



## BOARD OF ZONING APPEALS FINDINGS OF FACT

**APPLICATION(S):** BZNA 0030-2017;  
BZNA 0031-2017

**PROPERTY ADDRESS:** 16529 N GRAY ROAD

Andy Peabody, owner of the subject property, submitted two Variance of Development Standards applications to the City of Noblesville Department of Planning and Development pursuant to Unified Development Ordinance §9.B.2.C.2.a to exceed the maximum combined square footage limit for accessory structures (2,000 square feet permitted; 2,424 square feet requested) and §8.B to allow the replat/combination of two commonly owned lots without street frontage into a single lot without street frontage.

The Noblesville Board of Zoning Appeals conducted a hearing regarding applications BZNA 0030-2017 and BZNA 0031-2017 on April 3, 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 requests for the Variances 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 approvals will not be injurious to the public health, safety, morals, and general welfare of the community:

**The proposed variances WILL NOT be injurious to public health, safety, and general welfare of the community. The proposed retention of an existing structure will remain in its current location – approximately 50 feet from the southern property line and more than 110 feet from the western property line. The combination of the two parcels comprising the subject site simply requests a legal solution to bring the property closer to compliance with current City regulations.**

2. The use and value of the area adjacent to the property included in the variances 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 variances. The use and location of the retained structure will not be altered from their current conditions**

**and will not impose new hardships on any 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.**

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. The subject site contains lots of record that were established legally at the time of their creation, and approval of the requested platting variance would bring the property closer to compliance with current City regulations.**

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