

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
STAFF REPORT
NOVEMBER 2, 2020 PUBLIC HEARING**

A. Case Number:	Docket #20-40
B. Applicant:	Habitat for Humanity of Boone County
C. Location:	The subject property is located at 501 S Coombs Street, Lebanon, Indiana 46052.
D. Acreage and Zoning	The subject property is zoned General Industrial (ID) and comprised of approximately 0.34 acres. The subject lot configuration is 139 feet wide and 106 feet in depth.
E. 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 lot is currently vacant.
F. Variance Request(s):	Applicant Request: Variance of Use Request Variance Request – Single-Family Residential Use in the General Industrial (ID) Zoning District UDO Section 4.16.B The applicant is seeking to create two residential lots from the subject property and construct new single-family homes. Single-Family Dwellings are not a permitted use within the ID zoning district, therefore Lebanon Planning Staff determined that a Variance of Use application was necessary.
G. 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

UDO Section 4.16.B

Single-Family Residential Use in ID Zoning District

The applicant is seeking to create two residential lots from the subject property and construct new single-family homes. Single-family residences are not a permitted use within the ID zoning district.

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 a single-family residence on the subject property will not be injurious to the public health, safety, morals, and general welfare of the community. The lot is sized appropriately for single-family homes and will not cause any adverse effects to the adjacent properties.

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.

Staff Analysis

The requested use variance would not impact the use and value of the area adjacent to the property in an adverse manner. While the general area includes a mix of both residential and industrial uses, the proposed single-family use of the property is consistent with the directly adjacent area, which primarily consists of additional residential uses.

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

Staff Analysis

The property is currently zoned for industrial uses; however, the surrounding neighborhood contains a mix of single-family and multi-family uses. The applicant is requesting the variance to allow the existing development pattern to continue.

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.

The lot is not sized appropriately to accommodate the uses permitted within the industrial zoning district and would be unusable if only uses permitted by the zoning district were allowed.

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 Mixed-Density Residential uses. The applicant is proposing a use that is consistent with the comprehensive plan designation.

**H. Staff
Recommendation:**

Staff Recommendation:

The City of Lebanon Planning Staff recommends approval of the Variance of Use request to permit single-family residential uses within the General Industrial (ID) zoning classification.