



BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA-000216-2024

PROPERTY ADDRESS: 107 Waterman Drive West, Noblesville, Indiana

A Variance of Development Standards application was submitted to the Noblesville Planning Department for the above referenced location. The application submitted by owners Kenton Craig and Robin Lynn Ward requested that approval be granted to variance of development standards application pursuant to UDO §9.B.4.E.3. to allow for an eight-foot tall fence in the west rear yard. The Noblesville Board of Zoning Appeals conducted a hearing regarding this application on January 6, 2025. After testimony was given and evidence was presented to the Board, a motion to APPROVE was made, and the motion carried 4-0.

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. 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. A fence is a common residential appurtenance.

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. The rear yard abuts an open area of the apartment complex and is not immediately adjacent to a multi-family residential structure.

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 a fence height permitted by the UDO would not provide adequate screening and privacy from adjacent uses.

The findings of fact contained herein are adopted by the Noblesville Board of Zoning Appeals on January 6, 2025. 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 Applicant shall sign the Acknowledgment of Variance document prepared by the Planning and Development Department staff within 60 days of this approval. Staff will 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.
3. Hamilton County Surveyor's Office shall issue a drainage permit, if required, prior to the planning and development department issuing a permit for the fence.

Mike Field, Chairman

Caleb Gutshall, Secretary