

AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY
LAFAYETTE DIVISION
April 18, 2022

The City of Lafayette Board of Zoning Appeals met in regular session on Monday, April 18, 2022 at 4:00 PM. Members present were: Jackson Bogan, Dave Williams, Dick Murray, Bob Metzger and Carlynn Smith.

The meeting was called to order by Mr. Williams. Mr. Metzger moved to approve the minutes of the previous meeting as distributed; second by Mr. Murray. The motion passed by unanimous voice vote.

OLD BUSINESS:

2022-11 JETBOY LLC Multiple requests for property located at 600 ELSTON RD.

- ~~1) Variance to reduce the width of the Type C bufferyard along the northeast portion of the property bordering the residential (R1) zoning district from 30' to 15' (PREVIOUSLY GRANTED)~~
- ~~2) Variance to reduce the width of the Type C bufferyard along the western property line from 30' to 15' (PREVIOUSLY GRANTED)~~
- ~~3) Variance to reduce the number of rows of standard plant units located within the Type C bufferyard along the northeast property line from 2 rows to 1 row (PREVIOUSLY GRANTED)~~
- ~~4) Variance to reduce the number of rows of standard plant units located within the Type C bufferyard along the western property line from 2 rows to 1 row (PREVIOUSLY GRANTED)~~
- 5) Variance to reduce the minimum height of the evergreen trees in the Type C bufferyard along the western property line from 8' to 4' (CONTINUED)
- 6) Variance to reduce the minimum height of the evergreen trees in the Type C bufferyard along the northeast property line from 8' to 4' (CONTINUED)
- 7) Variance to reduce the minimum height of the evergreen trees in the Type A bufferyard along the southeast property line from 8' to 4' (CONTINUED)

Mr. Williams moved to hear and approve the petition; second by Mr. Murray. Bradley Neely, agent for the petitioner, presented the petition.

Mr. Neely stated that the reason for the requests is because the number of 8' tall trees they would need is not currently available locally. He submitted a letter from a third party source who did searches in the area stating the lack of availability of 8' tall trees in the area. This letter was submitted during the previous meeting. Mr. Murray stated that this height requirement has never been varied by the BZA and he found multiple nurseries in Indiana that had 8'+ tall trees available. He is also involved with Tree Lafayette and asked them about the availability of 8' tall trees. They admitted that inventory is low but they didn't have trouble locating any trees they needed. He believes this will set a precedent for future variance requests.

Mr. Jackson asked how many trees were included in these requests. Mr. Neely stated there are 75 trees needed based on the previously granted requests. He also stated that the trees they intend to plant should grow 1-2' per year so within a couple years, the trees should be at the required height. There is also an

issue with the price of the trees based on their heights. 4' trees are priced at \$175 and 8' trees are priced at \$300. Mr. Murray pointed out that cost should not have an effect on the ordinance requirements.

The board voted by ballot:

- 5) 1 yes 4 no. Petition DENIED
- 6) 1 yes 4 no. Petition DENIED
- 7) 1 yes 4 no. Petition DENIED

NEW BUSINESS:

2022-12 TMC MARKETING, LLC Multiple requests for property located at 1513 MANUFACTURERS DRIVE.

- 1) Variance to allow an animation change once every 8 seconds instead of once every 60 seconds for an outdoor advertising sign
- 2) Variance to increase the size of each advertising face to 672 SF instead of the allowed 300 SF for an outdoor advertising sign

Mr. Williams moved to hear and approve the petition; second by Mr. Murray. Ryan Munden, agent for the petitioner, presented the petition. Anthony Barbato, a representative from TMC Marketing, was also present.

Mr. Munden passed around photos of the existing billboard. The existing billboard is a static billboard that is older and needs updated. TMC Marketing is intending to install an LED billboard at this location which would provide a lot more flexibility for advertising purposes. An LED billboard would offer more advertising services for local businesses and would have the ability to advertise current and/or upcoming events. Mr. Munden also passed around an example of what the new LED billboard would look like. The current billboard is 560 square feet so the new billboard would only be 112 square feet larger. The 672 square feet request is based on one of three standard billboard sizes and they believe it is the best fit for this area. The flip rate request is based on INDOT standards and this billboard would be located along the interstate. Mr. Munden spoke with some neighboring property owners and they did not have an issue with the requests.

Doug Poad spoke in opposition of the requests. Mr. Poad spoke about the history of the current zoning ordinance and how the billboard regulations were drafted. This involved conversations between the local jurisdictions and people from the billboard industry. He believes the standards that were adopted in 1998 still work and he wonders what has changed at this location to warrant this new sign since a billboard has existed at this location for over 40 years. The existing billboard is easily visible from both the northbound and southbound lanes on I-65. Since a billboard has existed in this location for over 40 years and nothing in this location has changed, Mr. Poad believes there is not a single legitimate hardship that can be argued for the proposed billboard. The only change that has taken place is the ability of the advertising companies to make more money so the only hardship that could be argued is self-imposed. The purpose of the flip rate change is to grab the attention of drivers and to keep their attention which is unsafe. He believes the local jurisdictions and representatives from the billboard industry should have further discussions like they did in the past to come up with new ordinance language that satisfies both parties instead of granting these requests.

Dennis Carson spoke about the variance request. He stated that he believes that if this billboard was proposed anywhere other than along the I-65 corridor, it would warrant further discussions and most likely would not be supported. Since this billboard is along the I-65 corridor, he concurs with the staff's recommendation of approval. Mr. Griffiee briefly spoke about the billboard and stated that staff had verified INDOT's standards when it comes to the 8 second flip rate and the size and both are accurate.

Mr. Bogan asked about the animated portion of the requests and if that meant there would be constant movement on the sign or if the images would stay completely static for 8 second periods. Mr. Munden stated that there is no movement or animation outside the transition from one advertisement to the next. This also falls under INDOT's standards.

Mr. Munden stated that the technology this billboard is using was not even considered 25 years ago. The advertisements are controlled through satellites by someone sitting at a computer. The billboard has remote sensors that can track ambient light to make sure it is not too bright or too dim. Mr. Munden does believe it is a unique situation because they are adjacent to the I-65 corridor. If they were only allowed to change the message once every 60 seconds, an LED billboard would be useless.

Mr. Murray stated he agreed that the 8 second flip rate makes sense in this location but allowing that change anywhere else other than within the I-65 corridor would be unreasonable. Mr. Bogan mirrored Mr. Murray's comments.

Mr. Barbato stated they had installed similar signage on the northeast side of Indianapolis. He said the flip rate change is helpful to local businesses and events because it is more efficient than keeping a single advertisement for long periods of time. If a local business or organization has a specific event they want to advertise, they can have a daily advertisement for that specific event. After the day of the event, the advertisement is no longer needed and a new event or schedule could be advertised. This flip rate change is much more useful simply because of its utility. With the existing billboard on the northeast side of Indianapolis, there is an even amount of temporary advertisements and longer term clients.

The board voted by ballot:

- 1) 5 yes 0 no. Petition GRANTED
- 2) 5 yes 0 no. Petition GRANTED

The next meeting of the Lafayette Board of Zoning Appeals will be on Monday, May 16, 2022 at 4:00 PM. There being no further business to come before the Board at this time, the meeting was adjourned at 4:38 PM.

Chairman

Secretary