

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
STAFF REPORT
JULY 5, 2022 PUBLIC HEARING**

Case Number:	Docket #22-49
Applicant:	Bob Stansberry (Fitzmark) for CCL Property LLC
Location:	The subject property is located at 640 Ransdell Road, Lebanon, Indiana 46052.
Acreage and Zoning	The subject property is zoned General Industrial (ID), is within the Interstate Overlay District, and is comprised of 2.53 acres.
Property History:	<p>History of Property: This is the first time the requested Development Standards Variances have appeared before the City of Lebanon Board of Zoning Appeals. The site contains an approximately 4000 square foot metal sided warehouse building with associated paved parking/storage area. The site includes a wood privacy fence that runs around the perimeter.</p> <p>Lebanon Planning Staff Determination: CCL Property LLC is planning to construct an additional 4800 square foot industrial building on the site with additional paving and landscaping. The nature of the improvements requires the entire site to be brought up to the current standards of the UDO. Staff worked with the applicant on the proposed improvements and identified several variances necessary to support the development of the site.</p>
Variance Request(s):	<p style="background-color: #e0e0e0;">Applicant Request: Development Standard Variance Request</p> <p>Variance Request #1 – Building Materials UDO Section 6.1.L.2.a The UDO indicates that buildings located in the Overlay District shall be constructed using a minimum of 50% masonry. The current building on the site is a metal building and the applicant is proposing to construct an additional building of similar materials to the existing building. The applicant is requesting relief from the masonry requirement to allow metal building construction.</p> <p>Variance Request #2 – Corridor Buffer UDO Section 6.2.E In the Overlay District, a corridor buffer a minimum of 30 feet shall be established along Interstate 65. In order to establish this buffer area, the site would need to be significantly modified, thus the applicant is requesting relief from this requirement to allow the existing setbacks to apply to the new building construction. The applicant will be providing additional tree plantings between the proposed new facility and the interstate.</p>

Variance Request #3 – Building Orientation

UDO Section 6.2.F

The Overlay District indicates that all structures shall give the appearance of a front-like façade along the interstate. Due to the nature of the proposed facility, providing a front-like façade facing the interstate would not be practical. In addition, due to screening along the interstate, there is low visibility to this site, thus the applicant has requested relief from this requirement.

Variance Request #4 – Parking Lot Perimeter Landscaping

UDO Section 7.8.J.3

The UDO requires all parking areas to include parking lot perimeter landscaping. Because the entire site is enclosed within a wood privacy fence, the applicant is requesting to maintain the existing condition and provide relief from the parking lot perimeter landscaping requirement.

Variance Request #5 – Parking Lot Interior Landscaping

UDO Section 7.8.J.2

The UDO requires all parking areas for non-residential uses shall include a minimum of 5% interior parking lot landscaping. Due to the nature of the site and the existing conditions, the applicant is proposing to maintain the current conditions and is requesting relief from the parking lot interior landscaping requirement.

Variance Request #6 – Parking Area Curbing

UDO Section 7.5.C.3

The UDO requires that all parking areas for non-residential uses shall be completely curbed. The current site does not include curbing and the applicant is proposing to maintain current conditions with this project.

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 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:

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.

Variance #2:	<p>Variance Request – Corridor Buffer UDO Section 6.2.E</p> <p>In the Overlay District, a corridor buffer a minimum of 30 feet shall be established along Interstate 65. In order to establish this buffer area, the site would need to be significantly modified, thus the applicant is requesting relief from this requirement to allow the existing setbacks to apply to the new building construction. The applicant will be providing additional tree plantings between the proposed new facility and the interstate.</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> The relief from the corridor buffer requirement poses no imminent threat to the public health, safety, morals, or 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 requested variance for relief from the corridor buffer requirement will not affect the use and value of the area adjacent to the property in an adverse manner. The structure is proposed with a 50-foot setback from the property line adjacent to the interstate, which is consistent with adjacent properties that have setbacks ranging from 25 feet to over 150 feet. In addition, the privacy fence provides a substantial screen along the interstate frontage.</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> The strict application of the terms of the UDO will result in practical difficulties in the use of the property. The subject property is impacted by a sanitary sewer easement that runs directly through the middle of the site. The location of the easement restricts where the building can be placed while still allowing trucks access to the building.</p>
Staff Recommendation:	<p>Staff Recommendation:</p> <p>The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the corridor buffer requirement of the Unified Development Ordinance subject to the following condition:</p> <ol style="list-style-type: none">1. That the applicant install the proposed landscape materials as indicated on the landscape plan as part of the construction of the proposed facility.

Variance #3:	<p>Variance Request #3 – Building Orientation UDO Section 6.2.F</p> <p>The Overlay District indicates that all structures shall give the appearance of a front-like façade along the interstate. Due to the nature of the proposed facility, providing a front-like façade facing the interstate would not be practical. In addition, due to screening along the interstate, there is low visibility to this site, thus the applicant has requested relief from this requirement.</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> The relief from the building orientation requirement poses no imminent threat to the public health, safety, morals, or 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 requested variance for building orientation will not affect the use and value of the area adjacent to the property in an adverse manner. Because the property is entirely enclosed in a wood privacy fence, there is limited visibility into the site of the proposed building.</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> The strict application of the terms of the UDO will result in practical difficulties in the use of the property. Because of the existence of a sanitary sewer line and easement running through the middle of the property, the applicant is limited to the current proposed location for the new building. This location requires the overhead doors and entrances to the building to be located on the north side of the structure facing away from the interstate as this is the only area sufficient for truck movement.</p>
Staff Recommendation:	<p>Staff Recommendation:</p> <p>The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the building orientation requirement of the Unified Development Ordinance.</p>
Variance #4:	<p>Variance Request #4 – Parking Lot Perimeter Landscaping UDO Section 7.8.J.3</p> <p>The UDO requires all parking areas to include parking lot perimeter landscaping. Because the entire site is enclosed within a wood privacy fence, the applicant is requesting to maintain the existing condition and provide relief from the parking lot perimeter landscaping requirement.</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> The relief from the parking lot perimeter landscaping requirement poses no imminent threat to the public health, safety, morals, or 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 requested variance for parking lot perimeter landscaping will not affect the use and value of the area adjacent to the property in an adverse manner. Because the property is full enclosed within a wood privacy fence, any potential landscaping would be located inside the fence and have no material benefit to surrounding property owners.</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> The strict application of the terms of the UDO will result in practical difficulties in the use of the property. The applicant is working with and improving an existing site that is limited in terms of acceptable locations for plant material. Given the fact the site is fully enclosed within a privacy fence, requiring landscaping plantings within the fence line would have no added benefit.</p>
<p>Staff Recommendation:</p>	<p>Staff Recommendation: The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the parking lot perimeter landscape requirements of the Unified Development Ordinance.</p>
<p>Variance #5:</p>	<p>Variance Request #5 – Parking Lot Interior Landscaping UDO Section 7.8.J.2</p> <p>The UDO requires all parking areas for non-residential uses shall include a minimum of 5% interior parking lot landscaping. Due to the nature of the site and the existing conditions, the applicant is proposing to maintain the current conditions and is requesting relief from the parking lot interior landscaping requirement.</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> The relief from the parking lot interior landscaping requirement poses no imminent threat to the public health, safety, morals, or 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 requested variance for the parking lot interior landscaping requirement will not affect the use and value of the area adjacent to the property in an adverse manner. The request is consistent with conditions on adjacent similar properties and given the fact there is a wood privacy fence surrounding the property, any proposed landscaping would have limited visual impact.</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> The strict application of the terms of the UDO will result in practical difficulties in the use of the property. The addition of interior landscape islands would restrict the maneuvering of work trucks to the site and necessitate a change to how the existing parking area currently works.</p>
Staff Recommendation:	Staff Recommendation: The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the parking lot interior landscaping requirements of the Unified Development Ordinance.
Variance #6:	Variance Request #6 – Parking Area Curbing UDO Section 7.5.C.3 The UDO requires that all parking areas for non-residential uses shall be completely curbed. The current site does not include curbing and the applicant is proposing to maintain current conditions with this project.
	Staff Evaluation of Development Standard Variances
	<i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i>
	<i>Staff Analysis</i> The relief from the parking area curbing requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The property is proposed to sheet drain all stormwater from the paved areas and the proposed relief will cause no changes to the drainage patterns.
	<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>
	<i>Staff Analysis</i> The requested variance for parking lot curbing will not affect the use and value of the area adjacent to the property in an adverse manner. The request for relief from

curbing would be consistent with other similar properties in the area, but would represent an improvement over the current conditions.

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 applicant is proposing to maintain the current conditions on the property, which includes sheet draining all stormwater runoff. If required to provide curbing, the site would also need to be upgraded with underground storm utilities to convey stormwater, representing a significant departure from current conditions.

Staff Recommendation:

Staff Recommendation:

The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the parking area curbing requirements of the Unified Development Ordinance.

Site Photos

From Ransdell Road



From Interstate 65

