

**CITY OF LEBANON  
PLANNING AND ZONING DEPARTMENT**

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

<b>Case Number:</b>	<b>Docket #21-23</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 Development Standard Variance has appeared before the City of Lebanon Board of Zoning Appeals. The subject 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><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. The tallest portion of the relocated plant is approximately 100 feet in height. The UDO allows industrial uses to be a maximum height of 50 feet.</p>
<b>Variance Request(s):</b>	<p><b>Applicant Request: Development Standard Variance Request</b></p> <p><b>Variance Request – Building Height UDO Section 4.15.D</b></p> <p>The UDO allows a maximum industrial building height of 50 feet. The applicant is proposing to relocate an existing facility from the south side of Indianapolis to the subject site. The structure from the existing south side facility is approximately 100 feet in height. For this reason, the applicant is requesting a variance to permit relief from the building height requirement.</p>
<b>Variance Evaluation:</b>	<p><b>Evaluation of Variance(s)</b></p> <p>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</p>

<p>Variance #1:</p>	<p>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;"><b>Statutory Criteria</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>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>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 style="text-align: center;"><b>Staff Evaluation of Development Standard Variances</b></p> <p><b>Variance Request – Building Height</b> <b>UDO Section 4.15.D</b></p> <p>The UDO allows a maximum industrial building height of 50 feet. The applicant is proposing to relocate an existing facility from the south side of Indianapolis to the subject site. The structure from the existing south side facility is approximately 100 feet in height. For this reason, the applicant is requesting a variance to permit relief from the building height requirement.</p> <p style="text-align: center;"><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 building height requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The building construction will meet all applicable building standards and the immediately adjacent properties are agricultural uses that will not be impacted by the proposed location.</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 substantially adverse manner.</i></b></p> <p><b><i>Staff Analysis</i></b> The requested variance for relief from the building height requirement will not affect the use and value of the area adjacent to the property in an adverse manner. The relocated facility is of similar height to the existing facility on the property, so the impact would be no different than what already exists.</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 height of the proposed facility is similar to that which already exists on the property with the current production facility. The applicant's proposal essentially mirrors the current conditions on the property.

**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 building height requirement of the Unified Development Ordinance subject to the following condition:

1. That the application provide the required buffer landscaping along the west and south property lines where current vegetation does not adequately screen the development site from neighboring properties.