

The **Noblesville Board of Zoning Appeals** met on Tuesday, January 3, 2023. Members in attendance were as follows:

- Mike FieldChairman
- Dave BurtnerVice-Chairman
- Dan Mac InnisCitizen Member
- James HanlonCitizen Member

Others in attendance included Principal Planner Denise Aschleman, Senior Planner Kevin Martin, and Attorney Jonathan Hughes.

Chairman Field calls the meeting to order at 6:00 p.m.

APPROVAL OF MINUTES

Motion by Mr. Burtner, seconded by Mr. MacInnis, to approve the December 5, 2022 meeting minutes as presented.

AYE: Burtner, Hanlon, Field, Mac Innis. The motion carries 4-0.

APPROVAL OF FINDINGS OF FACT

Motion by Mr. Burtner, seconded by Mr. MacInnis to approve the December 5, 2022 Findings of Fact as presented.

AYE: Burtner, Hanlon, Field, Mac Innis. The motion carries 4-0.

NEW BUSINESS

1. BZNA-0233-2022 / BZNA-0234-2022 / BZNA-0235-2022	
Location:	1399 Division Street
Applicant:	Greater Indy Habitat for Humanity (applicant)
Description:	<ul style="list-style-type: none"> a) UDO § 8.B.5.E. and Table 8.B. – Board to consider a Variance of Development Standards application 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. – Board to consider a Variance of Development Standards application 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. – Board to consider a Variance of Development Standards application 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.
Staff Contact:	Kevin Martin

Mr. Kevin Martin states as you mentioned the property is located on 1399 Division Street just a couple of blocks from here. He states you can see the site laid out in red. He states currently there are two lots that are part of this project. He states this is 14th Street on the east side of the property and Division Street comes along the north side and there are alleyways on the west and south side of the property. He states the property is zoned R4. He states the use that is proposed for this property is to subdivide both of these lots into two separate lots to allow the construction of a two family residential structure on each of the existing lots.

Mr. Field clarifies that they are dividing two existing lots into four lots.

Mr. Martin states correct. He states each of these existing lots would be further divided into two. He states the property line would be down the middle just so that there would be a fee simple transfer. He states the owner of the unit can own the lot fully without the condominium association requirement.

Mr. Hanlon asks if these are separately owned units.

Mr. Martin states yes, each unit will be separately owned. He states there will be two structures with four units total is the proposal.

Mr. Field asks if the structures will face 14th Street.

Mr. Martin states they all face Division Street. He states one of the lots to the east faces both streets. He states in order to make this happen, the applicant requires three different variances of development standards. He states the first one is for the lot area minimum. He states the code requires each lot to have at least 4000 square feet. He states in this case the applicant would be left with about 3630 square feet for each of these lots. He states the second one is for the lot width. He states the R4 requires a lot width of 60 feet, currently each of these lots does not even meet those minimums. He states the applicant because of the product is asking to reduce that minimum down to 27.5 feet for each of those units. He states the last variance that they are requesting is the front yard setback along 14th Street. He states it is following the condition of a side yard along 14th Street. He states the code requires is either 30 feet or the average of the two structures on either side. He states as you can see on the aerial because of the street pattern in that area there isn't really an established setback along 14th Street. He states this applicant is meeting the side setback between the two units and also along the western side of the property. He states they are exceeding the 5 foot minimum along 14th Street, but because that is not a side it is technically another frontage. He states they are requesting a variance to reduce it to the 5.5 feet shown on the site plan. He states staff is supportive of this product. He states staff worked with the applicant on the design of the units to make sure they were incorporating elements that match the architecture and the pattern that is seen throughout the street and the rest of the neighborhood. He states again we are supportive of this proposal and the variances as we feel they meet the criteria. He states the applicant is here if you have any questions for them as well. He states we did receive one communication from the community regarding the project (hands copies to Board).

Mr. Hanlon states the units are separated by a wall. He asks what type of wall.

Mr. Martin states that might be a question for the applicant.

Mr. Chris Barnett, 3135 North Meridian Street, Indianapolis, states the wall will be a fire rated party wall. He states it would meet code for burn rating. He states he doesn't know that off the top of his head.

Ms. Aschleman states it would be a two-hour fire wall which is usually two layers of drywall on each side with insulation in the middle.

Mr. Field states staff has put some specific conditions on this request. He asks if the applicant has any problems complying with them.

Mr. Barnett states no they don't. He states they understand the grant of variance would be specific to them.

Mr. Field opens the public hearing. Seeing no one wishing to speak, Mr. Field closes the public hearing.

Motion by Mr. Burtner, second by Mr. MacInnis to approve applications BZNA-0233-2022, BZNA-0234-2022, and BZNA 0235-2022 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 does constitute an unnecessary hardship if applied to the property for which the variance is 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.

AYE: Burtner, Mac Innis, Field, Hanlon. The motion carries 4-0.

MISCELLANEOUS

ADJOURNMENT

The meeting is adjourned at 6:37 p.m.

Mike Field, Chairman

Caleb P. Gutshall, Secretary