

Agenda Item #1

Case Number	BZNA-000037-2019	Property Size	7.0 acres
Address	5185 E 161 st Street	Zoning	SR (low density suburban one-family residential)
Owner	Laura & Franklin Gageby, Susan Fowler	Reviewer	Oksana Polhuy
Applicant	Laura Gageby	BZA Meeting	April 1, 2019

Requested Action:

UDO § 9.B.2.C.3 Variance of Development Standards to permit the construction of an accessory structure that causes the property to exceed the maximum combined area of all accessory structures for properties larger than five acres in size (4,000 square feet permitted; 9,192 square feet requested).

Recommendation:

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

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1. Staff Report
2. Parcel Map
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4. Application
5. Site Plan
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ANALYSIS

The subject site is located on the south side of 161st street, about half a mile east of Gray Road. The site contains a 4,448 sf house, a 648 sf pool, and a 1,764 sf pole barn. It is surrounded by the residential uses on all sides, except for the south where there is an agricultural use, and it's surrounded by the same zoning district that it is in – Suburban Residential. The applicant would like to add a 9,192 sf detached accessory structure that would contain a stable, an indoor riding arena and a storage area that would cause the property to exceed the maximum permitted square footage for detached accessory structures. Due to that, the applicant is requesting a variance of development standards pursuant to UDO § 9.B.2.C.3.

The combined area of all detached accessory structures for a property more than five acres is permitted to be either up to the square footage of the house or 4,000 sf, whichever is less. For this property, the limit is 4,000 sf. The applicant proposes to demolish an existing barn and add a new barn. The proposed barn of 9,192 sf includes the following areas:

- Horse stalls – 960 sf;
- Storage area – 1,000 sf;
- Porches/Lean-tos – 1,232 sf;
- Indoor riding arena – 6,000 sf.

All areas together except for the riding indoor arena are less than 4,000 sf. The indoor riding arena's main purpose is to allow the horses to exercise year-round in a weather-protected environment. In order for the horse to be able to exercise, the indoor arena has to be of a certain size. The applicant proposes the smallest possible size for the indoor arena. However, it still causes the property to exceed the maximum permitted square footage for the detached accessory structures. No matter where an indoor riding arena would be proposed within the City of Noblesville planning jurisdiction, it would not meet the maximum permitted square footage for detached accessory structures.

A few nearby properties on the south side of 161st Street exceed maximum square footage for detached accessory structures, a lot of them existing before the area was added to the City of Noblesville Planning jurisdiction. One example is Fox Hills Stables located to the west of the subject site that has more than 20,000 sf of combined detached accessory structures. This neighborhood has agricultural uses that may have or will use agricultural exemption to construct bigger barns than what would usually be permitted in residential zoning districts. Due to that, it is in the character of this area to build a large barn.

VARIANCE OF DEVELOPMENT STANDARDS FINDINGS

AGENDA ITEM #1:

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 riding indoor arena is beneficial to the surrounding community because any waste associated with horse exercise would be completely enclosed and would be easier to clean up and take care of than an outdoor riding area. Several neighbors to the west of the subject site have horses, ponies, lamas, and other animals, so the presence of the horse barn will be harmonious with the surrounding uses. There is plenty of trees to the north and south of the proposed barn that would screen it from 161st street and the property to the south.

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. 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 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. A minimum size required for an indoor riding arena is bigger than the maximum permitted square footage for the biggest possible detached accessory structure in our planning jurisdiction, so no one could add this type of structure without obtaining a variance.

RECOMMENDATIONS

AGENDA ITEM #1:

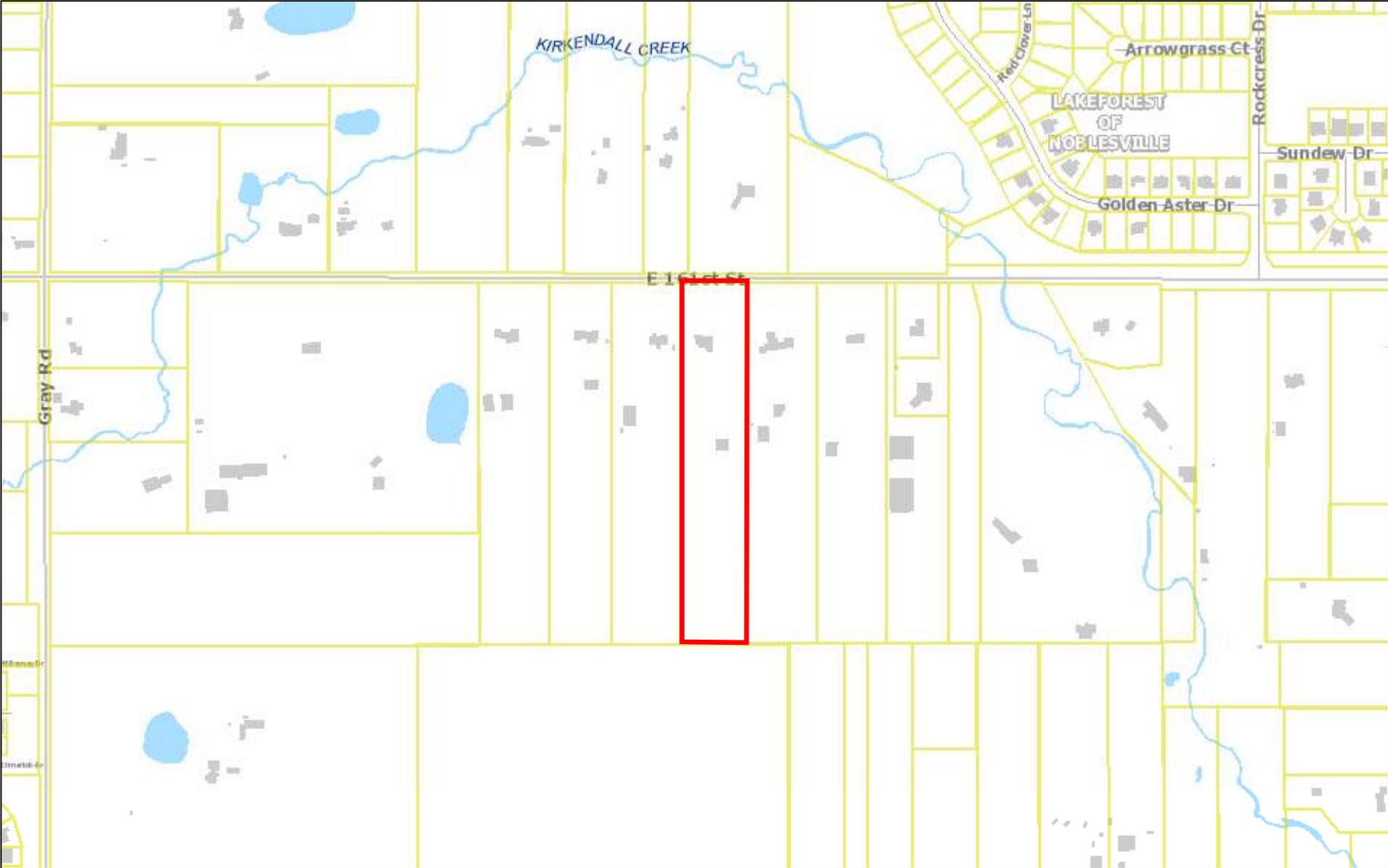
APPROVE the requested variance of development standards based upon the following findings of fact:

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

If the Board should decide to approve the variance, please include the following specific conditions:

1. The proposed accessory structure shall be used for personal use and/or storage of personal materials only. The structures will not be used for any business, commercial, or industrial uses or separate residential purposes.
2. The existing barn shall be demolished before the proposed accessory structure will be built.
3. The east side of the barn shall be landscaped by at least four (4) evenly spaced out landscape clusters. The west side of the barn with the porch shall be landscaped by at least three (3) landscape clusters. Each cluster shall include a minimum of one (1) evergreen tree and a minimum of four (4) shrubs. Landscaping shall be within 10 feet of the barn.
4. 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.
5. 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



March 5, 2019

 Parcels

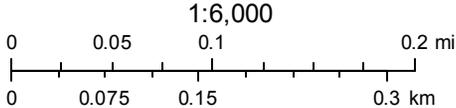


EXHIBIT 3. AERIAL MAP



March 5, 2019

 Parcels

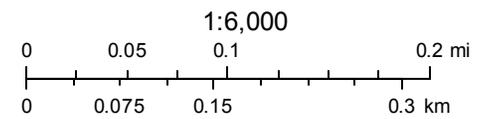


EXHIBIT 4. APPLICATION



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

Application Number: BZNA-0037-2019

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: Laura J. Gageby
Common Address 5185 E. 161st Street Noblesville, IN 46062

Applicant Name: Laura J. Gageby

Applicant Address: 5185 E. 161st Street

Applicant City/State/Zip: Noblesville IN 46062 E-mail: lauragageby@gmail.com *

Applicant Phone #1: 317-501-3540 Phone #2: - Fax: -

Owner Name: Laura J and Franklin W. Gageby

Owner Address: 5185 E. 161st Street

Owner City/State/Zip: Noblv, IN 46062 E-mail: frankgageby@aatt.net

Owner Phone #1: 317-727-7454 Phone #2: - Fax: -

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

Subdivision Name: N/A

Subdivision Section: _____ Lot Number: _____ Last Deed of Record Number _____

Existing Land Use: Residential

Common Description of Request: Adding horsebarn with indoor arena

Zoning District of Property: SR Code Section(s) Appealed: UDO § Requesting more square footage for detached accessory structure.

Date: 2/25/2019 Applicant's Signature: Laura J. Gageby

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 building will be located where it will be virtually unseen by anyone other than property owners. It is on private property and will be used only for equine activities, horse care and maintenance equipment storage by the property owners + their friends and family.

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 building will be built on the property in place of the current barn. The land is surrounded by fencing and trees and is not highly visible to adjacent properties. The structure and its use will be consistent with structures on the neighboring properties that maintain animals and livestock.

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 size of structure that can be built under the current zoning ordinance is not large enough to have an indoor area to exercise and maintain the health of the horses that I own.

To whom it may concern,

My name is Laura Gageby and I am submitting a variance request for the 7 acre property I own at 5185 E. 161st Street Noblesville, IN 46062.

I am requesting this variance because I own 5 horses and I would like to have a safe place to work with and shelter them. The structure would also have storage areas for the equipment needed to maintain the horses and the land.

The building that I would like to build will have enough room for a 60x100 foot indoor riding arena, 3 stalls, a tack room and a storage area for the horses' food and the equipment needed to maintain the property properly.

Horses require regular exercise in order to stay healthy for a lifetime that can last up to 35 years. Since, here in Indiana, we have many months of rain, snow and ice, an indoor riding arena is needed as a place with safe footing and shelter from the elements to give the horses exercise year round. Also, in my experience an indoor arena is more attractive and less intrusive to other adjacent properties than an outdoor arena.

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer
26 day of October, 2018
Robin M Mills Auditor of Hamilton County
Parcel # COPY

2018050732 WARR DEED \$25.00
10/26/2018 10:18:51A 1 PGS
Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented

File No.: 201842462
Parcel Number: 10-10-09-00-00-023.000
State ID: 29-10-09-000-023.000-012

WARRANTY DEED

COPY

THIS INDENTURE WITNESSETH, That **Bruce Mills** (Grantor) of Hamilton County, in the State of Indiana, CONVEYS AND WARRANTS to **Franklin W. Gageby and Laura J. Gageby husband and wife as to an undivided one half interest and Susan E. Fowler as to a one half interest as tenants in common** (Grantee) of Hamilton County, in the State of Indiana, for the sum of Ten & 00/100 Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Hamilton County, in the State of Indiana:

Part of the Northeast Quarter of the Southwest Quarter of Section 9, Township 18 North, Range 4 East in Hamilton County, Indiana, more particularly described as follows:

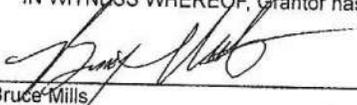
Beginning on the North line of the Southwest Quarter of Section 9, Township 18 North, Range 4 East 156.22 feet North 89 degrees 49 minutes 06 seconds West (assumed bearing) of the Northeast corner thereof; thence South 00 degrees 04 minutes 00 seconds West parallel with the West line of the Northeast Quarter of said Southeast Quarter 1323.48 feet to the South line of said Quarter Quarter; thence North 89 degrees 45 minutes 26 seconds West on and along said South line 230.42 feet to a point that is 955.59 feet South 89 degrees 45 minutes 26 seconds East of the Southwest corner of said Quarter Quarter; thence North 00 degrees 04 minutes 00 seconds East parallel with the West line of said Quarter Quarter 1323.23 feet to the North line aforesaid; thence South 89 degrees 49 minutes 06 seconds East on and along said North line 230.42 feet to the Beginning Point; containing 7.00 acres, more or less.

Subject to real estate taxes due and payable subsequent to closing and all taxes payable thereafter.

Subject to any and all easements, agreements and restrictions of record.

The address of such real estate is commonly known as 5185 E 161st St., Noblesville, IN 46062.

IN WITNESS WHEREOF, Grantor has executed this deed this 12th day of October, 2018.


Bruce Mills

State of Indiana

County of Marion

)
)ss. ACKNOWLEDGEMENT
)

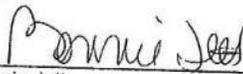
Before me, a Notary Public in and for the said County and State, personally appeared Bruce Mills, who acknowledged the execution of the foregoing Instrument, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 12th day of October, 2018.

My commission expires: January 19, 2024



BONNIE JETT
Resident of Madison County, IN
Commission Expires: January 19, 2024
Commission # 678409


Bonnie Jett
Notary Public
Residing in Madison County, Indiana

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. Michael J. Curry, Attorney

This instrument prepared by: Michael J. Curry, Attorney at Law, #3888-49

Grantee's address and send tax bills to: 5185 E 161st St., Noblesville, IN 46062

File No.: 201842462

Page 1 of 1

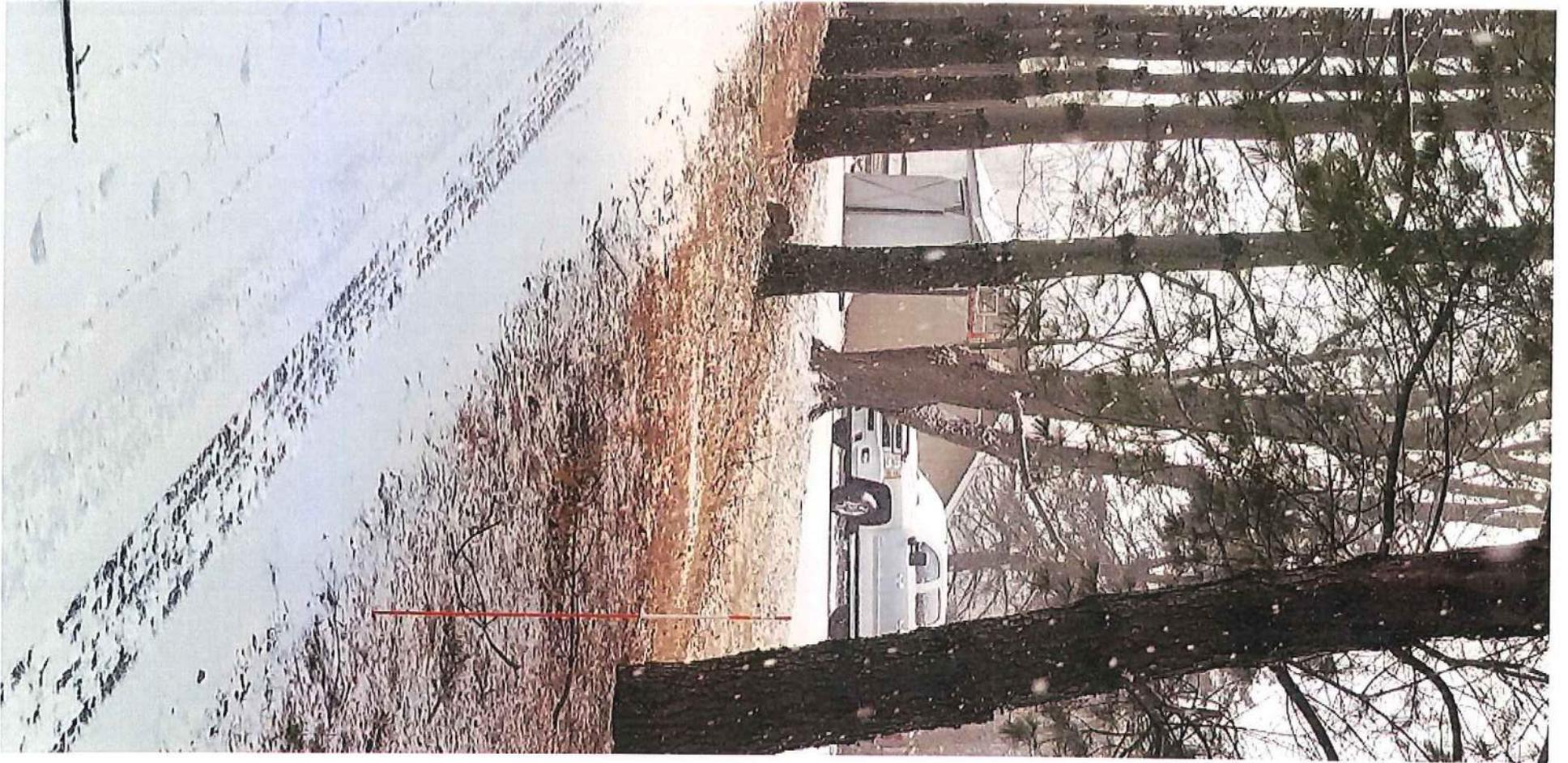
South



North



Drive to West



East



East



EXHIBIT 5. SITE PLAN

THE WITHIN SITE PLAN WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE POLICY AND ARE THEREFORE SUBJECT TO ANY STATEMENT OF FACTS REVEALED BY EXAMINATION OF SCHEDULE "A" AND SCHEDULE "B" OF A TITLE POLICY.

CAUTION !!

THE LOCATIONS OF ALL EXISTING UNDERGROUND UTILITIES SHOWN ON THE PLAN ARE BASED UPON ABOVE GROUND EVIDENCE (INCLUDING, BUT NOT LIMITED TO, MANHOLES, INLETS, VALVES, AND MARKS MADE UPON THE GROUND BY OTHERS) AND ARE SPECULATIVE IN NATURE. THERE MAY ALSO BE OTHER EXISTING UNDERGROUND UTILITIES FOR WHICH THERE IS NO ABOVE GROUND EVIDENCE OR FOR WHICH NO ABOVE GROUND EVIDENCE WAS OBSERVED. THE EXACT LOCATIONS OF EXISTING UNDERGROUND UTILITIES SHALL BE VERIFIED BY CONTRACTOR PRIOR TO ANY AND ALL CONSTRUCTION.

NOTES

THIS PROPERTY IS NOT LOCATED IN A FLOOD ZONE.

THERE IS A 55' R/W PER THE HAMILTON COUNTY THOROUGHFARE PLAN DATED JULY 9, 2007.

PART OF THE S.W. 1/4, SECTION 9-18-4
E. 161ST STREET
 NORTH LINE, S.W. 1/4, SEC. 9-18-4



0 100 200 400
 SCALE : 1" = 200'
 SITE PLAN
 JOB NO. B38323

DESCRIPTION

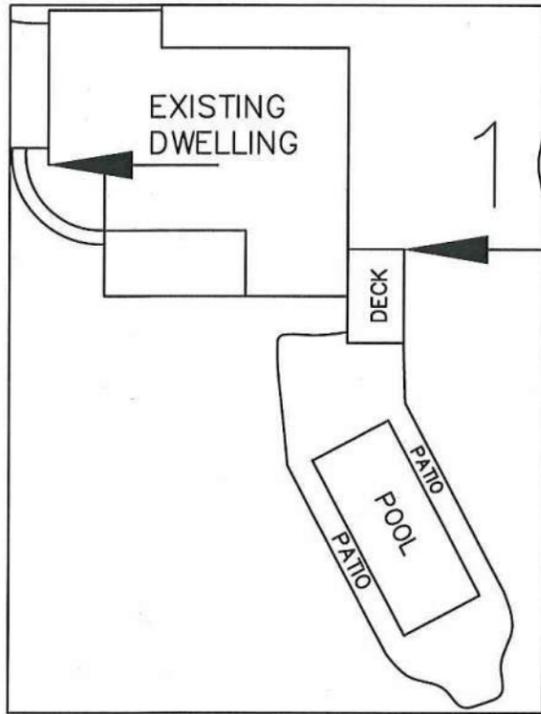
INST. #2018050732

PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 18 NORTH, RANGE 4 EAST IN HAMILTON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 18 NORTH, RANGE 4 EAST 156.22 FEET NORTH 89 DEGREES 49 MINUTES 06 SECONDS WEST (ASSUMED BEARING) OF THE NORTHEAST CORNER THEREOF; THENCE SOUTH 00 DEGREES 04 MINUTES 00 SECONDS WEST PARALLEL WITH THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SOUTHWEST QUARTER 1323.48 FEET TO THE SOUTH LINE OF SAID QUARTER QUARTER; THENCE NORTH 89 DEGREES 45 MINUTES 26 SECONDS WEST ON AND ALONG SAID SOUTH LINE 230.42 FEET TO A POINT THAT IS 955.59 FEET SOUTH 89 DEGREES 45 MINUTES 26 SECONDS EAST OF THE SOUTHWEST CORNER OF SAID QUARTER QUARTER; THENCE NORTH 00 DEGREES 04 MINUTES 00 SECONDS EAST PARALLEL WITH THE WEST LINE OF SAID QUARTER QUARTER 1323.23 FEET TO THE NORTH LINE AFORSAID; THENCE SOUTH 89 DEGREES 49 MINUTES 06 SECONDS EAST ON AND ALONG SAID NORTH LINE 230.42 FEET TO THE BEGINNING POINT; CONTAINING 7.00 ACRES, MORE OR LESS.

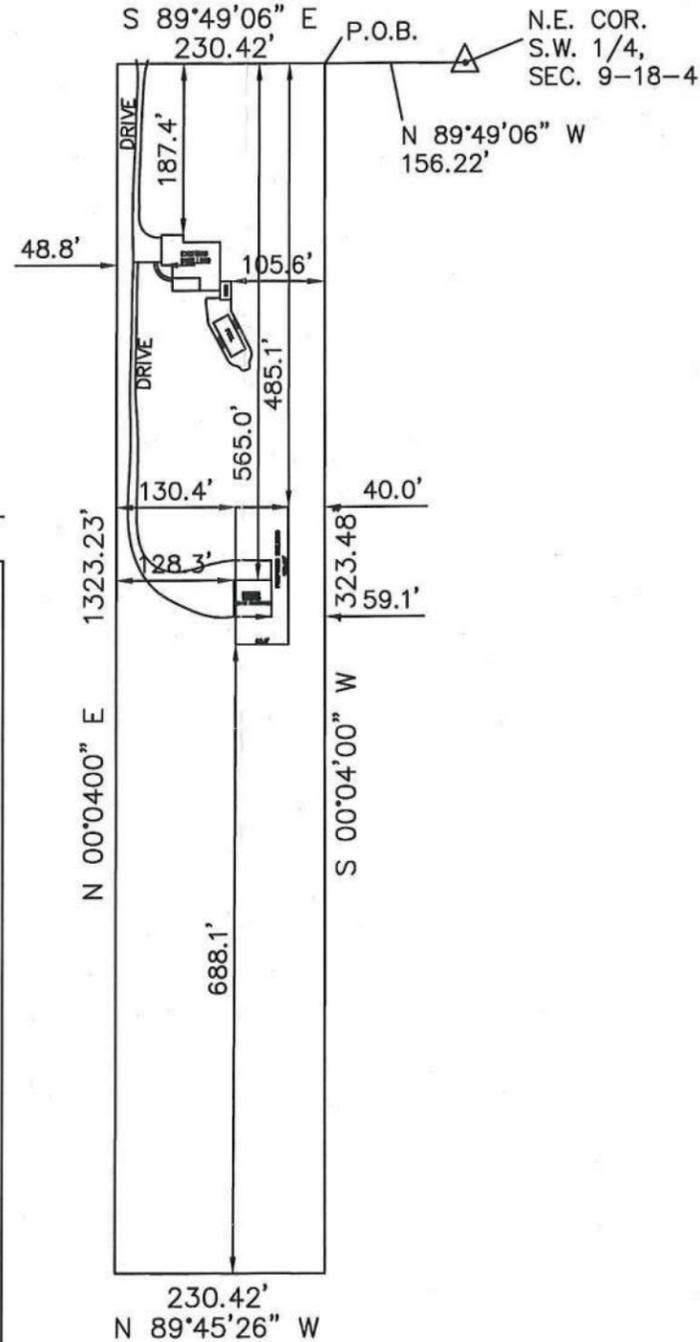
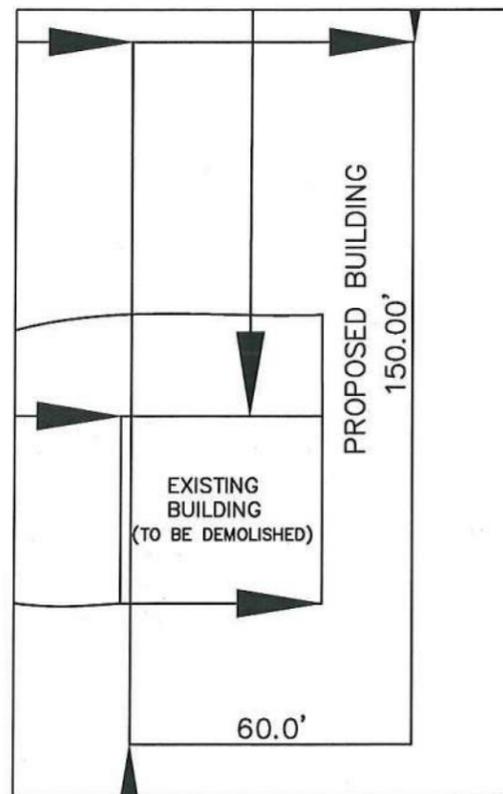
EXISTING DWELLING DETAIL

NOT TO SCALE



PROPOSED BUILDING DETAIL

NOT TO SCALE



5185 E. 161ST STREET

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

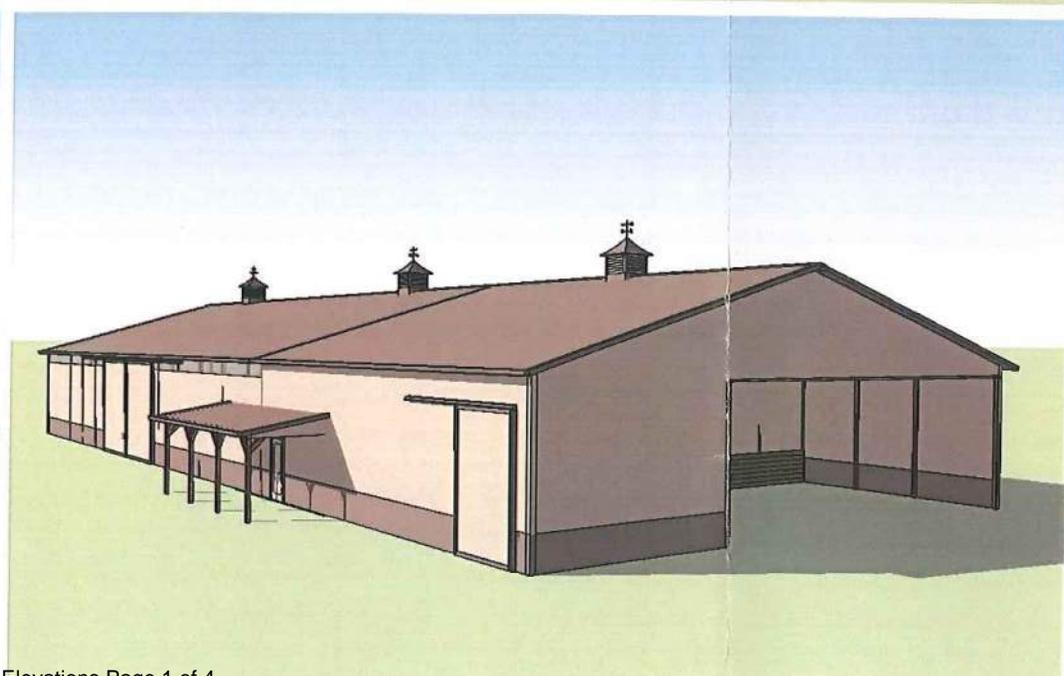
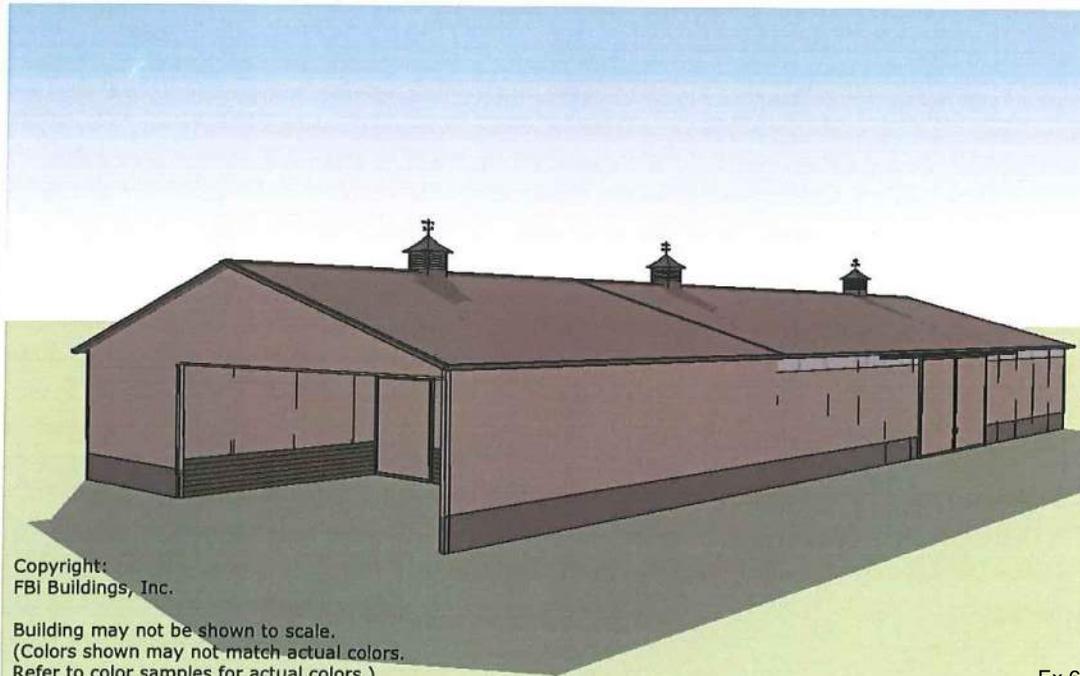
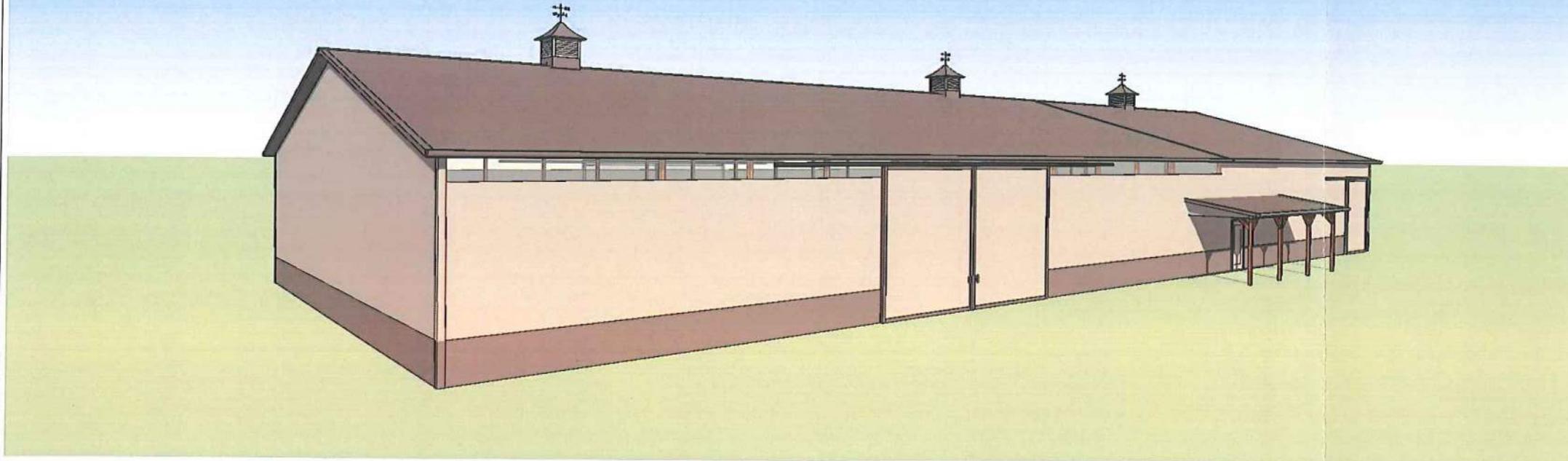
NOTE: THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY OR A SURVEYOR LOCATION REPORT.

K. Nathan Althouse

L.S. 20400007
 DATE: FEB. 21, 2019
 FOR: LAURA GAGEBY



EXHIBIT 6. ELEVATIONS



Copyright:
FBI Buildings, Inc.

Building may not be shown to scale.
(Colors shown may not match actual colors.
Refer to color samples for actual colors.)

X: Purchaser Approval	Date
X: Seller Approval	Date
	Drawing #

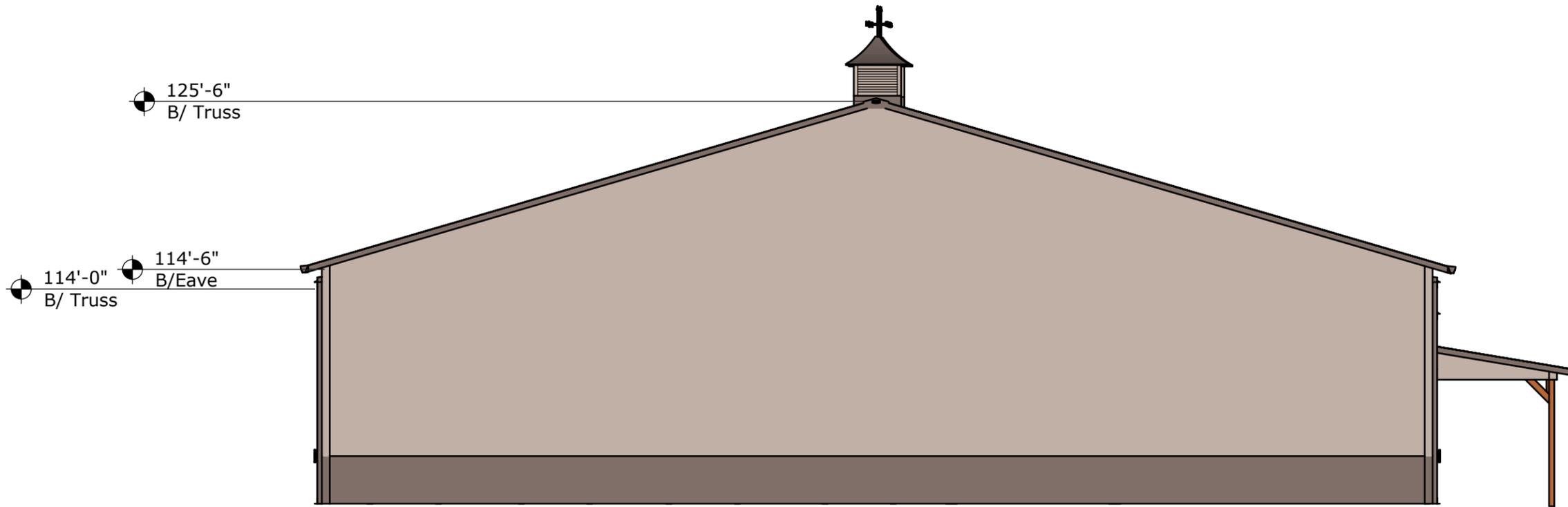
Laura Gageby
5185 E 161st.
Noblesville, IN, 46060

3D View

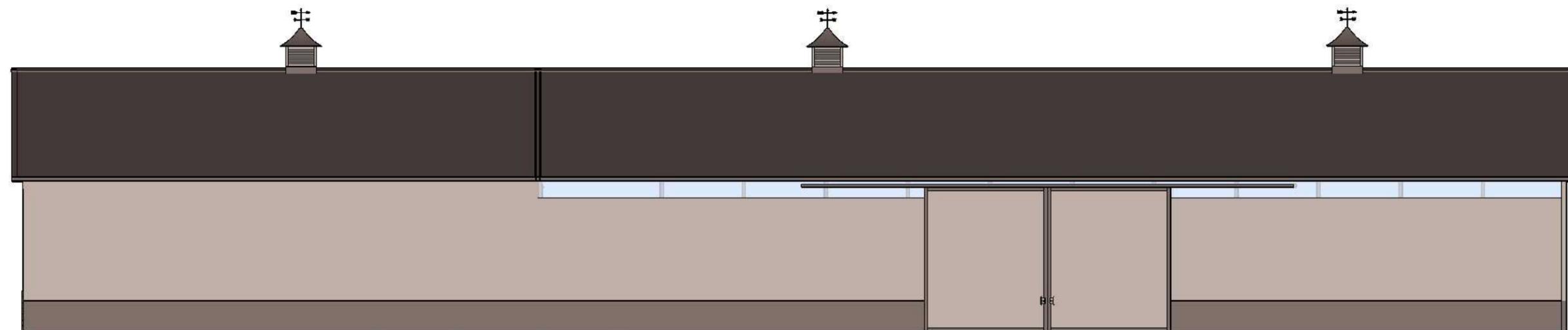
FBI
Buildings, Inc.
3823 W 1800 S
Remington, IN 47977
219-261-2157
www.fbibuildings.com

Date : 00/00/00
Name: XXX
Rev 0

PRELIMINARY
THESE DRAWINGS
ARE FOR
REVIEW
ONLY
These drawings are
not complete and
are not to be used
for construction.



NORTH ELEVATION



EAST ELEVATION

X: _____ Date _____
 Purchaser Approval
 X: _____ Date _____
 Seller Approval
 Drawing # _____

Laura Gageby
5185 E 161st.
Noblesville, IN, 46060

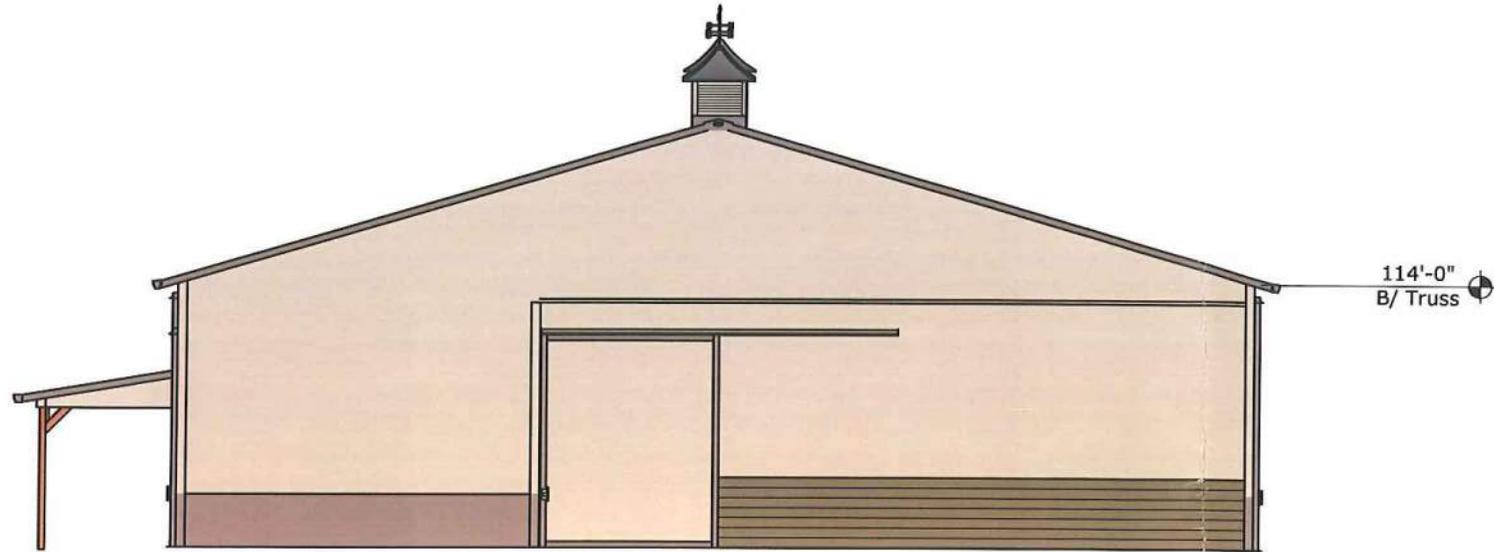
Elevation Plan

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 www.fbibuildings.com

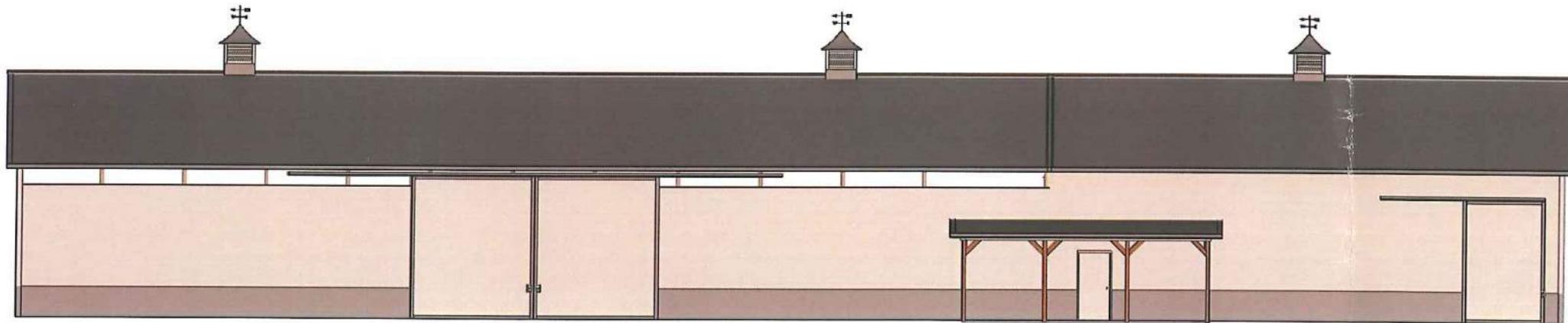
Date : 00/00/00
 Name: XXX
 Rev 0

PRELIMINARY
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 ARE FOR
REVIEW
ONLY
 These drawings are
 not complete and
 are not to be used
 for construction.

A-202



SOUTH ELEVATION



WEST ELEVATION

X: Purchaser Approval	Date
X: Seller Approval	Date
Drawing #	

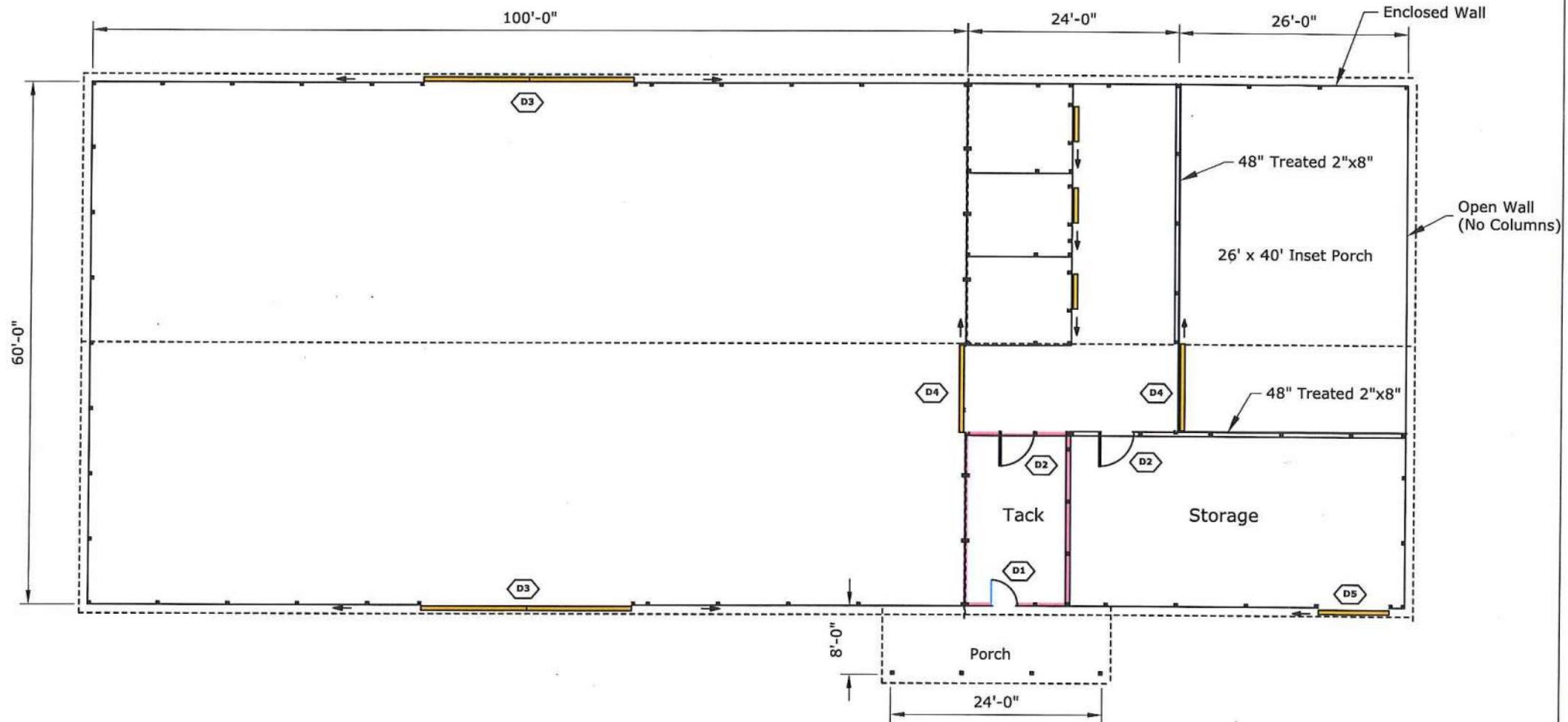
Laura Gageby
5185 E 161st.
Noblesville, IN, 46060

Elevation Plan

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3823 W 1800 S
Remington, IN 47977
219-261-2157
www.fbibuildings.com

Date : 00/00/00
Name: XXX
Rev 0

PRELIMINARY
THESE DRAWINGS
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ONLY
These drawings are
not complete and
are not to be used
for construction.



FLOOR PLAN

Fbi Building Arena 60' x 100' x 14' I.C. w/60' x 50' Stall Barn

Sidewall Columns & Trusses Space at 8' & 9' O.C. Designed for 20 psf Ground Snow Load

General Notes:
 Gutters - 6"
 Wainscot - 36"

Door Schedule:

- D1 - 3' x 6'-8" Steel Insulated Walk Door
- D2 - 4' x 6'-8" Steel Insulated Walk Door
- D3 - 24' x 14' Split Sliding Door
- D3 - 12' x 14' Split Sliding Door
- D4 - 10' x 12' Solid Sliding Door
- D5 - 8' x 12' Solid Sliding Door



X: Purchaser Approval	Date
X: Seller Approval	Date
	Drawing #

Laura Gageby
 5185 E 161st.
 Noblesville, IN, 46060

Floor Plan

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 Buildings, Inc.
 3823 W 1800 S
 Remington, IN 47977
 219-261-2157
 www.fbibuildings.com

Date: 00/00/00
 Name: XXX
 Rev 0

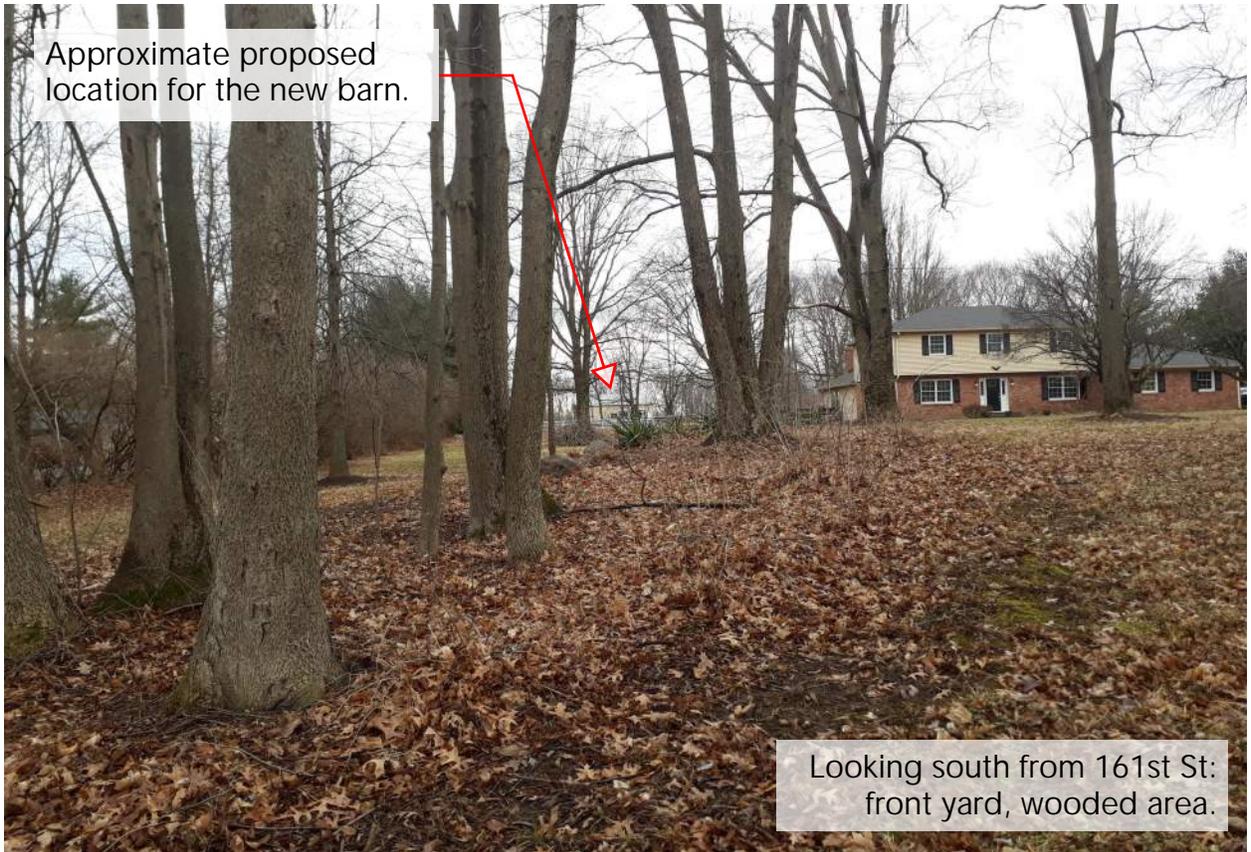
PRELIMINARY
 THESE DRAWINGS
 ARE FOR
REVIEW
ONLY
 These drawings are
 not complete and
 are not to be used
 for construction.

EXHIBIT 7. SITE PICTURES





Looking east along 161st St:
front yard, wooded area.



Approximate proposed
location for the new barn.

Looking south from 161st St:
front yard, wooded area.



Existing evergreen grove between the subject site and the neighbor to the west.

Driveway leading to the barn behind the house.



Looking north from the middle of the subject site: view on the south side of the house and the driveway leading to the street.

Existing outdoor riding area.



Approximate proposed location for the new barn.







EXHIBIT 8. NEIGHBORHOOD PICTURES

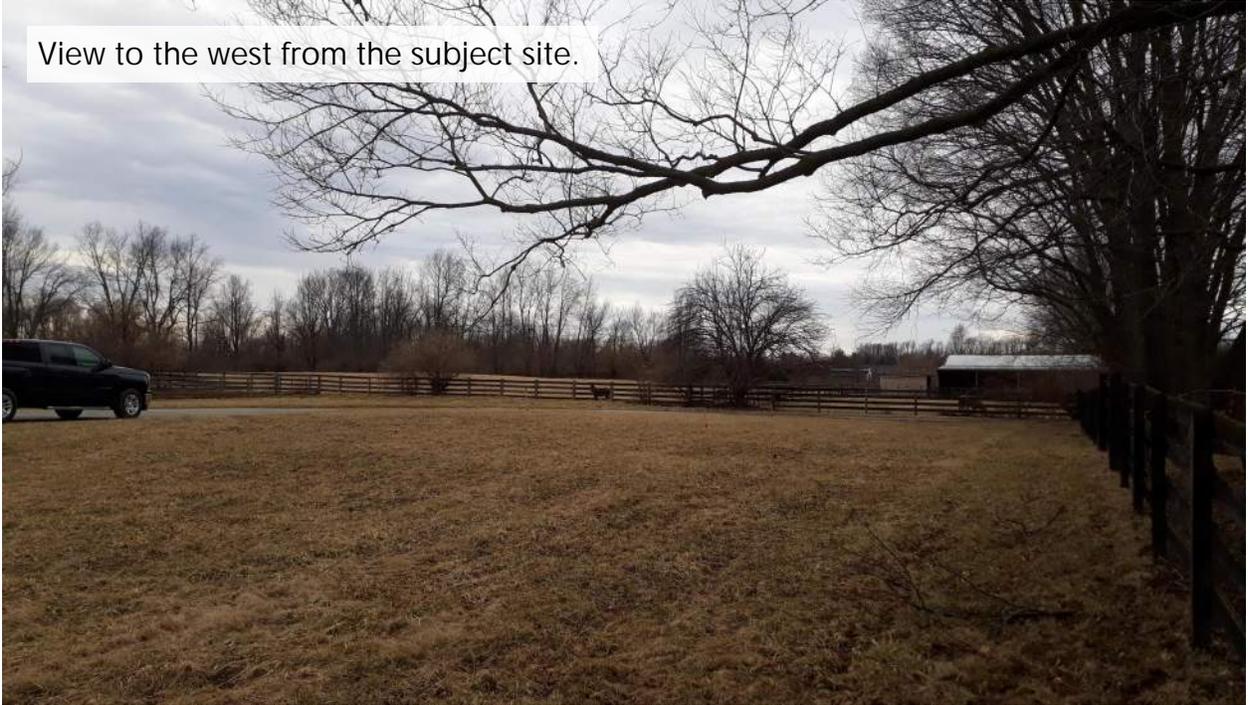
View to the east from the subject site.



View to the east from the subject site.



View to the west from the subject site.



View to the west from the subject site.



View to the east from the subject site along 161st Street.



View to the south from the subject site across 161st Street.



View to the west from the subject site along 161st Street.



View to the west from the subject site.

