

**CITY OF LEBANON  
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS  
STAFF REPORT  
APRIL 5, 2021 PUBLIC HEARING**

<b>Case Number:</b>	<b>Docket #21-22</b>
<b>Applicant:</b>	<b>Adam Watts for IMI Indiana, LLC</b>
<b>Location:</b>	The subject property is located at 3450 South Indianapolis Road, Lebanon, Indiana 46052.
<b>Acreage and Zoning</b>	The subject property is zoned Single-Family Residential (SF) and comprised of approximately 7.5 acres.
<b>Property History:</b>	<p><b>History of Property:</b> 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 the location of the existing IMI concrete facility. There are several existing structures on the property associated with the IMI business.</p> <p>When the property was annexed to the City in 2007, all properties along the Interstate 65 corridor were assigned to the SF zoning classification regardless of existing use of the property. The IMI concrete facility is currently considered a legally existing non-conforming use by the UDO.</p>
<b>Variance Request(s):</b>	<p><b>Applicant Request: Variance of Use Request</b></p> <p><b>Variance Request – Concrete Production Facility in the Single-Family Residential (SF) Zoning District UDO Section 4.4.B</b></p> <p><b>Lebanon Planning Staff Determination:</b> IMI Indiana, a concrete production company, has an existing concrete plant located on the subject property. Another IMI facility located on the south side of Indianapolis will be impacted by the I-69 construction and must relocate. IMI is proposing to move the plant and the capacity from the south side of Indianapolis to the subject site, erecting the plant facilities to the rear of the property in an underutilized area. In addition to relocating the plant, IMI will also be required to provide a stormwater plan and improvements to ensure proper drainage and a landscape plan to provide appropriate buffering with neighboring properties.</p> <p>Because the existing use on the property is a legally existing non-confirming use, any change of use or expansion of the existing use must meet the requirements of the UDO and be a permitted use within the SF zoning district. Concrete Production Facilities are not a permitted use in the SF zoning classification, so Lebanon</p>

**Variance Evaluation:**

Planning Staff determined that a Variance of Use application was necessary in order to allow the expansion of the existing use.

**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 the expansion of an existing concrete production facility will not be injurious to the public health, safety, morals, and general welfare of the community. The use of the property, while expanded, will be the same as exists currently. Other improvements, such as drainage, that are required at the current time should improve conditions within the general area.

***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 affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner. The proposed use is strictly an expansion of the existing use and the applicant is

intending to make improvements to the property that should help the current condition.

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

***Staff Analysis***

The property has historically been used for a concrete production facility. The proposal is an expansion of the current use of the property. Given the current improvements, it is unlikely that this site would be viable for traditional residential uses permitted by the zoning district.

***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.***

Because the existing use of the property is commercial/industrial in nature, it limits the viability of the property for a permitted residential use. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship is applied to the property.

***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 industrial uses and the proposed land use would be permitted within an industrial zoning classification. This request would not interfere substantially with the comprehensive plan.

**Staff Recommendation:**

**Staff Recommendation:**

The City of Lebanon Planning Staff recommends approval of the Variance of Use request to permit the expansion of an existing concrete production facility use within the Single-Family Residential (SF) zoning classification subject to the following conditions:

1. That the approval of the Variance of Use is limited to those concrete production facility 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 the applicant submit drainage plans and calculations that meet the requirements of the Lebanon Stormwater Control Ordinance prior to the erection of the relocated concrete plant.