

**Zoning Appeals Petition**

For Office Use	Date: <b>8/28/2023</b>	Receipt #:	Planner: <b>AH</b>	BZA - <b>2127</b>
<b>SUBJECT PROPERTY</b>				
Address or Site Location: 913 s 28th st Lafayette IN, 47904				
Parcel ID #(s): 79-07-27-303-043.000-004				
Zoning District: R1B			Current Land Use: Residential	
Full Legal Description ( <i>Attach separately if more space is needed.</i> ):				
BELT RY ADDN 48 FT S SIDE LOT 4 BLOCK 55				
Property Class: 510 - one family dwelling platted				
Neighborhood code: 2702				
Tax district information: jurisdiction 79 tippecanoe area 001 fairfield corporation N				
<b>PETITIONER</b>			<b>REPRESENTATIVE</b> ( <i>Complete if applicable.</i> )	
Name: Sabens Enterprise LLP			Name: Connor Sabens	
			Company: Sabens Enterprise LLP	
Address: 3289 n 650 w West Lafayette IN 47906			Address: 3289 n 650 w West Lafayette IN 47906	
Telephone: 765-418-2939			Telephone: 765-418-2939	
Email: connorsabens@gmail.com			Email: connorsabens@gmail.com	
<b>PROPERTY OWNERSHIP</b> ( <i>Complete if the petitioner is not the sole owner of the subject property.</i> )				
Property Owner			Property Owner	
Name:			Name:	
Address:			Address:	
Telephone:			Telephone:	
Email:			Email:	

### Zoning Appeals Petition

#### REQUEST

Type of Appeal Sought:

**Variance** (Attach Form 21V.)

**Special Exception** (Attach Form 21S.)

**Appeal of Administrative Officer's Decision**

Detailed Description of Request (See instructions for proper formatting.):

we would like to use this property as a short term rental property operating in accordance with AIRBNB regulations and in accordance to regulations set forth by the city of Lafayette, Indiana. Our request for a special exception would allow the operation and continued maintenance of this property, which is currently zoned as a R1B and best suited to be a transient guest house with a maximum of 4 adult guests.

In operating this short term rental, all necessary improvements, upgrades, or maintenance will adhere to current residential building codes. All property owners have and will continue to make this a safe site for the neighborhood and up to 4 guests (included guest screening, exterior surveillance, smart locks, etc). Hours of operation for this property will be 24 hours a day, 7 days a week, resembling that of a single family home.

#### ACKNOWLEDGEMENT

I/We, the petitioner, hereby certify that the information contained above and in the attached forms is true and correct to the best of my/our knowledge, and that I/we are the owner(s) of the subject property or have the consent of all of the owners to file this petition. Permission is also hereby granted for the staff of the Area Board of Zoning Appeals to access the property, if necessary, in order to collect information as part of the review of this petition.

  
\_\_\_\_\_  
Signature *Managing Partner*

*8-28-23*  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

### Findings of Fact for Special Exceptions

BZA - 2127

**PETITIONER**

Name:

**FINDINGS**

WHEN considering a special exception request, the Area Board of Zoning Appeals (ABZA) uses the following criteria to approve, conditionally approve, or deny a special exception, and the petitioner must address each one of them. A special exception may be approved by the ABZA only upon a determination that all of the following are true:

1. Section 3-2 of the Unified Zoning Ordinance authorizes the special exception for this use in this zoning district (*Select One.*): Yes
  
2. The requirements and development standards for the requested use as prescribed by the Unified Zoning Ordinance will be met because:  
The requirements will be met with off street parking, minimal but required exterior lighting (primarily due to the street lamp across the street), exterior video surveillance, and guest screening. Additionally, according to AirBNB, no events or parties will be allowed on the property. Due to safety of guests, no more than 4 guest will be accommodated.
  
3. Granting this special exception will not subvert the general purposes served by the Unified Zoning Ordinance because:  
Because there will be no obstruction to existing and normal traffic patterns. Because the external lighting is similar to a standard single family residence or family. Because there will be no more than 4 adults occupying the space at any given time. Because the noise will not differ from that of a single family home.

4. Granting this special exception will not materially and permanently injure other property or uses in the same zoning district and vicinity because of:

- a. Traffic generation. Reasons:

The property location will not generate an influx of new traffic and be no different than existing homes in the area because the home will be rented to no more than 4 adults. Thanks to the solid concrete driveway up to 4 vehicles can comfortably park, eliminating the need for any street parking.

- d. Placement of outdoor lighting. Reasons:

No additional lighting is proposed outside. The existing (and standard single family home exterior lighting) lighting on the exterior is sufficient and will remain to ensure guest safety. The required exterior lighting in the parking area is sufficient due to the street lamp.

- b. Noise production. Reasons:

The property is not intended, nor allowed (per AirBNB regulation) to host or allow private events or parties of any kind. In addition, our guests screen systems and exterior surveillance will prevent the production of excessive noise.

Excessive noise, defined by anything exceeding the normalities of a family.

"Family", defined as up to four unrelated adults (per the city's interpretation).

All guests are not permitted to play music outdoors after 9:00 PM.

Noise from this property would be similar to that of the surrounding properties.

- c. Hours of operation. Reasons:

Hours of operation include 24 hours, 7 days a week, equivalent to that of other residential use.

Form 2

The Area Plan Commission of Tippecanoe County, Indiana  
The Area Board of Zoning Appeals of Tippecanoe County, Indiana

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

### Notice of Public Hearing Release

Case #: BZA-2127

#### NEWSPAPER

Journal and Courier

#### APPLICANT/PETITIONER (or REPRESENTATIVE)

Name: Connor Sabens

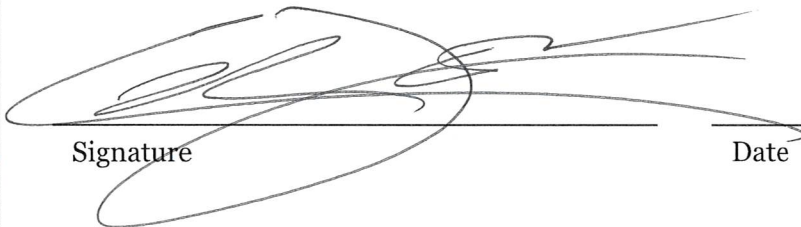
Address: 3289 n 650 w West Lafayette IN 47906

Telephone: 765-418-2939

Email: connorsabens@gmail.com

#### ACKNOWLEDGEMENT

I hereby authorize the Area Plan Commission of Tippecanoe County (APC) or the Area Board of Zoning Appeals of Tippecanoe County (ABZA) to publish the required notice of public hearing for my case in the above-listed newspaper on my behalf. I also authorize the newspaper to bill me directly for the cost to publish this notice. I acknowledge that I am financially responsible for the cost of publishing the notice, and that failure to timely pay this cost may result in the notice not being published in the timeline required by the APC or ABZA bylaws, as well as my case being automatically continued to the next hearing of the APC or ABZA.



8-28-23

Signature

Date

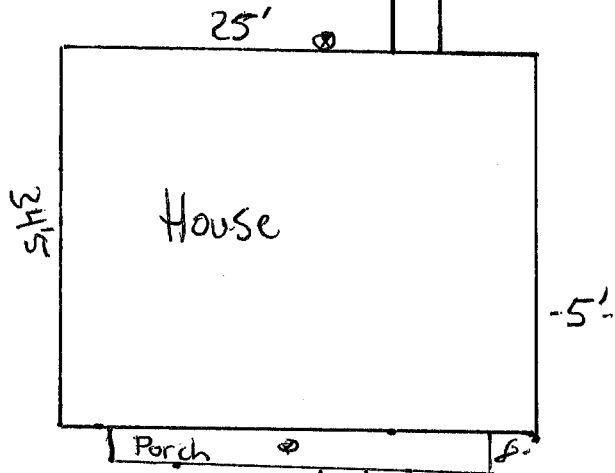
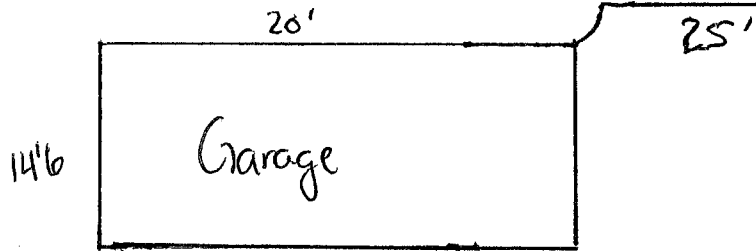
## **Instructions – Notice of Public Hearing Release**

Tippecanoe County Area Board of Zoning Appeals

1. Please skip the first line, marked **Case #**.
2. Whoever is responsible for paying the legal ad should include their information in the **APPLICANT/PETITIONER** box; it does not need to be the petitioner. The newspaper will contact this person via email to pay the bill. Please make sure to check your inbox (and even your Spam folder) around 15-20 days before the hearing date. If you have not received a bill by 14 days before the hearing date, please contact our office.
3. The legal ad must be published at least 10 days prior to the hearing date, or your case will not be heard. Typically, the ad cannot be published until you pay the bill sent by the newspaper.
4. Please sign and date the form.

Alley 50'

Garage 290 SF  
House 862 SF  
Porch 176 SF  
Total (lawn) 6900 SF  
135'



-10-

-5'-

Porch 6'

6'

Sidewalk

4'

2'

10'

50'

S 28th St

Site Location Plan  
Sabens Enterprise LHP  
913 S 28th St Lafayette

Street Lamp

Form 1

The Area Plan Commission of Tippecanoe County, Indiana  
The Area Board of Zoning Appeals of Tippecanoe County, Indiana

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

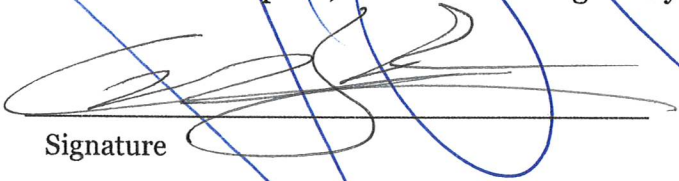
### Property Owner Consent

PROPERTY OWNER	APPLICANT/PETITIONER
Name: Sabens Enterprise LLP	Name: Connor Sabens
Address: 3289 n 650 w West Lafayette IN 47906	Address: 3289 n 650 w, West Lafayette IN, 47906
Telephone: 7654182939	Telephone: 7654182939
Email: connorsabens@gmail.com	Email: connorsabens@gmail.com

SUBJECT PROPERTY
Address or Site Location: 913 S 28th St, Lafayette IN 47904
Parcel ID #(s): 79-07-27-303-043.000-004

### CONSENT

I, the undersigned, being the owner or one of the owners of the subject property above, hereby authorizes the applicant/petitioner listed above to execute any and all documents necessary for the purpose of requesting rezones, subdivisions, and/or zoning appeals (including variances, special exceptions, and appeals of the administrative office's decision), as per the attached application or petition. (Please note that this property owner consent does not extend to subdivision final plats, which must be signed by the owner(s).)



Signature

8-28-23

Date

Signature

Date

STATE OF Indiana )  
 COUNTY OF Tippecanoe ) SS:

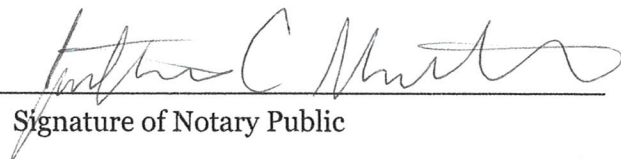


Jonathan C McIntosh, Notary Public  
 Tippecanoe County, State of Indiana  
 Commission No: NP0723773  
 My Commission Expires 11/24/2027

Subscribed and sworn to before me this 28 day of August, 2023.

My commission expires: 11/24/2027

County of Residence: Tippecanoe



Signature of Notary Public

Jonathan C McIntosh  
 Printed Name of Notary Public



**Notice of Public Hearing to Interested Parties**

TO WHOM IT MAY CONCERN:

BZA - 2127

You are receiving this notice because you own property near land which is the subject of a pending public hearing of the Area Board of Zoning Appeals of Tippecanoe County (ABZA), scheduled for **Wednesday, September 27 at 6:00 PM** in the Tippecanoe Room of the County Office Building, 20 North 3<sup>rd</sup> Street, Lafayette, Indiana 47901. At this hearing, the ABZA will consider the following case:

**REQUEST**

Petitioner and owner, represented by Connor Sabens, is requesting a special exception to allow a transient guest house operating 24 hours per day, 7 days per week, for a maximum of 4 adult guests in an R1B zone. The property is located at 913 S 28th Street, in Lafayette, Wabash 27 (SW) 23-4.

Persons wishing to speak to this matter, either for or against, will be given an opportunity to do so at the public hearing in accordance with the ABZA Bylaws. Since the public hearing may potentially be continued (rescheduled) to a future date, please contact the staff of the ABZA prior to the scheduled public hearing to learn if a continuance is anticipated.

Letters, either in support of or opposition to the request, which are mailed, hand-delivered or emailed to the ABZA office no later than 10:00 AM eight calendar days prior to the hearing date, will be included in the hearing packet that is published and provided to members of the ABZA. Letters received after that time will be included in the case file and made available to members of the ABZA at the hearing.

Details of the case are on file and available for public review at the offices of the Area Board of Zoning Appeals of Tippecanoe County, 20 North 3<sup>rd</sup> Street, Lafayette, Indiana 47901, Monday through Friday, 8:00 AM to 4:30 PM. Interested parties with questions or concerns about the case are encouraged to contact the petitioner and/or ABZA staff prior to the hearing, as noted below:

PETITIONER (or REPRESENTATIVE)	ABZA STAFF
Name: Connor Sabens	Address: 20 N 3rd St., Lafayette, IN 47901
Telephone: 765-418-2939	Telephone: (765) 423-9242
Email: connorsabens@gmail.com	Email: apc@tippecanoe.in.gov



Rogers St

Butler St

Central St

S 25th St

S 26th St

Main St

S 27th St

S 28th St

Parkway Ct

Warner St

Curtis St

S 29th St

Central St

S 30th St

S Earl Ave

S 31st St



905 S 28TH ST LLC  
1618 W CANDLEWICK LN  
WEST LAFAYETTE, IN 47906

ALARCON DEVEN  
1005 S 29TH ST  
LAFAYETTE, IN 47904

CAMPOS MARIA  
900 S 28TH ST  
LAFAYETTE, IN 47904

CASAS SALVADOR  
2817 CENTRAL ST  
LAFAYETTE, IN 47905

EHRESMAN DONALD G & CARRIE  
441 KERBER RD  
WEST LAFAYETTE, IN 47906

GARDINER RUDY C & TERESA L  
2608 MARIAN AVE  
LAFAYETTE, IN 47905

GRAVITT SANDRA L  
1015 S 29TH ST  
LAFAYETTE, IN 47904

GUTWEIN JOSEPH & JENNIFER  
2430 SHOREWOOD DR  
LEBANON, IN 46052

HABY STEVEN D & DAVIS NATHAN  
1129 OCALA AVE  
LAFAYETTE, IN 47905

HAMILTON SHANE P  
908 S 28TH ST  
LAFAYETTE, IN 47904

HART ZACHARY  
1018 S 29TH ST  
LAFAYETTE, IN 47904

HOLLIS TERRY A  
2808 E MAIN ST  
LAFAYETTE, IN 47904

HUFFORD JOSHUA LEE  
2710 MAIN ST  
LAFAYETTE, IN 47904

KENNEDY ANDREW J  
9558 E 325 N  
LAFAYETTE, IN 47905

KILLIAN DARYL A  
2726 E MAIN ST  
LAFAYETTE, IN 47904

LANDES CHARLES L  
911 S 28TH ST  
LAFAYETTE, IN 47904

MEDRANO-HERNANDEZ JOSE DE JESU  
2821 CENTRAL ST  
LAFAYETTE, IN 47904

OAKLEY PROPERTY TENANT RENTALS  
1708 OCALA CT  
LAFAYETTE, IN 47905

~~RAYL THOMAS L~~  
~~2720 MAIN ST~~  
~~LAFAYETTE, IN 47904~~  
duplicate

RAYL THOMAS L  
2720 MAIN ST  
LAFAYETTE, IN 47904-3342

RIEHLE THOMAS C  
3106 CEDAR LN  
LAFAYETTE, IN 47905

~~SABENS ENTERPRISE LLP~~  
~~3289 N 650 W~~  
~~WEST LAFAYETTE, IN 47906~~  
petitioner

THARP MICHAEL & RENDI  
2426 UNION ST  
LAFAYETTE, IN 47904

~~THARP MICHAEL O~~  
~~2426 UNION ST~~  
~~LAFAYETTE, IN 47904~~  
duplicate

~~THARP MICHAEL~~  
~~2426 UNION ST~~  
~~LAFAYETTE, IN 47904~~  
duplicate

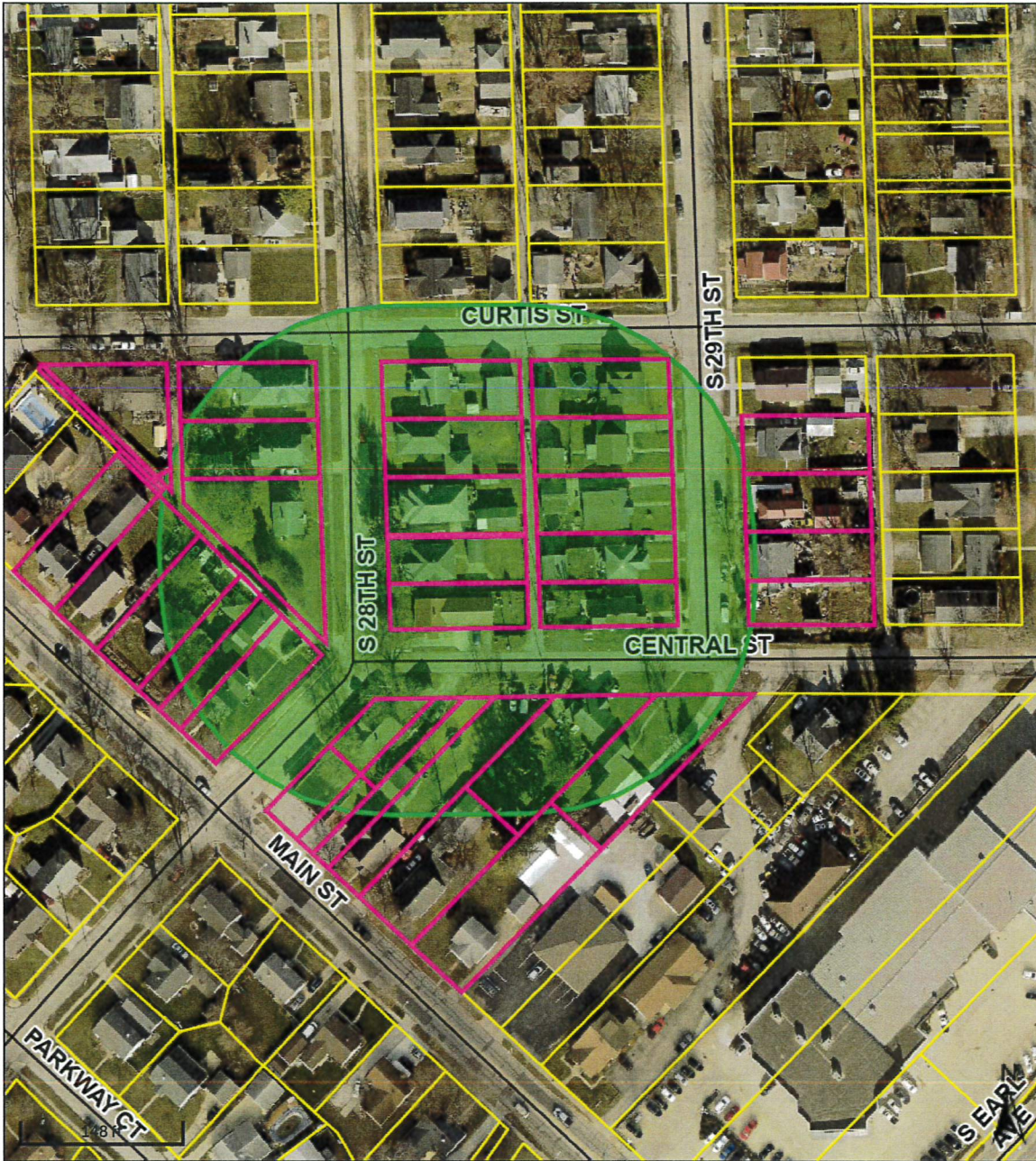
VIERA ELIGIO  
2716 MAIN ST  
LAFAYETTE, IN 47904

WIEN KODY R  
1000 S 29TH ST  
LAFAYETTE, IN 47904

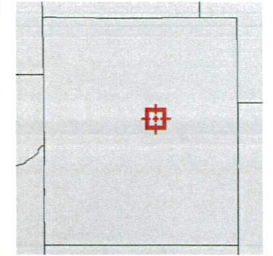
WILLIAMS GEORGE DAVID  
5355 NEWCASTLE RD  
LAFAYETTE, IN 47905

# BZA 2127 Sabens Enterprise LLP

Special Exception



Overview



Legend

-  Parcels
-  Make Tax Payment
-  County Boundary
-  Roads

Date created: 8/29/2023  
Last Data Uploaded: 8/29/2023 5:50:36 AM

Developed by  Schneider  
GEOSPATIAL