

Agenda Item #4

Case Number	BZNA-0098-2019 BZNA-0099-2019	Property Size	1.31 acres
Address	14602 Scarborough Lane	Zoning	SR (low density suburban one-family residential)
Owner	Devin and Valerie Riley	Reviewer	Oksana Polhuy
Applicant	Devin and Valerie Riley	BZA Meeting	September 9, 2019

Requested Action:

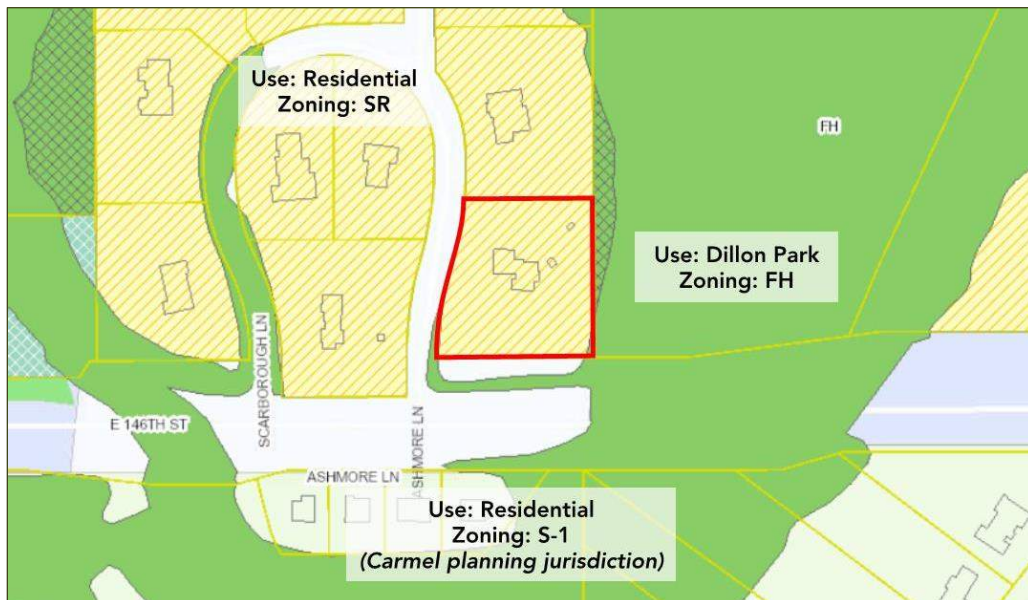
UDO § 9.B.4.O.2.b *Variance of Use* to permit goats and chickens on a residentially platted lot outside of the city limits that is less than 5 acres. *Variance of Development Standards* to permit keeping goats and chickens in a structure without soundproofing and air conditioning located less than 75 feet from the property line.

Recommendation:

Deny. See Findings of Facts for Denial on pages 4-6.

Table of Contents:

1. Staff Report
2. Parcel Map
3. Aerial Map
4. Application
5. Site Plan
6. Site Pictures
7. Neighborhood Pictures
8. Plat of Scarborough Farms
9. Comparison of Chicken and Goat Regulations
10. Support and Remonstrance Letters



ANALYSIS

The subject site is lot 7 in Scarborough Farms subdivision, located on the northeast corner of 146th Street and Scarborough Lane (Exhibits 2, 3 and 8). It is surrounded by the residential uses on all sides, except for the east where it borders Dillon Park. Scarborough Farms is outside of the city limits, while all other properties around are inside of the city limits. The applicant would like to request a variance of use pursuant to UDO § 9.B.4.O.2.b to keep existing chickens and goats that are currently not allowed at the subject site and a variance of development standards to house the animals closer to the property lines than permitted.

The City of Noblesville Planning Department received a complaint at the end of June of 2019 about chickens and goats at the subject property. A code enforcement case was opened, and the property owners were notified of the violation. The property owners decided to apply for a variance in an effort to keep the animals. The staff believes that the property owners asked about whether chickens and goats would be allowed at the subject site last year and received a Variance of Use application, but they didn't apply at that time.

Per UDO §9.B.4.O.2.b, "Hogs, chickens, ducks, goats, sheep, or cow may be permitted on residentially platted lots of at least five (5) acres, located outside of the City limits, provided that structures, pens, or corrals housing animals shall be a minimum of 75 feet from an adjoining property line, except where animals are kept in soundproof air conditioned buildings, in which case the required setback shall be 25 feet."

Inspections Observations

There are currently 8 chickens, no roosters, and 2 fixed goats (one male, one female). An existing shed at the northeast corner of the property was converted into a chicken coop and a new 200-sf mini-barn for goats was installed at the northwest side of the property (Exhibits 5 and 6). The pasture area at the north side of the property is surrounded by a wood and wire 6-ft fence (Exhibits 5 and 6).

The following additional issues were found at the property:

1. A fence around the grazing area was installed without a permit.
2. A chicken coop is about 35.5 feet from the north side property line and 28 from the east side property line, while I's required to be at least 75 feet from all property lines per UDO § 9.B.4.O.2.b. An applicant is seeking a variance of this standard.
3. A 200-sf goat barn:
 - a. Was built in the 50-ft front yard without a permit (Exhibit 5 and 8).
 - b. Doesn't have a permanent foundation as the building code requires.
 - c. Doesn't have air conditioning or soundproofing, which means that this structure is required to be installed at least 75 feet from all property lines. However, it is about 37 feet from the front property line and 28 feet from the north side property line. The variance of development standards is requested to reduce this requirement.
 - d. Is not architecturally compatible with the house as required per UDO § 9.2.G. The barn features a white roof, red board and batten siding and wood siding (Exhibit 6). The house has beige siding, stone masonry façade, and brown roof shingles. The barn is partially shielded by the bushes and trees, but one can still see it from some angles from Scarborough Lane (Exhibit 7), exposing its look and contrast to the house's architecture.

Use Analysis

Out of all residentially-zoned 1,971 lots outside of the corporate limits in the City of Noblesville planning jurisdiction, 22 % (or 440 lots) are 5 acres or more. Thus, the properties where one could have farm animals legally are available in the City of Noblesville planning jurisdiction.

For comparison, properties both in and outside of corporate limits are allowed to have horses and ponies as long as the property is at least 1 acre. Out of all residentially-zoned lots outside of the corporate limits, 55 % (1,080 lots) are permitted to have horses and/or ponies. This share includes the subject property that is allowed to have one horse or two ponies per UDO §9.B.4.O.2.a. Goats are about the same size as ponies, so two goats hypothetically could be allowed at this property.

Comparing Noblesville's regulations of farm animals to other planning jurisdictions around (Exhibit 9) shows that the regulations vary greatly, and there is no uniformity on how to define and regulate farm animals. However, in one way or another, either by regulating a minimum lot size or by regulating the distance from the barns and grazing areas to the property lines or adjacent houses, these regulations require ample space, indicative of a farming community. If the regulations of different planning jurisdictions were applied to the subject lot, it would barely meet the regulations only of Hamilton County (the grazing area is not far enough from the adjacent house).

The staff is not aware of other lots in this subdivision with farm animals. Most lots do not have outbuildings that would house them or fences that would create a pasture/grazing area.

Distance Analysis

Exhibit 5 shows the area where structures with no AC or soundproofing would be allowed. It leaves little area for the animal barns, partially because the house and the pool decking takes up most of the area, and partially because the property is too small to house farm animals. Construction would be possible between the house and 146th street.

If the structures were soundproofed and air conditioned, then they would meet the minimum 25-ft setback requirement. Notwithstanding this minimum setback requirement for the barns housing animals, the goat barn would have to be moved out of the front yard.

A chicken coop in the northeast corner acts like an opaque fence for the grazing area (Exhibit 7). Together with the shrubs, bushes and trees, it shields the view onto the grazing area from the park trail. Due to that, the location of the coop, while not meeting the minimum 75-ft requirement, serves an aesthetic value. It is close enough for people on the trail to hear animal noises, though.

The goat barn must be moved out of the front yard. However, if it is relocated anywhere in the current grazing area, it still will not meet the minimum 75-ft setback from the northern side property line, because 75 feet from the northern property line lands into the pool.

Covenants Restrictions

Scarborough Farms covenants recorded on the plat do not permit outbuildings and fences (Exhibit 8). The city cannot enforce these covenants, but they are attached for awareness.

VARIANCE OF USE FINDINGS

AGENDA ITEM #4:

If the Board should decide to DENY the requested variance, please use the following findings of fact:

The Noblesville Board of Zoning Appeals is authorized to approve or deny variances of use from the terms of the zoning 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) conditions are met (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:

It is likely that this variance will NOT be injurious to the public health, safety, morals, and general welfare of the community. Two goats are equivalent to two ponies that are allowed at this property. Two goats and eight chickens is small enough of a quantity that should not create a significant nuisance.

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 need for the variance arises from some condition peculiar to the property involved:

The need for the variance does NOT arise from a condition peculiar to the property involved. The size of the property is not a peculiar condition. It is a way to define the density and character of a community where farm animals are currently allowed in the City of Noblesville planning jurisdiction.

4. 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 NOT result in practical difficulties in the use of the property. Pets are allowed at this property. While removing existing animals is emotionally difficult, it does not constitute a hardship. The property owners learned what the ordinance regulations are and nevertheless, created a hardship themselves.

5. The approval does not interfere substantially with the comprehensive plan adopted by the Noblesville Plan Commission and Council:

The approval does not interfere substantially with the comprehensive plan. Keeping a few farm animals is compatible with the Suburban Residential zoning district character that is recommended for this area in the future.

RECOMMENDATIONS

AGENDA ITEM #4:

DENY the requested Variance of Use 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 to the area adjacent to the property will not be affected in a substantially adverse manner;
- **The need for the variance does not arise from some condition peculiar to the property involved;**
- **The strict zoning ordinance will not constitute an unnecessary hardship if applied to the property for which the variance is sought;**
- The approval does not interfere substantially with the comprehensive plan adopted by the Noblesville Plan Commission and Council.

VARIANCE OF DEVELOPMENT STANDARDS FINDINGS

AGENDA ITEM #4:

If the Board should decide to APPROVE the requested variance, please use the following findings of fact:

The Noblesville Board of Zoning Appeals is authorized to approve or deny variances of use from the terms of the zoning ordinance. **The BZA may impose reasonable conditions as part of its approval. A variance of development standards may be approved only upon a determination in writing that the following three (3) conditions are met (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:

It is likely that this variance will NOT be injurious to the public health, safety, morals, and general welfare of the community. The current location of the chicken coop functions as screening of the grazing area together with the existing landscaping. The distance from the goat barn to the property lines, while not meeting the regulation, is far enough from the surrounding properties to not adversely affect the public welfare, health, or safety.

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 NOT result in practical difficulties in the use of the property. If the use was allowed, there are ways to reposition the goat barn and chicken coup and install proper screening in a way that meets the minimum required setback. Also, air conditioning and soundproofing can be added to both structures and by that, they would meet the minimum 25-ft setback requirement.

RECOMMENDATIONS

AGENDA ITEM #4:

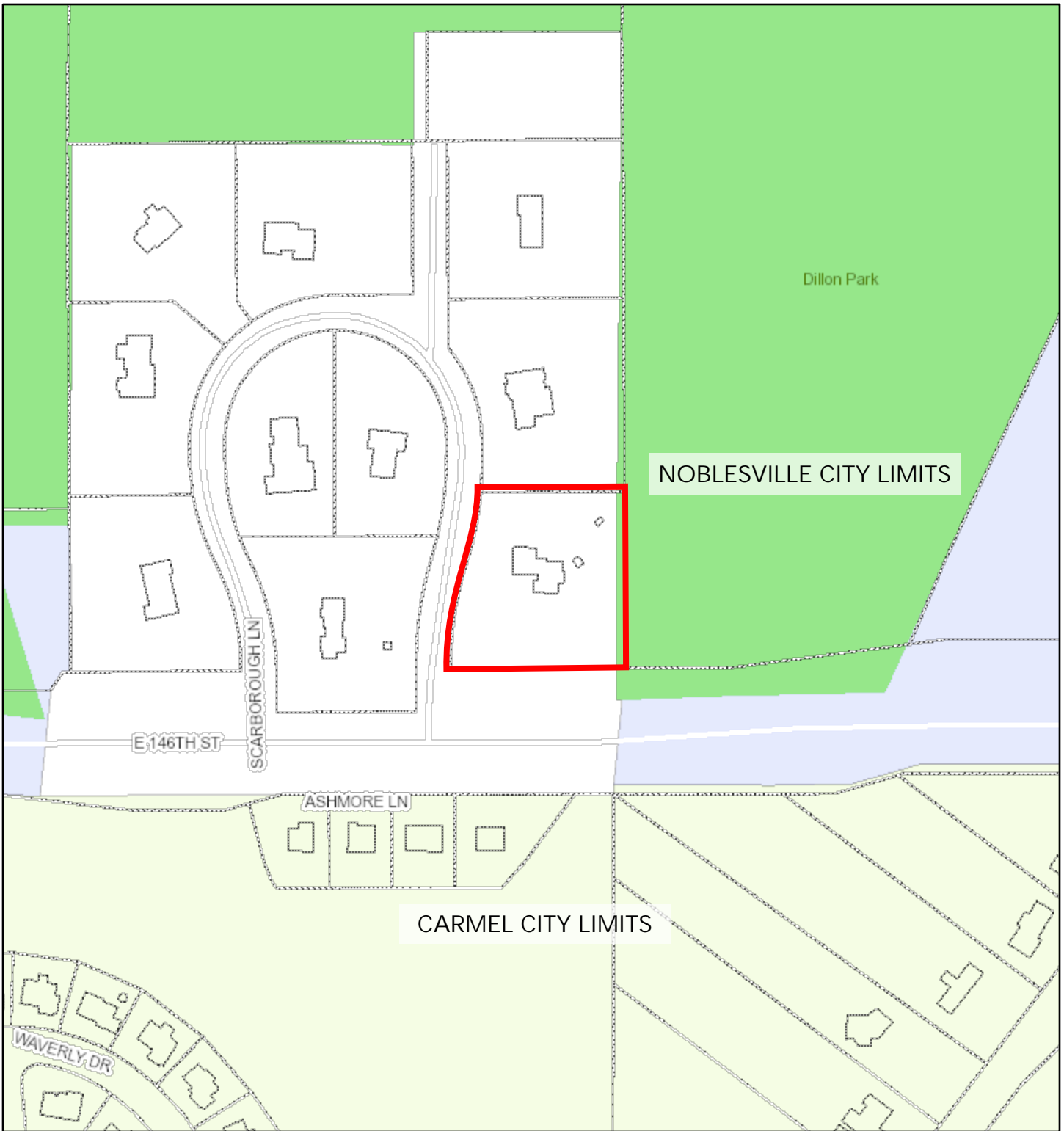
DENY the requested Variance of Development Standards based upon the following findings of fact:

- The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- The use and value to the area adjacent to the property will not be affected in a substantially adverse manner;
- The strict zoning ordinance will not constitute an unnecessary hardship if applied to the property for which the variance is sought.

If the Board should decide to approve the variance of use and development standards, please include the following specific conditions:

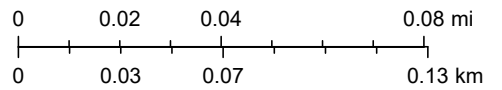
1. The approval of this variance shall not supersede any rights or restrictions imposed by the covenants and rights applicable to all lots in Scarborough Farms subdivision.
2. The maximum number of goats and chickens shall be two (2) goats and eight (8) hens. No roosters are allowed. No other farm animals are allowed.
3. Any produce from the animals shall be for personal use only.
4. The goat barn shall be moved out of the front yard. The suggested location is north of the swimming pool, about 60-75 feet east of the west front property line.
5. The goat barn's red siding shall be painted in a color that matches the house architecture (e.g., earth tones like browns, greys).
6. 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.
7. 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.

EXHIBIT 2. PARCEL MAP



August 6, 2019

1:2,400



- centerlines
- Buildings
- Parcels

EXHIBIT 3. AERIAL MAP



August 6, 2019

1:2,400

- centerlines
- Parcels

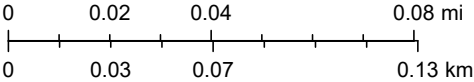


EXHIBIT 4. APPLICATION

CITY OF NOBLESVILLE ♦ VARIANCE OF USE APPLICATION



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

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.

Demica Valerie Riley

Northside Mental Health

6507 Ferguson Street
Suite 201
Indianapolis, IN 46220
317.253.0568

NorthsideMentalHealth.com

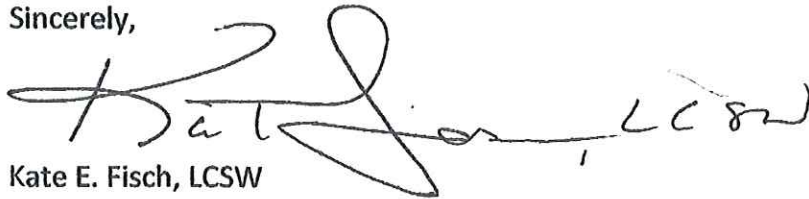
July 24, 2019

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

1500
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
HER ATTORNEY IN FACT

Printed: Joyce A. Keller
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

2148201
FA742383



CITY OF NOBLESVILLE
BOARD OF ZONING APPEALS
VARIANCE OF DEVELOPMENT STANDARD APPLICATION

Application Number: BZNA-0099-2019

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: 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@yc.hoo.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

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):

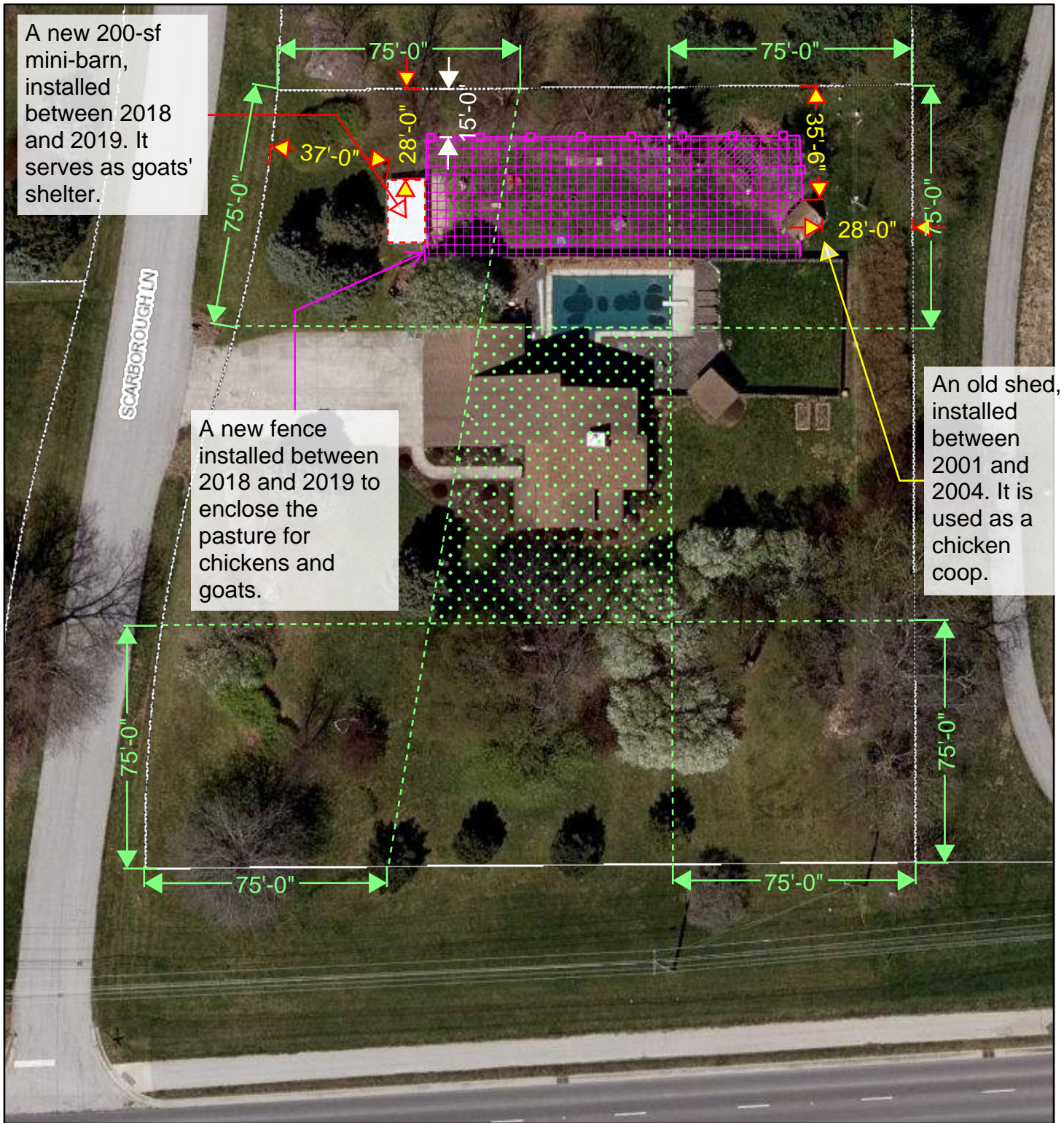
1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Explain why this statement is true in this case:

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 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:

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. Getting rid of these animals, which are pets and loved by every member of our family, will be devastating emotionally but especially to me as they are my emotional support animals. Please see attached letter. 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. I’d like to know how other communities compare with Noblesville’s standards on this issue.

EXHIBIT 5. SITE PLAN



A new 200-sf mini-barn, installed between 2018 and 2019. It serves as goats' shelter.

A new fence installed between 2018 and 2019 to enclose the pasture for chickens and goats.

An old shed, installed between 2001 and 2004. It is used as a chicken coop.

September 3, 2019

1:540

- centerlines
- Parcels
- Grazing area
- An area 75 feet from all property lines

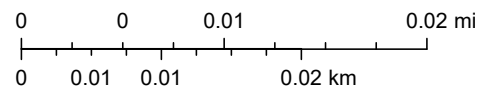
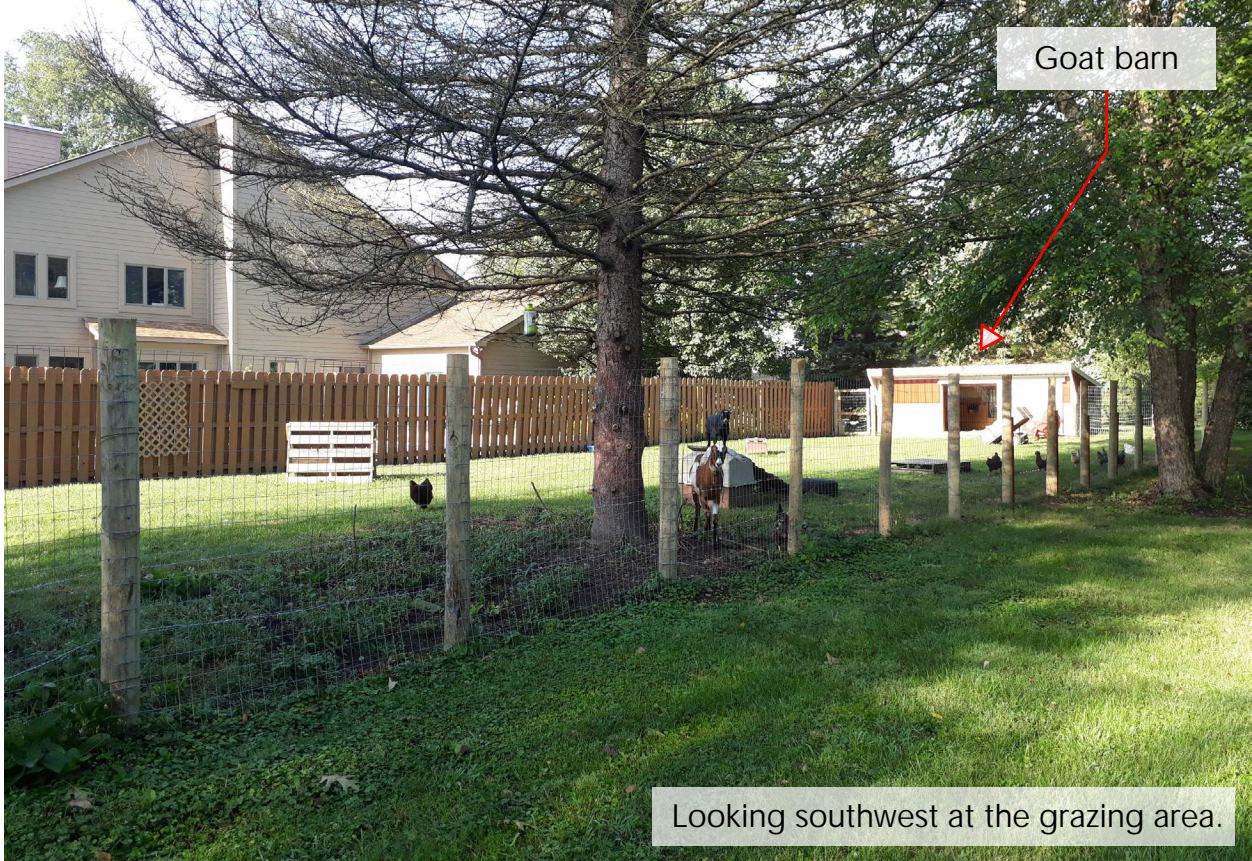


EXHIBIT 6. SITE PICTURES







Looking north at the subject site from 146th Street.



Looking west along 146th Street.



Southwest corner of the subject site at the corner of 146th St. and Scarborough Ln.



Looking northeast from the southwest corner of the property.



EXHIBIT 7. NEIGHBORHOOD PICTURES









Scarborough Lane, looking north.



Property across the street to the west of the subject site.

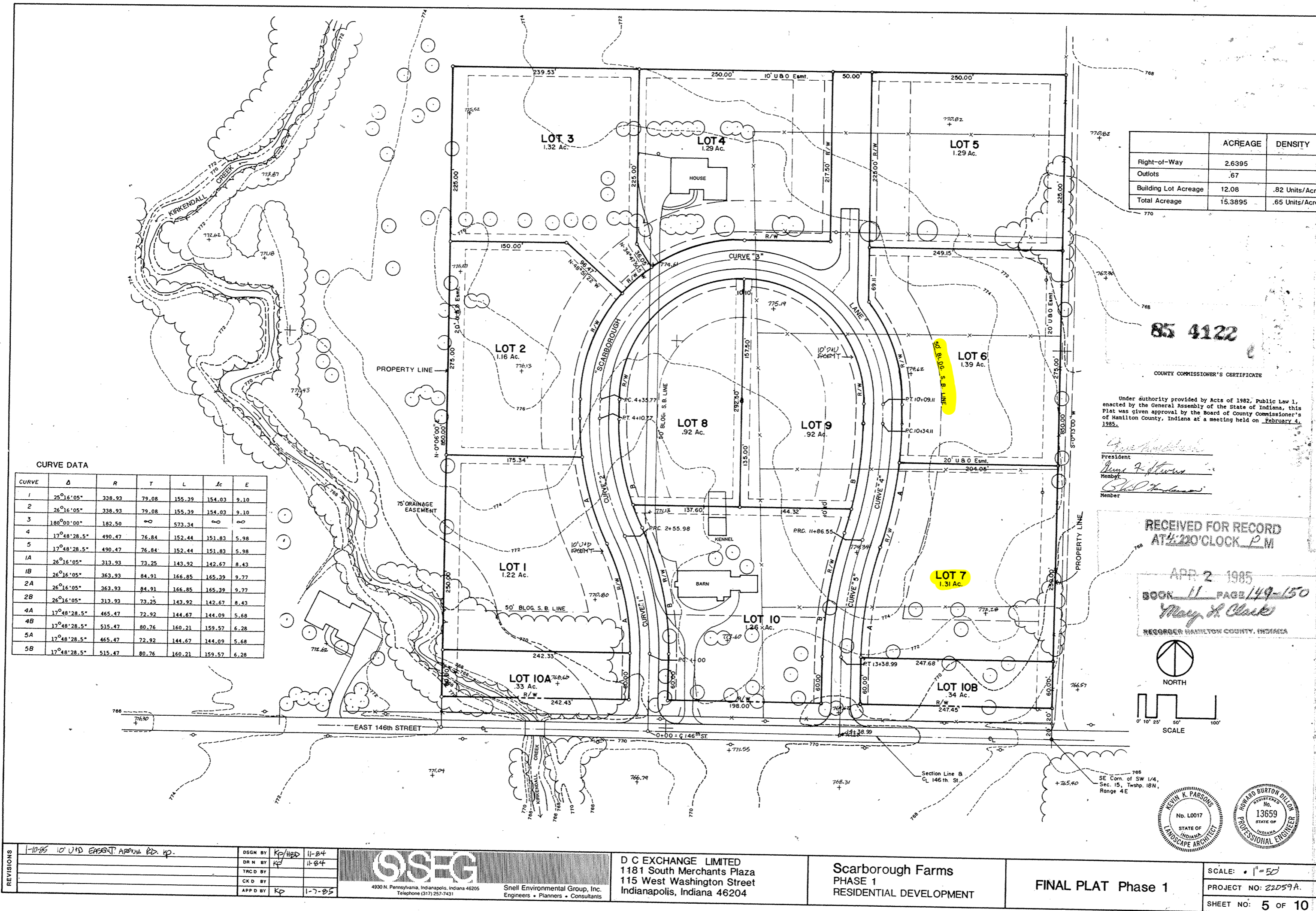


Property across the street to the west of the subject site.



Scarborough Lane, looking south.

EXHIBIT 8. SCARBOROUGH FARMS PLAT



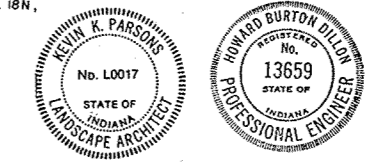
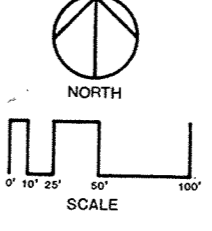
85 4122

Under authority provided by acts of 1982, Public Law 1, enacted by the General Assembly of the State of Indiana, this Plat was given approval by the Board of County Commissioners of Hamilton County, Indiana at a meeting held on February 3, 1985.

[Signature]
President
[Signature]
Member

RECEIVED FOR RECORD
AT 2:20 O'CLOCK P.M.

APR 2 1985
BOOK 11 PAGE 149-150
May H. Clark
RECORDER HAMILTON COUNTY, INDIANA



REVISIONS 1-10-85 10' U/D EASEMENT ARROW RD. 10' 11-11-85 11-11-85 11-11-85	DSGN BY: Kp/hsd 11-84 DRN BY: Kp 11-84 TRC'D BY: CK'D BY: APP'D BY: Kp 1-7-85	 4930 N. Perryway Indianapolis, Indiana 46205 Telephone (317) 257-7431 Snell Environmental Group, Inc. Engineers • Planners • Consultants	D C EXCHANGE LIMITED 1181 South Merchants Plaza 115 West Washington Street Indianapolis, Indiana 46204	Scarborough Farms PHASE 1 RESIDENTIAL DEVELOPMENT	FINAL PLAT Phase 1	SCALE: 1" = 50' PROJECT NO: 22059A SHEET NO: 5 OF 10
--	---	---	---	---	--------------------	--

2 April 85

150

DEED OF DEDICATION

We, the undersigned, D. C. Exchange Ltd, Inc., owners of the real estate shown described herein, do hereby lay off, plat and subdivide said real estate in accordance with the herein plat.

This subdivision shall be known and designated as Scarborough Farms, Phase 1, an addition to Noblesville Township, Hamilton County, State of Indiana. All streets and alleys (designate as public) and public open spaces shown and not heretofore dedicated are hereby dedicated to the public.

Front and side yard building setback lines are hereby established as shown on this plat, between which lines and the property of the streets there shall be erected or maintained no building or structure.

Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities or which may change the direction of flow of drainage channels in the easements or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.

Private streets, as shown on this plat, are to be maintained by the owners or future homeowners association. All plans must be per an AIA architect and must meet the highest standards of residential building permit requirements within Hamilton County and satisfy all other laws, codes and conditions. All buildings and structures must have a foundation or full basement. All systems, septic tanks, and other sewer and drainage shall conform to all County and Health and Hospital Corporation Codes and shall be compatible for connection with a public system. All building must be performed by a licensed contractor. No buildings or structures shall be pre-fabricated or modular units. No outbuilding structures shall be erected within this subdivision. No detached garages shall be erected within this subdivision. All buildings or structures shall have a minimum habitable floor area of two thousand six hundred (2600) square feet. No fencing shall be erected other than that called for in the original plans labeled Scarborough Farms Development, Phase 1.

The foregoing covenants or restrictions are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 2015, at which time said covenants or restrictions shall be automatically extended for successive periods of ten (10) years unless by vote of a majority of the owners of the building sites covered by these covenants or restrictions, it is agreed to change such covenants or restrictions in whole or in part.

Invalidation of any one of the foregoing covenants or restrictions by judgments or court order shall in no way affect any of the other covenants or restrictions which shall remain in full force and effect.

The right to enforce these provisions by injunction, together with the right to cause the removal by due process of law of any structure or part thereof erected or maintained in violation hereof, is hereby dedicated to the public, and reserved to the their heirs and assigns.

WITNESS OUR HANDS AND SEALS this 4th day of February, 1985.

John C. Nicholas, President
D. C. Exchange Ltd, Inc.

STATE OF INDIANA }
COUNTY OF HAMILTON } SS:

Before me, the undersigned Notary Public, in and for the County and State, personally appeared John C. Nicholas, and acknowledged the execution of the foregoing instrument as his voluntary act and deed, for the purpose therein expressed.

WITNESS MY HAND AND NOTARIAL SEAL this 4th day of February, 1985.

Debra Lynn Shuldy
Notary Public

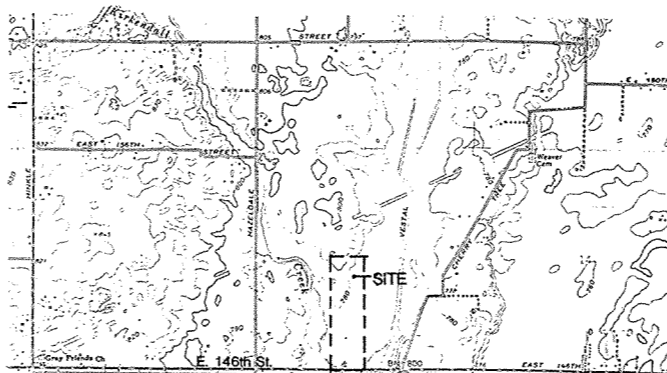
RESIDING IN Darwin COUNTY.

MY COMMISSION EXPIRES 12/1/87

LEGAL DESCRIPTION - PHASE 1 PLAT

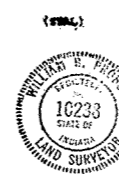
Legal description of subdivided land known as Scarborough Farms Phase 1 in Hamilton County, in the State of Indiana: A part of the Southwest Quarter of Section 15 Township 18 North Range 4 East in Hamilton County, Indiana, more particularly described as follows:

"Beginning at the Southeast corner of the Southwest Quarter of Section 15 Township 18 North Range 4 East thence West along the South line of said Quarter Section 787.88 feet to a point; thence North 89° 04' minutes East, 955 feet along the Owner's West property line to a point; thence East and parallel with the South line of said Quarter Section a distance of 787.82 feet to a point in the East property line of the Owner's land. Thence South 20° 13' minutes West along the Owner's East property line to the southeast corner of said Quarter Section and the point of beginning, containing 15.3895 acres more or less subject to the right-of-way of 146th Street and 15.3895 acres more or less subject to the right-of-way of Scarborough Farms as broken down into twelve (12) lots which are recorded in dimension and size with access via an internal roadway system as shown on the enclosed subdivided plat. Individual lot areas are shown for each of the lots with easements for utility and drainage and right-of-way for roadway systems.

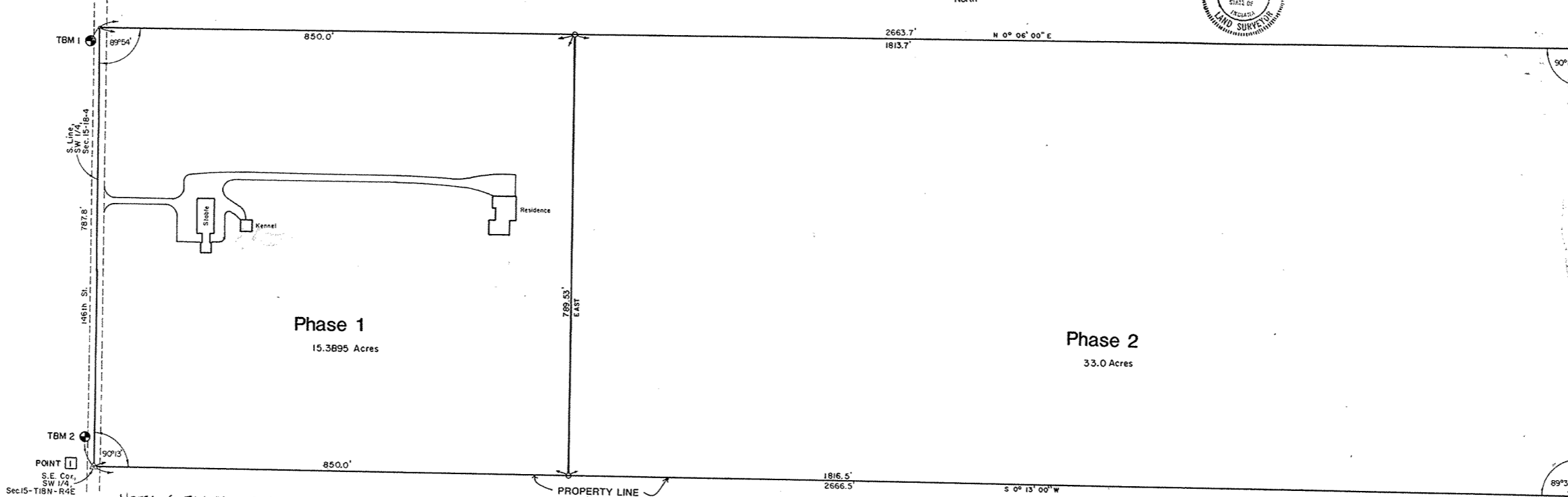


LOCATION MAP

FIELD SURVEYOR'S CERTIFICATE
I, William B. Probst, hereby certify that I am a Registered Professional Land Surveyor, licensed in compliance with the laws of the State of Indiana that this plat represents a subdivision of a part of the SW Quarter of Section 15, Township 18 North Range 4 East, Noblesville Township, Hamilton County, Indiana, as described on the left of this page.
This subdivision consists of 12 Lots, numbered from 1 to 12, inclusive. All dimensions are shown in figures denoting feet and decimal parts thereof. All bearings are shown in figures denoting degrees, minutes, and seconds.
Monuments shown thereon actually exist or a Bond has been posted to cover the later installation of these monuments; and that the size, location, type and material are accurately shown.
This Survey was made by me on January 3, 1985.



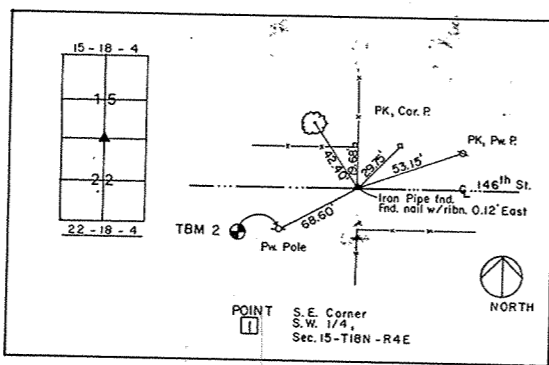
William B. Probst, L.S.
10278 State of Indiana



NOTE: SOUTH LINE OF SW 1/4 SECTION 15-18-4 IS ASSUMED EAST-NORTH

BOUNDARY SURVEY SCARBOROUGH FARMS

SCALE: 1"=100'



- TBM 1 - PK nail found in north face of telephone pole 152 south of E of 146th Street 762 West of S.E. corner S.W. 1/4 of Section 15 T18N - R4E. Elevation 712.53'.
- TBM 2 - PK nail found in north face of telephone pole 64 West and 164 South of S.E. corner of S.W. 1/4 of Section 15 - T18N - R4E. Elevation 748.17



RECEIVED FOR RECORD
APR 2 1985
BOOK 11 PAGE 150
Mary H. Clarke
RECORDER HAMILTON COUNTY, INDIANA

Note: Boundary Survey furnished by Owner as recertified by Richard H. Stoppelwerth, Registered Land Surveyor #10331, December 28, 1977

EXHIBIT 9. COMPARISON OF FARM ANIMALS REGULATIONS WITH NEARBY COMMUNITIES

Comparison of Chickens Regulations					
	Noblesville	Fishers	Carmel	Westfield	Hamilton County
Zoning district restriction	No restriction	Restricted to properties in Agricultural (AG), Estate Rural (ER), and Open Space (OS) zoning districts.	Permitted in all residential and business zoning districts given other regulations below are met.	If there are 3 or less chickens, then no zoning district restriction. AG-SF1 (agricultural single family zoning district, if part of livestock (agricultural use)). Kennel, a use having 4 or more of dogs, chickens, cats, rabbits, etc., goes through a Special Exception procedure in AG-SF1, E1 and O1 zoning districts.	All agricultural districts and R-1 residential districts.
Minimum required lot size	5 acres	5 acres	None if 6 hens or less. 3 acres if more than 6 hens.	None	None
# of hens restriction	None (for personal use)	In ER: 0.75 FAU*/acre In AG & OS: 1 FAU*/acre	6 hens on lots less than 3 acres. If more than 6 hens, then no clear restriction for personal use.	If located in AG-SF1, then no restriction for personal use. If located elsewhere – maximum 3.	A chicken = 0.05 animal unit. Properties are assigned a total allowed animal units. E.g., properties 1.0-1.49 acres are allowed 2 animal units, which would allow maximum 20 chickens (but no other animals)

Rooster restrictions	Nothing specific	Nothing specific	Allowed only in AG-1 agricultural primary zoning district <i>per city code</i> . But UDO does not have AG district anymore...	Nothing specific	Are allowed on properties 10 acres and more.
Minimum distance from the property line to a structure with the farm animals.	75 feet if the structure is not air-conditioned and soundproofed; 25 feet for soundproof and air conditioned structure.	200 feet in AG district, 100 feet in EZ district; unless the property borders a lot with a similar use (then, the district's setback regulation is used).	If 6 chickens or less, then a regular accessory structure setback. If more, then the accessory structure &/or underlying zoning district setback requirement(s).	The accessory structure &/or underlying zoning district setback requirement(s).	125 feet from the grazing/pasture area and 75 feet from the structure housing animals to the adjacent neighboring house(s).
		*FAU – farm animal unit; Chicken = 1/3 FAU			

Comparison of Goats Regulations

	Noblesville	Fishers	Carmel	Westfield	Hamilton County
Zoning district restriction	No restriction	Restricted to properties in Agricultural (AG), Estate Rural (ER), and Open Space (OS) zoning districts.	Permitted in all residential and business zoning districts given other regulations below are met.	AG-SF1 (agricultural single family zoning district, as part of livestock (agricultural use)).	All agricultural districts and R-1 residential districts.
Minimum required lot size	5 acres	5 acres	3 acres	None	None
# of goats restriction	None (for personal use)	In ER: 0.75 FAU*/acre In AG & OS: 1 FAU*/acre	None (for personal use)	None (for personal use)	Properties are assigned a total allowed animal units. A goat = 0.1 animal unit. E.g., properties 1.0-1.49 acres are allowed 2 animal units, which would allow maximum 10 goats (but no other animals)
Minimum distance from the property line to a structure with the farm animals.	75 feet if the structure is not air-conditioned and soundproofed; 25 feet for soundproof and air conditioned structure.	200 feet in AG district, 100 feet in EZ district; unless the property borders a lot with a similar use (then, the district's setback regulation is used).	Nothing specific to farm animals. The underlying zoning district's setbacks apply.	Nothing specific to farm animals. The underlying zoning district's setbacks apply.	125 feet from the grazing/pasture area and 75 feet from the structure housing animals to the adjacent neighboring house(s).
		*FAU – farm animal unit; Goat = 1 FAU			

EXHIBIT 10

SUPPORT AND REMONSTRANCE LETTERS

SCARBOROUGH FARMS

Ms. Oksana Polhuy
Associate Planner
Noblesville Planning Department
16 South 10th Street
Suite 150
Noblesville, IN 46060

Aug 28, 2019

Thanks again for your time meeting with me yesterday to review the "Family Farms" positive aspects within Scarborough Farms !!! As the original co-developer of Scarborough Farms, I sold 8 of the 10 lots, my partner sold the other 2 Lots. We purchased our home on Lot # 1 in 1987 - and still live here on the property full time today.

I believe I know "home values" in this area very well after 32 years.

We discovered when the first home sold here in 1987 - there was NO flood insurance program within Hamilton County. So, I paid in 1987 (about \$5,000 dollars) for the Hamilton Country Flood Insurance program to be implemented within Hamilton County. I personally dug the trenches for the electric and phone crossings under Scarborough Lane road bed. Very active in the construction of this development.

In 2002 - we were all offered \$400,000 per Lot/home from Mayfield Development as a buyout. Gail King was offered \$600,000 (she has the extra 1-acre side lot). As all this property would be developed into the Kroger shopping center. This was an all 10 Lots or nothing offer. Gail and her 2 "friends" tried to get us 7 & to sell out at \$400,000 and those 3 wanted \$1,000,000 each. Of course the sale did NOT happen.

The original covenants clearly state NO Fences or Outbuildings permitted. We did have a couple of home owners association meeting in 1987 and 1988, flood insurance program and approved a fence for Lot # 3.

Over the last 32 years, everyone has been respectable of each other's needs. Gail put in ~550 feet of fences for her dogs, and no one objected. There have been 4 out buildings constructed in the last 30 years - and no one objected. Several yards have fences now, and no one objected. All done in a respectful and home value increasing manner.

I believe the animals (chickens and goats) INCREASE our home values here within Scarborough Farms. Since Lots are an average of 1 1/4 acre in size - they provide with the large Lots the land opportunity to have large gardens and small animals to grow your own food !! WOW – what a marketing tool !!! You can't do this in most other developments in Noblesville !!!

Here are some photos' that support the increasing values:

- #1 - Photo driving on Scarborough Lane towards the goats.
- #2 - Front of goats. (Shed and goats behind the trees)
- #3 - Gail driveway exit towards goats
- #4 - Street intersection from Gail drive onto Scarborough Lane looking towards goats

These goats and chickens do NOT reduce property values here - they INCREASE HOME VALUES here within Scarborough Farms !!!

From a Home value standpoint - I would like to point out several specific issues with Gail King's property that affect her home (and everyone's) home values:

- #5 - Cracked driveway
- #6 - Fences with No Trespassing signs every 10 feet. (112 of them)
- #7 - West black fence
- #8 - North black fence
- #9 - Corner North of fences

Sailor – Page # 2

Photo's #

- # 10 - Corner east white fence
- #11 - East white fence
- #12 - Back porch - very small
- #13 - Backyard dirt – no grass
- #14 - Burn pile – many chemicals burned here
- #15 - propane tank – right by garage - seen every time you drive in

My side comments are:

- 1) All the No Trespassing signs are confusing to future buyers of any Lot within Scarborough Farms - do we have a break in / crime problem in this area???
I agree - she does NOT have to let anyone on her property. But 112 signs are a little over kill.
- 2) Photo # 14 Burn Pile - Gail and Kevin had a pool supply business and burned many chlorine and acid containers and other plastic bottles and buckets in this burn pile. I remember seeing blue and green flames from this burn pile fire on a weekly basis.
- 3) Gail spent \$150,000 for a room addition - with a 25-foot square back porch - and no grass !! Photo #13.
- 4) Gail could have sold in 2002 for \$600,000 (Kevin divorced her when she would not sell) and now after \$150,000 room addition the home is worth \$375,000. Loss of \$225, 000.
- 5) Gail has been fighting with the City, Parks Department and Planning Department for the past 19 years. Against the Kroger store going in, against Dillon Park going in.
- 6) There is no ground water damage from the goats / chickens - anymore than Gail's dog do. She is over 350 feet away from them !!!
- 7) Gail has called Animal Control on Cooper – the dog that lives on Lot 10. He is a great dog and very well kept !!
(SIMPLY Gail needs to stay out of other people's lives – and take care of her own)

I look forward to the meeting Sept 9 and keeping the goats and chickens within Scarborough Farms.
My Grandson loves feeding them – and Cooper !!!

Thanks,

W. Rick Sailor
14626 Scarborough Lane
Noblesville, IN 46062

Scarborough Farms Co-Developer
Home owner on Lot # 1 for 32 years





August 28, 2019

To: Noblesville Board of Zoning Appeals

Regarding: Application BZNA-0098-2019

BZNA-0099-2019

Applicant: Devin Riley

Property Owners: Devin and Valerie Riley

Issue: The Riley's have applied for a variance which would allow them to house farm animals on their Noblesville residential property in violation of existing neighborhood covenants and city/county laws involving farm animal ownership and husbandry.

To Whom it May Concern:

I am a resident of Scarborough Farms North and am respectfully asking for your assistance in denying approval of the above stated property variance request. My rationale for this request is as follows.

- 1.) The variance request being made by the Riley's, if approved, could change the entire residential landscape of Noblesville and Hamilton county. In short, do our elected officials want anyone wanting farm animals and their related outbuildings to be permitted on residential properties at will? If a resident can simply build a goat barn at the end of their residential driveway and convert a potting barn into a chicken coop, then any neighbor can put a swine or donkey barn on their residential property at the end of their driveway. Where would this end?
- 2.) The Riley request for this variance exists because a.) They didn't read their legal documents which stipulated the neighborhood covenants when they purchased their home. b.) They didn't read the easily accessible online city/county documents which clearly state requirements/ordinances for acquiring farm animals. C.) Regardless of laws and covenants, they believe their daughter should be permitted to retain farm animal "pets" regardless of their negligence (A and B above) and at the expense of area residents' home values.

Specifically, the Riley's have violated and intentionally disregarded Hamilton County Ordinances on stables and animals pens which prohibits chickens and goats on a plated lot unless it is five

(5) acres or more and located outside the city limits and then provided that these structures, pens, corrals are a minimum of seventy-five (75) feet from the adjoining property line. (Reference: Hamilton County Ordinance, Section 4 on Accessory Uses Permitted Regulations Specific to Particular uses. Subsection 0.2. Additionally, they are in violation of City ordinances and subdivision covenants. Subdivision covenants specifically state outbuildings are not permitted in Scarborough Farms and also stipulate that, "the right to enforce these provisions by injunction, together with the right to cause the removal by due process of law of any structure or part thereof erected or maintained in violation hereof, is hereby dedicated to the public and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns."

When the Rileys were made aware of these violations in October of 2018 in writing, in addition to the legally recorded deed documents given to them when they purchased their home, they disregarded the request to remedy their violations and willfully elected to continue housing their farm animals in out buildings.

- 3.) Scarborough Farms is an established residential neighborhood that borders Dillon Park. The park's department has been very appreciative of residents who have kept up their property to compliment the beauty of this city park. In contrast, the Riley's property detracts from both the neighborhood and the park as is evident by their large chicken coop, goat barn, dead trees, overgrown weeds, yard appearance and landscaping. (Reference: enclosed pictures which show what parkgoers see when they are on Dillon Park's walking/bike path located behind the Riley property.) As a result, the current state of the Riley property does NOT meet the minimum expected standards of residential properties located within Noblesville/Hamilton County.
- 4.) The City/County websites CLEARLY state what the laws are involving farm animals, lot size, setback requirements, air conditioning etc. This information is clear and easily accessible online. Valerie Riley stated the following to me, "I didn't read the requirements right." Regardless of this, the covenants, and the negative impact on area homes and the park, she stated her clear desire to keep farm animals in our residential neighborhood. Her expressed rationale was that she didn't want her daughter to lose her pets.
- 5.) The Riley's placed their goat barn at the end of their driveway, alongside their garage. Both sit in front of the main entrance of their house. Therefore, anyone driving down Scarborough Lane, sees a red goat barn and the end of their driveway. This also appears to be an additional violation of local ordinances but is not mentioned in the variance application. The red goat barn currently has several trees in front of it which are dying. It is made of farm quality material and does not compliment the stone, brick and cedar architecture of their house or neighborhood.

- 6.) The farm fencing the Riley's installed is also in violation of neighborhood covenants.
- 7.) The chicken coop has fairly large glass windows in it. The goat barn has metal wall components. Since the dead and dying trees on the Riley property have not been removed, the blistering summer sun may very well pose a health threat to the animals. The Riley's have asked for a variance which would NOT require them to provide air conditioning for their animals. This is not responsible animal husbandry by any standard.
- 8.) Local ordinances stipulate that farm animals need to be on property of at least 5 acres. The Riley lot is 1.31 acres. The farm animals they own are located on a very small portion of their 1.31 acre lot; approximately 1/8 of an acre.

The Riley's have tugged at the heart strings of well-intentioned neighbors regarding wanting to keep their farm animals as pets for their daughter. In the process however, they have ignored their adult responsibilities of home ownership including covenants, farm animal ownership and husbandry, setback lines and common sense "ask before you build" a goat barn at the end of your driveway approach. In the process, their lack of responsibility has caused unnecessary issues and expense amongst residents. One recent example was a resident who believed that because the Riley's had outbuildings on their property, they should be allowed to ignore covenants and have an outbuilding on their property. One could easily imagine approval of this variance causing other residents throughout Noblesville to believe the same thing when it comes to both outbuildings and farm animals.

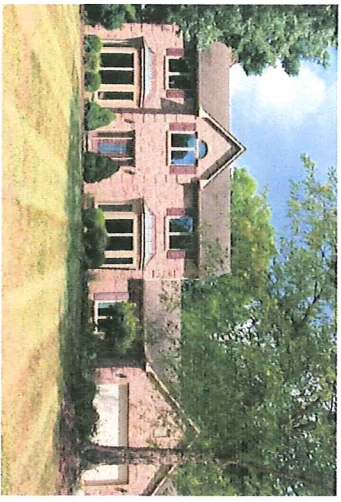
I believe when the average person considers losing tens of thousands of dollars off of their property's value vs. allowing their neighbor to keep farm animals against covenants and city/county laws, they will quickly decide protecting their property values is the higher priority.

We unfortunately live in a world of me, myself and I. As a result, people ignore the harm they may cause their neighbors and residents of a county in lieu of their own wants and desires. I respectfully ask that you deny this variance request and honor the laws and ordinances of Noblesville and Hamilton County. They were put in place for very important reasons and are appreciated by residents such as myself. I also have every confidence the park's department would appreciate any actions you may be able to take which would help protect the beauty of Dillon Park and its surrounding area.

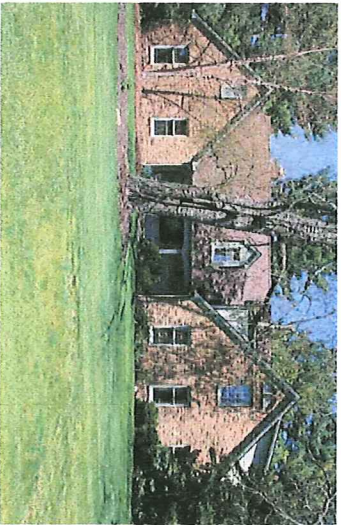
Sincerely,


Gail King

Scarborough Neighborhood Homes - Front House View (Does Not Include Riley Home)



14601 Scarborough Lane N



14614 Scarborough Lane N



14618 Scarborough Lane N



14605 Scarborough Lane N



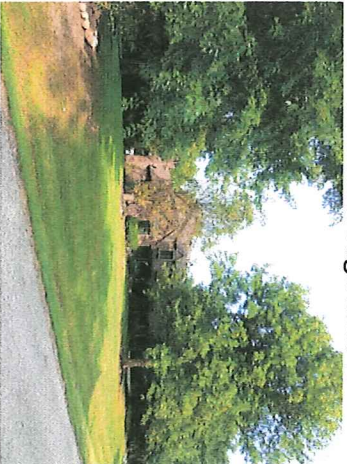
14606 Scarborough Lane N



14710 Scarborough Lane N



14621 Scarborough Lane N

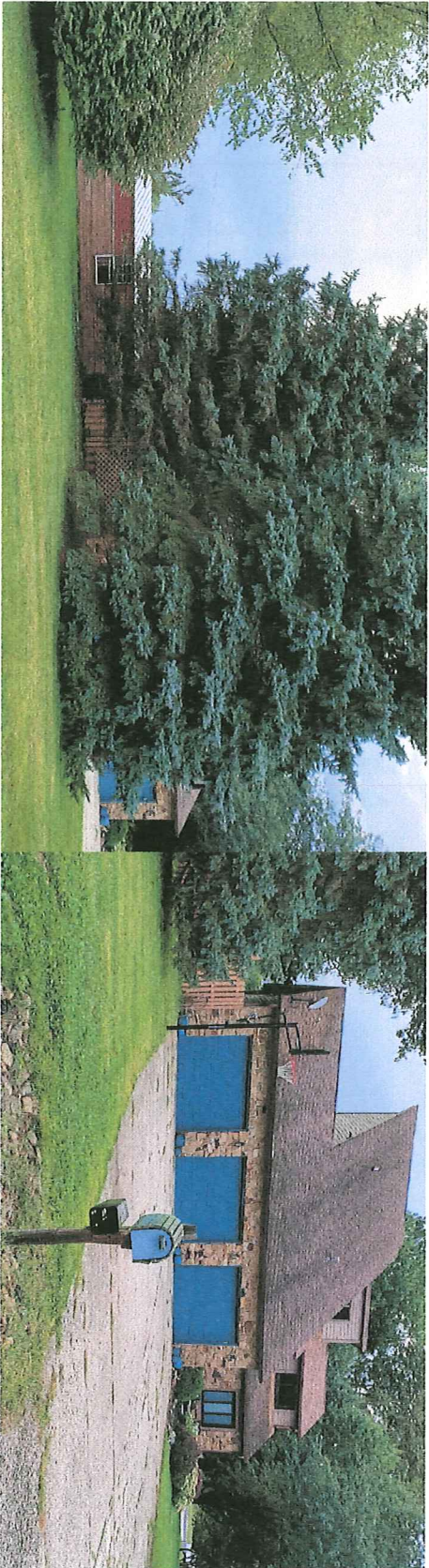


14626 Scarborough Lane N

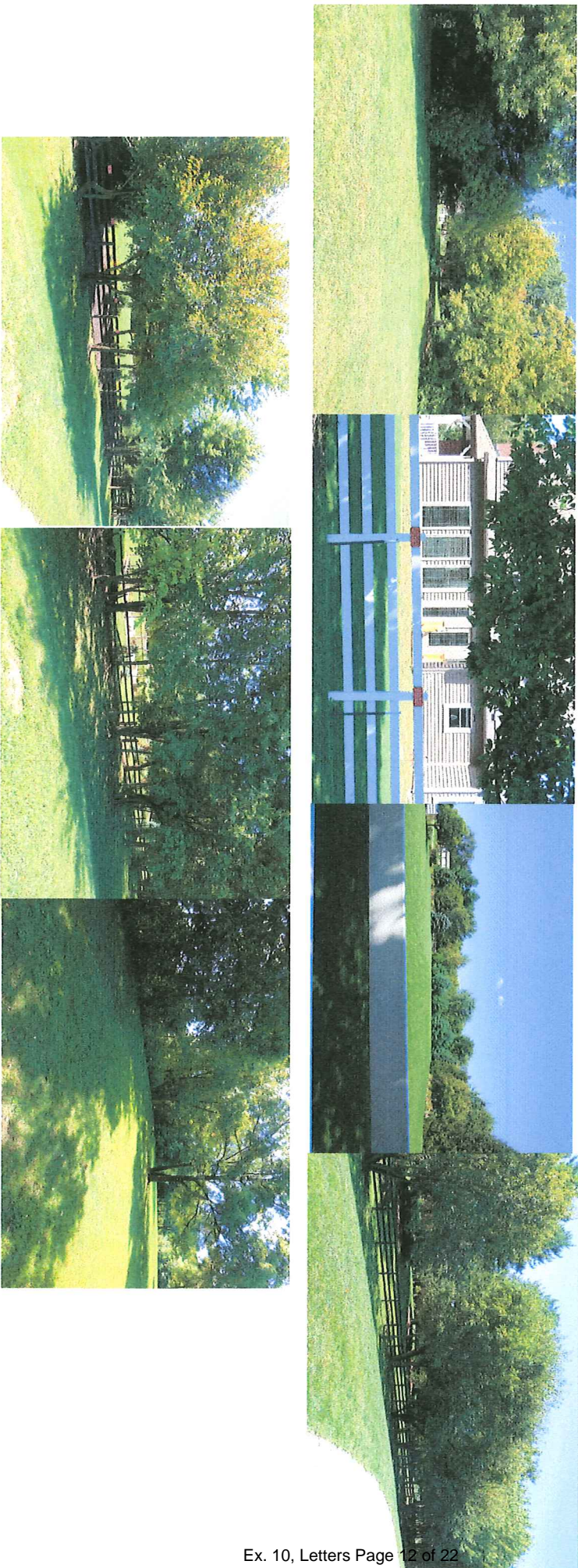


14622 Scarborough Lane N

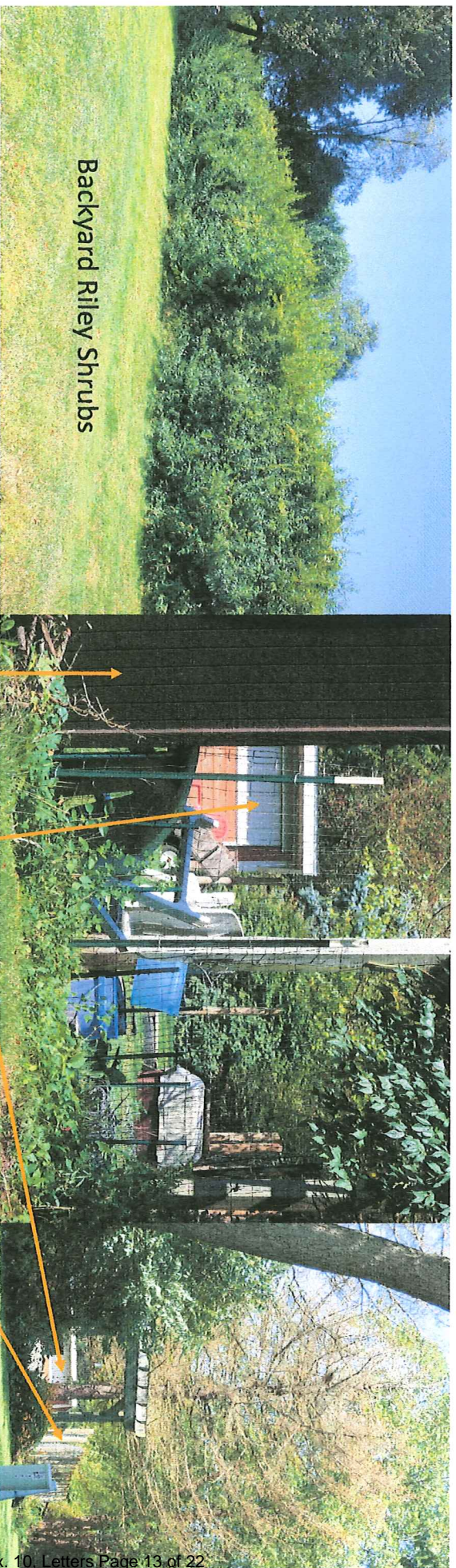
Front view of Riley Home: + Goat Barn View in Front Yard With View From Street



View Dillon Parkgoers Have When Walking Along Park Walking/Bike Path Behind Scarborough Homes (Note: This View Does Not Including The Riley Home)



View of Riley Backyard from Dillon Park Walking/Bike Path

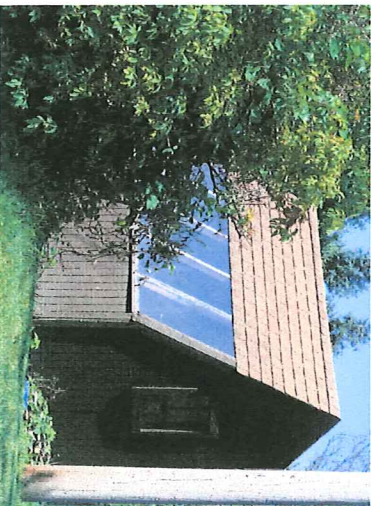


Backyard Riley Shrubs

- 1.) Goat Barn
 - 2.) Chicken Coop
 - 3.) Farm Animal + Chairs and Other Items Piled Up in Back and Side Yards With Clear View From Street and Park
 - 4.) Wire Farm Fencing
- View of Chicken Coop From Dillon Park Walking/Bike Path



View from Dillon Park and 146th Street



Date: 9/3/19

To: Noblesville Board of Zoning Appeals

From: David and Pamela Egg, 14622 Scarborough Lane, Noblesville, IN.

RE: BZNA-0098-2019, BZNA-0099-2019, Property location, 14602 Scarborough Ln. Noblesville

We are writing to ask that the applicant requested variances be denied.

Scarborough Farms development was created as a low density residential neighborhood. There was no intention to create 5 acre mini farms. The lots were sized at approximately 1 acre each to accommodate custom built homes with septic systems and wells. Homes in the neighborhood are nicely landscaped and maintained. When we purchased our home, we checked out the zoning requirements in place and the Noblesville Master Plan. Our expectation was that the zoning would remain in place and property values protected.

The applicant has asked that the 5 acre requirement for farm animals be waived. As an example of the disparity between applicants current lot size and lot size needed for farm animals, a compliant sized property would have included 4 more Scarborough Farms lots. The farm animals are currently on the front and side yard of the property. Less than half an acre? A quarter of an acre?

The barnyard is currently placed very close to an adjacent property.. This does not comply with the requirement of being at least 75 feet from the property line.

The existing barn is open aired and does not meet the requirements for soundproofing and air conditioning. Additionally this barn is located in the front yard of the property. This barnyard will get worse as barnyard grass is trampled and muddied due to animal activity and waste in the area. Nothing about a barnyard and farm animals is in compliance with neighborhood environment.

Any variance should not affect the neighborhood in an adverse manner. We requested a Noblesville realtor, Kurt A. Meyer, assess the impact that the granting of this variance would have on the property values in Scarborough Farms. A letter was submitted to the Board and the conclusion from this real estate professional was that the property values in Scarborough Farms would be reduced if this variance was approved.

Respectfully,
David and Pamela Egg
14622 Scarborough Lane
Noblesville, IN



Picture taken from 146th St. Shows barn in front yard.

*Photos taken
on 8/30/19*



Views of barn exiting
neighborhood on
Scarborough towards
146th St.

Photos taken 8/31/19



Barnyards views from Scarborough and Dillon Park.

Please text Helen at 8/31/19

OTHER COMMUNITIES

Date: 9/2/19

To: Noblesville Board of Zoning Appeals

From: Kurt Meyer, Realtor

RE: BZNA-0098-2019, BZNA-0099-2019, Property location, 14602 Scarborough Ln.

I'm writing to voice opposition to the applicant's request. I've been a licensed Realtor in this community for 26 years. Over those years I've had many clients who wanted land for livestock and other folks who expected to be separated from livestock. Those who wanted livestock bought land that was appropriate for that use. The rest, no doubt like most of those on Scarborough Lane, believe that when they buy property in an area that doesn't allow livestock, there won't be any.

I've lived within 100 feet of ducks, chickens, and goats. They are not silent or scent-free. They make noise and their waste creates odors. And their waste needs to be disposed of. When the applicants, and their neighbors bought on Scarborough Lane, each no doubt believed they were not in an area where farm animals would be allowed.

Just as it would be irrational for someone to buy a home next to a mini-farm and then complain about the livestock next door, it's irrational to buy a home where livestock is not allowed, then ask if they can change the rules after their purchase. Should this be allowed, you will have established a precedent for a neighborhood or lot like this. And should other owners on Scarborough Lane or folks in other neighborhoods with similarly-sized lots ask to raise the same animals—or sheep, or peacocks, they will point to this decision. How would you explain why you said yes to this applicant, but no to other applicants on an acre or two with the same request?

I have little doubt that allowing a mini-farm in a neighborhood will reduce the property value of neighbors. How much? That's impossible to say exactly, but we can all agree that buyers who come to a neighborhood like this don't expect to be woken in the morning by chickens. They don't expect to experience the smell of animal waste. For 26 years I've experience Noblesville buyers who look over the fence of a backyard and see activity they have no desire to live next to. They'll cross it off their list and move on. The number of buyers willing to live there will be reduced. With fewer willing buyers, comes lower value.

There is no hardship here. There are places within the community the applicant could live and raise animals. And there are people who no doubt would like to buy the applicant's current residential property. There is no imperative that the rules be changed to solve an otherwise unsolvable problem.

Kurt A. Meyer
1138 Cherry St.
Noblesville, IN 46060

Oksana Polhuy

From: Kherri <kherri24@yahoo.com>
Sent: Wednesday, September 4, 2019 1:44 PM
To: Oksana Polhuy
Subject: zoning appeals response

To whom it may concern;

I am writing in regards to a zoning appeals petitions (application numbers BZNA-0098-2019 & MNZA-0099-2019). I am unable to attend the meeting scheduled for Sept 9th at 6pm, so I am writing to voice my concerns and my disagreement with the applicants.

The simple fact of the matter is there is no place in a suburban neighborhood for barn animals or livestock on such a small lot. If I'm not mistaken, there are ordinances about the minimum size for a lot to own these types of animals (with their housing/fencing/enclosures), and a suburban lot of 1.31 ac is far below the ordinance size.

I don't personally live in the direct neighborhood of this property of 14602 Scarborough Ln - and thank goodness I don't. I personally love animals of all kinds, but there are proper places for them to live and be raised, and I don't think a suburban neighborhood is the proper place. If they want a farm, they should live where it's zoned for that; not do what they want and then try to force the neighbors/city/county to bend to them. We all have rules to follow in society, rules that are meant to protect everyone, including surrounding people.

The smell, the noise, the housing for such animals is totally inappropriate for close living quarters of a suburban neighborhood. Grant it, 1.31 ac is a generous lot size for a neighborhood, but it's not adequate for livestock/barn animals and will certainly have an impact of the direct neighbors (not to mention the park that this property touches).

One more thing. My biggest concern personally is if this zoning appeal is approved, how will that impact the rest of us that choose to live in nice suburban neighborhoods in Noblesville and Hamilton County? This could set a terrible precedence. If I wanted to live in a country environment, I would have and wouldn't be paying so much money to an HOA to prevent this sort of thing from happening.

Thank you for your time, and I do hope the decision to keep a suburban neighborhood as it's supposed to be is the final verdict.

Kherri Clements
503-720-6181
6473 Braemar Ave N
Noblesville, IN 46062

Oksana Polhuy

From: Rebecca Eberbach <beberbach@sbcglobal.net>
Sent: Wednesday, September 4, 2019 4:58 PM
To: Oksana Polhuy
Subject: Variance Request
Attachments: image.png; ATT00001.txt

To Whom It May Concern:

This effort to allow chickens and goats in our beautiful residential area is of great concern to me. Our Board of Zoning has been wise to have the restrictions in place to protect the property values of Noblesville residents. Please do not vote to allow these variances to be granted!

Sincerely;
Rebecca Eberbach
6632 Braemar Ave S
Noblesville, IN. 46062

Oksana Polhuy

From: Nicole Constantino <constantino_nicole@yahoo.com>
Sent: Wednesday, September 4, 2019 5:34 PM
To: Oksana Polhuy
Subject: 14602 Scarborough Lane
Attachments: image1.png; ATT00001.txt

Good evening,

I am writing to you to petition against allowing 14602 Scarborough Lane to be allowed to have farm animals on their property. We live less than 1/2 a mile from this home and are adamantly against having this. It will not only depreciate the value of our home, but will also impact the odor and sounds.

Sincerely,

Nicole Constantino
6482 Braemar Ave North
Noblesville IN 46062