

**CITY OF LEBANON  
PLANNING AND ZONING DEPARTMENT**

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

<b>A. Case Number:</b>	<b>Docket #23-33</b>
<b>B. Applicant:</b>	<b>Breana Culley</b>
<b>C. Location:</b>	The subject property is located at 1315 Lafayette Ave, Lebanon, Indiana 46052.
<b>D. Acreage and Zoning</b>	The subject property is zoned Multi-Family Residential (MF), is within the Thoroughfare Overlay District, and is comprised of approximately 4.59 acres.
<b>E. Property History:</b>	<b>History of Property:</b> This is the first time the requested Variance of Use has appeared before the City of Lebanon Board of Zoning Appeals. The subject property is currently used as a self-storage facility and is a legally existing non-conforming use within the MF zoning district.
<b>F. Variance Request(s):</b>	<b>Applicant Request: Variance of Use Request</b>  <b>Variance Request – Hair Salon use in the Multi-Family Residential (MF) Zoning District</b> <b>UDO Section 4.9.B</b> The applicant is seeking to establish a hair salon in vacant office space on the subject property allowing the remaining portion of the office building to continue to operate as the management office for the self-storage company. The applicant is proposing a two-seat hair salon. The salon would operate during normal business hours, with the potential for evening and weekend appointments, as needed.  Hair salons are not a permitted use within the MF zoning district, therefore Lebanon Planning Staff determined that a Variance of Use application was necessary.
<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) 36-7-4-918.4; 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 five (5) 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 need for the variance arises from some condition peculiar to the property involved.***

***Criteria-4 The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.***

***Criteria-5 The approval does not interfere substantially with the City of Lebanon Comprehensive Plan.***

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**Staff Evaluation of Variance of Use**

**UDO Section 4.9.B**

**Hair Salon use in the Multi-Family Residential (MF) Zoning District**

The applicant is seeking to place a hair salon in vacant office space on the subject property allowing the remaining portion of the office building to continue to operate as the management office for the self-storage company. Hair salons are not a permitted use within the MF zoning district.

**Staff Evaluation of Variance of Use**

***Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.***

***Staff Analysis***

The Variance of Use to permit a hair salon on the subject property will not be injurious to the public health, safety, morals, and general welfare of the community. The building is sized appropriately for the current and proposed uses, has the necessary off-street parking for both uses, and will not cause any adverse effects to the adjacent 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 use variance would not impact the use and value of the area adjacent to the property in a substantially adverse manner. The proposed use of the property is consistent with the mixed-use character of the adjacent area, which consists of other small businesses, single-family homes, and the Lebanon Street Department garage.

***Criteria-3 The need for the variance arises from some condition peculiar to the property involved.***

***Staff Analysis***

The property is currently zoned for multi-family uses; however, the surrounding neighborhood and corridor contains a mix of single-family and commercial uses. The applicant's request would allow a use on the property similar to other uses along the Lafayette Ave. corridor (automotive repair shop, Pizza King, restaurant, packaging company, social club, etc.).

***Criteria-4 The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.***

The property is currently a commercial use (self-storage facility) and is a legally existing non-conforming use. Requiring the subject property to meet the standards of the ordinance would only allow residential uses within an existing commercial structure. The proposed use is more in line with the commercial nature of the property.

***Criteria-5 The approval does not interfere substantially with the City of Lebanon Comprehensive Plan.***

The City of Lebanon Comprehensive Plan designates this property for residential uses. However, the Lafayette Ave corridor from Main Street to I-65 has long contained a mix of single-family, multi-family, and commercial uses. The applicant's proposal does not interfere substantially with this land use designation.

**H. Staff  
Recommendation:**

**Staff Recommendation:**

The City of Lebanon Planning Staff recommends approval of the Variance of Use request to permit a hair salon within the Multi-Family Residential (MF) zoning classification, subject to the following condition:

1. That the approval of the Variance of Use is limited to the hair salon use proposed by the applicant. Any change in use or increase in the intensity of the use by the current or any subsequent owners will require approval by the City of Lebanon Board of Zoning Appeals.
2. That the applicant submits a signage plan for any proposed signs to be installed and receive sign permits prior to installation.