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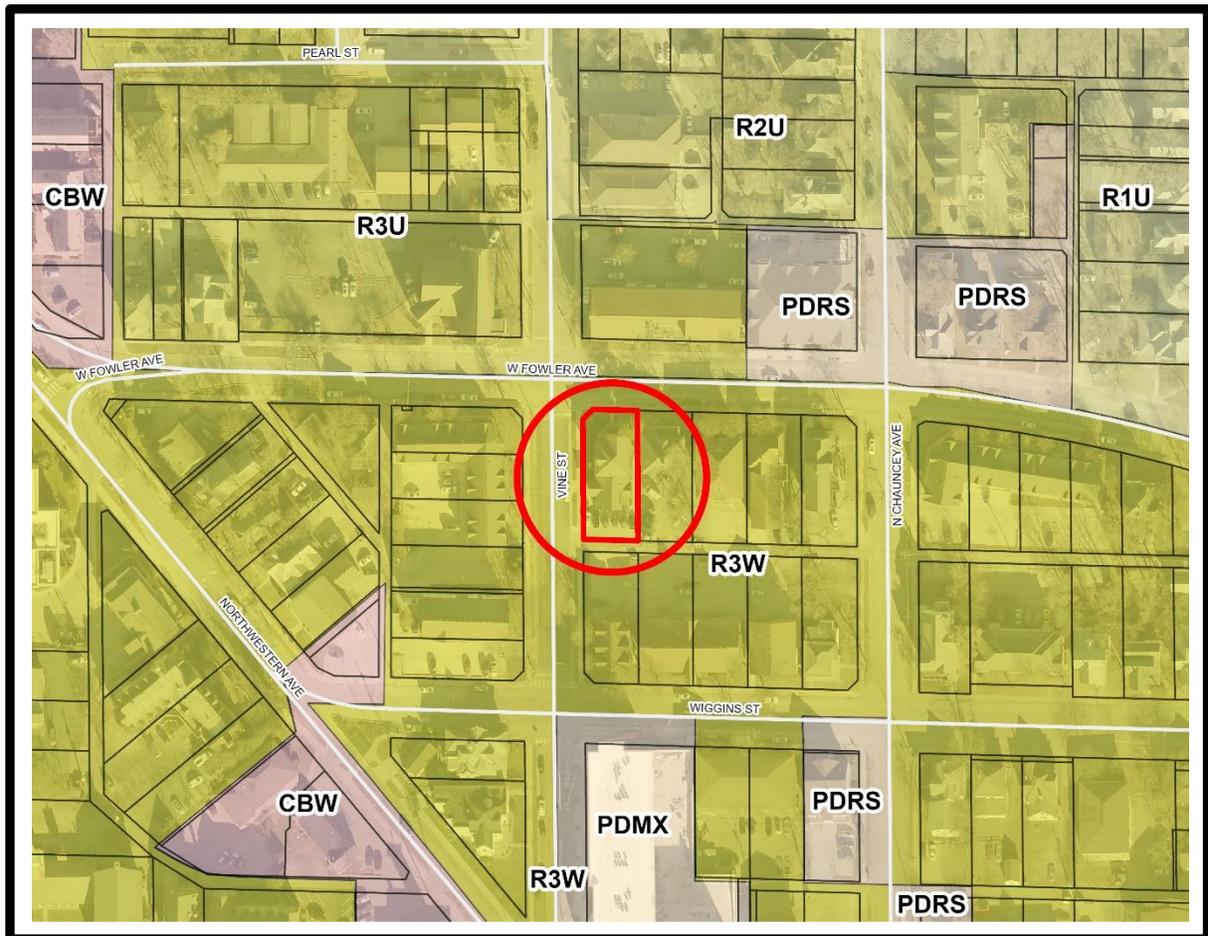
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**BZA-2032**  
**JAMES L. AND SHEILA A. COCHRAN**  
**(variances)**

**STAFF REPORT**  
**May 21, 2020**

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**BZA-2032**  
**JAMES L. AND SHEILA A. COCHRAN**  
**Variances**

**Staff Report**  
**May 21, 2020**

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**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

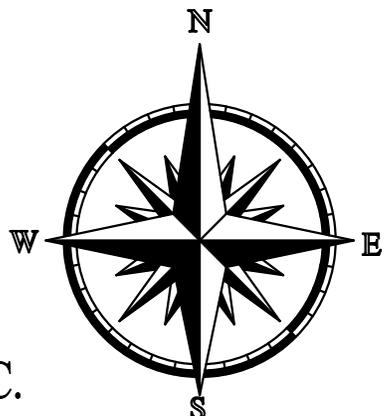
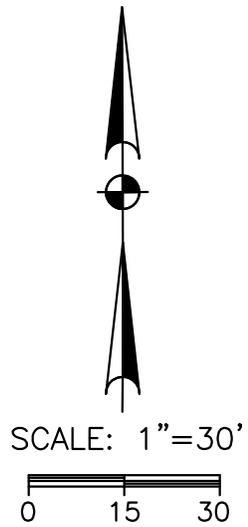
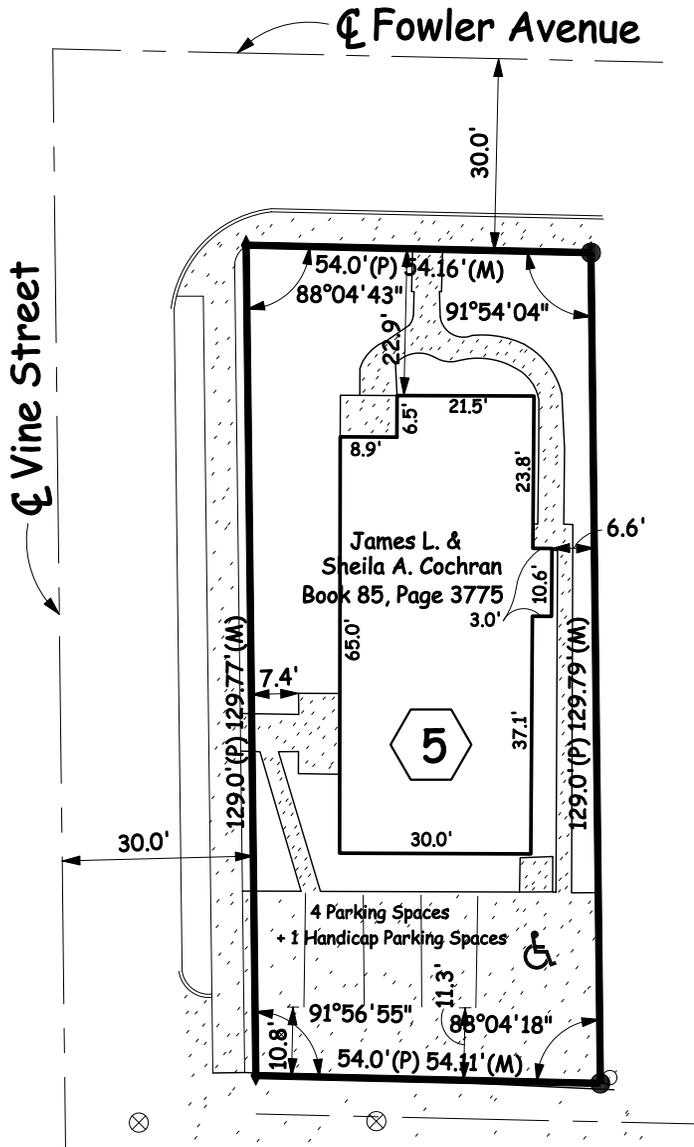
Variance #2 (Reduced street setback): Approval

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 Wm Gross*

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