

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
STAFF REPORT
DECEMBER 5, 2022 PUBLIC HEARING**

Case Number:	Docket #22-75
Applicant:	Shane Conner for S&C Property Group, LLC
Location:	The subject property is located at 235 W Cox Avenue, Lebanon, Indiana 46052.
Acreage and Zoning	The subject property is zoned Planned Business Industrial (PBI) and is comprised of 0.96 acres.
Property History:	<p>History of Property: This is the first time the requested Development Standards Variance has appeared before the City of Lebanon Board of Zoning Appeals. The site is currently a vacant restaurant/bar and associated parking area. The structure is currently being repaired/remodeled in order to be repurposed for ATEC Electric.</p> <p>Lebanon Planning Staff Determination: ATEC Electric is proposing to construct an addition to the existing building in order to provide additional work and storage space for the business. Due to the shape of the property and existing building setback, a variance for rear setback is necessary in order to maintain the setback of the existing structure.</p>
Variance Request(s):	<p style="background-color: #e0e0e0;">Applicant Request: Development Standard Variance Request</p> <p>Variance Request #1 – Rear Building Setback UDO Section 4.15.D The UDO requires a rear building setback of 50 feet in the Planned Business Industrial zoning district. The existing building currently only provides an approximately 20-foot rear building setback. The applicant is proposing to add on to this portion of the building, maintaining the 20-foot setback for both the existing building and the addition. The applicant is requesting relief from the rear setback requirement.</p>
Variance Evaluation:	<p style="background-color: #e0e0e0;">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 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</p>

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 #1:

**Variance Request – Rear Building Setback
UDO Section 4.15.D**

The UDO requires a rear building setback of 50 feet in the Planned Business Industrial zoning district. The existing building currently only provides an approximately 20-foot rear building setback. The applicant is proposing to add on to this portion of the building, maintaining the 20-foot setback for both the existing building and the addition. The applicant is requesting relief from the rear setback requirement.

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 rear setback requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The existing building currently maintains the setback and poses no issues to 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 substantial adverse manner.

Staff Analysis

The requested variance for rear setback will not affect the use and value of the area adjacent to the property in an adverse manner. The variance request allows the existing building to maintain its current setback and the building addition to align with the existing building. Adjacent properties will not be impacted by allowing the existing and proposed buildings to maintain the current setback.

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. Because of the proposed building addition, the UDO would require the site to be brought up to appropriate standards, thus requiring the existing building to be moved about 30 feet. The variance would allow the existing building to remain in its current location and for the building addition to align appropriately. In addition, because of the shape and size of the property, the site would essentially be useless if all required setback and buffer standards are met.

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 rear setback requirements of the Unified Development Ordinance.