

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
STAFF REPORT
AUGUST 3, 2020 PUBLIC HEARING**

Case Number:	Docket #20-27
Applicant:	Mike Molter for Zanik Corp.
Location:	The subject property is located at 1206 W South Street, Lebanon, Indiana 46052.
Acreage and Zoning	The subject property is zoned Planned Business Commercial (PBC) and within the Thoroughfare Overlay District and comprised of 0.9 acres.
Property History:	History of Property: This is the first time the requested Variance of Use has appeared before the City of Lebanon Board of Zoning Appeals. The property is currently vacant and contains an approximately 11,000 square foot primarily metal building and associated parking lot. The building formerly housed a restaurant.
Variance Request(s):	Applicant Request: Variance of Use Request Variance Request – Auto Repair Facility in the Thoroughfare Overlay District UDO Section 6.1.H Lebanon Planning Staff Determination: The applicant, Zanik Corp., presented the intent to make significant improvements to the subject property and occupy the building for an Auto Repair facility (collision repair center). Auto Repair facilities are prohibited within the Thoroughfare Overlay District, thus necessitating a Variance of Use request.
Variance Evaluation:	Evaluation of Variance(s) Statutory Authority of BZA for Reviewing Variances. 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 of use. Per Indiana Code (IC) 36-7-4-918.4; No variance in the application of the provisions of the ordinance shall be made by the Board relating to buildings, land or premises now existing or to be constructed, unless after a public hearing, the Board shall find, in writing that the variance of use listed above has been reviewed based on the following five (5) statutory criteria:

Statutory Criteria

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

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

Criteria-3 The need for the variance arises from some condition peculiar to the property involved.

Criteria-4 The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.

Criteria-5 The approval does not interfere substantially with the City of Lebanon Comprehensive Plan.

Staff Evaluation of Variance of Use

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

Staff Analysis

The variance of use to permit an Auto Repair facility will not be injurious to the public health, safety, morals, and general welfare of the community. The proposed use is comparable to other uses within the vicinity along this corridor.

Criteria-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.

Staff Analysis

The requested use variance would not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner. The applicant is proposing to make significant improvements to both the building and the site. The building will have upgraded materials and the site will be fully fenced so that cars needing repair will be fully screened from neighboring properties and the corridor.

Criteria-3 The need for the variance arises from some condition peculiar to the property involved.

Staff Analysis

The property was originally constructed as a distribution facility for Boone Beverage (essentially a warehouse), then was converted to a restaurant. Even with the conversion, the building and property was designed and constructed to house what the UDO classifies as an industrial use. The applicant is proposing an Auto Repair use that more closely aligns with the original use of the property.

Criteria-4 The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.

This property was originally used for industrial purposes and was then converted to a commercial/restaurant use. While it is possible that another commercial use might work on this property, the building and site were constructed to house a warehouse/industrial use.

Criteria-5 The approval does not interfere substantially with the City of Lebanon Comprehensive Plan.

The City of Lebanon Comprehensive Plan designates this property for commercial uses. Auto Repair uses are considered a heavy commercial use, which has been restricted in the overlay district. The applicant has proposed improvements that will minimize the impact of the use, thus more closely aligning with the commercial land use.

Staff Recommendation:

Staff Recommendation:

The City of Lebanon Planning Staff recommends approval of the Variance of Use request to permit an Auto Repair facility use within the Thoroughfare Overlay District subject to the following conditions:

1. That the approval of the Variance of Use is limited to those Auto Repair uses proposed by the applicant. Any change in use or increase in the intensity of the use by the current or any subsequent owners will require approval by the City of Lebanon Board of Zoning Appeals.
2. That at no time will cars in any level of disrepair or any car parts be located outside of the fenced in area on the property.



