

CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT

BOARD OF ZONING APPEALS
CONDITIONAL USE STAFF REPORT
JUNE 5, 2023 PUBLIC HEARING

A. Case Number:	This item was continued from the May 1, 2023 Board of Zoning Appeals meeting.
B. Applicant:	Docket #23-32
C. Location:	Robert & Tracey Trantum for 6tholdings, LLC
D. Acreage and Zoning	The location of the subject property is 211 E Washington Street, Lebanon, IN 46052.
E. Property History:	The subject property is approximately 7,400 square feet (0.17 acres). The property is currently zoned Central Business (CB) and in the Downtown Overlay District.
F. Conditional Use Determination:	<p>Board of Zoning Appeals</p> <p>This is the first time this petition has appeared in front of the City of Lebanon Board of Zoning Appeals. The subject property includes an approximately 2,000 square foot single-family home with 4 bedrooms and 2 full baths. The rear of the property contains an addition to the adjacent First Baptist Church building.</p> <p>Petitioner Request: Conditional Use</p> <p>The applicant is seeking Conditional Use approval to allow the existing home to be used as a Boarding House. A Boarding House is defined as an establishment offering rooms for rent, where meals are regularly served from a single kitchen (not open to the general public) for compensation for three (3) or more persons, but not exceeding twelve (12) persons. Boarding Houses do not include bed and breakfasts, multi-family dwellings, hotels, or motels.</p> <p>Boarding Houses are listed as a conditional use within the CB zoning district, thus a Conditional Use application to the Board of Zoning Appeals is warranted.</p> <p>There was a question at the last BZA meeting on May 1 regarding fire code requirements for boarding houses, which are considered commercial properties. Here are the requirements provided to Staff by the Lebanon Fire Department.</p> <p><i>Each tenant must have a clear unimpeded path to an exit. This doesn't mean each room has to have its own, just a clear path. There needs to be at least two exits in the house. All exits must have exit and emergency lighting with battery backup. These need to be hard wired. There needs to be a minimum of two 5lb ABC extinguishers. These will have to be checked and tagged by a professional company on a yearly basis. Each tenant must have a working egress window in said sleeping room. We will need to perform yearly</i></p>

**G. Conditional Use
Evaluation:**

inspections. These exits need to be on the ground level with a solid surface and an exterior light.

**Conditional Use Evaluation Criteria
Unified Development Ordinance
Section 9.5. B-Procedures**

The following evaluation criteria must be complied with prior to the issuance of any Conditional Use approval:

Evaluation Criteria-1 The proposed use is listed as a Conditional Use for the particular zoning district of the subject site

Per the Unified Development Ordinance (UDO), the Land Use Matrix in Section 4.2 requires a conditional use application for Boarding Houses in the Central Business zoning classification.

Evaluation Criteria-2 The established, maintenance, or operation of the Conditional Use will not be determined to or endangered the public health, safety, morals, or general welfare of the community.

The applicant's proposal for boarding house will not be detrimental to the public health, morals, or general welfare of the community. The four bedroom, two bath home has adequate facilities for the proposal by the applicant.

Evaluation Criteria 3-The Conditional Use will not be injurious to the use and enjoyment of the other property in the immediate vicinity for lawfully-permitted purposes, nor substantially diminish or impair property values within the neighborhood and zoning district.

The applicant's proposed boarding house use will not impair the use and enjoyment of other properties in the immediate vicinity or the property values in the neighborhood and zoning district. The subject property is bordered on the west by a church building, the north by a bank, and to the south and west by a mix of single-family and multi-family uses. The proposed boarding house use would seem to fit with the variety of commercial and residential uses within the area. **It is not the intent of Staff to set a precedent that creates a scenario where there is a rush to transition all residential structures in the Central Business zoning district to boarding houses nor does Staff believe there is any interest in doing so. The intention is to evaluate each application on its own merits and ensure the proposal does not have a negative impact on surrounding properties. In this case, because the block has a mix of commercial, multi-family and single-family residential uses and the proposal involves a single-family structure, Staff wants to ensure the boarding house does not substantially alter how the single-family residential structure would be used and the intensity of that use. Any potential future applications for a similar use type would require a similar evaluation.**

Evaluation Criteria 4-The establishment of the Conditional Use will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

The applicant is not proposing to make any exterior modifications to the single-family residential structure that would impact the surrounding uses. In addition, in order to maintain the single-family nature of the structure, Staff is recommending limiting the four-bedroom home to no more than 4 boarding house “units” and no more than 4 tenants or one per unit.

Evaluation Criteria 5-Adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided.

All required utilities and transportation infrastructure are already provided to this site.

Evaluation Criteria 6-The proposed use is not in conflict with the goals of the Comprehensive Plan or the Unified Development Ordinance.

The proposed use is not in conflict with the City of Lebanon Comprehensive Plan or Unified Development Ordinance. The Comprehensive Plan identifies this area as appropriate for commercial uses.

**H. Staff
Recommendation:**

Staff Recommendation

In review of the requested Conditional Use for the allowance of a boarding house use in the Central Business (CB) zoning classification, Lebanon Planning Staff Recommends approval subject to the following conditions:

1. That the applicant maintain the single-family character on the exterior of the home.
2. That the boarding house use is limited to 4 units and no more than 4 total residents on the subject property.