

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

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

A. Case Number:	Docket #21-57
B. Applicant:	William Mattingly for Mattingly Concrete
C. Location:	The subject property is located at 516 Indianapolis Avenue, Lebanon, Indiana 46052.
D. Acreage and Zoning	The subject property is zoned General Industrial (ID), is within the Thoroughfare Overlay District, and is comprised of approximately 0.74 acres. The subject lot configuration is 125 feet wide by 265 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 an approximately 3200 square foot storage building and gravel parking area.
F. Variance Request(s):	Applicant Request: Development Standard Variance Request Variance Request – Outdoor Storage UDO Section 6.1.H The applicant is seeking to use the subject property in support of their concrete business, providing storage of material, vehicle/equipment parking, and maintenance of fleet vehicles and trucks. The property will accommodate a metal storage container and related equipment, staging areas for material transportation trucks, parking areas for the employees working at the location, and stockpiles of raw materials. The use of the property for a contractor’s yard and outdoor storage is permitted within the underlying zoning district, ID, but the presence of the Thoroughfare Overlay District restricts the use of the property for outdoor storage. Therefore, the applicant is seeking a Development Standard Variance to permit outdoor storage within the Thoroughfare Overlay District.
G. 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 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:

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 – Outdoor Storage

UDO Section 6.1.H

The applicant is seeking to use the subject property in support of their concrete business. The use will involve outdoor storage of equipment and raw material, which is not permitted in the Overlay District.

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 proposed outdoor storage poses no imminent threat to the public health, safety, morals, or 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 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 area contains a mix of both residential and industrial uses of similar character to that which is proposed. The use will be appropriately screened with a privacy fence from adjacent residential uses.

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. The ID zoning district allows both the use of the property as a contractor's yard and the outdoor storage. However, the property is within the Thoroughfare Overlay District, which restricts outdoor storage. The subject property is not directly adjacent to the thoroughfare and, in

fact, is not visible from the thoroughfare which necessitates the restriction on outdoor storage.

**H. Staff
Recommendation:**

Staff Recommendation:

The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to allow outdoor storage subject to the following conditions:

1. That the applicant install the proposed privacy fence along the northeast property line where adjacent to existing residential uses with one year of Variance approval.