

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

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

A. Case Number:	Docket #22-19
B. Applicant:	Adam Mears for Sunbrook Development, LLC
C. Location:	The subject property is located at 955 Sunchaser Road (Lot 4), Lebanon, Indiana 46052.
D. Acreage and Zoning	The subject property is zoned Planned Unit Development (PUD) and comprised of approximately 0.14 acres. The subject lot configuration is 49.79 feet wide by 119 feet in depth.
E. 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 is currently a vacant/undeveloped single-family lot in the Sunbrook neighborhood.
F. Variance Request(s):	Applicant Request: Development Standard Variance Request Variance Request – Lot Width and Side Setback Sunbrook PUD Ordinance The lot width (50 feet) and side setback (5 feet) requirements are established in the Sunbrook PUD Ordinance adopted by the Common Council on March 12, 2018. The plat for Section 1 was developed by the applicant’s civil engineer and recorded on January 6, 2020. It was just recently discovered by the applicant that the civil engineer had made an error on the plat and recorded Lot 4 with a width of 49.79 feet rather than 50 feet, which would only allow for a side setback of 4.79 feet rather than 5 feet. This error went unnoticed through the review process and given this lot has lots on either side, there is no easy solution to expand the lot width. Given the difference equates to only 2.5 inches, Staff determined that a Variance was necessary, but also a better solution than wholesale changes to the entire Section 1 plat for the development. Therefore, the applicant is seeking a Development Standard Variance to permit a reduction in the lot width from 50 to 49.79 feet and a reduction of one side setback from 5 to 4.79 feet.
G. Variance Evaluation:	Evaluation of Variance(s) 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) 36-7-4-918.5; 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 the variance of use listed above has been reviewed based on the following three (3) statutory criteria:

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

Staff Evaluation of Development Standard Variances

Variance – Lot Width and Side Setback

Sunbrook PUD Ordinance

The applicant is seeking to allow for Sunbrook Lot 4 a lot width of 49.79 feet and a side setback of 4.79 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 reduction in the lot width and side setback poses no imminent threat to the public health, safety, morals, or general welfare of the community. The reduction equates to 2.5 inches, which would essentially be imperceptible and cause no issues in terms of building separation.

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 the lot width and side setback will not impact the use and value of the area adjacent to the property. The small variation of 2.5 inches would be imperceptible by 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. With no obvious method to widen Lot 4 to meet the standards, particularly given one of the adjacent lots already contains a finished home, this lot would be unusable in its current form without the variance.

**H. Staff
Recommendation:**

Staff Recommendation:

The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit a reduction in the lot width to 49.79 feet and side setback to 4.79 feet.