

## **Board of Zoning & Appeals Meeting Minutes**

**Monday, April 5<sup>th</sup>, 2021**

**To:** Minutes to Meeting  
**From:** Recording Secretary  
**Subject:** Minutes to Meeting

### **Call to Order**

Bruce Pauley called the April 5<sup>th</sup>, 2021 Board of Zoning Appeals meeting to order at 7:00pm in the Lebanon Municipal Building.

### **Roll Call**

Noted presence of a quorum. Members present included Bruce Pauley, Ron Edwards, Laurie Gross, Chad Kyker, Ron Edwards, Marc Vanaman, Matt Reynolds, Planning Department, Kelly Cook, Recording Secretary. Also, present City Attorney, Scott Frissell (Krieg DeVault, LLC).

### **Approval of Minutes**

Laurie Gross made a motion to approve the February 1<sup>st</sup>, 2021 meeting minutes. Chad Kyker seconded the motion a vote of 5-0 was in favor motion passed.

### **Old Business**

**Docket #21-14:** Continued from March meeting. John Stewart requesting a Development Standards Variance to construct a detached garage located at 1526 Ashley Drive. The property is Zoned "SF-3" Single Family 3.

Matt Reynolds gave an overview of the history of the property.

Variance Request – Accessory Structure Side Setback UDO Section 7.10.A.4

The applicant is seeking to remove an existing small accessory structure in the rear yard and replace it with a larger 16 foot by 22-foot garage. Due to limitations on area and access the garage is proposed to be 6 feet from the property line rather than the required 10 feet.

Matt Reynolds read through the three statutory criteria.

Applicant, John Stewart of 1526 Ashley Drive, Lebanon, IN 46052 stated he is wanting to construct a new garage and will need the variance request granted to do this.

Bruce Pauley opened and closed the public portion of the hearing.

Bruce Pauley entertained for a motion. Laurie Gross made a motion to approve Docket #21-14 with City of Lebanon Planning Staff recommendations of the Development Standards Variance request to permit the construction of a garage that is 6 feet from the side property line. Ron Edwards seconded the motion a vote of 4-1 was in favor motion approved.

**Docket #21-20:** Iron Men Properties of Lebanon II, LLC requesting 8 Development Standards Variances to construct a new Multi-Family apartment structure to be located at 409, 417, 423, 503 & 507 N. Lebanon Street. The property is Zoned “MF” Multi-Family.

Matt Reynolds gave an overview of the history of the property along with the 8 variances being requested.

The Development Standards Variances requested:

- i. UDO Section 4.9 – Front Setback
- ii. UDO Section 7.5.C. 12- Parking Spaces Dimensions
- iii. UDO Section 7.5.C.5 Parking Layout/Design
- iv. UDO Section 4.9. D Minimum Living Area
- v. UDO Section 4.9. D Maximum Lot Coverage
- vi. UDO Section 4.9. D Side Setback
- vii. UDO Section 4.9. D Required open Space
- viii. UDO Section 7.15.B.3 Exterior Lighting

Mr. Reynolds noted this meeting tonight is to hear the variances being requested not to remonstrate if the development is wanted by the public.

Bruce Pauley questioned the distance between the Memory Hall Apartments and the new proposed parking lot. Matt Reynolds stated there was not a required distance from the Memory Hall apartments and the new parking lot leaving it to be a block in distance away.

Bruce Pauley ask for questions from the board, there were none.

Joe Blake, developer and owner for Iron Men Properties as well as the Flats and Memory Hall spoke of the intentions they have for this piece of property.

Mr. Blake described the new development to have the hometown look and will fit in well with downtown Lebanon and Big 4 Trail. The dwellings would be set at market rate. The square footage would be a minimum 695 for the proposed units. The development would have 86 parking spaces which include the 14 extra spaces to accommodate parking for the already existing Memory Hall apartments to meet the city zoning ordinances.

Bruce Pauley opens the hearing up to the public.

John Messenger 518 N. Meridian Street, Lebanon, IN 46052 states he has concerns with the development and the building code with the height of the building. Mr. Messenger is opposed to this proposed development.

Paul VanClay 404 N. Meridian Street, Lebanon, IN 46052 has concerns with the development and the Howard Street being removed causing difficulty to access other streets.

Bruce Pauley closed the public portion of the meeting.

Bruce Pauley questioned if this has gone through TAC yet. Mr. Reynolds stated this has not gone through TAC as this is a step later in the process and procedure.

Bruce Pauley questioned the use of Howard Street. Mr. Reynolds stated the street would have to be vacated through the Planning Commission and then Board of Works.

Ron Edwards questioned if they pass this tonight would the next step be to the TAC and then to Planning Commission. Matt Reynolds stated yes

Marc Vanaman questioned the 14 parking spots for Memory Hall, have they been needed. Mr. Reynolds stated this is more of subjective, but this was required per the previous application to follow our city ordinance and parking standards.

Joe Blake, developer spoke of the question, concerning the building code. The development will be code compliant as this development will have to go through the proper channels before being approved. Mr. Blake stated the alley vacation will go before the city council requesting the alley vacations.

Bruce Pauley entertained for a motion to approve each of the 8 variances being requested individually.

**i. Front Setback: UDO Section 4.9.D** - Marc Vanaman made the motion and seconded by Ron Edwards a 5-0 vote was in favor motion passed.

**ii. Parking Space Dimensions: UDO Section 7.5.C.12** - Ron Edwards made the motion and seconded by Chad Kyker a 5-0 vote was in favor motion passed.

**iii. Maximum Lot Coverage: UDO Section 4.9.D** - Laurie Gross made the motion and seconded by Ron Edwards a 4-1 vote was in favor motion passed.

**iv. Lighting Intensity: UDO Section 7.15.B.3** - Ron Edwards made the motion and seconded by Marc Vanaman a 4-1 was in favor motion passed.

**v. Parking Space Maneuvering in Right-of-Way: UDO Section 7.5.C.5** - Marc Vanaman made the motion and seconded by Ron Edwards a vote of 4-1 was in favor motion passed.

**vi. Minimum Living Area Per Dwelling Unit: UDO Section 4.9.D** - Laurie Gross made the motion and seconded by Ron Edwards a vote of 5-0 was in favor motion passed.

**vii. Side Building Setback: UDO Section 4.9.D** - Marc Vanaman made the motion and seconded by Ron Edwards a vote of 5-0 was in favor motion passed.

**vii. Percentage Open Space: UDO Section 8.15.B** - Laurie Gross made the motion and seconded by Ron Edwards a vote of 4-1 was in favor motion passed.

**Docket #21-21: Valley City Sign for Woodland Airstream:** The property is located at 955 Lasley Drive, Lebanon, IN 46052. The property is zoned Planned Business Commercial (PBC) and comprised of 3.84 acres.

Matt Reynolds gave an overview of the history of the property.

The applicant is proposing to construct a pole sign for the proposed dealership that is 192 square feet and 60 feet tall. Freestanding Pole Signs are listed as a Conditional Use within the PBC zoning district under the following conditions.

1. Pole signs shall only be located within 1000 feet of an interstate interchange.  
The proposed pole sign is located approximately 500 feet from the existing interchange.
2. Pole mounted signs shall not exceed 60 feet in height.  
The proposed pole sign is 60 feet tall.
3. The maximum sign area shall not exceed 200 square feet per side.  
The proposed pole sign is 192 square feet per side.

Adam Culley, General Manager for the Woodland Airstream Facility, and building. The original dealership is in Grand Rapids, Michigan and this Lebanon dealership will be the second location.

Matt Reynolds ask for questions or comments.

Chad Kyker questioned the height and placement of the sign visibility. Adam Culley stated the placement and height is to make the sign more visible.

Bruce Pauley opens & closes the public portion of the meeting.

Bruce Pauley entertained for a motion. Laurie Gross made a motion to approve Docket #21-21 Chad Kyker seconded a vote of 5-0 was in favor motion approved.

**Docket #21-22: Adam Watts for IMI Indiana, LLC:** The property is located at 3450 South Indianapolis Road, Lebanon, IN 46052. The property is zoned Single-Family Residential (SF) and comprised of approximately 7.5 acres.

Matt Reynolds gave an overview of the variance being requested.

Variance Request – Concrete Production Facility in the Single – Family Residential (SF)

IMI Indiana, a concrete production company, has an existing concrete plant located on the property. Another IMI facility located on the south side of Indianapolis will be impacted by the I-69 construction and must relocate. IMI is looking to erect the plant and relocating it to this Lebanon site.

Adam Watts and Steve Geiger representing IMI Concrete spoke of how the IMI plant would be impacted by the 69 construction and the importance of opening this additional plant here in Lebanon on Indianapolis Road. The plant would be moved up here to be a state-of-the-art plant and the landscaping will be beautified to meet the city standards.

Bruce Pauley questioned if IMI would be closing the plant on South Street. Mr. Watts stated they cannot answer this at this point.

Bruce Pauley opens the hearing up for public speaking.

**Teresa Wilson:** 3510 S. Indianapolis Road, Lebanon, IN 46052. Questions the concrete recycling machine and how many concrete trucks will be onsite and would like the bright spotlight addressed as it shines on their property at night.

**Bruce Adkins:** Did not sign in for the public speaking (no address). Questioned if they could add earth embankments to keep noise down for surrounding neighbors.

**Nate Vansee** (unintelligible): 3358 Indianapolis Avenue, Lebanon, IN 46052. Would like this item tabled as Mr.V opposes IMI opening an additional concrete plant on this site.

Bruce Pauley closed the public portion of the hearing.

Matt Reynolds stated public notices were sent out to all four surrounding parcels, this would be anything 300 hundred feet from the IMI parcel.

Adam Watts for IMI Indiana addressed the questions and concerns. The lighting will be addressed and will meet the city standards. There will be 15 total concrete trucks stationed at this location.

Bruce Pauley entertained for a motion. Laurie Gross made a motion to approve Docket #21-22. Ron Edwards seconded a vote of 5-0 was in favor motion passed.

**Docket #21-23:** Adam Watts for IMI Indiana, LLC the property is located at 3450 S. Indianapolis Road, Lebanon, IN 46052. The property is zoned Single-Family Residential (SF) and comprised of approximately 7.5 acres.

Matt Reynolds gave an overview of the property history and variance being requested.

Variance Request – Building Height UDO Section 4.15.D

Adam Watts, IMI Indiana, stated this new building will be an updated state of the art structure. This will not only have a better appearance but will be a more efficient plant.

Bruce Pauley opens and closes the public portion of the hearing.

Bruce Pauley entertained for a motion. Ron Edwards made a motion to approve Docket #21-23. Marc Vanaman seconded the motion subject to the following condition: The applicant provide the required buffer landscaping along the west and south property lines where current vegetation does not adequately screen the development site from neighboring properties. A vote of 5-0 was in favor motion passed.

**Docket #21-24:** Lebanon Utilities, the property is located in the northeast corner of Abner Longley Park. The property is zoned Institutional (IN) and comprised of 2 acres.

The UDO requires that all lots shall abut on a street. The proposed location of the water storage tank has no access from the lot to any public street. The applicant is requesting relief from the requirement to allow construction of the proposed facility on a lot that does not have street frontage.

Matt Reynolds gave an overview of the variances being requested.

Variance Request #1 – Lot Standards

Variance Request #2 – Fence Standards

John Lighter with Butler Fairman & Seufert spoke of the water storage tank to improve water pressure in this area of the city. The applicant is proposing that the site be surrounded by chain link fence topped with barbed wire. Mr. Lightner stated the structure will be shielded from trees and out of sight and be built out of concrete approximately 30 feet tall.

Bruce Pauley opens and closes the public portion of the hearing.

Bruce Pauley entertained for a motion. Laurie Gross made a motion to approve Docket #21-24 seconded by Chad Kyker a vote of 5-0 was in favor motion passed.

### **Other Business**

There was no other business conducted.

**Adjourned**

A motion was made and seconded to adjourn the meeting at 9:13pm. The Lebanon Board of Zoning and Appeals will meet again on May 3<sup>rd</sup>, 2021 at 7pm.

Submitted by Recording Secretary

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Chairman, Bruce S. Pauley

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Secretary, Kelly Cook