

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
STAFF REPORT
FEBRUARY 6, 2023 PUBLIC HEARING**

Case Number:	Docket #23-11
Applicant:	Thomas W. Davis
Location:	The subject property is located at 2300 S 200 E, Lebanon, Indiana 46052.
Acreage and Zoning	The subject property is zoned Single-Family Residential (SF) and comprised of approximately 1.79 acres. The subject lot configuration is 190 feet wide by 406 feet in depth.
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 subject property currently contains a single-family residential home with a detached two-car garage in the rear yard.
Variance Request(s):	Applicant Request: Development Standards Variance Request Variance Request #1 – Accessory Structure Area UDO Section 7.10.A.4.b The UDO specifies that accessory structures shall be a maximum of 50% of the area of the principal structure on the property. According to the site survey, the home on the property is 2,350 square feet, which would permit an accessory structure that is a maximum of 1,175 square feet, reduced to 599 square feet due to the existing garage on the property. The applicant is requesting relief from this requirement to permit the construction of the proposed 1,792 square foot pole barn. Variance Request #2 – Accessory Structure Height UDO Section 7.10.A.4.c The UDO specifies that accessory structures shall be a maximum of 18 feet tall at the peak. The proposed pole barn will be 22 feet 4 inches tall. The applicant is requesting relief from this requirement to permit the construction of the proposed barn with a 22-foot height. Lebanon Planning Staff Determination: The applicant presented the intent to construct the proposed pole barn as submitted on the enclosed site plan. Lebanon Planning Staff evaluated the land use and determined that Development Standards Variances are required before the City of Lebanon Board of Zoning Appeals.

<p>Variance Evaluation:</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 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:</p> <p style="text-align: center;">Statutory Criteria</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>Variance – Accessory Structure Area UDO Section 7.10.A.4.b</p> <p>The applicant is seeking to construct a new 32-foot by 56-foot pole barn. The proposed structure exceeds the allowable accessory structure square footage.</p> <p style="text-align: center;">Staff Evaluation of Variance of Use</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> The increase in the size of the pole barn poses no imminent threat to the public health, safety, morals, or general welfare of the community. The structure will meet the necessary side and rear setbacks and is consistent with other properties in the area that contain multiple accessory structures that also do not meet the size requirements of the UDO.</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 would not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner. The request variance for accessory structure size is compatible with existing properties in the neighborhood. Many properties in the vicinity of the subject property contain</p>

	<p>accessory structures consistent in size with the applicant's request. The applicant's property is surrounded by undeveloped agricultural fields. The proposed pole barn will be approximately 400 feet from the nearest residential property line and over 600 feet from the nearest residential structure, thus having little to no effect on any adjacent property.</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> The strict application of the terms of the UDO will result in practical difficulties in the use of the property. The UDO does not take into consideration properties located in mostly rural areas where lot sizes are typically larger and larger accessory structures and barns might be appropriate. The development precedent that has been set by neighboring properties includes structures that are sized similar to what is being requested by the applicant. The strict application of the terms of the UDO would require the accessory structure to meet standards that were designed for a more urban setting, thus posing an undue hardship on the property located in a rural area.</p>
Staff Recommendation:	<p>Staff Recommendation: The City of Lebanon Planning Staff recommends approval of the Variance request to permit relief from the maximum accessory structure area to allow the construction of a pole barn that is 1,792 square feet.</p>
Variance #2:	<p>Variance – Accessory Structure Height UDO Section 7.10.A.4.c</p> <p>The applicant is seeking to construct a new 32-foot by 56-foot pole barn that is 22 feet 4 inches in height. The proposed structure exceeds the allowable accessory structure height of 18 feet.</p> <p style="text-align: center;">Staff Evaluation of Variance of Use</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> The increase in the height of the pole barn poses no imminent threat to the public health, safety, morals, or general welfare of the community. An additional 4 feet in height will generally not be noticeable on the subject property which is wooded and is located within a mostly rural area.</p>

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 would not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner. The proposed pole barn is consistent with existing structures on neighboring properties and will allow the applicant to park/store recreational vehicles under roof rather than parking them outside. The proposed pole barn will be approximately 400 feet from the nearest residential property line and over 600 feet from the nearest residential structure, thus having little to no effect on any adjacent property.

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. The UDO does not take into consideration properties located in mostly rural areas where lot sizes are typically larger and larger accessory structures and barns might be appropriate. The development precedent that has been set by neighboring properties includes structures that are sized similar to what is being requested by the applicant. The strict application of the terms of the UDO would require the accessory structure to meet standards that were designed for a more urban setting, thus posing an undue hardship on the property located in a rural area.

Staff Recommendation:

Staff Recommendation:

The City of Lebanon Planning Staff recommends approval of the Variance request to permit relief from the maximum accessory structure height to allow the construction of a pole barn that is 22 feet 4 inches tall.