



## PLAN COMMISSION STAFF REPORT

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**ITEM NO:** 1

**APPLICATION NO.** COMM 000937-2024

**MEETING DATE:** August 19, 2024

**SUBJECT:** Certificate of Authorization

**PETITIONER(S):** Hamilton County (owner)  
Skender Construction (applicant)

**SUMMARY:** Application requesting to demolish 694 Logan Street. Planned future use to seed lot and provide a laydown area for ongoing future construction projects. Property located within the Downtown Protection Boundary requiring approval of a Certificate of Authorization to allow the demolition of the structure.

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## **Planning Terms**

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

## **Procedure**

The demolition application was filed June 4, 2024. Review of the application showed that it was located within the Downtown Protection Boundary pursuant to UDO § 4.F.4 and the application was placed on the July 15, 2024, Plan Commission meeting agenda where a continuance was requested and it was scheduled for the August 19, 2024, meeting. Public notice of the application was published in the newspaper and notice of the application was sent to adjoining property owners. Planning Department staff reviews the application and supporting materials and prepares a staff report detailing the applicable requirements and steps taken to comply with those requirements. The demolition application is discussed at a Plan Commission meeting where a public hearing is held. The Plan Commission hears the Staff presentation and any individuals in the audience wishing to speak for or against the proposed demolition. The Plan Commission votes on whether or not to issue a Certificate of Authorization to allow the demolition of the structure based on the factors outlined in the ordinance. (If rehabilitation or restoration are feasible and the structure is not an imminent threat to the public health or safety, a citizen or community organization may request the Plan Commission place a 90 day hold on the forwarding of a recommendation on a Certificate of Authorization to allow said person/group an opportunity to identify and evaluate alternatives to demolition. If at the end of the 90 day hold period no alternatives to demolition have been established, the Plan Commission shall issue the Certificate of Authorization.) The Certificate of Authorization is then forwarded to the Common Council for consideration at their next regularly scheduled meeting.

## **Correspondence**

None.

## **Summary**

The property the Applicant is requesting to demolish is outside of a National Register of Historic Places District and is located at 694 Logan Street. Because the property is located outside of a historic district, it is not shown on an inventory as a contributing structure. This property has for many years been used as a law office (Michael A. Howard and Associates). The existing building is a concrete block building with an unfinished attic and basement. The applicant has stated they would like to demolish the structure and the property would be used as a location for office (job) trailers and storage during the expansion of the Judicial Center to the west. The applicant has not provided an anticipated timeline for Judicial Center expansion construction activities.

In 2022 the regulations for demolition permits that needed to be presented to Council were changed. Prior to the change, applications for demolition from Clinton to Maple Street and from the alley between 10<sup>th</sup>/11<sup>th</sup> Streets to 6<sup>th</sup> Street had to be presented to Council, and that permit would not be issued for 30 days. There were no regulations for that presentation, and there were also no standards that would allow a demolition permit to not be issued. The change in 2022 accomplished two things, it increased the size of the district to include all the districts adjacent to the Courthouse Square that had been included on the National Register of Historic Places. The

change also added criteria to be used by the Plan Commission to evaluate whether a demolition permit should be issued. It also included an alternative procedure that a property owner could use that would try to prevent unreasonable economic return on the property. This alternative procedure recognizes that various factors are involved with ownership and maintenance of structures, including their current condition, historical uses, architectural features, community benefits, repair costs, health and safety, and related considerations.

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

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

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

The Applicant has submitted paperwork to try to get the Certificate of Authorization approved under the provision that the cost to repair the structure exceeds the fair market value of the property. In support of that request, the applicant has provided within Exhibit 2:

1. A statement of purchase price for the property. (page 1)
2. An evaluation of the property noting issues with deteriorating mortar in multiple portions of the building (basement and attic), roofing repairs to prevent water penetration, additional evaluation of the foundation needed as signs near building support repairs showed signs of shifting foundations, water penetration around a number of doors and windows in the building, mold within the basement, and deterioration of the floor joists for the first floor along the west and sides of the building. (pages 13-38)
3. Two contractor's estimates of work to be completed. (pages 4-10 and page 39)

The information submitted shows that the Applicant paid \$994,177.22 for the property in January 2024. The two estimates provided show a proposed cost of \$2,125,156 and \$2,181,311 for repairs that would bring the property back to a suitable condition for future use.

### **Attachments**

Exhibit 1 – Aerial Photograph

Exhibit 2 – Applicant packet: purchase price, 2 contractors estimates, building evaluation

### **History**

The requested Certificate of Authorization for this property at 694 Logan Street is only the second request under this new process since the adoption of the change to the Unified Development Ordinance. The other request at 1540 Conner Street failed in October 2023.

### **Motions**

The updated ordinance regarding this district states that Staff will present the item to the Plan Commission. Staff will not be making a recommendation on this item as it is up to the Plan Commission to weigh all the evidence that is presented and make a finding on whether the Certificate of Authorization should be granted for the requested demolition.

1. Motion to grant the Certificate of Authorization to allow the demolition of the structure(s) at 694 Logan Street. (support with reasons)
2. Motion to deny the Certification of Authorization to allow the demolition of the structure(s) at 694 Logan Street. (support with reasons)
3. Motion to continue application COMM 000937-2024 until the (date) meeting.