

THE AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY

NOTICE OF PUBLIC HEARING

DATE..... MARCH 25, 2026
TIME..... 6:00 P.M.
PLACE..... COUNTY OFFICE BUILDING
20 NORTH 3RD STREET
LAFAYETTE, IN 47901

AGENDA

*Links to watch the livestream can be found on the APC website at:
<https://www.youtube.com/c/TippecanoeCountyGovernment>*

- I. APPROVAL OF MINUTES
- II. NEW BUSINESS
- III. PUBLIC HEARING

1. **BZA-2223 JHS INVESTMENT GROUP LLC**

Petitioner and owner, represented by Kevin J. Riley of RTS Law, requests the following variances for an existing U-Haul business (SIC 751):

- 1. To reduce the width and number of plant units of a Type C bufferyard along the side (south) property line from the required 30' to 15' (UZO 4-9-3).
- 2. To reduce the width and number of plant units of a Type C bufferyard along the rear (east) property line from the required 30' to 15' (UZO 4-9-3).

The GB-zoned property is Lot 1 of J & J Subdivision, commonly known as 5011 Old US Hwy 231 S, in Wea 20 (NW) 22-4.

2. **BZA-2224 1ST SOURCE BANK**

Petitioner and owner, represented by Ryan Munden of RTS Law, requests a variance to reduce the required parking for an existing bank (SIC 60) from the minimum allowed 60 spaces (per Parking Group 8) to 43 spaces. The OR-zoned property is Lot 3 of Part 1 of McClure Park Subdivision, commonly known as 1215 Potter Drive, Wabash 12 (NE) 23-5 (UZO 4-6-3).

- IV. ADMINISTRATIVE MATTERS
Planning Pointer: BZA Bylaws

- V. ADJOURNMENT

Vote Results
Variance 1
4-Yes and 0-No

Variance 2
4-Yes and 0-No

Vote Results
4-Yes and 0-No

Per Indiana State Statute, the membership of the Area Board of Zoning Appeals must be included on all agendas starting July 2025. State Code allows each participating jurisdiction to determine the length of an appointee's initial term. Upon re-appointment following the end of their initial term, an appointee then serves a four-year term. The ABZA membership is as follows:

President Steve Clevenger, Tippecanoe County appointment, 1/26 thru 12/29 (President thru 12/26)
Vice President Robert Novak, City of Lafayette appointment, 3/26 thru 12/29 (Vice President thru 3/27)
Tim VanderPlaats, Tippecanoe County appointment, 1/26 thru 12/29
Ed Butz, City of Lafayette appointment, 1/26 thru 12/29
Brad Hallberg, APC appointment, 1/26 thru 12/29
Gary Schroeder, APC appointment, 1/26 thru 12/29
Jennifer Page, City of West Lafayette appointment, 3/26 thru 3/12/27 (3-year term per Mayor)

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

DATEFebruary 25, 2026
TIME 6:00 P.M.
PLACE.....COUNTY OFFICE BUILDING
20 N. 3RD STREET
LAFAYETTE, IN 47901

This meeting was held in-person.

MEMBERS PRESENT		MEMBERS ABSENT	STAFF PRESENT	
Ed Butz	Robert Novak	(WL) - Vacant	Ryan O’Gara	Eric Burns, Attorney
Steve Clevenger	Gary Schroeder		Nathan McBurnett	
Brad Hallberg	Tim VanderPlaats			

The Area Board of Zoning Appeals of Tippecanoe County public hearing was held in-person on the 25th day of February 2026 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

Steve Clevenger called the meeting to order. Attorney Eric Burns conducted roll call.

I. APPROVAL OF MINUTES

Robert Novak moved to approve the minutes from the January 28, 2026 ABZA public hearing as submitted. Ed Butz seconded. The minutes were approved by a unanimous voice vote.

II. NEW BUSINESS

Ryan O’Gara, APC staff, stated all three cases were ready to be heard.

III. PUBLIC HEARING

Robert Novak moved that there be incorporated into the public hearing portion of each application to be heard and to become part of the evidence, 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, and responses from the checkpoint agencies. Ed Butz seconded, and motion carried by unanimous voice vote.

Steve Clevenger read the meeting procedures.

Robert Novak moved to hear and vote on **BZA-2220 WALMART REAL ESTATE BUSINESS TRUST.**

BZA-2220 WALMART REAL ESTATE BUSINESS TRUST

Petitioner and owner, represented by Heather Werner of Sign Crafter, Inc., requests the following variances to install signage for an accessory gasoline service station:

1. To increase the height of a freestanding sign from the maximum allowed 24’ to 30’ (UZO 4-8-6);
2. To increase the area for a freestanding sign from the maximum allowed 100sqft to 152sqft (UZO 4-8-6);
3. To increase the total sign area on the sign lot from the maximum allowed 240sqft to 686sqft (UZO 4-8-5).

The GB-zoned property is located at the southwest corner of Cumberland Avenue and Sagamore Parkway West, addressed 2801 Northwestern Avenue, West Lafayette, Wabash 12 (NE) 23-5.

Nathan McBurnett, APC staff, referenced a previous parking variance on this same site from last year. The site has had some extensive variance activity since it was built in 1994. Some of the proposed variances apply to the entire property but the only changes will be for the gas station. The entire signage area, both existing and proposed, was included in the variance request. The northeast corner of the property is where the gas station is being proposed and has an existing pylon sign. The proposal is to remove the pylon sign and install a larger sign with digital price readers. The building was previously

under the old zoning ordinance that allowed for more signage, but it is now exceeding the signage allowed under the current zoning ordinance. What the site plan is proposing is about three times larger than what is currently allowed. Staff recommended denial of all three variance requests. Staff did not believe that installing the signage would be injurious to the public's health or safety. This type of signage was common and the use and value of the area adjacent to the property will not be affected adversely. There is an 8-10 ft. berm on the property that inhibits visibility. The current freestanding sign sits lower in the air compared to others on surrounding properties. Strict application of the zoning ordinance will not result in an unusual or unnecessary hardship and is why staff recommended denial. The signage is not required for the site to be used as GB or for Walmart to continue functioning.

Steve Clevenger called for the petitioner or the petitioner's representative to make a presentation.

Heather Werner, Sign Crafters Inc, 1508 Stringtown Road, Evansville, representing the petitioner, said Walmart is proposing the additional height for the freestanding sign because of visibility. A higher sign is needed to see the fuel price readers and bring business into the fuel station. The sign would be bigger on top to match the rest of Walmart's sign standards. The square footage increase request is to cover the fuel readers since they have 3' digits be seen by traffic. It was proposed to move the current sign closer to the store. The fuel station would have four sets of Walmart letters on the canopy.

Steve Clevenger asked if anyone wished to speak in favor or in opposition of the petition.

Chad Spitznagle, West Lafayette Housing Director, wanted to bring up a couple points and said he had talked to Walmart a while ago about making the fuel station a second lot to keep frontage on both Cumberland and US-52. This would have kept them from losing the 240 ft of setback reduction. He had examined sign permits from 2023, 2019, and 2017 and found it was easier, from a permit perspective, to have a nice size requirement.

Steve Clevenger asked if the Board had any questions or comments.

Gary Schroeder mentioned how the previous signage was under a different ordinance and asked if those calculations were available.

Nathan McBurnett did not have the standards from the previous ordinance.

Chad Spitznagle, West Lafayette Housing Director, said he did not have the number from the original UZO, but he used all the available sign area when Walmart came in for their 2017 permit.

Robert Novak asked if the sign was double-sided and whether square footage was counted for each side.

Nathan McBurnett confirmed that it was not counted for each side when the signs are oriented back-to-back.

Robert Novak said it was mentioned that the Walmart sign at the top would be larger.

Nathan McBurnett said it was currently about 36 sq. ft.

Heather Werner, Sign Crafters Inc, 1508 Stringtown Road, Evansville, said she believed it was 3'x12' and they were proposing to go to 5'x20', which comprised the 100 sq. ft. with the additional 52' being for the fuel signage portion.

Robert Novak noted that Walmart wanted more square footage for better visibility, but they weren't willing to give up the other existing sign. In the past it was suggested by a couple different agencies that the location of the fuel station be moved to a different part of the lot so that it wasn't down in the valley. The extra height on the sign itself is almost self-imposed because they are choosing to place the station in a bad spot. When Robert Novak had asked a previous Walmart representative whether they would have a sign package for the station, they said they wouldn't be including a sign package because it was

considered all one property and they would use signage from the original building. Robert Novak asked how Walmart could justify coming back to ask for more signage.

Heather Werner, Sign Crafters Inc, 1508 Stringtown Road, Evansville, said she was not aware of what had happened with previous representatives from other companies. She had previously worked with Chad Spitznagle on the sign package for the building, but not the fuel station.

Robert Novak said Walmart continues to ask for more signage and couldn't see why they wouldn't go ahead and decrease the building signage. By the time the public gets into that lot, they know where they are going. He found the request unreasonable.

Gary Schroeder agreed that Robert Novak made good points, however the Walmart site is very large, and you can't see the sign from far away. He thought Walmart had been modest about their signs and it would be important to see the gas prices.

Steve Clevenger brought subdividing the property to increase signage.

Robert Novak added that that would cause issues with having enough parking.

Steve Clevenger called for any additional questions or comments. There were none.

Steve Clevenger called for a ballot vote.

Attorney Eric Burns collected the ballots. The Board voted 5-Yes to 1-No, approving variance #1, to increase the height of a freestanding sign from the maximum allowed 24' to 30'.

Yes-Vote

Ed Butz
Steve Clevenger
Brad Hallberg

Gary Schroeder
Tim VanderPlaats

No-Vote

Robert Novak

Attorney Eric Burns collected the ballots. The Board voted 5-Yes to 1-No, approving variance #2, to increase the area for a freestanding sign from the maximum allowed 100sqft to 152sqft.

Yes-Vote

Ed Butz
Steve Clevenger
Brad Hallberg

Gary Schroeder
Tim VanderPlaats

No-Vote

Robert Novak

Attorney Eric Burns collected the ballots. The Board voted 5-Yes to 1-No, approving variance #3, to increase the total sign area on the sign lot from the maximum allowed 240sqft to 686sqft.

Yes-Vote

Ed Butz
Steve Clevenger
Brad Hallberg

Gary Schroeder
Tim VanderPlaats

No-Vote

Robert Novak

Robert Novak moved to hear and vote on **BZA-2221 TOMISH DEVELOPERS, LLC.** Ed Butz seconded.

BZA-2221 TOMISH DEVELOPERS, LLC

Petitioner and owner, represented by Ryan Munden of RTS Law, requests the following variances to allow construction of a multifamily apartment building:

1. To increase the building height from the maximum allowed 14' measured to the floor of the uppermost finished story to 24'3/4" (UZO 2-12-11);
2. To reduce the number of parking spaces from the required 13 spaces to 2 spaces (UZO 4-6-4);
3. To decrease the lot width from the minimum required 70' to 37'4" (UZO 2-12-6);

4. To reduce the lot area from the minimum allowed 7,900sqft to 4,863sqft (UZO 2-12-5).

The R4W-zoned property is the south half of Lot 8 of N & E.C. Pierce's Addition, more commonly known as 226 South Grant Street, West Lafayette, Wabash 19 (SE) 23-4.

Larry Aukerman, APC staff, said these four variances would be used to construct a six-unit 10-bedroom multifamily apartment. The existing house was constructed as a single-family house in the 1930s and has 5 units. No records were found that showed when it was converted into a multifamily structure. The city block contains multiple buildings in the same situation where older homes have been converted into multifamily structures. The proposal showed pedestrian access off Grant Street and vehicular access would be off an existing alley. With the proposed unit count and sizes, 13 parking spaces would be required and only 2 are being proposed with one designated as a handicapped space. The density of the development would be denser than would be required by right as the site could support 3 type-B units based on lot size. Staff supported the lot width variance because regardless of use, a variance would be needed even for a single-family house to be located on it, and the lot width would never change no matter what is built on it. Staff supported the height variance because an increased building height ordinance is already in the works. Staff recommended denial on the parking and lot size variances because it was the site plan design requiring the changes.

Steve Clevenger called for the petitioner or the petitioner's representative to make a presentation.

Ryan Munden, RTS Law, 250 N Main, Lafayette, representing the petitioner, mentioned that the West Lafayette City Council unanimously rezoned the property to R4W and during the presentation it was explained to the council the need for variances. The development was intended as an alternative to the planned developments (PDs) that West Lafayette typically sees for student housing. He stated that regarding variance #1 and #3, they concurred with staff's report and recommendation. With respect to variance #2 and #4, they concurred with staff's report regarding ballot items 1 and 2. Regarding ballot items 3, 4, and 5, the argument was that even though the neighborhood was originally intended for single-family homes, the entire neighborhood was zoned for apartments. He quoted staff's report that, "This part of West Lafayette has very few remnants of the single-family neighborhood that once was located here. Today, the original homes have either been replaced with apartment buildings or converted to apartments... This is clearly a prime location for denser student housing." He continued that these lots are sized for single-family homes but there aren't any single-family homes, so the options are to build apartments, do a PD, or do a rezone with a handful of variances. A PD project could go much larger and would likely involve acquiring neighboring properties with the result being more expensive units. West Lafayette was comfortable with the project as a rezone with variances provided that a density cap commitment was added and it has been capped at 6 units. The biggest criticism city council has with PDs is that they are too expensive and not affordable for the average student. The parking ratio is consistent with what PDs have, and they will have access to off-site parking just around the corner at another development. Parking is also not as necessary due to the walkability with it being adjacent to campus.

Steve Clevenger asked if anyone wished to speak in favor or in opposition of the petition.

John Burgett, 510 Main Street, Lafayette, wished Eric Burns a belated happy birthday. John has been practicing law for 63 years and the Burgett family has housed several hundred students over the years. He wanted the board to consider the vacancies that are happening with property. He was concerned with the availability of utilities and water given the data center and chip factory going in. With the number of vacancies happening, density needs to be reconsidered. Parking continues to be a problem with people parking where they shouldn't and having to get them towed off.

Steve Clevenger asked for a rebuttal.

Ryan Munden, RTS Law, 250 N Main, Lafayette, commented that the building is at the end of its life and in need of repairs. The parking ratio is on par with what PDs offer but doing a larger project as an alternative wouldn't provide the affordability that is needed.

Steve Clevenger asked if the Board had any questions or comments.

Robert Novak clarified where the parking spots, driveway, and utilities were located on the site plan.

Steve Clevenger asked what the area north of the handicapped parking spot was.

Barry Knechtel, KJG Architecture, 527 Sagamore Pkwy West, West Lafayette, said that was the accessible portion of the parking.

Robert Novak asked if it was sound practice to allow 2 parking spots for 6 units.

Ryan O'Gara said each project is compared to similar projects and ratios can be altered to fit the situation.

Robert Novak asked if this area was considered high-density with a lot of parking traffic.

Ryan O'Gara said residential densities have increased and this area will be included in the expansion of the West Lafayette downtown plan. A potential parking solution would be for the city to expand its permit parking program on streets.

Robert Novak asked if pressure was placed on the neighborhood when residences have visitors or deliveries that need parking.

Ryan O'Gara said this area has deliberately reduced parking to incentivize walkability. Planned developments have started to experiment with lowering parking ratios.

Robert Novak said that even if a student renter didn't have a car, there would be the possibility of visitors or delivery drivers needed parking.

Ryan O'Gara said the area is being treated as urban core where the car doesn't necessarily dominate or is fully accommodated. Visitors will have to meet at the curb, or the city will need to address the potential problem with a street parking program. These are the sorts of issues that have been raised in the comprehensive plans for the area for the city to consider. A joint parking authority was even proposed.

Chad Spitznagle, West Lafayette Housing Director, said these issues were discussed at the city council meeting and the cross-parking agreement with the other property was the deciding factor. The next case has the same owner which provides parking alternatives.

Steve Clevenger asked if the parking spots would be permitted.

Ryan Munden, RTS Law, 250 N Main, Lafayette, said the spots will be assigned by the unit. If someone needs the handicapped spot they will have access to it. He noted that apartments with no assigned parking are not as expensive as apartments with parking.

Steve Clevenger asked if there had been a possibility of obtaining the lot to the north and doing a slightly larger project.

Ryan Munden, RTS Law, 250 N Main, Lafayette, said buying up additional properties can turn into a domino effect that ends up as a large project in a PD.

Steve Clevenger mentioned that purchasing the other half lot would have given the project a full lot.

Ryan Munden, RTS Law, 250 N Main, Lafayette, said they are working with the property they have control over and trying to work with an extremely small lot in a unique situation.

Gary Schroeder emphasized that he didn't want to be a community that doesn't have any parking. He typically looks at the number of beds, rather than the number of units for how much parking is needed.

Brad Hallberg asked if the spots in the overflow parking at the other Tomish property would be reserved for this location.

Ryan Munden, RTS Law, 250 N Main, Lafayette, said parking would be set aside and made available on the other project if needed.

Brad Hallberg asked if the other project was an apartment complex.

Ryan Munden, RTS Law, 250 N Main, Lafayette, said it is an apartment building that will include garage spaces.

Brad Hallberg asked about the ratio of beds to parking spaces.

Steve Clevenger mentioned that case would be the next one they hear.

Barry Knechtel, KJG Architecture, 527 Sagamore Pkwy West, West Lafayette, added that the other project will have 24 beds and 24 spaces.

Steve Clevenger called for any additional questions or comments. There were none.

Steve Clevenger called for a ballot vote.

Attorney Eric Burns collected the ballots. The Board voted 6-Yes to 0-No, approving variance #1, to increase the building height from the maximum allowed 14' measured to the floor of the uppermost finished story to 24'3/4".

<u>Yes-Vote</u>		<u>No-Vote</u>
Ed Butz	Robert Novak	(none)
Steve Clevenger	Gary Schroeder	
Brad Hallberg	Tim VanderPlaats	

Attorney Eric Burns collected the ballots. The Board voted 5-Yes to 1-No, approving variance #2, to reduce the number of parking spaces from the required 13 spaces to 2 spaces.

<u>Yes-Vote</u>		<u>No-Vote</u>
Ed Butz	Gary Schroeder	Robert Novak
Steve Clevenger	Tim VanderPlaats	
Brad Hallberg		

Attorney Eric Burns collected the ballots. The Board voted 6-Yes to 0-No, approving variance #3, to decrease the lot width from the minimum required 70' to 37'4".

<u>Yes-Vote</u>		<u>No-Vote</u>
Ed Butz	Robert Novak	(none)
Steve Clevenger	Gary Schroeder	
Brad Hallberg	Tim VanderPlaats	

Attorney Eric Burns collected the ballots. The Board voted 6-Yes to 0-No, approving variance #4, to reduce the lot area from the minimum allowed 7,900sqft to 4,863sqft.

<u>Yes-Vote</u>		<u>No-Vote</u>
Ed Butz	Robert Novak	(none)
Steve Clevenger	Gary Schroeder	
Brad Hallberg	Tim VanderPlaats	

Robert Novak moved to hear and vote on **BZA-2222 TOMISH DEVELOPERS, LLC**. Ed Butz seconded.

BZA-2222 TOMISH DEVELOPERS, LLC

Petitioner and owner, represented by Ryan Munden of RTS Law, requests the following variances to allow construction of a multifamily apartment building:

1. To increase the building height from the maximum allowed 14' measured to the floor of the uppermost finished story to 26'5-9/16" (UZO 2-12-11);
2. To reduce a rear (north) setback from the minimum allowed 25' to 8'5" 13' 5" (revised 1/29/26) (UZO 2-12-8);
3. To decrease the lot width from the minimum required 70' to 63'8" (UZO 2- 12-6);
4. To increase the building coverage ratio from the maximum allowed 40% to 58.4% (UZO 2-12-7).

The R4W-zoned property is Lot 15 of N & E.C. Pierce's Addition, more commonly known as 230 Harrison St, West Lafayette, Wabash 19 (SE) 23-4.

Ryan O'Gara showed another site not too far away from the first with a 5-unit house that was converted in 1910. The parking standard for type-A units is three spaces per unit, and the site plan shows 24 spaces provided with covered garages and tandem spaces behind them. Regarding variances 1 and 4, staff did not find any injurious situations occurring with the public. Regarding variance 1, the height request was not an issue because of the pending ordinance change. Staff were concerned about the building separation but acknowledged that it was the purview of the fire department. Use and value will not be impacted in a negative way on variances 1, 2, and 4. The situation this property is in is common to properties in the same zoning district and neighborhood. Regarding variances 1, 2, and 4, strict application of the zoning ordinance would not result in unusual or unnecessary hardship. Development standards could be shifted to meet the requirements. Hardship is self-imposed on variances 1, 2, and 4. Granting variance 3 will not be injurious to public health and safety, will not impact adjacent properties in an adverse manner, and the hardship is warranted. Staff's recommendation was denial for variance 1, 2, and 4 and approval for variance 3.

Steve Clevenger called for the petitioner or the petitioner's representative to make a presentation.

Ryan Munden, RTS Law, Lafayette, representing the petitioner, said this property was in the same situation as the last in that West Lafayette City Council approved the rezone and was aware of the variances that would be needed. The same situation also applied where a lot sized for single-family homes was among apartments and rather than do a more expensive PD, they opted for a smaller rezone with variances. A density cap commitment was also submitted for this project. The height request is only 12" higher than the new standard would be. Regarding the north rear setback, if the alley were considered the front of the building, they would only be required to have a 6' setback. He wasn't clear why there was concern with 20' between structures as the building would be much closer to the neighboring one if they were dealing with a side setback instead of a rear one. If the concern was fire spreading from building to building, they could fire rate that side of the building.

Steve Clevenger asked if anyone wished to speak in favor or in opposition of the petition. There were none.

Steve Clevenger asked if the Board had any questions or comments.

Steve Clevenger noted that regarding the rear setback, there is good distance except for the corner of the other building. He asked how the tandem parking would work.

Ryan Munden, RTS Law, 250 N Main, Lafayette, said tandem parking is done with roommates so you coordinate with the person you're living with to get in and out. It's not the perfect solution but allows for more parking.

Robert Novak asked if there was a limitation on the driveway length due to it being an alley.

Ryan O’Gara confirmed that there wasn’t a standard for the driveway because it was an alley.

Robert Novak asked about the covered driveway situation.

Ryan Munden, RTS Law, 250 N Main, Lafayette, said the building would be on top of the covered parking spaces.

Ryan O’Gara said the driveway would extend 6’ from the building wall, would be open to the air, and would essentially be one long curb that cars couldn’t park on.

Ryan Munden, RTS Law, 250 N Main, Lafayette, confirmed that the 12” height request was due to the slope of the building.

Steve Clevenger confirmed the peak would be 12” above what the standard would be in the new ordinance.

Steve Clevenger called for additional comments or questions. There were none.

Steve Clevenger called for a ballot vote.

Attorney Eric Burns collected the ballots. The Board voted 6-Yes to 0-No, approving variance #1, to increase the building height from the maximum allowed 14’ measured to the floor of the uppermost finished story to 26’5-9/16”

<u>Yes-Vote</u>		<u>No-Vote</u>
Ed Butz	Robert Novak	(none)
Steve Clevenger	Gary Schroeder	
Brad Hallberg	Tim VanderPlaats	

Attorney Eric Burns collected the ballots. The Board voted 5-Yes to 1-No, approving variance #2, to reduce a rear (north) setback from the minimum allowed 25’ to 13’ 5”.

<u>Yes-Vote</u>		<u>No-Vote</u>
Ed Butz	Gary Schroeder	Robert Novak
Steve Clevenger	Tim VanderPlaats	
Brad Hallberg		

Attorney Eric Burns collected the ballots. The Board voted 6-Yes to 0-No, approving variance #3, to decrease the lot width from the minimum required 70’ to 63’8”.

<u>Yes-Vote</u>		<u>No-Vote</u>
Ed Butz	Robert Novak	(none)
Steve Clevenger	Gary Schroeder	
Brad Hallberg	Tim VanderPlaats	

Attorney Eric Burns collected the ballots. The Board voted 6-Yes to 0-No, approving variance #4, to increase the building coverage ratio from the maximum allowed 40% to 58.4%.

<u>Yes-Vote</u>		<u>No-Vote</u>
Ed Butz	Robert Novak	(none)
Steve Clevenger	Gary Schroeder	
Brad Hallberg	Tim VanderPlaats	

IV. ADMINISTRATIVE MATTERS

1. Planning Pointers: The Parking Question: How Much is Enough?

Nathan McBurnett presented the planning pointer:

This Board has heard APC staff argue for fewer parking spaces in any number of variances throughout the years, but what is the right number? Are there situations when the ordinance actually allows fewer spaces?

The answer to the first question is a little more difficult to provide and is largely situational. The second answer is a resounding “YES!”.

UZO chapter 4-6-11 is titled: “Exclusions, Reductions, and Exceptions”.

There are four ways in which the ordinance currently allows specific uses to provide less parking than what is required in 4-6-3.

1. In a CB zone, except for hotels, motels, newly constructed residential buildings and places of public assembly (like a movie theater), the off-street parking spaces specified in the parking table are not required. If they are provided anyway, they still have to conform to the design standards from 4-6-15.
2. In NBU zones, any nonresidential use is limited to no more than 60% of the required parking spaces. An example of reduced parking in this situation is The Pickle on N 10th and Union. They would be required to provide 1 space per 100 sq ft of gross floor area in any other zoning district. With a building footprint of approximately 1700 sq ft, they’d be required to provide 17 parking spaces. It appears from aerial imagery that they’ve provided 10 spaces, which would meet the 60% reduction allowance. (image on screen)
3. The third instance when parking standards may be altered is during the planned development process, where everything, including parking spaces, is negotiated. In these cases, APC works with the jurisdiction and the developer to ensure the project has that “Goldilocks” number of spaces. Some recent examples from West Lafayette include the Sullivan at 179 parking spaces for 285 units, or .63 spaces per unit; the Standard at 212 parking spaces for 254 units, or .83 spaces per unit, and the occupied Rise with 121 parking spaces for 289 units, or .42 spaces per unit.
4. The fourth and final time that on-site parking may be reduced is when an off-site parking agreement is used. These are allowed for individual permitted uses other than single- and two-family dwellings. There are specific requirements that must be met for these off-site parking agreements, such as having part of the parking area within 300’ of the site, so that it will adequately serve the use for which it is intended. Off-site parking for commercial or industrial uses shall only be within commercial or industrial zones. There cannot be any off-site parking in a residential zone unless it serves residential needs only. The off-site parking agreement must be recorded in the Office of the County Recorder.

As you can see from these examples, there are times when we don’t ask developers to install oodles and gobs of parking spaces, which invariably get reduced by variance requests.

Robert Novak asked how handicapped parking spaces are calculated apart from regular parking spaces.

Nathan McBurnett said the ratio of ADA spaces is federally mandated and cannot be reduced.

Ryan O’Gara said those standards find their way into the building code which determines how many spaces will be needed based on the disposition of the project. This is then confirmed by the permitting office. A project is given a total number of parking spaces, and it will be calculated how many of those need to be set aside as ADA spaces.

Steve Clevenger said in the previous case that it seemed that a parking space was being taken away if there wasn’t anyone who was handicapped and needed it.

Ryan O’Gara said if it were a commercial space, the general public must have access to those spaces. However, for an apartment, if none of the residents need a handicapped space, it can be used as a regular parking space.

Steve Clevenger commented that it would have been nice to hear the last case prior to the second, because of the parking agreement. Had the second Tomish case been denied, the first Tomish case couldn't have relied on parking. He mentioned that he had been talking to Ryan O'Gara about the bylaws and how the 5-minute speaking limit was accidentally removed from them.

Ryan O'Gara said they are still looking into the bylaws and that the ordinance committee was going to experiment with a 3-minute limit.

Steve Clevenger agreed they shouldn't do anything about it for now and see if Area Plan is going to change the rule.

Ryan O'Gara said APC wasn't trying to take the change on, but to use it just for a couple of ordinance committee meetings that might be controversial. Technically the board could determine at every meeting what the public speaking terms would be.

Gary Schroeder said there was discussion about keeping the limits consistent with the other meeting bodies. It seems that most people can say what they need to say in 3 minutes, but some may have a presentation, which can always be granted.

Ed Butz commented that the issue is the people that repeat other's comments.

Steve Clevenger said they will continue to keep it at 5 minutes since that is listed in the instructions unless something changes with the other voting bodies.

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 was so ordered.

V. ADJOURNMENT

Robert Novak moved to adjourn. The meeting adjourned at 7:32 PM.

Respectfully submitted,
Danielle Bistline
Recording Secretary

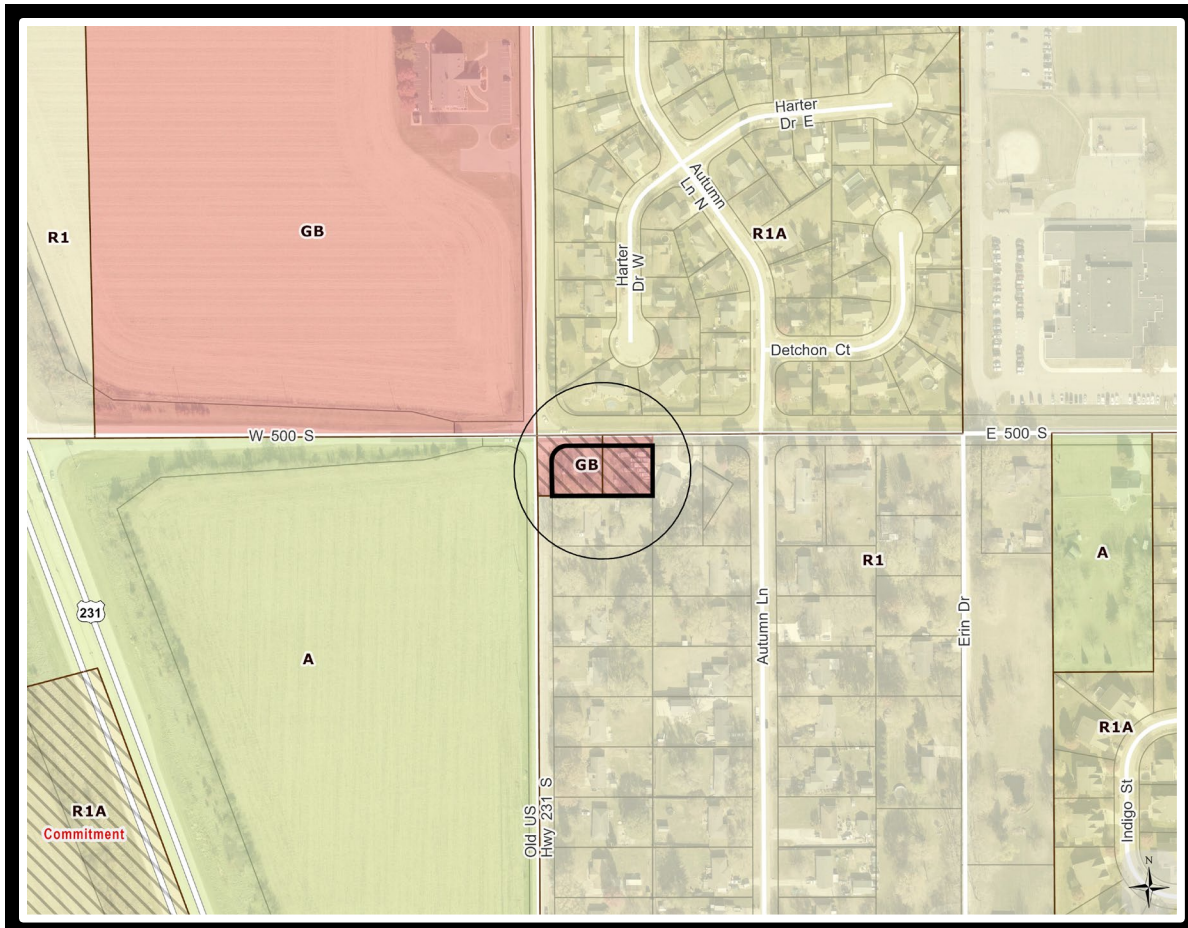
Reviewed by,



Ryan O'Gara
Executive Director

BZA-2223
JHS INVESTMENT GROUP LLC
(variances)

STAFF REPORT
March 19, 2026



BZA-2223
JHS INVESTMENTS GROUP, LLC
Variance

Staff Report
March 19, 2026

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, who is also the property owner, represented by Kevin J. Riley of RTS Law, requests the following variances for an existing U-Haul truck rental business (SIC 751):

1. To reduce the width and number of plant units of a Type C bufferyard along the side (south) property line from the required 30' to 15' (UZO 4-9-3).
2. To reduce the width and number of plant units of a Type C bufferyard along the rear (east) property line from the required 30' to 15' (UZO 4-9-3).

The GB-zoned property is Lot 1 of J & J Subdivision, commonly known as 5011 Old US Hwy 231 S, in Wea 20 (NW) 22-4.

AREA ZONING PATTERNS:

This property was rezoned GB, general business, just a few weeks ago from NB, neighborhood business and R1, single-family residential (Z-3018). This rezone made the existing U-Haul business, with trucks parked on the former R1-zoned portion of the lot, a conforming use. A setback variance (BZA-2093), heard and approved by the ABZA in 2023, eliminated the existing commercial building's noncompliance, namely, a side setback of 4.3'. The office for the U-Haul business is within the convenience store located on the former NB-zoned portion of the lot.

Surrounding zones include R1A, across the county road to the north; R1 to the east and south; A, agricultural zoning to the west across the old highway, with GB zoning to the northwest.

AREA LAND USE PATTERNS:

A convenience store/U-Haul rental business is located on site. The store has a small, paved parking lot while the U-Haul trucks are parked on gravel. There is some short shrubbery found along the southern property line and a new-looking wooden fence is on the eastern property line. Surrounding uses are all single-family residential except to the west and northwest where land is farmed. Mayflower Mill elementary school is a short distance to the northeast, and McCutcheon High School is a short distance to the north. A health clinic is located a few hundred feet to the northwest.

TRAFFIC AND TRANSPORTATION:

The business fronts on CR 500 S, a rural secondary arterial according to the adopted

Thoroughfare Plan; Old US 231 S which abuts the western property line, is classified as a rural local street that dead-ends ½ mile to the south. The convenience store has an informal driveway cut that covers half the width of the lot. There is also a driveway cut to the east for the U-Haul business. These access points will need to undergo review during the permitting process. GB zoning requires the parking area on the east side of the lot to be paved.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Septic and public water serve the site. The UZO requires a Type C, 30' wide bufferyard between GB and all residential zones. The variances requested would allow the installation of half the required plant material in a 15' wide buffer.

STAFF COMMENTS:

For many years, this lot was divided into two separate properties: a small business on the western half (zoned NB) and a residence on the eastern half (zoned R1). This house was demolished around 2019 and now the lot is used as one commercial property with two business uses. The rezone to GB last month made both halves of the lot conforming. Because the store building is within the 30' required bufferyard (except for 4.3') and is a long-standing commercial use, no bufferyard is required along the former NB-zoned western half of the lot.

The bufferyard petitioner is proposing would be a single row of 18 evergreen trees planted on the southern property line of the eastern lot half where the rental trucks are parked, and 8 evergreens planted along the eastern fenced property line. The petition includes information on an evergreen variety called "Arborvitae Emerald Green" which, when purchased, is between 2 to 3' tall but obtains a foot in height each year, growing to a height of 12 to 14'. The UZO requires a buffer be 8' in height. The Administrative Officer has approved the suitability of these plantings.

Regarding the ballot items:

1. The Area Plan Commission on March 18, 2026 determined that the variances requested **ARE NOT** use variances.

And it is staff's opinion that:

2. Granting this variance **WILL NOT** be injurious to the public health, safety, and general welfare of the community. The lot was recently deemed to be acceptable for general business zoning by the county commissioners. The absence of half the required bufferyard on site would not injure the community.
3. Use and value of the area adjacent to the property included in the variance request **WILL NOT** be affected in a substantially adverse manner. A well-maintained wooden fence currently separates the lot from the residence to the east; a small amount of shrubbery exists along the property line of the truck rental area opposite CR 500. The single line of evergreens proposed will aid in protecting adjacent residences; two lines of evergreens are not necessary to achieve this.

4. The terms of the zoning ordinance are being applied to a situation that **IS NOT** common to other properties in the same zoning district. Other truck rental businesses in the GB zone are located on much larger pieces of land. The small size of this half-lot area, along with an unusable 30' bufferyard strip along two property lines, would make this site uncommonly difficult to use.
5. Strict application of the terms of the zoning ordinance **WILL** result in an unusual or unnecessary hardship as defined in the zoning ordinance. A 30' wide bufferyard on two sides would make operating a truck rental business on this small piece of land unnecessarily difficult.

Note: Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

5a. The hardship involved **IS NOT** self-imposed or solely based on a perceived reduction of or restriction on economic gain. The hardship is caused by the small size of the lot and is not self-imposed or based on restrictions to economic gain.

5b. The variance sought **DOES** provide only the minimum relief needed to alleviate the hardship. Installing one row of evergreens in a 15' buffer instead of the required two rows in a 30' bufferyard is an adequate compromise.

STAFF RECOMMENDATION:

Approval with the following conditions:

1. The parking area for the rental trucks shall be paved to meet the standards of the GB zone; and
2. Petitioner must obtain drainage approval from the county surveyor's office.

Form **21V**

The Area Board of Zoning Appeals of Tippecanoe County, Indiana

Findings of Fact for Variances

20 N. 3rd St.
Lafayette, IN 47901
(765) 423-9242
apc@tippecanoe.in.gov

BZA - 2223

PETITIONER

Name: *JHS Investment Group LLC*

FINDINGS

WHEN considering a variance request, the Area Board of Zoning Appeals (ABZA) uses the following criteria to approve, conditionally approve, or deny a variance, and the petitioner must address each one of them. (This form may be completed separately for each requested variance if necessary.) A variance may be approved by the ABZA only upon a determination that all of the following are true:

1. The granting of this variance will not be injurious to the public health, safety, morals, and general welfare of the community because:

Var 1: No changes will occur in the bufferyard area. It will continue to function as it does today with scrub and trees along the south property line.

Var 2: The Type C bufferyard requires tree plantings which do not currently exist along the eastern property line. This will be an improvement to the area.

2. The use and value of the area adjacent to the property included in the variance request will not be affected in a substantially adverse manner because:

Var 1: The scrub and trees will remain as they are today which will not change the use or value of the adjacent neighboring property to the south.

Var 2: The use will remain as an open parking area. No structures are proposed. The adjacent property owner to the east has installed a fence that acts as a physical divide between residential and commercial use. The addition of trees will be an improvement.

3. The terms of the Unified Zoning Ordinance are being applied to a situation that is not common to other properties in the same zoning district. My (our) situation is unique because:

Var 1 & 2: The east lot was a residential use before the house was demolished around 2019. The lot measures 100' x 100'. Requiring a 30' buffer from the southern property line while also requiring a 30' buffer from the eastern property line greatly reduces the amount of land that can be used for the permitted commercial uses on the lot.

4. The strict application of the terms of the Unified Zoning Ordinance will result in an unusual and unnecessary hardship as defined in the Unified Zoning Ordinance because:

Var 1: The southern area in question currently serves as a natural buffer from the neighboring residential property. The hardship is the requirement of an additional 15' of buffer in this area as a result of a rezone with commitments. The rezone will not result in an increase in the size of the current gravel parking area and therefore should not require an additional 15' of plantings.

Var 2: The gravel parking area currently has a rough edge that is 8' from the eastern property line. Requiring a 30' buffer would reduce the parking area greatly, and would result in the U-Haul trucks being parked closer to the driveway entrance & exit along CR 500 S.

5. The hardship involved is not self-imposed or based solely on a perceived reduction of or restriction on economic gain because:

Var 1: The natural buffer currently exists as a half-width of the required 30' buffer. Requiring an additional 15' of tree plantings would eliminate 15' of available parking area that currently exists on the site.

Var 2: The lot is 100' x 100'. The 30' width requirement for tree plantings would greatly reduce the size of the current parking area.

6. The variance sought does provide only the minimum relief needed to alleviate the petitioner's hardship because:

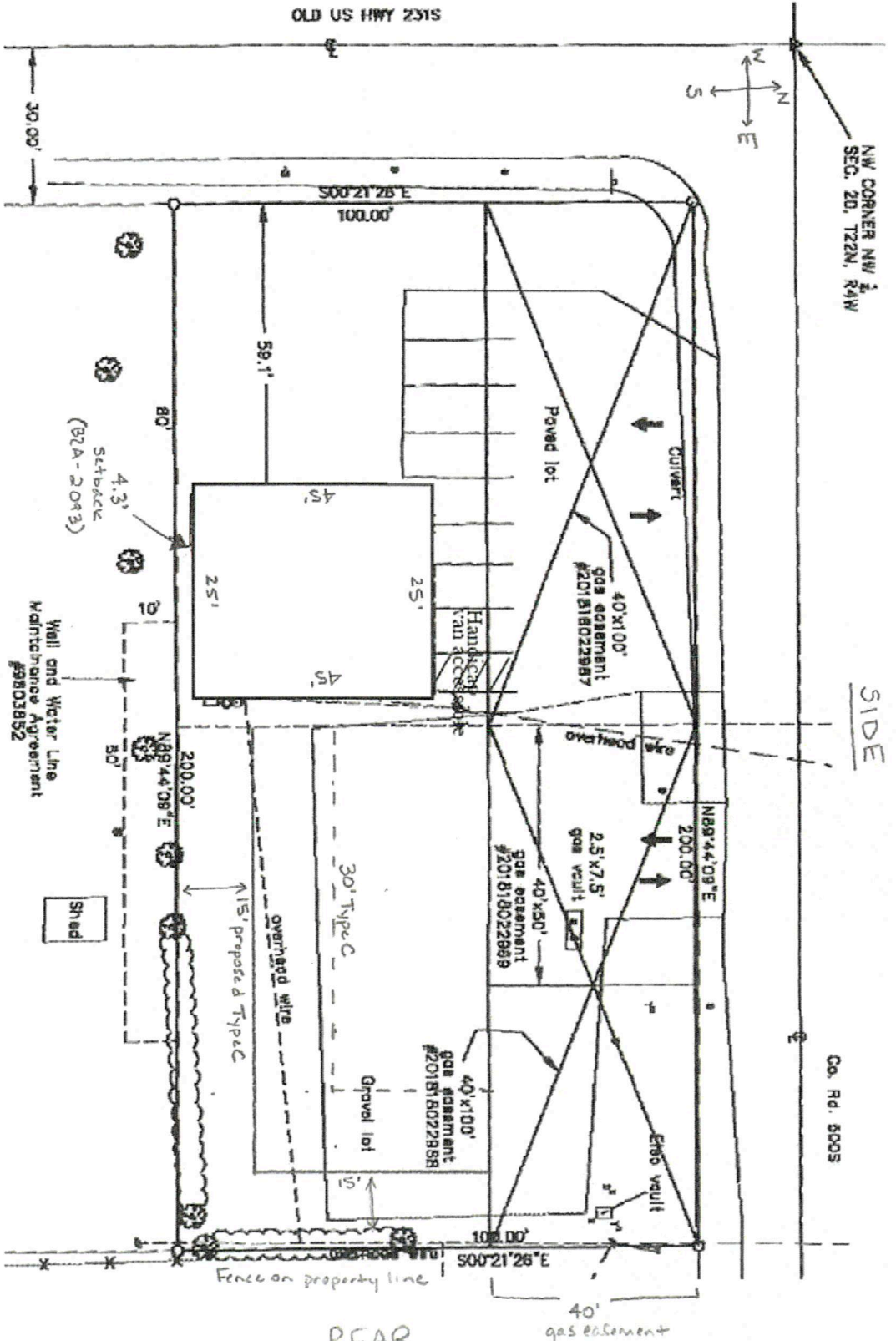
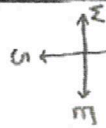
Var 1: The natural buffer already exists at a half-width of the Type C requirement.

Var 2: The request for 15' is half of the Type C requirement. The half-width would be approximately 7' more than the current spacing between the gravel area and the eastern residential property line.

FRONT

OLD US HWY 231S

NW CORNER NW 1/4
SEC. 20, T22N, R4W



Scale: 1" = 10'

SIDE

SIDE

Co. Rd. 500S

REAR

--- 30' Type C
--- 15' proposed Type C

Well and Water Line
Maintenance Agreement
#5803852

4.3' Setback
(BZA-2093)

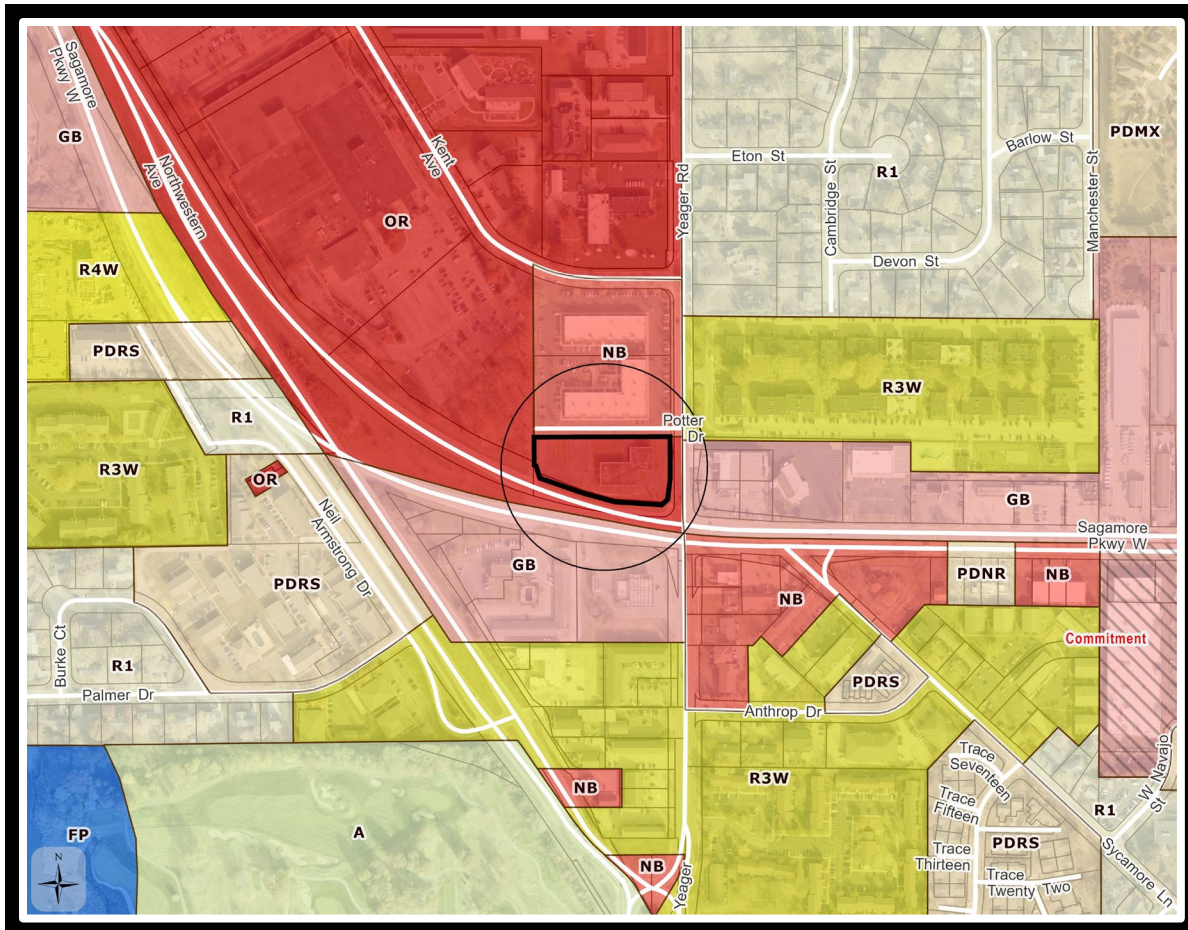
Shed

Fence on property line

40' gas easement

BZA-2224 1ST SOURCE BANK (variance)

STAFF REPORT March 19, 2026



BZA-2224
1ST SOURCE BANK
Variance

Staff Report
March 19, 2026

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, represented by attorney Ryan Munden of RTS Law, is requesting a variance to permit 43 parking spaces instead of the required 60 parking spaces for a proposed bank (SIC 60). 1st Source bank will be demolishing the existing building at the northwest corner of Yeager Road and Sagamore Parkway West and plans to construct a new 2-story (with basement) building. The site is commonly known as 1215 Potter Drive, West Lafayette, Wabash 12 (NE) 23-5.

AREA ZONING PATTERNS:

This OR (office research) zoned area of West Lafayette was originally zoned IR (industrial Reserve) and then changed to OR with the adoption of the *NUZO* in 1998. The land to the north was rezoned from PDNR, Planned Development Non-residential, to NB, Neighborhood Business, in 2014 (Z-2578). Land directly east and south is zoned GB, General Business; R3, Multi-family Residential is located to the northeast.

AREA LAND USE PATTERNS:

The site in question contains a vacant building that formerly housed Lafayette Community Bank. North of the site is an accountant's office. Land to the south, southeast and east is used commercially and supports a gas station, florist shop and a hardware store. Multi-family apartments are located to the northeast across Yeager Road.

TRAFFIC AND TRANSPORTATION:

The site is located at the northwest corner of Yeager Road and Sagamore Parkway. The *Thoroughfare Plan* classifies Yeager as an urban primary arterial and Sagamore is classified as an urban divided primary arterial. The parking standard for a bank is one parking space per 200 square feet of gross floor area.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Sanitary sewer and water serve the site.

STAFF COMMENTS:

Petitioner is requesting a parking variance to allow 43 parking spaces instead of the minimum required 60 spaces for a new bank. This parking standard is one parking space per 200 square feet of gross floor area. Petitioner's proposed bank is two-stories with a full basement, equating to 11,900 square feet. According to the petition, a sizeable portion of the building will be occupied by staff offices, meeting rooms, and training spaces. The lobby for the bank will only occupy a small portion of the building. There will be a maximum of 14 employees on site at any given time.

In the 30 years since the *NUZO* was in the process of being written, there have been significant changes in the way banking services are conducted. Online banking has become ubiquitous, leading to less of a need for in-person transactions at a brick and mortar facility. This societal change has not been addressed in the parking requirements of our current zoning ordinance.

Regarding the ballot items:

1. The Area Plan Commission at its March 18, 2026 meeting determined that the variance requested **IS NOT** a use variance.

And it is staff's opinion that:

2. Granting this variance **WILL NOT** be injurious to the public health, safety, and general welfare of the community. A reduction in parking spaces from 60 to 43 will not have a negative impact on the safety and welfare of the community. Customer and employee parking can still be accommodated.
3. Use and value of the area adjacent to the property included in the variance request **WILL NOT** be affected in a substantially adverse manner. Providing 43 parking spaces instead of 60 will not negatively impact adjoining properties since fewer people actually need to visit their bank then when the UZO was written.
4. The terms of the zoning ordinance are being applied to a situation that **IS NOT** common to other properties in the same zoning district. In this instance, the new building will support more than a customer lobby and will include staff offices, meeting rooms and training spaces that do not reflect the intention of the parking standard, which was conceived primarily for in-person traffic.
5. Strict application of the terms of the zoning ordinance **WILL** result in an unusual or unnecessary hardship as defined in the zoning ordinance. The zoning ordinance's parking standard is causing the hardship. The proposed building will accommodate training spaces, meeting rooms and staff offices, which is more than a typical bank would provide.

Note: Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

5a. The hardship involved **IS NOT** self-imposed or solely based on a perceived reduction of or restriction on economic gain. The hardship in this situation is being created by the parking standard, which assumes that most of a bank will be occupied by the public. In this case, the basement and second floor will only be occupied by employees and not the general public.

5b. The variance sought **DOES** provide only the minimum relief needed to alleviate the hardship because the 43 parking spaces will be adequate for customers and employees.

STAFF RECOMMENDATION:

Approval

Form **21V**

The Area Board of Zoning Appeals of Tippecanoe County, Indiana

Findings of Fact for Variances20 N. 3rd St.
Lafayette, IN 47901
(765) 423-9242
apc@tippecanoe.in.gov

BZA - 2224

PETITIONER

Name: 1st Source Bank

FINDINGS

WHEN considering a variance request, the Area Board of Zoning Appeals (ABZA) uses the following criteria to approve, conditionally approve, or deny a variance, and the petitioner must address each one of them. (This form may be completed separately for each requested variance if necessary.) A variance may be approved by the ABZA only upon a determination that all of the following are true:

1. The granting of this variance will not be injurious to the public health, safety, morals, and general welfare of the community because:

A reduction in the required number of parking spaces will have no negative impact on the safety or welfare of the community. Customer parking will be accommodated on site.

2. The use and value of the area adjacent to the property included in the variance request will not be affected in a substantially adverse manner because:

The site will continue to operate as a banking facility. There is no change in use to affect adjacent properties. The structural and visual changes being made to the site will revitalize and modernize the corner lot.

3. The terms of the Unified Zoning Ordinance are being applied to a situation that is not common to other properties in the same zoning district. My (our) situation is unique because:

Most banks are small one-story buildings. This proposal involves a two-story bank with a basement. A sizable portion of the building will be occupied by staff offices, meeting rooms, and training spaces. The lobby area for customers is a small portion of the gross floor area.

4. The strict application of the terms of the Unified Zoning Ordinance will result in an unusual and unnecessary hardship as defined in the Unified Zoning Ordinance because:

This bank facility will be rebuilt as a two-story branch with basement. The UZO requires parking to be calculated on the gross floor area of all three floors. The strict application of the UZO will result in an abundance of unnecessary parking spaces for the permitted use. A bank serves a lower customer count than other retail businesses and therefore needs fewer parking spaces. Customers of a bank visit for brief transactions. The parking spaces are not occupied for great lengths of time.

5. The hardship involved is not self-imposed or based solely on a perceived reduction of or restriction on economic gain because:

This building will be built with dual purpose. The upper two floors will house the retail lobby and staff offices. The basement space will be used for internal training operations and staff meetings. The same employees, a maximum 14 per shift, will use the basement space. There will be no additional customers parking vehicles for the use of the basement meeting rooms. The hardship is the overlap of gross floor area that is used for employee purposes vs. the space used by the general public. The employee count does not increase with the additional square footage provided by the basement space.

6. The variance sought does provide only the minimum relief needed to alleviate the petitioner's hardship because:

The site plan provides a total of 43 spaces; two ADA spaces and 41 standard spaces. There is a maximum of 14 employees per shift. The total available spaces made available to the general public will be 27.

SITE SUMMARY	
SITE ZONING	= OR
SITE AREA	= 1.37 AC
MIN. VEGETATIVE COVER	= 25 %
PROPOSED BUILDING COVERAGE	= 6 %
MIN. VEGETATIVE COVER	= 30 %
PROPOSED VEGETATIVE COVER	= 36 %
MAXIMUM BLDG. HEIGHT	= 50 FT.
PARKING SPACE REQUIRED (PER ILLINOIS COUNTY UZ2)	= 60 SPACES
1 SPACE PER 200 SQ. FT. OF GROSS FLOOR AREA	= 3 SPACES
ADA PARKING REQUIRED	= 41 SPACES
STANDARD PARKING SPACES PROVIDED	= 2 SPACES
ADA PARKING SPACES PROVIDED	= 43 SPACES
TOTAL PARKING SPACES PROVIDED	= 45 SPACES

