

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

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

Case Number:	Docket #23-34
Applicant:	Lebanon Church of Christ
Location:	The subject property is located at 1204 Indianapolis Ave, Lebanon, Indiana 46052.
Acreage and Zoning	The subject property is zoned Planned Business Commercial (PBC), located within the Thoroughfare Overlay District, and is comprised of approximately 5.65 acres. The subject lot configuration is 240 feet wide by 1,041 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 church, shelter house, and playground.
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 15% of the area of the principal structure on any commercial property. According to the site survey, the church on the subject property is 4,356 square feet, which would permit an accessory structure that is a maximum of 653 square feet. The applicant is requesting relief from this requirement to permit the construction of a proposed 1,392 square foot accessory structure. Lebanon Planning Staff Determination: The applicant presented the intent to construct the proposed accessory structure as submitted on the enclosed site plan. Lebanon Planning Staff evaluated the land use and determined that a Development Standards Variance is required before the City of Lebanon Board of Zoning Appeals.
Variance Evaluation:	Evaluation of Variance(s) 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:

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.

Variance #1:

**Variance – Accessory Structure Area
UDO Section 7.10.A.4.b**

The applicant is seeking to construct a new 24-foot by 58-foot accessory structure (1,392 square feet). The proposed structure exceeds the allowable accessory structure square footage.

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 increase in the size of the accessory structure poses no imminent threat to the public health, safety, morals, or general welfare of the community. The structure will meet the necessary front, side, and rear setbacks and is consistent with other properties in the area that contain accessory structures that also do not meet the size requirements of the UDO.

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 requested variance for accessory structure size is compatible with existing properties, both residential & commercial, in the neighborhood. Many properties in the vicinity of the subject property contain accessory structures consistent in size with the applicant's request.

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 the size of a property or areas where 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 on a nearly 6 acre lot.

Staff Recommendation:

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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 an accessory structure that is 1,392 square feet.