

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

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

A. Case Number:	Docket #23-61
B. Applicant:	Matthew Howard
C. Location:	The subject property is located at 3516 E 400 S, Lebanon, Indiana 46052.
D. Acreage and Zoning	The subject property is zoned Single-Family Residential (SF) and comprised of approximately 1.6 acres. The subject lot configuration is 187 feet wide by 397 feet in depth.
E. 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 lot currently contains a single-family residential home with an attached garage.
F. Variance Request(s):	Applicant Request: Development Standard Variance Request Variance Request #1 – Accessory Structure Area UDO Section 7.10.A.4 The applicant is seeking to construct a 2000 square foot pole barn on the subject property. The UDO limits residential accessory structures to no more than 50 percent of the total area of the primary structure. The total square footage of the home on the subject property is 3804 square feet, allowing no more than 1902 square feet for accessory structures. The applicant is requesting relief from this requirement to allow the proposed 2000 square foot pole barn. Variance Request #2 – Accessory Structure Height UDO Section 7.10.A.4 The applicant is seeking to construct a pole barn that is 23 feet in height. The UDO specifies that no accessory structure shall have a height greater than 18 feet. The applicant is requesting relief from this requirement to allow the additional height for RV storage.
G. 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 of use. 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 the variance of use listed above has been reviewed based on the following three (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 Request #1:

Variance Request #1 – Accessory Structure Area

UDO Section 7.10.A.4

The applicant is seeking to construct a 2000 square foot pole barn on the subject property. The UDO limits residential accessory structures to no more than 50 percent of the total area of the primary structure. The total square footage of the home on the subject property is 3804 square feet, allowing no more than 1902 square feet for accessory structures. The applicant is requesting relief from this requirement to allow the proposed 2000 square foot pole barn.

Staff Evaluation of Development Standard Variances

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

Staff Analysis

Relief from the accessory structure area requirement will not be injurious to the public health, safety, morals, and general welfare of the community. Because of the large lot size, the increase in size of the pole barn will cause no negative effects on neighboring properties.

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.

Staff Analysis

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 barn will be placed in a location that will have minimal impact on the adjacent neighbors.

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 property where the proposed pole barn will be constructed is almost 2 acres or more than sufficient to contain an

	<p>accessory structure of this size. In this case, the applicant is limited by the size of the home even though the property contains the acreage necessary to site the barn. In addition, because of the rural nature of the area, several neighboring properties also have larger accessory structures similar to that which is proposed.</p>
<p>Staff Recommendation:</p>	<p>Staff Recommendation: The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the accessory structure area requirements of the Unified Development Ordinance.</p>
<p>Variance Request #2:</p>	<p>Variance Request #2 – Accessory Structure Height UDO Section 7.10.A.4 The applicant is seeking to construct a pole barn that is 23 feet in height. The UDO specifies that no accessory structure shall have a height greater than 18 feet. The applicant is requesting relief from this requirement to allow the additional height for RV storage.</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> Relief from the accessory structure height requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The increase in height of 5 feet over the UDO requirement will have no negative impacts on the adjacent neighbors. The closest neighboring home is more than 150 feet from the proposed site of the accessory structure.</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 use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Because of the size of the residential lot and presence of trees, the additional height proposed by the applicant will not affect neighboring properties. The height is in scale with the size of the property.</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 Unified Development Ordinance will result in practical difficulties in the use of the property. The property where the proposed pole barn will be constructed is almost 2 acres or more than sufficient to contain an accessory structure of this size. The additional 5 feet in height will not be noticeable given the size of the property. In addition, the height is necessary for the applicant</p>

to store their RV, which would not be possible in a structure that meets the UDO height requirement.

Staff Recommendation:

Staff Recommendation:

The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the accessory structure height requirement of the UDO.