

THE
AREA BOARD OF ZONING APPEALS
OF
TIPPECANOE COUNTY

NOTICE OF PUBLIC HEARING

DATE: AUGUST 24, 2022

TIME: 6:00 P.M.

PLACE: COUNTY OFFICE BUILDING

20 N. 3RD STREET

LAFAYETTE, IN 47901

AGENDA

This meeting will be in person.

Members of the public may choose to watch on the livestream of the meeting on

<https://www.facebook.com/TippecanoeCountyIndiana> or

<https://www.youtube.com/channel/UCJleeA9ZQo9EIIgDzTdjurQ>

I. APPROVAL OF MINUTES

Documents:

[BZA MINUTES 07.27.2022.PDF](#)

II. NEW BUSINESS

III. PUBLIC HEARING

1. BZA-2086 CUMBERLAND PARTNERS STORAGE

****This case was withdrawn by petitioner.****

Petitioner is requesting the following variances to expand an existing self-storage warehouse in an NB zone:

1. To eliminate the required Type B bufferyard (20') that was previously granted

(BZA-2009 allowed a reduction in the required Type C bufferyard of 30' to a Type B bufferyard of 20'.) (UZO 4-9-3) and

2. To increase the total signage on the sign-lot from the allowed 180 sq.ft. to 280 sq.ft. (UZO 4-8-5)

on property located at 2575 Cumberland Ave, West Lafayette, Wabash 11 (NW) 23-5.

CONTINUED FROM THE JULY 27TH MEETING AT PETITIONER'S REQUEST. FIRST CONTINUANCE.

2. **BZA-2087 TODD & LYNN EDGELL**

Petitioners are seeking a special exception for an agricultural rental hall, operating 8:00am to 10:00pm Sunday through Thursday, 8:00am to midnight Friday and Saturday, located on two acres at 4951 Swisher Road, Tippecanoe, Burnetts Reserve 5 (SW) 24-4.

Vote Results

Conditional Approval

6- Yes and 0-No

Documents:

[BZA-2087 TODD AND LYNN EDGELL.PDF](#)

IV. ADMINISTRATIVE MATTERS

V. ADJOURNMENT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Area Plan Commission of Tippecanoe County will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. For more information visit www.tippecanoe.in.gov/ada

AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY

MINUTES OF A PUBLIC HEARING

DATE JULY 27, 2022
TIME6:00 P.M.
PLACE COUNTY OFFICE BUILDING
20 N. 3RD STREET
LAFAYETTE, IN 47901

This meeting was held in-person, with no virtual option.

MEMBERS PRESENT

Steve Clevenger
Ed Butz
Robert Novak
Michelle Dennis
Tom Andrew

MEMBERS ABSENT

Gary Schroeder
Jen Dekker

STAFF PRESENT

Kathy Lind
David Hittle
Jennifer Ewen
Eric Burns, Atty.
Larry Aukerman
Amanda Esposito

The Area Board of Zoning Appeals of Tippecanoe County public hearing was held in-person on the 27th day of July 2022 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

Steve Clevenger called the meeting to order at 6:00 PM.

Attorney, Eric Burns, called the roll to establish members present.

I. APPROVAL OF MINUTES

Tom Andrew moved to approve the minutes from the May 25, 2022 BZA public hearing as submitted. Ed Butz seconded.

Steve Clevenger asked if there were any comments or corrections. There were none. The minutes, as submitted, were approved by unanimous voice vote.

II. NEW BUSINESS

David Hittle stated **BZA-2086 CUMBERLAND PARTNERS STORAGE** has asked for a continuance to the August 24th BZA public hearing. All the other cases on tonight’s agenda are ready to be heard.

III. PUBLIC HEARING

Steve Clevenger read the meeting procedures.

Tom Andrew 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. Ed Butz seconded, and the motion carried by unanimous voice vote.

Tom Andrew moved to continue **BZA-2086 CUMBERLAND PARTNERS STORAGE** to the August 24th BZA public hearing at the petitioner's request. Ed Butz seconded, and the motion carried by unanimous voice vote.

Tom Andrew moved to hear and vote on **BZA-2079 WILLIAM AND JAQUELINE BOND**. Ed Butz seconded.

BZA-2079 WILLIAM S AND JAQUELINE BOND:

Petitioners are requesting an extension of a previously approved special exception (BZA-1958) to add a 140' x 120' gravel overflow parking area and legitimize various outdoor areas for their agricultural rental hall in an A zone. The overflow parking area will extend north by 120' from the existing approved site area onto property petitioner has leased. Hours of operation will remain the same with events occurring 7 days a week, 8 AM to midnight. The property is located at 7071 S 100 E, Wea 33 (NW) 22-4 (UZO 3-2).

APC staff David Hittle presented the zoning map, site plan, and aerial photos. He stated the petitioners are the owners of the property and proprietors of the business that is the subject of this case. The site is located in the south-central part of the county near the intersection of 700 South and 100 East. They built their agricultural rental hall after approval in 2017 of a special exception petition, and they are here today to request an expansion of that use. Once you get a special exception approved you are locked into the terms of the language of the petition including the site plan, and they are asking for an expansion of what was the previously approved parking area, and they are also looking to acknowledge on their site plan two outdoor ceremony spaces. The portion of land they are seeking to use for their expanded parking area they do not own. They are leasing that land from adjoining neighbors. They already have laid gravel for the new parking area. They have two outdoor ceremony spaces, and those were not explicitly identified in 2017, so we've asked them to do that with this petition, so if in the future there are ever any questions, we will now exactly what they had approval for. The hours of operation listed in the previous petition were 7 days a week, 8 AM to midnight, and they are not anticipating changing those hours. For special exceptions, you are required to show lighting schemes, and you are required to indicate that your lighting is not going to create a nuisance, so they indicated that they have solar lights along their driveway, and they have flood lights on the structure itself which is far removed from any actual joiners. Staff is supportive of this request.

Steve Clevenger called for the petitioner or the petitioner's representative.

Jaqueline Bond, 7071 S 100 E, Lafayette, stated she is here with her husband, William Bond, and they are the owners of the Stables Event Center. The original special exception required that we have an 84-space parking lot for 330 guests, and it also required that there was ample overflow parking either in the grass or gravel, so when they originally came to the APC to get this approved, they didn't know what the state would require for the septic and for drainage. They lost a lot of green space after meeting what the state required, and they can no longer use that green space for parking because guests can't park on the septic, and now they can't enter the building without going down a big swell, so they leased property from Mr. Purdy which connects to where their main parking is. They did put gravel down, not knowing it was going to be an issue, because it does get muddy. There is about 100 ft of it that falls onto the property they are leasing from Purdy Farms. They are asking for approval so they can have extra space where their guests are not parking in the mud.

Steve Clevenger asked if anyone wished to speak in favor of this petition. There was no response.

Steve Clevenger asked if anyone wished to speak in opposition of this petition.

LaDonna Shorter, 7112 S 100 E, Lafayette, stated before the original special exception was granted, the neighbors expressed concern about safety and the increase in traffic, and the neighbors still have the same concerns. In 2016, a traffic count on 100 E had an average daily count of 2,277 vehicles, and that was before the event center. In 2019, the traffic count had an average daily count of 2,457 vehicles. During the three-year period, the average daily count increased by 180 vehicles. The Stables Event Center is contributing to the increase of traffic, and we are just concerned about the traffic and safety and ask you deny this request.

Anna Matthys, 6650 S 100 E, Lafayette, stated granting a special exception extension will inhibit the general welfare of my neighborhood community by producing more distrust, friction, and animosity among neighbors. In the April 26, 2017 BZA minutes, regarding BZA-1958, Jay Seeger, who was the staff attorney at that time, states if granted, the special exception will be limited to the petition as presented. It can't be expanded or enhanced without another special exception hearing to expand, and William Bond stated he is aware he would have to file another special exception for any future growth. The Bond's petition for an Agricultural Event Center was passed by the BZA even though 11 neighbors spoke against it. The Stables Event Center officially opened in 2019. Violations started occurring in 2021; the owners failed to file when they built the first outdoor wedding area. That was a zoning violation, and that was a trust violation for neighbors. The owners failed to file when they built the second outdoor wedding area. That was another zoning violation and trust violation. In 2017, the staff stated noise would come from either live music or a DJ from inside the reception building. The owners have allowed outside music which is zoning violation number three and another trust violation. The owners opened the barn doors when the weather was nice, but that action does not contain the music, and this is not a zoning violation, but it does create friction. The 2017 staff report states the 12-acre site provides adequate room for overflow parking and drainage. They put in an overflow parking area on 15 acres of leased land and not on the approved 12.57 acres, and they did this without getting the required special exception. This is now violations 4 and 5, so the neighbors stepped forward to file complaints. She is asking the Board to deny this special exception, and she has two commitments she would like to be considered.

David Ardapple, 7026 S 100 E, Lafayette, stated he lives directly across from the residence, and his question is what is going to happen to the added parking lot that is going onto the leased ground from the neighbors when the lease ends. They said they had more than enough room on the 12.5 acres for overflow parking. The septic system, parking lot, and the entertainment center probably doesn't occupy two acres out of the 12 acres. They used that parking lot on the grass for over a year and never had any problems.

Steve Clevenger called for the petitioner's rebuttal.

Jaqueline Bond, 7071 S 100 E, Lafayette, stated by adding the stone on the leased property, is not increasing any more traffic than what was approved with their original plan. What they are doing is making sure that their guests have a safe place to park that is not in the grass or in the mud. When the lease expires, we would scrape the stone off, and we would have to find another location to put that parking. She doesn't believe the increase in traffic is from the event center. If anything, with people turning into the Stables Event Center, it is slowing the speed of traffic on that road. The DJ or band plays music inside the building. They have deputies on-site, so the county is aware that you can't hear the music outside.

Steve Clevenger stated he wanted to answer a few items that were brought up. There were a lot of comments about the rest of the leased land, there can't be anything else besides the parking based on the site plan, so they would have to come before this Board again if they wanted to do anything else in the area of the leased land. We don't require an exact drawing; we just require a sketch of what is going where, so it is an approximate drawing.

Steve Clevenger asked Jaqueline Bond if a mic is used during the wedding ceremonies.

Jaqueline Bond, 7071 S 100 E, Lafayette, stated if they have a minister, they may wear a mic, but you can't even hear that near the building or even in the parking lot. It is not loud. They may have a violinist or music when the bride is walking down the aisle, but you can't hear it even if you are outside the building.

Steve Clevenger asked the petitioners if they would be agreeable to a condition of having no amplified music outside.

Jaqueline Bond, 7071 S 100 E, Lafayette, responded they would be agreeable to a condition of no amplified music outside.

Ed Butz moved for the condition of no outdoor amplified music that is audible outside of the property line to be added to **BZA-2079**. Robert Novak seconded, and the motion carried by unanimous voice vote.

Steve Clevenger asked if the Board had any questions or comments. There were none.

Steve Clevenger called for a vote on a ballot.

Attorney Eric Burns collected the ballots and noted the Board voted 5-Yes to 0-No to grant the requested Special Exception with Condition.

Yes-Vote

Steve Clevenger
Robert Novak
Ed Butz
Michelle Dennis
Tom Andrew

No-Vote

Tom Andrew moved to hear and vote on **BZA-2080 JAMES ALAN AND TRACI BRATTON DAVID**. Ed Butz seconded.

BZA-2080 JAMES ALAN AND TRACI BRATTON:

Petitioners are requesting the following setback variances for a proposed 23' x 24' detached garage in an R1 zone:

1. To reduce the side setback from the minimum required 6' to 2' (UZO 2-1-9); and
2. To reduce the rear setback from the minimum required 10' to 2' (UZO 2-1-8).

the site is currently a single-family residence and is located at 256 Washington Street, in Dayton, Sheffield 04 (SW) 22-3.

APC staff Amanda Esposito presented the zoning map, site plan, and aerial photos. She stated the petitioners live in Dayton and are here to request a pair of variances. It is a standard residential lot, and it is surrounded by all residential except for an elementary school to the west. They currently have a single-family dwelling with a two-car attached garage and a small garden shed in the backyard which they plan to remove in order to construct the new proposed garage. There may be a practical hardship in meeting the UZO requirements to place this garage, but staff could not find an unusual or unnecessary hardship, so we are recommending denial for both variances.

Steve Clevenger called for the petitioner or the petitioner's representative.

James Bratton, 256 Washington Street, Dayton, stated if they were to move the garage forward to the 10' setback, it would be too close to the house. He has two hot rods, and one of them will be stored in this garage in the winter, and it would be difficult to get it into garage if they were to move the garage forward. That is why they are asking for the 2' setback.

Steve Clevenger asked if anyone wished to speak in favor of this petition. There was no response.

Steve Clevenger asked if anyone wished to speak in opposition of this petition. There was no response.

Steve Clevenger asked if the Board had any questions or comments.

Steve Clevenger asked if there are any easements in the back of the property.

James Bratton stated he doesn't believe there are any on the back of the property. He thinks everything is located on the front or on the side of the property.

Steve Clevenger asked if the 2' would be enough to maintain the property between the garage and the fence.

James Bratton responded yes, and they would put decorative stone around the garage.

Steve Clevenger called for a vote on a ballot.

Attorney Eric Burns collected the ballots and noted the Board voted by ballot 5-Yes to 0-No in favor to grant Variance #1 for BZA-2080.

Variance #1	<u>Yes-Vote</u>	<u>No-Vote</u>
	Steve Clevenger	
	Robert Novak	
	Ed Butz	
	Michelle Dennis	
	Tom Andrew	

Attorney Eric Burns collected the ballots and noted the Board voted by ballot 5-Yes to 0-No in favor to grant Variance #2 for BZA-2080.

Variance #2	<u>Yes-Vote</u>	<u>No-Vote</u>
	Steve Clevenger	
	Robert Novak	
	Ed Butz	
	Michelle Dennis	
	Tom Andrew	

Tom Andrew moved to hear and vote on BZA-2081 PATRICK R AND MELINDA C O'NEIL, TRUSTEES OF THE PATRICK R O'NEIL AND MELINDA C O'NEIL REVOCABLE LIVING TRUST. Ed Butz seconded.

BZA-2081 PATRICK R AND MELINDA C O'NEIL, TRUSTEES OF THE PATRICK R O'NEIL AND MELINDA C O'NEIL REVOCABLE LIVING TRUST:

Petitioners are requesting the following variances for a proposed apartment building in an R4W zone:

1. To reduce the lot area from the minimum required 27,750 sq. ft. to 10,763 sq. ft. (UZO 2-11-5);
 2. To increase the maximum coverage by all buildings from 40% to ~~74.4%~~ 69.5% (UZO 2-11-7) (Amended by petitioner 06/27/2022);
 3. To reduce the minimum vegetative coverage from the required 30% to ~~44.4%~~ 17.1% (UZO 2-11-7) (Amended by petitioner 06/27/2022);
 4. To reduce the front setback from the minimum required 25' to 9'1" (UZO 2-11-8);
 5. To reduce the rear setback from the minimum required 25' to ~~0~~ 3' (UZO 2-11-9) (Amended by petitioner 06/27/2022);
 6. To increase the maximum building height from 14' (as measured from the ground to the finished floor of the uppermost level) to 45' (UZO 2-11-11);
 7. To reduce the minimum parking standards from the required 91 parking spaces to 20 spaces (UZO 2-10-12); and
 8. To eliminate the requirement of a 5' no parking setback along the western property line (UZO 4-4-6);
- on property located at 418 Harrison Street, West Lafayette, Wabash 19 (SW) 23-4.

APC staff David Hittle presented the zoning map, site plan, and aerial photos. This is a request for a set of variances. The site is currently improved with three structures; a house that has been converted to an apartment building, a built apartment building, and then in the back of the property what was originally a garage, has been converted into apartments. The petitioner's plan is to remove all the existing buildings, and then build one 5-story building with 32 dwelling units. Its footprint would almost be the perimeter of the whole lot. The ground floor would be parking, and then an elevator or stairs would lead up to floors 2 through 5 which would contain the residential units. The units would be a mix of 1 and 2-bedroom units intended for student housing. Staff is supportive of Variances 6, 7, and 8. Staff has concerns with Variances 1, 2, 3, 4, and 5; these requested variances are significant requests. It represents an over intensification of a relatively small site, and the reasons for setback requirements, maximum coverage, and minimum vegetative coverage is to provide for open space, but also so the site is not overdeveloped.

Steve Clevenger called for the petitioner or the petitioner's representative.

Kevin Riley, 250 Main Street, Lafayette, stated he is here on behalf of the petitioners, and discussions regarding this petition have been going on with the city and staff for about 5 months. They initially approached the city about requesting a PD pre-submission meeting, and there were discussions with the city and Area Plan, and it was a collaborative decision to decide to go forward with a rezone to R4W and variances instead of a PD, so it is unfair when everyone knew what was going on and agreed upon this direction to now say they don't like this. As far as we understood, this was the direction people wanted us to go, so that is what we did, and that is why there is not a PD. The Area Plan and the city were fully aware of the variances we were going to request. Everyone knew the direction we were heading with this, and as far as we understood, there were not any objections. He noted the proposal will move all the parking underneath the building, so there would not be any surface parking which will help eliminate some of the concrete; it will also eliminate the existing driveway off of Harrison Street.

Steve Clevenger asked if anyone wished to speak in favor of this petition.

Erin Easter, 222 N Chauncey Ave, West Lafayette, stated it is true they requested this take the variance path other than the PD path for multiple reasons. For this site, they did want to go the same way with this that they did with Campus Christian House right on State Street. Instead of going the PD route, they requested variances for that project because they knew they could continue to work with the designer and the developer to make sure that is was reasonable for the area, and the PD process takes a lot of time and effort, and in some instances, a few modifications are sufficient to have a successful project as opposed to multiple months of negotiation when we are looking at a project that doesn't cross property lines, and we are not trying to figure out how to negotiate many, many types of uses within a specific boundary of that property and that project. Structured parking is always something that they like to see.

Steve Clevenger asked if anyone wished to speak in opposition of this petition. There was no response.

Steve Clevenger asked if the Board had any questions or comments. There were none.

Steve Clevenger called for a vote on a ballot.

Attorney Eric Burns collected the ballots and noted the Board voted by ballot 5-Yes to 0-No in favor to grant Variance #1 for BZA-2081.

Variance #1

Yes-Vote

Steve Clevenger
Robert Novak
Ed Butz
Michelle Dennis
Tom Andrew

No-Vote

Attorney Eric Burns collected the ballots and noted the Board voted by ballot 5-Yes to 0-No in favor to grant Variance #2 for BZA-2081.

Variance #2	<u>Yes-Vote</u>	<u>No-Vote</u>
	Steve Clevenger Robert Novak Ed Butz Michelle Dennis Tom Andrew	

Attorney Eric Burns collected the ballots and noted the Board voted by ballot 5-Yes to 0-No in favor to grant Variance #3 for BZA-2081.

Variance #3	<u>Yes-Vote</u>	<u>No-Vote</u>
	Steve Clevenger Robert Novak Ed Butz Michelle Dennis Tom Andrew	

Attorney Eric Burns collected the ballots and noted the Board voted by ballot 5-Yes to 0-No in favor to grant Variance #4 for BZA-2081.

Variance #4	<u>Yes-Vote</u>	<u>No-Vote</u>
	Steve Clevenger Robert Novak Ed Butz Michelle Dennis Tom Andrew	

Attorney Eric Burns collected the ballots and noted the Board voted by ballot 5-Yes to 0-No in favor to grant Variance #5 for BZA-2081.

Variance #5	<u>Yes-Vote</u>	<u>No-Vote</u>
	Steve Clevenger Robert Novak Ed Butz Michelle Dennis Tom Andrew	

Attorney Eric Burns collected the ballots and noted the Board voted by ballot 4-Yes to 1-No in favor to grant Variance #6 for BZA-2081.

Variance #6	<u>Yes-Vote</u>	<u>No-Vote</u>
	Steve Clevenger Ed Butz Michelle Dennis Tom Andrew	Robert Novak

Attorney Eric Burns collected the ballots and noted the Board voted by ballot 4-Yes to 1-No in favor to grant Variance #7 for BZA-2081.

Variance #7	<u>Yes-Vote</u>	<u>No-Vote</u>
	Steve Clevenger	Robert Novak
	Ed Butz	
	Michelle Dennis	
	Tom Andrew	

Attorney Eric Burns collected the ballots and noted the Board voted by ballot 5-Yes to 0-No in favor to grant Variance #8 for BZA-2081.

Variance #8	<u>Yes-Vote</u>	<u>No-Vote</u>
	Steve Clevenger	
	Robert Novak	
	Ed Butz	
	Michelle Dennis	
	Tom Andrew	

Tom Andrew moved to hear and vote on BZA-2082 RIVERSIDE CONSTRUCTION, LLC. Ed Butz seconded.

BZA-2082 RIVERSIDE CONSTRUCTION, LLC:

Petitioner is requesting a variance to reduce the rear setback to 21.5' from the minimum required 25' to replace an existing 20' x 12' deck with a proposed 20' x 12' covered/screened-in porch in an R1B zone. The existing single-family home is located at 15 Flowermound Drive, in Winding Creek Subdivision, Tippecanoe 29 (SW) 24-4 (UZO 2-3-8).

APC staff Kathy Lind presented the zoning map, site plan, and aerial photos. She stated the petitioner's property is located in Winding Creek Subdivision, and it is zoned R1B. The property is located on the south side of Flowermound Drive. The house currently has a deck on the back of the house. The deck is currently 21.5 feet from the rear property line which is legal because there is not a roof on the deck. The petitioners would like to tear down that deck and replace it with a screened in porch with a roof. They are not planning on increasing the setback at all. This is not going to be injurious to the public health, and it is not going to adversely affect any neighbors. Staff does not have any issues with those findings; however, staff could not find a hardship for this request. It is probably a practical difficulty, but it doesn't rise to the test of a hardship; staff is recommending denial.

Steve Clevenger called for the petitioner or the petitioner's representative.

Aaron Johnson, Riverside Construction, LLC, Lafayette, stated he is speaking on behalf of the petitioners for this addition. They have tried to maintain the full 25' setback; it would reduce the depth of the screened-in deck to 8', and after the outside width, the useable space is 700 feet at the most. They did try some variations with the 8' depth and estimates, and the cost really outweighs the value gained. At that point, there is not enough room to put up a table with chairs like they currently have. Another large factor is the concrete path that surrounds the entire house this deck currently which they would have to remove and rework to keep the 25-foot setback.

Steve Clevenger asked if anyone wished to speak in favor of this petition.

Brien Dick, 15 Flowermound Drive, West Lafayette, stated the reason they are wanting to change the deck and add a roof is because of the southern exposure. The light is so bright that it is difficult most times of the year to be outside. A family member is living with them, and she has COPD. She walks with a walker all

the time, and if they tried to make it smaller, it would reduce the usability of the deck, and she would not be able to get around with her walker going outside.

Steve Clevenger asked if anyone wished to speak in opposition of this petition. There was no response.

Steve Clevenger asked if the Board had any questions or comments. There were none.

Steve Clevenger called for a vote on a ballot.

Attorney Eric Burns collected the ballots and noted the Board voted 5-Yes to 0-No to grant the requested Variance.

Variance	<u>Yes-Vote</u>	<u>No-Vote</u>
	Steve Clevenger	
	Robert Novak	
	Ed Butz	
	Michelle Dennis	
	Tom Andrew	

Tom Andrew moved to hear and vote on **BZA-2083 LOVE'S TRAVEL STOP – BETTY TORSTENSON.** Ed Butz seconded.

BZA-2083 LOVE'S TRAVEL STOP – BETTY TORSTENSON:

Petitioner is requesting a variance to increase the total signage of the sign-lot from the allowed 300 sq. ft. to 368.04 sq. ft. for a new Love's Travel Stop near Schuyler Ave/I-65 interchange. The property is zoned I3 (Industrial) and is specifically located at 2400 E 200 N, in Fairfield, 10 (SE) 23-4 (UZO 4-8-5).

APC staff Amanda Esposito presented the zoning map, site plan, and aerial photos. This is zoned I3, and the surrounding zoning is mostly floodplain, and it is visually set apart from a lot of the properties around it. The nearby Wildcat Creek is the reason for the floodplain zoning. The petitioner is requesting additional square footage for their total sign allotment. When they look at sign packages, there is a worksheet that is used to calculate how much square feet they are allowed for the entire site and different factors go into that. They are allowed 300 square feet, and the sign package that they are proposing is for 368.04 square feet. That encompasses a variety of different types of signs. The site is heavily wooded from the Wildcat Creek, and it is visually set apart from other properties around it. It is not competing for customers, so their signage of 300 square feet should be sufficient. It doesn't need to draw in customers from further away because the customer is already there, so the staff's findings deemed that the hardship is not there, and 300 square feet should be sufficient for this site. Staff is recommending denial.

Steve Clevenger called for the petitioner or the petitioner's representative.

Chad Bruner, Love's Travel Stop, stated the stores north and south of here have about 1,500 square feet of signage, and there are two components that drive that. One is the high-rise sign which we don't have here, and the other component are the uses. Love's is one singular building and one singular name, but there are three real businesses within that envelope. There is Love's, a Hardee's, and a tire shop in the back. They are required to meet certain sign requirements for the three separate businesses. They have cut everything they could to try to get to the 300 square feet, but to keep the minimum sign requirements of the separate businesses they are needing to ask for an additional 68.04 square feet.

Steve Clevenger asked if anyone wished to speak in favor of this petition. There was no response.

Steve Clevenger asked if anyone wished to speak in opposition of this petition. There was no response.

Steve Clevenger asked if the Board had any questions or comments.

Steve Clevenger asked what the reasoning is for having signs with the brand names of the tires.

Chad Bruner, Love's Travel Stop, responded they have contractual obligations with the tire companies whenever they are selling their brands.

Steve Clevenger asked if they have control of the billboard that is currently on the site.

Chad Bruner, Love's Travel Stop, stated they do have control of the billboard. He stated he is okay with having a condition of having to take the billboard down, and that would remove that signage off Schuyler.

Amanda Esposito stated she does have an e-mail from the petitioner stating that the billboard is going to be removed. That is all the information she has.

Kathy Lind stated staff is agreeable with making the removal of the billboard a condition.

Ed Butz moved to add the condition that the billboard onsite is to be taken down when the project is complete. Michelle Dennis seconded, and the motion carried by unanimous voice vote.

Steve Clevenger called for a vote on a ballot.

Attorney Eric Burns collected the ballots and noted the Board voted 4-Yes to 1-No to grant the requested Variance for **BZA-2083**.

Variance	<u>Yes-Vote</u>	<u>No-Vote</u>
	Steve Clevenger	Tom Andrew
	Robert Novak	
	Ed Butz	
	Michelle Dennis	

Steve Clevenger noted the next two cases **BZA-2084** and **BZA-2085** will be heard together.

Tom Andrew moved to hear and vote on **BZA-2084 WEST LAFAYETTE GREENHOUSE PHASE 2, LLC** and **BZA-2085 WEST LAFAYETTE GREENHOUSE FACILITY, LLC**. Ed Butz seconded.

BZA-2084 WEST LAFAYETTE GREENHOUSE PHASE 2, LLC:

Petitioner is requesting the following variances to expand the Inari Greenhouse facility in an OR (Office Research) zone:

1. To reduce the required maximum lot coverage from 25% to 28.7% (UZO 2-14-6); and
2. To reduce the required side setback from 20 ft to 0 ft (UZO 2-14-8).

on property located at 1436 Win Hentschel Blvd, West Lafayette, Wabash 01 (SE) 23-5.

BZA-2085 WEST LAFAYETTE GREENHOUSE FACILITY, LLC:

Petitioner is requesting a variance to reduce the minimum required side setback from 20 ft to 0 ft to expand the Inari Greenhouse facility in an OR (Office Research) zone (UZO 2-14-9). The property is located at 3315 Kent Ave, West Lafayette, Wabash 01 (SE) 23.5.

APC staff Kathy Lind presented the zoning map, site plan, and aerial photos. She stated there are two tracts because the ownership is different for each of the tracts. The easiest thing they could have done would be to have one ownership of both tracts replated into a single lot, then they would not have needed the setback variances, but the company needed this in separate ownership as it is, so that is why they are asking for the 0' setback on both sides of that property line. The property is zoned OR, and it is located in the Purdue Research Park, and there is GB zoning to the west. BZA-2084 they are wanting to build a building that would have a 28% lot coverage. There will be a covered hallway that connects the two

buildings, and it will cross the property line. The first findings of fact are regarding the lot coverage variance, and staff felt it is not going to be injurious to the public health and safety, and it won't harm neighboring properties adversely. This is a different situation mainly because of the different ownership of the two tracts. Staff felt this was an unusual situation and a hardship, so staff is recommending approval.

Steve Clevenger called for the petitioner or the petitioner's representative.

Kevin Riley, Reiling Teder & Schrier, Lafayette, stated he is representing the petitioners. They are requesting a total of three variances. The plan is to build a 46,752 square foot building on the south lot which that lot is currently vacant. The building will be used for greenhouse operation for research on commercial agricultural products. The new building to the south is going to be connected via an enclosed hallway to the building to the north. The purpose of this connection is that there are materials and products that have to be transferred from one building to another, and these are early stage genetically edited plants that they don't want to have exposed to the elements; hence the reason for the 0' setback. They agree with the staff report, and they are requesting approval.

Steve Clevenger asked if anyone wished to speak in favor of this petition. There was no response.

Steve Clevenger asked if anyone wished to speak in opposition of this petition. There was no response.

Steve Clevenger asked if the Board had any questions or comments.

Steve Clevenger called for a vote on a ballot.

Attorney Eric Burns collected the ballots and noted the Board voted by ballot 5-Yes to 0-No in favor to grant **Variance #1** for **BZA-2084**.

Variance #1	<u>Yes-Vote</u>	<u>No-Vote</u>
	Steve Clevenger	
	Robert Novak	
	Ed Butz	
	Michelle Dennis	
	Tom Andrew	

Attorney Eric Burns collected the ballots and noted the Board voted by ballot 5-Yes to 0-No in favor to grant **Variance #2** for **BZA-2084**.

Variance #2	<u>Yes-Vote</u>	<u>No-Vote</u>
	Steve Clevenger	
	Robert Novak	
	Ed Butz	
	Michelle Dennis	
	Tom Andrew	

Attorney Eric Burns collected the ballots and noted the Board voted 5-Yes to 0-No to grant the requested **Variance** for **BZA-2085**.

Variance	<u>Yes-Vote</u>	<u>No-Vote</u>
	Steve Clevenger	
	Robert Novak	
	Ed Butz	
	Michelle Dennis	
	Tom Andrew	

IV. ADMINISTRATIVE MATTERS

None.

V. ADJOURNMENT

Steve Clevenger stated 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.

Tom Andrew moved for adjournment.

The meeting adjourned at 8:23 P.M.

Respectfully submitted,

Jennifer Ewen
Recording Secretary

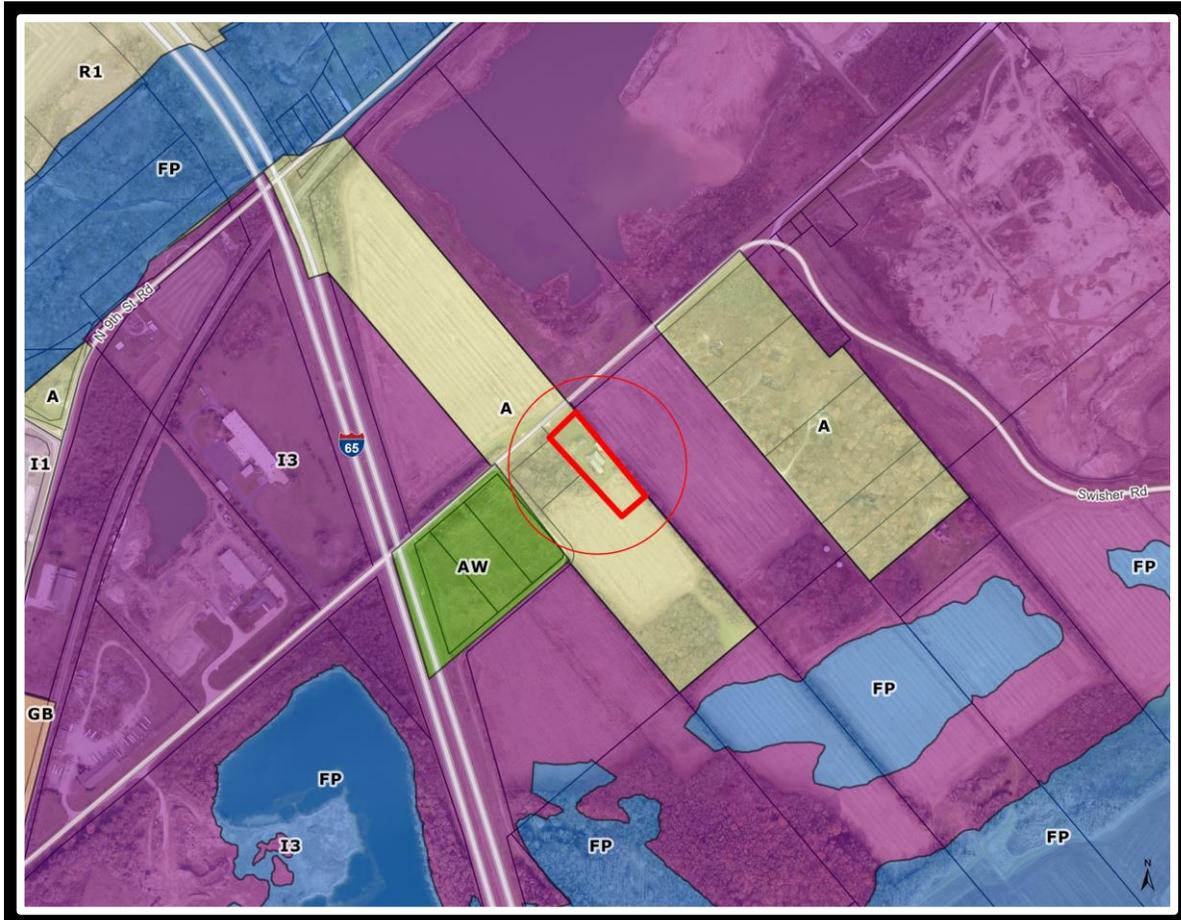
Reviewed by,

A handwritten signature in black ink, appearing to read "D. Hittle". The signature is written in a cursive style with a horizontal line underneath the letters.

David Hittle
Executive Director

**BZA-2087
TODD & LYNN EDGELL
(special exception)**

**STAFF REPORT
August 18, 2022**



BZA-2087
TODD A. AND LYNN M. EDGELL
Special Exception

Staff Report
August 18, 2022

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioners and owners, represented by attorney Burke Richeson of Gutwein Law, are requesting a special exception to permit an agricultural rental hall (SIC 799) on 2 acres in the A zone with a maximum capacity of 248 people. The proposed hours of operation are Sunday through Thursday 8:00 AM to 10:00 PM and Friday and Saturday 8:00 AM to 12:00 AM. The property is located at 4951 Swisher Road, Tippecanoe, Burnetts Reserve 5 (SW) 24-4.

AREA ZONING PATTERNS:

The site is zoned A, Agricultural. Most of the land in this area is zoned I3, heavy industrial, except for land immediately on three sides of this property, which is also zoned A. Many special exceptions for mining operations have been granted in the past in this area, though none in recent years. The most recent rezone request was withdrawn (Z-2741 in 2018).

AREA LAND USE PATTERNS:

The property in this request currently houses several agricultural buildings, but no residence. A line of trees separates this lot from the land to the northeast, and a small lot to the southwest is wooded.

The majority of properties surrounding this site appear to be in crop rotation and are owned by Prophetstown State Park and IDNR (Indiana Department of Natural Resources).

TRAFFIC AND TRANSPORTATION:

The proposed agricultural rental hall is reached by an existing private drive from Swisher Road, classified as a rural secondary arterial by the adopted *County Thoroughfare Plan*. Swisher is also the main entrance to the state park. A traffic count taken in 2022 shows 655 vehicles travel Swisher Road between 9th and I-65 daily. A commercial drive permit from the County Highway Department would be required prior to building permit issuance.

Parking requirements for an agricultural rental hall are 1 space per 4 patrons to the maximum capacity of the facility. Since the petition states that the maximum capacity would be 248 persons, a total of 62 parking spaces would be required; the site plan shows exactly 62 spaces which would meet the UZO requirement. Parking lots in the A zone do not need to be paved; however, the accessible parking spaces would need to be hard

surfaced. Overflow parking is shown on the site plan immediately southeast of the parking area, behind the existing buildings.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

IDEM approval will be necessary for the well on site. The use requires a commercial septic system that must be approved by the Indiana State Board of Health prior to the County Health Department's issuance of a permit. The site plan does not show any proposed drainage structures on site. An approval from the County Drainage Board is required before an occupancy permit can be issued.

STAFF COMMENTS:

Petitioners are proposing to use the site for an agricultural rental hall for events which "will generally be from 4 to 6 hours" and "will not be generally open to the public." The petition further states "the light renovation of the property allows the facility to be fully ADA compliant." The existing structures on site consist of one building with approximately 4,914 sq. ft., and another of approximately 1,204 sq. ft. According to the petitioner, the smaller of the two barns will be used initially as a storage area. The back of the main barn will be the location of the restrooms and staging area for any food catering. The site plan shows an area behind the structures as being a patio-like outdoor ceremony space. Evergreen trees have been planted along the property lines where there are gaps in the existing tree line.

While an agricultural rental hall is permitted by special exception in the A zone, the zone does not permit an eating and/or drinking establishment (restaurant or bar). For this reason, the UZO places a limit on food/drink service associated with this use. There cannot be any preparation of food on site, all food must be brought on site by a licensed caterer.

Traffic generated by this use per the petition would include "vehicles for guests, employees, security, and intermittent deliveries and maintenance." Petitioners anticipate parking fewer than 55 vehicles for guests at most events, with "5-10 vehicles for employees," etc., and have provided 62 parking spaces, the minimum number required. Outdoor lighting is shown on the site plan in several places: near the front corners of the parking lot, several wall pack lights on the buildings, and a lit monument sign near the entrance. According to the petition, "all lighting will be hooded or directed in a manner to not escape the property line." Regarding noise generation, the petitioners state that "amplified music for events will only be permitted inside the building." To be consistent with other ag rental halls, and in keeping with past special exceptions, staff is recommending a commitment to that extent.

While the site plan shows both the required parking spaces and an area for overflow parking, staff has some concern due to the small size of this parcel and the unknown size and location of the commercial septic system (parking cannot occur over the finger system of the septic). The zoning ordinance explicitly states that "vehicles parked along public roads shall be evidence of noncompliance with this requirement." Additionally, per the county surveyor, all developments or redevelopments are required to detain water on

site. Given all these improvements, staff is wary that the two acre site in this request may not be large enough. Additionally, reducing the capacity limit below 248 people may be necessary if the 2 acre parcel does not provide enough room. While it is possible that this site is large enough to support the above mentioned items, past special exceptions for rental halls approved by the Board have all been on 10 acres or more, usually with maximum capacities set between 295-300 people.

This area of the County has historically been used for mining of aggregates. An active mining operation is occurring north and east of the site and reclamation of the site will result in a lake that will become part of Prophetstown State Park. According to the park's master plan adopted in 1998, the park is envisioned to encompass the land between I-65 and the junction of the Tippecanoe and Wabash Rivers. While the park is not yet fully developed based on its master plan, it should be noted that the state owns much of the land between the site in question and I-65. The use of this property as an agricultural rental hall, which is located between state-owned property, may hinder the park's development as planned. A representative from the park states, "Although this location is within the future purchase boundary of Prophetstown State Park, the DNR neither supports nor objects to the petition at this time."

At its meeting on the 3rd of August, the Executive Committee voted that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.21 of the Unified Zoning Ordinance **DOES** authorize a special exception for an agricultural rental hall in an A zone.

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** be met. There is sufficient parking shown on the site plan to meet UZO standards. The existing buildings meet setback requirements; lot coverage and vegetative coverage percentages can also be met.
3. Granting the special exception **WILL NOT** subvert the general purposes served by the Ordinance but only if the necessary approvals are received. Petitioners do not have state building approval, State Board of Health approval for a commercial septic system, County Highway, County Surveyor approval, etc. After these agencies have reviewed the project, plans may need to be altered. With the agency approvals, an agricultural rental hall operating in a responsible manner would not injure the public's health, safety, and well-being.
4. Even if the following commitments and conditions are met, granting the special exception **WILL** materially and permanently injure other property or uses in the same district and vicinity because of:
 - a. Traffic generation: With drive improvements required by County Highway, the drive should handle the proposed traffic. The parking lot meets UZO standards; however, staff has increasingly become aware that the current parking

- standards assume that four guests are arriving in one car, and that simply is not happening;
- b. Placement of outdoor lighting: although the proposed lighting as shown on the site plan and according to the petition is to be “hooded or directed in a manner to not escape the property line”, this area has little to no artificial lighting. Even the small amount of lighting proposed here would be a disturbance to the neighboring residences, especially during times when there is no tree canopy to help block some of that light;
 - c. Noise production: The petition states that “amplified music for events will only be permitted inside the building” and staff is recommending a condition consistent with other agricultural rental halls that prohibits amplified music outside of the structure. While staff applauds this effort to reduce noise levels reaching neighboring properties, it has been brought to staff’s attention that even with these mitigation efforts, the noise produced by rental halls such as this can still be bothersome and disruptive to neighbors. Furthermore, the open nature of the property between this site and the nearest residence (being an open farm field) does little to shield noise generated by a lively celebration where alcohol may be imbibed.
 - d. Hours of operation: 8am until 10pm during the week and 8am to 12am Friday and Saturday is consistent with other halls in the county. Staff is recommending a condition that will hold petitioners to these hours of operation.

STAFF RECOMMENDATION:

Denial; but if approved, the following commitments and conditions shall be met:

Commitments:

1. Limit the number of attendees to 248 people;
2. All amplified music must take place inside of the structure; only nonamplified music shall be permitted in the outside event area.

Conditions:

1. Approval from the County Highway Department for a commercial driveway;
2. Approval from the County Building Commissioner for building design approval and permit coordination;
3. Approval from the Indiana State Department of Health and the Tippecanoe County Health Department for an on-site sewage disposal system; and
4. Approval from the Tippecanoe County Surveyor’s Office for onsite drainage.
5. Any revisions to the site plan needed because of any of the above approvals must be submitted.
6. The monument sign must meet the standards of UZO 4-8-12.

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