



BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA-0132-2023; BZNA-0133-2023; and BZNA-0135-2023

PROPERTY ADDRESS: 11395 E 196th Street, Noblesville, IN 46060

Variance of Development Standards applications were submitted to the Noblesville Department of Planning and Development for the above referenced location. The applications, submitted by Cynthia R. Latty and Michael D. Latty, sought approval for Variance from Unified Development Ordinance (UDO) §6.C.2.D, to create two flag lots; one (1) Variance of Development Standards from UDO § Table 8.B to eliminate the required minimum 200 feet of frontage; and one (1) Variance of Development Standards from UDO § 9.A.2 to eliminate the required property access; in the R1 (Low Density Single Family Residential) zoning district.

The Noblesville Board of Zoning Appeals conducted a hearing regarding this application on November 6, 2023. After testimony was given and evidence was presented to the Board, a motion to APPROVE the Variances, with conditions, was made, and the motion carried 4-0.

VARIANCE OF DEVELOPMENT STANDARDS FINDINGS

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 three standards are met. In its deliberations, the Noblesville Board of Zoning Appeals weighed the evidence associated with the following standards and made the following findings in granting the request for Variances of Development Standards. The Board sets out its findings in the bold text below each standard.

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community:

These variances will NOT be injurious to the public health, safety, morals, and general welfare of the community. The requested variances will have a minimal visual effect, while maintaining the existing character. The requested variances to reduce the minimum frontage and establish flag lot will not be injurious, the proposed lots are more in line with the surrounding properties than the existing configuration, about twice the size of most residential lots in the area. This standard has been met.

2. The use and value of the area adjacent to the property included in the variances 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 variances. 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 the variances requested will not have a substantially adverse effect on the use and value of adjacent properties. This standard has been met.

3. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variances are sought:

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 required property shape, access, and Lot Width would result in a practical difficulty given the site's odd shape and preexisting Flag Lot designation. Additionally, the property is bisected by a drainage easement that further limits the shape of the proposed lots. This standard has been met.

The Findings of Fact contained herein are adopted by the Noblesville Board of Zoning Appeals on January 2, 2024.

Mike Field, Chairman

Caleb Gutshall, Secretary