

AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY
LAFAYETTE DIVISION
October 18, 2021

The City of Lafayette Board of Zoning Appeals met in regular session on Monday, October 18, 2021 at 4:00 PM. Members present were: Jackson Bogan, Dave Williams, Bob Metzger, and Carlynn Smith.

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

OLD BUSINESS

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 (GRANTED)~~
- ~~2) Variance to increase the freestanding sign area to 176.71 SF instead of the allowed 40 SF (GRANTED)~~
- ~~3) Variance to increase the freestanding sign height to 40' instead of the allowed 24' (GRANTED)~~
- ~~4) Variance to reduce the freestanding sign setback to 30' instead of the required 40' (GRANTED)~~
- 5) Variance to allow an animated sign in a GB zone (CONTINUED from September 20, 2021 BZA)

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

Mr. Ochs stated that the first four variances that were requested on this petition were granted at the previous BZA meeting and the final variance they are requesting is to allow an animated sign in a GB zone. The freestanding animated sign will just show the name of the business and it will only rotate. Mr. Ochs pointed out that the definition of an animated sign in the Unified Zoning Ordinance encompasses any sign that moves or shows movement. He has worked with Jacque Chosnek, the City Attorney, to come up with a commitment to add to the fifth request on this petition. The commitment will prevent the possibility of anyone installing an animated digital sign in the future that does not meet the current standards of the ordinance. Changes of lighting and crawling messages are strictly prohibited for this signage.

Mr. Metzger asked about the commitment and how it prevents anyone from installing an animated sign in the future. Mr. Bogan clarified that if the commitment is accepted and passed with the petition, it will be recorded and becomes part of the deed for the property. The commitment would run with the property in perpetuity. Any change to the commitment or variance would have to be brought back before the board.

Mr. Williams made a motion to accept the commitment as part of this petition; second by Mr. Metzger. The motion pass by unanimous voice vote.

The Board voted by ballot:

- 1) 4 yes 0 no. Petition GRANTED (with commitment).

2021-26

SP COLE PROPERTY MANAGEMENT, LLC Multiple requests for property located at 943 STATE ROAD 25 W.

- 1) Variance to eliminate part of the Type A bufferyard with a 20' width along the east side of the property
- 2) Variance to reduce part of the Type A bufferyard with a 20' width along the east side of the property to conform to the submitted site plan

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

Mr. Ochs stated that there is an existing wooded area along the southeastern portion of the property that runs adjacent to the existing building. They are asking to eliminate the bufferyard requirements from this section of the property simply because of the naturally existing buffer. They would not be removing or modifying any portion of this wooded area. The eastern side of the property running north of this existing natural buffer is open space. They are asking to reduce the number of tree and shrub units that normally need to be provided in a Type A bufferyard along this open space.

Mr. Bogan asked if future owners or developers could completely remove the naturally existing bufferyard on the southeast portion of this property if they did end up approving the variance request. Mr. Shively stated that variances are approved according to the site plan that is submitted with the petition. In this case, they are asking to eliminate the required bufferyard along a portion of the eastern property line but the site plan itself shows the existing natural buffer in place. If a future owner wanted to remove the existing wooded area, they would have to come in for another variance. This is also addressed in the second request which asks for the variances to conform to the submitted site plan.

Mr. Ochs read two letters of support for the variances. One letter was from the tenant in the building directly to the east and one was from the owner of the property directly to the east. Both of the letters stated that adding any additional trees between the properties would reduce the visibility for both properties and would be a detriment to their respective businesses.

- 1) 4 yes 0 no. Petition GRANTED.

NEW BUSINESS

2021-27

MICHAEL KITCHEL Multiple requests for property located at 1607 COLUMBIA ST.

- 1) Variance to decrease the minimum lot area to 3,921 SF instead of the required 7,500 SF
- 2) Variance to decrease the minimum lot width to 48' instead of the required 60'
- 3) Variance to increase the maximum building coverage to 47% instead of the allowed 30%
- 4) Variance to decrease the minimum vegetative cover to 26% instead of the required 30%

Mr. Williams moved to hear and approve the petition; second by Mr. Metzger. Jeremiah Kitchel, agent for the petitioner, presented the petition. The petitioner, Michael Kitchel, was also present.

Mr. Kitchel stated that the R2 zoning district, with its current requirements, immediately brought this property out of compliance whenever it was rezoned or whenever the updates were made to the ordinance. The first two variance requests show this to be the case and requests 3 and 4 could also be a result of this. This property was never 7,500 SF and the property width was never 60'. The house addition that caused the need for these variances will serve as a bathroom since they do not have a full-sized bathroom on the first floor.

Mark Gick, the City of Lafayette Building Commissioner, briefly stated that the house addition was discovered by a building inspector and was subsequently red-tagged since it was not under permit. After this, the owner submitted a building permit and the need for these variances was discovered. If the variances are granted, the owner can obtain his building permit and finish the project.

1) 4 yes 0 no. Petition GRANTED.

The next meeting of the Lafayette Board of Zoning Appeals will be on Monday, November 15, 2021 at 4:00 PM. There being no further business to come before the Board at this time, the meeting was adjourned at 4:30 PM.



Chairman



Secretary