

**WHITLEY COUNTY BOARD OF ZONING APPEALS
STAFF REPORT**

22-W-VAR-27 DEVELOPMENT STANDARDS VARIANCE
St. Matthew's Community Church
1460 E. 500 North

**NOVEMBER 22, 2022
AGENDA ITEM: 1**

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural

Property area: 14.83± acres

The petitioner, owner of the subject property, is requesting development standards variances for encroachment into the required setback and to permit an electronic message center (EMC). The property is located at the southwest corner of State Road 9 and 500 North in Section 14 of Thorncreek Township.

As proposed, a new freestanding sign with an EMC component would replace an existing ground sign at the same location; the dimensions are listed below. The existing sign enjoys a legal nonconforming setback from the right-of-way, being located on the right-of-way line. Removal of the existing sign would remove the legal nonconforming status, which means the new sign requires a setback variance. As the zoning code has not yet been updated to include standards for EMCs, signs using an EMC require a variance.

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

	Existing	Proposed	Code	Variance
Maximum height	5.5' ground sign	6.4' ground sign	12' freestanding "church" sign	-
Max. sign face area	45± sq. ft. per face	32.75 sq. ft.	50 sq. ft. per face	-
EMC sign area	-	24.75 sq. ft.	-	Yes
Static sign area	-	8 sq. ft.	-	-
Setback from R/W	1'	1'	10'	Yes
Max. number of signs per lot	1 ground sign	1 ground sign	1 "church" sign per street frontage	-

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. The new sign would be in the same location as the existing sign has been for years, without apparent injury to the public safety. The minimal increase in height would not likely change any effect due to the setback encroachment.

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

The proposed sign encroachment may not substantially nor adversely affect the use and value of the area adjacent to the property since the proposed sign does not significantly change an existing legal nonconforming situation.

The proposed sign may not substantially nor adversely affect the use and value of the area adjacent to the property. There are only three residential properties that may be within eyeshot of the sign, and they are at least 500' from the sign location. Further, the effect on those properties should be mitigated if the sign brightness and motion are regulated.

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.

The strict application of the setback would create a practical difficulty since the proposed sign is reusing an existing location that was previously permissible. If this was a commercial property, the site would be allowed a setback of only 1' instead of 10' required of a "church" sign, so the difference in use creates additional difficulty.

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 EMC is reasonably regulated to mitigate those effects, 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.

Date report prepared: 11/14/2022

BOARD OF ZONING APPEALS ACTION

Findings of Fact Criteria

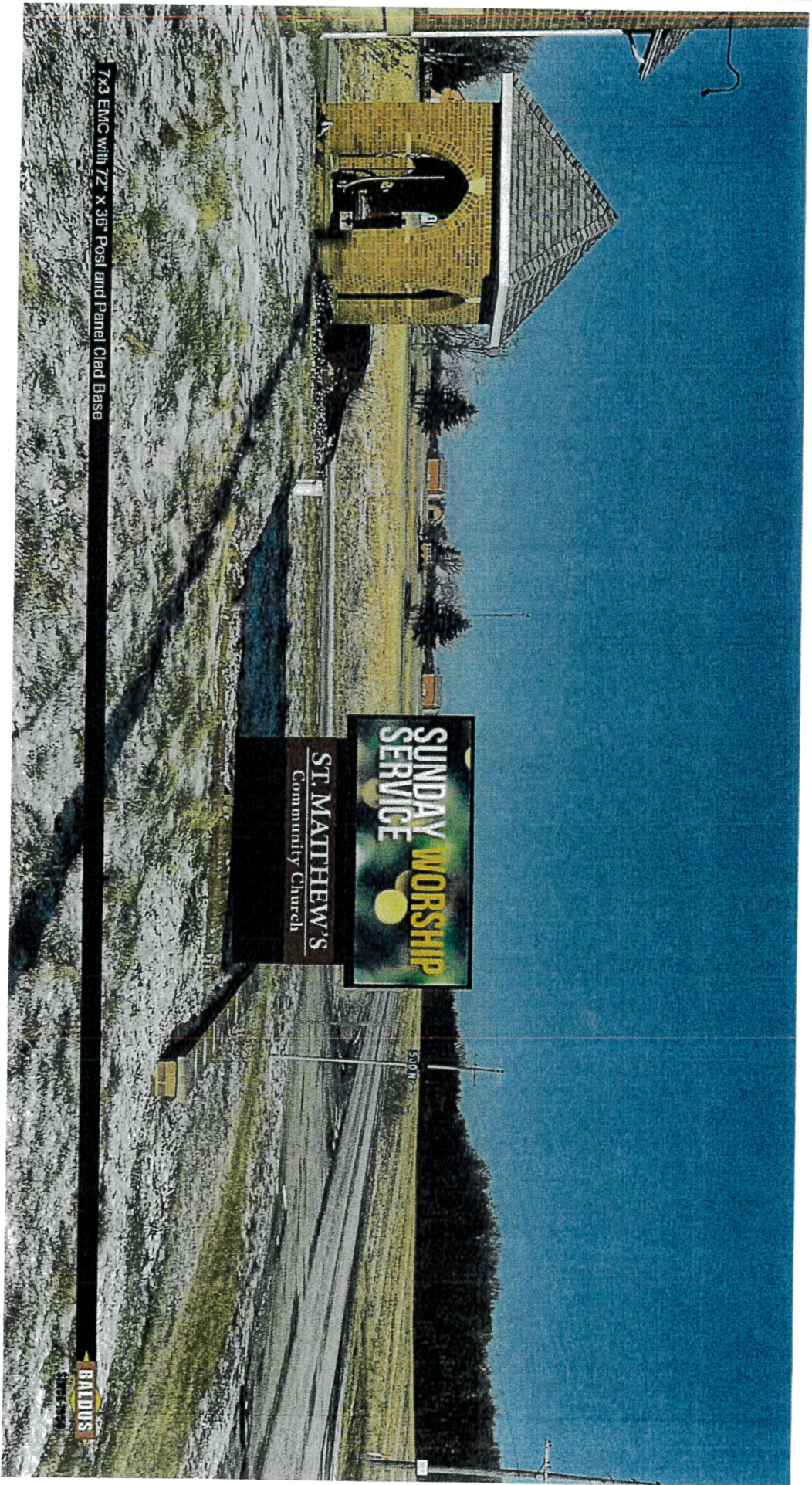
	Vote: Denihan		Lopez		Wilkinson		Wolf		Wright	
	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>
<i>Criterion 1</i>										
<i>Criterion 2</i>										
<i>Criterion 3</i>										

Motion: ___ Grant
___ Grant w/conditions
___ Deny

By: _____

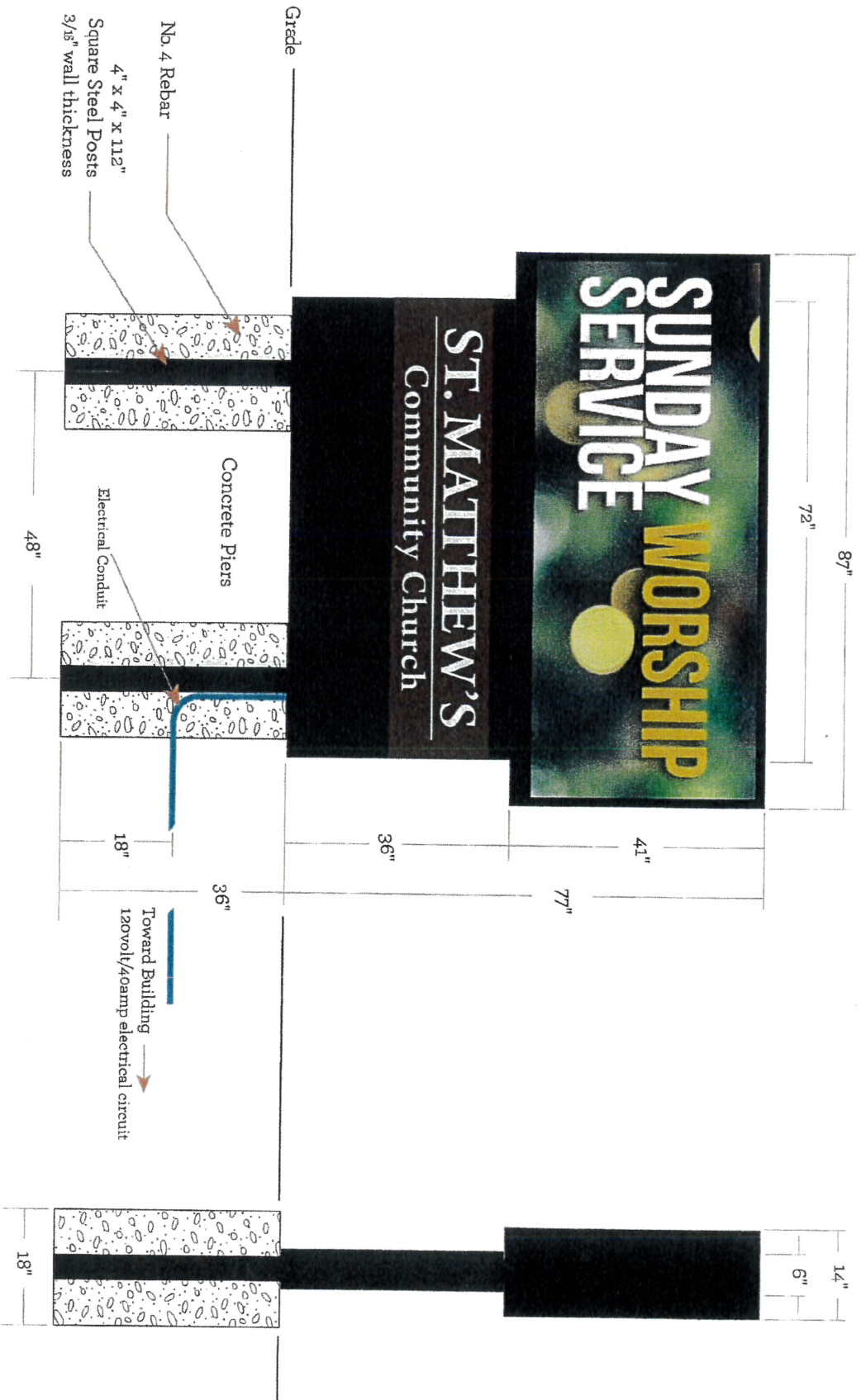
Second by: _____

Vote:	Denihan	Lopez	Wilkinson	Wolf	Wright
<i>Yes</i>					
<i>No</i>					
<i>Abstain</i>					



7x3 EMC with 72" x 36" Post and Panel Clad Base

BALDUS







Northland Estates Homeowners Assoc
Deno, Raymond M & Pamela A

Grabner, Gregory W & Jody L
Vanlaningham, Denise M
Elizabeth Ann & Matthew Samuel

Smith, Justin & Katie
Smith, Douglas J
Faylor, Edward D & Venita K
Shidler, Cory & Latesa

Nelson, Adam J & Courtney L
Kissinger, Jeffrey A & Lisa M
Farms LLC
Garber, Ross J & Tabitha

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Garber, Ross J & Tabitha
Living Trust
Straub, Daniel A & Gloria J Revocable

Tomaszewski, Paul R & Debra J
Helsel, Casey
Dietrich, Stanley C
Bonham, Craig & Amy D

DW Legacy Farms LLC
Michael E 2021 Trust
Wilcoxson, Timothy & Cheryll

Born, Joshua D
Bom, Joshua D & Jennifer M
Crickmore, Thomas & Cheryll

Anglin, T & Kerl
Timothy & Cheryll
Jones, Jerry D & Kimberly E
Richard P Miller, Kent A

Schrader, Richard P
Miller, Kent A
Elliott, Jeffrey & Emily
Gresh, Larry E & Judith R
Wright, Ted C & Jami J

Andrews, Anthony & Holly
Kridner, Levi J & Torie L
Miner, Travis J & Nicole A
St. Matthew's Community Church Inc

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Fahl, Gregory A
Reed, Jeffrey L & Monica R

R & E Fahl Farms, LLC
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Townsend, Robert D & Tammy L

Miller, Kent A
Miller, Kent A & Deborah S
Fahl Family Legacy Farms, LLC
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Dawson, Joshua W & Abbe C

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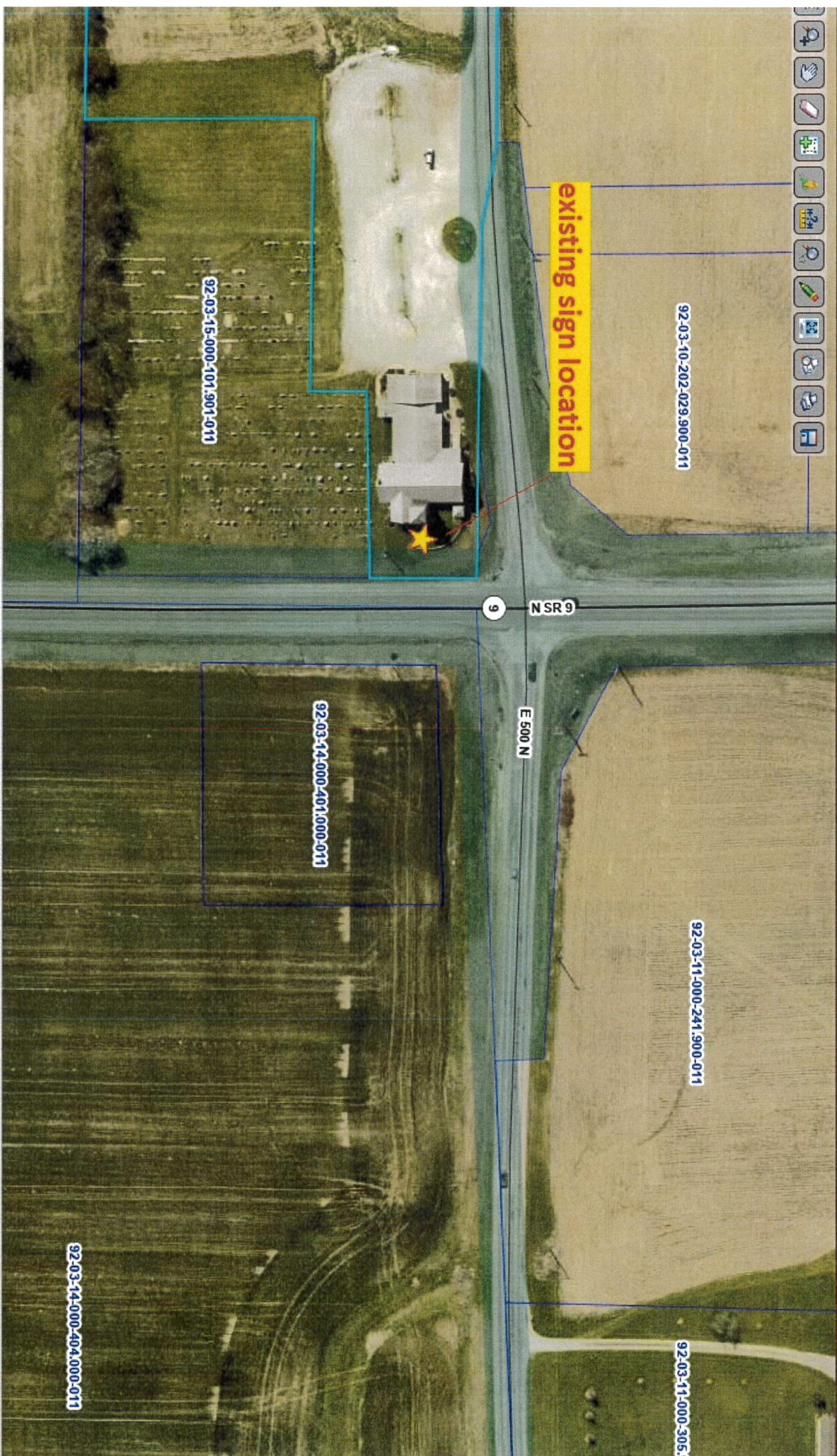
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92-03-10-202-029.900-011

existing sign location

92-03-15-000-101.901-011

NSR 9

E 500 N

92-03-14-000-401.000-011

92-03-11-000-241.900-011

92-03-11-000-305.9

92-03-14-000-404.000-011

3-15-000-101.900-011

32-09
0 E 500 N
Armbia City

Alternate ID 92-03-15-000-101.900-011

Class EXEMPT PROPERTY OWNED BY A RELIGIOUS ORG THAT IS GRANTED AN EXEMPTION
Acreage 14.83

Thorncreek Township
PT N2 NE4 EX .03A EX 4.57A EX 2.0 A S15 T32 R9 14.83A TAX EXEMPT
(Note: Not to be used on legal documents)

Owner Address: Matthew'

1460 E 500 I
Columbia CI

SOUTHBOUND IN-9

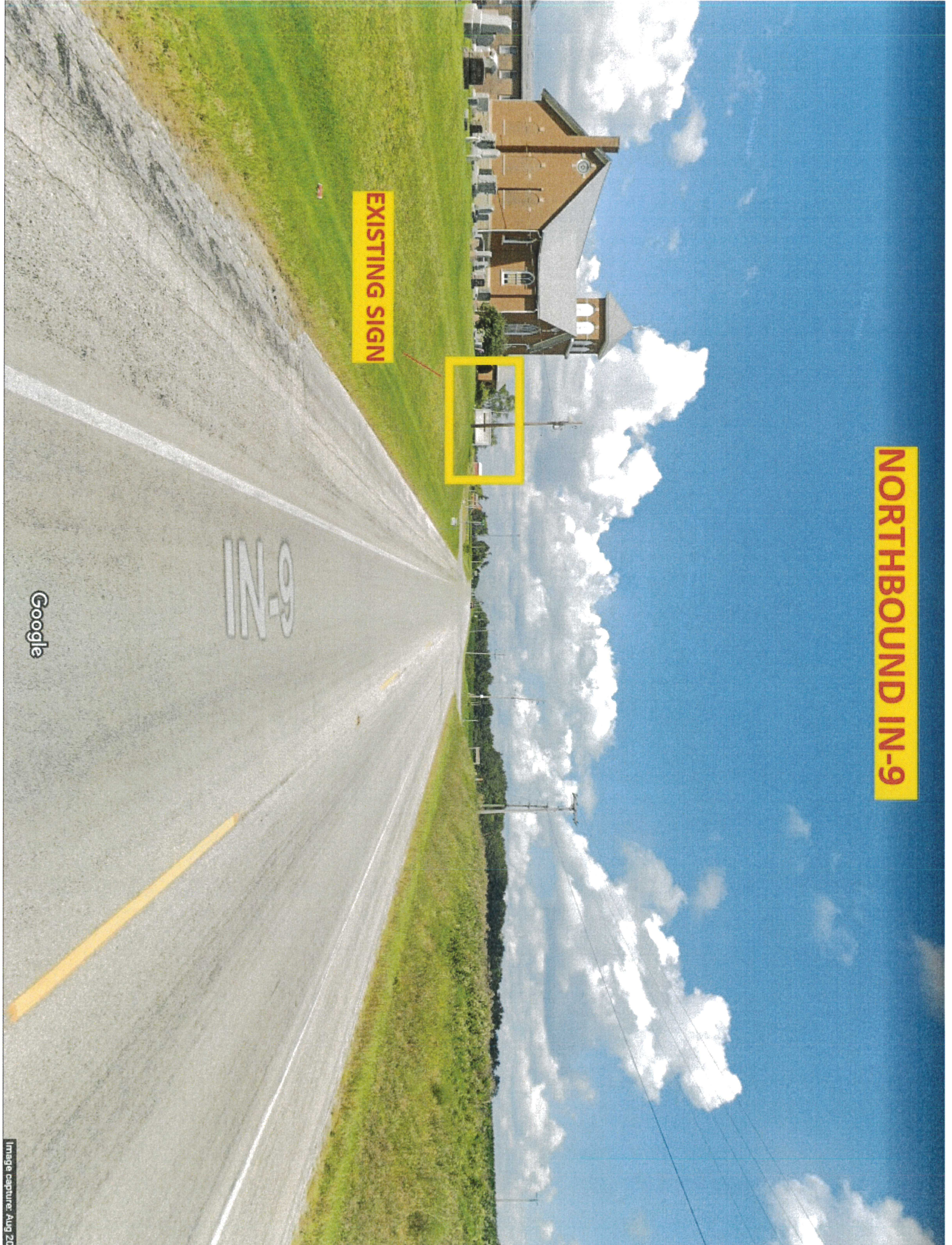
EXISTINGSIGN



IN-9

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NORTHBOUND IN-9



EXISTING SIGN

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