

FINAL

**CITY OF LEBANON
ZONING BOARD OF ADJUSTMENT
August 20, 2018
City Hall—Council Chambers
7:00 p.m.**

MEMBERS PRESENT: Chair William Koppenheffer, Vice Chair Jennifer Mercer
Dan Nash, Travis Griffin

MEMBER ABSENT: Alan Patterson Sr.

STAFF PRESENT: Zoning Administrator Tim Corwin

I. CALL TO ORDER

The meeting was called to order at 7:05 p.m. by Chair Koppenheffer.

II. APPROVAL OF MINUTES: July 16, 2018

Page 2, Line 44: Remove “s” after Grizzaffi

Page 4, Line 8: Add “Matt” before “Maughan”

Page 7, Line 13: Remove “DENIES”

Page 7, Line 35: Change ‘resident’ to ‘residence’

Dan Nash moved to approve the minutes of the Lebanon Zoning Board of Adjustment meeting of May 21, 2018 as amended.

Seconded by Travis Griffin.

**The motion passed unanimously 4-0.*

III. PUBLIC HEARINGS (Continued)

- A. POSTPONED UNTIL 9/17/18 - SUSAN ACKERMAN (applicant) and ERIK & ELSA ROTH (property owners), 284 POVERTY LANE (Tax Map 105, Lot 100), zoned RL-1. Request for Variances from (a) Article II, §202 and Article III, §313.3 of the Zoning Ordinance to permit the subdivision of a 1.0 acre parcel of land where a minimum lot size of three (3) acres is required; and (b) §313.2 to allow an accessory use (a residential “barn”) on a lot without a principal use. #ZB2018-17-VAR**

IV. PUBLIC HEARINGS – New:

- A. LEBANON HOUSING AUTHORITY, 31 ROMANO CIRCLE (Tax Map 101, Lot 20), zoned R-2. The Applicant proposes to construct a building/garage to store equipment and vehicles used in the maintenance of properties owned by the Lebanon Housing Authority. The Applicant requests a Special Exception pursuant**

to Article II, Section 309.2 of the Zoning Ordinance to allow an accessory use (the proposed maintenance building/garage) to the existing multi-family use located on the subject property. In the alternative, the Applicant requests a Variance from Article II, Section 309.2 to permit the construction of the proposed maintenance building/garage. #ZB2018-19-SEVAR

Chair Koppenheffer asked the Board to consider whether the application should be considered as a special exception or a variance. It was agreed that the application would be reviewed as a special exception.

Ditha Alonso, Director of the Lebanon Housing Authority, and Jerry Wuebbolt, representing Right-Trak Design, appeared on behalf of the application. Mrs. Alonso summarized the application and the need for a building for the maintenance vehicles. A garage would protect their assets and the maintenance staff would have a central location to establish operations while also facilitating meetings of the maintenance team. Mrs. Alonso discussed the type of building being proposed. She said that the location of the building would not be obtrusive, and she said that she did not think that there would be an impact to abutters. Romano Circle has the most amount of space for the Lebanon Housing Authority to create this type of site.

Chair Koppenheffer asked Mrs. Alonso questions relative to the application for a special exception. She said that she believes the request is reasonable and does not think that the character of the neighborhood would be affected. She said that it would not cause any undue municipal expense and they are not asking the City for any support beyond the special exception.

Mr. Nash asked for clarification regarding the height of the building. The application said 12 feet high and the actual height will be 19 feet. Mrs. Alonso shared a computer image of the proposed building.

Mrs. Alonso confirmed the types of vehicles that will be utilizing the building. Mr. Griffin asked about the property being in a flood plain, which it is; it was indicated on the application that it was not. There was discussion regarding the property type. The application indicated that the property type is commercial, however they are perhaps more like a multi-family. There was discussion regarding the type of use for the property.

Vice Chair Mercer asked if salt is kept on the property. Mrs. Alonso said that the salt that is brought to the property is used at the time. The dealership maintains the trucks. Vice Chair Mercer asked about the hours that the maintenance crew is working. Mrs. Alonso said that generally it may be in the morning, but schedules can be unpredictable when it snows.

Chair Koppenheffer opened the public hearing.

Hearing no comments from the public, Chair Koppenheffer closed the public hearing.

Chair Koppenheffer asked for questions or comments from the Board.

Mr. Nash noted that it might be safer for children if the trucks were contained in a building.

There were no further comments or questions from the Board.

DELIBERATION/DECISION

Dan Nash MOVED that on August 20, 2018, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Ditha Alonso, Executive Director of the Lebanon Housing Authority, and Jerry Wuebbolt, on behalf of the Lebanon Housing Authority, regarding 31 Romano Circle (Tax Map 101, Lot 20), zoned R-2. The Applicant proposes to construct a building/garage to store equipment and vehicles used in the maintenance of properties owned by the Lebanon Housing Authority. The Applicant requests a Special Exception pursuant to Article II, Section 309.2 of the Zoning Ordinance to allow an accessory use (the proposed maintenance building/garage) to the existing multi-family use located on the subject property. In the alternative, the Applicant requests a Variance from Article II, Section 309.2 to permit the construction of the proposed maintenance building/garage. #ZB2018-19-SEVAR

I. FINDINGS OF FACT

Based on testimony given, application materials presented, and supporting documents submitted, the Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 1. The property is improved with a multi-family housing complex containing 46 dwelling units within eight (8) buildings. Originally constructed in the mid-1970s with five (5) buildings containing 30 units, the Board granted a Variance in 2007 to construct an additional three (3) buildings containing 16 units.*
- 2. The complex is owned and operated by the Lebanon Housing Authority, which also owns and operates several other multi-family properties in Lebanon.*
- 3. The applicant proposes to construct a 36 ft. by 60 ft. building located at the front of the property, adjacent to an existing basketball court. The building will be used by the Lebanon Housing Authority as its central maintenance facility. It will store vehicles and equipment used by the Lebanon Housing Authority in the maintenance of all its properties in Lebanon.*
- 4. Staff considers the proposed building/use to be accessory to the principal multi-family use of the property (although it will also be used to serve the maintenance needs of other Lebanon Housing Property Authorities). Multi-family dwellings are currently permitted in the R-2 District by Special Exception. See §309.2 of the Zoning Ordinance.*
- 5. Where a use in the R-2 District is permitted by Special Exception, related accessory uses/buildings also require Special Exception approval. Therefore, the proposed accessory building/use requires a Special Exception.*
- 6. In order to grant a Special Exception for the proposed accessory maintenance facility, the applicant must demonstrate that the proposal meets the general Special Exception criteria, set forth in §801.3.*
- 7. The applicant also requested a Variance from §309.2 in the alternative, should the Board deny the request for a Special Exception.*
- 8. The applicant submitted testimony addressing the §801.3 Special Exception and §801.2 Variance criteria in an application received by the Planning Department on August 6, 2018.*
- 9. No members of the public spoke for or against the application.*

II. CONCLUSIONS OF LAW

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Board concludes the following with respect to the Special Exception criteria set forth in §801.3 of the Zoning Ordinance:

1. The Special Exception is specifically authorized by §703.1.A of the Zoning Ordinance. (§801.3.A)
2. There are no special conditions/requirements applicable to the proposed use. (§801.3.B):
3. There are no existing violations of the Zoning Ordinance on the property that the granting of the Special Exception would not remedy. (§801.3.C) Staff is not aware of any Zoning Ordinance violations on the property.
4. The character of the area will not be adversely affected. (§801.3.D)
5. No hazard or nuisance will be created. (§801.3.E)
6. The capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted. (§801.3.F)
7. The granting of the Special Exception will not result in undue municipal expense. (§801.3.G)
8. The proposed Special Exception will be developed in a manner compatible with the spirit and intent of the ordinance. (§801.3.H)
9. The general welfare of the City will be protected. (§801.3.I)

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 20th day of August, 2018, hereby GRANTS the request of the Lebanon Housing Authority for a special exception as noted above to Article III, §309.2 of the Zoning Ordinance to permit the construction of the proposed maintenance building/garage at 31 Romano Circle (Tax Map 101, Lot 20), zoned R-2, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The applicant shall obtain site plan review and a building permit.

Seconded by Jennifer Mercer.

****Vote was 4-0 in favor. MOTION approved.**

V. **OTHER BUSINESS: None**

VI. **STAFF COMMENTS:**

The City Attorney suggested that the Ackerman & Roth application be amended. The definition of 'lot' is the issue, since a road divides the two parcels. The applicant is going to recharacterize her variance request to allow two parcels separated by a road to be merged into one lot.

There will a rehearing of the Grizzaffi application because the full five-member Board was not present at the decision.

VI. **ADJOURNMENT**

Dan Nash moved for adjournment. Seconded by William Koppenheffer.

***The motion passed unanimously, 4-0.**

The meeting was adjourned at 7:35 p.m.

Respectfully submitted,
Brandy Sailors-Dow
Recording Secretary