



BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA-0113-2018

PROPERTY ADDRESS: 9175 E 146th STREET

Pro Wake Watersports, owner of the subject property, submitted a Conditional Use application to the City of Noblesville Department of Planning and Development pursuant to Unified Development Ordinance § 8.D.1.B and § Appendix C to permit Marine Craft Sales, Repair, and Service in the I1 (Light Industrial) zoning district.

The Noblesville Board of Zoning Appeals conducted a hearing regarding application BZNA-0113-2018 on August 6, 2018. After testimony was given and evidence was presented to the Board, a motion to APPROVE was made, and the motion carried with a vote of 5, 0, 0.

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 §36-7-4-918.2 states that a Conditional Use may be approved only upon a determination in writing that the following are true:

1. The proposed Conditional Use is, in fact, a conditional use established within the specific zoning district involved:

Pursuant to UDO § 8.D.1.B and § Appendix C, Marine Craft Sales, Repair and Service is a conditional use in the I1 (Light Industrial) zoning district.

2. The proposed Conditional Use 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:

The proposed Conditional Use will be harmonious with and in accordance with the general objectives of the City's Comprehensive Plan and with the Unified Development Ordinance. The Comprehensive Plan shows this area as Commercial. The Commercial district includes retail uses, and the proposed use is a conditional use in both the industrial zoning district currently on the property and the commercial zoning districts that the classification of this property on the future land use map would indicate as a possibility in the future.

3. The proposed Conditional Use 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:

The proposed Conditional use 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 area. The petitioner is using an existing building to house their proposed use. Even with the outdoor storage area, the proposed use would be in keeping with the existing character of the area as there are other users that have outdoor storage in the vicinity including the neighbor to the west.

4. The proposed Conditional Use will not be hazardous or disturbing to existing neighboring uses:

It is believed that the proposed use will be operated in a manner that will not be hazardous or disturbing to the surrounding area. The proposed use is going into a former industrial building. The proposed use for sales, service, and repair of marine craft will likely generate less noise than the former use, and they will be disposing of all waste in a lawful manner.

5. The proposed Conditional Use 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:

It is unlikely that the proposed project will experience any lack in essential public facilities and services. The utilities to the site and all other services provided by the City are already in place. The petitioner or land owner will be responsible for refuse disposal through a private carrier. Because this project is near the State Road 37 corridor which is currently under design, the only service that is not clearly available is drainage facilities, but the petitioner has designed their project to use infiltration practices until such time as the design of drainage facilities is completed.

6. The proposed Conditional Use 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:

It is unlikely that the proposed project will create excessive additional requirements at public expense for public facilities and services. The subject property is already served by public services.

7. The proposed Conditional Use 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:

The excessive production of smoke, fumes, glare or odors is not anticipated from the proposed use. The proposed use is also located adjacent to two major thoroughfares and is not expected to generate excessive amounts of traffic.

- 8. The proposed Conditional Use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares:**

The design of the vehicular access to the site is not anticipated to interfere with traffic on the surrounding streets. The driveway for the site will remain in the same location. In addition, the City anticipates changes to Herriman Boulevard within the coming years that will change the look of the street as it passes by this property.

- 9. The proposed Conditional Use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.**

There do not appear to be any significant historic features located on the subject property. The proposed use will be located in an existing structure.

The findings of fact contained herein are adopted by the Noblesville Board of Zoning Appeals on October 1, 2018.

Mike Field, Chairman

Sarah Reed, Secretary



BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA-0127-2018

PROPERTY ADDRESS: 937 LOGAN STREET

Noble Coffee and Tea, a petitioner for the subject property, submitted a Variance of Use application to the City of Noblesville Department of Planning and Development pursuant to Unified Development Ordinance § 8.C.3.B and § Appendix C to permit a coffee roaster in the DT (Downtown) zoning district.

The Noblesville Board of Zoning Appeals conducted a hearing regarding application BZNA-0127-2018 on August 6, 2018. After testimony was given and evidence was presented to the Board, a motion to APPROVE was made, and the motion carried with a vote of 5, 0, 0.

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 the proposed variances will not be injurious to public health, safety, and general welfare of the community. The petitioner's proposal to move the roaster back to a location that allows the patrons to see the products that they are buying and drinking being processed adds transparency to the preparation of the product, and sets this location apart from its competitors. The majority of the byproducts of the process of roasting are water vapor and scent that are not believed to be injurious.

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 need for the proposed 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 use of the property for roasting of coffee beans and the process that puts this use into the food production category is unique to this particular type of use. The coffee beans that are roasted on site are used in the making of products at this coffee shop and are also placed for sale to the public to make in their own home. This process fits the definition of food production, but it does not necessarily fit the scale of other types of food production facilities that are producing large amounts of product and then selling the product wholesale to other distributors. The fact that the petitioner is both doing the production and is a large end user is unique.

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 constitute an unnecessary hardship if applied to the property for which the variance is sought. The petitioner has previously completed coffee roasting activities on the site, but at some point in the past moved those activities to an off-site location. The fact that the petitioner roasts the products that they use in their retail store makes them unique and they want to highlight that by making the roasting activity visible to their customers. The retail space directly adjacent to theirs became available making that a possibility for them again. If the proposed variance is not granted they would not be able to showcase this part of their business.

5. The approval of this variance does not interfere substantially with the provisions of the Comprehensive Master Plan for the City of Noblesville, Indiana:

The approval does not interfere substantially with the comprehensive plan. The proposed expansion to include the coffee roaster is an expansion of an already successful business downtown that works as an important hub. The production from the coffee roaster will be limited just by the amount of space that is available at this location, but provides a needed commodity to run the coffee shop.

The findings of fact contained herein are adopted by the Noblesville Board of Zoning Appeals on October 1, 2018.

Mike Field, Chairman

Sarah Reed, Secretary