

Agenda Item #2

BZNA 000036-2017	John & Amy Shankland	998 South 9th Street
<p>UDO §9.B.2.C.1 Variance of Development Standards to allow the construction of an accessory structure that exceeds the maximum size and height limits for properties less than one acre in size (1,000 square feet/14 feet permitted; 1,127 square feet/16 feet requested)</p>		

General Information:

Applicant	John and Amy Shankland
Owner	John and Amy Shankland
Location	998 South 9 th Street
Requested Action	Variance of Development Standards to allow the construction of an accessory structure that exceeds the maximum size and height limits for properties less than one acre in size (1,000 square feet/14 feet permitted; 1,127 square feet/16 feet requested)
Applicable Regulations	UDO §9.B.2.C.1
Zoning District	R-4 (Moderate to High Density Single-Family Residential/Two-Family Residential)
Property Acreage	0.20 acres
Adjacent Land Uses	North: Residential South: Residential East: Commercial West: Residential
Adjacent Zoning Districts	North: R-4 South: R-4 East: LB West: R-4
Road Condition	South 9 th Street: Fair Plum Street: Fair

Exhibits:

1. Staff Report
2. Parcel map
3. Aerial Photo
4. Site Photographs
5. Variance of Development Standards Application
6. Site Plan – CURRENT
7. Site Plan – PROPOSED
8. Elevations
9. Floor Plans

Analysis:

The subject site is located on the northeast corner of S 9th Street and Plum Street and is 0.20 acres in size. The site currently contains a 2,718 square foot residence and a 360 square foot detached garage that was originally constructed in 1940.

The petitioners, also the owners of the site, contacted Planning and Development staff to discuss the removal of the existing accessory structure and the construction of a new 1,127 square foot, 16 foot tall detached accessory structure on the property. The proposed structure would exceed the maximum size and height limits for accessory structures on properties less than one acre in size (1,000 square feet; 14 feet) but otherwise meets all bulk development standards in the R-4 zoning district, and the petitioners are requesting approval of a Variance of Development standards to allow the construction of the new accessory structure.

Variance of Development Standards Findings

AGENDA ITEM #2:

The Noblesville Board of Zoning Appeals is authorized to approve or deny variances of development standards 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:

The proposed variance will NOT be injurious to public health, safety, and general welfare of the community. The existing accessory structure is visibly and structurally deficient and would be replaced by a new structure.

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:

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. Accessory structures frequently exceed the maximum size and height limits in the Special Landscape District. 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 result in practical difficulties in the use of the property:

The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. The proposed structure is similar to large, detached accessory structures on adjacent properties and is common within the Special Landscape District.

VARIANCE RECOMMENDATIONS: AGENDA ITEM #3:

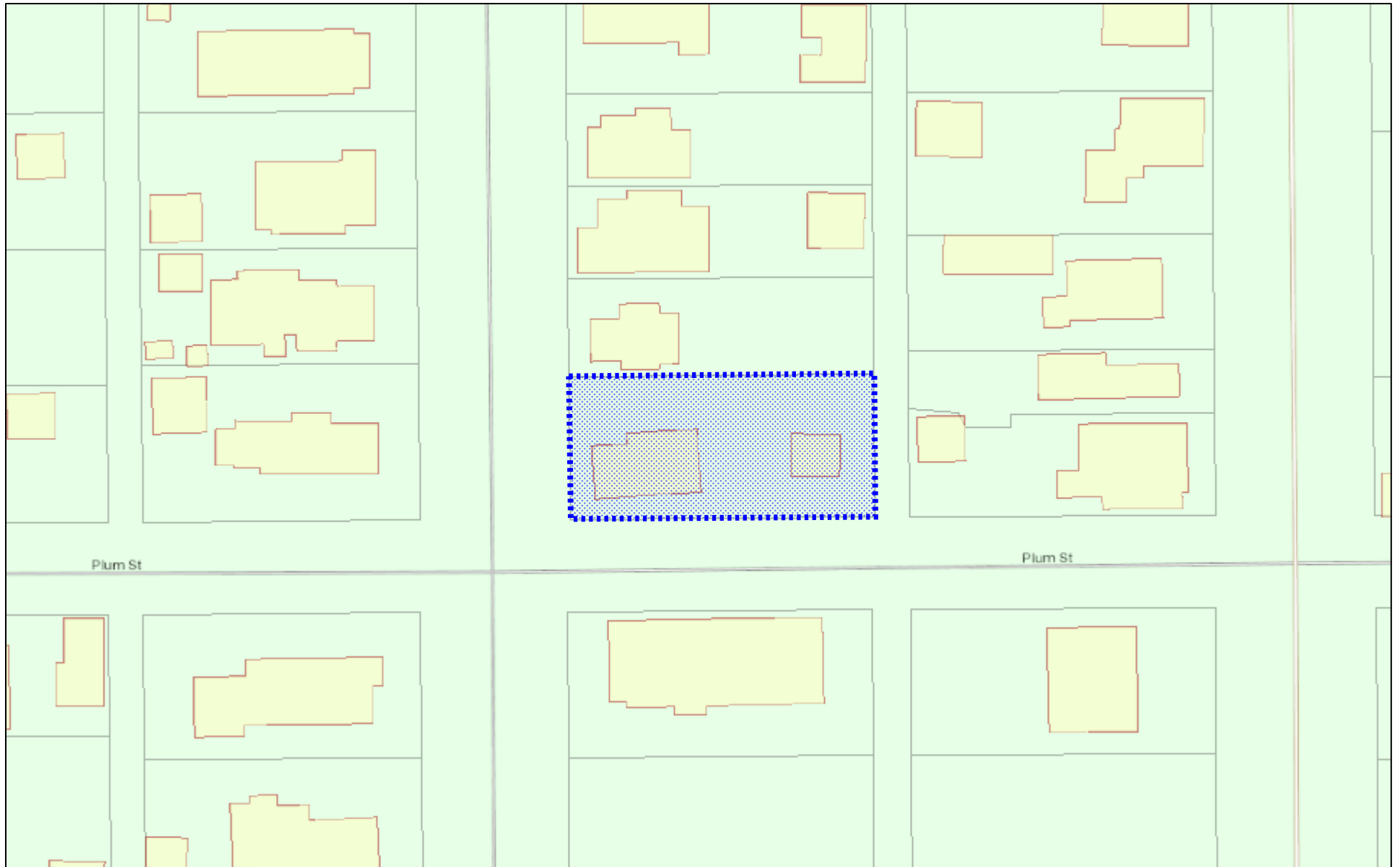
Approve the requested variance based upon the following findings of fact:

- **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;**
- **The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property;**




With the following specific conditions:

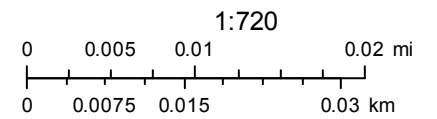
1. The structure shall be used for personal use only. The structure will not be used for any business, commercial, or industrial use.
2. The Applicant shall submit all necessary applications to demolish the existing garage and construct the new accessory structure in accordance with all applicable regulations.
3. The Applicant shall sign the Acknowledgement of Variance document prepared by the Planning and Development Department Staff and return to the Department 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.
4. Any alterations to the approved site plans and/or building plans, other than those required by the Board of Zoning Appeals (BZA) shall be submitted to the Department of Planning and Development prior to the alterations being made, and if necessary, a BZA hearing shall be held to review such changes.

EXHIBIT 2 - PARCEL MAP
998 S 9th Street



April 4, 2017

-  Building
-  Building Foundation
-  Parcels



Basemap information here

EXHIBIT 3 - AERIAL PHOTOGRAPH

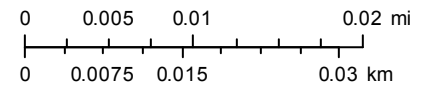
998 S 9th Street



April 4, 2017

 Parcels

1:720



Basemap information here

EXHIBIT 4 - SITE PHOTOGRAPHS



EXHIBIT 4 - SITE PHOTOGRAPHS



EXHIBIT 4 - SITE PHOTOGRAPHS





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

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: John and Amy Shankland
Common Address 998 S. 9th Street Noblesville 46060

Applicant Name: John and Amy Shankland
Applicant Address: 998 S. 9th Street Noblesville 46060
Applicant City/State/Zip: Noblesville IN 46060 E-mail: amy.shankland@hotmail.com
Applicant Phone #1: 317-407-0060 Phone #2: 317-750-1204 Fax: n/a

Owner Name: John and Amy Shankland
Owner Address: 998 S. 9th Street Noblesville 46060
Owner City/State/Zip: Noblesville, IN 46060 E-mail: amy.shankland@hotmail.com
Owner Phone #1: 317-407-0060 Phone #2: 317-750-1204 Fax: n/a

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

Subdivision Name: G.M. Shaw's Addition
Subdivision Section: _____ Lot Number: 3 Last Deed of Record Number #91-1315

Existing Land Use: Garage
Common Description of Request: Garage w/ entertainment area above
Zoning District of Property: _____ Code Section(s) Appealed: UDO § _____

Date: 3-7-17 Applicant's Signature: Amy Shankland
John Shankland

EXHIBIT 5 - VARIANCE OF DEVELOPMENT STANDARDS APPLICATION

The Noblesville Board of Zoning Appeals (BZA) is authorized to approve or deny Variances of Development Standard from the terms of the Unified Development Ordinance. The BZA may impose reasonable conditions as part of its approval. A Variance of Development Standard 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 be expanded to a 2-car unit with entertainment area above and will be located on the existing garage site. It will not go beyond our property.

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 will still be on our property and will not encroach upon the alley, sidewalk, street, or neighboring 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:

We cannot expand our garage in the manner we wish with the current ordinance. However, we believe the design will fit well with our historic neighborhood.

John and Amy Shankland Narrative Statement

April, 2017

1. Legal Description – 998 S. 9th Street, Noblesville, IN 46060
2. Site Plan – see attachment
3. Narrative Statement

Due to its age and condition, we are requesting your approval to demolish our garage and build a larger one with an entertainment area above it. Our current garage has been leaning to the side for many years and is unsafe.

We would like to build a new garage with the entertainment space above it for our family to enjoy. It would include a small kitchenette and bathroom.

It is our understanding that even though this new garage will match our home and fit well within our neighborhood, it would be larger than what City of Noblesville standards allow. Therefore, we are submitting this application and its attachments in order to prepare for the May 1 Board of Zoning Appeals meeting.

We thank you for your help and look forward to the next steps.

EXHIBIT 6 - SITE PLAN - CURRENT

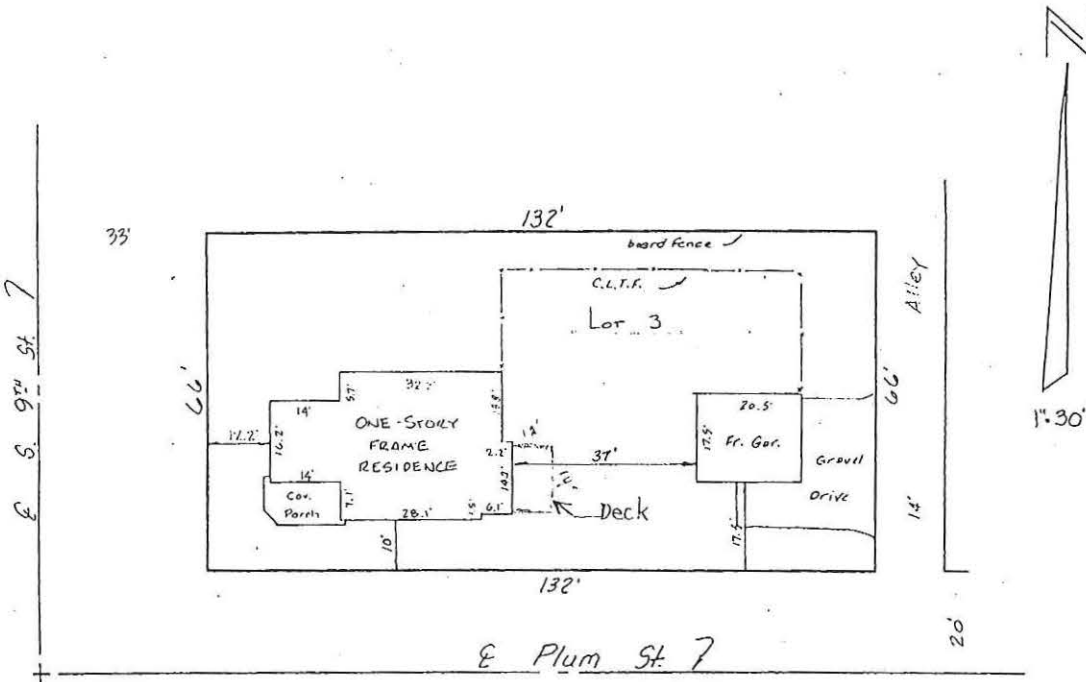
BENCHMARK SURVEYING, INC.

Donn M. Scotten, Registered Land Surveyor
10986 Windjammer Ct.
Indianapolis, Indiana 46256
(317) 841-1506

Property Description:

Lot 3 in G.M. SHAW'S ADDITION, an Addition to the City of Noblesville, Hamilton County, Indiana, as per plat thereof, recorded in Plat Book 1, page 2, in the Office of the Recorder of Hamilton County, Indiana.

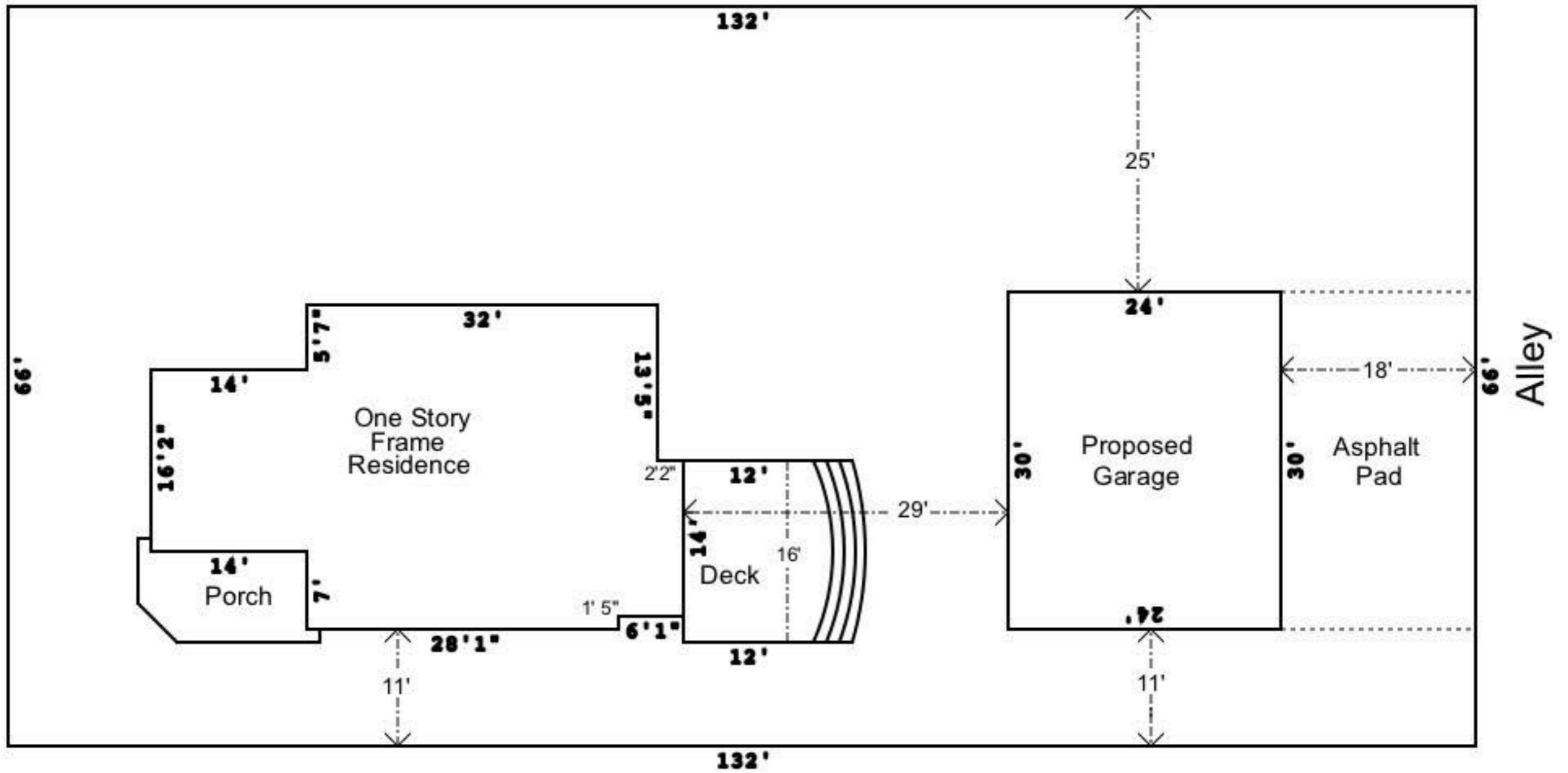
May 20, 1991
Benchmark Job #91-1315



APPROVED SITE PLAN



EXHIBIT 7 - SITE PLAN - PROPOSED



Plum Street

EXHIBIT 8 - ELEVATIONS



EXHIBIT 8 - ELEVATIONS

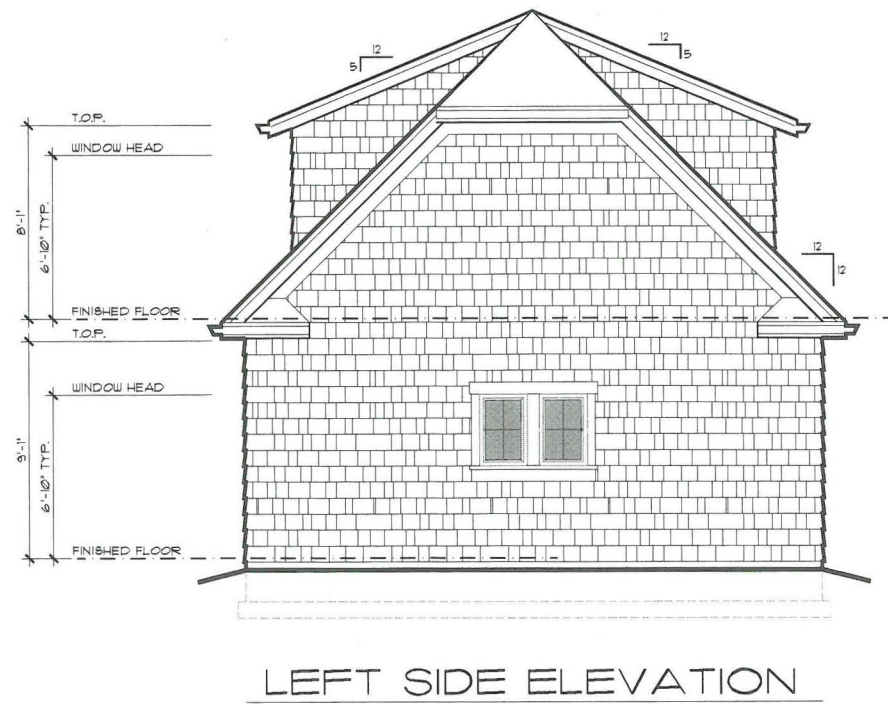
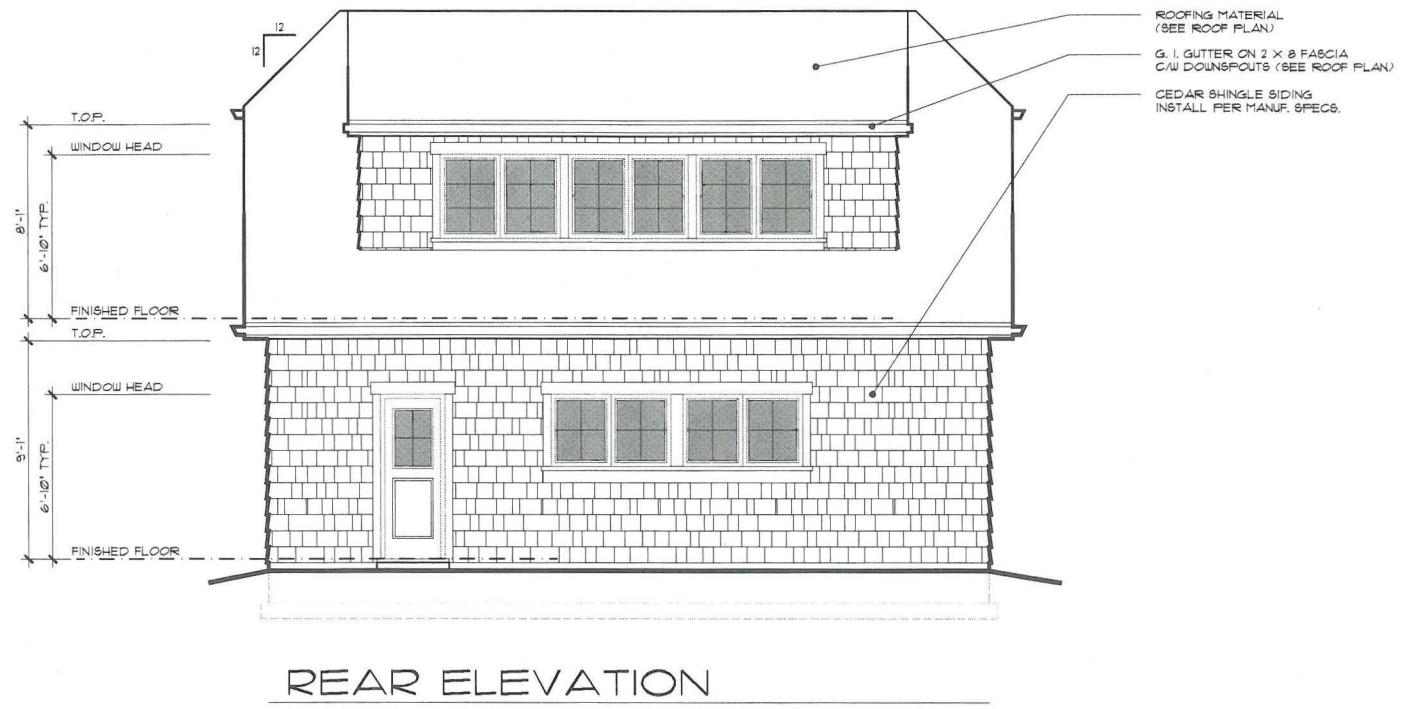


EXHIBIT 9 - FLOOR PLANS

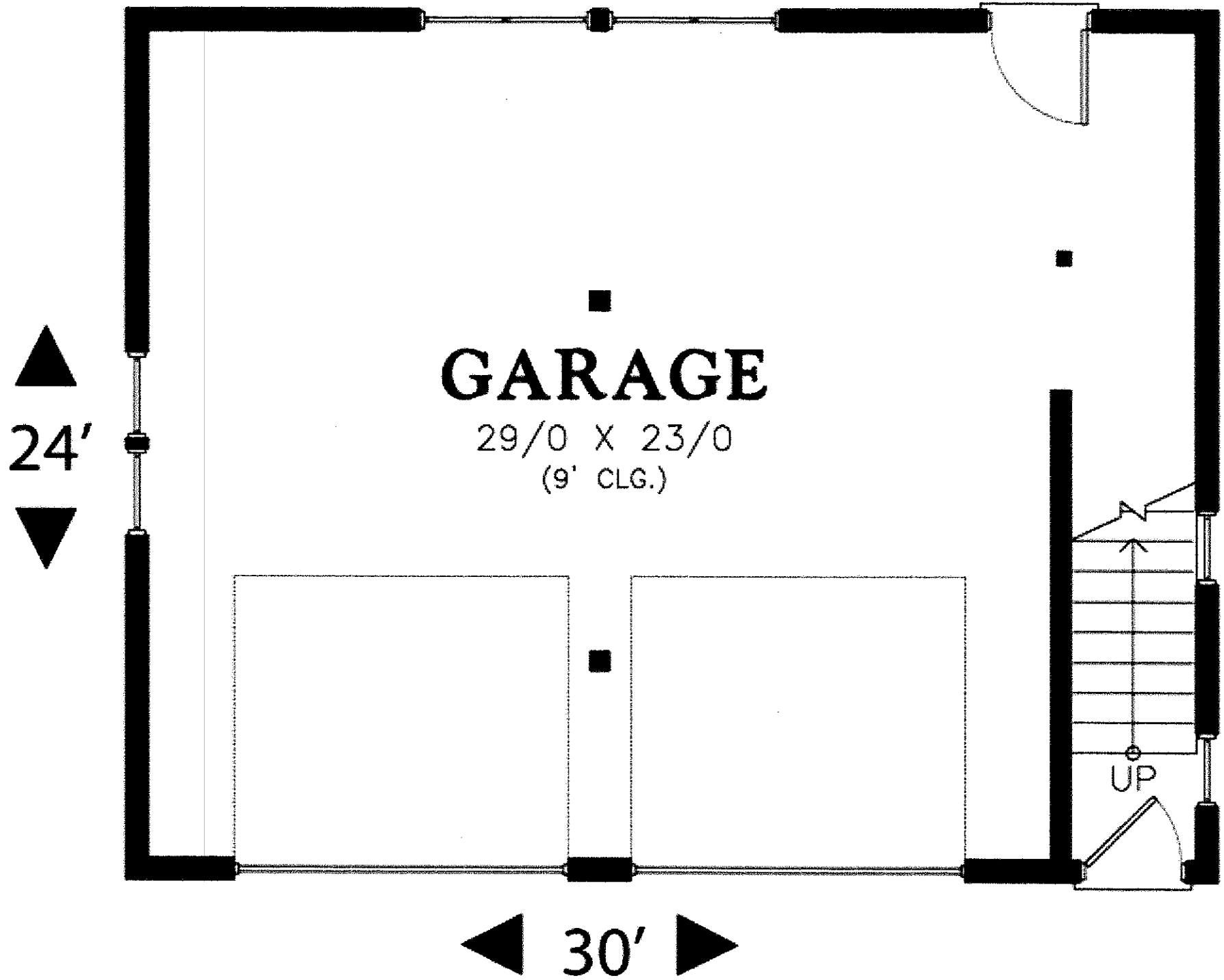


EXHIBIT 9 - FLOOR PLANS

