

The Noblesville Board of Zoning Appeals met on Monday, October 7, 2019. Members in attendance were as follows:

Mike Field..... Chairman
Dave Burtner..... Vice-Chairman
James Hanlon Citizen Member
Dan Mac Innis Citizen Member
Barry McNulty Citizen Member

Others in attendance included: Assistant Planning Director Caleb Gutshall, Associate Planner Rina Neeley, City Attorney Mike Howard, and members of the general public.

Chairman Field calls the meeting to order at 6:00 p.m.

APPROVAL OF MINUTES

Motion by Mr. Burtner, seconded by Mr. Mac Innis to approve the September 9, 2019 Minutes as presented. AYE: Burtner, Hanlon, Mac Innis, Field, McNulty. The motion carries 5-0.

APPROVAL OF FINDINGS OF FACT

Motion by Mr. Burtner, seconded by Mr. McNulty to approve the September 9, 2019 Findings of Fact as presented. AYE: Burtner, Hanlon, Mac Innis, Field, McNulty. The motion carries 5-0.

NEW BUSINESS

1. BZNA-0112-2019

Location:	1450 Westfield Road
Applicant:	William Simon (property owner/applicant)
Description:	UDO § 8.C.4.B and UDO § Appendix C – Variance of Use to permit an existing single family residential use in the PB (Planned Business) zoning district.

Ms. Rina Neeley states that the property is located on the north side of Westfield Road, approximately 900 feet west of Hague Road, and consists of 2.38 acres exhibiting a ranch home and three detached accessory buildings. She provides surrounding land uses as agricultural and residential to the west, residential to the north and east, and a mix of commercial, industrial and residential to the south.

Ms. Neeley states that the property was developed with the existing house and one shed in 1950 when it was zoned Suburban Residential. She relates that, in 1999, the zoning classification of the property was changed to Planned Business (PB). She states that the Unified Development Ordinance adopted in 1996 no longer allowed residential dwellings in the PB zoning district. She states that the existing residential use is “a non-conforming use.” She adds that future development of the property for commercial use is unlikely given that half of the property is located within the floodplain, and because the property is irregularly-shaped with about a 360-foot-long driveway for access, and is situated behind existing commercial development, making visibility for commercial use problematic. She forwards staff’s recommendation of approval based on provided Findings of Fact and with conditions as listed in the staff report.

Mr. McNulty asks if the property has been used for any use other than a single-family home. Ms. Neeley answers that it has not. To a question about the reason for the application, Ms. Neeley responds that the applicant seeks to refinance the property and has received questions from the bank regarding whether the residence could be rebuilt if destroyed.

Mr. William Simon, 1450 Westfield Road, Noblesville, introduces himself.

Mr. Field asks Mr. Simon if he has received a copy of the staff report. Mr. Simon responds that he has. Mr. Field asks if Mr. Simon has any objections to the four conditions recommended to be attached to an approval motion, if forthcoming. Mr. Simon responds that he does not.

Mr. McNulty asks how long Mr. Simon has owned the property. Mr. Simon gives the purchase year as 2012.

Mr. Field opens the public hearing. Seeing that no person steps forward, he closes the public hearing.

Motion by Mr. Hanlon, seconded by Mr. Mac Innis, to approve the Land Use Variance application, based on the Findings of Fact listed in the staff report and with the conditions below, as listed in the staff report:

1. Obtain a building permit for the existing 384 square foot shed.
2. Obtain a building permit for the existing 120 square foot shed with lean-to at the rear of the property if the structure exceeds 200 square feet or remove the lean-to portion of the structure.
3. The Applicant shall sign the Acknowledgement of Variance document prepared by the Department of Planning and Development 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.
4. 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 Department of Planning and Development prior to the alterations being made, and if necessary, a BZA hearing shall be held to review such changes.

AYE: Burtner, Hanlon, Field, Mac Innis, McNulty. The motion carries 5-0.

MISCELLANEOUS

Mr. Field announces that the Board has received a letter of remonstrance regarding the hearing of cases BZNA-098-2019 and BZNA-099-2019 at September 9, 2019 hearing. He indicates that the letter will be included in the record of the named cases.

Ms. Neely calls the Board's attention to the provided 2020 Meeting Dates and Filing Deadlines schedule, and points out that the September meeting has been moved to Tuesday, September 1, in advance of Labor Day on Monday, September 7. She asks for the Board's reaction. No objection from Board members is voiced.

ADJOURNMENT

The meeting is adjourned at 6:08 p.m.

Mike Field, Chairman

Sarah Reed, Secretary