

**CITY OF LEBANON  
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS  
STAFF REPORT  
FEBRUARY 1, 2021 PUBLIC HEARING**

<b>Case Number:</b>	<b>Docket #21-11</b>
<b>Applicant:</b>	<b>Shawn Baker for Amston Trailer</b>
<b>Location:</b>	The subject property is located at 3083 S Indianapolis Road, Lebanon, Indiana 46052.
<b>Acreage and Zoning</b>	The subject property is zoned Single-Family Residential (SF), is within the Interstate Overlay District, and is comprised of 6.76 acres.
<b>Property History:</b>	<p><b>History of Property:</b> This is the first time the requested Development Standards Variances have appeared before the City of Lebanon Board of Zoning Appeals. Amston Trailer received a Variance of Use approval at the November 4, 2019 Board of Zoning Appeals meeting to allow Trailer Sales and Service at the subject property. The property was previously used as a Weber Concrete facility.</p> <p><b>Lebanon Planning Staff Determination:</b> Amston Trailer Sales, a trailer sales and service company currently located in Indianapolis, is proposing to relocate their business to the subject property once vacated by Weber Concrete. They have indicated they are landlocked with no room to expand at their current location and they are interested in finding a location with better accessibility for their customers. They are proposing several improvements to the property, including updating the buildings, expanding/improving the parking/storage area, installing landscaping, and relocating required drainage/detention facilities. Due to the nature of the operation and its location within overlay districts, a number of development standards variances have been requested.</p>
<b>Variance Request(s):</b>	<p><b>Applicant Request: Development Standard Variance Request</b></p> <p><b>Variance Request #1 – Parking Lot Perimeter Landscaping</b> <b>UDO Section 7.8.J.3</b> The UDO requires all parking areas to include parking lot perimeter landscaping. The application is proposing to meet this requirement along the street frontage but has requested relief from the requirement along the south and north perimeters where adjacent to a wooded area and the detention facilities and along the interstate frontage where the Interstate buffer is required.</p> <p><b>Variance Request #2 – Parking Area Paving</b> <b>UDO Section 7.5.C.1</b> The UDO requires that all off-street parking areas shall be constructed using a paved surface of concrete, asphalt, brick pavers, approved pervious concrete or</p>

pavers, or the like. The applicant has committed to providing asphalt paving for all for all drive aisles and for the customer parking area adjacent to the building. The remainder of the property proposed for product storage and display would provide a gravel parking area with asphalt milling surface course.

**Variance Request #3 – Parking Area Curbing**

**UDO Section 7.5.C.3**

The UDO requires that all parking areas for non-residential uses shall be completely curbed. The applicant is proposing curbing on interior parking lot islands, but would eliminate curb on the perimeter to allow for sheet draining of stormwater.

**Variance Request #4 – Non-Residential Street Buffer**

**UDO Section 7.8.K.2**

All commercial properties require a non-residential street buffer (Type B) that is a minimum 20-feet with 6 trees and 15 shrubs every 100 feet along the frontage adjacent to the public street. This buffer is required in addition to any parking lot perimeter landscaping. The applicant has proposed a hybrid of the buffer requirement combined with the landscape plantings required for parking lot perimeters. They are proposing to meet the buffer setback from the right-of-way, however relief from the overall corridor buffer requirements was necessary to allow the planting requirements for the parking lot perimeter rather than the buffer.

**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 from the development standards in the Ordinance. Per Indiana Code (IC) 36-7-4-918.5; 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 each of development standard variances listed above has been reviewed based on the following (3) 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 strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.***

---

<p>Variance #1:</p>	<p><b>Staff Evaluation of Development Standard Variances</b></p> <p><b>Variance Request – Parking Lot Perimeter Landscaping</b> <b>UDO Section 7.8.J.3</b></p> <p>The UDO requires all parking areas to include parking lot perimeter landscaping. The application is proposing to meet this requirement along the street frontage but has requested relief from the requirement along the south and north perimeters where adjacent to a wooded area and the detention facilities and along the interstate frontage where the Interstate buffer is required.</p> <p><b>Staff Evaluation of Development Standard Variances</b></p> <p><b><i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></b></p> <p><b><i>Staff Analysis</i></b> The relief from the perimeter landscaping requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community.</p> <p><b><i>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.</i></b></p> <p><b><i>Staff Analysis</i></b> The requested variance for relief from the perimeter landscaping requirement will not affect the use and value of the area adjacent to the property in an adverse manner. The request to eliminate landscaping adjacent to truck access areas is consistent with other similar uses. These areas are also to the side and rear of the parking area where they will be less visible to neighboring properties.</p> <p><b><i>Criteria -3 The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.</i></b></p> <p><b><i>Staff Analysis</i></b> The strict application of the terms of the UDO will result in practical difficulties in the use of the property. Landscaping placed along the perimeters of truck access areas are susceptible to damage because of the constant truck maneuvers.</p>
<p><b>Staff Recommendation:</b></p>	<p><b>Staff Recommendation:</b> The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the perimeter landscaping requirement of the Unified Development Ordinance.</p>
<p>Variance #2:</p>	<p><b>Variance Request #2 – Parking Area Paving</b> <b>UDO Section 7.5.C.1</b></p> <p>The UDO requires that all off-street parking areas shall be constructed using a paved surface of concrete, asphalt, brick pavers, approved pervious concrete or pavers, or the like. The applicant has committed to providing asphalt paving for all for all drive aisles and for the customer parking area adjacent to the building. The</p>

remainder of the property proposed for product storage and display would provide a gravel parking area with asphalt milling surface course.

**Staff Evaluation of Development Standard Variances**

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

***Staff Analysis***

The relief from the parking area paving requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The applicant has voluntarily committed to providing paving in those areas that would see the most customer vehicular traffic to reduce dust, with the areas restricted primarily to product storage and display maintaining gravel and asphalt millings.

***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 variance for parking area paving will not affect the use and value of the area adjacent to the property in an adverse manner. The product storage and display area maintained as gravel and asphalt millings is consistent with other similar uses. The addition of perimeter landscaping around this area will improve the views from adjacent properties and roadways.

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

***Staff Analysis***

The strict application of the terms of the UDO will result in practical difficulties in the use of the property. Because of the significant size and weight of the equipment the applicant sells on this lot, most paving treatments would not hold up for any length of time with constant use causing on-going maintenance issues.

**Staff Recommendation:**

**Staff Recommendation:**

The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the parking lot paving requirement of the Unified Development Ordinance.

**Variance #3:**

**Variance Request #3 – Parking Area Curbing  
UDO Section 7.5.C.3**

The UDO requires that all parking areas for non-residential uses shall be completely curbed. The applicant is proposing curbing on interior parking lot islands, but would eliminate curb on the perimeter to allow for sheet draining of stormwater.

<b>Staff Evaluation of Development Standard Variances</b>	
<b>Staff Recommendation:</b>	<p><b><i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></b></p> <p><b><i>Staff Analysis</i></b> The relief from the parking area curbing requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The property is proposed to sheet drain all stormwater from the paved areas and the proposed relief will cause no changes to the drainage patterns.</p> <p><b><i>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.</i></b></p> <p><b><i>Staff Analysis</i></b> The requested variance for parking lot curbing will not affect the use and value of the area adjacent to the property in an adverse manner. The request for relief from curbing would be consistent with other similar properties in the area, but would represent an improvement over the current conditions.</p> <p><b><i>Criteria -3 The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.</i></b></p> <p><b><i>Staff Analysis</i></b> The strict application of the terms of the UDO will result in practical difficulties in the use of the property. The applicant is committing to providing curbing on all interior islands, but with the type of use and products located in the equipment display area of the property, curbing will cause issues with truck turn movement.</p>
	<p><b>Staff Recommendation:</b> The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the parking area curbing requirements of the Unified Development Ordinance.</p>
	<p><b>Variance #4:</b></p> <p><b>Variance Request #4 – Non-Residential Street Buffer</b> <b>UDO Section 7.8.K.2</b> All commercial properties require a non-residential street buffer (Type B) that is a minimum 20-feet with 6 trees and 15 shrubs every 100 feet along the frontage adjacent to the public street. This buffer is required in addition to any parking lot perimeter landscaping. The applicant has proposed a hybrid of the buffer requirement combined with the landscape plantings required for parking lot perimeters. They are proposing to meet the buffer setback from the right-of-way, however relief from the overall corridor buffer requirements was necessary to allow the planting requirements for the parking lot perimeter rather than the buffer.</p>

**Staff Evaluation of Development Standard Variances**

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

***Staff Analysis***

The relief from the street buffer requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The applicant has provided an appropriate buffer width along Indianapolis Road along with landscape plantings that will have no impact on 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.***

***Staff Analysis***

The requested variance for the street buffer will not affect the use and value of the area adjacent to the property in an adverse manner. The request is consistent with setbacks and buffer widths that exist on adjacent similar properties and the additional of landscaping along the frontage should improve conditions from that which exists currently.

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

***Staff Analysis***

The strict application of the terms of the UDO will result in practical difficulties in the use of the property. The UDO would require both buffer plantings and perimeter parking lot plantings along this street frontage, but the applicant has chosen to provide the parking lot perimeter plantings, which represents an adequate level of landscaping for this area.

**Staff Recommendation:**

**Staff Recommendation:**

The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the non-residential street buffer requirements of the Unified Development Ordinance.