

AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY
LAFAYETTE DIVISION

May 21, 2018

The City of Lafayette Board of Zoning Appeals met in regular session on Monday, May 21, 2018 at 4:00 PM. Members present were: Jackson Bogan, Kathy Davis, Jake Gray, and David Lahr.

Secretary Griffie informed the Board that Request (3) for BZA No. 2018-6 has been withdrawn at the request of the petitioner. Requests (1) and (2) from that same petition will be heard.

The meeting was called to order by Mr. Bogan. Ms. Davis moved to approve the minutes of the previous meeting as distributed; second by Mr. Lahr. The motion passed by unanimous voice vote.

OLD BUSINESS:

2018-4 Petition filed by ANTHONY CAWDRON for multiple requests for property located at 325 N 5TH ST:

- 1) Variance to allow 28.0% vegetative cover instead of the required 30%.
- 2) Variance to allow building coverage of 62.4% instead of the allowed 35%.
- 3) Variance to allow 0.9' setback instead of the required 15' (North Street frontage).
- 4) Variance to allow 4.4' setback instead of the required 15' (N 5th Street frontage).
- 5) Variance to allow 3' rear setback instead of the required 6'.
- 6) Variance to allow 2.5' side setback instead of the required 6'.

Ms. Davis moved to hear and approve the petition, second by Mr. Lahr. The petitioner, Anthony Cawdron, presented the petition. Todd Starr, agent for the petitioner, was also present.

Mr. Cawdron explained that the plan is to add a garage to the back of the property. There is existing space to put a car in but he would like to change the existing deck and put in a garage of one car on the back of that house.

Mr. Starr added that the site is zoned R2U, which is a medium to high-density in an older part of town. Mr. Cawdron has an advantage that he has room to put in a garage and get a vehicle off of the street, which is a problem downtown, and put it under lock and key in a garage. In order to accomplish that there are some hurdles to overcome that we are asking variances on. The first is vegetative cover, 28% instead of the required 30%. If you look at the existing conditions, it is slightly less than 25% to begin with. Once he builds the garage and grasses all the rest of it, we're actually going to increase the amount of vegetative cover but will still fall shy of 30%. For the second request, the existing building by itself covers roughly 51% so by adding the garage it will increase to 62.4%. That will require a variance as well. The other ones are setbacks, these variance actually apply to the existing house. The 0.9' setback would cover the existing house and will also cover the proposed garage. The garage is actually proposed to be about 2.9' from the North Street right-of-way. The existing porch sits about 4.4' from Fifth Street which does not meet 15'. So that is another variance request. The last being the existing house is set back about 2.5' on the side which does not meet 6'. Originally, we were just looking at the garage but then we started looking at the house and its a noncompliant house.

Mr. Jackson asked if this would bring the house into compliance. Mr. Starr responded that it will.

Michael Hunt spoke in favor of the petition. He lives two blocks south of the subject location. Mr. Hunt also provided a brief history of his house and the Centennial Neighborhood and provided additional information on other related topics.

The Board voted by ballot:

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

2018-6 Petition filed by 200 SOUTH 4TH STREET LLC for multiple requests for property located at 200 S 4TH ST:

- 1) Variance to allow 130' building height instead of the allowed 100'.
- 2) Variance to allow 334 SF total sign area instead of the allowed 40 SF.
- 3) Variance to allow 84 parking spaces instead of the required 134 spaces.

Ms. Davis moved to hear and approve the petition, second by Mr. Lahr. Chris Shelmon, agent for the petitioner, presented the petition. The petitioner, Paul Griggs, was also present. The developer of the project, Rick Lee, was also present.

Mr. Shelmon explained that this variance request will allow us to build something that will really bring new life back into the South 4th Street area and allow for an opportunity for new business across the river and throughout the city. It will allow for a mixed-use building 100' high that will allow 77 units for apartments above a commercial first floor. The building is basically a 100' tall; the height request includes the added signage on top. It is important to note about the signage is that it is significantly smaller than the other large-scale buildings in the area. The Marq and the Chase Tower are over 1000 SF of signage each. This will have signage that is not really commercial but will focus on the development itself. It will be representative of the tower which will have a residential focus. This signage will be a 1000 SF less than the others and will only be on one side. It is a design with Feng shui principals in mind and it hopes to be an icon. The third request will be resubmitted as a separate variance petition.

Dennis Carson, City of Lafayette Economic Development Director, spoke in favor of the petition. They have been working very closely with the petitioners and this is consistent with what he wants to see happen downtown. Last year they expanded the Central Business district downtown to this area to expand the footprint of downtown both north and south. This is a building type they would like to see; there has also been a lot of extensive planning for the downtown area and this again is a project that is consistent with what he would like to see. Fourth Street is a gateway into downtown and we think this building will provide a great visual gateway and will be a great asset for the downtown area.

Mayor Roswarski stated that he would like to echo Mr. Carson's statements. The petitioners have been good about coming in to meet regularly and we have been well advised on the plans. We are excited about this project and we support this request.

The Board voted by ballot:

- 1) 4 yes 0 no. Petition GRANTED.
- 2) 4 yes 0 no. Petition GRANTED.
- 3) WITHDRAWN

NEW BUSINESS

2018-10 Petition filed by SAMANTHA MILBURN / HUSTON ELECTRIC for multiple requests for property located at 3209 BUILDER DR:

- 1) Variance to allow a 189 SF integrated center sign instead of the allowed 140 SF.
- 2) Variance to allow a 25' freestanding sign height instead of the allowed 24'.
- 3) Variance to allow a 15' freestanding sign setback instead of 25'.
- 4) Variance to allow 80 SF of building signage for a tenant in an integrated center instead of the allowed 40 SF.

Ms. Davis moved to hear and approve the petition, second by Mr. Lahr. Samantha Milburn, the petitioner, presented the petition

Ms. Milburn stated that for this case they are representing Arby's. For the first request this is for the pylon sign. Reference was made to the submitted exhibits. This will give you an idea of the overall height of the sign as well as the square footage. Arby's is the staple store at this integrated center they will be the first store to go in; they are prominently displayed at the top of the sign. The other tenants will be underneath and it is the hope that they will be visible to traffic as well. It is just one foot taller than what is allowed. As far as the setback, they will be setback 15' instead of 25'.

Mr. Bogan stated that he visited the site and asked if there would be a safety concern with the reduced setback. Secretary Griffie responded that the right-of-way there is more than needed for the transportation element. There is open drainage facilities on that side that will always be open space, there is no plan for a trail or sidewalk on that side of Veterans Memorial Parkway. There are no safety concerns.

Ms. Milburn continued that for the building they are hoping to have two building signs. They are both the Arby's logo; they would like one on each side of the building. Ms. Milburn directed the Board members to the appropriate pages of the submitted exhibits for information on these signs. They get traffic from both directions so they are wanting one on each side of the building.

Secretary Griffie explained that this site has two frontages, Builder Drive to the north and Veterans Memorial Parkway to the south. Arby's is at the end of the building, to clarify since the drawings are not that clear.

Mr. Bogan asked for clarification on the building sign sizes that 40 SF will be on the front and the back. Ms. Milburn confirmed that each sign is 40 SF. Mr. Bogan asked if this will cover signage for the other tenants. Secretary Griffie stated that this petition is only for Arby's building signage. The other tenants will be allowed a total of 40 SF; they will need to have future petitions approved to exceed this amount.

The Board voted by ballot:

- 1) 4 yes 0 no. Petition GRANTED.
- 2) 4 yes 0 no. Petition GRANTED.
- 3) 4 yes 0 no. Petition GRANTED.
- 4) 4 yes 0 no. Petition GRANTED.

2018-11 Petition filed by TWO BEARS PROPERTIES, LLC for variance to allow 4 parking spaces instead of the required 28 spaces. Property located at 1902 SCOTT ST & 215 GRANT ST.

Ms. Davis moved to hear and approve the petition, second by Mr. Lahr. Chris Shelmon, agent for the petitioner, presented the petition. The petitioner, Jason Behenna, was also present.

Mr. Shelmon explained that this site is the Parkside Deli. They are hoping to give new life to the Parkside Deli as Escape Velocity Brewing Company. So it will be a little brew-pub. The petitioner, Jason, is originally from Indianapolis and went to Purdue. He is coming back and bringing his brewing talents to the community. He along with his wife are looking to add on to the existing Parkside Deli building. There never has been any parking there, but they are taking this opportunity to tear down the old home. They will make a small addition to the Parkside Deli building, tear down the home, and add four parking spaces. So actually, the variance request is to provide more parking than has ever been here. This will legitimize everything and hopefully usher in the next generation of this restaurant at Columbian Park.

Secretary Griffie stated that there was an approved variance to have no parking at this location. The site plan from that petition will change; so that approval would automatically be nullified.

Dennis Carson spoke in favor of the petition. The petitioners have worked closely with his office. There has been extensive planning that extends from this area down to the Five Points area; this project fits well within that plan.

Mayor Roswarski also spoke in favor of the petition. They went before City Council last month to get rezoned. This will be a very positive project.

The Board voted by ballot: 4 yes 0 no. Petition GRANTED.

2018-12 Petition filed by STAR CITY CROSSING LLC for variance to allow 70 parking spaces instead of the required 118 spaces. Property located at the northeast corner of SOUTH ST & N 5TH ST.

Ms. Davis moved to hear and approve the petition, second by Mr. Lahr. Chris Shelmon, agent for the petitioner, presented the petition. The petitioner, Jon Caron, was also present.

Mr. Shelmon stated that he is fortunate to be presenting two downtown, generational changing petitions to the City. This will be located right outside this building and will be on the west side of this block. It will provide a mixed-use with apartments on the top four floors and commercial retail on the first floor. The petitioners have brought great things to the area; especially the downtown area with the recent remodel of the Remax Building as well as the other building on that block. They have done a good job restoring and bringing in new life. This will be a ground-up effort but it echoes some of the same revitalization

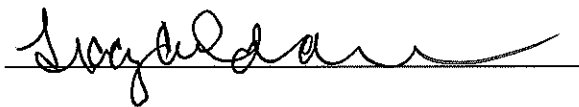
efforts that fits within the City landscape. They have worked with the City throughout this process. The only thing holding us back is a little bit of parking. It should be noted that they are proposing just under one parking space per unit. That is just a little bit under the Centennial Neighborhood parking requirement. The Centennial requirement is 1 space per unit. This is a more urban downtown location which is dominantly comprised of one-bedroom units. So they are likely to not have a car involved and really what the developer believes fits with the urban lifestyle that this building offers. It will also be close to amenities such as bicycle sharing, walking trails, as well as the bus. It is also across the street from the City parking garage. This building is built for the urban landscape and will not have the parking demand.

Dennis Carson spoke in favor of the project. This project is consistent with what we want to do downtown. Things are changing. People are driving less and we have a lot of different options downtown. We have a very good bus service with CityBus. There is Uber and Bikeshare. The City parking garage is always an option.

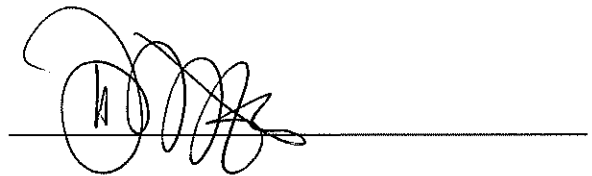
Mayor Roswarski stated that they are really excited about this project. He pointed to the design; this will be a great addition to downtown. They have worked with the petitioners and worked with them to get access to the alley to make this work. There has been a lot of communication. This will improve the vitality downtown and quality of life which is something they are always striving for.

The Board voted by ballot: 4 yes 0 no. Petition GRANTED.

The next meeting of the Lafayette Board of Zoning Appeals will be on Monday, June 18, 2018 at 4:00 PM. There being no further business to come before the Board at this time, the meeting was adjourned at 4:35 PM.



Chairman



Secretary