

**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 #21-28</b>
<b>B. Applicant:</b>	<b>Paul Strawmyer</b>
<b>C. Location:</b>	The subject property is located at 2055 E 250 S, Lebanon, Indiana 46052.
<b>D. Acreage and Zoning</b>	The subject property is zoned Single-Family Residential (SF) and comprised of approximately 1 acre. The subject lot configuration is 162 feet wide by 268 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 an attached 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 large 42-foot by 70-foot barn that will attach to the southeast corner of the home and be accessible from the existing driveway. Because this is a structure that is attached to the existing home, it is required to meet the primary structure setback in the SF zoning district (15 feet) rather than the accessory structure setback (10 feet). The applicant is proposing an 11 ½ foot setback from the east property line for the proposed structure.  Therefore, the applicant is seeking a Development Standard Variance to permit the construction of an attached barn that does not meet the side setback requirement.  <b>Lebanon Planning Staff Determination:</b> The applicant presented the intent to construct the barn 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 barn addition to the home that is 11 ½ feet from the side (east) property line, as opposed to adhering to the UDO requirement that primary structures must be 15 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 location will cause no issues with the neighboring property. Because these are larger lots in this area, the neighboring home is almost 50 feet from the proposed location of the barn.

***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 will not affect the area in an adverse manner. The barn will be 11 ½ feet from the property line, which is a larger setback than would be required if the barn was not attached to the house. Because this is a more rural area, there are a number of neighboring properties with large accessory structures/barns, so the proposed structure will be consistent in character with the area.

***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***

Because the property is in a rural area and one acre is size, it is anticipated that larger barns might be appropriate, however, the UDO is not set up to accommodate this type of structure. The UDO limits the size based on the size of the house, so while there may be plenty of space for the barn, the size would be limited. In this case, the applicant chose to attach the barn to the house so it could be accessed from the existing driveway and would avoid the UDO issue with limiting the size. But, because the barn is attached to the house, it must meet the 15-foot primary structure setback rather than the 10-foot accessory structure 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 barn addition that is 11 ½ feet from the side property line.