

**CITY OF LEBANON  
PLANNING AND ZONING DEPARTMENT**

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

<b>Case Number:</b>	<b>Docket #22-55</b>
<b>Applicant:</b>	<b>Andy Taylor (Kimley-Horn and Associates) for DP Realty Holdings LLC</b>
<b>Location:</b>	The subject property is located at 401 S Enterprise Blvd in the Lebanon Business Park.
<b>Acreage and Zoning:</b>	The subject property is zoned Planned Business Industrial (PBI) and comprised of 31.93 acres.
<b>Property History:</b>	<p><b>History of Property:</b> 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 an existing Skjodt-Barrett facility in the Lebanon Business Park.</p> <p><b>Lebanon Planning Staff Determination:</b> The applicant, Kimley-Horn and Associates, presented the intent to construct an approximately 340,000 square foot warehouse expansion to the existing Skjodt-Barrett facility that includes additional truck dock doors and a relocated fire loop around the east end of the new structure. The applicant is proposing to install additional paved truck access/parking areas and fire loop without the required curbing similar to how the existing site has been developed. While the existing site does not include curbing, the ordinance would require any new improvement to meet applicable standards, thus the applicant is required to request a variance for relief from the curbing standards to allow the existing standard to continue.</p>
<b>Variance Request(s):</b>	<p><b>Applicant Request: Development Standard Variance Request</b></p> <p><b>Variance Request #1 – Parking Area Curbing UDO Section 7.5.C.3</b> The UDO requires that all parking areas for non-residential uses shall be completely curbed. The applicant is requesting relief from the curb requirement for the truck/trailer parking area to allow stormwater to sheet drain into a detention facility on the western lot perimeter.</p> <p><b>Evaluation of Variance(s)</b> 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</p>

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.***

Variance Evaluation:

**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 parking area curb requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The applicant is proposing to sheet drain from this area to adjacent swales and/or detention facilities that empty into the nearby regulated drain, so there will be no drainage issues that would impact neighboring properties.

***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 requested variance for relief from the parking area curb requirement will not affect the use and value of the area adjacent to the property in an adverse manner. Curb has been provided at the entrances and adjacent to the street frontage which is most visible. The elimination of curb for the truck areas is consistent with other uses in the business park.

***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 existing site is designed to sheet drain rainwater into swales. Requiring curb on this new addition, and the remainder of the site, would require reengineering of the site's drainage and detention system, thus presenting an undue hardship on the property owner

<b>Staff Recommendation:</b>	<b>Staff Recommendation:</b> The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the parking curb requirements of the Unified Development Ordinance.
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