

BZA MINUTES

March 20, 2017

Members present: Phil DeHaven, Jim Hufford, Bill Davis, Jason Hawley and Eli Jones

Absent: Christy Starbuck and Myron Cougill, Jason Welch

Staff present: Randy Abel, Executive Director, Debra Johnting, Recording Secretary

Others present: Ed Thompson, Bill White, Devin Hodson, Michael Reed, Aaron Hammond, Jennifer Hammond, Mike Nunez

Chairman Davis: Today is March 20, 2017 and this will be the meeting for the Randolph County Board of Zoning Appeals is now in session. First I would like to approve the minutes from the last meeting. We have a motion and a second, all in favor, opposed? Minutes are passed. First on the agenda tonight is BZA2017-6-V. This is a variance for Bill White. If you would come up here please. This is a recorded hearing so if you would please state your name and address for the record.

B. White: Bill White, 9181 North 1160 West, Redkey, Indiana, 47373.

Chairman Davis: Now Mr. White, did you receive Article V, Conduct of Hearings?

B. White: Yes I did.

Chairman Davis: Please proceed and let us know what you would like to do.

B. White: I have a pole barn that sits beside my house, and I want to put a carport in front of my pole barn. From what I understand it sits in front of the line that I am allowed to put it in front of, by 3 or 4 feet. The reason I want the carport is because where I park my truck, it's the only place I can park my truck, it's too long to put in the garage, there's a big walnut tree there, and it drops walnuts on my truck. I got rid of the old one and got a new one, and I don't want to go through that again. So, that's the main reason I want it. And I don't want to cut the walnut tree down.

Chairman Davis: I don't blame you. Ok, are there any questions by the board right now. Is there anyone in the audience who would like to speak for or against? I don't see any.

P. DeHaven: Other properties already sit closer to the road than your carport?

B. White: Yes. It was a lane that they paved, it's really just a lane back to those few houses and it dead ends at my house.

Chairman Davis: I will entertain a motion for a roll-call vote. It has been moved and seconded to take a roll-call vote. Debra?

D. Johnting: Jim Hufford, yes, Phil DeHaven, yes, Jason Hawley, yes, Bill Davis, yes and Eli Jones, yes, Christy Starbuck and Myron Cougill absent. Motion is approved.

Chairman Davis: You're good to go.

B. White: Thank you, thank you Debra.

D. Johnting: You're welcome.

Chairman Davis: Ok, next on the agenda is BZA2017-7-V, for Devin Hodson. This is a request for a variance to put a 6' fence in his back yard. Please state your name and address for the record.

D. Hodson: Devin Hodson, 3981 N 1000 W, Farmland, Indiana.

Chairman Davis: And you did receive Article V, Conduct of Hearings?

D. Hodson: Correct.

Chairman Davis: Please proceed.

D. Hodson: Basically the way my house sits on the corner of 400 and 1000 all my entry doors are facing out to the property, which is classified as the back of the house. So, on the front side of the house, where the address is, there are no doors or anything. I want to block off where it comes out on the front porch to put a dog door in for my dogs. So they are able to run, go out there, I don't have to worry about them getting in the road. If you sit out there at any given time there will be a half dozen cars go by that do not stop at that stop sign. That way I am not liable if my dog gets hit by someone, and I don't have to worry about my dog or worry about somebody else. 4 foot high is what they said I am allowed, especially if you put the boards up on the back side of a privacy fence she's going to climb over it. So, I just wanted for the safety of the dog put that up. I will be inside the right of way line, 19', it butts up against the first tree that's by my driveway, I'm going to be three or four feet inside the right of way line.

Chairman Davis: Does the board have any questions or comments? Anyone in the audience have any comments for or against?

D. Johnting: The only neighbor that would be affected and there's no house there, Gilmore's came in, they wanted to know more about it, and she said, oh yes, his house is backwards, it faces away from the road. I can understand why you would want to do that because that is the back of the house. And by the way, the clear sight triangle will be observed. Mrs. Gilmore did say that there is a lot of large farm equipment that turns that corner.

J. Hufford: And it won't obstruct anybody's view there?

D. Hodson: No, the corner will come up and come across to be out of the triangle.

Chairman Davis: Ok, I will entertain a motion for a roll-call vote. Motion has been made and seconded for a roll-call vote, Debra?

D. Johnting: Jim Hufford, yes, Phil DeHaven, yes, Jason Hawley, yes, Bill Davis, yes and Eli Jones, yes, Christy Starbuck and Myron Cougill absent. Motion is approved.

Chairman Davis: Good luck.

D. Hodson: Thank you. Thank you guys.

Chairman Davis: Next up is BZA2017-8-V, Randolph County 4-H Club has requested to put a lighted sign on their property for the 4-H Club. Please state your name and address for the record.

E. Thompson: My name is Ed Thompson, I am with A-Plus Signs, 920 Progress Drive, Richmond, Indiana, acting as agent for the Randolph County Fair Grounds Board.

Chairman Davis: Ok, Ed, did you receive Article V, Conduct of Hearings?

E. Thompson: I did.

Chairman Davis: Ok, thank you.

E. Thompson: We also need to amend this petition. The petition that was entered we were asking for a lighted sign in ag and found that ag does not allow for a lighted sign. At the time we were also unaware after we submitted our petition that in ag the height limitation is 10'. And we are asking for the sign overall height future be 20' overall. As of right now we plan on building the sign without the upper fairground identification, just the message center. But in the future we would like to possibly do an identification sign on the top of this structure. We are asking for this in this variance so we don't have to come back for another variance if we decide to do this later. We are open for any questions you might have. We have references for signs similar to this, and I don't know how often you guys come in to Richmond, Wayne County. We have a sign similar pretty much identical to this at Northeastern High School, just the copy would be different by the time this sign was finished.

P. DeHaven: I have a couple questions. There may be a sign in front of Northeastern High School, that's fine, that's in Wayne County. I'm asking how many lighted signs on US 27 are there between the Randolph/Jay County line and the Randolph/Wayne County Line?

E. Thompson: I honestly cannot tell you that, sir.

P. DeHaven: Ok, now my next question, have the group of people who have purchased the infirmery across the road, have they been notified of this?

D. Johnting: Yes.

P. DeHaven: Alright, I'm just, I guess my concern is if we do it here, I'm not quite understanding this sign, especially since it's a message board, correct? So, when people are coming and going by, at 55 mile an hour, they're going to slow down and read this message board? That's my question. Now, so what you are doing, and excuse me but I am a visual person here. So, we're going to put up here a sign that at the top is going to be 20' to the top of the sign. Alright, I'm just trying to picture this in my mind. Because we have nothing in Randolph County that is close to this. Now, that's going to be about 9', correct?

R. Abel: Do you want to do it up here on the wall where you can actually see how wide it is?

P. DeHaven: Alright, so with both signs, this is going to be....

E. Thompson: As far as additional signs in Randolph County, I guess there are, I know of one that I have installed that is actually a little bit bigger than this, is at the service station at the corner of 36 and 27.

P. DeHaven: Yes, I understand that, but that is also zoned business, this is zoned ag.

E. Thompson: Well, you'd asked me if there were any other signs on 27 and that's the only one I could think of.

P. DeHaven: Alright, so this, help me out here, Randy. [Randy and Phil measure]

E. Thompson: Keep in mind though, it's not a real fair comparison when you are measuring this down at eye and ground level. If you put that sign up 20'...

P. DeHaven: I understand that, I am just trying to picture in my mind what this sign might look like. Now, my next question, is this going to be a sign on the message board that scrolls down, or is it going to be one that flashes with stuff going across?

E. Thompson: It depends on how that is programmed, I don't control how they are going to program it, I don't know how they will. This sign is capable of full animation. This sign is....

Chairman Davis: I think to my knowledge it will be that way, Phil. It will be a continuous, moving sign.

P. DeHaven: I guess my concern here also, with this particular type of sign, and I'm going to our variances, I am looking at 3a, the approval will not be injurious to the public health, safety, morals and general welfare of the community. I'm concerned about traffic distraction.

E. Thompson: I don't think that will be an issue. I mean, I guess one thing we could reference, and it may hold us up for this meeting, but you could probably get with the Randolph County Sheriff's Department or the Winchester Police and see if the message center in front of the bank has caused any accidents.

P. DeHaven: And again, that's zoned commercial.

E. Thompson: But you're asking if that's going to be a distraction.

P. DeHaven: What's the speed limit along those?

E. Thompson: I don't know what the speed limit is there on 32.

Chairman Davis: 30 or 40.

J. Hufford: It's 30 miles an hour there.

P. DeHaven: Well, I guess my final thing, and I'm just trying to make sure that if this is passed, then this board has set a precedent for others as well.

E. Thompson: And I could be incorrect, I attend a lot of these BZA meetings, and it's always stressed at the BZA meeting that the BZA does not set a precedent, that the BZA is individual to the property, not to another property owner could come in and say "hey, my neighbor got this, why can't I get this?". It is my understanding that was not the reason behind the BZA, at many of the other BZA meetings I have attended.

P. DeHaven: Right, we have to deal with this on a case by case basis. But again, you don't live in this county...

E. Thompson: No, I don't.

P. DeHaven: We do, and we're the ones who have to deal with "well, so and so got it" that's my concern too. And it's in an ag area. Now if it was in town, I wouldn't have a problem with this.

J. Hufford: Are both of you with the sign company, or are you with the 4-H Grounds?

M. Reed: I'm with 4-H Incorporated.

J. Hufford: Now, I have a question, why haven't they ever come in and gotten zoned from ag to commercial? And that way we wouldn't have any problems. Because you do sell stuff out there, you have things that could very easily be considered commercial, right?

D. Johnting: It would be spot zoning in ag. When I talked to Jason about this, because we ran this by him, actually for the reasons you mentioned that you were concerned about, and we don't want these signs on every little business, and he said he would say no except for 7h, which would take out most businesses unless: "public service, philanthropic, or eleemosynary use existing on the date of this amendment". One reason why they are not commercial is they are grandfathered as they have been there forever. It's always better to keep a property at the lowest zone possible, and what goes on out there generally falls under ag related....

R. Abel: I think Jason's idea is because they are philanthropic, because under 4b, it says "would not be applicable, generally, to other property within the same zoning classification". And so the concern there Jason said, by saying it was a philanthropic organization.

D. Johnting: Because, there is a business across the street.

J. Hufford: Right, I was going to say, there is a business right across the street.

D. Johnting: And it's a for-profit organization, and there are other businesses up and down 27.

R. Abel: And they really don't like you to change the zoning just to get around an ordinance.

J. Hufford: Yeah, I realize that I'm just saying I couldn't figure out that for all these years they never went to commercial.

M. Reed: The main purpose of the sign is, the Fair Grounds is used by the whole community and the county and just to bring more attention to the Fair Grounds, be able to utilize the Fair Grounds that's a county owned property.

J. Hufford: You are going to advertise events that are coming up, that type of thing?

M. Reed: Yes, everything that could be affiliated with the Fair Grounds will be advertised.

R. Abel: The state actually has come in and put limitations on what they can put on that. They are only allowed to advertise what is on premise. So, you couldn't advertise the car lot down the road.

J. Hufford: Yes, but if they are having an auction there, or if they are having a Farm Bureau meeting, they can advertise.

E. Thompson: After speaking with the people at the state, I believe legally they would be allowed to advertise anything that is going on at the fair. As far as, to try and ease your mind as far as traffic hazard and things, there's many studies that you can find that do signs, they are not a traffic hazard. And believe me I am not trying to support it because I want to sell a sign. I live in these communities, I have been here my whole life, I don't want to put up a bad looking sign and I don't want to cause problems in the community. But it's proven that these signs aren't a traffic hazard. One of the largest purchasers from Watchfire Displays is the Federal Highway Department. They are putting LED message centers all over the country, they buy more message centers from Watchfire than personal businesses do.

Chairman Davis: Any other discussion by the board? Comments? Anyone in the audience like to speak for or against? Please state your name and address if you would?

M. Nunez: Mike Nunez, 1813 S US27, Winchester, Indiana. I'm the neighbor to the north. I would like to know where the sign is to be placed.

E. Thompson: I have actually got a map.

M. Nunez: 150 feet to the south of the south entrance. And you're talking 15' to the bottom of the sign?

E. Thompson: Actually about 12 and a half feet.

P. DeHaven: Mr. Nunez, here are two other maps as well.

M. Nunez: My big concern, same as you is speed of people who travel through there it would be nice if they did do 55 but they don't, you'd be amazed by the number of trucks, heavy trucks—right at my house there's a little bit of a curve and they hit the rumble strip. Whether they're not paying attention already, but to have this sign that's 500' from that point I do have some concern there. Being up that high, I didn't know where this sign would be vertically. I'm not sure if you're going to tip it down, it's a pretty big sign.

E. Thompson: It won't be tipped down, I mean, the panels will be straight out, they will be perpendicular to the highway.

M. Nunez: Are you comparing it to the one at Northeastern which is at ground level...

E. Thompson: No, the one at Northeastern is 20 feet tall, it's the exact same size sign. I'm sure it is because we installed it.

M. Nunez: It's 20 feet off the embankment though right?

E. Thompson: On the pole it is 20 feet above grade.

M. Nunez: But that's at a slower speed limit because it's right past the yellow caution sign, and I mean you can see that sign coming from the bridge going south, as soon as you come across the bridge and start turning that bright light at night is right there. Is there a reason you guys want that there?

E. Thompson: The biggest concern for the reason they want it that high is that when they have events I'm sure they have campers in there and trucks and trailers and they are trying to keep people from

hitting the sign as we have to set it so far back off the highway into the lot. Another, we try to keep it that high for a little more timed read on the sign.

M. Nunez: I'm surprised the guys from across the street didn't show up because that's going to shine right in their lights all night long and that's when their prime business is, is at night. I don't, I'd have to go stand 500' from the one at Northeastern and find out how much, I mean, if I get a police officer stop at night and just those red flashing lights come through my windows and I'm a pretty good distance away. So, for me this is pretty much informational because I did not know this stuff.

E. Thompson: And I don't know being as I'm not the one at the Fair Grounds that's going to be programming the sign, the sign can be programmed in, if you'd want to put in a stipulation in this BZA that say the sign can only run so many hours a day. That at a certain time at night the color volume can be turned down to 50%, or the sign cannot run after 11 o'clock at night, and cannot begin again until 6 or 7 in the morning. That can all be programmed into the software of this sign. The color volume is another thing that can be programmed in to it. The sign itself has a photocell that adjusts automatically to optimum light output versus the ambient light outdoors. To some that's too bright, to some that's not bright enough. I mean, that's a matter of preference. But it can be adjusted manually as well. If you want to run it at 50% brightness you can.

M. Nunez: Obviously this variance wouldn't cover those details, correct? About the brightness and what time the sign would go on and off?

J. Hufford: I have views about the safety also of this, but then I stop and think about how many times I go down the interstate and see message signs that are advertising all kinds of things from INDOT or the police, and it scrolls all day long. I don't know if they have the same safety concerns there or not. They have a 70 mile an hour speed limit there. And a lot more traffic than we have on 27, so. What's the director's feelings on this?

R. Abel: I can see the concerns about the brightness and it being on all night long. If you live anywhere near there that might be an issue to anyone who lives close. As far as intensity of light I wouldn't have a clue on how bright is too bright.

E. Thompson: And that becomes a difficult decision for you guys because that becomes a matter of opinion. What's too bright, what's too loud? That's a tough call and that's something that the fair board and you as a neighbor would have to work out.

M. Nunez: Maybe we can work something out with the brightness and the times of use.

E. Thompson: And I think you'd be surprised, and I am not just trying to defend the sign, I sell hundreds of these things, we rarely get complaint once it's been installed that it's too bright. We do a lot of them in Richmond, we had a case there that went so far that we had to actually go get police reports to prove our case. We had an official tell us that this sign is too bright and they'd never allow another one in town because there'd been so many accidents as a result of this sign. We got police reports for that area and time period and there were none in the five years the sign had been there, there were no traffic accidents. And that's almost in a residential area.

M. Reed: The one in Winchester there at the church probably is in a residential area and would be similar in size.

Chairman Davis: Is there anything else you'd like to add?

M. Nunez: I guess the suggestion I have now that I see where it is, I mean, for me, the further away the better, I don't know why you guys would choose 150 feet. I think a better location would be clear out to the corner, I would like to make that suggestion, so you can advertise not only the 4-H activities but the adjacent tractors a little better. It would get it a little farther away from me, if they're going to pass it. Maybe that will raise the cost of the electrical wires.

Chairman Davis: How did you come up with that location? Who came up with that?

E. Thompson: That's where the fair board decided they wanted the sign.

M. Reed: With the current parking lot and the setbacks from the state that's where it had to be.

E. Thompson: If you don't mind my asking, how far is your house from the sign?

J. Hufford: Here's a map with his property on it.

M. Nunez: I'm a good distance. Right there is my house. And I have future plans of building a house back here so I have to watch out for my future. If you could put it further back, you're 20 feet high up on a hill....

E. Thompson: But our message center is not 20 feet high...if they put the identification center on top it would be 20 feet to that, minus 4 feet then we're only 16 feet to the top of our message center. And then minus another 12 ½ to the bottom of that.

M. Nunez: Is that identification center going to be illuminated?

E. Thompson: It depends, that light from 300 yards away and to say it's distracting would be tough.

M. Nunez: Right, that light on the infirmary is bright, and I don't think they got a variance for that, I guess it's legal, but I notice it's on 24 hours a day.

Chairman Davis: Mike, did you say you were 300 yards away. Ok. That's a pretty good distance, that's a couple of football fields.

M. Nunez: Yes, but you can see at Northeastern, when you come around that bridge you can see that from a long ways.

E. Thompson: You may be able to see the light from a distance, but it is intrusive enough to put light into your property would be my question.

M. Nunez: There's one thing about that Northeastern sign with traffic if you're coming northbound, you've got the houses on the east side of the road and some evergreen trees because it's kind of blocked. But you have a straight shot here on the highway.

Chairman Davis: Anymore discussion from the board? I will entertain a motion for a roll call vote. It has been moved and seconded to have a roll call vote, Deb.

D. Johnting: Jim Hufford, yes, Phil DeHaven, yes, Jason Hawley, no, Bill Davis, yes, Eli Jones, yes, Christy Starbuck and Myron Cougill are absent. Motion passes.

Chairman Davis: Ed, did you put the Farmer State Bank up?

E. Thompson: Yes, same type of sign, that sign is a little larger.

J. Hufford: Once you put them up there they are not as big as they look on the ground.

E. Thompson: No, not at all, it's amazing how many people will go to take their sign down and when it gets to the ground they can't believe how big it is.

Chairman Davis: You're good to go. A motion has been made and seconded to adjourn this meeting.

Bill Davis, Chairman

Christy Starbuck, Vice-Chairman

Debra Johnting, Recording Secretary