



BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA-0134-2018

PROPERTY ADDRESS: 9340 ROCKWOOD COURT

Jason Coffman, an owner of the subject property, submitted a Variance of Development Standards application to the City of Noblesville Department of Planning and Development pursuant to Unified Development Ordinance § Table 8.B to permit the construction of a swimming pool that crosses a platted building line of a Through Lot and does not meet the minimum front yard setback.

The Noblesville Board of Zoning Appeals conducted a hearing regarding application BZNA-0134-2018 on September 10, 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 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 requested variance is to allow for an accessory structure incidental to the principal residential structure, and the current use and character of the site will not be altered by this request.

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 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 Potters Woods development was approved prior to the adoption of Unified Development Ordinance regulations requiring developments to provide a peripheral landscape buffer yard, and the absence of such a buffer has imposed significant restrictions in the development of the western part of the subject property. As proposed, the location of the swimming pool and patio will not cause future complications with regard to the setback area in which they will be located.

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-0138-2018

PROPERTY ADDRESS: 1594 CHERRY STREET

Valerie Keinsley, an owner of the subject property, submitted a Variance of Development Standards application to the City of Noblesville Department of Planning and Development pursuant to Unified Development Ordinance § Table 8.B to permit the construction of a porch that does not meet the minimum front yard setback for a developed area in the R4 (Moderate to High Density Single-Family Residential/Two-Family Residential) zoning district.

The Noblesville Board of Zoning Appeals conducted a hearing regarding application BZNA-0138-2018 on September 10, 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 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. Addition of the porch will bring the house as close to the road as a few houses on the street that have not created any public health, safety, morals, or general welfare to the best of our knowledge. Adding a porch will maintain the historic look of the property adding to the 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. 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 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 subject site is located on the corner lot and has two front yards where the house may not expand past its existing footprint. However, a porch is a common feature to have space for interacting with the neighbors in a high-density community. Due to that, the only space available to add a porch on this property would inevitably encroach into the front yard. Shifting the entire house, including the foundation, for the porch to meet the front setback is a major hardship at this property because it would require a major demolition and rebuilding of the house.

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