

## Agenda Item #2

<b>Case Number</b>	BZNA-0213-2024	<b>Property Size</b>	13.25 acres
<b>Address</b>	17927 Little Chicago Road	<b>Zoning</b>	R-1 (Low Density Single Family Residential)
<b>Owner</b>	John and Patricia Nichols	<b>Reviewer</b>	Brett Willaman
<b>Applicant</b>	Jim Shinaver	<b>BZA Meeting</b>	Monday, December 2, 2024

### Requested Action:

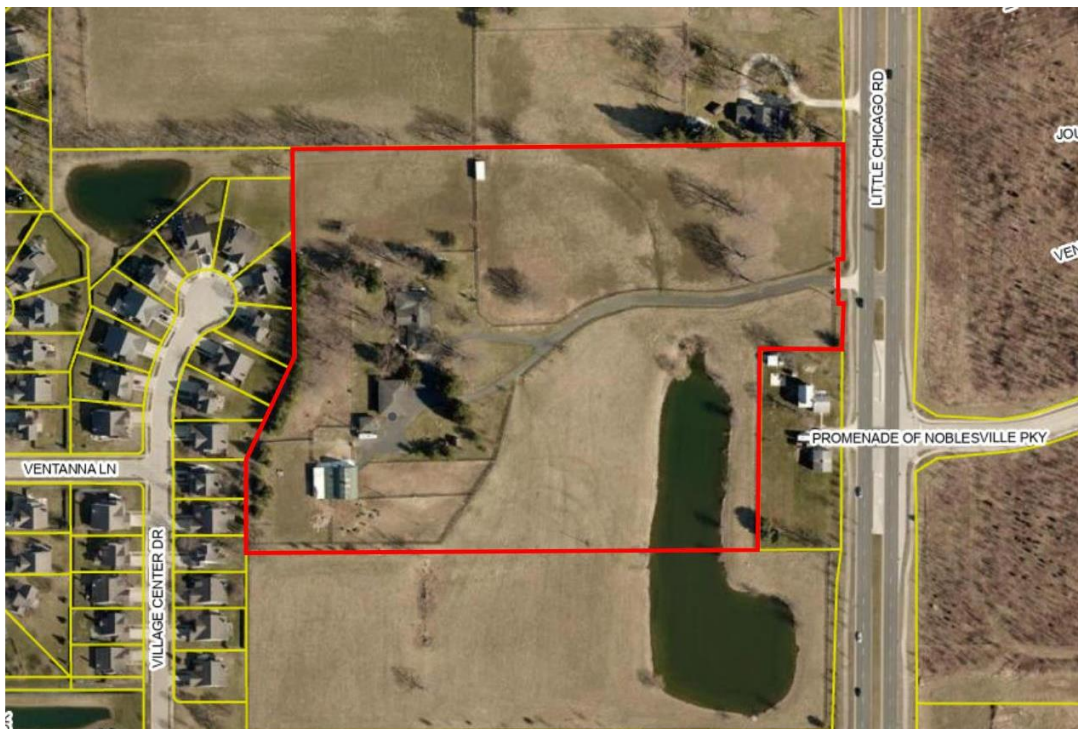
- a) UDO §9.B.2.C.3.a – Variance of Development Standards application to allow the combined square footage of all accessory structures to exceed the maximum square footage permitted.

### Recommendation:

Deny variance request to exceed combined square footage of accessory structures. See Findings of Facts for Denial on page 3 and Conditions of Approval on page 5.

### Table of Contents:

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| 1. Applicant's project narrative | 3. Site Plan                    |
| 2. Site Location Map             | 4. Elevations and Floor Plan    |
| 3. Aerial Photos                 | 5. Applicant's Findings of Fact |



## **ANALYSIS**

The subject site is a 13.25-acre improved parcel located on Little Chicago Road directly north of State Road 32 and directly west of Promenade Shops. The petitioner's property is located within a Low-Density Single Family Residential (R1) zoning district and contains 1 residential structure and 5 accessory structures. The subject property is surrounded by agriculture to the north and south, commercial and multi-family residential to the east, and single-family residential to the west. The petitioner owns and bales hay on the subject property as well as the adjacent northern and southern properties.

According to aerial photos, the primary residence was constructed between 1956-1962 while the existing barn was constructed between 1976-1985 with an addition added between 1996-1998. It is unknown whether the property was in the City or the County at this time. The existing barn is used for livestock operations for a working farm. An additional 2,091 square foot detached accessory dwelling unit with a garage was constructed in 1998 and was connected to City sewer, annexing the property into city limits. Demolition permits were filed for both a 480 SF accessory structure (detached garage) and a 112 SF accessory structure (shed) of which neither were completed as both structures are still existing on the property according to aerial photos and site visits. In addition, the primary residence constructed an additional 927 SF of attached living space in 1999.

The petitioner filed one variance application (Exhibit 1) in association with the proposed barn to allow:

- a) the combined square footage of accessory structures on the property to exceed the maximum 4,000 square feet permitted.

### **Combined Square Footage of Accessory Structures**

The barn, as proposed, is 2,400 square feet (Exhibit 4). The total combined square footage of the detached accessory structures on the property will exceed the maximum 4,000 square feet allowed on a property greater than five acres. The existing barn was not counted towards total accessory square footage as it was constructed when the property was outside of City limits prior to 1998. The total existing 2,683 square feet of accessory structure on the property can be broken down into 480 square feet of detached garage, 112 square foot shed, and 2,091 square foot detached garage with apartment (Exhibit 4).

The construction of the proposed accessory structure would result in a total of 5,083 square feet of accessory use on the property. With the removal of the existing 112 square foot shed, and the 480 square foot detached garage, the proposed accessory structure could be a maximum of 1,909 square feet in order to remain under the maximum allowable square footage of 4,000 square feet.

### **Conclusion**

Based on the attached variance applications and findings of fact, Staff recommends:

- a) The DENIAL of the variance to allow the combined square footage of accessory structures on the property to exceed the maximum 4,000 square feet permitted.

Should the Board decide to APPROVE the variance based on the attached variance application, Staff has included alternate findings of fact and conditions of approval.

## VARIANCE OF DEVELOPMENT STANDARDS FINDINGS

### AGENDA ITEM #2:

If the Board should decide to:

- DENY the requested variance to exceed the combined square footage of accessory structures on the property, 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 barn, as proposed, will be no greater than of 2,400 square feet in size. While the total combined square footage of the detached accessory structures on the property will exceed the maximum 4,000 square feet allowed with the existing 2,683 square feet of accessory structures and the proposed 2,400 square foot barn, the proposed accessory structure will provide an additional area for indoor agriculture-related storage. The addition of the barn would allow the property owners to move agriculture-related items into the detached accessory structure.

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. 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 NOT result in practical difficulties in the use of the property because there is no compelling justification to support a 2,400 square foot accessory structure in addition to the existing 2,683 square feet of accessory structures. While the proposed barn will provide additional area for indoor agriculture-related storage, this can be done without exceeding the maximum combined square footage of 4,000 square feet (of accessory structures).

## RECOMMENDATIONS

### AGENDA ITEM #2:

**DENY** the requested Variance of Development Standards to exceed the combined square footage of accessory structures based upon the following findings of fact:

- The strict application of the terms of the zoning ordinance will NOT result in practical difficulties in the use of the property.

**With the following specific stipulations:**

1. The combined square footage of accessory structures on the property shall not exceed a total of 4,000 square feet.
2. The proposed detached accessory structure 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.

## VARIANCE OF DEVELOPMENT STANDARDS FINDINGS

### AGENDA ITEM #2:

If the Board should decide to APPROVE the requested variance, 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 barn, as proposed, will be no greater than of 2,400 square feet in size. While the total combined square footage of the detached accessory structures on the property will exceed the maximum 4,000 square feet allowed with the existing 2,683 square feet of accessory structures and the proposed 2,400 square foot barn, the proposed accessory structure will provide an additional area for indoor agriculture-related storage. The addition of the barn would allow the property owners to move agriculture-related items into the detached accessory structure.

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. 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 the proposed barn design will match the historic architecture of the existing barn on the property. The design of the proposed accessory structure is based on the existing barn and will be architecturally compatible with the existing barn. If the proposed accessory structure was outside City limits, an agriculture exemption could be applied for; however, this does not apply to this property as it within City limits.

## RECOMMENDATIONS

### AGENDA ITEM #2:

**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 constitute an unnecessary hardship if applied to the property for which the variance is sought.

**With the following specific stipulations:**

1. The combined square footage of accessory structures on the property shall not exceed a total of 5,083 square feet. The existing barn, used for the keeping of animals, is not included in the total combined accessory structure square footage.
2. The proposed detached accessory structure 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.

# EXHIBIT #1

## John and Patricia Nichols – Description of BZA Variance Requests

The applicants, John and Patricia Nichols, (collectively, the “Nichols”), are the owners of a parcel of real estate that consists of approximately 13 acres which parcel is west of and adjacent to Little Chicago Road and north of Pebble Village Lane, is identified by the Auditor’s Office of Hamilton County, Indiana as Tax Parcel Identification Number 11-06-33-00-00-005.000 and has a common address of 17927 Little Chicago Road, Noblesville, IN 46062 (collectively, the “Real Estate”). Behind Tab 2 is a site location map.

The Real Estate is zoned R-1 Residential, and the Nichols also own the parcels to the immediate north and south of the Real Estate and have been farming the Real Estate and other parcels for over 25 years. The Nichols also bale hay for other local Hamilton County farmers, and they have a horse and cattle operation in White County, Indiana and they conduct farming activities on the Hamilton County properties they own for their horse and cattle operation.

The Nichols have filed a development standards variance application seeking permission to construct a barn on the Real Estate to assist them in their farming and agricultural activities. Behind Tab 3 is a site location map that depicts the location of the proposed barn which location is depicted with a yellow square.

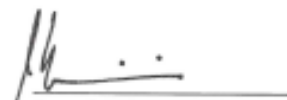
The variance the Nichols are seeking from the City of Noblesville’s Unified Development Ordinance (“UDO”) pertain to UDO Section 9, Part B “Accessory Uses and Structures” and are described below:

1. UDO Section 9.B.2.C.(3)(a) - Maximum Square Footage for Accessory Structures: The Nichols are seeking approval for an additional 2,400 square feet of accessory building square footage to permit the construction of the proposed barn.

Included behind Tab 4 is a Site Plan and behind Tab 5 are the barn elevations and floor plan. Included behind Tab 6 is the Findings of Fact for the variance that is described above.

We look forward to presenting this request to the BZA at your December 2, 2024, meeting.

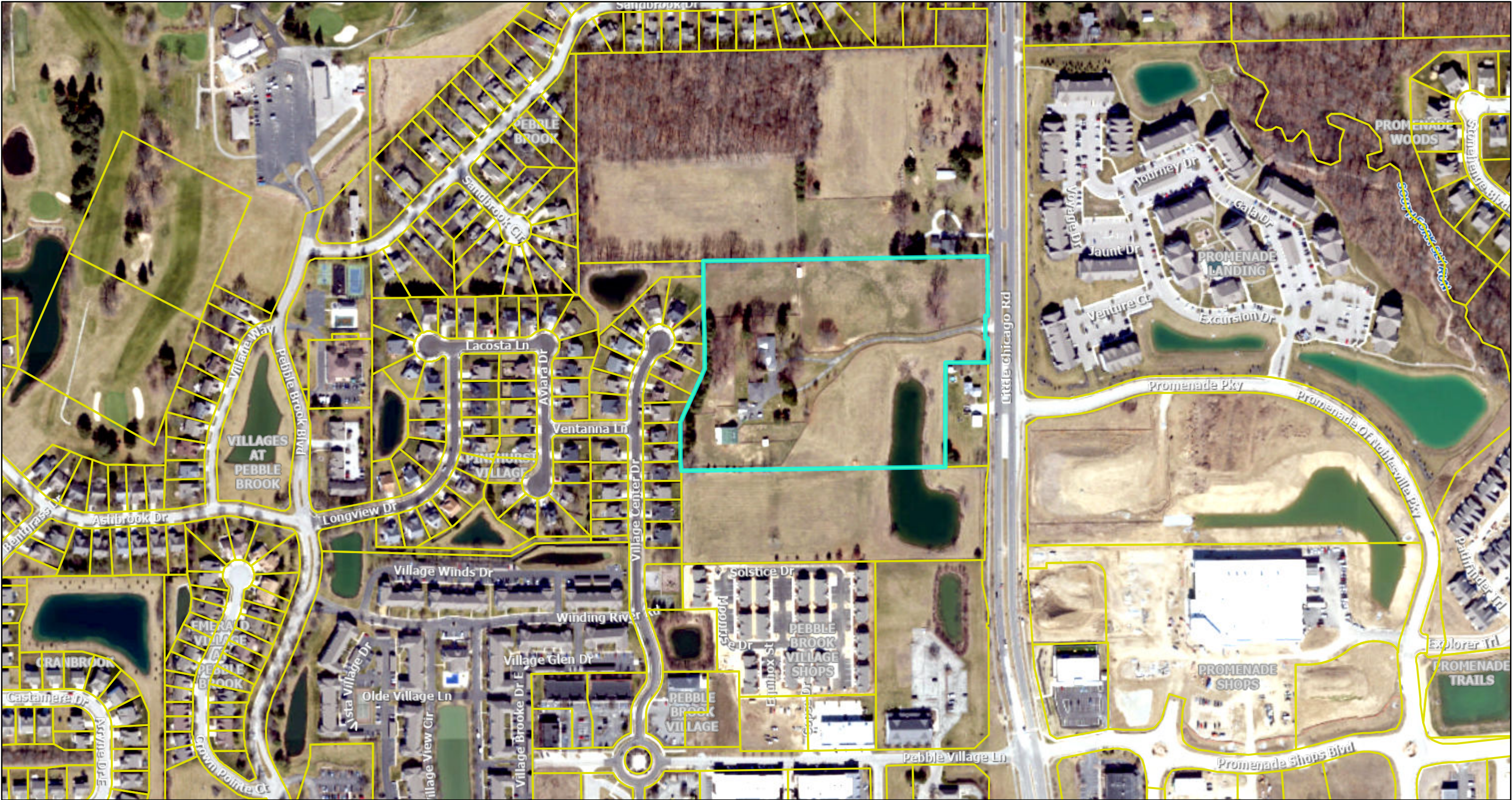
Respectfully submitted,

  
Jon Dobosiewicz

  
Jim Shinaver

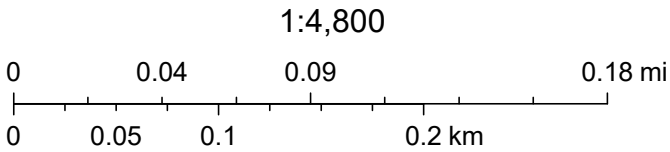


Hamilton County, Indiana



8/29/2024, 10:52:00 AM

EXHIBIT #2





## EXHIBIT #3





Paper Size: 11"x17"

scale 1"=100'

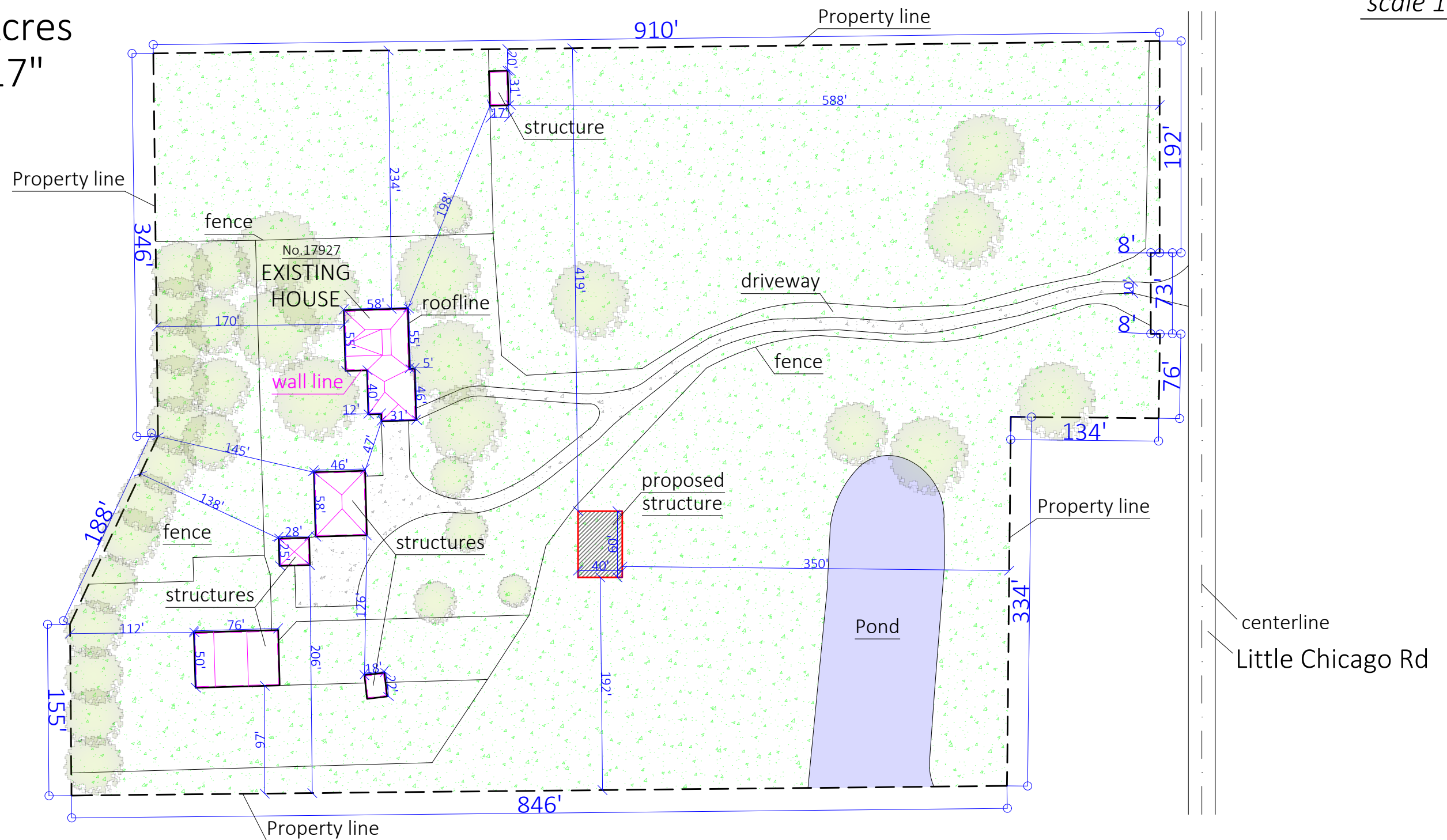
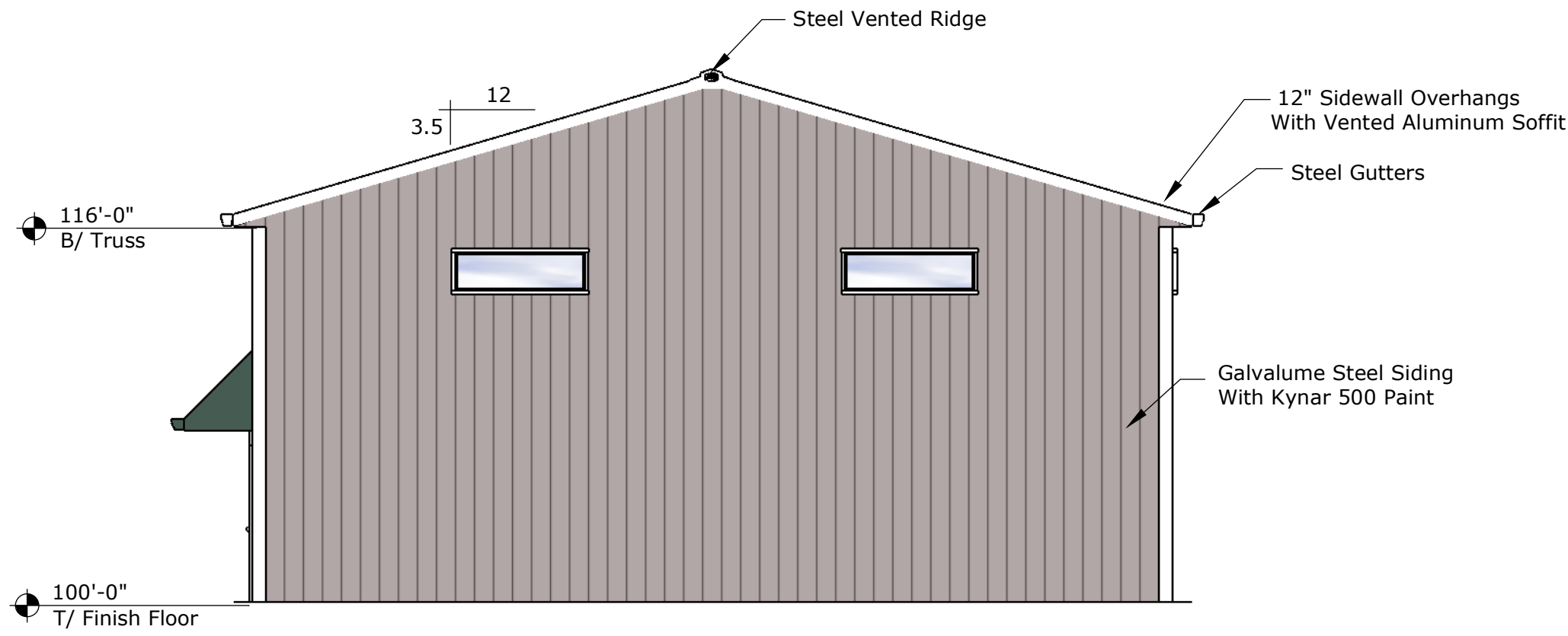
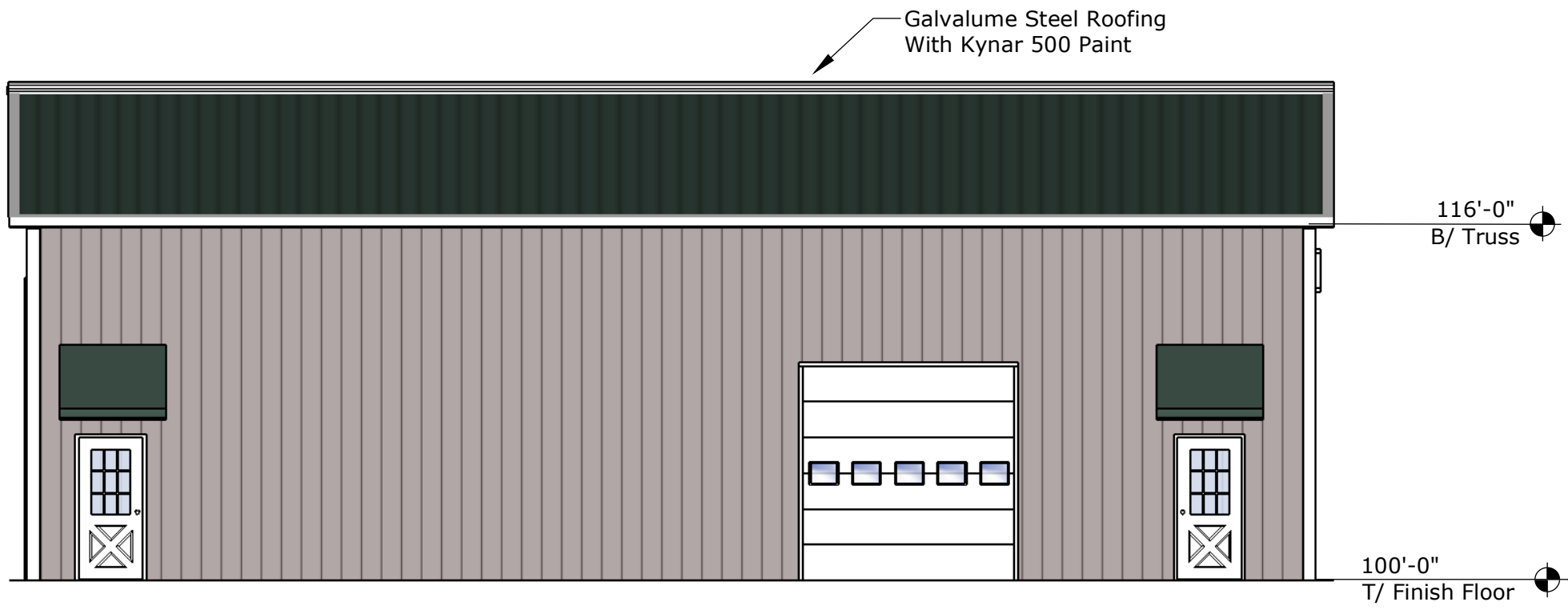


EXHIBIT #4



**SOUTH ELEVATION**



**WEST ELEVATION**

Copyright:  
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Building may not be shown to scale.  
(Colors shown may not match actual colors.  
Refer to color samples for actual colors.)

X:	Purchaser Approval	Date
X:	Seller Approval	Date
	Drawing #	

**John Nichols**  
**17927 Little Chicago Rd**  
**Noblesville, IN 46062**

Elevation Plan



FBI Buildings, Inc.  
3823 W 1800 S  
Remington, IN 47977  
219-261-2157  
www.fbbuildings.com

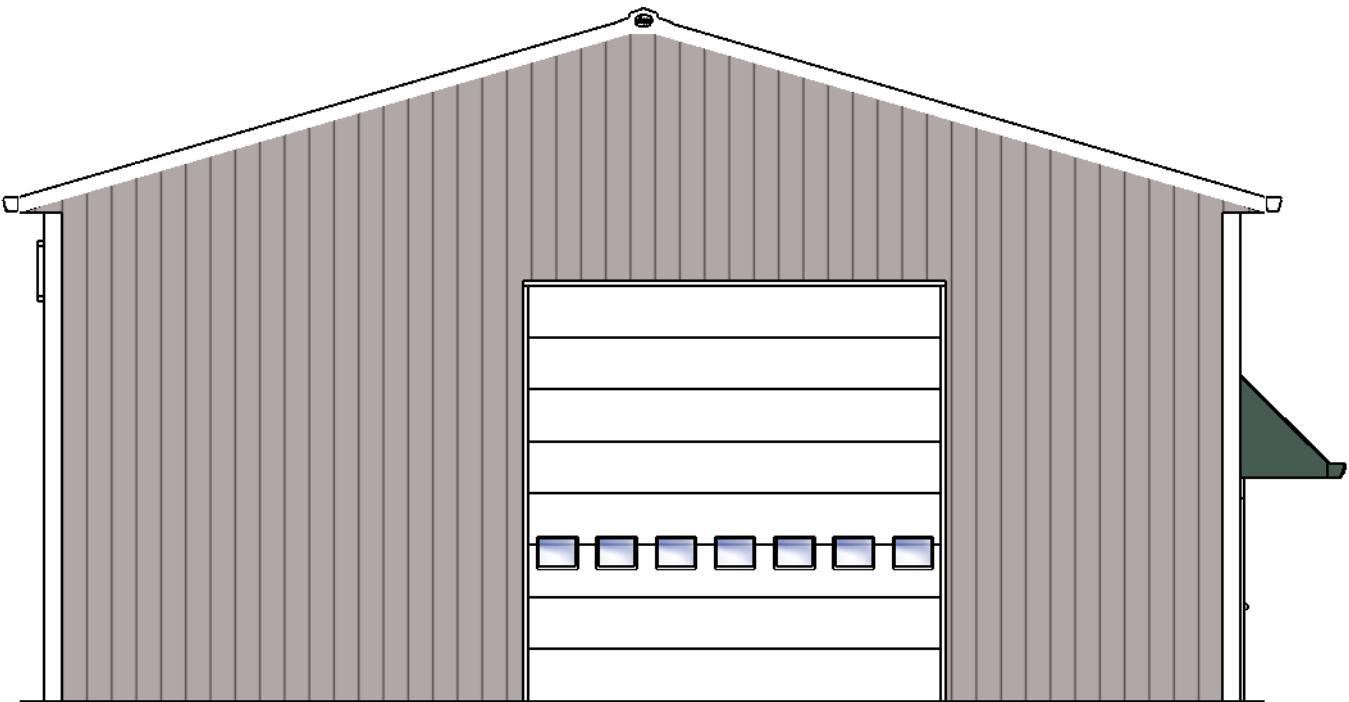
Date : 07/18/24  
Name: Dakota  
Rev 0

**PRELIMINARY**  
THESE DRAWINGS  
ARE FOR  
**REVIEW**  
**ONLY**

These drawings are  
not complete and  
are not to be used  
for construction.



EXHIBIT #4



NORTH ELEVATION



EAST ELEVATION

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X:	Seller Approval	Date
	Drawing #	

John Nichols  
17927 Little Chicago Rd  
Noblesville, IN 46062

Elevation Plan

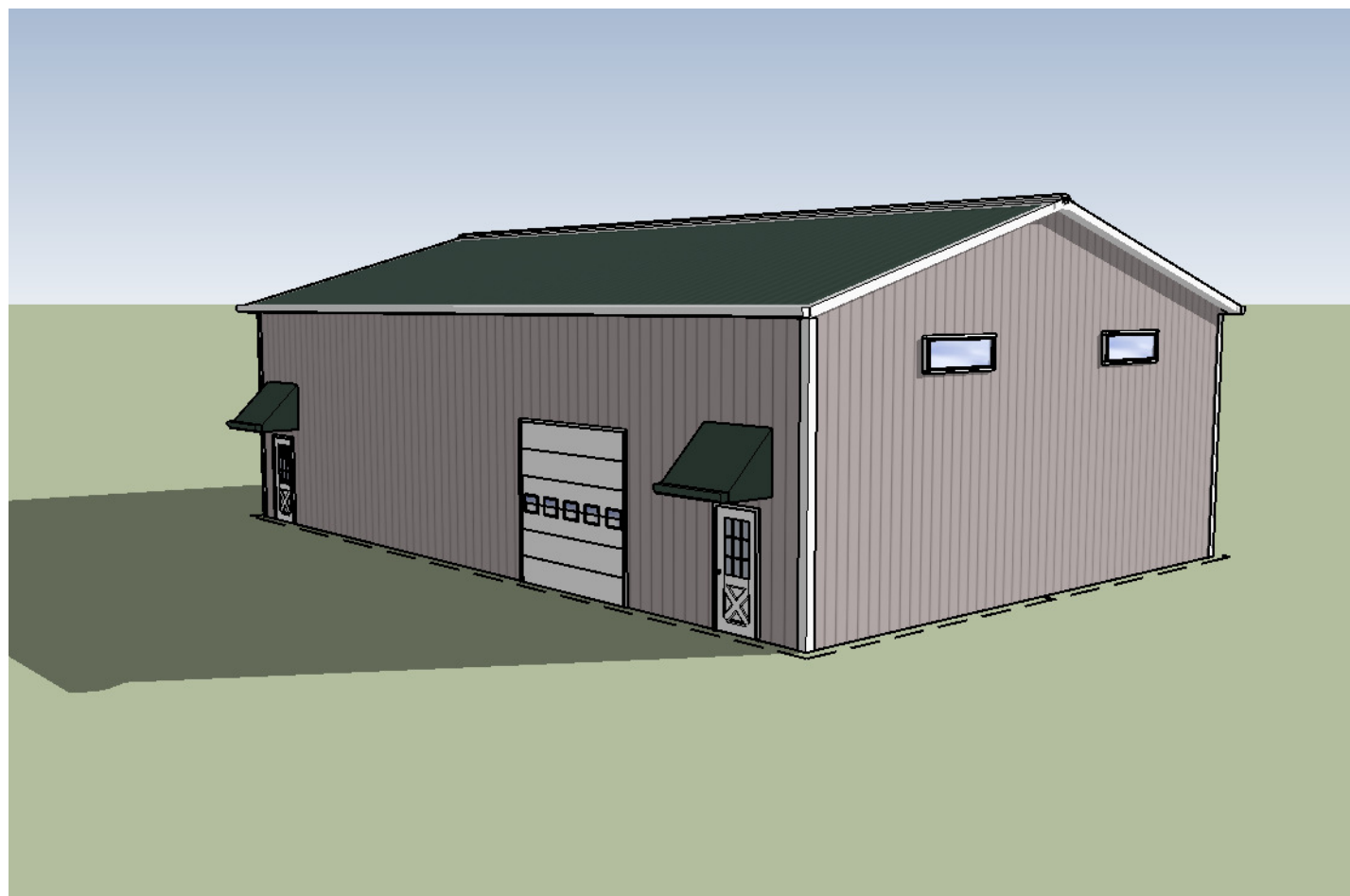
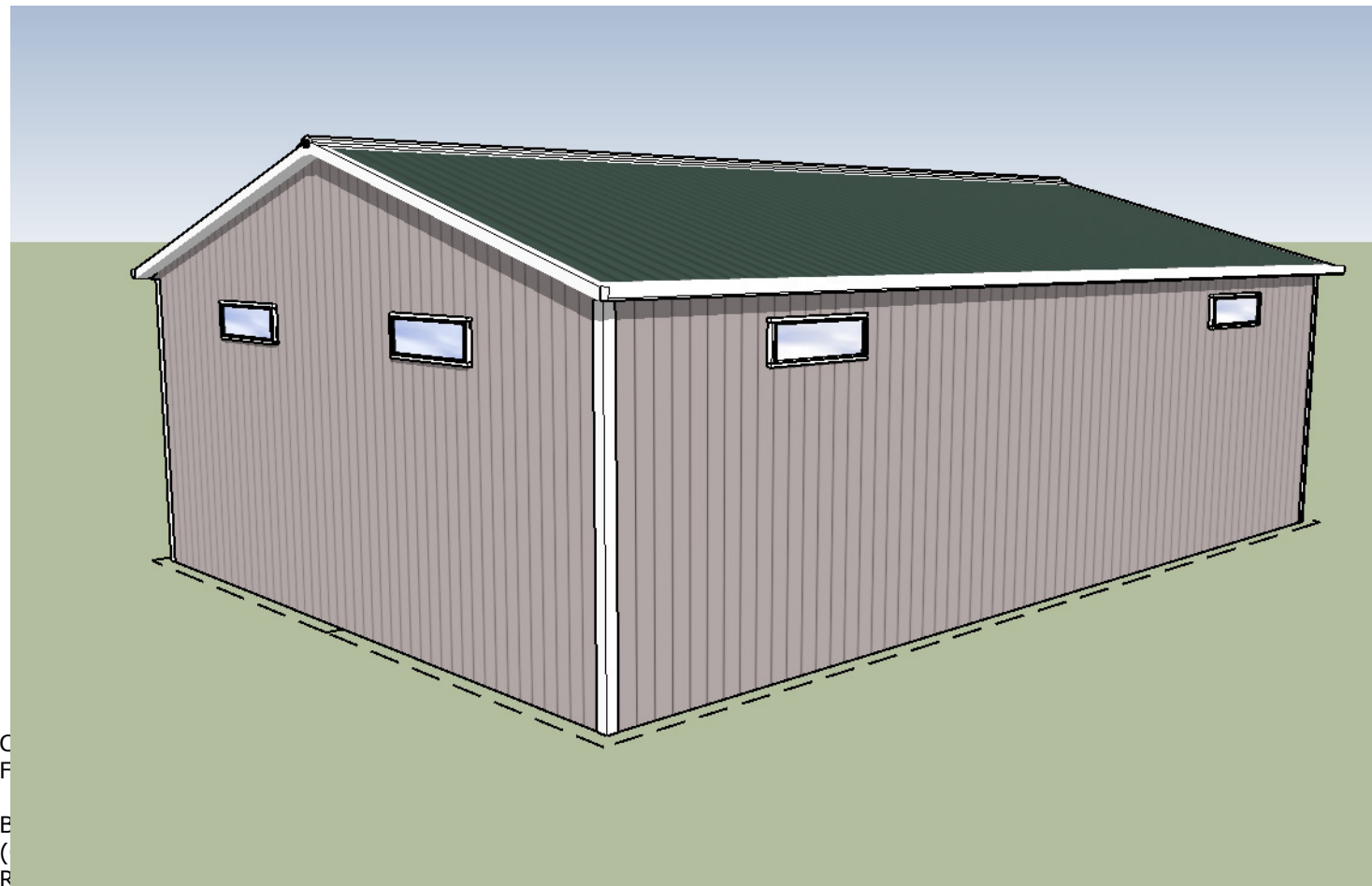
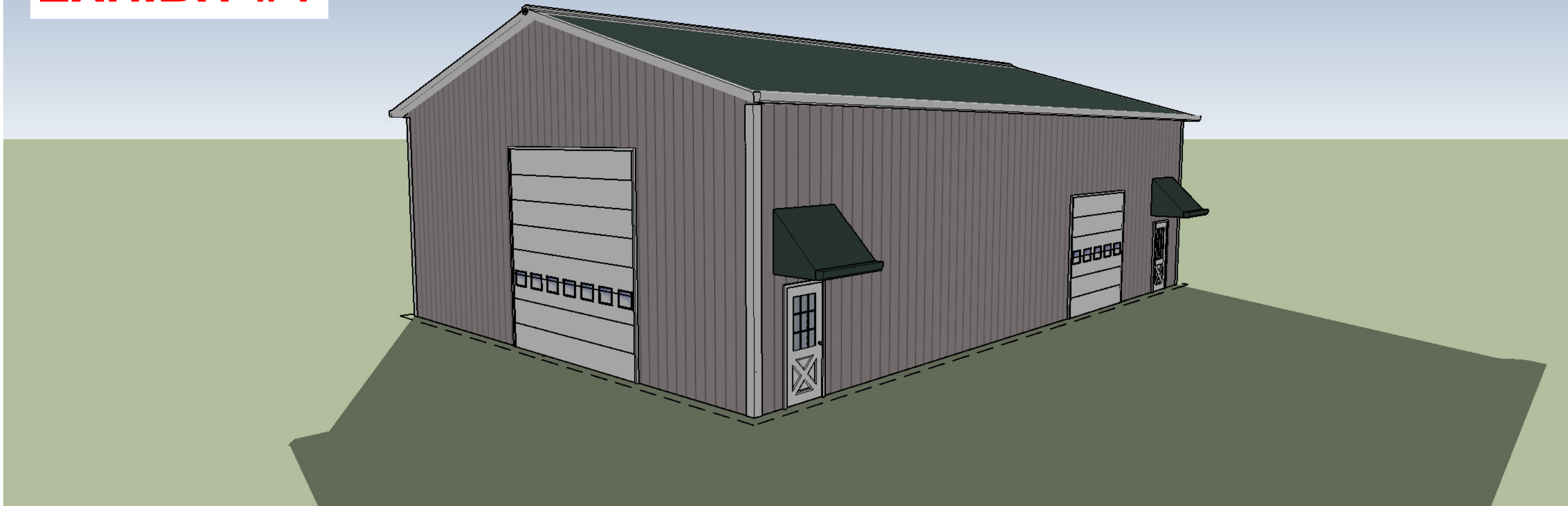


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Name: Dakota  
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for construction.

EXHIBIT #4



X: _____	_____	_____
Purchaser Approval	Date	Date
X: _____	_____	_____
Seller Approval	Date	Date
Drawing #		

**John Nichols**  
**17927 Little Chicago Rd**  
**Noblesville, IN 46062**

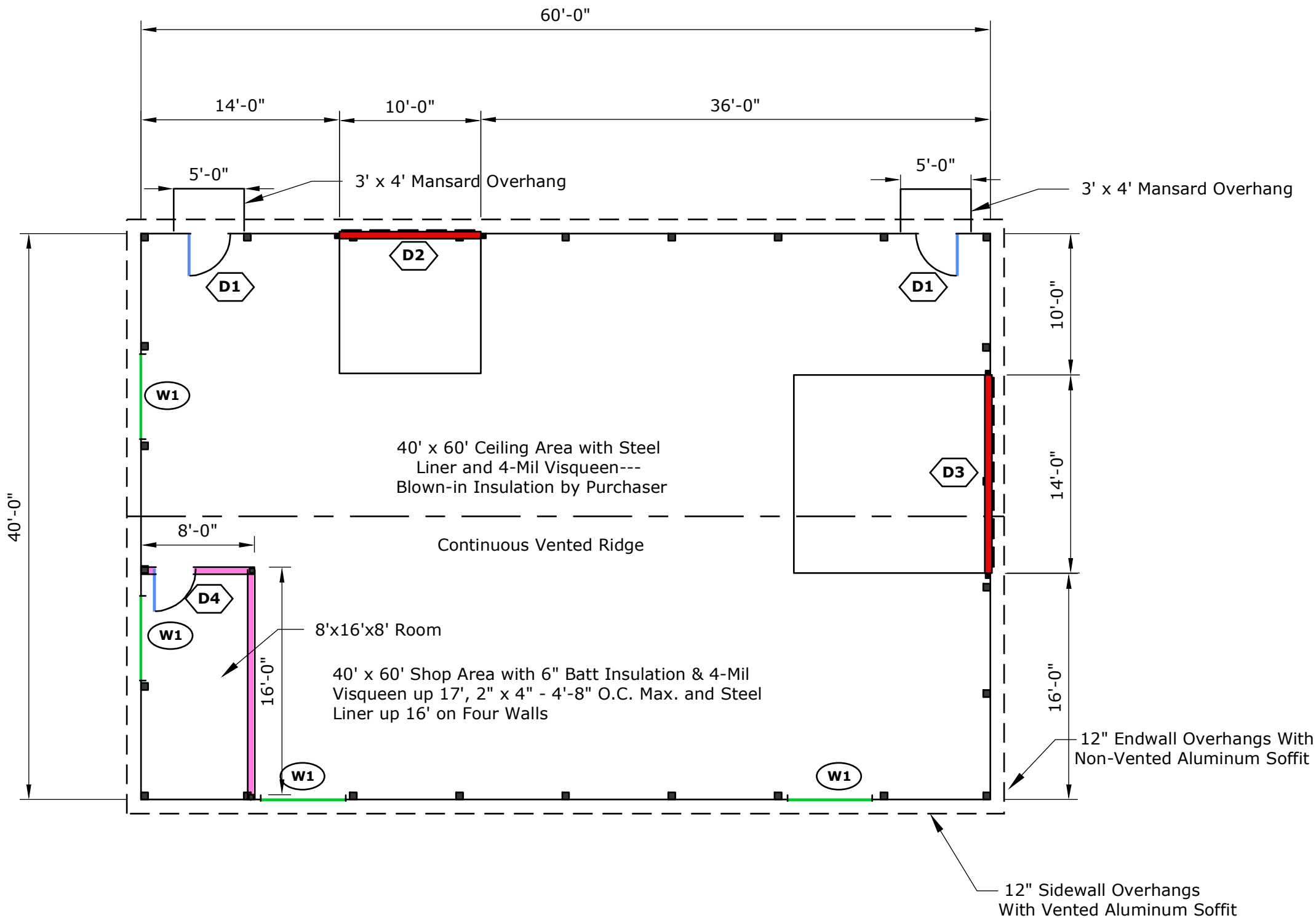
3D View

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Rev 0

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EXHIBIT #4



**FLOOR PLAN**  
Fbi Building 40' x 60' x 16' I.C.

Sidewall Columns & Trusses Space at 7'-6" O.C. Designed for 20 psf Ground Snow Load

Copyright:  
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Building may not be shown to scale.  
(Colors shown may not match actual colors.  
Refer to color samples for actual colors.)

General Notes:  
Gutters - Yes 6 "

Door Schedule:

- D1 - 3' x 6'-8" Steel Insulated Walk Door w/Glass
- D2 - 10' x 10' OHD Frame Out (Door Not Included)
- D3 - 14' x 14' OHD Frame Out (Door Not Included)
- D4 - 3' x 6'-8" Steel Insulated Walk Door

Window Schedule:

- W1 - 6' x 2' Fixed Insulated Glass Window (Window Up High at 15'-6")



X:	Purchaser Approval	Date
X:	Seller Approval	Date
	Drawing #	

**John Nichols**  
**17927 Little Chicago Rd**  
**Noblesville, IN 46062**

Floor Plan

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Name: Dakota  
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FINDINGS OF FACT FOR VARIANCE APPLICATION

CITY OF NOBLESVILLE BOARD OF ZONING APPEALS

Application No:        BZNA-0213-2024

Petitioner:            John and Patricia Nichols

Request:                Variance from UDO Section 9.B.2.C.(3)(a) - Maximum Square Footage for Accessory Structures: The variance seeks approval for an additional 2,400 square feet of accessory building square footage to permit the construction of a barn.

FINDINGS OF FACT - DEVELOPMENT STANDARDS VARIANCE

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

Allowing the variance for the additional square footage of the proposed barn will have no detrimental impacts to the public health, safety, morals and general welfare of the community because the proposed barn is located in an area on the subject real estate that is not directly adjacent to any other residential uses and the architectural design and color scheme for the proposed barn is consistent and compatible with the other barn that currently exists on the subject real estate.

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 because:

Allowing the variance for the additional square footage of the proposed barn will not have a substantially adverse impact on the use and value of the area adjacent to the property because the proposed barn is located in an area on the subject real estate that is not directly adjacent to any other residential uses and the architectural design and color scheme for the proposed barn is consistent and compatible with the other barn that currently exists on the subject real estate.

3. The strict application of the terms of the Zoning Ordinance to the property will result in practical difficulties in the use of the property because:

Absent approval of the variance seeking additional accessory building square footage associated with the proposed barn, the Applicant's practical difficulty in the use of their property is that they would be prevented from installing the proposed barn which is needed and necessary for the Applicant's farming activities on the subject real estate. In this regard, in addition to the subject real estate, the Applicant also owns the parcels to the immediate north and south of the subject site and has been farming these properties for over 25 years. Further, the Applicant also bales hay for other local Hamilton County farmers, and they have a horse and cattle operation in White County, Indiana. The proposed barn is necessary for the operation of the Applicant's farming activities which also assists other Hamilton County farmers.

# EXHIBIT #5

## DECISION

IT IS THEREFORE the decision of the City of Noblesville Board of Zoning Appeals that Development Standards Variance Application No. BZNA-0213-2024 is granted, subject to any conditions stated in the minutes of this meeting, which are incorporated herein by reference and made a part hereof.

Adopted this 2<sup>nd</sup> day of December, 2024.

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CITY OF NOBLESVILLE BOARD OF ZONING APPEALS

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SECRETARY, City of Noblesville Board of Zoning Appeals