



BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA-000210-2024, BZNA-000220-2024, and BZNA-000224-2024

PROPERTY ADDRESS: 20570 Overdorf Road, Noblesville, Indiana

Both a Variance of Development Standards, and Variance of Use, applications were submitted to the Noblesville Planning Department for the above referenced location. The application submitted by owners Robert Smits and Sarah LeBlanc Smits requested that approval be granted to variance of development standards applications BZNA-000210-2024 pursuant to Unified Development Ordinance § 9.B.2.C.3.b to allow the construction of an accessory structure that exceeds the maximum height permitted and BZNA-000220-2024 pursuant to Unified Development Ordinance § 9.B.2.C.3.a to allow the combined square footage of all accessory structures to exceed the maximum square footage permitted. In addition, the above property owners requested that approval be granted to variance of use application BZNA-000224-2024 pursuant to Unified Development Ordinance § 8.B.2.a to allow a second dwelling unit on an R1 lot. The Noblesville Board of Zoning Appeals conducted a hearing regarding this application on December 2, 2024. After testimony was given, and evidence was presented to the Board, motions to APPROVE were made, and the motions carried 4-0.

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 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 result in practical difficulties in the use of the property.

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.

The findings of fact contained herein are adopted by the Noblesville Board of Zoning Appeals on December 2, 2024. In addition, the Board of Zoning Appeals hereby adopts the following conditions to its approval with the petitioner must adhere by; failure to adhere by any of these conditions is a violation of this variance and could subject petitioner to additional action permitted by law:

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

Mike Field, Chairman

Caleb Gutshall, Secretary