

## Agenda Item #6

<b>Case Number</b>	BZNA 000059-2024	<b>Property Size</b>	3.06 acres
<b>Address</b>	14800 Herriman Boulevard	<b>Zoning</b>	I1 (Light Industrial)
<b>Owner</b>	DVDRJB	<b>Reviewer</b>	Denise Aschleman
<b>Applicant</b>	Reagan Outdoor Advertising	<b>BZA Meeting</b>	May 6, 2024

### Requested Action:

UDO § Table 8.B.2.B and Appendix C – Board to consider a Variance of Use application to permit the relocation and reinstallation of an off-premise sign.

### Recommendation:

Neutral. See Findings of Facts on page 2 and Conditions of Approval on page 5.

### Exhibits:

1. Application
2. Aerial Photo
3. Site Plan
4. Sign Elevations
5. Petitioner's Presentation
6. INDOT permit (1993)



## ANALYSIS

The subject site is located approximately 850 north of 146<sup>th</sup> Street on the west side of State Road 37. There is an industrial building on the property along with the associated off-street parking. Until approximately 2 years ago, there was also an off-premise sign with two advertising faces facing northbound traffic. The upgrades to State Road 37 and the installation of an interchange type intersection at 146<sup>th</sup> Street made it so that additional ground was needed from this property. The sign remained in place through most of construction but was removed by construction crews at some point in 2022. The previous sign had been located on a slope created by the installation of drainage swales for the road.

The applicant is requesting a variance of use to permit them to reinstall their off-premise sign on this site. The Unified Development Ordinance currently prohibits off-premise advertising so the Applicant would be unable to construct their sign without the grant of a land use variance. The Applicant is proposing to use the previous sign to inform the construction of the new sign, but the sign will be in a new location on the site and the sign will look visually different. The new sign moves from the previous sign location approximately 40 feet to the west and approximately 80 feet south. That move allows the new sign to be totally located on the property while allowing the owner of the parcel the space to add on to the existing building in the future if they choose. The previous sign consisted of two stacked sign faces of 12' x 25' on two posts with a total sign height of 40'. The proposed sign is a "V" configuration with the two 12' x 25' sign faces placed back to back on a single post with a total sign height of 40'. This change allows the sign to be visible to both north and south bound traffic on State Road 37.

The previous sign was not illuminated. The Applicant is requesting that they be allowed to illuminate the sign if this variance is granted. The City's records regarding the previous sign have not been located to this point. The Applicant has provided a copy of a 1993 INDOT permit for an outdoor advertising sign. It notes the dimensions of the sign as stated above, and also notes that the sign is illuminated. The Applicant has noted that the previous sign was not illuminated but it is their desire to illuminate the new sign.

As further background information, it should be noted that this process is the first step to resolve the eminent domain issues regarding this property and the sign that was previously at this location. As we understand it, neither the property owner nor the sign owner have reached an agreement with the City of Fishers regarding compensation for the sign that was previously on the site or the property that was taken. In their presentation, the applicant cited to an Indiana statute that states if a variance is denied, Noblesville could be responsible for more than \$1 million in costs associated with the previous sign's removal. Noblesville disputes that statement. Given the reasoning for the sign's removal, Noblesville does not believe it will bear the entire cost, if any. The road project was facilitated by the City of Fishers, which included the acquisition of all property within the project boundary. Noblesville's role in the process was more regulatory, as we have zoning jurisdiction in that area of State Road 37 north of 141<sup>st</sup> Street. Regardless, negotiations with all parties will need to commence on this matter to be fully resolved.

## VARIANCE OF USE FINDINGS

### AGENDA ITEM #6:

If the Board should decide to APPROVE the requested variance, please use the following findings of fact:

The Noblesville Board of Zoning Appeals is authorized to approve or deny variances of use from the terms of the zoning ordinance. **The BZA may impose reasonable conditions as part of its approval. A variance of use may be approved only upon a determination in writing that the following five (5) conditions are met (see Indiana Code § 36-7-4-918.4):**

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community:

**It is likely that the proposed variance will not be injurious to public health, safety, and general welfare of the community. The sign that was removed in 2022 had been on that property in some manner – different configurations and locations possibly – since at least 1976. There are no known injuries that have resulted from the sign display at that location. The continued use of a static sign board should cause no known problems for the public health, safety, morals, or general welfare.**

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:

**It is likely that the use and value of real estate adjacent to the subject site will NOT be affected in a substantially adverse manner by allowing the requested variance. Nearby property owners may remonstrate against this petition if they believe this request will have significant adverse effects on adjacent properties. Should nothing contrary be brought to light by adjacent owners at the public hearing, it is presumed that the approval of this variance request will not have a substantially adverse effect on the use and value of adjacent properties.**

3. The need for the proposed variance arises from some condition peculiar to the property involved:

**The need for the variance does arise from a condition peculiar to the property involved. The former sign was removed by the City of Fishers and INDOT while making upgrades to State Road 37. The sign was located within the path of a drainage swale that accommodates the interchange ramp. Given the nature of the sign and a desire to have that type of use in close proximity of the roadway and highly visible, the previous sign was close to the eastern property line of the parcel.**

4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought:

**The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought. The previous sign was located within an area that was needed to facilitate the drainage for the improvements to State Road 37 and was removed in 2022. The applicant did not desire to remove the sign and has lost revenues for the sign since its removal. The Unified Development Ordinance does not allow off-premise signs. The action to remove the sign was not an action caused by the applicant but by the City of Fishers and INDOT because of the upgrades to the road, and they continue to see a financial hardship while the sign is not installed on the property.**

5. The approval of this variance does not interfere substantially with the provisions of the Comprehensive Master Plan for the City of Noblesville, Indiana:

**The approval does not interfere substantially with the comprehensive plan. The property is shown on the future land use map as Innovation/Flex MU. The primary uses within the district are non-residential in nature. The installation of an off-premise sign on a property within a non-residential area are considered to be customary in other jurisdictions.**

If the Board should decide to DENY the requested variance, please use the following findings of fact:

The Noblesville Board of Zoning Appeals is authorized to approve or deny variances of use from the terms of the zoning ordinance. **The BZA may impose reasonable conditions as part of its approval. A variance of use may be approved only upon a determination in writing that the following five (5) conditions are met (see Indiana Code § 36-7-4-918.4):**

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community:

**It is likely that the proposed variance will not be injurious to public health, safety, and general welfare of the community. The sign that was removed in 2022 had been on that property in some manner – different configurations and locations possibly – since at least 1976. There are no known injuries that have resulted from the sign display at that location. The continued use of a static sign board should cause no known problems for the public health, safety, morals, or general welfare.**

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:

**It is likely that the use and value of real estate adjacent to the subject site will NOT be affected in a substantially adverse manner by allowing the requested variance. Nearby property owners may remonstrate against this petition if they believe this request will have significant adverse effects on adjacent properties. Should nothing contrary be brought to light by adjacent owners at the public hearing, it is presumed that the approval of this variance request will not have a substantially adverse effect on the use and value of adjacent properties.**

3. The need for the proposed variance arises from some condition peculiar to the property involved:

**The need for the variance does NOT arise from a condition peculiar to the property involved. The site is similar to a number of properties along the State Road 37 corridor, and they all offer similar visibility. The proposed sign could be re-installed on any property within the county based upon the information provided in IC 8-23-20.5 regarding market area and eligible relocation requirements.**

4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought:

**The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought. The previous sign was located within an area that was needed to facilitate the drainage for the improvements to State Road 37 and was removed in 2022. The applicant did not desire to remove the sign and has lost revenues for the sign since its removal. The Unified Development Ordinance does not allow off-premise signs. The action to remove the sign was not an action caused by the applicant but by the City of Fishers and INDOT because of the upgrades to the road, and they continue to see a financial hardship while the sign is not installed on the property.**

5. The approval of this variance does not interfere substantially with the provisions of the Comprehensive Master Plan for the City of Noblesville, Indiana:

**The approval does not interfere substantially with the comprehensive plan. The property is shown on the future land use map as Innovation/Flex MU. The primary uses within the district are non-residential in nature. The installation of an off-premise sign on a property within a non-residential area are considered to be customary in other jurisdictions.**

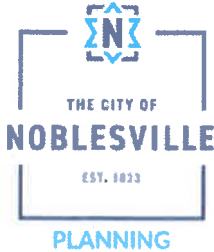
## **RECOMMENDATIONS**

**AGENDA ITEM #6: Staff is NEUTRAL on the variance of use.**

**If the Board should choose to approve the requested variance, staff asks that it include the following specific conditions:**

1. The proposed sign shall not exceed 40 feet in height.
2. The sign shall be setback a minimum of 20 feet from the revised right-of-way line shown on the INDOT drawings regarding the construction (also shown as yellow shaded area on page 11 of Petitioner's Presentation – Exhibit 5).

3. The lighting shall be shielded from the adjacent roadway.
4. The sign shall not be converted to an electronic sign display in the future.
5. If the sign is destroyed by any means to an extent that the cost to repair the structure exceeds 50% of the cost to build a new structure, the sign shall not be reinstalled until a new variance of use approval is obtained from the Board of Zoning Appeals.
6. The Applicant shall sign the Acknowledgement of Variance document prepared by the Planning and Development Department Staff within 60 days of this approval. Staff will then record this document against the property and a file stamped copy of such recorded document shall be available in the Department of Planning and Development.
7. Any alterations to the approved building plan or site plan, other than those required by the Board of Zoning Appeals (BZA), shall be submitted to the Planning and Development Department prior to the alterations being made, and if necessary, a BZA hearing shall be held to review such changes.



**CITY OF NOBLESVILLE  
BOARD OF ZONING APPEALS  
VARIANCE OF LAND USE APPLICATION**

Application Number: \_\_\_\_\_

The undersigned requests a Variance of Land Use as specified below. Should this variance request be approved, such approval shall only authorize the particular use described in this application and as further limited by reasonable conditions imposed upon such approval by the Board of Zoning Appeals.

Project Name or Occupant Name: Reagan Outdoor Advertising Billboard Relocation

Common Address: 14800 Herriman Blvd., Noblesville, IN 46060

Applicant Name: Michelle A. Noppenberger for Reagan Outdoor Advertising

Applicant Address: 511 Madison Avenue

Applicant City/State/Zip: Indianapolis, IN 46225 E-mail: michelle.noppenberger@reaganusa.com

Applicant Phone #1: 317-860-2250 Phone #2: 317-752-9719 cell Fax: \_\_\_\_\_

Owner Name: DVDRJB Real Estate, Inc.

Owner Address: 1301 South 6th Street

Owner City/State/Zip: Noblesville, IN 46060 E-mail: ddaubenspeck@vibromatic.net

Owner Phone #1: 317-773-3885 x109 Phone #2: \_\_\_\_\_ Fax: \_\_\_\_\_

Property Location:  Not located in a recorded subdivision, see legal description attached.

Subdivision Name: Stony Creek Industrial Park

Subdivision Section: 28 Lot Number: 101 Last Deed of Record Number: 2013049442

Existing Land Use: Industrial (MCI/Screwdriver Systems)

Common Description of Request: Relocation of an off-premise sign approximately 60' south and 20' west of previous off-premise sign location (same parcel)

Zoning District of Property: I-1 Code Section(s) Appealed: UDO § see attached

Date: March 19, 2024 Applicant's Signature: \_\_\_\_\_

*Michelle A. Noppenberger*  
**Michelle A. Noppenberger**

The Noblesville Board of Zoning Appeals (BZA) is authorized to approve or deny Variances of Land Use from the terms of the Unified Development Ordinance. The BZA may impose reasonable conditions as part of its approval. A Variance of Land Use may be approved only upon a determination in writing that the following five (5) statements are true (see Indiana Code § 36-7-4-918.4):

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Explain why this statement is true in this case:

The off-premise billboard sign that is being relocated pursuant to this grant of variances has been in place for decades without causing any injury to the public health, safety, morals, and general welfare of the community. The off-premise billboard sign is being relocated to facilitate a road improvement project being administered by the Indiana Department of Transportation (“INDOT”) known as the Indiana’s State Road 37 Improvement Project. The property is zoned I-1 Light Industrial and the majority of the immediate area is industrially zoned.

There is no evidence that the off-premise billboard sign has caused any injury, in any manner, to the public health, safety, morals and general welfare of the community. The sign will conform to Federal, INDOT, and industry standards with regard to construction and safety. The general welfare of the community could be adversely impacted should the variance not be granted by requiring the City of Noblesville’s tax dollars to be diverted from other public programs to pay for the taking of the billboard sign.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner by the approval of this variance request. Explain why this statement is true in this case:

Currently, the zoning is I-1 Light Industrial, for this parcel. The off-premise billboard sign that is being relocated pursuant to this grant of variance has been in place for decades without affecting the neighboring properties in a substantially adverse manner. The variance in question seeks to move the billboard approximately 60 feet from its previous location. Moving the location on the same parcel would not affect the value of adjacent properties since the billboard has existed for decades. Pursuant to this grant of variance, the outdoor advertising sign will be relocated to facilitate a road improvement project being administered by the Indiana Department of Transportation (“INDOT”) known as Indiana’s State Road 37 Improvement Project.

A majority of the surrounding parcels are also zoned I-1 and used as business or industrial space. The parcel to the south is used as a truck repair shop. The property to the north is used as a gym for Indiana Elite Cheer & Tumbling. The property to the west is used as a building material store (Fastenal) and to the east opposite of SR-37 is the newly built Costco store.

3. The need for the proposed variance arises from some condition peculiar to the property involved. Explain why this statement is true in this case.

The State of Indiana Department of Transportation has conducted a road improvement project along State Road 37 and 146<sup>th</sup> Street which necessitates the acquisition right-of way where the billboard stood. The unique nature of where the property is located, the prior existence of the billboard upon the property, and the fact that the City of Noblesville does not have a Special Exception to the City of Noblesville’s Unified Development Ordinance to allow for the relocation of billboards, which are eligible for relocation by the State of Indiana, adjacent to State funded road projects creates a unique situation where a variance of use is required to relocate the billboard in accordance with the State of Indiana Department of Transportation’s Administrative Rules and Regulations.

4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which this variance is sought. Explain why this statement is true in this case:

The need to relocate the billboard is a direct result of the State of Indiana Department of Transportation's Road improvement project along State Road 37 and 146<sup>th</sup> Street. Strict application of the Unified Development Ordinance will result in the loss of the billboard and the costs of the taking would be shifted to the City of Noblesville pursuant to Indiana Code 8-23-20-25.6. The zoning ordinance places an unnecessary and unusual hardship on the application through no fault or action of applicant and does not further the intent of the zoning ordinance.

5. The approval of this variance does not interfere substantially with the provisions of the Comprehensive Master Plan for the City of Noblesville, Indiana. Explain why this statement is true in this case:

The Comprehensive Plan identifies this property as Innovation/Flex MU which envisions future industrial and office/commercial development. There are no objective standards by which to determine whether the proposed variance would or would not interfere substantially with the Comprehensive Plan. The current zoning is I-1 Light Industrial and the property is used as an industrial equipment supplier. In addition, billboards have been located on this property for decades. The Comprehensive Plan for this parcel and surrounding parcels to the north, south and west are marked as Innovation/Flex MU. The subject property along with properties to the north, east and south are identified as Light Industrial and to the east identified as Planned Business/PD.



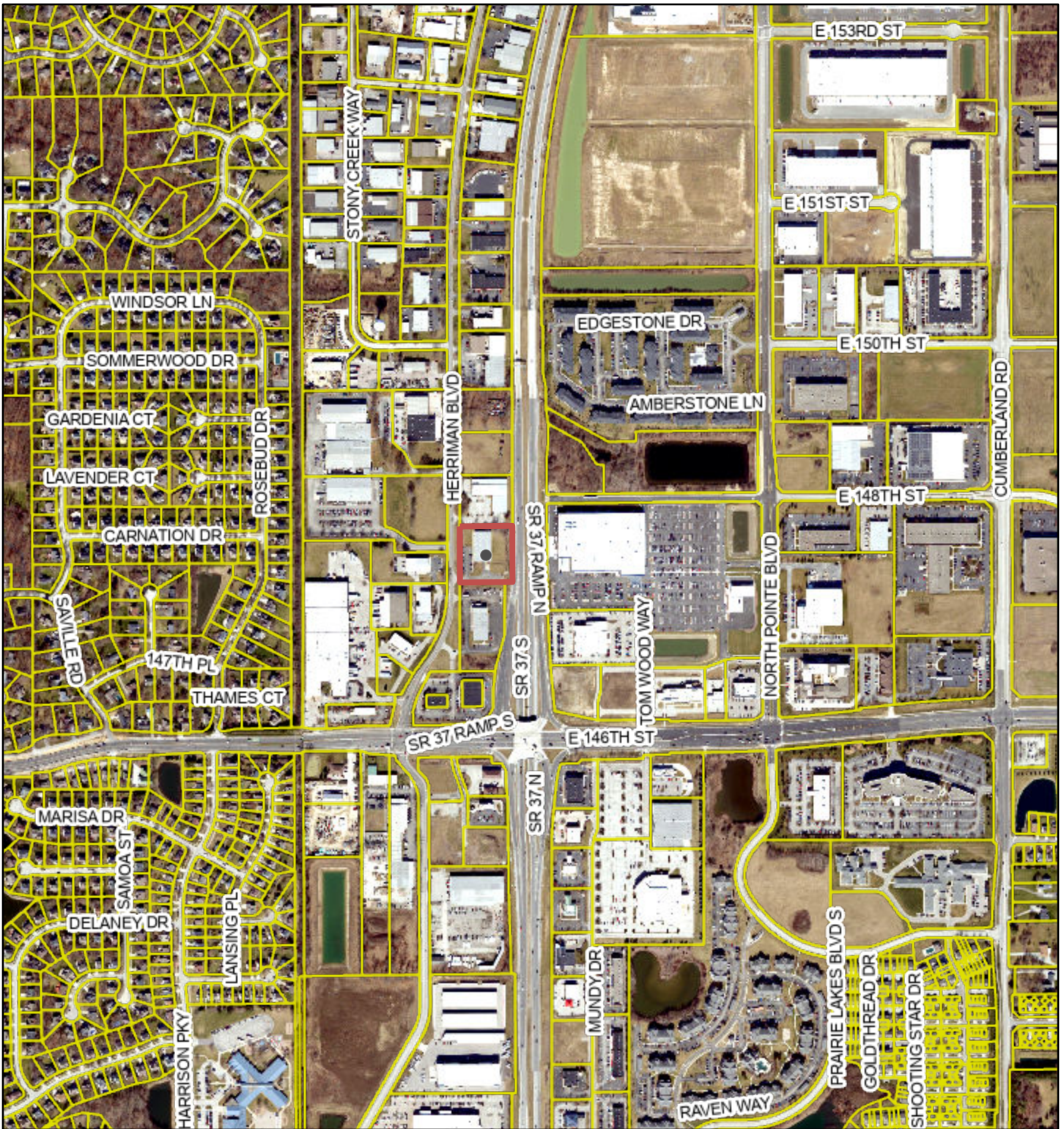
14800 Herriman Blvd., Noblesville, IN 46060  
Reagan Outdoor Advertising

## **NARRATIVE STATEMENT**

There is an Off-Premises sign that existed at 14800 Herriman Boulevard, Noblesville, IN 46060, in the County of Hamilton, in the State of Indiana for decades. As a result of a State of Indiana Department of Transportation Road project at the State Road 37 and 146<sup>th</sup> Street Interchange (INDOT Project – State Road 37 Road Improvement Project), this necessitates the taking of right-of-way such that the off-premises sign owned by Reagan Outdoor Advertising was removed from the area. Pursuant to INDOT Rules and Regulations, and in conformity with state statute, this Off-premises sign is eligible for relocation as it is permitted to be relocated within the same county, of the once existing location, per INDOT rules. The outdoor advertising sign is eligible for relocation pursuant to Indiana Code 8-23-20.

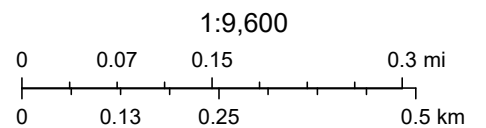
The off-premises sign will continue to have two (2) advertising faces with each of the facing being 12 feet by 25 feet, in advertising sign space. We are proposing that the structure be a back-to-back with a 10' V in lieu of the double stack that the previous structure was designed. The overall height would also remain the same at 40' and would be relocated approximately 80' southwest from its previous location, on the same parcel. The removed structure included two (2) I-beams which Reagan Outdoor would upgrade to a monopole, as requested by staff, and to conform to current wind loads, per Indiana Building Regulations. The back-to-back structure would also look better aesthetically than the double stack, as the back side would not be viewed when travelling southbound. Reagan Outdoor also requests to include illumination by adding lights affixed to each face of the structure, as the removed structure was permitted by the State. Each face of the proposed off-premises sign will be oriented toward State Road 37 and hold static messages. The property and location are in an industrial area of the city that is bordered by industrial and commercial properties. The zoning for this parcel and surrounding parcels to the north, south, and west are I-1 Light Industrial with PB/PD zoning to the east on the opposite side of SR-37. The Land Use Plan for this parcel and surrounding parcels to the west, north and south is Innovation/Flex and Commercial Corridor to the east across SR-37.

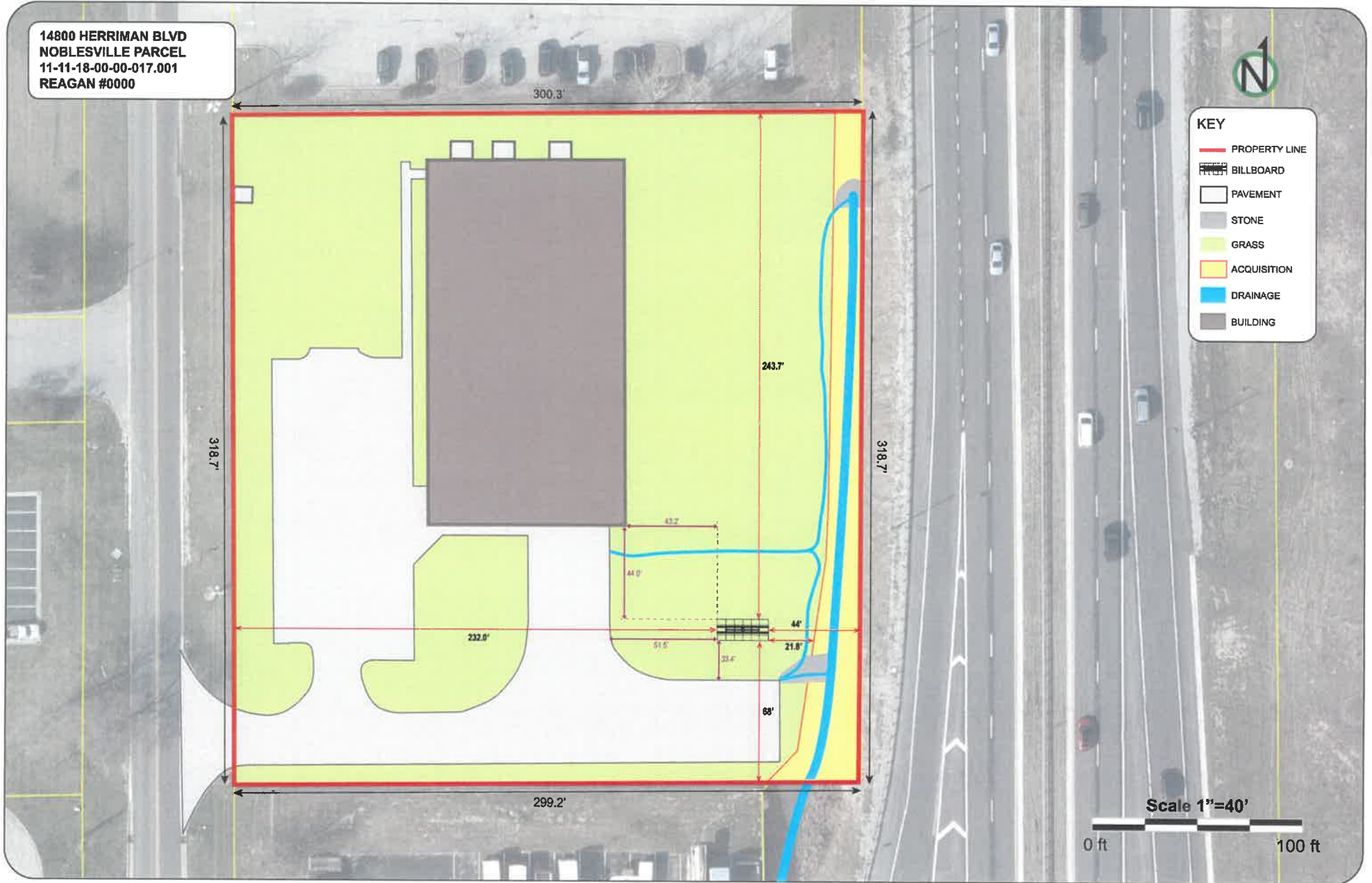
# Exhibit 2 Aerial Photograph



4/30/2024, 8:49:48 AM

centerlines  
Parcels



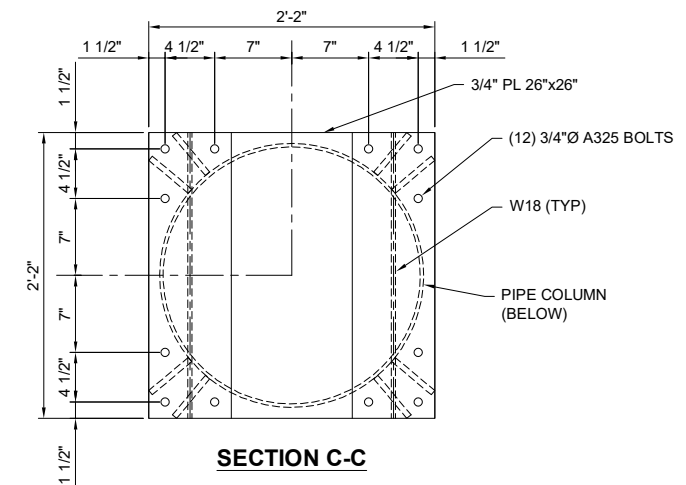
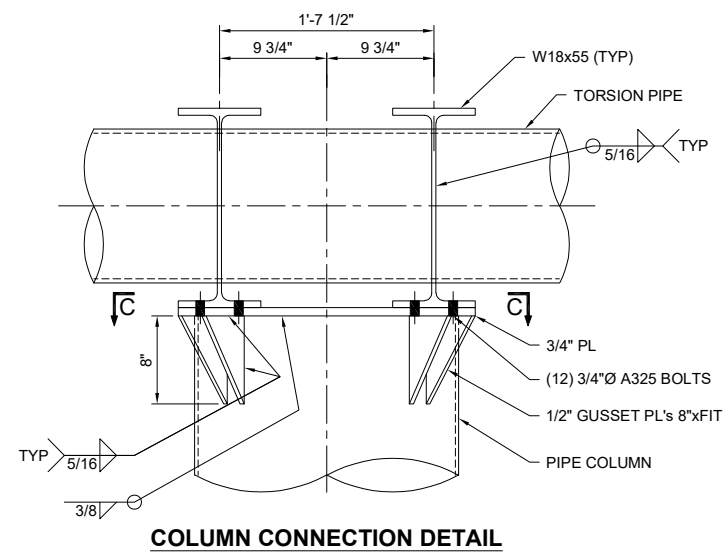
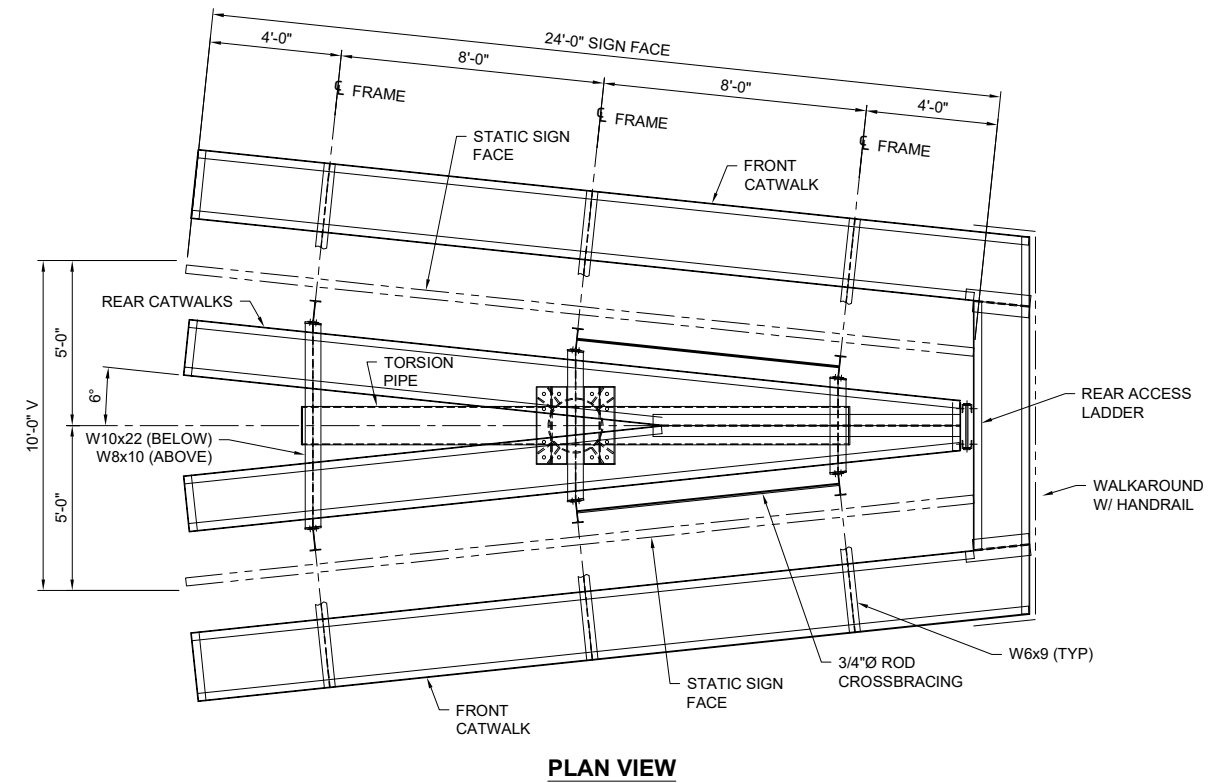
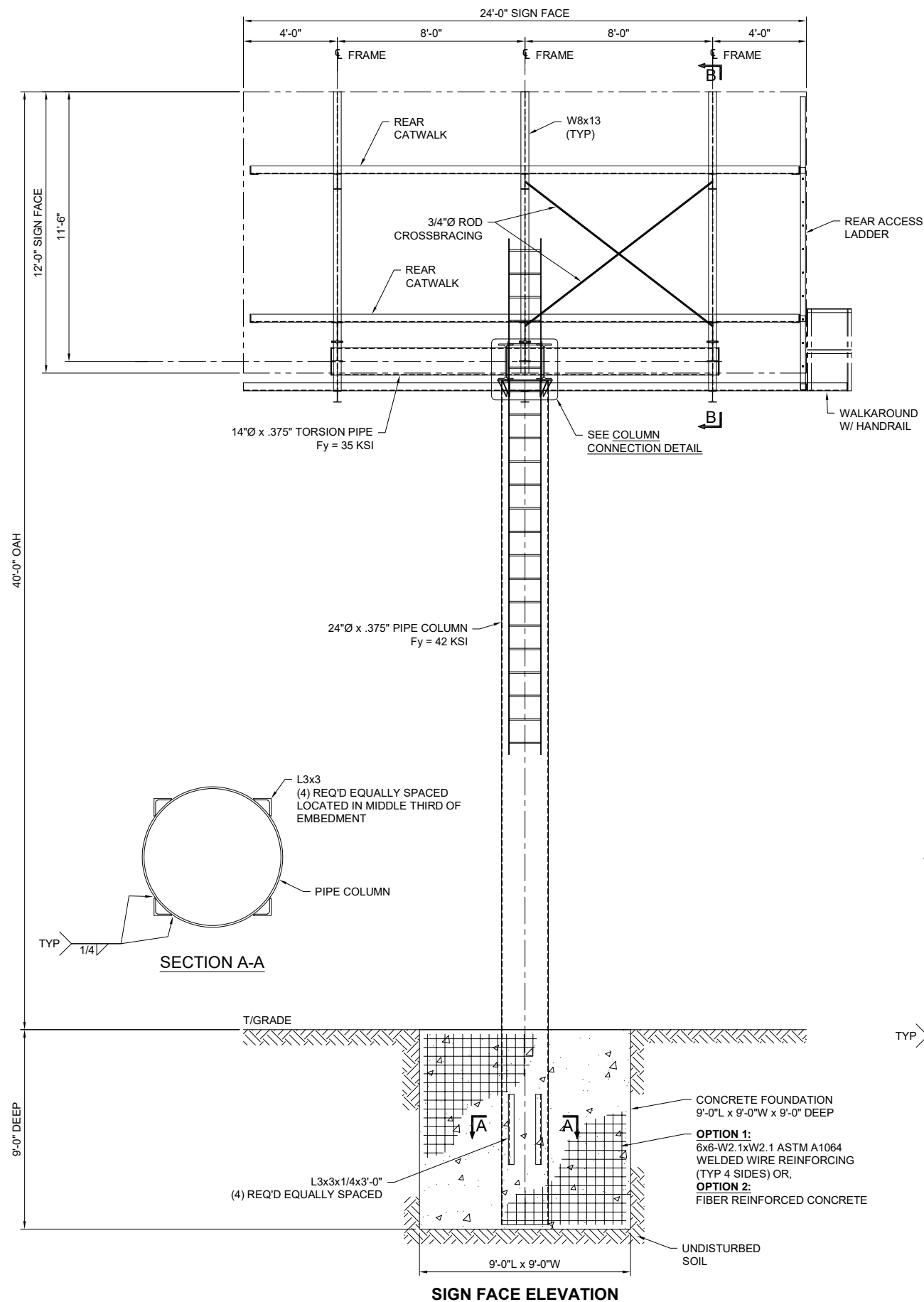


# SITE DESCRIPTION:

## GIS Map

(As Is Site outlined in red. Area shaded yellow is approx. acquisition area.)





**PRELIMINARY**  
**NOT FOR CONSTRUCTION**

**ALL STEEL STRUCTURES, INC.**  
16301 S. Vincennes - South Holland, IL 60473-2017  
1-800-621-1759

Job No. Prelim. Date: 04/22/24

12'-0" x 24'-0"  
CM 10'V 40' OAH

GENERAL ARRANGEMENT  
ENGINEERING DWG. #. NA

REVISION 0 - 04/22/24

DRAWING No. 1224CM10VPRE-G01

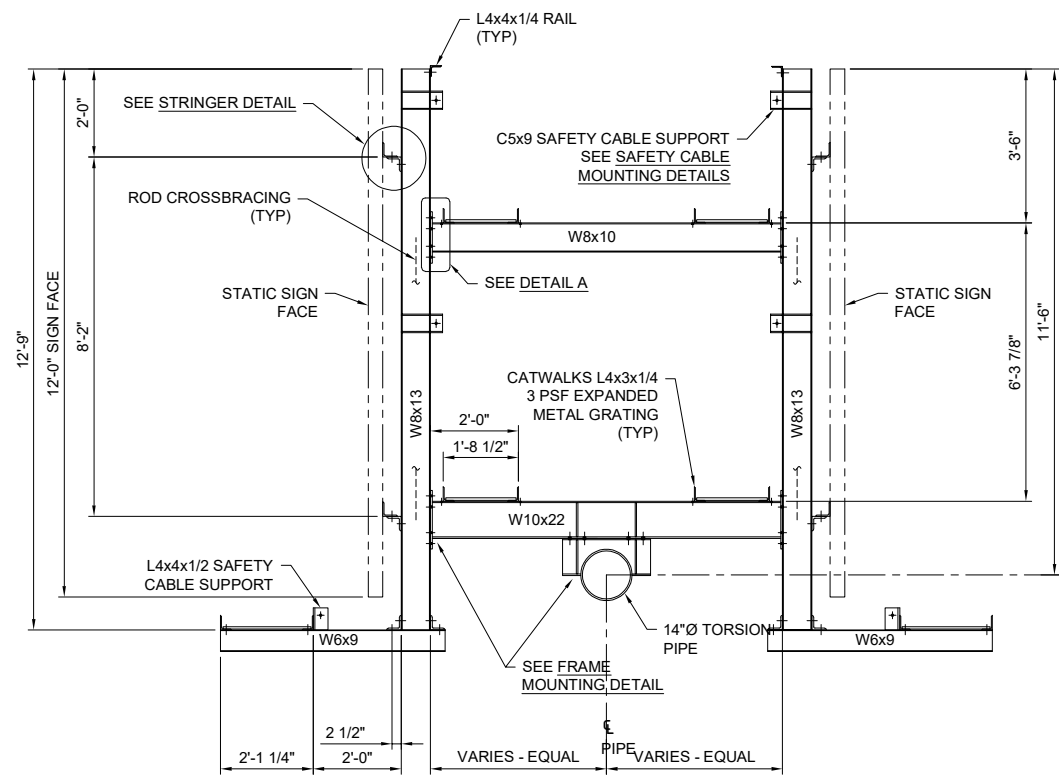
CUSTOMER REAGAN OUTDOOR

LOCATION NA

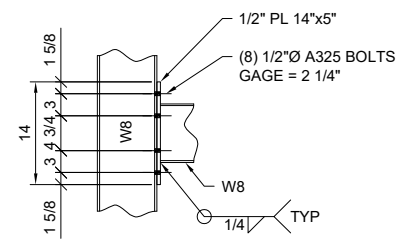
NOBLESVILLE, IN

ENG. NA CAD MR

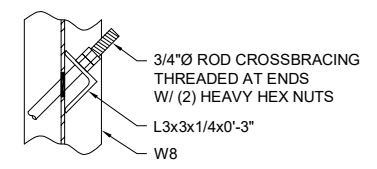
DATE NA



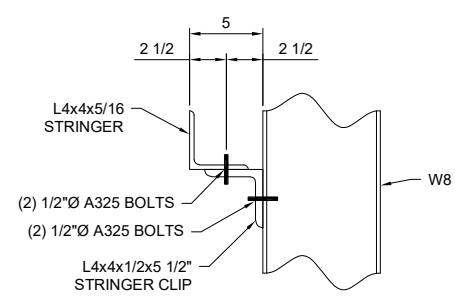
**SECTION B-B**  
TYPICAL FRAME  
DWG -G01



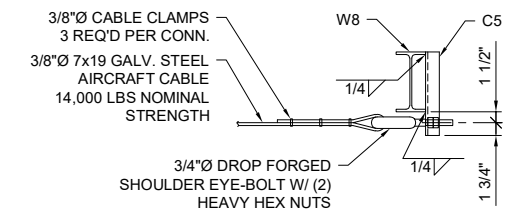
**DETAIL A**



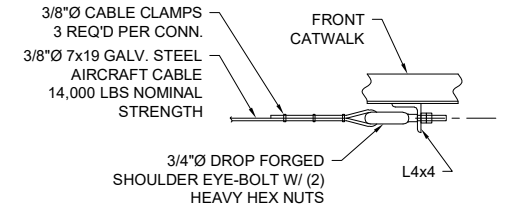
**CROSSBRACING DETAIL**



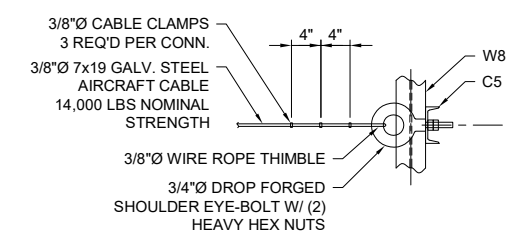
**STRINGER DETAIL**



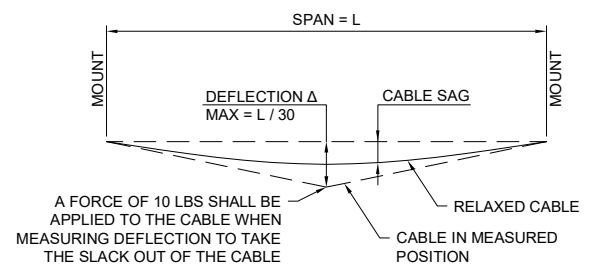
**REAR SAFETY CABLE MOUNTING DETAIL**  
TOP VIEW



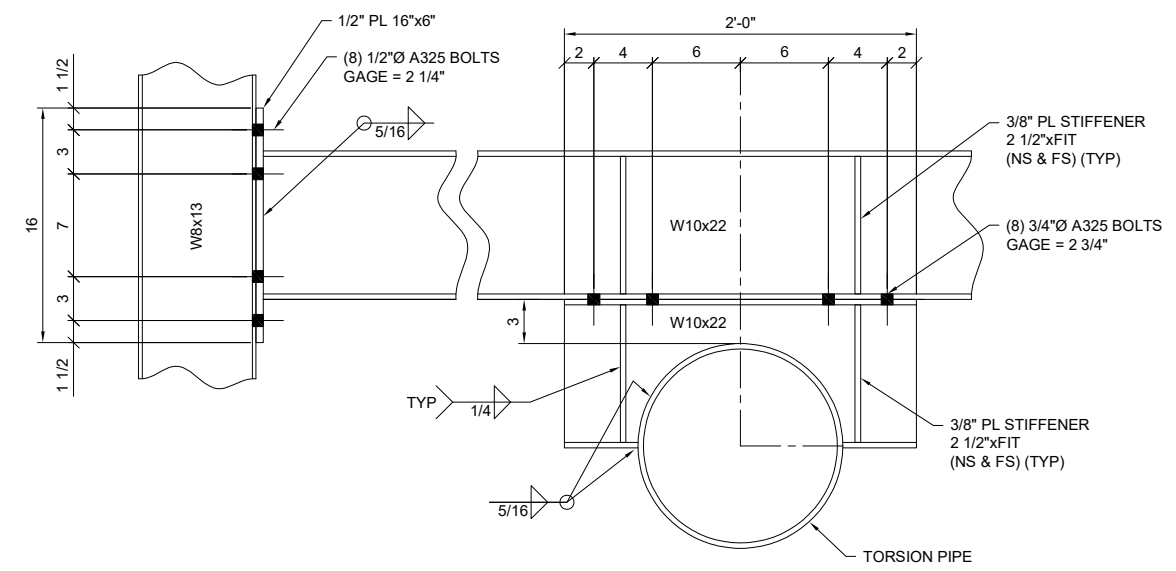
**FRONT SAFETY CABLE MOUNTING DETAIL**  
TOP VIEW



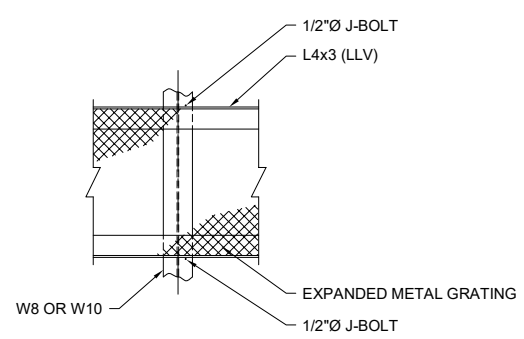
**REAR SAFETY CABLE MOUNTING DETAIL**  
SIDE VIEW



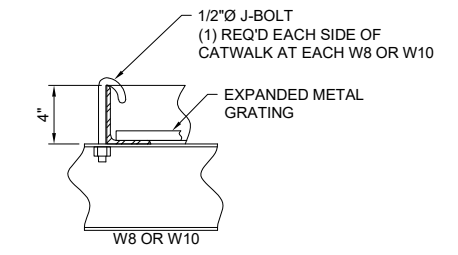
**SAFETY CABLE INSTALLATION CRITERIA**  
FOR L = 16'-4" -- Δ = 6 9/16"



**FRAME MOUNTING DETAIL**  
REAR CATWALK NOT SHOWN  
SCALED X4



**CATWALK DETAIL**  
REAR CATWALK



**CATWALK MOUNTING DETAIL**  
REAR CATWALK

**PRELIMINARY**  
**NOT FOR CONSTRUCTION**

**ALL STEEL STRUCTURES, INC.**  
16301 S. Vincennes - South Holland, IL 60473-2017  
1-800-621-1759

Job No. Prelim. Date: 04/22/24

**12'-0" x 24'-0"**  
**CM 10'V 40' OAH**

GENERAL ARRANGEMENT  
ENGINEERING DWG. # NA

REVISION 0 - 04/22/24  
DRAWING No 1224CM10VPRE-G02

CUSTOMER REAGAN OUTDOOR

LOCATION NA  
NOBLESVILLE, IN

ENG. NA CAD MR

DATE NA



14800 Herriman Blvd.  
BZNA 000059-2024  
Variance of Land Use





## Family Owned since 1965



## 7 Markets

- Austin, TX
- Chattanooga, TN
- Indianapolis, IN
- Iowa
- Las Vegas, NV
- Rochester, MN
- Salt Lake City, UT (HQ)

We at Reagan are proud to be a part of our communities. Throughout the year we like to pay it forward to certain causes that we believe in. Check out our listings below to see some ways we've given back recently.





**Property Address:**

14800 Herriman Blvd.  
Noblesville, IN 46060

**Summary Information:**

Parcel # 11-11-18-00-00-017.001  
State Parcel # 29-11-18-000-017.001-013

**Presented by:**

Michelle Noppenberger, Real Estate Representative  
Reagan Outdoor Advertising  
511 Madison Avenue  
Indianapolis, IN 46225  
Direct: 317.860.2250  
Cell: 317.752.9719  
Email: [michelle.noppenberger@reagausa.com](mailto:michelle.noppenberger@reagausa.com)



Billboard Relocation Site

**Deeded Owner:**

DVDRJB Real Estate, Inc.  
1301 S. 6<sup>th</sup> Street  
Noblesville, IN 46061

**A** 511 MADISON AVENUE  
INDIANAPOLIS, IN 46225

**P** 317.634.1900  
**W** [REAGANOUTDOOR.COM](http://REAGANOUTDOOR.COM)



**STRUCTURE REMOVED DUE TO INDOT STATE ROAD 37 IMPROVEMENT PROJECT**

**14800 Herriman Blvd., Noblesville, IN – Hamilton County GIS Map Viewer**  
**PHOTOS OF REMOVED STRUCTURE BEFORE & AFTER TAKEDOWN**



**STRUCTURE REMOVED DUE TO INDOT STATE ROAD 37 IMPROVEMENT PROJECT**

**14800 Herriman Blvd. – Hamilton County GIS Map Viewer**

**CLOSE-UP PHOTOS OF REMOVED STRUCTURE**



SOUTH FACING



NORTH FACING

# Indiana Code

## 8-23-20-25.6

As a result of the INDOT SR-37 road improvement project, it necessitates the taking of multiple parcels including the parcel where an off-premise sign owned by Reagan Outdoor and the removal of our sign, which had existed over a decade.

Pursuant to INDOT Rules and Regulations, and in conformity with state Statute, the off-premises sign is eligible for relocation, as it is permitted to be relocated within the City of Noblesville which is the "market area" of the current location.

### Relocation of the off-premise sign is per the Indiana Code shown below:

#### **IC 8-23-20-25.6 Obstruction or removal of outdoor advertising sign; elevation or relocation of outdoor advertising sign; compensation; notice of project**

Sec. 25.6. (a) As used in this section, "market area" means a point within the same county as the prior location of an outdoor advertising sign.

(b) This section applies only to an outdoor advertising sign located along the interstate and primary system, as defined in 23 U.S.C. 131(t) on June 1, 1991, or any other highway where control of outdoor advertising signs is required under 23 U.S.C. 131.

(c) If an outdoor advertising sign is no longer visible or becomes obstructed, or must be moved or removed, due to a noise abatement or safety measure, grade changes, construction, directional sign, highway widening, or aesthetic improvement made by any agency of the state along the interstate and primary system or any other highway, the owner or operator of the outdoor advertising sign, to the extent allowed by federal or state law, may:

(1) elevate a conforming outdoor advertising sign; or

(2) relocate a conforming or nonconforming outdoor advertising sign to a point within the market area, if the new location of the outdoor advertising sign complies with the applicable spacing requirements and is located in land zoned for commercial or industrial purposes or unzoned areas used for commercial or industrial purposes.

(d) Except as provided in subsection (j), if within one (1) year of an action being filed under [IC 32-24](#), an owner can demonstrate that the owner has made good faith efforts to relocate a conforming or nonconforming outdoor advertising sign to a conforming location within the market area, but the owner has not obtained a new conforming location, the outdoor advertising sign will be treated as if it cannot be relocated within the market area.

Notwithstanding subsection (e) and [IC 8-23-20.5](#), if an outdoor advertising sign cannot be elevated or relocated to a conforming location and elevation within the market area, the removal or relocation of the outdoor advertising sign constitutes a taking of a property interest and the owner must be compensated under section 27 of this chapter.

(e) The county or municipality, under [IC 36-7-4](#), may, if necessary, provide for the elevation or relocation by ordinance for a special exception to the zoning ordinance of the county or municipality.

(f) The elevated outdoor advertising sign or outdoor advertising sign to be relocated, to the extent allowed by federal or state law, may be modified:

(1) to elevate the sign to make the entire advertising content of the sign visible;

(2) to an angle to make the entire advertising content of the sign visible; and

(3) in size or material type, at the expense of:

(A) the owner, if the modification in size or material type of the outdoor advertising sign is by choice of the owner; or

(B) the department, if the modification in size or material type of the outdoor advertising sign is required for the outdoor advertising sign to comply with [IC 22-13](#).

(g) This section does not exempt an owner or operator of a sign from submitting to the department any application or fee required by law.

(h) At least twelve (12) months before the filing of an eminent domain action to acquire an outdoor advertising sign under [IC 32-24](#), the department must provide written notice to the representative of the sign owner identified on the outdoor advertising sign permit that is on file with the Indiana department of transportation that a project has been planned that may impact the outdoor advertising sign.

(i) If the agency fails to provide notice required by subsection (h) within twelve (12) months of an action being filed against an owner under [IC 32-24](#), the owner may receive reasonable compensation for losses associated with the failure to receive timely notice. However, failure to send notice required by subsection (h) is not a basis of an objection to a proceeding under [IC 32-24-1-8](#).

(j) Notwithstanding subsection (d), if an action that has been filed under [IC 32-24](#) is pending as of July 1, 2023, and:

(1) the parties have not entered into a final settlement agreement; or

(2) no final judgment has been entered by the trier of fact;

the owner may relocate the outdoor advertising sign under this section and [IC 8-23-20.5](#).

*As added by P.L.222-2017, SEC.2. Amended by P.L.97-2022, SEC.1; P.L.178-2022(5), SEC.10; P.L.201-2023, SEC.115.*

(j) Notwithstanding subsection (d), if an action that has been filed under [IC 32-24](#) is pending as of July 1, 2023, and:  
(1) the parties have not entered into a final settlement agreement; or  
(2) no final judgment has been entered by the trier of fact;  
the owner may relocate the outdoor advertising sign under this section and [IC 8-23-20.5](#).



# Indiana Code

## 8-23-20.5-3

Variance / Compensation for the off-premise sign is per the Indiana Code shown below:

**IC 8-23-20.5-3Special exception or variance; compensation by county or municipality; eminent domain action**

**Sec. 3. (a) If a county or municipality either:**

(1) subject to [IC 8-23-20-10](#), does not amend its zoning ordinance as necessary to provide for a special exception to the zoning ordinance for the relocation of an outdoor advertising sign; or

(2) does not approve a variance to the zoning ordinance filed by the outdoor advertising sign's owner that conforms to the filing requirements;

the county or municipality that did not approve the relocation of the outdoor advertising sign within the market area is responsible for the payment of full and just compensation for the outdoor advertising sign under [IC 8-23-20-27](#), including any costs and fees associated with a variance application, if applicable, to the outdoor advertising sign's owner.

(b) A county or municipality's consideration of a special exception or variance may not be a basis to delay the appointment of appraisers under [IC 32-24-1-9](#).

(c) If a county or municipality has not approved the relocation of an outdoor advertising sign located within its jurisdiction before the date an action under [IC 32-24](#) is filed, the county or municipality must be named as a party to the action.

*As added by P.L.97-2022, SEC.4. Amended by P.L.201-2023, SEC.116.*

Under Indiana Code 8-23-20.5-3, if the variance/special exception are not granted the financial difficulty would be imposed on the City of Noblesville with the total taking cost likely to reach up to one million dollars.

# POSTER MONOPOLE UNIT

## 12' x 25' Back-to-Back / V-Shape

12' x 25' V-type Back-to Back Poster Faces  
with one 220v PanelVue light directed toward each face

Example of a 12'x25' back-to-back bulletins with a 10 ft. "V" separation



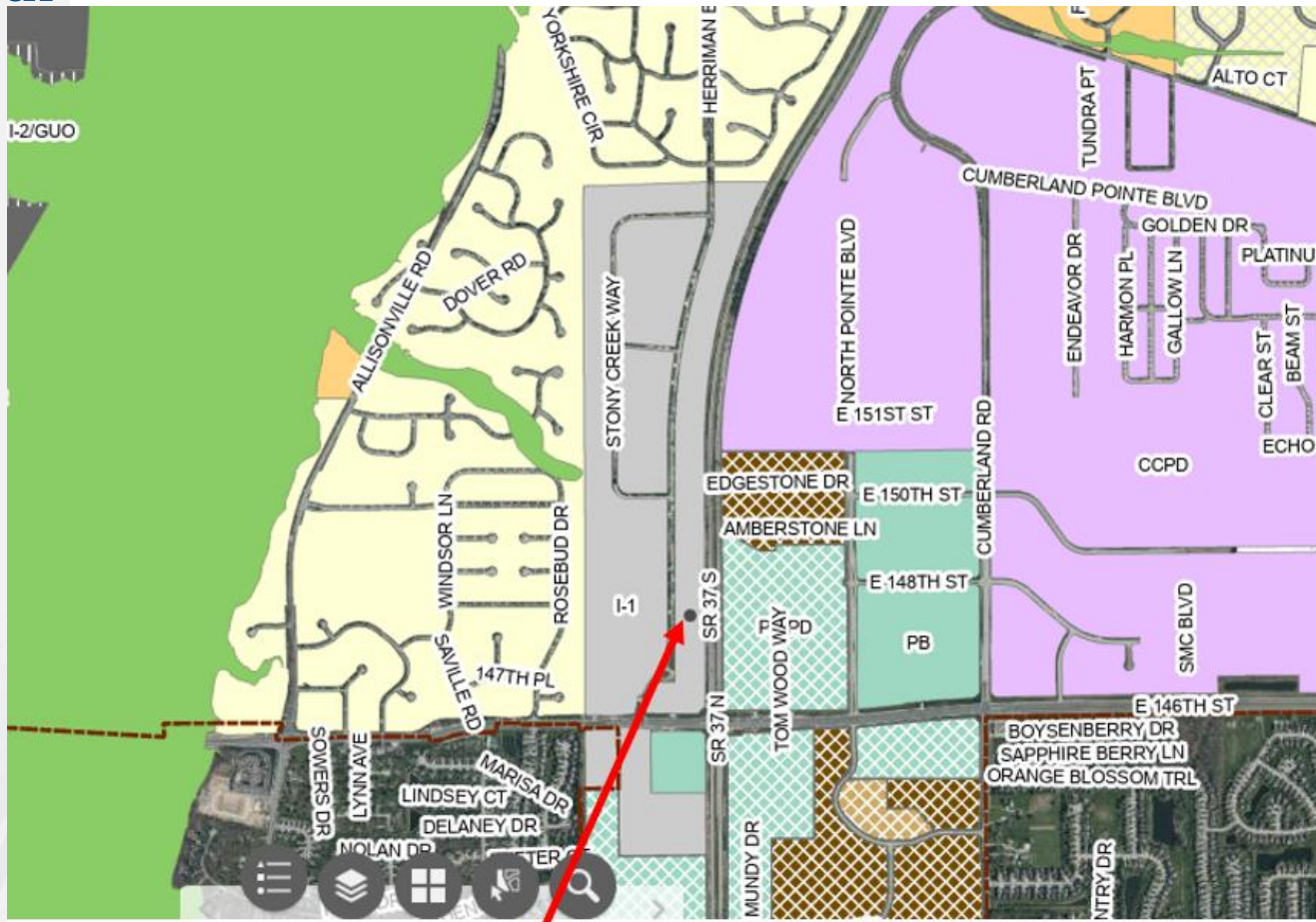
# 14800 Herriman Blvd.

## ZONING

### I-1: Light Industrial

**Legend**

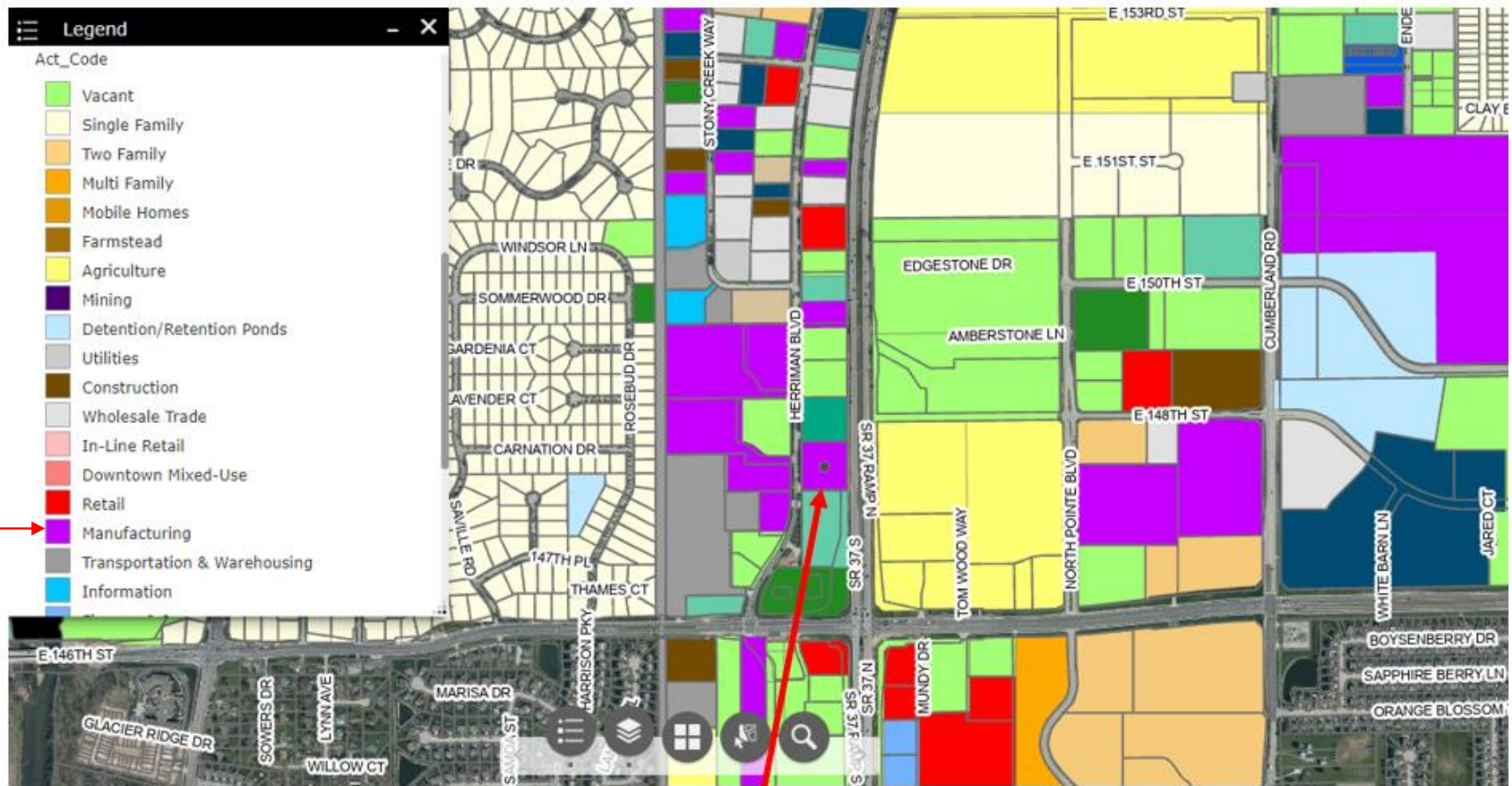
-  RMH - Residential Mobile Home Park
-  LB - Local Business
-  GB - General Business
-  GB/GUO - General Business/GUO
-  PB - Planned Business
-  PB/GUO - Planned Business/GUO
-  PB/PD - Planned Business/PD
-  DT - Downtown
-  DT/GUO - Downtown/GUO
-  B-PD - Business/PD
-  I-1 - Light Industrial
-  I-1/GUO - Light Industrial/GUO
-  I-1/PD - Light Industrial/PD
-  I-2 - Heavy Industrial
-  I-2/GUO - Heavy Industrial/GUO
-  I-2/PD - Heavy Industrial/PD
-  CCPD - Corporate Campus Planned Development
-  VCPD - Village Center Planned Development



14800 Herriman Boulevard, Noblesville, IN

# 14800 Herriman Blvd.

## Land Use Activity – Manufacturing



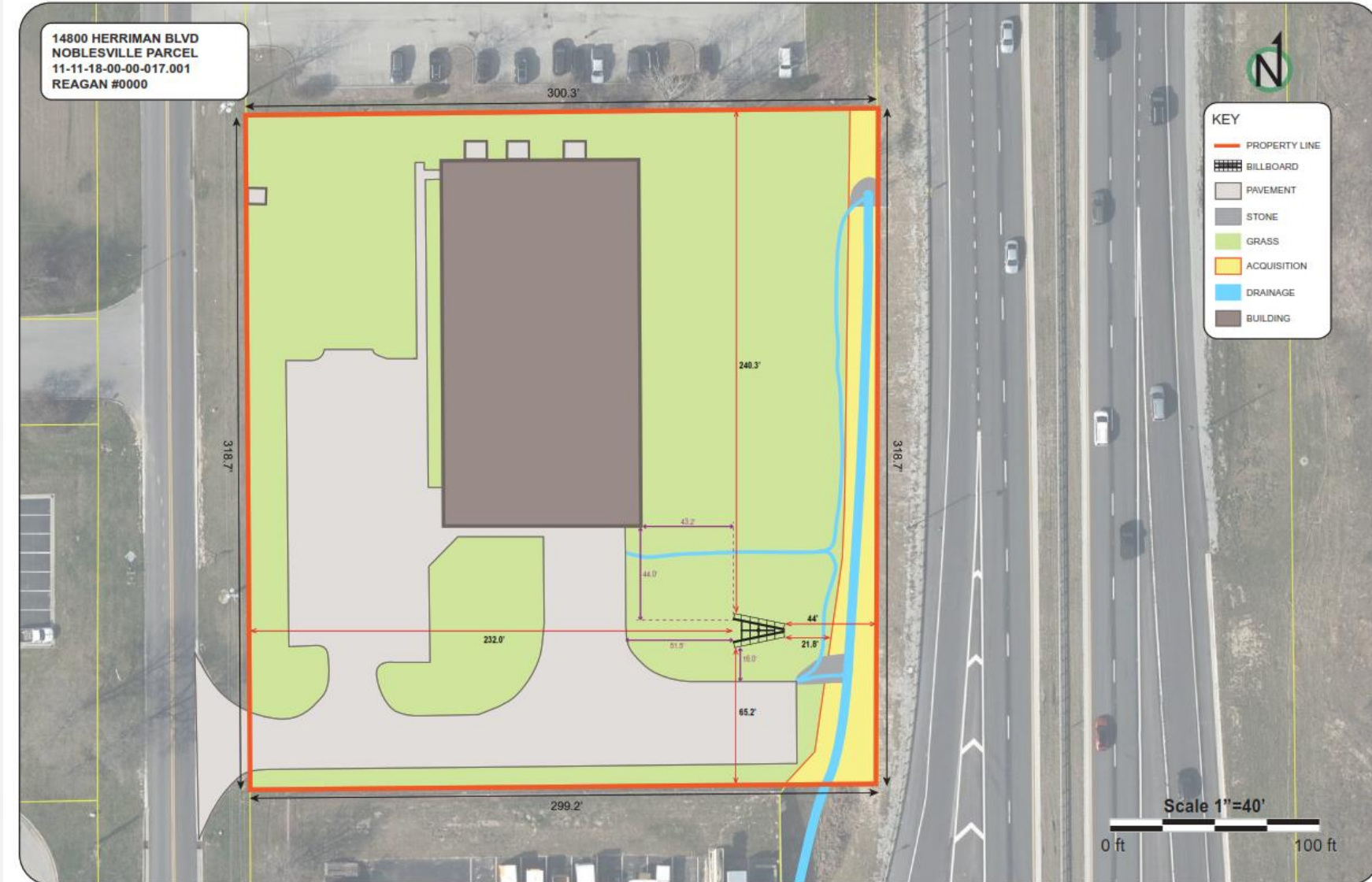
14800 Herriman Blvd.



# MAP

# SITE PLAN (BACK TO BACK V STRUCTURE)

14800 Herriman Blvd.



# MAP

14800 Herriman Blvd., Noblesville, IN

APPROXIMATE INDOT ROW ACQUISITION AREA SHADED IN YELLOW



Proposed structure location is approximately 80' in distance from previous location

# MAP

14800 Herriman Blvd., Noblesville, IN

1976 GIS  
Aerial View



# MAP

12'x25' faces back-to-back with 10 ft. "V"

**NORTH  
FACING**  
**Southbound  
Traffic -  
STREET VIEW  
MOCK-UP**



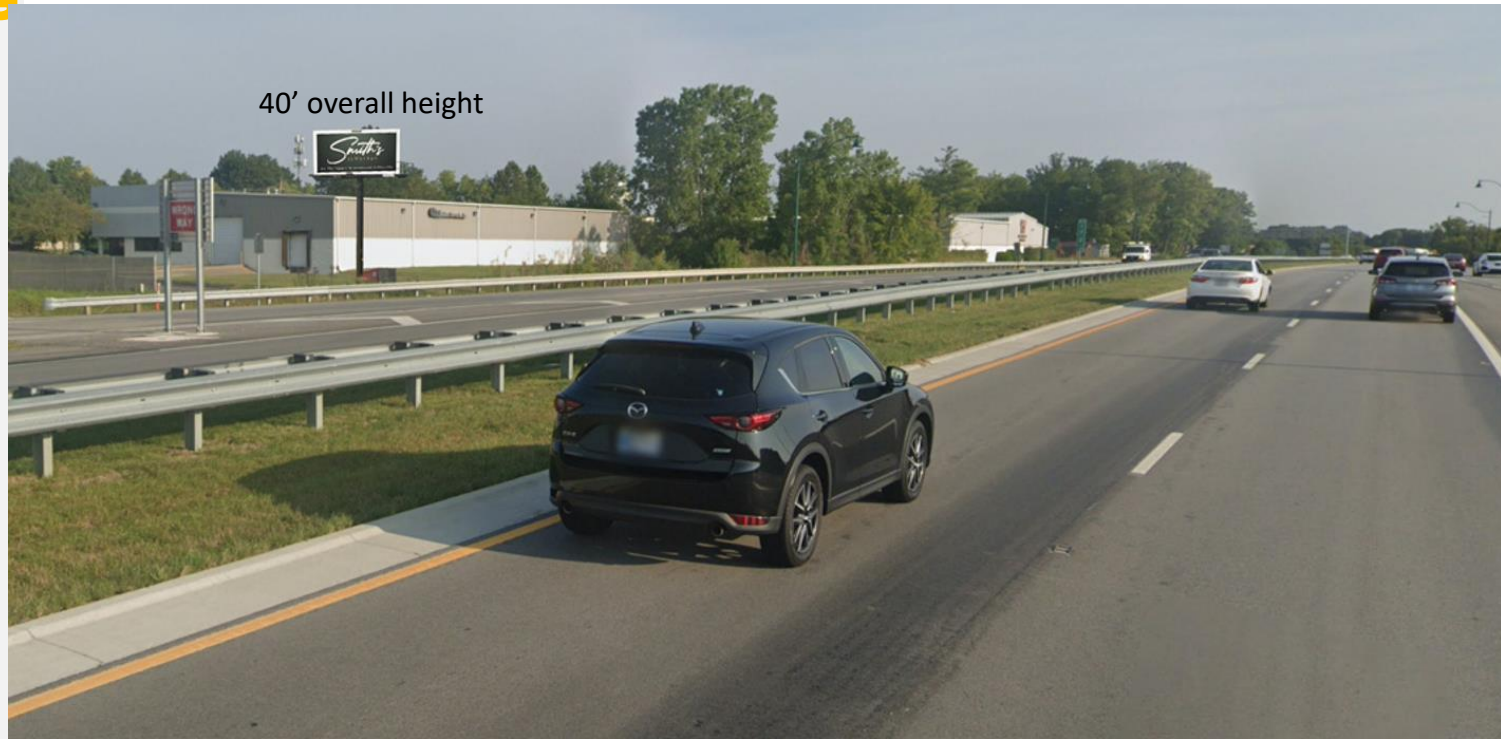
# MAP

12'x25' faces back-to-back with 10 ft. "V"

**SOUTH FACING**

**Northbound  
Traffic –**

**STREET VIEW  
MOCK-UP**



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**THANK YOU**

STATE OF INDIANA

Approved by State Board of Accounts — 1993

REGISTRATION / APPLICATION FOR OUTDOOR ADVERTISING SIGN PERMIT

INDIANA DEPARTMENT OF TRANSPORTATION Permit Section, 100 N. Senate Avenue, Room N855, Indianapolis, IN 46204-2218

DO NOT WRITE IN THIS BOX FOR DEPARTMENTAL USE ONLY
Date Received 12/30/93
Registration / Application # 201610
Permit # 103409
Fee \$ 25.00 - 75.00

1. Name and Address of Sign Owner/Applicant: Unusual Outdoor, Inc. 36-2827496
511 Madison Av (Street) (Name) (Company Number - Federal ID Number)
Representative: MATT COFFMAN (City) (State) 317 (634-1900) (Zip Code)
(Area Code & Phone Number) if available

2. Name and Address of Owner of Property: Keeler & Herrman
10006 Chamber of Commerce Bld. (Street) (City) (County) (State) 46204 (Zip Code)
(Area Code & Phone Number) if available

SIGN LOCATION: SR 37, N/O 151st

3. Type and Name of Highway: [ ] Interstate [X] Federal Aid Primary Highway # SR37
5. Proposed Sign [ ] Existing Sign [X] Erection Date: Prior to 1968 [ ] Estimated Erection Date 1983
6. Between Reference Signs/Mile Markers 172 & at Miles Measured From Reference Post 0
7. Location Description:
a. Estimated feet to nearest sign (excluding official, directional, on premise and "For Sale" signs.) N/A
b. Feet from right-of-way line of highway checked in Item 3 [X] 660 feet or less [ ] More than 660 feet
c. Estimated distance to nearest intersection/ramp N/A Specify which intersection/ramp

If check prior to 1968 in #5, and applying for a conditional permit, skip #8, #9, #10.

8. Is sign located in an unzoned commercial or industrial area? [ ] Yes [X] No
If unzoned, identify qualifying commercial or industrial activity
9. Is the sign located in a zoned commercial or industrial area? [X] Yes [ ] No
10. City or County permit number if any 834-10-595 Zoning classification (Primary) I-1 (Secondary)
Explain zoning classifications Industrial

SIGN DESCRIPTION: 8616, 8617, 8618, 8619, 7518

11. Sign Size Excluding Border: Estimated Height 10' Feet from ground to bottom of sign face
Width of face 40' Feet Height of face 30' feet Area 1200 Square Feet
12. Sign Type: [ ] Single Face [X] Back to Back [ ] V-Type [ ] Side by Side [X] Double Deck
13. Substructure: Number of Supports 12 Aluminum [ ] Wood [X] Steel [ ] Other (Specify)
14. Illuminated: [X] Yes [ ] No
15. Does the sign principally advertise activities taking place on the property where the sign is located? [ ] Yes [X] No
16. Does the advertising sign attempt or appear to direct the movement of traffic? [ ] Yes [X] No
17. Does the advertising sign interfere with, imitate or resemble any official traffic sign, signal or device? [ ] Yes [X] No
18. Does the advertising sign prevent the driver of a vehicle from having a clear and unobstructed view of official signs, approaching signs, approaching traffic or merging traffic? [ ] Yes [X] No

The issuance of the permit shall in no way imply Department of Transportation approval of, or be intended to influence any action pending before a local board, commission or agency.

Under the penalty of perjury, I certify the above statements to be correct to the best of the knowledge and belief of the undersigned who is authorized to sign this application. I certify that I have obtained authorization from the property owner to erect the structure described herein.

Signed: MATT COFFMAN Date: 12-7-93
Name: MATT COFFMAN Title: DIR OF REAL ESTATE

Before me, a Notary Public in and for said County and State personally appeared, MATT COFFMAN
who acknowledged the truth of the statements in the foregoing application on this 7 day of December 19 93.

MARION County of Residency
12-14-96 Commission Expiration Date
Notary Signature: JAMES W. SCOTT
Notary's Name (Print or Type)

DO NOT WRITE BELOW THIS LINE — FOR DEPARTMENTAL USE ONLY APPLICATION APPROVED

Indiana Department of Transportation
Recommend Approval (Title) Date
Determination: Legal Permit [ ] Conditional Permit [X]
Registered [X] Denial [ ]
Approval Signature: Jojuana Loney
Title: R/W Bureau Chief Date: 7-14-99