

Board of Zoning Appeals Meeting Minutes

Monday, June 6th, 2022

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

Call to Order

Bruce Pauley called the June 6th, 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, Ben Bontrager, Planning Department, Kelly Cook, Recording Secretary, Rob Schein, Dinsmore & Strohl LLC.

Minutes

Bruce Pauley entertained for a motion to approve the May 2nd, 2022, meeting minutes. Laurie Gross made a motion to approve. Chad Kyker seconded a vote of 5-0 was in favor, motion approved.

Old Business

New Business

Docket #22-39: KMAC Enterprises requesting 5 Development Standards Variances to construct a new Taco Bell and 7 Brew coffee shop to be located at 2437 N Lebanon Street. The property is Zoned "PBC" Planned Business Commercial and in the Thoroughfare Overlay District.

Ben Bontrager gave an overview of the 5 variances being requested.

- i. UDO Section – 7.5.2.i – Parking Lot Setback
- ii. UDO Section – 4.13.D – Building Front Setback
- iii. UDO Section – 6.1.L.c – Corridor Buffer Setback
- iv. UDO Section – 6.1.L.3.d – Lot Plantings
- v. UDO Section – 6.1.H – Overlay District – Drive Thru

Ben Bontrager read through the findings of facts for the record.

Ben Bontrager asks for questions.

Chad Kyker questioned the property lines as this is showing 3 different lots. Ben Bontrager stated these lots will be re-platted to the two lots indicated on the submitted plans.

Ben Bontrager stated a new cut will be added for the 7 Brew and appropriate signage for easy flow of traffic and queuing.

Applicant, Mike Goins gave an overview of the development plans stating the plans have been seen by INDOT.

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

Bruce Pauley entertained for a motion. Marc Vanaman made a motion to approve Docket #22-39. Laurie Gross seconded the motion a vote of 5-0 was in favor motion approved.

Docket #22-41: Lighthouse Baptist Church requesting a Development Standards Variance for an LED sign. The property is located at 858 W 250 North. The property is Zoned "IN" Institutional.

Ben Bontrager gave an overview of the variances being requested.

I. UDO Section 7.7.H.2.c- Electronic Message Board Sign

The applicant is seeking to permit an electronic message board sign larger than 25% of the allowable sign area to permit a 16 square foot sign.

Ben Bontrager asks for questions.

Chad Kyker questioned if the foot candles can be adjusted. Ben Bontrager stated the applicant could answer but most of the signs are able to be adjusted.

Ron Edwards questioned if this sign was the same as the Parks Department. This sign is being proposed is smaller in size.

Applicant, Cindy Thrasher for the Light House Baptist Church, spoke of the capability the sign will have and will allow for dimming. Merv McNair, Pastor of the church stated the sign will operate 24hrs. a day to display information.

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 #22-41 subject to the conditions identified in the staff report. Ron Edwards seconded the motion a vote of 5-0 was in favor motion approved.

Docket #22-42: Mark and Hayes Henderson, requesting a Development Standards Variance to construct a detached garage located at 528 W Walnut Street, Lebanon, IN 46052.

The property is zoned single-Family Residential (SF2) and comprised of approximately 0.15 acres. The subject lot configuration is 85 feet wide by 70 feet in depth.

Ben Bontrager gave an overview of the variance being requested.

- i. UDO Section – 7.10.A.a.2 – Accessory Structure Side Setback

The applicant is seeking to remove an existing small accessory structure in the rear yard and replace it with a larger 20 foot by 20-foot garage. Due to limitations on area and access capabilities, the garage is proposed to be 1 foot from the property line rather than the required 10 feet.

Ben Bontrager read through all the findings of facts.

Ben Bontrager asks for questions from the board.

Applicant, Hayes Henderson stated his resident dwelling is 24 feet in depth and the new garage will be 24 feet in depth.

Bruce Pauley questioned the draining of water from the dwelling. Mr. Henderson stated there will be gutters added and the water will be drained to the south of the property away from neighbors.

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 #22-42 to permit the construction of a garage that is 1 foot from the side property line subject to the following condition:

1. The applicant obtains a survey by a licensed land surveyor to verify the garage location and the proposed 1-foot setback.

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

Docket #22-43: Sherri Gibbs requesting 2 Development Standards Variances to construct a detached garage located at 505 N East Street.

The property is Zoned “SF-3” Single Family Residential and comprised of approximately 0.18 acres. The subject lot configuration is 40 feet wide by 198 feet in depth.

Ben Bontrager gave an overview of the variances being requested.

Variance Request #1- Accessory Structure Side Setback – UDO Section 7.10.A.4.a

Variance Request #2- Accessory Structure Area – UDO Section 7.10.A.4.b

The applicant is seeking to construct a new 24 foot by 26-foot garage. Due to limitations on area and access capabilities, the garage is proposed to be 2-3 feet from the north property line rather than the required 10 feet.

Bruce Pauley asks for questions.

Marc Vanaman questioned the placement of the garage doors in reference down the road if the properties were to sell. Would the overhead doors be located where the new owner could not access the garage door. Ben Bontrager stated they will work with applicant and record an access easement to ensure access is maintained in the future. They will work to address this issue.

Bruce Pauley entertained for a motion. Ron Edwards made a motion to approve Docket #22-43 variance request to permit relief from the accessory structure area requirement subject to the conditions identified in the staff report and adding a condition to record an access easement. Seconded by Chad Kyker 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 8:00pm. The Lebanon Board of Zoning Appeals will meet again on Tuesday, July 5th, 2022, at 7:00pm.

Submitted by Recording Secretary

Chairman, Bruce S. Pauley

Recording Secretary, Kelly Cook