

**CITY OF LEBANON
401 S. MERIDIAN STREET
LEBANON, IN. 46052**

VARIANCE APPLICATION PROCEDURE AND FORMS

If compliance with specific requirements or restrictions of the Unified Development Ordinance in an unnecessary hardship or practical difficulty, you may request a variance from the terms of the Ordinance. The Board of Zoning Appeals has the exclusive authority to decide all Variance requests.

PROCESS:

All applicants are required to submit an application for review by City Planning Staff no less than 7 days before the filing deadline for placement on the subsequent Meeting Agenda.

1. Schedule meeting with the Lebanon Planning & Zoning Administrative Department staff, at least one week before the anticipated application, to discuss the proposed action and obtain required forms.
2. Present completed application to the City of Lebanon Planning and Zoning Department to be placed on the Board of Zoning Appeals agenda. Completed applications must be submitted 15 days before the Board of Zoning Appeals meeting. The Planning & Zoning Administrative Department will determine if the application is complete. If it is not, you will be notified of any deficiencies. Applications submitted or completed after the deadline will be placed on the agenda for the following month.
3. Present request to the Board of Zoning Appeals at a Public Hearing. The Board will hear evidence and make a decision on your application.

REQUIRED APPLICATION MATERIALS:

1. Application/Statement of Intent. The applicant must submit a completed application/statement of intent, including all attachments. See form on page 1.
2. Proposed Findings of Facts. The applicant must submit proposed findings of fact, stating how it believes each factors required for the granting of a variance. See form on page 2.
3. Affidavit and Consent of Property Owner. If the application is not the owner of the subject property, an affidavit signed by the property owner must be provided, confirming the owner's consent to the application and the requested variance. See form on page 3.
4. Public Notice- The Planning & Zoning Department staff will complete this section for the applicant and an invoice will be generated so the applicant can reimburse the city for the expense. The applicant must publish notice of the public hearing in a proper newspaper at least 10 days prior to the BZA meeting. The applicant is responsible for the cost of the publication, and for obtaining and providing proof of publication prior to the Board of Zoning Appeals hearing the case. See form on page 5.
5. Notice letter to surrounding property owners. The Planning & Zoning Department staff will complete this section for the applicant and an invoice will be generated so the applicant can reimburse the city for the expense. The Unified Development Ordinance (Sec. 9.15) requires the applicant to provide written notice of the application and public hearing to all "interested parties" at least 10 days before the Board of Zoning Appeals meeting. Interested parties are the surrounding property owners within 300 feet of the boundaries of the property for which the variance is sought.

- a. Certified Mail: Notice may be provided to an interested party by certified mail, return receipt requested. The applicant must keep the return receipt of mailing and provide then to staff as provided in paragraph 5.
6. **Certificate of Notice. The Planning & Zoning Department staff will complete this section for the applicant and an invoice will be generated so the applicant can reimburse the city for the expense.** This form must identify all interested parties, as defined above, and must identify the date and manner in which each interested party was provided with the notice letter (certified mail). The return receipt of mailing and signed verification of personal service forms must be attached to the certificate of notice, showing proper notice to all interested parties.
7. Application Fee: At the time of submitting the Application, the applicant must pay the required application fee. The fee for a variance application is currently \$250.00 for residential and \$350.00 for commercial per Variance. Checks may be made payable to the City of Lebanon.
8. Commitments: If the applicant intends to make any commitments regarding the use or development of the subject property, the proposed written commitments shall be provided upon submission of the application.

GENERAL INFORMATION:

1. You must submit the completed application materials and all other required information and documents to the to the Planning & Zoning Office for review not less than 15 days before the Board of Zoning Appeals meeting in order to be placed on the agenda. Your application will not be placed on the BZA agenda until all required materials and the filling fees are submitted.
2. Important additional information pertinent to your variance application, including the public notice requirements, is contained in the Unified Development Ordinance and the Board of Zoning Appeals Rules of Procedures. You are strongly encouraged to review both documents.
3. Variance requests are required to provide a site survey completed by a licensed surveyor, this must be attached to the application request to be placed on the agenda.
4. It is your responsibility to demonstrate compliance with all notice requirements. Failure to do so may cause delay in the Board hearing your case.
5. It is your burden to prove that all of the factors required for the granting of a variance are satisfied. Failure to show that any of the factors are met will require the Board to deny the request.
6. If the Board of Zoning Appeals denies your request, you have the right to seek review of that decision by the Boone County Circuit or Superior Courts. In that event, the required action must be initiated with the court within 30 days of the board's decision.
7. You may wish to engage an attorney for filing and representation at the meetings.

**CITY OF LEBANON
APPLICATION FOR VARIANCE
STATEMENT OF INTENT**

I _____ Docket # _____

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.

1. **Applicant:** Name Ryan Ottinger (Lebanon Utilities) Phone # 765-336-9670
Address 401 South Meridian Street, Lebanon, IN 46052
E-Mail Address: rottinger@lebanon-utilities.com

2. **Property Owner:** Name John Messenger (City of Lebanon) Phone # 765-482-8860
Address 401 South Meridian Street, Lebanon, IN 46052
E-Mail Address: jmessenger@lebanon.in.gov


3. **Applicants agent, attorney or other contact (if any):**
Name John Lightner Phone # 317-713-4615
Address 8450 Westfield Blvd., Suite 300, Indianapolis, IN 46240
E-Mail Address: jlightner@bfsengr.com

4. **Subject Property:**
Street or road #/ address of subject property: 500 Hendricks Drive, Lebanon, IN 46052
Zoning Classification of Property: Institutional (IN)
Legal Description of property (attach sheet) See attached.
Size of property (dimensions and /or acreage): 2 acres
Current use of property: Institutional (IN) Comprehensive Plan Designation: Institutional (IN)

5. **Requested Variance** (provide a detailed description of variances requested): Minimum Lot Frontage of 100 feet in lot and yard standards for properties zoned Institutional (IN) per Section 4.17 of the City's UDO. Access to the Lebanon Utilities' property will be provided via easement through City property. The perimeter security fence is to have barbed wire which requires a variance from the requirements of Section 7.14.

6. **Site Survey:** Attach a survey of the property 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.

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

Date 3/16/2021 Signature 

VARIANCE FROM DEVELOPMENT STANDARDS

PROPOSED FINDINGS OF FACT

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. 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 in your case satisfy each factor.

Attach additional sheets if needed.

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

The lack of road frontage in this case will not have an adverse effect on the public health, safety, morals, or general welfare of the community. The location of the proposed site was discussed and decided on in conjunction with the Lebanon Parks Board and Parks Department Staff. The barbed wire for the perimeter security fence will help protect the public health as the water storage tank contains potable water.

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.

The Parks Board and Parks Department Staff have approved the location of the site and proposed access drive and have indicated that the location of the site will not adversely affect the park. A wooded buffer will remain on the west side of the proposed property to screen the facility from the rest of the Park and screenings have been discussed to be included along the fence on the east side.

3. The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.

If 100 feet of road frontage were to be provided for the project, it would adversely affect Parks Department operations and planning and have an adverse effect on plans for a future trail along the east side of the Abner Longley Park property. The size of the property needed for the site would increase which would decrease usable parks property.

AFFIDAVIT AND CONSENT OF PROPERTY OWNER

If the owner(s) of the subject is/are giving authorization for someone else to apply for the variance, this Affidavit must be completed and signed by the owner(s), and submitted with the Application.

I (we) City of Lebanon, being duly sworn, state as follows:
(owner of subject property)

1. I am a competent adult, over 21 years of age, and have personal knowledge of the matters stated in this affidavit.
2. I (we) am (are) the owner(s) of the property commonly known or legally described as

500 Hendricks Drive, Lebanon, IN 46052
(property address or legal description)

-
3. I (we) are aware of the variance requested by Lebanon Utilities,
(applicant's name)

relating to my property, and I (we) authorize the applicant to seek this variance.

I affirm under the penalties of perjury that the foregoing statements are true and correct.

Signature

Date

Signature

Date

CERTIFICATE OF NOTICE

The application must list below the names and addresses of all interested parties (surrounding land owners within 300 feet of the subject property, the method by which each owner provided with notice of the application and hearing, and the date each notice was either mailed or personally delivered. Each certificate mail return and signed verification of personal service should be attached to this form.

Legal Owners Name	Address	Method of Notice Mail/ Personal	Date of Notice
1. City of Lebanon Clerk Treasurer's Office	401 South Meridian St. Lebanon, IN 46052		
2. Hoyt Properties of Indiana, LLC	810 Hendricks Dr, Lebanon, IN 46052		
3. JPS Enterprises, LLC	4216 W. 400 N. Thorntown, IN 46074		
4. S B & F LLC	902 Hendricks Dr. Lebanon, IN 46052		
5. Church of Christ	1204 Indianapolis Ave. Lebanon, IN 46052		
6.			
7.			
8.			
9.			
10.			

I/we affirm that the list of property owners set forth above (and attached hereto) is a true and complete listing of all owners of property located within 300 feet of the subject property and that the above information concerning the method and date of providing notice to each of them is true and accurate.

Signature

Date

Signature

Date

NOTICE OF PUBLIC HEARING

Notice is hereby given that on the _____ day of _____, 20____, at _____PM a public hearing will be held before the Lebanon Board of Zoning Appeals located in the Municipal Building Council Chambers 401 S. Meridian Street, Room 208 in the City of Lebanon, IN, on the application of a Variance request. For an Improvement Location Permit as specified in the Zoning Code of Lebanon: Ordinance #74-12, as amended.

The Variance has been requested by _____
_____ and concerns the property located at _____
_____ Lebanon, Indiana. The applicant requests a Variance for _____

_____.

The legal description of the property is as follows: _____

The Lebanon Board of Zoning Appeals will conduct a public hearing at the time and place specified. Interested persons desiring to present their views upon the application may do so at the hearing. Written comments concerning the application may be submitted to the Lebanon Planning & Zoning Administration Department, located at the Municipal Building, Council Chambers 401 S. Meridian Street room 208. Said hearings may be continued from time to time as may be necessary.

Bruce Pauley
Chairman, Lebanon Board of Zoning Appeals
City of Lebanon, Indiana

NOTICE TO PUBLIC HEARING TO PROPERTY OWNERS
CITY OF LEBANON, INDIANA

Date: _____

To: _____

Dear: _____,

This is to inform you that on the _____ day of _____, 20____ at _____ PM. The Lebanon Board of Zoning will hold a Public Hearing on an application for a Variance from the terms of the Lebanon Unified Development Ordinance, the meeting will be held at the City of Lebanon Municipal Building located at 401 S. Meridian Street room 208.

This Variance has been requested by _____ and concerns the property located at _____ Lebanon , Indiana. The applicant requests a Variance be allowed: _____

The Application materials submitted by the applicant may be reviewed or obtained from the Lebanon Planning & Zoning Administration Department located at 401 S. Meridian Street, Lebanon Municipal Building 2nd floor (765) 482-8845.

The Lebanon Board of Zoning Appeals will conduct a public hearing at the time and place specified. Interested persons desiring to present their views upon the application may do so at the hearing. Written comments concerning the application may be submitted to the Lebanon Planning & Zoning Administration Department at or before such hearing and will be presented to the Board. Said hearing may be continued from time to time as may be necessary.

By: Bruce Pauley
Title: Chairman, Board of Zoning Appeals

**VERIFICATION OF PERSONAL SERVICE
AND WAIVER OF FURTHER NOTICE**

I/we, _____, am/are the owners of the property located at the address indicated below, which is within 300 feet of the real estate located at _____; which is the subject of a Variance application submitted by _____.

I/we hereby acknowledge that on _____ I/we personally received a "Notice of Public Hearing to Surrounding Property Owners concerning the hearing to be held by the Lebanon Board of Zoning Appeals at _____ p.m. on _____ at the Municipal Building in Lebanon, Indiana, concerning the Variance request described in the Notice. Because I/we received this Notice, I/we waive the right to notice by certified mail.

Signature

Signature

Printed

Printed

Address

(This address must be the address of the property you own in proximity to the property which is the subject of the variance request, ie, the address of the property that entitles you to notice of the public hearing)

**LEBANON BOARD OF ZONING APPEALS
2021 MEETING DATES**

Meeting Time: 7:00 pm
The Board meets the 1st Monday of every month

401 S. Meridian Street
2nd floor Council Chambers

2021 City of Lebanon Board of Zoning Appeals Meeting Dates

<i>Pre Submittal Meeting with staff</i>	<i>Filing Deadline</i>	<i>TAC 9:00 am</i>	<i>Last day for public notice to be published</i>	<i>Agenda & staff report published</i>	<i>Last day to submit info to file (not to be in staff report)</i>	<i>Public Hearing</i>
7-Dec-20	14-Dec-20	TBD	21-Dec-20	28-Dec-20	30-Dec-20	4-Jan-21
4-Jan-21	11-Jan-21	TBD	22-Jan-21	25-Jan-21	27-Jan-21	1-Feb-21
1-Feb-21	8-Feb-21	TBD	19-Feb-21	22-Feb-21	24-Feb-21	1-Mar-21
8-Mar-21	15-Mar-21	TBD	26-Mar-21	29-Mar-21	31-Mar-21	5-Apr-21
5-Apr-21	12-Apr-21	TBD	23-Apr-21	26-Apr-21	21-May-21	3-May-21
10-May-21	17-May-21	TBD	28-May-21	1-Jun-21	2-Jun-21	7-Jun-21
7-Jun-21	14-Jun-21	TBD	25-Jun-21	28-Jun-21	30-Jun-21	5-Jul-21
5-Jul-21	12-Jul-21	TBD	23-Jul-21	26-Jul-21	28-Jul-21	2-Aug-21
9-Aug-21	17-Aug-21	TBD	28-Aug-21	31-Aug-21	2-Sep-21	7-Sep-21
6-Sep-21	13-Sep-21	TBD	24-Sep-21	27-Sep-21	29-Sep-21	4-Oct-21
4-Oct-21	8-Oct-21	TBD	22-Oct-21	25-Oct-21	27-Oct-21	1-Nov-21
8-Nov-21	15-Nov-21	TBD	26-Nov-21	29-Nov-21	1-Dec-21	6-Dec-21