



Staff Report BZA22-009-UV

Sprague Billboard Use Variance

Meeting Date: July 7, 2022

Docket BZA22-009-UV Sprague Billboard Use Variance. The applicant is requesting a Use Variance from the signage requirements; proposing to convert an existing billboard to a digital billboard where billboards are not a permitted use. The site in question is located adjacent to Interstate 65 South located at 6249 S Indianapolis Road in Whitestown. The applicant is JR Promotions, LLC on behalf of the property owner, Thomas Riddle.



Site Location

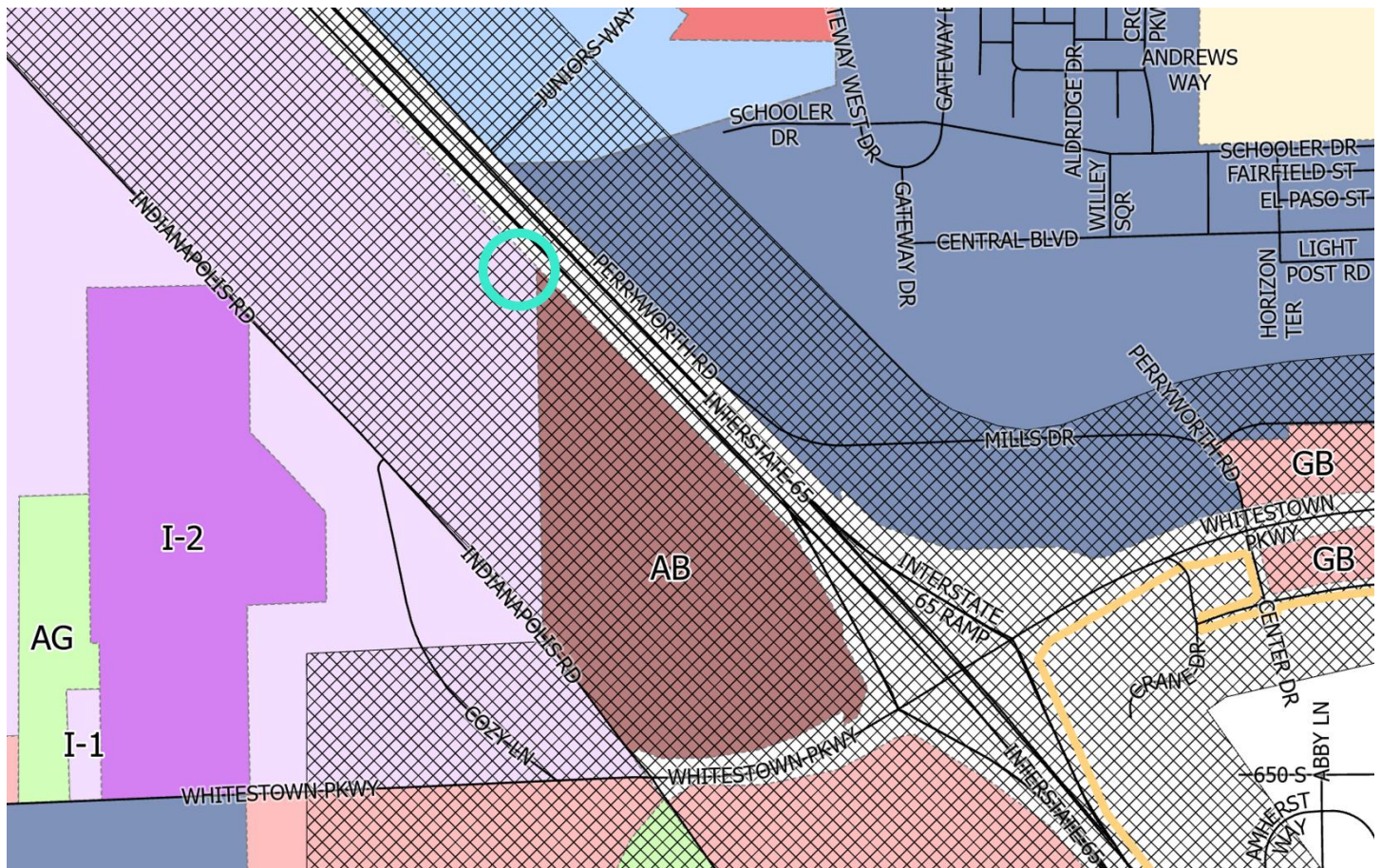
The site in question is located on the south side of Interstate 65 and north of the Whitestown Parkway interchange. The billboard is located on a property that is used for industrial use. The surrounding area is characterized by industrial and commercial uses.

Zoning

The site in question is zoned Light Industrial (I-1). The I-1 "district is established to accommodate light industrial uses in which all operations, including storage of materials would be confined within a building, and would include warehousing operations."

The site in question is also zoned I-65 Corridor Overlay Zone. The Overlay is "established to provide consistent and coordinated treatment of the properties bordering I-65 within Whitestown. The I-65 Corridor is a premier office and industrial business location and employment center whose vitality, quality, and character are important to adjacent

residents, employees, business owners, taxing districts, and the community as a whole.”



Unified Development Ordinance

In 2020, the Town Council adopted a new Unified Development Ordinance. The update to the UDO prohibited billboards, meaning existing billboards within Whitestown are now classified as legal non-conforming.

Section 8.3 Prohibited Signs. *The following signs are prohibited unless protected by state statute, or otherwise allowed in this chapter:*

- Abandoned signs
- Animated signs
- Balloon signs
- **Billboards**
- Blinking signs
- Flashing signs
- Inflatable signs
- intermittent signs
- manual changeable copy, temporary
- moving signs
- pole signs
- pennant banner
- reflective signs
- rotating signs
- scrolling signs
- amongst others

Section 8.8 Permanent Sign Lighting and Changing Message Displays. *“All signs not expressly permitted under this Sign Program, or exempt from regulation hereunder, are prohibited.”*

D. Electronic Changing Message Displays. *The entire sign face of a freestanding monument and tower sign may be an electronic changing message display if located within a Zoning District where allowed and subject to the following operation limitations.*

For non-residential uses in residential districts, 1/2 of the sign face of a freestanding monument sign may be an electronic changing message display, subject to the following operation limitations.

1. Display. An electronic changing message display may be in full color.

2. *Minimum Display Time.* An electronic changing message display must not change more than once every 8 seconds.
3. *Transition Method.* An electronic changing message display must change by an instant change method.
4. *Illumination Levels.* An electronic changing message display must incorporate automatic dimming technology that adjusts to ambient light conditions. Displays must have a brightness level no greater than 0.3- foot candles above ambient light conditions.
5. *Maintenance.* An electronic changing message display that ceases to operate in its normal programmed manner must be repaired or disconnected within 48 hours of the initial malfunction.

Proposed Development

The applicant is requesting a Use Variance to convert an existing billboard that is facing Interstate 65 South from vinyl to digital electronic messaging. The submitted plans and materials indicate the following:

- The existing size of the sign:
 - o 50 feet high
 - o 14 feet long
 - o 48 feet tall
- The billboard will remain in the same location
- The billboard will remain the same height and size as existing
- No structural changes to the pole or frame are required to convert to digital

Staff Recommendation

Staff is providing an unfavorable recommendation for the Sprague Billboard Use Variance docket BZA22-009-UV to permit an existing billboard to convert to digital.

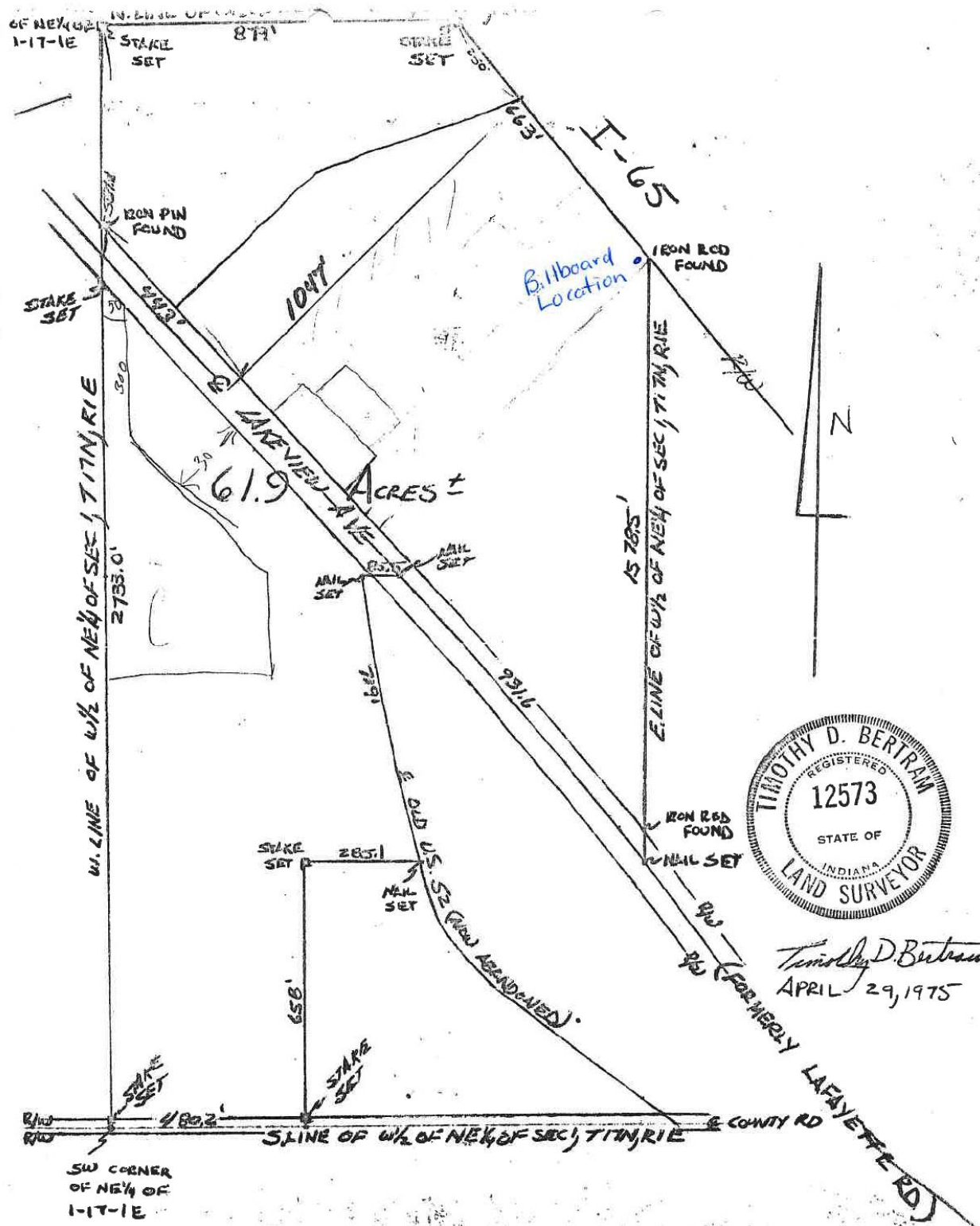
Staff's recommendation to the Board of Zoning Appeals finds the Use Variance does not comply with the following requirements in UDO Section 11.15 F. 1. and denial be based upon:

1. The approval of the use variance will be injurious to the public health, safety, morals, and general welfare of the community because: **Allowing the billboard to be converted to electronic messaging will be injurious to the public health, safety, morals, or general welfare of the community because legal non-conforming structures are discouraged for the betterment of the community. Alternating visual digital signs may be a distraction to drivers traversing through the community.**
2. The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner because: **Permitting an existing legal non-conforming billboard to be converted to digital may encourage other existing vinyl billboards to seek the opportunity to convert digital as well. The Town's stance is to prohibit billboards and allowing the billboard to convert to digital is counterintuitive to the Town's stance.**
3. The need for the variance does not arise from some condition peculiar to the property involved: **The need for the variance arises from the applicant's desire to modify the existing use. The site faces no physical or peculiar condition that would require the billboard to be converted to digital.**
4. The strict application of the terms of the zoning ordinance will not result in unusual and unnecessary hardship as applied to the property for which the variances are sought because: **The need to remove and relocate the billboard is a result of the applicant's actions, not the Unified Development Ordinance. The billboard is considered legal non-conforming. Allowing the billboard to convert to digital will increase the non-conformity. Strict application of the Unified Development Ordinance does not place an unnecessary or unusual hardship on the applicant because the existing billboard is permitted to continue to exist as vinyl as a legal non-conforming use.**
5. The approval does interfere substantially with the comprehensive plan: **As part of the Comprehensive Plan Implementation recommendations, the Plan recommends "Updating signage regulations to discourage clutter**

while providing for a streamlined approval process for new and expanding businesses and institutions.” The Unified Development Ordinance’s signage standards were updated as recommended by the Comprehensive Plan. The revised UDO does not permit billboards and does not permit electronic messaging in areas where the sign type is not permitted.

If the Board of Zoning Appeals denies the request to convert the billboard to digital, the existing billboard is permitted to exist as-is as legal non-conforming until such time it is removed.

Materials Submitted by the Applicant



JAN 06 1984

Site Plan

JR PROMOTIONS LLC

OUTDOOR ADVERTISING

430 2nd St. • P.O. Box 508
Columbus, IN 47202

NARRATIVE

JR Promotions LLC currently have a billboard sign located on the west side of I-65 along Indianapolis Road (Parcel # 0200354002). The sign is intended to be read from I-65. We would like to update and convert it to a LED Digital Billboard. This will make the billboard more visually appealing and functional. Since the messages are digital, more local businesses would be able to advertise. This would bring more traffic to the area, increasing the amount of money spent in Whitestown. We would be able to change the messages from a remote location. This would result in safer conditions for our installers and would also allow us to alert the community of local emergencies.

Richard L. Sprague

JR Promotions LLC



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Email: jrpromotionsllc@comcast.net

Attachment F: Standards for Evaluating a Use Variance

Use the following form or attach a separate sheet(s) to explain the Use Variance request. The BZA's decision shall be based upon how each of the following statutory requirements is justified in the request.

Petition Information

Describe the proposed use of the property (type of use, hours of operation, access, necessary construction, employees, etc.):

We are seeking to replace an existing outdoor advertising sign face with an LED messaging face.

Standards for Evaluation

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

It is within the I-65 corridor development with commercial business and not affecting residential users. JR Promotions LLC will work with the Police Department, Fire Department and the Town to provide emergency messaging and notification for Whitestown and will provide space for scheduled events and festivals when requested.

2. The use and value of the area adjacent to the property included in the Use Variance will not be affected in a substantially adverse manner because...

The area and location of the sign is within existing Industrial Zoning Classification and the sign has been in this location for many years..

3. The need for the Use Variance arises from some condition peculiar to the property involved, and is more clearly described as...

The use variance is needed due to the fact that since the original sign was placed, the Town has adapted the UDO, which contains the I-65 corridor overlay district, which prohibits off premise or outdoor advertising signs. Since we seek to update the sign with new LED faces, compliance with the UDO is mandatory. Hence, we seek a use variance to allow the faces to be replaced and updated on the current sign at its current location.

4. The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought, and is more clearly described as...

Without the use variance, the older style billboard will continue to exist. The new faces are safer for installers, as no one will need to climb the structure in order to change a vinyl. The LED messaging board will also be more functional and more aesthetically pleasing for drivers to read.

5. The approval does not interfere substantially with the Comprehensive Plan because...

This will not interfere with the Comprehensive Plan since it will be located in a commercial district, which will continue to remain commercial for the foreseeable future. There are already other digital boards in the area.

Existing sign:



Example of digital sign:

