

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 11/10/2019

Case #:	BZA 2020-16: 1309 South Miller Avenue, EMC			
Petitioner's Name:	Builders Lumber and Hardware			
Owner's Name:	Builders Lumber and Hardware			
Petitioner's Representative:	Brian Baker			
Address of Property:	1309 South Miller Avenue			
Subject Property Zoning Classification:	BG – Business General			
Comp Plan Future Land use:	Commercial			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	BG – business General	BG – Business General	BG – Business General	MP – Manufactured Home Park
Surrounding Properties' Comprehensive Future Land Use	Commercial	Institutional	Institutional	Single Family Residential
History:	The subject property has operated as a lumber yard since the late 1960-early 1970's, eventually becoming Builder's Lumber and Hardware. A static pole sign has been located on the property for approximately 20-years.			
Vicinity Map:				
Action Requested:	Approval of a special exception use for the use of an Electronic Message Center pursuant to UDO 5.58 (P)(1)			

1. Electronic Message Centers (EMCs) are only permitted via Special Exception by the Shelbyville Board of Zoning Appeals in the Institutional Zoning district. A special exception must be granted prior to issuance of a sign permit and installation.
2. The petitioner is requesting to replace their existing mono-chromatic (black & red) sign with a 8'3" wide by 4'5" tall single sided Electronic Message Center (EMC) with LED lighting. The electronic message part of the sign will be approximately eighteen (37) square feet.

Special Use Exemption UDO 5.58(P)(1), Electronic Message Center

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 Special Exception Use. The decision criteria are as follows:

Finding of Fact #1 – General Welfare: The proposed Special Exception Use will not be injurious to the public health, safety, morals and general welfare of the community.

Applicant provided the following response to Finding of Fact #1 "This is an existing pole sign at the same location for approximately 20 years. Due to operating expenses, age of sign, and newer technology we are asking for a variance to upgrade the sign."

The planning staff has determined that the requested special exception use of an electronic message center (EMC) will not be injurious to the public health, safety, or morals, and general welfare of the community. The subject property is surrounded by other business general uses and light industrial uses all which utilize signage to convey information about their business. The EMC is proposed to be single sided.

Finding #1 could be satisfied by the use of conditions or commitments

Finding of Fact #2 – Compatibility: The proposed Special Exception Use is in harmony with adjacent land uses and will not substantially have an adverse impact on the adjacent properties and property values.

Applicant provided the following response to Finding of Fact #2 "It is an existing sign. Upgrade will look considerably better than current one."

The planning staff has determined that the requested special exception use of an electronic message center is in fact harmonious with the adjacent uses. There is an existing sign on the property that has been there for numerous years advertising for the business. This sign will be removed and replaced with the EMC. The EMC will serve the same advertising function. Since this function is not changing, there will not be an adverse impact or effect on property values.

Finding #2 could be satisfied by the use of conditions or commitments

Finding of Fact #3 – Character: The proposed Special Exception Use will not adversely alter the character of the district.

Applicant provided the following response to Finding of Fact #3 "The zoning district is BG."

The planning staff has determined that the requested special exception use of an electronic message center (EMC) will not adversely alter the character of the district. The EMC is being placed in a commercial corridor that has numerous signs advertising businesses. With this EMC replacing an existing monochromatic sign of similar size, the new EMC will blend in with the existing pole sign and the adjacent properties.

Finding #3 has been satisfied by the petitioner with the subjected conditions

Finding of Fact #4 – Zoning District and Comprehensive Plan: The proposed Special Exception Use is consistent with the intent of the zoning district and the goals and objectives within the Comprehensive Plan.

Applicant provided the following response to Finding of Fact #4 “know of no changes to this area of the city’s comprehensive plan.”

The planning staff has determined that the requested special exception use would be consistent with the intent of the zoning district and comprehensive plan if the electronic message center (EMC) is replacing existing signage on the site. EMC standards only allow one (1) EMC per property regardless of the number of tenants and buildings. The intent of this restriction is in line with goals from the City’s Comprehensive Plan which indicate the need to promote higher aesthetics and replace older signs with modern signs.

Finding #4 has been satisfied by the petitioner

Finding of Fact #5 – Impact to Adjacent Area: The use and property value of the area adjacent to the subject property seeking a Special Exception Use will not be affected in a substantially adverse manner.

Applicant provided the following response to Finding of Fact #5 “The proposed sign is more energy efficient, is more informative and more attractive.”

The planning staff has determined that the requested special exception use for an electronic message center (EMC) should not have a substantially adverse affect on the areas adjacent to the subject property. There are numerous restrictions in place to ensure that the EMC would not have substantially adverse effects on any nearby business or residential properties.

Finding #5 has been satisfied by the petitioner

STAFF RECOMMENDATION: APPROVAL

DEVELOPMENT STANDARDS VARIANCE: BZA 2020-16: 1309 South Miller Avenue, EMC

FINDINGS OF FACT BY THE SHELBYVILLE BOARD OF ZONING APPEALS

Staff Prepared

Motion:

(I) would like to make a motion to approve the requested special exception use of an Electronic Message Center, including the conditions and pursuant to the findings of fact presented in the planning staff's report.

- 1. The approval of the Special Exception Use **will not** be injurious to the public health, safety, morals, and general welfare of the community, pursuant to the findings in the planning staff's report.
 The approval of the Special Exception Use **will** be injurious to the public health, safety, morals, and general welfare of the community, pursuant to the findings in the planning staff's report.
- 2. The approval of the Special Exception Use **will** be in harmony with adjacent land uses, pursuant to the findings in the planning staff's report.
 The approval of the Special Exception Use **will not** be in harmony with adjacent land uses, pursuant to the findings in the planning staff's report.
- 3. The approval of the Special Exception Use **will not** adversely alter the character of the district, pursuant to the findings in the planning staff's report.
 The approval of the Special Exception Use **will** adversely alter the character of the district, pursuant to the findings in the planning staff's report.
- 4. The approval of the Special Exception Use **is** consistent with the intent of the zoning district and the goals and objectives within the Comprehensive Plan, pursuant to the findings in the planning staff's report.
 The approval of the Special Exception Use **is not** consistent with the intent of the zoning district and the goals and objectives within the Comprehensive Plan, pursuant to the findings in the planning staff's report.
- 5. The use and property value of the area adjacent to the subject property seeking a Special Exception **will not** be affected in a substantially adverse manner, pursuant to the findings in the planning staff's report.
 The use and property value of the area adjacent to the subject property seeking a Special Exception **will** be affected in a substantially adverse manner, pursuant to the findings in the planning staff's report.

Additional conditions imposed by the Board of Zoning Appeals:

- 1.
- 2.

Shelbyville Board of Zoning Appeals

By: _____

Chairperson / Presiding Officer

Attest: _____

Adam M. Rude, Secretary