

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
STAFF REPORT
JUNE 7, 2021 PUBLIC HEARING**

Case Number:	Docket #21-20
Applicant:	Iron Men Properties of Lebanon II, LLC
Location:	The subject property is located at 409, 417, 423, 503, 507 North Lebanon Street, Lebanon, Indiana 46052.
Acreage and Zoning	The subject property is zoned Multi-Family Residential (MF) and is within the Downtown and Thoroughfare Overlay Districts and comprised of 1.16 acres.
Property History:	<p>History of Property: This is the first time the requested Development Standard Variances have appeared before the City of Lebanon Board of Zoning Appeals. The subject property on the east side of N Lebanon Street is currently vacant and formerly contained a series of single-family homes that had been converted to multi-family units.</p> <p>Lebanon Planning Staff Determination: The applicant, Iron Men Properties, presented the intent to construct a new two-story multi-family building with associated required surface parking on the subject site. Due to the specific design and nature of the project and particular limitations of the existing property, a number of variance requests are needed to facilitate development.</p>
Variance Request(s):	<p style="background-color: #e0e0e0;">Applicant Request: Development Standard Variance Request</p> <p>Variance Request #1 – Front Building Setback UDO Section 4.9.D The UDO requires a 60-foot front building setback for a multi-family structure adjacent to an arterial street. Because the proposed site is within an urban corridor</p>

with much smaller setbacks, the applicant is proposing a front setback of 7.5 feet to more closely mirror the adjacent structures to the subject site.

Variance Request #2 – Parking Space Dimension

UDO Section 7.5.C.12

The UDO requires parking spaces to be a minimum 9 feet wide by 20 feet deep. Due to lot size restrictions behind the building, the applicant is proposing spaces that are 9 feet wide by 18 feet deep.

Variance Request #3 – Maximum Lot Coverage

UDO Section 4.9.D

The UDO specifies that the maximum lot coverage for all impervious surfaces shall not exceed 65%. Because the subject site is within an urban corridor that has traditionally been developed at a much higher density, the applicant is proposing a maximum lot coverage of 85% to accommodate the proposed building and required parking.

Variance Request #4 – Lighting Intensity

UDO Section 7.15.B.3

The UDO requires that light intensity should not exceed 0.3 footcandles at any property line. Because the proposed project has adjacent alleys on both the north and east sides, the applicant is proposing site lighting that will provide additional light for safety to the alleys. While the plan indicates that the light intensity will drop below the ordinance maximum once reaching neighboring property lines, the light intensity at the subject property line is slightly over the maximum permitted intensity.

Variance Request #5 – Parking Space Maneuvering in Right-of-Way

UDO Section 7.5.C.5

The UDO does not permit parking spaces where maneuvering into or out of the space occurs within any public right-of-way or walkway. In order to meet the number of required parking spaces, the applicant has proposed parking spaces on the north side of the structure near an entrance to the building where the spaces would back up into the alley right-of-way. This is also the location of the required handicap spaces so they can be in close proximity to the entrance.

Variance Request #6 – Minimum Living Area Per Dwelling Unit

UDO Section 4.9.D

The MF zoning district requires a minimum living area of 750 square feet per dwelling unit. The applicant is proposing multi-family units ranging from one- to three-bedroom units at 576 to almost 1000 square feet. Many units meet the minimum living area requirement, but some one-bedroom units are smaller than this requirement, meeting demands they see in the marketplace. The applicant is requesting relief from the minimum living area requirement to allow one-bedroom apartments in the project.

<p>Variance Evaluation:</p>	<p>Variance Request #7 – Side Building Setback UDO Section 4.9.D The UDO requires a 50-foot side building setback for a multi-family structure. Because the proposed site is within an urban corridor with smaller lots and much smaller typical setbacks, the applicant is proposing a side setback on the north side of the building of 33.5 feet as opposed to the required 50.</p> <p>Variance Request #8 – Percentage Open Space UDO Section 8.15.B The UDO requires that the minimum amount of common open space, as a percentage of net land area in the MF district, is 12 percent. Because the subject site is in an urban corridor with a much higher density of development than would typically be anticipated in the MF district, the applicant is requesting relief from this requirement to reduce the percentage to 2.2 percent.</p> <p>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:</p> <p style="text-align: center;"><i>Statutory Criteria</i></p> <p><i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></p> <p><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></p> <p><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></p>
	<p>Variance #1:</p> <p>Staff Evaluation of Development Standard Variances</p> <p>Variance Request #1 – Front Building Setback UDO Section 4.9.D The UDO requires a 60-foot front building setback for a multi-family structure adjacent to an arterial street. Because the proposed site is within an urban corridor with much smaller setbacks, the applicant is proposing a front setback of 7.5 feet to more closely mirror the adjacent structures to the subject site.</p>

	<p style="text-align: center;">Staff Evaluation of Development Standard Variances</p> <p><i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></p> <p><i>Staff Analysis</i> The relief from the front building setback requirement will not be injurious to the public health, safety, morals, and general welfare of the community. The proposed setbacks will not cause any safety or visibility issues along North Lebanon Street or from the alley access to the north of the proposed development.</p> <p><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></p> <p><i>Staff Analysis</i> The requested variance for front building setbacks will not affect the use and value of the area adjacent to the property in an adverse manner. The proposed setback is consistent with existing development both north and south of the subject site.</p> <p><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></p> <p><i>Staff Analysis</i> The strict application of the terms of the UDO will result in practical difficulties in the use of the property. The setbacks associated with the MF zoning district assume a greenfield site and a typical suburban garden apartment type development. The subject site is an infill site in an urban environment where it is more appropriate to provide setbacks complementary to existing development. Requiring the project to meet required setbacks would render the site useless.</p>
<p>Staff Recommendation:</p>	<p style="text-align: center;">Staff Recommendation:</p> <p>The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the front building setback requirement of the Unified Development Ordinance.</p>
<p>Variance #2:</p>	<p style="text-align: center;">Variance Request #2 – Parking Space Dimension</p> <p style="text-align: center;">UDO Section 7.5.C.12</p> <p>The UDO requires parking spaces to be a minimum 9 feet wide by 20 feet deep. Due to lot size restrictions behind the building, the applicant is proposing spaces that are 9 feet wide by 18 feet deep.</p> <p style="text-align: center;">Staff Evaluation of Development Standard Variances</p> <p><i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></p> <p><i>Staff Analysis</i> The relief from the parking space dimension requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The</p>

	<p>proposed parking spaces will still provide adequate parking area for passenger vehicles without blocking the drive aisle.</p> <p><i>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.</i></p> <p><i>Staff Analysis</i> The requested variance for relief from the parking space dimension requirement will not affect the use and value of the area adjacent to the property in an adverse manner. The proposed conditions will allow proper traffic flow through the site and will not create any issues for neighboring properties.</p> <p><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></p> <p><i>Staff Analysis</i> The strict application of the terms of the UDO will result in practical difficulties in the use of the property. If required to meet the parking space dimension requirement, the parking lot setbacks would be reduced or eliminated and landscaping would need to be removed as there would no longer be appropriate space. It was determined that the parking space reduction would be most appropriate given the alternatives.</p>
<p>Staff Recommendation:</p>	<p>Staff Recommendation: The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the parking space dimension requirements of the Unified Development Ordinance.</p>
<p>Variance #3:</p>	<p>Variance Request #3 – Maximum Lot Coverage UDO Section 4.9.D The UDO specifies that the maximum lot coverage for all impervious surfaces shall not exceed 65%. Because the subject site is within an urban corridor that has traditionally been developed at a much higher density, the applicant is proposing a maximum lot coverage of 85% to accommodate the proposed building and required parking.</p> <p>Staff Evaluation of Development Standard Variances <i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></p> <p><i>Staff Analysis</i> The relief from the maximum lot coverage requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The applicant will still provide appropriate detention and drainage for the site even with the increased lot coverage.</p>

	<p><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></p> <p><i>Staff Analysis</i> The requested variance for relief from the maximum lot coverage requirement will not affect the use and value of the area adjacent to the property in an adverse manner. Because the subject site is located in an urban environment, many adjacent properties are also developed at a higher density than the required lot coverage. The proposal is consistent with adjacent improvements.</p> <p><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></p> <p><i>Staff Analysis</i> The strict application of the terms of the UDO will result in practical difficulties in the use of the property. The maximum lot coverage requirement associated with the MF zoning district assumes a greenfield site and a typical suburban garden apartment type development. The subject site is an infill site in an urban environment where it is more appropriate to provide a denser development complementary to existing development.</p>
<p>Staff Recommendation:</p>	<p>Staff Recommendation: The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the maximum lot coverage requirement of the Unified Development Ordinance.</p>
<p>Variance #4:</p>	<p>Variance Request #4 – Lighting Intensity UDO Section 7.15.B.3 The UDO requires that light intensity should not exceed 0.3 footcandles at any property line. Because the proposed project has adjacent alleys on both the north and east sides, the applicant is proposing site lighting that will provide additional light for safety to the alleys. While the plan indicates that the light intensity will drop below the ordinance maximum once reaching neighboring property lines, the light intensity at the subject property line is slightly over the maximum permitted intensity.</p> <p>Staff Evaluation of Development Standard Variances <i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></p> <p><i>Staff Analysis</i> The relief from the lighting intensity requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The relief will provide for better lighting in the adjacent alleys, which should improve overall safety in the area.</p>

	<p><i>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.</i></p> <p><i>Staff Analysis</i> The requested variance for relief from the lighting intensity requirement will not affect the use and value of the area adjacent to the property in an adverse manner. The applicant intends for the proposed lighting intensity to meet the requirement once the lighting reaches adjacent property lines. The increased light intensity is only intended to provide additional light to the alleys.</p> <p><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></p> <p><i>Staff Analysis</i> The strict application of the terms of the UDO will result in practical difficulties in the use of the property. The standard assumes that adjacent property owners are contiguous to the subject site. In this case, the adjacent properties are separated by an alley. In this proposal, the applicant intends to meet the lighting requirements once light reaches neighboring properties, but does intend for additional light within the alleys.</p>
Staff Recommendation:	<p>Staff Recommendation: The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the lighting intensity requirement of the Unified Development Ordinance.</p>
Variance #5:	<p>Variance Request #5 – Parking Space Maneuvering in Right-of-Way UDO Section 7.5.C.5</p> <p>The UDO does not permit parking spaces where maneuvering into or out of the space occurs within any public right-of-way or walkway. In order to meet the number of required parking spaces, the applicant has proposed parking spaces on the north side of the structure near an entrance to the building where the spaces would back up into the alley right-of-way.</p> <p>Staff Evaluation of Development Standard Variances</p> <p><i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></p> <p><i>Staff Analysis</i> The relief from the parking space maneuvering requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The alley is not a heavily travelled or high speed corridor, so there is low potential for unsafe interactions.</p>

	<p><i>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.</i></p> <p><i>Staff Analysis</i> The requested variance for relief from the parking space maneuvering requirement will not affect the use and value of the area adjacent to the property in an adverse manner. The additional parking spaces will allow the applicant to provide the appropriate number of parking spaces and allow handicap spaces in close vicinity to the entrance. The proposed condition is no different than adjacent properties with alley access garages where cars would back out into the alley.</p> <p><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></p> <p><i>Staff Analysis</i> The strict application of the terms of the UDO will result in practical difficulties in the use of the property. In order to meet this standard, the applicant would have to eliminate these proposed parking spaces. The reduction in parking spaces would not meet the minimum number of spaces required. It was determined it is most important to provide the appropriate number of parking spaces and make certain that any spaces are only accessed from the alley rather than a main thoroughfare.</p>
Staff Recommendation:	<p>Staff Recommendation: The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the parking space maneuvering requirement of the Unified Development Ordinance.</p>
Variance #6:	<p>Variance Request #6 – Minimum Living Area Per Dwelling Unit UDO Section 4.9.D</p> <p>The MF zoning district requires a minimum living area of 750 square feet per dwelling unit. The applicant is proposing multi-family units ranging from one- to three-bedroom units at 576 to almost 1000 square feet. Many units meet the minimum living area requirement, but some one-bedroom units are smaller than this requirement, meeting demands they see in the marketplace. The applicant is requesting relief from the minimum living area requirement to allow one-bedroom apartments in the project.</p> <p>Staff Evaluation of Development Standard Variances</p> <p><i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></p> <p><i>Staff Analysis</i> The relief from the minimum living area requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community.</p>

<p>Staff Recommendation:</p>	<p><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></p> <p><i>Staff Analysis</i> The requested variance for relief from the minimum living area requirement will not affect the use and value of the area adjacent to the property in an adverse manner. The applicant is proposing a high-quality product that will improve the area, regardless of the size of the units.</p> <p><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></p> <p><i>Staff Analysis</i> The strict application of the terms of the UDO will result in practical difficulties in the use of the property. The applicant is proposing these unit sizes based on demand they are seeing in the marketplace. Rather than artificially increase the unit sizes based on UDO standards, it seemed most appropriate to respond to market demands in this region.</p> <p>Staff Recommendation: The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the minimum living area requirement of the Unified Development Ordinance.</p>
<p>Variance #7:</p>	<p>Variance Request #7 – Side Building Setback UDO Section 4.9.D</p> <p>The UDO requires a 50-foot side building setback for a multi-family structure. Because the proposed site is within an urban corridor with smaller lots and much smaller typical setbacks, the applicant is proposing a side setback on the north side of the building of 33.5 feet as opposed to the required 50.</p> <p>Staff Evaluation of Development Standard Variances</p> <p><i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></p> <p><i>Staff Analysis</i> The relief from the side building setback requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The reduced setback will cause no visibility issues with the adjacent alley.</p> <p><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></p> <p><i>Staff Analysis</i> The requested variance for side building setbacks will not affect the use and value of the area adjacent to the property in an adverse manner. The proposed setback is consistent with existing development both north and south of the subject site and would in fact be larger than either adjacent property.</p>

<p>Staff Recommendation:</p>	<p><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></p> <p><i>Staff Analysis</i> The strict application of the terms of the UDO will result in practical difficulties in the use of the property. The setbacks associated with the MF zoning district assume a greenfield site and a typical suburban garden apartment type development. The subject site is an infill site in an urban environment where it is more appropriate to provide setbacks complementary to existing development. Requiring the project to meet required setbacks would render the site useless.</p>
<p>Variance #8:</p>	<p>Staff Recommendation: The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the side building setback requirement of the Unified Development Ordinance.</p> <p>Variance Request #8 – Percentage Open Space UDO Section 8.15.B The UDO requires that the minimum amount of common open space, as a percentage of net land area in the MF district, is 12 percent. Because the subject site is in an urban corridor with a much higher density of development than would typically be anticipated in the MF district, the applicant is requesting relief from this requirement to reduce the percentage to 2.2 percent.</p> <p>Staff Evaluation of Development Standard Variances</p> <p><i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></p> <p><i>Staff Analysis</i> The relief from the percentage open space requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The applicant will still provide appropriate detention and drainage for the site even with the reduction in open space.</p> <p><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></p> <p><i>Staff Analysis</i> The requested variance for percentage open space will not affect the use and value of the area adjacent to the property in an adverse manner. The proposed project is located in an urban environment where densities are much higher than the typical greenfield multi-family development. The proposal is consistent with existing development patterns in the area.</p>

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 open space requirement associated with the MF zoning district assume a greenfield site and a typical suburban garden apartment type development. The subject site is an infill site in an urban environment where it is more appropriate to provide denser development complementary to existing uses. Requiring the project to meet the requirement would render the site useless.

Staff Recommendation:

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The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the percentage open space requirement of the Unified Development Ordinance.