

Members Present: Lisa Carpenter
Tim Cron
Tim Schneider
Reece Timbrook, Chairman

Others Present: Nia Holt, Community Development Director

CALL TO ORDER: The Board of Zoning Appeals meeting was called to order at 6:30 p.m.

ROLL CALL: Mrs. Carpenter, present; Mr. Cron, present; Mr. Schneider, present; and Mr. Timbrook, present.

APPROVAL OF MEETING MINUTES: Having no comments or corrections, the minutes of September 26, 2023, stand approved.

Chairman Timbrook stated that speakers need to speak directly into the microphone when making public comments.

PUBLIC HEARINGS/REVIEW:

- a. **BZA Case #23-0007 – 1320 Woodman Drive (Parcel ID# I39101502 0012) – B-1,**
Neighborhood Business District.

A variance from UDO Section 1115.09(G)(1) to allow an increase in the permitted sign area for an electronic message center.

Ms. Holt took the oath to give sworn testimony. She stated this is a 316.7 percent variance request to increase the sign face area from 12 square feet to 50 square feet. She presented an aerial map and site plan of the site indicating the location of the sign that would have two faces. There is an existing sign with flat, static signage. She presented site photos of surrounding properties and the site. Staff finds that the requested variance to allow an increase in the maximum sign face area is not adequately justified and does not meet the standards for approval. Staff recommends denial of the requested variance as it is a substantial variance, the requested variance will alter the character of the Woodman South corridor, and the current design of the proposed sign is not the minimum necessary to afford relief to the applicant as an entirely new sign could be designed to meet the sign code requirements, and the spirit and intent behind the zoning code would not be observed. She reviewed the criteria for granting a variance.

Mr. Cron asked for the actual dimensions of the State Farm sign. Ms. Holt stated it was 12 sq. ft. Mrs. Carpenter stated she has a number of questions, but that it is difficult for her to speak. Mr. Schneider stated he would ask her questions for her. Mrs. Carpenter asked if the full signage would be LED and not just a portion. Ms. Holt stated that is correct. Chairman Timbrook asked if this was a request for a sign area increase and not for an LED. Ms. Holt stated that was correct. Chairman Timbrook asked if the current sign was 5' by 10'. Ms. Holt replied that was correct.

Chairman Timbrook opened the public hearing at 6:39 p.m. Mr. Jeff Kolaczowski, the applicant, took the oath to give sworn testimony. He stated they have been in Riverside since 2003. This is the original sign from when the building was built in 1979/1980. He stated he has been trying to spruce the building up and make it look nicer. LED signs seems to be the wave of the future. They are also using newer technology on their patients. The hope was to use the sign and be able to do like the guy uses his sign down the street. It does flash messages. He added they could also use the sign for public announcements. He explained how they tried to do different things with their sign in the past, but it just didn't work. This is a standard LED sign that comes with a program. He planned to have it on at 6:30 a.m. and turn it off around 10:00 p.m. so it doesn't bother anyone; however, there isn't anything residential really close. He wants to be part of the neighborhood.

Mr. Cron stated he likes the technology of LED and moving forward. The specifics are about the size. Currently, there is a 5' by 10' sign, he asked why he couldn't go with what was recommended in the code. Mr. Kolaczowski stated he was hoping to retrofit the sign; the bones of the sign are still very strong.

Mr. Schneider asked (for Mrs. Carpenter) if the images would be blinking, flashing, scrolling, or stationary. Ms. Holt stated a lot of that is against the sign code. They can talk about what is permitted should this be approved. Discussion was held on the information that would be on the sign code. Mrs. Carpenter asked if there would be a portion of the sign that has a fixed design that does not change. Mr. Kolaczowski stated he may be able to have part of it split that is static. Discussion was held on the scrolling and messages on the sign. Mrs. Carpenter asked if there is a modification or condition so that the sign can be appealing and not offensive in LED. Chairman Timbrook asked for the regulations of the LED sign as this has been an issue before. Ms. Holt reviewed the regulations some of which included no flashing, no rotating parts, and no pulsing. Chairman Timbrook asked if he was aware he would have to comply with other code with regard to the LED sign. Ms. Holt stated that with the information he has presented, the company can lessen the impact on heavily trafficked areas. Mr. Kolaczowski stated he would be willing to work with the city. Ms. Holt stated the city would need to know the size of the sections that are static and the size that is the messages. If the BZA is to grant that and how big those areas would be, now would be the time to make that modification. MR. Cron asked if the 12' sq. ft. max has to do with the LED or the whole sign. Ms. Holt confirmed it was just the LED. Mr. Kolaczowski asked if the part that was static could still be LED but it would still change. Ms. Holt stated in her opinion it would not have as great an impact on traffic and be closer in line with the code.

Chairman Timbrook closed the public hearing at 6:54 p.m.

Chairman Timbrook stated there is a current 5' by 10' sign that is old and sitting there. He would disagree with the city's assessment of the impact of having the larger sign in the same spot where one already exists and how distracting it may or may not be. He disagrees that the corridor would be altered as there may not be a sign of that size but there are plenty of other lit signs in that

area. There is also another message center a few parcels down. He does not understand how they square the increase in traffic accidents and emergency calls with the same restrictions that the applicant is going to be held to by the code for what can go on the sign. If they had an LED sign that fit the right sizing, it would be going on there anyway. He does not see any problem granting this variance as requested for the 5' by 10' sign. Mr. Cron stated that for LED they have code in place. The distraction or wow factor for a person driving by it for the first time compared to someone driving by it the 50th time drastically changes. He added there are multiple signs in that area that are LED. He feels that it is his choice for static or scrolling. Mrs. Carpenter stated she would approve with conditions or modifications in line with the code with it being more stationary as it is close to the road. Chairman Timbrook asked what percentage is she looking for as far as scrolling, 12 sq. ft. Mrs. Carpenter stated for the scrolling yes, 12 sq. ft., and then a stationary picture or model whatever he wants to use as an advertisement. Chairman Timbrook does not see any reason to restrict it at all to add conditions.

Chairman Timbrook moved, seconded by Mr. Schneider, to approve the requested variance without conditions for Case #23-0007. Roll call went as follows: Mr. Timbrook, yes; Mr. Schneider, yes; Mrs. Carpenter, no; and Mr. Cron; yes. **Motion carried.**

ZONING ADMINISTRATOR DISCUSSION TOPICS: Ms. Holt stated she has drafted the 2024 meeting dates for them to review. She asked them to let her know if any date needed changed or moved. Mr. Cron did ask when the December meeting would be for 2023. Ms. Holt stated they have not had one for 15 years. She is aware they moved it around in 2022 making it the week before. She stated it is on her schedule for December 19, 2023. The November meeting would still be on November 28, 2023. Ms. Holt stated she is going to start to register people for the planning and zoning conference next week. She stated to let her know if they want to attend.

ADJOURNMENT: Mr. Cron moved, seconded by Mr. Schneider, to adjourn. All were in favor. **Motion carried.** The meeting adjourned at 7:05 p.m.

Chair

Date