

AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY

MINUTES OF A PUBLIC HEARING

DATE..... JUNE 26, 2019
 TIME..... 6:00 P.M.
 PLACE..... CO. OFFICE BLDG.
 20 N. 3RD STREET
 LAFAYETTE, IN 47901

MEMBERS PRESENT

Tom Andrew
 Steve Clevenger
 Carl Griffin
 Jen Dekker
 Gary Schroeder
 Ed Butz

MEMBERS ABSENT

Frank Donaldson

STAFF PRESENT

Ryan O’Gara
 Rabita Foley
 Diana Trader
 Zach Williams, Atty

The Area Board of Zoning Appeals of Tippecanoe County public hearing was held on the 26th day of June 2019 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Steve Clevenger called the meeting to order.

I. APPROVAL OF MINUTES

Tom Andrew moved to approve the minutes from the May 22, 2019 BZA public hearing. Ed Butz seconded, and the minutes were approved by unanimous voice vote.

II. NEW BUSINESS

Ryan O’Gara said that BZA-2014 PURDUE RESEARCH FOUNDATION, BZA-2016 PURDUE RESEARCH FOUNDATION and BZA-2017 KURT BROCK are ready to be heard tonight. Ryan said BZA-2010 BARRY KNECHTEL-KJG ARCHITECTURE, INC. is being continued to the July 24, 2019 Area Board of Zoning Appeals meeting at the petitioner’s request to add a variance.

III. PUBLIC HEARING

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

Tom Andrew moved to continue **BZA-2010 BARRY KNECHTEL-KJG ARCHITECTURE, INC.** to the July 24, 2019 Area Board of Zoning Appeals meeting. Ed Butz seconded and the motion passed by unanimous voice vote.

Steve Clevenger read the meeting procedures.

1. BZA-2014 PURDUE RESEARCH FOUNDATION:

Petitioner is requesting a special exception to construct a 15,000 sq. ft. daycare and sales/leasing center (child care center/ SIC 835) for Provenance at Discovery Park District in an R3W zone. The proposed hours of operation are Monday through Friday, 7am to 6pm. The property is located at the southwest corner of State Street and Airport Road, West Lafayette, Wabash 24(SE) 23-5. (UZO 3-2) *Continued from the May ABZA meeting at petitioner's request.*

2. BZA-2016 PURDUE RESEARCH FOUNDATION:

Petitioner is requesting the following variances to construct a new daycare and sales/leasing center for Provenance at Discovery Park District in an R3W zone:

1. To increase the height of the structure to 30' from the maximum allowed 14' at the finished floor of the upper story; (UZO 2-10-11) Not needed as per staff review.
2. To reduce the front setback to 20' from the minimum requirement of 60' from State Street; (UZO 2-10-8) and
3. To reduce the number of parking spaces to 47 from the minimum requirement of 48 spaces; (UZO 4-6-3)

on property located at the southwest corner of State Street and Airport Road, West Lafayette, Wabash 24(SE) 23-5. *Continued from the May ABZA meeting to add variances.*

Tom Andrew moved to hear and vote on **BZA-2014 PURDUE RESEARCH FOUNDATION (Special Exception).** Ed Butz seconded.

Tom Andrew moved to hear and vote on **BZA-2016 PURDUE RESEARCH FOUNDATION (Variance).** Ed Butz seconded.

Ryan O'Gara presented the zoning map, site plan, and aerial photos. Ryan said the petitioner, represented by attorney Joseph Bumbleburg, is requesting a special exception to construct a child care center in an R3W zone. This 29-acre property is located on the southwest corner of the State Street and Airport Road intersection. Ryan said the proposed 15,000 sq. ft. child care center is expected to be a part of a larger planned development currently under APC review on an approximately 100-acre tract of land. Ryan said the petitioner wanted to start construction on the child care center as quickly as possible, so it was decided that requesting a special exception was the best way to go about that. Ryan said the site plan shows a proposed right-in, right-out street from State Street which will serve as the driveway for the child care center. Ryan said there will be no left turn onto or off of State Street from the site. Ryan said the parking standard for a child care center is one space per twenty children. Ryan said to the west of the site there will be a drainage facility and a public street that will connect to State Street. Ryan said the proposed child care center will have a capacity of 156 children and 24 employees on the largest shift, requiring a total of 48 parking spaces. Ryan said the site plan shows just 47 parking spaces but a request to reduce on-site parking is on the agenda along with this request. Ryan said the proposed hours of operation are 7am-6pm Monday-Friday. Ryan said the maximum sign allowed for this sign-lot is calculated to 40 square feet. Ryan said one free-standing or monument sign is allowed, a maximum of five-feet tall is permitted in an R3W zone. Ryan said in terms of the ballot items for the special exception, all the tests are met and there is no subversion of the general purposes for the ordinance. Ryan said staff recommends approval of the special exception relative to the variances. Ryan said variance #1 to increase the height of the structure from 14-ft to 30-ft has been struck because it was determined it is not required. Ryan said staff is in favor of variance #2 to reduce the front setback to 20-ft from 60-ft. Ryan

said staff needs to look at this project in isolation in the event the planned development is not approved. He said staff has the approved and adopted US 231 comprehensive plan amendment to guide its decision. He said the land use plan talks about having a more urban disposition with buildings that are slightly closer to the street. Ryan said staff is not in favor of variance #3 to reduce the number of parking spaces by one space. Ryan said there is a lot of acreage on the site and there is plenty of room for one more parking space. Ryan said staff recommends approval of the setback variance but denial of the parking variance.

Joseph Bumbleburg, Ball Eggleston, PC, 201 Main Street, Suite 810, Lafayette, IN 47901, attorney for the petitioner, said he has representatives of the developer and the petitioner here with him tonight. Joe thanked the board for hearing both petitions together. He said they will need to be voted on separately and the special exception needs be voted on first before the variances. Joseph said the request for the special exception is for a child care center in the R3W zone and that is a permitted use. He said it will replace a child care center that is currently in use. He said the reason for requesting the special exception is to get the child care center constructed and operating faster than waiting on the planned development process. He said everything they are doing fits the requirements of the US 231 Corridor Plan. He said the facts in both staff reports are accurate and petitioner accepts those facts as stated. He said as for the ballot items, the development standards will be met, the general purposes will not be subverted, there are no violations of public health, safety, convenience, or general welfare. He said the traffic, lighting, noise and hours of operation will not adversely affect anyone. Joseph said variance #2, the setback reduction is called for and set out in the West Lafayette plan. He said variance #3, the reduction of one parking space is the only issue. He said that the development standards will be met, and the general purposes of the ordinance will not be subverted. He said the real question is do we need a 9-ft x 18-ft piece of asphalt or do we need a 9-ft x 18-ft green space. He respectfully asked that the board grant the petitioner the variance.

The board voted by ballot 6-Yes and 0-No to approve **BZA-2014 PURDUE RESEARCH FOUNDATION**.

The board voted by ballot 6-Yes and 0-No to approve **BZA-2016 PURDUE RESEARCH FOUNDATION Variance #2 To reduce the front setback to 20' from the minimum requirement of 60' from State Street; (UZO 2-10-8)**.

The board voted by ballot 6-Yes and 0-No to approve **BZA-2016 PURDUE RESEARCH FOUNDATION Variance #3 to reduce the number of parking spaces to 47 from the minimum requirement of 48 spaces (UZO 4-6-3)**.

3. BZA-2017 KURT BROCK:

Petitioner is requesting a special exception to use an existing single-family home as a Transient Guest House (as defined in the ordinance) in an R1 zone. The proposed hours of operation are 24 hours a day, seven days per week. The property is located at 1700 N. River Road, Wabash 17(NW) 23-4. (UZO 3-2) WITH COMMITMENT AND CONDITION.

Tom Andrew moved to hear and vote on BZA-2017 KURT BROCK. Ed Butz seconded.

Rabita Foley presented the zoning map, site plan and aerial photos. Rabita said the property is zoned R1 and located on North River Road. She said the house is currently used as a long-term rental property and the petitioners would like to advertise on Air B-n-B and other short-term rental portals. Rabita said the petitioners would rent the 2-bedroom house to four adults at any given time. She said staff feels that if the definition of family as defined in the ordinance can be met the house can be rented to four adults. Rabita said all the ballot items are being met and staff feels that they can support this request with the following recorded commitment and condition.

Commitment

1. The single-family home shall be rented only to one family as defined in the Unified Zoning Ordinance at any given time.

Condition

1. Following the recordation of the commitment, a permit to operate a Transient Guest House must be obtained from the County Building Commission.

Kurt Brock, 1680 North River Road, Lafayette, IN 47906, petitioner, said he owns the property at 1700 North River Road and he appreciates the board taking time to hear his request to change the designation of the property from long-term rental to short-term rental. Kurt said the house was built in the 1950s and is very beautiful with magnificent views of the Wabash River. He said his experience with long-term renters was they did not provide the level of care for the house that he expected. He said he has spent the last several years trying to bring it back from the decay it has fallen into. He said he would like to provide the opportunity for someone to enjoy a beautifully restored and furnished home. He said with the recorded commitment and condition he would like to be able to rent to visiting families or visiting faculty to provide a positive view of the community. He said he is doing everything he can to comply with the requirements set forth by the governing bodies. He said what he intends to do with the property will be an improvement to the property and to the community.

The board voted by ballot 6-Yes and 0-No to approve **BZA-2017 KURT BROCK.**

V. ADMINISTRATIVE MATTERS

None

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.

VI. ADJOURNMENT

Gary Schroeder moved for adjournment.

The meeting adjourned at 6:38 p.m.

Respectfully submitted,

Diana E. Trader

Diana E. Trader
Acting Recording Secretary

Reviewed by,

Sallie Dell Fahey

Sallie Dell Fahey
Executive Director