

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

24-W-VAR-22 DEVELOPMENT STANDARDS VARIANCE
Thorncreek Township (Fire Department)
821 E. 500 North

**DECEMBER 23, 2024
AGENDA ITEM: 2**

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural

Property area: 5.0± acres

The petitioner is requesting a development standards variance to allow the replacement of an existing non-functional Electronic Message Center (EMC) with a larger, functional EMC as part of the property's identification sign. The sign would be located on their property at 821 E. 500 North in Section 10 of Thorncreek Township.

The petitioner is proposing to replace an existing two-sided 81"x22" EMC that is atop their static identification sign with a 111"x29" EMC in the same location. The additional width would match the static sign's width. The sign is generally compliant with the sign code requirements for public buildings, except that it would be an EMC, which the sign code prohibits in §8.3(K)(11). The proposed sign specifications, required code standards, and necessary variance(s) are:

	Proposed	Code	Variance
Maximum height	6.75'	12'	-
Max. sign face area (each side)	49.1 sq. ft.	50 sq. ft.	-
EMC sign area	22.35 sq. ft.		Yes
Static sign area	26.75 sq. ft.		-
Setback from R/W	11'±	10'	-
Max. number of signs per street frontage	1	1	-

Note that no sign permit could be found for the existing EMC. It appears to have been installed sometime between 2012 and 2015, so it would not enjoy legal nonconforming status.

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.

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 may not substantially nor adversely affect the use and value of the area adjacent to the property since there are few properties that may be within eyeshot of the sign. Only the house directly to the south faces the sign, and being directly south, the EMC sign faces would be minimally visible. Further, any effects on those properties that are nearby should still 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.

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 sign is reasonably regulated to mitigate those effect, the strict application of the code would likely cause practical difficulties.

SUGGESTED CONDITIONS

If the Board moves to grant the variance, 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: 12/12/24

BOARD OF ZONING APPEALS ACTION

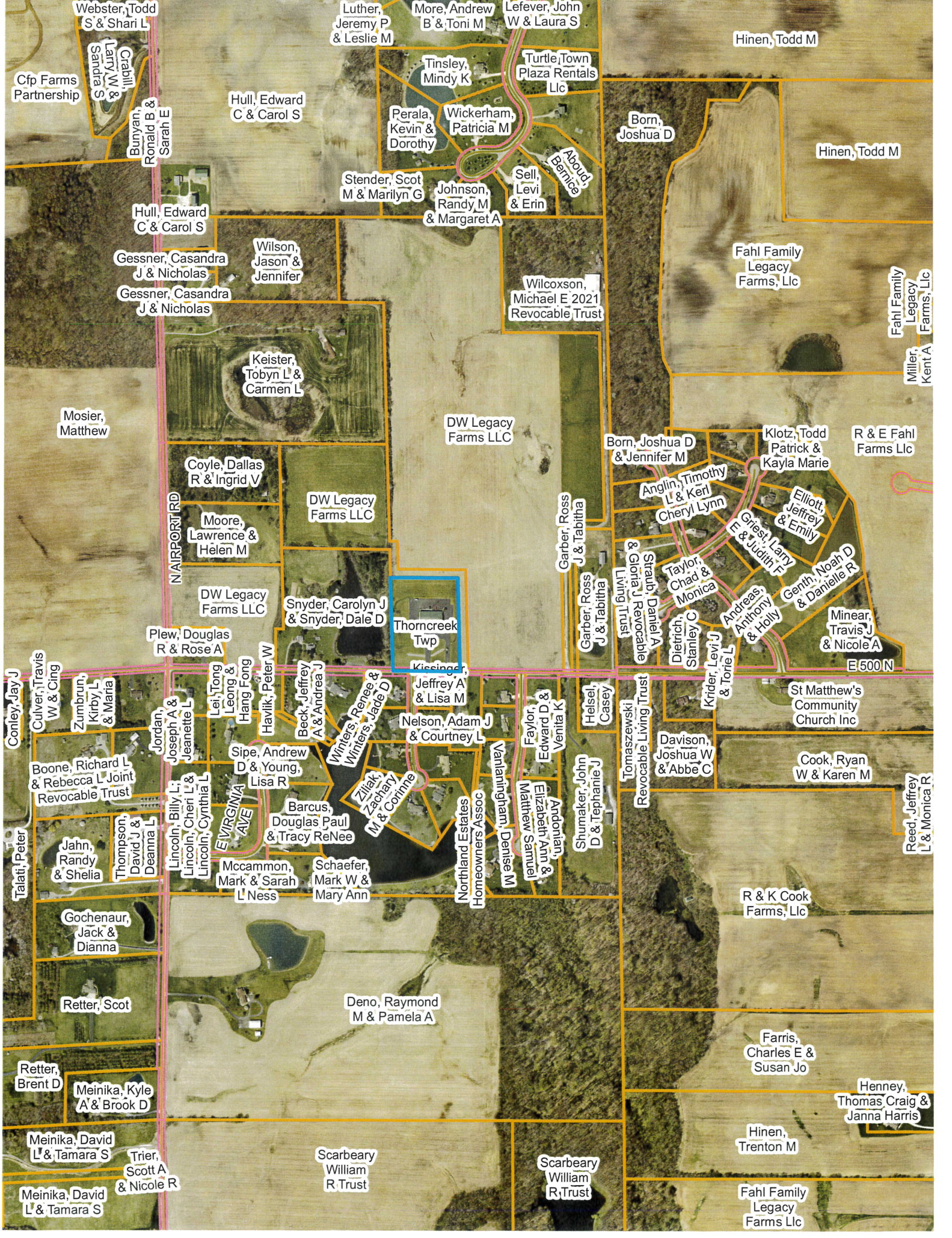
Findings of Fact Criteria

	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

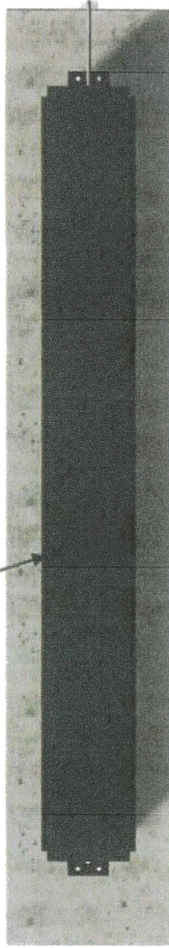
By: _____ Second by: _____

	Green	Sheiss	Wilkinson	Wolf	Wright
Yes					
No					
Abstain					



**NEW Sign IDEA-1
Dimensions**

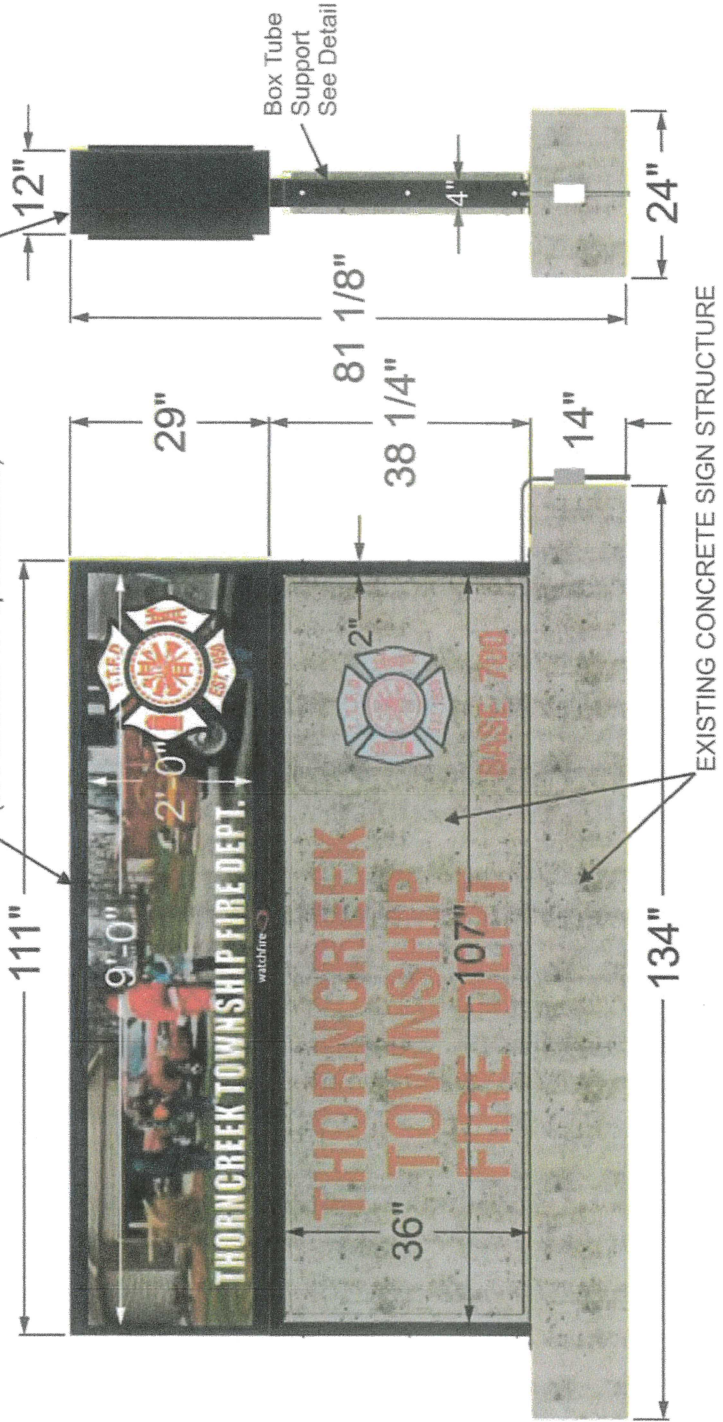
ACM or .080 Aluminum
Trim Panel Top



6' 9 1/8"

ACM or .080 Aluminum
Trim Panels Both Ends

NEW Watchfire Full Color D/F EMC
2' x 9' VIEW
(see Estimate for Specifications)



EXISTING CONCRETE SIGN STRUCTURE