

## Agenda Item #2

<b>Case Number</b>	BZNA-0063-2023	<b>Property Size</b>	3.0 acres
<b>Address</b>	5263 East 156 <sup>th</sup> Street	<b>Zoning</b>	SR (Suburban Residential)
<b>Owner</b>	Timothy and Dorothy Juergensen	<b>Reviewer</b>	Denise Aschleman
<b>Applicant</b>	Timothy and Dorothy Juergensen	<b>BZA Meeting</b>	August 7, 2023

**Requested Action:**

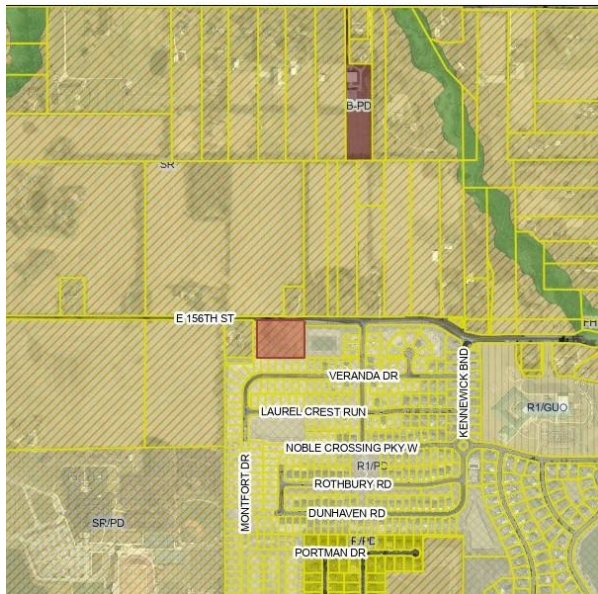
UDO § Table 8.B: Board to consider a Variance of Development Standards application to allow the reduction of the minimum lot width in the R1 zoning district. (200 feet required, 130 feet requested).

**Recommendation:**

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

**Exhibits:**

1. Application
2. Aerial Photo
3. Site Plan
4. Site Photos



## ANALYSIS

The subject site is located on the south side of 156<sup>th</sup> Street about midway between Gray and Hazel Dell Road. The property to the south is the Westmoor at Noble West subdivision, there is an approximately 2-acre residential parcel to the west, and there are parcels of varying size (5 acres +) on the north side of the road. The petitioner is currently in the process of constructing a new residential structure on the property. The property is currently zoned SR (Suburban Residential), but in addition to this variance request the petitioner has also submitted a rezoning application to change the zoning of the property to R1 (Low Density Single Family Residential). That application is scheduled to be heard at the September Plan Commission meeting.

The petitioner is requesting a variance to allow for the reduction of the required lot width for a lot in R1. The Unified Development Ordinance currently requires a minimum of 200 feet of frontage on a street, and the existing three-acre parcel has approximately 393 feet of frontage on 156<sup>th</sup> Street. The petitioner is requesting the variance to allow the subdivision of this parcel into three parcels with approximately 130 feet of lot width. Based upon the site plan that was submitted with the building permit application, this is an approximate because to meet the side yard setback requirements from the house that is under construction, the westernmost property would be approximately 127 feet in width to allow the proper setback from the western property line for the house. When laying out the proposed new lots the surveyor will need to pay close attention that the existing home 's layout on the new lot meets all the bulk requirements for a structure in the R1 zoning district, specifically the 10 foot side yard setback.

## VARIANCE OF DEVELOPMENT STANDARDS FINDINGS

### AGENDA ITEM #2:

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 the proposed variance will not be injurious to public health, safety, and general welfare of the community. The applicant is in the process of annexing the subject property to receive sanitary sewer access. The property is located against a number of properties within the Westmoor neighborhood that are comprised of sixty-foot-wide lots.**

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 subject property is in a transitional area between existing residential neighborhoods with smaller lots and existing larger lot more countryside type residential plots. The proposed reduction in lot width will provide a transition between these different lot types. The petitioner desires to offer at least one of these new lots to a family member.

## **RECOMMENDATIONS**

### **AGENDA ITEM #2:**

**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 approval of this variance is contingent upon the approval of the rezone request to change the property zoning from SR to R1.
2. 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.
3. 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.



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

Application Number: BZNA 0063-2023

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: Juergensen subdivision

Common Address: 5263 East 156th Street, Noblesville, IN 46062

Applicant Name: Church Church Hittle + Antrim by Andrew Wert

Applicant Address: 2 North 9th Street

Applicant City/State/Zip: Noblesville, IN 46060 E-mail: awert@cchalaw.com

Applicant Phone #1: 317.776.5262 Phone #2: \_\_\_\_\_ Fax: \_\_\_\_\_

Owner Name: Timothy & Dorothy Juergensen

Owner Address: 1047 Pennington Lane

Owner City/State/Zip: Westfield, IN 46074 E-mail: djuergens0101@sbcglobal.net

Owner Phone #1: 317.807.8731 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: 2022026982

Existing Land Use: Undeveloped

Common Description of Request: Reduction of lot width standard

Zoning District of Property: SR Code Section(s) Appealed: UDO § Table 8.B.

Date: 6-16-23

Applicant's Signature: *Dorothy Juergensen*

The Noblesville Board of Zoning Appeals (BZA) is authorized to approve or deny Variances of Development Standards from the terms of the Unified Development 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) statements are true (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. Explain why this statement is true in this case:

The proposed residential use will be beneficial to the area. Homes will be served by city sanitary sewers and annexation will add to the City's tax base.

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- 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:

The proposed lot widths will yield three lots that will be consistent with the character of the surrounding area.

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- 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:

A 200 foot lot width minimum on this parcel would not permit further subdividing. The existing three acres would be an undue amount of yard to maintain given today's market.

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## **Narrative Statement**

### **Juergensen, development standards variance petition**

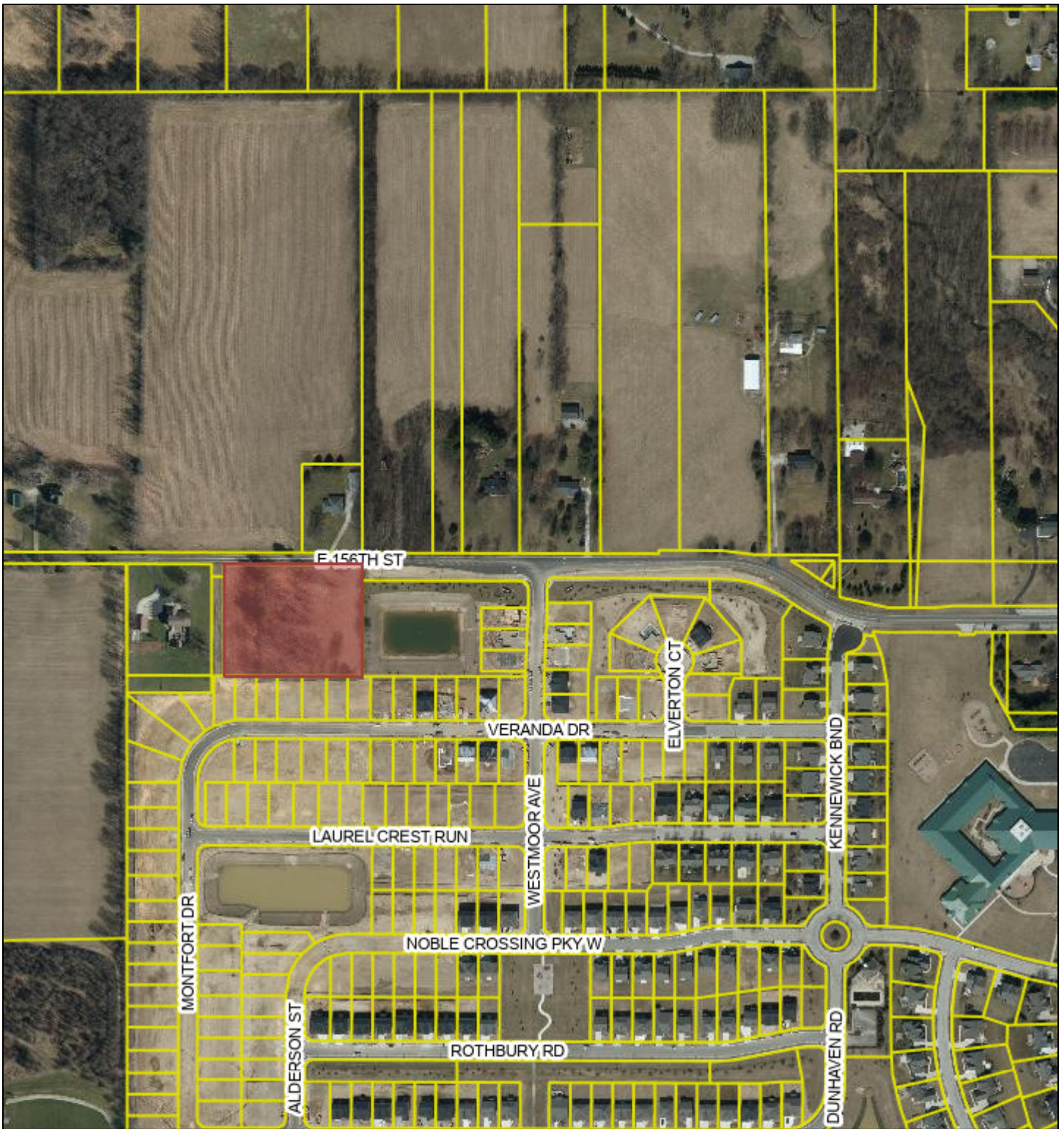
**5263 East 156<sup>th</sup> Street**

Timothy and Dorothy Juergensen are constructing a home at 5263 East 156<sup>th</sup> Street. They would like to create two additional building sites on either side of their new home. The three acre parcel has more land than they care to maintain. In addition, they would like to offer at least one of the new lots to a family member.

A rezone petition has been filed with the Plan Commission to change the existing SR Suburban Residential zoning to R1 Low Density Single Family Residential. The R1 standards require a lot width of at least 200 feet. Since the parcel is only 393.65 feet wide, the Juergensens are requesting a variance to reduce this standard to 130 feet. Approval of this variance would be conditioned upon approval of the rezone petition.

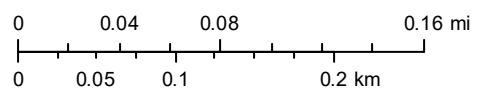


# Exhibit 2 Aerial Photograph



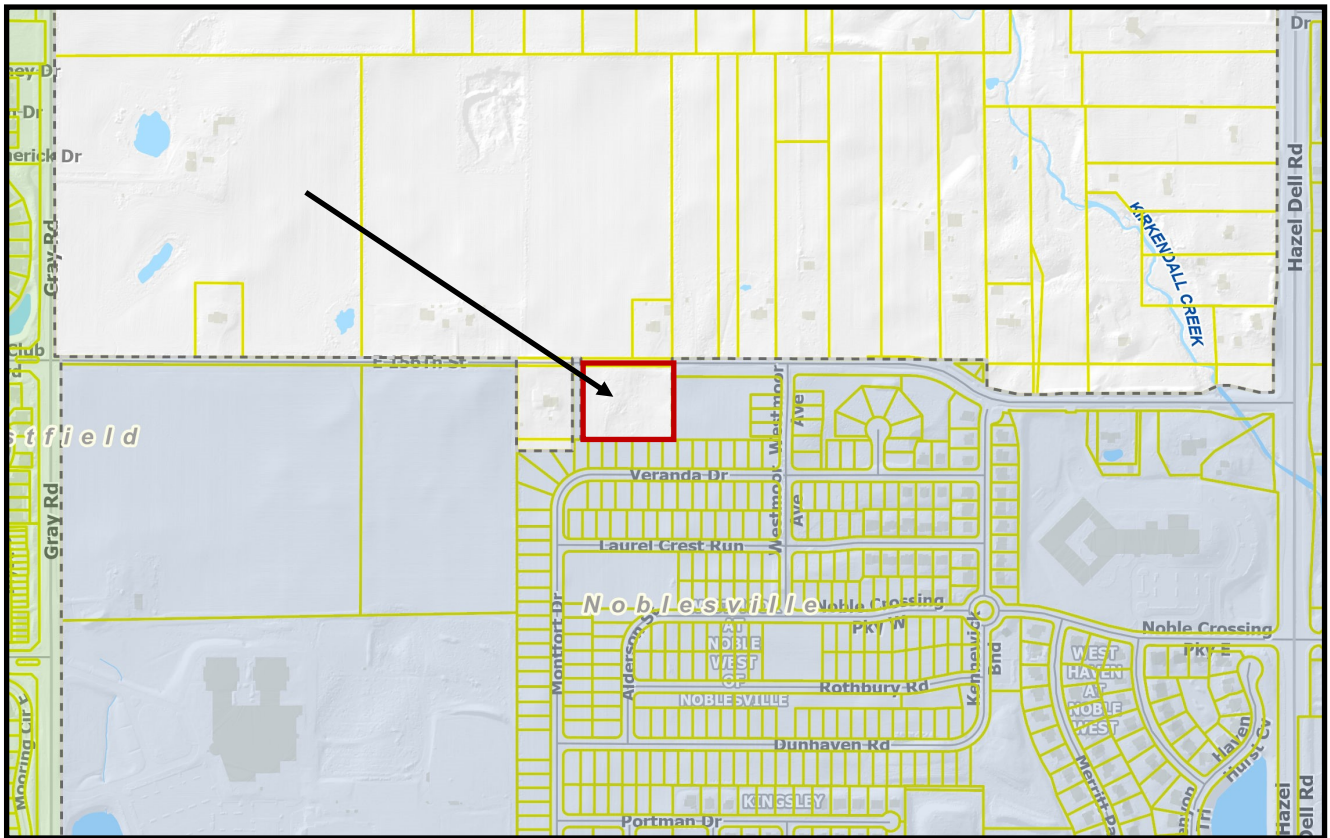
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1:4,800



- centerlines
- Parcels

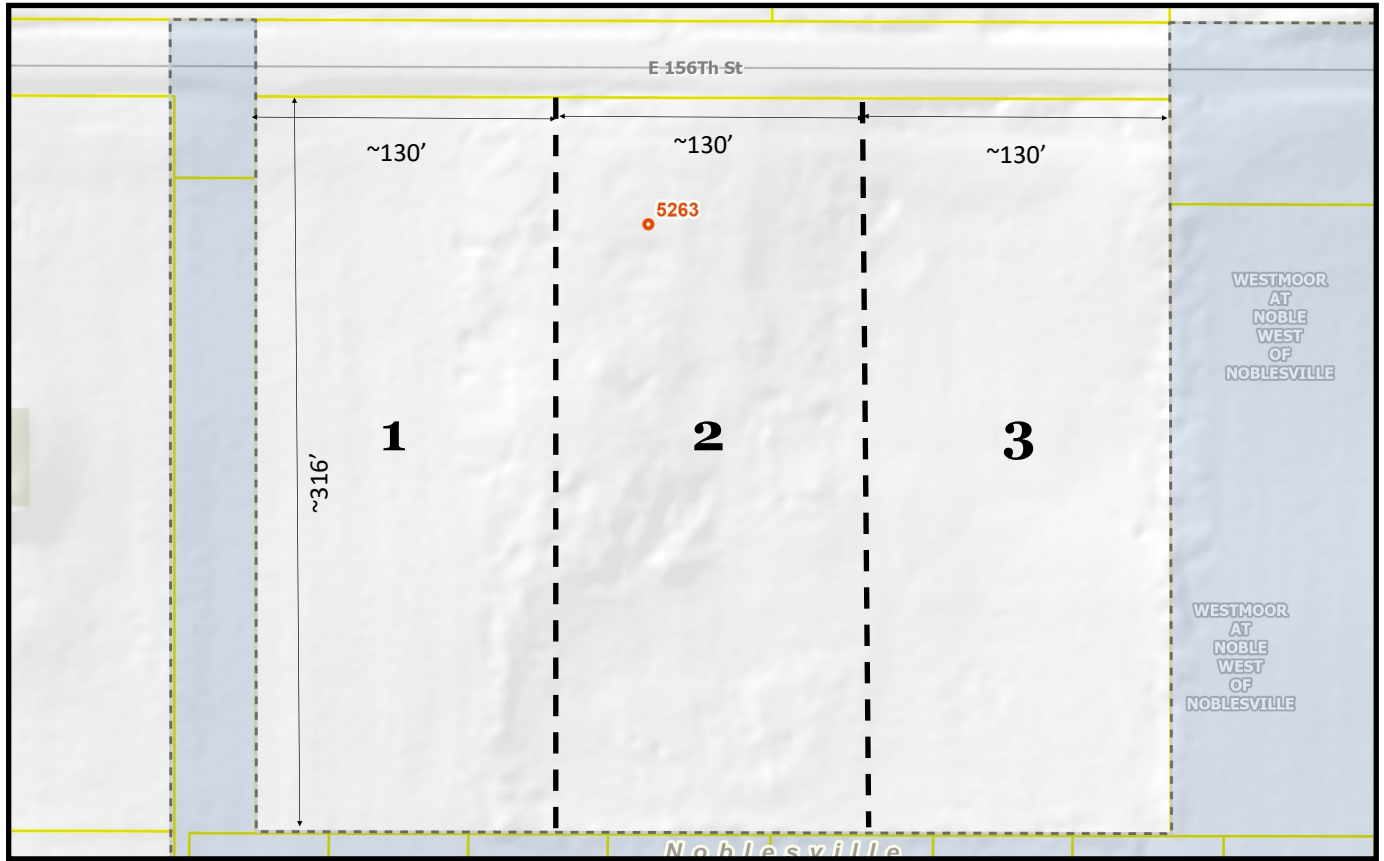
**JUERGENSEN—PROPOSED PROPERTY SPLIT**  
**5263 E 156th ST**





# JUERGENSEN—PROPOSED PROPERTY SPLIT

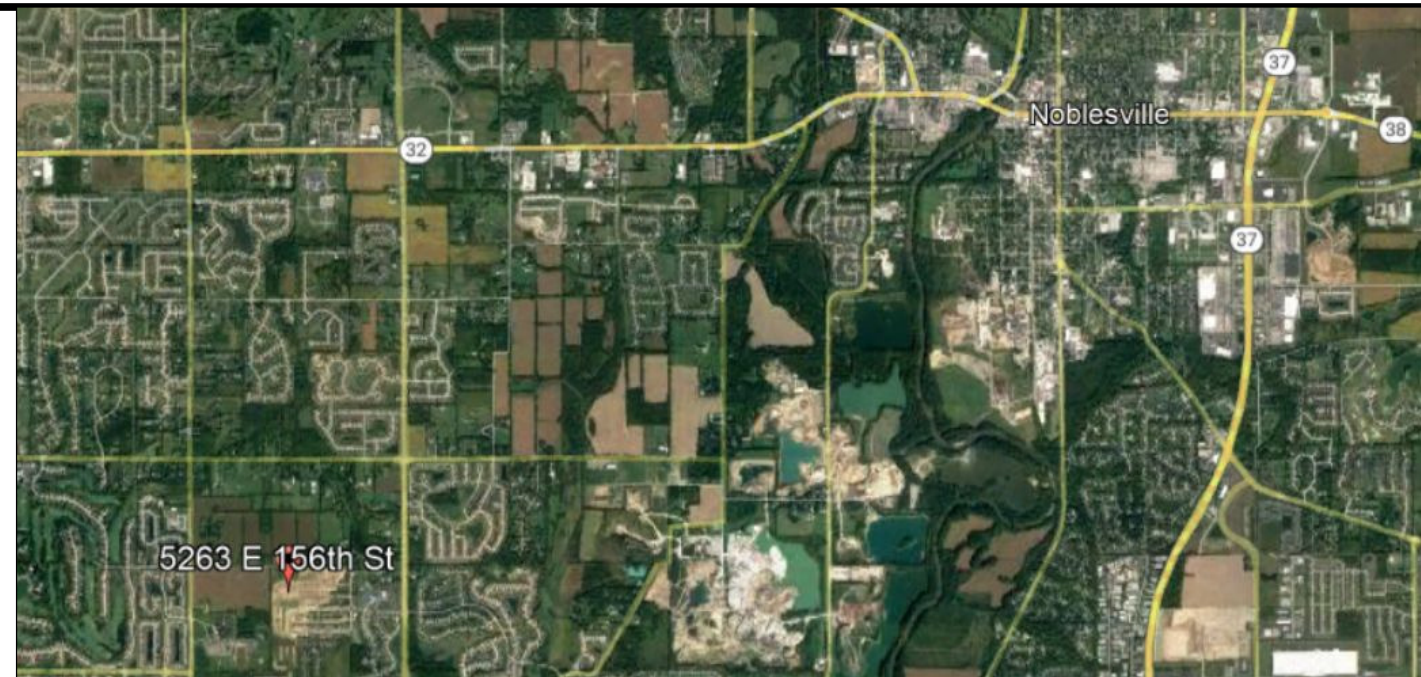
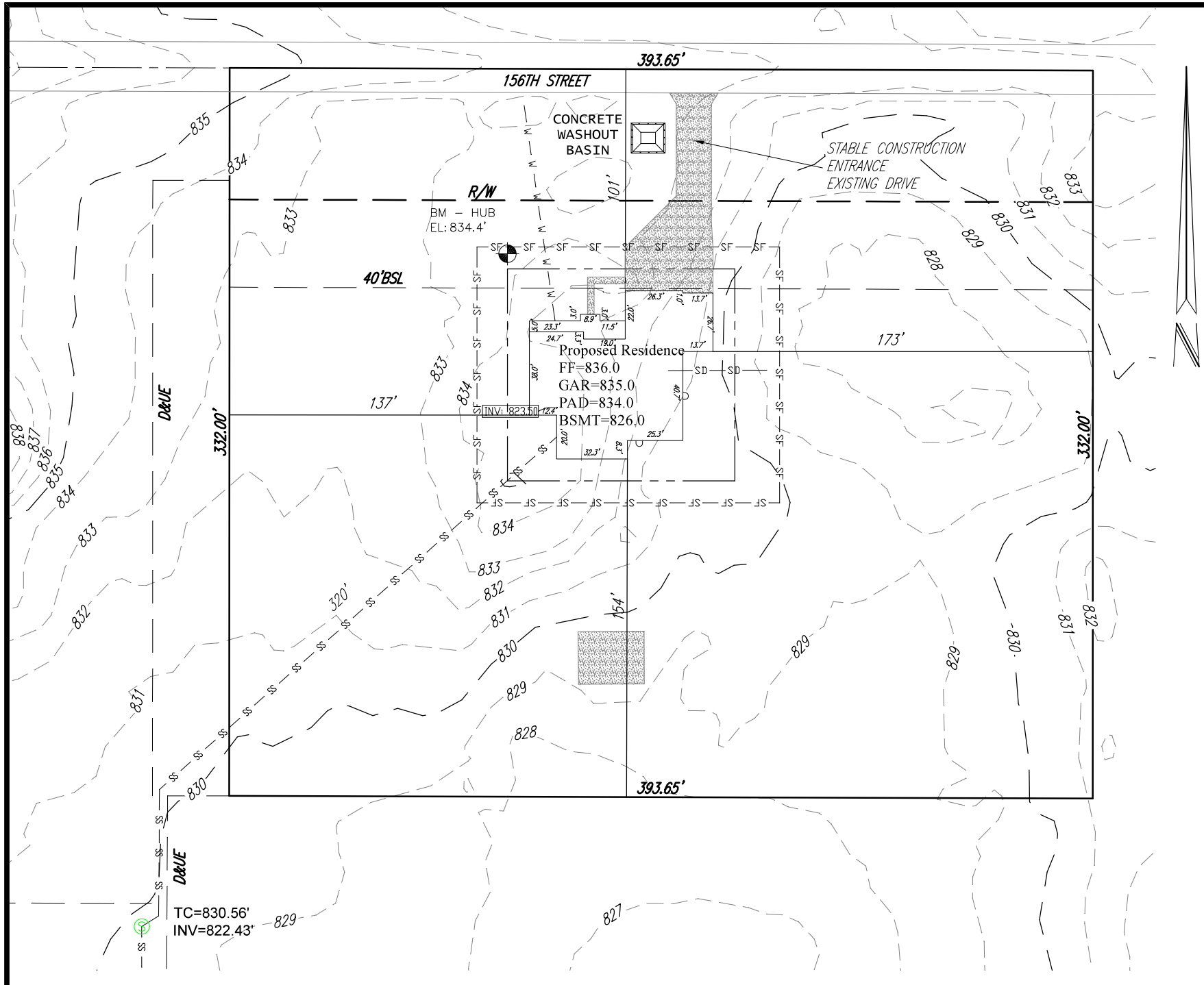
## 5263 E 156th ST



**JUERGENSEN—PROPOSED PROPERTY SPLIT**  
**5263 E 156th ST**







**GENERAL LOCATION**

TIMOTHY & DOROTHY JUERGENSEN  
 5263 EAST 156TH STREET  
 NOBLESVILLE, IN 46062

**LOT DESCRIPTION**

A part of the East Half, of the East Half, of the Northwest Quarter of Section 16, Township 18 North, Range 4 East, in Hamilton County, Indiana and being more particularly described as follows:  
 Beginning at the Northeast corner of said Half, Half, Quarter; thence on the East line thereof, South 00 degrees 29 minutes 31 seconds East 332.00 feet; thence parallel with the North line of the said Half, Half, Quarter; South 89 degrees 41 minutes 30 seconds West 393.65 feet; thence parallel with the East line of the said Half, Half, Quarter; North 00 degrees 29 minutes 31 seconds West 332.00 feet to the North line of the said Half, Half, Quarter; thence on the North line thereof, North 89 degrees 41 minutes 30 seconds East 393.65 feet to the Point of Beginning.

**NOTES**

Maintain positive drainage away from house, at least 6" drop in 10'

Flood Zone "X" 18057C0139G 11/19/2014

- LEGEND**  
AS APPLICABLE
- UTILITY POLE
  - TELEPHONE PEDESTAL
  - WATER WELL
  - LIGHT POLE
  - AIR CONDITIONER
  - SILT FENCE
  - 6 FOOT CHAIN FENCE W/ BARBWIRE
  - CLEAN OUT
  - GUY WIRE
  - ELECTRIC METER/BOX
  - CABLE PEDESTAL
  - GAS ENTRANCE
  - SANITARY MANHOLE
  - DECIDUOUS TREE
  - CONIFEROUS TREE
  - WATER VALVE
  - FIRE HYDRANT
  - STORM MANHOLE
  - BEEHIVE INLET
  - CURB INLET
  - BOLLARD
  - SATELLITE DISH
  - FENCE POST
  - SITE BENCHMARK
  - MAILBOX
  - SOIL BORE LOCATION

**APPROVED**

*kmartin 02/24/2023*

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0 30 60  
SCALE: 1" = 60'

PROJECT NO. 22H349	OF 3 SHEETS	SHEET NO. 1	PLOT PLAN - GENERAL		No.	Date	Revisions	DRAWN BY: DRH			105 N. MERIDIAN ST. LEBANON, IN 46052 PHONE: (765) 482-5141 INFO@HAUSESURVEYINGANDENGINEERING.COM  A SERVICE DISABLED VETERAN OWNED SMALL BUSINESS
			DAVIS - JUERGENSEN								
			PT E 1/2, E1/2, NW1/4, SEC 16, T18N, R4E								
			NOBLESVILLE TOWNSHIP, HAMILTON CO., IN.								





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