

Board of Zoning & Appeals Meeting Minutes

Monday, June 7th, 2021

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

Call to Order

Bruce Pauley called the June 7th, 2021 Board of Zoning Appeal meeting to order at 7:00pm in the Lebanon Municipal Building.

Call Roll

Noted presence of a quorum. Members present included Bruce Pauley, Ron Edwards, Laurie Gross, Chad Kyker, Marc Vanaman, Ben Bontrager, Planning Department, Kelly Cook, Recording Secretary. Also, present Rob Schein, Krieg DeVault, LLC.

Approval of Minutes

Laurie Gross made a motion to approve the May 3rd, 2021 meeting minutes. Ron Edwards seconded the motion a vote of 5-0 was in favor motion passed.

Old Business

Old Business was moved to be after Docket #21-33 & #21-34.

New Business

Docket #21-33: Thomas Land requesting a Development Standards Variance for Minimum Lot Size to construct a two-family residential home. The property is located at 504 Franklin Street. The property is zoned "NB" Neighborhood Business.

- i. UDO Section 4.12.D

Ben Bontrager gave an overview of the variance being requested. The applicant is requesting relief from the lot size requirement in order to construct the proposed duplex.

Applicant, Tom Land gave an overview of the project to construct a duplex home on this property.

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 #21-33. Marc Vanaman seconded the motion, a vote of 5-0 was in favor motion approved.

Docket #21-34: John Stathers 607 N. Park Street, Lebanon, IN 46052. The property is zoned Single – Family Residential (SF2) and comprised of approximately 0.19 acres. The subject lot configuration is 60 feet wide and 140 feet in depth.

Ben Bontrager gave an overview of the variance being requested. The applicant is requesting relief from the two-car garage requirement to allow construction of an oversized one-car garage in order to meet required setbacks.

Variance Request #1 – Garages UDO Section 7.18.A.11

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

Bruce Pauley entertained for a motion. Ron Edwards made a motion to approve Docket #21-34. Chad Kyker seconded the motion, a vote of 5-0 was in favor motion approved.

Old Business

Docket #21-20: Iron Men Properties of Lebanon II, LLC requesting 8 Development Standards Variances to construct a new Multi-Family structure to be located at 409, 417,423, 503 and 507 N Lebanon Street. The property is zoned “MF” Multi-Family Residential and is within the Downtown and Thoroughfare Overlay Districts and comprised of 1.16 acres.

Ben Bontrager gave an overview of the variances being requested. Iron Men Properties presented the intent to construct a new two-story multi-family building with associated required surface parking on the subject site. Due to the specific design and nature of the project and particular limitations of the existing property, a number of variance requests are needed to facilitate development.

The Development Standards Variances requested are as follows:

Variance Request #1- Front Setback – UDO Section 4.9.D

Variance Request #2 – Parking Space Dimension – UDO Section 7.5.C.12

Variance Request #3 – Maximum Lot Coverage – UDO Section 7.15.B.3

Variance Request #4 – Lighting Intensity UDO Section 7.15.B.3

Variance Request #5 – Parking Space Maneuvering in Right-of-Way – UDO Section 7.5.C.5

Variance Request #6- Minimum Living Area Per Dwelling Unit – UDO Section 4.9.D

Variance Request #7 – Side Building Setback – UDO Section 4.9.D

Variance Request #8 – Percentage Open Space UDO Section 8.15.B

Applicant, Joe Blake, Iron Men Properties spoke of the handicap parking as this can be moved to any area of the parking lot. Mr. Blake spoke of the additional fourteen parking spots that were required to be provided for The Flats of Lebanon when those units changed from senior living to traditional market rate apartments. These spaces will be spaced in with the new parking lot but not specifically designated. Mr. Blake spoke of the need for the Flats of Lebanon as they will be quality housing.

Bruce Pauley opened the hearing up for public comment.

Joyce Douglas: 409 N. Meridian Street, Lebanon, IN 46052. Has concerns of certain dates of this hearing and states this meeting tonight, should not be held. Mrs. Douglas strongly opposes the Iron Men development.

Pam D’Amico: 403 N. Meridian Street, Lebanon, IN 46052. Has concerns with the parking in this area and that there will only be two entrances with this development. Mrs. D’Amico strongly opposes the Iron Men development.

Roger Hogan: 116 W. Williams Street, Lebanon, IN 46052. Has concerns with the possible change in the water levels and flooding.

Paul VanClay: 404 N. Meridian Street, Lebanon, IN 46052. Has concerns with the infrastructure, dogs with lack of green space. The amount of traffic that will be in and out of this development. The trash is a weekly issue at the Flats.

Bruce Pauley closed the public portion of the hearing.

Ben Bontrager addresses the public comments and the concerns that this meeting should not be taking place. Stating that the dates and requirements were all met. Mr. Bontrager stated the storm water will be adequately draining to the proper areas from this development.

Joe Blake addressed the questions and concerns from the public. Mr. Blake gave an overview of the 14 parking spaces that are to be for the Lebanon Flat’s (formerly Memory Hall). There is a recorded document stating the parking spaces will remain with the Lebanon Flat’s.

Mr. Blake also stated that the development will include a system that controls the water capacity that could cause any flooding.

Bruce Pauley entertained for a motion. (Each variance request will be voted on individually)

Variance Request #1 – Front Building Setback – UDO Section 4.9.D: Laurie Gross made a motion to approve. Marc Vanaman seconded the motion a vote of 3-2 passed.

Variance Request #2 – Parking Space Dimension – UDO Section 7.5.C.12: Marc Vanaman made a motion to approve. Laurie Gross seconded the motion a vote of 4-1 passed.

Variance Request #3 – Maximum Lot Coverage – UDO Section 4.9.D: Ron Edwards made a motion to approve. Laurie Gross seconded a vote of 5-0 passed.

Variance Request #4 – Lighting Intensity – UDO Section 7.15.B.3: Ron Edwards made a motion to approve. Laurie Gross seconded the motion a vote of 3-2 passed.

Variance Request #5 – Parking Space Maneuvering in Right of Way – UDO Section 7.5.C.5: Marc Vanaman made a motion to approve with the condition that the handicap parking spaces be moved off of the north alley. Ron Edwards seconded the motion a vote of 4-1 passed.

Variance Request #6 – Minimum Living Area Per Dwelling Unit – UDO Section 4.9.D: Ron Edwards made a motion to approve. Laurie Gross seconded the motion a vote of 5-0 passed.

Variance Request #7 – Side Building Setback – UDO Section 4.9.D: Laurie Gross made a motion to approve. Marc Vanaman seconded the motion a vote of 5-0 passed.

Variance Request #8 – Percentage Open Space – UDO Section 8.15.B: Laurie Gross made a motion to approve. Marc Vanaman seconded the motion a vote of 4-1 passed.

All 8 Variance Request were approved by the Lebanon Board of Zoning Appeals.

Docket #21-35: Gary Ladd for ATEC Electrical Contractors. The property is located at 419 Ransdell Road, Lebanon, Indiana 46052. The property is zoned Planned Business Commercial (PBC) and is comprised of 1.6 acres.

Ben Bontrager gave an overview of the Development Standards Variances being requested.

Variance Request #1 – Parking Lot Perimeter Landscaping – UDO Section 7.8.J.3

Variance Request #2 – Parking Area Paving – UDO Section 7.5.C.1

Variance Request #3 – Parking Area Curbing – UDO Section 7.5.C.3

Variance Request #4 – Parking Lot Interior Landscaping – UDO Section 7.8.J.2

Variance Request #5 – Side Setback – UDO Section 4.13.D

Variance Request #6 – Building Materials – UDO Section 7.18.C.5.d

Applicant, Gary Ladd with Ladd Engineering stated Ben Bontrager covered the variance request and has no comment but would answer any questions from the board, there were none.

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

Bruce Pauley entertained for a motion. Ron Edwards made a motion to approve Docket #21-35. Marc Vanaman seconded the motion a vote of 5-0 motion passed.

Other Business

There was no other business conducted.

Adjourn

A motion was made and seconded to adjourn the meeting at 9:22pm. The Board of Zoning Appeals will meet next month on Tuesday, July 6th, 2021.

Submitted by Recording Secretary

Kelly Cook

Chairman, Bruce S. Pauley

Secretary, Kelly Cook