

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
STAFF REPORT
NOVEMBER 7, 2022 PUBLIC HEARING**

A. Case Number:	Docket #22-71
B. Applicant:	Priority Fence LLC for All Fleet Services
C. Location:	The subject property is located at 2656 S Indianapolis Road, Lebanon, IN 46052.
D. Acreage and Zoning	The subject property is zoned Single-Family Residential (SF) and comprised of 4.45 acres. The subject lot configuration is approximately 350' Wide x 500' 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 All Fleet Services vehicle maintenance facility. This site has historically been used for fleet services prior to the site's annexation into the city when it was given the default SF zoning district. The site is a legally existing non-conforming use.
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 wood privacy fence around the perimeter of the site to provide additional security/reduce theft. In order to provide perimeter security fencing as proposed, the fence would be located closer to Indianapolis Road and 250 E than the building, or in the front yard. 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 Indianapolis Road and 250 E, its physical location will be setback in a manner to maintain visibility at the intersection.

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. Staff is also proposing to soften the sight of the fence with plantings of additional trees along the Indianapolis Road frontage.

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. The only manner by which the applicant can provide security to their property is to allow increased fence height within the front yard area. Staff is proposing to setback the fence from the road a sufficient distance to allow for future right-of-way acquisition according to the

Lebanon Thoroughfare plan and provide for a landscape area outside of the fence along Indianapolis Road.

**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 conditions:

1. That the fence location would be setback a minimum of 45 feet from the edge of pavement along both Indianapolis Road and 250 E.
2. That the applicant would install 6-foot tall evergreen trees along the Indianapolis Road frontage between the fence and the street at a rate of one tree every 30 feet.