

THE
AREA BOARD OF ZONING APPEALS
OF
TIPPECANOE COUNTY

NOTICE OF PUBLIC HEARING

DATE : May 27, 2020

TIME: 6:00 P.M.

PLACE: COUNTY OFFICE BUILDING

20 N. 3RD STREET

LAFAYETTE, IN 47901

AGENDA

Due to the public health emergency, public comment on agenda items may be submitted prior to the meeting at apc@tippecanoe.in.gov. Comments must include name and address to be heard. Comments may also be made live on the streaming platforms. Members of the public may watch and comment on the livestream of the meeting on <https://www.facebook.com/TippecanoeCountyIndiana> or <https://www.youtube.com/channel/UCJleeA9ZQo9EIIgDzTdjurQ>

I. APPROVAL OF PREVIOUS MEETING MINUTES

Documents:

[BZA 02.26.2020.PDF](#)

II. NEW BUSINESS

III. PUBLIC HEARING

1. BZA-2032 JAMES L. AND SHEILA A. COCHRAN:

Petitioners are requesting the following variances to add a residential unit in an existing apartment building on R3W-zoned land:

- 1.To decrease the required parking to 5 spaces from the minimum requirement of 11 spaces; (UZO 4-6-3)
- 2.To reduce the building setback from Vine Street to 7.4' from the minimum requirement of 10' (average setback); (UZO 2-10-8)
- 3.To remove the no parking setback; (UZO 4-6-14)
- 4.To reduce the one-way maneuvering aisle to 10.8' from the minimum requirement of 22'; and (UZO 4-6-15)
Not required per staff review.
- 5.To reduce the lot width to 54.11' from the minimum requirement of 60' (for single and two-family dwellings); (UZO 2-10-6)

on property located at the southeast corner of Vine Street and Fowler, more specifically, 229 W. Fowler Avenue in West Lafayette, Wabash 19 (NE) 23-4. *Continued from the April ABZA meeting to add variances. Continued from the March ABZA agenda awaiting APC action on the determination of variance. There was no public hearing in March or April due to health concerns.*

Vote Results:

Variance #1 5-Yes and 1-No

Variance #2 6-Yes and 0-No

Variance #3 6-Yes and 0-No

Variance #5 5-Yes and 1-No

Documents:

[BZA-2032.PDF](#)

2. BZA-2033 THE RIDGE GROUP, INC.:
Petitioner is requesting a parking variance to allow 76 spaces from the minimum requirement of 120 to construct a two-story multi-family building (containing a total of 60 units: 52 one-bedroom and 8 two-bedroom) on R3W-zoned land. The property is located at the southeast corner of Lindberg Road and US 231 in West Lafayette, Wabash 14 (NE) 23-4. (UZO 2-10-12) [Continued from the March ABZA agenda awaiting APC action on the determination of variance. There was no public hearing in March or April due to health concerns.](#)

Vote Results 6-Yes and 0-No

Documents:

[BZA-2033.PDF](#)

3. BZA-2034 DAVE HELTON AND ASSOCIATES, INC.:
Petitioner is requesting a special exception to allow a primary communications tower (SIC 48) in an Agricultural (A) zone. The 198-foot tall unmanned cell tower (including the lighting rod) would operate 24 hours per day, 7 days per week at the southwest corner of CR 500 N and CR 375 W, Wabash 34 (NW) 24-5. (UZO 3-2) [Continued from the March ABZA agenda; there was no public hearing in March or April due to health concerns.](#)

Vote Results 6-Yes and 0-No

Documents:

[BZA-2034 \(SPECIAL EXCEPTION\).PDF](#)

4. BZA-2035 JACOB BALLAH:
Petitioner is requesting the following bufferyard variances to construct a new structure for the existing business on property zoned I3:
- 1.To eliminate the required bufferyard along the western property line; and (UZO 4-9-3)
 - 2.To eliminate the required bufferyard along the northern and eastern property lines; (UZO 4-9-3)
- on property located on the north side of CR 375 S, more specifically at 6274 E 375 S, Sheffield 08 (SW) 22-3. **WITH CONDITIONS.** [Continued from the March ABZA agenda awaiting APC action on the determination of variance. There was no public hearing in March or April due to health concerns.](#)

Vote Results:

Variance #1 6-Yes and 0-No

Variance #2 6-Yes and 0-No

Documents:

[BZA-2035.PDF](#)

5. BZA-2036/ BZA-1778 HERITAGE LAND COMPANY, LLC:
Petitioner is requesting an extension of the previously approved special exception for a mining operation (originally approved in 2009) to modify the expired reclamation plan. The proposed hours of operation are 7 a.m. until 7 p.m., five days a week (Monday through Friday) and possible random Saturdays to complete the proposed reclamation plan. There will be no further mining and the proposed reclamation would be completed no later than December 31, 2025. The 8.14-acre tract is located north of SR 25 (Hoosier Heartland) and east of CR 500 E at 3619 N 500 E, Perry 6 (NW) 23-3. (UZO 3-2) **WITH CONDITIONS.** [Continued from the April ABZA agenda awaiting APC action on the determination of special exception. There was no public hearing in March or April due to health concerns.](#)

Vote Results 6-Yes and 0-No

Documents:

[BZA-2036 BZA-1778 \(SPECIAL EXCEPTION\).PDF](#)

6. BZA-2037 TIPPECANOE COUNTY NSE08 SCHOOL BUILDING CORPORATION:

Petitioner is requesting the following parking variances to add a science wing to the existing Harrison High School in an R1 zone:

1. To decrease the required parking to 965 spaces from the minimum requirement of 1048 spaces; and (UZO 4-6-3)
2. To allow the Administrative Officer to permit off-site parking located within 410 feet instead of the maximum allowed within 300 feet; (UZO 4-6-11)

on property located at 5701 N 50 W, Tippecanoe 30 (NE) 24-4.

Vote Results:

Variance #1 6-Yes and 0-No

Variance #2 Withdrawn - this variance was not needed because Variance #1 was approved

Documents:

[BZA-2037.PDF](#)

IV. ADMINISTRATIVE MATTERS

V. ADJOURNMENT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Area Plan Commission of Tippecanoe County will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. For more information visit www.tippecanoe.in.gov/ada

AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY

MINUTES OF A PUBLIC HEARING

DATE..... February 26, 2020
 TIME..... 6:00 P.M.
 PLACE..... COUNTY OFFICE BUILDING
 20 N. 3RD STREET
 LAFAYETTE, IN 47901

MEMBERS PRESENT

Steve Clevenger
 Tom Andrew
 Gary Schroeder
 Frank Donaldson
 Carl Griffin
 Ed Butz
 Jen Dekker

MEMBERS ABSENT

STAFF PRESENT

Ryan O’Gara
 Rabita Foley
 Chyna Lynch
 Zach Williams, Atty.

The Area Board of Zoning Appeals of Tippecanoe County public hearing was held on the 26th day of February 2020 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Steve Clevenger called the meeting to order.

I. APPROVAL OF MINUTES

Jen Dekker moved to approve the minutes from the January 22, 2020 BZA public hearing. Carl Griffin seconded, and the minutes were approved by unanimous voice vote.

II. NEW BUSINESS

Ryan O’Gara said there is one continuance this evening. **BZA-2032 JAMES L. AND SHEILA A. COCHRAN** has requested to be continued to the March 25, 2020 meeting to add variances.

III. PUBLIC HEARING

Jen Dekker moved that there be incorporated into the public hearing portion of each application to be heard this evening and to become part of the evidence at such hearing, the Unified Zoning Ordinance, the Unified Subdivision Ordinance, the Comprehensive Plan, the By-laws of the Area Board of Zoning Appeals, the application and all documents filed therewith, the staff report and recommendation on the applications to be heard this evening and responses from the checkpoint agencies. Carl Griffin seconded, and the motion carried by voice vote.

Carl Griffin moved to continue **BZA-2032 JAMES L. AND SHEILA A. COCHRAN** to the March 25, 2020 BZA meeting. Tom Andrew seconded and the motion passed by unanimous voice vote.

Steve Clevenger read the meeting procedures.

1. BZA-2030 VITA INVESTMENT HOLDINGS, LLC:

Petitioner is requesting the following variance to construct a senior living facility, offering nursing care, memory care, and independent living options, with 177 units (a mix of studio, one and two bedrooms) in 7 buildings on R3W-zoned land:

1. To increase the building height to ~~32.5'~~ 31.83' at the finished floor of the upper story from the maximum allowed 14'; and (UZO 2-10-11)
 2. To reduce the off-street parking to 136 from the minimum requirement of 181 spaces; (UZO 4-6-3) Withdrawn.
- on property located north of Cumberland Avenue, just west of US 231, in West Lafayette, Wabash 11 (NW) 23-5.

Gary Schroder moved to hear and vote on **BZA-2030 VITA INVESTMENT HOLDINGS, LLC.** Carl Griffin seconded.

Jen Dekker recused herself because of a conflict of interest.

Ryan O'Gara presented the zoning map, site plan, and aerial photos. He said the site is on the western edge of West Lafayette city limits. This area has been rezoned from R1 to R3W with the recent US 231 Corridor project. The Comprehensive Plan envisioned the US 231 and Cumberland Avenue intersection as a suburban style major activity center that promotes a diverse mix of uses. Staff is sympathetic with petitioner on the antiquated height limitations that are imposed in R3W and are working on changing these limitations. Staff is recommending approval for the variance.

Daniel Teder, 250 Main Street, Lafayette, IN 47905, representative for petitioner, said they have received approval for bonding for this project from the West Lafayette Economic Development Department and West Lafayette City Council. To complete this portion of the project, this variance needs to be granted. Staff has indicated that the height standard for this area is antiquated. This request has no negative impact on the community. He thanked the Board and requested approval.

The Board voted by ballot 6 yes to 0 no to approve **BZA-2030 VITA INVESTMENT HOLDINGS, LLC, Variance #1.**

Jen Dekker rejoined the meeting at 6:11PM.

2. BZA-2031 THETA NU HOUSING, LLC:

Petitioner is requesting the following variances to raze the existing structure and construct a new sorority building on R3W-zoned land:

1. To increase the building height to 28' at the finished floor of the upper story from the maximum allowed 14'; (UZO 2-10-11)
2. To decrease the parking requirement to 24 spaces from the minimum requirement of 45; (UZO 4-6-3)
3. To eliminate the maneuvering aisle required for parking spaces along the alley; (UZO 4-6-15)
4. To eliminate the no parking setback requirement; (UZO 4-4-6)
5. To reduce the required building setback from Northwestern Avenue to 20' from the minimum requirement of 60'; (~~UZO 2-10-8~~) Not needed per staff review.
6. To reduce the street setback from Fowler Avenue to 30' from the minimum requirement of 60'; and (~~UZO 2-10-8~~) Not needed per staff review.
7. To reduce the required bicycle parking to 25 spaces from the minimum requirement of 45; (UZO 4-6-7)

on property located at the southeast corner of Northwestern and Fowler Avenues, in West Lafayette, Wabash 19 (NE) 23-4

Gary Schroder moved to hear and vote on **BZA-2031 THETA NU HOUSING, LLC.** Tom Andrew seconded.

Rabita Foley presented the zoning map, site plan, and aerial photos. She said this site is close to campus and recently received primary approval to combine four lots. The petitioner will be razing the four structures on the lot that are currently student housing apartments. A sorority will be built in its place. The first request is to increase the building height. As stated earlier, building height requirements in West Lafayette are antiquated so staff is recommending approval. The second request is to reduce the parking

spaces to 24 from the required 45 spaces. Staff believes that is an excessive reduction because of the occupancy of the house and the social activities that are held at the house. The third request is to eliminate the maneuvering aisle. The 8 parking spaces would need to use the alley for a maneuvering aisle. The fourth request is to eliminate the no parking set back requirement on the eastern and western side of the property. Staff believes this request does not meet the hardship test. Request five and six, which are reductions in setbacks from Northwestern and Fowler, are not needed because the property is zoned R3W and allowed average setbacks. Request seven is for a reduction in bicycle parking. Staff believes the requirement for bicycle parking is excessive and are approving this request. The West Lafayette Downtown Plan recommends urban residential and mixed use for this type of site. Staff feels the proposed site plan does not meet the West Lafayette Downtown Plan because it does not reflect the urban style. Staff is recommending the following:

Approval for Variance #1;
Denial for Variance #2;
Denial for Variance #3;
Denial for Variance #4; and
Approval for Variance #7.

Daniel Teder, 250 Main Street, Lafayette, IN 47905, representative for petitioner, said this site is on less than a third of an acre. It is on the corner of Northwestern and Fowler with setbacks and rights-of-way that are not common in West Lafayette. West Lafayette is demanding an additional 10-feet of right-of-way on Northwestern Avenue. Petitioner will raze the existing structures on the site. A three-story sorority with 60 beds will be built in its place. The West Lafayette City Engineer and West Lafayette Redevelopment Director have been consulted for this project and support the requests for variance. This request meets the greenspace and building coverage requirement. The parking ratio is at 53% which is similar to other sites in the area. There is also a proposed bus stop in front of the building. The current sorority has 58 women with 13 parking spaces and no issues with parking. There is no vehicular access on Northwestern and the only means of access is the alley. With parking off the alley, there will be more opportunity for greenspace and attractive views of the sorority. Variances 1, 2, 3, and 4 will not be injurious to public safety and welfare. In an urban environment, cars navigate this type of traffic. The preference is to have compact cars park along the alley. There will be a sidewalk between the parking and the building as an add safety measure. This is not a self-imposed hardship. It is difficult to have the public access that is requested in the staff report. This is a design that fits well with the neighborhood. West Lafayette prefers a sorority with variances instead of having another apartment building.

Sydney Klaveano, Theta Nu Purdue Chapter President, said the sorority was founded in 1897 in Virginia and is on 168 campuses across the country. The Purdue chapter was founded 5 years ago and currently has 130 members. This chapter has proven to be a leader in the community since emerging on campus. The chapter regularly hosts events with local Girl Scouts and Cary Home children. This potential house means a great deal to this chapter. They have been renting a home on campus and the lease ends soon. This proposal means they would have a forever home. Their current house has 58 beds and 13 parking spaces with no issues with parking. About two-thirds of the chapter does not have a car on campus. Those that do have cars, park at their apartment or at Chauncey Hill. Some of the women chose to take the bus, ride their bikes or walk to and from the house. The proposed site has a CityBus stop out front which will also reduce parking. She thanked the Board.

Carl Griffin asked how this site could be made more urban like the West Lafayette Downtown Plan suggests.

Ryan O'Gara said surface lots are a big no-go in an urbanizing environment. It uses space that could be better utilized. The proposed higher-density use would be supported by the plan but would discourage surface parking lots. A building with the parking under the structure or tucked underneath would fit better.

Carl Griffin asked Sydney Klaveano where members park their car on Chauncey Hill.

Sydney Klaveano, Theta Nu Purdue Chapter President, said Purdue has a campus garage on Chauncey Hill that does not require a parking pass.

Carl Griffin asked Chad Spitznagle if he had any concerns with this project.

Chad Spitznagle, 1200 N Salisbury Street, West Lafayette, IN 47906, said he did not see an issue. The Economic Development Department is happy with the use. The parking reduction does not make this a large parking lot. This use is similar to other sites in the Village.

Tom Andrew asked if the way it is zoned now, could an apartment building be built if the sorority left.

Ryan O’Gara said multifamily use is permitted in this space.

The Board voted by ballot 7 yes to 0 no to approve **BZA-2031 THETA NU HOUSING, LLC, Variance #1.**

The Board voted by ballot 7 yes to 0 no to approve **BZA-2031 THETA NU HOUSING, LLC, Variance #2.**

The Board voted by ballot 7 yes to 0 no to approve **BZA-2031 THETA NU HOUSING, LLC, Variance #3.**

The Board voted by ballot 7 yes to 0 no to approve **BZA-2031 THETA NU HOUSING, LLC, Variance #4.**

The Board voted by ballot 7 yes to 0 no to approve **BZA-2031 THETA NU HOUSING, LLC, Variance #7.**

Steve Clevenger stated that unless any member has an objection the chair will order the findings of each member casting a vote for the majority decision of the Board to be the collective findings of the Board in support of the decision of the Board. Hearing none, it is so ordered.

IV. ADMINISTRATIVE MATTERS

None.

V. ADJOURNMENT

Gary Schroeder moved for adjournment.

The meeting adjourned at 6:45 p.m.

Respectfully submitted,

Chyna Lynch
Recording Secretary

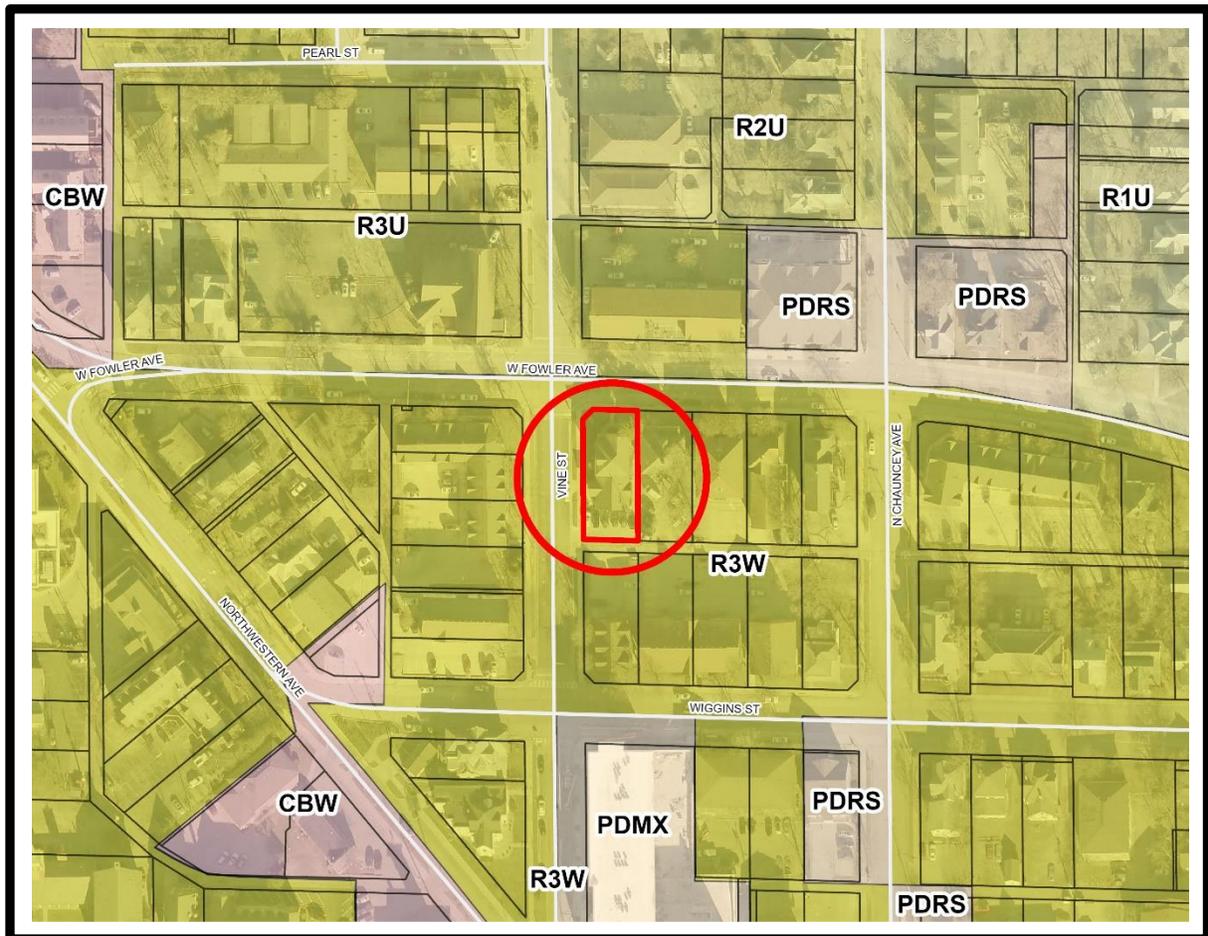
Reviewed by,



Sallie Dell Fahey
Executive Director

BZA-2032
JAMES L. AND SHEILA A. COCHRAN
(variances)

STAFF REPORT
May 21, 2020



BZA-2032
JAMES L. AND SHEILA A. COCHRAN
Variances

Staff Report
May 21, 2020

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioners represented by attorney Chris Shelmon, are requesting the following variances to add a residential unit in an existing apartment building on R3W-zoned land:

1. To decrease the required parking to 5 spaces from the minimum requirement of 11 spaces;
2. To reduce the building setback from Vine Street to 7.4' from the minimum requirement of 25' 10';
3. To remove the requirement for a no parking setback; and
4. ~~To reduce the one-way maneuvering aisle to 10.8' from the minimum requirement of 22'; and~~ *(not required as per staff review)*
5. To reduce the lot width to 54.11' from the minimum requirement of 60';

on property located at the southeast corner of Vine Street and Fowler, more specifically, 229 W. Fowler Avenue in West Lafayette, Wabash 19 (NE) 23-4

Variance request #4: Petitioners are requesting a reduction to the one-way maneuvering aisle to 10.8' from the requirement of 22'. According to UZO 4-6-15 D (2), a paved alley abutting auto parking spaces may be counted toward the required maneuvering aisle width. The site plan shows the parking lot having a 10.8' wide maneuvering aisle adjoining the 12' public alley, which totals 22.8', making request #4 unnecessary.

AREA ZONING PATTERNS:

This property, along with lots to the east and south, are zoned R3W, Single-family, Two-family and Multi-family Residential. Properties to the north, across Fowler Avenue and to the west across Vine Street are also zoned R3W. The subject property was rezoned to R3W during the overall rezone of the City of West Lafayette in 2000 (Z-1996).

A special exception request to allow a professional office in the R3 zone (BZA-857) and a setback variance from 60' to 16' along Fowler Avenue (BZA-868) were approved in 1988 on the subject property. A leasing office (professional office) is considered an accessory use under current ordinance standards.

The most recent rezone activity in the vicinity has been planned developments including the 443 Vine Street PD (Z-2271) in 2019, Fowler Avenue Apartments PD (Z-2736) in 2018, and the 460 Northwestern Avenue PD (Z-2675) in 2017.

AREA LAND USE PATTERNS:

The site contains a structure with a single 1098 sq. ft. apartment unit and a rental office. An apartment building owned and operated by Morris Rentals is to the north across Fowler. A similar apartment complex owned and operated by Basham Properties is to the west across Vine. Properties to the east and south are also mid-size student rentals. The New Chauncey Local Historic District is north of Fowler Avenue. Buildings associated with Purdue’s campus are farther to the west along Northwestern Avenue.

TRAFFIC AND TRANSPORTATION:

Fowler Avenue is classified as a primary arterial and Vine Street is classified as an urban local road according to the adopted *Thoroughfare Plan*.

The parking requirement for University-proximate residences is 1.1 spaces per unit type D (442 sq. ft.) and 3 spaces per unit type A (1089 sq. ft.) which means five paved spaces are needed to meet this standard. The structure also includes an approximately 1200 sq. ft. leasing office for an apartment rental business requiring an additional 6 parking spaces. A total of five spaces, including one accessible space, are proposed with access from the alley to the south.

On both the side and rear, paved parking spaces would encroach into the 5’ no parking setback.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

The site is served by public sewer and water.

STAFF COMMENTS:

The subject property has operated with one apartment unit (1089 sq. ft.) above the leasing office (1803 sq. ft.) on the ground floor for decades. The current request stems from petitioners’ desire to convert a portion of the office space to a 442 sq. ft second apartment unit. According to the Assessor’s data, the building was constructed in 1900, before the inception of zoning in West Lafayette.

The ordinance states that a nonconforming structure and noncomplying use occupied by a permitted use can be moved on its lot, altered, or enlarged in any way provided the alteration either meets all requirements of this ordinance or decreases the structure’s nonconformity. Therefore, petitioners’ attorney filed these requests to address both the nonconforming structure (due to a reduced setback) and the noncomplying use (due to deficient parking) post consultation with city staff.

Regarding request #1 (reducing the required parking spaces), the parking/unit ratio of the proposed renovation is 2.5, which is significantly higher than the recently approved Planned Development (0.67 to 1.7) in the vicinity. The leasing office is an accessory use at the location and was in operation without the ordinance-required six parking spaces. With the addition of a new apartment unit, staff feels that reducing the parking may cause an undue burden on the public’s on-street parking along Fowler and Vine. Petitioners

have the ability to lease parking spaces within 200' of the subject property to fulfill the ordinance requirement.

Regarding request #2 (street setback reduction), the R3W zone allows the averaging of setbacks of existing primary use buildings on a blockface but never less than 10'. The only building on the same block to the south sits at approximately 11' from the right-of-way. The plan shows the existing setback of 7.4' to the edge of the roofed porch, whereas, the building wall begins at 11.5' from the property line. The UZO requires the setback be measured to the leading edge of the porch roof; therefore, the average setback equals 9.2'. However, the ordinance requires a minimum setback of 10' when averaging.

Regarding request #3 (to eliminate the no-parking setback), the no parking setback creates some separation between parked cars and sidewalks, alleys, and adjacent properties. It also prevents parked cars from overhanging onto adjacent property. However, the parking lot configuration shown in the plan is existing and has operated without a setback for many years.

Regarding request #5 (reduced lot width), this area of West Lafayette contains nearly all student apartments ranging from large complexes to converted single-family homes. According to the submitted site plan, no change is proposed to the existing building footprint. If the proposal were to redevelop the substandard lot, staff would have recommended consolidation of multiple lots in the vicinity to create a conforming denser development.

The request does not include any sign variances because the site already has allowable signage.

Regarding the ballot items:

1. The Executive Committee of the Area Plan Commission at its May 6th meeting determined that the variances requested **ARE NOT** use variances.

And it is staff's opinion regarding Variance #1 (to reduce the required parking spaces) that:

2. Granting this variance **WILL NOT** be injurious to the public health, safety, and general welfare of the community. There is no harm to the community in granting this parking variance.
3. Use and value of the area adjacent to the property included in the variance request **WILL** be affected in a substantially adverse manner. Parking in this area close to campus is at a premium. Not providing enough parking for existing uses and a newly created unit will force occupants and visitors to use on-street public parking which is already full at peak times.
4. The terms of the zoning ordinance are being applied to a situation that **IS** common to other properties in the same zoning district. The parking requirement for university-

proximate residences are already reduced compared to other urban standards in the ordinance.

5. Strict application of the terms of the zoning ordinance **WILL NOT** result in an unusual or unnecessary hardship as defined in the zoning ordinance. Petitioners can operate the existing one unit with the leasing office without a variance. Petitioners' desire to add a second unit is the reason for the request. The ordinance does not consider a self-imposed situation like this a hardship.

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

5a. The hardship involved **IS** self-imposed or solely based on a perceived reduction of or restriction on economic gain. Petitioners can continue without adding a new unit.

5b. The variance sought **DOES NOT** provide only the minimum relief needed to alleviate the hardship. The minimum relief is five parking spaces for the existing one unit and the leasing office.

And it is staff's opinion regarding Variance #2 (street setback) that:

2. Granting this variance **WILL NOT** be injurious to the public health, safety, and general welfare of the community. There is no harm to the community in granting a variance to make the existing structure conforming.
6. The use and value of the area adjacent to the property included in this request **WILL NOT** be affected in a substantially adverse manner. The proposed internal renovation will not diminish the value of any neighboring property. This variance will not prevent adjacent properties from using their properties in the future.
3. The terms of the zoning ordinance are being applied to a situation that **IS NOT** common to other properties in the same zoning district. Both the building and its current uses existed before the inception of zoning.
4. Strict application of the terms of the zoning ordinance **WILL** result in an unusual or unnecessary hardship as defined in the zoning ordinance. Again, requiring a structure and uses that existed prior to the adoption of the ordinance to conform to current standards creates a hardship.

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 roofed porch encroaching the street setback already exists.

5b. The variance sought **DOES** provide only the minimum relief needed to alleviate

the hardship because it legitimizes a long standing nonconforming structure.

And it is staff's opinion regarding Variance #3 (eliminating the no-parking setback) that:

2. Granting this variance **WILL NOT** be injurious to the public health, safety, and general welfare of the community. The parking lot already exists.
3. The use and value of the area adjacent to the property included in this request **WILL NOT** be affected in a substantially adverse manner. The proposed parking layout for 5 vehicles are designed at a 90 degree angle facing the structure with no overhang on neighboring properties.
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 site is already developed, no change is proposed to the parking lot location due to the proposed unit addition.
5. Strict application of the terms of the zoning ordinance **WILL** result in an unusual or unnecessary hardship as defined in the zoning ordinance. Applying the UZO's no-parking setback to the site developed before the inception of zoning is a hardship.

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. Because the hardship is due to the application of ordinance standards on a site developed in 1900.

5b. The variance sought **DOES** provide only the minimum relief needed to alleviate the hardship. This will legitimize a longstanding nonconforming no-parking setback.

And it is staff's opinion regarding Variance #5 (lot width) that:

2. Granting this variance **WILL NOT** be injurious to the public health, safety, and general welfare of the community. This lot has been in existence since at least the 1900's, possibly earlier with no concerns.
3. The use and value of the area adjacent to the property included in the request **WILL NOT** be affected in a substantially adverse manner. Again, this lot has historically been narrow with no ill effect to the neighbors.
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. Some properties in this area are larger because they have been combined or replatted with adjoining land. However, adjacent lots (to the south and east) in the R3W zone are all similarly sized and appear to have developed well before the formalization of zoning and subdivision ordinances in the area.

5. Strict application of the terms of the zoning ordinance **WILL NOT** result in an unusual or unnecessary hardship as defined in the zoning ordinance. While the lot is too narrow to meet the requirements for a single two-family building, the existing structure could be maintained with the existing unit and the leasing office.

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

5a. The hardship involved **IS** self-imposed or solely based on a perceived reduction of or restriction on economic gain. Petitioners' desire to add a unit on site is the cause for the hardship. The existing uses on site can still operate and staff can find no ordinance-defined hardship.

5b. The variance sought **DOES NOT** provide only the minimum relief needed to alleviate the hardship because there is no ordinance-defined hardship.

STAFF RECOMMENDATION:

Variance #1 (Reduce parking): Denial

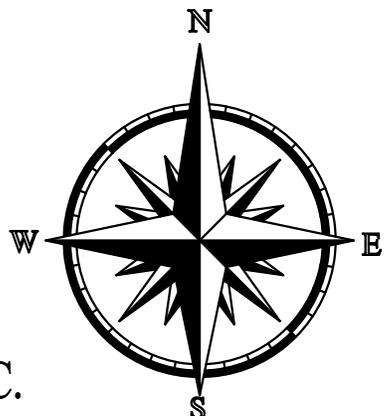
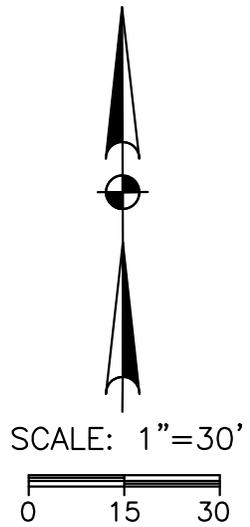
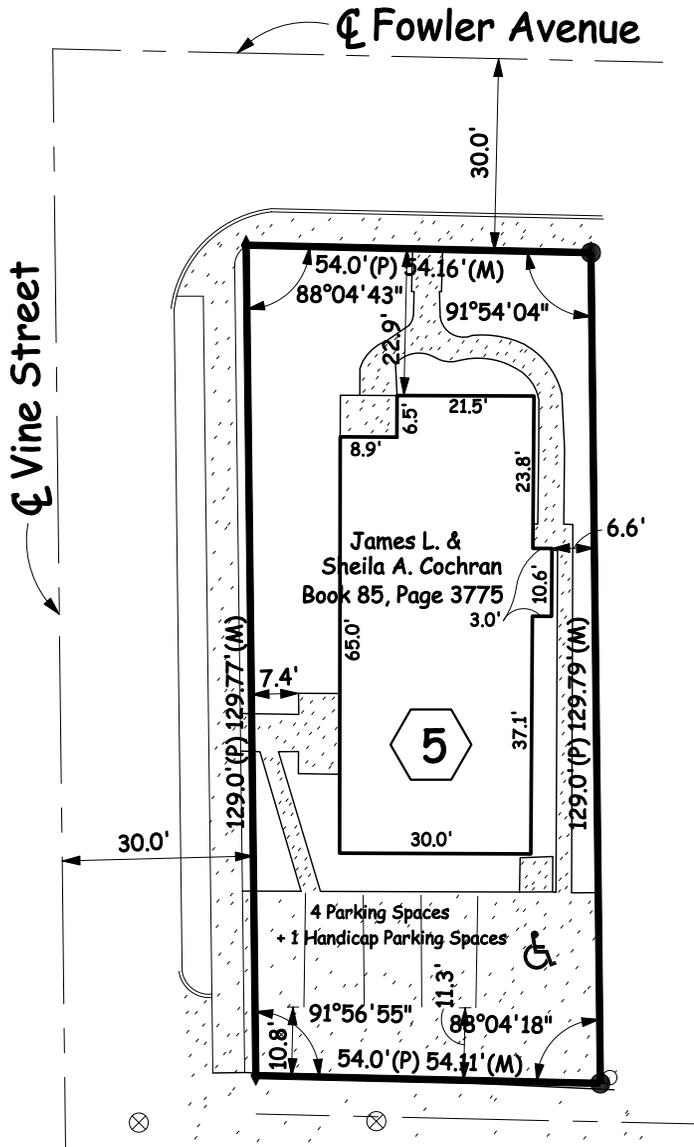
Variance #2 (Reduced street setback): Approval

Variance #3 (Eliminate the no-parking setback): Approval

Variance #5 (Lot width): Denial

SITE PLAN

Lot Numbered 5 in Rising's Addition to the Town of Chauncey, now City of West Lafayette as platted upon part of the East Half of the Northeast Quarter of Section 19, Township 23 North, Range 4 West, Wabash Township, Tippecanoe County, Indiana.



DATE OF REPORT: March 16, 2020

Robert Wm Gross

ROBERT W^m GROSS, R.L.S. NO. 880043
R.W. GROSS & ASSOCIATES, INC.

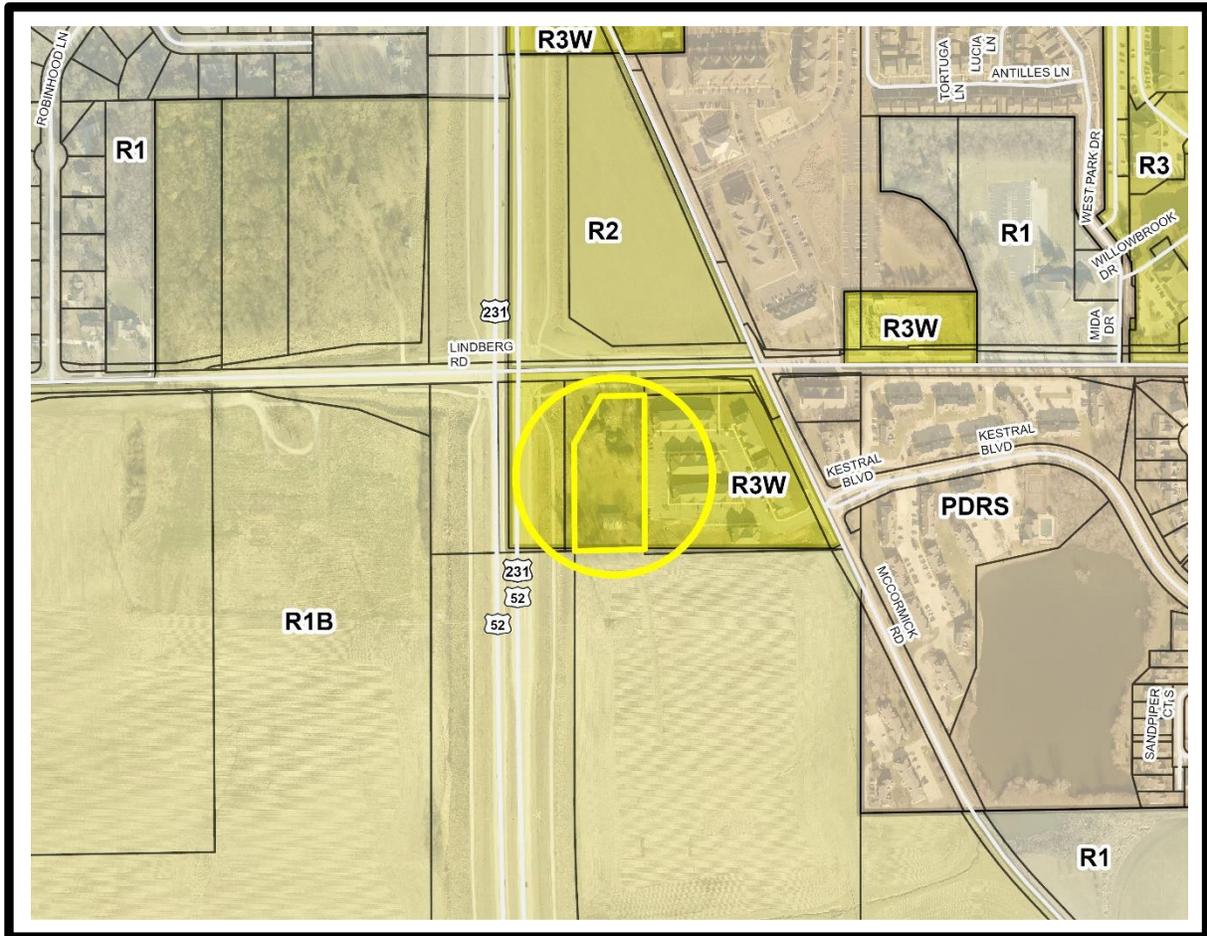
420 COLUMBIA STREET, SUITE 100
 LAFAYETTE, INDIANA 47901-1300
 Phone: (765) 742-0101
 Fax: (765) 742-7223

JOB NO. 19-165-B-site



BZA-2033
THE RIDGE GROUP, INC.
(variance)

STAFF REPORT
May 21, 2020



BZA-2033
THE RIDGE GROUP, INC.
Variance

Staff Report
May 21, 2020

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, represented by attorney Chris Shelmon, is requesting a parking variance to allow 76 spaces instead of the required 120 spaces for a proposed two-story multi-family building (containing a total of 60 units: 52 one-bedroom and 8 two-bedroom) on R3W-zoned land. The 2.09-acre property is located at the southeast corner of Lindberg Road and US 231 in West Lafayette, Wabash 14 (NE) 23-4. (UZO 2-10-12)

AREA ZONING PATTERNS:

This site is currently zoned R3W. This property was rezoned from R1 as part of the US 231 Corridor rezone following the adoption of the *US 231 Corridor Plan Amendment* to the *Comprehensive Plan* in 2018, (Z-2743). The property to the east is also zoned R3W. Land to the south and west across US 231 is zoned R1B. Land to the north across Lindberg is zoned R2. All these properties were examined for preferred zones as part of the corridor plan amendment and rezone.

AREA LAND USE PATTERNS:

Currently, this site has a single-family home and outbuilding. Adjacent to the east are multi-family units that were constructed within the last ten years. Further east across McCormick Road are additional multi-family developments. South and west across 231 are open farm fields owned by Purdue or PRF. North of the site, between Klondike and US 231, is undeveloped property.

The *US 231 Corridor Plan* classifies this site as Medium Density Residential which promotes a denser mix of residential structures utilizing design standards consistent with the R3W zones. This denser residential use is a transition from lower density residential areas to commercial and mixed-use areas. No variances have been granted in this area of the county under the current ordinance, since 1998. Instead of variances, developers have been going through the planned development process to change development standards.

TRAFFIC AND TRANSPORTATION:

This site has frontage on US 231 and Lindberg. Access is limited to Lindberg Road. The site plan shows a right in and right out entrance on Lindberg Road. Access will be reviewed and permitted by the West Lafayette City Engineer's office. There is concern about the access being so close to the intersection of Lindberg and US 231. Parking for multi-family in the R3W is two spaces per unit. This site is not considered university proximate according to the zoning ordinance. The required bicycle parking is one space

per unit; the submitted site plan shows 60 bicycle spaces. Deliveries are becoming more frequent to all residents which creates the need for additional spaces for short term parking.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Sewer and water are available on this site. According to the site plan, greenspace coverage will be met. Drainage will be reviewed by the West Lafayette City Engineer's office.

STAFF COMMENTS:

Petitioner is requesting a variance to reduce the parking on site from 120 spaces to 76 spaces. The plan shows 60 units proposed with 68 bedrooms. The ordinance requires two parking spaces per unit.

While multi-family use for the subject project is supported by staff, there is nothing particularly unusual about the site that necessitates the need for the variance being requested. This site is still in a suburban setting, vehicle parking is a necessity and the UZO's development requirements ensure more than enough is provided. How many spaces per bed and additional spaces for guests is the discussion point that we routinely struggle with as development becomes denser throughout the community. Staff believes that based on the proximity to campus, the majority of residents at this site will be students. Based on recent feedback from developers and Purdue, students are not as reliant on cars as they have been in the past, but this site is not in the middle of campus and shopping still requires vehicular travel. Additionally, the site could be redesigned to accommodate the required parking needs.

Regarding the ballot items:

1. The Executive Committee of the Area Plan Commission on May 6, 2020 determined that the variance requested **IS NOT** a use variance.

And it is staff's opinion that:

2. Granting this variance **WILL** be injurious to the public health, safety, and general welfare of the community. There is a correlation between numbers of units/residences in a location and the number of vehicular trips generated. The proximity of the entrance to the intersection could be injurious to anyone using this intersection. The more units/residences permitted the more dangerous this intersection becomes to the safety of the traveling public. Reducing the parking requirements will not reduce the vehicular access because more deliveries will need to be made if residents are making the trips themselves.
3. Use and value of the area adjacent to the property included in the variance request **WILL** be affected in a substantially adverse manner. The neighboring property developed in a conforming manner; it is the staff's responsibility to be constant to all developers and apply the standards as consistently as possible. Granting this variance

would allow this site to have different standards than the neighboring property to the east.

4. The terms of the zoning ordinance are being applied to a situation that **IS** common to other properties in the same zoning district. The plan recommends development that meets the R3W standards. The neighboring property was able to develop under the existing development standards without the need for a variance and this site has no unique physical features. A smaller building could be built or a different development design could be fashioned that would meet the required parking standards.
5. Strict application of the terms of the zoning ordinance **WILL NOT** result in an unusual or unnecessary hardship as defined in the zoning ordinance. The site could be developed in a conforming manner, it is only the developer's desire for less parking than the ordinance requires that is the impetus for this request.

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

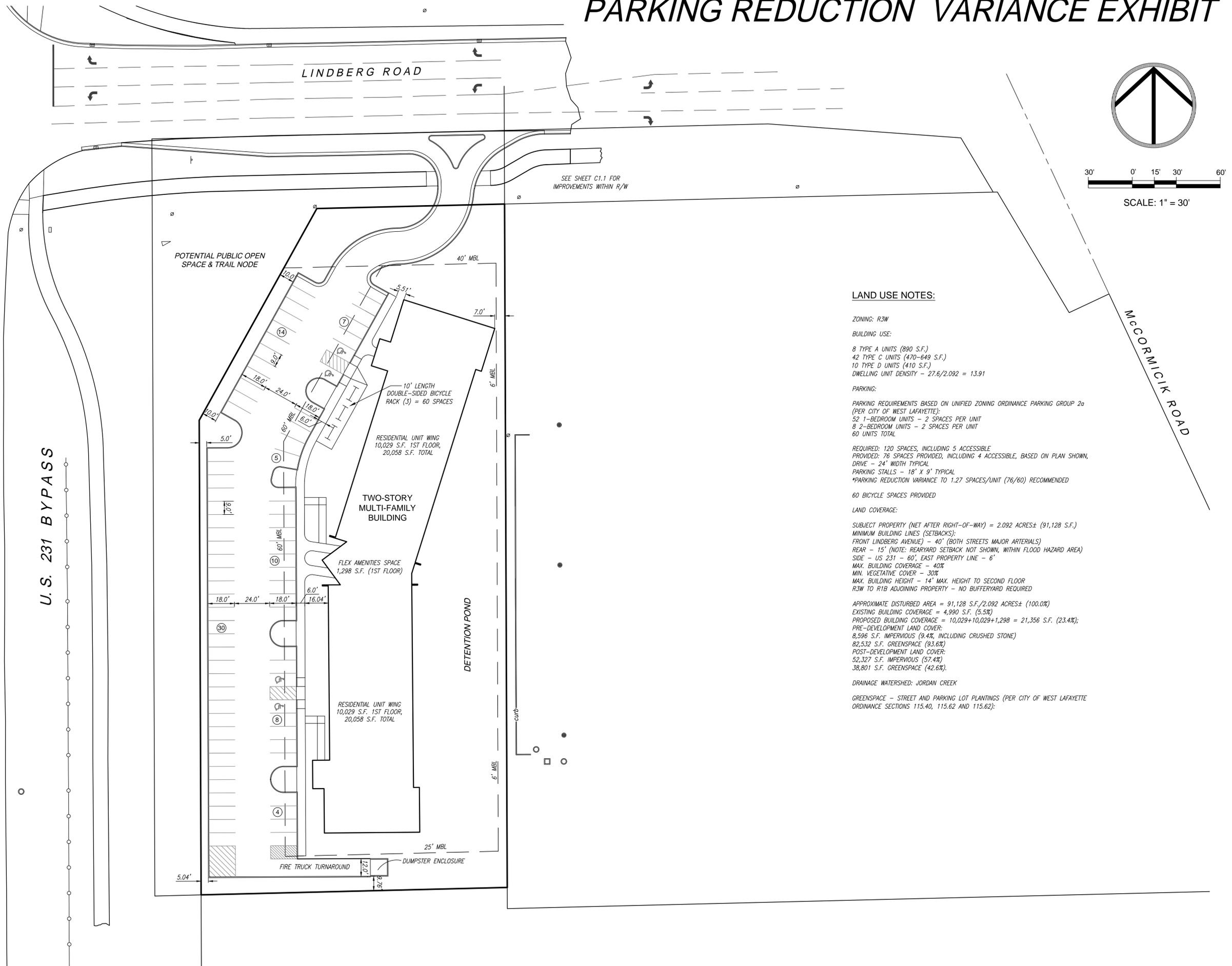
5a. The hardship involved **IS** self-imposed or solely based on a perceived reduction of or restriction on economic gain. A conforming design could be constructed to meet the ordinance requirements.

5b. The variance sought **DOES NOT** provide only the minimum relief needed to alleviate the hardship. Staff cannot argue for minimum relief for a property that is a greenfield development with no site irregularities.

STAFF RECOMMENDATION:

Denial

PARKING REDUCTION VARIANCE EXHIBIT



LAND USE NOTES:

ZONING: R3W

BUILDING USE:

8 TYPE A UNITS (890 S.F.)
 42 TYPE C UNITS (470-649 S.F.)
 10 TYPE D UNITS (410 S.F.)
 DWELLING UNIT DENSITY - 27.6/2,092 = 13.91

PARKING:

PARKING REQUIREMENTS BASED ON UNIFIED ZONING ORDINANCE PARKING GROUP 2a (PER CITY OF WEST LAFAYETTE):
 52 1-BEDROOM UNITS - 2 SPACES PER UNIT
 8 2-BEDROOM UNITS - 2 SPACES PER UNIT
 60 UNITS TOTAL

REQUIRED: 120 SPACES, INCLUDING 5 ACCESSIBLE
 PROVIDED: 76 SPACES PROVIDED, INCLUDING 4 ACCESSIBLE, BASED ON PLAN SHOWN.
 DRIVE - 24' WIDTH TYPICAL
 PARKING STALLS - 18' X 9' TYPICAL
 *PARKING REDUCTION VARIANCE TO 1.27 SPACES/UNIT (76/60) RECOMMENDED

60 BICYCLE SPACES PROVIDED

LAND COVERAGE:

SUBJECT PROPERTY (NET AFTER RIGHT-OF-WAY) = 2.092 ACRES± (91,128 S.F.)
 MINIMUM BUILDING LINES (SETBACKS):
 FRONT LINDBERG AVENUE) - 40' (BOTH STREETS MAJOR ARTERIALS)
 REAR - 15' (NOTE: REARIYARD SETBACK NOT SHOWN, WITHIN FLOOD HAZARD AREA)
 SIDE - US 231 - 60', EAST PROPERTY LINE - 6'
 MAX. BUILDING COVERAGE - 40%
 MIN. VEGETATIVE COVER - 30%
 MAX. BUILDING HEIGHT - 14' MAX. HEIGHT TO SECOND FLOOR
 R3W TO R1B ADJOINING PROPERTY - NO BUFFERYARD REQUIRED

APPROXIMATE DISTURBED AREA = 91,128 S.F./2,092 ACRES± (100.0%)
 EXISTING BUILDING COVERAGE = 4,990 S.F. (5.5%)
 PROPOSED BUILDING COVERAGE = 10,029+10,029+1,298 = 21,356 S.F. (23.4%)
 PRE-DEVELOPMENT LAND COVER:
 8,596 S.F. IMPERVIOUS (9.4%, INCLUDING CRUSHED STONE)
 82,532 S.F. GREENSPACE (93.6%)
 POST-DEVELOPMENT LAND COVER:
 52,327 S.F. IMPERVIOUS (57.4%)
 38,801 S.F. GREENSPACE (42.6%)

DRAINAGE WATERSHED: JORDAN CREEK

GREENSPACE - STREET AND PARKING LOT PLANTINGS (PER CITY OF WEST LAFAYETTE ORDINANCE SECTIONS 115.40, 115.62 AND 115.62):

SITE PLAN AND GEOMETRICS

TWO-30 ONE FLATS
 LINDBERG ROAD & U.S. 231, WEST LAFAYETTE, IN

Drawn By: EJJ
 Proj. No.: 20206485
 Dwg. Date: 2/24/20
 Dwg. Scale: 1"=30'
 Revised:

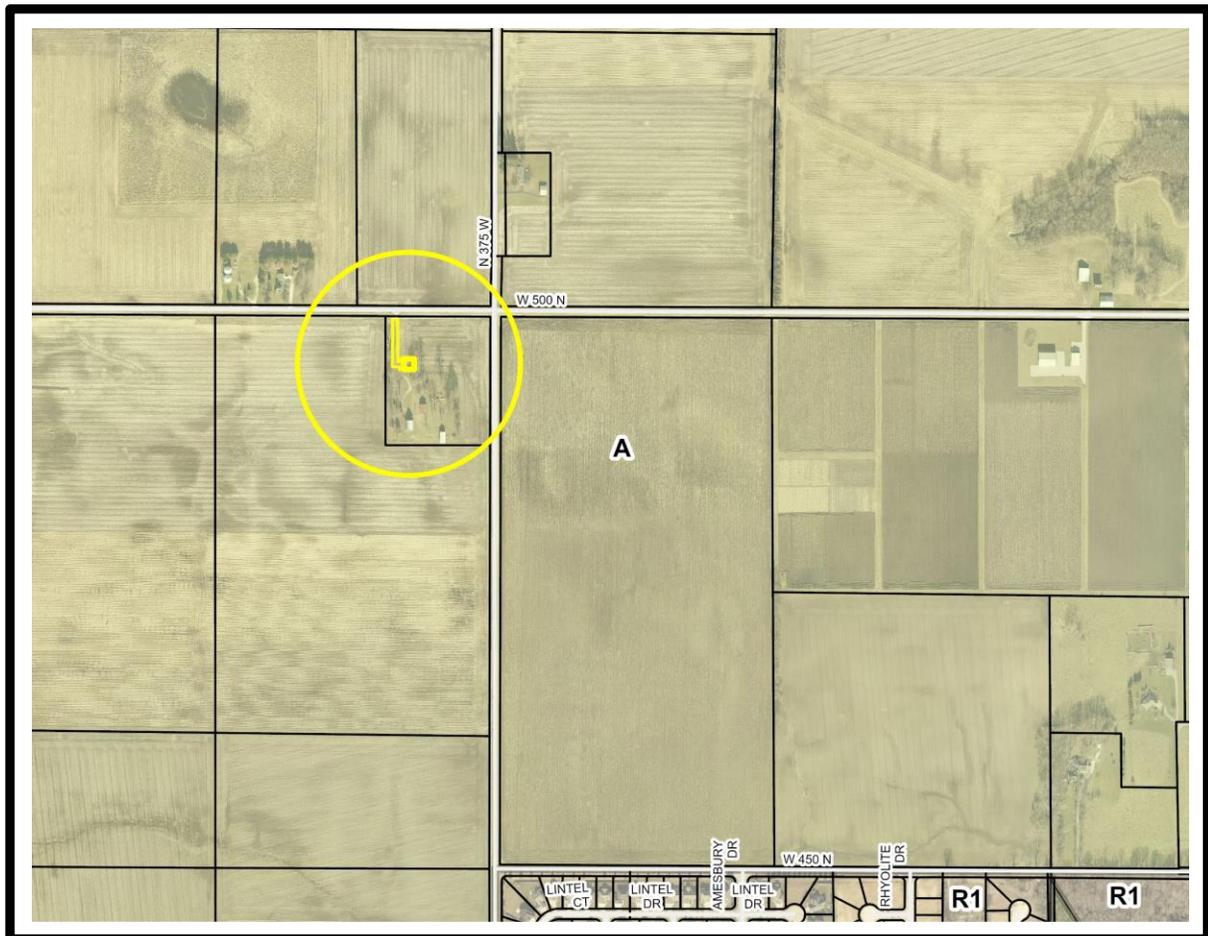
STARR
 ASSOCIATES
 LAND SURVEYORS & ENGINEERS



C1.0

BZA-2034
DAVE HELTON AND ASSOCIATES, INC.
(special exception)

STAFF REPORT
March 19, 2020



BZA-2034
DAVE HELTON AND ASSOCIATES, INC.
Special Exception

Staff Report
March 19, 2020

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, with consent of the owners, is requesting a special exception for a primary communications tower (SIC 48) on property located at the southwest corner of CR 500 North and CR 375 West. The tower will be 198' tall (including the lightning rod) and operate 24 hours per day, 7 days a week and be located in a 50' x 50' easement. The Agriculturally zoned tract, 6.631 acres in size, contains a few outbuildings (the home was razed in March 2017) and is commonly known as 3833 West 500 North, Wabash 34 (NW) 24-5.

AREA ZONING PATTERNS:

The site in question and all surrounding land is zoned A, Agricultural. No rezones, variances or special exceptions have been granted in the area.

AREA LAND USE PATTERNS:

The 6.6-acre parcel was created in 1998 (P98-41). In 2017 the home was demolished but a few outbuildings and mature trees still exist on-site.

Land in all directions is farmed and a few single-family homes on large lots can be found in the vicinity.

TRAFFIC AND TRANSPORTATION:

CR 500 N is classified as a rural secondary arterial and CR 375 W is a rural local road, per the adopted *Thoroughfare Plan*. The existing driveway is at the western end of the parcel and will serve as access to the tower.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

No sewer or water are required for this use.

STAFF COMMENTS:

AT&T is proposing to build a new 198' tall (including lightning rod) monopole tower on a 50' x 50' easement within a 6.6-acre tract located at the southwest corner of CR 500 N and CR 375 W. The site will be accessed from CR 500 N with the existing driveway. The tower area will be totally and permanently enclosed by a 6' high security fence with a locked gate. The site plan shows enough room that 3 additional carriers could collocate at the site. Monopole towers are required to have a setback from property lines of 20% of the height of the tower; the site plan complies with this requirement.

At its meeting on March 4, 2020 the Executive Committee of the Area Plan Commission voted that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.1 of the Unified Zoning Ordinance **DOES** authorize the special exception for this use in the Agricultural zoning district.

And it is staff's opinion that:

2. The requirements and development standards for the requested use as prescribed by the Unified Zoning Ordinance **WILL** be met. Setbacks for the tower can be met; the nearest property line to the base of the tower is about 103' to the west. With a 198' tall tower, the required setback is 39.6' (20% of the tower height).
3. Granting the special exception **WILL NOT** subvert the general purposes served by the Ordinance. The addition of a 198' tall mono pole within a 50' x 50' easement will have no adverse effect on public health, safety and general welfare. Additionally, no farm ground will be taken out of production.
4. Granting the special exception **WILL NOT** materially and permanently injure other property or uses in the same district and vicinity because of:
 - a. Traffic generation: Service technicians are expected to visit the site once per month.
 - b. Placement of outdoor lighting: The only additional lighting proposed is a service light on the equipment cabinet, which will be downward-facing.
 - c. Noise production: A low frequency noise or hum from the generator will be the only source of noise.
 - d. Hours of operation: 24 hours per day, 7 days per week is typical for this use.

STAFF RECOMMENDATION:

Approval

Note: A special exception approval ceases to be valid if the use is not established within one year of the date that the special exception was granted.



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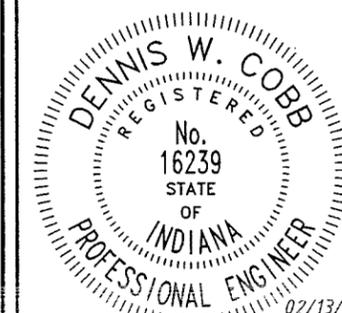
AT&T SITE NUMBER: IN0695
USID #: 274030

3833 WEST 500 NORTH
WEST LAFAYETTE, IN 47906

190'-0"
MONOPOLE

ISSUED FOR:

REV	DATE	DRWN	DESCRIPTION	DES./QA
A	10/14/19	DSL	PRELIMINARY	MAN
0	10/21/19	DSL	FINAL	MAN
1	01/06/20	DSL	FINAL	MAN
2	02/13/20	DSL	FINAL	MAN



Dennis W. Cobb

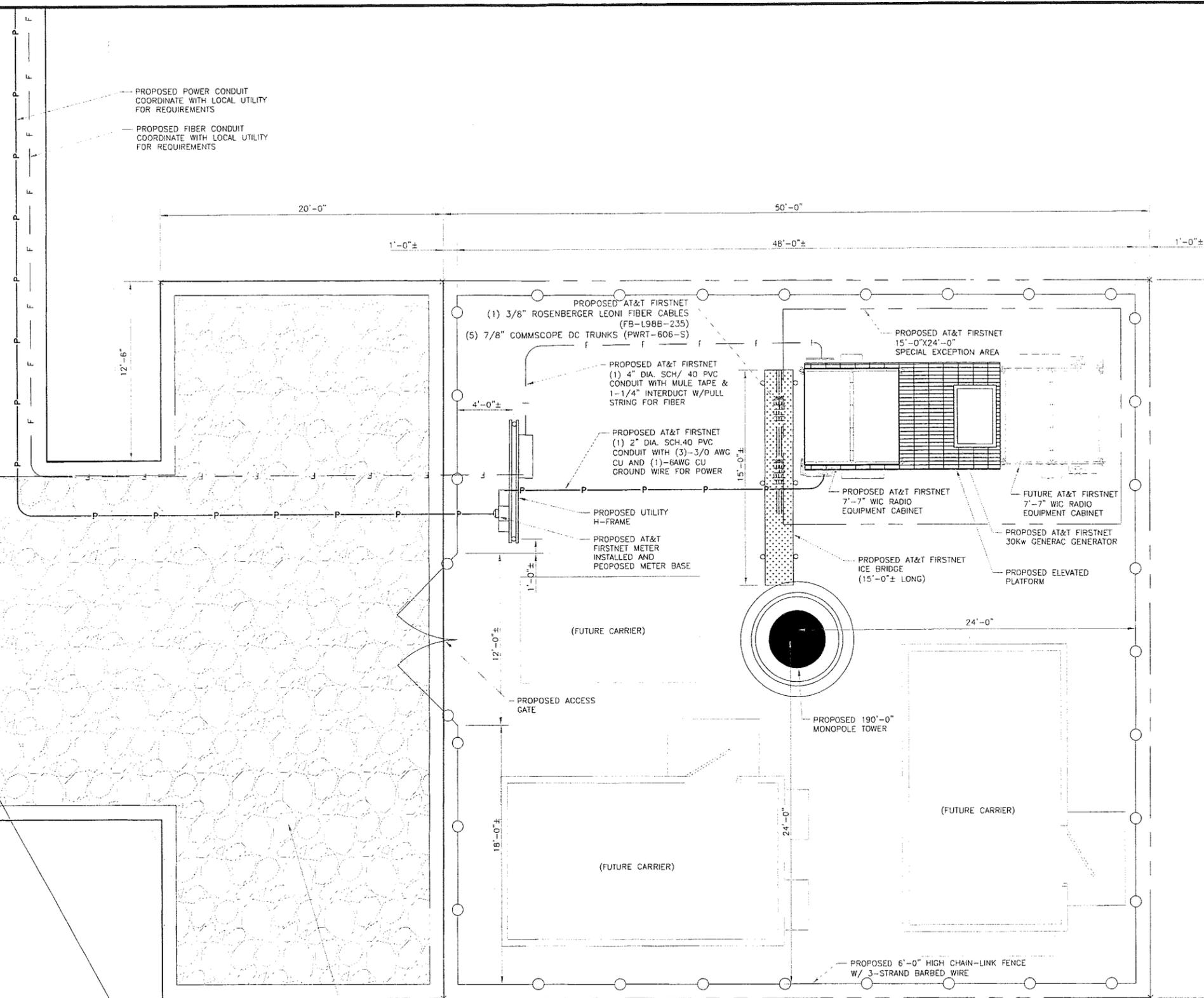
IT IS A VIOLATION OF LAW FOR ANY PERSON,
UNLESS THEY ARE ACTING UNDER THE DIRECTION
OF A LICENSED PROFESSIONAL ENGINEER,
TO ALTER THIS DOCUMENT.

SHEET NUMBER:

C-1

REVISION:

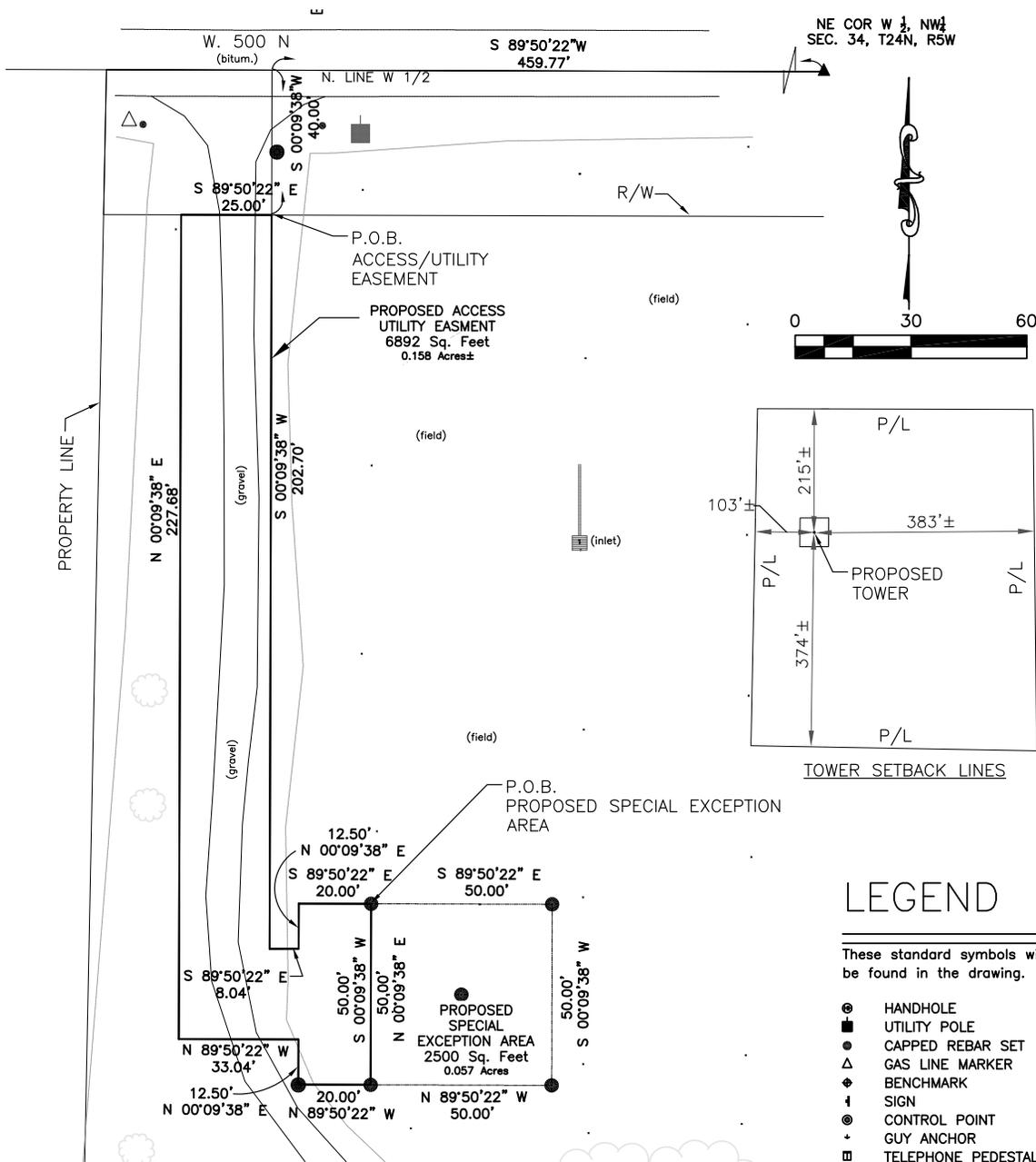
2



20'-0"±	
13'-4"±	
10'-0"±	
6'-8"±	249'-7"±
5'-0"±	124'-10"±
3'-4"±	74'-11"±
2'-0"±	62'-5"±
1'-5"±	49'-11"±
1'-3"±	37'-5"±
10"±	25'-0"±
5"±	12'-6"±

1 ENLARGED SITE PLAN
SCALE: 1/4"=1'-0" (FULL SIZE)
1/8"=1'-0" (11x17)



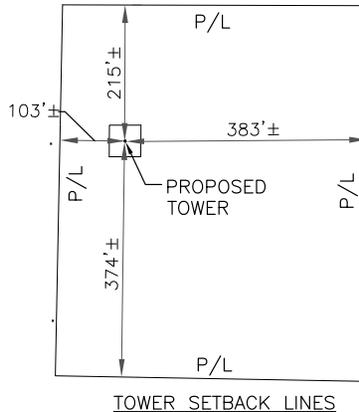


PROPOSED ACCESS UTILITY EASEMENT
 Part of the West Half of the Northwest Quarter of Section 34, Township 24 North in Wabash Township, Tippecanoe County, Indiana being more particularly described as follows:

Commencing at the Northeast corner of said West Half; thence South 89 degrees 50 minutes 22 seconds West 459.77 feet along the north line of said West Half, thence South 00 degrees 09 minutes 38 seconds West 40.00 feet to a point on the Southerly right of way of W. CR 500 N, said point also being the point of beginning of this description; thence continuing South 00 degrees 09 minutes 22 seconds West 202.70 feet; thence South 89 degrees 50 minutes 22 seconds East 8.04 feet; thence North 00 degrees 09 minutes 22 seconds East 12.50 feet; thence North 89 degrees 50 minutes 22 seconds East 20.00 feet; thence South 00 degrees 09 minutes 38 seconds West 50.00 feet; thence South 89 degrees 50 minutes 22 seconds West 20.00 feet; thence North 00 degrees 09 minutes 38 seconds East 12.50 feet; thence North 89 degrees 50 minutes 22 seconds East 227.68 feet to said right of way; thence South 89 degrees 50 minutes 22 seconds East 25.00 feet along said right of way to the point of beginning, containing 0.158 acres 7892 square feet, more or less.

PROPOSED SPECIAL EXCEPTION AREA
 Part of the West Half of the Northwest Quarter of Section 34, Township 24 North in Wabash Township, Tippecanoe County, Indiana being more particularly described as follows:

Commencing at the Northeast corner of said West Half; thence South 89 degrees 50 minutes 22 seconds West 459.77 feet along the north line of said West Half, thence South 00 degrees 09 minutes 38 seconds West 40.00 feet to a point on the Southerly right of way of W. CR 500 N; thence continuing South 00 degrees 09 minutes 22 seconds West 202.70 feet; thence South 89 degrees 50 minutes 22 seconds East 8.04 feet; thence North 00 degrees 09 minutes 22 seconds East 12.50 feet; thence North 89 degrees 50 minutes 22 seconds East 20.00 feet to the point of beginning of this description; thence South 89 degrees 50 minutes 22 seconds East 50.00 feet; thence South 00 degrees 09 minutes 38 seconds West 50.00 feet; thence North 89 degrees 50 minutes 22 seconds West 50.00 feet; thence North 00 degrees 09 minutes 22 seconds East 50.00 feet to the point of beginning, containing 0.057 acres 2500 square feet, more or less.



LEGEND

- These standard symbols will be found in the drawing.
- ⊙ HANDHOLE
 - UTILITY POLE
 - CAPPED REBAR SET
 - ◆ GAS LINE MARKER
 - ▲ BENCHMARK
 - ⊕ SIGN
 - ⊙ CONTROL POINT
 - GUY ANCHOR
 - ⊞ TELEPHONE PEDESTAL

- NOTES:**
- Except as specifically stated or shown on this plat, this survey does not purport to reflect the following which may be applicable to the subject real estate: easements, other than possible easements that were visible at the time of the making of this survey; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land use regulations; any other facts that an accurate and current title search may disclose.
 - Locations of underground or overhead utilities/structures/facilities as shown hereon are based on observable aboveground evidence and record drawings, if any, provided to the surveyor. No excavations to locate buried utilities/structures/facilities were made during the progress of this work and actual locations may vary from the locations shown hereon. Additional buried utilities/structures/facilities may be encountered. Prior to any site excavations, contact the appropriate agency or utility company for verification of utility type and for field location of it's line(s).
 - The word "certify" or "certification" as shown and used hereon means an expression of professional opinion regarding the facts of the survey and does not constitute a warranty or guarantee, expressed or implied.
 - Every document of record reviewed and considered as part of this survey is noted hereon. Only the documents noted hereon were supplied to the surveyor. No abstract of title nor title commitment nor results of title searches were furnished to the surveyor. There may exist other documents of record that would affect this parcel.
 - Ownership shown hereon is per county records indicated above or in title work and/or ownership evidence provided by others. Surveyor assumes no responsibility for the correctness of the public records or information provided by others. Surveyor makes no guarantees nor assumes any responsibility for additional facts that could impact on the location of property lines had accurate and correct title abstract work been provided.
 - This document should not be used as a boundary retracement survey, a route survey or a surveyor location report as defined in IAC 85-1-12.
 - According to the reading taken with a GPS receiver and checked with the United States Department of the Interior Geological Survey Map, the tower center is located at North 40 degrees 29 minutes 22.02 seconds Latitude and West 86 degrees 58 minutes 42.47 seconds Longitude.
 - The elevations are referenced to the USC & GS datum NAVD1988.
 - The bearing system used for all proposed descriptions hereon this sheet, are based on the State Plane Coordinate System (NAD 83).
 - FLOOD STATEMENT: According to the Flood Insurance Rate Map for Tippecanoe County, Indiana; Map number 18157C0126D with an effective date of September 25, 2009, the subject property does not lie within a Special Flood Hazard Area Zone.



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dha DAVE HESTON
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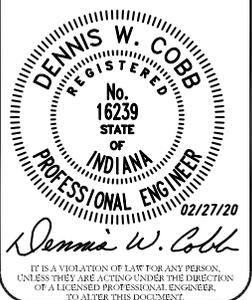
**FIRST GROUP
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 5925 LAKESIDE BLVD.
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 PH: (317) 290-9549
 FAX: (317) 290-9560

AT&T SITE NUMBER: IN0695
 USID #: 274030

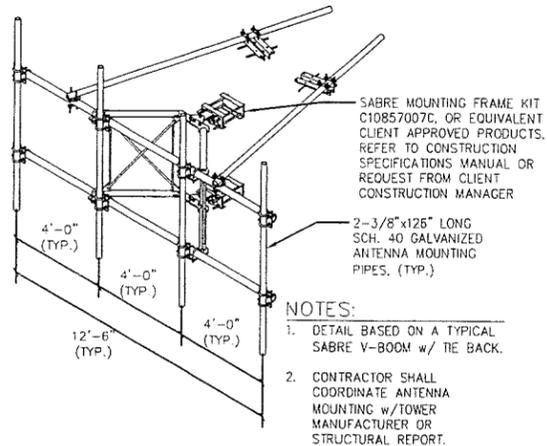
3833 WEST 500 NORTH
 WEST LAFAYETTE, IN 47906

190'-0"
 MONOPOLE

REV	DATE	DRWN	DESCRIPTION	DES. OR
1	10/14/19	DSL	PRELIMINARY	MAN
2	10/21/19	DSL	PINAIL	MAN
1	01/06/20	DSL	PINAIL	MAN
2	02/13/20	DSL	PINAIL	MAN
3	02/27/20	DSL	PINAIL	MAN



SHEET NUMBER: **LS-1** REVISION: **3**



1 TYPICAL ANTENNA MOUNTING FRAME
SCALE: NOT TO SCALE

NOTES:
1. CONTRACTOR SHALL VERIFY FINAL RF CONFIGURATION WITH FINAL RFDS ISSUED BY AT&T FIRST NET RF ENGINEER PRIOR TO ORDERING MATERIALS AND COMMENCING CONSTRUCTION

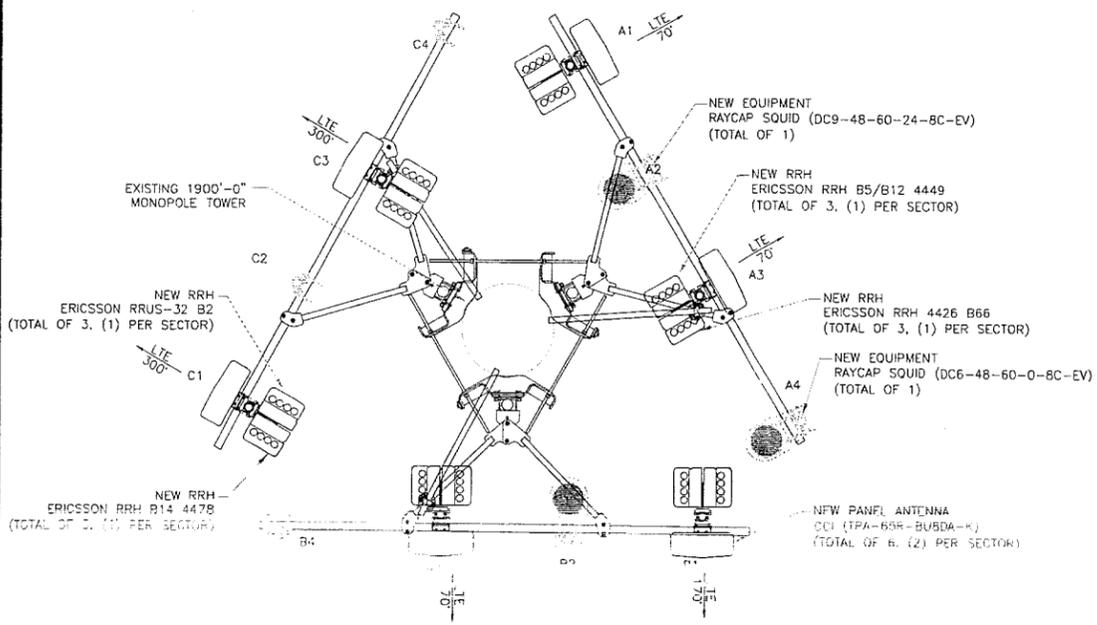
NOTES:
1. DETAIL BASED ON A TYPICAL SABRE V-BOOM w/ TIE BACK.
2. CONTRACTOR SHALL COORDINATE ANTENNA MOUNTING w/TOWER MANUFACTURER OR STRUCTURAL REPORT.

- NEW AT&T EQUIPMENT:
- (3) SABRE MOUNTING FRAME KIT - C10857007C
 - (6) CCI (TPA-65R-BUBDA-K) PANEL ANTENNAS
 - (3) ERICSSON RRH RRUS-32 B2
 - (3) ERICSSON RRH 4415 B25
 - (3) ERICSSON RRH B5/B12 4449
 - (3) ERICSSON RRH 4426 B66
 - (1) RAYCAP SQUID (DC9-48-60-24-8C-EV)
 - (1) RAYCAP SQUID (DC6-48-60-0-8C-EV)
 - (1) 3/8" ROSENBERGER LEONI FIBER CABLES (FB-L98B-235)
 - (5) 7/8" COMMSCOPE DC TRUNKS (PWRT-606-S)
- MOUNTING CENTER @ ELEV. = 185'-0" A.G.L.
RAD CENTER @ ELEV. = 185'-0" A.G.L.

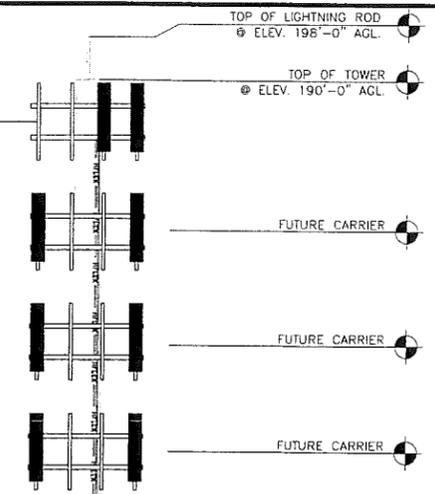
- IMPORTANT SITE NOTES:
1. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING FINAL RF CONFIGURATION AND NOTIFY AT&T MOBILITY AND ENGINEERING FIRM WITH ANY DISCREPANCIES.
 2. CONTRACTOR SHALL VERIFY ALL FINAL CONNECTION LOCATIONS WITH AT&T MOBILITY ENGINEER, RF ENGINEER, AND NET-OPS PRIOR TO INSTALLATION.
 3. CONTRACTOR TO USE PROPER TORQUE WRENCH WHEN INSTALLING AND TIGHTENING CONNECTORS TO INSURE PROPER FIT.
 4. CONTRACTOR TO ARRANGE NEW MODULES/EQUIPMENT TO AVOID INTERFERING WITH SAFETY CLIMB.

NOTE:
FIRST GROUP ENGINEERING'S SCOPE OF WORK DOES NOT INCLUDE A STRUCTURAL EVALUATION OF THIS TOWER OR STRUCTURE. NEW ANTENNAS/RRH'S SHOWN ON THIS PLAN HAVE NOT BEEN EVALUATED TO VERIFY THE TOWER OR STRUCTURE HAS THE CAPACITY TO ADEQUATELY SUPPORT THESE ANTENNAS/RRH'S. PRIOR TO ANY ANTENNA/RRH'S INSTALLATION, A STRUCTURAL EVALUATION OF THE TOWER OR STRUCTURE SHOULD BE PERFORMED.

- FINAL TOWER EQUIPMENT:
- (6) ANTENNAS
 - (12) RRUs
 - (3) SQUIDS



2 FINAL ANTENNA LAYOUT
SCALE: NOT TO SCALE



3 FINAL TOWER ELEVATION
SCALE: NOT TO SCALE

NOTE: DIRECT TOWER MOUNTED EQUIPMENT MUST NOT TRAP OR INTERFERE W/ EXISTING SAFETY CLIMB.

- GENERAL NOTES
1. ELEVATION IS FOR REFERENCE PURPOSE ONLY.
 2. CONTRACTOR SHALL PERFORM WORK DONE TO OR ON STRUCTURE IN ACCORDANCE WITH PROVIDED STRUCTURAL ANALYSIS SEPARATE FROM FIRST GROUP ENGINEERING, INC. DRAWINGS.

- PROPOSED AT&T FIRSTNET
- (1) 3/8" ROSENBERGER LEONI FIBER CABLES (FB-L98B-235)
 - (5) 7/8" COMMSCOPE DC TRUNKS (PWRT-606-S)
- PROPOSED AT&T FIRSTNET ICE BRIDGE (15'-0" ± LONG)
- PROPOSED AT&T FIRSTNET 15'-0" x 24'-0" SPECIAL EXCEPTION AREA
- PROPOSED AT&T FIRSTNET 7'-7" W/C RADIO EQUIPMENT CABINET

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2	02/13/20	DSL	FINAL	MAN

DENNIS W. COBB
REGISTERED
No. 16239
STATE OF INDIANA
PROFESSIONAL ENGINEER
02/13/19

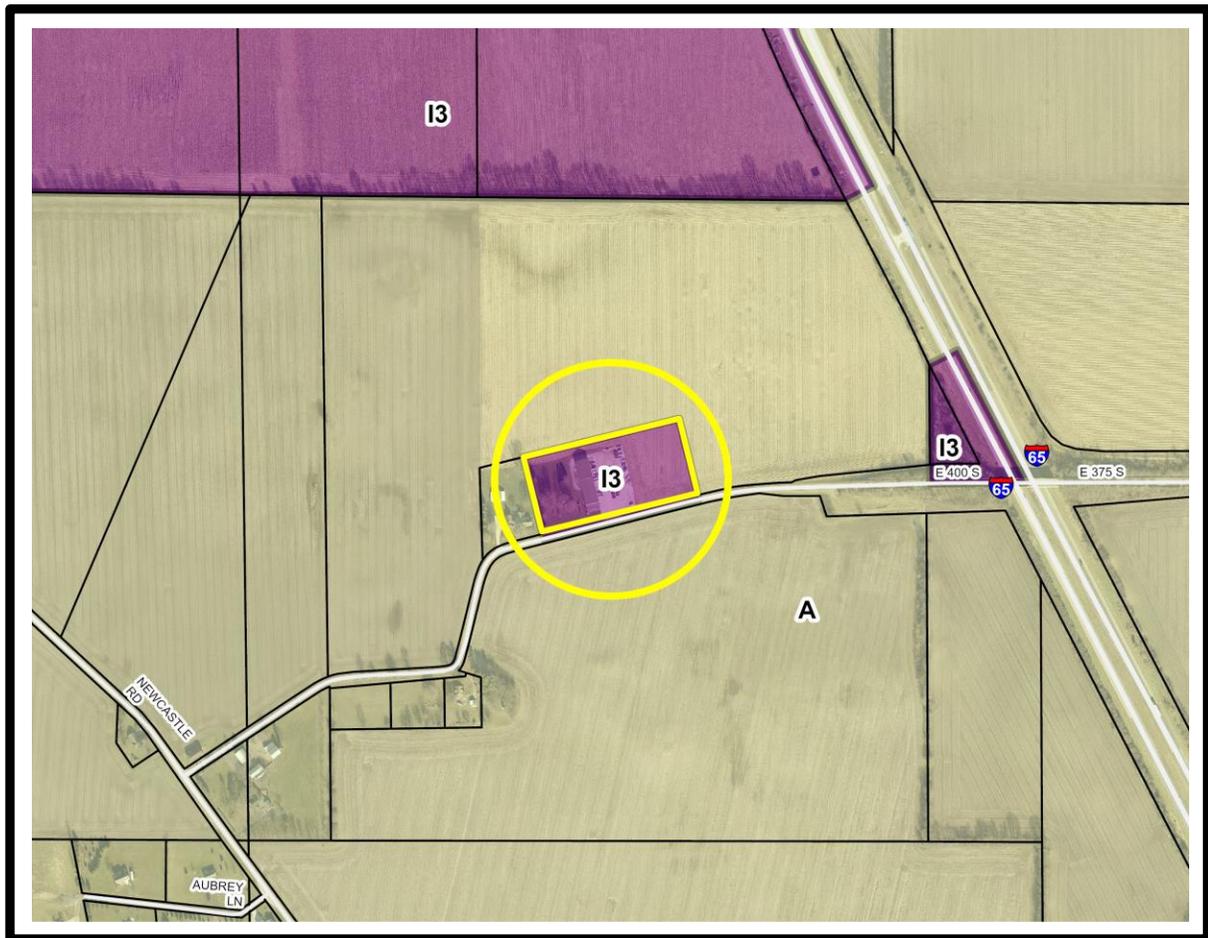
Dennis W. Cobb

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

SHEET NUMBER: **C-2** REVISION: **2**

**BZA-2035
JACOB BALLAH
(variances)**

**STAFF REPORT
May 21, 2020**



BZA-2035
JACOB BALLAH
Variance

Staff Report
May 21, 2020

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner with consent from owner is requesting the following bufferyard variances to construct a 9,600 sq. ft. new building for an existing business:

1. To eliminate the required bufferyard along the western property line; (UZO 4-9-3) and
2. To eliminate the required bufferyard along the northern and eastern property lines; (UZO 4-9-3)

on a 5.246 acre, I3-zoned parcel located on the north side of CR 375 S, more specifically 6274 E 375 S, Sheffield 08 (SW) 22-3.

ZONING HISTORY AND AREA ZONING PATTERNS:

The subject property was rezoned to I3 from A in 1997 to legitimize an existing heating and air conditioning business (Z-1698). Agricultural zoning abuts the 5-acre tract on all sides. Industrial zoning is located about 1000' to the north and also a smaller I3-zoned tract exists about 1000' to the east next to I-65.

AREA LAND USE PATTERNS:

The site is home to Brand Electrical, a specialty contractor business. The business owner lives in the single-family home located west of the subject property on 1.6 acres of land. The adjoining property to the north and east is used for crop production. The rest of the land in the vicinity contains farm fields, farmsteads and non-farm single-family homes.

TRAFFIC AND TRANSPORTATION:

CR 375S is classified as a rural local road according to the *Thoroughfare Plan*. At this location, it connects Newcastle Road to the west with Dayton Road to the east, a distance of about 1½ miles.

The parking requirement for this use is 1 space per employee on the largest shift, plus 1 per 200 sq. ft. of office, sales, or similar floor area. A total of 31 parking spaces is required for both buildings on site per the petition: six employees on the largest shift require 6 spaces and a 5,000-sq. ft. office area requires 25 spaces. Petitioner's site plan shows 35 spaces, including two accessible parking spaces.

The site plan also shows the addition of a 36-foot wide secondary driveway from 375 E to support the proposed expansion. The County Highway department has completed a preliminary review for the existing as well as the new driveway.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

The site plan shows a commercial septic and well. Petitioner is already working with both the State Board of Health and the County Health Department on the septic system and well location. Petitioner has already received approval from the drainage board for the addition. A preliminary approval from the highway department to improve the existing driveway and build the proposed secondary access has been acquired.

A 30-foot wide Type C bufferyard is required along the northern, eastern and western property lines where it borders an Agricultural zoned area. The submitted plan shows no bufferyard.

STAFF COMMENTS:

Petitioner is requesting the removal of a type C bufferyard along the northern, eastern and western property lines to construct a 9,600 sq. ft. building. The proposed structure will accommodate a foundation repair business and a division of the existing electrical business. This new building will have 2500 sq. ft. of office space and the remaining area will house additional trucks, supplies, and equipment.

The subject property has an approximately 12,000 sq. ft. existing primary use building for Brand Electrical. The current 5.2 acre site was created in 1996 through the parcelization process (P 1996-60) and later it was rezoned to I3 to legitimize the existing primary use. John Brand, who is the beneficiary of the John Brand Trust (owner of the subject property) is also the business operator and lives on the adjoining land to the west.

Regarding request #1: Because the western property line divides petitioner's business from a developed residential lot, the full 30' wide bufferyard is required to be constructed on petitioner's tract. The ordinance allows the Administrative Officer (AO) to make the determination of a bufferyard requirement along a common property line where the property line serves as the boundary between zones and properties on either side of the line are owned by the same entity or individual. In this case, the property in this request is owned by the John Brand Trust, whereas the adjoining A zoned residence to the west is owned by John and Nancy Brand. Because of the non-identical ownership of the properties involved, the AO has determined the bufferyard along the western property line is required. The proposed structure is approximately 500 feet away from the residence. According to petitioner, the western part of the property currently has vegetation that provides an adequate buffer.

Regarding request #2: Because the northern and eastern property lines abut unimproved farm fields, only half (or 15') of the full 30' wide bufferyard is required to be constructed on petitioner's property. The proposed building and the parking lot is along 375 S, far from all the adjoining property lines. Industrial development in the area not served by sanitary sewer requires a larger tract of land to accommodate onsite commercial septic, well, and drainage systems. A light industrial development of this nature that adjoins farm

fields in a rural area is unusual. Requiring a bufferyard along the northern and eastern property lines would be unnecessary as it abuts a farm land. Staff believes that requiring a bufferyard for a large proportion of the property needed for the septic, well, and drainage systems to create a visual and physical barrier from the adjoining farmland will cause a hardship.

Regarding the ballot items:

1. The Executive Committee of the Area Plan Commission at its May 6, 2020 meeting determined that the variances requested **ARE NOT** use variances.

And it is staff's opinion regarding variances #1 and #2 that:

2. Granting the variances **WILL NOT** be injurious to the public health, safety, and general welfare of the community. The owner and operator of the business resides on the adjoining property to the west and has no concern about the lack of the ordinance required bufferyard. Other adjoining property is used for farm production and would not require a bufferyard to provide a physical or visual barrier, especially from underground septic, well and drainage systems.
3. Use and value of the area adjacent to the property included in this request **WILL NOT** be affected in a substantially adverse manner. This light industrial development with proposed site improvements will enhance the general area.
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. If the ownership of the properties were identical, the AO would have waived the bufferyard requirement along the western property line. This I3 lot in a rural area is larger than similarly zoned lots in a denser, more urban area and is adjacent to farm land.
5. Strict application of the terms of the zoning ordinance **WILL** result in an unusual or unnecessary hardship as defined in the zoning ordinance. Requiring the removal of existing vegetation to install standard plant units required by the ordinance will cause a hardship. The intent of the bufferyard ordinance is to provide a visual and physical barrier from dissimilar uses. The application of the bufferyard standards for this area with no nearby residential activity (other than petitioner's residence) and a minimal industrial business will cause a hardship.

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. Both the ordinance requirements and a 5.2 acre I3-zoned land next to farmland is the cause of this hardship.

5b. The variances sought **DO** provide only the minimum relief needed to alleviate the hardship. Existing vegetation has been deemed sufficient by the adjoining property

owner to the west. A bufferyard in a largely rural area is not as necessary as in urban or suburban locations. This area with light industrial activity abuts farmland.

STAFF RECOMMENDATION:

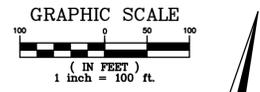
Variance #1 (Remove western bufferyard): Approval

Variance #2 (Remove northern and eastern bufferyard): Approval

Approvals contingent on the following conditions:

1. Construction release from the Indiana Department of Homeland security;
2. Approval from the County Highway Department for a commercial driveway;
3. Approval from the Indiana State Department of Health and the Tippecanoe County Health Department for an on-site sewage disposal system; and
4. Approval from the Tippecanoe County Surveyor's Office for onsite drainage.

SURVEY LEGEND		
●	Benchmark	XXX.XX Exist. Elevations
■	Electric Pole	XXX Exist. Contours
□	Utility Splice Box	OHE&T Overhead Electric & Telephone
⊕	Gas Meter	TV Underground TV
⊗	Air Cond. Unit	E Underground Electric
⊠	Mailbox	Property Line
⊛	Boulder	R/W Line
○	Post	Minimum Building Line (M.B.L.)
•	Well	
⊙	Septic Tank Lid	
	Conifer Tree	Deciduous Tree



Unified Zoning Ordinance, 3rd Edition Chapter 2 Property Zoning = Industrial (I3)	
UZO Requirements	Provided On-Site
Minimum Lot Area = 10,000 sq. ft.	216,537 sq. ft.
Minimum Lot Width = 75'	660'
Lot Coverage: Max Buildings = 45%	10%
Min Vegetative Cover = 20%	50%
Min. Setback Along Street: 375 S. = 30'	37'
Min. Rear Setback = 15'	65'
Min. Side Setback: East Side = 0'	121'
Min. Side Setback Along Residential: West Side = 30'	210'
Max Building Height = 100'	35'

PARKING ANALYSIS		
Parking Requirements		
Usage : Construction		
Required Ratio: 1 space per 200 sq. ft. of Office and 1 per employee on largest shift		
Building 1 Office Area	=	2,500 sq. ft.
Spaces Required	=	12.5 Spaces
Building 1 Employees	=	3 Spaces
Building 2 Office Area	=	2,500 sq. ft.
Spaces Required	=	12.5 Spaces
Building 1 Employees	=	3 Spaces
Total Spaces Required (inc. accessible)	=	31 Spaces
Total Accessible Spaces Required	=	2 Spaces
Parking Provided		
Total Spaces Provided (inc. accessible)	=	35 Spaces
Total Accessible Spaces Provided	=	2 Spaces

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	RECOMMENDED FOR APPROVAL: <i>JWB</i> 12-20-19 DESIGN ENGINEER DATE	CROSSROADS FOUNDATION REPAIR BUILDING OVERALL SITE LAYOUT LAFAYETTE IN	HORIZONTAL SCALE 1"=100'	BRIDGE FILE
	DESIGNED: JWB DRAWN: JWB		VERTICAL SCALE N/A	DESIGNATION
	CHECKED: SWM CHECKED: SWM		SURVEY BOOK	SHEET 03 OF 11
	Headquarters 8450 WESTFIELD BLVD., SUITE 300 INDIANAPOLIS, IN 46240-8302 TEL 317-713-4615 FAX 317-713-4616 www.BFSng.com			Branch Locations FORT WAYNE 260-459-1532 JEFFERSONVILLE 812-285-0590 LAFAYETTE 765-423-5602 MERRILLVILLE 219-768-2333 PLAINFIELD 317-639-3242

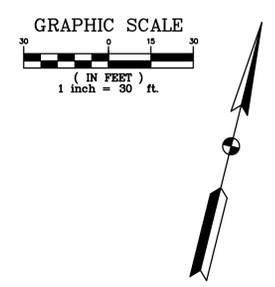
6425

SURVEY LEGEND

●	Benchmark	XXX.XX	Exist. Elevations
■	Electric Pole	XXX	Exist. Contours
⊕	Utility Splice Box	OHE&T	Overhead Electric & Telephone
⊙	Gas Meter	TV	Underground TV
⊕	Air Cond. Unit	E	Underground Electric
⊙	Mailbox	---	Property Line
⊙	Boulder	---	R/W Line
○	Post	---	Minimum Building Line (M.B.L.)
●	Well		
⊙	Septic Tank Lid		
☀	Conifer Tree		
☁	Deciduous Tree		

PARKING ANALYSIS

Parking Requirements	
Usage : Construction	
Required Ratio: 1 space per 200 sq. ft. of Office and 1 per employee on largest shift	
Building 1 Office Area	= 2,500 sq.ft.
Spaces Required	= 12.5 Spaces
Building 1 Employees	= 3 Spaces
Building 2 Office Area	= 2,500 sq.ft.
Spaces Required	= 12.5 Spaces
Building 2 Employees	= 3 Spaces
Total Spaces Required (inc. accessible)	= 31 Spaces
Total Accessible Spaces Required	= 2 Spaces
Parking Provided	
Total Spaces Provided (inc. accessible)	= 35 Spaces
Total Accessible Spaces Provided	= 2 Spaces



GEOMETRICS LEGEND

	Gravel Parking Lot 12" #53 Aggregate Base		Asphalt Parking Lot 1.5" 9.5 mm HMA Surface 4.5" 19 mm HMA Base 12" #53 Aggregate Base
A	ADA Compliant Landing (Max. Slope Of 2%)	N	Handicap Symbol, Blue (Typ.)
B	Remove And Replace - 4" Concrete Sidewalk W/ 4" #53 Aggregate Base	P1	ADA Parking Sign
C	Box Curb W/ 6" Face	R	Curb Ramp (Comply W/ Current ADA Standards For Accessible Design)
D	Concrete Apron 6" Concrete W/ 6" #53 Aggregate Base	34	Line, Paint, Solid White, 4" (Typ.)
G	Grass	43	Line, Paint, Solid Blue, 4" (Typ.)
L	4" Concrete Sidewalk W/ 4" #53 Aggregate Base	#	Number Of Parking Spaces
●	Bollard		

Line Table

Line #	Length	Direction
L1	33.24	S15° 57' 40"E
L2	6.00	N75° 38' 45"E
L3	60.44	N14° 21' 15"W
L4	3.97	S75° 38' 45"W
L5	146.05	N75° 38' 45"E
L6	24.45	N75° 38' 45"E
L7	182.43	N13° 55' 01"W
L8	193.05	S75° 38' 45"W
L9	142.19	N14° 21' 15"W
L10	50.00	N75° 38' 45"E
L11	20.00	N75° 38' 45"E
L12	40.00	S14° 21' 15"E
L13	120.00	N75° 38' 45"E
L14	80.24	N14° 21' 15"W
L15	14.26	N14° 21' 15"W

Line Table

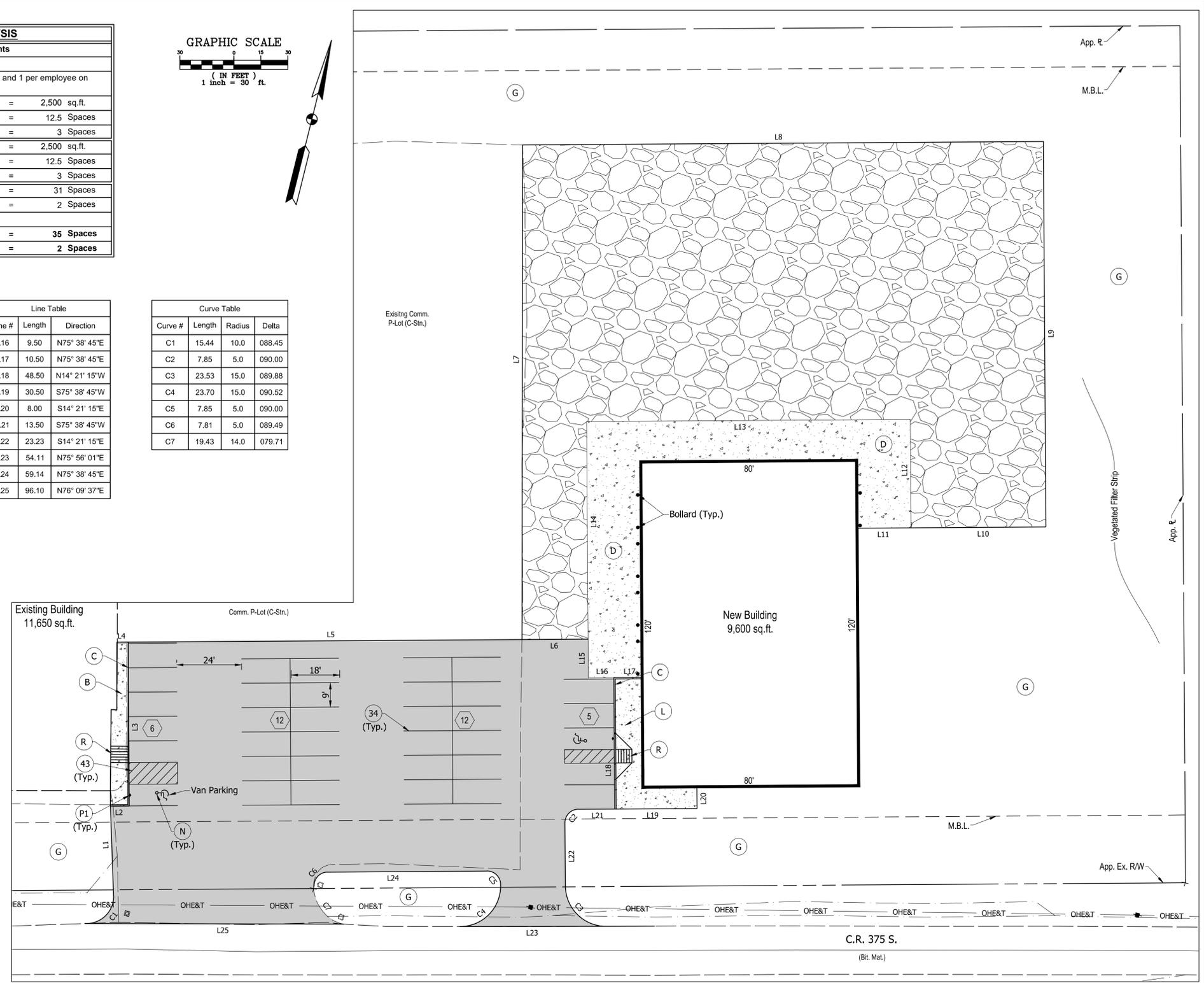
Line #	Length	Direction
L16	9.50	N75° 38' 45"E
L17	10.50	N75° 38' 45"E
L18	48.50	N14° 21' 15"W
L19	30.50	S75° 38' 45"W
L20	8.00	S14° 21' 15"E
L21	13.50	S75° 38' 45"W
L22	23.23	S14° 21' 15"E
L23	54.11	N75° 58' 01"E
L24	59.14	N75° 38' 45"E
L25	96.10	N76° 09' 37"E

Curve Table

Curve #	Length	Radius	Delta
C1	15.44	10.0	088.45
C2	7.85	5.0	090.00
C3	23.53	15.0	089.88
C4	23.70	15.0	090.52
C5	7.85	5.0	090.00
C6	7.81	5.0	089.49
C7	19.43	14.0	079.71

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- SITE GEOMETRIC NOTES**
- Contractor Is Responsible For Visiting The Site And Field Verifying The Existing Conditions. Contractor Shall Notify The Owner And Engineer Of Any Discrepancies.
 - All Sidewalks And Ramps Shall Be In Accordance With The Latest ADA Standards. Contractor Shall Verify Final Finished Grade Of The Building Prior To Construction Sitework. Coordinate With Engineer To Adjust Sidewalks, Ramps, And Other Site Features Accordingly If Constructed Finished Floor Elevations Vary From The Plans.
 - Site Contractor Shall Coordinate With Building Contractor On Placing The Final Asphalt Wearing Surface On All Paved Areas. Timing Shall Be Coordinated To Minimize Construction Type Traffic On The Final Wearing Surface.
 - Site Contractor Shall Match Existing Pavement And Curb In Grade And Alignment. Provide Smooth Transitions From New Area To Existing Features As Necessary.
 - All Building Dimensions Shown Are Approximate. The Contractor Shall Field Verify For Exact Locations And Dimensions Of Doorways, Building Dimensions, And Utility Entrance Locations.
 - All Dimensions Are Referenced To The Face Of Curb, Edge Of Pavement, Edge Of Sidewalk, Center Of Structure Or Outside Surface Of Building Wall Unless Otherwise Noted. Any Discrepancies With Respect To The Site Dimensions Shall Be Reported To The Engineer Immediately For Resolution.
 - All Parking Stripes Are To Be 4" Pained (White). ADA Accessible Parking Stripes Shall Be 4" Painted (Blue).
 - Existing Pavement Shall Be Saw Cut In All Areas Where Indicated That New Pavement Will Join Existing.
 - The Edge Of The Existing Asphalt Pavement Shall Be Properly Sealed With A Tack Coat Material In All Areas Where New Asphalt Pavement Is Indicated To Join Existing Asphalt.
 - All Joints Are To Continue Through The Curb.
 - Radial Joints Shall Be No Shorter Than 1.5'
 - Contractor Shall Use A Thickened Expansion Joint Around The Perimeter Of Any Block Out In The Concrete Paving.
 - All Construction Joints Shall Be Sawn, Cleaned Of Debris, Blown Dry And Sealed With The Appropriate Sealant According To Manufacturers Directions.
 - All Materials To Be In Accordance With INDOT Standard Specification Relative To Material, Mix, Placement And Workmanship.
 - Contractor Shall Verify All Dimensions In The Field Prior To Start Of Construction. Contractor Shall Be Responsible For All Field Dimensions. If Any Discrepancies Are Found In These Plans From Actual Field Conditions, The Contractor Shall Notify The Engineer Immediately.
 - The Typical Parking Space Is 9' Wide By 18' Deep.
 - For Final Material In Non-Paved Or Building Areas See Landscape Plan.
 - See City Of Lafayette Construction Guidelines And Details And Miscellaneous Details Sheet For Site Details.
 - All Utility Trenches Under And Within 5 Feet Of Pavement Shall Be Completely Backfilled With Granular Material Per State And Local Regulations.
 - Ensure Safe Passage Of Persons Around Areas Of Construction, Conduct Operations To Prevent Damage To Adjacent Buildings, Structures, And Other Facilities And Injury To Persons.
 - Contractor Shall Promptly Repair Any Damage Caused To Adjacent Areas To Original Condition Or Better.
 - Contractor Shall Maintain Existing Utilities To Stay In Service And Protect Against Damage During Construction.
 - Contractor Shall Protect Existing Trees To Remain From Damage During Construction.
 - Site Shall Conform With Erosion Control Plan Requirements Prior To Start Of Work.
 - All Dimensions Are Parallel With And Perpendicular To Base Lines, Property Lines Or Building Lines Unless Otherwise Noted.
 - See Landscape Plan For Planting Details



RECOMMENDED FOR APPROVAL:	<i>Jacob W. Ballah</i>	12-20-19
DESIGNED:	JWB	DRAWN:
CHECKED:	SWM	CHECKED:

CROSSROADS FOUNDATION REPAIR BUILDING GEOMETRICS PLAN

LAFAYETTE IN

Headquarters
8450 WESTFIELD BLVD., SUITE 300
INDIANAPOLIS, IN 46240-8302
TEL 317-713-4615
FAX 317-713-4616
www.BFSeng.com

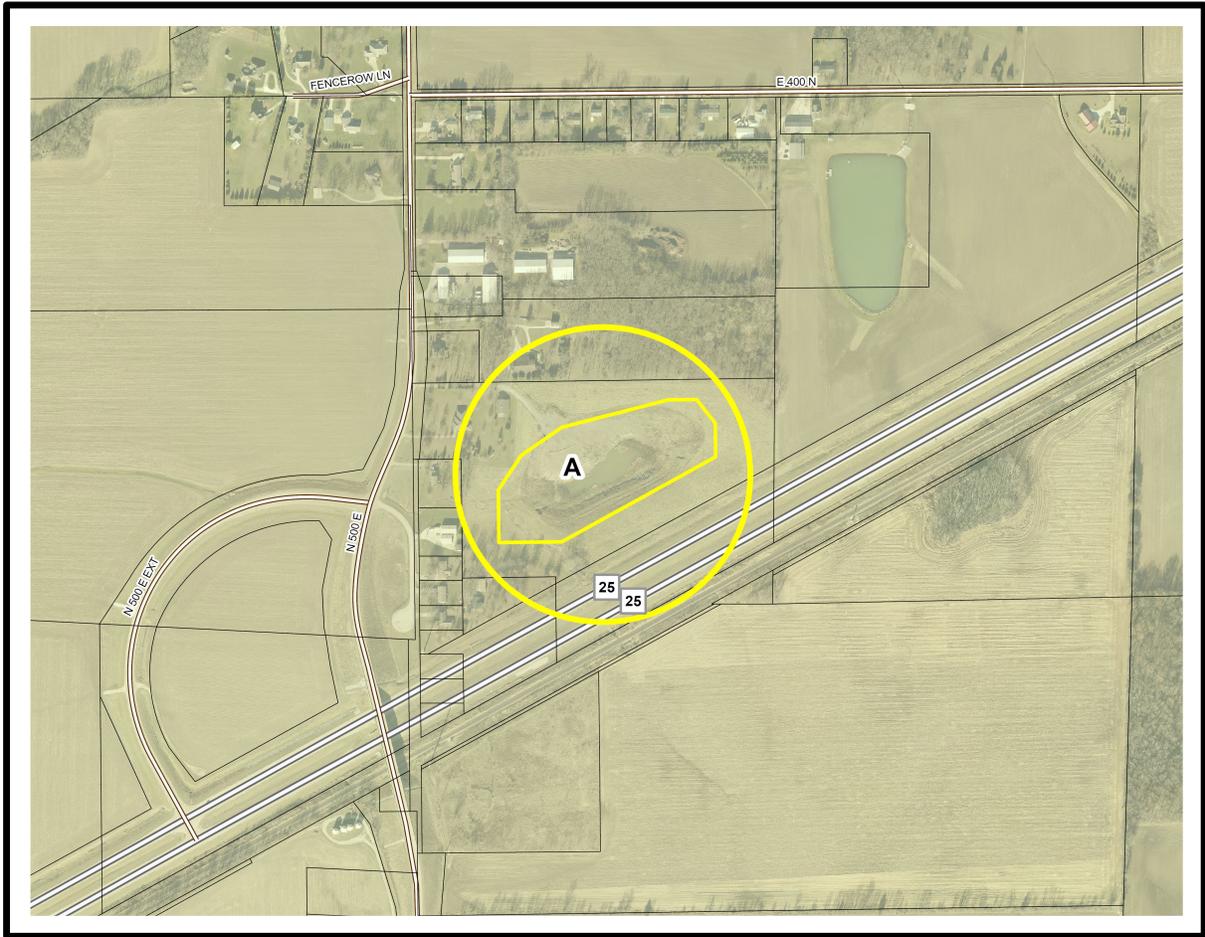
Branch Locations
FORT WAYNE 260-459-1532
JEFFERSONVILLE 812-285-0590
LAFAYETTE 765-423-5602
MERRILLVILLE 219-768-2333
PLAINFIELD 317-839-3242

HORIZONTAL SCALE	BRIDGE FILE
1"=20'	
VERTICAL SCALE	DESIGNATION
N/A	
SURVEY BOOK	SHEET
	04 OF 11
CONTRACT	PROJECT

BFS NO. 6425

BZA-2036
HERITAGE LAND COMPANY, LLC (BZA-1778)
(special exception)

STAFF REPORT
May 21, 2020



BZA-2036 (BZA-1778)
HERITAGE LAND COMPANY, LLC
Special Exception

STAFF REPORT
May 21, 2020

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, who is the owner and represented by attorney Dan Teder, is requesting an extension and modification of a previously approved special exception for a mining operation (BZA-1778). The original approval, granted in 2009, expired in 2011 without the completion of the reclamation plan. Mining is complete and not a part of this request. The original approved reclamation design was for a pond to be created after mining was complete, however petitioners are modifying the original reclamation plan so that the land can be filled to the original grade. The project will be completed by December 31, 2025. No additional mining activity will be conducted. The 8.14-acre mined portion of the 21.85-acre tract is located north of SR 25 (Hoosier Heartland) and east of CR 500 E at 3619 N 500 E, Perry 6 (NW) 23-3.

AREA ZONING PATTERNS:

All the surrounding properties are zoned A, Agricultural. A mix of residential, industrial and business zoning is located to the southwest along the I-65 and Hoosier Heartland corridors.

The Board approved the original special exception in 2009 (BZA-1778) for construction of the Hoosier Heartland highway. Two variances were also approved to waive the required bufferyard and alter the fencing requirements (BZA-1779).

AREA LAND USE PATTERNS:

The property to the east was also granted a Special Exception in 2011, (BZA-1818) for a temporary mining pit.

This area of the county is a mix of agricultural and large-lot residential uses. Marian Dale subdivision is located about ½ mile to the south and Eastbrook subdivision is about ½ mile to the north.

The subject property, bordered on the south by the Hoosier Heartland (SR 25) and the Norfolk & Southern railroad tracks, supports a single-family dwelling and a large outbuilding. A draft of a proposed parcelization has been submitted to staff for review which would create 4 additional home sites from the larger 21.85-acre tract owned by petitioner.

TRAFFIC AND TRANSPORTATION:

The *Thoroughfare Plan* classifies CR 500 E as a rural secondary arterial. The existing

driveway from CR 500 E will be utilized to bring in fill to complete the revised reclamation plan. A note on the site plan indicates that this construction entrance and haul road will be removed, and the land restored to its previous condition. The home on-site has a driveway south of the construction driveway.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

The UZO requires all reclamation plans show slopes no steeper than 3:1, all surfaces to be grassed or landscaped, all installed bufferyards to remain and overburden removed. The original reclamation plan for the site meets all of those standards except the bufferyard and fence requirements, which were granted variances (BZA-1779). One of the variance requests eliminated the 20' Type C bufferyard that was required when a mining operation abuts a residential or agricultural use. The second variance granted was to permit a typical woven-wire farm field fence instead of the required 6' security fence.

The original reclamation plan proposed a six acre 25' deep pond; the edges of the pond were shown with the required 3:1 slope. The revised reclamation plan shows the proposed borrow pit (pond) to be filled to finished grade (as shown in the attached reclamation plan) with an application of permanent seeding.

STAFF COMMENTS:

The original special exception approval allowed mining to begin in 2009 and finish in November 2010; reclamation was to be complete no later than July 2011. The resulting pond would have been 6 acres in size and 25 feet in depth.

Last August the County Building Commissioner visited the site and observed large pieces of concrete and other construction material being placed in the pit. At the request of the Building Commissioner, the fill was removed and the contractors met with the Building Commissioner and APC staff. Staff learned that after several attempts by the contractor, the pit would not hold water and construction debris was eventually placed in the pit. The contractors were advised to stop all work and request both an extension of their mining operation and permission to alter the approved reclamation plan.

The reclamation plan includes some gaps including what material may be used for reclamation. The zoning ordinance defines "suitable fill" as fill material which is organic, stable, compacted, well graded, pervious, and generally unaffected by water and frost and is appropriate for the purpose of supporting the intended use. The Building Commissioner will also allow fill to include concrete and asphalt if it is reduced to gravel no greater than 2 inches in diameter. Daily activity logs, fencing and a secured gate will also need to be included as required by the Administrative Officer (the Building Commissioner). The log sheets must also be made available to the Administrative Officer upon request. The owner of the property, Heritage Land Trust Company, LLC, is responsible for staffing the property on days when fill will be brought to the site.

The zoning ordinance requires the reclamation plan be accompanied with a surety bond in the amount of \$3,000 per acre of land within the approved setbacks. The reclamation plan shows how the petitioner intends on restoring the property since active mining is

over (guided by UZO standards) and the bond ensures that the county has access to necessary funds to complete the reclamation if petitioner neglects to complete the plan.

After reclamation is complete, petitioner will need to submit a final reclamation plan to the ABZA indicating compliance with UZO 4-11-l-f. The final reclamation plan (as-built drawings), certified by a Registered Land Surveyor, shall show topography and landscaping.

At its meeting on May 6, 2020 the Executive Committee of The Area Plan Commission voted that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.1 of the Unified Zoning Ordinance **authorizes** a special exception for mining (SIC 14) in the Agricultural zone.

And it is staff's opinion that:

2. The requirements and development standards for the requested use as prescribed by the Unified Zoning Ordinance **WILL** be met. The borrow pit (pond) will be filled as shown and will exceed the required 3:1 slope or greater because the pit will be filled to grade level. The site will be seeded meeting ordinance requirements.
3. Granting the special exception **WILL NOT** subvert the general purposes served by the Ordinance. In fact, allowing this special exception extension will permit the revised reclamation to be completed as required by the ordinance.
4. Granting the special exception **WILL NOT** materially and permanently injure other property or uses in the same district and vicinity because of:
 - a. Traffic generation: The only trips generated on site would be needed to complete the revised reclamation plan; construction traffic has been entering and leaving the site since 2009 without incident. The petition states that additional vehicles on site would be "1 pickup truck, a variable number of tri-axle trucks and 1 bulldozer." Petitioner anticipates up to 50 tri-axle loads per day coming and leaving the site, however it is anticipated that most days no trucks will be entering or leaving the site. The fill operation will be conducted as suitable material is available.
 - b. Placement of outdoor lighting: No outdoor lighting is proposed;
 - c. Noise production: Noise produced by the reclamation will not be significantly more than what active mining produced; and
 - d. Hours of operation: Active mining is complete and reclamation work will be completed during daylight hours (7:00am to 7:00pm), Monday through Friday with possible random Saturday operations, which would not be intrusive to the residences nearby.

STAFF RECOMMENDATION:

Approval contingent on the conditions below.

Condition:

1. A revised reclamation plan must be submitted that adds all items in the third paragraph of staff comments;
2. The BZA-approved reclamation plan must be recorded;
3. Acquire an Improvement Location Permit/Fill Permit from the County Building Commission; and
4. Bonding in the amount of \$3,000 per acre of land within the setbacks must be submitted.

ABBREVIATIONS

Table of abbreviations for columns 1 and 2, including terms like A, A/C, AG, AASHTO, ADA, ADDL, AGGR, ALNMT, ALT, APPROX, AR, ARCH, ASTM, AWWA, B&B, BB, BC, BG, BDRY, BFS, BM, BNC, BOA, BP, BV, BVC, BVCS, BVP, C.T.O.C, C&G, CB, CFS, CHK, CHKV, CI, CJ, CLL, CMP, CO, COL, COMB, COORD, CP, CRN, CS, CTR, CTRL, CU, CU YD, D, DA, DAT, DEMO, DI, DIA, DIM, DIP, DIR, DIST, DW, E, EA, EC, EFS, EL, ELEC, ELIP, ENGR, EOA, EP, ES, ESMT, EST, EVC, EVCE, EVCS, EVP, EXST, EXST GR, FF, FH, FHWA, FIN, FIN GR, FLL, FN, FOC, FP.

ABBREVIATIONS

Table of abbreviations for column 3, including terms like FT, FTG, FUT, G, GAL, GB, GPM, GUT, HDPE, HDWL, HH, HMA, HORIZ, HP, HVAC, ID, IN, INV, INV EL, K, LP, M, MAX, MBL, MDSK, MH, MIN, MISC, MRB, MRBC, MPN, MIP, N, NTS, OC, OD, PC, PCC, PCCP, PCF, PH, PI, PIV, PRC, PSI, PT, PVC, PVI, RBR, RCP, REOD, ROW, RVL, SAN, SB, SCD, SCH, SDR, SIG, SIM, SPEC, SQ, SQ FT, SS, SSD, ST, STR, SW, TBM, TC, TDH, TEL, TEMP, TO PIPE, TOC, TOP, TOS, TOW, TRAF, TSV, TYP, UON, VAR, VCP, VERT, VOL, W, WIO, WV, WWR.

LEGEND

Legend for column 4, divided into EXISTING and PROPOSED sections. Categories include EROSION CONTROL, TRANSPORTATION & TRAFFIC, GENERAL SITE FEATURES, TOPOGRAPHY & DRAINAGE, PROPERTY & BOUNDARY, MONUMENTATION & CONTROL, and GENERAL ANNOTATION.

LEGEND

Legend for column 5, divided into EXISTING and PROPOSED sections. Categories include TRANSPORTATION & TRAFFIC, GENERAL SITE FEATURES, TOPOGRAPHY & DRAINAGE, PROPERTY & BOUNDARY, MONUMENTATION & CONTROL, and GENERAL ANNOTATION.

LEGEND

Legend for column 6, divided into EXISTING and PROPOSED sections. Categories include SANITARY SEWER, STORM SEWER & DRAINAGE, WATER, CABLE TV / COMMUNICATION, ELECTRIC, FIBER OPTIC, GAS, TELEPHONE, and COMBINATION UTILITIES.



CERTIFIED BY: For Review 03/12/2020 6:47:20 PM

HERITAGE LAND COMPANY LLC RECLAMATION PLAN FOR MILESTONE CONTRACTORS 3301 S 480 E LAFAYETTE, IN 47905

Table with columns MARK, DATE, and DESCRIPTION.

PROJECT NO: 19118 FILE: 19118-GENERAL.DWG DRAWN BY: MGF / MBH CHECKED BY: PEW / CSK LOCATION:

A PART OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 23 NORTH, RANGE 3 WEST, PERRY TOWNSHIP, TIPPECANOE COUNTY, INDIANA

LEGEND & ABBREVIATIONS

G002

FILE: P:\2019\19118 Heritage Group\Heritage Drawings\PLANS\FINAL PLANS\LOT19118-GENERAL.dwg - USER: JAWASHALL G. FLIBRIN - DATE: Thursday, March 12, 2020 6:37:21 PM

BZA-2037

TIPPECANOE COUNTY NSE08 SCHOOL BUILDING CORPORATION

Variance

Staff Report
May 21, 2020

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, who is the owner, represented by attorney Mark DeYoung, is requesting the following parking variances for the R1-zoned Harrison High School's proposed expansion:

1. To decrease the required parking to 965 spaces from the minimum requirement of 1,048 spaces; and
2. To allow the Administrative Officer to permit off-site parking to be located within 410 feet instead of the maximum allowed 300 feet; (*Only necessary if variance #1 is denied per staff review.*)

on property located at 5701 N 50 W, Tippecanoe 30 (NE) 24-4. The Tippecanoe School Corporation is planning to build a 71,724-sq. ft. science wing addition to the existing Harrison High School building.

AREA ZONING PATTERNS:

The subject property was rezoned from A to R1 in 1993 (Z-1552). The Tippecanoe School Corporation (TSC) successfully rezoned 36 acres for the Burnett Creek Elementary School to the west across 50 W in 1996 (Z-1684). Then the 50-acre Battle Ground Middle School property at the northwest corner of 600 N and 50 W was rezoned to R1 in 2005 (Z-2260).

Land at the southwest corner of 600 N and 50 W is zoned Agricultural. A small area of the property's southeast corner is zoned FP (Flood Plain), associated with an unnamed tributary to Burnett's Creek. Based on the flood certification document provided by the petitioner, the proposed structure is outside of the 100-year floodplain line.

In the past few years, multiple rezones for single-family residential subdivisions have been approved in the vicinity. The 73-acre Fieldstone Subdivision, located to the north across CR 600 N (just west of Battle Ground Middle School), was rezoned from R1 to R1B (Z-2601) in April 2015. The 48.35 acre Timberbrook Subdivision located on the south side of CR 600 N was rezoned from A to R1 (Z-2602) at the same meeting. In 2019, 144.5 acres for Fieldstone II Subdivision was rezoned from A to R1B (Z-2751).

AREA LAND USE PATTERNS:

Harrison High School was established in 1967 when a school consolidation project merged Klondike, Battle Ground, and East Tipp High Schools. Burnett Creek Elementary

School is to the west across 50 W. The Tippecanoe County Villa is farther to the south. Harrison Highlands single-family subdivision is to the north across 600 N.

TRAFFIC AND TRANSPORTATION:

The *Thoroughfare Plan* classifies CR 50 W and CR 600 N as rural secondary arterial roads.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Indiana American Water and American Suburban Utilities serve the site.

STAFF COMMENTS:

Petitioner plans to add a 71,724 sq. ft. science wing addition on the east side of the existing school building. The variances to reduce parking to 965 spaces (#1) and allow the Administrative Officer to permit off-site parking located within 410 feet (#2) are the result of the proposed expansion. The UZO permits elementary and secondary schools in all residential zones by right.

The increase in required parking is due to the addition of classrooms and the removal of existing parking spaces to build the science wing. The site currently has 993 parking spaces: 939 regular spaces, 27 accessible spaces, and 27 spaces for bus parking. The site plan shows the removal of 146 existing parking spaces (for the science wing) and the addition of 118 new parking spaces east of the proposed addition (for a total of 965 proposed spaces). According to petitioner, more than adequate on-site parking exists to serve the proposed addition. Pockets of existing parking lots close to the football and baseball fields, farther away from the primary operations are underutilized. Currently the school has issued only 757 parking permits for the 2019-2020 school year. A total of 179 surplus spaces at Burnett Creek Elementary School (to the west across 50 W) is also available when needed.

The ordinance allows the Administrative Officer to permit off-site parking for the school provided that the parking area is located within 300' of the site. The available surplus parking is 410 feet away from the site in the Burnett Creek Elementary school parking lot. The Administrative Officer can use various factors to determine eligibility of the proposed off-site parking facilities: proximity of the off-site parking facilities, ease of pedestrian access to the off-site parking facilities, and the type of use the off-site parking facilities serve. The Administrative Officer has indicated concern about the proposed off-site parking area because there is no pedestrian crossing on CR 50 W to ensure public safety.

The site of Harrison High School has substantially been built out over the past few decades to support the growing Tippecanoe County population. Available acreage on site cannot be fully utilized due to on-site drainage challenges. According to the petition, the site drainage facilities have been added to or improved under a Master Plan with the Tippecanoe County Surveyor since 2005. An underground detention pond was constructed in 2009 to address on-site drainage issues. Construction of additional paved parking areas would increase existing drainage challenges. The proximity to the floodplain associated with the unnamed tributary to Burnett's Creek is restraining further

expansion of the school. While rural schools typically can acquire adjacent land for expansion, Harrison High School has no useable land available to add to the size of the parcel to meet the parking standards of the ordinance.

Approval of request #1 (reduction in required parking) by the board will negate the need for request #2 (to allow off-site parking).

Regarding the ballot items:

1. The Executive Committee of the Area Plan Commission on May 6, 2020 determined that the variances requested **ARE NOT** use variances.

And it is staff's opinion regarding **variance #1 (parking space reduction)** that:

2. Granting this variance **WILL NOT** be injurious to the public health, safety, and general welfare of the community. The science wing addition will be an asset to the community and the existing on-site parking is underutilized.
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. The school already has a system to regulate on-site and off-site parking, no negative impact will occur due to the reduced parking.
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 on-site drainage condition restricts additional institutional development to support the growing Tippecanoe County population.
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 addition is needed to meet the needs of the students. However, increasing the impervious surface will negatively impact drainage and storm water management. Furthermore, the site already has excess, underutilized parking to support the proposed expansion.

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 because the ordinance parking standards for Harrison High School is excessive based on the TSC's operation data.

5b. The variance sought **DOES** provide only the minimum relief needed to alleviate the hardship. Allowing Harrison High School to expand at its current location to serve the growing community with the reduced parking is minimum relief.

STAFF RECOMMENDATION:

Variance #1 (Parking space reduction) Approval

Note: If variance #1 is approved, variance request #2 is not needed and should be withdrawn. If variance #1 is denied, staff's opinion regarding **variance #2 (to allow off-site parking)** is:

2. Granting this variance **WILL** be injurious to the public health, safety, and general welfare of the community. The access to the proposed off-site parking location, across CR 50 W does not have a pedestrian crossing to ensure public safety.
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. The school already uses the off-site parking area for special events throughout the academic year.
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. It is unusual for school corporations to have elementary and secondary school facilities at close proximity to share resources.
5. Strict application of the terms of the zoning ordinance **WILL NOT** result in an unusual or unnecessary hardship as defined in the zoning ordinance. Harrison High School already has more than enough parking spaces for daily operation.

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

5a. The hardship involved **IS** self-imposed or solely based on a perceived reduction of or restriction on economic gain because off-site parking is not required per TSC's parking permit data.

5b. The variance sought **DOES NOT** provide only the minimum relief needed to alleviate the hardship because sufficient on-site parking spaces are available to serve Harrison High School.

STAFF RECOMMENDATION:

Variance #2 (Off-site parking) Denial

