



## **BOARD OF ZONING APPEALS FINDINGS OF FACT**

**APPLICATION(S):** BZNA-0037-2019

**PROPERTY ADDRESS:** 5185 E 161<sup>st</sup> Street, Noblesville, Indiana

A Variance of Development Standards application was submitted to the Noblesville Planning Department for the above referenced location. The application submitted by Laura Gageby requested that approval be granted to a Conditional Use application pursuant to Unified Development Ordinance §9.B.2.C.3 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). The Noblesville Board of Zoning Appeals conducted a hearing regarding this application on April 1, 2019. After testimony was given and evidence was presented to the Board, a motion to APPROVE was made, and the motion carried 4-0.

### **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. 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.

The findings of fact contained herein are adopted by the Noblesville Board of Zoning Appeals on May 6, 2019.

---

Mike Field, Chairman

---

Sarah Reed, Secretary