

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
STAFF REPORT
FEBRUARY 1, 2021 PUBLIC HEARING**

Case Number:	Docket #21-9
Applicant:	Mario Crim for All Property Investments
Location:	The subject property is located at 2065 Indianapolis Avenue, Lebanon, Indiana 46052.
Acres and Zoning	The subject property is zoned Institutional (IN) and within the Thoroughfare Overlay District and comprised of 1.51 acres.
Property History:	<p>History of Property: This is the first time the requested Variance of Use has appeared before the City of Lebanon Board of Zoning Appeals. The property is currently vacant and contains an approximately 1800 square foot building and associated parking lot. The property originally housed a gas station and has not had a legitimate permanent use in a number of years.</p>
Variance Request(s):	<p>Applicant Request: Variance of Use Request</p> <p>Variance Request – Automobile/Motor Vehicle Repair Facility in the Institutional (IN) Zoning District UDO Section 4.17.B</p> <p>Lebanon Planning Staff Determination: The applicant, All Property Investments, presented the intent to make significant improvements to the subject property and occupy the building for an Auto Repair facility. Auto Repair facilities are prohibited within the Institutional Zoning District, thus necessitating a Variance of Use request.</p>
Variance Evaluation:	<p>Evaluation of Variance(s)</p> <p>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) 36-7-4-918.4; 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 five (5) statutory criteria:</p>

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 need for the variance arises from some condition peculiar to the property involved.

Criteria-4 The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.

Criteria-5 The approval does not interfere substantially with the City of Lebanon Comprehensive Plan.

Staff Evaluation of Variance of Use

Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Staff Analysis

The variance of use to permit an Auto Repair facility will not be injurious to the public health, safety, morals, and general welfare of the community. The proposed use is compatible to other uses within the vicinity along this corridor.

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 use variance would not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner. The applicant is proposing to make significant improvements to both the building and the site. The building will receive significant cosmetic improvements and the site will be repaved, landscaped, and fully fenced so that cars needing repair will be fully screened from neighboring properties and the corridor.

Criteria-3 The need for the variance arises from some condition peculiar to the property involved.

Staff Analysis

The property was originally constructed as a gas station with an overhead door for light vehicle repairs with the use predating the current UDO. The site has limited use opportunities without a complete demolition and construction of a new building. The applicants proposed use most closely aligns with the use capabilities of the existing building and property.

Criteria-4 The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.

This property was originally used as a gas station and auto repair center. In order to use the property for a permitted use, significant modifications would be necessary.

Criteria-5 The approval does not interfere substantially with the City of Lebanon Comprehensive Plan.

The City of Lebanon Comprehensive Plan designates this area for institutional uses. While the use proposed by the applicant is not permitted as an institutional use, it does not interfere substantially with the plan.

Staff Recommendation:

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The City of Lebanon Planning Staff recommends approval of the Variance of Use request to permit an Auto Repair facility use within the Institutional Zoning District subject to the following conditions:

1. That the approval of the Variance of Use is limited to those Auto Repair uses proposed by the applicant. Any change in use or increase in the intensity of the use by the current or any subsequent owners will require approval by the City of Lebanon Board of Zoning Appeals.
2. That at no time will cars in any level of disrepair or any car parts or other equipment be located outside of the fenced in area on the property.
3. That the applicant remove the existing barbed wire fence, repave all parking areas, and install proposed landscaping and storage area privacy fence prior to occupancy in the building.

