

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

**Tuesday, January 4<sup>th</sup>, 2022**

**To:** Minutes to Meeting

**From:** Recording Secretary

**Subject:** Meeting Minutes

### **Call to Order**

Bruce Pauley called the January 4<sup>th</sup>, 2022 Board of Zoning Appeals meeting to order at 7:00pm in the Lebanon Municipal Building.

### **Call Roll**

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

### **Absent Member**

Marc Vanaman

### **Approval of Minutes**

Laurie Gross made a motion to approve the October 4<sup>th</sup>, 2021 meeting minutes. Chad Kyker seconded the motion with a vote of 4-0 in favor motion passed.

### **Election of 2022 Officers**

Chad Kyker made a motion to appoint Bruce Pauley as Chairman of Board of Zoning Appeals. Seconded by Laurie Gross a vote of 4-0 was in favor motion approved.

Ron Edwards made a motion to appoint Chad Kyker as Vice-Chairman. Seconded by Laurie Gross a vote of 4-0 was in favor motion approved.

### **Approval of 2022 Meeting Dates**

Laurie Gross made a motion to approve the 2022 Board of Zoning meeting dates. Seconded by Ron Edwards a vote of 4-0 was in favor motion passed.

## Old Business

**Docket #21-59:** Headley Condominiums requesting a Development Standards Variance to construct a covered parking area in the required front setback on W. North Street. The property is located at 310 N. West Street. The property is Zoned "MF" Multi Family Residential.

i. UDO Standard 4.9.D – Front Yard Setback

Ben Bontrager gave an overview of the variance being requested. Mr. Bontrager spoke of the variance that was requested at the December 3<sup>rd</sup>, 2001 meeting; the request was denied. This same request is before the board tonight.

Variance Request – Accessory Structure Front Setback

UDO Section 7.10.A.4

Mr. Bontrager stated the accessory structures shall be located no closer to the front lot line than the building façade line of the principal structure. The applicant is requesting to extend the carport structure toward the front property line to cover the remaining two parking spaces, leaving a front setback of approximately 6 feet. The setback of the principal structure is approximately 30 feet from West Street. This request is the same as what was requested and denied at the December 2001 BZA meeting.

Attorney, Bob Clutter, 117 W Main Street, Lebanon, IN 46052. Mr. Clutter represented the Headley Condominiums stating the simple reason for the variance request, would be there are 12 tenant and only 10 covered parking spaces. Leaving two residents over the age of 75 years of age to be left to park in the uncovered parking spots.

Chad Kyker questioned as to why Mr. Clutter finds the denial of the previous variance request to be erroneous by law and would like explanation.

Mr. Clutter explained how the erroneous decision was determined with a description along with pictures to better explain the reasoning.

Mr. Clutter displayed additional pictures of the current carport covering and why there was a need for this additional coverage of the two spots currently not covered.

**Mary Zurfus:** 310 N West Street, Lebanon, IN 46052. President of the homeowner's association of Headley Condominiums. Mary expressed the need for two additional carport coverings. She stated they would like to right a wrong that took place some twenty years ago. In hopes the board will grant the variance to add the additional covered parking spots.

**Alice Wines:** 310 N West Street, Lebanon, IN 46052. Alice sent her statement in through a written letter, stating she is in favor of the variance request. The need for the carport cover is needed when there is inclement weather.

**Susan Martz:** 310 N West Street, Lebanon, IN 46052. Susan is the treasurer for the Headley Condominiums and explains each condo is assigned a specific parking spot and expressed the need for the two additional carport coverings.

**Jay Martz:** 310 N West Street, Lebanon, IN 46052. Jay spoke of the need for the two additional spots to be covered. It would help with the safety of the tenants in the winter as he tries to clear the snow off the lot. He is not always there to take care of this. Mr. Martz feels this would only add value to the property.

Bruce Pauley closed the public portion of the hearing.

Bruce Pauley entertained for a motion. Ron Edwards made a motion to **approve** Docket #21-59. Chad Kyker seconded the motion a vote of 4-0 was in favor motion approved.

**Docket #22-1:** Richard Penola requesting a Development Standards Variance for minimum lot size. The applicant is not present.

Bruce Pauley entertained for a motion. Chad Kyker made a motion to continue Docket #22-1 to the February 7<sup>th</sup>, 2022 meeting. Ron Edwards seconded the motion a vote of 4-0 was in favor motion approved.

**Docket #22-1 Continued to the February 7<sup>th</sup>, 2022 meeting.**

### **Other Business**

There was no other business conducted.

### **Adjourn**

A motion was made and seconded to adjourn the meeting at 7:40pm. The Lebanon Board of Zoning and Appeals will meet again on February 7<sup>th</sup>, 2022 at 7:00pm.

Submitted by Recording Secretary

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President, Bruce S. Pauley

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Secretary, Kelly Cook

