

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
STAFF REPORT
AUGUST 1, 2022 PUBLIC HEARING**

Case Number:	Docket #22-51
Applicant:	Habitat for Humanity of Boone County for 3H Property LLC
Location:	The subject property is located at 1324 S East Street, Lebanon, Indiana 46052.
Acreage and Zoning	The subject property is zoned Single-Family Residential (SF3) and comprised of approximately 0.36 acres. The subject lot configuration is 119.5 feet wide and 132.5 feet in depth.
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 home and detached garage.
Background:	Variance Background The applicant is seeking to replat the two lots at 1324 S East Street, one currently being 39 feet wide and the other being 80.5 feet wide, into two equal width lots. This would bring the particularly narrow (and non-conforming) lot into greater compliance with the UDO lot width requirements, however the SF3 lot width standard is 65 feet per lot, so the total width for the two lots is not sufficient to meet the requirement. Each proposed lot would be about 60 feet wide, rather than the required 65 feet, thus the variance request is needed.
Variance Request(s):	Applicant Request: Development Standard Variance Request Variance Request #1 – Lot Width UDO Section 4.7.D The UDO requires 65 feet minimum lot width in the Single-Family Residential (SF3) zoning district. The applicant is requesting relief from this requirement in order to allow two lots each with a 60-foot width.
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.

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 Request #1 – Lot Width
UDO Section 4.7.D**

The UDO requires 65 feet minimum lot width in the Single-Family Residential (SF3) zoning district. The applicant is requesting relief from this requirement in order to allow two lots each with a 60-foot width.

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

Relief from the lot width requirement 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 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 lot width of 60 feet is similar to existing lots in the vicinity that range from 55 to 65 feet with only a few outliers. The proposal to increase the width of the 39-foot wide lot to 60 feet brings it to a lot width that is more complementary of the area.

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. While the applicant could choose to leave the lots as they currently exist at 39 and 80.5 (legally existing non-

conforming), by replatting the lots both at a 60-foot width the lots are being brought more into compliance with the UDO standards. This proposed width is consistent with lot widths in the area many of which also do not meet the prescribed 65-foot lot width in the zoning district.

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 lot width requirement of the UDO.