

Edinburgh Zoning Board of Appeals Minutes
 Wednesday, June 4, 2025
 6 p.m. Town Hall

Chairman Ron Hamm opened the meeting of the Edinburgh Zoning Board of Appeals with roll call. Members in attendance were Allison Detling, Bill Jones, Keith Sells, and secretary Stephanie Taylor. Staff members present were Dustin Huddleston, Town Attorney, and Planning Director Julie Young. Member Greg Stinson was absent.

Keith Sells made the motion to accept the minutes of the May 7, 2025, meeting, as presented. Bill Jones seconded the motion, which carried.

Attorney Dustin Huddleston swore in those who wanted to speak.

Planning Director Julie Young presented **Case ZB 2025-04V Edinburgh School Corporation**, a request for a *Variance from Developmental Standards* from the Town of Edinburgh Zoning Ordinance Division 6, Section 156.206 and 156.208, for a new monument sign to replace the existing monument sign on the property at 220 Harrell Street, Edinburgh, Indiana 46124. The proposed sign would be one hundred twenty-seven and one half (127.5) inches high and one hundred twenty (120) inches wide and include an electronic message center. The sign will have a twenty-four (24) inch high base with vinyl lettering, a six (6) foot wide by three (3) foot high electronic message center and a one hundred and four (104) inch wide by forty-nine (49) inch high illuminated cabinet with vinyl lettering and graphics. As such, the total sign print area is approximately thirty-eight (38) square feet in area. The stated intention of the Edinburgh School Corporation is to utilize the electronic message center to display information related to school events, parent reminders, school promotions, and other content generally beneficial to local citizens and visitors.

Staff Report recommended approval of the petition with three (3) variances and five (5) conditions:

The three (3) variances cover **Division 6. Sign Regulations**

- a. **156.203 Prohibited Signs:** The following types of signs are expressly prohibited in all zone districts:
 - (3) Animated and Intensely Lighted Signs
 - (7) Moving signs
 - (13) [c] Operate or employ any stereopticon or motion picture projection or media in conjunction with any advertisements, or have visible moving parts of any portion of which moves, or gives the illusion of movements except as permitted in this Division
- b. **156.206 Illumination:**
 - (2) No sign shall have blinking, flashing, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness or color or gives such illusion
- c. **Total Copy Area and Size**
 - 156.208 (2) [c]** A church or public building, bulletin board or sign, not exceeding thirty-two (32) square feet in area.
 - 156.208 (3) (f)** The height of any ground sign shall be such that no part of the sign face shall exceed a maximum height of four (4) feet above ground level.

The five (5) conditions are as follows:

1. The outdoor signage is compliant with all other standards established in Division 6 Sign Regulations 156.200 for which no variances are granted;

2. The installation shall meet the standards as specified in the National Electrical Code;
3. The full number of illuminating elements thereof shall be kept in satisfactory working condition or immediately repaired or replaced. All electrical wiring shall be in conduit and not exposed to the elements or external stress in any way. All electrical signs shall have a disconnecting switch located in a readily accessible place;
4. The illumination and/or animation would be maintained so that neither the direct nor reflected light from a primary light source shall create a traffic hazard to operators of motor vehicles on public and/or private roadways; and
5. The light from the illuminated sign shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to the surrounding areas.

Petitioner Thomas Hopkins, with Sign Solutions, 505 Commerce Parkway West Drive, Greenwood, Indiana 46143, spoke on behalf of the school corporation.

He noted that the corporation was looking to modernize their signage. This electronic signage was convenient to use, especially in the winter months, also more aesthetically pleasing.

Per the petitioner's submitted findings of fact, the sign will utilize static changing messages so as not to distract drivers (Exhibit C Findings of Fact).

No one spoke against the petition.

Bill Jones made the motion to approve the petition, with the three (3) variances and five (5) conditions listed above. Allison Detling seconded the motion, which carried.

Attorney Dustin Huddleston then spoke regarding **Zoning Violation and to Proceed with Legal Action-7590 East State Road 252, Edinburgh, Indiana 46124.**

He noted that this item was not common. The Board was being asked to consider proceeding with legal action against the property owner pertaining to notices issued on October 2, 2023; April 30, 2024; and April 29, 2025, for zoning violations. In addition to these notices, Attorney Huddleston had prepared and sent a letter on May 22, 2025, advising the property owner of this meeting and that the Board would consider legal action due to the non-compliance of the notices.

At this point nothing has been done by the property owner in response to the notices.

The Board must choose to proceed with litigation to enforce these notices; to not proceed with litigation; or to continue the matter.

Board members had numerous questions for Attorney Huddleston. He noted that it is not normal to give a property owner two years to come into compliance, instead the Town would usually try to work with the property owner. He added that there had been a lot of turnover with staff regarding code enforcement and town managers. Our present Planning Director was not employed when this started.

If the Board chooses to go to trial, the request will be to remove the structures that are in violation and collect any fines.

A timeframe for removal of structures in violation would be up to a judge. The property owner will have the right to appear in court to defend himself.

If the property owner adds more structures, more violation notices will be sent.

If the Zoning Board of Appeals authorizes the legal action, Attorney Huddleston will begin to prepare the litigation and move forward. Town funds will pay the court costs.

Bill Jones made the motion to proceed with litigation to enforce the notices that are stated on record. Ron Hamm seconded the motion, which carried.

Attorney Huddleston noted that we needed to authorize the chairman or anyone on the Board to sign documents to proceed. Chairman Ron Hamm agreed to sign documents. Bill Jones made the

motion that Ron Hamm be authorized to sign any and all documents to proceed with litigation. Allison Detling seconded the motion, which carried.

There being no other business, Keith Sells made the motion to adjourn the meeting at 6:14 p.m. Bill Jones seconded the motion, which carried.

Keith Sells

~~Ron Hamm, Chair~~

Keith Sells, Assistant Chair

Stephanie Taylor

Stephanie Taylor, Secretary