

MINUTES OF THE CITY OF LEBANON
BOARD OF ZONNING APPEALS MEETING

March 25, 2019

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

Chairperson Marilyn Bryant called the City of Lebanon Board of Zoning Appeals meeting to order at 5:00 PM.

Board members are Marilyn Bryant, Cliff Carey, and ZaBrina Seay. Also present were Planning Director Paul Corder, Planner 1 Mary Turner, Planner 1 Seth Harrison, and Building Plans Examiner Tyler McDaniel.

Mary Turner took nominations for the board chairs.

Zabrina Seay nominated Marilyn Bryant as chair. Cliff Carey seconded. Motion passed.

Cliff Carey nominated Lisa Noble as vice chair. Zabrina Seay Seconded. Motion passed.

Zabrina Seay nominated City of Lebanon staff as secretary. Cliff Carey seconded. Motion passed.

Motion was made by Cliff Carey and seconded by ZaBrina Seay to approve the minutes of the November 26, 2018 Board of Zoning Appeals Meeting. Motion was passed.

OLD BUSINESS

None

NEW BUSINESS

CASE # 19-1

Edwin James

429 West Spring St.

Setback Variance

Mary Turner spoke on behalf of staff regarding this request. The applicant is requesting a setback variance to reduce the east side setback from 10 ft. to 4.5 ft. in order to construct an addition. The current home sits around 3.5 ft. off the east property line. The applicant indicated that the hardship present for this property is the preservation of the historical interior and exterior. This project is located in the Cumberland University Historical District. The proposed location for this addition is the location most consistent with the guidance for additions in the Historic District Guidelines. The proposed location of the addition will not disturb the front facade or the side public facade along South Tarver Ave. Staff recommends approval of this setback variance with the condition that the applicant apply for a Certificate of Appropriateness with the Historic Preservation Commission for the addition.

Ed James spoke in favor of this issue stating that the addition would make the house symmetrical and would be an extension of the variance already existing.

Randy Newman of 423 West Spring St. spoke in favor for the variance as the eastern neighbor. Shawn Hicks of 116 South Tarver spoke favor of the variance based on the belief the addition will enhance historical appeal. Cliff Carey made the motion to approve the variance. Zabrina Seay Seconded. Motion passed.

CASE # 19-2 **Chip Smith**
Unaddressed property on Leeville pike
Use on Appeal

Paul Corder spoke on behalf of staff. The applicant is appealing staffs decision that the zoning of the property does not allow a car wash. The applicant would like to get an interpretation on whether a car wash can go in the CS zoning district. A Car wash is allowed as a part of the "Automotive Repair and Cleaning" land use which is not a permitted use in the CS zoning district. The zoning code before February 2, 2015, was B-3 and the applicant believed a carwash was allowed in the zoning. Staff believes that the code has been interpreted correctly and denial of the request is recommended. The property is currently set to go before planning commission tomorrow to be rezoned, which would solve the issue. Chip Smith of 1556 A Berea Church Rd, the owner of the property at hand, spoke on the issue. Mr. Smith originally bought the property to put a car dealership on which was allowed in B-3 zoning. The property and the lot across the street are the only lots zoned CS and the Surrounding Properties are zoned CG. Paul Corder spoke on how the property was decided to be zoned CS based on the previous zoning of B-3. A table presented by Mr. Corder showed the direct correlation between the zoning districts during the 2015 city wide zoning. Zabrina Seay made the motion to defer this case to next month. Cliff Carey seconded. Motion passed.

CASE # 19-3 **Lebanon Special School District**
1530 Hartmann Dr.
Use on Appeal

Mary Turner spoke on behalf of staff on this case. The applicant is requesting a use on appeal for 1530 Hartmann Dr. for use as an elementary School. The conditional use the applicant is requesting at 1530 Hartmann Dr. is Community Education. Community Education is an allowed conditional use in the RS12 zoning district. Staff has reviewed the list of special conditions for Community Education and the applicant will be able to comply with the conditions. Staff recommends approval of the Community Assembly conditional use with the conditions stated in the zoning ordinance. Scott Benson, the superintendent of Lebanon Special School District spoke in Favor of the request. Cliff Carey made the motion to grant variance. Zabrina Seay seconded. Motion Passed.

CASE # 19-4 **MLM Properties**
208 Carver Lane
Setback Variance

Mary Turner spoke on behalf of staff, the applicant is requesting a setback variance for 208 Carver Lane. This property is zoned RP2 and would require 75 ft. setbacks. The applicant is requesting a 50 ft. variance on all setbacks to have 25 ft. side setbacks. The applicant has indicated existing sinkholes on

the site as their hardship present. Staff recommends approval of 25 ft. side setbacks because of the hardship present.

Joe Haddix of Civil Site Design Group spoke in agreement with staff's recommendation.

Cliff Carey made the motion to grant the variance. Zabrina Seay seconded. Motion passed.

CASE # 19-5

Rob Ashley

1618 Crowell Lane

Accessory Structure Variance

Mary Turner spoke on behalf of staff. The applicant is requesting an accessory structure limit variance for 618 Crowell Lane. The RS20 zoning district permits 1,000 sqft of accessory structure. The applicant is requesting to construct a 1,200 sqft structure which would require a 200 sqft variance from the code. Staff recommends denial because no hardship is present although this request is not larger than a 25 percent increase and does not cause harm to the code.


Rob Ashley of 1618 Crowell Lane spoke for approval. Mr. Ashley stated that he wants to build the shop to keep all of his equipment in since he had his trailer stolen.

Cliff Carey Motion to approve. Zabrina Seay seconded. Motion Passed.

Zabrina Seay motioned to adjourn. Marilyn Bryant Seconded.

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


Marilyn Bryant, Chairman


Danny Raines, Secretary