

**CITY OF LEBANON  
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS  
STAFF REPORT  
MARCH 7, 2022 PUBLIC HEARING**

<b>Case Number:</b>	<b>Docket #22-17</b>
<b>Applicant:</b>	<b>Adam DeHart for Mann Brothers Holdings, LLC</b>
<b>Location:</b>	The subject property is located at 1003 and 1013 S Lebanon Street, Lebanon, Indiana 46052.
<b>Acreage and Zoning</b>	The subject property is zoned Neighborhood Business (NB) and in the Thoroughfare Overlay District and comprised of 0.623 acres.
<b>Property History:</b>	<p><b>History of Property:</b> This is the first time the requested Development Standards Variances have appeared before the City of Lebanon Board of Zoning Appeals. The property is currently a vacant, unimproved lot.</p> <p><b>Lebanon Planning Staff Determination:</b> Mann Brothers Holdings presented the intent to construct a multi-tenant commercial building on the subject lot to be used as a convenience store and laundry facility. Upon review of the conceptual site plans, Staff identified several variances necessary in order to develop the site as proposed.</p>
<b>Variance Request(s):</b>	<p style="background-color: #e0e0e0;"><b>Applicant Request: Development Standard Variance Request</b></p> <p><b>Variance Request #1 – Front Building Setback UDO Section 4.12.D</b> Because the subject property is located within the Thoroughfare Overlay District, a 20-foot buffer yard is required along Lebanon Street in addition to the front building setback of 15-30 feet in the NB zoning district. This would require the building to be setback a minimum of 35 feet from the front property line, which would essentially render the site useless given the other buffer and setback requirements. The applicant is requesting relief from the front building setback requirement to allow the building to be setback 20.5 feet from Lebanon Street rather than the required minimum of 35 feet.</p> <p><b>Variance Request #2 – Front Parking Setback UDO Section 7.5.F.2.i</b> Because the subject property is located within the Thoroughfare Overlay District, a 20-foot buffer yard is required along Lebanon Street in addition to the front parking setback of 10 feet. This would require the parking lot to be setback a minimum of 30 feet from the front property line, which significantly restricts the usability of the site. The applicant is requesting relief from the front parking setback requirement to</p>

	<p>allow the parking to be setback 20 feet from Lebanon Street rather than the required minimum of 30 feet.</p> <p><b>Variance Request #3 – Rear Parking Setback</b>  <b>UDO Section 7.5.F.2.i</b>          The property adjacent to the subject property is zoned Multi-Family Residential (MF). When a property zoned NB is adjacent to MF property, a 10-foot buffer yard is required in addition to the rear parking setback of 5 feet for a total of 15 feet. Requiring the combined setback on this property would, again, significantly restrict its usability, thus the applicant is requesting relief from the parking setback requirement to allow for a 10.5 foot setback rather than the required 15 feet.</p> <p><b>Evaluation of Variance(s)</b>          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 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;"><i>Statutory Criteria</i></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>
<p>Variance #1:</p>	<p><b>Staff Evaluation of Development Standard Variances</b></p> <p><b>Variance Request #1 – Front Building Setback</b>  <b>UDO Section 4.12.D</b>          The applicant is requesting relief from the front building setback requirement to allow the building to be setback 20.5 feet from Lebanon Street rather than the required minimum of 35 feet.</p>

<b>Staff Recommendation:</b>	<p style="text-align: center;"><b>Staff Evaluation of Development Standard Variances</b></p> <p><b><i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></b></p>
	<p><b><i>Staff Analysis</i></b></p> <p>The relief from the front building setback requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The building would still maintain a setback of 20.5 feet from the front property line, allowing plenty of visibility for motorists on the adjacent side streets (Noble and Ash).</p>
	<p><b><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></b></p>
	<p><b><i>Staff Analysis</i></b></p> <p>The requested variance for the front building setback will not affect the use and value of the area adjacent to the property in an adverse manner. The proposed setback of 20.5 feet is consistent with adjacent property setbacks or, in fact, more significant in most cases. Adjacent structures are setback anywhere from 5 to 15 feet.</p>
<b>Variance #2:</b>	<p><b><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></b></p>
	<p><b><i>Staff Analysis</i></b></p> <p>The strict application of the terms of the UDO will result in practical difficulties in the use of the property. The addition of the thoroughfare overlay buffer requires the proposed property to maintain a front setback that is at least double the setback of any adjacent property. With the installation of the required buffer plantings and a proposed setback of 20 feet, the proposed condition is an improvement to adjacent existing commercial properties.</p>
	<p><b>Staff Recommendation:</b></p> <p>The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the front building setback requirement of the Neighborhood Business zoning district.</p> <p><b>Variance Request #2 – Front Parking Setback</b> <b>UDO Section 7.5.F.2.i</b></p> <p>The applicant is requesting relief from the front parking setback requirement to allow the parking to be setback 20 feet from Lebanon Street rather than the required minimum of 30 feet.</p>

<b>Staff Recommendation:</b>	<b>Staff Evaluation of Development Standard Variances</b>
	<b><i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></b>
	<b><i>Staff Analysis</i></b> The relief from the front parking setback requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. With the proposed setback of 20 feet, there will be no visibility issues for motorists on adjacent side streets.
	<b><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></b>
	<b><i>Staff Analysis</i></b> The requested variance for front parking setback will not affect the use and value of the area adjacent to the property in an adverse manner. The proposed setback of 20 feet is consistent or more significant than adjacent commercial parking lots.
	<b><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></b>
	<b><i>Staff Analysis</i></b> The strict application of the terms of the UDO will result in practical difficulties in the use of the property. The addition of the thoroughfare overlay buffer requires the proposed property to maintain a front parking setback that is at least 10 feet more than any adjacent parking setback, in some cases the difference is much more than this. With the installation of the required buffer plantings and a proposed setback of 20 feet, the proposed condition is an improvement to adjacent existing commercial properties.
<b>Variance #3:</b>	<b>Staff Recommendation:</b> The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the front parking setback requirement of the Neighborhood Business zoning district.
	<b>Variance Request #3 – Rear Parking Setback UDO Section 7.5.F.2.i</b>  The applicant is requesting relief from the rear parking setback requirement to allow for a 10.5-foot setback rather than the required 15 feet.

**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 relief from the rear parking setback requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The parking will still maintain an adequate setback for any potential motorists in the adjacent alleyway.

***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.***

***Staff Analysis***

The requested variance for rear parking setback will not affect the use and value of the area adjacent to the property in an adverse manner. The proposed setback of 10.5 feet along with the proposed privacy fence and buffer plantings will provide significant screening from the adjacent properties.

***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 UDO will result in practical difficulties in the use of the property. The buffer requirement of 10 feet plus the parking setback of 5 feet would be a more significant parking setback than any adjacent commercial property that, in some cases, maintain a 0- to 5-foot setback.

**Staff Recommendation:**

**Staff Recommendation:**

The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the rear parking setback requirement of the Neighborhood Business zoning district subject to the following requirement:

1. That the applicant install a six-foot tall privacy fence along the edge of the parking lot adjacent to the east property boundary in addition to the required buffer plantings.