

**CITY OF LEBANON
APPLICATION FOR VARIANCE
STATEMENT OF INTENT**

I _____ Docket # _____

This application and all accompanying information must be completed and filed in the City of Lebanon Planning & Zoning Office not less than 15 days prior to the regular meeting of the City Board of Zoning Appeals.

1. **Applicant:** Name _____ Phone # _____

Address _____

E-Mail Address: _____

2. **Property Owner:** Name R&W Revell Farms LLP Phone # _____

Address 3855 Middle Jamestown Road, Lebanon, Indiana 46052

E-Mail Address: _____

3. **Applicants agent, attorney or other contact (if any):**

Name John Nierzwicki Phone # 317.223.2320

Address 333 N Alabama Street, Suite 200, Indianapolis, Indiana 46204

E-Mail Address: john.nierzwicki@woolpert.com

4. **Subject Property:**

Street or road #/ address of subject property: _____ Parcel #: 0150124000

Zoning Classification of Property: PBI

Legal Description of property (attach sheet) _____

Size of property (dimensions and /or acreage): 57.14 Acres

Current use of property: Agricultural

Comprehensive Plan Designation: _____

5. **Requested Variance** (provide a detailed description of variances requested): _____

Please see attached Request for Development Standards Variances.

6. **Site Survey:** Attach a survey of the property drawn to scale showing the dimensions of the property, all required setbacks, and the size and location of all existing and proposed buildings and other improvements, including but not limited to those involving the requested variances...

I affirm that the information contained in the application and its supplements is true and correct.

Date _____ Signature _____

5.0 Requested Development Standards Variances

APPLICATION OF VARIANCE STATEMENT OF INTENT

Project: Project Aisle – Edwards Drive, Lebanon, Indiana

UDO 7.5.C.3 – Parking Lot Curbing

All parking areas for nonresidential uses shall be completely curbed. Complete curbing may not be required if, innovative drainage techniques or stormwater best management practices (BMPs) are employed, and in the written opinion of Lebanon Utilities, the drainage system for the property and surrounding environment shall be best served if curbs were not present.

UDO 7.5.D.2 – Driveway Width at the Right-of-Way

No driveway with two-way traffic at the right-of-way shall exceed a width of thirty (30) feet with the exception of a boulevard entrance with two one-way drive with a median divider. The minimum width of each drive shall be as specified in the Thoroughfare Plan.

UDO 7.8.J.3 – Parking Lot Perimeter Landscaping

Parking Lot Perimeter Landscaping. All on- or off-street parking regulated by this section shall have a perimeter landscaped area at least five (5) feet wide. Such perimeter landscaping shall extend the full perimeter of the parking lot. Development within the Thoroughfare and Interstate Overlay Districts require an additional corridor or interstate buffer as per Chapter 6: Overlay Districts.

- a) One hundred percent (100%) of said landscaping area shall be planted with living ground cover.
- b) A Type C buffer (Table 7.9: Landscape Buffer Types) shall be planted on the perimeter of a parking area. However, if shade trees already exist in the right-of-way adjacent to the parking area, such trees may be counted to satisfy this requirement. When determining the number of trees required, fractions shall be rounded to the nearest whole number. See Subsection 7.8(F) above for suitable plant types.

UDO 8.11.A.3 – Lot Standards

All lots shall abut on a street.

Please see attached Findings of Fact for further information regarding the variances.

UDO 7.5.C.3-Parking Lot Curbing

VARIANCE FROM DEVELOPMENT STANDARDS

PROPOSED FINDINGS OF FACT

Pursuant to state statute and the Lebanon Unified Development Ordinance, the Board of Zoning Appeals must find that each of the following conditions is satisfied in order to grant a variance from the development standards in the Ordinance. It is your burden to demonstrate that each of these factors is satisfied. In the space provided, please indicate how you believe the facts or circumstances in your case satisfy each factor.

Attach additional sheets if needed.

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

The proposed trailer staging areas without curb will not be injurious to the public health.

This site has been designed efficiently to utilize sheet flow and low impact design elements, providing sustainability to the development. Grass areas adjacent to the pavement provide recoverable slopes for any errant internal truck driving.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

The use and value of the area adjacent to the property will not be negatively impacted by the proposed development. Conversely, the development will provide higher assessed value of the property, tax base, and provide jobs for the community

3. The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.

The addition of curb around the trailer staging areas would cause an adverse impact to the sustainable design of these areas due to channelizing stormwater flows, which can lead to concentrated flows that create erosion problems of adjacent grass and sloped banks.

UDO 7.5.D.2-Driveway Width at the Right-of-Way

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Attach additional sheets if needed.

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

The proposed additional drive width will allow more area for truck movements and will not be injurious to the public health, safety, morals, and general welfare of the community.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

The proposed drive width does not negatively impact the area adjacent to the property.

3. The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.

The maximum drive width in the terms of the Unified Development Ordinance will not allow for adequate space for both truck and passenger vehicle traffic to enter and

exit the site without conflict and potential safety hazard.

UDO 7.8.J.3-Parking Lot Perimeter Landscaping

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PROPOSED FINDINGS OF FACT

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Attach additional sheets if needed.

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

The lack of parking lot perimeter landscaping will not be injurious to the public health, safety, morals, and general welfare of the community. The required overall landscaping for the property can be provided at perimeter areas of the site. As a storage facility, rodent prevention is critical to public safety, and vegetation attracts rodents.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

The use and value of the adjacent areas to the property will not be affected in a substantially adverse manner. The overall required number of plantings can be provided in other areas of the property to satisfy the ordinance requirements.

3. The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.

The application of perimeter parking lot landscaping will result in practical difficulties in the use of the property. Any plantings or vegetation near the storage area of facility could attract unwanted rodents that could contaminate product.

UDO 8.11.A.3-Lot Standards

VARIANCE FROM DEVELOPMENT STANDARDS

PROPOSED FINDINGS OF FACT

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Attach additional sheets if needed.

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

The approval will not be injurious to the public health, safety, morals, or general
welfare of the community. Presently, the property is landlocked and provides little
economic impact if there is no potential access to the site. An access agreement is
being assembled for the connection of the property to public right of way.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Once an access agreement is recorded with the adjacent property owner, the site
will be prepared for development, thereby potential for economic development
through assessed value, increased tax base, and jobs to the community.
Therefore, the use and value of the area adjacent to the property will not be
affected in a substantially adverse manner.

3. The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.

The site is landlocked, and no other access is available to serve the property which
results in practical difficulties in the use of the property. The project becomes undevelopable.

AFFIDAVIT AND CONSENT OF PROPERTY OWNER

If the owner(s) of the subject is/are giving authorization for someone else to apply for the variance, this Affidavit must be completed and signed by the owner(s), and submitted with the Application.

I (we) _____, being duly sworn, state as follows:
(owner of subject property)

1. I am a competent adult, over 21 years of age, and have personal knowledge of the matters stated in this affidavit.

2. I (we) am (are) the owner(s) of the property commonly known or legally described as

(property address or legal description)

3. I (we) are aware of the variance requested by _____,
(applicant's name)

relating to my property, and I (we) authorize the applicant to seek this variance.

I affirm under the penalties of perjury that the foregoing statements are true and correct.

Signature

Date

Signature

Date