

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

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

Case Number:	Docket #21-35
Applicant:	Gary Ladd for ATEC Electrical Contractors
Location:	The subject property is located at 419 Ransdell Road, Lebanon, Indiana 46052.
Acreage and Zoning	The subject property is zoned Planned Business Commercial (PBC) and is comprised of 1.6 acres.
Property History:	<p>History of Property: This is the first time the requested Development Standards Variances have appeared before the City of Lebanon Board of Zoning Appeals. The site is currently the location of ATEC Electric operations and contains an existing industrial building and associated parking area.</p> <p>Lebanon Planning Staff Determination: ATEC Electric is proposing to construct an addition to the existing building in order to provide additional work and storage space for the business. Due to the shape of the property and existing building setback, certain variances are required to allow the construction of the addition. In addition, the proposed improvements require the entire property to be brought up to current zoning standards, thus necessitating consideration for additional variances.</p>
Variance Request(s):	<p style="background-color: #e0e0e0;">Applicant Request: Development Standard Variance Request</p> <p>Variance Request #1 – Parking Lot Perimeter Landscaping UDO Section 7.8.J.3 The UDO requires all parking areas to include parking lot perimeter landscaping. The application is proposing to meet this requirement along the north side of the parking area but has requested relief from the requirement along the east side. The south lot line in this area contains an existing tree line and the east property line includes a row of arborvitae.</p> <p>Variance Request #2 – Parking Area Paving UDO Section 7.5.C.1 The UDO requires that all off-street parking areas shall be constructed using a paved surface of concrete, asphalt, brick pavers, approved pervious concrete or pavers, or the like. The existing parking and drive areas contain a mix of asphalt, concrete, and gravel. The applicant is proposing to maintain the current conditions on the property and is requesting relief from the paving requirement to allow the existing gravel to remain.</p>

Variance Evaluation:	<p>Variance Request #3 – Parking Area Curbing UDO Section 7.5.C.3 The UDO requires that all parking areas for non-residential uses shall be completely curbed. The current site does not include curbing and the applicant is proposing to maintain current conditions with this project.</p>
	<p>Variance Request #4 – Parking Lot Interior Landscaping UDO Section 7.8.J.2 The UDO requires all parking areas for non-residential uses shall include a minimum of 5% interior parking lot landscaping. Due to the nature of the site and the existing conditions, the applicant is proposing to maintain the current conditions and is requesting relief from the parking lot interior landscaping requirement.</p>
	<p>Variance Request #5 – Side Setback UDO Section 4.13.D The UDO requires a side building setback of 15 feet in the Planned Business Commercial zoning district. The existing building currently only provides a 10-foot side building setback. The applicant is proposing to add on to this portion of the building, maintaining the 10-foot setback for both the existing building and the addition. The applicant is requesting relief from the side setback requirement.</p>
	<p>Variance Request #6 – Building Materials UDO Section 7.18.C.5.d The UDO indicates that buildings constructed of metal are permitted within the agricultural and general industrial districts. The current building on the site is a metal building and the applicant is proposing to construct an addition that is of similar materials to the existing building. The applicant is requesting relief from the masonry requirement to allow metal building construction.</p>
	<p>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:</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>Variance #1:</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> <hr/> <p>Staff Evaluation of Development Standard Variances</p> <p>Variance Request – Parking Lot Perimeter Landscaping UDO Section 7.8.J.3</p> <p>The UDO requires all parking areas to include parking lot perimeter landscaping. The application is proposing to meet this requirement along the north side of the parking area but has requested relief from the requirement along the east side. The south lot line in this area contains an existing tree line and the east property line includes a row of arborvitae.</p> <p>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 perimeter landscaping requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community.</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 perimeter landscaping requirement will not affect the use and value of the area adjacent to the property in an adverse manner. The request to eliminate landscaping adjacent to vehicle/truck access areas is consistent with other similar uses. These areas are also to the rear of the parking area where there is existing landscaping and will be less visible to neighboring properties.</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. Landscaping placed along the perimeters of work truck access areas are susceptible to damage because of the constant truck maneuvers.</p>
<p>Staff Recommendation:</p>	<p>Staff Recommendation: The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the perimeter landscaping requirement of the Unified Development Ordinance.</p>

<p>Variance #2:</p>	<p>Variance Request #2 – Parking Area Paving UDO Section 7.5.C.1 The UDO requires that all off-street parking areas shall be constructed using a paved surface of concrete, asphalt, brick pavers, approved pervious concrete or pavers, or the like. The existing parking and drive areas contain a mix of asphalt, concrete, and gravel. The applicant is proposing to maintain the current conditions on the property and is requesting relief from the paving requirement to allow the existing gravel to remain.</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 parking area paving requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The applicant has voluntarily committed to providing paving in those areas that would see the most customer vehicular traffic to reduce dust, with the areas restricted primarily to product storage and display maintaining gravel and asphalt millings.</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 parking area paving will not affect the use and value of the area adjacent to the property in an adverse manner. The area proposed as gravel currently exists as gravel, so the requested variance would cause no more impact than already exists. The use of gravel is also consistent with other non-residential uses within the vicinity.</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. The applicant is requesting to maintain the current conditions on the property.</p>
<p>Staff Recommendation:</p>	<p>Staff Recommendation: The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the parking lot paving requirement of the Unified Development Ordinance.</p>
<p>Variance #3:</p>	<p>Variance Request #3 – Parking Area Curbing UDO Section 7.5.C.3 The UDO requires that all parking areas for non-residential uses shall be completely curbed. The current site does not include curbing and the applicant is proposing to maintain current conditions with this project.</p>

Staff Recommendation:	<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 parking area curbing requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The property is proposed to sheet drain all stormwater from the paved areas and the proposed relief will cause no changes to the drainage patterns.</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 parking lot curbing will not affect the use and value of the area adjacent to the property in an adverse manner. The request for relief from curbing would be consistent with other similar properties in the area, but would represent an improvement over the current conditions.</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. The applicant is proposing to maintain the current conditions on the property, which includes sheet draining all stormwater runoff. If required to provide curbing, the site would also need to be upgraded with underground storm utilities to convey stormwater, representing a significant departure from current conditions.</p>
	<p>Staff Recommendation: The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the parking area curbing requirements of the Unified Development Ordinance.</p>
	<p>Variance #4:</p> <p>Variance Request #4 – Parking Lot Interior Landscaping UDO Section 7.8.J.2 The UDO requires all parking areas for non-residential uses shall include a minimum of 5% interior parking lot landscaping. Due to the nature of the site and the existing conditions, the applicant is proposing to maintain the current conditions and is requesting relief from the parking lot interior landscaping 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>Staff Analysis The relief from the parking lot interior landscaping requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community.</p> <p>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.</p> <p>Staff Analysis The requested variance for the parking lot interior landscaping requirement will not affect the use and value of the area adjacent to the property in an adverse manner. The request is consistent with conditions on adjacent similar properties and the additional of landscaping along the north perimeter of the parking area should improve conditions from that which exists currently.</p> <p>Criteria -3 The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.</p> <p>Staff Analysis The strict application of the terms of the UDO will result in practical difficulties in the use of the property. The addition of interior landscape islands would restrict the maneuvering of work and delivery trucks to the site and necessitate a change to how the parking area currently works.</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 parking lot interior landscaping requirements of the Unified Development Ordinance.</p>
Variance #5:	<p>Variance Request #5 – Side Setback UDO Section 4.13.D The UDO requires a side building setback of 15 feet in the Planned Business Commercial zoning district. The existing building currently only provides a 10-foot side building setback. The applicant is proposing to add on to this portion of the building, maintaining the 10-foot setback for both the existing building and the addition. The applicant is requesting relief from the side setback requirement.</p> <p>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.</p> <p>Staff Analysis The relief from the side setback requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The existing building currently maintains the setback and poses no issues to neighboring properties.</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 side setback will not affect the use and value of the area adjacent to the property in an adverse manner. The variance request allows the existing building to maintain its current setback and the building addition to align with the existing building. Adjacent properties will not be impacted by allowing the existing and proposed buildings to maintain the current setback.</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 of the proposed building addition, the UDO would require the site to be brought up to appropriate standards, thus requiring the existing building to be moved about 5 feet. The variance would allow the existing building to remain in its current location and for the building addition to align appropriately.</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 side setback requirements of the Unified Development Ordinance.</p>
Variance #6:	<p>Variance Request #6 – Building Materials UDO Section 7.18.C.5.d</p> <p>The UDO indicates that buildings constructed of metal are permitted within the agricultural and general industrial districts. The current building on the site is a metal building and the applicant is proposing to construct an addition that is of similar materials to the existing building. The applicant is requesting relief from the masonry requirement to allow metal building construction.</p> <p>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 building material requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The addition will be constructed with material similar to the existing building.</p>

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 for building materials will not affect the use and value of the area adjacent to the property in an adverse manner. The materials proposed are consistent with the existing building and complementary to many other non-residential buildings 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 UDO will result in practical difficulties in the use of the property. While the property is currently zoned PBC thus providing the limitations for the materials, the property has historically been used as a facility for a construction services operation with architecture and materials consistent with that type of use. The applicant is currently requesting relief to allow that development pattern to continue.

Staff Recommendation:

Staff Recommendation:

The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the building materials requirements of the Unified Development Ordinance.