

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
STAFF REPORT
OCTOBER 3, 2022 PUBLIC HEARING**

Case Number:	Docket #22-63
Applicant:	Mighty Little Hands Academy
Location:	The subject property is located at 701 Ransdell Road, Lebanon, Indiana 46052.
Acreage and Zoning	The subject property is zoned General Industrial (ID) and comprised of approximately 1.38 acres.
Property History:	History of Property: This is the first time the requested Variance of Use has appeared before the City of Lebanon Board of Zoning Appeals. The property is currently being used for storage and contains an approximately 15,000 square foot building and associated parking lot. The applicant recently acquired the property to accommodate growth of their industrial business, but only a portion of the building serves their business needs, thus there is additional space for other options.
Variance Request(s):	Applicant Request: Variance of Use Request Variance Request – Child Day Care Center in the General Industrial (ID) Zoning District UDO Section 4.16.B Lebanon Planning Staff Determination: The applicant, Mighty Little Hands Academy, presented the intent to make improvements to the subject property and occupy the building for office space and a proposed daycare facility. The applicant recognized there is a need with their staff for additional childcare options and has an option to address those needs and provide needed services to others in the community. Daycare facilities are prohibited within the General Industrial Zoning District, thus necessitating a Variance of Use request.
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 of use. Per Indiana Code (IC) 36-7-4-918.4; 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 the variance of use listed above has been reviewed based on the following five (5) 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 need for the variance arises from some condition peculiar to the property involved.

Criteria-4 The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.

Criteria-5 The approval does not interfere substantially with the City of Lebanon Comprehensive Plan.

Staff Evaluation of Variance of Use

Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Staff Analysis

The variance of use to permit a Child Day Care Center will not be injurious to the public health, safety, morals, and general welfare of the community. The proposed Day Care Center must meet all applicable building codes for said use and will be entirely contained within the existing building and/or within a newly constructed fenced-in outdoor recreation area.

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 use variance would not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner. The applicant is proposing to make improvements to both the building and the site. The building will receive cosmetic improvements and a portion of the parking lot will be transformed into an outdoor playground area with appropriate fencing, screening, and landscaping from neighboring properties and the corridor. While the adjacent properties are also zoned General Industrial (ID), the uses in the vicinity are a mix of both industrial and commercial uses along this corridor (i.e. The Caring Center, a church, appliance repair store, LCSC bus garage, former mental health service provider). The proposed use would not inhibit the ability of neighboring properties to continue to do business.

Criteria-3 The need for the variance arises from some condition peculiar to the property involved.

Staff Analysis

The property is currently zoned for industrial uses; however, the surrounding neighborhood contains a mix of industrial, office, and commercial uses. The applicant's request to use the property for both office and a daycare will both be compatible uses. In addition, the building is a single-story office building, which would typically house office uses. Many professional services are also not permitted by right in the ID zoning district and require conditional use approval.

Criteria-4 The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.

While zoned Industrial, the existing building is not an industrial building. In addition, the site and building do not meet the standards of the ID zoning district and the building could not be used for an approved industrial use without significant modifications. The building is designed for office and commercial uses, which would be the more typical building type for the proposed day care center.

Criteria-5 The approval does not interfere substantially with the City of Lebanon Comprehensive Plan.

The City of Lebanon Comprehensive Plan designates this area for industrial uses. While the use proposed by the applicant is not permitted as an industrial use, it does not interfere substantially with the plan.

**Staff
Recommendation:**

Staff Recommendation:

The City of Lebanon Planning Staff recommends approval of the Variance of Use request to permit a Daycare facility use within the General Industrial Zoning District subject to the following condition:

1. That the approval of the Variance of Use is limited to those Daycare uses proposed by the applicant. Any change in use or increase in the intensity of the use by the current or any subsequent owners will require approval by the City of Lebanon Board of Zoning Appeals.

