

City of *Oak Hill*, Tennessee

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Art McWilliams, Chair, Planning Commission
J. Todd Moore, City Attorney

Joey Hargis
Chief Zoning Examiner
Metropolitan Board of Zoning Appeals
P.O. Box 196300
Metro Office Building
Nashville, TN 37219-6300

Re: Metro Board of Zoning Appeals Case Number 2011-089, (Formally 2011-048) – Appeal of the Zoning Administrator’s Withdrawal of a Permit Issued to Convert a Tri-Panel Billboard to a Digital Billboard

Dear Mr. Hargis:

The City of Oak Hill urges the Board of Zoning Appeals to deny the above-referenced appeal. This matter involves a proposed change from a 14’ x 48’ tri-panel billboard to an internally illuminated LED billboard located at 100 Franklin Road, approximately 450 feet from the southern corporate boundary of the City of Oak Hill.

Consisting of approximately 5,000 residents, the City of Oak Hill is a residential community with low density development in order to preserve an open character, protect tree cover and preserve the natural scenic beauty of the City. Near the site of the existing billboard are many hillside homes that enjoy beautiful vistas of the surrounding area. Enclosed is a map showing the location of the billboard and many of the homes that will be affected by the proposed change. It is important to note that some of the affected homes stand *up to 300 or more feet higher in elevation* than the proposed electronically illuminated billboard.

The Metro Code permits the conversion of an existing non-conforming use to a new non-conforming use upon determination by the Board of Zoning Appeals that the new non-conforming use will be more compatible with surrounding land uses than the existing non-conforming use.

In this case, the new proposed use is not more compatible with the surrounding land uses. In fact, the proposed internally illuminated LED billboard is in no way compatible with and will be detrimental to the adjacent uses that currently exist within the City of Oak Hill. Billboards are not permitted within Oak Hill, and the proposed addition of a large illuminated LED billboard will detract from the residences, particularly those at higher elevations, that have views of the area.

Additionally, the City of Oak Hill has enacted dark sky regulations to curtail degradation of the nighttime visual environment and the night sky and to minimize glare and obtrusive light. The addition of this digital billboard will hinder Oak Hill's efforts by further degrading the night sky and increasing the nighttime glare in the area. A recent study noted the following:

The majority of public complaints about DBBs [digital billboards] concern their excessive brightness, particularly at night, to the extent that they become the most conspicuous item in the visual field, and draw the eye away from other objects that need to be seen.¹

Page 117 of this study includes an unaltered photograph of a digital billboard from a distance of six miles. I would encourage you and the members of the Board of Zoning Appeals to view this photo. As you can see, the photo appears to have been taken from a higher elevation, like that of many of the affected homes in Oak Hill. The photo is enlightening and confirms that the glare of a digital billboard dominates the nighttime landscape, particularly from higher elevations. Given the glare of the photographed digital billboard from a distance of six miles, imagine the glare that will be experienced by Oak Hill residents, many of whom live less than one-half mile from the proposed digital billboard, if the Board of Zoning Appeals grants the subject appeal.

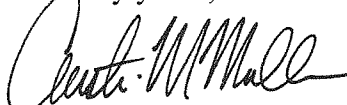
Finally, the proposed illuminated LED billboard, with its constantly changing screens, will prove distracting to drivers at the very busy intersection of Franklin Road and Oak Hickory Boulevard. Oak Hill residents frequent this area, and the safety hazard that will result from the proposed change to the existing billboard is a concern for both motorists and pedestrians. A recent paper summarized the research findings on driver distractedness as follows:

Indeed, of those research studies that have addressed driver distraction and roadside billboards, nearly every empirical study undertaken since 1995, including that by Lee *et al.*, and sponsored by the outdoor advertising industry, have demonstrated that there is an adverse relationship between distraction and digital billboards.²

The increase in driver distraction and resulting risk to personal safety is another reason why the proposed new digital billboard is incompatible with existing uses in the surrounding area.

Thank you for considering these concerns. We request that this letter be made part of the record in this matter. We further request that each member of the Board of Zoning Appeals receive a copy of this letter. We hope that, in light of this information, the Board of Zoning Appeals will deny the subject appeal.

Sincerely yours,



Austin McMullen, Mayor

¹ See Jerry Wachtel, "Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs" at 117 (Apr. 2009) (available at <http://tinyurl.com/3kah9tv>).

² See Jerry Wachtel, "Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs" at 145 (Apr. 2009) (available at <http://tinyurl.com/3kah9tv>).

cc: Jennifer Claxton, Vice-Mayor, City of Oak Hill
Kyle Felts, Commissioner, City of Oak Hill
Kevin Helms, City Manager, City of Oak Hill
Carter Todd, Metro Council Representative, District 34

