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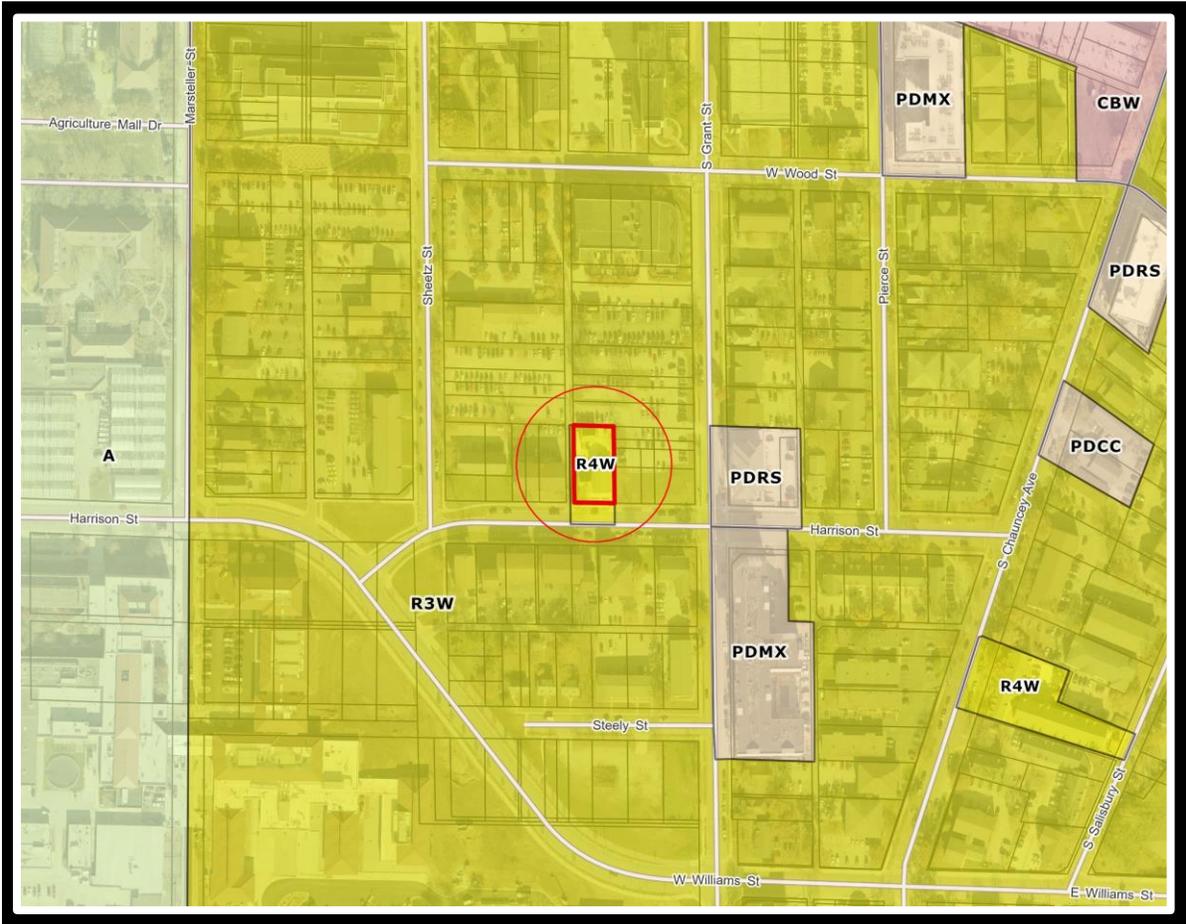
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**BZA-2081**  
**PATRICK R AND MELINDA C O'NEIL, TRUSTEES OF THE**  
**PATRICK R O'NEIL AND MELINDA C O'NEIL**  
**REVOCABLE LIVING TRUST**  
**(variances)**

**REVISED STAFF REPORT**  
**July 21, 2022**

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**BZA-2081**

**PATRICK R. O'NEIL AND MELINDA C. O'NEIL, TRUSTEES OF THE  
PATRICK R. O'NEIL AND MELINDA C. O'NEIL REVOCABLE  
LIVING TRUST  
Variances**

**REVISED Staff Report  
July 21, 2022**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioners (who are the property owners), represented by attorney Kevin Riley, are requesting the following 8 variances:

1. A lot area of 10,763 square feet instead of the minimum required area of 27,750 square feet (UZO 2-11-5);
2. A maximum lot coverage of 69.5% ~~74.4%~~ instead of the maximum allowed 40% (UZO 2-11-7);
3. A minimum vegetative coverage of 17.1% ~~14.4%~~ instead of the minimum requirement of 30% (UZO 2-11-7);
4. A front setback of 9'1" instead of the minimum required 25 feet (UZO 2-11-9);
5. A rear setback of 3 feet ~~0-feet~~ instead of the minimum required 25 feet (UZO 2-11-9);
6. A building height of 45 feet instead of the maximum allowed 14 feet, measured from the ground to the finished floor of the uppermost story (UZO 2-11-11). The actual building height will likely be between 55' to 57' measured from the ground to the top of the roof;
7. To reduce the number of parking spaces to twenty (20) spaces instead of the minimum requirement of 91 parking spaces (UZO 2-10-12); and
8. To eliminate the required 5' no-parking setback along the western property line (UZO 4-4-6).

Petitioner is proposing to demolish the existing two dated apartment buildings and construct a new 5-story single apartment building, with parking located partially under the building and 32 one- and two-bedroom apartments on the upper floors. The site is commonly known as 418 Harrison Street, West Lafayette, Wabash 19 (SW) 23-4.

This case was continued one day before the June 22, 2022 ABZA meeting so that three of the requests could be changed. Variance #2 decreased the amount of building coverage, variance #3 increased the amount of vegetative coverage and variance #5 was increased to a 3-foot rear setback.

**AREA ZONING PATTERNS:**

This site was recently rezoned from R3W to R4W at the June 2022 West Lafayette City Council meeting (Z-2858). All adjacent land is zoned R3W. Farther to the east at the Grant street intersection are two planned developments (Alpha Omega Pi and Grant

Street Station).

In 2019, the Board approved a similar case at 234 Marsteller with 6 variances for a new apartment building a block to the northwest (BZA-2020). The variances granted were for lot width, side setbacks, parking, building height and vegetative coverage.

#### **AREA LAND USE PATTERNS:**

Originally this lot contained a single-family home and a detached garage. Over time, the garage was converted into two apartments and a new apartment building was built beside the house on the east. (A stairway leading to upstairs units connects the original house and the newer apartment building.) Currently there are 8 total units and 16 bedrooms (2 units in the rear building, 2 units in the original house and 4 units in the addition next to the house).

Surrounding this site to the east, north and northwest are parking lots owned by Purdue Research Foundation. Three-story apartment buildings, typical of the area, are located adjacent to the west and south across Harrison Street.

#### **TRAFFIC AND TRANSPORTATION:**

Harrison Street is classified as an urban local road per *The Thoroughfare Plan*.

#### **ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

City sewer and water serve the site.

#### **STAFF COMMENTS:**

This part of our community, south of State Street in West Lafayette, has very few remnants of the single-family neighborhood that once was located here. Today, the original homes have either been replaced with apartment buildings or converted to apartments. The subject property is a combination of both with the 1930's house and an apartment building addition. Petitioner is proposing raze the site which contain 8 units and 16 bedrooms. The new structure would be 5 stories tall and support 32 units with a mix of 1- and 2-bedroom apartments. The first floor would contain a small lobby with an elevator and 20 parking spaces under cover. This type of development is common in the area, but less common on properties of this small size.

The lot in question is 10,763 square feet in area, slightly larger than the minimum lot size for single-family homes in the R1 zone. In the R4W zone, minimum lot area is based on the number and size of the units. With a mix of 28 Type A units (825 square feet and larger) and 4 Type C units (470 to 649 square feet), a minimum lot size of 27,750 square feet is required. Petitioner is asking for a variance to allow a smaller lot area than permitted for 32 apartments (request #1).

Requests #2 and #3 (lot coverage and vegetative coverage) would allow the building to cover 69.5% of the lot instead of the maximum allowed 40% as well as have 17.1% greenspace instead of the minimum required 30%. These requests are needed to accommodate the large footprint of the building in relation to the small lot size.

Request #4 and #5 would allow a reduction in the required building setbacks. The front

setback along a local road such as Harrison Street is 25 feet; petitioner is requesting a setback of 9 feet 1 inch (#4). (If averaged, the allowable front setback here would be 20'.) The required rear setback is 25 feet but request #5 has been amended to provide a 3-foot setback instead of the originally requested 0 feet.

Request #6 would increase the building height. In the R3W and R4W zones, the height is measured from the average grade of all sides up to the finished floor of the uppermost story. Instead of the maximum 14 feet (which allows a typical 2½ to 3 story building), petitioner is asking for a height of 45 feet measured to the floor of the uppermost story. Staff has long recognized the need to amend the height standard in these districts; it is no longer necessary to maintain this outdated height standard.

Request #7 would allow a lower parking standard than required of other projects in the R4W zoning district. The site is classified as **University-Proximate residences**. This means that the parking standard is based on the unit size. With 28 Type A units, 84 spaces are required; four Type C units require 7 spaces, for a total of 91 spaces. Petitioner's site plan shows 20 spaces tucked under the building. This parking standard is another requirement that staff realizes needs to be updated. A UZO update to the parking section is currently being researched and developed.

And finally, request #8 would eliminate the 5-foot no-parking setback along the western property line. The western lot line is adjacent to a platted alley. The no-parking setback requirement ensures that the front and rear of parked vehicles does not protrude over a property line. The submitted site plan shows three spaces parallel to the western property line. The other three sides of this lot all meet this 5-foot no-parking setback. Because the parking spaces are parallel to the alley, they minimize the potential for overhang. Staff can support this request for this reason.

Petitioners' rezone to the R4W zone was necessary to allow a denser residential development. The R4W has no density cap. However, petitioners' proposed project would have a particularly high density of 129.5 units per acre as compared with nearby developments in the R3W zone, which is limited to 15 units per acre. A nearby planned development to the east, Grant Street Station, has a density of 114.6 units per acre, which is typical to many planned developments near Purdue. Since staff understands the UZO's building height and parking standards need to be adjusted in the R3W and R4W zones and the no-parking setback is not an issue with parallel parked cars, these variances are supportable. The variances that allow a much higher density without the give and take of the planned development process cannot be supported. A building with a smaller number of units would not need two setbacks, building coverage, vegetative coverage and lot area variances...or at least not to this degree.

Regarding the ballot items:

1. The Area Plan Commission at its June 15, 2022 meeting determined that all the variances requested **ARE NOT** use variances.

And it is staff's opinion regarding variance requests 1 (lot area), 2 (lot coverage) 3 (vegetative coverage) 4 (reduced front setback) and 5 (reduced rear setback) that:

2. Granting these variances **WILL NOT** be injurious to the public health, safety, and general welfare of the community. The small size of the lot in relation to the size of the building proposed will not negatively affect the public's general welfare.
3. Regarding variances 1-5, the 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 proposed larger building on a smaller than allowed lot would have no impact on adjoining properties. This neighborhood is getting more and more densely populated and these four variances reflect this. The revised rear setback of 3 feet is more supportable from a maintenance standpoint as compared to the originally proposed rear setback of 0 feet.
4. Regarding variances 1 through 5, the terms of the zoning ordinance are being applied to a situation that **IS** common to other properties in the same zoning district. The subject lot is 10,763 square feet in size, which is common in the area. It is rectangular in shape and topographically flat. An apartment building with a smaller number of units could be built here without needing any of these variances.
5. Regarding variances 1 through 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. With the lot size of 10,763 square feet, this lot is capable of supporting several units, but not 32 as proposed. A smaller apartment building could be built without requiring all of these variances.

**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. It is possible to redevelop this lot with the required setbacks, lot coverage, vegetative coverage and lot area by proposing a smaller building. It is not a hardship but only petitioner's desire to build a larger building with more units than this size lot can reasonably support that is necessitating these requests.

5b. The variance sought **DOES NOT** provide only the minimum relief needed to alleviate the hardship because the lot is still large enough to support several apartment units, just not the 32 units desired.

And it is staff's opinion regarding variance requests 6 (building height), 7 (reduction in parking) and 8 (eliminating the 5' no-parking setback) that:

2. Granting these variances **WILL NOT** be injurious to the public health, safety, and general welfare of the community. The R4W building height and university-proximate parking standards both need to be updated and varying these outdated standards would not be injurious to the public. The elimination of the no-parking setback would not harm the safety of the public.

3. The use and value of the area adjacent to the property included in these variance requests **WILL NOT** be affected in a substantially adverse manner. A reduction in parking for residents in this neighborhood on the edge of Purdue's campus would not harm adjacent properties. The five-story height of the proposed building would not harm the value of adjacent lots. The elimination of the no-parking setback would not adversely affect the 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. Requiring the developer of this property to use an outdated height requirement (which exists to deal with a fire department problem that has already been solved) would create an uncommon situation. Most nearby properties have been redeveloped with planned development zoning and reduced parking standards are typical of this near campus area. The parking spaces along the western property line will be parallel with the property line and alley, so no vehicles will protrude into the right-of-way.
5. Strict application of the terms of the zoning ordinance **WILL** result in an unusual or unnecessary hardship. Student housing located this close to the university typically demands much less parking, as evidenced in the many planned developments approved in this area. Holding developers to an outdated building height standard creates an unnecessary hardship. The 5-foot no-parking setback is intended for parking areas that are perpendicular to the property line, not parallel parking spaces as shown on the binding site plan.

**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 hardship in the requests for building height and parking space reduction is caused by outdated UZO standards. The no-parking setback should not apply for parallel-parked vehicles and is not self-imposed.

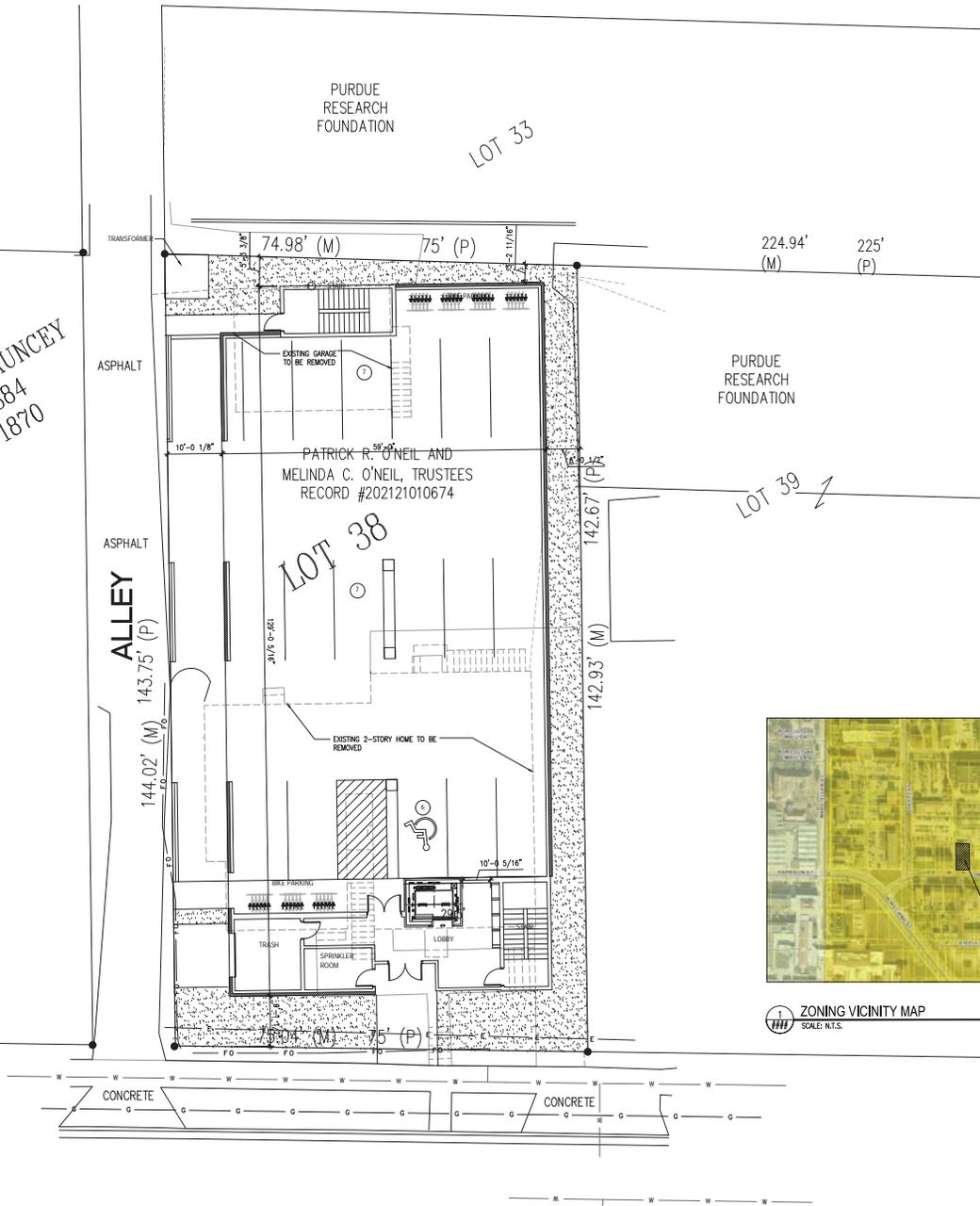
5b. The variance sought **DOES** provide only the minimum relief needed to alleviate the hardship because the proposed height and parking is similar in scale to other negotiated projects near campus.

**STAFF RECOMMENDATION:**

- Variance #1 (lot area): Denial
- Variance #2 (lot coverage): Denial
- Variance #3 (vegetative cover): Denial
- Variance #4 (front setback): Denial
- Variance #5 (rear setback): Denial
- Variance #6 (building height): Approval
- Variance #7 (parking): Approval
- Variance #8 (no-parking setback): Approval

THE UNIVERSITY PLAT OF CHAUNCEY  
 PLAT BOOK 55, PAGE 384  
 RECORDED APRIL 23, 1870

LOT 37



**BUILDING / SITE DATA:**

ZONING CLASSIFICATION:	RMW TO RAW
BUILDING AREA:	- 10,763 S.F. (6.0-241 ACRES)
SITE AREA:	- 7,485 S.F.
BUILDING FOOTPRINT	- 7,485 S.F.
<b>UNIT MIX:</b>	
41	1 BEDROOM UNITS (645 S.F.)
284	2 BEDROOM UNITS (825 S.F.)
TOTAL UNITS - 32 UNITS (94 BEDS)	
SITE DENSITY:	
15 UNITS PER ACRE MINIMUM	- 129.5 UNITS PER ACRE ACTUAL
LOT WIDTH:	
70' MINIMUM REQUIRED	- 75' ACTUAL
PARKING REQUIRED:	
3 SPACES PER TYPE A UNIT	- 84
1.6 SPACES PER TYPE C UNIT	- 6.4
TOTAL	- 91
PARKING SPACES PROVIDED:	
STANDARD	- 19
ACCESSIBLE	- 1
TOTAL SPACES PROVIDED (33.3% BED TO SPACE RATIO)	- 20
BICYCLE PARKING:	
TRICYCLE PER UNIT REQUIRED	- 19
32 TOTAL BICYCLE SPACES PROVIDED	- 19
LOT COVERAGE:	
ACTUAL BUILDING COVERAGE	- 69.5%
ACTUAL VEGETATION COVERAGE	- 1,846 S.F. (17.1%)
BUILDING HEIGHT:	
ACTUAL BUILDING HEIGHT	- 45'-0"
# STOREYS	- 5
14' MAX. TOP FLOOR ELEVATION	- 45'-0" ACTUAL
BUILDING SETBACKS:	
NORTH REAR SETBACK (NOT ALONG A STREET)	- 2'-0" (2' REQUIRED)
EAST SIDE SETBACK (NOT ALONG STREET)	- 0'-0" (0' REQUIRED)
SOUTH SETBACK (STREET)	- 4'-11" (2' REQUIRED)
WEST SIDE SETBACK (NOT ALONG STREET)	- 10'-0" (6' REQUIRED)
PARKING SETBACK:	
5' REQUIRED	- 0'-0" ACTUAL
VARIANCES REQUIRED:	
1. 2.11-5 LOT AREA: 2000 S.F. PER UNIT (FIRST THREE) PLUS 750 S.F. ADDITIONAL 21,763 S.F. REQUIRED. ACTUAL AREA OF 10,763 S.F.	
2. 2.11-7 LOT COVERAGE: 40% MAXIMUM COVERAGE BY BUILDING. ACTUAL COVERAGE OF 69.5%	
3. 2.22-7 VEGETATIVE COVERAGE: 30% MINIMUM VEGETATIVE COVERAGE. ACTUAL COVERAGE OF 17.1%	
4. 2.11-8 MINIMUM FRONT SETBACK: 25' ALONG STREET. ACTUAL SETBACK OF 9'-11"	
5. 2.11-9 MINIMUM REAR SETBACK: 25'. ACTUAL SETBACK OF 2'	
6. 2.11-11 MAXIMUM BUILDING HEIGHT: 14' MAX. GRADE TO FINISH FLOOR OF TOP FLOOR. 45'-0" ACTUAL	
7. 2.10-12 PARKING: 3 PARKING SPACES PER 'A' UNIT, 1.6 SPACES PER 'C' UNIT. OR 91 TOTAL SPACES. ACTUAL SPACES 19.	
8. 110-22 NO PARKING SETBACK: 5' SETBACK REQUIRED BETWEEN PARKING AND LOT BOUNDARIES. ACTUAL SETBACK IS 0' ON WEST PROPERTY LINE.	



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PROJECT TITLE:  
**418 HARRISON APARTMENTS**  
 418 HARRISON STREET  
 WEST LAFAYETTE, INDIANA 47906

DISCLAIMER:  
 This is an original design prepared by KJG Architecture, Inc. The architect does not warrant or make any representation of the accuracy of the information shown on this drawing and shall not be held liable for any errors or omissions in this drawing or any other documents prepared or issued by the architect in preparation of this drawing.

PROFESSIONAL SEAL:

PROJECT DATE:  
**07/14/22**

#	DESCRIPTION	DRAWN BY	DATE

PROJECT NUMBER:  
**A2022.038**

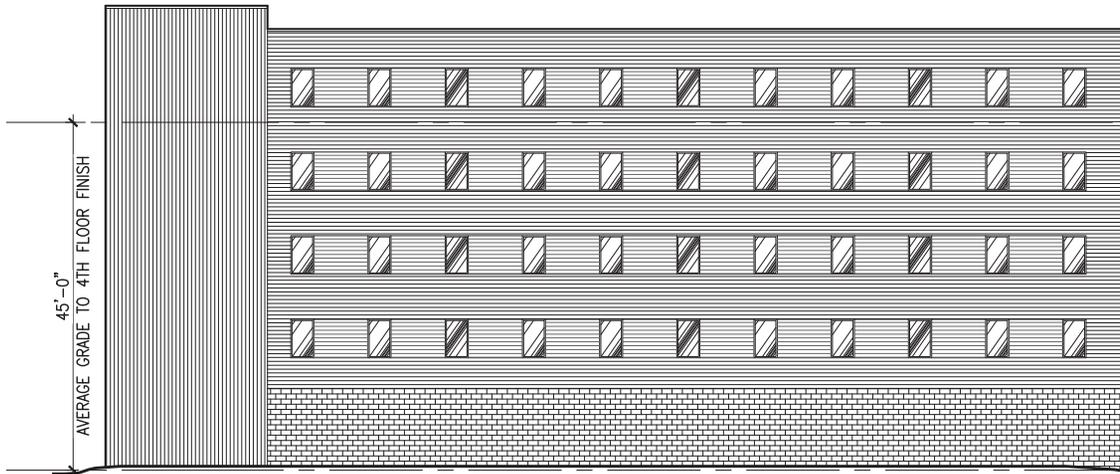
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**ARCHITECTURAL SITE PLAN**

SHEET NUMBER:  
**A1**

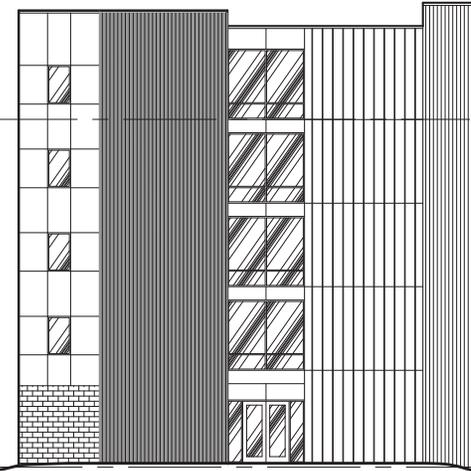
HARRISON STREET

ARCHITECTURAL SITE PLAN  
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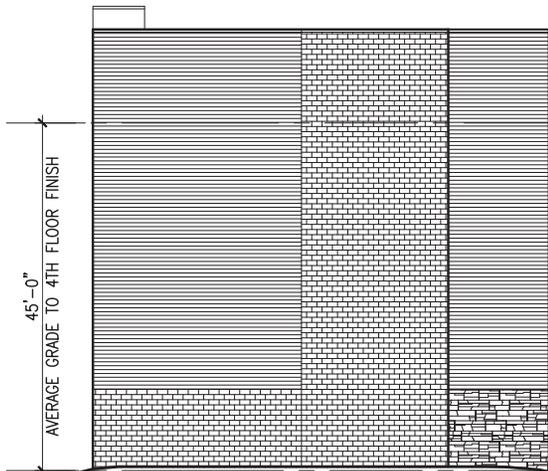




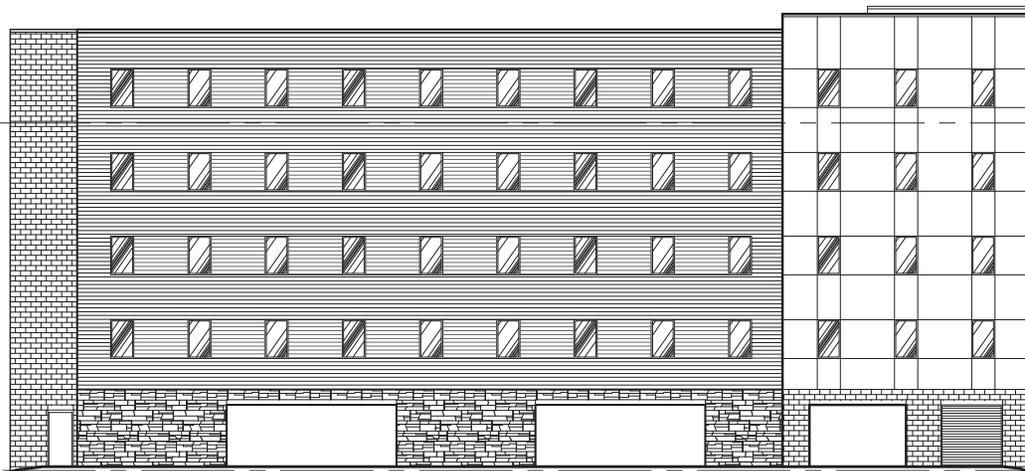
4 EAST ELEVATION  
### SCALE: 1/16"=1'-0"



3 SOUTH ELEVATION  
### SCALE: 1/16"=1'-0"



2 NORTH ELEVATION  
### SCALE: 1/16"=1'-0"



1 WEST ELEVATION  
### SCALE: 1/16"=1'-0"



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PROJECT TITLE:  
**418 HARRISON APARTMENTS**

418 HARRISON STREET  
WEST LAFAYETTE, INDIANA

PROJECT DATE:  
**06/29/22**

PROJECT NUMBER:  
**A2022.038**

DRAWN BY:  
**BGK**

DRAWING TITLE:  
**EXTERIOR  
ELEVATIONS**

SHEET NUMBER:

**A3**