



CITY OF NOBLESVILLE
BOARD OF ZONING APPEALS

VARIANCE OF DEVELOPMENT STANDARD APPLICATION

Application Number

BZNA-0087-2019
BZNA-0088-2019
BZNA-0089-2019

The undersigned requests a Variance of Development Standards 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: THORMAN ACCESSORY BUILDING

Common Address 422 THURSTON DRIVE; NOBLESVILLE, IN 46060

Applicant Name: TIMOTHY P. THORMAN, II AND HANNAH R. THORMAN, by counsel

Applicant Address: 4630 Lisborn Drive

Applicant City/State/Zip: Carmel, IN 46033 E-mail: paul@ananiablack.com

Applicant Phone #1: (317)815-4451 Phone #2: _____ Fax: (317)805-7360

Owner Name: TIMOTHY P. THORMAN, II AND HANNAH R. THORMAN

Owner Address: 422 THURSTON DRIVE

Owner City/State/Zip: NOBLESVILLE, IN 46060 E-mail: paul@ananiablack.com

Owner Phone #1: (317)815-4451 Phone #2: _____ Fax: (317)805-7360

Property Location: Not located in a recorded subdivision, see legal description attached.

Subdivision Name: _____

Subdivision Section: _____ Lot Number: _____ Last Deed of Record Number _____

Existing Land Use: R1

Common Description of Request: REQUEST FOR VARIANCE FROM SIDE SETBACK, SIZE OF ACCESSORY BUILDING, AND HEIGHT OF ACCESSORY STRUCTURE

Zoning District of Property: R1 Code Section(s) Appealed: UDO § ARTICLE 8, PART B, SECTION 2 BULK STANDARDS IN TABLE 8.B

Date: July 1, 2019 Applicant's Signature: 

The Noblesville Board of Zoning Appeals (BZA) is authorized to approve or deny Variances of Development Standard from the terms of the Unified Development Ordinance. The BZA may impose reasonable conditions as part of its approval. A Variance of Development Standard may be approved only upon a determination in writing that the following three (3) statements are true (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. Explain why this statement is true in this case:

The variances sought are de minimis. The aggregate setback will be more than 15 feet between the accessory outbuilding and the nearest structure, the square footage permitted by a proposed variance is of the highest character for an accessory outbuilding and is newly constructed, and the request to permit an accessory structure with a height exceeding the permitted height for accessory building does not affect the use, enjoyment or safety of 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 by the approval of this variance request. Explain why this statement is true in this case:

Properties close in proximity to the subject property contain similar accessory buildings. The accessory outbuilding for which the variances (side setback, height and size) are sought is newly constructed with metal exterior over wood framing with a concrete slab. Granting the variance allows the petitioner to obtain a building permit that enables electricity to be professionally run to the accessory outbuilding and connected professionally. Granting the variance enhances the value of the subject property and by natural comparison the value of the properties surrounding the subject property.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property. Explain why this statement is true in this case:

Strict application of the terms of the zoning ordinance encourages economic waste. The structure will not provide the increased value to the property and the surrounding properties by comparison. Strict application of the terms of the zoning ordinance without seeking the variance exposes the applicant to the risk, expense and vexation of forced removal of the accessory outbuilding, precludes the professional installation of electrical service, and eliminates the beneficial use of a modem, professionally constructed accessory outbuilding in a residential setting.

DULY ENTERED FOR TAXATION
Subject to final acceptance of transfer
13th day of December 2017 - JKT
Robin M. Miles Auditor of Hamilton County
Parcel # 10-07-33-01-01-013.000

bpg

2017061089 WD \$25.00
12/13/2017 12:07:16PM 3 PGS
Jennifer Hayden
Hamilton County Recorder IN
Recorded as Presented



WARRANTY DEED

File No.: CTIN1703800
CT Masters

THIS INDENTURE WITNESSETH, that Scott A. Ligler, an adult (Grantor) CONVEY(S) AND WARRANT(S) to:

Timothy P. Thoman, II and Hannah R. Thoman, husband and wife (Grantee) for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Hamilton County in the State of Indiana, to wit:

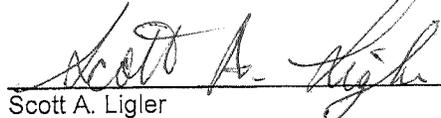
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Property: 422 Thurston Dr, Noblesville, IN 46060

Subject to all current real estate taxes and assessments and all subsequent taxes and assessments.

Subject to all easements, covenants, conditions, and restrictions of record.

IN WITNESS WHEREOF, Grantor has executed this deed this 8 day of December, 2017.



Scott A. Ligler

State of Indiana
County of Hamilton

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Scott A. Ligler, an adult, who acknowledged the execution of the foregoing instrument, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 8 day of December, 2017

Signature: [Handwritten Signature]

Printed: _____

Resident of: _____ County

State of: _____

My Commission expires: _____



Prepared By: J. David Clossin, for the benefit of Chicago Title Company, LLC
Grantee's Address and Tax Billing Address: 422 Thurston Dr
Noblesville, IN 46060

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: J. David Clossin.

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 29-07-33-101-013.000-012

A PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 19 NORTH, RANGE 5 EAST, IN HAMILTON COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF SAID HALF QUARTER SECTION RUN EAST (ASSUMED BEARING), 1320 FEET; THENCE SOUTH 0 DEGREES 39 MINUTES WEST 329.95 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 0 DEGREES 39 MINUTES WEST, 110 FEET; THENCE WEST AND PARALLEL TO THE NORTH LINE OF SAID HALF QUARTER SECTION 248.11 FEET; THENCE NORTH 0 DEGREES 56 MINUTES, 110 FEET; THENCE EAST AND PARALLEL TO THE NORTH LINE AFORESAID, 247.64 FEET TO THE PLACE OF BEGINNING.

Project Narrative

The accessory outbuilding was built by the Thoman's predecessor in title shown on the last deed shortly before selling to the applicant. The predecessor in title purchased a kit from Menards and paid a contractor to assemble and neither the predecessor nor contractor obtained a building permit. The lack of building permit was not discovered until right before the closing at which the applicant purchased the home with the accessory building. The variance is sought to enable the Thoman's to obtain a permit that would enable the accessory outbuilding to be connected to electric service.. The accessory outbuilding for which the variance is sought will be used for household/residential storage and related uses.

SEAGroup Land Surveyors

494 Gradle Drive Phone: 317.844.3333
Carmel, IN 46032 Fax: 317.844.3383
www.SEAGroupLLC.com

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED ON LIMITED ACCURACY MEASUREMENTS. NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THE DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES.

SURVEYOR LOCATION REPORT

PAGE 1 OF 1

DRAWING PREPARED BY: BS

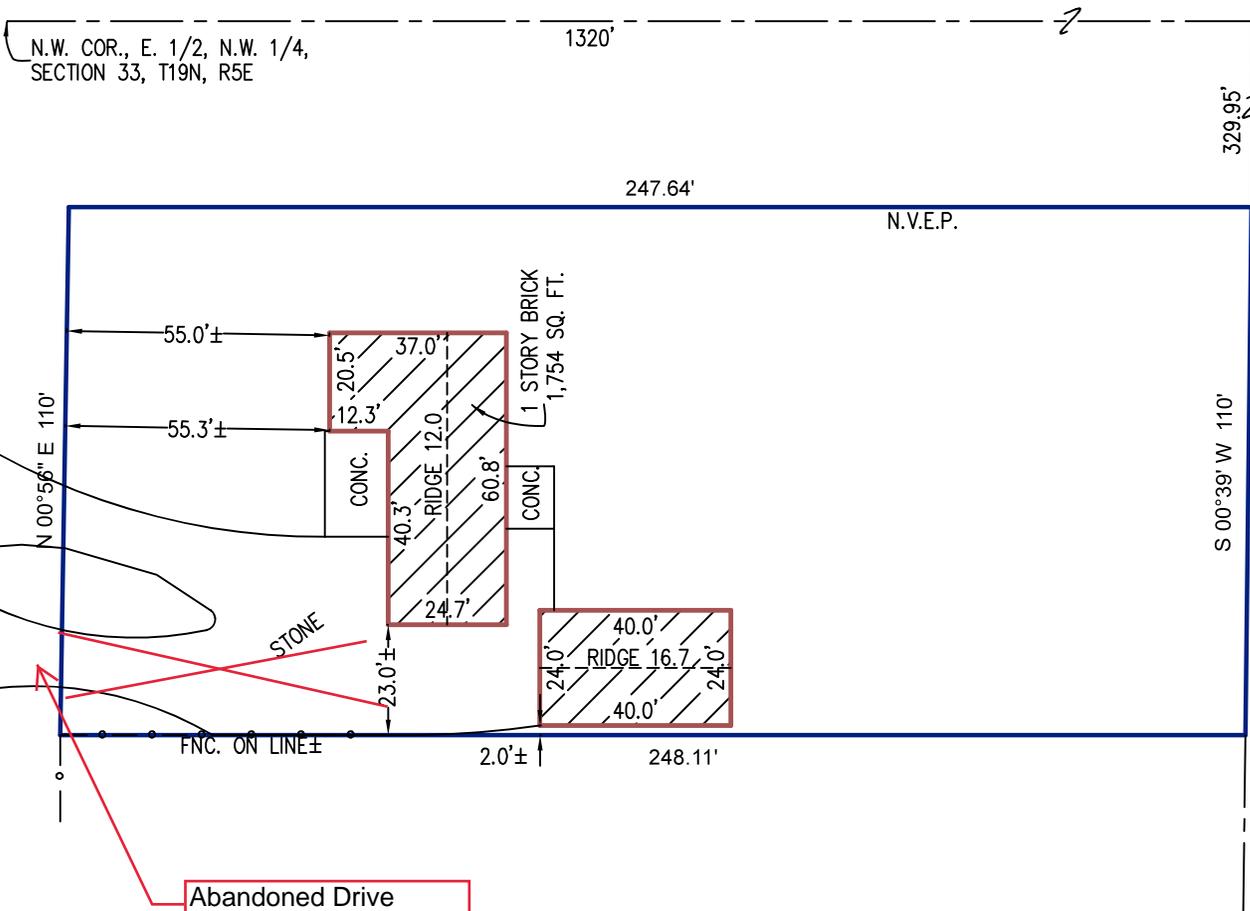
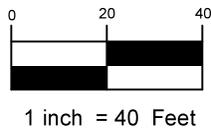
DRAWING SCALE: 1" = 40'

DRAWING DATE: 7/8/2019

FIELD WORK DATE: 7/1/2019

DRAWING PREPARED FOR:

Title Links LLC



PROPERTY DESCRIPTION:

A part of the East Half of the Northwest Quarter of Section 33, Township 19 North, Range 5 East, in Hamilton County, Indiana, being more particularly described as follows:

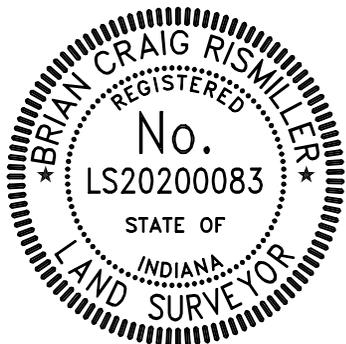
From the Northwest corner of said Half Quarter Section run east (assumed bearing), 1320 feet; thence South 0 degrees 39 minutes West 329.95 feet to the Place of Beginning of this description; thence continuing South 0 degrees 39 minutes West, 110 feet; thence West and parallel to the north line of said Half Quarter Section 248.11 feet; thence North 0 degrees 56 minutes, 110 feet; thence East and parallel to the North line aforesaid, 247.64 to the place of beginning.

PROPERTY ADDRESS: 422 Thurston Dr., Noblesville, IN
OWNER:
BUYER:
TITLE COMPANY:

I HEREBY CERTIFY TO THE PARTIES NAMED ABOVE THAT THE REAL ESTATE DESCRIBED HEREIN WAS INSPECTED UNDER MY SUPERVISION ON THE DATE INDICATED AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS REPORT CONFORMS WITH THE REQUIREMENTS CONTAINED IN SECTIONS 27 THRU 29 OF TITLE 865 I.A.C., ARTICLE 1, RULE 12, FOR A SURVEYOR LOCATION REPORT. THE ACCURACY OF ANY FLOOD HAZARD STATEMENT SHOWN ON THIS REPORT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION OF THE REFERENCED FLOOD INSURANCE RATE MAP.

Brian Rismiller

CERTIFIED: JULY 8, 2019
BRIAN C. RISMILLER
LS 20200083



DRAWING LEGEND

- R/W = RIGHT OF WAY (AS NOTED)
- CENTERLINE AS NOTED
- BUILDING SETBACK LINE (B.S.L.)
- EASEMENT (AS NOTED)
- REAL ESTATE LINES (AS NOTED)
- SUBJECT REAL ESTATE SURVEY LINE
- x-x-x-x-x-x-x- CHAIN LINK TYPE FENCE
- o-o-o-o-o-o-o- WOOD TYPE FENCE
- B.S.L. = Building Setback Line
- U. = Utility
- S. = Sanitary
- D. = Drainage
- E. = Easement
- L. = Landscape

PROJECT #: S20194998



General Area

422 Thurston; Noblesville, IN

Printed: May 30, 2018



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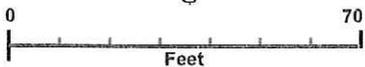




Subject Property with Setback

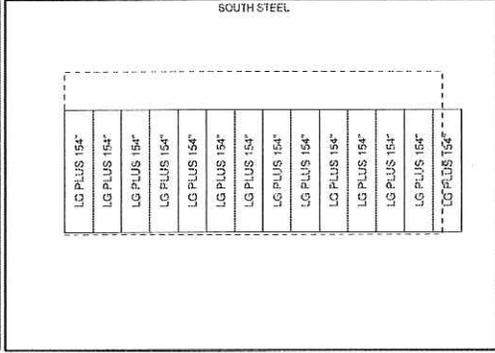
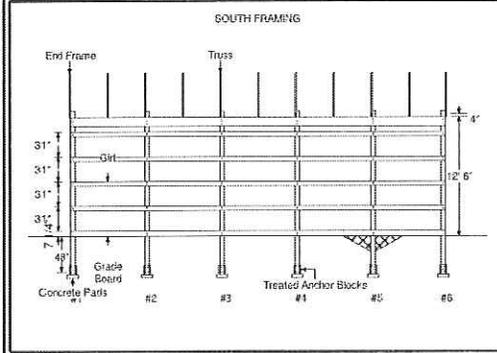
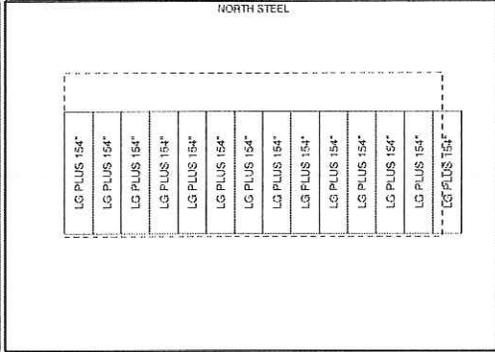
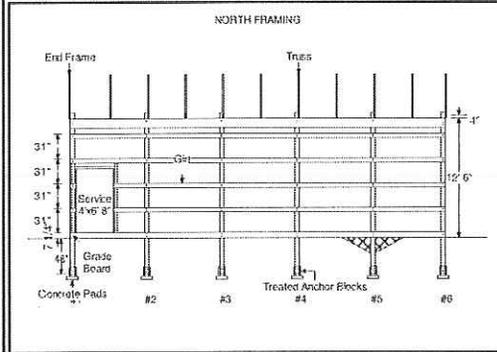
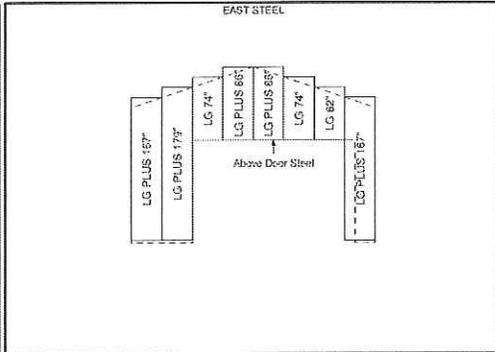
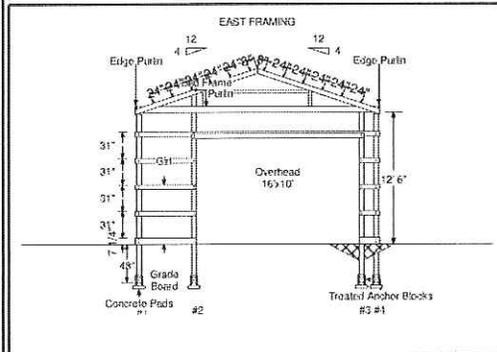
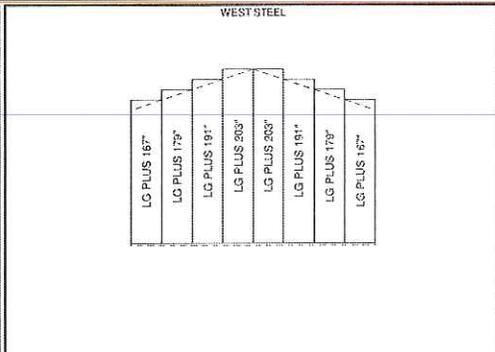
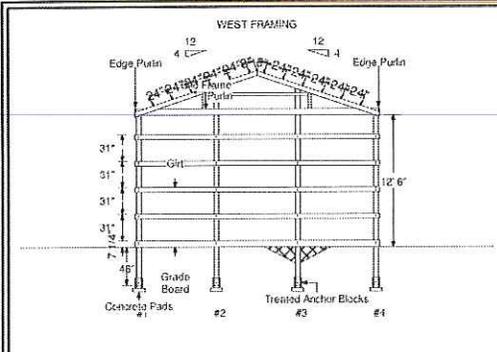
422 Thurston; Noblesville, IN

Printed: May 30, 2018

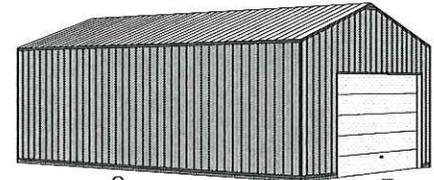
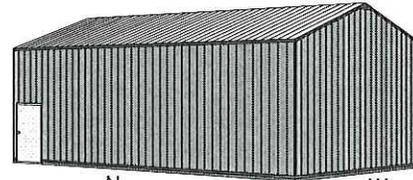


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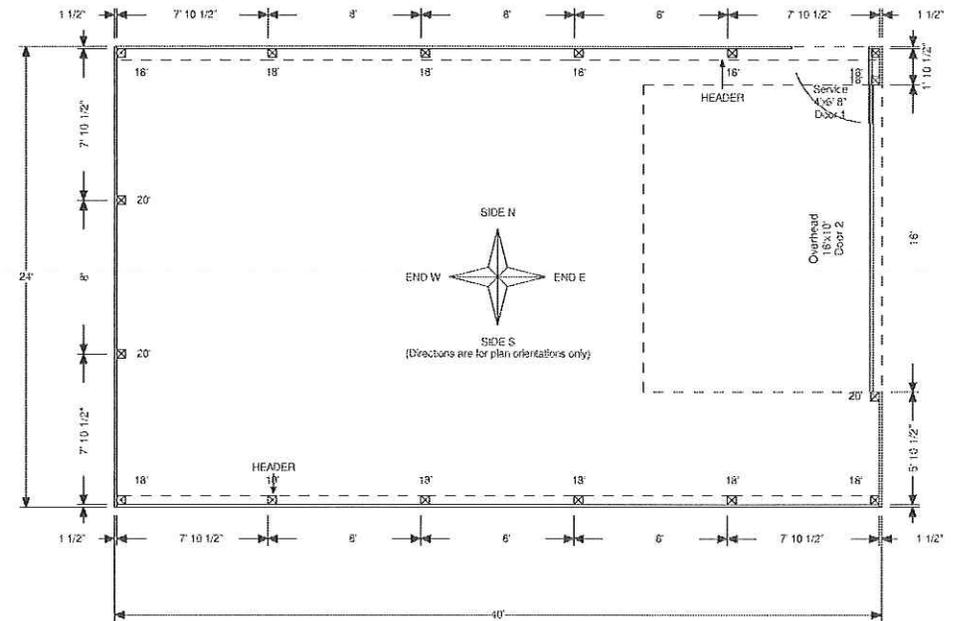


**SCOTT LIGLER
NOBLESVILLE, IN**



Service Doors and Windows Shown for Representation Only. Please Confirm Exact Location at Time of Construction

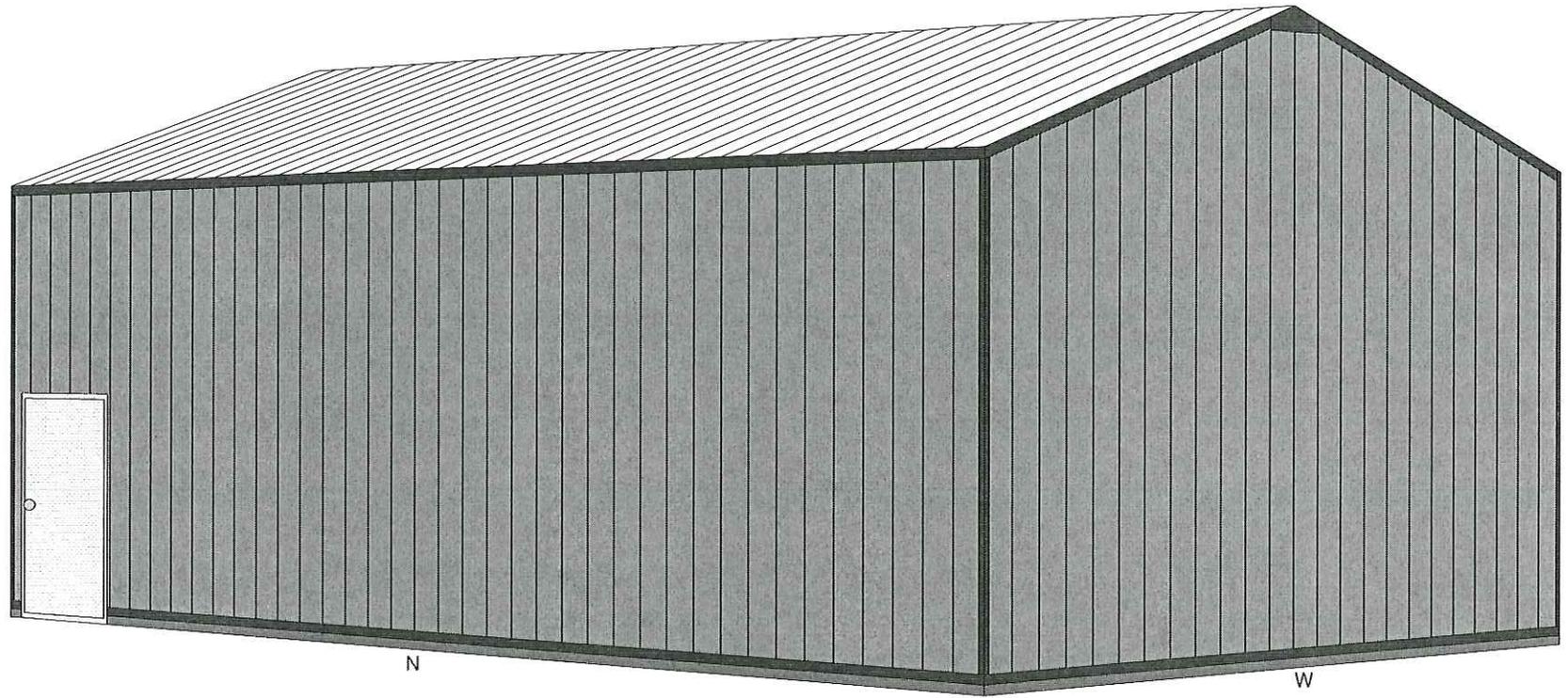
FLOOR PLAN



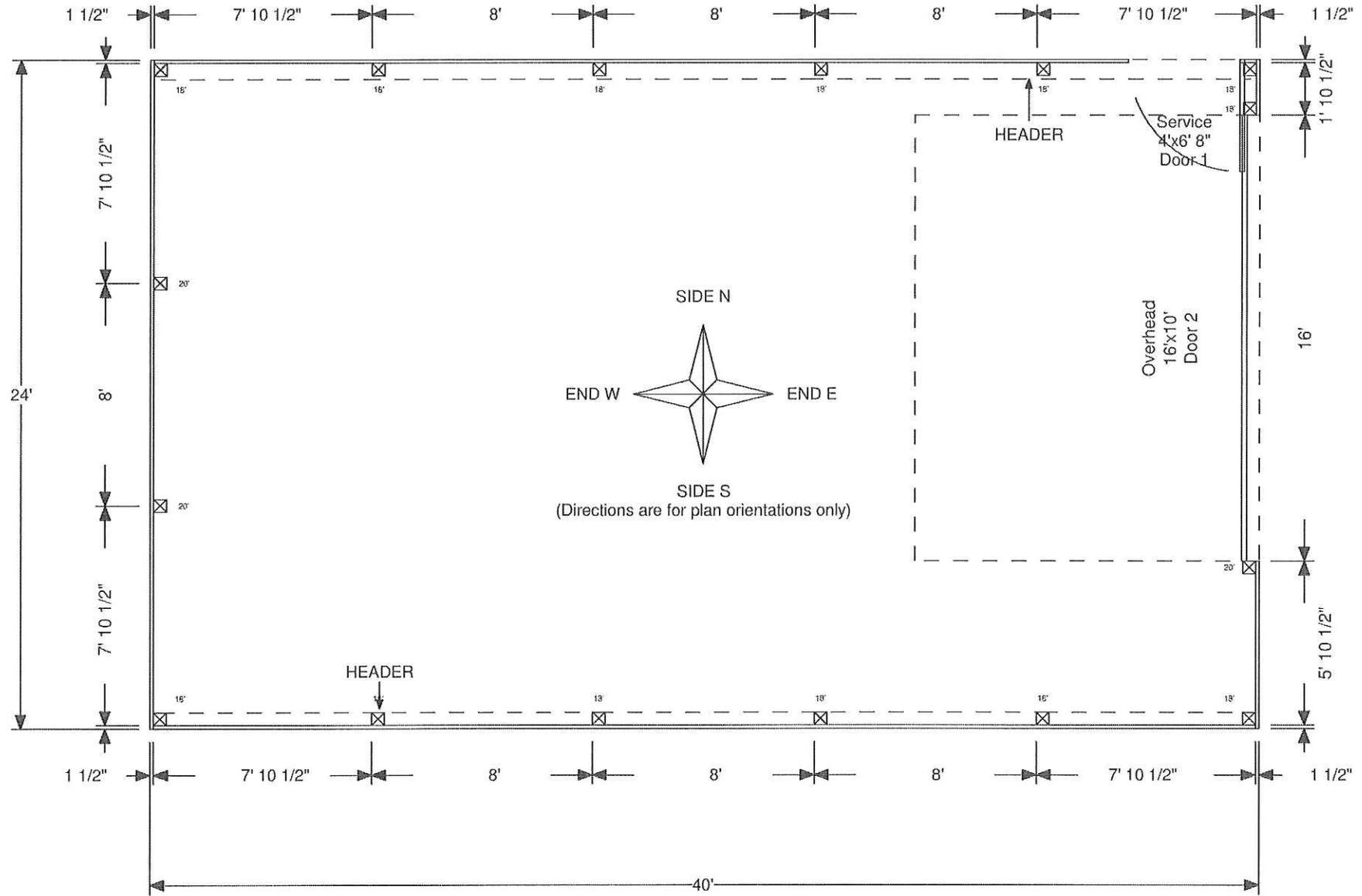
MIDWEST
MINI PRINT
FILE NUMBER: M555279

CREATOR'S
Match lines, steel sizes, and footings are not shown.
ENGINEER AND ARCHITECT'S
MIDWEST INC. is not liable for any errors or omissions in these drawings or for any damage to property or persons resulting from the use of these drawings. Any changes or modifications should be reported immediately to Midwest Mini-Print, 1011 Park Road, Ellettsville, IN 47120.

ADAPTATION AND UTILIZATION OF THIS PLAN
These plans have been specifically prepared to conform to most generally accepted construction requirements throughout North America, however, due to local codes, regulations, and building practices and/or because of specific site conditions, these drawings may not be applicable or legal for use in compliance of the building in all localities. Code quantity, draw size, etc. are not to be used as a guide for construction unless the builder has confirmed their suitability or until the drawings have been brought into conformity with all local requirements.



FLOOR PLAN



WEST FRAMING

