

**MINUTES OF THE LAWRENCE  
BOARD OF ZONING APPEALS  
DECEMBER 20, 2022**

**MEMBERS PRESENT:** Rebecca Lightle, Tom Crouch, Trace Yates, Faith Alvarez, Chelle Carey, Chris Downs

**STAFF PRESENT:** Economic Development Director Dan Zuerner and Board Secretary Renea Rafala

**COUNCIL PRESENT:** Marla Rusomaroff, District 4

Mrs. Lightle called the meeting to order at 6:03pm and announced a quorum was present.

**APPROVAL OF MINUTES FROM NOVEMBER 15, 2022:** Mr. Crouch requested an amendment to the minutes to add the 5-0 vote to petition #17. Ms. Carey motioned for approval of the minutes with the change, the motion was seconded by Ms. Alvarez and passed 5-0.

**SPECIAL REQUESTS, WAIVERS OR WITHDRAWALS:**

Request for Continuance to February 21, 2023

**22-LSV-14 ~ 7955 Oakdandon Road**

Variance of Development Standards of the City of Indianapolis consolidated Zoning/Subdivision Ordinance 743-1 to allow for an assisted living facility in a DA zone (requires D6 or higher) to allow up to 20 residents and a Variance of Development Standards to allow for deficient parking (12 required, 8 provided) and no bike parking (3 required). ~ Continued to February 21, 2023 with notice

**Old Business:**

**22-LSV-15 ~ 6916 Winona Dr**

Property Owners, Chris Duckworth and Stacey Pruitt, presented the case for a Variance of Development Standards of the City of Indianapolis consolidated Zoning/Subdivision Ordinance for the D2 District; Table 744-201-1 to allow an existing mini barn (shed) located in the front yard setback (30 feet required, 22 feet provided).

The following remonstrators spoke against the petition:

Mark Rumreich, Amy Forbush

The following spoke in favor of the petition:

Dr. Richard (from two doors down)

Director Zuerner did not have an opinion on behalf of the City.

After discussion the Board voted and approved the petition 4-1.

**New Business:**

**22-LUSV-18 ~ 4403, 4411, 4421, 4429 N. Franklin Road**

Petitioner's representative, Joe Calderon, along with the Civil Engineer, Mike Tempco and Travis Smith, Crew Car Wash, presented the case for a Variance of Use of Table 743-1 to allow construction of a new car wash facility on four parcels, one of which is zoned C5, and the other three are zoned C3 (not permitted in C3). In addition, Development Standards of Chapter 743, Article III, Section 06.I: Drive thru stacking spaces located in front yard of

Franklin Road (stacking spaces prohibited in front yards along rights of way in excess of 30 feet).

Councilor Rusomaroff requested extra drainage be considered to keep the excess water from migrating into the roads.

Director Zuerner recommended approval

After discussion the Board voted and approved the petition 5-0.

**22-LUSV-19 ~ 7300 East 56<sup>th</sup> Street**

Petitioner's representative, Joe Calderon, presented the case for a Variance of Sign Ordinance Table 744-906-12D to allow a monument sign that is 12 foot tall (12') by 10 foot (10') wide; five feet (5') maximum height permitted; and Table 744-906-12G to allow a 40 square foot digital display; digital display not permitted in SU district.

The following remonstrator spoke against the petition:  
Daniel Rapp

Director Zuerner recommends approval with the commitments below:

1. The EVMS will be turned off between midnight and six o'clock a.m. each day.
2. The EVMS will not flash or have scrolling messages; it will change instantaneously from one static message to another.
3. The EVMS screen will change messages no faster than every six seconds.
4. The EVMS screen will be one consistent static image during rush hours of seven thirty o'clock a.m. to nine o'clock a.m. (7:30 – 9:00 a.m.) and four o'clock p.m. to six o'clock p.m. (4:00 – 6:00 p.m.) during the weekdays (Monday – Friday).
5. The EVMS screen shall not have monochromatic messages or message with a dominant color of red, yellow or green due to potential interference with a signalized intersection.
6. The EVMS shall utilize a system which shall automatically regulate brightness and dim the message when appropriate.
7. No advertising banners shall be located in the windows on the same side of the building as the EVMS.

Ms Alvarez requested that the sign be turned off at 10:00pm instead of 12:00. After discussion the Board voted and approved 5-0 with the change in commitment #1 to

**22-LUSV-20 ~ 11915 Pendleton Pike**

Petitioner, Dan Van Treese, presented the case for a Variance of Sign Ordinance Chapter 744, Section 11A(7) to convert an existing static display (west side) to a digital display and legalize the existing digital display (east side). The sign is 405 feet from a protected district (600 feet required).

Director Dan Zuerner recommends approval with the commitments below:

1. The Digital Billboard shall contain no content that moves, appears to move, flashes, twirls, scrolls, changes color, or in any manner imitates movement of text, background, or any feature of the display.
2. The Digital Billboard will change instantaneously from one static message to another.
3. The Digital Billboard screen will display messages for at least 8 seconds.
4. The Digital Billboard shall not attempt or appear to attempt to regulate, warn, or direct the movement of traffic or that interfere with, imitate, or resemble an official traffic sign, signal, or device.

5. The Digital Billboard shall possess and utilize a light sensing device with automatic dimming capabilities to adjust the brightness of the sign, so that the maximum luminescence level is not more than three-tenths foot candles over ambient light.
6. At all times the variance is in effect WORTH OUTDOOR LLP (WORTH) or its successors in interest, must provide the name and phone numbers for at least two persons who have the ability and authority to make modifications to the display and lighting levels of the Digital Billboard. Should WORTH or its successor in interest fail to respond within 48 hours to a call from the City related to the Digital Billboard the City may turn off the power to the Digital Billboard.
7. In the event of a malfunction in the proper operation of the Digital Billboard, the screen shall either be frozen in a dark or blank position or must be completely shut off within 12 hours of when WORTH or its successor in interest, or at least one of the contact persons referenced in #6, being advised of, or obtaining knowledge of, the malfunction.
8. The Digital Billboard will have a solar panel affixed to it.

After discussion the Board voted and approved 4-1 with the commitments shows above.

There being no other business before the board the meeting was adjourned at 8:40 p.m.

  
Rebecca Lightle, Chairman

  
Renea Rafala, Secretary

These minutes are not intended to be verbatim. They are a summary of discussions held, except for the motions. An audiotape is made which provides a detailed record.