

Board of Zoning Appeals

Monday, October 2, 2023

To: Minutes to Meeting

From: Recording Secretary

Subject: Minutes to Meeting

Call to Order

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

Approval of Minutes

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

Old Business

New Business

Docket #23-52: Davis Homes requesting Use Variance approval to construct and operate a model home/real estate office.

The property is located at 102 Birchwood Dr. Lebanon, Indiana, 46052.

The property is zoned Single Family Residential (SF2), located within the Interstate Overlay District, and is comprised of 1.10 acres. The subject lot configuration is approximately 160 feet wide and 360 feet in depth.

Ben Bontrager gave an overview of the Variance of Use Request. The applicant is seeking to construct a single-family residence that will be used as a model home and sales office. Mr. Bontrager stated the intent is to use the site commercially for the foreseeable future and then sell the home for residential use once it is no longer needed as a sales office.

Ben Bontrager included that model homes typically operate out of a home within a residential neighborhood actively under construction. Because this home will be used longer term and it is not within a neighborhood, it is more appropriately categorized as an office use that will convert back to residential use in the future. Office buildings are not a permitted use in the Single-

Family (SF2) zoning district, therefore Lebanon Planning Staff determined that a Variance of Use application was necessary.

Variance Request – Model home office in the Single-Family Residential (SF2) Zoning District UDO Section 4.6.B

Ben Bontrager read through all criteria.

Ben Bontrager asked for questions, there were none.

The applicant, Davis Building Group LLC, had nothing more to add to the request.

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 #23-52 request to permit an office building within the Single-Family Residential (SF2) zoning classification. Ron Edwards seconded the motion a vote of 5-0 was in favor motion approved.

Docket #23-80: D. Lee Sheets Jr. requesting Development Standards Variance to construct an accessory structure 5 feet from the side property line.

The property is located at 703 Klotz Street, Lebanon, IN 46052.

The property is zoned Single-Family Residential (SF3) and comprised of approximately 0.17 acres. The lot configuration is 60 feet wide by 120 feet in depth.

Matt Reynolds gave an overview of the variance being requested. The applicant is seeking to replace an existing mini barn with a new, larger accessory structure. The existing mini barn is located five (5) feet from the side property line. Mr. Reynolds stated the UDO indicates that accessory structures shall be no closer than ten (10) feet to the side property line. The applicant intends to construct the new one with the same side setback, thus requesting relief from the side setback requirements to permit the proposed accessory structure to remain at five (5) feet from the property line.

Mr. Reynolds stated the applicant presented the intent to construct a 192 square foot mini barn as submitted on the enclosed site plan. The Lebanon Planning Staff evaluated the land use and determined that a Development Standard Variance is required before the City of Lebanon Board of Zoning Appeals.

Variance Request – Accessory Structure Side Setback UDO Section 7.10.A.4.a.2

Matt Reynolds read through all criteria.

Matt Reynolds asked for questions, there were none.

The applicant, Lee Sheets, gave a brief overview of the structure and variance being requested.

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 #23-80 Development Standards Variance request to permit relief from the accessory structure side setback to allow the construction of a mini barn that five (5) feet from the property line. Corey Kutz seconded the motion, 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 7:12pm. The Lebanon Board of Zoning Appeals will meet again on Monday, November 6th, 2023 at 7:00pm.

Submitted by Recording Secretary

Kelly Cook

Chairman, Bruce Pauley

Secretary, Kelly Cook