

Board of Zoning Appeals Meeting Minutes

Monday, May 2nd, 2022

To: Minutes to Meeting

From: Recording Secretary

Subject: Meeting Minutes

Call to Order

Bruce Pauley called the May 2nd, 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 Chad Kyker, Bruce Pauley, Ron Edwards, Laurie Gross; Ben Bontrager, Planning Department; Matt Reynolds, Recording Secretary; Rob Schein, Jonathon Dinsmore & Strohl LLC. Absent: Mark Vanaman

Minutes

Bruce Pauley asked for a motion to approve the April meeting minutes. Ben Bontrager indicated there was an error on them. Matt Reynolds explained the error and recommended that the minutes be approved subject to the correction. Laurie Gross made a motion to approve with corrections. Ron Edwards seconded the motion. A vote of 4-0 in favor, motion carries.

Old Business

Docket #22-28: - Mann Brothers Holdings LLC requesting 7 Development Standards Variances to develop a gas/fueling station to be located at 845 Indianapolis Avenue. The property is Zoned "PBC" Planned Business Commercial and in the Thoroughfare Overlay District.

Ben Bontrager gave an overview and history of this property. This is the first time coming before the Board of Zoning Appeals and the site is currently a vacant commercial building.

Ben walked through the staff report, detailing the seven (7) Development Standards Variances that the applicant was seeking relief for.

Variance Request #1 – Front Building Setback - UDO Section 4.13.D

Variance Request #2 – Front Parking Setback – UDO Section 7.5.F.2.i

Variance Request #3 – Landscape Buffer Requirements – UDO Section 7.10

Variance Request #4 – Rear Parking Setback – UDO Section 7.5.F.2.i

Variance Request #5 – Side Building Setback – UDO Section 4.13.D

Variance Request #6 – Rear Building Setback – UDO Section 4.13.D

Variance Request #7 – Gas/Fueling Station Specific Use Standards – UDO Section 7.21.A.3

Based on the review of the statutory criteria, Staff recommended approval of variance requests #'s 1-6, and recommended denial of variance request #7, suggesting the applicant had not present a practical difficulty in the use of the property warranting approval of the variance.

Bruce Pauley asks for questions. There were none.

Adam Dehart, Keeler-Webb Associates, on behalf of Mann Brothers Holdings, LLC, introduced a packet that had been handed out prior to the meeting. It included a Letter of Intent from the applicant, as well as letters of support from neighboring property owners. Mr. DeHart detailed the project and provided analysis of why the variances should be supported.

Bruce Pauley opens the public portion of the meeting.

Chuck Hunt, 905 Indianapolis Ave, spoke as the former owner of the building. He indicated that prior to selling the building, he had a meeting with the mayor to see if it was something the City would support. He felt the City was in favor of it. He stated Ben brought up that the zoning would need to be changed. Chuck stated that John Lasley's landscaping business has been a great improvement and it's the first thing you're going to see as you come into town on 32.

Bruce Pauley closes the public portion of the meeting.

Ben asked if the Board had any questions for him following the applicant's presentation. None were asked.

Chad Kyker makes a motion to vote on each variance request individually versus all at once. Ron Edwards seconded. 4-0 in favor, the motion carries.

Bruce Pauley entertained motions on the variance requests.

Variance Request #1 – Front Building Setback - UDO Section 4.13.D

Laurie Gross makes a motion to approve. Chad Kyker seconds. 4-0 in favor, motion approved.

Variance Request #2 – Front Parking Setback – UDO Section 7.5.F.2.i

Ron Edwards makes a motion to approve. Chad Kyker seconds. 4-0 in favor, motion approved.

Variance Request #3 – Landscape Buffer Requirements – UDO Section 7.10

Chad Kyker makes a motion to approve. Laurie Gross seconds. 4-0 in favor, motion approved.

Variance Request #4 – Rear Parking Setback – UDO Section 7.5.F.2.i

Ron Edwards makes a motion to approve. Chad Kyker seconds. 4-0 in favor, motion approved.

Variance Request #5 – Side Building Setback – UDO Section 4.13.D

Chad Kyker makes a motion to approve. Ron Edwards seconds. 4-0 in favor, motion approved.

Variance Request #6 – Rear Building Setback – UDO Section 4.13.D

Laurie Gross makes a motion to approve. Chad Kyker seconds. 4-0 in favor, motion is approved.

Variance Request #7 – Gas/Fueling Station Specific Use Standards – UDO Section 7.21.A.3

Laurie Gross makes a motion to deny the variance request. Ron Edwards seconds. 4-0 in favor, motion approved to deny the variance request.

New Business

Docket #21-5: CrossRoads Engineers and the City of Lebanon requesting 3 Development Standards Variances to construct a new street barrage to be located at 316 N. Mt Zion Rd. The property is Zoned “PBI” Planned Business Industrial and in the Thoroughfare Overlay District.

Ben Bontrager gave an introduction of the project. He informed this variance application was initially heard by the Board of Zoning Appeals at their January 2021 meeting and received approval for the requests contained in the staff report. Recently, an adjoining neighbor inquired about the activity taking place on the site and indicated they had never received any notification about the project and were not aware of the BZA hearing. Upon investigation, Staff discovered an error in the GIS search to identify neighboring property owners, thus a number of adjoining neighbors that should have received proper notice of the hearing did not. Because property notices were not sent to all required parties, Staff has put the variances requests on the March 2022 agenda to be reconsidered and sent all required notices per Indiana Code.

Ben walked through the Staff report, detailing the Development Standards Variances that were being requested, and the required statutory criteria needed to approve them.

Bruce Pauley asked if anyone had questions for Ben. None were asked.

Kevin Krulik, City Engineer, represented the City of Lebanon. Kevin apologized to the Board and to the neighbors for the noticing error. Kevin also noted that the variance requests were mostly for the rear of the development and that the remainder of the property will be in compliance with the necessary standards for the Planned Business Industrial zoning district. Kevin stated the City will add an additional row of evergreens along the northern fence line, this was to accommodate the neighbor who had concerns with the project.

Bruce Pauley asked if any had questions.

Chad Kyker asked how many city vehicles there are and where they would be stored on site. Kevin indicated that the design and size of the new building is such that all of the current vehicles and equipment could be stored inside. Kevin also indicated that all of the Street Department vehicles are leased, so no repair work or maintenance will be done at the garage. It will be all be shipped off to be handled by the leasing center offsite.

Bruce Pauley asked if salt will be stored onsite. Kevin stated it would be and stored with

concrete walls and a domed vinyl cover/roof structure that goes over the top.

Bruce Pauley asks if there are more questions. None were asked. Bruce then opened the meeting for public comment.

Larry Nash, 364 N. Mt Zion Rd, owner of the Lebanon Business Plaza. Larry explained how he became aware of the development. He expressed concerns about what the current tenants of his property, and their customers, will be looking at. He stated it would only be a matter of time before the new site looks like the current street garage on Lafayette Ave. He talked about a former state of Indiana highway garage project that was proposed for this property years ago. He expressed additional concerns with what the site will look like, the noise pollution, light pollution, and increased traffic. Larry does not think this is the best site for this development

Chad Kyker asked the neighbor his thoughts about Kevin Krulik's proposal for an increase in the landscape buffer. Larry said he appreciates the suggestion, but thinks if you look at the elevations, does not think it will help until years down the road.

Chad also made a statement that he did not see any landscape screening on the north side of Mr. Nash's property between him and the Hampton Inn. He stated, by looking at the aerials, that he sees dumpsters and parked cars, and is curious why he wouldn't have a buffer on that side of the property if that is something that is important to him. Mr. Nash indicated that they did do some work on their own, removal of an old fence, and that they would be willing to put something up between the hotel.

Than Paulson, 335 N. Mt Zion Rd (Holiday Inn Express), stated he did not think it was true that this development would not have a negative impact on property values. Mr. Paulson states he is opposed to the construction because of the traffic and noise and thinks it will have an adverse effect on their business.

Dave Newell, 1301 Lafayette Ave (Lebanon Street Department), states that their current facility, built in 1960, does look rough, but that is why they are building the new one. He states that the new facility will accommodate all their equipment. Recycling does blow around, but every morning the guys go out and pick everything up. He thinks the new building is going to look amazing. Explains that they are trying to get out of a residential area and into an industrial area.

Bruce Pauley closes the public portion of the meeting.

Ben Bontrager reminded the Board that this is a Planned Business Industrial zoned site, and the use is a permitted use. He indicated the BZA is only considering the variances, and that if the Board were to deny them, that the applicant could change their plans and still be able to build the garage on this site because it is a permitted use.

Kevin Krulik offered that the state garage project was a larger development that would have taken up the entire parcel, different than this proposal which is smaller and shares the property with the Gene Haus Training Center. He states that when there are snow emergencies, the traffic would be increased than the typical day-to day activity. He also mentioned that the traffic and noise generated by this project would be far less than the 70,000+ vehicles that drive by each day on the interstate. The project will be over 400' away from the right of way of Mt Zion Rd. Kevin states that this project will be a much less intense use than what could be put on this property.

Bruce Pauley asks if anyone had any questions. Seeing none, he entertains a motion.

Ron Edwards makes a motion to approve Docket 21-5 as written. Chad Kyker seconds. 4-0 in favor, motion is approved.

Other Business

There was no other business conducted.

Adjourn

A motion was made and seconded to adjourn the meeting at 8:11pm. The Lebanon Board of Zoning of Appeals will meet again on Monday, June 6th, 2022, at 7:00pm.

Submitted by Recording Secretary

Chairman, Bruce S. Pauley

Recording Secretary, Matt Reynolds