

MINUTES OF THE CITY OF LEBANON
BOARD OF ZONNING APPEALS MEETING

April 22, 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, Lisa Noble, Paul Stumb, and ZaBrina Seay. Also present were Planner 1 Mary Turner, Planner 1 Seth Harrison, and Building Plans Examiner Tyler McDaniel.

Bryant called the meeting at 5:00 PM.

Motion was made by Cliff Carey and seconded by ZaBrina Seay to approve the minutes of the March 25, 2019 Board of Zoning Appeals Meeting. Motion was passed.

Motion was made by Lisa Noble and seconded by ZaBrina Seay to approve Special Called Minutes. Motion was passed.

OLD BUSINESS

None

NEW BUSINESS

CASE # 19-7 **John Flair**

 342 Meandering Dr.

 Setback Variance

Mary Turner spoke on behalf of staff regarding this request. The applicant is requesting a setback variance for 342 Meandering Dr. This request is to reduce the setback from 25 ft. to 19 ft. which would be a 6 ft. encroachment into the existing setback. The variance is requested in order to construct a roof to cover an existing patio. The applicant did not indicate a hardship for this property. Staff recommended denial because of the lack of hardship, however the request is less than a 25% variance and would not harm the code.

Ken Sweeny, a resident of Stonebridge spoke in favor of the variance. Mr. Sweeny was representing Jon and Kathy Flair. Mr. Sweeny clarified that the property behind 342 Meandering Dr. is a farm and has a street on one side with one residence on the other. There is no knowledge of any kind of any future expansion on the farm behind.

ZaBrina Seay made the motion to approve. Paul Stumb seconded. Motion passed.

CASE # 19-8

**Dean Design Group
314 West Baddour Parkway**

Setback Variance

Mary Turner spoke on this matter. The applicant is requesting advance for encroachment into the minimum building setback line by 9 feet and uncompensated floodplain fill for 314 W. Baddour Parkway. The current setback is 40 ft. which would be reduced to 31 ft. for the 50 ft. length of the building. The other request is for approximate 1000 cf of uncompensated fill in the floodplain in the same area. The applicant indicated the hardship as the odd shape of the lot and the road frontage on two sides causing 60% of the lot to be encroached by building setbacks. The applicant indicated that an additional 24.8% of the lot is also encumbered with floodplain and stream buffers.

Engineering has stated that the rear portion of this property is in the floodway with a very small piece of floodplain parallel to the floodway. The majority of the property is in the 500 year floodplain which is not regulated by the City of FEMA. There is no construction or fill allowed in the floodway without an H&H study that proves no rise conditions. The City cannot grant a variance for this. The balance of cut and fill provisions in our ordinance are a City requirement for fill in the 100 year floodplain which the City or FEMA requirements. The applicant will need to delineate clearly on the exhibit the location of the floodway and the 100 year floodplain as well as the area that the uncompensated fill is being requested in the variance. Planning staff recommends an approval of a 20 ft. setback variance along Greenwood even though the applicant has only requested a 31 ft. setback. Engineering staff recommends approval of the variance for uncompensated fill in the area indicated by the applicant on the South East corner of the building.

Charlie Dean of Dean Design Group representing calling ventures spoke on the request. Mr. Dean stated that the property was zoned IL during rezoning which comes with substantial setbacks, which limits what can be done. The property is planned to have a small office building built on it.

Paul Stumb made the motion to approve a 20 ft. setback along Greenwood and the variance for approximately 1000 cf of uncompensated fill.

Zabrina Seay Seconded. Motion Passed.

CASE # 19-9

Martin Moravec

1224 Hartsville Pike

Accessory Structure Variance

Mary Turner spoke on this request on behalf of staff. The applicant is requesting an accessory structure variance for 1224 Hartsville Pike for 2370 sq. ft. of accessory structure. The property currently has 120 sq. ft. of accessory structure. The applicant is requesting to build two additional structures on the property that would be 750 sq. ft. and 2,250 sq. ft. These structures would bring the total accessory structure square footage on the property to 3,120 sq. ft. The property is zoned RD9 which permits 750 sq. ft. of accessory structure. The applicant has not indicated any hardship. Staff recommends denial because of the size of the variance requested from code and lack of hardship. Jerry and Sally Morse of 1311 Whrightford DR. spoke in opposition for this request. Mr. Morse stated that their property backs up to the property requesting the variance. Mr. Morse does not know what kind of buildings will be

built, what the use of the buildings will be, and has concern about of flooding because of the buildings. There is also a concern about the impact on property value that these buildings could cause. Mr. Moravec, the applicant, spoke in favor of request. Mr. Moravec stated that his work is a subsidiary for Habitat for Humanity and has a lot of tools to store and materials to keep warm in the winter to avoid ruining. Mr. Moravec plans to use some of the space to teach youth trade skills. There would be no commercial use for the buildings. Mr. Moravec stated that 8 lots down there were similar structures built. It was stated that one building would be a garage to store vehicles and the other would be a weld shop, wood shop and storage. Noble stated concern that this area is largely residential and the neighbors may not be pleased. Mr. Carey stated that the request can harm the code because of the size of the request. Mr. Carey made the motion to deny the request as written. Ms. Noble second. Motion Passed. Request Denied.

CASE # 19-10 **Ralph Day**
119 Dawson Lane
Accessory Structure Variance

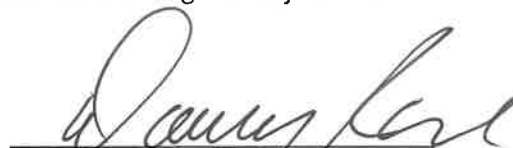
Mary Turner spoke on behalf of the staff. The applicant is requesting an accessory structure variance for 500 ft. for 119 Dawson Lane. There is currently a detached garage on the property that is 480sq. ft. The applicant is requesting to remove the existing detached garage and replace it with a garage about 30 ft. by 41 ft. which will be around 750 Sq. Ft. of accessory structure. The applicant has not indicated any hardship. Staff recommends denial because the size of the variance requested from code lack of hardship.

Ralph Day, the owner of the property spoke in favor of this request. Mr. Day Stated that the structure would be used for vehicle storage and a woodshop. Mr. Noble made the motion to deny Ms. Seay seconded. Motion Passed. Request Denied.

Cliff Carey motioned to adjourn. Zabrina Seay Seconded.

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


Marilyn Bryant, Chairman


Danny Raines, Secretary