



BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA-0040-2019

PROPERTY ADDRESS: 10400 Pleasant Street, Noblesville, Indiana

A Variance of Development Standards application was submitted to the Noblesville Planning Department for the above referenced location. The application submitted by Eye 4 Group (contact person: Kristen Dobbs) requested that approval be granted to a Conditional Use application pursuant to Unified Development Ordinance §11.C.1.F.7.b to permit the use of cabinet signs for wall signs instead of individually mounted channel letters. The Noblesville Board of Zoning Appeals conducted a hearing regarding this application on May 6, 2019. After testimony was given and evidence was presented to the Board, a motion to DENY 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. 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 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. Cabinet signs are prohibited sign type material by the current UDO. The approval of cabinet signs may set a precedence for allowing the use of cabinet signs, a prohibited sign per the UDO, with the approval of a variance.

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.

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 NOT result in practical difficulties in the use of the property because the applicant can conform with the current regulations of the UDO by installing wall signs made of individual channel letters mounted on a raceway attached to the building. This would allow for a minimum number of hardware required to fasten the sign to the building façade per the building owner's concern.

The findings of fact contained herein are adopted by the Noblesville Board of Zoning Appeals on July 1, 2019.

Mike Field, Chairman

Sarah Reed, Secretary



BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA-0056-2019

PROPERTY ADDRESS: 10400 Pleasant Street, Noblesville, Indiana

A Variance of Development Standards application was submitted to the Noblesville Planning Department for the above referenced location. The application submitted by Eye 4 Group (contact person: Kristen Dobbs) requested that approval be granted to a Conditional Use application pursuant to Unified Development Ordinance §11.C.1.E.3 to permit an increase in the amount of wall signs allowed for an internally accessed multi-tenant building. The Noblesville Board of Zoning Appeals conducted a hearing regarding this application on May 6, 2019. 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. 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 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 building appears to be a multi-tenant building with external access doors. It is not anticipated that the increase in the number of wall signs for this building will be injurious to public health, safety, morals, and 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. Nearby property owners may remonstrate against this petition if they believe this request will have significant adverse effects on 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 building has a combination of tenants with exterior and interior access. Typically, if this building was a multi-tenant building with exterior access, all tenants would be allowed a wall sign. The tenants of this building suites should not be penalized with a limitation on their signage by classifying the building as a multi-tenant building with interior access because one tenant space does not have an exterior access door and the other four suites with interior lobby access having exterior secondary or emergency egress doors. The building was designed to maximize efficiency of the lot. This was done by including parking around the entire building instead of a large parking lot in front of the building.

The findings of fact contained herein are adopted by the Noblesville Board of Zoning Appeals on July 1, 2019.

Mike Field, Chairman

Sarah Reed, Secretary



BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA-0047-2019 / BZNA-0048-2019 /
BZNA-0057-2019 / BZNA-0058-2019

PROPERTY ADDRESS: 222 Harbourtown Ct., Noblesville, Indiana

Four Variance of Development Standards applications were submitted to the Noblesville Planning Department for the above referenced location. The applications, submitted by Waterfront 222, LLC, requested that approval be granted to variance from Unified Development Ordinance §8.B.6.E (Table 8.B) to allow an increase in maximum building height; to allow a decrease in the minimum lot area per dwelling unit; to allow a decrease in the minimum lot width; and to allow a decrease in the minimum rear setback. The Noblesville Board of Zoning Appeals conducted a hearing regarding this application on May 6, 2019. After testimony was given and evidence was presented to the Board, a motion to APPROVE the Variance package, with modifications and conditions, 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 Variances of Development Standards. 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 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. There would not appear to be any quantifiable or concrete adverse effects to the public health, safety, or morals. "General welfare" of the community is more vague than the previous three terms, and public remonstrance may bring to light issues for consideration, but staff does not see with certainty the harming of the public's general welfare.

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 variances. Use of surrounding property would not seem to be adversely affected by Variance approval of one or all Variances sought, as the property has been used for multi-family residential purposes for decades in the past. Regarding property value of

surrounding uses, staff has heard from parties interested in this case, and can record claims from different parties that there will be an increase or a decrease in property value, depending on the person speaking. Absent a study to ascertain effect, staff cannot conclude a definite adverse effect on property value.

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. The applicant has taken control of a site on which there exists completed streets. The location of these streets dictates, to some extent, the layout of the site. As providing surface parking would decrease the amount of open space proposed for residents, solving this problem by providing the majority of parking within the building footprint avoids this lack-of-greenspace hardship imposed upon residents.

The Findings of Fact contained herein are adopted by the Noblesville Board of Zoning Appeals on June 3, 2019.

Mike Field, Chairman

Sarah Reed, Secretary