

AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY  
LAFAYETTE DIVISION  
March 21, 2022

The City of Lafayette Board of Zoning Appeals met in regular session on Monday, March 21, 2022 at 4:00 PM. Members present were: Dave Williams, Dick Murray, and Carlynn Smith.

The meeting was called to order by Mr. Williams. Mrs. Smith moved to approve the minutes of the previous meeting as distributed; second by Mr. Murray. The motion passed by unanimous voice vote.

NEW BUSINESS:

2022-8      BLACKTHORN HOLDINGS LLC Multiple requests for vacant property located SOUTH OF ELSTON RD. IN BETWEEN BECK LN. AND OLD ROMNEY RD.

- 1) Variance to eliminate the Type C bufferyard with a 30' width from the southwest portion of the property bordering the General Business zoning district (CONTINUED)
- 2) Variance to eliminate the Type C bufferyard with a 30' width from the southeast portion of the property bordering the General Business zoning district (CONTINUED)
- 3) Variance to reduce the minimum height of the evergreen trees in a Type C bufferyard located adjacent to the west property line and south property line of the parcel having State Identification No. 79-07-31-402-005.000-005 from 8' to 4'
- 4) Variance to reduce the minimum height of the evergreen trees in a Type C bufferyard located adjacent to the south property line of the parcel having State Identification No. 79-07-31-402-002.000-005 from 8' to 4'
- 5) Variance to the minimum height of the evergreen trees in a Type C bufferyard located adjacent to the south property line of the parcel having State Identification No. 79-07-31-402-004.000-005 from 8' to 4'
- 6) Variance to eliminate the Type C bufferyard with a 30' width from the east boundary line of the parcel having State Identification No. 79-07-31-402-004.000-005
- 7) Variance to reduce the number of required parking spaces from 463 spaces to 447 spaces

Mrs. Smith moved to hear and approve the petition; second by Mr. Murray. Kyle Dietrich, agent for the petitioner, presented the petition.

Mr. Dietrich passed around supplemental handouts for the requests. This property was previously used as an agricultural field and Blackthorn plans on building a 261-unit apartment complex consisting of 6 buildings. There is an approximately 1.6 acre wetland on the southwest portion of the property and there will be a 1.5 acre stormwater collection area that is required for drainage purposes. Blackthorn has filed for preliminary subdivision approval with the Tippecanoe County Area Plan Commission which was approved on January 19, 2022.

Mr. Dietrich referenced the handout when discussing the requests. The first request is within the wetland area and if they were forced to put in the required bufferyard, they would be removing already existing trees and shrubs from this area to replace them with more trees and shrubs. The same issue would exist for the second request. Mr. Dietrich referenced a letter in his handout from a local nursery detailing the availability of 8' tall trees and that their required quantity is not available at the moment. Variance requests

three, four, and five come from this lack of availability. This project has a 2-year phase associated with it and they believe that if they plant 4' tall trees soon, they will be nearly 8' tall when the project is finished. The sixth request is adjacent to one property and the owner of that property supports the request. The adjacent property owner will also be granted an easement to his property in this location. Lastly, due to the existing wetlands, vegetative cover requirements, and drainage requirements, they are requesting a decrease in the number of parking spaces. They have provided as many spaces as they can to meet these other requirements. City Bus will also be installing a bus stop at this location which will alleviate parking needs.

Mr. Murray asked about the history of the tree height requirements in the ordinance. Matthew Shively stated that he believed the bufferyard requirements were changed in June of 2018 from the originally accepted standards that were adopted with the ordinance in 1998. The original bufferyard requirements included more options than are currently available and the tree and shrub sizes on these options varied. It appears that the changes to the bufferyard requirements in 2018 were meant to clean up the previous bufferyard options and to make the options more comprehensive. After this update to the ordinance, each bufferyard type requires 8' tall evergreens. Mr. Murray asked if there has been an issue with anyone planting 8' tall trees since the ordinance change and Mr. Shively stated that he was not aware of any issues with this requirement. Mr. Murray stated that he did an internet search for 8' tall evergreens in Indiana and a multitude of options came up. He also doubts that a 4' tall evergreen will reach 8' within a 2 year period. It is concerning that this has never been an issue since 2018 and Mr. Murray is worried about setting a precedent by accepting the height requests.

Mr. Dietrich stated that the developer has been in contact with local tree nurseries but the quantities they need are not available. The only place they found that could actually source the quantity of 8' tall evergreens they need is out of Canada. Mr. Dietrich is relying on the information gathered from specialists in this field.

Tom Gillam, an adjacent neighbor to the site in question, spoke in favor of the requests. Mr. Gillam has had discussions with the petitioner and they are going to provide him an easement so he can have a driveway to the building at the rear of his property.

The board voted by ballot:

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

2022-10      DENTAL CARE OF LAFAYETTE Variance to reduce the minimum vegetative cover to 20% instead of the required 30%. Property located at 38 N. 23<sup>rd</sup> ST.

Mrs. Smith moved to hear and approve the petition; second by Mr. Murray. Dr. John Jorczak, agent for the petitioner, presented the petition.

Dr. Jorczak stated that they would like to extend their existing building to the west 12' to provide better flow for their patients. They have grown quite a bit over the years and would benefit from this extra space.

The board voted by ballot:

- 1) 3 yes 0 no. Petition GRANTED

2022-11      JETBOY LLC Multiple requests for property located at 600 ELSTON RD.

- 1) Variance to reduce the width of the Type C bufferyard along the northeast portion of the property bordering the residential (R1) zoning district from 30' to 15'
- 2) Variance to reduce the width of the Type C bufferyard along the western property line from 30' to 15'
- 3) Variance to reduce the number of rows of standard plant units located within the Type C bufferyard along the northeast property line from 2 rows to 1 row
- 4) Variance to reduce the number of rows of standard plant units located within the Type C bufferyard along the western property line from 2 rows to 1 row
- 5) Variance to reduce the minimum height of the evergreen trees in the Type C bufferyard along the western property line from 8' to 4'
- 6) Variance to reduce the minimum height of the evergreen trees in the Type C bufferyard along the northeast property line from 8' to 4'
- 7) Variance to reduce the minimum height of the evergreen trees in the Type A bufferyard along the southeast property line from 8' to 4'

Mrs. Smith moved to hear and approve the petition; second by Mr. Murray. Bradley Neely, agent for the petitioner, presented the petition.

Mr. Neely stated that the property is currently used for airport shuttle services and they also use it for truck, RV, and boat storage. The use of the property will not be changing. The remaining portions of the lot will be used for storage and they are not proposing any additional buildings. The storage facility will be completely fenced in. Mr. Neely distributed a zoning map to the board. The first request borders a residential zone but there is already existing vegetation in this portion of the property and there is not an adjacent residence along this portion of the property. There is also a proposed retention pond in the northeast portion of the property which will serve as an additional buffer. Mr. Neely pointed out that a bufferyard was not enforced along the western portion of this property when the adjacent multi-family units were constructed and the apartment buildings themselves are not close to this property line.

Mr. Murray asked why the adjacent residential property to the west would not have installed a bufferyard. Mr. Shively stated he did not know but that a bufferyard should have been required when that property was developed. He also pointed out that he did not see any variances granted on that property. It could have been something that was overlooked.


Mr. Neely submitted the same letter that was submitted for BZA No. 2022-8 from a local nursery detailing the availability of 8' tall trees and that their required quantity is not available at the moment. He also mirrored Mr. Dietrich's statements about the growth of the proposed 4' tall evergreens. Based off of the previous voting for BZA No. 2022-8, however, Mr. Neely requested a continuation on variance requests

five, six, and seven. Mrs. Smith moved to continue variance requests five, six, and seven until the next BZA meeting; second by Mr. Murray. The motion passed by unanimous voice vote.

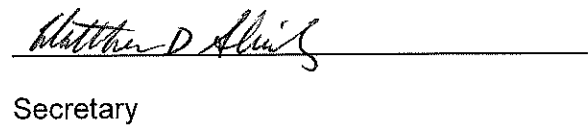
The board voted by ballot:

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

The next meeting of the Lafayette Board of Zoning Appeals will be on Monday, April 18, 2022 at 4:00 PM. There being no further business to come before the Board at this time, the meeting was adjourned at 4:48 PM.



Chairman



Secretary