

Board of Zoning Appeals

Monday, May 1st, 2023

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

Call to Order

Chairman Bruce Pauley called the May 1st, 2023, Board of Zoning Appeals meeting to order at 7:00pm in the Lebanon Municipal Building.

Roll Call

Noted presence of a quorum. Members present included Corey Kutz, Chad Kyker, Bruce Pauley, Ron Edwards, Laurie Gross, Ben Bontrager, Planning Department, Kelly Cook, Recording Secretary. Also present, Tyler Mitchell, Dinsmore & Strohl LLC.

Approval of Minutes

Bruce Pauley entertained for a motion to approve the meeting minutes for the April 3rd, 2023, meeting. Ron Edwards made a motion to approve. Corey Kutz seconded the motion a vote of 5-0 was in favor motion approved.

Old Business

New Business

Docket #23-25: Jim Barnes for Randall Properties LLC, requesting a Development Standards Variance.

The property is located at 502/540 Ransdell Road, Lebanon, IN 46052.

The property is zoned General Industrial (ID) and comprised of approximately 5.176 total acres. Lot 15 – 3.324 acres, Lot 16 – 1.852 acres. The lot configuration is approximately 390 feet wide and 340 feet deep.

Ben Bontrager gave an overview of the variance being requested. Lot 15 is a vacant parcel. Lot 16 contains a building and associated parking lot housing Sunbelt Rentals. The applicant would like to reconfigure the property line between the two lots to better accommodate parking lot improvements being made for Sunbelt Rentals. This would make lot 16 slightly larger and Lot 15 would become smaller. The process of moving the lot line to create two new parcels causes the

lots to lose their legally existing non-conforming status relating to applicable standards of the ID district, including lot size (5 acres). Neither lot met the lot size standards prior to the reconfiguration and are unable to do so after the lot line move. Mr. Bontrager stated a variance would be necessary to allow the reconfigured lots relief from the lot size standard of the ID zoning district.

Development Standard Variance Request:

Variance Request #1 – Lot Size UDO Section 4.16.D – The UDO required a minimum lot size of 5 acres in the ID zoning district. The applicant is requesting relief from this requirement to allow lot sizes of 1.852 and 3.324 acres.

Ben Bontrager read through the findings of fact.

Ben asks for questions, there were none.

The applicant had no further comments or questions.

Bruce Pauley opened and closed the public hearing.

Bruce Pauley entertained for a motion. Laurie Gross made a motion to approve the Development Standards Variance request to permit relief from the lot size requirement of the UDO. Ron Edwards seconded the motion a vote of 5-0 was in favor motion approved.

Docket #23-32: Robert & Tracey Trantum for 6tholdings, LLC. Requesting Conditional Use approval to operate a Boarding House.

The property is located at 211 E Washington Street, Lebanon, IN 46052.

The property is approximately 7,400 square feet (0.17 acres). The property is currently zoned Central Business (CB) and in the Downtown Overlay District.

Ben Bontrager gave an overview of the Conditional Use request.

The applicant is seeking Conditional Use approval to allow the existing home to be used as a Boarding House. Mr. Bontrager explained, a Boarding House is defined as an establishment offering rooms for rent, where meals are regularly served from a single kitchen (not open to the general public) for compensation for three (3) or more persons, but not exceeding twelve (12) persons. Boarding Houses do not include bed and breakfasts, multi-family dwellings, hotels, or motels.

Mr. Bontrager read into the minutes, the Fair Housing Act reminding the board that their decision cannot be based on the type of individual that will be residing in the home. Ben Bontrager stated under the Americans with Disability and Fair Housing Act this would be discrimination. The evaluation should be based on if the general use of a boarding house is an

appropriate use for this area. Another evaluation would be the appropriate number of individuals living in this home.

Ben Bontrager read through the findings of fact.

Ben Bontrager asks for questions from the board.

Ron Edwards questioned the amount of parking, would there be adequate parking. Mr. Bontrager stated if you have less than 6 residential units the property is exempt from having off-street parking spaces.

Applicant, Tracy Trantum purchased the Baptist Church, and the parsonage house came with the purchase. The house will be recovery living for woman coming out of rehab and moving into a transition while recovery continues. The ministry they run will work along with women during their sixth month to a year stay.

Chad Kyker questioned if Lebanon had other boarding houses in the community. Mr. Bontrager stated, not that he was aware of.

Bruce Pauley opened the public hearing up for comment.

Missy Krulik 303 E. Washington Street, Lebanon, IN 46052: Stated they are concerned for this Conditional Use in this area. This conditional use does not currently exist in Lebanon and would potentially allow this Conditional Use option for sixty other single and multi-use structures located within the central business area, lowering property values. Mrs. Krulik strongly opposes the Conditional Use request.

Cassie Frazier, Director of Sylvia's House 218 E. Washington Street, IN 46052: Runs Sylvia's Place and has great concern for the children that will be in her care. She is not in favor of the Conditional Use request.

Mondy Ewing 302 & 304 E. Washington Street, Lebanon, IN 46052: Is strongly opposed the Conditional Use request.

Bruce Pauley closes the public hearing.

Applicant, Tracey Trantum stated they are not licensed as they are not a recovery home. They will not be housing sex offenders at this resident. There could possibly be felons, but they are there for help. Miss Trantum cannot guarantee the police will not be called.

Chad Kyker questioned if they have or in charge of other boarding houses. Tracey Trantum stated no, they only have rental properties.

Laurie Gross questioned if there would be limits put on the ladies living here. Tracey Trantum stated the ladies will be coming and going for work purposes, but they will be monitored, and staff will be always present.

Ron Edwards questioned what type of monitoring system they would have in place. Tracey Trantum stated it will be like the Ring System, where you can view who comes and goes at all times.

Chad Kyker questioned the boarding house ordinance guidelines. Ben Bontrager stated that the boarding house and the bed and breakfast ordinances are very similar.

Corey Kutz questioned if the boarding house is a commercial use, does this require commercial inspections with our fire department. Ben Bontrager stated he would check with our fire chief to see if inspections would be a code requirement.

Bruce Pauley entertained for a motion. Chad Kyker made a motion to table Docket #23-32 until the meeting on June 5th, 2023. Ron Edwards seconded the motion a vote of 3 in favor, 1 against and 1 abstained. Docket #23-32 will be on the June 5th, 2023 agenda.

Other Business

There was no other business conducted.

Adjourn

A motion was made and seconded to adjourn the meeting at 7:45pm. The Board of Zoning Appeals will meet again on Monday, June 5th, 2023, at 7:00pm.

Submitted by Recording Secretary

Kelly Cook

Chairman, Bruce S. Pauley

Secretary, Kelly Cook