

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of Section 8.2.1.D.1 to allow a total of 3 LED changing image signs on the property.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because these 3 changing image signs are an existing condition located on the northeast side of the building facing the horse training track and thus facing internal to the site. All of the surrounding properties on the north and east of the site are zoned M-2, which this property was originally zoned prior to be down zoned for the horse training facility. The changing image signs cannot be seen from Poplar Level Road, nor from the residential homes on Dyer Avenue, and thus do not adversely affect the adjacent property owners. Further, the signs are set back over 2,100 feet from Poplar Level Road, with trees and buildings blocking their visibility from Poplar Level Road.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of Plan 2040 filed with the rezoning application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the changing image signs are already in place and have been for 3 years with no complaints or issues. All 3 signs were shown on the elevations presented to the Board of Zoning Adjustment as part of the modified CUP approved in 2017 in 17CUP1055.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because these signs are to promote the entertainment aspect of the venue which are ordinary and customary for this type of use. This is because the 3 signs highlight the programming and excitement that takes place inside the venue. And as said, the signs have been in place for 3 years without complaints or negative impacts.