

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
STAFF REPORT
JANUARY 4, 2022 PUBLIC HEARING**

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| Case Number: | Docket #22-1 |
| Applicant: | Richard Penola |
| Location: | The subject property is located at 1024 N Lebanon Street and 201 W Essex Street, Lebanon, Indiana 46052. |
| Acreage and Zoning | The subject property is zoned Multi-Family Residential (MF) and comprised of approximately 0.17 acres. The subject lot configuration is 60 feet wide and 120 feet in depth. |
| 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 two separate residential structures. |
| Background: | Variance Background The subject lot currently contains two individual residential units, 1024 N Lebanon and 201 W Essex. While the history of these two units on a single lot is unknown, the current UDO would not permit this arrangement, so this is a legally existing non-conforming lot. The applicant would like to subdivide the parcel so that each residential unit is contained on its own lot, allowing additional flexibility to sell one unit or the other without impacting the other residential structure. This subdivision would eliminate the non-conforming situation relating to the two structures, but in order to do so, the resulting lots do not meet the minimum lot size standard. The resulting lots are approximately 3000 and 4000 square feet. The minimums in the MF zoning district are 4000 SF for a one-bedroom unit, 5000 SF for a two-bedroom unit, and 6000 SF for a three-bedroom unit. |
| Variance Request(s): | Applicant Request: Development Standard Variance Request Variance Request #1 – Lot Size UDO Section 4.9.D The UDO requires 4000, 5000, and/or 6000 square feet per unit within the MF zoning district depending on the number of bedrooms. The applicant is requesting relief from this requirement in order to subdivide the subject lot to separate two existing residential structures onto their own lots, requiring minimum lot sizes smaller than permitted in the zoning district. |

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| Variance Evaluation: | <p>Evaluation of Variance(s)</p> <p>Statutory Authority of BZA for Reviewing Variances.</p> <p>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:</p> <p style="text-align: center;">Statutory Criteria</p> <p><i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></p> <p><i>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.</i></p> <p><i>Criteria-3 The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.</i></p> <hr/> <p>Staff Evaluation of Development Standard Variances</p> <p>Variance Request #1 – Lot Size</p> <p>UDO Section 4.9.D</p> <p>The UDO requires 4000, 5000, and/or 6000 square feet per unit within the MF zoning district depending on the number of bedrooms. The applicant is requesting relief from this requirement in order to subdivide the subject lot to separate two existing residential structures onto their own lots, requiring minimum lot sizes smaller than permitted in the zoning district.</p> <p style="text-align: center;">Staff Evaluation of Development Standard Variances</p> <p><i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></p> <p><i>Staff Analysis</i></p> <p>Relief from the lot size requirement will not be injurious to the public health, safety, morals, and general welfare of the community. The two residential structures already exist on the parcel, so the lot split will not materially change the current condition.</p> <p><i>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.</i></p> <p><i>Staff Analysis</i></p> <p>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 allowance of a reduction in</p> |
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the minimum lot size requirement will not have any impact on the surrounding area as the current residential structures will remain as they have historically. The subdivision of the parcel to two lots will allow the applicant to sell each structure individually without impacting the remaining structure.

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. This lot has historically contained two residential structures, a situation that is not permitted by the current UDO, thus creating a legally existing non-conforming lot. This status is somewhat unique in the surrounding area. In order to remedy the non-conforming status by creating two lots, relief from the minimum lot size is necessary.

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 lot size requirement of the UDO.