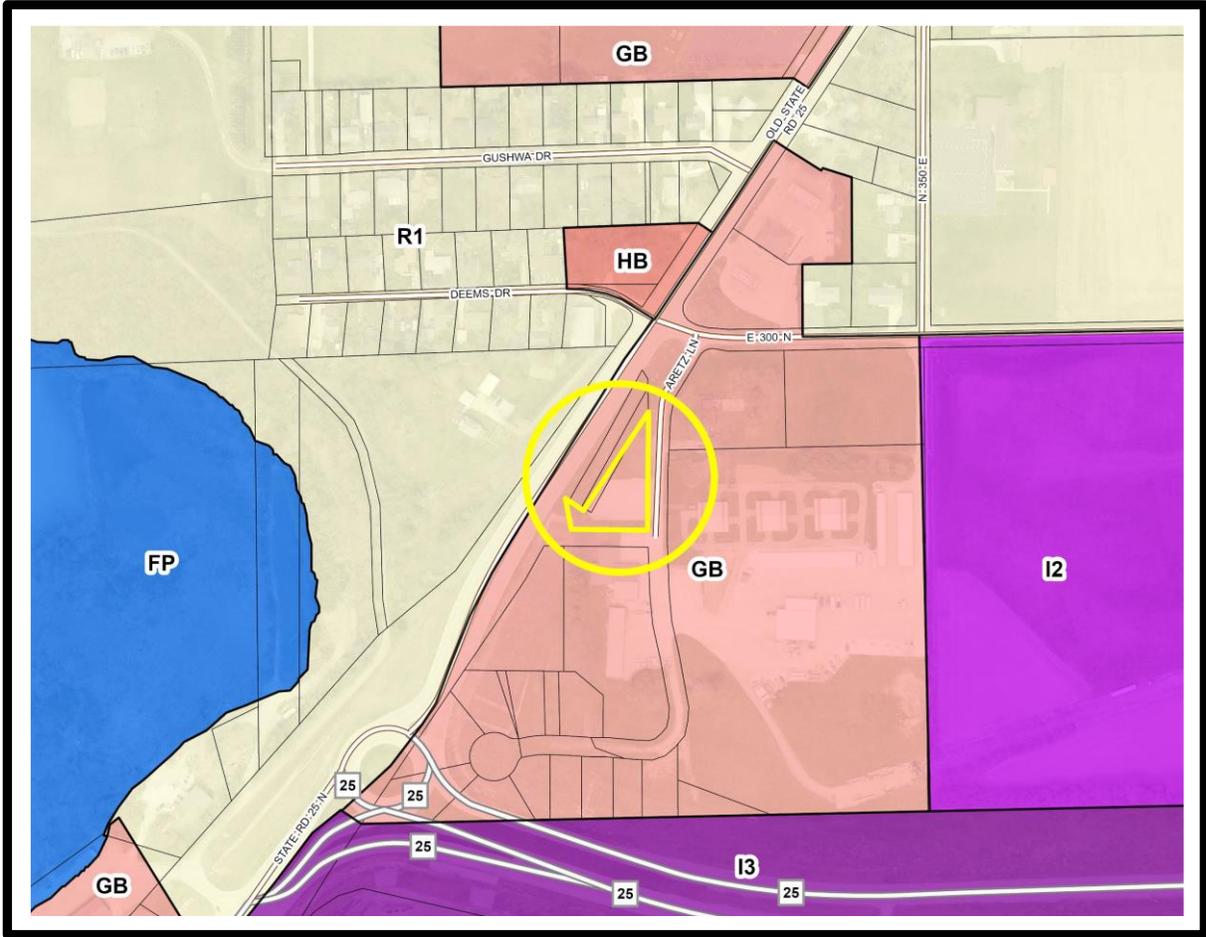

BZA-2041
MURTAUGH LAW, LLC
(variances)

STAFF REPORT
August 20, 2020



REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, attorney Reid Murtaugh, on behalf of the property owner Aretz LLC, is requesting a variance to allow a 1' setback from Old SR 25 N instead of the required 60' (UZO 2-17-7) for a new building on property located at 10 Aretz Lane, Fairfield 11 (SW) 23-4. Petitioner's client has a self-storage warehouse business on the former airport property; the new building would be an expansion of this existing business and would allow the storage of RVs, boats, and travel trailers.

Previously, a second variance request, to eliminate the requirement for each required off-street parking space to open directly onto an unobstructed maneuvering aisle, was part of the petition. After further staff review, it was determined that this request was unnecessary.

AREA ZONING PATTERNS:

This 0.486 acre tract was rezoned from R1 to GB by the county commissioners in June of this year, (Z-2793). The R1 zoning previously associated with this site was a remnant from the oldest zoning maps in Tippecanoe County. More recent rezones in this area occurred in 2013 when 10.89 acres (currently owned by petitioner's client) directly east and south of the subject site were rezoned from A and R1 to GB (Z-2534). A mix of GB, R1, I2 and I3 zoning is found in the area.

AREA LAND USE PATTERNS:

The tract in question is unimproved and triangular; the purchase of right-of-way for Old SR 25 to the west has resulted in an irregularly-shaped lot. Land to the east and south, formerly Aretz Airport, is owned by Aretz, LLC and is used for their self-storage warehousing business. The leasing office for the business is located in the building to the south of the site in question.

Other commercial and industrial users are located nearby with a few older single-family neighborhoods north of CR 300 North. A neighborhood of 9 single-family homes once existed south of the site but the homes were purchased and razed by the State for the Hoosier Heartland highway project.

TRAFFIC AND TRANSPORTATION:

Aretz Lane runs along the eastern and southern property lines of the site in question. This road, that connects to CR 300 N, and once served several houses to the south that are no longer there, would appear to be private based on the ingress-egress easement

information included on the site plan; however, the County GIS mistakenly shows Aretz Lane as public right-of-way. (According to the Highway Department, the county does not maintain this drive.)

A self-storage business is required to provide “3 parking spaces per 200 storage units, with the spaces located adjacent to the leasing office, plus 2 for a live-in manager.” Since this proposed addition to the business would be for storing boats and RVs, it’s not likely to meet the “200 storage unit” threshold. According to petitioner, between 8 to 12 units would be stored in the proposed building. There are no plans for a “live-in manager”. There is an existing gravel parking area near the leasing office across Aretz Lane to the south. Parking in the GB zone is required to be paved and one of the three new required spaces must be handicapped accessible. Petitioner and his client will work out with the Building Commissioner the location of the required parking spaces on the ten-plus acre business site. It is possible an off-site parking agreement will need to be signed and recorded, or a deed combining the triangular tract with the rest of the business’s landholdings east of Aretz Lane could be recorded making all the parking “on-site.”

The State of Indiana still owns right-of-way along Old State Road 25 that was never officially transferred to the county. Additional right-of-way was acquired to construct the round-about associated with the new Hoosier Heartland. The construction of the road and elevation change required additional land for both embankment and drainage. Currently the total right-of-way width at the northern tip of the site in question is about 130’ widening to the southern edge of the property to about 155’ across. If measured from the edge of the highway’s eastern shoulder (edge of pavement) to the northern tip of the property’s triangle, there is 54’ of right-of-way; measured from the shoulder to the southwestern tip of the triangle shape, there is about 73’ of right-of-way. This is a much larger right-of-way than normal.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

An on-site septic system was constructed in 2008 to serve a storage building that has since been razed. The owner is planning to utilize the existing system with the proposed structure. The fingers of the system are located north of the planned building and further minimize the buildable area.

STAFF COMMENTS:

Petitioner is requesting a setback of 1’ from Old State Road 25 to construct a building to expand their existing personal storage facility. This site has three peculiarities that would suggest an uncommon situation and a hardship:

1. The 60’ setback from Old SR 25 takes a huge portion of the triangular-shaped property and makes improving it a challenge.
2. The location of the existing septic system further limits where improvements could be located and
3. The wide right-of-way in this location, 73’ between the property line and the edge of the shoulder, plus the elevation change within the right-of-way seems more than adequate separation between the roadway and a commercial building.

Regarding the ballot items:

1. The Area Plan Commission on July 15, 2020 determined that the variance requested **IS NOT** a use variance.

And it is staff's opinion that:

2. Granting this variance **WILL NOT** be injurious to the public health, safety, and general welfare of the community. The setback variance will still provide an adequate distance from the traveling lanes of traffic because of the large right-of-way required to construct and maintain the embankment.
3. Use and value of the area adjacent to the property included in the variance request **WILL NOT** be affected in a substantially adverse manner. Adjacent property is owned by the property owner. Because of the large right-of-way and elevation shift, the highway will not be negatively impacted.
4. The terms of the zoning ordinance are being applied to a situation that **IS NOT** common to other properties in the same zoning district. The location of the septic field and well limit the design of the site as does the unusual shape of the site.
5. Strict application of the terms of the zoning ordinance **WILL** result in an unusual or unnecessary hardship as defined in the zoning ordinance. The hardship in this case is the 60' setback on site does not provide a reasonable buildable area. Based on GIS the area of buildable land without this variance is only approximately 18% of the total lot because of its triangular shape. (The tract has 21,218 square feet / 3,920 square feet of it is within the building envelope making 82% of the tract unusable.)

Note: Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

5a. The hardship involved **IS NOT** self-imposed or solely based on a perceived reduction of or restriction on economic gain. The setback on this lot renders it nearly unbuildable.

5b. The variance sought **DOES** provide only the minimum relief needed to alleviate the hardship. With the extra wide right-of-way, the hillside, and the unusual shape of the property, the variance proposed is needed to build on site.

STAFF RECOMMENDATION:

Approval

ARETZ LLC. - PROPOSED RV STORAGE

- PARCEL AREA 21,170 SF
- 30% - BUILDING AREA 6,240 SF
- 77% - PAVED AREA 1,500 SF
- 63% - GREEN AREA 13,430 SF

