

CITY OF SHELBYVILLE

Adam M. Rude
Director



Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 1/14/2020

Case #:	BZA 2019-17: Casey's General Store, Sign Standards DSV			
Petitioner's Name:	Kiernan Johnson/Casey's General Store			
Owner's Name:	Indiana Land Trust			
Petitioner's Representative:	Greg Ripple			
Address of Property:	1804 – 1810 North Riley Highway, Shelbyville, Indiana			
Subject Property Zoning Classification:	BH – Business Highway			
Comprehensive Future Land use:	Gateway Mixed Use			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	BH - Business Highway	BH - Business Highway	BH - Business Highway	BH - Business Highway
Surrounding Properties' Comprehensive Future Land Use	Gateway/ Mixed Use	Gateway/Mixed Use	Gateway/ Mixed Use	Gateway/ Mixed Use
History:	This property was approved to have a pole sign at the December 10, 2019 Board of Zoning Appeals meeting. Case BZA.2019-16. A condition of the approval was to provide space for additional tenants to the site. This petition is to request space for their sign and to provide space for future tenants.			
Vicinity Map:				
Action Requested:	Approval of one development standards variance from UDO 5.58(Q)(3)(c), the Sign Standards for Pole Signs in the Interstate Corridor			

1. Within the BH – Business Highway zoning district, property owners are able to petition for Special Exception Use approval for a Pole Sign.
 2. If approved a Special Exception Use, Pole Sign within 1,000 from the I-74 corridor are permitted to be up to 100 feet in height and 200 square feet in area.
 3. The petitioner is requesting a variance to allow a total sign area of 698 square feet, rather than the 200 square feet prescribed by the UDO. The 698 square feet will be shared by multiple tenants.
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Development Standard Variance UDO 5.58(Q)(3)(c) – Sign Standards for Pole and Pylon Signs

The City of Shelbyville’s Unified development Ordinance indicates that the Board of Zoning Appeals shall make findings of fact when deciding on a request for a Development Standard Variance. The decision criteria are as follows:

Finding of Fact #1 – That the approval of the Development Standards Variance will not be injurious to the public health, safety, morals and general welfare of the community.

The petitioner provided the following response to Findings of Fact #1: “Increasing the area of the proposed hi-rise sign will not have a negative impact on the public health, safety and general welfare of the City of Shelbyville. Allowing this variance will allow highway passer-byes to easily locate the Casey’s facility.”

The planning staff has determined that the requested development standards variances should not be injurious to the public health, safety, morals, and general welfare of the community. The Board of Zoning Appeals has reviewed and approved similar square footage increases – BZA 2019-02 for the Pilot Travel Center.

Finding #1 has been satisfied by the petitioner

Finding of Fact #2 – That the use and value of the area adjacent to the subject property seeking a Development Standards Variance will not be affected in a substantially adverse manner;

The petitioner provided the following response to Findings of Fact #2: “Allowing the sign area increase will not negatively affect the use and value of the adjacent properties. The site currently sits vacant and by allowing this variance, Casey’s will be able to develop its facility and ultimately increasing the adjacent property’s value. Casey’s has even added signage area for additional users at the NEC of the intersection.”

The planning staff has determined that the requested variance should not have a substantially adverse impact on the use or value of the adjacent areas. This business highway zoning district is designed to service interstate travelers. Given the scale and travel speeds along the interstate, larger square footage signs are needed to advertise businesses at the interchanges.

Finding #2 has been satisfied by the petitioner

Finding of Fact #3 – That the strict application of the terms of the ordinance will result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain;

The petitioner provided the following response to Findings of Fact #3: “Casey’s heavily researches their hi-rise sign height and area dimensions for each site and even completes a “flag” test to verify proper view corridors and overall clarity of sign. Knowing this, the code maximum of 200 SF would not be satisfactory for interstate travelers to be notified in a manner that would allow them to safely transition to the exit ramp to get to the site. The increased sign area also includes a panel for the adjacent property.”

The planning staff has determined that the strict application of the terms of the ordinance will not result in practical difficulties in the use of the property. The Indiana Department of Transportation provides the Specific Services Sign program (Logo Signs) which permits eligible businesses to place their logos on interstate panels that identify key services at designated interstate exits. This would allow Casey’s General Store another opportunity to advertise their business to interstate travelers. The Logo Sign combined with a smaller pylon sign would be adequate to advertise the business.

Finding #3 has been satisfied by the petitioner

STAFF RECOMMENDATION: APPROVAL

Note: The 698 square feet total area includes (1) Casey’s General Store sign – 196 sq ft., (1) fuel price advertising sign – 206 sq. ft., (1) “DEF” sign – 21 sq. ft., and (1) sign for future tenants – 275 sq. ft. The Board may consider reducing the requested square footage to eliminate the fuel price advertising sign and “DEF” sign

DEVELOPMENT STANDARDS VARIANCE: BZA 2019-17: Casey's General Store, Sign Standards DSV

FINDINGS OF FACT BY THE SHELBYVILLE BOARD OF ZONING APPEALS

Staff Prepared

Motion:

(I) would like to make a motion to approve the requested development standard variance from UDO 5.58(Q)(3)(c) to allow a pole sign with an area of up to _____ square feet, pursuant to the findings of fact presented in the planning staff's report.

- 1. The approval of the Development Standards Variance **will not** be injurious to the public health, safety, morals and general welfare of the community.
- The approval of the Development Standards Variance **will** be injurious to the public health, safety, morals and general welfare of the community.
- 2. The use and value of the area adjacent to the subject property seeking a Development Standards Variance **will not** be affected in a substantially adverse manner.
- The use and value of the area adjacent to the subject property seeking a Development Standards Variance **will** be affected in a substantially adverse manner.
- 3. The strict application of the terms of the ordinance **will** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.
- The strict application of the terms of the ordinance **will not** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.

Additional conditions imposed by the Board of Zoning Appeals:

- 1.
- 2.
- 3.

Shelbyville Board of Zoning Appeals

By: _____
Chairperson / Presiding Officer

Attest: _____
Adam M. Rude, Secretary

RECEIVED / FILED

DEC 30 2019



DEVELOPMENT STANDARD VARIANCE APPLICATION

Shelbyville Board of Zoning Appeals
44 W. Washington Street
Shelbyville, IN 46176
317-392-5102

For Office Use Only
Case #
Hearing Date: 1.11.20
Fees: \$225.00
Approved Denied

1. Applicant (Person or Company Requesting Variance)

Name: Kiernan Johnson, Casey's
Address: 1 SE Convenience Blvd, Ankeny, IA 50021
Phone Number: 515-965-6107 Email: kiernan.johnson@caseys.com

2. Owner of Property (If Different Than Applicant)

Name: Indiana Land Trust
Address: 9800 Connecticut Dr., Ste. B2-900, Crown Pointe, IN 46307
Phone Number: Email:

3. Applicant's Attorney/Representative and Project Engineer (If Any)

Name: Amy M. Costello
Address: 1 SE Convenience Blvd, Ankeny, IA 50021
Phone Number: 515-446-6822 Email:

4. Project Engineer

Name: Greg Ripple
Address: 250 East 96th St., Ste 580, Indianapolis, IN 46240
Phone Number: 317-912-4171 Email: greg.ripple@kimley-horn.com

5. Project Information

Address of Property: 1804/1810 N. Riley Hwy, Shelbyville, IN 46176
Current Zoning: B-H Existing Use of Property: Vacant

6. Number of Requested Variances: 1

7. Applicable Ordinance Section Number(s)

(Please indicate ALL applicable Zoning Ordinance Section Numbers for your Petition including Article, Section and Page Number) Article 5, 5.58, SI-01, Q.3.C (Pole Sign Area)/Pg. 5-69

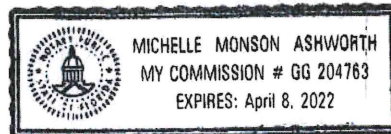
The undersigned states the above information is true and correct as (s)he is informed and believes.

Signature of Applicant: [Signature] Date: 12/30/19

State of Indiana)
County of Shelby)SS:

Subscribed and sworn to before me this 30 day of Dec, 2019

[Signature] Michelle Monson Ashworth
Notary Public Printed
Residing in Tampa, FL County My Commission Expires: 4/8/2022





**DEVELOPMENT STANDARD VARIANCE
FINDINGS OF FACT**

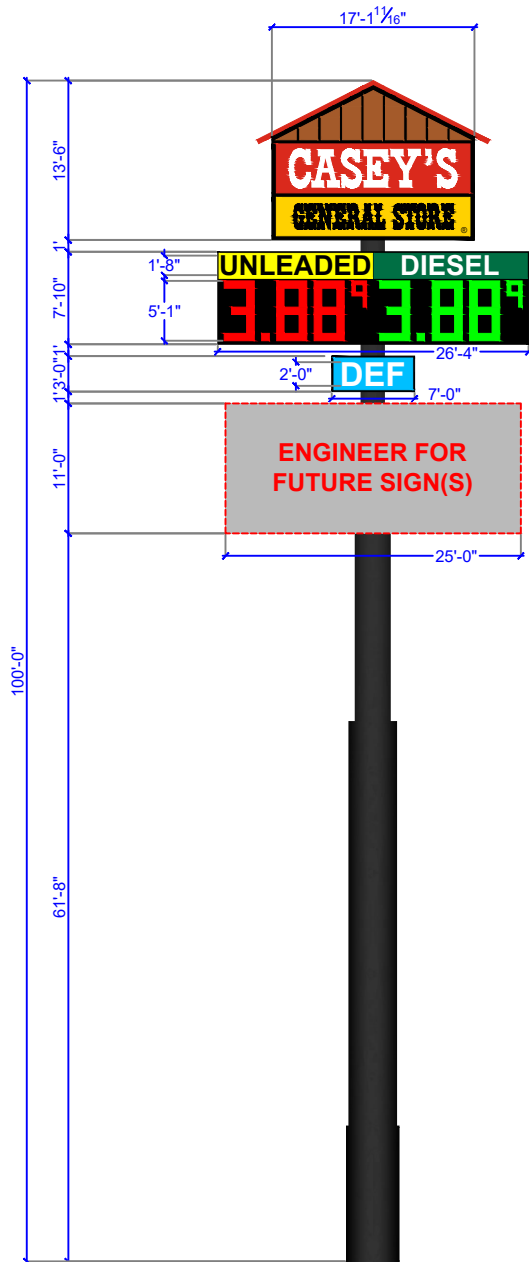
Petitioner's Name: Casey's General Stores

Location: 1804/1810 N. Riley Hwy, Shelbyville, IN 46176

Special Exception for: Hi Rise Sign Area Increase Request

The Shelbyville Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standard Variance. Using the lines provided, please explain how your request meets each of these criteria.

- 1. General Welfare:** Explain why granting the request for a development standard variance will not be harmful to the public health, safety and general welfare of the City of Shelbyville.
Increasing the area of the proposed hi rise sign will not have a negative impact on the public health, safety and general welfare of the City of Shelbyville. Allowing this variance will allow highway passer-byes to easily locate the Casey's facility.
- 2. Adjacent Property:** Explain why the development standard variance request will not affect the use and the value of adjacent properties.
Allowing the sign area increase variance will not negatively affect the use and value of the adjacent properties. The site currently sits vacant and by allowing this variance, Casey's will be able to develop its facility and ultimately increasing the adjacent property's value. Casey's has even added signage area for additional users at the NEC of the intersection.
- 3. Practical Difficulty:** Please state the difficulties that will be faced if the project is not granted the requested development standard variance.
Casey's heavily researches their hi rise sign height and area dimensions for each site and even completes a "flag" test to verify proper view corridors and overall clarity of sign. Knowing this, the code maximum of 200 SF would not be satisfactory for interstate travelers to be notified in a manner that would allow them to safely transition to the exit ramp to get to the site. The increased sign area also includes a panel for the adjacent property.



LOGO: 196 FT²

PRICE: 206.3 FT²

DEF: 21 FT²

FUTURE: 275 FT²

TOTAL: 698.3 FT²



SHELBYVILLE, IN
 RILEY HWY 9 NEAR I-74

DRAWN BY:
 J. CLARK

DATE:
 12-30-19