

AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY  
LAFAYETTE DIVISION  
January 19, 2021

The City of Lafayette Board of Zoning Appeals met in regular session on Tuesday, January 19, 2021 at 4:00 PM. Members present were: Jackson Bogan, Dave Williams, Jake Gray, and Dick Murray.

The meeting was called to order by Mr. Bogan. The first order of business was the election of officers for 2021. Mr. Williams moved to cast a unanimous ballot to continue the same officers, Mr. Bogan and Ms. Walder, which was seconded by Mr. Murray. The motion passed by unanimous voice vote. Jackson Bogan will be President of the Board for 2021 and Ms. Walder will be Vice President of the Board for 2021. Mr. Williams moved to approve the minutes of the previous meeting as distributed; second by Mr. Murray. The motion passed by unanimous voice vote.

NEW BUSINESS

2021-1      THAYER'S ENTERPRISES, INC. Multiple requests for property located at 1709 and 1717 COLFAX ST.

- 1) Variance to reduce the Type C bufferyard along the southern portion of the property from the required 30' width to a 15' width.
- 2) Variance to eliminate the Type A bufferyard with a 20' width from the western portion of the property.

Mr. Williams moved to hear and approve the petition; second by Mr. Murray. Dan Teder, agent for the petitioner, presented the petition.

Mr. Teder stated that these properties were recently rezoned to GB. Thayer's Exteriors has grown in size and they have renovated the existing building they're in. Their plan is to expand to 1709 and 1717 Colfax St. which will start with the demolition of both buildings onsite. They have a lot of greenspace on this site and their proposed building will sit around 100' from the southern property line. They are also going to add ten pine trees to the southern portion of the property. They do not believe this will have any negative effects on the neighboring properties. Mr. Teder also stated that the bowling alley property to the west is going to be improved and both property owners don't want to install the required bufferyards.

The Board voted by ballot:

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

2021-2      TERIDAAT INVESTMENTS, INC. Multiple requests for property located at 717 N. 31<sup>st</sup> ST. and 3107 UNION ST.

- 1) Variance to reduce the side yard setback (Union St.) to 48' instead of the required 60'.
- 2) Variance to reduce the front yard setback (31<sup>st</sup> St.) to 15' instead of the required 25'.
- 3) Variance to reduce the side yard setback to 10' instead of the required 30'.
- 4) Variance to eliminate the Type C bufferyard with a 30' width from the southern portion of the property.

Mr. Williams moved to hear and approve the petition; second by Mr. Murray. Dan Teder, agent for the petitioner, presented the petition. The petitioner, Ripam Singh, was also present.

Mr. Teder stated this site was previously used for a bank. The petitioner wants to renovate the building to use it as a gas station and convenience store. The existing canopies would be demolished and new ones would be constructed. They also want to construct a small storage building on the smaller parcel south of the alleyway. Most of the buildings along this alleyway are close to the alleyway. They believe this will be a great improvement to the area since this building has sat vacant for a long time.

Mr. Bogan asked if there would be vehicle access to the property off of Union St. and Mr. Singh said that there will not be an access off of Union St.

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.

2021-3      SWITZER RE HOLDINGS, LLC Variance to reduce the amount of required parking spaces from 80 spaces to 44 spaces (with 2 handicap spaces). Property located at 3437 SOUTH ST.

Mr. Williams moved to hear and approve the petition; second by Mr. Murray. Dan Teder, agent for the petitioner, presented the petition.

Mr. Teder stated this site used to be Carpetland and it has sat vacant for quite some time. They have renovated the existing building onsite for a new automobile repair business. The site has more greenspace than the ordinance requires and there will not be any outside storage. Mr. Teder believes this project will be a great improvement to the area.

Mr. Murray asked about the petitioner's existing business on Rascal Drive and stated that multiple vehicles park on the street. He wanted to know if the off-street parking at this new location will eliminate the need for vehicles to be parked on the street. Mr. Teder stated that the intent at the new location is to eliminate any additional need for off-site parking and that the only parking that will be used will be onsite.

Mr. Bogan asked if this business was for collision repair or just general automobile repair and Mr. Williams stated that he believes the existing business on Rascal Drive is for collision repair. Mr. Teder was not certain about the specific use for this business. Mr. Bogan asked about the parking of vehicles outside and how that related to the comment Mr. Teder made about no outside storage of materials. Mr. Teder stated that the vehicles will only be worked on inside the existing structure but after the work is completed, the vehicles will be parked in one of the 44 parking spaces onsite. All work will be conducted inside and all materials related to the work will be stored inside.

The Board voted by ballot:

- 1) 4 yes 0 no. Petition GRANTED.

2021-4

ANTIQUA CANDLE WORKS, INC. Multiple requests for property located at 1701 SCHUYLER AVE.

- 1) Variance to reduce the Type C bufferyard along the southern portion of the property from the required 30' width to a 15' width.
- 2) Variance to eliminate the Type A bufferyard with a 20' width from the eastern portion of the property.
- 3) Variance to reduce the minimum vegetative cover to 18.2% instead of the required 25%.

Mr. Williams moved to hear and approve the petition; second by Mr. Murray. Dan Teder, agent for the petitioner, presented the petition.

Mr. Teder stated this site was previously used for a bowling alley and now Antique Candle Works has expanded to this property and to the property adjacent to the west. Antique Candle Works has done exceptionally well and needs more room to continue expanding upon their business. They rezoned this property and the property to the west to I2 so they can be used for shipping and storage purposes. Mr. Teder stated that they have substantial greenspace on the southern portion of the property and there are fourteen existing mature trees in this location. They are going to add 10 pine trees to this location, as well. The rest of the site would continue existing as it has for the previous 50 plus years. He believes they are only improving the site without taking anything away. The request to eliminate the eastern bufferyard would match the approved bufferyard elimination in BZA No. 2021-1.

Reid Murtaugh spoke in opposition on behalf of Robert Novak. Mr. Murtaugh stated that Mr. Novak supports the proposed use on this site but does not support the bufferyard requests. After the rezone, there is an I2 zone abutting R3. They believe the intent of the zoning ordinance, especially in scenarios like this, is to provide bufferyards to protect adjacent property owners from various negative effects such as additional noise and undesirable aesthetics. The residential units that Mr. Novak owns have windows that face the industrial property. They understand that the intended use is a positive outcome for the community but they believe the terms of the zoning ordinance should be applied as-is. Mr. Murtaugh passed out photos of the current conditions onsite.

Mr. Novak stated that he and his wife are the owners and managers of Northfield Commons which is the complex of duplexes directly south of 1701 Schuyler Ave. They purchased this facility approximately two years ago with the intent to update the area to provide safe and quality housing options. These duplexes are popular with the elderly since they are one-floor units built on slabs and they are also popular with young families. They are lower income housing and approximately 40% of their tenants are enrolled in the HUD program. Mr. Novak is concerned that with the proposed change on the property to the north, there will be additional noise and light interruptions. He is also concerned with the possibility of the business being operated for 24 hours a day. He wants to protect the investment he made on the north end of Lafayette to provide this housing.

Mr. Teder stated that the bowling alley that did exist on this site had hours of operation that far exceeds the intended hours of Antique Candle Works. He believes this previous use would have caused a lot more noise and lighting issues. The reason these sites were rezoned to I2 was because of potential issues with the outdoor loading requirements of the zoning ordinance. The majority of everything that will go on at this site will be conducted indoors. Mr. Teder believes they are improving the greenspace at this site compared to how it has existed for decades.

Mr. Murray asked for clarification on the submitted site plan and if they were proposing some additional plantings. Mr. Teder stated they were proposing some new plantings and there is a delineation on the site plan between existing trees and new trees. Mr. Bogan asked if the new plantings were hypothetical or if they would be required. Mr. Teder stated that they would have to be planted since they are part of the site plan that would be approved by the variance. The currently existing trees along the southern portion of the property would remain and 10 additional trees would be planted. They would be planting 6' pine trees.

Mr. Gray asked if the hours of operation were known for the proposed use and asked what kind of trucks would be used for the shipping. Mr. Teder believes that only smaller trucks would be used for shipping as opposed to full semi-trucks. He did not know their proposed hours of operation but he did not think they would be operating for a 24-hour period.

Mr. Teder said he could add some pine trees to the submitted site plan if that would be more acceptable to the board and the remonstrators. Mr. Bogan asked Mr. Novak if these additional plantings would make the proposal more satisfactory. Mr. Novak stated that his concern is that if they had scheduled hours of operation, this would not stop them from changing those hours of operation, nor would it prevent them from selling the property for a more intense use. The proposed tree additions would not be satisfactory to what he wants. He believes the full bufferyard requirement would be much more beneficial to the area.

Mr. Teder updated the site plan and submitted the revised site plan with additional pine tree plantings. Mr. Novak asked what would happen if the trees died or weren't providing enough of a buffer. Mr. Griffee stated that the City of Lafayette does enforce bufferyard requirements which includes the maintenance and replacement of required plantings.

Mr. Williams moved to approve the site plan as amended; second by Mr. Murray. The motion passed by unanimous voice vote.

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.

2021-5      JKM STORAGE AND RENTALS, LLC Variance to reduce the front yard setback to 5'8" instead of the required 25'. Property located at 2341 S. 30<sup>th</sup> ST.

Mr. Williams moved to hear and approve the petition; second by Mr. Murray. Reid Murtaugh, agent for the petitioner, presented the petition. The project's architect, Carmelo La Spina and the petitioner, Jacob Bloom, were also present.

Mr. Murtaugh passed out a revised site plan to the board. He stated that the property owner would like to build a loading dock addition to the existing building which would face 30<sup>th</sup> St. This addition would have a retaining wall and the original site plan showed the retaining wall going over the property line. The revised site plan fixes the retaining wall issue and shows it entirely within the property. Part of the existing building at this site is built on the property line along 30<sup>th</sup> St. so this new addition would be further back than what was previously constructed.

Mr. La Spina presented a set of plans to show the existing site and buildings. He pointed out the existing office space that sits on the property line and the proposed addition. The loading dock addition would include two loading docks on each side of the structure. They will be re-facing the entire façade of the existing building to make it look nicer.

Mr. Bogan asked about the traffic impact of the proposed addition. Mr. Bloom said that there would be 5 trucks a day. Mr. Bogan stated that his concern was that 30<sup>th</sup> St. was going to be used as a loading area for this property rather than just a normal thoroughfare. Mr. Bloom said that their other option is to use the building as-is for their loading needs which would cause the trucks to spend more time on 30<sup>th</sup> St. If they had to use the building as it currently exists, the trucks would have to back in perpendicular to the building. With their current proposal, the trucks will be able to enter the property the second they arrive and then will have room to back into the proposed loading docks.

Mr. Bloom stated that there would only be 1 truck parked at a loading dock at one time since the shipments will be scheduled. If two trucks were to show up at one time, this property has the proper facilities to allow the second truck to drive toward the back of the property to wait until the first truck has left. Mr. Bloom stated that the reason they came up with this proposal is to minimize the time the trucks spend on 30<sup>th</sup> St. Mr. Griffie stated that from an engineering standpoint, their loading dock proposal is preferred over the alternative.

The Board voted by ballot:

- 1) 4 yes 0 no. Petition GRANTED.

2021-6      DAHM NO. 26, LLC Variance to increase the total sign area to 373.97 SF instead of the allowed 349.27 SF. Property located at 4023 SOUTH ST.

Mr. Williams moved to hear and approve the petition; second by Mr. Murray. Tyler Ochs, agent for the petitioner, presented the petition.

Mr. Ochs stated that the petitioner is asking for a 24 SF increase in the allowed total sign area so that a digital sign can be installed on the existing freestanding sign. There is an existing changeable copy sign which would be replaced with the proposed digital sign. Mr. Ochs pointed out that the Olive Garden across Park East Boulevard was granted more square footage in a previous variance than what Crew Carwash is requesting. This area is one of the city's main commercial corridors and the requested signage would fit in with what is existing in the area.

Mr. Bogan asked why the digital sign replacement couldn't just be the same size as the existing changeable copy sign. This would eliminate the need for a variance. Mr. Ochs wasn't aware why the proposed sign was larger than what is existing but his assumption was that this is the standard size that Crew Carwash is installing in all of their locations. He also believes there might be a size requirement for the digital signs and this is the minimum required. Mr. Bogan stated his uncertainty about this request because the existing changeable copy sign is easily readable. He believes that the proposed sign can be reduced in size to meet the previously approved size allotment. Mr. Bogan also expressed concerns about the requests on the following petition, 2021-7. Mr. Ochs stated he would be okay tabling both 2021-6 and 2021-7 until the following meeting on February 16, 2021.

Mr. Bogan made a motion to continue both 2021-6 and 2021-7 until February 16, 2021; second by Mr. Gray. The motion passed by unanimous voice vote.

The next meeting of the Lafayette Board of Zoning Appeals will be on Tuesday, February 16, 2021 at 4:00 PM. There being no further business to come before the Board at this time, the meeting was adjourned at 5:27 PM.

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Chairman

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Secretary

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