

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
STAFF REPORT
MARCH 7, 2022 PUBLIC HEARING**

A. Case Number:	Docket #22-14
B. Applicant:	Andrew Gutwein for BARI, LLC
C. Location:	The subject property is located at 2423/2425 N Lebanon Street, Lebanon, Indiana 46052.
D. Acreage and Zoning	The subject property is zoned Planned Business Commercial (PBC), is within the Thoroughfare Overlay District, and is comprised of approximately 6.47 acres. The subject lot configuration is 630 feet wide by 450 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 subject property is a multi-tenant commercial building with associated customer parking. Current tenants in the building include Tractor Supply and Planet Fitness and there is an additional vacant tenant space. There is currently a legally existing non-conforming pole sign for Tractor Supply along the Lebanon Street frontage.
F. Variance Request(s):	Development Standard Variance Request Variance Request – Multi-Tenant Shopping Center Sign Size/Height UDO Section 7.7.H.2.a.2 The applicant, Andrew Gutwein, present the intent to install a new multi-tenant shopping center sign at the subject property to replace the existing non-conforming pole sign for Tractor Supply. Due to the size of the sign that is being replaced and the number of tenants needed on the proposed new sign, the applicant presented a sign size and height that is approximately 50% larger than the UDO size requirements for said signs to properly display each of the tenants. Lebanon Planning Staff Determination: The applicant presented the intent to install the sign as submitted on the enclosed rendering. 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 – Multi-Tenant Shopping Center Sign Size/Height
UDO Section 7.7.H.2.a.2**

The applicant is seeking to install a 12-foot tall, 80 square foot multi-tenant shopping center sign to replace an existing non-conforming single-tenant pole sign.

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 multi-tenant shopping center sign size/height requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. In fact, the additional size will provide better visibility for motorists along Lebanon Street at the posted speed limit (45 mph) allowing them to slow down more safely for the entrance.

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 is in a commercial area with a number of signs, both monument and pole signs, that are larger than the current standard of the UDO. This proposed sign will complement those in the area and is a sign design that conforms to the UDO as opposed to the existing pole signs.

Variance #1:

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. Given the fact that a number of commercial properties in the area have signs that do not conform to the standards either because of design or size, holding the subject property to the UDO standards would result in a practical difficulty. In addition, given the need for four tenant spaces on the sign and the posted speed limit of 45 mph, the increased size will allow for better visibility for motorists and more time to slow down for the entrance.

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 height and size of a multi-tenant shopping center sign subject to the following conditions:

1. That the existing non-conforming pole sign is removed prior to the installation of the proposed new sign.