

THE
AREA BOARD OF ZONING APPEALS
OF
TIPPECANOE COUNTY

NOTICE OF PUBLIC HEARING

DATE: FEBRUARY 22 , 2017
TIME: 7:00 P.M.
PLACE: COUNTY OFFICE BUILDING
20 N. 3RD STREET
LAFAYETTE, IN 47901

I. APPROVAL OF PREVIOUS MEETING MINUTES

1. DRAFT - BZA MEETING MINUTES 1/25/2016

Documents:

[BZA 01.25.2017.PDF](#)

II. NEW BUSINESS

III. PUBLIC HEARING

1. BZA-1949 R.W. GROSS & ASSOCIATES:
Continue to the April 26th ABZA meeting at petitioner's request.
Petitioner is requesting a reduction in the front setback to 30' from the required 40' from Salisbury Street prior to recording the final plat for Lot 1, Grand View Minor Subdivision, 1510 N. Salisbury Street, West Lafayette, Wabash 18 (NE) 23-4. (UZO 2-1-7) *Continued from the December 7th, 2016 Meeting.*
2. BZA-1954 & 1955 TIPPECANOE CEMETERY MANAGEMENT, LLC: (VARIANCE & SPECIAL EXCEPTION)

BZA-1954 Variance:

Petitioner is requesting the following variances to include a crematory service to an existing funeral home in a General Business (GB) zone:

1. To reduce the number of onsite parking spaces to 9 from the minimum requirement of 13 spaces; (UZO 4-6-3) and
2. To reduce the rear setback to 11' from the minimum required 15'; (UZO 2-17-8)

on property located at 1671W 350N, Wabash 01 (SW) 23-4. The subject property is the same as that involved in the special exception case BZA-1955 (Crematories, SIC 726)

BZA-1955 Special Exception:

Petitioner is requesting a special exception to convert a portion of an existing funeral home to add a crematory (SIC 726) in a GB (General Business) zone. The hours of operation would be from 8AM to 6PM, seven days a week on property located at 1671W 350N, Wabash 01 (SW) 23-4. **(With Condition)**

Documents:

[BZA-1954 \(VARIANCE\) AND 1955 \(SPECIAL EXCEPTION\).PDF](#)

3. BZA-1956 GRORU, LLC:

Continue to the March 22nd ABZA meeting to replat the lots.

Petitioner is requesting the following variances to improve and expand the existing building in a Neighborhood Business (NB) zone:

1. To reduce the front setback to 9.96' from the minimum required 25' from Covington Street; (UZO 2-12-7)
2. To remove the required 20' wide type C bufferyard along the north property line; (UZO 2-12-14) and
3. To reduce the vegetative coverage to 9.1% from the minimum required 20%; (UZO 2-12-6)

on property located at 2506 Covington Street, West Lafayette, Wabash 07 (NE) 23-4.

IV. ADMINISTRATIVE MATTERS

V. ADJOURNMENT

1. VOTING RESULTS FEBRUARY

BZA - 1954 - #1 3 yes to 3 no To be heard again at the March meeting.

#2 3 yes to 3 no To be heard again at the March meeting

1955 - No Vote. Will be heard at the March meeting.

AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY

MINUTES OF A PUBLIC HEARING

DATE..... JANUARY 25, 2017
TIME..... 7:00 P.M.
PLACE..... CO. OFFICE BLDG.
20 N. 3RD STREET
LAFAYETTE, IN 47901

MEMBERS PRESENT

Tom Andrew
Steve Clevenger
Ed Weast
Carl Griffin
Gary Schroeder
Ed Butz

MEMBERS ABSENT

Steve Schreckengast

STAFF PRESENT

Ryan O’Gara
Rabita Foley
Linda Underwood
Jay Seeger, Atty.

The Area Board of Zoning Appeals of Tippecanoe County public hearing was held on the 25th day of January, 2017 at 7:00 P.M., pursuant to notice given and agenda posted as provided by law.

Jay Seeger called the meeting to order.

I. ELECTION OF OFFICERS

Jay Seeger opened the floor for nominations for president.

Gary Schroeder nominated Steve Clevenger for President.
Carl Griffin seconded.

Gary Schroeder moved that nominations for President be closed.
Carl Griffin seconded and the motion carried by unanimous voice vote.

Gary Schroeder moved that a unanimous ballot be cast for Steve Clevenger for President.
Carl Griffin seconded and the motion carried by unanimous voice vote.

Steve Clevenger was seated as President.

Steve Clevenger requested nominations for the office of Vice President.

Gary Schroeder nominated Gary Schroeder for Vice President.
Carl Griffin seconded.

Steve Clevenger moved that nominations for Vice President be closed.
Carl Griffin seconded and the motion carried by unanimous voice vote.

Steve Clevenger moved that a unanimous ballot be cast for Gary Schroeder for Vice President.
Carl Griffin seconded and the motion carried by unanimous voice vote.

Steve Clevenger requested nominations for Secretary.

Gary Schroeder moved that Jay Seeger be nominated for Secretary. Carl Griffin seconded.

Gary Schroeder moved that nominations for Secretary be closed. Carl Griffin seconded and the motion carried by unanimous voice vote.

Gary Schroeder moved that a unanimous ballot be cast for Jay Seeger for Secretary. Carl Griffin seconded and the motion carried by unanimous voice vote.

II. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the December 7, 2016 BZA public hearing. Carl Griffin seconded and the minutes were approved by unanimous voice vote.

III. NEW BUSINESS

Ryan O’Gara said both cases listed on the agenda are ready to be heard and added that the cases will be presented together.

IV. PUBLIC HEARING

Steve Clevenger read the meeting procedures.

Gary Schroeder moved that there be incorporated into the public hearing portion of each application to be heard this evening and to become part of the evidence at such hearing, the Unified Zoning Ordinance, the Unified Subdivision Ordinance, the Comprehensive Plan, the By-laws of the Area Board of Zoning Appeals, the application and all documents filed therewith, the staff report and recommendation on the applications to be heard this evening and responses from the checkpoint agencies. Carl Griffin seconded and the motion carried by voice vote.

1. BZA-1952--TIPPCO INVESTMENTS, LLC:

Petitioner is requesting a variance to reduce the required minimum vegetative coverage from 50% to 34% for a 2.07 acre A (Agricultural) zoned property located at 1003 S 900 E, Lafayette, in Perry 35 (NW) 23-3 (UZO 2-24-6). The subject property is the same as that involved in the special exception case **BZA-1953** (mini-warehouse and self-storage warehousing operation expansion).

2. BZA-1953--TIPPCO INVESTMENTS, LLC:

Petitioner is requesting a special exception to expand an existing mini-warehouse and self-storage warehousing operation (SIC 4225) by adding one additional building with 34 storage units. The hours of operation would be from 8 AM to 8 PM, seven days a week in A (Agricultural) zoning on the property located at 1003 S 900 E, Lafayette, in Perry 35 (NW) 23-3. *WITH CONDITIONS*

Gary Schroeder moved to hear **BZA-1952—TIPPCO INVESTMENTS, LLC** and **BZA-1953—TIPPCO INVESTMENTS LLC** together and vote on separately. Carl Griffin seconded.

Rabita Foley presented the zoning map, aerial photos, and site plan. She then summarized the area land use and zoning patterns, noting that the original special exception for the existing storage facility was granted in 2009. She explained that petitioner plans to add 5,250 sq. ft. to an existing self-storage facility to increase the number of storage units from 92 to 126.

She referred to the aerial to highlight the two existing storage structures that will remain and the single-family home that petitioner plans to demolish on the site. She then displayed the site plan to point out the proposed new storage building just north of the existing buildings, highlighted in red, and the proposed new commercial drive on CR 100 South and gravel lot area, highlighted in yellow. Petitioner plans to vacate the smaller residential drive and keep the existing commercial drive on CR 900 East.

BZA-1952 - Variance

Staff feels the site could be designed in a compact manner to reduce the hardscape/gravel area. The new commercial drive also contributes to the reduction of vegetative cover. The business has merely outgrown the lot and this situation cannot be considered a hardship. She summarized the ballot items and concluded with a recommendation of denial.

BZA-1953 – Special Exception

Petitioner states the new building will have no more than five, 75 watt lights and all lighting will be directed toward the ground. The Highway Department has said traffic created by this expansion will be minimal and not alter traffic. The Drainage Board supports the dry detention basin petitioner is proposing. Based on the site plan, the proposed use passes all the required tests for a special exception except for vegetative coverage and the Drainage Board will need to review and approved the detention basin. The Highway Department will need to approve the drive on CR 100 South and the Health Department will have to approve the abandonment of the septic system. All three needed approvals are conditions of this request. She concluded with a recommendation of approval with the following conditions:

1. Prior to receiving an Improvement Location Permit, evidence needs to be provided to staff that the Drainage Board has reviewed and approved the proposed Dry Detention Basin.
2. Prior to receiving an Improvement Location Permit, evidence needs to be provided to staff that the Highway Department has reviewed and approved the proposed commercial driveway on CR 100 S.
3. Prior to receiving an Improvement Location Permit, evidence needs to be provided to staff that the County Health Department has reviewed and approved an abandonment of the septic system.

Gary Schroeder moved to amend the motion on the floor to read **BZA-1953—TIPPCO INVESTMENTS, LLC with Conditions.** Carl Griffin seconded and the motion was approved by unanimous voice vote.

Zach Williams, PO Box 449, Lafayette, IN 47902, attorney representing the petitioner, thanked staff for its project review on their project and for meeting with him and his client last summer. He agrees with the staff report that states there will be minimal impact but disagrees that there is no hardship. The original proposal was to have two new buildings constructed but after meeting with staff last summer we ran the numbers and were unable to get under the 20% building requirement. When trying to make things as compact as possible, petitioner was able to come up with one additional building. Just adding one building and a pathway around it required the vegetative coverage variance request. The request is for a 16% reduction in vegetative coverage and that is in line with a couple of requests that were granted at last month's meeting. The site is surrounded by agriculture with a subdivision to the west and the impact to the neighborhood will be minimal. He believes this small lot creates a hardship and the hardship is not self-imposed because it becomes a safety issue. When there aren't paths people will be driving on grass and vegetation to reach the buildings. Storage facilities are only allowed in agricultural, industrial, and two business zones.

Robert Ummel, 9250 East 100 South, Lafayette, IN 47905, said his wife owns the property north of this site. His son spoke in objection when the original special exception was granted. His son told the Board what would happen and nobody listened. He informed the Board that the owner raised this low lot 20" or more and he does not understand how he was able to do that. Since the lot was raised CR 100 South and three acres of his field regularly floods. It cost him \$3000.00 to get rid of the water because there are no ditches on either side of CR 100 South. The Drainage people that came out suggested he put a tile from petitioner's property on his side $\frac{3}{4}$ of a mile down the road at a cost of \$10,000.00. He does not understand why it is his problem when he did not cause the flooding in the first place. There are 4" to 6" of water on CR 100 South during the spring rains. All he got out of this was a \$300.00 increase in his property taxes after the Board let the owners flood his property. He does not understand where the water from the new building will go because there will be less vegetation. Petitioner's site used to be drained

until the tile was cut off when a subdivision was built across the road. No one is paying attention to the people it affects.

Perry Fultz, 9536 East 100 South, Lafayette, IN 47905, said he owns the farm ground that surrounds this site and has lived in the area all his life and added that he loves this community. He agrees with staff that this business has outgrown the property. When the special exception request was heard in 2009 he voiced his opinion about the stormwater problem but the petitioner only did the special exception for one acre of the two acre lot. A drainage plan was not required as long as less than one acre was disturbed. The special exception was approved with the promise that the residence was going to be an office, a chain link fence would be put around the property, and other concessions to make sure things ended up as promised. The chain link fence was never put in place so now trash blows onto his property when people are moving things in and out of the storage buildings. He referred to the aerial to show where this use is encroaching on his property now. After the special exception was approved the owner got a fill permit for the other part of the site so in reality over one acre of ground was disturbed. One developed acre that turns into hard surface creates more runoff than 40 acres of farm ground. There is no physical barrier keeping the petitioner from increasing the lot size and he suggested the petitioner contact him to purchase more ground to eliminate the need for a vegetative cover variance.

Zach Williams said Mr. Novak, his client, is a subsequent owner and is aware of the drainage problems. His client is working with the Drainage Board and has been for over a year to take care of the drainage issues. Drainage Board approval is also a condition of approval.

Steve Clevenger asked staff if they have any information on the chain link fence.

Rabita Foley replied that the fence was not part of the 2009 special exception approval but the Board added a condition requiring petitioner to work with the Drainage Board to mitigate ponding.

Steve Clevenger pointed out that a previous owner did not get Drainage Board approval on flooding mitigation with the 2009 special exception even though it was a condition of approval. He said this time the petitioner is different and the request is for more than one acre so this plan will be reviewed by the Drainage Board.

Steve Clevenger asked petitioner if he has any comment with regard to the fence.

Zach Williams said his client is open to installing a fence.

Perry Fultz said he can see cars coming and going from the property all hours of the day and night.

Carl Griffin asked petitioner if he would make a commitment that the security fence will be installed.

Zach Williams said his client will make a commitment to install security fencing.

Zach Williams added the following commitment to **BZA-1953—TIPPCO INVESTMENTS, LLC with Conditions:**

1. Provide staff evidence that a minimum 6' high perimeter fence around the property, excluding the area around the storm pond, has been installed prior to receiving an Improvement Location Permit.

Carl Griffin said fencing will help petitioner maintain 8:00am to 8:00pm hours.

Steve Clevenger informed the remonstrators that they can always file a complaint if the flooding is not taken care of, there are traffic issues, or petitioner is not abiding by the approved hours of operation.

Perry Fultz said the original owner planned to build the first building and the second within 12 months but that did not happen. The business changed hands and the second owner constructed the second building but not within the allotted time frame. He called and told APC staff that the owner was not fulfilling the conditions but nothing happened. He feels like there has been one broken promise after another on this

site. He asked the Board to delay approving this request until all the conditions have been met and the fence has been constructed.

The Board voted by ballot 5 yes to 1 no to approve **BZA-1952—TIPPCO INVESTMENTS LLC.**

<u>YES Votes</u>	<u>NO Vote</u>
Steve Clevenger	Carl Griffin
Gary Schroeder	
Ed Butz	
Ed Weast	
Tom Andrew	

The Board voted by ballot 5 yes to 1 no to approve **BZA-1953—TIPPCO INVESTMENTS LLC with Conditions & Commitment.**

<u>YES Votes</u>	<u>NO Vote</u>
Steve Clevenger	Carl Griffin
Gary Schroeder	
Ed Butz	
Ed Weast	
Tom Andrew	

Jay Seeger advised the remonstrators to follow up by expressing their drainage concerns to the Drainage Board or County Surveyor. No permits will be issued without Drainage Board approval.

V. ADMINISTRATIVE MATTERS

None

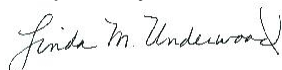
Steve Clevenger stated that unless any member has an objection the chair will order the findings of each member casting a vote for the majority decision of the Board to be the collective findings of the Board in support of the decision of the Board. Hearing none, it is so ordered.

VI. ADJOURNMENT

Gary Schroeder moved for adjournment. Carl Griffin seconded.

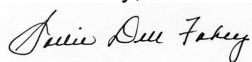
The meeting adjourned at 7:55p.m.

Respectfully submitted,



Linda Underwood
Recording Secretary

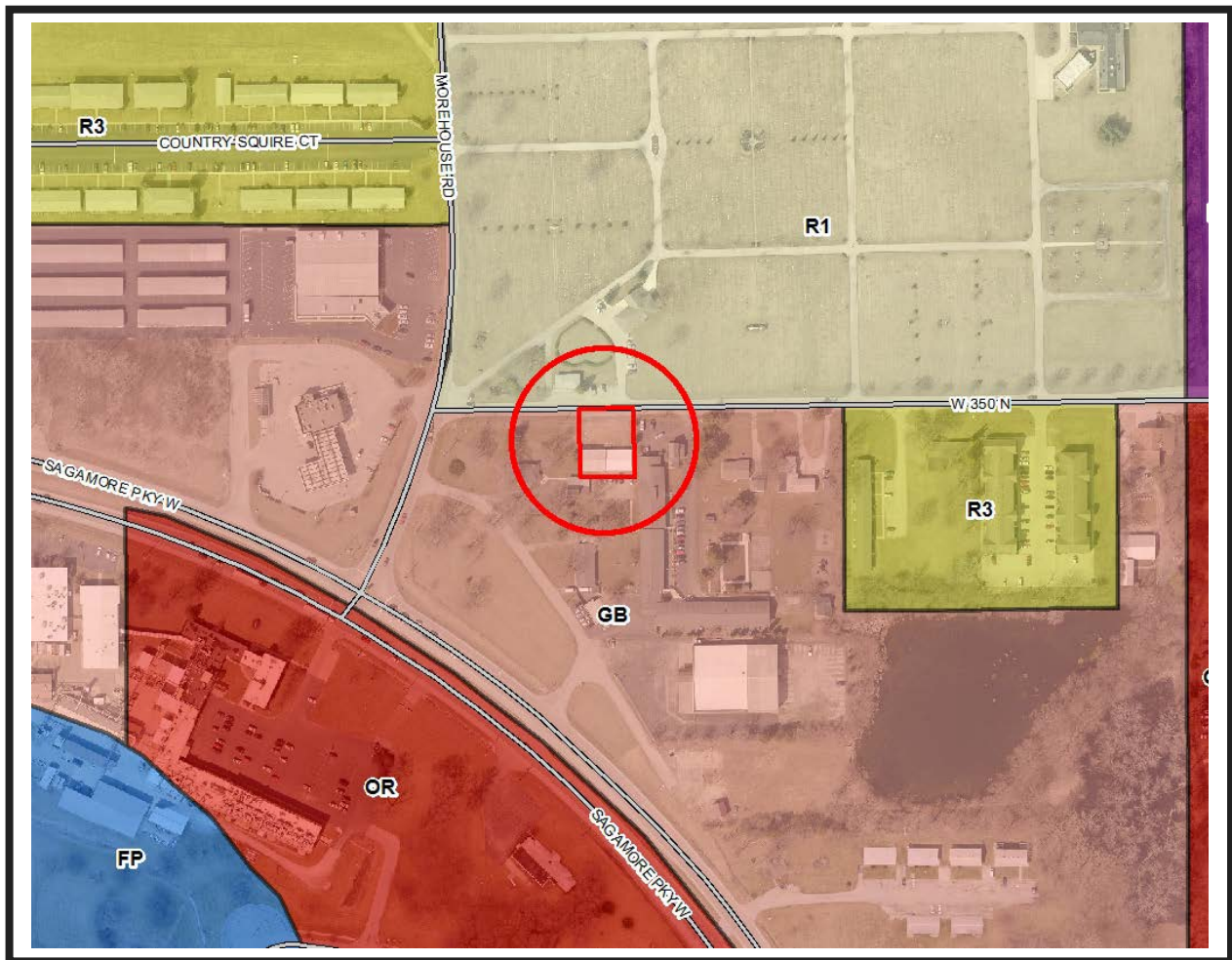
Reviewed by,



Sallie Dell Fahey
Executive Director

**BZA-1954 AND BZA 1955
TIPPECANOE CEMETERY MANAGEMENT, LLC
(Variances and Special Exception)**

**STAFF REPORT
February 16, 2017**



**BZA-1954 & 1955
TIPPECANOE CEMETERY MANAGEMENT, LLC
Variance & Special Exception**

**Staff Report
February 16, 2017**

REQUEST MADE, PROPOSED USE, LOCATION:

(BZA-1954 Variance):

Petitioner, who is also the owner of the property, represented by attorney Daniel Teder, is requesting the following variances to allow the addition of a crematory service to an existing funeral home in a GB (General Business) zone:

1. To reduce the number of onsite parking spaces to 9 from the minimum requirement of 13 spaces; (UZO 4-6-3) and
2. To reduce the rear setback to 11' from the minimum required 15'; (UZO 2-17-8)

on property located at 1671 W 350 N (Kalberer Road), Wabash 01 (SW) 23-4.

(BZA-1955 Special Exception):

Petitioner, who is also the owner of the property, represented by attorney Daniel Teder, is requesting a special exception to convert a portion of an existing funeral home to add a crematory (SIC 726) in a General Business zone. The hours of operation would be from 8AM to 6PM, seven days a week on property located at 1671W 350N, Wabash 01 (SW) 23-4.

AREA ZONING PATTERNS:

This site, a 12,500 square foot lot, is zoned General Business (GB) as are the surrounding properties except a large tract of land to the north across CR 350 N (Kalberer Road) which is zoned Single-Family Residential (R1). Land farther east of the site is zoned Multi-Family Residential (R3).

AREA LAND USE PATTERNS:

This site is currently occupied by a large structure constructed in 1976 and recently remodeled in 2016 to operate a funeral home. The properties adjacent to the east, west and south is Burgett's Learning Center. Tippecanoe Memorial Gardens Cemetery exists to the north across 350 N (Kalberer Road). Farther east from this property are multi-family homes and buildings associated with Purdue Research Park. Various commercial uses can be found farther west of this site along Sagamore Parkway West.

TRAFFIC AND TRANSPORTATION:

According to the adopted *Thoroughfare Plan*, CR 350 N "Kalberer Road" is classified as a rural secondary arterial with an average daily trip of 1,966 vehicles in 2014.

The parking standard for funeral homes is 1 space per 200 sq. ft. of gross floor area. The parking standard for a crematorium is 1 space per employee on the largest shift (there will be 2 employees maximum per the petitioner's representative) plus 1 space per business vehicle plus 2 additional spaces.

According to the County Building Commissioner's inspection record, the task to construct a commercial driveway and paved parking lot has been completed as part of the funeral home remodeling permit issued in 2016. The site currently has 9 parking spaces including one handicapped-accessible space.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Utilities are provided by American Suburban and Indiana-American water.

No bufferyard is required for this development as this site is surrounded by a GB zone.

There has been some speculation about potential hazard associated with this use caused by the pollutants released in the air and sewer as a result of cremation. Staff has not received any additional information clarifying this issue from the petitioner. Petitioner's representative has verbally indicated that there would be no smoke from this operation; however, staff was not provided with any direct information and has no way of confirming that.

STAFF COMMENTS REGARDING THE VARIANCE REQUESTS:

Petitioner intends to locate a crematory at this location which currently has a renovated funeral home. Crematories are only permitted by special exception in a General Business zone *in association with a funeral home*. The expansion of the former storage shed's use has triggered these requests to make the parking and rear setback development standards conforming for this site.

In 2016, the County Building Commissioner issued an Improvement Location Permit for the storage shed on site to renovate it into a very small funeral home. Only 1,518 sq. ft. of the approximately 3,500 sq. ft. equipment storage shed was converted into a funeral home. The renovated portion of this shed was approved with a maximum occupancy of 8 funeral attendees and up to 5 employees at any given time. While this permit corrected some of the existing nonconformities by constructing a commercial driveway and paving a gravel parking lot, the 11' rear setback was not addressed at that time.

The UZO requirement for parking for a funeral home is 1 space per 200 sq. ft. of gross floor area and the current paved parking lot has 9 spaces which are sufficient for this small funeral home. However, petitioner's desire to expand the services of the funeral home to include a crematorium at the same location has increased the on-site parking requirement to 13 spaces. Although these two uses have similarities, the Unified Zoning Ordinance makes a distinction on funeral homes which are permitted in General Business by right whereas crematories are permitted only by special exception in association with funeral homes. (Crematories are permitted as stand-alone facilities in the I2 and I3 zones as well as by special exception in some Agricultural zones.) These

parking standards were designed to provide adequate numbers of spaces to park vehicles in correlation to the use on site. As the petitioner wants to intensify the use of this lot, staff is unable to support this request to reduce the required parking.

According to the County Assessor data, the existing nonconforming structure was constructed in 1976 and was used as an equipment storage shed until last year. The rear setback requirement for GB-zoned properties since the inception of zoning has been 15 feet. It appears that the existing structure was constructed in violation of the ordinance and remains nonconforming to date. Also staff would like to emphasize this structure was constructed for an accessory use, an equipment storage shed; the County Assessor still lists this structure as a garage not a primary use building.

Staff cannot recommend approval of petitioner's request to reduce a rear setback as the structure was initially constructed in violation of development standards. The UZO states that, "self-imposed situations include...any improvement initiated in violation of the standards of this ordinance." Furthermore, the proposed use of this site is for a crematory and staff is concerned that the reduction of the rear setback would critically affect the users of the school surrounding this site.

Alternately petitioner could have proposed rezoning a portion of land located at the northeast corner of the cemetery to I2 or I3 which would have accommodated the proposed crematory. This option would have allowed petitioner to construct and operate a crematory by right, adjacent to existing industrial zoning and away from nearby schools and apartments.

Regarding the ballot items:

1. The Area Plan Commission at its February 15, 2017 meeting determined that the variances requested **ARE NOT** use variances.

And it is staff's opinion that:

2. Granting these variances **WILL BE** injurious to the public health, safety, and general welfare of the community. The parking scarcity on-site might force vehicles to be parked along CR 350 N (Kalberer) ultimately disrupting the flow of traffic and causing a nuisance. Reducing the rear setback from a school with daily attendance of approximately 200 children to operate a crematory business could cause some fire safety issues.
3. Use and value of the area adjacent to the property included in the variance request **WILL** be affected in a substantially adverse manner regarding these variances. The occupancy approved for the funeral home is 8 funeral attendees and 5 employees, a reduction in parking would leave no space for the proposed new use on site causing overspill parking on 350 N (Kalberer Road) or the neighbor's parking lot. As the proposed use would add incineration equipment, which would generate heat and noise, the full 15' setback is needed.

4. The terms of the zoning ordinance are being applied to a situation that **IS** common to other properties in the same zoning district. There is nothing unusual regarding this lot's shape, size or topography. Petitioner's intent to expand this business on a lot that is too small is prompting these requests.
5. Strict application of the terms of the zoning ordinance **WILL NOT** result in an unusual or unnecessary hardship as defined in the zoning ordinance. The desire to expand a business that has outgrown its site is petitioner's prerogative. By converting an illegally constructed equipment storage shed to a multiuse primary structure resulting in a parking reduction is a self-imposed situation. However, self-imposed situations like this do not meet the ordinance definition of hardship. Similarly, any improvement initiated in violation of the standards of the ordinance is also considered a self-imposed situation. Therefore, there is no hardship per the UZO regarding both requests.

Note: Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above for both requests.

5a. There is no hardship since this request is clearly self-imposed by definition.

5b. The variances sought **DO NOT** provide only the minimum relief needed to alleviate the hardship. Minimum relief would be expanding the site to accommodate this business to meet the requirements of the UZO.

STAFF RECOMMENDATION:

Request # 1 (reduction in parking spaces): Denial

Request # 2 (reduction in setback): Denial

STAFF COMMENTS REGARDING THE SPECIAL EXCEPTION REQUEST:

The Unified Zoning Ordinance makes a distinction between funeral homes which are permitted by right in general business and crematories which are permitted by special exception in association with funeral homes. This rightful distinction provides means to assess the impact of various byproducts of this cremation process that would have a significant impact on the neighboring property owners and their uses. Particularly in this situation where the building is surrounded by properties associated with Burgett's Learning Center which has a daily attendance of approximately 200 children. Staff feels that this use could fit in this general area, across the road, and closer to the cemetery, but is seriously concerned about this use being proposed so close to a childcare facility. Staff has received no explanation on the mitigation of possible pollutants caused by the proposed crematory. While staff feels that some level of visible and/or toxic emissions might be acceptable and not unusual in an area of commercial uses, we have no information on this aspect of the business and how petitioner proposes to handle this. While the area is predominantly commercial in nature, there is a childcare facility adjacent to this site and an apartment complex nearby. Staff feels that it is only fair to determine how the visible and/or toxic emissions portion of this business will be handled.

The proposed hours of operation for this use are 8 a.m. until 6 p.m. Monday through Sunday which is compatible with nearby commercial uses. Petitioner has indicated that no additional outdoor lighting will be provided for this use. Traffic generation for this use will be minimal in impact with 1 to 4 trucks per day that would deliver corpses in addition to traffic generated by the funeral home. Staff's research concluded that the cremation process will result in additional noise and possible toxic emissions as a consequence contrary to petitioner's note that indicates no noise associated with this use would be generated.

If both variance and special exception petitions are approved, in addition to securing an Improvement Location Permit, petitioner also needs to comply with the requirements of Indiana Code § 23-14-31 to renovate and operate a crematory at this location.

At its meeting on February 1, 2017 the Executive Committee of the Area Plan Commission voted that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.1 of the Unified Zoning Ordinance **DOES** authorize the special exception for a crematory in conjunction with a funeral home (SIC 726) in the GB zoning district.

And it is staff's opinion that:

2. The requirements and development standards for the requested use as prescribed by the Unified Zoning Ordinance **WILL NOT** be met unless both variances requested in petition BZA-1954 are approved by the board.
3. Granting the special exception **WILL** subvert the general purposes of the Ordinance. These general purposes include the promotion of health and general welfare. Based on staff's research, there would be visible and/or toxic emissions from this operation. As no information was provided on the safe level of visible and/or toxic emissions for this use, staff errs on the side of caution until the impact of this use can be accurately assessed.
4. Granting the special exception **WILL** materially and permanently injure other property or uses in the same district and vicinity because of:
 - a. Traffic generation: Although the traffic generation for this use will be minimal with no more than 4 trucks that would deliver corpses, the scarcity of parking spaces on the site might force vehicles to be parked along CR 350 N (Kalberer) ultimately disrupting the flow of traffic and causing a nuisance.
 - c. Noise production: There would be additional noise generated from the operation of the incinerator which may be typical for a commercial property. However, staff was not provided with any additional documents to

substantiate suitable noise levels generated at the site or the means to mitigate the possible noise pollution caused by this use.

However, granting the special exception **WILL NOT** materially and permanently injure other property or uses in the same district and vicinity because of:

- b. Placement of outdoor lighting: No additional lighting is proposed for this use.
- d. Hours of operation: Monday through Sunday, 8:00 a.m. until 6:00 p.m., are typical office hours and is compatible with commercial uses.

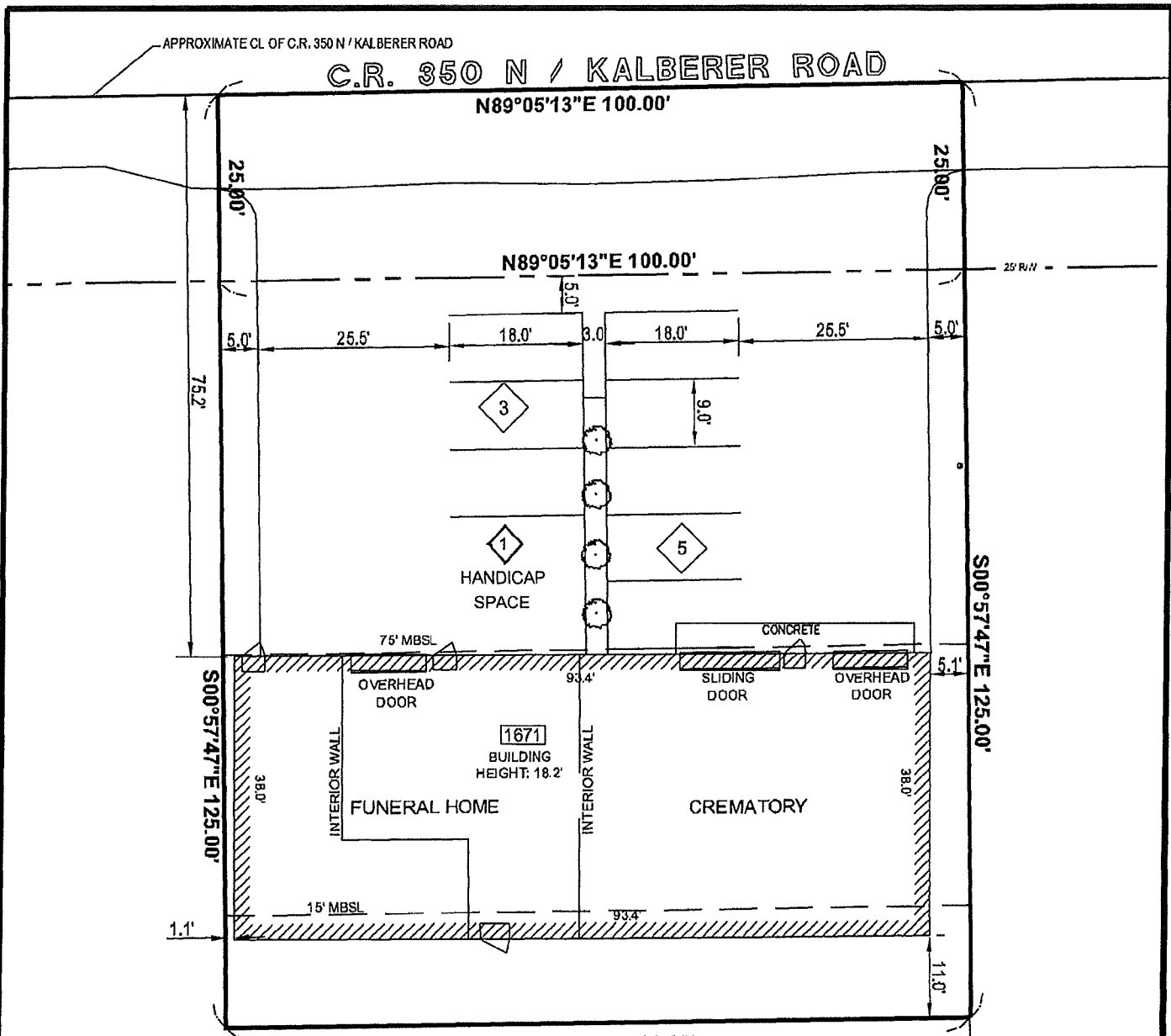
STAFF RECOMMENDATION:

Denial

If approved, the following condition should be applied:

1. The crematory must be reviewed and approved by the Indiana Department of Environmental Management before acquiring the Improvement Location Permit.

Note: A special exception approval ceases to be valid if the use is not established within one year of the date that the special exception was granted.



RECORD DESCRIPTION

A part of Lot number nine (9) in George Hainje Acres Subdivision of a part of the Southwest Quarter of Section One (1), Township twenty-three (23) North, Range five (5) West, described by metes and bounds as follows:

Beginning at the northeast corner of the said Lot number nine (9); thence South one (1) degree and thirty five (35) minutes East on the East line of lot nine (9) a distance of one hundred twenty five (125) feet; thence West and parallel to the North line of the Southwest Quarter of Section one (1) aforesaid a distance of one hundred (100) feet; thence North one (1) degree and thirty five (35) minutes West a distance of one hundred twenty five (125) feet to the North line of the said Southwest Quarter; thence North eighty eight (88) degrees and twenty eight (28) minutes East on the said North line a distance of one hundred (100) feet to the place of beginning. Said tract of land contains 12,500 square feet. Located in Wabash Township, Tippecanoe County, Indiana.

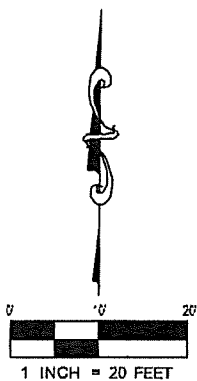
SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD

LEGEND:

- = STREET ADDRESS
- MBSL = MINIMUM BUILDING SETBACK LINE
- D&UEASE = DRAINAGE & UTILITY EASEMENT
- R/W = RIGHT-OF-WAY
- ⊙ = REBAR (RBR) FOUND, AS NOTED
- ⊙ = IRON PIPE (IP) FOUND, AS NOTED

NOTES:

1. All dimensions are measured to the outside of the foundation; fascia brick / brick ledge and siding are not measured as part of the foundation. All dimensions are measured perpendicular to the property lines.
2. This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a surveyor location report.



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SITE PLAN FOR VARIANCE

A PART OF THE SOUTHWEST QUARTER OF SECTION 1,
 TOWNSHIP 23 NORTH, RANGE 5 WEST, WABASH TOWNSHIP,
 TIPPECANOE COUNTY, INDIANA

DATE: 01/16/17
 COMM. NO.: 15.22.5
 DRAWN BY: TJW
 CHECK BY: RAF
 SCALE: 1" = 20'
 SHEET: 1 of 1