

AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY

MINUTES OF A PUBLIC HEARING

DATE..... April 28, 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
Ed Butz
Gary Schroeder
Tom Andrew
Frank Donaldson
Jen Dekker

MEMBERS ABSENT

Michelle Dennis

STAFF PRESENT

David Hittle
Ryan O’Gara
Rabita Foley
Larry Aukerman
Eric Burns, Atty.

The Area Board of Zoning Appeals of Tippecanoe County public hearing was held virtually on the 28th day of April 2021 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

Steve Clevenger called the meeting to order at 7:00 PM.

I. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the March 24, 2021 BZA public hearing. Tom Andrew seconded and the minutes, as submitted, were approved by unanimous voice vote.

II. NEW BUSINESS

Ryan O’Gara said that BZA-2052 would be continued to the June BZA meeting at the petitioner’s request (first continuance). He then noted that BZA-2053 would be continued to the May BZA meeting due to an error in the publishing of required notice.

Gary Schroeder moved to continue BZA-2053, petitioner Casey Giles, from the April 28, 2021 BZA meeting to the May 26, 2021 BZA meeting. Tom Andrew seconded. The continuance was approved by unanimous voice vote.

Gary Schroeder moved to continue BZA-2052, petitioner Fox Acquisitions, LLC, from the April 28, 2021 BZA meeting to the June 23, 2021 BZA meeting. Tom Andrew seconded. The continuance was approved by unanimous voice vote.

III. PUBLIC HEARING

None.

IV. ADMINISTRATIVE MATTERS

Ryan O’Gara noted that the Area Plan Commission has decided to resume live, in-person meetings, and recommended that the BZA entertain a conversation on the question of when/whether to resume in-person meetings.

Eric Burns provided remarks detailing activities at the level of the state legislature regarding the matter of electronic and in-person meetings. He specifically noted that pending legislation will allow for local governmental bodies, such as the APC and BZA, to hold partially virtual meetings. Those partial-virtual meetings would require that at least 50% of the membership of that body be physically present at the meeting, allowing for virtual attendance by the remainder. Should the BZA wish to adopt this policy, it would first have to officially pass such a policy adopting that state law. It should also make known any requirements relative to masking, social distancing, and the like.

O’Gara spoke about balloting issues, noting that a partial-virtual format presents challenges.

Clevenger asked if there would be a limit as to how long the BZA would be able to meet virtually. Burns answered, stating that the governor’s order, as long as it is in place, allows for full virtual meetings, at the option of the local unit of government.

Clevenger noted that he has no issue either way and asked other BZA members for comment. Schroeder noted that the Plan Commission took a quick count by show-of-hand and decided to meet in person. Schroeder further noted that he is comfortable meeting in person, as did Donaldson, Butz, Dekker and Andrew. Clevenger remarked that everyone seems ready to return to meeting in person and asked if everyone was ready to do so at the May meeting. Heads nodded. Clevenger asked for a motion.

Gary Schroeder moved to resume meeting in-person, starting with the May 26 meeting. Tom Andrew seconded. The motion was approved by unanimous voice vote.

Ed Butz asked if a mask would be necessary. Rabita Foley noted that masks are no longer required in the county building, but they are recommended.

Burns further stated that county leadership, including commissioners and the county attorney, should determine and make known prior to the May meeting how it wants to address expectations for meeting attendees from the public... would masks be required or recommended?... what about room capacity?... and other questions as they arise...

V. ADJOURNMENT

Gary Schroeder moved for adjournment.

The meeting adjourned at 7:45 p.m.

Respectfully submitted,

David Hittle
Executive Director