

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
STAFF REPORT
JUNE 6, 2022 PUBLIC HEARING**

A. Case Number:	Docket #22-43
B. Applicant:	Greg & Sherri Gibbs
C. Location:	The subject property is located at 505 N East Street, Lebanon, Indiana 46052.
D. Acreage and Zoning	The subject property is zoned Single-Family Residential (SF3) and comprised of approximately 0.18 acres. The subject lot configuration is 40 feet wide by 198 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 currently contains a single-family residential home with a detached single-car garage in the rear yard.
F. Variance Request(s):	Applicant Request: Development Standard Variance Request Variance Request – Accessory Structure Side Setback UDO Section 7.10.A.4.a The applicant is seeking to construct a 24 foot by 26 foot garage on the east side of the drive that is acting as an alley to the homes in this area. The proposed garage is similar to those that have been constructed on adjacent properties to the north. Due to limitations on area and access capabilities, the garage is proposed to be approximately 2-3 feet from the north property line rather than the required 10 feet. Variance Request #2 – Accessory Structure Area UDO Section 7.10.A.4.b The UDO indicates that accessory structures shall be a maximum of 50% of the area of the principal structure on the property. According to county tax records, the home on the property is 998 square feet, which would permit a maximum of 499 square feet, reduced to 191 square feet due to the existing garage on the property. The applicant is requesting relief from this requirement to permit the construction of the proposed 624 square foot garage. Therefore, the applicant is seeking a Development Standard Variance to permit the construction of a detached garage that does not meet the side setback requirement and requesting relief from the size restriction. Lebanon Planning Staff Determination: The applicant presented the intent to construct the garage as submitted on the enclosed site plan. Lebanon Planning Staff

<p>G. Variance Evaluation:</p>	<p>evaluated the land use and determined that a Development Standard Variance is required before the City of Lebanon Board of Zoning Appeals.</p> <p>Evaluation of Variance(s)</p> <p>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:</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>Staff Evaluation of Development Standard Variances</p> <p>Variance – Accessory Structure Side Setback</p> <p>UDO Section 7.10.A.4.a</p> <p>The applicant is seeking to construct a new 24 foot by 26 foot garage. Due to limitations on area and access capabilities, the garage is proposed to be 2-3 feet from the north property line rather than the required 10 feet.</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>Staff Analysis</p> <p>The reduction in the side setback poses no imminent threat to the public health, safety, morals, or general welfare of the community. While the structure will be in closer proximity to the side property line, the request is consistent with how other lots in the neighborhood have been developed and would not overly impose upon the immediate neighbors.</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>Staff Analysis</p> <p>The requested variance in the side setback is compatible with existing development in the neighborhood. Many of the properties in the immediate vicinity of the subject</p>

	<p>property contain accessory structures with setbacks consistent with or less than the applicant's request. The applicant is the property owner to the north and the one most impacted by the location of the proposed garage.</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><i>Staff Analysis</i> Because the lots and homes in this neighborhood are fairly small, and in this case particularly narrow, there is essentially no location for the proposed structure that would meet the required setback. The development precedent that has been set by neighboring properties includes structures that maintain side setbacks similar to what is being requested by the applicant. The strict application of the terms of the UDO would require the subject property to meet a side setback that is unique in the immediate area.</p>
<p>Staff Recommendation:</p>	<p>Staff Recommendation: The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit the construction of a garage that is 2-3 feet from the side property line subject to the following condition:</p> <ol style="list-style-type: none">1. That the applicant obtain a survey by a licensed land surveyor to verify the garage location and the proposed 2-3 foot setback.
<p>Variance #2:</p>	<p>Variance – Accessory Structure Area UDO Section 7.10.A.4.b</p> <p>The applicant is seeking to construct a new 24 foot by 26 foot garage. The proposed structure exceeds the allowable accessory structure square footage.</p> <p>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> Relief from the accessory structure area requirement will not be injurious to the public health, safety, morals, and general welfare of the community.</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>Staff Analysis</i> 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 garage is consistent with existing garages on neighboring properties and will allow the applicant to park/store more vehicles under roof rather than parking them outside as is necessary currently.</p>

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. Because of the limited size of the house, the applicant would not be able to construct a typical two car garage on the property, which is the size required by UDO.

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 accessory structure area requirement.