



# Meeting Minutes

Whitestown BZA

**Date:** August 4, 2022

**Time:** 6:30pm

**Location:** Whitestown Municipal Complex, 6210 Veterans Drive Whitestown, IN 46075, (317) 769-6557

## Call to Order:

6:30pm

## Pledge of Allegiance

## Roll Call

- ☒ Mark Pascarella - **Absent**
- ☒ Phillip Snoeberger
- ☒ Ken Kingshill
- ☒ Coady Adams - **Absent**
- ☒ Andrew McGee
  
- ☒ Staff:
  - o Jill Conniff/Desire Irakoze, Planning Staff
  - o Jonathan Hughes, WPC/WBZA Attorney

## Approve Agenda

**Jon Hughes** – Item c. had a mix up with public notice.

**Bryan Sheward** – We ran the notice in the Indy Star and did not realize it was not an approved publication for Whitestown.

**Jon Hughes** – No additional mailing will be needed if this is voted to be continued.

*Motion to continue by Snoeberger. Second by Kingshill. Motion passes 3-0.*

*Motion to approve agenda by Snoeberger. Second by Kingshill. Motion passes 3-0.*

*Motion to approve the 07-07-22 meeting minutes by Snoeberger. Second by Kingshill. Motion passes 3-0.*

## Public Comment for Items Not on the Agenda-**none**

## Presentations- **none**

## Unfinished Business- **none**

## New Business – Public Hearing

- a. **BZA22-008-VA Culvers Sign Variance**
  - i. **Lauren Obendorf** – From Green Signs for Culvers here to request larger monument sign.

**Desire Irakoze** – Staff Report – Request #1:

Request to vary from approved sign reqs. Staff is providing an unfavorable recommendation for the Culvers Sign Variance docket BZA22-008-VA to vary from the Anson-approved sign widths, height, and overall appearance.

Staff's recommendation to the Board of Zoning Appeals finds the variance does not comply with the requirements in UDO Section 11.14 F. 2. and is not consistent with Indiana Code IC 36-7-4-918.5 and denial be based upon:

1. The approval will be injurious to the public health, safety, morals, and general welfare of the community because:  
***Approval of the variance will be injurious to the public health, safety, morals, and general welfare because the required signage requirements are appropriate for the surrounding area and the site in question. A sign of the proposed height, width, and uncharacteristic style to adjacent signs will be a distraction to those who travel past the site.***
2. The use or value of the area adjacent to the property included in the variances will be affected in a substantially adverse manner because:  
***The use or value of the surrounding area will be negatively affected if the variance is approved because the Anson area is developed under similar architectural and development characteristics throughout the PUD. A ground monument sign that does not meet the criteria of the Anson PUD will be out of place and not fit the character, size, scale, and scope of the surrounding properties.***
3. The strict application of the terms of the Ordinance will not result in practical difficulties as applied to the property for which the variance is sought because:  
***The strict application of the graphic and PUD Ordinance does not result in practical difficulties because they are still permitted to have a sign on the premises and enjoy use of the monument sign. The approved sign graphic for the site already permits larger dimensions as a grace to the outlots who did not have frontage along Whitestown Parkway. Other sites within the Shoppes at Anson are complying with the signage requirements.***

#### Request #2:

Request to permit an electronic messaging board. Staff is providing a favorable recommendation for the Culvers Sign Variance docket BZA22-008-VA to permit the electronic messaging board within the overall sign display area.

Staff's recommendation to the Board of Zoning Appeals finds the variance complies with the following requirements in accordance with UDO Section 11.14 F. 2. and is consistent with Indiana Code IC 36-7-4-918.5 and approval be granted upon:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because:  
***Approval of the variance will not be injurious to the public health, safety, morals, and general welfare because electronic messaging boards are safer than manual changeable copy letter signs for personnel to change.***
2. The use or value of the area adjacent to the property included in the variances will not be affected in a substantially adverse manner because:  
***The use or value of the surrounding area will not be negatively affected if the variance is approved because electronic messaging boards are permitted in other parts of the Town, including the gas station across the street.***
3. The strict application of the terms of the Ordinance will result in practical difficulties as applied to the property for which the variance is sought because:

***The ordinance was approved in 2004 at a time when electronic messaging was not as popular or accessible as manual changeable copy letter signs. The age of the PUD limits the ability for property owners, including the site in question, to adapt and compete in the changing market.***

If the Board of Zoning Appeals approves the variance for electronic messaging, staff recommends adding the condition the digital messaging comply with standards in the UDO Section 8.8 as follows.

- "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."*

Staff is recommending that the ground monument sign comply and match the approved Anson sign detail in height, width, and overall appearance. Staff is agreeable to the electronic messaging board if the board and company logo fit together within the overall sign display area (labeled as 60" by 96") on the approved Anson sign detail.

- ii. **Bob Goins** – With eyers Food Management for Culvers. Thank you for positive recommendation for the electronic board. Understands concern about the size and would like to propose a change. Can we do that now?
- iii. **Jon Hughes** – Options to request a continuance and submit revisions.
- iv. **Bob Goins** – The reason that I am asking is because we would like to change the sign to fit the size requirements.
- v. **Jon Hughes** – Under the Anson PUD?
- vi. **Bob Goins** – Correct.
- vii. **Jon Hughes** – If you are willing to commit to the size you can withdraw your variance for the size and continue for the electronic message board. If you can redesign size to fit the Anson PUD regulation, then you no longer need the variance for the size. So, we will move forward with the electronic.
- viii. **Bob Goins** – Yes, we would like to do that.
- ix. **Andrew McGee** – Petitioner is withdrawing the request on the size.
- x. **Bob Goins** – Yes.
- xi. **Jon Hughes** – Minutes should reflect the withdraw of item one for the size.
- xii. **Phillip Snoeberger** – Does the petitioner foresee any issues with the regulations in the staff report for the electronic board?
- xiii. **Bob Goins** – It displays the flavor of the day all day. It is static all day until the flavor changes the next day.
- xiv. **Ken Kingshill** – 8 section rule.
- xv. **Jon Hughes** – It can't change faster than 8 seconds at a time.
- xvi. **Ken Kingshill** – Ok thank you. Also was going to ask context of sign.
- xvii. **Bob Goins** – May say now open but daily will be flavor of the day.
- xviii. **Andrew McGee** – Nothing but Culvers business, not any other business.
- xix. **Bob Goins** – Correct.

- xx. **Ken Kingshill** – Trademark for Culvers to have the electronic sign. You are putting up a more expensive sign.
- xxi. **Bob Goins** – Yes, it allows up to control better than letter sign and avoid human error or the sign getting changed.

*Motion to approve request number two in staff report for the electronic board to include staff recommendations and conditions as explained and complies with the Anson PUD. Second by Kingshill. Motion passes 3-0.*

**b. BZA22-009-UV Sprague Billboard**

- i. **Andrew McGee** – Withdrawn.
- ii. **Ken Kingshill** – Are they coming back?
- iii. **Jon Hughes** – If they do, they will have to re-file.

**Announcements**

**Adjournment**

6:50 pm

*Unanimous vote to adjourn.*

DocuSigned by:

*Andrew McGee*

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Andrew McGee, President

DocuSigned by:

*Jill Conniff*

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Jill Conniff, Planning Staff