

The **Noblesville Board of Zoning Appeals** met on Monday, April 3, 2023. Members in attendance were as follows:

- Mike FieldChairman
- Dave BurtnerVice-Chairman
- James HanlonCitizen Member
- Lauren WahlCitizen Member

Others in attendance included Principal Planner Denise Aschleman, Senior Planner Kevin Martin, Associate Planner Rina Neeley, Development Services Manager Joyceann Yelton and Attorney Jacob Antrim.

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

APPROVAL OF MINUTES

Motion by Mr. Burtner, seconded by Mrs. Wahl, to approve the February 6, 2023 Minutes as presented.

AYE: Burtner, Field, Hanlon, Wahl. The motion carries 4-0.

Motion by Mrs. Wahl, seconded by Mr. Hanlon, to approve the March 6, 2023 Minutes as presented.

AYE: Burtner, Field, Hanlon, Wahl. The motion carries 4-0.

APPROVAL OF FINDINGS OF FACT

Motion by Mr. Burtner, seconded by Mr. Hanlon, to approve the March 6, 2023 Findings of Fact as presented.

AYE: Burtner, Field, Hanlon, Wahl. The motion carries 4-0.

NEW BUSINESS

1. BZNA-0012-2023	
Location:	3501 Conner Street
Applicant:	Napa Auto Parts (applicant)
Description:	UDO § 11.C.1.d.3 – Board to consider a Variance of Development Standards application to increase the maximum number of signs permitted from one (1) to two (2); within the PB (Planned Business) zoning district.
Staff Contact:	Kevin Martin

Kevin Martin introduced himself as the Senior Planner for the Noblesville Planning Department. He stated the property address as 3501 Conner Street, east of State Road 37 and Presley Drive. He stated that the subject property and the surrounding properties are zoned PB (Planned Business), with the exception of the property to the north which is within the R-1 (Low Density Single Family Residential) zoning district. Mr. Martin stated that the applicant has requested an increase in the number of signs allowed for their business. He continued that the UDO limits the number of commercial signs permitted for an integrated development to one (1) wall sign per frontage. He stated that the applicant has proposed a total of two signs, one on the north elevation and the other on the east elevation. Mr. Martin concluded that staff was supportive of the request without specific conditions.

Denise Aschleman, Principal Planner for Noblesville Planning Department, added that there is space on the existing designation sign for the applicant.

Mr. Field invited the applicant to speak on the item.

Mr. Bob Goins of 4450 W 900 S, Pendleton, Indiana introduced himself as the representative of Meyer Foods Management Company, the property owner of 3501 Conner Street, if the Board had any questions.

Mr. Field stated that they had no questions.

Mr. Field opened the public hearing. Seeing no one wishing to speak, he closed the public hearing.

Motion by Mr. Burtner, second by Mrs. Wahl to approve application BZNA-0012-2023 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 does constitute an unnecessary hardship if applied to the property for which the variance is sought.

With no specific conditions.

AYE: Burtner, Hanlon, Field, Wahl. The motion carries 4-0.

2. BZNA-0014-2023	
Location:	15241 Stony Creek Way
Applicant:	Wake Development, LLC (applicant)
Description:	UDO § 8.D.1.D and Appendix C – Board to consider a Conditional Use application to establish marine craft sales repair, service, display and storage use on a property within the I-1 (Light Industrial) zoning district.
Staff Contact:	Rina Neeley

Rina Neeley introduced herself as the Associate Planner for the Noblesville Planning Department. She stated the property address as 15241 Stony Creek Way, approximately 1,000 feet northwest of Herriman Boulevard, located in the Stony Creek Industrial Park. She reminded the Board that the applicant has been before them in the past in association with their main location at 9175 E 146th Street. She stated that the subject property is developed with two existing buildings (a total of 16,000 square feet of indoor area) that would function as a satellite to the main location. Ms. Neeley continued that the applicant proposes to use the buildings to repair and service boats as well as house excess inventory for the main location and that all uses will be conducted indoors. She stated that if customers need to visit the site to view a boat, they will be shuttled from the main location which is less than a mile away. She stated that a specific condition was added to install a trash enclosure onsite since there were two trash receptacles on a concrete pad without an enclosure. Ms. Neeley stated that staff recommends approval based upon the findings of fact and conditions listed in the staff report.

Mr. Field invited the applicant to speak on the item.

Mr. Frederick Lawrence of Nelson & Frankenberger, 550 Congressional Boulevard, Suite 210, Carmel, Indiana, introduced himself as the representative of the applicant, Wake Development, LLC. He stated that his client will own the property and lease it to Indy Boat Co. He stated that Ms. Neeley provided a detailed summary of the project in her presentation and the staff report, but they would like to waive the first condition of approval regarding installing a trash enclosure. He continued that the no trash would be generated onsite and that any trash generated would be shuttled to the main location at 9175 E 146th Street.

Mr. Field stated that they will end up using a dumpster.

Mr. Field opened the public hearing.

Mr. Mike Martin, 269 Manchester Court, introduced himself as a neighbor that lives immediately west of the subject property. He brought up concerns about noise, smoke and light in relation to the proposed boat repair and service uses.

Mr. Field recommended that the applicant/business owner and the neighbor work together to resolve any potential lighting issues.

Ms. Aschleman interjected that lighting cannot exceed one-half (0.5) foot candle at the property line per the UDO. She stated that if they can call the Planning Department if they have a complaint.

Mr. Hanlon asked the applicant if they would have security cameras. The applicant replied that they would have security cameras onsite.

Mrs. Wahl asked if they would have motion-activated lights.

The applicant responded that they would have lights, but they have not fully determined whether they would be motion-activated as they do not want (the lights) to be a nuisance to neighbors.

Seeing no additional parties wishing to speak, Mr. Field closed the public hearing.

Motion by Mrs. Wahl, second by Mr. Burtner to approve application BZNA-0014-2023 based upon the following findings of fact:

- Is in fact a conditional use established within the specific zoning district involved;
- Will be harmonious with and in accordance with the general objectives or with any specific objective of the City's Comprehensive Plan and the Unified Development Ordinance;
- Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the same area;
- Will not be hazardous or disturbing to existing neighboring uses;
- Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- Will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community;
- Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
- Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and
- Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

With the following specific conditions:

1. Install a trash receptacle enclosure screened by a wall on three sides and a gate that is architecturally compatible with the existing buildings onsite. The enclosure shall be at least six (6) feet in height or two (2) feet above the trash receptacle, whichever is greater.
2. The Applicant shall sign the Acknowledgement of Variance document prepared by the Planning and Development Department 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.
3. 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 Planning and Development Department prior to the alterations being made, and if necessary, a shall be held to review such changes.

AYE: Burtner, Hanlon, Field, Wahl. The motion carries 4-0.

MISCELLANEOUS

ADJOURNMENT

The meeting is adjourned at 6:14 p.m.

Mike Field, Chairman

Caleb P. Gutshall, Secretary