

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

DATEMAY 24, 2023
TIME 6:00 P.M.
PLACECOUNTY OFFICE BUILDING
20 N. 3RD STREET
LAFAYETTE, IN 47901

This meeting was held in-person, with no virtual option.

MEMBERS PRESENT

Steve Clevenger Gary Schroeder
Robert Novak Tom Andrew
Dustin Grove Ed Butz

MEMBERS ABSENT

Michelle Dennis

STAFF PRESENT

David Hittle
Amanda Esposito
Larry Aukerman
Eric Burns, Attorney

The Area Board of Zoning Appeals of Tippecanoe County public hearing was held in-person on the 24th day of May 2023 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

Steve Clevenger called the meeting to order. Eric Burns called roll to establish members present.

I. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the April 26, 2023 BZA public hearing as submitted. Robert Novak seconded. The minutes, as submitted, were approved by unanimous voice vote.

II. NEW BUSINESS

- a. Proposed forms and instructions for BZA submittals

David Hittle presented a proposed set of new forms for BZA petitions. Forms have been updated to create a uniform design and were made as efficient and clear as possible to understand. Instructions have been updated for each form to help the petitioner understand the process. Because these forms are listed within the BZA Bylaws, any amendment made to the bylaws requires approval by the BZA. Staff has presented the improved forms for review and approval.

Gary Schroeder moved to hear and approve the proposed bylaw amendments. Robert Novak seconded.

Steve Clevenger said he likes the consistency and the work on the new forms, especially with the instructions. He did not compare the new form to the old form because they are so different, but he did review them and did not see anything that stood out.

The BZA Bylaw amendments were approved by unanimous voice vote.

III. 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.

Robert Novak seconded, and motion carried by unanimous voice vote.

Gary Schroeder moved to continue **BZA-2104 ARCHVIEW PROPERTIES** to the June 28, 2023 ABZA meeting. Robert Novak seconded, and the motion carried by unanimous voice vote.

Steve Clevenger read the meeting procedures.

Gary Schroeder moved to hear and vote on **BZA-2097 ROBERT AND JULIA KOLOUCH**. Robert Novak seconded.

BZA-2097 ROBERT AND JULIA KOLOUCH

Petitioners are requesting the following variances for a proposed addition to a single-family residence in an R1 zone:

1. To increase the maximum coverage by all buildings from 30% (or 3,787 sq ft) to 33% (or 4,116 sq ft, an increase of 3% or 329 sq ft) (UZO 2-1-6) and
2. To reduce the minimum vegetative coverage from the required 40% (5,050 sq ft) to 37.5% (4,781 sq ft) (UZO 2-1-6).

The property is located at 200 E Navajo St, Lot 111 in Wabash Shores Second Addition in West Lafayette, Wabash 08 (SW) 23-4. Continued from the April 2023 ABZA hearing at petitioner's request. (Second Continuance).

Amanda Esposito presented the zoning map and aerial photos. The home is part of an older plotted lot in West Lafayette, surrounded by single family homes and a church to the east. The lot does not extend as far back as most of the other lots on the cul-de-sac, which contributes to the unusual nature of the property. The aerial photos showed a pool and patio within the fenced backyard. The proposed additions will be in the pool patio area and on the opposite side of the home. They plan to add to the garage and move the front porch further to the south. The driveway will include additional concrete to expand the parking but will not involve widening the curb cut. The backside of the lot belongs to the church, whereas further down in the trees, the neighbors have the green space on their lots. Considering the nature of this property, it is an unusual shape and size. Because these are desired additions to an existing single-family house, staff cannot find hardship. The expansions all contribute to the lot coverage on the site. The driveway contributes to less vegetative coverage and the additions to the home contribute to them going over the building coverage for the lot. The lot size and shape are not common to other properties in the area; however, it will not result in unusual or unnecessary hardship as defined in the zoning ordinance. The petitioners do not need to add onto their home to use it as a single-family dwelling. They could, and currently do, meet the ordinance requirements for lot coverage, without changing anything on the site. The hardship is self-imposed. The variances being sought are only to provide additional square footage at the petitioner's request. The variances sought do not provide only the minimum relief needed to alleviate the hardship because there is no hardship. Staff is recommending denial for both variances.

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

Robert and Julia Kolouch, 200 E Navajo Street, West Lafayette, homeowners, said they wished to emphasize that the request is regarding functionality and security. Currently the garage is a 1.5 car fit. They wish to extend it so that both cars can be parked inside to be out of the elements and prevent a chance of theft or vandalism. To make the home more functional for living and storage purposes, the additions are planned. There is no basement or useable attic space. The only options, to stay within the minimum setbacks, are to place smaller pieces on the different portions of the home.

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.

Dustin Grove said the garage door appears to be for two vehicles. He asked the petitioners to explain the garage only being for 1.5 cars.

Robert and Julia Kolouch, 200 E Navajo Street, West Lafayette, said that is how the architect described the garage. Two cars do not fit. There is a section that comes out from the side that holds the water heater and HVAC, which cuts off a good portion of the usable garage space.

Steve Clevenger called for a ballot vote.

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

<u>Yes-Vote</u>		<u>No-Vote</u>
Ed Butz	Gary Schroeder	Dustin Grove
Tom Andrew	Steve Clevenger	
Robert Novak		

Attorney Eric Burns collected the ballots and noted the Board voted 5-Yes to 1-No, to grant Variance #2.

<u>Yes-Vote</u>		<u>No-Vote</u>
Ed Butz	Gary Schroeder	Dustin Grove
Tom Andrew	Steve Clevenger	
Robert Novak		

Dustin Grove recused himself from cases BZA-2105, BZA-2106 and BZA-2107.

Gary Schroeder moved to hear and vote on **BZA-2105 NATHANIEL GUSTUS**. Robert Novak seconded.

BZA-2105 NATHANIEL GUSTUS

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 in an R1U zone. The property is part of lot 9 in the Northern Subdivision of Chauncey, more commonly known as 267 Lincoln St, West Lafayette, Wabash 17 (SW) 23-4. With condition and commitments.

David Hittle informed the Board that fourteen letters were included in the packet and five additional letters, received after publishing time, are being circulated for review. A total of nineteen letters in opposition have been received for this request. Zoning and aerial photos of the property were displayed. The property is a single-family dwelling lot, zoned R1U, and surrounded by similar houses. Most of the homes have detached rear garages served by curb cuts from the street and long driveways leading back to them. This is the first transient guest house special exception request that has been requested for the City of West Lafayette. These regulations have been in place for several years, but West Lafayette adopted them mid-2022. There are three different kinds of transient guest rentals according to the ordinance. The first is a transient guest room and is treated as a home occupation and does not require a permit. The home is owner-occupied, and a person would typically rent a room for a short period of time. The second type is a transient guest rental requiring a permit from the municipality. It is a permitted use in the residential districts and does not require a special exception. These are owner-occupied homes that when occasionally away, perhaps on vacation, for short, infrequent periods of time, can rent the house as a transient rental. The third type is the transient guest house, which requires a special exception and a permit from the municipality. The home is dedicated to transient guest rental use and the owner does not live in the home. The use of the property will be for short periods of time, typically less than thirty days. A snapshot of listings from the Airbnb website was displayed. A half-square mile from the subject property site was selected and various dollar figures appeared near the rentals listed on the website. The site scrambles the actual addresses, so it is not immediately apparent to the potential buyer exactly where the home is located. Two rentals appear on Lincoln Street and it was unclear if the dollar amounts pertain to the subject site. The petitioner has indicated there would be a maximum of six guests. Staff have required a commitment that there will be no more than one booking at any given time, meaning there cannot be six individual people rent a room. A permit to operate the home must be issued by the jurisdiction, West Lafayette. Determination with regards to staff support or opposition is based on performance-oriented findings including traffic generation, outdoor lighting, noise production and hours of operation. To staff, these items would be similar to the general use of homes in this area as a typical residential use, compact, urban situation. No additional lighting is purposed. No non-residential use would be permitted. Staff is supportive of the request.

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

Nathan Gustus, 874 Rose Street, West Lafayette, said he is applying for the special exception to use 267 Lincoln Street as a short-term rental. He, his wife and their three children have lived at 874 Rose Street since August 2014. They purchased 267 Lincoln Street in January 2021 and began making improvements to the property. Prior to the purchase, the property had been tenant occupied for thirty years. He made a

records request for this address from the West Lafayette Police Department. From October 2015 until June 2020, the police were dispatched to the home twenty-seven times. A registered sex offender was living at the home and was concerning to everyone living nearby. He said it took nearly five years for the neighbors to monitor and call the police to eventually get the resident to move out. He referred to a photo slide of the exterior condition of the home when he purchased it, during renovations and what the current exterior condition is now. He removed the aluminum siding from the home, installed a new roof and restored the wood windows. He purchased the property due to the fact that it was the most distressed property in the neighborhood and wanted to improve the neighborhood. His children play at Lincoln Park and travel by it on their way to and from school. His intent was to bring 267 Lincoln Street back to life and be able to manage who occupies the home. His family has invested a great deal of their time, money, and energy into restoring the property. From May 2022 until March 2023, he had a family from Japan living in the home to do cancer research at Purdue University. His neighbor connected him to this family who were looking for a place to live short-term. While the family was living in the home, the new ordinance was passed. He was not able to officially put the home on the short-term rental market because he was unsure how long the family would be staying. He said they live in a community full of people from different backgrounds and experiences, and being near a campus neighborhood, they all have student rentals nearby. Student rentals offer mixed opinions depending on the day. He referred to photos that he took on Sunday, May 7, 2023, showing the morning after a Saturday party with beer cans and red Solo cups in front yards. He said that is a typical occurrence on a Sunday morning. He added that student rentals are in high demand and there is little accountability for a landlord or tenant to maintain the property condition. The second set of photos taken on May 7 showed two guest-occupied short-term rentals. He said an argument could be made that short-term rentals are better maintained and taken care of as a result of the reviews of the property owners by their guests. If the home is left in poor condition and not maintained, it will receive poor reviews and impact future stays. He said he is a vested member of the West Lafayette community, his children attend West Lafayette schools, he is a youth sports coach and the family attends church in West Lafayette. He said he is not an out-of-town investor without any stake in the local community. He highlighted the reasons he likes short-term rentals versus long-term. Short-term offers him flexibility as an owner. If he wanted to block out a weekend or a few weeks for family or friends to visit, he could do that, instead of staying in a hotel. He believes there is less wear and tear on a short-term rental compared to an annual rental. It allows him the opportunity to get into a property and quickly address any maintenance concerns as they arise versus waiting for a lease to end to then discover damage. He can enforce more strict rules, set quiet periods, and set a maximum number of guests. He clarified the maximum number of guests he is seeking as a family plus two unrelated; a maximum of six people in the home. His guests would be required to be registered and provide identification, they will be reviewed by the hosts and can be prevented from being able to rent in the future. He will monitor the number of guests with a doorbell camera and a decibel meter will alert the guests if the noise level reaches an unacceptable level. Parties are not permitted. He said the short-term rental service and the West Lafayette Police will be notified for any violation and will result in the immediate removal of the guests and cancellation of their stay. He concluded that he hopes his plan and commitment can garner the approval of the special exception request.

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

Andrew Walgamuth, 1705 Ocala Court, Lafayette, does not live in the neighborhood but is a real estate broker. He said property rights are important to him and his clients and thinks it is very important that owners have the right to use their property in the way they see fit. He referred to the exterior pictures and said one can see how much better the property looks than what it did before.

Ada King, 237 Connolly Street, West Lafayette, said she believes responsible locally owned, short-term rentals have as much a place in our community as any rental. She is glad to see the community creating and enforcing new regulations to hold short-term rental homeowners to a higher standard. From her perspective, the lack of enforcement of student rentals is consistently more of a problem than the short-term rentals. On her block there is one short-term rental home and one other that used to be. Her family rented the short-term rental on the corner of her block during her son's graduation last year to host family for the weekend. She loved having them down the street in a cozy home where they could hang out and walk to her house to share a meal. The other short-term rental on her block was terribly managed and had complaints from neighbors. The owner had it listed as able to sleep over twelve guests. Now the home is a regular student rental with many students in it. She believes short-term rentals are more well-kept, both

inside and out, over the student rentals. She had to call the landlord of her neighboring house to inform them that the landscaping was not being kept and part of the garage is rotting away. The landlord, who lives out of state, was unaware of both. Unlike student rentals, guests will not stay in shabby short-term rentals. A bad review from an unkept lawn or a dirty interior can ruin a host's chance to have future guests. This drives the owners to keep them looking neat and tidy inside and out. She said if one was to look at all the short-term rentals in our community, she would bet there is not one that would be mistaken for a crummy student rental. Unlike many landlords of long-term rentals in the community, Nate Gustus lives around the corner from the proposed short-term rental. She is confident that the Gustus family wants the community to remain a great place to live and will work hard to ensure the rental rules are followed and the outside of the property looks nice. She said the process feels inappropriately cumbersome, created by the leaders in our community to filter out owners who do not take things seriously. In conclusion, the Gustus family is proving they are willing to work within these regulations.

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

Kathryn Lande, 221 Connolly Street, West Lafayette, lives next door to the home that was previously a short-term rental but is now a student rental. She began by saying the position of the short-term housing rental and student housing is a false dilemma and does not know why the two need to be compared. She asked to have opportunities for families moving into the neighborhood, for affordable and nice places to live. Rentals are taking away the market. She said not all guests of short-term rentals are bad, not all have mal intent nor are they all there to party or get drunk, however, they are often as disturbing as people that have had parties. She said she was left without courses of action when there were disturbances and she could not act with local law enforcement, code enforcement or with Airbnb and Vrbo. She said there is a lack of understanding of the cadence of the neighborhood and sound greatly travels between the old houses that are situated twenty feet apart from each other. When people arrive to the property at 2:00AM with doors slamming, it becomes alarming. She has had people try to enter her home with good intent, not knowing the address, which is concerning. She respects the petitioner's commitment to maintain the neighborhood, trying to make sure it is a safe, conducive place. She said the owner of Z-Cube Homes, who owns 217 Connolly, lives in the community, on Cherry Lane, and has the community well-being in mind, but she has only seen her one time in person since last August. She went on to say her property has been defecated on, has had guests attempt to break and enter because they are unaware of which house they are staying in, and has been verbally assaulted and threatened by a range of different guests. She asked the Board if they had considered short-term rental proximity to parks. There will now be an increase in transient traffic and people who are unfamiliar with neighbor kids riding bikes. She has witnessed her neighbor almost get hit as she was jogging, kids who have their parents scream out to stop and watch out, and pets almost get struck; which are all scary. She said there are city code violations which include overflowing trash bins, bins left on the street, vermin that are attracted to the property and snow that does not get shoveled. She said this may not be the case with the petitioner living nearby. Homeowners want to relax on a Friday night, after a long week, but that is when the people renting next door arrive, usually excited to be together and in vacation mode.

Bob Schauer, 242 Connolly Street, West Lafayette, has lived in the neighborhood since 1980. It has been a wonderful community and he appreciates living in an orderly place with well behaved neighbors and good police and fire protection. He has enjoyed watching the local kids grow up and become teachers, engineers, doctors, and architects. He added that Indiana's Mr. Football and one of the state's top cross-country runners have both lived on their street. His side yard is adjacent to the backyard of 267 Lincoln. He said the R1 zone requires no more than three unrelated people occupying the address. He referred to the request showing six guests at a time and said the house is small and parking is limited. He said there are often houses changing hands and wonders if this exception is granted if it will soon be a neighborhood of transient houses. The transient home on Connolly has hosted ill behaved parties and the house required police attention. He said with student rentals, the police train the students how to behave but transients are only around for a short time and do not seem to care. He added that there is a shortage of housing in West Lafayette. If the owner does not want to live in the house, he should have no trouble selling the home.

Mike Burgess, 238 Connolly Street, West Lafayette, has raised his family in West Lafayette. Purdue went from 25,000 students in the 1970's to over 60,000 now. Officials have done a great job of bringing industry into the county but there is no place for the people to live. The people he knows that want to come here cannot find a place to live. He said he has a college house down the street from his with eight or nine

people living in it. He speaks with Rick Walker with code enforcement, and he says they are all related. He addressed Attorney Eric Burns, asking how West Lafayette can enforce the people that are related, if this house says six but then they bring girlfriends or boyfriends and then the home has twelve or fourteen people inside. There is no place to park in West Lafayette. He concluded that this is his neighborhood, and he pays taxes. He does not need to be insulted at 3:00AM by drunk kids. He asked that the Board not have any more long-term rentals.

Zachary Baiel, 124 Connolly Street, West Lafayette, said nineteen letters were submitted and no statutorily required notified neighbor was in favor of granting the exception. He said if the circle of notification was expanded to the entirety of New Chauncey neighborhood, the overwhelming response would be to deny the petition. He said it is not special, not celebrated and not a positive contribution except to the business owners balance sheet. The transient guest house at 267 Lincoln is injurious to the New Chauncey's current property owners and to the designated residential zoning uses. According to a public record request he received in March, there are fifty transient guest properties in West Lafayette. Thirteen, over twenty-five percent, are in and around the New Chauncey neighborhood from Connolly to Robinson to Dehart to East Sunset to Stadium to North Chauncey and beyond. These are just the homes registered with the city, but how many exist under the radar. He said reading through the staff report from APC, he is reminded of the agency's research processes. When comparing the report to the petitioner's application, the report regurgitates the petitioner's content as if it was thoughtfully and independently generated by the staff. The report openly admits it is not clear how many transient guest properties exist in this neighborhood. He said the map was shown and the data does exist, as he just shared. The staff simply did not ask the City of West Lafayette for the data, which calls into question the rigor of the report and this process. Due to the thirteen grandfathered units, the current properties and uses have already been suffering. A review of the letters, a query to WLPD or a discussion with city council members would have highlighted these injuries, but the inquiries were not pursued. The report states that six guests are consistent with other existing uses and structures, but that is not true. West Lafayette's rental inspection program clearly states only three unrelated people can be occupants and no exceptions for transient guest houses. For parking, the petitioner has one to two vehicles listed, but neighbors have observed multiple cars parked for transient houses, ranging from one to six or more. Cars are often parked on the street despite the presence of large driveways. Three houses down from 267 Lincoln is the park, a valuable asset for the neighborhood, especially for children who run, ride, and play along the congested street. This deviation, with its increased intensity of traffic, driven by people unfamiliar with the area, the park and its current uses creates risk for injuries of people and property. The intense light issues come from the corner market on Robinson, not from homes on Lincoln. He has firsthand experience that noise extends beyond cars and walking; it often includes loud music of questionable taste and sounds of broken bottles. Broken glass poses a risk of injury to children, dogs and cyclists and requires cleanup. The student rentals can have these issues too, but there is recourse with them because they are neighbors, if only for a year. He added that it is unclear how success is defined by the petitioner. He spoke with Mr. Gustus before the meeting and his response was it was being neighborly. The neighborhood supports property improvements; however, the work is not germane to the question of deviating from currently allowed uses. Long-term renting to a Japanese research assistant is irrelevant to the question before the Board. If granted, one outcome will be driving prospective long-term renters and buyers towards other properties in the area. He said maybe that is the intent; remove houses from available stock, cause injury to existing property owners and their uses by tainting the homes with transient short-term vacationers, and people will be forced to live elsewhere. The current uses and success of New Chauncey rely on being a residential district, not a vacation district or visit your child at Purdue district nor a throw a party and break glass district. He said if guests need a place to stay, there is an abundance of hotels by Purdue. This exception would create a neighbor desert along Lincoln Street. The majority of New Chauncey residents, present and future, do not want to live or raise a family next to a transient guest house. He said it is their home, their street, their neighborhood, their city, and their community. Due to the nature of transients, guests will never know the neighbor's perspective, but based on the reviews, they enjoy New Chauncey for the same reasons the neighbors are trying to protect; a quiet, walkable, and beautiful neighborhood to live and raise a family. If this exception is allowed, the injuries will continue, and New Chauncey will proceed towards becoming a no-future dormitory or motel district for Purdue University. He concluded by stating to vote against this deviation.

Liza Rudolph, 255 East Sunset Lane, West Lafayette, lives near a sex offender in the neighborhood and knows exactly what house he is at and knows where she allows her children to go. The transient idea scares

her. She does not want transient people coming back and forth. She asked the Board if they would like to live next to the Holiday Inn. She purchased her home in 1992 and loved the neighborhood. At one time, the houses in the neighborhood were affordable and there was a grant program that helped get more families to the area. She said they do not need more rentals. She is searching the neighborhood, trying to find a bigger house, but they get swept up and end up on the rental market. Property values have skyrocketed, and as a result, homes that were \$200,000 a couple of years ago are now \$400,000 to \$500,000. She said they need more families. The West Lafayette school system is hurting because there are not enough families in the perimeter. She has called code enforcement to address vermin. Last year she had to redo her crawlspace because the neighbor did not mow the lawn until mid-July. She said they do not need rentals, the need homeowners. If the petitioner wants to sell the house, she asked him to talk to her because she is interested. The park is a huge concern. Her kids use the park and now she will need to be more paranoid about her kids being there. She asked the Board to ask themselves if they would want to live next door to the Holiday Inn before they cast their vote.

Rich Hogan, 825 Robinson Street, West Lafayette, lives across the street from the Airbnb at 900 Robinson Street. He asked the audience to raise their hands if they were present to protest this petition. He told the Board they saw the nineteen letters and can now see the people, and thinks it is clear they are against it. He said they worked very hard to get West Lafayette to accept this APC regulation, which they supported, and worked to get the police and others to enforce things. They do not want to make exceptions to the rule. They do not want to become a transient neighborhood. Students can be educated; you make them sign a lease for a year and whip them into shape. Transients are transient.

Jordan Gooch, 275 Lincoln Street, West Lafayette, has lived here since 2018. He was one of the statutorily notified individuals who chose, instead of writing a letter, to appear before the Board and bring attention to how important this is to the neighborhood. The reason he chose to live in this neighborhood was because of the walkability and the community. The New Chauncey program helped him get into the house and is an incredibly valuable resource, unique to the area. There is no replacement for this kind of neighborhood. Adding transient rentals to this space will materially damage the spirit and presentability of the space and will lower property values over time. Essentially, they will not have recourse with the individuals. It will be removing the rights of the people who would be long-term renters to have redress under the law and not at the whim of the property owners.

Carol Lindquist, 230 Connolly Street, West Lafayette, worked for New Chauncey Housing Incorporated for fifteen years. There were houses that were affordable in the neighborhood and in the city and the organization worked hard to attract families, sometimes being able to use federal funds to help low- and moderate-income people move in. That preserves the community in many ways and home ownership has very valuable assets for the community and to the homeowners themselves. She said another Airbnb or Vrbo will chip away the ability to keep or attract families and homeowners. It is neighborhood preservation.

Carol Lancaster, 248 Connolly Street, West Lafayette, lives behind the subject property. She called attention to the photo Mr. Gustus displayed showing what a day after might look like for a student rental versus transient rental. She has not seen anything that looks like that on Lincoln or Connolly. The area has student rentals, and those who live in the area know that they live amongst students. The area in question is very family oriented and very residentially oriented. She agreed with Rich Hogan, saying the neighbors try to help the young students learn what it means to be responsible citizens. She has spoken to students, reminding them they live amongst residents and families, showing them how to park and where to park. The students respond to those conversations. She said the concern is that they will not have the opportunity to become neighbors, which is what they are, a neighborhood. She does not condone anyone using the neighborhood properties for transient, moneymaking ventures.

Melissa Fraterrigo, 249 Lincoln Street, West Lafayette, lives directly across from an Airbnb at 250 Lincoln. She said the photos Mr. Gustus displayed demonstrate the beauty they have put into the home, but those are simply aesthetics and do not consider the level of sound that comes from a transient resident. The house across the street from her had up to eight guests up all night using power tools fifteen feet the neighbor's bedroom for more than one week. They had a party with ten plus college students and were drunk in the backyard and had a guest bring a shotgun from his truck into the house. Her neighbors were able to contact the owner and she subsequently attempted to book longer-term residents. Though things have improved somewhat, the addition of transient housing has made the neighborhood much less safe

and discourages families, especially those with young children, from moving in. New Chauncey was once a special place where neighbors knew and looked out for one another. The more Airbnb's that they have, the more they are at the mercy of transients. She hopes that the city and county support the neighbor's desire to restrict the Airbnb zoning variance so that the neighborhood can continue to be a place where neighbors are invested in one another and committed to improving the quality of life and West Lafayette.

Nathan Gustus, 874 Rose Street, West Lafayette, was allowed a rebuttal and addressed the no more than six guests. He wanted to be clear that it would be a family plus two unrelated, no more than three unrelated. The parking in question is bad without there being any occupants in the home. He can require the guests to park in the driveway, as it is 110 feet long and has two parking areas in front of the garage. The guests will not have access to the garage, but he believes the parking situation can be easily addressed. He said the homes to the east and north are now student rentals. They take multiple parking spaces along the road, oftentimes occupying most of the street parking, and it becomes difficult to pull in and out of the driveway. He is regularly the person to shovel snow and rake leaves. His daughter mows the lawn. He maintains the property and is the one interacting with neighbors so he would argue that he is still able to act as a neighbor. He lives six houses away and is able to treat the neighbors as if his family occupies the property.

Gary Schroeder addressed the commitment of occupancy being limited to six guests. He asked Mr. Gustus if it is no more than three unrelated guests.

Nathan Gustus, 874 Rose Street, West Lafayette, said he means no more than three unrelated guests or a family plus two unrelated. That is the expectation he has with the City of West Lafayette for the rental housing ordinance.

Gary Schroeder does not believe that is part of the commitment and asked if he understood it correctly.

Steve Clevenger said it is not part of the commitment and wondered if the City had any thoughts on that, as it is their enforcement.

Nathan Gustus, 874 Rose Street, West Lafayette, said he has two beds in the property and is not trying to stack multiple people in the home.

Gary Schroeder asked if the home had two bedrooms or three.

Nathan Gustus, 874 Rose Street, West Lafayette, said it is a three-bedroom home that is currently set as two bedrooms and an office.

Gary Schroeder is not sure how to address this in a commitment, but said probably on football games on the weekends, out of town people will rent these homes and the property becomes the congregation point for tailgating and such. He is not sure how that could be limited because it could become unruly.

Nathan Gustus, 874 Rose Street, West Lafayette, said part of him being nearby and walking past the house multiple times a day, nearly every day, allows him to enforce the guest rules and require guests to be registered. He has a maximum policy. He can enforce noise levels and quiet hours.

Steve Clevenger asked how he plans to enforce the guest rules, quiet hours, parties, and the like.

Nathan Gustus, 874 Rose Street, West Lafayette, said he will have a decibel meter inside that will alarm if the noise levels reach a certain acceptable level. He can monitor who is coming and going from the front of the property. He has no sort of outside area or fire pit for congregating. His intent is to communicate to guests that this is a neighborhood, and guests will be living amongst families, and will need to be respectful of that. He referred to comments that neighbors are supposedly training college students how to live in a neighborhood, so he can do the same with guests.

Steve Clevenger called for a ballot vote.

Attorney Eric Burns collected the ballots and noted the Board voted 4-Yes to 1-No to grant the special exception request.

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

The next two cases will be presented together because the lots are side by side.

Gary Schroeder moved to hear and vote on **BZA-2106 PURDUE RESEARCH FOUNDATION and BZA-2107 PURDUE RESEARCH FOUNDATION.** Robert Novak seconded.

BZA-2106 PURDUE RESEARCH FOUNDATION

Petitioner is requesting the following variances for a proposed research facility in an I2 zone:

1. To reduce the required parking standard from the minimum 31 spaces to 4 parking spaces (or 13% of the total required) (UZO 4-6-3);
2. To increase the maximum coverage by all buildings from 35% (or 28,951.86 sq ft) to 38% (or 30,804 sq ft) (UZO 2-22-6) and
3. To reduce the minimum vegetative coverage from the required 25% (or 20,679.9 sq ft) to 11% (or 9,430 sq ft) (UZO 2-22-6).

The property, known as proposed lot 3 of Purdue Research Park Aerospace District, is located on the east side of Allison Road, just north of the Purdue Airport, specifically 506 Allison Road, in West Lafayette, Wabash 24 (SW) 23-5 and

BZA-2107 PURDUE RESEARCH FOUNDATION

Petitioner is requesting a variance for a proposed research facility to reduce the minimum vegetative coverage from the required 25% (or 23,650.2 sq ft) to 18% (or 17,028.1 sq ft) on property which is known as proposed lot 2 of Purdue Research Park Aerospace District and is located on the east side of Allison Road, just north of the Purdue Airport, specifically 502 Allison Road, in West Lafayette, Wabash 24 (SW) 23-5.

Amanda Esposito presented the zoning and aerial maps of the property, located near the Purdue airport. The final plat was recorded earlier in the week. The property is undeveloped and wide open. The way in which they want to develop both lots, they will go over on their building coverage and will not provide enough vegetative coverage or parking. The lots will be treated as one campus, but they are two separate lots. At some point, the petitioner may wish to sell one of the lots and that is why they wanted to have them separate. The back lot will only have four parking spaces, but the people on site will be able to use those four spaces in addition to the larger number of spaces on the other lot. The way the facility will be situated, the size of the building and the outside equipment all contribute to the lot coverage for building and vegetative coverage. The lots were just created by the petitioner, and even though they own the rest of the land around it, staff has to make sure it looks at the two lots concerning coverage. Staff is supportive of reducing parking spaces because the petitioner knows exactly how many employees will be on site on any given day. The maximum number of spaces will be thirty-seven. Staff is trusting that the petitioner knows how the research facility will operate. The site is not open for the public so they will not need additional spaces. In staff's opinion, the petitioner created these lots and therefore created the situation of lot coverage and that is not a hardship. Staff is recommending approval of the parking variance and recommending denial for the building and vegetative coverage variances for BZA-2106. The vegetative coverage for BZA-2107 is a self-created hardship and therefore staff recommends denial.

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

Brittany Heidenreich, Purdue Research Foundation, 1281 Win Hentschel Blvd, West Lafayette, said Rolls Royce will be the sole tenant of these buildings. The west building will house the test facility where full engine testing will be done. The building to the east is a support building that would support functions within the test facility. While not defined as a hardship in the UZO, it is a practical hardship for PRF, as they are planning for the flexibility of future ownership of the parcels and for the master plan development for the twenty-seven acres. This is the first phase of an overall future development. The parcels make sense so that PRF can have the flexibility in the future to account for what is needed for the master plan. The greenspace variance is requested because the outdoor equipment requires areas for exhaust. Grass is not the best solution next to outdoor equipment pads. They are proposing landscape stone for maintenance and safety reasons. She referred to an aerial photo of the entire acreage. The minimum requirement for building coverage is 35%. With only the lot, they have 38% building coverage, exceeding by 3%. When the proportionate share of the existing regional detention that serves this parcel at the northern border of

the site is considered, about 2.5 acres, it takes the building coverage of this area to 34.2%, under the 35% maximum coverage. The greenspace requirement for the lot is a 25% minimum vegetative cover. With the stone proposed and the hardscaped areas, the site is at 11%. Adding in the detention area brings it up to 20.2% of vegetative coverage. The western parcel has a 25% minimum vegetative cover, and the site is at 18% as proposed. When the detention area is included it brings the coverage to 28.8%, exceeding the minimum requirement. If the two parcels are combined with the detention area, the site is at 24.8%, near the 25% minimum requirement. Parking will be shared between the lots and what Rolls Royce has proposed for employees can be handled within the provided parking. She respectfully requested approval of all variances.

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

Chad Spitznagle, Building Commissioner for City of West Lafayette, Administrative Officer, said he has worked closely with Purdue Research Foundation on the combined project. He agrees with Brittany that the overall plan of the parks helped in some of the issues that they need variances for. The City is happy with the life safety items and West Lafayette Fire has added their comments. He concluded that the City is happy to proceed with this.

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 addressed the petitioner and asked if she is proposing that the Board include part of the drainage, a quarter of a mile away, into the calculations to come close to the required percentages.

Brittany Heidenreich, Purdue Research Foundation, 1281 Win Hentschel Blvd, West Lafayette, said PRF is still asking for the lots on their own for the variances. She is asking the Board to consider the lots only, but looking at the bigger picture, include the detention that is on the parent parcel and serves as the detention facility for the lots. Those percentages get PRF closer to the minimum or maximum requirements.

Robert Novak said the land was just platted and there is a lot of ground around it. He said the boundaries were determined very specifically and there was talk about the plan for flexibility. Something says in the future the lots may not be together and one lot has four parking spaces. He asked about the contemplation of the lots not being together in the future and what to do with four parking spaces. Handicap spots would be needed and where to go with snow removal would need to be considered. He said there had to be some type of thought for something in the future but said they could have gone out another twenty or fifty feet, but it was a very specific and planned lot.

Brittany Heidenreich, Purdue Research Foundation, 1281 Win Hentschel Blvd, West Lafayette, said that if these parcels were ever under separate ownership, there would be a shared parking agreement between the two parcels. The primary use of the lot where the parking is out front, is where the majority of employees will be accessing the building. The support building is a secondary building. The strategic place of where the property lines were plotted was due in part that the support building could be expanded as part of the next phase of the master plan.

Robert Novak asked if the shared parking agreement would be in the deeds for those lots.

Brittany Heidenreich, Purdue Research Foundation, 1281 Win Hentschel Blvd, West Lafayette, said it would be part of the deed if the parcel is transferred to ownership other than Purdue Research Foundation.

Steve Clevenger said he assumed that if the potential is to possibly expand the building to the north or east, land would be added, and more parking could be added, but as it stands with the way they were currently platted, this is what PRF is with.

Brittany Heidenreich, Purdue Research Foundation, 1281 Win Hentschel Blvd, West Lafayette, said yes.

Steve Clevenger addressed staff and asked if lots can have variables until they file the final detailed plans. He asked if they could change the lot lines for an I2 zone.

Amanda Esposito said not a whole lot once they are past the preliminary approval phase of a subdivision. She said the point of not being able to hear the case until the final plat was filed was because the lots did not exist until they were recorded.

Steve Clevenger called for a ballot vote.

Attorney Eric Burns collected the ballots and noted the Board voted 4-Yes to 1-No, to grant **BZA-2106 PURDUE RESEARCH FOUNDATION Variance #1.**

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

Attorney Eric Burns collected the ballots and noted the Board voted 5-Yes to 0-No, to grant **BZA-2106 PURDUE RESEARCH FOUNDATION Variance #2.**

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

Attorney Eric Burns collected the ballots and noted the Board voted 5-Yes to 0-No, to grant **BZA-2106 PURDUE RESEARCH FOUNDATION Variance #3.**

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

Attorney Eric Burns collected the ballots and noted the Board voted 5-Yes to 0-No to grant the **BZA-2107 PURDUE RESEARCH FOUNDATION** variance request.

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

Dustin Grove returned to the room.

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

V. ADJOURNMENT

Gary Schroeder moved for adjournment. The meeting adjourned at 7:37 P.M.

Respectfully submitted,
Kristina Lamb
Recording Secretary

Reviewed by,



David Hittle
Executive Director