

**MINUTES OF THE CITY OF LEBANON
BOARD OF ZONING APPEALS
December 19, 2011**

The City of Lebanon Board of Zoning Appeals met at the City of Lebanon Town Meeting Hall.

Chairperson Nelson Steed called the City of Lebanon Board of Zoning Appeals meeting to order at 5:00 p.m.

Board members are Nelson Steed, Robert Schmidt, Robert Black, Johnie Payton and Rob Cesternino. Robert Black was absent. Also present were Planner Joren Dunnivant, Planning Director Will Hager, Chief Building Official Danny Raines, City Attorney Andy Wright and Mayor Philip Craighead.

A motion was made by Rob Cesternino and seconded by Johnie Payton to approve the minutes of the November 28, 2011 regular Board of Zoning Appeals meeting. Motion passed.

Chairperson Nelson Steed administered oath to all wishing to participate in the discussion of this meeting.

OLD BUSINESS

Case #11-17 **TRINITY RECYCLING, LLC**
5510 East Division St.
Use on Appeal

David Donaldson presented this case requesting a use on appeal for an asphalt and building material recycling service in the M-4 zoning district. Last month a nearby property owner had concerns of a right of way easement that is proposed to be used between his existing business and this proposed use. The applicant stated the easement would not be used for this proposed use.

The board desired for the materials on site to be contained and not visible from the road if approval is given.

Staff cannot determine a hardship to justify the request. If approved, staff does suggest not using the easement for access, keep noise at an agreeable level and debris away from the street. Berms were suggested to keep material from being seen from the street.

After discussion a motion was made by Rob Cesternino and seconded by Johnie Payton to approve with material on site not to be in view from the street. Motion passed with three in favor and one against.

Case #11-19 **ED STEVENS/RAAFAT MESHIIHA**
204 East Main St.
Setback Variance

Ed Stevens presented this case requesting a setback variance of 24 ft. on the front, 10 ft. on the side and 20 ft. on the rear. At last month's meeting there were concerns of parking, and previous variance requests from nearby properties not being granted. The applicant agreed to work closely with staff on the proposed site plan.

The board had concerns of parking and the proposed ingress/egress being close to the intersection.

Randy Newman, adjacent property owner at 208 East Main, spoke with concerns of parking, how would the proposed addition be built, whether plans were to attach to his building, and line of sight at the intersection.

Staff recommends approval based on the hardship to be utilized created by the layout and size of the site.

After discussion a motion was made by Rob Cesternino and seconded by Johnie Payton to approve with strong suggestion of applicant working diligently with the planning commission on the proposed site plan. Motion passed.

NEW BUSINESS

Case #11-21 **WALMART STORES, INC./TROY STRAUSS**
615 South Cumberland St.
Sign Variance

Troy Strauss presented this case requesting an additional 429 sq. ft. of signage and 8 additional signs above what is allowed. Applicant is also requesting to allow one sign above the three allowed on a canopy and an additional 7 square feet above the allowed 50 square feet. Applicant explained all existing building signage will be removed and replaced.

The board asked what the total square footage of existing signs were on the building. Applicant wasn't sure but stated he could get it.

A motion was made by Rob Cesternino and seconded by Robert Schmidt to move this case to the end of the agenda to give time to get existing sign square footage. Motion passed. Case was moved to the end of the agenda.

Case #11-22 **CARLEX GLASS AMERICA**
Lot 2 Parcel 17.06 - Franklin Rd./Hwy. 109
Sign Variance

Chris Caldwell presented this case requesting to construct an off site ground sign. The proposed property for the sign location already has existing signage. The allowable square footage for off site signage is 100 sq. ft. Existing signs total more than the allowed 100 square feet.

Staff cannot recommend approval stating there are 5 large buildings that do not have off site signage and approval of this request could possibly bring future requests for more off site signs at this site. Staff suggested the applicant work with the developer to discuss constructing one sign with tenant panels to accommodate all businesses.

After discussing a motion was made by Robert Schmidt and seconded by Johnie Payton to defer. Motion passed.

Case #11-23 **WILSON COUNTY CASA, INC.**
111 Castle Heights Ave.
Use on Appeal

Laura Swanson presented this case requesting a use for a philanthropic institution within the R-1 zoning district. Applicant explained the use of the proposed business.

Nearby neighbors Nick Gardino (622 West Main), Barry Tatum (114 Castle Heights), Joe Adams (616 West Main), the resident of 115 Castle Heights and Robert Bone (620 West Main) spoke with concerns of wanting to keep this strictly a residential neighborhood area. Comments were not against the CASA business itself but wanted to maintain the integrity of the R-1 zoning district.

The board asked if the request was granted could it be tied to this business only. City Attorney Andy Wright stated that approval could be in a way that if the CASA business left the location the use on appeal approval could be revoked.

Mitchell Bone, CASA board chairman, stated they would be willing to talk with concerned neighbors and hopefully work out a solution.

After discussion a motion was made by Rob Cesternino and seconded by Robert Schmidt to defer to allow more discussion with the neighbors. Motion passed.

Case #11-24 **QUALITY CARE HEALTH CENTER**
932 East Baddour Pkwy.
Sign Variance

Russell Witt/Dixie Taylor and Allen Hall presented this case requesting to allow more than three attached signs with a total of no more than 100 sq. ft. Applicant stated a need to have identifying signs at each building section for emergency personnel. Indication had been given to staff that HUD required such signs but during the discussion it was determined that it was not a HUD requirement. Applicant stated suggestions were made by a previous Lebanon Fire Chief to install the current signs to identify building sections.

Staff recommended approval if and only if, evidence of a direct federal requirement can be shown to contradict the local ordinance.

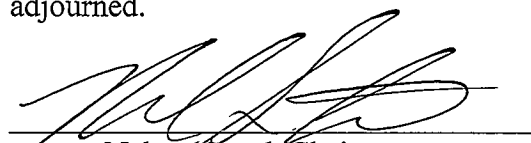
After discussion a motion was made by Johnie Payton and seconded by Rob Cesternino to approve per staff recommendation. Motion passed.

Case #11-21 was brought back to the floor. Applicant stated there was currently a total of 592.51 square feet of signage on the main building. The proposed signage will be less than what is existing.

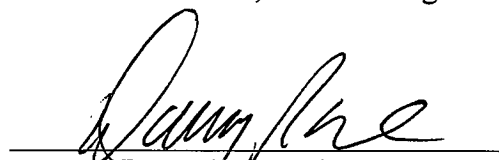
After discussion a motion was made by Rob Cesternino and seconded by Johnie Payton to approve the request for the canopy. Motion passed.

A motion was made by Rob Cesternino and seconded by Johnie Payton to approve the request for the main building. Motion passed with three in favor and one against.

There being no further business to come before the board, the meeting was adjourned.



Nelson Steed, Chairman



Danny Raines, Secretary