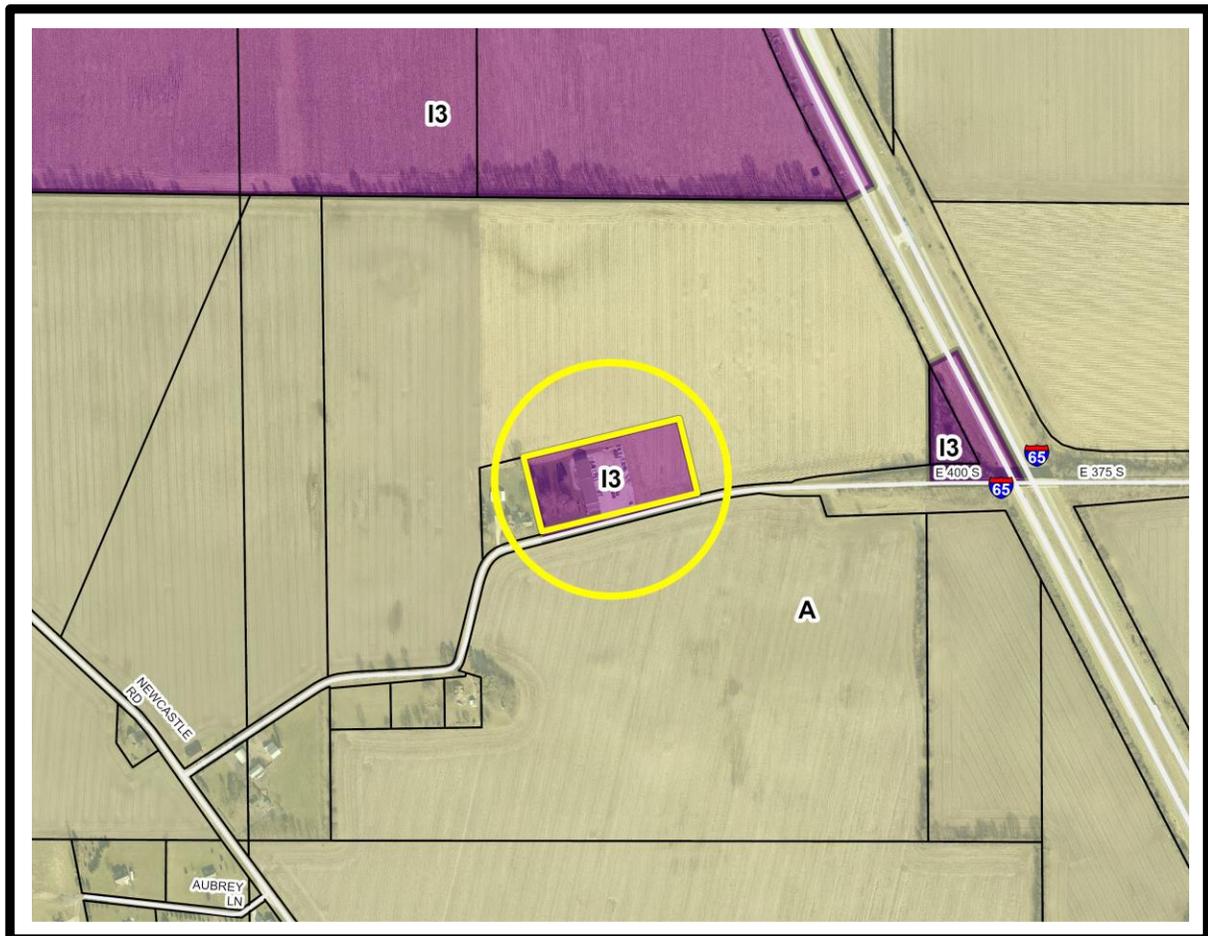

**BZA-2035
JACOB BALLAH
(variances)**

**STAFF REPORT
May 21, 2020**



BZA-2035
JACOB BALLAH
Variance

Staff Report
May 21, 2020

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner with consent from owner is requesting the following bufferyard variances to construct a 9,600 sq. ft. new building for an existing business:

1. To eliminate the required bufferyard along the western property line; (UZO 4-9-3) and
2. To eliminate the required bufferyard along the northern and eastern property lines; (UZO 4-9-3)

on a 5.246 acre, I3-zoned parcel located on the north side of CR 375 S, more specifically 6274 E 375 S, Sheffield 08 (SW) 22-3.

ZONING HISTORY AND AREA ZONING PATTERNS:

The subject property was rezoned to I3 from A in 1997 to legitimize an existing heating and air conditioning business (Z-1698). Agricultural zoning abuts the 5-acre tract on all sides. Industrial zoning is located about 1000' to the north and also a smaller I3-zoned tract exists about 1000' to the east next to I-65.

AREA LAND USE PATTERNS:

The site is home to Brand Electrical, a specialty contractor business. The business owner lives in the single-family home located west of the subject property on 1.6 acres of land. The adjoining property to the north and east is used for crop production. The rest of the land in the vicinity contains farm fields, farmsteads and non-farm single-family homes.

TRAFFIC AND TRANSPORTATION:

CR 375S is classified as a rural local road according to the *Thoroughfare Plan*. At this location, it connects Newcastle Road to the west with Dayton Road to the east, a distance of about 1½ miles.

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 31 parking spaces is required for both buildings on site per the petition: six employees on the largest shift require 6 spaces and a 5,000-sq. ft. office area requires 25 spaces. Petitioner's site plan shows 35 spaces, including two accessible parking spaces.

The site plan also shows the addition of a 36-foot wide secondary driveway from 375 E to support the proposed expansion. The County Highway department has completed a preliminary review for the existing as well as the new driveway.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

The site plan shows a commercial septic and well. Petitioner is already working with both the State Board of Health and the County Health Department on the septic system and well location. Petitioner has already received approval from the drainage board for the addition. A preliminary approval from the highway department to improve the existing driveway and build the proposed secondary access has been acquired.

A 30-foot wide Type C bufferyard is required along the northern, eastern and western property lines where it borders an Agricultural zoned area. The submitted plan shows no bufferyard.

STAFF COMMENTS:

Petitioner is requesting the removal of a type C bufferyard along the northern, eastern and western property lines to construct a 9,600 sq. ft. building. The proposed structure will accommodate a foundation repair business and a division of the existing electrical business. This new building will have 2500 sq. ft. of office space and the remaining area will house additional trucks, supplies, and equipment.

The subject property has an approximately 12,000 sq. ft. existing primary use building for Brand Electrical. The current 5.2 acre site was created in 1996 through the parcelization process (P 1996-60) and later it was rezoned to I3 to legitimize the existing primary use. John Brand, who is the beneficiary of the John Brand Trust (owner of the subject property) is also the business operator and lives on the adjoining land to the west.

Regarding request #1: Because the western property line divides petitioner's business from a developed residential lot, the full 30' wide bufferyard is required to be constructed on petitioner's tract. The ordinance allows the Administrative Officer (AO) to make the determination of a bufferyard requirement along a common property line where the property line serves as the boundary between zones and properties on either side of the line are owned by the same entity or individual. In this case, the property in this request is owned by the John Brand Trust, whereas the adjoining A zoned residence to the west is owned by John and Nancy Brand. Because of the non-identical ownership of the properties involved, the AO has determined the bufferyard along the western property line is required. The proposed structure is approximately 500 feet away from the residence. According to petitioner, the western part of the property currently has vegetation that provides an adequate buffer.

Regarding request #2: Because the northern and eastern property lines abut unimproved farm fields, only half (or 15') of the full 30' wide bufferyard is required to be constructed on petitioner's property. The proposed building and the parking lot is along 375 S, far from all the adjoining property lines. Industrial development in the area not served by sanitary sewer requires a larger tract of land to accommodate onsite commercial septic, well, and drainage systems. A light industrial development of this nature that adjoins farm

fields in a rural area is unusual. Requiring a bufferyard along the northern and eastern property lines would be unnecessary as it abuts a farm land. Staff believes that requiring a bufferyard for a large proportion of the property needed for the septic, well, and drainage systems to create a visual and physical barrier from the adjoining farmland will cause a hardship.

Regarding the ballot items:

1. The Executive Committee of the Area Plan Commission at its May 6, 2020 meeting determined that the variances requested **ARE NOT** use variances.

And it is staff's opinion regarding variances #1 and #2 that:

2. Granting the variances **WILL NOT** be injurious to the public health, safety, and general welfare of the community. The owner and operator of the business resides on the adjoining property to the west and has no concern about the lack of the ordinance required bufferyard. Other adjoining property is used for farm production and would not require a bufferyard to provide a physical or visual barrier, especially from underground septic, well and drainage systems.
3. Use and value of the area adjacent to the property included in this request **WILL NOT** be affected in a substantially adverse manner. This light industrial development with proposed site improvements will enhance the general 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. If the ownership of the properties were identical, the AO would have waived the bufferyard requirement along the western property line. This I3 lot in a rural area is larger than similarly zoned lots in a denser, more urban area and is adjacent to farm land.
5. Strict application of the terms of the zoning ordinance **WILL** result in an unusual or unnecessary hardship as defined in the zoning ordinance. Requiring the removal of existing vegetation to install standard plant units required by the ordinance will cause a hardship. The intent of the bufferyard ordinance is to provide a visual and physical barrier from dissimilar uses. The application of the bufferyard standards for this area with no nearby residential activity (other than petitioner's residence) and a minimal industrial business will cause 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. Both the ordinance requirements and a 5.2 acre I3-zoned land next to farmland is the cause of this hardship.

5b. The variances sought **DO** provide only the minimum relief needed to alleviate the hardship. Existing vegetation has been deemed sufficient by the adjoining property

owner to the west. A bufferyard in a largely rural area is not as necessary as in urban or suburban locations. This area with light industrial activity abuts farmland.

STAFF RECOMMENDATION:

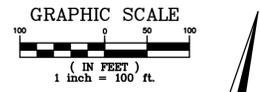
Variance #1 (Remove western bufferyard): Approval

Variance #2 (Remove northern and eastern bufferyard): Approval

Approvals contingent on the following conditions:

1. Construction release from the Indiana Department of Homeland security;
2. Approval from the County Highway Department for a commercial driveway;
3. Approval from the Indiana State Department of Health and the Tippecanoe County Health Department for an on-site sewage disposal system; and
4. Approval from the Tippecanoe County Surveyor's Office for onsite drainage.

SURVEY LEGEND		
●	Benchmark	XXX.XX Exist. Elevations
■	Electric Pole	XXX Exist. Contours
□	Utility Splice Box	OHE&T Overhead Electric & Telephone
⊕	Gas Meter	TV Underground TV
⊗	Air Cond. Unit	E Underground Electric
⊠	Mailbox	Property Line
⊛	Boulder	R/W Line
○	Post	Minimum Building Line (M.B.L.)
●	Well	
⊙	Septic Tank Lid	
☀	Conifer Tree	
☁	Deciduous Tree	



Unified Zoning Ordinance, 3rd Edition Chapter 2 Property Zoning = Industrial (I3)	
UZO Requirements	Provided On-Site
Minimum Lot Area = 10,000 sq. ft.	216,537 sq. ft.
Minimum Lot Width = 75'	660'
Lot Coverage: Max Buildings = 45%	10%
Min Vegetative Cover = 20%	50%
Min. Setback Along Street: 375 S. = 30'	37'
Min. Rear Setback = 15'	65'
Min. Side Setback: East Side = 0'	121'
Min. Side Setback Along Residential: West Side = 30'	210'
Max Building Height = 100'	35'

PARKING ANALYSIS	
Parking Requirements	
Usage : Construction	
Required Ratio: 1 space per 200 sq. ft. of Office and 1 per employee on largest shift	
Building 1 Office Area	= 2,500 sq. ft.
Spaces Required	= 12.5 Spaces
Building 1 Employees	= 3 Spaces
Building 2 Office Area	= 2,500 sq. ft.
Spaces Required	= 12.5 Spaces
Building 1 Employees	= 3 Spaces
Total Spaces Required (inc. accessible)	= 31 Spaces
Total Accessible Spaces Required	= 2 Spaces
Parking Provided	
Total Spaces Provided (inc. accessible)	= 35 Spaces
Total Accessible Spaces Provided	= 2 Spaces

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RECOMMENDED FOR APPROVAL:	<i>JWB</i>	12-20-19
DESIGN ENGINEER		DATE
DESIGNED:	JWB	DRAWN: JWB
CHECKED:	SWM	CHECKED: SWM

CROSSROADS FOUNDATION REPAIR BUILDING OVERALL SITE LAYOUT
LAFAYETTE IN

Headquarters
8450 WESTFIELD BLVD., SUITE 300
INDIANAPOLIS, IN 46240-8302
TEL 317-713-4615
FAX 317-713-4616
www.BFSng.com

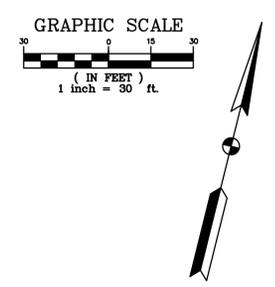
Branch Locations
FORT WAYNE 260-459-1532
JEFFERSONVILLE 812-285-0590
LAFAYETTE 765-423-5602
MERRILLVILLE 219-768-2333
PLAINFIELD 317-639-3242

HORIZONTAL SCALE	BRIDGE FILE
1"=100'	
VERTICAL SCALE	DESIGNATION
N/A	
SURVEY BOOK	SHEET
	03 OF 11
CONTRACT	PROJECT

6425

SURVEY LEGEND		
	XXX.XX	Exist. Elevations
	XXX	Exist. Contours
	OHE&T	Overhead Electric & Telephone
	TV	Underground TV
	E	Underground Electric
	---	Property Line
	---	R/W Line
	---	Minimum Building Line (M.B.L.)
		Conifer Tree
		Deciduous Tree

PARKING ANALYSIS	
Usage : Construction	
Required Ratio: 1 space per 200 sq. ft. of Office and 1 per employee on largest shift	
Building 1 Office Area	= 2,500 sq.ft.
Spaces Required	= 12.5 Spaces
Building 1 Employees	= 3 Spaces
Building 2 Office Area	= 2,500 sq.ft.
Spaces Required	= 12.5 Spaces
Building 2 Employees	= 3 Spaces
Total Spaces Required (inc. accessible)	= 31 Spaces
Total Accessible Spaces Required	= 2 Spaces
Parking Provided	
Total Spaces Provided (inc. accessible)	= 35 Spaces
Total Accessible Spaces Provided	= 2 Spaces



GEOMETRICS LEGEND	
	Gravel Parking Lot 12" #53 Aggregate Base
	Asphalt Parking Lot 1.5" 9.5 mm HMA Surface 4.5" 19 mm HMA Base 12" #53 Aggregate Base
	ADA Compliant Landing (Max. Slope Of 2%)
	Handicap Symbol, Blue (Typ.)
	Remove And Replace - 4" Concrete Sidewalk W/ 4" #53 Aggregate Base
	ADA Parking Sign
	Box Curb W/ 6" Face
	Curb Ramp (Comply W/ Current ADA Standards For Accessible Design)
	Concrete Apron 6" Concrete W/ 6" #53 Aggregate Base
	Line, Paint, Solid White, 4" (Typ.)
	Grass
	Line, Paint, Solid Blue, 4" (Typ.)
	4" Concrete Sidewalk W/ 4" #53 Aggregate Base
	Number Of Parking Spaces
	Bollard

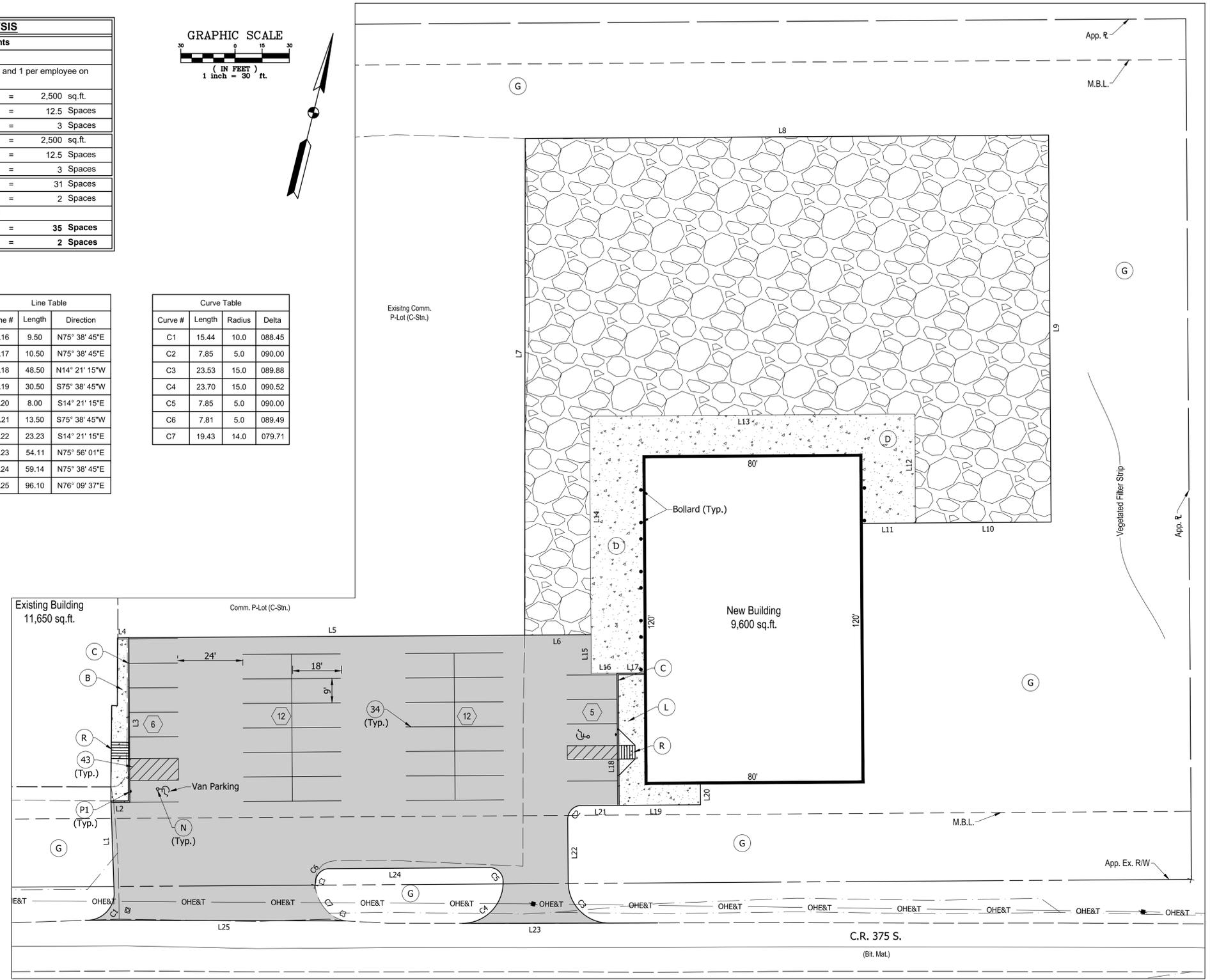
Line Table		
Line #	Length	Direction
L1	33.24	S15° 57' 40"E
L2	6.00	N75° 38' 45"E
L3	60.44	N14° 21' 15"W
L4	3.97	S75° 38' 45"W
L5	146.05	N75° 38' 45"E
L6	24.45	N75° 38' 45"E
L7	182.43	N13° 55' 01"W
L8	193.05	S75° 38' 45"W
L9	142.19	N14° 21' 15"W
L10	50.00	N75° 38' 45"E
L11	20.00	N75° 38' 45"E
L12	40.00	S14° 21' 15"E
L13	120.00	N75° 38' 45"E
L14	80.24	N14° 21' 15"W
L15	14.26	N14° 21' 15"W

Line Table		
Line #	Length	Direction
L16	9.50	N75° 38' 45"E
L17	10.50	N75° 38' 45"E
L18	48.50	N14° 21' 15"W
L19	30.50	S75° 38' 45"W
L20	8.00	S14° 21' 15"E
L21	13.50	S75° 38' 45"W
L22	23.23	S14° 21' 15"E
L23	54.11	N75° 58' 01"E
L24	59.14	N75° 38' 45"E
L25	96.10	N76° 09' 37"E

Curve Table			
Curve #	Length	Radius	Delta
C1	15.44	10.0	088.45
C2	7.85	5.0	090.00
C3	23.53	15.0	089.88
C4	23.70	15.0	090.52
C5	7.85	5.0	090.00
C6	7.81	5.0	089.49
C7	19.43	14.0	079.71

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- SITE GEOMETRIC NOTES**
- Contractor Is Responsible For Visiting The Site And Field Verifying The Existing Conditions. Contractor Shall Notify The Owner And Engineer Of Any Discrepancies.
 - All Sidewalks And Ramps Shall Be In Accordance With The Latest ADA Standards. Contractor Shall Verify Final Finished Grade Of The Building Prior To Construction Sitework. Coordinate With Engineer To Adjust Sidewalks, Ramps, And Other Site Features Accordingly If Constructed Finished Floor Elevations Vary From The Plans.
 - Site Contractor Shall Coordinate With Building Contractor On Placing The Final Asphalt Wearing Surface On All Paved Areas. Timing Shall Be Coordinated To Minimize Construction Type Traffic On The Final Wearing Surface.
 - Site Contractor Shall Match Existing Pavement And Curb In Grade And Alignment. Provide Smooth Transitions From New Area To Existing Features As Necessary.
 - All Building Dimensions Shown Are Approximate. The Contractor Shall Field Verify For Exact Locations And Dimensions Of Doorways, Building Dimensions, And Utility Entrance Locations.
 - All Dimensions Are Referenced To The Face Of Curb, Edge Of Pavement, Edge Of Sidewalk, Center Of Structure Or Outside Surface Of Building Wall Unless Otherwise Noted. Any Discrepancies With Respect To The Site Dimensions Shall Be Reported To The Engineer Immediately For Resolution.
 - All Parking Stripes Are To Be 4" Pained (White). ADA Accessible Parking Stripes Shall Be 4" Painted (Blue).
 - Existing Pavement Shall Be Saw Cut In All Areas Where Indicated That New Pavement Will Join Existing.
 - The Edge Of The Existing Asphalt Pavement Shall Be Properly Sealed With A Tack Coat Material In All Areas Where New Asphalt Pavement Is Indicated To Join Existing Asphalt.
 - All Joints Are To Continue Through The Curb.
 - Radial Joints Shall Be No Shorter Than 1.5'
 - Contractor Shall Use A Thickened Expansion Joint Around The Perimeter Of Any Block Out In The Concrete Paving.
 - All Construction Joints Shall Be Sawn, Cleaned Of Debris, Blown Dry And Sealed With The Appropriate Sealant According To Manufacturers Directions.
 - All Materials To Be In Accordance With INDOT Standard Specification Relative To Material, Mix, Placement And Workmanship.
 - Contractor Shall Verify All Dimensions In The Field Prior To Start Of Construction. Contractor Shall Be Responsible For All Field Dimensions. If Any Discrepancies Are Found In These Plans From Actual Field Conditions, The Contractor Shall Notify The Engineer Immediately.
 - The Typical Parking Space Is 9' Wide By 18' Deep.
 - For Final Material In Non-Paved Or Building Areas See Landscape Plan.
 - See City Of Lafayette Construction Guidelines And Details And Miscellaneous Details Sheet For Site Details.
 - All Utility Trenches Under And Within 5 Feet Of Pavement Shall Be Completely Backfilled With Granular Material Per State And Local Regulations.
 - Ensure Safe Passage Of Persons Around Areas Of Construction, Conduct Operations To Prevent Damage To Adjacent Buildings, Structures, And Other Facilities And Injury To Persons.
 - Contractor Shall Promptly Repair Any Damage Caused To Adjacent Areas To Original Condition Or Better.
 - Contractor Shall Maintain Existing Utilities To Stay In Service And Protect Against Damage During Construction.
 - Contractor Shall Protect Existing Trees To Remain From Damage During Construction.
 - Site Shall Conform With Erosion Control Plan Requirements Prior To Start Of Work.
 - All Dimensions Are Parallel With And Perpendicular To Base Lines, Property Lines Or Building Lines Unless Otherwise Noted.
 - See Landscape Plan For Planting Details



RECOMMENDED FOR APPROVAL:		12-20-19	DATE
DESIGNED:	JWB	DRAWN:	JWB
CHECKED:	SWM	CHECKED:	SWM

CROSSROADS FOUNDATION REPAIR BUILDING GEOMETRICS PLAN

LAFAYETTE IN

Headquarters
8450 WESTFIELD BLVD., SUITE 300
INDIANAPOLIS, IN 46240-8302
TEL 317-713-4615
FAX 317-713-4616
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PLAINFIELD 317-839-3242

HORIZONTAL SCALE	BRIDGE FILE
1"=20'	
VERTICAL SCALE	DESIGNATION
N/A	
SURVEY BOOK	SHEET
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