

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

DATE..... JANUARY 25, 2023
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 25th day of January 2023 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

Attorney Eric Burns called the meeting to order at 6:00 PM. He called the roll to establish members present.

I. ELECTION OF OFFICERS

Eric Burns stated the first item of business is the election of officers for 2023.
Eric Burns opened the floor for nominations for the office of president.

Gary Schroeder moved to nominate Steve Clevenger for President. Michelle Dennis seconded.

Gary Schroeder moved that the nominations for President be closed. Michelle Dennis seconded.

Gary Schroeder moved to cast a unanimous ballot for Steve Clevenger for President.
Tom Andrew seconded, and the motion carried by voice vote.

Steve Clevenger was seated as President.
Steve Clevenger requested nominations for the office of Vice President.

Gary Schroeder moved that Tom Andrew be nominated for Vice President. Michelle Dennis seconded.

Gary Schroeder moved that the nominations for Vice President be closed. Michelle Dennis seconded.

Gary Schroeder moved to cast a unanimous ballot for Tom Andrew for Vice President.
Michelle Dennis seconded, and the motion carried by unanimous voice vote.

Steve Clevenger requested nominations for Secretary.

Gary Schroeder moved that Eric Burns be nominated for Secretary. Tom Andrew seconded.

Gary Schroeder moved that the nominations for Secretary be closed.
Michelle Dennis seconded, and the motion carried by voice vote.

Gary Schroeder moved to cast a unanimous ballot for Eric Burns for Secretary.
Michelle Dennis seconded, and the motion carried by unanimous voice vote.

II. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the December 7, 2022 BZA public hearing as submitted. Michelle Dennis seconded. The minutes, as submitted, were approved by unanimous voice vote.

III. NEW BUSINESS

a. A Discussion regarding amending the BZA bylaws

David Hittle summarized proposed amendments to the Board of Zoning Appeals bylaws. The first amendment addresses the range of notification. The proposed change is to notify neighbors within two lots, or 200', whichever is greater, of the subject parcel. This would be twice the current requirement, but still less than the standard around the state. Currently the petition requires the petitioner to mail a notification letter to adjoining neighbors, or neighbors within 100' of the subject parcel. The onsite sign would still be required. The change would also increase the timeframe for notification from the current state minimum of ten days, to a proposed twenty-one days. Letters would need to be mailed and the onsite sign posted no less than twenty-one days prior to the public hearing date. This change would fall within the average timeframe used around the state. The third proposed amendment would address opposition and support letters. Currently letters are read aloud at the hearing, regardless of when they were received. The proposed change is to no longer read letters at the hearing, but rather publish them into the packet that is posted to the website and shared with all interested parties, one week in advance of the hearing. Letters received by noon on the day one week prior to the hearing date would be published in the packet. Any letter received after this timeframe, but prior to the hearing, would be included in the file, and made available for the ABZA members to read. This would eliminate the process of reading multiple letters into the record, that after some time, loses its effectiveness and lengthens the hearing. These proposed changes largely mimic changes brought to the Area Plan Commission that were vetted and approved.

The final proposed amendment is changing the voting procedure. Currently the ballot requires personal findings of fact to be documented, which can add many minutes to the length of the hearing. Examples were displayed comparing the existing ballot and the proposed simplified ballot. The simplified ballot would include lines for the petition number, applicant name and hearing date, along with yes and no checkboxes to indicate the individual vote. Prior to the vote being taken, there will be a verbal recitation of the specific findings that the vote is going to be subject to. Prior to this meeting, Eric Burns mentioned that he would like to see an additional line that would allow each ABZA member to make a distinct individual remark if they would like to. An example would be if an ABZA member feels the staff findings or petitioner's findings doesn't capture their individual approach to the case, the ABZA member could write in a personal comment. David Hittle opened the floor for comments from the Board.

Steve Clevenger stated he has no problems with the timing, especially since the Ordinance Committee and Area Plan Commission reviewed and approved those changes. The changes sound reasonable. He noted that many of the changes are behind-the-scenes and relate to what the APC staff and petitioner does.

David Hittle added that lengthening the timeframe will be helpful. After the petition is filed, APC staff is rushed to write the staff report and have it published. There is little time for communication between staff and petitioner or between petitioner and concerned parties. Oftentimes people come to the hearing unaware of what is being requested, having many questions, most of which could have been answered ahead of time by the petitioner or by APC staff.

Gary Schroeder referred to page fourteen of the packet. He stated that typically voting is the written ballot and there is no voice ballot. He asked if that process is changing and if there will be a voice ballot.

David Hittle said he believes the way it is written the ballot would be filled out and collected, then the Board President or attorney shall verbally summarize the vote.

Gary Schroeder completed that sentence by adding 'by roll call' as shown on page fourteen and those three words are what has him confused.

David Hittle asked for Eric Burns' thoughts on the sentence.

Eric Burns added we are fine if we have the written findings, as those are the important ingredient. The reason there has ever been a challenge is because there were not sufficient written findings. He likes the proposed ballot because it is very straightforward and easy to understand but does acknowledge it needs a little adjustment. It does not need a voice vote and there is no requirement of a voice vote; the requirement under the statute is written findings.

Gary Schroeder moved to remove the words 'board members shall vote verbally by roll call' from the proposed amendment. Tom Andrew seconded.

Steve Clevenger added that he believes if the ballot is simplified, there is no reason to do a roll call vote. He referred to the petition number on the draft ballot and asked, if a case has multiple variances, will it have a dash one, dash two, to differentiate the ballots.

David Hittle said the bylaws require a separate vote on each variance component. The thought would be, as an example, to label the ballots V-2042a and V-2042b.

Steve Clevenger suggested the labels match how the variances are presented on the agenda. He also asked if the ballots would be filled out or if they would be blank.

David Hittle said APC staff currently fills them out and believes that is a good practice to continue. Changes can be made in terms of the vote, or a variance can be split into more votes at the hearing, and that would cause us to adjust some blank ballots, but he believes that could be done.

Steve Clevenger suggested the petitioner's name be included on the ballot and what is being requested, such as a side setback variance. This would help identify which variance they are voting on and eliminate possible confusion.

Gary Schroeder moved to remove the sentence 'the Board members shall vote verbally by roll call and the Board President or attorney shall summarize the vote' and revise the next sentence to remove 'and the attorney shall verify agreement between the verbal and written vote' and be replaced with 'the Board President or attorney shall summarize the vote'. Tom Andrew seconded.

Steve Clevenger said the attorney summarizes the vote and the President often repeats whether the request has been granted or denied.

Tom Andrew asked if the findings of fact will still be part of the staff report. He also asked if they would identify if the use variance was met and if the staff recommendation will remain part of the report.

David Hittle replied the staff findings and the petitioner's findings will be in the packet. The staff recommendation will remain as part of the staff report.

Steve Clevenger asked for any last comments. The amended motion carried by unanimous voice vote.

David Hittle offered to come back to the next meeting with the ballot, incorporating the addition of a place to write-in a personal comment, as was suggested by Eric Burns.

Steve Clevenger asked if the Board could move forward with the proposed amendments and approve the ballot at another time when it is presented.

Gary Schroeder moved to approve the amendments to the bylaws, as submitted and amended. Tom Andrew seconded.

David Hittle added that if the Board approves of these changes, APC staff would want some lead time to understand the timeline and calendar changes. Forms would need to be revised. He proposed the amended bylaws to be put into effect March 1, 2023.

Gary Schroeder moved to approve a March 1, 2023 effective date. Michelle Dennis seconded; and the motion carried by unanimous voice vote.

Steve Clevenger called for a voice vote to adopt the bylaws as recommended and amended. The motion carried by a unanimous voice vote.

IV. PUBLIC HEARING

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.

Michelle Dennis seconded, and motion carried by unanimous voice vote.

Steve Clevenger read the meeting procedures.

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

BZA-2090 CSG REALTY, LLC

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 at 348 Overlook Drive (east of Soldiers Home Road in the Ravinamy Addition) just outside of West Lafayette, Wabash 5 (SE) 23-4. With condition. Continued from the December 2022 ABZA hearing by inconclusive vote.

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, where the owner is not present while it is used by short-term renters. According to the petitioner, the maximum number of guests permitted would be capped at six. The home is a 3-bedroom, 1.5 bath house. Sufficient parking for these six guests is available with the attached garage and driveway. Staff believes the home will be used in a way that is very similar to other single-family homes in R1 zones. Last month seven letters were read, and one petition was signed by 44 people. This month there are five new letters to read. Staff is recommending approval of this special exception.

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

Collin Gifford, 348 Overlook Drive, West Lafayette, IN, and his wife are both mechanical engineers. He is a graduate of Purdue and is excited to rejoin the West Lafayette and Purdue community. He and his wife are big sports fans, and the house provides them the opportunity to enjoy many Purdue football and basketball games, and other events hosted at Purdue. When they are not able to use the home themselves, they are hoping to have the ability to host guests through Airbnb on a short-term basis. This ability will help them offset some of the costs associated with owning the home for their use. They have been spending a lot of time at the home, investing in it, and fixing it up, to be something they are proud of for their family. They have had the opportunity to meet many of the neighbors. They respect their neighbors and have tried to connect with many of them, some as positive interactions, but also heard concerns. Those concerns include noise, road traffic, and being a nuisance or disruption to the neighborhood. This is not the intention or expectation. There are measures in place to help prevent these issues. The Airbnb platform will allow them to screen guests prior to booking, only accepting guests they deem acceptable. They have policies in place that will be rules for their Airbnb. These include no parties, no pets, noise monitoring, a two-night minimum stay, and a maximum occupancy limit of six. When guests would book this home, they would be required to agree to these policies. Engineering controls will be in place including a smart doorbell, allowing

them to monitor the occupancy limit, as well as a noise device that will measure decibel levels to ensure the home is not disrupting the neighbors. The house has a two-car garage and a long driveway that they feel will be plenty of space for parking, and not hinder any access to the street. They do not anticipate any issues but have a team of local contractors to fix any problems that arise. There is a local manager located three miles away from the home. He and his wife live in Brownsburg. He thanked the Board for their time and consideration and looked forward to the discussion.

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

Amanda Esposito and David Hittle read five letters of opposition from the following:

Robyn A. Bartlett, 119 Valley View Court, West Lafayette, IN 47906

Jane M. Kirkpatrick, 321 Overlook Drive, West Lafayette, IN 47906

Melinda Holmberg, 330 Overlook Drive, West Lafayette, IN 47906

Sharon Holmberg, 315 Overlook Drive, West Lafayette, IN 47906

Kevin Holmberg, 330 Overlook Drive, West Lafayette, IN 47906

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

Carolyn Percifield, 400 Overlook Drive, West Lafayette, IN, said one of the issues they are struggling with is when you are a living resident in the neighborhood, you respect not only your own property, but you respect the property and families of everyone in the neighborhood. One of the concerns of the neighborhood is, and this is human nature, that we optimize for one. She noted the driveway is not as big as it looks in the picture. Parking is an issue in the neighborhood for people who visit or come to do service. Often these people will drive onto the edge to avoid someone walking or an oncoming car, and inadvertently go into a yard. Neighbors don't do that because they want to respect the neighbors' properties. She has never heard a loud party, not that they don't have parties, but they would never allow anybody to go out of scale on that. When the realtor showed the home, no one wanted to park where they would get blocked in, so all the others parked as close as they could and were on the sides of the driveway and across the street. Residents could hardly move through, worried they would hit the parked cars. Video surveillance isn't going to fix human nature, optimizing for one, especially when the petitioners are not there to curate it themselves. She is in opposition to having this request approved and instructed her neighbors, who also agree in opposition, to stand up. The neighborhood has 48 houses. Those in attendance, and who have written letters, are a high percentage.

Margaret Rowe, 342 Overlook Drive, West Lafayette, IN, began by thanking Amanda Esposito for her help, kindness and patience. At the end of the December 7th ABZA hearing, the representative of CSG Realty mentioned 124 Westwood, and suggested it is in the same category as 348 Overlook Drive. Not true. The house on Westwood has a 'transient guest room' with an owner 'present in the dwelling unit when the transient guest rooms are occupied by renters.' 348 Overlook is in a class by itself, which is why we are meeting a second time. 348 Overlook requires a special exception, what a layperson might term a rupture of code, to become a transient guest home, what a layperson might term a mini hotel. In granting the special exception, the ABZA would be creating a first for Ravinamy. A first that might easily lead to other special exceptions that would destroy the integrity of Ravinamy. Turning an R1 community into what could become a mini hotel district. The APC staff report of July 13, 2017 captures the anxiety the neighbors feel about a 'transient guest house'. She continued quoting the 2017 staff report as 'the transient guest house appears to be the type of short-term rental that neighborhoods, as well as city governments, object to the most.' 'The fear is that too many guest houses in a single neighborhood could have a detrimental effect on that neighborhood.' 'It would mean the house possibly sitting empty for long periods of time, or the other extreme with loud parties and no one present to be held accountable.' 'Other localities have found that people buying houses specifically for guest houses, can increase the cost of houses and price out other buyers interested in living in the neighborhood.' That APC report captures much of the fear that those in Ravinamy feel about BZA-2090. The neighborhood fears 'no one present to be held accountable'. She thought of a call she received from her lawyer, who had been called by the Nuisance Abatement Squad in Indy, to track a client of his who owned an Airbnb for which there had been noise complaints, gunfire.

Something like that is of real concern to her neighbors. The staff report also captures the neighbors' interest in having real, present neighbors rather than magic doorbells, engineering controls, and the like. They want people 'interested in living in the neighborhood'. She asked the Board to protect the R1 identity of Ravinamy by denying the special exception for 348 Overlook Drive. She thanked the Board for their attention.

Alan Holmberg, 315 Overlook Drive, West Lafayette, IN, used a slideshow of photos to help the Board understand the neighborhood and some of the concerns. Ravinamy is a small neighborhood reached exclusively by a single entrance and exit. A photo of the road going from Soldiers Home Road into the neighborhood was shown. The long, narrow drive eliminates any traffic into the neighborhood. Other than residents, they only see a few service vehicles. A 25mph speed limit sign is posted immediately upon entry to the neighborhood. An aerial photo displayed about 45 homes with the primary road going through the center being Overlook Drive. He said the neighborhood is very welcoming and they embrace those who move into the neighborhood each year. The neighbors are opposed to a non-owner-occupied realty company that wants to transform the neighborhood they love and enjoy. The words of CSG Realty have stated that the neighborhood is an amazing and cozy community. The neighborhood includes older citizens like Gladys Wright, who is 97 years old and lives directly across the street from the CSG transient hotel. Gladys is widowed, legally blind, and hard of hearing but routinely walks her dog down Overlook Drive. She is afraid and scared that the renters at the unoccupied Airbnb will interfere with her personal safety. The house adjacent to 348, at the corner of Overlook and Valley View, belongs to a widow who lives alone and walks her dog multiple times a day on Overlook Drive. On the other side of 348, lives a dedicated runner who runs all hours of the day and night. Previously she was almost hit and injured by a car leaving the driveway of 348. The car did not see her, even though she wears bright clothing. This was almost a tragic event in the neighborhood. There are school children, who must walk down the center of Overlook Drive because there are no sidewalks, to get to the school buses at the front of the neighborhood. Everyone in the neighborhood knows the school children must walk down the center of the drive. A photo taken in front of 348 Overlook was shown, illustrating a car parked on the edge of the street and a trash truck narrowly passing by. There is no room for a person on the roadway, there is no sidewalk, and cars must slow down or stop for the pedestrians. A photo of sticks in the yard was shown to illustrate that neighbors don't want others driving in their yard. A photo was shown to illustrate the driveway with two service trucks and a car. An additional photo showed a third service truck parked on the street, with tires in the yard. Ruts in the grass where shown, were vehicles had to drive off the road because the driveway was full. A blind curve in the road was shown. An all-black slide was shown, illustrating the view in front of 348 Overlook at night. There are no streetlights. He hopes the Board turns down this proposal.

Drew Casani, 363 Overlook Drive, West Lafayette, IN, lives with his wife and two cats. At the December hearing, the neighbors expressed many cognizant reasons speaking against the petition. Alan Holmberg and the letters read focused on the safety. He referred to the APC staff report and had five points to address: traffic generation, number of guests, parking, noise production and hours of operation. He quoted the staff report: 'the traffic generated due to this use would be no different than other homes and uses in the neighborhood because the house will be rented at any given time to a maximum number of six guests.' He thinks it should be obvious that six renters, coming into this neighborhood for a short period of time, will create traffic much different than what is usual. He said a house with six transient renters is much different from what it is the neighborhood currently. There may be a family of six people, but they are embedded in the neighborhood, and the use of their home is certainly not the same as six, probably adults, coming in for a sporting event. Parking is a concern. He said there is no way to get more than five cars into the driveway, adding that the photo was very deceptive from the way it was taken. Two cars can be in front of the garage doors and two cars in the garage and maybe one where the drive narrows and comes onto the street. He said if there are six or ten people in the driveway, they are not going to make it, and cars will park on the street. The staff report says, 'ten spaces is ample parking for their use'. He asked what kind of a use was being referred to, where ten spaces are needed. It must be people that are interested in having a lot of visitors or guests. Paragraph 4C of the staff report implies house rules will prevent parties from making noise. How? Noise sensors and doorbells may monitor noise but cannot prevent noise, nor can they enforce the rules. There is no way to enforce house rules. At last month's hearing there was discussion that house rules can be changed at will of the owner and if the house is sold, the exception rules go with the house. That means if a new owner comes in and wants to change the house rules, he could do it. CSG may want to have a good neighborhood, but the people following them could change it. The neighbors

have no guarantee that they won't have an Airbnb come in with the sole purpose to rent for games. The staff report says, 'noise associated with families renting this house for a short term in a residential neighborhood would be similar to other properties in the area'. The only noise he has ever heard is when they hold a parade, the weekend before Halloween, for the kids to walk around and then watch a movie afterward. A movie with kids is very different than a house rented to a party of six, expecting ten visitors. He added that the report mentions the house operating 24/7. When a house is operating 24/7 as a rental property, even as Collin Gifford said was a maximum 50% of the time, that is low for Airbnb. He says if it is 50% of the time, 180 days this property will be vacant. When the property has people in it, it's a problem for the neighbors. When it's unoccupied, it's a problem for the neighbors. He thanked the Board for their time and hopes they vote against the proposal.

Pat Morrissey, 368 Overlook Drive, West Lafayette, IN, served two terms on the West Lafayette City Council in the 1980's. During that eight-year period, the Council invariably denied non-conforming special exception requests, as they knew it was their responsibility to protect the integrity of the neighborhoods. Ravinamy is an R1 zoned residential subdivision. R1 zoning guidelines allow single-family rental properties but limit those properties to three unrelated parties. The petitioner is requesting a special exception for up to a maximum of six guests, which in many cases, could be six unrelated individuals, twice what R1 guidelines allow. Zoning laws are in place to maintain consistency within neighborhoods. The subject request goes well beyond existing R1 guidelines. He added that he recently retired after forty-five years as a commercial real estate lender. He fully supports real estate investors and their projects, but strongly feels these projects need to be in properly zoned districts. By denying this request, the petitioner's investment is still protected as a single-family rental property, and the neighborhood won't have a miniature hotel in its backyard. In the staff report, the APC Executive Committee stated, 'granting this request would not substantially adversely affect the Comprehensive Plan.' What it doesn't address is an Airbnb strongly adversely affects the forty-eight-house neighborhood. He is also concerned about the precedence this special exception would set in falsely identifying Ravinamy as an Airbnb-friendly subdivision, which is not the case. He added it is obvious the neighborhood is unified in their opposition to this request. The petition has been presented, the letters have been read, and the Board has heard comments. He asked that the Board please hear the neighbor's voices as they determine their vote and asked that the Board deny the special exception request.

Steve Clevenger asked for the petitioner's rebuttal.

Collin Gifford, 348 Overlook Drive, West Lafayette, IN, said he won't address all the concerns, as most were addressed in his opening statement. He referred to the survey of the property, indicating the length of the driveway, and could infer how many cars it can hold. He added the photo says a thousand words. He added he knows the neighbors want this request to be denied, but he thinks its important for the neighbors to understand the effects if it is denied. He and his wife will own this home for a long time and then will pass it down to their newborn son. This home will be in their family for forever. They would like to use it for their personal use. If they cannot use the home as a short-term rental and for themselves, they will rent the home as a long-term rental being as short as 30 days or for a year. He apologized if this was not clear in the first meeting. He reiterated and said if they are denied tonight, they will still make this a rental, with the minimum as 30 days. If denied, there would be no engineering controls, no noise monitoring, no occupancy monitoring, no restrictions on pets or parties, no restrictions on parking, and no lawn service. If they are denied, they can still rent this house to college students, say a group in a fraternity, who could throw parties all the time and park in the street. The long-term tenants have no incentive to be courteous to the neighborhood, and there would be nothing he could do about it once the lease is signed. With a short-term rental, the guest has incentive to follow the rules, as they can be reviewed poorly and will no longer be able to use the Airbnb platform. If the guest does not follow the policies, he can ask them to leave, whereas with a long-term rental, he cannot. He added they will have much more control and cooperation with a short-term rental because the guests are incentivized to do so. Short-term rentals average 50% occupancy or less, whereas, if they go the long-term rental route, they will be occupied 100% of the time. The neighbors may not agree, but a short-term rental with engineering controls and policies, will be much better for the neighbors than a 30-day to one year rental with no control. He added that he would be open to a commitment to not change the rules. He thanked the Board for their time and thanked Amanda Esposito and the APC for recommending approval.

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

Steve Clevenger asked Collin Gifford how the Board would know the house rules, and if he would have to file those rules with APC.

Collin Gifford replied the rules would be a max occupancy of six and the initial documents that were required to file the petition. There would always be noise monitoring, all the engineering controls in place, no parties, etcetera. They would agree to not change. He and his wife put the rules out there because that's what they want, they want their house to stay in good condition, and they want to be respectful of their neighbors. They are not, after this meeting, going to change their rules and say one can party all time. They don't want that. He and his wife would be open to a commitment to not change their rules.

Steve Clevenger added that he assumed, if there was a commitment to have a set of rules, that if they were to sell the house, that next owner would have to abide by those rules as well.

Amanda Esposito said that is correct. She passed a copy of the house rules to the Board for review.

Michelle Dennis asked if she understood correctly that their intent was to use the home on game days and game weekends, primarily, and therefore most of the renters would be on non-game times.

Collin Gifford said correct and assumed their target audience would be parents visiting their kids at Purdue.

Michelle Dennis added but not to parents on game day traffic because that is his use of it.

Gary Schroeder said he thought the neighborhood made a presentation on their concerns, but the petitioner also makes a good point. They can rent the house for 30 days with no controls, and sometimes, if you get a bad tenant for a year or two, it can be tough to move them along and hard for the owner or landlord to deal with the tenants if they are abiding by the local ordinances and laws. They can still be annoying. He added that even though it may sound scary, the neighbors have more protection with a special exception because the petitioner can lose their special exception and the home would revert to a traditional rental. If you are in the City of West Lafayette, you do not need a special exception for a transient guest house, as they operate under their own rental program.

Eric Burns noted that the City of West Lafayette just changed, and the Council accepted, based on prior recommendations, to necessitate a special exception like the City of Lafayette and the County now require.

Gary Schroeder asked if the City of West Lafayette is changing because they feel like they have more protection.

Eric Burns said he believes that to be correct.

Steve Clevenger asked if anyone wanted to entertain a motion for adopting the house rules as a condition.

Amanda Esposito corrected Steve Clevenger and said it would need to be adopted as a commitment.

Tom Andrew asked for clarification that it is a commitment *not* to have the owner be able to change the house rules.

Steve Clevenger said it would essentially be adopting those house rules.

Tom Andrew again asked for clarification that it meant the rules cannot be changed at will of the owner.

Eric Burns said that is correct because the rules then become part of the approval, and a commitment that is enforceable, like any other rules that apply.

Tom Andrew moved to add a commitment that the house rules, as submitted, cannot be changed. Michelle Dennis seconded.

Gary Schroeder suggested reading the house rules aloud.

Ed Butz read 'strictly no parties, no pets, no smoking, report any and all damage, please be courteous and respectful of our neighbors, quiet after 10:00pm and please treat the home like you would your own.' He continued with details of the checkout time, but those were not part of the house rules section.

Gary Schroeder asked Steve Clevenger to read the house rules once again, for clarification.

Steve Clevenger read 'strictly no parties, no pets, no smoking, report any and all damage, please be courteous and respectful of our neighbors, quiet after 10:00pm and please treat the home like you would your own. Enjoy.' Those are the house rules.

Collin Gifford added to be clear, he is saying they would not change those rules.

Steve Clevenger thinks they could add additional rules, but the rules listed here, could not change.

Steve Clevenger called for a voice vote to the commitment of no changes made to the house rules, as submitted. The motion carried by unanimous voice vote.

Audience member Margaret Rowe asked who enforces the house rules.

Eric Burns answered by saying all the rules being discussed, including the ones just heard, are now part of the petition, and any breach of that would be enforced by the County. The petitioner could have the entire special exception withdrawn for a violation of any rules, including those just heard.

Steve Clevenger called for a vote on a ballot.

Attorney Eric Burns collected the ballots and noted the Board voted 5-Yes to 1-No, to grant the Special Exception.

| <u>Yes-Vote</u> | | <u>No-Vote</u> |
|-----------------|----------------|----------------|
| Steve Clevenger | Gary Schroeder | Robert Novak |
| Tom Andrew | Ed Butz | |
| Michelle Dennis | | |

Audience members shouted in objection of the vote. There was a pause to allow the room to clear.

Gary Schroeder moved to hear and vote on **BZA-2091 AMBER E. KING.** Michelle Dennis seconded.

BZA-2091 AMBER E. KING

Petitioner is requesting a special exception to allow an agricultural rental hall, operating between the hours of 8:00am to 10:00pm Sunday through Thursday, and 8:00am to midnight Friday and Saturday. The 10-acre site is located on the south side of CR 700 S, ½ mile east of CR 700 W, specifically, 6537 W 700 S, Wayne 31 (NW) 22-5. With conditions and commitments. Continued from the December 2022 meeting at petitioner's request. (First Continuance).

David Hittle presented aerial photos, near the unincorporated town of West Point. The property is 10 acres, but the legal description excludes the floodplain zoned areas. There is a single-family dwelling with a small barn nearby, as well as a larger barn, recently completed in the back of the property, which would be the agricultural rental hall. The site is zoned AW, agriculturally wooded. The site plan shows the hall with a parking area that would be developed. Two changing rooms, built to look like grain bins, would be built on the east side of the barn. The hall would have four rooms, none holding more than 100 people individually. Photos of the driveway leading into the property were shown. The petitioner has volunteered a plan of operation that essentially codifies the usual requests APC staff makes for ag rental halls seeking special exception. Hours of operation would be closing at 10:00pm on weeknights and at midnight on Friday's and Saturday's. There would be a prohibition on outdoor amplified music. The maximum number of attendees would be capped at 200. Surrounding properties were shown on the aerial map. Three dwellings across the street would be between 750'-900' away from the ag rental hall. There is a berm along the street to the north of the property and a heavy tree line across the street and along the east side of the property. Staff is supportive of this request, subject to conditions the petitioner volunteered; maximum 200 guests at any given time, operating hours, and prohibition of outdoor amplified music.

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

Chris Shelmon, Gutwein Law, 250 Main Street, Lafayette, representing Amber King, said the property is a picturesque rural location in Tippecanoe County, with a pond located behind the residence. He mentioned many ag rental halls have developed in the area, but the ones that are developed specifically for this purpose and go about doing it the right way from the beginning, add value to the community and don't have the problems. The petitioners live on-site and will be present. They will know what is going on and will operate it accordingly. More parking is available than what was shown on the site plan, as they own the land to the north, closer to the road. Key details that will make the operation compatible with the area include limited hours of operation, no amplified music, and requiring licensed bartenders. He respectfully requested approval from the Board.

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

Amber King, 6537 W 700 S, West Point, said she has been a resident of Tippecanoe County her entire life, and part of the West Point community for the past thirteen years. She would love the opportunity, alongside her family, to build a business, share their beautiful property, and provide a much-needed service to the area. Jeremy and herself, along with their grown children, will own and operate the business on the family property. She hopes to create memorable experiences for their future customers. She is committed to running a successful business following the rules and guidelines. She appreciates the consideration to make the dream a reality for her family, for many years to come.

Carl Martin, 6614 W 700 S, West Point, is the neighbor to the north of the property and has lived there almost eight years. He said the petitioner is a great neighbor, respectful to everything he does. He does not hear noise from the property. The petitioner is friends with everyone around the area and he sees no reason why the request should not be granted.

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

David Hittle read one letter of opposition from the following:

Terri Butkovich, 4536 N County Road 13, Fort Collins, Colorado

Chris Shelmon, Gutwein Law, 250 Main Street, Lafayette, said the petitioner's have a good relationship with the tenant farmer and they help mend the fences that exist along the property. There are no anticipated issues. There will be very few additional surfaces that would create drainage concerns, all to be reviewed by the Drainage Board. He does not believe the site will impact the remonstrator in Fort Collins.

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

Robert Novak said it seems the presentation did not address outdoor lighting, which is one of the ballot items. He would like to know if there will be outdoor lighting and how much of it.

Chris Shelmon, Gutwein Law, 250 Main Street, Lafayette, said the only outdoor light will be on the building as wall packs that are hooded and shielded to filter the light onto the walkways along the outside of the building. There won't be any light that leaves the site. Lighting is indicated on the site plan with arrows, with fixtures near the accessible parking spaces, along the exterior kitchen wall, and the south side of the parking area. All lighting is on the back of the property and away from any of the other residences.

Robert Novak asked, if the request is approved, are the petitioner's limited to this amount of lighting.

Eric Burns said they would be limited to the petition's request on the lighting, anything outdoors and visible.

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 request.

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

Gary Schroeder moved to hear and vote on **BZA-2093 JHS INVESTMENT GROUP LLC C/O RIPAM SINGH.** Michelle Dennis seconded.

BZA-2093 JHS INVESTMENT GROUP LLC c/o RIPAM SINGH

Petitioner is requesting the following setback variances for a proposed addition to an existing structure in an NB zone:

1. ~~To reduce the side setback from the minimum required 60' to 59' (UZO 2-12-7) and~~ (withdrawn on 1/18/2023)
2. To reduce the ~~rear~~ side setback from the minimum required ~~45' 10'~~ to 4.3' (UZO 2-12-8). (amended on 1/19/23)

The site is located on the southeast corner of Old 231 and CR 500 S, commonly known as 5011 Old US Hwy 231 S, Wea 20 (NW) 22-4.

APC staff Amanda Esposito explained the petitioner originally applied for two variances, but upon further review, it was determined they only needed the side setback variance. The south property line is a side setback. She presented the zoning map and aerial photos. The property is a lone neighborhood business (NB) zoned property. Single-family residences are to the north and south of the property. General business (GB) is to the northwest, but undeveloped and still in row crops, and agricultural (A) to the south of that. The building on site, which was a pizza shop, is no longer in operation. The building has been there since 1970 and was built close to the southern setback at 4.3' from the property line. The petitioner is proposing to add-on to the building to box-out the building. The reason for the variance request is because the south side setback is encroaching into the setback, and the request is to bring it into conformity. The site plan was displayed showing two proposed additions to square off the building's exterior. Photos of the site were displayed. APC staff understand the practical standpoint why the petitioner wishes to add onto the building; however, it is up to APC staff to determine if there is an unusual hardship from the UZO. Strict application of the terms of the zoning ordinance will not result in an unusual or unnecessary hardship, as defined in the zoning ordinance. Hardship involved is self-imposed and solely based on a perceived reduction of, or restriction on, economic gain. An expansion could be added to the building that meets the setback requirements that materially would be similar to the addition that is proposed by the petitioner. The variance sought does not provide only the minimum relief needed to alleviate the hardship. Staff cannot find a minimum relief for this request because there is no hardship. Staff is recommending denial.

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

Kevin Riley, Reiling Teder & Schrier, 250 Main Street, Lafayette, representing the petitioner, provided each Board member with a colored photo of the subject area in question. The building formerly housed the Dock 231 restaurant and is currently vacant. The owner wishes to repurpose the use of this building as a convenience store. The petitioner is looking to create an addition that squares off the building, essentially filling in the notches of the building. One reason to do this, in a retail setting, is to provide direct sightlines in the interior of the building. The addition would not increase the encroachment on the neighboring property. This would cure an existing non-conformity on the south property line. Petitioner agrees it is not a use variance. They agree it is not injurious to the health, safety, or welfare of the community. They agree it will not have an adverse impact on the adjacent properties. They do not agree with the other item's APC staff presented. They believe the terms of the ordinance are being applied to a situation that is not common to other properties. The building is an existing non-conformity that has been around since the 1970's. They do not believe this is a common situation. The strict application of the terms of the ordinance, they believe, will result in an unusual and unnecessary hardship. APC staff indicated the petitioner could build something materially similar along the west side of the building. The petitioner does not see that as materially similar in look, but more importantly, the western wall is a load bearing wall, which would result in significant reconstruction or replacement of the roof, as opposed to just filling in the small south corner. The hardship is not self-imposed, as it is an existing building with an existing non-conformity. The petitioner is asking for the minimal relief and is not looking to encroach any further on the neighbor. They feel this is an appropriate request and request the Board's approval.

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.

Michelle Dennis asked what type of neighbor is to the south of the property.

Kevin Riley, Reiling Teder & Schrier, 250 Main Street, Lafayette, responded it is a single-family home.

Michelle Dennis added that if the petitioner did, hypothetically, do what APC staff suggested and expand to the west, the existing wall would still be non-conforming. That would still be an issue, regardless of whether the notch was filled or not.

Kevin Riley, Reiling Teder & Schrier, 250 Main Street, Lafayette, added that the farther west they would go, it then blocks the northwest view of the single-family home to the south.

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 Variance request.

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

Gary Schroeder moved to hear and vote on **BZA-2094 WILLIAMS RUIZ RAMIREZ AND AMANDA RUIZ.**
Michelle Dennis seconded.

BZA-2094 WILLIAMS RUIZ RAMIREZ AND AMANDA RUIZ

Petitioners are requesting a special exception to allow a general contracting business in an AA zone, operating 6:00am to 9:00pm Monday through Saturday at 2623 N 925 W, Shelby 10 (NE) 23-6. With conditions.

David Hittle explained this is a special exception request to allow for a concrete finishing contractor to be located on property zoned AA, select agricultural zoning, though the property is not used for agricultural purposes. The zoning map and aerial photos were displayed. The property shows a residential property of the owner and a barn, from which he is currently operating the concrete finishing business. A neighbor filed a complaint regarding this site and a location to the south of the subject property. Both sites were given zoning violation notices about four to five months ago. The owner of the location to the south has agreed to clean-up the property and is on the clock to do so. The petitioner of the subject property has chosen their corrective action to be a special exception request to resolve their violation. The site plan was displayed, showing the residential property and the barn. The petitioner is proposing a storage area, inside of which his employees would park, materials would be stored, and a storage bin would be located. They do not mix or store raw concrete materials onsite. The employees meet trucks at the job sites. Previously, employees were parking their vehicles at the front of the barn. The APC staff suggestion was to create a dedicated parking area in the back to keep the agricultural appearance of the area. Site photos were displayed to show the entrance driveway to the barn. An additional photo was displayed to show employee vehicles and storage area on the property. APC is suggesting the installation of an opaque, privacy fence, or berm, to obscure the trappings of the business. The site is relatively remote, with the nearest neighbor located across the street. This would be eligible for a rural home occupation, where you can run a business, by right, from the house in a rural setting, including contractors, but there is a clause that says no more than one employee that lives offsite. In this case, there are multiple employees that come and park at the property, making the petitioner ineligible. Staff is recommending approval with a site plan that shows a dedicated outdoor storage area and parking, removed of view from the road.

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

Amanda Ruiz, 2623 N 925 W, West Lafayette, and her husband own Ruiz Concrete. They are a family-owned business that contract with local builders to provide concrete finishing services for residential and

commercial properties. They have worked closely with APC staff to ensure, that if the special exception is approved, they will be complying with all requirements and commitments. The desire has never been to create any issues for our neighbors, but rather to improve Tippecanoe County while providing a nice living for several local families, their employees. They moved the storage of equipment to this barn after multiple thefts of their property from a previous warehouse location. They did not seek to rezone, as there are several businesses operating on their road without the proper zoning. They did not build the barn; it was a pre-existing barn that was expanded and updated. The original intent was to have a place to store toys, kids' bikes, and a mower. The hours of the business are posted as Monday-Saturday 6:00AM to 9:00PM, which sounds concerning, but the hours are variable, as is with most construction businesses. Somedays they start at 6:00AM and are finished by noon whereas other days they start at 6:00AM and finish at 9:00PM. The aim is not to create any traffic issues on the road. There are no customers that come to the barn. Employees have been asked to carpool to the barn, to minimize traffic. They are willing to work with ABZA and APC to calm concerns and collaboratively solve the issues. Their goal is to be compliant with all zoning regulations.

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

David Hittle read a letter from the following:

Aaron Cobb, 2527 N 925 W, West Lafayette, IN 47906

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

Michelle Kline, 2935 Newman Road, West Lafayette, owns property to the east and north of the subject property. She said opposition might be a bit of a strong word, but she wanted to point out a few items listed on page two of the staff report. The report specifies there are five employees that would be parking onsite, but the special exception does not place a limit to the maximum of future employees. She would like to request a limit to be placed on the number of employees parking onsite, if possible. She also addressed the reference to a paved drive and one paved parking space. She asked if that applies to the drive that runs along the barn and back to the parking area. She would like to know, when all approvals are made from the County, that it would be based off the drive that runs along the barn, and not the drive to the home. Her property to the north and east, is currently all farmland, but could become residential at some point.

Amanda Ruiz, 2623 N 925 W, West Lafayette, addressed the concern of no limits being set to the number of employees. Current employees carpool and that would remain a suggested practice. They do not desire to grow into a giant company. They like knowing their employees and do not want to have 20-30 guys, more than she is willing to manage. The hours of operation are variable. During the summer, they work very early until late at night. In the winter, the hours are much less. Regarding future property owners, she has no control over what they would do, but hopes they would treat the property well. They agree that they could put up a six-foot tall, opaque fence, if that is required as a commitment, to mask the storage area. They do not currently have a paved parking space but could have one added outside of one of the doors. As part of the recommendations, they must meet with the County highway department and others. She added she would have no problem limiting the number of cars that could be parked onsite, but added they host family gatherings and her guests park at the barn. She would not want to limit her family being able to park at the barn. She wants to work with the Board and come to the best conclusion for everyone.

Steve Clevenger said it appears the paved parking spot is for handicap accessibility and would be paved next to the door. He asked Amana Esposito if the driveway needed to be paved or if it could be gravel.

Amanda Esposito replied it could be gravel, but the County highway department may require a heavier engineered entrance.

Steve Clevenger asked for clarification on the statement made in the staff report, 'approval with the following conditions, with a timeline to be set by the Board.' He asked APC staff what the timeline was that the Board was to set.

David Hittle said the idea was, because this was originally a zoning violation, the Board would set a timeline for completion of the outdoor fence for storage and parking, so that it is not completely open-ended. He encouraged the Board to negotiate a timeline with the petitioners.

Amanda Esposito said the timeline portion was added because usually with special exceptions, there are conditions that must be met before they can obtain an operational permit. In this case, they are already in operation. APC staff felt there was a need to place a time constraint on this.

David Hittle said this special exception request is the petitioner's chosen method to correct the violation. They will have to meet any conditions, commitments, and terms that come from the special exception approval, including a timeline to complete the conditions within.

Eric Burns asked if they would be non-operational until they complete those steps.

David Hittle said that is technically correct, but if someone has received a violation for an improper use, APC does not tell them they must close while the special exception or variance is pending. This operation is not a health and safety issue and is of limited nuisance to neighbors. He does not feel they need to be shutdown to wait for the conditions to be met.

Eric Burns asked if the timeline would be three months or six months.

David Hittle suggested the Board ask the petitioners what timeline might be reasonable.

Amanda Ruiz, 2623 N 925 W, West Lafayette, said she would like to rectify this as soon as possible, but added she does not know how long it would take to get a fence contractor lined up for the install. Her concern was if a hard freeze occurs in the next couple of months, the ground may be too hard for a fence to be installed. She wants to have adequate time to have the fence installed.

Gary Schroeder moved that the fence and conditions, as submitted, be completed within six months of the public hearing. Tom Andrew seconded.

Steve Clevenger asked the petitioner if six months was agreeable to her. This would apply to the fence installation and obtaining approvals of the County departments.

Amanda Ruiz, 2623 N 925 W, West Lafayette, responded yes, absolutely, they could get it done within six months, and hopefully sooner.

Steve Clevenger called for a voice vote of six months becoming the timeline for completion of the conditions, as submitted. The motion carried by unanimous voice vote.

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 | |

Gary Schroeder moved to hear and vote on **BZA-2095 EMILY SAMPSON.** Michelle Dennis seconded.

BZA-2095 EMILY SAMPSON

Petitioner is requesting a special exception to allow a haven home for Isaiah 117 House open 24 hours a day, 7 days a week in an R1B district. The property is located in the Vandergraff Addition, at 2710 Bonny Lane, Lafayette, Fairfield 22 (NW) 23-4.

APC staff Amanda Esposito explained this request if for a haven home, which was a recent addition to our ordinances last year. The definition of a haven home is a social service facility assisting children awaiting foster care or similar placement. A child's stay at such facility shall not exceed seventy-two hours. The zoning map shows the property in a R1B zoned neighborhood. This is an older platted subdivision in Lafayette, with houses modest in size and well cared for. The lot is currently unimproved and slopes up

steeply from Bonny Lane. The site is one of the highest points in the neighborhood. Photos of the approach along Bonny Lane were displayed. The site plan shows a two-bedroom home. There is no garage indicated, but a large driveway is shown, which would be more than sufficient to house the two vehicles for this use. The site is served by city utilities. The home would be open 24/7, according to the petition. There would be one or two volunteer vehicles and one Department of Child Services vehicle onsite. Typical residential lighting would serve the site. There would not be much noise aside from children playing outside, which is normal for a neighborhood. When asked about the occupancy of the house, the petitioner responded the home needs to be available 24/7, but there would be no permanent resident. Employees would be working there during business hours and would host children and caseworkers on an as needed basis, which could be any hour of the day. When there are no children present, they may have volunteers at the house for organizing, maintenance, cooking, cleaning, or other household tasks.

The Unified Zoning Ordinance does authorize the special exception for a haven home in this R1B zoning district. The requirements and development standards for the request will be met. This request will not harm the public and would serve a public need. Granting the special exception will not materially and permanently injure other property or uses in the same district and vicinity. Two or three cars parked on site occasionally would be no burden to the neighborhood and would be consistent with any other single-family residence. Only typical residential lighting is proposed, and no noise generated, other than children playing. Staff is recommending approval.

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

Emily Sampson, 2760 Tristan Drive, Lafayette, is a program coordinator for Isaiah 117 House. She described the organization as a non-profit organization, a 501c3, founded in Tennessee in 2017. It has expanded to over forty locations in nine different states. The mission of the organization is to reduce trauma for children entering foster care, ease the burden on the Department of Child Services, and support placement families during the transition into foster care. She explained, when the Department of Child Services (DCS) determines that a child must be removed from their unsafe home, there's a transition period before a safe family can be found for the children. Sometime the transition is a few hours, other times it could be a few days. During this time, children usually wait at the DCS office. The children often have nothing with them. They are lonely, scared, hungry, and often in dirty clothing. Isaiah 117 House wants to provide a comforting home for the children. They will be able to take a bubble bath, play in the fenced-in backyard, have a meal, and take a nap. The DCS caseworker will remain in the home with the child and be responsible for them until a placement is found. Volunteers will be trained, certified and background checked. Each child will receive new clothes, shoes, school supplies, or whatever they need for their next journey or foster family. The family will be given car seats, beds, fire extinguishers, or whatever else they need to accept a child into their home. Isaiah 1:17 says 'to defend the cause of the fatherless' and the organization believes it is God's call for this ministry. Currently there are eleven open Isaiah 117 houses in Indiana and Tennessee. There have been no issues with unwanted guests coming to the houses, nor any increased police or emergency personnel presence. The subject property was purchased in October of last year. The property has eleven neighbors. The organization has reached out to neighbors, and had wonderful conversations, early in the process. They heard concerns about safety and were able to address them. The eleven neighbors were provided letters of existing Isaiah 117 houses neighbors, to get a better idea of what it is like living next door to an Isaiah 117 house. Neighbors were encouraged to check out the website, which includes virtual tours of existing homes, to see they are just a home, but a home they know is changing the way foster care begins for hundreds of kids every year in our region.

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.

Robert Novak asked if the ABZA has jurisdiction in this, since the property is in the City of Lafayette.

Steve Clevenger explained that the ABZA has jurisdiction over all special exception requests. The Lafayette Board of Zoning Appeals only has jurisdiction over variances in the City of Lafayette.

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.

V. ADMINISTRATIVE MATTERS

None.

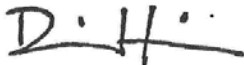
VI. ADJOURNMENT

Gary Schroeder moved for adjournment.

The meeting adjourned at 8:25 P.M.

Respectfully submitted,
Kristina Lamb
Recording Secretary

Reviewed by,



David Hittle
Executive Director