



BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA-0147-2019

PROPERTY ADDRESS: 750 N 14th Street, Noblesville, Indiana

A Variance of Development Standards application was submitted to the Noblesville Planning Department for the above referenced location. The application submitted by Lance Cleland of Rise Builders LLC requested that approval be granted to a Conditional Use application pursuant to Unified Development Ordinance §9.B.2.C.1.b to allow a proposed detached garage to exceed the maximum height of an accessory structure on a lot less than 1 acre and to exceed the height of the existing primary house (14 feet maximum; 16 feet requested). The Noblesville Board of Zoning Appeals conducted a hearing regarding this application on December 2, 2019. After testimony was given and evidence was presented to the Board, a motion to APPROVE was made, and the motion carried 5-0.

VARIANCE OF DEVELOPMENT STANDARDS FINDINGS

In its deliberations, the Noblesville Board of Zoning Appeals weighed the evidence associated with the following criteria and made the following findings in granting the request for a Variance of Development Standards. Indiana Code §36-7-4-918.5 states that a Variance of Development Standards may be approved only upon a determination in writing that the following are true:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community:

It is likely that this variance will NOT be injurious to the public health, safety, morals, and general welfare of the community. The proposed garage is meant for accessory uses to the existing single family residence. This includes the storage of personal items, such as vehicles, boats, lawn maintenance equipment, etc. The use of the garage to store large items will decrease the likelihood of these items to be stored outside in the yard or in public view. In addition, a 22-foot long driveway is proposed in association with the garage. This may increase the amount of available parking on the street.

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. It is presumed that the approval of this variance request will not have a substantially adverse effect on the use and value of adjacent properties.

3. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought:

The strict application of the terms of the zoning ordinance WILL result in practical difficulties in the use of the property because limiting the garage height would require the detached garage to be no taller than 10½ feet. Requiring the proposed garage to meet the height regulations may affect the roof pitch of the structure since the taller garage door is a feature that the property owners need to accommodate their larger vehicles and/or boat. Limiting the garage height would result in a garage that would store personal items instead of the property owners' vehicles or boat and may not increase the amount of parking available on the street.

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

Mike Field, Chairman

Sarah Reed, Secretary