



## BOARD OF ZONING APPEALS FINDINGS OF FACT

**APPLICATION(S):** BZNA 0011-2017

**PROPERTY ADDRESS:** 444 SOUTH HARBOUR DRIVE

Steve Holt, an attorney representing the subject property, submitted a Conditional Use (Change of Development Plan) application to the City of Noblesville Department of Planning and Development pursuant to Unified Development Ordinance §8.B.3.D.1 to allow the construction of a 1,200 square foot addition to an existing place of worship in the R2 (Low to Moderate Density Single-Family Residential) zoning district.

The Noblesville Board of Zoning Appeals conducted a hearing regarding application BZNA 0011-2017 on March 6, 2017. After testimony was given and evidence was presented to the Board, a motion to approve was made, and the motion carried with a vote of 5, 0, 0.

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. Indiana Code §36-7-4-918.2 states that a Conditional Use may be approved only upon a determination in writing that the following are true:

1. The proposed Conditional Use is, in fact, a conditional use established within the specific zoning district involved:

**Pursuant to UDO § 8.B.3.D.1 and Appendix C, Churches, Temples and Places of Worship are a conditional use in the R2 (Low to Moderate Density Single-Family Residential) zoning district.**

2. The proposed Conditional Use will be harmonious with and in accordance with the general objectives or with any specific objective of the City's Comprehensive Plan and the Unified Development Ordinance:

**The proposed project will be harmonious with and in accordance with the general objectives of the City's Comprehensive Plan and with the Unified Development Ordinance. The property is in a residential area adjacent to commercial. The Unified Development Ordinance considers churches generally to be appropriate uses in that district. The religious community usually adds to the quality of life factors that all residents consider to be important while choosing a community, and they fill needs that the government is not necessarily able to fill.**

3. The proposed Conditional Use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the same area:

**The proposed place of worship is located in an existing structure that was designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing character of the general vicinity. The 1,200 square foot addition to the existing church sanctuary with the addition of a steeple are consistent with the existing church use and it would not change the essential character of the area.**

4. The proposed Conditional Use will not be hazardous or disturbing to existing neighboring uses:

**It is believed that the proposed use will be operated in a manner that will not be hazardous or disturbing to the surrounding area. The proposed building addition would allow the growing congregation to operate within an enclosed building and should not be disturbing to the neighboring uses. The church will be operating at times that do not conflict with the peak commute times for the surrounding residential neighborhood. The use of the speakers to generate sound will be limited per the Noblesville City Code.**

5. The proposed Conditional Use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed Conditional Use shall be able to provide adequately any such services:

**It is unlikely that the proposed project will experience any lack in essential public facilities and services. The highways, streets, police and fire protection, and drainage structures that serve this site already exist.**

6. The proposed Conditional Use will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community:

**It is unlikely that the proposed project will create excessive additional requirements at public expense for public facilities and services. The site is already served by public services, and the proposed use will not increase the need for services.**

7. The proposed Conditional Use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property,

or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors:

**The excessive production of smoke, fumes, glare or odors is not anticipated from the proposed use. No smoke, fumes, glare or odors should be generated from this use.**

8. The proposed Conditional Use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares:

**The proposed use will have a vehicular approach to the property which will not create an interference with traffic on surrounding public thoroughfares. There is an existing access onto South Harbour Drive that is not proposed to be altered.**

9. The proposed Conditional Use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance:

**There do not appear to be any significant historic features located on the subject property. The proposed addition shall be consistent and blend with the architecture of the existing building.**

The findings of fact contained herein are adopted by the Noblesville Board of Zoning Appeals on May 1, 2017.

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Jim Hanlon, Chairman

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Sarah Reed, Secretary



## BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA 0013-2017

PROPERTY ADDRESS: 1810 WESTFIELD ROAD

The property at the subject of this request is located on the southeast corner of Willowview Road and Westfield Road (State Road 32). Syd and Phillis Davis, owners of the subject property, submitted a Variance of Development Standards application to the City of Noblesville Department of Planning and Development pursuant to Unified Development Ordinance §11.C.5.H to continue the display of an off-premise sign that was approved by the Noblesville Board of Zoning Appeals in 2004 with a condition that the sign may only remain in existence for a period of ten (10) years or until the property was developed.

The Noblesville Board of Zoning Appeals conducted a hearing regarding application BZNA 0013-2017 on March 6, 2017. After testimony was given and evidence was presented to the Board, a motion to approve was made, and the motion carried with a vote of 4, 0, 1.

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 of Development Standards. Indiana Code §36-7-4-918.5 states that a Variance of Development Standards may be approved only upon 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:

**The proposed variance WILL NOT be injurious to public health, safety, morals, and general welfare of the community. The sign poses no risk to health, safety, morals, or general welfare.**

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 of Development Standards. 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 subject property.**

The findings of fact contained herein are adopted by the Noblesville Board of Zoning Appeals on May 1, 2017.

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Jim Hanlon, Chairman

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Sarah Reed, Secretary



## BOARD OF ZONING APPEALS FINDINGS OF FACT

**APPLICATION(S):** BZNA 0018-2017

**PROPERTY ADDRESS:** 20901 HAGUE ROAD

Jeff Lingenfelter, owner of the subject property, submitted a Variance of Development Standards application to the City of Noblesville Department of Planning and Development pursuant to Unified Development Ordinance §12.6 to relocate required building base landscaping elsewhere on site.

The Noblesville Board of Zoning Appeals conducted a hearing regarding application BZNA 0018-2017 on March 6, 2017. After testimony was given and evidence was presented to the Board, a motion to approve was made, and the motion carried with a vote of 5, 0, 0.

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 of Development Standards. Indiana Code §36-7-4-918.5 states that a Variance of Development Standards may be approved only upon 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:

**The proposed variance WILL NOT be injurious to public health, safety, and general welfare of the community. If installed in accordance with the Unified Development Ordinance regulations, the required building base landscaping would not be visible from the public right-of-way, and the subject site is currently buffered from adjacent properties by a dense tree line on the northern, eastern, and southern property lines.**

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:

**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 of Development Standards. The petitioner's proposed landscaping locations along the northern and southern property lines would provide increased screening from adjacent properties. 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.**

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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 WOULD result in practical difficulties in the use of the subject property. The presence of multiple service doors to accommodate watercraft maintenance significantly impacts the ability to add landscaping around the building base, and landscaping installed in accordance with the Unified Development regulations would likely be damaged or destroyed by the daily operations of watercraft maintenance.**

The findings of fact contained herein are adopted by the Noblesville Board of Zoning Appeals on May 1, 2017.

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Jim Hanlon, Chairman

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Sarah Reed, Secretary