

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

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

Case Number:	Docket #22-5
Applicant:	Patterson Street Partners LLC
Location:	The subject property is located at 320 N Patterson Street, Lebanon, Indiana 46052.
Acreage and Zoning	The subject property is zoned General Industrial (ID) and is comprised of 5.04 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 was formerly a brownfield industrial site that has since been demolished and remediated, leaving a vacant development site.</p> <p>Lebanon Planning Staff Determination: Patterson Street Partners has gone through a significant effort to demolish an industrial building and remediate all environmental issues on the subject site. Now that the remediation is nearing completion, the applicant is proposing to redevelop the site as a new speculative industrial building. Due to significant restrictions associated with the location and size of the site and the setback requirements of the ID district, there are a number of variances needed in order to facilitate the redevelopment efforts.</p>
Variance Request(s):	<p style="background-color: #e0e0e0;">Applicant Request: Development Standard Variance Request</p> <p>Variance Request #1 – Building Front Setback UDO Section 4.16.D The minimum front setback requirement in the ID district is a significant 100 feet. In addition, the adjacent properties to the east are residential in nature, requiring an additional 25-foot buffer yard along Patterson Street. The combined 125-foot setback would render this property essentially unusable for any feasible industrial development. The applicant is proposing to maintain the 25-foot buffer yard, but reduce the front setback to 0 feet, to allow for construction of a 45,000 SF speculative industrial building.</p> <p>Variance Request #2 – Building Side Setback UDO Section 4.16.D The minimum side setback requirement in the ID district is 50 feet. In addition, there is a 25-foot buffer requirement along the south property line adjacent to the Big 4 trail. This combined 75-foot setback significantly limits the buildable area of the property. The applicant is proposing a 47-foot setback along the south property</p>

<p>Variance Evaluation:</p>	<p>line, which would include the 25-foot buffer requirement and a 22-foot side setback for the building, representing a reduction of 28 feet.</p> <p>Variance Request #3 – Buffer Setback UDO Section 7.8.O</p> <p>The UDO requires a 25-foot buffer yard along the south property line adjacent to the Big 4 trail and a parking setback in addition to the buffer of 5 feet. In order to provide vehicular and fire accessibility around the southern side of the building, the drive lane extends into the buffer yard at one location approximately 6 feet, leaving a buffer width of about 19 feet and a parking setback of 0 feet.</p> <p>Evaluation of Variance(s)</p> <p>Statutory Authority of BZA for Reviewing Variances.</p> <p>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;">Statutory Criteria</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 Request – Building Front Setback UDO Section 4.16.D</p> <p>The UDO requires a building front setback in the ID district of 100 feet. In addition, the adjacent properties to the east are residential in nature, requiring an additional 25-foot buffer yard along Patterson Street. The combined 125-foot setback would render this property essentially unusable for any feasible industrial development. The applicant is proposing to maintain the 25-foot buffer yard, but reduce the front setback to 0 feet, to allow for construction of a 45,000 SF speculative industrial building.</p>

Staff Recommendation:	<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 side setback 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 side setback will not affect the use and value of the area adjacent to the property in an adverse manner. The existing building that was demolished was essentially on the south property line in several locations. The building now will be approximately 48 feet from the property and will include significant landscape buffer screening, which will improve the aesthetic along the Big 4 trail.</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 requesting to maintain the current conditions on the property. Given the restriction associated with the size of the site and the significant setback requirements, the property would become essentially useless if meeting all buffer and setback requirements.</p>
	<p>Staff Recommendation: The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the building side setback requirement of the Unified Development Ordinance.</p>
	<p>Variance Request #3 – Buffer Setback UDO Section 7.8.O</p>
	<p>The UDO requires a 25-foot buffer yard along the south property line adjacent to the Big 4 trail and a parking setback in addition to the buffer of 5 feet. In order to provide vehicular and fire accessibility around the southern side of the building, the drive lane extends into the buffer yard at one location approximately 6 feet, leaving a buffer width of about 19 feet and a parking setback of 0 feet.</p>

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 buffer setback requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The location of the drive aisle will provide adequate access to the rear of the building for both truck traffic and the fire department.

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 buffer setback will not affect the use and value of the area adjacent to the property in an adverse manner. While there is a slight reduction in the buffer setback in one location, the resulting 19 foot buffer will still provide adequate space for the required buffer plantings along the property line adjacent to the Big 4 trail.

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. Given the restriction associated with the size of the site and the significant setback requirements, the property would become essentially useless if meeting all buffer and setback requirements.

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 buffer setback requirements of the Unified Development Ordinance.