

**CITY OF LEBANON  
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS  
STAFF REPORT  
JANUARY 4, 2021 PUBLIC HEARING**

<b>Case Number:</b>	<b>Docket #21-4</b>
<b>Applicant:</b>	<b>Stacy Dempster representing Merle Norman</b>
<b>Location:</b>	The subject property is located at 116 N Lebanon Street, Lebanon, Indiana 46052.
<b>Acreage and Zoning</b>	The subject property is zoned Central Business (CB) and comprised of 0.05 acres.
<b>Property History:</b>	<p><b>History of Property:</b> This is the first time the requested Development Standard Variance has appeared before the City of Lebanon Board of Zoning Appeals. The subject property is a historic storefront on the courthouse square. The most recent use was a yoga studio.</p> <p><b>Lebanon Planning Staff Determination:</b> The applicant, Stacy Dempster, presented the intent to relocate her Merle Norman Cosmetic Studio to the subject property. Because this building is on the courthouse square in a historic urban development pattern, it does not include any on-site parking spaces, similar to many of the other buildings on the square. Per the Unified Development Ordinance (UDO) chapter 7.5.B.4, at any time that the existing use of a building is changed to another permitted use, parking facilities shall be provided as required for the new use. Because of the fact that the building takes up the entirety of the site, there is no physical location to provide on-site parking without removing structures. For this reason, it was determined that a variance was necessary to the parking space requirements to allow the reuse of the building.</p>
<b>Variance Request(s):</b>	<p><b>Applicant Request: Development Standard Variance Request</b></p> <p><b>Variance Request – Number of Parking Spaces UDO Section 7.5.F.2.b</b></p> <p>The UDO specifies if the existing use of a building changes to another permitted use, parking facilities shall be provided as required for the new use. Because the subject property is located on the historic courthouse square in an urban development pattern, there are no on-site parking spaces provided and historically there never have been spaces provided other than on-street public spaces. Because the subject building encompasses the entire property boundaries, there is no space to add parking facilities without first removing buildings, which is absolutely not a desired outcome. It is expected that employees and patrons to the proposed cosmetic studio will park in available on-street public spaces as has been the</p>

**Variance Evaluation:**

expectation since the buildings were first constructed. Because of the requirements specified in the UDO, the applicant is required to request a variance for relief from the required number of parking spaces in order to reinvest and reuse this historic building.

**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.***

**Variance #1:**

**Staff Evaluation of Development Standard Variances**

**Variance Request – Number of Parking Spaces  
UDO Section 7.5.F.2.b**

The applicant is requesting relief from the number of required parking spaces in order to facilitate the reinvestment in and reuse of a historic storefront on the courthouse square.

**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 relief from the parking space requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. Employees and patrons to the subject buildings have been required to parking in on-street public parking spaces since the buildings were constructed. This reuse will not change this pattern of behavior or cause any public safety issues.

***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 requested variance for relief from the parking space requirement will not affect the use and value of the area adjacent to the property in an adverse manner. Because the business is merely relocating from the other side of the square, it is not necessarily adding traffic to downtown that didn't already exist. Users will park in available public parking spaces around and adjacent to the courthouse square.

***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. As specifically written, the UDO would require on-site parking spaces to be provided in order to facilitate a reuse of the buildings. Because this is physically impossible to accomplish, vacant buildings on the square would remain vacant without relief from this requirement.

**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 number of parking spaces requirement of the Unified Development Ordinance.