

WHITLEY COUNTY BOARD OF ZONING APPEALS

STAFF REPORT

23-W-VAR-4 DEVELOPMENT STANDARDS VARIANCE  
Jarod & Lori Baker  
5410 S. State Road 9

MARCH 28, 2022  
AGENDA ITEM: 1

**SUMMARY OF PROPOSAL**

Current zoning: IPM, Industrial Park/Manufacturing (pending rezoning from IN, Intensive Use)  
Property area: 7± acres (entire parcel, 23.29± acres)

The petitioner is requesting a development standards variance of the allowed distance between two Standard Outdoor Advertising Structures (billboards) on their property located at 5410 S. State Road 9 in Section 2 of Washington Township. The petitioner’s landscaping business has a 7’x10’± sq. ft. identification sign. Also, a two-sided billboard exists on the southeast corner of the property with sign faces of 256 sq. ft. (each side).

The petitioner is proposing placement of a one-sided 8’x16’ billboard on the northeast corner of the industrially zoned area of the parcel, just south of the wooded area. The proposed sign would be approximately 350’ from the existing billboard. Being that the minimum distance between billboards is 1,000’, a variance for the proposed separation would be required.

Alternatively, since the subject parcel includes about 16 acres of AG-zoned property, it could be possible to locate the sign farther north to meet that 1,000’ minimum separation. However, doing so would place the sign within the AG zoning. Since billboards can only be placed on commercial or industrial zoning, a variance of the zoning district would be required for this scenario as well.

The petitioner is proposing the reduced separation as being more ideal, but they feel either option could be feasible.

Note that there is a pending rezoning application for this parcel that would rezone the existing IN district to IPM and AG. This received favorable recommendation from the Plan Commission earlier this month and is expected to be on the Commissioner’s agenda on April 3.

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

	<b>Proposed</b>	<b>Alternate</b>	<b>Code</b>	<b>Variance</b>
<b>Maximum height</b>	16 feet	16 feet	35 feet	-
<b>Max. sign face area</b>	128 sq. ft.	128 sq. ft.	300 sq. ft.	-
<b>Setback from R/W</b>	20’+	20’+	20’	-
<b>Minimum distance between signs</b>	350 feet	1,000 ft.	1,000 ft.	Yes (proposed)
<b>Zoning district</b>	IPM (IN existing)	AG	GC, IPM, IN	Yes (alternate)

**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. Public safety may be injured if a billboard were to be placed in a location that could cause a distraction for drivers along the highway. The alternate location may create such a distraction given the nearness to an intersection and curves; the proposed location likely would not. The general welfare may be injured by potentially permitting proliferation of signs if there are not site-specific difficulties for the request.

**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 variances may not substantially nor adversely affect the use and value of the area adjacent to the property since the proposed sign location would be 1,200± feet from the nearest residence and not be visible due to wooded areas in between.

**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 would not necessarily result in practical difficulties. The existing identification sign could be enlarged to accommodate the proposed 128 sq. ft. of billboard sign face and still be compliant with the code minimums, which might be a difficulty arising from the application of the code. However, by disregarding the strict application, the definitions of on- and off-premises signs could be muddled, which could lead to difficult application of codes in the future.

Essentially, any additional billboard could create a precedent for future sign proliferation. If the Board finds to approve, this precedent may be minimized by applying specific conditions.

**SUGGESTED CONDITIONS**

If the Board moves to grant the variance, the following are suggested conditions of the approval:

1. The proposed billboard is approved as presented and per the site plan.
2. Replacement of the sign, other than the sign face, will require compliance with the code or another variance approval.

Date report prepared: 03/20/2023

**BOARD OF ZONING APPEALS ACTION**

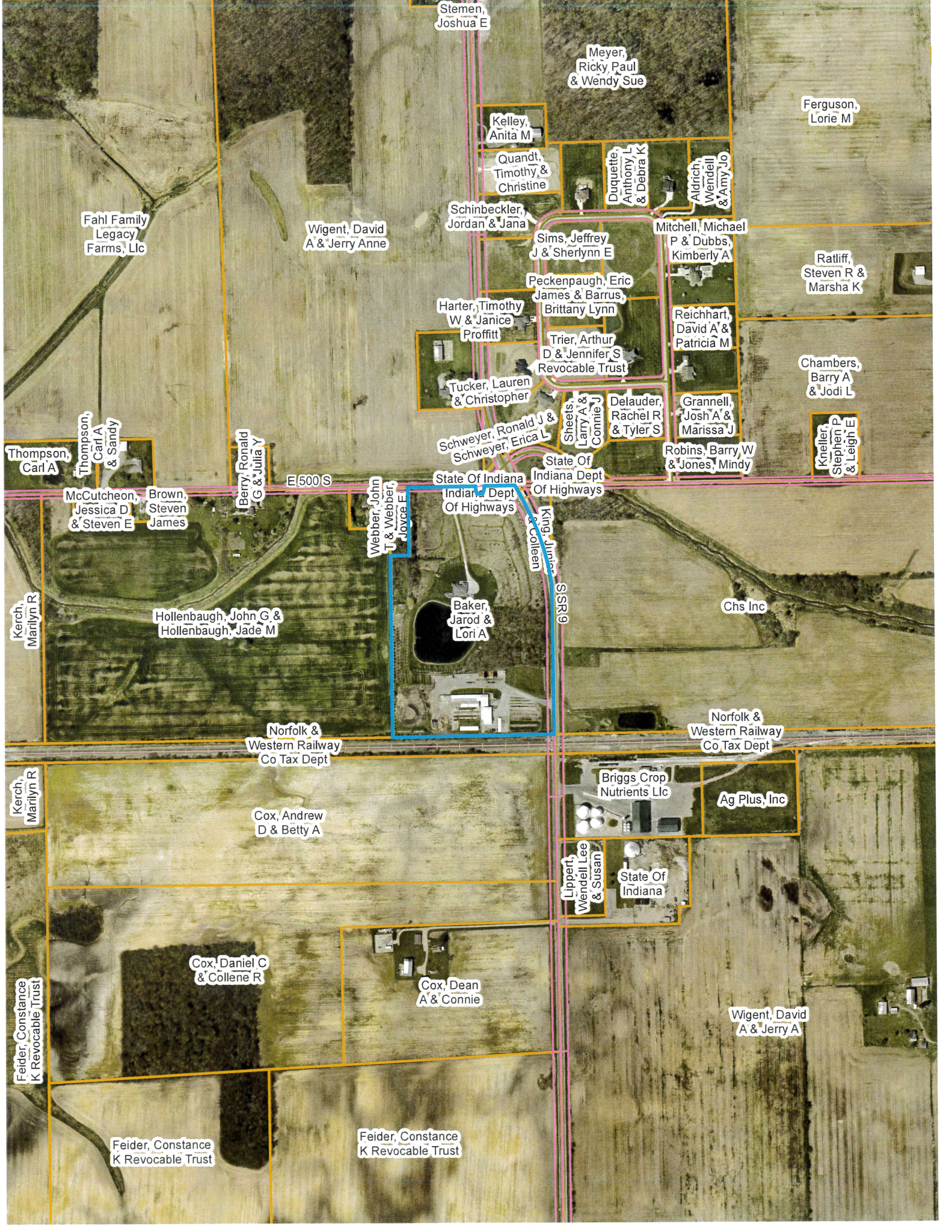
Findings of Fact Criteria

	Green		Sheiss		Wilkinson		Wolf		Wright	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Criterion 1										
Criterion 2										
Criterion 3										

Motion:  Grant  
 Grant w/conditions  
 Deny

By: \_\_\_\_\_ Second by: \_\_\_\_\_

	Green	Sheiss	Wilkinson	Wolf	Wright
Yes					
No					
Abstain					



Stemen, Joshua E

Meyer, Ricky Paul & Wendy Sue

Ferguson, Lorie M

Kelley, Anita M

Quandt, Timothy & Christine

Duquette, Anthony L & Debra K

Aldrich, Wendell & Amy Jo

Fahl Family Legacy Farms, LLC

Wigent, David A & Jerry Anne

Schinbeckler, Jordan & Jana

Sims, Jeffrey J & Shertynn E

Mitchell, Michael P & Dubbs, Kimberly A

Ratliff, Steven R & Marsha K

Harter, Timothy W & Janice Proffitt

Peckenpaugh, Eric James & Barrus, Brittany Lynn

Reichhart, David A & Patricia M

Tucker, Lauren & Christopher

Trier, Arthur D & Jennifer S Revocable Trust

Chambers, Barry A & Jodi L

Thompson, Carl A

Thompson, Carl A & Sandy

Berry, Ronald G & Julia Y

Schweyer, Ronald J & Schweyer, Erica L

Sheets, Larry A & Connie J

Delauder, Rachel R & Tyler S

Grannell, Josh A & Marissa J

Robins, Barry W & Jones, Mindy

Kneller, Stephen P & Leigh E

McCutcheon, Jessica D & Steven E

Brown, Steven James

E 500 S

State Of Indiana Indiana Dept Of Highways

State Of Indiana Indiana Dept Of Highways

Webber, John T & Webber, Joyce E

King, James & Colleen

S SR9

Hollenbaugh, John G & Hollenbaugh, Jade M

Baker, Jarod & Lori A

Chs Inc

Kerch, Marilyn R

Norfolk & Western Railway Co Tax Dept

Norfolk & Western Railway Co Tax Dept

Kerch, Marilyn R

Cox, Andrew D & Betty A

Briggs Crop Nutrients Llc

Ag Plus, Inc

Feider, Constance K Revocable Trust

Cox, Daniel C & Collene R

Cox, Dean A & Connie

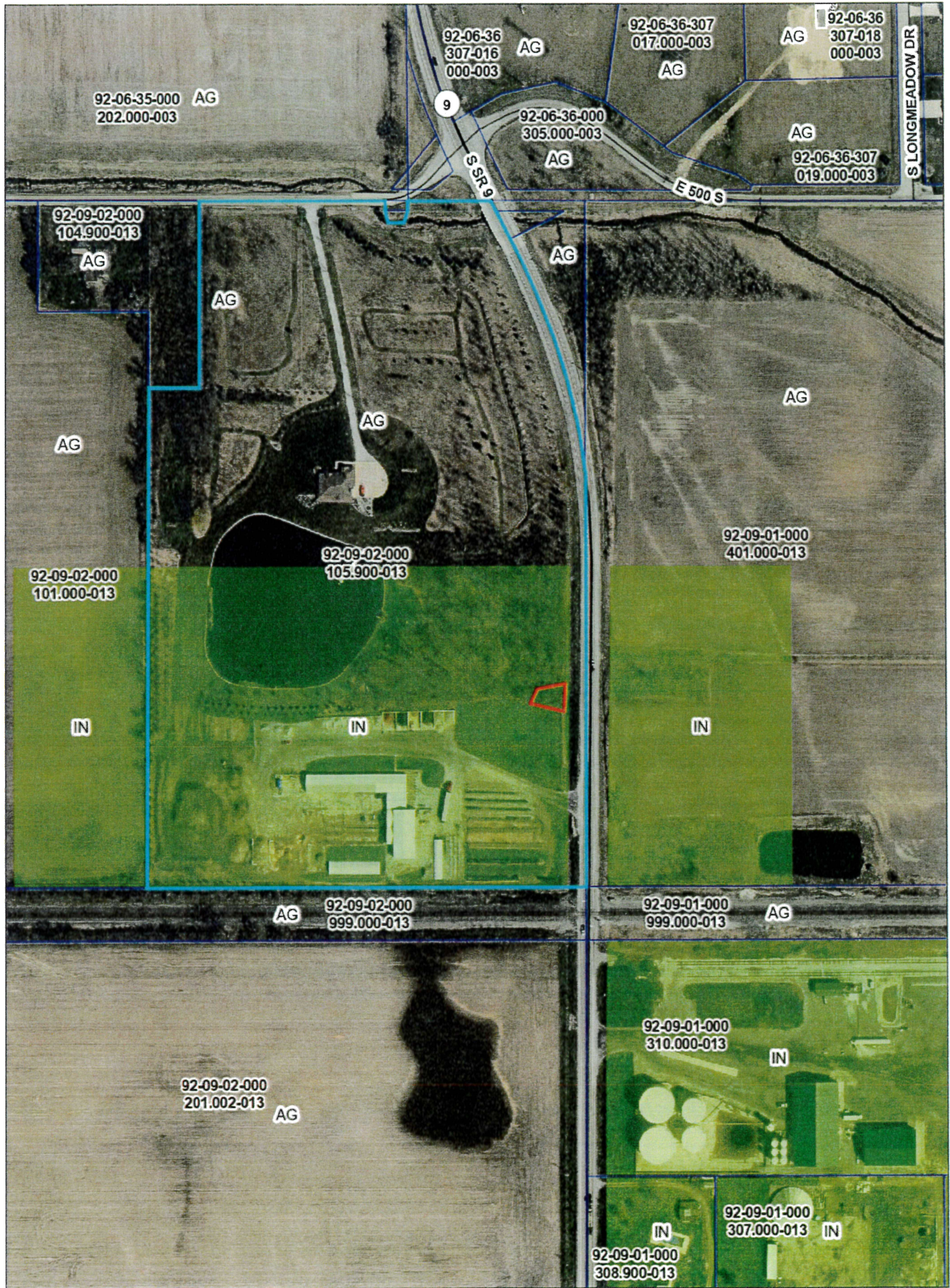
Lippert, Wendell Lee & Susan

State Of Indiana

Wigent, David A & Jerry A

Feider, Constance K Revocable Trust

Feider, Constance K Revocable Trust





# Baker Sign 2



05/01/2020



Google Maps 5410 IN-9

Columbia City, Indiana  
Google Street View  
Sep 2022 See more dates



Google

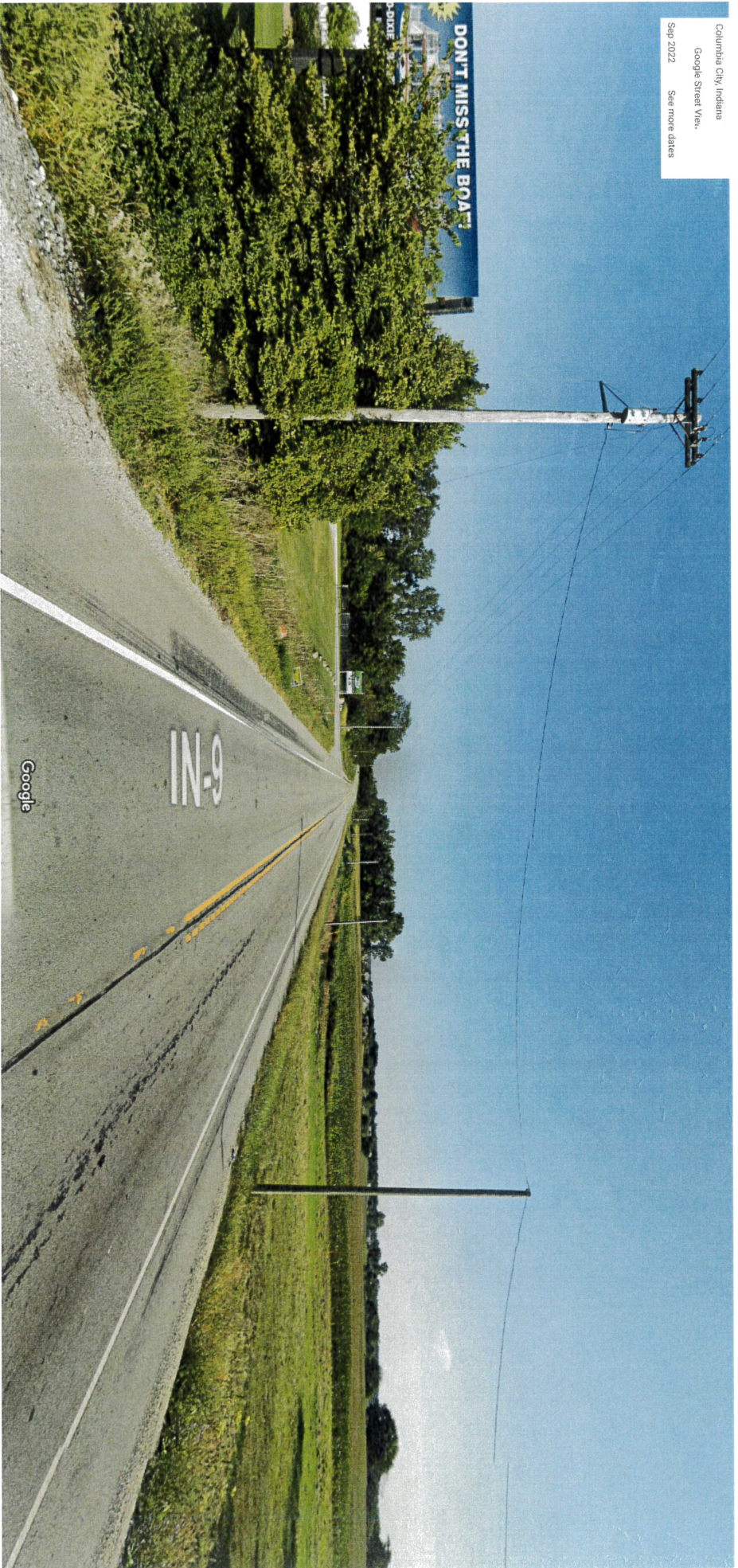
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8 Nursery  
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