



# Meeting Minutes

Whitestown BZA

**Date:** October 6, 2022

**Time:** 6:30pm

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

## Call to Order:

6:42pm

## Pledge of Allegiance

## Roll Call

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

## Approve Agenda

*Motion to approve the agenda by Snoeberger. Second by Pascarella. Motion passes 4-0.*

*Motion to approve the 09/01/22 meeting minutes by Snoeberger. Second by Adams. Motion passes 4-0.*

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

## Presentations- **none**

## Unfinished Business-

### a. BZA21-002-VA Emmis Billboard

- i. **Jon Hughes** – Stated that this petition now included Reagan Outdoor Advertising and that his firm has represented this company and let the record reflect that no one had an objection to him staying at the meeting as the Board attorney for this docket.
- ii. **Rick Lawrence** – With Nelson Frankenberger for Emmis Communication and Reagan Outdoor Advertising. Went over 4.6 acre site, zoning and development of property. They want to modernize the billboard to reflect the growth and other billboards in the area. Showed an example of the billboard and landscaping they would provide. Discussed the changes in shape and size and they are no longer interested in a digital billboard, however it will be illuminated.

iii. **Desire Irakoze – Staff Report -**

Staff is providing an unfavorable recommendation for the Emmis Billboard Use Variance docket BZA21-002-VA to permit an existing billboard to modernize and increase in size. 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 increase in height and size would be injurious to the public health, safety, morals, and general welfare by increasing the distraction factor to drivers. Approval of the proposed variance would be in contradiction with the stated intent of the ordinance and would exceed the desired limitations for signage throughout the city.**
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: **Currently a billboard sits on the existing property, increasing the height and size of the billboard would not substantially affect the adjacent property. However, permitting an existing legal non-conforming billboard to be modernized and increase the size may encourage other existing billboards to seek the same opportunity.**
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 developing their property. The circumstances are the result of actions of the applicant from which relief is sought. The site faces no physical or peculiar condition that would require the billboard to be permitted.**
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 modernize the billboard is a result of the applicant's actions, not the Unified Development Ordinance. The applicant may repair and maintain the current billboard. Strict application to the terms of the zoning ordinance will bring the site to conformance with the Unified Development Ordinance and does not place an unnecessary or unusual hardship on the applicant.**
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. The Comprehensive Plan continuously promotes wayfinding signage throughout the Town, but makes no mention to encourage billboards.**

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

- iv. **Jon Hughes** – Does the petitioner want to respond to the staff report?
- v. **Rick Lawrence** – It is not Innovative Emmis, just Emmis. It is 40 feet and not 55 feet as noted by staff.
- vi. **Phillip Snoberger** – Can understand wanting to update, but not sure about height and square footage. Would be better with same size and height.
- vii. **Andrew McGee** – What is modernizing besides changing size and height?
- viii. **Jon Campbell** – With Reagan Outdoor Advertising – The sign is now on three poles, would reconstruct to column. Spoke about height and roadbed decreasing needing to be higher.
- ix. **Phillip Snoberger** – If this is not approved will you maintain the current billboard?
- x. **Jon Campbell** – yes.
- xi. **Mark Pascarella** – Is there a plan to build more?
- xii. **Jon Campbell** – No, that is not allowed.
- xiii. **Coady Adams** – How many other billboards in the area?
- xiv. **Jill Conniff** – There is one located South of Whitestown Parkway.
- xv. **Phillip Snoberger** – Some mentioned are in other jurisdictions. And not happy with the size.
- xvi. **Andrew McGee** – Agree.
- xvii. **Jon Campbell** – I hear what you are saying and open to discussion.
- xviii. **Phillip Snoberger** – I do not feel like it is our place to design.
- xix. **Jon Campbell** – The existing is smaller for interstate use.

- xx. **Jon Hughes** – Legal context, does not qualify for a special exception, this is a use variance. Went over findings of the staff report.
- xxi. **Mark Pascarella** – Is modernizing or size the goal?
- xxii. **Jon Campbell** – It is both.
- xxiii. **Mark Pascarella** – Asked if 10% larger would be enough.
- xxiv. **Jon Campbell** – Would appreciate that consideration.
- xxv. **Andrew McGee** – Modernize but keep it the same size.
- xxvi. **Jon Campbell** – The structure would be rebuilt.
- xxvii. **Phillip Snoeberger** – Modernization because it is old, can't get behind changing the size, but can update for longevity.
- xxviii. **Coady Adams** – Can we do that now with conditions?
- xxix. **Jon Hughes** – We can vote now with conditions or request that they come back.
- xxx. **Coady Adams** – What is the increase in roadbed?
- xxxi. **Jon Campbell** – I can't say 5-7 feet.
- xxxii. **Phillip Snoeberger** - If we motion and they aren't happy?
- xxxiii. **Jon Hughes** – They can file an appeal, refile with a 90-day waiting period.
- xxxiv. **Andrew McGee** – Would you be willing to accept modernization with no increase in height and size?
- xxxv. **Jon Campbell** – Rebuilt with V configuration at the same size? Explained V configuration and showed in presentation.
- xxxvi. **Phillip Snoeberger** – Yes, I would agree to that.
- xxxvii. **Andrew McGee** – No increase in height or sign surface area.

*Motion to adopt accepting petitioners finding of fact as presented in staff report. With surface area staying the same as existing, no higher but can modernize, make a V shape with no digital by Snoeberger. Second by Pascarella. Motion passes 4-0.*

## New Business – Public Hearing

**Announcements** – Approval of the 2023 BZA Calendar

## Adjournment

7:12 pm

*Unanimous vote to adjourn.*

DocuSigned by:

*Andrew McGee*

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Andrew McGee, President

DocuSigned by:

*Desire Irakoze*

11072448991250  
Desire Irakoze, Planning Staff