

## **MINUTES**

### **SIGN CODE BOARD OF APPEALS**

**November 18, 2009**

The Sign Code Board of Appeals met on Wednesday, November 18, 2009, with the following members present: Gary Brown, Jim Jackson, Paul Weber and Bill Waugh Council Representative. Staff present: Brad Solon and Susan Donat, Development Service Center; and Mike Schad, City Attorney's Office. Terry Olson and Doug Rumpca from Lamar Outdoor Advertising and Peter Anderson representing Jackson Boulevard Investments

Solon called the meeting to order at 7:04 a.m. Solon presided over the meeting.

#### **Appeal 2009-12**

Terry Olson, Lamar Outdoor Advertising 3839 Sturgis Road, Rapid City 57701 applies for a variance to exceed the height and square footage of an off premise sign, to reduce the spacing from other off premise signs, to allow an on premise sign within 50 feet of an off premise sign and to allow an over head service lateral for an off premise sign per Section 15.28.160 of the Rapid City Municipal Code located at 1808 Mount Rushmore Road, legally described as Lot 1-3, Block 21, West Boulevard, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.

Solon presented the appeal to the Board.

Olson discusses why Lamar Outdoor Advertising is requesting a variance. Olson states that a billboard of that size and height is a huge expense and if it would have been possible less is better. Due to visibility, the billboard had to be that size and high and the face had to be that big to be able to read it. The location and expense of the billboard was overviewed. Olson expressed that they would have rather built it down but unable to due to visibility. Olson stated that the only change would be the north face would go to digital Coke advertising and that the billboard would not be any bigger. Modification may have to be made to the structure but Olson would like to cross this hurdle first. Dimensions and spacing of the billboard were discussed. The city code was reviewed. There is a permanent easement on this billboard so it will be there for a long time. Olson stressed that the Rapid City sign code does work and that Lamar has taken down over fifty faces since the ordinance was put into effect in 2002. Digital is the wave of the future and Lamar is trying to go as green as possible. Olson proposes if the variance is granted they will remove sign on Highway 79, this would be a win, win situation for both the City and Lamar. Olson open the floor for questions.

Jackson asks Solon what exactly the variance is for so there is no confusion

Solon states that the sign code was amended several years ago to allow the removal of a billboard and get credit so you could build a billboard somewhere else or build smaller. The City further amended the code, to state a non conforming billboard that won't be taken down or made smaller but conform to the restrictions you can do it as an exception and the spacing would be waived. The city's position is this if you're not going to use the benefit of all the exceptions and waive the spacing this would be looked at as a new sign.

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Jackson's question was not answered. The billboard will not be lowered or increase it so what is being asked of the variance.

Doug Rumpca discusses that the sign will stay the same with the exception of the north side to be changed to digital. In order to comply with the code they would take down the billboard on Highway 79.

Jackson motions for approval with the stipulation that the billboard on Highway 79 is taken down. Weber abstains, Lamar is customer. Brown is against motion and explains his position.

Motion died to lack of section.

Solon asks if there is a substitute motion.

Brown motions to deny. Jackson will not second.

Solon asks Schad what should be done due to not being able to get a second motion. Discussion follows.

Jackson motions to continue to December 16, 2009 and Brown seconds. 2-0 motion carried.