



OUTDOOR ADVERTISING

March 8, 2005

Dear Committee Members;

This letter is in response to the spacing variance issued to Herman Jones/Stage Coach West Signs to build a new billboard on 4110 S. Hwy 16 at Lazy J Campground.

As we understand it, the issue now before your committee is whether or not to approve a conditional use permit. Lamar Advertising is opposed to the issuance of this permit.

Attached are inserts from the current sign code (Exhibits 1: A, B, C), minutes from the sign code board of appeals meeting (Exhibit 2), an aerial photo of the surrounding area showing the location of Stage Coach West Signs current billboard (Exhibit 3C) and two existing Lamar billboard locations (Exhibit 3(B & C)). Photos of an existing 288 square feet advertisement currently used to advertise for Stage Coach West Signs on the North face of Lamar's existing structure (Exhibit 3B) located at 4110 S. Hwy 16 at Lazy J Campground.

It is my understanding that a spacing variance was granted due to a hardship to Stage Coach West Signs. As per the photos, Stage Coach West Signs currently has 288 square feet of advertisement (Exhibit 4A). Under the existing sign code ordinance, he will be required to build a sign not to exceed 250 square feet. As you can see, this would be a reduction of 38 square feet.

A reduction in square footage would represent a greater hardship to Stage Coach West Signs.

We believe that Stage Coach West Signs motive is not to escape a hardship, rather to build a new sign to generate new revenue for his sign business.

In the last four years, Lamar Advertising has had to dismantle in excess of twenty five sign faces within three miles of the billboard in question.

If Herman Jones is allowed this conditional use permit, we can only conclude that Lamar Advertising would be allowed similar variances to rebuild the twenty five sign faces lost over the past four years. Up until now, we haven't applied for the permits because we didn't believe the hardship clause of the ordinance applied. If it is determined that the hardship provision is applicable to Herman Jones, we will likely apply for permits to rebuild all of our signs. We currently have forty four sign credits in our possession with which to do so.

In addition to Lamar Advertising there are other holders of sign credits that will likely follow suit.

In summary, we are only seeking fair and even application of the sign ordinance to all parties in Rapid City.

Sincerely,

A handwritten signature in black ink, appearing to read "DR", written over a horizontal line.

Doug Rumpca, General Manager  
Lamar Advertising

to appeal the notice and order within that time period shall constitute a waiver of right to an administrative hearing. The cure period shall continue to run during the appeal process. However, the Building Official shall not cause the sign to be removed until all administrative appeals have been heard and decided.

**15.28.160 Off premises signs.**

- A. Off premises ground signs shall have no more than one structural support or pole.
- B. Off premises sign structure shall be of earth tone.
- C. Off premises signs shall be limited to two hundred fifty square feet in size and shall not be in conflict with a contrary provision of South Dakota law.
- D. Off premise signs shall be located not nearer than five hundred feet from any other off premise sign. The distance between off premise signs shall be measured from the base of the sign in all directions. In addition, no off premises sign shall be located nearer than one thousand feet from the nearest off premises signs as measured by the distance over a public road between a line that extends from the base of each sign to the nearest mid-point of any public road from which the sign is intended to be viewed.
- E. Off premise signs shall have no more than two faces.
- F. Off premises signs shall be mounted parallel and up to a maximum of twenty degrees to one another.
- G. Off premises signs shall be limited to thirty feet in height and shall be ten feet clear from bottom of sign to grade or shall be set back no less than ten feet.
- H. Off premises signs shall not be located within any clear sight triangle as set forth by the city municipal code.
- I. Off premise signs shall be at least fifty feet from any on premises sign. This subsection shall not prevent the construction of an on premise sign within fifty feet of a previously existing off premise sign.
- J. Off premise signs shall not be placed in any railroad right of way
- K. Off premises sign shall be identified by a label, nameplate, or trademark identifying the owner of the sign, except those signs which are exempt under section 15.28.080(B) of this code.
- L. Off premises signs shall not be placed on any property without written consent of the property owner or the owner's authorized agent.
- M. The light from any light source intended to illuminate an off premises sign shall be so shaded, shielded or directed so that the light intensity or brightness shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of

**15.28.270 Appeals.**

- A. There is created a sign code board of appeals to hear and decide appeals and decisions made by the building official.
- B. Members shall be appointed by the mayor and approved by the city council for terms of three years. A total of five members and two alternates shall be appointed to the board from the following groups:
1. One member from the city council;
  2. One member from the sign construction industry;
  3. One citizen member;
  4. One member from the architectural community;
  5. One member from the planning commission;
  6. Two alternates. If the two appointed alternates are not available for a given meeting, then any member of the city council may serve as an alternate.
- C. A chairman shall be elected annually by the sign code board of appeals. A minimum of three members must be present at a meeting to establish a quorum for voting purposes. A simple majority vote shall be used for voting purposes.
- D. The sign code board of appeals shall adopt rules in accordance with this code. (1000 ft spacing)
- Meetings of the board shall be called by the chairman and/or building official and shall be held at a set time and place. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, indicating if absent or failing to vote, and shall keep records of its examinations and other official actions. A quorum of voting members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance.
- E. Sign appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the city affected by any decision of the building official. Such appeals shall be taken within thirty days from the date of the decision by filing with the building official a notice of appeal specifying the grounds thereof, and by paying a filing fee of seventy-five dollars at the office of the building official.
- F. The board of appeals shall fix a reasonable time for the hearing of the appeal, giving public notice in the local newspaper seven days prior to the hearing. The appellant shall notify, by certified mail, adjacent premises that an appeal is being made. Such letter shall be provided by the building official.
- G. The board of appeals shall have the following powers:
1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the interpretation or enforcement of this chapter.

## MINUTES

SIGN CODE BOARD OF APPEALS  
December 15, 2004

The Sign Code Board of Appeals met on Wednesday, December 15, 2004, with the following members present: Peter Neumann, Chairman; Ray Hadley; Dennis Hettich; and Ethan Schmidt. Staff present: Brad Solon, Brenda Vespested, and Joel Landeen.

Neumann called the meeting to order.

**Appeal No. 2004-7**

Stagecoach West Sign, 2255 Fort Hayes Dr, Rapid City, SD 57702, applies for a variance on the minimum distance between off premise signs, the maximum off premise sign size, the maximum number of sign faces for an off premise sign, and the maximum sign height for off premises ground signs for the sign to be located at 4110 S Highway 16, legally described as Bal of Lot C of SW1/4 of T1N, R07E, Sec 14.

Solon gave the video presentation. The green cards were turned in before the meeting. Herman Jones was present for the meeting. Jones bought the property in 1999 and had a lease on the sign that ran for another year, which had a renewal contract for another five years. Jones wants to change the sign and replace it with a like sign, but the sign ordinance has now changed. The lease is up now and Jones wants to build his own sign. Hadley said that the State is taking access away from several businesses on Highway 16, which will affect Stagecoach West Signs. Jones said that DOT told him that Fort Hayes Drive will be closed. Landeen said that having two display surfaces on each side is prohibited and having only one display surface would solve the square footage and height issues. Landeen discussed the other signs in the area. ~~Hadley moved to approve a conforming sign with a variance on the spacing distance between off premise signs only, with a second by Hettich. Appeal No. 2004-7 was approved by a vote of 4-0.~~

Hadley moved to approve the minutes of June 16, 2004, with a second by Schmidt. Motion carried 4-0.

There being no further appeals to come before the board at this time, the meeting adjourned at 7:30 a.m.

05UR003

Exhibit 3 A, B, C

Pennington County - Rapid City GIS













OUTDOOR ADVERTISING

### KEY POINTS

1. On variance application, Mr. Jones stated this is one of only two signs his business has between Rapid City and the business.
  - A) How many signs do the following have?
 

The Maze	(0)	lost one
Waterslide	(0)	
Ranch	(0)	on premise
Reptile Gardens	(1)	lost one (North of Moon Meadows)
And several others		
  
2. Per attached photo (Exhibit 4C), if Stage Coach West Signs motive was truly for signage for his business, he would terminate contract with Big Sky Motel and use that space for his own business. However he is obviously generating revenue from this sign.
  
3. Mr. Jones has already contacted one of my existing clients to see if they would like to rent the south face of the new structure. Therefore, this reinforces the fact that he is more motivated by producing revenue for his sign business and taking revenue from Lamar Advertising than advertising for his business.