

AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY
LAFAYETTE DIVISION

August 19, 2019

The City of Lafayette Board of Zoning Appeals met in regular session on Monday, August 19, 2019 at 4:00 PM. Members present were: Jackson Bogan, Tracy Walder, Dave Williams, David Lahr, and Jake Gray.

The meeting was called to order by Mr. Bogan. Ms. Walder moved to approve the minutes of the previous meeting as distributed; second by Mr. Williams. The motion passed by unanimous voice vote.

OLD BUSINESS

2019-23 Petition filed by TECSPAN CONCRETE STRUCTURES for multiple requests for property located at 2149 WABASH AVE:

- 1) Variance to eliminate the buffer-yard requirement along a lot line separating undergoing development (I3) and abutting zones (R1, R2, & PDRS).
- 2) Variance to eliminate the standard number of plant units and buffer-yard width requirements.

This petition was continued from the July 15, 2019 meeting.

Ms. Walder moved to hear and approve the petition, second by Mr. Williams. Dan Teder, agent for the petitioner, presented the petition.

Mr. Teder stated that there are two requests to eliminate two buffer-yards in this area. We rezoned about four acres of this site so that the entire 25 acres is now zoned I3. I assume you all know where the location is; you go out Wabash, Beck is at the west and Walker is at the south. Pointing to the site plan, he noted the location of an old concrete bridge company and stated that it has been there a very long time. The site plan that you have is going to run with the land. Mr. Teder provided a site plan, color version with more detail than the originally submitted plan along with additional information on the proposal.

Mr. Teder first pointed out the adjacent roadways. Discussing buffer-yards first, all along the west they are going to change things and improve that area. This is not a requirement here. Along the south then along the east, there will be a sound wall and landscaping in front of it. We are stopping the sound wall on the east side from the location where it adjacent to the railroad tracks and a steeply "ravined" area. There is a trail that meanders through there but we met with the Mayor and other City staff and they concurred there was no reason to have a buffer-yard there because there is already a lot of greenspace in that area.

Continuing with the handout, the next page shows the sound wall and the type of landscaping we are going to do. Mr. Teder talked to some of the neighbors in the area; obviously they may be concerned as we talked about the rezone before. Everybody was real supportive and very excited about it because it is a very dismal looking view at this point. I think what we are offering here will be substantially better.

Continuing with the rest of the handout, Mr. Teder stated it shows what the owner is planning on doing with the area. One of the first pictures shows a 100,000 SF building that is going to be built at a location he pointed to on the site plan. Pointing to a separate location on the north side, this is Sagamore Ready Mix, a concrete batch plant. That is just about completed. So what we are going to have in this space is a batch plant and a significant development. A lot of people are going to be hired. Again, we will have a 100,000 SF building, a substantial investment. A lot of people are going to be hired for that as well. The rest of the space is going to be commercial storage. The brochure shows what is going to be done with the building both inside and outside. The owner has already done one of these projects in Columbus, Ohio.

Mr. Bogan asked for clarification location of the area adjacent to the railroad and that it can't be touched anyway. Mr. Teder confirmed these locations and pointed out the appropriate information on the handouts. They are still going to try and improve things. Coordination with the City regarding access is ongoing. I think you will see a significant improvement to the area. Mr. Bogan asked if there were any plans for a buffer-yard along the front. Mr. Teder answered no.

The Board voted by ballot:

- 1) 5 yes 0 no. Petition GRANTED.
- 2) 5 yes 0 no. Petition GRANTED.

2019-24 Petition filed by W W CONTRACTING for multiple requests for property located at 241 & 241 ½ TEAL ROAD WEST:

- 1) Variance to reduce the side yard setback to 20' instead of the required 30'.
- 2) Variance to reduce the rear yard setback to 20' instead of the required 40'.
- 3) Variance to substitute the Type C buffer-yard requirement to a modified Type B buffer-yard.

This petition was continued from the July 15, 2019 meeting.

Ms. Walder moved to hear and approve the petition, second by Mr. Williams. Kyle Dietrich, agent for the petitioner, presented the petition.

Mr. Dietrich stated we are looking for three different variances. One is for the setback from the side lot. The other is a rear setback. And a modification of the buffer-yard. Referencing the zoning code diagrams for planting requirements, what we have is buffer-yard Type B for the rear buffer-yard which has a number of large trees, supplemented by smaller diameter trees. Since we have a limited amount of space we are asking to do just the larger trees. We are planning a significant improvement to what is already there. What is currently there between the apartment complex is a chain link fence that has been overgrown. We plan on removing the chain link fence and planting the trees along that line. This will provide more of a buffer-yard.

In addition, there are a handful of old buildings currently on the building including an old house. The owner plans to demolish those and build new buildings for his construction business. The site is surrounded by general business on three sides. There is one residential, R1, parcel at the top left-corner of the site plan. This is actually owned by INDOT and is an unoccupied home. We do not think there will be any impact there as well.

The reason for the request in the reduction of the lot line setback is to facilitate large vehicles to maneuver safely and coming off of Teal Road.

Mr. Bogan asked if outdoor storage is allowed in GB. Mr. Dietrich responded that the proposed buildings are for storage and office space. Secretary Griffiee added that there typically is a footnote or other restriction to most uses in GB that prohibits outdoor storage.

The Board voted by ballot:

- 1) 5 yes 0 no. Petition GRANTED.
- 2) 5 yes 0 no. Petition GRANTED.
- 3) 5 yes 0 no. Petition GRANTED.

NEW BUSINESS

2019-25 Petition filed by MORGAN BUILDING & LAND CO, LLC for variance to reduce the required parking from 5 spaces to 0 spaces. Property located at 419 MAIN ST.

Ms. Walder moved to hear and approve the petition, second by Mr. Williams. Chris Shelmon, agent for the petitioner, presented the petition.

Mr. Shelmon stated that the owner purchased the former FOP Building over here on Main Street a couple of blocks over a little over two years ago. The building has undergone some significant renovations. In fact, shortly prior to the purchase one side wall caved in and collapsed out into the alley. The petitioner put in over a one-hundred structural pins in the building while renovating it. Shook has moved into half the building. The owner has moved their construction company in. The petitioners live in Athens, Georgia and the Cracker Factory. They would like to move into this building on the top floor. Historically, before the FOP the building was a jewelry store. That owner lived up on the third floor. The third floor has been untouched since the 1950's or 1960's.

The first floor is all commercial used by the Morgan Construction Company and Shook Real Estate Agency. The petitioners looked to rent additional space to Shook but they were not willing to go up stairs. The building is not suitable for an elevator which makes it difficult to have a business on the upper floors. The next option is to go residential on the upper floors.

The top floor will be one unit to be occupied by the petitioners. The second floor will be two, one-bedroom apartments. The building covers every square-inch of the lot. They currently lease two parking spaces from Shook. Shook will not lease them any additional spaces. There are two lots within parking distance where tenants could lease additional parking spaces. Streets are timed during the day to prevent any interference with daily businesses. The overall number of occupants in three units in a historic building should have a negligible impact on the surrounding area.

The hope is that this variance will permit the full build-out of the vacant top two floors of the building and will allow the historic preservation of the structure.

Mr. Williams asked why the petition was for the full number of required spaces when two spaces are already being leased. Mr. Shelmon responded that the lease with Shook is not permanent. Secretary Griffiee added that to count against the required parking, for any off-site parking a formal agreement

approved by the City Attorney that guarantees that the parking spaces will always be available is required. Mr. Bogan asked for clarification regarding the location of 2-hour parking limits. Secretary Griffie responded that all of the streets by this building have that restriction. Mr. Bogan asked if some of the other nearby projects are required to have parking spots. Secretary Griffie responded that if there is new residential in the CB zone, they are required to provide parking. Mr. Lahr asked about residential units on the first floor. Secretary Griffie responded that in the CB zone and in areas that are Courthouse Approximate and Upper Main Street, residential uses are allowed only above a first-floor non-residential use. This portion of the meeting also included various discourses regarding the general requirements for parking downtown.

The Board voted by ballot: 5 yes 0 no. Petition GRANTED.

The next meeting of the Lafayette Board of Zoning Appeals will be on Monday, September 16, 2019 at 4:00 PM. There being no further business to come before the Board at this time, the meeting was adjourned at 4:23 PM.

Chairman

Secretary