

Agenda Item #2

Case Number	BZNA-0131-2019 BZNA-0132-2019 BZNA-0144-2019	Property Size	4.58 AC
Address	3501 Conner St	Zoning	PB (Planned Business)
Owner	Hanlon Development LLC K & J Investments IV LLC	Reviewer	Oksana Polhuy
Applicant	Jeff Meyer	BZA Meeting	November 4, 2019

Requested Action:

UDO §11.C.1.F.3.a and §11.C.1.F.5, *Variance of Development Standards* to permit a designation sign in an integrated development on a property that does not have minimum 300 feet of frontage and to permit construction of a designation sign taller than permitted.

UDO §8.C.4.D and Appendix C. *Conditional Use* to permit outdoor display.

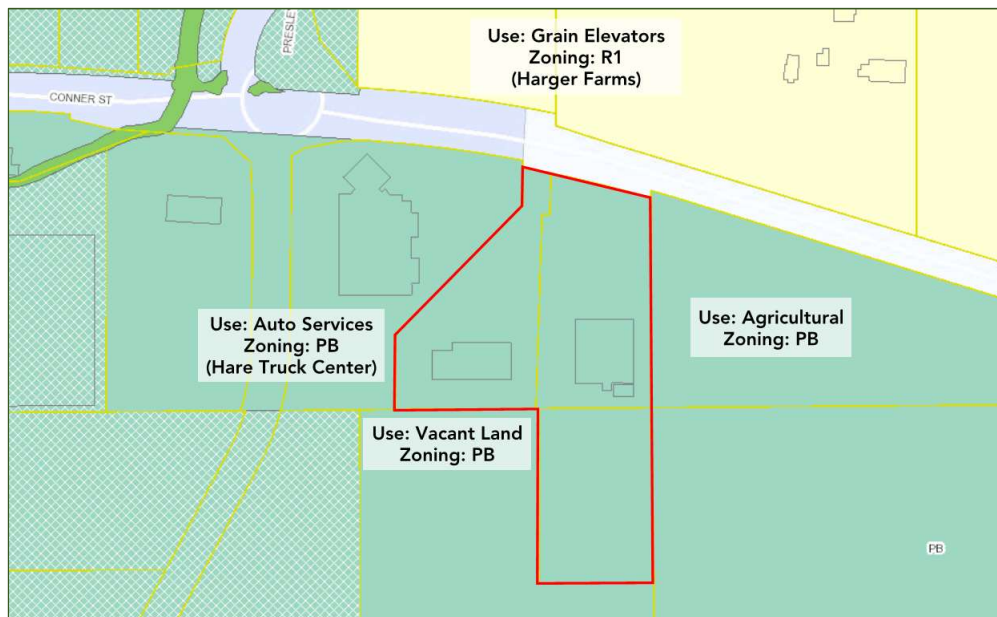
UDO §8.C.4.F and Appendix C. *Variance of Use* to permit outdoor storage.

Recommendation:

Approve. See Findings of Facts for Approval on pages 4-7 and Conditions of Approval on page 8.

Table of Contents:

1. Staff Report
2. Parcel Map
3. Aerial Map
4. Application
5. Site Plan and Subdivision Plat
6. Sign Elevation
7. Site Pictures
8. Neighborhood Pictures



ANALYSIS

The subject site is located on the south side of Conner Street, about 0.4 miles east of State Road 37. The site is comprised of three lots: two lots also known as Gill Subdivision, located outside of the city limits, and a vacant lot within the city limits behind lot 2 (Exhibits 2 and 3). There is a warehouse building on each lot in Gill Subdivision. The subject site is surrounded by the industrial use (grain elevators) to the north, agricultural use to the east, vacant land to the south and commercial use (auto sales and services) to the west.

The applicant is requesting a number of variances relevant to different lots within the subject site:

1. A variance of development standards for a designation sign is for the entire subject site. For the purposes of applying sign regulations, Gill Subdivision is considered to be an integrated development. The types of permanent signs permitted in integrated developments are a wall sign and a designation sign. In order for a designation sign to be permitted, the property must have at least 300 feet of frontage per UDO § 11.C.F.3.a. However, neither lot in Gill Subdivision is 300-ft-wide. The combined frontage of both lots does not reach 300 feet either. Also, the proposed sign is 4 inches taller than permitted (16 feet maximum height permitted per UDO § 11.C.1.F.5, 16'4" requested).
2. One of the tenants would like to display merchandise outdoors. Outdoor display is only permitted as a conditional use in Planned Business zoning district and requires a public hearing.
3. The applicant would like to use a 2-acre vacant lot behind lot 2 of Gill Subdivision for outdoor storage. Outdoor storage is not allowed in PB and requires a variance of use.

Variance of Development Standards (Designation Sign)

Currently, there are two buildings in Gill Subdivision. Each building has several tenants. Due to the restrictions imposed by the UDO sign regulations, every tenant is permitted to have only a wall sign. However, the location of the buildings makes it difficult for the wall signs to be effective. First, the buildings are located about 300-400 feet away from the street curb, while the buildings' walls have little space left for signage. These conditions lead to a situation in which the maximum possible wall sign size may not convey the sign message effectively (Exhibit 7, p.1-2). Secondly, the warehouses are blocked on the west and partially on the north by the truck service center (Exhibits 7 and 8). Due to that, a person driving on Conner Street heading east essentially does not see the buildings until they are at the driveway that leads to the buildings on the subject site.

A designation sign is the best possible option to identify several business legibly and concisely. The proposed sign height is a bit taller than allowed by 4 inches (Exhibit 6). However, the area where the designation sign goes is the lowest spot on site. It is about 5 feet below road's grade and 10 feet below the grade by the buildings. Due to that, the requested height increase is necessary to make the sign visible.

There are three old ground signs at the property. They are not a permitted type of sign at this property and currently exist as legal non-conforming signs. They are located far from the road and are not very legible. They are also old: some tenants requested to change the ground sign structure completely, which would make the sign lose its legal non-conforming status. The designation sign would have space for more tenants than the existing ground signs and would be legible, concise and appealing. In order to reach ordinance's goal of minimizing sign clutter, the staff recommends to remove these signs as a condition to approval of the variance.

Conditional Use (Outdoor Display)

One of the tenants at 3501 Conner Street (lot 2, Gill Subdivision) sells mowers, but it is not clear from the outside that there is a store on site. Due to that, the applicant proposes a 600 sf asphalt pad in front of the existing parking lot to display mowers (Exhibit 5). The display area is about 220 feet away from the street curb. The applicant is currently displaying mowers on the grass, which is not compliant with the UDO (Exhibit 7, p.1). The applicant is going through this process to bring it to compliance.

Variance of Use (Outdoor Storage)

The outdoor storage use is permitted only in industrial zoning districts, but not in Planned Business commercial zoning district. The applicant is proposing to use a vacant lot behind lot 2 (3501 Conner Street) to store tenants' vehicles, equipment and materials (Exhibit 4). The lot has been used in this manner since 2017 violating the UDO regulations (Exhibits 3, 5, 7). The applicant applied for the variance on behalf of all tenants that use the outdoor storage to correct the situation.

The proposed use for the subject site in the Comprehensive Plan is Office/Industrial Flex. Office/Industrial Flex areas are employment centers that allow light industry and small warehousing units. In this area, the outdoor storage is encouraged to be limited to small areas. Currently, all operations are conducted indoors, and the outdoor area is used mostly for parking and storage. A portion of this area is used for parking regular vehicles (Exhibit 7, p.5). Various tenants park their work vehicles, machinery, trailers, and equipment around the perimeter of the lot (Exhibit 7, p.4-6). A landscaping company stores some of the landscaping materials. There are a few piles of paving materials, but that material was used for parking resurfacing and will be removed from site shortly. Outdoor storage areas are usually required to be behind the rear line of the principal building, which is what the applicant is proposing.

Where allowed, the outdoor storage areas are required to be screened by an opaque solid fence at least 7 feet tall. The applicant currently does not have a fence on the property, but proposed a combination of chain link and a wind screen fabric (Exhibit 4, p.11). Usually, developments in industrial zoning districts are required to have a fence at least 95 % opaque. Instead of regulating the fence type, the staff proposes a minimum opacity percentage of 90% in the conditions of the variance approval to meet the intent of the ordinance to properly screen the storage area. The storage area, located far from the road, is not very visible (Exhibit 7, p.4), so a slightly transparent fence should still meet the ordinance intent to screen the storage area. Other regulations of the outdoor storage areas are included as conditions of variance approval.

The staff found a problem with the vacant lot where the outdoor storage is proposed. The vacant lot with the outdoor storage was created in 2015 without going through the platting process, making it an illegal lot. It doesn't have street frontage and will require a variance of development standards to permit a lot without the street frontage. If the Board was to approve this variance, one of the conditions would be to apply for a variance of development standards and go through the platting process to make this lot legal. In the future, lot 2 and the vacant lot behind it will function as one property. Currently, they are being bought by the applicant on a land contract.

VARIANCE OF DEVELOPMENT STANDARDS FINDINGS

AGENDA ITEM #2:

If the Board should decide to APPROVE the requested variance, please use the following findings of fact:

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. Combining all signage in Gill Subdivision in one place on the designation sign will increase the general welfare of the community. It will replace old ineffective ground signage into a new legible sign. At the same time, the sign is proposed far from the road, so it won't be blocking vision of the drivers. A slight increase of sign's height will ensure that the sign is legible.

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 constitute an unnecessary hardship if applied to the property for which the variance is sought:

The strict application of the terms of the zoning ordinance WILL result in practical difficulties in the use of the property. Currently, the ordinance allows only one wall sign per tenant. The buildings are located far from the road, have little wall space left, and are blocked by the surrounding developments making wall signs ineffective in the main function of the sign: informing people of business's presence. The only reason why a designation sign is not allowed here is that the property does not have enough of street frontage due to the odd shape of the lots that narrow down closer to the road. A slight increase in sign's height is needed to compensate for the site conditions: the closest place to the road where the designation sign may be installed is also the lowest elevation on site.

CONDITIONAL USE FINDINGS

AGENDA ITEM #2:

If the Board should decide to APPROVE the requested conditional use, please use the following findings of fact:

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**

Conditional Use request may be approved only upon a determination in writing that the following nine (9) standards are met (see Indiana Code §36-7-4-918.2):

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

Pursuant to UDO § 8.C.4.D and Appendix C, outside display and sales is a conditional use in the PB (Planned Business) 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 Conditional Use will be harmonious with and in accordance with the general objectives of the City's Comprehensive Plan and with the Unified Development Ordinance. The Comprehensive Plan shows this area Office/Industrial Flex that permits light industrial uses with small outdoor storage areas. Currently, outdoor display is only permitted as a conditional use in PB and I1 industrial zoning districts, which matches the future proposed designation of this area.

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.

It is strictly for display of merchandise. The display area is very small and looks like an extension of a parking lot.

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. It is located far from the road and will not block anyone's view.

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 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 proposed use is an accessory use to an already existing use. The only proposed change to site is adding an asphalt pad that will not need additional utilities or service. The utilities to the site and all other services are already in place.

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 subject property is already served by public/private 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.

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 existing driveway and parking already serves the area.

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 natural, scenic or historic features of major importance located on the subject property.

VARIANCE OF USE FINDINGS

AGENDA ITEM #2:

If the Board should decide to APPROVE the requested variance, please use the following findings of fact:

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 Use may be approved only upon a determination in writing that the following five (5) conditions are met (see Indiana Code § 36-7-4-918.4):**

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 storage area is mostly used to park vehicles, equipment and landscaping materials. The vacant and agricultural properties around should not be affected by this operation. In proposed variance conditions, staff recommends following several outdoor storage screening regulations, usually applied to the permitted outdoor storage areas, to screen the view to this area and maintain a commercial/light industrial look of the nearby area.

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 need for the variance arises from some condition peculiar to the property involved:

The need for the variance does arise from a condition peculiar to the property involved. The property was developed with warehouses long time ago giving it an industrial look. However the property is zoned commercial not allowing outdoor storage. At the same time, several uses around are either vacant, close to industrial uses (truck service center), or are industrial (grain elevators). The property with the grain elevators to the north is in the plan to be rezoned to industrial zoning district as part of the bigger development. About 600 feet south from the subject site is industrially-zoned Pleasant Street Commercial Park where outdoor storage is permitted. Thus, while the zoning of the property does not allow outdoor storage, the way

that the property and surrounding areas have been developed created a light industrial character.

4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought:

The strict application of the terms of the zoning ordinance WILL result in practical difficulties in the use of the property. The Comprehensive Plan indicates that this area shall be an employment center. The number of tenants on the subject site keeps increasing meeting the intent of this area. However, many tenants need an area to store their own vehicles, work vehicles and equipment, which is not currently permitted outside, or on the existing parking lot. Allowing an outdoor storage area would attract a lot of business that will provide jobs to the community, as intended by the Comprehensive Plan. Otherwise, the lot that was sold on a contract together with the developed lot 2, will be of little use.

5. The approval does not interfere substantially with the comprehensive plan adopted by the Noblesville Plan Commission and Council:

The approval does not interfere substantially with the comprehensive plan. The Comprehensive Plan shows this area Office/Industrial Flex that permits light industrial uses with outdoor storage areas.

RECOMMENDATIONS

AGENDA ITEM #2:

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; and
- The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.

APPROVE the requested Conditional Use request based on the following findings of fact:

- Is in fact a conditional use established within the specific zoning district involved;
- 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;
- 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;
- Will not be hazardous or disturbing to existing neighboring uses;
- 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 use shall be able to provide adequately any such services;
- 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;

- 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;
- Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and
- Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

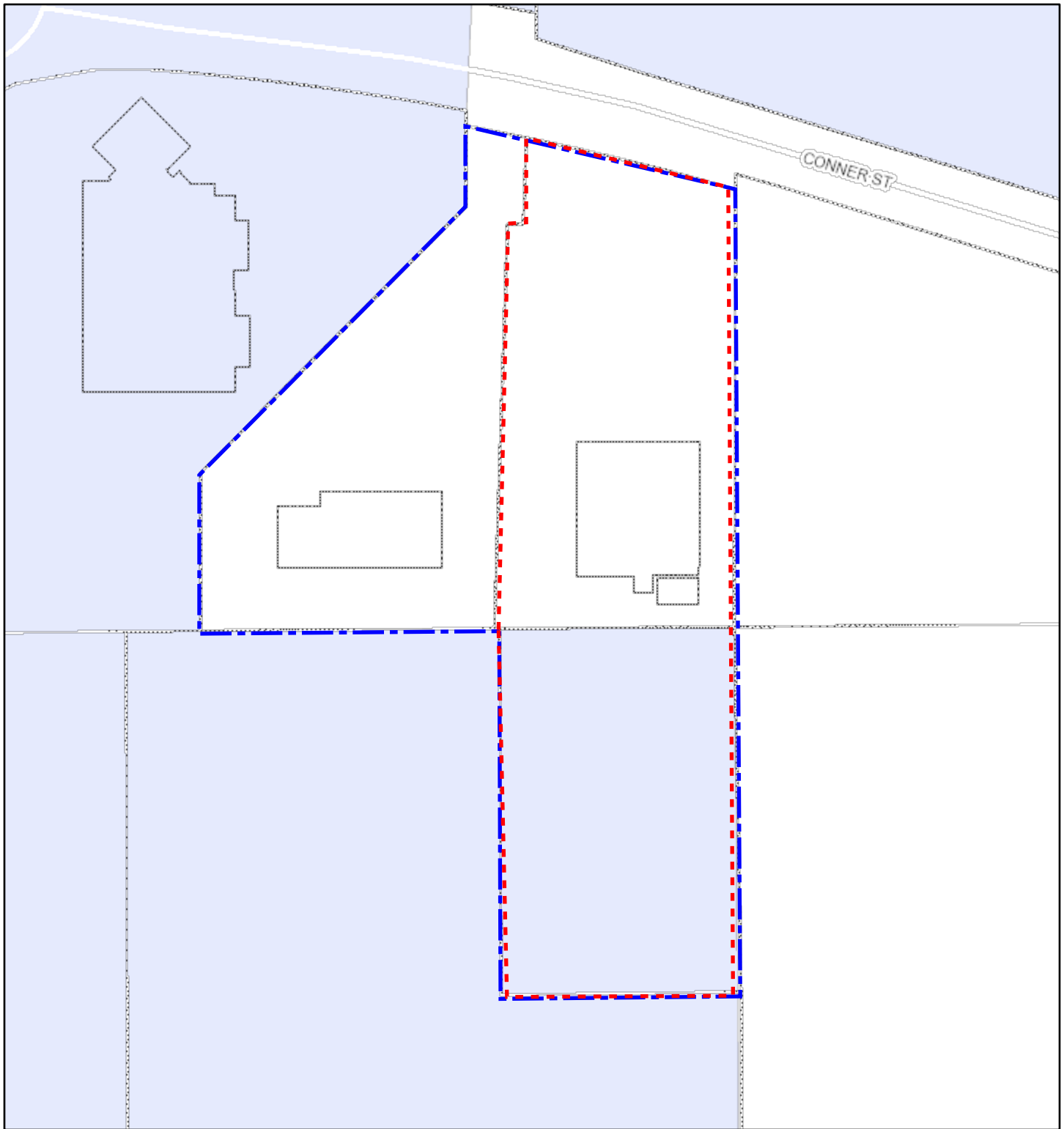
APPROVE the requested Variance of Use based upon the following findings of fact:

- The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- The use and value to the area adjacent to the property will not be affected in a substantially adverse manner;
- The need for the variance does arise from some condition peculiar to the property involved;
- The strict zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought;
- The approval does not interfere substantially with the comprehensive plan adopted by the Noblesville Plan Commission and Council.

With the following specific conditions:

1. All existing ground signs on lots 1 and 2 of Gill Subdivision shall be removed before the designation sign construction is finished.
2. The outdoor display area shall be limited to the 16 x 40 square feet pad displayed on the site plan (Exhibit 5).
3. The outdoor display and storage areas shall be paved according to the design and improvement standards of parking and driveway areas in the Unified Development Ordinance.
4. The outdoor storage area shall be completely screened by a solid fence or wall of not less than seven (7) feet tall and that is at least ninety percent (90 %) opaque.
5. Materials stored behind any screening wall or fence shall be stacked no higher than one (1) foot below the top of the wall or fence. Vehicles, trailers, mobile machinery, or equipment shall be stored in their lowest elevation. No vehicle, trailer, mobile machinery, or equipment shall be used for nor constitute permanent storage.
6. A variance of development standards to permit a lot without street frontage shall be applied for within ninety (90) days of this approval.
7. 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.
8. 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 2. PARCEL MAP



Parcels needing use variance
and conditional use



Parcels needing variance of
development standards

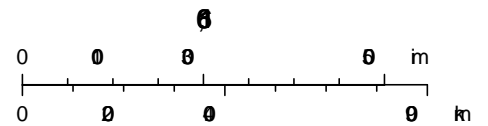
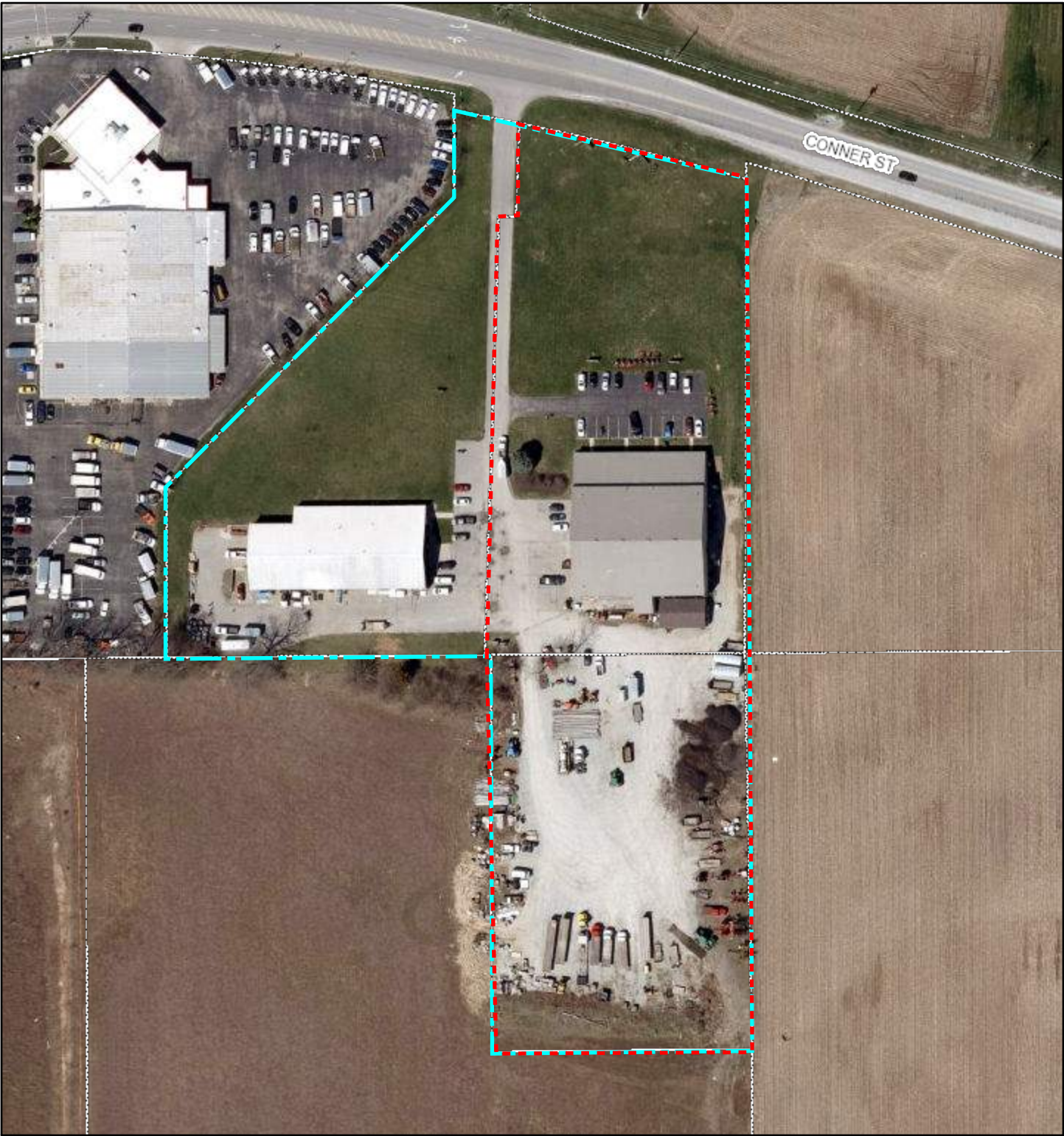


EXHIBIT 3. AERIAL MAP



0

0

0

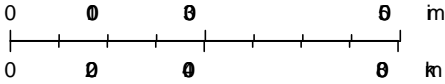
0

0



Parcels needing use variance
and conditional use

Parcels needing variance of
development standards



0

EXHIBIT 4. APPLICATION



CITY OF NOBLESVILLE BOARD OF ZONING APPEALS VARIANCE OF USE APPLICATION

Application Number: BZNA-0131-2019

The undersigned requests a Variance of Use as specified below. Should this variance request be approved, such approval shall only authorize the particular use described in this application and as further limited by reasonable conditions imposed upon such approval by the Board of Zoning Appeals.

Project Name or Occupant Name: Meyer Business Park

Common Address: 3501 Conner St.

Applicant Name: Jeff Meyer

Applicant Address: 3501 Conner St.

Applicant City/State/Zip: Noblesville/IN/46060 E-mail: _____

Applicant Phone #1: (317) 770-4656 Phone #2: _____ Fax: _____

Owner Name: Hanlon Development LLC K&J Investments IV LLC

Owner Address: 3501 Conner St.

Owner City/State/Zip: Noblesville/IN/46060 E-mail: _____

Owner Phone #1: _____ Phone #2: _____ Fax: _____

Property Location: ☐ Not located in a recorded subdivision, see legal description attached.

Subdivision Name: Gill Section 5-18-5

Subdivision Section: _____ Lot Number: 2 Last Deed of Record Number _____

Existing Land Use: Commercial

Common Description of Request: out door storage back and retail

Zoning District of Property: PB Code Section(s) Appealed: UDO § _____ Display area in front of building.

Date: 9-30-19 Applicant's Signature: _____

The Noblesville Board of Zoning Appeals (BZA) is authorized to approve or deny Variances of Use from the terms of the Unified Development Ordinance. The BZA may impose reasonable conditions as part of its approval. A Variance of Use may be approved only upon a determination in writing that the following five (5) statements are true (see Indiana Code § 36-7-4-918.4):

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Explain why this statement is true in this case:

The zoning is the same and Adjoiners
at the site will be contained by a
7' tall Opaque Fencing.

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 by the approval of this variance request. Explain why this statement is true in this case:

Currently the adjacent property is
vacant but has same zoning.

3. The need for the proposed variance arises from some condition peculiar to the property involved. Explain why this statement is true in this case:

The South parcel is being bought on
land contract.

4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which this variance is sought. Explain why this statement is true in this case:

The South parcel is being bought on
land contract.

5. The approval of this variance does not interfere substantially with the provisions of the Comprehensive Master Plan for the City of Noblesville, Indiana. Explain why this statement is true in this case:

The use is approved in the master plan.



CITY OF NOBLESVILLE
BOARD OF ZONING APPEALS
VARIANCE OF DEVELOPMENT STANDARD APPLICATION

Application Number: BZNA-0132-2019

The undersigned requests a Variance of Development Standards as specified below. Should this variance request be approved, such approval shall only authorize the particular use described in this application and as further limited by reasonable conditions imposed upon such approval by the Board of Zoning Appeals.

Project Name or Occupant Name: Meyer Business Park

Common Address 3501 E. Conner St., Noblesville, IN

Applicant Name: Jeff Meyer

Applicant Address: 3501 E. Conner St.

Applicant City/State/Zip: Noblesville, IN 46060 E-mail: dnemes@indyculvers.com

Applicant Phone #1: 317-770-4656 Phone #2: _____ Fax: _____

Owner Name: (1) Hanlon Development LLC and (2) K&J Investments IV LLC

Owner Address: (1) PO Box 778 and (2) 3501 E. Conner St.

Owner City/State/Zip: (1) Westfield, IN 46074 & (2) Noblesville, IN 46060 E-mail: _____

Owner Phone #1: _____ Phone #2: 317-770-4656 Fax: _____

Property Location: ☒ Not located in a recorded subdivision, see legal description attached.

Subdivision Name: and lot in Gill Subdivision

Subdivision Section: N/A Lot Number: 2 Last Deed of Record Number PB9pg20 & 201547727

Existing Land Use: Commercial

Common Description of Request: Change sign requirement from 5 ft to 16 ft

Zoning District of Property: PB Code Section(s) Appealed: UDO §

Date: 9-30-19 Applicant's Signature: [Signature]

The Noblesville Board of Zoning Appeals (BZA) is authorized to approve or deny Variances of Development Standard from the terms of the Unified Development Ordinance. The BZA may impose reasonable conditions as part of its approval. A Variance of Development Standard may be approved only upon a determination in writing that the following three (3) statements are true (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. Explain why this statement is true in this case:

The sign will be 80 feet from the front property line and will in no way block traffic view_____

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 by the approval of this variance request. Explain why this statement is true in this case:

We are not requesting any zoning changes and requested sign is similar to sign across from our site

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property. Explain why this statement is true in this case:

There are 4 tenants and to include all tenants the sign needs to be larger and able to read from road_____



**CITY OF NOBLESVILLE
BOARD OF ZONING APPEALS
CONDITIONAL USE APPLICATION**

Application Number: _____

The undersigned requests a Conditional Use as specified below. Should this conditional use request be approved, such approval shall only authorize the particular use described in this application and as further limited by reasonable conditions imposed upon such approval by the Board of Zoning

Project Name or Occupant Name: Meyer Business Park
Common Address 3501 Conner Street

Applicant Name: Jeff MeyerApplicant Address: 3501 Conner StreetApplicant City/State/Zip: Noblesville, IN 46060 E-mail: dnemes@indycultvers.comApplicant Phone #1: 317-770-4656 Phone #2: _____ Fax: _____Owner Name: Hanlon Development, LLC ; K+J Investments IV, LLCOwner Address: 3501 Conner StreetOwner City/State/Zip: Noblesville, IN 46060 E-mail: _____

Owner Phone #1: _____ Phone #2: _____ Fax: _____

Property Location: ☐ Not located in a recorded subdivision, see legal description attached.Subdivision Name: Gill Section 5-18-15Subdivision Section: _____ Lot Number: 2 Last Deed of Record Number _____Existing Land Use: CommercialCommon Description of Request: retail display pad on north sideZoning District of Property: _____ Code Section(s) Appealed: UDO § of front parking lotDate: 10/10/19 Applicant's Signature: [Signature]

The Noblesville Board of Zoning Appeals (BZA) is authorized to approve or deny Conditional Use requests in accordance with the terms of the Noblesville Unified Development Ordinance, Article 4, Part C. The BZA may impose reasonable conditions as part of its approval (see Indiana Code § 36-7-4-918.2).

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed Conditional Use request in terms of the following nine (9) standards. The BZA shall determine whether there is adequate evidence showing the truth of the following statements:

1. The proposed Conditional Use is, in fact, a conditional use established within the specific zoning district involved. Explain why this statement is true in this case:

It is a conditional use as this
district is not zoned for a
retail display area in front of
the building.

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. Explain why this statement is true in this case:

This will help promote and expand
our business because we will have
a small paved area on which we
can display a few lawn mowers
for sale.

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. Explain why this statement is true in this case:

It is a small paved display area that
sits hundreds of feet back from the road
in front of the building. It will blend
with our paved parking lot.

4. The proposed Conditional Use will not be hazardous or disturbing to existing neighboring uses. Explain why this statement is true in this case:

It is a small outside display area
which will allow customers to view
products without standing on the grass.
This area is not near the edges of
our property and will not disturb
neighbors. It fits with the appearance
of nearby businesses.

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. Explain why this statement is true in this case:

It is a small display area in
front of the building. Services
can adequately be provided to this
area, if needed.

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. Explain why this statement is true in this case:

The retail display area is a small paved
pad in front of our building. It will
be a small extension to our existing
parking lot.

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. Explain why this statement is true in this case:

The conditional use is for retail display only.

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. Explain why this statement is true in this case:

This is a small, paved, retail display pad in front of the building.

9. The proposed Conditional Use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance. Explain why this statement is true in this case:

This is a small, retail display pad on the north side of our parking lot. There are no structures.

AFFIDAVIT AND CONSENT OF PROPERTY OWNER

Application to the Noblesville Board of Zoning Appeals

I, Robert Hanlon (owner of Hanlon LLC), AFTER BEING DULY SWORN, DEPOSE AND STATE THE FOLLOWING:

1. That I am the owner of record for the real estate located at:

Lot 2 in Gill Subdivision, a subdivision in Noblesville Township, Hamilton County, Indiana, as per plat thereof recorded in Plat Book 9, page 20, in the Office of the Recorder of Hamilton County, Indiana.

Property commonly known as: 3501 Conner Street, Noblesville, Indiana 46060.

2. That I have no objection to, and consent to the request(s) by K&J Investments IV, LLC, described in the application made to the Noblesville Board of Zoning Appeals.

3. Noblesville Board of Zoning Appeals Case Number: _____

Robert J Hanlon Jr.
Owner's Name (printed)

[Signature]
Owner's Signature

State of Indiana)
) SS
County of Hamilton)

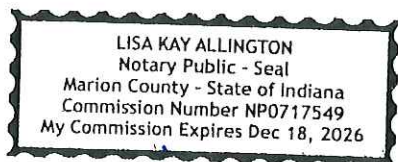
Before me, the undersigned, a Notary Public in and for said county and State, personally appeared Robert Hanlon Jr., and acknowledged the foregoing Affidavit and Consent as their free and voluntary act and deed for the uses and purposes set forth therein.

Witness my hand and Notarial Seal, this 27th day of September, 2019.

My Commission Expires:

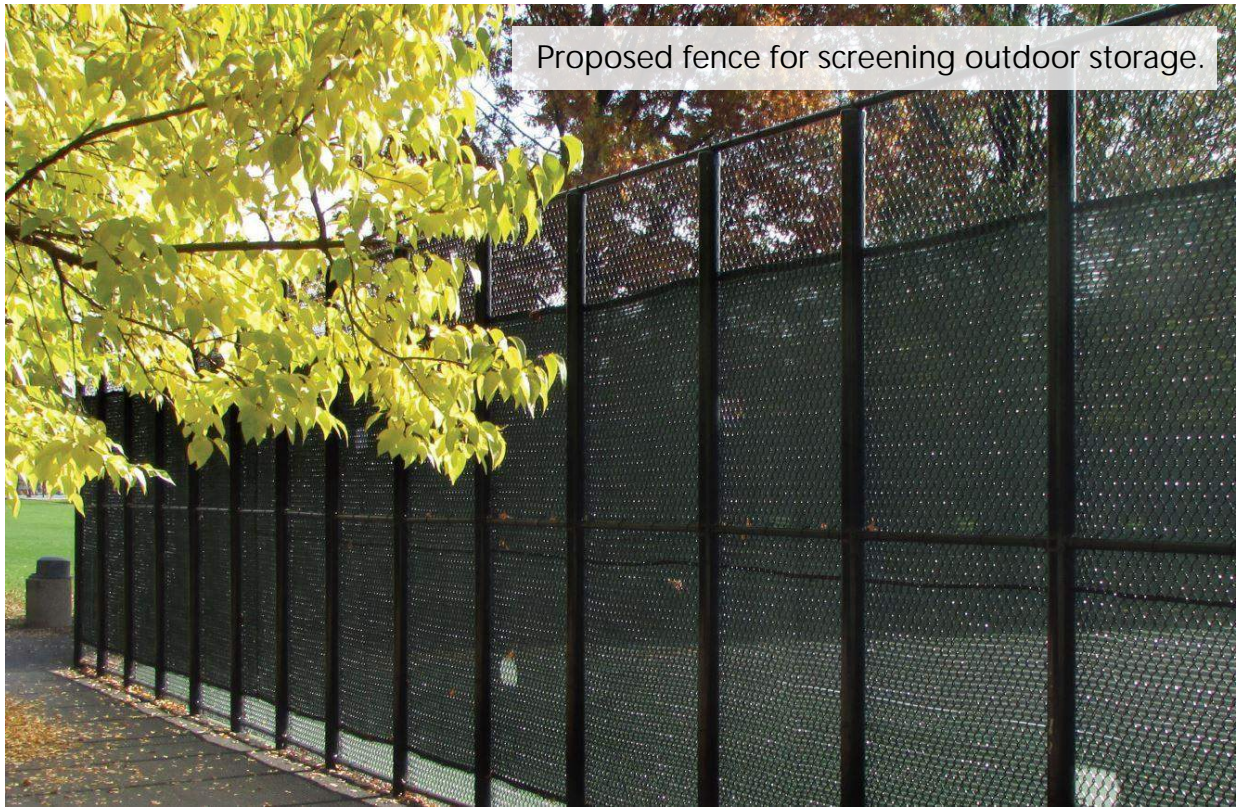
Dec 18, 2026

[Signature]
Notary Public

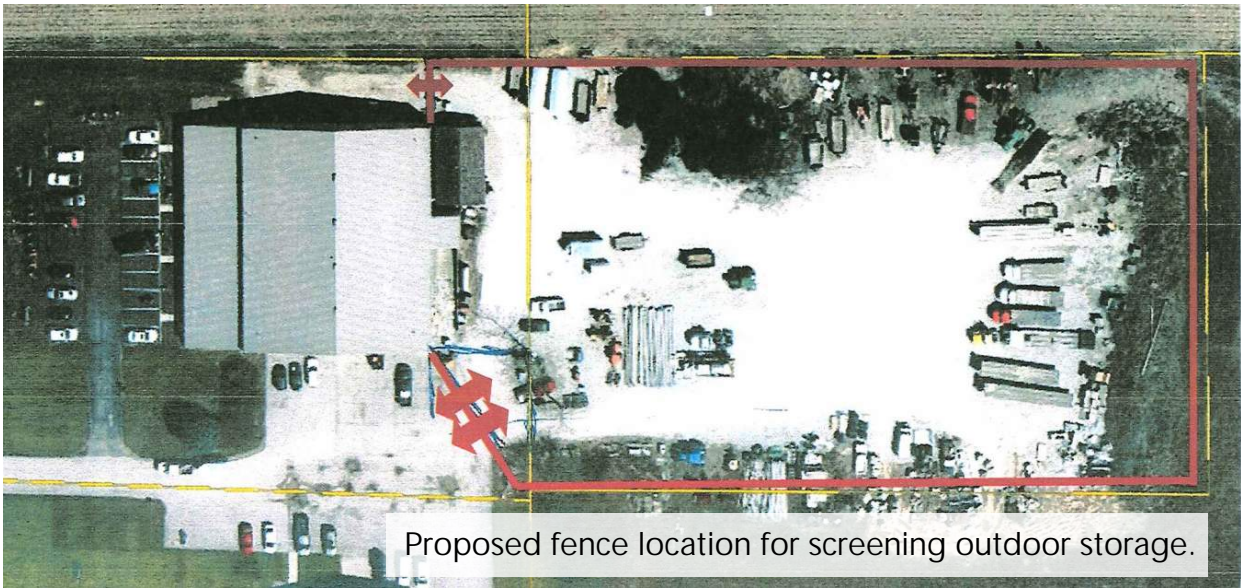


Lisa Kay Allington
Printed Name

Resident Marion County, Indiana



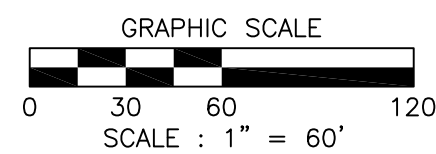
Proposed fence for screening outdoor storage.



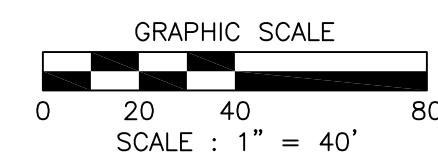
Proposed fence location for screening outdoor storage.

**PART OF THE N.W.1/4, SECTION 5-18-5
NOBLESVILLE, INDIANA**

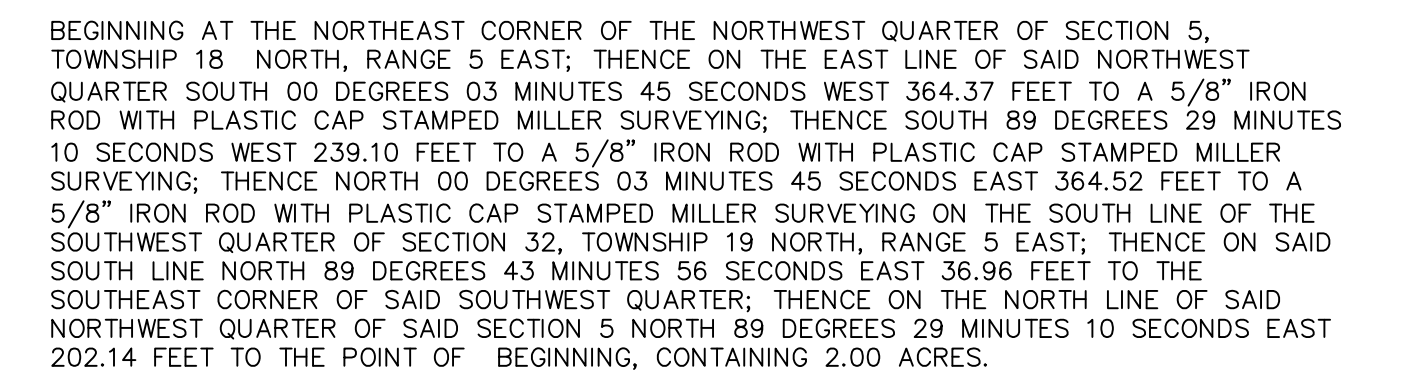
(NOT TO SCALE)

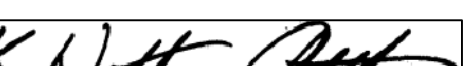

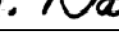



THE LOCATION OF THE TITLE LINES AND CORNERS ARE SUBJECT TO THE EVIDENCE FOUND IN THE PERFORMANCE OF THIS SURVEY. ADDITIONAL EVIDENCE PRESENTED TO MILLER SURVEYING, INC. MAY ALTER THE LOCATION OF THE TITLE LINES AND CORNERS.



THIS SURVEY REFLECTS ABOVE GROUND INDICATIONS OF EXISTING UTILITIES. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPREHEND ALL SUCH IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.



	10-28-19 DATE: _____	
<div style="display: flex; justify-content: space-between; align-items: center;">  <div style="text-align: center;"> <h2 style="margin: 0;">MILLER SURVEYING INC.</h2> <p style="margin: 0;">948 CONNER STREET NOBLESVILLE INDIANA 46060 PH. # (317) 773-2644 FAX 773-2694</p> </div>  </div>		
LOCATION: PART OF THE N.W. 1/4, SEC. 5-18-5 NOBLESVILLE, INDIANA	DRAWN BY: KNA SCALE: 1" = 40' DATE: 7-12-18 JOB NUMBER	PREPARED BY: KNA FIELD BOOK: DC SURVEY: ED SURVEY 4 FILE:
FIELD WORK COMPLETED: 7-12-18 CLIENT: JEFF MEYER DESCRIPTION: SITE PLAN		

GILL SUBDIVISION PLAT

DATE: JULY 28, 1981

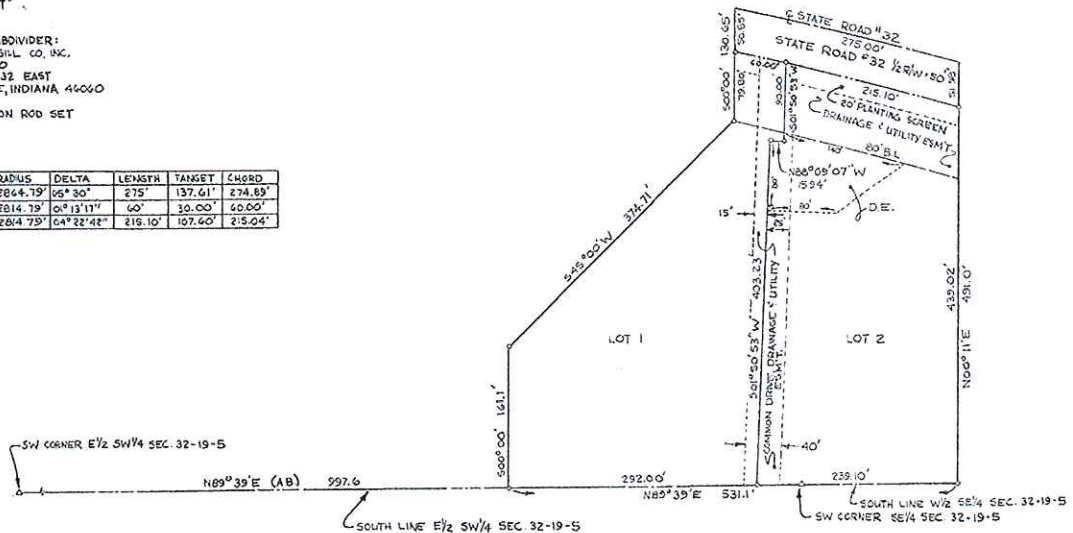


GILL SUBDIVISION "RECORD PLAT"

OWNER AND SUBDIVIDER:
FRANK W. GILL CO. INC.
PO BOX 500
STATE ROAD 32 EAST
NOBLESVILLE, INDIANA 46060

• DENOTES IRON ROD SET

CURVE DATA	RADIUS	DELTA	LENGTH	TANGENT	CHORD
ST RD #32	2644.79'	96°30'	275'	137.61'	274.89'
LOT #1	2814.79'	0°13'11"	60'	30.00'	60.00'
LOT #2	2814.79'	64°22'42"	216.10'	107.60'	215.04'



CERTIFICATE OF SURVEY

I, the undersigned, hereby certify the attached plat to be true and correct, representing a subdivision of a part of the Southwest Quarter and a part of the Southeast Quarter of Section 32, Township 19 North, Range 5 East, located in Noblesville Township, Hamilton County, Indiana, being more specifically described as follows:

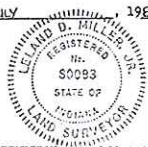
Commencing at the Southwest corner of the East Half of the Southwest Quarter of Section 32, Township 19 North, Range 5 East; thence North 89 degrees 39 minutes East (assumed bearing) on and along the South line of said East Half 597.6 feet to the Place of Beginning of this tract; thence continuing North 89 degrees 39 minutes East on and along the South line of said East Half and the South line of the West Half of the Southeast Quarter of said Section 32, 531.1 feet; thence North 00 degrees 11 minutes East 491.0 feet to the centerline of State Road #32; thence Northwesterly on and along said centerline on a 2 degrees 00 minutes curve to the left, 275.0 feet to a point subtended by a chord 274.89 feet in length which bears North 76 degrees 51 minutes 40 seconds West from the last described point; thence South 00 degrees 00 minutes 130.65 feet; thence South 45 degrees 00 minutes West 374.71 feet; thence South 00 degrees 00 minutes 161.1 feet to the Place of Beginning.

This subdivision consists of Two (2) lots, numbered One (1) through Two (2), both inclusive. The sizes of lots and widths of streets are shown on this plat by figures denoting feet and decimal parts thereof.

I, Leland D. Miller, Jr., hereby certify that I am a Registered Land Surveyor, licensed in compliance with the laws of the State of Indiana.

Witness my signature this 31st day of JULY, 1981.

By Leland D. Miller, Jr.
Registered Land Surveyor # 50093
Leland D. Miller, Jr.



This subdivision shall be known and designated as GILL SUBDIVISION, a subdivision in Hamilton County, Indiana.

All streets shown and not heretofore dedicated are hereby dedicated to the Public for its use.

Building set-back lines (Building Line/B.L.) are hereby established as shown on this plat, between which line and the property line of the streets there shall be erected or maintained no building or structure.

There are strips of ground as shown on the within plat marked "Common Drive Easements" (C.D.E.), "Drainage Easements" (D.E.), and "Utility Easements" (U.E.) either separately or in any combination of the three, which are reserved for the use of public utility companies and governmental agencies as follows:

"COMMON DRIVE EASEMENTS" are created to provide a shared access onto adjoining lots. Said common drive easement has been reserved for the purposes of ingress and egress and maintenance of utilities as defined herein. A portion of said easement shall be used as a common drive for the purposes of ingress and egress servicing the lots of this Addition, and said common drive shall not be dedicated to the public. Said drive shall be constructed and maintained pursuant to specifications that are mutually agreeable to the owners of lots in this Addition. The costs of construction, improvements and/or maintenance shall be borne equally by the owners of said lots, with each lot being assigned one-half (1/2) of said costs. These costs shall include, but not be limited to, grading, stone, paving, repaving, and/or snow removal.

"DRAINAGE EASEMENTS" are created to provide paths and courses for area and local storm drainage, either overland or in adequate underground conduit, to serve the needs of this and adjoining ground and/or the public drainage system. No structure, including fences, shall be built upon said easement, which will obstruct flow from the area being served.

"UTILITY EASEMENTS" are created for the use of all public utility companies, not including transportation companies, for the installation and maintenance of mains, ducts, poles, lines and wires.

The owners of all lots in this subdivision shall take title subject to the rights of public utilities, governmental agencies and the rights of the other lot owners in this subdivision to said easements herein granted for ingress and egress in, along and through the strips of ground for purposes herein stated. No structure, including fences, shall be erected or maintained upon said easements.

The undersigned, Frank W. Gill, Sr., Frank W. Gill, Jr., and Roger D. Long being the Owners of record of the subject real estate, do hereby lay off, plat and subdivide the same into lots and streets in accordance with the within plat.

Witness our signatures this 31st day of July, 1981.

Frank W. Gill, Sr. Frank W. Gill, Jr. Roger D. Long

State of Indiana) ss
County of Hamilton)
Before me the undersigned, a Notary Public in and for said County and State, personally appeared Frank W. Gill, Sr., Frank W. Gill, Jr., and Roger D. Long who acknowledge the execution of the foregoing instrument as their voluntary act and deed for the uses and purposes thereon expressed.

Witness my hand and notary seal this 31st day of July, 1981.

Maureen M. Maresca
Notary Public
My Commission expires: June 14, 1982

COUNTY COMMISSIONER'S CERTIFICATE

Under authority provided by Chapter 47, Acts of 1951 of the General Assembly of the State of Indiana, this plat was given approval by the Board of County Commissioners of Hamilton County, Indiana at a meeting held on December 14, 1981.

Gene Roubush Steve M. Maresca
George J. Maresca

COMMISSIONER'S CERTIFICATE

Under authority provided by Chapter 174, Acts of 1947, enacted by the General Assembly of the State of Indiana, and all acts amendatory thereto and an ordinance adopted by the Common Council of the City of Noblesville, Indiana, this plat was given approval by the City of Noblesville as follows:

Adopted by the City Plan Commission at a meeting held August 17, 1981.

Noblesville Plan Commission

Norman Evans Steven R. Maresca
President Secretary

DIRECTOR'S OF PLANNING AND DEVELOPMENT CERTIFICATE

I, Steven Maresca, Director of Planning and Zoning for the City of Noblesville, hereby certify that the application for approval of this plat meets all of the minimum requirements set forth in the Master Plan of Noblesville, Indiana and such other applicable requirements contained in the code of ordinances of the City of Noblesville, December 11, 1980 as amended.

Steven M. Maresca
Director of Planning and Development
Date:

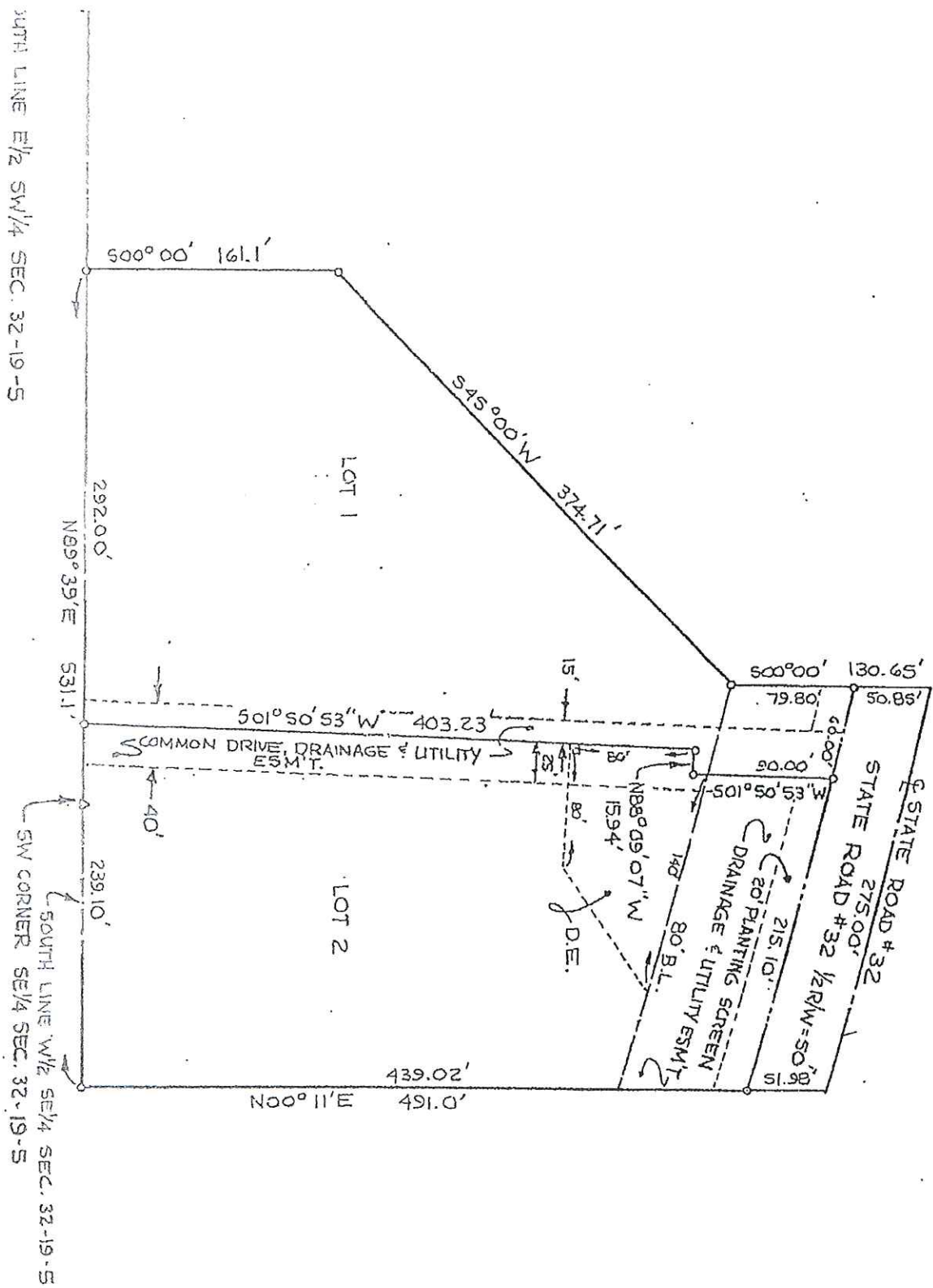
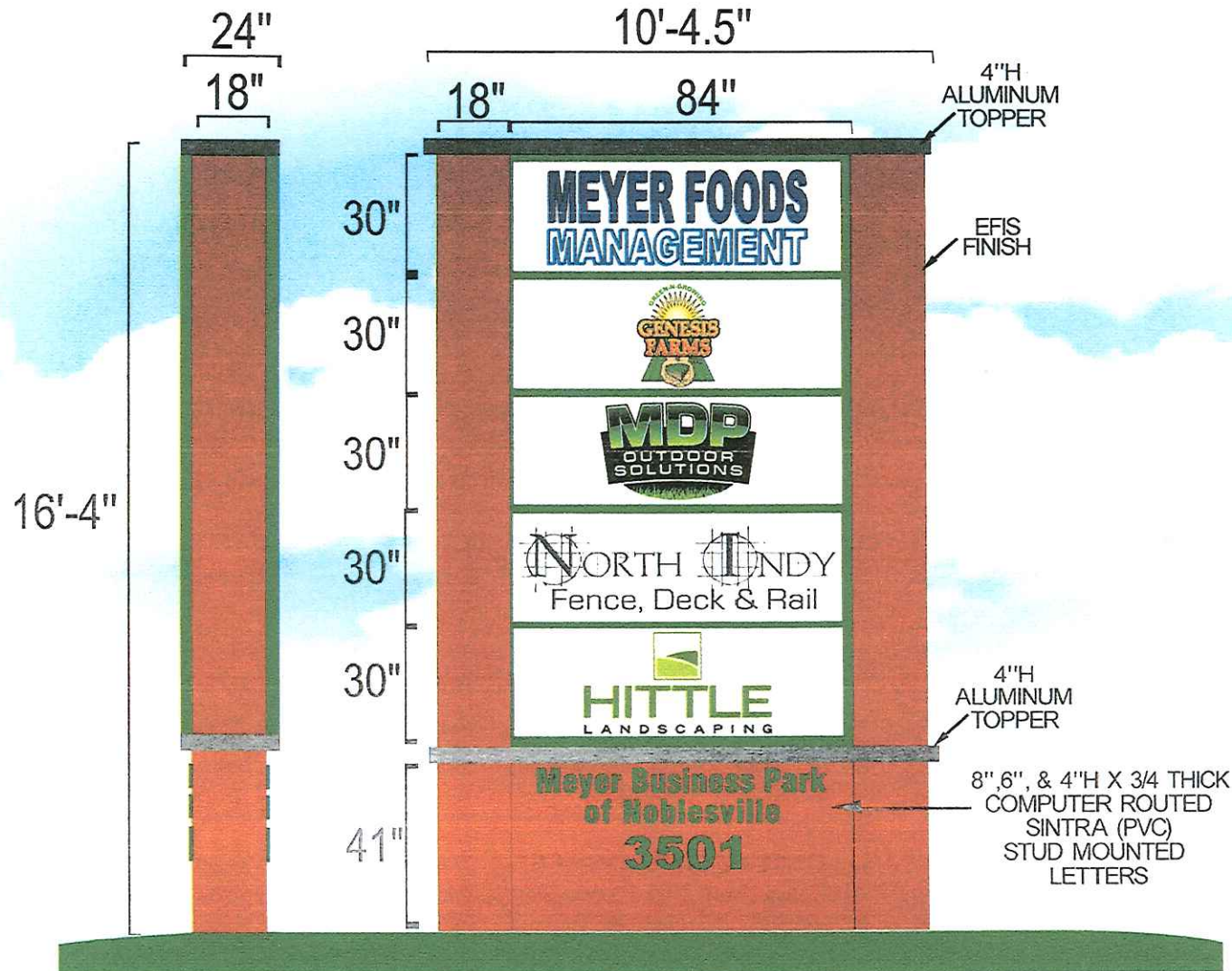


EXHIBIT 6. SIGN ELEVATION

DOUBLE SIDED INTERNALLY ILLUMINATED PYLON TENANT SIGN WITH FLAT LEXAN FACES WITH DIGITALLY PRINTED AND APPLIED VINYL GRAPHICS, AND (1) SET 3/4" THICK FLAT COMPUTER ROUTED BOTTOM SINTRA (PVC) LETTERS EACH SIDE



The Shield of Quality

Hutchison Signs

& ELECTRICAL COMPANY

215 SOUTH MUNSIE STREET INDIANAPOLIS, IN 46229

317-894-8787

FAX: 317-894-8778

DESIGN
U.L. MANUFACTURING
INSTALLATION
SERVICE

**MEYER FOOD
MANAGEMENT**

Client

3501 CONNER ST.

Address

NOBLESVILLE IN

Phone

317-374-8419

Date

09-24-2019

Job Number

19DR-10982F

Sales Representative

DARRYL RICE

Scale

1/4"=1'-0"

Drawn by,

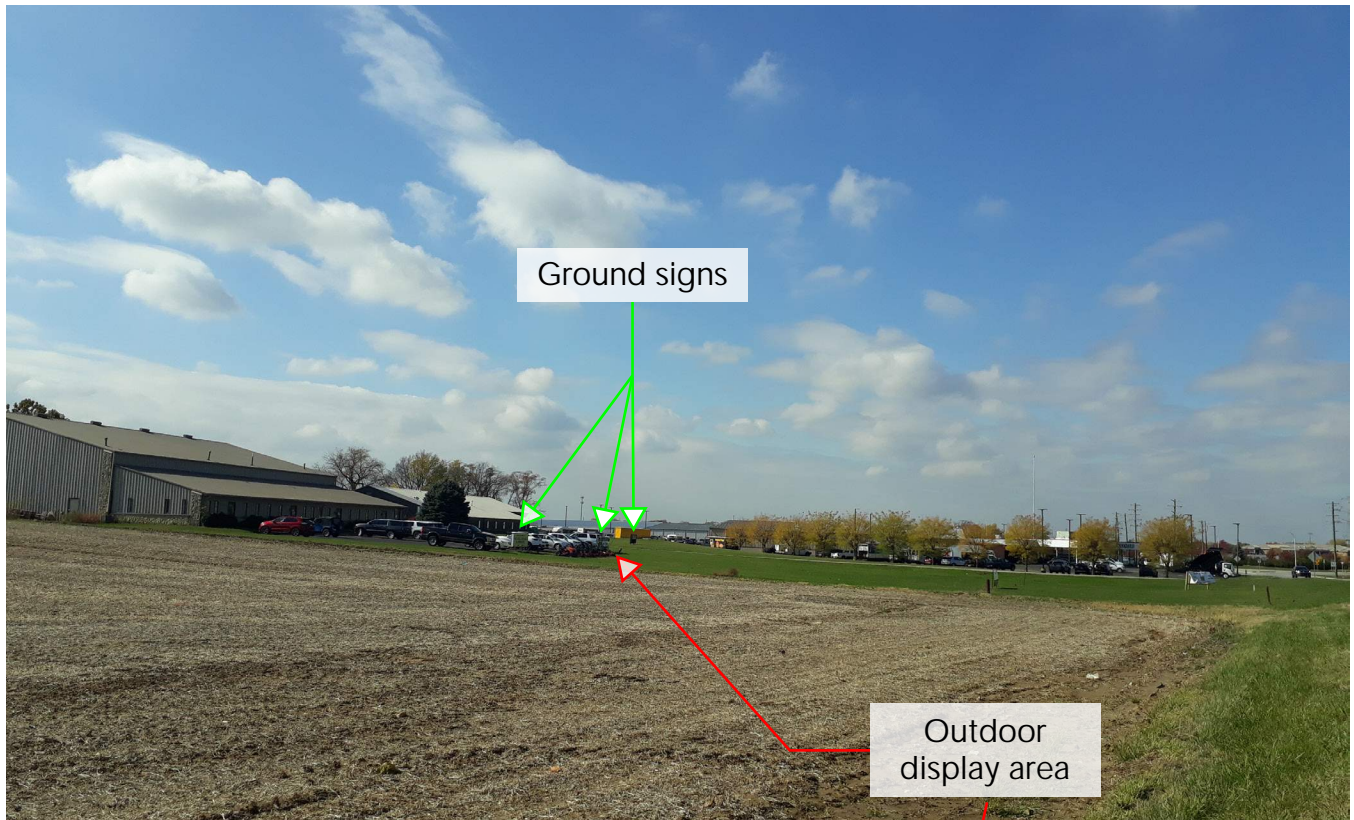
D.SIGN

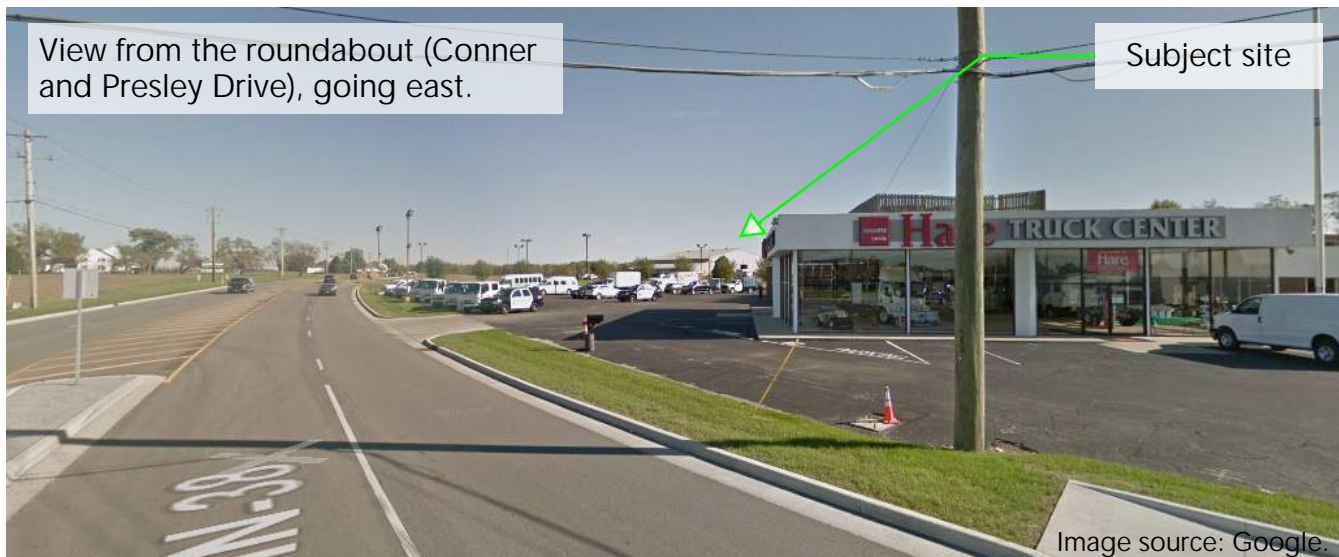
Customers Approval

THIS DRAWING IS THE PROPERTY OF HUTCHISON SIGNS, INC. AND IS NOT TO BE COPIED OR DUPLICATED IN ANY WAY WITHOUT WRITTEN PERMISSION FROM HUTCHISON SIGNS, INC.

Approval Date

EXHIBIT 7. SITE PICTURES



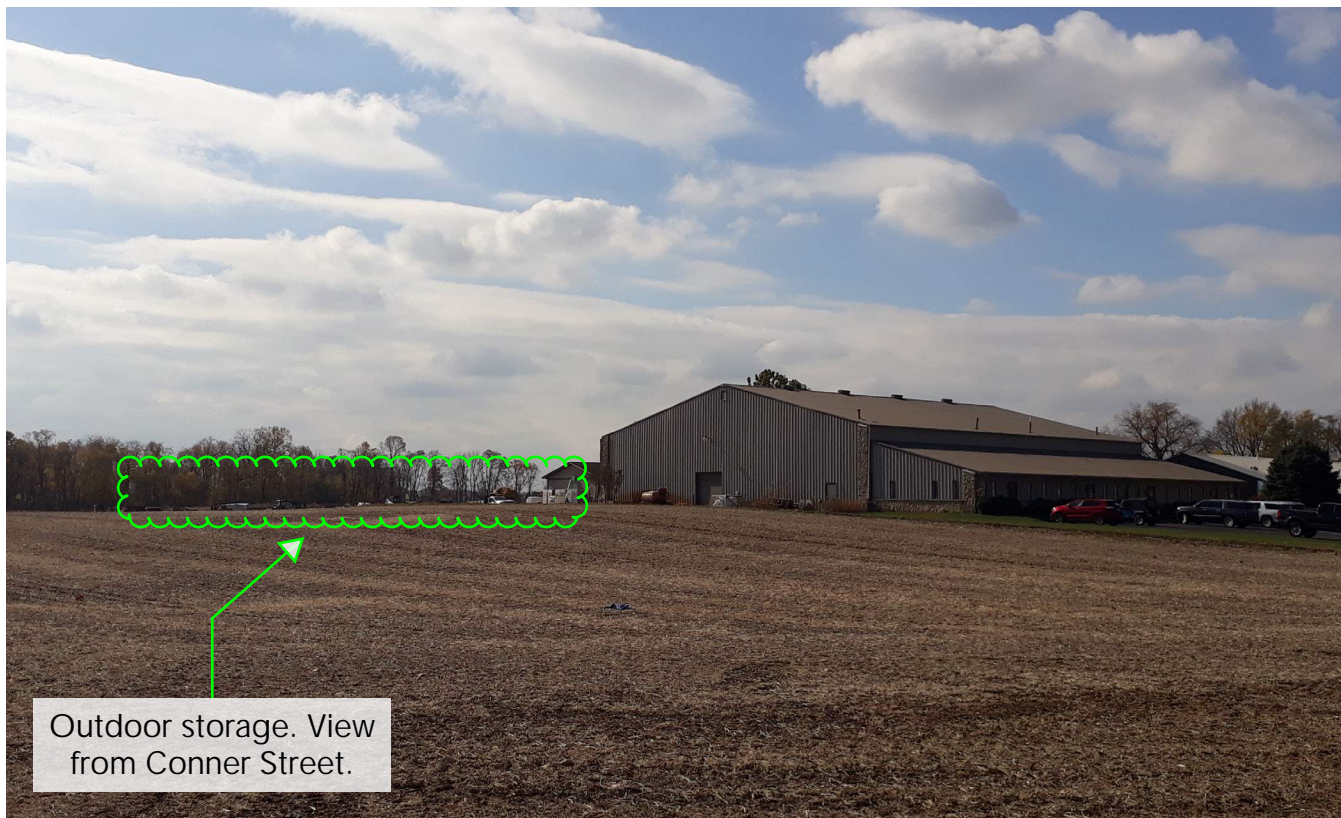




A building on lot 2, Gill Subdivision
(3501 Conner Street)



A building on lot 1, Gill Subdivision
(3499 Conner Street)







Storage and parking along the east side of the lot.



Storage and parking along the south side of the lot.

EXHIBIT 8. NEIGHBORHOOD PICTURES





