

AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY

MINUTES OF A PUBLIC HEARING

DATE..... JULY 27, 2022
TIME.....6:00 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	<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-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

Yes-Vote

Steve Clevenger
Ed Butz
Michelle Dennis
Tom Andrew

No-Vote

Robert Novak

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

Yes-Vote

Steve Clevenger
Robert Novak
Ed Butz
Michelle Dennis
Tom Andrew

No-Vote

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

Yes-Vote

Steve Clevenger
Robert Novak
Ed Butz
Michelle Dennis

No-Vote

Tom Andrew

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,



David Hittle
Executive Director