

The **Noblesville Board of Zoning Appeals** met on Monday, June 3, 2024. Members in attendance were as follows:

- Mike Field..... Chairman
- Dave Burtner..... Vice-Chairman
- Dan MacInnis ..... Citizen Member
- Kevin Sears..... Citizen Member
- Lauren Wahl..... Citizen Member

Others in attendance included Principal Planner Denise Aschleman, Senior Planner Amy Steffens, Associate Planner Rina Neeley, Attorney Tyler Ochs

Chairman Field calls the meeting to order at 6:00 p.m.

**APPROVAL OF MINUTES**

Ms. Aschleman states there are no minutes ready for approval.

**APPROVAL OF FINDINGS OF FACT**

**Motion by Mr. Field, seconded by Mr. Burtner, to approve the Findings of Fact as presented.**

**AYE: Burtner, Field, MacInnis, Sears, Wahl. The motion carries 5-0-0.**

**NEW BUSINESS**

<b>1. BZNA-0087-2024</b>	
<b>Location:</b>	627 Sheridan Road
<b>Applicant:</b>	Ridgeline Contractors (property owner)
<b>Description:</b>	UDO § 8.C. – Board to consider a variance of development standards application to permit a reduction of the required 60-foot front yard setback within the Planned Business zoning district.
<b>Staff Contact:</b>	Amy Steffens

Mrs. Amy Steffens states before you is a variance of development standards. The site is zoned Planned Business, as is the self-storage use to the east and south of the site. To the north across Sheridan Road are single-family dwellings, zoned R2; a vacant R2 parcel is to the west. The site is a 0.38-acre parcel, improved with a partially constructed 3,786-square foot commercial building to be used as a contractor’s office. The previous 1,300 square foot contractor’ office was demolished in 2023. During construction of the commercial building the applicant realized the buildings location does not comply with the buildings 60-ft front yard setback. The applicant dedicated right-of-way along Sheridan Road but the building’s location on the site plan was not changed to meet the UDO-required setback from the new right-of way line. Construction was substantially underway when the mistake was discovered. Staff is recommending approval and is happy to answer and questions.

Mr. Adrian Bohland, 360 Pebble Brook Circle, explained how it was one approved beforehand and construction began until getting around 70% of the foundation completed before they had realized the mistake.

Chairman Field opened the public hearing; seeing no one, Chairman Field closed the public hearing.

**Motion by Mr. Burtner, second by Mrs. Wahl to approve application BZNA-0104-2024 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 to the area adjacent to the property will not be affected in a substantially adverse manner;**
- **The need for the variance does arise from some condition peculiar to the property involved;**
- **The strict zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought;**
- **The approval does not interfere substantially with the comprehensive plan adopted by the Noblesville Plan Commission and Council.**

**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.

**AYE: Burtner, Field, MacInnis, Sears, Wahl. The motion carries 5-0-0.**

## **2. BZNA-0089-2024**

<b>Location:</b>	16442 Grand Cypress Drive
<b>Applicant:</b>	Larry & Jodie Heydon
<b>Description:</b>	UDO §8.B.– Board to consider variance of development standards application to permit lot coverage to exceed 45 percent in the R1/Planned Development zoning district.
<b>Staff Contact:</b>	Amy Steffens

Mrs. Steffens states before you is a variance of development standards. The subject site is a 0.24-acre parcel in the Sagamore subdivision surrounded by single family dwellings and to the south is a golf course. The applicant proposes installation of an in ground pool in the south rear yard. Section 8.B. of the UDO allows a maximum of 45 percent lot coverage and what is wrapped up in lot coverage is structures plus impervious surface. She determines that the pool surface does not count but what would count would be the concrete surrounding the pool. While reviewing the construction plans both the house and the driveway are at maximum lot coverage. Including the

separate permit for the pool deck. Per the submitted building plans, the dwelling's footprint is 3,582 square feet, the driveway is 1,137 square feet, and the patio around the pool will be 769 square feet (the pool itself does not count toward lot coverage), for a total lot coverage of 52 percent, or 763 square feet in excess of what the UDO permits. Staff is recommending approval of this request for the reasons listed in the staff report and subject to the listed conditions.

Mr. Matt Harnes, 1022 Kendall Ct, Unit 2, states he is representing the Heydon family.

Chairmen Field asked if there would be any problems with the specific conditions.

Mr. Harnes stated no.

Chairman Field opened the public hearing; seeing no one, Chairman Field closed the public hearing.

**Motion by Mrs. Wahl, second by Mr. Burtner to approve application BZNA-0090-2024 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 to the area adjacent to the property will not be affected in a substantially adverse manner;**
- **The need for the variance does arise from some condition peculiar to the property involved;**
- **The strict zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought;**
- **The approval does not interfere substantially with the comprehensive plan adopted by the Noblesville Plan Commission and Council.**

**With the following specific conditions:**

1. The Applicant shall install perimeter landscaping and buffer treatments along the 160<sup>th</sup> Street frontage. This shall comply with the plan shown in Exhibit 3.
2. No gravel processing – blasting, crushing, or wet processing – shall occur on the subject site (Parcel #10-10-11-00-00-017.001).
3. All clean fill accepted on the site shall comply with the IDEM guidance document contained within Exhibit 6.
4. 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.

5. 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.

**AYE: Burtner, Field, MacInnis, Sears, Wahl. The motion carries 5-0-0.**

**MISCELLANEOUS**

**ADJOURNMENT**

The meeting is adjourned at 6:12 p.m.

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Mike Field, Chairman

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Caleb P. Gutshall, Secretary