THE AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY

NOTICE OF PUBLIC HEARING

DATE: MAY 22, 2019
TIME: 6:00 P.M.
PLACE: COUNTY OFFICE BUILDING
20 N. 3RD STREET
LAFAYETTE, IN 47901

AGENDA

I. APPROVAL OF PREVIOUS MEETING MINUTES

Documents:

BZA 04.24.2019.PDF

II. NEW BUSINESS

III. PUBLIC HEARING

1. BZA-2013 ELEVEN EIGHTEEN, LLC:

Petitioner 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. The proposed hours of operation are 24 hours a day, seven days per week. The property is located in lot 90 of W.K Rochester’s Southeast subdivision, Lafayette, Fairfield 28(NW) 24-4.(UZO 3-2) WITH CONDITION

Vote Results 7-Yes to 0-No

Documents:

BZA-2013 (SPECIAL EXCEPTION).PDF

2. BZA-2014 PURDUE RESEARCH FOUNDATION:

**Continued**

Petitioner is requesting a special exception to construct a 15,000 sq. ft. daycare and sales/leasing center (child care center/ SIC 835) for Provenance at Discovery Park District in an R3W zone. The proposed hours of operation are Monday through Friday,
7am to 6pm. The property is located at the southwest corner of State Street and Airport Road, West Lafayette, Wabash 24(SE) 23-5. (UZO 3-2) Continued to the June ABZA meeting at petitioner’s request.

3. BZA-2015 JESSE AND DESTINY PETERS:
Petitioners are requesting a special exception to allow an Agricultural Rental Hall (as defined in the ordinance) on 10 acres in the Agricultural zone. The proposed hours of operation are 8am to midnight, Friday through Sunday (event hours) and noon to 6pm, Monday through Friday (office hours). The property is located on the west side of CR 900 E, south of CR 500 S, more specifically at 5350 S 900 E, Sheffield 22(NE) 22-3. (UZO 3-2) WITH COMMITMENTS AND CONDITIONS.

Vote Results 5-Yes to 2-No

Documents:

BZA-2015 (SPECIAL EXCEPTION).PDF

4. BZA-2016 PURDUE RESEARCH FOUNDATION:
**Continued**
Petitioner is requesting a variance to increase the height of the structure to 30’ from the maximum allowed 14’ at the finished floor of the upper story. Petitioner plans to construct a 15,000 sq. ft. child care center for Provenance at Discovery Park District in an R3W zone. The property is located at the southwest corner of State Street and Airport Road, West Lafayette, Wabash 24(SE) 23-5. (UZO 2-10-11) Continued to the June ABZA meeting to add variances.

IV. ADMINISTRATIVE MATTERS

V. ADJOURNMENT
AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY

MINUTES OF A PUBLIC HEARING

DATE.................................................................................................................... APRIL 24, 2019
TIME........................................................................................................................ 6:00 P.M.
PLACE..................................................................................................................... CO. OFFICE BLDG.
................................................................................................................................. 20 N. 3rd STREET
................................................................................................................................. LAFAYETTE, IN 47901

MEMBERS PRESENT ...........................................................................................................
Tom Andrew
Ed Butz
Steve Clevenger
Frank Donaldson
Carl Griffin
Jen Dekker
Gary Schroeder

MEMBERS ABSENT ..........................................................................................................
Ryan O’Gara
Rabita Foley
Diana Trader
Zach Williams, Atty

STAFF PRESENT ............................................................................................................

The Area Board of Zoning Appeals of Tippecanoe County public hearing was held on the 24th day of April 2019 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Steve Clevenger called the meeting to order.

I. APPROVAL OF MINUTES

Carl Griffin moved to approve the minutes from the March 27, 2019 BZA public hearing. Gary Schroeder seconded, and the minutes were approved by unanimous voice vote.

II. NEW BUSINESS

Ryan O’Gara said BZA-2000 JOE KEPNER, PRESIDENT, BLACK DAWG ENTERPRISE, LLC has been withdrawn by the petitioner.

III. PUBLIC HEARING

Carl Griffin 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. Gary Schroeder seconded, and the motion carried by voice vote.
Steve Clevenger read the meeting procedures.

1. BZA-2003 LISA AND STEVE ROBINSON:
   Petitioner is requesting a variance to reduce the street setback to 36 feet from the minimum requirement of 60 feet from SR 26 E to build an attached garage to an existing single-family home in an R1 zone. The property is located at 1 Pineview Lane, Perry 19 (SE) 23-3. (UZO 2-1-7) Continued due to an inconclusive vote at the March ABZA meeting.

Carl Griffin moved to hear and vote on BZA-2003 LISA AND STEVE ROBINSON. Gary Schroeder seconded.

Ryan O’Gara presented the site plan, the zoning map, and aerial photos. Ryan said nothing material has changed with this petition since it was heard at the March 27, 2019 ABZA meeting. Ryan said the petition is to request a variance to reduce the street setback to 36-ft from the requirement of 60-ft. along SR 26. Ryan said staff listed their reasons for not recommending approval for this petition in their previous presentation and since nothing has changed their recommendation for denial has not changed.

Lisa and Steve Robinson, 1 Pineview Lane, Lafayette, IN 47905, petitioners. Lisa Robinson said they purchased the home 5 or 6 months ago. Lisa said the home was built in 1960 and they simply want to modernize it now. She said it was built with a 1-car garage which was standard at the time, but they would like to build a larger garage now. She said they are limited on where that can be done on the property.

Steve Robinson said he wanted to point out that the other houses in the area face SR 26, but their house is perpendicular to the highway. Steve said the access to their property is on Pineview Lane and not on SR 26. He said there are several issues with them putting a new garage on the north side of the house as staff had suggested. He said there are 17 mature trees on that end of the house which he does not want to take down. He said other factors that limit where they can build the garage are where the sump pit drains and where the finger system for the septic tank is located.

Lisa Robinson said that if they built the garage on the north end of the property the new driveway would have to go over the finger system.

Steve Robinson said that the wellhead is located within the 60-ft setback. He said there is an older home directly across the highway that has a setback of only about 40-ft.

Lisa Robinson said they understand that there may be plans to widen SR 26 at some point but that may be years in the future. She said there is nothing currently in the works. She said they simply want to build a garage and they are only asking for 24-ft of the 60-ft setback. She said they are very limited on how they can do that.

Carl Griffin asked if the north side of the house was bedrooms and if the other houses along SR 26 have setbacks of 60-ft or more.

Steve Robinson said the north side of their house is where the bedrooms are located. Steve said the other houses do have 60-ft setbacks but they all face SR 26. He said their house sits perpendicular to SR 26.

Gary Schroeder said it looked like the lot is .198 acres total, so it is about 8,600 square feet.

Steve Robinson said they own both portions of the property, so it is actually larger than that.

Jen Dekker asked the Robinsons to explain the need for the expansion outside of the desire to have a larger garage, and what kind of hardship this is causing for them.
Lisa Robinson said there is no hardship, they simply want to update their property.

Jen Dekker said she is speaking to the nature of the statute that asks whether strict adherence to the zoning ordinance will cause a hardship.

Carl Griffin said the Robinsons need to help the board understand the hardship that will come about if the variance is not granted.

Lisa Robinson said the hardship is lack of storage space for their vehicles and lawn mower.

Frank Donaldson said that last month there was discussion about SR 26 and the transportation plan from 2006, and how that might impact the need for imminent domain. Frank asked if there has been any new information on that in the last month. He said it has been 13 years now and it could be 13 more years before the plans to widen SR 26 come about.

Ryan O’Gara said that is how INDOT operates. He said they will put plans in place and pre-engineer them, but then they have to wait for funding for the road projects. Ryan said if INDOT needs to acquire the house they would pay fair market value for it. Ryan said there is currently no timeline for the road improvement project, but it will happen one day.

Jen Dekker asked Ryan O’Gara if by granting the additional 24-ft., it would change whether INDOT would need to take the entire property rather than just taking some of it.

Ryan O’Gara said that if the road improvements go into the building then INDOT will take the whole property.

Jen Dekker asked Ryan O’Gara what the standard procedure for INDOT taking land for road projects would be.

Ryan O’Gara said there is a required half-width on either side of the road.

Steve Clevenger said it looked like they would need 40-ft from the center line.

Jen Dekker asked if the board grants the Robinsons the 24-ft variance will INDOT then need to take the house rather than solely taking land.

Ryan O’Gara said that is a possibility. Ryan said if the property is left the way it is INDOT may just need to take some of the land but not the house. He said the house may become non-conforming as a result but that would not be the fault of the owner. He said if the road improvements go into the actual building then INDOT will be compelled to take the entire property.

Rabita Foley said staff did reach out to INDOT with questions from the board and INDOT was unable to answer them. Rabita said since INDOT did not know, staff cannot answer the questions on their behalf.

Steve Clevenger said granting the variance would leave just 36-ft of setback. Steve said even if the road project didn’t take the house the actual setback would be a lot less once INDOT takes the right-of-way.

Ryan said until the final engineering for the road project is completed there is no way to know exactly how the Robinsons’ property will be affected.

Carl Griffin asked about the house to the south of the Robinsons’ property. Carl thought it had about a 30-ft. setback.

Rabita Foley said that according to the plans INDOT had shared with them there is a drainage pipe that goes through the Robinsons’ property but not through the property to the south. Rabita said she believes that is why INDOT plans to expand in the direction of the Robinsons’ property and not to the south. Rabita said staff was concerned that INDOT might need the space in question for drainage expansion, but they were not able to get confirmation from INDOT about that.
Jen Dekker said there is a bridge not far from the property in question that has a substantial drainage ditch on the right-hand side.

Carl Griffin said the house across the street is about 30-ft back from the pavement edge.

Rabita Foley said that was correct.

Tom Andrew said the staff report mentioned clear-cutting the lot behind the Robinsons’ house and pouring a new driveway. Tom asked what that would look like. He also said it was likely that even if they did that the state may come through there at some point and take the entire property for the road widening project.

He said if they cut the trees down and built the garage on the north end of the house they would not need to come before this board to ask for a variance.

Ryan O’Gara said it is a corner lot so there are two road frontages and from staff’s perspective building the garage on the north side makes sense.

Steve Robinson said there is 40-ft of right-of-way before their 60-ft setback starts. Steve said that is a lot of room.

Carl Griffin said the right-of-way line is 40-ft back from the mid-line of the road and the building requirement was 60-ft more from there.

The board voted by ballot 4-Yes and 3-No to approve BZA-2003 LISA AND STEVE ROBINSON:

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<thead>
<tr>
<th>Yes Votes</th>
<th>No Votes</th>
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<td>Tom Andrew</td>
<td>Carl Griffin</td>
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2. BZA-2011 SECOND CIRCLE ACQUISITIONS, LLC:

Petitioner is requesting the following variances to construct a Dollar General store on GB-zoned land:

1. To reduce the off-street parking to 30 spaces from the minimum requirement of 46; (UZO 4-6-3)
2. To reduce the length of the required bufferyard along the northern property line to 198 feet from the required 540 feet; (UZO 4-9-3)
3. To reduce the length of the required bufferyard along the southern property line to 176 feet from the required 485 feet; (UZO 4-9-3)
4. To remove the required bufferyard along the western boundary; (UZO 4-9-3) and
5. To vary the bufferyard width along the northern property line (UZO 4-9-3) withdrawn; on proposed Lot 1 in SCI West Point First Addition Subdivision (primary approval for this subdivision is expected at the April APC meeting). The property is located on the west side of SR 25 South, near the unincorporated town of West Point, Wayne, Burnetts Reserve Section 5 (NE) 22-6. Continued from the March ABZA meeting at petitioner’s request to add variances.

Carl Griffin moved to hear and vote on BZA-2011 SECOND CIRCLE ACQUISITIONS, LLC. Gary Schroeder seconded.

Rabita Foley presented the site plan, the zoning map, and aerial photos. Rabita said the request is for about 3 acres of land zoned GB close to West Point. Rabita said the land was rezoned specifically to
construct a Dollar General store. Regarding request #1, Rabita said the parking standard for a general merchandise store is 1 space per 200 square feet of gross floor area. She said the petitioner is requesting a reduction in the number of parking spaces because they only have room for 30 parking spaces. Rabita said the petitioner provided staff with traffic count data from their store in Pendleton, IN, which is similar to the store proposed here. She said the data shows the average shopping time is 10 minutes and they only need between 7 to 9 parking spaces during peak hours in the morning and evening. Rabita said based on this data staff feels the 30 parking spaces shown on the site plan will be sufficient to serve their clientele as well as their staff. Rabita said Dollar General is a convenience store style business and their customer turnover rate is faster than other merchandise style stores. Rabita said based on this staff can support the request for Variance #1.

Regarding requests #2, #3 and #4 bufferyard reduction and removal, Rabita said the petitioner is required to put in 20-ft wide Type B bufferyards all around the property where it abuts Agricultural zoned property, except where it would have vehicular access from SR 25.

Rabita said the request for Variance #2 is along the northern property line where the petitioner is required to put in a 20-ft wide Type B bufferyard. She said the petitioner is requesting a reduction in the length of this bufferyard from 540 feet to 213 feet. Rabita said after the publication of the staff report on April 18, the petitioner and staff discussed the condition placed on the approval for variance request #2 that addressed an inadequate bufferyard along the northern boundary. Petitioner highlighted practical difficulties to extend this bufferyard as suggested by staff due to the topography required for a dry detention facility. Therefore, the petitioner proposed a different solution which staff believes will protect the residential property to the north from the commercial activity on this site. The new site plan indicating the proposed change was submitted to the staff on April 23, 2019. The new proposal would extend the northern bufferyard and wrap the buffer around part of the building. Petitioner's new plan is to install trees and shrubs directly west of the 9,100 sq. ft. building shielding the residential property to the north from commercial use. A condition related to request #2 in the staff report from April 18 is no longer required.

Regarding Variance #3, the partial bufferyard shown is reasonable because the proposal would provide a buffer from potential noise and glare generated by daily operations. Rabita said adding a partial bufferyard as a visual and physical barrier from the store and parking lot activities will help neighboring residents.

Regarding the request for Variance #4 to remove the bufferyard along the western property line, Rabita said the petitioner is only using about 2/3 of the property for commercial activity. Rabita said the area behind the building is required for commercial septic, drainage, and well. She said the property behind that is zoned Agricultural and is currently used for crop production. Rabita said staff feels that it is unnecessary for the petitioner to add a bufferyard against farmland. Rabita said that it makes sense to require a bufferyard for GB zoning in urban and suburban contexts where a variety of dissimilar uses exist. She said it is pointless to require a bufferyard where it abuts a farm field. Rabita said requiring the petitioner to install a bufferyard for that portion of the lot is unreasonable and will cause a hardship.

Rabita said staff supports the approval of all 4 Variance requests contingent on the following conditions:

1. A construction release from the Indiana Department of Homeland Security;
2. Approval from INDO for a commercial driveway;
3. Approval from the Indiana State Department of Health and the Tippecanoe County Health Department for an on-site commercial sewage disposal system; and
4. Approval from the Tippecanoe County Surveyor’s Office for onsite drainage.

Note: The site is not eligible for an ILP until the final plat of the subdivision has been recorded and a performance bond is filed for the required subdivision public improvements.

Michael Thompson, Civil Engineer for Hamilton Designs, 11988 Fishers Crossing Drive, Suite 154, Fishers, IN 46038, said he is the civil engineer on this project and the developer, Joe Leonard, is also
present. Michael said he has met with staff for the past couple of months and he agrees with the staff report fully. He said he thinks the end product is a good compromise for getting the bufferyards correct and he asked the board to approve the variance requests.

The board voted by ballot 7-Yes to 0-No to approve all 4 variance requests for **BZA-2011 SECOND CIRCLE ACQUISITIONS, LLC.**

3. **BZA-2012 WEST LAFAYETTE SCHOOL BUILDING CORPORATION:**

   Petitioner is requesting the following variances to construct performing arts and education wing additions to the existing R1-zoned West Lafayette Junior-Senior High School:

   1. To decrease vegetative coverage to 35% from the minimum requirement of 40%; (UZO 2-1-6)
   2. To increase the building coverage to 34% from the maximum allowed 30%; (UZO 2-1-6) and
   3. To reduce the required number of on-site parking spaces from 744 to 222 spaces (currently there are 218 spaces onsite); (UZO 4-6-3)

   on property located at 1105 N. Grant St., West Lafayette, Wabash 18 (SE) 23-4.

Carl Griffin moved to hear and vote on **BZA-2012 WEST LAFAYETTE SCHOOL BUILDING CORPORATION.** Gary Schroeder seconded.

Rabita presented the site plan, the zoning map, and aerial photos. Rabita said the school is located in the West Lafayette city limits and the board heard a similar request last year when the school added an aquatic center. Rabita said the school has been there for decades and it does not have enough space to expand. She said the school is land-locked. Rabita said at this time the school is adding a 4,878 sq. ft. education wing on the north side of the building and a 3,383 sq. ft. performing arts center on the south side. She said the ordinance is designed primarily for residential development and not institutional development. Rabita said staff believes that urban school development at this location based on R1 standards is impractical and will result in an ordinance-induced hardship.

Rabita said the school has previously received variances for the reduction of vegetative coverage and increased building coverage. She said the proposed additional expansion has caused the need for the further reduction of vegetative coverage and increased building coverage.

Rabita also said the school will not lose any existing parking spaces. She said the reason the school corporation is seeking a reduction in the number of parking spaces is because they are adding classrooms and the required number of parking spaces is based on the number of classrooms.

Rabita said staff is recommending approval of all 3 variance requests based on the proposed expansion.

Kevin Riley, Reiling, Teder, and Schrier, LLC, 250 Main Street, Suite 601, Lafayette, IN 47901, attorney representing the petitioner, said on the northeast and northwest corners of the school there will be two new education wings with 5 new high school classrooms and 6 new junior high school classrooms. Kevin said on the southeast corner there will be a new performing arts center. He said there will be 3 new practice rooms, a new recording studio, and some upgrades to the auditorium. Kevin said all these new additions are necessary to serve the student population of the school. Kevin said there may be an error in the staff report regarding the number of parking spaces. Kevin wanted to clarify that there are currently 218 parking spaces available at the school and the school is going to add 4 new parking spaces for a total of 222. Kevin said the improvements are not going to encroach on any of the neighbors and he agrees that the property is land-locked. He said unfortunately there is no where else for the school to expand and that is why it requires these variances. He said he agrees with the staff report and staff's conclusions that all ballot items for variance have been satisfied and he asked for the board's approval.
Steve Clevenger said the motion that was read came from the staff report. Steve said the agenda says, “to reduce the required number of parking spaces from 744 to 222”, but the staff report says, “to reduce the required number of parking spaces from 692 to 218”.

Carl Griffin said he had read the motion from the staff report.

Zach Williams asked Kevin Riley what the requested number of parking spaces was.

Kevin Riley said he thought the staff report was a carry over from last year’s request. Kevin said the request this time is for a reduction of the required number of parking spaces from 744 to 222.

Zach Williams asked for a motion to clarify that the request is for 222 parking spaces.

Carl Griffin moved that the required number of parking spaces be reduced from 744 to 222. Gary Schroeder seconded, and the motion passed by unanimous voice vote.

The board voted by ballot 7-Yes to 0-No to approve all 3 variance requests for BZA-2012 WEST LAFAYETTE SCHOOL BUILDING CORPORATION.

V. ADMINISTRATIVE MATTERS

None

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

VI. ADJOURNMENT

Carl Griffin moved for adjournment.

The meeting adjourned at 7:02 p.m.

Respectfully submitted,

Diana E. Trader
Acting Recording Secretary

Reviewed by,

Sallie Dell Fahey
Executive Director
BZA-2013
ELEVEN EIGHTEEN, LLC
(special exception)

STAFF REPORT
May 16, 2019
REQUEST MADE, PROPOSED USE, LOCATION:
Petitioner, who is also the owner, is requesting a special exception for a transient rental house (as defined in the ordinance) on R1B zoned property. The business would operate 24 hours, seven days a week. The property is located in W.K Rochester’s Southeast Addition, more specifically 1118 State Street, Lafayette, Fairfield 28(NW) 24-4.

AREA ZONING PATTERNS:
The property in this request and the land to the east, across a platted, improved alley are zoned R1B. Land to the south and west are zoned R1U. A variety of zones R1, R1U, R2U, and NB can found along State and Kossuth Streets.

AREA LAND USE PATTERNS:
The lot in this request has a residence built in 1938. A variety of both residential and non-residential uses exist in the Valley Center neighborhood. The United Way of Greater Lafayette is on the property to the west. Group Homes for Children is located to the north. A few commercial uses exist farther to the south along Kossuth Street. Farther to the northwest is the Haan Mansion Museum of Indiana Art (rezoned to R2 with a commitment, Z-2606) and a building used by the Sisters of St. Francis.

TRAFFIC AND TRANSPORTATION:
The triangular-shaped lot was platted in the 1850s with two street frontages (Ada and Congress Streets) and alleys. However, these platted public streets that adjoined the property have been vacated and transferred to the surrounding property owners. Currently, a private driveway (also known as Elmhurst Drive easement according to the petitioner) and alleys which connect to both State and South 14th, provide access to the 0.29-acre site.

The submitted site plan shows no change regarding the driveway location for the proposed use. The parking standard for a single-family transient rental house is 2 spaces per dwelling unit in Lafayette. The site plan shows a total of eight paved parking spaces: seven spaces north of the existing structure and one space at the southeast corner of the lot. The neighboring United Way of Greater Lafayette has an agreement to use five parking spaces available on the site. The remaining on-site parking (three spaces) exceeds the ordinance requirement for the proposed use.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:
The site is served by city utilities.
STAFF COMMENTS:
Petitioner is seeking a special exception to use the existing single-family home as a transient rental house. The site plan shows a partially wooded 0.29-acre property with a house of 1,480 sq. ft. (unfinished basement, first and second floor areas) and eight 9’ by 18’ parking spaces. The house in the request is located on a platted lot that no longer has direct access from any public street but only from alleys and a private driveway. Both United Way of Greater Lafayette and Group Homes for Children share the private driveway, commonly known as Elmhurst Drive, with the property in this request. The existing paved parking lot on site is accessed via this private driveway.

The building in this request is surrounded by structures along State and S.14th Streets. Therefore, the building is not visible from either street. The Valley Center neighborhood has a mix of owner-occupied and rental homes. The area also has a wide variety of uses related to not-for-profit organizations. Petitioner wants to offer this short-term rental space to individuals who desire to explore and enjoy activities related to arts and culture in the heart of the city.

According to the petitioner, the 2 bedroom and 2 bathroom house would be rented to a maximum of 4 adults at any given time. The structure in this request was reviewed, constructed and inspected as a one-family building type. 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.” For short term rentals, the City of Lafayette assumes that at least two of the four adults constitute a “family” allowing two additional unrelated persons to cohabit in a dwelling unit. If approved, petitioner plans to rent the property in this request to a maximum of four adults (not counting children) at any given time.

Motion detector lights at both the front and back doors of the building are existing. No outdoor light is proposed for this use. As the house is tucked behind a row of houses along State and S. 14th Streets, the proposed lighting would provide necessary illumination required for the safe and practical use of the site.

The ordinance prohibits a transient rental 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 rental house.

At its meeting on May 1, 2019 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 rental house in a Single-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 R1B 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 be used as a residential short-term rental property. This fits well with the existing variety of uses in the area.

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 and uses in this neighborhood because the house will be rented at any given time to a maximum of four adults (not counting children) or any number of persons that meets the definition of family in the ordinance;

   b. Placement of outdoor lighting: No additional lighting is proposed outside. The existing motion detector lights on the exterior of the building are sufficient to illuminate the parking lot;

   c. Noise production: As per the City’s interpretation of “family”, it cannot be rented to large groups of unrelated people but only to four adults (not counting children) or any number of persons that meets the definition of family in the ordinance. Noise associated with families renting this house for a short term in a mixed-use 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:

Condition

1. A permit to operate a transient rental 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 (open for business) within one year of the date that the special exception was granted.
118 STATE ST

ROCHESTER SE ADDN
S'OFF NE SIDE LOT PT LOT 90
PT ALLEY & ADA ST VAC (0.290 A)
BZA-2015
JESSE AND DESTINY PETERS
(special exception)

STAFF REPORT
May 16, 2019
REQUEST MADE, PROPOSED USE, LOCATION:
Petitioners, who are the owners, are requesting a special exception to legitimize an Agricultural Rental Hall on 10 acres in the Agricultural Wooded zone. The proposed hours of operation are 8am to Midnight, Friday through Sunday (event hours) and noon to 6pm, Monday through Friday (office hours). The property is located at 5350 S 900 East, on the west side of the road, south of CR 500 S, Sheffield 22(NE) 22-3. (UZO 3-2)

AREA ZONING PATTERNS:
This property is zoned AW, Agricultural Wooded. All land in the surrounding area is zoned either AW or A. No BZA activity has occurred in this area of the county in over 30 years.

AREA LAND USE PATTERNS:
This 10-acre site was divided from a larger tract of land in 2018 when it was sold to the petitioners. Based on aerial history this structure was built prior to 2002; originally, this building was used as a church retreat. This area of the county is primarily large-lot single-family homes or farm fields and pole barns.

TRAFFIC AND TRANSPORTATION:
The site has approximately 400’ of frontage. County Road 900 East is classified as a rural secondary road and the speed limit is 55mph at this location. A traffic count taken in 2017 shows 1227 vehicles pass this site daily. The existing structure is over 600’ from the county road. The petitioners will need to get a new commercial driveway permit from the County Highway Department. A residential driveway was approved for this site in April 2017.

Parking for this use is one space per 4 maximum number of occupants. The petition states that there can be a maximum occupancy of 90 people at an event requiring 23 spaces. The site plan shows over 50 spaces on site. Parking in the AW zone does not have to be paved.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:
A septic has existed on site prior to this use being established a little over a year ago. The system has been recently documented and reviewed by the Indiana Department of Health. It was approved with a capacity of 90 attendees per event with the condition that petitioner must obtain a permit from the County Health Department for a new perimeter drain. A permit from the Health Department will not be issued unless the special exception
is approved. The building is also served by an onsite well.

**STAFF COMMENTS:**

Petitioners are seeking a special exception to legitimize an agricultural rental hall in operation without a permit for approximately one year on their 10-acre tract of land. The venue is proposed to operate three days per week with hours of operation of 8:00am – Midnight, Friday through Sunday. The site currently has a building of approximately 2600 sq. ft. that was previously used and approved prior to 2002 by the State Building Commission for a church retreat/camp. The building was recently re-reviewed by state building inspectors and can continue to operate under the existing approval with minimal updates. The County Building Commissioner would need to issue a permit and inspect that these updates have been completed before issuing a certificate of occupancy, so the business can reopen.

This use requires a commercial septic that must be approved by the Indiana State Department of Health prior to the County Health Department’s issuance of a permit. The existing septic has been reviewed and approved by the state but requires the construction of a new perimeter drain. This system limits the number of attendees at an event to 90 people. The installation and permitting will be handled by the County Health Department. The site plan does not show any drainage structures on site. An approval from the County Drainage Board is required before occupancy can be issued.

This site is located on land zoned Agricultural Wooded which does not permit an eating and/or drinking establishment (restaurant). For this reason, the zoning ordinance places a limit on food 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.

The site plan shows the location of a monument sign at the driveway entrance. The ordinance allows up to 25 square feet of signage and provides a maximum height and minimum setback for freestanding signs. Based on the information provided, it appears these requirements will be met.

The site plan identifies an area for outside events. The outside activities are limited to the areas shown on the plan. Existing lighting is shown on the building and petitioner indicated that additional lighting is not planned. The current lighting consists of one dawn-to-dusk light on both the north and south sides of the structure.

The existing driveway is located near the northern property line. The location of this drive limits petitioners’ ability to provide buffering to properties to the north. Previous cases presented to the board have included landscaping and fences that prevent noise and lights from intruding on adjacent properties. On the west side of the property there is a wooded area that is used for pictures and creates a separation for a home to the west. The site plan submitted shows no landscape berms or buffering along the north or south property line. The setbacks from the property lines, based on GIS, is at least 100’ on all sides of the structure.
Because of limits of the septic system all future events will need to be limited to 90 attendees. The building can accommodate more than 90 occupants but is limited based on the capacity of the septic currently installed. The parking standard for this use is one space per 4 patrons requiring 23 spaces; the site plan shows 50+ spaces exceeding this requirement. The site has adequate room for additional parking if needed.

At its meeting on May 1, 2019 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 an agricultural rental hall in the AW 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 has been designed with sufficient parking areas required by the ordinance. Additionally, lot coverage, vegetative coverage and building setbacks will be met.

3. Granting the special exception **WILL NOT** subvert the general purposes served by the Ordinance only if the necessary approvals are received. Plans may need to be altered based on review of these plans. The petitioners do have state building approval and design and partial installation of the septic system but petitioners have not received approval from the County Highway Department nor from the County Drainage Board. (Conditions 1-4)

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: Events will be held only on the weekends. The site plan shows access from CR 900E which can handle the additional traffic from this use. A commercial drive entrance will need to be installed to provide a safe entrance and exit for attendees. (Condition 1)
   b. Placement of outdoor lighting: Petitioners indicated existing lighting will be adequate to serve the site. This lighting is consistent with agricultural buildings in the area.
   c. Noise production: The petition states that all music would end at 10:30pm. Staff is making a recommendation consistent with other Agricultural Rental Halls that prohibit amplified music outside of the structure. This reduces noise intrusions to neighboring residences.
   d. Hours of operation: 8am-Midnight-Friday-Sunday. These hours are the most restrictive proposed for this use and limits all operations to weekends. This means all activity, including tear down must end by midnight. These hours are acceptable for this use.
STAFF RECOMMENDATION:
Approval with the following commitments:
1. Limit the number of attendees to 90 people;
2. All amplified music must take place inside of the structure; only nonamplified music shall be permitted in the outside event area.

Approval with the follow 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.

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.