

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
STAFF REPORT
DECEMBER 4, 2023 PUBLIC HEARING**

Case Number:	Docket #23-91
Applicant:	Kent Frandsen for McKenzie Investment Group, LLC
Location:	The subject property is located at 1334 W Main Street, Lebanon, Indiana 46052.
Acreage and Zoning	The subject property is zoned General Industrial (ID) and is comprised of 1.43 acres.
Property History:	<p>History of Property: This is the first time the requested Development Standards Variances have appeared before the City of Lebanon Board of Zoning Appeals. The site currently contains a 10,725 square foot metal industrial building and associated paved/gravel parking areas.</p> <p>Lebanon Planning Staff Determination: McKenzie Investment Group is proposing to construct a 6,240 square foot expansion to the existing building in order to create additional tenant space for lease. The existing building is currently a legally existing non-conforming structure in that it does not currently meet the required setbacks within the ID zoning district. The UDO indicates that the expansion project not only requires the addition to meet applicable standards, but the entire site must also be brought into compliance. Because of the substantial setbacks in the ID district requiring the existing building to move, Staff worked with the applicant to identify variances that would allow the existing building to remain and allow an acceptable expansion project to move forward.</p>
Variance Request(s):	<p style="background-color: #e0e0e0; margin: 0;">Applicant Request: Development Standard Variance Request</p> <p>Variance Request #1 – Parking Lot Perimeter Landscaping UDO Section 7.8.J.3 The UDO requires all parking areas to include parking lot perimeter landscaping including three trees and ten shrubs every 100 linear feet. The subject site includes some existing vegetation in the northwest corner of the parking area and along the south side of the existing building. The application is requesting relief from the parking lot perimeter landscaping requirement along the west and south sides of the existing parking area.</p>

Variance Evaluation:	<p>Variance Request #2 – Parking Area Curbing UDO Section 7.5.C.3 The UDO requires that all parking areas for non-residential uses shall be completely curbed. The current site does not include curbing and the applicant is proposing to maintain current conditions with this project.</p>
	<p>Variance Request #3 – 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. Due to the nature of the site and the existing conditions, the applicant is proposing to maintain the current conditions and is requesting relief from the parking lot interior landscaping requirement.</p>
	<p>Variance Request #4 – Front, Side, Rear Setback UDO Section 4.16.D The UDO requires a front building setback of 100 feet, a side building setback of 50 feet, and a rear building setback of 50 feet in the ID zoning district. The existing building currently only provides an approximately 75-foot front setback, a 24-foot side setback on the north side of the building, and a 42-foot rear setback. The applicant is requesting relief from the setback requirements to allow the existing building to remain. In addition, the proposed building expansion would maintain a 20-foot front setback and an 8-foot side setback on the north side of the building. The applicant is requesting relief from the setback requirements to allow the proposed building expansion.</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> <hr/>

Variance #1:	<p>Staff Evaluation of Development Standard Variances</p> <p>Variance Request – Parking Lot Perimeter Landscaping UDO Section 7.8.J.3</p> <p>The UDO requires all parking areas to include parking lot perimeter landscaping including three trees and ten shrubs every 100 linear feet. The subject site includes some existing vegetation in the northwest corner of the parking area and along the south side of the existing building. The application is requesting relief from the parking lot perimeter landscaping requirement along the west and south sides of the existing parking area.</p> <p>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> 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><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>Staff Analysis</i> 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 request for relief from this requirement is consistent with existing conditions at adjacent sites. Staff would recommend the installation of 2-3 additional trees along the parking perimeter to augment the existing vegetation to provide some additional landscape material around the perimeter.</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. The existing improvements on the site create limited space for additional landscaping. With the additions proposed by Staff, the subject site would have more landscaping than most adjacent businesses.</p>
Staff Recommendation:	<p>Staff Recommendation:</p> <p>The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the perimeter landscaping requirement of the Unified Development Ordinance subject to the following condition:</p> <ol style="list-style-type: none">1. That the applicant install 2-3 additional shade trees along the perimeter of the parking area. Staff will work with the applicant to determine appropriate locations.

Variance #2:	<p>Variance Request #3 – Parking Area Curbing UDO Section 7.5.C.3</p> <p>The UDO requires that all parking areas for non-residential uses shall be completely curbed. The current site does not include curbing and the applicant is proposing to maintain current conditions with this project.</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> The relief from the parking area curbing requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The property is proposed to sheet drain all stormwater from the paved areas and the proposed relief will cause no changes to the drainage patterns.</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>Staff Analysis</i> The requested variance for parking lot curbing will not affect the use and value of the area adjacent to the property in an adverse manner. The request for relief from curbing would be consistent with other similar properties in the area, but would represent an improvement over the current conditions with Staff's recommendation to pave any remaining gravel parking areas.</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. The applicant is proposing to maintain the current conditions on the property, which includes sheet draining all stormwater runoff. If required to provide curbing, the site would also need to be upgraded with underground storm utilities to convey stormwater, representing a significant departure from current conditions.</p>
Staff Recommendation:	<p>Staff Recommendation:</p> <p>The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the parking area curbing requirements of the Unified Development Ordinance subject to the following condition:</p> <ol style="list-style-type: none">1. That the applicant asphalt pave any remaining existing gravel parking or drive areas on the subject site.

<p>Variance #3:</p>	<p>Variance Request #3 – Parking Lot Interior Landscaping UDO Section 7.8.J.2</p> <p>The UDO requires all parking areas for non-residential uses shall include a minimum of 5% interior parking lot landscaping. Due to the nature of the site and the existing conditions, the applicant is proposing to maintain the current conditions and is requesting relief from the parking lot interior landscaping requirement.</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> The relief from the parking lot interior landscaping requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community.</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>Staff Analysis</i> The requested variance for the parking lot interior landscaping requirement will not affect the use and value of the area adjacent to the property in an adverse manner. The request is consistent with conditions on adjacent similar properties and the additional Staff recommended landscaping along the perimeter of the parking area should improve conditions from that which exists currently.</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. The addition of interior landscape islands would significantly alter the usability of the existing parking area, likely requiring additional alterations.</p>
<p>Staff Recommendation:</p>	<p>Staff Recommendation:</p> <p>The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the parking lot interior landscaping requirements of the Unified Development Ordinance.</p>
<p>Variance #4:</p>	<p>Variance Request #4 – Front, Side, Rear Setback UDO Section 4.16.D</p> <p>The UDO requires a front building setback of 100 feet, a side building setback of 50 feet, and a rear building setback of 50 feet in the ID zoning district. The existing building currently only provides an approximately 75-foot front setback, a 24-foot side setback on the north side of the building, and a 42-foot rear setback. The applicant is requesting relief from the setback requirements to allow the existing building to remain. In addition, the proposed building expansion would maintain a 20-foot front setback and an 8-foot side setback on the north side of the building.</p>

The applicant is requesting relief from the setback requirements to allow the proposed building expansion.

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

The relief from the front, side, and rear buildings setback requirements poses no imminent threat to the public health, safety, morals, or general welfare of the community. The existing building currently maintains the setback and poses no issues to neighboring properties. In addition, the proposed building expansion does not cause any issues to the adjacent property improvements.

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 for setbacks will not affect the use and value of the area adjacent to the property in an adverse manner. The variance request allows the existing building to maintain its current setback and the building addition to align appropriately with the existing building. Adjacent properties will not be impacted by allowing the existing and proposed buildings to maintain the proposed setbacks.

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. Because of the proposed building addition, the UDO would require the site to be brought up to appropriate standards, thus requiring the existing building to be significantly moved and made smaller. The variance would allow the existing building to remain in its current location and for the building addition to align appropriately.

Staff Recommendation:

Staff Recommendation:

The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the front, side, and rear setback requirements of the Unified Development Ordinance.