

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

DATEJanuary 28, 2026
TIME 6:00 P.M.
PLACECOUNTY OFFICE BUILDING
20 N. 3RD STREET
LAFAYETTE, IN 47901

This meeting was held in-person.

MEMBERS PRESENT

Ed Butz Robert Novak
Steve Clevenger Gary Schroeder
Brad Hallberg Tim VanderPlaats

MEMBERS ABSENT

(WL) - Vacant

STAFF PRESENT

Ryan O’Gara Eric Burns, Attorney
Kristine Roehl

The Area Board of Zoning Appeals of Tippecanoe County public hearing was held in-person on the 28th day of January 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. ELECTION OF OFFICERS

Eric Burns opened the floor for nominations for president.

Robert Novak moved to nominate Steve Clevenger for president. Ed Butz seconded, and the motion carried by unanimous voice vote.

Steve Clevenger was seated as president.
Steve Clevenger requested nominations for vice president.

Gary Schroeder moved to nominate Robert Novak for vice president. Ed Butz seconded.

Gary Schroeder moved that the nominations for vice president be closed. Ed Butz seconded.

Gary Schroeder moved to cast a unanimous ballot for Robert Novak for vice president. Ed Butz seconded, and the motion carried by unanimous voice vote.

Steve Clevenger requested nominations for secretary.

Gary Schroeder moved to nominate Eric Burns for secretary. Ed Butz seconded.

Gary Schroeder moved that the nominations for secretary be closed. Ed Butz seconded.

Gary Schroeder moved to cast a unanimous ballot for Eric Burns for secretary. Ed Butz seconded, and the motion carried by unanimous voice vote.

II. APPROVAL OF MINUTES

Robert Novak moved to approve the minutes from the December 3, 2025 ABZA public hearing as submitted. Ed Butz seconded. The minutes were approved by a unanimous voice vote.

III. NEW BUSINESS

Ryan O’Gara, APC staff, announced **BZA-2217 DUNBAR ELECTRIC** had been withdrawn by the petitioner. **BZA-2218 CASEY B. GILES** was missing paperwork and might be looking at a continuation. **BZA-2219 HEBER REAL ESTATE** was ready to be heard.

Kristine Roehl, APC staff, confirmed that the sign posting affidavit was missing from the required paperwork for **BZA-2218 CASEY B. GILES**.

Eric Burns stated that he felt comfortable proceeding, with any action taken contingent on the missing paperwork being received in appropriate order. He was not aware of a bylaw that would prohibit doing so but that would be a board decision. It was decided that a motion would be made when that case was heard.

Ryan O’Gara reported that the mayor of West Lafayette is aware of the vacancy and is working to find a replacement.

IV. 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 stated that **BZA-2217 DUNBAR ELECTRIC** has been withdrawn and will not be heard.

Steve Clevenger read the meeting procedures.

Eric Burns recommended that the motion for **BZA-2218** should include that the special exception, if voted affirmatively, would not be effective until the sign posting affidavit is received in good order and verified by staff.

Ryan O’Gara recommended a deadline for Friday before end of day.

Robert Novak moved to hear and vote on **BZA-2218 CASEY B. GILES**. Voting would be contingent upon the petitioner submitting a sign posting affidavit by Friday, January 30, 2026 at 4:30 PM. Ed Butz seconded.

BZA-2218 CASEY B. GILES

Petitioners, on behalf of owner Octavio Gaeta, requests a special exception to legalize an existing transient guest house (SIC 702) for a maximum of 6 guests in a single-family dwelling operating 24 hours per day, 7 days per week. The A-zoned property is located a quarter mile north of the intersection of W 650 N and N 50 W, more commonly known as 6682 N 50 W, Tippecanoe 19 (NW) 24-4.

Kristine Roehl referenced a single-family residence built in 2000. It had been used as a transient guest house since November 2017. The petitioner was under the impression that the property was grandfathered as a transient guest rental but had missed the amendment of August 2017. Staff opened a case after a complaint was made in January 2024 due to the property being listed on Airbnb without a special exception. The health department confirmed that the five-bedroom home had a septic system that was only big enough for a three-bedroom. It was designed for a capacity of six people since the health department’s standards assume two people per bedroom. Upon learning of the septic size, the owner changed the petition from a 12-guest maximum to 6. Staff discovered that Airbnb listing advertised weddings for 16+ guests and the site plan showed a cabin, hot tub, and shed. The petition stated there was enough space for 8-10 cars. Due to tests being met, staff recommended approval with the condition that a permit to operate the transient guest house is obtained from the Administrative Officer for Tippecanoe County. There are also commitments that limit guests to 6 with no more than 3 unrelated guests at a given time. There are to be no parties or events exceeding the 6-guest limit and the dwelling may only be reserved for a single booking at any given time.

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

Casey B. Giles, PO Box 8058, Lafayette, the petitioner, has been managing the property since 2017 and would like to continue. He thought the property had been grandfathered in.

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

Octavio Gaeta, 151 N Salisbury St, West Lafayette, purchased home from Casey Giles in 2021 and at that time it was already operating as an Airbnb. His interest was to parcel off two acres and build a primary residence. He had leased the property back to Casey Giles who continues to manage it. He helps occasionally with issues that arise but is otherwise disconnected from the rental aspect. He signed off on

changing the occupancy limit to 6 people based on the health department's report. He is in favor of whatever requirements are needed to make the operation legitimate.

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

Gary Schroeder wanted clarification on whether the 6-guest limitation was part of the approval.

Steve Clevenger said that was his understanding.

Eric Burns clarified that the report is being submitted with the commitments intact.

Casey B. Giles, PO Box 8058, Lafayette, thought the 3 unrelated guest stipulation was limited to the West Lafayette school district.

Steve Clevenger clarified that it was a county-wide standard per the zoning ordinance. He asked Casey Giles if he was okay with the conditions of the report.

Casey B. Giles, PO Box 8058, Lafayette, affirmed he was okay with the conditions, he had just been unaware of the limitation.

Robert Novak wanted to better understand the business relationship between Casey Giles and the owner. He asked if Casey had leased the property or if he just managed it.

Casey B. Giles, PO Box 8058, Lafayette, confirmed he leased from the owner.

Robert Novak clarified that neighbors or anyone having an issue with the property would contact Casey. He mentioned previous postings advertised it as being able to host weddings.

Steve Clevenger said he assumed that would be changed.

Casey B. Giles, PO Box 8058, Lafayette, confirmed he had changed the listing earlier that day.

Steve Clevenger said he assumed weddings would fall under different approvals.

Ryan O'Gara confirmed that this petition was not approved for events and was just requesting approval transient guest housing, unless they wanted to go back to renting month-to-month or longer.

Steve Clevenger called for additional 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 the special exception.

<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-2219 HEBER REAL ESTATE.** Ed Butz seconded.

BZA-2219 HEBER REAL ESTATE

Petitioners and owner requests a special exception to legalize an existing transient guest house (SIC 702) for a maximum of 6 guests in one unit of a two-family dwelling operating 24 hours per day, 7 days per week. The R2-zoned property is Lot 3 of Harold Bays Minor Subdivision, more commonly known as 4939 N River Road, Tippecanoe 33 (NE) 24-4.

Ryan O'Gara showed a map of a property in a mixed-zone area that included heavy industrial, agricultural, and flood plain zoning. The site was a duplex zone that is served by septic and well. The proposed transient guest house use applied to one of the units in the duplex. The other unit had a long-term renter that would continue. The home was 1,300 sq. ft. with 3 bedrooms. Similar terms and commitments to the previous case would be imposed and were laid out in the report. They were seeking to legitimize a case because of a zoning violation due to operating without a permit. The standards were

met and staff recommended approval conditional upon a permit being obtained and the following commitments: the dwelling may only be reserved for a single booking at a time, the occupancy was limited to 6 guests with no more than 3 unrelated guests at a time, and quiet hours were from 9 PM – 7 AM Sunday through Thursday and 11 PM – 9 AM on the weekends.

Steve Clevenger had Ryan O’Gara clarify that the guest limitation was 6 instead of the 8 listed in the meeting motions.

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

Linda Sigler, 1916 Starks Circle, Lafayette, on behalf of the petitioner, stated that she had been the property manager for Heber Real Estate for 20 years and that they purchased the property in 2019. They had been told by the previous owner that it was already approved for rentals through Airbnb. The driveway was as long as a city block and was gravel, so it helped deter speeding. They rarely have had more than 6 guests and primarily had rentals from construction workers and parents of Purdue students. They did not allow parties or events and had 3 exterior cameras that she monitored closely. They did not allow guests that are not on the booking, except for Purdue students who are children of a guest.

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

Sofia Zuniga, 4941 St Rd 42 N, West Lafayette, spoke in favor, stating that she had rented the neighboring unit for 15 years and had never had any issues. She said she would not live there if it was unsafe or noisy.

Aaron Rothenberger, address redacted, said he had video evidence from his doorbell camera of numerous people who have sped by his house going approximately 20-25 mph. Through testing he had determined that it would take 12 seconds to go past his camera when going 10 mph. He had asked Linda for a resolution to the speeding, to which she said she would buy a child-at-play sign or something along those lines. A sign has never been installed, and his kids play out front. He feared that one of the Airbnb guests would hit his children and he would like something in place to protect them. His other concern was with the back half of the building where a 12-13 ft. section of the foundation was leaning outwards. As a firefighter, he saw that as a hazard if it were to collapse and wanted it to be looked at.

Steve Clevenger asked for a rebuttal.

Linda Sigler, 1916 Starks Circle, Lafayette, said that they were aware of the foundation issue and it had been internally reinforced. She acknowledged that Aaron had asked her to get a sign for the children and she had forgotten to.

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

Steve Clevenger asked Linda if she agreed with the conditions and commitments from the report and if she would look into getting a sign for the children.

Linda Sigler, 1916 Starks Circle, Lafayette, said she didn’t have issues with that and said she understood Aaron’s concerns.

Robert Novak asked staff if the special exception only applied to the unit of the duplex being discussed and not to the long-term rental unit.

Linda Sigler, 1916 Starks Circle, Lafayette, said that each unit had a different address.

Ryan O’Gara said the special exception applied to just one unit and an additional one would be needed for the other unit.

Steve Clevenger stated that he would leave it up to both parties to work out the children-at-play sign.

Steve Clevenger called for a ballot vote.

Attorney Eric Burns collected the ballots. The Board voted 6-Yes to 0-No, approving the special exception.

Yes-Vote

Ed Butz Robert Novak
Steve Clevenger Gary Schroeder
Brad Hallberg Tim VanderPlaats

No-Vote

(none)

V. ADMINISTRATIVE MATTERS

1. Planning Pointers: Caught Between a Rock and a Hardship

Ryan O’Gara said last month they covered the first four findings of fact for variance requests. So, this month they discussed the hardship finding. A hardship is defined by the ordinance as a “perceived difficulty with regard to one’s ability to improve land stemming from the application of the development standards of this ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain will not be considered hardships.” The ordinance goes on to describe what a self-imposed situation could include but they’re essentially for reasons other than the physical characteristics of the property. That is something that you inherit when you buy a piece of land. It comes with whatever geography it has which is usually beyond your ability to change.

An example was a variance request in 2014 which asked for a front setback of 14’ instead of 25’ for a roofed front porch. In that instance, the hardship finding in the staff report said, “Strict applications of the terms of the ZO will not result in an unusual or necessary hardship, though staff can concede that there will be no negative impacts on site distances or to the traveling public.” There is nothing in the ordinance that guarantees a home has a front porch, so the use of the home is not substantially affected without a front porch. The UZO permits stoops, an unroofed porch, to extend 2 ft into the front setback. The petitioner could modify the site plan in that situation and not even need a variance.

Questions 5-A and B in tonight’s ballot touched on this which discussed when a hardship is self-imposed and when it is not. Staff often find the hardship findings to be the most difficult one to justify. Those variances are often self-imposed. Instances where hardships are found typically include geological hazards, something wrong with the property itself, platted drainage easements, or even out-lots in a subdivision. All of these were out of the petitioner’s control and that’s the key, whether the property owner has control over the situation or not. Other times existing improvements on a property contribute to the necessity of the variance request. For example, a new garage addition can only go in a certain location due to the configuration of the dwelling and the public road access point, which is a key approval by the local engineer. In those cases, we often refer to them as being practical difficulties. The petitioner is adding onto their structure, but due to the existing conditions on the property, this is the only valid option and that builds the case for a hardship. Indiana code does recognize that practical difficulties “arise when the strict application of a zoning ordinance development standards prevents a property owner from using their land in a reasonable manner.” This is not merely a hardship but something that is uniquely physical, spatial, or topographical, and something the petitioner does not have control over. A practical difficulty in the staff report is sort of a nod to whatever difficult situation a petitioner finds themselves in. However, it sometimes cannot sway our recommendation of approval. We are charged with a strict reading of the tests. One item that we have evolved on is the height issue, and the West Lafayette height issue was one that was most recently brought to the floor. It has been brought up many times but we’re finally getting around to fixing it. In the last paragraph of the report for height variances in West Lafayette, and most parking reduction variances, staff have used the ordinance itself as the cause of the hardship. Essentially, because of an outdated section of the ordinance that is no longer necessary. Its original writing was rooted in facts on the ground that have changed, and we just haven’t gotten around to fixing the ordinance. The height restrictions in the R3W and R4W zone are being amended. That will be going to the APC next month and we will likely see far less variances for those sorts of things in West Lafayette. If variance cases are for specific items, that’s usually a signal the community doesn’t like that standard. It’s not working and if the variances are granted and not all hell is breaking loose as a result, well, clearly, the health, safety, and general welfare of the community is secure, this standard is antiquated and so we need to change it. So, variance case numbers for certain types of things are always a barometer for when you need to make a UZO amendment.

Steve Clevenger said he thought the major point about the height in West Lafayette was originally about fire protection.

Ryan O’Gara said that height limit was imposed by a fire chief given what their fire equipment could work with. When they had the first high-rise case, that question was put to the chief at the time, who said they now are trained and have the right equipment to handle high-rise fires.

Steve Clevenger added that high-rises are built differently with standpipes and sprinklers.

Robert Novak said he could understand a hardship existing if you have an existing house and want to add a garage, but the location and lot boundaries pose a problem. However, he wondered if it was still a hardship if it was a new build and the owners just wanted a bigger house and a garage. The owners could just redesign their house.

Ryan O’Gara said he would argue that once something is on the ground, you have a practical difficulty to work with. A green site that is a new build could just change the site plans rather than ask for a variance in advance. Wanting a bigger house is not a strong argument from the variance standpoint. An existing house, that doesn’t have plans of being demolished, is in a compromised position given its location, neighboring lot lines, or topography and has a demonstrable hardship. In staff reports, they may do what they call a ‘soft denial’, where they recommend denial only because it does not meet the tests by a pure reading. Staff do not have the liberty to disclose personal feelings as those are irrelevant. They are there to analyze the case and the tests laid out in state code and provide a professional recommendation. The board gets to think about their feelings on a matter, but they also must follow the tests and be ready to defend them in the event of a lawsuit.

Steve Clevenger mentioned the internal layout of a house when adding a garage and planning on how to get to the garage.

Ryan O’Gara said local engineers are usually willing to work with the owner and they consider site distance, to make sure a driveway doesn’t hit a point on the street that would cause a collision.

Steve Clevenger said they recently had a case of a couple originally looking at a lot that they designed a house for and then there were no lots available in the subdivision that fit the house.

Ryan O’Gara said as market demand shifts, changes to coverage requirements and setbacks can be brought to ordinance committee to talk about what is appropriate. Recommendations from the development community led to inventing the R1C zoning district. The zoning ordinance is an organic document, meant to grow with the community’s needs within reason.

Ryan O’Gara, on a separate note, added that Danielle Bistline, APC staff, passed her notary exam and will be available once she receives her stamp.

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.

VI. ADJOURNMENT

Robert Novak moved to adjourn. The meeting adjourned at 6:51 PM.

Respectfully submitted,
Danielle Bistline
Recording Secretary

Reviewed by,



Ryan O’Gara
Executive Director