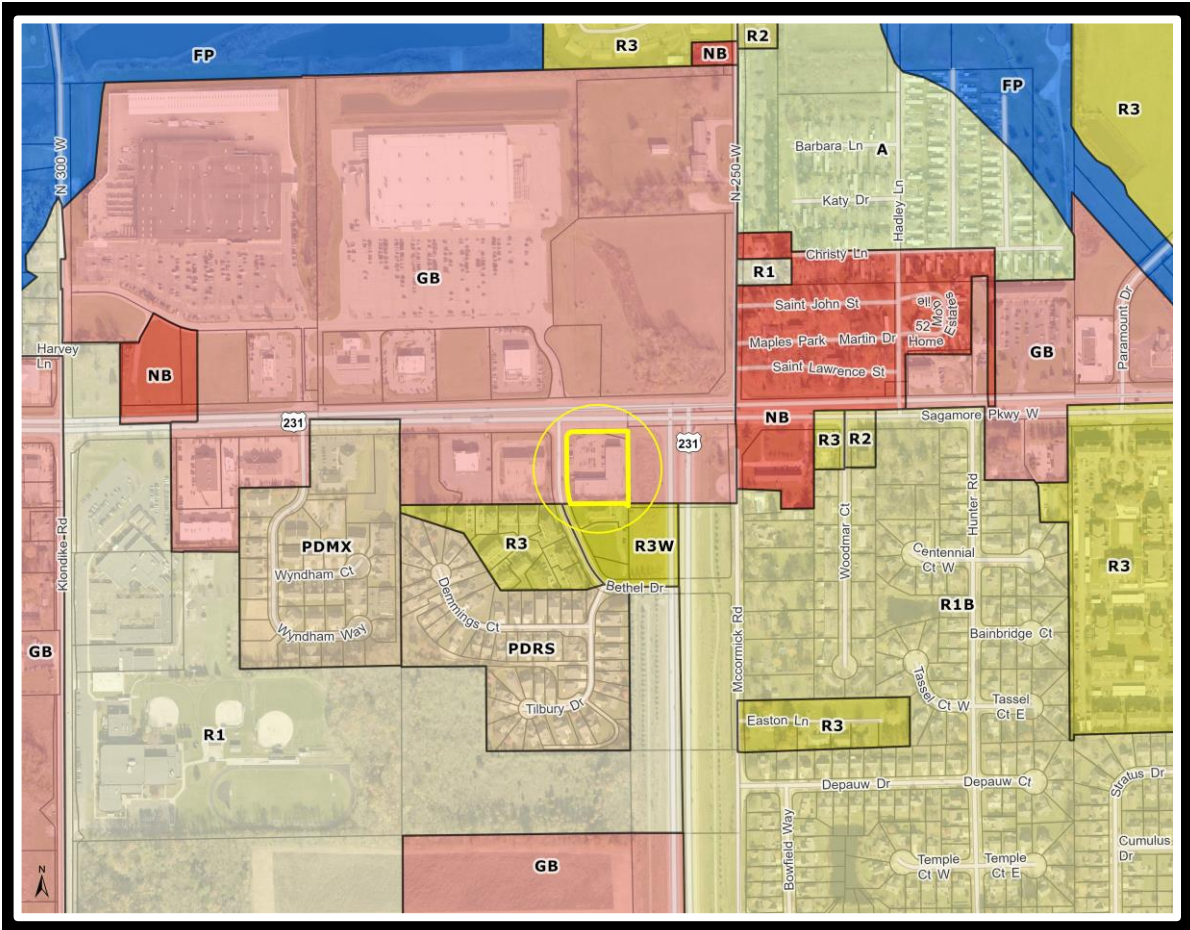

BZA-2089
JAMES D. HALL PS, VESTER & ASSOCIATES, INC.
(variance)

STAFF REPORT
September 22, 2022



BZA-2089
JAMES D. HALL, PS OF VESTER & ASSOCIATES, INC.
Variance

Staff Report
September 22, 2022

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, with consent from the owner Bowon USA, Inc., is requesting a front setback of 24 feet instead of the required 60 feet to allow for a standalone ATM at the commercial strip center (Brindon Commercial) located at 3457 Bethel Drive, West Lafayette, Wabash 02 (SW) 23-5.

AREA ZONING PATTERNS:

The property in question is zoned GB (General Business) as are properties to the north, east and west. Land adjacent to the south is zoned R3W. There have been no recent rezones or BZA cases in the immediate area.

AREA LAND USE PATTERNS:

The site in question houses a few restaurants, a grocery store and a nail salon. A car wash can be found to the west and the Meijer shopping center with several businesses is north across US 52. Adjacent to the south are several apartment buildings.

TRAFFIC AND TRANSPORTATION:

The property is located at the southeast corner of US 52 W and Bethel Drive, with its sole access from Bethel. US 231 borders this site to the east.

According to the aerial photograph, there appears to be approximately 74 parking spaces, which would be in line with UZO requirements for an integrated center at 1 space per 200 sq. ft. Standalone ATMs are not required to provide additional parking spaces. The UZO does have a requirement regarding queuing at drive-up facilities; staff has discussed this with West Lafayette and has decided that this requirement can be met.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Sewer and water serve the site.

STAFF COMMENTS:

Petitioner is requesting a setback variance that would allow an ATM to be located on the northwest part of the property between the pole sign and the parking lot. Petitioner's site plan shows the ATM in a grassed area adjacent to the parking lot.

Based on the site plan design, there is sufficient space to provide maneuverability for both ATM customers and patrons of the business center parking in the lot.

Staff supports the idea of efficient use of excess land in a commercial development and can support this request.

Regarding the ballot items:

1. The Area Plan Commission at its September 21, 2022 meeting determined that the variance requested **IS NOT** a use variance.

And it is staff's opinion that:

2. Granting this variance **WILL NOT** be injurious to the public health, safety, and general welfare of the community. Placement of a standalone ATM in this location will have no negative impact on public health and safety. The ATM location will not interfere with the vision triangle for motorists entering and leaving the site on Bethel Drive or US 52.
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. A decreased building setback of 24 feet for a standalone ATM will not impact surrounding properties negatively.
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. This is not a building but a structure of approximately 4' x 9' not intended for human occupancy. This makes this an usual situation.
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 property owner is retrofitting an existing shopping center by adding an ATM. This use does not require parking, so redesigning the entire site would be unnecessary.

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. There is no other location on site for a drive-through ATM without creating other site issues.

5b. The variance sought **DOES** provide only the minimum relief needed to alleviate the hardship. The location of the proposed ATM at 24' from the right-of-way, is right at the edge of the existing parking lot.

STAFF RECOMMENDATION:

Approval

