

# Agenda Item #1

<b>Case Number</b>	BZNA-0076-2020	<b>Property Size</b>	0.2 AC
<b>Address</b>	1407 Logan Street	<b>Zoning</b>	R4
<b>Owner</b>	Darren Peterson & Jennifer Roberts	<b>Reviewer</b>	Oksana Polhuy
<b>Applicant</b>	Darren Peterson & Jennifer Roberts	<b>BZA Meeting</b>	July 6, 2020

**Requested Action:**

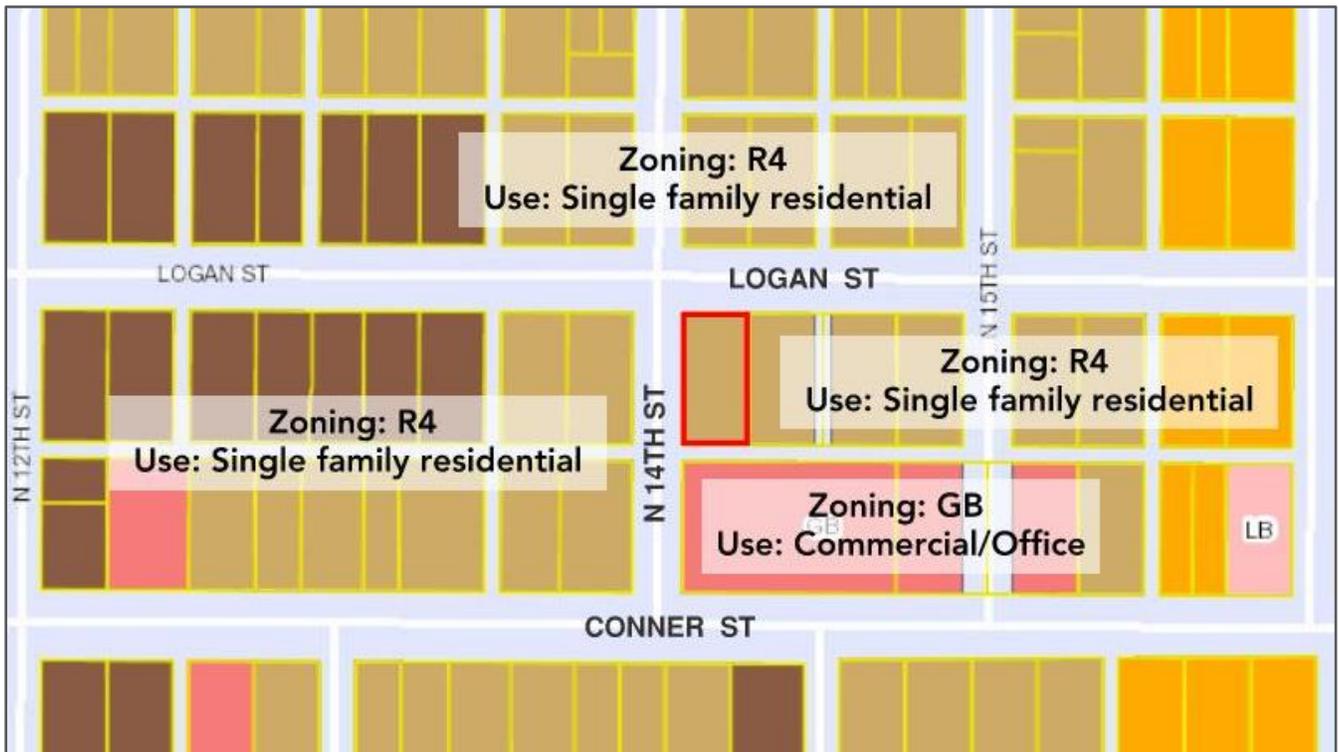
UDO § 9.B.4.E.3 Variance of Development Standards to permit increase in the fence height in the front yard (maximum 4 feet permitted, 6 feet requested).

**Recommendation:**

Approve. See Findings of Facts for Approval on page 3 and Conditions of Approval on page 4.

**Table of Contents:**

1. Staff Report
2. Parcel Map
3. Aerial Map
4. Application
5. Site Plan
6. Site and Neighborhood Pictures
7. VCC Waiver from Engineering



## ANALYSIS

The subject site is a single-family residential property located on the southeast corner of Logan and North 14<sup>th</sup> Streets (Exhibits 2 and 3). It is located in the R4 (Moderate to high density one and two-family) residential district and is surrounded by the properties in the same zoning district (used single family residential) except for the south side where it borders a commercial General Business district (used as an office). Per property card, the subject property currently has a 3,028-sf single-family house and a 220-sf one-car detached garage. It also has a fence that consists of two portions: a short white picket fence connected to a 6-ft-tall wood fence surrounding the property (Exhibit 6).

The applicant would like to replace the old 6-ft-tall portion of the fence with a new fence of the same height and in a similar location (Exhibit 5 and 6). He applied for a fence permit and found out during the review that a portion of the fence would fall into the front yard along N 14<sup>th</sup> Street, where a fence is permitted to be maximum 4-ft-tall per UDO § 9.B.4.E.3 (see a map illustrating the front yard in Exhibit 4, p.6). The height of the fence depends on the type of the yard that it is in: up to 4 feet tall in the front yard and up to 7 feet tall in the side/rear yard. A front yard is determined as space between the front property line and front setback line. The applicant is requesting a variance of development standards to permit a 6-ft-tall fence in the front yard. The main purpose behind keeping the fence at 6 feet is to use it as a privacy fence around the portion of the yard behind the house.

In a typical residential subdivision, the front building line is usually the same throughout the neighborhood. Also, corner lots are required to be bigger than the regular lots, so while the corner lots have a much bigger front yard, the space that visually is a "back yard" is about the same on every lot in the neighborhood. The front building line in the developed areas downtown is determined differently. It is measured as the average of the distances from the front property line to the existing primary structure on the lots on both sides of the subject site. Development downtown happened before the zoning ordinance regulations existed, and it led to greatly varying setbacks and lot sizes found in one neighborhood. This leads to a different front yard depth from lot to lot. While this way of determining front yard size helps with placing permanent buildings in a staggered way based on the surrounding buildings' locations, this regulation usually does not allow the property owners to build a tall privacy fence that would typically enclose the entire yard by going all the way to the property lines on a corner lot. In addition to this, lots downtown are smaller than most residential subdivision lots, so these property owners have even more reasons to want to enclose as much yard as possible.

It is common for the fences in Noblesville downtown to be taller in the front yard than permitted by the ordinance. The fences downtown were built before the city started requiring fence permits in 2007, so a lot of them were built without meeting the fence height requirement in the front yards. The fence height regulations, however, have stayed the same since the adoption of the zoning ordinance in 1996. In the area where the subject site is located, corner lots have a mix of 4-ft-tall and 6-ft-tall fences in the front yards (Exhibit 6). The staff has not found any other possible safety concerns with keeping the fence at the height of 6 feet.

The applicant also requested a variance of development standards for the Vision Corner Clearance (VCC) regulation because it was one of the original staff concerns during the permitting stage (Exhibit 4). Per UDO § 9.B.4.E.1, fences are not permitted to obstruct the visibility in the VCC area that is located at the southeast corner of the property. However, the applicant pointed out that the alley along that corner is a one-way alley and the vehicles shouldn't be exiting onto 14<sup>th</sup> street from the alley and so their vision

shouldn't be blocked. The staff discussed this situation with the city engineer. Per UDO § 9.A.8, The Noblesville City Engineer may waive the VCC requirement for the properties located in the Special Landscape District (UDO, Appendix G) on a case-by-case basis. The subject property falls within this district, and the city engineer waived the VCC requirement after reviewing this case (Exhibit 7). Due to that, there is no need for a variance for this development standard.

## VARIANCE OF DEVELOPMENT STANDARDS FINDINGS

### AGENDA ITEM #1:

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 currently existing 6-ft-tall fence that would be replaced with the fence of the same height is not known to have caused any safety issues. The city engineer approved the fence to be located in the VCC area because in practice, it is not obstructing drivers' view.

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. In order to build a tall privacy fence legally without a variance, the property owner could install it starting about 14.5 feet from the western property line. This fence placement would leave 1/5 of the width of the yard unscreened and it would not line up with a house in a logically expected and aesthetically pleasing way. The front yard determination regulation in the downtown area is meant more so for the permanent buildings and does not account for the typical expectation of a fence to enclose the yard and be built up to the property lines.

## RECOMMENDATIONS

### AGENDA ITEM #1:

**APPROVE** 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 of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
- 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.

With the following specific conditions:

1. 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.
2. 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.

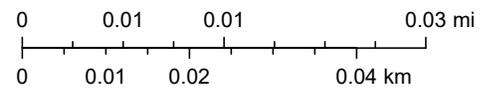
# EXHIBIT 2. PARCEL MAP



June 10, 2020

1:900

-  Buildings
-  Parcels



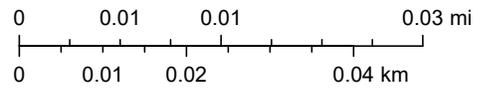
# EXHIBIT 3. AERIAL MAP



June 10, 2020

1:900

 Parcels



# EXHIBIT 4. APPLICATION



## CITY OF NOBLESVILLE BOARD OF ZONING APPEALS VARIANCE OF DEVELOPMENT STANDARDS APPLICATION

Application Number: BZNA-0076-2020

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: Darren Peterson & Jennifer Roberts  
Common Address: 1407 Logan Street

Applicant Name: Darren Peterson & Jennifer Roberts

Applicant Address: 1407 Logan Street

Applicant City/State/Zip: Noblesville IN 46060 E-mail: dpetersin@petersonarchitect.com

Applicant Phone #1: 317 590 0493 Phone #2: \_\_\_\_\_ 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: \_\_\_\_\_

Subdivision Section: \_\_\_\_\_ Lot Number: \_\_\_\_\_ Last Deed of Record Number: \_\_\_\_\_

Existing Land Use: Residential

Common Description of Request: Fence Height & Vision Corridor Variance

Zoning District of Property: \_\_\_\_\_ Code Section(s) Appealed: UDO § \_\_\_\_\_

Date: 05-21-20

Applicant's Signature: Darren Peterson

Jennifer Roberts  
JENNIFER L. ROBERTS

**VARIANCE #1 – statements of facts**

Variance of UDO 9.B.4.E.3 (Fence in front yard setback on 14<sup>th</sup> Street)

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

The fence (built by others prior to the current owners) is currently 6-feet tall. The Owners would like to maintain the same level of privacy that a 6-foot fence provides. The proposed fence is consistent with 4 adjacent or nearby corner lots with a 6' fence in the secondary (not the front door side) front yard as defined by a corner lot.

Also, to minimize the impact on tree health for the backyard trees near the existing fence (impact due to disturbance to their root system for fence post construction), the Owners ask for this variance which will also keep the trees inside their back yard (and not outside the fence).

**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:**

Replacing the fence with a new fence will actually create value to the entire block. This fence is in the worst shape compared to others within sight of it. The Owner has made a few decorative concessions to help reduce the scale of the fence. The new 12" planting area outside the fence along the sidewalk will be landscaped and maintained.

**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:**

The proposed setback will reduce the back yard by roughly 20%. A reduction in height will reduce the quiet and peaceful enjoyment of the yard. The existing trees located in the back yard would be located outside the fence (if the setback is enforced) and could be damaged by the disturbance to their roots.

**VARIANCE #2 – statements of facts**

Owner seeks a Variance of UDO 9.A.8 (Vision Corridor at corner)

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

The alley is one way (going east). Traffic is not legally allowed to pull out into 14<sup>th</sup> street from the alley. 14<sup>th</sup> street is likely to never be widened. The proposed vision corridor is exhibited in this package. It indicates an encroachment into the required vision corridor of 2'4". The Owners feel, given the traffic flow direction of the alley, that this is a practical application of the ordinance. Also, the established redbud trees in this corner of the yard would be minimally impacted by the proposed fence location.

**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:**

Replacing the fence with a new fence will actually create value to the entire block. It seems this fence is in the worst shape compared to others within sight of it.

**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:**

The proposed vision corridor pushes more yard outside of the fence and will put the corner too close to several existing well established redbud tree roots.

**Narrative Statement:**

The owners of 1407 Logan Street seek a variance of development standards for their fence project. The site is zoned R-4.

**VARIANCE #1**

Owner seeks a Variance of UDO 9.B.4.E.3 **to have a 6-foot tall fence in a portion of the front yard.**

Residential Open or Solid fences, latticework, screens, or walls not more than seven (7) feet in height may be located in the required side or rear yard, and {a fence} maintained not to exceed {four (4) feet} in height may be located in any front yard {as defined in Article 2 – Definitions.} ORD. #95-11-06, #21-06-12, ORD #53-10-15

**VARIANCE #2**

Owner seeks a Variance of UDO 9.A.8 to have a **modification of the vision corridor geometry for the purpose of replacing an existing fence.**

{A triangular space at the street corner of a Corner Lot, free from any kind of obstruction to vision including buildings, structures, fences, signs, trees, and shrubs between the heights of two and one-half (2.5) feet and ten feet above the established street grade. Street grade is measured at the intersection of the centerlines of the intersecting street pavements and the triangular space is determined by a diagonal line connecting two points measured *fifteen (15) feet equidistant from the lot corner along each property line* at the intersections of two (2) local streets or one local street and one alley; or twenty-five (25) feet along each property line at the intersection of a local street and a collector, arterial, or expressway or any combinations thereof. An alley for measuring purposes only, shall be determined as per the local street distances. For areas located within the Special Landscape District Map - Appendix G, this particular requirement may be modified and shall be approved by the Noblesville City Engineer on a case-by-case basis.} ORD #46-07-16

**Background information:**

The property is located at the southwest corner of 14<sup>th</sup> Street and Logan Street. It is bounded on the south side by the alley which is just north of the old boys & girls club. The owners purchased the property in the summer of 2018 and have renovated the house. The existing 6' wood fence is of unknown age, is located in the front yard of 14<sup>th</sup> Street and currently violates the vision corridor.

Fence location:

The fence is located on two sides of the property: along the west side (along 14<sup>th</sup> Street) and the south side (along the alley behind the old boys & girls club).

More specifically, the fence is located along approximately the *south half* of the western property line and along the alley on the south side of the property, up to and just beyond an existing garden shed. The fence extending along the west property line is located almost directly on the 14<sup>th</sup> street property line. The fence along the south property line, along the alley, is located almost exactly on the property line and is currently blocking a portion of the vision corridor.

Fence condition:

The fence is generally in terrible shape (wood panels are aged, some wood posts are leaning) and needs to be replaced.

VARIANCE OF UDO for fence – 1407 Logan Street, Noblesville, IN

Proposed fence:

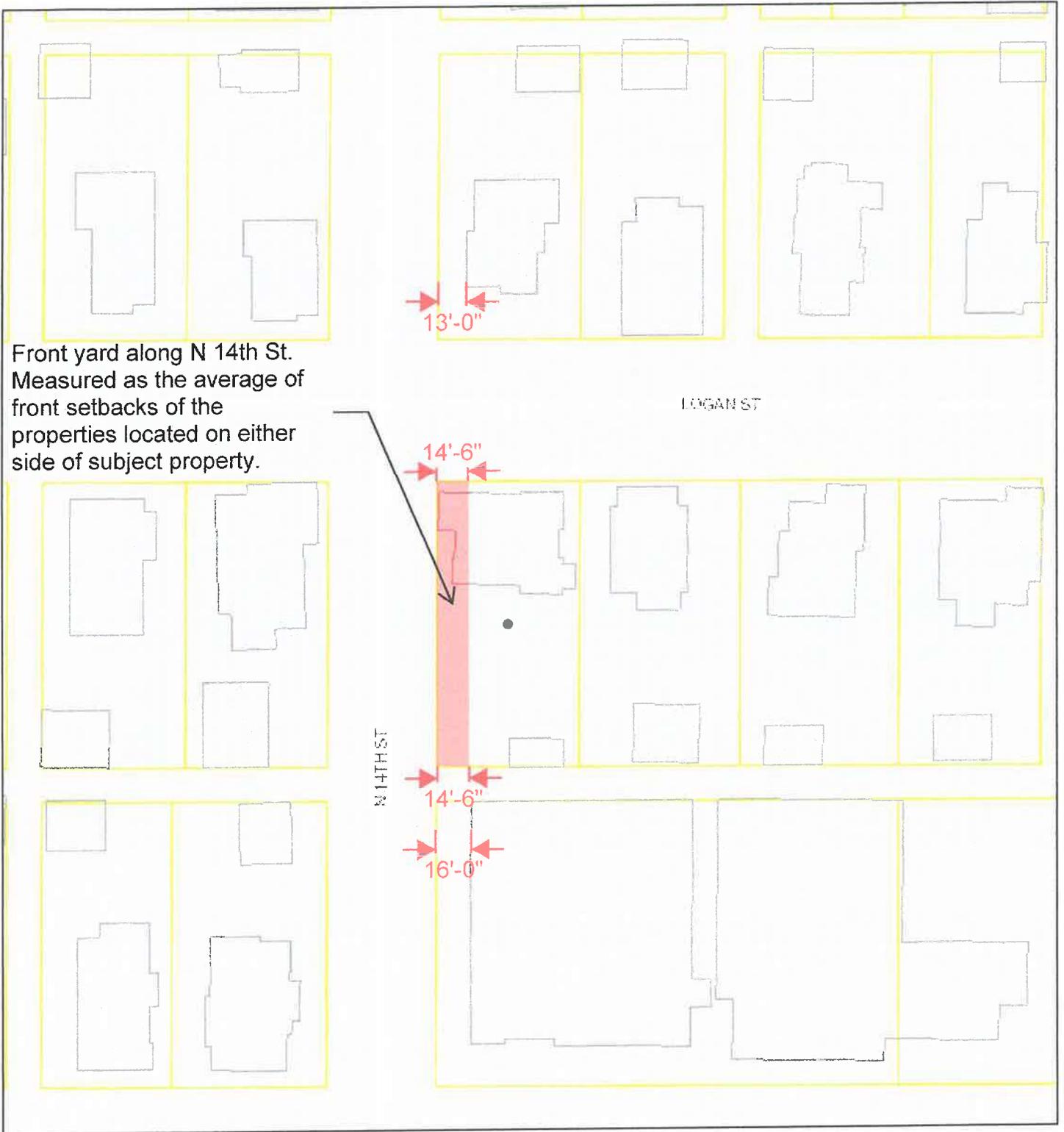
The Owners would like to replace the 6' fence with a similar-height privacy fence in keeping with 4 adjacent neighbor's fences (which are also of 6' and in the front yard of a corner lot). The Owners would like to maintain the 6' height for privacy, to reduce Conner Street road noise and maintain a more private area of the back yard.

The Owners would like to move the proposed fence into the property 8-12". This would provide a landscape strip which does not currently exist on the back side of the sidewalk. The existing trees (all approximately 12" diameter) are inside the back yard and are near (within 6" to 24" of) the fence line. To minimize impact to the trees and to keep them within the back yard, the owner requests the variance in the setback distance. This fence alignment is consistent with the adjacent properties and would provide continuity of visual appeal in the neighborhood.

The Owners additionally propose moving the south fence alignment (along the alley) into the property 5'-0". This distance is more than is required for the setback in this area. This would allow for back-out vision when the existing shed structure is replaced by a garage in the future.

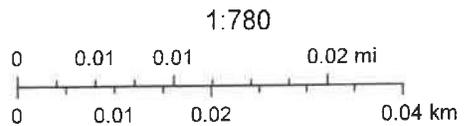
Since this is a one-way alley (traffic moving east) and 14<sup>th</sup> street will likely not be widened (to maintain the historic downtown neighborhood appeal), the owner would like a more practical application of the vision corridor.

# Front setback for 1407 Logan St



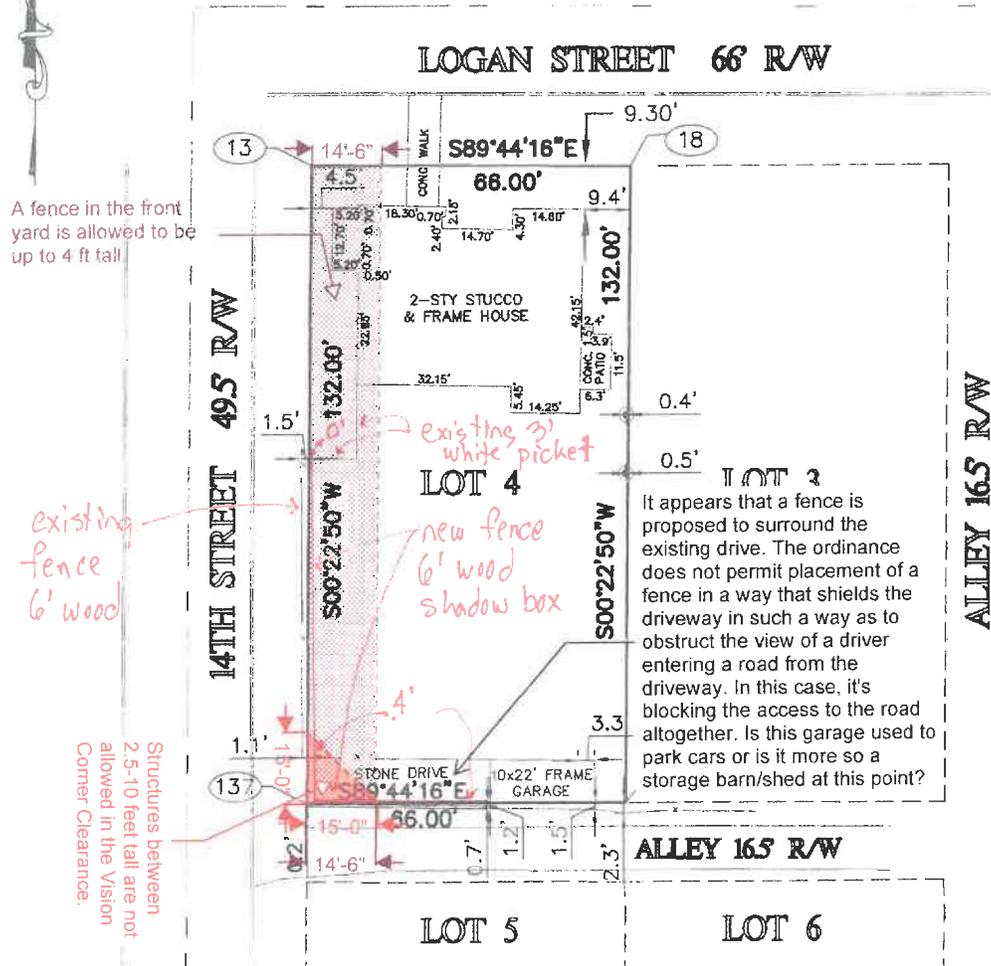
May 8, 2020

- centerlines
- Buildings
- Parcels



# RETRACEMENT SURVEY

LOT #4 IN BLOCK 2 OF D.C. CHAPMAN FIRST ADDITION  
NOBLESVILLE TOWNSHIP, HAMILTON COUNTY, INDIANA



A fence in the front yard is allowed to be up to 4 ft tall

existing fence 6' wood

existing 3' white picket

new fence 6' wood shadow box

Structures between 2.5-10 feet tall are not allowed in the Vision Corner Clearance.

It appears that a fence is proposed to surround the existing drive. The ordinance does not permit placement of a fence in a way that shields the driveway in such a way as to obstruct the view of a driver entering a road from the driveway. In this case, it's blocking the access to the road altogether. Is this garage used to park cars or is it more so a storage barn/shed at this point?

## LAND DESCRIPTION

LOT #4 IN BLOCK 2 IN D.C. CHAPMAN'S FIRST ADDITION TO THE CITY OF NOBLESVILLE, AS PER PLAT OF SAID ADDITION, RECORDED IN PLAT BOOK 1 PAGE 18, IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA.

## LEGEND

R/W x RIGHT-OF-WAY  
⊙ EXISTING FENCE  
⊙ GUARD POST

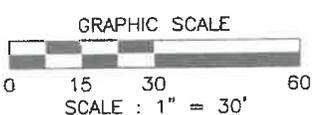
## FLOOD ZONE DEFINITION

ZONE	EXPLANATION
"X"	AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN.

THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE PROGRAM AS PER SCALED INTERPRETATION OF FLOOD RATE MAP #18057C 0142G AREA IN ZONE "X" MAP DATED NOVEMBER 19, 2014.

## POINT INVENTORY

POINT #	REMARKS
13 18 33 137	5/8" IRON ROD WITH YELLOW CAP STAMPED "MILLER S0083" SET



THIS SURVEY IS NOT COMPLETE AND/OR VALID WITHOUT BOTH PAGES.

**PAGE 1 OF 2**

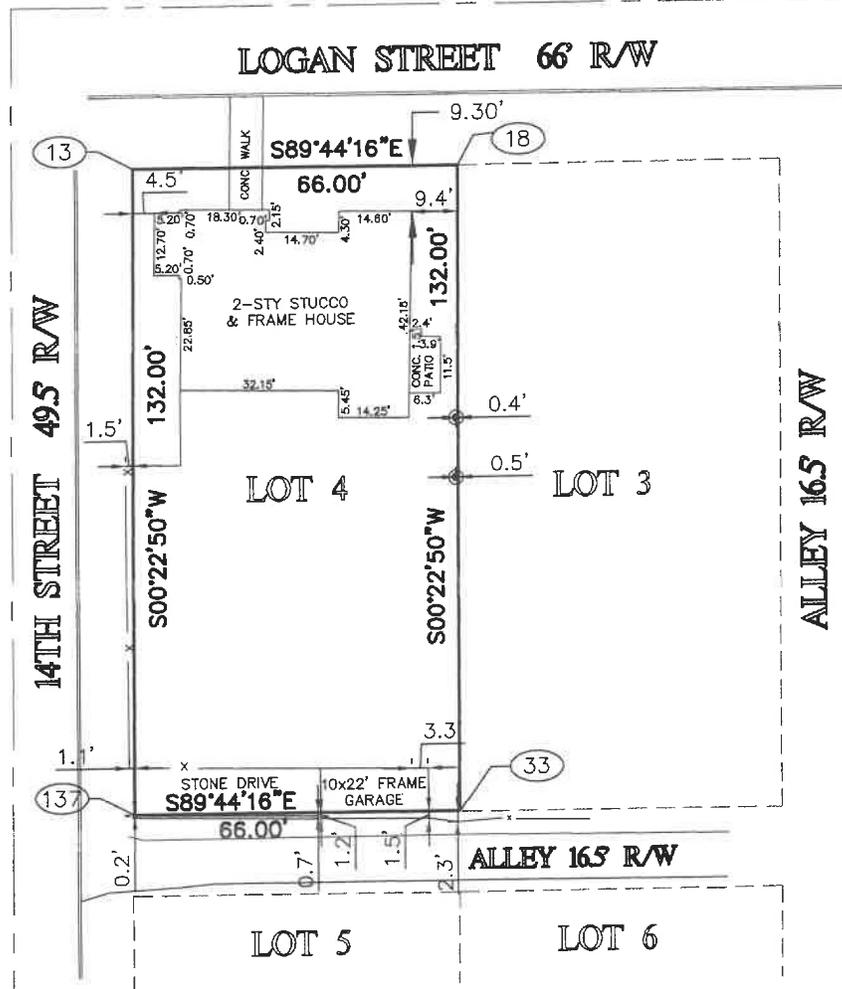
R.L.S. LS20400007 7/30/2018 DATE:

**MILLER SURVEYING INC.**  
948 CONNER STREET  
NOBLESVILLE INDIANA 46060  
PH. # (317) 773-2644 FAX 773-2694

LOCATION: LOT #4 IN BLOCK 2, D.C. CHAPMAN'S FIRST ADDITION, NOBLESVILLE TOWNSHIP, HAMILTON COUNTY, INDIANA	DRAWN BY: LRL	PREPARED BY: KNA
FIELD WORK COMPLETED: 7/23/2018	SCALE: 1" = 30'	FIELD BOOK: D.C.
CLIENT: DARRON PETERSON	DATE: 7/30/2018	PAGE: D.C.
DESCRIPTION: RETRACEMENT SURVEY	JOB NUMBER: B38009	SURVEY & FILE:

# RETRACEMENT SURVEY

LOT #4 IN BLOCK 2 OF D.C. CHAPMAN FIRST ADDITION  
NOBLESVILLE TOWNSHIP, HAMILTON COUNTY, INDIANA



## LAND DESCRIPTION

LOT #4 IN BLOCK 2 IN D.C. CHAPMAN'S FIRST ADDITION TO THE CITY OF NOBLESVILLE, AS PER PLAT OF SAID ADDITION, RECORDED IN PLAT BOOK 1 PAGE 18, IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA.

## LEGEND

R/W ————— RIGHT-OF-WAY  
 x ————— EXISTING FENCE  
 ⊙ ————— GUARD POST

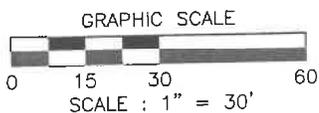
## FLOOD ZONE DEFINITION

ZONE	EXPLANATION
"X"	AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN.

THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE PROGRAM AS PER SCALED INTERPRETATION OF FLOOD RATE MAP #18057C 0142G AREA IN ZONE "X" MAP DATED NOVEMBER 19, 2014.

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**PAGE 1 OF 2**

R.L.S. LS20400007 7/30/2018 DATE:



## MILLER SURVEYING INC.

948 CONNER STREET  
NOBLESVILLE INDIANA 46060  
PH. # (317) 773-2644 FAX 773-2694



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# RETRACEMENT SURVEY

LOT #4 IN BLOCK 2 OF D.C. CHAPMAN FIRST ADDITION  
NOBLESVILLE TOWNSHIP, HAMILTON COUNTY, INDIANA

## SURVEYOR'S REPORT

IN ACCORDANCE WITH TITLE 865, ARTICLE 1, CHAPTER 12 OF THE INDIANA ADMINISTRATIVE CODE (RULES FOR LAND SURVEYS IN INDIANA), THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED THIS SURVEY AS A RESULT OF UNCERTAINTIES IN REFERENCE MONUMENTATION; IN RECORD DESCRIPTIONS AND PLATS; IN LINES OF OCCUPATION; AND AS INTRODUCED BY RANDOM ERRORS IN MEASUREMENT ("RELATIVE POSITIONAL ACCURACY"). THERE MAY BE UNWRITTEN RIGHTS ASSOCIATED WITH THESE UNCERTAINTIES. THE CLIENT SHOULD ASSUME THERE IS AN AMOUNT OF UNCERTAINTY ALONG ANY LINE EQUAL IN MAGNITUDE TO THE DISCREPANCY IN THE LOCATION OF THE LINES OF POSSESSION FROM THE SURVEYED LINES.

THERE MAY BE DIFFERENCES OF DEED DIMENSIONS VERSUS MEASURED DIMENSIONS ALONG THE BOUNDARY LINES SHOWN HEREON AND LIKEWISE, THERE MAY BE FOUND SURVEY MARKERS NEAR, BUT NOT PRECISELY AT, SOME BOUNDARY CORNERS. IN CASES WHERE THE MAGNITUDE OF THESE DIFFERENCES ARE LESS THAN THE RELATIVE POSITIONAL ACCURACY AND LESS THAN THE UNCERTAINTY IDENTIFIED FOR THE REFERENCE MONUMENTATION (DISCUSSED BELOW), THE DIFFERENCES MAY BE CONSIDERED INSIGNIFICANT AND ARE SHOWN ONLY FOR PURPOSES OF MATHEMATICAL CLOSURE. SUCH DIFFERENCES THAT ARE GREATER THAN THE RELATIVE POSITIONAL ACCURACY AND THE UNCERTAINTY IN REFERENCE MONUMENTATION SHOULD BE CONSIDERED WORTHY OF NOTICE AND ARE THEREFORE DISCUSSED FURTHER BELOW.

THIS SURVEY AND REPORT ARE BASED IN PART UPON OPINIONS FORMED IN ACCORDANCE WITH AN INDIANA LAND SURVEYOR'S RESPONSIBILITY TO CONDUCT A SURVEY IN ACCORDANCE WITH "LAW OR A PRECEDENT" (865 IAC 1-12-11(5)), RULES OF THE INDIANA STATE BOARD OF REGISTRATION FOR LAND SURVEYORS). SINCE INDIANA HAS NO STATUTES ADDRESSING HOW TO RESOLVE BOUNDARY LINES, A SOLUTION BASED ON PRINCIPLES DERIVED FROM COMMON LAW PRECEDENT MUST BE RELIED UPON AS THE BASIS FOR A BOUNDARY RESOLUTION. UNLESS OTHERWISE NOTED OR DEPICTED HEREON, THERE IS NO EVIDENCE OF OCCUPATION ALONG THE PERIMETER LINES OF THE SUBJECT TRACT. ALL SURVEY MONUMENTS SET OR FOUND THIS SURVEY ARE FLUSH WITH EXISTING GRADE UNLESS OTHERWISE NOTED.

THE RELATIVE POSITIONAL ACCURACY (DUE TO RANDOM ERRORS IN MEASUREMENT) OF THE CORNERS OF THE SUBJECT TRACT ESTABLISHED THIS SURVEY DOES NOT EXCEED THAT ALLOWABLE FOR A RURAL CLASS SURVEY (0.26 FEET PLUS 200 PPM) AS DEFINED IN IAC 865.

THE WITHIN SURVEY IS A RETRACEMENT SURVEY OF LOT #4 IN BLOCK 2 IN D.C. CHAPMAN'S FIRST ADDITION TO THE CITY OF NOBLESVILLE, AS PER PLAT OF SAID ADDITION, RECORDED IN PLAT BOOK 1 PAGE 18, IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA.

BASIS OF BEARING: PLAT BEARING

CONTROLLING MONUMENTS:

STREET IMPROVEMENTS OF LOGAN STREET AND 14TH STREET (CURBS SPLITS)

IN MY OPINION, THERE IS 0.5 FEET OF UNCERTAINTY IN THE LOCATION OF THESE MONUMENTS.

NO TITLE "GAPS" AND/OR "OVERLAPS" WERE FOUND WITH CURRENT DEED OF RECORDS.

- POSSESSION TO THE NORTH IS THE IMPROVEMENTS OF LOGAN STREET.  
POSSESSION TO THE WEST IS THE IMPROVEMENTS OF 14TH STREET.  
POSSESSION TO THE SOUTH IS TO EXISTING ALLEY.  
NO EVIDENCE OF POSSESSION WAS FOUND TO THE EAST.
- THE ACCURACY OF ANY FLOOD HAZARD DATA SHOWN ON THIS REPORT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP. THE WITHIN DESCRIBED TRACT OF LAND LIES WITHIN FLOOD HAZARD ZONE "X" AS SAID TRACT PLOTS BY SCALE ON COMMUNITY PANEL NUMBER 18057C 0142G OF THE FLOOD INSURANCE RATE MAPS FOR HAMILTON COUNTY, INDIANA (MAPS DATED NOVEMBER 19, 2014).
- OWNERSHIP INFORMATION INDICATED HEREON IS AS IDENTIFIED IN COUNTY RECORDS ON 07/05/2018.
- THE SURVEY HEREIN DOES NOT PURPORT TO SHOW THE WATERSHED AREAS AFFECTING THE SUBJECT PARCELS NOR DOES IT PURPORT TO SHOW THE PRESENCE OR ABSENCE OF ALL REGULATED OR NON-REGULATED DITCHES OR DRAINS.
- THE WITHIN PLAT AND SURVEY WERE PREPARED WITHOUT BENEFIT OF A CURRENT TITLE POLICY FOR THE SUBJECT TRACT OR THE ADJOINING TRACTS AND ARE THEREFORE SUBJECT TO ANY STATEMENT OF FACTS REVEALED BY EXAMINATION OF SUCH DOCUMENTS.

R.L.S.

LS20400007

7/30/2018

DATE:



**MILLER SURVEYING INC.**

948 CONNER STREET  
NOBLESVILLE INDIANA 46060  
PH. # (317) 773-2644 FAX 773-2694



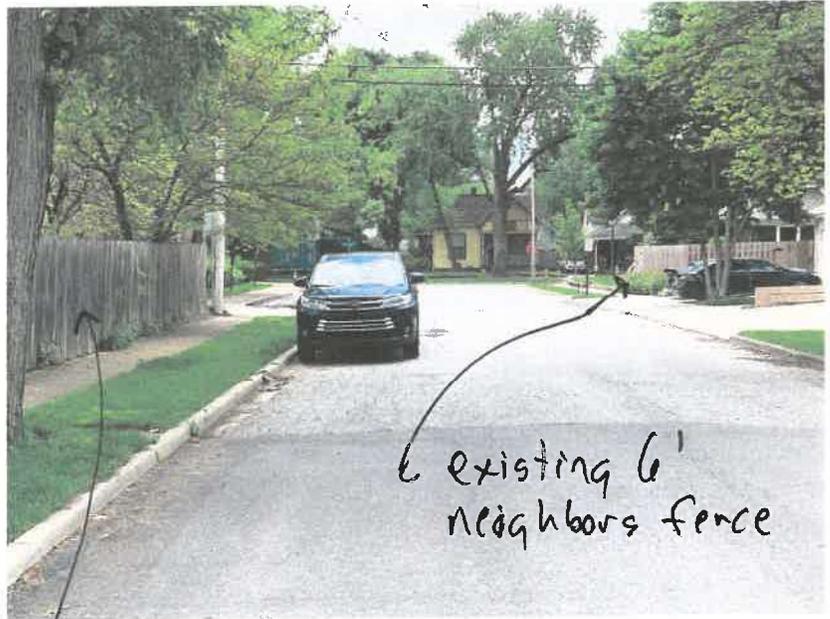
THIS SURVEY IS NOT COMPLETE AND/OR  
VALID WITHOUT BOTH PAGES.

**PAGE 2 OF 2**

LOCATION: LOT #4 IN BLOCK 2, D.C. CHAPMAN'S FIRST ADDITION, NOBLESVILLE TOWNSHIP, HAMILTON COUNTY, INDIANA	DRAWN BY: LRL	PREPARED BY: KNA
FIELD WORK COMPLETED: 7/23/2018	SCALE: 1" = 30'	FIELD BOOK: D.C.
CLIENT: DARRON PETERSON	DATE: 7/30/2018	PAGE: D.C.
DESCRIPTION: RETRACEMENT SURVEY	JOB NUMBER: B38009	SURVEY 4 FILE:

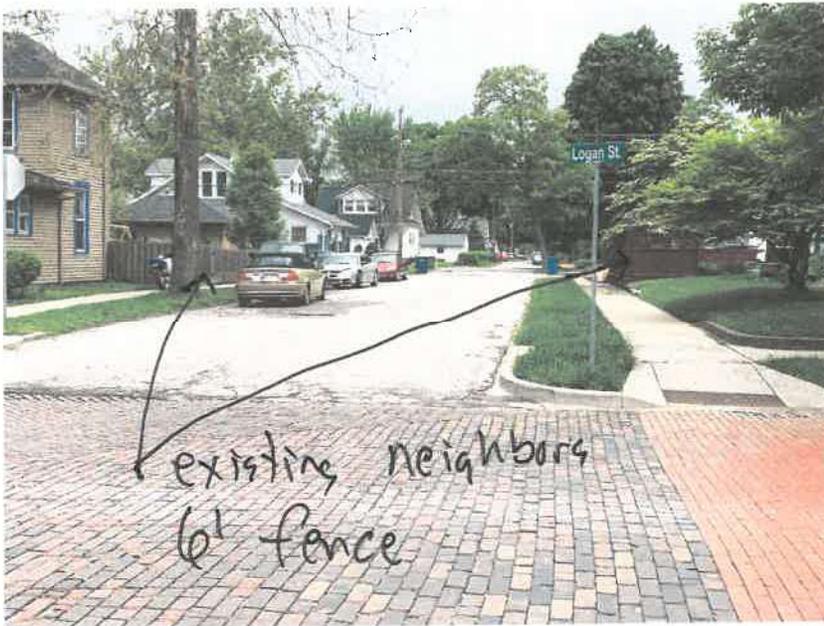


1407 Logan existing 6' fence along 14th st.



existing 6' neighbors fence

South from intersection 14th & Logan



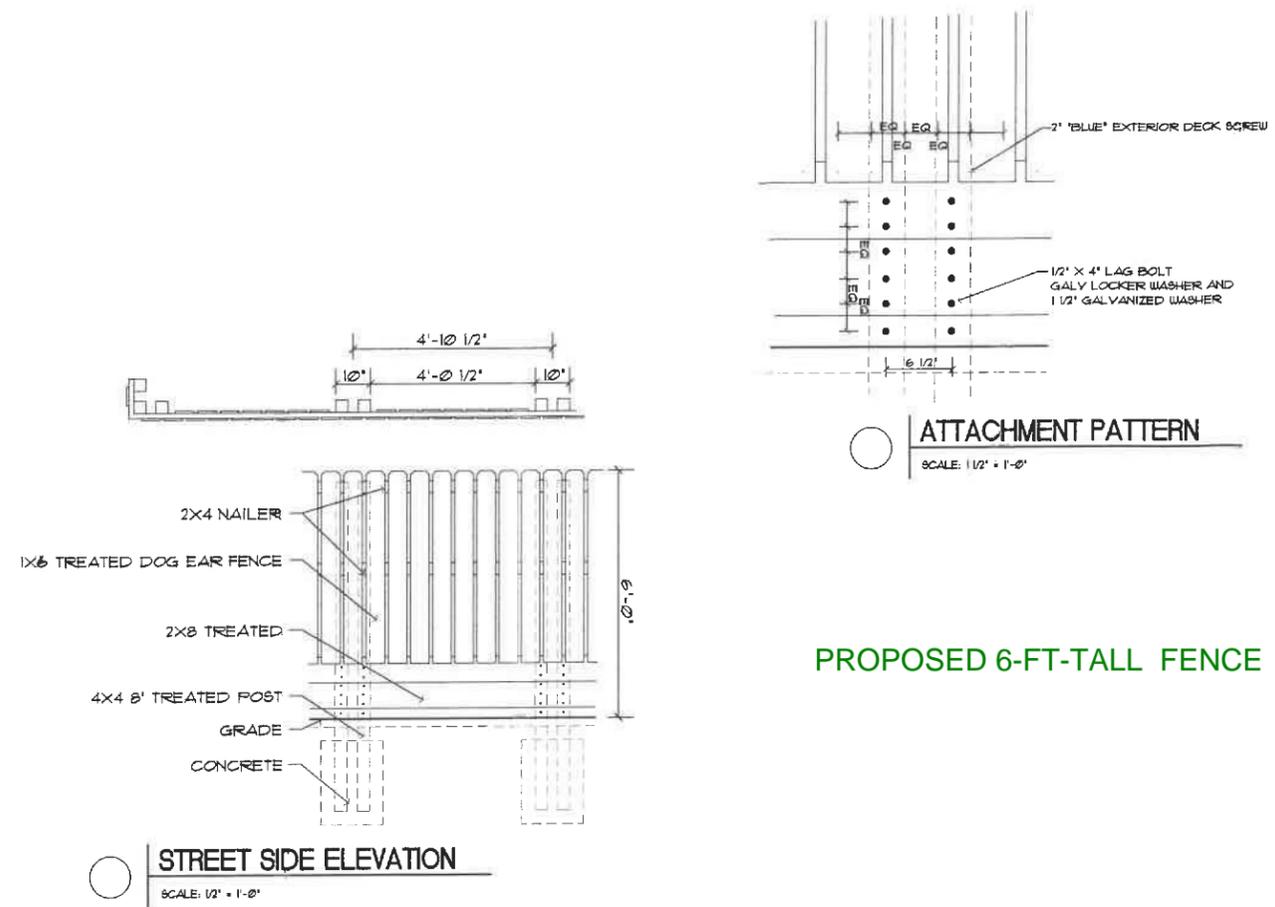
existing neighbors 6' fence

North from intersection 14th & Logan

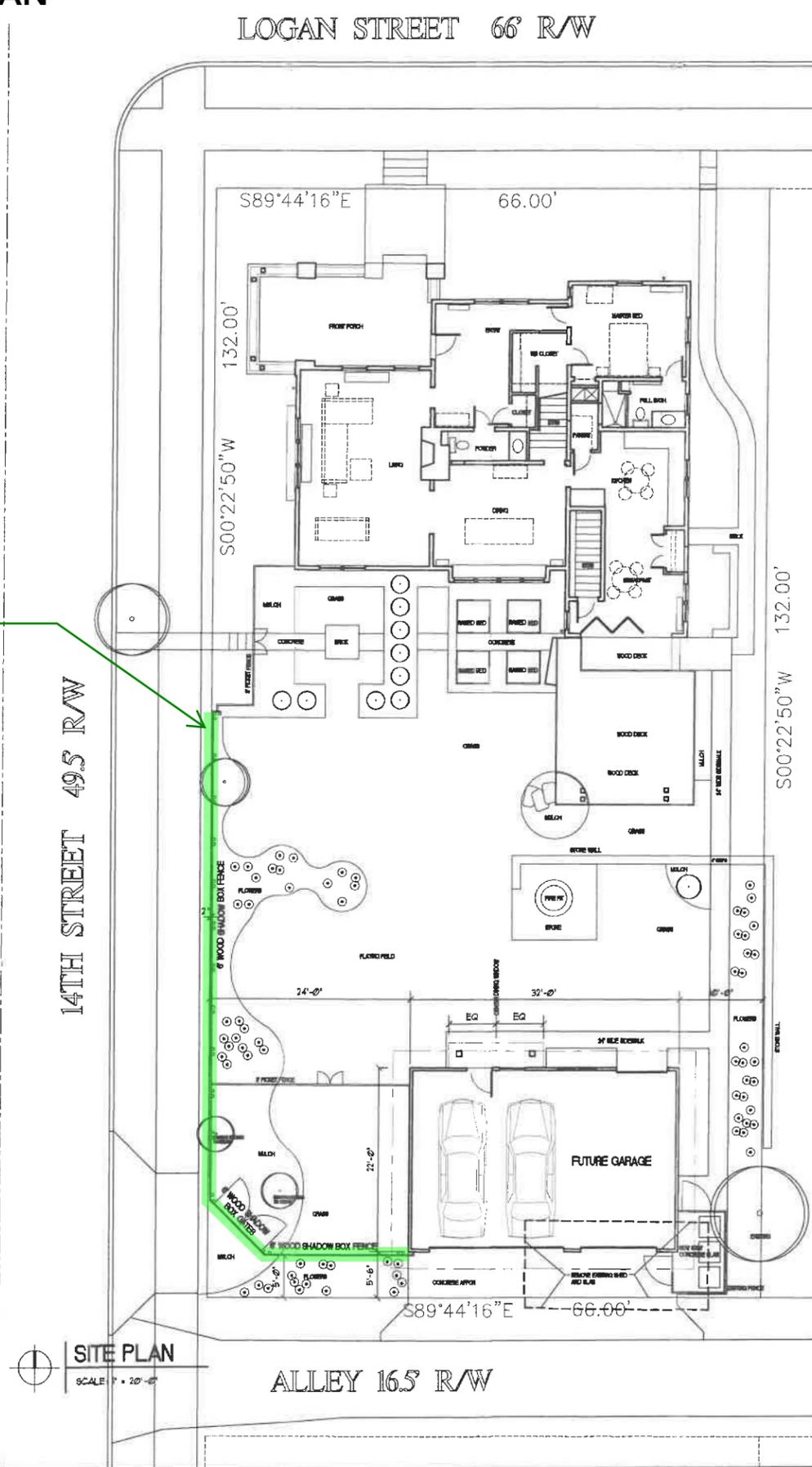
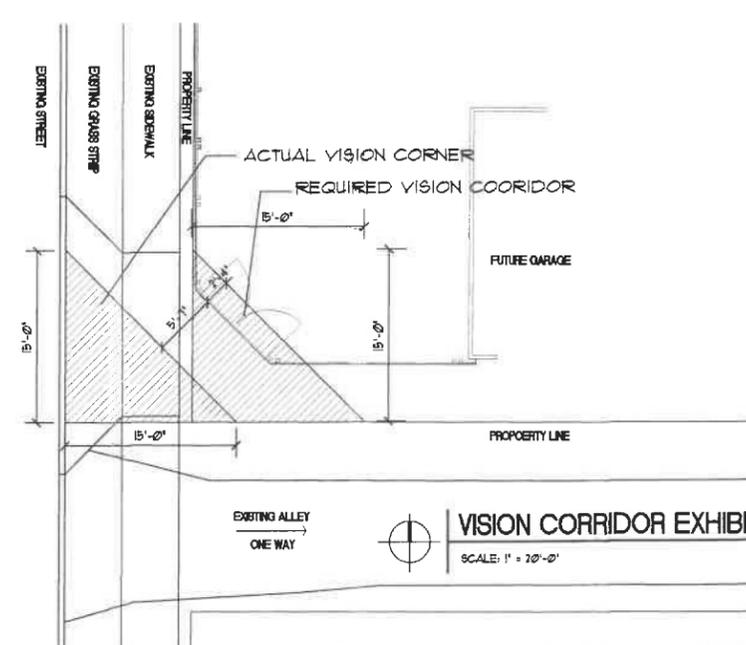


1407 Logan existing fence SW corner

# EXHIBIT 5. SITE PLAN



PROPOSED 6-FT-TALL FENCE



**PETERSON ARCHITECTURE**  
 298 south 10th street  
 suite 500  
 noblesville In 46060  
 p 317.770.9714  
 f 317.770.9718  
 studio@petersonarchitecture.com

**REMODEL**  
**PETERSON / ROBERTS**  
 1407 LOGAN STREET  
 NOBLESVILLE, IN  
**FENCE EXHIBITS**

CLIENT REVIEW  
 JUNE 01, 2020

REVISIONS	REVISION	DATE
▲	REVISION	DATE

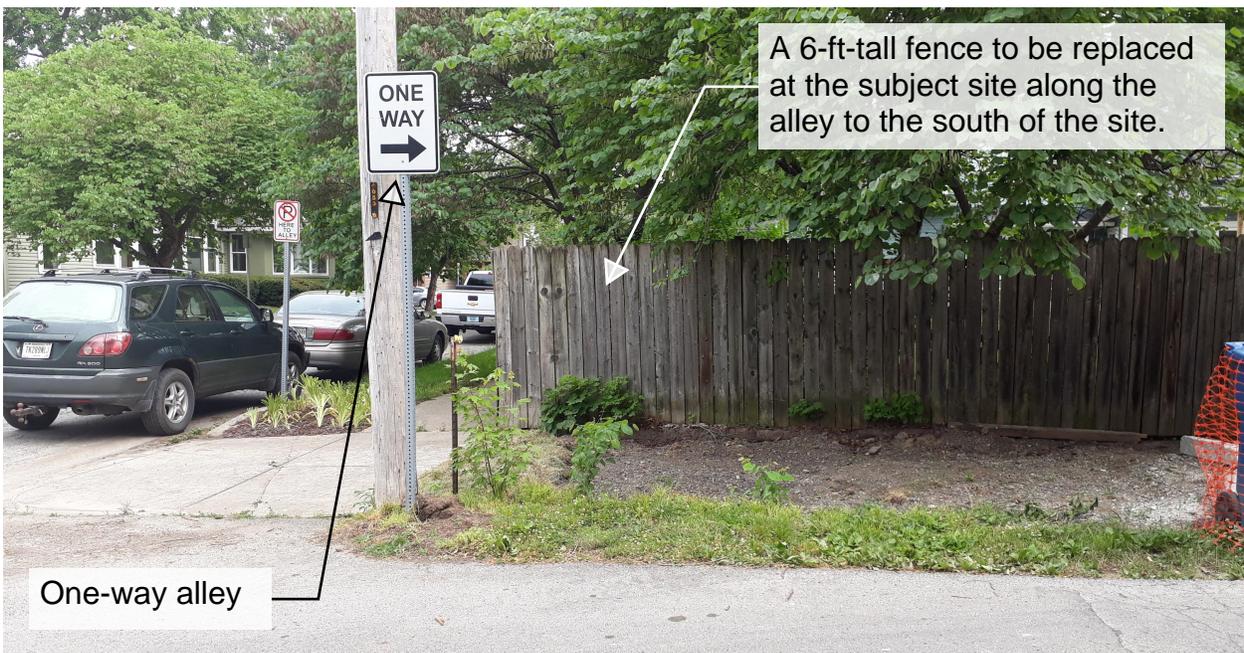
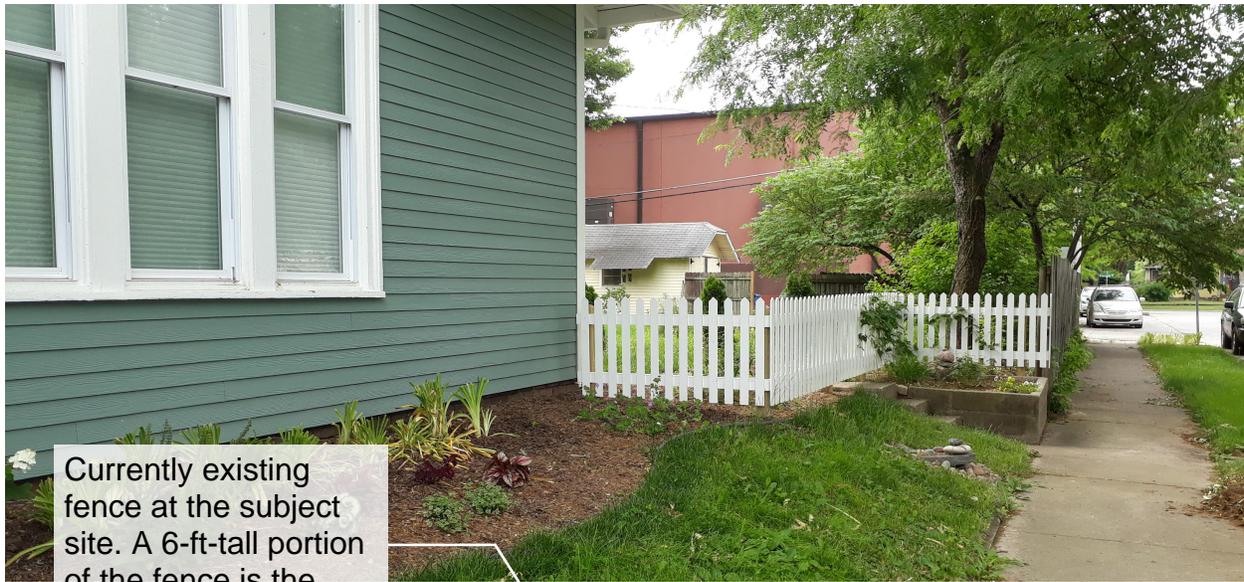
DRAWN BY: D. PETERSON  
 CHECKED BY: J. ROBERTS  
 PROJECT NUMBER: 18-0103  
 ARCHITECTURAL FLOOR PLAN

**A101**

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May 20, 2020 A101 fence.dwg

## EXHIBIT 6. SITE AND NEIGHBORHOOD PICTURES





Property to the SW of subject site: 6-7-ft-tall fence in the front yard.



Property to the W of subject site: a fence is NOT in the front yard.



Property to the N of subject site: a 4-ft-tall fence in the front yard.



Property to the NW of subject site: a 4-ft-tall fence in the front yard.



Property to the N of subject site: a 6-ft-tall fence in the front yard.

**From:** Brian Gray  
**Sent:** Friday, May 29, 2020 10:01 AM  
**To:** Oksana Polhuy  
**Subject:** Re: Quick question

Oksana -

You are correct. The fence will not be an impediment to line-of-site (VCC) with the one-way alley. The alley has been one-way for a long time, with no real possibility of change. I have waived the line-of-site requirement at this location for the requested fence.

I have added myself to the workflow and added notes to permit FENC-000598-2020. The Engineering approval of the permit request and waiver of the VCC restriction is on the permit.

Best Regards,

**Brian Gray, P.E.**

CITY OF NOBLESVILLE - Department of Engineering  
16 S. 10th Street, Suite 155  
Noblesville, IN 46060  
Phone: (317) 776-6330  
[www.cityofnoblesville.org/engineering](http://www.cityofnoblesville.org/engineering)

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**From:** Oksana Polhuy <opolhuy@noblesville.in.us>  
**Sent:** Thursday, May 28, 2020 3:41 PM  
**To:** Brian Gray <Bgray@noblesville.in.us>  
**Subject:** Quick question

Hello Brian,

I have a fence application for downtown location: 1407 Logan St. The proposed fence replacement would technically be in [Vision Corner Clearance](#) area. However, the alley by that fence is a one-way alley; the vehicles shouldn't be exiting from the alley onto 14<sup>th</sup> street, so there I'm not sure if VCC should be applied in this case. Since engineering can waive VCC in downtown area, I wanted to check with you if this is the time when it's okay for the fence to be in it at this property.

Thank you,  
Oksana