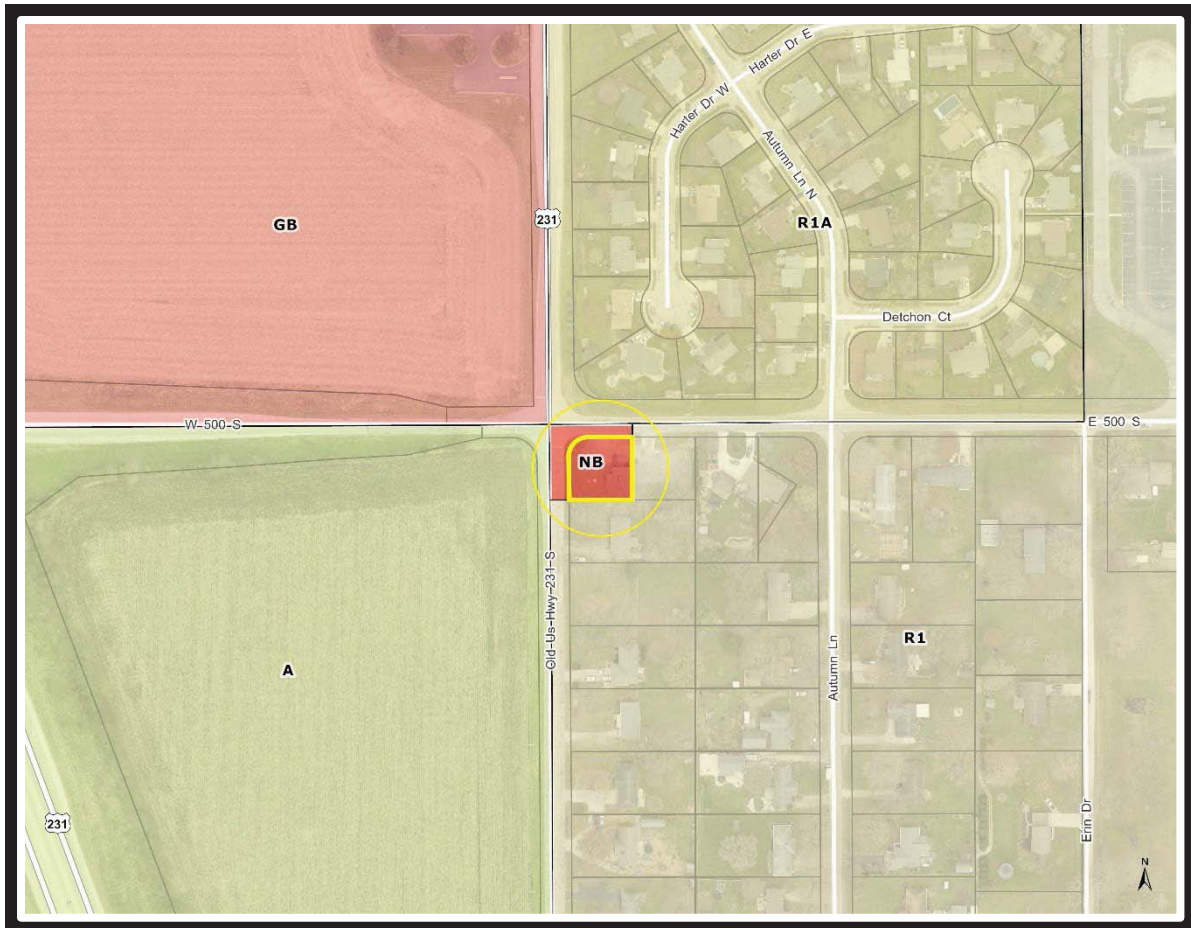

BZA-2093
JHS INVESTMENT GROUP LLC C/O RIPAM SINGH
(variances)

STAFF REPORT
January 19, 2023



BZA-2093
JHS INVESTMENT GROUP LLC
Variance

Staff Report
January 19, 2023

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner and owner, represented by attorney Kevin Riley, is requesting a variance to reduce the minimum (south) side setback from the required 10' to 4.3' in order to put an existing commercial building in conformance with the Unified Zoning Ordinance (UZO) and build an addition to it that would be flush with the existing building. The proposed use is a convenience store. The existing commercial building is located at the corner of W 500 S and Old Hwy 231 S, commonly known as 5011 Old US Highway 231 S, as part of the J and J Subdivision, Wea 20 (NW) 22-4.

There was a second variance request, but on further review, it was found to be unnecessary.

AREA ZONING PATTERNS:

The property is currently zoned NB but was originally zoned R1 like the rest of the J and J subdivision with the inception of zoning in 1965. The lot was rezoned to LB in 1970 (Z-396), which was converted to the NB zone with the adoption of the current zoning ordinance in 1998. Land southwest of the property is a large area of A (Agricultural) zoning. A large tract of land zoned GB is located immediately to the northwest of the property. All land to the northeast and southeast of the property is zoned residentially. There has been no recent BZA activity in the immediate area.

AREA LAND USE PATTERNS:

Petitioner's property is located on the northwestern corner of the J and J Subdivision, which is an older, established single-family residential subdivision built primarily in the 1950s and 1960s. The property was once used as a pizza shop and as a water treatment solutions dealer. Agriculturally farmed land is found immediately to the west and northwest of the property.

Single-family houses are also found immediately to the north of the property and further to the east. A medical clinic for employees of Lafayette School Corporation and Tippecanoe School Corporation is located north on Old US 231, as well as McCutcheon High School. Mayflower Mill Elementary School is also found a few blocks to the east on CR 500 S.

TRAFFIC AND TRANSPORTATION:

The lot is situated at the corner of W 500 S (a rural secondary arterial) and Old US Highway 231 S (a rural local street). Driveway access is located on CR 500 S.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

The site is served by septic and private well, but sanitary sewer and water are available near the site. The proposed addition would not be located in any drainage or utility easements.

STAFF COMMENTS:

Petitioner is proposing to build an addition onto the existing structure that is set back 4.3 ft. from the south property line. Given the amount of unimproved area to the west of the building, as well as the petitioner's plans to build the addition in this area, it is difficult for staff to understand the reasoning behind the petitioner's proposal to build within the required 10' setback area. The proposed addition could just as well be built to the west outside of the required setback area, without being fundamentally or materially different in size or form.

Nevertheless, it is understandable why the petitioner seeks to partially bring this existing building into legal conformance with the UZO, but that in itself is not enough to be considered a hardship. In the case of a potential total loss of the building, a new structure could be rebuilt in similar form to the existing structure and still readily conform with the provisions of the UZO. The required 10' setback makes sense here given the proximity of the commercial use to the neighboring residence, as well as the area's suburban character. Taking all of this into consideration, staff must therefore recommend denial of the request.

Regarding the ballot items:

1. The Area Plan Commission at its meeting on January 18, 2023 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. The existing building has apparently occupied this property with its existing setbacks since 1970. The existing structure and the proposed addition are not in any platted easement.
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. Granting this request will not affect the neighboring property owner any further nor the use of their property as a single-family home.
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 the shape, topography, or size of this lot.
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.

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 and solely based on a perceived reduction of or restriction on economic gain. An expansion could be added to the building that meets the setback requirements that materially would be similar to the addition that is proposed by the petitioner.

5b. The variance sought **DOES NOT** provide only the minimum relief needed to alleviate the hardship. Staff cannot find a minimum relief for this request because there is no hardship.

STAFF RECOMMENDATION:

Denial

CODE REVIEW

APPLICABLE CODES

- 2018 IBC
- 2018 IRC
- 2018 FBC
- 2018 NBC
- 2018 CBC
- 2018 ABC
- 2018 NBC
- 2018 NBC
- 2018 NBC
- 2018 NBC

PROJECT SCOPE

THE PROJECT IS A CONVENIENCE STORE REMODEL. THE PROJECT IS TO BE LOCATED AT THE CORNER OF 3011 OLD US HIGHWAY 231 SOUTH AND LAFAYETTE IN 47703. THE PROJECT IS TO BE A 10,000 SQ FT STORE. THE PROJECT IS TO BE A 10,000 SQ FT STORE. THE PROJECT IS TO BE A 10,000 SQ FT STORE.

APPLICABILITY OF CODES TO THE PROJECT

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BUILDING OCCUPANCY CLASSIFICATION

GROUP M-2

OCCUPANCY LOAD FACTORS

GROUP M-2

CONSTRUCTION TYPE

TYPE V

ALLOWABLE BUILDING HEIGHT & AREA

10,000 SQ FT

EXITS

SEE EXISTING PLAN

FIRE-RESISTANCE RATING REQMTS FOR BLDG ELEMENTS

SEE EXISTING PLAN

LEADS

SEE EXISTING PLAN

SCALE

1/8" = 1'-0"

GENERAL NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING ALL UTILITIES AND SERVICES TO BE INSTALLED OR MAINTAINED.

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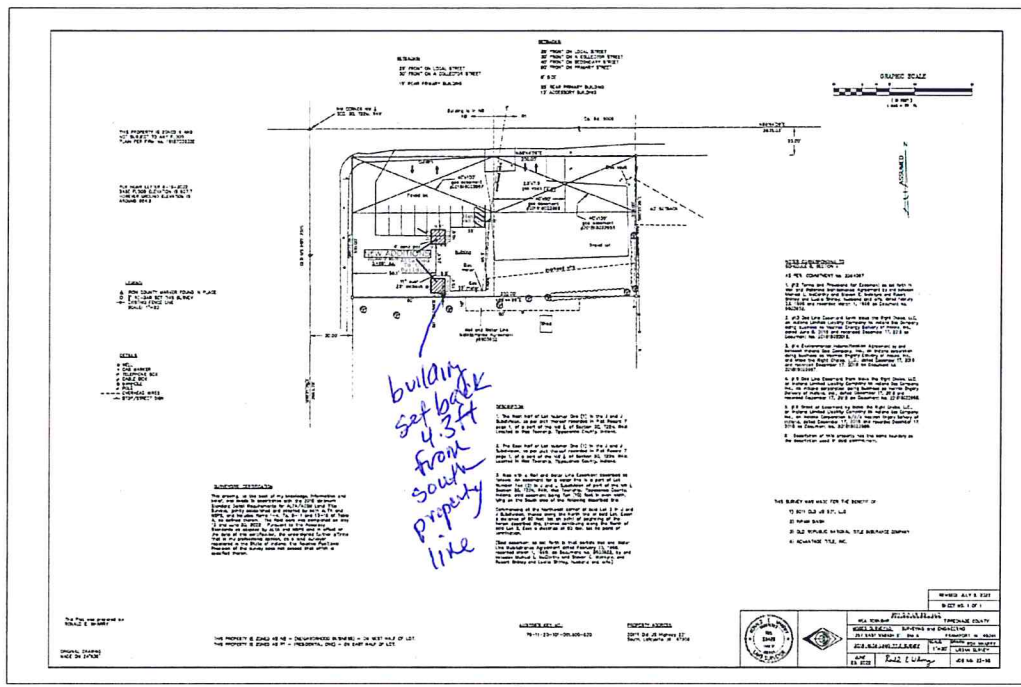
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SHEET INDEX

- TITLE PAGE & SITE PLAN
- EXISTING BUILDING
- FLOOR PLAN, SECTION, ELEVATIONS
- DEMOLITION & FOUNDATION PLANS
- SPECIFICATIONS, ROOF FRAMING & ELECTRICAL PLANS



SITE PLAN



CONVENIENCE STORE REMODEL FOR INVESTMENT GROUP, LLC
 3011 OLD US HIGHWAY 231 SOUTH LAFAYETTE, TN 37703

PROJECT NO: 2022-09
 DATE: 9.30.22

SHEET TITLE: TITLE PAGE & SITE PLAN
 SHEET NO: 1 OF 5