

WHITLEY COUNTY BOARD OF ZONING APPEALS

STAFF REPORT

20-W-VAR-4 DEVELOPMENT STANDARDS VARIANCE

ASW, LLC (American Landmaster)

Near southeast corner of US 30/600E

MAY 26, 2020

AGENDA ITEM: 3

This petition was delayed due to COVID precautions. Updated notice has been provided.

SUMMARY OF PROPOSAL

Current zoning: IPM, Industrial Park/Manufacturing

Property area: 25± acres

The petitioner is requesting a development standards variance to allow the installation of a pole sign that contains an Electronic Message Center (EMC). The sign would be located on their property fronting US 30 at 2499 South 600 East.

The petitioner is proposing a single-sided pole sign to be located in front of their factory outlet shop. The sign would face traffic on eastbound US 30 and would minimize the usage of several temporary signs on the property. The sign is generally compliant with the sign code requirements, except that it would be an EMC, which the sign code does not currently address (therefore it does not permit), so a variance is required.

The proposed sign specifications, required code standards, and necessary variances are:

	Proposed	Code	Variance
Maximum height	17'	30'	-
Max. sign face area (total)	76 sq. ft.	300 sq. ft.	-
EMC sign area	45 sq. ft.		Yes
Static sign area	31 sq. ft.		-
Setback from R/W	60'±	1' (to sign overhang)	-
Max. number of pole signs per property	1	1	-

REVIEW CRITERIA

Indiana Code §36-7-4-918.5 and Section 10.10 of the Zoning Code state the criteria listed below upon which the Board must base its review. Staff's comments/proposed findings of fact under each criterion.

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

The requested variance will not likely be injurious to the public health or morals, as non-obscene signs generally have negligible effect on those factors.

If the EMC is regulated to minimize flashing/motion and glare that could cause unusual distraction or harmful brightness, then it is unlikely to impact the public safety. The granting of a variance for an electronic sign may affect the general welfare, as it could be viewed as a precedent for construction of more electronic signs. If granted, well-defined conditions should be included that reflect the circumstances of the site and the use so that any other requests may be held to similar standards dependent on their particular sites.

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; and**

It is expected that the proposed sign will not substantially nor adversely affect the use and value of the area adjacent to the property as the area is largely industrial in nature or zoned.

3. **The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction or restriction of economic gain.**

Electronic message centers are becoming more commonplace throughout the country and region, and regulations have been adopted in many communities that effectively mitigate the adverse effects that the digital signs have. If the proposed sign is reasonably regulated to mitigate those effect, the strict application of the code would likely cause practical difficulties.

SUGGESTED CONDITIONS

If the Board moves to grant the variances, the following are suggested conditions of the approval:

1. The sign shall not appear to flash, undulate, pulse, or portray explosions, fireworks, flashes of light or blinking or chasing lights.
2. Electronic messages may not change more rapidly than once every one and one-half (1.5) seconds.
3. Electronic messages may not require more than ten (10) seconds to display in its entirety.
4. The sign shall have a sensor or other device that automatically determines the ambient illumination and be programmed to automatically dim according to ambient light conditions.
5. This variance may allow for a two-sided EMC sign in the future, if the applicant desires to do so.

Date report prepared: 5/20/20.

BOARD OF ZONING APPEALS ACTION

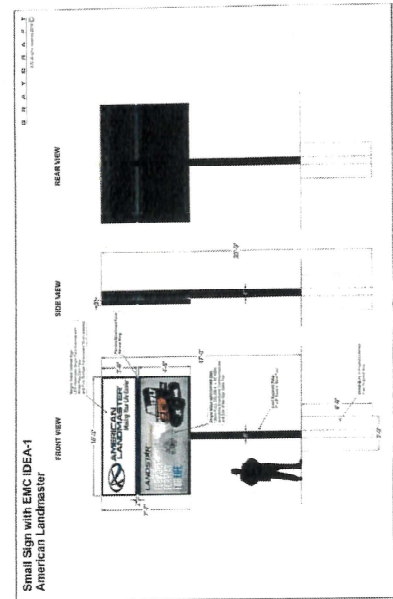
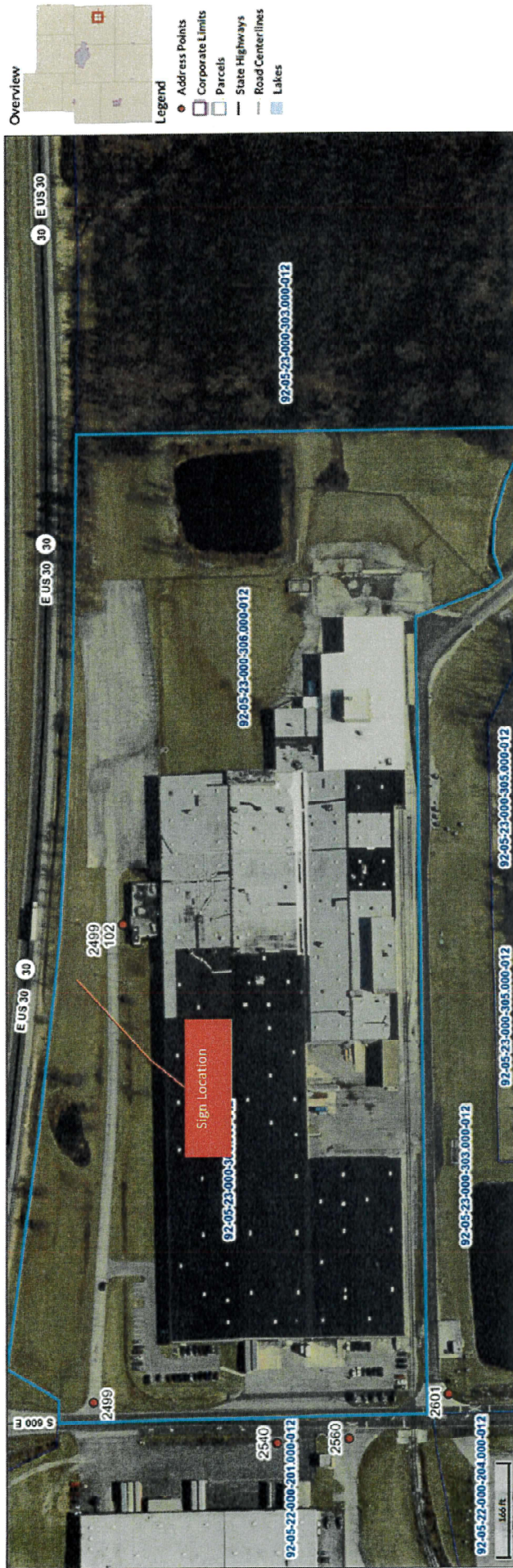
Findings of Fact Criteria

	Vote: Denihan		Lopez		Wilkinson		Wolf		Wright	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Criterion 1										
Criterion 2										
Criterion 3										

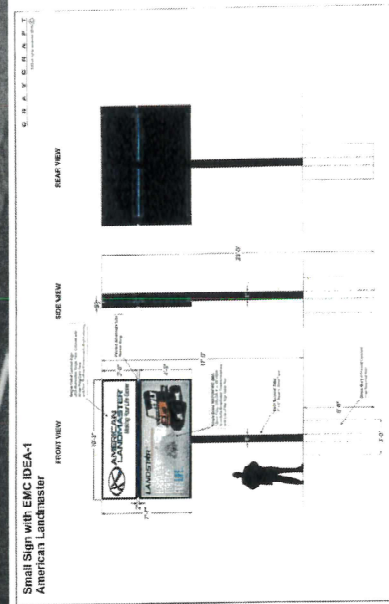
Motion: _____ By: _____ Second by: _____

Vote:	Denihan	Lopez	Wilkinson	Wolf	Wright
Yes					
No					
Abstain					





AMERICAN LANDMASTER

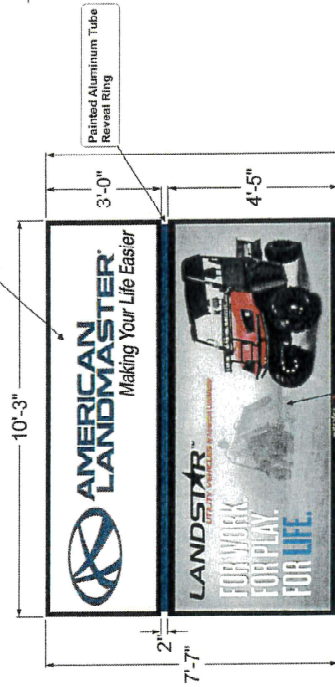


Small Sign with EMC IDEA-1 American Landmaster

G R A Y C R A F T
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FRONT VIEW

Single Sided Cabinet Sign:
LED Illuminated Single Face Cabinet with
White Poly Carbon Face
and First Surface Translucent Vinyl Lettering

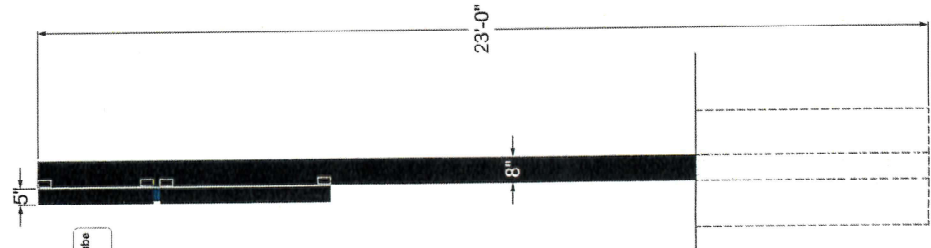


Single Sided WATCHFIRE EMC:
12mm FULL COLOR 4' x 10' VIEW
to include Broadband Communications
with Life of the Sign Data Plan

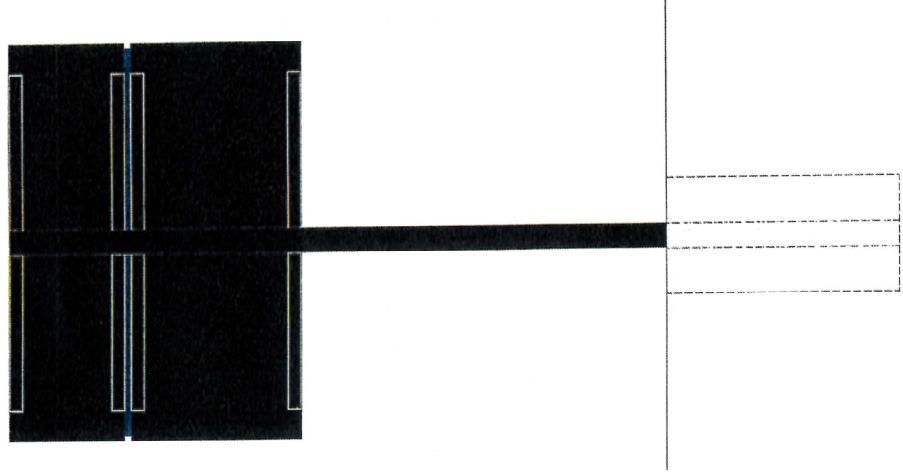
Steel Support Tube:
8" x 8" Square Steel Tube

Direct Bury in Poured Concrete
in an Augured Hole

SIDE VIEW



REAR VIEW



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