

The **Noblesville Board of Zoning Appeals** met on Monday, November 4, 2024. Members in attendance were as follows:

Dave BurtnerVice-Chairman
Kevin SearsCitizen Member
Lauren WahlCitizen Member

Others in attendance included Principal Planner Denise Aschleman, Associate Planner Rina Neeley, and Attorney Jonathan Hughes.

Vice Chairman Burtner calls the meeting to order at 6:00 p.m.

APPROVAL OF MINUTES

Ms. Aschleman states there are no minutes ready for approval.

APPROVAL OF FINDINGS OF FACT

Motion by Mrs. Wahl, seconded by Mr. Sears, to approve the Findings of Fact as presented.

AYE: Burtner, Sears, Wahl. The motion carries 3-0.

NEW BUSINESS

1. BZNA 0200-2024 and BZNA 0207-2024	
Location:	9881 Riverwood Avenue
Applicant:	Cory King
Description:	a) UDO § 9.B.2.C.2.b – Board of consider a variance of development standards application to allow the construction of a barn that exceeds the maximum height permitted b) UDO § 9.B.2.C.2.a – Board to consider a variance of development standards application to allow the combined square footage of all accessory structures to exceed the maximum square footage permitted.
Staff Contact:	Rina Neeley

Mrs. Rina Neeley states the property is a 2 acre property located on the northeast corner of Riverwood Avenue and Cumberland Road, north of White River known as 9881 Riverwood Avenue. The surrounding uses are single family residential, agricultural and public facility uses. The property is developed with the original 1900s farmhouse that was remodeled in 2022, a 576 square foot detached garage, and a 200 square foot shed that is being used as a doghouse. There was an original barn on the property dating back to at least the 1930s. It was demolished by a previous property owner about 10 years ago and looked like this (*shows exhibit*). The petitioner recently purchased the property and would like to construct a new barn to supplement the residential use and is requesting the following variance of development standards. The first one is to allow the construction of a barn that exceeds the maximum height seventeen foot permitted per UDO § 9.B.2.C.2.B and the second one is to allow the combined square footage of all accessory structures on the property to exceed the 2000 square feet allowed. The design of the proposed barn was based on the two-story original barn that was on the property and the turn of the century farmhouse. The original barn was constructed to meet the needs of a working farm, and it's likely that the main level of the barn would house livestock and farm equipment, while the second story would house feed. The proposed 2 story barn, shown here, will be used for the indoor storage of equipment and building materials associated with maintaining the two acre property, garage space for a truck, a hobby workshop, living area for the family dogs and a bathroom. That is the first story. This right here is a covered patio. 2nd floor will be unfinished space for the storage of items associated with a growing family. The proposed barn could in the future accommodate an oversized overhead garage door for an RV or boat, which is normally what we get the height variance requests for with the remodel of the second floor level to allow a higher interior clearance. So back to the elevation showing that it could accommodate an oversized door. Now the proposed barn is going to be 2334 square feet, including both levels and the covered patio. This would exceed the 2000 square feet allowed for the total combined accessory structures with the detached 576 square foot garage that's on the property. So the total would be 2910 square feet. The size of the original barn was used to support a working farm, which this is not it is a residence, and the property is not big enough to accommodate livestock in the future because it's 2 acres when 5 acres is the minimum. There is no compelling justification to support the request to exceed the total combined square footage of accessory structures. Based on the attached variance applications and findings of fact staff recommends the approval of the first variance to allow the construction of the detached accessory building to exceed the 17 foot height limit and the denial of the second variance, which is to allow the combined square footage

of these accessory structures on the property to exceed the 2000 square feet permitted. Staff has also included findings of fact as well as conditions should the Board decide to approve both variances.

Mrs. Wahl asks what was the square footage of the previous barn.

Mrs. Neeley states she does not have the square footage of the previous barn. It was for farm use and was quite large.

Mr. Burtner states so that old barn was bigger than the barn they are wanting to put back.

Mrs. Neeley states yes.

Mr. Cory King, 9881 Riverwood Avenue, states thank you guys for hearing us out on this. We understand what we are applying for is outside what the ordinance allows, but after reading through the staff report and listening to the presentation this evening, I wanted to present a few points for you to consider before making final decision. The initial recommendation of the staff is that shell, so the height, would be approved but the square footage is excessive. That would really imply the way that the barn is drawn currently, and that the second floor storage area, if removed, the barn would fall within that square footage size that would meet the ordinance of 2000 square feet, but removing that second floor would remove a substantial amount of storage space for items that are currently crowding our perfectly imperfect, late 1800s property. We chose to take on challenge, yet incredibly rewarding task at restoring a home that is hundreds of years old instead of tearing it down and starting fresh. While the majority of new homes Hamilton County sitting on properties one to five acres typically have an attached two to three car garage as well as basement, we have neither an attached garage nor a functioning basement. What we do have though, is a home that the family names are engraved on the cellar door dating back to April 11th, 1911. We have got two young kids who are going to accumulate bikes, toys, sports equipment, you name it. As they grow up, they're going to accumulate vehicles of their own one day. I work in the construction industry. I've got trailers and equipment. That space is storage for those items. We are outdoor enthusiasts. We own kayaks, angling equipment, backpacks, bikes, fishing gear that we would love to use on the river right across the road. They are all in storage units right now. In order to properly care for the property, we got a tractor, implements for the tractor, weed eaters, mowers you name it. My wife also has an unbelievable amount of holiday décor to store that takes up more room than she would really like to admit. Yeah, a little bit of history on the House, those of you that have driven by it, not driven by it. When our family put a purchase offer in on the home the barn was already gone, but we knew of its existence. Our offer was contingent that we would also purchase the additional acre to the East. We were in love with the home, the location and the property and made it our goal not only to restore the home but reconstruct the barn that was once on the property to a smaller scale. Often times when explaining to anyone where we live, we use as the white farmhouse off the river that had the barn with 1889 in shingles and most locals instantly know where that is. During our two years, we had several curious neighbors stop by to say hello, and most noted one of the few things: wouldn't it be easier to tear it down, thank you for not tearing it down, you are crazy, and last but not least, what happened to the barn. We had a woman who is the descendant of the man who built the original home, a Civil War veteran, who brought us photos of the home of the barn that was on the original property. There's a picture of that family sitting right in front of the house right off Riverwood. We actually just had family pictures done that replicates it. We had multiple challenges throughout the reconstruction or restoration of the home. Termites annihilating every piece of wood in the house, a dry stack foundation that had dropped 5 inches in every corner. Yet we have the pleasure of living in a home dating back to the late 1800s in the community we love and enjoy. If the barn would have been present while we were restoring the home it would have gotten same attention and restoration that the home has gotten. What we were asking was that we are able to proceed with the barn, which is a building that has almost identical to the original structure to allow more functionality for our family.

Mr. Sears states it is not a requirement but would 1889 be going back up.

Mr. King states they would like to, but it depends on the quote.

Mr. Sears states he drives up to Purgatory probably once a week and the house looks beautiful.

Vice Chairman Burtner opened the public hearing.

Mr. Kenneth O'Dell, 10188 Riverwood Avenue, states was very sad to see the original buyer go. I've got a lot of history in the area and a farm in the area. I farm a few 100 acres in the area, and I think there's growth and success and probably a lot of misery going through the reconstruction of that old farmhouse. Been in it many, many times through the years. My brother in law's family used to own it for a short period in the 1930s to 1970's before it was sold to Edgar Coverdale. One of the reasons the barn came down was originally I think a dispute over property taxes, and they had just had enough. Long story short, a beautiful barn that I think it would be a great, beautiful thing for the country setting. I know there's a lot of congestion in cities and town ordinances, neighborhoods and stuff, but I think this is clearly when you cross the river and drive out in the area you have got a lot of nice country estates. I think this would be an asset to the property. That's all I really have to say.

Mr. Don Jordan states I was the prior owner. I bought the property off Mr. Coverdale and then Cory is my son-in-law and so we restored it together and then. So we bought the property up in, restore it together and they bought it off with

us. And as Corey alluded to or explained when we bought the property, we wanted that acre next to it and one of the compelling arguments, Mr. Coverdale, to allow a farmer to give, to give up land, which is not easy, was that rather than tear the thing down, we had made a commitment to restoring the building and not remodeling it. Those of you who have who have been on the property or driven by it's been restored and not remodeled. We kept this true to the original architecture as possible. We used a large percentage of the materials that we took out of it, and it was very expensive and very painstaking. One of the original arguments to Mr. Coverdale was that we would attempt to putting this barn up. We didn't realize we would be outside of a regulation and so we appreciate the opportunity. We know that it's outside of the regular guidelines. We appreciate the opportunity to try and persuade you to allow us to be granted an exception and allow us to proceed with it. I think really he made the most compelling argument, though, is that we're the Noblesville Millers. Millers is an agricultural reference, and the more character that is agricultural that represents agricultural, we can keep in the Community the better, and I don't see how this barn is going to be a hindrance to anybody. If it's done with the same care that the house was done, and that intention can be a real asset set out there. So that's all I had to offer. Thank you.

Vice Chairman Burtner closed the public hearing.

Mrs. Wahl states she knows it is not a plan for them to have a living unit. She asks if there is an ordinance for a carriage house.

Ms. Aschleman states right now there are regulations for accessory dwelling units in the ordinance. Right now it says that they have to be attached to the main structure. The iteration before 2013 said that they were in an accessory structure, and they were clearly subordinate so less than 50% of the square footage of the building.

Mrs. Wahl states it was not really relevant.

Ms. Aschleman states if you would like to know the square footage of the footprint of the previous building it was about 63 feet by 50 feet.

Mr. Hughes states that if the Board is interested that is certainly a condition that you could place that this could not be used as a dwelling structure. They have not presented anything that said that was how they were going to use this.

Mr. Sears asks the applicant if they saw the conditions listed in the staff report and if they had any issues with the proposed conditions.

Mr. King states he did see them. The doghouse is not 200 square feet it is closer to 120 square feet and they would prefer to not take that down. The shed where the dogs are currently housed is outfitted and there is AC, and it is insulated. He states it is actually 10 by 12 feet, and they would like to keep that up if at all possible. They were good with all of the rest of the conditions.

Mr. Hughes states in the second variance they are requesting to exceed the 2000 square foot for all the combined structures. If you were to deny the second variance, they would like to also be able to keep the 120 square foot doghouse. If you approved that second variance it should not be a problem because you would be allowing the existing structures plus the size of the new structure. Is that correct.

Ms. Aschleman states that she is not sure that he is. She clarifies that the applicant is asking to keep the two existing structures which include the detached garage and the doghouse and then build the new structure.

Mr. Sears asks if there was not a second floor in the barn if it would meet the requirements.

Ms. Aschleman states that she believes Mrs. Neeley said that during her presentation.

Mrs. Wahl states the staff report says that it would be 2300 square feet if we kept the existing and allowed the new barn.

Ms. Aschleman states the new building is 36 by 36 feet.

Mr. Sears asks if he can make a motion for both or if they need to be done separately.

Mr. Hughes states that it depends. There is a motion on page 6 that approves both.

Mrs. Neeley does note that one of the conditions would need to be amended to allow the doghouse to remain.

Motion by Mr. Sears, second by Mrs. Wahl to approve applications BZNA-0200-2024 and BZNA-0207-2024 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.

With the following specific conditions:

1. The proposed detached accessory building shall not exceed 22 feet in height or the height of the existing house, whichever is less.
2. The combined square footage of accessory structures on the property shall not exceed 3030 square feet including all floors or levels as well as enclosed, roofed, and/or covered areas. The existing 576 square foot detached garage and the 120 square foot doghouse will remain on the property.
3. Any existing detached accessory structures (or portion of an existing detached accessory structure) that will be remodeled, altered, or demolished so that the combined square footage of accessory structures on the property meets specific condition #2 shall be done prior to the issuance of the Certificate of Occupancy for the building permit of the proposed barn and obtain separate permits as necessary.
4. Add gable detail similar to the existing house and detached garage to the gable on the west (front) elevation of the proposed barn.
5. The existing and proposed detached accessory structures on the property shall be used for the storage of personal materials only and shall not be used for any commercial, industrial, or separate residential purpose.
6. 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.
7. 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.

AYE: Sears, Burtner, Wahl. The motion carries 3-0.

MISCELLANEOUS

ADJOURNMENT

The meeting is adjourned at 6:23 p.m.

Dave Burtner, Vice Chairman

Caleb P. Gutshall, Secretary