

## Agenda Item #3

<b>Case Number</b>	BZNA 0021-2025, 0022-2025, 0023-2025, 0024-2025, 0025-2025, 0026-2025	<b>Property Size</b>	9.61 acres
<b>Address</b>	1401 Pleasant Street	<b>Zoning</b>	I-2 (Heavy Industrial)
<b>Owner</b>	Amerco Real Estate Company	<b>Reviewer</b>	Denise Aschleman
<b>Applicant</b>	City of Noblesville	<b>BZA Meeting</b>	Monday, March 3, 2025

**Requested Action:**

- a. UDO § Table 8.D Board to consider a variance of development standards application to allow a reduction to the front building setback for an existing structure. (60 feet required, 0 feet proposed)
- b. UDO § 10.0.4.B.1 Board to consider a variance of development standards application to allow the reduction of a front parking lot setback for an existing parking lot. (20 feet required, 0 feet proposed)
- c. UDO § 11.C.1.D.3 Board to consider a variance of development standards application to allow an existing ground sign that does not meet the minimum setback. (10 feet required, 0 feet proposed)
- d. UDO § 11.C.1.D.6 Board to consider a variance of development standards application to allow an existing ground sign on a property that does not meet the minimum front yard setback of 35 feet from adjacent right-of-way.
- e. UDO § Table 12.0.5.D.2 Board to consider a variance of development standards application to permit the reduction/elimination of perimeter parking lot landscaping and plantings around an existing parking lot. (10 feet required, 0 feet proposed)
- f. UDO § 12.0.6 Board to consider a variance of development standards application to permit the reduction of the building base landscape area and plantings for an existing building. (10 foot strip required, 0 feet proposed)

**Recommendation:**

Approve. See Findings of Facts for on page 3 and Conditions of Approval on page 4.

**Table of Contents:**

- 1. Site Location Map
- 2. Drawings



## ANALYSIS

The subject site is located on the south side of Pleasant Street approximately 300 feet east of 13<sup>th</sup> Street. The property contains a mini-storage warehouse facility that was built from 2016 to 2018. The property is zoned I2 (Heavy Industrial) and FH (Flood Hazard) on the eastern edge of the property. When constructed the facility met the development standards of the Unified Development Ordinance (UDO) in place at the time. The City of Noblesville is trying to acquire additional right-of-way for this project which would result in the property being non-compliant with 6 development standards. What that means under the provisions of the UDO is that if no action were taken after the acquisition of right-of-way, the property would be considered to be legal non-conforming. Staff, along with legal counsel, has determined that the best course of action is to request variances from the sections of the UDO that this property will not meet so that there is a formal record of the actions of the acquisition process. The variances also would mean that the property would not be subject to the regulations for non-conforming properties or structures within the UDO.

The City of Noblesville has undertaken a transformative project along the Pleasant Street corridor and is currently constructing Phases 2 and 3 of this project stretching from State Road 32/Hague on the west side to 19<sup>th</sup> Street on the east side. This property is located within the boundaries of Phase 2 of the Pleasant Street project. East of 13<sup>th</sup> Street, the road widens out to two lanes in each direction with a landscaped median in the center. The infrastructure shown on the drawings located in Exhibit 2 shows that in addition to the road there are also a number of utilities that are being relocated which resulted in a larger right-of-way footprint on the eastern half of this property.

In total there are 6 development standards that are needed. In simple terms:

1. Two buildings fronting on Pleasant Street do not meet the minimum distance from the road.
2. The parking lot along Pleasant Street does not meet the minimum distance from the road.
3. The site is not qualified to have a ground sign because the buildings are not far enough from the road.
4. The ground sign does not meet the minimum distance from the road.
5. The parking lot does not have adequate room to meet the landscape area and plantings requirements.
6. The buildings along Pleasant Street are not far enough from the street to allow adequate room to meet area or planting requirements for building base landscaping.

Below is a more in depth look at each of these requests.

The first variance is a reduction in the minimum required front building setback which is also know as the minimum front yard. The UDO requires a minimum setback for a building from right-of-way of 60 feet in the I2 zoning district. The right-of-way acquisition would result in the western building fronting on Pleasant Street being approximately 43 feet from the new right-of-way line and the eastern building would be just under 5 feet from the right-of-way.

The second variance is a reduction of the minimum setback of a parking lot from the right-of-way. The minimum setback from right-of-way is 10 feet. The new right-of-way line is less than 1 foot from the northeast corner of the existing parking lot and is also less than 1 foot along the eastern edge of the parking lot. At construction, the parking lot was more than 20 feet from right-of-way.

The third variance is to allow a ground sign on the property. Article 11 of the UDO requires that for a property to qualify for a ground sign, the buildings on the property must be setback at least 35 feet from the right-of-way. As noted in the description of the first variance request, one the buildings on the property will be setback less than 5 feet from the right-of-way. This property does have an existing ground sign that will remain in its current location. The fourth variance also deals with the ground sign. It is to allow the ground sign to be setback approximately 3 feet from the right-of-way. The UDO requires a setback of at least 10 feet from right-of-way.

The fifth variance is to allow for a reduction in the area and plantings for the perimeter parking lot. Article 12 of the UDO requires that a property have a minimum 10 foot strip around the perimeter of a parking lot and requires a minimum planting ratio of 2 canopy trees and 33 shrubs per 100 lineal feet. The northern and eastern edges of the existing parking lot are less than 1 foot from the right-of-way, and the existing plantings will likely (or have already) been disturbed by the ongoing construction. There is not enough space on the applicant's property to install plantings that will remain healthy.

The sixth variance is similar to the fifth variance in that it deals with minimum landscape areas and plantings but is for the building base area. The requested variance specifically applies to the eastern building fronting on Pleasant Street. The UDO requires a minimum area equivalent to a 10 foot strip around the entire building and a minimum planting ratio of 3 trees and 33 shrubs per 100 lineal feet for this property at the base of each building. As one side of this building is comprised of overhead doors, the majority of the landscape area was on the other three sides of the building. With the reduction of the area to less than 5 feet between the building and the right-of-way, there is not enough area to meet the requirement and the plantings.

## **VARIANCE OF DEVELOPMENT STANDARDS FINDINGS**

### **AGENDA ITEM #3:**

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. The Pleasant Street project is intended to improve the public health, safety and general welfare of the community by enhancing the existing transportation network and improving pedestrian connections throughout the community. The additional right-of-way from the property was necessary to provide adequate space for the installation of a number of utilities including storm and sanitary sewer which are part of a system that serves the whole community. The reduction of setbacks on the subject property may at points seem inconvenient to the owner, but the overall function of the site has not been altered by the additional right-of-way. The parking lot remains unaltered and an access to the property will be maintained.**

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 non-conformities on the lot were not from a condition that was caused by the property owner. The property complied with the applicable zoning requirements when constructed, and the 6 non-conforming items identified with these variance requests were caused by**

an action that they had no control over. The application of the legal non-conforming provisions of the Unified Development Ordinance would impose a hardship on the property owner if they would want to make some changes to the property in the future. Future construction could be hindered by the lack of variance approvals on the property as the provisions will not allow for a non-conformity to increase. Additionally, if for any reason the property was damaged (fire, natural disaster, etc.) the building or buildings would not be allowed to be reconstructed without approval of a variance. The approval of the requested variances allows the use and reduced setbacks which would not require that extra step in the future.

## **RECOMMENDATIONS**

### **AGENDA ITEM #3:**

**APPROVE** the requested Variance of Development Standards based upon the following findings of fact:

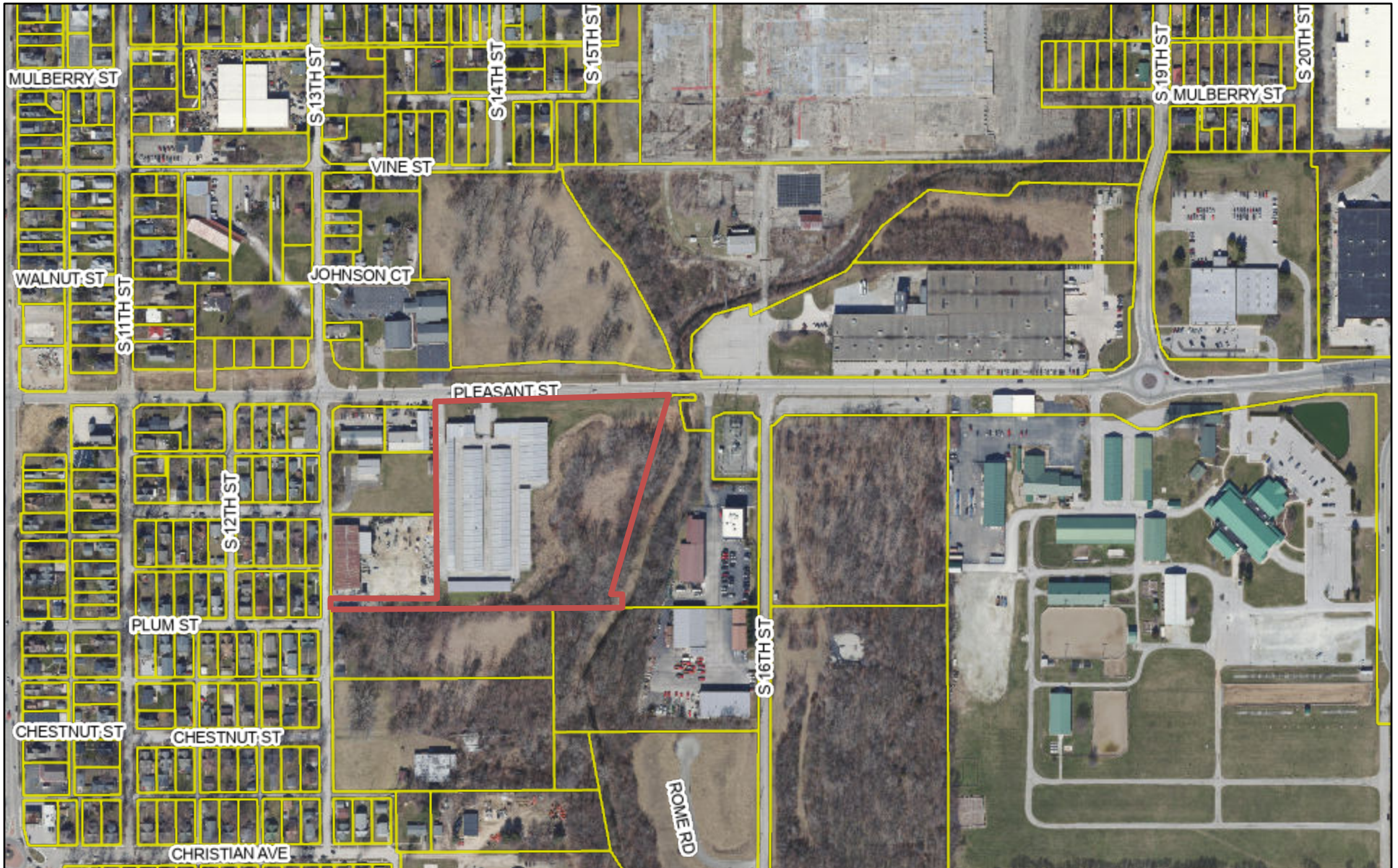
- **The approval will not be injurious to the public health, safety, morals, and general welfare of the community**
- **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner**
- **The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.**

**With the following specific conditions:**

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.

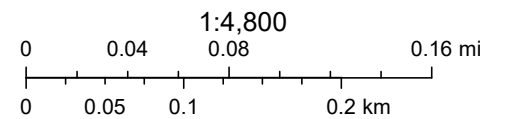


# Exhibit 1 Site Location Map

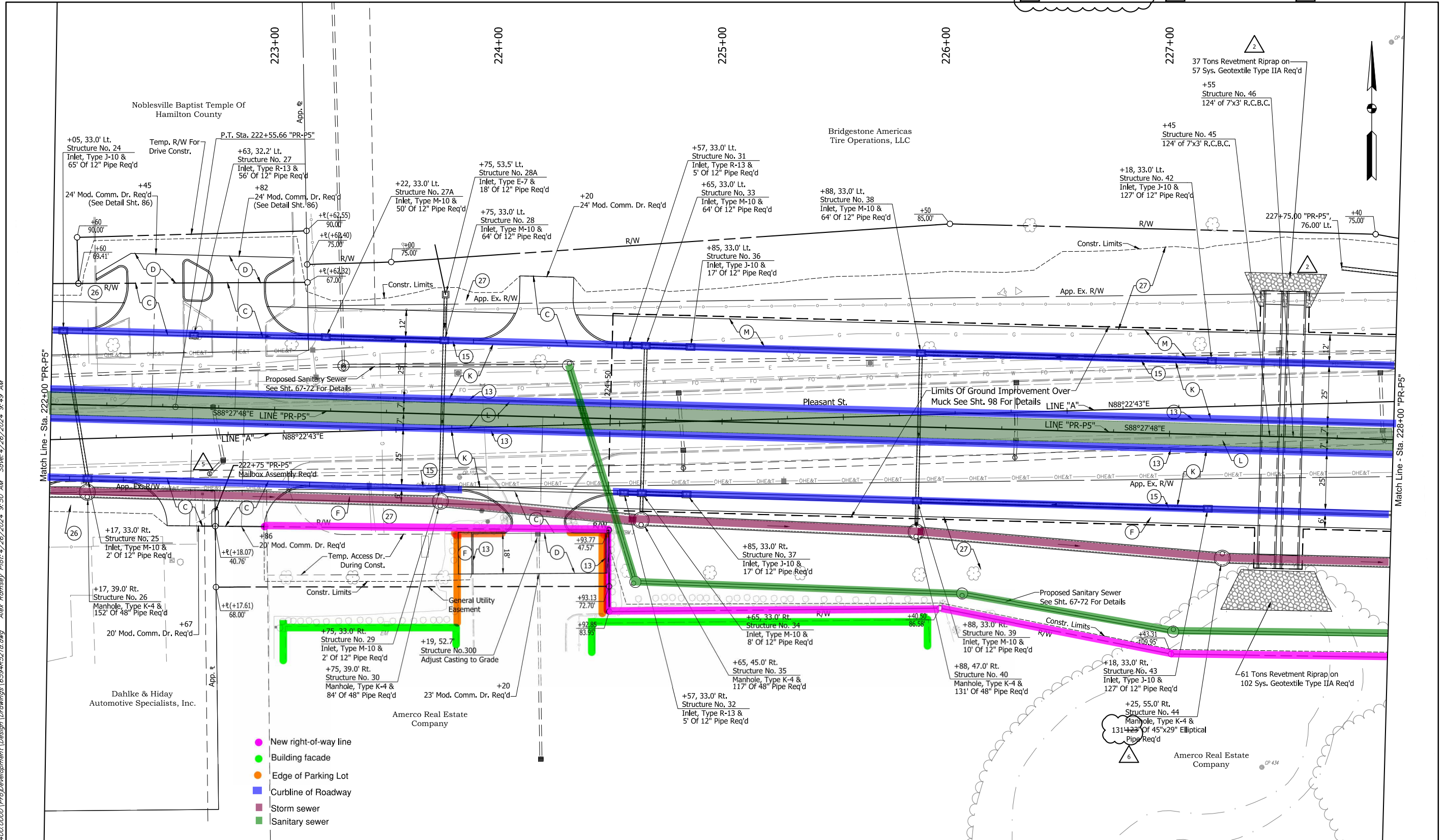


2/26/2025, 10:45:00 AM

- centerlines
- Parcels





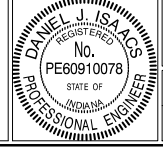


- New right-of-way line
- Building facade
- Edge of Parking Lot
- Curbline of Roadway
- Storm sewer
- Sanitary sewer

**LEGEND**

(C) PCCP for Approaches, 9" (See Appr. Table)	(L) See Landscaping Details	(26) Sodding
(D) HMA For Approaches (See Appr. Table)	(M) HMA for Sidewalk (See Typical Sections)	(27) Mulched Seeding, Type 'U'
(F) Conc, Sidewalk, 4" on 4" Comp. Agg. No. 53	(13) Mod. Box Curb	
(K) HMA Pavement (See Typical Sections)	(15) 2' Comb. Conc. Curb & Gutter, Type II	

ALL R/W TO BE AS SHOWN.  
ALL R/W ON THIS SHEET DESCRIBED FROM LINE "A" UNLESS OTHERWISE NOTED



RECOMMENDED FOR APPROVAL: *Daniel Isaacs* 8/14/23  
DESIGN ENGINEER DATE

DESIGNED: DJI DRAWN: BEH  
CHECKED: ACE CHECKED: DJI

**CONSTRUCTION DETAILS**  
LINE "PR-P5"

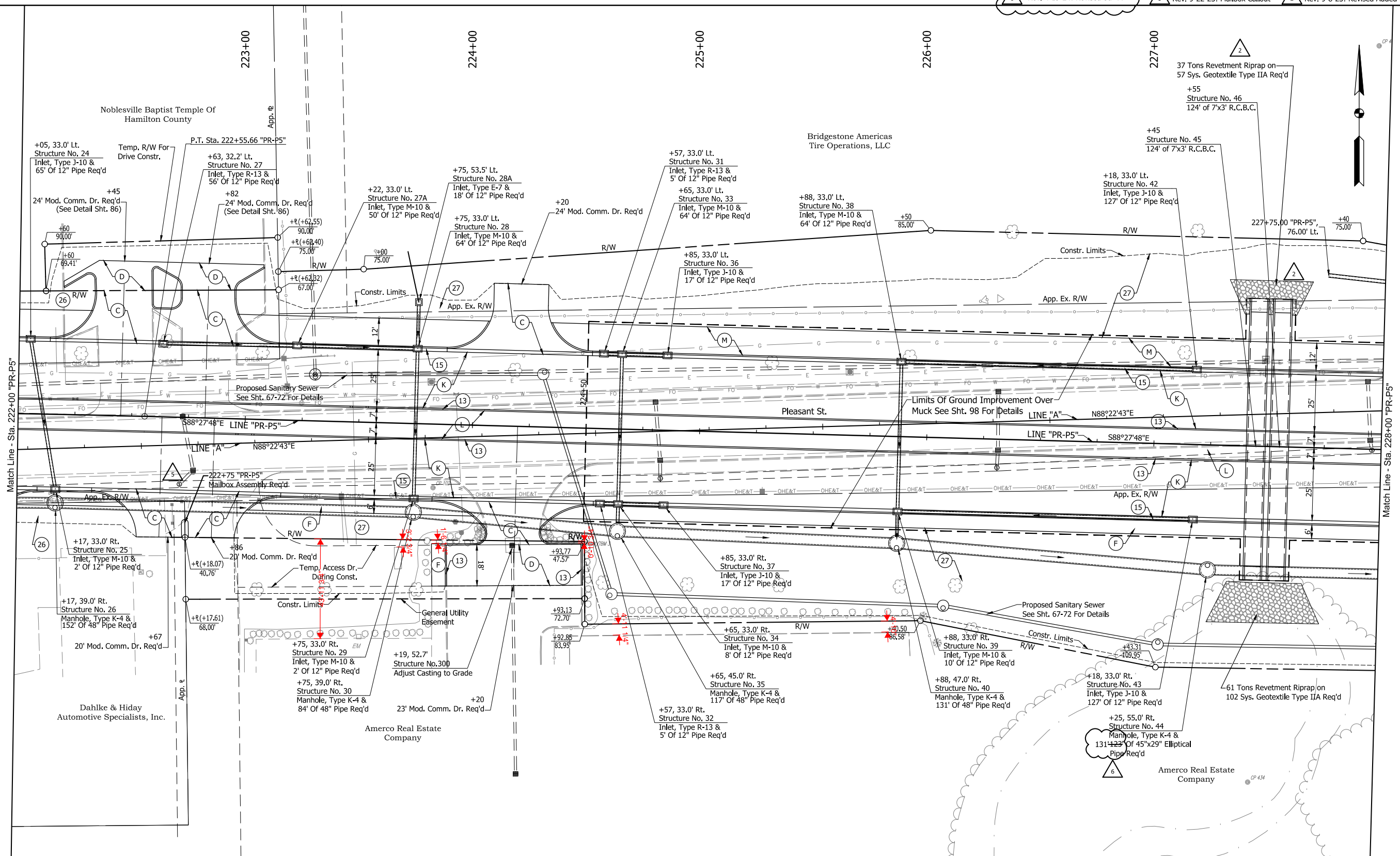
NOBLESVILLE INDIANA

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MERRILLVILLE: 765-423-5602  
PLAINFIELD: 219-769-2333  
317-639-3242

HORIZONTAL SCALE 1" = 20'	BRIDGE FILE
VERTICAL SCALE N/A	DESIGNATION
SURVEY BOOK	SHEET 81 OF 172
CONTRACT	PROJECT EN-324-06

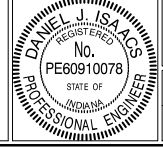
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- LEGEND**
- (C) PCCP for Approaches, 9" (See Appr. Table)
  - (D) HMA For Approaches (See Appr. Table)
  - (F) Conc, Sidewalk, 4" on 4" Comp. Agg. No. 53
  - (K) HMA Pavement (See Typical Sections)
  - (L) See Landscaping Details
  - (M) HMA for Sidewalk (See Typical Sections)
  - (13) Mod. Box Curb
  - (15) 2' Comb. Conc. Curb & Gutter, Type II
  - (26) Sodding
  - (27) Mulched Seeding, Type 'U'

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RECOMMENDED FOR APPROVAL: *Daniel Isaacs* 8/14/23  
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DESIGNED: DJI DRAWN: BEH  
CHECKED: ACE CHECKED: DJI

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LINE "PR-P5"

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HORIZONTAL SCALE 1" = 20'	BRIDGE FILE
VERTICAL SCALE N/A	DESIGNATION
SURVEY BOOK	SHEET
CONTRACT	81 OF 172
	PROJECT
	EN-324-06

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