

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

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

Case Number:	Docket #23-59
Applicant:	Rita J. Bradley
Location:	The subject property is located at 929 Jackson Street, Lebanon, Indiana 46052.
Acreage and Zoning	The subject property is zoned Single-Family Residential (SF2) and comprised of approximately 0.36 acres. The subject lot configuration is approximately 120 feet wide and 130 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 a single-family home that includes a covered patio roof on the front of the home that encroaches into the front building setback (legally existing non-conforming).
Background:	Variance Background The applicant presented the intent to remove the hail damaged patio roof on the front of the home and replace it with a gabled roof. Because the existing patio roof does not meet the front building setback requirement, it is a legally existing non-conforming structure. By modifying the structure and removing the patio roof, the UDO would require the structure to be brought into compliance, meaning the front patio could no longer be covered by a roof structure. The applicant would like to replace the existing, damaged patio roof with a gabled roof in the same footprint as the existing roof structure, but to do so, a variance would be required. Staff indicated that a variance would be necessary to provide relief from the front setback requirement of the SF2 zoning district to allow the construction of the covered porch.
Variance Request(s):	Applicant Request: Development Standard Variance Request Variance Request #1 – Front Setback UDO Section 4.6.D The UDO requires a front building setback of 25 feet. The applicant is requesting relief from this requirement to allow the construction of a covered front porch, that replaces an existing patio roof in the same location, that would extend 3 feet into the setback.

Variance Evaluation:	<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;">Statutory Criteria</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> <hr/> <p>Staff Evaluation of Development Standard Variances</p> <p>Variance Request #1 – Front Setback</p> <p>UDO Section 4.6.D</p> <p>The UDO requires a front building setback of 25 feet. The applicant is requesting relief from this requirement to allow the construction of a covered front porch, that replaces an existing patio roof in the same location, that would extend 3 feet into the setback.</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><i>Staff Analysis</i></p> <p>Relief from the front building setback requirement will not be injurious to the public health, safety, morals, and general welfare of the community. There will still be more than sufficient visibility along Jackson Street with the encroachment by the proposed covered porch.</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></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 project proposed by the applicant will provide a significant aesthetic improvement to the subject home that</p>
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should increase property values in the area. In addition, the proposed porch would fit within the same footprint as the existing patio roof, so there would be no further encroachment in the front building setback than already exists on the property.

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 applicant is proposing to improve the subject property by replacing a hail damaged patio roof with a new gabled roof within the exact same footprint, thus the overall conditions on the property would not change with the improvement. In addition, the proposed encroachment is very similar to front setbacks that exist on adjoining properties.

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 front setback requirement of the UDO.