

Agenda Item #2

Case Number	BZNA-000152-2024	Property Size	1.13 acres
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Address	15570 Stony Creek Way	Zoning	I-1
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Owners	WI Investment Group LLC	Reviewer	Amy Steffens, AICP
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Applicants	SMS Investment Group LLC and its affiliate WePlay ABA and Language Academy LLC	BZA Meeting	September 3, 2024
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Requested Action:

Variance of Use application pursuant to UDO §4.D.3 and Appendix C to allow for offices and clinics of a health care practitioner

Recommendation:

Approve. See Findings of Facts for Approval on page 2 and Conditions of Approval on page 5.

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| A. Applicant's project narrative | C. Applicant's findings of fact |
| B. Plot plan | D. Aerial photograph |



ANALYSIS

The subject site is a 1.13-acre parcel, in the I-1 light industrial zoning district, improved with a 7,359 square foot office building and a 1,152-square foot accessory structure. The site fronts onto Stony Creek Way to the north and Herriman Boulevard to the east, with access taken from Stony Creek Way. Industrially zoned properties abut in all directions. A child care center to the north received a variance of use in 1990.

The petitioner is requesting a variance of use to allow for an autism therapy center at this site. According to the petitioner's narrative (Exhibit A), the autism therapy center would operate Monday through Friday from 8 am to 4:30 pm and would serve children and their families. An autism therapy center would be classified by the UDO as *Offices & Clinics of Physicians, Dentists, or other Health Care Practitioners*, a use permitted only in all of the commercial zoning districts.

Per §10.0.3.B., required off-street parking standards, a medical clinic requires one parking space per 250 square feet of gross floor area. The proposed use would require 30 parking spaces; 36 spaces are provided by the existing parking area.

No signage is proposed; all signage must conform to Article 11, Signs.

Future development of the site would be regulated by UDO Section 4.B., site plan review, although the applicant does not propose any additional site improvements at this time. Interior renovations may require building permits. Building and fire department staff have discussed occupancy and building code requirements with the applicant.

Per Section 4.D.3.J.1., *Subject to an extension of time granted by Director of Planning and Development, no variance from the provisions of this Ordinance shall be valid for a period longer than one year unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a Certificate of Occupancy is issued and a use is commenced within that period.*

VARIANCE OF USE 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 Use may be approved only upon a determination in writing that the following five (5) conditions are met (see Indiana Code § 36-7-4-918.4):**

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 proposed medical office use will likely be less intensive than an I-1 permitted use. Based on the petitioner's narrative, the use will be strictly geared toward providing autism therapy services to children and their families, with indoor operations, that will benefit the surrounding community.

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. The traffic generated will likely be no greater than another office or industrial use, such as I-1 permitted animal hospital, light manufacturer, warehouse, or automobile repair facility. 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.

As of the writing of this report, staff has not been contacted by any interested parties.

3. The need for the variance arises from some condition peculiar to the property involved:

The need for the variance does arise from a condition peculiar to the property involved. The petitioner indicates that the building has been renovated to allow for a similar use as is what is proposed. The site and existing improvements are best suited for office-related uses, not more intensive industrial uses such as contractor's office with outdoor storage, distribution facility, food production, or nursery/greenhouse use.

4. 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 because, as stated above, the existing facilities are best suited for office-related uses. The proposed autism therapy center would be a compatible office-related use.

5. The approval does not interfere substantially with the comprehensive plan adopted by the Noblesville Plan Commission and Council:

The approval does not interfere substantially with the Noblesville comprehensive plan. The subject site is planned for Innovation/Flex MU, which according to the Plan: *assembly facilities, research and design labs, technology, maker spaces, small-scale food distribution, and flex office/commercial are the predominant uses within the Innovation/Flex typology. This typology allows for lower-intensity production and office/retail use that is compatible to the surrounding neighborhood and commercial development.*

Medical office uses would support the intent of the comprehensive plan for this section of Herriman Boulevard as an office use compatible to the surrounding neighborhood and commercial development.

RECOMMENDATIONS

AGENDA ITEM #2, BZNA-000152-2024:

APPROVE the requested Variance of Use 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.
4. Future development of the site shall be subject to Article 4, Section B., site plan review.
5. Signage shall conform to UDO Article 11.C.1.D., single-tenant building or property, regulations and shall require issuance of permits prior to installation.

EXHIBIT A

NARRATIVE STATEMENT – WEPLAY ABA AND LANGUAGE ACADEMY, LLC 11570 Stony Creek Way, Noblesville

Request: Variance of Land Use to operate an autism therapy center at 11570 Stony Creek Way, Noblesville, which is zoned I-1.

The Business: Applicant SMS Investment Group LLC and its Affiliate WePlay ABA and Language Academy LLC

Applicant SMS Investment Group LLC (“SMS”) has a right to purchase the property located at 11570 Stony Creek Way, Noblesville contingent on its affiliate and future tenant, WePlay ABA and Language Academy (collectively with SMS, “WePlay”), being able to use the property for behavior therapy known as Applied Behavioral Analysis for children and their families affected by Autism Spectrum Disorders. The property currently is used by a tenant (Cherish Center) of the current owner for similar services (in-office sessions with children). The current tenant is unrelated to SMS and WePlay.

WePlay is a premier autism service provider featuring owner/clinicians with over 40 years of combined experience, a dually certified Board-Certified Behavior Analyst and Speech Language Pathologist, as well as a thoughtfully crafted environment intended to maximize fun and encourage child-led learning with a strong emphasis in speech and language development. There are “classrooms” of all types, and the children’s learning style dictates the methods used. WePlay opened its first location in Westfield, Indiana, right off US-31 behind Grand Park Sports Campus in January 2023 and is looking to expand into Noblesville with this second location to meet the demand of its clients living in the Hamilton County area.

Plans:

WePlay does not plan any changes to the exterior of the building. The site plan shows a dedicated parking area of over 30 parking spaces. The number of dedicated spaces for the autism clinic is intended to accommodate the growth projection of the business, but the employee maximum at the outset would be 15 persons. The maximum number of patients in the building at any time is anticipated to be between 35 and 50. The business will keep the same business days and hours as WePlay’s Westfield location, which are: Monday through Friday from 8:00 am to 4:30pm.

The parking lot serving the building has two access points. Dropoff of patients is as follows: autism clinic staff come out to meet the children and get them out of their parent’s parked car. Dropoff times and pickup times will be clustered around 8–8:30 a.m. and 4-4:30 p.m., respectively. Due to the building’s existing use for similar services, WePlay does not anticipate changes to surrounding road traffic.

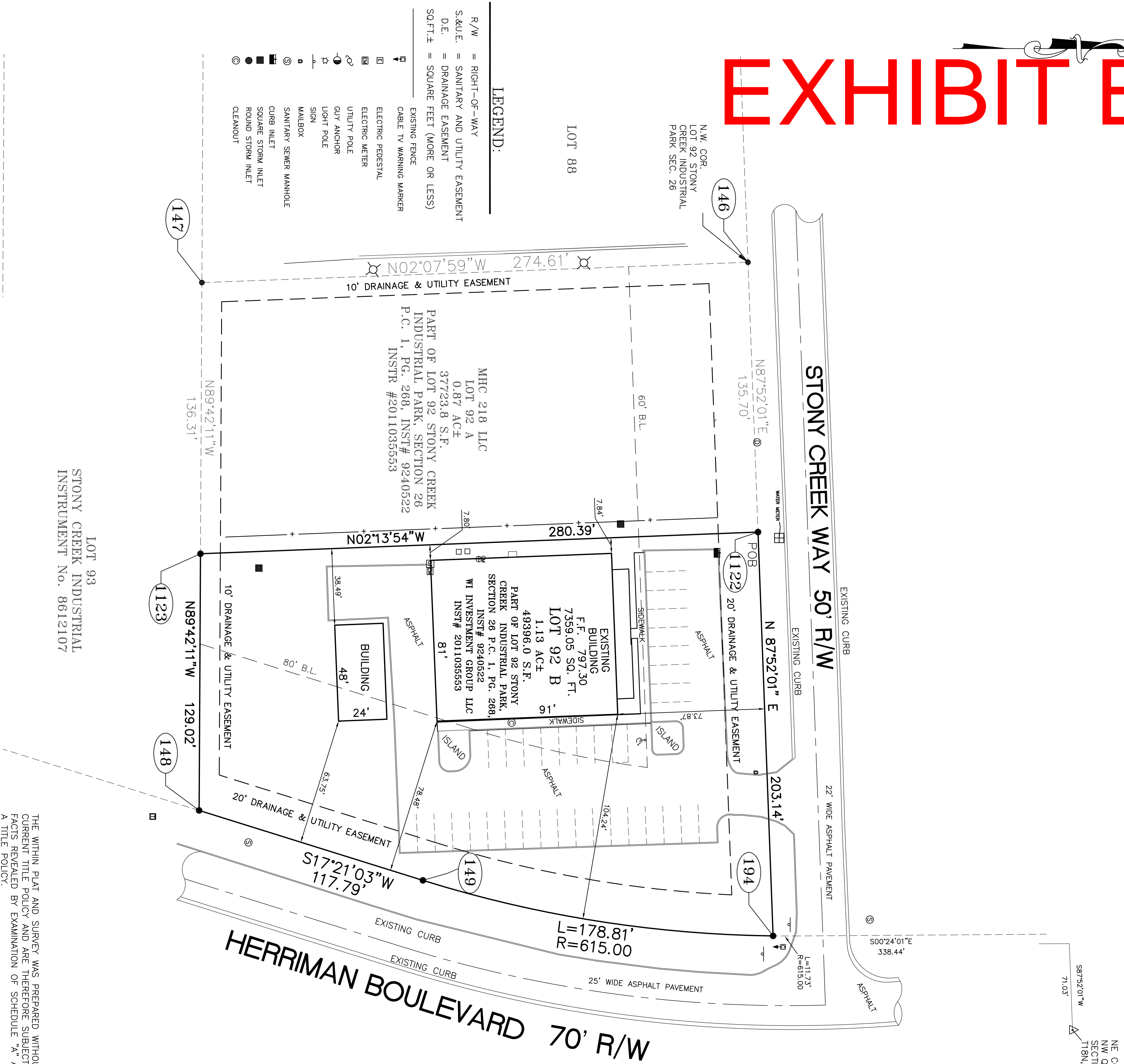
WePlay has general updates planned for the interior but nothing requiring a permit.

Support for Request:

Approval of this variance of use will benefit Noblesville community, which is underserved in terms of autism services. This is a professional service proposing to operate out of an existing office building. The building is ideal in terms of layout and useable space and already has been retrofitted to be used for services geared toward children and families for an existing autism clinic/office. The outward appearance of the building will not change as WePlay does not plan any changes to the exterior of the building. Use as an office is a permitted I-1 use. Other professional offices are located in the Stony Creek industrial park. Also, a substantially similar business, ABA Services, LLC dba Applied Behavior Center for Autism, is in an I-1 zoned property at 9155/75 E. 146th Street, Noblesville, and was granted a variance for this use. *See BZNA-0047-2021.*

The surrounding area will not be affected as neighboring businesses already provide similar in-office services for children. Current businesses in the area include the Stony Creek Swim Club (swim lessons), The Village Osteopath (medical wellness center), and the Stony Creek Early Learning Center (childcare center).

EXHIBIT B



ALTA/NSPS LAND TITLE SURVEY

LOT #92B IN STONY CREEK INDUSTRIAL PARK SECTION TWENTY-SIX PART OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 18 NORTH, RANGE 5 EAST, CITY OF NOBLESVILLE, NOBLESVILLE TWP., HAMILTON COUNTY, INDIANA

LAND DESCRIPTION

LOT # 92B IN THE REPLAT OF LOT # 92 IN STONY CREEK INDUSTRIAL PARK SECTION 26 AS PER PLAT THEREOF RECORDED IN PLAT CABINET 1 OF HAMILTON COUNTY, INDIANA, SAID REPLAT BEING RECORDED IN INSTRUMENT NO. 2011035553.

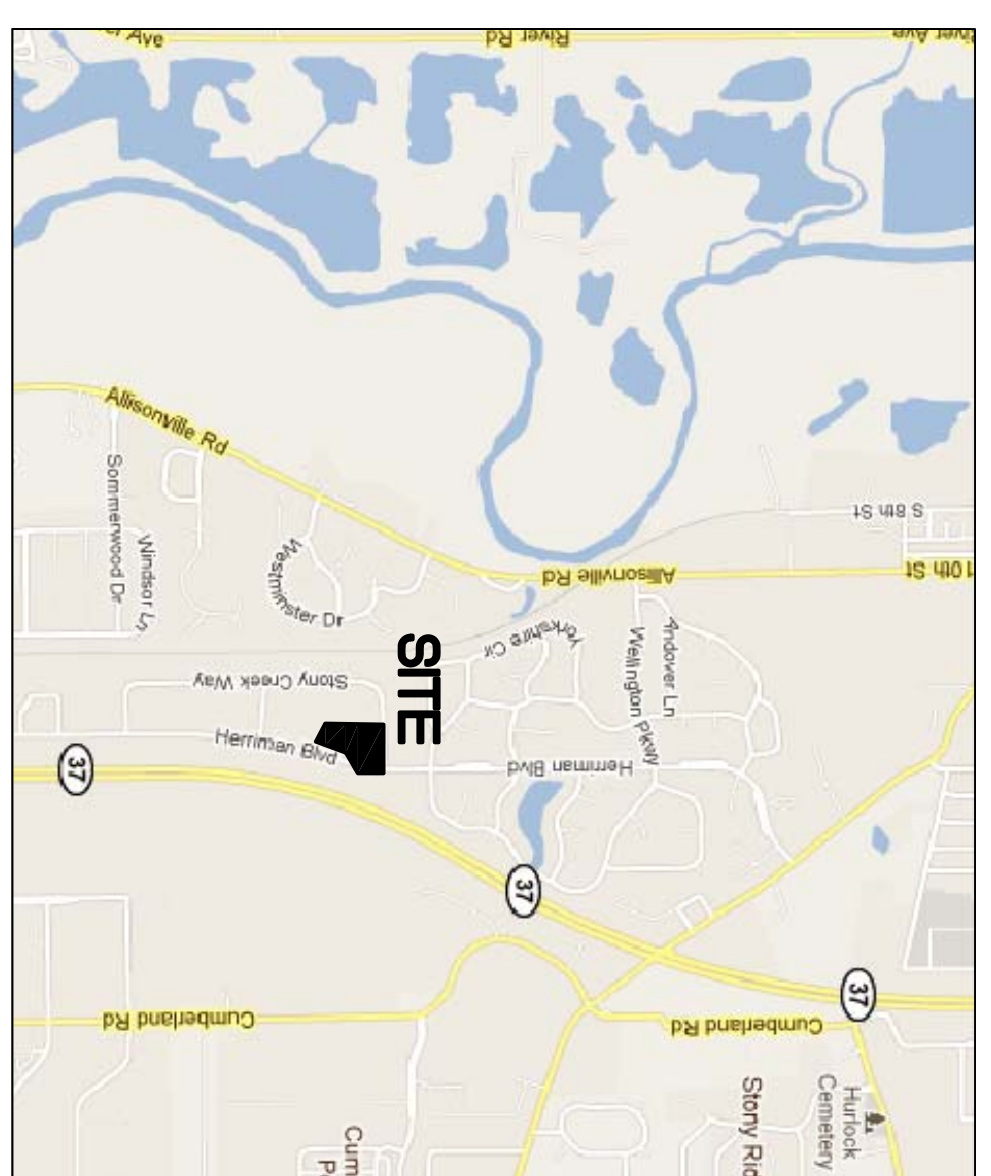
DESCRIPTION OF REAL ESTATE PER TITLE COMMITMENT CHICAGO TITLE INSURANCE COMPANY ORDER NO. 000441999, DATED JULY 19TH 2011 (DESCRIPTION OF REAL ESTATE SAME AS LOT 92B OF THE REPLAT OF LOT 92)

A PART OF LOT # 92 IN STONY CREEK INDUSTRIAL PARK SECTION 26 AS PER PLAT THEREOF RECORDED IN PLAT CABINET 1 SLIDE 268 AS INSTRUMENT NO. 9240522 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 92 IN STONY CREEK INDUSTRIAL PARK SECTION 26; THENCE NORTH 87 DEGREES 52 MINUTES 01 SECONDS EAST TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING NORTH 87 DEGREES 52 MINUTES 01 SECONDS EAST 2031.14 FEET TO THE NORTHEAST CORNER OF SAID LOT 92; THENCE OF 615 FEET A DISTANCE OF 178.81 FEET ALONG THE EASTERLY LINE OF SAID LOT 92 TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 17 DEGREES 21 MINUTES 03 SECONDS WEST 117.79 FEET TO THE SOUTHEAST CORNER OF SAID LOT 92; THENCE SOUTH 89 DEGREES 42 MINUTES 08 SECONDS WEST 129.02 FEET ALONG THE SOUTH LINE OF SAID LOT 92; THENCE NORTH 02 DEGREES 13 MINUTES 54 SECONDS WEST 280.39 FEET TO THE POINT OF BEGINNING, CONTAINING 1.13 ACRES MORE OR LESS.

VICINITY MAP

LOT TO SCALE



POINT

REMARKS

- 194 148 122 121
- 5/8" IRON ROD WITH YELLOW CAP STAMPED "MILLER S0083" FOUND

FLOOD ZONE DEFINITION

AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN.

THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE PROGRAM AS PER SCALED INTERPRETATION OF FLOOD RATE MAP #18057001446, AREA IN ZONE "X" MAP DATED 11-19-2014.

SURVEYOR'S REPORT

IN ACCORDANCE WITH TITLE 865, ARTICLE 1, CHAPTER 12 OF THE INDIANA ADMINISTRATIVE CODE (RULES FOR LAND SURVEYS IN INDIANA), THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED THIS SURVEY AS A RESULT OF UNCERTAINTIES IN REFERENCE MONUMENTATION; IN RECORD DESCRIPTIONS AND PLATS; IN LINES OF OCCUPATION; AND AS INDICATED BY RANDOM ERRORS IN MEASUREMENT ("RELATIVE POSITIONAL ACCURACY"). THERE MAY BE UNWRITTEN RIGHTS ASSOCIATED WITH THESE UNCERTAINTIES. THE CLIENT SHOULD ASSUME THERE IS AN AMOUNT OF UNCERTAINTY ALONG ANY LINE EQUAL IN MEASURE TO THE DISCREPANCY IN THE LOCATION OF THE LINES OF POSSESSION FROM THE SURVEYED LINES.

THERE MAY BE DIFFERENCES OF DEED DIMENSIONS VERSUS MEASURED DIMENSIONS ALONG THE BOUNDARY LINES SHOWN HEREON AND LIKEWISE, THERE MAY BE FOUND SURVEY MARKERS NEAR, BUT NOT PRECISELY AT, SOME BOUNDARY CORNERS. IN CASES WHERE THE MAGNITUDE OF THESE DIFFERENCES ARE LESS THAN THE RELATIVE POSITIONAL ACCURACY AND LESS THAN THE UNCERTAINTY DETERMINED FOR THE REFERENCE MONUMENTATION SHOWN ON THIS SURVEY, THE MEASUREMENTS AND POSITIONS OF THESE MARKERS SHALL BE DEEMED ONLY FOR PURPOSES OF THE MATHEMATICAL CLOSURE SUFFICIENT TO MAKE A GREATER THAN THE RELATIVE POSITIONAL ACCURACY AND THE UNCERTAINTY IN REFERENCE MONUMENTATION SHOULD BE CONSIDERED WORTHY OF NOTICE AND ARE THEREFORE DISCUSSED FURTHER BELOW.

THIS SURVEY AND REPORT ARE BASED IN PART UPON OPINIONS FORMED IN ACCORDANCE WITH AN INDIANA LAND SURVEYOR'S RESPONSIBILITY TO CONDUCT A SURVEY IN ACCORDANCE WITH "LAW OR A PRECEDENT" (865 IAC 1-12-11(5)). RULES OF THE INDIANA STATE BOARD OF REGISTRATION FOR LAND SURVEYORS), SINCE INDIANA HAS NO STATUTES ADDRESSING COMMON LAW PRECEDENT MUST BE RELIED UPON AS THE BASIS FOR A BOUNDARY RESOLUTION, UNLESS OTHERWISE NOTED OR DEPICED HEREON. THERE IS NO EVIDENCE OF OCCUPATION ALONG THE PERIMETER LINES OF THE SUBJECT TRACT. ALL SURVEY MONUMENTS SET OR FOUND THIS SURVEY ARE FLUSH WITH EXISTING GRADE UNLESS OTHERWISE NOTED.

THE RELATIVE POSITIONAL ACCURACY (DUE TO RANDOM ERRORS IN MEASUREMENT) OF THE CORNERS OF THE SUBJECT TRACT ESTABLISHED THIS SURVEY DOES NOT EXCEED THAT ALLOWABLE FOR A SUBURBAN CLASS SURVEY (0.13 FEET PLUS 100 PPM) AS DEFINED IN IAC 865.

THE WITHIN SURVEY IS AN ALTA/ACSM LAND TITLE SURVEY OF LOT # 92B IN THE REPLAT OF LOT # 92 IN STONY CREEK INDUSTRIAL PARK SECTION 26 AS PER PLAT THEREOF RECORDED IN PLAT CABINET 1 SLIDE 268 AS INSTRUMENT NO. 9240522 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA, SAID REPLAT BEING RECORDED IN INSTRUMENT NO. 2011035553.

THE BASIS OF BEARING: PLATTED BEARING CONTROLING MONUMENTS: FOUND MONUMENTS AND PRIOR MILLER SURVEYING INC AND WEHE ENGINEERING SURVEYS. IN MY OPINION, THERE IS 0.5 FEET OF UNCERTAINTY IN THE LOCATION OF THESE MONUMENTS.

1. POSSESSION TO THE NORTH IS TO THE EXISTING ROAD IMPROVEMENTS OF STONY CREEK WAY POSSESSION TO THE EAST IS TO THE EXISTING ROAD IMPROVEMENTS OF HERRIMAN BOULEVARD. NO EVIDENCE OF POSSESSION WAS FOUND THE ON THE WEST AND EAST LINES AT THE TIME OF SURVEY.

2. THE ACCURACY OF ANY FLOOD HAZARD DATA SHOWN ON THIS REPORT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP. THE WITHIN SURVEYED TRACT OF LAND LIES WITHIN THE 1805700146F OF THE FLOOD INSURANCE RATE MAPS FOR HAMILTON COUNTY, INDIANA (MAPS DATED FEBRUARY 19, 2003).

3. OWNERSHIP INFORMATION INDICATED HEREON IS AS IDENTIFIED IN COUNTY RECORDS.

4. THE SURVEY HEREIN DOES NOT PURPORT TO SHOW THE WATERSHED AREAS AFFECTING THE SUBJECT PARCELS NOR DOES IT PURPORT TO SHOW THE PRESENCE OR ABSENCE OF ALL REGULATED OR NON-REGULATED DITCHES OR DRAINS.

5. THE WITHIN PLAT AND SURVEY WERE PREPARED WITHOUT BENEFIT OF A CURRENT TITLE POLICY FOR THE SUBJECT TRACT OR THE ADJOINING TRACTS AND ARE THEREFORE SUBJECT TO ANY STATEMENT OF FACTS REVEALED BY EXAMINATION OF SUCH DOCUMENTS.

CERTIFICATION

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2001 MINIMUM STANDARD PRACTICE REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, IDENTIFY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1,2,3,4,7(A),8,9,11(A),13 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON (6-30-2024).

DATE OF PLAT OR MAP: _____

SIGNED: K. NAHMAN ALTHOUSE, PLS
REGISTRATION NO. LS20400007

MILLER SURVEYING INC.

448 CONNER STREET
NOBLESVILLE, INDIANA 46060
PH. # (317) 773-2644 FAX 773-2694

LOT #92B IN STONY CREEK INDUSTRIAL PARK SECTION TWENTY-SIX NOBLESVILLE TWP., HAMILTON COUNTY, INDIANA
FIELD WORK COMPLETED: 7-1-2024
CLIENT: JESSICA MCKEN
DESCRIPTION: ALTA/ACSM LAND TITLE SURVEY

DRAWN BY: MUI
CHECKED BY: LHM
SCALE: 1" = 30'
FIELD BOOK: 566
DATE: 7-3-2024
PAGE: 160
JOB NUMBER: B41601
SURVEY 4 FILE: 522
CONMAT

UTILITY NOTE

THIS SURVEY REFLECTS ABOVE GROUND INDICATIONS OF EXISTING UTILITIES. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

LOT 93
STONY CREEK INDUSTRIAL
INSTRUMENT NO. 8612107

THE WITHIN PLAT AND SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE POLICY AND ARE THEREFORE SUBJECT TO ANY STATEMENT OF FACTS REVEALED BY EXAMINATION OF SCHEDULE "A" AND SCHEDULE "B" OF A TITLE POLICY.

THIS SURVEY PLAT HAS BEEN PREPARED FOR USE ON THIS PARTICULAR PROPERTY AND FOR THE EXCLUSIVE USE OF THE PERSONS OR ANY OTHER PARTY. THE EVIDENCE OF POSSESSION, OWNERSHIP, ETC. COULD CHANGE CONSTANTLY AND THE USE OF THIS SURVEY IS LIMITED ONLY TO THE DATE INDICATED HEREIN.

THE LOCATION OF THE TITLE LINES AND CORNERS ARE SUBJECT TO THE EVIDENCE FOUND IN THE PERFORMANCE OF THIS SURVEY. ADDITIONAL OF THE TITLE LINES AND CORNERS.

LEGEND:

- R/W = RIGHT-OF-WAY
- S.&U.E. = SANITARY AND UTILITY EASEMENT
- D.E. = DRAINAGE EASEMENT
- SQ.F.T.± = SQUARE FEET (MORE OR LESS)
- EXISTING FENCE
- CABLE TV WARNING MARKER
- ELECTRIC PEDESTAL
- ELECTRIC METER
- UTILITY POLE
- GUY ANCHOR
- LIGHT POLE
- SIGN
- MALIBOX
- SANITARY SEWER MANHOLE
- CURB INLET
- SQUARE STORM INLET
- ROUND STORM INLET
- CLEANOUT

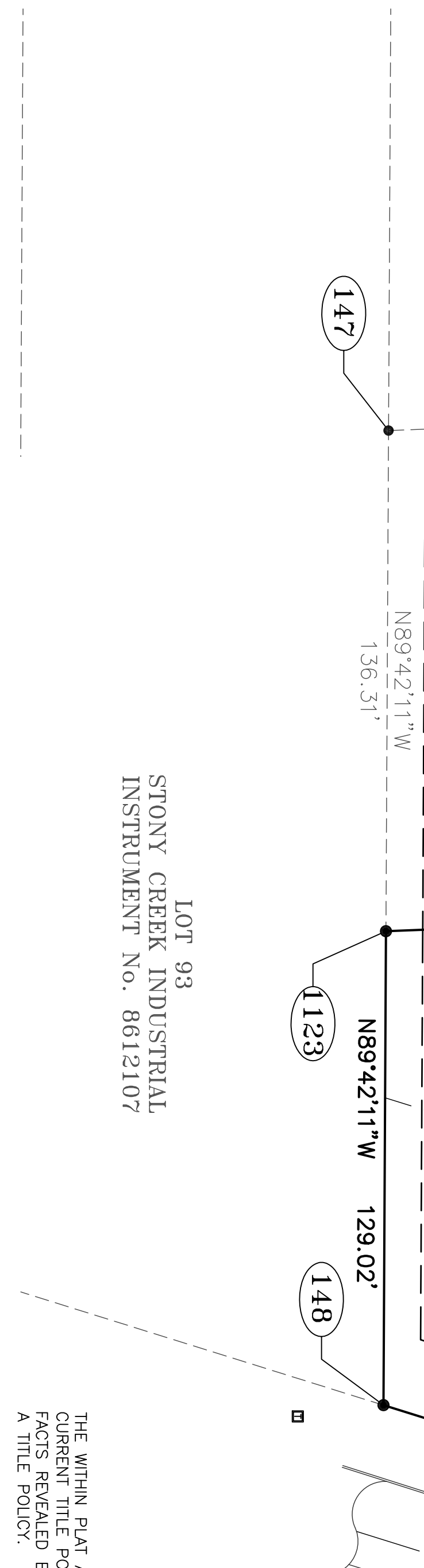


EXHIBIT C

CITY OF NOBLESVILLE ♦ VARIANCE OF LAND USE ♦ FINDINGS OF FACT

FINDINGS OF FACT – WEPLAY ABA AND LANGUAGE ACADEMY, LLC

11570 Stony Creek Way, Noblesville

The Noblesville Board of Zoning Appeals (BZA) is authorized to approve or deny Variances of Land Use from the terms of the Unified Development Ordinance. The BZA may impose reasonable conditions as part of its approval. A Variance of Land Use may be approved only upon a determination in writing that the following five (5) statements are true (see Indiana Code § 36-7-4-918.4):

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:**

Approval of this variance of use will not be injurious to the public health because it will provide beneficial services to the Noblesville community. The community is underserved in terms of autism services.

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:**

Outward appearance of the building will not change. The value of the adjacent areas will not change as the building already currently is used in a similar capacity by another tenant. The planned tenant will be effectively an owner-occupant thus, will care even more for the building, enhancing the value of it and the surrounding area. There are similar businesses already operating in the industrial park.

3. **The need for the proposed variance arises from some condition peculiar to the property involved. Explain why this statement is true in this case:**

Due to the unique nature associated with this field and the need for services in the area, finding a facility ready to be used as is and is located in the community has been challenging. The building is ideal in terms of layout and useable space and already has been retrofitted to be used for services geared toward children and families.

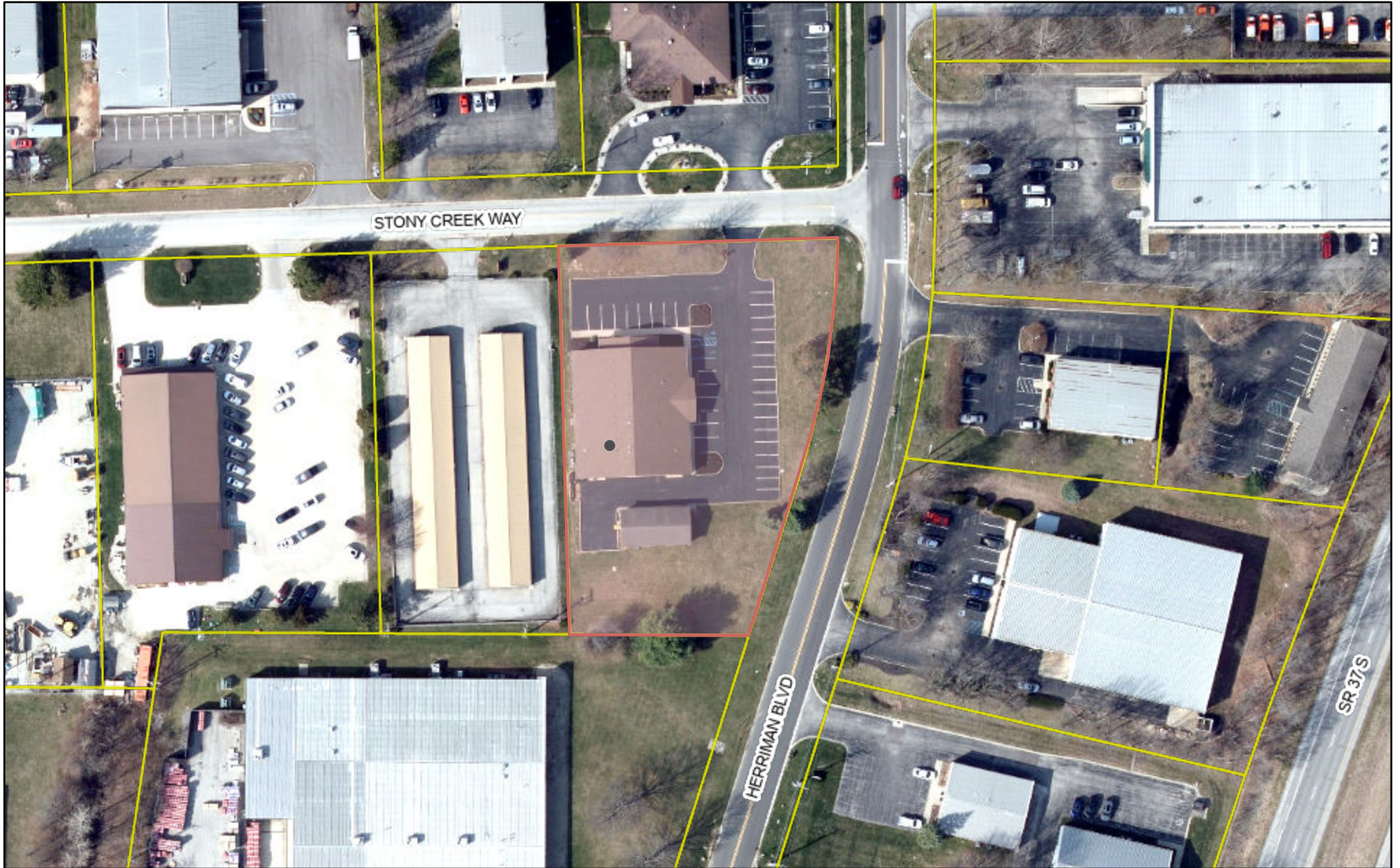
4. **The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which this variance is sought. Explain why this statement is true in this case:**

The hardship in this case would be the inability to find or build an office space in an industrial area with a suitable use. Property is ideal for an autism clinic/office and already is being used in a similar capacity by an existing tenant. Nearby businesses such as the Stony Creek Swim Center (swim lessons), the Village Osteopath (medical wellness office), and the Stony Creek Early Learning Center (childcare center) provide similar in-office services to their clients and make this particular site an ideal location for providing autism services to local families.

5. **The approval of this variance does not interfere substantially with the provisions of the Comprehensive Master Plan for the City of Noblesville, Indiana. Explain why this statement is true in this case:**

The proposal does not interfere with Noblesville's Comprehensive Master Plan. This is a professional service proposing to operate out of an existing office building. Use as an office is a permitted I-1 use. Other professional offices are located in the Stony Creek industrial park. Also, a substantially similar business, ABA Services, LLC dba Applied Behavior Center for Autism, is in an I-1 zoned property at 9155/75 E. 146th Street, Noblesville, and recently (in 2021) was granted a variance for this use. *See* BZNA-0047-2021.

EXHIBIT D



centerlines
Parcels

