes on the site for sale to separate homeowners.



CITY OF NOBLESVILLE
BOARD OF ZONING APPEALS

VARIANCE OF DEVELOPMENT STANDARDS APPLICATION

Application Number: BZNA-0034-2000

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: DIVISION STREET DUPLEXES

Common Address: 1399 DIVISION STREET, NOBLESVILLE

Applicant Name: GREATER INDY HABITAT FOR HUMANITY

Applicant Address: 3135 N. MERIDIAN ST.

Applicant City/State/Zip: INDIANAPOLIS, IN 46208 E-mail: charnett@indyhabitat.org

Applicant Phone #1: 317-925-4013 Phone #2: _____ Fax: _____

Owner Name: (SAME AS APPLICANT)

Owner Address: _____

Owner City/State/Zip: _____ E-mail: _____

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

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

Subdivision Name: J.R. GRAY'S ADDITION

Subdivision Section: _____ Lot Number: 7&8 Last Deed of Record Number: 2020094109

Existing Land Use: VACANT

Common Description of Request: VARIANCE OF LOT WIDTH MINIMUM?
27.5 FEET PROVIDED, 60 FEET REQUIRED

Zoning District of Property: R-4 Code Section(s) Appealed: UDO § SECTION 5.1 E
ARTICLE 8, PART B,

Date: NOVEMBER 16, 2022 Applicant's Signature: BY: Charnett
FOR GREATER INDY HABITAT FOR HUMANITY

Proposed Findings of Fact:

Variance of Lot Width Minimum: 27.5 feet provided; 60 feet required.

1. The approval will not be injurious to the public safety, health, morals, and general welfare of the community. Explain why this statement is true in this case:

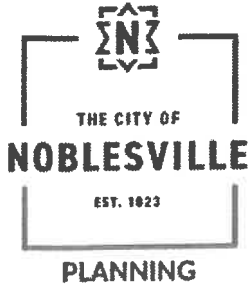
1399 Division Street is located in a long-developed, small-lot part of Noblesville. Within 1,000 feet of the subject site, there are numerous sites with minimal spacing between houses (including several instances elsewhere on the 1300 block of Division). Even with the reduced lot width, there will still be 11 feet provided between the two duplexes. The existence of substandard lot widths and house spacing does not appear to have caused any injury to the safety, health, morals, or general welfare of the community.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner by the approval of this variance request. Explain why this statement is true in this case:

There have been 8 recent sales within 1000 feet of the site, priced between \$170,000 and \$297,000. We expect our duplex units to appraise in this same price range, so we can safely state that our new development will not cause a decline in neighborhood property values. With regard to use, development of two duplexes on the site will not negatively impact neighboring property owners' ability to use their property and our new development will strengthen the residential character of the immediate area.

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 two planned duplexes could be built as of right on the larger (undivided) platted lots, but then it would not be possible to separately convey ownership of each unit of the duplexes with the land under it. The strict application of lot size standards will create a practical difficulty, in that it will eliminate the possibility of building duplex homes on the site for sale to separate homeowners.



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

Application Number: BZNA-0235-2022

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: DIVISION STREET DUPLEXES

Common Address: 1399 DIVISION STREET, NOBLESVILLE

Applicant Name: GREATER INDY HABITAT FOR HUMANITY

Applicant Address: 3135 N. MERIDIAN ST.

Applicant City/State/Zip: INDIANAPOLIS, IN 46208 E-mail: cbarnett@indyhabitat.org

Applicant Phone #1: 317-925-4013 Phone #2: _____ Fax: _____

Owner Name: (SAME AS APPLICANT)

Owner Address: _____

Owner City/State/Zip: _____ E-mail: _____

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

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

Subdivision Name: J.R. GRAY'S ADDITION

Subdivision Section: _____ Lot Number: 7&8 Last Deed of Record Number: 2020094109

Existing Land Use: VACANT

Common Description of Request: VARIANCE OF FRONT YARD SETBACK ALONG 14TH STREET, 5.5 FT. PROVIDED

Zoning District of Property: R-4 Code Section(s) Appealed: UDO § SECTION 5.E ARTICLE 8, PART B

Date: NOVEMBER 16, 2022 Applicant's Signature: BY: CBARNETT
FOR GREATER INDY HABITAT FOR HUMANITY

Proposed Findings of Fact:

Variance of Front Yard Setback along 14th Street: 5.5 feet provided.

1. The approval will not be injurious to the public safety, health, morals, and general welfare of the community. Explain why this statement is true in this case:

The previous commercial structure at 1399 Division Street was built with a similar setback from 14th Street and the two residences directly across 14th Street are built with similar "front" setbacks from 14th Street. The long-term existence of substandard "front yard setback" along 14th Street does not appear to have caused any injury to the safety, health, morals, or general welfare of the community.

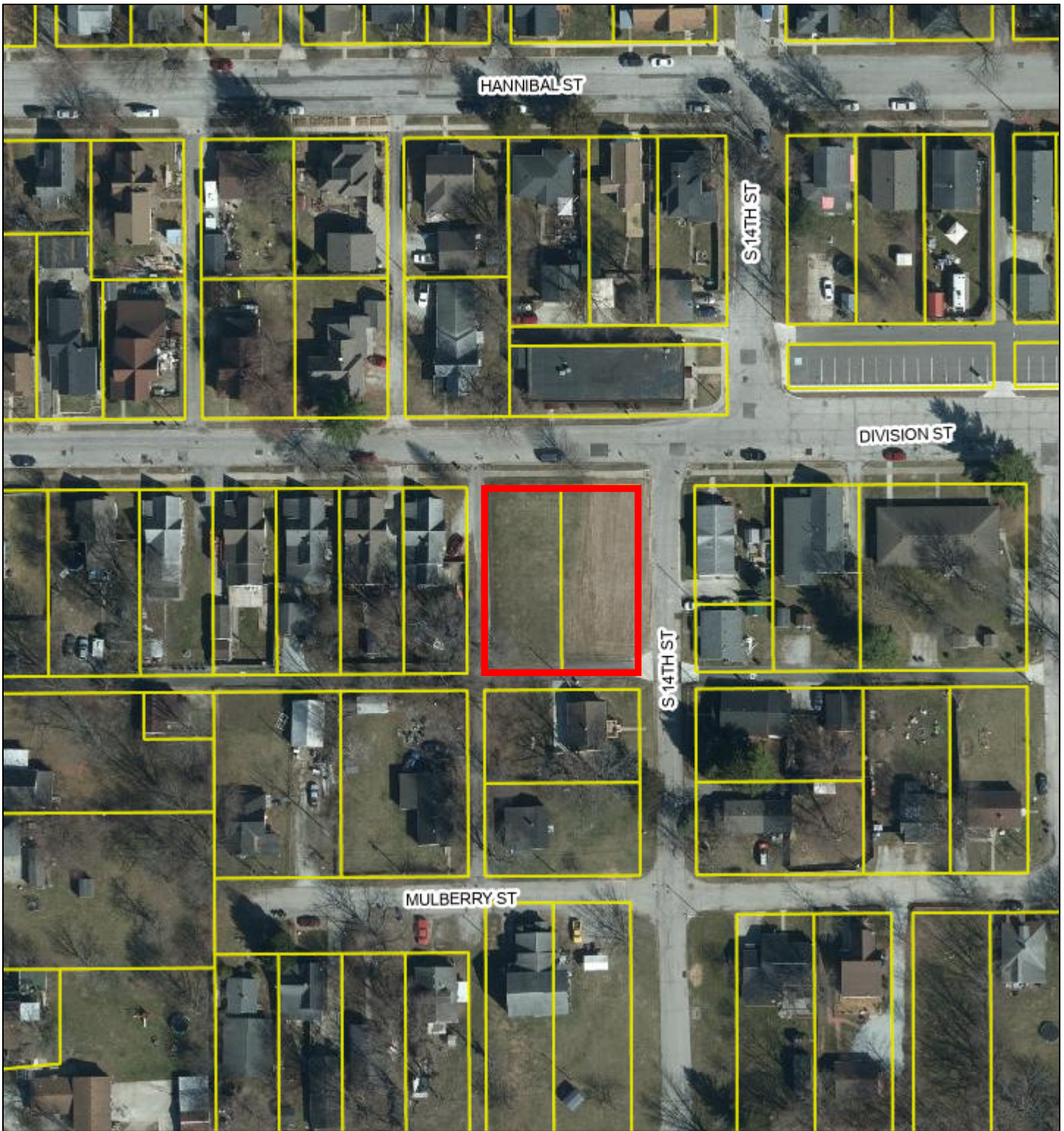
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner by the approval of this variance request. Explain why this statement is true in this case:

There have been 8 recent sales within 1000 feet of the site, priced between \$170,000 and \$297,000. We expect our duplex units to appraise in this same price range, so we can safely state that our new development will not cause a decline in neighborhood property values. With regard to use, it is a common and accepted development pattern for a near-downtown neighborhood in Noblesville to "build to the corner" with minimal setbacks on the side street; this was done nearby, on both sides of 13th Street south of Division, at 14th and Hannibal Streets, and directly across 14th Street from this site.

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 strict application of the lot setback standard along 14th Street will create a practical difficulty, in that it will eliminate the possibility of building a duplex home on the corner lot since it would reduce the buildable width well below the minimum required to accommodate a side-by-side duplex. But for the extra "front yard" setback requirement on the east side of the lot, the planned duplex could be built on the site as by right and it appears to be the intent of the UDO to allow such structures in the R4 district.

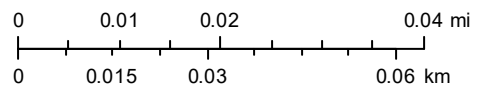
Exhibit 2 - Aerial Photograph



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|----------------------------|-----------------------------------|
| centerlines | MUNICIPAL DRAIN |
| Drainage Structures | OPEN DRAIN |
| MUNICIPAL MANHOLE | SSD |
| All Other Structures | Regulated Drains Waterways |
| Drain Name | Filter Strip |
| Regulated Drains | Grass Waterway |
| CLOSED DRAIN | Swale |



Proposed Development Narrative, 1399 Division Street, Noblesville

A few facts about Greater Indy Habitat for Humanity and affordable housing needs:

- We are a 501(c)(3) Indiana nonprofit corporation, affiliated with Habitat for Humanity International. In the US, Habitat has local affiliates that serve one or more counties.
- We bring people together to build homes, communities, and hope in Hamilton, Hancock, Hendricks, and Marion Counties and have done so since 1987.
- We have worked with more than 650 families in Central Indiana and currently build 25-35 homes per year.
- Habitat homeowners earn up to 80% of the area median income. In Hamilton County, the median is \$98,880; 80% of AMI is \$79,104.
- The median home value in Hamilton County is \$282,700. Some people who work in Hamilton County schools, in city and county government, as healthcare workers and first responders, and in other community-serving occupations cannot afford to buy market-rate homes in the county, but they can qualify for Habitat's attainable homeownership opportunities.
- In addition to meeting income qualification and credit/financial stability requirements, Habitat homeowners graduate from our Homeownership classes that teach financial management and the responsibilities of homeowners. They spend hundreds of hours volunteering to build their own and others' homes as part of their down payment, before they can buy their own home.
- We make homes more affordable and support our homeowners in several ways:
 - We are a licensed and insured general contractor with skilled and experienced construction supervisors and managers
 - Significant volunteer labor is provided by many community partners
 - Donated and reduced-cost materials and services are provided by corporate partners and skilled trades
 - We provide below-market mortgage funding (currently 0%) and service our own mortgages

Proposed Development Narrative, 1399 Division Street, Noblesville

Habitat for Humanity of Greater Indianapolis proposes to build two duplexes on two existing platted lots, for a total of four new residences. We expect that we would build one duplex in 2023 and one in 2024. Each unit would be 2-story, and each would have 3 bedrooms and 2.5 bathrooms.

Each existing 55'W x 132'D lot would need to be re-platted and split into two lots measuring 27.5'W x 132'D. Duplexes would be built with the party wall on the new lot line, so that we can provide fee simple ownership of the house and the ground underneath to each homebuyer without creating a complicated legal structure. The proposed lot area of 3,630 sq. ft. will not meet the UDO minimum lot size requirement of 4,000 sq. ft./unit, and the width will not meet the UDO minimum 60 ft., both required by R4 zoning, so variances are being sought from those requirements. Finally, we would not be able to provide a full "front yard setback" on the 14th Street side of the eastern duplex, and will require an additional variance for that.

Each duplex structure would be 44' W x 56'4" D (including roofed front porch) and the two buildings would be virtually the same floor plan with different façade/siding treatments and possibly a different roofline for each. We believe this is in keeping with the existing homes on the block face; the five homes directly to the west appear to be variations of the same basic design.

We believe that duplexes on smaller lots will fit in with the long-established character of the area. There are many nearby (grandfathered) substandard size lots with minimal setbacks; they help create a rich variety of housing types and prices. We expect that our homes will appraise in the same price range as other homes sold recently within 1/4 mile of the site, and so they will not cause appreciable increase or decrease in the general neighborhood property values.

Each unit would be 22 feet wide (exterior), leaving a 5.5-foot side setback on each side of the duplex. The side setbacks (after the lot width variance) would meet the UDO minimum of 20% of lot width and a minimum of 5 feet on each side of the structure. After both duplexes are built, there would be 11 feet between them, about the same as the shortest spacing between other houses on the same block face of Division.

We propose to set the covered front porches at the established front setback line on the south side of the 1300 block of Division, which appears to be a relatively uniform distance of about 17 feet for the 7 existing homes on the block. This proposed setback would leave about 58-59 feet of back yard behind the house to the alley. It also allows a future possibility to enclose part of the front porch for additional living space without seeking a variance to reduce the front setback.

We would provide two paved (concrete) off-street parking spaces per unit, accessed from an alley. There are power poles and guy wires along the rear and side alleys adjacent to the western duplex site and we will create a utility easement; the parking pads will be placed so that the parking and utilities do not interfere with each other.

To minimize height and apparent bulk, each duplex would be built on a slab. This, along with a low-slope, no step walk from the public sidewalk to the front porches will help us meet a "visitability" standard (zero-step entry).

Proposed Development Narrative, 1399 Division Street, Noblesville

The main roof pitch is designed at 7/12, and the porch roofs would be 2/12.

Below is a greyscale/shadow rendering (as viewed from the NNW of the site, across Division on the north sidewalk, and slightly west):



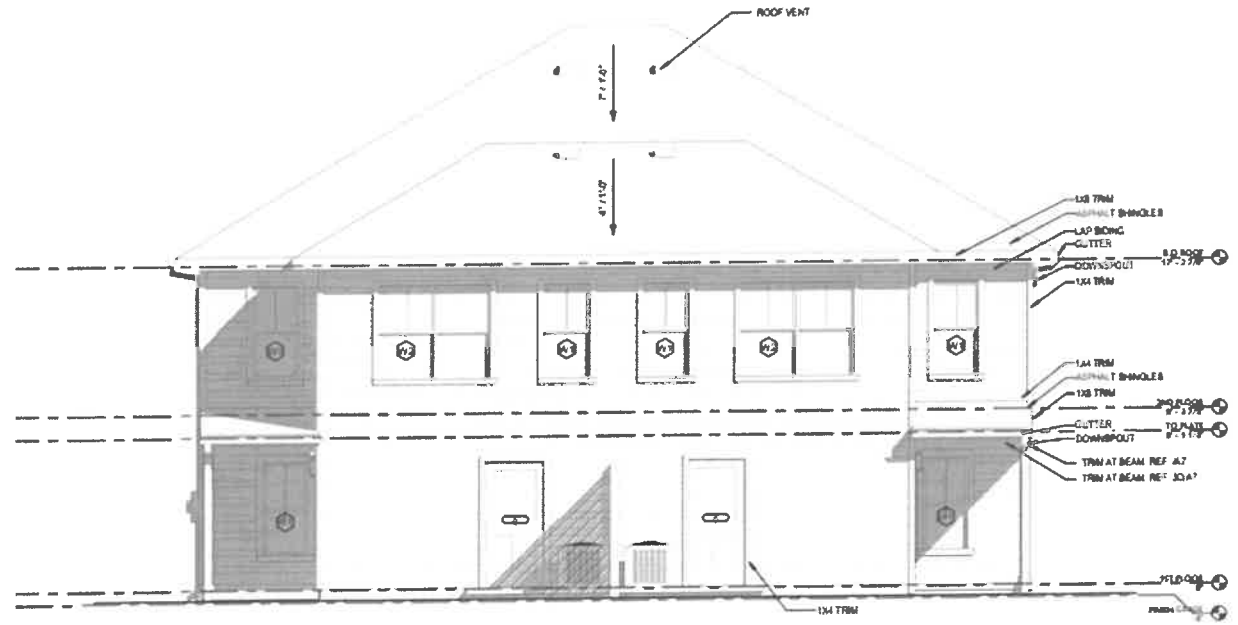
HABITAT FOR HUMANITY OF GREATER INDIANAPOLIS
TWO STORY - DUPLEX

Proposed Development Narrative, 1399 Division Street, Noblesville

Front elevation (facing Division St.):

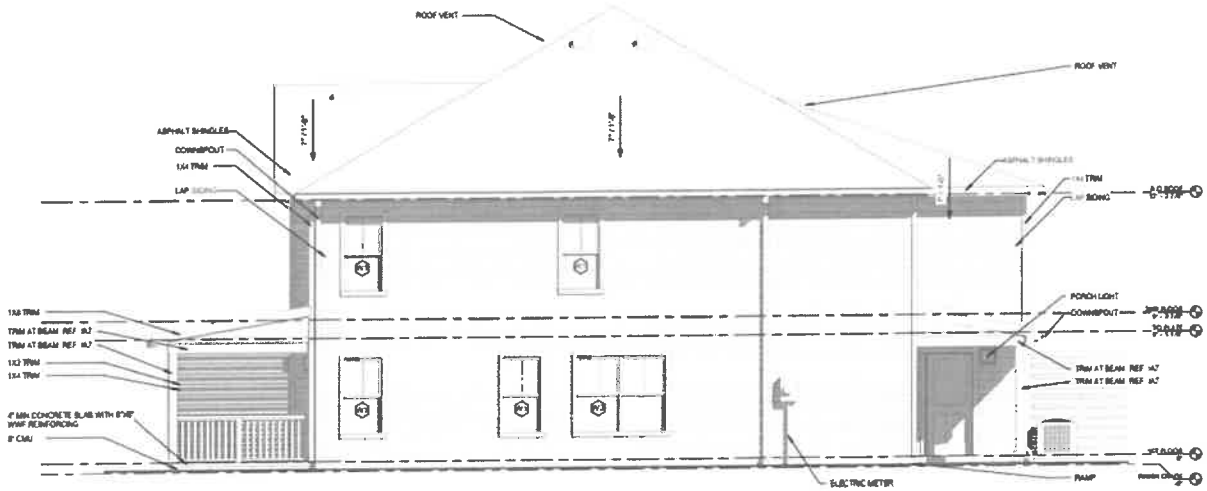


Rear elevation (facing the east-west alley south of Division St.):



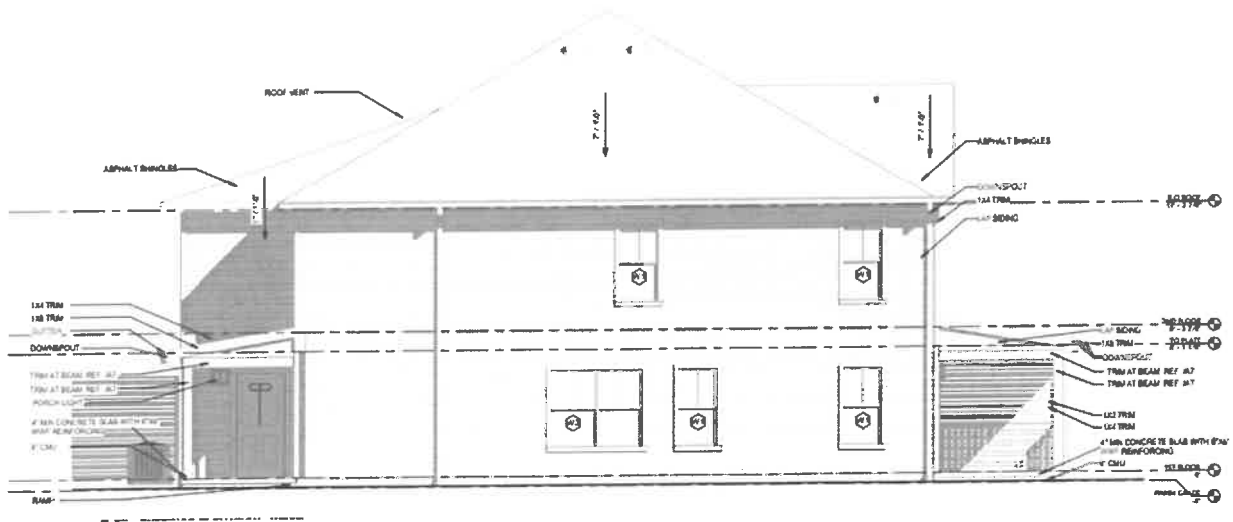
Proposed Development Narrative, 1399 Division Street, Noblesville

West elevation (facing the north-south alley along the west edge of the property):



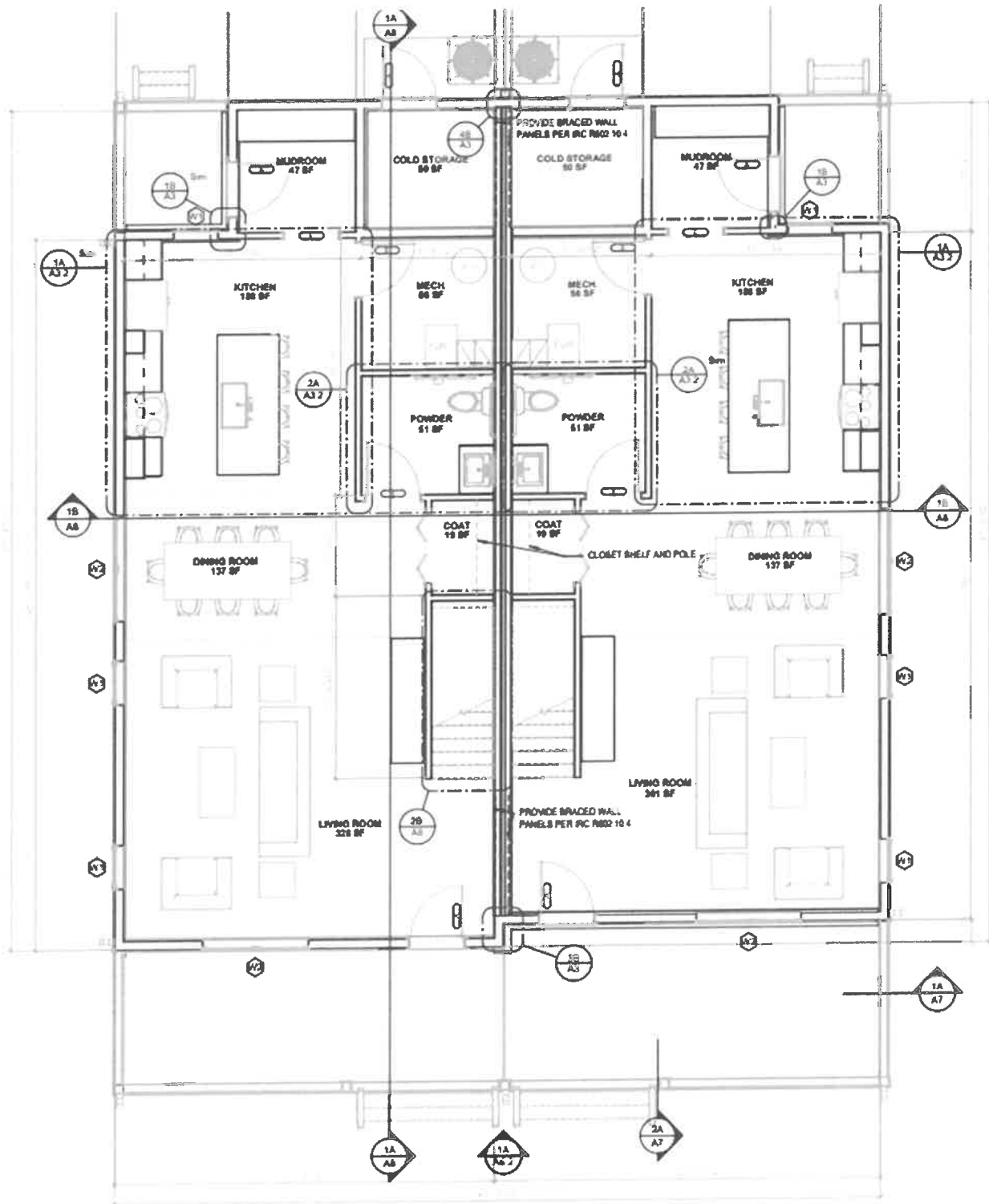
Note that a person standing or walking on the public sidewalk on Division St. (at the left edge of this view and the right edge of the view below), would not be able to see much of the north-facing roof slope from that vantage point, reducing the apparent height and bulk of the house from the perspective of passersby.

East elevation (facing 14th St.):

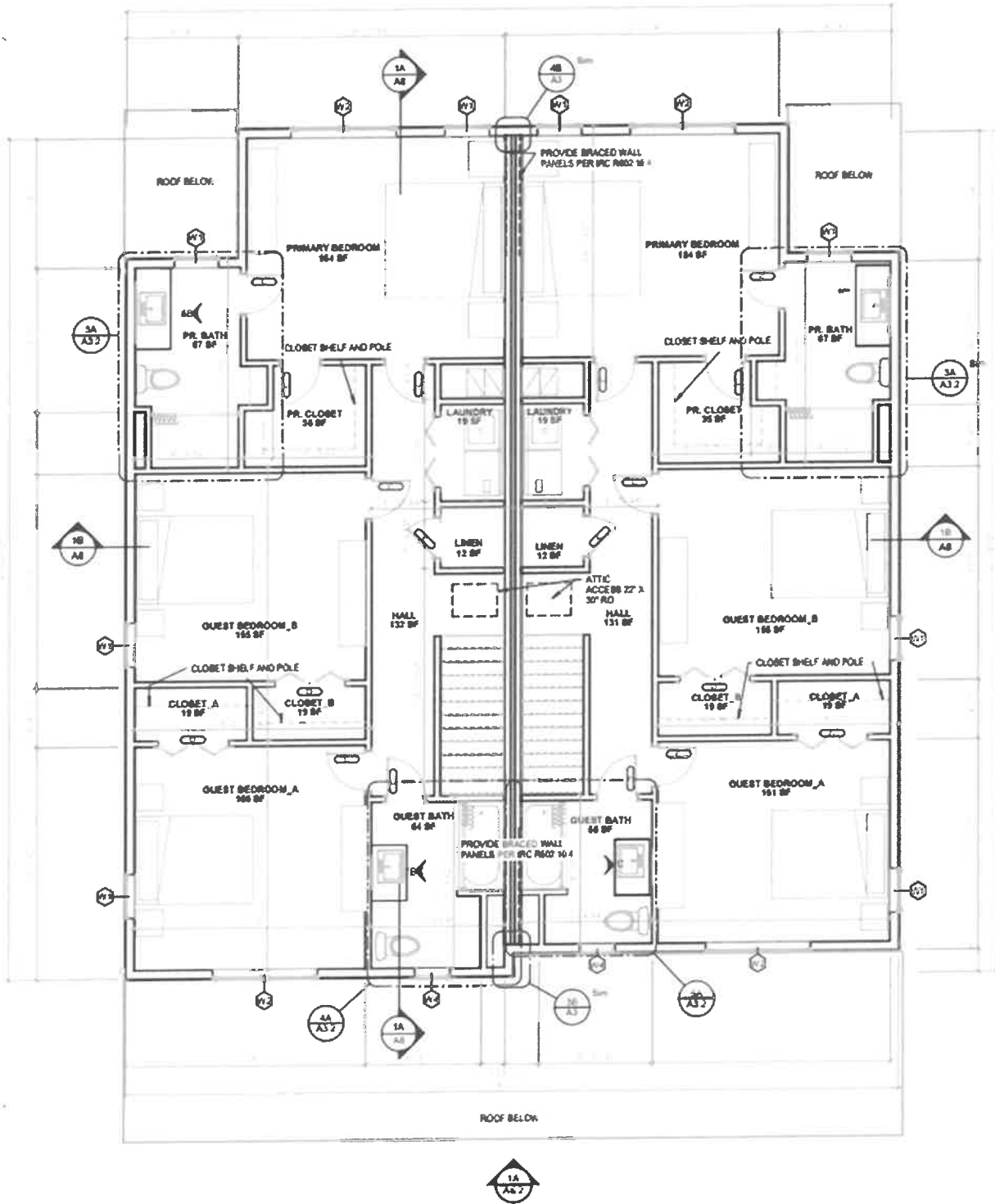


Note that this is a “friendly” view to the houses across 14th Street: numerous windows, front and back porches, and the back door all face the neighbors and offer much more interest and neighborliness than a blank sidewall would. This will help minimize any potential negative impact of the short setback on that site.

First floor plan:



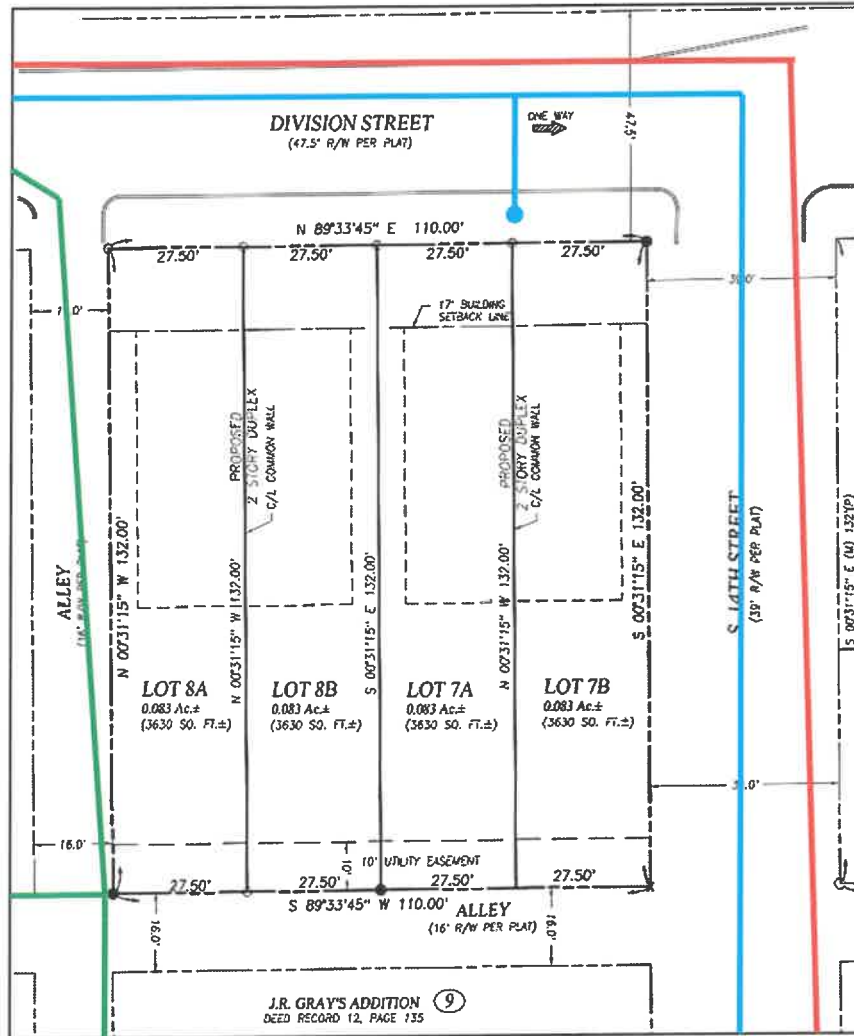
Second floor plan:



Proposed Development Narrative, 1399 Division Street, Noblesville

The proposed re-plot and the site plan are shown below.

Potential duplex layout and re-platting for 1399 Division Street, Noblesville, showing utilities:



The sewer main approximate location is shown in green. New sewer laterals would be required to connect to the main, either along the front ROW or rear alley. When locations are determined in collaboration with Noblesville Utilities, we will create the necessary private easements if it is not possible to place the laterals in the public ROW in front of the houses or in the utility easement to the rear.

Water main approximate locations are shown in blue. An existing meter pit was on the Division St. side of the former building on the site (blue circle) and it could serve one new residence so three new taps and meter pits will be needed on Division St.

Gas main locations are shown in red. Service could be connected from Division St.

We would file for re-platting upon grant of the requested zoning variances.