

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
STAFF REPORT
MAY 1, 2023 PUBLIC HEARING**

Case Number:	Docket #23-25
Applicant:	Jim Barnes for Ransdell Properties, LLC
Location:	The subject property is located at 502/540 Ransdell Road, Lebanon, Indiana 46052.
Acreage and Zoning	The subject property is zoned General Industrial (ID) and comprised of approximately 5.176 total acres (Lot 15 – 3.324 acres, Lot 16 – 1.852 acres). The subject lot configuration is approximately 390 feet wide and 340 feet deep.
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 property currently contains two legally existing non-conforming platted lots in Ransdell Park. Lot 15 is a vacant parcel. Lot 16 contains a building and associated parking lot housing Sunbelt Rentals.
Background:	Variance Background The subject property contains two lots. Lot 15 is a vacant parcel. Lot 16 contains a building and associated parking lot housing Sunbelt Rentals. The applicant approached the city about reconfiguring the property line between the two lots to better accommodate parking lot improvements being made for Sunbelt Rentals. Lot 16 would become slightly larger and Lot 15 would become slightly smaller. The process of moving the lot line to create two new parcels causes the lots to lose their legally existing non-conforming status. The lots are then required to meet all applicable standards of the ID district, including lot size (5 acres). Neither lot met the lot size standards prior to the reconfiguration and are unable to do so after the lot line move. Staff indicated that a variance would be necessary to allow the reconfigured lots relief from the lot size standard of the ID zoning district.
Variance Request(s):	Applicant Request: Development Standard Variance Request Variance Request #1 – Lot Size UDO Section 4.16.D The UDO requires a minimum lot size of 5 acres in the ID zoning district. The applicant is requesting relief from this requirement to allow lot sizes of 1.852 and 3.324 acres.

<p>Variance Evaluation:</p>	<p>Evaluation of Variance(s)</p> <p>Statutory Authority of BZA for Reviewing Variances.</p> <p>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;"><i>Statutory Criteria</i></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>Staff Evaluation of Development Standard Variances</p> <p>Variance Request #1 – Lot Size UDO Section 4.16.D</p> <p>The UDO requires a minimum lot size of 5 acres in the ID zoning district. The applicant is requesting relief from this requirement to allow lot sizes of 1.852 and 3.324 acres.</p> <p style="text-align: center;">Staff Evaluation of Development Standard Variances</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>Staff Analysis</p> <p>Relief from the lot size requirement will not be injurious to the public health, safety, morals, and general welfare of the community. The proposed lots are relatively similar size to the existing parcels. The exterior boundaries are not changing.</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 substantially adverse manner.</i></p> <p>Staff Analysis</p> <p>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 overall boundaries of Lot 15 and 16 will not change, thus there would be no impact on surrounding properties. The proposal would merely involving moving the interior lot line between the two parcels to accommodate improvements being made for a tenant.</p>

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 existing lots are legally existing non-conforming lots in that they were platted prior to the current ID standards for lot size. While the proposed movement of the lot line does eliminate the legally existing condition, the proposal would not effectively alter the non-conformity of the parcels.

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 lot size requirement of the UDO.