

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

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

A. Case Number:	Docket #22-54
B. Applicant:	Newjac Industrial for GLF Realty, LLC
C. Location:	The subject property is located at 309/415 S Grant Street, Lebanon, IN 46052.
D. Acreage and Zoning	The subject property is zoned General Industrial (ID) and comprised of 13.73 acres. The subject lot configuration is approximately 600' Wide x 775' in depth.
E. Property History:	History of Property: This is the first time the requested Development Standard Variance has appeared before the City of Lebanon Board of Zoning Appeals. The subject property is the location of the existing Newjac facility.
F. Variance Request(s):	Applicant Request: Development Standard Variance Request Variance Request – Non-Residential Fence Height UDO Sections 7.14.C.2 The applicant is proposing to install a new 6-foot tall fence north of their existing facility to provide additional security in this area. A significant part of the property north of the building is located within the floodway where there are restrictions associated with placement and type of fence. In order to avoid the floodway and associated restrictions, the applicant is proposing to place the fence in a location that is within the front yard for that portion of the fence that is impacted by the floodway. Non-residential fences located in the front yard are restricted to 48 inches in height, thus the applicant is requesting a variance to allow the additional height for security.
G. 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 – Non-Residential Fence Height

UDO Section 7.14.C.2

The applicant is seeking relief from the fence height restriction in any front yard to permit the construction of a 6-foot tall security fence.

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 fence height in a front yard poses no imminent threat to the public health, safety, morals, or general welfare of the community. While a portion of the fence will be located within the front yard along Grant Street, its physical location is still approximately 50 feet from the edge of pavement of the street causing no visibility issues.

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 fence is constructed of quality materials and its location in no way inhibits the expected use of any adjacent property. The property owner also intends to soften the sight of the fence with plantings of additional trees and shrubs.

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 a significant portion of the property is located within the floodway where there are restrictions associated with placement of a fence, installation of the fence entirely behind the frontage of the building is not possible. The ordinance requirements are intended to protect

visibility/safety at intersections. In this instance, the proposed location in no way causes safety or visibility issues.

**H. Staff
Recommendation:**

Staff Recommendation:

The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit a 6-foot tall fence located in a front yard subject to the following condition:

1. That the fence material would be limited to decorative metal, such as wrought iron, to ensure the fence is no less than 50% open. Chainlink fence shall not be permitted.