

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
STAFF REPORT
SEPTEMBER 6, 2022 PUBLIC HEARING**

Case Number:	Docket #22-59
Applicant:	Chad Boespflug for NineEight Investments, LLC
Location:	The subject property is located at 250 N. Enterprise Dr, Lebanon, Indiana 46052.
Acreage and Zoning	The subject property is zoned Planned Business Industrial (PBI) and comprised of 3.6 acres.
Property History:	<p>History of Property: This is the first time the requested Development Standard Variances have appeared before the City of Lebanon Board of Zoning Appeals. The subject property currently is vacant, unimproved property located along Enterprise Drive, south of State Road 32.</p> <p>Lebanon Planning Staff Determination: The applicant, NineEight Investments, LLC, presented the intent to construct a speculative multi-tenant industrial building on the subject property. The applicant has worked with Staff to develop a site and building plan that meets the requirements of the UDO; however, there are several variances that are necessary based on their specific project needs.</p>
Variance Request(s):	<p>Applicant Request: Development Standard Variance Request</p> <p>Variance Request #1 – Parking Curb UDO Section 7.5.C.3 The UDO requires all parking and drive areas for non-residential uses to be completely curbed. The applicant is requesting relief from the curb requirement for the parking area to allow stormwater to sheet drain into a drainage swale on the northern lot perimeter.</p> <p>Variance Request #2 – 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 proposed industrial use to the site, the applicant is requesting relief from the parking lot interior landscaping requirement.</p> <p>Variance Request #3 – Parking Lot Perimeter Landscaping UDO Section 7.8.J.3 The UDO requires all parking areas to include parking lot perimeter landscaping. The applicant is proposing to meet this requirement along the east side of the</p>

<p>Variance Evaluation:</p>	<p>parking area along the frontage but has requested relief from the requirement along the north and west sides of the parking area. The north lot line in this area contains a drainage swale and the west property line includes an existing tree buffer.</p> <p>Variance Request #4 – Sidewalk UDO Section 8.9.A The UDO requires streets to include 5-foot sidewalks on both sides in industrial districts. The applicant is requesting relief from this requirement along Enterprise Drive.</p> <p>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:</p> <p style="text-align: center;"><i>Statutory Criteria</i></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>Variance Request #1 – Parking Curb UDO Section 7.5.C.3 The UDO requires all parking and drive areas for non-residential uses to be completely curbed. The applicant is requesting relief from the curb requirement for the parking area to allow stormwater to sheet drain into a drainage swale on the northern lot perimeter.</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 area curb requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The applicant is</p>

	<p>proposing to sheet drain from this area to proposed adjacent swales, so there will be no drainage issues that would impact neighboring properties.</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 substantially adverse manner.</i></p> <p><i>Staff Analysis</i> 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 on a portion of the parking and drive areas in the front of the building, and the elimination of curb for the parking area is consistent with other uses in the business park.</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 site is designed to sheet drain rainwater into swales. Because of restrictions due to the site elevations, it would not be possible to provide curb on the site and provide underground stormwater infrastructure.</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 curb requirements of the Unified Development Ordinance.</p>
<p>Variance #2:</p>	<p>Variance Request #2 – 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 proposed industrial use to the site, the applicant is requesting relief from the parking lot interior landscaping requirement.</p> <p>Staff Evaluation of Development Standard Variances</p> <p>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</p> <p>Staff Analysis The relief from the interior landscaping requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community.</p> <p>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.</p> <p>Staff Analysis The requested variance for relief from the interior landscaping requirement will not affect the use and value of the area adjacent to the property in an adverse manner.</p>

<p>Staff Recommendation:</p>	<p>The request to eliminate landscaping within truck access and parking areas is consistent with other uses in the business park. These areas are also to the side of the building where they will be less visible from the street.</p> <p>Criteria -3 The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.</p> <p>Staff Analysis The strict application of the terms of the UDO will result in practical difficulties in the use of the property. Landscaping placed within truck access areas are susceptible to damage because of the constant truck maneuvers and have the potential to restrict movement through the site.</p>
<p>Variance #3:</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 interior landscaping requirement of the Unified Development Ordinance.</p> <p>Variance Request #3 – Parking Lot Perimeter Landscaping UDO Section 7.8.J.3 The UDO requires all parking areas to include parking lot perimeter landscaping. The application is proposing to meet this requirement along the east side of the parking area along the frontage but has requested relief from the requirement along the north and west sides of the parking area. The north lot line in this area contains a drainage swale and the west property line includes an existing tree buffer.</p> <p>Staff Evaluation of Development Standard Variances</p> <p>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</p> <p>Staff Analysis The relief from the perimeter landscaping requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community.</p> <p>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.</p> <p>Staff Analysis The requested variance for relief from the perimeter landscaping requirement will not affect the use and value of the area adjacent to the property in an adverse manner. The request to eliminate landscaping adjacent to the parking area is consistent with other uses in the business park. There is also an existing drainage swale to the north that the property will sheet drain to.</p>

<p>Staff Recommendation:</p>	<p>Criteria -3 The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.</p> <p>Staff Analysis The strict application of the terms of the UDO will result in practical difficulties in the use of the property. Landscaping placed along the perimeters of truck access/parking areas are susceptible to damage because of the constant truck maneuvers. And the addition of landscaping along the north property line would have a significant impact on the proper flow of the drainage swale.</p>
<p>Variance #4:</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 landscaping requirement of the Unified Development Ordinance.</p> <p>Variance Request #5 – Sidewalk UDO Section 8.9.A The UDO requires streets to include 5-foot sidewalks on both sides of a street in industrial districts. The applicant is requesting relief from this requirement along Enterprise Drive.</p> <p>Staff Evaluation of Development Standard Variances</p> <p>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</p> <p>Staff Analysis The relief from the sidewalk requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community.</p> <p>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.</p> <p>Staff Analysis The requested variance for relief from the sidewalk requirement will not affect the use and value of the area adjacent to the property in an adverse manner. No surrounding properties have access to a sidewalk system, so the exclusion of sidewalks on this project will have no substantially adverse effects on the use or value of adjacent properties.</p> <p>Criteria -3 The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.</p> <p>Staff Analysis The strict application of the terms of the UDO will result in practical difficulties in the use of the property. The street network in the business park was installed without sidewalks and this project is a significant distance from the nearest sidewalk system. There would be no material benefit from the installation of the sidewalk. In</p>

<p>Staff Recommendation:</p>	<p>addition, the presence of the drainage ditch along Enterprise Drive significantly restricts the ability to install additional improvements.</p> <p>Staff Recommendation:</p> <p>The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the sidewalk requirement of the Unified Development Ordinance.</p>
-------------------------------------	---