

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

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

Case Number:	Docket #21-24
Applicant:	Ryan Ottinger for Lebanon Utilities
Location:	The subject property is located in the northeast corner of Abner Longley Park.
Acreage and Zoning	The subject property is zoned Institutional (IN) and comprised of 2 acres.
Property History:	<p>History of Property: 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 an unimproved corner of Abner Longley Park just south of the Conservation Club.</p> <p>Lebanon Planning Staff Determination: The applicant, Lebanon Utilities, presented the intent to create a new lot in order to construct a large water storage tank to improve water pressures in this area of the city. Because the site is tucked into the corner of Abner Longley Park away from any streets, the newly created lot will not have frontage on a street. In addition, because of necessary security needs, the applicant is proposing that the site be surrounded by chain link fence topped with barbed wire. Because of these facts, Planning Staff determined that a Variance from Lot and Fence Standards would be necessary.</p>
Variance Request(s):	<p>Applicant Request: Development Standard Variance Request</p> <p>Variance Request #1 – Lot Standards UDO Section 8.11.A.3 The UDO requires that all lots shall abut on a street. Because of the proposed location of the water storage tank, there is no access from the lot to any public street. The applicant is requesting relief from this requirement to allow construction of the proposed facility on a lot that does not have street frontage.</p> <p>Variance Request #2 – Fence Standards UDO Section 7.14.C.7 The UDO prohibits any fence with barbed wire on all non-farm properties. Because of necessary security requirements for a public water source, the applicant is proposing barbed wire fence to secure the water storage tank site and is requesting relief from this fence requirement.</p>

<p>Variance Evaluation:</p>	<p>Evaluation of Variance(s)</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 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 – Lot Standards UDO Section 8.11.A.3</p> <p>The UDO requires that all lots shall abut on a street. Because of the proposed location of the water storage tank, there is no access from the lot to any public street. The applicant is requesting relief from this requirement to allow construction of the proposed facility on a lot that does not have street frontage.</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>Staff Analysis The relief from the lot standards requirement requiring lot street frontage poses no imminent threat to the public health, safety, morals, or general welfare of the community. The lot will derive access from a drive within Abner Longley Park.</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>Staff Analysis The requested variance for relief from the lot standards requirement for street frontage will not affect the use and value of the area adjacent to the property in an adverse manner. The use of the lot will create minimal traffic and will have appropriate access from current drives within Abner Longley Park.</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 locate the water storage tank in an underutilized area of the park and provide ownership to Lebanon Utilities, a lot needed to be created in an area that was not accessible directly from a public street. This project is not feasible in this location without support of the Variance request.</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 lot standards requirement of the Unified Development Ordinance.</p>
Variance #2:	<p>Variance Request – Fence Standards UDO Section 7.14.C.7</p> <p>The UDO prohibits any fence with barbed wire on all non-farm properties. Because of necessary security requirements for a public water source, the applicant is proposing barbed wire fence to secure the water storage tank site and is requesting relief from this fence requirement.</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 fence standards requirement prohibiting barbed wire poses no imminent threat to the public health, safety, morals, or general welfare of the community. The lot is located in an underutilized area of the park that will not have any impact on the general public.</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 fence standards requirement will not affect the use and value of the area adjacent to the property in an adverse manner. The fence is in an area away from the highly active locations in the park and will be appropriately screened to limit visibility.</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. Because the storage tank is part of the public water system,</p>

Staff Recommendation:

appropriate security is highly necessary. The project would not be feasible without support of the Variance request to allow barbed wire.

Staff Recommendation:

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