



BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA 0014-2020

PROPERTY ADDRESS: 1373 Cherry Street, Noblesville, Indiana

A Variance of Development Standards application was submitted to the Noblesville Planning Department for the above referenced location. The applications submitted by Tim Ingle requested that approval be granted to a Variance of Development Standards application pursuant to Unified Development Ordinance §Table 8.B to permit reduction of the minimum rear setback for an accessory structure (5 feet required, 3 feet requested). The Noblesville Board of Zoning Appeals conducted a hearing regarding these applications on May 4, 2020. 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. Many properties around have detached accessory structures that do not meet a rear setback requirement. The structure is proposed to be three feet off of the rear property line allowing space for maintenance of this structure from the subject property. As a new structure designed to match the historic look of the house and the neighborhood, it will bring the good quality and context-sensitive redevelopment that will enhance the quality of the property and the neighborhood as a whole.

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 result in practical difficulties in the use of the property. The applicant is trying to fit two off-street parking spaces, which is a typical parking requirement for new single-family houses. The locations of the existing improvements on the property (the house, trees, patio) make it very difficult if not impossible to fit a detached or attached two-car garage while meeting the setback requirements. Due to that, a variance might be inevitable for a type of improvement that is a typical type of improvement for single-family properties.

The findings of fact contained herein are adopted by the Noblesville Board of Zoning Appeals on July 6, 2020.

Mike Field, Chairman

Caleb Gutshall, Secretary



BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA 0015-2020

PROPERTY ADDRESS: 19980 James Road, Noblesville, Indiana

A Variance of Development Standards application was submitted to the Noblesville Planning Department for the above referenced location. The applications submitted by Shawn Mickelson requested that approval be granted to a Variance of Development Standards application pursuant to Unified Development Ordinance §9.B.2.C.2 to permit the construction of an accessory structure that exceeds the maximum height limit (17 feet permitted; 19.7 feet requested) and causes the property to exceed the maximum combined area of all accessory structures for properties between one acre and five acres in size (2,000 square feet permitted; 2,368 square feet requested). The Noblesville Board of Zoning Appeals conducted a hearing regarding these applications on May 4, 2020. 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 total square footage of the proposed structures does not variate much from the detached accessory structures at the surrounding properties. If the petitioner stores the RV(s) inside of the proposed barn, it will be beneficial for the welfare of the community. These additions will not alter the current residential character of the site.

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 result in practical difficulties in the use of the property. Decreasing the space and height of the pole barn will result in decreased storage space in comparison to some of the neighboring properties and will result in storing RV outdoors exposed to the weather. The major purpose of the pole barn is for protecting RV from the effects of the weather and for the neat storage of personal items.

The findings of fact contained herein are adopted by the Noblesville Board of Zoning Appeals on July 6, 2020.

Mike Field, Chairman

Caleb Gutshall, Secretary



BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA 0018-2020

PROPERTY ADDRESS: 3505 Conner Street, Noblesville, Indiana

A Variance of Development Standards application was submitted to the Noblesville Planning Department for the above referenced location. The applications submitted by Jeff Meyer requested that approval be granted to a Variance of Development Standards application pursuant to Unified Development Ordinance §9.A.2 to permit creating a lot that does not have frontage on and access from an existing street. The Noblesville Board of Zoning Appeals conducted a hearing regarding these applications on May 4, 2020. 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 subject lot operates in tandem with the lot to the north that has street frontage and access to the public street and is compliant with the regulations. Two lots will eventually be under the same ownership and continue acting as one property. A driveway already exists that connects both lots to the public street creating the safe egress/ingress.

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 result in practical difficulties in the use of the property. The lot may not be developed for any commercial use that it is zoned for due to the lot itself not meeting the street frontage requirement. As such, the lot will not be able to function in any capacity that a typical commercially zoned lot can.

The findings of fact contained herein are adopted by the Noblesville Board of Zoning Appeals on July 6, 2020.

Mike Field, Chairman

Caleb Gutshall, Secretary



BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA-0021-2020; BZNA-0033-2020

PROPERTY ADDRESS: 15239 Herriman Blvd., Noblesville, Indiana

Variance of Development Standards requests were submitted to the Noblesville Department of Planning and Development for the above referenced location. The requests, submitted by Wayne Kotulic, Jr., sought approval for Variance from Unified Development Ordinance (UDO) 8.D.1.E. and Table 8.D. – Variance of Development Standards to allow a building addition to encroach into the required front building setback; and UDO Table 10.0.3.B. – Variance of Development Standards to allow a shortfall in required parking space number. The Noblesville Board of Zoning Appeals conducted a hearing regarding this application on May 4, 2020. After testimony was given and evidence was presented to the Board, a motion to APPROVE the Variance package, with conditions, was made, and the motion carried 5-0.

VARIANCE OF DEVELOPMENT STANDARDS FINDINGS

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 three standards are met. In its deliberations, the Noblesville Board of Zoning Appeals weighed the evidence associated with the following standards and made the following findings in granting the request for Variances of Development Standards. The Board sets out its findings in the bold text below each standard.

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

Variance 1 (encroachment of front building setback): There would not appear to be any threats to the public health, safety, morals, or general welfare of the community from a 6-foot encroachment of the platted building setback. This standard appears to be met.

Variance 2 (parking space number): There would not appear to be any threats to the public health, safety, morals, or general welfare.

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:

Variance 1 (encroachment of front building setback): There would not appear to be any threats to the use or value of adjacent land. The entire building addition is proposed to be located outside of the 15-foot drainage and utility easement along the southern property line. This standard appears to be met.

Variance 2 (parking space number): There would not appear to be any threats to the use or value of adjacent land. Neighboring property owners have not brought issues to light, and this standard appears to be met.

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:

Variance 1 (encroachment of front building setback): Strict application of the terms of the zoning ordinance would require meeting of the 80-foot platted front setback, necessitating either the shifting of the entire 6450-square-foot building addition to the west, or removal of some square footage on the east end to meet the platted setback. When Stony Creek Industrial Park was platted, the required front setback for Planned Commercial/Office developments was 80 feet. This may be where the recorded 80-foot front setback originated, even though the development was light industrial in nature. In any case, the current front setback for the I-1 zoning district is 60 feet. On one of the smaller lots in the industrial park, this 20-foot difference in unusable building area becomes critical. The Board does not believe that the maintenance of this 20-foot difference as unbuildable is necessary, although we would ask that the applicant sign a Waiver of Liability Concerning Setbacks, since the 80-foot platted building line is a private commitment, as well, and other property owners within the industrial park can seek its enforcement. This standard appears to be met.

Variance 2 (parking space number): Strict application of the terms of the zoning ordinance would require the addition of nine additional parking spaces for the proposed addition. There is simply not enough room on the property to provide these spaces within the area allowable for parking. Given the applicant's statement that there will not be any new employees hired, requiring the nine new spaces seems an unnecessary hardship. This standard appears to be met.

The Findings of Fact contained herein are adopted by the Noblesville Board of Zoning Appeals on July 6, 2020.

Mike Field, Chairman

Caleb Gutshall, Secretary



BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA-0023-2020; BZNA-0024-2020

PROPERTY ADDRESS: 2922 Cicero Rd., Noblesville, Indiana

Variance of Land Use and Variance of Development Standards requests were submitted to the Noblesville Department of Planning and Development for the above referenced location. The requests, submitted by Jeremiah Witek, sought approval for Variance from Unified Development Ordinance (UDO) 8.B.2.B. and Appendix C (Official Schedule of Uses) – Variance of Land Use to allow the establishment of a landscaping business in an R-1 (Low-Density Single-Family Residential) zoning district; and UDO 9.B.2.C.3.a. – Variance of Development Standards to allow an accessory structure to exceed the maximum allowable square footage. The Noblesville Board of Zoning Appeals conducted a hearing regarding this application on May 4, 2020. After testimony was given and evidence was presented to the Board, a motion to APPROVE the Variance package, with conditions, was made, and the motion carried 5-0.

VARIANCE OF LAND USE FINDINGS

Indiana Code 36-7-4-918.4 states that a Variance of Use may be approved only upon a determination in writing that the following five standards are met. In its deliberations, the Noblesville Board of Zoning Appeals weighed the evidence associated with the following standards and made the following findings in granting the request for a Variance of Use. The Board sets out its findings in the bold text below each standard.

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

The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The Petitioner has claimed that he is in the landscape business and 'Landscape' ONLY! He will not be using any chemicals as part of his business and will not be storing any chemicals as part of his business on the property. Personal use of chemicals for his own personal property is permitted. There is to be no long term storage of any residual materials created by his business operations, i.e. grass clippings, shrubbery or tree clippings, etc., that would be harmful to the wetlands adjacent to his property.

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.

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

3. The need for the variance arises from some condition peculiar to the property involved.

The only factor driving the need for this variance is the zoning designation of the property as R-1. This standard has little relevance to this case, but it can technically be said to be met.

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 constitute an unnecessary hardship if applied to the property for which the variance is sought.

5. The approval of this variance does not interfere substantially with the provisions of the Comprehensive Master Plan for the City of Noblesville, Indiana.

The approval does not interfere substantially with the Comprehensive Plan adopted by the Noblesville Plan Commission and Council. If this property changes hands, the Variance of Land Use granted becomes null and void.

VARIANCE OF DEVELOPMENT STANDARDS FINDINGS

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 three standards are met. In its deliberations, the Noblesville Board of Zoning Appeals weighed the evidence associated with the following standards and made the following findings in granting the request for Variance of Development Standards. The Board sets out its findings in the bold text below each standard.

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

Due to the nature of surrounding uses and the distances to the nearest neighboring primary structures, construction of an accessory building of the size proposed would not appear to pose threats to the public health, safety, morals, or general welfare. This standard appears to be met.

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:

Due to the nature of surrounding uses and the distances to the nearest neighboring primary structures, construction of an accessory building of the size proposed would not appear to pose threats to the use and value of the area adjacent to the property. This standard appears to be met.

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 constitute an unnecessary hardship if applied to the property for which the variance is sought.

The Findings of Fact contained herein are adopted by the Noblesville Board of Zoning Appeals on July 6, 2020.

Mike Field, Chairman

Caleb Gutshall, Secretary