





- Porch LIGHTS
- House 1075 sq ft
- Deck 80 sq ft
- Porch/WALK 90 sq ft
- DRIVEWAY 368 sq ft
- GARAGE 400 sq ft
- TOTAL 2013 sq ft

9777 sq ft GREEN SPACE

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**BZA-2074**  
**ANDREW HEBER, HEBER REAL ESTATE, LLC**  
**Special Exception**

**Staff Report**  
**April 21, 2022**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, and owner, is requesting a special exception to use an existing single-family home as a Transient Guest House (as defined in the ordinance) in an R1B zone for a maximum of 6 guests. The proposed hours of operation are 24 hours a day, seven days per week. The property is located just east of US 231, specifically at 525 Schroeder Court, Lafayette, Wea 06 (NW) 22-4 (UZO 3-2).

**AREA ZONING PATTERNS:**

This property is zoned R1B, as is all surrounding property. Northeast of the site is R2 zoning and across US 231 to the west is R1 zoning. This neighborhood, east of US 231, was developed in the 1990s and has remained zoned for single-family use. There has been no recent rezone or ABZA cases in this neighborhood. The only ABZA case ever filed for this neighborhood was a special exception in 1987 to allow a home beauty shop. This request was unanimously denied.

**AREA LAND USE PATTERNS:**

This home was built in 1996 as a single-family residence according to the Building Commission's records; the entire neighborhood is composed of single-family homes. The R1 zoned area west across US 231 is unimproved.

**TRAFFIC AND TRANSPORTATION:**

Schroeder Court is a local road. The neighborhood's access is off of Old Romney Rd and does not have access from US 231. This lot has a two-car attached garage and a driveway with capacity to park 4 vehicles. This provides 4 parking spaces which is adequate for the maximum 6 guests. The house rules provided by petitioner also prohibits street parking.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

City utilities serve the site.

**STAFF COMMENTS:**

Petitioner is seeking a special exception to use the existing single-family home as a transient guest house. There would be no onsite owner. However, Linda Sigler, a local property manager, will work with the property owner to oversee the property and be available for guests and neighbors. If approved, this home can be rented by a maximum of 6 guests as a short-term rental of less than 30 days or as a standard long-term rental.

According to Petitioner, the three bed/two bath house would be rented to a maximum of 6 guests at any given time including children. The structure in this request was constructed as a one-family building type. It is staff's opinion that this structure can support 6 guests and would not be different from any other family living in the neighborhood.

Petitioner's house rules strictly prohibit any parties, events and pets and only allow the 6 guests who are renting the home to be on site. The house rules also prohibit people who are local to the area from renting the property to further reduce the risk of partying. These rules will minimize noise and traffic concerns and help ensure the site will be comparable to the other single-family homes in the area. In addition, Linda Sigler, the site manager, will be available to handle any reported disturbances. The site plan shows adequate lighting on site for a single-family home with a front porch light, rear deck light, and 2 exterior garage lights.

The ordinance prohibits a transient guest house use from changing its basic appearance as a dwelling or the addition of any exterior signage. If this request is granted, the petitioner is required to apply for a permit from the Administrative Officer (Lafayette City Engineer) to operate the transient guest house.

At its meeting on April 06, 2022 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 Transient Guest House as defined in the R1B 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** be met. When changing uses to a transient guest house all development standards are the same as a single-family residence and petitioner will not be changing the existing structure for the proposed use.
3. Granting the special exception **WILL NOT** subvert the general purposes served by the Ordinance. If the request is approved, only 6 guests can stay at this location which is consistent with the existing structures and uses currently in place.
4. Granting the special exception **WILL NOT** materially and permanently injure other property or uses in the same district and vicinity because of:
  - a. Traffic generation: The traffic generated due to this use would be no different than other homes and uses in this neighborhood because the house will be rented at any given time to a maximum of six guests including children. The garage and driveway provide 4 spaces which is ample parking for the use;

- b. Placement of outdoor lighting: The existing lights on the exterior of the buildings are sufficient to illuminate the single-family home and the driveway area;
- c. Noise production: Petitioner's house rules state they will not permit parties, events or pets which would be the largest noise contributors. Noise associated with families renting this house for a short term in a residential neighborhood would be similar to other properties in the area;
- d. Hours of operation: 24 hours a day, 7 days a week is the same as any other residential use.

**STAFF RECOMMENDATION:**

Approval with the following condition:

1. A permit to operate a Transient Guest House must be obtained from the Lafayette City Engineer's office

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.