

BZA MINUTES

SEPTEMBER 21, 2021

Members present: Jason Hawley, Don Calhoun, Bill Davis, Drew Cleveland

Absent: Bryn Albertson, Jon Peacock, Jim Hufford

Legal Representation: Jason Welch

Staff present: Randy Abel, Executive Director, Debra Johnting, Recording Secretary

Others present: Gabe Bogue, Matt Tarter, Ed Thompson, Jeff Thompson.

Chairman Hawley: Alright, everybody welcome, today is September 21st, 2021. This is the Board of Zoning Appeals. I'd like to call the meeting to order. It is a little past 7:00. Has everybody had a chance to look at the minutes from the last meeting on August 17th?

B. Davis: I make a motion to approve the minutes as presented.

Chairman Hawley: All those in favor. The motion to approve the minutes as presented has passed. All right, I guess it's time to start getting into the nitty and gritty here. First on our docket tonight is BZA2021-13-V for Reid Health Care.

D. Johnting: I'm sorry, did you see the change to the order on the agenda, we're going to do Gabe Bogue first....

Chairman Hawley: Oh sorry, sorry. Yep, I went backward. Sorry. I'm doing BZA 2021-15-V for Chicago's pizza. A building owned by JIMNI, represented by Gabe Bogue. Would you like to come up, and tell us your name and address for the record and tell us kind of what you're looking to do.

G. Bogue: Gabe Bogue, my address is 1245 E Gray Lane, Winchester. So, we're just looking to put a sign or get a variance for our sign for the Chicago's pizza

on the JIMNI building, which was formerly the Everett's restaurant adjacent to the movie theater.

Chairman Hawley: Okay, and it just looks like it's larger than the variance usually requires? Is this just to fill up that space above the door?

G. Bogue: Yes.

Chairman Hawley: Okay. Are we doing anything else like led lights or graphics or anything like that?

G. Bogue: We're putting strip lighting above the sign on the edge of the building.

Chairman Hawley: Okay, so it's not like a big flashing sign?

G. Bogue: No, nothing flashing.

Chairman Hawley: Okay. Does anybody on the board have any questions or concerns? It looks like it fits in the area.

D. Calhoun: It looks like a good spot to put a sign.

G. Bogue: We think so.

Chairman Hawley: I guess, I'm looking at, it seems to fit the area pretty well, so I don't really see any big cause for alarm on that. It seems like it fits right in. It doesn't look like it's going to overhang or disrupt from any other building or anything like that so...And that's kind of, my big issue typically is, you know, will it detract from anything. It seems like it kind of hits all cylinders.

D. Johning: Oh, and Jason, I did explain the 4:4 majority rule which tonight happens to apply.

Chairman Hawley: Okay, yeah, I do apologize, I should have addressed this earlier because we only have four members of BZA here tonight. All votes have to be unanimous. If you would like to withdraw for another month when

we have more members present, you are more than welcome to do so. So, before we get started and you can do so before the vote. Before the vote, once the vote goes, it kind of goes. So, if you're happy with how things are going, we can proceed with votes, or you're welcome to withdraw if you so choose that is your prerogative.

G. Bogue: Okay.

Chairman Hawley: Any other questions for Mr. Bogue. Do we have anyone in the audience would like to speak either for or against the proposal? I'm not seeing anybody so it looks like we can go ahead and make a motion for a vote if we don't have anybody else who would like to speak on this here. So, we need motion for roll call vote.

B. Davis: I will make a motion for a roll call vote.

Chairman Hawley: I will second.

D. Johnting: Jason Hawley, yes, Bill Davis, yes, Drew Cleveland, yes, Don Calhoun, yes. Motion approved.

Chairman Hawley: I've got to be honest, I am looking forward to some Chicago style pizza. You're having breadsticks too? Oh, I love that pizza.

B. Davis: Thanks for doing this, guys.

Chairman Hawley: Alright, next on the docket we have BZA2021-14-V, Family Dollar/Dollar Tree represented by Ed Thompson, A-Plus Signs. If you'd like to approach the table, state your name and address for the record.

E. Thompson: My name is Ed Thompson, A-Plus Signs out of Richmond. 920 Progress Drive. I am asking for a variance of your development standards from your sign ordinance to allow us basically a standard package that Family Dollar/Dollar General use across Indiana, Ohio to identify their facilities. Our signage is a bit over the requirements that your new ordinance here in Randolph County specify. And basically, that's why we're here asking for the

variance. If anybody's got any questions about sign sizes, or anything like that I'm free to answer anything you've got.

Chairman Hawley: I guess I'm having trouble finding it, what is our current height on our freestanding signs?

R. Abel: 15 feet.

Chairman Hawley: Okay, oh, there it is. 15 feet. Okay.

E. Thompson: And Family Dollar has lowered the height of this one to meet that. They typically set their signs at 20 to 25.

Chairman Hawley: Okay. I mean, typically that's where, personally, that's where my big hang up is, it's the height of the signs, that's really kind of where I'm going, I mean, judging by the plans and everything else, it seems like it's your typical Family Dollar I mean, Family Dollar/Dollar Tree, it seems like it's pretty standard. We all kind of know what to expect. Are there any questions or concerns from the board? You are familiar that we do have the rule of four here, because it takes all four yeses to pass.

E. Thompson: Yes.

D. Calhoun: I make a motion a roll call vote.

B. Davis: Second.

Chairman Hawley: Deb?

D. Johnting: Don Calhoun, yes, Jason Hawley, yes, Bill Davis, yes, Drew Cleveland, yes. And I didn't mention before, Jim Hufford, Bryn Albertson, and Jon Peacock are absent. Motion approved.

Chairman Hawley: Congratulations.

E. Thompson: Thank you.

Chairman Hawley: Moving right along.

E. Thompson: A question I have for you, I guess before we get started on the next one. If by chance, we don't have a full quorum vote, how soon can the petition come back before the board?

J. Welch: It would be next month.

R. Abel: Next month.

E. Thompson: Oh, really, okay, but I mean if we proceed and we don't get it?

D. Johnting: Oh, six months for the exact petition.

E. Thompson: Okay.

D. Johnting: You can make changes and return in a month. Well, changes that are significant.

J. Welch: Material changes.

D. Johnting: Yes, changes that are material.

R. Abel: And you amend this one.

D. Johnting: Yes, you can amend tonight.

E. Thompson: But if we decide to withdraw we just have to do it before the vote. But we can start the case and withdraw, or we withdraw now?

D. Johnting: No, you can start.

Chairman Hawley: You can kind of feel it out, see where it's going? Alright, well I guess then, if you'd like to proceed then we'll go ahead with that, sure. BZA2021-13-V for Reid Healthcare represented again by Ed Thompson of A-Plus Signs. For the record, please state your name and address.

E. Thompson: My name is Ed Thompson. A-Plus Signs, 920 Progress Drive, Richmond, IN.

Chairman Hawley: Alright, so what are we looking to do with, it looks like Reid Healthcare?

E. Thompson: We're looking to install at Reid Healthcare, we would like to install a brick monument sign which includes a lighted identification area. Our digital message center in that sign, as well as two channel letter signs on the building that will be lighted. Our signs, due to the size of the building, we're trying to keep signs proportional to the building, with the restrictions in your sign ordinance, we're quite a bit over on square footage, and that's the reason we're here for this variance. I believe your ordinance disallows electronic message centers? I know, we've been here before, for the variance, for we did for the bank here in town, and we've done one for the fairgrounds here in town. I know we've been here for those, but I didn't know if the ordinance actually restricted it or if we were here then for the size of them.

D. Johnting: I don't remember the one on the bank, the one out at the 4-H grounds was for the electronic message center.

R. Abel: And that one, I think at that time we put restrictions on, too that wouldn't be used for advertising and stuff like that.

E. Thompson: Our signs that we have a photocell on, they automatically dim with the ambient light outdoors, so the darker it gets outside the dimmer the sign goes.

R. Abel: I have seen other ordinances too, that allow changeable copy like this. A lot of them don't allow electronic changeable copy, but some do. But some of the limits I've seen on those has to do with the lighting and has to do with whether it's a motion thing and then some of them put a limit like 8 hours on the changeable copy. So you can't change the copy more than once every eight hours. That prevents them from doing the flashy moving signs. If you've got a message that needs to be out there, it allows that, but it doesn't allow the flashing, bright moving sign.

Chairman Hawley: Yeah, I think that's well within reason I mean.

R. Abel: That has to be put into the proposal if that's what the board wants.

E. Thompson: And I don't know what you guys would consider flashing versus what is considered animation? Because they like to on a lot of their signs run different short video clips of say different medical things, different things that might run in the background. They don't actually have things flashing, but just more of a video. Some municipalities look at that as a flashing sign.

Chairman Hawley: Right.

E. Thompson: You know, and I want to clarify that, you know, we're not looking for a sign to flash, they just run aesthetically pleasing video clips.

Chairman Hawley: Yea, I guess I can really see where that's kind of a slippery slope, though, sometimes I mean like, I mean aesthetically for someone is...

R. Abel: It's not to be distracting.

Ed. Thompson: Right.

Chairman Hawley: Well, I mean there are still other neighborhoods and whatnot around the area.

B. Davis: But I think we need to consider where it's placed as well, right?

Chairman Hawley: I mean it is what it is. I mean it's right there next to Pizza Hut and ALDI and everything else like that. I mean, so I guess that's kind of my....

B. Davis: And it's not like you're driving down 32 and wow, and bam! Right?

E. Thompson: Yeah, and we see in a lot of municipalities, will look back to, is have they had issues with other signs like this in the area? Have they had complaints, have they had traffic reports and traffic accidents due to these signs? Now these signs when they first started were a big controversy.

Chairman Hawley: Right.

E. Thompson: And they've become a lot more acceptable. Just once people learned how to program them.

Chairman Hawley: Yeah.

E. Thompson: You know bright is not always best. And Reid does real well in their marketing too, to keep these things tasteful, they don't want something intrusive.

Chairman Hawley: Right and I mean, that's kind of the one thing I kind of struggle with sometimes is, I like it to be tasteful, but how do I say what tasteful is, you know? And I am a big fan of having it, in the ambient light turned down, obviously. That's just my personal thing. Some of those screens, I understand, that you are a business, or trying to.

E. Thompson: We try to--we try to train our customers, hey, you know, bright is not better, these signs look better when they are dim. But it's hard to get some people to understand, I mean. The people that do well with marketing, they do realize that.

Chairman Hawley: Right.

D. Calhoun: The free standing sign, is it going to be on the, along 27, or is it going to be along the...

D. Johnting: No, there's a drawing in your packet on the third page, but it's kind of hard to see. It's going to be along Symmes Center Drive. See the yellow mark where it is going to be?

D. Calhoun: Okay, yeah.

D. Johnting: See where that's going to go in the parking lot?

D. Calhoun: Okay.

D. Johnting: And he said to us tonight, I didn't really realize what this area here this brownish, that's brick. I thought it was a lit up sign. But this will be brick. The light will actually be this, so smaller than, I mean the sign is still electronic, but it's smaller than in the picture.

E. Thompson: Right, it reduces the square footage down from 104 square feet it reduces it down to 53 square feet. If you only calculate the actual sign area.

D. Johnting: Of lighted sign. There's still sign there, but that portion of it's brick, and not actually lit. I didn't realize that that part was brick or I would have pointed that out.

Chairman Hawley: I mean just for me, it seems to, it doesn't seem too unreasonable to me. Where the sign is placed, the height, that they are trying to make it compatible to the size of the building doesn't seem that unreasonable to me.

B. Davis: Would you use the word tasteful?

Chairman Hawley: I believe it will be tasteful depending on what this animated sign does, but yeah. It's a hospital, I don't see it being too crazy.

D. Cleveland: This will be a hospital? What kind of services will be provided?

E. Thompson: The way I understand it, is just a primary and specialty care. It's not actually a hospital.

D. Johnting: I heard 43 offices in there...they'll have like when the traveling specialists come. There won't be 43 doctors, but they'll have that many offices.

R. Abel: There are not that many sinks.

D. Johnting: How many sinks are there?

R. Abel: I don't know but there aren't that many.

D. Johnting: Well, I don't know then.

D. Cleveland: I guess where I was going with that is, will be there be any directional sign on 27?

E. Thompson: That that's the reason they're wanting to put one sign on that side of the building. And not put a freestanding sign on 27. Just so, hopefully they can get some visibility without a freestanding sign on the backside of the building.

D. Cleveland: Because a lot of times, you have a hospital sign, directional, right?

R. Abel: Well, this isn't an emergency room.

D. Cleveland: And that's where I was going with all of that, so.

R. Abel: It's not an emergency room.

D. Cleveland: So there won't be anything on 27.

R. Abel: You want those people to be directed to the hospital.

D. Cleveland: Right?

R. Abel: You don't want to confuse them. And you could confuse them even having a sign on that side could be confusing. I mean, truthfully.

D. Cleveland: Right.

R. Abel: If you're a person coming from the north with an emergency, and you look up there and see Reid and you whip it off there, now you're caught in traffic, going down Symmes Center Drive, and back up to Walmart and around and around.

E. Thompson: And I mean, there is a big advertisement just for just primary care and specialty care on it though. It doesn't have anything on it advertising the ER or a hospital.

R. Abel: It is name recognition, though.

B. Davis: Redirect, redirect. Isn't that what Seri would say?

R. Abel: Well, if you have Seri.

B. Davis: I don't have Seri, so I would be in trouble.

Chairman Hawley: Are there any further questions? Anybody in the audience who would like to speak for or against the proposal? I move for a roll call vote.

B. Davis: So moved.

D. Cleveland: Second.

D. Johnting: Okay.

Chairman Hawley: You want to let it stand?

E. Thompson: Yes.

D. Johnting: Okay, Drew Cleveland, yes, Don Calhoun, yes, Jason Hawley, yes, and Bill Davis, yes.

Chairman Hawley: Congratulations, sir.

D. Johnting: And the same three people are absent, Jim Hufford, Bryn Albertson and Jon Peacock. Motion approved.

Chairman Hawley: Okay, so is there any old business that needs to be discussed before the board tonight? Any new business? Reports of officers or staff? I move we be adjourned.

B. Davis: So moved and seconded.

Chairman Hawley: Thank you very much, have a good evening ladies and gentlemen.

Jason Hawley, Chairman
Secretary

Debra Johnting, Recording

Bill Davis, Vice Chairman