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/UCJleeA9ZQo9ElFdZTdjurQ

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
Continued from the April ABZA agenda; there was no public hearing in March or April due to health concerns.

Vote Results  6-Yes and 0-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 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-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
Continued from the March ABZA agenda; there was no public hearing in March or April due to health concerns.

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.

IV. ADMINISTRATIVE MATTERS

V. ADJOURNMENT

Documents:
BZA-2035.PDF
BZA-2036 PZA-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
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        MEMBERS ABSENT        STAFF PRESENT
Steve Clevenger        Ryan O’Gara
Tom Andrew            Rabita Foley
Gary Schroeder        Chyna Lynch
Frank Donaldson       Zach Williams, Atty.
Carl Griffin
Ed Butz
Jen Dekker

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’; (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 2-10-6) Not needed per staff review.
   6. To reduce the street setback from Fowler Avenue to 30’ from the minimum requirement of 60’; and (UZO 2-10-6) 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
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 W. 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
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
SITE PLAN AND GEOMETRICS
TWO-30 ONE FLATS
LINDBERG ROAD & U.S. 231, WEST LAFAYETTE, IN

LAND USE NOTES:

PARKING REDUCTION VARIANCE EXHIBIT
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.
PROPOSED ACCESS UTILITY EASEMENT
Part of the West Half of the Northeast Quarter of Section 34, Township 24 North in Walpole Township, Tippecanoe County, Indiana being more particularly described as follows:
Commencing at the Northwest 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 89 degrees 50 minutes 38 seconds West 45.00 feet to a point on the Southern right of way of W. 250 N.; thence due north 89 degrees 50 minutes 22 seconds West 281.00 feet; thence South 89 degrees 50 minutes 22 seconds East 6.04 feet; thence North 0 degrees 00 minutes 22 seconds West 95.00 feet; thence South 89 degrees 50 minutes 22 seconds West 22.00 feet; thence North 0 degrees 00 minutes 38 seconds East 12.50 feet; thence South 89 degrees 50 minutes 22 seconds West 50.00 feet; thence South 89 degrees 50 minutes 22 seconds West 22.00 feet; thence North 0 degrees 00 minutes 38 seconds West 5.00 feet; thence South 89 degrees 50 minutes 22 seconds West 12.50 feet; thence North 0 degrees 00 minutes 38 seconds East 12.50 feet; thence South 89 degrees 50 minutes 22 seconds West 50.00 feet to the point of beginning, containing 0.19 acres.

PROPOSED SPECIAL EXCEPTION AREA
Part of the West Half of the Northeast Quarter of Section 34, Township 24 North in Walpole Township, Tippecanoe County, Indiana being more particularly described as follows:
Commencing at the Northwest 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 89 degrees 50 minutes 38 seconds West 45.00 feet to a point on the Southern right of way of W. 250 N.; thence continuing South 89 degrees 50 minutes 22 seconds West 232.70 feet; thence South 89 degrees 50 minutes 22 seconds West 22.00 feet; thence North 0 degrees 00 minutes 38 seconds East 12.50 feet; thence South 89 degrees 50 minutes 22 seconds West 50.00 feet to the point of beginning of the description; thence South 89 degrees 50 minutes 22 seconds West 22.00 feet to the point of beginning of the description; thence continuing South 89 degrees 50 minutes 22 seconds West 50.00 feet to the point of beginning, containing 0.507 acres 2980 square feet, more or less.

LEGEND
These standard symbols will be found in the drawing:
- HAND ROPE
- UTILITY POLE
- CAPPED REBAR SET
- GAS LINE MARKER
- BENCHMARK
- SIGN
- CONTROL POINT
- GUY ANCHOR
- TELEPHONE PEDESTAL

NOTE:
1. Except as specifically stated or shown on this plot, this survey does not purport to reflect any of the following which may be applicable to the subject real estate;  geological, soil or other physical or environmental conditions that may affect the use of the land, or the time of the making of this survey, building setback lines, restrictive covenants, easements, conditions of zoning or any other land use regulations, or any other facts.
2. Locations of underground utilities/structures/facilities as shown herein are based on observable geophysical evidence and recorded drawings, if any, provided to the surveyor. No information to locate buried utilities/structures/facilities were made during the process of the work, and actual locations may vary from the locations shown herein. All described utilities/structures/facilities may be encountered. Prior to any site excavation, contact the appropriate agency or utility company for verification of utility type and for field location of the facilities.
3. The word "utility," "cable," or "pipe" or "structures," "facilities" or "pipes" as shown and used herein means any drainage or structural system conveying or receiving water, and does not constitute a warranty or guarantee, expressed or implied.
4. Every effort in regard to survey work and interpretation of the survey data has been made, and the surveyor makes no guarantees or warranties as to the accuracy of the survey, the facts, or the survey data.
5. If the survey is not to be used for any purpose beyond that described in this survey, the surveyor makes no guarantees or warranties as to the accuracy of the survey.
6. The surveyor shall not be liable for any error or omission in the survey or in the surveyor's interpretation of the survey data.
7. The surveyor shall not be liable for any damages, direct, indirect, or incidental, resulting from the use of this survey or the surveyor's interpretation of the survey data.
8. The surveyor shall not be liable for any damages, direct, indirect, or incidental, resulting from the use of this survey or the surveyor's interpretation of the survey data.
9. The surveyor shall not be liable for any damages, direct, indirect, or incidental, resulting from the use of this survey or the surveyor's interpretation of the survey data.
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12. The surveyor shall not be liable for any damages, direct, indirect, or incidental, resulting from the use of this survey or the surveyor's interpretation of the survey data.
13. The surveyor shall not be liable for any damages, direct, indirect, or incidental, resulting from the use of this survey or the surveyor's interpretation of the survey data.
14. The surveyor shall not be liable for any damages, direct, indirect, or incidental, resulting from the use of this survey or the surveyor's interpretation of the survey data.
BZA-2035  
JACOB BALLAH  
(variances)  

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.
Parking Requirements:

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<th>Building 2</th>
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<td>2</td>
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## PARKING ANALYSIS

### Parking Requirements

- **1 space per 200 sq. ft. of Office and 1 per acre per 1,000 sq.

- **Base Location:**
  - **L15:** East, Boulevard
  - **L14:** West, Boulevard
  - **L13:** South, Boulevard
  - **L12:** N, Boulevard

### Parking Provided

- **Spaces Provided:**
  - **Total:** 24
  - **Handicap:** 3

### Site Dimensions

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### Parking Spaces Provided

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<td></td>
</tr>
<tr>
<td>L12</td>
<td>P1</td>
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### Total Accessible Spaces Provided

- **11,650 sq.ft.**

### curr. ADA Standards

- **Handicap Symbol:**
  - **Sign:** ADA Parking Sign
  - **Location:** Adjacent to Parking Area

---

### Geometric Plan

- **New Building:** 8,800 sq.ft.
- **Existing Comm.:** 5,200 sq.ft.
- **Geometric Plan:**
  - **New Building:** 8,800 sq.ft.
  - **Existing Comm.:** 5,200 sq.ft.

---

### Construction Notes

- **Asphalt Parking Lot:**
  - **3" 4.53 Aggregate Base**
  - **6" #53 Aggregate Base**

- **Concrete Sidewalk:**
  - **4" Concrete Sidewalk**

- **Grass:**
  - **4" #53 Aggregate Base**
  - **Grass**

### Curve Table

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</tr>
<tr>
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</tbody>
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### Septic Tank Lid

- **Location:**
  - **Well:**
  - **Electric Pole:**
  - **Utility Splice Box:**
  - **Air Cond. Unit:**
  - **Gas Meter:**

### Crossroad Foundation Repair Building Geometric Plan

- **Dimensions:**
  - **04-05-98**:
  - **C R. 375 S.**

---

### Landscape Plan

- **For Parking Details:**
  - **New Building:** 8,800 sq.ft.
BZA-2036
HERITAGE LAND COMPANY, LLC (BZA-1778)
(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-I-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 tucks 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.
RECLAMATION PLAN

HERITAGE LAND COMPANY LLC PROPERTY

FOR

MILESTONE CONTRACTORS

LOCATION:

CERTIFIED BY:

MARK

DATE

DESCRIPTION

FILE:

P:\2019\19118 Heritage Group Hansell\DRAWINGS\PLANS\FINAL PLANS\PLOT\19118-GENERAL.dwg

- USER: MARSHALL G. FILBRUN
- DATE: Thursday, March 12, 2020 6:37:21 PM

For Review
03/12/2020  6:47:07 PM

For Review
03/12/2020  6:47:07 PM
A. PROJECT ACTIVITY

B. PERIODICITY OF CONSTRUCTION COMPONENT

C. STORMWATER POLLUTION PREVENTION MEASURES

D. OBSERVATION AND REPORTING PROCEDURES

E. STORMWATER POLLUTION PREVENTION SPECIFICATIONS

F. CONSTRUCTION SITE INSPECTION & MAINTENANCE LOG

G. APPLICATION FORM FOR TEMPORARY WATER POLLUTION PREVENTION MEASURES

H. STORMWATER POLLUTION PREVENTION SPECIFICATIONS
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 of 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
PER UZO 4-2-1 & 4-5-1(C) BUILDING HEIGHT MAY BE 35' PLUS 2' ADDED HEIGHT FOR EACH 1' OF EXTRA SETBACK.

THIS SITE PLAN SHOWS AT LEAST SETBACK OF 160'.

UZO ALLOWABLE BUILDING HEIGHT IS 35 + (160 X 2) = 205'.

EXISTING HHS BUILDING HEIGHT IS ESTIMATED AT UP TO 43 FEET.

MAXIMUM HHS BUILDING HEIGHT IS NOT EXPECTED TO EXCEED 150'.

EMB AREA = 392,400 SF
SWA AREA = 71,724 SF
RSC AREA = 12,883 SF

EXISTING PARKING
REGULAR: 939
ADA: 27
TOTAL: 966

BUS: 27
TOTAL: 993*

*INCLUDES 140 SOCCER/SOFTBALL PARKING SPACES

SPACES TO REMOVE FOR SCIENCE WING: 146
ON-SITE SPACES TO ADD IN NEW LOT: 118
NEW TOTAL SPACES: 965

UZO STANDARD: 8 SPACES PER HIGH SCHOOL CLASSROOM

CLASSROOM TOTALS
CURRENT: 115
WITH SCIENCE WING: 131
AFTER ADDITION OF SCIENCE WING: 1048

CURRENT PARKING PERMIT DISTRIBUTION
STAFF: 180
STUDENT: 577
TOTAL PERMITS FOR 2019-2020: 757

HARRISON EAST OFFSITE PARKING: 25
BURNETT CREEK OFFSITE PARKING: 25

REVISED MAY 12, 2020