

MINUTES OF THE CITY OF LEBANON
BOARD OF ZONING APPEALS MEETING

August 26, 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. Absent was Paul Stumb and Zabrina Seay. Also present were Planner 1 Seth Harrison, Planning Director Paul Corder and Building Official Danny Raines.

Motion was made by Cliff Carey and seconded by Lisa Noble to approve the minutes of the July 22, 2019 Board of Zoning Appeals Meeting. Motion was passed.

OLD BUSINESS

None

NEW BUSINESS

CASE # 19-17 Martin and Denise Moravec

1224 Hartsville Pike

Interpretation of the Zoning Code

Planner Seth Harrison Spoke on behalf of staff. He applicant states that the wording in the Zoning Code for residential districts is up to interpretation. Currently the residential district zoning code says, "Accessory Structures Size Limit". The applicant's interpretation of this is that the size for an individual accessory structure is 750 Sq. Ft. in the RD9 zoning district. In regard to amount of accessory structures allowed, the applicant interprets "Maximum of Lot Coverage of Structures" as the determining limit for the amount of accessory structures allowed on a property.

Currently, Staff interprets "Accessory Structures Size Limit" as the maximum square footage overall for accessory structures in that respective districts.

If the applicant's interpretation is approved by the Board of Zoning Appeals, the "Accessory Structure Size Limit" would be read as the maximum allowable size per accessory structure, and the "Maximum of Lot Coverage of Structures" would be used to determine the maximum square footage a lot could have of primary and accessory structure. This will affect the Staff recommendation for case 19-18.

Staff believes that our interpretation is the original intent of the Zoning Code. But the accessory structure size limit is a constant item for the Board of Zoning Appeals. Staff recommends that the accessory structure regulations in the Zoning Code be studied and amended to resolve the issue with this project and to come up with a more workable regulation so that BZA doesn't have to hear variance requests regarding accessory structure size limits.

The original intent of the code is correct, however the verbiage is not clear.

The board ask for staff to elaborate on their recommendation. Staff stated they are not completely comfortable with the way the code is written and feels it needs to be studied.

After discussion a motion was made by Cliff Carey feels and seconded by Lisa Noble to defer to the next meeting. Motion Passed.

CASE # 19-18 **Martin and Denise Moravec**
1224 Hartsville Pike
Accessory Structure Variance

Planner Seth Harrison spoke on behalf of staff.

The applicant is requesting an accessory structure variance for 1224 Hartsville Pike for 270 sq. ft. of accessory structure. Currently there is one accessory structure on the property measuring about 120 sq. ft. The applicant is requesting to construct a 30ft by 30ft or around 900 sq. ft. garage. In total this would be 1,020 sq. ft. of accessory structure on the property. This property is zoned RD9. The RD9 zoning district allows 750 sq. ft. of accessory structure.

To clarify for the applicant, the RD9 zoning district, when referring to units, is referring to a primary structure. A primary structure, without a conditional use permit from the Board of Zoning Appeals, would be a single-family residence or duplex. So that unit must consist of a bathroom, kitchen area, and a place to sleep. If it excludes any of these elements, it is not considered a primary structure, but an accessory structure. The coverage of structures is referring to the primary structures and the allowed 750 sq. ft. of accessory structure.

The applicant has not indicated any hardship.

When considering a variance, the board is looking for an exceptional physical or other features of the property including but not limited to narrowness, shallowness, or shape; topographic condition; or other extortionary situations or conditions of the property.

Martin Moravec spoke explaining that his previous request was for 3000 sq. ft. and this current request is for 900 sq. ft. Mr. Moravec says the 120 Sq. Ft. building has since been removed and no longer exists.

Staff stated that the current request would not be more that 25% of a change from the 750 sq. ft. allowed, and it would not harm the code, but no hardship has been shown.

After discussion a motion was made by Cliff Carey seconded by Lisa Noble to approve a 150 sq. ft. variance.

Motion Passed.

There was a discussion on accessory structure size limits.

Planning Director Paul explained interest to check into the current sizes allowed. Discussion was made on possibly revising the size limits and possibly setting a percentage of property size to relate to

accessory structure size. Discussion was made on the need for larger lots to be allowed larger accessory structures.

Motion was made by Cliff Carey second by Lisa Noble to have staff evaluate the accessory structure requirements and take it to planning commission for discussion.

Motion Passed.

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


Marilyn Bryant, Chairman


Danny Raines, Secretary