

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

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

A. Case Number:	Docket #22-64
B. Applicant:	Kent Frandsen for Lebanon Schools Building Trades Corporation
C. Location:	The subject property is located at 615 Peper Drive, Lebanon, Indiana 46052.
D. Acreage and Zoning	The subject property is zoned Single-Family Residential (SF3) and comprised of approximately 0.11 acres. The subject lot configuration is 53 feet wide by 87 feet in depth.
E. 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 is currently vacant. Peper Drive is a private road that was originally planned for duplex development (two duplexes have been constructed). There are four vacant lots, including the subject lot, that were originally planned for two duplex buildings. The Lebanon Schools Building Trades Corporation has purchased one of the four vacant lots with the intention to build a single-family home. The lot is not sized appropriately to accommodate the SF3 required single-family home minimum square footage.
F. Variance Request(s):	Applicant Request: Development Standard Variance Request Variance Request – Primary Structure Front Setback UDO Section 4.7.D The applicant is seeking to construct a one-story single-family home on the subject lot. In order to maximize the square footage of the house and maintain appropriate architectural design standards for the home, the applicant is requesting a front setback variance to allow the front porch to extend 5 feet into the 30-foot front yard setback. The garage portion of the home would maintain the required 30-foot front yard setback. Variance Request #2 – Primary Structure Minimum Total Living Area UDO Section 4.7.D Because of the lot size and required setbacks for the SF3 zoning district, it is not possible to place a single-family home on this lot and meet the required minimum total living area. The proposed structure sits on the minimum front, side, and rear yard setbacks and is only 1171 square feet, where 1200 is required. In order to add square footage to the home, it would need to extend into the setbacks or add a second story, which Lebanon Schools is unable to do as this is a safety issue with students on the work site.

<p>G. Variance Evaluation:</p>	<p>Therefore, the applicant is seeking Development Standards Variances to permit the construction of a single-family home with a five-foot reduction in the front yard setback and a 29 square foot reduction in the minimum total living area.</p> <p>Lebanon Planning Staff Determination: The applicant presented the intent to construct the home as submitted on the enclosed site plan. Lebanon Planning Staff evaluated the proposal and determined that Development Standards Variance are required before the City of Lebanon Board of Zoning Appeals.</p> <p>Evaluation of Variance(s)</p> <p>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) 36-7-4-918.5; 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 the variance of use listed above has been reviewed based on the following three (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>Staff Evaluation of Development Standard Variances</p> <p>Variance – Primary Structure Front Setback</p> <p>UDO Section 4.7.D</p> <p>The applicant is seeking to construct a new single-family home on the subject lot. Due to limitations on lot area and the UDO required architectural standards, the porch on the front of the home is proposed to extend five feet into the 30-foot front setback.</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>Staff Analysis</p> <p>The reduction in the front setback poses no imminent threat to the public health, safety, morals, or general welfare of the community. While the porch will extend into the required front setback, the garage portion of the front façade will maintain the required setback allowing for parking in the driveway without extending into the street.</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>Staff Analysis</i> The requested variance in the front setback is compatible with existing development in the neighborhood. While the porch will extend into the front setback, the addition of this architectural element will add to the aesthetics of the home such that it better fits in with other structures in the area.</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> Because of the size of the subject lot, there is no way to move the home to meet the front setback requirement. The applicant could remove the front porch to meet the setback, but then the structure would not meet the architectural requirements of the UDO. Given the garage setback meets the 30-foot minimum, it was determined it was more beneficial to maintain the front porch and request the front setback variance than to remove the porch and request a variance from architectural requirements.</p>
<p>Staff Recommendation:</p>	<p>Staff Recommendation: The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit the construction of a single-family home with a 25-foot front setback where 30 feet is required.</p>
<p>Variance #2:</p>	<p>Variance – Primary Structure Minimum Total Living Area UDO Section 4.7.D</p> <p>The applicant is seeking to construct a new single-family home with a minimum total living area of 1171 square feet where 1200 square feet is required.</p> <p>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> Relief from the primary structure minimum total living area requirement will not be injurious to the public health, safety, morals, and general welfare of the community.</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>Staff Analysis</i> 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 home is only 29</p>

square feet under the minimum requirement, which likely will not be noticeable in any manner and will be compatible with other structures within 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. Because of the limited lot size, the proposed structure is directly on the required minimum front, side, and rear setbacks thus the only method to add square footage would be to add a second story. This is not an option for the Lebanon Schools Building Trades due to safety requirements with students on construction sites.

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 minimum total living area requirement to allow a single-family home with 1171 square feet.