THE

A R E A B O A R D O F Z O N I N G A P P E A L S

OF

TIPPECANOE COUNTY

NOTICE OF PUBLIC HEARING

DATE : JANUARY 22, 2020
TIME: 6:00 P.M.
PLACE: COUNTY OFFICE BUILDING
20 N. 3RD STREET
LAFAYETTE, IN 47901

AGENDA

I. **ELECTION OF OFFICERS**

II. **APPROVAL OF PREVIOUS MEETING MINUTES**

Documents:

BZA 12.04.2019.PDF

III. **NEW BUSINESS**

IV. **PUBLIC HEARING**

1. BZA-2027 SCOTT JONES:
   Petitioner is requesting a special exception to use an existing single-family house as a Transient Guest House (as defined in the ordinance). The proposed hours of operation are 24 hours a day, seven days per week. The R2-zoned property is located at 107 Digby Drive, Lafayette, Fairfield 28 (NW) 23-4. (UZO 3-2) **WITH CONDITION.** *Continued from the December meeting to publish the legal advertisement*.

   Vote Results 5-Yes and 1-No

   Documents:

   BZA-2027 (SPECIAL EXCEPTION).PDF

2. BZA-2029 MARK SHISLER:

Petitioner is requesting a special exception to use an existing single-family house as a Transient Guest House (as defined in the ordinance). The proposed hours of operation are 24 hours a day, seven days per week. The R2U-zoned property is located at 607 S. 24th Street, Lafayette, Fairfield 28 (NE) 23-4.(UZO 3-2) **WITH CONDITION.**

Vote Results 7-Yes and 0-No

Documents:

BZA-2029 (SPECIAL EXCEPTION).PDF

3. BZA-2030 VITA INVESTMENT HOLDINGS, LLC:
****Continued****
Petitioner is requesting the following variances to construct a senior living facility, offering nursing care, memory care, and independent living options, with 177 units (a mix of studio, one and two bedrooms) in 7 buildings on an R3W-zoned land:

1. To increase the building height to 32.5' at the finished floor of the upper story from the maximum allowed 14'; and (UZO 2-10-11)
2. ~~To reduce the off-street parking to 136 from the minimum requirement of 181 spaces; (UZO 4-6-3)~~ *Withdrawn.*

on the property located north of Cumberland Avenue, just west of US 231, in West Lafayette, Wabash 11 (NW) 23-5. *Continued to the February meeting to post the sign.*

V. ADMINISTRATIVE MATTERS

VI. 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.....DECEMBER 4, 2019
TIME.....6:00 P.M.
PLACE.....COUNTY OFFICE BUILDING
20 N. 3RD STREET
LAFAYETTE, IN 47901

MEMBERS PRESENT	**MEMBERS ABSENT**	**STAFF PRESENT**
Steve Clevenger	Ed Butz	Ryan O'Gara
Tom Andrew	Jen Dekker	Rabita Foley
Gary Schroeder	Carl Griffin	Chyna Lynch
Frank Donaldson		Zach Williams, Atty.

The Area Board of Zoning Appeals of Tippecanoe County public hearing was held on the 4th day of December 2019 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

Steve Clevenger called the meeting to order.

I. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the October 23, 2019 Board of Zoning Appeals public hearing. Tom Andrew seconded and the minutes were approved by unanimous voice vote.

II. NEW BUSINESS

Ryan O'Gara said **BZA-2027 SCOTT JONES** has been continued to the January 22, 2020 meeting at petitioner's request. The remaining case is ready to be heard.

III. 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. Tom Andrew seconded and the motion carried by voice vote.

Gary Schroeder moved to continue **BZA-2027 SCOTT JONES** to the January 22, 2020 Board of Zoning Appeals public hearing at petitioner's request. Tom Andrew seconded and the motion was approved by unanimous voice vote.

BZA-2028 DAVE HELTON AND ASSOCIATES, INC.:
Petitioner is requesting a special exception to allow a primary communications tower (SIC 48) in a Select Agricultural (AA) zone. The unmanned cell tower will operate 24 hours per day, 7 days per week at 7083 W 900 N, Shelby 12 (NE) 24-6. (UZO 3-2).

Gary Schroeder moved to hear and vote on **BZA-2028 DAVE HELTON AND ASSOCIATES, INC**. Tom Andrew seconded.

Rabita Foley presented the zoning map, aerial photos, photos of the site and site plan. The proposed site is currently zoned AA and is a 100' by 100' area in the southwest corner of a 2-acre tract. The tract is an active hog farm. The proposed site does not require well or septic as it will house a cell tower. The site will be accessed through a driveway easement which is approximately 350' in length. The request is to improve the wireless service in this area. The request meets all the ordinance requirements. The cell tower does not need to have lights or be painted because the tower height is 195' as the FAA and ICAO require these measures when a structure is 200' or taller. Petitioner will need a new address for the cell tower site in case of an emergency. Staff is recommending approval.

Steve Clevenger asked if the address needs to be a condition.

Rabita Foley said it does not need to be a condition. The site will have a 6' fence and 1' of barbed wire around it. The site also has a provision for a small shed for equipment.

Dave Helton, 106 Parkridge Road, Danville, IN 46122, petitioner, said AT&T has proposed to construct a 195' monopole tower at this site. The property is currently owned by David Lehe. The special exception request is to allow the 195' primary communications tower and an unmanned equipment shed. The tower will be built to accommodate three additional wireless carriers. The site will have a fence around the full 100' by 100' area.

The board voted by ballot 4-Yes and 0-No to approve **BZA-2028 DAVE HELTON AND ASSOCIATES, INC**.

IV. 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.

V. ADJOURNMENT

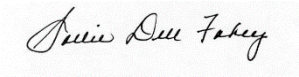
Gary Schroeder moved for adjournment.

The meeting adjourned at 6:15 p.m.

Respectfully submitted,

Chyna Lynch
Recording Secretary

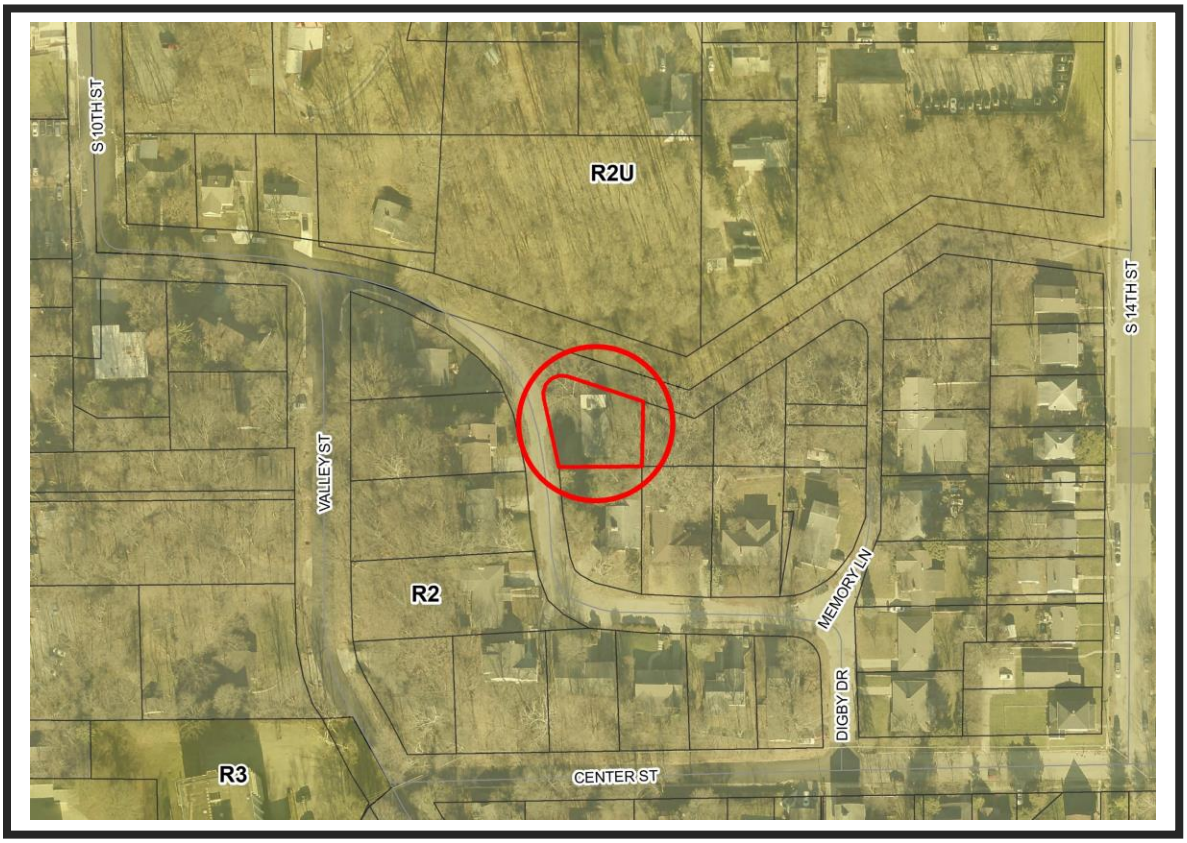
Reviewed by,



Sallie Dell Fahey
Executive Director

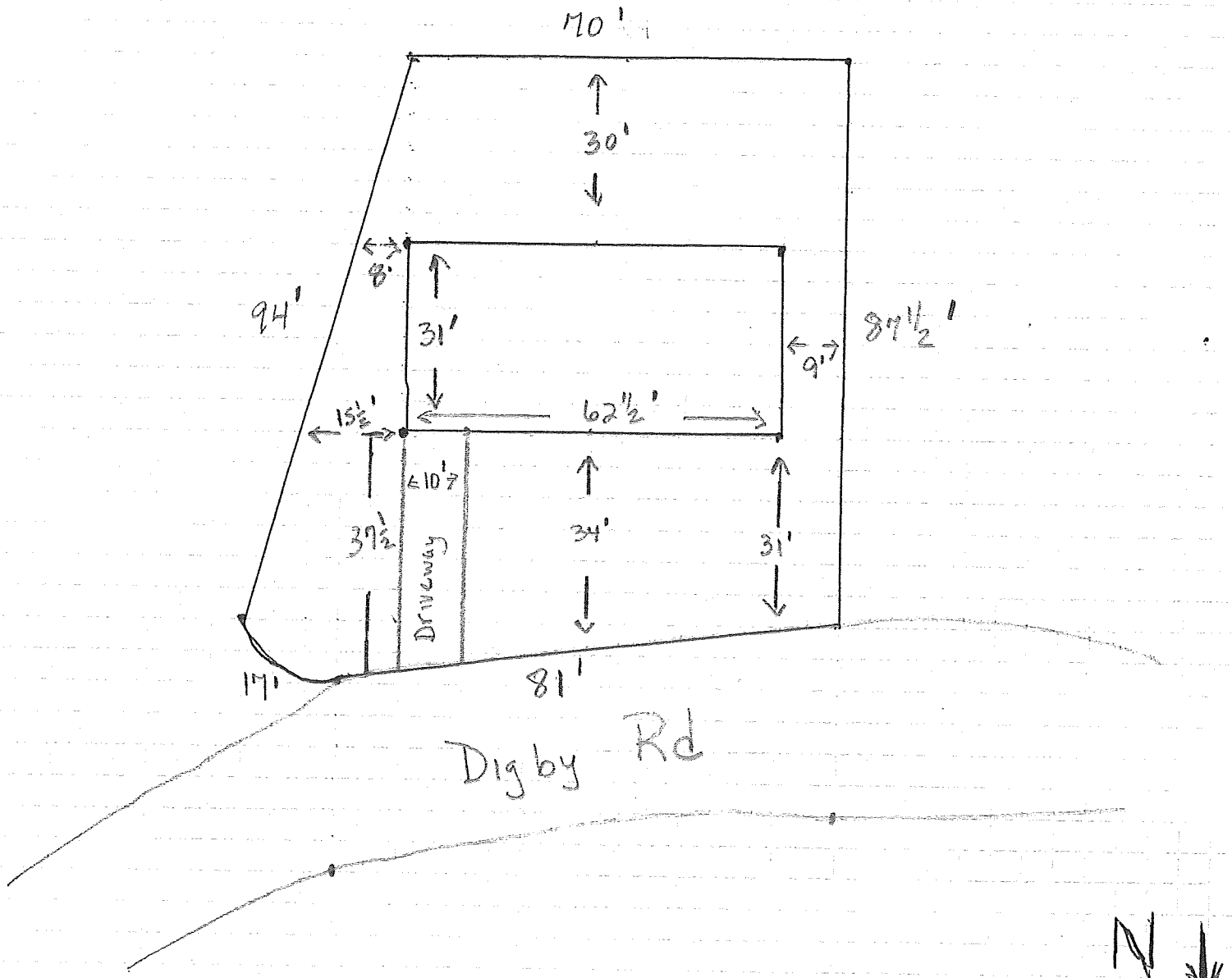
BZA-2027
SCOTT JONES
(special exception)

STAFF REPORT
November 27, 2019



107 Digby Rd.
Lafayette, IN 47905

Building Coverage 30%
Vegatative Coverage 65%
Driveway 5%



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BZA-2027
SCOTT JONES
Special Exception

Staff Report
November 27, 2019

REQUEST MADE, PROPOSED USE, LOCATION:
Petitioner, who is the managing member of SW Ventures, LLC (property owner), is requesting a special exception for a Transient Rental House (as defined in the ordinance) on an R2 zoned corner lot in the Valley Center Neighborhood. The short-term rental business would operate in the existing single-family residence, 24 hours a day, seven days a week. The property is located at 107 Digby Drive, Lafayette, Fairfield 28 (NW) 23-4.

AREA ZONING PATTERNS:
The property in this request along with the adjacent lot to the south, east and across Digby Drive to west are zoned R2 (Single-Family and Two-Family Residential). R2U zoning exists to the north. Recently, two special exception requests for a transient guest house, farther south and southwest of the subject property, were approved by the Board (BZA-2013 and BZA-2024).

AREA LAND USE PATTERNS:
The site has a single-family residence with an attached garage. A variety of both single-family and two-family residential uses exist in the Valley Center neighborhood. Various non-residential uses like the Haan Mansion Museum of Indiana Art, the Fowler House Mansion, and the Art Museum of Greater Lafayette are located nearby.

TRAFFIC AND TRANSPORTATION:
The site has frontage only from Digby Drive which is classified as an urban local by the adopted *Thoroughfare Plan.* A platted, but never improved portion of Alabama Street exists to the north.

The parking standard for a Transient Rental House is 2 spaces per dwelling unit. The site plan shows a 37' long driveway, which can accommodate 2 parked vehicles. In addition to this, one space is also available in the attached garage.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:
City utilities serve the site.

STAFF COMMENTS:
Petitioner is seeking a special exception to use the existing 1,521 sq. ft. structure as a Transient Rental House (a type of short-term rental use where the building does not have to be owner-occupied). According to the Assessor's office, the dwelling unit, with a one-car attached garage, was built in 1957.

The site plan shows the house with a 31-foot setback from Digby Drive. A 10-foot wide driveway shows access to the attached garage. The existing structure meets the ordinance

requirements for an R2 zone.

The petition does not specify the proposed number of adults allowed to stay in the dwelling unit. The subject property has three bedrooms. As per the ordinance a dwelling unit can only house a family which is defined as "one or more persons related by blood, marriage or adoption and not more than two unrelated persons living as a single housekeeping unit." Therefore, the single-family home in this request must adhere to this "family" definition while in operation.

No outdoor lighting is proposed for this use. As required by the ordinance, the petitioner is not proposing any signage on site nor any change to the exterior of the dwelling that would lessen its appearance as a residence. If this request is granted, the petitioner is required to apply for a permit from the Administrative Officer (Lafayette City Engineer) to operate a Transient Rental House.

Predominately residential neighborhoods can be overwhelmed by the increase in the number of transient rental houses which can change the character of the surrounding area significantly. However, with only one transient rental in this neighborhood, and two others several blocks to the south and southwest, staff is not concerned about the drastic change in the residential neighborhood character quite yet.

At its meeting on November 20, 2019, the Area Plan Commission voted that granting this request will 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 Rental House (as defined in the ordinance) in the Single-Family and Two-Family Residential 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. The site plan meets the R2 zone requirements for lot coverage, vegetative coverage, parking, building height and building setbacks. Furthermore, no change is proposed to the existing structure for this use.

3. Granting the special exception **WILL NOT** subvert the general purposes served by the ordinance because the property would still be used as a rental property for one family.

4. Granting the special exception **WILL NOT** materially and permanently injure other property or uses in the same district and vicinity because of the following:

    a. Traffic generation: The traffic generated due to this use would be no different than other homes in this neighborhood because the house will be rented to one family at a time;

    b. Placement of outdoor lighting: No additional lighting is proposed;

c. Noise production: Noise associated with one-family renting these units for a short term in a residential neighborhood would be similar to other homes in the area;

d. Hours of operation: 24 hours a day, 7 days a week is the same as any other residential use in the surrounding neighborhood.

STAFF RECOMMENDATION:
Approval with the following condition:

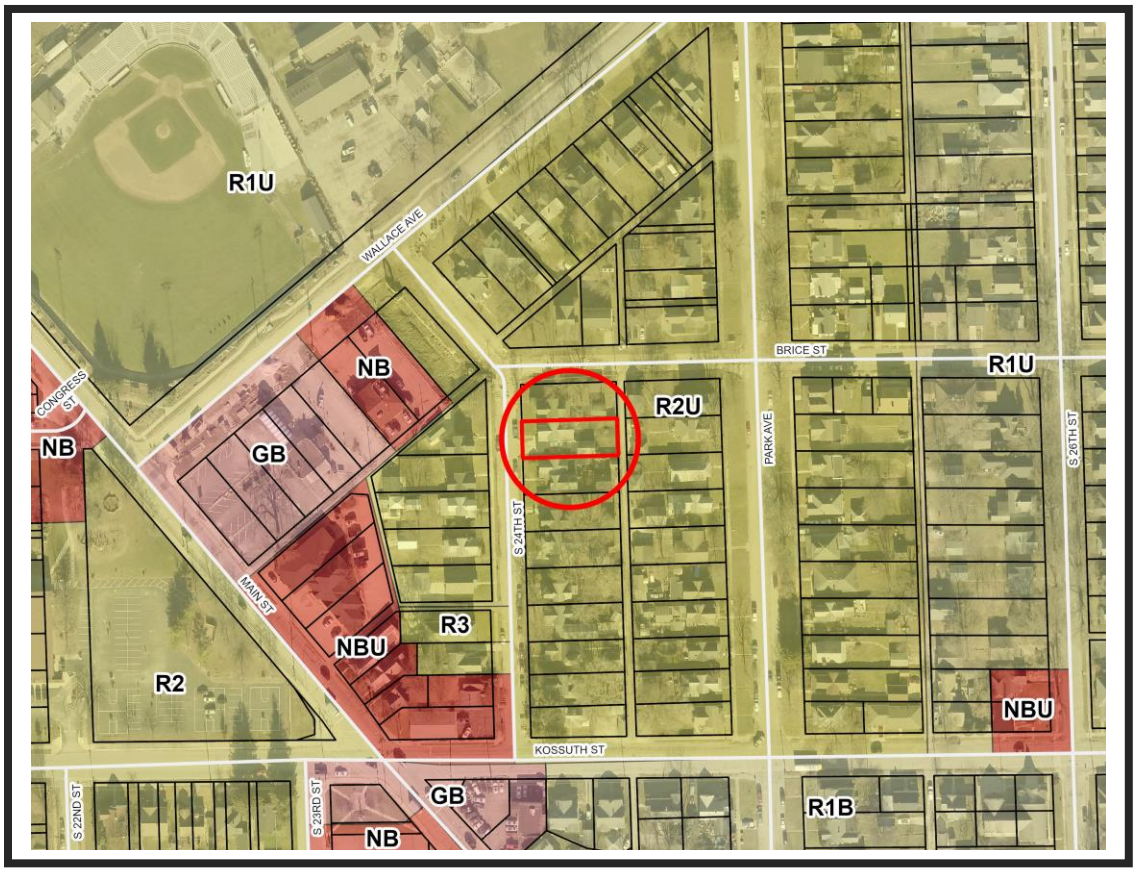
Condition

1. An operational permit must be obtained from the City of Lafayette for the Transient Rental House.

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.

BZA-2029
MARK SHISLER
(special exception)

STAFF REPORT
January 16, 2020



BZA-2029
MARK SHISLER
Special Exception

Staff Report
January 16, 2020

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, who is also the owner, is requesting a special exception to use an existing single-family house as a **Transient Guest House** (as defined in the ordinance). The proposed hours of operation are 24 hours a day, seven days per week. The R2U-zoned property is located at 607 S. 24th Street, Lafayette, Fairfield 28 (NE) 23-4. (UZO 3-2)

AREA ZONING PATTERNS:

This property is currently zoned R2U. The site was rezoned from R2 as part of the Columbian Park Neighborhood rezone in 2002; this case, Z-2095, established the neighborhood's urban zoning classifications. The 1968 zoning map for Lafayette shows the property zoned R2.

AREA LAND USE PATTERNS:

This property has a single-family home with three bedrooms. It is surrounded by single-family homes on all sides. This neighborhood has been established well over 100 years. The home is a block away from Columbian Park. In the immediate area there are a few duplexes, small multi-family structures, and local businesses.

TRAFFIC AND TRANSPORTATION:

The house fronts 24th Street, which is classified as an urban local road by the adopted *Thoroughfare Plan*. There are two parking spaces on site and a detached garage. The driveway is accessed from the front of the lot which is uncommon for homes along 24th Street; most neighboring properties have access to parking and garages from the alley in the rear.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

This site is served by city sewer and water.

STAFF COMMENTS:

Petitioner is seeking a special exception to use the existing 1,304 sq. ft. single-family home as a Transient Guest House (a type of short-term rental use where the building does not have to be owner-occupied). The site plan shows the house with a 21' setback from the sidewalk along South 24th Street. A 16' wide by 73' long driveway is located between the road and a detached garage. Also located on site is a fenced rear yard. The existing structure meets the ordinance standards for the R2U zone.

The petition does not specify the proposed number of adults allowed to stay in the

dwelling unit. The subject property has three bedrooms according to the petitioner. As per the ordinance, a dwelling unit can only house one family which is defined as "one or more persons related by blood, marriage or adoption and not more than two unrelated persons living as a single housekeeping unit." Therefore, the single-family home in this request must adhere to this "family" definition while in operation.

The existing porch lighting is not being increased in this request but the option to add additional rope lighting during the holiday season is mentioned in the petition. As required by the ordinance, the petitioner is not proposing signage on site nor any change to the exterior of the dwelling that would lessen its appearance as a residence. If this request is granted, the petitioner is required to receive a permit from the Administrative Officer (Lafayette City Engineer) to operate a Transient Guest House.

Predominately residential single-family neighborhoods can be overwhelmed by the increase in the number of transient rental houses which can change the character of the surrounding area. In fact, the Columbian Park Neighborhood Plan mentions concerns about the decline of home ownership in 2002. One of the objective stated in the plan was to encourage owner-occupancy in the neighborhood. In this case staff will not try to quantify how many Transient Guest Houses are appropriate in a neighborhood; the special exception hearing is the community's chance to voice its opinion about this use and how it affects the neighborhood and it's adopted plan.

At its meeting on January 2, 2020 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 3.2 of the Unified Zoning Ordinance **DOES** authorize the special exception for a Transient Guest House in the R2U 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. The site plan meets the R2U zone requirements for lot coverage, vegetative coverage, parking, building height and building setbacks. Furthermore, no change is proposed to the existing structure for this use.
3. Granting the special exception **WILL NOT** subvert the general purposes served by the Ordinance. The existing single-family home will only be permitted to rent to one family. No additional units can be created that are not mentioned in the application and shown on the site plan.
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 the permitted uses currently allowed in this zone;

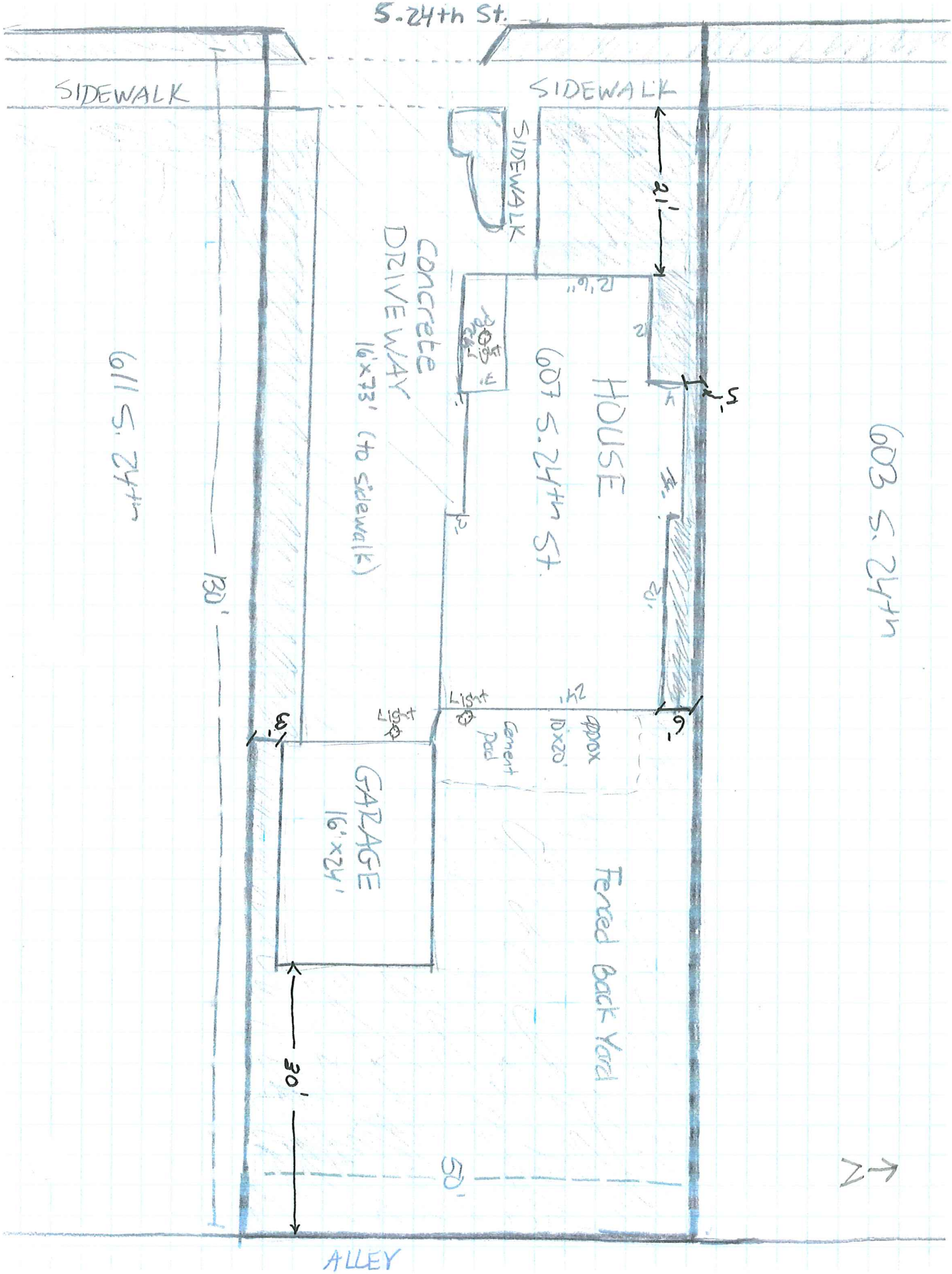
b. Placement of outdoor lighting: No additional lighting is proposed;
c. Noise production: Noise associated with one-family renting this unit for a short term in a residential neighborhood is the same as other single-family homes in the area;
d. Hours of operation: 24 hours a day, 7 days a week is the same as any other residential use in the surrounding neighborhood.

STAFF RECOMMENDATION:
Approval with the following condition:

Condition

1. An operational permit must be obtained from the City of Lafayette for the Transient Rental House.

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.


5. 24th St.
SIDEWALK
SIDEWALK
SIDEWALK
21'
Concrete DRIVEWAY 16'x73' (to sidewalk)
HOUSE
607 S. 24th St.
603 S. 24th
611 S. 24th
130'
Light
Light
Light
Cement Pad
approx 10'x20'
GARAGE 16'x24'
Fenced Back Yard
30'
50'
ALLEY