

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
ORDINANCE & BYLAW COMMITTEE
MINUTES OF A PUBLIC HEARING**

DATEJanuary 07, 2026
TIME4:40 P.M.
PLACECOUNTY OFFICE BUILDING
20 N. 3RD STREET
LAFAYETTE, IN 47901

This meeting was held in-person. Members of the public could watch the livestream of the meeting at <https://www.youtube.com/c/TippecanoeCountyGovernment>

MEMBERS PRESENT

Jackson Bogan Kathy Parker
Diana Luper Gary Schroeder
Tom Murtaugh

MEMBERS ABSENT

Larry Leverenz
Vicki Pearl
Jerry Reynolds

STAFF PRESENT

Ryan O’Gara Amanda Esposito
Kathy Lind Nathan McBurnett
Eric Burns, Atty

Gary Schroeder called the meeting to order at 4:40 PM.

I. APPROVAL OF MINUTES

Jackson Bogan moved to approve the minutes from the December 3, 2025, public hearing. Diana Luper seconded, and the minutes were approved by a unanimous voice vote.

II. UPDATING THE HEIGHT REQUIREMENT IN R3W AND R4W:

An amendment to change the way West Lafayette measures the height of buildings in R3W and R4W.

Kathy Lind, APC staff, stated that, as was discussed last month, this topic is a request from West Lafayette staff. Instead of 14 feet from the lowest point of the average finished ground level to the finished floor of the upper story, it is proposed to be changed to 40 feet from the ground to the roof. A handout was given showing 4 changes to the ordinance. She found that NBU maximum building height in university proximate for multi-family also had the abnormal height measurement. That will be changed as well.

Gary Schroeder said this change is straight forward and is a very old standard.

Gary Schroeder asked if any member of the audience wished to comment. There were none.

Tom Murtaugh asked what happens if the ground level is a basement area or a drop-off.

Kathy Lind said it is measured from wherever the front of the building is and if the front is on a hill, then it is averaged and the measurement is taken from that point. That is also able to be varied.

Jackson Bogan moved to send this onto APC as presented with a positive recommendation. Diana Luper seconded.

Gary Schroeder asked for any other comments or other discussion. Hearing none, the motion carried by unanimous voice vote.

III. UPDATING THE SIZE LIMITATION ON ADUs:

This is an ongoing discussion to receive input from Ordinance Committee members regarding accessory dwelling unit size.

Nathan McBurnett, APC staff, continued the discussion from last month about the inquiries from people who want to increase the size of their ADUs. He presented a list of ADU regulations from other jurisdictions across the state. The main questions posed at the last meeting were whether there were implications if the size were increased and if there should be a cap on size.

Gary Schroeder wondered what problems might arise if someone were to build two residences on one property, then later down the road wants to separate the properties.

Kathy Lind said they might be able to do a minor subdivision or parcelization but that might not always be possible.

Eric Burns asked which zones were being discussed.

Nathan McBurnett said ADUs are currently only permitted in A, AW, AA, and RE.

Jackson Bogan asked if they wanted to allow a second home to be built as an ADU. The size must be limited otherwise they open themselves up to having two homes on one lot, subverting doing a parcelization or minor subdivision.

Gary Schroeder asked if utilities needed to be connected to the main structure, or if the ADU could have its own.

Nathan McBurnett said that was originally discussed but it was decided that it was up to the health department.

Jackson Bogan asked if the current size was 750 sq. ft. and if that could be on the main level as well.

Nathan McBurnett said that 750 sq. ft. is the max without a variance through BZA and is measured as the livable area between multiple floors whether it is attached, detached, or integrated into the home.

Tom Murtaugh said most of what he had heard of prior to this was a unit above a detached three-car garage.

Kathy Parker asked what happens if she owns a home with an ADU and wants to sell, what happens to the tenants and the price of the home.

Gary Schroeder thought it could not be a rental unit.

Jackson Bogan said the primary residence must be occupied.

Nathan McBurnett said either the primary home or ADU can be occupied by the property owner; the property owner must live on site.

Amanda Esposito said the ADU is sold as part of the property, you cannot sell just part of it. So, the property owner would need to work out arrangements with the tenant.

Gary Schroeder said any leases would go with the sale of the property.

Nathan McBurnett said people who have been wanting ADUs are wanting to build a new home on the property that is larger than their existing home, turning the smaller home into the ADU. Airbnb's are not currently allowed in ADUs, so people want to live in an ADU and Airbnb their home. This is not currently addressed in the ordinance.

Tom Murtaugh asked what GFA means.

Nathan McBurnett said Ground Floor Area, and this could include an attached garage.

Kathy Lind said GFA is used to determine lot coverage.

Eric Burns asked if GFA was a defined term.

Gary Schroeder said he thought they talked about the livable area.

Nathan McBurnett said they talked about livable area for an ADU so, for example, they could have a detached garage that isn't included in the 750 sq. ft.

Tom Murtaugh said currently they can seek a variance to exceed the 750 sq. ft.

Jackson Bogan discussed taking the limit to 1,000 sq. ft. and asked how high people are wanting to go.

Nathan McBurnett said some people want a full-sized home.

Jackson Bogan said he can understand a mother-in-law suite, father-in-law suite, or 1,000 sq. ft. but anything larger needs to go through the process of building a separate home.

Tom Murtaugh said or if they want to go above 1,000 sq. ft. then they need to apply for a variance.

Nathan McBurnett asked if they decided to up it to 1,000 sq. ft., do they want that to be variable, have a cap that's not variable, or set it as a percentage of the primary building.

Tom Murtaugh said they should have a cap and maybe that's set as a percentage of the primary building. However, he wasn't sure he liked that idea either.

Jackson Bogan said 1,200 sq. ft. accommodates your in-laws.

Tom Murtaugh asked if he was suggesting the limit be set at 1,200 sq. ft. with no variance.

Jackson Bogan said he's considering 750-1,000 sq. ft. max.

Gary Schroeder said they are discussing the limit to which you can't vary passed.

Tom Murtaugh reiterated that Jackson was saying you can't vary over 1,000 sq. ft.

Jackson Bogan said a home is a home and that process should go through parcelization.

Eric Burns asked if it matters if you have a primary residence that is 12,000 sq. ft.

Tom Murtaugh said he doesn't think it does. He asked what the dimensions were of a three-car garage. It was determined to be about 36x24 ft., which is 864 sq. ft.

Nathan McBurnett said every request, being 10 at most, the 750 sq. ft. limit has been what's holding petitioners back. They can keep going to BZA for variances or change the ordinance to facilitate ADUs.

Amanda Esposito said this was originally written for urban areas and 750 sq. ft. seems small for rural areas.

Gary Schroeder asked what size petitioners were wanting.

Nathan McBurnett said one person wanted 1,200, another wanted a full-sized home since their primary was 1,000 sq. ft., and some haven't been clear on what they want.

Tom Murtaugh clarified that those inquiries can still apply for variances based on what they have now.

Eric Burns asked if there were counties that have a history of ADUs.

Nathan McBurnett believed Monroe County has had their regulation in place for over 10 years. He wasn't sure how long the other area plan commissions from the handout had theirs.

Tom Murtaugh liked the language Boone County used regarding an ADU in a basement being able to use the entire building footprint. He proposed that they up the limit from 750 to 1,000 sq. ft. and let it be varied to 1,200.

Gary Schroeder said 1,000 and 1,200 were too close.

Jackson Bogan asked how they felt about having a 1,000-1,200 sq. ft. ranch home.

Kathy Parker said that it's too big but likes the basement stipulation.

Tom Murtaugh said of the folks he has spoken to, all of them want to do an ADU above the garage and the 864 sq. ft. number makes sense. He wouldn't want to go smaller than that, so he wants to push it to 1,000 with a variance up to 1,200 sq. ft.

Kathy Parker said her daughter lives in the upstairs of a house and maybe that could follow the same language as the basement portion. ADUs could have different requirements if it's a separate building.

Tom Murtaugh said it could be the entire footprint of a detached garage unit.

Nathan McBurnett said it might be confusing to have two square footage thresholds numbers, so instead they could have a percentage of sq. footage with a maximum. A non-variable ordinance must be outside of Chapters 2 & 4.

Tom Murtaugh said we currently have 50%.

Kathy Lind said it is 50% of gross floor area which includes ground floor and upstairs.

Jackson Bogan said for example a 2,000 sq. ft. home could have a 1,000 sq. ft. ADU.

Nathan McBurnett said that was correct, and in that case, they would need a variance if they wanted a 1,100 sq. ft. ADU.

Jackson Bogan said if someone has a 1,200 sq. ft. house and they want to build a 1,200 sq. ft. ADU, do they want to change the percentage to allow them to build a larger ADU from a smaller primary residence.

Amanda Esposito said that building code has a minimum of 750 sq. ft. and anything smaller falls into tiny home territory.

Nathan McBurnett said that 751 sq. ft. is the square footage threshold for a single-family home.

Ryan O'Gara said tiny homes have a separate code.

Tom Murtaugh said we currently have a minimum of 400 sq. ft.

Amanda Esposito clarified that tiny homes qualify as ADUs.

Nathan McBurnett said the original intention was to keep the ADU under the threshold of a single-family home within the 400-750 sq. ft.

Tom Murtaugh asked how someone could build a 2,500 sq. ft. guest house on Haggerty.

Nathan McBurnett said it depends on the zone.

Kathy Lind said people can get around limitations because dwellings have certain stipulations like needing a kitchen or bathroom.

Tom Murtaugh motioned that they allow the lesser of 1,000 sq. ft. or 50% of the GFA of the primary dwelling, or the entire building footprint if it's in the basement, with maximum square footage in the ordinance definition to be no greater than 1,200 sq. ft. Diana Luper seconded.

Gary Schroeder asked for further comments or discussions.

Gary Schroeder asked if they wanted people to come back for variances on 200 sq. ft.

Nathan McBurnett didn't think it needed to say 1,000 sq. ft. and instead should say, "In no case greater than 1,200 sq. ft." After discussion, it was agreed that the "in no case greater than 1,200 sq. ft." would go in the definition and the "50% gross floor area" cap would go in Chapter 4, so it can be varied.

Tom Murtaugh amended the motion to allow the lesser of 1,200 sq. ft. or 50% of the GFA, in the case of an ADU in the basement in the primary residence, the entire building footprint. This will be sent to the Area Plan Commission with full approval. Diana Luper seconded.

Gary Schroeder said that it's basically the Boone County language without the 10% lot area stipulation.

Gary Schroeder asked for other comments or discussions. Hearing none, the motion carried by unanimous voice vote.

IV. WHAT'S NEXT FOR UPCOMING MEETINGS

Ryan O'Gara stated that in February they will bring back the lot coverage discussion. For the March and April meetings they will be discussing solar which will be advertised and have the draft ordinance available.

Gary Schroeder commented that he saw in the state legislature they are talking about solar and not allowing restrictions if something was not in place prior to 12/31/25.

V. CITIZEN COMMENTS

Gary Schroeder asked if there were any other citizen comments. There were none.

VI. ADJOURNMENT

Jackson Bogan moved to adjourn. The meeting adjourned at 5:18 pm.

Respectfully Submitted,
Danielle Bistline
Recording Secretary

Reviewed By,



Ryan O'Gara
Executive Director