

Board of Zoning Appeals Meeting Minutes

Monday, February 7th, 2022

To: Minutes to Meeting

From: Recording Secretary

Subject: Meeting Minutes

Call to Order

Chairman Bruce Pauley called the February 7th, 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 Mark Vanaman, Chad Kyker, Bruce Pauley, Ron Edwards, Laurie Gross, Matt Reynolds, Planning Department, Ben Bontrager, Planning Department, Kelly Cook, Recording Secretary. Also, present Rob Schein, Dinsmore & Shohl LLP.

Old Business

Docket #22-1: Richard Penola requesting a Development Standards Variance from the minimum lot size requirement to subdivide the parcel located at 1024 N. Lebanon Street and 201 W. Essex Street. The property is zoned "MF" Multi Family.

Ben Bontrager gave an overview of the variance being requested.

Variance Request #1- Lot Size UDO Section 4.9.D

The UDO requires 4000, 5000, and/ or 6000 square feet per unit within the MF zoning district depending on the number of bedrooms. The applicant is requesting relief from this requirement to subdivide the subject lot to separate two existing residential structures onto their own lots, requiring minimum lot sizes smaller than permitted in the zoning district.

Ben Bontrager asks for questions there were none.

Applicant, Richard Penola, purchased the property and currently rents to the Boone County Mental Health. Mr. Penola is requesting the variance for the possibility of selling the property in the future.

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 #22-1. Laurie Gross seconded the motion a vote of 5-0 was in favor motion approved.

New Business

Docket #22-4: Shambaugh & Son, LP representing White Castle Systems requesting a Development Standards Variance to construct a structure for refrigeration equipment.

The property is located at 1506 W. Main Steet. The property is Zoned "ID" Industrial District and comprised of approximately 4.9 acres. The lot configuration is 360 feet wide by 560 feet in depth.

Ben Bontrager gave an overview of the variance being requested.

Variance Request – Accessory Structure Maximum Height UDO Section 7.10.A.4

The applicant is seeking Development Standard Variance to permit the construction of an accessory structure with a maximum height of 21 feet that exceeds the maximum permitted by UDO of 18 feet.

Applicant, Mike Young, with White Castle gave an overview of the variance being requested. White Castle is installing a new refrigeration system. The system is taller (21 feet) than the existing structure height (18 feet).

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

Bruce Pauley entertained for a motion. Chad Kyker made a motion to approve Docket #22-4. Marc Vanaman seconded the motion a vote of 5-0 was in favor motion approved.

Docket #22-5: Patterson Steet Partners LLC, the property is zoned General Industrial (ID) and is comprised of 5.04 acres.

The property is located at 320 N Patterson Street, Lebanon, Indiana 46052.

Ben Bontrager gave an overview of the variance being requested.

Variance Request #1 – Building Front Setback – Building Front Setback UDO Section 4.16.D

Variance Request #2 - Building Side Setback – Building Side Setback UDO Section 4.16.D

Variance Request #3 – Buffer Setback - UDO Section 7.8.O

Ben Bontrager added this will be a spec building and currently has no tenants. They will be meeting all the setbacks and landscape buffers.

Applicant, Adam DeHart, 486 Rail Drive, Carmel, IN. Gave an overview of the variances being requested for this project. Mr. DeHart gave an overview of the overall project and the upgrades to the property adding a new storm system, sidewalks and curbing to this area.

Bruce Pauley asks for questions.

Chad Kyker questioned the zoning for this location being industrial use. Ben Bontrager stated this area has been zoned this since the 1930's. Because of the environmental conditions, it cannot be zoned anything but industrial use.

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 22-5. Ron Edwards seconded the motion a vote of 5-0 was in favor motion approved.

Docket #22-6: Danielle Hoffman, 100 Smith Street, Lebanon, IN 46052.

The property is zoned Planned Business Commercial (PBC) and comprised of 0.74 acres. The lot is approximately 119' wide x 247' in depth.

Matt Reynolds gave an overview of the variance being requested. The applicant has requested a variance from the height and opacity requirements to allow the construction of a landscape block wall within the front yard.

Variance Request – Non-Residential Fence Height and Opacity – UDO Section 7.14.C.2.

Bruce Pauley asks for questions. There were none.

Applicant, Danielle Hoffman gave an overview of the project plans and the variance being requested to install the block wall for outdoor dining and entertainment.

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

Bruce Pauley entertained for a motion. Chad Kyker made a motion to approve Docket #22-6 contingent the applicant install landscape bed including tree and shrub plantings along the north perimeter of the wall to provided further screening along the Main Street frontage. Marc Vanaman seconded the motion a vote of 5-0 was in favor motion approved.

Docket #22-7: John Lasley requesting 5 Development Standards Variance to operate a retail nursery located at 911 Indianapolis Avenue. The property is Zoned "ID" Industrial District and in the Thoroughfare Overlay District.

Ben Bontrager gave an overview of the variances being requested.

UDO Standards – Section 6.1.H.16 – Thoroughfare Overlay District

UDO Standards – Section 7.13.A.4 – Outdoor Sales, Display, Storage

UDO Standards – Section 7.13.A.6 – Outdoor Sales, Display, Storage

UDO Standards – Section 7.13.B.6.a – Outdoor Sales, Display, Storage

UDO Standards – Section 6.1.L.3.c – Thoroughfare Overlay District

Applicant, John Lasley gave an overview of the existing property and the plans for landscaping and nursery products.

Bruce Pauley asks for questions from the Board. There were none.

Bruce Pauley opened the public portion of the hearing.

Author McCall 1006 Noble Street, Lebanon, IN 46052 is questioning if this business will encroach on his neighboring property.

Bruce Pauley closed the public portion of the hearing.

Ben Bontrager displayed the map of the two properties and explained the properties do not connect.

Bruce Pauley entertained for a motion. Marc Vanaman made a motion to approve Docket #22-7. Ron Edwards seconded the motion a vote of 5-0 was in favor motion passed.

Docket #22-8: Civil & Environmental Consultants for Little Angels, LLC. The property is located at 925 Hendricks Drive, Lebanon, Indiana 46052.

The property is zoned Planned Business Commercial (PBC) and is comprised of approximately 1 acre. The lot configuration is 157 feet wide by 280 feet in depth.

Ben Bontrager gave an overview of the variance being requested.

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

Applicant gave an overview of the variance being requested for the landscaping and hardship of the ditch and electrical area on the property.

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 # 22-8 subject to the following conditions.

1. The applicant install parking lot perimeter landscaping along the Hendricks Drive frontage of the existing parking lot and 20 feet down both the east and west side.

Chad Kyker seconded the motion a vote of 5-0 was in favor motion approved.

Other Business

There was no other business was conducted.

Adjourn

A motion was made and seconded to adjourn the meeting at 8:12pm. The Lebanon Board of Zoning Appeals will meet again on March 7th, 2022, at 7:00pm.

Submitted by Recording Secretary

Chairman, Bruce S. Pauley

Recording Secretary, Kelly Cook