

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
STAFF REPORT
MAY 3, 2021 PUBLIC HEARING**

A. Case Number:	Docket #21-27
B. Applicant:	Arc of Greater Boone County
C. Location:	The subject property is located at 910 W South Street, Lebanon, Indiana 46052.
D. Acreage and Zoning	The subject property is zoned Neighborhood Business (NB) and comprised of approximately 0.15 acres. The subject lot configuration is 66 feet wide by 100 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 undeveloped.
F. Variance Request(s):	Applicant Request: Development Standard Variance Request Variance Request – Off Premise Sign UDO Section 7.7.H.2.d The applicant is seeking to place a sign on the subject property for their Career Connections service to provide direction from South Street to the office on Main Street. The applicant has indicated that their clients are having difficulty finding the office because it is a renovated house and the office and parking is not visible from South Street where many of their clients are traveling. The applicant owns the subject property and it is adjacent to the property where the office is located, but the sign would not be located on the specific property with the use, so the UDO would consider this an off premise sign. Off premise signs are only permitted in the ID zoning district along the interstate, essentially only providing for billboards. Therefore, the applicant is seeking a Development Standard Variance to permit an off premise sign on the subject property. Lebanon Planning Staff Determination: The applicant presented the intent to install the sign as submitted on the enclosed site plan. Lebanon Planning Staff evaluated the proposal and determined that a Development Standard Variance is required before the City of Lebanon Board of Zoning Appeals.
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.

Staff Evaluation of Development Standard Variances

Variance – Off Premise Sign

UDO Section 7.7.H.2.d

The applicant is seeking to install a sign on the subject property that the UDO defines as an off premise sign. Off premise signs are not permitted in the NB zoning district.

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 placement of the sign poses no imminent threat to the public health, safety, morals, or general welfare of the community. The sign will meet all applicable size and location standards for ground signs and will not cause any visibility issues along South Street or on any side streets or alleys.

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 to allow an off premise sign will not impact the use and value of the area adjacent to the property. The sign is of high quality and will be located in a commercial zoning district where other signs are visible within the immediate area. The sign will provide needed directions to patrons of the applicant's services.

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

While the UDO would technically define the proposed sign as an off premise sign, the UDO standards for such signs assume the typical billboard along the interstate. The proposed sign does not serve the same function and is not the same design as the typical interstate billboard. The subject property is adjacent to the lot where the service is provided, however it is not on the same parcel because it is separated by an alley.

**H. Staff
Recommendation:**

Staff Recommendation:

The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit the installation of an off premise sign on the subject property.