



## **BOARD OF ZONING APPEALS FINDINGS OF FACT**

**APPLICATION(S):** BZNA-0112-2019

**PROPERTY ADDRESS:** 1450 Westfield Road, Noblesville, Indiana

A Variance of Use application was submitted to the Noblesville Planning Department for the above referenced location. The application submitted by William Simon requested that approval be granted to a Conditional Use application pursuant to Unified Development Ordinance §8.C.4.B and Appendix C to to permit an existing single family residential use in the PB (Planned Business) zoning district. The Noblesville Board of Zoning Appeals conducted a hearing regarding this application on October 7, 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 USE 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 Use. Indiana Code §36-7-4-918.4 states that a Variance of Use 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 property has been used for residential purposes since 1950. The property is a flag lot with a 360 foot long driveway. The bulk of the property is located behind an existing commercial property to the south, undeveloped residential land within a flood plain to the north and west and a small single-family residential subdivision to the east. The continued residential use of the property is anticipated to have minimal impact to the surrounding 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:

The need for the variance does arise from a condition peculiar to the property involved. The existing residence is located down a long narrow private drive and is barely visible from the public road through the existing commercial buildings, trees and landscaping. The property may be seen by residents of the small subdivision to the east.

3. The need for the variance arises from some condition peculiar to the property involved:  
The need for the variance does arise from a condition peculiar to the property involved. The property is an irregularly shaped parcel with a long narrow drive that is located behind an existing commercial property. Nearly half the property is located within a flood plain and cannot be developed. The future development of this property for a commercial business is highly unlikely due to a large portion of the property located within a floodplain, the narrow access to the property from the public right of way, the low visibility of the property from the street, the location of the existing private residential street to the west in proximity to the property access drive and the existing commercial development on the adjacent property to the southwest.
4. 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 while the existing nonconforming residential use is allowed to continue on the property, the petitioner and other future property owners will not be allowed to add to the existing house or construct any accessory structures. In addition, the property owner may have financial hardship when they refinance or sell the property due to its nonconforming status since financial institutions are hesitant to create loans on property that may not be rebuilt if substantially destroyed.
5. The approval does not interfere substantially with the comprehensive plan adopted by the Noblesville Plan Commission and Council:  
The approval does not interfere substantially with the comprehensive plan. The comprehensive plan identifies the subject property as The comprehensive plan identifies the subject property as a mixed density single family residential area. The property has had a single-family use since the construction of the existing house in 1950. The use already complies with the comprehensive plan. .

The findings of fact contained herein are adopted by the Noblesville Board of Zoning Appeals on November 4, 2019.

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Mike Field, Chairman

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Sarah Reed, Secretary