

Agenda Item #1

Case Number	BZNA-0210-2024 / BZNA-0220-2024 / BZNA-0224-2024	Property Size	7.22 acres
Address	20570 Overdorf Road	Zoning	R-1 (Low Density Single Family Residential)
Owner	Robert Smits and Sarah LeBlanc Smits	Reviewer	Brett Willaman
Applicant	Robert Smits and Sarah LeBlanc Smits	BZA Meeting	Monday, December 2, 2024

Requested Action:

- a) UDO §8.B.2.a – Variance of Use application to allow a second dwelling unit on an R1 lot; and
- b) UDO §9.B.2.C.3.b – Variance of Development Standards application to allow the construction of an accessory structure that exceeds the maximum height permitted; and
- c) UDO §9.B.2.C.3.a – Variance of Development Standards application to allow the combined square footage of all accessory structures to exceed the maximum square footage permitted.

Recommendation:

Deny variance request to allow a second dwelling unit on an R1 lot; Deny variance request to exceed accessory building height; and Deny variance request to exceed combined square footage of accessory structures. See Findings of Facts for Denial on page 4 and Conditions of Approval on page 6.

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ANALYSIS

The subject site is a 7.22-acre improved parcel located on Overdorf Road north of Riverwood Avenue and south of East 206th Street. The petitioner's property is located within a Low-Density Single Family Residential (R1) zoning district and contains 1 primary dwelling unit (2,400 square feet) and 1 accessory structure (1,500 square feet). The subject property is surrounded by Low-Density Single Family Residential to the north, south, east, and west. While a portion of the property to the north of the subject property is zoned Flood Hazard (FH), the proposed accessory structure, proposed second dwelling unit, and primary residence, do not fall within this zone and therefore are not required to comply with Flood Hazard regulations.

According to aerial photos, the primary dwelling unit was constructed between 1994-1996 while the existing barn was constructed in 2000. The property is heavily wooded and has significant vegetation buffering from Overdorf Road as well as adjacent properties.

The petitioner filed three variance applications (Exhibit 1) in association with the proposed barn to allow:

- a) A second dwelling unit on an R1 lot; and
- b) The construction of an accessory structure that exceeds the maximum height permitted; and
- c) The combined square footage of all accessory structures to exceed the maximum square footage permitted.

Allowing for a second dwelling unit on an R1 Lot

Article 8; Part B, Section 2 of the Noblesville Unified Development Ordinance states the purpose of an R-1 Zoned Lot is to permit the establishment of moderate low density single family residential areas in the City of Noblesville. R-1 Zoned Lots allow for one principal dwelling unit as well as accessory uses. The proposed variance would allow for a second dwelling unit on an R-1 Zoned Lot. The second dwelling unit, as proposed, would be attached to the proposed accessory structure as one structure. The proposed second dwelling unit would be 1 story with a height of 14.75 feet and would add an additional 2,688 square feet of detached residential dwelling to the property. The second dwelling unit would be utilized by the property owner's parents who are retired and are looking to relocate from Tennessee to be closer to their kids and grandkids.

The second dwelling unit addition, as proposed, would increase the structure to a total of 6,876 square feet with the existing, and proposed, accessory structures in consideration. This would be a separate dwelling unit so; the following condition of approval has been added for this variance:

1. *The second dwelling unit shall be metered through a separate water well and septic system.*

Accessory Structure Height

The design of the proposed attached accessory structure, and second dwelling unit, is based on the original accessory structure (Exhibit 3). The proposed accessory structure will contain an area for indoor recreation as well as space for vehicle and RV storage. The proposed accessory structure could accommodate an oversized, overhead garage door for an RV or boat.

The barn, as proposed, will be 24.25 feet in height. The proposed barn will exceed the maximum height allowed of 20 feet for an accessory structure on property greater than 5 acres. The accessory structure, as proposed, will be taller than the existing primary residence, which is 24 feet tall, so, the following condition of approval has been added for this variance:

2. *The proposed detached accessory building shall not exceed the height of the existing primary dwelling unit.*

Combined Square Footage of Accessory Structures

The accessory structure, as proposed, is 2,688 square feet (Exhibit 4). The total combined square footage of the detached accessory structure will exceed the maximum 4,000 square feet allowed on a property greater than five acres. The properties existing 1,500 square feet of accessory structure is utilized as a workshop and storage space for the existing residential use on the property (Exhibit 3). The existing accessory structure contains 1,200 square feet of enclosed space with 300 square feet of unenclosed porch area where the attachment will be made for the proposed accessory structure and second dwelling unit; so, the following condition of approval has been added for this variance:

3. *The unenclosed portion of the existing accessory building shall be enclosed to match the accessory structure.*

The proposed accessory structure will provide an additional area for indoor storage and recreation space; however, given the substantial square footage request for the accessory structure addition, there is not a compelling justification to support the construction of an additional 2,688 square feet of accessory structure in addition to the existing 1,500 square feet. If reduced by 188 square feet, the accessory structure would meet the maximum accessory square footage allowed in a residential lot over 5 acres. The construction of the proposed accessory structure would result in a total of 4,188 square feet of accessory use on the property.

Conclusion

Based on the attached variance applications and findings of fact, Staff recommends:

- a) The DENIAL of the variance to allow a second dwelling unit on an R1 lot.
- b) The DENIAL of the variance to allow the construction of a detached accessory building to exceed the maximum 20-foot height permitted; and
- c) The DENIAL of the variance to allow the combined square footage of accessory structures on the property to exceed the maximum 4,000 square feet permitted; and

Should the Board decide to APPROVE all three variances based on the attached variance applications, Staff has included alternate findings of fact and conditions of approval.

VARIANCE OF DEVELOPMENT STANDARDS FINDINGS

AGENDA ITEM #1:

If the Board should decide to:

- **DENY** the requested variance to allow a second dwelling unit on an R1 lot; and
- **DENY** the requested variance to allow the construction of a detached accessory building to exceed the maximum 20-foot height permitted; and
- **DENY** the requested variance to allow the combined square footage of accessory structures on the property to exceed the maximum 4,000 square feet permitted, 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 this variance will be injurious to the public health, safety, morals, and general welfare of the community. The total combined square footage of the detached accessory structures on the property will exceed the maximum 4,000 square feet allowed with the existing 1,500 square foot accessory structure, proposed attached 2,688 square foot accessory structure and proposed attached 2,688 second dwelling unit. With the proposed additions, the secondary structure will overtake the primary residence in square footage and height while also requiring a separate septic system, water well, and electrical meter.

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 be affected in a substantially adverse manner by allowing the requested variance. The proposed structure's height will be greater than the primary residence while being located closer to adjacent R1 residential lots. In addition, the proposed second dwelling unit will require an additional septic field and water well.

3. 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 there is no compelling justification to support a 2,688 square foot accessory structure in addition to the existing 1,500 square feet of accessory structures. While the proposed accessory structure will provide additional area for indoor recreational activities and vehicle storage, this can be done without exceeding the maximum combined square footage of 4,000 square feet (of accessory structures).

RECOMMENDATIONS

AGENDA ITEM #1:

DENY the requested Variance of Development Standards to exceed the combined square footage of accessory structures based upon the following findings of fact:

- The strict application of the terms of the zoning ordinance will NOT result in practical difficulties in the use of the property.

With the following specific stipulations:

1. The combined square footage of accessory structures on the property shall not exceed a total of 4,000 square feet.
2. The accessory structure shall not exceed the maximum 20-foot height permitted.

VARIANCE OF DEVELOPMENT STANDARDS FINDINGS

AGENDA ITEM #1:

If the Board should decide to APPROVE the requested variances, 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 this variance will NOT be injurious to the public health, safety, morals, and general welfare of the community. While the total combined square footage of the detached accessory structures on the property will exceed the maximum 4,000 square feet allowed with the existing 1,500 square foot accessory structure and proposed attached 2,688 square foot accessory structure, the accessory structures will supplement the existing and proposed residential uses on the property by providing indoor storage of vehicles as well as an indoor recreational area for a large family.

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 because the proposed attached accessory structure, and attached dwelling unit, will match the existing accessory structure on the property. The design of the proposed attached accessory structure and attached dwelling unit is based on the existing accessory structure and will be architecturally compatible.

RECOMMENDATIONS

AGENDA ITEM #1:

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 proposed detached accessory building shall not exceed the height of the existing primary dwelling unit, or 24 feet, whichever is less.
2. The second dwelling unit shall be metered through a separate water well and septic system.
3. The unenclosed portion of the existing accessory building shall be enclosed to match the accessory structure.
4. The combined square footage of accessory structures on the property, including the second dwelling unit, shall not exceed a total of 6,876 square feet.
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 Department of Planning and Development prior to the alterations being made, and if necessary, a BZA hearing shall be held to review such changes.
6. The applicant shall sign the Acknowledgement of Variance document prepared by the Department of Planning and Development 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.

EXHIBIT #1

Description of nature of variance requested

A year ago Sarah's parents approached us about moving from Cordova, Tennessee to Noblesville and building on our property. They both come from large families themselves, Steven (one of 14 children) and Marilyn (one of 4 children), have been married for 55 years with five children and twenty grandchildren.

They are retired, still very active and mostly have travelled to support their grandchildren's extracurricular activities in sports and the arts that live in Texas (6 GC), Tennessee (9 GC), and here in Noblesville (5 GC).

They are both native New Orleanians but retired in the Memphis, Tennessee area where most of the grandchildren lived at the time of their retirement in 2013 and it was central to where their children lived and their aging parents lived in New Orleans. They were very active in caring for their own aging parents, now deceased, making monthly trips into New Orleans when they retired.

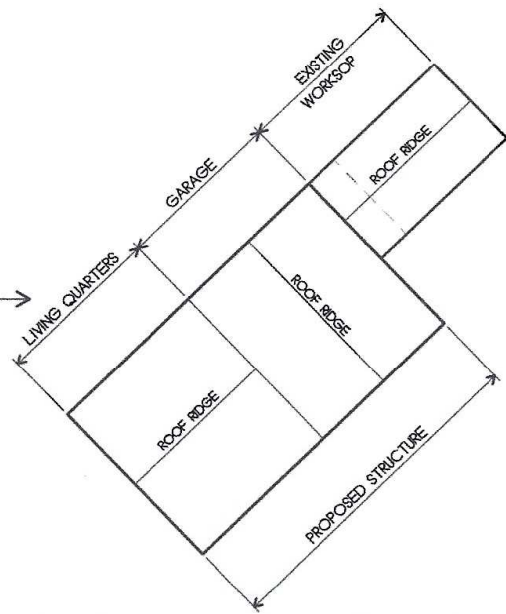
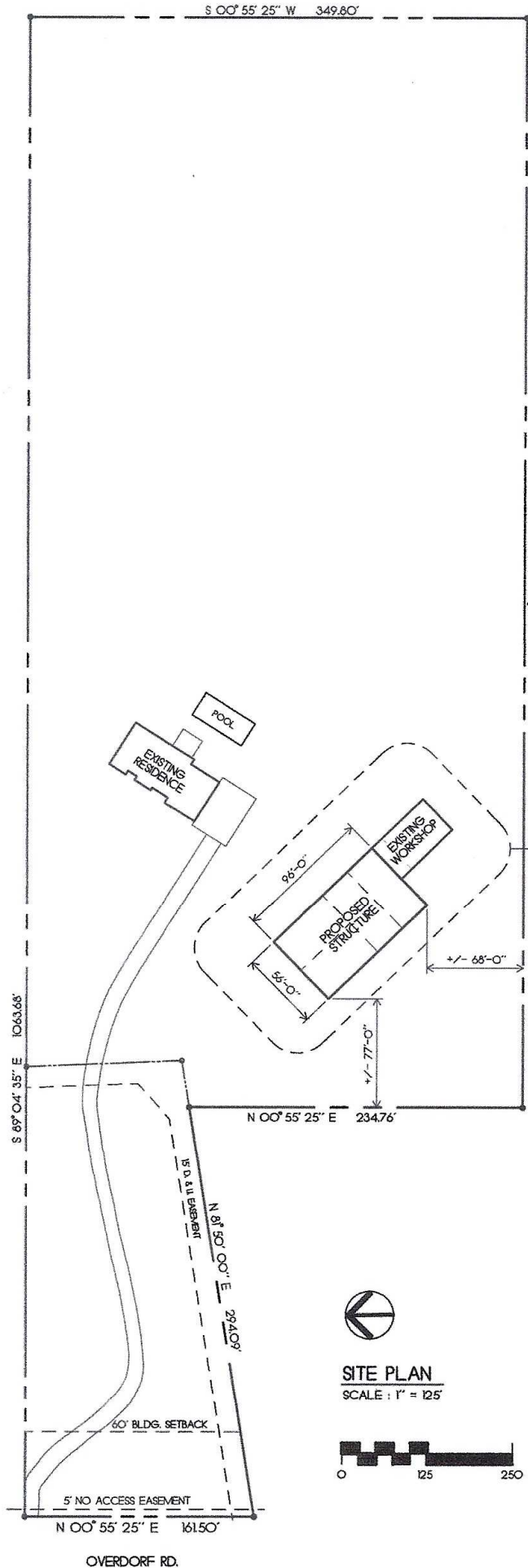
Now that they are getting up in age, Steve (75) and Marilyn (74) they desire to spend more time with our children here in Noblesville and investigated what it would take to build on our property. Hence we have investigated what is required to build on our property for them to live comfortably with us and allow us to care for them, when needed, as they age.

Our property (7.22 Acres), mostly wooded, consist of a single family Primary Residence and a single Accessory Structure use as a workshop and storage facility. The property is serviced by Electric, a Well, and Septic system. We would like to remodel and add onto the Accessory structure to include Quarters for Relatives and additional space for covered parking and an enclosed recreational area. These remodeled and added facilities would be metered through the primary residence electrical meter but have a separate water well and septic system.

We propose to build two pole barn structures tying into the existing accessory structure as further explained on the attached picture, perspectives and preliminary layouts. The propose facilities exceed the specified UDO allowed square footage (4,000) and building height (20'). We are requesting a variance to these limits to allow a square footage of 6,876 and a height of 24.25'.

The existing accessory structure is a pole barn construction (11' ceiling height and 14.75' building height) and has only electric utilities metered through the primary residence. The plan is to enclose the porch (300 sq. ft.) on the accessory structure (1,200 sq. ft.) and reskin the building to match the new pole barn construction. The proposed added structures would be the garage/recreation (2,688 sq. ft., 21' ceiling height, and 24.25' building height) and the quarters (2,688 sq. ft., 11' ceiling height, and 14.75' building height). The existing two story primary residence has a building height of approximately 24'.

EXHIBIT #2



ENLARGED PLAN OF EXISTING WORKSHOP & PROPOSED STRUCTURE



SITE PLAN
SCALE: 1" = 125'



EXHIBIT #3



Existing Accessory Building (Workshop)
30' x 40' enclosed & 30' x 10' porch

EXHIBIT #3

Wooded Lot, Property Address 20570 Overdorf Road

The requested variance is on a wooded lot and practically hidden from the surrounding neighborhood. The pictures taken from 3 locations around the accessory structure (Locations A, B, & C) show just how hidden any facilities on the property are from the neighboring properties and the public street Overdorf Road. Pictures were recently taken from the three locations indicated in the direction of seven different residences (1, 2, 3, 4, 5, 6, & 7) that abut the property for which the variance is requested, 20570 Overdorf Rd.

EXHIBIT #3



View of Property from Overdorf Rd on 10/14/24
20570 Overdorf Rd

EXHIBIT #3



X Q

20570 OVERDORF RD

Show search results for 20570 O...

Noblesville Public Map



238,298.066 1,762,213.296 Feet

EXHIBIT #3



View looking to on 10/18/24

1 10321 E 206th St - Photo taken from location A

EXHIBIT #3



View looking to on 10/18/24

2 10473 Riverwood Ave - Photo taken from location A

EXHIBIT #3



View looking to on 10/18/24

3 10299 Riverwood Ave - Photo taken from location A

EXHIBIT #3



View looking to on 10/18/24
4 20288 Overdorf Rd - Photo taken from location A

EXHIBIT #3



View looking to on 10/18/24

5 20556 Overdorf Rd - Photo taken from location B

EXHIBIT #3



View looking to on 10/18/24
6 20560 Overdorf Rd - Photo taken from location B

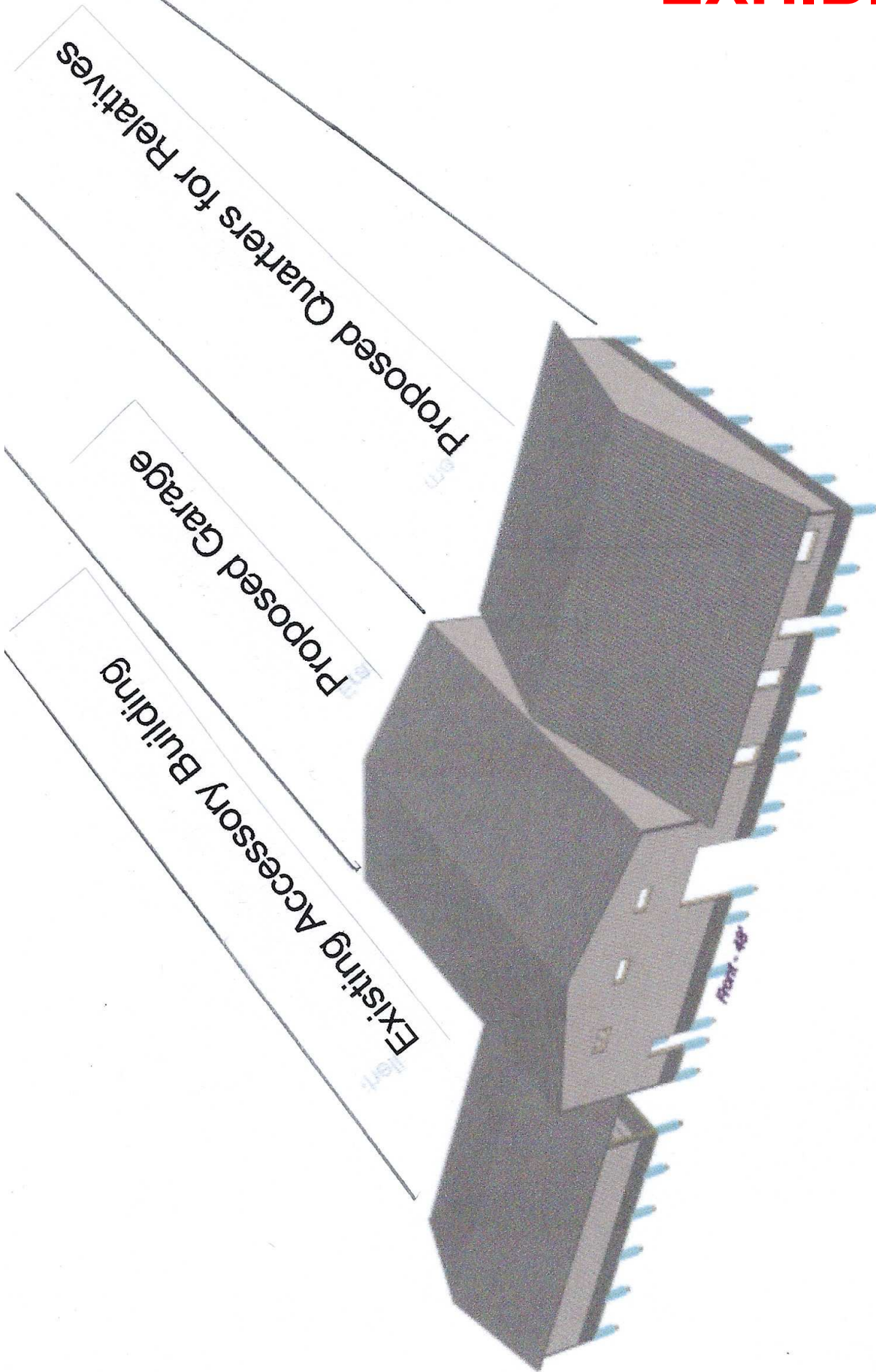
EXHIBIT #3



View looking to on 10/18/24

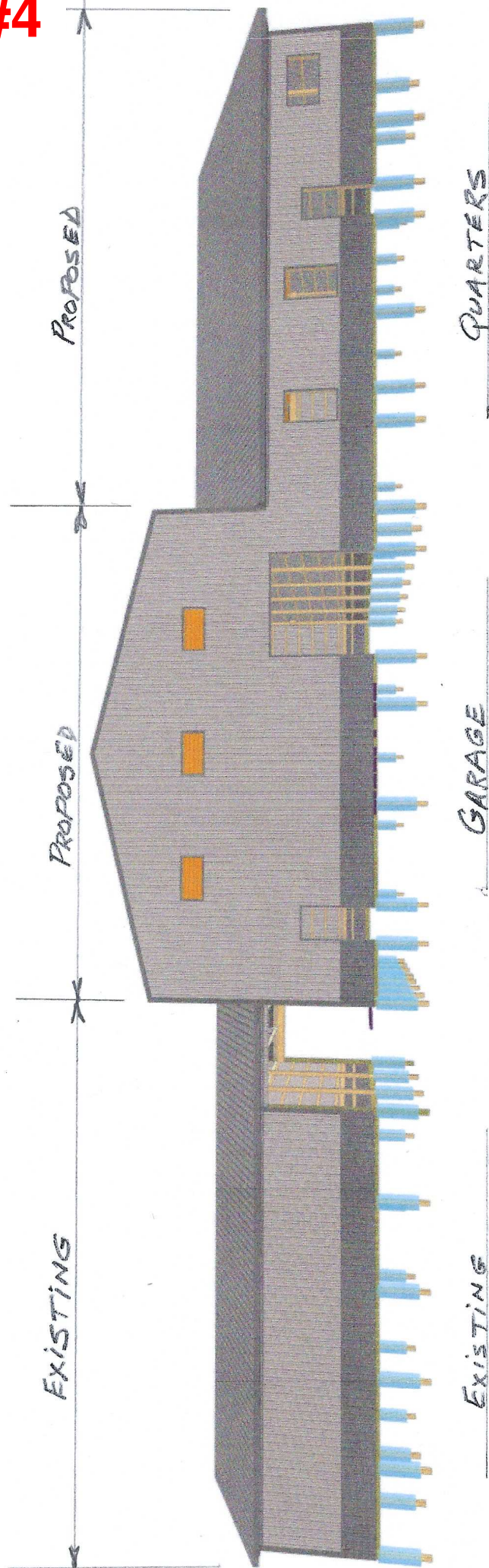
7 20576 Overdorf Rd - Photo taken from location C

EXHIBIT #4



Perspective of Proposed Remodel & Addition to Existing Accessory Building

EXHIBIT #4



VIEW OPTIONS Shell Frame Roof Landscape Landscape Settings Change View ▲

EXHIBIT #4

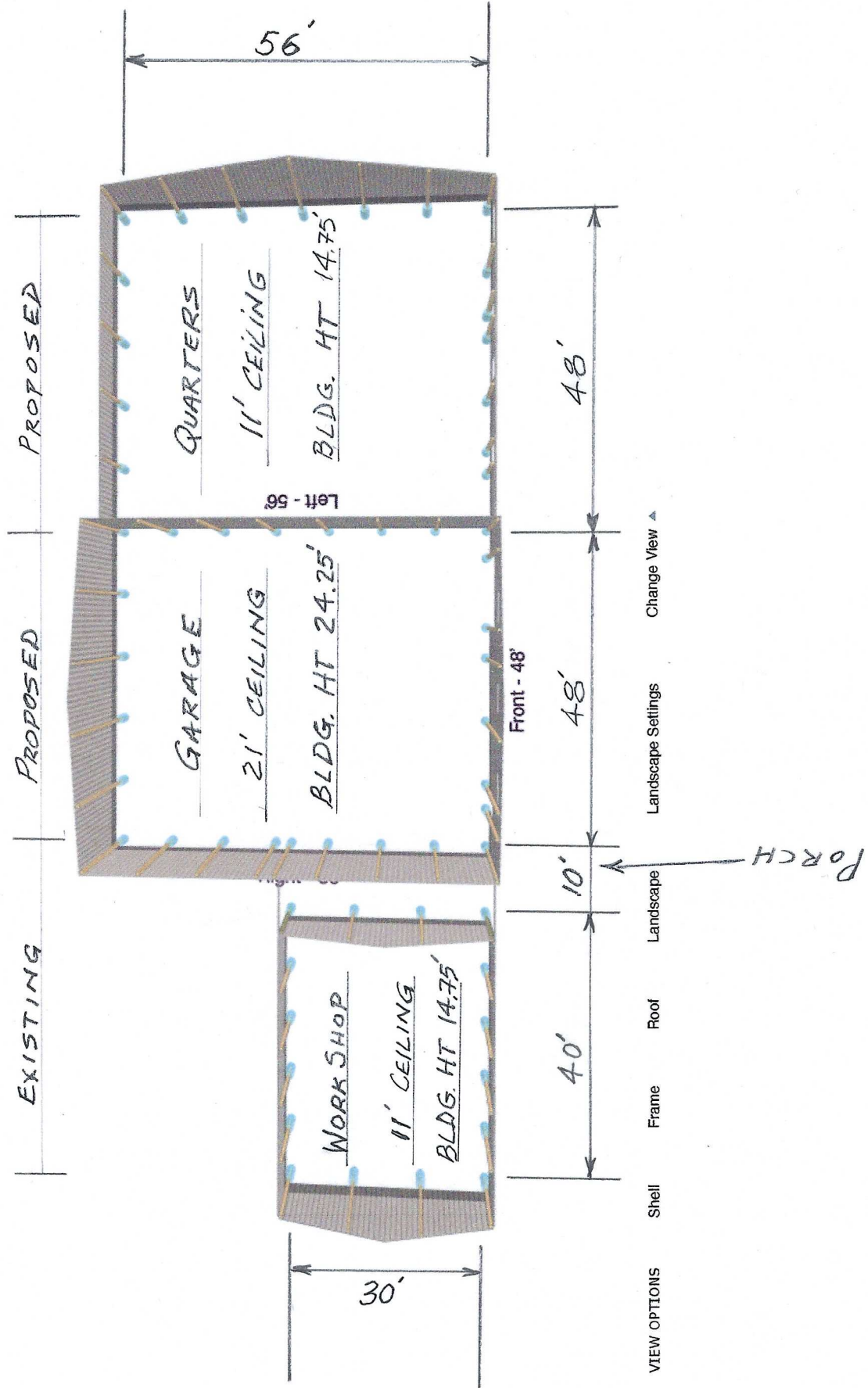
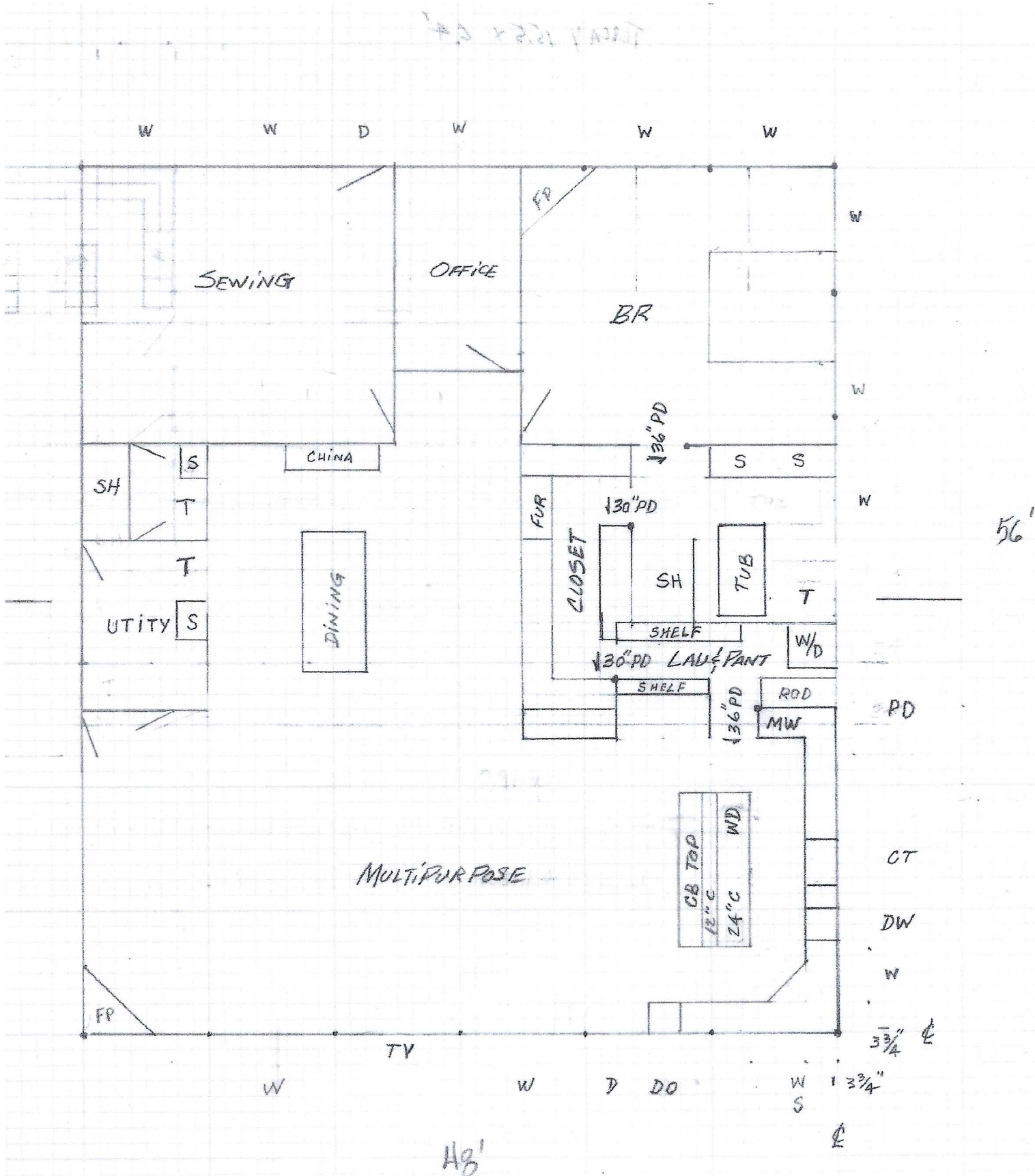
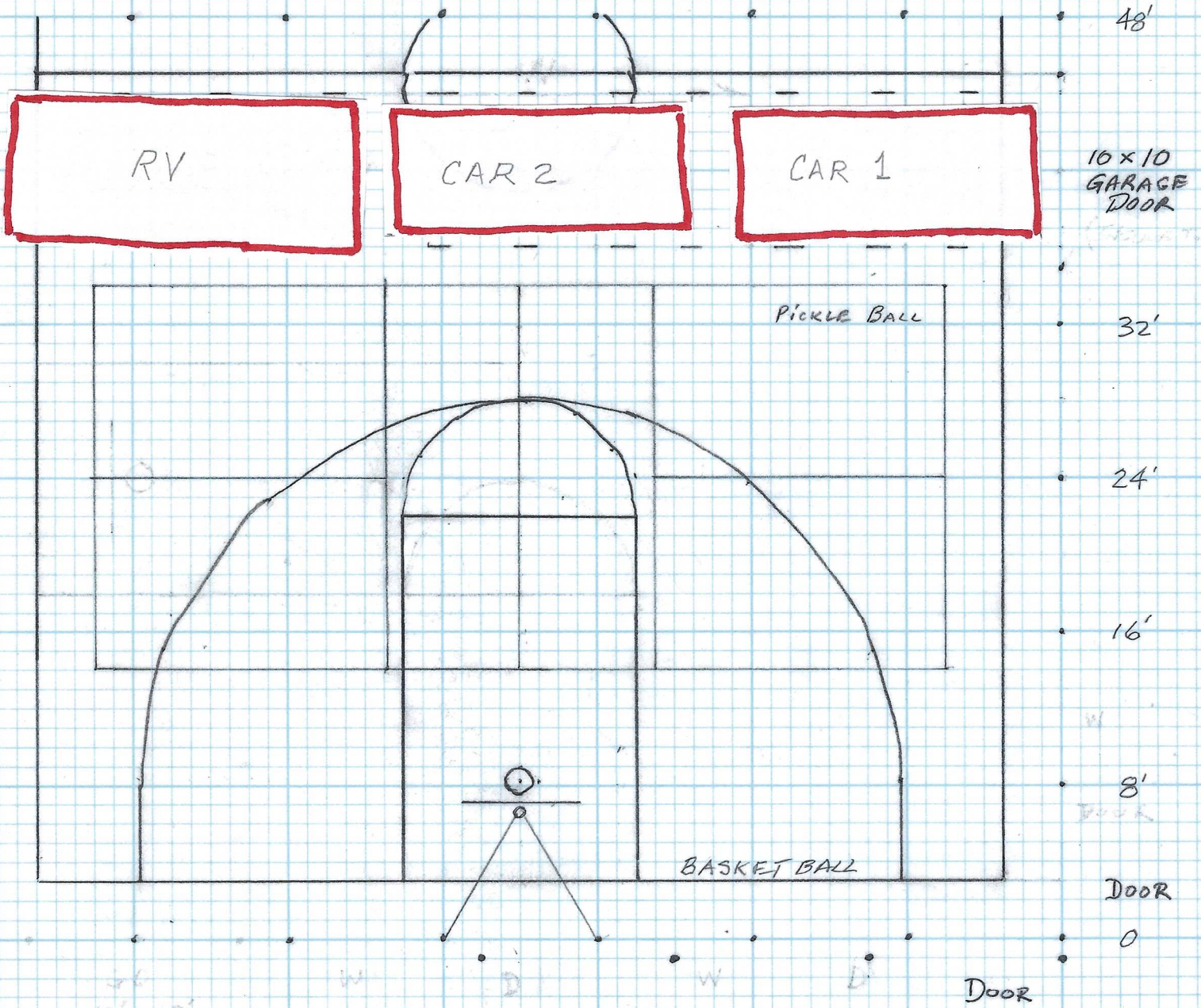


EXHIBIT #4



PROPOSED QUARTERS FOR RELATIVES

QUARTERS FOR RELATIVES



36
10' x 10'
DRAWING

POST SPACING

56' 48' 40' 32' 24' 16' 8' 0

BASKETBALL COURT
GARAGE

EXHIBIT #4

EXHIBIT #6

CITY OF NOBLESVILLE ♦ VARIANCE OF DEVELOPMENT STANDARDS ♦ FINDINGS OF FACT

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 variance requested is for "additional square footage" (above the UDO specified 4,000 square feet) and "increased building height" (above the UDO specified 20 feet) for the Accessory Building which is to be remodeled and additions made to the building to include Quarters for Relatives and a garage space for my In-laws 3 vehicles and an area for the two families to exercise in an enclosed space on the lot. The lot is more than 70% wooded, and the approval should not be injurious to the public health, safety, morals, and general welfare of the community because the building is not accessible by the public except by invitation of the property owners. The building can not even be seen by the general public from the Overdorf Road in the Spring, Summer, and Fall but only in the Winter when all the leaves have fallen and the house and accessory build can barely be seen through the trees which will have lost their foliage.

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 use and value of the area adjacent to the property is residential and approval of the variance should not be affected because the use is not changing and the building is not visible from Overdorf Road during Spring, Summer, Fall, and barely visibly during the Winter months when the trees will have lost their foliage. The property is residential and will be occupied by two families rather than one which the UDO allows.

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:

This statement is "not" true for the requested variance of "additional square footage" and "increased building height". The use of the property is not changing other than to add one family to the residential property's use which the UDO allows. The UDO is to protect members of the community from building which will adversely affect their investment in the community. We do not believe approval of this request will adversely affect our neighbors in the community. Disapproval of this request will only require reevaluation by my In-Laws' in their desire to move from Tennessee to live near us in Noblesville and for their future living arrangements.
