

AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY

MINUTES OF A PUBLIC HEARING

DATE.....January 27, 2021
TIME..... 6:00 P.M.
PLACE..... COUNTY OFFICE BUILDING
20 N. 3RD STREET
LAFAYETTE, IN 47901

Due to the public health emergency, the meeting was held virtually. Members of the public may watch the livestream of the meeting at <https://www.facebook.com/TippecanoeCountyIndiana>

MEMBERS PRESENT

Steve Clevenger
Gary Schroeder
Frank Donaldson
Michelle Dennis
Ed Butz
Tom Andrew

MEMBERS ABSENT

Jen Dekker

STAFF PRESENT

Ryan O'Gara
Rabita Foley
Larry Aukerman
Chyna Lynch
Zach Williams, Atty.

The Area Board of Zoning Appeals of Tippecanoe County public hearing was held virtually on the 27th day of January 2021 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

Attorney Eric Burns called the meeting to order.

I. ELECTION OF OFFICERS

Eric Burns opened the floor for nominations for president.

Gary Schroeder nominated Steve Clevenger for President.
Tom Andrew seconded.

Gary Schroeder moved that nominations for President be closed.
Tom Andrew seconded, and the motion carried by unanimous voice vote.

Gary Schroeder moved that a unanimous ballot be cast for Steve Clevenger for President.
Ed Butz seconded, and the motion carried by unanimous voice vote.

Steve Clevenger was seated as President.

Gary Schroeder nominated Gary Schroeder for Vice President.
Frank Donaldson seconded.

Gary Schroeder moved that nominations for Vice President be closed.
Tom Andrew seconded, and the motion carried by unanimous voice vote.

Gary Schroeder moved that a unanimous ballot be cast for Gary Schroeder for Vice President.
Ed Butz 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 nominations for Secretary be closed. Tom Andrew seconded, and the motion carried by unanimous voice vote.

Gary Schroeder moved that a unanimous ballot be cast for Eric Burns for Secretary. Tom Andrew seconded, and the motion carried by unanimous voice vote.

II. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the December 2, 2020 BZA public hearing. Tom Andrew seconded and the minutes, as submitted, were approved by unanimous voice vote.

III. NEW BUSINESS

Ryan O'Gara said petitioner has asked to continue **BZA-2047 DESIGN TEAM SIGN COMPANY LLC.** to the February 24, 2021 meeting.

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

Steve Clevenger read the meeting procedures.

Gary Schroeder moved to continue **BZA-2047 DESIGN TEAM SIGN COMPANY LLC.** to the February 24, 2021 BZA meeting. Tom Andrew seconded, and the motion carried by voice vote.

BZA-2048 JIM HAWBAKER:

Petitioner is requesting a special exception to allow motor freight transportation and warehousing (SIC 42) and miscellaneous repair shop (SIC 76) in an Agricultural (A) zone. The hours of operation would be 7:30am to 5pm, Monday through Friday. The property is located at 8240 E 300 N, Perry 03(SW) 23-3. (UZO 3-2).

Gary Schroeder moved to hear and vote on **BZA-2048 JIM HAWBAKER** with commitment and conditions. Tom Andrew seconded.

Rabita Foley presented the zoning map, site plan, and aerial photos. She said the site is zoned Agricultural as is most of the surrounding land. There is Flood Plain zoning to the south associated with the Wildcat Creek. East Tipp Middle School and Hershey Elementary are close by. The site is an 80-acre parent tract that currently has a single-family dwelling unit with a detached garage, a barn and a repair shop. The site is primarily used as farm land and the front portion of the site is being used to park trucks that are used to transfer products to the processing site. The main thoroughfare here is CR 300N which is two lanes and paved. Based on our research, there are approximately 1200 vehicles that travel on this road each day. Because they are requesting two different uses, two different parking standards were used to calculate the required amount of parking and the site will have enough parking. Parking in Agricultural zones does not need to be paved however, all the accessible parking does need to be paved. The site currently has a residential septic and well. Any commercial septic will be reviewed by the Health Department. The request is to expand their trucking business. Jim started this business in 2013 and it has been growing since. He also has a repair shop that he uses to repair his farming equipment and occasionally his customer's equipment. He foresees this expanding in the future as well. Agricultural uses and their accessory functions, including semi-trucks to transfer crops from a farming location to the

processing site, are permitted by right. The scale of the current operation may not have a negative impact on the general vicinity. Staff is concerned about the compatibility of this business if it expands in the future. Staff recommends limiting the number of semi-trucks on the site by allowing the parking of trucks only in the dedicated truck parking area. Because the site has a residential unit that is not on a separate lot, staff is requesting that the petitioner file a commitment to limit the use of the house to a caretaker's residence only.

The findings of fact were presented with a staff recommendation of approval contingent on the following conditions and commitment:

Conditions:

1. The location of the truck parking area must be delineated on the site plan, and no trucks parked overnight shall be located anywhere except the designated parking area.
2. A commercial permit from the Tippecanoe County Highway department must be submitted to the APC staff.

Commitment:

1. A commitment shall be filed with staff in a recordable format, to limit the future use of the dwelling unit on site to be a caretaker's residence only.

Steve Clevenger asked if the petitioner or his representative wanted to make a presentation and if there were any documents to share through GoToMeeting.

Jim Hawbaker, 8240 E 300 N, Lafayette, IN 47905, petitioner, said when he filed for a building permit, the Building Commission thought it would be best to get a commercial use on our property. We do most of our own work here but a neighbor will occasionally need some work done. He said he does not plan on expanding and opening a road truck shop. The trucking started out small and its grown because we haul a lot of our products. We live in a great community and none of the neighbors had a problem with the use. He said Mike Parks from the Highway Department gave a verbal approval of what he planned to do but because this becoming more commercial, more steps need to be taken. He said he was approved by the Health Department for the original barn but will need revised approval for the new plan. With the school to the west, trucks are encouraged to go east to CR 900 to connect to the Hoosier Heartland or SR 26 to avoid going past the school.

Steve Clevenger said there will be a one-minute pause for citizen comment. After the minute passed, he asked Ryan O'Gara if any citizen comments had been received. There had not. He asked the Board to submit their ballots.

Zach Williams said he received the ballots and conducted a roll call vote to confirm each member's vote.

Yes-Vote

Steve Clevenger
Gary Schroeder
Tom Andrew
Ed Butz
Frank Donaldson
Michelle Dennis

No-Vote

The Board voted by ballot 6 yes to 0 no to approve **BZA-2048 JIM HAWBAKER.**

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

V. ADMINISTRATIVE MATTERS

None.

VI. ADJOURNMENT

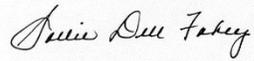
Gary Schroeder moved for adjournment.

The meeting adjourned at 6:35 p.m.

Respectfully submitted,

Chyna Lynch
Recording Secretary

Reviewed by,

A handwritten signature in cursive script, reading "Sallie Dell Fahey", is written over a light gray rectangular background.

Sallie Dell Fahey
Executive Director