

AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY

MINUTES OF A PUBLIC HEARING

DATE May 25, 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
Gary Schroeder
Michelle Dennis
Tom Andrew
Robert Novak
Jen Dekker

MEMBERS ABSENT

STAFF PRESENT

Maureen McNamara
David Hittle
Jennifer Ewen
Alex Burns, Atty.
Larry Aukerman

The Area Board of Zoning Appeals of Tippecanoe County public hearing was held in-person on the 25th day of May 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, Alex Burns, called the roll to establish members present.

I. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the April 27, 2022 BZA public hearing as submitted. Jen Dekker 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

Ryan O’Gara stated all cases are 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. Jen Dekker seconded, and the motion carried by unanimous voice vote.

Gary Schroeder moved to hear and vote on **BZA-2077 JOHN SPALDING.** Jen Dekker seconded.

BZA-2077 JOHN SPALDING:

Petitioner is requesting a variance to reduce a side setback from the minimum required 4' to 2.5' for the construction of a 576 sq ft garage in an R1U zone. The property is located at 241 Connolly Street in West Lafayette, Wabash 17 (SE) 23-4. (UZO 4-2-2)

APC staff Maureen McNamara presented the zoning map, site plan, and aerial photos. She stated the subject site is zoned R1U as is all the surrounding sites. The site contains a single-family residence and an existing detached garage. The petitioner is planning to demolish the existing garage, and then replace it with a larger two car garage. The site is located in a densely populated single family portion of the New Chauncey Neighborhood, and this is part of the New Chauncey Local Historical District. Connolly Street is an urban local road according to the Thoroughfare Plan. The parking requirements for this is two parking spaces, and there is ample amount of space here for parking. City utilities serve the site, and there is no bufferyard requirements. The structure won't be any closer to the adjacent property. The petitioner would like to keep this location because of the location of the driveway; it would just make it easier. Since it is only the petitioner's desire to replace the garage in its current location, staff could not find a hardship, so that is the reason staff is recommending denial.

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

John Spalding, 241 Connolly Street, West Lafayette, stated the existing garage is a two-car garage, and they are replacing it because it is not a safe structure. They are tearing it down because it is already in disarray, and they are just looking to replace it so that they can actually use the structure and not have to worry about it falling on their cars. They want to put it in the same place, so they don't have to tear up the driveway.

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

Chad Spitznagle, 222 North Chauncey, West Lafayette, stated the petitioner has made it through the Historic Preservation Commission. He has all their approvals, and we met with them. He stated he agrees with this; the structure is in poor condition. They are asking for approval of this petition.

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 size of the new garage would be.

John Spalding responded the existing garage is 18 feet wide by 20 feet deep, and the new garage would be 24X24 which is what most modern two-car garages are. The increased footprint would grow into the property not towards the property line at all.

Jen Dekker asked if there is anything preventing this from being pushed back, so that the turn radius around the house is not an issue or are you attempting to use the existing foundation to reconstruct.

John Spalding responded the goal is to use the existing driveway.

Steve Clevenger called for a vote on a ballot.

Attorney Alex Burns collected the ballots and noted the Board voted 7-Yes to 0-No to grant the requested Variance.

Variance

Yes-Vote

No-Vote

Steve Clevenger
Robert Novak
Gary Schroeder
Ed Butz
Michelle Dennis
Tom Andrew
Jen Dekker

Steve Clevenger noted the Variance for **BZA-2077** has been granted.

Gary Schroeder moved to hear and vote on **BZA-2078 DAVID THOMAS ISELEY**. Jen Dekker seconded.

BZA-2078 DAVID THOMAS ISELEY:

Petitioner is requesting the following variances for a remodel and expansion of a single-family home in an R1 zone:

1. To allow a decrease in lot width from 75' to 72.12' (UZO 2-1-5);
2. To reduce the front setback from the minimum required 60' to 45.3' (UZO 4-2-2, 2-1-9) and
3. To reduce the side setback from the minimum required 6' to 5.2' (UZO 4-2-2, 2-1-9).

The property is located at 1721 Northwestern Ave in West Lafayette, Wabash 18 (NW) 23-4.

APC staff David Hittle first there is an administrative matter. We just learned from the petitioner that the sign that was placed on the site that warns motorists or people nearby that there is a hearing coming up, the sign indicated that the hearing would be heard at Lafayette City Hall rather than here. The mailed notice went out as required, so the neighboring property owners are all aware of it. He noted that no phone calls were received regarding this. The Board, at its pleasure, can waive one or more of the notice rules if it feels that doing so is appropriate, and therefore this could go forward tonight rather than be delayed for a month. It was staff's error, so it was not the petitioner's fault.

Chris Shelmon, 250 Main Street, Lafayette, stated another procedural note is that the publications were also published in both newspapers, and the petitioner, Mr. Iseley, was also at City Hall and can contest that nobody else was there waiting to go to a meeting.

Alex Burns stated the Board could take a vote and find whether or not sufficient notice has been given. If that is the case, they would be essentially waiving the staff's error notice requirement and finding sufficient notice has been provided.

Gary Schroeder moved to waive the error on the sign for Lafayette City Hall and hear the case tonight. Jen Dekker seconded, and the motion carried by unanimous voice vote.

Steve Clevenger stated there are a few people present for the case, and the petitioner was at City Hall and nobody was there, and the letters and legal notice were correct for this case. It seems reasonable that sufficient notice was provided.

APC staff David Hittle presented the zoning map, site plan, and aerial photos. He stated the subject site is about a quarter acre and is on Northwestern Avenue just south of Lindberg Road. It is zoned R1 and surrounded by R1 zoning. The home was built in 1956. It is a one-story home on a slab, and it is typical of the homes in the area. It has not been improved significantly since its original construction. The petitioner is requesting three different variances, and they all pertain to a desire to build additions to the property. Staff is supportive of two of the three variances. Staff has a concern about one of them. Variance number 1 and number 3 staff supports. Variance number 2 involves the small forefoot expansion of an existing bedroom toward the street. It currently provides the house 49.3' front setback, and today's zoning ordinance requires a 60' front setback. Staff would support legally establishing the 49.3' front setback, but their desire is to go further toward the road, another four feet, so it would be a 45.3' setback, and that is against the

current ordinance, and there is not a hardship present. Again, staff is supportive of Variance number 1 and 3.

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

Chris Shelmon, 250 Main Street, Lafayette, stated he is here on behalf of the petitioner. The house has not been improved since it was constructed in the 1950s, and Mr. Iseley is proposing a significant remodel of the property which will be in excess of \$400,000. The area of issue is the front bedroom which is the primary bedroom, and it is quite small in its existing format. In addition, the footings in that bedroom need to be redone, so Mr. Iseley was taking this opportunity to restore that foundation and add that 4' with respect to the front setback.

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

John Grutzner, 1725 Northwestern Ave, West Lafayette, stated he is very much in favor of this addition to the Iseley home. The proposed addition would not affect our property in any way but make it better.

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 Alex Burns collected the ballots and noted the Board voted by ballot 7-Yes to 0-No in favor to grant **Variance #1 for BZA-2078.**

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

Attorney Alex Burns collected the ballots and noted the Board voted by ballot 7-Yes to 0-No in favor to grant **Variance #2 for BZA-2078.**

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

Attorney Alex Burns collected the ballots and noted the Board voted by ballot 7-Yes to 0-No in favor to grant **Variance #3 for BZA-2078.**

Variance #3	<u>Yes-Vote</u>	<u>No-Vote</u>
	Steve Clevenger	
	Robert Novak	
	Gary Schroeder	
	Ed Butz	

Michelle Dennis
Tom Andrew
Jen Dekker

Steve Clevenger noted all three variances for **BZA-2078** have been granted.

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.

Gary Schroeder moved for adjournment.

The meeting adjourned at 6:43 P.M.

Respectfully submitted,

Jennifer Ewen
Recording Secretary

Reviewed by,

A handwritten signature in black ink, appearing to read "D. Hittle", with a horizontal line extending to the right.

David Hittle
Executive Director