



CITY OF NOBLESVILLE
BOARD OF ZONING APPEALS
VARIANCE OF USE APPLICATION

Application Number: BZNA-0098-2019

The undersigned requests a Variance of Use 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: Devin Riley
Common Address: 14602 Scarborough Ln, Noblesville, IN 46062

Applicant Name: Devin Riley
Applicant Address: 14602 Scarborough Ln
Applicant City/State/Zip: Noblesville, IN 46062 E-mail: red1198@yahoo.com
Applicant Phone #1: 317-403-3578 Phone #2: 317-440-6287 Fax: _____
Owner Name: Same
Owner Address: _____
Owner City/State/Zip: _____ E-mail: _____
Owner Phone #1: _____ Phone #2: _____ Fax: _____

Property Location: Not located in a recorded subdivision, see legal description attached.
Subdivision Name: Scarborough Farms
Subdivision Section: _____ Lot Number: 7 Last Deed of Record Number _____
Existing Land Use: _____
Common Description of Request: _____
Zoning District of Property: _____ Code Section(s) Appealed: UDO § 9.B.4.0.1 & 90.26

Date: 7-27-19 Applicant's Signature: Devin Riley

CITY OF NOBLESVILLE ♦ VARIANCE OF USE APPLICATION

The Noblesville Board of Zoning Appeals (BZA) is authorized to approve or deny Variances of Use from the terms of the Unified Development Ordinance. The BZA may impose reasonable conditions as part of its approval. A Variance of Use may be approved only upon a determination in writing that the following five (5) statements are true (see Indiana Code § 36-7-4-918.4):

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:

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:

3. The need for the proposed variance arises from some condition peculiar to the property involved. Explain why this statement is true in this case:

4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which this variance is sought. Explain why this statement is true in this case:

5. The approval of this variance does not interfere substantially with the provisions of the Comprehensive Master Plan for the City of Noblesville, Indiana. Explain why this statement is true in this case:

1. We have a small number of peaceful, quiet, domesticated animals. A majority of the surrounding community is not only supportive of our animals, but actually excited about and interested in them. We frequently have people, families and children, who want to stop by and visit with the animals and learn about them. They enjoy seeing some sort of "farm life" and learning where eggs come from, for example. The chickens especially help keep the insect population down without using pesticides. And goats help control weeds without using pesticides. Both chicken and goat droppings are a natural form of fertilizer. Chickens and goats also help control our amount of organic waste being sent to landfills by eating it themselves. This is called biorecycling which is good for the environment, locally and globally. Chickens are also good for yard health in general as they are natural aerators.
2. Our animals are barely noticeable from the park adjacent to our property and therefore have little to no effect on it. And our neighbor adjacent to us not only approves of our animals but was willing to share a fence line with us. Although we opted to give him a bit more space and keep our barrier further into our property line. However, he and his dogs enjoy the goats and play with them through the fence line regularly. As far as property values go, most people looking to purchase a plot of land our size outside of city limits would consider the possibility of having backyard chickens, and possibly even goats, a selling point not a hindrance. Having nearly an acre and a half of usable space is more valuable than having an acre and a half of just more grass to mow. Also, the animals themselves make less noise than even some neighborhood dogs.
3. The goats and chickens are my emotional support animals. Please see attached letter. Also, we purchased this property under the assumption that we were in the county and did not have the same restrictions as a city property. We wanted our children to grow up in an environment more similar to our own childhood homes which both involved farm animals and the responsibilities involved in raising them. However, five plus acres anywhere in Hamilton county was not in our budget for doing this. And it is crazy that the city ordinance allows us to have a horse on our sized property but not 2 much smaller, quieter, less offensively smelling goats and a handful of chickens. I'm curious as to the neighboring communities' ordinance restrictions on such animals in small quantities.
4. Getting rid of these animals, which are pets and loved by every member of our family, will be devastating emotionally. Also, we cannot just turn these animals over to the Humane Society, and we have nowhere else for them to live. As far as which side of the property they are situated and how far away from property lines, it would be cost prohibitive for us to resituate the goat shed and remove and re-fence another side of our house. Also, we put a great deal of thought into where they are situated on the property so that they were the least obtrusive. We did not want to bother the public with them, so they are on the side of the house most hidden from view of both 146th Street and Dillon Park. We nestled their shed along our existing fence line and behind enormous trees in what may technically be our side yard but is essentially our backyard as viewed from the more prominent 146th Street. There is literally only a very small window of our property from which they can even be viewed. Moving them to the side that matches the ordinance standards of property line distances makes no sense for affecting the

public welfare and property values the least. Again, I'd like to know how other communities compare with Noblesville's standards on this issue.

5. Our area of Noblesville is as established as I believe it is ever going to be as far as the Comprehensive Master Plan for the City of Noblesville. I do not believe the few animals we keep behind our house would have any impact either way. Our neighborhood will never be acquired by the city. The park is already well established. And any future plans regarding 146th street would not affect the side of our yard that the animals inhabit.

7-29-19

We purchased this property under the assumption that we were in the county and did not have the same restrictions as a city property. Since we have no HOA, we were unaware of neighborhood covenants because we never received any. And since we have no vote in city matters, we incorrectly believed that the city had no say in our property matters. We were only made aware of both of these offenses when a neighbor mailed us a letter attaching such documentation.

We wanted our children to grow up in an environment more similar to our own childhood homes which both involved farm animals and the responsibilities with raising them. These "responsibilities" have since become beloved family pets and emotional support animals. Multiple acres anywhere in Hamilton county are not in our budget. However, it doesn't make much sense that the City's ordinance allows us to have a horse on our sized property but not 2 much smaller, quieter, less offensively smelling goats and a handful of chickens. Hobby farms and backyard chickens are becoming lobbied for, enticing aspects of living on larger parcels of land even within city limits.

Regardless, I understand that changing a city ordinance will require time and we are not compliant in the meantime. We are filing the application for variance to remedy this. Whether we are approved or not will not change my desire to see the City of Noblesville step up to be a leader in this area of responsible environmental land use instead of a prohibitive factor for a new generation of people who are interested in such sustainable living practices.

Derrica Valerie Riley

Northside Mental Health

6507 Ferguson Street
Suite 201
Indianapolis, IN 46220
317.253.0568

NorthsideMentalHealth.com

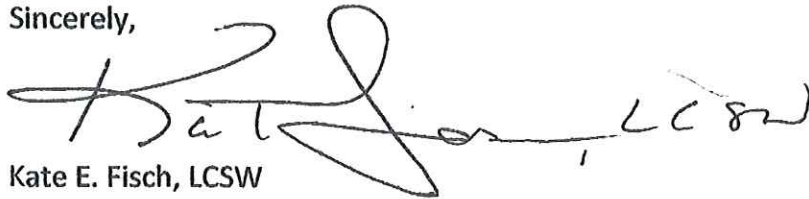
July 24, 2019

RE: Mr. Devin Riley

To Whom It May Concern:

This letter is intended to serve as my professional recommendation that all chickens and goats kept on Mr. Devin Riley's property be viewed as his personal emotional support animals. After consultation with Mr. Riley, it is clear that these animals provide Mr. Riley with a great deal of emotional support. This emotional support is especially necessary currently as Mr. Riley is caring for his ailing father and continuing to grieve the recent loss of his mother. Keeping and caring for these animals near his home helps to mitigate distress related to the loss of his parents.


Sincerely,



Kate E. Fisch, LCSW
Indiana License No. 34006184A
Northside Mental Health
kate@northsidementalhealth.com

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②

DULY ENTERED FOR TAXATION *JT*
Subject to final acceptance for transfer
28 day of July, 2016
Dawn Coverdale Auditor of Hamilton County
Parcel # 10.10.15.00.01.007.000

2016037041 WARR DEED \$18.00
07/28/2016 02:22:46P 2 PGS
Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented


First American Title
File # 742383 WARRANTY DEED
(Parcel No. 10-10-15-00-01-007.000/29-10-15-001-007.000-012)

THIS INDENTURE WITNESSETH, That William C. Keller and Joyce A. Keller, husband and wife ("Grantor"),
CONVEY AND WARRANT to Devin B. Riley and Valerie T. Riley, husband and wife ("Grantee"), for the sum of Ten Dollars
(\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described
real estate located in Hamilton County, State of Indiana:

Lot Numbered 7 in Scarborough Farms, Phase 1, an Addition to Noblesville Township, in
Hamilton County, Indiana, as per plat thereof recorded April 2, 1985 as Instrument No. 85-
4122 in Plat Book 11, pages 149-150, in the Office of the Recorder of Hamilton County,
Indiana.

The address of such real estate is commonly known as 14602 Scarborough Lane, Noblesville, Indiana 46062.

Subject to any and all easements, agreements, restrictions and other matters of record; subject to the lien for real property
taxes not delinquent; and subject to rights of way for roads and such matters as would be disclosed by an accurate survey and
inspection of the real estate.

[remainder of page intentionally left blank – signature page follows]

IN WITNESS WHEREOF, Grantor has executed this deed this 24 day of JUNE, 2016

Signature: William C. Keller

Printed: William C. Keller

Signature: Joyce A. Keller BY William C. Keller

Printed: Joyce A. Keller

HER ATTORNEY IN FACT
by William C. Keller
her Attorney in Fact

STATE OF INDIANA)

SS: ACKNOWLEDGMENT

COUNTY OF Ham. Co.)

by William C. Keller, her Attorney in Fact

Before me, a Notary Public in and for said County and State, personally appeared William C. Keller and Joyce A. Keller who acknowledged the execution of the foregoing Warranty Deed and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 24 day of June, 2016

My Commission Expires: _____

[Signature]

Notary Public

Edward W. Gallagher

Printed

Resident of Ham. Co. County



This instrument was prepared by Robert A. Hicks, Attorney at Law, HALL, RENDER, KILLIAN, HEATH & LYMAN, P.C., 500 North Meridian Street, Suite 400, Indianapolis, Indiana 46204.

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. Robert A. Hicks

Grantee's mailing address is: 14602 Scarborough Lane Noblesville In 46062

Tax mailing address is: Same

After recording, return to: Same