

BZA MINUTES

OCTOBER 19, 2021

Members present: Jason Hawley, Jim Hufford, Bill Davis, Drew Cleveland

Absent: Bryn Albertson, Jon Peacock, Don Calhoun

Legal Representation: Jason Welch

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

Others present: Cheryl Thrasher

Chairman Hawley: All right, good evening. It is October 19, 2021. I'd like to call this meeting to order. Has everybody had a chance to look over and approve the minutes from September 21st?

D. Johnting: I just got them done today, if you'd want to table that until next month, after everyone has a chance to look them over, would that be fine with me?

Chairman Hawley: Well, that makes sense, that would be fine with me, if it's okay with everyone else? Okay, so that makes sense. We'll just table that until next month, so everybody has a chance to review those and we'll accept them at that time. So moving on, it looks like tonight we've got BZA2021-21-V, NLBC, New Lisbon Broadband Communications represented by Cindy Thrasher. Would you like to come up? Please state your name and address for the record please.

C. Thrasher: Cindy Thrasher, 3637 Shelby Street, Indianapolis, IN 46227.

Chairman Hawley: Did you receive Article V, Conduct of hearings?

D. Johnting: It's the 4:4 rule that if there are only four members present, you need all four yeses, so if you are denied tonight, you must wait 6 months to

come back. You have the option to withdraw prior to the vote and come back next month when we should have more than 4.

Chairman Hawley: So, you understand, that if you think this isn't going to go your way you can withdraw and come back?

C. Thrasher: Sure, I'm familiar with that from the other areas I deal with.

Chairman Hawley: Alright, so why don't you tell us what you're looking to do and what we can do to help you.

C. Thrasher: Okay, so I'm here to represent New Lisbon Broadband Communications and they are wanting to put up another sign on the west side of their building, It's a 30 square foot sign. 10 square foot is allowed so it is over the size limit. This sign will match the sign that's located on the south side of the building which is the front of their building currently. So yeah, they are looking for matching signs.

D. Johnting: They actually have a picture of that. The front side and the west side as well.

Chairman Hawley: Okay, so just trying to get pretty much matching signs.

C. Thrasher: Yes, it's you know, pretty simple. They'll be identical.

Chairman Hawley: Okay, any questions from the board? Any from the public? I see nobody there. Is there anybody that might speak for or against the proposal? I'm not seeing anybody.

B. Davis: I make a motion to take a roll call vote.

Chairman Hawley: I'll second.

D. Johnting: Jim Hufford, yes, Jason Hawley, yes, Bill Davis, yes, Drew Cleveland, yes and Don Calhoun and Jon Peacock are absent and Bryn Albertson has resigned. Motion approved.

C. Thrasher: Thank you.

Chairman Hawley: And please, before you start any construction or start on this, please make sure you have a permit. Make sure you get that.

C. Thrasher: I tell my customers that all the time.

Chairman Hawley: Any old business that we need to address? Any new business?

D. Jolnting: I have new business really quick. I have some pictures of signs. These are two signs that you gave variances for, and they did not get permits and they are not the signs you gave the variance for. You guys voted on this...and this is what they actually did. It looks fine, there are no complaints, but I wonder why they would come in for a variance to do one thing and then go ahead without a permit and do something else? The other is the Modoc/Union School electronic sign. It is in without a permit and is strobing and flashing and bright colors and all the things that they said they wouldn't do. I don't know if the same sign company did the work, or if they knew they had to. So, Randy suggested and I agree, you might want to go see these, you gave the variances, and then they did something else without a permit. And we only know about when we drive by and notice it.

R. Abel: I think the point is, during the hearing they said it would not strobe and would not flash, and it would not do all the stuff that it's doing. You know, nothing crazy like that that it is doing and it's right there on the highway.

Chairman Hawley: Right?

R. Abel: So I guess it's going, you know, we're planning on amending the sign ordinance here pretty soon, so I guess what we're wanting is feedback. If you're okay with it, strobing and flashing and doing crazy stuff, you know, we're just the enforcer here.

J. Hufford: I think it depends on where it's located, more than anything on what it's doing?

R. Abel: Well, you just need to go look at it and drive down the road on some dark night and see what you think. You can't get the perfect feel for it on a phone, you just really need to drive by there on a dark night and see what you think.

D. Johnting: The bright blue is really bright.

R. Abel: When you are driving down the road and it really hits you, right?

B. Davis: What brought this to whose attention?

D. Johnting: We were driving home the other night and I was about half asleep looking out the window and I'm like what the heck was that?

B. Davis: And that woke you up, right?

D. Johnting: It was the pink that really got my attention, and I turned around and looked and it was just a big glare of light.

R. Abel: I will say that a lot of ordinances I've read, and I've read a ton of them. A lot of them allow electronic signs and changeable copy, but they put a time limit. So, some of them will have like an 8 hour limit that you can change the copy. And some of them are, like, you know, an hour or whatever, but they're used for messages that like for this school, you know, everybody come and there's a whatever tonight, a football game or whatever, and then next week you change it, the next day you may change it, but generally, they're not...you know most communities don't like the idea of the strobe and the flash and the distraction.

Chairman Hawley: I can only speak personally, I've never been a fan of the flashing and the strobing and typically when people come in I try to at least ask or remember to ask that there be some sort of dimming device put on that because we did that with 4-H Ground, I remember that, we had that strong talk about that.

B. Davis; Well, disco was for your generation too. (Laughter)

Chairman Hawley: Is that where I'm at? [Laughter] You need to be kind to this old man. That's just me, personally.

B. Davis: So what's our option with this here? I mean to me this doesn't look that alarming to me really.

D. Johnting: It really doesn't, it's just the fact that it takes a lot of time to get these hearings done, you take your time to come and vote, and then they do something different without a permit.

R. Abel: You voted on the sign over the door.

D. Johnting: So you take time to come here, and you give them an answer, and I assume you don't just like, rubber stamp everything. And then they don't get a permit, and the next thing you know this is. There it is on Facebook, "look at our new sign".

B. Davis: And it's not up to us, to go and enforce it, is it?

D. Johnting: I just thought I'd share that and share the new electronic sign that I saw.

B. Davis: But maybe going forward should it be?

R. Abel: Well, you have the opportunity to do that, I believe. Don't they have an opportunity to enforce that?

D. Johnting: Nobody wants to discourage a new business, and they're really nice guys. They've worked really hard, it's a great looking sign. But what are we here for?

R. Abel: My question is, I don't mind the two, the signs like that, but when you start putting another one now into that.

J. Welch: That's going look too busy.

R. Abel: That's going beyond, way beyond what we approved.

D. Johnting: We don't know there won't be a sign up there because they didn't tell me about this sign.

R. Abel: And it may be just a thing we need to write them a letter and contact them and say, hey, what's up?

J. Hufford: We just let them know that one was not what was approved.

R. Abel: Right, that was not what was approved. I mean, I'm assuming that what they have now would be okay with the board, but now to add into that they add what was approved might be too much.

B. Davis: But, going forward, maybe we should address that. Because didn't you say they didn't get it a permit?

D. Johnting: They didn't get a permit.

R. Abel: They haven't.

D. Johnting: And Union School didn't get a permit for their flashing sign.

B. Davis: Because I'm just saying if this, another situation arises that you've got to stop it some place. Not saying that, to me it looks fine, but just going forward maybe they need to come back to the board and amend it.

Chairman Hawley: Yeah, because what do you do now if they say, well, we put the sign in there, what's the problem? Well, are you going to take the other ones down?

D. Johnting: And you don't want to be a jerk.

B. Davis: No, I know but I'm just saying going forward because you know this may happen again.

J. Hufford: And I think they're the ones being a jerk, because they brought one thing in to get approved and then they do something else.

D. Cleveland: Should they be required to have a permit before they come here?

R. Abel: No

D. Johnting: Well, we really couldn't give them one, because then that would be implying that they were pre-approved.

D. Cleveland: I misspoke, should they be required to apply for a permit?

D. Johnting: Generally, that's how this starts, they come in to apply...

R. Abel: You mean before they come in here? Oh, no. Because if they are not approved then what good is the application for the permit? But they're required to do the application after the meeting, as soon as they are approved.

D. Cleveland: So, why aren't these companies getting permits?

R. Abel: Good question.

D. Johnting: Cindy sent me an application for a permit and I wrote her back and told her it was too big and she'd have to go through a variance and she said that's fine, I'll do it. But she does that for a living, so she knows what she's doing. Gabe knew when he came in, from somebody, and he didn't even fill out a form. He knew that he needed a variance. And came in to fill out the paperwork for variance. And I tell them, you know you have to get a permit next. We've done this, well, we've been here for six years doing this and now all of a sudden, we haven't had this problem before.

B. Davis: Like I said, I don't see an issue with it, but I think that something needs to be said to them to have them come in and amend it.

J. Welch: And do a permit.

D. Cleveland: Right.

D. Johnting: I don't even know what size it is, I don't know, I assume they needed a permit and are we counting what's in the windows?

R. Abel: Yes, so and in all the other ordinances I have read there's a cumulative number, and then there's a singular number. So, you may be allowed two signs on a wall, which is what most of them do. Is two signs on a wall, and that would be the two signs on the wall. And then those two signs can't go over a cumulative number which is generally what we're trying to look at now is a proportion. So, you take the facade times some kind of factor, which is like 1.5, 1.2, whatever, and you're allowed that many square feet. And once you go over that, you're in the variance area. And then window signs count into that, wall signs, awning signs, anything that attaches to the wall, or that facade would count in that cumulative number.

B. Davis: My thought is to send something to them to make them come in and amend it because this may happen in the future, and we can...

J. Hufford: We don't want to set a precedence.

B. Davis: Exactly.

Chairman Hawley: I mean you've got to right wrong.

B. Davis: I think it looks tasteful.

Chairman Hawley: I agree, but we've got to do something.

D. Johnting: And the other one that they came to us for, may appear, it may not. I really don't know, it's just up there.

B. Davis: So, do we take a vote tonight I guess, to ask Randy do that?

J. Welch: He has the authority to do that even if you guys had said no.

R. Abel: Yes, I think we should send him a letter starting off and say...I mean, my question is, there's probably no more square footage to those signs there than there was in the one over the door.

J. Hufford: Probably not.

R. Abel: So if that's all they're putting in, Is those three signs, I don't see a big problem because the square footage that we okayed is probably in that same area. But if they add that going over the door now they're way over. So I'm saying if they're going to add that one over the door they probably need to come back, is that pretty much the way everybody feels?

Chairman Hawley: I think so, yeah, that seems logical.

R. Abel: So if they're leaving it like it is, I'm probably good with it. I think that's very tasteful looking there, and I don't think it's over the square footage that we approved.

B. Davis: And then go back and I think that's a good call there, and then go back to the sign at Union and address that, too.

R. Abel: Yeah, I think we need at least make them do a permit. And they didn't even get a variance for that.

D. Johnting: They did, they got a variance, but no permit.

R. Abel: They did get a variance, but no permit. And they made an agreement that there would be no flashing, or the crazy bright colors, or whatever. I think we just need to write them a letter and say you're violating the terms of the agreement made during the variance hearing in the BZA. And come and get a building permit.

D. Johnting: And we don't know if that sign company actually is the one who installed it. It was Green Sign Company that came before the board, but they could have hired someone else who didn't even know about the agreements.

Chairman Hawley: Anything else?

D. Johnting: We are short one, Bryn has resigned from the BZA and the APC. The mayor asked me if anybody knows of anyone from Winchester who might be interested in serving, maybe let us know and we can pass some names on to him.

R. Abel: It has to be a citizen from Winchester and it has to be somebody who does not hold public office.

D. Johnting: You look at somebody who's busy doing all the things, and they're probably busy. So, the mayor has those two spaces to fill.

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