

The Noblesville Board of Zoning Appeals met in regular session on Monday, April 1, 2019. Members in attendance were as follows:

Dave Burtner..... Citizen Member  
Mike Field..... Chairman  
James Hanlon ..... Citizen Member  
Brian McNulty ..... Citizen Member

Others in attendance included Associate Planner Oksana Polhuy and Assistant Director Caleb Gutshall from the Department of Planning and Development, and City Attorney Michael Howard.

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

**APPROVAL OF FINDINGS OF FACT**

Motion by Mr. Hanlon, second by Mr. Burtner to approve the March 4, 2019 Minutes as presented.

AYE: Burtner, Field, Hanlon, McNulty. The motion carries, 4, 0, 0.

Motion by Mr. Burtner, second by Mr. Hanlon to approve the March 4, 2019 Findings of Fact as presented.

AYE: Burtner, Field, Hanlon, McNulty. The motion carries, 4, 0, 0.

**NEW BUSINESS**

**1. BZNA-0037-2019  
5185 E 161<sup>st</sup> Street**

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).

Associate Planner Oksana Polhuy states the subject site is located on the south side of 161<sup>st</sup> street, about half a mile east of Gray Road. She states the site contains an almost 4,500 sf house, a pool, and a 1,764 sf pole barn. She states 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. She states the applicant would like to add a 9,192 sf detached accessory structure in place of the old barn. She states the proposed size of the new barn would cause the property to exceed the maximum permitted square footage for detached accessory structures, so the applicant is requesting a variance of development standards pursuant to UDO § 9.B.2.C.3. She states 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. She states, for the subject site, the limit is 4,000 sf and the

applicant proposes to demolish an existing barn and add a new 9,192 sf barn. She states the new barn would include horse stalls, storage area, a few porches and an indoor riding arena. She states the largest part at 6,000 sf is the indoor riding arena and its main purpose is to allow the horses to exercise year-round in a weather-protected environment and it has to be of a certain minimum size to be an effective place for indoor exercise. She states the applicant proposes the smallest possible size for the indoor arena. She states, the hardship is that no matter where an indoor horse riding arena would be proposed within the City of Noblesville planning jurisdiction, it would not be permitted without a variance. She states a few nearby properties on the south side of 161<sup>st</sup> Street exceed the maximum square footage for detached accessory structures, but a lot of them existing before the area was added to the City of Noblesville Planning jurisdiction. She points to Fox Hills Stables located a few properties to the west of the subject site that has more than 20,000 sf of combined detached accessory structures. She states this variance is for personal use, not commercial. She states the only concern that the staff has with a big structure like that is its visual impact on the neighbors. She states the lot already has good screening at the front and the back of the lot, but the sides would remain visible to the neighbors, so one of the conditions that staff proposes is to add landscaping along both sides of the barn to visually break its length down. She states staff recommends approval of the variance based on the findings of fact and with the conditions listed in the Staff Report.

Chairman Field asks if there are any problems with setbacks or anything like that.

Mrs. Polhuy replies that the size of the barn is the only regulation that it doesn't meet.

Chairman Field asks if the petitioner is present, if she received a copy of the staff report and if she agrees to the conditions in the staff report should the variance be approved.

Laura Gageby, 5185 E 161<sup>st</sup> Street, steps forward and states that she received it and that the conditions look very agreeable to her.

Chairman Field opens the floor for public hearing.

Terrance Murphy, 5355 E 161<sup>st</sup> Street, steps forward and states that he is not against the variance, but wants to clarify how many horses are allowed on this parcel.

Ms. Polhuy states that outside of the city limits, one can have one horse per one full acre. She states the subject site is seven acres, so up to seven horses would be allowed; the applicant has four horses now.

Mr. Murphy states that his concern is a large building. He points to a few big building on the map nearby that were grandfathered-in that are 120- and 150-feet long, 60-feet wide. He states he doesn't have a concern of a private use in the proposed barn, but he is concerned of stabling a lot of horses and traffic that comes with it. He states there was a business that had to move out right next door.

Chairman Field states that one of the conditions on the variance that it is used for personal use and storage, not commercial, industrial, or separate residential purposes. He closes the public hearing.

**Motion by Mr. McNulty, second by Mr. Burtner, to APPROVE application BZNA-0037-2019 based upon the following findings of fact:**

1. The approvals will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variances will not be affected in a substantially adverse manner;
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;

**with 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 sixty (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.

**AYE: Burtner, Field, Hanlon. The motion carries, 4, 0, 0.**

## ADJOURNMENT

Meeting adjourned at 6:10 p.m.

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Mike Field, Chairman

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Sarah Reed, Secretary