

## Agenda Item #1

<b>Case Number</b>	BZNA-000168-2023 BZNA-000170-2023	<b>Property Size</b>	0.443 acres
<b>Address</b>	114 Waterman Drive West	<b>Zoning</b>	CCPD, Corporate campus planned development district
<b>Owners</b>	Steven and Julia Dietterle	<b>Reviewer</b>	Amy Steffens, AICP
<b>Applicants</b>	Steven and Julia Dietterle	<b>BZA Meeting</b>	January 2, 2024

### Requested Action:

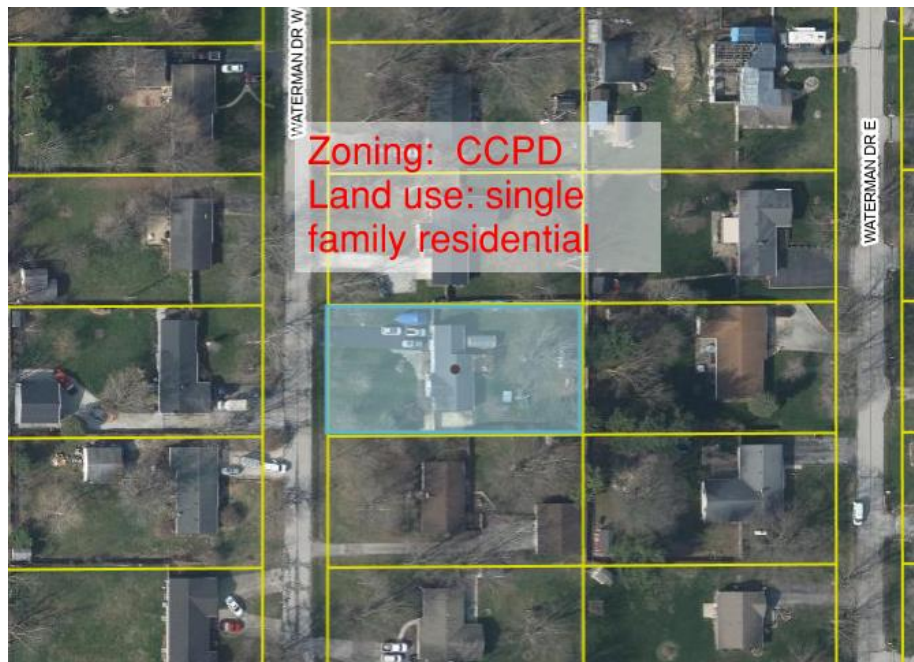
- a) §8.E.4.B.3. - BZNA-000168-2023 Variance of Development Standards application to allow a detached accessory structure to exceed the maximum height allowed
- b) §9.B.2.C.1 – BZNA-000170-2023 Variance of Development Standards application to allow construction of a detached accessory structure to exceed the maximum size allowed for a property less than five acres

### Recommendation:

Approve. See Findings of Facts for Approval on page 2 and Conditions of Approval on page 3.

### Table of Contents:

- A. Application
- B. Aerial Photo
- C. Site Plan



## ANALYSIS

The subject site is a 0.44-acre platted lot in the Fairview Addition neighborhood. Single-family dwellings abut to the north, south, east, and west. The site is improved with a 1,676-square foot single-story dwelling and a 192-square foot accessory structure in the rear yard. The site is zoned in the Corporate Campus Planned Development district, in the mixed residential subdistrict.

The petitioner is requesting two variances of development standards to construct an 832-square foot, 16.2-foot tall detached accessory structure in the rear yard. The first request, BZNA-000168-2023, is to allow the structure to exceed the maximum allowable height of 14 feet (§8.E.4.B.3). The proposed accessory structure would have a 14-foot wall plate and a 4/12 pitch, resulting in a height of 16.2 feet; building height is measured from grade to the mid-point between peak and eave.

The second request, BZNA-000170-2023, is to allow the accessory structure to exceed the maximum allowable square footage of 50 percent of the principal building or 1,000 square feet, whichever is less. Based on the square footage of the dwelling, the site could accommodate 838 square feet of accessory structure, or an additional 646 square feet in addition to the existing 192-square foot structure. If approved, total accessory structure square footage would be 1,024 square feet, 186 square feet more than allowable under the UDO.

## VARIANCE OF DEVELOPMENT STANDARDS FINDINGS

### AGENDA ITEM #1:

If the Board should decide to APPROVE the requested variances, 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. The proposed location of the accessory structure in the rear yard, abutting the rear yards of adjacent lots, will mitigate the visual impact of the height variance. Additionally, the excessive accessory structure square footage for the lot will be minimal (186 square feet over what is permitted) and not due to one single structure that might be more impactful than two smaller structures as proposed. Staff believes that the variance requests for accessory structure height and size are minor deviations from the UDO.

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 placement of the accessory structure in the rear yard, abutting the rear yards of the adjacent lots, is the least impactful location on the site and the excess height and size likely would not be perceptible from surrounding dwellings.

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 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 accessory structure is a customary residential accessory structure, will be used for personal storage, and would be insubordinate to the primary dwelling.

## RECOMMENDATIONS

### AGENDA ITEM #1:

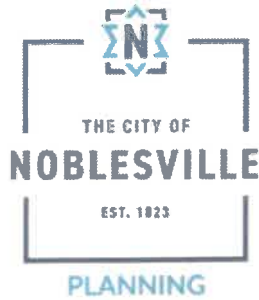
**APPROVE** the requested Variance of Development Standards based upon the following findings of fact:

- 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 result in practical difficulties in the use of the property.

**With the following specific conditions:**

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.

# EXHIBIT A



## CITY OF NOBLESVILLE BOARD OF ZONING APPEALS VARIANCE OF DEVELOPMENT STANDARDS APPLICATION

Application Number: BZNA-00108-2023

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: Variance for Pole Building Height

Common Address: 114 Waterman Drive, Noblesville, IN 46060

Applicant Name: Steven and Julia Dietterle

Applicant Address: 114 Waterman Drive, Noblesville, IN 46060

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

Applicant Phone #1: 317/967-4854 Phone #2: 317/385-1497 Fax: n/a

Owner Name: Steven and Julia Dietterle

Owner Address: 114 Waterman Drive

Owner City/State/Zip: Noblesville, IN 46060 E-mail: sdietterle@dietterle.com

Owner Phone #1: 317/967-4854 Phone #2: 317/385-1497 Fax: n/a

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

Subdivision Name: Fairview, second addition

Subdivision Section: 08 Lot Number: 24 Last Deed of Record Number: \_\_\_\_\_

Existing Land Use: Residential

Common Description of Request: \_\_\_\_\_

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

Date: 11/26/2023 Applicant's Signature: Steven Dietterle

The Noblesville Board of Zoning Appeals (BZA) is authorized to approve or deny Variances of Development Standards from the terms of the Unified Development 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) 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 proposed pole barn will be used to store a recreational vehicle (RV) approximately  
9 feet wide, 30 feet long, and 11 feet high currently parked in front of our house. The  
construction of this building will allow the RV to be stored inside and out-of-sight of the neighbors.  
The door to the pole building needs to be 12 feet high to accommodate this vehicle.

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:

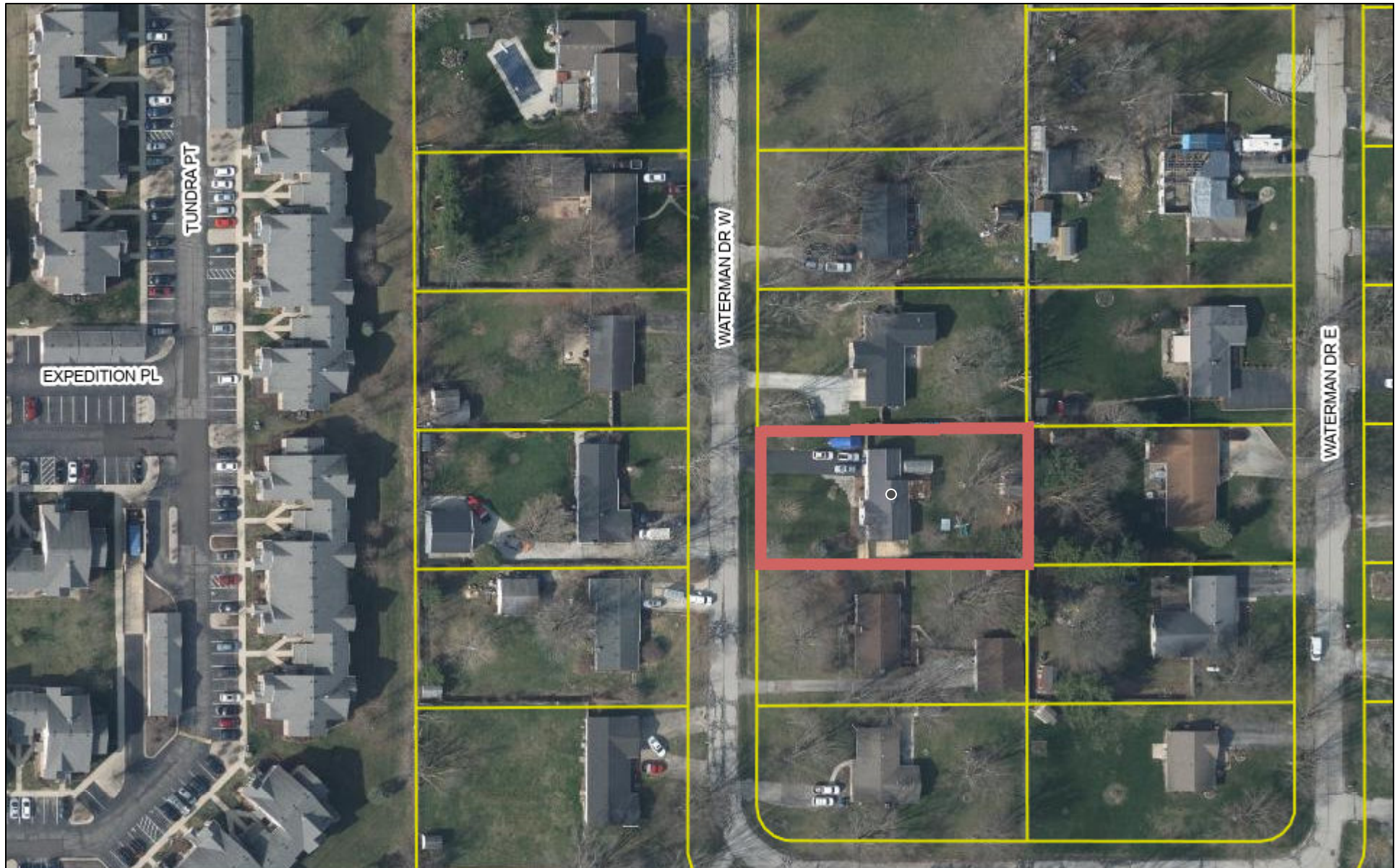
This building will be constructed in our back yard which is surrounded by a 6 foot tall  
privacy fence with large trees screening the building from our neighbors to the south. It will be the  
same color as our house with 12 inch overhangs and a cupola. It will improve neighborhood  
values because a large RV will no longer be parked in front of our house; additionally, other homes  
in this neighborhood have pole buildings including the house directly across the street from  
our house which has a 32 x 32 foot pole building with 14 feet sidewalls.

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:

The strict application of the terms of the zoning ordinance will result in practical difficulties in the  
use of the property because the property owner needs the increased height to be able to store  
a large RV vehicle out of sight of the rest of the neighborhood.



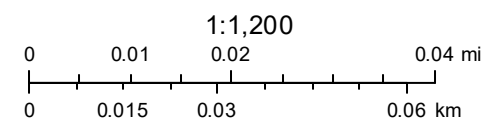
# EXHIBIT B



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centerlines

Parcels





# EXHIBIT C

