

NOBLESVILLE BOARD OF ZONING APPEALS MINUTES – APRIL 3, 2017

The Noblesville Board of Zoning Appeals met in regular session on Monday, April 3, 2017. Members in attendance are as follows:

David Burtner
Doug DeJarnatt
Vice Chairman Mike Field
Chairman Jim Hanlon
Barry McNulty

Others in attendance included Senior Planner Justin Schuessler and Associate Planner Oksana Polhuy from the Department of Planning and Development and Assistant City Attorney Darren Murphy.

Chairman Hanlon calls the meeting to order at 6:00 pm.

NEW BUSINESS

1. BZNA 0030-2017

Variance of Development Standards to exceed the maximum combined square footage limit for accessory structures (2,000 square feet permitted; 2,424 square feet requested)

BZNA 0031-2017

Variance of Development Standards to allow the replat/combination of two commonly owned lots without street frontage into a single lot without street frontage

Mr. Schuessler introduces applications BZNA 0030-2017 and BZNA 0031-2017 and states the subject site is located at 16529 N Gray Road, on the east side of N Gray Road between E 161st Street and E 169th Street. He explains that the subject site is comprised of two parcels that are currently owned by the petitioners and cumulatively contain 2.95 acres. Mr. Schuessler states that the property currently contains a 1,378 square foot manufactured home that also includes a 720 square foot addition, as well as two accessory structures that cumulatively total 1,704 square feet.

Mr. Schuessler explains that the petitioners contacted the Department of Planning and Development to discuss plans to remove the existing manufactured home and construct a new single-family detached residence approximately 150 feet east of the existing residence. He explains that the petitioners expressed an interest in keeping the 720 square foot structure that currently serves as an addition to the manufactured home, but the removal of the manufactured home would cause the structure to be reclassified from an addition to an accessory structure, and the reclassification as an accessory structure would cause the property to exceed the maximum combined square footage limit for accessory structures on the petitioners' property. He explains that the petitioner is not requesting construction of any new accessory structures, and clarifies that the requested Variance of Development Standards is necessary because the 720 square foot structure would no longer be attached as an addition to the primary residence.

Mr. Schuessler explains that neither of the two parcels comprising the subject site have street frontage on N Gray Road and states that the petitioners' currently access their property from a 20-foot ingress/egress easement that has been platted on the property adjacent to the north of the subject site. He further

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explains that each of the petitioners' parcels were developed as buildable lots before the property was under the City's planning jurisdiction, and states that the lots are considered legal-nonconforming lots of record since neither parcel meets the City's lot frontage requirements in the SR zoning district.

Mr. Schuessler states that Planning and Development Staff instructed the petitioners to file a Variance of Development Standards to permit the replatting of the two parcels into a single parcel, but explains that Board approval is necessary before the petitioners file to combine the parcels since neither lot has frontage on N Gray Road. Mr. Schuessler reiterates that the petitioners own both parcels and are not proposing any changes to the use of the subject site, and clarifies that the Variance of Development Standards has been requested to bring the subject site closer to compliance with the standards of the Unified Development Ordinance via legal processes. He reiterates that the petitioners have been made aware that, if approved by the Board, the requested replat will require additional applications to be filed through the Department of Planning and Development and heard at future public hearings.

Chairman Hanlon asks for clarification regarding the petitioners' access to the property. Mr. Schuessler refers to an aerial image of the subject site and identifies the ingress/egress easement on the property adjacent to the subject site. Mr. Schuessler clarifies that the petitioners will use the same access for the new single-family detached residence.

Chairman Hanlon asks whether the subject site was used for residential uses before the petitioners purchased the property. Mr. Schuessler explains that on the subject site, the parcel containing the current residence was used for residential uses before the petitioners purchased the property but clarifies that the petitioners' smaller, northern parcel was developed as a buildable lot under Hamilton County jurisdiction but has never contained a separate residence.

The petitioners, also the owners of the subject site, identify themselves as Andrew and Kara Peabody, residing at 16529 N Gray Road. Chairman Hanlon asks the petitioners if they have any questions or comments about the conditions of approval included in the staff report. The petitioners state that they do not.

Mr. Peabody clarifies that the new single-family residence will be nearly 4,000 square feet when including the finished basement. Mr. Murphy asks Chairman Hanlon if the size of the proposed residence will have an effect on the Board's motion. Chairman Hanlon states that it will not. Mr. Schuessler explains that the size of the new residence complies with the minimum standards in the SR zoning district and clarifies that the construction of the residence does not affect the petitioners' variance requests.

Mr. Murphy clarifies that the Variance of Development Standards is required because the property exceeds the maximum square footage for accessory structures, but confirms that the size of the proposed residence does not affect the variance request. Chairman Hanlon states that he has no issue with the size of the proposed residence.

Mr. McNulty asks the petitioners if the 720 square foot structure will be used for residential purposes. Mr. Peabody confirms that the structure will only be used for residential purposes and states that he performs off-site residential construction work. Mr. McNulty and Vice Chairman Field ask the petitioners if there will

be any outdoor storage of materials or equipment on the property. Mr. Peabody confirms that no materials or equipment are stored outdoors. Mr. DeJarnatt asks if any employees will be on the petitioners' property. Mr. Peabody confirms that there will not.

Chairman Hanlon opens the public hearing; seeing no one come forward, Chairman Hanlon closes the public hearing.

Vice Chairman Field motions to APPROVE applications BZNA 0030-2017 and BZNA 0031-2017 based upon the following findings of facts:

1. The approvals will not be injurious to the public health, safety, morals, and general welfare of the community;
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;
3. 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 submit all necessary applications to combine the parcels comprising the subject site via platting processes before the construction of the proposed new single-family residential structure.
2. The Applicant shall sign the Acknowledgement of Variance document prepared by the Planning and Development Department Staff and return to the Department 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.
3. Any alterations to the approved site plans, other than those required by the Board of Zoning Appeals (BZA) or the Technical Advisory Committee (TAC) shall be submitted to the Department of Planning and Development prior to the alterations being made, and if necessary, a BZA hearing shall be held to such changes.

The motion is seconded by Mr. Burtner.

AYE: Field, Burtner, DeJarnatt, McNulty, Hanlon. The motion carries, 5, 0, 0.

ADJOURNMENT

Meeting adjourned at 6:11 pm.

Jim Hanlon, Chairman

Sarah Reed, Secretary