

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

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

Case Number:	Docket #21-34
Applicant:	John Stathers
Location:	The subject property is located at 607 N Park Street, Lebanon, Indiana 46052.
Acreage and Zoning	The subject property is zoned Single-Family Residential (SF2) and comprised of approximately 0.19 acres. The subject lot configuration is 60 feet wide and 140 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 currently contains a single-family home with no garage.
Background:	Variance Background The applicant is seeking to construct an attached garage on the existing single-family home. Because of the restricted lot size and required setbacks, it is only possible to construct an oversized one-car attached garage as opposed to the required two-car attached garage. The applicant is requesting relief from the two-car garage requirement.
Variance Request(s):	Applicant Request: Development Standard Variance Request Variance Request #1 – Garages UDO Section 7.18.A.11 The UDO requires that all homes have at a minimum an attached two-car garage. Due to restrictions associated with the subject lot, the applicant is requesting relief from this requirement to permit an attached one-car garage.
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 – Garages

UDO Section 7.18.A.11

The applicant is seeking to construct an attached garage on the existing single-family home. Because of the restricted lot size and required setbacks, it is only possible to construct an oversized one-car attached garage as opposed to the required two-car attached garage. The applicant is requesting relief from the two-car garage requirement.

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 two-car garage requirement will not be injurious to the public health, safety, morals, and general welfare of the community. The proposed construction is appropriate for the homes in the area.

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. The reduction in garage size will not impact the values in the area. Most homes in the area were not originally constructed with a garage and either still do not have a garage or have added some form of one or two-car garage.

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 of the limited lot size, in particular the limited width, in order to meet the required setbacks, it is not possible to construct a home with a two-car garage. The house either needs to be constructed with a one-car garage or no garage at all.

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 attached two-car garage requirement of the UDO.