



BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA-000130-2024

PROPERTY ADDRESS: 11629 East 196th Street, Noblesville, Indiana

A Variance of Development Standards application was submitted to the Noblesville Planning Department for the above referenced location. The application submitted by owner Christian Gustin requested that approval be granted to variance of development standards application UDO §9.B.1.C.3. to permit construction of an accessory structure that exceeds the maximum allowable square footage. The Noblesville Board of Zoning Appeals conducted a hearing regarding this application on August 5, 2024. After testimony was given and evidence was presented to the Board, a motion to DENY was made, and the motion carried 3-1.

VARIANCE OF USE 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 Conditional Use. Consistent with Indiana Code §36-7-4-918.4 the Noblesville Board of Zoning Appeals hereby makes a determination in writing that the following are true:

1. The approval will be injurious to the public health, safety, morals, and general welfare of the community.

The UDO provision for maximum detached accessory size is intended to ensure that the accessory structure is visually and functionally incidental and subordinate to the primary use, i.e. the residential use. The Ordinance allows for larger and taller accessory structures on larger parcels. The existing dwelling would no longer be the dominant feature of the parcel as illustrated in staff's exhibit below.

2. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

The strict application of the terms of the zoning ordinance will not result in practical difficulties in the use of the property because the size of the accessory structure could

be reduced to lessen the variance request. The site is zoned and used for residential purposes and can continue to be used for such purposes with the compliant accessory structure that was previously permitted in 2018.

The findings of fact contained herein are adopted by the Noblesville Board of Zoning Appeals on September 3, 2024.

Mike Field, Chairman

Caleb Gutshall, Secretary