



BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA-0004-2019 / BZNA-0023-2019

PROPERTY ADDRESS: 15530 Herriman Blvd, Noblesville, Indiana

A Conditional Use application and Variance of Development Standards application was submitted to the Noblesville Planning Department for the above referenced location. The application submitted by Stoney Creek Church of Christ requested that approval be granted to a Conditional Use application and a Variance of Development Standards application pursuant to Unified Development Ordinance:

- a) UDO §8.D.1.D & Appendix C – Conditional Use to permit a church, temple, place of worship use in the I-1 (Light Industrial) zoning district.
- b) UDO §10.0.3 – Variance of Development Standards to allow the reduction of the number of required parking spaces onsite.

The Noblesville Board of Zoning Appeals conducted a hearing regarding this application on March 4, 2019. After testimony was given and evidence was presented to the Board, a motion to APPROVE was made, and the motion carried 4-0.

CONDITIONAL USE FINDINGS

In its deliberations, the Noblesville Board of Zoning Appeals weighed the evidence associated with the following criteria and made the following findings in granting the request for a Conditional Use. Indiana Code §36-7-4-918.2 states that a Conditional Use request may be approved only upon a determination in writing that the following nine (9) standards are met:

1. The proposed Conditional Use is, in fact, a conditional use established within the specific zoning district involved.

Pursuant to UDO § 8.D.1.D & Appendix C, a church, temple, place of worship use is a conditional use in the I-1 (Light Industrial) zoning district.

2. The proposed Conditional Use will be harmonious with and in accordance with the general objectives or with any specific objective of the City's Comprehensive Plan and the Unified Development Ordinance.

The proposed Conditional Use will be harmonious with and in accordance with the general objectives of the City's Comprehensive Plan and with the Unified Development Ordinance. The Comprehensive Plan shows this area as Office/Industrial Flex. The area is characterized by a mix of light industrial, office and commercial uses. The proposed church is located in an existing building and no exterior changes are proposed other than updating existing signage. It is not

anticipated that the conditional use will conflict with the City's Comprehensive Plan or Unified Development Ordinance.

3. The proposed Conditional Use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the same area.

There are no revisions proposed to the exterior of the existing building other than a change in signage. It is anticipated that the proposed church will be appropriate with the intended character of the vicinity as church operations are outside typical business hours.

4. The proposed Conditional Use will not be hazardous or disturbing to existing neighboring uses.

It is believed that the proposed use will be operated in a manner that will not be hazardous or disturbing to the surrounding area. The proposed church will operate within the existing building. There are no proposed amplified sounds, such as church bells, associated with this use.

5. The proposed Conditional Use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

It is unlikely that the proposed project will experience any lack in essential public facilities and services. The utilities to the site and all other services provided by the City are already in place. The Applicant or Property Owner would be responsible for refuse disposal through a private carrier.

6. The proposed Conditional Use will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community.

It is unlikely that the proposed project will create excessive additional requirements at public expense for public facilities and services. The subject property is already served by public services.

7. The proposed Conditional Use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

The excessive production of smoke, fumes, glare or odors is not anticipated from the proposed use. No smoke, fumes, glare or odors should be generated from the use.

8. The proposed Conditional Use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

The immediate area surrounding the proposed church is an industrial area, accessed by Herriman Boulevard . Most of the surrounding businesses operate during typical business hours Monday through Friday which is outside of church operations on Sundays. It is anticipated that church use will not create an interference with traffic as the main access to the industrial park is from a signaled intersection at 146th Street and Herriman Boulevard. Secondary access is at Greenfield Avenue and Herriman Boulevard or through a subdivision at the intersection of Wellington Parkway and Allisonville Road. It is unlikely that church members travel through the subdivision to get to the church unless they lived in the immediate area since Herriman Boulevard is accessible from faster traveling and signaled thoroughfares.

9. The proposed Conditional Use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

There do not appear to be any significant historic features located on the subject property. The existing industrial office building was constructed in 1999 and has been used as offices.

VARIANCE OF DEVELOPMENT STANDARDS FINDINGS

In its deliberations, the Noblesville Board of Zoning Appeals weighed the evidence associated with the following criteria and made the following findings in granting the request for a Variance of Development Standards. Indiana Code §36-7-4-918.5 states that a Variance of Development Standards may be approved only upon a determination in writing that the following are true:

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. It is anticipated that the variance request to

reduce the number of required parking spaces onsite will not affect the general welfare of the community because parking will be provided on the properties located immediately to the north and west of the subject site per the Applicant's shared parking agreements with the aforementioned neighboring properties.

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.

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 because the church will be using a property that is a developed with an existing building and parking lot. The property does not have frontage on an accessible public right of way. The property has frontage on State Road 37, but does not have a driveway on the State Road. The subject site is accessed from a driveway off Herriman Boulevard that is shared with the property to the west, also known as 15510 Herriman Boulevard. It would be difficult to meet the parking requirement onsite without demolishing a portion of the building. The Applicant has worked with the neighboring properties to allow members to park on the adjacent properties for church events that occur outside of normal business hours.

The findings of fact contained herein are adopted by the Noblesville Board of Zoning Appeals on April 1, 2019.

Mike Field, Chairman

Sarah Reed, Secretary



BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA-0027-2019/ BZNA-0031-2019 / BZNA-0032-2019

PROPERTY ADDRESS: 7015 E 161st Street, Noblesville, Indiana

Variance of Development Standards applications were submitted to the Noblesville Department of Planning and Development for the above referenced location. The applications, submitted by Mr. Mark Spencer, requested that approval be granted pursuant to UDO § 10.0.4.D.1 – Variance to allow an unpaved / uncurbed parking lot and drives; UDO § 10.0.4.C.3 & C.4 – Variance to allow a parking lot to encroach the required side yard setback and to extend over a property line; and UDO § 12.0.5.B.1 – Variance to allow a parking lot without landscaping. The Noblesville Board of Zoning Appeals conducted a hearing regarding this application on March 4, 2019. After testimony was given and evidence was presented to the Board, a motion to approve was made, and the motion carried 4-0.

In its deliberations, the Noblesville Board of Zoning Appeals weighed the evidence associated with the following criteria and made the following findings in granting the requests for Variance of Development Standards. 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:

For variances (1), (2), and (3): Staff concurs with the applicant that there would not appear to be any threats to the community at large. Staff does have a concern regarding the crushed stone to be traversed by those who are physically handicapped. The applicant is providing ADA-compliant bathrooms, doorway entries, and ramps, but a wheelchair-bound individual, for example, would have to cross a crushed stone surface to get to these. A requested condition has been added below that may help to remedy this situation, if added to an approval decision.

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:

For variances (1), (2), and (3): Staff concurs with the applicant that there would not appear to be any adverse effect on the use or value of adjacent property. The applicant's property surrounds Lot 1 to the east, south, and west. The fields of the Hoosier Futbol Academy, to the north of the Academy's building across

161st Street, are likely far enough from the parking area to be unaffected by occasional dust from the in-use parking area.

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:
For variances (1) (paving elimination) and (3) (landscaping elimination): The key here is whether farming equipment will, indeed, cross over the proposed drive leading from 161st Street and over the proposed parking area in the course of regular farming operations. If this is confirmed for the record during the hearing, the requirement to pave, and especially to curb, will pose a serious impediment to the practical use of the property, as described in the "Analysis," above.

For variance (2) (side setback): Space restrictions to the east of the farmhouse and the 400-square-foot frame garage are key factors here, as is the desire of the applicant to keep the parking area some distance from those seated on the proposed outdoor patio. Relocation of the parking area is perhaps not possible, due to a septic system to the west of the house and mature trees to the south of same. Barring a Lot Line Adjustment, an action not needing BZA approval, strict application of the terms of the ordinance may well prevent the establishment of a parking area close to the ADA-compliant improvements proposed for the porch and entry on the eastern side of the farmhouse, a hardship which may be considered unnecessary.

The Findings of Fact contained herein are adopted by the Noblesville Board of Zoning Appeals on April 1, 2019.

Mike Field, Chairman

Sarah Reed, Secretary



BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA 0005-2019, BZNA 0006-2019, BZNA 0007-2019, BZNA 0008-2019, BZNA 0009-2019, BZNA 0010-2019, BZNA 0019-2019

PROPERTY ADDRESS: 605 Sheridan Road , Noblesville, Indiana

A Variance of Development Standards application was submitted to the Noblesville Planning Department for the above referenced location. The application submitted by CSS VII LLC requested that approval be granted to seven Variance of Development Standards applications pursuant to the following: a) UDO §Table 12.0.7.E to permit the use of existing canopy trees instead of the installation of evergreen trees in the landscape buffer between a PB zoning district and a residential use; b) UDO §12.0.5.C to allow the elimination of interior parking lot landscaping within a proposed fenced area; c) UDO §Table 12.0.6 to permit the elimination of building base landscaping within the proposed fenced area and the reduction of the building base area to a 5 foot strip around the building along Sheridan Road; d) UDO §Table 12.0.5.D.2 to permit the reduction of perimeter parking lot plantings within the proposed fenced area; e) UDO §10.0.4.D.1 to permit the elimination of curbing within the proposed fenced area; f) UDO §4.B.6 to permit a reduction of architectural requirements for non-residential buildings; g) UDO §12.0.8.B.2 to permit the screening of a portion of a service yard with a vinyl coated chain link fence instead of an opaque fence or wall. The Noblesville Board of Zoning Appeals conducted a hearing regarding this application on March 4, 2019. After testimony was given and evidence was presented to the Board, a motion to APPROVE was made, and the motion carried 4-0.

In its deliberations, the Noblesville Board of Zoning Appeals weighed the evidence associated with the following criteria and made the following findings in granting the request for a Variance of Development Standards. Indiana Code §36-7-4-918.5 states that a Variance of Development Standards may be approved only upon a determination in writing that the following are true:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community:

It is likely that the proposed variances will not be injurious to public health, safety, and general welfare of the community. The proposed reductions from standards are located mostly in areas of the project that may be accessed only by tenants of the property. The petitioner has made efforts to dress up those portions of the project

that will be seen by the general public. There are numerous existing trees that will be preserved on the western edge of the project.

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. The majority of the property will be used by tenants to access their units that will have overhead doors which makes the installation of landscape areas difficult. In addition, the landscape reductions that are being requested are those that are in areas of the project that will not be accessed by members of the general public and will be screened from view by an opaque fence.

The findings of fact contained herein are adopted by the Noblesville Board of Zoning Appeals on April 1, 2019.

Mike Field, Chairman

Sarah Reed, Secretary