

**CITY OF LEBANON  
PLANNING AND ZONING DEPARTMENT**

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

<b>A. Case Number:</b>	<b>Docket #22-8</b>
<b>B. Applicant:</b>	<b>Civil &amp; Environmental Consultants for Little Angels, LLC</b>
<b>C. Location:</b>	The subject property is located at 925 Hendricks Drive, Lebanon, Indiana 46052.
<b>D. Acreage and Zoning</b>	The subject property is zoned Planned Business Commercial (PBC) and is comprised of approximately 1 acre. The subject lot configuration is 157 feet wide by 280 feet in depth.
<b>E. Property History:</b>	<b>History of Property:</b> This is the first time the requested Variance has appeared before the City of Lebanon Board of Zoning Appeals. The lot currently contains a daycare facility and associated parking.
<b>F. Variance Request(s):</b>	<b>Applicant Request: Development Standard Variance Request</b>  <b>Variance Request – Parking Lot Perimeter Landscaping</b> <b>UDO Section 7.8.J.3</b> The applicant is proposing to construct an approximately 3,300 SF expansion to the existing daycare facility along with additional parking along the east side of the expansion. Due to restrictions caused by an existing drainage swale along with overhead and underground utilities, there is no space to include the required parking lot perimeter landscaping along the new parking area. Rather than landscape this required area, the applicant is proposing to provide perimeter landscape around the existing parking area adjacent to Hendricks Drive.  Therefore, the applicant is seeking a Development Standard Variance to permit relief from the parking lot perimeter landscape requirement for the new parking area.
<b>G. Variance Evaluation:</b>	<b>Evaluation of Variance(s)</b> 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:

***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 – Parking Lot Perimeter Landscaping**

**UDO Section 7.8.J.3**

The applicant is proposing to construct an approximately 3,300 SF expansion to the existing daycare facility along with additional parking along the east side of the expansion. Due to restrictions caused by an existing drainage swale along with overhead and underground utilities, there is no space to include the required parking lot perimeter landscaping along the new parking area. Rather than landscape this required area, the applicant is proposing to provide perimeter landscape around the existing parking area adjacent to Hendricks Drive.

**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 proposed relief from the parking lot perimeter landscape requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. In fact, allowing landscaping within the existing drainage ditch may end up causing flow issues as it matures and should be avoided.

***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. This area of the property is adjacent to the parking lot for Stokes Elementary, which also does not provide parking lot perimeter landscaping, so there would be no adverse impact expected.

***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. Given the location of the drainage ditch and the presence of overhead and underground utility lines, there is no space

**H. Staff  
Recommendation:**

remaining for the placement of the required landscaping. The alternative proposed by the applicant to install landscaping along the Hendricks Drive frontage would have a greater aesthetic impact on the property.

**Staff Recommendation:**

The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the parking lot perimeter landscape requirement subject to the following conditions:

1. That the applicant install parking lot perimeter landscaping along the Hendricks Drive frontage of the existing parking lot and 20 feet down both the east and west sides.