



BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA-0215-2022 / BZNA-0216-2022 / BZNA-0227-2022 /
BZNA-0228-2022

PROPERTY ADDRESS: 3222 Cicero Road, Noblesville, Indiana

A Variance of Development Standards application was submitted to the Noblesville Planning Department for the above referenced location. The application submitted by Church Church Hittle + Antrim requested that approval be granted to a Variance of Development Standards application pursuant to:

- a) UDO §10.4.D.1 – Variance of Development Standards to waive curbing and paving requirements for a parking lot.
- b) UDO §8.D.1.F.2 – Variance of Development Standards to modify screening standards for outdoor storage in the I-1 (Light Industrial) zoning district (solid, opaque fence or wall required; landscape screening requested);
- c) UDO §8.D.1.F.1 & Table 8.D – Variance of Development Standards to reduce the minimum side yard setback for outdoor storage within the I-1 (Light Industrial) zoning district (20 feet required; 8 feet requested); and
- d) UDO §8.D.1.F.3 – Variance of Development Standards to permit outdoor storage in front of the rear line of the principal building within the I-1 (Light Industrial) zoning district.

The Noblesville Board of Zoning Appeals conducted a hearing regarding this application on December 5, 2022. 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 storage yard was installed in 2021 and there have been no known complaints from the surrounding community. The proposed outdoor storage area for heavy trucks and equipment will have gravel instead of paving, but will be screened from adjacent property or right-of-way. It is likely that the addition of landscape screening to the storage yard will improve

the general appearance of the property from the road. This portion of the property was chosen for the storage yard because it is located behind the mobile home park office and storage sheds (instead of residential units) to the north and an existing concrete pad could be utilized as part of the storage area. The property owner will be required to install a minimum 7 foot solid, opaque wall or fence on the property between the storage yard and the mobile home park to the north.

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. It is likely that the use of landscape screening outside the storage area to the west and south will be more effective and attractive than a solid wall or fence. This portion of the property was chosen for the storage yard because it is located behind the mobile home park office and storage sheds (instead of residential units) to the north and an existing concrete pad could be utilized as part of the storage area. While the storage yard is not located immediately behind residential units in the neighboring mobile home park to the north, the property owner will be required to install a minimum 7-foot solid, opaque wall or fence on the property between the storage area and the mobile home park.

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:

Though the property is within the I-1 (Light Industrial) zoning district, it is located on the same 5 acre portion of a 110 acre property as a single family house. It is also immediately south of an existing mobile home park. The storage area is located behind the mobile home park office and storage sheds located at the front of the mobile home park. Relocating the outdoor storage behind the rear line of the existing single family house may impact residential units to the north and existing agricultural land to the east. The location of the storage yard allows an existing concrete pad to be used for vehicle and equipment storage in addition to the gravel area. The strict application of the zoning ordinance would require the concrete pad to be removed and replaced with fill dirt, top soil, landscaping and gravel in order to comply with the setback requirement. Approximately seven (7) large trucks with equipment are parked in the storage yard. Each truck can weigh up to 80,000 pounds or 40 tons when fully loaded. The installation of paving within the outdoor storage area where heavy equipment and trucks are stored would require frequent maintenance due to deterioration. The use of gravel in addition to an existing concrete pad within a storage yard for heavy trucks and equipment, the installation of landscape screening and the location of the storage yard in front rear line of the primary building would be more consistent with the rural, agricultural character of the area.

The findings of fact contained herein are adopted by the Noblesville Board of Zoning Appeals on January 3, 2023.

Mike Field, Chairman

Caleb Gutshall, Secretary