



# Minutes December 2, 2020 Tipton County Board of Zoning Appeals

The Tipton County Board of Zoning Appeals held its regular meeting on Wednesday, December 2, 2020, at 7:00 pm, in the 1<sup>st</sup> Floor Meeting Room of the Tipton County Courthouse, 101 East Jefferson Street, Tipton, Indiana.

## Call to Order

Vice-Chairman Joe Mahaney called the meeting to order at 7:00 p.m.

## Roll Call

Members in attendance: Joe Mahaney, Bob Powell, Scot Gasho and Gary David.

*Gary Herrell has resigned. The County Commissioners appointed Gary David to fill his term on starting in November 2020.*

Members absent: Grant Dunn

Staff in attendance: Steve Niblick, Judy Coker and David Langolf Smith.

Staff absent: none.

## Modifications to Agenda / Agenda Summation

None.

## Approval of Minutes

a) September 2, 2020 Minutes

Bob Powell made a motion to approve the minutes of September 2, 2020 as presented; seconded by Scot Gasho. Motion carried 4-0.

## Public Hearings

a) CO-V-24-20 Reagan Outdoor development standard variance requests.

Michelle Noppenberger came forward to present the request for relocation of an off-premise billboard sign due to pending road construction along US 31.

Gary David asked how far the sign would be from the edge of the road. Michelle Noppenberger responded that the sign would be located 15 feet from the right-of-way.

Discussion ensued concerning whether the plan for the relocation of US 31 has been approved, and what whether the sign would need to be relocated if the US 31 project did not require the road to be moved. Michelle Noppenberger stated that if the road does not get relocated to the property where the sign currently stands, the sign would not be changed, and variances would not be needed.

Gary David asked who would be responsible for the fees involved in moving the sign. Michelle Noppenberger responded that the state would be covering those expenses.

Joe Mahaney questioned what they would do if the State's plans changed so that the road would be relocated so that the road or right-of-way went through another property owner's land. Michelle

Noppenberger stated that they would need to look into leasing land from that property owner. Michelle Noppenberger stated that they have been in contact with those potential property owners, but that they would still be looking to keep the sign 15 feet from the new right-of-way.

Bob Powell asked if the variances requested are for the new right-of-way and not the present right-of-way. Michelle Noppenberger responded, yes.

Michelle Noppenberger explained, in detail, the reason for the increase in height from 35' to 50' feet, and the change from utilizing an I beam structure to a monopole type structure, which falls under current state guidelines and requirements.

Joe Mahaney opened the public hearing. No one came forward to speak. Joe Mahaney closed the public hearing.

Discussion ensued among the board members concerning what would happen if the State changed their plans for the location of the road, and where the sign would end up. Scot Gasho stated that he believed there were still some unanswered questions, in this regard. Bob Powell stated that where the road is placed is not of any real concern to the board because the right-of-way is still going to be the same distance from wherever the road is located. Several board members agreed that if the State required an exorbitant right-of-way, it would be up to the billboard company to petition the State to encroach on their right-of-way

There was discussion concerning the reasons that the State may be considering an alternate plan for the location of the road.

Bob Powell asked Steve Niblick if the five variances required on the petition were accurately described in the staff report. Steve Niblick responded that they were and explained where each requirement was located in the zoning ordinance and why it would be required. Steve Nick responded that he felt good that the billboard advertises local business, and that this is a relocation and not a new sign. Steve Niblick stated that the relocation must meet the state criteria, and if it is denied, the county could be responsible, under state code, to reimburse the company for the cost of the sign. Steve Niblick stated that if this were a new sign, it would be required to meet all local ordinances. But because this is a relocation, this are different.

With no further discussion, Bob Powell made a motion to approve all five (5) variance requests as presented; seconded by Gary David. Motion carried 4-0.

### **Old Business**


#### **a) 2021 Meeting Schedule**

Steve Niblick asked the BZA members if they would like to change the time of the meetings in 2021. The members agreed to keep the meeting time at 7:00 pm.

### **Adjournment**

There being no further business, Bob Powell made a motion to adjourn the meeting at 7:28 pm; seconded by Scot Gasho. Motion carried 4-0.

  
Chairman

  
Executive Director

1-6-21  
Date

JANUARY 6, 2021  
Date