

AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY
LAFAYETTE DIVISION

January 17, 2017

The City of Lafayette Board of Zoning Appeals met in regular session on Tuesday, January 17, 2017 at 4:00 PM. Members present were: Jackson Bogan, Tracy Walder, Jake Gray, and Kathy Davis. The meeting was called to order by Mr. Bogan.

The first order of business being the election of officers for 2017, Mr. Bogan requested nominations for President. Ms. Walder nominated Jackson Bogan; second by Ms. Davis. The motion passed by unanimous voice vote. Jackson Bogan will be President of the Board for 2017. Mr. Bogan nominated Tracy Walder for Vice President, second by Ms. Davis. The motion passed by unanimous voice vote. Tracy Walder will be Vice President of the Board for 2017.

Ms. Walder moved to approve the minutes of the previous meeting as distributed; second by Ms. Davis. The motion passed by unanimous voice vote.

NEW BUSINESS:

2017-1 Petition filed by TEMPEST PROPERTIES, LLC for multiple requests for property located at 303 & 305 S 9TH ST:

- 1) Variance to allow a side setback of 1' instead of the required 6'.
- 2) Variance to allow a front setback of 10' instead of the required 60'.

Ms. Walder moved to hear and approve the petition, second by Ms. Davis. Dan Teder, agent for the petitioner, presented the petition.

Mr. Teder explained that he represents Tempest Properties and Scheumann Properties, the petitioner for 2017-2, and would be able to present both petitions simultaneously.

2017-2 Petition filed by SCHEUMANN PROPERTIES II, LLC for variance to allow a building height of 84.04' instead of the maximum allowed 53'. Property located at 300 VALLEY ST.

Ms. Walder moved to hear and approve the petition, second by Ms. Davis. Dan Teder, agent for the petitioner, continued his presentation.

Both properties were rezoned from PDRS to R3 in December, 2016. The 9th Street property consists of two 3-story apartment buildings; the Valley Street property has a 6-story high-rise. These properties were built in the 1960's and were zoned R3 at the time. Originally, the project was very successful. The properties were sold. The new owner rezoned the sites to Planned Development and was able to sell a few of the units as condominiums. Overall, the properties fell into a state of disrepair.

In late 2012, the current owner purchased the properties. They were cleaned up and refurbished. The condominiums have been bought back. The sole purpose of the requests is to bring the properties into conformance. No changes are proposed.

Mr. Bogan asked for confirmation that there will not be any changes and that this is just to make it legal. Mr. Teder responded that is the case. When these properties were built in the 1960's they conformed to the R3 standards at that time but these have changed. Nothing is being changed, the owner just want to make sure they can rebuild the structures in the event there is a catastrophe.

The Board voted by ballot:

2017-1

- 1) 4 yes 0 no. PETITION GRANTED
- 2) 4 yes 0 no. PETITION GRANTED

2017-2 4 yes 0 no. PETITION GRANTED

2017-3 Petition filed by ZACHARRI R & ABIGAIL E BROWN multiple requests for property located at 703 CENTRAL AVE:

- 1) Variance to allow a 3' rear setback instead of the required 10'.
- 2) Variance to allow a 0' side setback instead of the required 5'.

Ms. Walder moved to hear and approve the petition; second by Ms. Davis. Bob Gross, agent for the petitioner, presented the petition. Steve Schraeder, contractor for the project, was also present.

Mr. Gross explained that they are replacing an existing garage. An additional 3' is required to make the driveway work. Mr. Jackson, referencing the submitted exhibit, asked if they were just pushing it this way, closer to the setback. Mr. Gross responded yes.

The Board voted by ballot:

- 1) 4 yes 0 no. PETITION GRANTED
- 2) 4 yes 0 no. PETITION GRANTED

David Lahr joined the meeting.

2017-4 Petition filed by DRURY DEVELOPMENT CORPORATION for multiple requests for property located at 4110 SOUTH ST:

- 1) Variance to allow a building height of 88'-5" instead of the maximum allowed 35'.
- 2) Variance to allow a rear setback of 0' instead of the required 15'.
- 3) Variance to allow a maximum sign area of 911.5 SF instead of the required 250 SF.
- 4) Variance to allow a freestanding sign area of 250 SF instead of the required 100 SF.
- 5) Variance to allow a freestanding sign height of 30' instead of the required 24'.
- 6) Variance to allow a freestanding sign setback of 0' instead of the required 30'.
- 7) Variance to allow a side setback of 0' instead of the required 30'.

Ms. Walder moved to hear and approve the petition; second by Ms. Davis. Dan Teder, agent for the petitioner, presented the petition. Mark Cole, the petitioner, was also present.

Mr. Teder passed out copies of the submitted exhibit package. The project is located at 4110 South Street. It is the present location of the Knights Inn. It is a little more than 3-1/2 acres. The current hotel will be raised and a new 7-story, 180-room Drury Inn will be built. There will also be 199 parking spaces.

Referencing the exhibits page by page, Mr. Teder explained the individual requests. Request (1), the size of the site supports the additional building height. Request (2), a 6' wall will be built along the north line to buffer from the storage yards to the north. Request (7), the setback from the side yard are adjacent to apartments to the east that are zoned R3. Mr. Teder also noted at this time that at the west end of the development there is a parcel currently owned by Arby's that is being pursued. The exhibits show two plans for the proposed monument sign. One on property currently owned by Knights Inn and the second on the Arby's property. In the event that the property is acquired, they want to have a plan on the record showing the monument sign as the submitted site plans run with the variance. Request (3), elevations showing the proposed signage on each side of the building were described. The allowable signage is not as much as it could be because at each end of the site are private road frontages. Because they are private, they do not contribute additional allowable sign area. Request (4) and Request (5), the freestanding sign locations were described. They pole sign will be quite a ways from South Street. Mr. Teder referenced a recent petition approved for Harley Davidson and noted the similarities to this petition. An exhibit showing the existing conditions and then the proposed conditions was described.

Mr. Teder noted that the parking and traffic will be improved and that there would be an increase in greenspace. They would be hiring several employees and the valuation of the property would go from about 800 thousand to over 11 million. They have met with the Mayor and City staff who support the project. The Police Department and Engineering Department expect this project to have a positive impact on this area.

Mr. Jackson noted that one of the exhibits show a 200 SF freestanding sign when the petition requests 250 SF. Mr. Teder answered that the 250 SF is a combination of the pole sign and the monument sign and that the 250 SF request is correct.

Ms. Walder asked if there would be improvements to the private roadway at the east end. Mr. Cole answered that they had started discussions with Duke Energy to get the power lines put underground and that they were talking with McDonalds. It is their goal to get all of this done and the road repaved but it is a complicated effort.

The Board voted by ballot:

- 1) 5 yes 0 no. PETITION GRANTED
- 2) 5 yes 0 no. PETITION GRANTED
- 3) 5 yes 0 no. PETITION GRANTED
- 4) 5 yes 0 no. PETITION GRANTED
- 5) 5 yes 0 no. PETITION GRANTED
- 6) 5 yes 0 no. PETITION GRANTED
- 7) 5 yes 0 no. PETITION GRANTED

2017-5

Petition filed by EMH&T for variance to allow a setback from an FP Zone of 0' instead of the required 25'. Property located at 2407 N 9TH ST.

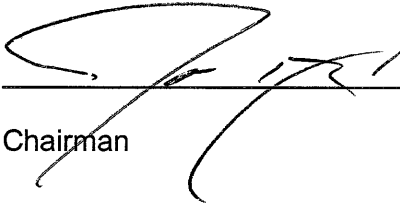
Ms. Walder moved to hear and approve the petition; second by Ms. Davis. Brian Brown, the petitioner, presented the petition.

Mr. Brown presented an exhibit showing the overall Oscar Winski site. Oscar Winski is preparing to construct a piece of equipment; there is a building associated with it. It is basically a crusher that will process metal. It will sit on a concrete pad. The building next to it will house mechanicals. It is going to be 2' above the flood elevation. They are requesting relief from the requirement to be setback 25' from the floodplain. Flooding in this area is shallow and is actually just backwater from the Wabash River. There is no stream by the site.

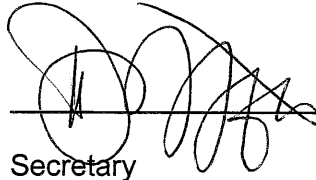
Ms. Davis asked if 2' is enough. Secretary Griffie answered that 2' is the flood protection grade and is the code requirement. The Engineering Department has reviewed the project and it meets all of the technical requirements for approval and the applicant will be able to request this area be removed from the floodplain. Mr. Bogan asked if that would apply only to the piece in question and not the whole property. Secretary Griffie responded that is the case, only the property involved with this specific project would be removed from the floodplain.

The Board voted by ballot: 5 yes 0 no. PETITION GRANTED

The next meeting of the Lafayette Board of Zoning Appeals will be on Tuesday, February 21, 2017 at 4:00 PM. There being no further business to come before the Board at this time, the meeting was adjourned at 4:45 PM.



Chairman



Secretary