



BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA-0145-2024 / BZNA-0146-2024 / BZNA-0147-2024

PROPERTY ADDRESS: 8802 E 206th Street, Noblesville, Indiana

A Variance of Use application and Variance of Development Standards application was submitted to the Noblesville Planning Department for the above referenced location. The application submitted by James & Gina Chinni for Engineering Answers, LLC requested that approval be granted to:

- a) Variance of Use application pursuant to Unified Development Ordinance §8.B.2.B and Appendix C to allow a professional and technical services use on a property within the R-1 zoning district; ;
- b) Variance of Development Standards application pursuant to Unified Development Ordinance §9.B.2.C.2.a to allow the combined square footage of all accessory structures to exceed the maximum square footage permitted (2,000 square feet allowed, 5,576 square feet requested); and; and
- c) Variance of Development Standards application pursuant to Unified Development Ordinance §9.B.2.C.2.b to allow the construction of a pole barn that exceeds the maximum height permitted (17 feet allowed, 20 feet requested).

The Noblesville Board of Zoning Appeals conducted a hearing regarding this application on September 3, 2024. After testimony was given and evidence was presented to the Board, a motion to APPROVE was made, and the motion carried 4-0.

VARIANCE OF USE FINDINGS

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 Use. Indiana Code §36-7-4-918.4 states that a Variance of Use 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:

It is likely that this variance will NOT be injurious to the public health, safety, morals, and general welfare of the community. The property is located at the northeast corner of State Road 19 and 206th Street. The proposed use of the existing structure as a commercial office is a low-intensity use that will have minimal traffic impacts to the existing surrounding community since there will be no traffic from the public. Traffic to the site will include employees, suppliers, miscellaneous deliveries associated with a commercial office use, and infrequent client visitors.

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. The existing structure is somewhat isolated from other residences along 206th Street. In the last two years, the house and garage have gone through significant exterior upgrades and maintenance, including a new front porch, siding, gutters with downspouts, and exterior paint. Surrounding neighbors and the Noblesville community are benefitting from the improved appearance and maintenance of the property. No signs advertising that the property is a commercial use will be allowed. The property will remain residential in appearance. Nearby property owners may remonstrate against this petition if they believe this request will have significant adverse effects on 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 is located at the northeast corner of State Road 19 and 206th Street and is the first residential property along the north side of 206th Street. At 1.7 acres, the property is much larger than the other residential lots on the north side of the street, which range in size from 0.3 acres to 0.7 acres. The portions of the properties close to the subject property to the north and west are open farm fields. The existing primary structure, an old farmhouse, was built in 1900. The house is setback approximately 24 feet from the property line along State Road 19 and 34 feet from the property line along 206th Street. According to the Hamilton County Thoroughfare Plan, both roads are classified as primary arterials with 4 lanes, a median, and ultimate right of way width of 150 feet. The use of the existing house for residential purposes is not ideal with increasing traffic and associated noise. The proposed use of the property for professional and technical services, with the office located in the existing house, would be an appropriate use of the property at the intersection of two primary arterial roads and a suitable transition to the residential uses to the east.

While three of the four corners at the intersection of State Road 19 and 206th Street are either zoned or master-planned for non-residential use, it is not the appropriate time to rezone the subject property due to the lack of public utilities in the immediate area and the Hamilton County 206th Street Improvement Project (Phase 2), which may realign 206th Street immediately north of the subject property. It is anticipated that the extension of utilities by surrounding development and the proposed realignment of 206th Street will stimulate the need to evaluate the use and zoning designation of the subject property in the near future.

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 because the existing structure is not ideally suited to be used as a single-family residence due to its proximity to State Road 19 and 206th Street. Both roads are heavily traveled and noisy. State Road 19 is a primary arterial for north-south traffic and 206th Street is a primary arterial for east-west traffic. The existing house was built in 1900, prior to zoning and right-of-way widths were instituted.

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

The comprehensive plan identifies the subject property as Rural/Estate Residential. Rural areas are characterized by low intensity uses like larger estate residences, single family residential homes in cluster subdivisions, and agricultural uses. Rural areas also have commercial and institutional uses, typically located at intersections along state roads or higher volume county roads. The subject property is located at the intersection of State Road 19 and 206th Street. The nearby surrounding area includes businesses like Powers Septic & Sewer Firm Foundation, Green Cycle, a dog groomer, an auto detailer, and Bare Arms Gun Range.

The use variance for a commercial office granted in 2019 did not interfere substantially with the comprehensive plan. In the last two years, the appearance of the subject property has improved with the exterior updates to the existing structures. The overall appearance of the property as a single-family residence with accessory buildings on a large lot will not change. The approval of the proposed commercial use of the property for professional and technical services will not interfere with the comprehensive plan.

VARIANCE OF DEVELOPMENT STANDARDS FINDINGS

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:

It is likely that this variance will NOT be injurious to the public health, safety, morals, and general welfare of the community. Engineering Answers' clients generally consist of vehicle and component manufacturers, as well as law firms across the country. They do not do business with the general public. Traffic to the property is limited to employees, deliveries, and occasional visits by suppliers and clients.

It is not anticipated that the construction of the pole barn at the proposed size and height will have a measurable effect on the traffic on 206th Street or State Road 19. The barn will be used for the indoor storage of vehicles and test articles, giving the appearance of a residential property to passing vehicles.

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.

It is not anticipated that the size and height of the proposed pole barn will appear out of proportion because the property is much larger than the neighboring properties on the north side of 206th Street. The shorter side of the barn will be facing the driveway and 206th

Street. The barn will be similar to the height of the main building and shorter than many of the mature trees onsite. The residence on the neighboring property to the east will have limited visibility of the pole barn because it will be separated by more than 140 feet of land filled with mature hardwood trees. The pole barn will face a garage and open land with mature trees to the south of 206th Street. The farm fields to the north and west should not be unaffected by the pole barn. The overall appearance of farmhouse with a detached garage and pole barn is consistent with the rural character of the area. In addition, proposed pole barn will be architecturally compatible as it will match the colors, doors and windows of the other buildings on the property.

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 because it would not meet the needs of the business.

The maximum size of the pole barn allowed would be 1,260 square feet with the existing 576 square foot detached garage. The pole barn would have no commercial viability for the business owners because it could not fulfill the dual role of workshop and indoor vehicle storage. The entire floor space would be occupied by four commercial trucks and buses. The size limitation would not meet current business needs, let alone provide room for future growth.

A 14-foot-tall overhead door is required to accommodate tall commercial vehicles associated with Engineering Answers' customer base. If the pole barn height was limited to 17 feet, the proposed pole barn would require a flat roof to accommodate the oversized door. A flat roof could potentially present drainage and snow accumulation issues. In addition, it would not be consistent with the pitched roofs of the other buildings on the property.

The findings of fact contained herein are adopted by the Noblesville Board of Zoning Appeals on October 7, 2024.

Mike Field, Chairman

Caleb Gutshall, Secretary