

Board of Zoning Appeals Meeting Minutes

Monday, March 7th, 2022

To: Minutes to Meeting

From: Recording Secretary

Subject: Meeting Minutes

Call to Order

Bruce Pauley called the March 7th, 2022, Board of Zoning Appeals to order at 7:00pm in the Lebanon Municipal Building.

Call Roll

Noted presence of a quorum. Members present included Marc 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.

Approval of Minutes

Laurie Gross made a motion to approve the February 7th, 2022, Board of Zoning Appeals meeting minutes. Chad Kyker seconded the motion a vote of 5-0 was in favor motion passed.

Old Business

New Business

Docket #22-9: Scott Land requested a Development Standards Variance to construct an addition to the home at 1407 Park Drive. The property is Zoned "SF-2" Single Family 2.

Variance Request – Primary Structure Side Setback

UDO Standards – Section 4.6.D

Matt Reynolds gave an overview of the variance being requested. The applicant is seeking a Development Standard Variance to permit the construction of an attached garage and home addition that does not meet the setback requirements.

Applicant, Scott Land spoke of the variance being requested to be able to build his garage.

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 #22-9. Marc Vanaman seconded the motion a vote of 5-0 was in favor motion passed.

Docket #22-14: SG Commercial Real Estate requesting a Development Standards Variance to construct a new sign. The property is located at 2425 N Lebanon Street. The property is Zoned “PBC” Planned Business Commercial and in the Thoroughfare Overlay District.

- i. UDO Standards – Section 7.7.H.2.a.2 – Multi Tenant Sign Size

Ben Bontrager gave an overview of the variance being requested. The applicant is requesting to install a new multi-tenant shopping center sign.

Applicant, Andrew Gutwein, gave a description of the sign and reason for the variance request.

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 #22-14 subject to the following conditions:

1. That the existing non-conforming pole sign is removed prior to the installation of the proposed new sign.

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

Docket 22-16: ARCO Design/Build for STAGE Industrial Holdings. The property is located at 121 S Enterprise Blvd in the Lebanon Business Park.

The property is zoned Planned Business Industrial (PBI) and comprised of 58.5 acres.

Matt Reynolds gave an overview of the variance being requested, stating this property is an existing Hachette facility in the Lebanon Business Park.

Variance Request #1 – Parking Area Curbing UDO Section 7.5.C.3

Applicant, Jared Wilkerson, Civil Engineer gave an overview of the variance for parking area curbing.

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 #22-16. Laurie Gross seconded the motion a vote of 5-0 was in favor motion passed.

Docket #22-17: Mann Brothers Holdings LLC requesting 3 Development Standards Variances for a proposed convenience store to be located at 1003 & 1013 S. Lebanon Street. The property is Zoned “NB” Neighborhood Business and in the Thoroughfare Overlay District.

Ben Bontrager gave an overview of the variances being requested.

- i. UDO Standards – Section 4.12 – Front Building Setback
- ii. UDO Standards – Section 7.5 – Front Parking Setback
- iii. UDO Standards – Section 7.5 – Rear Parking Setback

Applicant, Adam DeHart for Mann Brother Holdings, LLC spoke of the proposed convenience store and possible laundry facility on this site. They are currently working with INDOT to discuss the options for entering and exiting onto State Road 39. He states new sidewalks will be added to Lebanon & Ash Steet both.

Bruce Pauley opened the hearing up for public speaking.

Morris Jones, speaking on behalf of the Wesleyan Church located directly across from proposed site. Mr. Jones spoke of the congestion that already exist in this area of Lebanon and Noble Street.

Bruce Pauley closed the public portion of the hearing.

Bruce Pauley asks for questions from the board.

Marc Vanaman questions if a traffic study has been done yet.

Ben Bontrager stated this scale of project typically does not trigger the need for a traffic study and because this is a state road, INDOT also will dictate necessary improvements. Also, stating this use is allowed for this site.

Ron Edwards questions the entering and exit for this site.

Ben Bontrager states that access will be discussed as part of the Development Plan review with the Plan Commission.

Applicant, Mr. DeHart stated they want to get this project right and have been working with INDOT. They are working on a plan to get the proper curb cuts and handicap sidewalks in place.

Bruce Pauley entertained for a motion. Laurie Gross made a motion to approve Docket #22-17 subject to the following requirements.

1. That the applicant install a six-foot tall privacy fence along the edge of the parking lot adjacent to the east property boundary in addition to the required buffer planting.

Ron Edwards seconded the motion a vote of 4-1 was in favor motion passed.

Docket #22-18: Master Built Construction / Betty Amos. The property is located at 940 Spencer Avenue, Lebanon, Indiana 46052.

The property is zoned Neighborhood Business (NB) and comprised of approximately 1.57 acres. The subject lot configuration is 96 feet wide by approx. 693 feet in depth.

Matt Reynolds gave an overview of the variance being requested. It was discovered during the process of construction that the new structure was 4.7 feet from the property line rather than the required 7.5 feet.

Variance Request – Primary Structure Side Setback – UDO Section 4.6 D

Bruce Pauley asks for questions.

Chad Kyker questioned the property line and is confirming that the old structure is no longer standing.

Applicant, Betty Amos 940 Spencer Avenue, stated the old structure has been removed and no longer there. Miss Amos gave an overview of the steps she took in getting the new structure in place.

Bruce Pauley opened the public hearing up for questions.

David Cooper spoke on behalf of Sue Cooper, 950 S Spencer and states the new building encroaches by 7ft. on to Mrs. Coopers property.

Sue Cooper stated Miss Amos never had a survey done on the property before she started the construction.

Bruce Pauley closes the public portion of the hearing.

Ben Bontrager stated a survey is not required for a construction plan or to demo a building. A site plan of the construction was presented by the applicant. The city is offering a variance to rectify the situation.

Marc Vanaman questions if the site plan was modified from the original plan.

Betty Amos stated the structure plan was not altered to make the structure larger after the city had approved the plan.

Bruce Pauley entertained for a motion. Ron Edwards made a motion to approve Docket #22-18 Development Standards Variance request to permit the existing garage and home addition that is 4.7 feet from the side property line. Marc Vanaman seconded the motion a vote of 5-0 was in favor motion approved.

Docket 22-19: Adam Mears for Sunbrook Development, LLC. The property is located at 955 Sunchaser (Lot 4), Lebanon, Indiana 46052.

The property is zoned Planned Unit Development (PUD) and comprised of approximately 0.14 acres. The subject lot configuration is 49.79 feet wide by 119 feet in depth.

Ben Bontrager gave an overview of the variance being requested. The applicant is seeking a Development Standard Variance to permit a reduction in the lot width from 50 to 49.79 feet and a reduction of one side setback from 5 to 4.79 feet.

Ben Bontrager asks for questions there were none.

Applicant, Adam Mears spoke of the variance being requested, due to an engineering issue. This is a small issue but needed to be corrected.

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 #22-19 the Development Standards Variance request to permit a reduction in the lot width to 49.79 feet and side setback to 4.79 feet.

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

Other Business

There was no other business conducted.

Adjourn

A motion was made and seconded to adjourn the meeting at 8:25pm. The Lebanon Board of Zoning Appeals will meet again on Monday, April 4th, 2022, at 7:00pm.

Submitted by Recording Secretary

Bruce S. Pauley

Recording Secretary, Kelly Cook