

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
STAFF REPORT
OCTOBER 3, 2022 PUBLIC HEARING**

A. Case Number:	Docket #22-65
B. Applicant:	Mark Ransom for Co-Alliance Cooperative Inc.
C. Location:	The subject property is located at 817 W South Street, Lebanon, Indiana 46052.
D. Acreage and Zoning	The subject property is zoned General Industrial (ID), is within the Thoroughfare Overlay District, and is comprised of approximately 0.54 acres. The subject lot configuration is 195 feet wide by 120 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 lot currently contains the Co-Alliance/CountryMark gas station. The applicant is proposing to replace the panels on the existing monument sign and include an electronic message board. Because the sign is a legally existing non-conforming sign (larger than permitted), and while the proposed electronic sign is not larger than 25% of the existing sign size, it is larger than the 8 square feet permitted by the UDO.
F. Variance Request(s):	Development Standard Variance Request Variance Request – Electronic Message Board Sign Allowable Area UDO Section 7.7.H.2.c The applicant, Co-Alliance Cooperative, is proposing to replace the panels on the existing non-conforming sign, which is permitted, but include an electronic message board. The UDO limits electronic message board signs to 25% of the allowable sign area, or 8 square feet. While the proposed electronic message board does not exceed 25% of the square footage of the non-conforming sign, it does exceed the UDO limit of 8 square feet. Lebanon Planning Staff Determination: The applicant presented the intent to install the signs as submitted on the enclosed site plan. Lebanon Planning Staff evaluated the proposal and determined that the Development Standard Variances are 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 #1:

**Variance – Electronic Message Board Sign Allowable Area
UDO Section 7.7.H.2.c**

The applicant is seeking to permit an electronic message board sign larger than 25% of the allowable sign area (8 square feet).

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 proposed updates to the involve replacement of panels within the existing sign structure.

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 overall size and shape of the sign will not change with these updates. The electronic message board will be contained within the existing sign structure. While there are some homes in the general vicinity, the area is a mix of both residential and non-residential/commercial uses and the proposed sign is appropriate given the other commercial uses.

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.