

**CITY OF LEBANON  
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS  
STAFF REPORT  
OCTOBER 4, 2021 PUBLIC HEARING**

<b>A. Case Number:</b>	<b>Docket #21-54</b>
<b>B. Applicant:</b>	<b>David Jones for Key Car Wash</b>
<b>C. Location:</b>	The subject property is located at 1800 N Lebanon Street, Lebanon, Indiana 46052.
<b>D. Acreage and Zoning</b>	The subject property is zoned Planned Business Commercial (PBC), is within the Thoroughfare Overlay District, and is comprised of approximately 0.98 acres. The subject lot configuration is 268 feet wide by 160 feet in depth.
<b>E. Property History:</b>	<p><b>History of Property:</b> The Key Car Wash project received several Variance approvals at the April 9, 2019 Board of Zoning Appeals meeting to facilitate the construction of the proposed facility.</p> <p>Variance Approval #1 – Lot Size – UDO Section 4.13.D Variance Approval #2 – Corridor Buffer – UDO Section 6.1.L.3 Variance Approval #3 – Rear Yard Buffer – UDO Section 7.8.O Variance Approval #4 – Lot Coverage – UDO Section 4.13.D Variance Approval #5 – Building Materials – UDO Section 6.1.L.2.a Variance Approval #6 – Lighting Intensity – UDO Section 6.1.L.6.d Variance Approval #7 – Lot Plantings – UDO Section 6.1.L.3.d Variance Approval #8 – Parking Lot Interior Landscaping – 7.8.J.2</p> <p>In addition, the project received Development Plan approval from the Plan Commission at their April 15, 2019 meeting.</p> <p>The proposed car wash has received building permits and is currently under construction.</p>
<b>F. Variance Request(s):</b>	<p style="text-align:center"><b>Development Standard Variance Request</b></p> <p><b>Variance Request – Electronic Message Board Sign Allowable Area UDO Section 7.7.H.2.c</b></p> <p>The applicant, Key Car Wash, is proposing a ground sign along Lebanon Street that identifies the business and uses the remaining portion of the allowable square footage for an electronic message board. The UDO limits electronic message board signs to 25% of the allowable sign area, or 8 SF. To maximize the advertising space afforded by the message board, the applicant is requesting an electronic message board that is approximately 20 square feet.</p>



**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 electronic message board sign allowable area poses no imminent threat to the public health, safety, morals, or general welfare of the community. The sign will meet all appropriate size, height, and setback requirements.

***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 proposed sign will have no impact on the surrounding commercial users, several of which also have digital signs. With conditions placed on how often the sign can change copy and sign brightness after dark, impacts will be minimized.

***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 25% restriction on electronic message board sign size essentially only allows for basic signs, such as the typical time and temperature displays. Newer digital technology has allowed for a wider array of advertising capabilities and the quality has made it such that the digital signs operate very similarly to a standard ground sign, with restrictions on brightness and transitions to minimize distractions.

**Staff Recommendation:**

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The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit an increase in the maximum electronic message board sign allowable area subject to the following conditions:

1. The sign brightness will result in an increase over the ambient lighting conditions of no more than 0.4 footcandles.
2. Message Transitions: The sign will be required to have a message time of no less than 10 seconds with a 1 second transition.
3. Animation: The sign will not be permitted to include animations or videos that may cause distractions to motorists on the adjacent street.

<b>Variance #2:</b>	<p><b>Variance – Off Premise Sign</b> <b>UDO Section 7.7.H.2.d</b></p> <p>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 PBC zoning district.</p> <p style="text-align: center;"><b>Staff Evaluation of Development Standard Variances</b></p> <p><b><i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></b></p> <p><b><i>Staff Analysis</i></b> 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 Northfield Drive or on any side streets or alleys.</p> <p><b><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></b></p> <p><b><i>Staff Analysis</i></b> 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 car wash.</p> <p><b><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></b></p> <p><b><i>Staff Analysis</i></b> 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 business is located and the access easement effectively provides an entrance to the car wash, albeit without the required ownership of the lot.</p>
<b>Staff Recommendation:</b>	<p><b>Staff Recommendation:</b></p> <p>The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit the installation of an off-premise sign subject to the following conditions:</p> <ol style="list-style-type: none"><li>1. The applicant provide an affidavit from the neighboring property owner (1708 N Lebanon Street) providing permission for the placement of the proposed sign.</li></ol>