

MINUTES OF THE CITY OF LEBANON
BOARD OF ZONING APPEALS MEETING

July 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, and Zabrina Seay. Also present were Planner 1 Seth Harrison, Planning Director Paul Corder and Building Plans Examiner Tyler McDaniel.

Marilyn 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 June 24, 2019 Board of Zoning Appeals Meeting. Motion was passed.

OLD BUSINESS

None

NEW BUSINESS

CASE # 19-14 Melody Cole
238 W. Spring St
Conditional Use permit

Seth spoke on behalf of staff. The applicant requested a conditional use permit for 238 W. Spring St. for community assembly. The applicant states the purpose of the community assembly is for alternative ways to increase attendants spirituality and learn about the tools they can use to help with said spirituality. Seth presented an email from the City of Lebanon Attorney, Andy Wright, citing a case that argues the use the applicant presented is secular and not religious. The Board of Zoning Appeals must look at the general requirements and considerations when granting a conditional use permit for community assembly. The applicant provided a petition to demonstrate no adverse effect to the public or the properties in the area. The Board of Zoning Appeals has the ability to specify conditions based on the general requirements presented in the staff report. The property is zoned RD9 which requires 9,000 sq. ft. and the lot presented is around 6,000 sq. ft. The lot does not contain twice the area required. The applicant does own adjacent property and including this property in the conditional use permit would meet the size requirements at about 20,000 sq. ft. The bulk regulations, landscaping, utility connections and architectural design will be reviewed when the planning commission reviews the site plan for any buildings to be placed on the site. Currently the site is already serviced with all public utilities. Since the applicant is stating this will be used for religious purposes. According to item 'g' the provisions have the possibility of not applying when considering the special conditions for community assembly. Staff recommends approval of the conditional use permit if the conditional use requirements are met.

Melody Cole of 236 W. Spring St. spoke in favor of the request. Ms. Cole stated that part of religion is speaking with spirits, which they will do as well as pray, meditate, and use different crystals. Ms. Cole stated the purpose was to further spirituality and stated that the Lord's Prayer is said before each session. There will be some items sold at the property such as jewelry made from crystals, books, and tarot cards. Ms. Cole said that even on the busiest class no one was parked on the street. Cliff Carey Made the motion to approve as long as conditional use requirements are met. Zabrina Seay Second. Motion Passed.

CASE # 19-15

Jonathon James

708 Washington Dr.

Accessory Structure Variance

Seth spoke on the behalf of staff on this case, the applicant is requesting an accessory structure variance for 708 Washington Dr. for 400 sq. ft. of accessory structure. There are currently no other accessory structures on the property. The roofed area requested is 35 ft. by 40 ft. which is 1,440 sq. ft. The building will be 24 ft. by 40 ft. or 960 sq. ft. with an extended awning measuring 11 ft. by 40 ft. or 440 sq. ft. The property is zoned RS20 which allows 1,000 sq. ft. of accessory structure. Since no hardship was indicated, staff recommends denial. Brittany James, the wife of the applicant Jonathon James of 708 Washington Dr. spoke on this matter. Ms. James stated that there was nowhere on the application to designate a hardship present. The applicant believes that water which floods the rear of the property is a hardship. Since the rear of the property floods the applicants cannot access their boat or camper after a heavy rain. The applicants said they plan to fix drainage problems during construction of the accessory structures as well. The building will be meet all setback requirements and there are no neighborhood covenants in effect.

Cliff Carey made the motion to approve. Zabrina Seay Second. Motion Passed.

CASE # 19-16

Lifeway Christian Resources

Maddox Simpson Parkway

Interpretation of the Code

Seth spoke on behalf of staff. The applicant is requesting for an interpretation of the official zoning atlas for the City of Lebanon. This property was rezoned from M-1/Industrial Subdivision District and AG-Agricultural District to M-3/Heavy Industrial District on November 2, 1999. Ordinance 99-2009. Staff is unable to locate a map indicating the whole parcel as M-3/ but included the signed ordinance and minutes from City Council indicating the above referenced parcel being rezoned to M-3. During the update of the official zoning atlas for the City of Lebanon in 2015 the error was carried over since the zoning atlas was not updated. This parcel shows as IP/Planned Business Industrial Park, IH/Heavy Industrial, and RR/Rural Residential. Based on this information staffs opinion is this should be currently zoned IH.

Staff recommends the interpretation of the official zoning atlas of the City of Lebanon reflect the rezoning of this property in 1999 as M-3, which as of 2015 became IH. Staff also recommends the official zoning atlas be updated to show that tax map 82 parcel 157.25 is zoned IH as it was untended to be by

the property owner and the City Council. Chris Knight spoke on the behalf of Lifeway in favor of this Interpretation Zabrina Seay made the motion to amend the zoning atlas to reflect the rezoning of 1999. Lisa Noble Seconded. Motion Passed.

Clarification of Official Minutes from the October 22, 2018 regarding case 18-16 Seth spoke on behalf of staff on this matter, when the original applicant submitted, the tax map and parcel were notes as tax map 79 parcel 74.03. The correct parcel for this zoning code interpretation is tax map 79 parcel 74.04. The substance of their approval does not change.

Staff recommends the amendment of the Official Board of Zoning Appeals minutes to change the tax map and parcel for the case 18-16 to tax map 79 parcel 74.04.

Cliff Carey made the motion to approve as staff recommended. Zabrina Seay Seconded. Motion Passed.

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


Marilyn Bryant, Chairman


Danny Raines, Secretary