

Board of Zoning Appeals

Monday, July 3rd, 2023

To: Minutes to Meeting

From: Recording Secretary

Subject: Minutes of Meeting

Call to Order

Noted presence of a quorum. Member present included Corey Kutz, Bruce Pauley, Ron Edwards, Laurie Gross, Ben Bontrager, Planning Department, Kelly Cook, Recording Secretary, Yogi Snider, Dinsmore & Shohl LLC.

Approval of Minutes

Bruce Pauley entertained for a motion to approve the meeting minutes for the June 5th, 2023 meeting. Corey Kutz made a motion to approve. Laurie Gross seconded the motion a vote of 4-0 was in favor motion approved.

Old Business

This item will be continued to the August 7, 2023, BZA meeting. Docket #23-34: Lebanon Church of Christ requesting a Development Standards Variance to allow a proposed accessory structure to exceed the allowable square footage. The property is located at 1204 Indianapolis Avenue. The property is Zoned "PBC" Planned Business Commercial and in the Thoroughfare Overlay District. i. UDO Section – 7.10.A.4.b-Accessory Structure

New Business

Docket #23-49: James A. Williamson requesting a Development Standards Variance to construct a 9'x36' front porch.

The property is located at 1719 Douglas Lane, Lebanon, IN 46052.

The property is Zoned "SF-2" Single Family-2 Residential and comprised of approximately 0.21 acres. The subject lot configuration is approximately 120 feet wide and 80 feet deep.

Ben Bontrager gave an overview of the variance being requested. The applicant presented the intent to construct a 9' x 36' covered porch on the existing concrete patio on the front of the subject home. The existing patio extends into the front setback as it is exempt from the setback requirements, thus the applicant is requesting relief from this requirement to allow the roof structure to mirror the footprint of the existing concrete patio.

Variance Request #1 – Front Setback – UDO Section 4.6.D

The UDO requires a front building setback of 25 feet. The applicant is requesting relief from this requirement to allow the construction of a covered front porch that extends 9 feet into the setback.

Ben Bontrager asks for questions.

Bruce Pauley questioned the 25ft. setback and where this is measured from and where the property lines are in North Field. Mr. Bontrager replied that the setbacks are measured from the back of the sidewalk, the property lines are located behind the sidewalk.

Applicant, James Williamson gave an overview of the variance being requested in order to build the front porch overhang.

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 #23-49 Development Standards Variance request to permit relief from the front setback requirement of the UDO. Corey Kutz seconded the motion a vote of 4-0 was in favor motion approved.

Docket #23-50: Gaylor Electric requesting a Development Standards Variance to create an outdoor storage area.

The property is located at 1220 Indianapolis Avenue, Lebanon, Indiana 46052.

The property is zoned Planned Business Commercial (PBC), located within the Thoroughfare Overlay District, and comprised of approximately 4.63 acres. The lot subject lot configuration is 335 feet wide by 470 feet in depth.

Ben Bontrager gave an overview of the variance being requested. The applicant presented the intent to make significant parking lot and landscaping improvements to the subject property. In addition, the applicant is proposing to create a secured fenced area at the rear of the parking lot in order for the owner to store construction vehicles and equipment used on the job sites. The storage would be secured with an 8-foot-tall chain link fence with black privacy slats on the north, west, and south sides and an 8-foot-tall wood or vinyl privacy fence on the east side where visible from Indianapolis Avenue. A motorized chain link gate on the east side will provide access to the storage area.

Mr. Bontrager stated the property is located within the Thoroughfare Overlay District, which prohibits outdoor storage. Staff indicated that a variance would be necessary to provide relief from the prohibition on outdoor storage to allow the construction of the proposed equipment storage area.

Variance Request: Outdoor Storage – UDO Section 6.1.H

Ben Bontrager read through all criteria.

Ben Bontrager asks questions, there were none.

Applicant, Jim Crew with Gaylor Electric gave an overview of the project and plans for this property. He would answer any questions from the board.

Bruce Pauley opened the hearing up for public comment.

Mark DeWeese, owner of ATP Welding, Hendricks Drive, questioned if there would be a survey of property lines done prior to the installation of the fence as the two properties meet up.

Bruce Pauley closed the public portion of the hearing.

Ben Bontrager stated, yes, they will be having a survey completed before the installation of the fence. The fence can be installed 3-feet off the property line without neighboring agreement. With a neighboring agreement the fence can be installed directly on the property line.

Bruce Pauley entertained for a motion. Laurie Gross made a motion to approve the Variance request to permit relief from the prohibition of outdoor storage to allow the installation of the proposed storage yard subject to the following:

1. That the applicant installs a fence enclosing the proposed outdoor storage area. The fence shall be an 8-foot-tall chain link fence with privacy slats on the north, west, and south sides and an 8-foot-tall wood or vinyl privacy fence on the east side facing Indianapolis Avenue.
2. That the applicant limits outdoor storage to the proposed storage area within the fence. No additional area on the property can be used for outdoor storage.

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

Docket #23-51: Refuge Teen Challenge requesting a Conditional Use to permit a boarding house

The property location is 1121 N Lebanon Street, Lebanon, IN 46052.

The property is approximately 10,000 square feet (0.23acres). The property is currently zoned Planned Commercial (PBC) and in the Thoroughfare Overlay District.

Ben Bontrager gave an overview of the Conditional Use request. The applicant, Refuge Teen Challenge, is seeking Conditional Use approval to allow the existing home to be used as a Boarding House. The Refuge will be renting the home to house teen students along with a staff member. Mr. Bontrager stated 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 or more persons, but not exceeding twelve persons. Boarding Houses do not include bed and breakfasts, multi-family dwellings, hotels, or motels.

Boarding Houses are listed as conditional use within the PBC zoning district, thus a Conditional Use application to the Board of Zoning Appeals is warranted.

Ben Bontrager read through all criteria.

Ben Bontrager asks questions.

Bruce Pauley questioned the difference between the Planned Business Commercial here and the recent, Residential Use area of Baptist Church compared to this property being a boarding house? Mr. Bontrager gave an overview of the zoning for each property.

Corey Kutz questioned the recommendation of four residents, would this be four, unrelated residents? Ben Bontrager stated that this would be four unrelated residents, so if the residents were sisters, this would count as two residents.

Applicant, Makia O'Neil 1015 N. Lebanon Street, the house mother, stated this boarding house is just an extension of the program the girls have already been participating in. The Boarding House will allow them to stay on as a resident and continue to learn the values and life skills.

Bruce Pauley opened the public hearing.

Walt Peycha: 125 W Ulen Drive, Lebanon, IN 46052. Stated he is and has been a neighbor to the girls and this program for many years. Stating this program is a voluntary on the girl's part, to re-enter this program to stay and better themselves in society. Mr. Peycha gave a positive recommendation for this request.

Bruce Pauley closed the public portion of the hearing.

Bruce Pauley entertained for a motion. Corey Kutz made a motion to approve #23-51 Conditional Use request for the allowance of a boarding house use in the Planned Business Commercial (PBC) zoning classification. Subject to the following conditions:

1. That the applicant maintain the single-family character on the exterior of the home.
2. That the boarding house use is limited to 4 units and no more than 4 total residents on the subject property.
3. That the applicant provide the required four parking spaces per ordinance requirements for boarding house uses.

Laurie Gross seconded the motion a vote of 4-0 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 7:38pm. The Board of Zoning Appeals will be again on Monday, August 7th, 2023, at 7:00pm.

Submitted by Recording Secretary

Kelly Cook

Chairman, Bruce S. Pauley

Secretary, Kelly Cook