

**ORDINANCE NO. 2015-14-CM**  
**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE**  
**COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE**  
**FROM R-1 TO I-3**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA:

**Section 1:** The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a unified county code is hereby amended to rezone the following described real estate situated in Wabash Township, Tippecanoe County, Indiana

**INSERT OR ATTACH LEGAL DESCRIPTION**

**Section 2:** The above-described real estate should be and the same is hereby rezoned from R-1 to I-3.

**Section 3:** This ordinance shall be in full force and effect from and after its adoption.

(Adopted And Passed) (Denied) by the Board Of Commissioners of Tippecanoe County, Indiana, this 6<sup>th</sup> day of JULY, 2015.

VOTE:

Yes

[Signature]

President

Yes

[Signature]

Vice President

No

[Signature]

Member

ATTEST:

[Signature]

Auditor

2018-11-21

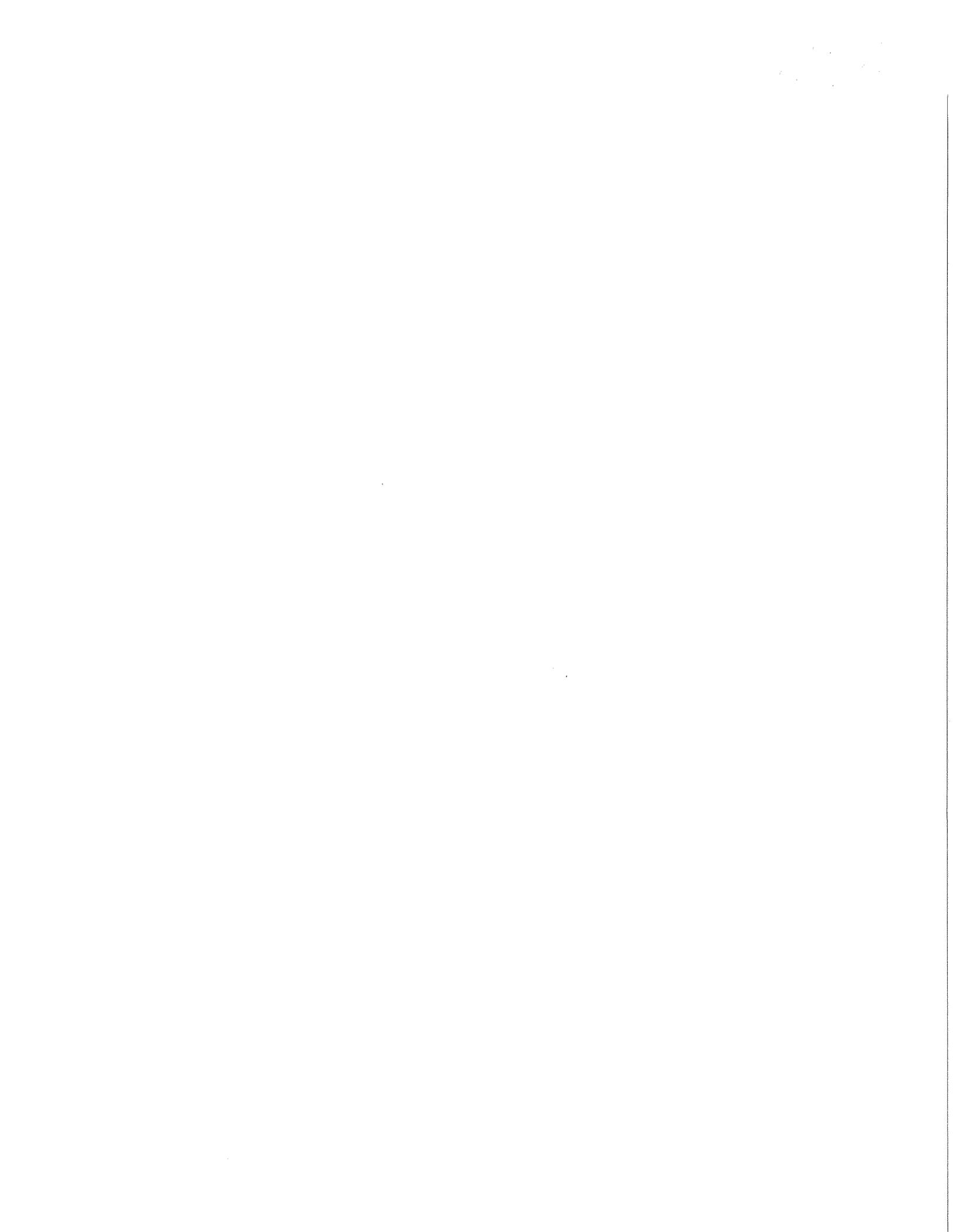
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Legal Description:

Weilbaker Subdivision Lot#2 Wabash Township Section 2 (SW) T23R5



THE

# Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET  
LAFAYETTE, INDIANA 47901-1209

(765) 423-9242  
(765) 423-9154 [FAX]  
[www.tippecanoe.in.gov/apc](http://www.tippecanoe.in.gov/apc)

SALLIE DELL FAHEY  
EXECUTIVE DIRECTOR

June 18, 2015  
Ref. No.: 15-119

Tippecanoe County Commissioners  
20 North 3<sup>rd</sup> Street  
Lafayette, IN 47901

## CERTIFICATION

RE: **Z-2613--JOHN WEILBAKER (R1 to I3):**

Petitioner is requesting rezoning of Lot 2 of Weilbaker Minor Subdivision, to legitimize the existing heavy construction contracting business located at 3129 Klondike Road, Wabash 2 (SW) 23-5.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on June 17, 2015 the Area Plan Commission of Tippecanoe County voted 2 yes - 8 no on the motion to rezone the subject real estate from R1 to I3. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be DENIED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their July 6, 2015 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,



Sallie Dell Fahey  
Executive Director

SDF/lmu

Enclosures: Staff Report & Ordinances

cc: John & Marilyn Weilbaker  
Greg Weilbaker  
Joseph Bumbleburg  
Mike Wolf, Tippecanoe County Building Commissioner



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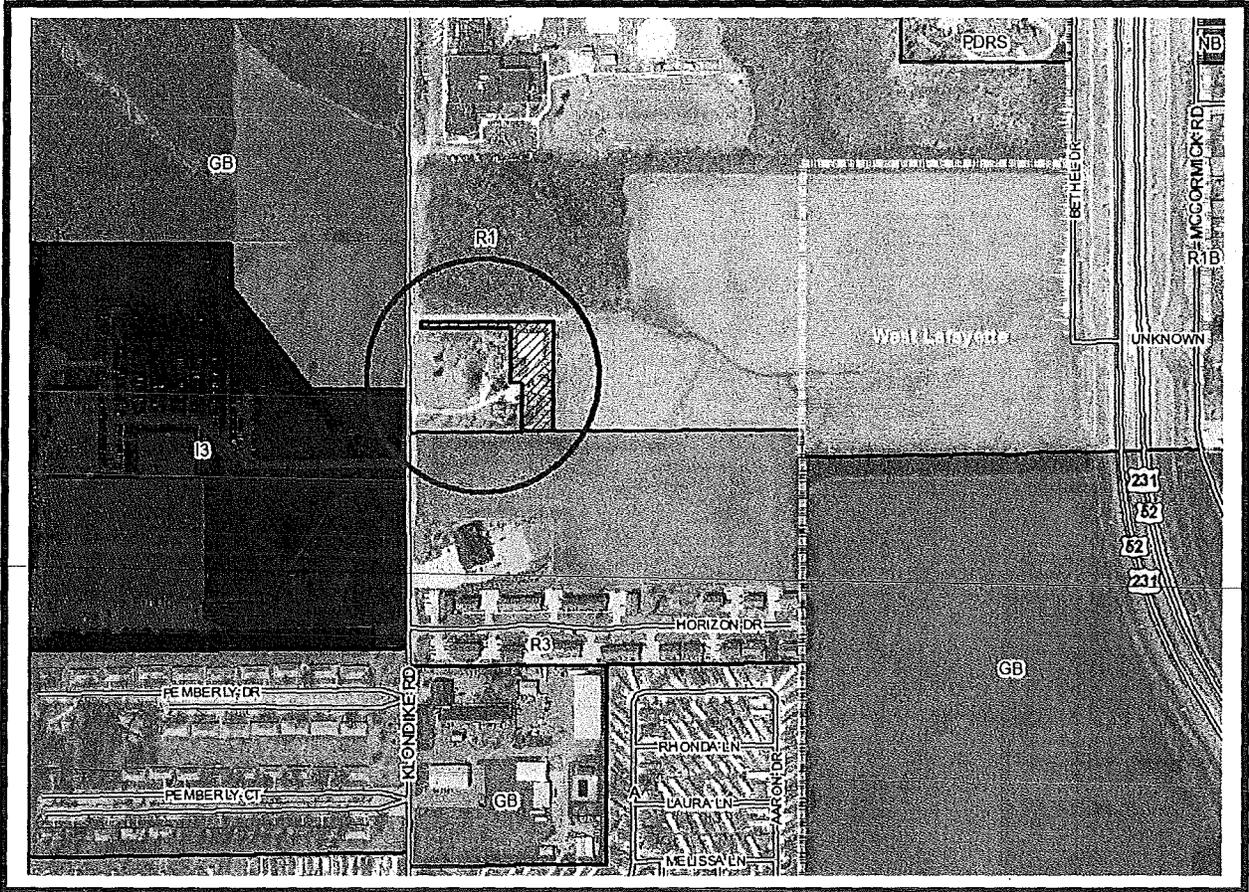
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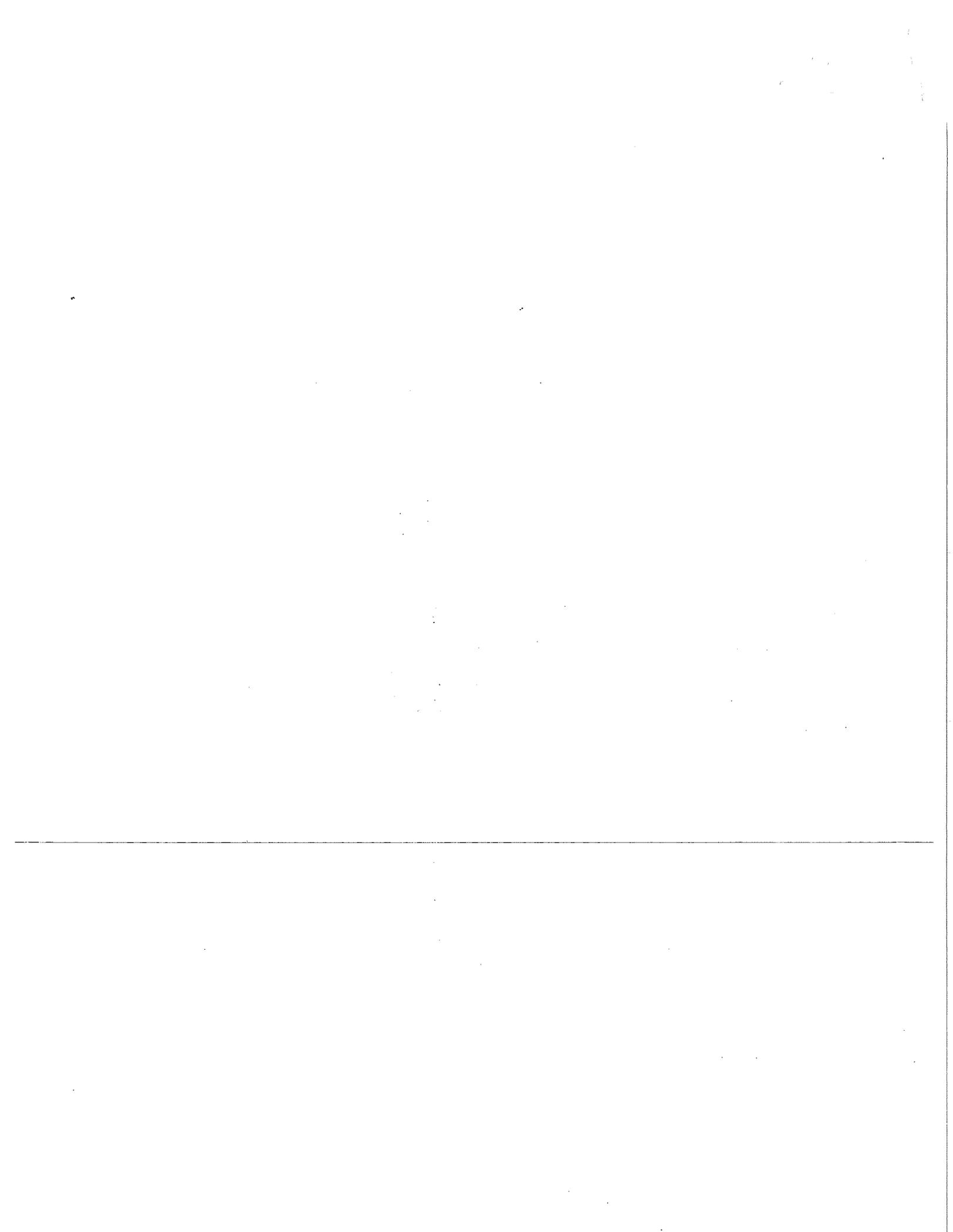
Z-2613  
JOHN WEILBAKER  
(R1 to I3)

STAFF REPORT  
June 11, 2015

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**Staff Report**  
**June 11, 2015**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner/owner is requesting rezoning of Lot 2 of Weilbaker Minor Subdivision from R1 to I3, to legitimize the existing heavy construction contracting business. The property is located 365' east of Klondike Road, ½ mile south of US 52 W at 3129 Klondike Road, Wabash 2 (SW) 23-5.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

The property is zoned R1 and has been since the introduction of zoning in Wabash Township in 1965. Zoning districts located within a ¼ mile radius from the rezone site include A, R1, R3, NB, I3, GB, PDNR and PDMX. Property immediately north and east of the site is zoned R1; GB zoning can be found west across Klondike and R3 zoning is south of the site. The closest I3 zoned properties are located across Klondike (Z-2266 Lafayette Venetian Blind, 2005).

Previous rezone requests on this site include: Z-2533 (R1 to I3: withdrawn by petitioner) and Z-2563 (R1 to I3: Dismissed by APC due to insufficient paperwork and no remaining continuances). Both cases were from 2014 and stemmed from a zoning violation issued in 2012. Also in 2014, the properties were formally subdivided into three lots via an approved minor subdivision action (S-4472 and S-4494). These actions cleared subdivision violations that were also identified in 2012, though the zoning violation matter remained.

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**AREA LAND USE PATTERNS:**

The property currently supports a pole structure, built in 1980 and added onto again in 1984. During a meeting with staff in March 2012, petitioner stated he runs his excavating business—including sewers and roadwork, on the site with his son and three employees. Surrounding the site to the east, north and south is a mix of open fields and wooded area. Klondike Middle School is located north of a small wooded field; farther south is the new Wabash Township Fire Department, as well as a mix of multi- and single- family residential and commercial. Directly west across Klondike Road is Lafayette Venetian Blind's site with a large field and parking lot fronting the road; the building is setback nearly 700' from the road.

**TRAFFIC AND TRANSPORTATION:**

The county is in the process of designing improvements to Klondike Road which would include four travel lanes plus a trail on the east side and sidewalk on the west side. The

driveway, an easement along the north side of petitioner's property, is shared with the northern residence. Because this drive is also used to access a commercial property, petitioner must consult with the County Highway Department about upgrading to a commercial driveway. All drives, parking and maneuvering aisles must be paved in the I3 zone. Parking for this use (SIC 16 – heavy construction contractors) is set at one per 200 employees on the largest shift plus one per square foot of office, sales or similar floor area. Petitioner has not provided staff with information regarding how many spaces would be required or where parking will be installed.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

The site is served by American Suburban sewer. There are also two wells in the subdivision to serve the four buildings; the location of those wells is not known. A 20' wide Type C bufferyard will be required on all sides of the property where I3 zoning abuts R1 zoning.

**STAFF COMMENTS**

According to web search results and verified by petitioner, the business is listed as an "excavation and wrecking" service located at 3131 Klondike Road; this use has never been permitted in the R1 zone. This rezoning request is a piecemeal reflex reaction to a complaint filed against the petitioner that led to a zoning violation. The complaint, dated March 1, 2012 described the property as "a graveyard for heavy equipment." Staff has been unable to pinpoint exactly when the business began on the site, though petitioner has lived on site since at least 1965, however historic aerials do not indicate any other structures on site until 1980 when the pole barn was built (Permit #03860). If petitioner could prove the business was established prior to 1965, the use might be considered legally non-conforming (grandfathered). It could continue to operate in the R1 zone as long as the use did not expand beyond what it was in 1965. Because petitioner has not provided staff with any information about when the business was established and did not want to be limited to one employee and indoor storage to meet the home occupation requirements, this rezone is necessary for the current use to be legitimized.

This is petitioner's third attempt at rezoning this troubled site. Though the subdivision violations have been remedied by the aforementioned approved minor subdivision, staff's position remains that a heavy equipment and industrial use is simply inappropriate in this largely residential part of Wabash Township along the east side of Klondike Road. Though zoning along Klondike Road is mixed, on balance, residential and institutional uses dominate this corridor and this pattern is likely to only expand with time.

Creating an anomalous piece of I3 zoning at this location in order to legitimize an inappropriate use does not serve the community's interest or Klondike Road's or US-231's future development prospects near this site. It will only serve as an obstacle.

**RECCOMENDATION:**

Denial

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