

BOARD OF ZONING APPEALS

FINDINGS OF FACT

APPLICATION(S): BZA-2025-01

PROPERTY ADDRESS: 620-690 W Pendleton Ave, Lapel, IN 46051

A Variance of Development Standards application was submitted to the Lapel Board of Zoning Appeals for the location referenced above. The request was submitted by Jacob Gilliatte of Gilliatte General Contractors, Inc. on behalf of CIP Lapel, LLC. The request sought approval for a Variance of Development Standards from the UDO V 6.2.6.D.iv., to permit an accessory structure closer to the front property line than the setback established by the primary structure in the General Commercial zoning district.

The Lapel Board of Zoning Appeals conducted a hearing on 03/06/25. After testimony was given and evidence was presented to the Board, a motion to APPROVE the Variances with conditions was made, and the motion carried [3-0].

VARIANCE OF DEVELOPMENT STANDARDS FINDINGS

Indiana Code 36-7-4-918.5 states that a Variance of Development Standards may be approved only upon a determination in writing that the three standards below are true. In its deliberations, the Lapel Board of Zoning Appeals weighed the evidence associated with the following standards and made the following findings in granting the request for a Variance of Development Standards:

- 1. The approval WILL NOT be injurious to the public health, safety, morals, and general welfare of the community:**

Adding a drive-through ATM would provide area residents with a more convenient way to deposit and withdraw their money, which would improve the general welfare of the community. The proposed location would prevent conflict between delivery trucks and ATM users, which would improve public safety.

- 2. The use and value of the area adjacent to the property included in the variance WILL NOT be affected in a substantially adverse manner:**

It is likely that the use and value of real estate adjacent to the subject site will NOT be affected in a substantially adverse manner by allowing the requested variances. For the lot width and driveway location they will in fact be improved through the proposed alternatives. Nearby property owners may remonstrate against this petition if they believe this request will have significant adverse effects on adjacent properties. Should nothing contrary be brought to light by adjacent owners at the public hearing, it is presumed that the approval of this variance request will not have a substantially adverse effect on the use and value of adjacent properties.

3. The strict application of the terms of the zoning ordinance WILL constitute an unnecessary hardship if applied to the property for which the variance is sought:

Locating the ATM in the rear or on the side of the building as required by the ordinance would likely require taking space currently dedicated to the loading and unloading of goods for the shops to use for the ATM and its drive aisle. This could make loading more cumbersome and create the potential for collisions between delivery trucks and vehicles queueing for the ATM. The proposed ATM location would expand on existing vehicle circulation patterns and minimize disruption to current operation and use of the property.

The Findings of Fact contained herein are adopted by the Lapel Board of Zoning Appeals on ____/____/2025.

Chairperson, printed

Secretary, printed

Chairperson, signature

Secretary, signature