



BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA-0182-2022

PROPERTY ADDRESS: 8802 E 206TH ST, Noblesville, IN 46062

A Variance of Development Standards application was submitted to the Noblesville Department of Planning and Development for the above referenced location. The application, submitted by Gina and James Chinni, sought approval for Variance from Unified Development Ordinance (UDO) § 8.B.2.E and Table 8.B: to reduce of the required Front Yard Setback, for a Primary Structure, from 40 feet to 34 feet; in an R-1 (Low Density Single Family Residential) zoning district.

The Noblesville Board of Zoning Appeals conducted a hearing regarding this application on November 7, 2022. After testimony was given and evidence was presented to the Board, a motion to APPROVE the Variances, with conditions, was made, and the motion carried 4-0.

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:
The proposed variance will NOT be injurious to public health, safety, and general welfare of the community. The proposed reduced setback facilitates the porch addition resulting in a visual improvement to the structure and the site while also eliminating

any the ingress/egress safety concerns. This standard has been met.

2. The use and value of the area adjacent to the property included in the variances 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 variances. 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 the variances requested will not have a substantially adverse effect on the use and value of adjacent properties. This standard has been 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 variances are sought:

The strict application of the terms of the zoning ordinance WILL result in practical difficulties in the use of the property. According to the proposed site plan, the excising structure is only two (2) feet away from the setback line, resulting in insufficient space for an approach to breach the grade difference between the doorway and the surrounding land. This standard has been met.

The Findings of Fact contained herein are adopted by the Noblesville Board of Zoning Appeals on December 5, 2022.

Mike Field, Chairman

Caleb Gutshall, Secretary