

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
STAFF REPORT
JULY 6, 2021 PUBLIC HEARING**

A. Case Number:	Docket #21-35
B. Applicant:	Paul Van Kley
C. Location:	The subject property is located at 404 N Meridian Street, Lebanon, Indiana 46052.
D. Acreage and Zoning	The subject property is zoned Multi-Family Residential (MF) and comprised of approximately 0.18 acres. The subject lot configuration is 60 feet wide by 131 feet in depth.
E. 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 residential home with no garage.
F. Variance Request(s):	Applicant Request: Development Standard Variance Request Variance Request – Accessory Structure Front/Side Setback UDO Section 7.10.A.4 The applicant is seeking to construct a 600 square foot garage to the rear of the property along the Williams Street frontage. The garage would be accessed by an existing driveway from Williams Street. Due to limitations on area and restrictions caused by underground utilities in the rear yard, the garage is proposed to be 4 feet from the Williams Street property line and 4 feet from the rear property line adjacent to the alley. The UDO requires that, along Williams Street, the garage can be no closer to the street than the primary structure and must maintain a 10-foot setback from the property line adjacent to the alley. Therefore, the applicant is seeking a Development Standard Variance to permit the construction of a detached garage that does not meet the front/side setback requirement. Lebanon Planning Staff Determination: The applicant presented the intent to construct the garage as submitted on the enclosed site plan. Lebanon Planning Staff evaluated the proposed project and determined that a Development Standard Variance is required before the City of Lebanon Board of Zoning Appeals.

G. Variance Evaluation:	<p>Evaluation of Variance(s)</p> <p>Statutory Authority of BZA for Reviewing Variances.</p> <p>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:</p> <p style="text-align: center;">Statutory Criteria</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><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 – Accessory Structure Side Setback</p> <p>UDO Section 7.10.A.4</p> <p>The applicant is seeking to construct a 600 square foot garage to the rear of the property along the Williams Street frontage. Due to limitations on area and restrictions caused by underground utilities in the rear yard, the garage is proposed to be 4 feet from the Williams Street property line and 4 feet from the rear property line adjacent to the alley.</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></p> <p>The reduction in the front/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 property lines, the request is consistent with how other lots in the neighborhood have been developed and would not overly impose upon the immediate neighbors.</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></p> <p>The requested variance in the front/side setback is compatible with existing development in the neighborhood. Many of the properties in the immediate vicinity of the subject property contain accessory structures with setbacks consistent with or less than the applicant’s request. The presence of the proposed garage will not</p>
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change how the applicant accesses his property from Williams Street and will not adversely impact traffic patterns.

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 lots and homes in this neighborhood are relatively small, and the subject lot is additionally restricted by the presence of utilities in the rear yard, there are significantly limited options for locating the proposed structure. The development precedent that has been set by neighboring properties includes structures that maintain side setbacks similar to what is being requested by the applicant. The strict application of the terms of the UDO would require the subject property to meet a side setback that is unique in the immediate area.

Staff Recommendation:

The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit the construction of a garage that is 4 feet from the front/side property lines.

**H. Staff
Recommendation:**