

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

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

Case Number:	Docket #23-41
Applicant:	Cash Waggnner & Associates for the Lebanon Community School Corporation
Location:	The subject property is located at the northwest corner of Fordice Road and John Bart Road, Lebanon, Indiana 46052.
Acreage and Zoning	The subject property is zoned Institutional (IN) and comprised of approximately 18.2 acres.
Property History:	<p>History of Property: This is the first time the requested Development Standard Variances have appeared before the City of Lebanon Board of Zoning Appeals. The subject property is currently an undeveloped agricultural field.</p> <p>Lebanon Planning Staff Determination: The applicant, Cash Waggnner & Associates, presented the intent to construct a new elementary school on the subject property. The applicant has worked with Staff to develop a site and building plan that meets the requirements of the UDO; however, there are several variances that are necessary based on their specific project needs.</p>
Variance Request(s):	<p style="background-color: #e0e0e0;">Applicant Request: Development Standard Variance Request</p> <p>Variance Request #1 – Parking Curb UDO Section 7.5.C.3 The UDO requires all parking and drive areas for non-residential uses to be completely curbed. The applicant is requesting relief from the curb requirement to allow the proposed site to sheet drain into adjacent swales.</p> <p>Variance Request #2 – Parking Lot Interior Landscaping UDO Section 7.8.J.2 The UDO requires all parking areas for non-residential uses shall include a minimum of 5% interior parking lot landscaping. The applicant is requesting relief from the parking lot interior landscaping requirement associated with the new school.</p> <p>Variance Request #3 – Parking Lot Perimeter Landscaping UDO Section 7.8.J.3 The UDO requires all parking areas to include parking lot perimeter landscaping. The applicant is requesting relief from this requirement to ensure proper visibility and safety for student drop off/pick up.</p>

<p>Variance Evaluation:</p>	<p>Variance Request #4 – Lot Planting UDO Section 7.8.K.2.c The UDO requires additional landscape plantings in yard areas of a property not covered with structures, parking areas, or other hard surfaces. Based on the Institutional zoning classification, the subject property is required to plant one (1) additional broadleaf/deciduous or evergreen tree for every 1,000 square feet of yard area. The applicant is requesting relief from this requirement.</p> <p>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:</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>Variance #1:</p>	<p>Variance Request #1 – Parking Curb UDO Section 7.5.C.3 The UDO requires all parking and drive areas for non-residential uses to be completely curbed. The applicant is requesting relief from the curb requirement to allow the proposed new elementary site to sheet drain into adjacent swales.</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 The relief from the parking area curb requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The applicant is proposing to sheet drain from this area to proposed adjacent swales, so there will be no drainage issues that would impact neighboring properties. In fact, drainage on the site will be improved compared to current conditions.</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><i>Staff Analysis</i> The requested variance for relief from the parking area curb requirement will not affect the use and value of the area adjacent to the property in an adverse manner. The site will be engineered to accommodate all stormwater runoff into onsite detention basins and then released into appropriate swales and ditches. The drainage improvements will have no negative impact on surrounding neighbors.</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. Parking lot curbing creates the need for significant investment in underground stormwater systems. The entire site can be better served by sheet draining into the detention and swale systems.</p>
Staff Recommendation:	<p>Staff Recommendation: The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the parking curb requirements of the Unified Development Ordinance.</p>
Variance #2:	<p>Variance Request #2 – Parking Lot Interior Landscaping UDO Section 7.8.J.2 The UDO requires that all parking areas for non-residential uses shall include a minimum of 5% interior parking lot landscaping. The applicant is requesting relief from the parking lot interior landscaping requirement associated with the new elementary school.</p> <p style="text-align: center;">Staff Evaluation of Development Standard Variances</p> <p>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</p> <p>Staff Analysis The relief from the interior landscaping requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community.</p> <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.</p> <p>Staff Analysis The requested variance for relief from the interior landscaping requirement will not affect the use and value of the area adjacent to the property in an adverse manner. The request to reduce landscaping within the parking lots will allow safe</p>

<p>Staff Recommendation:</p> <p>Variance #3:</p>	<p>maneuvering by buses and passenger vehicles into and out of the property and will have no material impact on surrounding properties.</p> <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.</p> <p>Staff Analysis The strict application of the terms of the UDO will result in practical difficulties in the use of the property. Landscaping placed within higher traffic areas, especially ones designated for larger vehicles, such as buses, are susceptible to damage because of the constant vehicle maneuvering and have the potential to restrict movement through the site.</p> <p>Staff Recommendation: The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the parking lot interior landscaping requirement of the Unified Development Ordinance.</p> <p>Variance Request #3 – Parking Lot Perimeter Landscaping UDO Section 7.8.J.3 The UDO requires all parking areas to include parking lot perimeter landscaping. The applicant is proposing to provide tree and shrub plantings along several of the parking lots but is requesting relief from some parking lots and drive aisles to ensure proper visibility and safety for student drop off/pick up.</p> <p>Staff Evaluation of Development Standard Variances</p> <p>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</p> <p>Staff Analysis The relief from the perimeter landscaping requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community.</p> <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.</p> <p>Staff Analysis The requested variance for relief from the perimeter landscaping requirement will not affect the use and value of the area adjacent to the property in an adverse manner. The applicant is proposing to provide some plant materials on parking areas abutting street frontages and neighboring residential properties.</p>
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<p>Staff Recommendation:</p> <p>Variance #4:</p>	<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.</p> <p>Staff Analysis The strict application of the terms of the UDO will result in practical difficulties in the use of the property. The entire site will contain a significant amount of landscaping materials and will adequately buffer from neighboring residential properties. In addition, the parking lot east of the building has planned expansions that would impact landscape plantings if installed on the current parking lot perimeter.</p> <p>Staff Recommendation: The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the parking lot perimeter landscaping requirement of the Unified Development Ordinance.</p> <p>Variance Request #4 – Lot Plantings UDO Section 7.8.K.2.c The UDO requires additional landscape plantings in yard areas of a property not covered with structures, parking areas, or other hard surfaces. Based on the Institutional zoning classification, the subject property is required to plant one (1) additional broadleaf/deciduous or evergreen tree for every 1,000 square feet of yard area. The applicant is requesting relief from this requirement.</p> <p>Staff Evaluation of Development Standard Variances</p> <p>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</p> <p>Staff Analysis The relief from the lot planting requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community.</p> <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.</p> <p>Staff Analysis The requested variance for relief from the lot planting requirement will not affect the use and value of the area adjacent to the property in an adverse manner. The applicant is proposing to provide landscaping on areas abutting street frontages and neighboring residential properties that will provide a buffer from the proposed development.</p>
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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 site is 18.2 acres with approximately 75% of it covered with building, parking areas, and drive aisles. Based on the UDO requirements, the applicant would be required to plant approximately 200 additional trees in the open yard areas. Requiring such a significant number of additional trees is impractical and imposes an undue hardship upon the property owner.

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 planting requirement of the Unified Development Ordinance.