

**AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY  
MINUTES OF A PUBLIC HEARING**

DATE.....DECEMBER 07, 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  
Robert Novak  
Michelle Dennis  
Gary Schroeder  
Tom Andrew  
Ed Butz

**MEMBERS ABSENT**

Dustin Grove

**STAFF PRESENT**

David Hittle  
Amanda Esposito  
Austin Hammerli  
Eric Burns, Attorney

The Area Board of Zoning Appeals of Tippecanoe County public hearing was held in-person on the 7<sup>th</sup> day of December 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**

Gary Schroeder moved to approve the minutes from the September 28, 2022 BZA public hearing as submitted. Michelle Dennis seconded. The minutes, as submitted, were approved by unanimous voice vote.

**II. NEW BUSINESS**

The petitioner for **BZA-2091 AMBER E. KING** has requested a continuance to the January 25, 2023 BZA public hearing.

**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.

Gary Schroeder moved to continue **BZA-2091 AMBER E. KING** to the January 25, 2023 BZA meeting. Michelle Dennis seconded, and the motion carried by unanimous voice vote.

Gary Schroeder moved to hear and vote on **BZA-2090 CSG REALTY, LLC**. Michelle Dennis seconded.

APC staff Amanda Esposito presented the zoning map and aerial photos. The special exception is requested to operate a transient guest house, or Airbnb type rental, with rentals of 30 days or less. The owners will not be onsite, but only an hour away should there be any issues. The petitioners also have local contractors and vendors nearby to address any concerns. The maximum number of guests permitted

would be six. Sufficient parking for these six guests is available with the attached garage and driveway. The home is a 3 bed, 1.5 bath house. The ordinance prohibits a transient guest house from changing its basic appearance as a dwelling and prohibits the posting of any exterior signage to indicate it is a transient guest house.

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:

- 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.
- 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 structure and use currently in place.
- Granting the special exception WILL NOT materially and permanently injure other property or uses in the same district and vicinity because of:
  - 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. The garage and driveway provide 10 spaces which is ample parking for the use.
  - 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. No additional lights will be installed.
  - Noise production: Petitioner's house rules state they will not permit parties or pets which would be the largest noise contributors. Noise sensors and a Ring doorbell will be installed to help monitor noise levels. Noise associated with families renting this house for a short term in a residential neighborhood would be similar to other properties in the area.
  - Hours of operation: 24 hours a day, 7 days a week is the same as any other residential use.

Staff is recommending approval with the condition that a permit to operate a Transient Guest House must be obtained from the Tippecanoe County Building Commission office.

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

Sophie Gifford, 348 Overlook Drive, West Lafayette, IN, and her husband Collin purchased the home. Collin is a Purdue graduate, and they are both excited to join the community for Purdue basketball and football sporting events. When they are unable to use the home themselves, they are hoping to host guests through the Airbnb platform, to offset some of the costs of owning the home. They have spent a lot of time at the home, investing in the property with the help of HVAC contractors, electricians, painters, and landscapers. She said they have been warmly welcomed into the neighborhood. The couple has been working to connect with their neighbors, having some positive conversations, but also hearing some concerns. The ultimate concern was that the home will become a party house and there will be noise and generally might disrupt the neighborhood. She assures this is not the intention, nor the expectation, of the home. Using the Airbnb platform, they will be able to screen guests, allowing only guests they accept into the home. They will have policies in place for no parties, no pets, a noise policy, a guest occupancy of six, and a two-night minimum stay. Guests will have to agree to these policies before booking. There will be a Ring doorbell with a camera to monitor who comes and goes from the property. A noise device, set to a certain decibel limit, will be used to monitor the noise generated and ensure the noise policy is being followed. The home has a two-car garage and a long driveway, enough for ten cars to park, and no concern of blocking the neighborhood streets. They also have a local manager to address any issues that may come up. Her and her husband are in Brownsburg, not far away. In conclusion, they look forward to spending time at the

home. They are excited for the opportunity and the ability to offset some of the costs by having this special exception. They look forward to the discussion this evening.

Steve Clevenger asked if anyone wished to speak in favor of this petition. There were none.

Steve Clevenger asked for the signed petition to be passed to the Board.

Amanda Esposito read seven letters of opposition from the following:

Norman & Sally Nierstheimer, 201 Colony Road, West Lafayette, IN 47906

Tom & Kelly Marshall, 318 Overlook Drive, West Lafayette, IN 47906

Don & Sheri Johnson, 366 Overlook Drive, West Lafayette, IN 47906

Jennifer Byron & Minshen Ho, 339 Overlook Drive, West Lafayette, IN 47906

Gladys Stone Wright, 345 Overlook Drive, West Lafayette, IN 47906

Karen Johnson-Hoffmann, 111 Valley View Court, West Lafayette, IN 47906

Wyatt & Sonia Hooker, 109 Westwood Drive, West Lafayette, IN 47906

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

Pat Morrissey, 368 Overlook Drive, West Lafayette, IN, started by asking if the home is compliant with the R1 zoning, then why does it require a special exception. He and his wife Sharon have lived in Ravinamy for 21 years and in the early years, was one of the few homes with children. Now, numerous homes have families with children and is an environment he wants to protect. If you look at the definition of an Airbnb, it is a small hotel or bed and breakfast, and he doesn't see how that is consistent with an R1 zoning. To keep the integrity of the current neighborhood, he respectfully asks the Board to deny this request.

Alan Holmberg, 315 Overlook Drive, West Lafayette, IN, and his wife strongly disagree with this request from CSG Realty, not a family, but CSG Realty. His son, Kevin, and grandson live one house away from 348 Overlook Drive. The petition going around has 44 signatures. Part of the petition refers to the neighborhood covenants, which were approved by the Tippecanoe County Commissioners, saying no one shall operate more than a single-family dwelling in the Ravinamy neighborhood. No noxious or offensive trade or activity can take place and anything that can become an annoyance or nuisance is not allowed. The covenants also say the residents of Ravinamy can change the covenants to say whatever they want them to say, to include no Airbnb's, with at least a 50 percent majority of the people in Ravinamy. He wants to talk about safety. He is concerned with having no incidents or fatalities for his neighbors. He has lived there for 12 years after coming from Carmel Indiana. He is the retired director of health and safety for Eli Lilly and Company. It was his responsibility to ensure there were no accidents or injuries to more than 45,000 employees, all around the world. The staff did not take into account how the residents use the neighborhood. There is no on-street parking, not a single car parks on the street. If there are cars in the driveway at 348 Overlook, they will have to play last car in, first car out, and someone will end up parking on the street. The neighborhood has walkers and dog walkers. There are no streetlights. There are curves in the street. He is concerned with the health and safety of his neighborhood. Just because they can only have six guests staying there, don't think they won't have other guests stop by, they will. Let's have this Board vote down approving this request.

AJ Schwichtenberg, 327 & 333 Overlook Drive, West Lafayette, IN, purchased a home in this neighborhood for all the reasons the Board has already heard. It is a multi-generation neighborhood for many families. She purchased a home next door for her mother, so her mother could have a place where they could take care of her. She believes that is an emblem of what this neighborhood is. Blue zones are where people move in and live there forever. When people move into Ravinamy, they stay because it is a wonderful place. She believes that might be what attracted the petitioners to purchase the home. It is a quiet, peaceful place for families. It will make an attractive place, and a place for them to make some money, but unfortunately, she doesn't think they will be able to have the same investment into this community that the neighbors have. They won't donate to the tree fund, they won't come to the socials, and won't be a part of

the informal safety network. They have several members who have exceptional needs, including the elderly and some children. The neighbors know each other. They know to watch out for Gladys, who can't see us. When people come into the neighborhood, they don't know that. As much as the petitioners will try to screen and do the right thing, not everyone is going to know that. She applauds them for trying to monitor from afar, but the bottom line is if someone is not in compliance, it falls on the neighbors to report it. The neighbors didn't ask for this, nor are they being compensated for it, they really are just trying to live their life there. On the record, this is two additional houses that are in opposition, nothing personal against the people who bought it, but to recognize that their plans to rent it out is at odds with the larger community.

Robyn Bartlett, 119 Valley View Court, West Lafayette, IN, is across from the backyard of 348 Overlook Drive. She purchased the home two and a half years ago with her husband. They chose the neighborhood for all the reasons the neighbors have articulated. Her objections mirror theirs as well. Hearing what the neighbors have to say, makes her love the neighborhood and want to preserve it even more now than she already does. Along with the safety issues for the people, is the wildlife along the ravine. Birds, foxes, coyotes, and deer are an environment they want to preserve. She was excited for new neighbors to join the community but is disappointed that that is not the case.

Margaret Rowe, 342 Overlook Drive, West Lafayette, IN, lives next door to 348 Overlook Drive. She would be most happy to welcome the Gifford's as neighbors, but not as hotel keepers. She referred to the staff report and read *'this home was built in 1970 as a single-family residence according to the Assessor's records; the entire neighborhood is composed of single-family homes. There have not been any other BZA cases nearby.'* The integrity of the neighborhood is at stake here. She continued by reading the staff report *'at its meeting on December 7, 2022, the Executive Committee of the Area Plan Commission voted that granting this request would not substantially adversely affect the Comprehensive Plan.'* She asked the Board to consider to what extent it would adversely affect not a plan, but the people who live there. They are a community, not a comprehensive plan. They would like your support in remaining a community. She encouraged the Board to reject the request.

Karen Marais, 352 Overlook Drive, West Lafayette, IN, has lived next door to 348 Overlook Drive since 2009. She is originally from South Africa, but this is her home. She doesn't talk about going home to South Africa, she talks about going home to this neighborhood. She would like to keep that feeling of home. She agrees with everything the neighbors have said. She said the petitioners mentioned no parties or pets, but they will be an hour away. They talk about a local manager, but who is this local manager and can we count on the local manager. They also mention the two-night minimum stay as a way of preventing this from being used as a party house. There is nothing to stop someone from making a booking for two nights and only using one night. How will they force people to park in the driveway? There is no way to force them. These are transient guests by nature, so they can't enforce that. There has been a lot mentioned about safety. She is a runner and is on that road a lot. A couple of weeks ago she was almost hit by a car, a car that was previously seen parked at 348 Overlook Drive. This is a particular example of a car that swerved at the last moment because they are not aware of the kind of street that we are.

Drew Casani, 363 Overlook Drive, West Lafayette, IN, said his wife has rental property in West Lafayette. There is no way to guarantee the type of renter that will come into the neighborhood. His wife rents through a broker, so it is done professionally. She had a property where the tenants started making crack in the basement. Now you say that will never happen, but it happened. The police must come, and the neighbors see the police, and the value of that house dropped. They were not able to rent the house again for almost a year. He says this in addition to all that has been heard. He came into this neighborhood after looking for a home in West Lafayette for over a year. This neighborhood is unique. Bringing in rental property into the neighborhood is going to do damage to the resale value, to the people living there. It is important to be kept that way. If you look at the pictures of the neighborhood, it's not where you have transients coming in and out. They have made a lot of investment into the neighborhood and would like to see it stay that way. He pleads with the Board to view the neighborhood as they view it, not as a commercial entity.

Carolyn Percifield, 400 Overlook Drive, West Lafayette, IN, said her home was built much later than most of the houses in the neighborhood. She purchased her property from someone who could no longer afford to build their dream house at the time. The reason there were not many children in the neighborhood when her house was built, 1987-1988, was because half the homes were still owner occupied by the people who

built them back in the 1950's and 1960's. She only knows of two other homes that have been built since she has built her home. She did a quick scan on Overlook Drive and at least three of nine or ten houses are only on their second owner. They have had grown adult children come back to see their natal homes. It was carefully planned when John Amy bought the farmland from the farmer on North River Road. He wanted it to be a place where families could flourish, where children could play, and neighbors were truly neighbors. She doesn't plan to leave her house anytime soon because she loves it there. It is not a house that was built for old age, but she will stay as long as her legs can make it up and down the stairs and hill. She hopes, along with her neighbors, that the Board will not vote in favor of the request

Kevin Holmberg, 330 Overlook Drive, West Lafayette, IN, said he has an eleven-year-old son. He doesn't want to look outside and see him laying on the ground because someone ran him over. It's about safety. They all know everybody; they all know the speed limit. New people do not know the speed limit. He sees Uber drivers delivering food to homes and they speed. He is sure the people who will rent this house will speed through the neighborhood. He lives two houses away, on the corner. His son is riding his bicycle, playing outside. He is not going to tell him he can't play outside or he has stay in the yard because that is not what the neighborhood is about.

Niki Jo Keogh, 634 New York Street, Lafayette, IN, says her aunt lives at 345 Overlook Drive. Her aunt built the home in 1958 and her mother lived there two years while she graduated from high school. She has watched this neighborhood grow up, spending Thanksgivings and Christmases in the home. She is at this home every day, taking care of Gladys, who is 97 years old. She would like to re-emphasize two things. She said you guys know the people renting the home on the weekends are going to be football people, either Purdue fans or from the opposing team. You know there's going to be parties because that is what people do. The other point is that they bought the house knowing what the rules were. Why are we coming late to the party and trying to change the rules? Right across the street is her aunt, 97 years old and legally blind. She walks out of the home and everyone watches out for her. Half of this neighborhood is over 70-80 years old. When they have a loud party, these people are in Brownsburg, they won't care. She is in property management and knows. Are we going to have to call the cops? What are we going to have to do? It's ridiculous. The whole neighborhood is a wonderful place to be. They call her when the dogs get loose. Everyone in the neighborhood knows everybody. You cannot tell her this is not going to change the atmosphere of the neighborhood. Once you let one in, you must let the rest in, so how many people are going to come in after this and buy a house and change the whole neighborhood? There are plenty of other properties to do this in in Lafayette and West Lafayette. She strongly suggests the Board not vote this in.

Steve Clevenger asked for the petitioner's rebuttal.

Collin Gifford, 348 Overlook Drive, West Lafayette, IN, appreciates everyone's time and the concerns from the neighbors. He takes those to heart and into consideration. He stated this is a house for he and his wife and he wants to keep it nice and not have parties there. He wants it to be nice so they can stay there for Purdue games, as that's why they purchased the house. They want to be part of the neighborhood. A neighbor mentioned a tree fund and they would be happy to donate to that and any other thing like that. If this property is not a short-term rental, it will be a long-term rental. On average, short-term rentals have 50% occupancy or less. If the home was a long-term rental, then someone would be there all the time and it would arguably be more traffic. As stated in the staff report, there is plenty of parking available for the occupancy. They are familiar with the covenants of the neighborhood and they spoke with the Records Office, who said the covenants do not apply to the property, but let's assume that they do. One item in the covenants pertains to nuisance, however, their house will have the strictest rules in the neighborhood. Other homes can have pets and parties, but this house cannot. They are monitoring noise levels; other homes are not. And a maximum occupancy of six is watched with a camera. All these things are being done to prevent a nuisance. This house will be the most regulated. He agrees with all the neighbors saying this neighborhood is incredible and peaceful and that was one of the reasons they purchased the house. None of the neighbors mentioned any current concerns with the neighborhood. He found this interesting because there is currently an Airbnb operating at 124 Westwood Drive, and it has sixty reviews. It has been in operation for a long time to have sixty reviews. He wanted to make the Board aware that it has been operating for a long time and no neighbors brought up a concern with that. The local manager is three miles away and can be contacted if there are any issues. He and his wife took time to review previous BZA cases, with similar topics, to ensure they were going above and beyond previous cases that have been

approved. They feel they have done that with their engineering controls. He thanked the APC staff for their help and guidance, their case analysis, and their recommendation for approval.

Steve Clevenger asked if the Board had any questions or comments.

Gary Schroeder said this special exception would run with the house. His concern was if someone else bought it, they may not have the same controls. If this isn't approved, as was discussed, this could still be a rental house, as long as it is rented for 30 days or longer. We have no control, state law controls that. The petitioner said they have reviewed cases. Some we pass, some we don't. One of the reasons that we pass some, if it is an Airbnb, you have more control over that property being a rental, as the permit that is issued by the County, can be revoked and the special exception can be revoked, if they don't meet their commitments. When Airbnb started, there wasn't an ordinance to control them. They started popping up and had some concerns, so the Plan Commission wrote an ordinance to hold a public hearing to have input before the Board reviews them. Maybe that explains why the existing Airbnb is an R1. If the homeowners want to use it for sporting events, those last about six months. They could then rent that house on a short-term basis for the other six months, it would just have to be for only 30 days, or only do one Airbnb per 30 days. In any event, this will probably be a rental, unless they sell it. He would like to hear other comments from the Board.

Steve Clevenger asked what prevents an Airbnb owner from changing rules that they have. The rules are not a condition of the application. They said they can't have parties, but what prevents them from changing that so that they could or to have pets.

Amanda Esposito said that could be added as a commitment if the Board would like tonight.

Steve Clevenger added a comment regarding covenants. He said the Board doesn't consider covenants. Those deal with private agreements between landowners. If there is an issue with the covenants, that is for you as neighbors to address and figure out.

An audience member asked how they would do that; how would they take up the covenants.

Steve Clevenger responded that they would probably have to seek legal advice. The Board cannot give you legal advice. Contact a lawyer or attorney.

Tom Andrew added the petitioners plan to use the home themselves. He asked if they were season ticket holders to Purdue athletics.

Sophie Gifford, 348 Overlook Drive, West Lafayette, IN, replied they have tickets for football and basketball.

Tom Andrew asked if the plans for the Airbnb was to offset income and not strictly to make a profit.

Sophie Gifford, 348 Overlook Drive, West Lafayette, IN, responded with correct.

Steve Clevenger added a response to a previous question regarding the compliance and why it requires a special exception. Our zoning ordinance says the home would be in compliance if the petitioners get a special exception. The rules of our ordinance allow them to seek the special exception to have the Airbnb, if approved.

Steve Clevenger called for a vote on a ballot.

Attorney Eric Burns collected the ballots and noted the Board voted 3-Yes to 3-No, resulting in an inconclusive vote and a continuance to the January 25, 2023 public hearing.

**Yes-Vote**

Steve Clevenger  
Tom Andrew  
Ed Butz

**No-Vote**

Gary Schroeder  
Michelle Dennis  
Robert Novak

An audience member asked for clarification that in the interim, the house is not an Airbnb.

Steve Clevenger confirmed, it is not an Airbnb. They cannot get a permit to operate an Airbnb.

Gary Schroeder moved to hear and vote on **BZA-2092 JENNIFER O'SHEA**. Michelle Dennis seconded.

**BZA-2092 JENNIFER O'SHEA**

Petitioner is requesting a special exception to allow a transient guest house operating 24 hours per day, 7 days per week, for a maximum of 6 guests on the south side of CR 750 N, between CR 100 W and CR 50 W (County Farm Road). The 0.85-acre site is located at 819 W 750 N, Tippecanoe 18 (SW) 24-4. (UZO 3-2) With conditions.

APC staff Amanda Esposito presented the zoning map, site plan, and aerial photos. The property is in the county, a couple miles north of Harrison High School. The area is scattered with single family residences and agricultural fields. There is a floodplain area just to the south from Burnett Creek. There are several neighbors close to the house. The home has three bedrooms with a maximum capacity of six guests allowed. There is a two-car attached garage and driveway with the ability to park four to six vehicles. There would be no on-site owner. The home could be rented as a short-term rental of less than 30 days or as a standard long-term rental. The proposed house rules strictly prohibit any parties or large events. These rules will minimize noise and traffic concerns in the area. The speed limit in front of the home is 50mph, but being a short stretch of road, it would take someone really revving the engine to get up to 50mph before reaching the curve. Regarding the ballot items.

The Unified Zoning Ordinance DOES authorize the special exception for a transient guest house as defined in the A zoning district.

And it is staff's opinion that:

- 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.
- 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 residential uses currently in place.
- Granting the special exception WILL NOT materially and permanently injure other property or uses in the same district and vicinity because of:
  - 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 6 guests including children. The garage and driveway provide 8 spaces, which is ample parking for the use.
  - 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.
  - Noise production: Petitioner's proposed house rules state they would not permit parties and large events, which would be the largest noise contributors. Noise associated with guests renting this house for a short term in a residential neighborhood would be similar to other properties in the area.
  - Hours of operation: 24 hours a day, 7 days a week is the same as any other residential use.

Staff is recommending approval with the condition that a permit to operate a Transient Guest House must be obtained from the Tippecanoe County Building Commission office.

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

Jennifer O'Shea, 819 W 750 N, West Lafayette, IN, said she is a local real estate agent and has been for 23 years. She purchased the home in March of the past year with the intention of fixing it up and improving it. That is one thing she finds satisfaction in, taking a property in poor condition and improving it, and that is what she did with this home. The only flaw with her improving the homes, is she over-improves them to make them so nice where she would want to live there too. In doing this, she falls in love with the home, and is fearful, that if this is her investment property, will someone else, who she rents it to, take care of it. She considered the long-term rental and the more she considered it, she became scared. With long-term rentals, there is not as much control as there is over a short-term rental. The neighbor approached her and asked what she planned to do with the home. She told the neighbor she was wondering if she should turn it into an Airbnb. The neighbor was excited by the idea and offered to help. The neighbor saw this as an opportunity to be a co-host for the guests and help run the Airbnb. She has the support of the neighbor, which is a much different experience than the first case this evening. This home is more agriculturally located, which is helpful, and only twelve minutes from Purdue. She would like to share some of her experiences as a realtor who has helped others purchase homes as Airbnb's. Long-term rentals do not have the control over the occupants and their abilities to have parties. There are rules in place, Airbnb and Vrbo, have come a long way to help improve the experience of the host and the guests who stay there. No host wants anyone coming in and tearing up their place or having a party. That rule is strictly in place on almost all Airbnb listings. Airbnb now has the rule that no one under the age of 25 can rent a home. The host can impose fines on guests who violate the rules, and the host can ask them to leave. The other ingenious thing that short-term rentals have now instilled in their programs is the power of the review. When the guests occupy a place, they now get a review. The host can decide if they would allow this guest to rent their place. If the guest gets a bad review, then they are highly likely to not be accepted as a guest. This addition has really transformed the industry and brings accountability to not only the guest, but the host as well. She doesn't think anyone wants a negative situation with the Airbnb's. The company and hosts are all working together to improve the experience to offer a home away from home, in our community. These rentals are a nice asset for our Purdue community. She thanked the Board for their time and consideration.

Steve Clevenger asked if anyone wished to speak in favor of this petition. There were none.

Steve Clevenger asked if anyone wished to speak in opposition of this petition. There were none.

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 6-Yes to 0-No to grant the Special Exception.

<u>Yes-Vote</u>		<u>No-Vote</u>
Steve Clevenger	Robert Novak	(none)
Michelle Dennis	Gary Schroeder	
Ed Butz	Tom Andrew	

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.

#### **IV. ADMINISTRATIVE MATTERS**

David Hittle provided an update from the Ordinance and Bylaws Committee meeting that was held prior to this public hearing where proposed changes to the BZA bylaws were presented and discussed. A change to the Bylaws would create a longer period between the application submission and the public hearing date. State law minimum is ten days, and it is rare that jurisdictions do not expand past that ten-day minimum. A proposed change is to require 21 days prior to the public hearing for letters to be mailed and the sign to be posted. This period gives petitioners, staff, and neighbors time to become familiar with the petitioner's application request. Additionally, we are recommending changes to the hearing, such as not reading letters at the hearing, but instead including those in the packet for review prior to the hearing. The voting procedure



was also discussed. Proposed changes include an expedited method of voting on the ballot, checking either yes or no, then referencing selected findings, instead of writing in your own. The proposed revised ballot will be created for review. These proposed changes and the drafted ballot will be brought to the BZA Board as a formal agenda item in January for adoption or further conversation.

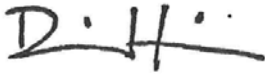
**V. ADJOURNMENT**

Gary Schroeder moved for adjournment.

The meeting adjourned at 7:22 P.M.

Respectfully submitted,  
Kristina Lamb  
Recording Secretary

Reviewed by,

A handwritten signature in black ink, appearing to read "D. Hittle". The signature is stylized with a horizontal line under the "D" and "H", and a horizontal line under the "H" and "I".

David Hittle  
Executive Director