



## Signage Variance Submittal

Speedway #100074



September 25, 2014

Submitted by



**Speedway #100074  
Signage Submittal  
Statement of Hardship**

The enclosed materials have been prepared in support of a variance application for the proposed signage at the proposed Speedway convenience store within the proposed Rivers Crossing West subdivision at the northwest corner of the intersection of State Route 48 and the Corwin Nixon Boulevard extension.

Below is the statement of hardship as required on the variance application.

**Criteria as set forth in Article 5, Section 15.5.5 of the Village of South Lebanon Zoning Regulations:**

- 1. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by these Regulations on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.**
  - a. The requesting of the signage variance will in no way be injurious to the area or otherwise detrimental to the public welfare in the vicinity of the proposed fueling station. The signage will offer information to the public which will allow them to easily identify the proposed use and make decisions on whether to use or not use the facility. The addition of the signage as proposed will encourage safety of vehicular traffic flow as the traveling public will be able to identify the site as a Speedway fueling location and see pricing early due to the signage and will be able to make timely judgments on whether to enter the facility or not.
- 2. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.**
  - a. The granting of the variance will not give the applicant any use beyond others within the zoning district. The low quantity of allowable signage on this site is due to the strict interpretation of the code language.
- 3. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or building in the area, and which are such that the strict application of the provisions of these Regulations would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.**
  - a. The zoning code results in creating special circumstances for the Speedway site by not allowing drivers to make timely and safe judgments on whether or not to enter the facility.



- 4. There must be proof of hardship created by the strict application of these Regulations. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of these Regulations; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.**
  - a. A literal interpretation of the zoning code will result in unnecessary hardship for the Speedway site by not allowing it similar signage to other competing fueling stations in the area. The existing Marathon station further south on State Route 48 has identification signage and pricing information on signs that are comparable in size to those proposed by Speedway on this site. The interpretation of the zoning code would prevent Speedway from advertising fuel prices and identifying the site as a Speedway fueling location with enough advance warning to allow vehicles to make timely and safe judgments on whether to enter the facility or not.
- 5. The granting of the variance is necessary for the reasonable use of the land or building, and the variances as granted is the minimum variance that will accomplish this purpose.**
  - a. The granting of the variance is necessary to offer information to the public which will allow them to easily identify the proposed use and make decisions on whether to use or not use the facility in a timely manner. The signage package proposed is Speedway's typical package, and is the minimum variance that will accomplish the purpose of property identification as well as maintaining public safety.
- 6. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion upon public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.**
  - a. The proposed signage will not impair an adequate supply of light and air to adjacent property. Speedway is not a destination site, and most of its traffic is generated by real-time decisions by vehicles. Due to this, the proposed signage will not substantially increase traffic congestion upon public streets. The additional signage will not increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.
- 7. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or same district**
  - a. The granting of the signage variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or same district. The existing Marathon station further south on State Route 48 has identification signage and pricing information on signs that are comparable in size to those proposed by Speedway on this site.