

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
STAFF REPORT
JULY 6, 2021 PUBLIC HEARING**

Case Number:	Docket #21-36
Applicant:	Texas Republic Signs for Pilot Flying J
Location:	The subject property is located at 520 S State Road 39, Lebanon, IN 46052.
Acreage and Zoning	The subject property is zoned Planned Business Industrial (PBI) and comprised of 14.11 acres.
Property History:	<p>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 the Flying J Truck Stop. The existing pole signs on the property, one along Interstate 65 and one along State Road 39, were erected prior to the requirements of the current UDO and are, therefore, legally existing non-conforming signs. The applicant is currently proposing to remove and replace the existing sign along the interstate, which requires the signs to be brought into compliance with the UDO. As part of this process, the applicant has committed to removing the existing non-conforming sign along State Road 39 and only replacing the pole sign along Interstate 65.</p>
Background:	<p>Variance Background The applicant is seeking to remove and replace the legally existing non-conforming pole sign along Interstate 65. The new sign will be 15% taller (78 feet increased to 90 feet) than the existing sign, but 12% smaller (605 SF decreased to 534 SF). In addition, the non-conforming pole sign at the Flying J entrance along State Road 39 will be removed. The applicant is requesting a development standards variance to allow the increase in height and size for the pole sign along Interstate 65.</p>
Variance Request(s):	<p>Applicant Request: Development Standard Variance Request</p> <p>Variance Request #1 – Pole Sign Height and Size UDO Section 7.7.H.2.b Pole signs are allowed by Conditional Use in the PBI zoning district under the condition that the proposed sign shall not exceed 60 feet in height and 200 square feet per side. The applicant is requesting relief from these requirements to allow a 90-foot tall and 534 square foot pole sign.</p>

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 – Pole Sign Height and Size</p> <p>UDO Section 7.7.H.2.b</p> <p>Pole signs are allowed by Conditional Use in the PBI zoning district under the condition that the proposed sign shall not exceed 60 feet in height and 200 square feet per side. The applicant is requesting relief from these requirements to allow a 90-foot tall and 534 square foot pole sign.</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 pole sign height and size requirement will not be injurious to the public health, safety, morals, and general welfare of the community. The proposed sign will meet all applicable setbacks to ensure that it does not obstruct visibility along adjacent roadways.</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 proposed pole sign replaces an existing pole sign of similar height and size.</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 Unified Development Ordinance will result in practical difficulties in the use of the property. Due to the proximity of the sign location to the interstate and interchange, the bridge obstructs visibility of the sign to drivers if the sign meets the height requirement. In addition, reducing the size by more than 60% to meet the size requirements would make the information difficult to read at highway speeds.

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 pole sign height and size requirements of the UDO subject to the following condition:

1. That the existing non-conforming pole sign along State Road 39 is removed prior to erection of the proposed new pole sign along Interstate 65.