



BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA-0162-2023

PROPERTY ADDRESS: 16797 Maines Valley Drive (10-10-04-00-10-021.000),
Noblesville, Indiana

A Variance of Development Standards application was submitted to the Noblesville Planning Department for the above referenced location. The application submitted by Michael and Lindsey Rinehart requested that approval be granted to variance of development standards application pursuant to Unified Development Ordinance §4.D.3. and Planned Development Ordinance 67-9-03 to allow a front-load garage addition. The Noblesville Board of Zoning Appeals conducted a hearing regarding this application on December 4, 2023. After testimony was given and evidence was presented to the Board, a motion to APPROVE was made, and the motion carried 5-0.

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. Consistent with Indiana Code §36-7-4-918.5 the Noblesville Board of Zoning Appeals hereby makes 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 prohibition against front-load garages in the Slater Woods section of the subdivision is an architectural requirement that does not further the health, safety, morals, or general welfare of the community.

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. A number of permits have been erroneously issued to allow a front-load garage in the Slater Farms section and no detrimental affects to the use and value of the adjacent properties have been detected.

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 because the proposed garage addition has been designed to make the most logical use of the existing dwelling and driveway configuration.

The findings of fact contained herein are adopted by the Noblesville Board of Zoning Appeals on January 2, 2024. In addition, the Board of Zoning Appeals hereby adopts the following conditions to its approval with the petitioner must adhere by; failure to adhere by any of these conditions is a violation of this variance and could subject petitioner to additional action permitted by law:

1. 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.
2. 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.

Mike Field, Chairman

Caleb Gutshall, Secretary