

MINUTES
COLUMBIA CITY BOARD OF ZONING APPEALS
REGULAR MEETING
TUESDAY, JULY 2, 2019
7:00 P.M.

WHITLEY COUNTY GOVERNMENT CENTER

MEMBERS PRESENT

Dennis Warnick, Chairman
Cathy Gardner
Jon Kissinger

MEMBERS ABSENT

Dwayne Knott, Vice Chairman
Anthony Romano

STAFF

Nathan Bilger

ATTORNEY

Dawn Boyd

VISITORS

Five visitors were present, with four signing the guest list, included with the minutes of this meeting.

CALL TO ORDER

Mr. Warnick called the meeting to order at 7:03 P.M.

ROLL CALL

Mr. Bilger read the roll call with members present and absent listed above.

CONSIDERATION AND ADOPTION OF THE MAY AND JUNE 2019 REGULAR MEETINGS MINUTES

Mr. Bilger stated that the minutes were still in process due to being shorthanded. Mr. Warnick tabled the item until the minutes were available.

ADMINISTRATION OF THE OATH TO WITNESSES

Four guests were sworn in by Ms. Boyd during the meeting.

OLD BUSINESS

There was no old business.

NEW BUSINESS

1. 19-C-VAR-5

Whitley County Consolidated Schools requested a variance of the maximum allowable sign area for a school sign, to be located at 1600 South State Road 9, at the corner of the school campus drive and SR 9. Mr. Bilger gave a summary of the Staff Report and described that the applicant was requesting a 10'8" tall sign with a 44.7 sq. ft. Electronic Message Center (EMC) and 40.0 sq. ft. static sign face per side. He stated that §11.09 of the zoning code permits schools to have signs up to 12' in height and 50 sq. ft. in area per side. §11.10 permits schools to use an EMC regardless of the zoning district. So, the variance request is only for the extra sign face area. Mr. Bilger presented aerial views, plans, and a rendering submitted by the petitioner. He stated that it was his understanding that the existing school sign in the median would be removed, but the trees on the southwest corner near the sign would be retained. He reminded the Board of a similar case considered the previous month, and stated that the findings are generally supportable given the prominent location on SR 9 and lack of immediate neighbors.

There were no questions for Mr. Bilger. Mr. Warnick requested to hear from the petitioner. John Whiteleather, attorney for the petitioner, stated the staff report accurately reflected the request and asked that it be included in the record of the proceedings. He then introduced Chuck Tyler, architect for the petitioner. Mr. Tyler confirmed that the existing sign would be removed, and the existing trees are expected to remain. However, if the trees were found to block the visibility of the sign, they would be removed in the future. Mr. Bilger asked what the timeframe for construction would be; Mr. Tyler replied that they were prepared to construct it once approvals were granted. Mr. Warnick asked if a permit would be needed from the Indiana Department of Transportation. Mr. Tyler said none was needed because the sign was not located in the road right-of-way.

Mr. Warnick asked for anyone who wished to speak on the petition. Denise Puckett was quickly sworn in by Ms. Boyd and stated that she lives nearby, within view of the existing ISMS sign, and that she had concerns about the extra size of the sign and the EMC making the sign brighter. She stated that the trees should stay in order to screen the view of the sign. She added that the increase in traffic would also be an issue, and the sign could cause a distraction to young drivers, even with the intersection being signalized. The Board discussed the location of the Plunketts' home and the visibility of the sign.

Mr. Kissinger asked what the Board could do about the trees. Mr. Bilger replied that the landscape plan approved with the Development Plan did not indicate that the trees would be retained, but the Board could add any reasonable conditions to an approval if it desired. Mr. Warnick suggested that if any of the trees were removed, that they should be replaced, probably farther to the south. The Board discussed the visibility and brightness with Mr. Tyler. Mr. Bilger suggested that since the current sign code did not address brightness, the Board could address that with a condition, and he read two possible conditions for their consideration. Mr. Bilger stated that auto-dimming mechanisms were common among EMC signs, and the sign company may have included it in their specification already; Mr. Tyler stated he would need to review the proposal. Ms. Gardner asked if the other EMC regulations of the sign code would apply; Mr. Bilger stated that unless the Board directed otherwise, the code regulations would apply.

Mr. Warnick made a motion to approve the variance, with the conditions that any trees removed be replaced and that the sign have an ambient light monitor to automatically dim the sign brightness. Ms. Gardner asked if the tree condition was still needed; Mr. Warnick stated that he liked trees. Mr. Kissinger seconded the motion. The members voted 3-0, and the motion carried.

OTHER BUSINESS

Mr. Bilger provided some information about the Board's right-of-entry to properties, stating that they could reasonably enter a property while a petition was open, but ongoing enforcement was a matter for the zoning staff. The Board and he discussed a few situations that this may apply to.

Mr. Warnick stated that he wanted to wish the absent Mr. Romano a happy birthday.

ADJOURNMENT

There being no further discussion, Ms. Gardner made a motion to close the meeting. Mr. Kissinger gave the second, and the meeting was adjourned at 7:33 P.M.

ATTENDEE/GUEST LIST

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| 1. Denise Puckett | 580 E. 200 South, Columbia City |
| 2. Daniel Puckett | 580 E. 200 South, Columbia City |
| 3. Todd Fleetwood | Whitley County Consolidated Schools |
| 4. Chuck Tyler | 350 E. New York St, Indianapolis |
| 5. John Whiteleather | <i>Did not sign in</i> |