

**CITY OF LEBANON  
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS  
STAFF REPORT  
MAY 3, 2021 PUBLIC HEARING**

<b>A. Case Number:</b>	<b>Docket #21-25</b>
<b>B. Applicant:</b>	<b>Burt and Susan Whisenand</b>
<b>C. Location:</b>	The subject property is located at 205 Woodland Drive, Lebanon, Indiana 46052.
<b>D. Acreage and Zoning</b>	The subject property is zoned Single-Family Residential (SF2) and comprised of approximately 0.23 acres. The subject lot configuration is 68 feet wide by 147 feet in depth.
<b>E. Property History:</b>	<b>History of Property:</b> This is the first time the requested Variance has appeared before the City of Lebanon Board of Zoning Appeals. The lot currently contains a single-family residential home with a detached single car garage.
<b>F. Variance Request(s):</b>	<b>Applicant Request: Development Standard Variance Request</b>  <b>Variance Request – Primary Structure Side Setback</b> <b>UDO Section 4.6.D</b> The applicant is seeking to construct a two-car garage addition to the west side of the existing home. This attached addition to the home would be required to meet the primary structure setback. The Unified Development Ordinance requires primary structures to maintain a setback of 7 ½ feet on side property lines within the SF2 zoning district. In order to construct a functional two car garage, the applicant is requesting a side setback of 6 ½ feet.  Therefore, the applicant is seeking a Development Standard Variance to permit the construction of an attached garage that does not meet the side setback requirement.  <b>Lebanon Planning Staff Determination:</b> The applicant presented the intent to construct the garage as submitted on the enclosed site plan. Lebanon Planning Staff evaluated the land use and determined that a Development Standard Variance is required before the City of Lebanon Board of Zoning Appeals.
<b>G. Variance Evaluation:</b>	<b>Evaluation of Variance(s)</b> 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) 36-7-4-918.5; 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 the variance of use listed above has been reviewed based on the following three (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.***

**Staff Evaluation of Development Standard Variances**

**Variance – Primary Structure Side Setback**

**UDO Section 4.6.D**

The applicant is seeking to construct a two car garage addition that is 6 ½ feet from the side (west) property line, as opposed to adhering to the UDO requirement that primary structures must be 7.5 feet from the side property line.

**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 reduction in the side setback poses no imminent threat to the public health, safety, morals, or general welfare of the community. While the structure will be in closer proximity to the side property line, the request is consistent with how other lots in the neighborhood have been developed and would not overly impose upon the immediate neighbors who also have a garage located in the immediate 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 variance in the side setback is compatible with existing development in the neighborhood. Many of the properties in the immediate vicinity of the subject property contain attached or detached garages with setbacks consistent with the applicant's request. Updating the garage on the subject property will effectively add value to the immediate property and area and will not adversely affect the use of adjacent properties.

***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 subject property is located in a neighborhood that did not originally include garages and did not necessarily plan for future additions, such as garages, to the property. The UDO has also changed over time and now requires any new home construction to include attached two car garages. In this instance, the applicant intends to meet the UDO requirement for an attached two car garage, but in order to do so, they must seek the setback variance. There is not a possibility to meet the requirement for the two car garage without necessitating a variance for the setback.

**H. Staff  
Recommendation:**

**Staff Recommendation:**

The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit the construction of a garage addition that is 6 1/2 feet from the side property line.