

Varner gives up fight over downtown signs

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Doug Varner, the active business partner in Mindsight LLC, has withdrawn an appeal to Indiana Borough's Zoning Hearing Board and said he plans to remove two of his company's electronic message panels from downtown Indiana Wednesday.

In exchange for withdrawing the appeal, the borough's Code and Zoning Department will drop its civil complaint against Mindsight if the signs are removed by April 13, according to David Kirk, director of the code and zoning department. April 13 is the scheduled date of a hearing on the civil complaint before Magisterial District Judge Guy Haberl in Indiana.

``For me, this is the point where my quest ends," Varner said of a 30-month-long legal dispute with the borough over the 4-by-8-foot electronic message panels. He said he still believes his legal challenge to keep the signs displayed on the sides of the building at 700 Philadelphia St. has ``many positive points."

``It's not worth me going farther," he said, explaining that the long legal dispute has been a time-consuming distraction from his business and on his personal life.

Indiana-based Mindsight operates a network of outdoor electronic message panels that display 6-second advertisements and public service announcements.

Varner said a new Mindsight message panel was being erected Friday near Oakland Avenue and Rose Street in White Township. That will be the seventh Mindsight sign in the township. There had been eight message panels in the Mindsight network before the two signs in downtown Indiana were turned off.

Varner said he hopes to quickly find two new locations for the signs being removed from downtown, but it could take two months or longer to obtain permits and build mounting structures for the panels.

``Mindsight is very definitely continuing an upswing in advertising," Varner said. ``We've got to grow where we can grow the best."

Shortly after the panels were installed in October 2006, Varner was informed by borough code and zoning officials that he did not have the necessary permits to install the signs there.

Varner contended the borough erred in its instructions on what steps had to be followed before the signs could be erected.

Varner lost appeals to the Zoning Hearing Board, the Court of Common Pleas and Commonwealth Court, but was told he could leave the signs in place - but turned off - while the borough's Planning Commission considered a possible new sign ordinance.

In January, with no new ordinance ready for council consideration, code and zoning officers told Varner the signs had to come down. Varner established a Mindsight office in the building where the signs are displayed, and filed a new application for a permit.

When that application was denied by code and zoning officials, Varner appealed again to the Zoning Hearing Board, while potential \$500-a-day fines accumulated.

Kirk said Friday that even if the signs come down Wednesday and the borough drops its civil complaint, the borough might still pursue a small fine from Mindsight to recoup the expense of filing the civil complaint.

According to information discussed at a recent borough Planning Commission meeting, the majority of comments sent to a blog on the borough's Web site, a majority of responses in a survey of downtown merchants and a majority of comments in telephone calls to code and zoning favored allowing electronic signs in the downtown.

Varner said that even though he is ending his legal challenge to keep his Mindsight panels downtown, he hopes others who support having electronic signs there will voice their opinions to borough council and planning commission members.

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