

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
STAFF REPORT
JUNE 7, 2021 PUBLIC HEARING**

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| Case Number: | Docket #21-33 |
| Applicant: | Thomas S Land |
| Location: | The subject property is located at 504 Franklin Street, Lebanon, Indiana 46052. |
| Acreage and Zoning | The subject property is zoned Neighborhood Business (NB) and comprised of approximately 0.17 acres. The subject lot configuration is 60 feet wide and 120 feet in depth. |
| Property History: | History of Property: This is the first time the requested Variance has appeared before the City of Lebanon Board of Zoning Appeals. The lot is currently vacant. |
| Background: | Variance Background The applicant is seeking to construct a new two-story duplex with rear load two car garages on the subject lot. The ordinance would require the lot size to be 6000 square feet per unit, or a total lot size of 12,000 square feet in order to construct the duplex. The applicant has found a proposed duplex that is able to meet all applicable setbacks on the lot and meets the requirements in terms of attached garages, but the existing city lot is 7200 square feet. This is the typical lot size in the part of the community. The applicant is requesting relief from the lot size requirement in order to construct the proposed duplex. |
| Variance Request(s): | Applicant Request: Development Standard Variance Request Variance Request #1 – Lot Size UDO Section 4.12.D The UDO requires 6000 square feet per unit for two-family dwellings constructed within the Neighborhood Business (NB) zoning district. The applicant is requesting relief from this requirement in order to construct a duplex on a 7200 square foot city lot. |
| Variance Evaluation: | 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 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:

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 Request #1 – Lot Size

UDO Section 4.12.D

The UDO requires 6000 square feet per unit for two-family dwellings constructed within the Neighborhood Business (NB) zoning district. The applicant is requesting relief from this requirement in order to construct a duplex on a 7200 square foot city lot.

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

Relief from the lot size requirement will not be injurious to the public health, safety, morals, and general welfare of the community. The proposed new construction meets all applicable setbacks for the zoning district and will be constructed to meet all building code requirements.

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.

Staff Analysis

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Because this area is zoned Neighborhood Business, the area has a mix of commercial and residential uses, both single-family and multi-family, so the proposal is complementary to the neighborhood. In addition, the proposed duplex more than meets the required side setbacks (7 ½ feet is required, 10 feet is provided), so the neighboring properties will not be unduly burdened. The proposed construction is likely to have a positive impact on values in 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

The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property. Because this is an existing city lot and an infill site, there is no method to acquire the required square footage to allow the duplex construction. While the applicant could consider an alternative use, the proposed two-family dwelling is the highest and best use for the site if the variance is approved.

Staff Recommendation:

Staff Recommendation:

The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the lot size requirement of the UDO.