

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

**21-W-VAR-20 DEVELOPMENT STANDARDS VARIANCE**  
Tri-Lakes Baptist Church  
5679 N. Center Street

**NOVEMBER 23, 2020  
AGENDA ITEM: 2**

**SUMMARY OF PROPOSAL**

Current zoning: LR, Lake Residential  
Property area: 3.48

The petitioner is requesting a development standards variance to allow the installation of a church sign that contains an Electronic Message Center (EMC). The sign would be located on their property at 5679 N. Center Street.

The petitioner is proposing a two-sided sign to replace their existing identification sign near the southeast corner of the church building. The sign is generally compliant with the sign code requirements for church/semi-public/public uses except that it would be an EMC, which the sign code does not currently address (therefore it does not permit), so a variance is required.

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

	<b>Proposed</b>	<b>Code</b>	<b>Variance</b>
<b>Maximum height</b>	12'	12'	-
<b>Max. sign face area (each side)</b>	36 sq. ft.	50 sq. ft.	-
EMC sign area	20 sq. ft.		Yes
Static sign area	16 sq. ft.		-
<b>Setback from R/W</b>	22'±	10'	-
<b>Max. number of signs per street frontage</b>	1	1	-

**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 only two residential properties that may be within eyeshot of the

sign, other than the petitioner's parsonage. 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.**

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 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: 11/15/21

**BOARD OF ZONING APPEALS ACTION**

**Findings of Fact Criteria**

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

Motion: ☐ Grant  
☐ Grant w/conditions  
☐ Deny

By:

Second by:

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

Tri Lakes Baptist Church



5079

Property Line

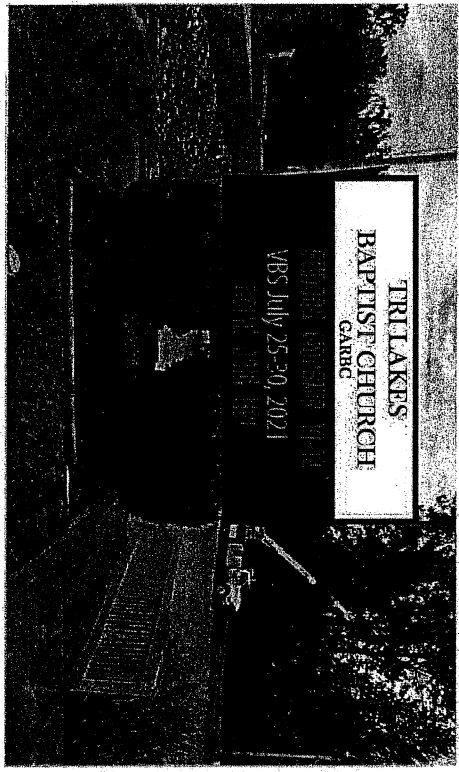
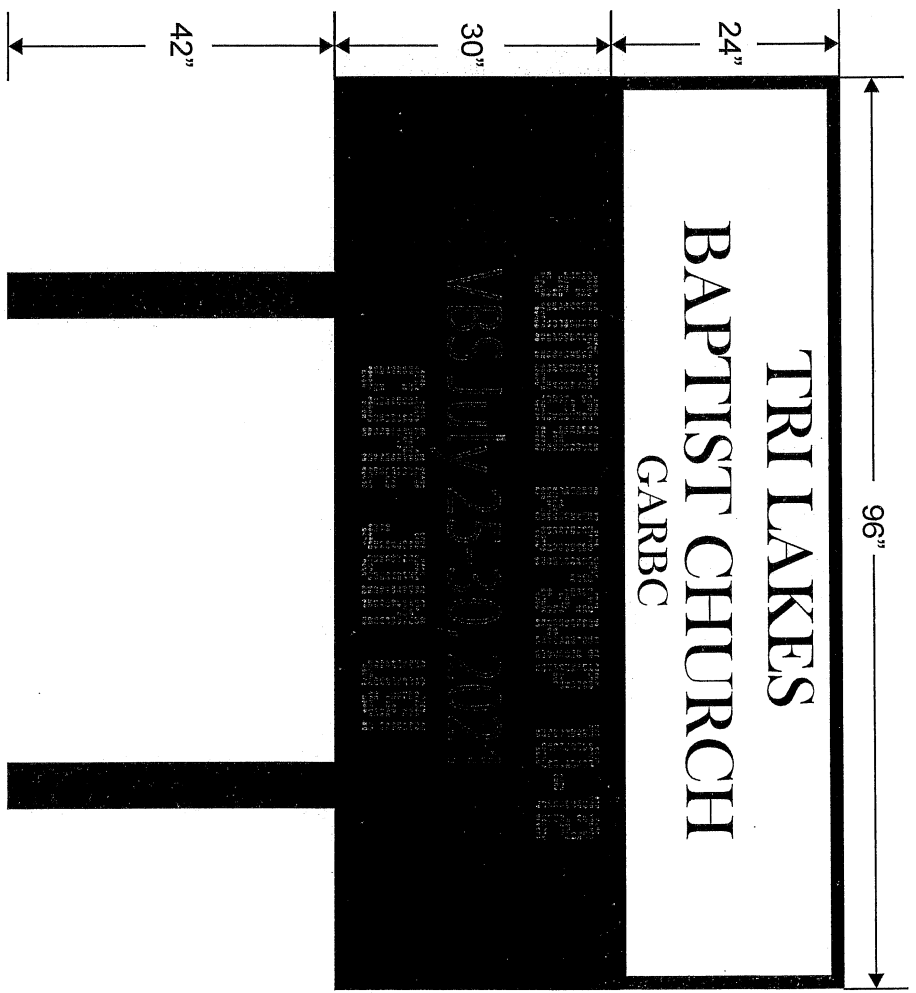
WELL

10ft

25ft

24X96 LED SIGN  
OVER 30X96 EMC  
2 SIDED, 16IN DP

N Center St



**THE NINETEENIES SIGN COMPANY**  
1000 E. Washington Blvd., Ste. C  
Fort Washington, IN 46805  
260-485-1121

**Project Manager**  
Justin West

**Designer**  
Ashley Strickland

**Client Approval X**

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