



## BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA-000222-2024

PROPERTY ADDRESS: 11090 East 146<sup>th</sup> Street, Noblesville, Indiana

A Variance of Development Standards application was submitted to the Noblesville Planning Department for the above referenced location. The application submitted by Jason Hanners, First Merchants Bank (applicant) and Pride Convenience Stores REH, LLC (owner) requested that approval be granted to variance of development standards application pursuant to UDO §11.C.3.A.4. to allow for lettering on an automatic teller machine canopy to exceed three inches in height. 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. Given the setback from the Promise Road right-of-way by approximately 60 feet and from 146<sup>th</sup> Street by approximately 90 feet, the taller letters are not likely to be intrusive to vehicles or from off-site properties.**

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 requested variance is a minor deviation from the UDO and will not impede the uses of the 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 requested variance could be considered an appropriate and minor deviation from the ATM canopy signage height requirement given the setback of the ATM canopy from the traveled roadways.**

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 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.

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Mike Field, Chairman

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Caleb Gutshall, Secretary