



## BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA-00167-2024

PROPERTY ADDRESS: 12141 Cordelia Avenue, Noblesville, Indiana

A Variance of Development Standards application was submitted to the Noblesville Planning Department for the above referenced location. The application submitted by OP Marea LLC. and Onyx+East requested that approval be granted to a Variance of Development Standards application pursuant to Unified Development Ordinance §12.7.C to allow a 6-foot-tall privacy fence to be located in the northern Landscape Buffer Yard. The Noblesville Board of Zoning Appeals conducted a hearing regarding this application on October 7, 2024. 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 westernmost portion of the site, where one section of the fence will be installed, is approximately 312 feet long and is setback from the traveled roadway approximately 60 feet. Staff believes that the setback from the roadway will visually mitigate the impact of the fence from either right-of-way.**

**In order to maintain existing tree and shrub buffering between communities, OP Marea LLC. will relocate a 417-foot section of fencing three feet into the landscape buffer yard while the remainder of the fencing will be located along the property line. Relocating this 417-foot section of fencing will preserve existing mature trees and shrubs within the Landscape Buffer Yard and increase its overall aesthetic for both communities.**

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. If approved, the fence will have no impact on the use of the adjacent sites nor on the use of the subject site itself. The requested fence will serve as a buffer between properties, will be located solely on the applicant's property, and will preserve mature vegetation. The requested fence encroachment of three feet for 417 linear feet of fencing is a minor deviation and serves only as a preservation effort for mature trees and shrubs located along the applicant's property line.**

**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 because the proposed fencing will best preserve the existing landscaping and mature tree coverage while providing a physical buffer between the two communities. In addition, a six-foot tall laminate fence is a customary residential accessory structure.**

The findings of fact contained herein are adopted by the Noblesville Board of Zoning Appeals on November 4, 2024.

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Mike Field, Chairman

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Caleb Gutshall, Secretary