

AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY  
LAFAYETTE DIVISION  
September 20, 2021

The City of Lafayette Board of Zoning Appeals met in regular session on Monday, September 20, 2021 at 4:00 PM. Members present were: Dave Williams, Dick Murray, Bob Metzger, and Carlynn Smith.

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

OLD BUSINESS

2021-22      INNOVATIVE ENGINEERING Multiple requests for property located at 3216 UNION ST.

- 1) Variance to reduce the freestanding sign setback to 20' instead of the required 25.04'
- 2) Variance to increase the freestanding sign height to 25.04' instead of the allowed 24'
- 3) Variance to increase the total sign area to 195 SF instead of the allowed 66 SF
- 4) Variance to increase the freestanding sign area to 123 SF instead of the allowed 60 SF

Mr. Murray moved to hear and approve the petition; second by Mr. Metzger. Jerry Kittle, agent for the petitioner, presented the petition. The petitioner, Paul Singh, was also present.

Mr. Kittle stated that a new Marathon gas station was going in at 3216 Union St. Marathon stations have a typical standard for their signage which exceeds the permitted allotment at this site. They want to install a new freestanding sign, signage on the gas canopy, and a new sign on the front of the existing building.

Mr. Williams asked about the location of the proposed freestanding sign and the existing freestanding sign onsite. Mr. Kittle stated that the existing freestanding sign will be removed and the proposed freestanding sign will be installed in the same general location. The new sign will actually be further from the right-of-way than the existing sign but will still be in the same vegetated area.

The Board voted by ballot:

- 1) 4 yes 0 no. Petition GRANTED.

NEW BUSINESS

2021-24      WND-LAFAYETTE, LLC Variance to reduce the amount of required parking spaces from 84 spaces to 54 spaces. Property located at 217 & 221 N. 6<sup>TH</sup> ST.

Mr. Murray moved to hear and approve the petition; second by Mr. Metzger. Kevin Riley, agent for the petitioner, presented the petition.

Mr. Riley stated that the properties in question originally applied for parking variances in 2017. Due to the amount of remonstrance at the time, the owners of the property entered a parking agreement to provide the full amount of required parking. Mr. Riley provided pictures showing one of the parking lots that the property owner is leasing at various times and dates. The lot was almost completely empty in most of the

pictures. Over the past four years, they have determined that they only really need 25 parking spaces to meet the demand of their tenants. To stick with what has more recently been approved in the downtown area, they are requesting a reduction to provide 54 parking spaces since their apartment building has 54 units. Mr. Riley stated that he had been in contact with Mr. Griffee and the city attorney about the request prior to applying for the variance.

Mr. Murray asked how many of the apartments were occupied and if Mr. Riley knew the bedroom count. Mr. Riley did not know the answers to these questions.

Dennis Carson with Economic Development spoke in favor of the petition. He said that many people nowadays, especially in downtown areas, don't have vehicles. In a lot of cases they will only use bikes for transportation. He also pointed out that the request is in line with previous requests in the downtown area to provide 1 parking space per apartment unit. Mr. Griffee also confirmed that he had been in contact with Mr. Riley and that they had had discussions with the city attorney about the request.

Matthew Shively read a letter he received from David Schoorman, Sandra Peticolas, and Elizabeth Hendrickson. They own properties and businesses in the downtown area near the property in question. The letter expressed concerns about the lack of parking in the downtown area. Many of their clients and customers don't find available street parking until they are multiple blocks away. They would like to see the request denied.

Mr. Riley responded by saying that his client has not needed their full allotment of required parking for 4 years and that they are staying consistent with previously granted parking variances. He also pointed out that businesses in the downtown area do not need to provide any parking.

The Board voted by ballot:

- 1) 4 yes 0 no. Petition GRANTED.

2021-25      CHW PROPERTIES, LLC Multiple requests for property located at 4150 COMMERCE DR.

- 1) Variance to increase the total sign area to 220 SF instead of the allowed 80 SF
- 2) Variance to increase the freestanding sign area to 176.71 SF instead of the allowed 40 SF
- 3) Variance to increase the freestanding sign height to 40' instead of the allowed 24'
- 4) Variance to reduce the freestanding sign setback to 30' instead of the required 40'
- 5) Variance to allow an animated sign in a GB zone (CONTINUED)

Mr. Murray moved to hear and approve the petition; second by Mr. Metzger. Tyler Ochs, agent for the petitioner, presented the petition. The petitioner, Jeff Walden, was also present.

Mr. Ochs stated that a new Mary Lou Donuts was being constructed in Lafayette on Commerce Drive. They are hoping to install a large freestanding sign so South Street traffic can see their location. The signage on the building will be minimal compared to the freestanding sign. Surrounding properties in this area have been granted more signage than their request and they are in close proximity to HB zones which allow for taller freestanding signs. Mr. Ochs and Mr. Walden understand that the biggest point of contention is the request for an animated sign within a GB zone. Mr. Walden stated that he wanted the freestanding sign to rotate because he wanted to do something that hadn't been done in the area and he

wanted to go with a vintage look. Mr. Ochs and Mr. Walden wanted to make it clear that the sign would not have a digital aspect and the only movement would be the rotation of the sign.

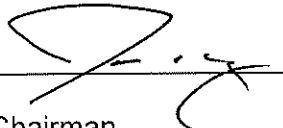
Mr. Murray expressed his hesitation with the animated sign request because of its precedent-setting nature. He asked how this variance would be looked upon in the future if the property was sold. Mr. Shively stated that if the variance was granted as-is, an animated sign would be allowed in the proposed location of the freestanding based on the submitted site plan. This proposal would not limit the sign in the future from being an animated digital sign. Mr. Murray asked if the variance could be approved with a condition and Mr. Shively said that was possible. Dave Griffie stated that it would be more favorably looked upon by the city if the City Attorney was involved in the discussion to come up with acceptable wording for any potential condition. Based on the hesitancy towards the animated sign request, the condition should limit the animated sign to a simple rotation and nothing else. Mr. Ochs and Mr. Walden expressed their willingness to work with the City of Lafayette with the animated sign request. Based on that discussion, Mr. Murray made a motion to continue the 5<sup>th</sup> request to the October 18, 2021 BZA meeting; second by Mr. Metzger. 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.
- 4) 4 yes 0 no. Petition GRANTED.
- 5) CONTINUED UNTIL OCTOBER 18, 2021

Mr. Murray moved to continue petition 2021-26 to the October 18, 2021 BZA meeting; second by Ms. Smith. The motion passed by unanimous voice vote.

The next meeting of the Lafayette Board of Zoning Appeals will be on Monday, October 18, 2021 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