

**CITY OF LEBANON  
PLANNING AND ZONING DEPARTMENT**

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

<b>A. Case Number:</b>	<b>Docket #22-4</b>
<b>B. Applicant:</b>	<b>Shambaugh &amp; Son, LP for White Castle Systems</b>
<b>C. Location:</b>	The subject property is located at 1506 W Main Street, Lebanon, Indiana 46052.
<b>D. Acreage and Zoning</b>	The subject property is zoned General Industrial (ID) and comprised of approximately 4.9 acres. The subject lot configuration is 360 feet wide by 560 feet in depth.
<b>E. Property History:</b>	<b>History of Property:</b> This is the first time the requested Variance has appeared before the City of Lebanon Board of Zoning Appeals. The lot currently contains an industrial building and associated employee/customer parking.
<b>F. Variance Request(s):</b>	<b>Applicant Request: Development Standard Variance Request</b>  <b>Variance Request – Accessory Structure Maximum Height</b> <b>UDO Section 7.10.A.4</b> The applicant is seeking to construct an accessory structure adjacent to the existing industrial facility in order to house necessary refrigeration equipment. The proposed structure would be approximately 21 feet tall in order to accommodate the connection of the refrigeration system piping between the new structure and the existing machine room. The elevation of the connecting lines is determined by the elevations of the piping in the machine room, thus the additional height needed.  Therefore, the applicant is seeking a Development Standard Variance to permit the construction of an accessory structure with a maximum height (21 feet) that exceed the maximum permitted by UDO of 18 feet.  <b>Lebanon Planning Staff Determination:</b> The applicant presented the intent to construct the accessory structure as submitted on the enclosed plans. Lebanon Planning Staff evaluated the proposed project and determined that a Development Standard Variance is required before the City of Lebanon Board of Zoning Appeals.
<b>G. Variance Evaluation:</b>	<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 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 – Accessory Structure Rear Setback**

**UDO Section 7.10.A.4**

The applicant is seeking to construct an accessory structure directly adjacent to the existing industrial facility in order to house necessary refrigeration equipment. The structure requires a 21 foot height in order to accommodate the refrigeration system piping, which exceed the maximum permitted accessory structure height of 18 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 proposed additional height poses no imminent threat to the public health, safety, morals, or general welfare of the community. The proposed structure is in an appropriate location that meets all required setbacks and will still allow adequate parking for the facility.

***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.***

***Staff Analysis***

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 proposed structure is subordinate to the existing facility which has a height of approximately 26 feet. Additionally, the new building will be painted to match the existing facility to ensure it is complementary.

***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. The applicant is requesting the additional height in order to accommodate the proper elevations for the refrigeration piping between the two buildings and allow for required sprinkler systems and lighting above and around the piping.

**H. Staff  
Recommendation:**

**Staff Recommendation:**

The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to allow an increase in the maximum height of an accessory structure.