

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

- Mike Field..... Chairman
- Dave Burtner..... Vice-Chairman
- James Hanlon Citizen Member
- Dan Mac Innis Citizen Member

Others in attendance included: Planning Director Sarah Reed, Senior Planner Denise Aschleman, City Attorney Mike Howard, and members of the general public.

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

APPROVAL OF MINUTES

Motion by Mr. Burtner, seconded by Mr. Hanlon to approve the May 6, 2019 Minutes as presented. AYE: Burtner, Hanlon, Mac Innis, Field. Motion carries 4-0.

APPROVAL OF FINDINGS OF FACT

Motion by Mr. Hanlon, seconded by Mr. Burtner to approve the May 6, 2019 Findings of Fact as presented. AYE: Burtner, Hanlon, Mac Innis, Field. Motion carries 4-0.

NEW BUSINESS

1. BZNA 000078-2019

- Location:** 15720 Hazel Dell Rd
- Applicant:** Steven Ramos (THINK Holdings, LLC) (applicant)
- Description:** UDO §8.B.1.B, Appendix C – Variance of Use to permit an early learning center in a Suburban Residential zoning district.
- Staff Contact:** Oksana Polhuy

Mr. Field states this item has been continued at the request of the petitioner. He states it will be heard at the August 5, 2019 meeting of the Board of Zoning Appeals.

2. BZNA 000079-2019

- Location:** 175 W Logan St
- Applicant:** Parks and Recreations Department (applicant)
- Description:** UDO §8.G.11.N.1, §8.G.11.N.4 – Variance of Development Standards application to permit the use of wet floodproofing for an accessory structure that exceeds 400 square feet.
- Staff Contact:** Sarah Reed

Mrs. Sarah Reed states this item is a Variance of Development Standards to permit wet floodproofing for an accessory structure that exceeds four hundred square feet in size. She states wet floodproofing is technically only permitted for accessory structures under four hundred square feet. She states permits for construction of the structures in Federal Hill Commons were issued in 2015. She states the restroom facility was designed at that time to be wet floodproofed. She states that means the walls of the structures are reinforced and constructed with flood vents to allow the structure to flood. She states that means that water can flow freely through that building during a flood event and crucial elements are not at grade so they will not be impacted. She states the Parks and the Planning Department have worked with an attorney to determine our options to resolve this issue as it was brought to our attention years after the structure has received its final certificate of occupancy. She states Staff asks for your approval tonight with the findings of fact and conditions listed in the staff report as well as the approval of the additional findings for a flood hazard variance that have been distributed this evening. She states there is an additional piece of paper that was on their desks that are those additional findings.

Mr. Field states so the restrooms facilities were built, and then we have an issue because of the elevation and we are just trying to get right with the paperwork.

Mrs. Reed states the issue is with elevation and also the size of the structure. She states it was designed and built to wet floodproof even though it is greater than four hundred square feet.

Mr. Mac Innis asks if the venting in the current structure is sized for four hundred square feet or the sixteen hundred.

Ms. Aschleman states the venting is sized for the structure that was constructed. She states it has Smart Vents in it which are rated for a little more square footage. She states it is properly sized for the fifteen hundred to sixteen hundred square foot structure constructed.

Chairman Field opens the public hearing; seeing no one, the public hearing is closed.

Motion by Mr. Mac Innis, second Mr. Hanlon to approve Variance of Development Standards application BZNA 000079-2019 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; and
- 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.

Plus the following additional findings for a Property located within a Flood Hazard Area:

- A showing of good and sufficient cause.
- A determination of failure to grant the variance would result in exceptional hardship.
- A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

With the following specific conditions:

1. The size of the structure shall not be increased unless the building complies with all provisions of the FH (Flood Hazard) zoning district.
2. The use of the structure will remain that of an accessory structure and no occupancy of the structure shall occur. The building may be used for storage and restrooms only.
3. The Applicant shall be given written notice, which will then be recorded against the deed to the property in the office of the County Recorder, specifying the following:
 - a. The difference between the base flood elevation and the elevation to which the lowest floor is to be built
 - b. Stating that construction of a structure below the base flood elevation will result in increased premium rates for flood insurance. Such rate increase will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 - c. Such construction below the base flood elevation increases risks to life and property.
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.

AYE: Burtner, Hanlon, Field, Mac Innis. Motion carries 4-0.

ADJOURNMENT

Meeting is adjourned at 6:05 p.m.

Mike Field, Chairman

Sarah Reed, Secretary