

Board of Zoning Appeals Minutes

Monday, October 3rd, 2022

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

Call to Order

Bruce Pauley called the October 3rd, 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 Bruce Pauley, Ron Edwards, Laurie Gross, Chad Kyker, Ben Bontrager, Planning Department, Matt Reynolds, Planning Department, Kelly Cook, Recording Secretary, Rob Schein, Dinsmore & Strohl LLC.

Minutes

Bruce Pauley entertained for a motion to approve the September 6th, 2022, meeting minutes. Ron Edwards made a motion to approve. Laurie Gross seconded the motion a vote of 4-0 was in favor motion approved.

Docket #22-63

Mighty Little Hands Academy. The property is located a 701 Ransdell Road, Lebanon, Indiana 46052.

The property is zoned General Industrial (ID) and comprised of approximately 1.38acres. Matt Reynolds gave an overview of the variance being requested.

Variance Request – Child Day Care Center in the General Industrial (ID) Zoning District UDO Section 4.16.B

The applicant, Mighty Little Hands Academy, presented the intent to make improvements to the subject property and occupy the building for office space and proposed daycare facility.

Matt Reynolds read through all criteria and staff analysis. The applicant is proposing to make improvements to both the building and the site. The building will receive cosmetic improvements. A portion of the parking lot will be transformed into an outdoor playground area with appropriate fencing, screening, and landscaping from neighboring properties and the corridor.

Bruce Pauley asks for questions from the board.

Chad Kyker questioned what the actual business was that acquired this property. Matt Reynolds stated that IGH Steel is the property owner with Mighty Little Hands running the daycare.

Applicant, John Nirider, owner of the IGH Steel acquired this parcel and Mighty Little Hands will be ran as a non-for-profit and under the direction of a board, with IGH Steel sitting on the board.

Bruce Pauley opened and closed the public hearing.

Bruce Pauley entertained for a motion. Laurie Gross made a motion to approve Docket #22-63 Variance of Use request to permit a Daycare facility use within the General Industrial Zoning District subject to the following condition:

1. That the approval of the Variance of Use is limited to those Daycare uses proposed by the applicant. Any change in use or increase in the intensity of the use by the current or any subsequent owners will require approval by the City of Lebanon Board of Zoning Appeals.

Ron Edwards seconded the motion a vote of 4-0 was in favor motion approved.

Docket 22-64

Lebanon Community Schools Building Trades Corporation. The property is located at 615 Peper Drive, Lebanon, Indiana.

The property is zoned Single-Family Residential (SF3) and comprised of approximately 0.11 acres. The subject lot configuration is 53 feet wide by 87 feet in depth.

Ben Bontrager gave an overview of the variances being requested. This lot is currently vacant. Peper Drive is a private road that currently has two duplexes on it with four vacant lots remaining. The Lebanon Schools Building Trades Corporation has purchased a lot to build a single-family home. The lot is not sized appropriately to accommodate the SF3 required single-family home minimum square footage.

Variance Request #1 – Primary Structure Front Setback - UDO Section 4.7.D

Variance Request #2 – Primary Structure Minimum Total Living Area – UDO Section 4.7.D

Ben Bontrager read through the findings of fact.

Applicant, LCSC, Trades Teacher, Ken Acton gave an overview of the variance and the need for the request. The class will construct a new single-family home. Stating a 2-story home is not something the class can construct due to safety, asking for the five-foot reduction in the front yard setback.

Bruce Pauley asks for questions from the board.

Chad Kyker questioned if a two-story would be an option. Mr. Action stated due to safety issues the trades class only builds the one-story homes.

Bruce Pauley opens the public hearing.

Janette McCaslin 630 Peper Drive, Lebanon, IN 46052. Questions how they will construct a three-bedroom floor plan on this size of a lot?

Bruce Pauley closes the public portion of the hearing.

Ben Bontrager displays a description of the floor plan for the proposed three-bedroom.

Bruce Pauley entertains for a motion. Ron Edwards made a motion to approve Docket #22-64 Development Standards Variance request to permit relief from the primary structure front setback and minimum total living area requirements to allow a single-family home with 1171 square feet.

Laurie Gross seconded the motion a vote of 4-0 was in favor motion approved.

Docket #22-65

Co-Alliance Cooperative Inc. property is located at 817 W South Street, Lebanon, IN 46052.

The property is zoned General Industrial (ID) within the Thoroughfare Overlay District and comprised of approximately 0.54 acres. The subject lot configuration is 195 feet wide by 120 feet om depth.

Ben Bontrager gave an overview of the variance being requested. The applicant has proposed to replace the panels on the existing non-conforming sign, which is permitted, but include an electronic message board. The UDO limits electronic message board signs to 25% of the allowable sign area, or 8 square feet. While the proposed electronic message board does not exceed 25% of the square footage of the non-conforming sign, it does exceed the UDO limit of 8 square feet.

Variance Request – Electronic Message Board Sign Allowable Area UDO Section 7.7.H.2.c

Ben Bontrager read through the findings of fact.

Bruce Pauley asks for questions from the board.

Chad Kyker questioned the current sign size versus the new digital sign being proposed. Ben Bontrager stated what they are proposing is larger than eight square feet. They were required to come before the board for the variance.

Ron Edwards questioned the foot candles for the new signage. Ben Bontrager stated they meet the same conditions that are in place for a board like this.

Bruce Pauley opens the public hearing.

Cindy Thrasher with the sign company stated the new sign meets all the city requirements.

Bruce Pauley closes the public hearing.

Bruce Pauley entertained for a motion. Chad Kyker made a motion to approve Docket #22-65 Development Standards Variance request to permit an increase in the maximum electronic message board sign allowable area subject to the following conditions.

1. The sign brightness will result in an increase over the ambient lighting conditions of no more than 0.4 footcandles.
2. Message Transitions: The sign will be required to have a message time of no less than 10 seconds with a 1 second transition.
3. Animation: The sign will not be permitted to include animations or videos that may cause distractions to motorists on the adjacent street.

Ron Edwards seconded the motion a vote of 4-0 was in favor motions approved.

Other Business

There was no other business conducted.

Adjourn

A motion was made and seconded to adjourn the meeting at 7:35pm. The Lebanon Board of Zoning and Appeals will meet again on Monday, November 7th, 2022, at 7:00pm.

Submitted by Recording Secretary

Kelly Cook

Chairman, Bruce Pauley

Secretary, Kelly Cook