

CITY OF LEBANON
APPLICATION FOR VARIANCE
STATEMENT OF INTENT

FILE

SEP 08 2021

CITY OF LEBANON

Planning & Zoning Department

Docket # 21-56

This application and all accompanying information must be completed and filed in the City of Lebanon Planning & Zoning Office not less than 15 days prior to the regular meeting of the City Board of Zoning Appeals.

321-439-9992 (Brian)

1. **Applicant:** Name Brian and Catheryn Ferguson Phone # 407-361-4159 (Cati)

Address 403 N. Lebanon St., Lebanon, IN 46052

E-Mail Address: Catipiano@gmail.com BFerguson03@gmail.com

321-439-9992

2. **Property Owner:** Name Brian and Catheryn Ferguson Phone # 407-361-4159

Address 403 N. Lebanon St., Lebanon, IN 46052

E-Mail Address: Catipiano@gmail.com BFerguson03@gmail.com

3. **Applicants agent, attorney or other contact (if any):**

Name _____ Phone # _____

Address _____

E-Mail Address: _____

4. **Subject Property:**

Street or road #/ address of subject property: 403 N. Lebanon St.

Zoning Classification of Property: MF

Legal Description of property (attach sheet) Lanes OL 7 Lot 51 - W PT

Size of property (dimensions and /or acreage): 60x87

Current use of property: Single Family Residence

Comprehensive Plan Designation: _____

5. **Requested Use Variance** (provide a detailed description of variances requested): _____

part Music Lesson Studio and single family housing in other portion of house

6. **Site Plan:** Attach a site plan drawn to scale showing the dimensions of the property, all required setbacks, and the size and location of all existing and proposed buildings and other improvements, including but not limited to those involving the requested variances... No outdoor variances needed

I affirm that the information contained in the application and its supplements is true and correct.

Date 9-8-21 Signature [Signature]

VARIANCE OF USE

PROPOSED FINDINGS OF FACTS

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 Use Variance. It is your burden to demonstrate that each of these factors is satisfied. In the space provided, please indicate how you believe the facts or circumstances of your case satisfy each factor. Attach additional sheets if necessary.

1. The proposed variance will not be injurious to the public health, safety, morals, and general welfare of the community.

It will be quite the opposite! Provides a positive, creative, and educational outlet for the community!

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.

Again, it will have the opposite affect - it will be an amenity for the business professionals living on either side in The Flats.

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

Yes, it is currently zoned for residence when we need it zoned for both residence and business.

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

Correct. We would be unable to operate our business.

5. The proposed variance does not interfere substantially with the City of Lebanon Comprehensive Plan.

Correct. If anything, it will be quite beneficial to the community and convenient having this service in town.

Variance of Use
Proposed Findings of Facts
Additional Facts

Brian and Catheryn Ferguson
403 N. Lebanon St., Lebanon, IN 46052
407-361-4159
catipiano@gmail.com

We wish to use our newly purchased house on 403 N. Lebanon St. as part business (Cornerstone Music Studio, LLC) and part residence (live in the other portion of the house). Here are some additional facts regarding this requested use variance:

1. The previous owner of the property, Dennis and Pamela D'Amico, used the property in the same manner and were granted a Variance of Use. They ran a CPA office in the front of the house while residing in the back portion of the house.
2. This property has a history of being used for residence and/or business. The Boone County Senior Services used this house as their offices about 10/15 years ago. It has also been used as residence.
3. Other business within eyesight have this similar set-up: an older house (ours is 1920's) being used for part business, part residence, i.e. State Farm Insurance on 304 N. Lebanon St.
4. **Parking.** We know that parking in this area of town is quite strained due to "The Flats." Here is how we already provide parking:
 - a. Our property already has 2 customer parking spots in the front (asphalt parking spots).
 - b. Our property has a garage and driveway parking spot for resident's personal use.
 - c. The nature of private and small group music lessons is a single vehicle staying on site for a half hour lesson with overlap of the next student for a few minutes between lessons. Some students are dropped off, not even using a parking spot. For our small group classes (4-6 students), students will be dropped off. We anticipate local students will likely walk to their lessons (i.e. students from The Flats, surrounding neighborhood, and downtown adults taking lessons on their lunch breaks).
5. Lebanon currently does not have a full music studio equipped with a piano lab, nor a long-term guitar teacher in the last 20 years. We have already been working with other music teachers in the area and see the needs of the community, especially as Lebanon continues to grow. We believe that having a music studio in this location, central to the town and close to the schools, will benefit the community greatly!