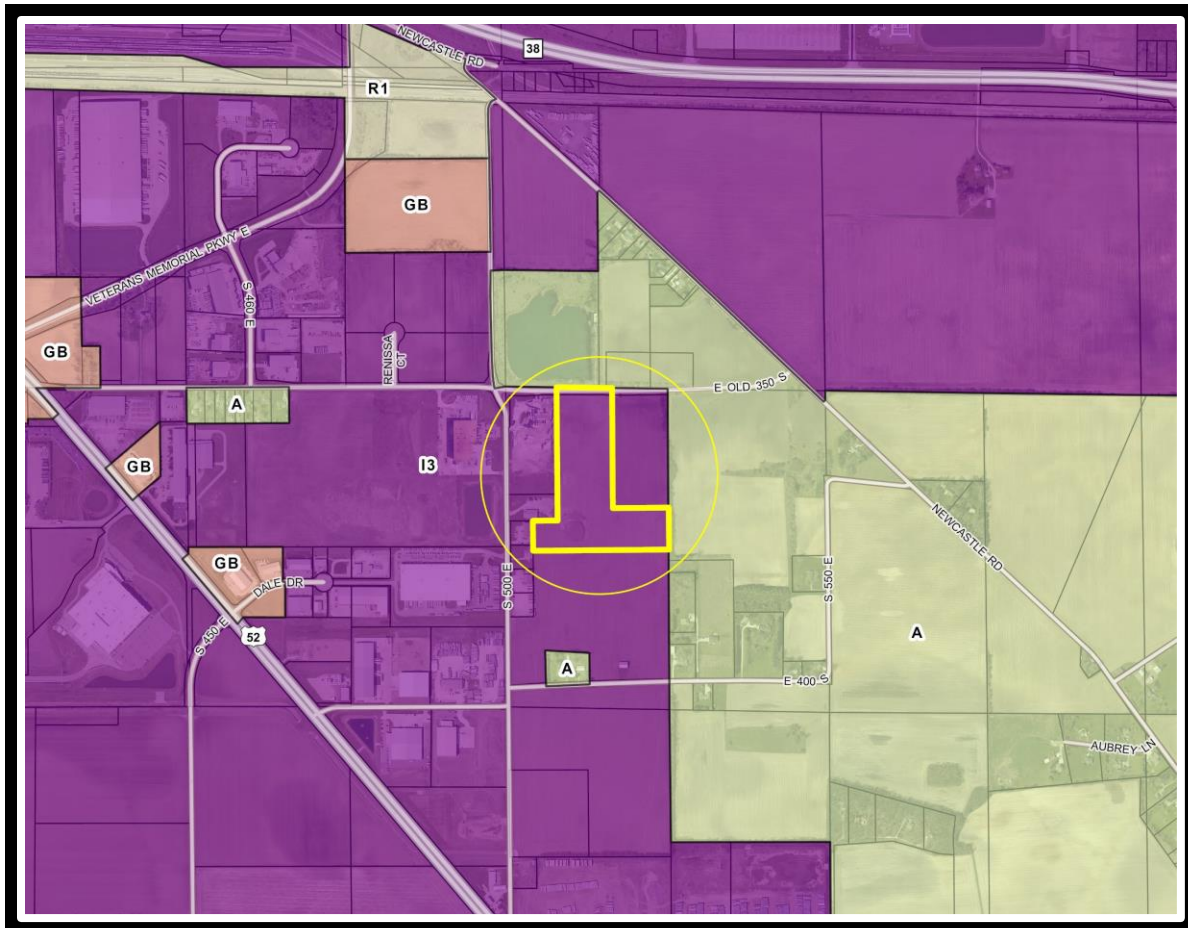

BZA-2057
AMERICAN REALTY OF LAFAYETTE, LLC
(variance)

STAFF REPORT
June 17, 2021



BZA-2057
AMERICAN REALTY OF LAFAYETTE, LLC
Variance

Staff Report
June 17, 2021

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner/Owner represented by attorney Dan Teder of Reiling, Teder & Schrier, is requesting a variance to eliminate the required half of the type C, 30-foot-wide bufferyard where the property abuts Agricultural zoning to construct a 9,676 sq. ft. office/shop building in an I3 zone. The 19.4 acres is located on 5121 E Old 350 S, Sheffield 07(SW) 22-3.

ZONING HISTORY AND AREA ZONING PATTERNS:

The subject property was part of an overall industrial expansion to the southeast of Lafayette in 1997. This expansion took place in four rezones between 1996 and 2001 (Z-1640, -1714, -1715, & -2040) and resulted in the current I3 zoning of the site in question. All surrounding land is also zoned I3 except the adjoining land to the east and to the north across Old 350 S, which are zoned A.

Land to the north across Old 350 and to the west across CR 500 have remnant ponds from borrow pit operations allowed through special exceptions in 1988 (BZA-862, -863, -864, -865, & -934). A special exception for an indoor rock-climbing facility was recently approved in 2015 (BZA-1927) farther west on Dale Drive.

AREA LAND USE PATTERNS:

The under-construction site will support the American Paving and Asphalt operations. The adjoining industries/businesses to the west are Crossroads Galvanizing, Scheid Diesel Services, and Amt Trucking. Other dominant industrial/commercial users in the vicinity, west of CR 500 are Venture Logistics, Stoops Quality Trailers, All State Fastener Corporation, Climb Lafayette, and Ludo Fact.

TRAFFIC AND TRANSPORTATION:

Old CR 350 S is classified as a rural primary arterial according to the *Thoroughfare Plan*. The Annual Average Daily Traffic count on CR 350 S, close to the subject property, shows only 593 vehicles travelled the road daily in 2015.

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 15 parking spaces is required for the proposed building on-site per the petitioner's site plan, including the required accessible parking space.

The site plan shows construction of a 24-foot wide driveway from Old CR 350 S to support

the proposed business. The County Highway Department has issued a permit for the proposed new commercial driveway.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

The site plan shows a septic field northeast of the proposed structure. Petitioner has secured permits from the County Health Department to install the proposed septic system for the location. Petitioner has already received approvals from the County Drainage Board for onsite stormwater management.

Half of a 30-foot wide Type C bufferyard is required along the easternmost property line where it borders an unimproved Agricultural zoned land. Because the adjacent land is unimproved, that owner would be responsible for installing the other half of the 30' bufferyard on the A-zoned land.

STAFF COMMENTS:

Petitioner is requesting the removal of half of a type C bufferyard along the eastern property line to construct a 9,676 sq. ft. building on a newly acquired 19.35 acre piece of land. The proposed structure will have office and garage spaces for the paving business. According to petitioner's attorney, the American Paving and Asphalt Company specializes in "asphalt paving of mostly commercial, small towns, universities and industrial paving projects. We also do some residential." The company also does "commercial site development work that includes: earthwork, utility installation, stone, grading, demolition, etc." They also, "have a concrete/asphalt recycling program where we collect these types of spoils throughout the year and then process them into a reusable aggregate sub base product."

The bufferyard requirement is only applicable to the easternmost property line of the inverted T-shaped site, which is approximately 350 feet long. The site plan indicates an immediate use of the southeast area is to stockpile crushed aggregate and asphalt. The plan also proposes a future use of gravel crushing and an asphalt recycling operation at the same corner. Because the adjoining property is an unimproved farm field, only half (or 15') of the full 30' wide bufferyard is required to be constructed on the petitioner's property. The adjoining property has an existing tree line, which may provide some buffer. However, given the proposed heavy industrial use, staff believes eliminating the required bufferyard on the petitioner's site prevents the ordinance-intended physical and visual barrier. Additionally, removing the required bufferyard would fail to eliminate or minimize potential nuisances such as dirt, dust, noise, litter, odor, and glare from the proposed heavy industrial use for the future development of the adjoining property.

Regarding the ballot items:

1. The Area Plan Commission at its June 16, 2021 meeting determined that the variance requested **IS NOT** a use variance.

And it is staff's opinion that:

2. Granting the variance **WILL** be injurious to the public health, safety, and general welfare of the community. The ordinance explains that a bufferyard intends to minimize potential nuisances such as dirt, dust, noise, litter, odor, and glare. Allowing the removal of the required bufferyard does not adequately protect future neighboring uses.
3. Use and value of the area adjacent to the property included in this request **WILL** be affected in a substantially adverse manner. Removing the protections afforded by bufferyards limit adjoining property owners' ability to develop their property without potential negative impacts.
4. The terms of the zoning ordinance are being applied to a situation that **IS** common to other properties in the same zoning district. There is nothing unusual about this site in terms of its size or relatively flat topography that would prevent petitioner from installing their share of the required bufferyard, and therefore
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. This request to remove the bufferyard standard stems from a perceived difficulty. The site has enough space to install a 15-foot wide bufferyard along its 350-foot long eastern property line. The purchase of land with actual or constructive knowledge that the desired improvement will not meet the required development standard is a self-imposed situation and not considered a hardship as per the ordinance.

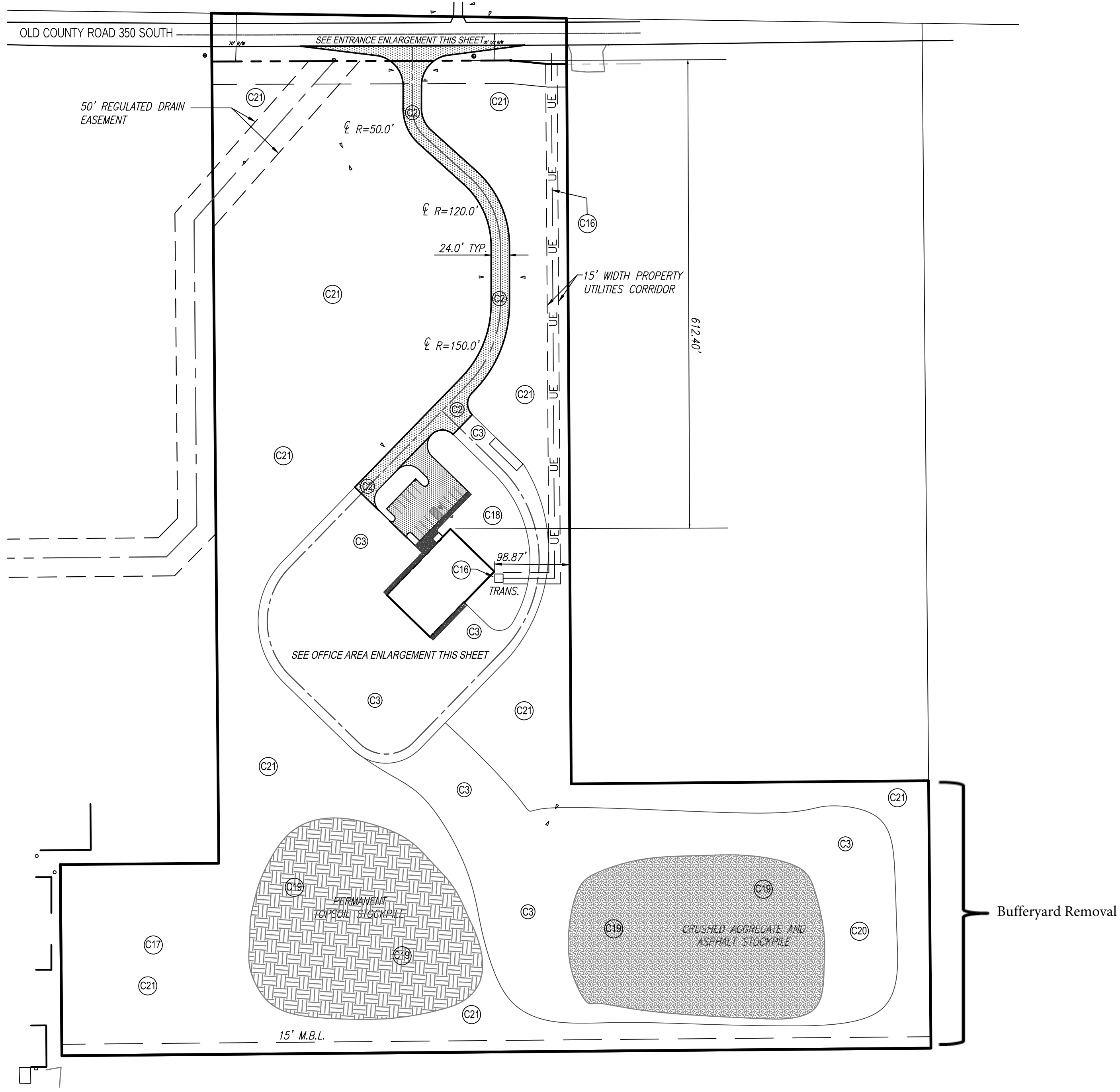
Note: Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

5a. Because installing the required bufferyard could reduce the amount of area for stockpile storage on site as well as incur additional costs for the plantings, the hardship involved **IS** solely based on a perceived reduction of or restriction on economic gain.

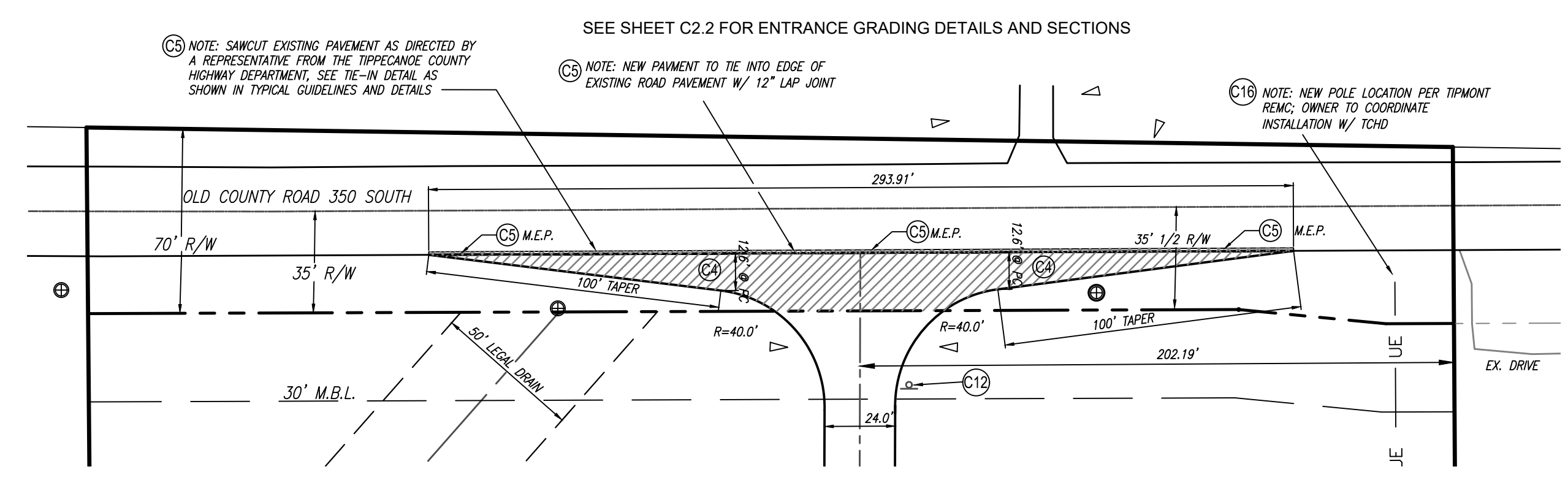
5b. The variances sought **DO NOT** provide only the minimum relief needed to alleviate the non-existent hardship.

STAFF RECOMMENDATION:

Denial



OVERALL SITE PLAN
SCALE: 1"=100'



ENTRANCE ENLARGEMENT
SCALE: 1"=40'

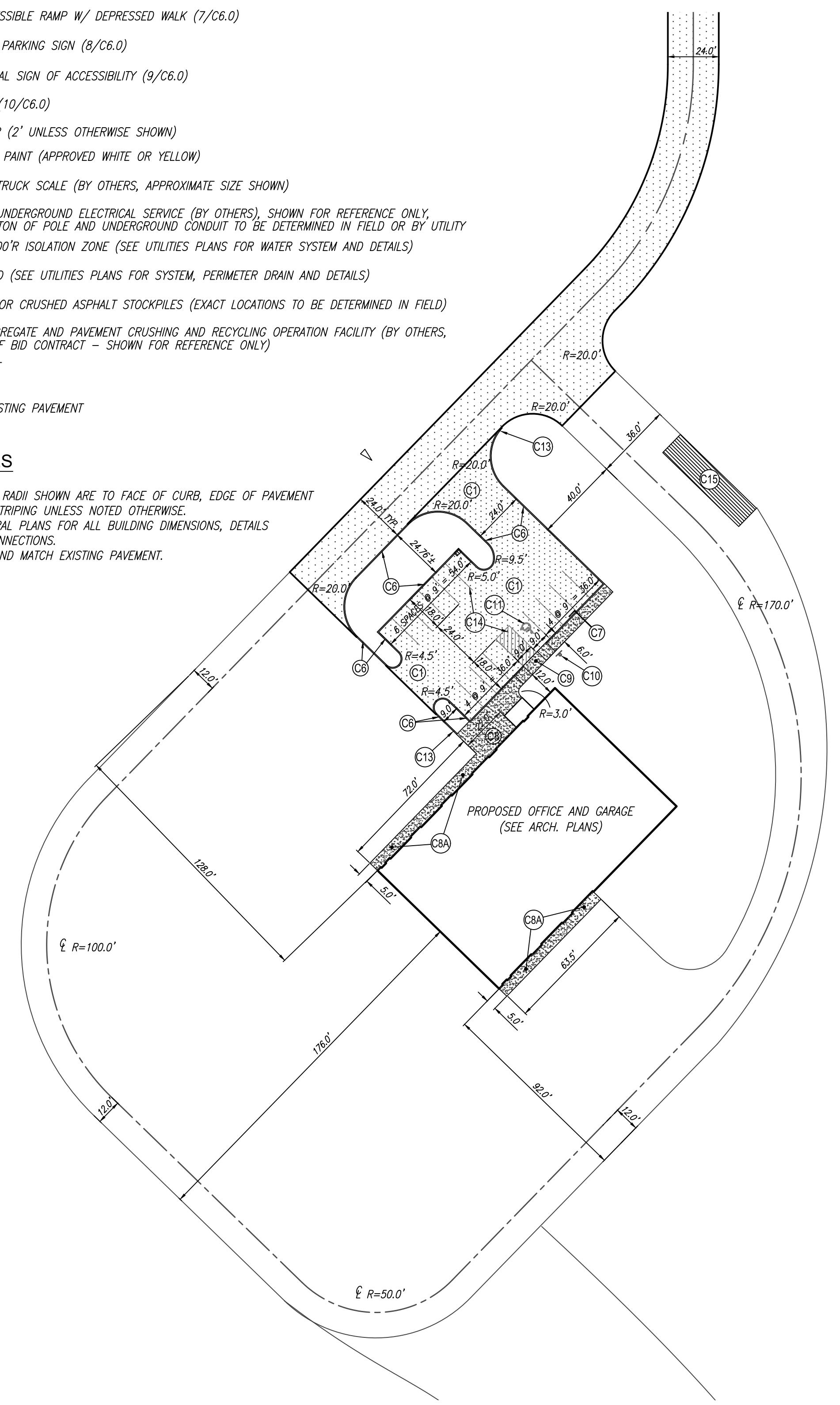
SITE PLAN KEY NOTES

- C1 - STANDARD-DUTY ASPHALT PAVEMENT (1/C6.0)
- C2 - HEAVY-DUTY ASPHALT PAVEMENT (2/C6.0)
- C3 - CRUSHED STONE PAVEMENT (3/C6.0)
- C4 - ASPHALT PAVEMENT WITHIN RIGHT-OF-WAY (SEE TCHD TYPICAL CONSTRUCTION GUIDELINES AND DETAILS)
- C5 - SAWCUT EXISTING PAVEMENT TO LIMITS SHOWN, 12" TYPICAL MILLED LAP JOINT FROM EDGE OF PAVEMENT (SEE NOTE ON TCHD TYPICAL CONSTRUCTION GUIDELINES AND DETAILS FOR TIE-IN INFORMATION)
- C6 - MONOLITHIC CURBING (4/C6.0)
- C7 - INTEGRAL CONCRETE CURB & SIDEWALK (5/C6.0)
- C8 - CONCRETE SIDEWALK OR STOOP (6/C6.0)
- C8A - CONCRETE APRON (6/C6.0)
- C9 - IN-LINE ACCESSIBLE RAMP W/ DEPRESSED WALK (7/C6.0)
- C10 - ACCESSIBLE PARKING SIGN (8/C6.0)
- C11 - INTERNATIONAL SIGN OF ACCESSIBILITY (9/C6.0)
- C12 - STOP SIGN (10/C6.0)
- C13 - CURB TAPER (2' UNLESS OTHERWISE SHOWN)
- C14 - 4" MARKING PAINT (APPROVED WHITE OR YELLOW)
- C15 - PROPOSED TRUCK SCALE (BY OTHERS, APPROXIMATE SIZE SHOWN)
- C16 - PROPOSED UNDERGROUND ELECTRICAL SERVICE (BY OTHERS), SHOWN FOR REFERENCE ONLY. FINAL LOCATION OF POLE AND UNDERGROUND CONDUIT TO BE DETERMINED IN FIELD OR BY UTILITY
- C17 - WELL W/ 100'R ISOLATION ZONE (SEE UTILITIES PLANS FOR WATER SYSTEM AND DETAILS)
- C18 - SEPTIC FIELD (SEE UTILITIES PLANS FOR SYSTEM, PERIMETER DRAIN AND DETAILS)
- C19 - AGGREGATE OR CRUSHED ASPHALT STOCKPILES (EXACT LOCATIONS TO BE DETERMINED IN FIELD)
- C20 - FUTURE AGGREGATE AND PAVEMENT CRUSHING AND RECYCLING OPERATION FACILITY (BY OTHERS, NOT PART OF BID CONTRACT - SHOWN FOR REFERENCE ONLY)
- C21 - GREENSPACE

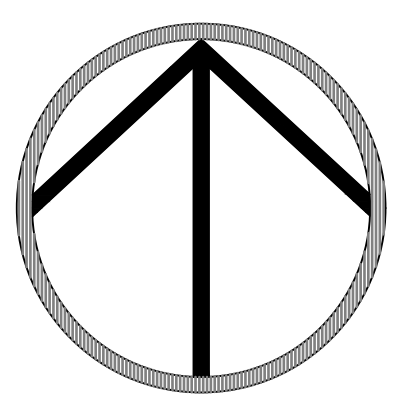
M.E.P. - MEET EXISTING PAVEMENT

PLAN NOTES

- 1) DIMENSIONS AND RADII SHOWN ARE TO FACE OF CURB, EDGE OF PAVEMENT OR CENTER OF STRIPING UNLESS NOTED OTHERWISE.
- 2) SEE ARCHITECTURAL PLANS FOR ALL BUILDING DIMENSIONS, DETAILS AND UTILITIES CONNECTIONS.
- 3) M.E.P. - MEET AND MATCH EXISTING PAVEMENT.



OFFICE AREA ENLARGEMENT
SCALE: 1"=40'



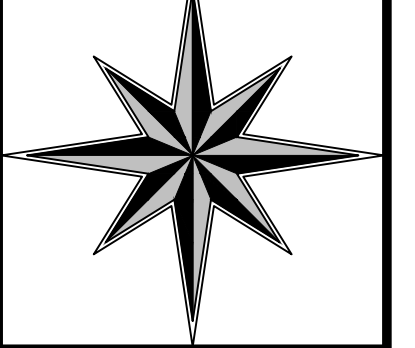
**OVERALL SITE PLAN
AND ENLARGEMENT**
AMERICAN PAVING & ASPHALT
5121 E. OLD C.R. 350 S., LAFAYETTE, IN

FOR REVIEW ONLY
NOT FOR CONSTRUCTION

Drawn By: E.J.F.
Proj. No.: 20206483
Dwg. Date: 07/28/2020
Dwg. Scale: VARIES
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STARR
ASSOCIATES
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